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PROCEEDINGS AND DEBATES OF THE 100th CONGRESS, SECOND SESSION

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SENATE—*Monday, June 6, 1988*

(Legislative day of Wednesday, May 18, 1988)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the Honorable TERRY SANFORD, a Senator from the State of North Carolina.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*The Lord is my shepherd * * *. He restoreth my soul: He leadeth me in the paths of righteousness for his name's sake. Yea, though I walk through the valley of the shadow of death, I will fear no evil: for Thou art with me * * *.*—Psalm 23:1, 3, 4.

Our gracious Father, we have much for which to be thankful and we have reason for sorrow. Thank You for all the benefits of recess: purposes realized, objectives achieved, plans fulfilled. Thank You for family renewal—healing of broken relationships. Thank You for safety in travel, for fruitful contacts, friendships deepened. Thank You for responsibility, for work, for colleagues, peers, and associates, for the privilege of serving the people.

We sorrow, Father, at the loss of Vernon Herath, who died unexpectedly while working at home. He will be greatly missed. Thank Thee for his years of faithful service to the Senate. God of all comfort be with his wife, Shirley, and the family. Comfort and sustain them in their loss and fill hearts and home with the peace of God that "passeth all understanding." And if there be others in our large Senate family who have lost a loved one, we include them in this intercession, in the name of Him who is life eternal. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The **PRESIDING OFFICER**. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 6, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TERRY SANFORD, a Senator from the State of North Carolina, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. **SANFORD** thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The **ACTING PRESIDENT** pro tempore. Under the standing order, the majority leader is recognized.

VERNON HERATH

Mr. **BYRD**. Mr. President, I join with the Chaplain in expressing sorrow at the passing of one of our doorkeepers, a gentleman who worked inside the Chamber, back to the west door of the Chamber, Vernon Herath, and in extending condolences to his family. The prayer of the Chaplain was especially fitting. He referred to the 23d Psalm, which is such a great piece of literature, it touches the hearts and strengthens the spirits of all when we hear it. It tells us of God's love and care for all of us.

Could we with ink the ocean fill,
Were every blade of grass a quill,
And were the world of parchment made,
And every man a scribe by trade,
To write the love of God above
Would drain that ocean dry,
Nor would the scroll contain the whole
Though stretched from sky to sky.

RATIFICATION OF THE INF TREATY

Mr. **BYRD**. Mr. President, during the break, the distinguished Republican leader and I were invited by Mr. Reagan to witness the ratification ceremony that took place in Moscow. I was privileged to be invited to that ceremony, and I was grateful for the opportunity to attend that ceremony with my good colleague and cherished friend ROBERT DOLE.

I was appreciative when the President, as he spoke at that ceremony, referred to the Senate and its important role in the success of bringing about the ultimate ratification of the treaty, the Senate having given its approval only on the last Friday before the ratification instruments were exchanged on Wednesday of last week.

The presence of Mr. DOLE and myself at the summit served to demonstrate our unique system of shared powers. Presidents negotiate treaties. The Senate gives its advice and consent. Only then does a treaty become the law of the land.

Summit meetings are valuable in forging a better understanding between the American and Soviet peoples. President Reagan received unprecedented exposure. The Soviet people were impressed by his personality and willingness to listen. Now there is talk of further progress on arms control at the strategic arms reduction or START level. Compared to a START Treaty, however, the INF Treaty was a simple matter. Senate consideration of the INF Treaty consumed 4 months. It was time well spent. The INF Treaty is now a better treaty because of questions raised by the Senate. There is no substitute for the painstaking work by our negotiating experts in Geneva. When the Senate raised important questions on the INF Treaty, our experts returned to the negotiating table to do the work that had been left undone. With arms control agreements the devil is always in the details.

That is why it would be unwise to rush negotiations on START, and I compliment the President on the position that he has taken also in that regard. Headline grabbing summits are one thing, but rushing to meet a dead-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

line on a treaty as important as START would be irresponsible. The INF Treaty covers perhaps 2 percent of all nuclear weapons. The START agreement would cover 50 percent of all strategic weapons. Now may be a good time to reduce the fanfare of summit and let the negotiators do their important work in quiet. Further, with a change in Presidents on the horizon, I do not believe it would be wise to lock the next President into a hasty agreement, be he a Republican or a Democrat. Another priority for America and her allies is to work hard for a reduction in conventional weapons in Europe and a complete ban on all chemical weapons. The Soviets enjoy a huge advantage in conventional forces in Europe—an advantage that we cannot allow them to have forever. Now is the time to push hard at the conventional arms control table.

United States-Soviet relations are entering a new era. And, there are opportunities in addition to arms control for our two nations to work together to solve critical problems.

I believe that an opportunity is afforded us to work with the Soviet Union in a new program of cooperation in the war on drugs. After hearing Mr. Gorbachev's proposal for a joint effort to send astronauts to Mars the question occurred to me: Why fly men to Mars when millions of American and Soviet citizens need help right here on Earth? The Soviet Union has a serious problem with alcoholism. And here at home, we are under seige by the drug lords.

We must attack the plague of drug abuse on two fronts. We have to educate our people to the dangers of drug abuse to discourage the demand side of the drug problem here at home. We have to fight the supply side of the drug war on every international front. The Soviet Union's worldwide operations and influence could be of help to us as well as to them as we grapple with the drug tide crashing in on our shores.

And, we can help the Soviet Union with their alcohol abuse problem and their own growing drug problem. Both sides have experience, knowledge, and resources that we ought to marshal. If we can make progress on eliminating arms together, why can't we make progress on eliminating drug abuse and the plague of alcoholism?

I have written to Mr. Gorbachev to commend him on authorizing the distribution of 100,000 Bibles in the Soviet Union. One hundred thousand Bibles will not go far in a country that has 280 million people. I have urged him to expand that number and see that translations are made for the many languages in his country and that the number of Bibles be disseminated throughout the 15 diverse republics.

Mr. Gorbachev has shown courage in moving his country into the sunlight. But glasnost will not be real until human rights, including freedom of religion, are granted to every Soviet citizen. If glasnost is ever opened to a renewal of freedom of worship in the Soviet Union, then Paul the Apostle's words, "Where the spirit of the Lord is, there is Liberty," will have come true in the Soviet Union. There will be liberty in the Soviet Union.

I again compliment our President on the work he did in helping to bring about the culmination of the ratification of the INF Treaty. It was his determination, his spirit, his tenacity, his strength that finally brought the Soviets back to the table after they walked away.

I also close complimenting my esteemed colleague, Bob Dole, in the work that he put forth in making the approval of the Senate a reality in time for the President to have that treaty at the summit. It was a pleasure visiting the Soviet Union with Mr. Dole. We were gone 50 hours, from Andrews to Moscow, back to Andrews; half of which was spent in the air. I compliment my colleague on having overcome that jet lag and looking so hale and hearty and full of vigor and vitality on this day.

Mr. President, I yield the floor.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. Under the standing order the Republican leader is recognized.

Mr. DOLE. Mr. President, I reserve my time. Other Senators have been waiting. I will do mine later.

ARE THE SOVIETS 5 FEET TALL OR ONLY 2½ FEET?

Mr. PROXMIRE. Mr. President, how big and how productive is the Soviet Union? Our Central Intelligence Agency [CIA] estimated the size of the U.S.S.R. economy at about 55 percent of ours. Recently, Anders Aslund, a research scholar at the Kennan Institute for Advanced Russian studies, has charged that the CIA has grossly overestimated the size of the Soviet economy. William Safire, the New York Times columnist, has written about this subject repeating the assertions of Aslund and others.

Here is an issue of enormous importance to this country. The military strength of our country's prime potential adversary depends fundamentally on the strength of its economy. For 14 years this Senator has chaired a subcommittee of the Joint Economic Committee that has been holding annual hearings on the Soviet economy. I have conducted other hearings on the Soviet economy, including a series last fall on Gorbachev's reforms in which there was extensive testimony from private and Government specialists.

We have regularly heard testimony by the Defense Intelligence Agency [DIA] as well as the CIA. The intelligence agencies provide annual estimates of the overall size and growth of the Soviet economy and of each of its sectors including military spending and defense production. The United States Department of Agriculture [USDA] makes its own separate analysis of Soviet agricultural production. Agriculture represents a very large proportion of the Soviet economy. USDA estimates of the size of Soviet agricultural production represent an independent conclusion about a major segment of Soviet production. The United Kingdom, France, and West Germany also make estimates of the Soviet economy. I am not aware that any of those countries have indicated substantial disagreement with the CIA estimates of the Soviet economy made public in the hearings of our subcommittee. In addition, the Joint Economic Committee has published numerous studies by private specialists whose findings about the size and growth of the Soviet economy are consistent with those of the CIA.

It is true that Soviet economic statistics are used by the CIA and all other Western experts. The CIA acknowledges that Soviet data is both inaccurate and incomplete. For this reason, the CIA tries to take Soviet distortions, inaccuracies, and omissions into account. The CIA has consistently told the committee that the Soviet Government overstates the growth of its economy and also exaggerates its size. Even in the Soviet Union some economists criticize official statistics. It would obviously be great news for America's national security if the Soviet economy were, in fact, as Safire and Aslund claim, only half as big as the CIA and our European allies believe. It would mean that this country is up against an opponent who is not even half our size. It would bring America's main potential military antagonist down to the size of a pint-size kid who is barely out of kindergarten. The leading nation of the Communist world and the Warsaw Pact nations aligned with it would have shrunk to the size of the little boy in the old "Our Gang" comedies with Spanky McFarlane and Alfalfa. It is ironic that one of the country's most esteemed conservative commentators, William Safire, a vigorous promoter of a bigger and better military force, seems to be snookered into supporting an analysis which would imply that we have little to worry about in confronting a military array of economic midgets.

I have asked Richard Kaufman, the general counsel of the Joint Economic

Committee and the staff man who has organized and quartered our hearings on the Soviet economy for the past 14 years to comment on Mr. Aslund's conclusions that the CIA has overestimated the Soviet economy by 100 percent. Kaufman makes the following six points:

First, Aslund provides no evidence to support his belief that the Soviet national income is only half of CIA estimates. In his article, he seems to rely heavily on personal impressions and anecdotal information, such as impressions gained from foreign travel, rather than systematic analysis.

Second, Aslund cites as the probable reason for the CIA's alleged mistaken conclusions that the agency relies on "an old econometric model." But econometric models are usually used for doing simulations and making forecasts, not for estimating GNP. Aslund seems to be confusing the CIA's method for measuring Soviet GNP with the method for predicting future growth.

Third, Aslund is wrong in asserting that the CIA does not consider cheating, fraud, double counting, and other shortcomings in Soviet statistics. The CIA takes these factors into account.

Fourth, Aslund says the CIA estimate of the Soviet national income in dollars is twice the official Soviet GNP at the official exchange rate. In fact the Soviets have not disclosed the size of their economy in terms of GNP. Their statistics are based on a different economic accounting system, which excludes much of the services sector.

Fifth, Aslund contends that "official Soviet economists have flooded us with data showing that the CIA has been grossly overoptimistic about Soviet economic performance." This is at best an overstatement. Some Soviet economists have criticized official Soviet statistics. The most outspoken of these is GI Khanin. Khanin has not provided supporting evidence for his allegations. Western economists who have examined Khanin's data say it is not sufficient to make conclusive judgments.

Sixth, Aslund's proposal for what he calls an alternative basis for judging the Soviet GNP is "simply to estimate the Soviet inflation rate and deflate the Soviet national income in current rubles." What is wrong with this suggestion? Everything. Estimating Soviet inflation is extremely difficult. The Soviets do not publish inflation figures and thus their statistics contain hidden inflation. Estimating hidden inflation is one of the hardest tasks for the CIA and anyone trying to measure the growth of the Soviet economy. In addition, the proposal ignores the problem of overreporting in the official Soviet national income statistics. In addition to that, we would end up with an estimate of national income in rubles which would not be comparable to the estimate of GNP in dollars and would have little, if any, utility.

I might add that anyone who has worked in the area of the Soviet economy knows that there are margins of error in all Western estimates because of the problems in the official Soviet statistics. For this reason the CIA's estimates are regularly reviewed and revised when new information is made available.

Undoubtedly, improvements in the estimates are possible. But those who come forward with criticism of the CIA's estimates have a responsibility to demonstrate with facts and analysis where the estimates are incorrect. Assertions without supporting evidence are not enough. The community of Western experts has high confidence in the CIA's estimates of the Soviet economy because of the professionalism, the level of effort and the rigorous methodology that goes into the estimates. Until hard facts demonstrate otherwise, that confidence should be continued.

Mr. President, I ask unanimous consent that the article by Anders Aslund from the May 19 Washington Post and the column by William Safire in the April 21 New York Times be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 19, 1988]

THE CIA VS. SOVIET REALITY

(By Anders Aslund)

Students of Soviet affairs have long made wide use of CIA estimates of the Soviet economy. But do the estimates really deserve that confidence?

Until recently, the CIA stated that the national income per capita was higher in the Soviet Union than in Italy. Anyone who has visited both countries should be able to see for himself that such a statement is absurd. If the U.S.S.R. had been so well off, there would not have been much need for a radical reform. Excessive belief in CIA statistics is an important reason why so few Western experts predicted any Soviet reform.

To anyone who has lived in the Soviet Union, it is clear that it is a reasonably well developed Third World country, calling to mind Argentina, Mexico or Portugal in terms of infant mortality, life expectancy, agricultural employment, consumption and other nonmilitary indicators of economic development. In many regards Russians are worse off with one car per 22 people and one private phone per 16 people.

According the CIA, Soviet economic growth averaged 1.9 percent a year from 1981 to 1985, but last year the top Soviet economist Abel Afganbegfyan stated that there was no growth in that period. For 1986, the CIA at first even exceeded the official Soviet growth estimate, arguing that the national income had grown by 4.2 percent (later revised to 3.9 percent) and speaking of great success. Serious Soviet commentators spoke of failures instead.

Gradually, the CIA has raised its estimate for the defense share of the national income from 15 percent to 17 percent at present, but this calculation is based on an exaggerated view of the Soviet national income. If we assume that the CIA has a reasonably correct view of defense expenditures while the national income is only half of CIA estimates, then the defense share jumps to one-third of the national income, which is what Soviet experts suggest in private. Similarly, Soviet dependence on foreign trade turns out to be twice what the CIA believes.

When I tell Soviet economists about the CIA perception of their economy, they suspect that the CIA deliberately exaggerates in order to advocate larger U.S. defense expenditure. I do not think so. The actual reason seems to be that the CIA relies on an old econometric model that does not take full account of the inefficiency of the Soviet economy, which requires at least three times the input to produce the same quantity of output as a Western firm, but of much worse quality.

Nor are cheating, fraud, double accounting or other well-known shortcomings of Soviet statistics considered. Neither is the plausibility of the outcome checked. For instance, the CIA estimate of the Soviet national income in dollars is twice as large as the official Soviet GNP at the official exchange rate. Who would argue that the ruble is undervalued?

As early as 1980, Igor Birman made most of these points in this newspaper. In 1982, the British economist Michael Ellman suggested that Soviet economic growth ceased in 1978. Vladimir Treml of Duke University has long shown how great is the Soviet Unions dependence on foreign trade.

In the past few years, official Soviet economists have flooded us with data showing that the CIA has been grossly overoptimistic about Soviet economic performance. The evidence seems overwhelming. Yet, together with the Defense Intelligence Agency, the CIA has just presented new calculations for 1987, based on its old inadequate metholodogy. Its last ally seems to be the notorious Soviet State Committee for Statistics, but even it seems to be about to revise its statistics.

It is difficult to understand why so many have used CIA statistics for so long. These estimates have positively harmed Western understanding of the Soviet Union. Western analysts of the Soviet economy are well advised to elaborate their own estimates. The most obvious alternative is simply to estimate the Soviet inflation rate and deflate the Soviet national income in current rubles. Not least does it deprive us of illusions of precision.

[From the New York Times, Apr. 21, 1988]

THROUGH NEW EYES

(By William Safire)

WASHINGTON.—Two recent articles in this space registered close to 7 on the MEGO (My Eyes Glaze Over) Scale.

Their import was that glasnostic revelation is out of the Soviet Union show that the Soviet economy is much smaller than we thought it was, which means that the Kremlin is under far greater pressure than we imagined to reduce its spending on defense and empire.

If true, these revised estimates of Soviet growth would knock ski-whiffy our most cherished intelligence assumptions, and be of considerable use to the President at the Moscow summit.

One reader did not yawn. He is William Webster, former Federal judge and F.B.I.

Director, who is now the Director of Central Intelligence.

Director Webster called to say cheerfully "maybe somebody knows something we don't," and invited me and a Times colleague to an on-the-record luncheon session with his Soviet experts, who must be uneasy about findings from outside economists who are looking at previous Kremlin and C.I.A. estimates with new eyes.

At the lunch (the shrimp bisque at the C.I.A. beats the borscht at the K.G.B.), I allowed in a friendly way that bureaucratic inertia might be keeping the truth about negotiating pressure points from our policy planners. That caused Robert Gates, the Deputy D.C.I., to bridle.

"What I'm bridling at," he said, "is that we've taken steps to bring in outsiders, especially on the Soviet economy in '83 and again in '85. What we do here is published by Congress and exposed to the country. The outsiders' view is a different view, but it's the same different view."

Ah, but much has changed since 1985, I countered; the once-outcast Soviet economist Grigory Khanin published a blast at the previous figures in Novy Mir, and Mikhail Gorbachev seems to have embraced that much lower analysis. The "new eyes" crowd in the U.S. followed that zagging while the C.I.A. continued to zig.

Not so, said the C.I.A. Soviet experts present. Their own estimate of the percent of Soviet G.N.P. devoted to defense, including cost of empire, was 20 percent, compared with 6 percent in the U.S.; the Pentagon's Office of Net Assessment said 23 percent, and outsiders "Harry and Charlie" (Henry Rowen of Stanford, Charles Wolf of Rand) about 25. Not such a big spread.

Our eco-spooks are all dedicated public servants, but mimimize a deepening disagreement. I checked around afterward. The C.I.A. estimates the size of the Soviet economy today to be over half that of the U.S., at $8,300 per capita income; but the new-eyes consensus is little more than a third of the U.S.—as low as $3,000 per capita.

To figure out the percent of G.N.P. going to defense, both insiders and outsiders use the same C.I.A. estimates of Soviet military spending. But using the new numerator of a shrunken Soviet G.N.P., our new-eyes crowd comes up with the possibility of 35 percent in arms spending, a burden on Moscow nearly twice as heavy as now estimated by the C.I.A. If the new eyes are right. Mr. Gorbachev is negotiating from underlying weakness.

Well, isn't it time to set up a Team B, I asked, pocketing an agency ashtray, to present a different view of reality?

"We're always open to reassessment," said Judge Webster, adding judicially, "but I haven't seen enough yet to get me exercised," Mr. Gorbachev has admitted only that the Soviet rate of increase, not economic growth itself, has stagnated.

But the D.C.I. would not have exposed his staff to this lunch if he were not concerned. His deputy, Robert Gates, offhandedly added: "Probably after the Soviet policy conference in June, we will bring in a group of different guys."

But Team B is already in informal existence, and it's foolish to wait until after the Moscow summit meeting to get its different view before the President. Among its members are Richard Ericson of Columbia, Greg Grossman of Berkeley, the Swedish economist Anders Aslund, and Harry and Charlie.

Nobody yet knows if the new-eyes assessment is on the mark. But we do know that the purpose of our vast intelligence system is to discover the truth, not to cover its institutional posterior. Not for nothing, as Muscovites say, is the piece of art on Judge Webster's desk a replica of the sculpture by Heckki Seppa titled "The Search."

We may all have been egregiously wrong about the erosion of the Soviet Union's internal strength. The political debate ahead here should be about the wisdom of helping it recover, or stressing it until it reduces its empire, or just leaving it alone.

First task is to search out the true size of our adversary. Appoint a Team B.

Mr. REID addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

COMMITMENT TO FIGHTING DRUG ABUSE

Mr. REID. Mr. President, during the past several months, we have heard a lot about this administration's commitment toward fighting drug abuse—from cutting a deal to drop drug trafficking charges against Panamanian dictator Manuel Noriega, to the CIA's alleged involvement in drug smuggling in Central America and other parts of the world. Yes, this administration is committed all right—one just has to wonder in which direction this commitment lies. It would appear that while the American public is told to "just say no," the Government, many times, is "just saying yes."

We have heard the cries for a drug free America and the pleas for legislation, but we have seen the budgets sent down from Pennsylvania Avenue that disregard the necessary funding.

We have heard continually the calls for zero tolerance echoing from the Justice Department, but we see those same men plea bargaining with a notorious foreign drug trafficker.

The hypocrisy is unparalleled.

It is, in fact, only through the persistence of Congress that funding has been restored to the necessary interdiction, eradication and educational programs that must exist in order to tackle this drug menace.

It is, in fact, only through the leadership of Congress that strong words are backed with tough legislative action. This legislative action is best demonstrated by my colleagues Senators DeConcini and D'Amato who have offered S. 2205 which would increase funding for education and rehabilitation programs; increase alcohol and drug abuse block grants; provide additional funding for local and State law enforcement agencies; and combine the Customs Service and the Coast Guard under one office in the Department of the Treasury to improve the efficiency of drug control operations. I am proud to say that I am a cosponsor of this fine piece of legislation.

On a more personal note, I have seen the devastation that drug use and addiction can bring to human lives. I have seen it in my home town of Las Vegas. Careers are ruined, families are destroyed, children are abused, and people are dying from drug-related deaths.

Our cities must be able to break the iron grip of the drug dealers on their citizens. They must have the resources to develop effective law enforcement programs, and they must have the resources to educate their young people about the dangers of drugs.

I met last week in Las Vegas with Federal, State, and local law enforcement officials and experts in Nevada. My hope is to develop, as a result of this meeting, a solid Federal, State, and local partnership that will allow Nevada to ultimately claim victory in this devastating drug war we now face.

Mr. President, I will discuss in the immediate future the problems as seen by Nevadans charged with fighting this international menace.

I yield the floor.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for morning business not to extend beyond 12 noon, and that Senators may speak therein for not to exceed 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Illinois.

RE-EXAMINATION OF OUR RELATIONSHIP WITH VIETNAM

Mr. SIMON. Mr. President, I rise as a result of having read an article on the New York Times editorial page by our colleague, Senator Larry Pressler, in which he calls for re-examination of our relationship with Vietnam.

Senator Pressler served in the Army in Vietnam. It is interesting that another Member of this body, Senator McCain, who is a former POW, has introduced legislation to call for re-examination. I think it is in our own self-interest that we re-examine that relationship.

Let me just give a little personal experience here. Back some years ago, in 1978, I was a Member of the House. I served as part of the U.S. delegation to the United Nations in a special session. While I was at the United Nations, I tried to meet people I would not otherwise meet.

One day I went over to the Vietnamese delegation and said: "I would like to invite you to have lunch with me and maybe one or two of my colleagues next Tuesday." I got the message back they would have to check with Hanoi first and that they would get back to me.

They checked with Hanoi and found out they could probably survive having lunch with Paul Simon.

We had lunch. My colleague, Congressman BILL LEHMAN, happened to be there. He joined us and a representative of the State Department.

During the course of the lunch, they mentioned that they felt they had an agreement from former President Nixon that Vietnam would receive $3 billion in reparations from the war. They said they were willing to forget that and were willing and eager to enter into a new relationship with the United States.

I said: "Would you be willing to come to Washington to discuss it?" They told me—and I should have been aware of it, but I was not aware of it—they said: "We cannot go more than 25 miles from the United Nations." They also said they would have to check with Hanoi before they could have a meeting in Washington.

I said: "You check with Hanoi; I will check with the State Department. Let's see if we can have a meeting."

We had a meeting—frankly, a dinner meeting—in our home. We had Members of the Senate and the House, Republicans and Democrats, and two representatives of the State Department. We talked about improving the relationship.

One of the things I think we easily lose sight of is that Vietnam is the third largest Communist country on the face of the Earth in terms of population following China and the Soviet Union. They mentioned at that point they were under pressure from the Soviet Union to use the facility at Cam Ranh Bay, the facility that the United States of America built. They said they were trying to resist that. They wanted to be independent of both China and the Soviet Union.

Our small group recommended to the White House that we enter into diplomatic relations with Vietnam. It did not happen. We were still too close, I guess, to the passions of that day to let it happen. Though, I think it would have been wise to let it happen.

It is interesting that our Ambassador to the United Nations told me sometimes afterward that he was told by the Ambassador from Vietnam that had the United States recognized Vietnam at that point, they probably would not have invaded Cambodia.

That is history. The question now is: What is in the best interest of this country? It seems to me it is clear that it is in the best interest of this country that we have Vietnam as an independent country, independent of the United States, but also independent of China and independent of the Soviet Union. That is best encouraged by renewing diplomatic ties with Vietnam and working with that country on the problems that she faces; working with her also on the problems of the prisoners of war and those missing in action.

It is very easy in the area of foreign affairs to respond to the national passion rather than the national interest. The national passion is, frankly, one still of embarrassment over what happened in Vietnam. In my opinion the national interest is very clear, that we ought to try to see that Vietnam is independent. I am old enough, Mr. President—and if you will forgive me, the Presiding Officer is old enough along with me—to remember that immediately after World War II President Harry Truman took some steps of friendship toward Germany and Japan. There was a lot of criticism of Harry Truman for doing that. That clearly turned out to be in our national interest.

I think we face the same situation in Vietman today. I think we ought to take the steps to recognize the reality that that country exists, to do what we can to encourage them to be independent and where we can in our own self-interest to extend the hand of friendship.

I ask unanimous consent that the article by our colleague, Senator LARRY PRESSLER, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WE CAN'T ISOLATE VIETNAM FOREVER

(By Larry Pressler)

WASHINGTON.—Following a visit to Vietnam last month, I concluded that more than 13 years after the last American helicopters left Saigon, the United States should consider ending its isolation of Vietnam. For the first time, Congress seems ready to review American policy there.

United States policy has remained virtually unchanged since April 30, 1975, when we closed our embassy and evacuated the last American personnel. Since then we have sought to keep Vietnam diplomatically isolated while denying aid and imposing a trade embargo. In 1978, after Vietnam invaded Cambodia, we escalated our policy to oppose diplomatic recognition until Vietnam withdrew from Cambodia and until it fully cooperated in resolving cases of Americans missing in action.

It is worth considering, however, whether these objectives could be achieved more easily if the United States made regular official contacts with the Vietnamese and if it made known its readiness to respond to urgent humanitarian needs through such established programs as Food for Peace.

The White House should include Vietnam and Cambodia on the agenda for the Moscow summit meeting next week. The Cambodia issue would benefit from the kind of "realistic engagement" by the United States that helped bring about the agreement on withdrawal of Soviet forces from Afghanistan.

As it is, we are leaving the Soviet Union a clear field in Vietnam. During my visit, I observed Soviet personnel in many places. They are staying at and using facilities previously used by the United States, most importantly the former United States naval base and the harbor at Cam Ranh Bay. Soviet economic and military assistance to Vietnam, one of the poorest countries in the world, is estimated at some $1.6 billion annually. Nonetheless, the Vietnamese are dissatisfied with Soviet involvement in their country.

Rather than giving the Vietnamese only one option, we should actively seek a dialogue with Vietnam to work out a withdrawal of Vietnamese forces from Cambodia. The Afghanistan agreement and our role as a guarantor serve as an example of the contribution the United States can make in achieving such a settlement.

Although the intention of American policy is to isolate Vietnam, the effect has been to isolate ourselves from a country in which we have a lasting interest.

I served as an Army lieutenant in Vietnam in 1967 and 1968. Since my return visit, I have received messages from other veterans eager to renew their ties to that country. Some are looking for children fathered with Vietnamese mothers, others for friends with whom they worked as advisers—many of whom were locked up for years in harsh "re-education camps." Most of the camp prisoners have been released, but they are not yet free to leave Vietnam for reunion with family and friends in the United States.

Still other Americans are concerned about the missing-in-action issue and believe a first-hand look at the country would help resolve lingering questions. Many other veterans said they want to go back to see where they served.

All this demonstrates the almost forgotten bond the United States has with Vietnam. Nearly three million Americans served there during our 15 year involvement. In the years since the war, close to a million Vietnamese and their families have come to the United States. A Vietnamese-American who traveled with me was able to visit his aging mother in Hanoi and other relatives in Ho Chi Minh City. Anyone witnessing such reunions would understand the powerful attraction that family ties have for the Vietnamese, as they do for us.

For a number of reasons, the Vietnamese appear ready to welcome Americans. A Vietnamese with whom I spoke recalled that his country has been "occupied" in this century, as he put it, by the French, the Japanese, the Americans and the Russians. "And the Americans are the ones we want back," he said.

Probably the Americans' reputation for generosity to former enemies is part of the reason, but I believe it goes deeper. I sensed an enduring interest in American life and culture and economic techniques among many of the Vietnamese with whom we met.

The United States could not have played its active role in reaching the Afghanistan agreement without engaging in continuing dialogue with the Soviet Union and its leaders. Likewise in Indochina, the United States, China and our allies in the Association of South East Asian Nations have a vital role to play in bringing about a settlement in Cambodia and in guaranteeing its security against encroachments by the genocidal Khmer Rouge.

It is not enough to preach about withdrawal to the Vietnamese. We need to shoulder some share of responsibility in a region where the United States' presence just 15 years ago was a central factor. Our policy of isolation has reached the point of diminishing returns. The Moscow summit meeting would be a good opportunity for America to begin a new approach toward Vietnam.

Mr. SIMON. Mr. President, I question the presence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that further proceedings under the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLARENCE PENDLETON

Mr. DOLE. Mr. President, yesterday in California, Clarence Pendleton, the Chairman of the U.S. Civil Rights Commission, died of a heart attack at the age of 57.

Clarence Pendleton was one of those rare phenomenons in public life—a man who said exactly what he believed. What he believed in, he believed in with all his heart and soul. Some of his beliefs were controversial—stands that ran contrary to the accepted wisdom and public opinion. But that is what America is all about—the opportunity for one person to rise to a position of responsibility and prominence through dint of his own hard work and, once there, the freedom to express his views openly.

Clarence Pendleton was a conservative's conservative—a man who wholdheartedly believed in the free enterprise system as the means to gain economic, and therefore personal independence.

But most of all Clarence Pendleton cared about this country, about its people, its future. He cared at the community level, starting as a recreation director in Baltimore, through his years at the National Recreation and Parks Association, in San Diego at the Model Cities Program, and then as executive director of the city's Urban League, and of course finally, at the national level, during his 6 years as Chairman of the U.S. Civil Rights Commission.

Mr. President, I express my sincere condolences to Clarence's wife Margrit and his three children. Clarence Pendleton was a strong, unique man, dedicated to this country and its people.

REMEMBERING ROBERT F. KENNEDY

Mr. DOLE. Mr. President, today the Nation remembers a man—Robert F. Kennedy—whose vibrance, energy, and commitment to public service stirred a generation of young Americans to become involved—and stay involved—in the political process.

Robert Kennedy rose to prominence during a time of terrific turmoil in this Nation. And while we may not have subscribed to the same solutions to these crises—domestic and foreign—we faced, there was never any doubt that his overriding interest was in preserving and promoting the principles this, the freest nation in the world, was founded upon.

Mr. President, the Kennedy family—and particularly our colleague, Senator EDWARD KENNEDY—has much to take pride in as the country stops to reflect and pay tribute to Robert Kennedy's life.

BICENTENNIAL MINUTE

JUNE 2, 1913: SENATORS DISCLOSE FINANCIAL HOLDINGS

Mr. DOLE. Mr. President, 75 years ago this week, on June 2, 1913, Senators for the first time publicly disclosed their financial holdings. The circuitous road that led to this unprecedented action had its beginning with a tariff bill and an angry President.

President Woodrow Wilson ranked tariff reduction at the top of his legislative agenda when he took office in March 1913. By May, the House of Representatives had passed just what he wanted—a bill that lowered the average tariff rate by 29 percent. That measure ran into trouble in the Senate, however, when large numbers of lobbyists, seeking to retain the protected status of the manufacturers they represented, descended upon Members.

The resulting delay on his priority legislation infuriated President Wilson. In a strongly worded statement, he condemned the "industrious and insidious" lobby, and accused lobbyists of trying to thwart the will of the people. The press took up the cry, demanding an investigation of the lobby and the legislators it might possibly control. Senators could hardly refuse to pursue the matter. To do so would only seem to give credence to the President's charges. When Republican Senator Robert La Follette suggested that all Senators disclose any holdings that might be affected by tariff reductions, no Senator dared publicly protest.

Beginning on June 2, each Member of the Senate appeared before the newly created special committee to investigate the lobby and revealed how many shares of coal or steel stock, acres of sugar cane and citrus trees, and textile mills he owned. Amidst intense press coverage of each day's revelations, opposition to downward revision of the tariff quickly collapsed. Though debate dragged on in the Senate throughout a suffocatingly hot summer, in September President Wilson got his wish. By a vote of 44 to 37 the Senate passed the Underwood tariff.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNITED STATES-SOVIET RELATIONS

Mr. PRESSLER. Mr. President, President Reagan has returned from Moscow. We now have summaries of his meetings. We look forward to the possibility of another summit during this President's term of office.

I congratulate the President on his initiatives. Both he and Mr. Gorbachev have made breakthroughs in the effort to improve United States-Soviet relations.

However, I am very much concerned that breakthroughs have not been achieved in conventional arms agreements and chemical arms agreements.

If we do move forward with the strategic arms reduction agreement [START], it should be tied to a conventional arms agreement.

Mr. President, the Soviets have nearly a 10-to-1 advantage in chemical weapons in Europe. Some have said that we should modernize our forces in Europe—that is, spend more money and upgrade them to the Soviets' level. But in view of the budgetary deficit and in view of the fact that we are already spending $150 billion or more on defense in Europe, the American people are more in a mood to reduce our forces there. Many Americans wish to see a greater burden-sharing effort by our European allies and Japan.

So, if there are negotiations regarding a START agreement, I hope they are tied to conventional arms reduction talks. The Soviets should be willing to reduce their 3-to-1 conventional advantage in Europe to a 1-to-1 balance. If the Soviets have a 10-to-1 advantage in chemical arms in Europe, they should be willing to reduce to a 1-to-1 parity.

The Soviet Union has combat-ready divisions in Czechoslovakia, East Germany, Hungary, and Poland, as well as, of course, the Soviet Union. These Soviet forces face very little threat from the West. They are offensive forces, and they are a threat to Western Europe because of their vast numerical superiority.

The United States and its allies have spent a great deal of money maintaining credible military deterrent force. Indeed, the United States spends an enormous amount of money in Europe, more than any other region, in helping with the defense of Europe.

So I hope that the White House staff and our negotiators insist on a conventional arms linkage. I have long hoped we could have a conventional arms parity treaty. Unfortunately, the conventional arms talks in Vienna have been stalled for many years. On the other hand, it is encouraging to note that the Atlantic to the Urals Conventional forces talks begin this month.

Mr. President, I hope that any future START agreement also will be closely tied to Soviet compliance with the Helsinki accords. Although there appears to be movement toward glasnost in Eastern Europe and the Soviet Union and the appearance of a thawing of relationships, the Soviets continue to behave aggressively in regional conflicts around the world.

For example, in Vietnam, which I recently visited, the Soviets are building up their forces at Cam Ranh Bay, as well as in other areas of that country. The first things you see upon arriving in Nicaragua are Soviet combat helicopters at the airport.

So the Soviet Union will not change just overnight. They may be withdrawing troops from Afghanistan, but that is a matter of force, rather than a matter of choice, and I would not read too much into the glasnost policy, as some do, until we see greater evidence of a change in Soviet behavior at home and abroad.

Also, the Soviets' behavior toward some of their own minorities, including the Armenian minority, indicates they are still violating the Helsinki Accords.

Mr. President, in conclusion, my point is that a START agreement could be a good thing if it were verifiable, if it were tied to conventional arms reductions, especially by the Soviets in Europe, and if it were tied to parity on chemical weapons, or the verifiable elimination of such weapons.

We also need to think more about how to achieve a higher level of burden-sharing by some of our allies. Japan spends only about 1 percent of its gross national product on defense. We spend far, far more than that. Our European allies spend less than we do on defense and foreign aid combined. We are the country that takes the most refugees from around the world.

In the upcoming Presidential campaign I hope we hear a debate on defense burden-sharing. Indeed, I have offered amendments in this Chamber and voted for amendments that would force our European allies to pay more of the cost of NATO and that would make European leaders more aware of how strongly our taxpayers feel about fairer burden-sharing in this time of huge budget deficits.

Mr. President, my State of South Dakota is very interested in this issue. We have a major military base at Ellsworth Air Force Base. We have long-range nuclear missiles in our State. We have a naval training installation in our State. We have the South Dakota National Guard. We also have other military facilities in our State. We are a major part of the national defense effort. We would be affected by a START agreement in a real and immediate way. So I will watch the START negotiations particularly closely. Whatever occurs, I would like the next nuclear arms reduction treaty to be tied to conventional arms reduction.

(Mr. SHELBY assumed the chair.)

INTERNATIONAL AGRICULTURAL AGREEMENT

Mr. PRESSLER. Mr. President, on another subject, we need to look into the possibility of an international agricultural agreement affecting production, food aid, land setasides and subsidies. There is much talk about subsidies and reducing them over a 10-year period, but our allies seems to be doing very little.

Indeed, in the Canada-United States trade agreement, we are told that the Canadians will not subsidize exports to the United States. But at a recent Senate Commerce Transportation Subcommittee hearing we heard that the Canadians subsidize the transportation of agricultural products. This is essentially an export subsidy which our farmers do not have. Different countries have different subsidies, even though they may not be in the form of a direct payment.

Our deficiency payment program is really not an export subsidy. Our export enhancement program is an export subsidy. But the fact of the matter is that our deficiency payment system is an internal program and does not affect the international price of the product. That is unlike most other countries that have an export subsidy which directly affects the world market.

I have introduced legislation which calls for the administration to begin negotiating a treaty on the land set-aside issue. In our farm bill, we set aside a certain amount of cropland, either in annual land setaside or conservation reserve programs. This essentially subsidizes our competitors—Argentina, Australia, Canada, and other countries which export food.

If we have land setasides while other countries do not, we are effectively giving them a subsidy. This is something that should be taken into consideration at the GATT negotiations and it should be taken into consideration in figuring subsidies.

Also, Mr. President, I think it is well for us to have a coordinated food aid effort worldwide. This is something that countries can work together on for the betterment of mankind. Such an agreement might develop ground rules for food aid programs. For example, where there is a genuine need for food aid and it is provided freely, it would not be counted as an export subsidy. These issues need to be worked out if we are to eliminate agricultural subsidies.

Mr. President, our taxpayers are paying several billion dollars a year for these subsidies, as are the taxpayers of Europe and other countries. There is a growing clamor to reduce them. But if the United States should reduce them without other countries doing so, our farmers would be left with a very low price.

It is my belief that if international trade rules are fair, the price to our farmers will be fair. That is not currently the case, so the subsidy system is necessary. I hope negotiations on a long-term international agricultural agreement defining food aid would be included in the current GATT talks. When is food aid really the dumping of surpluses in the international market? When are land setasides a subsidy? When are lower transportation rates for agricultural products, such as those used in Canada, a subsidy? These questions need to be answered through international trade negotiations.

Presently, the United States takes a bum rap regarding subsidies compared to other countries.

Recently I was in Geneva with our minority leader and met with GATT officials regarding soybeans. We found in the Common Market it cost $15 to buy a bushel of soybeans, whereas our selling price is about $6 or $7. We cannot sell soybeans to Portugal, which would like to buy them, because of Common Market import restrictions.

Our subsidies pale in comparison to some of these European programs. We should have a long-term goal, a 10-year goal, of reducing these subsidies. This will require reaching an international agricultural agreement. That will be hard to do, but it is something we should initiate.

Mr. President, I ask unanimous consent that a copy of my amendment on this subject be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

PRESSLER AMENDMENT TO THE OMNIBUS TRADE AND COMPETITIVENESS ACT OF 1988

(Purpose: Expressing the sense of the Congress regarding the need for the negotiation of an international agricultural conservation reserve agreement)

At the appropriate place in the bill, insert the following:

A. The Congress finds that,

1. Worldwide grain supplies are at a record level of 350 million metric tons—almost two years worth of world grain imports;

2. World food production historically has increased at an annual rate of 2.5 percent and world food production during the 1980s has increased at a rate of over 3 percent annually;

3. Approximately one fifth of the world's cropland is experiencing an intolerable rate of soil erosion;

4. The cost of farm programs is at record levels in many nations;

5. Agricultural export markets are declining due to increased productivity in food importing nations;

6. Other grain producing nations have expressed a need to limit agricultural production; and

B. It is the sense of the Congress that,

1. The President should initiate multilateral negotiations with all major agricultural commodity exporting nations to establish an international agricultural conservation reserve to reduce worldwide grain surpluses and control soil erosion.

2. Such an international agricultural conservation reserve should be based on the following principles:

(a) All signatory nations should agree not to bring virgin land into crop production and should agree to return a certain percentage of cropland to its natural state and keep it out of production for a minimum of 10 years. The amount of land to be taken out of production should be large enough to bring grain supplies in line with demand while still maintaining an adequate emergency food reserve.

(b) Sound conservation practices should be implemented to control soil erosion on cropland taken out of production; however, land taken out of production need not be classified as highly erodible.

(c) Emergency provisions should allow a portion of the land of all signatory nations to be put back into production if stocks fell below the level established for an emergency food reserve.

(d) Individual nations could be permitted to return a portion of their reserve land to production if their production did not meet domestic consumption demand.

(e) An international food aid program could be included as an adjunct to the conservation reserve.

RECESS UNTIL 1 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 1 p.m. today.

There being no objection, the Senate, at 12:07 p.m., recessed until 1 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SHELBY].

ALLOCATIONS UNDER THE BUDGET ACT

Mr. CHILES. Mr. President, pursuant to the order previously entered, I send to the desk the estimated allocations—based on the budget in the conference report on House Concurrent Resolution 268—of the appropriate levels of total budget outlays, total new budget authority, and new credit authority among the committees of the Senate, pursuant to section 302(a)(2) of the Congressional Budget Act.

The allocations to the Appropriations Committee reflect the amounts set in the summit agreement on deficit reduction between the President and the joint leadership of Congress.

The allocations to the authorizing committees reflect the amounts called for by current policy except for specific policy changes and credit scorekeeping adjustments noted in the conference report on the budget resolution. While these credit scorekeeping adjustments appear to be increases over the baseline, they reflect only mandatory increases and are not increases in spending authority.

The estimated allocations follow:

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SEC. 302 OF THE CONGRESSIONAL BUDGET ACT FOR 1989

[In millions of dollars]

Committees	Direct spending jurisdiction		Entitlements funded in annual appropriations	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations	611,401	625,083		
Agriculture, Nutrition, and Forestry	22,823	21,216	17,961	18,021
Armed Services	46,700	31,027	0	8
Banking, Housing, and Urban Affairs	8,504	6,279		
Commerce, Science, and Transportation	2,145	201	382	381
Energy and Natural Resources	1,333	931	33	33
Environment and Public Works	15,156	1,335		
Finance	680,628	604,977	61,941	62,255
Foreign Relations	7,810	8,674		
Governmental Affairs	64,444	40,943	0	0
Judiciary	1,350	1,283	109	109
Labor and Human Resources	3,476	2,826	5,087	5,082
Rules and Administration	48	15		
Small Business	0	0		
Veterans' Affairs	1,632	1,360	15,533	15,502
Select Indian Affairs	398	392		
Not allocated to committees	(239,148)	(246,842)		
Total	1,228,700	1,099,700	101,046	101,391

SENATE COMMITTEE CREDIT AUTHORITY PURSUANT TO SEC. 302 OF THE CONGRESSIONAL BUDGET ACT FOR 1989

[In millions of dollars]

Committees	Direct loans	Loan guarantees
Appropriations	12,605	76,328
Agriculture, Nutrition and Forestry	14,424	3,943
Armed Services		
Banking, Housing, and Urban Affairs	79	329
Commerce, Science, and Transportation	5	0
Energy and Natural Resources		
Environment and Public Works	249	0
Finance	2	
Foreign Relations		
Governmental Affairs		
Judiciary		
Labor and Human Resources		10,750
Rules and Administration		
Small Business		
Veterans' Affairs	936	19,600
Select Indian Affairs		
Total	28,300	110,950

CONCURRENT RESOLUTION ON THE BUDGET—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the hour of 1 p.m. having arrived, the Senate will proceed to the consideration of the conference report on House Concurrent Resolution 268. The clerk will report the conference report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 268) setting forth the congressional budget for the United States Government for the fiscal years 1989, 1990, and 1991, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of May 26, 1988.)

The PRESIDING OFFICER. Time of debate on the conference report will be limited to 2 hours, with 1 hour under the control of the majority leader or his designee, 30 minutes under the control of the Republican leader or his designee, and 30 minutes under the control of the Senator from Colorado, Mr. ARMSTRONG.

The majority leader.

Mr. BYRD. Mr. President, I will designate as the Senator who controls time on this side Mr. CHILES.

I ask unanimous consent that the time for a quorum call which I shall suggest be charged equally against both sides, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHILES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Florida has 52 minutes.

Mr. CHILES. Mr. President, today I bring, with the distinguished Senator from New Mexico, before the Senate, a conference agreement on the budget resolution for fiscal year 1989. This agreement is the culmination of a process that began on October 19, 1987, Black Monday. I remember standing on the Senate floor the morning after the stock market plunged. We seemed to be on the edge of an abyss whose depths we could not see.

On that Tuesday morning I offered a resolution calling for a bipartisan budget and economic summit of congressional, administrative and private sector leaders. To his great credit, President Reagan stepped forward with a proposal for a summit to address our deficit problem.

I know that he did not do that just because I called for it. I think he did that, perhaps somewhat on the urging of the Senator from New Mexico and the Senator from Kansas and some others; the Secretary of the Treasury and a number of other advisors that were speaking to the President.

The warning shot sent by Black Monday has been too strong too ignore. The markets had lost confidence on an economy based on borrowing. We all understood that the United States would have to begin putting its fiscal house in order.

For a month administration and congressional leaders met in the Capitol. In the end the summit agreement achieved less than I had hoped but it did get us a plan to reduce the deficit $76 billion over 2 years.

This budget resolution more than fulfills the pledges undertaken at the economic summit. The reconciliation bill and continuing resolution that were passed at the end of last year produced savings of $73.6 billion. Spending and revenue targets in this resolution will achieve another $8.1 billion of savings for a total 2-year deficit reduction of $81.7 billion.

This agreement should allow us to avoid a sequester under Gramm-Rudman-Hollings law. Using current OMB economic and technical assumptions, the 1989 deficit is projected to be $135.3 billion; below the target of $136 billion.

If we ignore the savings from the asset sales contained in this resolution, as OMB will do later this year when it calculates whether a sequester will take place, the deficit would be $141.8 billion. That is well below the $146 billion that would trigger a sequester.

Let us be clear. A sequester could take place if new administration economic assumptions or administrative action to deal with increased bank and savings and loan failures push the deficit above the $146 billion mark. But this would not result from new policies or spending assumed in the congressional budget resolution.

This resolution, under current OMB assumptions, allows us to avoid sequester.

This is a bipartisan agreement. I certainly want to thank my good friend, Senator Domenici, for all his help and support on this budget. Together, we have offered a budget plan in the committee that passed by a vote of 18 to 3. On the floor of the Senate, that plan received nearly 70 votes.

Throughout this conference, we worked together to bring back an agreement that the Senate can endorse.

This resolution meets the commitments made at the summit with regard to spending priorities: National defense, international programs, and domestic discretionary programs.

The conference agreement adheres to the caps for discretionary spending. Under those tight caps, we were forced to make hard choices. Maybe the easy way would have been an across-the-board approach, but that would have been a denial of our basic responsibility—to set priorities for the Federal Government and the Nation.

This conference agreement does set important priorities:

It says that America must invest in its future. We must have the best-educated, best-trained workforce in the world.

It says we must pursue scientific and technological breakthroughs if we want to keep our No. 1 standing in the world economy.

It says that to a large degree, our future is what we make it—that if we want to outproduce, outcompete, and just plain outsmart our trading partners, we better "out-invest" them.

Let me sketch some of the highlights:

SCIENCE AND SPACE

The conference agreement allows a 21-percent increase in science, space, and technology programs. Although this is less than was contained in the Senate-passed resolution, it is a significant increase. We urge the Appropriations Committee to follow our lead and support the Nation's future through increased funding for science and space programs.

EDUCATION

This budget resolution provides for major increases in education, so that our students and workers will have the knowledge and skills necessary to compete in the new century. The key to our economic future is the American people. A commitment to their education is a commitment to our individual and collective prosperity. This resolution contains an increase of more than $1 billion for the Department of Education. If today we pledge our commitment to improved education and employment training activities, those priorities ought to be realized in the Appropriations Committee.

LOW-INCOME PROGRAMS

We have met our responsibilities to the needy. The budget provides small but significant increases in areas of continuing national needs. One of the major initiatives is for nutrition assistance. The commodity supplies which are disbursed to the poor and homeless under the Temporary Emergency Food Assistance Program will soon be exhausted. This agreement provides approximately $1.7 billion to replace those dwindling supplies and continue funding for distribution—so that the most needy in America have continued access to nutritious food.

This budget also allows for Medicaid improvements agreed to in the conference on the catastrophic health insurance bill and in reported welfare reform legislation.

Under discretionary programs, the budget would allow for an increase in the number of participants in the Women, Infants and Children Supplemental Feeding Program. It also assumes increases for several low-income health programs, including maternal and child health, and community health centers.

FUNDING FOR THE ANTIDRUG INITIATIVE

The conference agreement provides more than $4 billion in funding for the war on drugs. Enough money has been provided to fully fund the President's proposed increases for antidrug activities. In addition, the resolution fully funds grants to State and local governments to enhance their own antidrug law enforcement efforts.

A mechanism has also been created for an even larger antidrug effort using language similar to what was included in the Senate-passed resolution. I personally believe that dealing with the drug problem has to be a top priority. If the President agrees with us that a sufficiently dire state of emergency exists, then spending levels greater than those agreed to in the summit would be allowed. With that proviso and a requirement that any initiative be deficit neutral, Congress can further expand the war on drugs this year.

VETERANS

The House receded to the Senates provision for an increase of $300 million in veterans medical services. That amount is $100 million above the President's budget request. The budget will allow for continuation of veterans' medical care at current service levels.

The House also receded to the Senate's provision for an expansion of veterans' compensation to cover victims of radiation exposure.

FEDERAL PAY

The conference agreement assumes pay raises for Federal civilian, and for military personnel, of up to 4 percent each. However, this year the budgetary situation regarding pay raises is unique because of the defense and domestic discretionary caps set in place by last year's summit agreement. Funds provided for pay raises must be traded off against funds for other discretionary programs or needs under each cap.

No point of order will lie against any pay raise legislated this year as long as the caps are not breached. Thus, if legislation is initiated which provides for a pay raise other than 4 percent, it would not conflict with the budget resolution as long as the caps were adhered to.

For Federal civilian personnel, the pay raise will be equal to the proposal submitted by the President in August, unless altered by the enactment of subsequent legislation.

For military personnel, the House and Senate have each passed Defense Department authorization bills containing approximately a 4 percent pay increase. The final outcome will depend on the conference agreement, any other legislation, and Presidential signature.

AIR SAFETY

The conference agreement provides adequate resources for an increase of 19 percent over 1988 funding levels for key aviation safety programs, exceeding the President's 1989 request by 5 percent. This increase allows continued improvement of the air transport system through the hiring of an additional 900 air traffic controllers; continued modernization of the air traffic control system; and additional airport improvements.

COAST GUARD

The agreement provides adequate room to fund the Coast Guard at levels requested by the President. This provides sufficient resources for the Coast Guard to continue and significantly increase its drug interdiction efforts.

The Senate also continues its assumption of the transfer of resources from the Department of Defense to the Coast Guard at levels at least consistent with the Senate-passed resolution. This transfer is intended to cover certain defense-preparedness and other military-related activities of the Coast Guard.

HOUSING AND THE HOMELESS

The conference agreement allows us to attack the serious problem of homelessness. We assume sufficient levels to adequately fund homeless housing programs at levels consistent with the McKinney Act.

POSTAL SERVICE

The resolution provides sufficient resources for postal subsidies to continue at the current program level.

Mr. President, this resolution is the child of the summit agreement. Those who think the summit should have done more will find the same fault with this agreement. I personally wanted the summit to accomplish more. We had a window of opportunity that opened wide, and I wish we could have pulled more through it.

Ultimately, we achieved as much as political reality would permit. We all favor deficit reduction in the abstract, but tend to shrink from the spending cuts and revenue increases that would bring about the reality.

The next Congress and the next administration will face difficult choices. When you remove the veil of the Social Security surpluses, our deficit problem is over $200 billion a year as far as the eye can see. Sooner, rather than later, we will be forced to decide on what the Government must provide, and the means to pay for it.

In my years in the Senate, I have done my best to put our Nation on a path toward fiscal responsibility. We have taken some steps in the right direction, but I am afraid there are miles to go before we sleep.

Mr. President, I ask unanimous consent to include more detailed materials and tables describing the budget resolution.

There being no objection, the material was ordered to be printed in the Record, as follows:

Conference Agreement on the Budget

EDUCATION

Education is one area in which there is a strong consensus for increased federal investment. This conference agreement reflects those desires.

It assumes Department of Education budget authority will increase by more than one billion dollars. This is a significant boost when viewed in terms of our fiscal constraints this year. It is a critical investment, however, if Congress intends to deliver on promises made. More importantly, the earmarked money is a necessary expenditure if this country is to bolster its ability to compete in the global, economic market and offer a quality education to its young, and to students continuing their education.

This report also recognizes that our labor pool is undergoing dramatic change. Throughout the remainder of this century, workers of all demographic profiles will need training and retraining in order to perform technology-based functions. We agree with the House and the Administration that underemployed, displaced, and otherwise discouraged workers need new and flexible training to help meet the vocational challenges confronting America. If this report is adopted, Congress will have assumed increased allocations for these purposes.

Some will say we have not accomplished enough; that we have not sufficiently laid the foundation for a smarter, better-trained labor force. Others will contend that we have disproportionately set aside money for programs which are best left to the domain of state and local government. We cannot control such criticism. If we approve this agreement, however, each of us can travel to our home states and know that we supported funding for programs vital to the future of this country.

Mr. President, througout all stages of this year's budget process, both bodies of Congress have voted to provide more funds to education in 1989 than we did for 1988. If today we avow our commitment to improved education and employment training activities on a funding level consistent with need, those priorities ought be realized. We would be less than forthright with the American people if we were to twice vote for increased human resource investments only to see the money spent on other projects.

IMPROVEMENTS IN ENTITLEMENT PROGRAMS

The conference agreement provides $0.4 billion in 1989, $0.85 billion in 1990, and about $0.9 billion in 1991 for improvements in high-priority entitlement programs serving the poor.

For fiscal year 1989, $275 million is provided for in Function 600 to continue nutrition aid to the homeless and other low-income individuals after the Temporary Emergency Food Assistance Program expires. This aid is assumed to consist of purchases of commodities to be given to low-income households, and of improvements in the Food Stamp program. An additional $50 million is included in the 1989 discretionary allocation to cover administrative costs for commodity distribution. Furthermore, an additional $525 million for nutrition assistance is set aside in 1990, and $575 million in 1991.

In addition, the conference agreement provides for $0.1 billion in 1989, $0.3 billion in 1990, and $0.4 billion in 1991 in Function 950 to be used for unspecified priority entitlement increases.

Mr. President, the conference agreement would allow the funds in Function 950 to be allocated to several different entitlement programs. This is an agreement we reached with the House after some discussion, and it leaves each of us with some flexibility in ultimately deciding program priorities.

I want to make it clear, however, that the Senate is allocating $75 million in 1989 to the Agriculture Committee to supplement the $275 million already in Function 600 for nutrition assistance. That will bring the total entitlement authority for nutrition assistance to $350 million in 1989, compared to the $450 million provided for in the Senate-passed budget resolution. In 1990, $50 million will be allocated to the Agriculture Committee providing a total of $575 million for nutrition entitlement aid. In 1991, $19 million will be allocated to that Committee for total nutrition entitlement aid of $594 million. In the Senate-passed resolution, $750 million was assumed in both 1990 and 1991 for this purpose.

Finally, the remaining amounts of funds for new entitlement authority in function 950 are being allocated to the Finance Committee to be used for Medicaid improvements in the catastrophic health insurance bill. Sufficient room is provided in the overall budget resolution conference agreement to allow full funding of the Medicaid initiatives in the conference agreement in the catastrophic bill. These improvements will expand coverage for low-income pregnant women and children, protect families during a period of transition from welfare to work, and protect low-income elderly against spousal improverishment and high Medicare cost-sharing amounts.

CHANGES IN ENTITLEMENT SPENDING IN THE 1989 BUDGET RESOLUTION CONFERENCE REPORT

[Dollars in billions]

	1989	1990	1991
Function 600: Continuation of Nutrition aid:			
Budget Authority	0.275	0.525	0.575
Outlays	.275	.525	.575
Function 950:			
Medicaid improvements:			
Budget Authority	.050	.275	.331
Outlays	.050	.275	.331
Continuation of nutrition aid:			
Budget Authority	.075	.050	.019
Outlays	.075	.050	.019
Total changes in entitlements:			
Budget Authority	.400	.850	.925
Outlays	.400	.850	.925
Crosswalk:			
Agriculture Committee:			
Budget Authority	.350	.575	.594
Outlays	.350	.575	.594
Finance Committee:			
Budget Authority	.050	.275	.331
Outlays	.050	.275	.331

FUNCTION 150

Discretionary funding levels for function 150 meet the levels agreed to in last year's budget Summit. This will allow for modest growth in the foreign assistance and State Department operating programs.

As previously agreed to with Senator Inouye, Chairman of the Foreign Operations Subcommittee, the Budget Committee will score $270 million in 1989 budget authority against the Foreign Operations Subcommittee for a debt reform measure included as an advance appropriation in last year's continuing resolution.

Furthermore, the foreign military sales guarantee reserve fund will be considered a mandatory program. As such, this program is not contained within the discretionary levels assumed in the Summit agreement. As a mandatory program, increasing demands against the guarantee reserve fund should not be traded-off against discretionary programs within the Summit limits.

FEDERAL PAY

This year is unique regarding the effect of Federal pay on the budget. As a result of the Budget Summit Agreement, the total amount spent on domestic discretionary programs, including Federal civilian pay increases, is capped. Similarly the total amount spent on defense programs, including military and civilian defense personnel pay increases, is also capped. Therefore, monies spent on pay increases must be traded off against spending on other programs. If a large pay raise for Federal civilian workers is legislated, then other domestic programs will receive less funds. Conversely, if a small pay increase is mandated, then more money is available for domestic programs. In similar fashion, pay raises for military personnel or for civilian defense personnel must be traded off against costs for other defense programs. The overall Federal budget deficit is virtually unaffected by the choices made for Federal pay raises, but defense and domestic discretionary programs are heavily affected by those choices.

The Budget Resolution assumes that federal civilian personnel, and military personnel, can receive pay raises up to 4 percent. However, given the unique situation this year described above, the choice of a 4 percent limit is not particularly meaningful. Indeed, as long as the caps are adhered to, no point of order will lie against any legislation that mandates a particular pay raise. If legislation were initiated that made military and civilian pay raises equal to a figure that is different from 4 percent, a point of order would not lie against it as long as the caps were not breached.

The actual civilian pay raise will be equal to the civilian pay raise proposed by the President in August unless subsequent to the submission of this proposal, the Congress passes legislation containing a different pay raise. However, this change to the President's proposal only becomes effective if the President signs the legislation.

For military personnel, the Senate-passed legislation on the Defense Department authorization contains a 4.3 percent pay increase while the House-passed version assumes 4 percent. Final action on this pay raise will depend on the conference agreement, and subsequent legislation, and signature of the President.

NUTRITION ASSISTANCE

The Conference agreement provides for a significant increase in funding for nutrition assistance to cope with the exhaustion of cheese and other surplus commodities that have been provided to low-income households over the last few years. These commodities have been provided through the TEFAP program (Temporary Emergency Food Assistance Program). With cheese and certain other commodities about to be depleted, the Senate Agriculture Committee is working on legislation to deal with this situation.

The Conference Report on the Budget Resolution provides for $275 million dollars in Function 600 in 1989 for the continuation of nutrition assistance when TEFAP commodities run out. The Conference Report also provides for additional funding for new entitlement initiatives in Function 950. In the Senate, $75 million of the new funds in Function 950 will be crosswalked to the Senate Agriculture Committee for continuation of nutrition aid. (The remaining amount will be crosswalked to the Finance Committee for improvements to the Medicaid program). Thus, a total of $350 million will be available for continuing nutrition aid in 1989. In addition, the Resolution assumes that $50 million from the discretionary funds under the control of the Appropriations Committee will be used to continue funding for administrative costs for the TEFAP program. This $50 million is in addition to the $350 million in new entitlement funds made available to the Senate Agriculture Committee.

In function 600, the conference report on the budget resolution provides for $525 million in 1990 for additional nutrition assistance. Of the unspecified new entitlement authority available in the resolution in function 950 in 1990, $50 million will be crosswalked in the Senate to the Senate Agriculture Committee. (The remainder of the 1990 unspecified funds will be used for improvements to the Medicaid program.) Thus, in 1990, a total of $575 million of new entitlement authority will be available for improved nutrition assistance. In 1991, in function 600, the conference report assumes $575 million for additional nutrition assistance. Of the unspecified new entitlement authority in function 950, $19 million is to be crosswalked to the Senate Agriculture Committee. (The remainder is to be used for improvements in the Medicaid program). Thus, in 1991, a total of $594 million of new entitlement authority will be available for improved nutrition assistance.

The additional funds in each year can be used for purchasing cheese and other commodities for distribution to low-income families and individuals. The current TEFAP program serves many low-income people, including the homeless, who are not covered by food stamps. In many cases the distribution of commodities through TEFAP is the only way to reach this population with food assistance. Moreover, some of the new entitlement funds assumed in the Budget Resolution can be used to increase food stamp benefits and make other improvements in the Food Stamp and other nutrition assistance programs.

ECONOMIC ASSUMPTIONS AND SCOREKEEPING

As required by law, the budget resolution must set forth amounts and levels based on a single set of economic and technical assumptions. In determining the budget deficit under its recommended budget resolution, the Committee chose to use the same economic and technical assumptions that the President used in his budget submission to the Congress and that the House of Representatives used in the budget it adopted.

By choosing to use the Administration's economic assumptions to measure the deficit, the Committee is following the same rules that will be used later this year to determine whether sequestration is required. Under the Gramm-Rudman-Hollings law, the Office of Management and Budget, using its own economic projections, will determine whether the 1989 deficit target has been met. If the deficit target is exceeded by more than $10 billion, across-the-board spending cuts will take place.

As has been its practice over the years, in the exercise of its scorekeeping duties, the Senate Budget Committee will continue to use CBO estimates and analysis to prepare its reports to the Senate regarding the status of particular bills and amendments. The Committee will then determine the aggregate levels of new budget authority, budget outlays, new spending authority, and revenues for a fiscal year on the basis of standard, consistent, defined adjustments to the CBO estimates in a fashion consistent with the adjustments underlying this budget resolution.

TREATMENT OF ADVANCED APPROPRIATIONS

One of the more significant scorekeeping differences between the Senate and the House concerns the treatment of certain advance appropriations made in the 1988 Continuing Resolution. The C.R. included a $525 million advance for the Clean Coal technology program, a $20 million advance for construction of a prison in the District of Columbia and a $270 million advance for interest rate reductions on existing foreign military sales loans. Although the Senate assumed these items were discretionary and included them under the cap, the House classified them as mandatory. The conference agreement adopts the Senate position—treating the advances as discretionary.

The main reason for inclusion of advance appropriations under the caps set in the Summit Agreement is relatively straightforward. In brief, the summit caps for 1988 and 1989 were in place when these advance appropriations were made. It would be contrary to the spirit of the two-year agreement to ignore a discretionary appropriation made in 1988 simply because the spending was advanced to 1989. Because the Summit Agreement made no provision for this additional spending outside of the caps, reclassifying these advances as mandatory would increase the 1989 deficit by amount of the outlays associated with the advances.

The issue of treatment of advance appropriations has already been addressed in the protocol established in the Budget Summit. The CBO and OMB scorekeeping rules for the summit—which were circulated for both the Budget and Appropriations Committees for review—contained a rule regarding advance appropriations. The rule stated that "advance appropriations of budget authority will be counted as new budget authority for the fiscal year in which they become newly available." Based on this agreement, both CBO and the Administration included the full amount of advance appropriations in their estimates of spending under the summit cap on discretionary programs for 1989.

Another reason that the Senate treatment has been adopted has to do with preserving budgetary control. If advance appropriations are treated as mandatory items, then there will be a trend toward making as many advance appropriations as possible. The more appropriations made in advance, the more spending outside the discretionary spending limits set in the Budget Resolutions—and the higher the deficit. By allowing advance appropriations outside these limits, Congress would be severely weakening the limits' effectiveness—thus further eroding budgetary control.

The scoring of advance appropriations within the domestic discretionary caps is not a new issue for the Senate. In fact, this topic was the subject of a colloquy between myself and Senator Inouye, Chairman of the Foreign Operations Subcommittee. In that colloquy, Senator Inouye and I agreed that advance appropriations made in 1988 for 1989 would be scored as discretionary items and included under the cap. As the Senate and House adopt this budget resolution, incorporating the Senate position on this issue, the question of scoring advance appropriations should now be completely resolved.

REIMBURSEMENTS FOR NET REALIZED LOSSES

The Farmers Home Administration (FmHA), the Federal Housing Administration (FHA) and the Rural Electrification Administration receive annual appropriations which provide for the reimbursement of past losses. These amounts are based upon the most recently available audits of the funds, which constitute estimates of the funds' activities two years ago. These losses do not follow a consistent pattern, but rather fluctuate widely from year to year based upon loan defaults, interest losses, prepayments and loan asset sales. If insufficient appropriations are enacted, these programs have access to permanent borrowing authority.

Last fall, when the budget summit established the 1989 discretionary spending caps, these programs were estimated to require $7.3 billion in budget authority and $0.2 billion in outlays. However, when CBO reestimated its 1989 baseline in February, the requirements of these programs increased by $2.2 billion in budget authority and $0.3 billion in outlays. Since the Appropriations Committee has no control over these increased expenditures, a decision was made in the Senate Resolution to hold the Appropriations Committee harmless for baseline increases over the 1989 cap. However, if insufficient funds are appropriated, the Appropriation bills will be charged with additional amounts up to the levels assumed in the Budget Resolution.

The House Resolution contained amounts for these programs which were $1.7 billion below the Senate. The Conference agreement adopts the Senate position with a slight modification for FHA programs.

For purposes of determining compliance with the discretionary cap, appropriations to reimburse losses for the FmHA funds—the agricultural credit insurance fund, the rural housing insurance fund, the rural electrification fund and the rural development insurance fund—will be scored at the level estimated by CBO when the cap was calculated. Appropriations to reimburse losses for the FHA fund will be scored at the CBO baseline level, which is lower than the amount estimated when the caps were calculated. The Conferees urge the Appropriation Committees to fully fund these reimbursements since they are necessary to replenish the funds and Appropriations will not be penalized for additional expenditures beyond those estimated in the development of the cap.

CONSERVATION RESERVE

The Conservation Reserve is also a dual-funded program which is financed through both appropriations and Payment-in-Kind (PIK) certificates. At the time the discretionary caps were created, the budget estimate for this program was $0.6 billion in budget authority and outlays. Even at this point, however, it was widely recognized that the program would result in additional outlays in 1989. Due in part to these revised estimates and anticipated increases in other programs, an overall outlay adjustment of $2.7 billion was made to the 1989 discretionary cap.

The Conference agreement assumes that $0.6 in budget authority and $1.1 billion in outlays will be appropriated under the discretionary cap. Additional amounts up to the President's request of $1.9 billion in budget authority and $2.0 billion in outlays will be treated as mandatory for purposes of scoring appropriation bills under the Budget Act.

Maximum appropriation levels are assumed in the Budget Resolution because cash payments are more efficient than PIK certificates. CBO estimates that PIK certificates carry an 11 percent premium relative to cash payments as the result of higher transaction costs.

MEETING THE 1989 DEFICIT TARGET CONFERENCE AGREEMENT

[In billions of dollars]

	Deficit	Revenues	Outlays
GRH Baseline deficit (CBO)	177.057	954.250	1,131.307
Deficit reduction policies:			
Discretionary spending caps: (Relative to CBO):			
Defense	−1.376		−1.376
International affairs	−.399		−.399
Domestic discretionary	−1.176		−1.176
Subtotal, discretionary savings	−2.951		−2.951
1989 Asset sales and prepayments	−4.200		−4.200
1989 Asset sales enacted in 1988	−2.300		−2.300
Entitlement spending:			
Nutrition assistance and medicaid	.400		.400
VA	.008		.008
Revenues	.350	−0.350	
Technical offsets	1.113		1.113
Debt service	−.187		−.187
Total, deficit reduction	−7.767	−.350	−8.117
Differences between CBO and OMB baselines economic and technical	−33.990	10.500	−23.490
Budget resolution deficit	135.300	964.400	1,099.700
GRH target deficit	136.00		
GRH sequestration deficit	141.800		
GRH sequestration threshold	146.00		

BUDGET RESOLUTION CONFERENCE FUNCTION TOTALS

[In billions of dollars]

	House	Senate	Final compromise
FUNCTION 050			
Total:			
Budget authority	299.500	299.500	299.500
Outlays	294.000	294.000	294.000
Budget authority	0.000	0.000	0.000
Outlays	0.000	0.000	0.000
Budget authority	0.000	0.000	0.000
Outlays	0.000	0.000	0.000
Budget authority	299.500	299.500	299.500
Outlays	294.000	294.000	294.000
FUNCTION 150			
Discretionary:			
Budget authority	18.147	18.142	18.142
Outlays	16.105	16.131	16.131
Net losses:			
Budget authority	0.000	0.000	0.000
Outlays	0.000	0.000	0.000
Mandatory:			
Budget authority	−1.547	−1.542	−1.542
Outlays	0.095	0.069	0.069
Total:			
Budget authority	16.600	16.600	16.600
Outlays	16.200	16.200	16.200
FUNCTION 250			
Discretionary:			
Budget authority	12.434	13.353	13.000
Outlays	12.184	12.955	12.600
Net losses:			
Budget authority	0.000	0.000	0.000
Outlays	0.000	0.000	0.000
Mandatory:			
Budget authority	0.016	0.047	0.000
Outlays	0.016	0.045	0.000
Total:			
Budget authority	12.450	13.400	13.000
Outlays	12.200	13.000	12.600
FUNCTION 270			
Discretionary:			
Budget authority	5.271	5.851	5.705
Outlays	6.080	5.903	6.100
Net losses:			
Budget authority	0.341	0.022	0.022
Outlays	0.341	0.022	0.022
Mandatory:			
Budget authority	−0.812	−0.973	−0.927
Outlays	−2.071	−1.725	−1.722
Total:			
Budget authority	4.800	4.900	4.800
Outlays	4.350	4.200	4.400
FUNCTION 300			
Discretionary:			
Budget authority	16.044	15.876	15.785
Outlays	16.508	16.270	16.270
Net losses:			
Budget authority	1.129	0.572	0.572
Outlays	1.253	0.572	1.086
Mandatory:			
Budget authority	−2.123	−1.848	−0.557
Outlays	−2.161	−1.942	−1.056
Total:			
Budget authority	15.050	14.600	15.800
Outlays	15.600	14.900	16.300
FUNCTION 350			
Discretionary:			
Budget authority	2.268	2.151	2.149
Outlays	2.264	2.278	2.278
Net losses:			
Budget authority	2.487	3.423	3.423
Outlays	0.000	0.000	0.000
Mandatory:			
Budget authority	21.645	21.426	19.928
Outlays	20.136	20.922	19.322
Total:			
Budget authority	26.400	27.000	25.500
Outlays	22.400	23.200	21.600
FUNCTION 370			
Discretionary:			
Budget authority	2.954	2.602	2.700
Outlays	3.025	2.674	2.893
Net losses:			
Budget authority	2.334	3.175	2.805
Outlays	0.189	0.206	0.206
Mandatory:			
Budget authority	8.462	7.723	8.095
Outlays	6.186	6.220	6.201
Total:			
Budget authority	13.750	13.500	13.600
Outlays	9.400	9.100	9.300
FUNCTION 400			
Discretionary:			
Budget authority	11.498	11.376	11.139
Outlays	27.448	27.833	27.361
Net losses:			
Budget authority	0.000	0.000	0.000
Outlays	0.000	0.000	0.000
Mandatory:			
Budget authority	17.452	17.024	17.461
Outlays	0.502	0.067	0.539
Total:			
Budget authority	28.950	28.400	28.600
Outlays	27.950	27.900	27.900
FUNCTION 450			
Discretionary:			
Budget authority	5.415	4.979	5.150
Outlays	5.831	5.686	5.809
Net losses:			
Budget authority	0.578	0.689	0.689
Outlays	0.000	0.000	0.000
Mandatory:			
Budget authority	1.557	1.432	1.461
Outlays	0.769	0.814	0.791
Total:			
Budget authority	7.550	7.100	7.300
Outlays	6.600	6.500	6.600
FUNCTION 500			
Discretionary:			
Budget authority	27.689	26.655	27.276

BUDGET RESOLUTION CONFERENCE FUNCTION TOTALS—Continued

[In billions of dollars]

	House	Senate	Final compromise
Outlays	26.554	26.454	26.500
Past losses:			
Budget authority	0.000	0.000	0.000
Outlays	0.000	0.000	0.000
Mandatory:			
Budget authority	9.861	9.945	9.924
Outlays	8.896	8.846	8.900
Total:			
Budget authority	37.550	36.600	37.200
Outlays	35.450	35.300	35.400
FUNCTION 550			
Discretionary:			
Budget authority	13.492	13.552	13.447
Outlays	13.107	13.159	13.147
Past losses:			
Budget authority	0.000	0.000	0.000
Outlays	0.000	0.000	0.000
Mandatory:			
Budget authority	36.158	36.348	36.353
Outlays	35.593	35.741	35.753
Total:			
Budget authority	49.650	49.900	49.800
Outlays	48.700	48.900	48.900
FUNCTION 570			
Discretionary:			
Budget authority	0.023	0.000	0.000
Outlays	2.109	2.122	2.115
Past losses:			
Budget authority	0.000	0.000	0.000
Outlays	0.000	0.000	0.000
Mandatory:			
Budget authority	103.727	103.700	103.700
Outlays	84.741	84.778	84.785
Total:			
Budget authority	103.750	103.700	103.700
Outlays	86.850	86.900	86.900
FUNCTION 600			
Discretionary:			
Budget authority	14.964	14.112	14.605
Outlays	20.887	21.006	21.006
Past losses:			
Budget authority	0.000	0.000	0.000
Outlays	0.000	0.000	0.000
Mandatory:			
Budget authority	161.636	162.088	161.895
Outlays	116.813	117.294	117.094
Entitlement increases:			
Budget authority	0.000	0.500	0.275
Outlays	0.000	0.500	0.275
Total:			
Budget authority	176.600	176.200	176.500
Outlays	137.700	138.300	138.100
FUNCTION 650			
Discretionary:			
Budget authority	−0.013	0.000	0.000
Outlays	2.040	2.158	2.158
Past losses:			
Budget authority	0.000	0.000	0.000
Outlays	0.000	0.000	0.000
Mandatory:			
Budget authority	278.113	278.100	278.100
Outlays	231.360	231.342	231.342
Total:			
Budget authority	278.100	278.100	278.100
Outlays	233.400	233.500	233.500
FUNCTION 700			
Discretionary:			
Budget authority	12.006	12.091	12.091
Outlays	12.004	12.130	12.130
Past losses:			
Budget authority	0.000	0.000	0.000
Outlays	0.000	0.000	0.000
Mandatory:			
Budget authority	16.694	16.709	16.709
Outlays	16.246	16.270	16.270
Entitlement increases:			
Budget authority	0.000	0.008	0.008
Outlays	0.000	0.008	0.008
Total:			
Budget authority	28.700	28.800	28.800
Outlays	28.250	28.400	28.400
FUNCTION 750			
Discretionary:			
Budget authority	9.279	9.409	9.326
Outlays	8.990	9.414	9.161
Past losses:			
Budget authority	0.000	0.000	0.000
Outlays	0.000	0.000	0.000
Mandatory:			
Budget authority	−0.429	−0.409	−0.426
Outlays	−0.440	−0.414	−0.461
Total:			
Budget authority	8.850	9.000	8.900
Outlays	8.550	9.000	8.700
FUNCTION 800			
Discretionary:			
Budget authority	8.379	8.325	8.216
Outlays	8.259	8.451	8.358
Past losses:			
Budget authority	0.000	0.000	0.000
Outlays	0.000	0.000	0.000
Mandatory:			
Budget authority	1.271	1.200	1.284
Outlays	1.091	0.974	1.042
Total:			
Budget authority	9.650	9.525	9.500
Outlays	9.350	9.425	9.400
FUNCTION 900			
Discretionary:			
Budget authority	0.000	0.000	0.000
Outlays	0.000	0.000	0.000
Past losses:			
Budget authority	0.000	0.000	0.000
Outlays	0.000	0.000	0.000
Mandatory:			
Budget authority	151.950	151.900	152.000
Outlays	151.950	151.900	152.000
Total:			
Budget authority	151.950	151.900	152.000
Outlays	151.950	151.900	152.000
FUNCTION 920			
Discretionary:			
Budget authority	0.000	−0.125	0.000
Outlays	0.000	−0.125	0.000
Past losses:			
Budget authority	0.000	0.000	0.000
Outlays	0.000	0.000	0.000
Mandatory:			
Budget authority	0.000	0.000	0.000
Outlays	0.000	0.000	0.000
Total:			
Budget authority	0.000	−0.125	0.000
Outlays	0.000	−0.125	0.000
FUNCTION 950			
Discretionary:			
Budget authority	−0.450	0.000	0.000
Outlays	0.000	0.000	0.000
Past losses:			
Budget authority	0.000	0.000	0.000
Outlays	0.000	0.000	0.000
Mandatory:			
Budget authority	−37.300	−37.600	−37.500
Outlays	−50.700	−49.900	−50.500
Entitlement increases:			
Budget authority	0.100	0.000	0.125
Outlays	0.100	0.000	0.125
Asset sales:			
Budget authority	0.000	0.000	0.000
Outlays	−4.600	−3.500	−4.200
Total:			
Budget authority	−37.750	−37.600	−37.500
Outlays	−50.700	−49.900	−50.500
TOTALS			
Discretionary:			
Budget authority	458.900	457.849	458.231
Outlays	477.395	478.499	478.017
Past losses:			
Budget authority	6.869	7.881	7.511
Outlays	1.783	0.800	1.314
Mandatory:			
Budget authority	766.331	765.270	765.958
Outlays	618.115	621.301	620.369
Total:			
Budget authority	1232.100	1231.000	1231.700
Outlays	1098.200	1100.600	1099.700
DOMESTIC DISCRETIONARY			
Discretionary:			
Budget authority	141.253	140.207	140.589
Outlays	167.290	168.368	167.886
Past losses:			
Budget authority	6.869	7.881	7.511
Outlays	1.783	0.800	1.314
Total:			
Budget authority	148.122	148.088	148.100
Outlays	169.073	169.168	169.200
Discretionary caps:			
Budget authority	148.100	148.100	148.100
Outlays	169.200	169.200	169.200
Difference:			
Budget authority	0.022	−0.012	0.000
Outlays	−0.127	−0.032	0.000

Prepared by Senate Budget Committee Staff.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, how much time does the Senator from New Mexico have?

The PRESIDING OFFICER. Twenty-six minutes.

Mr. DOMENICI. I thank the Chair and yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 10 minutes.

Mr. DOMENICI. Mr. President, first, I want to congratulate Chairman CHILES for bringing this resolution to completion. I do not think I need to compliment him again here on the floor because I did so when we agreed to this resolution. I believe he and the Senate already know of my great admiration and respect and love for him. But, frankly, I want to do it just one more time. He will be leaving the Senate.

Senator CHILES has indicated that he has been concerned over the past years about the impact of the deficit on the future of the United States and has indicated to us today that he was genuinely concerned about the continuing chasm between the administration and the Congress. He stated his participation in trying to get the administration and the Congress to work together in a meaningful way, and I think he has understated his involvement. I think he had a great impact on causing that to happen.

All of that clearly, from this Senator's standpoint, inures to his enduring legacy here in the U.S. Senate and, once again, I compliment him as a friend of fiscal responsibility and of the budget process.

Mr. President, this resolution was dictated by events that preceded it months ago, namely:

Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, better known as Gramm-Rudman-Hollings II, as amended last September. This legislation set the target for fiscal year 1989 at $136 billion, and for all practical purposes, made the administration's economic forecasts the operative ones for congressional deliberations.

Bipartisan budget agreement, as outlined by the bicameral leadership and the President last November.

And the Omnibus Budget Reconciliation Act of 1987, that we adopted in late December that: First, set in statute the 1989 spending caps of the bipartisan budget agreement; second, put in place a supermajority point of order against this budget resolution if it did not comply with these defense and domestic spending caps, and; third, committed Congress to pass legislation sufficient to achieve the budget summit agreement of $3.5 billion of asset sales in fiscal year 1989.

Those who have and will criticize this budget resolution conference agreement, would be well advised to rethink the focus of their concerns, away from the events of this spring to these other events of last fall and winter.

As an active participant in all the activities of last fall and winter, I can assure you, Mr. President and my fellow Senators, I would have preferred more in the way of deficit reduction than we were able to achieve from those endless deliberations. I, therefore, would have preferred more in the way of deficit reduction than is specified in this conference agreement.

But this is what is before the Senate today, and I can equally assure my fellow Senators that the opportunity for doing more in the way of deficit reduction will be before us another day, not too far in the future.

In this resolution, spending will increase by zero real rate. Before that day rolls around again we possibly can take some small solace in the fact that this resolution, if fully implemented and adhered to in this an election year, will translate into an annual spending increase of less than 4 percent, almost identical to the projected increase in inflation, therefore a zero real rate of increase. Putting this figure in perspective, when this administration came into office nearly 8 years ago now, spending was increasing at a remarkable 17 percent annual rate, and a real increase of nearly 8 percent.

The job now before the Congress and the administration is to get on with the appropriations bills and implement this general blueprint in a timely fashion.

In this resolution allocations will be set by appropriations process. As it relates to the appropriations process, implied within this resolution is a mix of spending priorities for the domestic disretionary accounts. In the end that decision lies within the jurisdiction of the Appropriations Committees, and indeed the Senate Appropriations Committee has already acted on how it would distribute that pot of money, and the House has already passed four appropriations bills and reported eight other bills.

This resolution has a different ideal on how that domestic discretionary money should be distributed from what the appropriators have already decided.

The adoption of this resolution today is more a statement of the aggregate figures for defense, international affairs, and domestic discretionary spending that it is about the particulars of how the Appropriations Committee should fund specific programs.

The day may come when the specific assumptions of the budget resolution are binding on the Appropriations Committees, and in 1986 the Appropriations Committeee chose to adopt the budget resolutions assumptions, but quite frankly that is a major decision that cannot be made lightly and would in the end, I believe, require a fundamental rethinking of not only the budget process but the other two participants in setting fiscal policy on Capitol Hill—the appropriators and authorizers.

Mr. President, there is a lesson to be learned in this resolution with respect to the funding of discretionary programs. Had it not been for the specific spending limits placed on defense and international affairs in the summit agreement of last fall, the pressure on all of us to spend more money for popular domestic programs would surely have resulted in another round of taking it away from defense and foreign affairs programs to fund domestic programs.

Since that opportunity did not exist this year, most of the substantive debate centered around the arcane subject of "scorekeeping." Translated to say, how can I spend more money than the spending caps say is allowed without counting that money toward those caps.

In the end, we may have ended up assuming nearly $1.6 billion more in spending than the President's scorecard would have permitted to be counted toward the summit agreement's domestic discretionary caps.

Maybe there was no way, with the complexities of special accounts in the budget, that this scorekeeping debate could have been avoided, but my sense is that it would have been easier to have taken $1.6 billion in outlays out of defense and international affairs, as we have done in the past.

The lesson to be learned is the real need to establish separate binding allocations for defense, foreign assistance and nondefense discretionary programs in any future budget resolutions.

This is not just a technical budget issue, it is a critical policy issue. A statement from the Johns Hopkins Foreign Policy Institute issued last week, endorsed by no less than Felix Rohatyn, James Schlesinger, Paul Volcker, Alice Rivlin, among others, stated:

> Despite its intrinsic unpopularity, foreign assistance is in the national security interest of the United States. While such programs should be no less rigorously scrutinized than any other program, the lack of domestic constituency for almost all of them imposes a special obligation on the President and the Congress to ensure that they receive sufficient funding.

WILL THIS RESOLUTION LEAD TO A SEQUESTER?

Finally, some will say that this resolution does not reduce the deficit enough, and therefore will result in a sequester this fall.

Let me remind the Senate that this resolution was based on identical economic assumptions used in the President's budget he submitted last February to the Congress. Those assumptions do not look nearly as bad as some claimed at the time the President made them. In fact, it can even be argued that they were too pessimistic as they related to employment and growth. Interest rates may be slightly higher at this point than was projected in February, but the net effect of these variables on the deficit projection will have to wait the President's midsession report due in the middle of July.

So this resolution will not produce a sequester anymore than would the President's budget on the basis of his same economic assumptions. If the economic assumptions change, the numbers may change. But that is entirely within the power of the administration to determine since it is their forecasts that will be used to determine if a sequester is in order.

There may be other unanticipated spending increases that might be projected to take place next year that were not assumed in either this resolution or the President's budget submission, such as the concern being expressed over draw downs from the insurance funds for the thrifts and banks of this country.

But again, that is not a new policy assumed in this resolution and it merely follows administration's projections of last winter.

And here again, this is a very uncertain spending estimate and a policy that the administration has some discretion over, albeit not totally discretionary. The administration will determine if this spending is required, and therefore whether it will contribute to a sequester.

Finally, where there is increased spending assumed in this resolution for food and hunger assistance to the tune of about $300 million next year, Congress must enact this legislation and by the time the legislation is ready for conference, I am confident that we will know if its enactment will tip the scales toward a sequester, in which case we can find ways to make it deficit neutral or the administration would probably be forced into vetoing the legislation.

All other major legislation assumed in this blueprint, whether it be for the catastrophic health care bill we will shortly consider, welfare reform, or additional funding for antidrug activities, will be required to be deficit neutral; therefore, not adding to the sequester estimate this August.

As I review the situation, there is one possibility of a sequester estimate in August, and that stems not from congressional action but, rather, from congressional inaction. And that is that if we do not enact and have signed into law the appropriations bills following the spending caps of the summit and this resolution, then there is a possibility that the failure to achieve the same $3 billion in savings that would come from that inaction, could tip the scales into the sequester column on August 15. But then that will just intensify our need to complete the final bills when we return after Labor Day.

So I conclude that a sequester could be in the cards, but not because of what is in this resolution. It will be as a result of our failure to get on with the business at hand and adopt individual appropriation bills the President can sign, or because of events almost completely within the administration's control.

In summary, Mr. President, this resolution, as my friend, the chairman, has indicated, was dictated by prior events. I believe some tend to forget how important those prior events were and how significant a precedent was achieved in the economic summit. While we both, the chairman and I as the minority ranking member, would probably join in an echo, we would be speaking exactly the same language in saying we wish it would have yielded much more. The truth of the matter is the economic summit conference was a historic event in American politics. The President sent three representatives in an ad hoc way to negotiate with the Congress. The Senate sent Members with no authority—no power other than their leadership roles in this institution. The House did likewise. Then however many days later we reached an agreement and that agreement again carried no legislative weight at that point. It had none of the committees of jurisdiction signing on to it by way of voting. Yet from it came declarations of commitment at the White House and both institutions. That declaration found itself encapsulated in an omnibus reconciliation bill last year which set the budget policies for fiscal 1988 and set forth for this year three very important numbers.

First, this agreement set forth the total amount of budget authority and outlays to be spent on defense. This was a binding number which required that if you did not spend money there, you could not spend it anywhere else. Essentially the levels of defense budget authority and outlays became both a floor and a ceiling;

The second important number was the total amount of budget authority and outlays for foreign assistance. There again the same stipulation found itself recorded in a law signed by the President. This stipulation required that if you were going to breach those levels, a supermajority in the House of Representatives and Senate would be required to change those levels.

The third number was the cumulative total of budget authority and outlays for the discretionary appropriated accounts for 1989.

Let me say as an aside, in spite of that, there remains some very difficult scorekeeping issues. These issues have caused us to remain outside of this Chamber in conference for what may have seemed to some to be an inordinately long period of time. Nonetheless, whoever voted in this Senate for the Senate budget resolution, I believe, should vote for this resolution now because it does anticipate for the year 1989 as much as $900 million less in outlays than might have been spent in the resolution that passed in the Senate.

So I think, this resolution is quite an achievement when you realize that the entire growth in the total of expenditures for your National Government in an election year will be zero in real terms. Yes, we will essentially increase the total accounts of our Government, including defense, foreign assistance, and all of domestic by an amount just about equal to inflation. I might remind Senators that while that might not seem like any significant achievement, we can go back just 8 years to the first budget when President Reagan took office and the nominal growth was 17 percent and the real growth was 8. When you are down to zero as compared to 8 percent real growth, I believe you are on a new path. You have at least begun to recognize that, as difficult as it is even in an election year, you can put a responsible fiscal plan before the Congress if as a matter of fact the leadership sets the goals and the targets in advance.

That is what I envisioned the budget process as having achieved in the past. This year the novelty, which I think everyone ought to seriously consider in the future, is that we established three firm categories of expenditures that took on their own kind of life and remain contained within themselves: defense, foreign assistance, and domestic discretionary spending. In fact, it may be a glimpse of how the budget process may work in the future. Of course, there is less detail because the appropriators have the final decision as to how to shift funding among priorities. This year they have already performed that role. Everyone should know that they already have allocated the money in the domestic accounts. They are going to reach the totals that we set, but they clearly have followed in a number of instances different priority paths from both the President and this budget resolution in terms of how much of this total pot of domestic they are going to spend in each of the domestic functions, be it energy and water, be it labor, health and human services, be it transportation, be it justice, and others.

One last comment. When the President submitted his budget and indicated that it would meet the Gramm-Rudman-Hollings targets for 1989, we went through at least a couple of weeks of the usual discussion of whether that budget was realistic or not. Most of that discussion was based upon whether economic assumptions have been too optimistic. We chose, after long deliberations, as did the House, to accept the President's economic assumptions rather then those of the Congressional Budget Office.

I might report to the Senate that I believe the Congressional Budget Office, as I said in the early hearings, was extremely pessimistic based upon Black Monday, which my good friend, the chairman, has alluded to as the event which precipitated the economic summit conference. I believe there was great pessimism around as to how pervasive that series of events on Wall Street would be on this year's economic growth. It turns out, at least this Senator believes, that we were justified in accepting more optimistic economic assumptions, those submitted to us by the President rather than those submitted to us by the Congressional Budget Office.

If in no other areas other than growth in our GNP, the real growth in the first quarter, CBO had estimated at 0.3, three-tenths of a percent. It turns out that it is actually 3.9 percent. The first budget resolution assumed 2.5 percent, for the first quarter.

I ask unanimous consent to have printed in the RECORD a comparison of the Congressional Budget Office recommendations, the President's and those that we assumed in this budget. I believe the assumptions we adopted in this budget are realistic. I can say I believe that unless there are untoward circumstances not contemplated by most at this point in time either by way of economic downturns or by way of mandatory expenditures—we will reach the Gramm-Rudman-Hollings totals and avoid a sequester come August if the appropriated bills meet the targets laid out in this budget when they finally come out of conference and before they are presented to the President.

There being no objection, the comparison was ordered to be printed in the RECORD, as follows:

1988

	Calendar year		
	CBO	FBR	Actual
Real growth	2.3	2.9	3 to 3.5.
Unemployment rate	6.2	5.9	5.6 (June).
Interest rates:			
3 mo	6.2	5.3	6.2 (current).
10 yr	9.3	8.0	9.1 (current).

Mr. DOMENICI. Having said that, there are a few other things I believe we should know. For those who are interested in supplemental programs on drugs and drug prevention in these United States, we have left room, using the Senate's approach, for a trust fund off budget awaiting adequate financing. If financed such that it turns out to be budget neutral, we will make the adjustments in the resolution to accommodate to the omnibus drug provisions that were contained in the Senate-passed resolution. Whether we do that or not will obviously be up to a further accommodation between the Congress and the President of the United States.

Again, Mr. President, I compliment and thank my good friend, the chairman of the committee, for his work.

Last, let me suggest that the economic summit conference, for all of the negatives that came out of it, was an extremely positive event in our economic history not only because of the precedent that it sets but also because it gave us a glimpse of how we might budget in the future. We might well learn from that session a few lessons. First, perhaps we need less detail in budget resolutions. Second, the lesson may be that we ought to establish some firm categories of expenditures such as defense, foreign assistance, and domestic appropriated accounts. Maybe we ought to increase that to five different categories but firmly set those in a binding manner in the budget resolutions of the future.

That obviously is a very different approach than anything we have done in the past. I believe it has really worked this year and may well point the way to budgeting, appropriating, and authorizing in the future.

Mr. President, I ask unanimous consent that the Washington Post editorial with reference to this resolution be made a part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 31, 1988]

THE BUDGET RESOLUTION

Finally, there is a congressional budget. House-Senate conferees, having taken six weeks to do what they should have done in about two days, agreed on a budget resolution for fiscal 1989. The House promptly passed it 201 to 181, the Republicans hanging back; their main goal as to current fiscal policy continues to be to keep their fingerprints off it. The Senate is to vote on the resolution next week.

The budget committees' problem this year was not that they had too much to do but in a way too little. Their principal function of drawing up a broad budget outline had already been performed in the summit agreement between the president and leadership of both parties last November. They were left with smaller decisions to make—how much for the various functions of space or housing or education—which have always verged on the territory of the appropriations committees anyway. The appropriators began to go ahead without them. Instead of leading, the budget process lagged.

The disenchantment with it has been all the greater because almost everyone agrees the budget estimates are phony—not just fluffed up a little in the way you might expect in an election year, but downright false. Congress wittingly adopted White House economic and other budget assumptions that make the deficit billions of dollars lower on paper than most people think it will be in fact. Now budget director James Miller, who concocted the assumptions, has begun to play what amounts to a game with the game. Interest rates and bailout costs for failed financial institutions may both be higher than earlier anticipated, he has recently been heard to say. Anticipated by whom? If the interest and bailout estimates are raised this summer, Congress will be in a position of having either to confess to a higher deficit or to make further budget cuts that the earlier estimates allowed Mr. Miller to evade. Pretty nifty, huh?

Everyone is put off by this; some would junk the budget process. They say it has become a joke and muddies the water it was meant to clear. We don't think so; we remember a day when the entire congressional budget was a few numbers on the back of an envelope in the appropriations chairman's pocket, when neither Congress nor anyone else had any idea what it was doing to fiscal policy from year to year. But the process, to work, needs to be adhered to. We say again: the failures in this and other recent years were not a matter of procedure, but of leadership, discipline and political will.

Mr. DOMENICI. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum and ask that the time be charged equally.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ARMSTRONG. Mr. President, I have just returned from a week at home, where I have had the opportunity to meet with a number of my constituents and to enjoy a time of arduous physical activity, but a time to be refreshed by being gone from the Capitol and to look at the great affairs of state from a distance, and to look up at the mountains and be out under the blue skies.

Now I come back, and, honest to Pete, we are right back where we started, with this concurrent resolution on the budget.

It is hard to get back into the spirit; hard to sum up, after a wonderful week at home, the tone of alarm which is so amply justified by the substance of this. I came back to work feeling good, with a charitable spirit toward my fellow man, with a sense of friendship for my colleagues, and the first darn thing I find on my desk is the conference report on the budget, which is enough to turn anybody's disposition in the wrong direction, even the indefatigably cheerful Senator from New Mexico, my friend PETE DOMENICI, who is on the floor, and who is about to make an observation of some significance, I judge.

Mr. DOMENICI. I was going to ask my friend, with his great ability to coin expressions, whether he could find an expression other than "honest to Pete." He might think about that, in deference to our friendship.

Mr. ARMSTRONG. Mr. President, the Senator's point is well taken, and I shall reflect on that matter.

Seriously, Mr. President, there is much about this budget resolution which I do find profoundly disappointing, not the least of which is the realization that it has been brought to us under the management of two of the most capable Members of the Senate, two men I have worked with closely and admire greatly—the Senator from Florida and the Senator from New Mexico. While we have not always agreed on the spending priorities reflected in the budget resolution, I am confident and have no doubt whatsoever that both men, who are leaders of the party in this Chamber, are as completely devoted as I am to getting Federal spending to match up with revenues. There might be some difference of opinion among the three of us about how to do so, but there is no doubt in my mind that that is their earnest desire.

The fact that that is the case redoubles my concern at the outset; because if this is the best we can do, with a conservative, hardnosed, budget-balancing President of the United States, with dedicated leadership on the Budget Committee, to come up, in the final analysis, with a product like this, it is a source of very great concern.

I am not quite sure what I want to say about this. I have a few specifics I want to raise, but I would like to be on guard against crying "Wolf!" too loud; because I have stood in this Chamber every year for the last 7 or 8 years about this time, when the concurrent resolution on the budget has come up for approval, and have cried "Wolf!";

and I think events have proved in general that my concern is correct, and yet the sky has not fallen.

There is still a healthy economy out there. Unemployment, though it has gone up a little, is not as bad as a few years ago. Still, the worst fears many of us have expressed have not yet occurred. Is this a sign that it does not matter what the size of the budget deficit is? I do not think so. I think it is easy to look back to the recent economic history of our country and see why we have been able to maintain massive deficits.

What worries me is that we are not only realizing these enormous deficits under budget balancing leadership in the Senate and in the White House but also at a time of unparalleled prosperity. In traditional theory, the budget deficit should occur in that part of the economic cycle when things are soft, when business is slowing down, when tax collections are falling, when unemployment is rising. We have had massive deficits during 6 years of the longest peacetime economic expansion which has ever been experienced in this country. In two centuries, we have never had in peacetime an economic expansion such as the one we have just been through.

That is the context in which I have read the report of the concurrent budget resolution; and I do find it, even though I am reluctantly to say so, an object of concern and alarm. Here is what we are doing: We are just putting the whole problem off until after the election.

We do not know who will be in the White House next year, whether it will be GEORGE BUSH or Mike Dukakis. Whoever it is, the morning after the election, he will wake up to the realization that we have left him a surprise package of unpleasant consequences.

Here is where we are so far the budget report is concerned. First, we assume a starting budget deficit of $141 billion. We get to $141 billion instead of the higher figure we started out the year with by taking the OMB assumptions about the future of the economy rather than the CBO assumptions. It may turn out that OMB will be correct; but, year after year, we have steadfastly used the CBO economic assumptions, until it became convenient on this occasion to switch to the OMB assumptions. Maybe it will turn out to be right; maybe it will not; but, in any case, it is certainly a convenient coincidence.

Second, this concurrent budget resolution conference report assumes implementation of the second year of the budget summit agreement, and that is the main justification advanced to say why this is all right to do. It is like saying a person meets the sobriety test of the town drunk.

That budget summit conference, in my opinion, was the greatest shell game I have ever seen in the 10 years I have been in the Senate. We went into that summit conference last fall with the notion that we could not permit the automatic reductions under Gramm-Rudman-Hollings, reductions which the Senate had overwhelmingly voted to make if we failed to meet the agreed-upon budget targets. But instead of implementing those budget cuts, the summit conference did nothing to implement it but made cosmetic changes.

Mr. President, I should like to speak briefly to the details of this budget conference report and make the following points.

First, the conference report proposes no appreciable deficit reduction. It starts by making assumptions to reduce the proposed amount of the deficit.

Second, there is, once again, not a new feature in this year's budget but a continuation of a reprehensible tradition in this body of the magic asterisk, or what someone has called the golden gimmick. That is where we just do something even though it does not have the real effect it purports to have, and we know it does not, but is scored that way.

In this case, there is a $4.2 billion asterisk for the sale of assets. By any commonsense, reasonable definition, that is not a reduction in Federal spending but is scored that way under the unique processes of the Federal budget. Having sold assets and made some friendly assumptions about the economic trends and how they will play out in terms of interest rates and demands on our entitlement programs, even so, we do not take into account proposed spending for some new and popular programs which have been enacted this year.

There are three major spending initiatives which are on the verge of approval by Congress which are not even contained in this budget resolution. One is the so-called Medicare catastrophic insurance bill, a $31 billion item; welfare reform, as it is called, $3 billion; and the new antidrug initiative for $1.4 billion.

Now, I do not know what the fate of these bills will finally be, but Senators will recall that they were exempted, in effect, from the budget process by the device of appropriating out of reserve funds; that is to say, when the time comes, they will be made budget neutral. Now that is simply an initiation to a tax increase of some kind to be attached to each of those items.

So that is the overall approach, Mr. President. First, make rosy assumptions about the economy, assumptions which may prove to be accurate. Honestly, I do not think they will be, but I recognize that it could happen, that OMB will approve $35 billion closer to the mark than does the CBO. Second, sell off some assets; and, third, fund new initiatives by the simple expedient of saying they will be made deficit neutral by adding to them the appropriate revenue measure.

Speaking of revenues, Mr. President, the conference report projects a revenue increase of some $55 billion next year, from $909 billion in fiscal year 1988 to $964 billion in fiscal year 1989. Over 3 years, there is a projected increase of $214 billion in tax revenues.

Now, during this same period of time, we are talking about a deficit reduction of $8.7 billion. So somebody might wonder what has happened to the $200 billion difference; how come, if revenues are going up $214 billion and we are only getting an $8 billion deficit reduction, what happen to the other $200 billion? And the answer is obvious. That is the estimated value, the projected value, of increased spending over the next 3 years.

So this bill will set a new record for spending in every year into the future. It does not really solve the budget deficit, in my opinion, unless one assumes extraordinarily optimistic assumptions about the future of the economy and unless one is prepared to believe that asset sales are a proper way of funding budget deficit reduction. And then, even having done all that, if all of that comes true and if the economy continues to hold up, if we go into the 7th year and the 8th year of economic expansion—which could happen, it is not impossible, but I do not know too many people that think it is likely to go indefinitely—but under all the most optimistic assumptions, after taking advantage of all the golden gimmicks, all the mirrors, asset sales and so on, we still end up with a budget deficit of a very large amount.

So, Mr. President, this does not seem to me like we are really fulfilling our intended purpose. And so with regret, I am going to vote against the conference report on the budget resolution.

The **PRESIDING OFFICER.** Who yields time?

Mr. DOMENICI. Mr. President, I assume that the chairman of the committee will return to the floor and might want to use some additional time.

The **PRESIDING OFFICER.** The Senator from New Mexico has a little over 9 minutes remaining.

(Mr. HARKIN assumed the chair.)

Mr. DOMENICI. Mr. President, I would like to use my 9 minutes and when the chairman returns discuss with him whether he wants to use all of his time or whether he wants to yield some of it back. But it is my understanding that some of our Senators expect us to use all of the time and, therefore, we would not be asking for a vote on this side hopefully until 3 o'clock, so that those who expected the entire 2 hours to be used would not miss the vote.

Mr. President, my good friend from Colorado has, in his typical manner, very succinctly stated his views. I certainly do not want to take the time here now to refute the points that he has made.

But, suffice it to say, if anyone in this body assumed that the budget resolution that we are going to produce here today and hopefully pass would have reduced the deficit dramatically as compared with the economic summit conference they will be disappointed. That agreement set the standards for this year—which we voted in in an omnibus reconciliation bill. At that time, we said, "That is what we will do; we will reach the Graham-Rudman-Hollings targets for 1989." If anyone assumes we are going to do substantially more, then they ought to vote against this budget resolution and they should have voted against the Senate resolution that the Senate passed. And some did. Some Senators voted against it for whatever reason. Perhaps they thought we should do more than the summiteers had voted and that we had agreed to do, both the House and Senate and the President, in which event we failed. But I believe quite to the contrary.

I have stated my basic assumptions here that this is a good budget, that it continues a very significant downward trend in the deficit.

My friend from Colorado has alluded to asset sales as some kind of gimmick. Let me again tell the Senate, the summiteers agreed there would be asset sales. We have provided for asset sales. But we do not expect the asset sales to help us reach the Gramm-Rudman-Hollings targets because they are precluded in the accounting from helping us achieve that total. So we will reach the Gramm-Rudman-Hollings targets without those asset sales that were agreed upon.

The second point that the Senator from Colorado makes is that there is a reserve setup for a major add-on to our drug prevention program in this country. He is absolutely correct. It is a reserve. We will not spend more than is allocated in this primary budget document unless we find either offsets on the expenditure side or revenues to pay for the spending increases. Only in the event that such spending would be budget neutral would the money be allocated for expenditures in a new and enhanced drug prevention program.

That will be left up to not only the Congress but the President of the United States. Clearly, if the President does not want us to do this he can prevent us. For now, one approach to funding such a program would be by way of revenue enhancement through enforcement, by the IRS and other agencies to collect moneys due to them from various activities in the United States. If such a revenue measure or other offset is not adopted, we will not have an enhanced drug prevention program. In other words, it will either be budget neutral or we will not do it.

With reference to growth in this budget, the Senator alludes to catastrophic health insurance. He is absolutely wrong on that issue. We have provided for the funding required for catastrophic health insurance. As a matter of fact, the bill that came out of conference provides in the first year, the year we are concerned with in this budget, for funding for that program, that yields some revenues in addition to the funding costs. That will reduce the deficit in 1989 slightly and, when it occurs, we will account for it. And the deficit will be some $200 million less because in the first year catastrophic health bill yields more revenues than it spends.

I agree with him that in the outyears it may indeed cost more and indeed it may build on the deficit. But we do not have a budget process that in any way permits us to control that kind of expenditure in the outyears, that is in years beyond 1989. That will have to be taken care of as priorities are established in those years.

The same is true for the welfare reform provisions. We will either pass them consistent with the numbers in this budget resolution for the year 1989 or the bill would be subject to a point of order for exceeding the limits provided for here.

Yes, if we wanted in this year, an election year, in 1989, if we wanted to proceed substantially beyond the economic summit in deficit reduction, we could have. Neither Congress nor the President of the United States chose to do so. We made dramatic reductions in the long-term spending plans of the Defense Department. That required the total overhaul of the Defense Department in 90 short days so they could meet the targets set in the economic summit conference; not a small achievement and something that will indeed have an impact for many years to come, an impact on the side of reducing defense expenditures and reducing the expected outyear deficits attributable to that.

Some of us are concerned that such reductions might be too dramatic. But it was agreed upon in the summit and it was complied with here and will be complied with by the authorizers and appropriators, who are expert with reference to the defense authorization and expenditures.

So, overall when you conclude, we have permitted an increase of 1989 over 1988, the same as the President of the United States. Different priorities will be established, except in defense and foreign affairs where we are both bound to exactly the same size program.

In domestic, we will have different priorities, but I repeat 1989 increases will be exactly the same as laid out in the summit agreement. And I repeat, using inflation as a guideline, this will be a zero-growth budget. We will hardly grow as much as inflation.

We may have to do better in the years to come if it is our choice to more precipitously reduce the deficit without increasing taxes. Nonetheless, this has been accomplished and this is no little achievement in this Senator's opinion.

The Senator from Colorado also referred to the automatic tax increases that are because of the American economy's continued growth. But I would also add that everyone should know that over half of the tax increases or revenue increases that my friend from Colorado alluded to are attributable to Social Security and Medicare. These are automatic increases that occur because the work force is increasing and because we have increased the taxes on the working men and women and their employers and the self employed, to pay for Social Security. So it is obvious that they are going up, almost half of the total he cited. These revenues flow directly into a trust fund to pay for the increasing costs of Social Security and Medicare, which everyone knows are automatic, driven by entitlement laws and by demographics and by the cases in Medicare that we must take care of under the law.

Finally, let me suggest that the economic assumptions, contrary to what my friend from Colorado is saying, are prudent. Most indicators we are looking at in these early months seem to support our assumptions about the economy. Consequently, we think the economic assumptions are right; as right as they can be this early and this much in advance of the actual year.

Certainly they are far more correct than had we used CBO's. The Congressional Budget Office has already modified theirs because they were extremely pessimistic, as I indicated in my earlier remarks.

Having said this, let me say to the Senate, if this budget resolution is implemented and if the appropriations process can produce freestanding bills that meet these targets, and if defense and foreign assistance can be enacted at these levels, I believe we will have achieved a substantial, sound, economic package for this year.

I yield the floor.

The **PRESIDING OFFICER**. The Senator's time has expired.

Mr. **CHILES**. Mr. President, I will be happy to yield as much time as the majority leader might need.

The **PRESIDING OFFICER**. The majority leader.

Mr. BYRD. Mr. President, the budget conference report before the Senate is the result of several months of effort in determining the fiscal priorities for this country next year. That is never an easy task, given the many challenges that face us. It is made more difficult by the overall spending and revenue limits imposed by last year's budget summit agreement between the Congress and the President.

These limits will constrain our ability to respond to all needs that should be addressed. Those limits also put a premium on selecting those areas that should receive priority attention in funding. The conference report on the budget properly puts the focus on those programs that are essential for America's future competitiveness—education, research, health, and training.

Education is the real hope for this country. The People of West Virginia, for instance, place education at the top of their list of priorities, right after jobs. The budget resolution's emphasis on education is not only right for now, it is right for the future. Similarly, the focus in the budget on funding for scientific and health research is a proper priority, even in times of tight budgets.

Mr. President, the budget resolution sets these priorities within the framework of the budget summit agreement. It also achieves the deficit target of $136 billion for fiscal year 1989. I commend the work of the chairman of the Budget Committee, Mr. Chiles, and the ranking Republican, Mr. Domenici, and indeed all the conferees for their perseverance and determination to reach this conference agreement.

It would have been easy to abandon the sometimes arduous conference and simply let matters take their own course. They did not and their efforts are a testament to their concern for the budget process. With the adoption of this conference report, the way is clear for the Senate to begin work on the regular appropriations bills. It is my sincere desire that the Senate complete action on the 13 appropriations bills in a timely fashion so that they can be presented to the President. Chairman Stennis has laid out a schedule for the committee's actions that could have the first appropriations bills being reported from Committee on Appropriations within the next few days; perhaps even later this week.

Mr. President, this budget resolution also marks the last budget presided over by my friend from Florida and distinguished colleague, Lawton Chiles. During his service on the committee, the last 2 years as chairman, he has devoted an enormous amount of effort to the task of reducing the budget deficit. His work, thankless though it may have seemed at times, has always been deeply appreciated by me and all of his other colleagues on both sides of the aisle.

I again thank Senator Chiles for a good job well done. I also thank Senator Domenici. I am pleased to support this budget conference report.

Mr. President, I am informed that this request has been cleared with Mr. Dole and it is joined in by the two managers, Mr. Chiles and Mr. Domenici.

I ask unanimous consent that the vote on the adoption of the budget report, budget conference report, occur today at 3 p.m.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. CHILES. Mr. President, I suggest the absence of a quorum with the time to be equally divided.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHILES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I wanted to clarify the effect that the catastrophic conference report will have on the budget.

There has been talk of whether the budget resolution includes funds sufficient to finance the Medicaid expansions in catastrophic. It does. There has been much less talk about the effect of the Medicare portion of catastrophic on the budget resolution.

Mr. CHILES. A little background may be helpful. The conference agreement on the budget resolution was completed before the conference agreement on catastrophic health care. To provide flexibility for a catastrophic bill that was incomplete, the budget resolution states that if the catastrophic conference report was deficit neutral—other than the funds made available in the resolution for increases in Medicaid spending—in fiscal year 1988 and fiscal year 1989, as well as deficit neutral over the fiscal years 1988-91 period, the chairman of the Budget Committee could revise the Finance Committee's allocations to reflect changes in Medicare budget authority, outlays and revenues that are expected as a result of the enactment of catastrophic health insurance. This would avoid the catastrophic bill being subject to Budget Act points of order, and is similar to the procedure provided for in last year's budget resolution to accommodate the then yet-to-be-reported Senate catastrophic bill.

This year, after we reached agreement with the House on the budget resolution, the catastrophic conference report was completed. I commend the Finance Committee and the conferees for meeting the deficit neutral criteria included in the budget resolution.

After we adopt this budget resolution, it will be time to revise the Finance Committee's allocation to accommodate the changes in Medicare budget authority, outlays, and revenues in the completed catastrophic bill.

It is important to note that the budget resolution conference report before us today provides sufficient funds for the important Medicaid improvements for low-income women and children and for the elderly which are part of the catastrophic health insurance bill conference report. While the catastrophic bill has the effect of increasing revenues to help finance expanded Medicare catastrophic benefits, none of these revenues will be needed to pay for these Medicaid expansions. The revenues collected from the income-related premiums will, in the first years of the new catastrophic benefits, contribute to a buildup of a contingency reserve to provide a solid footing for future payments of Medicare catastrophic benefits.

Mr. DOMENICI. The catastrophic bill has been carefully crafted to assure that no general fund financing will be necessary. No one can be sure that costs will not be much greater than expected, but as the chairman of the Budget Committee noted, the conferees have taken care to include several protections including development of contingency funds. A contingency fund is set aside in case costs are higher than anticipated or revenues lower than anticipated.

This contingency fund consists of revenues that are not expected to be expended. From a budgetary standpoint, this reduces the deficit. It is my understanding that when we revise the 302(a) allocation and aggregate revenue totals they will reflect the reduction in the deficit, largely accounted for by the contingency fund set-aside. Senator Chiles, is that correct?

Mr. CHILES. Yes, it is. The current CBO estimates for the catastrophic bill would mean that I would expect to revise the Finance Committee's allocation to reflect the following, subject to any costing changes by CBO, prior to our consideration of the catastrophic conference report in the Senate:

Fiscal year 1989 (millions)

Total catastrophic revenues (increase committee revenue target)	$315
Catastrophic Medicare outlays not subject to appropriation (increase committee outlay allowance)	101
Deficit effect excluding amounts subject to appropriation	−214

The reason we have to revise the committee allocations for the bill, even though it is deficit neutral, is because the committee's spending ceiling and revenue floor would apply to the bill during floor consideration, and without this change it could be subject to a point of order. This will protect the bill from a 302 point of order.

Mr. DOMENICI. Thank you, Senator CHILES.

I think one word of caution is necessary. The Congress should not necessarily assume that these reductions help provide a cushion against a sequester this fall. The administration's cost estimates for catastrophic are the key to this bill's relative effect on sequestration.

I am not aware that the administration has yet completed their estimate, but I know they have differed from CBO in the past with regard to the catastrophic bill.

I have no additional time. Will the Senator yield me 30 seconds?

Mr. CHILES. I will yield the Senator 30 seconds.

Mr. DOMENICI. The Senator from Colorado indicated we have "steadfastly" used the CBO forecast in the budget.

I ask that a history of what we actually have used by way of forecasting for budget resolutions be made a part of the RECORD. Suffice it to say, we have not always used them. Quite to the contrary. We have used sometimes our own, sometimes OMB's, and sometimes none. I would like a history of that put in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

In 1981, we used OMB assumptions but we changed the interest rates.

In 1983, we used a hybrid forecast—as part of the Gang of 17 effort to reach a budget agreement.

In 1985, we use OMB all the way.

In the intervening years, we used CBO assumptions, often with changes as current data or assumptions about the effects of policy.

In the first year of the budget process, we didn't use economic assumption at all.

Mr. CHILES. Mr. President, I am prepared to yield back any time that I have remaining on this budget resolution.

Mr. DOMENICI. I have no additional time.

Mr. CHILES. I yield back my time. My understanding is the vote has been ordered for 3 o'clock.

Mr. SIMON. Mr. President, I join in support of the conference on the budget. My hope is that this body can follow the guidelines of the budget in the field of education. The reality is that if this country is going to move ahead, we are going to have to pay more attention to education. It has to become a much greater priority. I could bombard you with statistics, but it is a simple reality. My hope is that what is provided in this budget for education will be followed by the Appropriations Committee.

Let me also take this opportunity, while speaking on the budget, to pay tribute to our colleague who is serving as chairman of the Budget Committee. In this business of politics, when you frequently pay tribute to people, sometimes they get to be awfully superficial tributes, but LAWTON CHILES has done a solid, substantial job. Being chairman of the Budget Committee is not a place where you do a lot of favors for people. He has taken a look at what is in the best interests of our country and has tried to fashion under very adverse circumstances budgets that serve this Nation well. I am very proud to have served in this body with LAWTON CHILES, and I know I speak for all of my colleagues who serve on the Budget Committee of both political parties when I say he has been an uncommonly fine public servant.

Mr. SASSER. It is my understanding that the conference report on Senate Concurrent Resolution 113 has included funds to enable passage of several important new Medicaid initiatives, including coverage for women and children, for spousal impoverishment, and for welfare reform.

It is also my understanding, however, that the conference agreement drops a provision in the original House-passed budget resolution. The proposal called for the Department of Health and Human Services to issue regulations cutting the Medicaid Program by $200 million a year. The regulatory savings would be effected by changes in the so-called voluntary contributions rule.

I am deeply concerned about any attempts to restrict State use of private contributions as a share of the Medicaid match. In States such as Tennessee, the use of voluntary contributions provided a powerful incentive for the expansion of Medicaid coverage to those who need it most—namely, low income women and children.

I understand the concerns which motivated my House colleagues to adopt this regulatory savings proposal. Medicaid reforms in the areas of infant mortality, spousal impoverishment, and welfare to work transition are long overdue. And I share the concerns of my House colleagues that these proposals be funded on a deficit neutral basis.

However, this attempt to limit State use of voluntary contributions as a means of raising additional revenue for the Medicaid Program is counterproductive. In Tennessee, funds donated by nonprofit hospitals have enabled the State to:

Extend Medicaid coverage to low income pregnant women and infants with incomes up to 100 percent of the poverty line.

Increase the scope of inpatient hospital benefits for all Medicaid eligible from 14 to 20 days.

Provide payment adjustments for disproportionate share hospitals.

Clearly, the use of voluntary contributions from private donors has greatly enhanced the delivery of Medicaid services within the State of Tennessee. Moreover, the use of voluntary contributions by Tennessee and other States serves only to further the basic objective of the Medicaid Program—to make quality health care available to the poor and less fortunate. Any attempts to eliminate the use of voluntary contributions would thus directly impact those individuals—many of whom are elderly citizens of diminished means who are among those least able to pay for basic health care.

It is imperative that these individuals not be denied access to the health care that Congress intended to provide to them through the Medicaid Program.

Given these concerns about the Medicaid cuts envisaged by the original House proposal, I wonder if the distinguished chairman of the Budget Committee can confirm that such Medicaid cuts are not included in this conference report?

Mr. CHILES. The Senator from Tennessee is correct. While the original House-passed budget resolution called for Medicaid savings of $200 million per year in function 550 from anticipated administration regulatory actions, the conferees agreed to delete these reductions in the final conference report. The agreement before us does not include any such Medicaid regulatory savings.

The conference report does include funds in function 950, however, to strengthen high-priority entitlement programs for the poor. It is our intention in the Senate to use most of these funds for new Medicaid initiatives in the areas of infant mortality, spousal impoverishment, and welfare reform.

Mr. SASSER. Thank you, Senator CHILES.

Mr. RIEGLE. Mr. President, I would like to inquire further of the distinguished chairman about assumptions affecting Medicaid. Many Senators, including the chairman, have indicated strong support for several initiatives in the catastrophic health care bill and in welfare reform proposals currently under consideration.

These initiatives would broaden Medicaid coverage for low-income pregnant women and children, protect low income elderly against spousal impoverishment, and from Medicare cost-sharing requirements, and help families during a period of transition from welfare to work. A number of Senators addressed these issues at length during the initial floor debate on the budget resolution and expressed a desire to provide funding for these initiatives.

It is my understanding that this agreement contains $125 million in function 950 for new entitlement spending. Can the chairman give any assurances that this money will be directed to the Finance Committee to fund these much-needed improvements in the Medicaid Program?

Mr. CHILES. Under the terms of the 302 allocations to authorizing committees, the Finance Committee will receive $50 million of the total $125 million in function 950 for fiscal year 1989. This amount will fully cover the Medicaid provisions now pending in the conference agreement in the catastrophic health insurance bill. These provisions include expanded Medicaid coverage for pregnant women and small children, for elderly spousal impoverishment, and for Medicaid coverage for Medicare cost-sharing amounts for low-income elderly. The budget resolution further provides for full funding of these initiatives throughout the 3-year budget period.

RURAL ELECTRIFICATION ADMINISTRATION

Mr. EXON. Mr. President, I would like to congratulate the chairman on reaching an agreement on the budget. I believe that we have come to an acceptable compromise. There are, however, a few issues which I would like to clarify for the record.

With regard to reconciliation instructions—the compromise does not include specific reconciliation instructions to committees as did the Senate budget. As the chairman knows, I have authored legislation to permit Rural Electrification Administration [REA] borrowers to prepay their high interest rate loans held by the Federal financing bank. This legislation, if enacted, could reduce the deficit by over $5 billion in 1989. Is there anything in the conference agreement which would prejudice passage of this legislation?

Mr. CHILES. I would like to thank the Senator for his valuable assistance during the conference on the budget. As the Senator is aware, the conference agreement contains an assumption that the deficit will be reduced by $4.2 billion as the result of loan asset sales or prepayments. Certainly, the Senator's legislation is consistent with this assumption and nothing in the conference agreement would preclude the Congress from enacting the Senator's legislation. Savings resulting from prepayments, would not be available to offset new spending and would only be available for deficit reduction.

Mr. EXON. I appreciate the Senator's statement for the record. As to scorekeeping rules, the conference agreement assumes $22 million in reimbursement to the REA revolving fund to pay for past losses. As the chairman is aware, actual losses are far in excess of this level. Would the chairman state for the record the effect of additional appropriations beyond those assumed in the conference agreement?

Mr. CHILES. I thank the Senator for raising this issue. The Appropriations Committee will be held harmless for any additional appropriations for REA reimbursements up to the level assumed in the CBO baseline for fiscal year 1989 for total budget program authority. In other words, amounts above $22 million up to $341 million would not be charged against the discretionary cap and would be considered mandatory expenditures.

Mr. EXON. My final concern deals with the pay raise assumptions of the budget conference agreement. As the chairman knows, the Senate Armed Services Committee is seeking a 4.3-percent pay increase for our men and women in uniform. Would the conference agreement accommodate that increase regardless of the pay assumptions for civilian employees?

Mr. CHILES. The pay increase assumed by the Armed Services Committee can be accommodated by the conference agreement.

Mr. GARN. Mr. President, this conference agreement on the budget resolution for fiscal year 1989 is over 7 weeks late. Moreover, it is late in a year where it should have been adopted with virtually no dispute over the broad aggregates for defense, international affairs and for nondefense domestic discretionary spending because of the summit budget agreement of last November which established caps on these levels.

But the resolution was nearly killed because of substantial differences between the House and the Senate in certain nondefense functional categories, and in particular, the emphasis in the Senate version on science, space and technology—function 250.

What is so ironic about that impasse is the fact that this dispute has almost no relevance to actual funding decisions for fiscal year 1989. In a very real sense, while the Budget Committees debated their differenes in conference, the Appropriations Committees were busily carving up the predetermined pot of money available for nondefense discretionary programs under the summit agreement.

Mr. President, it is clear that the Appropriations Committee is fully within its authority to ignore the functional aggregates of the budget resolution. No where in the Budget Act is there any limitation on exceeding a budget resolution functional total, and certainly none for any program level assumption within the functional total.

I mention this because too many people still labor under the erroneous perception that the long difficult conference on the budget resolution, indeed, the substance of the measure we are debating today, necessarily has any meaning or effect on what will be actually appropriated for the upcoming fiscal year.

It concerns me when I am asked: "Well, how much is there in the resolution for NASA?" or whether the space station is funded in the budget resolution. The plain fact of the matter is that no program has ever been funded in a budget resolution. Not a single dollar has ever been drawn from the Treasury as a consequence of a budget resolution assumption. But it is especially galling when I know that actions taken by the Appropriations Committee will wholly frustrate and reverse broad policy choices and votes taken by the Senate and the Congress as a whole.

Mr. President, such is the case with function 250, and in particular, the increases assumed for both NASA and the National Science Foundation. On May 13, the Committee on Appropriations adopted a tentative subcommittee allocation by a vote of 13 to 10. This allocation for the HUD and Independent Agencies Subcommittee will make impossible substantial increases for either agency, and, in my opinion, will mean that the Space Station Program will have to be terminated. I am committed to changing this allocation. Our Nation cannot and must not falter in making the urgently needed investments in these critical programs which are so vital to our future.

It is sometimes said that the budget resolution is a congressional blueprint for the budgetary decisions. Unfortunately, that is simply not the case. In years past, the Committee on Appropriations did follow the broad policy assumptions of the previously adopted budget resolution to the extent that the subcommittee-by-subcommittee totals were largely the basis of the committee's allocation. Of course, individual program levels, within these subcommittee totals, were determined independent of the assumptions of the budget resolution. In the last 2 years, however, the committee has taken the approach of bypassing even the subcommittee aggregates of the budget resolution. In essence, the budget resolution is totally ignored, except for the overall spending total which binds all committees.

Mr. President, the real problem is that while the Nation confronts an array of new and urgent needs, the composition and structure of the Committee on Appropriations make such priority shifts exceedingly difficult, and impossible if they involve major funding changes. In other words, the more significant and costly these new program requirements are, the more impossible they are to have reflected in the committee's allocation and in its bills.

While resistance to making changes in programs isn't unusual, what makes the committee's actions so troubling is the fact that upon adoption of the allocation, all priority setting and funding shifts are restricted to only those activities under each subcommittee's jurisdiction, with virtually no recourse for the Senate or the Congress as a whole to determine that activities in any other subcommittee should be sacrificed or reduced rather than to make further reductions in those activities which happen to fall in the jurisdiction of the measure before it.

It is simply a matter of circumstance and bears no relationship to what the Senate or the Congress may have previously expressed in the consideration of the budget resolution. This far more critical budgetary blueprint, the Appropriations Committee's section 302(b) allocation, furthermore is never presented to the floor for debate and consideration. It is merely reported and is binding upon being reported. Moreover, it is enforceable with a supermajority point of order.

Mr. President, clearly the reason I am so concerned over this abberation in the budget process is my distress over the prospect of being unable to recommend to the Senate an appropriations bill for HUD and independent agencies which adequately funds NASA and the National Science Foundation. Our inability to provide these needed funding levels is not because of the gross dollar amount of the funding necessary, but rather it is based on my assessment of the impossibility of trying to squeeze further savings from other programs in the subcommittee's jurisdiction.

These other programs include housing, community and economic development, veterans, and environmental protection. Over the past several years these programs have been constrained or cut back. Last year, again because of an unfairly restrictive allocation, they were disproportionately hit. Frankly, in the face of continuing concern over the problems of homelessness in America, the aging veterans population, and growing awareness of widespread environmental hazards, it simply is not feasible to shift significant amounts to even the most urgently held new priority, including the critical requirement to augment our science, space, and technology efforts.

Mr. President, that is why it is so critical that the Committee on Appropriations reconsider its actions in adopting its tentative allocation, and when the committee meets to mark up its formal section 302(b) subcommittee allocation, that it carefully weigh the merits of program requirements between subcommittee jurisdictions, and not merely gloss over their substance and varing priority.

Mr. President, I ask unanimous consent that a letter that I wrote to my colleagues on the Appropriations Committee on the section 302(b) allocation be printed in the RECORD at this point, along with letters from Dr. James Fletcher and Mr. Erich Block, which discuss the impact of the tentative allocation on NASA and the National Science Foundation.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, May 20, 1988.

Hon. JOHN C. STENNIS,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express my dismay and distress with the action of the Committee in adopting its "tentative" 302(b) allocation on May 13. Not only did we ignore the President's new initiatives in his FY 1989 budget, but also the broad policy guidance of the Senate-passed budget resolution. Furthermore, our action was taken amid extreme confusion over significant "scorekeeping" adjustments and without regard to the ground rules of the summit budget agreement.

As ranking minority member of the Appropriations Subcommittee on HUD and Independent Agencies, I am responsible for recommending funding levels for national efforts in housing, the environment, veterans, science and space, plus a collection of other activities ranging from disaster relief to consumer protection.

I cannot conscience making recommendations for this diverse array of important activities within the allocation provided us by the Full Appropriations Committee, knowing the incredible disparity in balance and relative constraint reflected within the jurisdiction of other Subcommittees.

In the last seven years we have cut the Federal assisted housing programs by over 60%. Similarly, HUD community and economic development assistance have been reduced by 40% from their 1980 levels, and the Revenue Sharing program was killed.

The Federal flood insurance program is now operated on an actuarially sound basis and we have pared back on training activities for firefighting. Veterans medical care has been held to current service levels, along with the enactment of copayment and income eligibility limitations in the face of truly awesome projected increases in program need and demand.

With respect to environmental programs, we have only been partially successful in responding to the continual tightening of Federal requirements on clean air, clean water and toxic wastes, while addressing a panoply of more recently identified concerns over asbestos, radon, lead poisoning, acid rain, not to mention global climate change and stratospheric ozone depletion.

Frankly, the only bright spot in my tenure on the Subcommittee has been what we have also accomplished with respect to NASA and the National Science Foundation. Following the lead of this Administration, we have pulled our space program out of the doldrums of the post-Apollo era, and have set our sights on a real Space Station to prepare our Nation for further exploration of our universe. Through the diverse and challenging array of competitively awarded basic research activities of the National Science Foundation we are renewing and replenishing that critical base of technological excellence needed to assure our children and grandchildren as bright a future as we inherited from our parents.

Well, the allocation voted on by our Committee last Friday makes this impossible. And I cannot accept the devastating consequences of this action. I feel so strongly that I am prepared to force delays in the consideration of any appropriations bill in the Senate until we reconsider the implications of our tentative allocation.

For your consideration I am enclosing letters from Dr. James Fletcher, Administrator of NASA and Mr. Erich Bloch, Director of the National Science Foundation on the impact of the Senate Appropriations Committee "tentative" allocation on programs and activities within their agencies.

Sincerely,

JAKE GARN.

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,
Washington, DC, May 18, 1988.

Hon. JAKE GARN,
Ranking Minority Member, Subcommittee on HUD and Independent Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR GARN: This responds to your request that I provide my personal assessment of the implications of the recent Senate 302(b) allocation to the HUD-Independent Agencies Subcommittee for a NASA FY 1989 funding level below that included in the recent House Subcommittee mark.

Frankly, I view with alarm the outcome of the Senate Appropriations Committee 302(b) allocation among Subcommittees agreed upon on May 13, 1988, and the severe implications it portends for the Space program. It is my understanding that the allocation to the HUD-Independent Agencies Subcommittee is approximately $1 billion in budget authority and $230 million in outlays below the tentative allocation currently assumed by the House Subcommittee on HUD-Independent Agencies.

The House Subcommittee, working under their allocation, has recommended FY 1989 budget authority of $10.7 billion for NASA programs. While the House Subcommittee markup would allow us to proceed with development of the Space Station, it imposes severe reductions in other program areas vital to our current and future space programs—particularly the Shuttle, Expendable Launch Vehicles, Tracking and Data Acquisition and the Pathfinder technology initiative. If the final appropriation for NASA for FY 1989 is significantly below the recommendation of the House Subcommittee, it would be necessary to recommend termination of the development effort on the Space Station as currently planned. This action would defer indefinitely this key element of the U.S. space program for the 1990's, set back planning by the U.S. science and industrial community to use the Station, and force the U.S. to renege on commitments made over the past four years to our international partners. It would take several years to get the U.S. space program back on track.

I am all the more concerned that the allocation level for the Senate HUD-Independent Agencies Subcommittee was apparently understood by some as a level which would support adequately the Space Station development effort. This is not the case. At the level of the House Subcommittee recommendation, NASA activities other than Space Station—in the Space Shuttle Program, Space Science and Applications activities, and Space Technology programs such as the Civil Space Technology Initiative and Pathfinder—have been reduced to such an extent that no further reductions could be made in the overall level for those programs. In fact, some increases or internal adjustments may be necessary to restore acceptable funding levels in certain specific areas. Therefore, if the final Senate action makes a further reduction in the NASA total, it will be necessary to take essentially all of it in the Space Station area. If this reduction is significant in amount, Space Station development could not proceed in a meaningful way in FY 1989.

This is a real crisis for the space program. I seek your assistance in finding a way to permit progress in restoring and revitalizing the Nation's space program, and, in particular, to proceed as planned with the development of the Space Station.

Sincerely,

JAMES C. FLETCHER,
Administrator.

NATIONAL SCIENCE FOUNDATION,
Washington, DC, May 20, 1988.

Hon. JAKE GARN,
U.S. Senate, Washington, DC.

DEAR SENATOR GARN: This letter is in response to your request for our assessment of how the tentative 302(b) allocations provided to the Senate Appropriations Subcommittees would affect NSF's research and education programs.

It is my understanding that the Senate's HUD-Independent Agencies Appropriations Subcommittee has received an allocation that is at least $1 billion in budget authority and $250 million in outlays less than your counterpart subcommittee in the House. This could clearly result in a serious shortfall in the Foundation's appropriation.

As I testified before the subcommittee earlier this year, FY 1988 was the fourth year in a row in which the Foundation has had essentially a level research budget. This has forced the Foundation to curtail new initiatives and also cut back support for a variety of existing activities. For example:

We have closed four university-based materials research labs and are currently reviewing our astronomy centers with the intent of closing some of these.

We have terminated support for the Cajon Pass continental drilling project.

We have been unable to start the new Science and Technology Centers program and have curtailed growth in the Engineering Research Centers program.

We have been unable to upgrade the National Supercomputer Centers to keep them at the state of the art.

We have had to curtail the growth proposed for undergraduate science and engineering education.

We have been unable to start a program to provide educational instrumentation for research universities.

We have been unable to increase the average award size to the level needed to efficiently conduct basic research. While the cost of scientific research has increased markedly, the real value of the average NSF research award has declined nearly 50 percent in the past two decades.

We have had to reduce the number of new Presidential Young Investigator awards—a program designed to encourage today's most promising young researchers to remain in academic research careers.

Last week the House Appropriations Subcommittee on HUD-Independent Agencies reduced the NSF budget by a total of $165 million. These reductions could once again impede the start of the new Science and Technology Centers program. They will also reduce operational support in the U.S. Antarctic Program, thereby reducing the Nation's ability to maintain an active and influential presence in the Antarctic.

If the current Senate subcommittee allocation results in the Foundation's being reduced below the current House recommendation, the situations outlined above would be further exacerbated. We would probably have to eliminate altogether the new Science and Technology Centers program, reduce or eliminate new Engineering Research Centers, close a number of NSF centers in astronomy, supercomputing, or materials research; and perhaps reduce support of people and instrumentation in areas such as superconductivity, biotechnology, crucial engineering disciplines, and undergraduate science and engineering.

All of these activities are important to the economic health of our Nation. Our strength in international economic competition is technology: to succeed we must create a steady flow of new products and processes, manufacture them efficiently, and market them aggressively. Basic research in the universities and science and engineering education at all levels are fundamental to this process, for education and research are the source of new ideas and the people to put them to work.

Our national interest makes it imperative that the Senate reconsider the current situation and forestall these undesirable consequences.

Sincerely,

ERICH BLOCH,
Director.

Mr. LEAHY. Mr. President, I rise today in support of the conference report on the fiscal year 1989 budget resolution. I wish to congratulate the Senator from Florida, the chairman of the Budget Committee, for all of his work on this, his last budget, and for his leadership through the years on economic matters.

I am especially grateful to Senator CHILES for working with me to improve and expand Federal nutrition programs in this year's budget.

Mr. President, the budget conference report complies with the 2-year budget summit plan agreed upon last year by the President and the Congress. That plan will reduce the Federal budget deficit by more than $76 billion.

I am concerned, however, that this year's budget does not go beyond the budget summit agreement and will not reduce the deficit further. According to the Congressional Budget Office, the Federal deficit will be more than $159 billion next year—more than $24 billion over the Gramm-Rudman-Hollings target level.

Mr. President, we will have a new President next year. Whether that President is GEORGE BUSH, Michael Dukakis, or Jessie Jackson, every American wants him to succeed. That task will be made all the more difficult by the failure of this year's budget to take more decisive action against the deficit. In effect, the President and Congress put off the tough choices until after the election. Upon taking office, the next President will very likely face yet another budget crisis. This is unfortunate and should have been avoided.

I am also concerned that once again the budget conferees decided to base the budget on the rosy economics of the Office of Management and Budget. As I have said in the past, Vermonters are not afraid of the truth. They want the President and Congress to get the facts straight and reduce the budget deficit. Vermonters and all Americans are entitled to a fair accounting of our national finances. In the past, OMB's economics have masked the true size of the deficit and have allowed the President and Congress to put off making tough budget choices.

Finally, Mr. President, I am disturbed that the final conference agreement counts the sale of Federal assets as a means of reducing the deficit. Asset sales, when they are limited and managed properly, can be an effective form of public policy and can even reduce the deficit. Congress and the President, however, have increasingly relied on asset sales as a means of reducing the deficit painlessly, without making real reductions in spending or adjusting revenues. I hope that under the new administration these kinds of budgetary tricks will be put to rest.

Mr. President, having expressed these reservations, I urge my colleagues to support the conference report on the fiscal year 1989 budget resolution.

Mr. ROTH. Mr. President, as the Congress considers the conference report on the budget resolution, I would like to reiterate some of the comments I made when the Senate first considered the resolution in mid-April. This conference report is very similar to the Senate-passed bill, and like the Senate version, I believe this report fails to aggressively attack one of the most pressing challenges facing our country—reducing the Federal deficit. The Congress simply cannot afford to ignore the growing debt of our Nation.

As I've often said, borrowing the words of Mark Twain, the deficit is like the weather: everybody's talking about it, but nobody seems to be doing much to change it—especially when it comes to our management of the Federal budget. While there is some restraint on the spending side, clearly there is not enough. Without a reconciliation bill, I foresee little additional action on the deficit by the current Congress. And frankly, this concerns me.

The implication of a continued large deficit is alarming. The growing debt has very negative implications for the future of our economy, for the future of our international competitiveness, and for the future prosperity of our children and our children's children.

The overall spending in this resolution exceeds $1.1 billion—$45 billion more than last year, despite the budget summit agreement.

Reiterating what I said only 2 months ago: We in the Congress should consider ourselves fortunate to be deliberating the budget in a growing economy. This month we entered the 67th month of the longest peacetime business expansion in U.S. history. The economy is creating millions and millions of new jobs and generating more income for the American worker.

While this recovery is healthy for America, it is not the panacea for the dangerous deficit. We must be evervigilant in our responsibility to control the budget, and this we are not doing. In 1981, the Federal Government collected $603 billion in revenues. This resolution projects revenues of $964 billion, more than a $350 billion increase. But Congress cannot seem to contain the spending side of the ledger. In 1981, the Government spent $660 billion. Today that figure is $1,100 billion. Spending has so outpaced revenues that the deficit continues to exist. This does not have to be the case.

As I've said before, on the spending side, there are tremendous opportunities to reduce the deficit. We should hold the line on discretionary and defense spending. We must examine the amount of funds spent on unnecessary highways, dams, and river projects. We must address this deficit with long-term solutions. The Congress should gradually phase out agricultural subsidies. We must examine the necessity of military bases that have outlasted their security missions. We must consider the plan for an early retirement window for Federal employees. All of these programs can save billions of dollars over the next 5 years. If we are going to remain competitive in the global economy, we must do more in the long-term perspective to reduce the deficit.

On the revenue side, we must utilize the favorable economic conditions that exist. In this area alone, the economic expansion can help us alleviate the pressure that has come to bear on the deficit. According to CBO estimates, the Federal Government will collect more than $70 billion more per year, on average, for each of the next 5 years. If Congress would hold the rise in spending to one-half the revenue increase in each of the next 5 years, the deficit would be elminated by 1993. Unfortunately, this conference report does not lead us to accomplish this goal.

Mr. DOLE. Mr. President, I support the fiscal 1989 budget conference agreement. The numbers contained in this budget reflect the consensus achieved at the budget summit. And while they do not translate into the kind of dramatic deficit reduction I would have personally favored, they do reflect a continuing, gradual effort to lessen the deficit—one in keeping with the Gramm-Rudman-Hollings targets. This was managed, I might add, without any tax increase.

In addition, if Congress follows the dictates of this budget, and the economy remains on track we will escape any threat of a sequester. But, and this is a big "but," Congress must stick to the numbers.

We have come a long, long way in the battle of the budget. But the fact that with this budget, with a healthy economy, we will still have a deficit of $136 billion—and a interest payments of $152 billion—shows that we still have miles to go. I hope that by the time Congress gets to the 1990 budget, we might find greater willingness to make the tough choices.

Mr. President, finally, I want to express my appreciation to the two men in the Senate most responsible for arriving at this budget accord—on the Republican side, PETE DOMENICI—and Budget Committee chairman, LAWTON CHILES, who is shepherding his last budget through the Senate before retiring. LAWTON has done yeoman's service as both the ranking Democrat and chairman of the committee, during some difficult budget negotiations. His calmness and expertise will surely be missed.

Mr. KERRY. Mr. President, I am going to vote for this conference report today, just as I voted last December for the budget summit agreement and this April for the budget resolution. But I do so, Mr. President, with some regret. The regret is that we were not able, on the heels of the devastating October collapse of the stock market, to move even further than we have. The budget summit conference, fell short of what most of us hoped could be accomplished. That opportunity lost will surely haunt us as we struggle in a new Congress and a new administration to continue massive deficit reduction.

That failure has also forced us to live within serious spending caps for domestic discretionary spending. Those constraints have meant and will continue to mean difficult program reductions in critical areas. There is no way to avoid the reality that for many, the basic human needs of adequate food, housing, health care and education are not being met. These short-term savings cause suffering and lost opportunity today. They will also cost us money in the future.

However, Mr. President, this is an historic $1.1 trillion budget conference report. It meets the Gramm-Rudman-Hollings targets. Under this agreement, the deficit would be $135.3 billion, below the GRH target of $136 billion and the sequester trigger of $146 billion.

Some difficult issues have been addressed in this resolution, Mr. President, including some scorekeeping decisions. They will mean great sacrifices for a number of programs. Let me note here that I do not agree with all of the scorekeeping in the report, but they highlight the hard choices forced upon as by the administration's budget policies and priorities. It is tough medicine, but control of the deficit is still a top priority in this budget process and it is imperative that we meet our targets. This conference report accomplishes that difficult task.

It is also important that this report is consistent with the budget summit agreement reached last year. In complying with that agreement the budget allows a $148.1 billion in new spending authority and $169.2 billion in outlays for domestic discretionary programs. These increases barely meet basic needs in countless domestic programs.

While this is a concurrent resolution without the force of law, it is my hope that the spending priorities expressed by the Congress here will be followed in appropriations.

Mr. President, I especially welcome the conference adoption of a set-aside of $2.6 billion for a major antidrug initiative if offsetting revenues are found to pay for it. I am also pleased that the report language calls on, and I quote:

> All authorizing and Appropriations Committees and subcommittees are urged to examine programs within their jurisdiction to enhance their participation in the anti-drug effort and to give top priority to this effort in allocating their share of the funds available under this budget resolution.

In conclusion, Mr. President, this is a painful budget, but it strikes a necessary balance and moves us forward in the task of reducing the deficit.

Mr. LEVIN. Mr. President, when the budget resolution was initially before the Senate earlier this year, I voted against it because, based on the best information available at the time, it did not appear that it would meet the Gramm-Rudman deficit target of $136 billion for fiscal year 1989. According to the Congressional Budget Office, implementation of that budget resolution would have led to a budget deficit that was $30 billion off the mark.

We are now presented with the conference agreement with the House on the budget resolution for fiscal year 1989. From all reports, this agreement was the product of tough negotiations. It deserves careful consideration. In addition, it appears that the economic prospects for fiscal year 1989 have improved somewhat compared with the projections made by the Congressional Budget Office earlier this year.

However, based on the best information available at this time, implementation of this conference report would still miss the Gramm-Rudman target by a significant amount. True, instead of missing by $30 billion, it may miss by $20 billion. But, it would still represent, at best, treading water and, at worst, more likely, taking a step backward in what should be a continuing aggressive struggle to reduce the budget deficit. For this reason, I will vote against the conference report on the budget resolution for fiscal year 1989.

Mr. CONRAD. Mr. President, we are asked today to vote on a budget resolution for fiscal year 1989 that will increses the budget deficit by CBO estimates. In my view, this is not an adequate guideline for Federal spending. We must make significant progress on reducing the deficit before our national economy can return to health, and we must do it with a focus on the future of America.

It is informative to look at our recent budget history in terms of the gross national product. In the past 35 years the budget deficit has averaged 1.3 percent of GNP. In 1981, when this administration took office, receipts were 15.7 percent of GNP and outlays were 18.2 percent, creating a gap of 2.5 percent of GNP. Since 1981, however, we have seen the administration's policy at work. By 1986, receipts had declined to 13.6 percent and outlays have grown to 19.2 percent leaving the budget deficit at 5.7 percent of GNP. The last time the deficit was that large was during World War II when the resources of the Nation were paying for the war effort. Under OMB's optimistic assumptions, the deficit is projected to decline to 3.5 percent of GNP in fiscal year 1989, still one full percentage point above the level it was when the administration took office.

This "you-can-have-it-all" policy of combining lower taxes with higher spending has brought us a tower of debt that has grown from $914 million to $2.8 trillion since 1980. The interest on the debt has grown to be the third largest spending category in the entire Federal budget—after military spending and Social Security. In April of 1988, we paid nearly $15 billion in interest on the public debt. That is over twice as much as this budget proposes for an entire fiscal year's spending in community and regional development.

Mr. President, we must make the tough decisions that would reduce the deficit. Unfortunately, the President and Members of Congress feel tied to the summit agreement which fails to make significant progress toward reducing the deficit on a year-to-year basis.

I do not accept the conclusion that nearly $300 billion is the appropriate funding level for defense given the current dimensions of the deficit. The levels of peacetime defense spending, under President Reagan, after inflation, have been higher in the 1980's than ever before in U.S. history. Since 1981, defense funding has risen over 41 percent in real terms after inflation. In addition, the gap between the costs of completing the military programs started during the Reagan years and the money likely to be available to pay for them is estimated to be greater than $250 billion over the next 5 years.

Mr. President, I have been a vocal proponent of greater Allied burden-sharing among the United States and its allies. Forth years after the end of World War II, Amercia can no longer afford to provide the $150 billion defense umbrella for our allies in Japan and Western Europe and borrow the money from them to do it. It is time for the United States to insist they pay for their fair share of the common defense. My amendment to the 1988 State Department authorization bill has prompted some discussion among our allies about increasing their share of the burden, but we must go further. I will continue to press for actions to insist our allies assume a more fair share of the common defense burden, and hope that the next administration will move quickly to advance these efforts.

However, our national security lies fundamentally in our economic strength. In my view, our biggest threat is our economic vulnerability. We must turn our attention to the well-being of the people of our Nation, our competitiveness and future growth. Programs to help the people who have been neglected under current policy must be the focus of our attention—education programs, health programs, nutrition programs, and research and development programs. This budget lays out a first step toward adjusting our national priorities, but we must go further.

Mr. President, I believe we should engage in policy that focuses programs on people who need them, but collect the taxes from those who can pay. We should collect taxes from those who are not paying their fair share. The Federal tax gap is currently $85 billion, and is projected to exceed $110 billion by 1992. Much of this revenue is collectible. According to a study released by the California Institute of Technology last year, Federal revenues would have been $47 billion higher in 1985 if the IRS had maintained the same audit rates that it had in 1977.

Mr. President, continued easing of monetary policy is what we need—but we won't get it without convincing action to reduce the budget deficit. Instead, under current policy, we're experiencing rising interest rates which hinders economic growth and increases the budget deficit.

We should not surrender to the summit agreement. We should stand up and make the tough decisions that will get this economy back on track. I remain hopeful as we look to next year, that we will find the political courage to make the difficult choices that must be made.

Mr. BYRD. Mr. President, I ask unanimous consent that the vote which has been set for 3 p.m. today on the adoption of the budget conference report be set instead for 3:15 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Does the Chair understand that the distinguished Senator from Florida has yielded back his remaining time?

Mr. CHILES. I did not realize the Senator from Colorado had time.

The PRESIDING OFFICER. The Senator from Colorado still has 10 minutes.

Mr. CHILES. I am prepared to yield back my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I yield back any remaining time that the distinguished Senator from Colorado has. I sought his advice, and he gives me such assurances.

Mr. CHILES. I yield back my time.

The PRESIDING OFFICER. All time has been yielded back. A vote will occur on the conference report at 3:15 p.m.

Mr. DOMENICI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AUTHORIZATION FOR CONTINUED USE OF U.S. ARMED FORCES IN THE PERSIAN GULF

Mr. BYRD. Mr. President, I ask unanimous consent, notwithstanding the vote which is set for 3:15 p.m. today on the adoption of the budget conference report, the Senate now proceed to the consideration of Senate Joint Resolution 305, the War Powers Resolution.

Mr. DOMENICI. Will the distinguished majority leader yield?

Mr. BYRD. Yes; I yield.

Mr. DOMENICI. One of our Senators, Senator BOSCHWITZ, was en route when we were yielding back our time. I wonder if the Senator would have objection to his having 10 minutes prior to 3:15 to speak on the budget resolution.

Mr. BYRD. Not at all, and I make that request.

The PRESIDING OFFICER. Without objection, the Senator from Minnesota will have 10 minutes.

Mr. BYRD. Beginning at 3:05?

Mr. BOSCHWITZ. I should be ready quite a bit sooner than that, or does the majority leader have some intervening business? I will be happy to come at 3:05.

Mr. BYRD. Beginning at 3 p.m. for Mr. BOSCHWITZ.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I thank the leader.

Mr. BYRD. Not to exceed 15 minutes.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The bill clerk read as follows:

> The joint resolution (S.J. Res. 305) providing specific authorization under the War Powers Resolution for the continued use of United States Armed Forces in the Persian Gulf, consistent with the foreign policy objectives and national security interests of the United States.

Mr. BYRD. Mr. President, I suggest the absence of a quorum. I ask that the time be charged equally against both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

POINT OF ORDER

Mr. BYRD. Mr. President, I make a point of order that the pending measure is not a privileged measure under the War Powers Resolution, Public Law 93-148.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the order of December 4, 1987, the point of order is submitted to the Senate, and the point of order is available for 4 hours of debate. The point of order must be submitted to the Senate, and when submitted there are 4 hours of debate equally divided and controlled by the two leaders or their designees.

RECESS UNTIL 3:01 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, at 2:46 p.m., the Senate recessed until 3:01 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. REID].

CONCURRENT RESOLUTION ON THE BUDGET—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

Mr. BOSCHWITZ. Mr. President, let me begin by expressing my appreciation to the Senator from Florida for the fine work that he has done as chairman of the Budget Committee. We have worked together on many budgets and I, for one, will miss his presence on the panel in the coming years.

The budget conference report that we will vote on today is a close copy of the budget the Senate adopted 2 months ago and then sent over to the conference committee. Spending on defense and international affairs is identical to the Senate version. There are some changes in the domestic programs—slightly more for community programs, for instance, and slightly less for science and technology. I am sorry that those particular changes were made, but they are slight. This conference report's broad outlines are very close to the budget we approved in April.

The reason, of course, is that the script for this budget was written in last year's budget summit. And in an election year, we have stuck to that script, as one would reasonably expect.

I have never hidden my disappointment with the budget summit agreement, Mr. President. In it, we allowed the rate of spending to increase this year by almost 6 percent; we kept many programs off the table; and we relied too much on gimmicks like asset sales. That's why the budget summit, in my judgment, will never be remembered as a great act of political courage.

In addition, I don't think the President showed strong leadership during those negotiations. We had an opportunity, particularly after October 19 and the crash of the market. There might have been the will here in the Senate to pass some aggressive measures to move toward a balanced budget, but the leadership was lacking. As I said, the budget summit was not characterized by great political courage.

To take dramatic action on the deficit, we must review this conference report as the beginning of our work, not the ending. In the time that I have served on the Budget Committee—the entire time I have been in the Senate—there have only been a handful of times when we have had the opportunity to take dramatic action on the deficit. I believe that next year, with a new President, we will once again have such an opportunity. It is important that we do not squander it.

Reducing the deficit is a formidable task. It requires a balance of policy, politics, and process. Those three elements—policy, politics, and process. When all three are in line, as they could be, once again, next year, we could—with a little political courage and some luck—break out of the budgetary gridlock that has existed the past 6 years.

First, let me talk about politics. It is a fact of life in Washington that the politics have to be right to take dramatic action on the budget. Next year, we will have a new administration and a new Congress. The National Economic Commission will submit recommendations outlined by a blue ribbon, nonpartisan panel. Hopefully, they will give us strong recommendations. And, if you can believe the polls, the new President will carry a message from the voters: Do something about the deficit. There will be a window of political opportunity to reduce the deficit, but we in this body must be prepared to exploit that opportunity. And I will be prepared to do so, Mr. President, though my own election will be in the offing in that 2-year cycle.

Even if the politics allow it, we also need wise policy to reduce the deficit, and we need a budget process which can efficiently implement that policy.

The second element, of course, is policy. Since I came to the Senate, I have argued for a "fair play" budget. It is based on two simple principles. First, deficit reduction must be across the board. Nothing must be eliminated from an across-the-board approach to deficit reduction. Second, if we can just limit the increase—not even cut, but just limit the increase—in entitlement programs and all other programs, we can balance the budget through the national growth in revenues. History suggests that we have a revenue growth of 8 or 9 percent a year. If we can keep spending down to perhaps as low as 1.5 percent, as we did last year, then we could balance the budget quite readily and quite rapidly. Everybody would get an increase. They just would not get as big an increase as they might have expected.

Many policy prescriptions, I am sure, will be debated over the next year, many ideas will be considered. But we have to keep in mind the need to implement an approach based on broad and fair deficit reduction.

The third element, aside from politics and policy, is process. The best budget plan is useless if it gets caught up in the kinds of congressional logjams we have often seen around here.

Having witnessed the frustration of the budget process for many years, I recognize the need for reform of the budget process. In this area, the budget summit has given us a very important precedent, certainly a valuable precedent, by allowing for a 2-year budget.

By following the plan of the budget summit, we have shown that Congress can agree to and implement a 2-year budget plan. That, indeed, was a great victory for the summit. This budget holds to the caps established in last year's agreement. The next step we need to consider is a 2-year appropriations cycle. If the Budget Committee can establish and enforce spending caps on a 2-year basis, it will be a dramatic step toward bringing order back to the spending process. As I have said, the budget summit has given us an important precedent and an important victory in that area.

Next year, it could all line up: politics, policy, and process could combine to break us out of our budgetary gridlock. As Members of this body, we can affect all three, and our work begins today, as we approve the budget for fiscal year 1989.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I have discussed with Mr. ADAMS the reduction of the 4 hours for discussion of the point of order. Is he agreeable to reducing that to 2 hours?

Mr. ADAMS. Two hours, equally divided?

Mr. BYRD. Yes.

Mr. ADAMS. That would be acceptable to me. I would like to ask, Mr. President, how would the time be designated? As of now, it is designated between the two leaders.

Mr. BYRD. If it is all right with Mr. DOLE, Mr. ADAMS can have half the time; and would Mr. DOLE like to control the other half?

Mr. DOLE. Yes, I can control the other half. I have cleared this with Senators WEICKER, HATFIELD, WARNER, MURKOWSKI, HELMS, ROTH, and SPECTER.

Mr. BYRD. Mr. President, I ask unanimous consent that the time be reduced to 2 hours; that it be controlled accordingly; that the rollcall vote occur at 5:30 p.m. today; and that the time start running at the conclusion of the disposition of the rollcall vote on the budget conference report.

The PRESIDING OFFICER. The Senate has heard the request of the majority leader. Is there objection? Hearing no objection, it is so ordered.

Mr. BYRD. Mr. President, I thank Mr. DOLE and I thank Mr. ADAMS. I thank all Senators.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on the point of order.

The PRESIDING OFFICER. Is there objection? Hearing none, that will be the order.

Mr. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCURRENT RESOLUTION ON THE BUDGET—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. The hour of 3:15 having arrived, under the previous order of the Senate, the question now occurs on agreeing to the concurrent resolution on the conference report for the fiscal years 1989, 1990, and 1991, the conference report to accompany House Concurrent Resolution 268.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from New Mexico [Mr. BINGAMAN], the Senator from New Jersey [Mr. BRADLEY], the Senator from California [Mr. CRANSTON], the Senator from Arizona [Mr. DECONCINI], the Senator from Nebraska [Mr. EXON], and the Senator from Hawaii [Mr. INOUYE] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

I further announce that, if present and voting, the Senator from Arizona [Mr. DECONCINI] would vote "yea."

Mr. DOLE. I announce that the Senator from Missouri [Mr. DANFORTH], the Senator from Nebraska [Mr. KARNES], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Wyoming [Mr. SIMPSON], and the Senator from California [Mr. WILSON] are necessarily absent.

I further announce that, if present and voting, the Senator from Nebraska [Mr. KARNES] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 29, as follows:

[Rollcall Vote No. 167 Leg.]

YEAS—58

Adams
Boren
Boschwitz
Breaux
Bumpers
Byrd
Chafee
Chiles
Cohen
D'Amato
Daschle
Dixon
Dodd
Dole
Domenici
Evans
Ford
Fowler
Glenn
Gore
Graham
Grassley
Harkin
Hatfield
Heinz
Johnston
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Lugar
Matsunaga
McCain
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Quayle
Riegle
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Specter
Stafford
Stennis
Stevens
Thurmond
Weicker
Wirth

NAYS—29

Armstrong
Baucus
Bond
Burdick
Cochran
Conrad
Durenberger
Garn
Gramm
Hatch
Hecht
Heflin
Helms
Hollings
Humphrey
Kasten
Levin
McClure
McConnell
Nickles
Pressler
Proxmire
Pryor
Reid
Roth
Symms
Trible
Wallop
Warner

NOT VOTING—13

Bentsen
Biden
Bingaman
Bradley
Cranston
Danforth
DeConcini
Exon
Inouye
Karnes
Murkowski
Simpson
Wilson

So the conference report was agreed to.

AUTHORIZATION FOR CONTINUED USE OF U.S. ARMED FORCES IN THE PERSIAN GULF

The Senate continued with the consideration of the joint resolution.

The PRESIDING OFFICER. Under the previous order, a point of order against the status of Senate Joint Resolution 305 as privileged under the War Powers Resolution has been submitted to the Senate and a vote will occur on the point of order at 5:30 o'clock p.m. this day. The Senate will come to order.

Mr. ADAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. DOLE. Mr. President, will the Senator from Washington yield.

Mr. ADAMS. Yes, I yield.

Mr. DOLE. Mr. President, I want to designate the Senator from Virginia [Mr. WARNER] to be in charge of the time in opposition on this side.

The PRESIDING OFFICER. The Senator has that right. That will be the order. The Senator from Washington is recognized.

Mr. ADAMS. Thank you, Mr. President.

Mr. President, the point of order now before us involves a simple question of fact. As the debate proceeds and as my colleagues prepare to vote, there is one simple narrow issue:

Have U.S. Armed Forces been introduced "into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances?"

The need to ask that question and the answer to it are clear.

We need to ask the question because the law requires it. The War Powers Resolution, a law which we passed over a Presidential veto, tells us that if and when American forces are involved in hostilities or are subject to imminent involvement in hostilities for more than a 48-hour period, the Congress of the United States must authorize their continued deployment. I did not create that requirement. The law did. I am not asking the Senate to address this issue; the law requires the Senate address it.

If we ask that question honestly, Mr. President, there can be only one answer. American troops are "into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances."

Just look at the chronology of the last 16 months. The facts lead to an inescapable conclusion: Our troops have been involved in hostilities and the situation in which they continue to operate makes it evident that further imminent involvement in hostilities is clearly indicated by the circumstances.

Since January of 1987, the United States has steadily increased its direct military involvement in the Persian Gulf. It began when President Reagan increased the U.S. presence in the Persian Gulf to evacuate Americans from Lebanon. It increased further when plans were implemented to provide U.S. naval escorts for 11 Kuwaiti tankers transiting the gulf.

Now the President has made a commitment to defend all neutral shipping against attack by belligerents in the gulf.

Hostilities have not only been "imminent" throughout that period—and remain so today—hostilities have actually occurred on eight separate occasions. The evidence on that point is depressingly clear.

American military personnel have been killed and wounded—some by missiles—some by mines—and others while engaged in direct military action. Most recently helicopter personnel died during offensive United States actions against the Iranian fleet.

The debate on this point of order, then, revolves around this very simple issue.

If you agree that armed conflict and the occurrence of U.S. casualties constitutes hostilities, then your vote is to reject this point of order.

If, however, you believe that death and these type military operations do not define the term "hostilities," then you should vote to uphold this point of order.

I believe the facts are clear. And there is a factual argument. It revolves around whether there are hostilities or imminent involvement in hostilities.

Indeed, based on precedent, the Senate Parliamentarian has already made a threshold determination that hostilities exist in the Persian Gulf. He did so by recognizing that Senate Joint Resolution 305 is a joint resolution which was introduced pursuant to the War Powers Resolution section 4.

Now that I have described for you what the debate on this point of order is all about, and it is only the point of order—I would like to state what this debate is not about. It is not a debate about whether or not the War Powers Resolution needs to be amended. That is a debate for another day and another point in time.

Like it or not, the War Powers Resolution is the law of the land and the responsibility of the U.S. Senate. And the law says that when U.S. forces are introduced into hostile situations or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, then the President must secure congressional authorization to utilize U.S. troops in that manner for any period longer than 60 days.

I recognize that Senator BYRD, Senator NUNN, Senator WARNER, and Senator MITCHELL have introduced legislation to amend the War Powers Resolution. Their bill is worth serious consideration. Some form of it may ultimately be adopted. But it is just a bill—it is not the law.

We cannot evade the obligations created by the law just by introducing legislation designed to fix it. The law is the law—and we took a sacred vow to uphold it.

Last week, when we were debating the Biden-Byrd amendments to the INF Treaty, we heard, and I believed and supported the very moving speeches about the Senate's constitutional role in the treatymaking process. All of the points made in those speeches apply to this situation. We have a constitutional role in the warmaking process. The War Powers Resolution recognized that reality. The resolution now before us acts on that reality.

Of course, it is more desirable to exercise our obligation to make peace than to discharge our duty to make war. But the Constitution and the law do not allow us to pick and choose which duties we wish to carry out and which we wish to avoid. So the question is simple: Are we going to recognize the facts and vote to uphold the law—or are we going to continue to give away our constitutional responsibility? This is the question before us today.

The second fundamental point is that in voting on this point of order, you will not be voting for the contents of Senate Joint Resolution 305. Nor will you be voting to terminate United States involvement in the Persian Gulf. The law provides for 3 additional days of debate on Senate Joint Resolution 305, during which time the resolution is amendable. Any Senator is free to offer any amendment to this resolution.

I have not in any way attempted to close off the amending tree. In fact, should we get that point I will encourage amendments particularly by those who have had great involvement in the hostilities that are occurring in the Persian Gulf. I want to see us develop a true national policy and a Persian Gulf policy consensus.

I want every Member to understand why I have persisted in this effort over so many months.

First, it is a matter of following the law. The President should already have sent a 4(a)(1) report and invoked the War Powers Resolution. The fact that he has chosen to ignore the law does not justify our doing so.

Second, is the implication of our continued reluctance to follow the law. Many times in the past, you have all heard me describe my fear of another Vietnam. After all, it was the Vietnam experiences which lead to the enactment of the War Powers Resolution. As I have done this, I have had some tell me that that analogy is misplaced. But, if you do not want to look at Vietnam, then look at our experience in Lebanon where United States troops were committed abroad to carry out a policy which initially was never sanctioned by the Congress.

Now here is the crucial point: I am not going to defend our policy in Lebanon and I certainly am not going to defend our failure to have invoked the War Powers Resolution, in Lebanon long before we did. Perhaps if we had acted in a timely fashion, our troops would have had a clear mission. But the point is that that War Powers Act was invoked. And when disaster struck, a resolution was in effect. American soldiers were killed. There was no doubt about the fact that their deaths served a nationally agreed upon policy.

No question about the validity of their sacrifice. The mothers and fathers of those servicemen did not have to wonder if their sons had died in vain or in an unsanctioned military action. They had their answer even before the question could be asked.

If we are going to ask our men and women to lay their lives on the line, then we ought to be willing to vote for the policy we ask them to defend. It is just that simple—and just that fair.

I want to make one more point about the Lebanon experience with the War Powers Resolution. In the aftermath of the disaster, there were no political repercussions, no debate about the foreign policy objectives we had asked those soldiers to secure. That debate had already taken place. We were all on the record—there was no room for political finger pointing. The Nation—not just the President—had made a decision.

Thus far, we have not yet lost 244 Americans in a single action. But this may not be the case tomorrow or the next day. If we wake up tomorrow and hear that more Americans have been casualties, the U.S. Congress should already have sanctioned the policy for which those Americans have suffered. There must be a national consensus so Americans do not suffer wounds or die in vain.

It is clearly easier for the Senate to continue to sidestep this issue and take credit if it is a success and blame the President if it is a failure. That is not the way we should do things. But the truth is the Congress is principally responsible under our constitutional system for use of the war-making power.

I urge you all to join with me to reject this point of order, and instead step up to our part of the constitutional responsibility to articulate a policy and to govern the use of our Armed Forces in the sustained hostilities in the Persian Gulf. We will be a stronger institution if we do so for this is what our forefathers intended. We will have a strong balance of power between the Executive and the Congress as set forth in the Constitution of the United States in article 1, of section 8. We will also have a stronger and more effective foreign policy because of it.

Mr. President, I deeply believe that this is a time and an opportunity when we as Members of the U.S. Senate face our responsibility to join with the executive branch in creating a national policy in a portion of this Earth in which we have been involved for a long time and will be for a long time in the future. This is an action far longer than 48 hours. It is an action that we have been in for over a year. It is an action we will probably continue to be in. That is why the underlying resolution authorizes the deployment of ships in the gulf. What it prohibits is a continuation beyond September 18 of the reflagging operation and convoy. It may be that Members of this body will want to establish a different set of guidelines.

I have based mine upon the clear votes of the U.S. Senate in the past on procedural questions, where the vote was clearly that we did not like or approve of the reflagging operation. We never reached the substantive vote because of the procedural problems.

I express my appreciation to the majority leader for last December having agreed with me and with others in this body on a procedural method of presenting the factual issue with respect to the hostilities and the War Powers Act. We are now about to vote on that.

I hope that all Senators listening to and watching this debate understand that the clear and simple issue is, are we involved in hostilities or are our troops in circumstances where they will imminently be involved in hostilities. If they are, Senators should vote against the point of order. Then we will proceed with an orderly, short, 3-day debate on Senate Joint Resolution 305, which will be subject to amendment, and at the end of that time we will vote on it and send it to the House of Representatives, and they will vote on it, and we will establish a policy in the Persian Gulf for the United States of America.

Mr. President, I reserve the remainder of my time, and I make a parliamentary inquiry: How much time do I have remaining?

The PRESIDING OFFICER. Forty-one minutes.

Mr. ADAMS. I thank the Chair.

Mr. BYRD. Mr. President, will the distinguished Senator from Virginia yield me time?

Mr. WARNER. I yield such time as the distinguished majority leader requires.

Mr. BYRD. I thank my friend.

Mr. President, I have made the point of order that the joint resolution before the Senate, offered by the distinguished Senator from Washington [Mr. ADAMS], was not privileged under the War Powers Resolution. This is not to take anything away from the very substantial energies that the Senator from Washington has exhibited in pursuing the application of the War Powers Resolution to the situation in the gulf.

No one can seriously question the proposition that there are dangers of imminent involvement and hostilities to our forces in the Persian Gulf. The events of this past April demonstrated that reality anew. The fact is that the Senate has already concluded that the circumstances in the Persian Gulf meet the conditions established in section 4(a)(1) of the War Powers Resolution. This proposition has already been addressed by the Senate on September 30, 1987, when an amendment to the Department of Defense authorization bill that was fashioned by Senator WARNER, Senator ADAMS, and other Senators, and myself, failed to be tabled. This was followed by the passage of a freestanding resolution, (S.J. Res. 194), on October 21, 1987, which essentially reached the same conclusions and required a comprehensive report by the President on the situation in the gulf, and expedited action is triggered in Congress 60 days after the report was delivered or should have been delivered. Senate Joint Resolution 194 was passed in the Senate by a vote of 54 to 44 and is before the other body for action. The House of Representatives has not acted yet.

The purpose of the point of order I am raising, Mr. President, stems from the generic problem we face in the gulf. I have never supported the administration policy in the gulf. I was opposed to the escorting and convoying of Kuwaiti ships under the American flag from the beginning, and I remain opposed to that policy. But they are there; our ships are there. To take action now to remove those ships, I think, would create a bad perception around the world, and I believe it would be a mistake at this point.

Every time an incident occurs, one could rightly consume the energies of this body with the same ground that we have covered before. We could be on this resolution for the next 3 days, and on each succeeding resolution for 72 hours—more than 3 days, unless we run the Senate around the clock—and our debate would shed no more light on the problem.

I compliment the Senator from Washington. The War Powers Resolution is the law of the land. It is on the books. But it is an unworkable law. I have long ago come to that conclusion. It requires no action by Congress. As a matter of fact, if Congress just sits back and does nothing, then troops that have been placed into a situation by a President of the United States would automatically be withdrawn from such a situation; and it might, indeed, be in the best interest of this country that they not be withdrawn.

So the present law allows no predictability. It robs the President of the United States, under any administration, of credibility. He has no credibility. He can give no country any assurances whatsoever that American troops can be counted on in a situation which might very well be in the best interests of our country. Yet, a simple filibuster in the Senate would prevent Congress from taking action to authorize the further deployment of those troops in that situation which might be of vital importance to our own country. So a minority in the Senate can act in such a given situation as to undermine the authority of the President.

As I say, the country has no credibility when it can make no assurance to any country, in any such given situation: put the troops in the maximum number of days they may be retained, and in such circumstances it would be 60 days, with an additional 30 days, if authorized by Congress, for the purpose only of removing those forces which had been placed in those circumstances. To me, that is an untenable situation for any President to be placed in.

This situation raises fundamental weaknesses of the War Powers Resolution. These weaknesses, to which I have referred, need correction. The Foreign Relations Committee has formed a special panel to review the resolution and to recommend changes. I have introduced legislation, together with Senators NUNN, WARNER, and MITCHELL, which recommends such changes. That legislation is now before the Foreign Relations Committee, and I understand that the committee will begin hearings on the matter this month. The sooner we correct the situation, the better off the Nation will be. I hope that we will be able to enact this legislation and have a law on the books that is workable, one that will lend credibility to the actions and decisions of the Commander in Chief of the United States, one on which our allies and we may be able to depend, one which gives predictability to what a Commander in Chief may do and what other nations may count upon, and what the American people, themselves, may be able to rely upon.

Despite the unquestioned right of the able Senator from Washington to pursue this matter, it places the Senate in the awkward position of either having the War Powers Resolution invoked by the Parliamentarian or of disposing of an important policy question through a procedural device. Although neither of these options is very appealing, under the circumstances, I feel the latter course of action is preferable, pending revisions of the basic statute to make it workable.

Mr. President, I close by commending the distinguished Senator from Washington. He is following the dictates of his own conscience, and I admire him for that. I share his views with respect to the policy we are following in the gulf. I am not saying, and he is not saying, that we should take all our forces out of there. I would never say that. We intend to remain in the Persian Gulf. That is where we should be. The policy of escorting and convoying Kuwaiti ships, in my judgment, is not a good one, but that is the policy we have been following.

I think it would be a mistake at this moment to take the action which would be recommended were it not for the point of order which I am about to make and which has been made before, and which has been upheld by the Senate last December. In December 1987, the same point of order was sustained on a voice vote by the Senate. That followed the action of the Senate in passing a resolution which Mr. WARNER, Mr. NUNN, and I and others cosponsored and which, as I have already said, is presently resting at the other body.

So, with my apologies to my friend, I urge the Senate to sustain the point of order.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, no Member of this Senate has taken a stronger leadership role in trying to work with the troublesome issues of the War Powers Act than the distinguished majority leader. I wonder if I might engage him in a brief colloquy here.

Mr. BYRD. Yes.

Mr. WARNER. As I listened to your opening comments—and I may not have gotten it accurate—but you indicated that you had not supported certain administration policies in the gulf. As I reflected back over the many debates that we had, really beginning a year ago and following into the fall, my recollection is that the distinguished leader was concerned about the policy of the reflagging but, in terms of the decision of the United States to go into that gulf region and take a strong stand, in the face of possible involvement by the Soviet Union, in providing freedom of navigation or preserving it in the straits, the stance by the United States to go in and indicate to the gulf states our willingness to try to support freedom of navigation and enable them to continue in the important conveying, not as the conveying, but the transporting of oil out of the gulf and particularly the stance of the United States to go in and see what we could do to end the Iran-Iraq war, I was not certain whether the leader had addressed a broader policy or a narrow one. I wonder if he could clarify that.

Mr. BYRD. I thought I had addressed the narrow one. This administration did not put us into the Persian Gulf. We have been there for 40 years and we intend to stay there. So I do not question that policy. I do not question our policy of keeping the navigation routes open.

I think I used the word "policy" not "policies" in referring to the administration policy of convoying and escorting Kuwaiti ships that were carrying the American flag. So it is a reflagging policy which involved the convoying and escorting of Kuwaiti ships. That is the policy that I have never supported. This policy of being in the Persian Gulf, I was very supportive of that.

I am also very supportive of taking a neutral position in respect to the Iran-Iraqi War. I do not think we have exactly adhered to that neutral position. It would seem to me that we have tilted in that regard. But I do not have any reference of that in my remarks.

Mr. WARNER. Mr. President, I thank the distinguished leader, because we have enjoyed many hours here together on the same side of these issues, in most instances.

One last point. The Senator mentioned the legislation for which he provided the first initiative and then I joined with Senators NUNN and MITCHELL and others and which is now before the Foreign Relations Committee. Really, we should look upon that as the vehicle to begin to untie the Gordian knot of the War Powers Act, an act which you, I believe, properly characterized—and I join you in that—as unworkable and untenable from the standpoint of any President trying to deploy the troops of our Nation in support of the foreign policy of our Nation.

As I examine this particular resolution, while we are here on a rather interesting and unique technical point, votes in support of our distinguished colleague from Washington would begin, if they would prevail, to reopen this whole issue right here before the Senate in the next 3 days.

It occurs to me that this is a very inopportune time for this issue to be reopened, in terms of what we are trying to do in the gulf. That situation seems to be becoming more stable at the moment. Second, until such time as the Foreign Relations Committee has issued their report on the legislation of the majority leader and others, I believe there is still time for the Senate to begin to go back and reexamine the whole issue of the War Powers Act.

Mr. BYRD. I hope so. I hope that the Foreign Relations Committee would be able to expedite the action so that the Senate and, indeed, the House might be able to act upon this legislation this year.

Mr. WARNER. Mr. President, the word "expedite" I believe is quite important. I hope the leader will have the opportunity, if he has not already done so, to discuss this with the chairman of the Foreign Relations Committee and others, recognizing the urgency for the Senate to address this piece of legislation.

Mr. BYRD. I have spoken with the chairman, and he is very much of a mind to expedite the action. He had, I believe, delegated this work to Senator BIDEN, the work of chairing the panel that would be made up of members of the Foreign Relations Committee. That would have been the assignment to be carried out by Mr. BIDEN, but, because of his illness, of course, we all know that that is being delayed. The chairman does want to move expeditiously and I hope that he will be able to do that.

Mr. WARNER. Mr. President, I thank the distinguished leader.

Mr. President, momentarily I wish to yield the floor to the distinguished Senator from Arizona, but I believe, before this debate proceeds further, I would like to seek clarification from the distinguished Senator from the State of Washington, Mr. ADAMS.

In my notes, as I listened carefully to his remarks, it appeared to me that he said: "The President has made the decision to defend all neutral shipping in the gulf."

Could the Senator go back to his text and refer to that remark?

Mr. ADAMS. That is correct. That was a statement made by the Secretary of Defense, Secretary Carlucci, that the decision had been made to defend nonbelligerent shipping in the gulf.

Mr. WARNER. Mr. President, having worked with the distinguished majority leader and others in terms of the consultation between the Secretary of Defense and the leadership of the Congress, and then following carefully the limited pronouncements by the administration following its decision, I take disagreement with that. I disagree with my distinguished colleague.

What was done by the administration is to say that, henceforth, the Navy would not be totally restricted to the convoying of the Kuwaiti reflagged vessels, but, on an ad hoc basis, depending on the situation, could come to the assistance of other vessels, providing they were in certain areas. Then, if the U.S. naval vessels were likewise in those areas, on an optional basis, they could come to the assistance of the other vessels.

It was not, I assure my good friend from Washington, a statement which we would "defend all neutral shipping in the gulf." I am prepared to bring to the floor such documentation as is necessary to support my contention.

Mr. ADAMS. I would appreciate very much if the Senator would bring such documentation, because this statement was made by the Secretary of Defense that nonbelligerent shipping would be protected in the gulf and that this is now policy.

That brings up the very reason that we are here today, which is that the policy in the gulf is an unknown one to this body, other than what has been set forth in 305, which was 11 Kuwaiti ships reflagged and convoyed. These changes in the rules of engagement and in degree of involvement in hostilities change as statements are made rather than it being done on any kind of a policy basis.

What the Senator is pointing up is precisely the problem of why we should debate and pass this resolution. Factually, I think the Senator is incorrect. But whether he is correct or incorrect, it states very clearly that we are now involved in some fashion in protecting ships other than the 11 Kuwaiti vessels which we were convoying. And I am sure the Senator will agree with me that my statement on that is correct.

Mr. WARNER. Mr. President, we will return to this colloquy momentarily. The leader and the Senator from Arizona are waiting.

Let me say, my good friend, that policy is kept vague for a very important reason. We want to keep any belligerents guessing as to what we may or may not do in the event of a contingency. We do not want any assailant or belligerent or neutral shipping to know precisely what we are obligated to do. We want to keep them guessing and for that reason we just announced that henceforth the Navy would be limited just to the defense—by virtue of convoy and other naval actions—of those 11 ships. But they would have on an optional basis, depending on the decision of the individual ship commanders after consultation with higher authority, the ability to come to the assistance of other neutral ships.

Mr. ADAMS. I am sure the Senator will agree, as a former Secretary of the Navy, that is an incredibly dangerous policy when you are on the edge of a very dangerous and difficult war between Iraq and Iran with a whole series of activities going on in that gulf to allow individual commanders, even checking up, without a specific policy, if there is no policy of whether they are to be involved or not in each case. To have that happen can involve the United States in acts of war.

The problem, and I hope the Senator will join with me in going by this point of order and getting into debate, it has been stated by the man who has just been appointed by Khomeini as the head man in Iran, he has stated that Iran is at war with the United States.

Now, that appears in Jane's Defense Weekly. It is May 28, 1988. It is by Rafsanjani.

I think this is an incredibly dangerous situation for us to be in without the Nation clearly stating to its fighting personnel: This is what we are attempting to do. This is our policy.

If the President wants to come up and defend nonbelligerent shipping he should come to this body.

I think he would probably get the authority to do it.

Mr. WARNER. Mr. President, inquiry, the time that has just been used has been equally divided between the Senator from Washington and myself?

The PRESIDING OFFICER. The time is being charged as the distinguished Senator's from Virginia.

Mr. WARNER. Mr. President, time has elapsed. I now yield to the distinguished majority leader such time as he may require.

The PRESIDING OFFICER. The Senator from West Virginia, the majority leader.

Mr. BYRD. Mr. President, I thank Mr. WARNER.

Anent the question which he raised earlier in seeking to clarify a position which I had taken with respect to the administration's policy in the Persian Gulf dealing with the reflagging of vessels, the position that I expressed, at least tried to express, was the same position that was taken by the Senate when it passed Senate Joint Resolution 194, and which joint resolution was referred jointly to the Committees on Foreign Affairs and Rules in the House of Representatives on October 26, 1987.

Section 1(a) of that joint resolution is entitled "Findings."

In paragraph 2, the following words appear:

> The Congress expresses support for a continued United States presence in the Persian Gulf region and the right of nonbelligerent shipping to free passage in this region.

Paragraph (3):

> Congress continues to express reservations about the convoy and escort operations of United States naval vessels in connection with tankers reregistered under the United States flag.

That was my position precisely at the beginning. It was my position precisely at the time the Senate passed Senate Joint Resolution 194. And it remains precisely my position today.

Mr. WARNER. Mr. President, I thank the distinguished leader.

Mr. President, I yield such time as the Senator from Arizona may desire.

The PRESIDING OFFICER. The Senator from Arizona, Senator MCCAIN.

Mr. MCCAIN. I thank my friend from Virginia and I rise in support of the point of order made by the distinguished majority leader. I have no doubt that this point of order will be carried by a majority of this body, and rightfully so.

First of all, in keeping with the conversation and colloquy which just took place between my friend from Virginia and the distinguished majority leader, it is important to point out to my friend from the State of Washington that it is not an act of war to defend or come to the assistance of a nonbelligerent or neutral ship that comes under attack in international waters.

Let me repeat that to my friend. International law is clear: It is not an act of war to defend a neutral or nonbelligerent ship that comes under attack. In fact, it has been this Nation's policy for over 200 years to defend the freedom of the seas and the freedom of passage. We have done this, among other things, to suppress piracy but not as an entirely selfless act. This Nation has been a maritime Nation from its beginning, and we depend on freedom of the seas for our own security.

I certainly hope that my distinguished friend and colleague from the State of Washington will recognize that to defend neutral shipping, which is nonbelligerent, which is not carrying contraband, and which is sailing in international waters is not an act of war.

To intimate that our service men and women are engaged in acts of war when they are defending the freedom of the seas, shows a serious lack of knowledge about what constitutes an act of war. I think this requires some self-education on the part of my friend from the State of Washington.

As for our policy in the gulf, that has been made completely clear. I would like to point out to my friend from the State of Washington that I read to him this policy as stated by Secretary Carlucci. I read it to him during the debate we had on this subject just a couple of weeks ago, when he raised it during the debate over the defense authorization bill.

If he thinks that the American service men and women over there are confused about that policy and their role, he is wrong. The men and women who are serving in the Persian Gulf today know very clearly what their mission and their role is. They know it is to defend the freedom of the seas and to preserve the right of navigation of neutral shipping.

They also are doing an outstanding job and the results of that job has been a sharp reduction in Iranian activity. If my colleague from Washington's resolution is passed, however, this situation will be dramatically reversed. His resolution is a signal of American weakness that will provide encouragement to the Iranians. It will give them a new license to continue their attacks. Further, this resolution is dangerously ambiguous. It states that—

> The President is specifically authorized, for purposes of section 5(b) of the War Powers Resolution, to continue to deploy United States Armed Forces in the Persian Gulf, except that the use of United States Armed Forces to convoy or escort vessels owned by any government or national of a country bordering the Persian Gulf.

As written, this bill allows our forces to escort a French or even Soviet vessel, but they are not allowed to escort one flagged by a friendly state in or near the Persian Gulf. It could deny protection to states which have shown an enormous degree of cooperation with our forces—more than we had ever anticipated, and which have assisted us in preserving the free flow of oil through the part of the world that has over 50 percent of the world's oil reserves——

Mr. ADAMS. Will the Senator yield?

Mr. McCAIN. I will not yield to my friend from Washington. During the last debate I yielded to my friend from Washington and I, during the debate, sought to have him yield to me and he did not have the time to do so.

Mr. President, I believe I have the floor. I will be glad to yield to my friend from the State of Washington upon completion of my statement for any question or comments that he might have.

Now, let me turn back to what is happening in the Persian Gulf. As a result of the firm actions of the United States, we have seen a sharp drop in Iranian activity, although it is clear that there will be no guarantee such threats will end until the Iran-Iraq war ceases.

We will see sporadic bursts of attacks on shipping until we gain a cease-fire or negotiated settlement of that conflict. The Iraqis view such attacks as a way of ending the war. The Iranians obviously feel that such attacks are an important factor in their ability to gain leverage in a war where they have lost some advantage in recent months. Nevertheless, the chances of reaching a negotiated settlement are dependent, to some degree, on a continued show of steadfast and purposeful U.S. policy in the Persian Gulf. The alternative is to give both sides an open invitation to attack shipping and southern gulf ports. It is a license to escalate and threaten the free world's supply of oil.

In short, I am saying that our current policy in the Persian Gulf is working. Indeed, we have seen some recent improvements. But, we need to stay the course. Unfortunately, section 3 of this authorization would prevent us from doing this and would undermine our policy. It would say to "any government or national of a country bordering the Persian Gulf as of June 1, 1987," that we will not protect them after 3 months, nor will we use our Armed Forces to help friendly countries bordering on the Persian Gulf. I think the further inference and conclusion would be drawn that no other nation could count on our help and our assistance.

Let me also point out the unfortunate aspect of this issue being raised at this time. We have a clear commitment from the majority leader of this Senate, a clear commitment from the chairman of the Armed Services Committee, and a clear commitment from the ranking member, our distinguished colleague Senator WARNER, and others that they will seek to amend the War Powers Act to remove its onerous aspects. They have said they will bring the issue to the floor of the Senate this session if at all possible. This would allow us to remove the negative veto. The absolutely unworkable aspect of the War Powers Act which has led every President since its enactment not to trigger it. We would drop the provisions that demand the automatic triggering a withdrawal of U.S. forces from whatever area of conflict within a certain number of days.

I am convinced that Senator BYRD, Senator DOLE, Senator NUNN, Senator WARNER, and others will succeed in arriving at a reasonable modification of the War Powers Act which will gain the support not only of the majority of this body but, hopefully, and I have some confidence that we will enjoy the confidence and support of the administration.

Mr. President, let me also remind this House that we are not talking about a part of the world that the United States is involved in a charitable enterprise. We are talking about a part of the world which has over 50 percent of the world's oil reserves. The United States is seeing its domestic oil supplies diminish for a variety of reasons, and will be increasingly dependent upon Middle Eastern oil in the years that lie ahead. We cannot ignore this reality or alienate all our friends in the region.

Further, even if the United States was not in any way dependent upon oil from the Persian Gulf, the free flow of such oil would be critical because so many of our allies are dependent on such oil. Our economies and demand for oil are so interdependent that there is no way that the United States economy can isolate itself if the economies of our Western European allies and Japan are damaged by the lack of this very important commodity.

Mr. President, I know my friend and colleague from the State of Washington wants to address the points that I have made. I also understand and appreciate his commitment to peace in the Persian Gulf. I understand his deep and abiding concern for the lives and safety of those men and women who serve in our Armed Forces.

I look forward to working with him as we try to come up with a War Powers Act which will meet the concerns of this body, as well as the executive branch. I look forward to the day this body can assume its rightful role, and exert the proper control over the course of policies which could bring into conflict and risk the sacrifice of young American lives.

In the interim, I urge my colleagues to support this point of order. Until we revise the War Powers Act, we must not send the wrong message at the wrong time to the wrong people.

I yield back to my friend from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my distinguished colleague from Arizona. He speaks with great authority on matters of national defense, and his views are highly respected. We appreciate his participation in the debate.

Mr. President, I see the distinguished Senator from Washington. Does he wish to enter into a colloquy with our colleague,

Mr. ADAMS. Yes, and I will do this, Mr. President, on the time that has been designated to me so that his time will not be used.

The PRESIDING OFFICER. Does the Senator from Virginia wish to yield the floor to the Senator from Washington?

Mr. WARNER. Mr. President, I wish to accommodate the Senator from Washington, and then I will seek recognition.

The PRESIDING OFFICER. The Senator from Washington.

Mr. ADAMS. I thank the Senator.

Mr. President, the Senator from Arizona mentioned and went into the question of nonbelligerent shipping. That is not the issue that is before us in this joint resolution, though I am happy to discuss that with him.

What is in this joint resolution is strictly in this case stopping at the end of 60 days, which would be September 18, the convoy of reflagged Kuwaiti vessels.

Kuwait is known to be an ally of Iraq, and those ships have been assaulted by Iran for that reason, regardless of which side you may favor, Iraq or Iran. I hope that we will not tilt toward either. I think we have, and I do not think we should. In this case, we are convoying oil from an ally of Iraq through the Persian Gulf subject to attacks by Iran.

Mr. President, the reason we are here on this date is that this is not a stable situation or a situation where policy has been established or a situation where we know what their policy will be.

For example, in the Washington Post on June 2, 1988, it is reported that—

> Iran is expanding its complex of Silkworm missile launching pads along the Persian Gulf, but still have not deployed the missiles anywhere near the strategic Strait of Hormuz, administration officials said yesterday.

They are arming up that gulf. We are escorting.

I want to answer the Senator from Arizona directly on this because the bill is going to come due here to the United States. We are not escorting American oil out of that gulf. We receive less than 10 percent of our oil from the Persian Gulf region. The world is awash in oil at the present time. In Venezuela, in Mexico, in Nigeria, in Indonesia—all of these are in surplus capacities.

We are escorting oil for Japan and for our European allies, but we are carrying the cost of doing that in lives and in the Treasury. It is the responsibility of the U.S. Senate and the U.S. House of Representatives to determine whether we are going to put the Treasury of the United States and the lives of our servicemen into that situation and continue them there.

I think there are certain things we will do in the gulf. I think there are certain changes we might be willing to do more for if, for example, the Japanese were to pay for the convoying of their oil which is coming out of the gulf because that is basically the largest group being supplied by Persian Gulf oil.

So this idea that we in some way are just doing a freedom of the seas operation is not the policy. The policy is to convoy Kuwaiti vessels, to convoy them with American ships and when anything happens to take offensive action.

We have sunk over one-third of the Iranian fleet. We did that because our ships in this lane doing this convoying, which is a setup by the Iranians—they know where we are going; they know what we are doing; they know why we are doing it and they are waiting there with mines. At that point, we then take offensive action.

Our action has caused us casualties. It caused us helicopter casualties in the last incident.

This is a long-term U.S. commitment to military action in a very hostile area. We are in hostilities. We face imminent hostilities. We are under the War Powers Act. I have indicated before I am very willing to discuss a future bill, but, Mr. President, we had to pass this War Powers Act over a Presidential veto. What says we are going to get any kind of new act through? I am willing to work on a new act, change expedited proceedings, have a group constantly working with the President on these matters, but those things are not going to happen. I do not remember there being a standing resolution that is pending in the House. That was to the defense authorization bill. It died in conference. It never came back.

We are talking about things that are not going to happen as opposed to what we have now before us, which is a law, and which, incidentally, as shown by the debate today, is workable. All that has to happen is today we vote the facts of what is existing in the world. The hostilities are occurring. We affirm that fact. Then we move to debate on the policy. And I am very willing to have 305 passed as it is, which says we stop the reflagging operation and the convoying under the reflagging operation.

So this talk about a War Powers Resolution being amended, or going to the Foreign Relations Committee is for another time and another place because that will only happen if a President signs another bill. It will only happen if it passes through this body and is not filibustered, and only if it passes through the other body. We are dealing with a law that is here right now and that law can and will work.

That is what I am trying to say to the Senator from Arizona on his final point of whether or not in international law you defend nonbelligerent shipping. There is all kinds of variations in that. In that gulf, for example, there are declared war zones, there are declared nonwar zones. There is a question of which is nonbelligerent and which is belligerent. Are we going to, for example, protect ships that are carrying Japanese oil from Iran out through that gulf against an Iraqi attack? We have not defended against any Iraqi attack yet. But are we? They are not nonbelligerent shipping. If they call for assistance, do they get assistance? Protection for nonbelligerent shipping is very different from the policy we are pursuing. We are expanding out of a convoying operation, a convoying operation where we are convoying ships of one of the belligerents that we have reflagged.

Now, that is what under this resolution will be debated if we go by this point of order. I am very willing to work with the Members on this.

Mr. WARNER. I wonder if at this point on my time I might make an observation which I think will contribute to a clearer understanding of this issue as to what it is we are doing in the gulf today?

Mr. ADAMS. I would be happy to yield. The Senator from Arizona said he was affirming that we are going to protect nonbelligerent shipping. If the Senator from Virginia wishes to make clarification, I would be most happy if he would do so because this demonstrates precisely what I am concerned about—we do not know up here what our policy really is in terms of the use of our Armed Forces, and that is our responsibility. We are going to pay for it soon, and it will be up on the floor and there will be an amendment for us to pay some $20 to $30 million a month for this total operation. So I hope the Senator would tell me, are we or are we not defending nonbelligerent shipping?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. Gore). The Senator from Virginia.

Mr. WARNER. I seek recognition in my own right at this time.

The PRESIDING OFFICER. The Senator is recognized.

Mr. WARNER. Mr. President, I addressed the Congressional Record of the Senate dated May 12, 1988, in which there appears a Memorandum for Correspondents, April 29, 1988, statement by U.S. Secretary of Defense, Frank Carlucci. I now read from this Senate Record:

> The President has decided to provide assistance under certain circumstances to ships in distress in the Persian Gulf and

> Strait of Hormuz in keeping with longstanding, time honored Navy and Maritime tradition. Such aid will be provided to friendly, innocent neutral vessels flying a non-belligerent flag, outside declared war exclusion zones, that are not carrying contraband or resisting legitimate visit and search by a Persian Gulf belligerent. Following a request from the vessel under attack, assistance will be rendered by a U.S. warship or aircraft if this unit is in the vicinity and its mission permits rendering such assistance. With this assistance, we anticipate no increase in our current force levels.
>
> We are not the policemen of the Gulf, nor do we wish to be. For over 200 years U.S. policy has been to help protect freedom of navigation in international waters. This assistance is a logical and humanitarian outgrowth of recent events in the Gulf which further strengthens our adherence to this principle. We cannot stand by and watch innocent people be killed or maimed by malicious, lawless actions when we have the means to assist, and perhaps prevent them. We do not intend to describe our specific rules of engagement or the methods we plan to use in rendering this assistance. We see no reason to give advantage to those who wish us ill.
>
> With regard to mines, I have consulted with our allies who were attending the Nuclear Planning Group meeting in Brussels last week. We all agreed that we should provide each other mutual support and cooperation in the interest of keeping the international waterways free from this threat.
>
> Finally, this policy should not be construed as a tilt in either direction in the war. Our policy has been and will continue to be one of strict neutrality. We, along with the rest of the civilized international community, want this war to end. In this respect we support strong implementation of U.N. Security Council Resoluiton 598 and passage of a second resolution imposing an arms embargo on that belligerent that does not accept 598 as a means to reach a diplomatic settlement of this tragic war. We also want to see an end to the wanton waste of human life that has characterized this war. In that regard, we especially deplore the use of chemical warfare by either belligerent which has become one of the most regrettable developments in this protracted conflict.
>
> This policy will go into effect once we have informed those free world, non-belligerent countries that maintain shipping interests in the Gulf.

Now, Mr. President, I earlier characterized, and I think this accurately supports my characterization, the present policy. We will under certain circumstances, when our missions allow us, permit a United States warship to come to the assistance of a ship other than a Kuwaiti-flagged vessel when that ship asks for our help. Now, to me that is as clear as we can under the circumstances make a policy. We do not want to publish the exact details of what each ship captain can or cannot do because then a belligerent—and in this particular instance the Senator recited the Iranian official, Rafsanjani—will not be kept guessing. And thus far, since the date of April 29, this policy seems to have worked and worked well. I think the President made a wise decision.

Let us hope that we can as a nation carefully and prudently use our military assets to try to promote freedom of navigation and to bring about a cessation of hostilities in that region.

Now, Mr. President, I should like to ask a question of my distinguished colleague from Washington. As I read his joint resolution, it presents a real catch-22 situation, to use that phrase. It requires first that The Congress determines that the requirements of section 4(a)(1) of the War Powers Resolution became effective on April 4, 1988, so the first action, if we were to support him, is to say the War Powers is invoked, the unworkable statute which the distinguished majority leader referred to earlier. Then in the second part, specific authorization, and I quote:

> The President is specifically authorized, for purposes of section 5(b) of the War Powers Resolution, to continue to deploy United States armed forces in the Persian Gulf.

In other words, you give him really a blank ticket. He can utilize the armed forces any way he wishes in the gulf, considerably broader than the present policy as enunciated by the Secretary of Defense.

Now, if we were to as a body——

Mr. ADAMS. If the Senator will continue reading——

Mr. WARNER. There are certain caveats in it.

Mr. ADAMS. Of course. The caveat is that they may be deployed except that the use of armed forces to convoy or escort vessels owned by the government or national of a country bordering the Persian Gulf as of June 1, 1987, can only continue for the 60-day period. So it is specifically aimed at the Kuwaiti convoy. That is precisely what the Senate voted as a policy.

Mr. WARNER. Mr. President, what you are doing is just taking away the right to convoy certain ships but under the first phase of this sentence, the President could send in the Marines, he could send in all sorts of armed forces. This is really the beginning.

Mr. ADAMS. There is no question that this joint resolution allows the deployment of forces. We have had them there for 40 years. That is what I told the Senator, that we have authorized by this deployment into the gulf but prohibit convoying of the Kuwaiti vessels. That is the kind of policy decision that the U.S. Senate should have.

Mr. WARNER. Mr. President, under this could you not convoy Panamanian, Liberian—all the flags of convenience—you could convoy them all with the exception of the——

Mr. ADAMS. If this introduces our forces into hostilities then a further resolution may be adopted by this body. If the Senator does not want that to happen, he could amend this joint resolution. But what this joint resolution says is no more convoying of the Kuwaiti vessels after September 18.

Mr. WARNER. Mr. President, that is clear. But let me go on to my point here.

First, we would trigger the War Powers Act. Second, we would give the broadest authority to the President for the implementation of the armed forces in the gulf, far broader than has been utilized to date, and described by the Secretary of Defense and others. Then the Senate goes on record, one body of the Congress, supporting the joint resolution of our distinguished colleague from Washington. Then it goes to the House and the House does nothing. The War Powers Act has been triggered, one body of the Congress has triggered it, or said it should be triggered. We have given the President the broadest authority to act in terms of the implementation of the armed forces and then the House sits and does nothing—nothing under the War Powers Act. And we set up a classic case for a court now to move in. Now the court might move in and the judicial branch of our Government will try to determine what our policy should or should not be under this most unworkable of statutes because the court might say one body of the Congress has taken an action.

To me, Mr. President, that is the worst of all situations when the judicial branch which has thus far very wisely decided not to get into this situation has told the Congress, you created this law; you go do your own laundry and clean it up. We are not going to touch it.

But if we were to follow the request of my good friend from Washington, some court might look upon the situation differently since one branch of the Congress will have acted, will have said the War Powers Act, in their judgment, was triggered. Then they give the President the broadest of authority to implement the use of our troops and then the other body does nothing. To me that would put us in the most serious of all situations we faced since the beginning of this issue in the Persian Gulf.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington has 33 minutes remaining.

Mr. BUMPERS. Will the Senator yield?

Mr. ADAMS. Mr. President, I yield the Senator from Illinois 3 minutes.

Mr. SIMON. I thank my colleague from Washington, Mr. President.

The reality is that the mechanisms we have for dealing with any kind of a confrontational situation anywhere in the world today are clumsy. We will never, in the lives of any one of us here, from the youngest Member here on the floor right now, the Presiding Officer, see Congress again ever declare war, for example, in a formal way. I do not think it will happen. We have a War Powers Act. I am going to vote with the Senator from Washington in this specific instance. I am not sure I am for his resolution just exactly as it is written, but the War Powers Act, if it does not apply in the Persian Gulf, is virtually a dead letter. That is the reality. I think that is what we are faced with.

I would like to see some kind of a mechanism that really would cause us to have bipartisan policy in this kind of a situation. I do not know that you can construct that. I think that has to come from an administration. Right now, without some new mechanisms, the reality is the one power we have is the power of appropriations, the power of the purse. We can reach an administration in that way. But that becomes awfully difficult.

Are we going to just cut off supplies from people who are serving our country in the Persian Gulf someplace? And it is more sophisticated than that. I want to protect freedom of the seas. I want to have American ships there in the Persian Gulf and elsewhere but I do not want them overwhelmingly there. I do not want too large an American presence.

There has to be some self restraint particularly when you are dealing in an area very, very close to the Soviet Union. I do not want too many Soviet ships off the Gulf of Mexico. I want self restraint exercised by them and on our part. And I would like to see a mechanism that can be used more rapidly than the appropriations process to affect it. I think what the Senator from Washington is suggesting to us is let us have the War Powers Act apply, and if it does not apply, maybe realistically we ought to get rid of it because it is meaningless if we do not use it in this kind of a situation.

So I am going to vote against the point of order with the Senator from Washington. I am not sure the answer he has in this resolution is the right answer. But I am sure that simply ignoring the War Powers Act is wrong in terms of basic policy.

I thank the Senator from Washington.

Mr. ADAMS. I thank the Senator from Illinois. I yield 5 minutes to the Senator from Arkansas.

Mr. BUMPERS. I thank the Senator for yielding.

Mr. President, this is pretty much old hat. The Senator from Virginia is correct. We have visited and revisited this War Powers Act. But I intend to support the Senator from Washington on this resolution. There has been no big loss of life there. We have been very fortunate that our policy has not caused us considerably more grief than it has. But the history of the War Powers Act was designed to allow us to deal with situations precisely like the policy we got into in the Persian Gulf. It was debated at length here, passed by both Houses of Congress, and they said never again. Barbara Tuchman's book, "The March of Folly: From Troy to Vietnam," and the Congress said, "No more folly." After 4,000 years of man trying to avoid war, governing himself, 4,000 years of keeping himself afloat, the very first time a situation presents itself which can even be remotely compared to Vietnam, Congress jumped under its desk.

When I conclude, I will ask respectfully the Senator from Virginia to respond to the question: What are we doing escorting 11 Kuwaiti tankers at a cost since we began of $150 million, and now more like $200 million, of the American taxpayers' money for the little country of Kuwait, whose per capita income is somewhere in the vicinity of that of the United States? Why Kuwait? Why not some of the other 30 or 40 nations? Is this our way of taking sides in the Iraq-Iran war? Kuwait we know is financing a significant share of the Iraqi side of the war. So we escort their ships at a cost of $10 to $15 million a month. That is money I suppose they can save and they can funnel to the Iraqis. But is that a sensible policy? Is it sensible for us to escort ships for one nation and no others? Is it sensible to escort ships at a cost of $150 to $200 million for a country that is possibly the wealthiest little nation on Earth?

Mr. President, the new policy just recently announced as best I understand it is infinitely better than the original policy. In the new policy we said we will defend any ship we see under attack. Freedom of the seas is fine.

The Senator from Virginia is shaking his head. Perhaps he can do a better job than the Secretary of State and the President did of announcing just what our new policy is.

It is a curious thing. I thought Gorbachev or somebody else asked the President a sensible question in one of his press conferences. They said: "You're lecturing us about human rights. How about Paraguay? When have you last raised human rights with Stroessner on human rights in Paraguay?" I do not know that we have ever raised it with him. Maybe we have.

I am reading a book called Battle Cry of Freedom; and on the floor of the U.S. Senate—not this one, the one down the Hall—John Calhoun, a Senator from South Carolina stood and said:

> A slave is better off with three meals a day and a roof over his head than free men are in the North. At least he knows he has a job and food.

My answer to that is that I, personally—and I think I speak for most people of the world—had rather starve to death as a free man than to have three meals a day as a slave.

As I read that book—which, incidently, is the most definitive book ever written on the Civil War era, and I recommend it to all of you—I thought, "I'm hearing those same arguments about South Africa on the floor of the U.S. Senate."

My point is this: Our foreign policy does not deal with human rights, if you hate communism. If you want foreign aid, tell us you hate the Russians, and then tell us how much money you want. So it is in the Persian Gulf. We really have taken sides in the war there.

I have gone a little bit astray of where I started. But I just want to say that this policy does not make any sense. The War Powers Act, and the bill that has been introduced by Senator NUNN and Senator BYRD, are not going to go anywhere. We may adopt the Byrd-Nunn bill, and probably will; and the next time the President chooses to thumb his nose at it, he will do it, and Congress will jump under their desks, just as they are now.

If I had lost a son in Vietnam, I do not know how I would handle that. But I can tell you one thing I would have done at the time. I would have said to myself, "If I ever am in the Senate and I see something else coming that might cost my son's life, I'm going to stand and squeal like a pig under the gate."

I might not win, but I am going to listen to what Barbara Tuchman said:

> Why do you keep repeating the same mistakes and same mistakes over and over for 4,000 years, when you know where it is headed?

I would not vote for anybody for dogcatcher who does not understand the history of this world and how wars start.

I intend to support the Senator from Washington.

Mr. ADAMS. I thank the Senator from Arkansas very much.

Mr. President, I yield 4 minutes to the chairman of the Foreign Relations Committee, the Senator from Rhode Island [Mr. PELL].

Mr. PELL. I thank my colleague from Washington.

Mr. President, the U.S. Constitution provides us with a unique concept of government which not only assures a system of checks and balances but guarantees action, flexibility, and—in important instances—the expression of the common will. It is the expression of the common will which is critical when we consider War Powers.

It was not without good reason that the framers of our Constitution divided the power to conduct war between the President and the Congress. There can be no doubt that there is a constitutional intention to endow the President with all the powers that necessarily adhere to a Commander in Chief but, at the same time, to withhold from him the ultimate authority on the gravest political decision of whether to "declare war." This is a power which rests clearly with Congress.

The challenge is to devise a procedural framework within which these joint constitutional responsibilities can be effectively exercised. It is my firm opinion that the key elements of this framework are embodied in the 1973 War Powers Resolution. I believe that the original Javits resolution, which listed the three conditions which had to exist before a President could introduce troops, was even better.

Under the War Powers Resolution, the President must consult with Congress "in every possible instance" before introducing the Armed Forces "into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances." Section 4(a)(1) of the resolution directs the President to report to Congress on the status of U.S. troops in such situations. Section 5(b), the engine of the resolution, requires the President to withdraw such troops within 60 to 90 days unless Congress authorizes their continued presence.

Presidents from Nixon to Reagan have strenuously objected to the provisions of this resolution, and have studiously avoided language in their notices to Congress concerning U.S. troop involvements which would trigger this law and the need for congressional authorization. Clearly, this is an unfortunate situation. Yet, the War Powers Resolution does not tie the President's hands nor does it deny him his rightful powers. Rather, it provides a method by which the Congress and the President can render a collective judgment on the question to risk war.

The events in the Persian Gulf during the last few years vividly illustrate that U.S. forces have been introduced into a situation where their "imminent involvement in hostilities is clearly indicated by the circumstances." However, the administration still clings to the fiction that its gulf policy does not trigger the provisions of the War Powers Resolution and refuses to submit a report in accordance with section 4(a) of that resolution.

I intend to vote against the point of order which will deny the Adams' resolution the expedited procedures established by the War Powers Resolution. Senator ADAMS deserves an up and down vote on his resolution. Congress must stop avoiding any decisions with respect to the commitment of U.S. Armed Forces and face up to its constitutional responsibilities.

Mr. WARNER. Mr. President, I wonder if the distinguished chairman of the Foreign Relations Committee will pause for a moment to reflect on his comments about the War Powers Act. He was here, of course, at that time and is intimately familiar with it.

I say to my distinguished colleague that the majority leader stood right where he is standing, not more than 30 minutes ago, and said that the act is unworkable, in his judgment, and I agree with him. I am of the opinion, after listening to the Senator from Rhode Island, that he thinks it is a workable act. Is that correct?

Mr. PELL. If we chose to make it work, it will work, but we do not have within ourselves the gumption to make it work. It is workable if we choose to, but we do not choose to.

Mr. WARNER. Under that act, the House can sit and do nothing, and the hands of the President are tied. He cannot implement the foreign policy of this Nation or support it with the Armed Forces.

Mr. PELL. That would be an example of lack of gumption.

Mr. WARNER. When we get to the point of employing the forces of the United States and risking lives, I am not sure gumption or the lack thereof is what we should use to describe Congress. The majority leader, Senator NUNN, Senator MITCHELL, and I and others worked on a piece of legislation to try to take those sections out of the War Powers Act which we think are unworkable and frame a piece of legislation that is workable, and that is now before the committee of the Senator from Rhode Island. It is my hope—and the majority leader said he had discussions with the Senator from Rhode Island about expediting it—that it can be expedited and that the committee will render its judgment and make such changes that it feels are in the best interests of this legislation. Can the Senator tell us a little about how that plan is coming along?

Mr. PELL. We look forward to moving on it.

Originally, Senator BIDEN was going to be chairman of the committee that was set up. His health is such that he may not be back as soon as necessary to get started. In any case, one way or another, we hope to move it in the committee and consider this resolution as quickly as we can.

Mr. WARNER. I thank my distinguished friend, the chairman of the committee.

The PRESIDING OFFICER. The Senator from Washington has 20 minutes remaining.

Mr. WEICKER. Mr. President, will the distinguished Senator from Washington yield me 7 minutes?

Mr. ADAMS. I yield 7 minutes to the Senator from Connecticut.

Mr. WEICKER. I thank my distinguished colleague. I commend him on his proposition which is now before the Senate.

For those who do not understand the complexities of the issue, it is really not very complex. The fact is that Congress is unwilling to exercise its constitutional prerogatives. The Constitution is very clear on who should declare war. It is the Congress of the United States. Yet, we will not do so.

Presidents, on the other hand, have abrogated to themselves the power to declare war, to involve troops, all those matters that really properly belong to the Congress, still the Congress is afraid to say no.

The Constitution is, I believe, quite clear and simple on the point, which is that Congress declares the war, the President is then given the details, if you will, to execute. You cannot have 535 people directing conflict.

On the other hand, the people of the United States, since they have to pay the price in both lives and in money, should make the decision, a policy decision, if you will, a policy decision on whether or not their lives are going to be risked and their money is going to be spent.

Now, before I get to the formal portion of my statement, I would like to read a letter, only because I think it is very clear in framing the matter before us. I would like to read into the RECORD a letter from the American Civil Liberties Union. They wrote:

> DEAR SENATOR WEICKER: On Monday, June 6, 1988, the Senate will consider S.J. Res. 305, a resolution which would authorize the continued deployment of U.S. forces in the Persian Gulf pursuant to the War Powers Resolution. On behalf of the American Civil Liberties Union, we urge you to oppose any point of order challenging the privileged status of S.J. Res. 305 under the War Powers Resolution.
>
> The ACLU takes no position on the merits of President Reagan's Persian Gulf policies or the wisdom of seeking to effectuate them through the deployment of U.S. naval forces which began last July. However, the ACLU believes that both the President and the Congress have thus far failed to fulfill their respective obligations under the War Powers Resolution with respect to this deployment.
>
> The violent military engagements which occurred between U.S. and Iranian forces in September and October of 1987 and again in April of this year have unquestionably proven that U.S. forces in the Persian Gulf were introduced "into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances." Although the President has continuously refused to acknowledge this fact, and has not reported these circumstances to Congress as required by the War Powers Resolution, Congress has a legal obligation under that statute to assess the situation for itself so that it may determine whether the deployment shall be continued or broken off pursuant to its constitutional war-making powers.
>
> When S.J. Res. 305 comes to the Senate floor on June 6, the Senate will have the opportunity to fulfill its statutory duties by

> first making a determination regarding the existence of "hostilities" and then deciding whether to specifically authorize the continued use of U.S. forces in the Persian Gulf under those circumstances. In light of the events that have occurred over the past nine months, the ACLU urges you to acknowledge the realities of the Persian Gulf "hostilities" by rejecting any point of order challenging the privileged status of S.J. Res. 305 under the War Powers Resolution. Such a measure is "privileged" when "hostilities" exist, and only a refusal to acknowledge the true conditions of the Persian Gulf deployment could deny the propriety of according S.J. Res. 305 "privileged" status.
>
> The ACLU recognizes that many problems exist with the War Powers Resolution in its present form. For this reason, we welcome the introduction of the proposed War Powers Resolution Amendments of 1988 by Senators Byrd, Nunn, Warner, and Mitchell. We also welcome the opportunity for public debate and discussion of the War Powers issue through the hearing process that must accompany consideration of this legislation, and we urge the Senate Foreign Relations Committee to begin such hearings as soon as possible. Nevertheless, until the present War Powers Resolution is amended, repealed or judicially struck down, its provisions are law and the obligations they establish are owed full weight and respect by the institution that created them.

Now, that is a pretty succinct and I think accurate representation of the matter that is before us today.

Mr. President, I rise in opposition to the point of order raised against Senate Joint Resolution 305. I do not think there is any dispute about the fact that this measure is privileged pursuant to section 6(a) of the War Powers Resolution (Public Law 93-148). The Parliamentarian made that preliminary judgment on April 26 when the measure was introduced and referred to the Foreign Relations Committee. I believe that we are bound to uphold that decision today.

I would like to make a few quick points about both the policy and the procedures raised in Senate Joint Resolution 305. First the procedure: Last December, I participated in drafting the unanimous consent agreement that requires our vote on the Adams resolution today. Frankly, I would rather not have consideration of the resolution subject to the hybrid "motion to proceed" process in which we are engaged. However, after working with Senator ADAMS, HATFIELD, and others to obtain a vote on the War Powers Resolution several times last year, I agree that this procedure is the only way of making the Senate vote on questions of war and peace in the Perian Gulf without a filibuster.

Second, the threshold question we each should ask before voting on the point of order that Senate Joint Resolution 305 is not privileged under the War Powers Resolution is this: Have U.S. forces in the Persian Gulf been introduced into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances?

That is the operative language contained in the War Powers Resolution and I believe the answer is affirmative. Perhaps the relative calm of the last few weeks has shortened our memories concerning the volatility in the Gulf. Yet as recently as April 14, 1987, United States forces appropriately engaged in hostile fire by retaliating against Iranian ships after the United States frigate *Samuel B. Roberts* was damaged and 10 members of her crew were injured by an Iranian mine. Similar incidents occurred monthly during the last quarter of 1987. In fact, the Defense Department has been giving "imminent danger" pay to U.S. military personnel stationed in the gulf since August 1987.

I remind my colleagues that the War Powers Resolution does not differentiate between offensive and defensive actions, it simply refers to "hostilities." I maintain that circumstances in the gulf have been, and continue to be, ripe for "hostilities."

On the question of policy, I would like to point out that the vote on the point of order is limited to whether or not hostilities or imminent hostilities are present in the Persian Gulf. This vote is not an affirmation of the policy outlined in Senate Joint Resolution 305. This resolution can be amended once we, as a body, agree that it is privileged under the War Powers Resolution.

So, the vote we are about to cast is not on whether or not we should terminate the reflagging policy 3 months from today or whether or not U.S. Armed Forces should remain in the gulf to protect the free flow of commerce in international waters. Those are separate issues. The question is: will the Senate enforce the law and make Congress a party to a policy that places 25,000 U.S. military personnel and at least 31 of our vessels in or near hostile waters? Or because of a lack of political will, are we going to shuttle off our responsibilities once again by denying even the consideration of this resolution?

Now I am aware of legislation introduced recently to substantively amend the War Powers Resolution. Many of us agree that the current law is not working. In fact, I've spent the better part of a year trying to get the President to comply with it. However, the fact remains that unless and until the War Powers Act of 1973 is changed or deemed unconstitutional by the courts, it is the law of the land. As Senators sworn to a constitutional oath, it is our duty to comply with it.

> It is much more difficult,

Wrote the late Senator Jacob Javits,

> for 535 individuals to sustain a single course of action than it is for a determined president to have his way. That is why Congress must disregard the differences among its members and fight for its constitutional prerogatives.

Senator Javits wrote that in the fall of 1983 when a similar debate took place on a similar resolution concerning the stationing of U.S. Marines in Lebanon. Then, too, the President attempted to avoid meeting the requirements of the War Powers Resolution. The same day the article appeared 241 marines were killed on the tarmac in Lebanon. Does this kind of tragedy have to happen again before Congress wakes up to its war powers responsibilities?

I hope not, Mr. President. I ask my colleagues to join me in voting against the point of order that has been raised against Senate Joint Resolution 305 so that we can get on with the issues surrounding the involvement of U.S. forces in the Persian Gulf.

Actually, I am sorry that it was necessary for my good friend, the late Senator from New York, Jack Javits, to have to introduce and have passed by the Senate a war powers resolution. To me, the Constitution is quite clear. We did not need more legislation. But, not having the courage to invoke the powers granted us under the Constitution of the United States, we went and sort of boosted ourselves up with a war powers resolution and made it law. So we now have both constitutional mandates and legislative mandates resting on our shoulders and now we just ignore the legislative mandate.

I wonder what will happen if, by chance, we pass the legislation the distinguished Senators from West Virginia, Virginia, Maine, and Georgia have offered. Will we ignore that also? It seems to me, in light of our experience, the chances are that we will, because there seems to be the inability of Congress to stand up to Presidents—and I use that in the plural sense, not just this particular President.

In conclusion, I quote Jack Javits again:

> It is much more difficult for 535 individuals to sustain a single course of action than it is for a determined President to have his way. That is why Congress must disregard the differences among its Members and fight for its constitutional prerogatives.

Now, that is the reality of the situation that has existed over the past several years. Nobody is suggesting that a war should be fought under the direction of the Congress of the United States. But what I am suggesting to you is that the policy of war should be decided by the Congress of the United States.

Now, granted, we have ridiculed the Constitution of the United States by our inaction. But I do not see any reason to compound it by ridiculing the War Powers Resolution.

If you want it off the books, repeal it. But for 100 Senators who are pledged to uphold a government of laws to stand here and say that hostilities do not exist in the Persian Gulf is to teach our children fantasy rather than to teach them the rule of law. I mean, if we cannot do something so simple as recognize the law of the land, who are we to criticize those in this Nation who fight in the jungles, if you will, and ignore the law, albeit in more violent form? We do violence here to the law.

The PRESIDING OFFICER (Mr. BREAUX). The Senator's time has expired.

Mr. WEICKER. I ask for 1 more minute.

Mr. ADAMS. I yield 1 minute to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. WEICKER. The Senate is doing violence in its way to the laws of this land, to the Constitution of this land.

So I hope, at the very least, we do not ridicule the proposition that has been laid before the Senate by the distinguished Senator from Washington. All he is doing is complying with the law. This is not anything innovative on his part. He is not recommending any new course of action. Rather, he advocates compliance with the law, just as I would prefer, very frankly, to have compliance with the Constitution. And we have neither.

Mr. President, I hope that we will oppose the point of order. Let me predict right now: Do you know when the next great debate will occur? When the next great tragedy takes place in the Persian Gulf. That is no way to run the United States of America.

The PRESIDING OFFICER. The time of the Senator from Connecticut has expired.

Who yields time?

Mr. HELMS. Mr. President, I wonder if the distinguished Senator from Virginia would yield me some time?

Mr. WARNER. Mr. President, I yield such time as the ranking member of the Foreign Relations Committee may require, reserving to the Senator from Virginia the last 3½ minutes of my time remaining.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I thank the Chair and, of course, I thank the distinguished Senator from Virginia.

Mr. President, in listening to my good friend from Connecticut, Mr. WEICKER, I was struck by the fact that here we go again with divergent views on a question. My respect for him is high, but I disagree totally with what he has said.

Here we go again, engaged in a debate on the War Powers Resolution and the situation in the Persian Gulf. This is not the first time. This is not the second time. This is not even the third time. I do not know how many times, so let us say it is the umpteenth time, then we can figure it out later.

But, Mr. President, if we must orate about war powers once again, then let us at least consider the Constitution, as well, while we are doing it. The Founding Fathers spent only a 1½ days in debate at the Constitutional Convention on war powers and the wording associated with that concept. The Senate, on the other hand, has spent 15 years on the subject trying to undo the handiwork of the Founding Fathers. Some record.

What the Founding Fathers originally intended, Mr. President—and I contend that it is very, very clear—was to make a careful distinction between declaring war and making war.

They well realized the need, in fact, the necessity, for rapid and decisive action on a small scale to defend the security of the Republic.

This type of involvement, as the Founding Fathers realized, is well short of the combat between entire armies.

Incidentally, there are only 3 Members of this Senate today, among the 18 who voted against the War Powers Act back in 1973. I am one of them. Senator MCCLURE and Senator THURMOND are the other two.

I remember going to Sam Ervin, after getting a copy of the War Powers Act and having studied it, I remember saying, "Senator, I am not a lawyer, but is this not unconstitutional?"

And he chuckled and he said, "Of course, it is unconstitutional." He said, "You may not be a lawyer, but you understand the English language."

One of the things I regret most about the Reagan administration is that it has not challenged the constitutionality of the War Powers Act. I have pleaded with them time and time again to challenge the constitutionality of the War Powers Act. They always said: Well, we are going to try to do that. We have certain mechanisms in force. But they have never done it.

I mention that just to emphasize my view that once the War Powers Act hits the Supreme Court of the United States, they are going to throw it out just like a tub of lard. But it is unconstitutional.

The Constitution made the President—not the Congress—the Commander in Chief of the Armed Forces of this Nation. We may not like everything he does. I myself had some question about the way the Persian Gulf matter began. But I realize that the President of the United States was in charge of that by constitutional authority. We were not.

The President is obliged to protect the interests of the United States, to defend the rights of the American people, to preserve the national security by whatever means are necessary.

On August 27, 1787, the Constitutional Convention adopted without debate the wording that the President should be "Commander in Chief of the Army and Navy of the United States."

Congressman John Marshall declared on the floor of the House of Representatives in 1800, before he became Chief Justice of the United States that "the President is the sole organ of the nation in its external relations and its sole representative with foreign nations." There is no indication in the historical record that Marshall ever changed his mind.

The term "sole organ of the nation in its external relations" was reemphasized in *United States* v. *Curtiss Wright Corporation* (1936). That holding has not been repudiated down to the present moment.

Woodrow Wilson wrote in his book on constitutional government, published in 1908, that the President "has the right in law and conscience to be as big a man as he can." He then went out and tried to prove it during his two terms of office. He armed U.S. merchant vessels between January and April 1917.

This Senate would go into a tizzy if there were a Woodrow Wilson to do such a thing today. We would have all sorts of pious declarations.

The late Arthur S. Miller, professor of law at the prestigious National Law Center at George Washington University and a distinguished scholar, has written in his book on "Presidential Power" that the powers of the President as Commander in Chief are only limited "by the workings of the political process."

Mr. President, the War Powers Resolution is not a constitutional limitation upon the authority of the President to commit American forces abroad. It is, instead, an unconstitutional limitation upon Presidential authority.

The United States has been engaged in more than 200 conflicts in the more than 200 years of this constitutional Republic. The Republic survives. The courts have not interfered. The reasons are clear.

The war powers of the Congress are specifically enumerated in the Constitution. Congress has the power first, to declare war; second, to raise and support armies; third, to provide and maintain a navy; fourth, to make laws regulating the Armed Forces; and fifth, to support the militia of the several States. That is the constitutional function of the Congress as laid out by the Constitution of the United States.

The great Daniel Webster noted on the floor of this body that in occurrences of armed confrontation, "there may be acts of authorized force; there may be assaults; there may be battles, there may be captures of ships and imprisonment of persons, and yet no general war." That observation still holds true for today.

The War Powers Resolution is a mere legislative act, but what it seeks to do is deprive the President of the authority to conduct foreign policy—an authority which he has exercised under the Constitution for almost 200 years.

Section 5(b) of the War Powers Act specifically would deprive the President of his constitutional authority as Commander-in-Chief during a period of hostilities, after a timeframe of 60 days, if the Congress remains silent on the issue.

The idea that Congress can by either silence or inaction deprive the President of a fundamental expressed constitutional power—even in times of national emergencies—is violative of the system of separation of powers established by the Founding Fathers.

The only way in which the constitutional powers of a tripartite branch of the Government can be altered is by amending the Constitution. That is the true constitutional process. Indeed, attempts by Congress to modify its constitutional relationship with the executive branch by legislation has been firmly rejected in the past by the U.S. Supreme Court (Meyers versus United States, 1926).

Mr. President, what we are debating here today in this body is the constitutional separation of powers. This is a strange way to be celebrating the Bicentennial Anniversary of the Constitution of the United States. Encroachments by one branch upon another branch will upset the delicate balance of our unique governmental system.

Beyond the constitutional issues posed by this resolution are some very practical consequences. This resolution, if provided expedited procedures and passed, would set a time limit on the continuation of the tanker escort policy.

This, in turn, would send a signal that our military activities in the Gulf are about to be curtailed. It would be an expression of weakness which would invite aggression on the part of the Ayatollah.

Mr. President, the Adams resolution would effectively cut the legs out from under the President's policy in the Persian Gulf. To do so in the manner proposed by this resolution would be unwise in a practical sense and wrong in a constitutional sense.

Let us do our authorized job of legislating—not adjudicating. Let us, above all else, not try to usurp the executive function at a critical time in our Nation's history. Let us preserve the separation of powers as they have been preserved in the greatest of all political documents for the past 200 years.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ADAMS. Mr. President, I yield 5 minutes to the Senator from Oregon, Senator HATFIELD.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 5 minutes.

Mr. HATFIELD. I thank the Senator from Washington State for his leadership in this position on this issue.

Mr. President, it has been a year—1 full year—since the President announced that more than 40 U.S. Navy warships were headed for the Persian Gulf to escort 11 reflagged Kuwaiti tankers. Since then, Mr. President, we have postured and debated and filibustered into the early hours of the morning. But through it all, we have not done one single thing to uphold the responsibility given us by the authors of the Constitution. Not one single thing.

That responsibility, Mr. President, is a sacred trust. We—the elected representatives of the people—are to decide questions of war and peace. Of course the President—as Commander in Chief—has the ability to repel any attack against the United States.

But when a decision is made to send U.S. servicemen into harm's way, to send them halfway around the world to defend what are loosely defined as "U.S. interests," that decision must be made by the President and the Congress.

Wrote Thomas Jefferson in 1789, "we have given one effectual check to the dog of war by transferring the power of letting him loose, from the executive to the legislative body, from those who are to spend to those who are to pay."

Mr. President, that is what the War Powers Resolution is all about. It is not about undermining Presidential power. It is not about confusing our allies. And it is not about putting our servicemen in jeopardy. Those are the arguments most often advanced by those who want to avoid invoking the War Powers Resolution, the arguments most often advanced by those who seek to cloud the issue. But the issue is really very simple: the Congress has as much responsibility for decisions to send U.S. servicemen into harm's way as does the President.

Whether or not they should go there—or stay there—is our decision. We lost sight of that fact during Vietnam—and so we passed the War Powers Resolution over a presidential veto to make sure war never happened that way again.

But for a whole year we have avoided the War Powers Resolution like the plague. In so doing, we have avoided the sacred trust, the responsibility we accepted when we took the oath of our office.

Last June, before the policy was implemented, we refused to state for the record that the War Powers Resolution would apply as soon as U.S. servicemen went sailing into harm's way. In July, an amendment to delay the implementation of the policy for 90 days to afford us—the President and the Congress—the opportunity to review the options. In September, we tabled an amendment to invoke the War Powers Resolution after servicemen in the Gulf were awarded "imminent danger pay.

In October, we managed to avoid a vote on a resolution to invoke the War Powers Resolution after a reflagged Kuwaiti tanker was hit by an Iranian silkworm missile. And in November, Mr. President, we flatly refused to consider a resolution which would have terminated the reflagging and escort policy.

Now I want to be very clear, Mr. President. I am not claiming that it is our responsibility to pull the U.S. naval force out of the Gulf. I could argue against our policy—argue that there are more reasonable and more effective alternatives—until I am blue in the face. But that—at least at the moment—is not the issue. The issue is that we have a responsibility—a responsibility given to us by our Founding Fathers and clearly defined by the War Powers Resolution—to debate it and then decide whether 29 Navy ships belong in the Gulf—for the current policy or for any other reason.

But for a year—1 full year—we have failed to take that responsibility. Instead, we have required two reports and passed a non-binding amendment urging the President to consider leasing United States-owned tankers to Kuwait instead of reflagging Kuwaiti-owned ones. That is it—that is all we have managed to do in 12 long months.

So we required a report or two. So a couple of us consult with the President every once in awhile. Big deal. All of that looks good, sounds good, but it does not mean anything. Is anyone willing to claim that the policy would be executed any differently if the Congress simply did not exist? I doubt it.

But the irony, Mr. President, is that we do share in the responsibility for this policy.

Our silence is our complicity. We stood by as our boys were put into the midst of a bloody struggle we can neither understand nor control. We stood by as our boys were used as decoys in an elaborate game of chicken. And we stood by as our boys were used as an excuse for our inability to find creative diplomatic alternatives.

Those who do not want to invoke the War Powers Resolution—those who will vote for this point of order—somehow think that we can avoid that responsibility if we just do nothing. That way, if the policy appears to be a success, we can issue statements praising it. But if it starts to get out of hand—if it starts to get messy, we can blast the administration for its reckless military policy.

I suggest, for the eleventh time in 12 months, that the Constitution requires more to us. I will vote against the point of order and urge my colleagues to do the same.

I thank the Senator from Washington.

The PRESIDING OFFICER. The Senator from Oregon yields the floor. Who yields time?

Mr. ADAMS. Mr. President, parliamentary inquiry. How much time do I have left?

The PRESIDING OFFICER. The Senator from Washington has 5 minutes and 45 seconds, and the Senator from Virginia controls a little over 3 minutes.

Mr. ADAMS. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ADAMS. Mr. President, I think it has been well stated by the last several speakers that the power to declare war and its lesser portions reside in the Congress.

I want to quote now from the Founding Fathers who made it very clear that the whole purpose of the debate was to prevent the executive branch from having the power to "declare" war to "make" war. As Madison's note said on this specific point:

> Mr. Madison and Mr. Gerry moved to insert "declare," striking out "make" war; leaving to the Executive the power to repel sudden attacks. It is noteworthy that the delegates who spoke on this change of wording all expressed concern with the possible enlargement of Presidential power.

It has always been stated—and George Mason stated it very well. He expressed himself "as 'against giving the power of war to the executive,' on the ground that he was 'not to be trusted with it.'"

Or, as was stated by Oliver Ellsworth to his fellow delegates, it "should be more easy to get out of war than into it." And as George Mason said: "For clogging rather than facilitating war; but for facilitating peace."

It was once stated by Elbridge Gerry, and these were during the debates: "He never expected to hear in a republic a motion to empower the executive talons to declare war."

Mr. President, it is very important this day that we face the fact that we are dealing with a shared power. We are dealing with a power of committing the Treasury of the United States and American lives to an act of war, to continuing hostilities. This is not the repelling of a sudden attack.

It was stated earlier in this debate: What if this should go to the Supreme Court? I state to the Senator from Virginia, I welcome this being before the Supreme Court of the United States. The warmaking power, the passages I just read from the Founding Fathers, the history of the War of 1812, the comments by Madison at that time, who is also one of the founders, make it implicitly clear that the Congress of the United States commits the Treasury and potentially the lives of our people into war.

This War Powers Resolution was created to give the President the opportunity to repel certain attacks; 48 hours to go in and rescue citizens. It is carefully structured to allow the powers of a Commander in Chief to be exercised but not the power to carry the Nation into a sustained war effort.

Mr. President, I hope we will vote against this point of order, and I reserve my last minute to close. I hope the Senator from Virginia uses his time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Will the Chair advise with respect to the parliamentary situation and as to time and the vote?

The PRESIDING OFFICER. The Senator from Virginia has 3 minutes remaining under his control. The Senator from Washington has 1 minute 45 seconds remaining under his control. The question will be on the point of order to sustain the point of order. If the point of order is sustained, the bill will be returned to committee.

Mr. WARNER. Mr. President, will the Chair inform the Senate with respect to the yeas and nays? I believe they are part of the UC?

The PRESIDING OFFICER. The Senator is correct. The yeas and nays have been ordered.

Mr. WARNER. Mr. President, the distinguished majority leader, following the opening comment of our good friend from Washington, succinctly clarified the situation both from a parliamentary situation and from the standpoint of the substance; namely, that efforts are being made within this body to express ourselves with respect to the War Powers Act.

Time and time again, all through the spring and all through the fall, this issue has come up over and over. Each time the Senate has decided to basically give support to the President's situation, although in many instances many Members have disagreement, but we have decided to defer at this point a reexamination of the policy in the gulf, but at the same time we have an obligation to try and resolve the differences among the Members of the Senate with respect to the War Powers Act.

Through a good faith effort, the majority leader and others have now put in legislation which is now before the Foreign Relations Committee. We just heard from the chairman, Senator PELL, that he is going to expedite the committee's work on that important piece of legislation.

This point of order that we are about to vote on has been before that committee for 1 month, but, to the best of my knowledge, the committee has taken no action with respect to Senate Joint Resolution 305.

Perhaps the Senate from Washington, in his closing remarks, can say why the Foreign Relations Committee has not acted on it. Yet we hear the Senate being asked today to act and act in such a way that we trigger the War Powers Act to indicate our opinion that it should be triggered and at the same time give the President this broad authority in just a mere 2 hours of debate.

So I think the majority leader was quite correct when he advised the Senate that in his judgment at this time we not take it upon ourselves to begin a 3-day debate with respect to the policy issues involving the gulf and allow the Foreign Relations Committee to act on the pending bill.

The PRESIDING OFFICER. The time of the Senator from Virginia has expired.

Mr. WARNER. Mr. President, I wish to adhere to my time constraints. I urge my colleagues to support the recommendations of the majority leader and an aye vote will sustain.

The PRESIDING OFFICER. The time of the Senator from Virginia has expired. The Senator from Washington has 1 minute and 10 seconds.

Mr. ADAMS. Mr. President, the issue is very simple. The War Powers Resolution is the law. It was created over Presidential veto control U.S. policy in use of its military for sustained periods. I have placed this before the body in order that we could make a simple decision today. The simple decision is: Are there hostilities in the Persian Gulf? And are our servicemen faced with imminent involvement in hostilities? The answer to that is clearly "yes"

Therefore, by voting against the point of order, we will proceed under this statute for 3 days of debate. The matter went before the Foreign Relations Committee, and it was automatically discharged under this statute. This statute has been much maligned by many, but it was created to stop long-term U.S. military commitment. I urge my colleagues to vote against the point of order so that we may proceed with debate on policy in the Persian Gulf. I thank the Chair.

Mr. GORE. Mr. President, I have supported the reflagging operation since the beginning, as a responsibility the United States could not ignore, even though it is abundantly clear that we were led to this policy through a series of atrocious policy blunders on the part of this administration. I have also said that reflagging is an issue which ought to be dealt with by the Congress, within the sense of the War Powers Resolution. Therefore, on several occasions I have joined with Members of the Senate who oppose reflagging to vote in favor of bringing on a full debate under the resolution.

Such is the case today. I agree with Senator Adams that it is time to invoke the resolution, even though I do not see eye to eye with him on reflagging, which he opposes. Like many others here, I also hope that revisions in the resolution which have been proposed by the majority leader will prove helpful in resolving problems we have had ever since war powers was passed. But these changes are not yet the law, and it seems to me that we should not suspend the operation of existing law in deference to what is as yet only prospective law. It is time we debate reflagging and step up to the issue.

The PRESIDING OFFICER. All time has expired. The hour of 5:30 now having arrived, the question is, Is the point of order of the Senator from West Virginia [Mr. Byrd] well taken? The yeas and nays have been ordered. The clerk will please call the roll.

The legislative clerk called the roll.

Mr. BYRD. I announce that the Senator from New Mexico [Mr. Bingaman], the Senator from Florida [Mr. Chiles], the Senator from California [Mr. Cranston], the Senator from Hawaii [Mr. Inouye], the Senator from Massachusetts [Mr. Kennedy], the Senator from Ohio [Mr. Metzenbaum], are necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden], is absent because of illness.

Mr. DOLE. I announce that the Senator from Missouri [Mr. Danforth], the Senator from Washington [Mr. Evans], the Senator from Nebraska [Mr. Karnes], the Senator from Alaska [Mr. Murkowski], the Senator from Wyoming [Mr. Simpson], the Senator from Pennsylvania [Mr. Specter], the Senator from Vermont [Mr. Stafford], and the Senator from California [Mr. Wilson] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 54, nays 31, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—54

Armstrong
Bentsen
Bond
Boren
Boschwitz
Breaux
Byrd
Chafee
Cochran
Cohen
D'Amato
DeConcini
Dixon
Dole
Domenici
Durenberger
Ford
Garn
Graham
Gramm
Grassley
Hatch
Hecht
Heflin
Heinz
Helms
Humphrey
Johnston
Kassebaum
Kasten
Lugar
McCain
McClure
McConnell
Melcher
Mitchell
Moynihan
Nickles
Nunn
Pressler
Quayle
Reid
Rockefeller
Roth
Rudman
Sasser
Shelby
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner

NAYS—31

Adams
Baucus
Bradley
Bumpers
Burdick
Conrad
Daschle
Dodd
Exon
Fowler
Glenn
Gore
Harkin
Hatfield
Hollings
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Mikulski
Packwood
Pell
Proxmire
Pryor
Riegle
Sanford
Sarbanes
Simon
Weicker
Wirth

NOT VOTING—15

Biden
Bingaman
Chiles
Cranston
Danforth
Evans
Inouye
Karnes
Kennedy
Metzenbaum
Murkowski
Simpson
Specter
Stafford
Wilson

The point of order was sustained.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the point of order was sustained.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, there will be no more rollcall votes this evening.

ORDER FOR CONSIDERATION TOMORROW OF PRESIDENT'S VETO

Mr. BYRD. Mr. President, I ask unanimous consent that tomorrow at 11 o'clock a.m., the debate on the override of the President's veto on the trade bill begin.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be some morning business, for not to exceed 20 minutes, and that Senators may speak therein for 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VERNON HERATH, SR.

Mr. DOLE. Mr. President, I extend my sincerest sympathies to the family of Vernon Herath, Sr., one of the Senate's dedicated doormen, who died last week.

Vernon worked here in the Senate for 9 years and was responsible for maintaining order in the Chamber—certainly not the easiest of tasks—but one which he carried out with great skill and diplomacy.

He was a good man—dedicated, easy to work with, and always ready with a kind word, even in the midst of a hot floor battle, or a seemingly endless quorum call. It is always a challenge, but Vernon was a true professional.

Mr. President, the Senate is much more than 100 Senators. It is a family that includes hundreds of men and women who work each and every day to support this great institution. Their names may not be household words, but their hard work and good cheer do not go unnoticed or unappreciated. Indeed, they keep this place going.

Vernon Herath spent much of his life in an around public service. That says a lot about the kind of man he was.

My colleagues and I will certainly miss Vernon's presence in the Chamber. Our thoughts and prayers are with his family.

Mr. STENNIS. Mr. President, if the Senator will yield, I should like to add my words to the comments of Senator Dole. This friend we all had here on the floor—Vernon J. Herath—was one of the most devoted and dedicated men I have known, with respect to the responsibilities of his job and the confidence and trust that was placed in him. He was very generous in helping me take care of the situation I am confronted with.

I was greatly shocked and grieved at the news of his passing. I am writing his family to express my feelings. I understand they are a fine family.

I appreciate the opportunity to say this word.

Mr. DOLE. I thank my distinguished colleague from Mississippi.

DEPARTMENT OF DEFENSE AUTHORIZATION BILL FOR FISCAL YEAR 1989

Mr. WIRTH. Mr. President, the Senate can take pride in the defense authorization bill that we completed just before the recess—and in the timeliness with which this was accomplished. While I do not believe this nation can afford real increases in defense spending given our current budget/deficit situation, and while I strongly believe we can and must achieve greater efficiency in the expenditure of the dollars we already invest in defense, I also do not believe it would be prudent to reduce defense expenditures in real terms at this time. This bill is consistent with those convictions. We have remained within the guidelines of the budget agreement of last December, and we have made some progress in addressing defense spending efficiency and priorities.

The bill we have passed provides a reasonable balance for our Armed Forces. The role of the Congress in providing for the common defense involved all of us here in the Senate, and in the spirit of the Constitution, involves all Americans. The people of my State of Colorado are proud of their role in providing for the common defense.

We are proud that over 42,000 active duty men and women serve in our State. Many of those service members choose to make Colorado their permanent home as indicated by the presence of over 35,000 retirees in the State. Some 14,000 Coloradans support the efforts of our defense forces directly as civilian workers at the 13 active installations in the State. Over 12,000 Coloradans provide for the common defense as members of the Guard and Reserve—partners in the total force. These members of the Guard and Reserves train at 31 centers throughout the State, 1,400 of them on a full time basis as civilian technicians or active Guard and Reserve members.

This bill authorizes $145 million for new construction or improvements to existing defense facilities in Colorado. Significant among these programs is the completion of the national test facility for the Strategic Defense Initiative Organization at Falcon Air Force Station. When operational, the NTF will enable SDIO to test concepts without resorting to methods that violate existing international agreements. Other projects, such as the upgrade of security at the chemical weapons storage site at Pueblo Army Depot Activity and improvements at Peterson and Lowry Air Force Bases, the Air Force Academy, the Cheyenne Mountain complex, and Buckley Air National Guard Base will materially enhance the ability of these facilities to serve their national security functions.

The authorization bill for the current fiscal year awarded nearly $2 billion to Colorado firms for military and civil functions, and the bill we have just passed contains a like amount. Colorado businesses, big and small, as prime or subcontractors, provide the tools and ideas necessary to field and sustain our Armed Forces. Colorado is home to the facilities of two of the three largest manufacturers of the booster rockets that place our military satellites into space. In a related area, recently, I introduced, with Senators BENTSEN and DANFORTH, S. 2395, which would amend the Commercial Space Launch Act to enhance the growth of a commercial private-sector launch capability. The development of the supporting infrastructure, and the ability to easily access space, will contribute significantly to our national security. Moreover, it will allow us to spend our defense dollars more efficiently by supporting larger production runs of expendable launch vehicles.

No less significant in their contribution to our national security are the small firms that supply subsystems, components and parts to major contractors, systems integrators, and directly to the services in the form of supplies. One Colorado firm, for example, makes hosing for the off-shore petroleum discharge system the Navy uses to get fuel ashore in remote areas. From giant space boosters to subsystems, these are but examples of how thousands of Coloradans proudly serve the interests of national security through their day to day labor.

The defense authorization bill also affords us the opportunity to express our interest in and concern for the policy directions that the United States takes in the area of national security. For that reason I am pleased that my colleagues agreed with the sense of the Congress language that I, with the support of Senators NUNN and LEVIN, included in the committee bill concerning the priority of confidence building measures [CBM's] in the upcoming Conference on Confidence and Security-Building Measures and Disarmament in Europe [CDE] and Conventional Stability Talks [CST]. I firmly believe that the early negotiation, implementation, and use of confidence building measures and of force constraints and limitations could help stabilize the military situation in Europe, reduce the risk of war—conventional or nuclear—between NATO and the Warsaw Pact, facilitate progress toward arms reduction agreements, and build the foundation for the verification regime such accords would require.

It all comes together through this bill, Mr. President: the requirements of the armed forces, the contributions of Americans in and out of uniform, serving in countless ways, and our expressions of concern on policy direction and implementation are integrated here.

It is necessary, Mr. President, that I offer my highest compliments to the very able chairman of the Armed Services Committee, the senior Senator from Georgia, Mr. NUNN. It is he who provided the leadership, in a genuine bipartisan spirit, which resulted in the bill that the Senate has passed today. Compliments also are due to the ranking minority member, the distinguished senior Senator from Virginia, Mr. WARNER. He, too, has laid partisanship aside in the interests of crafting the best possible plan for meeting our national security needs. They and the able Senators who assisted them managing the bill on the floor should be complimented for the way in which they completed all substantial action on the bill in only 1 week, an unusual accomplishment in the Senate.

I would be remiss if I did not acknowledge that much of the credit for the success with this bill must go to the committee staff, under the direction of Staff Director Arnold Punaro, and the personal staff of committee members, all of whom arrived early and stayed late day after day through the hearings, markup, and floor action on this bill. I extend my thanks and congratulations to all of them, for without them, the Senate could not hope to fufill its responsiblities to the American people.

This is a good bill, Mr. President, and I am pleased to have supported it.

REV. LEON H. SULLIVAN—WARRIOR FOR SOCIAL JUSTICE

Mr. SPECTER. Mr. President, for more than four decades, Rev. Leon H. Sullivan, founder of the Opportunities Industrialization Centers, has been in the forefront of those fighting for social justice and human dignity for all Americans and, indeed, for the downtrodden around the world. In this struggle, he has been a giant—more than giant, a titan—who has never allowed temporary setbacks to discourage him or to move him 1 inch from his chosen path, no matter how arduous the going.

His successes have been many; his failures, few. He has had that rare ability to make people see their own worth—the goodness and talent in them—and of inspiring them to bring it out for all to see.

From that long ago day when he opened his first job training center in an old abandoned police station, Reverend Sullivan has gone on to become an institution not only in his hometown of Philadelphia but nationally and even internationally. He has restored hope and self-esteem to countless thousands through job training which has enabled them to find meaningful and rewarding employment. He has provided business opportunities for minority group members that have allowed them to move into the mainstream of entrepreneurial America. And he has worked to bring decent, affordable housing to neighborhoods from which it had all but vanished.

Always, Reverend Sullivan has recognized that no person can be happy without a measure of dignity and that this dignity, this sense of self-worth, can be realized only when a person is prepared for and can find a decent job and decent housing. His lifelong credo has been: "Not a hand out but a hand up."

Now, as he reaches the age of three score and five, Reverend Sullivan is retiring from his active ministry as pastor of the Zion Baptist Church in north Philadelphia. He is endeavoring to slacken his swift pace just a bit. It is certain, however, that he will never retire or withdraw from those battlegrounds where the war for human dignity and social justice is being waged. He has been too great a warrior for his fellow man. In this conflict, he will always be present and his presence, as it always has been, will be strongly felt.

It is altogether fitting then that the U.S. Senate take note of the achievements of Reverend Sullivan and wish him well as he retires from his active ministry.

WORKER NOTIFICATION—NO REASON TO REJECT THE TRADE BILL

Mr. RIEGLE. Mr. President, I recently received a letter from the Parker Employee Morenci Task Force in Morenci, MI.

Their employer, the Parker & Amchem Corp., has announced its closing of the Parker Chemical Co. in Morenci. Although any time a plant closes, it causes a great deal of dislocation and trauma for the workers and their families as well as the community at large, in this instance, there has been a major effort to mitigate these effects through advanced planning and cooperation by the State of Michigan, the company, its workers, and the local community.

The group wrote to the President in support of the plant closing provision included in the trade bill, listing the reasons for their support of and the importance of advanced notice when an employer is going to close his doors.

On June 3, the task force made a presentation at a National Labor Conference, sponsored by the Federal Mediation and Conciliation Service entitled: "Joint Approaches to Dealing With Worker Dislocation." That program detailed what has been done by the task force to soften the blow to the city of Morenci and these workers.

Parker Chemical is a small company, employing 70 people, in a town of 2,000. It is also the source of the best jobs in this small community.

The company has 57 hourly workers, represented by the UAW, and 13 salaried employees. They were notified in September 1987 that the company planned to close the facility in September 1988—a full year's notice. Since that time, the company has extended the plan through 1989.

Under the plant closing provisions in the trade bill, this company would not have been required to provide 60-days notice, because it has under 100 employees, yet it exceeded the requirement by a full 10 months.

This moderate, yet meaningful provision should not be a reason to reject a bill which is long overdue and very necessary.

I urge my colleagues to vote to override the President's veto of this vital legislation which will make a big difference to American workers and American companies.

I ask unanimous consent that the leter from the Parker Employee Morenci Task Force to the President be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PARKER EMPLOYEE
MORENCI TASK FORCE,
Morenci, MI, May 6, 1988.

The PRESIDENT,
The White House,
Washington, DC.

SIR: We have learned of your plan to veto the Plant Closure Bill in which companies would be required to disclose their plans for closure 60 days prior to actual date.

We are currently involved in a plant closure. Our company Henkel Corporation, Parker+Amchem, has joined in a program with the Governor's Office on Job Training, State of Michigan, Department of Labor. Through this program, company government, and private resources assist in providing planned closure adjustment services to employees. Displaced workers who are made aware of their future job loss are given assistance in: 1) assessing job skills, 2) acquiring educational/technical training to increase job skills, 3) learning job search skills, 4) making job contacts, 5) obtaining knowledge of job openings, 6) interviewing for jobs.

Displaced workers are also assisted with the stressful conditions that result when loss of employment occurs. Prior notice allows them to make plans for: 1) financial needs, 2) educational implications for children, 3) disruptions in family life, 4) impact on social and personal decisions.

We feel the benefits of early notification of plant closure outweigh any disadvantages. Companies who announce their closure, and accompany this with programs to help employees adjust to the loss of jobs and aid in obtaining new jobs, find their cost of closure and demands upon benefits reduced. Early notification is humane and beneficial in reducing requests for expensive social service programs which ultimately all tax payers must support.

Our company, Parker+Amchem, has enabled us to form a Task Force to address all the above issues. Once again, early disclosure of plant closing saves money for the company, community, social service programs and taxpayers. We believe it also helps maintain productivity, positive attitudes, and commitment of employees until doors are closed.

We urge you to reconsider your position on this bill.

Most respectfully yours,
MORENCI TASK FORCE TEAM.

THE 44TH ANNIVERSARY OF D-DAY—JUNE 6, 1988

Mr. THURMOND. Mr. President, I rise to call to the attention of the Senate the fact that today is the 44th anniversary of the Allied landings in northern France. That day marked the beginning of the end for the Nazi occupation of Europe. A war that had begun on European soil nearly 5 years earlier with the Nazi invasion of Poland was now 11 months away from the surrender of Germany.

The names Utah, Omaha, Sword, Juno, and Gold will be remembered throughout history as the invasion beaches where tens of thousands of United States, British, and Canadian soldiers waded ashore to begin the liberation of occupied Europe.

In his first address before the House of Commons in 1940, Prime Minister Winston Churchill stated, "I have nothing to offer but blood, toil, tears and sweat." This day, 44 years ago, marked the offering of much blood, sweat, toil and tears of our soldiers.

Twice in this century Americans have journeyed to Europe to help end wars that were started by others and that could have been avoided. The sacrifices of our soldiers are known and admired around the world. Row upon row of American graves in Normandy are evidence of the courage and dedication of the men who fought during the Normandy invasion.

Mr. President, I am proud to count myself as one of those veterans who participated in the Allied landings on D-Day as a member of the 82d Airborne Division. Today is a day that should make all Americans proud of our history.

NATIONAL CANCER SURVIVOR'S DAY

Mr. HATCH. Mr. President, I want to take this opportunity to comment on an event which took place yesterday, National Cancer Survivor's Day. I would like to pay tribute to those who recognize the possibilities of overcoming the fear and, eventually, the illness of cancer. People do survive cancer, and the odds of surviving cancer are increasing each year. Today, an estimated 1 out of 2 cancer patients can be cured. Five million cancer survivors are a living testament to progress.

It's time for us to celebrate these victories over cancer and honor these professionals who are helping to fight the battle: the doctors, nurses, researchers and volunteers. In doing so, we will communicate the message to all Americans that survival is real and the fear surrounding cancer can sometimes be the real enemy.

Fear keeps people away from mammography, away from their doctors and sometimes it prevents them from fighting after they've been diagnosed. Not knowing that survival is possible even stops people from donating time and money to the effort.

National Cancer Survivor's Day was conceived as a visible evidence to communicate the message of cancer survival. This celebration of life is being sponsored by "COPING" (the national magazine for cancer patients and their families) in cooperation with the American Cancer Society.

The American Cancer Society and its volunteers are staging events in local communities throughout the country. Joining them are local hospitals and the National Coalition for Cancer Survivorship.

If celebrating National Cancer Survivor's Day helps one cancer patient fight harder, if it sends one worried person to a doctor sooner, if it gains one extra dollar for research, it will have been worth doing.

I want to take this opportunity to applaud the efforts of the American Cancer Society and especially the survivors and their supporters of this dreaded disease. These Americans have overcome the fear and have shown that there is indeed hope in the fight against cancer. Their victories have given us the courage to stand up and celebrate life by striving for the day when America is cancer free.

PLANT CLOSING ALTERNATIVES

Mr. **METZENBAUM.** Mr. President, President Reagan vetoed the omnibus trade bill because it contained the plant closing provision. He rejected 3 years of hard work and tough bargaining over a provision that requires employers to give workers and their communities 60 days notice before shutting a plant. He turned his back on 86 percent of the American public that believes mandatory advance notice should be enacted into law. He denied workers the basic human courtesy of a little time to adjust to the shock of losing a job and having to start a new life.

The President's veto does not even make economic sense. Noted economist Ala Blinder of Princeton University concludes in the current issue of Buisness Week that advance notification provides economic benefits to society. According to Blinder, savings to the community and the unemployment-insurance system outweigh the minor costs to companies, because fewer taxpayers end up out of work, and those who do remain out of work for shorter periods. I ask unanimous consent that the full text of Professor Blinder's article be placed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PLANT CLOSINGS: IT PAYS TO GIVE WORKERS ADVANCE NOTICE

(By Alan S. Blinder)

If you've read the papers lately, you may have come away with the impression that Congress and President Reagan are locked in an epic struggle over the fate of American capitalism. I refer to the brouhaha over plant-closing notification.

We could be having a rational debate over the pros and cons of a fairly minor piece of labor legislation. But this is America's political silly season, so we have instead an ideological melodrama in which labor is pitted against capital. Organized labor has turned advance notice into a motherhood issue that it can use to embarrass the President. Business groups have countered with hysterical claims about the impending demise of free enterprise.

Yet what is really at stake here is a fairly innocuous provision requiring companies that can do so to give 60 days' advance notice before closing a plant. No layoff or plant closing would be banned. No company would need government approval to shutter a factory. No severance pay or other benefit would be mandated. Companies that have fewer than 100 employees or are laying off fewer than 50 would be exempt, as would those idling less than a third of their work force, unless at least 500 employees are involved.

SIMPLE JUSTICE.

Would two months' advance notice really impose an intolerable burden on America's capitalists? Or create nirvana for America's workers? Surely there is less here than meets the ear. Once the rhetorical smoke is cleared away, the arguments in favor of notification seem stronger than those against.

The most compelling case is based on simple economic justice and social compassion. Workers who lose jobs when a plant closes usually remain unemployed for a while. When forewarned, they can begin looking for work earlier. So early notification is like a contribution to the community chest.

What we know about advance notice is based on experience in Maine, which has had plant-closing legislation since 1971, and on studies comparing companies that voluntarily give notice with those that do not. The research shows that workers who knew of plant closings in advance were less likely to become unemployed and, if they did, tended to remain so for shorter periods of time. These benefits are worth having. Are they costly to provide?

Opponents argue that companies announcing plant closing in advance may find their customers disappearing, their access to credit impaired, and productivity dropping. Each of these would reduce the profitability of already unprofitable plants and hasten closing day.

Undoubtedly, there are isolated instances where prior notice might precipitate such problems. But customers and creditors have reason to flee only if a company is in danger, not if it is shifting its operations to a more profitable locale. The purposed legislation is sensitive to these problems. It excepts closings resulting from "unforeseeable" business developments and exempts faltering companies that are actively seeking new capital or new business to keep a plant open. Furthermore, the announcement of an impending shutdown just might initiate actions that save, rather than destroy, the plant. In fact, case studies suggest that productivity rises, rather than falls, when advance notice of a plant closing is given.

Still, there is no denying that prior notice is likely to make closing a plant at least slightly more costly—if only politically. And there is the ever-present danger that ambiguities in the law will lead to legal entanglements. So we must ask what justifies imposing even small additional costs on employers.

When someone advocates interfering with free-market decisions, economists want to know why. Do some of the costs or benefits accrue to parties with no say in the decision? Is one party misinformed? Both rationales apply here. Part of the cost of any plant closing is borne by the taxpayer through the unemployment-insurance system, and another part is borne by the local community. These external costs are mitigated if fewer workers lose their jobs. Informing workers in advance is designed to accomplish precisely that by giving workers the information they need. And it seems to work.

HUMANIZING TREND

At this point, business lobbyists start mumbling about letting the camel's nose under the tent. Advance notice may be only a minor infringement on the freedom to make employment decisions, the argument goes, but it is a step down a perilous road that Europe (and Maine) have already traveled. Surely America does not want to emulate that example.

Indeed we do not. But the excesses of European labor markets need not deter the century-old trend toward humanizing our own. The camel first stuck its nose under the tent when we regulated child labor. It thrust its entire head in when legislation enabled labor unions to flourish. And it wriggled in most of its body when we established the eight-hour day, unemployment insurance, and social security. When the camel finally pulls in its hindquarters—say, by getting advance notice and minimal health insurance, I daresay there will be plenty of room left for the sheik.

Mr. **METZENBAUM.** This veto is unfair. It is unjust and everyone knows it. That is why Republicans opposed to mandatory advance notice have been scrambling to find political cover. The President himself is trying to take some of the sting out of his indefensible action. Even though he vetoed the bill because of the plant closing provision, the President proposed an "incentive" for business to give advance notice.

But actions speak louder than words. The President's proposal to "help" workers would give a $200-per-worker tax credit to any employer providing notice. The President's incentive plan is a cruel hoax. It is an indecent bribe to companies to treat workers fairly. It is an insult to those companies that already do the right thing and to taxpayers who would end up footing the bill.

Would the President bribe companies to pay the minimum wage, to obey the child labor laws, to refrain from polluting the environment?

Companies are given generous incentives to build and generous incentives to stay in a community. It is outrageous for the President to suggest that on top of all those incentives, companies must be given incentives to tell their workers they will soon be unemployed.

Senator KASTEN and Representative KEMP also have been seeking political cover. Their idea of helping workers cope with plant shutdowns is to eliminate the capital gains tax and to set up special enterprise zones. But tax breaks for the wealthy and special treatment for business will do nothing to help workers who are tossed out onto the street without a moment's notice. At least the Kasten-Kemp bill lets people know the true Republican position—they have transformed an issue of basic fairness for workers into an opportunity to help the rich and powerful.

The Senator from Indiana has taken yet a third approach. Before the President's veto, Senator QUAYLE introduced a bill to encourage voluntary advance notice of a plant closing. The bill has no requirements and no penalties. It merely encourages employers to provide reasonable notice. But we are operating under a voluntary notice system now. Voluntary notice simply does not work. That has been confirmed time after time in studies by the GAO, the Bureau of Labor Statistics, and the National Academy of Sciences.

No one knows better than the Senator from Indiana that the voluntary approach has failed. Nearly 4 years ago, in a well-publicized speech to the business community, the Senator from Indiana warned employers that they should give advance notice to workers or else Congress would be forced to compel notice. Just last year, in dissenting views to the Labor Committee's report on the plant closing provision, the Senator from Indiana sent an open letter to the business coalition opposing plant closing legislation. He once again called on the business community to provide voluntary notice.

For 4 years, Senator QUAYLE has been telling business that notice of 1 day or 1 week is "irresponsible and callous" and that "if that practice continues you will see legislation." Despite these warnings, employers continue to shut plants and lay off hundreds of thousands of workers with 1 day or 1 week notice—or no notice at all.

The Quayle bill is a diversion that does not deserve serious consideration. If we are serious about helping the working men and women of this country, then we must enact the mandatory advance notice provision already in the trade bill.

In addition to seeking political cover, opponents of mandatory notice have tried to cloud the issue by misrepresenting the substance of the plant closing provision. They contend that under this bill an employer purchasing a business is required to hire all the seller's employees. That contention is absolutely false.

The plant closing provision has one requirement and one requirement only—an employer must provide 60 days notice before implementing a plant closing or mass layoff. In response to a specific concern expressed by the National Association of Manufacturers, we added an exception to the notice requirement whereby a seller need not give notice if the purchaser agrees to retain most of the seller's current employees. The purchaser is perfectly free not to offer continued employment to the seller's employees. In that case, the seller, like all other employers, must provide notice before his employees are terminated as part of the shutdown of his operations.

Opponents of mandatory notice mischaracterize this exception as an added burden on business, when, in fact, it was added at the request of employers to provide more flexibility. To set the record straight, the members of the conference responsible for drafting the final plant closing provision, including the ranking minority member of the House Education and Labor Committee, sent a letter that was published in this past Sunday's New York Times. I ask unanimous consent that the full text of the letter be reprinted at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TRADE BILL DOESN'T FORCE PLANT BUYER TO HIRE SELLER'S EMPLOYEES

To the Editor:

As authors of the Congressional conference-report language on the plant-closing provision of the trade bill, we take sharp issue with a characterization by Senator Charles E. Grassley (letter, May 24), repeated in your front-page article on President Reagan's veto of the bill (May 25). Senator Grassley states—and your report accepts—that the plant-closing provision contains "a requirement that a prospective plant buyer hire all the seller's employees." That is absolutely false.

The plant-closing provision has only one requirement: that employers provide 60 days' notice before a plant closing or mass layoff. But to protect employers who are selling a business, we have specified that the notice requirement may be avoided under certain circumstances.

This exception to mandatory notice was added in response to a concern expressed by the National Association of Manufacturers.

During Senate hearings on the plant-closing provision, the N.A.M. commented that because "employees are normally 'terminated' by the seller" as part of the sale of a plant, such a sale might "trigger the bill's notice requirements even if all of the seller's employees were hired by the buyer."

Under the legislation, therefore, a seller need not give notice if the purchaser agrees to retain most current employees with no more than a six-month break in employment. This emphatically is not a requirement that the purchaser hire the seller's employees.

A purchaser is perfectly free not to offer continued employment. In that instance, the seller, like all other employers, must give notice before his employees are "terminated" as part of the shutdown of his operations.

The provision was included at the request of employer groups wanting more flexibility. It is ironic that opponents of mandatory notice have chosen to mischaracterize the provision as an added burden for business.

(Senator) HOWARD METZENBAUM,
(Senator) EDWARD M. KENNEDY,
(Rep.) JAMES M. JEFFORDS,
(Rep.) WILLIAM D. FORD,
(Rep.) WILLIAM CLAY,
Washington, May 31, 1988.

Mr. METZENBAUM. The American people do not need alternatives. They will not stand for misrepresentation. What they need and what they want is the plant closing provision in the current trade bill. The House has already overriden the President's veto. We must do what is right for the American people by joining the House in voting to override this thoughtless, heartless veto.

BEAUTIFUL BABIES, RIGHT FROM THE START

Mr. DIXON. Mr. President, I would like to take this opportunity to commend the University of Chicago Hospitals and WBBM-TV for sponsoring "Beautiful Babies, Right from the Start," a campaign to reduce infant mortality in the Chicago area.

The Beautiful Babies campaign kicks off June 9 and will run for 18 months. It consists of an extensive media-based public education and awareness program and a free incentive campaign designed to encourage all pregnant women to seek early and continued prenatal care. A similar campaign is currently underway in Washington, D.C.

What sets the Chicago metropolitan area Beautiful Babies project apart from other public awareness efforts is its ambitious incentive campaign. This phase will urge pregnant women to seek early and repeated prenatal care, reducing the probability of infant mortality by making available a free coupon book with coupons for discounted prenatal goods and services, a guide to hotlines, community health and support referral services, and a pregnancy reference guide.

With America's infant mortality rate being one of the worst—we ranked 19th out of 20 industrialized nations when it comes to keeping our newborns alive—such a campaign will be a vital educational tool. I would like to congratulate University of Chicago Hospitals and WBBM-TV for developing this wonderful campaign and encourage them to keep up the good work.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on June 1, 1988, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bills:

H.R. 2210. An act to prohibit the use of certain antifouling paints containing organotin and the use of organotin compounds, purchased at retail, used to make such paints; and

H.R. 4556. An act to amend the provisions of the Agricultural Act of 1949 relating to certain cross compliance requirements under the extra long staple cotton program.

The enrolled bills were subsequently signed on today, June 6, 1988, by the Acting President pro tempore [Mr. SANFORD].

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on June 3, 1988, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 2969. An act to amend chapter 11 of title 11 of the United States Code to improve the treatment of claims for certain retiree benefits of former employees; and

H.J. Res. 469. Joint resolution to designate June 1988 as "National Recycling Month."

The enrolled bill and joint resolution were signed on today, June 6, 1988, by the Acting President pro tempore [Mr. SANFORD].

MESSAGES FROM THE HOUSE

At 11:19 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1212) to prevent the denial of employment opportunities by prohibiting the use of lie detectors by employers involved in or affecting interstate commerce.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2470) to amend title XVIII of the Social Security Act to provide protection against catastrophic medical expenses under the medicare program, and for other purposes.

The message further announced that the House has passed the following bill and joint resolution, without amendment:

S. 1652. An act to authorize the establishment by the Secretary of Agriculture of a plant stress and water conservation research laboratory and program at Lubbock, TX; and

S.J. Res. 266. Joint resolution to designate the week beginning June 12, 1988, as "National Scleroderma Awareness Week."

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1801. An act to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1989 through 1992; and

H.R. 4387. An act to authorize appropriations for fiscal year 1989 for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The message further announced that pursuant to the provisions of section 1505 of Public Law 99-498, the Speaker appoints Mr. KILDEE and Mr. YOUNG of Alaska to the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development on the part of the House.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4387. An act to authorize appropriations for fiscal year 1989 for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The Committee on the Judiciary was discharged from the further consideration of the following bill, which was placed on the calendar:

S. 1516. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3300. A communication from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Perishable Agricultural Commodities Act to increase the statutory ceiling on license fees; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3301. A communication from the Chief of the Forest Service, Department of Agriculture, transmitting, pursuant to law, the final 1987 Report of the Forest Service; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3302. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on allied contributions to the common defense; to the Committee on Armed Services.

EC-3303. A communication from the Assistant Secretary of Defense (Comptroller) transmitting, pursuant to law, a report on supplemental contract awards for the period May 1, 1988 to June 30, 1988; to the Committee on Armed Services.

EC-3304. A communication from the Deputy Assistant Secretary of Defense (Resource Management and Support), transmitting, pursuant to law, a report on the actuarial status of the military retirement system for fiscal year 1987; to the Committee on Armed Services.

EC-3305. A communication from the Acting Deputy Assistant Secretary (Logistics), Department of the Air Force, transmitting, pursuant to law, a report relative to performance under contract and the commissary resale warehouse function at Barksdale Air Force Base, Louisiana, to the Committee on Armed Services.

EC-3306. A communication from the General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to repeal the authorization for the Federal Crime Insurance Program; to the Committee on Banking, Housing, and Urban Affairs.

EC-3307. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the Export-Import Bank's 1987 and 1986 Financial Statements; to the Committee on Banking, Housing, and Urban Affairs.

EC-3308. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the Commission's 1986 report to Congress relative to the Federal Cigarette Labeling and Advertising Act; to the Committee on Commerce, Science, and Transportation.

EC-3309. A communication from the Administrator of the Federal Aviation Administration, transmitting, pursuant to law, a report relative to rulemaking proceedings in the interest of improved aviation safety; to the Committee on Commerce, Science, and Transportation.

EC-3310. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation entitled the Pipeline Safety Reauthorization Act of 1988; to the Committee on Commerce, Science, and Transportation.

EC-3311. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the Coast Guard for fiscal year 1989, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-3312. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, notification of the extended time period for acting on appeal in No. 40073, South-West Railroad Car Parts v. Missouri Pacific Railroad Company, to September 3, 1988; to the Committee on Commerce, Science, and Transportation.

EC-3313. A communication from the Administrator of the Federal Aviation Administration, transmitting, pursuant to law, a report on the Administration's prior year safety enforcement activities; to the Committee on Commerce, Science, and Transportation.

EC-3314. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, a report relative to subsistence management and use on public lands in Alaska; to the Committee on Energy and Natural Resources.

EC-3315. A communication from the Secretary of Energy, transmitting, pursuant to law, an update to the Comprehensive Ocean Thermal Technology Application and Market Development Plan; to the Committee on Energy and Natural Resources.

EC-3316. A communication from the Deputy Associate Director, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on refunds of excess royalty payments on offshore oil and gas leases; to the Committee on Energy and Natural Resources.

EC-3317. A communication from the Deputy Associate Director, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on refunds of excess royalty payments on offshore oil and gas leases; to the Committee on Energy and Natural Resources.

EC-3318. A communication from the Deputy Associate Director, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on refunds of excess royalty payments on offshore oil and gas leases; to the Committee on Energy and Natural Resources.

EC-3319. A communication from the Deputy Associate Director, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on refunds of excess royalty payments on offshore oil and gas leases; to the Committee on Energy and Natural Resources.

EC-3320. A communication from the Secretary of Energy, transmitting, pursuant to law the quarterly report on the Strategic Petroleum Reserve during the period January 1, 1988 through March 31, 1988; to the Committee on Energy and Natural Resources.

EC-3321. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report of the nondisclosure of Safeguards Information by the Commission for the quarter ending March 31, 1988; to the Committee on Environment and Public Works.

EC-3322. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, copies of proposed lease prospectuses; to the Committee on Environment and Public Works.

EC-3323. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, clarifications and modifications to the original report on Construction Authorizations Eligible for Deauthorization; to the Committee on Environment and Public Works.

EC-3324. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the "Review of the Impact of Outlier and Transfer Payment Policy upon Rural Hospitals"; to the Committee on Finance.

EC-3325. A communication from the Assistant Secretary of Legislative Affairs, transmitting, pursuant to law, a report on Soviet Ballistic Missile Tests near Hawaii; to the Committee on Foreign Relations.

EC-3326. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report on the investigation into the death of Enrique Camarena; to the Committee on Foreign Relations.

EC-3327. A communication from the Commissioner of Social Security, transmitting, pursuant to law, notice of a computer matching program by the Social Security Administration; to the Committee on Governmental Affairs.

EC-3328. A communication from the Secretary of the United States Postal Commission, transmitting, pursuant to law, an opinion and recommended decision of the Commission in Docket No. MC88-1, Money Order Sale Limitations; to the Committee on Governmental Affairs.

EC-3329. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-180, adopted by the Council on 5-3-88; to the Committee on Governmental Affairs.

EC3330. A communications from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-182, adopted by the Council on 5-3-88; to the Committee on Governmental Affairs.

EC-3331. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of reports issued by the General Accounting Office during April 1988; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of May 27, 1988, the following reports of committees were submitted on June 2, 1988:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 473. A bill to regulate interstate commerce by providing for uniform standards of liability for harm arising out of general aviation accidents (Rept. No. 100-378).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THURMOND:

S. 2465. A bill to amend title 18, United States Code, to extend penalties for the operation of a locomotive, and to provide increased penalties for the operation of a common carrier, under the influence of alcohol or drugs if such operation results in serious bodily injury or death; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself and Mr. DODD):

S. 2466. A bill to amend the Public Health Service Act to establish a program of grants to the States for the purpose of providing to the public information of Lyme disease; to the Committee on Labor and Human Resources.

By Mr. D'AMATO:

S. 2467. A bill to amend the Federal Home Loan Mortgage Corporation Act to remove the ownership restrictions placed on nonvoting preferred stock of the corporation; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATCH:

S. 2468. A bill to revitalize the Food and Drug Administration, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HEINZ (for himself and Mr. GRASSLEY):

S. 2469. A bill to amend chapters 83 and 84 of title 5, United States Code, to expedite the processing of retirement applications of Federal employees, and for other purposes; to the Committee on Governmental Affairs.

By Mr. METZENBAUM (for himself and Mr. HEINZ):

S. 2470. A bill to promote technology competitiveness and energy conservation in the American steel industry; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND:

S. 2465. A bill to amend title 18, United States Code, to extend penalties for the operation of a locomotive, and to provide increased penalties for the operation of a common carrier, under the influence of alcohol or drugs of such operation results in serious bodily injury or death; to the Committee on the Judiciary.

INCREASED PENALTIES FOR OPERATION OF A COMMON CARRIER UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

Mr. THURMOND. Mr. President, today, I am introducing legislation which will substantially increase the criminal penalties which may be imposed upon those persons who cause death or serious bodily injury when operating a common carrier while under the influence of drugs or alcohol. A common carrier means a rail carrier, a sleeping carrier, a bus transporting passengers in interstate commerce, a water common carrier, a locomotive operator, or an air common carrier.

Recent appalling statistics have been brought to my attention. Department of Transportation statistics reveal that from January 1987 through February 1988, 41 train wrecks have occurred in which employees were impaired by drugs or alcohol. These accidents have claimed the lives of 29 people and have resulted in injuries to 341 others. No one can forget the tragic train wreck that occurred last year in Chase, MD. Sixteen innocent people were killed and another 174 individuals were injured. Also last year, a bus driver who tested positive for cocaine, valium, and marijuana crashed into a bridge in nearby Alexandria, VA, killing 1 and injuring 32 passengers.

To address concerns about such accidents, in the 99th Congress, I introduced legislation which was enacted. This law makes it a Federal crime to operate, or direct the operation of, a common carrier while intoxicated or under the influence of drugs. I believe that this legislation has proven to be an effective deterrent while at the same time helping to further the understanding throughout our Nation that operating any vehicle while under the influence of drugs or alcohol will not be tolerated.

Those who choose to disobey the "intoxicated common carrier" law face fines and prison sentences which are designed to punish those who engage in the activity the law is aimed at preventing—the operating of common carriers while under the influence of drugs or alcohol. Yet, when an individual's choice to break the law results in the death or serious bodily injury of another, that individual must be subjected to an enhanced penalty which will subject that operator to punishment for the loss and heartache caused when innocent people are killed or seriously injured. Enhanced penalties will be a deterrent and will assure the victims and their families that those who commit such acts will be appropriately punished.

Briefly, I would like to discuss the penalties this legislation will impose. If serious bodily injury results, the penalty would be mandatory imprisonment for a period of not less than 3 years but not more than 15 years, plus the possibility of a fine of up to $50,000 per injury. For those incidents in which death occurs, the penalty would be a mandatory prison term of not less than 5 years, but not more than 30 years plus the possibility of a fine of up to $100,000 per death. Although these penalties are tough, I believe they are appropriate. In addition to enhancing penalties, this bill will make the "intoxicated common carrier" law applicable to those persons who operate, or direct the operation of, locomotives.

Over the last few years, many States have enacted legislation providing for enhanced penalties when a drunk driver causes great bodily injury or death. Those individuals entrusted with the operation of our common carriers should be subjected to punishment which is no less severe. Common carriers must be held to a higher standard of care because of the increased responsibility they bear.

In closing, I strongly believe that enhanced Federal criminal sanctions are necessary and proper to address this serious problem. When innocent people, through no fault of their own, are killed or seriously injured by common carriers under the influence of drugs or alcohol, those operators must be subjected to enhanced punishment. I urge my colleagues to join in this effort which will make public transportation safer. The enactment of tough criminal penalties for commission of these reckless acts will save lives by making the railways, highways, and airways safe for all Americans.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2465

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 341 of title 18, United States Code, is amended by adding after "means a" the following: "locomotive, a".

(b) Section 342 of title 18, United States Code, is amended by striking out "imprisoned" and all that follows through "or both." and inserting in lieu thereof "punished as follows:

"(1) If death results, the offender shall be imprisoned not less than 5 years and not more than 30 years per death, and may be fined up to $100,000, per death.

"(2) If serious bodily injury results, the offender shall be imprisoned not less than 3 years and not more than 15 years and may be fined up to $50,000, per injury.

"(3) In any other case, the offender shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.".

By Mr. MOYNIHAN (for himself and Mr. Dodd):

S. 2466. A bill to amend the Public Health Service Act to establish a program of grants to the States for the purpose of providing to the public information on Lyme disease; to the Committee on Labor and Human Resources.

GRANTS FOR INFORMATION ON LYME DISEASE

● Mr. MOYNIHAN. Mr. President, I rise today to introduce legislation designed to control the spread of Lyme disease. Allow me to provide Senators with some background on the disease, and why I believe this measure is worthy of their full support.

Although Lyme disease was first officially reported just 13 years ago in Lyme, CT—thus, its curious appellation—it has fast become the most common tick-borne disease in the United States. If treated early, the disease can be easily cured by antibiotic therapy; however, early diagnosis is often thwarted by Lyme disease's pernicious resemblance to the flu and other, much less dangerous ailments. Indeed, without early treatment, a victim of Lyme disease can expect meningitis, heart disease, encephalitis, paralysis or even, albeit in rare cases, death.

The Centers for Disease Control [CDC] has reported 6,000 cases of Lyme disease in the last 6 years; however, the CDC indicates that because the existence of the disease is not widely known, there have been many more cases which have gone unreported, undiagnosed, and worse, untreated.

My own State of New York has been the hardest hit, particularly in Suffolk and Westchester Counties; however, Lyme disease has now been reported in over 30 States. Clearly, action must be taken to prevent this menace from spreading even further.

The measure I introduce today will provide $2.5 million in grants to assist States in providing information on the diagnosis, prevention and, control of Lyme disease. Because Lyme disease is treatable in its early stages, early detection is the key. With this legislation, we mean to give the States the wherewithal to educate doctors and patients alike and effectively stop this disease in its tracks.

Several weeks ago, I introduced Senate Joint Resolution 326, designating June 12-June 18, 1988 "Lyme Disease Awareness Week." I hope my colleagues will join with me in sponsoring that measure; however, it will take more than merely a week of awareness to stem the growth of Lyme disease and halt the suffering it brings. Therefore, I urge my colleagues to join with me, and the distinguished Senator from Connecticut, Senator Dodd, in support of this measure, which will provide States with real help.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2466

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 320 the following new section:

"GRANTS FOR INFORMATION ON LYME DISEASE

"Sec. 320A. (a) The Secretary may make grants to States for the purpose of assisting States in providing to the public information on the diagnosis, prevention, and control of Lyme disease.

"(b) The Secretary may not make a grant under subsection (a) to an applicant unless the applicant has submitted to the Secretary an application for the grant. The application shall, with respect to carrying out the purpose for which the grant is to be made, provide assurances of compliance satisfactory to the Secretary and shall otherwise be in such form, be made in such manner, and contain such information and agreements as the Secretary determines to be necessary to carry out such subsection.

"(c) For the purpose of carrying out this section, there is authorized to be appropriated $2,500,000 for fiscal years 1989 and 1990.".●

By Mr. D'AMATO:

S. 2467. A bill to amend the Federal Home Loan Mortgage Corporation Act to remove the ownership restrictions placed on nonvoting preferred stock of the corporation; to the Committee on Banking, Housing, and Urban Affairs.

ELIMINATION OF RESTRICTIONS ON FREDDIE MAC STOCK

● Mr. D'AMATO. Mr. President, I rise today to introduce legislation to help ease certain of the current problems of this Nation's savings industry. Each day brings even more distressing reports about the condition of the savings industry. While the majority of saving institutions are strong and healthy, the industry as a whole is confronting serious problems. It is essential to the soundness of our financial markets that we strive to strengthen the industry, to bolster its capital position, and to enable as many institutions as possible to survive and prosper in the evolving financial environment.

This legislation seeks to inject—at no cost to taxpayer funds—at a minimum, almost $1 billion of new capital into the industry simply by removing two regulatory restrictions on ownership of nonvoting preferred stock of the Federal Home Loan Mortgage Corporation—Freddie Mac. This stock is currently held by over 2,900 savings institutions.

In December 1984, the FHLBB created 15 million shares of participating preferred stock of the Federal Home Loan Banks. The stock was disbursed to the industry to enhance the capital position of individual institutions. However, restrictions on the stock's ownership have suppressed the market price of the stock. According to most analysts, the shares at present are tremendously undervalued.

FREDDIE MAC STOCK

The first day the stock traded on the New York Stock Exchange, it closed at $42⅛. In spite of increasing per share earnings and dividends—1986 earnings were $247 million, 1987 earnings were $301 million, and 1988 earnings are estimated to be 10 to 20 percent higher—the stock closed on the last day of March of this year at only $57.

Estimates are that the value of the stock would at least double—and some suggest triple—if ownership restrictions were lifted.

While, arguably, ownership restrictions could be lifted by act of the bank board, no action has been taken. The president of Freddie Mac has publicly urged that these stock ownership restrictions be lifted; the bank board has yet to respond. I am including a recent article by Leland Brendsel, president of Freddie Mac, outlining his reasons for supporting removal of the ownership restrictions, and I ask unanimous consent that the article be printed in the RECORD following my remarks.

In addition to that telling endorsement, a substantial number of savings institutions from New York and other States, as well as the National Council of Savings Institutions support lifting the ownership restrictions. In a letter to me, one savings organization states:

> It is abundantly clear that the removal of the restrictions of the Freddie Mac preferred stock would dramatically improve the balance sheets of the nation's savings institutions without any effect on the corporate structure or operations of Freddie Mac.

Lifting the ownership restrictions is an idea whose time has come. We cannot continue to procrastinate. We must seek every prudent avenue possible to help solve the problem of capitalizing the thrift insurance fund. I believe this legislation is a valuable cost-effective step in that direction.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BOTTOMLINE EXAMINES WHY FREDDIE MAC STOCK SHOULD BE PUBLIC

WASHINGTON, D.C.—Leland C. Brendsel, president and chief executive officer of the Federal Home Loan Mortgage Corp., writes about the benefits of loosening ownership restrictions on Freddie Mac preferred stock in the May issue of Bottomline.

Currently, Freddie Mac common and preferred shares can only be traded among Federal Home Loan Banks or their member institutions. Removing restrictions on the stock, however, would benefit both the housing and finance industries, Brendsel adds.

"If the restrictions were lifted, it has been estimated that the current $56 per share price on our preferred stock could increase by two or three times that amount," Brendsel writes.

In an exclusive Bottomline interview, FDIC Chairman L. William Seidman discusses a number of issues now affecting the financial industry. He predicts 1988 will be a better year than the previous one for banks.

Lawrence J. White, FHLBB board member, authors an article in which he examines the many challenges facing the thrift regulators and the industry, such as negotiating the deals to help ailing thrift institutions in Texas and elsewhere.

In another Bottomline article, George Hanc, executive vice president and chief operating officer of the National Council of Savings Institutions, explains why perceptions about federal deposit insurance have worsened. Hanc writes that a number of recent developments have rudely awakened those who thought the deposit insurance problem was solved last year.

The National Council of Savings Institutions is a trade association representing savings banks and savings and loan associations nationwide.●

By Mr. HATCH:

S. 2468. A bill to revitalize the Food and Drug Administration, and for other purposes; to the Committee on Labor and Human Resources.

FDA REVITALIZATION ACT

Mr. HATCH. Mr. President, 50 years ago, our predecessors in the Congress passed the Federal Food and Cosmetic Act of 1938—legislation which has come to be recognized as a milestone in the development of Federal regulation of the modern food and drug marketplace. Today, in the spirit of this 50th anniversary, I am introducing legislation, the Food and Drug Administration Revitalization Act of 1988, which will ensure that the FDA remains a preeminent force in consumer protection and in advancing the technological development of new foods, drugs, devices, and cosmetics.

The Food, Drug, and Cosmetic Act of 1938 continues to serve as the basic law which establishes the FDA's authority and responsibilities, but the role of the agency has evolved. Today, FDA has responsibility for regulating more than $700 billion worth of goods sold annually to Americans—constituting about 25 percent of the total expenditures for personal consumption in the United States each year. FDA must accomplish its vast and complex tasks with very limited rsources—7,000 full time employees nationwide and an annual budget of only $478 million. If one compares the agency's fiscal year 1988 budget to the overall value of the products it regulates, one can determine that the average American pays approximately $2 annually to have the agency assure the soundness of approximately $3,000 worth of consumer goods—a bargain by anyone's estimate.

Moreover, many of the areas now regulated involve products that were unknown in 1938. FDA is often involved with goods that are on the cutting edge of new technology, and it can no longer rely just on methods and procedures that were known in 1938. Both the public and we in Congress expect FDA to keep pace with what it regulates.

For example, in recent years FDA has reviewed and approved increasing numbers of products developed through biotechnology—a revolutionary new type of bioscience which has generated revolutionary pharmaceuticals and devices. Similarly, the agency is currently evaluting new food products formulated through radically new technological process, such as sweeteners and fats.

Consequently, in the immediate future, FDA will need additional resources in order to meet its basic mission, and to respond to the new challenges that confront it. One such challenge is AIDS. The agency, particularly under the leadership of its present Commissioner, Frank E. Young, has established innovative measures to help expedite the development, testing, review and approval of promising drugs, vaccine and diagnostics for this disease. Thanks to their collective efforts, several critically important AIDS-related products have been developed and approved in record breaking time.

The agency's success in this instance does not, however, mitigate the problems that it now faces. In order to assess a new generation of biotech drugs and computer-driven medical devices, FDA's scientific base must be continually revitalized. It must have adequate resources as well as streamlined administrative procedures to assure a timely review of pending applications. And there must be constant reevaluation of our existing laws to ensure that decisions made by FDA are based on today's scientific knowledge. The rapid growth of scientific technology and expertise has rendered some of our laws and policies outdated.

Any revitalization of FDA must begin with its personnel. The agency must be able to keep its excellent scientists and, at the same time, increase its ability to recruit additional experts. FDA has been blessed with some of the world's most preeminent scientists and their expertise has given the agency the ability to keep abreast of technological advances. Unfortunately, many of these individuals work in and under conditions that are far less rewarding than what would be available to them in the private sector. No doubt they derive a great deal of satisfaction from their public service, but it is unrealistic to expect that FDA will continue to attract such talented individuals indefinitely without vigorous efforts to improve their status and make their positions more comparable to the job opportunities that are commonly found outside the agency.

A number of initiatives could be taken to help remedy the situation. Chief among these is found under title II of the bill—the establishment of a senior biomedical corps designed to enhance the prestige and desirability of scientific service within the agency. Among its other features, the senior corps would provide a mechanism for adding needed salary flexibility beyond the present Government general service schedules by awarding eligible scientists up to 110 percent of their present pay levels as an inducement for recruitment or continued Government service.

A second issue is office space. Currently, the FDA has staff in about 1.3 million square feet of space rented throughout the Washington metropolitan area. This space is in 23 different buildings in five different sites, ranging from Germantown, MD, to the District, to Beltsville, MD. Most of the staff are in buildings that were not designed for FDA's needs, which is costly in terms of inefficient use of personnel and equipment.

Having FDA spread out over the metropolitan area has also delayed the timely and effective handling of many time sensitive and emergency matters. Given the importance of its mission, the FDA needs to be consolidated in a building that contains state-of-the-art equipment. Such consolidation would not only result in a savings in terms of efficiency, but also in administrative and management costs.

Title I of the bill would provide the FDA with the authority to acquire land and construct the facilities necessary to meet their needs.

It is important to remember that the revitalization of FDA is in large part driven by the revitalization of the industries which it regulates and of the entire American economy. Our society's access to advanced new pharmaceutical, medical devices and food products that could dramatically improve the health and well-being of the American people will be hindered unless we give FDA the support it needs to evaluate these advancements in a thorough and timely manner. Public confidence in the marketplace can only be maintained if the agency is given sufficient resources to react swiftly and effectively to tampering, recall, and other emergency situations.

In short, FDA is an integral part of our society and economy. Given the demands we in Congress and the public routinely make on the agency, it is time we demonstrated our commitment by providing FDA with the resources it needs to discharge its responsibilities. We must allow the agency to prepare itself for the 21st century.

I urge my colleagues to give proper consideration to this bill, and I ask unanimous consent that the entire bill and a summary be printed in full in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2468

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—REAL PROPERTY

SEC. 101. AUTHORITIES REQUIRED BY THE FOOD AND DRUG ADMINISTRATION REGARDING REAL PROPERTY, BUILDINGS, AND FACILITIES.

Chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 710. AUTHORITIES REQUIRED BY THE FOOD AND DRUG ADMINISTRATION REGARDING REAL PROPERTY, BUILDINGS, AND FACILITIES.

"The Secretary shall have the following general powers in connection with real property, buildings, and facilities—

"(1) to acquire, in any lawful manner, such personal or real property, or any interest in such property, as the Secretary determines necessary or convenient in the transaction of the business of the Food and Drug Administration;

"(2) to hold, maintain, sell, lease, or otherwise dispose of property acquired under paragraph (1), or any interest in such property, and to provide services in connection with such property and charges for the use of such property, when appropriate;

"(3) to design, construct, operate, lease, and maintain buildings, facilities, equipment, and other improvements on any property owned or controlled by the Food and Drug Administration, including, without limitation, any property or interest therein transferred to the Administration under any other paragraph;

"(4) to acquire buildings, facilities, equipment, and make other improvements on any property owned, acquired, or controlled by the Food and Drug Administration through the use of lease-purchase or lease-construction contracts, when and as appropriate; and

"(5) to accept gifts or donations of services or property, real or personal, as the Secretary determines necessary in the transaction of the business of the Food and Drug Administration.

TITLE II—SENIOR BIOMEDICAL SCIENTIFIC SERVICE

SEC. 201. BIOMEDICAL RESEARCH.

Part A of title III of the Public Health Service Act is amended by inserting after section 301 (42 U.S.C. 241) the following new section:

"SEC. 301A. BIOMEDICAL SCIENTIFIC SERVICE.

"(a) Establishment.—The Secretary is authorized to establish a Senior Biomedical Scientific Service (hereinafter in this section referred to as the 'Service').

"(b) Membership.—

"(1) Civil Service.—Individuals chosen to serve in the Service shall not be a part of the competitive service established under chapter 33 of subpart B of part I of title 5, United States Code.

"(2) Appointment.—A person may be appointed to the Service by the Secretary based solely on that person's distinction and achievement in the fields of biomedical research or clinical research evaluation.

"(c) Duties.—Members of the Service shall be assigned to duties that require expertise in biomedical research, behavioral research, or clinical research evaluation, and may also be assigned to supervise other scientists in carrying out the activities described in this subsection.

"(d) Compensation.—Individuals selected to serve on the Service staff by the Secretary under subsection (b), shall be compensated at a rate not in excess of 110 percent of the annual rate of pay in effect for level I of the Executive Salary Schedule established in section 5512 of title 5, United States Code.

"(e) Retirement.—For purposes of section 211, the continuous service in the Service of any person who commences such service on termination of service as a commissioned officer in the Public Health Service Corps may be treated as service as a commissioned officer in the Public Health Service Corps and shall not be considered as service that is subject to any other retirement system for officers and employees of the Federal government.".

TITLE III—INCREASED FTE AUTHORITY FOR STAFF

SEC. 301. INCREASED FTE AUTHORITY FOR STAFF.

Notwithstanding any other provision of law, the Secretary of Health and Human Services, through the Commissioner of Food and Drugs, may, in accordance with the civil service and classification laws, appoint and fix the compensation of not more than 350 employees for the Food and Drug Administration in addition to the number of employees assigned to such Administration as of July 1, 1987.

TITLE IV—SMALL BUSINESS TRAINING AND TECHNICAL ASSISTANCE

Section 10 of the Medical Device Amendments of 1976 (42 U.S.C. 3512) is amended—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end thereof the following new subsection:

"There are authorized to be appropriated to carry out the provisions of this section, $18,000,000 in each of the fiscal years 1989 through 1991.".

TITLE V—BIOTECHNOLOGY

Chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) (as amended by section 101), is further amended by adding at the end thereof the following new section:

"SEC. 711. USE OF FACILITIES.

"(a) In General.—The Secretary shall establish and implement a demonstration project that authorizes the Secretary to use the facilities of any public or private cooperative, with the permission of any such cooperative, to perform any of the activities authorized under this Act.

"(b) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $10,000,000 in fiscal year 1989, and such sums as are necessary in each of the fiscal years 1990 and 1991.

"(c) Regulations.—The Secretary shall promulgate regulations necessary to carry out this section.".

TITLE VI—NEGLIGIBLE RISK

SEC. 601. NEGLIGIBLE RISK FOR FOOD ADDITIVES.

Section 409(c)(3)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(c)(3)(A)) is amended by striking out ": *Provided*, That no additive" and all that follows through the end of such subparagraph, and inserting in lieu thereof the following:

", except that no additive shall be deemed to be safe if the additive as a whole is found to induce cancer when ingested by man or animal, or if the additive as a whole is found, after tests that are appropriate for the evaluation of the safety of food additives, to induce cancer in man or animal, except that the foregoing provisions of this paragraph shall not apply with respect to a use of an additive if the Secretary, on the basis of a petition containing scientifically adequate evidence with respect to the mechanism of action of the additive or the manner in which the additive is metabolized, or other adequate evidence, including the use of risk assessment procedures when appropriate, determines that the risk of cancer to humans from exposure to the additive under the intended conditions of such use is negligible; or".

SEC. 602. NEGLIGIBLE RISK FOR ANIMAL DRUGS.

Section 512(d)(1)(H) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(d)(1)(H)) is amended to read as follows:

"(H) such drug as a whole is found to induce cancer when ingested by man or animal, or if the drug as a whole is found, after tests that are appropriate for the evaluation of the safety of animal drugs, to induce cancer in man or animal, except that the foregoing provisions of this paragraph shall not apply with respect to the use of a drug if the Secretary, on the basis of an application containing scientifically adequate evidence with respect to the mechanism of action of the drug or the manner in which the drug is metabolized, or other adequate evidence, including the use of risk assessment procedures when appropriate, determines that the risk of cancer to humans from exposure to the drug under the intended conditions of such use is negligible;".

SEC. 603. NEGLIGIBLE RISK FOR COLOR ADDITIVES.

Section 706(b)(5)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376(b)(5)(B)) is amended to read as follows:

"(B) A color additive shall be deemed unsafe, and shall not be listed, for any use which—

"(i) will or may result in ingestion of all or part of such additive, if the additive as a whole is found to induce cancer when ingested by man or animal, or if the additive as a whole is found, after tests that are appropriate for the evaluation of the safety of color additives, to induce cancer in man or animal; or

"(ii) will not result in ingestion of any part of such additive, if, after tests that are appropriate for the evaluation of the safety of color additives for such use, or after other relevant exposure of man or animal to such additive, the additive as a whole is found to induce cancer in man or animal;

except that the provisions of this subparagraph shall not apply with respect to a use of an additive if the Secretary, on the basis of a petition containing scientifically adequate evidence with respect to the mechanism of action of the additive or the manner in which the additive is metabolized, or other adequate evidence, including the use of risk assessment procedures when appropriate, determines that the risk of cancer to humans from exposure to the additive under the intended conditions of such use is negligible.".

TITLE VII—UNIFORMITY IN REGULATION

SEC. 701. UNIFORMITY IN REGULATION.

Chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 701 et seq.) (as amended by sections 101 and 501), is further amended by adding at the end thereof the following new section:

"SEC. 712. NATIONAL UNIFORMITY IN REGULATION.

"(a) Intent of Congress.—It is the intent of Congress to require national uniformity in all aspects of the regulation of food for human use, drugs, devices, and cosmetics in order to—

"(1) prevent interference with the objectives and purposes of Federal regulations;

"(2) to assure the primary jurisdiction of the Food and Drug Administration in protecting the public health with respect to such articles; and

"(3) to permit national marketing of such articles without jurisdictional barriers.

"(b) Federal Effect on State Requirements.—

"(1) General rule.—No State or political subdivision of a State shall establish or continue in effect any requirement relating to the regulation of a food for human use, drug, device, or cosmetic unless such a requirement is also established pursuant to a statute for which responsibility for the administration or implementation has been delegated by law or by the Secretary to the Commissioner of Food and Drugs, and the State or local requirement is identical to the Federal requirement, except as otherwise provided for in this section.

"(2) Definition.—As used in this section, the term 'requirement relating to the regulation of a food for human use, drug, device, or cosmetic' shall include—

"(A) any requirement or prohibition relating to the subject matter in any provision of any of the statutes described in paragraph (1); or

"(B) any requirement relating to the dissemination of information about a food for human use, drug, device, or cosmetic in any manner, such as by posters, public notices, advertising, or other means of communication.

"(c) Concurrent Jurisdiction.—Any State or political subdivision of a State may exercise concurrent jurisdiction with the Secretary over the regulation of a food for human use, drug, device, or cosmetic for the purpose of enforcing any requirement that is identical to a requirement established pursuant to the provisions of any of the statutes described in paragraph (1), or the administrative implementation thereunder.

"(d) Exemption.—On application of a State or political subdivision of a State, the Secretary may by regulation, after notice and opportunity for written and oral presentation of views, exempt a proposed requirement relating to the regulation of a food for human use, drug, device, or cosmetic described in such application from the provisions of paragraph (b) under such conditions as the Secretary may impose, if the proposed requirement—

"(1) is justified by compelling and unique local conditions that do not exist elsewhere in the United States; or

"(2)(A) protects an important public interest that would otherwise be unprotected;

"(B) relates to a subject matter that is primarily local in nature and the Federal agency with responsibility over such is not exercising jurisdiction over the requirement;

"(C) would not cause any food, drug, device, or cosmetic to be in violation of any applicable requirement under Federal law; and

"(D) would not unduly burden interstate commerce.

"(e) Petition for Regulation.—A State or political subdivision of a State may petition the Secretary for the adoption, by regulation, of an existing or proposed State or local requirement relating to the regulation of a food, drug, device, or cosmetic as a Federal requirement.".

TITLE VIII—REGULATORY REVIEW MEDICINE TRAINING GRANTS

SEC. 801. REGULATORY REVIEW MEDICINE TRAINING GRANTS.

The Federal Food, Drug, and Cosmetic Act is amended by adding after subtitle IX (21 U.S.C. 391 et seq.) the following new subtitle:

"CHAPTER X—TRAINING GRANTS AND LOAN REPAYMENT

"Subchapter A—REGULATORY REVIEW MEDICINE TRAINING GRANTS

"SEC. 1001. AUTHORITY.

"The Secretary may make grants to, or enter into contracts with, any public or nonprofit academic institution, including schools of medicine, dentistry, and pharmacy to enable such institutions to design and develop core curriculum programs that will be used to train individuals in the field of regulatory review medicine.

"SEC. 1002. REQUIREMENTS.

"(a) In General.—No grant shall be awarded under this subchapter unless—

"(1) the institution has submitted to the Secretary an application for a grant and the Secretary has approved the application; and

"(2) the institution provides, in such form and manner as the Secretary shall by regulation prescribe, assurances satisfactory to the Secretary that individuals receiving funds through the institution under such grants will meet the service requirement of section 1004.

"(b) Application.—An application for a grant submitted under subsection (a) shall be in such form, submitted in such manner, and contain such information, as the Secretary may by regulation prescribe.

"SEC. 1003. USE OF GRANTS.

"An institution that receives a grant under this subchapter—

"(1) shall use such grant to—

"(A) design and develop a core curriculum program that has as its primary emphasis regulatory review medicine; and

"(B) train health professionals and scientists in regulatory review medicine; and

"(2) may use such grant to provide stipends, tuition, fees, and allowances (including travel and subsistence expenses and dependency allowances), to individuals who participate in the regulatory review medicine program developed with funds provided under this subchapter.

"SEC. 1004. REQUIREMENT OF SERVICE.

"(a) In General.—Each individual who receives funds from an institution through a grant provided under this subchapter shall, in accordance with subsection (c), serve an obligated period of time as an employee of the Food and Drug Administration.

"(b) Period of Required Service.—For each month for which an individual receives funds in accordance with subsection (a), such individual shall remain employed for two months with the Food and Drug Administration.

"(c) Compliance.—The requirements of this section shall be complied with by any individual to whom it applies within such reasonable period of time, after the completion of such individual's training under the grant received under this subchapter, as the Secretary shall by regulation prescribe.

"(d) Failure to Comply.—If any individual to whom this section applies fails, within the period prescribed under subsection (c), to comply with such requirements, the United States shall be entitled to recover from such individual an amount determined in accordance with a formula prescribed through regulations issued by the Secretary.

"SEC. 1005. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to make grants under this subchapter $4,000,000 for fiscal year 1989, and such sums as may be necessary for each of the fiscal years 1990 through 1991.".

SEC. 802. SCIENCE TRAINING GRANT LOAN REPAYMENT PROGRAM.

Chapter X of the Federal Food, Drug, and Cosmetic Act (as added by section 801 of this Act) is amended by adding at the end thereof the following new subchapter:

"Subchapter B—SCIENCE TRAINING GRANT LOAN REPAYMENT PROGRAM.

"SEC. 1010. SCIENCE TRAINING GRANT LOAN REPAYMENT PROGRAM.

"(a) Establishment.—The Secretary shall establish a program to be known as the Science Training Grant Loan Repayment Program (hereinafter in this subpart referred to as the 'Loan Repayment Program') in order to assure—

"(1) an adequate supply of trained physicians, dentists, and pharmacists; and

"(2) an adequate supply of veterinarians and other health professionals as determined to be necessary from time to time by the Secretary.

"(b) Eligibility.—To be eligible to participate in the Loan Repayment Program, an individual must—

"(1)(A) be enrolled—

"(i) as a full-time student in an accredited educational institution in a State; or

"(ii) in a training program in regulatory review medicine as described in regulations issued by the Secretary; or

"(B) have—

"(i) a degree in medicine, osteopathy, dentistry, or other health profession; and

"(ii) completed an approved graduate training program in regulatory review medicine, except that the Secretary may waive the completion requirement of this clause for good cause;

"(2) be eligible for employment with the Food and Drug Administration;

"(3) submit an application to participate in the Loan Repayment Program; and

"(4) sign and submit to the Secretary, at the time of the submission of such application, a written contract (described in subsection (f)) to accept repayment of educational loans and to serve (in accordance with this subtitle) for the applicable period of obligated service with the Food and Drug Administration.

"(c) Application, Contract, and Information Requirements.—

"(1) Summary and information.—In disseminating application forms and contract forms to individuals desiring to participate in the Loan Repayment Program, the Secretary shall include with such forms—

"(A) a fair summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the Secretary, including in the summary a clear explanation of the damages to which the United States is entitled under section 1012 in the case of the individual's breach of the contract; and

"(B) such other information as may be necessary for the individual to understand the individual's prospective participation in the Loan Repayment Program.

"(2) Understandability.—The application form, contract form, and all other information furnished by the Secretary under this subtitle shall be written in a manner calculated to be understood by the average individual applying to participate in the Loan Repayment Program.

"(3) Availability.—The Secretary shall make such application forms, contract forms, and other information available to individuals desiring to participate in the Loan Repayment Program.

"(d) Priority.—In determining which applications under the Loan Repayment Program to approve (and which contracts to accept), the Secretary shall give priority to applications made by—

"(1) individuals whose training is in regulatory review medicine and in a health profession or specialty determined by the Secretary to be needed; and

"(2) individuals who are committed to service with the Food and Drug Administration.

"(e) Approval Required for Participation.—

"(1) In general.—An individual becomes a participant in the Loan Repayment Program only on the Secretary's approval of the individual's application submitted under subsection (b)(3) and the Secretary's acceptance of the contract submitted by the individual under subsection (b)(4).

"(2) Written notice.—The Secretary shall provide written notice to an individual promptly on—

"(A) the Secretary's approving, under paragraph (1), the individual's participation in the Loan Repayment Program; or

"(B) the Secretary's disapproving the individual's participation in such Program.

"(f) Contents of Contracts.—The written contract (referred to in this subchapter) between the Secretary and an individual shall contain—

"(1) an agreement that—

"(A) subject to paragraph (3), the Secretary agrees—

"(i) to pay on behalf of the individual loans in accordance with subsection (g); and

"(ii) to accept (subject to the availability of appropriated funds for carrying out this subchapter) the individual as being qualified for employment with the Food and Drug Administration; and

"(B) subject to paragraph (3), the individual agrees—

"(i) to accept loan payments on behalf of the individual;

"(ii) in the case of an individual described in subsection (b)(1)(A), to maintain enrollment in a course of study or training described in such subsection until the individual completes the course of study or training;

"(iii) in the case of an individual described in subsection (b)(1)(A), while enrolled in such course of study or training, to maintain an acceptable level of academic standing (as determined under regulations of the Secretary by the educational institution offering such course of study or training); and

"(iv) to serve for a time period (hereinafter in this subchapter referred to as the 'period of obligated service') for a period of time described in regulations issued by the Secretary or such longer period as the individual may agree to, with the Food and Drug Administration;

"(2) a provision permitting the Secretary to extend for such longer additional periods, as the individual may agree to, the period of obligated service agreed to by the individual under paragraph (1)(B)(iv);

"(3) a provision that any financial obligation of the United States arising out of a contract entered into under this subtitle and any obligation of the individual that is conditioned thereon, is contingent on funds being appropriated for loan repayments under this subtitle;

"(4) a statement of the damages to which the United States is entitled, under section 1012, for the individual's breach of the contract; and

"(5) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with this subpart.

"(g) Payments.—

"(1) In general.—A loan repayment provided for an individual under a written contract under the Loan Repayment Program shall consist of payment, in accordance with paragraph (2), on behalf of the individual of the principal, interest, and related expenses on government and commercial loans received by the individual for—

"(A) tuition expenses;

"(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual; or

"(C) reasonable living expenses as determined by the Secretary.

"(2) Payments for years served.—

"(A) In general.—Except as provided in paragraph (3), for each year of obligated service that an individual contracts to serve under subsection (f) the Secretary may pay up to $20,000 on behalf of the individual for loans described in paragraph (1).

"(B) Repayment schedule.—Any arrangement made by the Secretary for the making of loan repayments in accordance with this subsection shall provide that any repayments for a year of obligated service shall be made no later than the end of the fiscal year in which the individual completes such year of service.

"(3) Tax liability.—In addition to payments made under paragraph (2), in any case in which payments on behalf of an individual under the Loan Repayment Program result in an increase in Federal, State, or local income tax liability for such individual, the Secretary may, on the request of such individual, make payments to such individual in a reasonable amount, as determined by the Secretary, to reimburse such individual for all or part of the increased tax liability of the individual.

"(4) Payment schedule.—The Secretary may enter into an agreement with the holder of any loan for which payments are made under the Loan Repayment Program to establish a schedule for the making of such payments.

"(h) Employment Ceiling.—Notwithstanding any other provision of law, individuals who have entered into written contracts with the Secretary under this section, while undergoing academic or other training, shall not be counted against any employment ceiling affecting the Department.

"(i) REPORTS.—The Secretary shall, not later than March 1 of each year, submit to the Congress a report specifying—

"(1) the number, and type of health profession training, of individuals receiving loan payments under the Loan Repayment Program;

"(2) the educational institution at which such individuals are receiving their training;

"(3) the number of applications filed under this section in the school year beginning in such year and in prior school years; and

"(4) the amount of loan payments made in the year reported on.

"SEC. 1011. OBLIGATED SERVICE.

"(a) GENERAL RULE.—Each individual who has entered into a written contract with the Secretary under section 1010 shall provide service as a full-time employee of the Food and Drug Administration for the period of obligated service provided in such contract.

"(b) PROCEDURE FOR SERVICE.—

"(1) DETERMINATION OF SERVICE.—If an individual is required under subsection (a) to provide service as specified in section 1010(f)(1)(B)(iv) (hereinafter in this subsection referred to as 'obligated service'), the Secretary shall, not later than 90 days before the date described in paragraph (4), determine if the individual shall provide such service as a member of the Commissioner Corps of the Public Health Service or a civilian employee of the United States.

"(2) INFORMATION AND NOTIFICATION.—

"(A) PROVISION OF INFORMATION.—If the Secretary determines that an individual shall provide obligated service as a Commissioned Officer, or a civilian employee of the United States, the Secretary shall, not later than 60 days before the date described in paragraph (4), provide such individual with sufficient information regarding the advantages and disadvantages of service as such a commissioned officer or civilian employee to enable the individual to make a decision on an informed basis.

"(B) NOTIFICATION.—To be eligible to provide obligated service as a Commissioned Officer, an individual shall notify the Secretary, not later than 30 days before the date described in paragraph (4), of the individual's desire to provide such service as such an officer.

"(3) CIVILIAN EMPLOYEES.—If an individual provided notice by the Secretary under paragraph (2) does not qualify for appointment as a Commissioned Officer, the Secretary shall, as soon as possible after the date described in paragraph (4), appoint such individual as a civilian employee of the United States.

"(4) NOTIFICATION DATE.—In the case of the Loan Repayment Program, if an individual is required to provide obligated service under such Program, the date referred to in paragraphs (1) through (3)—

"(A) shall, in the case of an individual who is enrolled in an approved training program in regulatory review medicine, be the date the individual completes such training program; or

"(B) shall be the date the individual enters into an agreement with the Secretary under section 1010.

"(c) BEGINNING OF SERVICE.—An individual shall be considered to have begun serving a period of obligated service on the date such individual is appointed as either a Commissioned Officer or a civilian employee of the United States.

"SEC. 1012. BREACH OF CONTRACT.

The Secretary shall by regulation establish the penalties applicable to an individual that breaches the contract entered into under section 1010 by failing (for any reason) to begin his service obligation in accordance with an agreement entered into under section 1011, or to complete such service obligation.

"SEC. 1013. TRANSPORTATION EXPENSES.

The Secretary may pay an individual who has entered into an agreement with the Secretary under section 1010 an amount to cover all or part of the individual's expenses reasonably incurred in transporting himself, his family, and his possessions to the location of his duty station.

"SEC. 1014. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to make grants under this subchapter $2,000,000 for fiscal year 1989, and such sums as may be necessary for each of the fiscal years 1990 through 1991.".

TITLE IX—SCIENTIFIC REVIEW GROUPS

SEC. 901. SCIENTIFIC REVIEWS GROUPS.

Chapter IX of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 903. SCIENTIFIC REVIEWS GROUP.

"The Commissioner of Food and Drugs may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, establish such technical and scientific review groups as are needed to carry out the functions of the Administration, including functions under the Federal Food, Drug, and Cosmetic Act, and appoint and pay the members of such groups, except that officers and employees of the United States shall not receive additional compensation for service as members of such groups. The Federal Advisory Committee Act shall not apply to the duration of a peer review group appointed under this section.

SECTION-BY-SECTION ANALYSIS OF THE F.D.A. REVITALIZATION ACT

TITLE I—REAL PROPERTY

Section 101. Authorities Required By The Food And Drug Administration Regarding Real Property, Buildings, And Facilities

Section 701 amends Chapter Vii of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 371 et seq.) by adding authority for the FDA to acquire, manage, dispose of, make improvements to and acquire property to carry out the mission of the FDA. In addition, the FDA may accept gifts or donations of services or property as the Secretary determines is necessary to carry out the business of the FDA.

TITLE II—SENIOR BIOMEDICAL SCIENTIFIC SERVICE

Section 201. Biomedical Research

Section 201 amends part A of Title III of the Public Health Service Act by adding a new "Section 301A—Biomedical Scientific Service." The Secretary is authorized to establish a Senior Biomedical Scientific Service, outside the competitive civil service, whose members are to be appointed based on their distinction and achievement in biomedical research or clinical research evaluation. Provisions are made for enhanced compensation rates and for continuity of service for purposes of retirement from the Public Health Service.

As used in this subsection, the term "biomedical research" is intended to apply broadly to the range of scientific disciplines which are relevant to the regulatory responsibilities of the FDA vis-a-vis food, drugs, medical devices, and cosmetics. Thus, the term embraces such disciplines as toxicology, nutrition, food science, and microbiology, as well as the array of other disciplines which are most relevant to the regulation of pharmaceuticals and medical devices.

TITLE III—INCREASED FTE AUTHORITY FOR STAFF

Section 301. Increased FTE Authority For Staff

Section 301 provides the authority to the Secretary of Health and Human Services acting through the Commissioner of Food and Drugs for the appointment of an additional 350 employees in addition to the number of employees assigned to the Food and Drug Administration on July 1, 1987. The appointment of such personnel shall be consistent with the civil service and classification laws.

TITLE IV—SMALL BUSINESS TRAINING AND TECHNICAL ASSISTANCE

Section 10 of the Medical Device Amendments of 1976 are amended to authorize up to $18,000,000 in FY89 through FY91 for training and technical assistance to small businesses.

TITLE V—BIOTECHNOLOGY

Chapter VIII of the Federal Food, Drug, and Cosmetic Act is further amended to provide the Secretary the authority to establish and implement a demonstration project(s) and requires that regulations be issued describing how any public or private cooperative may use the facilities to perform the activities authorized under the Act.

TITLE VI—NEGLIGIBLE RISK

Section 601. Negligible Risk for Food Additives

Section 601 provides the authority for the Secretary upon a petition containing scientifically adequate evidence to review that information and determine that the risk of cancer to humans from exposure to the additive under the intended conditions of such use is negligible.

Section 602. Negligible Risk For Animal Drugs

Section 602 provides the authority for the Secretary upon a petition containing scientifically adequate evidence may upon review of that information and determine that the risk of cancer to humans from exposure to the additive under the intended conditions of such use is negligible.

Section 603. Negligible Risk For Color Additives

Section 603 provides the authority for the Secretary upon a petition containing scientifically adequate evidence may upon review of that information and determine that the risk of cancer to humans from exposure to the additive under the intended conditions of such use is negligible.

The provisions would have no impact on the allocation of the burden of proof to demonstrate safety which exists under the Food Additives Amendment of 1958 and the Color Additive Amendments of 1960. Thus, in the case of a new additive for which FDA approval is sought, the proponent of use would continue to bear the burden of demonstrating that the additive is safe, including that the risk of cancer to humans under the intended conditions of use is negligible. In the case of an approved additive about which significant questions are raised concerning its potential to induce cancer and the magnitude of the risk to humans, if any, once FDA articulates its scientific concerns in the Federal Register and solicits comment, the burden then shifts to the proponent of use to demonstrate anew that the additive meets the statutory standard for approval. The allocation of the burden of proof as between the FDA and the proponent of use remains as it is under current law.

Under the provision, the Secretary is expressly authorized to use risk assessment procedures as part of the safety evaluation of additives, when the data and circumstances warrant. The evaluation of the safety of additives embodies both a qualitative as well as quantitative assessment of the potential risks associated with exposure to an additive. The provision does not mandate nor encourage the Secretary to base decisions on the safety of additives solely on quantitative risk assessments. Rather, the Secretary should consider the totality of the relevant evidence and base his or her decision on all of that evidence.

TITLE VII—UNIFORMITY IN REGULATION

Section 702. National Uniformity In Regulations

Section 702 continues to express the intent of Congress to require national uniformity in all aspects of regulation of food for human use, drugs, devices and cosmetics.

TITLE VIII—TRAINING GRANTS FOR SCIENTISTS

Section 801. Train Grants For Scientists

This Title amends the Federal Food, Drug and Cosmetic Act by adding after Title IX a new title, Title X—Training Grants, and two Subtitles. Subtitle A—Regulatory Review Medicine Training Grants and Subtitle B—Training Grants for Scientist.

Subtitle A—Regulatory Review Medicine Training Grants

This new Subtitle A—Regulatory Review Medicine Training Grants gives the Commissioner of the Food and Drug Administration the authority to make grants to public and private non-profit institutions to develop programs to train health professionals and scientist in the field of regulatory review medicine. The programs developed under this subpart will also provide for support of a limited number of graduate students. Such programs will be part of a postgraduate curriculum in conjunction with health professions or science institutions.

As used in this subsection, the term "health professionals and scientist" is intended to apply broadly to the range of scientific disciplines which are relevant to the regulatory responsibilities of the FDA vis-a-vis food, drugs, medical devices, and cosmetics. Thus, the term embraces such disciplines as toxicology, nutrition, food science, and microbiology, as well as the array of other disciplines which are most relevant to the regulation of pharmaceuticals and medical devices.

Subtitle B—Training Grants for Scientist

This new Subtitle B—Training Grants for Scientist provides the authority for the Commissioner to enter into agreements for the repayment of loan obligations on behalf of individuals who have completed a curriculum leading to a specialty in regulatory review medicine and are willing and able to be assigned to a position by the Commissioner of the Food and Drug Administration for a period of time commensurate with the level of loan repayment.

TITLE IX—SCIENTIFIC REVIEW GROUPS

Section 901. Scientific Review Groups

This amendment to Title IX of the Food, Drug, and Cosmetic Act provides authority for the appointment of peer review groups by the Commissioner of Food and Drugs. In addition, the amendment exempts such peer review groups from coverage by the Federal Advisory Committee Act.

By Mr. HEINZ (for himself and Mr. GRASSLEY):

S. 2469. A bill to amend chapters 83 and 84 of title 5, United States Code, to expedite the processing of retirement applications of Federal employees, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL RETIREMENT APPLICATIONS PROCESSING ACT

● Mr. HEINZ. Mr. President, there is good news and bad news for Federal employees when they retire. The good news is they are eligible for retirement benefits. The bad news, however, is that first retirement check may not arrive for 6 months—or even longer.

Mr. President, try to imagine how a new retiree must survive—either on savings or loans—waiting for that first retirement check. Many retirees have begun their retirement years caught in just such a bureaucratic nightmare.

These delays have been caused not by a Government policy, for there is none governing timeliness, but rather bureaucratic laziness. Once payments actually begin, the retirement checks seldom miss a beat; the glitch is beginning the process—getting that first check.

Senator GRASSLEY and I have found that the check issuing agency, the Office of Personnel Management, is not at fault. OPM cannot initiate action until the retirement records have been received from the employing agencies. In fact, once these records are in hand, OPM adjudicates that first annuity check, the Treasury Department processes the check, and the Postal Service delivers the check within 20 to 24 days.

The problem rests with the agencies. Many agencies are letting their retirees down by unnecessarily delaying their records' submissions to OPM.

OPM statistics, based on March 1988 data, show that governmentwide only 45 percent of retirement applications are received at OPM within 30 days after the employee's separation. Another 29 percent are received within 31 to 60 days, and an astonishing 26 percent—more than one-fourth—are received after 60 days. Many applications are not received by OPM for several months after employees have retired.

As the figures following my statement indicate, these delays are not related to agency case load. For example, during one time interval the State Department, processing only 43 cases, submitted just 4 files to OPM within 30 days. Twenty-seven cases, representing an astonishing 63 percent, were forwarded to OPM after 60 days. On the other hand, the Postal Service forwarded 81 percent of its 2,232 retirement applications to OPM within 30 days.

Yet another agency example indicates another trend. In September 1987 and in December 1987, the Department of Health and Human Services submitted 46 percent and 40 percent respectively of its caseload to OPM within 30 days. However, in March 1988, HHS issued forth only 1 percent of its caseload within 30 days. What happened during those 6 short months? Who was responsible for this shocking disregard for retirees? Forty to 46 percent submission rates are certainly nothing to brag about, but a 1-percent turnabout rate is shameful. These figures are simply unacceptable.

Fixing the current crisis requires urgent management attention. Government agencies must give their retirees the attention and priority they deserve. Retirement processing must be given a higher priority than is now the case. There must be more agency accountability.

With that goal in mind, Senator GRASSLEY and I are introducing legislation which would impose three requirements upon Government agencies: (1) timely and accurate record submissions, (2) retirement counseling, and (3) annual reports. Let me elaborate on each of these points:

1. Timely and accurate record submissions: Agencies would be required to submit the complete employment record of each employee to OPM within 30 days after the employee's departure date. To facilitate this process, the legislation stipulates that agencies be allowed to begin processing a retirement file up to 60 days prior to the employee's retirement date (agencies are currently prohibited from beginning their record processing until the employee's actual date of departure). Moreover, agencies would be required to compile an employee's complete employment record within 120 days of the employee's entrance on duty, thus streamlining the recordkeeping at retirement time. Both these management techniques should facilitate agency compliance with the submission requirement of the legislation.

2. Retirement counseling: Each agency will be instructed to conduct retirement counseling seminars for interested employees. At these seminars, counselors would review the retirement process and stress the importance of the employees submitting their documents early. Such counseling should ultimately assist agencies in meeting their deadlines.

3. Reporting: OPM will also be required to prepare quarterly reports on agency compliance for distribution to departmental retirement managers as well as report annually to Congress. Agencies with less than a 90-percent compliance rate will be required to submit a corrective action plan to the agency's inspector general specifying actions to improve performance.

Mr. President, what Senator Grassley and I are proposing are a set of "management tools" by which retirement managers will be held accountable. In the future, when agency heads testify before authorizing and appropriating committees, their retirement processes will be scrutinized. If there is a problem, Congress can help. Agencies would have to demonstrate a need, however, in relationship to other agencies with identical guidelines and similar resources.

OPM assures us that these proposals will work, and we are convinced these proposals will work. We must prevent the hardship situations currently facing too many of our Government employees. We must make retiring from the Federal Government a good news situation and prevent bureaucratic bungling from contributing to the bad news waiting game. Our public servants deserve it.

Mr. President, I ask unanimous consent that the statistics mentioned earlier be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

CIVIL SERVICE SEPARATIONS—MARCH 1988 ANALYSIS

[Compiled by the Office of Personnel Management (OPM)]

	0 to 30 days		31 to 60 days		Over 60 days	
	Number	Percent	Number	Percent	Number	Percent
Quarterly Analysis—June 1987 to March 1988						
June 1987	5,570	56	3,298	33	1,092	11
September 1987	4,602	55	2,754	33	1,022	12
December 1987	3,767	56	1,778	26	1,259	18
March 1988	5,079	45	3,342	29	3,026	26

The "Big 13" agencies represent 93 percent of the records submitted in March 1988. Decreases or increases in submissions may be directly attributed to the activities of any one "Big 13" agency or to a combination of these agencies.

"BIG 13" AGENCY PERFORMANCES/RECORDS SUBMITTED WITHIN 30 DAYS

Agency	In percent			March 1988 records
	September 1987	December 1987	March 1988	
Veterans' Administration	82	68	77	1,166
Post Office	78	83	81	1,802
Air Force	63	75	54	917
Army	59	45	40	2,588
Interior	57	48	34	140
Army Corps of Engineers	54	36	38	141
Navy	48	44	30	1,161
Health & Human Services	46	40	1	564
Agriculture	39	44	26	427
Transportation	35	30	29	221
D.C. Government	13	5	5	164
Treasury	6	1	2	783
Justice	1	30	9	102

AGENCY RETIREMENT STATISTICS—MARCH 1988

Days	0 to 30		31 to 60		Over 60		Total number of records
	Number	Percent	Number	Percent	Number	Percent	
House of Representatives	10	32	8	26	13	42	31
United States Senate	17	77	5	23		0	22
Architect of the Capitol		0		0		0	0
Library of Congress		0	12	63	7	37	19
Government Printing Office	3	43	4	57		0	7
General Accounting Office	3	60	1	20	1	20	5
Supreme Court	4	80		0	1	20	5
Administrative Office/U.S. Court	18	17	22	21	64	62	104
Treasury/White House		0		0		0	0
CIA		0	1	6	15	94	16
Department/Agriculture	110	26	149	35	168	39	427
Department/Commerce		0		0	5	100	5
Department/Interior	47	34	55	39	38	27	140
Department/Justice	9	9	65	64	28	27	102
Department/Labor	14	14	35	34	54	52	103
Department/Navy	352	30	429	37	380	33	1,161
U.S. Postal Service/MN	1,802	81	268	12	162	7	2,232
Department/State	4	9	12	28	27	63	43
Department/Treasury	17	2	131	17	635	81	783
Department/Army	1,025	40	1,202	46	361	14	2,588
U.S. Tax Court		0		0	2	100	2
National Credit Union Administration		0	3	75	1	25	4
Federal Communications Commission		0	3	33	6	67	9
Federal Reserve Board		0		0		0	0
Federal Trade Commission		0		0	1	100	1
Interstate Commerce Commission		0		0	1	100	1
Nuclear Regulatory Commission	5	33	6	40	4	27	15
Smithsonian Institution		0		0		0	0
National Gallery of Art		0	1	50	1	50	2
International Trade Commission		0	1	50	1	50	4
Veterans' Administration	896	77	253	22	17	1	1,166
ACTION		0		0		0	0
Equal Employment Opportunity Commission		0	7	39	11	61	18
General Services Administration	11	14	39	46	34	40	84
National Science Foundation	2	24	1	13	5	63	8
Securities and Exchange Commission	5	33	6	40	4	27	15
Federal Deposit Insurance Corporation		0		0	9	100	9
Department/Air Force	498	54	266	29	153	17	917
National Endowment/Arts	2	50		0	2	50	4
Railroad Retirement Board	2	67	1	33		0	3
Consumer Products Safety Commission	1	25	2	50	1	25	4
National Labor Relations Board	2	17	4	33	6	50	12
Tennessee Valley Authority		0	1	50	1	50	2
USIA	1	6	6	35	10	59	17
EPA	9	23	17	45	12	32	38
Department/Transportation	63	29	115	52	43	19	221
Overseas Private Investment Corporation	1	100		0		0	1
Agency/International Development		0	3	23	10	77	13
Small Business Administration		0	9	69	4	31	13
Department/HHS	6	1	59	10	499	88	564
Farm Credit Administration		0		0	3	100	3
NASA	16	22	20	29	34	49	70
Federal Home Loan Bank	1	16	4	67	1	17	6
Export-Import	1	50	1	50		0	2
U.S. Soldiers and Airmen	1	25	3	75		0	4
Department/Housing	16	64	6	24	3	12	25
Department/Energy	24	39	23	38	14	23	61
Selective Service System		0		0	3	100	3
Federal Mediation and Conciliation Service	1	100		0		0	1

AGENCY RETIREMENT STATISTICS—MARCH 1988—Continued

Days	0 to 30		31 to 60		Over 60		Total number of records
	Number	Percent	Number	Percent	Number	Percent	
Panama Canal Commission	17	77	5	23		0	22
Army Corps of Engineers	53	38	37	26	51	36	141
D.C. Government	8	5	38	23	118	72	164
Total	5,077	45	3,340	29	3,025	26	11,442

● Mr. GRASSLEY. Mr. President, recently I have received considerable mail from just-retired Federal employees in my State complaining of the delays many of them experience in receiving their first annuity check from the Office of Personnel Management. Some of my constituents complain that they have had to wait up to 6 months before receiving that check.

For the individual who was in the middle or lower grades in the years when they were employed, and that is probably the vast majority of Federal retirees, to go 6 months without an annuity check can be a real hardship. Many of these individuals are not eligible for Social Security. Many have not made enough in their working lives to accumulate the resources to tide them comfortably over a 6-month period until they receive their first annuity check.

And, even if they have accumulated sufficient resources to do so, it is unconscionable for them to have to eat into savings just because the Government takes 6 months to send them their first check. This is equally true, Mr. President, for an individual just retired from a relatively high grade in the civil service.

Therefore, I am happy to join with my colleague Senator HEINZ, in introducing "The Federal Retirement Applications Processing Act of 1988," a bill designed to speed up the completion of the paperwork required to get first annuity checks in the hands of just-retired Federal employees. This bill has been a joint effort from the beginning and represents the hard work of both our staffs, the help of the congressional research service, and technical assistance from the Office of Personnel Management.

When we looked into the causes of the delays experienced by retirees in getting their checks we found that the problem does not lie at the Office of Personnel Management, which has made strenuous efforts to expedite getting retirement pay into the hands of retirees. Rather, the problem lies with the agencies which last employed the retiree.

Let me take a moment to explain. The job of completing an employee's retirement application and getting to that employee the first retirement annuity check is complex and requires actions by both the employing agency and the Office of Personnel Management.

The process begins in the employing agency's personnel office. Upon notification that an employee intends to retire, staff of that office review the individual's service history, documenting all Federal service. They counsel the employee about the relevance of time spent in military service for their Federal annuity and about the possible need to pay a deposit to ensure that that time is credited toward retirement. They document any choices the employee may make with respect to these matters. They verify that survivor benefit election and spousal consent forms are complete. They verify health benefits and life insurance coverages. They compile and certify life insurance documentation. They help the employee complete the retirement application. They process the personnel action to separate the employee for retirement.

When all of this is completed, the retirement package is sent to the agency's payroll office. That office certifies the total amount of the employee's retirement contributions at that agency, documents payment of all military deposit which might be needed, verifies sick leave and annual leave balances, certifies unused sick leave for the annuity computation, certifies the last day of pay, issues the final paycheck, issues a lump sum payment for accrued annual leave, and certifies the payroll office section of the retirement application.

This can be a time-consuming process, Mr. President. The checklist of necessary forms for a civil service retirement case, prepared by the Office of Personnel Management, lists 36 forms which could conceivably be required to complete a retirement application. Obviously, the prospective retiree must do his or her part in completing the paperwork required, and, therefore, employees themselves can be a source of delay. Furthermore, an employee may decide on any given day to retire and not come to work the next day giving the personnel office no advance notice of his or her intention to retire.

In any case, only when all of this is complete is the retirement package sent to the Office of Personnel Management's employee service and records center in Boyers, PA. In Boyers are stored, in an abandoned, underground limestone mine, some 100 million individual employee files. It is said that there are 612 file drawers of Smiths at Boyers. At Boyers, OPM staff verify the financial data from the retirement packages they have received from the agencies. They assign a claim number to each retirement application. They search OPM files for pay records for prior Federal service. They review all documents to verify entitlement to annuity, health benefits coverage, and life insurance coverage.

They also screen the documentation provided by agencies to identify missing evidence and then prepare written requests for missing documentation. This is a very important part of the process, Mr. President, because if any agency sends to OPM incomplete retirement packages it can be very time consuming to complete the required documentation. And, according to OPM, only 50 to 52 percent of retirement claims it receives are complete. In some cases, it is nevertheless able to authorize interim payment; in some cases, it is not.

When the employing agency has finished its part in preparing the retirement application, it sends the file to the OPM facility in Boyers, PA. Once the Boyers facility gets a retirement application from the employing agencies, it is able to authorize an interim annuity payment of around 80 to 85 percent of the ultimate full benefit due an employee in within 12 to 14 days. It then takes the Treasury Department and the Postal Service 8 to 10 days to get a check into the mailbox of the retiree. Thus, from the time OPM gets the retirement package from the employing agency, it takes from 20 to 24 days for the retiree to get his or her first annuity check. Currently OPM is able to follow this time schedule for 95 percent of retirement cases. But again, this is only after it receives a retirement claim from the agency.

Immediately after the OPM Boyers facility authorizes an interim annuity payment, the case is forwarded to the Washington office of the Office of Personnel Management. There a final benefit determination is made. At this point also, if a retirement claim is incomplete, OPM staff must spend time to complete the required documentation.

Thus, it is apparent that OPM is doing a pretty good job of getting out retirement checks once they have received retirement packages from the agencies. How have the agencies been about getting those retirement packages to OPM?

The answer is: Not very good. OPM, the Federal Government's personnel officer, thinks the agencies should be able to get an application claim to them within 30 days after the employee's date of separation.

But OPM data show that, over the last year, not more than 56 percent of retirement claims have reached OPM within 30 days after the employees' date of separation from service. In fact, the latest data—for all retirements in the month of March 1988—show that fully 26 percent of the total 9,960 retirement claims were submitted more than 60 days after the employee's separation date. The data cannot show how much longer than 60 days after separation it took the agencies to submit claims to OPM, but in view of the complaints I have received from new retirees, it seems clear that it took much longer than 60 days to submit some of these late claims.

The performance record of the 13 largest agencies, which account for 93 percent of the total records submitted to OPM, reflects this generally dismal performance. For that same month of March the Justice Department forwarded only 9 percent of its retirement claims within 30 days, the Treasury only 2 percent, the D.C. Government only 5 percent, the Department of Health and Human Services only 1 percent, although HHS had achieved 40 and 46 percent in the two preceding data collection periods.

That the job can be done better is evident from the performance of two of the largest agencies, the Post Office, with 800,000 employees, and the Veterans Administration, with 220,000 employees. These two agencies have regularly forwarded 80 percent of their retirement claims to OPM within 30 days.

Mr. President, I don't think there is any excuse for this kind of performance.

The legislation Senator HEINZ and I are introducing would do five things:

First, it would require agencies to update the personnel records of employees to reflect all former Federal employment within 120 days after an employee begins service with an agency. I understand that this should be standard operating procedure in any well-run agency. The problem is that not all of them do it. Then, when an employee begins the retirement process, the agency has to take the time to make sure that the employee's personnel file reflects all former Federal employment. This can delay completion of the retirement claim.

Second, the bill would require agencies to begin processing retirement applications as soon as an individual notifies his or her personnel office of their intention to retire. Although our expectation is that agencies would begin such processing as soon as notified by the employee of his or her intention to retire, our bill would not require them to do this sooner than 90 days prior to the employee's separation date. Now, many agencies wait until virtually the last minute before beginning to process an employee's retirement claim. In some cases, they may even wait until an employee has actually retired. This enables the agency to have in hand final annual and sick leave time available to the employee when they begin to assemble the retirement claim. But there is no reason why the agency cannot begin as soon as an employee notifies them of his or her intention to retire.

Third, we have required each agency to hold retirement counseling sessions for all interested employees at least twice yearly. These would focus on the steps required before an employee can retire and on some of the typical problems employees can encounter in trying to complete the documents they must provide to the agency before they can retire. As I noted earlier, employees themselves can be a source of delay in completion of their retirement claim. If they are better informed about how the process works and what is expected of them they may do their part more efficiently. This may also help bring about more planful retirement and reduce the number of spur-of-the-moment departures.

Fourth, the bill would require each agency to file corrective action plans with their agency's inspector general in the event that OPM data show the agency failing, in any quarter, to forward at least 90 percent of their retirement claims to OPM, in complete form, and within 30 days of the date the employee separated. The inspector general will provide assistance to the agency so as to achieve a level of 90-percent complete and timely submissions.

Three points need to be emphasized with respect to this latter provision. First, most of the inspectors general have their own statutory authority. They are not beholden to agency heads. They are charged with responsibility for eliminating waste, fraud, abuse, and management inefficiencies. We think that if an agency's inspector general tells the agency's personnel office to shape up, there is a good likelihood that they will shape up.

Second, the retirement claims filed with OPM within 30 days must be complete. One source of delay in the past has been that the agencies forwarded to OPM incomplete records. In some of these cases, OPM may still authorize an interim partial retirement pay. But in all cases, delay will ensue before final retirement pay is determined because OPM has to spend time doing work the agencies should have done correctly in the first place. Our intention here is to avoid an agency response which emphasizes getting retirement claims to OPM on time but incomplete.

Third, we do not intend that the inspectors general provide low level technical assistance, but rather to help the agency put in place the kind of management systems which will make it possible for them to achieve acceptable results.

The final provision of the bill would require the Office of Personnel Management to report to Congress not later than September 30 of each year on agency compliance with the requirement to submit at least 90 percent of their retirement claims within 30 days and complete. Thus, ultimately the oversight committees of the Congress would be able to see how the process is working and take steps to make it work better should that be necessary.

Mr. President, I think this program, if implemented, would greatly shorten the time it takes Federal retirees to get their first annuity checks, and thus would eliminate much inconvenience and some hardship caused by the way the present system works.●

By Mr. METZENBAUM:

S. 2470. A bill to promote technology competitiveness and energy conservation in the American steel industry; to the Committee on Energy and Natural Resources.

STEEL TECHNOLOGY COMPETITIVENESS AND ENERGY CONSERVATION ACT

● Mr. METZENBAUM. Mr. President, today I am introducing a bill to help put the American steel industry back on its feet by expanding the Government's commitment to research and development. I am pleased that Senator HEINZ is joining me in this important effort.

Over the past two decades, the American steel industry has suffered through a grave depression. Hundreds of steel works were shut down, hundreds of thousands of workers lost their jobs, and one-fifth of the industry went into bankruptcy.

With nothing but red ink at the bottom line, the domestic steel industry could not afford to invest in R&D. The steel industry's research and development divisions ground to a halt, while their foreign competitors expanded their R&D investment with subsidies from their governments. Consequently, our foreign competitors surged ahead in productivity and quality.

Study after study emphasized that modernization of the domestic steel industry was crucial if it were to compete with foreign producers. President Reagan's own Steel Advisory Committee found that "modernization and increased productivity were essential to the survival of the American steel industry."

That is precisely what the industry has done.

Despite losses of $12 billion in the 1980's, American steelmakers invested $4.3 billion in new equipment between 1982 and 1986. Now, most American steel is continuously cast, creating a higher quality product while using a third less energy.

But when it comes to developing state of the art technology, we are playing catchup to our foreign competitors. We are dependent on Japanese and German technology. America can once again become the world's leading steel maker, only if it takes the lead in technology development.

The American steel industry has done what it can with the resources it has at its disposal. The Federal Government must now demonstrate its commitment to American steel. It is time to forge a stronger Government-private sector partnership to enhance R&D efforts.

In 1986 we took a step in that direction. Congress approved a limited program to provide Federal funding for steelmaking technology research and development through the Department of Energy. This program, known as the steel initiative, teamed the resources of the Department of Energy's national laboratories with the talents of industry and university researchers. But the steel initiative will terminate at the end of this fiscal year.

We need to continue and improve the steel initiative if the American steel industry is to have any hope of retaking the lead in steelmaking technology. The bill I am introducing today will do just that.

This measure authorizes $10 million in 1989, $12 million in 1990, and $15 million for each of the fiscal years 1991 through 1993 to the Department of Energy; and $3 million for each fiscal year 1989 through 1991 to the National Bureau of Standards to provide the necessary technical support for the steel initiative.

It maintains the requirement that industry provide at least 30 percent of the costs of projects undertaken under the steel initiative. But nonprofit groups would be eligible to receive R&D funding without cost sharing.

This bill also provides the opportunity for the United States to receive a monetary return on its investment. All patent and licensing rights to information generated under the steel initiative would be vested in the Department of Energy. Domestic steelmakers would be required to pay royalty fees for licenses to patented information.

Companies participating in research efforts would receive licenses at a discount. These fees would be deposited in the U.S. Treasury.

Mr. President, a healthy steel industry is vital to our economic and national security. We cannot assume that foreign steel suppliers will meet our demand in times of crisis. Nor should we ever become dependent on foreign suppliers.

A National Academy of Sciences study found that for every steelworker, there are four other American workers whose jobs rely on a steady supply of steel. The automotive, construction, and basic manufacturing industries could not exist without an American steel industry.

Neither could the defense industry. Ships, tanks, rifles and even the infantryman's canteen are made from steel. Without a first rate steel industry, America cannot be a first rate military power. We cannot afford an ailing American Steel industry.

This bill offers the American steel industry a fighting chance to compete with foreign producers by becoming the most technologically advanced steelmaker in the world. With the help of the steel initiative, American steel can outcompete the competition.

Mr. President, I ask unanimous consent that the full text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Steel Technology Competitiveness and Energy Conservation Act of 1988".

SEC. 2. FINDINGS.

The Congress finds that—

(1) maintaining a viable steel industry is vital to the national security and economic well being of the United States; and

(2) the promotion of technology competitiveness and energy conservation in the American steel industry by the Federal Government is necessary to maintain a viable steel industry.

SEC. 3. ESTABLISHMENT OF SCIENTIFIC RESEARCH AND DEVELOPMENT PROGRAM TO DEVELOP COMPETITIVE STEEL MANUFACTURING TECHNOLOGIES AND INCREASE ENERGY EFFICIENCY IN THE STEEL INDUSTRY.

(a) DEVELOPMENT AND PUBLICATION OF RESEARCH AND DEVELOPMENT PLAN.—Within 90 days after the date of the enactment of this Act, the Secretary of Energy (hereinafter referred to as the "Secretary") shall develop and publish a management plan (hereinafter referred to as the "plan"), to be administered and carried out as a part of the Department's energy conservation programs, for the conduct of the scientific research and development necessary to carry out the purpose of this section. The management plan shall be subject to the following conditions:

(1) The Federal financial obligation shall not exceed 70 percent of the total cost of projects in which there is industry participation.

(2) The Federal contribution may be up to 100 percent of the cost of projects undertaken without industry participation but with the participation of independent laboratories, universities, or non-profit organizations.

(3) In selecting projects, the Secretary of Energy shall give priority to projects which include cost-sharing or matching grants from State industrial development sources, industrial, and other non-Federal sources.

(4) National laboratories are not required to be involved in every research project.

(5) All proprietary rights of the American steel industry shall be protected as provided in section 4.

(b) PRIORITIES.—In the conduct of research and development activities under the plan, priority shall be given to projects primarily involving—

(1) the direct production of liquid steel from domestic materials;

(2) the production of near-net shape forms from liquid, powder, or solid steel;

(3) the development of universal grades of steel;

(4) the application of automatic processing technology;

(5) the removal of residual elements from steel scrap; and

(6) the treatment and storage of waste materials and other by products from steel production and processing.

SEC. 4. PROTECTION OF PROPRIETARY RIGHTS.

(a) PROPRIETARY RIGHTS.—Notwithstanding any provision to the contrary in subchapter II of chapter 5 of title 5, United States Code and except as provided in subsection (d), no trade secrets of the American steel industry or commercial or financial information furnished by representatives of such industry on a privileged or confidential basis shall be disclosed in the conduct of the plan or as a result of activities under the plan.

(b) PATENT RIGHTS VESTED IN UNITED STATES.—(1) All patent rights from inventions developed under the plan implemented pursuant to this Act shall be vested in the Department of Energy. The knowledge resulting for the research and development activities conducted under the plan shall be used to the benefit of the domestic steel industry.

(2) For purposes of this section, the term "domestic steel companies" means companies which are substantially involved in the United States domestic production of steel and have a substantial percentage of their operations located within the United States.

(c) PATENT LICENSING.—(1) Domestic companies which are not research participants under this Act may receive licenses from the Department of Energy to the information and patents generated under the plan. Licensees under this section shall not have the right to sublicense except as necessary for the sale of products or equipment. The Department of Energy shall charge a reasonable fee for such licenses. Royalty fees paid under this section shall be equitably distributed among the direct cost-sharing participants and the United States.

(2) Patents developed under the plan shall be licensed to participants at a discount in accordance with the percent contribution of the participant to the activity generating the patent.

(d) EXCEPTION.—The Secretary may exempt for five years any information which he determines would be harmful to the American steel industry if made public, generated as part of the steel initiative at Government laboratories or with Federal funding, from subchapter II of chapter 5 of title 5, United States Code.

SEC. 5. COORDINATION WITHIN DEPARTMENT OF ENERGY.

The Secretary shall coordinate the research and development conducted under the plan with other research and development being conducted by the Department of Energy, in order to increase efficiency and avoid duplication of effort.

SEC. 6. EXPANDED STEEL RESEARCH PROGRAM IN NATIONAL BUREAU OF STANDARDS.

The National Bureau of Standards, through its Institute for Materials Science and Engineering and in coordination with the Department of Energy, shall conduct an expanded program of steel research to provide necessary measurement, sensor, and other research in support of activities conducted under the plan.

SEC. 7. REPORTS.

The Secretary, in consultation with the Director of the National Bureau of Standards, shall prepare and submit annually to the President and the Congress (at the close of each fiscal year) a complete report of the research and development activities carried out under the plan during the fiscal year involved, including the actual and anticipated obligation of funds, for such activities, together with such recommendations as the Secretary may consider appropriate for further legislative, administrative, and other actions (including actions by the American steel industry) which should be taken in order to achieve the purpose of this section. The report submitted at the close of the fiscal year 1993 shall also contain a complete summary of activities under the plan from the first year of its operation, along with an analysis of the extent to which it has succeeded in accomplishing the purpose of this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) TO THE SECRETARY.—There are authorized to be appropriated to the Secretary, to carry out the functions of the Department of Energy under this Act, the sum of $10,000,000 for the fiscal year 1989, $12,000,000 for the fiscal year 1990, and $15,000,000 for each of the fiscal years 1991, 1992, 1993.

(b) TO THE BUREAU.—There are authorized to be appropriated to the Director of the National Bureau of Standards, to carry out the functions of the Bureau under this Act, the sum of $3,000,000 for each of the fiscal years 1989, 1990, 1991, 1992, 1993.

SEC. 9. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsection (b), this Act shall take effect at the start of the fiscal year 1989.

(b) TERMINATION.—This Act and all authority under this Act shall cease to be effective at the close of the fiscal year 1993.●

ADDITIONAL COSPONSORS

S. 376

At the request of Mr. ROTH, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 376, a bill to amend the Tax Reform Act of 1986 to restore the full deductibility of IRA contributions.

S. 714

At the request of Mr. SPECTER, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 714, a bill to recognize the organization known as the Montford Point Marine Association, Inc.

S. 1081

At the request of Mr. BINGAMAN, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 1081, a bill to establish a coordinated National Nutrition Monitoring and Related Research Program, and a comprehensive plan for the assessment of the nutritional and dietary status of the U.S. population and the nutritional quality of the U.S. food supply, with provision for the conduct of scientific research and development in support of such program and plan.

S. 1288

At the request of Mr. GARN, the names of the Senator from Ohio [Mr. GLENN] and the Senator from Mississippi [Mr. STENNIS] were added as cosponsors of S. 1288, a bill to designate July 20 of each year as "Space Exploration Day."

S. 1340

At the request of Mr. ROTH, his name was added as a cosponsor of S. 1340, a bill to provide for computing the amount of the deductions allowed to rural mail carriers for use of their automobiles.

S. 1817

At the request of Mr. KENNEDY, the names of the Senator from Montana [Mr. BAUCUS] and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of S. 1817, a bill to amend the Internal Revenue Code of 1986 to provide that gross income of an individual shall not include income from U.S. savings bonds which are transferred to an educational institution as payment for tuition and fees.

S. 1843

At the request of Mr. ROTH, the names of the Senator from Idaho [Mr. SYMMS] and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 1843, a bill to provide for equality of State taxation of domestic and foreign corporations.

S. 1929

At the request of Mr. BUMPERS, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of S. 1929, a bill to amend the Small Business Investment Act to establish a corporation for small business investment, and for other purposes.

S. 2042

At the request of Mr. DURENBERGER, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 2042, a bill to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict.

S. 2123

At the request of Mr. KENNEDY, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 2123, a bill to provide hunger relief, and for other purposes.

S. 2174

At the request of Mr. BURDICK, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 2174, a bill to amend the Department of Transportation Act so as to reauthorize local rail service assistance.

S. 2188

At the request of Mr. PRYOR, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 2188, a bill to amend section 307 of the Federal Employees' Retirement System Act of 1986.

S. 2195

At the request of Mr. HARKIN, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 2195, a bill to authorize the Rail Service Assistance Program under the Department of Transportation Act through fiscal year 1991.

S. 2240

At the request of Mr. JOHNSTON, the names of the Senator from Wyoming [Mr. SIMPSON] and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 2240, a bill to amend the act to reauthorize the State Mining and Mineral Resources Research Institute Program, and for other purposes.

S. 2413

At the request of Mr. CONRAD, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 2413, a bill to establish regional centers for the commercial development of new industrial farm and forest products, and for other purposes.

S. 2430

At the request of Mr. KASTEN, the names of the Senator from Idaho [Mr. SYMMS] and the Senator from Colorado [Mr. ARMSTRONG] were added as cosponsors of S. 2430, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives, to authorize the negotiation of a North American free-trade area, and for other purposes.

S. 2449

At the request of Mr. PRYOR, the names of the Senator from New York [Mr. D'AMATO], the Senator from Nevada [Mr. HECHT], the Senator from Nebraska [Mr. KARNES], the Senator from Alabama [Mr. SHELBY], the Senator from Kentucky [Mr. FORD], and the Senator from Pennsylvania [Mr. HEINZ] were added as cosponsors of S. 2449, a bill to amend title 39, United States Code, with respect to the budgetary treatment of the Postal Service, and for other purposes.

Mr. PRYOR. Mr. President, as a result of a clerical mistake on Friday, May 27, Senators D'AMATO, HECHT, and KARNES were not included as original cosponsors of S. 2449, legislation I introduced to remove the U.S. Postal

Service from the unified Federal budget. I want it made clear for the RECORD, that these distinguished colleagues were "on board" from the first on this legislation.

I thank the Senators involved for their cosponsorship of this legislation and for their understanding. I look forward to working with them and with other Senators to ensure that the Postal Service is able to maintain the universal postal system and to deliver the mail without fear of arbitrary cutbacks associated with general deficit reduction actions.

S. 2455

At the request of Mr. D'AMATO, the names of the Senator from Nevada [Mr. HECHT], the Senator from Virginia [Mr. TRIBLE], the Senator from Nebraska [Mr. KARNES], and the Senator from Idaho [Mr. MCCLURE] were added as cosponsors of S. 2455, a bill entitled "Death Penalty in Case of Drug Related Killings."

SENATE JOINT RESOLUTION 141

At the request of Mr. NICKLES, the names of the Senator from Louisiana [Mr. JOHNSTON], the Senator from New Mexico [Mr. DOMENICI], the Senator from Utah [Mr. HATCH], the Senator from Idaho [Mr. MCCLURE], the Senator from Idaho [Mr. SYMMS], the Senator from Nebraska [Mr. KARNES], the Senator from North Carolina [Mr. SANFORD], the Senator from Washington [Mr. ADAMS], the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. BURDICK], the Senator from Florida [Mr. CHILES], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of Senate Joint Resolution 141, a joint resolution designating August 29, 1988, as "National China-Burma-India Veterans Appreciation Day."

SENATE JOINT RESOLUTION 180

At the request of Mr. PRESSLER, the names of the Senator from Florida [Mr. CHILES] and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of Senate Joint Resolution 180, a joint resolution designating the honeybee as the national insect.

SENATE JOINT RESOLUTION 248

At the request of Mr. QUAYLE, the names of the Senator from Maine [Mr. MITCHELL], the Senator from Nebraska [Mr. KARNES], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of Senate Joint Resolution 248, a joint resolution to designate the week of October 2, 1988, through October 8, 1988, as "Mental Illness Awareness Week."

SENATE JOINT RESOLUTION 261

At the request of Mr. PRESSLER, the name of the Senator from Virginia [Mr. TRIBLE] was added as a cosponsor of Senate Joint Resolution 261, a joint resolution designating the month of November 1988 as "National Alzheimer's Disease Month."

SENATE JOINT RESOLUTION 271

At the request of Mr. QUAYLE, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Georgia [Mr. NUNN], and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of Senate Joint Resolution 271, a joint resolution to designate August 20, 1988, as "Drum and Bugle Corps Recognition Day."

SENATE JOINT RESOLUTION 272

At the request of Mr. DURENBERGER, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from New York [Mr. MOYNIHAN], the Senator from Indiana [Mr. QUAYLE], the Senator from Louisiana [Mr. BREAUX], the Senator from Connecticut [Mr. WEICKER], the Senator from Michigan [Mr. LEVIN], the Senator from Idaho [Mr. MCCLURE], the Senator from Colorado [Mr. ARMSTRONG], the Senator from Nevada [Mr. HECHT], the Senator from Nebraska [Mr. KARNES], the Senator from Idaho [Mr. SYMMS], and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of Senate Joint Resolution 272, a bill to designate November 1988, as "National Diabetes Month."

SENATE JOINT RESOLUTION 273

At the request of Mr. LUGAR, the names of the Senator from Florida [Mr. CHILES] and the Senator from Pennsylvania [Mr. HEINZ] were added as cosponsors of Senate Joint Resolution 273, a joint resolution designating October 6, 1988, as "German-American Day."

SENATE JOINT RESOLUTION 275

At the request of Mr. WEICKER, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Kentucky [Mr. FORD], and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of Senate Joint Resolution 275, a joint resolution to designate August 1-8, 1988, as "National Harness Horse Week."

SENATE JOINT RESOLUTION 291

At the request of Mr. COCHRAN, the names of the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Utah [Mr. HATCH], the Senator from Texas [Mr. BENTSEN], the Senator from Missouri [Mr. BOND], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of Senate Joint Resolution 291, a joint resolution to designate the Month of September 1988 as "National Sewing Month."

SENATE JOINT RESOLUTION 294

At the request of Mr. TRIBLE, the names of the Senator from Alaska [Mr. STEVENS], the Senator from North Carolina [Mr. HELMS], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Colorado [Mr. WIRTH], the Senator from Utah [Mr. GARN], the Senator from Louisiana [Mr. BREAUX], the Senator from New York [Mr. MOYNIHAN], the Senator from Alabama [Mr. SHELBY], the Senator from Massachusetts [Mr. KERRY], the Senator from Vermont [Mr. STAFFORD], the Senator from Hawaii [Mr. INOUYE], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Nebraska [Mr. KARNES], the Senator from Idaho [Mr. MCCLURE], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of Senate Joint Resolution 294, a joint resolution designating August 9, 1988, as "National Neighborhood Crime Watch Day."

SENATE JOINT RESOLUTION 295

At the request of Mr. DECONCINI, the names of the Senator from Maine [Mr. MITCHELL], the Senator from Massachusetts [Mr. KERRY], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Arkansas [Mr. PRYOR], the Senator from Mississippi [Mr. STENNIS], and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of Senate Joint Resolution 295, a joint resolution to provide for the designation of September 15, 1988, as "National D.A.R.E. Day."

SENATE JOINT RESOLUTION 296

At the request of Mr. SHELBY, the names of the Senator from Indiana [Mr. LUGAR] and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Joint Resolution 296, a joint resolution designating April 1989 as "National Outdoor Power Equipment Safety Month."

SENATE JOINT RESOLUTION 312

At the request of Mr. D'AMATO, the names of the Senator from Illinois [Mr. SIMON], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Nebraska [Mr. KARNES], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from North Carolina [Mr. SANFORD], the Senator from Idaho [Mr. SYMMS], the Senator from Michigan [Mr. RIEGLE], and the Senator from Hawaii [Mr. MATSUNAGA] were added as cosponsors of Senate Joint Resolution 312, a joint resolution designating the week beginning September 18, 1988, as "Emergency Medical Services Week."

SENATE JOINT RESOLUTION 314

At the request of Mr. BOSCHWITZ, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from Nebraska [Mr. EXON], the Senator from Michigan [Mr. LEVIN], the Senator from Kansas [Mr. DOLE], the Senator from Texas [Mr. BENTSEN], the Senator from North Dakota [Mr. CONRAD], the Senator from Alabama [Mr. SHELBY], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Indiana [Mr. LUGAR], the Senator from North Dakota [Mr. BURDICK], the Senator from Nevada [Mr. REID], the Senator from Missouri [Mr. BOND], the

Senator from California [Mr. Wilson], the Senator from Louisiana [Mr. Johnston], the Senator from New Jersey [Mr. Lautenberg], the Senator from Arizona [Mr. DeConcini], the Senator from Florida [Mr. Chiles], the Senator from South Carolina [Mr. Thurmond], the Senator from New York [Mr. D'Amato], the Senator from Michigan [Mr. Riegle], and the Senator from Mississippi [Mr. Stennis] were added as cosponsors of Senate Joint Resolution 314, a joint resolution designating October 1988 as "Pregnancy and Infant Loss Awareness Month."

SENATE JOINT RESOLUTION 315

At the request of Mr. DeConcini, the names of the Senator from New Jersey [Mr. Lautenberg], the Senator from Oklahoma [Mr. Nickles], the Senator from California [Mr. Cranston], and the Senator from Louisiana [Mr. Johnston] were added as cosponsors of Senate Joint Resolution 315, a joint resolution designating 1989 as, "Year of the Young Reader."

SENATE JOINT RESOLUTION 318

At the request of Mr. Armstrong, the names of the Senator from Michigan [Mr. Levin], the Senator from Rhode Island [Mr. Chafee], the Senator from Nebraska [Mr. Karnes], the Senator from Arizona [Mr. McCain], the Senator from Nebraska [Mr. Exon], the Senator from South Dakota [Mr. Pressler], the Senator from Alabama [Mr. Shelby], the Senator from New Jersey [Mr. Bradley], the Senator from Arkansas [Mr. Bumpers], the Senator from North Dakota [Mr. Conrad], the Senator from Virginia [Mr. Warner], the Senator from Massachusetts [Mr. Kerry], the Senator from Louisiana [Mr. Johnston], the Senator from South Carolina [Mr. Hollings], the Senator from Colorado [Mr. Wirth], the Senator from Florida [Mr. Chiles], the Senator from New Hampshire [Mr. Humphrey], the Senator from Minnesota [Mr. Durenberger], the Senator from Oklahoma [Mr. Nickles], the Senator from New Mexico [Mr. Domenici], the Senator from New Hampshire [Mr. Rudman], and the Senator from Kansas [Mrs. Kassebaum] were added as cosponsors of Senate Joint Resolution 318, a joint resolution to designate the week of July 25-31, 1988, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War."

SENATE JOINT RESOLUTION 319

At the request of Mr. Leahy, the name of the Senator from Alaska [Mr. Stevens] was added as a cosponsor of Senate Joint Resolution 319, a joint resolution to designate the period commencing November 6, 1988, and ending November 12, 1988, as "National Disabled Americans Week."

SENATE JOINT RESOLUTION 322

At the request of Mr. Shelby, the name of the Senator from Texas [Mr. Bentsen] was added as a cosponsor of Senate Joint Resolution 322, a joint resolution to designate the week of September 23-30, 1988, as "National American Indian Heritage Week."

SENATE JOINT RESOLUTION 331

At the request of Mr. Shelby, the names of the Senator from Michigan [Mr. Levin], the Senator from Virginia [Mr. Warner], the Senator from Minnesota [Mr. Durenberger], the Senator from Nevada [Mr. Reid], the Senator from Texas [Mr. Bentsen], the Senator from Kentucky [Mr. McConnell], and the Senator from South Carolina [Mr. Thurmond] were added as cosponsors of Senate Joint Resolution 331, a joint resolution to designate the week of June 19-25, 1988, as the "National Recognition of the Accomplishments of Women in the Workforce Week."

SENATE JOINT RESOLUTION 332

At the request of Mr. Lautenberg, his name was added as a cosponsor of Senate Joint Resolution 332, a joint resolution to designate the period commencing December 11, 1988, and ending December 17, 1988, as "National Drunk and Drugged Driving Awareness Week."

SENATE CONCURRENT RESOLUTION 103

At the request of Mr. DeConcini, the names of the Senator from Massachusetts [Mr. Kennedy], the Senator from Vermont [Mr. Stafford], and the Senator from Minnesota [Mr. Durenberger] were added as cosponsors of Senate Concurrent Resolution 103, a concurrent resolution expressing the sense of the Congress that the President should award the Presidential Medal of Freedom to Charles E. Thornton, Lee Shapiro, and Jim Lindelof, citizens of the United States who were killed in Afghanistan.

SENATE CONCURRENT RESOLUTION 107

At the request of Mr. Lautenberg, the name of the Senator from Georgia [Mr. Fowler] was added as a cosponsor of Senate Concurrent Resolution 107, a concurrent resolution calling for a consolidated investigation into the operation of Texas Air Corp. and Eastern Air Lines.

SENATE CONCURRENT RESOLUTION 112

At the request of Mr. Baucus, the name of the Senator from Louisiana [Mr. Johnston] was added as a cosponsor of Senate Concurrent Resolution 112, a concurrent resolution expressing the intent of Congress regarding certain provisions of Public Laws 100-202 and 100-223.

SENATE RESOLUTION 389

At the request of Mr. Lautenberg, the name of the Senator from West Virginia [Mr. Rockefeller] was added as a cosponsor of Senate Resolution 389, a resolution to express the sense of the Senate regarding future funding of the Construction Grants Program of the Clean Water Act.

SENATE RESOLUTION 426

At the request of Mr. Baucus, the name of the Senator from Illinois [Mr. Simon] was added as a cosponsor of Senate Resolution 426, a resolution expressing the sense of the Senate that the seven major industrial nations of the world must take immediate action to protect the Earth's stratospheric ozone layer.

SENATE RESOLUTION 432

At the request of Mr. Moynihan, the names of the Senator from Pennsylvania [Mr. Heinz], the Senator from North Dakota [Mr. Burdick], the Senator from Minnesota [Mr. Durenberger), the Senator from Wisconsin [Mr. Proxmire], the Senator from Hawaii [Mr. Inouye], the Senator from Vermont [Mr. Stafford], the Senator from Arkansas [Mr. Bumpers], the Senator from Rhode Island [Mr. Pell], the Senator from Mississippi [Mr. Stennis], and the Senator from Connecticut [Mr. Weicker] were added as cosponsors of Senate Resolution 432, a resolution to honor Eugene O'Neill for this priceless contribution to the canon of American literature in this the hundredth anniversary year of his birth.

AMENDMENTS SUBMITTED

SEWALL-BELMONT HOUSE NATIONAL HISTORIC SITE

JOHNSTON AMENDMENT NO. 2336

Mr. BYRD (for Mr. Johnston) proposed an amendment to the bill (H.R. 2203) to increase the amount authorized to be appropriated with respect to the Sewall-Belmont House National Historic Site; as follows:

At the end of the Act, add the following new sections as follows:

"SEC. . EXPANSION OF THE DELTA REGION PRESERVATION COMMISSION."

Section 907(a) of Public Law 95-625, as amended, is further amended as follows:

(1) In clause (6), strike "region; and" and insert "region;".

(2) In clause (7), strike "Arts." and insert "Arts; and".

(3) Add the following new clause:

"(8) one member who shall have experience as a folklorist and who is familiar with the cultures of the Mississippi Delta Region appointed by the Secretary of the Smithsonian Institution.".

"Sec. . (a) There is authorized to be appropriated to the Secretary of the Interior such sums as are necessary for construction of the Saipan harbor project in the Northern Mariana Islands, in accordance with the May 1987 draft feasibility report of the Honolulu District Engineer.

"(b) There is authorized to be appropriated such sums as are necessary for project planning, design and construction for replacement of the main breakwater and for necessary dredging of the San Jose harbor on the Island of Tinian in the Northern Mariana Islands. The cost-sharing provisions of Public Law 99-662 shall apply to the project, and particular consideration shall be given to possible defense uses of the harbor in determining the benefits of this project.".

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the public that an additional measure has been added to the June 16 hearing before the Subcommittee on Public Lands, National Parks and Forests.

In addition to the measures listed in the original hearing announcement, the subcommittee will also receive testimony on H.R. 1975, a bill to protect caves resources on Federal lands and for other purposes.

SUBCOMMITTEE ON RURAL ECONOMY AND FAMILY FARMING

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Subcommittee on Rural Economy and Family Farming will hold a hearing on Wednesday, June 29, 1988, to identify prospects for economic development in rural America. The hearing will be held in room 428A of the Russell Senate Office Building and will commence at 9:30 a.m. For further information, please call Chuck Culver of the committee staff at 224-5175, or Tamara McCANN of Senator BAUCUS' office at 224-2651.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. CHILES. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Monday, June 6, at 2 p.m., for hearings on the subject AIDS: Health care services.

The PRESIDING OFFICER. Without objection, it is ordered.

SUBCOMMITTEE ON AGRICULTURAL RESEARCH AND GENERAL LEGISLATION

Mr. CHILES. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Research, and General Legislation of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Monday, June 6, 1988 at 2:30 p.m. to hold a hearing on S. 2413, the Agricultural Research Commercialization Act of 1988.

The PRESIDING OFFICER. Without objection, it is ordered.

ADDITIONAL STATEMENTS

THE MONTPELIER FOOD POLICY PROJECT BY THE MAIN STREET MIDDLE SCHOOL

● Mr. LEAHY. Mr. President, Kristin Commito, a sixth grade student from Montpelier, came into my Vermont office this week to give me a booklet entitled "The Montpelier Food Policy—A Project by the Sixth Grade Class of the Main Street Middle School, Montpelier, VT, 1988." She was proud of the project that her class had just completed. And after reading the booklet, I was proud, too.

The sixth graders of the Main Street Middle School tackled a job that I have been working on for years in the Senate Agriculture Committee—hunger and malnutrition. They recognized that hunger is not just a problem in Third World countries but that it also hits Montpelier, VT. They not only recognized the problem, but decided to do something about it.

They divided the six grade classes into committees: needs, education and promotion, food enterprise, land mapping, and action. These committees formulated game plans to raise public awareness of hunger in Montpelier and to call attention to the insufficiency of Federal, State, and local assistance to hungry families.

Nutrition education can help people understand proper nutrition, while classes in gardening can help Vermonters grow their own nutritious foods to help meet their needs. Food enterprise can establish projects that make money and create jobs for Vermonters through plant sales, bottle drives, community canning or freezing plants, farmers markets, and so forth. The money can be donated to the Montpelier Food Pantry and the Vermont Food Bank and can help establish community garden plots and publish pamphlets on hunger.

Land mapping could help convert open land in Montpelier to land used for planting and growing food.

Mr. President, I will ask that the introduction to the booklet be printed in the RECORD following my remarks.

The six graders at the Main Street Middle School not only see that hunger is a real problem but have taken action to help alleviate it. They are now talking with the mayor, the planning commission, and the city council in order to make their Montpelier Food Policy an alternative for the future.

I am proud of these students and I hope that their project becomes a reality.

I ask that the introduction to the booklet be printed in the RECORD.

The introduction follows:

THE MONTPELIER FOOD POLICY—A PROJECT BY THE SIXTH GRADE CLASS OF THE MAIN STREET MIDDLE SCHOOL, MONTPELIER, VT, 1988

INTRODUCTION

The sixth graders of Main Street Middle School were upset when we discovered, by visiting the food pantry, how much malnutrition there is in our community.

Many middle and working poor class families need Emergency Food to get by. There are several (high expenses) that need to get paid each month such as mortgage, rent, electric, and utility bills, and, if these bills are not paid, serious consequences like eviction may occur. However, there is one bill that may be cut back—food.

By the end of a month, Food Stamps, which supplement every meal and help many families make ends meet, run out. People who are faced with this problem every month need to find another way to get food, and many resort to the Montpelier Emergency Food Pantry, thus the pantry is used heavily and often runs short of food to distribute.

We wanted to help find the solution to this problem, and we started by writing letters and developing this policy, because we want more control over our food (how it is grown the use of herbicides, pesticides and fungicides, etc.) and we would like to help the hunger situation. We don't have any solution for this problem, but we have opened the gateway to the answer.

CHILDREN SPEAKING OUT

Many people say we are just children and we should wait until we are older to create anything like this.

However, we are the next generation. It's our own future, and if we analyze the malnutrition problem now, we'll have the answer well under way soon.●

THE 22D ANNUAL FLAG DAY PARADE

● Mr. D'AMATO. Mr. President, on the 14th of this month the citizens of Sunnyside, NY, will hold their 22d Annual Flag Day Parade. I rise today to commemorate this occasion and to pay tribute to the American flag.

Each year Americans reaffirm their respect and admiration for the ideals and principles represented by the Stars and Stripes, and to remember all those who have died in the struggle for liberty. By flying the flag over their homes, businesses, and schools, and by holding parades and other special events, Americans everywhere underscore the significance and history of the American flag.

Flag Day was first celebrated in 1877 to recognize the 100th anniversary of the adoption by the Continental Congress of the Stars and Stripes as the official flag of the United States. And, 1897 marks the first date New York State officially observed Flag Day.

This tradition has since been successfully continued. Each year the President signs a proclamation designating the 14th of June as Flag Day. Also, not long ago, the 99th Congress declared 1986 as "The Year of the Flag."

Mr. President, by encouraging community efforts to continue this fine tradition, Congress lends important support to an annual event that does not enjoy official national holiday status. I am pleased today to commend the folks of Sunnyside and to honor Old Glory.●

SEVENTH ANNUAL MEETING OF THE SMALL BUSINESS COMMITTEE'S NATIONAL ADVISORY COUNCIL

● Mr. BUMPERS. Mr. President, on Wednesday and Thursday, May 25 and 26, 1988, the national advisory council to the Senate Committee on Small Business held its seventh annual meeting in Washington, DC, and unanimously passed 18 resolutions urging Congress and the President to take action on several pressing issues facing small business and the economy today.

The council, composed of 24 small business persons from around the country, provides the committee with grassroots insight into the problems and concerns of our Nation's small businesses. Established in 1981, the council is the only officially recognized advisory body in the Senate. Members come to Washington at their own expense to meet with committee members and discuss small business issues from their perspective as active, working members of the small business community.

On May 25, the first day of the meeting, the council had the opportunity to meet with Alan Greenspan, Chairman of the Federal Reserve Board, and with Dr. Robert Ortner, Commerce Department's Under Secretary for Economic Affairs. On the following day, the council held its formal working session with members of the committee and finalized and voted on its resolutions.

The agreed upon measures call for the President and Congress to take action on the budget deficit, on the issue of mandated benefits, increased Federal procurement for small business, on General and product liability reform, and on passage of the Prompt Payment Act Amendments of 1988 by the House of Representatives.

I especially want to call to the Senate's attention the council's resolution concerning the Federal deficit. This is the same resolution which was enacted 2 years ago, and the urgency of deficit reduction remains. I would like to quote from the resolving clause of the resolution, which demonstrates the thoughtfulness of members of the council:

> Now, therefore, be it resolved that the National Advisory Council to the Senate Committee on Small Business calls upon the President and the Congress of the United States to take immediate action to address this budget crisis. In the consideration of specific actions no areas should be exempt, including tax increases, as well as substantial reductions in defense spending, entitlement programs, including Social Security, and other domestic discretionary programs.

Mr. President, I commend the advisory council for the valuable contribution it has made not only to the Small Business Committee but the entire Senate. They have presented us with a number of issues which deserve our attention, and I urge my fellow colleagues to review these resolutions, as they are an important indicator of the thoughts and concerns of this country's 14 million small business owners and operators.

Mr. President, I ask that the full text of the 18 resolutions and a list of the council members who attended the meeting be printed in the RECORD, following this statement.

The material follows:

NATIONAL ADVISORY COUNCIL PARTICIPANTS 1988

Thelma Stevenson Ablan, Chicago, Illinois.
Asta Ball, Newington, Connecticut.
Herb R. Bowden, Sioux Falls, South Dakota.
Marcia Bystrom, Bloomington, Minnesota.
Daniel Dennis, Boston, Massachusetts.
Tim Fine, San Francisco, California.
Walter Floss, East Amherst, New York.
Bruce Hopewell, New York, New York.
Ray Lansing, Cheyenne, Wyoming.
Michael Lefkiades, Bay City, Michigan.
Judy McCoy, Dubuque, Iowa.
Frederic E. Mohs, Madison, Wisconsin.
Laverne Morrow, St. Louis, Missouri.
Shaw Mudge, Stamford, Connecticut.
Frederica Saxon, Cockeysville, Maryland.
Edward Smith, Pine Bluff, Arkansas.
Gwen Weihe, Norfolk, Nebraska.
Anthony Wilkinson, Stillwater, Oklahoma.
Robert Wiita, Concord, New Hampshire.

RESOLUTION OF THE NATIONAL ADVISORY COUNCIL ON MANDATED BENEFITS

Whereas, Congress has become more intrigued in introducing and pursuing noncompetitive, costly, and prohibitive business legislation in the forms of mandated benefits and/or policies which are required as part of doing business, such as family and medical leave, right-to-know legislation, expanded medical insurance, equal opportunity legislation, advance notice of plant closings, and such proposals would put a sizeable burden on small businesses which cannot comply easily; and

Whereas, left on their own, the majority of small business employers will handle these matters in a sensible way, so as to meet the needs of both their business and their employees, and are free to make basic business decisions or select compensation packages appropriate for their employees, based on their type of business and region. Further, much of this legislation, which is specifically designed to reduce individual economic responsibility of the employee, is simply transferred to the shoulders of the small business person.

These artificial costs of doing business tend to make many small businesses noncompetitive. Further, these fixed costs greatly interfere with the supply-and-demand equation and present an obstacle to operating a business as a free enterprise establishment.

These costs not only affect business but jeopardize the jobs of the people that they are designed to protect by (a) greatly reducing entry-level jobs and (b) increasingly causing many small business people to become reluctant to hire people on a full-time permanent basis.

Whereas, there is a trend of Congress intervening more and more into these areas of restrictive legislation; and

Whereas, it has been shown clearly over the years that the most efficient mechanism with which to distribute goods and services to our economy is through open-market, supply-and-demand mechanism: Now, therefore, be it

Resolved, That the National Advisory Council to the Senate Committee on Small Business urge the Committee to oppose mandated benefits for small business and to work to find ways for small business to better afford employee benefits under the free enterprise system: Therefore, be it further

Resolved, That a working group of the Council be appointed to study pending legislative proposals on mandated employee benefits and this group report to the Council not later than December 31, 1988, its recommendations and proposals for modification or amendments to these legislative proposals which will lessen the impact on small business of any new benefits which might be enacted.

RESOLUTION OF THE NATIONAL ADVISORY COUNCIL ON THE RECOMMENDATIONS ON THE 1968 WHITE HOUSE CONFERENCE ON SMALL BUSINESS

Whereas, almost two years ago, 1,823 small business owners attended the 1986 White House Conference on Small Business, by invitation of the President and Congress, and at their own expense; and

Whereas, during the five-day conference, these delegates prioritized the issues which hinder their ability to operate in a competitive manner and can be corrected by proper legislation in Congress; and

Whereas, the issues affecting small business should be of interest to Congress and the President, and should be acted on in a timely manner, in that:

1. 99 percent of all non-farm businesses are considered to be small businesses by SBA standards;
2. small Businesses employ 53 percent of the private work force, contribute 42 percent of all sales, and are responsible for 38 percent of the Gross National Product;
3. small businesses produced 4.39 million new jobs between 1980 and 1984, over 3½ times that of big businesses;
4. small businesses produce 2½ times as many innovations as big businesses relative to the number of persons employed;

Whereas, of the 60 final recommendations listed in order of priority, relatively few have been addressed appropriately. Further, there are many bills under consideration in the Congress which are totally contrary to the recommendations' intent; and

Whereas, millions of Small Business owners are beginning to believe that the costly efforts of the 1986 White House Conference on Small Business were merely a ploy to lull Small Business back into a sense of complacency: Now, therefore, be it

Resolved, That the National Advisory Council to the Senate Committee on Small Business calls upon the Congress and the President to:

1. Evaluate all pending bills which could possibly affect Small Business, based on the recommendations of the 1986 White House Conference on Small Business.
2. Draft legislation which addresses the balance of the top 10 recommendations of the 1986 White House Conference on Small Business immediately, with the next 20 recommendations to be addressed during the following year.
3. Support S. 818, to authorize the 1990 White House Conference on Small Business; and
4. Respond immediately to the recommendations which come out of the proposed 1990 White House Conference on Small Business, sending a message to those delegates that Congress understands the importance of Small Business to our country's economy and well-being.

Resolution of the National Advisory Council on Unfair Competition

Whereas, Government at many levels is competing increasingly with small business in providing goods and services; and

Whereas, the magnitude of this competition is difficult to measure because the competition is both direct and indirect and because the competition comes from two sources: (1) non-profit organizations performing unrelated commercial services; and (2) government organizations performing commercial services; and

Whereas, the government gives such nonprofit organizations tax exemptions and other benefits, those organizations have a competitive edge over small business; and

Whereas, some government organizations operate with many statutory advantages over their private sector small business competitors: Now, therefore, be it

Resolved, That (1) The National Advisory Council to the Senate Committee on Small Business recommend to the Committee that Congress take immediate steps to stem the tide of unfair competition, and to create a level playing field where all who compete do so under the same rules; and

(2) The Senate Small Business Committee shall, while encouraging the non-commercial activities of non-profit organizations, study the competitive effect on small business of such organizations engaging in unrelated commercial activities while enjoying exemptions from certain government regulations and taxation.

(3) The Senate Committee on Small Business shall take an active role in overseeing the activities, policies and procedures of government organizations performing commercial services.

Resolution of the National Advisory Council on Greater and Equal Participation of Small in Federal Procurement

Whereas, small buinesses account for 42% of the Gross National Product (GNP); and

Whereas, small businesses provide 62% of the net jobs to the economy; and

Whereas, the government is the nation's single largest purchaser of goods and services; and

Whereas, government contracts serve as a major market for small and small disadvantaged business development and capitalization; and

Whereas, prime contractors and large subcontractors provide an excellent opportunity for small businesses to retain a more equitable share of Federal procurement; and

Whereas, small businesses account for 24% of all private sector sales for all products and services and only 14% of Federal procurement of all products and services: Now, therefore, be it

Resolved, That the National Advisory Council to the Senate Committee on Small Business calls upon the Congress to investigate current barriers to small business participation in Federal procurement and to enact legislation that includes specific guidelines and procedures to insure that Federal purchases from small business matches small business private sector sales, by industry, thereby providing small business an overall "bigger piece of the government pie", with specific goals for women and disadvantaged businesses.

A Resolution on the Small Business Administration's Loan Program

Whereas, the U.S. Small Business Administration's 7(a) loan program continues to fill a void in the capital markets for term loans to small businesses; and

Whereas, the GAO did an extensive survey of commercial banks in 1983 and concluded that the 7(a) program was the Federal Government's answer to small businesses need for long-term financing; and

Whereas, the maximum loan guaranty amount has been set at $500,000 for several years; and

Whereas, Certified and Preferred Lenders of the Small Business Administration's 7(a) loan program have well performing loan portfolios and not all certified lenders are receiving loan application approvals from SBA district offices within the three day time period mandated by SBA regulation: Now, therefore, be it

Resolved, That (1) the Senate Small Business Committee Advisory Council supports the "Small Business Administration Reauthorization and Amendments Act of 1988" that specifically reauthorizes the agency and increases the maximum guaranty amount to $750,000 from $500,000;

(2) that any increases in budget authority needed be made to support the increase in the maximum loan guaranty; and

(3) that SBA take the necessary action to insure that loans from certified lenders be turned around by SBA district offices within a three-day period.

Resolution of the National Advisory Council on the Minimum Wage

Whereas, small business is responsible for 70% of all new jobs in the United States; and

Whereas, two-thirds of all workers enter the workforce in a small business; and

Whereas, many workers are students, singles, and part-time workers; and

Whereas, raising the minimum wage would cause employers to hire fewer employees, and in marginal operations, lay others off; and

Whereas, holding the line on minimum wage would allow young, poor workers a better opportunity of getting and keeping a job: Now, therefore, be it

Resolved, That the National Advisory Council to the Senate Committee on Small Business: Urge the Committee to support holding the line on the minimum wage, to enable small business to continue to hire workers and to make a profit.

Resolution of the National Advisory Council on H.R. 3436, Pepper Home Care Bill

Whereas, many needy individuals are denied access to adequate health care; and

Whereas, demand for health care continues to increase; and

Whereas, the demographics of the U.S. population indicates that no lessening of demand for health care services, especially among the elderly, is likely to occur for decades; and

Whereas, health care costs continue to escalate faster than the general rate of increase in consumer prices; and

Whereas, small business owners, due to the labor intensive nature of their businesses and their employees, tend to bear a disproportionate share per capita of health care costs: Now, therefore, be it

Resolved, That the Senate Small Business Committee's National Advisory Council urges the Senate Committee on Small Business to hold hearings on health care access with special emphasis placed on the effectiveness and impact of H.R. 3436, the Pepper Home Care bill.

Resolution of the National Advisory Council on the Budget Deficit

Whereas, the total Federal debt has grown to trillions of dollars, and seriously threatens the majority of the nation's small businesses, which would be particularly hard hit by higher interest rates, renewed inflation and a stagnating economy; and

Whereas, the Congressional Budget Office estimates that without any corrective action by the President or Congress to immediately reduce these deficits and hold the line across the board on controllable spending, that a crisis is at hand for small business; and

Whereas, any effective debt reduction package should include necessary tax increases, while allowing for provisions that are favorable to the short and long-term planning of both small and agri-related businesses: Now, therefore, be it

Resolved, That the National Advisory Council to the Senate Committee on Small Business calls upon the President and the Congress of the United States to take immediate action to address this budget crisis. In the consideration of specific actions, no areas should be exempt: i.e., tax increases, substantial reductions in defense spending, entitlement programs (including Social Security) and other domestic discretionary programs.

A Resolution of the National Advisory Council on Product Liability Reform

Whereas, State courts have over the past twenty-five years deviated from fault-based standards in product liability cases; and

Whereas, The plethora of State standards has created astronomical increases in liability insurance costs and reduction in availability of product liability coverage for manufacturers; and

Whereas, The uncertainty caused by differing State standards has caused new companies and companies with new products to find it most difficult to acquire product liability insurance, thus stifling innovation and growth in the business sector which provides the most international competitiveness for our Country; and

Whereas, The results have been unfair and excessive judgments against manufacturers and product sellers, judgments that have pushed small firms into bankruptcy, reduced the capacity of large firms to compete internationally, and driven up the cost of property-casualty insurance for everybody; and

Whereas, Individual states cannot by themselves address this problem since 75% of all manufactured goods are sold outside of the state of manufacture in interstate commerce. A state enacting product liability reform legislation will therefore limit the liability of in-state sales: Therefore, be it

Resolved, That the Small Business Advisory Council supports legislation that would return the tort system to a fault-based standard in products cases, that would clearly define the limits on manufacturers' and sellers' liability by establishing appropriate legal defenses, that would establish fair rules of evidence, and that would establish appropriate procedural guarantees and supports guarantees restricting joint and several liability, establishing shorter statutes of repose, and encouraging settlement and arbitration: Be it further

Resolved, That copies of this Resolution be transmitted to the leadership of the Congress of the United States and to Senator Dale Bumpers, Chairman, and the members of the Committee on Small Business.

Resolution of National Advisory Council on Corrections Abuses in RICO

Whereas, the Congress in 1970 passed the Racketeer Influenced and Corrupt Organizations Act (RICO), Public Law 91-452, Title IX, in order to expand the panoply of federal law enforcement remedies against organized crime; and

Whereas, since that time, private civil actions brought under RICO have increasingly targeted legitimate business activities with no connection to oganized criminal activity; and

Whereas, small businesses bear an onerous burden in defending their legitimate activities against claims brought under RICO; and

Whereas, a number of deficiencies in the language of RICO permit the unintended misuse of RICO to initiate litigation against legitimate businesses: Now, therefore, be it

Resolved, That legislation introduced and pending before Congress to correct some of the numerous shortcomings in RICO should be adopted by the Congress, to wit S. 1523, introduced by Mr. Metzenbaum, and H.R. 2983, introduced by Mr. Boucher.

Resolution of the National Advisory Council on Antitrust and Monopoly

Whereas, the Antitrust Division of the Department of Justice and the Federal Trade Commission have totally failed to enforce and carry out the antitrust laws of the United States during the last seven years; and

Whereas, the result of such failure to carry out the enforcement of the antitrust laws has caused serious harm to competition in the American economy and to small business in particular; and

Whereas, the Antitrust Division of the Department of Justice has urged the courts, through the filing of friend of the court (amicus curiae) briefs, to legalize vertical anticompetitive restrictions against small businesses, including resale price fixing, tie-in arrangements, and exclusive dealing; and

Whereas, in response to these developments the courts have recently made decisions against small businesses, particularly distributors, dealers and franchisees, such as the Supreme Court decisions in *Monsanto* v. *Spray Rite* and *Sharp Electronics* (which made it easier for large manufacturers to terminate dealers and distributors for not adhering to the manufacturers' suggested resale prices) and lower court decisions permitting the replacement of distributors by delivery agents in order to fix prices: Now, therefore, be it

Resolved, That the Small Business Advisory Council to the United States Senate Small Business Committee hereby calls upon the Congress to pass pending legislation by Senator Metzenbaum to restore the legal rights of American businesses to have the freedom to establish their prices and be free of vertical restraints against them and to enact new legislation to prohibit the destruction of independent wholesalers and distributors through the subterfuge of so-called independent delivery agents.

Resolution of the National Advisory Council on Business Owners Exemption From Unemployment Insurance

Whereas, current federal legislation denies states the option of allowing owners of businesses to choose whether or not they desire to pay unemployment insurance premiums on themselves; and

Whereas, Federal law dictates that small business owners must pay unemployment insurance premiums on themselves; the only time they may collect unemployment is when their business closes and ceases to exist; they are not permitted to lay themselves off during seasonal downturns in business; and

Whereas, the initiation and enactment of appropriate legislation correcting this current injustice would be most consistent with our government's expressed desire to eliminate unnecessary and encumbering regulations, regulations so punitive to those investing both time and capital in business endeavors; and

Whereas, currently, federal regulations work to prohibit individual states from initiating legislation making the payment of premiums a voluntary decision; if such legislation were enacted at the state level, the various states would lose eligibility for federal funds; and

Whereas, members of the small business community through the State of New York have expressed their desire to be excluded from eligibility for unemployment insurance; and

Whereas, insofar as the limited application of the current law is of minimal value to the owners of small businesses, it is the sense of this Advisory Board to urge that Congress initiate and yet enact legislation permitting states to allow the owners of businesses to choose whether or not they desire to pay unemployment insurance premiums on themselves; and

Whereas, the fiscal impact of such voluntary exclusions of the unemployment insurance fund would be negligible; and

Whereas, fully cognizant of its commitment to the sustenance and promulgation of an economic ambience conducive to future growth and development, this Advisory Board urges that the Congress of the United States intitiate and yet enact legislation permitting business owners to choose whether or not they desire to pay unemployment insurance premiums on themselves: Now, therefore, be it

Resolved, That this Advisory Council pause in its deliberations and urge the Congress of the United States to enact legislation granting individual states the opportunity to extend a measure of just relief to business owners, namely, the right to choose whether or not they desire to pay unemployment insurance premiums on themselves: Be it further

Resolved, That copies of this Resolution be transmitted to the leadership of the Congress of the United States and to Senator Dale Bumpers, Chairman of the Senate Small Business Committee and the members of the Committee on Small Business.

Resolution of the National Advisory Council on the Combined Omnibus Budget Reconciliation Act

Whereas, the Combined Omnibus Budget Reconciliation Act of 1986, P.L. 99-272, requires employers to continue to make available to former employees a group health insurance program comparable to the program in effect on the former employee's termination date; and

Whereas, the Combined Omnibus Budget Reconciliation Act does not qualify the former employee on the basis of reason for termination of employment (i.e. resignation, lay-off, etc.); and

Whereas, any claims filed by the former employee during this required period are included in the insurance company's experience rating of the company; and

Whereas, America's small businesses are experiencing severe economic problems by continually increasing insurance rates; and

Whereas, the actions of a former employee and/or his family could consequently cause the employer's group health insurance program rates to increase unfairly or be terminated: Now, therefore, be it

Resolved, That the National Advisory Council to the Senate Committee on Small Business urges that the Combined Omnibus Budget Reconciliation Act should be amended to disallow the inclusion of COBRA claims in a company's experience rating by insurance companies.

Resolution of the National Advisory Council for the Protection of the Family Owned Business

Whereas, 175 of the largest 500 industrial companies in the United States are either owned or controlled by a single family; and

Whereas, many founders of the businesses during the World War II postwar period (when an unprecedented number of businesses were founded) are now transferring control and ownership of their businesses to family members to continue the tradition; and

Whereas, encouraging continuity of the family ownership of a small business maintains the traditions of service, ethical business standards, loyalty to employees and community involvement of family-owned small businesses; and

Whereas, most small businesses are family-owned and controlled; and

Whereas, upon the death of the business owner, many businesses must be liquidated in order to satisfy the estate and gift transfer taxes created by the transfer of business assets from one family member to another; and

Whereas, protection of Small Business ensures job creation, stable economies, product innovation, and initial job training: Now, therefore, be it

Resolved, That Congress should conduct hearings and enact legislation which will ease the burden of estate taxes for family-owned small businesses so that fewer such businesses will face liquidation or reorganization in order to pay estate taxes.

Resolution of the National Advisory Council on the Deductibility of Interest on Disputed Tax Deficiencies

Whereas, interest deductions for individuals are being phased out. Interest on an alleged IRS tax deficiency, as a result of an Internal Revenue Service examination, will *not be deductible* to an individual in future years under the most recent IRS regulations; and

Whereas, should the taxpayer prevail and be found correct (win) in his or her filing, interest income, if the disputed amount is invested in the interim by the individual, *is taxable*; and

Whereas, this situation will cause an inequity, and an uneven playing field for individuals—relative to gift taxes, estate taxes and other such cases, this inequity benefits and possibly encourages the Internal Revenue Service to delay hearings, actions, etc., and further provides the IRS unfair leverage to encourage or force unfair settlements; and

Whereas, interests expense on a corporate tax deficiency is deductible as a business expense; however, interest expense relative to a tax deficiency for a proprietorship, partnership or S Corporation is not deductible as this is passed through to the individual owners and taxed accordingly, resulting in another inequity; and

Whereas, many cases protested by taxpayers include simple valuations and other such matters requiring judgment where not negligence or fraud occurs or is even remotely intended: Now, therefore, be it

Resolved, That interest on disputed tax deficiencies should be a deductible item for individuals in matters where judgment is involved and where no neglience or fraud is found.

RESOLUTION OF THE NATIONAL ADVISORY COUNCIL ON SMALL BUSINESS DEVELOPMENT CENTERS

Whereas, certain small businesses offer services similar to those offered by Small Business Development Centers; and

Whereas, such small businesses question the ability of SBDC's to offer the follow-up services needed by their small business clients; and

Whereas, the Senate Small Business Committee has requested the General Accounting Office (GAO) to perform a study on the cost and effectiveness of the Small Business Administration's SBDC program: Now, therefore, be it

Resolved, That the National Advisory Council supports the Small Business Committee in its efforts to obtain the GAO report on the activities of and services provided by SBDC's and encourages the Committee to act promptly on any GAO findings.

RESOLUTION OF THE NATIONAL ADVISORY COUNCIL IN SUPPORT OF GENERAL LIABILITY INSURANCE REFORM

Whereas, the unavailability and unaffordability of liability insurance coverage for the small business community has continued at crisis proportions; and

Whereas, this crisis has substantially affected the ability of small business in our nation to continue to grow, thrive, and provide new jobs for our nation's citizens; and

Whereas, the various states have passed or are passing legislation which results in confusion as to the liability of both insurers and the insured; and

Whereas, the unpredictability of professional and commercial liability awards and doctrines has added considerably to the high cost of professional and commercial liability insurance by making the accurate prediction of risk virtually impossible; and

Whereas, the recent explosive growth in professional and commercial liability lawsuits and awards is jeopardizing the financial well-being of many professionals and is a particular threat to the viability of many of the Nation's small businesses: Now, therefore, be it

Resolved, That this advisory council recommends that the Senate Small Business Committee encourage Congress to:

(1) enact legislation embodying federal uniform professional and commercial liability standards retaining fault (not strict liability) as the standard of liability and specifically reforming tort doctrines in the area of joint and several liability and strongly discouraging frivolous lawsuits; and

(2) enact legislation introduced by Senator Metzenbaum, S. 1299, to limit the federal antitrust exemption provided to the insurance industry under the McCarran-Ferguson Act.

RESOLUTION OF THE NATIONAL ADVISORY COUNCIL ON S. 328, THE PROMPT PAYMENT ACT AMENDMENTS OF 1988

Whereas, the National Advisory Council to the Senate Committee on Small Business adopted a resolution during its meeting on October 25, 1985, which called for oversight of the implementation of "Prompt Payment Act of 1982", Public Law 97-177, and the consideration of remedial legislation to eliminate the ambiguities and loopholes that were being used by various Federal agencies to frustrate the clear intent of the Congress in enacting this important small business legislation; and

Whereas, the 1986 White House Conference on Small Business adopted Resolution No. 32, from an overall issue agenda that exceeded 400 items, which specified improvements to the Prompt Payment Act of 1982, including extending its protections to contractors performing for the United States Postal Service and state and local government recipients of Federal grants, and called for the vigorous enforcement of such a strengthened Act; and

Whereas, the Committee on Small Business conducted oversight hearings on the Act's implementation that resulted in the introduction of S. 2479, the "Prompt Payment Amendments of 1986", by Senator Paul Trible with the support of the entire Committee, and the bill's passage by the Senate during the closing days of the 99th Congress; and

Whereas, S. 328, the "Prompt Payment Act Amendments of 1987", was intorduced in the opening days of the 100th Congress by Senator Sasser, with 56 original cosponsors including Senator Tribles as the principal cosponsor, to renew the effort to attain needed improvements to the Prompt Payment Act; and

Whereas, S. 328, having garnered 91 cosponsors, was passed by the Senate on October 9, 1987 by a vote of 86-0; and

Whereas, the Subcommittee on Legislation and National Security of the House Committee on Government Operations, after conducting its own oversight and legislative hearings and making use of the oversight hearing record of the House Committee on Small Business, reported its version S. 328, the "Prompt Payment Act Amendments of 1988", on April 27, 1988; and

Whereas, the "Prompt Payment Act Amendments of 1988" strengthens the Senate-passed bill, and extends the Prompt Payments Act's protections to contractors performing for state and local government recipients of Federal grants: Now, therefore, be it

Resolved, That the National Advisory Council to the Senate Committee on Small Business urges the swift and favorable consideration of S. 328, the "Prompt Payment Act Amendments of 1988", by the Committee on Government Operations, the U.S. House of Representatives, and the United States Senate, so that Recommendation 32 of the 1986 White House Conference on Small Business, pertaining to improving the Prompt Payment Act of 1982, may be fulfilled before the close of the 100th Congress.●

SENATOR LUGAR FITNESS AWARD

● Mr. LUGAR. Mr. President, 4 years ago I introduced in my home State of Indiana an award for those special citizens who have contributed greatly to the character and vitality of the Hoosier State through awareness of fitness and health.

I have always been an advocate of regular exercise and good nutrition. And healthy living not only serves as preventive medicine on a personal level, but also helps hold down national health care costs.

The annual Vitae Bonae Award—Latin for good living and good health—honors outstanding Hoosiers whose contributions to life in Indiana include coaching athletic teams, promoting innovative wellness programs and encouraging others to improve their physical condition.

The names of this year's winners will be added to those of previous winners listed on a permanent plaque in my office. The winners will also be honored at a special dinner in Indianapolis.

It is a pleasure to call to the attention of the U.S. Senate the names of the recipients of the 1988 Vitae Bonae Award: Clausell Harding of Gary; William Wilham of Indianapolis; Jack Winn Mansfield of Crawfordsville; Dr. Merrill Ritter of Indianapolis; and Terry Haynie of Evansville.

I ask you to join me in acknowledging their great service to Indiana and indeed our Nation by serving as fine examples and active promoters of a fit and healthy lifestyle.●

FREDERIC H. BERTRAND

● Mr. LEAHY. Mr. President, the National Life Insurance Co. of Vermont is one of the great business success stories of our State.

It recently experienced one of the most difficult business transition periods in its history, and successfully met the challenge.

The company's revitalization is a tribute to the brilliant and determined leadership of its president, Frederic H. Bertrand, a friend with a long and distinguished career in both the military and public life. We grew up together in Montpelier and Fred and his wife Elinor have always been special friends.

Mr. Bertrand is a graduate of Norwich University, one of the Nation's most respected military institutions.

He described his role in the National Life of Vermont turnabout as the skipper of a tanker attempting to change course in a turbulent sea.

Well, the good ship is back on course, Mr. Bertrand is still at the helm, and I would like to share the National Life story with the Senate and the public.

I ask that this business profile of Mr. Bertrand, written by Ross Sneyd of the Burlington Free Press and published on May 16, 1988, be printed in the RECORD in its entirety. It can be a lesson to all of us.

The article follows:

HE PILOTS NATIONAL LIFE INTO NEW ERA

(By Ross Sneyd)

MONTPELIER.—On the last day of March, National Life of Vermont threw a party for two of its employees and heaved a collective sigh of relief.

The pair was retiring, the last of about 90 who took advantage of the company's offer of early retirement.

The two parties on that Thursday afternoon marked the end of the two workers' careers and the end of trying time for National Life. The festivities also signaled what the company's management promises to be the beginning of new prosperity for the capital city's largest employer.

After nearly 18 months of depressing financial news and job uncertainty at the insurance company, National Life's staff was happy for the retirees but also relieved that the plan of bringing down expenses was over.

Frederic H. Bertrand, National Life's executive officer, some time ago took to comparing his company's difficulties to piloting a supertanker on the high seas.

In the midst of difficulties which had the company showing a net loss from operations of $47.9 million last year, Bertrand told anyone who asked that the super tanker S.S. National Life had to be turned around, but that it takes a while to get such a huge ship heading in another direction.

Today, he is telling anyone who will listen that the tanker has reversed direction and is setting course for smooth sailing.

The ship's crew has been cut back, much of the crafts excess ballast has been dumped and the engines have been overhauled.

Still, Bertrand maintains, the storm through which the S.S. National Life has maneuvered was not as bad as many perceived it to be. The perception outside the headquarters building was that National Life was foundering. Not so, Bertrand says. Certainly, there was some rough sailing, but it never threatened the ship.

"I wouldn't want to say there've been no problems," he said, "but I think the focus has been on statutory accounting, the way regulators make us keep our books which is not the way another company keeps its books."

Indeed, he said, National Life has been a victim of its own success in many respects. Sales of new policies have increased steadily through this decade, reaching a record of $151 million in premiums on new sales last year. At the end of last year, National Life had more than $26 billion of policies in force. In an insurance company, though, that does not translate into automatic profits.

Instead, it translates into increased expenses for a home office staff to administer the new policies and for reserve funds to cover the new policies. For example, on a new policy, $10 of a policyholder's premium might cost the company $12 to cover the increased staff expenses and to place more money in reserves, the accounts from which the insurance firms pays policy benefits, Bertrand said.

The company still has the money—some $3 billion in reserves—to invest, but because it is technically an expense, those funds have to be deducted from the bottom line. Reportable profits do not begin rolling in for several years. Nearly $270 million was set aside for future claims last year alone.

At the same time, a mutual insurance company such as National Life pays its policyholders an annual dividend. Traditionally those payments have increased each year. The dividend payment expense for the company that is increasing sales by leaps and bounds, therefore, also balloons.

Those factors added up for National Life and the bottom line showed a net loss, which is technically correct but not altogether illuminating, Bertrand said.

The firm's "net gain before paying dividends," which means the amount of money before it had to pay out those dividends, was $104 million, Bertrand said.

Nonetheless, the appearance has been that National Life was a little shaky.

"I can see why the public perceived that," Bertrand said, adding that perception and reality frequently part company.

"That is not to say that I think things were going along rosy," he said.

Problems began with the steadily increasing sales which caused what Bertrand refers to as "surplus strain." The accompanying increase in expenses had to be met out of the company's surplus, the financial core of an insurance firm.

"We have to expense everything in the first year" of a new policy sale, he said. "The fact that we had done so very well in sales caused surplus strain. We said, 'We'll live with that. I'll explain that somehow.'"

Then bond yields started to drop, "for the first time dramatically since the Depression," Bertrand said.

Suddenly, the income to pay annual dividends was dipping below the required payment and for the first time since 1933, National Life decided it has to lower its dividends.

"I don't know of any major compnay that hasn't lowered its dividend by now," Bertrand said. "If you're paying a dividend based on an 11 percent yield and you net 9 (percent), you have to pay it out of pocket."

Finally, the growth in sales caused expenses for administration in Montpelier to shoot up. "We were doing so well we were adding a lot of people," Bertrand said.

The original home office expenses budget for 1987 was more than $100 million.

Management decided those costs had to be reined in and a decision was made to "downsize." It was that decision that caused so much anxiety inside the headquarters building and down the hill in the community. By the time downsizing was complete, National Life had spent just $89.7 million.

The downsizing program eliminated roughly 200 positions from the company. That was interpreted as the loss of 200 jobs, which never happened. Instead, National Life decided to cut the positions through attrition, through an early retirement program and through limited layoffs.

About 90 people took advantage of early retirement, about 150 vacant positions were eliminated and roughly 40 employees were told their jobs were being eliminated. Those workers were told they could seek other jobs in the company or would be let go. Montpelier staffing was brought down to 1,250.

About 30, collecting severance pay, still have not found a new position in National Life. "I'm sorry that happened but I guess I'm comforted that the number is so low." Bertrand said.

With the S.S. National Life back in better seas, Bertrand is looking for some new ports of call. He now talks about "a new marketing mission for National Life which will significantly change the way we look at our business. We need to become . . . a market-driven company."

His goal is to guide National Life's staff to a new way of thinking and selling insurance. "It seems to me we're spending lots of money on bells and whistles," he said. "We have to look at a business owner or professional and say, 'What do you want from us?' . . . It's a different focus."

THE BERTRAND FILE

Name: Frederic H. Bertrand.

Age: 49.

Occupation: President, chairman and chief operating officer of National Life of Vermont.

Family: wife Elinor Pierce; son Michael, 18; daughter Kimberly, 27.

Education: Norwich University, 1958; Marshall-Wythe School of Law, College of William and Mary, 1967; Carnegie-Mellon University, 1968.

Other pursuits: Lieutenant, U.S. Army Corps of Engineers; project officer with the Central Intelligence Agency; former Montpelier mayor, alderman and city council president.●

INFORMED CONSENT: FLORIDA

● Mr. HUMPHREY. Mr. President, in addition to taking the life of an unborn child, abortion may also leave physical as well as emotional scars on the mother. For many, the wounds take years to heal. For others, a permanent scar of infertility may prevent them from ever conceiving a child again. Whether permanent or temporary, the scars of abortion are avoidable. This is especially true for the thousands of women who would never have consented to an abortion if the whole truth had been told. I'm not talking about subjective information, but factual, medically relevant information concerning the risks and alternatives to this procedure. Women are at least entities to this. They are at least entitled to make an informed choice. I hope my colleagues will agree and will support my bills, S. 272 and S. 273. I ask that six letters from Florida be inserted into the CONGRESSIONAL RECORD.

The letters follow:

DEAR SENATOR HUMPHREY: Thank you for trying to make our legislators and general public aware of the problem of the lack of informed consent for women considering abortion.

In 1974, when I had my abortion, I, as well as thousands of other women, was not informed of the risks as well as deaths, not to mention the mental strain. I was told it was blob and not human.

Since then, I have found out through the precious Word of God that it was murder, and that blob has a soul and is in heaven. I know I have been forgiven, but human as I am, I can't help but to feel sad about my unborn child.

I pray that the Lord will give you wisdom in making these crucial problems known. I was fortunate. God in His mercy has given us a healthy daughter, now 10, and son 6.

God Bless you Mr. Humphrey!

SUE ORTIZ,
Lake Placid, FL.

DEAR SENATOR HUMPHREY: In January of 1981, as a young co-ed at Eckard College, St. Petersburg, Florida, I found that I was pregnant with my first child. I was ecstatic. I loved my boyfriend and he had often expressed his desire for a baby. But my boyfriend was not happy. He went out and got drunk. I suddenly felt very alone: No marriage proposal. No offers of love or support. I needed help—counsel. I called "All Womens Health Center" here in St. Pete. They scheduled me for an abortion. I thought that I could think it over, back out, . . . whatever, but when I arrived at the clinic, I was rushed through the process: fill out this form, pay the $200 cash (no checks), listen to the counselor, put on this sheet, lie here, go home. The counselor told me that it was a terrible situation; that my boyfriend should have taken more responsibility. There was no information on the development of my baby, no warning of the common complications of abortion (in fact, she told me that it was safer than childbirth!), and no mention of the emotional aftermath. I was told that even a gynecologist wouldn't be able to tell that I had an abortion. No one told me that each birth certificate that I have filled out for my two beautiful subsequent children would ask if I had any previous miscarriages or abortions. No mention that I could have easily miscarried my other children or have been completely sterilized. Why is there such a conspiracy against women? The horrible effects of abortion, birth control pills and devices are withheld from us. Why?

I cried throughout the counseling, throughout the "procedure", and for the next month. For one month I lay in bed, facing the wall, crying. I left my bed twice—to attempt suicide. Both attempts obviously failed. I wanted nothing more than to die for years later. Finally, in 1984, my husband prayed and fasted for me and the severe depression and urges to kill myself left. I had become a christian since the abortion.

The Supreme Court was wrong to make abortion legal. I would never have gone for an illegal abortion. The Supreme Court was wrong, again, to make it illegal to require information to a woman considering an abortion. I wish that I had known, then, what I know now. I understand that our government was founded with "checks and balances". Surely the legislature will right this horrible wrong—the mutilation of women and children alike.

Sincerely,

REBECCA O. WHARRIE,
St. Petersburg, FL.

MARCH 2, 1987.

DEAR SENATOR HUMPHREY: I am a Concerned Woman of America and four years ago I had an abortion. Unmarried, 17, and very scared, I took the advice of my father who thought it would ruin my life to keep the baby. My father had plenty of money and did send me to a good OBGYN, but there was no counseling.

I felt as though they were looking down on me. I didn't want to have the abortion, and if just one person would have talked to me about keeping my baby, I would have in a minute.

As soon as they told me I was pregnant, they said "You are going to have an abortion, aren't you?" Nobody was willing to help me keep my baby and my father wouldn't let me come home if I didn't have the abortion. I hope that you can help girls in the future who get in trouble. Nobody should be forced into having an abortion.

Thank you,

MRS. LAURA M. EDSALL,
Gibsontow, FL.

MARCH 3, 1987.

To the Honorable Gordon J. Humphrey:

I feel a great need to write. Back in 1973, I was 18 and had an abortion in Buffalo, N.Y. The father of the baby is the man I am married to now. He took me from Rochester to a clinic in Buffalo, as my gynecologist referred us to it. My doctor wouldn't perform the "aspiration" as it was against his beliefs, but yet he gave us the name and address of the clinic.

Upon arriving, I was nervous, full of anxiety, and overwhelmed with guilt, even though I didn't recognize it as such. As I entered the clinic, a nurse rushed me back to the conference area. Other young women as well as married, were all sitting around a table full of cookies and beverages. We all had our cards because we would have our abortions on a first come first serve basis.

Another nurse entered carrying a plastic uterus. She simply showed us how our uterus would contract. After our "tea-talk" the same nurse handed us gowns and showed us where we were to change into them.

One by one we were called—same manner of that in a meat market. I remember the doctor physically. He was a thin black man—no personality, totally hardened to his profession. The nurse in assistance kept making flattering comments about my figure etc. . . . Anything was said to detour my thoughts from what was actually taking place.

As I sat up on the table, I noticed the Dr. quickly folding over a plastic garbage bag that was inside a container. I got weepy, and the nurse said, "It's all over honey, there's nothing to worry about."

Nothing to worry about? I was emotionally a mess. The psychological problems immediately followed. I started hearing a baby cry as I lay on my bed during the night. I felt like my body had been violated by a machine. My cramping was tremendous, and the "discharge" was nothing I could even imagine.

A year later I was married and pregnant, but later suffered a miscarriage. Later, my Dr. walked in and said "Sometimes these things happen especially if your body has already been previously disrupted in any manner." I could hardly believe it—why wasn't that said prior to the abortion?

I urge you to evaluate what is presented to women in these clinics. Also, I urge you to find out the truth as to what happens to many of the fetuses and babies after their mothers leave the operating table.

God bless you in your endeavors.

REBECCA A. METCHICK,
Hollywood, FL.

FEBRUARY 13, 1987.

DEAR SENATOR HUMPHREY: I had an abortion 6 years ago, I was 17, and I regret that awful day. When I was lying while they murdered by baby, and yes, now I know that it was indeed a baby. What is sad is that a year later I married the father of that unborn child. I now have 2 beautiful children. I shouldn't say that is sad because—God has blessed me with 2 beautiful children. It is sad however, that I could have had the one I threw away.

At the time I was told it was only a seed and nothing more, and of course that is a lie. I am happy to say since then the Lord has helped me a great deal and knowing that I have been forgiven, means so much to me. I've written a poem of my abortion which is enclosed. It is not a happy poem but then neither is getting an abortion. I'd like to share it with you.

In God's Name and His Love,

JANET ASSAD,
Palm Harbor, FL.

MARCH 5, 1988.

Senator GORDON HUMPHREY,
Hart Senate Office Bldg., Washington, DC.

DEAR SENATOR HUMPHREY: It has come to my attention via our local pro-life group that you are interested in hearing from women who have had abortions. When I was 17 years old, I became pregnant out of wedlock. This was 6 months before abortion was legalized. My boy friend didn't want the baby and even tried to choke me to death when I suggested to him that even without the benefits of marriage, I would like to keep the baby. I contacted the local home for unwed mothers only to be informed that I would need in excess of 2,000 dollars to stay there and I would need to be signed in by my parents because I was still a minor. I tried to tell my mom that I was pregnant, but after seeing her shock and horror at the situation that I'd gotten myself into, I said that I had lied and it was just part of a psychology project I was doing on stress and reactions to it. My next attempt to find help was at a Planned Parenthood clinic in Silver Springs, Maryland. The only advice they gave me was for me to obtain false ID and they would arrange for me to have an abortion in New York. I didn't have the money. Even though I told them that I'd like to have the baby and put it up for adoption, they never gave me the names of any persons or places to contact—their only answer to my pregnancy was to terminate it. Somehow I found out that it was legal for me to get an abortion in Washington, D.C. if I were 18 years old and could come up with $250. My boy friend's sister gave me her birth certificate and I used her name to get an abortion. Not once did the abortion clinic ask for any more proof of age than that birth certificate—not even my driver's license. With all my other options gone and no place to live, I made arrangements to abort my baby. On that Saturday in the first of October, I took the life of my first child. If I had had anybody who would have stood by me and helped me though my time of need, I never would have done it, but everybody wanted money and I simply didn't have it. In fact, I borrowed $150 as the down payment for the abortion, they never received the rest of the money. Right after the abortion, which I went by myself to get, my boyfriend didn't even come with me, my boy friend wanted to have sex. The last thing on a woman's mind after she's just killed her baby is having sex, in fact the whole thought of it is repulsive. Plus, why would I want to make love with the very person who said he'd kill me if I didn't destroy, the product of that love? I don't understand why studies haven't been done finding out how many relationships falter and die as a result of abortion. I think too that an investigation should be made into exactly what information is given to a woman planning to abort her child. When I had my abortion, I was told that the baby wasn't developed at all, that it was just tissue. The fact of the matter is, I was 12 weeks along, and the baby I destroyed had brainwaves, a heartbeat, ten perfect little toes and worse of all, she could feel pain. Why wasn't I told this?

Within a month of my abortion, my boy friend broke up with me. He had found someone else to sleep with who wouldn't put the burden of birth control on him. By the way, she also became pregnant by him and had an abortion. As a result of the break-up, especially so soon after killing my baby, I tried to commit suicide, thankfully, I wasn't successful.

I have been married for 16 years, to a fine man who knew my past and accepted me any way. I have three children, all healthy and doing well. However, I have been pregnant six times and have miscarried three of those times. My doctor says that it is probably a result of the abortion. Again I ask, why aren't women told of the dangers of abortion? Why is the news media so reluctant to print the stories of the women who die from abortion and the ones who will never become pregnant again because of the sloppy work of some abortionist? Why don't the abortion clinics have to tell these women that the fetal remains could wind up being used in cosmetics or being experimented on or being eaten by dogs, as happened outside at Jacksonville, Fl. abortion clinic? Why is it legal to treat aborted babies as though they are just so much garbage to dispose of as the abortionist sees fit? It isn't even legal to mistreat dogs and cats or to dispose of their remains in an unhealthy way, but bags of aborted babies are picked up by the trashmen every day of the week. Why don't the American people have ALL the facts on abortion? If pictures of dismembered babies appeared on billboards all around this country, the number of abortions would drop. As long as people can't hear the baby's screams or have to face exactly what abortion does to the baby, then abortion will continue. The pro-abortion folks always scream that a women should have all her options, but they never mention the baby's options and they don't seem awfully inclined about educating the public to the reality of abortion.

Maybe this letter will help save a baby's life. When you've had an abortion, you never forget the time, the place, when the baby would have been born or if the baby would have been a boy or a girl. PLEASE, help put an end to the slaughter of the innocents.

Sincerely,

JEANETTE VAN NEWKIRK.[1]●

ULRIC HAYNES, JR.

● Mr. SIMON. Mr. President, one of the distinguished public servants that this Nation has produced in recent decades is Ulric Haynes, Jr., former Ambassador to Algeria.

He played a key role in the negotiations that led to the release of our hostages held in Iran.

When he was in Algeria, I had the opportunity to visit him and learned to have great appreciation for him.

Recently, he spoke to the graduating class at Butler University in Indiana. What he has to say is good, solid advice for the graduates at Butler University and for all American citizens.

I do not agree with every sentence in his speech, but his advice is sound. I urge my colleagues to read his message, which I ask to insert in the Record at this point.

The remarks are as follows:

[Commencement Speech at Butler University, May 15, 1988]

THE ENIGMA OF AMERICAN FOREIGN POLICY

(By Ambassador Ulric Haynes, Jr.)

I would not think of facing a "captive audience" like you graduates, your proud families and friends, the Butler University faculty and administration and anyone else who will listen to me without seizing the opportunity to do a bit of proselytizing. Well may you ask to what I want to convert you.

Let me admit from the very outset that I want you to share my concern for the enigma that is American foreign policy—a policy whose implementation is directly responsible for our country's diminished leadership role in the world community of nations.

I choose to address my remarks to you graduates because many of you will be embarking on careers in a global environment that differs radically from anything this world has known before. It is an environment characterized by the economic interdependence of all the nations of the world. It is an environment in which the political domination of the world by blocs of nations must give way to the sharing of power—a concept which both we of the free world and those of the communist world are finding it difficult to accept.

To what would I like to convert you young people? I would like to convince you that concern for foreign affairs can no longer be the exclusive province of a small intellectual elite. No nation, least of all our own with its weakened dollar and unfavorable balance of trade, can any longer exist in isolation or total self-sufficiency. More important, the ability to make sense out of the enigmatic foreign policy which is my generation's legacy to you lies in your hands. So, bear with me while I describe some of our mistakes and suggest some things that you can do to correct them.

As the United States Senate approaches the ratification of the INF Treaty, the mere negotiation of the terms of such a treaty has generated a lot of optimism. The world is in a state of euphoria over the Intermediate-Range Nuclear Forces Treaty (INF) that we and the Soviets had agreed upon to eliminate short and medium-range nuclear missiles from Europe and Asia. But, the most important lesson to be drawn from this agreement is that it is possible to develop and implement a foreign policy based on peaceful accommodation rather than military confrontation.

Permit me to return to an experience that I was privileged to have back in 1980-1981 to further justify my general optimism about the kind of foreign policy your generation must have. I am referring to the successful peaceful negotiations for the release of the 54 American Embassy hostages in Tehran. As a result of my participation in those negotiations, I have come to recognize a common denominator between the resolution of the Iran hostage crisis and today's US/Soviet missile pact agreement.

That all-important common denominator is that recourse to the process of peaceful negotiations can resolve major international conflicts. Indeed, my involvement with the Iran hostage negotiations has made a "qualified pacifist" of me. In other words, I have come to firmly believe that peaceful negotiations should be our government's first resort in approaching the solution to all international conflicts. The process of peaceful negotiations must be exhausted well before we consider such mutually dangerous actions as economic sanctions or military intervention.

While you are turning that thought over in your minds, I want you to keep in mind that an element essential to the successful outcome of peaceful negotiations is the ability of the negotiators to understand why their adversaries are reacting the way they do. Mind you, I did not say that a negotiator must agree with his adversary's viewpoint.

The failure to base our foreign policy on such simple premises has pushed American prestige around the world to an all-time low and is directly responsible for our rapidly decreasing ability to influence the course of world events in places like South Africa, the Middle East, Nicaragua . . . and, currently and most conspicuously in Panama. And, lest you accuse me of playing party politics in my comments, let it be clear from the outset that what I see as the enigma of American foreign policy has been perpetrated by BOTH Republican and Democratic Administrations in Washington.

PRINCIPLES UNDERLYING US FOREIGN POLICY

The United States is one of the few—if not the only—countries in the world that publicly claims that its foreign policy is guided by principles. Indeed, these underlying principles are so frequently enunciated in our patriotic rhetoric that they have become an identifiable part of our national value system recognized and acknowledged by the whole world.

There is a distinct advantage to having a foreign policy based on recognized "principles" because it allows the American people to rally behind their government's international initiatives because the people understand the principles that motivate those initiatives. Seen from the viewpoint of foreign nations dealing with us, a US foreign policy based on principles endows our government's behavior on the international scene with a large degree of predictability.

But, woe be unto the country's political leaders whose conduct of foreign policy is shown to be "un-principled". When this occurs, the American people protest and exercise the power of the ballot to express their displeasure. The reaction of foreign nations to an unprincipled American foreign policy is the loss of trust and the refusal to be influenced by our positions.

Let's examine the list of some of those foreign policy principles that I have in mind. I know they will have the ring of familiarity to you:

Relations between nations must be based on the rule of law;

The sovereignty of all nations must be respected;

The fundamental human rights of all people must be nurtured and protected;

All subject peoples have the right to self-determination;

The goal of world peace must be pursued;

Regional solutions to regional problems are to be encouraged;

As signatories of the United Nations Charter, we adhere to its principles and are pledged to support the United Nations and its specialized agencies;

We are opposed to international terrorism in all its forms and we do not negotiate with terrorists;

We oppose totalitarianism and political repression; and

We favor peaceful solutions to international crises.

However, as we measure US foreign policy in practice against these principles, we will find that not all Americans and their elected officials accept them. We will also find that the implementation of our foreign policy in accordance with these principles is so selective that our policy does not have the predictability it should have.

US FOREIGN POLICY IN PRACTICE

It is when we see how US foreign policy is actually put into practice that the "enigma" emerges. At that point, the question becomes, ". . . in practice is our foreign policy the embodiment of one or more of the principles I have just enunciated?" Let's consider some specific examples from current events with which you may not be so familiar:

The Western Sahara—Thirteen years ago, Morocco walked in and occupied the former Spanish Sahara when Spain abandoned the colony. The Moroccan occupation was achieved without consultation with the people of the territory and is maintained to this day by force of arms,—arms supplied to Morocco by both the Carter and Reagan Administrations in open defiance of a finding by the International Court of Justice that Morocco's occupation of the Western Sahara is illegal. Repeated calls by the Organization of African Unity for a plebiscite in the territory have been ignored by Morocco. Meanwhile, tens of thousands of refugees from the Western Sahara have fled to neighboring countries and lives are being lost daily as the people of the territory fight for their freedom.

In this case, it is an enigma for me how the US reconciles its support of Morocco in this conflict with our time-honored foreign policy principles of support for self-determination, respect for the rule of law, protection of human rights, encouragement of regional solutions, opposition to oppression and resort to peaceful solutions to international conflicts. On the face of it, we are violating six important principles of our own foreign policy.

Angola—This former Portuguese colony in West Africa is governed by a democratically-elected Marxist government. Our own goverment has never given diplomatic recognition to Angola and, therefore, there is no American Embassy in that country. At the same time, the United States is Angola's principal trading partner and main source of hard currency earnings by virtue of the presence of several American oil companies (and American citizens) drilling for and exploiting Angola's substantial oil reserves. Compounding the enigma is the fact that our American oil installations are guarded by CUBAN troops with SOVIET military advisors. But, the enigmatic circle is not closed yet. Against whom are those Cuban troops protecting American commercial interests? Why they are protecting them against UNITA, an anti-Communist Angolan guerrilla movement armed and aided by the governments of the Republic of South Africa and . . . the United States of America. (Politics does, indeed, make strange bedfellows.)

Mozambique—While you are trying to sort that one out, let me throw at you the enigma of American foreign policy in Mozambique. Like Angola, this is also a former Portuguese colony in Africa and it is also governed by a popularly elected Marxist regime. However, unlike Angola, the US not only maintains diplomatic ties with Mozambique, with an American embassy in its capital city, but we also supply Mozambique with economic aid. Now in Mozambique there is also a local anti-communist guerrilla movement known as RENAMO which is again supported by South Africa. However, this time the American government opposes the anti-communist rebels. But, take heart, all is not lost. The rebel RENAMO movement which our government opposes had a Washington Office housed in the headquarters of the Heritage Foundation where it enjoyed the support of Senators Jesse Helms and Robert Dole.

Nicaragua—Without siding with either the Sandanistas or the Contras, let me draw your attention to what appears to be our enigmatic and unprincipled foreign policy in Nicaragua. Briefly, the US recognizes the sovereignty of Nicaragua and the legitimacy of the Sandinista government by maintaining diplomatic relations and an American Embassy in Managua. At the same time, we are publically dedicated to the violent overthrow of the government to which our American Ambassador is accredited.

Let me quickly mention a few more American foreign policy enigmas just to give you a far-from-exhaustive idea of their scope.

For nearly a decade, we have opposed the Khomeini regime in Iran and we are currently in violent confrontation with them in the Persian Gulf; yet, last summer we imported some $700 million in crude oil from Iran; . . . just whose war effort are we supporting?

When the International Court of Justice ruled against our government in our attempt to close the PLO office in the US and to mine Nicaraguan ships in their harbor, our official reaction was to refuse to abide by the court's ruling; is this respect for the rule of law?

How can we support repressive dictatorships in Paraguay, Chile and Pakistan while, at the same time, intervening to overthrow repressive regimes in Nicaragua, Grenada and Cuba?

The enigma of US foreign policy offers many examples. But, there are some things that can be done to remove the enigma.

SOLUTIONS TO THE ENIGMA OF U.S. FOREIGN POLICY

In the context of the present presidential campaigns, it is essential that we voters carefully study the foreign policy positions of the candidates for the presidency to make sure that they are based on clearly articulated principles.

In this same connection, we must recognize that the job of President of the United States has become so complex that, when we take the measure of the presidential candidate, we must also evaluate the so-called experts that constitute his advisors. There is an all-too-fresh recollection of how third-rate presidential advisors have served recent Presidents badly.

Certainly, one of the important criteria in this evaluation should be prior experience in the international arena. The lack of such experience is what got us into the Iran-Contra mess. And it is no wonder when you consider that none of the major players in this caper has lived or worked abroad or speaks a foreign language. That goes for President Reagan, George Bush, George Shultz, Casper Weinberger, Edwin Meese, Lt. Col North, Admiral Poindexter, Robert McFarland, . . . not even Fawn Hall. Contrast our team's lack of experience with the cosmopolitan sophistication of the players who did us in like Adnan Kashoggi and Mr. Hakim.

It is absolutely essential that we infuse the international experience into our educational curricula from nursery school through graduate school. I find it unpardonable that many of our schools have dropped compulsary foreign language requirements. Last year, I spent a good deal of time in the Asia/Pacific region where I was astonished to learn that:

There are 40 million students studying English in the Peoples Republic of China;

In the public secondary schools of the major cities of Australia and New Zealand, courses in Chinese and Japanese language are being routinely offered.

Watch your television newscasts for several nights running and count the number of foreign public figures who speak fluent English, whether they be Polish shipyard workers, Sandinista and Contra leaders, Japanese businessmen or Soviet diplomats. It is no wonder that they know us so much better than we know them.

Above all, we Americans—especially young Americans—must seize every opportunity to travel abroad. You will return home with a first-hand understanding that the rest of the world does not think like Americans!

Essential to our ability to remove the enigma from our foreign policy is the requirement placed upon us to consult with our allies in this wholly inter-dependent world of which we are just a part. Compromise is an element of such consultations to which we must accustom ourselves.

Subject to the approval of the President, the formulation and execution of American foreign policy must reside with our Secretary of State and the State Department. They must be the "custodians" of the principles underlying our policies. We are courting even greater disaster than we have already seen by fragmenting foreign policy formulation and implementation between the State Department, the National Security Council, the CIA, the Defense Department, the Justice Department and others.

To ensure that only the most qualified experts in international affairs serve future Presidents in the foreign affairs area, I would even go so far as to advocate that the President's National Security Advisor be subject to Senate confirmation.

CONCLUSION

Some of you may be asking yourselves what my remarks have to do with you on the day of your commencement. I have deliberately focussed on the enigma of American foreign policy with YOU because it is YOUR generation that will meet the challenge of straightening out our country's currently confused international role. My aim today is simply to stimulate some thought about the need to remove the enigma from our international activities and to persuade you that you will all be better off for becoming active in the process.

I only ask that in your moments of greatest frustration, do not think too harshly of MY generation that messed things up so well for you. We did it out of ignorance. So, learn from our mistakes . . .●

ARMY DAYS PROCLAMATION, 1988

● Mr. WILSON. Mr. President, the role of the 6th U.S. Army during times of national defense, natural disaster, and emergency has historically been one of support to the Constitution and support in relief and assistance to the citizens of the Bay Area, CA and the Nation.

Army Days 1988 is a community-sponsored, public service event dedicated to fostering better communication and understanding between the 6th U.S. Army, headquartered at the Presidio of San Francisco, and the citizens of northern California.

The Army played an important emergency preparedness role during the 1906 San Francisco earthquake and fire, and is prepared to do so today and on into the future. Army Days was conceptualized to coincide with the anniversary of the 1906 earthquake and fire; 1988 marks the 82d anniversary of the Army's assistance to the community during this natural catastrophe.

Designed around the theme, "When we were needed, we were there," Army Days focuses on the Army's continuing commitment, not only to national defense, but to community assistance. It is designed to provide the public with an opportunity to participate in the continuing celebration of the Constitution and to become better acquainted with their Army.

It is appropriate that we acknowledge the significance of the Army and its historic connections with the citizens of northern California during the third annual Army Days celebration.●

CONSUMER PRODUCT SAFETY

● Mr. SIMON. Mr. President, the Consumer Product Safety Commission voted recently to ban most lawn darts. I applaud the Commission for its decision although it came too late for three children, aged 4, 7, and 13, who were killed in accidents involving the darts. The darts have also sent thousands to hospital emergency rooms. In this case, the CPSC acted decisively but belatedly. In a recent column, I wrote of the CPSC's intended mission of protecting the public and the lack of enthusiasm on the part of Commission Chairman Terrence Scanlon in carrying it out. I ask that my column be reprinted in the CONGRESSIONAL RECORD.

The column follows:

SAFETY PANEL LACKS WILL TO PROTECT PUBLIC

Back in 1981, when the huge tax bill passed, a small item tucked in that measure took away the authority of the Consumer Products Safety Commission to inspect permanent amusement parks in this nation.

I accidentally found out about it some time later when checking out the cause of increased accidents at amusement parks.

And I learned then that one of the members of the commission who seemed more interested in protecting certain industries than in protecting the public was a Democratic appointee to the commission, Terrence Scanlon.

When I publicly protested what was happening within that agency, and its failure to protect the public, some commission employees quietly came to me and said that Scanlon represented everything that commission is not supposed to represent.

Then in 1985, the President nominated a new chairman for the commission, and guess who was named? Terrence Scanlon.

I opposed his nomination on the Senate floor, and I was joined by Sen. William Proxmire of Wisconsin. But Scanlon is the nephew of a former, highly respected member of the Senate, and his nomination breezed through 63-33.

Now the same commission sides with the lawn dart industry, by a 2-1 vote, and against public safety.

Lawn darts have steel points that have sent 6,100 people to hospital emergency rooms in the last eight years, half of them children under age 10. Three have died.

The commission is ignoring those kind of statistics.

Newsweek recently had an article by reporter Steven Waldman with this interesting paragraph about another matter before the commission:

"Toys with small parts that can be swallowed pose less obvious but more serious risks. They were linked to 12,000 injuries and 18 fatalities in 1985—most involving children who choked. Last year the Consumer Federation of America charged that the CPSC had ignored its own 1983 study showing that children were choking on toy parts that met federal safety guidelines. Finally in February the commission voted to reconsider the standards. Scanlon says the agency waited so long because it was looking into industry claims that problems cited in the 1983 report had been eliminated. Yet the person who wrote that study said she needed only a few hours to reanalyze the data and to conclude that the danger remained. The CPSC should have acted much faster, says Anne Graham, a Republican CPSC commissioner who often opposes Scanlon. 'It's a matter of choking kids.'"

Scanlon argues his commission does not have enough money to do the job adequately. There is a problem, but that's not the chief deficiency.

I don't think he's fooling too many people with that argument.

The major problem at the Consumer Product Safety Commission is not a lack of money but a lack of will. Republican member Graham is doing a good job.

Scanlon and his other commissioner obviously do not believe in the mission of the Consumer Product Safety Commission. They have that right. But they should step aside and let someone who believes in protecting the public run the agency.●

BEN FRIEDMAN, SANTA ROSA, CA

● Mr. WILSON. Mr. President, I stand before you to offer a brief but well-deserved testimonial honoring the 70th birthday of Mr. Ben Friedman of Santa Rosa, CA.

Mr. Friedman, a Santa Rosa resident for his entire life with the exception of the time he spent serving in the Pacific during World War II, utilized the $4,000 he saved while in the armed services and created one of the largest and most respected hardware businesses in the State of California. In doing so, he was elected president of the California Retail Hardware Association.

A true believer in paying back the community that helped him reach his place in life, Mr. Friedman has devoted his talent and encouragement to numerous projects with which he has been affiliated. In order to raise money for big charities, he became an auctioneer and was suitably commended with the title of colonel by the Governor of Kentucky. He also is one of the 12 original families that purchased the facility that became the Luther Burbank Center for the Performing Arts.

Throughout his life, Mr. Friedman has continually involved himself in a variety of clubs and organizations, including the Rotary Clubs of Santa Rosa and Petaluma, the American Cancer Society, the Sonoma County Shrine Club, and the "We Tip Anonymous" program which supports law enforcement. Appropriately, he was honored by the Santa Rosa Police Department for his efforts in this program and for his 20-plus years in the police reserves.

It is most fitting that Mr. Friedman has been awarded a certificate of merit for outstanding community service by the city of Santa Rosa and its Department of health and human services.

Mr. Friedman has, in the truest sense, accommodated many hundreds of people through his commitment to enrich others and his community. He demonstrates the charcteristics of a true humanitarian.

Mr. President, I know I am joined by Mr. Friedman's family, friends and community in celebrating his 70 charitable years.●

AILING BRIDGES

● Mr. SIMONS. Mr. President, recently, the New York Times ran a story under the heading "Rust Specialists Bash Away at Ailing Bridge" written by Kirk Johnson. A subhead of the story reads "Piles of Pigeon Manure Are Found Painted Over."

I ask that this story be printed in the RECORD.

Every other day a bridge somewhere in the United States is either closed or collapses. The Williamsburg Bridge is 1 of nearly 1,000 bridges in New York City added to over 130,000 across the Nation now labeled "structurally deficient." But the list grows longer. A much larger numer of local bridges are now off limits to a new generation of longer, wider, heavier trucks. Some are not even open to the schoolbus or the firetruck or the ambulance.

The New York Times article underscores the ballooning costs of neglect and obsolescence. As economist Pat Choate keeps reminding us, we build, but we do not maintain. We are going to have to invest more funds in bridge repair, maintenance, and construction and in highway construction and maintenance as well.

At the same time, millions of people are unemployed, despite the overly optimistic comments about the recent unemployment rate. It makes more sense to hire and train people to inspect and repair bridges, roads, and utility systems before they fail. Instead we are faced with the staggering list of unmet infrastructure needs which we are going to pay for, one way or another, sooner or later.

We ought to have the good sense to move on our problems, put people to work, do it on a pay-as-you-go basis, and we will be a richer Nation.

The article follows:

[From the New York Times, Apr. 30, 1988]

RUST SPECIALISTS BASH AWAY AT AILING BRIDGE

(By Kirk Johnson)

NEW YORK, April 29.—Rasool S. Attar stood in the cherry-picker, his upturned face concealed by safety glasses, aspiration mask and hard hat, and did his best to smash a hole through the bottom of the Williamsburg Bridge.

The beating, conducted with a sharp-edged hammer intended for the purpose, produces a shower of thick, encrusted rust and paint chips called lamination. But it is only the first step in Mr. Attar's inspection. Once the lamination has been examined and removed, the more important question looms: How much of the original steel is left?

Mr. Attar, an engineer for the consulting concern that is inspecting the closed bridge for the state, said the answer often saddens and angers him. In an area of the Brooklyn-bound roadway that Mr. Attar and his partner, John J. Bost, checked Thursday, for example, a floor-beam section that was three-eighths of an inch thick when the bridge was built in 1903 was missing two-thirds of its steel by the time the pounding stopped.

CORRODED BEAM IS FLAGGED

The beam, its thickness measured with an ultrasonic testing device, was marked as "flag condition"—bad enough to merit immediate notification to city and state transportation officials, who must then confirm they received the notice. With the inspection of the bridge about 85 percent complete, engineers like Mr. Attar and Mr. Bost have found about 100 flags. Although most of the problems have been repaired or downgraded after further analysis by other engineers for the firm, city officials said the bridge will remain closed this Tuesday, which was the tentative reopening date.

"They could have maintained this bridge and it would have been a beautiful bridge," Mr. Attar said today, removing his mask after the demonstration. "This is due to negligence."

Other inspectors and supervisors agreed that regular and proper cleaning and painting by the city—the bridge's owner—could have prevented much of the damage that inspectors have found recently. A tour of the structure today, for example, showed three-to four-inch-high mounds of pigeon droppings on some beams that inspectors said had simply been painted over and never cleaned away. Pigeon manure is laden with acids that attack metal.

But the same experts also agreed that much of the decay is due to the way the bridge was built and then modified over the years. In particular, they criticized the laying of concrete roadways in the late 1940's and early 1950's without water-drainage channels. For as long as 40 years, water from the roadways—mixed with highly corrosive salt in the winter—has poured thorugh the expansion joints where the sections of roadway are joined and down through the metal latticework, where it ate away the steel. Much of the worst corrosion on the bridge has been found directly below those joints.

BRIDGES NOW BUILT REDUNDANTLY

"These things are just not done now," said Kenneth P. Serzan, an engineer who is supervising the 20 two-man inspection teams for the lead engineering firm, Steinman Boynton Gronquist & Birdsall. Mr. Serzan said modern bridge-construction techniques call for sealed drainage systems that carry water away through non-corrosive conduits.

The Williamsburg Bridge was also constructed in what is called a "non-redundant" engineering style. Modern bridges use redundant construction, which means that, if any one section fails, the bridge is still held up by other beams sharing the same load.

In the floor-beam section found by Mr. Attar on Thrusday, for instance, the corroded area was on the "webbing," or verticle section of the beam, which helps the bridge withstand side-to-side and end-to-end stress.●

TREASURY STUDY SAYS CAPITAL GAINS CUTS RAISE REVENUE

● Mr. KASTEN. Mr. President, opponents of restoring the capital gains exclusion eliminated by the Tax Reform Act of 1986 have argued that it would be a substantial revenue loser and that the only way to pay for it would be to raise marginal tax rates.

Their argument is based on the Joint Committee on Taxation's view that a capital gains rate below the current 28 or 33 percent would lose Federal revenue. The historical data, on the other hand, shows that lower capital gains taxes have coincided with higher tax receipts. The reason for this is quite simple: Lower taxes on capital gains increase the willingness of property owners—shareholders, homeowners, businesses—to realize their capital gains because the tax cost of selling their property is lower. Greater realization of capital gains, in turn, has translated into greater revenue for the Federal Government. When the top capital gains tax was cut in 1978 and 1981 from 50 to 20 percent, tax revenues from capital gains taxes rose 184 percent from 1978 to 1985. Revenues from capital gains during this period rose twice as fast as the Dow Jones average and the gross national product. Economic growth and inflation cannot fully account for this dramatic increase in Federal revenues coinciding with a dramatic decrease in capital gains tax rates.

A study by Harvard Prof. Lawrence Lindsey using models developed by reputable nongovernment economists found that the revenue maximizing capital gains tax rate is between 9 and 20 percent—substantially below the current 33 percent top tax rate. Lindsey estimates that a 15-percent capital gains tax rate would increase revenues by $31 billion over the next 3 years.

A newly issued study by the Treasury Department entitled "The Direct Revenue Effects of Capital Gains Taxation: A Reconsideration of the Time-Series Evidence" provides even more evidence of the revenue raising potential of a lower capital gains tax. The new study builds upon the 1985 Treasury Department report on capital gains by using revised and more recent data, and by improving the specification of the regression model. Using the improved model, Treasury estimates that the combined effect of the rate reductions in 1978 and 1981 directly increased tax revenues by $4.692 billion. More important, the study concludes "the Federal revenues obtained directly from the taxation of capital gains could be enhanced by reducing rates from their current high levels."

The Treasury study ignores the so-called supply side effect of lower capital gains tax rates—that is, the positive impact of lower rates on economic growth and thus, tax revenues. However, the study does note that it is "reasonable to expect further indirect revenue impact from the positive impact of rate reductions on economic growth in general."

Mr. President, the overwhelming weight of historical experience and analytic work—and just plain common sense—suggests that a capital gains tax rate cut will increase—not decrease—Federal tax revenues. Perhaps more important, by increasing the after-tax reward of investment, a capital gains cut will spur capital formation, encourage entrepreneurial risk taking, enhance America's international competitiveness and spark a new wave of economic growth and job creation.

I ask that the text of the Treasury study be inserted at this point in the RECORD:

The text of the study follows:

[Research Paper No. 8801]

THE DIRECT REVENUE EFFECTS OF CAPITAL GAINS TAXATION: A RECONSIDERATION OF THE TIME-SERIES EVIDENCE

(Prepared by Michael R. Darby, Robert Gillingham, and John S. Greenlees, Department of the Treasury, May 24, 1988)

EXECUTIVE SUMMARY

In this paper we reconsider the evidence from time-series regression studies on the degree of taxpayer responsiveness to tax rate changes. This econometric issue has direct implications for the current debate surrounding the revenue impact of tax rate reductions. Opponents of capital gains rate reductions often point to previous time-series studies as evidence in support of their position. Joseph Minarik of the Urban Institute has recently testified that time-series results in the 1985 Treasury Department Report to Congress on the Capital Gains Tax Reductions of 1978 offer definitive proof that a tax rate reduction would result in a federal revenue loss. Another recent analysis by the Congressional Budget Office (CBO) entitled How Capital Gains Tax Rates Affect Revenues: The Historical Evidence concludes that a revenue loss would be likely to result from lowering the top marginal rate to 15 percent.

Our research proceeds in two stages. First, we build upon the Treasury work by using revised and more recent aggregate data, and by improving the specification of the regression model. Second, we present historical simulations based on the CBO regression model, using the Treasury approach to revenue simulation instead of the CBO's, which we consider to be inappropriate. Both of these analyses have the effect of transforming the implications of the prior time-series research: that is, our results are much more in line with cross-section econometric evidence in implying that federal reveunes obtained directly from the taxation of capital gains could be enhanced by reducing rates from their current high levels.

We do not urge that our time-series regressions provide conclusive evidence on taxpayer responsiveness to capital gains tax laws. In fact, we believe that cross-section regressions, with their large sample sizes and detailed wealth and demographic detail, are the most reliable bases for inferences. What our results do demonstrate is that time-series analyses, which have been cited as evidence that revenue will be lost if tax rates are lowered, could provide even stronger support for the opposite view.

Among the many important topics in capital gains tax law, such as its influence on stock market volatility or the proper treatment of inflation, the issue of revenue estimation remains the subject of greatest controversy and debate. Researchers and policymakers continue to dispute whether instituting a percentage exclusion for long-term gains, or placing a cap on the marginal tax rate, would incerase or decrease Federal income tax revenues.

Accurate revenue estimation requires an understanding of the degree of taxpayer responsiveness to tax rate changes. On this issue, however, the econometric evidence has been viewed as mixed. There have been a number of cross-sectional or panel studies of tax-return microdata; most of these have estimated a relatively high elasticity of realizations with respect to the marginal capital gains tax rate. Consequently, these studies imply that the Federal revenues obtained directly from the taxation of capital gains could be enhanced by reducing rates from their current high levels. (In the remainder of this paper we will analyze only these direct revenues.)

Opponents of capital gains rate reductions, on the other hand, point to the apparently contradictory implications of published time-series regressions. For example, in the 1985 Treasury Department Report to Congress on the Capital Gains Tax Reductions of 1978, revenue simulations of the 1978 Revenue Act and the 1981 Economic Recovery Tax Act (ERTA) using time-series parameter estimates were much less favorable then alternative simulations based on cross-section estimation. Joseph Minarik of the Urban Institute has recently testified that these results are definitive proof that a capital gains tax rate reduction would result in revenue loss ("Raising Federal Revenues through a Reduction in the Capital Gains Tax," statement before the Ad Hoc Committee on the Taxation of Capital Gains, February 2, 1988). Jane Gravelle has also used the Treasury report and other time-series results to argue against a rate cut ("Will Reducing Capital Gains Taxes Raise Revenue?" Tax Notes, July 27, 1987). More recently, the Congressional Budget Office (CBO) has released a report entitled How Capital Gains Tax Rates Affect Revenues: The Historical Evidence, in which realization parameters are estimated using time-series regressions and simulated using microdata. The simulations in the CBO study imply that a revenue loss would be likely to result from lowering the top marginal rate to 15 percent.

In this paper we reconsider the time-series evidence presented in the Treasury and CBO studies. First, we build upon the Treasury work by using revised and more recent aggregate data, and by improving the specification of the regression model. Second, we present historical simulations based on the CBO regression model, using the Treasury approach to revenue simulation instead of the CBO's, which we consider to be inappropriate. Both of these analyses have the effect of transforming the implications of the time-series research: that is, our results are much more in line with cross-section evidence in implying a relatively low revenue-maximizing tax rate and a more favorable revenue affect from proposed tax rate reductions.

Please note that we do not contend our results are definitive. Rather, they demonstrate that time-series analyses, which have been cited as evidence that revenue will be lost if capital gains tax rates are reduced from current levels, could provide even stronger support for the opposite view. More definitive results await a more sophisticated analysis of capital gains realizations behavior, which we believe should build on the detailed cross-sectional analysis presented in the Treasury report.

I. RECONSIDERATION OF THE 1985 TREASURY REPORT TIME-SERIES ANALYSIS

In this section, the time-series specification presented in the 1985 Treasury report is reestimated and resimulated, first using the original 1954-82 sample data base, second using data revisions published later. We then extend the regression sample through 1985, adding 3 years of data that were not available at the time the report was written. Finally, since hindsight allows us to identify serious problems in the basic regression specification, we also present results using the Treasury tax rate variable but with several alternative functional forms taken from the 1988 CBO study.

Reestimation with new data. The first column of table 1 displays ordinary least squares (OLS) coefficient estimates derived from the original 1954-82 Treasury data set (Coefficients originally reported by the Treasury were obtained via instrumental variables (IV) estimation. Since the differences between OLS and IV parameter values were not statistically significant for any of our regressions, we report only OLS estimates.) The variable names are those taken from the Treasury report: the dependent variable CG is the change in net capital gains realizations in millions of current dollars, CRGNP and CIGNP refer to the real and inflationary components of GNP change in billions of dollars, CSTK represents the change in the value of household corporate stock holdings in billions of dollars, and CTX and CTX-(1) refer to the current and lagged changes in the capital gains tax rate. Column 2 presents estimates of the same specification but based on revised 1954-82 data from the National Income and Product Accounts and the Flow of Funds accounts. (An appendix displays the revised and updated data used to analyze the Treasury model.)

The results in columns 1 and 2 demonstrate that data revisions are of little importance. The GNP and corporate equity variables are all significantly positive, as expected. More importantly, in both regressions a percentage-point increase in the marginal tax rate is estimated to reduce realizations by almost $1.7 billion in the first year. When we use revised data, the second-year offset in this tax effect indicated by the lagged CTX coefficient is somewhat larger ($970 million vs. $843 million). These tax rate effects are also close to the Treasury report's estimates of $1.705 billion and $814 million.

Column 3 of table 1 reports on the same specification extended through 1985, but tells a very different story. With three additional data points added, the coefficient on lagged CTX becomes small and statistically insignificant. The long-run impact of a percentage-point tax rate change, as measured by the difference between the two CTX coefficients, increases from $714 million in column 2 to $1.294 billion in column 3. As we will demonstrate below, this has important implications for the estimated impacts of the 1978 and 1981 tax law changes.

A difficulty with the Treasury regression specification is that the real-inflationary decomposition of GNP change is anomalous. As defined in the Report, the real component of GNP, CRGNP, is the change in constant (1972) dollars, while the inflationary component, CIGNP, is the remainder of the nominal change. This produces an inflationary component with no apparent intuitive meaning; it is negative in several sample years of positive inflation, and would be non-zero outside the base year even if there were no price change. We avoid this problem by redefining CIGNP as lagged nominal GNP multiplied by the percentage change in the GNP deflator, and letting CRGNP be the residual growth variable. CRGNP then measures real GNP change in current dollars, which seems a more useful definition for present purposes. The results of this modification using the 1954-85 sample period are shown in the last column of table 1. The statistical fit of the equation improves in terms of R^2 and D-W statistics as compared to the Treasury report specification in column 3. The inflationary change variable is, perhaps surprisingly, now insignificant, while the tax rate effect becomes even more pronounced. The total effect on realizations of a percentage-point rate change is now estimated as $1.744 billion after 2 years.

The impacts of the new coefficent estimates are demonstrated in table 2, which approximates the simulation methodology used in table 4.12 of the Treasury report to estimate the year-by-year revenue effects of the 1978 and 1981 tax acts. The columns of the table show simulated revenue gains or losses from the tax law changes based on the four sets of regression coefficients reported in table 1.

The Treasury report simulated revenue impacts by comparing actual capital gains tax revenues in each year to estimates of the revenues that would have been achieved in that year under prior tax regimes. The hypothetical alternative revenues were obtained by first using parameter values to estimate total capital gains realizations, then using historical data by six income groups to calculate revenues given realizations. Not having access to all of the historical data, we modified the second step, calculating aggregate simulated revenues in a manner which is methodologically and empirically equivalent to the Treasury's income group method.

The major implication of table 2 is that extension of the regression sample through 1985 sharply increases the estimated revenue gains from the 1978 Act. In particular, Minarik's assertion that "by 1980, the revenue gain from the 1978 law had essentially evaporated" is only true when the incomplete sample is used. Based on column 3 of the table, the 1978 rate cuts increased revenue significantly until 1982; in column 4 the gains are even larger and continue through 1984. Meanwhile, the extended sample and superior GNP decomposition also yield much less severe revenue losses from ERTA than do the regressions based on 1954–82 only. When both adjustments are made, we estimate that the combined effect of the two laws was a direct revenue increase of $4.692 billion.

Reconsideration of the Treasury specifications. The careful reader will have noted the other implication of table 2: the estimated budget effects of both acts deteriorate noticeably over time. In particular, their combined effect is highly negative by 1985 under all four specifications. However, this is entirely an artifact of the regression model's formulation in nominal and linear rather than real and logarithmic terms. As noted above, the coefficients in the Treasury report imply that a 1-percentage-point change in the marginal capital gains rate decreases realizations by $1.705 billion in the first year: the long-run impact is $891 million. Because these effects do not vary with the magnitude of realizations, the equation has the implausible implication that an increase from 25 to 30 percent in the tax rate in 1957 would have been sufficient to entirely eliminate realizations, since actual realizations were only about $8.1 billion. By 1985, when realizations were $171 billion, the tax rate could have gone to 100 percent with a permanent loss in realizations of only about 42 percent.

One could object that it is unfair to criticize the report by applying regression coefficients to extreme data points. However, this is in fact what the Treasury revenue simulations themselves do. The functional form of the regression forces the elasticity of realizations with respect to the tax rate to decline by almost 70 percent between 1978 and 1982, since the same absolute impact is applied to a larger denominator of total nominal realizations. (As shown in figure 1, the absolute value of the first-year point elasticity implied by the parameters in the Treasury report falls from 1.15 in 1978 to 0.61 in 1980 and 0.38 in 1982.) Therefore, simulations applied to 1978–82 will necessarily underestimate the revenue gains from a rate cut (or overestimate the gains from a rate increase). For the same reason, the Treasury simulation methodology artificially induces a year-to-year deterioration in the impact of the 1978 and 1981 acts.

Alternative functional forms. The Treasury regression equation can be improved through price deflation and logarithmic transformation of variables. To accomplish this in table 3 we present estimates based on 1954–85 data, using the Treasury measures of capital gains realizations and marginal capital gains tax rate but with four alternative functional forms taken from table A-3 of the CBO study. The dependent variable RCG is the logarithm of realized capital gains, PRICE is the logarithm of the GNP price deflator. RGNP is the logarithm of constant-dollar gross national product, and RLSTKS is the logarithm of the end-of-year stock of household corporate shareholdings minus PRICE.

The equations differ in their inclusion of the marginal tax rate MTRTRES, as in column 1, or a transformation of that variable. In column 2 ATRTRES is the logarithm of the after-tax share—i.e., one minus the marginal tax rate. The quadratic model in column 3 includes both MTRTRES and its square MTRTRESQ, while the constant-elasticity form in column 4 uses the logarithm of the marginal tax rate, LMTRTRES. (The purpose of the TRES suffix is to emphasize that the tax rate variable is the marginal tax rate for high income taxpayers used in the Treasury report rather than the average effective marginal tax rate on all capital gains employed in the CBO study. It might be argued that the CBO tax rate is more appropriate. Use of the CBO functional forms with the Treasury tax rate simplifies comparison with the actual CBO regressions analyzed in section II below.)

The choice of the tax rate variable has essentially no impact on the explanatory power of the regression; the summary statistics in table 3 are virtually identical. Despite the similarity in explanatory power, however, the four specifications do not all imply the same relationshp between the level of the marginal tax rate and the elasticity of realizations with respect to changes in this level. Figure 2 graphs this pattern for each of the equations. Specifications 1, 2, and 3 yield similar positive relationships between the marginal tax rate and the realizations elasticity, while specification 4 estimates a constant elasticity of −0.672.

Table 4 repeats the simulation analysis of table 2 for the redefined specifications. Substitution of the logarithmic functional form yields more favorable revenue impacts for both the 1978 and 1981 acts than does the Treasury specification. In all four simulations the 1978 act is a consistent direct revenue gainer, and even ERTA has direct revenue-enhancing effects after 1981. For every year in the simulation, the total revenue impact of the two laws is highly favorable despite the significant reduction in marginal rates.

II. RECONSIDERATION OF THE CBO CAPITAL GAINS REALIZATIONS STUDY

The central conclusions of the 1988 CBO study, or at least the conclusion that has received the most attention, is that a reduction in the top capital gains tax rate to 15 percent would very likely lose tax revenue relative to the tax schedule imposed under the 1986 Tax Reform Act (TRA). By contrast, in our above analysis we found that historical simulation of the CBO functional forms applied to the Treasury data set yields positive estimated revenue gains from previous capital gains tax cuts. There are several possible explanations for this apparent anomaly, and in this section we will examine each in turn.

Measurement of tax rates and realizations. As noted above, the CBO uses a different measure of the effective tax rate than does the Treasury. In particular, the Treasury variable applies only to highincome taxpayers, while the CBO's is a weighted average of estimated rates for six Adjusted Gross income groups. This difference is potentially important, since tax rates have not always moved in parallel for rich and poor taxpayers. The Treasury regression model also differs from the CBO's in that the former includes short-term as well as long-term capital gains realizations in the dependent variable. However, it appears that these two distinctions do not change the qualitative results of the revenue simulations.

Table 5 repeats the simulation experiment of table 4 for the four alternative regression specifications, but in this case using the tax rate variable and parameter estimates taken from the CBO study. Again, the 1978 act is a solid revenue gainer, and ERTA gains revenue under all but the quadratic specification. The combined effect of the two acts is positive for all specifications, though much smaller than those reported in table 4. Apparently, the particular choice of rate and realization variable does not affect the qualitative implications of the regressions.

Characteristics of the proposed rate reductions. A second possible explanation for the CBO study's unfavorable revenue simulations is that the proposed 15-percent cap represents a change that is outside historical experience. In that case, simulations of the 1978 and 1981 acts provide no guide to future revenue effects. Upon close inspection this explanation also appears to have little basis.

The marginal rate variable used in the CBO study fell from 22.7 percent in 1978 to 14.8 in 1982 and 13.9 in 1985. Our results above indicate revenue gains from this change. The CBO also estimates that the marginal capital gains rate under TRA is 25.4 percent. This suggests that a rate reduction to a level around 15 percent would also increase direct revenue. That is, the post-1978 experience appears to offer a reasonable guide to the evaluation of proposed rate reductions.

Simulation method. The final explanation for the contrasting revenue implications is the difference between the CBO's micro-level simulation technique and our (i.e., approximately the Treasury reports) aggregate method. Ordinarily, it might be assumed that microsimulations are preferable, since they take account of the distributions of incomes, gains, and tax rates as well as their average levels. Unfortunately, this argument ignores the fact that the parameter values used in CBO simulations were taken from aggregate, not micro-level, regressions. It is inappropriate to infer from the CBO's aggregate regressions how individual taxpayers would respond to changes in capital gains tax rates.

To make this argument clear, assume that, for each taxpayer, a 1-percentage-point change in the marginal tax rate on gains results in a 0.032 reduction in the logarithm of realizations. This is representative of the operational assumption used in the CBO simulations that, at the individual taxpayer level, the log of realizations is a function of the level of the marginal tax rate. If this were true, however, and one estimated a time-series regression of the logarithm of total realizations on the marginal tax rate and other variables, the coefficient on the tax rate would not be 0.032! Individual logarithmic relationships such as the CBO specifications do not add up to an aggregate logarithmic relationship. Therefore, the CBO simulation model cannot be correct if its regression model is correct, and vice versa.

A second, and perhaps even more serious, problem with the CBO simulations is that they require employment of the response parameter far outside the range of estimation. Specifically, the CBO rate variable ranges between approximately 14 and 23 percent during the estimation period. By contrast, the most important taxpayers in their simulations will have tax rates at the 28- or 33-percent level under TRA. As noted in the CBO study, the four functional forms in our table 3 are indistinguishable in terms of historical explanatory power. They can be expected to have very different implications in microsimulations, however, because they imply very different realization elasticities at higher tax rates. (This phenomenon is illustrated in figure A-1 of the CBO study and implicit in our figure 2.)

To summarize, we feel that the contrast between our favorable revenue simulations and the CBO study's more negative conclusions is a result of the difference between our simulation methods. While we do not argue that the Treasury simulation approach is perfect, the CBO method is internally inconsistent at the theoretical level. It is inappropriate to use their time-series parameter values in microsimulations; cross-sectional simulation requires an individual response model, not an aggregate model.

III. INTERPRETATION OF TIME-SERIES REGRESSIONS

That our results imply revenue increases from tax reductions may seem surprising, given previous summary comments on time-series capital gains studies. Jane Gravelle, for example, noted that an elasticity of realizations with respect to the tax rate "with an absolute value less than one . . . would indicate that small increases in tax rates would result in revenue gains." Gravelle then characterizes the Treasury time-series results as implying an elasticity of −0.77, and a previous CBO analysis a considerably smaller −0.25. These values are much lower than the typical elasticities estimated from cross-sectional regression work.

However, Gravelle's elasticity criterion is misleading because elasticities computed from regression coefficients usually refer to some marginal tax rate variable, while the unitary elasticity requirements refers to the average capital gains tax rate, a considerably different concept in both level and variability. In 1980 the average tax rate was 16.7 percent, compared to 18.6 percent for the effective rate variable used in the CBO study and 26.7 percent for the marginal rate used in the Treasury report. By 1983, the average rate had fallen by about one-tenth, while the marginal rate measures had fallen by roughly one-quarter. As a result, even though capital gains realizations may be inelastic with respect to the marginal rate, the elasticity of capital gains tax revenues can still be negative, indicating the possibility of a revenue-enhancing rate reduction. This is not just a theoretical possibility but, in fact, the empirical conclusion that can be drawn from our regression and simulation results.

There are a number of economic explanations for these mathematical results. First, the tax cuts we analyzed did not reduce the marginal tax rate by the same proportion for each taxpayer. Second, even for a given taxpayer, average and marginal tax rates did not have to change proportionately, because of movements along the rate schedule. Finally, cross-sectional evidence reveals that capital gains realizations are generally much more elastic at high than low rates. This relationship implies that a proportionate reduction in marginal tax rates will increase the share of gains taxed at the highest rates, so that average tax rate falls less than proportionately. So long as revenue gains at high rates predominate over revenue losses at lower rates, Gravelle's criterion on the realization elasticity need not be met for a tax rate cut to increase revenues.

Thus, the revenue impact of a tax law change cannot be determined merely by examining regression coefficients. That is why both reports included revenue simulations as part of their analysis of time-series results. It is also inappropriate to compare directly the CBO and Treasury regression elasticities, or to contrast time-series and cross-section regression elasticities, since different rate variables are used in each study.

It is also important to note that several factors are outside the scope of all of the analyses dicussed in this paper. First, the regressions treat both GNP and the level of household equity holdings as exogenous. This ignores the effect of lower capital gains rates on both economic growth and capital asset prices. Results presented in the Treasury report indicated that the impact of tax rates on the stock market had an important revenue effect that should not be ignored. It is also reasonable to expect a further indirect revenue impact from the positive supply-side impact of rate reductions on economic growth in general.

Second, the impact of any differential taxation of capital gains on tax revenue from other income sources is also outside the scope of all the analyses we consider. Taxpayers might adjust the mix of capital gains and ordinary income when the difference between the capital gains and ordinary income tax rates changes. Capital gains tax rate changes would then have an indirect impact on tax revenue from, for example, dividend income, partially offsetting the direct impact on capital gains tax revenue.

Finally, the standard focus of both time-series and cross-sectional analyses has been on taxpayers with gains. The implication is that revenue estimates apply only to those taxpayers. In each year, however, some taxpayers declare net long-term losses. Any rate reduction will have direct revenue-enhancing results if taxpayers do not for some reason increase their losses in response to lower tax rates.

IV. CONCLUSION

In his recent statement, Joseph Minarik of the Urban Institute takes a strong stand for using the Treasury time-series analysis as the definitive empirical basis for rejecting capital gains preferences. In Minarik's view, the revenue estimates from time-series regression are "much more meaningful" than the cross-sectional estimates which "make no use of the actual experience following the recent tax cuts." Summarizing the time-series results, he argues that "The 1978 law experience thus gives no backing to claims of an ongoing revenue pickup," while "the 1981 capital gains tax cut was a revenue loser from day one." In sum, "the heart of the issue is revenue. And here, there is no doubt."

This paper demonstrates that updating the Treasury sample to reflect even more recent "actual experience" reverses Minarik's conclusions. When we extend the original Treasury regression specification through 1985, the results imply that the 1978 act produced large and continuing direct revenue gains. Extension of the sample and correction of a flaw in the Treasury report's measurement of inflationary GNP dramatically reduce the estimated losses from the 1981 changes. Finally, substitution of clearly superior regression specifications taken from the 1988 CBO study yields the conclusion that both acts were significantly revenue-enhancing. We further find that the CBO's own conclusion that capital gains preferences would be likely to lose revenue is essentially an artifact of their simulation method, rather than being a straightforward implication of their regressions.

In contrast to Minarik, we do not argue that our time-series regressions provide conclusive evidence on taxpayer responsiveness to capital gains tax laws. In fact, we believe that cross-section regressions, with their large sample sizes and detailed wealth and demographic detail, are the most reliable bases for inferences. What the results presented here do indicate is that when the sample is extended to fully reflect the experience of the 1980s, Minarik's own line of argument leads to a conclusion opposite to his: namely, that the time-series data, like the cross-section data, provide considerable evidence supporting the likelihood of direct revenue gains from reductions in capital gains tax rates.●

BILL DOWNING, OAKLAND, CA

● Mr. WILSON. Mr. President, I stand before you today to offer a brief, but well-deserved testimonial. When our Nation first gained its independence, Americans strove to meet what were then commonly referred to as "republican principles," that is, subordinating personal interests for the good of the republic. Today, we still value those individuals who enthusiastically lend their assistance in public endeavors. One such individual is Bill Downing, who has generously given so much of his life to enrich the community of Oakland.

Since March 1982, Mr. Downing has served as the unparalleled president and chief executive officer of the Oakland Chamber of Commerce. As a cofounder and president of the Coalition of Labor and Business, he represents over 100 business and labor organizations and trade associations. He brilliantly administered development of a plan to dispose of solid waste from Alameda and San Francisco Counties and deposit it in excavated gravel pits. In addition, Mr. Downing also has served two terms as president of the Aggregate and Concrete Association of Northern California, and is a former secretary for the Oakland-Alameda Coliseum Board. An avid sports fan, he has worked extremely hard to promote sports in the San Francisco area. His other outstanding achievements include organizing the first fundraising drive for the Oakland Symphony, and different local campaigns for public office.

Mr. President, over the years, Bill Downing has provided invaluable assistance and leadership for the Oakland community. However, his career in public service is now in jeopardy of being cut short. He is currently undergoing a very serious battle with cancer. Yet, Bill is not one to give up in the face of adversity, and I expect that we have not heard the last of his accomplishments. Today, I take great pride in honoring Mr. Downing for his public service and recognizing his exemplary leadership in the community. He stands as a model for us all.●

CONGRATULATIONS TO ELYSE SANCHEZ

● Mr. MOYNIHAN. Mr. President, last Thursday, June 2, the New York Post led with a remarkable story, a story of triumph for the Sanchez household of the Bronx, NY. Like so many other families this time of year, the cause for celebration was a graduation. But this particular graduation was something special. Elyse Sanchez, a welfare mother with four children, completed her college education at Lehman College, graduating Phi Beta Kappa.

Ms. Sanchez is now off the welfare rolls and on to the University of Iowa where she has received a full fellowship to study for a Ph.D. in English literature, following which she hopes to teach at the college level.

No mean feat under ideal circumstances. Unfortunately, Ms. Sanchez's situation was less than ideal. Her husband had abandoned her, leaving her with four children and no income. Ms. Sanchez credits her four children's unwavering support with helping her to complete her education. She is too modest to note her own formidable talents and discipline.

Mr. President, S. 1511, the Family Security Act, will soon come to the Senate floor. The Finance Committee ordered the bill favorably reported by a vote of 17 to 3. We now have 62 cosponsors. Our legislation would strengthen child support enforcement mechanisms. Fathers must help support their children, not abandon them as did Ms. Sanchez's husband. The Family Security Act also will assist welfare recipients like Ms. Sanchez in obtaining the education and skills necessary to pursue their dreams and to enter the work force. The new Job Opportunities and Basic Skills Training Program [JOBS] would allow States to make a wide range of education, work, and training activities available to welfare recipients, including postsecondary education as is appropriate.

Ms. Sanchez's achievements are remarkable and I offer her and her family my heartiest congratulations and best wishes for continued success. Should the Family Security Act become law, I expect that we will be hearing many more such success stories in the future.

Mr. President, I ask that the text of the New York Post's June 2 story, by Ann V. Bollinger, be inserted in the Record at this point.

The article follows:

[From the New York Post, June 2, 1988]

(By Ann V. Bollinger)

"Today is one of the happiest days of my life," said a beaming Elyse Sanchez, the welfare mother who graduated Phi Beta Kappa from Lehman College yesterday.

"I keep saying to myself, 'This can't be happening to me,'" she said. "Not a lot of good things have happened in my life."

Tears welled in her eyes as she glanced over at her four bright-eyed children seated in the audience during the ceremony on the school's Bronx campus.

She was an instant celebrity.

"That's my mom up there," her 10-year-old daughter Hope told a battalion of reporters, photographers and television camera crews.

"She's famous. We're all famous," she said. "Now I know what Joan Collins goes through."

Sanchez, who appeared on the front page of yesterday's Post, was hunted by reporters all day—even Good Morning America and Morton Downey wanted her.

"I'm proud of my mom," said 8-year-old Kimberley. "She worked hard to graduate. I'm going to start calling her Professor Mom."

In July, the Sanchez family is leaving The Bronx for Iowa and going off the welfare rolls.

Both mom and her 17-year-old daughter Rochelle will attend the University of Iowa, where Sanchez has accepted a four-year, six figure teaching fellowship.

She'll be working on her Ph.D and plans to teach English on the College level.

Five years, Sanchez never dreamed she'd be a college grad.

She moved into a crack-infested Bronx neighborhood—where she still lives with her kids.

Her husband, who abused her, walked out and her mother died, leaving her with no family

And she had no income.

"I was devastated. I felt like I wasn't worth anything," she said.

Determined to feed her kids and make something of herself, Sanchez enrolled in Lehman College and plowed through her English literature requirement in three years.

When asked what it took to get where she is, she said: "Four children pushing you."

"When Walt Disney won the Academy Award for Snow White, he got one big Oscar and seven little ones for the dwarfs," she said. I feel like I should have four little diplomas for the children."

Over their first restaurant meal in four years, the family dreamed of the future:

"In Iowa," Sanchez said, "they have air conditioning and carpeting and mini-blinds. I can even take aerobics classes."●

NATIONAL AIDS POLICY RECOMMENDATIONS

● Mr. WEICKER. Mr. President, I rise to commend the Chairman of the Presidential Commission on the Human Immunodeficiency Virus Epidemic on the Draft National AIDS Policy recommendations he released last week. Admiral Watkins came into a difficult job, perhaps one of the most difficult of his distinguished career. He has had to navigate through the shoals of philosophy to achieve a result that is both scientifically sound and full of understanding of the leadership needed to save lives now.

The Chairman's recommendations call for the application of existing Federal handicapped antidiscrimination laws to the private sector to include protection for all individuals with disabilities, including people with HIV infection, from losing their jobs, educational opportunities, and homes. This recommendation comes as no surprise to those of us who are Members of the Senate Labor and Human Resources Committee and have repeatedly heard the horror stories of discrimination against people with all kinds of disabilities, including HIV infection, ARC, and AIDS. It was in response to the injustice of discrimination on the basis of handicap that my good friend, Senator Harkin and I, along with 14 of my colleagues, introduced S. 2345, the Americans With Disabilities Act of 1988. This legislation, also cosponsored in the House by 72 Representatives, will ensure civil rights protections for persons with disabilities, including people with HIV infection, in housing, private sector employment, and public accommodations. Parallel in scope of coverage to the other civil rights statutes which ensure nondiscrimination on the basis of race, sex, and national origin, this legislation is critical to assuring that discrimination on the basis of handicap will not be tolerated in our society.

The Senate Labor and Human Resources Committee has also heard expert testimony regarding the need to ensure greater protections of confidentiality and nondiscrimination as part of any efforts to expand voluntary AIDS testing and counseling. We have been told that fear of losing a job or a home will serve as a major disincentive toward encouraging those who may have engaged in high-risk behavior to seek AIDS testing and counseling. This past winter, Senator Kennedy and I, along with others, introduced S. 1575, the Federal AIDS Policy Act. This bill expands the availability of voluntary testing and counseling, protects the confidentiality of AIDS testing and counseling records, and prohibits discrimination against those who test positive for HIV, or have ARC or AIDS. Certainly this Senator will do all that he can to see that this bill is reported out of committee and considered by the full Senate as soon as possible.

I was also particularly pleased to see that many of Admiral Watkins' recommendations are met in the provisions of S. 1220, the AIDS bill that passed the Senate just a little over a month ago. Specifically, the Chairman's report states "It is the opinion of the Commission that the provision of HIV education in our schools is of vital importance and must be introduced across the Nation immediately * * *. The decision about appropriate content and methods of instruction should be determined at the local level; however, both elementary and secondary school students should receive such education." Mr. President, this is entirely consistent with testimony that has been presented to both the authorizing and Appropriations Committee, and it is entirely consistent with the education provision of S. 1220 which was included in the bill at my request.

Mr. President, I would also like to take this opportunity to commend the Centers for Disease Control for the outstanding job they have done on the AIDS mailer which has gone out to every household in this country. It was more than 1 year ago that Senator CHILES and I directed that such a mailer be developed and distributed. Thanks to the usual moralizing and posturing by certain nonscientists in this administration, the mailer was delayed and only sent out last week. I can only wonder how many people were infected with the AIDS virus during that time who might not have been, had they received the information and education we know is so vital to preventing the spread of AIDS.

Mr. President, many of us read about another report that was released last week by the Institute of Medicine. This report is an update of the original Institute of Medicine report entitled "Confronting AIDS" published in 1986. The updated report, like the Commission's report, called for protections against discrimination and increased efforts in AIDS education and prevention. It also stated, in response to the rider included on last year's Labor-HHS appropriations bill, the same rider recently agreed to by the Senate on S. 1220, "explicit information on the risks associated with gay sex and the way those risks can be minimized does not promote or encourage homosexual activities."

Mr. President, education is our front-line defense against the spread of AIDS. The President's Commission knows it, the Institute of Medicine knows it, the Centers for Disease Control know it. The job now is to turn this knowledge into programs and public policy that works.

The Chairman of the President's Commission has stated that "The foremost obstacle to progress raised was the discrimination faced by those with HIV." The job before the President and the Congress is to remove this obstacle and expand the protections against discrimination for all those with disabilities, including HIV infection, ARC, and AIDS.

The Chairman of the President's Commission and his staff have done an outstanding job in drafting a blueprint for a national strategy for combating AIDS. I commend Admiral Watkins and I urge all of the members of the Commission to adopt the recommendations and send them to the President to endorse and implement in a manner which reflects the life and death urgency this epidemic demands.●

CONGRATULATIONS TO CHESTERFIELD, MISSOURI

● Mr. DANFORTH. Mr. President, Chesterfield, MO, became a city officially at noon on Wednesday, June 1, 1988.

Chesterfield before Tuesday, April 5, was unincorporated, but a vital part of West St. Louis County in Missouri. On April 5, more than 75 percent of the voters in this community voted in favor of incorporation.

Chesterfield is now a sprawling city of more than 26 square miles. It will become Missouri's 15th largest city. Geographically, it will be one of the two largest cities in St. Louis County and will be the third largest in population, with more than 33,000 residents. It will have a tax base of approximately $500 million.

"Chesterfield—A City Whose Time Has Come", is the slogan which the city has rallied around. Fredric Steinbach, appointed by the county council as interim mayor, said, "What I hope to accomplish is placing proper individuals on the city staff who can set the city in motion and prepare us for the 21st century."

In recognizing the incorporation of the city of Chesterfield, my distinguished colleague, Senator BOND and I would like to extend our hearty congratulations to the people of Chesterfield. May their good fortune continue and their city prosper and grow.●

DEPARTMENT OF DEFENSE AUTHORIZATION BILL

● Mr. DODD. Mr. President, in the interest of saving the time of my colleagues in the last day in session before the Memorial Day recess I refrained from making a statement on the final passage of S. 2355, the defense authorization bill of 1989. I would like to use this opportunity, however, to state my views on the bill passed 10 days ago.

Before discussing some of the specifics, I would like to commend the bill's managers, Senators NUNN and WARNER. Along with the able deputy managers, they deserve congratulations for the outstanding job they did in shepherding this crucial piece of legislation through the Senate. In spite of some last minute snags delaying the vote on final passage, we finished this authorization bill in a relatively short time.

But beyond the great competence and prestige of the leaders of the Armed Services Committee, there were at least two additional factors that helped us to complete this bill in an expeditious fashion.

One was the fact that for the first time in several years, the administration submitted a responsible and realistic defense budget to Congress. I cannot speculate on how much of this was due to the constraints of last fall's budget agreement and how much can be attributed to the new leadership in the Pentagon. I simply commend the fact that this year's defense budget was not declared "dead on arrival." It was a reasonable and acceptable basis of discussion.

The other factor simplifying our work was the fact that, contrary to previous years, a rather broad based consensus exists across the Nation and within Congress about the direction, management, and progress of our arms control policies. It is obvious that arms control does not have to be a bitterly contentious issue in the Senate as long as the President provides adequate leadership.

The overall funding level of this bill was pretty much locked in by the budget compromise. I cannot say that I find this level ideal, but under the circumstances, I find it adequate. In the first place, I believe we sufficiently provide for strategic modernization. As a result, I am certain that the President will not be hampered in his negotiations for a major strategic arms reduction agreement by an insufficient will of Congress to maintain the strength and credibility of our strategic deterrent.

I support a robust research program on strategic defenses—SDI—but believe that in light of confusion about the priorities in that program, it is rather generously funded at this point. For some of my colleagues, SDI has assumed a quasi-religious nature. They take its greatness on faith. Criticism of it is sacrilegious. I am willing to continue to support a substantial effort on this field but I am unwilling to suspend the scrutiny that I must apply to any spending program of this magnitude. For this reason I voted for the amendments of Senators JOHNSTON and LEVIN to transfer funds to space programs and conventional programs, respectively, and reduce SDI funding to a more balanced level. The administration has to do a better job in sorting out the priorities of this program before this Senator will vote for a substantial funding increase. I refuse to be apologetic about having tried to cut funding to a level that is still close to $4 billion. This stance hardly qualifies me as an opponent of this program.

My vote for the Levin amendment indicates that I would certainly like to see more funds directed to conventional programs, operation and maintenance in particular. To short-change these accounts in easy expediency in the short run but a dangerous irresponsibility in the long run.

Finally, on the subject of arms control amendments, I voted for the test ban moratorium—Kennedy-Hatfield amendment—and for interim restraint on MIRV'd systems—Bumpers-Leahy amendment. I am not particularly distressed that both of these amendments were tabled. As long as the administration conducts a serious negotiating effort for a strategic agreement, as well as for curbs on nuclear testing, I much prefer negotiated arms control measures to those imposed by Congress. I have voted for these amendments because I agree with their purpose and because they are good indicators of the disposition of Congress on these questions.

Mr. President, under our budgetary constraints, this is a good, solid, responsible piece of legislation and I am pleased to have supported it●

SEWALL-BELMONT HOUSE NATIONAL HISTORIC SITE

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 688.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2203) to increase the amount authorized to be appropriated with respect to the Sewall-Belmont House National Historic Site.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2336

Mr. BYRD. Mr. President, on behalf of Mr. JOHNSTON, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. JOHNSTON, proposes an amendment numbered 2336.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the Act, add the following new sections as follows:

"SEC. . EXPANSION OF THE DELTA REGION PRESERVATION COMMISSION."

Section 907(a) of Public Law 95-625, as amended, is further amended as follows:

(1) In clause (6), strike "region; and" and insert "region;".

(2) In clause (7), strike "Arts." and insert "Arts; and".

(3) Add the following new clause:

"(8) one member who shall have experience as a folklorist and who is familiar with the cultures of the Mississippi Delta Region appointed by the Secretary of the Smithsonian Institution.".

"SEC. . (a) There is authorized to be appropriated to the Secretary of the Interior such sums as are necessary for construction of the Saipan harbor project in the Northern Mariana Islands, in accordance with the May 1987 draft feasibility report of the Honolulu District Engineer.

"(b) There is authorized to be appropriated such sums as are necessary for project planning, design and construction for replacement of the main breakwater and for necessary dredging of the San Jose harbor on the Island of Tinian in the Northern Mariana Islands. The cost-sharing provisions of Public Law 99-662 shall apply to the project, and particular consideration shall be given to possible defense uses of the harbor in determining the benefits of this project.".

Mr. JOHNSTON. Mr. President, the first section of this amendment adds one member to the Delta Region Preservation Commission, a commission established in 1978 in section 907 of Public Law 95-625 which created the Jean Lafitte National Historical Park and Preserve in Louisiana to advise the Secretary of the Interior in the selection of sites for inclusion in the park, in the development and implementation of a general management plan, and in the development and implementation of a comprehensive interpretive program of the natural, historic, and cultural resources of the region. Moreover, the Commission was also given the duty of informing interested members of the public, the State of Louisiana and its political subdivisions, and interested Federal agencies about existing and proposed actions and programs which have or could have a material effect on maintaining a high quality natural and cultural environment in the region.

Since its inception, the Commission has served a key role in both developing support for this park and, equally important, in assuring that a creative approach to interpretation of the rich, varied, and unique resources, including cultural resources, has been taken in the development, management, and interpretation of the park. One of the more farsighted recommendations of the Commission, for example, was the establishment of centers for the interpretation of Louisiana's Acadian heritage in Eunice, Lafayette, and Thibodaux, for which a mandate was provided in section 901(5) of Public Law 95-625. The Commission was also instrumental in furthering the cooperative agreement with the first such center, the Islenos Center, in St. Bernard Parish which has a successful and highly regarded program for the interpretation of the many contributions to Portuguese settlers to the Delta region's culture as well as the cooperative agreement with the Chitimacha Indians who are well known for, among other skills and contributions, exceptional basket weaving skills.

As the Jean Lafitte Park matures, I am convinced that the Commission will continue to play an important role in furthering the creative interpretive approach to Public Law 95-625's mandates, and particularly the mandate in section 901 that resources in the Mississippi delta region be interpreted "in such manner as to portray the development of the cultural diversity in the region." To increase the Commission's ability to play a role in carrying out this mandate, I believe that including as a member a folklorist who is familiar with the many resources of this region is needed. My amendment provides for such a member, to be appointed by the Secretary of the Smithsonian Institution which is well known for its important work in preserving American cultures and traditions. In the past, the Smithsonian has from time to time provided technical assistance to the park in the interpretation of folklife, and I believe the Secretary of the Smithsonian is best suited to select this new member. Having the Secretary of the Smithsonian involved in the selection will also, I believe, help the Commission in its mandate to keep interested Federal agencies and interested members of the public apprised of existing and proposed programs and activities having a material effect on the cultural environment of the region.

Mr. President, I believe this minor change will help strengthen and improve the Jean Lafitte Park and I urge the Senate to adopt it.

Mr. President, the second section of this amendment to H.R. 2203 would authorize appropriations for two harbor development projects in the Commonwealth of the Northern Mariana Islands [CNMI], on the islands of Saipan and Tinian.

Subsection (a) would authorize appropriations for the offshore, or dredging, component of the Saipan harbor development project. It is anticipated that the CNMI government will finance the construction of the onshore facilities of this project at an estimated cost of $35 million, as well as one-third of the cost of the offshore component. The total cost of the offshore component was estimated, in a May 1987 draft feasibility report of the Honolulu District Engineer, to be $21 million. The report proposed that the Federal share of the cost of this component be two-thirds, or $14 million. This authorization intends that the Federal/non-Federal cost share will be as proposed in the May 1987 report.

It is particularly important for both components of this project to proceed concurrently. The corps has estimated that the overall cost of the project would be reduced by $8 million if both components are constructed together, because the dredge spoils from the offshore component can be used as fill for the onshore component.

A second reason that this project must be initiated promptly, is that the lack of adequate harbor facilities in Saipan is causing a serious bottleneck in the CNMI's economic development plans. Under the terms of the Covenant with the CNMI the United States has provided 7 years of guaranteed financial assistance to the CNMI, including $126 million for capital improvements. The completion of many of the anticipated improvements under the CNMI's development plans, such as expansion of power facilities, buildings and roads, would proceed more smoothly and at less cost if the harbor facilities could adequately handle the offloading of necessary equipment and materials. Currently, many ships must lighter materials and equipment from offshore. An additional benefit of improved harbor facilities is that cruise ships would be able to stop in Saipan and thus contribute to further development of the local tourist industry.

United States assistance in improving the Saipan habor has been anticipated by both governments. This authorization will allow economic development to proceed as planned.

Subsection (b) of this new section would authorize appropriations for the planning, design and construction of improvements to the breakwater and necessary dredging at San Jose Habor on Tinian Island in the CNMI.

Tinian Harbor, unlike Saipan Harbor, has a breakwater which protects the docks from ocean waves. This breakwater, built by U.S. military forces in World War II, has since deteriorated to such an extent that at one area, it has been completely breached. Again, economic development plans anticipated assistance from the Federal Government. The local government is expected to finance one-third of the cost of this project, and it will be responsible for financing any onshore harbor development. Because no formal review of the project has yet been conducted, there are no formal cost estimates. Informal estimates put the cost at $20 million, however.

Improvements to the Tinian Harbor would allow for economic development of Tinian, particularly as a transshipment and replenishment stop for fishing vessels in the area. But, perhaps more importantly, this harbor is essential to the Federal Government if the United States ever decides to increase its military presence on the island. The United States has much of Tinian under military lease. Considering our ongoing negotiations with the Republic of the Philippines, and the possibility of a United States military redeployment in the region, it would be wise to begin the planning and design for improvements to the harbor. Because of the potential military benefits of this project, this authorization specifically allows that the defense uses of the harbor may be considered when evaluating the benefits of the project.

Mr. President, I would like to thank the chairman of both the House and Senate, Public Lands Subcommittees for their consideration in accepting this amendment. I had hoped that, as is usually the case, an omnibus territories bill would be available as a vehicle for this amendment, but that was not the case. I appreciate, and I'm sure the Government of the CNMI appreciates, the cooperation of the subcommittees in enacting these authorizations and keeping the economic development plans of the islands underway.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2336) was agreed to.

Mr. CONRAD. Mr. President, I am pleased to see the Senate take action on H.R. 2203, a bill to increase the amount authorized to be appropriated with respect to the Sewall-Belmont House National Historic Site, in Washington, DC. I introduced S. 1682, similar legislation, last September with my colleague from Maryland, Senator MIKULSKI, and it was favorably reported by the Senate Committee on Energy and Natural Resources on May 24, 1988. Representative LINDY BOGGS, of Louisiana, introduced this important legislation, which the House approved on May 23, 1988.

The Sewall-Belmont House has been designated a national historic site by the National Park Service since 1972, The house has significant value, both as an American historic monument and as a symbol of the women's rights movement. In 1801, this house was rented to Albert Gallatin, Secretary of the Treasury under Presidents Jefferson and Madison. According to the history books, he worked out the financial matters concerning the Louisiana Purchase there. The house is also believed to be the only site of active resistance to the British Army in the attack on the Capitol after the Battle of Blatensburg in 1814. The property dates back to an original land grant to Cecilius Calvert, the second Lord Baltimore, from King Charles in 1632.

Specifically regarding the women's movement, the Sewall-Belmont House has a richly unique history. It has been the headquarters of the National Woman's Party, founded by Alice Paul, since 1929. Alice Paul was a leading advocate and activist in securing passage of the 19th amendment in 1920—the amendment which guaranteed women the right to vote. Her persistent efforts to eliminate discrimination against women remain an inspiration today.

Over 10,000 people visit the Sewall-Belmont House annually for public tours. The house features Susan B. Anthony's desk and the silver tea service of Clara Barton. There are busts of several suffragists who played prominent roles in the women's movement. The Sewall-Belmont House is clearly a place of historic interest and importance—and deserves to be maintained as a public site.

The original line-item appropriation for restoration and maintenance of the house was limited to $500,000 for 5 years under the 1974 act (Public Law 93-486), which designated the building as a national historic site. The line item was subsequently dropped, and the Park Service covered maintenance costs from its overall appropriation. By now, expenditures have exceeded the $500,000 cap by over $600,000. It should be noted that even with the additional expenditures, the complete costs of maintaining the house are not covered. Much of its maintenance is financed through private donations.

The Park Service requested and received line-item appropriations of $53,000 for fiscal years 1987 and 1988. H.R. 2203 would increase the cap from $500,000 to $2 million, to assure that the National Park Service has the authority to continue to maintain this building. This would eliminate the need for line-item appropriation requests in the future.

The Sewall-Belmont House is an important historic site and symbol of the modern women's movement. I would like to thank the distinguished chairman of the Energy Committee, Senator JOHNSTON, for his help in moving this legislation through the Senate expeditiously. I urge my colleagues to approve this measure, and assure that this building is preserved for the benefit and enjoyment of future generations.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ARMSTRONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished acting leader on the other side of the aisle as to whether or not the following items on the Calendar have been cleared for action: Nos. 684, 694, 699, 700, 701, 703, 707, 709.

Mr. ARMSTRONG. Mr. President, I am glad to report that each of those items has been cleared on our side.

Mr. BYRD. I thank the distinguished Senator.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the foregoing measures.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF EXPIRATION DATE OF TITLE II OF THE ENERGY POLICY AND CONSERVATION ACT

The Senate proceeded to consider the bill (S. 2203) to extend the expiration date of Title II of the Energy Policy and Conservation Act, which had been reported from the Committee on Energy and Natural Resources, with an amendment:

On page 1, line 5, strike "1983", and insert "1990".

S. 2203

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 281 (42 U.S.C. 6285) of the Energy Policy and Conservation Act is amended by striking "1988" both places it appears and inserting "1990" in its place.

Mr. McCLURE. Mr. President, I support enactment of S. 2203. This measure, as amended by the committee amendment, would extend for 2 years a critical authority that is integral to the U.S. capability to respond to a severe interruption of international energy supplies.

What energy emergency preparedness we possess as a nation relies on the Energy Policy and Conservation Act. Without these fundamental authorities the evolutionary process for upgrading our national and international capability to respond to a severe energy supply interruption would be nonexistent.

I continue to believe that the evolution of our energy emergency preparedness must be a dynamic, not static, process. The IEA continues to provide a catalyst in this process. Their continuing tests of the IEA oil sharing program have added significantly to its potential effectiveness. The recent IEA exercise to test coordinated stock drawdown demonstrated the benefits to be achieved from the Strategic Petroleum Reserve during an emergency if such drawdowns are initiated early in an emergency on a coordinated basis. Further improvements of this caliber in the IEA emergency response system are to be encouraged.

But what I sense is a growing lack of interest from certain IEA member countries and from many of the people who will benefit most from the IEA emergency response system. Instead, increased attention is being devoted by the IEA on issues that are more appropriately addressed in other international forums. U.S. participation in the IEA, and the membership of the U.S. delegation, was not structured with the intent that IEA deliberations should extend to policy formulation on such issues the environment and acid rain, or issues of trade.

That is not to say that consideration of such issues should not be reflected in IEA discussions of energy emergency. Indeed, trade barriers can raise the cost or limit the utilization of alternative fuels. Similarly, environmental regulations can affect the choice of fuels. And these, and other factors, can directly impact on the energy security of IEA members. Thus, the proper role of the IEA is to bring an energy security perspective to trade and environmental policy questions.

If the IEA is to be effective when needed, it must continue to concentrate its efforts in the areas for which it was constituted: the emergency response system and strategic stocks. Strategic stocks held in IEA member countries are now equivalent to more than 160 days of 1986 net imports, compared to the minimum legal obligation of 90 days. However, further improvements are needed in strategic stocks by several IEA members who continue to fail to meet their IEA obligations in this regard.

I raise these points not to be critical of the IEA but because there is a tendency, in the present political environment where energy issues do not receive the attention they deserve, to reflect on our accomplishments to date.

We must not loose sight of the significance of the rising oil imports that we are now experiencing rising. In this regard, the IEA information system would benefit by drawing on all available sources of information and date regarding international oil market. In my judgment, the IEA information system would be strengthened if it were to be expanded to incorporate information on international oil markets obtained from producers, in addition to the present sources of information from the perspective of consumers.

A critical component of the U.S. energy emergency preparedness program is maintaining a continuing commitment to the International Energy Program. Only effective U.S. participation in the International Energy Agency can assure our mutual energy preparedness in the event of a severe interruption of international oil supplies. All of us are fully aware of the mutual and critical interdependence of the economic and energy security of the world and we must not loose sight to that fact.

Mr. President, I urge Senate approval of this measure, S. 2203.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FEDERAL EMPLOYEES' RETIREMENT SYSTEM ACT AMENDMENTS

The bill (S. 2188) to amend section 307 of the Federal Employees' Retirement System Act of 1986, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 2188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 307 of the Federal Employees' Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 607) is amended to read as follows:

"SEC. 307. USE OF 'NORMAL-COST PERCENTAGE'.

"Notwithstanding any other provision of law, the normal-cost percentage (as defined by section 8401(23) of title 5, United States Code, as added by this Act) of the Federal Employees' Retirement System shall be used to value the cost of such System to the Civil Service Retirement and Disability Fund for all purposes in which the cost of the System is required to be determined by the Federal Government. For any comparisons between the cost of performing commercial activities under the contract with commercial sources and the cost of performing such activities using Government facilities and personnel, the cost of the System shall include the cost of such System to the Civil Service Retirement and Disability Fund as specified in the preceding sentence, the cost of the thrift savings plan under subchapter III of chapter 84 of title 5, United States Code, and the cost of social security.".

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ARMSTRONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HISTORIC SITES, BUILDINGS, AND ANTIQUITIES ACT AMENDMENTS

The Senate proceeded to consider the bill (S. 1690) to amend the Historic Sites, Buildings, and Antiquities Act of 1935, and for other purposes.

Mr. CONRAD. Mr. President, I am pleased to present S. 1690, a bill to authorize the Secretary of the Interior to provide financial assistance under the Historic Sites, Buildings and Antiquities Act of 1935, for the reconstruction of Fort Abraham Lincoln, in Mandan, ND. The Senate Energy and Natural Resources Committee reported the bill favorably by a vote of 19 yeas and 0 nays.

The Historic Sites, Buildings and Antiquities Act of 1935 declares that it is a national policy to preserve for public use sites and buildings "of national historical significance." Subsections 2(e) and 2(f) of the act authorize the Secretary to restore, reconstruct, and rehabilitate those sites.

Fort Abraham Lincoln is a site of national historical significance because of the important role that it played in the settlement of America's West, and because of the historical insights that it offers to one of America's most controversial and legendary military commanders, Gen. George Armstrong Custer. It was from Fort Abraham Lincoln that General Custer led his ill-fated campaign against the Plains Indians to the Battle of the Little Bighorn, and it was at Fort Abraham Lincoln that the steamer *Far West* docked with its wounded soldiers and shattering tidings from the legendary battle.

Fort Lincoln is a befitting and picturesque reminder of the pivotal role that the Federal Government played in the settlement of the West. The infantry post, sitting high atop a bluff overlooking the expansive Missouri River Valley, and the cavalry post, situated below on the banks of the river, provide a captivating setting for the fort.

The Lewis and Clark expedition, which passed the site of the future fort in 1804 and 1806, proved the feasibility of an overland route to the area. Congress later enacted the Homestead Act in 1862, and settlers were lured in mass to the region by the offer of cheap land. Meanwhile, Congress granted a charter to the Northern Pacific Railroad, offering it 40 sections of land per mile of track laid through the territories.

These developments meant that the Indian inhabitants of the Plains would resent the intrustion of white settlers and the railroad into their lands, and that prompted the Federal Government to establish a system of military forts, including Fort Lincoln, to protect "the public interest."

Owing to the large number of Indians sighted in eastern Montana Territory, the Army decided that further survey work in 1873 would require a larger military presence. The 12 companies of the 7th Cavalry, which were scattered throughout the Upper Midwest, were ordered to unite and proceed to the Dakota Territory in early 1873. Since existing posts in the Dakota Territory had room only for those men stationed there before the arrival of the 7th Cavalry, the Federal Government decided to expand Fort Lincoln, making it an infantry and a cavalry post.

Fort Lincoln quickly became the supply and distribution center for the area and the place where troops gathered for various campaigns, such as the 1874 Black Hills expedition and the ill-fated 1876 expedition from which Custer never returned.

The most famous historical period at Fort Lincoln began with the arrival of the 7th Cavalry in September 1873 and continued through the remainder of the 1870's, the time during which the post was the supply center for the Department of the Dakota activities and the nucleus of the Indian campaigns. During this period Fort Lincoln played a preeminent role in the expansion of western communication routes and settlement.

The fort is also known as the home for 3 years to George and Libby Custer. Hero or villain, bold leader or petty tyrant, George Armstrong Custer lives in minds of everyone who has studied the settlement of the American West. As author and historian Robert M. Utley said:

> The story of the Little Bighorn has endured, in part, because of Custer himself—dashing, flamboyant, gold-braid-bedecked cavalier who inspired love or hate in acquaintances but never indifference, major general at 25, captain then lieutenant colonel in the Regular Army at 26, court-martialed and disgraced at 28, lionized for a brilliant Indian victory at 29, controversial explorer, hunter, plainsman, sportsman, publicist of the West, author, Indian fighter, crusader against political corruption, personification of the U.S. Cavalry, ideal husband—dead on the Little Bighorn at 36. Surely this brief career, climaxed so dramatically and amid such mystery, contains enough elements to hold the attention of a hero-worshipping public and eternally feed the fires of controversy.

Historian Paul A. Hutton offers the following assessment of Custer:

> A tenacious, fierce fighter, Custer was utterly fearless but was as careless with the lives of other men as he was with his own. Custer quickly emerged as the symbolic hero of the Army in the West and was lionized throughout the following fifty years. Recent shifts in the popular mood regarding the plight of the Indians have led to Custer, still ever the symbol, becoming identified as a villainous figure. Despite this shift in popular opinion, Custer and his last battle continue to fascinate the public.
>
> While still alive Custer nurtured this public fascination. Custer was one of the most flamboyant officers ever to serve in the Army, and most observers failed to understand him, blinded by either the gallant cavalier or the eccentric egomaniac. But to many who rode with him on the western plains he was "an incarnate fiend" and a "complete example of petty tyrant," who spared neither man nor beast in his search for glory. (General) Sheridan, who perhaps knew him best, fondly remembered that "if there was any poetry or romance in war Custer could develop it."

General Custer and the 7th Cavalry arrived at Fort Lincoln in the fall of 1873, and it was from Fort Lincoln on May 17, 1876, that Custer and the 7th Cavalry rode out on the now infamous mission to the Little Bighorn. In the interim, however, Custer and his wife Libby made Fort Lincoln their home.

In February 1874, only a few months after they had arrived at the fort, the Custer home burned to the ground. The army issued blueprints and authorized a budget to reconstruct a replacement residence that was larger and better suited for the military and social entertaining expected of a commanding officer and his wife.

Extensive research in the Old Army and Navy Division of the National Archives here in Washington has established that an authentic reconstruction of the fort, including the Custer home, is possible. The military kept accurate, detailed, and extensive records of all the proceedings at the fort, and historians have uncovered architectural drawings, and the journals kept by the construction quartermaster confirm the drawings' authenticity and accuracy.

In short, Fort Abraham Lincoln holds tremendous potential to offer rich insights into the settlement of the American West and intriguing enlightenment of the life and times of an authentic American legend.

The residents of the area have formed the Fort Lincoln Foundation, an organization designed to reconstruct the entire fort. The foundation has developed a comprehensive plan for reconstruction and restoration of the cavalry post, the infantry post and the On-A-Slant Mandan Indian Village located nearby. The foundation has already raised thousands of dollars, and reconstruction of the Custer home is nearly complete. Much work remains, however, and the foundation would like to finish the project in time for North Dakota's centennial in 1989.

S. 1690 will expedite completion of the project and enrich America's frontier heritage. The bill represents a unique opportunity to recreate for generations to come the settlement of the West and the story of a legend, and I urge my colleagues to take advantage of this opportunity.

The bill was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1690

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in furtherance of the purposes of subsections 2(e) and 2(f) of the Act of August 21, 1935 (49 Stat. 666), the Secretary of the Interior is authorized to provide financial assistance for the restoration and reconstruction of Fort Abraham Lincoln and related structures located in Fort Lincoln State Park, Mandan, North Dakota.

(b) Authority to enter into contracts or cooperative agreements, to incur obligations, or to make payments under this Act shall be effective only to the extent, and in such amounts, as are provided in advance in appropriation Acts.

The title was amended so as to read: "A bill to provide financial assistance to Fort Abraham Lincoln and related structures located in Fort Lincoln State Park, Mandan, North Dakota, and for other purposes".

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ARMSTRONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CORONADO TRAILS STUDY ACT

The Senate proceeded to consider the bill (S. 1693) to amend the National Trails System Act to provide for a study of the Coronado Trail, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

S. 1693

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coronado National Trail Study Act of [1987] *1988*".

SEC. 2. FINDINGS.

The Congress finds that—

(1) Francisco Vasquez de Coronado led an expedition from Compostela on the Southwest Coast of Mexico, into the American Southwest in search of the legendary Seven Cities of Cibola between 1540 and 1542;

(2) Coronado's expedition of approximately 300 Spanish soldiers and 1,000 Indian allies and servants marched through the State of Arizona, then through the States of New Mexico, Texas, Oklahoma, and Kansas;

(3) Coronado and his troops found Pueblo Indian settlements, including the Zuni villages of western New Mexico, Acoma along the Rio Grande River, as far north as Taos, and east to Pecos, as well as those of the Hopi in Arizona and Plains groups in Texas, Oklahoma, and Kansas; and

(4) members of the Coronado expedition became the first Europeans to see the Grand Canyon in Arizona, the Palo Duro Canyon in Texas, and many other Southwestern landmarks.

SEC. 3. DESIGNATION OF TRAIL.

Section 5(c) of the National Trails System Act (82 Stat. 919; 16 U.S.C. 1244(c)) is amended by adding at the end thereof the following new paragraph:

["(31)] "*(32)* Coronado Trail, the approximate route taken by the expedition of the Spanish explorer Francisco Vasquez de Coronado between 1540 and 1542, extending through portions of the States of Arizona, New Mexico, Texas, Oklahoma, and Kansas. The study under this paragraph shall be prepared in accordance with subsection (b) of this [section, except that it shall be completed and submitted to the Congress with recommendations as to its suitability for designation not later than one calendar year from the date of enactment of this paragraph.] *section*. In conducting the study under this paragraph, the Secretary shall provide for (A) the review of all original Spanish documentation on the Coronado Trail, (B) the continuing search for new primary documentation on the trail, and (C) the examination of all information on the archeological sites along the trail.".

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend the National Trails System Act to provide for a study of the Coronado Trail, and for other purposes".

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ARMSTRONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COLUMBIA RIVER STUDY ACT

The Senate proceeded to consider the bill (S. 1850) to amend the Wild and Scenic Rivers Act to designate a section of the Columbia River in Washington as a study are for inclusion in the National Wild and Scenic Rivers System, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

S. 1850

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF STUDY.

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276) (hereafter in this Act referred to as the "Act") is amended by adding the following new paragraph at the end thereof:

"(96) COLUMBIA, WASHINGTON.—The segment extending from one mile below Priest Rapids Dam downstream approximately [57] *51* miles to the McNary Pool north of Richland, Washington, as generally depicted on the boundary map entitled 'Proposed Columbia River Wild and Scenic River Boundary' dated [, 1987, which is on file at the] *May 17, 1988, which is on file with the* United States Department of the Interior.".

SEC. 2. COMPLETION DATE.

Section 5(b) of the Act [(16 U.S.C. 1274(b))] *(16 U.S.C. 1276(b))* is amended by adding the following at the end thereof:

"(8) The study of the river named in paragraph (96) of subsection (a) shall be carried out by the Secretary of the Interior, in consultation with the Secretary of Energy, and shall be completed not later than [one year] *three years* after the date of enactment of this paragraph.".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Paragraph (4) of section 5(b) of the Act (16 U.S.C. [1274(b))] *1276(b))* is amended by adding at the end thereof the following: "There are authorized to be appropriated for the purpose for conducting the study of the river named in paragraph (96) $150,000.".

SEC. 4. SPECIAL PROVISIONS.

The provisions of section 7(b) of the Act (16 U.S.C. 1278(b)) shall extend for a period of 8 years from the date of enactment of this Act with respect to the segment of the Columbia River proposed for inclusion in the National Wild and Scenic Rivers System in this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Columbia River in Washington for study to determine its suitability for inclusion in the National Wild and Scenic Rivers System, and for other purposes."

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ARMSTRONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPROVAL OF DESERT LAND ENTRY IN DINOSAUR NATIONAL MONUMENT

The bill (S. 1927) to provide for the approval of a desert land entry in the vicinity of the Dinosaur National Monument, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1927

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law or any order of land classification based thereon, the Secretary of the Interior is authorized to consider an application for desert land entry covering approximately 280 acres of public lands, 105 of which constitute a part of a scenic easement area of the Dinosaur National Monument, Utah, as identified on a map entitled "Desert Land Entry—Dinosaur National Monument—October 1, 1987.". If the applicant meets the requirements of section 2 of this Act, the Secretary shall issue a patent to the applicant in accordance with the Desert Land Entry Act (43 U.S.C. 321 et seq.). Such patent shall reserve to the United States a right-of-way 200 feet in width for the Dinosaur National Monument entrance road.

SEC. 2. The Secretary shall not issue a patent to the lands described in section 1 until the applicant has: (a) complied with the requirements of the Desert Land Entry Act; and (b) conveyed to the United States, at no cost, title to scenic easements for purposes of Dinosaur National Monument on lands identified by the National Park Service as tracts 07-114, south half; 07-115, the complete tract.

SEC. 3. The scenic easements acquired by the Secretary and any patents issued by him under this Act shall be subject to the restrictions set forth in the scenic easement deed dated march 16, 1967, and filed in the records of Moffat County, Colorado, at pages 2 and 3 of book 341 of the deed of records of the county.

The title was amended so as to read: "A bill to provide for the consideration by the Secretary of the Interior of a desert land entry in the vicinity of Dinosaur National Monument, and for other purposes."

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ARMSTRONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SAN FRANCISCO MARITIME NATIONAL HISTORICAL PARK

The Senate proceeded to consider the bill (H.R. 1044) to establish the San Francisco Maritime National Historical Park in the State of California, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

H.R. 1044

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "San Francisco Maritime National Historical Park Act of [1987] *1988*".

SEC. 2. ESTABLISHMENT.

(a) In General.—In order to preserve and interpret the history and achievements of seafaring Americans and of the nation's maritime heritage, especially on the Pacific coast, there is hereby established the San Francisco Maritime National Historical Park (hereinafter in this Act referred to as the "park").

(b) Area Included.—The park shall consist of the lands and interests therein within the area generally depicted on the map entitled "Boundary Map, San Francisco Maritime National Historical Park," numbered 641/80,053 and dated April 7, 1987. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior and in the office of the Superintendent of the park. If the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") determines, upon completion of the General Management Plan for the park, that the inclusion of the property at Jefferson and Hyde Streets, San Francisco, known as the Haslett Warehouse, would promote the purposes of the park, the Secretary may adjust the boundaries of the park to include that property after notification to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The Secretary may make other minor revisions of the boundary of the park in accordance with section 7(c) of the Land and Water Conservation Fund Act of 1965.

(c) Golden Gate National Recreation Area.—The Secretary shall revise the boundaries of the Golden Gate National Recreation Area to exclude from the National Recreation Area the area within the park (as depicted on the boundary map referred to in subsection (b)). The Secretary shall transfer to the jurisdiction of the park all real and personal property of the United States administered by the Secretary as part of the National Recreation Area located within the boundaries of the park (including the museum building), together with all vessels, marine collections, libraries, historic documents, equipment and other marine artifacts which are administered by the Secretary as part of the National Recreation Area and which relate to maritime history.

(d) Museum Building.—The building housing and displaying the marine collections, libraries, historic documents, equipment, and marine artifacts shall be named the "Sala Burton Building" and an appropriate plaque with this designation shall be prominently displayed as part of the structure.

SEC. 3. ADMINISTRATION.

(a) In General.—The Secretary shall administer the park in accordance with this Act and with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467), and the National Historic Preservation Act (16 U.S.C. 470-470t). The Secretary shall manage the park in such manner as will preserve and perpetuate knowledge and understanding of American maritime history and to provide for public understanding and enjoyment of maritime history.

(b) Donations.—The Secretary may accept and retain donations of funds, property, or services from individuals, foundations, corporations, or public entities for the purpose of providing services and facilities which he deems consistent with the purposes of this Act.

(c) Leasing.—The Secretary may lease any real or personal property, including vessels and heavy marine equipment such as floating drydocks, which is administered as part of the park. The net receipts from any such lease shall be [administered] *credited* in accordance with *subsection 4(f) of* the Act of October 27, 1972 (86 Stat. 1299).

(d) Fees.—Notwithstanding any other provision of law, the Secretary may impose entrance fees for admission to the ships in such amounts as he deems appropriate and may impose fees for the use by groups or organizations of the ships. All receipts from such fees shall be [administered] *credited* in accordance with *subsection 4(f) of* the Act of October 27, 1972 (86 Stat. 1299).

[(c) General Management Plan. Within 2 years after establishment of the park, the Secretary shall prepare and transmit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a general management plan for the park. The plan shall include appropriate plans for development of the park to achieve the intent and purposes of this Act which shall include, but not be limited to, the following:

(1) A description of the elements appropriate to the park which shall include, but need not be limited to, the maritime and associated artifacts, documents, and the following historic vessels:

(A) The sailing ship Balclutha.
(B) The steam schooner Wapama.
(C) The steamship SS Jeremiah O'Brien.
(D) The ferry Eureka.
(E) The schooner C.A. Thayer.
(F) The tug Eppleton Hall.
(G) The tug Hercules.
(H) The scow schooner Alma.

The description shall include other real and personal property which comprises the park collections, such as written and illustrative material, objects, wrecks, smaller watercraft, and vessels. The description shall also include other real and personal property which the Secretary deems necessary for purposes of management of the park.

(2) Plans for the preservation of each historic vessel, including docking facilities, maintenance and ship repair facilities, and estimates for the costs thereof. Such plans shall include determination of permanent docking facilities in the location best suited to the preservation of the historic vessels and for visitor access to the historic vessels. They shall also include methods of accommodating visitors while protecting the historic vessels. Plans shall also provide for the proper care, exhibition, and storage of the park collections.

(3) Plans for the location, preliminary design, and estimated cost of public facilities to be developed for the park, including a museum building, visitor parking, and public transit access.

(4) Plans for the interpretation of the historic vessels and park collections.]

(e) General Management Plan.—Within 2 years after establishment of the park, the Secretary shall prepare and transmit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, a general management plan for the park. The plan shall include, but not be limited to:

(1) a description of the resources of the park including, but not limited to, maritime and associated artifacts, documents, the following historic vessels: the sailing ship Balclutha; the steam schooner Wapama; the steamship SS Jeremiah O'Brien; the ferry Eureka; the schooner C.A. Thayer; the tug Ellpleton Hall; the tug Hercules; and the scow schooner Alma, and other real and personal property comprising the park collections such as written and illustrative material, objects, wrecks, small watercraft, and vessels.

(2) plans for the preservation of each historic vessel, including ship docking facilities, maintenance and ship repair facilities, and estimates for the costs thereof; a determination of the need for permanent docking facilities in a location best suited to the preservation of the historic vessels and for visitor access to the historic vessels; methods of accommodating visitors while protecting the historic vessels; and methods for providing for the proper care, exhibition, and storage of the park collections;

(3) plans for the location, preliminary design, and estimated cost of public facilities to be developed for the park, including a museum building, visitor parking, and public transit access; and

(4) plans for the interpretation of the historic vessels and park collections.

SEC. 4. ACQUISITION OF PROPERTY.

(a) GENERAL AUTHORITY.—The Secretary may acquire land and interests in land within the boundaries of the park by donation, purchase with donated or appropriated funds, or exchange.

(b) TRANSFERS FROM OTHER AGENCIES.—The Secretary of Commerce may transfer the Liberty Ship SS Jeremiah O'Brien to the Secretary for inclusion in the historic fleet of the park. Any other Federal property located within the boundaries of the park which is under the administrative jurisdiction of another department or agency of the United States may, with the concurrence of the head of the administering department or agency, be transferred without consideration of the administrative jurisdiction of the Secretary for the purposes of the park.

(c) STATE AND LOCAL LANDS.—Lands, and interests in lands, within the boundaries of the park which are owned by the State of California or any political subdivision thereof, may be acquired only by donation. *Notwithstanding any other provision of law, the Secretary is authorized to enter into an agreement with the State of California or any political subdivision thereof under which the Secretary may improve and may use appropriated funds for the improvement of berthing facilities if the State or any political subdivision thereof makes available to the Secretary, in accordance with terms and conditions acceptable to the Secretary, lands and interests in land for the purpose of berthing the ships and providing visitor access to the historic ships.*

[(d)] *(d)(1)* HISTORIC VESSELS AND OTHER PROPERTY.—In furtherance of the administration of the park, the Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange such property as may be appropriate to carry out the purposes of this Act, including vessels, heavy marine equipment, and drydock facilities. The Secretary shall notify the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate in writing not less than 90 days before acquisition of any large historic vessel. Such notification shall indicate the estimated cost of preservation, restoration if appropriate, and maintenance of the vessel concerned.

(2) ACQUISITION LIMITATION.—The Secretary shall not acquire any historic vessel pursuant to this subsection until the Secretary has notified the Committees in writing that sufficient funds have been made available to preserve and maintain those vessels listed in paragraph 3(e)(1) of this Act.

SEC. 5. ADVISORY COMMISSION.

(a) ESTABLISHMENT.—There is hereby established the Advisory Commission of the San Francisco Maritime National Historical Park (hereinafter in this Act referred to as the "Commission"). The Commission shall be composed of 12 members appointed by the Secretary as follows:

(1) 3 members appointed for terms of 4 years from recommendations submitted by the National Maritime Museum Association.

(2) 2 members appointed for terms of 4 years from recommendations submitted by the Governor of the State of California, at least one of whom shall have professional expertise in maritime historic preservation.

[(3) 2 members appointed for terms of 5 years from recommendations submitted by the Mayor of San Francisco.]

(3) 4 members appointed for terms of 5 years from recommendations submitted by the Mayor of San Francisco with special consideration given to individuals with knowledge of museum and/or maritime issues and who represent the local fishing industry, recreational users, the business community, and neighborhood groups.

(4) 1 member appointed for a term of 5 years from recommendations from the Secretary of Commerce, who shall have professional expertise in the maritime industry.

(5) 2 members appointed for terms of 5 years, who shall have professional expertise in maritime history or historic preservation.

[(6) 2 public members for terms of 5 years with expertise in maritime history.]

Any member of the Commission appointed for a definite term may serve after the expiration of his term until his successor is appointed. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(b) COMPENSATION.—Members of the Commission shall serve without pay. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(c) OFFICERS.—The Chair and other officers of the Commission shall be elected by a majority of the members of the Commission to serve for terms established by the Commission.

(d) MEETINGS.—The Commission shall meet at the call of the Chair or a majority of its members, but not less than twice annually. Seven members of the Commission shall constitute a quorum. Consistent with the public meeting requirements of the Federal Advisory Committee Act, the Commission shall, from time to time, meet with persons concerned with maritime preservation.

(e) BYLAWS AND CHARTER.—The Commission may make such bylaws, rules, and regulations as it considers necessary to carry out its functions under this Act. The provisions of section 14(b) of the Federal Advisory Committee Act (Act of October 6, 1972; 86 Stat. 776), are hereby waived with respect to this Commission.

(f) FUNCTIONS.—The Commission shall advise the Secretary on the management and development of the park. The Secretary, or his designee, shall from time to time, but at least semiannually, meet and consult with the Commission on matters relating to the management and development of the park.

(g) TERMINATION.—The Commission shall cease to exist 10 years after the date on which the first meeting of the Commission is held.

SEC. 6. CONFORMING AMENDMENT.

Section 4(f) of the Act of October 27, 1972 (16 U.S.C. 460bb-3(f)), is amended by striking out "National Maritime Museum" and inserting "San Francisco Maritime National Historical Park".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this [Act] *Act, but not to exceed $200,000 for planning.*

The amendments were agreed to.

The amendments were ordered to be engrossed, the bill was read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ARMSTRONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXCHANGE OF PROPERTY BETWEEN THE UNITED STATES AND TUSKEGEE UNIVERSITY

The Senate proceeded to consider the bill (H.R. 3869) to amend the act providing for the establishment of the Tuskegee University National Historic Site, Alabama, to authorize an exchange of properties between the United States and Tuskegee University, and for other purposes.

Mr. SHELBY. Mr. President, I rise in support of H.R. 3869, a bill to authorize the National Park Service to transfer ownership of the Grey Columns Mansion in Tuskegee, AL, to Tuskegee University. In turn, Tuskegee University will give the Park Service a house formerly used as the President's home and additional land for a new maintenance area and visitor parking.

H.R. 3869 unanimously passed the House on April 19, 1988, and was favorably reported out of the Senate Committee on Energy and Natural Resources on May 18, 1988.

I have spoken previously on the importance of this legislation, and I once again stress that the bill holds significance for an importance segment of Alabama's history. Tuskegee University, which is the only university campus designated as a national historic site, draws more than 100,000 visitors each year. Those visitors learn the inspiring story of the contributions and accomplishments of black Americans after the Civil War, and at the same time gain a sense of Alabama's past.

Tuskegee University has shown responsible leadership in its restoration of the aged buildings on the campus site, and I have no doubt that this same responsibility will be carried through should this bill be passed.

The bill was ordered to a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend the Act providing for the establishment of the Tuskegee Institute National Historic Site, Alabama, to authorize an exchange of properties between the United States and Tuskegee University, and for other purposes.".

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ARMSTRONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ASSISTANCE TO WILDLIFE PRAIRIE PARK

The bill (H.R. 1100) to authorize the Secretary of the Interior to provide assistance to Wildlife Prairie Park, in the States of Illinois, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

SENATE CONCURRENT RESOLUTION 113 AND S. 1682 INDEFINITELY POSTPONED

Mr. BYRD. Mr. President, I ask unanimous consent that Calendar Order No. 607, Senate Concurrent Resolution 113, and Calendar Order No. 685, S. 1682, be indefinitely postponed, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFERRAL OF S. 473, GENERAL AVIATION ACCIDENT LIABILITY STANDARDS

Mr. BYRD. Mr. President, I ask unanimous consent that S. 473, the general aviation accident liability standards bill, be referred to the Committee the Judiciary until June 30, 1988, and that if the Judiciary Committee has not reported the bill by that date, the committee be discharged from further consideration of the bill and that the bill be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, I inquire of the acting Republican leader as to whether or not the following nominations on the Executive Calendar have been cleared: 606 and 689.

Mr. ARMSTRONG. Mr. President, both of those have been cleared on our side of the aisle.

Mr. BYRD. I thank my friend.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the two nominations aforementioned; that they be considered en bloc; confirmed en bloc; the motion to reconsider en bloc be laid on the table; the President be immediately notified on the confirmation of the nominations; and, if any Senators have statements, that they be appropriately placed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF TRANSPORTATION

Robert Earl Farris, of Tennessee, to be Administrator of the Federal Highway Administration.

DEPARTMENT OF JUSTICE

David E. Baldelli, of Texas, to be U.S. marshal for the northern district of Texas.

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JUNE 7, 1988

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10:15 a.m. tomorrow; that after the two leaders or their designees have been recognized under the standing order, there be a period for morning business not to extend beyond the hour of 11 a.m. and that Senators may speak during that period for morning business for not to exceed 5 minutes each; that the call of the calendar be waived; and that no motions or resolutions under the rule come over.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, the Senate will convene at 10:15 tomorrow morning. After the two leaders or their designees have been recognized under the standing order, there will be a period for morning business not to extend beyond the hour of 11 a.m. Senators will be permitted to speak during that morning business period for not to exceed 5 minutes each.

At 11 a.m., the Senate will proceed to the consideration of the veto override of the trade and competitiveness bill. No motions or resolutions will come over under the rule. The call of the calendar under rule VIII will be waived.

Mr. President, does my friend have anything further he would like to state for the RECORD or any business he would like to transact?

Mr. ARMSTRONG. Mr. President, I have nothing further. I thank the leader for his courtesy and note with appreciation that the Senate adjourns with perhaps as much as 2½ hours of daylight remaining.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

ADJOURNMENT UNTIL 10:15 A.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until the hour of 10:15 a.m. tomorrow.

The motion was agreed to; and, at 6 p.m., the Senate adjourned until Tuesday, June 7, 1988, at 10:15 a.m.

NOMINATIONS

Executive nominations received by the Senate June 6, 1988:

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADES INDICATED, UNDER THE PROVISIONS OF SECTION 624, TITLE 10 OF THE UNITED STATES CODE:

To be major general

BRIG. GEN. JOHN P. MCDONOUGH, [redacted] FR, U.S. AIR FORCE, CHAPLAIN.

To be brigadier general

COL. DONALD J. HARLIN, [redacted] U.S. AIR FORCE, CHAPLAIN.

THE FOLLOWING OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 624, TITLE 10 OF THE UNITED STATES CODE:

To be brigadier general

COL. BARBARA A. GOODWIN, [redacted] U.S. AIR FORCE, CHIEF, NURSE CORPS.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. HARRY E. SOYSTER, [redacted] U.S. ARMY.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be admiral

ADM. FRANK B. KELSO II, [redacted]/1110, U.S. NAVY.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE, UNDER THE PROVISIONS OF SECTION 307, TITLE 32, UNITED STATES CODE, AND SECTIONS 8363 AND 593, TITLE 10, UNITED STATES CODE.

LINE OF THE AIR FORCE

To be colonel

WILLIAM L. ATKINSON, [redacted]
AUSTIN B. BATES, [redacted]
JOHN W. BAXTER, [redacted]
DAVID C. BILLOW, [redacted]
DONALD J. BLANCHARD, [redacted]
EDMOND W. BOENISCH, JR, [redacted]
ROBERT C. BONHAM, [redacted]
JOHN L. I. BRADLEY, II, [redacted]
JERROLD W. BROWN, [redacted]
GEORGE T. BULLMAN, [redacted]
LAWRENCE J. BURDA, [redacted]
CHARLES D. BURNFIELD, [redacted]
DUDLEY S. BYNUM, [redacted]
JOHN T. BYRD, [redacted]
ROY C. CHASE, [redacted]
GEORGE P. CHRISTAKOS, [redacted]
RENDELL F. CLARK, JR, [redacted]
WALTER C. CORISH, JR, [redacted]
WILLIAM G. CROW, [redacted]
ROBERT J. DENNISON, [redacted]
WARREN J. DROUHARD, JR, [redacted]
WALTER R. ERNST, II, [redacted]
RONALD E. FARRELL, [redacted]
ROBERT F. FRANCOEUR, [redacted]
DAVID E. FRIESTAD, [redacted]
CHARLES A. GARCIA, [redacted]
MILTON T. GEROCK, [redacted]
JERRY W. GILLEAN, [redacted]
RONALD L. GODBEY, [redacted]
PAUL E. GRANT, [redacted]
MANUEL A. GUZMAN, [redacted]
LAWRENCE G. HAYWOOD, [redacted]
JOHN R. M. HILL, [redacted]
GEORGE B. INABINET, JR, [redacted]
JARED P. KENNISH, [redacted]
MICHAEL N. KILLWORTH, [redacted]
WILBUR J. LATHAM, JR, [redacted]
DAVID E. MCCUTCHIN, [redacted]
JAMES F. MCMURRAY, [redacted]
GARY P. MORGAN, [redacted]

EDWARD C. MORLEY, [redacted]
ARTHUR R. OXLEY, [redacted]
JASPER E. PATTERSON, [redacted]
MICHAEL R. POTOCHICK, [redacted]
GLENN K. RICE, [redacted]
SALVADOR SANCHEZRAMOS, [redacted]
RAYMOND C. SANDY, [redacted]
VERNON A. SEVIER, [redacted]
FRED R. SLOAN, [redacted]
DENNIS B. SWANSTROM, [redacted]
JOSEPH M. THOMAS, [redacted]
WILLIAM M. VOIGT, [redacted]
JOSEPH N. WALLER, [redacted]
DAVID E. B. WARD, [redacted]
MASON C. WHITNEY, [redacted]
THOMAS P. WITTMAN, [redacted]

JUDGE ADVOCATE

DAN E. DENNIS, [redacted]
ROBERT R. DURDEN, [redacted]

MEDICAL CORPS

ROBERT B. ADKINS, JR, [redacted]
WILLIAM E. BERKLEY, [redacted]
JACKSON L. I. DAVIS, II, [redacted]
DAVID C. GILMAN, [redacted]
ALAN J. HAY, [redacted]
JOHN H. HERRING, [redacted]
THOMAS J. HUMPHRIES, [redacted]
JAMES M. HURLEY, [redacted]
KRIKOR O. PARTAMIAN, [redacted]
ARIEL J. THOMANN, [redacted]

NURSE CORPS

IRENE TROWELL HARRIS, [redacted]

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANT COMMANDERS IN THE STAFF CORPS OF THE U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS OFFICERS

To be commander

ROBERT JEFFERSON ADAMS
GEORGE J. ALTER
GLENN MARTIN AMUNDSON
MARY PATRICIA ANDRICH
MARTIN E. BACON
RAMON EDMUNDO BAEZ, JR
DAVID A. BAKER
LAURIE M. BALAGURCHIK
SCOTT WALT BARTTELBORT
TIMOTHY A. BISCHOFF
JOHN L. BOONE
HARRY MURRAY I. BRAMMER
JEFFREY H. BRODIE
EMEDIO B. BULOSAN
GERALD ARTHUR J. BURGER
JOHN K. BURKUS
STEVEN A. BUTLER
JOSEPH J. CAMPBELL
RICHARD A. K. CHAFFOO
JOHN KAISHENG CHIA
JONATHAN BAILEY CLARK
CHARLES J. CONLON
MICHAEL GEORGE DAUM
SUSAN R. DAVIS
HUGH GORDON DEEN, JR
VINCENCE F. DILLON
JAMES FLEMING
ROBERT S. FORSTER
JOHN IRVING FOSTER III
LINDA JO FULLER
MICHAEL S. GONZALEZ
JOSEPH MARTIN GRANT
GAIL M. GULLICKSON
MICHAEL S. GURNEY
JOSEPH F. HACKER, III
BARRY D. HANEY
ROBERT BLAINE I. HANSEN
KENNETH R. HARMAN
MARK S. HARRIMAN
ROBERT H. HARRINGTON, JR
JOHN P. HIBLER
DAVID ALLEN HILAND
CHRISTOPHER S. HOLLAND
THERESA TARLTO HOLLAND
EILEEN NMN HORNER
KENNETH SAMUEL HOYLE
RICHARD R. JEFFRIES
DAVID ALLAN JOHNSON
FRANK STANLEY JONES
CARL HOWARD JUNE
KASTYTIS C. HARVELIS
JULIAN FAISON KEITH, II
TERRY JAMES KELLER
ROBERT R. KENDRICK
ROBERT LOUIS KERN
JOHN T. KILLIAN
MARIE ELIZABET KNAFELC
IRA GAIL KNEPP
MICHAEL A. KOSMO
MICHAEL P. KOSTY
STEPHEN D. LANDAKER
JOHN T. LEAVELL
RICHARD GREG LEININGER
TERENCE M. LENHARDT
MICHAEL T. LONGSTREET
ELIZABETH ANNE LUCK
EDWARD M. LYNCH
PATRICK M. LYONS
FRANK E. MAGUIRE, JR
JANET TABB MARKLE
STEPHEN FRAN MCCARTNEY
TODD W. MCCUNE
EDWARD R. MCDEVITT
ROBERT A. MCGUIRE
JOHN JOSEPH MCHUGH
LARRY EUGEN MENESTRINA
MICHAEL S. MILLER
THOMAS A. MILLER
DANIEL MITCHELL
WILLIAM EDWARD MORA
CHARLES E. MORTENSEN
PAUL C. MURPHY
JAMES M. NANNEY
CARROLL JOHN NICKLE
ROBERT R. OAKLEY
MIMS G. OCHSNER, JR
GARY D. OSHAUGHNESSY
JAMES J. PASTERNACK
JOHN LESTER PERSON
SANDRA ROSE PETERSEN
ROBERT WILLIAM QUIGG
HARRELL L. REED, II
DAVID M. REEVES
ERNEST F. RIBERA
THEODORE D. RICHARDS
JOHN EDWARD RITCHIE
WILLIAM L. ROBERTS
WILLIAM M. ROBERTS
TED JAY ROBINSON
DANIEL S. SCHNEIDER
GARY ERVIN SCHRAUT
KEVIN MARK SHANNON
CHRISTOPHER W. SHOLES
TERRY W. SHORTRIDGE
PAUL E. STOBIE
BRIAN H. STRAND
RICHARD JOSEPH THOMAS
N. FLETCHER TURNER, III
MICHAEL MOORE VANNESS
ANTONIO GONO VILLAFLOR
DEBORAH JANE WEAR
THOMAS V. WHELEN
JOHN H. WILCKENS
NORA BARRETT WILCOX
ELISABETH NANCY WRIGHT
EDWARD RAYMOND ZECH

SUPPLY CORPS OFFICERS

To be commander

PETER KING ANDERSON
WILLIAM THOMAS AYRES, JR
JOEL LEON BILIOURIS
BRIAN WILLIAM BLANCHFIELD
MARK THOMAS BROWN
JAMES MICHAEL CAPPELLO
EDWARD J. CASE
THEODORE ALAN COYLE
DANIEL DWAYNE DIETZE
JAMES WAITES FREEMAN, JR
JAMES RALPH GARBAN
FRED ROBERT HAHNDORF
WILLIAM EUGENE HALL
ROY ALLISON HALLUMS, JR
EDWIN NEIL HART
RICHARD DAVID HAYES
ELWOOD THOMAS HODNETT, JR
LYNN CLIFTON JOHNSON
LOUIS DOMINICK KELLER
TEX DIMELER LANIER
RICHARD MARK LEVY
ROBERT WALKER MANDELL
LARRY JOSEPH MARTIN
THOMAS LEWIS MASSER
JOHN MAWSON, III
RONALD JEAN OSBURN
HARRY EDWARD PALM, JR
STEVEN EDWARD WEHMEYER
JOHN ANDRE YALCH

CHAPLAIN CORPS OFFICERS

To be commander

WILLARD BURNELL BOLDEN
CARL FRANCIS CUMMINGS
THOMAS EDWARD DANSAK
RICHARD DAVID ERB
JOSEPH WALTER ESTABROOK
JAMES WALTON FAHEY
RICHARD RALPH GATES
LEO JOSEPH GUARNIERI
DAVID PAUL GUNDERLACH
RUSSELL OLIVER GUNTER
CHARLES H. LEAVITT, JR
JAMES MICHAEL LEONE
WALTER NORMAN LEVERETTE
GEORGE WILLIAM LINZEY
ROBERT MICHAEL MALENE
GLENN ITHAMAR MILLER
FREDERICK T. MOORE, III
ROBERT JOSEPH PHILLIPS
JAMES DONALD SCHWARTING
C. MICHAEL SIMERICK
GARY E. TUGAN
MICHAEL ARTHUR WALSH
DAVID RALPH YOUNG

CIVIL ENGINEER CORPS OFFICERS

To be commander

DANIEL ERNEST BENERE
FRANKLIN VANDYKE J. BERNHARD
ANDREW DAVID BRUNHART
JOSEPH DONALD CAMP
GARY LEE CHETELAT
GLENN ALAN CUTLER
WALTER LEONARD DILLINGER, JR
JOHN ROBERICK DUNBAR
ROBERT TURNER ECKELS
DOUGLAS FRANK ELZNIC
GEORGE NEIL EUSTACE
GARY RAY HENDERSON
WILLIAM BLAIR HOLMES
DANIEL JOSEPH MERGEN
MICHAEL DOUGLAS MOORE
JOHN FAHEY MORAN
CHARLES JOSEPH NAVIN
FRANK JOSEPH NELSON
WILLIAM LLOYD NELSON
DALE WAYNE PECK
JOSEPH GEORGE A. RICCIO, JR
CHESTER ALLEN RICE
JERI MEDE RIGOULOT
WILLIAM LAWRENCE RUDICH
CHARLES NABORS SALMOND
GLENN RICHARD SMITH
PAUL HENRY STASIEWICZ
CHRIS ANTHONY TAYLOR
JOSEPH WAYNE TAYLOR
HAROLD EDWIN THOMAS
DEAN ALEXANDER VIDAL
DENNIS LEROY WALTON

JUDGE ADVOCATE GENERAL'S CORPS OFFICERS

To be commander

PETER L. FAGAN
JOHN K. HENEBERY
TIMOTHY M. MCGUAN
LARRY DELANEY WYNNE
CHRISTINE MARIA YUHAS

DENTAL CORPS OFFICERS

To be commander

JACK CARDEN ALEXANDER
EDWARD S. AMRHEIN
CLARK T. BARCO
ANDREW FRANKLI BOBROFF
JACK ARNOLD BOWERS
BYRON D. BREININGER
JIMMY WAYNE CHISUM
STEPHEN JOSEP CONNELLY
MICHAEL T. CURRAN
RICHARD ALLAN DAVIDSON
NELSON CHARLES DAVIS
CHARLES JAME FAIRCHILD
FREDERICK FISCHER, III
LANCE LEE FORSYTHE
ARMSTEAD LEAYL GALIBER
DAVID ALAN GLASS
JAMES DOUGLA HARDEKOPF
THOMAS N. HAWKINS
WILLIAM CLAY HIGHTOWER
GREGORY K. JOHNSON
JOHN WILLIAM KIRBY
BARRY A. LACOMBE
CHRISTOPHER C. LECLAIRE
ERIC LEWIS
AUSTIN W. MAXWELL
KATHRYN CARTER MAXWELL
WILLIAM JALMER P. MELBY
CURTIS THORN MIDDLETON
GREGORY D. NAYLOR
JOHN WILLIAM REEVES
WILLIAM L. RICHARDSON
JOSEPH A. VOGT
THOMAS L. WALKER
THOMAS WEAVER
NATHAN V. WILLIAMS
DONALD HOBSON WOEHLING

MEDICAL SERVICE CORPS OFFICERS

To be commander

JERRY BLAKE ADKISON
BERNARD JOSEPH AUTH
GUY ROBERT BANTA
DAVID MICHAEL BEAM
DONNIE RUSSELL CLARK
NORMAN WESLEY CORDELL
SUSAN HARTMANN CUSTIS
THOMAS ARTHUR EBERT
CHRIS HENRY GARDINER
GREGORY MICHAE GIBBONS
RONALD DALE KAHLER
ERIC EDWARD KEARSLEY
ROBERT J. KISH
WILLIAM W. KNOX
GARY LAMONT KREMSER
JUDITH ANNE MCCARTHY
CHARLES EMIL MOORHEAD
THOMAS CECIL MOUNTZ, JR.
GEORGE PATE
JOHN GEORGE J. PERRAULT
FRANZ RICHARD PETERSON
MICHAEL JOHN PIANKA
WARREN LEWIS PICKEREL
RICHARD ALLEN SCHULTZ
GARY LEE SLATER
EDWARD LEE SMITH
LLOYD LEO SMRKOVSKI
MICHAEL AUSTELL TAYLOR
STEVEN CRAIG TOLAN
LEIGHTON KENT TURNER
ELAINE LANGFO TZAVARAS
JOHN ULCICKAS
JAMES ARNOLD UNSEN
JOSEPH ANTHONY WASSELL
GARY EUGENE WILLIAMS
PAUL EDWARD WILLIAMS
JOHN DAVID ZARKOWSKY

NURSE CORPS OFFICERS

To be commander

JOANNE WILSO APPLEGATE
ALANA MARIE BENTON
DEANNA RAE BOGART
JOAN ANN BOLD
CATHARINE MARY BONTA
TERRESA OLIVIA BOOHER
CAROL M BUTCHER
PEGGY BAKER CASA
MICHELE ANN COMTE
SHIRLEY RICHAR CORNELL
PATRICK SULLI CORRENTI
CANDACE CURLEE
CECELIA M. DAWEGILLIS
MARILYN ANITA DAY
ADRIANE A. DESAVORGNANI
GWENDA QUALLS DOBBS
GARY STEPHEN GANTZ
MELISSA ANN GEORGE
MARY CAMPBELL GOEDEN
BERNADETTE GRICE
GARY R. HARMEYER
RUTH KIMBERLY HILL
LAWRENCE CHARLE HOLMES
JOAN MARIE HUBER
MARSHA LYN HUGHESREASE
ENGENIO ALFONSO LUJAN
MARTHA YOUNG MANGAN
SIGRUN MARIANNE MAPES
MARGARET ANNE MCNULTY
DOROTHY ANN MICHAEL
KATHRYN RUTH MURPHY
ROBERTA LOUISE PRICE
MARY ELLEN QUINN
GLORIA JEAN ROBITAILLE
DWIGHT D. SCHAFER
PHYLLIS ANN SUITER
DENNIS JAMES SULLIVAN
ALMA NANCY TEMPLETON
THOMAS WARREN TWAROG
GRACE MILESKO WHITE

LIMITED DUTY OFFICERS (STAFF)

To be commander

DAVID C. BROOKS
ROBERT WAYNE CARPENTER
ARTHUR WAYNE DEVINE
JAMES VINCENT ROHRSCHEIB

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANT COMMANDERS OF THE RESERVE OF THE U. S. NAVY FOR PERMANANT PROMOTION TO THE GRADE OF COMMANDER IN THE LINE, IN THE COMPETITIVE CATEGORY AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

UNRESTRICTED LINE OFFICERS

To be commander

MARK SHELDON ABRAMOVITZ
FRED LEE ADAM
GREGORY SCOTT ADAMS
ALAN BRENT AHLBERG
THOMAS ROY AINSWORTH
EDWARD MERLE ALDEN
ELAINE HANDSMAN ALLEN
FOLMER PETER ANDERSEN, II
MARK JAMES ANDERSON
RICHARD LEWIS ANDERSON
PAUL GREGORY ANJESKI
J. ARGENZIOWEST
CHARLES DENNIS ATWATER
RICHARD DONALD AUBREY
WALTER ELLIOT BAHR
THOMAS RICHARD BAIN
LYNN DORN BAKER
JAMES PATRICK BALDWIN
WILLIAM ARTERBERR BALLWEBER
MICHAEL JON BANGERT
FRANK STANLEY BARRETT, JR
MICHAEL JON BARTON
VAUGHN EDWARD BATEMAN
BRUCE CHARLES BAUER
RONALD GLAFEY BELANGER
VAN LESLIE BENEDICT
JAMES NEAL BENTLEY
WILLIAM JAMES BERES
LAWRENCE PAUL BERRY
RANDALL WILLIAM BIGGS
GEORGE MARTIN BLACK
JAMES FIELDING BLACKSTOCK
THOMAS MINTER BLACKWELL
WILLIAM JAMES BLISS
JOHN MAR BLOOM
CHARLES BOLDUC
CHARLES ROY BOMBERGER
THOMAS HAGAMAN BOOTES
MICHAEL JOSEPH BOWERS
RAYMOND FRANCIS BRADDY
RICHARD JOHN BRADLEY
GARY LOUIS BRENDER
DAVID ALMY BROWER
THOMAS NORMAN BURNS
MARVIN GIRARD BUTLER
WILLIAM THOMAS BUTLER, JR
THEODORE BYBEL, III
WILLIAM FITZHUGH BYRD, III
DIANA RUTH CADDY
CRAIG EDWARD CAMEALY
ALAN D. CAMERON, II
RICHARD WILLARD CANTWELL, II

RODNEY ANTHONY CARLONE
JONATHAN VAN CARPENTER
ROY MICHAEL CARR
DANIEL MARION CARROLL
LEONARD ROBERT CASELLA
ROBERT GEORGE CASTNER
DAVID MCCLURE CAUGHEY
THOMAS EARLE CHAPMAN
MICHAEL JOSEPH CHARLES
STEPHEN HAMILTON CHESNUT
PETER SARGENT CHMELIR
JAMES WILLIAM CLIFFORD
PAUL FREEMAN COCHRANE
STEPHEN AUGUSTUS COCUMELLI
FRANK EARLE COHEE, III
ROBERT R. COLE
THOMAS PIERCE CONNAIR
CHARLES FRANKLIN CONNER
LOUIS ROBERT CONOVER
ROBERT LOUIS CONOVER
MARK GARLAND COOKSEY
CHARLES NEWTON COOPER, III
KEVIN DOUGLAS COOPER
HARRIE EDMOND COPELAND, III
MICHAEL JOSEPH CORCORAN, JR
PAUL JUSTUS CREAMER
CARSON HENRY CREECY, III
EARL WAYNE CRISP
JAMES MICHAEL CROWDER
GEORGE JOSEPH CRUMBIE, JR
RONALD JAMES CUFF
STUART JAY CVRK
WAYNE ROBERT DAPSER
JEAN HAMILTON DAUGHERTY, II
BRUCE EARL DEHNER
DANIEL ROBERT DELEUW
FRANCIS GREGORY DELLENEY, JR
MARK EDWARD DENARI
EMORY JOSEPH DERRICK
RICHARD LEE DEVLIN
STEPHEN POSTLEY DEXTER
STEPHEN WILLIAM DOLAT
PETER HILL DOUGLAS
MERRILL CLIFFORD DOYLE
PHILIP ROLAND DRAGOO
STEVEN PAUL DREFAHL
GREGORY JOHN DURAS
JAMES EDWARD DYER
WILLIAM JOSEPH ECKERT
STEPHEN SHERWOOD EDMUNDS
SCOTT W. EDWARDS
WILLIAM RICHARD ELLIS
MICKEY DON ELLISON
ROBERT EDWARD FALCIONE
WILLIAM BRITTON FANN
ROBERT ANDREW FERGUSON
LOUIS GERARD FIGARI
DAVID CHARLES FISCHER
GARY JOHN FLOR
LARS FORSBERG
JEFFREY EDWARD FORT
JOHN RICHARD FOX
WILLIAM LEO FOX, JR
JAMES WALTER FREEMAN
WILLIAM GEORGE FRIEDMANN
JAMES L. FRITSCH
PAUL JEFFERY FULLER
SHAYNE COX GAD
MANFRED JOHN GAISER
THOMAS ROBERT GALLOWAY
JAMES MICHAEL GEIGER
SANDRA LYNNE GEISELMAN
KATHRYN MARY GEMENDERROONEY
GARY VANCE GEMOETS
JAMES DAVID GIBBS
TIMOTHY RAY GILBERT
GREGORY CHARLES GILMORE
JAMES THOMAS GISSENDANNER
EVERETT LOGAN GOAR
ROMAN GONZALES, III
BRUCE RICHARD GOULDING
DAVID ARTHUR GOULETTE
GEROLD W. GRAHAM
SCOTT EDWIN GRANGER
MARY ANDERSON GRANT
CLARENCE GRAY
DENNIS JAMES GREMER
JOHN CARROLL GRIFFITH
ANTHONY SALVATORE GUIDO
PAUL LAWRENCE HALEY
GUY DALE HALVERSON
STEVE RONALD HARKINS
HILLIARD MEGEE HARPER, JR
JUANITA CURREY HARRISON
MICHAEL DAVID HART
ALAN KIYO HAYASHIDA
FRANK ALBERT HAYN, JR
RAY GEE HAYS
MICHAEL HAZZAN
CRAIG JEROME HEEREN
SHIELA ELIZABETH HEINDEL
JOHN THOMAS HELD
RAYMOND JOHN HERDA, JR
DAVID RAY HERTHER
SAMUEL GASTON HESTER
CHARLES JOHN HINCKLEY
JOHN FRANKLIN HIRSCH, JR
JOHN WALTER HIRSCH
ARTHUR DAVID HOFFMANN, JR
JOHN DAVID HOGAN
MICHAEL ANTHONY HOLTON
JAMES EDWARD HOLZAPFEL
JOHN MCPHERSON HOOD
MARIANE SOROKA HOPKINS
JOEL R. HORNING, JR
JAMES GLEN HOUSER
GEORGE R. HOWARD
CHARLES EDWARD HUMPHREYS
DONALD STEVEN INGRAHAM
WILLIAM RICHARD ISENBARGER
FRANK DONALD JACKSON
GORDON CAMPBELL JACKSON
MILTON JEFFREY JACKSON
NILS FREDERICK JANSON, JR
BARNEY GOODROW JOHNSON, III
DAVID GEORGE JOHNSON
JEFFREY MAURITZ JOHNSON
ERNEST LEON JOLLY
SANDRA HOLMES JOLLY
DAVID RICHARD JONES
GREGG BONNABEL JONES
GREGORY ALAN JONES
JAMES LOFTON JONES, III
JOHN EDWARD JONES
MARC SETTLE JONES
MAXWELL LEE JONES
STEPHEN DETMA JONES
DAVID MICHAEL JORDAN
JOSEPH HENRY KANNAPELL
DAVID LEE KAPFHAMMER
GEORGE DROSOS KARDULIAS
MARJORIE REIKO SUGA KATIN
CHARLES HAROLD KELLER, JR
KEVIN JOSEPH KELLEY
CEIL DICKEN KELLOGG
JAMES MICHAEL KELLY
JAMES CARROLL KENDIG
JANET LILES KENNEDY
JENNIE CAROL KIRK
JOHN ANDREW KIRKLAND
DEEN MEARLE KNIGHT
DAVID LOUIS KOCH
JOHN GEORGE KOHUT
RAYMOND THOMAS J. KOZIKOWSKI
MICHAEL ANTHONY KOZUMPLIK
EDDIE ALLEN KRANTZ
JOSEPH ALLAN KRISIAK
JEROME DEAN KULENKAMP
SAM HENRY KUPRESIN
JOHN FRANCIS KUTZER
MILTON DEAN LANE
RICHARD MANUEL LARRUMBIDE
SCOTT ANTHONY LARSON
JODY LOUISE LEES
JOHN HENRY LERSCH, JR
SPENCER KIRBY LESLIE
CLARK B. LEUTZE
THOMAS GRASON LEVERAGE
JOSEPH SEAMAN LEWIS, JR
JOHN WILL LINDENBERGER, JR
RONALD WILL LITZENBERGER
MARK BASIL LIVAS
JEAN ANNE LOUIS
LONNIE JOSEPH LOUVIERE
JAMES EDWARD LOVELL
THOMAS MARVELL LOWE, III
JEFFREY B. LUCAS
STEPHEN ROSS LUOMA
MICHAEL EUGENE UNDERWO LYON
JOHN EDWARD MAAK
ROBERT N. MACGOVERN, JR
VINCENT STEPHEN MALINOWSKI
MILUTIN MARICH
PAULINE ANN MARLINSKI
KIRK DAVID MARSH
NANCY JEAN MARTINEZ
JOHN MANARD MATTHEWS, JR
KENNETH WILLIAM MAXWELL
LEONARD JOSEPH MAY
JOHN STEVEN MAYER
ROBERT MICHAEL MCBRIDE
JOHN FRANCIS MCCANN
JAMES WRIGHT MCCASKEY
STEPHAN ALLAN MCCLELLAN
DANIEL WAYNE MCCLUNG
NORMAN DAVID MCCOLLOUGH
HARRY GEORGE MCCONNELL
HARRY STOWE MCGEE, III
SCOTT GEORGE MCGINNIS
CHARLES LOYD MCNEIL
FOREST MCNEIR
THOMAS JOSEPH J. MEARSHEIMER
CHARLES HENRY MEDD
RODGER DEAN MELIN
KEITH ANTHONY MERCER
THOMAS LEE MEYER
WILLIAM JOSEPH MEYER, II
STANLEY HERBERT MEYERS, JR
JAMES R. MILLER
JAN SHERWOOD MILLIGAN
GEORGE MARCHANT MILLS
MARK EDWARD MITCHELL
ROBERT JAY MITCHEM
JOHN EDWARD MONEGHAN
MICHAEL JOSEPH MORA
HENRY JOSEPH MORALES, II
ALLEN NELSON MORELL
DAVID ROBERT MORRIS
JOEL LESTER MORRIS
RICHARD GILBERT MORRISON
DAVID RYLAND MORTENSEN
BARRY BYRON MORTON
STUART CHARLES MOULTON
ROBERT SIDNEY MULL, JR
PAUL MICHAEL MYERS
ROBERT ALAN NELSON
TIFFANY TURNBULL NELSON
DAVID CHARLES NEMAN
HENRY JOSEPH NETZER
CHRISTOPHER SCOTT NIGON
JAMES RAYMOND NOONAN
DOUGLAS RICHARD NORDELL
BERNARD CHARLES NOWLEN
JOHN MARTIN NUNNENKAMP
JOSEPH GREGORY NUTTALL
MYRA BETH ODEGARD
RICHARD GALE OLMSTEAD, JR
ROGER RAYMOND OLSON
DAVID STRAUSS OPPENHEIM
DUDLEY MILLER OUTCALT
KIM LLEWELLYN OWEN
HEIN FRIEDRICH PAETZ
BENJAMIN FRANKLIN PARKS, II
THOMAS KEITH PARKS
MICHAEL DREW PEARCE
MARC PIERRE PEARSON
ANDREW JOSEPH PECK
GERALD FRANCIS PECK
ROBERT ANDERSON PENNELL
WILLIAM JAMES PERLMUTTER
GORDON OLAF PETERSON
JOHN RICHARD PETICOLAS
WILLIAM CARL PETRYK
DAVID WALTER PHILLIPS
MICHAEL RAY PHILLIPS
DANNY CARL PINKERTON
TIMOTHY MCMAHON PLUNKETT
RICHARD HAMILTON PLUSH
DAVID ROBERT POWELL
HAL ROY POWELL
WILLIAM HOWARD POWELL, JR
WALLACE SCOTT POWELSON
MICHAEL COLLINS POWERS
DAVID CHARLES POYER
GEOFFREY FRANKLIN PRESSON
JOHN ALLISON PRIESTER
DAVID GARY PRITZ
EDZEL RUSSELL PUGH
NICHOLAS VINCENT PULIGNANO
COLLEEN ANN PURCELL
GREGORY ALTON QUIST
MICHAEL LOUIS RAINVILLE
THOMAS MYERS RATHBONE
JAMES VINCENT RAY, JR
WILLIAM FRANCIS READDY
DENNIS WILLIAM REID
MICHAEL FRANCIS REILLY
GREGORY CUIZON REYNOLDS
DAVID SCOTT RICHARDS
DENNIS LLOYD RICK
GARY ABBOTT RICKETTS
RICHARD CHARLES RIGAZIO
ANTHONY JOSEPH RIZZO, JR
JAMES GARY ROBERTS
DONALD JOSEPH ROBERTSON
WILLIAM JOHN ROBINSON
STEPHEN FRANCIS RODGERS
KEITH EDWARD RODWELL
MICHAEL HOLMES ROGERS
ELLEN FRANZ ROLAND
JAMES JOSEPH ROMANO
JEFFREY ALFRED ROTHWELL
JAMES WELLINGTON ROUSH
JOHN DILLING RUMMEL
FRANCIS PERDUE RYAN, JR
KENNETH LARRY SANDERS
DAVID ALLEN SANFORD
MARK ANTHONY SAWYER
CHARLES CLAUDE SCHETTLER, JR
LESLIE JOHN SCHRADIN, JR
HAROLD RICHARD SCHREINER, JR
STEPHEN EDWARD SCHUMACHER
CHRISTOPHER MICHAEL SCHUR
JONATHAN HENRY SCHWARZ
JOHN ROGER SEABERG
LOUIS ANDREW SERAFIN, JR
DAVID MARTIN SEVIER
STEVEN RUSSELL SEWELL
BRUCE ALAN SHEPPARD
ROBERT NELSON SHERRILL
RODNEY LENOD SHOCKLEY
ROBERT ELDON SHOOK
ANTHONY FRANK SILAKOSKI
JOHN PHILIP SIMPSON, III
ADRIAN LEE SMITH
CLAYTON PAUL SMITH
KYLE RITTENOUR SMITH
ROGER EDWARD SMITH
JAMES DOUGLAS SNYDER
CARL ROBERT SPOETH
GREGORY LEWIS STAMPER
THOMAS GEORGE STDENIS
JEANE HOOVER STETSON
GEORGE ALAN STEWART
JAMES LAWRENCE STIRES
JOHN ARTHUR STOCKTON
ROBERT HALE STONUM, JR
JOHN ROBERT STREETMAN, JR
THOMAS FREDERICK STRUTZ
JAMES W. STUDDARD
CHRISTOPHER SULLIVAN, JR
TIMOTHY JOSEPH SULLIVAN
THOMAS KIRK SWANSON
PHILIP JAY SWARTZ
JOSEPH EUGENE SWEENEY, JR
ROBERT MICHAEL SWIEBEL
JOSEPH RICHARD TANNER
GERALD HERBERT TAYLOR
VICTOR OWEN TESDALL
DONALD NORRIS THACKERY, JR
JOHN FLOYD THROCKMORTON
JOHN MARTIN TICHY
TED LEE TITCOMB
BARRY W. TRUDEAU
BRUCE E. TRUOG
KATHLEEN MARIE TUCKER
LINDA KAY TUCKER
WILLIAM AARON TUCKER, JR
JAMES VINCENT VECCIA
DALE GILMORE VEZEY
WILEY JOSEPH VOORHIES
JAMES JEFFERSON WADKINS
CHARLES EDWARD WAGNER
MARC DAYTON WALL
EDWARD DUBOIS WALTON
DANIEL REID WARMAN
JAMES RANDOLPH WASHINGTON
JOHN MATTHEW WATLING, JR
DOUGLASS CLAY WATSON
DAVID R. WEBB
RICHARD ALAN WEBB
RICHARD MELTON WEBSTER, JR
DAVID KEARNS WEHE
EDWARD JOSEPH WEINKAM, III
JOHN WESLEY WELDON, JR
STANLEY C. WELIEVER
JUDSON LOWELL WELLS
ERNEST HUGH WERNER
GEORGE ANDREW WERNHAM
EDWARD GARFIELD WESTON
DONALD DAVID WETTLAUFER
JOHN CARL WHITE
BARTON WILLIAM WHITMAN
DOUGLAS EMIL WICKERT
JAMES THOMAS WIGGINS
WILLIAM TRACY WILDE
JOHN WILLIAM WILES
SPOTSWOOD H. WILLIAMS
WILLIAM JOSEPH WILLKIE
MICHAEL EDWARD WILLS
RONALD J. WILSON
CRAIG K. WINTERS, II
THOMAS FRANZ WIRTZFELD
KRISTON PHILIP WOOLLEY
JOHN STANLEY YACKUS
JUDITH ANN YANDOH
ERNEST CHARLES YOUNG
PETER BRIAN ZUIDEMA

UNRESTRICTED LINE OFFICERS (TAR)

To be commander

JOHN MARTIN ALLISON
WALTER LEWIS BAKER
LYNN DOUGLAS BAUGHMAN
MARCEL R. BEAUDU
WILLIAM JOHN BLACK
VERNON ELDON BOTHWELL, JR
RENE THOMAS BOYD, JR
MICHAEL BRADY
TANDY THOMAS BRANNAN, II
RONALD ROY BUCKLEY
DAVID SEAY COMER
THOMAS CARL CRAWFORD
MICHAEL PATRICK DONLON
BERNARD GILBERT GOGEL
CRAIG ALLAN GROVER
CLARK ALAN HEATH
MICHAEL WILLIAM HEATH
JAY MERIT HEMBERGER, JR
MICHAEL KENT HORNE
JOHN LEON JENKINS
KENYON PAUL KRAMER
EARL WAYNE LOWERY
JOHN BARRETT MAHER
JIMMY LEE MITCHELL
MAX BRADLEY NORGART
RICHARD L. OSTERLAND
ERNEST ALLEN PARKIN
EARL ARTHUR PERRY, JR
JOHN ARTHUR PHILLIPS
THOMAS J. PLOWER
BRADFORD JAMES POELTLER
MARK STACEY ROBINS
LARRY CECIL ROSS
ROBERT S. RUSSELL
ROBERT C. SCHOLES
WILLIAM ERNEST SPENCER
DAVID ALEXANDRIA STIRLING
ARTHUR ROBERT TATE
THOMAS NORMAN TURNBULL
CHARLES REX WHITE, JR
CHARLES M. WILSON

ENGINEERING DUTY OFFICERS

To be commander

NICHOLAS ANDREW ANDRYUK
JAMES DAVID BELTZ
JAMES NELSON BLAIR
CURTIS IRVIN CALDWELL
JOHN ERIC CARLSON, III
ALFRED JOSEPH CAYIA, III
MICHAEL RICHARD DONOVAN
DAVID PAUL ERICKSON
ROBERT MATTHEW FREEMAN, III
JAMES NIXON GREENLEES
ERIC JAMES HOTALING
GARY ALLEN HUGHES
CHARLES DAVID MORGAN
JOHN LEE MURPHY
RICHARD PAUL PEPLINSKI
FRANCIS WELDON REGAN, III
RODERICK FALTER SMITH
GEORGE FRANCIS STRINGER, III
COSTA SOZON VATIKIOTIS
JAMES ROSSON WEBB

AERONAUTICAL ENGINEERING DUTY OFFICERS

(AERONAUTICAL ENGINEERING)

To be commander

THOMAS CROCKETT ALLEY, JR
EDWARD WILLIAM DEPIAZZA
WILLIAM EUGEN EAGER
RICHARD ALLAN OTIS

AERONAUTICAL ENGINEERING DUTY OFFICERS (AVIATION MAINTENANCE)

To be commander

JOHN MASON HARRELL
HASKEL STRAUSBERG

SPECIAL DUTY OFFICERS (MERCHANT MARINE)

To be commander

ROBERT JAMES FAUVELL
BRUCE KEENER, IV
JOHN MARVIN KEEVER
CHARLES ELECTUS MASTERS, III
BARRY ANDREW PATTEN
EDWARD FAITH WHITE, JR

SPECIAL DUTY OFFICERS (CRYPTOLOGY)

To be commander

MICHAEL BEDOUT CHESSON
DAN MICHAEL DAVIS
PAUL ALLEN HEUSINKVELD
ROLAND EDWARD HOLSTEAD
EARL TOMAS PASKEWITZ
JOHN PETER SPEROS
RICHARD JOE ZELLMER

SPECIAL DUTY OFFICERS (INTELLIGENCE)

To be commander

JAMES ANTHONY ATTANASIO
GARY LANE BAGWILL
JOHN FRANCIS BLAKE
DAVID HOMER BLEVINS
JAMES THOMAS BOYD
JAMES ANTHONY BRESLIN
GREGORY GORDON CARLSON
RICHARD DARRELL CHUNG
JOHN STEVEN COUCH
WILLIAM DEAN CRANDELL
RALPH GILES CROWTON
CAROLEEN CHANG CULBERTSON
LEON ARMIN DAHLE
WESLEY EVERETT DEWOODY
DOUGLAS DODD DICK
RICHARD JAMES GAMMACHE, III
DWIGHT LYMAN GERTZ
CHARLES EWARD JOHNSON
JOHN ROGERS KINCZEL
BRUCE GARY KOSAK
WARREN CLIVE KUHLER
MICHAEL EMIL LANGE
DAVID RALPH LIPINSKI
DANIEL WILLIAM MARTIN
WILLIAM LEE MARTIN
LEIGHTON EDWIN MCCORMICK
CHARLES FRANK MONSON
JOHN JAMES MULQUEENEY
RANDALL WAYNE MYERS
MARSHALL NADEL
NORMAN LEE NORFLEET
JAY SUMNER PHILPOTT
PHILIP EDWARD SEGHERS
JOHN DAVID STACK
DUANE LESTER STOBER
LEO FRANCIS STOLTZ
ALAN WENDELL TATE
FREDERICK PRINCE TRAPP
BRIAN EUGENE TRHLIN
RICHARD WILLIS TROUT
EUGENE MICHAEL TUPACZ, JR
KENT LEON WASHBURN
WILLIAM WARREN WEAVER
DARVIN LEE WESTON
SCOTT DUANE WHITE
JOSEPH GERALD WIZDA

SPECIAL DUTY OFFICERS (INTELLIGENCE) (TAR)

To be commander

ROGER WILLIAM EDWARDS
DAVID KEITH HELLER

SPECIAL DUTY OFFICERS (PUBLIC AFFAIRS)

To be commander

RONALD HENRY BAFETTI
STEPHEN FOLWELL BORNET
DAVID LUTHER HAHS
SHARON ALEXA HAMRIC
TERRY MICHAEL HATFIELD
BOBBY GENE HATLEY
RICHARD BYRON HOWARD
LORETTA ANN JEFFREY
MICHAEL RICHARD LAFLEUR
STEVEN VEDDER LESHAY
STERLING NICHOLS, JR
CHARLES BARRY TEMPLETON
RICHARD LENNON THOMPSON
DENNIS STANLEY WILLIAMS
WILLIAM JOSEPH WILSON

SPECIAL DUTY OFFICERS (OCEANOGRAPHY)

To be commander

VINCENT ANTHONY DICARLO
MARK JAMES GRUSSENDORF
DANIEL WARD MERDES

CONFIRMATIONS

Executive nominations confirmed by the Senate June 6, 1988:

DEPARTMENT OF TRANSPORTATION

ROBERT EARL FARRIS, OF TENNESSEE, TO BE ADMINISTRATOR OF THE FEDERAL HIGHWAY ADMINISTRATION.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

DAVID E. BALDELLI, OF TEXAS, TO BE U.S. MARSHAL FOR THE NORTHERN DISTRICT OF TEXAS FOR THE TERM OF 4 YEARS.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, June 7, 1988, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 8

9:30 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to consider pending calendar business.

SR-332

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

Armed Services

To hold hearings on the role of drug interdiction within the Department of Defense.

SH-216

Commerce, Science, and Transportation

To hold hearings in conjunction with the National Ocean Policy Study on the impact of acid precipitation on coastal waters and the National Oceanic and Atmospheric Administration's marine sanctuary program.

SR-253

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for export financing programs.

S-128, Capitol

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on the advanced solid rocket motor.

SD-138

Appropriations

Transportation and Related Agencies Subcommittee

Treasury, Postal Service, and General Government Subcommittee

To hold joint hearings to review interdiction efforts of the U.S. Coast Guard, U.S. Customs Service, Immigration and Naturalization Service, and the Department of the Treasury.

SD-192

Environment and Public Works

Water Resources, Transportation, and Infrastructure Subcommittee

To hold hearings to review the Federal Emergency Management Agency response to the request from the State of Nevada to be declared eligible to receive Federal disaster assistance for the May 4, 1988 Henderson Nevada fuel plant explosion.

SD-406

Foreign Relations

To hold hearings on the nomination of Walter L. Cutler, of Maryland, to be Ambassador to the Kingdom of Saudi Arabia.

SD-419

Governmental Affairs

To resume hearings on issues concerning acquired immunodeficiency syndrome (AIDS).

SD-342

Judiciary

To hold hearings on S. 2033 and S. 703, bills to establish criminal penalties with respect to the sexual exploitation of children and the possession or sale of obscene matter.

SD-226

2:00 p.m.

Labor and Human Resources

Employment and Productivity Subcommittee

To hold hearings to review youth employment issues and related provisions of Title II of the Job Training Partnership Act.

SD-430

JUNE 9

8:00 a.m.

Veterans' Affairs

To hold hearings on S. 2011, to increase the rate of VA compensation for veterans with service-connected disabilities and dependency and indemnity compensation for the survivors of certain disabled veterans, S. 1805, to protect certain pensions and other benefits of veterans and survivors of veterans who are entitled to damages in the case of "In re: 'Agent Orange' Product Liability Litigation", S. 2105, to extend for 4 years the authority of the VA to contract for drug and alcohol treatment and rehabilitation services in halfway houses and other certain community-based facilities, and to hold oversight hearings on activities of the Board of Veterans' Appeals, and related matters.

SR-418

9:00 a.m.

Agriculture, Nutrition, and Forestry

Nutrition and Investigations Subcommittee

Business meeting, to mark up proposed legislation to provide additional assistance for the Food Stamp program, Temporary Emergency Food Assistance program, child nutrition programs, work training programs, and childcare for working families.

SR-332

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

Armed Services

To continue hearings on the role of drug interdiction within the Department of Defense.

SH-216

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings on S. 1737, to provide for the completion of the Colorado River Storage Project, S. 2102, to prohibit the licensing of certain facilities on portions of the Salmon and Snake Rivers in Idaho, and S. 2108, to authorize the Secretary of the Interior to conduct the Reclamation Groundwater Management and Technical Assistance Study.

SD-366

10:00 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

Business meeting, to mark up proposed legislation appropriating funds for fiscal year 1989 for the Department of the Treasury, Postal Service, and general government.

SD-116

Environment and Public Works

Hazardous Wastes and Toxic Substances Subcommittee

Business meeting, to mark up S. 2024, to extend the deadline for filing inspection and management plans required by the Asbestos Hazard Emergency Response Act.

SD-406

Foreign Relations

To hold hearings on the nominations of Charles A. Gargano, of New York, to be Ambassador to the Republic of Trinidad and Tobago, Richard N. Holwill, of the District of Columbia, to be Ambassador to the Republic of Ecuador, and Paul D. Taylor, of New York, to be Ambassador to the Dominican Republic.

SD-419

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

JUNE 10

9:30 a.m.

Conferees

Closed, on H.R. 4264, to authorize funds for the fiscal year 1989 amended budget request for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1989, and to amend the National Defense Authorization Act for fiscal year 1988 and 1989.

S-407, Capitol

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for migration refugee assistance, international narcotics control and anti-terrorism programs.

S-128, Capitol

Appropriations

Commerce, Justice, State, and Judiciary, and Related Agencies Subcommittee

Business meeting, to mark up proposed legislation appropriating funds for fiscal year 1989 for the Departments of Commerce, Justice, State, the Judiciary, and related agencies.

S-146, Capitol

Environment and Public Works

To hold hearings on issues concerning the environmental impact of pesticides and related products.

SD-406

Foreign Relations

To hold hearings on the nominations of Sheldon J. Krys, of Maryland, to be an Assistant Secretary of State, Richard L. Williams, of the District of Columbia, to be Ambassador to the Mongolian People's Republic, and E. Allan Wendt, of California, for the rank of Ambassador during his tenure of service as Senior Representative for Strategic Technology Policy in the Office of the Under Secretary of State for Coordinating Security Assistance Programs.

SD-419

Judiciary

Courts and Administrative Practice Subcommittee

To hold hearings on S. 1358, S. 1626, S. 1863, and S. 2279, bills to revise certain Federal bankruptcy provisions.

SD-226

Labor and Human Resources

To resume hearings on S. 2270, to provide financial assistance to State and local governments for high-quality early childhood development programs for pre-kindergarten children.

SD-430

2:00 p.m.

Finance

International Trade Subcommittee

To hold hearings on S. 2252, to encourage economic development in Central America, and to increase the sugar import quota.

SD-215

JUNE 13

9:30 a.m.

Special on Aging

To hold hearings to examine certain problems and challenges surrounding the provision of health care to rural communities, and to review recommendations and innovative strategies to deal with these problems.

SD-628

2:00 p.m.

Judiciary

To hold hearings on pending nominations.

SD-106

JUNE 14

9:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for foreign assistance programs.

S-128, Capitol

9:30 a.m.

Energy and Natural Resources

Energy Regulation and Conservation Subcommittee

To hold hearings on S. 1717, to assure uniformity in the exercise of regulatory jurisdiction pertaining to the transportation of natural gas and to clarify that the local transportation of natural gas by a distribution company is a matter within State jurisdiction and subject to regulation by state commissions.

SD-366

Joint Economic

Education and Health Subcommittee

To resume hearings to review the future of health care in America.

2359 Rayburn Building

10:00 a.m.

Governmental Affairs

To hold hearings on the nomination of S. Jay Plager, of Indiana, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget.

SD-342

JUNE 15

9:00 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to consider pending calendar business.

SR-332

10:00 a.m.

Agriculture, Nutrition, and Forestry

Nutrition and Investigations Subcommittee

Business meeting, to resume markup of proposed legislation to provide additional assistance for the Food Stamp program, Temporary Emergency Food Assistance program, child nutrition programs, work training programs, and childcare for working families.

SR-332

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Governmental Affairs

To hold hearings on drug interdiction.

SD-342

JUNE 16

9:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for foreign assistance programs.

SD-192

9:30 a.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on H.R. 1173, to provide for certain restrictions on the use of lands within boundaries of national parks and monuments, and S. 927 and H.R. 1975, bills to protect caves resources on Federal lands.

SD-366

Environment and Public Works

Hazardous Wastes and Toxic Substances Subcommittee

To hold hearings on applying the National Environmental Policy Act to U.S. activities involving international financial institutions.

SD-406

Governmental Affairs

To resume hearings on issues relative to alcoholism.

SD-342

Veterans' Affairs

To hold hearings on S. 2207, to authorize the Administrator of Veterans' Affairs to provide assistive simians and dogs to veterans who, by reason of quadriplegia, are entitled to disability compensation under laws administered by the Veterans' Administration, S. 2105, to extend for 4 years the authority of the VA to contract for drug and alcohol treatment and rehabilitation services in halfway houses and other certain community-based facilities, and S. 2294, to extend the authority of the VA to continue major health-care programs, and to revise and clarify VA authority to furnish certain health-care benefits, and to enhance VA authority to recruit and retain certain health-care personnel.

SR-418

Joint Economic

Education and Health Subcommittee

To resume hearings to review the future of health care in America.

2318 Rayburn Building

10:00 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Credit Subcommittee

To resume oversight hearings on the implementation of the Agricultural Credit Act (P.L. 100-233).

SR-332

Finance

To hold hearings on proposed authorizations for the U.S. Customs Service.

SD-215

JUNE 17

9:30 a.m.

Finance

Health Subcommittee

To resume hearings on S. 2305, to provide long-term respite care, adult day care, home care, and nursing home care for the elderly.

SD-215

JUNE 21

9:00 a.m.

Office of Technology Assessment

The Board, to meet to consider pending business.

Room to be announced

9:30 a.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 2055, to designate certain National Forest System lands in Idaho for inclusion in the National Wilderness Preservation System, to prescribe certain management formulae for certain National Forest System lands, and to release other forest lands for multiple-use management.

SD-366

JUNE 22

9:30 a.m.

Commerce, Science, and Transportation
Consumer Subcommittee

To hold hearings on proposed legislation authorizing funds for the U.S. Fire Administration of the Federal Emergency Management Agency.

SR-253

JUNE 23

9:30 a.m.

Commerce, Science, and Transportation
Communications Subcommittee

To hold hearings on S. 2221, to expand national telecommunications system for the benefit of the hearing impaired.

SR-253

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 1643, to establish the Mississippi River National Heritage Corridor, S. 2018, to expand the boundaries of the Congaree Swamp National Monument, and to designate wilderness therein, and S. 2058, to authorize the establishment of the Charles Pinckney National Historic Site in South Carolina.

SD-366

Governmental Affairs

To resume hearings on S. 1504, to facilitate regulatory negotiation and other procedures to enhance the quality of regulations and foster communications between agencies and those affected by regulations.

SD-342

JUNE 24

9:30 a.m.

Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee

To hold hearings on Japanese patent policy.

SR-253

Special on Aging

To hold hearings on the Equal Employment Opportunity Commission enforcement of the Age Discrimination in Employment Act of 1967.

SD-628

JUNE 27

2:00 p.m.

Governmental Affairs

To resume hearings on issues relative to alcoholism.

SD-342

JUNE 28

9:30 a.m.

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 2165, to designate wilderness within Olympic National Park, Mount Rainier National Park, and North Cascades National Park Complex in the State of Washington.

SD-366

JUNE 29

9:30 a.m.

Small Business
Rural Economy and Family Farming Subcommittee

To hold hearings to identify prospects for economic development in rural America.

SR-428A

10:00 a.m.

Governmental Affairs

To resume hearings on issues relative to alcoholism.

SD-342

JULY 11

9:30 a.m.

Special on Aging

To resume hearings to examine certain problems and challenges surrounding the provision of health care to rural communities, and to review recommendations and innovative strategies to deal with these problems.

SD-628

JULY 14

10:00 a.m.

Agriculture, Nutrition, and Forestry
Agricultural Credit Subcommittee

To resume oversight hearings on the implementation of the Agricultural Credit Act (P.L. 100-233).

SR-332

CANCELLATIONS

JUNE 7

10:00 a.m.

Judiciary

To hold hearings on drug enforcement issues.

SD-226

HOUSE OF REPRESENTATIVES—*Tuesday, June 7, 1988*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. FOLEY].

DESIGNATION OF SPEAKER PRO TEMPORE

The **SPEAKER** pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 6, 1988.

I hereby designate the Honorable THOMAS S. FOLEY to act as Speaker pro tempore on Tuesday, June 7, 1988.

JIM WRIGHT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, O God, the nature of our own personal responsibility, not only our shared concerns or common problems, but the unique accountability we have to choose the path we take. Though we are both strengthened and made weak by our own backgrounds and encouraged or discouraged by our associations, yet we pray, gracious God, that Your Spirit will encourage us to make the good choices that are pleasing to You and helpful to all humankind. Amen.

THE JOURNAL

The **SPEAKER** pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1100. An act to authorize the Secretary of the Interior to provide assistance to Wildlife Prairie Park, in the State of Illinois, and for other purposes; and

H.R. 3869. An act to amend the Act providing for the establishment of the Tuskegee University National Historic Site, Alabama, to authorize an exchange of properties between the United States and Tuskegee University, and for other purposes.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2203. An act to increase the amount authorized to be appropriated with respect to the Sewall-Belmont House National Historic Site.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 268) "Concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1989, 1990, and 1991."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1690. An act to provide financial assistance to Fort Abraham Lincoln and related structures located in Fort Lincoln State Park, Mandan, ND, and for other purposes;

S. 1693. An act to amend the National Trails System Act to provide for a study of the Coronado Trail, and for other purposes;

S. 1850. An act to amend the Wild and Scenic Rivers Act to designate a segment of the Columbia River in Washington for study to determine its suitability for inclusion in the National Wild and Scenic Rivers System, and for other purposes;

S. 1927. An act to provide for the consideration by the Secretary of the Interior of a desert land entry in the vicinity of Dinosaur National Monument, and for other purposes;

S. 2188. An act to amend section 307 of the Federal Employees' Retirement System Act of 1986;

S. 2203. An act to extend the expiration date of title II of the Energy Policy and Conservation Act; and

S. 2355. An act to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

COMMUNICATION FROM THE HONORABLE JOHN HILER, MEMBER OF CONGRESS

The **SPEAKER** pro tempore (Mr. FOLEY) laid before the House the following communication from the Honorable JOHN HILER:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 3, 1988.

Hon. JAMES WRIGHT,
Speaker of the House, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L(50) of the Rules of the House of Representatives, that I have been served with a trial subpoena by the St. Joseph County, Indiana Superior Court.

After consultation with the General Counsel to the Clerk, I will make the determinations required by the Rule.

Sincerely,

JOHN HILER,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The **SPEAKER** pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, June 8, 1988.

CHANGE OF EFFECTIVE DATE FOR CERTAIN ELEMENTARY AND SECONDARY EDUCATION PROGRAMS

Mr. **WILLIAMS**. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4638) to amend the effective date provision of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, as amended.

The Clerk read as follows:

H.R. 4638

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, section 6303(b) of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 is amended by adding at the end the following new paragraphs:

"(4) Allotments to States made under chapters 1 and 2 of title I of the Elementary and Secondary Education Act of 1965 and under the Adult Education Act from amounts appropriated by the joint resolution entitled 'Joint Resolution making further continuing appropriations for the fiscal year 1988, and other purposes', approved December 22, 1987 (Public Law 100-202), shall be computed in accordance with the provisions of law applicable to allotments to States under chapters 1 and 2 of the Education Consolidation and Improvement Act of 1981 and under the Adult Education Act, respectively, as such Acts were in effect on the day before the date of the enactment of this Act.

"(5) Amounts appropriated by the joint resolution entitled 'Joint Resolution making further continuing appropriations for the fiscal year 1988, and other purposes', approved December 22, 1987 (Public Law 100-202), for the following programs shall be awarded in accordance with the applicable provisions of law in effect on the day before the date of the enactment of this Act:

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

"(A) Programs under subchapter D of chapter 2 of the Education Consolidation and improvement Act of 1981, except that projects under section 583(c) may not be reviewed by a program significance panel.

"(B) National programs under the Adult Education Act.

"(C) Programs under the Indian Education Act.

"(D) Programs under title II of the Education for Economic Security Act.

"(E) The program under section 702 of the Stewart B. McKinney Homeless Assistance Act.

"(6) The provisions of part A of title II of this Act, excluding sections 2014(e) and 2018, shall apply only with respect to amounts appropriated for fiscal years beginning after September 30, 1988.

"(7) The amendments made by section 6001, relating to literacy training of homeless adults, shall take effect on October 1, 1988.

"(8) Any election under section 5209(b)(1) conveyed to the Secretary prior to August 1, 1988, shall take effect for the fiscal year beginning on October 1, 1988, and thereafter.".

The SPEAKER pro tempore. Is a second demanded?

Mr. FAWELL. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Montana [Mr. WILLIAMS] will be recognized for 20 minutes and the gentleman from Illinois [Mr. FAWELL] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4638 makes several modifications in the effective date provisions of the Hawkins-Stafford Elementarty and Secondary School Improvement Amendments of 1988.

The reason we must pass this bill is that the U.S. Department of Education did not properly understand the effects of H.R. 5 as it was being considered by the Congress. The Department, now that it understands the bill, has suggested that we pass this legislation in order to ease the implementation of the new amendments.

The legislation before us was introduced by Congressman BILL GOODLING and was cosponsored by Chairman HAWKINS. It was unanimously approved by the Committee on Education and Labor.

The bill delays until October 1 the effective date for the following provisions of H.R. 5:

First, the State allocation provisions for chapters 1 and 2 and the Adult Education Act;

Second, the allocation and program requirements for the national programs under the Adult Education Act, the programs under the Indian Education Act, the Math and Science Teacher Training Program, and the McKinney Homeless Assistance Program; and

Third, the amendments to the Impact Aid Program.

Except for these enumerated programs, all sections of H.R. 5 would take effect on July 1.

Mr. Speaker, I urge adoption of the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FAWELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at this time we are awaiting the gentleman from Vermont [Mr. JEFFORDS] who is the gentleman to whom I would be yielding the balance of my time.

This bill certainly is one to which I think there is no objection whatsoever, at least of which I have any knowledge.

Mr. Speaker, at this point I have no requests for time, and I yield back the balance of my time.

Mr. JEFFORDS. Mr. Speaker, last month the Committee on Education and Labor brought the conference report for H.R. 5 to the House floor where it was approved overwhelmingly. Since that time a technical problem has come to the attention of the committee with regard to the date upon which the provisions of the Hawkins-Stafford amendments will take effect. This bill, H.R. 4638 amends that legislation to correct the effective dates and allow for a smooth transition to the new law.

As approved by the House and Senate, the provisions of the Hawkins-Stafford amendments would have taken effect on July 1, 1988, with only a few exceptions. The Department of Education subsequently informed us that because of the diverse funding cycles for the programs in Public Law 100-297, the ongoing process of making discretionary grants under these programs would be disrupted by the July 1 date. It is critical, therefore, for us to amend these effective dates and to avoid such disruption.

The technical amendments before the House today have been carefully crafted after a program by program review by both the committee and the Department of Education. If these amendments are adopted and become law, then programs such as impact aid, chapter 1, the math science program and adult education will not be disrupted and continue to serve children effectively.

I urge my colleagues to support this legislation.

GENERAL LEAVE

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. WILLIAMS. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Montana [Mr. WILLIAMS] that the House suspend the rules and pass the bill, H.R. 4638, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

LIBRARY SERVICES AND CONSTRUCTION ACT AUTHORIZATION EXTENSION

Mr. WILLIAMS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4416) to extend the authorization of appropriations for titles V and VI of the Library Services and Construction Act through fiscal year 1989.

The Clerk read as follows:

H.R. 4416

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(a) of the Library Services and Construction Act (20 U.S.C. 351b(a) is amended by striking out "1988" each place it appears in paragraphs (4) and (5) and inserting "1989".

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the rule, a second is not required on this motion.

The gentleman from Montana [Mr. WILLIAMS] will be recognized for 20 minutes and the gentleman from Illinois [Mr. FAWELL] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Library Services and Construction Act provides assistance to our Nation's public libraries. It has six titles, four of which expire in fiscal year 1989. The two most recent titles to the act expire 1 year earlier. This legislation changes that.

H.R. 4416 extends titles V and VI of the Library Services and Construction Act through fiscal year 1989.

Title V of LSCA authorizes the Secretary of Education to make grants to State and local public libraries for the acquisition of foreign language materials.

Title VI of LSCA authorizes the Secretary of Education to make grants to State and local public libraries for the purpose of supporting literacy programs.

The adoption of H.R. 4416 would extend titles V and VI through fiscal year 1989, thus bringing these titles into conformity with the rest of the act. That would permit us to review the entire act at the same time during the 101st Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. FAWELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a bill that I think is very sound legislation. I know of no objection to it whatever.

The gentleman from Vermont [Mr. JEFFORDS], I am sure, will ultimately be inserting his statement into the RECORD.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. JEFFORDS. Mr. Speaker, I rise in support of H.R. 4416 which will authorize for 1 year titles V and VI of the Library Services and Construction Act. These titles deal with the Department of Education's foreign language materials acquisition and library literacy programs.

The 1-year reauthorization of these programs will make its authorization cycles' contigious with the remainder of the Library Services and Construction Act. Next year, the Education and Labor Committee will consider all of the LSCA reauthorization.

The administration opposes this bill as duplicative. I do not agree. I believe it is important for modest funding to be provided for support for library literacy programs since we face massive problems in this area. Further, it is important to fund a program for the acquisition of foreign language materials so that we are not so linguistically unaware and isolated as a people.

I urge my colleagues to vote for H.R. 4416.

GENERAL LEAVE

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there any objection to the request of the gentleman from Montana?

There was no objection.

Mr. WILLIAMS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Montana [Mr. WILLIAMS] that the House suspend the rules and pass the bill, H.R. 4416.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

TAFT INSTITUTE AUTHORIZATION EXTENSTION

Mr. WILLIAMS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4585) to extend the authorization of appropriations for the Taft Institute through fiscal year 1991.

The Clerk read as follows:

H.R. 4585

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That section 1373 of the Education Amendments of 1980 is amended by striking out "October 1, 1988" and inserting "October 1, 1991".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Montana [Mr. WILLIAMS] will be recognized for 20 minutes and the gentleman from Illinois [Mr. FAWELL] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4585 extends the authorization of the Taft Institute through fiscal year 1991.

The Taft Institute for Two-Party Government was founded in 1961 as a memorial to the late Senator Robert A. Taft of Ohio. It is a nonpartisan, nonprofit, tax-exempt corporation, governed by a board of trustees, under a charter from the board of regents, State of New York.

Many of us are familiar with the Taft Institute, since many of us have been asked to speak to classroom teachers about the practical politics under the auspices of the Taft seminar.

While the Taft Institute was created in 1961, Federal funding began with the Higher Education Amendments of 1980. The current authorization stands at $750,000 for each fiscal year and must be matched on a dollar-for-dollar basis with funds from private sources.

The stated objectives for the Taft Institute are:

To stimulate an understanding of the principles and the process of government;

To inspire a more active interest and participation in government at all levels; and

To advance the science of government and help citizens meet more effectively the problems confronting the Nation and the world.

Taft seminars are sponsored annually throughout the United States for elementary and secondary school teachers, administrators, and librarians who are responsible for teaching social studies, civics, or government. The seminars are designed to provide teachers with an expanded understanding of practical politics, political science, and especially the two-party system. Teacher participants are given graduate credits for the seminar.

The institute's activities are done on a joint venture basis with colleges and universities nationwide. Since its inception, more than 550 Taft seminars have been held on 114 college campuses. The seminars enrolled more than 17,000 teachers and attracted a faculty of more than 15,000 Republican and Democratic experts.

Without the enactment of H.R. 4585, the authorization of appropriations for the Taft Institute will expire October 1, 1988.

□ 1215

The SPEAKER pro tempore (Mr. MONTGOMERY). Without objection, the gentleman from Vermont [Mr. JEFFORDS] is recognized and will control the time on the minority side of the aisle on this bill.

There was no objection.

Mr. JEFFORDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4585 which will reauthorize the Taft Institute Program through fiscal year 1991. Extension of the Taft Institute Program by this legislation will make its authorization cycle contiguous with that of the Higher Education Act allowing the Congress to consider all of the programs affecting postsecondary education at one time.

The Taft Institute of Government is also known as the Taft Institute for Two-Party Government and is a living memorial for the late Ohio Senator, Robert A. Taft. The institute's purpose is to promote understanding of the two-party system of government by our citizens. This purpose is accomplished through educational seminars across the country.

Such seminars bring elementary and secondary teachers together on college campuses for 2- to 3-week intensive educational programs. At these seminars these teachers learn to examine the U.S. Constitution and the framework it provides for two-party, self-government, and how it contributes to the success of the Constitution and individual citizen political responsibilities. The teacher participants meet with 30 or more political experts, Republicans and Democrats, for their discussions. Many of my colleagues have participated in Taft Institute activities and can testify to the value of these seminars.

Mr. Speaker, in this legislation the authorization for the Taft Institute continues to be $750,000 a year. The benefit to students received from this advanced training of their teachers provided by the Taft Institute more than outweighs the modest funds supplied by the Federal Government. I urge my colleagues to support H.R. 4585.

Mr. Speaker, I have no other requests for time, and I yield back the balance of my time.

Mr. WILLIAMS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SPEAKER pro tempore. The question is on the motion offered by the gentleman from Montana [Mr. WILLIAMS] that the House suspend the rules and pass the bill, H.R. 4585.

The question was taken.

Mr. JEFFORDS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

PREVENTING ABUSES IN THE SUPPLEMENTAL LOANS FOR STUDENTS PROGRAM

Mr. WILLIAMS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4639) to amend the Higher Edcuation Act of 1965 to prevent abuses in the Supplemental Loans for Students Program under part B of title IV of the Higher Education Act of 1965, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4639

Be it enacted by the Senate and House of Represenatives of the United States of America in Congress assembled,

SECTION 1. PELL GRANT APPLICATION REQUIRED FOR GSL AND SLS LOANS.

Section 484(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091(b)(1)) is amended—

(1) by striking out "section 428A, 428B, or 428C" and inserting "section 428B or 428C";

(2) by striking out subparagraph (A) and inserting the following:

"(A)(i) have received a determination of eligibility or ineligibility for a Pell Grant under such subpart 1 for such period of enrollment; and (ii) if determined to be eligible, have filed an application for a Pell Grant for such enrollment period; or".

SEC. 2 GSL LOAN APPLICATION REQUIRED FOR SLS LOANS.

Section 484(b) of the Higher Education Act of 1965 is further amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

"(2) In order to be eligible to receive any loan under section 428A for any period of enrollment, a student shall—

"(A) have received a determination of need for a loan under section 428(a)(2)(B) of this title; and

"(B) if determined to have need for a loan under section 428, have applied for such a loan.".

SEC. 3. REDUCTION OF SLS LOAN ELIGIBILITY BY THE AMOUNT OF GSL ELIGIBILITY.

Section 428A(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1078-1(b)(3)) is amended by striking out "minus (B)" and inserting "minus (B) the total of (i) any loan for which the student is eligible under section 428, and (ii)".

SEC. 4 RESTRICTIONS ON SLS LOAN ELIGIBILITY.

Section 428A(a) of the Higher Education Act of 1965 (20 U.S.C. 1078-1(a)) is amended—

(1) in the last sentence, by striking "extenuating" and inserting "exceptional"; and

(2) by adding at the end the following: 'If the financial aid administrator makes such a determination, appropriate documentation of such determination shall be maintained in the institution's records to support such determination.".

SEC. 5. SLS LOAN DISBURSEMENT.

(a) Disbursement Requirements.—Section 428A(b) of the Higher Education Act of 1965 is further amended by inserting after paragraph (3) the following:

"(4) Disbursement.—Any loan under this section shall be disbursed in the manner required by subparagraphs (N) and (O) of section 428(b)(1).".

(b) Conforming Amendments.—(1) Section 427(b)(2) of such Act (20 U.S.C. 1077(b)(2)) is amended by striking out "section 428A, 428B, or 428C" and inserting "section 428B or 428C".

(2) Section 428(b)(1)(O) of such Act (20 U.S.C. 1078(b)(1)(O)) is amended by striking out "section 428A, 428B, or 428C" and inserting "section 428B or 428C".

(3) Section 428A(c) of such Act (20 U.S.C. 1078-1(c)) is amended—

(A) in paragraph (1), by inserting after "disbursed by the lender," the following: "or, if the loan is disbursed in multiple installments, not later than 60 days after the disbursement of the last such installment,";

(B) in paragraph (2), by inserting after "made under this section" the following: "which are disbursed in installments or,"; and

(C) in such paragraph by inserting a comma after "428(b)(1)(M)(i)".

SEC. 6. TECHNICAL AMENDMENT CONCERNING TEACHER TRAINING PROGRAM ELIGIBILITY FOR GSL PROGRAM.

Section 484 of the Act is further amended—

(1) in subsection (a)(1), by striking out "subsection (b)(2)" and inserting in lieu thereof "subsections (b)(3) and (b)(4)"; and

(2) by adding at the end of subsection (b) the following new paragraph:

"(4) A student who—

"(A) is carrying at least one-half the normal full-time work load for the course of study the student is pursuing, as determined by the institution, and

"(B) is enrolled or accepted for enrollment in a program at an eligible institution necessary for a professional credential or certification from a State that is required for employment as a teacher in an elementary or secondary school in that State,

shall be, notwithstanding paragraph (1) of subsection (a), eligible to apply for loans under part B of this title.".0

SEC. 7. TREATMENT OF TERRITORIAL AND FOREIGN TAX PAYMENTS FOR PURPOSES OF NEED ANALYSIS.

(a) Pell Grant Need Analysis.—Section 411F of the Higher Education Act of 1965 (20 U.S.C. 1070a-6) is amended by adding at the end thereof the following:

"(17)(A) The tax on income paid to the Governments of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Northern Mariana Islands, or the Trust Territory of the Pacific Islands under the laws applicable to those jurisdictions, or the comparable tax paid to the central government of a foreign country, shall be treated as income taxes.

"(B) References in this subpart to the Internal Revenue Code, Federal income tax forms, and the Internal Revenue Service shall, for purposes of the tax described in subparagraph (A), be treated as references to the corresponding laws, tax forms, and tax collection agencies of those jurisdictions, respectively, subject to such adjustments as the Secretary may prescribe by regulation.".

(b) General Need Analysis Provisions.—Section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv) is amended by adding at the end thereof the following:

"(i) Treatment of Income Taxes Paid to Other Jurisdictions.—(1) The tax on income paid to the Governments of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Northern Mariana Islands, or the Trust Territory of the Pacific Islands under the laws applicable to those jurisdictions, or the comparable tax paid to the central government of a foreign country, shall be treated as Federal income taxes.

"(2) References in this part to the Internal Revenue Code, Federal income tax forms, and the Internal Revenue Service shall, for purposes of the tax described in paragraph (1), be treated as references to the corresponding laws, tax forms, and the tax collection agencies of those jurisdictions, respectively, subject to such adjustments as the Secretary may prescribe by regulation.".

SEC. 8. AMENDMENTS TO TITLE III.

(a) Historically Black College Eligibility for Part A Funds.—Section 312 of the Higher Education Act of 1965 (20 U.S.C. 1058) is amended by adding at the end thereof the following new subsection:

"(f) Historically Black College or University.—For the purposes of this section, no historically black college or university which is eligible for and receives funds under part B of this title is eligible for or may receive funds under this part.".

(b) New Part B Activities.—Section 323(a) of the Higher Education Act of 1965 (20 U.S.C. 1062) is amended—

(1) by inserting "and faculty development" after "instruction" in paragraph (3); and

(2) by inserting after paragraph (6) the following new paragraphs:

"(7) Funds and administrative management, and acquisition of equipment for use in strengthening funds management.

"(8) Joint use of facilities, such as laboratories and libraries.".

SEC. 9. DELAY OF REGULATORY EFFECTIVE DATE.

Section 600.3 (c) and (d) of title 34 of the Code of Federal Regulations, relating to new special conditions imposed on an institution's authority to measure academic programs in clock or credit hours, shall not take effect until July 1, 1989.".

SEC. 10. EFFECTIVE DATE.

(a) Need Analysis.—The amendments made by this Act to title IV of the Higher Education Act of 1965 shall be effective with respect to any determination of need made under such title for any period of enrollment beginning on or after July 1, 1988.

(b) Multiple Disbursement.—The amendments made by section 5 shall be effective with respect to loans made on or after October 1, 1988.

The SPEAKER pro tempore. Is a second demanded?

Mr. JEFFORDS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Montana [Mr. WILLIAMS] will be recognized for 20 minutes and the gentleman from Vermont [Mr. JEFFORDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4639 is an attempt to stop a potential problem thus prevent an explosion. This bill amends the Higher Education Act of 1965 to prevent possible abuses in the Supplemental Loans for Students Program [SLS] by providing that students applying for such supplemental loans first apply for both a Pell grant and a guaranteed student loan before applying for SLS. The bill also requires that SLS eligibility be reduced by the amount of GSL eligibility and requires the multiple disbursement of SLS funds. In addition, the bill makes technical changes in title IV GSL eligibility for students, studying to meet the teaching certification requirements of a State; treats income taxes paid to the governments of U.S. territories as Federal income tax for purposes of need analysis of Federal title IV programs; and makes changes in title III of the Higher Education Act of 1965 to prohibit institutions eligible for title III, part B funds from receiving title III, part A funds.

Supplemental loans to students [SLS] provide up to $4,000 per year to independent, graduate, and professional students. Students pay a market rate of interest, capped at 12 percent, and begin repayment within 60 days. Borrowers may defer repayment while attending school, but interest is capitalized during this period. There is no need test for these supplemental loans; rather, the intent of Congress was that these loans complement other Federal student assistance.

The SLS Program has grown explosively during the current fiscal year. The Department of Education projects a $1.8 billion loan volume for the SLS Program this fiscal year, compared with $200 million in fiscal year 1986 and approximately $500 million in fiscal year 1987. In the first quarter of fiscal year 1988, alone, the SLS loan volume of $515 million exceeds the loan volume of the entire preceding fiscal year.

What concerns me is a rather recent development whereby students are taking out SLS loans, rather than apply for Pell grants or even guaranteed student loans, which carries a lower interest rate and is fully subsidized by the Government while the borrower attends school. SLS' are attractive to the school because of a more simplified application process. Because both Pells and GSL's require a determination of need, the application process for grants and Federal, low-interest loans is more complex and lengthy. SLS' are additionally attractive because first- or second-year students can borrow up to $4,000, compared to the annual maximum of $2,625 in the GSL Program. Finally, SLS' are paid to the student in a single, lump sum, while GSL's are dispersed in several payments during the academic or training program.

Both for students and for the integrity of the Federal Loan Program, the explosive growth in SLS' as the primary source of aid is a potential disaster. There is a chance that frontending financial assistance with SLS' will increase both the number of defaulters and the amount of dollars in default. Providing as much as $4,000 in a single payment, early in the educational program will do nothing to discourage early dropouts, which account for a great proportion of defaulters in the GSL Program. Furthermore, borrowers, even those who continue in their educational programs, will have a greater propensity to default on supplemental loans due to the unfavorable repayment schedule and potentially unmanageable debt burden.

To avoid significant growth in the cost of defaults, H.R. 4639 would require that a borrower apply for both a Pell grant and a guaranteed student loan before applying for an SLS. Connecting SLS loans with other need-based financial assistance programs will remove any incentive to front-end financial aid with supplemental loans. Additionally, H.R. 4639 requires that any SLS eligibility be based on a simple formula: cost of attendance minus GSL minus any other financial assistance a student may receive. By doing this and by requiring the multiple disbursements of funds, any possibility of a borrower's receiving a single, large payment in the SLS Program will be removed. Finally, SLS funds borrowed by the student will be disbursed to the institution, in line with GSL disbursements.

H.R. 4639 also makes several technical changes to sections of the Higher Education Act of 1965, as amended. One change would permit students who are enrolled in a program leading to a professional teaching creditial or certification which is required by the State for elementary and secondary school classroom teachers to be eligible for a guaranteed student loan. Currently, to be eligible for a guaranteed student loan, a student must be enrolled in a program leading to a degree or certification awarded by the institution. Because States are placing new requirements on students interested in becoming classroom teachers, the cost of courses needed to meet these requirements should be allowed to be covered under the GSL Program.

In addition, H.R. 4639 makes two technical corrections to the Higher Education Act that were the result of unintended oversights in the Higher Education Amendments of 1986. First, for purposes of Pell grant need analysis and general title IV need analysis, the tax on income paid to the governments of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands shall be treated as Federal income tax. Under previous systems of need analysis, these territorial income taxes were treated in the same manner as Federal income taxes. This amendment would restore this equal treatment. The second technical change removes title III, part A eligibility for historically black colleges and universities which are eligible to receive funds under part B of title III. It was not Congress' intent to permit part B eligible institutions to apply for and receive part A funds. This amendment corrects that oversight.

□ 1225

Mr. Speaker, I reserve the balance of my time.

Mr. JEFFORDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would ask the gentleman from Montana [Mr. WILLIAMS] if he would answer a question.

I would like for the gentleman to explain the amendment that was included with the bill, the committee amendment, if he would not mind, just so Members know what the amendment was that was included with the bill as passed by the committee.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. JEFFORDS. I am happy to yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman for yielding.

First, the amendment clarifies how multiple disbursements of SLS loans will take place.

Second, it provides effective dates for the new provisions of H.R. 4639 for the new multiple disbursements provisions of SLS loans. That date will be for loans made on or after October 1, 1988. For the Pell and GSL application and eligibility provisions, the date will be for any period of enrollment beginning on or after July 1, 1988.

Finally, the committee amendment delays new regulations concerning an institution's authority to measure academic programs in clock or credit hours until July 1, 1989.

It is my understanding that the administration is in the process of delaying these regulations, but that process could of course take some time. In order to prevent confusion and uncertainty we decided it was important that we act now.

Mr. JEFFORDS. I thank the gentleman from Montana.

I would also point out that the administration supports the goals of the bill and the things we are trying to do here, but does raise some technical problems with the bill. They wanted some amendments. However, their amendments that they desired arrived here yesterday, I think, and thus it was not possible to include them.

I have assured the administration that I will take a look at the amendments and work with the other body to see what we can do about the problems that they have asked to have taken care of. But I think it is important in view of the circumstances that we move this bill forward.

Thus, Mr. Speaker, I rise in support of H.R. 4639 which amends the Higher Education Act to assist in the prevention of defaults in the Supplemental Loans for Students Program, commonly referred to as the SLS Program. This legislation introduced by my colleague from Missouri, Mr. COLEMAN, who is the ranking minority member on the Postsecondary Education Subcommittee, is supported in concept by the administration.

In addition to amending the Higher Education Act to prevent abuses in the SLS Program, this bill makes technical changes in Guaranteed Student Loan Program eligibility for fifth year students studying to meet State teaching certification requirements; modifies the income tax treatment for purposes of needs analysis for Pell grants and guaranteed student loans; and prohibits institutions eligible for title III, part B funds from receiving part A funding.

This legislation is necessary to help prevent defaults in the SLS Program and it is critical that we inact this proposal into law prior to July 1 which is the peak student borrowing period.

The SLS Program is authorized by the Higher Education Act. These supplemental loans for students are a nonneeds tested loans for independent undergraduate, graduate and professional, and certain dependent students. Eligible students may borrow up to $4,000 annually to a cumulative limit of $20,000. The interest rate is market sensitive with a cap of 12 percent. Unlike the Guaranteed Student Loan Program, supplemental loans require the borrower to begin repayment 60 days after disbursement. However, students can defer payment during their in-school period, with interest repaid on a monthly or quarterly basis or capitalized over the life of the loan.

Loan value in the SLS Program has escalated at almost an alarming rate. In fiscal year 1986, SLS loan volume amounted to $200 million; in fiscal year 1987, SLS loan volume amounted to $500 million; and in this year, SLS loan volume is estimated at $1.8 billion. This increase of 900 percent over 2 years in SLS loans has caused the Department of Education and the Committee on Education and Labor to be concerned over the potential for increased defaults.

Members of the Education and Labor Committee have heard of stories of misuse of the SLS Program by schools that are mandating their students to take out SLS loans without applying for either a Pell grant or guaranteed student loan. By following this course of action such students are taking out higher interest rate SLS loans which they may not need if they were eligible for Pell grants or the lower cost GSL Program.

The practice of bypassing the determination of eligibility for the Pell grant and GSL Programs means students may receive up to $4,000 in SLS loans in their first 2 years of college rather than the maximum GSL of $2,625 in the same period. In bypassing these determinations, the student may have almost instant access to SLS funds. Further, a student borrower receives the entire amount of the SLS loan upfront rather than in two disbursements as is required under the GSL Program. The legislation we are considering today will tighten the requirements of the SLS Program and prevent schools from taking advantage of naive student borrowers. The committee believes these modifications will help reduce the liability to the Federal Government of SLS student loan default claims. If we do not change the higher education law, then we may be faced with paying millions of dollars in default claims from the SLS Program.

H.R. 4639 reaffirms the intent of Congress that student borrowers first apply for a Pell grant and a GSL before eligibility for an SLS loan is determined. It also mandates SLS loans to be disbursed in more than one payment. The committee believes that these provisions will more properly carry out the purpose of the Higher Education Act, but, more importantly, this legislation will reduce Federal SLS default claims which may see significant growth in the next few years.

I wish to thank the sponsor of this legislation, Mr. COLEMAN of Missouri, for his leadership in this area. My friend from Montana, Mr. WILLIAMS, the chairman of the Postsecondary Education Subcommittee is to be commended also for his foresight and cooperation in bringing this needed legislation to the floor today.

I urge my colleagues to approve H.R. 4639.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WILLIAMS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we referred this bill to the Department of Education and the administration for their comments. We did that on May 24. The administration has been very helpful to us. However, as the gentleman from Vermont indicated, they came up just within the past 24 hours or so with some suggested changes, which I understand are very minor and technical in nature.

When informed that it was too late for us to incorporate the changes in the legislation now before us, the administration understood that and said that they would try to work those changes in the Senate and we will, of course, make every effort to cooperate with that, although I will say I have not personally seen the technical changes nor do I fully understand the effect that they may have on the bill. But I intend to work with the gentleman from Vermont and with the administration as the bill comes back from the Senate.

Mr. JEFFORDS. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Vermont.

Mr. JEFFORDS. Mr. Speaker, I would also point out, because I will be asking for a vote only because the administration desires me to do so, so Members are not confused, the example that they gave relative to the bill we believe is quite incorrect and that the bill does take care of the problem of people being able to get the SLS loan immediately and without going through the GSL and Pell grant eligibility system. So I do not want Members to be confused. But the administration has asked me to get a vote or my side has and I will do so.

But I want to explain that apparently the deficiency pointed out by the administration does not seem to be accurate with respect to this bill.

Mr. WILLIAMS. I appreciate the gentleman's comments.

Mr. FORD of Michigan. Mr. Speaker. H.R. 4639 addresses a potentially very serious problem in the Supplemental Loans for Students Program that could lead to a significant increase in student loan defaults.

Supplemental loans to students [SLS] are authorized by the Higher Education Act of 1965. Under this program, independent students—and in limited circumstances dependent students—may borrow up to $4,000 per year. Repayment begins within 60 days although students need not pay the loan principal while they are in school, and interest payments during the in-school period may be accrued and capitalized. Students pay a market interest rate that is capped at 12 percent. This program was designed to provide independent students with the same access to educational credit as dependent students whose parents can borrow on their behalf through the Parent Loan [PLUS] Program.

The loan volume in the SLS Program has increased from about $200 million in fiscal year 1986 to over $500 million in fiscal year 1987. The volume in the program is projected to be $1.8 billion in the current fiscal year, a spectacular growth of 900 percent in 2 years.

There is some anecdotal evidence and substantial suspicion that this boom in SLS volume is due in large measure to some unscrupulous schools directing students into the SLS Program rather than into the Guaranteed Student Loan [GSL] or Pell Grant Programs. The GSL Program charges students a lower interest rate and charges them no interest while they are in school. Both the GSL and the Pell grant are obviously more advantageous for the student, and the intent of Congress was that these programs would be used before there was any resort to SLS. Some schools are directing students into SLS because of three features of the program. First, under the SLS Program students in their first or second year can borrow up to $4,000, while in the GLS Program the annual maximum is $2,625. Second, the GSL Program requires that students have a determination of their eligibility for a Pell grant before receiving a GSL. This is not true of the SLS Program, which means that students can get a much quicker turn around on an SLS compared to a GSL, in some cases within 24 hours. Third, a GSL is paid to a student in several disbursements, while the SLS is paid in a single disbursement. In sum, under the SLS Program students are receiving as much as $4,000 in a very short time in a single lump sum.

The fear is that even if these SLS borrowers default at the same rate as current GSL borrowers the default problem will significantly worsen. This will be the case because of the higher loan maximum and the failure to offset borrowing with Pell grant aid. In addition, the single lump sum payment will also exacerbate the default problem. Most students who default have dropped out of their postsecondary educational program, and most of these drop outs occur early in the educational program. Thus, students are likely to be in default on a larger amount since they will have the entire SLS up front.

H.R. 4639 would require that the SLS be multiply disbursed to students. A determination of Pell grant and GSL eligibility would be required prior to receiving a SLS. In addition, a borrower of an SLS would also have to actually apply for a Pell grant or a GSL if determined to be eligible. A SLS would also be sent to the institution of postsecondary education rather than directly to the student. The limited eligibility of dependent students for SLS is also clarified. Thus, the conditions for receiving a SLS would be much more comparable to a GSL, and much of the temptation to direct students into SLS rather than GSL would be removed.

It is very important that H.R. 4639 be enacted prior to July 1, 1988. Approximately 40 to 50 percent of the annual student loan volume occurs in the fourth quarter of the fiscal year, July, August, and September. Therefore, if H.R. 4639 is enacted before July 1 as much as half of the projected $1.8 billion in fiscal year 1988 SLS volume can be subject to these safeguards. This is likely to produce a substantial reduction in SLS volume and in defaults.

H.R. 4639 refines and builds on H.R. 4516 which I had earlier introduced to accomplish the same basic purposes. I would like to highly commend Mr. COLEMAN for his leadership in developing this important legislation. I am very pleased to be a cosponsor of H.R. 4639, and I urge my colleagues to support this bill.

Mr. COLEMAN of Missouri. Mr. Speaker, I rise in strong support of H.R. 4639, a bill amending the Higher Education Act of 1965 to prevent abuses in the Supplemental Loans for Students [SLS] Program. I introduced this legislation on May 19, 1988, and the bill received strong bipartisan support when the Education and Labor Committee reported favorably on the legislation on May 24, 1988. I would like to recognize the leadership of Chairman Hawkins in expediting the consideration of this legislation and bringing the bill to the floor today. I would also like to commend the support of my colleagues, Mr. JEFFORDS, ranking member of the committee, and Mr. WILLIAMS, chairman of the Postsecondary Subcommittee, who played important roles in developing bipartisan support for this bill.

I would like, also, to recognize the important contribution of my good friend, the gentleman from Michigan [Mr. FORD] in pressing for immediate corrective legislation relating to growing problems in the Supplemental Loans for Students [SLS] Program. I welcome Mr. FORD's support in the drafting of this legislation and his original cosponsorship of this bill.

Finally, I commend the support of other original cosponsors: Mr. JEFFORDS, Mr. WILLIAMS, Mr. GOODLING, Mrs. ROUKEMA, Mr. PERKINS, Mr. FUSTER, Mr. DE LUGO, Mr. BLAZ, and Mr. SUNIA.

H.R. 4639 makes several substantive policy changes in the GSL and SLS Programs. The bill requires that students applying for supplemental loans for students [SLS] first apply for Pell grants, if eligible, and guaranteed student loans. The bill also requires multiple disbursement of SLS loans, in line with GSL disbursements. Additionally, the bill makes technical changes in title IV GSL eligibility for students, who are studying to meet state teacher certification requirements; treats income taxes paid to the governments of U.S. territories as Federal income taxes for purposes of needs analysis for Federal title IV programs; and makes changes in title III of the Higher Education Act of 1965, prohibiting institutions eligible for title III, part B funds from receiving title III, part a funds.

SLS loans are non-need-tested, unsubsidized loans for independent undergraduate, graduate and professional students who are eligible to borrow up to $4,000 annually. Students pay a variable interest rate, adjusted annually and capped at 12 percent. Borrowers begin repayment within 60 days of the loan's disbursement but may defer repayment during the in-school period. However, interest is capitalized, increasing the borrower's total debt.

The SLS Program has grown explosively during recent months. In the first quarter of this fiscal year, alone, the SLS loan volume of $515 million exceeds that of the entire preceding fiscal year. During the fiscal year 1988, October to March period, 345,058 students borrowed SLS loans, a 378-percent increase over the 72,122 students who borrowed during the same period in fiscal 1987. At the 6-month mark of this fiscal year, loan volume has increased 395 percent, to almost $1 billion, and the Department of Education projects a $1.8 billion loan volume for the entire four quarters.

The preponderance of this new loan volume is occurring in the proprietary sector. The Higher Education Assistance Foundation [HEAF], a national guarantor which is a good indicator of proprietary school loan volume, guaranteed 23,837 SLS loans in May; 20,301, or 85 percent, of these SLS loans went to borrowers attending proprietary schools. Reports also indicate that financial aid officers are front-ending student financial assistance with SLS loans, rather than having students apply for need-based Pell grants and more subsidized, needs-tested guaranteed student loans first. Because both Pells and GSL's require such a determination of need, the application process for grants and low-interest loans is more complex and lengthy. Additionally, GSL's provide a smaller loan amount of $2,625 for first year borrowers, and Pell grants require additional administrative record keeping and reporting by school financial aid officials.

My concern is that such front-ending of financial assistance with SLS loans will increase both the number of defaulters, given the repayment schedule, and the amount of dollars in default, given that borrowers may receive up to $4,000 in a single payment, early in their educational programs.

Connecting SLS loans with other need-based financial assistance will remove any possibility of front-ending financial aid with supplemental loans. For independent undergraduate students, H.R. 4639 requires both an eligibility determination and application for both Pell grants and GSL's before applying for an SLS loan. Graduate and professional students must apply for the GSL before making application for an SLS loan.

Additionally, for the purpose of calculating the SLS loan limit, the amount of the GSL eligibility will be subtracted, with other financial aid certified by the institution, from the student's estimated cost of attendance. Such requirements are not intended to limit legitimate access to SLS loans, particularly because many students, including graduate and professional students, use both GSL and SLS loans to meet the cost of attendance. Our intent is that students borrow a guaranteed student loan, for which they are eligible, before making use of the more expensive SLS loan.

H.R. 4639 also requires multiple disbursement of SLS loans in two cash payments, which is in line with disbursements made in the GSL Program. Providing as much as $4,000 in a single payment, early in the educational or training program, means that dropouts, who account for a great proportion of defaulters in the GSL Program, will be dropping-out with significantly higher debt burdens—debt burdens which will, in most cases, become defaulted loans. CBO projects a 9.5-percent default rate for this program, which, given the exponential growth in loan volume, means that we may be facing the addition of another $180 million in defaults to the projected $1.6 billion in defaults in the GSL Program.

Both for students and for the integrity of the Federal loan programs, the explosive growth in supplemental loans as the primary sources of aid is a potential disaster. Because of the high volume of supplemental loans in the fourth quarter of the fiscal year—July through

September—this legislation must be enacted prior to July 1, 1988, if we are to realize substantial reductions in potential defaults.

The corrective measures embodied in H.R. 4639 have the support of the administration, the American Council on Education and 13 other higher education associations, the National Association of Trade and Technical Schools, and the Association of Independent Colleges and Schools, which represents proprietary career schools.

I urge my colleagues to support this legislation today and to close loopholes leading to abuses in the Supplemental Loans for Students Program.

Mr. WILLIAMS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Montana [Mr. WILLIAMS] that the House suspend the rules and pass the bill, H.R. 4639, as amended.

The question was taken.

Mr. JEFFORDS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4639, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, on Friday, June 3, 1988, I was on a leave of absence, and as a result I was not able to cast my vote on rollcall No. 166, the Boehlert amendment, as amended by the Roe substitute amendment, to H.R. 4505, the Department of Energy authorization, and rollcall No. 167, on final passage of H.R. 4505. Had I been present, I would have voted "yea" on rollcalls 166 and 167.

FISHERY AGREEMENT BETWEEN THE UNITED STATES AND THE GERMAN DEMOCRATIC REPUBLIC

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4621) to provide congressional approval of the Governing International Fishery Agreement between the United States and the Government of the German Democratic Republic, as amended.

The Clerk read as follows:

H.R. 4621

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPROVAL OF GIFA WITH GERMAN DEMOCRATIC REPUBLIC.

That notwithstanding section 203 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1823), the extension of the governing international fishery agreement between the Government of the United States of America and the Government of the German Democratic Republic, as contained in the message to Congress from the President of the United States, dated May 3, 1988—

(1) is approved by Congress as a governing international fishery agreement for the purposes of such Act; and

(2) shall enter into force and effect with respect to the United States on the date of enactment of this Act.

SEC. 2. REAUTHORIZATION OF FISHERMEN'S PROTECTIVE ACT.

Section 7(e) of the Fishermen's Protective Act (22 U.S.C. 1977(e)) is amended by striking "October 1, 1988" and inserting in lieu thereof "October 1, 1989".

SEC. 3. COMPOSITION OF NATIONAL FISH AND SEAFOOD PROMOTIONAL COUNCIL.

Section 205(d)(1)(E) of the Fish and Seafood Promotion Act of 1986 (16 U.S.C. 4004(d)(1)(E)) is amended by striking "and who are not residents of the states of the Alaska, Pacific, Southeast, or Northeast regions" and inserting in lieu thereof ", at least one of whom is not a resident of the states of the Alaska, Pacific, Southeast, and Northeast regions".

SEC. 4. AMENDMENTS TO SOUTH PACIFIC TUNA ACT OF 1988.

The South Pacific Tuna Act of 1988 is amended—

(1) in section 8(a)—

(A) by striking "any gravity" and inserting in lieu thereof "and gravity"; and

(B) by striking "history or prior" and inserting in lieu thereof "history of prior";

(2) in section 8(g)(1), by striking "Treasury" and inserting in lieu thereof "Treaty"; and

(3) in section 11(a)(2)(C), by striking "5(b)(7)" and inserting in lieu thereof "5(a)(7)".

The SPEAKER pro tempore. Is a second demanded?

Mr. COBLE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. JONES] will be recognized for 20 minutes and the gentleman from North Carolina [Mr. COBLE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. JONES].

□ 1240

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4621 provides congressional approval of the Governing International Fishery Agreement between the United States and the Government of the German Democratic Republic.

The New GIFA amends and extends the current fishery agreement for an additional 2 years. The extension will permit the United States and the German Democratic Republic to maintain their long-standing cooperative fishery relationship. This will advance the objectives of the Fishery Conservation and Management Act by continuing the resulting flow of economic benefits to U.S. fisherman and the U.S. Treasury.

The current GIFA expires on June 30, 1988. The President has asked Congress to take positive action on the GIFA to avoid a lapse in the fishery agreement between the two nations.

H.R. 4621 also reauthorizes section 7 of the Fisherman's Protective Act for 1 year. This act establishes a program for the reimbursement of certain losses resulting from the seizure or detention of U.S. fishing vessels in a manner inconsistent with international law as recognized by the United States. Under this act, the owner of a commercial fishing vessel may enter into an agreement with the U.S. Government to cover losses resulting from any such seizure or detention. Funds for this program are derived from insurance payments paid by participating vessel owners.

H.R. 4621 also makes a minor change in the residency requirements for nominees to the National Fish and Seafood Promotion Council, which Congress established in the National Fish and Seafood Act of 1986. The change will provide a greater opportunity for qualified and experienced individuals from the aquaculture industry in coastal States to seek appointment to the council.

Finally, we have added language today which corrects four inadvertent typographical errors in the South Pacific Tuna Act, which recently became law.

I urge my colleagues to join with me in supporting this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4621 which extends the Governing International Fishery Agreement [GIFA] that we have with the German Democratic Republic for a period of 2 years and amends the current agreement to conform with changes in United States law which have occurred during the 5 years the current GIFA has been in effect.

The fishing industry representatives strongly favor the extension of the GIFA which will further the objectives of the Magnuson Act by continuing economic benefits to the United States while permitting the United States and the German Democratic

Republic to maintain their long-standing cooperative fisheries agreements.

The administration supports this 2-year extension and I would ask the Members of the House to adopt the legislation including the other fishing industry provisions in the bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from North Carolina [Mr. JONES] that the House suspend the rules and pass the bill, H.R. 4621, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4621, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

RICHARD CRONIN NATIONAL SALMON STATION

Mr. JONES Of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4365) to designate the Sunderland National Salmon Station located in Sunderland, Massachusetts, as the "Richard Cronin National Salmon Station."

The Clerk read as follows:

H.R. 4365

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Sunderland National Salmon Station located in Sunderland, Massachusetts, shall be known and designated as the "Richard Cronin National Salmon Station".

SEC. 2. LEGAL REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the building referred to in section 1 is deemed to be a reference to the "Richard Cronin National Salmon Station".

The SPEAKER pro tempore. Under the rule, a second is not required on this motion.

The gentleman from North Carolina [Mr. JONES] will be recognized for 20 minutes, and the gentleman also from North Carolina [Mr. COBLE], will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. JONES].

Mr JONES of North Carolina. Mr. Speaker, I yield myself such time and I may consume.

Mr. Speaker, H.R. 4365 designates the Sunderland National Salmon Station located in Sunderland, MA as the "Richard Cronin National Salmon Station."

Mr. Richard Cronin, who currently serves as the director of the Massachusetts Division of Fish and Wildlife, has dedicated over 38 years of his career to wildlife management and environmental protection. His contribution to conservation ranges far beyond Massachusetts, and his leadership on behalf of our national resources is recognized throughout the Nation.

I very much appreciate Mr. Cronin's support of the conservation and management goals of the Committee on Merchant Marine and Fisheries. I am honored to participate in this tribute to Mr. Cronin, and I urge my colleagues to join with me in supporting this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4365. This bill, introduced by Congressman SILVIO CONTE earlier this year, designates the Sunderland National Salmon Station located in Sunderland, MA, as the Richard Cronin National Salmon Station.

Richard Cronin is the director of the Massachusetts Division of Fish and Wildlife and is a respected leader in national wildlife conservation through his 38 years of dedicated service to wildlife management and environmental protection.

I support the renaming of the salmon station as the Richard Cronin National Salmon Station.

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I want to take this opportunity to thank the leadership of the Committee of Merchant Marine and Fisheries for the expeditious consideration of this legislation.

Over the years, Chairman JONES and I have worked together on many important issues affecting our fish and wildlife resources. He is a true friend of the environment. My good friends, BOB DAVIS and DON YOUNG, were also very helpful in moving this bill forward on a fast track. It's always a pleasure to work with them.

I am also grateful to my colleague from Massachusetts, Chairman STUDDS, who as chairman of the subcommittee, recognized the contributions made by Richard Cronin to the conservation effort, not only in our State, but across the country as well.

It was an honor for me to introduce this bill to name the National Salmon Station at Sunderland, MA, for Richard Cronin, the present director of the Massachusetts Division of Fisheries and Wildlife. For 38 years, Dick has dedicated his professional life to the conservation of fish and wildlife resources, to the preservation of fragile ecosystems and to making these natural resources accessible to the common man.

Over the years, I've worked with Dick Cronin on countless issues affecting Massachusetts and the Nation. His energy and enthusiasm knows no bounds, and his vision for the resources is limitless. Naming this Federal facility for Dick Cronin is the least we can do for a man who has dedicated his life to conservation efforts like the one symbolized by this salmon station. On many occasions, Dick could have sat back and done his job in Massachusetts. But instead, he was always ready and willing to tackle tough and controversial national issues at his own professional expense. For this, we are all grateful.

Mr. Speaker, I want to thank, again, the Merchant Marine and Fisheries Committee for recognizing the hard work and dedication of Dick Cronin. I urge all Members to support this bill.

Mr. COBLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. JONES] that the House suspend the rules and pass the bill, H.R. 4365.

The question was taken.

Mr. COBLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

CHILDREN'S TELEVISION ACT OF 1988

Mr. MARKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3966) to require the Federal Communications Commission to reinstate restrictions on advertising during children's television, to enforce the obligation of broadcasters to meet the educational and informational needs of the child audience, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3966

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Television Act of 1988".

SEC. 2. FINDINGS.

The Congress finds that—

(1) television can assist children in learning important information, skills, values, and behavior, while entertaining them and exciting their curiosity to learn about the world around them;

(2) as part of their obligation to serve the public interest, television station operators and licensees should provide programming that serves the special needs of children;

(3) the financial support of advertisers assists in the provision of programming to children;

(4) special safeguards are appropriate to protect children from overcommercialization on television;

(5) television station operators and licensees should follow practices in connection with children's television programming and advertising that take into consideration the characteristics of this child audience; and

(6) it is therefore necessary to require the Commission to take the actions required by this Act.

SEC. 3. RULEMAKING REQUIRED.

(a) RULEMAKING ON COMMERICAL TIME REQUIRED.—The Federal Communications Commission shall, within 30 days after the date of enactment of this Act, initiate a rulemaking proceeding to prescribe standards applicable to commercial television broadcast licensees with respect to the time devoted to commercial matter in conjunction with children's television programming.

(b) REQUIREMENTS FOR STANDARDS.—The standards required by subsection (a) shall require commercial television broadcast licensees to limit the duration of advertising in children's programming, on and after January 1, 1990, to not more than 10.5 minutes per hour on weekends and not more than 12 minutes per hour on weekdays, except that, after January 1, 1993, the Commission shall have the authority—

(1) to review and evaluate the standards prescribed under this subparagraph; and

(2) after notice and public comment and a demonstration of the need for a modification of such standards, to modify such standards in accordance with the public interest.

(c) TIME FOR COMPLETION OF RULEMAKING.—The Commission shall, within 150 days after the date of enactment of this Act, prescribe final standards in accordance with the requirements of subsection (b).

SEC. 4. CONSIDERATION OF CHILDREN'S TELEVISION SERVICE IN BROADCAST LICENSE RENEWAL.

The Federal Communications Commission shall consider, among the elements in its review of an application for renewal of a television broadcast license—

(1) whether the licensee complied with the standards required to be prescribed under section 3 of this Act; and

(2) whether the licensee has served the educational and informational needs of children in its overall programming.

The SPEAKER pro tempore. Is a second demanded?

Mr. RINALDO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MARKEY] will be recognized for 20 minutes and the gentleman from New Jersey [Mr. RINALDO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3966, the Children's Television Act of 1988, as amended in subcommittee. This landmark legislation is the product of a great deal of effort and significant compromise on the part of my colleagues on both sides of the aisle.

In particular I want to commend my good friend, the ranking minority member of the Telecommunications Subcommittee, Mr. RINALDO for his cooperation and support throughout the negotiation process. I also want to commend my good friends and colleagues, the gentleman from Texas [Mr. BRYANT] and the gentleman from Illinois [Mr. BRUCE] for their leadership on this crucial issue and for authoring the legislation before us today. As a result of their hard work, and the spirit of cooperation they brought to this process, we were able to pass this legislation out of subcommittee by a vote of 22-2 and out of the full Energy and Commerce by a vote of 39-3. This bill is commonsense, compromise legislation, which will both improve television programming for our Nation's children and will provide broadcasters with appropriate commercial guidelines for children's programming.

Passage of the Children's Television Act of 1988 would be the most important congressional statement on children's television in a generation. The legislation is comprehensive and constructive and reflects an understanding of the potential benefits of television as an educator of our children as we face an increasingly competitive future.

While the legislation we are considering today does not reflect the totality of the wish list of any particular party or interest, it does address the major concerns of all parties and interests. Specifically, the legislation will cure two of the most significant ailments currently afflicting children's television programming.

First, it will reduce the level of commercialization on children's television. Second, and perhaps more importantly, the substitute will provide a congressional recognition, for the first time, that a broadcaster's public interest responsibilities include a responsibility to provide educational and informational programming for children.

This bipartisan legislation is a flexible remedy. It ensures that our children will learn more from television than the wonders of the latest toy or cereal. But the bill also recognizes and accommodates the market demands facing commercial television operators. Although the rules repealed in 1984 limited advertising in children's programming on weekends to 9.5 minutes per hour, the compromise legislation we are considering reflects changes in the children's television marketplace and has increased the time limits for weekends to not more than 10.5 minutes per hour on weekends. We do, however, retain the previous time limit of 12 minutes per hour on weekdays. So that broadcast licensees have ample time to adjust to the reimposition of time guidelines, stations are not required to follow these standards until January 1, 1990. Further, because of our concerns about the rapid evolution in the video marketplace, after January 1, 1993, the FCC, after notice, public comment and a demonstration of the need for modification, may modify these time standards in accordance with the public interest.

The legislation also provides the FCC broad discretion in reviewing a station's commitment to children's educational and informational programming. The legislation does not require the FCC to set quantitative guidelines for educational programming, but instead, requires the Commission to base its decision upon an evaluation of that station's overall service to children.

For far too long, we have allowed children's television to be driven solely by commercial considerations. It is time to put the interests of children back into the equation. As I have said before, television should be nutrition for the mind, not just a junk food diet to satisfy commercial appetites.

The legislation does not address every issue of concern to members. For example, it does not address the issue of program length commercials, which long has been a source of debate and contention. The FCC and the courts are reviewing program length commericals, however, and I intend to monitor their progress closely. Members of the committee and children's advocates made a conscious determination not to address program length commercials in this legislation. There are difficult definitional determinations that must be made, and possibly are better left to the Commission and courts to resolve. I want to state clearly and unequivocally, however, that I remain unalterably opposed to practices that contribute to the commercial exploitation of children. And I stand ready to revisit this issue if it is not resolved satisfactorily by the Commission or the courts.

I believe that the future for children's television is promising. We have an opportunity today to make a lasting contribution to that future and to the viewing options of unborn generations of children. Passage of the Children's Television Act 1988 will dramatically improve the state of children's television.

I am of the firm belief that children's television reached its nadir over the past few years. But most things are cyclical, including practices in children's television. In this area, clearly, it is time for the pendulum to swing back, and for Congress to give it a push.

□ 1255

Mr. Speaker, I reserve the balance of my time.

Mr. RINALDO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend the chairman of the Energy and Commerce Committee, the gentleman from Michigan [Mr. DINGELL], and the chairman of the Telecommunications Subcommittee, and particularly the gentleman from Massachusetts [Mr. MARKEY], for their leadership on the issue of children's television. We have worked closely together, and have produced a bill that attracted overwhelming bipartisan support in the Energy and Commerce Committee. It encourages improvements in children's TV consistent with the first amendment.

Commercial television has a unique obligation to its child audience. Over the past 20 years, the FCC has expressed concern with the effects of advertising on children. Until 1984, the Commission had commercial time limits during children's shows. The FCC also requires TV stations to serve the children in their audiences through programming aimed specifically at them.

H.R. 3966 makes the obligations of TV stations to children Federal policy. After its enactment, the FCC must adopt guidelines to protect children from excessive advertising during children's shows. It also acknowledges the duty of commercial TV stations to provide programming for that special, impressionable audience.

Specifically, the bill requires the FCC to institute children's TV commercial time guidelines of 10½ minutes per hour on weekends, and 12 minutes per hour on weekdays. The FCC also must check whether the licensee has complied with those commercial guidelines at license renewal time.

The guidelines become effective in 1990. At any time after January 1, 1993, the FCC may modify them if necessary. This provides a safety valve through which changes in the guidelines can be made.

These advertising guidelines explicitly recognize the sweeping changes in the video marketplace since 1974, including cable TV penetration and the widespread availability of video cassette programming.

The bill also recognizes that without advertising, there would be very little, if any, commercial TV programming for children. Therefore, it strikes a balance between financial support for children's programming, and the desire to shield children from overexposure to commercial messages.

The bill also requires the FCC to consider, at license renewal time, whether a commercial TV licensee has served the educational and informational needs of children in its overall programming. This is a simple and straightforward acknowledgement that a station's overall programming must serve its child audience.

This provision is consistent with the existing obligations of a TV station to children in its viewing area. It also gives the FCC the necessary tools to gauge the licensee's performance. Thus, it is the best way to ensure that licensees remain responsive to their child audiences.

We cannot legislate parental responsibility to supervise the programming viewed by their children. However, I believe that we can encourage broadcasters to improve their service to children, who are a significant and unique part of the television audience. H.R. 3966 will do just that. I urge my colleagues on both sides of the aisle to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. BRUCE], who introduced the original bill and who has been the motivating force behind our action on this legislation this year.

Mr. BRUCE. Mr. Speaker, I rise in strong support for H.R. 3966, "The Children's Television Act of 1988." First of all, I would like to thank my colleague, Mr. BRYANT, who was a leader in this whole question of the content of children's television and also to Chairman DINGELL and the Telecommunications and Finance Subcommittee chairman, Mr. MARKEY, who made it possible for this bill to come before the floor today. I think the gentlemen have worked to ensure a substantial improvement in the quality of children's television programming with a minimum of commercialization. H.R. 3966 is the first major children's television bill to be acted on by Congress in 10 years. From the time that we acted last on children's television today, kids that were in the first grade are now taking SAT's and ACT's and getting ready to go to college.

Last year, I introduced legislation which reinstated previous Federal Communications Commission [FCC] limitations on commercial advertising during children's programs to 9.5 minutes per hour during weekends and 12 minutes per hour during the week. I commend the provisions in the substitute offered in the full committee by the Honorable MATT RINALDO to reinstate advertising minute rules for children's programs as well as to establish a standard of educational and informational programming to meet the needs of young children.

Mr. Speaker, there is a growing consensus that the state of children's programming is a disgrace. Although the FCC may have acted in good faith in 1984 when it deleted the commercialization guidelines, by believing that industry standards would prevail, such has not been the case. No standards for children have prevailed relative to advertising. Indeed, the television industry had an opportunity to demonstrate that it could act responsibly by working to improve children's programming. Instead it chose to air program-length commercials—programs created specifically to advertise products rather than nurture and educate children. I quote from an editorial in Advertising Age entitled "A TV License To Steal From Kids":

> You can hardly tell the commercials from the programs, especially if you are too little to comprehend what advertising is and certainly to be sophisticated to know a licensing deal when you see one. * * * Actually in the trend's early stages we didn't mind so much. * * * But the small fry (is now) being bombarded * * * six days a week with product themed shows. * * * Children's TV sorely needs innovation, diversity and substance, but unhappily with would-be sponsors flooding the airwaves with tailor made vehicles, there is little room for program producers who might want to sell more shows that make children think and grow up gracefully.

I applaud the efforts of Peggy Charren, Action for Children's Television, the National PTA, and other groups devoted to the concerns of children with the bipartisan support this bill received, we are putting the FCC on notice that we are serious about protecting our children from advertising disguised as programming. What the industry won't do voluntarily, the Congress must do through legislation to assure that the best interests of children are addressed. Mr. Speaker, H.R. 3966 is a critical piece in telecommunications policy. It sends the message that there are ways in which we can all work together in improving childen's TV programming and I urge my colleagues in the House to adopt this measure.

□ 1305

Mr. RINALDO. Mr. Speaker, I yield 5½ minutes to the gentleman from Iowa [Mr. TAUKE].

Mr. TAUKE. Mr. Speaker, I thank the gentleman from New Jersey [Mr. RINALDO] for his leadership and the gentleman from Massachusetts [Mr. MARKEY] for the leadership he has exerted on telecommunication issues and on this legislation.

Mr. Speaker, I know that all of the members of our committee who support this legislation are very well intentioned and are desiring to do something positive for children who view TV programs. However, I think that the effort that is before us is misdirected.

Mr. Speaker, perhaps one of our Nation's great jurists, Justice Brandeis, said it best when he said that "The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding."

I think that our colleagues are very well meaning in this issue, but I believe, when it comes to the constitutional questions that are before us, any understanding suggests that this legislation should not be approved because, as the administration states, and it is a statement of opposition, but the effort is inappropriate, ill advised, inimical to the spirit of the first amendment.

Why is it that this is inimical to the spirit of the first amendment? Because since 1974, when it was the last time when we had commercial time limits in regulation, a lot has happened in the courts. The world has changed in constitutional terms. Since that time we have had cases which have set out in great detail what kind of tests must be passed in order for legislation to be considered constitutional; if you will, to pass constitutional muster.

Any regulation of commercial expression during children's programming must pass the following tests:

First, the governmental interest must be substantial; second, the regulation must directly promote that interest; and, third, the regulation must be no more extensive than necessary to promote that interest.

Mr. Speaker, this legislation, it seems to me, has suggested that we can limit advertising and in that way promote some governmental interest, but it is not at all clear what the governmental interest is. Presumably it falls into the category of child welfare. However, we have no clear idea of how or if too many commercials actually cause harm to children or what kind of harm is caused.

Mr. Speaker, despite extensive hearings on this legislation, we could never come to grips with that issue. If we cannot define the governmental interest, we cannot hope to define how substantial that interest is.

Similarly, it cannot be argued that commercial limits directly promote any governmental interest. If we assume that children's exposure to too many commercials is bad in some way, then there is no reason to limit commercials only to during children's programming.

Recent Nielsen data shows that children actually watch more TV during prime time than after school or on Saturday morning, and, therefore, only across-the-board commercial time limits would directly advance the Government's avowed purpose of limiting children's exposure to TV commercials.

We have, I guess, a proposal before us which attempts to limit something which we find to be inherently good; namely, commercial advertising. We suggest that we should limit it during children's programming because to much exposure to this inherently good thing, commercial advertising, may be bad for them, but yet the fact is they see most of that advertising during other times.

Even if harm to children from too many commercials could be shown and even if commercial limits could be shown to directly advance that interest, applying commercial limits to all programs would infringe on the first amendment rights of adults to receive product information that is lawful and that is neither fraudulent nor misleading.

For all these reasons, Mr. Speaker, the commercial time limit approach found in the substitute in my view is unconstitutional. By adopting it we are not solving a problem. We are only delaying its resolution.

But, Mr. Speaker, there is another reason why it is unconstitutional, and that is because it does not meet that final test that there must be no other method which is no more extensive, no more difficult to undertake than the regulation that is proposed. And we in subcommittee and in committee proposed an alternative which was mainly lifting the antitrust exemption which currently prohibits broadcasters and others from adopting something akin to the broadcaster's code that will allow them to regulate themselves.

Now I might say that approach would not only deal with any problems from extensive commercialization which may exist, not only would that approach deal with the issue of overcommercialization, but lifting the antitrust exemption would also permit us to deal with the real potential problem, and that is the nature of programming that is seen by children, and that issue is not addressed at all.

So, Mr. Speaker, I think Members of the House ought to recognize that this bill, first of all, does not deal with the real problems confronting children's television; second, the proposal before us is in my judgment unconstitutional; third, because it is misdirected, it does not in any way deal with whatever potential problems might be out there from overcommercialization of programming that is seen by children.

As a result, I urge the House to turn down this bill and send us back to do a better job to redirect our good intentions.

Mr. MARKEY. Mr. Speaker, I yield 5 minutes to the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Speaker, my good friend from Iowa [Mr. TAUKE] is somebody with whom I work in concert on many, many issues, and it grieves me to have to rise and disagree with virtually everything he just said.

Mr. Speaker, there are no constitutional questions here.

What is the interest? The interest here is whether or not, and this was central to the hearings we held, children and virtually children alone in our society are going to be subject to program-length commercials, commercials which begin at the beginning of the program and run all the way to the credits, commericals which act as programs because what they have done is taken the product they are selling and turned it into the central character of the program itself. That is the governmental interest.

What is promoted by this legislation? What is promoted is we are going to put an end to program-length commercials, something no adult is subjected to, because it simply will not work in prime time programming aimed at adults. You cannot make a cleaning product into the central character of a nighttime soap opera. You can take children's products and turn them into full-length programs. What is promoted here is giving children at least equal treatment with adults in the programs that are put on the air in this country.

And as to the third point, Mr. Speaker, no more extensive than needed; this is a very measured program. It essentially replaces things that were in place and unchallenged for years before the current FCC went into kind of a feeding frenzy of deregulation and threw out a lot of good stuff with a lot of bad stuff. It meets all the constitutional questions that have been raised.

Now that is my opinion, and it is the opinion from the gentleman from Iowa [Mr. TAUKE] to the contrary, and the fact is this body does not decide those things. It is our responsibility to try and raise those and be concerned with the Constitution, but the fact is, should I be wrong and the gentleman from Iowa would be right, there is an institution across the street which will decide that in due time.

There is ample reason to believe, however, in discharging our responsibilities here that there are no constitutional questions whatever and that we can simply restore some protections that were there in the past for years to protect children from program-length commercials.

Beyond all of that, let me say that this bill does one other important thing. In our system local stations have a responsibility to serve local needs. It is a responsibility that some have forgotten is intrinsic to our system, not so much those of us here in this institution, but some down the street who have been charged as an independent agency with protecting the basic communications policy of this country established in 1934 and something that I am afraid some in the broadcasting industry have tended to let slip their mind temporarily, I hope. What this does is not only remind us all and remind the local broadcasters that they have this responsibility, but it says specifically that serving children is part of that local responsibility.

□ 1315

That is something that anyone who has watched the trends in local television programming over the last decade and a half can see stations were beginning to first place less importance on and some forgot entirely over the years.

This legislation will say that it does not dictate what the stations must do. If does not tell them they have to do certain kinds of programs to meet the need. It does not say they have to do any programs at all to meet the need. It says they will have to do programming of some sort, that they will have to take into consideration as they meet their needs for the use of that publicly owned spectrum, they will have to take into consideration the needs of our children—our children.

Mr. Speaker, this is a superb, measured piece of legislation. I congratulate the authors. I congratulate the chairman of the subcommittee and the ranking member of the subcommittee for putting together a superb compromise, and urge all my colleagues to proudly vote for this legislation.

Mr. RINALDO. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. COATS].

Mr. Speaker, will the gentleman yield?

Mr. COATS. I yield to the gentleman from New Jersey.

Mr. RINALDO. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, I want to take this opportunity to commend the gentleman from Washington [Mr. SWIFT] for his very eloquent statement in support of that legislation. I think he was right on the mark.

I think additionally it should be pointed out that this bill passed overwhelmingly in the full Energy and Commerce Committee by a vote of 39 to 3.

Finally, the gentleman from Iowa alleged that the commercial time limits, in his judgment, are unconstitutional because they intrude on commercial speech limits.

Let me point out that we must not forget that the public interest standard also enables us to regulate broadcasting in ways that are not permitted in other mediums, like the printed press. The subcommittee found that children should be protected from excessive commercialization on television. We found this as a result of a hearing.

Consequently, we have the ability under the Communications Act to protect children by limiting the amount of commercials shown during programs aired at them. Given the present state of children's TV, I believe we must use that ability.

Once again, I agree with the gentleman from Washington [Mr. SWIFT] that we must not attempt to prejudge the legislation or act as members of the judiciary in ruling on its constitutionality.

Mr. COATS. Mr. Speaker, I intend to vote for this legislation when it comes to a vote later on here, but I do so, however, with some reservations, which I would like to express.

I think the gentleman from Iowa [Mr. TAUKE] raised a legitimate concern about the constitutionality of this legislation, and those are certainly points that ought to be debated and discussed, and not under suspension of the rules, but in the full House, and it is important that we do that.

Second, I think the gentleman raises and has raised in committee some valid concerns about what the best method of dealing with this issue is, whether it is this bill or whether it is a process by which broadcasters voluntarily agree to reestablish the Broadcasters' Code and deal with the subject at hand.

By allowing Government to be the arbiter of the length of commercialization, the types of programming and so forth that are available to our children, we turn this process over to an entity that has a very poor track record. I do not have very much confidence in either the ability of Government now or their ability in the future to deal with this matter and to change that process.

Allowing the industry to address the subject is probably superior to our mandating it, and yet I am not so certain that given all the competing market factors that even this is a satisfactory way of dealing with it.

What I think is important that we all understand is that ultimately it is not the reponsibility of Government, it is not the responsibility of the industry, but it is the responsibility of parents to determine what their children should or should not watch, and if we attempt to pretend that either the industry or Government can substitute its judgment for the judgment of parents, or substitute Government or industry responsibility for the responsbility of parents, I think we are making a big mistake.

The major reasons we are addressing this issue today is the failure of parents to monitor what their children watch or even to ask themselves questions as to what they want their children to watch, and in turn to convey those concerns to the industry by either turning the dial to a different program or turning the set off entirely.

We might by passing this legislation today—and I stress we might—make a slight impact, a slight effect on television programming, the commercialization impact on children, but it is going to be a very slight impact, and that impact, as I suggest, cannot be successful in the long run either by Government action or through industry action. It can only be successful by parents getting involved in what their children watch. Until that happens, we are not going to make much of a difference.

Mr. MARKEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would just like to note for the record the support for this legislation from Ms. Peggy Charren, who is the president of Action for Children's Television, who has been a prime impetus in our efforts to pass this legislation.

I would also like to note that the National PTA, the U.S. Catholic Conference, the Consumer Federation of America, the American Academy of Child and Adolescent Psychiatry, the National Association of Elementary School Principals, the Office of Communication of the United Church of Christ, the Children's Defense Fund, the Media Access Project, the American Academy of Pediatrics, the National Education Association, the United Methodist Church, the International Reading Association, the American Psychological Association, the National Council of Churches, the American Public Health Association, the National Consumers League, and the Center for Science in the Public Interest, all support this legislation. A broad national coalition consensus has developed around the need to have some standards in this area, around the need to have broadcasters have this as part of the criteria which will be used to judge whether or not in fact they ought to be holding licenses for broadcasting signals across this country.

Mr. Speaker, I think as a result, it does deserve the broad support of the House.

Mr. SLATTERY. Mr. Speaker, I rise in support of H.R. 3966, the Children's Television Act of 1988. As a member of the Telecommunications and Finance Subcommittee, I strongly support this effort to reinstate commercial time guidelines for children's television and as the father of two preteenage boys, I know first hand how important these restrictions are to parents who seek to maintain some control over the development of their children in this age of media saturation.

This legislation would limit the duration of advertising in children's programming, on and after January 1, 1990, to not more than 10.5 minutes per hour on weekends and not more than 12 minutes per hour on weekdays. After January 1, 1993, the Federal Communications

Commission shall have the authority to review and evaluate these standards with an eye to any needed modifications. The bill also would require commercial television broadcast licensees as part of their public interest obligations to provide educational and informational children's programming.

Mr. Speaker, television has become an integral part of everyday life with profound effects of viewers of all ages. By the time a child finishes high school, he or she has spent between 10,000 to 15,000 hours watching television. This is more hours than the child will spend in the classroom. Before a child reaches adulthood, he or she has been exposed to over 200,000 commercials. Simply put, Mr. Speaker, most American children watch too much television instead of reading, thinking, and experiencing real life. With this legislation, we will not be able to pull these youthful couch potatoes away from their television sets. With this legislation, however, we will be able to place some reasonable limits upon the number of commercial minutes to which impressionable children will be exposed. I urge my colleagues, particularly those with young children, to support this legislation.

Mr. ECKART. Mr. Speaker, I rise in strong support of H.R. 3966, the Children's Television Practices Act of 1988. As a member of the Telecommunications and Finance Subcommittee and an original cosponsor of the bill, I want to congratulate the distinguished chairman and ranking minority member of the subcommittee for their leadership in what has been a strongly bipartisan effort.

I also want to congratulate the numerous groups that worked closely with the subcommittee to produce legislation. No one deserves more credit than Peggy Charren of Action for Children's Television for battling virtually singlehandedly through the years since the FCC's irresponsible deregulation in 1984.

I would also like to single out the National PTA and their legislative director, Millie Waterman, for the outstanding work they have done in helping to bring this bill to fruition. Made good on parents' responsibility to protect their children from exploitation at the hands of TV.

Television plays an enormous role in the education and formation of children. Preschoolers watch more than 28 hours of television per week. That is more than 4 hours each day. A child watches on average between 15,000 and 20,000 hours of television by the time he or she has graduated from high school. That amounts to approximately 350,000 commercial messages.

Since the 1984 deregulation of children's television by the FCC, the Federal Government has abdicated its considerable responsibility for protecting children in this vital area. The FCC that once called television as nothing more than "toasters with pictures" can no longer be trusted to fulfill its obligations to the American public. We are now taking a first step toward fulfilling that responsibility once again.

The bill we are enacting today is a modest version of our original effort. It is one that we have been able to reach consensus on and represents an important step. The commercial guidelines will restrict commercials to levels comparable to pre-1984 levels.

Perhaps more importantly, the bill will require the FCC once again to consider a licensee's service to children as part of its general obligation to "serve the public interest." That such a responsibility was ever left to the vagueries of marketplace forces is nothing short of incredible.

I and my colleagues will be keeping a close eye on the current FCC proceeding for signs of progress in restoring other guidelines that we do not address today. What, if anything, is done about the problem of so-called program-length commercials will be of particular interest. If the FCC drops the ball again, if program-length commercials like "He-Man," "G.I. Joe," and "Transformers" continue to proliferate, I believe Congress will have to take up this issue once again.

Mr. MILLER of California. Mr. Speaker, I rise in support of H.R. 3966.

This legislation would not be necessary if the Federal Communications Commission had not abdicated its responsibility for regulating children's television in 1984.

Before that year, the Commission had been building a record that recognized children's unique needs and vulnerability to commercial pitches. As far back as 1960, the FCC regarded children as a group whose programming needs were required to be met by television licensees in order to meet the stations' public interest responsibilities. In 1974, the Commission ruled that broadcasters had a special obligation to serve children as a substantial and important community group.

But in 1984, the FCC abruptly reversed its previous policies, deciding that marketplace forces would adequately restrain the commercial contents of children's programming. The Commission dropped commercial guidelines for children's television and ended the requirement that broadcasters determine the broadcasting needs of their local communities.

The FCC's 1984 decision was pure ideology and flew in the face not only of previous policy but also of common sense. In response to a lawsuit challenging the FCC decision, a Federal Appeals Court ruled in 1987 that the Commisison had "offered neither facts nor analysis" to support a reversal of its earlier policy. The court ordered the Commission to reconsider its action.

Today's compromise bill represents a small but necessary step back toward 1984. It is particularly crucial in light of the following facts:

Between the ages of 2 and 12, American children watch an average of 25 hours of television each week.

By the time the average child finishes high school, he or she has spent more hours watching television than in the classroom.

Before a child is 18, he or she has seen 200,000 television commercials.

H.R. 3966 would reimpose moderate limits on the number of minutes of commercials per hour of children's programming. It would allow 1 of every 5 minutes of children's weekday programming to be taken up by commercials. On weekdays, children' programming would be limited to 10½ minutes of commercials per hour, compared to the pre-1984 limit of 9½ minutes per hour. Perhaps more significantly, the bill would require the FCC, in reviewing station licenses, to determine whether the licensee has served the educational and informational needs of children in its overall programming.

H.R. 3966 enjoys bipartisan support and is not opposed by the broadcasting industry. In 1984, the FCC abdicated its responsibility to children. It is past time that Congress responded.

Mr. DOWNEY of New York. Mr. Speaker, I stand in strong support of H.R. 3966, the Children's Television Advertising Act. I know first hand of the great need for this bill which limits advertising during children's programming. I have two young children, and I have watched television with them. For any of you who have not watched children's television over the past few years, let me share with you my knowledge of this medium. The advertisers have taken over after school and weekend scheduling. On every station, except public television stations, the plastic toys and sugary cereal are on the screen as often as He-Man, Shira and Pee Wee.

Television is a powerful force in American society and can be an excellent medium for education and entertainment, but when there are more commercials than there is substance, this valuable force is destructive. The children are left with only an overwhelming desire to own whatever Madison Avenue has packaged for them. We have a responsibility to offer this Nation's children more than commercials. We know that parents allow children to watch TV, and we have the power to make sure they see quality programming, and not just advertisements.

I commend my colleagues and good friend Chairman MARKEY for bringing this important bill to the floor.

I know that many parents will rest easier knowing that their children are not subject to a barrage of expensive toys.

I urge my colleagues to vote for this bill.

Mr. RINALDO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MARKEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the bill, H.R. 3966, as amended.

The question was taken.

Mr. MARKEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on H.R. 3966, the bill just considered.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

HEARING AID COMPATIBILITY ACT OF 1988

Mr. **MARKEY**. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2213) to require certain telephones to be hearing aid compatible, as amended.

The Clerk read as follows:

H.R. 2213

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hearing Aid Compatibility Act of 1988".

SEC. 2. FINDINGS.

The Congress finds that—

(1) to the fullest extent made possible by technology and medical science, hearing-impaired persons should have equal access to the national telecommunications network;

(2) present technology provides effective coupling of telephones to hearing aids used by some severely hearing-impaired persons for communicating by voice telephone;

(3) anticipated improvements in both telephone and hearing aid technologies promise greater access in the future; and

(4) universal telephone service for hearing-impaired persons will lead to greater employment opportunities and increased productivity.

SEC. 3. AMENDMENTS.

(a) HEARING AID COMPATIBILITY REQUIREMENTS.—Subsection (b) of section 710 of the Communications Act of 1934 (47 U.S.C. 610(b)) is amended to read as follows:

"(b)(1) Except as provided in paragraphs (2) and (3), the Commission shall require that—

"(A) all essential telephones, and

"(B) all telephones manufactured in the United States (other than for export), or imported for use in the United States, more than one year after the date of enactment of the Hearing Aid Compatibility Act of 1988, provide internal means for effective use with hearing aids that are designed to be compatible with telephones which meet established technical standards for hearing aid compatibility.

"(2) The initial regulations prescribed by the Commission under paragraph (1) of this subsection after the date of enactment of the Hearing Aid Compatibility Act of 1988 shall exempt from the requirements established pursuant to paragraph (1)(B) of this subsection only—

"(A) telephones used with public mobile services;

"(B) telephones used with private radio services;

"(C) cordless telephones; and

"(D) secure telephones.

The exemption provided by such regulations to cordless telephones shall not apply with respect to cordless telephones manufactured or imported more than 3 years after the date of enactment of the Hearing Aid Compatibility Act of 1988.

"(3) The Commission may, upon the application of any interested person, initiate a proceeding to waive the requirements of paragraph (1)(B) of this subsection with respect to terminal equipment associated with a new technology or service. The Commission shall not grant such a waiver unless the Commission determines, on the basis of evidence in the record of such proceeding, that such technology or service is in the public interest, and that (A) compliance with the requirements of paragraph (1)(B) is technologically infeasible, or (B) compliance with such requirements would increase the costs of the technology or service to such an extent that the technology or service could not be successfully marketed. In any proceeding under this paragraph to grant a waiver from the requirements of paragraph (1)(B), the Commission shall consider the effect on hearing-impaired individuals of granting the waiver. The Commission shall periodically review and determine the continuing need for any waiver granted pursuant to this paragraph.

"(4) For purposes of this subsection—

"(A) the term 'essential telephones' means ony coin-operated telephones, telephones provided for emergency use, and other telephones frequently needed for use by persons using such hearing aids;

"(B) the term 'public mobile services' means air-to-ground radiotelephone services, cellular radio telecommunications services, offshore radio, rural radio service, public land mobile telephone service, and other common carrier radio communication services covered by part 22 of title 47 of the Code of Federal Regulations;

"(C) the term 'private radio services' means private land mobile radio services and other communications services characterized by the Commission in its rules as private radio services, and

"(D) the term 'secure telephones' means telephones that are approved by the United States Government for the transmission of classified or sensitive voice communications.".

(b) CONFORMING AMENDMENT.—Section 710(f) of the Communications Act of 1934 is amended by striking out the second sentence and inserting the following: "The Commission shall complete rulemaking actions required to implement the amendments made by the Hearing Air Compatibility Act of 1988 within 9 months after the date of enactment of such Act. Thereafter, the Commission shall periodically review the regulations established pursuant to this section.".

The **SPEAKER** pro tempore. Is a second demanded?

Mr. **RINALDO**. Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The **SPEAKER** pro tempore. The gentleman from Massachusetts [Mr. MARKEY] will be recognized for 20 minutes and the gentleman from New Jersey [Mr. RINALDO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

Mr. **MARKEY**. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the students and faculty at Gallaudet University helped us to learn this spring, the deaf and hard of hearing are tearing down the barriers that have prevented them from becoming full and equal members of society. They have removed the obstacles erected by an insensitive and unsympathetic society.

Today this body can join these courageous individuals and discard another needless impediment to the success of the hearing impaired and guarantee that they have equal access to the U.S. telephone network.

At present there are many times, often when it matters the most, that a hearing impaired person simply cannot use the telephone. Imagine not being able to call home from a friend's house or use the phone in someone else's office or even to call 911 outside your own home in an emergency.

For many of the Nation's 4 million hearing impaired persons, this is not some far-fetched nightmare. It is a daily reality. In today's information and communication driven society, the telephone is no longer a luxury item. It is an essential part of our everyday lives, our link to the rest of the world, and vital to our business and social success as well.

Ironically, since the de-regulation of the telephone equipment industry, which promised to bring the wonders of modern telecommunications to all Americans, the percentage of telephones the hearing impaired can use has gone down significantly.

H.R. 2213 will reverse this dangerous trend. The bill amends section 710 of the Communications Act of 1934 and the Telecommunications for the Disabled Act of 1982, to require that all telephones manufactured or imported 1 year after enactment of this act be hearing aid compatible.

The legislation exempts a few specialized applications, such as mobile services and phones used for national security purposes.

Further, H.R. 2213 is written to insure that it will not freeze today's technology and inhibit future innovation and development.

The bill only requires that phones be compatible. It does not mandate any particular type of technology.

This legislation will keep pace with the dynamic fast-changing telecommunications and hearing aid technology.

Fortunately, it is very easy to make every telephone accessible to the hearing impaired person. A simple virtually costless copper wire located in the telephone hand set creates an electromagnetic field which a telecoil in a hearing aid picks up, allowing the users to hear loud and clear.

Unfortunately for the nearly 2 million telecoil hearing aid users and the up to an additional 10 million people with latent hearing impairments, a very large percentage of whom among this country's growing elderly population, too many phones do not have this tiny wire.

We simply cannot confine the hearing impaired to a world of silence. Requiring that all new phones be hearing aid compatible will help the hearing impaired enjoy the freedom of access and safety that the telephone brings.

Over the past months, the subcommittee working with my distinguished ranking minority member, the gentleman from New Jersey [Mr. RINALDO] and I have worked with the bill's original sponsor, Senator LARRY PRESSLER, and my good friend, the gentleman from Massachusetts [Mr. MAVROULES], as well as advocates, especially David Saks of the Organization of Use of the Telephone, Cynthia Reilly of the Office of the Maryland's People's Counsel, Karen Peltz Strauss of Gallaudet University, manufacturers such as GTE, AT&T, IBM, and experts from the EIA and the FCC, in an effort to construct an effective and equitable bill. I want to commend all of them for their dedication and commitment to improving the lives of the hearing impaired.

I also want to thank the chairman of the full committee, the gentleman from Michigan [Mr. DINGELL], for his cooperation in this effort and for the valuable assistance his staff has provided.

I would also like to note that my staff, Mr. Sidman, Mr. Frommer, and Mr. Salemme, working with Mark MacCarthy of the full committee have worked intensively over a very short period of time in order to produce this piece of legislation, working with the subcommittee staff in an effort to produce a bipartisan piece of legislation.

Working together, we have reached consensus language which addresses the communication needs of the hearing impaired and still affords manufacturers the flexibility which they need.

□ 1330

The Subcommittee on Telecommunications and Finance and the full Committee on Energy and Commerce unanimously adopted this consensus language as an amendment in the nature of a substitute to H.R. 2213. The Telecommunications for the Disabled Act of 1982 was a good first step in improving the hearing impaireds' access to a limited number of telephones but now it is time to take a giant step further, a step that will ensure that the hearing impaired are capable of using every telephone like we all do, a step which will guarantee the hearing impaired equal access to the U.S. telephone system.

This body has often shown its commitment to a strong national policy of universal telephone service for all Americans. Today we can again demonstrate this unwavering commitment by guaranteeing equal access of the telephone network to the hearing impaired.

Mr. Speaker, I would also like to note, although I did not do this at the appropriate time in the last legislation, note that the children's bill was also a product of that same kind of cooperation and there again the full committee staff led by Mark McCarthy and the subcommittee staff of Larry Sidman and Larry Irving and Liz Sadove worked together with the minority staff to ensure that there would in fact be that kind of bipartisan support, including the work of Terry Haynes of the subcommittee minority who deserves that same kind of praise and public recognition because without their cooperation that kind of bipartisan consensus could not have been reached.

Mr. Speaker, I reserve the balance of my time.

Mr. RINALDO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2213 furthers the National policy of universal telephone service, particularly for citizens who are hearing impaired. I commend the chairman of the Telecommunications Subcommittee, the gentleman from Massachusetts [Mr. MARKEY], for his work on H.R. 2213.

Together, we have crafted bipartisan, consensus legislation that addresses a real problem in this Nation. We have accomplished it in an effective manner that takes into account the needs of the affected industries and of the public. Needless to say, this is frequently a difficult task.

The bill before us will accomplish a great deal. It will ultimately provide the hearing impaired with the same access to nearly every telephone enjoyed by the rest of the public. That is, and should be, an important public policy objective.

The testimony heard by the Telecommunications Subcommittee during our hearing on H.R. 2213 in February suggested that some kinds of telephones should be exempted from the bill's reach.

H.R. 2213 exempts many kinds of telephone services, such as land mobile and cellular radio, in which hearing aid compatibility is not now possible to achieve economically.

The bill also creates a technology exception, through which new telephone services can grow until it is possible to make them compatible with hearing aid technology in a cost-effective way. H.R. 2213 also ensures that the development of new telephone services and of new hearing aid technology will be stimulated, not stifled.

In the emerging information age, full, undiminished use of all telephones by all of our citizens will be even more important than it is today. H.R. 2213 will provide the hearing impaired with that vital access. Therefore, I urge all Members to support H.R. 2213.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts [Mr. MAVROULES], the chief House sponsor of this legislation.

Mr. MAVROULES. Mr. Speaker, I want to take this opportunity to express my appreciation to my colleagues on the House Energy and Commerce Committee for providing us with the opportunity to debate the merits of H.R. 2213, the Hearing Aid Compatibility Act of 1988. Specifically, I would like to thank my good friends, Mr. MARKEY, the chairman of the Subcommittee on Telecommunications and Finance, and Mr. RINALDO, the ranking minority member, for their cooperation in scheduling subcommittee hearings on H.R. 2213.

It is incumbent upon me to also acknowledge the tremendous amount of subcommittee staff work that has gone into the development of H.R. 2213. I would be remiss not to mention Jerry Salemme and Terry Hains who provided sage guidance during the course of subcommittee consideration, and Ross Frommer whose political acumen, dedication to the goals of H.R. 2213, and hard work produced the consensus for the compromise bill that we are debating this afternoon, along with Will Kenworthy and Debbie Merrill.

As set forth in the Communications Act of 1934, the Commission should "make available, so far as possible, to all the people of the United States * * * communication services." This is the goal of H.R. 2213—to ensure that all people of the United States, including the hearing impaired—have access to the telephone system the same as nonhearing-impaired individuals. Simply put, what we are talking about here is equality.

As you may be aware, in 1982 the Congress had the foresight to amend the Communications Act of 1934 to allow persons with impaired hearing to have reasonable access to telephone service by requiring that all essential telephones be hearing aid compatible. While the definition of essential telephones was expanded to include most telephones in public access areas and facilities, the bottom line is that any telephone becomes essential if it is the only telephone available.

Without a doubt, passage of the Telecommunications for the Disabled Act of 1982 was a tremendous step forward and those Members who supported that bill are to be commended. But more work needs to be done to ensure universal telephone access for all individuals in the United States.

At this point, I want to acknowledge briefly the commitment made by AT&T, GTE, and others to provide telephone service to the physically handicapped and hearing impaired.

Without their financial commitment, backed by industry research and innovation, millions of Americans would be denied the use of the telephone—a necessity in today's society, not a luxury.

President Reagan has promoted by example the use of hearing aids. According to industry sources, almost 7 million hearing aids have been sold since 1982, representing a 50-percent increase in sales. In 1986 alone, there were over 1.25 million hearing aids sold. Clearly, this is big business when one considers that, according to the Hearing Aid Industry Association, the average cost of a hearing aid is typically $500, including dispensing fees. Some of the more sophisticated inner ear canal hearing aids can easily cost as much as $1,000.

Today, there are over 4 million hearing aid users in this country, approximately one half of whom use a telecoil hearing aid. For the severely hearing impaired, an electromagnetic transmission must be created by inserting a copper telecoil in the telephone handset which electronically transmits sound to the copper coil located in the hearing aid. Without the addition of this copper coil in the telephone handset, telecoil hearing aid users cannot use those telephones that transmit audio sound.

And here I might add that the Department of Commerce and industry agree that adding the copper coil to the handset will not result in any significant increase in the costs of telephone equipment. It gives me great pleasure, therefore, to stand up and offer you the opportunity to vote for a bill that is essentially cost-free and will enable millions of hearing impaired Americans to use the telephone. H.R. 2213 has been cosponsored by over 130 Members.

In conclusion, let me encourage my colleagues to consider the merits of H.R. 2213 and cast a favorable vote that benefits millions of Americans with no expense to the Federal Government.

Mr. RINALDO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a very important bill and it is a bill which makes a lot of sense. It moves with the times. It reflects the growing consensus that we have in society that telephones and other parts of our society ought to reflect the real needs that we have to include those who are hard of hearing, those who are deaf, in the activities of our society.

Mr. Speaker, as the students and faculty at Gallaudet University helped us learn this spring, the deaf and hard of hearing are tearing down the barriers that have prevented them from becoming full and equal members of society. They are removing the obstacles erected by an insensitive and unsympathetic society. Today, this body can join these courageous individuals and discard another needless impediment to the success of the hearing impaired and guarantee that they have equal access to the U.S. telephone network.

At present, there are many times, often when it matters the most, that a hearing impaired person simply cannot use the telephone. Imagine not being able to call home from a friends's house, or use the phone in someone else's office, or even call 911 outside your own home in an emergency. Well, for many of the Nation's 4 million hearing impaired persons this is not some farfetched nightmare, it is a daily reality. In today's information and communications driven society the telephone is no longer a luxury item, it is an essential part of our everyday lives, our link to the rest of the world and vital to our business and social success as well.

Ironically, since the deregulation of the telephone equipment industry, which promised to bring the wonders of modern telecommunications to all Americans, the percentage of telephones the hearing impaired can use has gone down significantly. H.R. 2213 will reverse this dangerous trend.

The bill amends section 710 of the Communications Act of 1934, the Telecommunications for the Disabled Act of 1982, to require that all telephones manufactured or imported 1 year after enactment be hearing-aid compatible. The legislation exempts a few specialized applications such as mobile services and phones used for national security purposes. Further, H.R. 2213 is written to ensure that it will not freeze today's technology and inhibit future innovation and development. The bill only requires that phones be compatible; it does not mandate any particular type of technology. This legislation will keep pace with the dynamic, fast-changing telecommunications and hearing aid technology.

Fortunately, it is very easy to make every telephone accessible to the hearing-impaired person. A simple, virtually costless, copper wire located in the telephone handset creates an electromagnetic field which a telecoil in a hearing aid picks up, allowing the user to hear loud and clear. Unfortunately, for the nearly 3 million telecoil hearing-aid users and the up to additional 10 million people with latent hearing impairments, a very large percentage of whom are among this country's growing elderly population, too many phones do not have this tiny wire. We simply cannot confine the hearing impaired to a world of silence. Requiring that all new phones be hearing-aid compatible will help the hearing impaired enjoy the freedom of access and safety that the telephone brings.

Over the past months my subcommittee colleague, the distinguished ranking minority member, Mr. Rinaldo, and I have worked with the bill's original sponsors, Senator Larry Pressler and my good friend Congressman Nicholas Mavroules, as well as advocates, especially David Saks of the Organization of Use of the Telephone; Cynthia Reilly of the Office of the Maryland's People's Counsel; Karen Peltz Strauss of Gallaudet University; manufacturers such as GTE, AT&T, IBM; and experts from EIA and the FCC, in an effort to construct an effective and equitable bill. I want to commend all of them for their dedication and commitment to improving the lives of the hearing impaired. I also want to thank the chairman of the full committee, Mr. Dingell, for his cooperation in this effort and for the valuable assistance his staff has provided. Working together, we have reached consensus language which addresses the communications needs of the hearing impaired and still affords manufacturers the flexibility they need. The Subcommittee on Telecommunications and Finance and the full Committee on Energy and Commerce unanimously adopted this consensus language as an amendment in the nature of a substitute to H.R. 2213.

The Telecommunications for the Disabled Act of 1982 was a good first step in improving the hearing impaired's access to a limited number of telephones. But now the time has come to take a giant step forward. A step that will ensure that the hearing impaired are capable of using every telephone just like you and I. A step which will guarantee the hearing impaired equal access to the U.S. telephone system.

This body has often shown its commitment to a strong national policy of universal telephone service for all Americans. Today, we can again demonstrate this unwavering commitment by guaranteeing equal access of the telephone network to the hearing impaired.

Mr. RINALDO. Mr. Speaker, will the gentleman yield?

Mr. MARKEY. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. Rinaldo].

Mr. RINALDO. Mr. Speaker, I want to thank the gentleman from Massachusetts [Mr. Markey] for his warm comments and say that it has been a pleasure working with him. He has treated the minority very fairly and we hope that that relationship will continue throughout this session because it is in the best interests of all of the people that we represent.

Mr. MARKEY. Mr. Speaker, I thank the gentleman from New Jersey [Mr. Rinaldo] for his remarks. I think that cooperation will be the hallmark of the time that the gentleman from New

Jersey [Mr. Rinaldo] and I serve together, we will have a cooperative working relationship and I think that these two bills along with some other legislation reported out recently will lay the foundation for additional legislation before the end of this year in many areas where we are mutually concerned.

Mr. Speaker, I wish also to make a proper notation of support and note the cooperation of the gentleman from Michigan [Mr. Dingell], the chairman of the Committee on Energy and Commerce, and the ranking minority member, the gentleman from New York [Mr. Lent].

Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. Eckart].

□ 1345

Mr. ECKART. Mr. Speaker, the activities of the committee with our Republican colleagues and our subcommittee chairman I think have reflected well both on the committee and on the House in this day's work. I think we have stood tall for those who often do not have a voice in this body, the children of America, those who find themselves hearing impaired and being better able to understand and participate in the kinds of debates and entertainment and communication that this great country has to offer.

The legislation that the subcommittee and full committee have reported today which this House has designed to accept I think reflect well and I think fills important needs.

I thank the gentleman once again.

Mr. WALGREN. Mr. Speaker, I am pleased today to support H.R. 2213, the Hearing Aid Compatibility Act of 1988. H.R. 2213 would require all telephones sold in the United States to be hearing aid compatible. I hope to see this bill passed in the interest of the 2 million people who wear hearing aids and have difficulty using the telephone. In keeping with long-established Government communications policy, this bill would hold true to our promise to make communications services available to all people of the United States. The telephone is a necessity of life, and we must insure that the hearing impaired have equal and easy access to its use.

It is difficult to imagine the inconvenience and frustration associated with the inability to use the telephone if one is not hearing impaired. Many people take their access to the telephone for granted because it is second nature to pick up a phone anywhere, any time and for any reason. The hearing impaired do not have this easy access to just any phone. Not only is it inconvenient for a hearing-impaired person to locate a compatible phone when necessary, it is frequently impossible. Furthermore, it can be dangerous in a life-threatening emergency if a compatible phone is unavailable. Current law, the Telecommunications for the Disabled Act of 1982, requires that all "essential" phones be hearing aid compatible—for example, coin telephones in any public or semipublic location, any telephone provided for emergency use in elevators and such places, and any phone needed to signal a life-threatening emergency. There are times when these essential phones may not be accessible in an emergency since an emergency can occur at any moment. This bill would not only make compatible phones more accessible for the hearing impaired, it would also insure quick access in the event of an emergency. This can save a life.

It should be noted that the cost of compatible phones to consumers is little more than that of regular phones. The only additional cost in producing each compatible phone is estimated to be 25 to 50 cents per phone. This is a small price to pay to provide 2 million people with equal access to the telephone.

The Hearing Aid Compatibility Act of 1988 is designed to benefit disabled persons by providing equal access to the telephone in a virtually cost-free manner. Equal access would eliminate discrimination against disabled persons by providing them with the same advantages enjoyed by all other telephone users. The bill exempts certain new technology like car telephones and private radio stations, which would be costly.

The telephone is indispensible in our daily lives. It is long past the time to remove yet one more obstacle standing in the way of the disabled. I hope the members of the House will join me today in supporting this bill.

Mr. SLATTERY. Mr. Speaker, as a member of the Telecommunications and Finance Subcommittee and as a cosponsor of the legislation we are considering today, I am proud to rise in support of H.R. 2213, the Hearing Aid Compatibility Act of 1988. I would like to take this oppportunity to commend the chairman of the subcommittee, Ed Markey, for the time and effort that he and his staff have devoted to bringing this bill before us today. Through a great deal of work with hearing-impaired individuals, telecommunications equipment manufacturers and representatives of the telephone industry, the subcommittee has crafted a measure that will give more hearing-impaired persons equal access to the telephone network.

This legislation will require that, in addition to essential phones, all telephones manufactured or imported for use in the United States 1 year after enactment be hearing aid compatible. A technology available since 1945, inductive coupling, has allowed many severely hearing-impaired persons to use the phone. At this time, according to the organization for the use of the telephone, approximately 25 percent contain no telecoil and are therefore not hearing aid compatible. In addition, since the deregulation of customer based telecommunications equipment, all estimates indicate that the percentage of compatible phones in service is decreasing. This is partially due to the recent large influx of lower quality, imported phones often distributed by some equipment providers.

This legislation does not call for the retrofitting of existing telephones. Certain limited classes of telephones are exempted from the compatibility requirement, such as secure Government phones, aeronautical phones and private radio service. Cordless telephones would be exempt from the bill's requirements for 3 years. I believe this bill takes a significant step forward to the goal of equal access to the telephone system for all hearing-impaired Americans and I urge my colleagues to support it.

Mr. GARCIA. Mr. Speaker, I rise in total support of H.R. 2213, the Hearing Aid Compatibility Act, a bill that will require all telephones manufactured or imported for use in the United States be hearing aid compatible 1 year after its enactment of this legislation. The measure, will help the Nation's 4 million plus hearing impaired persons enjoy the freedom of communication afforded by the telephone and provide them with access to important information and services. I want to use this moment to praise legislation that will do so much for the hearing impaired.

This bill goes a long way toward meeting the needs of the hearing impaired at a nominal cost. To comply with the legislation, the telephone manufacturer will simply insert an inexpensive copper wire in the telephone handset. When in use, this wire will create a magnetic field which will be received by the standard hearing aid device and thereby allow the user to hear the voice or message on the other end of the line.

H.R. 2213 is in keeping with our bipartisan commitment to create a strong national policy of universal telephone service for all Americans. I commend Mr. Markey and the Subcommittee on Telecommunications and Finance for their hard work and dedication in bringing this measure to the House floor.

The telephone is an indispensable part of our daily lives and with the enactment of this bill, yet one more obstacle now standing in the way of the hearing impaired will be removed. The telephone today is no longer a luxury. It is an essential and integral part of our everyday lives, a vital link to the outside world. We can no longer continue to isolate the hearing impaired to a world of silence. Now is the time to move forward with legislation to ensure that the hearing impaired will have the capability of using telephones that will guarantee them equal access to the Nation's telephone network.

I wholeheartedly support passage of H.R. 2213 and urge my colleagues to join me in supporting legislation like the Hearing Aid Compatibility Act that improves the quality of life for the hearing impaired.

Mr. MARKEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. Markey] that the House suspend the rules and pass the bill, H.R. 2213, as amended.

The question was taken.

Mr. RINALDO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and this Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PROVIDING GREATER DISCRETION TO THE SUPREME COURT IN SELECTING CASES TO REVIEW

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 952) to improve the administration of justice by providing greater discretion to the Supreme Court in selecting the cases it will review, and for other purposes.

The Clerk read as follows:

S. 952

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 1252 of title 28, United States Code, and the item relating to that section in the section analysis of chapter 81 of such title, are repealed.

REVIEW OF DECISIONS INVALIDATING STATE STATUTES

SEC. 2. (a) Section 1254 of title 28, United States Code, is amended by striking out paragraph (2) and redesignating paragraph (3) as paragraph (2).

(b) The section heading for section 1254 of such title is amended by striking out "appeal;".

(c) The item relating to section 1254 in the section analysis of chapter 81 of title 28, United States Code, is amended by striking out "appeal;".

REVIEW OF STATE COURT DECISIONS INVOLVING VALIDITY OF STATUTES

SEC. 3. Section 1257 of title 28, United States Code, is amended to read as follows:

"§ 1257. State courts; certiorari

"(a) Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

"(b) For the purposes of this section, the term 'highest court of a State' includes the District of Columbia Court of Appeals.".

REVIEW OF DECISIONS FROM SUPREME COURT OF PUERTO RICO

SEC. 4. Section 1258 of title 28, United States Code, is amended to read as follows:

"§ 1258. Supreme Court of Puerto Rico; certiorari

"Final judgments or decrees rendered by the Supreme Court of the Commonwealth of Puerto Rico may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of the Commonwealth of Puerto Rico is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.".

CONFORMING AMENDMENTS

SEC. 5. (a) The items relating to sections 1257 and 1258 in the section analysis of chapter 81 of title 28, United States Code, are amended to read as follows:

"1257. State courts; certiorari.

"1258. Supreme Court of Puerto Rico; certiorari.".

(b) Section 2101(a) of title 28, United States Code, is amended by striking out "sections 1252, 1253 and 2282" and inserting in lieu thereof "section 1253".

(c) Section 2103 of title 28, United States Code, and the item relating to such section in the table of sections for chapter 133 of such title are repealed.

(d)(1) Section 2104 of title 28, United States Code, is amended to read as follows:

"§ 2104. Reviews of State court decisions

"A review by the Supreme Court of a judgment or decree of a State court shall be conducted in the same manner and under the same regulations, and shall have the same effect, as if the judgment or decree reviewed had been rendered in a court of the United States.".

(2) The item relating to section 2104 in the section analysis of chapter 133 of title 28, United States Code, is amended to read as follows:

"2104. Reviews of State court decisions.".

(e) Section 2350(b) of title 28, United States Code, is amended by striking out "1254(3)" and inserting in lieu thereof "1254(2)".

AMENDMENTS TO OTHER LAWS

SEC. 6. (a) Section 310 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437h) is amended by repealing subsection (b), and by striking out "(a)" before "The Commission".

(b) Section 2 of the Act of May 18, 1928 (25 U.S.C. 652), is amended by striking out ", with the right of either party to appeal to the United States Court of Appeals for the Federal Circuit".

(c) The last sentence of section 203(d) of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652(d)) is amended to read as follows: "An interlocutory or final judgment, decree, or order of such district court may be reviewed only upon petition for a writ of certiorari to the Supreme Court of the United States.".

(d) Section 209(e)(3) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719(e)(3)) is amended—

(1) in the first sentence by striking out ", except that" and all that follows through the end of the sentence and inserting in lieu thereof a period; and

(2) in the second sentence by striking out "petition or appeal shall be filed" and inserting in lieu thereof "such petition shall be filed in the Supreme Court".

(e) Section 303(d) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 743(d)) is amended to read as follows:

"(d) REVIEW.—A finding or determination entered by the special court pursuant to subsection (c) of this section or section 306 of this title shall be reviewable only upon petition for a writ of certiorari to the Supreme Court of the United States. Such review is exclusive and any such petition shall be filed in the Supreme Court not more than 20 days after entry of such finding or determination.".

(f) Section 1152(b) of the Omnibus Budget Reconciliation Act of 1981 (45 U.S.C. 1105(b)) is amended—

(1) in the first sentence by striking out ", except that" and all that follows through the end of the sentence and inserting in lieu thereof a period; and

(2) in the second sentence by striking out "petition or appeal shall be filed" and inserting in lieu thereof "such petition shall be filed in the Supreme Court".

(g) Section 206 of the International Claims Settlement Act of 1949 (22 U.S.C. 1631e) is amended by striking out "sections 1252, 1254, 1291, and 1292" and inserting in lieu thereof "chapter 83".

(h) Section 12(a) of the Act of May 13, 1954, commonly known as the Saint Lawrence Seaway Act (33 U.S.C. 988(a)), is amended by striking out "1254(3)" and inserting in lieu thereof "1254(2)".

(i) Section 25(a)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w(a)(4)) is amended by repealing clause (ii) of subparagraph (E) and redesignating clause (iii) as (ii).

EFFECTIVE DATE

SEC. 7. The amendments made by this Act shall take effect ninety days after the date of the enactment of this Act, except that such amendments shall not apply to cases pending in the Supreme Court on the effective date of such amendments or affect the right to review or the manner of reviewing the judgment or decree of a court which was entered before such effective date.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Wisconsin [Mr. KASTENMEIER] will be recognized for 20 minutes and the gentleman from North Carolina [Mr. COBLE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. KASTENMEIER].

Mr. KASTENMEIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, since the mid-1970's, efforts have been made to eliminate the mandatory jurisdiction of the Supreme Court. These efforts have been supported by the Judicial Conference of the United States, the Department of Justice—under Presidents Reagan, Carter, and Ford—the American Bar Association, public interest groups, and every Justice on the Court. There is not now nor has there ever been any real substantive opposition to the bill, certainly not in the House of Representatives.

S. 952 essentially renders discretionary the jurisdiction of the Supreme Court. When enacted, it will be the most significant jurisdictional reform affecting the High Court in over 60 years.

The House of Representatives has a strong track record in favor of the legislation. Hearings were held by my subcommittee—the Subcommittee on Courts, Civil Liberties and the Administration of Justice—during the 97th Congress. We considered the same as

early as the 95th Congress. The full committee reported favorably a bill, which carried the name of our colleague, Tom Railsback. That bill passed the House on September 20, 1982, under suspension of the rules. The bill received no action in the other body. In the 95th Congress, additional hearings were held and a bill was again reported by the committee. That bill passed the House on September 11, 1984, but again no action was taken in the other body. During the 99th Congress, the House did not act, having indicated that we would wait for the Senate to process a bill.

Now, a significant breakthrough has been made. S. 952 has cleared the other body. S. 952 is a good bill, patterned on previous House legislation and title I of H.R. 3152—an omnibus court reform measure that my subcommittee has worked on this Congress. S. 952 is unencumbered by debilitating amendments, I can report.

Without further ado, let me describe the legislation. As I stated at the outset, S. 952 substantially eliminates the mandatory or obligatory jurisdiction of the Supreme Court. Under current law, certain cases may be appealed directly to the Supreme Court and the Court is obligated to hear and decide those cases. In most instances, these cases do not involve important issues of Federal constitutional law. The net effect of the proposed legislation is to convert the method of Supreme Court review to a discretionary, certiorari approach. The bill will provide substantial assistance to the Court in managing its heavy caseload.

This court reform bill is supported by all nine Justices of the Supreme Court. As stated in a letter of June 17, 1982, to me, they clearly state: "* * * we write to express our complete support for the proposals * * * substantially to eliminate the Supreme Court's mandatory jurisdiction." Although the composition of the Court has changed since that statement, the newest Justices continue to support the abolition of the Court's mandatory jurisdiction.

In this regard, I received a letter dated May 11, 1988, from Chief Justice William Rehnquist, who observed:

> The effective elimination of mandatory jurisdiction, as S. 952 would provide, has for many years been the primary legislative goal of the Court. During the eleven years that the matter has been under serious consideration, each and every member of the Court has supported the concept. Indeed, I know of no opposition from any quarter.

Under the current system, it is impossible for the Supreme Court to give its fullest consideration to the mandatory cases that it receives. The Court must resort to summary dispositions that sometimes treat litigants in a cavalier way. Even though the summary dispositions of the Court are binding on the lower Federal courts and the State courts, such decisions, in the Court's own words, "sometimes create more confusion than they seek to resolve."

The proposed legislation eliminates mandatory review in the following general subject areas:

First, direct appeals from decisions invalidating acts of Congress;

Second, appeals from courts of appeals finding State statutes to be unconstitutional;

Third, final judgments of the highest courts of the States, drawing into question the validity of a Federal treaty or statute; and

Fourth, final judgments of the Supreme Court of the Commonwealth of Puerto Rico, drawing into question the validity of a Federal treaty or statute.

The bill also eliminates mandatory jurisdiction in the following specific statutes:

First, the Federal Election Campaign Act of 1971;

Second, the Trans-Alaska Pipeline Authorization Act;

Third, the Omnibus Budget Reconciliation Act of 1981;

Fourth, the International Claims Settlement Act of 1949;

Fifth, the act of May 13, 1954;

Sixth, the act of May 18, 1928;

Seventh, the Federal Insecticide, Fungicide, and Rodenticide Act; and

Eighth, the Regional Rail Reorganization Act of 1973.

For other committees that have primary jurisdiction over these statutes, our desire to place all Federal statutes on an equal footing—that is, discretionary review rather than mandatory—should not be seen as a permanent encroachment on their substantive jurisdiction to create a regulatory framework.

Mr. Speaker, for a more indepth examination of the proposed legislation, I refer Members to the House report (No. 100-352) that has been filed. The report provides a lengthy background statement about the current statutory scheme and changes made to it by S. 952.

In addition to recognizing the efforts of Mr. MOORHEAD, I would like to thank all the members of my subcommittee for their assistance. I specifically note the cooperation of the full committee chairman, Mr. RODINO, and two Senators, Mr. HEFLIN and Mr. GRASSLEY, in the other body.

May I say, Mr. Speaker, today is the birthday of the gentleman from New Jersey [Mr. RODINO], and for the first time in 40 years, he is not on the New Jersey ballot today in that primary election. I think it might be well for us to take cognizance of the tremendous contributions made by our colleague, the gentleman from New Jersey [Mr. RODINO], the chairman. I also appreciate the assistance of Chief Justice Rehnquist, his administrative assistant, Noel Augustyn, Supreme Court Fellow Al Pierson, and Denis Hauptly from the Administrative Office of the U.S. Courts.

□ 1355

Mr. Speaker, I also include for the RECORD a letter from the gentleman from Texas [Mr. DE LA GARZA], chairman of the Agriculture Committee, dated June 7, 1988, and the letter of the Chief Justice of the Supreme Court that I alluded to, as follows:

COMMITTEE ON AGRICULTURE,
Washington, DC, June 7, 1988.

Hon. PETER W. RODINO,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I understand that the Committee on the Judiciary has reported S. 952, a bill to improve the administration of justice by providing greater discretion to the Supreme Court in selecting cases it will review, and for other purposes, and that this bill is scheduled to be considered under suspension of the rules today.

Section 6 of the bill contains a provision that will amend section 25(a)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act to repeal the procedure provided for direct appeals to the Supreme Court.

As the Committee with jurisdiction over the Federal Insecticide, Fungicide, and Rodenticide Act, legislation concerning this statute would be referred to us. Because the main purpose of S. 952 is to improve the administration of justice by providing greater discretion to the Supreme Court in selecting the cases it will review and section 6 of the bill makes such technical and conforming amendments to effectuate this purpose, I will not object to consideration of the bill under suspension of the rules. However, I do so with the understanding that this procedure in no way diminishes or sets a precedent with respect to the Agriculture Committee's jurisdiction over the Federal Insecticide, Fungicide, and Rodenticide Act.

As always I deeply appreciate your willingness to work with the Committee on Agriculture on matters of mutual concern.

Sincerely,

E (KIKA) DE LA GARZA,
Chairman.

SUPREME COURT OF THE UNITED STATES,
Washington, DC, May 11, 1988.

Hon. ROBERT W. KASTENMEIER,
Chairman, Subcommittee on Courts, Civil Liberties and the Administration of Justice, Committee on the Judiciary, U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: My colleagues and I deeply appreciate your efforts in expediting consideration of S. 952. Your leadership and that of Mr. Moorhead on this issue, and on a broad range of other issues affecting the Judiciary, has been exemplary.

The effective elimination of mandatory jurisdiction, as S. 952 would provide, has for many years been the primary legislative goal of the Court. During the eleven years that the matter has been under serious consideration, each and every member of the Court has supported the concept. Indeed, I know of no opposition from any quarter.

I look forward to early House consideration of S. 952 and hope that it can be approved as is so that the legislation will take effect prior to the Court's next term.

If I can be of any assistance in achieving that goal, please let me know.

Sincerely,

WILLIAM REHNQUIST.

Mr. Speaker, I urge an aye vote, in conclusion, on S. 952. Let us send an important piece of legislation to President Reagan for his signature and give relief to the Supreme Court before its October term.

Mr. Speaker, I reserve the balance of my time.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Wisconsin just said, and I want to reiterate at the outset, the gentleman from California [Mr. MOORHEAD], the ranking Member on the subcommittee, had intended to be here today but he has been delayed in California, which, as Members all know, is conducting its primary election today.

I rise in strong support of S. 952, which would eliminate the mandatory jurisdiction of the Supreme Court. It is important and noncontroversial legislation. It has the support of the administration, the Judicial Conference, all nine Justices of the Supreme Court, the American Bar Association, and the Association of the Bar of the City of New York. In fact, I am not aware of any opposition to this bill, which from its inception when it was introduced in the 95th Congress has enjoyed strong, unqualified support.

I would just note that this legislation was introduced in the 96th Congress as H.R. 6872 by our former colleague Tom Railsback, who was very active in the area of court reform during his 16 years in Congress.

It is true that many of the cases which now reach the Supreme Court as mandatory appeals will still reach the Supreme Court as petitions for certiorari, and the Court will still have to dispose of those cases. Therefore, the number of cases pending before the Supreme Court will remain largely unaffected. Then what are the virtues of the legislation?

During our hearing in the Courts Subcommittee on this issue in the 98th Congress, Chuck Wiggins, our former colleague and now a Federal judge sitting on the Ninth Circuit Court of Appeals, did a good job of putting the pending legislation in perspective. He testified that:

> The essence of the matter is it will avoid the necessity of resolving appeals on the merits; it will clear up the unsatisfactory state of the law concerning the precedential impact of such decisions on other cases; and will to some extent, reduce the burden of the Supreme Court.

S. 952 is an important court reform measure, passage of which is long overdue. In his testimony before the Courts Subcommittee, John Frank, a lawyer from Arizona, pointed out that:

> So far in our history there have been three really important statutes concerning the judiciary, the act of 1789; the act of 1891 creating the circuits; and the act of 1925 on certiorari jurisdiction.

Mr. Frank went on to say that he believed that:

> We have the capacity here to pass the fourth great act.

I couldn't agree more and accordingly, urge the passage of S. 952.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KASTENMEIER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Wisconsin [Mr. KASTENMEIER] that the House suspend the rules and pass the Senate bill, S. 952.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 952, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. COBLE) to revise and extend their remarks and include extraneous material:)

Mr. DIOGUARDI, for 60 minutes, on June 9.

(The following Members (at the request of Mr. KASTENMEIER) to revise and extend their remarks and include extraneous material:)

Mr. OWENS of New York, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PENNY, for 15 minutes, today.

Mr. OWENS of New York, for 5 minutes each day, on June 8, 9, and 10.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. COBLE) and to include extraneous matter:)

Mr. DANNEMEYER.

Mr. CRANE in six instances.

Mr. GOODLING.

Mr. LENT.

Mr. LEWIS of California.

Mr. LOWERY of California.

Mr. KEMP.

Mrs. ROUKEMA.

Mr. RIDGE.

Mr. KYL.

(The following Members (at the request of Mr. KASTENMEIER) and to include extraneous matter:)

Mr. GARCIA.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. ATKINS.

Mr. LANTOS.

Mr. MONTGOMERY.

Mr. MAZZOLI in two instances.

Mr. LEHMAN of Florida.

Mr. FLORIO.

Mr. CHAPPELL.

Mr. YATRON.

Mr. DOWNEY of New York.

Mr. BIAGGI.

Mr. CLAY.

Mr. FORD of Michigan.

Mr. MILLER of California.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1690. An act to provide financial assistance to Fort Abraham Lincoln and related structures located in Fort Lincoln State Park, Mandan, ND, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1693. An act to amend the National Trails System Act to provide for a study of the Coronado Trail, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1850. An act to amend the Wild and Scenic Rivers Act to designate a segment of the Columbia River in Washington for study to determine its suitability for inclusion in the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1927. An act to provide for the consideration by the Secretary of the Interior of a desert land entry in the vicinity of Dinosaur National Monument, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 2188. An act to amend section 307 of the Federal Employees' Retirement System Act of 1986; to the Committee on Post Office and Civil Service.

S. 2203. An act to extend the expiration date of title II of the Energy Policy and Conservation Act; to the Committee on Energy and Commerce.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.R. 2210. An act to prohibit the use of certain antifouling paints containing organotin and the use of organotin compounds, purchased at retail, used to make such paints;

H.R. 2969. An Act to amend chapter 11 of title 11 of the United States Code to improve the treatment of claims for certain retiree benefits of former employees;

H.R. 4556. An act to amend the provisions of the Agricultural Act of 1949 relating to certain cross compliance requirements under the extra long staple cotton program; and

H.J. Res. 469. Joint resolution to designate June 1988 as "National Recycling Month."

ADJOURNMENT

Mr. KASTENMEIER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 5 minutes p.m.), under is previous order, the House adjourned until tomorrow, Wednesday, June 8, 1988, at 12 noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees and delegations traveling under authorizations from the Speaker concerning the foreign currencies and U.S. dollars utilized by them during the third and fourth quarters of calendar year 1987 and the first quarter of calendar year 1988 and miscellaneous reports filed with the Committee on House Administration and forwarded to the Clerk of the House concerning the foreign currencies and U.S. dollars utilized by Interparliamentary Unions and other similar groups or delegations during calendar year 1987 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Don Edwards, MC	1/6	1/9	Argentina		540.00						540.00
	1/9	1/12	Chile		486.50		33.21		251.87		771.58
	1/12	1/17	Peru		262.00		41.00		437.11		740.11
	1/17	1/20	Nicaragua		309.00						309.00
Commercial transportation							2,591.18				2,591.18
Catherine LeRoy, Staff	1/6	1/9	Argentina		540.00						540.00
	1/9	1/12	Chile		486.50		33.21		251.87		771.58
	1/12	1/17	Peru		262.00		41.00		437.11		740.11
	1/17	1/20	Nicarague		309.00						309.00
Commerical transportation							2.591.18				2,591.18
Committee total					3,195.00		5,330.78		1,377.96		9,903.74

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PETER W. RODINO, JR., Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ENGLAND AND FRANCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 2 AND JULY 7, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. William H. Gray III	7/2	7/5	England		657.00				(3)		657.00
	7/5	7/7	France		474.00				(3)		474.00
Transportation provided by the Department of the Air Force.							6,619.80				6,619.80
Hon. Frank J. Guarini	7/2	7/5	England		657.00				(3)		657.00
	7/5	7/7	France		474.00						474.00
Transportation provided by the Department of the Air Force.							6,619.77				6,619.77
Subtotal					2,262.00		13,239.57				15,501.57
Hon. Barbara Boxer	7/2	7/5	England		657.00				(3)		657.00
	7/5	7/7	France		474.00				(3)		474.00
Transportation provided by the Department of the Air Force.							6,619.77				6,619.77
Hon. Pat Williams	7/2	7/5	England		657.00				(3)		657.00
	7/5	7/7	France		474.00				(3)		474.00
Transportation provided by the Department of the Air Force.							6,619.77				6,619.77
Hon. Mike Espy	7/2	7/5	England		657.00				(3)		657.00
	7/5	7/7	France		474.00				(3)		474.00
Transportation provided by the Department of the Air Force.							6,619.77				6,619.77
Subtotal					3,393.00		19,859.31				23,252.31
Hon. William Clay	7/2	7/5	England		657.00				(3)		657.00
	7/5	7/7	France		474.00				(3)		474.00
Transportation provided by the Department of the Air Force.							6,619.77				6,619.77
Hon. Charles B. Rangel	7/2	7/5	England		657.00				(3)		657.00
	7/5	7/7	France		474.00				(3)		474.00
Transportation provided by the Department of the Air Force.							6,619.77				6,619.77
Hon. Thomas Downey	7/2	7/5	England		657.00				(3)		657.00
	7/5	7/7	France		474.00				(3)		474.00
Transportation provided by the Department of the Air Force.							6,619.77				6,619.77
Subtotal					3,393.00		19,859.31				23,252.31
Hon. Edolphus Towns	7/2	7/5	England		657.00				(3)		657.00
	7/5	7/7	France		474.00				(3)		474.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ENGLAND AND FRANCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 2 AND JULY 7, 1987—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Transportation provided by the Department of the Air Force.							6,619.77				6,619.77
Hon. Floyd Flake	7/2	7/5	England		657.00				(3)		657.00
	7/5	7/7	France		474.00				(3)		474.00
Transportation provided by the Department of the Air Force.							6,619.77				6,619.77
Hon. Kweisi Mfume	7/2	7/5	England		657.00				(3)		657.00
	7/5	7/7	France		474.00				(3)		474.00
Transportation provided by the Department of the Air Force.							6,619.77				6,619.77
Subtotal					3,393.00		19,859.31				23,252.31
Steven L. Pruitt	7/2	7/5	England		657.00				(3)		657.00
	7/5	7/7	France		474.00				(3)		474.00
Commercial Air Transportation							1,536.00				1,536.00
Van Doorn Ooms	7/2	7/5	England		657.00				(3)		657.00
	7/5	7/7	France		474.00				(3)		474.00
Commercial Air Transportation							1,536.00				1,536.00
Jane Teixeira-Henry	7/2	7/5	England		657.00				(3)		657.00
	7/5	7/7	France		474.00				(3)		474.00
Commercial Air Transportation							1,536.00				1,536.00
Subtotal					3,393.00		4,608.31		(3)		8,001.31
LaVarne Addison	7/2	7/5	England		657.00				(3)		657.00
	7/5	7/7	France		474.00				(3)		474.00
Commercial Air Transportation							1,536.00				1,536.00
Singleton McAllister	7/2	7/5	England		657.00				(3)		657.00
	7/5	7/7	France		474.00				(3)		474.00
Commercial Air Transportation							1,536.00				1,536.00
Subtotal					2,262.00		3,072.00				5,334.00
Committee total					18,096.00		80,497.50				98,593.50

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Delegation expenses: England (information not available at this time, will be submitted at a later date). France (information not available at this time, will be submitted at a later date).

WILLIAM H. GRAY III, Oct. 27, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. F. JAMES SENSENBRENNER, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 10 AND AUG. 18, 1987

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
F. James Sensenbrenner	8/10	8/11	Panama		147.00						147.00
	8/11	8/14	Chile	97,370	417.00					97,370	417.00
	8/14	8/17	Argentina	1,261.50	435.00					1,261.50	435.00
	8/17	8/18	Panama		147.00						147.00
Military transportation							12,635.00				12,635.00
Committee total					1,146.00		12,635.00				13,781.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

F. JAMES SENSENBRENNER.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NETHERLANDS, FRANCE, PORTUGAL, MOROCCO, NIGERIA, AND ITALY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 10 AND AUG. 22, 1987

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Sander M. Levin	8/10	8/11	Netherlands		332.00		[3] 12,474.09		(4)		12,806.09
	8/11	8/13	France		460.00						460.00
	8/13	8/15	Portugal		318.00						318.00
	8/15	8/18	Morocco		375.00						375.00
	8/18	8/21	Nigeria		144.00						144.00
	8/21	8/22	Italy		582.00						582.00
Hayden Gregory	8/10	8/11	Netherlands		332.00		[3] 12,474.09		(4)		12,806.09
	8/11	8/13	France		460.00						460.00
	8/13	8/15	Portugal		318.00						318.00
	8/15	8/18	Morocco		375.00						375.00
	8/18	8/21	Nigeria		144.00						144.00
	8/21	8/22	Italy		582.00						582.00
Brenda Swygert	8/10	8/11	Netherlands		332.00		[3] 12,474.09		(4)		12,806.09
	8/11	8/13	France		460.00						460.00
	8/13	8/15	Portugal		318.00						318.00
	8/15	8/18	Morocco		375.00						375.00
	8/18	8/21	Nigeria		144.00						144.00
	8/21	8/22	Italy		582.00						582.00
Ben Proctor	8/10	8/11	Netherlands		332.00		[3] 12,474.09		(4)		12,806.09
	8/11	8/13	France		460.00						460.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NETHERLANDS, FRANCE, PORTUGAL, MOROCCO, NIGERIA, AND ITALY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 10 AND AUG. 22, 1987—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	8/13	8/15	Portugal		318.00						318.00
	8/15	8/18	Morocco		375.00						375.00
	8/18	8/21	Nigeria		144.00						144.00
	8/21	8/22	Italy		582.00						582.00
Committee total					8,844.00		49,896.36		(4)		58,740.36

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Individual total for trip.
[4] Reporting cables from Department of State regarding ground transportation, hospitality suites, control room and overtime for Embassy personnel have not been received to date.

SANDER M. LEVIN, Sept. 21, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. LORRAINE C. MILLER, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 23 AND SEPT. 1, 1987

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Lorraine C. Miller	8/23	8/24	Hamburg, Germany	300.30	165.00					300.30	165.00
	8/24	8/26	Geneva, Switzerland		887.90						887.90
	8/27	8/29	Munich, Germany	889.98	489.00					889.98	489.00
	8/30	9/1	Paris, France	2,796.80						2,796.80	

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LORRAINE C. MILLER, Sept. 21, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. JIM MOODY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 28 AND SEPT. 6, 1987

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Jim Moody	8/28	8/31	Romania		471						
	8/31	9/6	Soviet Union	(3)			[4] 3,689.52				

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] No per diem, Soviet Union picked up expenses.
[4] Airfare from Bucharest to Moscow to Milwaukee.

JIM MOODY, Oct. 7, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE U.S.S.R., U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 29 AND SEPT. 7, 1987

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Thomas J. Downey	8/29	9/7	U.S.S.R.				4,383.00				
Bob Carr	8/29	9/7	U.S.S.R.				4,383.00				

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

THOMAS J. DOWNEY, Oct. 14, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO AUSTRIA AND WEST GERMANY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 8 AND OCT. 13, 1987

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Benjamin L. Cardin	10/8	10/11	Austria	4524.26	352.00		2196.68				2548.68
Dr. Mark Epstein	10/8	10/11	Austria	4524.26	352.00		2196.68				2548.68
Hon. Benjamin L. Cardin	10/11		West Germany				461.35				461.35
Dr. Mark Epstein	10/11		West Germany				461.35				461.35
Hon. Benjamin L. Cardin	10/11	10/13	West Germany	1020.84	564.00		2605.29				3169.29
Dr. Mark Epstein	10/11	10/13	West Germany	1020.84	564.00		2605.29				3169.29
Committee total					1,832.00		10,526.64				12,358.64

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BENJAMIN L. CARDIN, Jan. 6, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO HAITI, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 30 AND NOV. 1, 1987

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Walter E. Fauntroy	10/30	11/1	Haiti	200	40					400	80
Stephen A. Horblitt	10/30	11/1	Haiti	200	40					400	80

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WALTER E. FAUNTROY, Dec. 23, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CANADA-UNITED STATES INTERPARLIAMENTARY CONFERENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1987

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
AuCoin, Les	6/4	6/8	Canada		577.19		[3] 898.04				1,475.23
Broomfield, William	6/4	6/7	Canada		435.27		[3] 4,229.56				4,664.83
Fascell, Dante B	6/4	6/8	Canada		569.30		[3] 3,075.46				3,644.76
de Fazio, Peter	6/4	6/8	Canada		620.43		[3] 898.04				1,518.47
Frenzel, Bill	6/4	6/8	Canada		574.53		[3] 898.04				1,472.57
Gejdenson, Sam	6/4	6/8	Canada		632.25		[3] 898.04				1,530.29
Gibbons, Sam	6/4	6/8	Canada		589.69		[3] 898.04				1,487.73
Hamilton, Lee H	6/4	6/7	Canada		439.23		[3] 4,229.56				4,668.79
LaFalce, John	6/4	6/5	Canada		251.16		[3] 425.39				676.55
Martin, David	6/4	6/7	Canada		376.74		[3] 2,052.14				2,428.88
Miller, John	6/4	6/8	Canada		586.20		[3] 898.04				1,484.24
Oberstar, Jim	6/4	6/6	Canada		284.65		[3] 425.39 [4] 457.25				1,167.29
Penny, Timothy	6/4	6/7	Canada		376.74		[3] 2,052.14				2,428.88
Berry, Steve	6/5	6/7	Canada		294.30		[3] 4,229.56				4,523.86
Bertelsen, Kathleen	6/4	6/8	Canada		515.00		[3] 898.04				1,413.04
Daoust, Elizabeth	6/4	6/8	Canada		510.97		[3] 898.04				1,409.01
Hickey, Deborah	6/4	6/8	Canada		505.43		[3] 898.04				1,403.47
Ingram, George	6/4	6/8	Canada		603.04		[3] 898.04				1,501.08
	4/8	4/15	United States		103.46		[4] 600.00				703.46
	7/1	7/6	United States		237.34		[4] 539.00				776.34
Peckham, Gardner	6/4	6/8	Canada		529.62		[3] 898.04				1,427.66
Van Dusen, Michael	6/4	6/8	Canada		582.44		[3] 898.04				1,480.48
Delegation expenses:											
Briefing									31.91		
Deposit, 1988 Conference									2,500.00		2,531.91
Committee total					10,194.98		[4] 1,596.25 [3] 31,495.68		2,531.91		45,818.82

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Department of Defense.

[4] Commercial.

SAM GEJDENSON, Chairman, Mar. 29, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO MEXICO-UNITED STATES INTERPARLIAMENTARY CONFERENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1987

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
de la Garza, E	6/26	6/29	Mexico		400.70		[3] 794.41				1,195.11
Dreier, David	6/26	6/29	Mexico		287.07		[3] 794.41		211.48		1,292.96
Gibbons, Sam	6/26	6/29	Mexico		275.48		[3] 794.41				1,069.89
Gilman, Benjamin	6/26	6/29	Mexico		301.15		[3] 794.41				1,095.56
Goodling, William	6/26	6/29	Mexico		317.50		[3] 794.41		34.25		1,146.16
Kolbe, Jim	6/26	6/29	Mexico		275.48		[3] 794.41				1,069.89
Miller, George	6/26	6/29	Mexico		300.67		[3] 794.41		20.85		1,115.93
Morrison, Sid	6/26	6/29	Mexico		275.48		[3] 794.41		16.38		1,086.27
Rangel, Charles	6/26	6/29	Mexico		298.87		[3] 794.41		29.78		1,123.06
Yatron, Gus	6/26	6/29	Mexico		483.79		[3] 794.41		77.70		1,355.90
Brown, Elliot	6/26	6/29	Mexico		282.25		[3] 794.41				1,076.66
Castillo, Mario	5/27	5/31	Mexico		390.00		[4] 467.81				857.81
	6/26	6/29	Mexico		288.06		[3] 794.41				1,082.47
Daoust, Elizabeth	5/27	5/31	Mexico		390.00		[4] 678.00				1,068.00
	6/26	6/29	Mexico		276.91		[3] 794.41				1,071.32
Daoust, Elizabeth	11/12	11/14	United States		200.21		[4] 293.00		45.50		538.71
David, James	6/26	6/29	Mexico		280.14		[3] 794.41				1,074.55
Jurith, Ed	6/26	6/29	Mexico		284.08		[3] 794.41				1,078.49
Livingston, Shelly	5/27	5/31	Mexico		390.00		[4] 671.00		12.25		1,073.25
	6/26	6/29	Mexico		281.85		[3] 400.85		29.79		712.49
	11/12	11/14	United States		211.88		[4] 293.00		38.50		543.38
Pitchford, Gerald	5/27	5/31	Mexico		390.00		[4] 626.00				1,016.00
	6/26	6/29	Mexico		278.90		[3] 794.41				1,073.31
Tavlarides, Mark	6/26	6/29	Mexico		286.40		[3] 794.41		71.49		1,152.30
Delegation expenses:											
Interpreting assistance			Mexico						3,033.57		
Official delegation functions and administrative expenses.			Mexico						2,554.67		
Inflight and control room expenses			Mexico						1,609.82		7,198.06
Committee total			Mexico		7,446.87		[4] 3,028.81		7,786.03		32,167.53

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO MEXICO-UNITED STATES INTERPARLIAMENTARY CONFERENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1987—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
							[3] 13,905.82				

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Department of Defense.
[4] Commercial.

E de la GARZA, Chairman, Mar. 28, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NORTH ATLANTIC ASSEMBLY AND BRITISH-AMERICAN PARLIAMENTARY GROUP, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. AND DEC. 31, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Thomas Petri (NAA)	11/13	11/18	Turkey				457.00				457.00
North Atlantic Assembly delegation expenses, control room costs, and local transportation.									6,558.86		6,558.86
Expenses for hosting North Atlantic Assembly meetings in the United States.									4,843.88		4,843.88
Expenses for hosting 1987 British-American Parliamentary group meeting in the United States.									6,524.99		6,524.99
Administrative expenses									684.00		684.00
Committee totals							457.00		18,611.73		19,068.73

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DANTE B. FASCELL, Apr. 13, 1988.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3739. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter(s) of offer for defense articles to Japan (Transmittal No. 88-25), pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

3740. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter(s) of offer for defense articles to Korea (Transmittal No. 88-29), pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

3741. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter(s) of offer for defense articles to Greece (Transmittal No. 88-30), pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

3742. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-186, "Day Care Policy Act of 1979 Amendment Act of 1988," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

3743. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-187, "District of Columbia Enterprise Zone Study Commission Act of 1986 Amendment Act of 1988," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

3744. A letter from the Administrator, Energy Information Administration, transmitting the Department's annual energy review for 1987, pursuant to 15 U.S.C. 790f(a)(2); to the Committee on Energy and Commerce.

3745. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend and amend various health authorities, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Energy and Commerce.

3746. A letter from the Chairman, U.S. Securities and Exchange Commission, transmitting a draft of proposed legislation to amend the Federal securities laws in order to facilitate cooperation between the United States and foreign countries in securities law enforcement; to the Committee on Energy and Commerce.

3747. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter(s) of offer for defense articles and services to Turkey (Transmittal No. 88-28), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3748. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] for defense articles and services to Korea (Transmittal No. 88-29), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3749. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] for defense articles and services to Greece (Transmittal No. 88-30], pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3750. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter(s) of offer for defense articles and services to Japan (Transmittal No. 88-25), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3751. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed authorization for the export of major defense equipment sold commercially to Australia (Transmital No. MC-12-88), to the Committee on Foreign Affairs.

3752. A letter from the Deputy Assistant Secretary of Defense (Comptroller Administration), transmitting notice of a new Federal records system submitted by the Defense Logistics Agency, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3753. A letter from the Deputy Assistant Secretary of Defense (Comptroller Administration), transmitting notice of a new Federal records system submitted by the Department of the Navy, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3754. A letter from the Assistant Secretary for Administration, Smithsonian Institution, transmitting the 1987 annual pension report for the Smithsonian Institution, the Woodrow Wilson International Center for Scholars, and Reading is Fundamental, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3755. A letter from the Secretary of Transportation, transmitting a report entitled, "Highway Safety Education and Information Project," pursuant to 23 U.S.C. 401

note; to the Committee on Public Works and Transportation.

3756. A communication from the President of the United States, transmitting notification of a further extension of the waiver authority under the Trade Act concerning the Hungarian People's Republic and the People's Republic of China, pursuant to 19 U.S.C. 2432(c), (d) (H. Doc. No. 100-202); to the Committee on Ways and Means and ordered to be printed.

3757. A letter from the Administrator, Agency for International Development and the President and Chairman, Eximbank of the United States, transmitting the semiannual report on the amount and extension of credits under the Trade Credit Insurance Program for fiscal year 1988, pursuant to 22 U.S.C. 2184(g); jointly, to the Committees on Banking, Finance and Urban Affairs and Foreign Affairs.

3758. A letter from the Comptroller General of the United States, General Accounting Office, transmitting the assessment of the Commerce Department's reports on controls on certain exports to Iran (GAO/NSIAD-88-166), pursuant to Public Law 99-64 section 108(e) (99 Stat. 133); jointly, to the Committees on Government Operations and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2213. A bill to require certain telephones to be hearing aid compatible; with an amendment (Rept. 100-674). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3966. A bill to require the Federal Communications Commission to reinstate restrictions on advertising during children's television, to enforce the obligation of broadcasters to meet the educational and informational needs of the child audience, and for other purposes, with an amendment (Rept. 100-675). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAWKINS: Committee on Education and Labor. H.R. 1961. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to improve the efficiency and adequacy of the current retirement income system (consisting of employer and individual retirement plans) in carrying out its supplemental role to Social Security in providing benefits upon death, disability, and retirement by simplifying and clarifying applicable statutory requirements relating to simplified employee pensions, and by providing for portable pension plans which will expand pension coverage, provide for a form of pension portability, and preserve pension asset accumulations for payment in retirement income form, and for other purposes, with an amendment (Rept. 100-676, Pt. 1). Ordered to be printed.

Mr. HAWKINS: Committee on Education and Labor. H.R. 4592. A bill to extend the authorization of appropriations for the United States Institute of Peace through fiscal year 1991, and for other purposes (Rept. 100-677, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DINGELL (for himself, Mr. Rinaldo, Mr. Tauke, Mr. Synar, Mr. Markey, Mr. Leland, Mr. Boucher, and Mr. Bruce):

H.R. 4752. A bill to amend the Public Health Service Act to revise and extend the programs of nurse education established in title VIII of such act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RIDGE:

H.R. 4753. A bill to enhance the competitiveness of commercial banks and bank holding companies in the securities market, to ensure that commercial banks and bank holding companies engaged in securities activities will provide their communities with additional benefits, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. UDALL (for himself and Mr. Vento) (both by request):

H.R. 4754. A bill to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BUSTAMANTE (for himself, Mr. de la Garza, Mr. Gonzalez, and Mr. Smith of Texas):

H.J. Res. 586. Joint resolution designating June 1988 as "Karate Kids of America Just Say No to Drugs Months"; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. GRAY of Illinois introduced a bill H.R. 4755 for the relief of H.H. Barter, doing business as Barter Enterprises; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 80: Mr. Hamilton.

H.R. 592: Mr. Nagle, Mr. Denny Smith, and Mr. Dannemeyer.

H.R. 593: Mr. Hughes, Mr. Markey, Mr. Neal, Ms. Oakar, Mr. Oberstar, Mr. Rowland of Georgia, Mr. Scheuer, Mr. Duncan, Mr. Hawkins, Mr. Sundquist, and Mr. Skelton.

H.R. 2213: Mr. Bilirakis.

H.R. 2708: Mr. Stangeland and Mr. Lightfoot.

H.R. 3133: Mr. Rangel and Mr. Feighan.

H.R. 3250: Mr. Florio and Mr. Rowland of Connecticut.

H.R. 3375: Mrs. Smith of Nebraska.

H.R. 3392: Mr. Dixon, Mr. Garcia, Mr. Rowland of Connecticut, Mr. Richardson, and Mr. Bustamante.

H.R. 3639: Mr. Bilirakis, Mr. Darden, and Mr. Tauke.

H.R. 3742: Mr. Armey.

H.R. 3791: Mr. Torricelli.

H.R. 3883: Mr. Gilman and Mr. DeFazio.

H.R. 3892: Mr. Nagle, Mrs. Martin of Illinois, and Mr. Duncan.

H.R. 3914: Mr. Borski, Mr. Flake, Mr. Frank, Mr. Bonior of Michigan, and Mrs. Morella.

H.R. 3956: Mr. Martinez.

H.R. 4036: Mr. Lujan.

H.R. 4221: Mr. Hochbrueckner, Mr. Shuster, Mr. Kastenmeier, Mr. McCollum, Mr. Quillen, and Mr. Fish.

H.R. 4434: Mr. Boulter and Mr. Armey.

H.R. 4454: Mr. Jontz.

H.R. 4470: Mr. de Lugo.

H.R. 4578: Mr. Towns.

H.R. 4603: Mr. Bates, Mr. Fazio, Mrs. Collins, Mr. Dyson, Mr. Frank, Mr. Chapman, Mrs. Schroeder, Mrs. Martin of Illinois, Mr. McEwen, Mr. Lewis of Georgia, Mr. Fauntroy, and Mr. Lancaster.

H.R. 4635: Mr. Wortley and Mr. McGrath.

H.R. 4651: Mr. English.

H.R. 4652: Mrs. Meyers of Kansas.

H.R. 4690: Mr. Courter, Mr. Lent, Mr. Swindall, Mr. Bunning, Mr. Marlenee, Mr. Porter, Mr. McEwen, Mr. Herger, Mr. Shumway, and Mr. Livingston.

H.J. Res. 50: Mr. St Germain.

H.J. Res. 397: Mr. Gilman, Mr. Ballenger, Mr. Robinson, Mr. Harris, Mr. Montgomery, Mr. Perkins, Mr. Tallon, Mr. Ritter, Mr. Hochbrueckner, Mr. Manton, Mr. Erdreich, Mr. Bryant, Mr. Mrazek, Mr. Dyson, Mr. Oberstar, Mr. Walgren, Mr. Hatcher, Mr. Gaydos, Mr. Owens of New York, Mr. Evans, Mr. Torricelli, Mr. DeFazio, Mr. Rangel, Mr. Jontz, Mr. Derrick, Mr. Darden, Mr. Towns, and Mr. Foglietta.

H.J. Res. 453: Mr. Pickett, Mr. LaFalce, Mr. Pepper, Mr. Sundquist, Mr. Thomas of California, Mr. Clement, Mr. Lantos, Mr. Ireland, Mr. Saxton, and Mrs. Martin of Illinois.

H.J. Res. 458: Mrs. Lloyd, Mr. McCloskey, Mr. Gonzalez, Mr. Rangel, Mr. Leland, Mr. Matsui, Mr. Dorgan of North Dakota, Mr. Mineta, Mr. Smith, of Texas, Mr. Hughes, and Mr. Kostmayer.

H.J. Res. 485: Mr. Bateman, Mrs. Byron, Mr. Dorgan of North Dakota, Mr. Dyson, and Mr. Hopkins.

H. Con. Res. 28: Mr. Brennan.

H. Con. Res. 297: Mr. Fish.

H. Res. 464: Mr. Clarke.

PETITIONS, ETC.

Under clause 1 of rule XXII,

178. The SPEAKER presented a petition of Boston City Hall, Boston, MA relative to Soviet dissident publisher, Sergei Grigoryants; which was referred to the Committee on Foreign Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3436

By Mr. MICHEL:

—At the end of the bill insert the following new title:

TITLE II—TAX PROVISIONS RELATED TO LONG-TERM CARE INSURANCE; DEMONSTRATION OF HOME CARE BENEFITS UNDER MEDICARE

Subtitle A—Tax Provisions Related to Long-Term Care Insurance

SEC. 201. QUALIFIED LONG-TERM CARE INSURANCE TREATED AS ACCIDENT OR HEALTH INSURANCE.

(a) In General.—Part III of subchapter L of chapter 1 of the Internal Revenue Code of 1986 (relating to provisions of general application) is amended by adding at the end thereof the following new section:

"SEC. 847. TREATMENT OF QUALIFIED LONG-TERM CARE INSURANCE.

"(a) General Rule.—For purposes of this subchapter, qualified long-term care insurance contracts shall be treated in the same manner as noncancellable accident or health insurance contracts.

"(b) Qualified Long-Term Care Insurance.—For purposes of subsection (a)—

"(1) In general.—Except as otherwise provided in this subsection, the term 'qualified long-term care insurance' means insurance under a contract issued by a qualified issuer and certified by the Secretary of Health and Human Services (in accordance with paragraph (4)) as providing coverage—

"(A) for not less than 12 consecutive months for each covered person,

"(B) on an expense incurred, indemnity, prepaid, or other basis, and

"(C) for 1 or more diagnostic services, preventive services, therapeutic services, rehabilitation services, maintenance services, or personal care services which are—

"(i) medically necessary or necessary to maintain activities of daily living or functional capacity, and

"(ii) provided in a setting other than an acute care unit of a hospital.

"(2) Certain coverage may not be provided.—Such term does not include any insurance under a contract which is offered primarily to provide 1 or more of the following kinds of coverage:

"(A) Basic Medicare supplement coverage.

"(B) Basic hospital-based acute care expense coverage.

"(C) Basic medical-surgical expense coverage.

"(D) Hospital confinement indemnity coverage.

"(E) Major medical expense coverage.

"(F) Disability income protection coverage.

"(G) Accident only coverage.

"(H) Specified disease coverage.

"(I) Specified accident coverage.

"(J) Limited benefit health coverage.

"(3) Qualified issuer.—For purposes of paragraph (1), the term 'qualified issuer' means any issuer described in any of the following subparagraphs but only if such issuer is subject to the insurance laws of at least one State:

"(A) Private insurance company.

"(B) Fraternal benefit society.

"(C) Nonprofit health corporation.

"(D) Nonprofit hospital corporation.

"(E) Nonprofit medical service corporation.

"(F) Prepaid health plan.

"(4) Certification process.—

"(A) In general.—For the purposes of paragraph (1), the Secretary of Health and Human Services (hereinafter in this paragraph referred to as the 'Secretary') shall establish a certification program (which meets the requirements set forth in subparagraph (B)) for long-term care insurance.

"(B) Program requirements.—A program meets the requirements of this subparagraph if under the program—

"(i) issuers may submit policies for certification,

"(ii) certifications are for periods of 1 year,

"(iii) there may be printed on each policy which is certified by the Secretary an emblem or symbol approved by the Secretary which identifies the policy as so certified, and

"(iv) the Secretary notifies each State of each policy so certified.

"(C) Certification.—The Secretary shall certify for purposes of this subsection any policy if the Secretary determines that—

"(i) such policy meets or exceeds the standards established by the National Association of Insurance Commissioners for long-term care policies,

"(ii) such policy is cancellable only if—

"(I) approved of the Insurance Commissioner for the State in which the policy was issued, and

"(II) the issuer demonstrates to such Commission severe circumstances or such Commissioner otherwise determines that cancellation is in the best interests of the public, and

"(iii) if the policy is issued after December 31, 1989, and the Federal National Long-Term Care Reinsurance Corporation is incorporated as of the date such policy is issued, such policy is reinsured by such Corporation.

"(D) State.—For purposes of this paragraph, the term "State" includes the District of Columbia and any possession of the United States.

"(E) Regulations.—The Secretary may prescribe such regulations as necessary or appropriate to carry out this paragraph."

(b) Clerical Amendment.—The table of sections for such part III is amended by adding at the end thereof the following new item:

"Sec. 847. Treatment of qualified long-term care insurance."

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1987.

(d) Study.—The Secretary of Health and Human Services shall (in consultation with the National Association of Insurance Commissioners, representatives of major aging organizations, and representatives of employee health benefits organizations) conduct a comprehensive study of—

(1) all policies being offered as of January 1, 1987, which are purported to provide benefits such as those described in section 847(b) of the Internal Revenue Code of 1986,

(2) the various methods that the States use to regulate such policies,

(3) the sale, marketing, and promotional activities of such persons who issue such policies,

(4) specific methods to promote price competition of such policies; and

(5) specific methods for disseminating information as to the need and availability of such policies for individuals.

Such study shall be submitted to the Congress not later than January 1, 1989.

(e) Annual Report.—The Secretary of Health and Human Services shall submit annually to the Congress a report of the program established pursuant to section 847(b)(4) of such Code. Such report shall include—

(1) types and numbers of policies certified under such program,

(2) types and numbers of policies not certified under such programs,

(3) any recommendations such Secretary may have for changes in legislation or regulatory practices under such program, and

(4) the Secretary's recommendation whether such a certification program should continue.

SEC. 202. QUALIFIED LONG-TERM CARE INSURANCE TREATED AS ACCIDENT AND HEALTH INSURANCE FOR PURPOSES OF EXCLUSION FOR BENEFITS RECEIVED UNDER SUCH INSURANCE AND FOR EMPLOYER CONTRIBUTIONS FOR SUCH INSURANCE.

(a) In General.—Section 105 of the Internal Revenue Code of 1986 (relating to amounts received under accidents and health plans) is amended by adding at the end thereof the following new subsection:

"(j) Special Rules Relating to Qualified Long-Term Care Insurance.—For purposes of section 104, this section, and section 106—

"(1) Benefits treated as payable for sickness, etc.—Any benefit received through qualified long-term care insurance (as defined in section 847(b)) shall be treated as received for personal injuries or sickness.

"(2) Expenses for which reimbursement provided under qualified long-term care insurance treated as incurred for medical care.—Expenses incurred by an individual to the extent of benefits paid under qualified long-term care insurance (as so defined) shall be treated for purposes of subsection (b) as incurred for medical care (as defined in section 213(d)).

"(3) References to accident and health plans.—Any reference to an accident or health plan shall be treated as including a reference to a plan providing qualified long-term care insurance."

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1987.

SEC. 203. EXCLUSION FROM GROSS INCOME FOR AMOUNTS WITHDRAWN FROM INDIVIDUAL RETIREMENT PLANS FOR QUALIFIED LONG-TERM CARE INSURANCE.

(a) In General.—Subsection (d) of section 408 of the Internal Revenue Code of 1986 (relating to tax treatment of distributions from individual retirement plans) is amended by adding at the end thereof the following new paragraph:

"(7) Distributions for qualified long-term care insurance premiums.—If—

"(A) the amount of any distribution or payment is used (during the taxable year in which such distribution or payment occurs) to pay premiums for any policy of qualified long-term care insurance (as defined in section 847(b)) for the benefit of the payee or distributee, his spouse, or any parent of the payee or distributee or his spouse, and

"(B) such distribution or payment occurs after the date the payee or distributee attains 591/2,

Then such amount shall not be includible in the gross of such payee or distributee."

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1990.

SEC. 204. EXCLUSION FROM GROSS INCOME FOR AMOUNTS ON THE SURRENDER OR CANCELLATION OF ANY LIFE INSURANCE POLICY WHICH ARE USED TO PAY PREMIUMS FOR QUALIFIED LONG-TERM CARE INSURANCE.

(a) In General.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by redesignating section 135 as section 136 and by inserting after section 134 the following new section:

"SEC. 135. AMOUNTS RECEIVED ON CANCELLATION, ETC., OF LIFE INSURANCE CONTRACTS AND USED TO PAY PREMIUMS FOR QUALIFIED LONG-TERM CARE INSURANCE.

"No amount which would (but for this section) be includible in the gross income of an individual shall be so included on the whole or partial surrender, cancellation, or exchange of any life insurance contract during the taxable year to the extent that the amount otherwise includible in gross income is used during such year to pay premiums for any policy of qualified long-term care insurance (as defined in section 847(b)) for the benefit of such individual, his spouse, or any parent of such individual or spouse."

(b) Clerical Amendment.—The table of sections for such part III is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 135. Amounts received on cancellation, etc., of life insurance contracts and used to pay premiums for qualified long-term care insurance.

"Sec. 136. Cross references to other Acts."

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990.

Subtitle B—Federal National Long-Term Care Reinsurance Corporation

SEC. 211. SHORT TITLE.

This subtitle may be cited as the "Federal National Long-Term Care Reinsurance Corporation Act".

SEC. 212. AUTHORIZATION FOR ESTABLISHMENT OF CORPORATION.

The Secretary of Health and Human Services (in this subtitle referred to as the "Secretary") is authorized to provide, in accordance with this subtitle, for the incorporation of a corporation to be known as the Federal National Long-Term Care Reinsurance Corporation (in this subtitle referred to as the "Corporation"), which shall not be an agency or establishment of the United States Government.

SEC. 213. BOARD OF DIRECTORS AND OFFICERS.

(a) Board of Directors.—The Corporation shall have a Board of Directors (in this subtitle referred to as the "Board") consisting of 9 members, of which—

(1) 3 shall be appointed by the President of the United States, of which one shall be representative of entities providing long-term care, one shall be a representative from an insurer, and one shall be a representative of consumers of long-term care; and

(2) 6 shall be elected annually by the stockholders of the Corporation entitled to vote for such members.

Within the limitations of law and regulation, the Board shall determine the general policies which shall govern the operations of the Corporation, and shall have power to adopt, amend, and repeal bylaws governing the performance of the powers and duties granted to or imposed upon it by law.

(b) Initial Board.—Notwithstanding subsection (a), the members described in subsection (a)(1) shall serve as incorporators and are authorized to assist the Secretary in taking whatever actions are necessary to incorporate the Corporation.

(c) Terms of Office.—The terms of office of each member of the Board shall be one year, expiring on the date of the annual meeting of the stockholders of the Corporation; except that (1) in the case of a vacancy occurring prior to the expiration of the term of a member, the vacancy shall be filled by the President (for members described in subsection (a)(1)) or by the remaining members of the Board (for other members) for the remainder of such term, and (2) any member may be removed by the President for good cause. Any vacancy in the Board shall not affect its power.

(d) Chairman.—The President shall designate one of the members described in subsection (a)(1) as the initial Chairman of the Board. Thereafter, the members of the Boards shall annually elect one of their number as Chairman.

(e) Treatment of Members.—(1) The members of the Board shall not by reason of such membership, be deemed to be employees of the United States Government. Except as provided in paragraph (2), each member of the Board shall be entitled to recieve the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (inlcuding travel time) during which he is engaged in the actual performance of duties vested in the Corporation.

(2) Members of the Board who are full-time officers or employees of the United States shall receive no additional pay by reason of their service on the Board.

(f) Officers.—The Corporation shall have a President and such other executive officers and employees as may be appointed by the Board at rates of compensation fixed by the Board, without regard to any provisions of title 5, United States Code. No such executive officer may receive any salary or other compensation from any source other than the Corporation during the period of his employment by the Corporation.

SEC. 214. PURPOSE AND AUTHORITY OF CORPORATION.

(a) Purpose.—The Corporation shall confine its activities to providing for the reinsurance of insurance companies for extraordinary loss in the issuance or payment of benefits for qualified long-term care insurance (as defined in section 847(b) of the Internal Revenue Code of 1986). Except as may be provided by the Secretary in regulations, the Corporation may not refuse to provide for such reinsurance for any insurance meeting the requirements of such section (other than paragraph (4)(C)(iii) thereof).

(b) Premiums.—The Corporation shall impose for such reinsurance reasonable premiums which—

(1) are related to actuarial estimates of the type and amount of financial risk assumed by the Corporation, and

(2) in the aggregate (in conjunction with other income which the Corporation may have) provide for all the expenses of the Corporation.

(c) No Political Contributions.—The Corporation shall not contribute or otherwise support any political party or candidate for elective public office.

(d) General Powers.—Except as otherwise specifically provided in this subtitle, the Corporation and Board shall have the powers of a corporation and board of directors in the State in which incorporated.

SEC. 215. CAPITALIZATION.

(a) Common Stock.—The Corporation shall have common stock, with such par value as the Board establishes, which shall be vested with all voting rights, each share being entitled to one vote with rights of cumulative voting at all elections of directors. The free transferability of the common stock at all times to any person, firm, corporation, or other entity shall not be restricted, except that, as to the Corporation, it shall be transferable only on the books of the Corporation. The Corporation shall only issue such common stock with the approval of the Secretary.

(b) Debt.—(1) For purposes of carrying out this subtitle, the Corporation may, with the approval of the Secretary, issue obligations having such maturities and bearing such rate or rates and having such conditions (including subordination to other such obligations) as the Board determines to be appropriate.

(2) The full faith and credit of the United States is not pledged to the obligations and debts of the Corporation. The Corporation shall insert appropriate language in all of its obligations issued under this subsection clearly indicating that such obligations, together with the interest thereon, are not guaranteed by the United States and do not constitute debt or obligation of the United States or of any agency or instrumentality thereof. The Corporation may purchase in the open market any of its obligations outstanding under this subsection at any time and at any price.

(3) All obligations, participations, or other instruments issued by the Corporation shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority and control of the United States or any officer or officers thereof.

SEC. 216. EXEMPTION FROM STATE REGULATION AND TAXATION.

(a) Taxation.—The Corporation, including its capital, reserves, surplus, security holdings, and income, shall be exempt from all taxation now or hereafter imposed by any State, district, Commonwealth, county, municipality, or local taxing authority, except that any real property of the Corporation shall be subject to such taxation to the same extent according to its value as other real property is taxed.

(b) Insurance Regulation.—Except to the extent specified by the Secretary in regulations, the Corporation shall not be subject to any regulation under the insurance laws of any State, district, or Commonwealth.

SEC. 217. AUDIT AND ANNUAL REPORT.

(a) Audit.—The Board shall provide for an annual audit of the operations of the Corporation. Such audit shall be conducted by a certified public accountant in accordance with generally accepted auditing principles (as recognized by the Comptroller General).

(b) Annual Report.—The Board shall report annually to the President and the Congress on the activities of the Corporation. Such report shall include a presentation of the financial status of the Corporation, as certified under the audit described in subsection (a).

SEC. 218. PROTECTION OF NAME.

No individual association, partnership, or corporation, except the Corporation, shall hereafter use the word "Federal National Long-Term Care Reinsurance Corporation", or any combination of such words, as the name or a part thereof under which he or it shall do business. Violations of the foregoing sentence may be enjoined by any court of general jurisdiction at the suit of the Corporation. In any such suit, the Corporation may recover any actual damages flowing from such violations, and, in addition, shall be entitled to punitive damages (regardless of the existence or nonexistence of actual damages) of not exceeding $10,000 for each day during which such violation is committed or repealed.

Subtitle C—Demonstration of Home Care Benefits Under Medicare

SEC. 221. DEMONSTRATION OF HOME CARE BENEFITS UNDER MEDICARE.

(a) Demonstration Program.—The Secretary of Health and Human Services (hereafter referred to as the "Secretary") shall establish a thirty-month demonstration program designed to provide home care services to qualified individuals to begin on October 1, 1988.

(b) Definition of Services Under the Demonstration Program.—The home care services to be made available under the demonstration program shall include services or supplies provided to an individual by a home health agency or another acting under the authority of such agency, under a written plan of care established and periodically reviewed by a physician, which are provided, on a visiting basis, in the place of residence of such individual's home (place of residence does not include any institutional setting whereunder the individual may be entitled to bnefits under title 18 of the Social Security Act)—

(1) nursing care provided by or under the supervision of a registered professional nurse;

(2) medical social services under the direction of a physician;

(3) services of a homemaker/home health aide who has met training and credentialling requirement approved by the Secretary;

(4) physical, occupational, speech, respiratory therapy, or rehabilitative services to preserve, restore, or prevent the deterioration of the individual's functional capabilities;

(5) medical supplies (other than drugs and biologicals); and

(6) services received under a program of managed care.

(c) Definition of Qualified Individual.—For the purposes of this demonstration program the term "qualified individual" means an individual who—

(1) has been certified by a physician as requiring home care benefits based upon the individual's impairment and inability to perform at least three basic functions of normal activity as set forth in subsection (d);

(2) is participating in a program of managed care; and

(3) is entitled to benefits under title XVIII of the Social Security Act.

(d) Functions of Normal Activity.—For purposes of the demonstration program, each of the following is a function of normal activity:

(1) Bathing.—The overall complex behavior of getting water and cleansing the whole body, including turning on the water for a bath, shower, or sponge bath, getting to, in, and out of a tub or shower, and washing and drying oneself.

(2) Eating.—The process of getting food from a plate or its equivalent into the mouth.

(3) Toileting.—The act of going to the toilet room for bowel and bladder function, transferring on and off the toilet, cleaning after elimination, and arranging clothes.

(4) Dressing.—The overall complex behavior of getting clothes from closets and drawers and then getting dressed, including putting on braces or other assistive devices, fastening buttons, zippers, snaps, or other closures.

(5) Transfer.—The process of moving in and out of bed and in and out of a chair or wheelchair.

(e) Program of Managed Care.—The term "program of managed care" means an established and formal program conducted by the Secretary for the oversight of providing home care services to a qualified patient to ensure effective and coordinated delivery of services, such as development and periodic revision of individual plans of care, arranging for necessary care and services, and followup and ongoing monitoring of patient and services delivery. In conducting the "program of managed care", the Secretary shall—

(1) develop standards for reasonable levels of care for the community in which the services are being furnished to be used as guidelines for the delivery of services by home health agencies;

(2) supervise home health agencies providing services to qualified patients; and

(3) establishes processes which include—

(A) a plan of care which states reasonable and measurable objectives for the individual and home care services to be furnished to meet those objectives;

(B) methods for periodic review of the plan of care for the qualified patient; and

(C) a statement of criteria and procedures for discharge or transfer to another agency, program, or service.

(f) Limitations Upon Reimbursement.—The maximum amount of payment that may be made with respect to home care services is an amount that the Secretary estimates is equal to 75 per centum of the average amount payable under the plan of the State approved under title XIX (or, in the absence of such a plan, the average amount payable under all such plans under such title) during the month for skilled nursing facility services in the State.

(g) Home Care Services Deductible.—The amount payable for home care services furnished an individual shall be reduced by an annual deduction equal to the home care deductible or, if less, the charges imposed with respect to such individual for such services, except that, if the customary charges for such services are greater than the charges so imposed, such customary charged shall be considered to be the charges so imposed. The Secretary shall determine and promulgate a home care deductible that is equal to $45 multiplied by the ratio of (i) the current average per diem rate for home care services for the calendar year preceding the promulgation, to (ii) the current average per diem rate for such services for 1988. Any amount determined under the preceding multiple of $4 shall be rounded to the nearest next higher multiple.

(h) Reasonable Cost of Services.—The reasonable cost of any services shall be the cost actually incurred, excluding therefrom any part of incurred cost found to be unnecessary in the efficient delivery of needed services as determined by the Secretary. The Secretary shall consider, among other things, the principles generally applied by national organizations or established prepayment organizations in computing the amount of payment, to be made by persons other than the recipients of services, to providers of home care benefits on account of services provided to such recipients by such home care agencies. The Secretary may provide for determination of the costs of services on a per diem, per unit, per capita, or other basis, may provide for using different methods in different circumstances, may provide for the use of estimates of costs of particular items or services, may provide for the establishment of limits on the direct or indirect overall incurred costs of incurred costs of specific items or services or groups of items or services to be recognized as reasonable based on estimates of the costs necessary in the efficient delivery of needed services to individuals covered by this subsection, and may provide for the use of charges or a percentage of charges where this method reasonably reflects the costs.

(i) Cost Sharing by Qualified Individuals.—In the case of each individual who is covered under the program established by this demonstration and incurs expenses for home care services with respect to which benefits are payable under this program, reimbursement shall be equal to 80 per centum of the reasonable cost of the service to the provider of said services.

(j) Requirements of Home Health Agencies.—The Secretary shall be required to receive funding for the provision of home care services under this subsection, a home health agency must—

(1) meet the requirements of a home health agency as described in section 1861(o) of the Social Security Act;

(2) implement procedures for reviewing grievances of qualified patients receiving home care services;

(3) provide to each qualified patient, or their representative, a written statement of the services to be provided to said individual and the schedule for provision of such services, as agreed upon by the qualified patient, or their representative;

(4) ensure that any provider of home care services employed by or under contract with the home health agency receives training which meets requirements established by the Secretary;

(5) conduct annual evaluations of providers of home care services employed or under contract to the home health agency; and

(6) enter into a cooperative agreement with the Secretary who has oversight, under a program of managed care, of a qualified patient receiving home care services from said health care agency to provide for the coordination and delivery of services to such individual.

(k) Conduct of Program.—The demonstration program shall—

(1) be conducted in no fewer than five sites, which sites shall be chosen so as to be geographically diverse and shall be readily accessible to a significant number of Medicare beneficiaries;

(2) involve community outreach efforts at each site to enroll the maximum number of Medicare beneficiaries in the program;

(3) be designed—

(A) to permit a variety of appropriate health care providers to furnish preventive health services, including physicians, nurses, allied health personnel, dieticians, and clinical psychologists; and

(B) to facilitate evaluation under subsection (1).

(l) Evaluation.—The Secretary shall evaluate the demonstration project in order to determine—

(1) the short-term and long-term costs and benefits of providing home care services for

medical beneficiaries, including any reduction in nursing home services resulting from providing the services;

(2) what mechanisms exist to finance home care services under title XVIII of the Social Security Act;

(3) the effectiveness in reducing program costs by the use of a program of managed care;

(4) the effect upon the individual's use of personal assets to finance the cost of home care services; and

(5) the effect upon the individual's eligibility under the plan of the State, in which the demonstration program is being conducted, approved under title XIX of the Social Security Act.

(m) Reports to Congress.—Not later than October 1, 1990, the Secretary shall submit a preliminary report to the Committee on Ways and Means and Energy and Commerce of the House of Representatives and to the Committee on Finance of the Senate on the progress made in the demonstration program, including a description of the sites at which the program is being conducted and the home care services being provided at the different sites. Not later than October 1, 1991, the Secretary shall submit a final report to those committees including—

(1) the evaluation described in subsection (k); and

(2) recommendations for appropriate legislative changes to incorporate payment for cost-effective home care services into the Medicare Program.

(n) Funding.—Expenditures made for the demonstration program shall be made from the Federal Supplementary Medical Insurance Trust Fund (established by section 1841 of the Social Security Act). Funding for the demonstration program shall not exceed $25,000,000 over the duration of the program.

SEC. 222. DEMONSTRATION OF HOME CARE BENEFITS FOR CHILDREN UNDER MEDICAID.

(a) In General.—

(1) The Secretary of Health and Human Services (in this paragraph referred to as the "Secretary"), shall establish a demonstration project to begin on October 1, 1988, to test the cost-effectiveness of requiring every State to furnish services under section 1902(e)(3)(C) of the Social Security Act (42 U.S.C. 1396a(e)(3)(C)), and determine possible alternatives for services to be covered under such a program.

(2) The demonstration project under paragraph (a) shall be conducted for a period of thirty months in five district geographic areas. No less than one of these sites must be in a State not currently participating under section (1902)(e)(3)(C)) (42 U.S.C. 1396a(e)(3)(C)).

(b) Evaluation.—The Secretary shall evaluate the demonstration project in order to determine—

(1) the short-term and long-term costs and benefits of requiring every State to provide coverage under section 1902(e)(3)(C) of the Social Security Act (42 U.S.C. 1396a(e)(3)(C)), including any reduction in nursing home services resulting from providing the services, reduced costs to the State plan, overall cost-effectiveness;

(2) what mechanisms exist to finance such services under title XIX of the Social Security Act; and

(3) the effect upon the individual's use of personal assets to finance home care services if not currently being covered by the State plan.

(c) Report to Congress.—Not later than October 1, 1991, the Secretary shall report to the Congress on the results of such project, including a description of the sites at which the program is being conducted and the services being provided at the different sites.

(d) Funding.—Expenditures made for the demonstration project shall be made from the Federal Supplementary Medical Insurance Trust Fund (established by section 1841 of the Social Security Act). Funding for the demonstration project shall not exceed $25,000,000 over the duration of the project.

SEC. 223. RECOMMENDATIONS FOR MEDICAL INDIGENT CARE.

(a) In General.—The United States Bipartisan Commission on Comprehensive Health Care established by section 401 of the Medicare Catastrophic Coverage Act of 1988 (hereinafter in this section referred to as the "Commission") shall, in addition to its other responsibilities, carry out the responsibilities specified in the following paragraphs:

(1) Study of provision of health care to medical indigent population.—

(A) The Commission shall examine and develop recommendations for the provision of health care to the medical indigent population of the United States through both private and public options. These recommendations shall be accompanied by an analysis of the expected costs associated with each option. The review should include an analysis of the current provision of services to such population, those affected by this system, meaning both provider and consumer, and the impact such system has upon access to services by this segment of the population.

(B) For purposes of this paragraph, the term "medical indigent" means any individual who has decreased access to adequate health care, either acute or long-term care, based upon their inability to pay for such care.

(2) Study of health care savings accounts, etc.—The Commission shall examine and develop recommendations with respect to the establishment of tax-favored health care savings accounts (with higher deductibles and protection against catastrophic medical care expenses for individuals who have established such accounts) as proposed by H.R. 955, as introduced in the 100th Congress.

Subtitle D—Delay in Effective Date for Certain Changes

SEC. 231. DELAY IN EFFECTIVE DATE FOR CERTAIN CHANGES

Nothing in this Act (other than this title) shall take effect before January 1, 1991.

SENATE—*Tuesday, June 7, 1988*

The Senate met at 10:15 a.m., and was called to order by the Honorable TIMOTHY E. WIRTH, a Senator from the State of Colorado.

The PRESIDING OFFICER. Our prayer today will be offered by the Reverend Dr. Karl Justus, executive director, emeritus, of the Military Chaplains Association of the United States of America.

Dr. Justus is sponsored by Senator JOHN MCCAIN of Arizona.

Dr. Justus.

PRAYER

The Reverend Dr. Karl Bennet Justus offered the following prayer:

O Lord, our Lord, how excellent is Thy name in all the Earth. Through all generations Thou hast been our unfailing help in the past and our unending hope for the future.

May Thy presence permeate our spirits, empowering all of our actions and undertakings.

In these times of tension and uncertainty, dispel our doubts, fortify our faith for the future, undergird our convictions with courage, and accept our gratitude for Thy providence which made and preserved us a nation destined to be free.

Bless, guide, and strengthen Thy servant—the President of our beloved country; grant vision and wisdom to our legislators in the Congress, especially to those who serve in this hallowed Chamber; and with faith and fidelity may we all uphold the Constitution so wisely fashioned by our Founding Fathers.

God bless America, now and forever—and so may it be.

In Thy Holy Name, we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 7, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TIMOTHY E. WIRTH, a Senator from the State of Colorado, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. WIRTH thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE PRAYER OF THE VISITING CHAPLAIN

Mr. BYRD. Mr. President, I am sure we are all grateful for the prayer that was offered by the visiting chaplain. His words were thoughtful inspirational, and I am personally very grateful to him for his prayer.

Mr. President, I ask unanimous consent that I may reserve my time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. DOLE. Mr. President, I make the same request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 o'clock with Senators permitted to speak therein for not to exceed 5 minutes each.

The Chair recognizes the Senator from Wisconsin.

JUDGE THEM BY WHAT THEY DO, NOT BY WHAT THEY SAY

Mr. PROXMIRE. Mr. President, Russell Baker has written a recent column in the New York Times that should become a classic. He describes how this country was able to develop a sensible policy with China, and now with Russia. Baker writes:

> For 20 years Nonpresident Nixon's campaigns against softies gave Democrats their worst nightmares. Only by getting him out of the opposition could a President start dealing with China as a real place. On China, at least, the country did the sensible thing in 1968 by making a President of Nonpresident Nixon. . . . Same for President Reagan. Nobody else could have got away with his recent attempts to reach accommodation with the Russians, not so long as Ronald Reagan the Republicans' blue ribbon Redblaster, was on the loose.

Get these troublemaking Presidential candidates off the street and into the White House where they have to listen to experts in the State Department and Defense Department who know what they're talking about and sensible things happen. Of course, it also helps for Richard Nixon, the President to know that Richard Nixon the Presidential candidate was no longer out there ready to blast Richard Nixon the President for cozying up to the Red Chinese. In fact, it seems that it was exactly the fact that the Red China basher supreme was actually the President that made his embrace of China policy a success so nearly unanimous that practically no one criticized it. Can you imagine George McGovern or even Hubert Humphrey nestling up to Red China and getting away with it—with candidate Richard Nixon on the loose.

Now Ronald Reagan has done it again. This time with the big enchilada, our favorite dragon, the Soviet Union. President Reagan hasn't missed a beat on this one. Even on his way to the Moscow summit, he stopped over in Finland. And literally days before the summit he savaged the Soviet Union for its human rights record. Of course, the President was absolutely right in what he said. But why did he say it on the very eve of the summit meeting? It's like the best man reminding the groom of the undeniable fact that he has halitosis just before the minister tells the groom he may kiss the bride. But it provides the President with continued cover with his conservative constituency while he holds hands with the Kremlin commies.

Mr. President, this technique of speaking long and loud for one course of action to provide political cover for doing exactly the opposite has reached a fine art in this administration. Much of the country still believes that President Reagan has done everything he could to hold down Federal spending and achieve a balanced budget. Many Americans believe that the President has worked hard to keep Federal spending under control. These Americans believe a spendthrift Congress is solely responsible for the deficit. Time after time in his Saturday radio speeches to the country, the President has blasted Democrats in the House and Senate for irresponsible spending. Meanwhile the President has submitted budget after budget that calls for enormous deficits. Here is a President who has not submitted one single balanced budget in his more than 7 years in office.

But has the Congress not deepened the deficit that would have resulted from the President's budgets? No, if the Congress had funded every budget

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

submitted by President Reagan precisely as he submitted it, and if the Congress had agreed to every supplemental appropriation and every rescission recommended by the President, the national debt would be about $20 billion higher than it already is. Congress actually reduced President Reagan's recommended deficits. Mr. President, there is no question that the Congress has been a spendthrift Congress for the past 7 years, but we have had an even more spendthrift President.

Now how about the future? Who is the champion of the Government spending project that would be many times more costly than any Government project of any kind in this Nation's history, that is the trillion dollar strategic defense initiative? Answer: Mr. President Ronald Reagan. The most competent testimony before the Senate Defense Appropriations Subcommittee over the past 2 years has made it clear that if the Congress proceeds with SDI as the President has recommended it, the annual cost, each and every year, to maintain, operate, and modernize this mammoth project will be approximately $150 billion per year in constant 1988 dollars. Keep in mind this will be every year in perpetuity, forever. This is a 50-percent increase in military spending.

Mr. President, if ever there were a lesson in "Judge me by what I do, not by what I say," it should apply to this administration.

I ask unanimous consent that the column to which I referred by Russell Baker in the May 9, 1988, New York Times be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, May 28, 1988]

Rising Above Self

(By Russell Baker)

Nixon in China, Reagan in Moscow. Why is it that to improve relations with Communists we have to have conservative Redbaiters in the White House?

Well, for one thing, because having them in the White House gets them off the street, so to speak. President Nixon could never have got away with the China thing while that tireless and venomous Red-hunter, Richard Nixon, was roaming the landscape ready to savage anyone who favored a sane policy on China.

By getting himself into the White House, Nixon eliminated the most dangerous opponent a President would have to confront in shaping a sensible policy toward China: namely, Richard Nixon.

For 20 years Nonpresident Nixon's campaigns against softies gave Democrats their worst nightmares. Only by getting him out of the opposition could a President start dealing with China as a real place. On China at least, the country did the sensible thing in 1968 by making a President of Nonpresident Nixon.

Same for President Reagan. Nobody else could have got away with his recent attempts to reach accommodation with the Russians, not so long as Ronald Reagan, the Republicans' blue-ribbon Red-blaster, was on the loose.

Remember the 1976 Republican Convention, whose heart belonged to Reagan, though it grudgingly nominated President Ford? "Détente" with the Soviet Union was its greatest nightmare.

This hated "détente" was another foreign-policy innovation of the reformed Red-hunter Nixon. Out of respect perhaps for the great hunts of Nixon's youth, the Convention chose to blame "détente" on Henry Kissinger, whose old Rockefeller connections made him a delightful target for abuse by right-wingers.

That Convention's heart belonged to Reagan, who detested "détente" with the Russians just as intensely as it was detested by the delegates spewing bile at the heretic Kissinger, or so it was thought.

Now 12 years later, President Reagan has eliminated the dangerous opposition of that old charismatic anti-Communist Ronald Reagan by getting him off the street and into the White House. Next week in Moscow, at the very heart of the Evil Empire, he will be advancing his already well-established policy of—let the vile word be uttered—"détente."

With no Ronald Reagan to rally the troops of Right-Wingedness against the President, they have had to fall back on Senator Jesse Helms of North Carolina. That is like sending Peck's Bad Boy to fill the shoes of Savonarola. It is a measure of how hard the times on which the old Red-baiting division of the Republican Party has fallen.

Republicans of more subtle mind have another explanation for why their anti-Communist tough guys get agreements out of the Reds. The ferocity of their anti-Communism, goes the argument, makes Communists realize they had better come along peaceably and negotiate like sensible world citizens, because there is no hope they can gull, charm or bamboozle these Republican tough guys into falling into their devilish Red traps.

In other words, tough guys understand each other, so can do mutually useful business despite philosophical disagreements. This line proceeds to justify Reagan's huge Pentagon budget as persuasive evidence for the Russians that they were not going to beat us in the arms race and, hence, had better negotiate to stop it, since it would bankrupt them before it bankrupted us.

Whatever the reason, the Communist giants seem to prefer doing business with Republicans rather than Democrats. The irony here is that the Republicans have for decades kept the Democrats in terror of being called "soft on Communism," despite a long history in which the Republicans have tended toward accommodation and Democrats toward confrontation.

It was the Democrats, after all, who under Truman, Acheson, Harriman and company created the strategy for waging the cold war, and it was this strategy that took us into the Korean War and later into Vietnam. The Republicans, by contrast, under Eisenhower and Dulles backed off their tough line about "liberating" Eastern Europe when the Red Army moved in to put down revolts in Warsaw and Budapest.

Despite the Republican Party's 40-year lock on superpatriotic, anti-Communist blather, history suggests that Communists prefer doing business with the G.O.P., perhaps because they seem to get little but war or the threat of war when Democrats govern. Is it the Republicans who are soft on Communism? Or are the Communists soft on Republicanism?

OHIO-NEW YORK ACID RAIN AGREEMENT

Mr. PROXMIRE. Mr. President, yesterday, the New York Times reported that the Governors of Ohio and New York, Mario Cuomo and Richard Celeste, agreed to a joint proposal which reduces the air pollutants that cause acid rain.

According to the article, the three-phase program would reduce emissions of sulfur oxides by 10 million tons per year by 2003.

The program represents an important step in reaching consensus on acid rain control, an issue deadlocked for almost a decade.

Governor Celeste's participation is especially courageous since his State would bear large costs under any acid rain program. Governor Cuomo, whose State suffers from acid rain damage, also risks much from his participation since the program is weaker than the bill reported out by the Senate Environment Committee and supported by many environmental groups.

Fortunately, these risks deterred neither Governor from participating. Both see that only a compromise bill which stretches out control deadlines and offers incentives for dirty States can break the legislative stalemate on acid rain.

As the author of S. 316 on the same subject, I am especially pleased with this new initiative. However, this bill is weaker than S. 316 since it defers final compliance until 2003, makes the last 2 million tons of reductions contingent on development of new financing mechanisms and caps the amount any States must reduce its emissions in the first phase of the program.

Despite these differences, the new proposal shares with S. 316 its phased structure and 10 million ton target, making the bill cheaper than other bills now before the Senate.

It is no surprise that Governor Celeste and Governor Cuomo came up with this breakthrough on acid rain. Governor Celeste took part in the Policy Options Dialogue of the Center for Acid Rain Policy which resulted in H.R. 4331, another compromise bill, which is sponsored by Congressman Jim Cooper of Tennessee. Ohio citizens have also shown their flexibility by joining citizens of New Hampshire in the unique and innovative Ohio-New Hampshire acid rain partnership which lobbies on behalf of compromise acid rain legislation. Governor Cuomo's leadership on environmental matters is also well known.

The Alliance for Acid Rain Control, an organization formed by former Governor Earl of Wisconsin and Governor Sununu of New Hampshire and now headed by Governor Schwinden of Montana, has spearheaded efforts aimed at breaking the deadlock on acid rain. This group's views, an outgrowth of the 1985 Policy Position on Acid Rain of the National Governor's Association, form the framework of S. 316.

One final aspect of the new proposal may present problems for congressional approval. The plan requires large subsidies to dirty States to underwrite cleanup. No current Senate bill contain subsidies. In fact, my own tougher bill omits them as unnecessary in light of the modest cost of the bill.

I fear the introduction of a new divisive issue such as a subsidy this late in the session might derail the considerable progress already made in the Senate for reaching resolution of this important issue.

I ask unanimous consent that the full text of the article from the New York Times be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Cuomo and Governor of Ohio Join in Proposal on Acid Rain

(By Philip Shabecoff)

Washington, June 5.—The Governors of New York and Ohio, two states that have been on opposite sides of a fierce debate over reducing acid rain, have agreed on a joint proposal to require steep reductions nationwide in pollution from coal-fired power plants and other industrial sources over the next 25 years.

The proposal for new Federal acid rain legislation, which could represent a breakthrough in a long deadlock in Congress, was reached after a year of negotiations between Governor Cuomo and Gov. Richard Celeste of Ohio, assisted by their aides.

The agreement would raise about $900 million a year to pay about half the anticipated cost of compliance and to help the polluting states meet the anti-pollution goals. More than two-thirds of the $900 million would be paid by the oil industry, the other third by the Federal Government. An additional $900 million would be paid by polluters.

The plan differs in several respects from pending legislation in Congress that is backed by states that suffer from acid rain pollution and opposed by states where much of the pollution originates. Leading the battle over that legislation have been New York, a major victim of the pollution, and Ohio, where plants emit more sulfur dioxide, an important source of acid rain, than any other state.

Compared with the pending legislation, the new compromise would require a smaller reduction in pollutants that produce acid rain. It lengthens the period for reaching anti-pollution goals and provides innovative techniques by which the nation would share costs of compliance, including a device for providing revenue from an expanded Strategic Petroleum Reserve.

Governors Cuomo and Celeste said in telephone interviews over the weekend that they would ask members of Congress from their states to introduce their proposal as amendments to the Clean Air Act. They expressed hope that the agreement would clear the way for a breakthrough after an impasse of nearly a decade.

Governor Cuomo called the plan "a reasonable and imaginative effort to resolve our differences and solve the problem of acid rain." He said he would "push hard" to achieve a national program to deal with the issue.

Hundreds of lakes in the Adirondack Mountains in New York have become acidified by the pollution, much of which is believed to come from coal-fired electric power plants in Midwestern states such as Ohio.

Ohio and other Midwestern states with large coal-fired power plants have opposed acid rain controls because they feared sharply higher electric rates and loss of jobs in mining industries that produces a great deal of coal with a high sulfur content.

Governor Celeste said today that "if the folks in New York and Ohio can find a common ground, it may well serve as a guidepost for the rest of the nation."

New York's two Senators, Democrat Daniel Patrick Moynihan and Republican Alfonse M. D'Amato, praised the agreement and said they would introduce legislation to implement it.

GOVERNORS WANTED SETTLEMENT

Governor Celeste said the more strict legislation pending in Congress was like a "sword of Damocles" hanging over electric utilities and other industry in Ohio because it would impose a heavy cost. He also wanted a settlement because many companies in Ohio have held off on long-range investment plans because of uncertainty over how the issue would be resolved.

Governor Cuomo, who has long sought strong legislation to reduce acid rain damage to New York, is willing to accept a program somewhat less stringent than pending legislation, that would take longer to implement and that would cost New Yorkers more, because it has a better chance of approval.

The most prominent of the acid rain legislation already in Congress was introduced by Senator George Mitchell of Maine. It has wide support but its chances are questionable because it also has serious opposition, including that of the majority leader, Senator Robert Byrd of West Virginia. Mr. Byrd considers the Mitchell legislation, which would require businesses to pay the cost of acid rain control, a threat to his state's coal industry.

Mr. Mitchell today said he would have to examine the New York-Ohio bill to see whether it was fair and sufficient, but he called the proposal "encouraging," and commented Governor Celeste for what he said was "political courage." He said that the proposal should help get a bill enacted this year.

Acid rain is caused by pollution from power plants and other industries that produce oxides of sulfur and nitrogen. These change chemically as they travel through the atmosphere and descend as acid rain, snow, fog or dust. Much of the pollution blows into the Northeast and Canada from the Midwest's industrial areas.

Scientists generally agree that acid rain destroys plant and animal life in sensitive lakes and streams, and some scientists believe it damages forests and man-made structures, adds to the pollution pressures on marine life in eastern coastal areas and threatens human health in many areas.

The New York-Ohio plan would require reductions of sulfur and nitrogen emissions in several states between now and 2003. Total sulfur dioxide emissions would be reduced in three phases by a national total of 10 million tons from the current level of about 23 million tons a year. All of the reductions would be made by coal-fired utility plants.

According to Thomas C. Jorling, head of New York's Department of Environmental Conservation, the major sources of Midwestern pollution would have to make the biggest reductions in the first stage of the program, which would end in five years.

The plan would also require a 3 million-ton reduction in nitrogen oxide pollution by 1998 from current emissions of nearly 20 million tons a year.

$1.8 BILLION A YEAR

The proposal anticipates that the plan would cost $1.8 billion a year nationwide in the first 10 years. The Federal Government would provide subsidies of $900 million a year, of which $650 million would come from a change in the way the nation pays for the Strategic Petroleum Reserve.

The reserve, which consists of oil under storage for use in the event of a national emergency, is now paid for with Federal tax revenues. Under the New York-Ohio proposal, the pace of filling the reserve would be accelerated and the cost would be shifted from the Treasury to the oil companies, which would be required to set aside 2 percent of their imports for that purpose. The companies would retain title to the reserve oil and would pay storage fees that would generate the $650 million.

Mr. PROXMIRE. Mr. President, I yield the floor.

Mr. DOLE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Republican leader.

THE MOSCOW SUMMIT

Mr. DOLE. Mr. President, last week Senator Byrd and I had the honor of representing the U.S. Senate at the Moscow summit.

This historic presence of the Senate leadership at a summit dramatically underscored the differences between the United States and the Soviet Union.

Mikhail Gorbachev—along with the rest of the world—saw two Senate leaders from both the Democratic and Republican Parties. This was a strong reminder that in America, every citizen can freely choose the party and candidate of his or her choice for any office in the land.

Our presence in Moscow also highlighted our unique system of checks and balances. The Senate had just finished 4 months of intense scrutiny of the INF Treaty, and the system worked. President Reagan did not send a treaty up here expecting that it would come back, rubberstamped within a few hours as Mister Gorbachev did with the Supreme Soviet.

We worked 4 long months on the INF Treaty, and I believe all will now agree that we found some problems, fixed them, and produced a better product; that is the genius of our democracy.

The Soviets also saw two Americans from two different political parties standing side by side, backing President Reagan 100 percent—on human rights, regional conflicts, arms control, and a host of other issues on the summit agenda.

Mr. President, I would like to express my personal gratitude and respect for the majority leader. Senator BYRD provided real leadership on the INF Treaty, and had every reason to feel proud with its ratification in Moscow. While in the Soviet capital, he was a superb representative for the Congress, the American people and our democracy.

Both the majority leader and I realize that summits attract worldwide attention, and as a result, raise expectations out of control.

The media may clamor for ever "bigger deals," or pronounce the summit a "failure" because President Reagan didn't sign the START Treaty right on the spot. But a quick recap of the summit should convince most skeptics that it was a success.

First, let us not be so "ho-hum" about the INF Treaty. We ratified a landmark arms control agreement—the first ever to eliminate existing nuclear weapons, and it contains unprecedented verification measures.

We also signed an agreement to conduct a joint verification experiment for nuclear testing. The press has hardly noticed, but soon the United States and Soviet Union will install verification equipment at the other's test site. This is a real breakthrough for anyone interested in effective verification.

Finally, I think we should congratulate President Reagan and his team for achieving modest progress on START.

START touches the bottom line for our peace and security and the defense of the free world. Senator BYRD and I stressed in Moscow that we welcome a good START agreement and only a good START agreement—one which enhances strategic stability and is effectively verifiable.

It should be negotiated carefully, without deadlines, and I am pleased the President made the same point, no deadlines and not because he is leaving office. It should be negotiated carefully by our experts in Geneva. By the way, about a month ago I had the opportunity to visit Ambassador Hanmer in Geneva, and I have the utmost confidence in him and his delegation.

The Moscow summit may eventually be remembered for some small achievements which touch everyday lives in some big ways. We made progress on student exchanges, pollution cleanup, nuclear reactor safety, maritime search and rescue, and much more.

In the long run, our two peoples can get to know each other far better by cooperating on these ventures than they will through a rushed, half-baked START Treaty.

In fact, I raised one human rights issue which I think Soviets and Americans could agree on: today half a billion people around the globe are disabled, and we are in the middle of the "international decade of disabled persons."

It is a time when every nation must renew its pledge to make the problems of the disabled a top priority. I raised this issue with General Secretary Gorbachev, and I hope the United States and the Soviet Union will take the lead on this worldwide concern in the coming months.

Unfortunately, summits are also important for recording our disagreements. For all the signs of a thaw in relations, we must never forget the fundamental issues which divide us.

Senator BYRD and I emphasized the unyielding concern of the American people for human rights in the Soviet Union. Yes, glasnost has no doubt had some impact, but there is a long, long way to go before we can say a new era is here.

We also backed President Reagan in his insistence that glasnost must be reflected in the foreign policy goals of the Soviet Union. We welcome their withdrawal from Afghanistan, but do not yet see any concrete changes in some other parts of the world, such as Africa or Central America.

Mikhail Gorbachev got the message from President Reagan, and at this summit, he got it straight from the U.S. Senate. We certainly welcome better relations with his country and its diverse peoples, but we can progress only so far unless progress is across the board.

This summit was a success for what it achieved, for what it may have started, and for the differences discussed. The American people are proud of Ronald Reagan; and Senator BYRD and I were honored that he invited us to Moscow.

I would also say finally, I express our thanks to the many Soviet leaders we were privileged to meet and for the many, many courtesies all of them, including Mikhail Gorbachev, extended to both of us.

Mr. President, I reserve the remainder of my time.

Mr. BYRD. Will the distinguished Republican leader yield?

Mr. DOLE. I yield.

Mr. BYRD. Mr. President, I congratulate the distinguished Republican leader on his thorough and thoughtful statement. It reflects the facts as to the Senate's participation and as to the progress that it has made at the summit in various and sundry other ways and just the centerpiece for the signing of the INF Treaty and the ratification of the treaty which, as he has indicated, was not a small thing in itself.

I again say, as I said to President Reagan, he was fortunate this time in having ROBERT DOLE as the Republican leader because the contributions that were made by the Republican leader in helping to bring final action in time for ratification to occur at the summit were immensely valuable not only to the President but to the country.

It would not have been good for this treaty to have been ratified at all if it had continued to have flaws, but through the Senate's careful study and the administration's negotiators' work in going back and typing up those loose ends, the treaty was made a better treaty. It would not have been good for the President to have gone to that summit without this treaty.

I have no hesitancy in saying that the President was fortunate in having Mr. DOLE as the Republican leader, and I personally thank him for all of his cooperation, and I thank him for the fine statement he has made today.

Mr. DOLE. Mr. President, I thank the distinguished majority leader. I think, as he said many times, once a treaty is negotiated then the Senate becomes a partner. If I got any message from the people I met in Moscow in the short time we were there it is that they better understand that now. I think there was some feeling, "Oh, well, the Senate will rubberstamp what Ronald Reagan wants."

It does not work that way in our system, whether it is a Republican or Democratic President, that the Senate is controlled by either party. We have our responsibility; it is a constitutional one, and as far as I know we have always carried it out. I do know that in the INF discussions, debate, negotiations, with Senators and the administration we fully carried out our responsibility and I think it is a better treaty because of it. I again thank the majority leader.

Mr. BYRD. I thank the Republican leader.

Mr. COHEN. Mr. President, will the Senator yield?

Mr. DOLE. I will be happy to yield.

Mr. COHEN. Mr. President, I would like to take just a moment to express and add my congratulations to the minority leader. I remember during the months during which he was campaigning for, some would say, a higher office, some might say a lower one, but nonetheless campaigning for the Presidency, there was tremendous pressure that was attempted to be placed upon the Senator from Kansas to endorse the treaty before he had even read it.

I recall watching the Senator very carefully saying, "I am not going to endorse this treaty until at least I have had an opportunity to read the fine print."

I must say that there were those of us who spent months along with the

Senator from Kansas reading the fine print, satisfying ourselves as to its terms. I think that most of us would agree the treaty as negotiated was flawed, it still may be flawed, it still has deficiencies, but as a result of the leadership shown by the Senator from Kansas and the time that he took to educate himself as to the implications and the nuances of that particular treaty, I think he made a great contribution to its improvement.

I think he should be commended for his statesmanship in resisting the pressure and temptation to simply endorse it because the President had signed it. He fulfilled his role as minority leader in exemplary fashion, so I think Senator DOLE ought to be commended for that.

I add one other word to my friend from West Virginia, the majority leader. Throughout the difficult moments of trying to get the measure passed and ratified through this Chamber, the Senator from West Virginia, the majority leader, demonstrated a willingness to work with members of the minority, especially on the very controversial Byrd-Biden amendment. Through his leadership, he was willing to accept modifications that made it acceptable to most Members on this side of the aisle.

I express my gratitude for his leadership, in showing that it was not a partisan advantage that he sought but, rather, satisfaction as to the provisions of the treaty. He, too, demonstrated the kind of leadership that is important in this body to make sure that we try to adopt a bipartisan consensus on foreign policy. He is to be commended for his extraordinary job.

Mr. DOLE. I thank the distinguished Senator from Maine, Mr. COHEN, and remind him—not that he needs to be reminded or Senator BYRD needs to be reminded—it was the input of the Senator from Maine in the change in the Byrd amendment that I think made it more and more acceptable to the administration and a great number of Senators. So-called section 4 of the Byrd amendment was wording suggested by the Senator from Maine. As everyone knows, the Intelligence Committee—Senator COHEN is the ranking Republican on that committee chaired by Senator BOREN—spent endless hours and weeks and weeks on this treaty. So it was the product of a lot of hard work from Members on both sides of the aisle.

I must say, as the Senator indicated, I can recall some of my partisan friends saying, "Well, Senator, the majority leader is holding this treaty up. He does not want Ronald Reagan to have this treaty when he goes to Moscow."

Now, that might have been an easy thing to suggest, but as I have indicated that is not the case; it never was the case. The majority leader runs this Senate. He has a responsibility to make certain that we did as much as we could to perfect the provisions of the treaty. When that was done, we brought it up, it was passed, and the story had a happy ending.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. COHEN. Certainly.

Mr. BYRD. Mr. President, I thank both the Republican leader and Mr. COHEN. Mr. COHEN contributed in great measure to the successful conclusion of the Senate's work on the INF Treaty. The provision which he suggested and was successful in including in the Byrd-Biden amendment was an extremely helpful one. I think it was a wise one, and it demonstrated great statesmanship on the part of the distinguished Senator from Maine. I have admired his courage and his straightforwardness and the rock-ribbed integrity that he has demonstrated time and again in this Chamber. I saw it displayed prominently during the debate on the INF Treaty. I congratulate him, and I also thank him, and I thank Mr. BOREN, the chairman of the intelligence Committee, as I again thank Senator NUNN and Senator WARNER for the excellent work that they all performed as they probed, questioned, interrogated, and resolved certain questions that should have been brought up and resolved. I also thank again the chairman of the Committee on Foreign Relations, Mr. PELL, for his excellent work and dedication to ratifying this treaty.

Again, I thank the distinguished Senator for his kind words.

Mr. COHEN. I thank the Senator for his courtesy.

BICENTENNIAL MINUTE

JUNE 2, 1941: SENATOR ANDREW JACKSON HOUSTON IS SWORN IN

Mr. DOLE. Mr. President, on June 2, 1941, 47 years ago this week, an elderly mustachioed gentleman was sworn in as a U.S. Senator from Texas. At 87 years of age, he was the oldest man ever to enter the Senate. This man bore another distinction as well. His name was Andrew Jackson Houston. He was the son of Sam Houston, who 118 years earlier had been sworn in as a young Representative from Tennessee and went on to become a legendary general, president of the Republic of Texas, and a colorful Senator from Texas. Together the father's and the son's lives spanned the history of the Nation. The father had been born in 1793. He vividly remembered George Washington's death in 1799 and often described it to his little boy, Andrew, born in 1854, late in the general's life.

Andrew Jackson Houston, named for his family's great friend, "Old Hickory," grew up in the shadow of his famous father. The younger Houston attended several colleges, including West Point, and studied law. He held various Government posts, and, in 1902, President Theodore Roosevelt made him a Federal marshal. In 1941, when he was appointed to the Senate to fill the vacancy caused by the death of Senator Morris Sheppard, he was living in a wooden cabin he had built himself, writing books on Texas history, and serving as superintendent of the San Jacinto Battleground Park, the site of his father's greatest military campaign. His Senate appointment was announced on April 21, 1941, exactly 105 years after the Battle of San Jacinto.

Andrew Jackson Houston told friends that the supreme joy of his long, long life was occupying the same Senate seat to which his father had been elected when Texas joined the Union. He did not live long enough, however, to savor the honor. Just 24 days after he entered the Senate, Andrew Jackson Houston died in office. His passing ended the remarkable continuum that stretched back to the Nation's earliest days.

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT—H.R. 2470

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate considers the conference report on H.R. 2470, the catastrophic health care bill, it be considered under the following time limitations: 3 hours overall on the conference report to be equally divided between Mr. BENTSEN and Mr. CHAFEE, or their designees, and out of which time there will be 20 minutes on any debatable motions, appeals, or points of order, if submitted to the Senate.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none. It is so ordered.

VOTE ON VETO OVERRIDE AT 4:30 P.M. TOMORROW

Mr. BYRD. Mr. President, will the distinguished Republican leader be agreeable to setting a vote on the veto override for 4:30 p.m. tomorrow? I make that request.

Mr. DOLE. That is cleared on our side. Yes.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none. It is so ordered.

Mr. BYRD. Mr. President, I thank the Republican leader.

Mr. DOLE. If the conference report debate on the catastrophic health care bill should be concluded prior to 4:30 tomorrow, would it be the intention to have that vote follow the trade bill vote?

Mr. BYRD. We could very well have that. Yes. We will certainly try to arrange it on this side and we will discuss it further.

ACID RAIN

Mr. BREAUX. Mr. President, I have read with great interest, as a number of our colleagues in this body and the House of Representatives must have, an article in the New York Times yesterday, and I think it was also commented on in the Washington Post and, I am sure, other papers around the country. The headline in New York Times read: "Cuomo and Governor of Ohio Join in Proposal on Acid Rain."

The article points out that Governor Cuomo, of New York, and Governor Celeste, of Ohio, had reached an agreement on how to approach the very serious problem of how we are to address solving the acid rain problem in this country.

I have the privilege of serving on the Committee on Environment and Public Works in this body, and we are working on a Clean Air Act which attempts to address this problem. I know that the majority leader, the Senator from West Virginia [Mr. BYRD], has some strong interest in this area. He is an advocate of doing additional research on clean coal, which I find is an appropriate and proper methodology in approaching a solution to the problem.

The reason I take the floor this morning is to point out that Governor Cuomo and Governor Celeste have reached an agreement, and both have different opinions on what should be done about acid rain. They point out that they have agreed on and will be recommending to Congress, legislation which would raise about $900 million a year to pay about half of the anticipated cost of compliance to help polluting States meet the antipollution goals. An additional $900 million will be paid for by the polluters.

I say that their agreement is unique, by any stretch of the imagination. The article points out that their agreement provides innovative techniques for sharing the cost of compliance with the program by the Nation, including a device for providing revenue from an expanded strategic petroleum reserve.

Under the proposal, the Federal Government would provide $900 million a year in subsidies, and, of that, $650 million a year would come from the oil industry. It would come from the oil industry by a major change in the way this country pays for the strategic petroleum reserve.

The reserve, of course, consists of oil that is under storage, for use in the event of a national emergency, and is now paid for out of the Federal Treasury.

Under this New York-Ohio proposal, the pace of filling the reserve would be accelerated, and the cost would be shifted from the Treasury to the oil companies, which would be required to set aside 2 percent of their imports for that purpose.

Mr. President, the point I make is this: What connection is there between the oil and gas industry and the coal industry when it comes to pollution? Would anybody think it is a good idea to have the coal industry pay for oil spills caused by oil companies? I dare say that the answer would be, very clearly, "No."

This country's history in trying to address environmental problems has been to say that those who do the polluting should participate in paying for the cleanup. Those who do the polluting should be charged with having to pay for the extra measures to help eliminate, eventually, any pollution coming from the product they produce.

To call this proposal by Governor Cuomo and Governor Celeste innovative is an understatement. Why not just say, "Let's tax the real estate industry for cleaning up acid rain"? Or, perhaps, let us tax savings and loans in this country and charge them a fee for cleaning up the acid rain problem. It makes no more sense to say that than to say that we should get $650 million out of the oil and gas industry to pay for cleaning up acid rain. There is no connection.

This history of this country, legislatively, has been to say that those who do the polluting should have to pay for the cleanup, not some other, separate industry that has nothing to do with the burning of coal that produces acid rain.

So I think that while some would hail this agreement as a great, innovative approach, I say that this concept has absolutely no chance if we follow common sense in enacting legislation. Certainly, this funding proposal makes absolutely no sense whatsoever.

CHARGES AGAINST GENERAL NORIEGA

Mr. D'AMATO. Mr. President, last week, while we were in recess, a nationwide telephone poll of some comprehensiveness—or, at least in terms of the number of people contacted, an unusually large sample—was conducted. The firm that conducted this poll was FMG Telecomputer, Inc., of Fort Lauderdale, FL. They surveyed more than 21,000 people.

This firm specializes in telephone marketing and polling. They made the results of this survey available to me, and I wish to share them with the Senate.

This was the question: "This is a brief nationwide poll on the crisis in Panama. Do you believe President Reagan should dismiss drug charges against General Noriega?"

Mr. President, I do not believe many of us thought that the Nation was so unified, although I felt very strongly that the dismissing of these charges would be sending the wrong signal, and therefore I was adamantly opposed. It was my feeling that the American people, when asked and when they get the facts, know what is right and what is wrong. Their answers to this poll overwhelmingly affirmed my deep opposition to the kind of proposal that was offered to Noriega.

The result of the poll was as follows: Yes, 12 percent; 2,598 people said they thought it would be the right thing. No, 16,863; 79 percent. Undecided, 1,905; 9 percent.

So, Mr. President, by a margin of 79 percent to 12 percent, the American people said, clearly and unequivocally, that it would be the wroing thing to do, to dismiss the drug charges against General Noriega.

A week has gone by. Many events of national concern have dominated the interests of the administration, as rightfully they should, and of the American people, in terms of their attention. But the situation in Panama continues, with a drug-dealing dictator by the name of Manuel Noriega suppressing the Panamanian people, thumbing his nose at America; the Cubanization of Panama continues; and this administration is no further along the way than it was 10 days ago, 2 weeks ago, or 2 months ago in dealing with this situation. If they think that, somehow, by just asking our Latin American neighbors to become involved, this is going to solve the situation, they are wrong.

I think it is about time this administration began to do the kinds of things it can, to demonstrate to Noriega that we have not forgotten that we are committed to bringing about democracy in Panama and that we are committed to getting rid of a drug-dealing dictator.

I would hope that this administration would start that process by starting the Voice of Liberty, Radio Liberté, allowing the opposition to have a voice, and beam that voice into Panama.

I think also that they should consider moving forward on asking President Devalle, whom we recognized, to extradite or to sign papers extraditing Manuel Noriega, and I would not be a bit surprised if that were done under the treaties of 1904 that that then begins to show Noriega that we are serious.

Mr. President, let me simply say that we can no longer put this on the back burner. We cannot use the third and fourth string team. We have to demonstrate that this Nation has a commitment to democracy and that we are serious when we say we are going to take on the drug cartel and we are ready to battle, yes, battle those who are savaging our neighborhoods with their cargoes of death and destruction.

Mr. President, I hope that the administration begins to listen to the American people, begins to do what is right, and it may be difficult, it may pose some serious challenges, but it seems to me that the American people know what is right and what is wrong and General Noriega is wrong and a dismissal of those indictments would be wrong.

I yield the floor.

Mr. HOLLINGS. Mr. President, it is with much regret that I learned of the death of Vernon Herath on June 1. I want to express my deepest sympathy for his wife Shirley, his 7 children and 11 grandchildren.

Vernon represented the best in Senate staff. He took much pride in the professional and thorough attitude he brought to the job. He was always the first one there whenever any Senator needed assistance on the floor. And he kept the Senate staff in line—maintaining the discipline that is required to conduct the Senate's business effectively.

Vernon was a Navy veteran and proud of it. He was also a retired police officer of the Prince Georges County Police Department and had once been honored as policeman of the year. He was devoted to Shirley and always talked with pride of his family, his kids and grandchildren. I believe I speak for all Senators—and staff too—when I say that we will miss his presence and his dedication to this institution. He was a man's man, and I want the family to know we share their loss.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, morning business is now closed.

VETO MESSAGE—OMNIBUS TRADE AND COMPETITIVENESS ACT OF 1988

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of the President's veto message on H.R. 3. The Chair lays before the Senate the President's veto message on H.R. 3, which the clerk will state.

The legislative clerk read as follows:

It is with sincere regret that today I must disapprove and return H.R. 3, the Omnibus Trade and Competitiveness Act of 1988. We worked long and hard to produce legislation that would enhance our country's ability to meet foreign competition head-on—to strengthen our trade laws and remove restrictions on America's great economic engine. And we came very close to developing such a bill. Unfortunately, as the process came to a close, provisions were included that simply make this bill, on balance, bad for America—particularly working men and women. The criteria I used in reaching this decision were whether this legislation will create jobs and help sustain our economic growth. I am convinced this bill will cost jobs and damage our economic growth.

During this Administration the American economy has created 16 million new jobs. Our unemployment rate is the lowest in 14 years with more Americans working than ever before in our history. And we are experiencing the longest peacetime expansion this country has ever seen.

While this has been going on at home, many of our partners have had a different economic situation. Perhaps the most compelling and important comparison is that over the past decade, the United States has created more than twice as many jobs as Europe and Japan combined.

The United States economy, which foreign leaders have dubbed the "American Miracle," is not a freak accident or a statistical curiosity. It is the result of 7 years of consistent policies: lower tax rates, reduced regulation, control returned to State and local governments. The Washington tendency to have government be all things to all people has been reversed, and we have gotten government off the backs of the American people. In contrast, many foreign countries remain hamstrung by archaic policies and are now trying to remove these impediments, to reform tax systems, to make labor markets more flexible, and to encourage entrepreneurs.

That is not to say that we cannot do more here at home—we can. That is why I forwarded proposals to improve our competitive strength and why we worked hard with the Congress to try to achieve a positive, forward-looking bill. Unfortunately, that is not the bill the Congress passed and sent to my desk.

The issue receiving the most attention in this bill is the mandatory requirement for businesses to give advance notice of closings or layoffs. I support voluntarily giving workers and communities as much advance warning as possible when a layoff or closing becomes necessary. It allows the workers, the employer, the community, time to adjust to the dislocation. It is the humane thing to do.

But I object to the idea that the Federal Government would arbitrarily mandate, for all conditions and under all circumstances, exactly when and in what form that notification should take place. There are many circumstances under which such mandatory notification would actually force a faltering business to close—by driving away creditors, suppliers, customers, and—in the process destroying jobs. While the legislation attempts to mitigate this outcome, its "faltering business" exemption is too ambiguous to be workable and invites untold litigation.

These concerns are real, not simply philosophical or theoretical. The experience of the Caterpillar Company in the early 1980's, for example, is indicative of the need to be flexible to meet foreign competition and indeed to survive. They had to utilize layoffs and temporary plant closings to respond to competitive developments. And, as one executive of that company stated, they did not have the luxury then, nor do they now, of knowing with certainty what business conditions would be like 60 days in the future. Without the ability to be agile and responsive, they might have closed their doors permanently.

Caterpillar's experience is repeated many times over throughout our economy. One independent analysis shows that if this law had been in palce between 1982 and 1986, the United States would have produced almost one-half million fewer jobs. And that is what this debate is about—creating jobs and keeping them—not losing jobs by the straightjacket of regulations.

Over a year ago, I submitted legislation that would provide assistance to workers, employers, and communities in the event of a layoff or closing. The program would serve virtually every dislocated worker who needs it with training, education, and assistance in securing a new job and provide an incentive for giving advance notice of layoffs and closings. Ironically, the one piece of that package that the Congress rejected was a direct incentive for business to give advance notices of closing and layoffs. We need labor laws that fit the flexible, fast-paced economy of the 1990's, not restrictive leftovers from the 1930's agenda. And I encourage the Congress in any subsequent trade bill to include a program that provides incentives for such notice.

There are other provisions in the legislation that provide disincentives to our sustained economic growth or serve some narrow special interests:

New restrictions on the export, transportation, and even utilization of Alaskan oil further complicate the overbearing regulatory scheme that already impedes the development of Alaskan oil fields. It is the wrong policy. We need to provide incentives, not restrictions, for the production of oil in the united States so that we can reduce our dependence on foreign suppliers. Further, as the Congress has now recognized, it amounts to an unconstitutional discrimination against a single State.

A mistaken effort to revive discredited industrial policy planning through a so-called Council on Competitiveness that will open even more venues for special pleaders.

A requirement to negotiate a new cetralized international institution to arrange the forgiveness of billions of dollars of debt around the world—all supposedly without increasing U.S. taxes or adding to our debt.

Expanded ethanol imports that could harm U.S. grain producers.

An amendment to the Trading with the Enemy Act that prevents the President from moving swiftly to block blatant enemy propaganda material from entering the United States, even during wartime.

While the Congress did a remarkable job in watering down or eliminating the most protectionist provisions, there remain sections of the bill that push us in the direction of protectionism. Closing our borders is not the solution to opening foreign markets. We need to demand to be treated fairly and take a strong stand against barriers abroad. In short, we need to open markets, not close them.

While there are objectionable portions of the bill, there are also desirable provisions. There is negotiating authority so that the next President will have congressional support to continue to seek agreements that open markets abroad. That, coupled with new trade law tools to strengthen the hand of America in international trade negotiations, will mean that this country can enter the next decade with new agreements that reduce barriers and encourage trade. There are strengthened protections for intellectual property, such as copyrights, and a reduction in various handicaps to U.S. exporters. Finally, the bill would remove a major impediment to U.S. oil production by repealing the windfall profits tax.

That is why I want a trade bill, and why I like much of this bill. But I regret that the addition of a few counterproductive and costly measures outweigh the positive features of this particular legislation. I will continue to work vigorously to secure sound legislation this year.

Let me reiterate what I have said on a number of occasions. I am committed to enactment of a responsible trade bill this year. I have heard some say that there is not time to send me a second bill after my veto is sustained; my response is that there are many months left in 1988—time enough to set aside partisanship and finish the job. I want to sign a trade bill this year. I urge prompt action on a second bill immediately after the Congress sustains my veto.

RONALD REAGAN.

THE WHITE HOUSE, *May 24, 1988.*

The PRESIDING OFFICER (Mr. GRAHAM). The question before the Senate is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

The Senator from Texas.

Mr. BENTSEN. Mr. President, I listened to The President's veto message with great interest. I was particularly interested in one of the provisions of the trade bill that he said had to be changed. He said, "expanded ethanol imports that could harm U.S. grain producers." That is an interesting statement, because during the debate, as we worked on the trade bill, the President of the United States sent his people down here to argue with us that we should have more ethanol imports, that this was part of his initiative for the Caribbean Basin that he worked on 4 years ago.

Now what are we to believe? Which side is the President on?

Mr. President, near the end of the negotiations on the trade bill, members of this administration came into my office talking to me about additional concessions they wanted from Congress. "Just a few more things that we think need to be changed, "they said. As I recall, there were about 11 more items. I said:

> Gentlemen, look at this. These are the pages of concessions we have already made. These are single line items where we have agreed to things that you wanted; that the Secretary of State wanted, the Secretary of Commerce wanted, the Secretary of the Treasury wanted, the trade ambassador wanted. Now tell me this: If we agree to each of these items, can you promise me then that the President would sign the bill?

And the answer was, "No, we cannot promise you that."

I told them: "Frankly, gentlemen, it is time for us to move ahead with the bill as we have it."

I realize that many of my Republican colleagues and friends voted against the trade bill because the President, in asking them to do so, assured them there would be a second bill. If this veto in sustained, the House might pass another bill, but the House has a different set of rules. That is not the way the game is played over here.

Those Senators who voted with the President on the assumption that there was going to be a second bill should not underestimate the risk in that kind of a strategy. The fact is, this Senate protects the minority and their rights. It ensures a full discussion of the rules even when the President feels strongly about an issue, even when the leadership is pushing for a particular provision or a particular piece of legislation.

We do not have to look back very far for that. We look to the situation on the INF where you had a determined group of five Members who did not want the INF Treaty to move until they had what they deemed a full discussion on it. It went on some 2 weeks, while you had the President of the United States going to a summit meeting with the Secretary General in Russia, the prestige of the United States on the line, the leader of their party wanting that treaty approved. They were holding it up for 2 weeks.

Remember what has happened on the trade bill before. Five weeks on the floor of the U.S. Senate; 175 amendments that we considered, either defeated, accepted, debated, compromised, changed—5 weeks. What makes you think it would be any different this time? What do we have? Approximately 70 legislative days left. All kinds of appropriations bills remain to be considered. Can you really count on having a second bill? How do we know the administration really wants a trade bill when they throw up issues like ethanol protection? That was 180-degree change in policy.

Just in past few days, we tried to take out the Alaska oil provision of the trade bill. The two Republican Senators from Alaska were objecting to it, saying it discriminated against them. And, as I studied that provision, I came to that same conclusion. I went over and visited with the House Members to see if they would not assist in that regard in order to ensure a trade bill, and they said, "Of course, we will." They moved on it, passed a resolution for that purpose, and we brought it here and tried to bring it up to take care of the objection and the concerns of the two Republican Senators from Alaska. Mind you, the President of the United States had been objecting to it. And who objected to taking it out? Members of his own party. So we were not able to take it out. It makes you wonder about another trade bill this year.

We really began this bill back in 1984. In that fall of 1984, the administration was able to thwart most of the improvements and trade policy that we were seeking. In 1985, we tried again. The House passed a bill. We had our bill ready to go. But the administration just blocked the bill in the Republican controlled Senate, right through 1986. As of the 1986 elections, the trade bill was dead for another year.

Who is for this trade bill over there in the administration? From all the reports I hear, the State Department sure is not. The Office of Management and Budget, I am told, certainly is not. The problem you have is that the State Department still wants to use trade to achieve some foreign policy objective of the moment.

There was a time we could do that. There was a time this country was so strong from a military, political, and economic standpoint after World War II, we could trade off those economic advantages and economic points to achieve a foreign policy objective. That day is long past.

We have seen this country go, in just 4 years, from being the No. 1 lender nation in the world to the No. 1 debtor nation in the world, owing more than any nation in the history of mankind. You have to turn that around. This country needs a trade policy. It needs to make trade a priority, just as it is for every other major country in the world, not an ad hoc policy.

I have heard the administration charge this bill with protectionism. This is my 18th year in the U.S. Senate and I have never served with an administration that has been more protectionist in its policies than this one, but the process has been ad hoc. There has not been any policy with any continuity, a policy that our trading partners could understand what the limits were, how far they could go with dumping and subsidies and protection against our products coming into their markets.

This country needs a trade policy. You need a situation where the President of the United States understands the priority of trade—and so does the Secretary of State. It has to be a policy based on the principle that the economic well-being of our country is absolutely essential or else we cannot achieve our foreign policy objectives. This country has to deal from economic strength.

But what did you have happen on trade issues? You find that the key trade officials, the Secretary of Commerce, for example, sits below the salt. And so does the U.S. Trade Representative. Suppose they decide to take on the common agricultural policy of Europe, which puts up all kinds of barriers to our agricultural exports. What happens is, the Defense Department rushes over and says: "Do not upset the Europeans; do not upset NATO. You know, we are trying to get them to take Pershing II's; we are trying to get them to take cruise missiles." So the Secretary of Commerce or the USTR has to back off.

You have a problem getting beef into Japan, rice into Japan, Supercomputers. And when you try to take them on, the Secretary of State rushes over and says: "Do no upset the Japense. They are our allies. They usually vote with us in the United Nations."

Every time that you try to work to take care of the economic interests of our country and stand up to trading partners, you have somebody label that as protectionism.

There is not one tariff raised in this bill. Not one This is no son of Smoot-Hawley.

Bill Archey, the vice president of the international section of the U.S. Chamber—surely he supports free trade—said of the trade bill: "Somewhat to my surprise when I read this bill I found it was not protectionist." Those writers who deem it so ought to be condemned to read it.

No, the thrust of this piece of legislation is to say any country that has full access to our markets, we are entitled to full access to their markets. That is what we are fighting for.

In December 1986, the President called me down to the White House, as the new chairman of the Finance Committee in the Senate, to talk about a trade bill. I urged him to work with the Congress to frame a trade bill. He agreed to look into it.

I went back to the Senate to work with my colleagues on both sides of the aisle. The Bentsen/Danforth bill, cosponsored by a Democrat and a Republican, had 56 cosponsors the day it was introduced, 25 of them Republicans. It was a bipartisan effort to give this country a trade policy.

In June of 1987 I again visited with the President at the White House to talk about trade. He urged me to make many changes in the bill which at that time had passed the House and was about to go to the floor of the U.S. Senate. I said: "Mr. President, no one person is going to write this trade bill, and that includes the President of the United States. But you sure have had a lot of input. And so have your Cabinet officers seated in this room today." And they acknowledged that. But this bill is going to be a consensus bill, and it is going to be a bipartisan one between the Democrats and Republicans; between the House and the Senate; and the administration and the Congress. Since then we have discarded and we have modified dozens, perhaps hundreds, of provisions in consultation with the administration.

The conference report on this bill has been exposed to public scrutiny for over 2 months. Virtually all of its provisions have been known publicly and in detail since July of last year.

It is a big bill? It is a large bill? You bet it is. But it sure has had full scrutiny.

No major piece of trade legislation in this century has had the kind of examination and scrutiny that this bill has had. This administration has had an opportunity to contribute to it from the very outset. Yet the President vetoed the bill.

One of the reasons, he said, was because of a plant-closing notification. What a slender reed to lean on. I do not think that provision is unfair. I do not think it is wrong or inequitable to say to someone who has worked for a company for 25 years, we are going to close down this plant and we are going to give you 60 days' notice. I do not think it is unfair to say to a community that has made way for a plant to come in, to tell them 60 days ahead of time, "This plant will close." That is not letting the community dictate, not letting the employees dictate: it is management's decision. But companies should say 60 days ahead of time: "Things did not work out. We are going to have to close down this plant. And maybe give that community a chance with its city fathers to get together with you and the management and say: Let us see if we cannot work out something on lowering the utility rates. Maybe we can make a concession here on taxes. Or maybe the employees can get together and do an ESOP and buy this plant. But keep this plant here, and these jobs here and have it contribute to the community." I do not see that as bad.

When I was chief executive of a business and I closed down a division, I gave them 90 days' notice. And I put a carrot out there at the end. I said: You stay until the last day and you get that bonus. You quit before that time and you get your check on the day you quit. And it worked out fine.

Do you really believe in this day and time that you can keep secret a decision of management to close down a plant now that you have the Xerox machine? If a plant closing is imminent, then it is all over the plant. And usually the rumors are worse than the reality.

A study of the General Accounting Office shows that when you give that notice that you save the taxpayers about 2 weeks of unemployment compensation, because those employees are not out of work as long as they would have been otherwise.

I have seen situations in Texas where we have had a bunch of plants close in the last couple of years—we have had a tough time of it down there. But I saw a big company, like Texaco, close down a refinery in east Texas, in the golden triangle. They gave substantial notification to that community and to those employees and worked with them to counsel them, to help them find other jobs, to make it an orderly process. That is the way it ought to be done.

I listened to the President in his statement when he said we do not want to Europeanite. We do not want to make ourselves the duplicate of Europe insofar as management and labor relations. And I can understand that. But this provision is not talking about that. What we are talking about is a provision that our toughest and most competitive competitors have. Japan has a provision like this. They have a $60 billion trade surplus with us.

In Europe, Germany has a provision like this: a very effective, productive competitor. Canada has a provision like this.

The American people think plant closing notification is right. Every poll I have seen from all four quadrants of the country shows that no less than 80 percent of the people of this country think that is the right thing to do.

But even if we stripped out this provision, if we tried it on a second bill, we have no assurance the President would commit to support it and would work with that piece of legislation.

So when I look at what the President has done for the last 4 years, what he has done—not what he says but what he has done—I am driven to the conclusion that, as the Washington Post put it last week: "The President is toying with Congress on trade." I am told that the White House staff is trying to explain to the confused businessman that in mentioning a few minor provisions as well as the plant closing provision, the President intended to imply to us that he would sign that bill if you remove the really important reasons for his veto: plant closing and the Alaskan oil provision, which they blocked our taking out before.

Now we are supposed to infer that should we quickly pass another bill, the same as this bill but without those two provisions, that he would sign the bill. Yet, I am told, with just as much veracity as I am told the meaning of this veto, that we have a very divided administration on that side with a number of those Cabinet officers adamantly opposed to any kind of a trade bill this year.

A week or so ago, the Trade Ambassador conceded that this bill, even with those two provisions removed, was not exactly a sure thing. A lot of business groups are concerned about his statement. They are wondering, and I am wondering, is the President really ready to go the extra mile for a trade bill? After working on this piece of legislation with my Republican colleagues who have assisted and participated in it, I am really not convinced the President of the United States wants a trade bill this year.

What galls me about the situation, Mr. President, is not just the temporary loss of this trade bill—eventually we will enact a trade bill, if not this year, next year, or somewhere down the line—what really galls me is the loss of time that results from this veto. This bill is already 4 years too late.

I will tell you who is going to celebrate if this veto is not overridden; I will tell you where the champagne corks are really going to pop: they are going to pop in Japan; they are going to pop in Germany, and do you know where else they are going to pop? Downtown in Washington, DC, with some of the most high-priced lobbyists in the country. They are going to say: "We really earned that $60 million that Japan spent in its lobbying and public relations efforts. Maybe we should earn more, maybe we ought to refigure that retainer and refigure that bill now that it is done because we are not sure when we will get another trade bill up and we better make it while we can."

There are very few major law firms in this town that do not represent at least the one Japanese firm. Any time we talked about trying to get a bit tough on trade, we heard from them. Some who had been in our Trade Representative's office, who understood our bottom line and how we think, are now retained by foreign concerns. Tough competition.

Do you think that we have ever been able to do that effective a job with the Parliaments, the Diets, Japan and Germany and those other countries? No. But an effective job is done here, as the Japanese Ambassador does what he is supposed to do from his viewpoint, which is lobby us against a trade bill and go around this country talking to editorial writers selling the Japanese point of view.

The basic problem in world trade today is we do not have enough trade. World trade is growing at half the rate that it did in the seventies and one-fourth the rate that it did in the sixties. That is what happened even though the United States has doubled its imports.

Why should these other countries want to proceed under GATT and the Uruguay round? They like it the way they have it. Most of them have a very substantial surplus.

You hear a lot of talk these days about bilateral trade, deals that we are going to make on bilateral trade, and they are fine as a part of an overall trade strategy, but by themselves, bilateral deals are too small to give world trade the kind of boost that it needs today.

The only way to make the big gains in world trade is in multilateral deals and negotiations. A multilateral negotiation involves all the countries so you can open up all of those markets at one time.

The problem you run into is a big multilateral deal just cannot be done without U.S. leadership. It is not just a question of whether the United States is going to participate in the Uruguay round. That is all the administration would like us to think is as stake, that that is really the only question before the United States. If that were the case, then a mere technical change in the law would give the executive branch the necessary negotiating authority.

Much more is needed from the United States today. The real question before us is whether our country is going to continue to provide global economic leadership. That requires more than just technical negotiating authority from the Congress. It requires an enactment of a trade policy, a trade policy that the next President of the United States can advance with confidence that the Congress is backing him up. Every day that we delay taking that kind of leadership role is another day in which we are going to have more trade barriers erected, and the goal gets harder and harder to reach.

Without this bill, there is no American trade policy. Without this bill, all we can do is ratchet-down our currency, devalue our dollar and approve a free trade agreement with Canada.

The trade policy of this bill—prying open markets, promoting competitiveness in our society and broad consultations with business and labor and Congress on trade policy decisions—tells the world where we are going and that we have a united effort on the part of the United States to bring that about.

The new negotiations on the Uruguay round are going nowhere fast without this bill. Mr. Yeutter said as much the other day. If this bill dies, then American leadership lapses and the trade talks will, as Mr. Yeutter quaintly put it last week, "simply slow down."

I have been to past negotiations in Geneva. Foreigners have long memories about our domestic policies. They know the only time they have to worry about negotiations and reaching a trade agreement with the United States is when the Congress and the exectuive branch are working together on trade.

Let me tell you what will happen if this vote is sustained: The Government of Japan and the European Community will earnestly assure Mr. Yeutter that they wish to continue the Uruguay round and negotiatiors will meet and they will meet and they will meet and they will meet, but there sure will not be many results.

Let me give you a recent example. Ten days before my meeting with the President in December of 1986, I was in Ottawa, Canada, talking to their Prime Minister, Brian Mulroney.

With me was Senator MATSUNAGA, chairman of the Senate Trade Subcommittee; Senator BAUCUS; and Senator CHAFEE, and at that point the talks on a free trade agreement with Canada were on hold. It was obvious to me that Mr. Mulroney's advisers had told him, "if the Congress will support this deal, you should get serious. Otherwise, the Reagan administration cannot deliver." We told Prime Minister Mulroney that Congress would support a trade agreement if we could make it benefit both sides; if it was an economic deal that benefited both sides, then it was good for both countries, and assuredly the Congress would be behind it.

I think they realized then that the Congress and the executive branch might get together on this agreement and the results were obvious. The negotiators got serious. Today, we have a Canadian free trade agreement right here in the offing, and before this year is out and this Congress recesses the Senate will vote on the matter, and I confidently believe it is going to be approved.

We need that kind of movement in trade negotiations. We do not need the President negotiating with Congress on a trade bill. He should be negotiating in GATT to open world markets. That is what he should be doing. Those countries have big trade surpluses. Those countries manage their trade, and they do not have any real stimulant for moving in the multilateral negotiations of the Uruguay round but they have a very deep interest in those negotiations going on and on and on endlessly.

If the veto is sustained, then what we are saying to the rest of the world is that the United States cannot get together on one trade policy. There is one policy in the Congress, and there is no policy in the executive branch.

Do you know which country is not complaining about this trade bill? I was in Hong Kong in January. Hong Kong is the closest thing to a free trade area in the world. Hong Kong is not complaining about this trade bill. I met with Governor David Wilson and I met with his trade representatives. They said, "what do we have to fear of that trade bill? There is no protectionism here. But what they are concerned about is if we do not have a trade bill that they will see a rise of protectionism around the world that will exclude the products of Hong Kong from world markets.

Imagine losing 2 or 3 years of U.S. leadership at this point. Even 6 months is tragic. I see no sense in it.

Mr. President, I have considered the President's veto very carefully. He gives me no hope that he will work for a trade bill this year. I see no alternative but for the Senate to override his veto and overriding that veto is plainly in the national interest. I believe it is a matter beyond politics. I urge the Senators to vote for that override because it may well be the last chance this year.

Mr. BYRD addressed the Chair.

The **PRESIDING OFFICER.** The majority leader.

Mr. BYRD. Mr. President, I compliment the very distinguished chairman of the Finance Committee on the statement that he has made. I think it is a sound, factual, cogent, lucid, and persuasive statement, and a persuasive argument for an override in the Senate of the President's veto.

I also commend Senator **Bentsen** on the statesmanlike work that he has done in connection with this bill from the very beginning. He has also helped to craft a very wise and sound bill dealing with catastrophic illness. He has been a veritable workhorse as he has grappled with these and other thorny and complicated issues.

The trade legislation is a comprehensive piece of legislation. It deals with job training, retraining, education, research, trade, competitiveness, and opening of foreign markets to American products. I have marveled at the patience and the dedication which he has consistently demonstrated as the chairman of the Finance Committee and as a Senator from the State of Texas. He has worked dutifully to fulfill his responsibilities and to provide leadership in dealing with the trade problem and that of catastrophic illness.

Mr. BENTSEN. I thank the Senator for his statement.

Mr. BYRD. I thank the distinguished Senator.

I hope we will be able to dispose of the catastrophic illness conference report, and have it ready for a vote perhaps tomorrow following the vote on the override of the veto.

Mr. BENTSEN. Mr. President, as chairman of that committee, we will be prepared at any time the leader wants us to move on to the catastrophic illness bill.

Mr. BYRD. I thank the distinguished Senator.

As the leader on this side of the aisle, Mr. President, I know the problems the distinguished chairman has to contend with. I have to say that at every turn of the way he has always been most cooperative with the leadership.

KEEPING FAITH WITH THE FUTURE

Mr. President, once again, the Senate has turned its attention to the challenge of global competition. It is not quite the best of times, and it is not quite the worst of times. Yet, there is a hint of just that tension. Much of the day-to-day economy feels good. Unemployment is down, a record number of Americans are at work, inflation seems to be under control, and the economy continues to grow. Yet there is a pervasive sense of unease about the future. A sense that we are not living up to our own deeds and dreams. A sense that America is slipping; that we are not keeping pace with much of the world.

Last Friday, the competitiveness council issued the clearest possible warning about our economic future. They laid out four measures of a country's long-term competitiveness—standard of living, productivity growth, share of world exports, and investments in the future. The figures show a disturbing trend. In category after category we are slipping behind.

It is easy to dismiss the question of deficits that you do not see or feel. It is much harder to ignore when the lagging competitiveness translates into a smaller paycheck or a less certain future.

Even working couples find the American dream slipping beyond their grasp. The added income makes a difference, but the costs of travel, daycare, and other expenses moderate the progress.

For some commentators these problems in the midst of generally good times are a warning for the future. They trace a path from a decade of deficits and debt to inevitable decline. They see America as a smaller engine that simply cannot run efficiently, productively, or well anymore. It does not have to be that way. In my own lifetime, I have seen America face enormous challenges only to emerge the stronger. We met a depression with compassion and pragmatic action. We fought and won the greatest conflict the world has ever known. In place of fascism, we helped build industrial democracies. After depression and worldwide decline, we ushered in an era of growth and prosperity by virtue of this country's vision and this country's leadership. The Soviets challenged us in space and we took mankind to the Moon.

Mr. President, I have spoken before of the complexity of today's challenge.

We are slipping, Mr. President, slipping—not falling back. We are falling behind rather than falling down. It is a case of not growing as fast as we did or as fast as we could. It is an intermittent concern about today and a growing concern about tomorrow. The newspapers carry the warning signs almost every day: Questions about the quality of some American products; stories about American students falling behind their Japanese counterparts in math and science; the sudden difficulties of major industries; the uncertain future of others.

Mr. President, over the past few years, we have pushed the American economy through a radical economic experiment. Lower taxes—especially for upper income Americans—were going to stimulate a combination of savings, investment, and revenues that would eliminate the deficit. It just did not work that way. Instead, private and public savings have fallen to an all time low. We piled foreign borrowing on top of domestic debt but investment did not rise.

While the administration waited for the magic, the marketplace pushed the dollar up and American exports down. Year by year the trade deficit grew larger. Hundreds of thousands of good, high-paying industrial jobs were lost—lost perhaps forever. We left even our strongest industries with lost markets and lost opportunities. At the beginning of the Reagan era, America was the envy of the high-technology world. In a few short Reagan years, we lost the lead in one industry after another.

The American economy reeled under this administration's policies. The administration did nothing. It did nothing about our growing trade deficit. It avoided legislation—ran from it. American industry and agriculture pleaded for a change in policy that would bring the dollar down and open new markets overseas.

But, the administration let the industrial strategies of other countries dictate the fate and future of our own industrial base. This administration ignored unfair trade practices, mounting Third World debt, and an increasingly fragile financial system.

The administration occasionally responded to pressure. But there was no rhyme and even less reason. No administration has talked more about free trade. No administration has rhetoricized more frequently against protectionism. It was a period of drift and indecision.

The administration refused to Act. The Congress did—and on a bipartisan basis. There were studies in both Houses. Trade task forces made a thorough assessment and crafted a thoughtful solution. Congress saw a complex problem and proposed a multifaceted solution. Congress looked beyond traditional trade legislation to the need for a broader strategy that encompassed everything from exchange rates to education.

Congressional action and the dangers of debt and deficits finally moved the administration to some action. In September of 1985, they rushed to reverse course. The administration said they could start unfair trade cases on their own. In September, they initiated six. In February, the overvalued dollar was still a vote of confidence in America. By September, the administration was huddled in New York seeking the help of its major economic allies to bring the dollar back down. A hands-off government talked of trade as a priority and established a top level strike force to put its hand on trade problems.

They still groped for a clear direction. The administration still suffered from the calculus of catch up. They chose Brazilian Independence Day to announce an attack on Brazilian trade practices. The decision to bring the dollar down was followed in a few months by a decision to stabilize the dollar. They kept one eye on the prospects of congressional action and another on the timetable for the Presidential election. There did not seem to be an eye left for American industry or the American working man and woman. Then came black Monday—the worst stock market crash in modern history.

We often made economic concessions to help buttress a military alliance. We tolerated closed foreign markets to preserve alliances. Where trading rules were honored in the breach, we often turned a blind eye for the sake of the overall relationship.

What we ignored, Mr. President, was the importance of our economic base to our own national security and our international commitments.

In the 1970's, the two oil shocks were sharp reminders of how we looked abroad for energy and critical raw materials. At the beginning of the 1980's, the United States had an unchallenged lead in one field after another. No longer. In steel, we failed to keep pace technologically. In autos, the country of Henry Ford has slipped to second place. Even more surprising is our eroding position in electronics. The Japanese now dominate the world market for memory chips—the dynamic random access memory, or DRAM. Many of our top computer makers are now dependent on imported chips for even their most advanced products.

Because of our strength in software—the instructions that tell a computer what to do—we still dominate the world market for supercomputers. But in sheer speed of calculations, many observers give the lead to the Nippon Electric Co. Mr. President, the supercomputer is not just a faster adding machine. In addition to a number of civilian tasks, it is used to break advanced codes and retarget intercontinental ballistic missiles.

Not long ago, the United States was a dominant supplier of machine tools. Over the years, Germany, Switzerland, Japan and others have become major suppliers to the world market. The overvalued dollar coupled with the growth strength of foreign suppliers pushed aside much of the American machine tool industry.

Like supercomputers, machine tools are used for more than consumer products. They are critical for tanks, guns, ships, submarines, Stealth bombers, and missiles. It is an industry where we have gone from strength to dependence.

In past speeches, Mr. President, I have emphasized the speed with which we have gone from being the world's largest creditor to the world's biggest debtor. When the Treasury sells bonds it has to keep a nervous eye on Japan, Germany, and the rest of Europe. A shift of opinion in Tokyo or a change of view in Frankfurt can send interest rates up and financial markets down. We carry the sword of leadership in one hand, Mr. President, and the tin cup of the borrower in the other.

Mr. President, the Congress has forced a detailed response to the complicated challenge of global competition. It tackles a wide range of problems and starts us down the path to better jobs, long-term growth, and enhanced national security.

The bill reflects a major effort to recapture old markets and open new ones. Instead of knocking on one industrial door after another, the bill contains an economywide approach to market access with an emphasis on clear, measurable gains in exports. We streamline our export control system, and strengthen our export promotion offices. The bill keeps the pressure on the administration to pursue a more competitive exchange rate.

At the same time, the trade bill includes investments in the Nation's future. Education, training, and research are all given an added boost. We create the institutional basis for stimulating applied research in a number of key, high technology areas.

Finally, Mr. President, the Omnibus Trade and Competitiveness Act makes a commitment to the American worker. Global competition will bring both prosperity and painful change. In the midst of change, we want to assure workers of new opportunities. Starting with education, building with on-the-job experience, and adding opportunities for retraining, the bill takes a long step toward keeping the American dream within the reach of every American worker.

The plant-closing notification provision, Mr. President, is part of that broad effort to keep faith with the American worker. When the President vetoed the trade bill, he turned his back on the American worker.

In his veto message, he singled out Caterpillar as an industrial success story that needed the flexibility to close plants without notice to assure its resurgence. It is, I am afraid, another instance of the President writing his own version of history. First, the President did not mention that Caterpillar's problems stemmed from a combination of the overvalued dollar and the Reagan recession. Lee Morgan, the recently retired chief executive officer of Caterpillar, led the fight against the high dollar. The Congress listened—the President did not.

Second, in April 1983, the United Auto Workers negotiated a new agreement with Caterpillar on the question of plant closing. As a result of that agreement, Caterpillar agreed to give 180 days' notice of a complete plant closing and 60 days' notice of a partial plant closing, 180 days, Mr. President—three times the requirement included in the trade bill.

Mr. President, the age of labor-management adversaries is past. We can no longer afford the luxury of a 19th century approach to labor-management relations. If there is one lesson that we can draw from the Japanese experience, it is that management's commitment to labor is critical to long-term growth and innovation.

It is not just that it is right, though it is surely that. It is part of a commitment to the American worker that will help strengthen our hand in the global economy. Our economy needs it. Our sense of decency demands it.

There was a time when trade was an arcane subject left for a few specialists. No more. I see it in my own State of West Virginia that was hit hard by the Reagan recession.

I can see what this trade bill means to my own State. It provides an extra boost for the steel industry. The bill assures the machine tool industry of added time to get back on its feet. Streamlined export controls will create new opportunities for the high tech companies that are helping to build a new West Virginia in software valley. Better protection for intellectual property will strengthen the chemical and glass industries that are critical to West Virginia. And an economy that can grow at full steam is going to need more West Virginia coal.

At the beginning of this Congress, Mr. President, I put a trade bill as one of my top economic priorities. The Speaker and I promised to help put a trade bill on the President's desk. We have met that promise.

But still we are not at the end of day. We have another chance to put good legislation to work for America. This time, Mr. President, we want to make the bill into law. The Omnibus Trade and Competitiveness Act will help create good jobs, open new horizons for American business, strengthen the international trading system, build a more competitive America, and create new job opportunities for American workers caught up in the swirl of economic change.

I congratulate the Members on both sides of the aisle; the chairman, Mr. BENTSEN; and I commend the Senator from Missouri [Mr. DANFORTH], who, likewise, has shown statesmanship and leadership, as they have worked together with other Members on both sides of the aisle in crafting this legislation, in managing it, and bringing it to a successful conclusion, when the Senate voted on it with a vote in support thereof, of more than 70 votes. That vote showed the bipartisan support in the Senate for the trade bill.

Nine different Senate committees had a hand in putting together this bill. It was the Finance Committee chairman, Mr. BENTSEN; Mr. DANFORTH; and members on both sides of that committee who led the way here in the Senate to the passage of a good bill.

I ask my colleagues to think long and hard before casting their votes. Not long ago, 36 Senators voted against the conference report. Some did not want trade legislation. Many objected to this provision or that, thinking they would have a second chance. Whether we will cross that creek, I cannot say. But I do know that it may not be easy.

This is good legislation, Mr. President. It reflects a congressional consensus forged after years of inaction, procrastination, and delay by this administration. It is legislation that keeps faith with the future of America. We owe America no less.

Mr. BENTSEN. Mr. President, this is a most complex piece of legislation and the most extensive trade legislation, I think, in the history of the country.

I congratulate the majority leader on a very statesmanlike speech. I continue to be impressed with his depth of understanding and the study he has devoted to the matter.

When he talks about those nine committees and trying to work out all the jurisdictions and the problem of overlaps, it was his intervention, his cooperation, and his leadership that helped keep it together. I am most appreciative of that, Mr. Leader.

Mr. BYRD. I thank my good friend, and I again congratulate him.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER (Mr. KERRY). The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I will take a contrary view to that of the distinguished majority leader, as well as the Senator from Texas.

I will make a statement about the trade bill that will include parts of the bill I like. I have a list of items that I like in the trade bill. I will deal with plant closing, which I believe to be a non-issue.

I will also deal with sections 301 and 201, international finance and the agricultural parts. In addition, there are a number of small sections which I think are inappropriate to the trade bill, as well as trade adjustment assistance.

Mr. President, when Senators come to the decisionmaking moment on the trade bill, should thoughts of plant closings cross their minds or flash across their minds? Absolutely not. The single determinative question that each Senator must consider and ask himself is: If every one of the 2 dozen major trading nations in the world adopted this exact bill, this exact trade bill, the one we call the Omnibus Trade and Competitiveness Act of 1988, would world trade suffer or prosper? Would it expand or would it contract? Would the lives of working men and women around the world and their employers improve? The answer is clearly that a broad international adoption of this bill would be a heavy blow to world trade. It would contract world trade materially and many, many millions of people, spread in every corner of the Earth, would have their living standards lowered, including many million Americans.

All ships rise with the tide, declared President John Kennedy, referring to the fact that a strong economy favorably affects the lives of all people. Clearly the tide will recede for all people if the major trading countries adopted legislation similar to H.R. 3 that is before us. That is why a vote to sustain the President's veto is demanded, in my judgment, even though the President vetoed the bill for, apparently, the wrong reason, the plant closing provision. His emphasis on the plant closing provision, in my judgment, is mistaken and the plant closing provision really has nothing to do with either trade or competitiveness.

A second question might be: If we, the United States, alone passed this legislation, will we be helped? I think careful consideration of the bill requires a negative answer to this question, as well. Even if one made the very logical assumption that our passage of this bill will not lead to responses by other nations, the history of trade legislation is that other nations respond; that country after country would act and each one just raises the ante a little bit, and then the other raises the ante, as well, and pretty soon things are going from bad to worse.

Protectionism is really a contagion, Mr. President. It spreads like wildfire. Even though some nations do protect—and unreasonably, at all—the position and responsibility of the United States is unique. And if we adopt H.R. 3, the contagion of protectionism will certainly become an epidemic.

The procedural restraints and the changes called for in this bill will make it easier to protect American markets from foreign competitors. Our trading partners will respond with equally protectionist legislation, and who could blame them? Mirror legislation, they call it—mirror legislation.

When our trading partners respond in this way, the supporters of protectionism will come back to this body. They will come back to us seeking still more relief and soon we will be back to the bad old days of Smoot-Hawley.

The realism of politics, Mr. President, has to be understood. One reason protectionism is a contagion is that it is such a tempting, it is a luscious, it is a delightful political shot. It is so easy to explain. Demagogs have a field day. Touching pictures of the unemployed in lines are shown and stories of South Koreans working for pennies a day are shown. Against the vividness of these pictures, the precepts and advantages of free trade are, frankly, hard to explain and they are hard to justify. Against such an onslaught, many politicians withdraw from the field, figuring, "well, it is better I get reelected and we can deal with this again at some later date."

So should the United States begin this competition? It could be reasonably maintained that we did not start the bidding, that others have started the competition. And I would agree with that. But, frankly, all worldwide obligations are greater and our deeds need to be more carefully measured.

Since World War II, Mr. President, much of the world's growth and our Nation's growth in living standards can be attributed to an enormous expansion of world trade that could not have occurred without the relaxation of an extraordinary maze of trade barriers that had previously existed. I simply cannot be a part to reversing that trend and starting the trend of reinstituting those barriers.

However, I had hoped that the Congress would adopt reasonable trade legislation to help American businesses compete both at home and abroad. And there are many reasonable provisions, I might say, in this bill. The bill is a thousand pages long. One would expect both reasonable and unreasonable provisions.

Unfortunately, Congress strayed too far from the goal and adopted a bill not only exceeding 1,000 pages in length, plus a conference report of in excess of 1,100 pages, but the bill has little or nothing to do with trade.

In addition, in considering this bill, we have to evaluate where we find ourselves economically, whether this bill is really needed. The distinguished majority leader takes a little different view about where we find ourselves economically than I do.

When the Senate voted on the trade bill several weeks ago, my good friend from New Mexico, Senator PETE DOMENICI, stood here on the Senate floor and described in detail the reasons for his opposition to this bill. As he noted, our economy currently is in the longest peacetime expansion in our history—67 or 68 months now, which is the longest peacetime expansion in the history of our country. It has been a slow recovery in certain phases of it but, because it has been slow and steady, it also has been very persistent. It has not been one that runs up and then hits the inevitable peak and then starts downward again. It has been a long, slow, and very good economic recovery.

During the period, 15 million new jobs have been created, good paying, responsible positions, as Senator DOMENICI also pointed out. The unemployment rate now is down to half of what it was 5½ years ago. Unemployment is at the lowest point in 14 years.

In my State, in the Twin Cities, it is at an extraordinary 3 percent. I was recently up in Vermont and there I believe they told me it was less than 2 percent. So Senator Domenici asked where is the need for massive recording of our trade laws? He concluded, and I agree, that the need simply does not exist.

The positive signs of the economy underscore the need for caution when you go about imposing new burdens on international trade. Our real growth national product grew 2.3 percent in the first quarter of this year, which is better than expected, though I must say that the cynics have been warning about a downturn for many years now. The growth rate in the fourth quarter of 1987 was 4.8 percent. American factories are operating at 82.7 percent of capacity, the highest level in 8 years. And since, in judging capacity of American industries, a lot of the capacity is old and outdated, 82.7 percent is indeed a very high number.

Exports jumped an extraordinary 23 percent in March. These positive numbers have confounded pessimists and naysayers, though, quite clearly, if they keep harping and complaining long enough, the nature of economist cycles is going to prove them right. I suppose that they will then be jubilant. Passing restrictive trade legislation will certainly hasten the arrival of that economic downturn and lengthen and deepen its impact, though I am not in favor of it, of course.

The whole trade question arose because of concern over the "dual deficits" of budget and trade. Many of my colleagues made fiery speeches about the need for "competitiveness" and a sound trade policy. Yet, without the aid of any trade legislation, the monthly trade deficit has fallen from, in October 1987, a record of $17½ billion to a low of $9.8 billion this March. And, more importantly, exports have increased by one-third in the past year. And so clearly the trade picture is brightening, and the deficit figure, incidentally, is doing a little better, as well.

One of the arguments widely used in support of this bill is that the United States is losing the battle for market share, both here and abroad, because of the alleged unfair trade practices by foreign companies with the blessing of their government. Some of those practices are unfair; some of them, indeed, have the blessing of their government. As a consequence, they say, American workers are losing their jobs. As I have stated, the current unemployment rate is as low as it has been for a decade; indeed, for 14 years; Many States have exhausted their labor pools and must look elsewhere to meet labor demands; and our share of world experts is rapidly returning to historic levels.

More significantly, our businesses are expanding at a dramatic rate. Commerce Department figures show that business spending for new plant and equipment will increase by 8.8 percent in 1988—so it is projected—almost four times the rate of a year ago.

Orders received by machine tool producers, an industry especially hard hit by foreign competition and a historic benchmark for the economy, were a stunning 55 percent higher than a year ago, making the first quarter of 1988 the best in 7 years.

Another argument made by the supporters of this bill is that America's manufacturing sector is in a nosedive resulting in a massive loss of jobs. In fact, the opposite is true. Manufacturing jobs are on the rise.

This despite the fact described by Peter Drucker, the noted management expert, that it is "not the American economy that is being 'deindustrialized' * * * it is the American labor force." According to Professor Drucker, between 1973 and 1985 manufacturing production in the United States rose by almost 40 percent. During the same period, manufacturing employment declined steadily so that there are now 5 million fewer blue collar jobs than there were in 1975—recently manufacturing jobs have risen, however. Manufacturing has become more automated—it has had to compete. Yet overall, employment has increased substantially—from 82 to 110 million between 1973 and 1985—a full one-third. The manufacturing share of U.S. economic output has remained virtually unchanged, achieving approximately the same rate—22 percent—between 1947 and 1986. In summary, neither the numbers of the economy as a whole nor the industrial sector should give comfort or support to those endorsing greater protectionism.

In addition, it is my judgment that this bill is a clear attempt by Congress to usurp executive authority. We want to conduct our foreign trade policy in much the same manner as Congress has regularly sought to usurp the President's authority to conduct our foreign policy. The Congress likes to micromanage these things though in my judgment it does not do it very well. This bill will allow that result. My general view is that such attempts to restrain the prerogatives of the executive, whether in foreign trade or foreign policy are misguided.

PLANT CLOSING—A REAL NONISSUE

Unfortunately, the debate on this bill has dwelled excessively—and in the press almost exclusively—on one issue: plant closing. Frankly this is principally a reflection of the political viability of this issue, plus the difficulty of understanding some of the more arcane provisions of this bill that deal with trade.

Ask the vast majority of the press about section 301 or 201 or section 22 and their eyes glaze over—the same goes for some Members of Congress. But bring up plant closing and you can have an animated 20 minutes conversation. Plant closing really has no bearing on international trade. It is not clear why it is in this bill in the first place. This is the so-called omnibus trade and competitiveness bill. Plant closing provisions affect neither purpose except negatively.

The fact that some in the press have not looked beyond this issue underscores its political value and regretfully also demonstrates considerable laziness on the part of some of the press—and others—to understand the rest of the bill.

In defense of the press, the White House has dwelt excessively on the plant closing provision as well. However, the debate on the Senate floor has not, but has been largely ignored by the press.

By itself the plant closing provision is an attempt to force employers to respect the dignity of their employees by giving reasonable notice of a plant closing. I have no objection to that. The GAO has written a much cited report saying that many plants close with little or no notice. This may be so concerning formal notice, but based on my experience in business, it is a very rare occasion when an employer unexpectedly announces the closing of a plant or simply goes out of business. Show me a plant that is installing new equipment, modernizing its facilities, training its workers and that's got a good order file and I will show you a plant that is not closing. Show me a plant that is not repairing its physical facilities, or hiring new people, or modernizing, that has a short order file and I will show you a plant that is a candidate for closing. Normally, everyone in the community in which that plant is located knows it. There are few surprises in real life.

Before coming into the Senate I was a businessman and would go to 40-50 factories a year of people who supplied me or were potential suppliers. I was always more interested in going out into the plant rather than getting a presentation in the factory's showroom. Give me 10 minutes in a carpet plant, kitchen cabinet factory, or plywood or lumber mill and I will tell you if that mill is going to be operating a year from now. The only factor that is hard to measure and that sometimes changes the picture is labor strife, though if you walk through the mill with an owner you can normally get a pretty good feel of that too.

Although I do not oppose plant closing notification in concept, it will do nothing to create new jobs or even prevent the loss of jobs. It certainly will not improve our competitive position which is the goal of this bill. West Germany, France, and Great Britain each have plant closing laws. Yet, according to an editorial by Warren Brookes in the Washington Times, those countries have experienced little growth in employment opportunities—less than 500,000 new jobs since 1975. In the same period the United States had created nearly 26 million new jobs. The impact on the plant closing provision is undoubtedly hard to quantify, but I do not hear anyone maintaining that it improved the European job picture.

The provision has no place in this bill and surely should not be a significant factor in judging the bill.

I. GENERAL OBJECTIONS

Mr. President, before going into greater detail on specific sections of the trade bill, I have several general objections:

First, since the bill is the product of an unwieldy conference committee made up of 199 conferees, it is no surprise that they produced an 1,115-page conference report, quite aside from a thousand page bill. No one can reasonably expect a bill of this size to focus only on the problems of trade, and it does not. Until the President gets a line item veto, I am inclined more and more to vote against these 1,000-page legislative behemoths that are plopped down on the President's desk with the message: take it or leave it.

Second, the bill calls for the creation of over 30 new Federal and State agencies, offices, panels and commissions.

Mr. President, I ask unanimous consent that a copy of a list of these new agencies, offices and commissions, be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BOSCHWITZ. It also mandates about 150 new reports and studies. Mr. President, I ask unanimous consent that that list also be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. BOSCHWITZ. Those 150 reports will take tens of thousands of hours to prepare and will probably go largely unread simply being added to the thousands of other reports we presently mandate. All these agencies, reports and employees will add millions, maybe billions, to the Federal budget deficit. This country and this Government do not need a further proliferation of agencies and reports.

Third, this bill authorizes an additional $3.7 billion in appropriations over 6 years. Therefore, the bill violates the budget agreement between the Congress and the White House reached only 4 months ago.

Fourth and most importantly, this bill is protectionist in nature. It will not measurably improve the economic condition of American companies and workers and will not enhance our ability to export. And, if the major trading nations fo the world adopt the exact same bill, it can be said with certainty that trade—and with it, living standards—will suffer.

II. INTERNATIONAL FINANCE

Mr. President, the section on international financial policy, title III of the bill, contains some of the more frightening provisions regarding the orchestration of the world economic picture. The conference agreement requires the President to commence negotiations with other countries for the purpose of achieving coordinated economic policies, a sustainable current account balance, and to improve coordination of the exchange rate system. Frankly, Mr. President, these provisions sound quite like the beginning of an international industrial policy, which is directly contrary to the claim that this bill expands free market opportunities.

I am especially troubled by the requirement that the United States engage in negotiations with individual countries to obtain an adjustment in the currency exchange rates between us. Trying to erase our trade deficit by forcing other countries to inflate the value of their currencies is not the solution.

I have similar concerns about the requirement that the Secretary of the Treasury study the feasibility of establishing a multilateral financial authority and if appropriate, commence negotiations with industrialized and developing countries regarding the creation of the International Debt Management Authority. Not only am I concerned about establishing another international finance agency, financed undoubtedly with taxpayer money, but this is a wide-open invitation to debtor nations to stop paying their debt and begin renegotiating not only the terms of repayment but the principal as well.

In addition, it is also an invitation to the banks—most of which are foreign banks—to stop negotiating with debtors and see what the American Government is going to do about not only bailing the debtors out, but bailing out foreign banks and domestic banks as well. You and I both know who is going to wind up paying a good share of the international debt under this approach—the American taxpayer.

Negotiations are mandatory under this bill. Perhaps some feel that the magnitude of our domestic debt is not enough—that we should assume the debts of others as well. Personally, I think that is crazy, but these provisions certainly invite that result. We have enough debt to pay of our own without setting up agencies to determine if, in effect, we should pay others.

This provision alone is adequate reason for every Senator to reject the bill and every citizen to wake up to the existence of provisions other than the plant closing section of this bill.

Mr. President, an additional concern I have relating to the international finance section of the bill concerns the prohibitions on primary dealers in U.S. Government securities. A primary dealer in U.S. Government securities is one that is authorized by the U.S. Government to sell Treasury paper as it is issued.

In the United States, a company may be designated as a primary dealer if it meets certain nondiscriminatory standards, such as demonstrating financial and managerial strength and a willingness to bid at treasury auctions and to make a secondary market in U.S. Government securities. Of the 42 companies currently designated as primary dealers, at least 12 are foreign controlled. It is no secret that this provision is directed at Japan, and seeks to force Japan to open its industry to United States companies seeking to engage in underwriting and distributing government debt instruments.

Under this bill, effective 1 year after enactment, the Federal Reserve would be prohibited from designating or continuing to designate any person or company of a foreign country as a primary dealer unless that foreign country accords U.S. companies equal access to the underwriting and distribution of government instruments issued by that country.

Frankly, Mr. President, that sure has a ring of fairness to it, but hindering the U.S. Government in selling its securities to foreign investors who are helping to finance our budget deficit and also make investments in this country. I am not quite sure what the advantage of add that is. Those foreign dealers help sell a lot of that U.S. Government paper. If the foreign capital is impeded, it could seriously impact our financial stability. Further, we most assuredly will see some sort of retaliation though the foreign government's response may well focus on other trade areas rather than this, and our most vulnerable trade area, of course, is agriculture which certainly would affect my state very formidably. The results will be negative on all counts, and will do more to damage our international standing than perhaps any other provision in this bill.

III. SECTION 301 AMENDMENTS

Mr. President, I would like to discuss the 301 amendments. The section 301 amendments mandate retaliation by the U.S. Government for trade conduct the USTR determines is a violation of trade agreements or is otherwise objectionable.

This section does provide some very ambiguous exceptions and, of course, section 301 provisions give us relief when other countries use trade practices that are in violation of international law.

Common sense tells me that if this administration or a future administration tries to avoid retaliation using one of the enumerated exceptions, it could well face a wall of resistance here in Congress, fueled by special interests, as well as renewed efforts to restrict the administration's discretion.

In short, this requires, in many instances, the administration to make 301 findings and to go after other governments.

For example, Superfund tax: U.S. law discriminated against imported petroleum products by imposing a higher Superfund tax on them than on domestic products. In late 1987, a dispute-settlement panel of GATT, the general agreement on tariffs and trade, requested by the European Community, Canada, Mexico, and others, ruled that the provision violates United States international obligations. The United States still has not corrected the Superfund law.

If other countries did not have a little flexibility, they would be required to take action as this bill would require us to take action if we were presented with the same facts that the European Community, Canada, and Mexico are now being presented with because the Superfund tax discriminates against imported oil.

Second, custom user fees: The 1986 budget reconciliation bill imposed a 0.17-percent fee on the value of all imports, ostensibly to pay the costs of the Customs Service. A GATT panel ruled in early 1988 that this too is a violation of U.S. international obligations, since the fee is not really a user fee but a tax on imports. The United States has not yet corrected the customs user law either.

If the complaining countries had in place statutes like the proposed section 301 provisions in this bill, they would already have been required to retaliate against the United States. They have not retaliated because they have flexibility that would not be allowed under this bill.

In short, if every nation had a 301 provision like this, world trade would suffer terrible blows—perhaps even devastating.

There is just no future, Mr. President, in politicizing trade the way this provision does.

In addition, section 301 is amended to provide three new specific actionable practices: export targeting, persistent denial of workers rights by other countries—we would be taking it upon ourselves to make judgment on the labor practices of other countries—and denial of market opportunities through the organized conduct of companies in a foreign country.

The workers rights provision would, for the first time, declare the failure to accord internationally recognized labor rights an unfair trade practice. It is not a matter of being against fair labor practices. Not at all. This means that all countries—even the poorest of the poor—that do not meet international standards as we see them are liable to have their products excluded from the U.S. market.

The only way that some of these countries are going to graduate out of the poorest of the poor category is by being able to export, and if these kinds of provisions are put into the law of other countries as well, we really will be condemning the poorest of the poor into a more permanent status of being among the poorest.

Although the USTR would have discretion to pursue these specific objectionable practices, taken together, the 301 amendments have the clear objective of forcing retaliation by the administration. And if the administration does not do it, pressure and crys for action and retaliation will come for Congress. It will be an ongoing turmoil. In effect, these amendments will politicize the section 301 process so that its use cannot be avoided. Diplomatic efforts will be shattered on the alter of political expediency. And again, Mr. President, political expediency when it comes to protectionism is just an easier political shot when trying to describe the elements or advantages of free trade.

Additionally, one of the most significant changes proposed to section 301 will require the U.S. Trade Representative to prepare an annual priority list of practices that most restrict U.S. exports as targets for elimination, together with a priority list of countries that support such practices. The USTR must initiate a 301 investigation of all priority practices for each priority country and commence negotiations to eliminate those practices. This provision is intended to embarrass our trading partners, a sure way to get them to pass mirror legislation, and would probably spell the end of bilateral negotiations between nations on trade.

Proponents of section 301 amendments assert they are needed to assure that the President does not ignore his responsibilities in this area. Quite frankly, the Reagan administration, I believe, has taken a bad rap on the use of section 301. But this is politicizing of section 301, and in the event that the U.S. Trade Representative does not take action or the administration, this or another administration does not take action, I can hear already Senators and Members of the Congress coming to the floor to make sure that the administration is put under heavy pressure. And it is just not in the interest of the world to put trade under heavier still political pressure.

But I do believe that the Reagan administration has taken a bad rap for its use of section 301, though certainly it was slow in getting off the dime.

According to the 1987 trade estimate report, since September 1985, the United States has used section 301 to challenge unfair trade practices 17 times, 9 self-initiated by the U.S. Trade Representative, more than any other administration, though in fairness the bill has not been around; this is only the second administration that has had the opportunity to use it. In 13 cases, this has resulted in an end to the practice, investigations are continuing in 3 cases, and in 1 case, the semiconductor case, the President imposed sanctions, some of which have been lifted in response to partial elimination of the unfair practices.

Dictating the conduct of our international trade policy not only is unwarranted by the facts but is a clear unambiguous invitation for retaliation through mirror legislation from all of our trading partners.

The bottom line question continues, Will world trade be enhanced by such provision? The no defies any doubt.

Mr. President, now I would like to talk about trade adjustment assistance. I also oppose, Mr. President, the substantial expansion of the Trade Adjustment Assistant Program at a time when we are experiencing massive budget deficits and low unemployment.

Mr. President, we all know that existing entitlement programs grow automatically without congressional action and are a large contributing factor to the deficit. Once an entitlement program is in place, it is almost impossible to change it, except, that is, to expand it. This trade bill creates a new expanded entitlement program and repeals the authority of the Secretary of Labor to decide when such assistance is justified.

Lest it be forgotten, there is trade adjustment assistance available now when the need exists, and the Secretary of Labor has the right to determine when it exists. Additionally, for the first time this program is not only made into an entitlement but is expanded to include not only workers directly displaced by imports but secondary workers and workers of companies supplying goods and services directly to the affected firms. So not only are the primary workers now included under trade adjustment assistance but indeed secondary workers as well. And while there is a phase-in for these provisions, somehow oil and gas workers go immediate coverage. Removing cost limitations on retraining per worker not only defeats the budget process but also invites abuse of the program. Although I support the reauthorization of the current Trade Adjustment Assistance Program, which is a good part of this bill, we must ensure that this program is targeted at those employees most in need. Another entitlement program is all we need at this time of budgetary crisis.

Then there is another aspect of this retraining program that is especially troubling. This bill would require the administration to negotiate 0.15 percent ad valorem tax on all imports to fund the secondary workers retraining program. If our trading partners do not consent to being taxed to pay for this program, the President must either implement the tax unilaterally or Congress has authority to override his decision. The impact of this provision is not hard to imagine. Countries in Europe, with nearly twice the unemployment rate as the United States, would be delighted to fund their unemployment programs out of U.S. exports, and they probably will not stop at a fee of 0.15 percent. Think of the outcry here in Congress if Germany or Japan sought to impose a tax on imports, on the stuff we send them, to fund a program to retrain their workers. That will be the likely result if this bill passes.

Now, Mr. President, agriculture. And here I disagree with many of my friends in the agricultural community.

American agriculture is finally coming out of an extended period of doldrums. As a member of the Agriculture Committee and being from an agricultural State, I have observed firsthand the shifts that are underway in agriculture. Many of us have been trying to make agriculture more responsive to market demands. This bill expands the marketing loan concept by requiring the President to implement such a loan for wheat, feed grains, and soybeans in 1990 if significant progress has not been made in international negotiations to eliminate or reduce agricultural subsidies. I should say, Mr. President, that the barriers to agricultural trade in the world are far, far greater than the barriers to industrial trade.

The idea of having a marketing loan has the farm groups all excited but they seem to overlook the fact that the President can decline to adopt the marketing loan if he determines that adopting it would harm further trade negotiations. If he declines, he would then be required to expand the agricultural export subsidy program—not cheap, any of these programs—unless that too would interfere with ongoing negotiations, in which case he could decline to do this as well. So these rather weak provisions under the marketing loan will do little except to anger other countries participating in the current Uruguay round of GATT negotiations. We would not like to be threatened any more than they do.

In addition the marketing loan needs some careful assessment. In the Agriculture Committee I sit and listen to Senators declare it an unqualified success particularly in rice. Well, maybe it is a success but it cost $109,000 per rice farm—I have heard the Secretary of Agriculture use these figures—or about $400 an acre. They should have bought the farm; it would have been cheaper.

I should take some of these rice growers to Thailand where I was last January. There most people depend on rice for a very, very subsistence living. The rice farmers in Thailand are really poor. If we cut the incomes of those families, some very poor people, families surviving on a few hundred dollars a year, I do not consider that a success.

So before we adopt a marketing loan on all crops, we better examine not only the cost to our taxpayers, which will be billions, but the impact on the poor of the world as well. The same must be said of other export subsidies in agriculture.

A little-noticed provision in the agriculture section in this bill would require the Secretary of Health and Human Services to take steps on expand the monitoring of pesticide residues in imported foods and to disseminate information to State agencies and other interested persons.

It is an interesting but rather complicated sentence. That would require the Secretary of HHS to take steps to expand the monitoring of pesticide residues in imported food and disseminate that information.

Further, the Secretary would be required to reach agreements where possible with other countries to monitor pesticide use that sounds good. In addition, the Secretary of Agriculture would be required to develop a plan for inspecting meat, poultry and egg products for pesticide and drug residues.

Anyone with any experience in agricultural trade recognizes what this is in a mili-second—a thinly disguised measure designed to encourage nontariff barriers that take seconds to erect, years to dismantle and disastrously impact trade. The fallacy of this ludicrous provision is that the United States is the world's largest pesticide user and agricultural exporter. We have been fighting these kinds of provisions for years. If this is not leading with your chin, nothing is. I do not see how any farmer or organization can support a bill with this provision in it.

VI. SECTION 201 AMENDMENTS

The 201 provisions of this bill and of exisitng law are designed to provide relief for domestic manufacturers who have been injured by fairly—note: not unfairly—traded imports.

In other words, the domestic manufacturer is injured by imports which come into the United States in a fair manner, but nevertheless the American importer or the American manufacturer is injured and seeks relief under section 201.

Mr. President, the section 201 amendments of this bill provide more evidence of the extent to which Congress is trying to limit the authority of the President to resolve international trade matters.

Congress is trying to dictate those factors which the International Trade Commission [ITC] must consider in determining whether protection is justified under section 201. For example, the proposed 201 provisions require that the ITC only consider domestic production for an industry when determining injury. In addition, the ITC may consider a decline in market share, diversion of resources, and inability to maintain existing levels of research and development expenditures as evidence of injury. Use of these factors will, I am afraid, open the door to 201 claims and lead to injury recommendations based upon factors unrelated to the effect of imports.

Mr. President, I oppose attempts by Congress to restrict what the ITC may consider in reviewing a section 201 petition. Use of broad terms for defining areas which the ITC must consider will surely lead to disputes over otherwise lawful conduct on the part of foreign countries.

One additional objection I have about section 201 relates to the attempt by Congress to restrict the right of free speech for those commissioners who disagree with the original finding of injury. Specifically, the proposed changes would prohibit members who dissent in the ITC original injury finding from participating in the formulation of a recommended response by the President. This strange provision has no equivalence in other laws to the best of my knowledge. What an unusual and unhealthy precedent to set in a democracy.

My final objection regarding this section concerns the two-year term mandated for relief implemented by the President. This is a two-year term of relief. Under the bill, if the President granted relief against imports of a particular product and found 6 months later that the imports are needed—even for a national security reason—nothing could be done to modify the original relief order until 2 years after its implementation. Setting this arbitrary term unnecessarily restricts the discretion of the President to modify a 201-injury determination in the event of changed circumstances.

Mr. President, I go into a number of elements that I consider to be the positive elements of this bill at this point. Most particularly, it will allow our negotiators to continue to participate fully in the Uruguay GATT round which is now underway, and we authorize their ability to negotiate which authorization, I might say, has expired.

It will reauthorize trade adjustment assistance. It will strengthen the role of the U.S. Trade Representative—all good points. It will improve trade data. It will enhance national trade data banks to improve and coordinate data and also establish more even definitional terminology for trade in general.

It will repeal the windfall profits tax. I like that. I do not know what that is doing in the trade bill. It has no application to trade. But it is here. I suppose it is in the trade bill as a rather undisguised effort to round up a few votes from oil State Senators. But it has nothing to do with the trade bill. But I like it.

It implements a harmonized system of definitions as I say. It alters export control laws. It provides new assistance to small business. It improves the intellectual copyright provisions which I approve of. It reauthorizes educational and training programs, most specifically some foreign language training; and so that there are many good provisions in this bill, Mr. President.

Overall, however, the bottom line is if every nation passed exactly this bill, would trade in the world expand or contract? Clearly, it would contract.

There are a bunch of miscellaneous provisions that I also oppose, Mr. President. There is a provision on grapefruit duties. There is a provision on extra corporeal shockwave lithotripters imported for use in Hawaii.

Then we give somebody half a million dollars to pay legal fees.

Then there is the extension of the filing period for reliquidation of certain entries. People will be getting some advantages and getting some duty-free treatment.

There is a study about the domestic rose industry. I like roses as much as the next guy. We do not need that new study about roses. There is a Council on Competitiveness which I think is an effort really to come up with industrial policy.

The National Critical Materials Council, we have more reports on critical materials now than we know what to do with.

There is a provision in there on work gloves. There is a provision on playing cards. There is a provision on nicotine resins.

There is a specific provision with respect to the customs service office at the Pontiac-Oakland Airport. There are other specific provisions that are just real special interest provisions that have no part in this bill.

Mr. President, in conclusion, I began my remarks with a question for my colleagues: If we pass this bill, the Omnibus Trade and Competitiveness Act of 1988, would world trade expand or contract? In my judgment the answer clearly is that it would damage world trade and all America's workers and companies would suffer. This bill would force our trading allies to pass mirror legislation. Frankly, our country would not be able to comply with many of the provisions of our own trade bill—why should we expect our trading partners to do so?

This trade bill is also clearly an attempt by Congress to usurp executive authority to conduct our foreign trade policy. Such an attempt is misguided and will anger and confuse our allies, making it more difficult for Americans to do business abroad. The bottom line is that this 1,000 page bill can and does do little to improve trade. All the economic signs, including the most recent trade figures, clearly demonstrate that it is American companies and American workers—not this bill—that are, and will continue to, improve American trade and competitiveness.

I yield the floor.

A List of Some of the Reports/Reviews/Studies Mandated by Bill

Four new types of investigation (Many more than four will actually result) are required:

(1) USTR is required to initiate an investigation of Japanese trade barriers in several industries;

(2) USTR must initiate section 301 investigations regarding trade liberalization priorities;

(3) Commerce is required to conduct expedited antidumping investigations of certain products; and

(4) USTR is required to investigate certain countries regarding lack of foreign market openess in telecommunications trade.

Requires SBA to prepare reports on policy options for a number of export related issues affecting small business.

Requires SBA to report on costs incurred by small business in pursuit of legitimate claims under trade laws.

Director of NIST shall keep Congress fully and currently informed with regard to all of the activities of NIST.

President shall report to Congress at the time he submits his FY 1990 budget on his policies and budget proposals for semiconductors, fiber optics, and superconduction.

Secretary of Education is required to make 3 new evaluations.

Study by Director of Office of Training Technology Transfer.

National School Drop-Out Study.

Evaluation by Secretary of Labor of dislocated worker assistance.

Annual report by Secretary of Labor on dislocated worker assistance.

Evaluations and Reports on Demonstration Programs for dislocated workers (5 different evaluations).

Annual long-term agriculture strategy report; no sunset.

USDA reorganization evaluation; due April 30, 1989.

FAS reorganization study; due April 30, 1989.

Annual report to Senate and House Agriculture Committees from FAS office of trade assistance; no sunset.

FAS reports on allocation of personnel resource time of agriculture attaches; due September 30, 1988 & 89.

Annual FAS report to Congress on value-added beef, pork, and poultry products; no sunset.

Agricultural attache report; ongoing reports, no sunset.

Annual report to Congress on marketing programs for forest products; no sunset.

Canadian wheat importing licensing study; due 90 days after enactment.

Annual import inventory statistical report; no sunset.

Honey study; due 60-90 days after enactment.

Dairy import quota study; due 180 days after enactment.

Report on intermediate export credit; due 180 days after enactment.

Report on imported meat and poultry products; due 90 days after enactment.

Study of circumvention of agricultural quotas; due 180 days after enactment.

Study of lamb imports; due 180 days after enactment.

Rose study; due 240 days after enactment.

Require FDA, (Food and Drug Administration), to evaluate and report annually on pesticide residue in domestic and imported food products.

Require FDA to enter into cooperative agreements with food importing countries to obtain foreign pesticide use data, and report on foreign pesticide use.

Require FDA to determine the potential use of rapid pesticide detection methods.

Requires Federal Maritime Commission to report on discriminatory foreign shipping practices.

Secretary of Commerce shall submit a report to Congress on new export promotion intermediaries.

Secretary of Treasury shall report to Congress each year on international economic policy including exchange rate policies.

Secretary of Treasury shall study the feasibility of establishing an international debt management authority and report to Congress on progress being made in discussion with other countries.

Requires the Commerce Secretary to report to Congress evaluating U.S. export services and on possible integration of domestic and foreign export services.

Directs National Academy of Sciences to conduct study on the current export control system and make recommendations for regulatory and legislative reforms.

Requires Secretary of Commerce, in consultation with Sec. of Energy, to study existing restrictions on crude oil exports in relation to national security and energy interests.

Requires annual reports by the President on costs of illegal technology.

Requires federal banking agencies to submit an annual report on the level of exposure of banking institutions to troubled debt.

Directs federal banking regulatory agencies to conduct a study of debt service obligations associated with sovereign debt of developing countries.

Requires Secretary of Treasury, in consultation with IMF, to study the feasibility of reducing international debt through IMF.

Requires Chairman of Export-Import Bank, working with international organizations, to prepare a report on the tied aid credit practices in other countries.

Requires the Secretary of the Treasury, in conjuction with the Secretary of State, Federal Reserve, Comptroller of the Currency, FDIC, SEC and Department of Commerce, to report to Congress at least every four years on foreign treatment of U.S. financial service institutions.

Directs Federal Reserve Board to submit a report to Congress on the inclusion of loan loss reserves as part of banks' primary capital for regulatory purposes.

Requires Secretary of Commerce to conduct nationwide survey of current technology extension programs.

A minimum of 32 Reports, Reviews, Studies, Determinations, Recommendations.

Requires Secretary of Commerce to make an annual report to Congress for the next five years on the effect of the patent process amendments contained in this trade bill.

Secretary of Commerce shall prepare annual report on sales of U.S.-made auto parts to Japan.

Secretary of State shall report to Congress within 6 months of enactment on ways to improve reporting on the status of worker rights abroad.

Secretary of State shall prepare an annual report on the economic policies and trade practices of U.S. trading partners.

Council on Federal Participation in Sematech is required to study progress toward achieving defense and civilian goals of Sematech and to report annually to Congress.

EXHIBIT 2

Appendix: New Agencies/Offices/Commissions

	Cumulative total
Office of Training Technology Transfer, Department of Education	1
Training Technology Transfer Advisory Board	2
Advisory Councils to Centers of International Business Education	8
Regional centers in international business education	14
National trade data bank	15
Private sector advisory committee to evaluate the National Commission on Agricultural Trade and Export Policy	16
Office of Trade Assistance in Department of Agriculuture	17
Clearinghouse on State and local initiatives on productivity, technology and innovation	18
Regional centers for transfer of manufacturing technology (2 or 3)	21
National Commission on Superconductivity	22
Visiting Committee on Advanced Technology (Replaces present NBS Visiting Committee)	23
National Institute of Standards and Technology (Expanded National Bureau of Standards, NBS)	24
Competitiveness Policy Council	25
Special Advisory Committee on Sale in Japan of United States-made auto parts and accessories	26
Office of Barter and Countertrade in Commerce Department	27
Joint United States-Polish Commission to oversee United States aid to Poland	28

ORDER FOR RECESS UNTIL 2 P.M. TODAY

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 2 o'clock p.m. today to accommodate the two party conferences.

The **PRESIDING OFFICER.** Is there objection? Hearing none, it is so ordered.

Mr. BYRD. I thank the Chair.

RECESS UNTIL 2 P.M. TODAY

The **PRESIDING OFFICER.** Under the previous order, the Senate will stand in recess until the hour of 2 p.m. today.

Thereupon, at 12:59 p.m., the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SANFORD).

The **PRESIDING OFFICER.** As a Senator from North Carolina, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, as we in the Senate decide whether or not to override the veto of the President on the trade bill, I think it is very important for us to keep a fundamental point in mind: this country must begin to develop a trade policy. When will we as a country begin to get our act together? When will we have a trade policy? When will we send a signal to Americans and to other countries that we Americans are finally beginning to work together to help promote an American standard of living, American incomes; that we Americans are finally developing a coherent, meaningful, reasonable strategy as we try to export our products, as we try to trade with other countries of the world? That, I think, is the fundamental question that we are facing as a nation.

It is very unfortunate, that we now find ourselves in an ideological confrontation over a relatively minor matter. The President has drawn the line in the sand. He will not sign the present trade bill because of the plant closing notification provision and a couple of other minor provisions. As a consequence, the months, the weeks, the millions of hours of effort that we in Congress and in the administration have devoted to this effort, are all for naught. We are Americans fighting among ourselves. We are two ends of Pennsylvania Avenue fighting each other.

It is true that we are not a parliamentary form of government. We have a constitutional form of government, where a President and a Congress must expressly work it out—must somehow compromise.

We are not a country like Japan, Germany, England, Canada, or other European countries that have a parliamentary form of government. A government where the majority elected members of parliament are the government and quickly—almost automatically—decide governmental policy, whether it be on trade or whatever. We are constituted in a way that makes it difficult for us to work together.

We are a country that was created on the basis of skepticism and shared power. Our forefathers distrusted power and worried so much about tyranny that they set up a government of shared power: executive branch, legislative branch, and judicial branch.

It is a form of government that has worked very well for us, but is one that also has its problems. Namely, it is difficult for us to work together as a people and as a country.

Mr. President, the world has dramatically changed in the last 40 years. At the end of World War II, we Americans were the big boy on the block. We virtually controlled the world. We economically were at the top of the heap, we were by far—the strongest economic power in the world. We were also the strongest political and military power in the world at the end of World War II. We ran the show.

Well, since then, a lot has happened. Today, 75 percent of the goods and services traded in the world are traded on some basis other than the American system. They are traded on some basis other than laissez-faire, free enterprise, a system where we think a deal is a deal. We played the rules of the game, play by the rule of law, open, free trade. That is the American way, the American system.

But only 25 percent of the goods and services in the world today are traded on that basis. The remaining 75 percent are traded on some other basis—the export-driven economies of Japan and the Pacific rim countries, mixed economies of Europe, state-trading economies of the Eastern bloc. Let me repeat, 75 percent of the goods and services traded are on some basis other than the American system.

Now, I am not standing here to say we Americans should adopt those other systems. I am not saying that at all. But I am saying that the world has changed. What does that mean?

First of all, we Americans have to understand what is going on in other countries and how those economies affect us. Second, we have to ask what are we going to do about it. The fact of the matter is that 70 percent of the goods and services traded in the world today are in some form of competition with American goods and services—70 percent. Our automobiles compete, with Hyundais, Hondas, Yugos, all kinds of automobiles manufactured in other countries. Our wheat competes with other countries' wheat—Canada, Argentina, Australia. You name it, most products we produce in America compete, in one form or another, with other products produced in other countries.

Mr. President, if 70 percent of the goods and services produced in our country compete with other countries and if most other countries trade on some other basis, shouldn't we develop a trade policy that somehow deals with all of that? That is the basic question we have to ask.

Now, the trade bill that is before the Congress is a first step, a first effort in trying to answer that question. It is the first effort in an attempt to come up with a meaningful, coherent trade policy so that we Americans protect ourselves. So we Americans are looking forward. And so that we Americans are dealing with the new era, with the end of the 20th century and the beginning of the 21st century. That is what we are trying to do here.

Because the fact is that our economic livelihood in America—the price our wheat farmers get, the price our cotton producers get, and the price our automobile manufacturers get, and the prices our consumers pay for manufactured products depend not only on decisions made in the United States. They depend not only on decisions made in our State capitals, not only decisions made in Washington, DC, by our Federal Government, but they also more and more depend upon decisions made in Tokyo, decisions made in Ottowa, decisions made in Bonn, decisions made by the capitals of the major emerging industrial countries of the world. It is the decisions of those countries that affect the American standard of living and American incomes—as much as decisions made by Americans.

I submit, Mr. President, that with each passing day decisions made overseas are going to more and more affect Americans. So all I ask, Mr. President, is: What are we doing about all of this? We finally have a trade bill; 2 years of very hard work by almost all of the committees in this Congress—the major effort in the last 2 years—policy.

Now, I agree, it is not a perfect bill. I agree it is not the final answer. But we all know that tomorrow Congress is going to meet again. There will be another day. So if this bill is not perfect, if it is not the final solution, there will be plenty of opportunities to make the changes and adjustments that are necessary. But if this veto is not overridden, it is back to the drawing board. It means no bill.

Let us not kid ourselves. It does mean no bill this year. It means next year we start all over again.

And that means that we as a nation will continue to fall behind other countries. We are 2 more years derelict in helping our people—our farmers, our ranchers, our teachers, our children, all Americans from all walks of life. We are just postponing the date when finally we Americans can get our act together.

Think what that says to other people in other countries of the world. If you are a German citizen, if you are a Swede, if you are Chinese, you see America cannot get its act together. The American President cannot agree with the American Congress.

What is that going to do? The American stature is going to slowly, slowly diminish. The American stature is going to dwindle. When that happens, when there is a vacuum to be filled, someone else is going to fill it.

I think it is true that other countries still look to America for leadership. They want America to lead. They want America to be the leader in the free world. I believe most countries really want this trade bill passed because they want America to continue to lead.

But I will tell you, if we do not pass it, if this veto is not overridden, we are going to lose some of our stature in the world. And that is going to mean more investment overseas, other countries and companies are going to invest in other countries a little more. It means less products, and a slightly lower standard of living.

Mr. President, I strongly urge the Senate to override the veto of this bill.

The plant closing notice provision does not deserve the attention it has gotten. I have not talked to a CEO in this country, I have not talked to a head of a major corporation in this country who is very exercised over that provision. I asked them privately: "Is this important to you?" The answer I always get is: "It is not that important. It is not that big a deal."

Whatever the case, Mr. President, there is another day. Tomorrow we will make adjustments. But if we do not override this veto, there will not be a trade bill this year. If there is not one this year, who knows what is going to happen next year? We do not know who is going to be elected President. We do not know the composition of the House and Senate. Anything can happen. And that means we will keep playing catchup. We would be squandering an opportunity here today if the veto is not overridden.

So, Mr. President, I strongly urge my colleagues to do the right thing. Let's pass a trade bill.

I might add, Mr. President, there has been immense compromise on the part of the Congress with administration over this bill. I can list item after item where this Congress has changed in this bill in order to compromise with the administration—the section 301 provisions, the section 201 provisions. I can go down the list. It is amazing how far we have come through compromise.

Mr. President, anyone who followed this bill knows that we worked hard to compromise with the administration, to send a signal to the White House that we wanted to compromise. We said, "Mr. President, please work with us" We have worked in good faith.

So let us begin. Let us establish a trade policy and then let us work with it. Let's show Americans and show foreigners that we are finally getting our act together. With a trade policy American stature will begin to rise and Americans will stand tall and proud. Consequently, we will find our standard of living and our incomes will continue to grow and rise. We can make adjustments and changes as we need to in the future years.

Mr. President, I yield the floor.

The **PRESIDING OFFICER**. The Senator from Pennsylvania.

Mr. **HEINZ**. Mr. President, I intend to vote to override the President's veto of the trade bill, just as I initially supported the bill in the Senate last year and supported the conference report in April. I do so, I must say, knowing that this is not, and I repeat not, a great bill. Its deficiencies are well known and they have been widely discussed. But I believe that it is nonetheless a necessary bill and one that we cannot do without.

Let me make note of one thing, however, before we go on. It is that none of us are under any illusions that this veto, and for that matter the way we vote on the override, is not going to be used as a political issue this year.

This is an election year; it is a Presidential year; and vetoes are used for political purposes.

Fair enough. This is politics. But those of us who support the trade bill, irrespective of which side of the aisle we are on, should not under any circumstances roll over on this legislation, just for the sake of having a political issue.

So, if there is a way to work this out so that we can ultimately get, this year, a trade bill that is acceptable to the House and Senate and to the President, that is something we should do. It is important to the Congress. It is important to millions of workers in this country. And all of us, together, should try to find it.

Mr. President, I said it is an election year. But at the same time it is only June 7, and nobody up here should abandon being a legislator just yet. I think we all know that anybody can be an armchair lawmaker. Anybody can just sit in the stands and boo the umpire, too. But those of us in the Congress are in the game. We are on the field. If there is a chance to pull this game out, albeit in extra innings, we should at least take our last at bats and do so.

Enacting a trade bill is necessary because all the problems that led to its development still exist in the real world. They are as real today as they were last year and the year before. They are not getting any better. The trade deficit continues at near record levels.

Yes, we received some good news when we got the March trade deficit numbers: below $10 billion for the first time in years. But if we have learned anything over the last 6 years it is the danger of making policy on the basis of a single month's figures, appealing as they may be. In that kind of world, let me tell you my hometown Pittsburgh Pirates would have claimed the pennant and the World Series to boot. That is the kind of April that they had.

Mr. President, we have had sharp monthly improvements in the trade deficit before. Most notably last September and last December. And then we have seen them succeeded by equally sharp increases. If the country had a dollar for every time in the last 4 years an economist has said that we have turned the corner and are on the verge of solving our trade problem, why we could have eliminated not only the trade defict but the budget deficit as well. And at the rate we are going that may be about the only way we are going to eliminate either one.

It is, indeed, a sad day when a deficit of $9.7 billion for 1 month is good news. For years that was much larger than an entire year's trade deficit. Even within this March figure there are some disturbing hints. Large Taiwanese gold purchases artificially inflated the export figure, and, more importantly, total imports continued to rise. The deficit declined because exports increased significantly more than imports. Well and good. But those increasing imports tell me that this country's consumption binge of imports is not over and that domestic manufacturers are not yet replacing imports.

So what this tells me is that we should not let this short-term piece of good news mask the continuing bad news of some of our economic fundamentals in the trade area. It becomes more and more obvious that we cannot win this battle simply and solely through export promotion. A reduction in imports is inevitably going to be necessary if the trade deficit is going to come down. How and when that is brought about should be a key issue for discussion in this election year.

The trade bill, by itself, does not answer those questions. What I think the trade bill does, however, is provide a framework for doing so. It does not limit imports. It is not a protectionist piece of legislation. But it does require a more assertive trade policy on the part of the administration.

As I say, it is not protectionist but it is aggressive. It is not by any means the last word on this subject. If anything, it will encourage more trade legislation to correct the problems that this bill fails to address. But this bill is the right one for this time. I believe it is a necessary one, and I urge all Senators to enact it so that we may get on with the other important business facing the country.

Mr. President, one additional comment I would like to make has to do with the plant closing provisions of the trade bill. I have on two previous occasions come to the Senate floor to discuss those provisions, and I have stated that I support the concept of notice for a final shutdown, or, if you will, an indefinite layoff; and, thus, I voted to retain the plant closing provisions when they were offered to the trade bill. I have also stated my concern that the legislation now in the bill may cast too wide a net, covering small businesses that will have difficulty defending themselves against unnecessary litigation. I would, however, like to say a word or two in general about why plant closing notification, when the plant is genuinely being closed or going out of business, is important to the country.

There are some people who will say that this is strictly an issue between labor and management. Maybe it is, but I think there is a larger issue here. It is the question of whether those workers who lose their jobs, and remember we are talking about workers who are losing their jobs through no fault of their own, are going to get the assistance, the counseling, the job training the help in redirecting themselves, perhaps remedial education, that will help them get on with their lives.

What the discussion about plant-closing notification is really all about is the overwhelming evidence that has been developed time after time to show that such notice for plants that are genuinely closing not only expedites worker adjustment, but it is absolutely essential if such adjustment is ever to take place.

Let me cite briefly a small portion of that evidence. In my home State of Pennsylvania, the Philadelphia Area Labor-Management Committee found that when workers are given advanced notice, some 70 to 80 percent participate in worker retraining programs. While for those who do not—I repeat, do not—receive notice, the participation rate falls below 20 percent.

Mr. President, that is a dramatic difference, and it is one buttressed by the National Academy of Sciences study entitled, "Technology and Employment." That study concludes that advanced notice reduces the average duration of unemployment during which workers will be drawing unemployment compensation benefits, welfare or other subsidies. It will reduce that time by some 27 percent on average or, if you will, by 4 weeks. That is across the board.

Such a reduction in unemployment saves the U.S. Treasury approximately $115 million a year in reduced unemployment compensation costs alone.

Obviously, there are other savings to this country on the revenue side because we get people back into the work force and earning salaries and paying taxes. That $115 million is just unemployment compensation alone.

Further, as additional evidence, the Office of Technology Assessment, together with the Secretary of Labor's Task Force on Economic Adjustment—that is the one Secretary Brock established about a year and a half ago—found that advanced notice helps workers enter retraining and job search services quickly and provides, therefore, an effective means of returning them to the workplace.

Most disturbing in all this is the finding by the General Accounting Office, our overall investigatory arm, that the average length of notification for blue-collar workers losing their jobs is 7 days. That is an average. Most large employers have a policy of letting people know rather early on—30, 60, 90 days. The fact that the average is 7 days tells you that there are an awful lot of blue-collar workers whose plants, relatively small ones, of course, are being closed with not even 7 days notice.

We all understand that job training, job search, relocation assistance, all of these programs cannot be established in 7 days. The process becomes backlogged; workers fail to receive any assistance, and they do not get the assessment they need to know what assistance they ought to have. What happens is that they join the ranks not of the temporarily dislocated, but the permanently dislocated.

Mr. President, I will not repeat my previous remarks on this subject, but I do want to remind my colleagues that we will not have the human resources to keep and expand our place in the world if nearly 2 million skilled American workers are, as they are today, permanently sidelined. We need all our players on the field. We particularly need these proven, hardworking individuals, 2 million of them, and many more I fear who will inevitably be the casualties of changes in the work force in the years ahead. We need them on the field playing in the ball game. The evidence is clear that notification of plant closings helps us do just that.

Mr. President, I yield the floor.

Mr. **MURKOWSKI** addressed the Chair.

The **PRESIDING OFFICER.** The Senator from Alaska.

Mr. **MURKOWSKI.** I thank the Chair.

Mr. President, I rise to express my regret that I must vote to sustain the President's veto of H.R. 3.

Many of the provisions in the bill are, I believe, integral to our efforts to fight the unfair trade practices and certainly enhance our competitiveness, but I strongly support further provisions which grant the President the negotiating authority for the new GATT round and the fast-track approval for trade agreements. Implementation of the harmonized tariff systems modifications in the sections 301 and 201 are badly needed, and repeal of the windfall profits tax are among the provisions which I support.

Speaking of the windfall profits tax along, we have an extraordinary situation in our Nation today where we are becoming more and more dependent on imported oil. Yet, the incentive for reinvestment by our energy industry is diminishing.

Mr. President, I have had occasion in my office to met with heads of major domestic companies involved in oil production and exploration in our Nation. Do you know what they are telling me? They are telling me that the Soviet Union currently is offering proposals, entering into joint ventures, encouraging domestic U.S. companies to come to the Soviet Union with their technology, join in joint ventures with the official Soviet Government-owned industry groups and do exploration in the Soviet Union.

We are talking about incentives, Mr. President, and elimination of the windfall profits tax is timely, it is necessary, among other significant moves, that must take place through legislation to ensure that the incentives for reinvestment in this basic industry, which we are so dependent on, can take place and be rejuvenated.

To move on to my concern of this bill, however, despite these and other positive elements of the legislation, there is a particular provision which is so terrible that on that alone I could support the President's veto.

In section 2424, there is a provision that limits the export of refined petroleum products from new refineries. It is interesting to note the references to new refineries only in my State, in the State of Alaska. It would limit the export to 70,000 barrels per day, or 50 percent of the average annual output.

It is rather interesting to reflect the fact that there might be a proposed refinery developed into a reality in Alaska. In Valdez, to be specific, it would develop its marketing potential, market of refined product into the Pacific rim countries.

Left alone, the economics are so marginal that it is quite questionable if they could obtain financing, but with restrictions as proposed in what is supposed to be a free trade bill, but in reality is a restriction on a free trade bill, we have an identification that only in Alaska, only in one State, are refineries going to be prohibited from the export of refined product, limiting it to 70,000 barrels per day or 50 percent of average annual output.

They did not stop there. I might add, Mr. President, I think we can point to some of our friends over in the House for this legislation which restricts trade.

This was not in the Senate bill, and I want to thank my colleagues, the conferees, who attempted to withhold this restrictive language in conference. Unfortunately, they did not prevail.

There was an additional provision, Mr. President, that would allow the export of 50,000 barrels of Alaska North Slope crude oil to Canada for the first time. That was the good news. But the restriction was that only the oil would be authorized to be shipped to Canada if it was first shipped to a port in the lower 48 as we refer to it in Alaska, as Alaska is the 49th State and Hawaii is the 50th State. And I see my good friend from Hawaii has joined us.

What it would do is mandate that Alaskan oil up to 50,000 barrels a day authorized in the trade bill for export to Canada had to go to the lower 48 first, probably to the State of Washington or the State of Oregon, and then be transshipped backed to Canada. Anyone who has looked at a map and knows an little of the geography of the west coast of North America knows that the oil flow down the coastline of Alaska and then down the coastline of Canada and it would flow within 1½ miles to 2 miles of the proposed refinery. But in this restrictive legislation, the oil could not go direct to that refinery; it would have to go down to one of the other States and be transshipped back.

Now, the justification for that is very hard for the Senator from Alaska to understand because in reality there is no justification.

Supporters of the provision argue that it is needed to close loopholes in existing Federal laws which prohibit the export of crude oil transport via the Trans-Alaska Pipeline. However, closer scrutiny reveals that this provision is not intended to close a loophole but, rather, to discriminate against Alaska to benefit a few special interests. Obviously, if you cannot export a little refined product from Alaska, whatever the justification for that might be, there ought to be some justification for restrictions on refined products from other States, but there is not. In the State of Washington, the State of Oregon, the State of California, refineries can get North Slope crude oil, simply go down to the Department of Commerce, get an export permit and export it into the markets and let the marketplace determine the economics—but not Alaska.

Well, I assure you, Mr. President, that I, as well as the senior Senator from Alaska, feel it is time to take a stand, to call a spade a spade because once exceptions are noted, particularly of a discriminatory type, it is easier the next time to discriminate against one State and that is what this legislation does. It is a dangerous precedent, especially in a bill that is intended to improve export opportunities and enhance competitiveness for all American exporters.

Well, from the State of Alaska's perspective, Mr. President, we are in a position where we must fight this legislation as a dangerous attempt to single out one State for discrimination as we increase our efforts to produce value-added exports from our abundant natural resources.

I would ask my colleagues to reflect on, say, a steel producer in Pennsylvania. How would he react if Congress tried to place limits on the export of steel only from Pennsylvania, or how would a timber exporter from Oregon react if this Congress required the timber to be shipped to a port in California, say, before it could be exported to someplace else. Well, it would be outrageous. Congress would never allow such discriminatory treatment. However, this is exactly the same position in which Alaska found itself in this free trade bill, Mr. President. If we allow it to happen this time, as I have indicated, what is to stop special interests from pushing for discriminatory treatment for the State of Alaska in the future?

I indicated earlier and I will say it again, I appreciate the support of many of my colleagues who not only in the conference committee but in this Chamber have spoken out against the unjust Alaska provisions in this bill. Yet, despite the opposition voiced in this body to that particular section, 2424, and it is still a part of the bill, I am very pleased that President Reagan voiced his concern about the impact of this specific provision in his veto message. It is consistent with the administration's strong opposition to the provision since it was first introduced as a stand-alone bill in the House, as I indicated. I quote the President's words, Mr. President. In his veto message, President Reagan stated:

> New restrictions on the export, transportation, and even utilization of Alaskan oil further complicate the overbearing regulatory scheme that already impedes the development of Alaskan oil fields. It is the wrong policy. We need to provide incentives, not restrictions, for the production of oil in the United States so that we can reduce our dependence on foreign suppliers. Further, as the Congress has now recognized, it amounts to an unconstitutional discrimination against a single State.

Mr. President, I would like to support trade legislation. We do need a trade bill. I hope that this body can formulate an opinion to support a new trade bill, one that enhances the ability of U.S. firms to effectively compete in the international marketplace, and I hope that if this veto is sustained—I have reason to believe it will be—we can work together to bring up a new trade bill that effectively achieves that goal, a truly free trade bill. I thank the Chair.

Mr. President, I yield the floor.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, it is a great tragedy that the President has vetoed this trade bill. I think it is tragic not only for industry and for our workers, but I think it is a great tragedy for the country as a whole. This is not a partisan issue. Republicans and Democrats know that we have a trade deficit. They both know that our industries are hurting. This is an American issue.

It has been clear for a long time that we need to do something about trade. It was not generally known by the American people as a whole until maybe 1984 and 1985 that we had a trade deficit. After all, we went through the fifties, sixties, and all but the last year of the seventies without a trade deficit. Then, in the eighties it began to grow. But people still did not notice. When I ran for the Senate in 1984, there was not a single question during the campaign related to trade. But now everybody knows about the trade deficit. They know that trade is a fundamental and fair way to judge the strength of a nation. Budget deficits can be altered, but trade deficits have to be taken all the way down to zero and then get back on the plus side to have an impact. Suddenly, our people recognize that we are dealing with a very serious problem, and they agree that we must do something about it.

Is this a responsible bill? Yes, it is. The process by which this bill came to be was the single most fair process I have observed in my short tenure in this body.

Senator BENTSEN is by nature tough, but fair. There was not a single meeting that I can remember in which not only both parties of the Senate Finance Committee were represented, but also members of the administration. And that includes the markup. The administration sat at the table, participated, and gave their comments. Senator BENTSEN constantly elicited their viewpoints so as to reach a consensus.

Mr. President, our first bilateral trade deficit with the Japanese was in the early 1960's. Of course, nobody paid any attention then. In 1972, I believe there was a bilateral deficit with the Japanese of about $4 billion. That so stunned President Nixon that he took us off the gold standard and revalued the dollar—because of a $4 billion deficit. Well, it is now $60 billion with the Japanese alone.

This is not a problem cloaked in obscurity. It is a major problem that is haunting this Nation.

Although the bill is always referred to as the trade bill, it is more than that. Its title is "the Trade and Competitive Act of 1988", and it contains much more than just trade provisions. If we fail to override the President's veto in this body, we will not only be throwing out trade legislation, but we will also be throwing out a lot dealing with education, math, science, the transfer of technology disseminating research—all of those things which have to do with a more competitive America.

There is a small import fee in the bill, a fee that would produce between $300 and $500 million a year to help those people who have been displaced from jobs as a result of imports. Under this bill, they will receive money for retraining. I ask my colleagues to consider for a moment what happens to somebody who has been working for 30 or 40 years in a plant. All of a sudden, because of competition from overseas, the company is moved, as was the case for example, when Volkswagen moved its plant from South Charleston, WV, to Mexico.

Yes, labor is cheaper in Mexico. But in South Charleston, WV, hundreds and hundreds of people lost their jobs. These are not kids just out of high school. These are people who have been on the job for years. They are professionals. They have families to feed. They have mortgages to pay off. They have debts to pay.

These people are thrown out of work. What happens to them? In the current law, there is an abominable provision that indicates that these people can get their unemployment benefits for 26 weeks which is as long as unemployment benefits last, but they cannot get training if it comes from any Federal source until their unemployment benefits have been totally exhausted. This means that a 45-year-old man or woman, who has been working for years, loses his or her job and then has to sit at home for 6 months without any training, with the panoply of problems of reduced self-image, agony, alcoholism, marital problems, the embarrassment of being home without a job in front of one's kids.

These things cause people to spiral downward. They lose hope. They become bitter. They become, Mr. President, nonproductive workers—all because of a law which has been on the books. This trade bill changes that and says that a worker laid off by reason of imports not only can get his unemployment benefits but, in fact, is encouraged to, and will have the money to, to get training within a 10-day period. They can start training for the next job.

You might answer that the next job may be tough to find. That is true. But training has to come before the next job. If I am laid off in South Charleston, WV, and I want to become a computer technician, I cannot just walk in and say "Here I am; I am an experienced worker." I have to be trained, and that will take about a year. It is going to cost money, money which I do not have as a laid-off Volkswagen worker in South Charleston, WV. This provision is thrown out with the veto of the trade bill.

I think it is a human tragedy. Senator HEINZ, of Pennsylvania, and I had hearings in Pittsburgh in which we met with some of these people to talk about problems they had gone through. Believe me, it was not easy for them to talk in such a personal way about the problems of alcoholism and discouragement—the discouraged worker syndrome. This does not happen in other advanced, industrialized countries. Only in America have we chosen to have this inhumane policy.

Some criticize the bill for its 60-day notification of plant closings. And the President vetoes it for that reason.

The President claims to be in agony because he says it is the decent thing to do to give people notice. Nevertheless, he vetoes the bill, not just the trade part, but also the education part, all of the competitiveness part, all of that training money.

There are those who would say that we can pass another trade bill, that the veto will be sustained and we should then strip the legislation of plant closing, take care of the Alaskan oil problem, and then go on and pass a trade bill. This is not so easy, Mr. President. It sounds logical, but it is not so easy to do. The trade bill is a result of a very long process in which a lot of human emotion, a lot of human time, and a lot of effort were involved. One does not simply strip off a couple of parts and then bring it back. It has to go through the process. It then becomes possible for an individual Senator who may not agree with it to stop it. That is not something which is uncommon in this body.

(Ms. MIKULSKI assumed the Chair.)

And we have only, I think, 59 working days left in our regular session, and much work remains to be done. The trade bill probably cannot pass if the President's veto is sustained this week.

Let me say, Mr. President, that—going back to my point of laying workers off and not giving them support and training—it does not just hurt those people. It hurts our country. I was in Charleston, WV, last week talking to a number of managers of chemical facilities. There are a lot of major chemical facilities in WV. I asked them, "Do you support the trade bill?" They said, "Well, we support the trade part, but we do not support the plant closing part." I asked if they would vote to override the President's veto. They answered no because of plant closing notification. They all admitted that their companies had plant closing notification in their labor contracts. I said, "Then what is wrong if we have it in the law? If every other industrialized country in the free world has plant closing notification legislation, what is wrong with it?" They objected to Government intervention in free enterprise. I did not say, but I should have, that when the Government intervenes to adjust currencies and to make the American dollar weaker or the Japanese yen stronger, that is Government interference which helps industries and helps exports, and I have not heard any complaints about that kind of Government intervention.

So here is something which most major plants are doing anyway—that is, notifying their workers if the plant is going to be closed. It is not right for our country, and it is not right for our workers. I worry sometimes that we think in this country that we can make ourselves more competitive and leaner and meaner, as they say, by what is the American style of efficiency—substituting machines for people.

A lot of corporate people will go to their annual investors' meetings and say: "Look, we've cut our overhead, cut our labor costs, and have bought these machines which have displaced workers." That is not the answer to being competitive. To be competitive and strong as an industry, your workers must be well educated.

That brings me to another point in this bill. We have a lot of people in this country who are now working and have jobs on machine shop floors or in factories who will not be working in a year or two because technology is going to wash through that plant and take the workers out with it. There will be new machinery but no new workers. Those workers will be out on the street because they did not have the type of technological education necessary to sustain themselves.

In the trade bill, we have very substantial amounts of money available for what is called workplace literacy—that is, people who are now working but who most likely will not be working in a short period of time can get after-hours training in basic math basic language skills, communication skills, etc., so they can move up the technological curve.

As I have said, I think the President's veto was a mistake. The Congress made many concessions to the administration. The point of the bill was to show the rest of the world that we in America are serious about trade.

I have been to Japan four times in the last 3 years. Every time I see the industry leaders, I say: "We are going to pass a tough trade bill, and you will have to understand that and adjust your way of trading."

The Japanese look at you, and they are polite and friendly; but in their heart they suspect that you are not going to do it because they have the track record to go on—that is, that we talk a lot but do not do much.

This session, we decided to do something about trade policy that the world would understand and that the President and Congress were bound to follow.

When I was in Japan in April, a number of businessmen and Government officials said: "The super 301 that you have in the trade bill is of a fearful nature to us, because we think that is the way you are going to attack our rice farmers."

That was interesting to me. The last thing in the world that the Japanese want to give up is their rice. Their rice is five times more expensive to the consumer than if it was imported from Arkansas or California. It is a kind of cultural prerogative, and I understand that.

When the gentleman from the Prime Minister's office indicated that he was afraid that super 301 would strike at the heart of the Japanese trading system, I think he was right, and I think that is the point. Japan has a system which has been in place since the Meiji Restoration of strategic thinking. They know how to manage an economy and conduct trade. They know how to bring about efficiency. They know how to utilize workers in the most efficient manner and train them and hold them.

When Kawasaki Steel closes down part of its steel operation, they make sure those workers are not laid off but are trained for other kinds of work. Kawasaki Steel, for example, now owns and runs a number of bookstores, where former steelworkers are working. They look to the future and plan strategically.

We talk, and we do not do anything. It can hardly be a surprise that the rest of the world considers us patsies on trade.

In Brazil, there is a "law of similars" which says that if something is being made in Brazil, you cannot import a similar product from another country. That is wrong, and this trade bill has provisions to help stop such a practice.

Let me conclude by saying that I think the President has tossed aside a lot of goals of our Nation which are important to us all. I think he regrets this action. I think he hopes that we will simply strip the bill of the Alaska oil provision and the plant closing notification part. I do not think he understands that this is going to be a difficult thing to do, probably impossible.

I say to those Senators who will vote tomorrow afternoon to sustain the President's veto, because they figure that the Senate will come back and eliminate those two problems and take care of them, "I predict that it will not happen."

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I do not know what is wrong with the President. It is obvious that he does not realize that things are collapsing in America, that we are the only nation in the world that discourages workers. Plants are closing left and right, misery everywhere in America. Congress has crafted the brilliant trade bill to promote competitiveness, to put America back to work, and what does the President do? He vetoes the bill. Obviously, something is wrong, or the President has lost contact with reality.

Madam President, I should like to recite some figures and ask ourselves who has lost sight of reality. I listened to our distinguished colleague from West Virginia, who speaks of great industry and obviously knows that about which he speaks, who talks about the massive layoffs. But it is interesting that as of last month, the layoff rate in America was at the lowest point in 20 years.

We are laying off 40 percent fewer people today than we were when Jimmy Carter was President. We are opening six plants in America today for every one that is closing. We have created 16 million—and I repeat that, 16 million—new jobs since 1982. That is more jobs than Japan and Europe combined have created in the last 10 years.

There is a myth, Madam President, that we are becoming a service-oriented society, a taco-making society. That is interesting, because the people who make those statements never go and look at the facts.

Mining and manufacturing as a percentage of GNP have not changed in 60 years. We are creating manufacturing jobs in America today. And, interestingly enough, since 1982, both Japan and Germany, the two nations with the largest trade surpluses have lost jobs.

There is a myth that we are losing high-paying jobs and that we are gaining low-paying jobs. Nobody checked out those statistics, because they will not hold water. Real wages in the American economy have risen 7 percent since 1982. For the previous decade, they fell in real terms by 6 percent. We are creating, in proportional terms, about half as many minimum-wage jobs today as we did when Jimmy Carter was President.

The truth is we are creating more jobs than all of our trading partners combined at the moment; that those jobs are, proportionately speaking relative to the 1960's and 1970's, high-paying jobs; that employment in manufacturing is growing with the economy. And there is no evidence whatsoever anywhere to substantiate the assertion that the United States is losing from world trade.

I think it is interesting, Madam President, that this debate over the trade bill has come down to plant closings. It seems to me we ought to be debating how we can have plant openings. I would like to promote an economy that is growing so rapidly that the U.S. Chamber of Commerce would be running over here pounding on our doors saying, "Pass a law that makes our employees give us a 60-day notice before they quit to go to work for our competitors at higher wages."

I would vote against that law. I am not sure where the people who are caught up to plant closing would be.

But I think it is interesting, Madam President, to look at our competitors who protect their workers with plant closings. The greatest preponderance of plant-closing legislation exists in Europe. In Europe, they have restrictive measures in place that limit the ability of an employer to close a plant.

In fact, many of you all may have seen a syndicated column by Warren Brooks. Madam President, I ask unanimous consent that that article, entitled "Plant Closing Litter," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

PLANT CLOSING LITTER

(By Warren Brooks)

The Democrats are delighted with their plans to flog the Republicans on the plant-closing veto. But if George Bush is smart he will flog them right back with the economic facts.

It's ironic that the Democrats are pushing plant-closing laws at the very moment when the layoff rate in the United States is at its lowest level in 20 years, down more than 40 percent from the Carter years—and when unemployment is lowest since 1974.

By contrast, Europe, which is littered with plant-closing laws, is now experiencing 10.3 percent unemployment, up from less than 4 percent in the early 1970s—and it's fighting pitched battles over huge plant closings in its basic industries.

In Germany, the Financial Times reported on April 27, the giant Krupp is facing near economic bankruptcy because it has been unable to close losing steel plants fast enough. And this pattern is being repeated throughout the country.

Since its 1972 plant-closing law was passed, Germany has actually lost 1 million jobs, while the United States has created 33 million. Today Germany employs less than 51 percent of its adult population (over the age of 16). The United States employs a world-record 62.3 percent. The last time our employment ratio was as low as Germany's was 1941, near the end of the Great Depression.

One reason for Germany's appalling stagnation can be found in the example of Krupp, which has been trying for three years to close down its vast money-losing Rheinhausen steel works in the Ruhr.

That process has so far cost Krupp more than $800 million, and the cost will exceed $1.2 billion before it is over. So far, the German steel industry alone has spent more than $4.5 billion since 1980 just closing plants.

Under Germany's 1972 plant-closing law, any company with more than 20 employees that wants to shut down has to go through a lengthy and costly process of negotiating: first, their basic decision to close or not; second, the scope and cost of the "social plan"; and third, the actual timing of the closing.

As Ernst Pieper, president of the state-owned Salzgitter industrial conglomerate told the London Financial Times last month, "In 1978, I wanted to close a plant and the [supervisory] board [mandated under plant closing told me I could not. . . . It took years to negotiate and sometimes I spent half my day talking with the works council [union shop stewards]."

Over the past four years, Mr. Pieper has cut total jobs in his conglomerate by 17,000, but the cost for the "social plan" has averaged about $18,000 a job—and in the steel industry that social plan cost per-man is now more than $45,000.

With costs like these, German employers would be fools to take on new workers, and they don't. Especially since the future health of Krupp and a host of other major German industries rests in the hands of state-mandated supervisory boards whose membership is divided equally between management and labor—and whose tie votes can only be broken by "neutral" academic economists.

U.S. critics will rightly say that Germany's laws go much further than the supposedly mild bill which the President will veto. But Germany's laws have evolved over nearly two decades, from modest to severe—and in the process have virtually strangled the formation of new businesses in that country.

But we don't need to look at Germany. Under the 1924 Railway Labor Act (as amended in 1934), we have had what amounts to "plant-closing legislation" for railroads, which effectively stops casual layoffs or shutdowns. It now costs up to $250,000 to lay off each permanent railroad employee.

Is it any wonder this industry has gradually cut its total employment from 800,000 in 1960, to 500,000 in 1980, to 320,000 today? Railroads with narrow margins would be foolish to hire a single employee. Instead, they are selling off short lines to dump employee contracts, but the unions (and the Democrats) are trying to shut that escape hatch down, too, by reregulation.

But critics say, "look, most big companies already have plant closing clauses with their unions—guaranteeing both advance notice and major severance pay and social plan costs."

That's very true—and it helps to explain why since 1980 the Fortune 500 companies have actually lost more than 1.6 million jobs, even as the nation created 15 million. This means small businesses have actually created nearly 17 million jobs.

The unions are not worried about their own job protection. They have that in most contracts. They merely want to force the same costly protections on the dynamic smaller industrial sectors, the companies employing from 100 to 5,000 workers, where all the job and economic growth is now coming from.

To put it bluntly, the unions want plant-closing laws so as to stop their own loss of membership to newer and less union-dominated industries—but in the process, they will shut down growth and job creation for all.

Ask Germany, where it happened.

Mr. GRAMM. Madam President, what this article really points out is, the first obvious fact, that the part of the world with the greatest preponderance of plant closing legislation has an unemployment rate that is approaching twice our own. In fact, Western Europe has not created a net job in a decade, a period during which we have created jobs at an unprecedented rate.

The article recounts the difficulty in the German steel industry where Krupp has spent $4.5 billion since 1980 just closing plants, rather than investing the money in opening plants.

It is also instructive, Madam President, as the article points out, that in the one area where we have had plant-closing legislation, in the Railway Labor Act of 1924, which we amended in 1934 and have added restrictions to on a virtually unceasing basis, that today it costs the railroads about $250,000 to eliminate one permanent job. Needless to say, they are not out creating a lot of jobs.

Madam President, what is interesting to me about this debate is that this trade bill is not about trade anyway. This is an antitrade bill. Let me just go over some of the major features in the bill, and you tell me whether it is protrade or not.

The major section of the bill is section 201. Now, what section 201 says is this: If your industry is having trouble competing, it can go to the International Trade Commission and say, "We are losing in the competitive process." Now, this does not have anything to do with unfair trade. It can go to the International Trade Commission and say, "We are losing in the competitive process and, therefore, we want protection so we can become competitive." And they can, under this bill, be granted up to 8 years of protection, which is a code word for we are going to make the consumer pay a higher price for products.

Madam President, this would be roughly equivalent to the basketball coach going to the college president and saying, "Mr. President, we could build a great basketball program here, and I need your help."

And the President would say, "Well, how would we go about building?"

The coach would say, "Well, the first thing we need to do is call off the basketball season for 8 years. If I could just have 8 years where I did not have to compete, where I did not have to go through this nerveracking process of getting the team up for a game so that we did not have to face the potential trauma of the buzzer buzzing and finding us behind; that if we could get away from that process, we can have a great basketball program here at Podunk U."

Well, Madam President, unless Podunk U. was in Washington, DC, the president of the university would laugh in the coach's face. You do not get to be more competitive by not competing.

Does anybody here believe that, if we grant American industry 8 years of protectionism, at the end of the 8 years they are going to burst forth full of muscle, vigor, and fight? I think the clear answer is no. What is going to happen in those 8 years is not competing. They are going to become less competitive, and then we will have an effort to extend protection, to change the law.

Now let me talk about this much touted trade adjustment assistance.

Madam President, I remind my colleagues that, by and large, we got rid of trade adjustment assistance in 1981. We got rid of it because it was very expensive and it was very inefficient and it was very unfair.

I ask you a question: Why should somebody who loses his job to foreign competition be treated differently from somebody who loses his job to domestic competition? Is a guy who is put out of work by a worker in Taiwan or Germany any more out of work than somebody in Baltimore who is put out of work by somebody in Houston, or vice versa? I think not.

In fact, I do not think it is fair to treat workers differently. I think we ought to have programs that are aimed at workers who find themselves unemployed who want to get back in the labor market. The most effective way to do that is to create a whole lot more jobs so they have an opportunity to pull the wagon rather than just securing themselves a seat riding in the wagon.

But a second point is, one of the features of trade adjustment assistance has been extended unemployment. After you use up your 52 weeks of unemployment compensation, under trade adjustment assistance, you can get another 26 weeks.

Well, first of all, Madame President, every study I have ever seen suggests that extended unemployment benefits raise unemployment. I submit that if somebody has not found a job in 52 weeks he is looking in the wrong place, he is looking in the wrong industry, and to simply extend it another 26 weeks is unlikely to help with that search.

Do I support educating workers? I do. But I think we ought to educate every worker in the country, and I think people ought to be treated the same.

Madam President, our President has vetoed this bill, and I am going to vote to sustain that veto. There is one amendment in this bill that I think very highly of—and you might suspect that I authored it—and that is the amendment I offered with Senator Boren to repeal the windfall profit tax on oil.

It is vitally important to my State, and I believe to America, to see that provision repealed. I am confident that it will be repealed. I do not share the pessimism of our distinguished colleague from West Virginia.

First of all, the people who want the plant closing provisions are the same people who want this bill. This bill is to protect the people who do not want to compete, and I think when we get past this moment of pique, where we are saying we either want all the bill or we want none of it, I think the bottom line will be that what is left in this bill is something that the people who want the plant closing provision also want. I would be willing to predict here today that we will vote on this bill again and that it will be adopted.

I believe that it will be adopted without the provisions related to Alaska. Those are terribly unfair provisions. They ought to upset every Member of the Senate. If the Congress of the United States can single out Alaska and treat it differently from everyone else, they can single out West Virginia or Maryland or Texas. I think it is something that we ought not to put up with.

Madam President, I want to run through here and just tick off some of the points that I have heard while I have been sitting here waiting to speak. I hear talk about American industry hurting. I know industry in my part of the country is hurting because oil prices are depressed. But to save my life, I do not see industry hurting in other parts of the country.

We have created not 16 million jobs but 17.5 million jobs. We have created 17.5 million jobs because we have lost 1.6 million jobs in industries that are part of the Fortune 500. In fact, a large measure of the support for this bill and the support for the whole labor package from plant closing to mandated benefits is really an effort by big business and big labor to impose the same costs on smaller, efficient business that they have imposed on themselves through their collective bargaining.

So, I do not see industry in general hurting. I see America recovering and growing, and I hope we can have more of it, and I hope it spreads to the Southwest.

I hear talk about: You judge a nation by its trade deficit. Well, that is interesting, because the United States had a trade deficit from the time that the first Pilgrims stepped on Plymouth Rock until about 1922. During that period we borrowed our way into being a world power and ultimately the richest nation on earth. So I am never going to complain if foreigners want to invest in America. In fact, if they want to invest in Texas, if they will just call the U.S. Capitol, I will make suggestions as to calling our Governor's office or elsewhere.

I hear an argument that this is a competitive bill. I do not see how it is competitive. I do not see how this bill promotes competitiveness. This bill is a sort of a haphazard way of trying to build walls around America, and America will be poorer and the world will be poorer to the degree that this bill is successful.

I know that this bill has a section on competitiveness, but I would like to ask my colleagues how some Government bureau is going to tell American business how to be competitive. I do not see it.

I hear talk about machines replacing people. If that happens, it is going to be the first time in American history that it has ever happened. In fact, our employment has continued to grow as we have modernized because people have to build these machines, people have to maintain these machines, and living standards rise. Technology is not the enemy of the American worker but the friend. And when we use modern technology and when we work with the same intensity we did when we built America to begin with, we will be competitive again.

Finally, what about all this unfair trade? What about all this protectionism in Japan? What about all this protectionism around the world? Well, Madam President, there is a lot of unfair trade in the world. We engage in some of it, by the way. We are better than most countries. We ought to be better than we are. Countries that are protectionist cheat their workers.

Japan is a great trading nation, and they ought to be embarrassed and humiliated by the fact that they let their special interests cheat the people who built Japan and that made it a world power.

The fact that Japanese workers have to pay premiums for meat and rice, the fact that they have lower living standards than their productivity would dictate in an open trading market, is a terrible indictment of the Japanese Government. It is a terrible indictment of them because they have allowed greedy special interests to steal from their working people.

But, Madam President, what we have before us is a proposal that we do the same. What we have before us is a proposal which says: Because the Japanese cheat their workers, let us cheat our workers. Because they make their workers pay artificially high prices, let us make our workers pay artificially high prices. I am sorry, Madam President, but I do not see it that way. That does not make any sense to me.

I would like to propose an alternative to this bill which would be a trade bill. My alternative is, first of all, let us approve the free trade agreement with Canada. Nobody can call that unfair trade. That eliminates trade barriers and opens up the world's largest free market. Let us follow that by doing the same thing with Mexico and the Caribbean basin, and ultimately let us have a free trade area from the top of North America to the bottom of South America. If we think Japan is unfair, let us go to Korea and Taiwan and let us say to the Koreans and the Taiwanese: You know, Japan is unfair. They are not letting us have access to their market to the degree that we think is fair. So we will tell you what we will do; we will give you trade concessions on the things we are currently buying from Japan if you will give us trade concessions on the things you are buying from us and the things you are buying from the Japanese.

In fact, Taiwan has already approached us about a free trade agreement. Needless to say they have gotten a deaf ear from most people. I submit, Madam President, that if we went out in the world saying we want to promote trade and we will exclude from this expansion of trade those nations that are unfair traders, we would bring Japan to the bargaining table almost instantaneously.

If you gave Korean automobiles and Korean steel and Korean ships and Korean electronics equipment advantage over the Japanese in return for them giving our products advantage over Japanese products, the Japanese would come to the trade table immediately, and we would begin to break down protectionism.

But do you know why that is not happening? It is not happening because the fundamental political forces behind this bill do not want more trade. Fair trade is a slogan which has very little meaning. Fair trade too often is a code word for no trade.

I remember when we had the textile bill before us, Madam President. I remember a long evening counting 14 Members, as I recall, it may have been fewer but it seemed like at least 14, who got up and said: "I am not a protectionist. I want fair trade. I want people to treat us like we treat them. I just want fair trade. That is what this textile bill is about."

So, because partly the Devil made me do it, I wrote out a little amendment that I called the protectionist smokeout amendment. That amendment said that any nation that is less protectionist than we are is exempt from the textile bill. Any nation that imposed fewer restrictions on our goods than we impose on theirs, is exempt from the textile bill.

Guess what happened? The labor unions went berserk. The textile manufacturers went berserk. All these fair traders went berserk. I think when the votes were finally counted, that some 28 souls really wanted fair trade. Hong Kong, for example, under the textile bill, had its quota rolled back by 50 percent. Well, Hong Kong happens to be one of the few nations on Earth that has no quotas, no tariffs, no licensing fees against American goods at all. How come we were rolling back quotas on Hong Kong in the name of fair trade?

The truth was the bill had nothing to do with fair trade. It had everything to do with special interests.

I am not saying, Madam President, that there are not some good features in this bill. You cannot write a bill that thick without having something good in it, even if by accident. But I am saying that there is no reason we ought to adopt this plant closing provision. I have to admit I am a little bit embarrassed by Republicans who want to apologize for being against this plant closing provision. Why we ought to be limiting the ability of America to create jobs is something that I do not understand. I want to open plants, not give people 60 days' notice before they are put out of work.

If my political opponents do not have anything better to offer than 60 days' notice before you go on welfare, then they are going to be in the political contest for a short period of time, and it is going to be an unhappy experience.

There is one final factor, and I hesitate to mention it. But our system is built on this revolutionary idea that the fellow who goes out and saves up his money, goes into business for himself, risks his family's savings and opens up a plant ought to have the right to hire and fire.

Do I think it is good business to give a 60-day notice? Yes. Do I think people who can do it ought to do it? Yes. Do I think Government ought to pass a law telling people how to run their business? No. I believe the results in Europe show conclusively that such laws have not been in the interest of the people who do the work, pay the taxes, and pull the wagon, and who make Western society work.

So I congratulate the President on his wisdom in vetoing this bill. I am sorry my amendment is in this bill and, therefore, is vetoed in the process. But I have this confidence, Madam President, that this bill will be back. There is too much for special interests in this bill for it to die a happy death. It will come back; it will come back without plant closing, without the Alaskan oil provision. It will be adopted. The President will sign it into law. In doing that, he will sign into law one of the real trade provisions of the bill, and that is the repeal of the windfall profit tax.

Madam President, I yield the floor.

Mr. JOHNSTON. Madam President, when H.R. 3, the omnibus trade bill, was passed by the House and Senate, both versions of the legislation contained an identical provision entitled "Use of U.S. Vessels to Transport Imported Automobiles,"—section 147 of the House bill; section 954 of the Senate amendment. The trade bill conferees agreed to strike the aforesaid identical House and Senate provisions based on assurances from the administration that the Federal Maritime Commission has adequate authority under section 19 of the Merchant Marine Act of 1920 (46 U.S.C. 876) to eliminate unfair trade practices against U.S.-flag vessels operated by U.S. companies, as defined in section 2 of the Shipping Act (46 U.S.C. 802).

However, as the author of the original Senate provision, I am concerned about the conferees' action for the following reasons. For a very long period, companies in several foreign nations—principally Japan, Korea, and Germany—have exported millions of automobiles to the United States each year, obviously with an extremely adverse impact on this Nation's balance of payments and balance of trade. The damaging effect of those mushrooming imports on the American economy was exacerbated by the fact that practically all of those millions of automobiles were transported on foreign-flag vessels, manned by foreign crews and operated by foreign companies.

Approximately 4 years ago, the administration informally attempted to alleviate this problem. Japanese and Korean firms were urged to ship a fair share of their automobile exports to the United States in United States-flag vessels, manned by United States crews and operated by United States companies. Those efforts were moderately successful. Japan finally agreed to allow less than 5 percent of its total automobile exports to this country to be transported in United States vessels; three United States companies constructed four new automobile carriers to handle the traffic; and now, those four vessels, manned by United States crews, are transporting a tiny percentage of Japan's total United States automobile exports to this country in American ships.

It is my understanding that no similar arrangements have been made to date with firms in Korea, Germany or any of the other major foreign exporters of automobiles to the United States. Thus, the purpose of my amendment to the trade bill was to place Congress squarely behind the President and the Trade Representative in any actions they may take in the future to resolve this important problem with our Nation's largest trading partners. In this regard, my amendment simply directed the President to use his maximum negotiating powers to attempt to accomplish a fair, satisfactory result.

My present concern is that these exporting nations might misconstrue the conferees' action as a sign that Congress and the administration have lost interest in this problem, or that we lack the necessary determination to resolve it through persistent negotiation. Clearly, Korea and Germany should join Japan in making arrangements without further delay for the transportation of at least some equitable portion of their automobile exports to this Nation in United States-flag ships, manned by United States crews and operated by bona fide United States companies. Japan, in turn, should continue to lead the way by increasing its commitment to United States-flag transportation in this important trading area.

In sum and substance, therefore, I would appreciate any assurance the distinguished manager of the trade bill might give at this time that the deletion of section 954 of the Senate version of H.R. 3 in conference should not be construed by our Nation's trading partners in the manner just described, and that the Senate will continue to monitor this problem to determine what actions, if any, might be required in the future to protect our Nation's valid interests in this important area of international trade.

Mr. BENTSEN. I wish to assure my friend, the distinguished Senator from Louisiana, that section 954 of the Senate bill, which was identical to section 197 of the House bill, was dropped by the conferees solely because the administration assured us that any unfair trade practices against U.S.-flag vessels operated by U.S. companies could be rectified under existing law by the Federal Maritime Commission. If the Congress finds that this is not the case, then we would have to consider further actions, including legislation, if necessary to resolve the problem.

Mr. ROCKEFELLER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Madam President, I suspect that whatever is said between now and the time we ultimately vote on the question of the override of the President's veto of the Omnibus Trade and Competitiveness Act of 1988 will have very little influence on its outcome. I think most Members of the Senate have made up their minds about this subject. However, I still feel compelled to make some brief remarks concerning why I will vote to override the President's veto.

Madam President, I hold in my hand the conference report on H.R. 3, the Omnibus Trade and Competitiveness Act of 1988. This book is 1,100-plus pages long. It contains the 500-plus page bill and the conference report.

Essentially, Madam President, after you carefully analyze everything in the President's public remarks and in his veto message, the veto of this product, representing 3 years of work by the Congress, involves the three pages of the bill on advanced notification of plant closings and mass layoffs.

It is extraordinary that the President would contend that this entire work product, this 3-year work product, is flawed because of a few pages in the middle of the bill.

I have been home a good many times since we dealt with this legislation. I discussed H.R. 3 at town hall meetings and other places. I am prepared to say, based on what I have heard, what I have read, and what I understand the facts to be that the President either was badly advised by his confidants and associates or made a bad decision all by himself.

If the President had vetoed a bill this complicated and simply had said that there are a lot of flaws in the bill and it is protectionist legislation, then he may have gotten away with it politically. But it was a political mistake to single out one small part of this bill and suggest that his veto is predicated on that relatively innocuous part of this legislation.

When we first passed the trade bill, and it had gone to the President's desk, a good many of us placed in the RECORD an article from the Wall Street Journal of April 25, 1988, by Walter S. Mossberg, entitled "Plant-Closings Quarrel Distorts a Modest Idea." It has been in the RECORD so many times that it is probably superfluous to put it in the RECORD again. But I want to once again call the attention of the Senate to this article in the Wall Street Journal. I will read just one paragraph from it:

> In fact, the plant-closings language is nothing more than a modest effort to make sure that the few companies inclined to do so don't hide plans to close a plant until the last minute, leaving workers and communities in the lurch. It is squarely in the tradition of such social reforms as the child labor and minimum wage laws. These act to soften the social consequences of free market decisions and thus permit the market continued public acceptance without the sort of deep government involvement often practiced abroad.

Madam President, once again I ask unanimous consent that this particular Wall Street Journal article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Apr. 25, 1988]

PLANT-CLOSINGS QUARREL DISTORTS A MODEST IDEA

(By Walter S. Mossberg)

WASHINGTON.—This capital's latest cause celebre is something called "plant closings," a provision in the pending trade bill that would require many employers to give their workers and local governments 60 days' notice of plans to close a plant or conduct a widespread layoff.

As is common here, the provision is being blown out of all proportion. Discussions of it are laden with ideological and pseudo-economic rhetoric characteristic of political debate in an election year.

President Reagan and the business lobbies assert that the entire trade bill should be vetoed if the plant-closing language stays. They call the provision a European-style government intrusion on business that would impair U.S. firms' competitiveness in world markets.

Meanwhile, the Democrats and their union allies contend that the plant-closings measure is a major step toward helping U.S. economic adjustment. They say it's a social reform of such profound importance that preserving it is worth losing a trade bill they have sought for years.

In fact, the plant-closings language is nothing more than a modest effort to make sure that the few companies inclined to do so don't hide plans to close a plant until the last minute, leaving workers and communities in the lurch. It is squarely in the tradition of such social reforms as the child labor and minimum wage laws. These act to soften the social consequences of free market decisions and thus permit the market continued public acceptance without the sort of deep government involvement often practiced abroad.

As social reforms go, the plant-closings provision appears fairly minor. According to business and labor, many big companies already offer some form of advance layoff notice. The U.S. Chamber of Commerce opposes the provision, but the group nevertheless says it "encourages" businesses to give advance layoff notice when possible.

The Reagan Administration's own Task Force on Economic Adjustment and Worker Dislocation, which included representatives from General Electric, USX and other major corporations, declared in 1986 that "advance notification to employees and the community of plant closings and large-scale permanent layoffs is good industrial practice." The panel didn't call for writing the idea into law, but it cited evidence that advance notice doesn't hurt productivity.

Furthermore, the idea isn't exactly novel. Most major U.S. trading partners, including Canada, Japan and West Germany, have such regulations already, and they seem to be competing just fine.

In the smoke of ideological charge and countercharge, it's important to note what the plant-closings provision wouldn't accomplish. It wouldn't bar a single closing or layoff. It wouldn't require companies to get worker or government approval to close plants or conduct layoffs. It wouldn't affect companies with under 100 workers, or any company laying off less than a third of its work force, unless 500 workers are involved.

It merely requires stable companies that know well beforehand of plans to close plants or order mass layoffs to share this information 60 days in advance with the af-

> fected workers and local governments. That's all.
>
> The provision includes a formidable list of exceptions. Companies that are "faltering" and trying to raise capital—those for whom advance notice might pose financial problems—are exempt. So are those closing plants due to "unforeseeable" business developments, or strikes or lockouts. So are plant closings due to the sale of a business, or consolidations within local areas, if workers are offered new positions.
>
> Business groups have thrown up a barrage of objections to the provision. They contend that the exemptions aren't broad enough and that the need to give advance notice of a closing would somehow thwart expansion at many businesses and drive weak firms into bankruptcy.
>
> But these arguments hide a deeper reason employers and the Whtie House are fighting what amounts to a simple industrial practice that business concedes has merits. They fear that the plant-closings measure will somehow set a precedent for further "labor engineering" by the government. They are worried, too, about litigation and bureaucratic restraints.
>
> There are many items in the trade bill that will indeed affect America's ability to compete in world markets, but the plant-closings measure isn't one of them. And it is strange indeed that the fate of the massive bill is turning on language that has nothing directly to do with trade. The ideological debate over the provision doesn't bode well for the ability of the nation's leaders to grapple with the really important economic issues that America surely will face in the years just ahead.

Mr. DIXON. The President did mention some other issues.

I see my friend from Alaska on the floor of the Senate. The President mentioned the question of the Alaska refinery.

Madam President, I was a conferee on that issue. I agreed with the Senators from Alaska. I made it perfectly clear I had no argument with that provision. I have no argument with that provision now. The House has responded to the concerns with that provision.

Essentially we have here a document that represents a great deal of effort by 100 Members of the Senate, and 435 Members of the House, to produce a workable piece of trade legislation of substantial benefit to the country.

I think it diminishes the process, demeans the process, to throw out all of this work over this simple provision that quite obviously has wide support all over the country. I have seen polls that indicate something like 82 percent of the people in this country of all political persuasions, of all walks of life, think the 60-day plant closing notice is nothing more than the ordinarily decent act one would be expected to perform.

As I said before, I suspect Members of the U.S. Senate have already made up their minds. We may very well return to this question again with another bill. Frankly, I would hope so, if we do not prevail in overriding the veto now. But I just want to suggest as strongly as I can that to sustain the President's veto of this legislation over this one small provision out of this extensive and complicated bill is demeaning. I hope my colleagues will carefully weigh their decision on how to vote because I believe this bill to be sound and worthwhile legislation.

It is remarkable that those on the other side of the aisle who support this veto have already indicated that they will support H.R. 3 without plant closing.

This is a remarkable position to take in view of the importance of this legislation.

I am privileged to announce, Madam President, my intention to support the effort to override the President's veto. I think H.R. 3 is sound legislation. It creates a level playing field in trade with other countries and assures that we will retaliate when there is subsidization, or dumping. We need to take such actions when they are warranted. Furthermore, H.R. 3 would open new markets for America. It is the kind of legislation this Congress should pass. We definitely should override President Reagan's veto. I strongly recommend that course of action to all of my colleagues.

Madam President, I am delighted to yield the floor to my distinguished friend from Michigan.

I thank the Chair.

Mr. RIEGLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. I thank the Chair.

Let me say to my colleague from Illinois, I enjoyed his comments and his forceful statement very much and his leadership on the trade issue. He raises a number of issues that are very important for us to consider as we approach this veto override vote.

I want to say to my colleagues and those who have not yet voted for this trade bill to search their conscience if they will and look at the hard facts over the next day to see if they can be persuaded, that the thing to do is support this trade bill and help us override the veto.

I am struck by many things as we approach this critical vote. The President's veto statement puts great emphasis on the plant closing notification issue. He says this:

> I support voluntarily giving workers and communities as much advanced warning as possible when a layoff or closing becomes necessary.

Well, we have that now. That is the current state of affairs. It is a voluntary system today. There is nothing new in that. What we are trying to address is the case where a plant closing is known ahead of time but the information is not shared with the workers or with the community so that they can get ready to deal with a facility closing, the loss of a job, the damage to a community and maybe even find a way to prevent it from happening.

The plant closing requirement that we have in this legislation only applies to larger companies and it only applies when they see that closing coming ahead of time if they have advance knowledge. That is what has to be shared with the workers and the community in those cases.

Further down in the President's veto message he uses another example that just does not make any sense. He refers to the Caterpillar Co., and he says "and as one executive of that company stated, they did not have the luxury then nor do they now of knowing with certainty what business conditions would be like 60 days in the future."

Well, that is precisely the case. If they are not aware of the fact that they are going to have to close a plant in 60 days, they are under no obligation in this bill to have to give notice. So the very example that the President is citing is one that our bill handles precisely in that way. There is no obligation on a company if it does not foresee the necessity to close a facility or lay off a large number of workers.

But let me get to a deeper issue related to the plant closing notification issue. We face an enormous trade deficit—last year, $170 billion. It continues to run in that range this year. That is doing tremendous financial damage to this country because we are going deeper into international debt. All of that money that we are borrowing to buy these foreign goods is still outstanding as a future liability against this country. And it is now estimated by the New York Federal Reserve Board that by the early part of the 1990's we will owe the rest of the world about $1 trillion. That is the debt that will have accumulated from this trade invasion that is going on at the present time.

To overcome that, several steps are needed, one of which is to pass this fair trade bill that at least requires fair trading rules, stops the trade cheating by countries that systematically prevents us from selling to their countries even when our products are cheaper and better, as they are in many cases. There are many aspects to the remedy to turn this trade deficit around. But one aspect we need is a surge in our own national performance. We need a new element of teamwork between management, labor, government, and citizens. We have to learn better to cooperate and to achieve a degree of unity in the private sector side of our economy. And only by each individual participant doing a better job and working to a higher level of potential, and everybody in that company working together at a higher level of effort are we going to be able to make a leap in performance, that is going to let us close this trade deficit.

We need the fair trading rules. We need the job training. We need the educational support. But once we have all of that in place, we are still going to have to have that surge of national effort based on greater teamwork and unity of purpose. I believe very strongly in that. We are beginning to see examples of that paying great benefits in the automobile industry where management and labor are making breakthroughs in cooperative efforts. Profit sharing helps that along because as increased productivity creates a higher rate of return, that can be broadly shared with management, labor, and the shareholders.

So we see that we are making progress in that area, but we need an even higher level of national performance.

In order to do that, in order to really develop that team concept, managers and the workers really have to trust each other. They have to care about each other. Each day they have to talk and work together to find new ways to produce at a higher level of quality, and at a higher level of efficiency. That kind of teamwork requires trust and faith. It requires a kind of reciprocal bond that means if a plant closing is likely to take place, and the managers at some future date see a plant closing coming down the track, of course they should immediately share that information with the other part of the team, the worker part of the team, just as they would share any other critical fact. We cannot have a successful team where we are teammates one day and then the next day management decides that they are going to have to close the plant, and they are going to just keep that information to themselves. Just one part of the team is going to know that fact, and the rest of the team is not going to be told about the fact that the plant is going to have to close 60 days later.

That is not teamwork. That is not fair. That is not smart. In a situation like that, the very first thing the managers should do, if we are going to have real teamwork and unity of effort, is go to the workers and say, "Look, we have a real problem here, and we fear a plant closing coming, say, 60 days from now or 90 days from now, and we need your help in figuring out how to deal with this. What other answers might there be? Can we make changes in the plant? Can we improve the efficiency in some way? If we have to close, can we do it in an orderly fashion and help employees make a transition to another job or help the community deal with that plant closing?"

How can we produce as a team when, all of a sudden, the team concept goes out the window and the manager says, "I want to know the facts, but I want to keep the workers in the dark; I want to keep the information from them"?

You cannot run a team that way, and America cannot succeed that way. It is only right and sensible that when this situation arises, the manager will share the information with the workers and the community. That is the way we will achieve a higher level of efficiency that will enable America to increase production and close the trade gap.

The purpose behind the plant closing notification is absolutely basic to the success we will have to have if we are going to perform better as a nation in terms of our output and our national economic growth.

So we have to have that kind of provision here. Most companies do it anyway, because they understand that it makes good sense. It is not only fair, but also has other positive effects, so most companies do it. It is only because they do not understand or are not playing fair that they would withhold that kind of information.

I must say that we know of any number of cases where plant closings are scheduled; the workers are not told; the community is not told. Sometimes the workers will come to work on a Friday, will report to work at 8 o'clock in the morning, and are told they have to clean out their things and be out of the plant or out of the office within an hour or two because the plant is closing, and that is the extent of the notification. Literally, they are notified that day. After a work career of 10, 20, 30 years they are told they have literally 1 hour or 1½ hours to get off the property and to make whatever adjustment they can, to try to pick up their lives, to try to provide for their families, with their job suddenly disappearing, without any notice, without so much as a day's notice.

There are examples of that in the committee record. That is why we drafted this trade bill, because that has happened in many plants in this country—closing without so much as a single day's notice, communities being damaged by that, workers and their families being damaged by that.

All we are saying is that when companies see it coming, when they know about it in advance, and they have the information to protect themselves, then of course, the decent, sound, practical, and fair thing to do is to share that information with the work force and with the community 60 days ahead of time, if they see it coming.

I realize that the President finds that terribly unfair. But I think that if the President had ever been caught in a situation where he had lost his job without notice like that, he might understand the value of that provision. Others across this country who have had to go through it have spoken to me and have spoken to my colleagues about the importance of this plant-closing notification requirement.

It goes directly to the issue of national accommodation and teamwork. If we are going to make that national surge and are going to think and work as a team, everybody on the team has to be respected; and if a critical fact like a plant closing is known to one part of the team, there is an obligation to share that with the other members of the team.

(Mr. BREAUX assumed the chair.)

Mr. President, I want to say something about another aspect of the trade bill and draw attention to the front page of the business section of today's New York Times. There is a very troubling story, and the headline reads as follows: "Rising Exports May Halt Fall In Japan Trade Surplus." I should like to read a few paragraphs, skipping through this article, and I will ask to have the entire article printed in the RECORD.

It starts out as follows, dateline Tokyo:

> Despite a year of declines in Japan's trade surplus, a growing number of economists believe that recent increases in Japanese exports may mean the surplus will not continue to fall unless the yen rises further against the dollar.
>
> Japan's merchandise trade surplus shrank in April for the 12th consecutive month, but both Japanese and Western economists see worrisome trends buried in the generally encouraging trade numbers.
>
> Japanese exports have increased in dollar terms between 15 percent and 19 percent in the months since December 1987.

It is now June of 1988.

Continuing:

> While Japan's trade surplus has been declining compared with last year's levels, Japan's seasonally adjusted trade surplus has actually been increasing on a month-to-month basis.
>
> Finally, Japanese exporters are raising their dollar prices, meaning that exports measured in dollars will seem even greater.

Translated, that means great damage to the United States.

Continuing:

> As a result, most economists agree that the pace of improvement will be markedly slower, and that trade frictions could worsen.

It goes on:

> "From the May report on, the trade surplus is likely to be higher," Mr. Napier said.

What this means is that the trade news is good for them and bad for us.

Japan is the nation with the largest trade surplus in the world. They have a $60 billion trade surplus with the United States. That means they sold us $60 billion more goods than they were willing to buy from us. That means the Japanese are taking $5 billion a month out of our economy, and a lot of good jobs with it. This is an extraordinary condition, and it is sapping our economic strength and is damaging our economic prospects. We are losing capital.

Yet, when we try to sell Japan computers, semiconductor chips, auto parts, Michigan cherries, Iowa beef or bid on construction projects—you name it, virtually any kind of product we grow or manufacture in the United States that we want to sell in Japan—they will not let us sell on a fair basis. They have a million excuses as to why they will not let us do it. The bottom line fact is that they will not let us do it.

This trade bill, which we passed by an overwhelming vote, changes that. It insists on trade fairness. It says we are going to put a stop to trade cheating and double standards, that Japan cannot have a one-way street. If a country wants to sell billions of dollars of goods here, they have to be prepared to buy our goods at the same time. That is what the trade bill does in an orderly, sensible, sound waya, within the structure of our trade laws, and puts an end to the cheating. Japan does not want to see that, because they are getting rich on the trade cheating that is going on today.

Last month's trade data came out, and everybody said, "Maybe the problem is solved and is going away on its own." We looked closely at the trade statistics, and this is one thing we found. One of the countries with the largest trade surpluses with the United States, Taiwan, bought an enormous amount of gold from the United States. In fact, the total gold purchases from the United States in the last posted month's trade data was $1.1 billion. That is a lot of gold. And because of the way in which the trade data is collected, gold sales are included in the merchandise trade numbers as if we were selling something that was a product produced in this country, like cars or steel or computers.

So Taiwan, in order to make the size of their trade surplus look lower with us, last month bought $600 million worth of our gold. By purchasing the gold it offsets the fact that they are shipping all of their products into the United States and it actually makes the monthly trade deficit look smaller because what they have done is bought gold.

Now, obviously, we do not have an infinite amount of gold. I do not even think gold ought to be included in that category. But the Taiwanese have figured out that they can use that as a way to make the numbers look better in the meantime, they are taking a significant part of our gold reserve out of this country; $600 million in 30 days, is quite a lot.

Other countries bought another $500 million, so it was $1.1 billion worth of gold sales in that 1 month which made the trade balance look a little more positive. It may have pulled the wool over some eyes, but we should not let them get away with it. We need this trade bill. Every worker in this country needs the trade bill.

I want to say one other thing about it, because the jobs we are losing because of the trade invasion and the unfair trade rules and the trade cheating are, in many cases, our best jobs. And by that I mean in the manufacturing sector. They pay good wages. They pay middle-class incomes. They have associated with them health insurance benefits and retirement programs, the things that have really helped build the middle class—industrial-based jobs where we have high value added in the work that is done by the workers each day. So every job that we lose of that kind that we do not replace with an equivalent, well-paid job, means the United States slides backward.

How do we measure this? Well, the other day in the paper there was an analysis on the housing situation in the United States. It said that in the last few years a lower and lower percentage of American families have been able to buy their own homes.

Now why is this? Well, the cost of housing is expensive, and that has gone up. Interest rates are high, and that has pushed up the cost of financing a home mortgage. The lending institutions want a bigger down payment. More and more families are finding it impossible to put aside enough money from their earnings to make the down payment on a house. And so, as a result, the American dream of home ownership is moving out of the reach of more and more American people. It is a real shame and we need to do something about changing it and to bring home ownership back within the reach of average American people.

But if the job base is changing and if we are losing the kind of jobs that pay the kind of incomes that enable people to become home owners, then we have to see the connection between those two things and we cannot let a trade deficit of monstrous size, steal our best jobs that allow us, among other things, to let people become home owners. And, in addition to that, to be able to put money aside so that their kids can go on to college. We are finding those costs are rising.

We are finding more and more that the students that are coming out of schools are so saddled with student loans—in some cases tens of thousands of dollars—that it takes them several years to try to pay off those loans. It takes them out of a situation where they might be able to put money aside for a down payment to start a family and buy a home. So it is a vicious cycle.

So why have we been at work here for 3 years to write this trade bill? To deal precisely with those kinds of problems, to try to help our people, to try to keep the best jobs, to try to have more national output, so that not only do individuals benefit from that output and that growth but our whole country has it. Because the country needs that economic strength. We need it as individuals, we need it as families, but America needs it. We need it as a nation, especially if we are going to to continue to put this free world defense umbrella out over the rest of the world. It is very expensive in the Persian Gulf and other places.

If we are going to do that, then we have to generate the internal economic wealth from our economic system to pay those bills. We are not doing it today.

Meanwhile, our so-called friends, our trading partners, are coming in here and they are skinning us. They are skinning us every single day. Last year's trade deficit, which is running at the same rate today, Japan was taking $5 billion net a month out of this economy.

Taiwain is an area of about one-quarter the size of the State of Ohio. Last year they had a trade surplus with us of $19 billion. They are taking $1½ billion a month out of here. Oh, yes, last month they did us a favor by coming in and buying 600 million dollars' worth of our gold to try to make the number look better than it is. They say, "We will buy something from you. We will buy your gold from you. But don't try to sell us a car. Don't try to sell us a ton of coal. Don't try to sell us a suit of clothes or anything else that may be made or produced in this country. We will just take the gold."

That is what the trade bill is all about. The trade bill is about insisting on fair international trading rules to get the workers in this country back on a fair footing so that we can produce for ourselves and for the country because we need the income. Then we can buy homes and we can finance educations and we can pay health costs when they come down the track and we can live the way we ought to live as a modern nation in the 1980's and going into the 1990's.

So we need 66 votes. We need 66 votes to override the veto. We should not have to have 66 votes. This bill passed the Senate the first time with 63 votes. That is enough to put a bill into law. In order to pass a measure around here with 100 Senators you only need 51 votes. Well, we had a lot more than 51. We had 63. We had 63 percent of the Senators here saying, "Yes, we want this trade bill."

But then the President, with a lot of this kind of fuzzy thinking that we see in this statement, says, "No, I am going to veto the bill." To override a veto, we have to have a two-thirds majority, so now we have to have 66 votes. So we need to pick up three.

So I would just say to the people around the country whose future is at stake and whose children's future is at stake here, you ought to let your Senators know how you feel about this. Tell them you want the trade bill. You want it passed. You want fair trading rules. You want plant closing notification, because it makes good sense. It is not only fair, but it is going to help this Nation be more productive if we can really think and work as a team.

We want the retraining program in this trade bill so that when a worker loses his job he has a chance to get some new skills and get back in the game.

We want the educational things that are in this trade bill to beef up the strength of our educational system in science and math and foreign languages so we can produce, so we can get closer to reaching our full potential.

That is why we have been at work for 3 years. That is why there is such a broad bipartisan base for this legislation. And to have a President, who has not taken the time, basically, to understand these facts, come along now and veto it and say we are not going to have anything, just throw the whole thing in the ashcan, makes no sense. That is not a good answer for America. That is not helping America. That is hurting America.

So that is what is at stake in this trade bill. I hope that as my colleagues consider this, we will find the extra three votes, or maybe even more than that, but at least the three votes of people who are finally willing not to kowtow to that pressure from the White House that is there, not to kowtow to the pressure from the foreign lobbyists that are all over this town. They want this bill killed because they are making fortunes on unfair trade. But the Senate, like the House of Representatives should resist that pressure and say, "Look, it is time to do something that is sensible and sound for the good old U.S.A., and that we are going to help this economy and our workers get a fair shake." That is all we are asking—a fair shake. I do not think that is too much. I hope we override this veto.

Mr. President, I ask unanimous consent that the New York Times article to which I earlier referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RISING EXPORTS MAY HALT FALL IN JAPAN TRADE SURPLUS

(By Susan Chira)

TOKYO.—Despite a year of declines in Japan's trade surplus, a growing number of economists believe that recent increases in Japanese exports may mean the surplus will not continue to fall unless the yen rises further against the dollar.

Japan's merchandise trade surplus shrank in April for the 12th consecutive month, but both Japanese and Western economists see worrisome trends buried in the generally encouraging trade numbers.

Japanese exports have increased in dollar terms between 15 percent and 19 percent in the months since December 1987. The number of goods shipped abroad has also increased by about 4 percent since last November, according to estimates by Ron Napier, an economist with Salomon Brothers here.

To compound the problem, while Japanese imports soared by nearly 50 percent in November 1987, the growth rate appears to have since slowed. In April, imports increased by 31 percent from the previous year's level.

While Japan's trade surplus has been declining compared with last year's levels, Japan's seasonally adjusted trade surplus has actually been increasing on a month-to-month basis.

Finally, Japanese exporters are raising their dollar prices, meaning that exports measured in dollars will seem even greater.

As a result, most economists agree that the pace of improvement will be markedly slower, and that trade frictions could worsen.

SOME UNPLEASANT SURPRISES

"From the May report on, the trade surplus is likely to be higher," Mr. Napier said. "Unless we get a down turn in export volumes or prices, or an upturn in imports, we are likely to have some unpleasant surprises.

Government officials acknowledge that the surplus is shrinking at a slower pace. Takeshi Ohta, the Bank of Japan's deputy governor for international relations, said: "The trade surplus is expected to continue to shrink, but the process of adjustment is slower than expected. We could be criticized."

Japan's exports to the United States have been increasing over the last few months. And the country's exports to the rest of the world have grown much faster, indicating that Japan has been relying less upon exports to the United States. So, an incipient export boom here could exacerbate Japan's trade frictions.

SIGNS OF RISING EXPORTS

Japanese and Western economists said they had detected signs that exports would continue to swell.

Japanese manufacturers are reporting large profits again after earlier suffering reversals induced when the strong yen made Japan's exports more expensive in dollar terms. Some economists pointed to this as evidence that the yen needs to rise further to keep the trade surplus shrinking.

"Japan's economy is so strong that the yen's got to be a moving target or Japanese companies will really swell the trade surplus at a rate that will cause international problems," Mr. Napier said.

In addition, economies around the world are growing, so demand for Japanese exports is expected to rise as well.

PESSIMISM AT TRADE MINISTRY

The Ministry of International Trade and Industry appears to have become more pessimistic about the trade surplus. A recent article in Japan's leading economic newspaper, Nihon Keizai Shimbun, quoted a ministry report predicting that the number of goods Japan shipped abroad would increase by 2 percent—a leap of 12.2 percent in dollar terms—in the period beginning this April and ending March 31, 1989.

The report was based on a survey the ministry conducted of Japanese manufacturers and trading companies. The ministry also predicted that import growth in the same period would slow to 17.9 percent, compared with an increase of 29.2 percent from April 1, 1987 to March 31, 1988.

As a result, the newspaper quoted the ministry as saying, Japan's trade surplus would not fall but would stay the same—a prediction at odds with the official Government forecast.

A ministry spokesman denied that the ministry had made any official prediction about the trade surplus.

A LOCAL DOWNPOUR

But other Japanese economists have also predicted higher exports. Keikichi Honda, head of the Bank of Tokyo's economic research, said he expected the number of Japanese exports to rise by 2.6 percent in fiscal 1988. In dollar terms that would mean an increase of 11.9 percent. He projected that even in yen terms, exports would increase by 1.4 percent.

Mr. Honda and other economists here said exports have already begun to pick up in areas where Japan is especially competitive, like numerically controlled machine tools, semi-conductors, automobile parts and switching equipment. Exports of fascimile machines could especially enjoy explosive growth.

"What we have emerging is what the Japanese call a 'local downpour' of exports," said Eric Rasmussen, an economist for Jardine Fleming Securities. "Some of the areas where we're going to have this downpour will be new products such as facsimiles that have not been around before and the United States doesn't make them anyway. But in terms of adjusting the trade balances, it means we may not have much progress."

Still, economists noted that Japanese automobile exports to the United States—which account for a substantial percentage of the American trade deficit with Japan—have fallen markedly in recent months.

Mr. RIEGLE. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan yields the floor.

The Senator from Massachusetts, Senator Kennedy, is recognized.

Mr. KENNEDY. Mr. President, the issue in tomorrow's override vote could hardly be more clear. Will we stand with America's workers, or will we join the administration in turning our backs on them? Will we give America's workers 60-days' notice of plant closings and mass layoffs, or will we allow them to be treated like chattel, thrown onto the street without warning when business has no further use for them?

The case for advance notice is so compelling that President Reagan's veto can be described only as a triumph of ideology over fairness and good sense.

Advance notice makes good sense for the country, because it assures that workers will have the opportunity to plan for the retraining and job changes that are necessary to achieve a flexible, world-class work force.

Advance notice makes good sense for Government, because it helps us buy more for the dollars we spend on adjustment assistance. Dislocation assistance programs are up to twice as effective when they are targeted to specific workplaces, and can take advantage of the early intervention that advance notice promotes. Notices also saves the Government money—$300 to $400 million each year in unemployment payments alone—because workers who lose their jobs can find new and promising opportunities more quickly.

And advance notice makes good sense for workers, because it permits at least a few weeks to make decisions about the future, to plan for new ways to feed and clothe and house their families.

Management knows when the plant will be closing and when jobs will be in jeopardy. But business lobbyists and their administration friends are willing to bring down the whole trade bill so that they don't have to share this news with workers.

Corporate managers have their golden parachutes ready, so they can have a soft landing from the shock of job loss in the executive suite. But the administration is willing to let workers be crushed by the same shock of job loss. "I've got mine," is the selfish motto of business in this fight. So what if their workers take on house or car payments today without knowing that their jobs will be gone tomorrow?

The National Association of Manufacturers has argued that advance notice is excessive Government regulation. The Government should not intervene to say when and how much notice is required.

But when it comes to notice for managers and shareholders, the NAM sings a very different tune. Even as they were stridently opposing notice for workers last year, the NAM was sending representatives up to Congress to testify that Government should mandate more time for management to respond to tender offers and to consider alternatives, and to make decisions of great consequence. How much time did the NAM think it needed? Sixty working days. Shame on the NAM, and on the other business groups that echoed their position.

This country was built on principles of fair and equal treatment for all citizens. Throughout our history we have pushed ahead with measures to give individuals a fair opportunity to earn a decent living. We have worked for legislation that gives a fair break to the little guy. That is what democracy is all about.

But here we have the National Association of Manufacturers telling us out of one side of their mouth that fairness for management and shareholders is 60 days for planning, and telling us out of the other side of their mouth that fairness for workers is whatever notice employers think is fair. If 60 days notice is fair for management and shareholders, then 60 days notice is fair for American workers.

And let us not forget, the administration that opposes worker notice is the same administration that last month proposed to give drug-dealing General Noriega 90 days to get his affairs in order in Panama before leaving his job. Yet the administration is unwilling to give our law-abiding workers here at home 60 days notice before their plants close.

True, in his veto message, President Reagan pays lip service to the plight of displaced workers. But what does he offer them? Only a promise, resurrected by the administration after nearly 1½ years of silence on the subject, that States should be allowed to give a small tax break to companies that provide notice voluntarily.

Every opponent of the advance notice provision pays the same lip service to the importance of early warnings for workers who will lose their jobs. But they insist that notice must be voluntary.

But the evidence proves that voluntary does not work. In the Trade Act of 1974, Congress included a provision urging companies to give 60 days notice before moving production facilities to other countries. Ever since Congressman Bill Ford first introduced a proposal for mandatory notice in 1974, opponents have been urging voluntary compliance.

And what difference has all this made? Not much at all. According to information developed by the General Accounting Office, nearly a third of workers receive no notice.

Another third receive less than 2 weeks' notice. Only 20 percent receive 30 or more days' notice. Nonunionized blue collar workers are out of luck, because the chances are they will only get 2 days notice.

The opponents of advance notice have another trick up their sleeves. They are sponsoring a bill to require the Secretary of Labor to tell business what a good thing advance notice is. But all they would require of business is that Federal contractors required to file affirmative action compliance statements also tell what their notice policy is. They are not required to give advance notice and only this narrow group of employers need make any submission at all.

It is too late in the day to pretend that a system of voluntary notice can work. Talk of voluntary notice is a big leaf over the problems created for millions of dislocated workers. It is time they acknowledged the well-documented fact that voluntary does not work. In fact, the opponents have no response at all to the overwhelming evidence of the effectiveness of advance notice.

This trade bill has been a 3-year effort to develop a broad response to the problems of American competitiveness. Running through all the provisions of this massive bill is the common theme that our economy and our society must constantly adjust to new economic challenges and demands—from abroad and at home. The plant closing provision is a modest effort to make sure that American workers do not bear the full brunt of sudden changes in the economy.

This bill does not require any plant to stay open. It does not require any layoff to be reversed. It does not rail against the tides of economic change. It does one thing, and one thing only. It gives workers a reasonable time to prepare for major changes in their lives, and to deal more effectively with the impact of a job loss upon finances, family, and self-esteem. That is all America's workers are asking, and they are waiting our response. I urge the Senate to vote for the millions of working men and women of America, and to override this veto.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 7 minutes.

Mr. EXON. I thank the Chair.

Mr. President, one of the joys I have had in serving the U.S. Senate is becoming very close to Senator Lloyd Bentsen from Texas. The trade bill veto by the President, which was a most unfortunate act by the President for which he has made no rational reason for doing must be overridden.

It must be overridden for all of the good reasons I am about to outline, but I know this is a work product of many people headed by my friend and colleague, the senior Senator from Texas. He has worked years on this trade bill. He has eliminated all tariff provisions whatsoever so it cannot possibly be described as a protectionist piece of legislation. It is fair trade legislation that the United States of America needs badly.

Mr. President, the comprehensive trade bill represents our Nation's strongest demand that U.S. products receive fair treatment in the international marketplace. Like it or not, the United States is and has been in a trade war. Our trading partners must be pleased that the President raised the white flag of veto on this important battlefield.

If the veto is allowed to stand, our markets will remain open and our trading partners' markets will remain closed for many of our Nation's best products, especially in the agriculture sector. If the Senate overrides the President's veto, our trading partners will get the message that the United States expects fair treatment and fair treatment only.

Japan, for example, still maintains restrictive quotas on American beef exports. It is reported that in Tokyo, one kilo of high quality beef, roughly

2.2 pounds, can sell for as much as $243.00.

The final version of the trade bill is tough on unfair trade practices such as Japanese restraints on American beef and Korean barriers to American agricultural products. It dropped the protectionist features of the bill very early at the insistence of the chairman of the Finance Committee, my friend, the senior Senator from Texas. The trade bill is indeed a balanced and reasonable approach to our trade crisis.

I have been a strong advocate for the comprehensive trade bill because it is good for America. It is necessary for America; the people want it and the people are demanding it.

One of the most serious mistakes of those who cannot muster the courage to override the Presidential veto is that somehow another trade bill is going to slip through. There is nothing political at all about this trade bill. The only politics that have been brought into this trade bill are the actions of the President.

I predict, while I hope that if this veto is not overridden, which I still think we have a chance to override if we maintain our forces, but if it is not, I am fearful that the work of Senator **Bentsen** and others will go down the tube. That is not the important thing. The American economy will go further down the tube also.

The basis assumption of this legislation is that the answer to the Nation's immense trade deficit is to increase exports rather than close our market to imports. The comprehensive bill, for example, contains some very interesting provisions to help American agriculture to regain lost markets through the extension of the Export Enhancement Program and that is the major portion of this bill for the immediate future for our family-size farmers and ranchers.

The triggered marketing loan program and market development programs. The comprehensive trade bill at last offers our farmers and ranchers a chance to re-establish their competitiveness in the international marketplace that has been shunted aside by unfair subsidized competition.

The trade bill also contains a provision which I authored to create an Office of Barter in the Department of Commerce.

This Office could help dispose of surplus agriculture commodities and other goods through cashless barter transactions. The United States has been slow to participate in the growing barter trade sector and our Nation has already missed valuable opportunities to trade with Third World nations.

Another section of the trade bill which I worked very hard to include is the so-called "Exon-Florio" amendment. This provision gives the President the power to review, and if necessary, stop foreign takeovers, mergers, or acquisitions which might threaten the national security. The President must be prepared to protect the national security amid the rising tide of foreign investment.

Our defense industrial base is vital to our national security. We cannot let our industrial and technological assets necessary to provide for the national security gradually slip under foreign control.

The plant closing provisions which the President has singled out for criticism are watered-down and represent simple fairness for American workers.

Mr. President, while the trade bill is very good, it is not perfect. There are provisions which I do not support, but this mammoth piece of legislation represents the consensus of congressional opinion. The good parts of the trade bill far, far outweigh the few bad items.

I will vote to override the President's veto. There has never been any question where this Senator from Nebraska will stand. The legislation is tough, but fair. I encourage my colleagues to stand up for America and vote to override the President's veto of the comprehensive trade bill.

Thank you, Mr. President.

Mr. BENTSEN. Mr. President, I want to congratulate the distinguished influential Senator from Nebraska for his forthright comment and his contributions to the debate on the trade legislation.

He has been a valued contributor to the formation of that legislation.

Mr. EXON. I thank my friend from Texas.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BENTSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PURSUANT TO SECTION 5 OF THE BUDGET RESOLUTION ON THE CATASTROPHIC INSURANCE INITIATIVE

Mr. CHILES. Mr. President, the committee of conference on the catastrophic insurance initiative has recently reported legislation that will, if enacted, make funds available for that initiative. This legislation would also ensure, to the extent that costs are not included in the budget resolution, that the legislation will not increase the deficit in the budget resolution for fiscal year 1988, for fiscal year 1989, or for the period of fiscal years 1988 through 1991. Consequently, pursuant to section 5 of the concurrent resolution on the budget—fiscal year 1989, adopted by the Congress on June 6, I hereby file with the Senate revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out section 5 of the budget resolution. The budget resolution provides that these revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act as allocations, functional levels, and aggregates contained in the budget resolution. The budget resolution further provides that the Committee on Finance shall report revised allocations pursuant to section 302(b) of the Congressional Budget Act for the appropriate fiscal year—or years—to carry out section 5 of the budget resolution.

I ask unanimous consent that the material be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT FOR 1989

[In millions of dollars]

Committees	Direct spending jurisdiction		Entitlements funded in annual appropriations	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations	611,401	625,083		
Agriculture, Nutrition and Forestry	22,823	21,216	17,961	18,021
Armed Services	46,700	31,027	0	8
Banking, Housing, and Urban Affairs	8,504	6,279		
Commerce, Science, and Transportation	2,145	201	382	381
Energy and Natural Resources	1,333	931	33	33
Environment and Public Works	15,156	1,335		
Finance	682,055	605,078	61,941	62,255
Foreign Relations	7,810	8,674		
Governmental Affairs	64,444	40,943	0	0
Judiciary	1,350	1,283	109	109
Labor and Human Resources	3,476	2,826	5,087	5,082
Rules and Administration	48	15		
Small Business	0	0		
Veterans' Affairs	1,632	1,360	15,533	15,502
Select Indian Affairs	398	392		
Not allocated to committees	(236,125)	(246,893)		
Total	1,233,150	1,099,750	101,046	101,391

REVISED FUNCTIONAL LEVELS AND AGGREGATES FOR THE 1989 BUDGET RESOLUTION

[In millions of dollars]

	1989	1990	1991
Revised aggregates:			
Unified budget aggregates:			
Budget authority	1,233.15	1,311.55	1,397.35
Outlays	1,099.75	1,162.40	1,222.10
Revenues	964.70	1,047.15	1,127.90
Deficit	135.05	115.25	94.20
On-budget aggregates:			
Budget authority	974.65	1,029.05	1,091.25
Outlays	885.85	937.20	985.30
Revenues	706.20	764.70	821.90
Deficit	179.65	172.50	163.40
Function 570, revised levels:			
Budget authority	105.15	119.35	131.95
Outlays	86.95	99.80	112.20

MEDICARE CATASTROPHIC COVERAGE ACT—CONFERENCE REPORT

Mr. BENTSEN. Mr. President, I submit a report of the committee of conference on H.R. 2470 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The bill clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2470) to amend title XVIII of the Social Security Act to provide protection against catastrophic medical expenses under the medicare program, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their repective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of May 31, 1988.)

Mr. BENTSEN. Mr. President, I am pleased to lay before the Senate the conference report of H.R. 2470, the Medicare Catastrophic Coverage Act of 1988. Mr. President, I think this is the most major change and improvement in the Medicare system in the last 20 years.

In effect, it says to those people who have had the nightmare of being widped out financially because of a catastrophic illness, that this can no longer happen to you or your children who care for you if you face a financial catastrophe.

This particular piece of legislation represents the end of a long and an arduous journey. In 1983 and 1984, I held hearings in the Joint Economic Committee and introduced the first of this generation of catastrophic loss prevention bills. Meanwhile, Dr. Otis Bowen was developing a Social Security Advisory Committee report that would lay the foundation for the President's directive in his 1986 State of the Union address to include catastrophic illness legislation.

I think we owe a debt of gratitude to Dr. Bowen, now the Health and Human Services Secretary, whose commitment to this issue brought it to the President's attention.

I was interested, as we finished up that conference report, in the outpouring of comments from the members of the conference committee about the courageous work of Dr. Bowen, his farsightedness and his concern on this issue. I am sure it was not always an easy fight for him in some of those Cabinet meetings within the administration.

Mr. President, I am proud of the job that the Finance Committee on this bill which was reported out unanimously just over 1 year ago.

As you may recall, Mr. President, that legislation was approved by the Senate last October, with broad bipartisan support and with the support of the administration as well. Throughout the lengthy conference on this bill, we continued to work with the administration to develop a soundly financed compromise that the President could sign.

I am advised we have every indication that he will do so. I want to recognize the very substantial contribution made by the Senate conferees on H.R. 2470. That includes the Republican leader, Senator DOLE, Senators BAUCUS, BRADLEY, MITCHELL, PRYOR, CHAFEE, HEINZ, and DURENBERGER. In addition I would like to recognize the valuable support of the ranking member of the Finance Committee, Senator PACKWOOD, whose works reflected in each and every aspect of this bill. Without the hard, creative work and the tough negotiating by my colleagues, I would not be able to stand here today and tell the Senate that we have produced a conference agreement that deserves the support of every Member of this body.

When those conference deliberations began, we faced the task of reconciling the Senate position with the House bill. The House measure was substantially more expensive, substantially more expansionary than the Senate alternative. I would have liked to have agreed to many of the benefit expansion proposed by the House, but there was no way we could do it within the budget constraints.

Throughout the conference I was absolutely committed to producing a conference agreement that includes premiums that people could afford; that we not lose sight of the need to develop a benefit package that beneficiaries could afford.

The outcome of this conference is an agreement that provides meaningful protection against financially catastrophic acute illness through reasonable increases in beneficiary premiums. And the agreement does not increase the Federal deficit, not one penny.

Let me turn for a moment to some of the specific features of the conference report which I believe merit discussion.

The conference agreement limits Medicare beneficiaries' out-of-pocket expenses for hospital and physician care. About 2.2 million elderly and disabled individuals will benefit from a catastrophic limit on cost-sharing of $1,370 beginning in 1990. Home health, skilled nursing facility, and hospice benefits are expanded.

While this legislation deals primarily with acute care catastrophic illnesses, it does broaden the elderly's access to needed chronic care in two ways: First, a limited respite benefit of up to 80 hours in a calendar year will be available to those individuals who have qualified for catastrophic or prescription drug benefits. Second, it improves protection against spousal impoverishment of spouses of individuals living in nursing homes.

What the bill says to the Nation's elderly is that if you have a spouse who has a catastrophic illness and must enter a nursing home, you are not going to wipe out the savings and assets of the spouse who remains at home. Approximately $12,000 in assets will be protected (excluding the home) and $786 a month in income will be dedicated to the community spouse.

Under the conference agreement, for the first time Medicare will help pay for outpatient prescription drugs. Drug costs can be devastating to older Americans.

The drug provisions are probably the most controversial in the bill due to the uncertainty about the projected costs. I see my distinguished friend here, Senator CHAFEE, who worked long and hard on the prescription drug part of this bill. That is the most complex section and a difficult provision on which to make accurate cost projections.

The Senator from Maine, Senator MITCHELL, worked hard on the drug provisions as did Senator HEINZ and Senator BAUCUS. I can assure my colleagues we made every effort to provide for sound financing of expected drug costs, including an ample contingency and the fiscal discipline of a separate trust fund as called for in the original Senate bill. We were able to get the House to along with us. Now, should the costs of the drug benefit exceed CBO's estimates, the Secretary of HHS will be given authority to bring costs under control in order to ensure that premiums do not rise beyond the reach of the beneficiaries. However, the Secretary is not going to be able to deny access to specific drugs.

Because of our concern that we needed some experience along the way in seeing just how this benefit would work, because too often we have seen these kinds of plans in States flounder on the cost of drugs, we insisted on a phase-in over 3 years, from 1991 to 1993. The phase-in will be accompanied by increasing the percentage of drug costs Medicare will pay. According to the Congressional Budget Office, about 5.4 million medical enrollees will benefit from prescription drug coverage under this legislation.

A major breakthrough in this bill which is different, unusual, involves the use of an income related provision. Some call it means testing but that is not quite accurate, we do not limit access to Medicare according to an individual's income or an inventory of the household effects. Instead, the bill calls for a dual premium system. There is a flat premium, $4 a month in

1989. The flat premium will be paid by some 60 percent of the beneficiaries. And for those with higher incomes, there is a supplemental premium that amounts to about $22.50 for every $150 worth of taxes paid.

Now, to reach the maximum, one would have to be earning, as a single person, approximately $50,000 a year. The maximum supplemental premium would start at $800. Today for Medigap one typically pays from $500 to $600 and may be buying a less comprehensive benefit.

But for nearly two thirds of the elderly and disabled the total premium will be $48 a year, a bargain by comparison with what they may now be paying for such protection.

I should emphasize, Mr. President, that no individual's Social Security check will be reduced as a result of these premium increases. there is a safeguard written into the bill. In order words, we are keeping America's Social Security beneficiaries whole.

For a typical elderly couple with a total income of $30,000, including nontaxable Social Security and other tax-favored income, the supplemental premium will be about $75 per enrollee in 1989. Again, no individual will pay more than $800 in 1989. The Joint Tax Committee estimates that the average income of a couple paying the maximum will be in excess of $100,000.

I believe this financing program keeps the bond of trust between generations of Americans, all of whom want to contribute their fair share to the cost of insurance coverage.

Mr. President, the conference agreement provides for several important Medicaid expansions. If you recall, the Senate's bill also contained Medicaid expansions for the following reason. Reducing Medicare cost-sharing requirements saves money for Medicaid, which helps pay coinsurance and deductibles for low-income individuals eligible for both programs. There was general agreement that these savings be returned by the Federal Government and States in the form of expanded Medicaid benefits for the elderly and the disabled, and therefore the conference agreement requires States over a period of 4 or 5 years to move toward covering under Medicaid all elderly and disabled individauls with incomes below the poverty line.

I also want to highlight, Mr. President, that the conference agreement requires State Medicaid programs to phase in over 2 years coverage of pregnant women and infants with income below the poverty line. The one thing that we must strive to do in this country of ours is to see that we have children born with sound minds and sound bodies, that mothers get the kind of counseling and prenatal and neonatal health care necessary to avoid some of the problems and concerns of the low birth-weight babies.

Now, this important initiative was adopted by the conferees in recognition of the serious problem of infant mortality in this country. Here we are one of the most advanced nations in the world and yet we rank 17th among the nations of the world in our rate of infant mortality. Look at what is happening to black children in this country. A black child born in the United States today has less chance of living to the age of 1 than a black child born in Jamaica.

I want to close, Mr. President, by anticipating some of the arguments that are going to be made against this bill. Is the bill too expensive? Are the premiums too high? Let me share some of the estimates done by the Congressional Budget Office and the Joint Committee on Taxation. We went to conference with a Senate bill that cost $28.9 billion in the 5 years of 1989 to 1993. The House came in at $42.2 billion over that same period. We came out of that conference at $32 billion. The supplemental premium rate under the Senate bill was estimated at $35 per $150 of tax liability when the program was fully phased in.

On comparable terms the House bill would have been $127 per $150. The conference agreement provides for a rate of $42 per $150 of tax liability. The evidence is, Mr. President, that we held the line. This bill is soundly financed through reasonable premiums and it will not add to the deficit.

I expect there will be some concern about the Medicaid costs of this bill that are not financed through offsetting savings. I note to my colleagues that the budget resolution which we have approved in the Senate this week provided ample room for these increased Medicaid costs while still producing an overall result within our target. I especially recognize the efforts of my distinguished colleagues, Senator CHILES and Senator DOMENICI, who worked hard with us to make room for these Medicaid reforms within some very tight fiscal targets.

I know, Mr. President, there will be those who say this bill just does not do enough because it does not focus on the financial consequences of long-term nursing home care which can be truly devastating for some elderly Americans. To those critics I say, "You are correct." Long-term care is an issue that as a society we can no longer afford to ignore, but it is an issue that requires very careful deliberation and study, and accordingly. Senator MITCHELL's subcommittee has been holding hearings on a significant bill he has introduced to allow Medicare to recognize long-term care costs.

Mr. President, I look forward to working to address that issue, but we should not delay the important protection afforded by this bill at this time to millions of older Americans. We will work on long-term health care. Remember what this committee has done this year with trade legislation, the most major trade bill this country has ever seen, this bill, catastrophic illness, the welfare bill coming later in the week and hopefully a technical corrections bill before the end of the year. These are major issues coming out of the Finance Committee.

But, first, let us approve this conference agreement. Let us allow Medicare beneficiaries to harvest the bounties of this catastrophic care bill and give them and their chidlren the peace of mind they deserve.

The remainder of my statement summarizes the principal provisions of this landmark legislation as follows:

Hospital Benefits

Under the conference agreement, Medicare patients will be required to pay no more than one hospital deductible (estimated to be $564 in 1989) in a calendar year. A beneficiary who pays a deductible in December and is hospitalized again in January will not be required to pay an additional deductiable.

The conference agreement eliminates requirements for hospital coinsurance, which are currently imposed on patients who stay in the hospital longer than 60 days. Finally, Medicare patients will be able to receive up to 365 days of hopital care in a calendar year, without current limits on the number of available days (90 days per year with a lifetime reserve of 60 days). However, the 190-day lifetime limit on inpatient psychiatric hospital services will be retained.

The Secretary of Health & Human Services is required to take into account the changes made in beneficiary payments resulting from this bill in setting hospital payment rates.

Hospital changes are effective on January 1, 1989.

SKILLED NURSING FACILITY BENEIFTS

Skilled nursing facility benefits will be expanded from 100 days in a spell of illness to 150 days in a calendar year. Under the conference agreement, coinsurance will be charged for the first eight days of SNF care in a calendar year. The coinsurance will be equal to 20% of the average daily cost of this care, and is estimated to be $20.50 daily in 1989.

The conference agreement also eliminates the three-day prior hospitalization requirement for skilled nursing facility benefits.

These changes will be effective Janaury 1, 1989.

HOME HEALTH CARE

The conference agreement expands the definition of "intermittent" skilled nursing care, and provides for 38 days of continuous daily home care, seven days a week—compared to the current practice of five days a week for two to three weeks. Current guidelines that allow for an extension in unusual circumstances will be retained. These changes will be effective Janaury 1, 1990.

HOSPICE CARE

The Medicare hospice benefit will be continued beyond the current 210-day limit effective January 1, 1989 if the patient's physician or the hospice director recertifies that the patient is still terminally ill. Hospices will be reimbursed for the additional days, but the current "cap" on hospice payments will be retained.

PART A PREMIUM

The conference agreement establishes a new basis for calculating the premium paid by individuals who do not automatically qualify for Medicare Part A benefits. The premium will now reflect the actuarial value of the benefit, and is estimated to be $158 monthly in 1989.

LIMITATION ON PART B OUT-OF-POCKET EXPENSES

Under the conference agreement, Medicare will pay an individual's Part B out-of-pocket expenses after he or she has exceeded the catastrophic "cap" in a calendar year. This cap will be set at $1370 in 1990, and will be increased in succeeding years so that a constant 7 percent of beneficiaries will benefit from the cap. Expenses that can count toward the cap include the Part B deductible ($75) and Part B coinsurance, but not coinsurance for prescription drugs.

MAMMOGRAPHY SCREENING

Beginning January 1, 1990, Medicare will pay for mammography screening for breast cancer on a periodic basis for elderly and disabled women on Medicare. The charge for this service would be limited to the lower of $50 or Medicare's fee schedule, and will be increased in future years to keep pace with medical prices. The Secretary of HHS is required to develop quality standards for mammography. The Physician Payment Review Commission and the General Accounting Office are required to study this payment limit and the quality of services provided.

RESPITE CARE BENEFIT

In-home care would be provided for up to 80 hours annually for chronically dependent individuals who have met either the Part B catastrophic limit or the prescription drug deductible. A "chronically dependent individual" is one who is dependent on a voluntary caregiver for assistance with at least two activities of daily living (eating, bathing, dressing, toileting or transferring in and out of bed or a chair). This benefit will begin January 1, 1990.

HOME INTRAVENOUS DRUG THERAPY

Beginning January 1, 1990, Medicare will cover home IV drugs and associated items and services. All IV antibiotics will be covered initially, and additional drugs will be covered if the Secretary of HHS finds that those drugs can be safely and effectively administered at home. IV drugs will be subject to the deductible and coinsurance requirements for the prescription drug benefits outlined below, but there will be no coinsurance or deductible for the associated services. The drug benefit deductible will be waived if the course of home therapy is part of a continuous course of therapy initiated in a hospital.

Payment for home IV drugs will follow the reimbursement principles established for prescription drugs, which are outlined below. Payment for associated items and services will be based on a per diem fee schedule established by the Secretary.

OUTPATIENT PRESCRIPTION DRUG COVERAGE

In 1990, Medicare will begin covering home intravenous drugs and immunosuppressive drugs, with a $550 deductible and coinsurance of 20% for intravenous drugs and 50% for immunosuppressive drugs.

Under the conference agreement, Medicare will begin paying for all other outpatient prescription drugs beginning in 1991, subject to a deductible and coinsurance. The deductible will be $600 in 1991, $652 in 1992, and will increase thereafter to assure that a constant 16.8 percent of Medicare enrollees will exceed the deductible. The coinsurance will be 50 percent in 1991, 40 percent in 1992, and 20 percent thereafter.

The conference agreement sets out payment rules for two classes of prescriptions. Single source drugs and multiple source drugs with a restrictive prescription will be reimbursed at the lowest of the pharmacy's actual charge, the 90th percentile of pharmacy charges (after 1991), or the average wholesale price plus an administrative allowance. In most cases, the average wholesale price would be determined through a biannual survey conducted by HHS, and will not reflect discounts. Multiple source drugs without a restrictive prescription will be limited to the lower of the pharmacy's actual charge or the sum of the unweighted median average wholesale price plus an administrative allowance. The average wholesale prices would be determined either on the basis of published sources or the survey described above.

The administrative allowance described above will be $4.50 for participating pharmacies and $2.50 for nonparticipating pharmacies in both 1990 (for IV drugs and immunosuppressives) and 1991. It will be increased annually thereafter based on the increase in the GNP deflator. HHS could reduce the allowance for mail service pharmacies.

Under the conference agreement, the Secretary of HHS will submit various reports and recommendations to Congress, beginning in June 1989, on the prices of drugs, the use of the drug benefit and the outlays and receipts to the Catastrophic Drug Trust Fund. Based on these reports, the Secretary will begin recommending changes in the drug benefit in 1992 necessary to meet established contingency margins. In 1993 and 1994, the Secretary has limited authority to implement special cost control measures by regulation. The Secretary is prohibited from implementing a formulary, excluding classes of drugs from coverage, changing the method of calculating whether the drug deductible has been met, or changing coinsurance (except to set the coinsurance at the previous year's level, next year's level, or an intermediate level).

The Secretary of HHS will establish a program to identify and correct utilization and quality programs, using standards based on accepted medical practice. The Secretary is also required to establish an electronic point of sale claims processing system by January 1, 1991.

The conference agreement provides for pharmacies to agree to participate in Medicare. Participating pharmacies would be required to accept assignment and to fulfill other requirements. Both participating and nonparticipating pharmacies are prohibited from charging Medicare beneficiaries more than they charge the general public.

Finally, this legislation establishes a Prescription Drug Payment Review Commission and provides for various other studies.

FINANCING

The catastrophic and prescription drug benefits will be financed through an additional flat Part B premium and a supplemental premium based on income tax liability. Together, these premiums are estimated by CBO and the Joint Tax Committee to fully finance the benefits provided under the conference agreement, and to provide adequate contingency margins. The supplemental premium will be payable by all individuals eligible for Part A. For 1989 through 1993, the revenues from the supplemental premium are estimated to provide 63 percent of the financing for this bill, and the flat premiums will provide 37 percent.

Supplemental premium rates will be set in statute from 1989 through 1993. The supplemental premium will be $22.50 per $150 in tax liability in 1989, rising to $42.00 by 1993. The maximum supplemental premium paid by an individual will be $800 in 1989, increasing to $1,050 in 1993. Enrollees who participate six full months or less in a given year will not have to pay the supplemental premium for that year. For married couples with only one Medicare enrollee, the supplemental premium will be computed on the basis of half the couple's joint tax liability. A special adjustment is available for government retirees.

The flat premium increase will also be set in the statute from 1989–1993. The flat premium increase will be $4.00 monthly in 1989, rising to $10.20 by 1993. After 1993, both the supplemental premium rate and flat premiums will be indexed to keep pace with the cost of the program. An individual's social security benefit will not decrease due to an increase in flat premiums. In addition, the supplemental premium rate cannot rise by more than $1.50 per $150 of tax liability in any year.

Revenues from these premiums are sufficient to establish a reserve fund equal to 20 percent of annual outlays for catastrophic benefits and, for prescription drug benefits, reserve funds equal to 100 percent in 1991, 75 percent in 1992, and 50 percent in 1993.

The conference agreement establishes a separate prescription drug trust fund, and a separate account for catastrophic health benefits in the Medicare budget.

NOTICE TO BENEFICIARIES

The Secretary of HHS is required to prepare an annual notice to all Medicare beneficiaries which provides a simple, clear explanation of Medicare benefits, costsharing requirements, and limits on coverage. Also, a special notice will be included on beneficiaries' explanation of Medicare benefits for unassigned claims.

DEMONSTRATIONS

The Secretary of HHS is required to conduct demonstrations of volunteer benefit counseling assistance and case management of high cost illness.

MEDICARE SUPPLEMENTAL HEALTH INSURANCE POLICIES

The National Association of Insurance Commissioners are expected to revise existing standards for certification for supplemental insurance (Medigap) policies within 90 days; these standards will become the new standards for certification. If the commissioners do not act, the Secretary of HHS will issue standards. The new standards will be effective the earlier of one year after enactment or when a State adopts the revised standards.

The conference agreement requires insurers to notify policyholders of changes in Medicare benefits and how this will affect the benefits in Medigap policies and the cost of those policies.

If a State does not act to revise its standards by January 1, 1989, Medicare supplemental policies will be deemed to comply with certification standards if they have met the NAIC's model transition standards. These standards require insurers to notify policyholders of changes in benefits necessary to conform policies to Medicare's new benefit package, and to file for appropriate coverage and premium adjustments with the State.

Medigap insurers will be required to submit advertising materials to State insurance commissioners for any review required by the State. Also, Medigap policies will be required to offer a uniform 30-day "free look" policy and to report actual loss ratios.

MAINTENANCE OF EFFORT

Under the conference agreement, employers who provide health benefits to employees or retirees that duplicate at least 50 percent of new or improved Medicare benefits will be required to provide additional benefits or a refund to the employee equal to the value of the duplicative benefits. Employers will have the option to calculate the value of the benefit package, using guidelines developed by the Secretary of HHS, or to use an alternative Federal calculation. This provision will be effective for the later of the expiration of a collective bargaining agreement or two years (1989 only for Part A benefits; 1990 for Part B).

MEDICAID

The conference agreement requires State Medicaid programs to pay Medicare premiums, deductibles and coinsurance for all elderly and disabled individuals with income below the Federal poverty level. This requirement is phased in over the next four years and will be fully effective by January 1, 1992. However, for five States who use more restrictive Medicaid eligibility standards, the requirement will be phased in over five years and will be fully effective by January 1, 1993. States will also be required to phase in coverage of Medicare prescription drug costsharing on the same schedules.

State Medicaid programs will also be required to extend coverage to all pregnant women and infants (up to age 1) with incomes at or below the Federal poverty level. This requirement will be phased in over two years and will be fully effective July 1, 1990.

The conference agreement also includes "spousal impoverishment" provisions that expand the protection of income and resources for the community spouse of an individual living in an institution and receiving Medicaid. The levels of income to be protected will be phased in, beginning on September 30, 1989, at 122 percent of the Federal poverty level. By July 1, 1992, the community spouse's income must be at least 150 percent of the Federal poverty level. Effective September 30, 1989, a minimum of $12,000 and a maximum of $60,000 in assets would be protected. The conference agreement also provides for new limits on the transfer of assets to achieve Medicaid eligibility.

Mr. BRADLEY. Mr. President, I am especially pleased that the bill before us expands daily home care to 38 days and longer when unusual circumstances exist. I would like to engage in a short colloquy with the chairman of the Finance Committee to discuss the intent of the provision. It is my understanding that exceptional circumstances currently exist where a patient's medical needs can be safely and effectively met in a home care setting, thereby making institutional care unnecessary and inappropriate. Further, where institutional care may be necessary, but cannot be immediately arranged, extended payments are to be made. It is my assumption that no changes are made in these policies. Finally, it is my understanding that the daily care and intermittent care provisions in the bill are not intended to define Medicare limits on part-time home health care services as set forth in section 1861m.

I wanted to determine if this is the understanding of the chairman of the Senate Finance Committee as well.

Mr. BENTSEN. Mr. President, it is the clear intent of this legislation that daily home health benefits be expanded. It is my understanding that current exceptional circumstance policies would remain in effect and that this bill does not in any way affect the current definition of part-time home care.

Mr. BRADLEY. I thank the chairman.

Mr. BENTSEN. I would like to engage the attention of the chairman of the Budget Committee, Senator CHILES, regarding funding for the Medicaid items we have in this conference report on the Medicare Catastrophic Coverage Act of 1988.

As you know, in this bill we have provided increased Medicaid coverage for infants and pregnant women, and for spousal impoverishment and Medicaid payment of Medicare cost-sharing amounts for low-income elderly. A large part of the cost of these Medicaid improvements is already paid for through Medicaid Program savings which will be realized by States as the new Medicare catastrophic benefits become available to the elderly. But in fiscal year 1989, the Medicaid provisions in this bill will require a net increase in Medicaid outlays of $45 million. There are higher increases in the following years.

Does the chairman of the Budget Committee agree that the cost of these Medicaid items is included within the recently adopted conference report on the budget resolution?

Mr. CHILES. Yes. The budget resolution includes funds sufficient to finance the Medicaid expansions in the catastrophic bill throughout the 3-year budget period. The conference report on the budget which we recently adopted assumes enactment of these Medicaid proposals. The budget resolution included unspecified increases for entitlement programs in Function 950. In the Senate, we have allocated sufficient funds from Function 950 to the Finance Committee to cover the Medicaid increases.

I would also note that the final catastrophic bill before us today fully meets the budget resolution requirements of deficit neutrality in fiscal year 1988, fiscal year 1989, and over the 4-year budget period. While the bill has the effect of increasing revenues to help finance the new Medicare catastrophic benefits, none of these revenues will be needed to pay for the Medicaid expansions. They will instead be used in the first few years of the new benefits to build up a contingency reserve to provide for future payments of Medicare catastrophic benefits.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I rise to enthusiastically support the conference report on H.R. 2470, the Medicare Catastrophic Coverage Act of 1988. Those of us on the conference committee worked long and hard to achieve this agreement and to balance the many different interests that were represented during our deliberations. We worked closely with the administration.

I would like to join in the tribute to Secretary Bowen. There is no question that we would not be here today with this legislation crafted the way it is and acceptable to the administration without the efforts of Dr. Bowen. He was a tower of strength, and calm in assisting us.

As the distinguished chairman of the committee mentioned, I am confident that Dr. Bowen had to combat a lot within administrative circles to arrive at the goals that we finally did.

Next I want to recognize the efforts of the chairman of our committee, the Finance Committee, Senator BENTSEN, the Senator from Texas. He did a superlative job on this legislation.

In any legislation such as this you come down to a crunch toward the end where you have major issues that lie unresolved. Senator BENTSEN, representing the Finance Committee, representing the conferees, negotiated with the chairman of the Ways and Means Committee and brought us back a very, very successful piece of legislation. Without his efforts and superlative work I do not think we would see anything like this bill. I want to salute Senator BENTSEN for what he did.

I also want to pay tribute to Senator DOLE who was deeply involved in this and gave a lot of leadership, and to Senator MITCHELL from Maine who worked so closely with me and others, particularly on the prescription drug benefit with the House. He was extremely knowledgeable, grasped the issues, and he did a very, very fine job.

Our efforts on the issue began in 1986. In that year Dr. Bowen, as Secretary of HHS, Health and Human Services, developed a report and came up with some legislative proposals. The original bill, which I was pleased to be a cosponsor of, was 1127, the Catastrophic Loss Protection Act, reported by the Finance Committee and passed by the Senate last year. I was delighted to have been involved in the process.

It was my privilege to be appointed by our chairman to work on the negotiations with Dr. Bowen, and later with the House, along with Senator DURENBERGER, Senator BAUCUS, Senator MITCHELL, and others. I came to realize how very, very difficult it is to come up with solutions that meet the concerns of all the affected parties. But I think we have achieved that delicate balance in the conference report that we are bringing back to the Senate today.

Just think of this: This legislation is the largest, most comprehensive expansion of the Medicare Program since it was developed in 1965, 23 years ago. It was a long time coming. But we could not plunge into it willy-nilly, recklessly because there is a lot of money involved. But the results that we achieved I believe are satisfactory, more than satisfactory to the beneficiaries and at the same time, as Senator BENTSEN has said, protect those paying the premiums.

I would just like to highlight what this bill is all about. Let us begin with part A of Medicare. Part A of Medicare deals with hospital expenses. This bill would eliminate the current limit on covered in-hospital days. Currently, Medicare will only cover the cost of 90 days and 60-day of lifetime reserve. This bill eliminates that limit. In addition, it limits the hospital deductible—in other words, what one has to pay the first day—to only one per year. This provision means that regardless of how many times he or she enters the hospital in a year, a Medicare beneficiary will only have to pay the deductible the first time.

This bill also alleviates some of the financial burden of the post-hospital care when that care is provided in a skilled nursing facility. Currently Medicare will only pay for 100 days in a skilled nursing home facility.

Under this legislation, that is increased 50 percent. It goes from 100 to 150 days. That is a very important provision. It improves post-hospital care, something many of us have been concerned about. In addition, there is a 20-percent copayment only for the first 8 days.

One of the peculiar things about the existing Medicare Program is that in order for a person to be covered by Medicare in a skilled nursing facility, they first have to be in the hospital 3 days. You can have some very ill people who require skilled nursing home care but do not and should not go into a hospital. That has been changed in this bill. Thank goodness for that.

So if you are very sick and need to go into a skilled nursing facility, but are not sick enough to require hospital care, you can go directly in and still receive Medicare coverage.

The last part about part A provision I would like to highlight deals with home health care. I have heard many people complain that they cannot get services in the home. Over the past 2 years many of us have tried to improve this situation.

This bill will expand daily home health coverage from the current 21 days to 38 days without regard to prior hospitalization. It will also extend the important waiver of liability for 2 additional years.

No one should be forced into a nursing home. It seems to me that this provision, along with the changes we passed late last year, will go a long way toward helping people stay in their own homes if at all possible.

Now let us talk about part B of Medicare. Part B of Medicare essentially covers physician services and medical equipment. Part A is hospital payments; part B is physician payments.

This bill limits the yearly out-of-pocket payments a beneficiary is responsible for to $1,370 beginning in 1990. In any given year, this means about 7 percent of all Medicare enrollees—that is really everybody over 65 in the country—will benefit from this provision.

It will provide coverage for mammography screening, which is an important tool for the prevention and detection of early cancer.

Perhaps one of the most significant provisions of the bill is that it provides for respite care for the chronically ill. Now we are talking about a group of individuals who are not acutely ill, but they are confined to home, require family care. They are not sick enough to go into a hospital or a skilled nursing facility; but, nonetheless, they require the attention of their family or someone who gives them a hand. This legislation will provide for 80 hours of respite care a year—in other words, help coming in to relieve the family which is taking care of an elderly parent, for example, and needs a break. This is an important step in preventing premature or unnecessary institutionalization.

Let us talk now about the big, new breakthrough this legislation provides—coverage of prescription drugs. This is something that many of us in the committee worked on; and I particularly want to salute not only the efforts of Chairman BENTSEN but also those of Senators HEINZ, DASCHLE, MITCHELL, and DURENBERGER. This benefit is the result of countless hours of work and discussion on how best to build a brand new benefit. This is something some States have done, but never have we done it on a national basis.

This new drug benefit is to begin 2 years from now, in 1990, and will cover a limited number of drugs. But in 1991, the benefit will be expanded to include all prescription drugs, with a copayment of 50 percent. That is, the beneficiary will pay a 50 percent copayment in 1991, it drops to 40 percent in 1992, and then it drops to 20 percent in 1993 and thereafter.

There is a deductible. That means the beneficiary must pay, through a series of prescription drug payments, $550 in 1990, and then it goes up to $600 in 1991. After that, the Government steps in under this program and pays for the total cost of the drug less the 20 percent copayment. Approximately 17 percent of all Medicare beneficiaries—in other words, everybody over 65 in the country—will receive direct benefits from this program.

Mr. President, in talking to the elderly around the country, and particularly in my State, I find that they have two great fears: The first is the high cost of prescription drugs, and the second is the high cost of long-term care. We have taken care of the cost of prescription drugs under this legislation.

Now let us talk about another feature of the legislation—Medicaid. I have been talking about Medicare; that is for those over 65. Medicaid is a program that helps low-income people. What happens to that under this new program? We have phased in a requirement for all States to pay the Medicare premiums deductibles, and coinsurance for elderly and disabled individuals with incomes below the Federal poverty level. This is a critical provision to help the elderly and the poor in need of medical assistance.

Second, it requires the States to extend Medicaid coverage to infants up to the age of 1 and to provide proper prenatal care to pregnant women with incomes less than the Federal poverty level. This is very important. This will enable low-income women to receive proper prenatal care.

When the baby is born, he or she will be covered until reaching 1 year of age. This is an expansion critical in the program and a milestone in our efforts to ensure that children in this country are born healthy, with a good chance to be healthy for the remainder of their lives. It is another step forward in our effort to ensure access to health care to all Americans.

Third, it protects the elderly couples against the devastating impact of long-term care needs of one of the spouses. This provision often referred to as protection against spousal impoverishment. A couple has some savings. The husband comes down with Alzheimer's. The wife spends the family savings to take care of her husband in a nursing home and receives no support from the Federal Government after a while—and this has to do what they call spending down into poverty—they become so impoverished that Medicaid must help pay the bills. The conference report includes a provision to ensure that the spouse remaining at home receives a more generous allocation of assets and income.

Mr. President, this bill is deficit neutral. It is a program that is paid for by the beneficiaries. It is paid for by an increase in the part B premium, the insurance that those over 65 on Medicare currently pay. In addition, there is a new premium that is based upon one's income tax. For every $150 of tax, there will be an additional amount that must be paid to cover the cost of this program.

This was very difficult. How do you come up with designing a good benefit package that is not going to result in premiums so high that an individual will say: "I'm not going to join the program; I'm getting out; forget it"?

We have worked closely with the American Association of Retired Persons and others, in trying to achieve this critical balance and I think we were successful.

This is a good bill. I do not know how we could have crafted a better legislative solution to this pressing need of the elderly. It will give every Medicare beneficiary peace of mind. It will give more predictability to the potential financial liabilities in the case of a serious illness.

Just as important, by improving and expanding home health care benefits, establishing respite care services, and protecting against spousal impoverishment we have made important progress in the effort to address the long-term care needs of the elderly.

I heartily recommend this conference report for approval to my colleagues.

However, Mr. President, I want to say something about the future. I hope that when this bill is passed, and I expect it will be passed overwhelmingly, we will not say three cheers, we did it and then pack up our suitcases and forget other health measures that we should attend to. We have in this country 37 million people, a large percentage of them children, who have no health insurance whatsoever.

We have pregnant women who are not receiving the proper prenatal care. We have disabled individuals who are forced to live away from their families and communities. We have families financially devastated and torn apart because of illnesses.

When this bill is passed, we must turn our attention to making certain that the health care needs of the nonelderly are also taken care of in the United States of America.

Something is wrong when we spend more of our gross national product on health care than any other nation in the world and yet we do not have coverage for 37 million people, 12 percent of the population of the United States.

We have made headway here but in good conscience we cannot rest. Instead we should retain the momentum of our efforts thus far and forge ahead to ensure that all of our citizens have high quality and affordable health care

I thank the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island yields the floor.

The Senator from Texas, Senator BENTSEN.

Mr. BENTSEN. Mr. President, I compliment the Senator from Rhode Island for an excellent presentation and also say again how much I appreciated the work he did on this piece of legislation. He was really a very major contributor to it and the long hours he put in on the prescription drug problem, which was probably the most complex part of that particular piece of legislation.

We have been talking about all these members. We have had a great staff working on it, and I thank Dr. Marina Weiss, Anne Weiss, Bruce Kelly, Randy Hardock, Randy Weiss, Edmond Hosier, and Frank Cantrel, all of those who were committee staff members who really put in some long hours.

I read some comment in one of the journals that ours was the committee that did not sleep, and I feel almost guilty of the charge with some of the hours that these staff members put in right on through weekends to meet deadlines, and I as chairman of that committee am very appreciative of it.

I thank the Senator from Rhode Island for his very generous comments.

Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the quorum call be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DIXON). Without objection, it is so ordered.

Mr. BENTSEN. Mr. President, will the Senator yield?

Ms. MIKULSKI. I am happy to yield.

Mr. BENTSEN. How much time would the Senator like? We are on a time allocation.

Ms. MIKULSKI. Ten minutes.

Mr. BENTSEN. That will be fine.

Mr. President, I yield 10 minutes to the distinguished Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 10 minutes.

Ms. MIKULSKI. I thank the chairman for yielding. I compliment him on the tremendous job that he did in moving this legislation.

Mr. BENTSEN. Mr. President, let me thank the distinguished Senator from Maryland and say that her great interest in this legislation and particularly in spousal impoverishment and her contributions there were most meaningful.

Ms. MIKULSKI. I thank the Senator.

Mr. President, I rise today in wholehearted support of the catastrophic care conference report now before the Senate. This legislation is the most comprehensive expansion of Medicare in years. The original legislation, and this conference report, is the product of a tremendous amount of hard work and dedication by many people. I would particularly like to commend Senator BENTSEN for his leadership and commitment to making this bill a reality, Senators MITCHELL and BRADLEY for their strong leadership on the Medicaid provisions for the elderly, particularly spousal impoverishment, and Senator CHILES for creating room in the budget for these provisions, and also our Republican colleagues who cooperated on this.

Catastrophic illness is a tremendous tragedy and burden on seniors and their families—we should not add to this burden by forcing them into financial ruin. This bill is greatly needed to provide a safety net for seniors.

I am particularly pleased to vote for this legislation because it contains two provisions I have fought long and hard to get enacted—spousal impoverishment protection and Medicare coverage for mammograms.

Before I address spousal impoverishment, let me say a few words about the provision for coverage of mammograms in this legislation. Breast cancer strikes 1 out of 10 women in America today. If we can detect this cancer early, we have a very good chance of cure. Yet many elderly women are not getting mammograms because they cannot afford it, and, until now Medicare would not pay for it. This is why I had introduced legislation to provide Medicare coverage for mammograms.

I am delighted that this conference report includes a similar provision. This bill would provide Medicare coverage for mammograms every other year for elderly women—there is no telling how many lives we will save by adding this simple benefit to Medicare.

The other provision I would like to talk about provides for protection against spousal impoverishment.

Of all the things I have been able to accomplish as a new Senator, the thing of which I am proudest is working to get the Senate to pass my spousal impoverishment protection bill. This legislation will remedy the cruel rules that require elderly couples to exhaust virtually all their hard-earned savings and income—literally go bankrupt—before they can qualify for Medicaid to help pay the bills if one of them is forced to go into a nursing home.

As I traveled across Maryland and the United States of America to hear the needs and concerns of our citizens, I was struck by how often people raised the issue of paying for long-term care.

Every year, thousands of elderly Americans—middle class couples who have played by the rules all their lives and built up modest savings—are forced into financial ruin if their loved one has to enter a long-term nursing home because of illness.

Medicare generally does not pay for long-term nursing home care, and private insurance usually does not cover nursing home costs. So a couple has no choice but to turn to Medicaid, and "spend-down" practically all of their life savings before Medicaid will help.

This makes no sense at all. Our programs and policies should help people help themselves, not drive them into financial ruin. I know that this Senate believes in family responsibility, not family bankruptcy. Couples should have to meet their responsibilities, but they should be allowed to keep a reasonable safety net to live in dignity and independence.

I know only too well the emotional and financial burdens of families who need to provide long-term care to a family member. My own dad has Alzheimer disease and needs long-term care. Not every family has a daughter who is a U.S. Senator who can help when this crisis occurs, and I know how hard it has been for us and I will try to help every other American family not live through what we have.

As you know, Mr. President, thousands of elderly citizens each year face a very traumatic situation—the need to place their sick spouse in a nursing home. This often comes at a time of mental and physical exhaustion, coupled with a sense of pain by the spouse who will be at home that he or she can no longer care for their sick spouse.

Adding to the emotional strain is the discovery that Medicare up until now, did not help out. The couple soon realizes that the cost far exceeds the couple's available resources, even though they "played by the rules" and saved for their retirement.

The couple must therefore "spend-down" to the State-determined Medicaid eligibility level in order to qualify for Medicaid assistance. Currently law requires the couple spend down to below the poverty line—less than $300 a month in income and $3,000 in savings.

This problem is particularly acute among older women who are forced into poverty in order to meet the costs of their husbands' nursing home care. The wife, who I call the nursing home widow, is left without sufficient income to meet her most basic needs. The essential items, what I call the senior market basket—special diets, eyeglasses, prescriptions—were out of her reach.

This legislation will allow the spouse who is not in the nursing home to keep $750 a month of his or her own hard-earned income and at least $12,000 in savings, and still qualify for Medicaid to pay the nursing home bills.

Mr. President, this legislation is not a giveaway and it is not a giveout or a handout. It lets people keep the money they worked hard to save to provide money for a rainy day. It enables people to keep up to $750 a month of their own money, not Government's money.

The spousal impoverishment bill is now part of the catastrophic health care bill. The conference report on this legislation is before us for consideration. I urge my colleagues, on both sides of the aisle, to vote for the conference report.

It is a first step—a necessary step—to address a continuing need of long-term care and catastrophic illness. If this 100th Congress is known for nothing else but that we helped provide a safety net for senior citizens against the catastrophe, we could hold our heads up high.

Mr. President, I thank you for your attention, and I yield back such time as I may not have used.

The PRESIDING OFFICER. Who yields time?

Mr. BENTSEN. Mr. President, I suggest the absence of a quorum and ask unanimous consent that it be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. EXON. Could I have 7 minutes of the time of the Senator from Texas?

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Would the Senator from Nebraska settle for 5 minutes? I have some real problems with members of my committee trying to get them time and we are under a very limited time situation.

Mr. EXON. Why do I not yield to the Senator from Texas. Are you cramped for time?

Mr. BENTSEN. We will be by the time I get through my committee members whom I have to give some precedence to.

Mr. EXON. Then I will hold my speech until tomorrow.

Thank you.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, is the Senator from Maine seeking time?

Mr. MITCHELL. Yes, Mr. Chairman.

The Senator from Oklahoma was here before I was.

Mr. NICKLES. Go ahead.

The PRESIDING OFFICER. Who yields time?

Mr. MITCHELL. Yes, Mr. Chairman.

Mr. BENTSEN. Mr. President, I yield 10 minutes to the distinguished Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 10 minutes.

Mr. MITCHELL. Mr. President, I support the conference report of the Medicare Catastrophic Loss Prevention Act of 1987. This bill is a very important first step in providing our elderly citizens with protection from the burden of the catastrophic costs of illness.

Those of us who participated in the conference on this bill know the difficult choices that were made by Members on both sides of the Hill. We worked with our colleagues in the House to put together a landmark piece of legislation which will go a long way toward protecting Medicare beneficiaries from financial ruin when they are faced with an acute illness.

There are many persons who are to be congratulated for their hard work and perseverance in making this legislation a reality. Not least among them is the Secretary of Health and Human Services, Dr. Otis Bowen, without whose support this bill would not have been possible. We commend him for his dedication to this issue and offer our profound thanks for his continued support of quality health care for all Americans.

Also there was our distinguished full committee chairman, Senator BENTSEN, and Senator CHAFEE, who is present here; Senator HEINZ, Senator BAUCUS and many others who worked in a long conference to produce what we think is a fair and equitable result.

Medicare is truly one of the greatest accomplishments in the history of our Nation's social policy. It has provided the elderly and disabled with access to quality health care. Without Medicare, the elderly would face health care expenses that would consume nearly 50 percent of their median per capita income. We can justifiably be proud of our commitment to quality health care for all of our citizens over 65, regardless of income.

The program is not without its shortcomings, however. The most serious gaps in the program are the lack of coverage for acute care which requires long hospital stays and the absence of a comprehensive benefit for long-term care.

The legislation before us today will provide protection from the catastrophic expenses associated with hospital stays, and reduce the burden of high out-of-pocket charges due to physician fees as well as the cost of outpatient prescription drugs.

The prescription drug provisions were included after a great deal of effort by members of the conference committee assigned to resolve the significant differences between the House and Senate drug provisions.

Coverage for outpatient prescription drugs was perhaps the single most important provision in this bill for the elderly. While only a small percentage of the elderly face the catastrophic costs of a lengthy hospital stay, a significant number experience the high costs of prescription drugs.

Under the Medicare Program as it exists, there is no coverage for outpatient prescription drugs. Estimates are that over 6 million elderly have drug expenses that exceed $600 per year. For those that exceed $600, the average expense is over $1,000.

These expenses are just for the medications, and do not include the cost of physician visits, laboratory or other expenses associated with serious illness. Those who say the costs of providing catastrophic coverage for drugs is too high should consider what happens to those individuals who now must pay all prescription drugs out of pocket.

We believe that the drug coverage is both fair and fiscally responsible. Those persons with chronic needs will get a significant benefit under this legislation, and the drug benefit will benefit nearly 17 percent of Medicare beneficiaries.

We have also attempted to address the most serious problems facing the elderly who need long-term care. While the bill does not relieve us of the need to develop a comprehensive Federal policy on long-term care, it does include a number of provisions which begin to respond to the most blatant inequities in the current system—spousal impoverishment and respite care for the family member providing informal care to a loved one.

It is personally satisfying to have included in this legislation a meaningful spousal impoverishment provision. This is a problem I worked on for more than 2 years, with the enthusiastic support and cooperation of Senator MIKULSKI.

We simply cannot ignore the very real human tragedy for spouses of those who require nursing home care and must rely on Medicaid to pay for that care. In many States, the spouse who remains in the community must either go on welfare or go through the indignity of a divorce to avoid impoverishment. The trauma associated with having to place a loved one in a nursing home should not be compounded by forcing the community spouse into poverty at the same time.

The spousal impoverishment provision included in this bill will protect those elderly women who are often the poorest and most vulnerable members of our society.

I am also pleased that an expanded Medicare home health benefit is included in this legislation. These new benefits complete the work begun last year by Senator BRADLEY, myself and others to protect beneficiary access to the current Medicare home health benefit, and will expand the home health benefit in a modest way. These provisions represent a significant step toward greater flexibility in providing health care at home for Medicare beneficiaries.

The cost of providing the additional benefits described in this bill are substantial. However, the method used to finance this program have been designed in a fair and progressive way. Although the full costs of the program will be borne by the elderly, the elderly of course will also be the ones who will experience a significant reduction in their out of pocket expenses.

There will be a progressive income related means of financing a major proportion of this legislation. That is a true historic step for which the distinguished chairman of the full committee, Senator BENTSEN, who is here today, deserves enormous credit.

When the history of this program is written centuries from now, this will be viewed as one of the major turning points in American social policy. Elderly citizens represent a range of income groups, just as the under 65 population does. This financing method is a sincere attempt to provide an equitable way to distribute the burden of additional costs of expanded benefits fairly among the elderly population.

Despite the very real benefits of this bill as it currently stands, it will still leave some significant gaps in the Medicare Program. The most significant is that of coverage for the catastrophic expenses of long-term care. Eighty percent of catastrophic health care costs borne by the elderly or their families is for long-term care.

It is critical that Congress begin work to develop a long-term care program which meets the needs of the elderly and spreads the financial burden among elderly beneficiaries and their families, the State and Federal governments, and private insurers.

However, due to the complexity of this area, the expense involved and the lack of anything approaching a consensus, we cannot expect a quick and easy solution to the problem. I have introduced legislation this year which I hope will further the debate about this important issue and lead us to a solution.

We have a chance in this Congress to make one of the most rational and significant changes to the Medicare Program since its inception. I urge my colleagues to join with me in supporting prompt passage of this landmark piece of legislation.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, let me say again what I said before the Senator came to the floor. What a remarkable job he did in assisting in the development of this legislation and particularly in one of the most complex areas, that of prescription drug coverage. When the conferees undertook the development of the drug benefit it was not a partisan issue. We were not divided between the House and the Senate. Senator MITCHELL, Senator CHAFEE, Senator BENTSEN, and Senator HEINZ joined with their House counterparts in a sincere effort, to find a way to deliver this benefit to the elderly citizens of this country and make it work. Because on the shoals of this benefit, many a bill has florundered in the past.

This is not the first time we tried to add prescription drug coverage to Medicare in the history of the U.S. Senate, but this time I think it worked out in a way that it is going to deliver the services at a cost to the beneficiaries that is reasonable.

I congratulate the distinguished Senator for his contribution.

I want to join in the remarks of the distinguished chairman of the committee, Senator BENTSEN, and amplify what I said earlier, when the Senator from Maine was not on the floor, about the tremendous contribution that Senator MITCHELL made to this catastrophic legislation. Not just the extended part A and part B, but particularly on the prescription drug part.

He grasped all the fine points. He understood it quickly, and he provided great leadership to all of us who were part of the negotiations with Secretary Bowen when we were doing the Senate version of the bill before it even came to the floor.

Then when we went to conference with the House Members, it was a very difficult conference, as I say, not because of partisanship, not because of House and Senate, but because of the difficulty in the issues: What is the proper reimbursement for a drug? How do you go about it? What formula does one use? What drugs should be covered? How quickly should we go into the coverage of the drugs? Someone said start immediately, but could we do it? There were all kinds of difficulties.

I just want to join in the tribute to Senator MITCHELL for the tremendous job he did. He deserves a tremendous amount of credit.

Mr. MITCHELL. I thank my colleagues.

Mr. CHAFEE addressed the Chair.

The DEPUTY PRESIDENT pro tempore [Mr. MITCHELL]. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I yield to the Senator from Pennsylvania 15 minutes.

The DEPUTY PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I thank my friend from Rhode Island.

When the Congress created Medicare and Medicaid 23 years ago, we took the first critical step to protect the aged and disabled from the ruinous financial consequences of a hospital stay or an acute illness. Today, we stand ready to finally complete this task with landmark legislation to limit out-of-pocket expenses for needed hospital, physician, and prescription drug treatment.

Since the President presented Congress last year with the original catastrophic coverage bill, this legislation has changed; it has matured tremendously. Particularly in this body, Members worked long and hard with the administration, with providers, with beneficiary groups fashioning the bill that is before us today, a bill that encompasses the critical priorities of all, yet compromises the fundamental needs of none. In sum, I believe that in the legislation before us we have fulfilled our mandate to work within our financial constraints to construct not only the best possible bill but a very good bill.

But with the kudos for this legislative achievement comes a caveat. I do not believe our task is yet complete. The road that we have paved to a secure old age is, at least in this Senator's judgment, too narrow. There are acute and transitional care problems, as addressed in the bill before us, but they are only part of the crisis of aging. The darkest specter still confronting every American family today is the cost and encumbrance of a long-term, chronic health condition.

Solving the problem of long-term care will take more time than solving the problem of catastrophic care. It will take a greater political will on the part of the American public, and it will also take an enormously greater commitment of public and private resources. But solve that problem, Mr. President, we must and solve that problem I am confident we will.

The catastrophic legislation before us today in the form of a conference report, is a necessary foundation upon which to build.

Mr. President, I am not going to go into detail on the technical provisions and the financing mechanisms of H.R. 2470. The occupant of the chair, Senator MITCHELL of Maine, and Senator CHAFEE of Rhode Island have done a very commendable job in describing all of those provisions. But what I believe deserves special comment today is not the abstract of policy or of pennies buy the hundreds and indeed thousands of real flesh and blood Americans who will be helped by this bill's passage and its specific provisions.

And there are a number of provisions that will make a real difference for millions of Americans. Had the expanded daily home health care benefit and definition of intermittent care, in this bill been law last year, one of my elderly constituents in Pennsylvania might still be alive today. I am referring to an 81-year-old gentleman from Pittsburgh who was discharged from the hospital after treatment for a chronic obstructive pulmonary disease and decubitus ulcers. The home health care agency sent a nurse twice a day for almost 2 weeks but was forced by the limits on reimbursement to arrange for the patient to enter a nursing home. Unhappily, my constituent, that patient, died within a week, perhaps—perhaps—prematurely. Had the expanded 38-day provision for care in this bill been law, this person's former nurse, believes he might have been able to be stabilized at home and might still be with us.

A second valuable improvement for the 37 million Medicare beneficiaries is the bill's expanded coverage of care in a skilled nursing facility. The maximum out-of-pocket expenditure for an individual will be reduced in two ways: first, by reducing the number of days of copayment by some 90 percent and, second, by reducing the number of dollars per day by about two-thirds.

In addition, eliminating the antiquated and unnecessary requirement for a rather costly, often unnecessary 3-day prior hospitalization will remove incentives for unnecessary hospital admissions and will spur private insurers to drop similar restrictions from their long-term care insurance plans.

Similarly, the elimination of the 210-day limit on hospice coverage will help many people and in particular will help a 75-year-old constituent of mine in Lancaster County, PA, who is dying of lung cancer. His benefits expired the end of last month, May, yet the Lancaster County Hospice predicts he will soon need round-the-clock nursing in addition to an expensive drug regime. If he is still alive in January, he and his elderly wife will be able to take advantage of this humane and vital benefit.

As another example, Mr. President, while I have some reservations about the structure and financing of the respite care benefits contained in this bill, I will say that we have at least acknowledged the silent heroes of our long-term care system, the husbands, the wives, the children of the chronically ill.

Mary Kinslow, a constituent of mine from Levittown, PA, testified before our Committee on Aging when I was chairman, and Mrs. Kinslow told us about the 10,000 members of a group called Children of Aging Parents. These individuals had quit jobs, they had transformed living rooms into hospital rooms, they had isolated themselves from friends and community, all out of love for an ailing family member in need of care. For these and other devoted care givers, an hour to grocery shop or visit briefly with a friend is a luxury without price. That is what our respite care benefit will provide.

Perhaps most significantly, however, the bill before us provides for Medicare coverage of catastrophically high outpatient prescription drug costs. In this age of medical miracles, of artifical hearts and mechanical lungs, there is no greater miracle than the drugs used in combatting and controlling disease.

The irony is that for millions of older Americans this miracle has become a nightmare of costs. One of the constituents wrote recently to say that his modest income from Social Security was "devastated by the $180 per month cost" he spends on prescription drugs.

Mr. President, that is not at all an unusual example. He is by no means alone in having monthly costs at least that high. Indeed, a General Accounting Office report done for Congress which was released last year found that for three out of every four aged Americans, prescription drugs are the largest single out-of-pocket health care expense. Even more alarming is the number of aged who, because of costs, do not get and therefore do not take the medication they need.

In a recent survey by the American Association of Retired Persons, cost was given as the second most important reason for failing to fill a prescription. In an earlier study, nearly two out of every five elderly patients with moderate to severe hypertension reported economic barriers to the purchase of antihypertension drugs, both new and refills. For too many aged it is a simple question of need. Subtract essential living costs from a limited fixed income, and nothing remains for medications. That is a threat to health and well being that this legislation can and will cure.

Mr. President, in addition to providing reimbursement for prescription drugs, this bill incorporates a major advance in the quality of health care for the aged—the Drug Utilization Review Program.

Drug utilization review programs have been repeatedly shown to be effective in identifying and preventing adverse drug reactions. This is of critical importance to the elderly, who as a group take four to seven prescription drugs daily and suffer from adverse drug reactions at over twice the rate of the younger population.

This review program will help 75-year-old Mrs. Ware of Erwin, TN. Her daughter testified before the Aging Committee that her mother was taking a total of 16 drugs per day, prescribed by 2 different physicians. Think of that. As a result of adverse drug interactions and drug dependency, the mother was hospitalized several times over a 2-year period.

Mr. President, I have been concerned throughout the lengthy process of hammering out our outpatient prescription drug benefit that we not simply substitute runaway premiums for skyrocketing out-of-pocket expenses for the aged. I think we have avoided that problem.

But the recent history of Medicare's part B program suggests strongly the need for new strategies to control program costs. I believe we have built into this legislation protections to do just that. Specifically, the final product of this conference now before us meet the essential criteria for a new program under part B: namely, that is a program with predictable, affordable premiums. We will achieve that by the orderly phase-in of drug benefits. That will ensure that premiums rise gradually and give program administrators time to identify and react step-by-step to emerging cost problems.

We have also built into the new drug benefit a considerable margin for error to prevent the program from becoming underfunded in the event that our estimates of future program costs are too low.

In an effort to keep this protection affordable for the elderly, we have sought to allocate resources where they are most needed. The drug benefit is targeted to assist 17 percent of the aged, about 5 million senior citizens, who account for over 50 percent of all drug spending for this age group. The final legislation is designed to continue targeting that constant proportion of older Americans each year, first to keep the costs from growing exponentially in the future and, second, so that we will help those who need the help the most.

I do not happen to believe that the passage of this bill is any kind of a stopping point, Mr. President. We will reduce certainly the financial ravages of illness for the aged and we will lessen by the passage of this bill the psychological damage to the families of care givers. But what remains to be done is to guarantee future generations that while aging may be inevitable, it can be achieved and experienced with dignity. That is the challenge of meeting the needs of long-term care. It is the next challenge that we will tackle. And it is a challenge that I feel certain my colleagues will rise to and meet.

In conclusion, Mr. President, I want to say that working on this legislation has been a great privilege for me personally because it was an example not only of the legislative process at work at its very best, but it was also a demonstration of legislators working at their very best as well.

This has been an extremely lengthy process. Senator BENTSEN first convened hearings in January, and then again in March. We had a markup in the late spring of last year. Then over the course of the summer a number of us worked very hard to develop a responsible prescription drug benefit. We had something like 16 drafts of that legislation. There were a dozen meetings between Finance Committee members and the administration.

(Mr. ROCKEFELLER assumed the chair.)

Mr. HEINZ. Senator MITCHELL and Senator CHAFEE were absolutely instrumental in helping hammer out a benefit that not only did the job, but that was responsibly paid for. And, finally, when we brought the bill to the floor here in later September of last year we were able to get a Senate vote of 86 to 11 for the committee bill, for one simple reason: Legislators like Senator MITCHELL, Senator CHAFEE, Senator BAUCUS, Senator BENTSEN, and Senator PACKWOOD all wanted to get a solution to this problem. And furthermore, the administration, Otis Bowen, our Secretary of Health and Human Services, and Joe Wright, Deputy Director of the Office of Management and Budget were indispensable in bringing us all together so that at the end of this process we could say that we tackled a tough problem and we solved it.

So to my colleagues I commend them, most of all the chairman of our committee, Senator BENTSEN, Senator MITCHELL, and Senator CHAFEE for extraordinary leadership in a very worthy cause.

Mr. President, I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I yield myself 1 minute.

I want to thank the distinguished Senator from Pennsylvania who was a key player in this entire legislation but particularly in the prescription drug section of it. He knew the subject. He spent a lot of time on it. He made very valuable contributions in the long meetings we had with the Secretary, and with the members of the Office of Management and Budget. It was very, very helpful. I want to thank him and pay tribute to him.

Mr. President, I hope those Republican Members who wish to speak tomorrow will be sure to let us know because we have 50 minutes left on this side. Obviously, we want to divide it fairly. I also want to mention the role that Senator PACKWOOD played throughout this legislation. He was very, very helpful and extremely supportive of everything that we did. He was again an important and a key player in the legislation.

Mr. KENNEDY. Mr. President, I rise in support of this legislation to bring catastrophic health insurance protection to our Nation's elderly.

Medicare represents a solemn promise to our Nations elderly of protection against the devastating cost of illness. But, because of significant gaps in the Medicare Program, that promise has too often been an empty one.

This legislation is not perfect, but it does fill some important gaps. It assures the elderly that their Medicare coverage will protect them no matter how long they must stay in the hospital or how many times they must be hospitalized during the course of the year, and it guarantees that their out-of-pocket expenses for Medicare copayments and deductibles will be limited to $580 a year for hospital care and $1,400 per year for physician care.

I am particularly proud that several modifications of the original bill that I worked hard for are included. First, the bill provides our senior citizens protection against the high cost of essential prescription drugs. Until today, Medicare has never covered outpatient drugs, and even private insurance protection against this expense was not generally available. But every physician knows that outpatient drugs are often essential to treat illness, and every senior citizen knows that the cost of outpatient drugs can be devastating. When this bill is fully implemented senior citizens will no longer have to choose between food on the table or heat for their homes and essential outpatent drugs.

Second, the bill requires Medicaid coverage of all senior citizens with incomes below the poverty line. The seniors who suffer expenses that are truly catastrophic are most likely to be low income, and they are often devastated by costs that, in absolute terms, are not terribly high. This bill provides badly needed protection for the lowest income seniors by assuring that Medicaid will cover their Medicare co-payments and deductibles even if their expenses never come close to the catastrophic cap.

Finally, the bill includes a down payment on the most serious health problem facing our seniors—the crushing problem of long-term care. I am pleased that an amendment that I offered on the Senate floor to protect spouses of individuals who must enter a nursing home is a feature of the conference report we are considering today. There is no crueller result of our national failure to protect seniors against the cost of nursing home care than the pauperization of other members of their families to pay for that care. The new Medicaid protection included in this legislation will assure that no spouse of a senior citizen loses a home or the opportunity for a decent and secure retirement because his or her loved one needs nursing home care.

Mr. President, the bill we are considering today is not perfect, but it is a major step forward, not only to senior citizens but for all Americans. I commend the many Senators who worked so long and hard to make it a reality, and I urge its adoption.

UNANIMOUS CONSENT AGREEMENT

Mr. BYRD. Mr. President, how much time remains from the 3 hours allocated to the conference report on catastrophic illness legislation?

The PRESIDING OFFICER. Forty-six minutes and 18 seconds for the minority and 45 minutes for the majority.

Mr. BYRD. Mr. President, I ask unanimous consent that 1 hour of that time begin running at the conclusion of the vote on the override of the Presidential veto tomorrow.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CHAFEE. Could I ask one question of the distinguished leader? I think totally there is something like an hour and a half, 45 minutes a side left. Tomorrow afternoon I believe there is a vote on the override?

Mr. BYRD. Yes, at 4:30.

Mr. CHAFEE. Then the leader said 1 hour.

Mr. BYRD. One hour. I understood that is what was agreeable. Then at the conclusion of the 1 hour of debate on the catastrophic illness conference report the vote would occur on that conference report. The rest of the time that would remain out of the 3 hours on catastrophic illness could be utilized during the day somewhere.

Mr. CHAFEE. So those who wished to come and speak should come over sometime tomorrow after morning business?

Mr. BYRD. Sometime during the day prior to the 4:30 vote on the Presidential override.

Mr. CHAFEE. Part of that time in the morning before the override would also be devoted to the trade bill itself, would it not?

Mr. BYRD. Most of the time, yes; beginning at 10:30 tomorrow morning.

Mr. CHAFEE. I guess my specific question is this: Will we have the total hour and a half on this catastrophic legislation at some point?

Mr. BYRD. They would, with 1 hour to be between the vote on the override of the veto and the vote on the conference report on catastrophic illness. That 1 hour would be equally divided. It is 1 hour of debate between the two votes.

Mr. CHAFEE. Then, we have to make sure we get the remaining half-hour sometime in the morning, and we will have to squeeze in there, because people might be talking on the trade bill.

Mr. BYRD. At some point.

Mr. CHAFEE. As long as the majority leader assures us that we will have time, that is all right with me. We will take 1 hour after the veto.

Mr. BYRD. Yes.

Mr. BENTSEN. Mr. President, if I may comment, I urge that our colleagues on this side of the aisle defer any comments on the catastrophic illness conference report tonight, until tomorrow, so that we can balance out this debate tomorrow.

Mr. BYRD. In any event, Mr. President, I ask unanimous consent that no further time be charged against the remaining time on the conference report on catastrophic illness today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, there will be other Senators during the rest of the day who will want to speak on the trade legislation, and I hope they will come to the floor and make their speeches today, if possible. As soon as they have completed that, the Senate will go out until tomorrow.

I thank all Senators.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW; SCHEDULE FOR TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. tomorrow; that following the two leaders under the standing order on tomorrow, there be a period for morning business, not to extend beyond the hour of 10:30 a.m.; that Senators may speak during that period of morning business; and that at 10:30 a.m. tomorrow, the Senate resume the consideration of the Presidential veto message on the Omnibus Trade and Competitiveness Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that at any time prior to 4:30 p.m. tomorrow, the remainder of the time on the catastrophic illness conference report, with the exception of the 1 hour, may be utilized and that it be equally divided between the two managers.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETO MESSAGE—OMNIBUS TRADE AND COMPETITIVENESS ACT OF 1988

The Senate continued with the consideration of the veto message on H.R. 3.

Mr. GRASSLEY. Mr. President, I believe in the old adage, "if it's not broken, don't fix it." That "saying" has particular relevance in our consideration of the so called "plant closing" provision. Allow me to elaborate on the reasons our economy is not all that "broken" and why it does not need to be "fixed" by this legislation.

Our system of free and private enterprise is strong and vital. We create significantly more jobs than other nations. A few facts:

First, our rate of job growth exceeds population growth, unlike Europe and Japan. Over the last 25 years, employment in the United States has averaged an annual growth rate of 1.9 percent, while our population grew at 1.1 percent. For the same period, employment growth in Japan averaged a 1-percent increase annually, while its population increased by 1.1 percent. For the Common Market countries of Europe, employment growth averaged an insignificant annual increase of only one-tenth of 1 percent, while population increased by 0.5 percent.

Europe and Japan, the homes of highly regulated economies cannot create jobs at the same pace their population is growing. Here, in the United States, we have a magic formula which results in employment growth which exceeds population growth. This information was reported over a year ago in the Wall Street Journal by a former economic adviser, Giuseppe Tuillo, at the European Commission in Brussels.

Second, the employment growth in the United States, Hong Kong, Korea, and Taiwan averaged 3.2 percent annually since 1982. What we have in common with our Far East counterparts is the absence of highly regulated economies. Contrast this with the 1.6 percent average annual growth for Canada, Western Europe, Brazil, Mexico, and Singapore.

These countries have more significant regulation, including advance notice laws. In the United States this 50 percent difference in average employment growth means 4.6 million jobs. This information was recently reported in a January study issued by the National Foundation for the Study of Employment Policy.

Let me assure my colleagues that it is not my intention to suggest that the enactment of this plant closing legislation will mean a loss of 4.6 million jobs. What I want to stress is that our system works. We have the unique ability to create jobs. And that is what we in government, those in business and in labor unions should be talking about.

Mr. President, for some 10 years, I was a dues-paying member of a labor union. I recognize and believe in the importance of labor unions as an effective voice for workers. But this legislation does not speak to workers' concerns. And one thing I am certain of is that this plant-closing provision does not address the issue of preserving or creating jobs.

Let me spend a few moments on the subjects this legislation does address: the creation of more bureaucratic redtape for employers and the disincentives for trying to keep businesses open. Clearly, the measure raises more questions than it answers. I will highlight some of the questions with which I have been struggling.

The first question: What happens if a business closes or has a mass layoff because of reasons beyond its control? Some examples that come to my mind include: a supermarket or retail store that loses its lease, a business that loses a State or Federal contract, a professional firm or ad agency that loses a major client. Are businesses in these circumstances required to keep their employees on for 60 days when there is no facility to work in, or no work to do?

The drafters of the provision have included an exemption from the 60-day notice requirement, but it offers no guidance to employers. It simply says that the 60-day notice requirement may be reduced if the closing or layoff is "caused by circumstances that were not reasonably foreseeable as of the time that notice would have been required." I will tell you all something plain and simple: Employers and their employees will wind up in court over what business circumstances were foreseeable. I do not think there is a single one of my colleagues that could disagree with that fact.

The second question: Will it not be easier to close a business down, rather than work to keep it open? I concede that this legislation has an exception for a so-called faltering business but that exception is full of ambiguities. In order to qualify for a reduction in the 60-day notice period, a business will have to jump three hurdles. First, the company will have to show it was "actively seeking capital or business." Second, the business will have to show that, if obtained, the infusion of capital or business would have enabled the employer to indefinitely postpone the closing. Third, the employer has to "reasonably and in good faith" believe that giving the notice would have precluded it from getting the necessary capital or business.

I, for one, cannot make heads or tails of what a business will have to do to protect itself and its employees from this provision. How many banks will a business have to ask for financing. How many new customers will the business have to seek? Will a business have to take the profits it's making in one division and divert them to a faltering division? What kind of crystal ball will companies need? Will they have to produce forecasts of projected business with the new financing? And finally, what is a "reasonable and good faith belief"?

One thing I do know, this will be a gold mine for our Nation's lawyers. And where the lawyers will win, the American people will lose. Union dues, rather than being expended on collective bargaining and grievance handling, will be spent to bring these kinds of lawsuits. Employees not represented by a union will wind up footing the bill not through their union dues, but by spending their hard-earned money to bring these lawsuits. And employers who might otherwise try to stay in business will find it cheaper to just shut the doors. Money that could have gone into saving and building the business will be spent on legal fees.

The third question: What will really happen in the sale of a business? I know there has been some controversy about what the legislation requires when a company sells out. First, the employer can hold the sale for 60 days while the notice period runs. If the buyer and seller do not want to wait the 60 days, then the buyer must agree to hire the seller's employees with no more than a 6-month break in service. The buyer can do this in writing, making the employees third-party beneficiaries to the contract, or the buyer can just offer employment to the employees within 30 days of the sale.

Whatever alternative the buyer and seller choose, the result is the same—the employees become another asset or liability. Before any decision to buy is made, and before any option is exercised, teams of lawyers will descend on the workplace to examine personnel files. The "due diligence" now done by corporate lawyers and financial analysts will include labor and employment specialists.

Clearly, we will create a major disincentive for the sale of an ongoing business. It will be easier for an employer to shut down, giving the 60-day notice and sell off the assets of the business—the lease, the equipment, the inventory, the customers. I do not think the drafters intended this, but I believe this will be the situation created by the passage of this legislation.

The fourth question: How is this mandatory notice period really going to benefit employees? Let me submit to you that I do not believe it will help the working men and women in America. What will happen is that people will lose their jobs prematurely. Or they will leave their jobs, once notified of a possible closing or layoff, only to find that the business was able to stay open or avoid the layoff.

The fifth question: Why are we turning Federal-State relations upside down in the labor area? For more than 50 years Congress has preempted the States from regulating in labor management relations. For uniformity and predictability, we have made a policy statement that the States should be preempted from acting in this arena. But this legislation, by inviting the States and local governments to create their own advance notice laws, will undo that uniformity and predictability.

I would like to see a greater role for the States in many areas now occupied by Congress. But I recognize the value of Federal preemption in this area. Why should a person who works for a company in one State get a different notice than someone who works for the same company in a different State? And why should companies be subject to differing and changing requirements? Not only will the Federal courts have a role to play, but this legislation will get our State courts involved as well.

Mr. President, I wholeheartedly support the principle of advance notice to employees affected by a layoff or closing. Clearly, it is in everyone's interests—employees, State and local governments, and the business—to have as much advance notice and planning in the event of economic dislocation. But this bill goes far beyond simple notification. To call it a "simple advance notice" provision is absolutely false and misleading to the American public. In fact, it is anything but simple, and it is anything but modest. It gives us Government regulation in an area we do not belong in. And it moves us in a direction that other countries are trying to move away from. Two of the most highly regulated economies—the People's Republic of China and the Soviet Union—have, in recent years, allowed for limited experiments with private industry.

But that is not reason enough to avoid this plant closing legislation. The real reason has to do with our successes—26 million new jobs since 1975, 16 million of them since 1982; a 25-percent decrease in the number of minimum wage jobs and a 67-percent increase in the number of jobs paying more than $10 an hour since 1982, and a national unemployment rate under 6 percent.

The work of Congress should be geared to establishing incentives for job creation. The $1 billion worker readjustment assistance program does just that. Let us help retrain workers laid off. The goal should be good jobs for all Americans, and not redtape that will eliminate employment opportunities.

Mr. President, I yield the floor.

The **PRESIDING OFFICER**. The Senator from Wisconsin.

Mr. **PROXMIRE**. Mr. President, on April 25, during the Senate's consideration of the omnibus trade bill conference report, I explained in detail the one critical reason why I could not vote for that report. That reason is that certain of the trade bill's amendments to the Foreign Corrupt Practices Act tear the heart out of that very important law. We in Congress unanimously passed the FCPA in 1977 because we wanted to stop bribery by American corporations abroad. That law has succeeded brilliantly and we no longer find it a common place practice for our companies to use bribery to win foreign sales.

In my April 25 statement I explained why I did not believe changes to the FCPA were justified. No evidence of unjust prosecutions or lost sales were ever presented to our committee during the extensive hearings we had on administration initiated changes to the FCPA.

In my view the administration and corporate lobbyists knew they could never get the amendments they wanted to make in the FCPA through the Congress if those changes were carefully scrutinized. So they slipped those changes into the mammoth, 1,000 page trade bill where they never received the full public attention and debate they deserved.

Not every change to the FCPA in this trade bill is unreasonable. But the reason I must oppose the trade bill is because of one change to the FCPA that will really nullify the effectiveness of that antibribery statute. That is the provision that governs the liability of corporate managers for the actions of their third party agents. Presently managers can be criminally or civilly liable if they have "reason to know" that their agents will use bribes to get sales. This means top corporate managers will take an active, constant interest that bribes are not used. Title "reason to know" provision is the very heart or effective antibribery law. The trade bill changes the "reason to know" standard to a simple "knowing" standard. This means a prosecutor will have to prove what a corporation official had in his mind. Even if a prosecutor could show that a manager recklessly disregarded whether his agents were using bribes to win sales—that would not be enough to even ensure civil liability. No, a prosecutor would have to get inside a corporate official's mind and prove that he absolutely knew bribes were being used. Under this "knowing standard" corporate managers could adopt a "shut-eyed" approach and avoid liability by ignoring what is being done by their agents. It would encourage a form of managerial irresponsibility and give rise to an environment of do what you need to do to get sales—"just don't tell me."

This change will certainly send a clear message to corporate officials that Congress is less concerned about whether their agents use bribes to win sales. This is the wrong message to send, particularly at a time when Americans are evidencing growing concern about the sleaze factor among their Government and business leaders.

So I must vote against the trade bill over-ride because of the change to the standard of liability for management's responsibility for the actions of its agents. It weakens dramatically our now strong and effective antibribery statute. This change will no doubt once again mean that America will be shamed by future scandals in which companies take the shortcut to sales and use bribery to get them. Believe me, we will come to regret this change to the FCPA if it is enacted into law.

Let me finish by noting that if the "reason to know" standard in the FCPA has not been changed I could have supported this omnibus trade bill. While it does not go as far as I would like in strengthening our ability to respond to unfair trade practices by nations following mercantalistic trade policies, it at least makes a start. My own committee, the Banking Committee, has contributed important provisions on international debt, exchange rates and export controls to the omnibus bill. Nevertheless I have to vote against this bill—as I explained in more detail on April 25—because a key change to the FCPA makes it a "bring-back-bribery" bill. Without that change I could and would support this trade bill.

Mr. MOYNIHAN. Mr. President, I rise in support of the motion which will be offered to override the President's veto of the trade legislation and I would ask the indulgence of the Senate to set forth a few thoughts in this regard.

There is no doubt, Mr. President, why this trade bill was vetoed. It was the provision providing for advance notification of plant closings and mass layoffs in American industry. Somehow the administration concluded that providing workers with 60 days notice before they lose their jobs was such a seriously flawed proposal that it justified veto of legislation on which the Senate has worked, Congress has worked, for 2 full years. I have been a member of the Finance Committee which produced our side of the measure and then of the conference committee which produced the report that is now before us in its vetoed condition.

The question of advance notice of the type provided in the trade bill is not a new idea, Mr. President. It has been one that has been around industrial democracies for a generation now. I can speak with some experience in this regard. In the early 1960's, I was Assistant Secretary of Labor for Policy, Planning and Research, as it was then called, under President Kennedy and President Johnson.

At that time, the U.S. Employment Service was very much interested in this idea. They had for a long time felt they had rather a passive role in the labor market and were always embarrassed to know that to workers they were known as the Unemployment Office as against the U.S. Employment Service.

It was their thought that if they could get some advance notice provision, they would be able to get into plants, into offices as well, and establish mechanisms to match individual workers with vacancies, that were coming on or already existed. Thereby, the transition from one plant to another, one job to another, would be as easy and as agreeable as things can be. They were very much aware that to the degree these transitions in the economy were made reasonable for the workers involved, the flexibility of American enterprises to open and to close, which is absolutely essential to a dynamic economy, would find itself an accepted part of the social contract that workers, managers and communities have with each other. And it would redound enormously to the benefit of employers as well as employees.

We have since had a series of studies of this matter. And they all go to the specific fact that in the United States unemployment insurance is paid for by employers and individual firms accordingly to experience ratings. And so it follows, elementally, the shorter periods of unemployment that follow from plant closings and mine closings, as the distinguished Presiding Officer will know well, and office closings, the lower will be the unemployment taxes levied. And, therefore, the greater the savings to employers.

The degree to which the present plant notice situation is a problem I think may not be widely enough appreciated. A half century after we provided unemployment insurance, we began to have collective bargaining as a generally accepted condition of labor relations. Nevertheless, American management, at least some parts of it, persist in what is almost an unthinkable act in other relationships, which is to say, the sudden, unannounced or scarcely announced closing of a plant. A closing leaving individuals and whole communities dazed, unprepared, and unable to take advantage of circumstances which might otherwise mean an easier transition.

Here are some numbers. These are Labor Department numbers, of course. Between January 1981 and January 1986, over 5 million workers lost jobs due to plant closings or mass layoffs. The General Accounting Office has studied the specifics of what notice was provided in a representative sample of these dislocations. Thirty-two percent of these cases, a third, no notice of any kind was given. None. I mean, this is reminiscent of tales of how terrible the condition of the wage worker was in the high stages of an uncaring and almost irresponsible capitalist explosion in the 19th century. It is from Dickens. Yet, we shall find this situation normal to our present work force. A third of the 5 million workers got none, not a day's notice. The median length of notice that was given was 7 days. That is just not in accord with the sense of how you work with people—people who work with you. It is unbecoming of a great nation and it does not work. It is inefficient. It goes against all those things we have learned about how to get the best out of people, the most out of arrangements, how to accommodate to change, how to make change an advantage to the community as against a disaster for it, or a torment.

How we could be at this stage in the 20th-century arguing an issue which could have been and should have been resolved a half century ago, I do not know. And how the administration could make this the centerpiece of its objection to an otherwise very important piece of legislation is difficult to understand.

This administration's Department of Labor task force on this question concluded:

> The earliest notification possible leads to more effective delivery of public and private services to dislocated workers.

The Office of Technology Assessment agrees. The conference board agrees.

In addition, we are talking about what makes an economy competitive. Ought we not look to the example of nations that we wish to be competitive with? The Japanese routinely inform their workers. The concept of worker notice is central to the pattern of industrial relations in Japan. They avoid adversary relations between management and labor, between industry enterprise and the community. The Japanese method has proved to be a very effective way of getting things done. Indeed, we all know that notice and cooperation is an effective way of getting things done in our own lives and personal relationships. It ought to be an aspect of industrial relationships as well.

It is strange that American business, so advanced in so many ways, should be so regressive in this regard. We should not neglect the fact, however, Mr. President, many American businesses have learned the value of worker notice. I speak as a New Yorker. General Electric Corp. moved its headquarters from New York City to Schenectady after a labor dispute, a strike. For the longest while it had the worst industrial relations.

When the workers finally were organized in the 1930's, a manager in charge of labor negotiations took office and set forth a completely uncompromising policy of management response to trade unions. Management made an offer and that was it. You said nothing about it. Not a word. There was nothing to discuss, nothing to bargain about. Take it or leave it.

Oh, my god. What an age, if I may put it, of predatory capitalism. Dynamic in its way, but hurtful and wrong in other ways.

And we are beyond that. The General Electric Co. follows a different policy today in Schenectady. They may have to shift production and layoff workers, but right away they come to the mayor's office. Right away they explain what is going to happen. The question of what can be done is asked. How can we adjust? Do workers want to follow their jobs to another plant? If they want to stay, what can we do? Typically, if a plant or building is abandoned, it will be offered to the city for whatever purposes the city might find. Being a good corporate citizen and this is the provision we provide in this bill, is nothing more than formalizing General Electric current practice.

The very perceptive journalist, Lars-Erik Nelson of the New York Daily News, could not fail but note that the Reagan administration was not arguing against the golden parachutes that are provided to displaced corporate executives. Millions of dollars are routinely passed to executives who lose their jobs because plants are closing. Sometimes they are closing because of their performance. Usually, the question of blame is not raised. It is a question of accommodating management in a jolting and dislocating experience.

As Nelson writes of executive layoffs:

> No padlocked plants and Wackenhut guards for them when the job goes under. In modern business, it is the work force . . . that takes the only risk that matters—the risk that one may have to sleep on a grate.

Why are workers not part of the same enterprise and to be treated in the same way as managers? The plant notice provision is not even giving them any money. It is just giving them time to make their plans in a situation which may not always mean much to a young worker. But to a 50-year-old, it means a lot. And it ought to mean something to all of us.

Can we honestly expect a work force not to think, trade union movement not to think, that this notice is an provision equitable, modest, and sensible arrangement?

So often in trade, particularly in trade, when the Government makes trade agreements it in effect decides that some industries will decline and others will rise; some jobs will be lost and others gained. And the Government decides this in fiscal policy and in monetary policy.

In the first 50 months of this administration the cost of the dollar was allowed to rise 80 percent. This appreciation meant the cost of American manufactures, commodities like coal and wheat, rose 80 percent in overseas markets, U.S. exports were wiped out. The Kodak Co. in Rochester, NY, was moved in the midst of this turmoil to send a letter to its stockholders called: The Dollar and Eastman Kodak. They had never in their near century-long, existence ever said anything like that. They said the increased cost of the dollar which translates instantly in the cost overseas, lost them $1 billion in profits.

In Japan where they manufacture film, the prices were not affected and they kept their share of the market against Fuji without any problem at all. But in Europe where suddenly Kodak film was 80 percent more expensive than it had been, they lost markets everywhere. And jobs were lost in consequence. Jobs were lost in the same way all over this country.

Job, were lost as a consequence of Government action, or inaction. Partly the losses were the consequence of a Secretary of the Treasury who had come before the Finance Committee and said the dollar is strong, which means America is strong. He could not quite get the distinction between a strong dollar and an overpriced dollar. He did not very much understand what was happening.

Well, the consequences of that kind of Government in Washington is people lose jobs in West Virginia or New York or elsewhere. It is hardly a great concession to let them know 60 days in advance.

May I say, Mr. President, the Canadians have had a very clear experience with plant closing notice. Mr. Edmund Cleary, the president of the New York State AFL-CIO has pointed this out in a letter to the New York Times. A Canadian program based on early notice was successful in reducing the time that a displaced worker spent on unemployment compensation from 22 weeks to under 8 weeks. Notice is just good management. It saves companies money. It saves workers pay or salary. It is so elemental, so simple. It is baffling—"weird", as Mr. Lars-Erik Nelson put it, that plant closing notice should be the centerpiece of the veto of this legislation.

Again, to make the point, the costs of unemployment are borne by management, by firms. To reduce periods of unemployment lowers the cost of the program and ought to be something management should insist on, look for, and not resist as it has done. Obviously, this is not all management, but it is enough management to have persuaded the White House to veto this bill.

There are a few other matters I would like to point to in this legislation which we think to be very important. The first is that we are going to see that the President has new authority to negotiate a new multilateral trade agreement under the general rubric that was set forth in Uruguay by the participating nations of the GATT.

This is a bill that says: Let us carry on the great tradition of trading agreements that began under Cordell Hull, in the aftermath of the disaster of the Smoot-Hawley tariff passed on this floor in 1930 and signed by President Hoover. In the postwar period we formalized this effort, made it multilateral. Despite the fact that the Senate failed to endorse the International Trade Organization, the General Agreement on Tariffs and Trade began the golden era of trade expansion in the postwar period. And we want it to go forward further still.

Far from wanting to stop the expansion of international trade, it is absolutely necessary that we give the President authority to complete another negotiating round, a round which this time will extend to services, intellectual and property other areas beyond the mere exchange of manufactured goods. American business very much wants this process to be successful, and the United States Senate very much agrees.

There are a number of specific provisions, not epic in their aspect, but we think important. One of which, an amendment which I offered, Mr. President, recognizes the relationship between trade flows and exchange rates and requires the Secretary of the Treasury to pursue currency negotiations with trade partners that manipulate exchange rates for the purpose of giving them an unfair advantage.

What happened in the 1980's was self-imposed. We did ourselves enormous damage, and we will be a generation recovering from an 80-percent increase in the cost of American exports and a corresponding decline in the cost of foreign imports. I say once again, Mr. President, an 80-percent increase in the cost of the dollar in 50 months. Nothing like that has ever happened to us. It was devastating.

There was event in the Middle West that highlights the situation created by the dollar appreciation. A large milling firm on the Mississippi River—it is in Minnesota; no secret about the name, Cargill was looking at a particular opportunity to purchase an enormous amount of grain, No. 2 red winter wheat, I think it is called, a standard product in international trade. They purchase large quantities of grain all of the time. That is their business. But in this instance they were not going to purchase American wheat. No. They were going to bring wheat from Argentina. Indeed, Cargill was going to bring wheat up across the Equator into the Gulf of Mexico, up the Mississippi, 1,500 miles, or so, because the change in the value of the dollar had made that wheat cheaper than wheat grown in Iowa, a hundred miles away.

American farmers did not forget how to grow wheat in 50 months. Kodak Co. did not forget how to make film in 50 months. The U.S. Government let this happen and did not notice. The Secretary of the Treasury thought it was a good thing, sounded good—strong dollar, strong America.

We now provide in the trade bill for a regular report from the Treasury Department on what changes in the direction of exchange rates, and other macroeconomic factors, mean for foreign trade, both imports and exports. We do not ask the Treasury to project the exchange rates. That would not be a wise thing, but they can see what has been happening and suggest what its consequences have been. The provision concentrates their minds. It makes them think about the subject, a subject which they clearly did not think about at all in the first part of this decade, and which caused the deficits which are now extraordinarily impressed upon America's consciousness.

An additional important provision has to do with the effort to insist on workers' rights as an aspect of trade relationships. This is an old concern of the American Government. As early as 1905, I believe, the Congress passed legislation that would put our country into conformity with an international labor agreement that had been negotiated in Europe to put an end to the sale of sulfur matches of a kind that caused serious illness in children. In effect, we committed ourselves not to take advantage of lower safety standards in order to gain markets in other countries.

In 1934 the United States joined the International Labor Organization, although we failed to join the League of Nations and the World Court. We have been active in the tripartite relationship between labor, management, and government ever since.

Indeed, not 3 weeks ago the President signed two labor conventions, international labor conventions, the first we had ratified in a third of a century. I had the honor to manage the resolutions of ratification here on the floor.

We have great potential in this matter. Governments like Poland—governments all over the world—are all signatories to ILO conventions on freedom of association. When they crush strikes, destroy organizations such as Solidarity, they are in violation of an international treaty and can be held accountable. This bill says they cannot only be held accountable in the ILO and in its councils, but in our trade relations with them as well.

This is something we stand for in the world, and it matters. There is one thing we know about the world; where you see a free trade union movement, you see a free society. It is our concern to advance those movements in the world and protect them where they have existed. If they are being crushed, as totalitarian governments will do, as Communist governments automatically do, it is in our national interest as it is in this trade bill, to reorder our trade relations accordingly.

Mr. President, I very much hope we will find a way to override the President. We ought to. The grounds on which the bill has been vetoed are embarrassingly trivial and wrong. No serious modern management would ever want to associate itself with the idea that it is none of the workers' business to know anything about how the business is run. Nor should this Senate.

I thank the distinguished Presiding Officer.

SENATOR ROBERT F. KENNEDY REMEMBERED

Mr. BYRD. Mr. President, yesterday, June 6, marked the 20th anniversary of the death of Senator Robert F. Kennedy. Last night, his family honored his memory in a public service at Arlington National Cemetery.

As Attorney General of the United States, as a U.S. Senator from New York, and as a Presidential candidate, Robert Kennedy fired the imagination and the passions of a generation of Americans.

His dreams became the goals of millions of young Americans. His hopes became our challenges.

Senator Robert Kennedy was born into wealth and privilege, but like his brothers, President John Kennedy and Senator EDWARD KENNEDY, he refused to be content with a life of leisure. He gave his life in behalf of social causes and economic justice.

While President John Kennedy sought a new frontier, Senator Robert Kennedy sought a new world—a world that would be a better world for all Americans.

While Senator Robert Kennedy was abruptly and tragically taken from us, his dreams remain with us—they have become part of the American dream.

While the personal story of Robert F. Kennedy will always remain a story of what might have been, his legacy is already an important part of American history—it is a story of dreams sought, dreams realized, and dreams deferred.

In his book, To Seek A Newer World, Robert Kennedy wrote:

> Our future may lie beyond our vision, but it is not completely beyond our control. It is the shaping impulse of America that neither fate nor nature nor the irresistible tides of history, but the work of our own hands, matched to reason and principle, that will determine destiny.

Senator Robert Kennedy shaped the impulse of America. Therefore, 20 years after his death, we honor him. We recognize him because the United States is a better country, and we are a better people because of the causes that he espoused, the standards that he set, and the dreams that he dreamed.

Because of the efforts and dedication of public servants such as Senator Robert Kennedy, I am confident that America's destiny will be a safe and secure one.

SENATOR ROBERT C. BYRD, SENATE MAJORITY LEADER

Mr. BOREN. Mr. President, a common debate among historians involves the question whether history is determined by institutions or by individuals. Those who have argued for the primacy of institutions may want to reconsider the issue, keeping in mind the career of Senate Majority Leader ROBERT BYRD and the critical role he has played in shaping the institution of the Senate and the policy that emerges from it.

As an individual, he has not only made a significant contribution to the people of his State and to the country, but he has also had a profound effect on the Senate, shaping it with his personality as well as providing it with unity and direction. It would be difficult to envision the Senate of the 1980's without the guiding influence of ROBERT BYRD. With his influence as a Member since 1959 and as Democratic leader since 1977, the Senate, as an institution, has been profoundly affected by his presence and leadership.

For Senator BYRD, a record of deep commitment to making a contribution to the people around him has been a trademark throughout his life. Beginning life deprived of most material advantages and left early in his life without the security of family, his career is a classic representation of the Horatio Alger myth and stands as an example of what can be achieved by an individual determined to reach his or her highest goals.

Since his arrival to the Senate in 1959, he has served as chairman of the Senate Democratic Steering Committee, the Senate Democratic Policy Committee, and of the Senate Democratic Conference. He has also held the positions of Senate majority whip as well as both Senate minority and majority leader.

As an advocate for West Virginia, he has been tireless. As a statesman, he has been fair and farsighted. Like his commitment to West Virginia and to the country, his dedication to the U.S. Senate reveals the very real love that he feels for this institution. Even his well-known mastery of the Senate rules of procedure demonstrates a commitment to the process and the way in which the Founding Fathers hoped the Senate would operate. He realizes that sound policy can only come from a deliberative process that assures that all ideas will have a fair chance to be considered.

Furthermore, Senator BYRD has invested a great deal of his own personality into the Senate. With his flashes of rhetoric and propensity for citing inspirational poetry and prose, the majority leader often succeeds in framing issues in new light, bringing fresh insight to old problems and promoting a vision by which legislators can focus their efforts.

These are truly difficult tasks, and the majority leader has not only accomplished them but has done so with the highest degree of integrity and honesty. With Senator BYRD's departure as majority leader, he passes on a legacy of these qualities and capabilities that future leaders will be hard pressed to emulate. It is reassuring to all of us and to the people of America that he will remain an integral part of the Senate leadership and continue to provide the guidance and care he has contributed throughout his career. Senators will continue to have the personal benefit of his counsel and friendship which have been so helpful to new Members as they come here.

No two Senators will agree on all issues, but I am sure, Mr. President, that there is not one Senator on either side of the aisle who has served with ROBERT BYRD who would not say that he is a man whose entire career demonstrates a true love of country above and beyond any personal or political self-interest. ROBERT BYRD is a public servant in the highest sense of the term.

TRIBUTE TO CLARENCE PENDLETON

Mr. HATCH. Mr. President, the Nation has suffered an enormous loss; the civil rights community has suffered an enormous loss; the cause of fairness for all Americans has suffered an enormous loss; and I, too, feel that I have suffered an enormous loss.

Clarence Pendleton passed away just a few days ago. It has taken me until now to bring myself to the point of saying "goodbye."

Clarence Pendleton, or "Penny" as we all affectionately referred to him, lived what he preached. He preached that every individual ought to have every opportunity to reach his highest destiny in life. He lived by the same code. Whether he was coaching a swimming team at Howard, leading the Urban League in San Diego, or presiding over the Civil Rights Commission, he challenged all others and himself to reach higher, to see clearer, to live better.

Penny had a vision. He envisioned a world where individuals would be judged on their merits, not on the basis of any single characteristic or class identity. He envisioned a world where all people—men and women, worker and employer, cleric and layman, teacher and student, old and young, zealot and passivist—would enjoy absolutely equal opportunities to pursue their own vision of happiness.

Penny's world would accord to all individuals equal worth and equal dignity. Penny's world would accord to all individuals the rights to "life, liberty, and the pursuit of happiness." Penny's world would be devoid of prejudice, bias, and stereotype. Penny's world would be full of freedom, opportunity, tolerance, and compassion.

Judging by the public discussion generated by Penny's public life, we have not yet achieved Penny's vision. It is my profound hope, however, that his passing will give us more incentive to press forward to make his visions into realities.

With that hope, I am now ready, Mr. President, to bid Penny a fond farewell. I will miss him. I particularly want his family to know that their husband and father was a man of true greatness. I send them my heartfelt condolences and thank them for sharing Penny with the Nation. We are all richer for having known Penny.

A gigantic tree has fallen in the forest of men. The many who found shelter in his expansive branches will, in time, find other places of security. Yet, the forest will never be the same. Where once luxuriant foliage blessed the surroundings, a clearing is now exposed to the Sun. In this clearing, however, Mr. President, this majestic frame of a man has sown many seeds of truth and love which will sprout in time to raise still another lasting tribute to the fallen giant.

IMPORTANT ANALYSES OF THE CONVENTIONAL BALANCE

Mr. WIRTH. Mr. President, now that the INF Treaty has been completed, and agreement reached, we must focus our attention on next steps. Certainly conventional arms control will occupy much of our attention over the coming months and years.

As we focus our attention on these important issues, I want to share with my colleagues in the coming days four important analyses of the conventional balance:

Anthony Cordesman, on the NATO Central Region;

Joshua Epotrin, on Measuring Military Power;

Robert Blackwill, testifying before the Senate Armed Services Committee; and

Karl Kaiser, on conventional arms reductions.

In a 1983 journal article, titled "The NATO Central Region and the balance of uncertainty," Anthony Cordesman, a highly respected defense analyst, makes a substantial contribution to our understanding of the myriad elements beyond the bean counts of the conventional balance in NATO's Central Region, and illuminates the many ways of manipulating these bean counts to prove NATO's inferiority. His basic thesis is that multiple uncertainties exist for each side in its calculations of the European balances of forces, and that with appropriate conventional and nuclear force deployments, NATO can successfully deter a Warsaw Pact conventional attack without having to resort to early use of nuclear weapons.

He contends that there is an essential linkage between the Central Region and nuclear deterrence in that the Soviet Union cannot, and must not ever know with certainty at which point NATO would cross the nuclear threshold. He further contends that NATO faces its own balance of uncertainty in not relying too heavily on a threat of nuclear retaliation that it may not be willing to execute, and having adequate conventional forces to fight even theater-wide conflicts for a reasonable period of time, thus closing the gap between "inaction and willingness to use nuclear weapons."

Cordesman devotes the bulk of his article to detailing numerous uncertainties that one must consider in any evaluation of NATO and pact balances. These include, among others, the uncertainties of resources, the reliability and dependability of allies, differences in readiness and buildup capabilities, geographic limitations, sudden or surprise attack capabilities, tank quality and support capabilities, antitank and attack helicopter capabilities, artillery quality, and tactical air systems quality.

Notably, Cordesman concludes that, despite important trends shifting toward the Warsaw Pact's favor, the various balances of uncertainty do not "support fear or complacency," and that NATO possesses formidable conventional forces in the Central Region. Cordesman further concludes that NATO has politically and economically feasible force improvement options to correct weaknesses and miscalculations, such that any Warsaw Pact attack on NATO would be unthinkable to the Soviet Union. He forcefully emphasizes, nevertheless, that NATO can never practically or prudently rely exclusively on conventional deterrence or conventional forces equal to pact forces to guarantee its security. For that, he contends, NATO must continue to rely on nuclear deterrence, which can best be strengthened, not by adding prohibitively expensive new divisions or wings of aircraft, but by nuclear force improvements.

Following is a condensed version of Mr. Cordesman's article, covering what I believe to be the most significant of its contents, which I ask unanimous consent to be printed at this point in the RECORD.

There being no objection, the condensed version was ordered to be printed in the RECORD, as follows:

ANTHONY CORDESMAN: "THE NATO CENTRAL REGION AND THE BALANCE OF UNCERTAINTY," ARMED FORCES JOURNAL INTERNATIONAL.

Western security is dependent on many military balances, and each presents its separate hope of peace and risk of war.

Even within a given balance, much depends on warning and politics. The Soviet Union may or may not deliberately initiate a conflict. The USSR may depend on forces in being, covert buildup, or covert deployment of the maximum forces it can bring to bear. The Soviet Union may use a given balance to put political pressure on the West or divide it without resorting to arms. If a conflict does occur, it may or may not be limited to a single region of NATO or even to a single country.

NATO must have the proper mix of military strength to deal with all these balances. The West's security is dependent on its ability to create a reasonable deterrant in every area where there is a meaningful risk of war.

Two balances, however, are far more critical than the others. NATO can lose many small confrontations or conflicts. It cannot, however, risk more than the most minor loss of territory in the Central Region or engage in more than the most limited use of nuclear weapons without defeating its purpose. To succeed as an alliance, NATO must succeed in deterring a major armored attack on the Central Region, and it must deter escalation to nuclear war. NATO stands or falls on its ability to preserve the Central Region.

The very importance of the Central Region strengthens NATO in terms of deterrance. It creates an "iron linkage" between the balance of armored forces in the Central Region and NATO theater and strategic nuclear capabilities. The USSR cannot consider the balance of forces in the Central Region without considering the risk that any attack on the Central Region will lead to nuclear conflict.

This linkage is the key uncertainty in the NATO-Warsaw Pact balance. The USSR cannot predict the point at which nuclear escalation will come, and the risk of such escalation increases in direct proportion to the forces the Warsaw Pact commits to an attack and its success.

At the same time, NATO faces its own balance of uncertainty. It cannot afford to rely on the theater nuclear equivalent of minimum assumed destruction. NATO must avoid nuclear conflict as long as possible and must void a level of conventional weakness that might allow the USSR to win a limited conventional war in Germany.

NATO must be able to fight even theater-wide conflicts for a reasonable period of time. It must be able to impose conventional losses that fill the gap between inaction and willingness to use nuclear weapons.

NATO relies on conventional forces to deny the Warsaw Pact the ability to win a quick conventional victory in the forward area, and to make nuclear escalation seem a rational and inevitable response to any massive and sustained Soviet invasion. This reliance on deterrence rather than war fighting imposes risk, but it also means that NATO does not need forces equal to those of the Warsaw Pact or that can deal with "worst case" war fighting scenarios.

NATO's force improvement problem changes radically when its goal becomes deterrence and preserving the balance of uncertainty. It shifts from a problem of trying to close an impossible gap in conventional and/or nuclear capabilities to one of how best to maintain and strengthen an already effective deterrent.

This, however, still leaves the problem of determining what conventional capabilities are adequate. Even a deterrent alliance must back the balance of uncertainty in nuclear forces with a credible balance of uncertainty in conventional capabilities.

The problem becomes one of how to measure NATO's Central Region forces in terms of their relative ability to shape Soviet perceptions and deprive the USSR of any incentive to attack. Uncertainly becomes important as well as capability, and capability is defined in terms of deterring any Soviet armored assault on West Germany rather than fighting the resulting conflict.

NATO is unique in its tendency to underestimate its strengths. The most commonly used members on the NATO and Warsaw Pact balance have nothing to do with the Central Region balance or with any other balance that has military or political meaning.

They ignore NATO's reliance on deterrence, they give a false impression of overall weakness, they fail to single out the trends and risks that matter, they fail to identify key uncertainties, and they fail to give NATO's force improvement opportunities proper credibility.

NATO, for example, focused on broad force totals which were deliberately designed to dramatize its weakness when it published its first major public force comparisons in May of 1982.

NATO ignored comparative readiness, deployability, and buildup capabilities. It used geographic categories that made a bad balance impossible and which had nothing to do with either deterrent or war fighting capability.

An uncertainty which receives far too little attention and which tends to favor NATO is the uncertainty of resources.

NATO and the Warsaw Pack differ sharply in how they organize military forces. The Warsaw Pact concentrates far more of its resources on combat units and aircraft which would be rapidly consumed in combat and then replaced with new units. NATO emphasizes sustaining capability: keeping combat units intact and providing large amounts of supply, manpower, and equipment replacements.

Roughly half of the Warsaw Pact's peacetime manpower and one-third of its mobilized manpower is East European. The GDR has 113,000 men, Czechoslovakia has 142,500, and Poland has 207,000. All are conscript armies. All must virtually double their size with reserve civilians to mobilize all the combat and reserve divisions . . . plus their necessary support.

NATO cannot count on East European reluctance to fully support the USSR in estimating its relative war fighting capability—but the USSR can scarcely count upon those "allies" to provide such support. This is significant when one considers that 15 of the 57-odd divisions in Pact forces are Polish and 10 are Czech. Only nine or 10 of the Polish divisions and five of the Czech divisions are combat ready. The GDR is the only East European state which relies solely on combat ready units where the officers and NCOs are carefully selected in ways which seem likely to provide a high standard of real loyalty.

The Warsaw Pact must consider that the "peace-loving" peoples of Eastern Europe are scarcely the ideal mobilization base for offensive war.

The uncertainties imposed by the Warsaw Pact's reliance on East European forces are compounded by those that grow out of the difference between NATO and Warsaw Pact readiness and buildup requirements. These differences are massive and impose certain risks.

NATO units admittedly differ in readiness in many obvious or subtle ways. Different countries impose very different standards in terms of training, ammunition stocks, war reserve equipment, combat and service support, spare parts, unit integrity and turnover, combined arms and land/air training, and a host of other factors.

There is no easy way to summarize these differences. No meaningful net assessment has ever been made of the comparative readiness of each NATO army. NATO can only go so far in raising such sensitive issues and must concentrate on the extent to which each nation meets agreed standards and its own national goals.

For all the uncertainties about NATO readiness, such uncertainties in the Warsaw Pact are even greater. Eleven of the 57 Warsaw Pact divisions are Category II and III reserve units. Further, all of the 32 Soviet division in the Western Military District are Category II or III divisions, and between 30-60 percent of the Pact's non-combat support manpower would have to be mobilized.

The Soviet Union must evaluate its own strength in light of the fact that its own significant combat experience since 1945 has been in Afghanistan and that it no longer has any significant number of combat-trained troops. Quite aside from the issue of the reliability of non-Soviet reserve forces, it also faces the issue of how well its Category II and III units can deploy and fight in a theater-wide conflict.

NATO intelligence estimates have tended to ignore these readiness problems in calculating the threat, as well as the fact that Warsaw Pact divisions of all types are constantly undergoing massive equipment conversions, and are subject to large-scale manpower turbulence because of a reliance on two-year conscripts, almost all of whom must also receive basic training in the unit to which they are sent.

It is difficult, however, to see how the Soviet Union can view the situation in similar terms. The USSR is anything but reckless in military matters, and its readiness assessments are nearly certain to be ultra-conservative. It will know the weakness of each Warsaw Pact unit as well as SACEUR comes to know privately the weakness of each NATO unit under his command. Its calculation of the risks of committing understrength and rapidly mobilized units will give it a very different picture of total buildup capabilities than the one common in NATO.

The Warsaw Pact has a major surprise or sudden attack capability, and enough Category I and II divisions to create a 3-1 superiority from roughly M+9 to M+30. The arrival of Category II divisions would raise the ratio to as high as 7-1.

At the same time, at least some aspects of the balance of uncertainty do favor NATO. Any such Warsaw Pact movements would literally involve the deployment of over one million men, regardless of what assumption is made about readiness. Even under worst case conditions, NATO will find countless opportunities for conventional "deep strikes" against key rail and road links and facilities. Under more favorable assumptions, such NATO strikes could vastly compound the uncertainties the Warsaw Pact faces because of nationality and readiness problems.

There are, however, serious problems and uncertainties in NATO's deployments as well as in the deployments the Warsaw Pact would have to carry out to attack.

NATO also has serious problems with its reserves. Ideally, the British Army of the Rhine should be reinforced with enough reserves to expand it from 55,000 to 147,000 men. It will take at least ten days to fully deploy French forces from France (if these are in fact committed) and nine days to deploy any meaningful Danish support to the 6th German Division. A French unit would also have to move over 300km to come to the aid of even the northern sector of NATO's Central Army Group (CENTAG).

While NATO is well deployed in broad terms, few NATO units are deployed directly at their wartime positions, and about half the combat battalions in West Germany are 50 to 100km from the border. NATO requires between 24 and 96 hours to occupy forward defense positions of the kind that do most to prevent the loss of any German territory and provide the defender with the most advantage.

The NATO land force "bean counts" included the flanks and excluded most units in the USSR and all NATO forces outside Europe. The resulting totals gave NATO 2.6 million men to 4.0 million for the Warsaw Pact.

The NATO aircraft counts—which for some strange reason excluded all reinforcements from outside Europe but included all aircraft in Russia's three Western, Volga, and Urals Military Districts—gave the Pact 7,240 combat aircraft to 2,976 for NATO.

The NATO-Pact ratios were 2,288-2,115 fighter bomber or ground attack aircraft, 730-4,370 interceptors, 0-350 bombers, 4,200-11,000 antiaircraft guns, and 2,300-6,000 surface-to-air missile launchers.

These NATO air figures seem a bit thick even for comparisons designed to serve the purposes of political gamesmanship. They include most of the strategic defense forces of the Warsaw Pact—which almost certainly would not be committed in bulk to any attack on NATO even under the worst conditions—and ignore America's impressive ability to deploy tactical air power based in the U.S.

They ignore the fact that both sides would be short of air bases, air base protection, and support during the initial phases of any conflict.

The Warsaw Pact could conceivably begin an attack and achieve significant limited gains before NATO could move out of its peacetime caserns.

At the same time, there is little prospect that Soviet forces will suddenly leave their caserns and arrive at the Rhine or the Weser. No matter what scenario leads to conflict, the Soviet Union will have to carry out major divisional-sized movements. The average Soviet division in the GDR is located 125km away from the inter-German boarder, and two-thirds are located more than 100km from the boarder even if one draws a line that ignores road lengths and terrain.

The Soviet Union also could not rely on any attack by the forces it has near the boarder. It would almost certainly have to commit all its forces in the GDR, Western Poland, and Czechoslovakia in a matter of days.

This means that unless the Warsaw Pact carries out massive prior movements under the cover of some exercise (and movements close the FRG on this scale would make such a cover thin), it will become vulnerable to NATO air and missile attack

Counts of tank strength sharply favor the Warsaw Pact regardless of how one counts NATO and Warsaw Pact tank forces. The Pact leads in terms of force trends, numbers, and modernization. The Warsaw Pact has increased its tank strength far more quickly than NATO, and trends favoring the Warsaw Pact have accelerated since the early 1970s.

The USSR restructured its Fronts in Eastern Europe to provide far better air and mobile infantry and artillery support for armored movements. It corrected some of the weaknesses in its logistic and support forces, and has introduced new concepts of combat unit organization like the Operational Maneuver Groups (OMGs).

The OMG is task-force oriented and provides far greater and more flexible integration of combined arms . . . These OMGs are specially structured and designed to penetrate NATO defense in quick thrusts . . .

The USSR does not . . . face the same kind of uncertainties in tank numbers and armored offensive units that it faces in the previous balances of uncertainty. It is steadily improving its ability to conduct a quick and limited seizure of West German territory and to conduct conventional wars at sufficiently limited levels to raise doubts about the credibility of NATO's escalation to nuclear war.

The Warsaw Pact, however, faces uncertainties in tank quality and support capability . . . [T]he Warsaw Pact is modernizing its tank pool more quickly than NATO, [but] earlier generations of NATO tanks were significantly better than comparable generations of Soviet tanks, and this gives NATO an advantage.

While Soviet tanks have superior cross-country mobility and well-shaped armor and recent models have thicker conventional armor than the armor on NATO tanks, even the most modern types lack advanced range finders and fire control equipment. The newest Soviet tanks also have automatic loaders that require repositioning of the gun and which severely complicate operation of the tank.

Although Warsaw Pact tanks are rugged, they have not proved particularly reliable, quality control of critical parts is poor, and defects are not routinely corrected once tanks enter service.

Soviet tanks lack flexibility in using a wide range of ammunition types and carry only 28-40 rounds (vs 63 for an M-60A1). Their guns track slowly, and their turrets rotate at only 17° per second (vs. 24° for an M-60A1 and 40° for an M-60A2). Even the T-72 and T-80 seem to have extremely cramped cabins and poor human engineering, poor "buttoned-down" visibility, and problems while firing in defilade. Soviet tanks cannot shelter behind hills because their guns only depress a maximum of 4° (vs. 11° or more for NATO tanks).

While NATO tanks have many design defects of their own, they are less serious than those of most Soviet tanks . . . The Warsaw Pact, therefore, must regard comparative tank quality as a significant uncertainty in evaluating its own capability.

Further, Warsaw Pact units still lack the tank recovery, repair, and replacement capability of most NATO divisions.

The Warsaw Pact has been far quicker to acquire "force multipliers" like attack helicopters and antitank guided missiles and now has a major lead in both areas.

The Soviet Union has seen the helicopter as a powerful means of disrupting NATO in the rear, halting NATO movements, outflanking NATO armor and air defenses, and supporting its own breakthrough attempts. It has steadily upgraded both the number and firepower of its attack helicopters and built them into a major force in the Central Region.

NATO does seem to retain an advantage in terms of helicopter maneuverability, protection, sensors, and antitank weaponry, but it must make major increases in production to take advantage of this opportunity and offset the Soviet advantage in production.

The balance of uncertainty in artillery also favors the Warsaw Pact . . . The Warsaw Pact has a massive advantage in numbers and in its rate of modernization. There are some compensating uncertainties . . . [M]any Warsaw Pact units still use towed weapons. The Pact is unlikely to fully convert to armored self-propelled artillery like that common in most NATO units.

The Warsaw Pact does not have fire computers and targeting aids equal to those in the best NATO units, has fuzing and artillery round reliability problems, and does not have rounds with the same lethality against soft targets—although its fragmentation patterns are generally more lethal against light armored vehicles than those of NATO.

Overcentralization and lack of skilled personnel make it difficult for Soviet artillery to shift fires rapidly or adapt to new tactical conditions. This is compounded by a lack of adequate communications.

The Warsaw Pact also has uncertain ability to sustain its theoretical rates of fire and to provide the massive ammunition resupply needed to take full advantage of its numbers of tubes.

The Warsaw Pact lead in aircraft numbers . . . is misleading, as noted earlier. The Pact totals include strategic defensive aircraft which are unlikely to be used against NATO in large numbers, and the comparisons exclude large numbers of tactical aircraft which both sides can rapidly deploy from outside the Central Region.

NATO has a distinct advantage in terms of individual aircraft capability, munitions, and numbers of aircraft that can directly support the land battle.

NATO also draws major advantages from its superiority in airborne early warning and control, in electronic warfare, and in air-to-air missiles and retains at least some superiority in surface-to-air missile technology. The Improved Hawk, for instance, is probably better than any system yet deployed in Eastern Europe.

WEIGHING THE BALANCE OF UNCERTAINTY

The balance of uncertainty, therefore, does not support either fear or complacency. The complex mix of capabilities and trends that now make up the balance of uncertainty in the Central Region indicate that NATO still has great deterrent strength. While many key trends are shifting in favor of the Warsaw Pact, NATO still has remarkably strong mix of conventional forces in the Central Region.

It is also clear that NATO has serious weaknesses, but even where it is weak or has miscalculated, it still has major force improvement options. NATO can unquestionably sustain enough conventional capability to make a Warsaw Pact attack virtually unthinkable to the Soviet Union.

There is also a point of diminishing returns in the search for conventional options. There is no practical prospect that NATO can ever rely on conventional deterrance or means to fight prolonged theater-wide conflicts or deal with the full military capabilties the USSR can eventually bring to bear.

This must be done through nuclear deterrence. Thus, the priority is for improvements like the ground launched cruise missile and Pershing II and not for more divisions, wings of aircraft, or the other incredibly costly improvements necessary to raise NATO's present conventional battle fighting capabilities to a level that can deal with another Soviet Shock or Tactical Air Army.

The Soviet Union faces so many risks and uncertainties in the Central Region that it may never test NATO's capabilities as long as NATO remains politically united.

Survival, however, is not the same thing as security. NATO needs a new realism about the Central Region balance if it is to create the kind of forces that do most to reduce the risk of any kind of conflict. This, in fact, is NATO's best hope for arms control: not more forces or force reductions, but the right forces to deal with the balance of uncertainty.

TO EXEMPT CERTAIN ACTIVITIES FROM PROVISIONS OF THE ANTITRUST LAWS

Mr. THURMOND. Mr. President, I rise today in support of S. 844, a bill to exempt certain activities from the provisions of the antitrust laws. It is my privilege to be cosponsor of this bill with Senator SIMON, as I was in the last Congress. S. 844 grants a carefully limited antitrust exemption to the television industry. For a period of 36 months from the date this bill is enacted, certain entities within the television industry can engage in joint discussions to develop and disseminate voluntary guidelines to alleviate the negative effects of televised violence on children and adults.

Mr. President, I believe the issue of violence on television, and especially its impact on children, is one that should be discussed and considered very seriously by the television industry. It is my understanding that because the Department of Justice filed a complaint against the National Association of Broadcasters in 1979, the television industry has been reluctant to engage in any kind of joint discussions about guidelines concerning violence on television. I appreciate their reluctance, and that is why I think this bill deserves our support. It provides the industry with the antitrust immunity they need in order to address these concerns.

Mr. President, this bill does not require the industry to engage in discussions, nor does it require them to develop guidelines. It simply provides them with an opportunity to discuss the amount and kind of violence that exists on television today. In every hearing that we have held on this bill, and others like it, there has been testimony from a broad spectrum of researchers that there is a link between televised violence and individual behavior. Individuals may differ on the extent of the link, but very few, if any, disagree that there is some kind of causal connection. Since television is such a pervasive part of our everyday life, and since it is so difficult to control the amount of television, or the kind of programs that are watched by our young people, I believe that there is a real need for this bill. I urge my colleagues to support its passage.

MEMORIAL DAY SPEECH OF TOM TURNAGE, ADMINISTRATOR OF VETERANS AFFAIRS

Mr. DOLE. Mr. President, last week I once again had the privilege of attending Memorial Day ceremonies with many of my fellow veterans at the Tomb of the Unknown Soldier at Arlington National Cemetery. It is always a humbling experience to gather there, remembering those men and women who made the ultimate sacrifice for their country. I was pleased to have shared those special moments with so many who, like myself, served and returned.

I was also honored to hear Memorial Day address by Tom Turnage, Administrator of Veterans Affairs. He spoke of the many liberties that we enjoy as a result of the sacrifice of those who slept beneath the grave markers around us. He further spoke of a hope that I share completely—that future Memorial Days will have more of peace to remember than of war. We all hope to see the day when veterans are rare because of so many years of sustained peace.

Mr. President, I ask unanimous consent that the text of Administrator Turnage's remarks be inserted into the RECORD so all Americans may note his distinguished remarks.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF HON. THOMAS K. TURNAGE, ADMINISTRATOR OF VETERANS AFFAIRS

Mr. Sutphin, General Hilbert, Senator DOLE, and Members of Congress; senior officers and other service members of the military, representatives of foreign governments; distinguished officers of veterans service organizations and auxiliaries, fellow veterans, honored guests, ladies and gentlemen:

Good Morning: Today, here in one of the most hallowed of landscapes, with this fine display of martial colors, and the powerful sounds of patriotic music . . . it is difficult not to be affected by strong feelings of love and respect for America and for those who have given their life for her.

A few minutes ago I placed the Presidential wreath at the Tomb of the Unknown

Soldier—symbolizing our Nation's grateful remembrance to its fallen heroes.

It is a very touching and moving experience.

As I stood in front of that Tomb of the Unknown Soldier—in silent reverence—I reflected on how great it is to be an American, to live in the land of the free and the home of the brave.

I confess to a feeling of great pride in representing the President today in this special observance, an observance that pays tribute to those who have made the ultimate sacrifice for the peace and freedom we all enjoy.

And as I speak to you this morning, those of us who love peace can take comfort in knowing that President Reagan and Mikhail Gorbachev, leaders of the two super powers, are this very moment talking and searching for initiatives and agreements that will lead to a safer world.

And it is our hope that because of the Moscow talks this week, future memorial days will have more of peace to remember than of war.

The President wants to ensure that those basic human rights and democratic ideals, which many of us have defended, are not threatened, but appreciated and perpetuated.

He wants to ensure that Americans no longer have to make the ultimate sacrifice for freedom.

He wants to ensure a long-lasting peace that would put the folly of war forever behind us.

When the President asked me to represent him at today's ceremony, he said that one of the most rewarding moments of his Presidency is when he stands here at Arlington saluting those who have given their all for their country.

He believes that the true bulwark of our freedom and national independence is found in the souls of our people.

Always around when we needed them, yesterday's soldiers—today's veterans—were and are the steady kind.

They marched in step with others like themselves—answering their country's call.

We asked them to interrupt their private lives—home, family, jobs, education—to undergo rigorous training, to trade the tools of their occupations for tools of war, and to risk and endure hardships that many cannot imagine, to protect our freedom and independence.

We asked. They answered.

Liberty and justice prevailed and endured.

For more than 200 years America has been the strongest advocate of peace and freedom in the world.

Our men and women in uniform have dedicated themselves to protecting and strengthening these freedoms—the ideals of our Republic and of free men everywhere—throughout the world.

They manned the trenches in World War I, protecting Paris and our democratic ideals, they stormed the beaches of Normandy, pushing back the Nazi death machine, they freed the Philippines with Gen. MacArthur.

From Inchon, in Korea, through the rice paddies of Vietnam, to the liberation of Grenada, each time, our men and women in uniform were there, always doing more than was asked.

Always ready whenever our security, honor and freedom were at stake.

Today we rejoice in the blessings their bravery has secured us.

Today we carry the light of a precious heritage, and we cannot allow it to dim with apathy or allow it to be taken for granted.

Its cost was high—over one million deaths in service.

The liberties we enjoy are precious gifts.

Precious gifts that have become a part of American life.

Precious gifts that require a constant vigil.

Precious gifts that will be defended if threatened.

We have shown the world that America still has the will to be free and the courage to carry the torch of liberty, just as our ancestors did before us.

For today, America is back and standing tall.

We've seen a dramatic turnaround for America that continues to this day. A few years ago, there was a disturbing malaise that prevaded the land. There were expressions of concern over the condition of our Armed Forces, you remember. Stories of a "hollow" army—over 20,000 petty officer shortfall in the Navy—Air Force pilots and technicians leaving by the hundreds—general reservations about quality and morale. All of which led to understandable skepticism about chances for improvement in the foreseeable future.

A lot of people felt that our Armed Forces weren't in a condition to be going anywhere. But I think we all recognize that there's been a turnaround—a turnaround of unprecedented magnitude.

I won't go into detail on the status of our Armed Forces other than to make this comment: I have frequent occasion to visit all elements of our total force, and I'm impressed with what I see.

I see quality in manpower, modernization in equipment and sufficiency in material. And most significantly—one can feel the high degree of pride and confidence. Indeed, everyone agrees that President Reagan has kept his promise to strengthen our defense and thereby enhance the promise for peace.

Today, we're living in a stronger America and in a safer world.

Even so, we are now hearing desperate voices throughout this land—driven by their own motives, that advocate: massive cuts in defense, in deference to expansion of social programs. I know of no such programs that ever defended this Nation. Heed such voices with great caution and concern.

Today, the values of representative government, free enterprise, and individual freedom appeal more than ever to the oppressed and impoverished people of the world.

The challenge for us today is to secure the progress that has been made and to ensure that America's legacy to the 21st century is one of prosperity, strength, peace, and freedom.

And those are some of the concerns the President is sharing with his Soviet counterpart.

The President's policy toward the Soviet Union has been successful because it has been realistic, consistent, and comprehensive.

With strengthened ties among our allies, this policy has already made United States-Soviet relations more stable and has improved prospects for peace.

America's goals are a safer peace and greater opportunity for freedom.

The men and women who wear our country's uniform today share a common bond with those we honor today.

That bond is the commitment to uphold those freedoms we cherish so dearly—to defend the freedom earned by our forefathers.

We can be glad and thankful that there once walked upon this Earth such persons as we honor today.

And they must not be forgotten.

No one is more responsible for securing the blessings of liberty to ourselves and our posterity than our men and women in uniform.

Yes, I said women.

For they too have been vitally active participants in America's defense. Throughout our Nation's history, American women have served in our armed forces—often times in situations that entailed great hardship and danger.

And on this Memorial Day we pay special tribute to them.

This Memorial Day observance is a day to resolve to stay so well-prepared in peace to deter any aggression or threat to our ideals.

We must reaffirm the covenant forged by our founders, who pledged their lives, fortunes, and sacred honor, to secure the blessings of liberty.

They have passed to us a rich heritage to build upon for our future and we must never fail them.

As President Lincoln said, "It is up to us to make your sacrifice mean something. For you have done your part."

And the greatest tribute we can pay them is to secure our Nation and always keep alive the dream that peace and freedom is the natural and noble destiny of our world.

Thank you. God bless you and God bless America.

EXECUTIVE LEGISLATIVE TASK FORCE ON DRUGS

Mr. DOLE. Mr. President, I have today notified the White House that I am appointing Senators WILSON and D'AMATO to the newly established Executive/Legislative Task Force on Drugs.

The creation of this new task force, suggested by President Reagan, is one more indication of the seriousness of the drug problem. The task force is not a panacea. But it is another welcome source of input, because it will take all of us working together to stop the drug demon. We must find solutions that will not only reduce drug trafficking, but also reduce demand.

Senators D'AMATO and WILSON have been in the vanguard of our crusade against the pushers and the suppliers. The drug plague is a national crisis that demands tough, no-nonsense leadership—and that's exactly why I've named AL D'AMATO and PETER WILSON to this newest effort on the drug front.

I look forward to hearing the recommendations of this new group.

INF TREATY

Mr. COHEN. Mr. President, the Senate has essentially concluded with its floor consideration on the treaty between the United States and the U.S.S.R. on the elimination of their intermediate-range and shorter range missiles—the INF Treaty. In the 4 months since the treaty was formally transmitted to this body, the Senate, acting through its committees, has been engaged in an extremely productive review of the treaty, its meaning, and its implications for the security of the United States and our allies.

As the vice chairman of the Select Committee on Intelligence and a member of the Committee on Armed Services, I have had the opportunity to participate in the deliberations of those committees on the treaty and related matters. Both committees held numerous hearings on treaty-related matters on which they have special expertise and issued reports setting forth their findings, conclusions, and recommendations.

As a result of this review, the meaning and the implications of the treaty are much better understood both by Members of the Senate and, I believe, by administration officials. This review has led me to the conclusion that the INF Treaty would serve the security interests of the United States and our allies. Accordingly, I vigorously support the Senate giving its advice and consent to ratification.

INTELLIGENCE COMMITTEE DELIBERATIONS

From last September to March of this year, when it submitted its report, the Intelligence Committee conducted 15 closed hearings and 17 on-the-record staff briefings on INF monitoring, in addition to many informal staff briefings. On March 21, the committee unanimously adopted a report which addressed not only the immediate intelligence issues raised by the treaty, but also the longer term implications of the treaty, including its relationship to further requirements that may be levied against our intelligence capabilities. The unclassified committee report, which was included in the report of the Foreign Relations Committee, addresses the issues involved in the monitoring and verification process and describes the role which monitoring and verification plays in the overall assessment of the INF Treaty. Each of these issues is addressed in detail in the classified report, which is available to each of the Members of the Senate.

The committee's unclassified report, "The INF Treaty: Monitoring and Verification Capabilities," noted that "since no verification and monitoring regime can be absolutely perfect, a central focus for the committee has been to determine whether any possible infractions would be of sufficient military significance to constitute a threat to our national security interests." The committee found that while some of the treaty's provisions will be difficult to monitor, the limited military utility, high cost, or operational difficulties associated with potential cheating scenarios made such cheating unlikely. The committee noted, however, that if a START Treaty on long-range, strategic arms is achieved, the incentives for and military significance of Soviet violations of the INF Treaty would increase. Moreover, the need to monitor START limits in addition to the INF limits could strain our intelligence capabilities. For these reasons, the committee recommended support for a long-term program to modernize and improve upon current plans for intelligence collection, specifically those that would be most helpful in verifying a START Treaty.

Last week, the chairman of the Intelligence Committee, Senator BOREN, and I had the opportunity to meet with the President to discuss these matters. I am pleased to report that after our meeting, the President issued a statement that he supports the initiation this year of a multi-year program to improve our intelligence capabilities and that he will include funding for the second year of this program in next year's budget. Mr. President, I will ask that the full statement issued by the President be included in the RECORD at the end of my statement.

As Senators are aware, subsequent to the issuance of the Intelligence Committee's March 21 report, additional matters arose related to the treaty. The Intelligence Committee held a number of additional hearings and meetings, including a joint meeting with the Foreign Relations and Armed Services Committee, to address these additional matters and a report regarding the so-called futuristic weapons question was adopted by the committee earlier this month. I will summarize these issues in a moment.

ARMED SERVICES COMMITTEE DELIBERATIONS

As part of its inquiry into treaty-related matters, the Armed Services Committee held 29 hearings between January and March. This included a review of NATO defense issues and an extensive article-by-article review of the treaty text. The latter included 4 days of hearings with the chief U.S. negotiator of the treaty, Ambassador Maynard Glitman, to receive detailed answers to a lengthy list of questions in order to clarify potential ambiguities in the treaty text.

On March 28, the committee adopted, by a vote of 18 to 2, its report on "NATO Defense and the INF Treaty." In its report, the committee identified 15 issues which it believes warranted particular attention and offered recommendations on these issues. The committee's fundamental conclusion was that, on balance, the positive features of the treaty outweigh its weaknesses. Moreover, the committee concluded that if the Senate were to reject the treaty, the adverse political repercussions in Europe and elsewhere would be very significant.

"FUTURISTICS" AND THE DEFINITION OF "WEAPON-DELIVERY VEHICLE"

Among the 15 issues identified by the Armed Services Committee was the question of so-called futuristic weapon systems and, in particular, the definition of the term "weapon-delivery vehicle." The article-by-article analysis submitted by the Secretary of State defines this term as "those types of ground-launched cruise missiles that have been * * * flight tested or deployed with any type of warhead device or simulation thereof." As the Armed Services Committee's report noted, this suggests that the treaty might not cover ground-launched ballistic missiles or ground-launched cruise missiles that destroyed their targets through other, perhaps more futuristic or exotic, means such as lasers, microwave pulse generators, or direct impact. The committee recommended "that the Senate insist that the administration tell it authoritatively first, what they think the definition of "weapon-delivery vehicle" and second, whether this definition was clearly agreed to by the Soviet Union." The committee also raised the possibility of the need to adopt an appropriate understanding on this matter.

The committee concluded, and I fully concurred in this evaluation, that this issue is critical. The INF Treaty is intended to last in perpetuity. Accordingly, the treaty must be very clear in defining what types of future weapons of INF range will and will not be allowed.

Following close consultations on this matter among the Senate leadership, the three committees, and the executive branch, the United States raised this matter with the U.S.S.R. On May 12, during the ministerial meeting in Geneva, Ambassador Kampelman and Soviet Ambassador Karpov concluded a diplomatic note on the application of the treaty to intermediate-range and shorter-range missiles flight-tested or deployed to carry or be used as weapons based on either current or future technologies and on the related question of the definition of the term "weapon-delivery vehicle" as used in the treaty. I believe that this diplomatic note represents full agreement on these very important matters.

INSPECTION PROTOCOL ISSUES

After the three committees issued their reports, it also became clear that problems had arisen regarding the implementation of the protocol on inspections. During the technical discussions between United States and Soviet representatives on implementation of the inspection provisions of the treaty, it became apparent that, in addition to differences over the details of implementation, the Soviet side was seeking to repudiate certain obligations that are clearly spelled out in the actual text of the treaty. These issues included such fundamental matters as the smallest size objects which are subject to inspection, where inspectors can conduct inspections, the equipment which will be used in inspections, and so on.

Unable to satisfactorily resolve these problems at the technical level, the U.S. Embassy in Moscow raised them with Soviet Foreign Ministry officials. The Soviet response was delivered by Ambassador Dubinin on May 8. The following day, the Intelligence Committee received a briefing on the exchange of views with the Soviets. Based on that briefing, it was quite clear that the issues had not been resolved.

Accordingly, on May 9, the Senate leadership decided to postpone consideration of the INF Treaty until these problems were fully resolved. This decision represented the clear consensus of the majority and minority leaders, the leadership of the relevant committees, including the Intelligence Committee, and the Reagan administration.

On May 12, during the ministerial meeting in Geneva, the two sides also reached agreement resolving the inspection dispute. An agreed minute was signed by Ambassador Glitman and Col. General Chervov on the inspection matters. The agreed minute reaffirms those provisions of the treaty text that the Soviet side was apparently seeking to renounce. It also sets forth additional details to ensure that the implementation of the inspections is consistent with the intent of the treaty. Additionally, in the agreed minute, there is an additional Soviet assurance that they will not send out of their Votkinsk facility objects of certain sizes, and, in that context, we will not be inspecting such objects since they will not exist. I am satisfied that this agreed minute represents full agreement on the issues involved.

The treaty was brought up only after we were convinced that the agreed minute reached at the Geneva ministerial meeting did, in fact, completely resolve these matters. In short, the Senate's consideration, and therefore its approval, of this treaty was made contingent upon the agreed minute which resolved the inspection dispute.

CATEGORY III AMENDMENT ON FUTURISTICS AND INSPECTIONS

Mr. President, I am pleased that, yesterday, the Senate unanimously agreed to adopt a category III amendment to the resolution of ratification offered by Senators **Nunn**, **Warner**, **Boren**, and myself addressing the status of the diplomatic notes on futuristic weapons and the agreed minute on inspections. I would note that the portion of the amendment crafted by Senators **Nunn** and **Warner**, the chairman and ranking minority member of the Armed Services Committee, addresses the diplomatic notes on futuristic weapons and the definition of the term "weapon-delivery vehicle." The portion crafted by Senator **Boren** and me, in our role as chairman and vice chairman of the Intelligence Committee, addresses the agreed minute regarding on-site inspections.

This amendment makes the advice and consent of the Senate to the ratification of the INF Treaty subject to the condition that in connection with the exchange of instruments of ratification, the President shall obtain the agreement of the Soviet Union that the agreement concluded by the exchange of the diplomatic notes and the agreed minute are of the same force and effect as the treaty.

Since the Soviets have already agreed to be bound by the exchange of the diplomatic notes and the agreed minute, the Senate was confident that this reservation would pose no risk to the treaty's being implemented. The amendment simply addresses the status of the agreement reached in the diplomatic notes and the agreed minute, it does not alter the content of that agreement.

With regard to the agreed minute, this amendment emphasizes the importance the Senate places on both the inspection issues involved and the Soviet's abiding in good faith to their treaty obligations. Moreover, while the agreed minute may have a legally binding character, it could appear to some to be subordinate to the treaty, in either a legal or political sense. A category III understanding ensures that there are no questions that the agreed minute has the same political stature and legal force and effect as the treaty.

From the perspective of domestic law and the relationship between the Senate and the Executive, it is also essential to ensure that the agreed minute is of the same force and effect as the treaty. An agreed minute can be terminated or altered by the executive branch without the advice and consent of the Senate. Thus, we could conceivably face the situation in which the Senate's decision to give advice and consent to ratification was contingent upon this agreed minute, only to find that subsequent to ratification the agreed minute is altered. A category III understanding ensures that substantive changes could not be made in the agreed minute without the advice and consent of the Senate.

Likewise, this amendment ensures that there will be no question that the agreement on the critical matters of futuristic weapons and the definition of the term "weapon-delivery vehicle" contained in the May 12 exchange of diplomatic notes is of the same force and effect as the treaty. The treaty is designed to cover certain weapon systems. It is not designed to cover nonweapon systems; in fact, I would say that it is designed to not cover nonweapon systems. Accordingly, the definition of such a fundamental term as "weapon-delivery vehicle" is essential, as is a clear agreement on the application of the treaty to weapons based on future technologies.

Finally, Mr. President, I would note that our amendment was amended to include the agreements signed on May 21, 1988, in Vienna and Moscow correcting the site diagrams and certain technical errors in the treaty. Senator **Warner** and I engaged in a colloquy in which it was made clear that the acceptance of the second degree amendment was subject to the condition that future technical changes will not require the advice and consent of the Senate, nor will the regular data updates. Senator **Helms** joined us in colloquy, and I refer my colleagues to yesterday's **Record** for the complete text of our colloquy.

NATO SECURITY AND THE INF TREATY

Mr. President, in recent weeks, much attention has been focussed on these very complicated and arcane issues of futuristic weapons and inspection rights. I believe that "details" such as these are critical in determining whether the treaty will serve our interests, fulfill its purposes, and remain viable over time. At the same time, Mr. President, this focus on treaty details should not overshadow the significant attention we have accorded to the broader implications of the treaty for the security of the United States, NATO, and our Asian allies.

As I mentioned earlier, the Armed Services Committee report was entitled "NATO Defense and the INF Treaty." The relationship between the treaty and NATO's security was, indeed, the central focus of the committee's deliberations. 19 of the committee's 29 hearings on the treaty explicitly dealt with NATO security issues, including one meeting with Dr. Willen van Eekelen, the defense minister of the Netherlands and chairman of the Eurogroup Defense Ministers. In addition to these formal meetings, I and many members of the committee held numerous meetings with European political and military officials.

The committee examined NATO's present ability to successfully implement its strategy of flexible response, including forward defense, and the impact the INF Treaty would have on NATO's ability to do so. Flexible response requires that NATO have sufficient forces to respond to any level of aggression and a full spectrum of forces—conventional, theater nuclear, and strategic nuclear—so that it can counter any act of aggression with an appropriate response. In our view, there are serious deficiencies in NATO's ability to implement its strategy.

Of particular concern is the failure of NATO to develop an adequate conventional force posture. Not only has the alliance permitted the nuclear threshold to remain unacceptably low, conventional deficiencies call into question whether NATO's conventional defense forces would hold out long enough to enable political authorities to make a carefully deliberated decision to turn to a nuclear response to aggression.

There is also concern regarding our theater nuclear force posture. Over the last decade, there has been a significant increase in Soviet theater nuclear forces. During the same period, NATO has decided to retire some 2,400 older theater nuclear weapons in conjunction with a commitment to pursue theater nuclear modernization. I believe it is very important that we adhere to this commitment. In doing so, I believe that we can address certain concerns expressed by European, particularly German, officials. In this regard, of particular importance is proceeding with a tactical air-to-surface missile which can reach beyond German territory and is compatible with both United States and allied aircraft.

I would urge my colleagues to take the time to read the Armed Services Committee's evaluation of NATO's defense posture and how it will be affected by the INF Treaty.

As I indicated earlier, I have had the opportunity to discuss these issues with a number of European officials. The large majority of them expressed support for the INF Treaty. At the same time, many had concerns about what would follow once the treaty is in place. Such concerns involved the relative priority among future arms control efforts, modernization of remaining theater nuclear forces, the viability of and U.S. commitment to extended deterrence, and efforts to enhance NATO's conventional deterrent. Such concerns were particularly pronounced among West Germans.

An articulate expression of such concerns was made by Dr. Alfred Dregger in a recent speech in Washington, which I will ask be inserted in the RECORD at the end of my statement. Dr. Dregger is the chairman of the ruling party parliamentary group in the Bundestag of the Federal Republic of Germany. I should point out that I disagree with Dr. Dregger on many counts, both in terms of fact and judgment. However, I believe it is critical that we understand views that are commonly held in allied countries. Dr. Dregger's speech is representative of a perspective which I have heard repeatedly from a number of German officials, and I would commend it to my colleagues' attention.

Among the concerns frequently expressed are that the strategic unity of Alliance territory from North America to the Federal Republic of German is being called into question; that the credibility of extended deterrence is rapidly weakening; that the elimination of ground-launched INF missiles will leave the alliance with no intermediate-range nuclear forces, opening a gap in the spectrum of deterrent forces and making German territory uniquely exposed to nuclear weapons; that the intermediate-range nuclear forces that do, in fact, remain might be negotiated away.

These concerns, sincerely held by many responsible individuals in Germany and even some in this country, have been extensively examined by the Armed Services and Foreign Relations committees and individual Senators. I understand the origins of such concerns and, frankly, must acknowledge that the sometimes imprudent actions by officials in the United States have contributed to these concerns.

Perhaps the single event which best captures the complexities and contradictions displayed in the Reagan years was the summit in Reykjavik, where the President seemed prepared to give up all ballistic missiles, and possibly even all nuclear weapons. The administration was accused of, at best, placing higher priority on public relations than on policy and, at worst, of fundamentally misunderstanding the role of nuclear weapons in NATO strategy. Those concerns were, in my view, justified. And while the administration has largely recanted, some in Europe continue to have gnawing doubts.

More recently, a January 1988 report entitled "Discriminate Deterrence," authored by former Under Secretary of Defense Ikle and other prominent individuals, was read by some as suggesting that the American nuclear umbrella might no longer cover Western Europe. This exacerbated the concern raised by the INF Treaty, itself, that the removal of U.S. Pershing II and ground-launched cruise missiles would lead to the decoupling of the U.S. strategic deterrent from the defense of Europe. Given the emphasis on the need to strengthen this coupling that accompanied the INF deployment decision, this concern is understandable. But the response to dual-track decision indicates that this original rationale was given more credence by its authors than by the two audiences at which it was primarily aimed.

First, large minorities of Western European publics quickly came to the conclusion that far from strengthening coupling, the INF deployments were in fact decoupling. According to this view, the INF deployments were foisted by the United States on Europe so as to allow the United States to fight a nuclear war in Europe while American soil remained a sanctuary. As Senator NUNN and many others have noted, when we deploy many Europeans cry "decoupling" and when we withdraw many Europeans cry "decoupling."

Equally important, the Soviet reacton was to clearly state that any United States nuclear weapon landing on Soviet soil would be considered a "strategic weapon" regardless of its launching point, and that retaliation would be directed at United States soil. Perhaps this was mere propaganda, but I think that our German friends would be the first to say that differentiating between "strategic" and "tactical" nuclear weapons means little when the explosions are occurring on one's homeland. Thus, one could argue that the INF missiles were perfectly coupling—but that raises the question of whether they were really essential in the first place if, in Soviet eyes, they were no different from strategic missiles. If that were the case, the credibility of using INF missiles would be little more than the credibility of using strategic missiles.

There are no simple or clearcut answers to such questions. Perhaps the INF missiles enhanced coupling somewhat, and their removal will reduce coupling somewhat. However, as former Secretary of Defense James Schlesinger noted in his testimony to the Armed Services and Foreign Relations Committees, it is European parochialism to believe that the Soviet Union has been deterred primarily by a relative handful of weapons based in Europe, none of which were deployed before December 1983. I would note that former Secretary of Defense Harold Brown expressed essentially the same opinion in his testimony.

There are also concerns about German "singularization." While I appreciate these concerns and understand their origin, I find them exaggerated. Air- and sea-based intermediate-range forces remain. Moreover, as I already indicated, the alliance's existing commitment to modernization, particularly with the tactical air-to-surface missile, can ameliorate such concerns. And, of course, other alliance nations that remain targeted by Soviet nuclear weapons, including tactical nuclear weapons, find it difficult to accept that Germany has been singled out.

INTERPRETATION OF TREATIES

Mr. President, in considering this treaty, the Senate has also addressed the Senate's role in treatymaking and how treaties are to be interpreted. We were forced to address this, of course, because the administration has put forth a novel and disturbing theory of treaty interpretation in its effort to shed some of the constraints of the ABM Treaty.

Under this theory set forth by the State Department's legal adviser, Abraham Sofaer, the executive branch is not bound by its explanation of a treaty to the Senate unless the Senate satisfies a set of criteria arbitrarily defined by Mr. Sofaer. These arbitrary criteria are, not surprisingly, of such a nature that the Senate, as a practical matter, would rarely meet them and an effort to do so would result in virtual paralysis of the treatymaking process. In a vote earlier today, the Senate rejected these criteria by a vote of 67 to 30.

The Foreign Relations Committee in its consideration of the INF Treaty attached a condition to the resolution of ratification to reaffirm the constitutional role of the Senate in treatymaking. This condition was altered by an amendment offered by Senator Byrd which contained a provision I suggested in an effort to promote bipartisan consensus. I am pleased that we were successful in achieving such consensus and that the Senate approved this condition on a vote of 72 to 27.

The condition approved by the Senate states that the Senate's advice and consent to ratification of the INF Treaty is subject to the condition, based on the treaty clauses of the Constitution, that the United States shall interpret the treaty in accordance with the common understanding shared by the President and the Senate at the time the Senate gave its advice and consent to ratification.

The condition states that such common understanding is based on, first, the text of the treaty and the provisions of this resolution of ratification; and, second, the authoritative representations which were provided by the President and his representatives to the Senate and its committees, in seeking Senate consent to ratification, insofar as such representations were directed to the meaning and legal effect of the text of the treaty.

The condition also states that the United States shall not agree to or adopt an interpretation different from that common understanding except pursuant to Senate advice and consent to a subsequent treaty or protocol, or the enactment of a statute.

Finally, in the provision which I suggested in order to address the concerns of some Senators, the condition states that if, subsequent to ratification of the treaty, a question arises as to the interpretation of a provision of the treaty on which no common understanding was reached in accordance with the above, that provision shall be interpreted in accordance with applicable U.S. law.

Mr. President, I would note that the condition does not question the authority of the President to interpret treaties. Rather, it prevents him from reinterpreting them. Without such a bar on Presidential reinterpretation, the Senate's role in treatymaking would be essentially nullified. This condition reaffirms that when a common understanding has been reached between the Senate and the executive, that is binding. If the same administration or a future administration wants to alter that common understanding, it is required to come back to the Senate and seek the Senate's advice and consent.

Finally, Mr. President, I would note that this condition does not directly address the ABM Treaty. In my view, this condition ought to allow some opportunity for those who disagree with the so-called narrow interpretation of the ABM Treaty to fight that battle at another time.

CONCLUSION

Mr. President, the Senate's review of the INF Treaty has been thorough, perhaps more thorough than the review of any comparable treaty in the Senate's history. The 4 months which has been required to conduct this review has been a very valuable and productive investment of time which has served the interests of the Senate and the United States well. I would argue that the treaty to which the Senate will give its advice and consent to ratification is a better treaty than that which was submitted to the Senate in January.

Mr. President, as other Senators have correctly noted, our objective has been to deal with this treaty responsibly, not to meet a deadline. At the same time, I am pleased that we have been able to conclude our consideration in a responsible manner in time to allow the President to exchange the instruments of ratification with General Secretary Gorbachev during the Moscow summit, thus bringing the INF Treaty into force.

Once again, Mr. President, let me express my strongly held view that this treaty will serve the security interests of the United States and our allies. Accordingly, I urge my colleagues to support it.

Mr. President, I ask unanimous consent that the statement of President Reagan and the remarks of Dr. Dregger, to which I referred, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Statement by the President

I strongly support bipartisan efforts by the Senate Committees on Intelligence and Armed Services to work with the Administration to modernize and upgrade our intelligence capabilities. It is important as we work toward future arms reduction agreements that our country have all of the means necessary to assure compliance with these agreements. With or without future arms control agreements, it is important for our national security interests that we keep pace with changes in technologies in other nations. For that reason, I welcome bipartisan support to start this year on a multi-year program to improve these systems. I will also include funding for the second year of this program in the final budget which I submit to the Congress, and I will urge the next administration to assure continuity of this vital effort. After 1989, the funding for the program should be additive to the 2-percent real growth objective for national security spending.

Nuclear Disarmament: Consequences for the Alliance—Perspectives for Germany and Europe

(Address by Dr. Alfred Dregger)

INTRODUCTION

Since 1945 the hegemony of the East is present already in peacetime—if that is how we want to describe Europe's existing state—in the middle of Germany. Its pressure is directed straight at Western Europe. This is an unprecedented situation in history.

1. In an east-westerly direction our country is only 250 km deep. In its north-south direction, however, it encompasses the entire front in central Europe, from the North Sea to the Alps. In this situation we are and will continue to be dependent upon the Alliance. It is and will remain essential that allied forces are stationed on West German territory. It is and will continue to be important, indeed crucial, for our country to be part of the risk- and deterrence-sharing alliance which creates North America and Western Europe and strategic whole.

Only in this way has it been possible to build up in what is now a narrow Western Europe a risk which a potential aggressor cannot take. Thus in a world fraught with war the Alliance's territory, including its exposed parts, has been an area of peace and security.

There are schools thought in the United States who, following the INF agreement, would substitute this strategic whole by a more regionalized defense strategy. This would have serious implications for the Alliance, and in the first part of my address I shall try to analyze them.

2. Alongside the Atlantic Alliance the European solidarity is of great importance to us West Germans. Together with others, we are striving to merge the European members of the Alliance, with the full participation of France, into a European security union which will enable Europe to exercise greater influence and assume greater responsibility within the Alliance. This point I shall be dwelling on in the second part of my address.

3. And finally I shall turn to a problem that is still unsolved, the division of Germany and Europe. Here, too, it is a question of the security of all concerned, but also of the human and civil rights of the people of Eastern central Europe who, after 1945, were subjected to communist rule against their will.

A.

My starting point is the INF agreement. We Germans assume that it will be ratified. My Government and my parliamentary group have expressed their approval, so today I will merely try to analyze the agreement's implications for Europe's security and the consequences to be drawn from them.

1. The INF agreement has relieved the Soviet Union of the risk of a possible strike by US land-based systems in Europe. The Pershing II, the weapon system which commanded most respect from the Soviet Union, is to be removed from Europe.

2. True, Europe will be freed from the threat posed by the Soviet SS-20s, but the Soviet Union will still have, in addition to its other tremendous nuclear potential, 1,365 land-based nuclear systems with

ranges below 500 km which cover every point in the Federal Republic of Germany. It makes no difference to us whether we are destroyed by medium-range or short-range weapons.

3. However one assesses Mr. Gorbachev's policy, how great its chances and what the results are likely to be, there has so far been nothing to justify the assumption that the Soviet Union has finally abandoned its Czarist legacy of expansion to the East, West and South, or its communist aim of the revolutionary change of the world.

Western Europe is the part of the world on which the Soviet Union still focuses most of its interest and energy. The "common European house" is a metaphor regularly used by Mr. Gorbachev. In its Western territories the Soviet Union has the largest concentration of resources, infrastructure and armed forces. The Federal Republic of Germany is only a narrow barrier to the Soviet Union's western route to the Atlantic.

4. Situated along the dividing border between East and West, we Germans recognize that we cannot sustain ourselves on our own. To do so we need the help of the Europeans acting in unison within the Atlantic Alliance. We, the CDU/CSU, led the Federal Republic of Germany into the Alliance in the face of stiff opposition from the SPD. We secured a parliamentary majority in favor of the NATO decision to modernize nuclear weapons in Europe which had been championed by chancellor Helmut Schmidt who, however, had been abandoned by his own party because of that very decision. We know that we depend on the United States if we want to preserve freedom, security and democracy—and this is our aim.

5. But we also know that the United States and the free nations of Europe depend on the Federal Republic of Germany if, with the Eastern half of Europe already gone, they do not want Western Europe, too, to become part of the Soviet Union's sphere of influence. * * *

Without us, without the territory of the Federal Republic of Germany, and without the military contribution of the Federal Armed Forces, Western Europe can neither be defended nor protected from blackmail.

If the Soviet Union succeeded in bringing the Federal Republic of Germany and other West European countries into its power orbit it would have under its control a Euro-Asian bloc which not even the United States would be able to cope with. Thus the United States, through its military presence in Europe, is defending not only us but itself.

8. The Alliance has a moral foundation. It lies in the conviction that its members are defending common values and in the certainty that none of them wittingly or unwittingly disregards the vital interests of the others. To prevent any doubt arising or increasing in Germany as a result of the disarmament process, it is in our allies' own interest that we Germans should make our security aims unmistakably clear to them. This is my intention.

B.

1. Germany's primary aim is to prevent our country being destroyed by war. We Germans, 14 million of whom were expelled from their native regions in East Germany, Eastern and South-Eastern Europe after World War II—and two million of them died—today live in one of the most densely populated countries on earth. It is a country which can be destroyed but not defended by nuclear weapons. We therefore expect our allies to target their nuclear deterrents, whenever possible, not on our country but on the territory of the potential aggressor. This explains our aversion to short-range nuclear systems, which in either direction can only carry from Germany to Germany, and our even greater aversion to nuclear artillery. Anyone who ignores this basic fact resulting from the geography and division of our country cannot expect to gain any lasting political success in Germany. We Germans are glad that our French allies appreciate our position on these issues.

2. Preventing a non-nuclear war is likewise vital to the Germans. Our country would be the main theater in a European war, by virtue not only of its division but of the fact that the East pursues an offensive and the West a defensive military strategy. What it means to be the main theater of war we know only too well from our own experience, particularly during the last war. Dresden was no less terrifying than Hiroshima.

3. Since 1945 the Alliance has prevented war in Europe and kept it free from blackmail. We Germans appreciate this. We are a reliable ally and our armed forces represent an important contribution to the Alliance. Of course, the deterrent effect of nuclear weapons has helped preserve peace in Europe, though only within the framework of the Alliance's overall strategy. The crucial factor has not been the weapons, not even the nuclear variety, but the shared risk and the shared deterrence which makes the Alliance's territory, that is to say North American and Western Europe, a strategic whole.

This strategic unity implies that if the Soviet Union were to attack Germany it would not only be confronted with the conventional and nuclear forces of the United States, Canada and Europe stationed in our country—which are still greatly outnumbered by those of the Soviet Union but with an alliance which, by virtue of its risk-sharing and deterrence-sharing, spans the geographical distance between Europe and North America; an alliance whose philosophy does not tolerate zones with different degrees of security; an alliance which for this reason would not shrink from, any means of repulsing an aggressor, repulsing him—and this is what matters—on his own territory with devastating consequences for himself.

4. The strategic unity of the alliance's territory, the unreserved commitment of North America and Western Europe to risk-sharing and deterrence-sharing, has enabled the Federal Republic of Germany to place its forces completely under NATO command, to forgo nuclear weapons, and to link its destiny to that of the Alliance.

Will this philosophy, and with it the strategy of war prevention through deterrence, if necessary using the ultimate means, be maintained or is the United States in the act of drafting a completely different strategy?

The Iklé report contains the following key sentence: "To help our allies and to defend our interests abroad we cannot rely on threats expected to provoke our own annihilation if carried out."

This sentence is remarkable because it does not refer to the defense of the Alliance's territory by the Alliance but to the help which the United States will afford to those who defend their territory. This help would exclude those weapon systems which, if used, could lead to the destruction of the United States. Obviously these are the US strategic systems, whose deterrent capability would no longer be used for the defense of Europe.

This sentence is all the more remarkable as it comes at a time when the United States is eliminating its land-based intermediate-range systems. What remains are chiefly the short-range systems which would not affect the United States or the Soviet Union but could not lead to the annihilation of Germany in particular.

The Iklé report following this line of reasoning when it implies that the American nuclear weapons in Europe should not be seen primarily as a means of escalation but as means with which the Alliance can, with selective and controlled measures, defeat attacking Soviet forces without any escalatory effect. Paul Nitze has apparently even proposed the elimination of all air- and sea-based intermediate-range systems. This would imply complete intermediate-range denuclearization.

On such a vital question as this I must state unequivocally that a strategy that would be tantamount to the regionalization of a European war would deprive the Alliance of the basis for its existence in Europe, especially in Germany. We Germans cannot make our small and densely populated country available for a nuclear war strategy which, if implemented, would mean the end for us.

Our only option is a war-preventing strategy which in a divided Europe must be based on the strategic unity of the whole territory of the Alliance, that is to say the unqualified commitment of North America and Western Europe to risk-sharing and deterrence-sharing. Such a strategy, too, has its risks, for America as well as for Europe. But it has served its purpose. It has kept the Alliance's territory free from war and blackmail and bolstered America's world-power status. In this respect NATO is the most successful alliance in history. All of us should do everything possible to preserve it.

This includes not questioning the Alliance's risk-sharing arrangement. Referring to this at a CDU congress on security held in Bonn on 13 April, Ambassador Richard Burt said that to the United States risk-sharing means rejecting the idea of limiting a nuclear war to European territory. To the Federal Republic it means rejecting the denuclearization of its territory.

That is true. The two are interrelated. This fact has to be allowed for in disarmament negotiations. Those who, following the removal of land-based systems, would also eliminate the air- and sea-based intermediate-range systems and instead increase the short-range variety, must realize that they are thereby rejecting the risk-sharing principle and hence NATO's present philosophy and strategy.

With respect to the INF agreement's implications, I should like to say the following:

1. We reject proposals for compensating for the loss of intermediate-range systems with short-range systems. This would mean that the intermediate category, which can reach the territory of the potential aggressor, would no longer be available, whereas the short-range category, most of which could in Central Europe reach only Germany on both sides of the dividing line, in other words the potential victim, would be increased. Such a switch from longer to short range systems would be in contravention of the general political guidelines which the Alliance had good reason to adopt.

2. We reject all so-called "firebreak." concepts. Disarmament in the intermediate-range sector has made disarmament in the short-range sector not superfluous but more

urgent. We cannot agree to an avoidable nuclear threat being added to the special, unavoidable conventional threat to which our country is already exposed on account of its geographical position. Consequently, in view of the elimination of intermediate-range systems, short-range systems must follow suit. This depends not only on what happens, following the INF agreement, with regard to short-range weapons but particularly with regard to air- and sea-based intermediate-range weapons. The more intermediate-range systems are eliminated, the more short-range systems will have to be eliminated as well.

3. The 1,365 short-range systems of the Soviet Union, compared with only 88 on the Western side, pose a threat to our country's existence. That would also apply to Western systems if they were no longer part and parcel of a war-preventing, risk-sharing and deterrence-sharing alliance but became instruments of a strategy for waging war.

On numerous occasions, we have called upon Mr. Gorbachev to unilaterally reduce his overwhelming superiority in terms of short-range missiles for the sake of confidence building. We have had no reply. As regards these weapons too we want negotiations with the Soviet Union on the basis of a NATO disarmament and security concept.

4. So long as risk-sharing and deterrence-sharing with respect to intermediate-range weapons is maintained we, the CDU/CSU, will reject a third zero solution, because the denuclearization of Europe would give full effect to the Soviet Union's huge conventional and chemical superiority.

This is a factual argument which is not easy to assert because it contradicts the philosophy of the first two zero solutions. I have never concealed my view that it would have been better to start the nuclear disarmament process with weapons of ranges below 500 km than with the intermediate-range categories. But it didn't work out that way. We therefore have to face the facts and we will do so.

But before any decisions are taken with regard to the modernization of short-range systems we want clarification within NATO as to what would be the strategic purpose of the nuclear weapons with ranges below 500 km, how many of them would be needed, and what their ranges would be. In our view the purpose can only be a limited one, that is to say, to prevent the concentration of conventional assault forces, especially tank armies. In this connection it is clear that the greater the range of a modernized version of the Lance the fewer will be needed.

5. We would like above all to know whether and with which air- and sea-based systems the United States is prepared to maintain the intermediate-range deterrence once the land-based variety has been scrapped. The credibility of the flexible-response strategy depends on this.

6. At their meetings in Brussels on June 12, 1987 and March 2/3, 1988 respectively, NATO's Foreign Ministers and Heads of State and Government decided to develop a comprehensive concept (Gesamtkonzept) for disarmament which will embrace systems with ranges below 500 km. This concept is intended as the basis for decisions on modernization and for negotiation proposals to the Soviet Union. There will be no more decisions restricted to specific weapon systems as in the case of the two zero options. That is a good thing. We Germans expect all allies to follow this line.

7. We Germans also want the Alliance's comprehensive concept to consider whether the nuclear artillery is necessary and expedient. If our allies say these weapons are needed in order to protect their forces then I must point out that protection of the civilian population is just as important—at least to us—as the protection of our own and allied forces. The fighting spirit of the Federal Armed Forces does not depend solely on its equipment but more so on the conviction of our servicemen that NATO's strategy is necessary to ensure the survival of the German people. In any case, we must seriously doubt the value of such protection for the Alliance forces as well if their own leaders were to expose them to the effects of nuclear weapons on the battlefield. Chernobyl gave us an idea of what this would mean.

8. Allies who depend on one another should appreciate one another's situation even though their situations differ in the extreme. My country's situation can be described in three short sentences: Germany and its capital Berlin are divided. On both sides of the dividing line there are huge concentrations of forces of opposing alliances. The people east of the dividing line are forced to live under a communist regime. These are our burdens.

With the Bundeswehr, a conscript army, we have placed the strongest and most up-to-date conventional force in Europe at NATO's disposal. We have recently increased the period of conscription from 15 to 18 months. The sons of the Federal chancellor and my own sons are officers of the reserve. They will be called up for periods of reserve training and will be liable to compulsory military service up to the age of 60. No member of the Alliance demands anything like so much of its ablebodied men.

Americans who are aware of this will not say that the German burden and the German contribution to the Alliance is too small. We do not expect gratitude for what we do because we are doing it for our country. But because we are doing it for the Alliance as well we expect our allies to show consideration for our special geographical situation and our vital interests.

9. The Warsaw Pact's capability for surprise attack and large-scale offensive action and for force generation from deep within its own territory will remain the key problem of European security until the Soviet superiority has been removed by means of asymmetric reductions. Whether the Warsaw Pact is prepared to make such reductions will be seen when the West have tabled their disarmament concept, which will hold General-Secretary Gorbachev to his word. We Germans urge that it do so.

10. We Germans call for a global ban on and global elimination of chemical weapons. Both sides can manage without them. It should be possible to solve the verification problem. The superpowers can also manage without a very large proportion of their strategic nuclear systems, which are to be reduced by 50%. We welcome this intention on the part of the United States and the Soviet Union.

D.

1. In 1963 McGeorge Bundy, President Kennedy's National Security Adviser, told Konrad Adenauer that in the next ten to fifteen years neither France nor England would be the leading power in Europe but the United States of America. His forecast was correct. It is in neither America's nor Europe's interest that this should remain so.

Europe needs to have more confidence in its own abilities and to develop its own identity in matters of defense as well. Only in this way can one European voice which will be taken seriously emerge from the babble of European voices that crosses the Atlantic and also reaches the Kremlin. Europe itself must become America's ally and conduct a dialogue with the Soviet Union. The Europeans must emerge from their present role in which they are at best consulted but have no say in decisions concerning their own fate.

2. We already have a European security union, Western European Union, whose members have pledged to afford each other "all the military and other aid and assistance", over and above the requirements of the NATO Treaty. This WEU, which embraces Germany, France, the United Kingdom, Italy and the Benelux countries, must be activated. It needs all those institutions which today enable NATO to function as an alliance: a council of ministers, a permanent council, and a military committee. Western European Union must be open to all European countries who are prepared to accept its mutual assistance obligation.

The fact that we have a European security union does not mean we reject our American ally, on the contrary. In a changing world in which the United States is no longer the sole dominating power, the Americans want, I expect, not weak but strong allies. NATO can only stay strong if Europe becomes strong. This presupposes the political and military integration of the free States of Europe.

3. Europe's two nuclear-weapon States, France and the United Kingdom, have a special responsibility for Europe's security. They must coordinate their nuclear systems and place them in the service of their European allies too. So long as the superpowers have not reduced their nuclear systems to the level of those of the two European nuclear powers added together there is no reason, in the German view, to call for nuclear disarmament on the part of France or the United Kingdom.

4. A European security union that is able to act would enable Europe to participate in all negotiations which directly concern Europe's security. This must apply in particular to negotiations on nuclear arms control. It is not the Americans but the Europeans themselves who are to blame for not having been a party to the Reagan-Gorbachev talks in Reykjavik.

5. The European Community aims to establish the internal European market by 1992. A European economic and monetary union is envisaged. Together with a European security union it would form the political union of Europe. That union would be a strong and valuable ally to the United States. The creation of a political union of the free States of Europe has been the CDU/CSU's aim since the days of Konrad Adenauer. Helmut Kohl has moved a good way towards that goal, particularly in co-operation with France. It is my hope that after the French presidential elections—regardless of the result—France and Germany will be able to launch the initiatives that are needed to achieve this goal.

E.

1. While to many people the political unification of Europe today seems possible, indeed probable, there are many who feel that it is unrealistic to seek the termination of the division of Germany and Europe. But the nations of Europe want an end to division. It is the totalitarian regimes in the communist countries that prevent this from happening. We cannot ignore these regimes

but neither can we accept them. We should therefore adhere to our aim of German and European unity.

2. The principles established by the Atlantic Alliance in the 1967 Harmel Report are therefore still as valid today as they were then. Let me quote paragraph 8 of that report: ". . . No final and stable settlement in Europe is possible without a solution of the German question which lies at the heart of the present tensions in Europe. Any such settlement must end the unnatural barriers between Eastern and Western Europe, which are most clearly and cruelly manifested in the division of Germany."

3. The border that was drawn right through the middle of Europe over forty years ago is neither a historical nor a cultural border. It is a demarcation line drawn by the victorious powers, a remnant of rigid military rule which violates Europe's dignity and the right of its peoples to enjoy freedom and self-determination.

Terminating the division of Germany and Europe is an objective which can only be achieved in close co-operation with both superpowers, taking into account their interests, including their security interests. Whether and when the Soviet Union will be amenable to such a policy is just as uncertain as the process of change initiated by Mr. Gorbachev.

But the Soviet Union, too, must ask itself what will be better for itself in the long run: a reunited Europe with whom it will be able to develop close co-operation, or the maintenance of its domination over the nations of eastern central Europe, forcibly allied to it a domination the economic, political and military burdens of which are not diminishing but growing from year to year.

The faster the process of West European integration, the sooner the Soviet Union will ask itself this crucial question. When the European Community, which already represents part of that peaceful order for the whole of Europe which must be the West's objective, develops via an economic and monetary union and a security union into a political union, then we shall have an outstanding model for a united Europe based on freedom and justice, reconciliation and harmony.

4. On June 12, 1987, President Reagan, in his speech at the Brandenburg Gate in Berlin, called upon General Secretary Gorbachev to open the Wall. He coupled this demand with proposals for providing opportunities for Berlin, the divided German capital. All this strengthens our hope that the United States will remain our valuable and reliable partner, not only in defense matters but in European matters are well.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM 139

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

This report with respect to Iran is made pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9. This report discusses only matters concerning the national emergency with respect to Iran that was declared in Executive Order No. 12170 of November 14, 1979, and matters relating to Executive Order No. 12613 of October 29, 1987. This report covers events through April 30, 1988, including those that occurred since my last report under Executive Order No. 12170 dated November 20, 1987. That report covered events through October 15, 1987.

1. On October 29, 1987, after prior consultation with the Congress, I issued Executive Order No. 12613 invoking, *inter alia*, the authority of the International Security and Development Cooperation Act of 1985 to prohibit the importation of goods and services from Iran. As reported to the Congress on that date, this action was taken in response to the actions and policies of the Government of Iran in support of terrorism and acts of aggression against U.S. forces, U.S.-flag vessels, and other merchant vessels of nonbelligerent nations engaged in lawful and peaceful commerce in international waters of the Persian Gulf and territorial waters of nonbelligerent nations of that region. The Executive Order and my report noted that the import prohibition was in response to actions of the Government of Iran taken after the conclusion of the Claims Settlement Agreement of January 19, 1981 (the "Algiers Accords").

Pursuant to Executive Order No. 12613 (the "Embargo Order"), the Secretary of the Treasury, in consultation with the Secretary of State, issued the Iranian Transactions Regulations, 31 C.F.R. Part 560 (the "ITRs"), administered by the Office of Foreign Assets Control ("FAC"). A copy of these regulations is attached.

The ITRs provide, by general license, an exception to the import embargo for goods in transit at the October 29, 1987, effective date of the Embargo Order. Additionally, the ITRs provide for importation pursuant to specific FAC license for several categories of goods of Iranian origin, including those (a) imported prior to January 1, 1988, pursuant to a contract predating the Embargo Order, (b) located outside Iran as of the effective date of the Embargo Order and for which no benefit or payment would accrue to Iran after the effective date relating to the sale or importation, or (c) received by U.S. claimants pursuant to an award of, or in settlement of claims brought before, the Iran-United States Claims Tribunal (see paragraph 2 of this report).

In the period ended April 30, 1988, FAC issued 74 specific licenses for imports of goods under prexisting contracts and 94 specific licenses for goods located outside Iran on the effective date of the Embargo Order. We believe that nearly all goods eligible for importation pursuant to the "in transit" exception were admitted within this reporting period.

Numerous Customs Service detentions and seizures of Iranian-origin goods (including carpets, caviar, dates, pistachios, and gold) have taken place, and a number of FAC and Customs investigations into potential violations of the ITRs are pending. Several of the seizures have led to forfeiture actions and imposition of civil monetary penalties. An indictment relating to the importation of 1.7 tons of Iranian caviar was returned on April 21, 1988, in Miami, Florida.

2. The Iran-United States Tribunal (the "Tribunal"), established at The Hague pursuant to the Algiers Accords, continues to make progress in arbitrating the claims before it. Since my last report, the Tribunal has rendered 42 awards, for a total of 360 awards. Of that total, 259 have been awards in favor of American claimants: 154 of these were awards on agreed terms, authorizing and approving payment of settlements negotiated by the parties, and 105 were decisions adjudicated on the merits. The Tribunal has dismissed a total of 25 other claims on the merits and 52 for jurisdictional reasons. Of the 24 remaining awards, two represent withdrawals and 22 were in favor of Iranian claimants. As of April 30, 1988, total payments to successful American claimants from the Security Account held by the NV Settlement Bank stood at approximately $1.051 billion.

To date, the Security Account has fallen below the required balance of $500 million 11 times. Each time, Iran has replenished the account, as required by the Algiers Accords, by transferring funds from the separate account held by the NV Settlement Bank in which interest on the Security Account is deposited. Iran has also replenished the account once when it was not required by the Accords, for a total of 12 replenishments. The most recent replenishment occurred on April 20, 1988, in the amount of $500,000, bringing the total in the Security Account to $500,367,792. The aggregate amount that has been transferred from the interest account to the Security Account is approximately $549.5 million.

In July 1987, the Government of Iran appointed Mr. Seyed Khalil Khalilian to replace Dr. Hamid Bahrami-Ahmadi as the Iranian arbitrator to Chamber Two.

3. As stated in my last report, the Tribunal continues to make progress in the arbitration of claims of U.S. nationals for $250,000 or more. Over 64 percent of the nonbank claims have now been disposed of through adjudication, settlement, or voluntary withdrawal, leaving 184 such claims on the docket. The largest of the large claims, the progress of which has been slowed by their complexity, are finally being decided, sometimes with sizable damage awards to the U.S. claimant. Since the last report, 21 large claims have been decided. One U.S. company received an award for $54.4 million.

4. The Tribunal continues to process claims of U.S. nationals against Iran of less than $250,000 each. As of April 30, 1988, a total of 210 small claims have been resolved, 71 of them since my last report, as a result of decisions on the merits, awards on agreed terms, or Tribunal orders. Eight contested claims have been decided since my previous report, raising the total number of contested claims decided to 21, 12 of which favored the American claimant. These decisions will help in establishing guidelines for the adjudication or settlement of similar small claims. To date, American claimants have also received 25 awards on agreed terms reflecting settlements of claims under $250,000.

Since my last report, the three Tribunal Chambers have selected 53 small claims for active arbitration, bringing the total number of small claims currently under active Tribunal consideration to 185. The Tribunal has held hearings in six of these claims since my last report. The Tribunal has recently decided three significant "wrongful expulsion" test cases. The general thrust of the holdings in this area is that claimants may recover for losses associated with expulsion from Iran only when officials of the Islamic Revolutionary Government perpetrated specific acts directed at the claimant and the claimant clearly left Iran as a result of those acts.

5. In coordination with concerned government agencies, the Department of State continues to present U.S. Government claims against Iran, as well as responses by the United States Government to claims brought against it by Iran. Since my last report, the Department has filed pleadings in 12 government-to-government claims based on contracts for the provision of goods and services.

In five related government-to-government claims, the Tribunal awarded damages to Iran Air for aircraft services and supplies it found to be owed by U.S. agencies. With these decisions, the Tribunal to date has made five awards in favor of the United States and nine in favor of Iran. The Tribunal has dismissed 12 claims that had been filed by the United States and three claims that had been filed by Iran. In addition, Iran has withdrawn 13 of its government-to-government claims, while the United States has withdrawn five. No government-to-government claims have been finally settled since my last report, so 26 remain pending.

The Tribunal has not issued any opinions in claims concerning the interpretation or performance of various provisions of the Algiers Accords since my last report. One interpretive dispute brought by Iran was withdrawn by Iran and terminated. Iran recently filed an interpretive dispute in which it challenges a claimant's right to attach Iranian assets abroad in advance of an award by the Tribunal. The Department of State has filed two pleadings in interpretive disputes since my last report.

6. Since my last report, three bank syndicates have completed negotiations with Bank Markazi Jomhouri Islami Iran ("Bank Marazi," Iran's central bank) and have been paid a total of $691,912.40 for interest accruing for the period January 1-18, 1981 ("January Interest"). These payments were made from Dollar Account No. 2 at the Bank of England.

As indicated in my report of June 16, 1987, on May 4, 1987, the Tribunal directed that about $454 million in Iranian funds held at the Federal Reserve Bank of New York ("FRBNY") be transferred to the Bank of England for credit to the account of Bank Markazi. These funds were transferred on May 13, 1987, with my approval. The Tribunal's May 4, 1987, order also directed that the United States and Iran pursue the settlement of remaining claims pending against the FRBNY account from which the money was transferred, and an amount was reserved for those claims. On April 13, 1988, FRBNY, acting on behalf of the United States Government, and Bank Markazi, acting on behalf of the Government of Iran, agreed on the disposition of the remaining Iranian funds held at FRBNY. As a result, on April 15, 1988, $37.9 million not needed to cover any of the claims pending against the account at FRBNY were returned, as required under the Tribunal's order. Further, a procedure was established for the disposition of the remaining claims—which are claims of bank syndicates of which a U.S. bank is a member—against the remainder of these funds (approximately $31.6 million).

7. Since my last report, there has been one amendment to the Iranian Assets Control Regulations, 31 C.F.R. Part 535 (the "Regulations"), administered by the Office of Foreign Assets Control. On January 26, 1988, FAC established administrative procedures for the imposition of civil monetary penalties for violation of the Regulations, as provided in section 206 of the International Emergency Economic Powers Act, 50 U.S.C. 1705. 53 *Fed. Reg.* 7355 (March 8, 1988). A copy of these amendments to the Regulations is attached. The new prepenalty and penalty procedures do not alter substantive obligations imposed by the Regulations.

There have been no amendments to the Iranian Transactions Regulations since their publication on November 17, 1988.

8. The situation reviewed above continues to implicate important diplomatic, financial, and legal interests of the United States and its nationals and presents an unusual challenge to the national security and foreign policy of the United States. The Iranian Assets Control Regulations issued pursuant to Executive Order No. 12170 continue to play an important role in structuring our relationship with Iran and is enabling the United States properly to implement the Algiers Accords. Similarly, the Iranian Transactions Regulations issued pursuant to Executive Order No. 12613 continue to advance important objectives in combatting international terrorism. I shall continue to exercise the powers at my disposal to deal with these problems and will continue to report periodically to the Congress on significant developments.

RONALD REAGAN.

THE WHITE HOUSE, *June 7, 1988.*

MESSAGES FROM THE HOUSE

At 11:09 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 4505. An act to authorize appropriations to the Department of Energy for civilian research and development programs for fiscal year 1989;

H.R. 4561. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes;

H.J. Res. 145. Joint resolution designating June 5, 1988, as "National Shut-In Day"; and

H.J. Res. 423. Joint resolution to designate the third week in June 1988, as "National Dairy Goat Awareness Week."

MEASURES REFERRED

The following bills and joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.R. 4505. An act to authorize appropriations to the Department of Energy for civilian research and development programs for fiscal year 1989; to the Committee on Energy and Natural Resources.

H.R. 4561. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.J. Res. 145. Joint resolution designating June 5, 1988, as "National Shut-In Day"; to the Committee on the Judiciary.

H.J. Res. 423. Joint resolution designate the third week in June 1988, as "National Dairy Goat Awareness Week"; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 3193. An act to provide for the acquisition and publication of data about crimes that manifest prejudice based on race, religion, homosexuality or heterosexuality, or ethnicity.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3332. A communication from the Administrator of Veterans Affairs, transmitting, pursuant to law, a notice of a change to the Veterans' Administration records system; to the Committee on Governmental Affairs.

EC-3333. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a copy of the report, "Annual Audit of the Boxing and Wrestling Commission for the Fiscal Year 1987"; to the Committee on Governmental Affairs.

EC-3334. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, pursuant to law copies of D.C. Act 7-181 adopted by the Council on May 2, 1988; to the Committee on Governmental Affairs.

EC-3335. A communication from the Secretary of the Department of Education, transmitting, pursuant to law, a copy of the Program Fraud Civil Remedies Act Regulations; to the Committee on Governmental Affairs.

EC-3336. A communication from the Director of the United States Information Agency, transmitting, pursuant to law, a semiannual report of the Inspector General for the period October 1, 1987, through March 31, 1988; to the Committee on Governmental Affairs.

EC-3337. A communication from the Chief Administrative Officer of the Postal Rate Commission, transmitting, pursuant to law, a copy of the annual report for the calendar year 1987; to the Committee on the Judiciary.

EC-3338. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the annual report for the calendar year 1987; to the Committee on the Judiciary.

EC-3339. A communication from the Director of the National Legislative Commission of the American Legion, transmitting, pursuant to law, statements of financial condition as of December 31, 1987; to the Committee on the Judiciary.

EC-3340. A communication from the Secretary of the Education Department, transmitting, pursuant to law, a proposed bill entitled the "Higher Education Act Amendments of 1988"; to the Committee on Labor and Human Resources.

EC-3341. A communication from the Secretary of Health and Human Resources, transmitting, pursuant to law, the annual report on the Runaway and Homeless Youth Act of 1974 for the fiscal year 1986; to the Committee on Labor and Human Resources.

EC-3342. A communication from the Secretary of the Department of Education, transmitting, pursuant to law, a proposed bill entitled "Student Aid Integrity and Accountability Act of 1988"; to the Committee on Labor and Human Resources.

EC-3343. A communication from the Secretary of the Department of Education, transmitting, pursuant to law, the notice of final funding priorities—experimental and innovative training; to the Committee on Labor and Human Resources.

EC-3344. A communication from the Administrator of Veteran Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to authorize the appointment of Veterans' Administration-trained graduates in certain health-care professions or occupations by the Veterans' Administration without regard to civil service hiring procedures.

EC-3345. A communication from the Administrator of Veterans Affairs, transmitting, proposed legislation to amend title 38, United States Code, to repeal provisions relating to setting the interest rate on guaranteed or insured housing loans to veterans and inspecting manufactured homes purchased by veterans, to modify the procedures for the sale of loans by the Administrator of Veterans Affairs, and for other purposes; to the Committee on Veterans Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BENTSEN, from the Committee on Finance:

Special report entitled "Finance Committee Allocation of Budget Totals—Fiscal Year 1989" (Rept. No. 100-379).

By Mr. BENTSEN, from the Committee on Finance, without recommendation without amendment:

H.R. 1720. A bill to replace the existing AFDC Program with a new Family Support Program which emphasizes work, child support, and need-based family support supplements, to amend title IV of the Social Security Act to encourage and assist needy children and parents under the new program to obtain the education, training, and employment needed to avoid long-term welfare dependence, and to make other necessary improvements to assure that the new program will be more effective in achieving its objectives.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. FOWLER (for himself and Mr. Nunn):

S. 2471. A bill to establish a temporary revolving loan fund to assist redevelopment in the Martin Luther King, Junior, National Historic Site and Preservation District in Atlanta, Georgia; to the Committee on Energy and Natural Resources.

By Mr. HEINZ:

S. 2472. A bill to direct the Secretary of Transportation to carry out a highway demonstration project to extend Pennsylvania State Route 33 to provide a limited access highway to connect Interstate Routes I-78 and I-80.

By Mr. COHEN (for himself and Mr. Levin):

S. 2473. A bill to amend the Public Health Service Act to improve the requirements for the licensing of clinical laboratories and to amend the Social Security Act to apply such requirements in certifying such laboratories under the medicare and medicaid programs, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MOYNIHAN (for himself and Mr. D'Amato):

S. 2474. A bill for the relief of Dr. Beatrice Braude; to the Committee on the Judiciary.

By Mr. HARKIN:

S. 2475. A bill to amend the Child Nutrition Act of 1986 to authorize the establishment of a demonstration project to provide coupons to recipients of assistance under the special supplemental food program for women, infants, and children for use at farmers' markets; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LAUTENBERG (for himself and Mr. Bradley):

S. 2476. A bill to designate the outpatient clinic of the Veterans' Administration to be on New Jersey State Route 70 in Brick Township, New Jersey, as the "James J. Howard Veterans' Outpatient Clinic"; to the Committee on Environment and Public Works.

By Ms. MIKULSKI (for herself and Mr. Adams):

S. 2477. A bill to amend the Public Health Service Act to modify the authority for the regulation of clinical laboratories to require licensed laboratories to qualify under proficiency testing programs, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. FORD (for himself, Mr. Roth, Mrs. Kassebaum, Mr. Heinz, Mr. Nickles, and Mr. Danforth):

S. 2478. A bill to provide for a two-year Federal budget cycle, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have thirty days of continuous session to report or be discharged.

By Mr. BYRD (for Mr. Kennedy (for himself, Mr. Simpson, Mr. Biden, and Mr. Thurmond)):

S. 2479. A bill to amend the Immigration and Nationality Act to make technical correction in immigration-related laws; considered and passed.

By Mr. MOYNIHAN (for himself, Mr. Baucus, Mr. Cranston, Mr. D'Amato, Mr. DeConcini, Mr. Durenberger, Mr. Wilson, and Mr. Metzenbaum):

S. 2480. A bill to amend the Internal Revenue Code of 1986 to clarify that section 457 does not apply to nonelective deferred compensation or basic employee benefits; to the Committee on Finance.

By Mr. GARN (for himself, Mr. Armstrong, Mr. Boschwitz, Mr. Cochran, Mr. Danforth, Mr. Dole, Mr. Durenberger, Mr. Gramm, Mr. Grassley, Mr. Hatch, Mr. Hecht, Mr. Helms, Mr. Humphrey, Mr. Karnes, Mr. Lugar, Mr. McClure, Mr. Murkowski, Mr. Nickles, Mr. Quayle, Mr. Simpson, Mr. Stafford, Mr. Stevens, Mr. Symms, Mr. Wallop, Mr. Adams, Mr. Bentsen, Mr. Gore, Mr. Bradley, Mr. Chiles, Mr. Conrad, Mr. DeConcini, Mr. Dodd, Mr. Fowler, Mr. Graham, Mr. Heflin, Mr. Hollings, Mr. Inouye, Mr. Johnston, Mr. Kerry, Mr. Lautenberg, Mr. Levin, Mr. Matsunaga, Ms. Mikulski, Mr. Mitchell, Mr. Moynihan, Mr. Pell, Mr. Proxmire, Mr. Riegle, Mr. Shelby, Mr. Simon, Mr. Stennis, and Mr. Wirth):

S.J. Res. 334. Joint resolution to designate July 20, 1988, as "Space Exploration Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for Mr. Heflin):

S. Con. Res. 123. Concurrent resolution authorizing changes in the enrollment of S. 952; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HEINZ:

S. 2472. A bill to direct the Secretary of Transportation to carry out a highway demonstration project to extend Pennsylvania State Route 33 to provide a limited access highway to connect Interstate Routes I-78 and I-80; to the Committee on Commerce, Science, and Transportation.

ROUTE 33 DEMONSTRATION PROJECT

Mr. HEINZ. Mr. President, by now it has become clear that enactment of the 1987 Surface Transportation Assistance Act, better known as the Highway Act, has been an important boost for our national economy. Construction work is ongoing to improve the quality of our Nation's highways, which are arteries of commerce and which stimulate economic development.

But even as this work continues, there are numerous other worthy highway projects which will become ready for construction by the time the current 5-year funding cycle authorized in the 1987 act comes to a close.

Among the most important of these projects is the extension of Route 33 in Bethlehem, PA. This project consists of constructing a 3-mile extension at a cost of $60 million that will connect Route 22 in Bethlehem to Interstate 78, and will comprise the final leg of a 4-lane limited access north/south highway linking Interstates 78 and 80, two major east-west interstates in Pennsylvania.

The legislation I am introducing today directs the Secretary of Transportation to proceed with this project, which will demonstrate how the connection of two genuine demonstration projects, showing how the interstates will accomplish four important objectives in highway planning and construction. First, the project will demonstrate how such connections can foster economic development and job creation by providing limited access transportation to a high-growth area. Second, it will show how such projects significantly decrease the use of local roads by through traffic, particularly heavy trucks, and thereby promote highway safety. Third, the project will demonstrate one means to reduce intraregional and interregional travel time and the concomitant transportation costs that result from delays and congestion.

Finally and most important, the project will demonstrate how to increase the efficiency and optimize the value of interstate routes as well as other Federal investments. Chief among these are the Lehigh Valley Industrial Parks, Inc., a project supported by $2 million in Economic Development Administration grants which is now responsible for $109 million in economic activity each year and sustains more than 7,000 jobs. The Route 33 extension will provide the infrastructure for the full potential of the Lehigh Valley project to be realized and the corridor along the extension is ripe for development of new industrial parks, particularly given the shortage of available land in Northampton County.

The economic benefits of the Route 33 extension will be significant and far reaching. An economic impact study funded by non-Federal sources has shown that this project could lead to as many as 15,000 new jobs by the year 2010, based on projected increases in the demand for industrial land such as that located along the Route 33 corridor. Conversely, if the project is not built, the study projects a loss of nearly 17,000 jobs, and an economic loss of $333 million per year, including $16.7 million in local tax revenues that would not be realized.

What these statistics demonstrate is that this area of Pennsylvania has a vibrant and growing economy, but one which cannot sustain the present rate of growth without improved infrastructure. By linking the growing corridors of Route 22 and Interstate 78, the Route 33 extension will prevent Lehigh and Northampton Counties from being strangled, quite literally, by their own growth.

Mr. President, we all know that the next highway authorization bill will not be considered by the Congress until the present legislation expires in 1991. At this time, it would be my hope that this project could be authorized, just as the 1987 act authorized construction of the Basin Street rail crossing, which, when completed, will greatly reduce congestion in the city of Allentown.

However, it is important to begin preparing for the next highway bill well in advance of the time it will be considered. Local officials have spent years and significant amounts of their tax revenues on the economic impact study I have referred to, and this legislation indicates that the Federal Government is willing to undertake an important role in completing the project.

Finally I would point out that there may still be other sources of revenue for the project in addition to the Federal Highway Trust Fund, such as tolls on the bridge that will account for nearly one-half of the $60 million project cost. Perhaps another funding option would be to combine Federal and toll revenues to finance the Route 33 extension, which will be the subject of another bill I will be introducing shortly.

Mr. President, the Route 33 extension is a vital project, and one that is well worth our attention and Federal support.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PENNSYLVANIA DEMONSTRATION PROJECT.

(a) Project Description.—The Secretary of Transportation shall carry out a highway project in the vicinity of Bethlehem, Pennsylvania, of approximately three miles to extend Pennsylvania Route 33 on the Federal-aid primary system from its terminus at United States Route 22 to Interstate Route I-78 for the purpose of providing a four-lane limited access highway connecting Interstate Routes I-78 and I-80 and demonstrating methods by which connection of two interstate routes will—

(1) foster significant economic development and job creation by providing high speed, limited access motor vehicle transpor-

tation to an area in dynamic economic transition;

(2) appreciably decrease the use of local roads by through traffic particularly by heavy trucks and thereby promote highway safety;

(3) reduce intraregional and interregional travel-time, and reduce transportation costs; and

(4) increase the efficiency and optimize the value of such interstate routes.

(b) REPORT.—Not later than January 31, 1993, the Secretary of Transportation shall submit to Congress a report on the results of the project authorized by subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), to carry out subsection (a) $500,000 for fiscal year 1988, $1,000,000 for fiscal year 1989, $2,000,000 for fiscal year 1990. $20,500,000 for fiscal year 1991, and $30,000,000 for fiscal year 1992.

(d) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall be 100 per centum and such funds shall remain available until expended and shall not be subject to any obligation limitation.

By Mr. COHEN (for himself and Mr. LEVIN):

S. 2473. A bill to amend the Public Health Service Act to improve the requirements for the licensing of clinical laboratories and to amend the Social Security Act to apply such requirements in certifying such laboratories under the Medicare and Medicaid Programs, and for other purposes; to the Committee on Labor and Human Resources.

QUALITY IN MEDICAL TESTING ACT

Mr. COHEN. Mr. President, today I am introducing legislation that will comprehensively revise the regulatory scheme governing laboratories that perform medical testing. This bill, the Quality in Medical Testing Act of 1988, is the result of a year-long investigation and 2 days of hearings by the Subcommittee on Oversight of Government Management on the Federal and State regulation of independent, hospital, and physician office laboratories which perform billions of medical tests annually. I am pleased that Senator LEVIN, the distinguished chairman of the Oversight Subcommittee, is joining me in introducing this bill.

Whether it is a simple throat culture taken in the family doctor's office or a test to determine whether a patient is infected with the AIDS virus, lab tests are an integral part of health care. Last year alone, over 3.1 billion laboratory tests were performed in the United States. Lab testing has also become a very large industry and a costly part of our Nation's health care. By some estimates, for example, over $20 billion was spent last year for lab tests, with the Federal Government picking up the tab for about 40 percent of this amount through Medicare and Medicaid payments.

Most patients never doubt the accuracy of their lab tests and may, indeed, believe that such tests are infallible. Yet, during the course of our investigation, the subcommittee learned about the serious consequences that can result from faulty lab tests. In some cases, erroneous lab test results can mean weeks of unnecessary treatment, with the financial costs and emotional and physical strain of that treatment. In other cases, faulty lab test results can mean that a life threatening condition in the patient goes undetected for too long, bringing tragic consequences for the patient and his or her family. While lab testing errors may not be the rule, they are nonetheless, a significant problem, and the investigation revealed that the current Federal regulatory scheme governing clinical labs is seriously flawed and does not adequately protect against inaccurate testing.

Faulty lab testing is far too often a problem in the reading of Pap smears, a laboratory test that is crucial to the early detection of cervical cancer in women—a disease that spreads rapidly and accounts for 7,000 deaths annually in the United States. That is truly a shocking statistic. Testimony before the subcommittee indicated the profit motive has taken precedence over quality in some labs reviewing Pap smears. Practices such as piecemeal pay for reading Pap smears, average workloads exceeding two or three times the maximum limits recommended by professional societies, lab workers analyzing slides with little or no supervision, and the use of Pap smear screening as a "loss leader" to get other lab business from doctors are severely jeopardizing accuracy in Pap smear testing, and are contributing to a nationwide "false negative" rate of 20 to 40 percent in Pap smears today.

While much attention has been focused on problems that occur in the screening of Pap smears, the subcommittee's hearings and investigation revealed that major gaps and deficiencies exist throughout the regulatory system governing laboratories, some of which have direct, adverse effects on the quality of medical testing. The current regulatory scheme is an uneven one, with multiple levels of enforcement. Different standards exist for labs operating across State lines than for labs that are Medicare-reimbursed, so that labs performing the same types of tests on patients may be subject to very different standards of quality and enforcement.

Also very troubling is the fact that the Federal Government does not have a national system on which it decides whether to flunk or pass a lab for its performance of a particular test, and in many cases, the Government now lacks the tools it needs to take action against labs that are shown to perform lab tests poorly. Under the current system, these labs can just keep on performing tests, often with the Federal Government paying for the tests with Medicare or Medicaid dollars. Equally disturbing is the fact that the Federal Government has given over its responsibility to inspect and grade labs to private sector organizations without ensuring that labs accredited by these groups remain ultimately accountable to the Federal Government and subject to enforcement for failing to meet quality standards. While the private sector plays—and should continue to play—an important role in accrediting laboratories, the Federal Government must do more to oversee and enforce quality standards for any lab that performs tests.

The subcommittee's investigation also revealed, in my opinion, that far too many labs are unregulated by the Federal Government. Labs that operate totally within one State and that perform no Medicare work are not subject to Federal regulation. Neither are physician office labs, which have increased dramatically over the past decade. Estimates are that as many as 190,000 physicians may be performing some type of clinical tests in their own offices, with the number of solo and group practices conducting tests in their own offices growing by an estimated 16 percent each year. Although a substantial percentage of tests being reimbursed by Medicare may be performed in these facilities, the Federal Government does not inspect or impose quality standards on these office labs. Our hearings provided compelling testimony on how testing can be performed inaccurately in these physician office labs, and how voluntary standards are not enough to ensure quality testing in these facilities.

The bill I am introducing with Senator LEVIN proposes a major overhaul of the current laboratory program in order to correct the problems that now plague this regulatory scheme. First and foremost, the bill replaces the current practice of having lab regulation turn on where the test is performed with a new regulatory system that is based on the complexity of the testing done in any laboratory, regardless of its location. All labs, including those now regulated under Medicare and the Clinical Laboratories Improvement Act of 1967 [CLIA], as well as those not now regulated by the Federal Government, such as intrastate labs and physician office laboratories, would be placed under CLIA. Under this new system, each lab would be subject to a level of regulation based on the complexity of the testing it performs. Labs would be classified into at least three classes for purposes of regulation: basic, intermediate, and complex, and the Secretary of HHS would be responsible for determining which test methodologies would cause labs to be placed in these classes, based on criteria outlined in the bill. Labs in each level would be subject to standards in areas such as quality control, recordkeeping, successful participation in proficiency testing, inspections, enforcement, and personnel qualifications, but the standards could vary for each class, in order to impose more stringent requirements on those labs that perform more complex tests. For example, labs in the complex level may be subject to more frequent proficiency testing requirements than those labs in the "basic" class. The bill requires the Secretary to establish standards in specified areas for each class of laboratories, so that no class of labs would be exempt from minimal standards that are necessary to assure quality in testing.

A complexity-based system is, in my opinion, a fair and logical approach to lab regulation, as labs will be bound to standards that are appropriate for the tests they perform. If a lab chooses to perform more complex tests, it is only reasonable that it should be subject to more regulation. Similarly, all labs performing the same types of tests should be subject to the same level of regulation, whether the lab is an independent lab, or is in a hospital or physician's office. With regard to physician office labs, I believe that this complexity-based model is far preferable to the requirement of current law that all physician office laboratories performing 5,000 or more tests, regardless of the nature of the tests performed in these labs, will be subject to the Medicare independent lab standards after January 1, 1990.

In addition to the complexity-based system of regulation, this bill contains many provisions to correct problem areas in the current Federal Lab Regulation Program. To improve the quality and accuracy of Pap smear testing, the bill requires the Secretary of HHS to establish workload guidelines and mandatory workload limits for cytotechnologists who screen Pap smears, standards for rescreening slides, standards for assuring the continued proficiency of persons who read Pap smears, and reporting requirements on how many cases are being processed. The bill also requires labs to perform satisfactorily in an external proficiency evaluation system developed by the Secretary, and requires labs reading Pap smears—as well as all labs covered by the bill—to establish a system for direct billing. I believe that these steps must be taken immediately to eliminate many of the factors responsible for the unacceptably high level of misread Pap smears today.

The bill also seeks to improve the quality of lab testing by strengthening the enforcement tools available to the Secretary and by requiring a uniform national proficiency testing program to be developed by the Secretary. This system, to be applied by States or private programs that have been approved by the Secretary, would include a national grading system for lab performance, aggregate scores for specialties and subspecialties, and criteria for failure based on a lab's performance on a given test over time. The bill also retains the involvement of the private sector in accrediting and inspecting labs, but seeks to enhance the accountability and enforcement of standards in labs that are accredited by these private sector organizations.

Mr. President, undoubtedly, a strong case exists for improvements in the Federal regulation of laboratories and I believe that the changes included in this bill are necessary to enforce true quality in testing. While I recognize that quality practices and performance exists throughout much of the lab industry, vigilant and effective oversight by the Federal Government of lab procedures and performance is necessary to ensure that the patient and the Government are getting the most for their money from the lab tests they purchase. If the Federal Government is not doing enough, much more than money is at stake. All too often, the very lives of our citizens can be.

I hope that Senator LEVIN and I can work with our colleagues, as well as with industry groups and experts in the health care community to further refine this legislation so that we can achieve a reasonable and effective system of laboratory regulation.

Mr. President, I ask unanimous consent that the bill, along with a summary of its provisions, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2473

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Quality in Medical Testing Act of 1988".

SEC. 2. LICENSING OF CLINICAL LABORATORIES.

Subpart 2 of part F of the Public Health Service Act (42 U.S.C. 263a et seq.) is amended to read as follows:

"Subpart 2—Licensing of Clinical Laboratories

"SEC. 353. DEFINITIONS.

"As used in this subpart:

"(1) CLASSIFICATION.—The term 'classification' or 'class' shall refer to the classification system or classes established under section 353A.

"(2) LABORATORY, CLINICAL LABORATORY.—The term 'laboratory' or 'clinical laboratory' means a facility for the biological, microbiological, serological, chemical, immuno-hematological, hematological, biophysical, cytological, pathological, or other examination of materials derived from the human body, for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of, humans.

"(3) STANDARDS.—The term 'standards' shall refer to the standards established under section 353B.

"SEC. 353A. CLASSIFICATION SYSTEM.

"(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this subpart, the Secretary shall establish a classification system, in accordance with subsection (b), for the regulation of all clinical laboratories based on the complexity of the testing methodology used in the laboratory.

"(b) CRITERIA.—The Secretary shall use the following characteristics of the testing methodology in establishing the classification system for laboratories under subsection (a):

"(1) The number and complexity of steps involved.

"(2) The degree of independent judgment required.

"(3) The amount of interpretation required.

"(4) The complexity of the calculations involved.

"(5) The type of instruments used.

"(6) The calibration and quality control requirements of the instruments used.

"(7) The type of training required to operate the instruments used in the testing methodology.

"(c) MINIMUM CLASSIFICATIONS.—The system established under subsection (a) by the Secretary shall have at a minimum the three following classes:

"(1) BASIC.—A class shall be established for those laboratories that use only test methodologies that require no interpretation, no complex activities, no instruments, and no independent judgments.

"(2) INTERMEDIATE.—A class shall be established for those laboratories in which the most complex test methodology used involves instruments that require minimal technical skill, minimal interpretation, minimal independent judgment, and no complex activities.

"(3) COMPLEX.—A class shall be established for those laboratories that use any test methodology that requires the use of complex instruments or procedures that require interpretation, independent judgment, or specialized advanced training for proper performance exceeding the interpretation, independent judgments, or training required under paragraph (2).

"SEC. 353B. STANDARDS.

"(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this subpart, the Secretary shall establish separate standards for each class of clinical laboratories designed to assure consistent performance by the laboratories within each class of accurate and reliable laboratory procedures and services.

"(b) REQUIREMENTS OF STANDARDS.—Standards established for each class under subsection (a) shall—

"(1) be appropriate to the complexity of the testing methodologies used in the class they are applied to;

"(2) require clinical laboratories to maintain appropriate quality control programs;

"(3) require such laboratories to maintain such records, equipment, and facilities as may be necessary for the proper and effective operation of such laboratories;

"(4) require successful participation by the laboratory in an external proficiency testing program approved by the Secretary in accordance with section 353E;

"(5) contain adequate provisions for enforcing and monitoring the enforcement of the standards established under subsection (a), including provisions permitting unannounced inspections of laboratories, the frequency of which may vary depending on—

"(A) the proficiency testing scores of the laboratory;

"(B) complaints about such laboratory from the public;

"(C) information annually submitted to the Secretary as required in this subpart; or

"(D) other factors as determined by the Secretary;

"(6) to the extent necessary to insure the adequate and effective operation of the laboratory, prescribe qualifications for directors, supervisory personnel, and laboratory personnel engaged in the performance of testing, that shall include requirements designed to insure the continued competence of such personnel;

"(7) in the case of laboratories classified as complex (and such greater classification as established under section 353A), prescribe comprehensive qualifications for directors and supervisory personnel of, and laboratory technical personnel and cytotechnologists employed in, such laboratories, including requirements relating to education, training, experience, and demonstration of continued competence; and

"(8) include such other requirements as the Secretary determines necessary to assure consistent performance by such laboratories of accurate and reliable tests and other procedures and services.

"SEC. 353C. LICENSING.

"(a) Requirement.—No person or entity shall solicit or accept, directly or indirectly, any specimen for laboratory examination or other laboratory procedures, unless there is in effect a license for such laboratory issued by the Secretary under this section applicable to such procedures.

"(b) Specifications of License.—

"(1) In general.—A license issued by the Secretary under this section shall specify—

"(A) the classification of the laboratory and the categories of tests and procedures that such laboratory may perform; and

"(B) the standards that shall apply to such laboratory.

"(2) Applicability of license.—A license issued by the Secretary under this section may be applicable to all laboratory procedures or only to specified laboratory procedures or categories of laboratory procedures.

"(3) Period of license.—A license issued by the Secretary under this section shall be valid for a period of not more than 2 years from the date of issuance unless such license is suspended or revoked in accordance with this subpart.

"(c) Application.—The Secretary shall not issue or renew a license unless the laboratory—

"(1) submits an application—

"(A) in such form and manner as the Secretary shall by regulation prescribe;

"(B) that describes the characteristics of the testing performed by the laboratory including—

"(i) the number and types of tests performed;

"(ii) the test methodologies employed; and

"(iii) the qualifications (educational background, training, and experience) of the personnel performing the tests; and

"(C) that contains any other information that the Secretary may require;

"(2) pays a registration fee in an amount determined by the Secretary according to the classification of the laboratory;

"(3) provides assurances that it shall establish a direct billing system to directly bill the patient or third party payor for each test or procedure performed; and

"(4) is determined by the Secretary to be operated in accordance with the standards applicable to the laboratory based on the classification of the laboratory.

"(d) Classification by Secretary.—Not later than 30 days after the submission of an application under this section, the Secretary shall determine what classification the laboratory shall be placed in so that the Secretary may make the determinations required under subsection (c)(4).

"(e) Revocation or suspension.—A license issued under this section may be revoked, suspended, or limited if the Secretary finds, after reasonable notice and opportunity for hearing to the owner or operator of the laboratory, that such owner or operator or any employee of the laboratory—

"(1) has been guilty of misrepresentation in obtaining the license;

"(2) has engaged or attempted to engage or represented such owner, operator or employee as entitled to perform any laboratory procedure or category of procedures not authorized in the license;

"(3) has failed to comply with the standards with respect to laboratories and laboratory personnel prescribed by the Secretary pursuant to this section;

"(4) has failed to comply with reasonable requests of the Secretary for any information or materials, or work on materials, as the Secretary considers necessary to determine the laboratory's continued eligibility for a license under this section or continued compliance with the standards applicable to the laboratory;

"(5) has refused a request of the Secretary or any Federal officer or employee duly designated by the Secretary for permission to inspect the laboratory and its operations and pertinent records at any reasonable time; or

"(6) has violated or aided and abetted in the violation of any provisions of this section or of any rule or regulation promulgated under such section.

"(f) Direct Billing.—The Secretary shall promulgate regulations that require laboratories licensed under this Act to establish a direct billing system that meets requirements established by the Secretary.

"(g) Timely Resolution.—The Secretary shall promulgate regulations, including the issuance of guidelines, to ensure the timely resolution of all hearings involving the revocation, suspension, or limitation of a license.

"SEC. 353D. ACCREDITING EXEMPTION.

"(a) General Rule.—The Secretary may exempt a clinical laboratory from the licensing requirements of section 353C if the Secretary determines that such laboratory has been inspected and accredited by an accrediting body approved for such purpose by the Secretary that meets the requirements of subsection (b), except that any such laboratory shall be treated as a licensed laboratory for all other purposes of this subpart.

"(b) Accrediting Body.—

"(1) In general.—Subsection (a) shall not apply unless the Secretary determines that the accrediting body that issued the accreditation—

"(A) has inspected the laboratory prior to issuing the accreditation;

"(B) applies standards that are equal to or more stringent than those that would be applied by the Secretary based on the classification of the laboratory under section 353A;

"(C) shall insure that such standards shall continue to be met by the laboratory after accreditation; and

"(D) has taken any other action or provided information that the Secretary may require.

"(2) State bodies.—A State may serve as an accrediting body, under this section.

"(c) Review by Secretary.—

"(1) Standards.—Whenever the accrediting body or the Secretary changes the standards to be applied under subsection (b)(1), the Secretary shall conduct a review of approved accrediting bodies to ensure that such bodies are continuing to apply standards to such laboratories that are equal to or more stringent than those that would be applied by the Secretary based on the classification of the laboratory under section 353A.

"(2) Accrediting body status.—All accrediting bodies approved by statute or by the Secretary prior to the date of enactment of the "Quality in Medical Testing Act of 1988" shall retain such approved status subject to a determination by the Secretary that such a body is not applying the proper standards for accreditation. The Secretary shall make such a determination not later than 18 months after the date of enactment of this subpart.

"(d) Retention of Exemption.—In order for a laboratory to retain its accrediting exemption under this section, such laboratory shall—

"(1) submit to the Secretary a certification—

"(A) that its accreditation was by an approved accrediting body;

"(B) that describes the laboratory examinations or other laboratory procedures to which the accreditation applies; and

"(C) of the date or dates of such accreditation;

"(2) agree to permit inspections by the Secretary;

"(3) authorize the accrediting body to release to the Secretary (or such State agency as the Secretary may designate) a copy of the most current accreditation survey of such laboratory;

"(4) authorize the provider of the approved proficiency testing program to release to the Secretary (or such State agency as the Secretary may designate) a copy of the laboratory's most current proficiency test results;

"(5) pays an application fee in an amount determined by the Secretary according to the classification of the laboratory;

"(6) establish a direct billing system to directly bill the patient or third party payor for each test or procedure performed; and

"(7) make records available and submit reports to the Secretary as required by the Secretary.

"(e) Withdrawal of Exemption.—The Secretary may withdraw the licensing exemption of a laboratory if the Secretary finds that such laboratory has deficiencies in its performance.

"(f) Overall Performance of Accrediting Bodies.—The Secretary shall evaluate annually the performance of each approved accrediting body by surveying a sufficient number of all laboratories receiving an exemption under this section to allow precise estimates of performance of each accrediting body.

"(g) Withdrawal of Approved Status.—The Secretary shall withdraw approved status granted under subsection (a) if the Secretary determines that—

"(1) the standards of the accrediting body are not equal to or more stringent than those that would be applied by the Secretary based on the classification of the laboratory under section 353A; or

"(2) the accrediting body has inadequate provisions for assuring that accredited laboratories meet the standards of the accrediting body.

"(h) Report.—The Secretary shall annually prepare and submit, to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report that—

"(1) describes the standards and any changes in such, that the Secretary is requiring accrediting bodies to apply under subsection (c)(1); and

"(2) described the results of the survey conducted under subsection (f).

"SEC. 353E. PROFICIENCY TESTING SYSTEM.

"(a) Establishment.—Not later than 1 year after the date of enactment of this subpart, the Secretary, in consultation with appropriate professional organizations, shall establish a uniform national proficiency testing system.

"(b) Elements of System.—The testing system established under subsection (a) shall include—

"(1) a grading system for individual tests and aggregate scores for specialities and subspecialities used as licensure categories under this subpart, that shall apply to all classes of laboratories; and

"(2) criteria for failure (to result in appropriate monetary penalties as provided for in section 353H or revocation, suspension or limitation of license) that shall be based on the performance by the laboratory on individual tests conducted over a period of time as determined by the Secretary.

"(c) Approved Proficiency Testing Programs.—

"(1) In general.—The Secretary shall grant approved status to a private or State proficiency testing program if the Secretary determines, on request of such program, that the requirements of the program are sufficient to meet the requirements of this section.

"(2) Review on changes of requirements.—Whenever the approved proficiency testing program or the Secretary changes requirements affecting proficiency testing under this section, the Secretary shall review such program to ensure that such program continues to meet the requirements of this section.

"(3) Withdrawal.—The Secretary shall withdraw the approved status granted under this section if the Secretary determines that the approved proficiency testing program no longer meets the requirements of this section.

"(d) Failure of Proficiency Testing.—

"(1) In general.—Failure to meet the proficiency testing requirements established by the Secretary under this section shall result in the immediate suspension or limitation of the license of the facility pending hearings and final appeals, and the application of appropriate civil fines and penalties as provided for in section 353H.

"(2) Reinstating licenses.—The Secretary shall reinstate the license of a laboratory on the completion by the laboratory of proficiency testing that meets criteria established by the Secretary.

"(e) Referral of Proficiency Testing Samples.—

"(1) In general.—Subject to paragraph (2), a laboratory that is determined by the Secretary to have sent its proficiency testing samples to another laboratory for analysis shall have its license revoked for a period of at least 1 year, and be subject to appropriate civil fines and penalties as provided for in section 353H.

"(2) Limitation.—Paragraph (1) shall not apply if the Secretary determines that the sending of the samples (as described in such paragraph) was inadvertent or the result of an act not authorized by appropriate management personnel.

"(f) Proficiency Testing Methods.—The Secretary shall develop methods to improve the utility of proficiency testing in measuring routine laboratory performance to be incorporated into the proficiency testing system, that may include—

"(1) periodic onsite testing;

"(2) periodic testing when the laboratory is not aware that the proficiency of such laboratory is being tested; and

"(3) procedures to assure the validity of the performance and reporting of the results of proficiency testing.

"(g) Proficiency Testing Results.—The Secretary shall make available under section 552 of title 5, United States Code, results of the proficiency testing performance of the laboratory under this section.

"SEC. 353F. CYTOLOGY SERVICE STANDARDS.

"(a) Establishment.—Not later than 1 year after the date of enactment of this subpart, the Secretary shall establish national standards for quality assurance in cytology services designed to assure consistent performance by laboratories of accurate and reliable cytological services.

"(b) Standards.—The standards established under subsection (a) shall include—

"(1) workload guidelines and maximum workload limits for cytotechnologists;

"(2) requirements that clinical laboratories, as a condition of licensure under this subpart, report on the number of cytology cases screened by the laboratory and the number of individuals screening such cases;

"(3) standards for rescreening cytological preparations, including focused rescreening of such preparations for high-risk groups;

"(4) assessments of the continued proficiency of cytotechnologists and pathologists involved in interpreting cytological preparations;

"(5) standards requiring satisfactory performance of laboratories in an external periodic proficiency evaluation system developed by the Secretary; and

"(6) standards requiring periodic inspections of cytology services by persons experienced in cytology.

"(c) Proficiency Evaluation System.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with appropriate professional organizations, shall establish an external proficiency evaluation system for cytological services. The system developed under this subsection shall include the external assessment of—

"(1) the proficiency of the laboratory personnel in interpreting cytological preparations; and

"(2) the laboratories' daily quality control data concerning cytological preparations.

"SEC. 353G. INSPECTIONS.

"(a) Authority.—In order to enforce the provisions of this subpart, the Secretary upon presenting identification to the owner, operator, or agent in charge of the laboratory, and during the normal operating hours of such, may enter and inspect such laboratory and all pertinent equipment, materials, containers, records, files, papers, processes, controls, facilities, financial data, sales data, pricing data, and other materials that the Secretary determines has a bearing on whether such laboratory is being operated in accordance with this subpart.

"(b) Reports of Findings.—

"(1) Summary of violations.—On completion of an inspection under subsection (a), the Secretary, prior to leaving the premises of the laboratory, shall provide the owner, operator, or agency in charge with a preliminary report that summarizes any conditions or practices observed by the Secretary that indicate a violation of the provisions of this subpart.

"(2) Final report.—Not later than 30 days after the inspection is conducted under subsection (a), the Secretary shall provide a written report of the findings of the inspection to the owner, operator, or agent in charge of the laboratory.

"(c) Personnel.—Inspections performed under this section shall only be performed by individuals qualified in the testing methodologies of the specialties or subspecialties for which the laboratory is licensed.

"(d) Report to Congress.—Not later than 2 years after the date of enactment of this subpart, and annually thereafter, the Secretary shall prepare and submit, to the appropriate Committees of Congress, a report that summarizes the results of the inspections performed under this section in such year.

"SEC. 353H. ENFORCEMENT PROCESSES.

"(a) Significant Hazards to Public.—Whenever the Secretary has reason to believe that continuation of any activity by a laboratory licensed or accredited under this subpart would constitute a significant hazard to the public health, as determined by the Secretary, suit may be brought by the Secretary in the district court for the district in which such laboratory is situated to enjoin the continuation of such activity and, on a proper showing, a temporary injunction or restraining order against continuation of such activity pending issuance of a final order under this section shall be granted without bond or by such court.

"(b) Review of Revocations or Suspensions.—

"(1) Filing of actions.—Any party aggrieved by any action taken under section 353C(e) may at any time within 60 days after the date of such action file a petition with the United States Court of Appeals for the circuit in which such person resides or has its principal place of business, for judicial review of such action.

"(2) Petition to secretary.—A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary.

"(3) Filing of record.—On receipt of the petition, the Secretary shall file with the court the record on which the action of the Secretary under section 353C(e) was based, as provided for in section 2112 of title 28, United States Code.

"(4) Additional evidence.—If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Secretary, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Secretary, and to be adduced on the hearing in such manner and on such terms and conditions as the court may consider proper.

"(5) Modification of findings.—The Secretary may modify the findings of the Secretary concerning the facts, or make new findings, by reason of the submission of additional evidence under paragraph (4), and the Secretary shall file such modified or new findings, and any recommendations for the modification or setting aside of the original action under section 353C(e), with the return of such additional evidence.

"(6) Jurisdiction.—On the filing of the petition referred to in paragraph (1), the court shall have jurisdiction to affirm the action taken under section 353C(e), or to set it aside in whole or in part, temporarily or permanently. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive.

"(7) Final judgment.—The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary under section 353C(e) shall be final, subject only to review by the Supreme Court of the United States upon certiorari or certification as provided for in section 1254 of title 28, United States Code.

"(8) Designation of administrative law judges.—The Secretary shall designate an adequate number of Administrative Law Judges with appropriate expertise to handle hearings involving revocations, suspensions, and limitations of licenses under this subpart.

"(c) Violations of Provisions.—

"(1) In general.—Any person who wilfully violates any provision of this subpart or any rule or regulations promulgated thereunder shall be guilty of a misdemeanor and shall on conviction thereof be subject to imprisonment for not more than 1 year, or a fine of not more than $10,000, or both such imprisonment and fine.

"(2) Licensing violations.—Any person, owner, operator, or employee of a clinical laboratory who solicits or accepts, directly or indirectly, a specimen knowing that a laboratory test or other laboratory procedure will be performed using such specimen by a laboratory that is required to have in effect a license or accreditation issued under this subpart and that does not have such a license or accreditation in effect, or that is not authorized by its license or accreditation to perform such test or procedure, shall be subject to a fine of not more than $100,000, or imprisonment for not more than one year, or both.

"(3) False statements.—Any person, owner, operator, or employee of a clinical laboratory who willfully engages in any false, fictitious, or fraudulent statement in order to further a violation of the provisions of this Act shall be subject to a fine of not more than $100,000, or imprisonment for not more than one year, or both.

"(4) License violation.—Any person, owner, operator, or employee of a clinical laboratory who willfully engages in any of the activity described in section 353C(e) shall be subject to a fine of $10,000.

"(5) Injunctions.—The Secretary may bring suit in the United States district court for the district in which the laboratory is located to enjoin the continuation of any activity of the kind described in paragraphs (1) and (2).

"(d) Intermediate Sanctions.—

"(1) Establishment.—The Secretary shall establish and implement—

"(A) a system of intermediate sanctions that shall apply to laboratories that do not substantially comply with the applicable standards under section 353B;

"(B) appropriate appeals procedures relating to the timely imposition of sanctions established under subparagraph (A); and

"(C) guidelines that assure that hearings and appeals for actions taken under this subpart are completed within 90 days after the owner, operator, or employee of a laboratory that is in violation of a provision of this subpart, is notified of such a violation by the Secretary.

"(2) Types of sanctions.—Sanctions established by the Secretary under paragraph (1)(A) may include—

"(A) plans of correction that direct the laboratory to take certain actions;

"(B) civil fines and penalties;

"(C) compelling payment by the laboratory of the costs of onsite monitoring by the Secretary; and

"(D) suspension of certain Federal payments, and Federal financial assistance to the laboratory

"(e) Prohibition on Receipt of Federal Funds.—No clinical laboratory that is required to have in effect a license issued by the Secretary under this subpart and that does not have such a license shall—

"(1) receive a grant, contract, payment, or other form of Federal financial assistance; or

"(2) charge or collect any money for laboratory services performed for any entity that receives a grant, contract, payment, or other form of Federal financial assistance.

"SEC. 353I. STUDIES.

"(a) Establishment.—The Secretary shall study methods of evaluating the quality of laboratories within the total test setting and the relationship of laboratory standards and regulations concerning test quality to actual laboratory performance.

"(b) Report.—Not later than 2 years after the date of enactment of this subpart, the Secretary shall prepare and submit, to the appropriate Committees of Congress, a report that analyzes the results of the studies conducted under subsection (a), and shall include any recommendations for legislative changes considered necessary by the Secretary to improve the quality of laboratories.

"(c) Authorization of Appropriations.—There is authorized to be appropriated, such sums as the Secretary considers necessary to carry out this section.

"SEC. 353J. OTHER SERVICES OR FACILITIES.

"In carrying out this subpart, the Secretary is authorized, pursuant to agreement, to utilize the services or facilities of any Federal or State or local public agency or nonprofit private agency or organization, and may pay therefor in advance or by way of reimbursement, and in such installments, as the Secretary may determine.

"SEC. 353K. STATE LAWS.

"(a) Affect.—Nothing in this subpart shall be construed as affecting the power of any State to enact and enforce laws relating to the matters covered by this subpart to the extent that such laws are not inconsistent with the provisions of this subpart or with the rules and regulations issued under this subpart.

"(b) Exemption.—Where a State has enacted or hereafter enacts laws relating to matters covered by this subpart, that provide for standards equal to or more stringent than the provisions of this subpart or than the rules and regulations issued under this subpart, the Secretary may exempt clinical laboratories licensed in that State from compliance with this subpart. All clinical laboratories exempted under State laws enacted prior to the date of enactment of the "Quality in Medical Testing Act of 1988" shall retain such exempted status subject to a determination by the Secretary that such state is applying the proper standards for accreditation. The Secretary shall make such a determination not later than 18 months after the date of enactment of this subpart.

"(c) Change in Standards.—

"(1) In general.—Whenever a State changes its standards relating to matters covered by this subpart, or the Secretary changes standards under this section, the Secretary shall conduct a review of such State standards to ensure that the State is continuing to apply standards to laboratories that are equal to or more stringent than those that would be applied by the Secretary based on the classification of the laboratory.

"(2) Withdrawal of exemption.—The Secretary shall withdraw the exemption for laboratories in a State if the Secretary determines that the standards of the State no longer are equal to or more stringent than those that would be applied by the Secretary.

"SEC. 353L. REGULATIONS.

"The Secretary shall have the power to promulgate regulations necessary to carry out the provisions of this subpart.

"SEC. 353M. AUTHORIZATIONS OF APPROPRIATIONS.

"There are authorized to be appropriated in each fiscal year, such sums as may be necessary to carry out the provisions of this subpart.".

SEC. 3. CERTIFICATION OF CLINICAL LABORATORIES UNDER THE MEDICARE AND MEDICAID PROGRAMS.

(a) Certification of Independent Laboratories.—

(1) In general.—The second sentence of section 1861(s) of the Social Security Act (42 U.S.C. 1395x(s)) is amended by striking "laboratory—" and all that follows through the period and inserting "laboratory is licensed under section 353C of the Public Health Service Act to perform the test.".

(2) Inclusion of all physician office laboratories.—The second sentence of section 1861(s) of such Act is further amended by striking "a physician's office" and all that follows through "(which" and inserting "a rural health clinic or a hospital (which".

(3) Conforming amendments.—Sections 1864(a) (42 U.S.C. 1395aa(a)), 1865(a) (42 U.S.C. 1395bb(a)), 1902(a)(9)(C) (42 U.S.C. 1396a(a)(9)(C)), and 1915(a)(1)(B)(ii)(I) (42 U.S.C. 1396n(a)(1)(B)(ii)(I)) of such Act are each amended by striking "paragraphs (13) and (14)" and inserting "the second sentence".

(b) Certification of Provider-Based Laboratories.—

(1) Laboratories in hospitals.—

(A) In general.—Section 1861(e) of such Act (42 U.S.C. 1395x(e)) is amended—

(i) by striking "and" at the end of paragraph (8);

(ii) by redesignating paragraph (9) as paragraph (10); and

(iii) by inserting immediately after paragraph (8) the following new paragraph:

"(9) is licensed under section 353C of the Public Health Service Act with respect to any laboratory (as defined in section 353(2) of such Act) that is part of the institution; and".

(B) No deeming of laboratory licensing requirement.—The first sentence of section 1865(a) of such Act (42 U.S.C. 1395bb(a)) is amended by striking "paragraph (6)" and inserting "paragraphs (6) and (9)".

(C) CONFORMING AMENDMENTS.—(i) Section 1814(a)(2)(B) of such Act (42 U.S.C. 1395f(a)(2)(B)) is amended by striking "paragraphs (6) and (9)" and inserting "paragraphs (6) and (10)".

(ii) The last sentence of section 1861(e) of such Act (42 U.S.C. 1395x(e)) is amended by striking "paragraph (9)" each place it appears in such sentence and inserting "paragraph (10)".

(iii) Section 1861(f)(2) of such Act (42 U.S.C. 1395x(f)(2)) is amended by striking "paragraphs (3) through (9)" and inserting "paragraphs (3) through (10)".

(iv) Section 1863 of such Act (42 U.S.C. 1395z) is amended by striking "subsections (e)(9)" and inserting "subsections (e)(10)".

(v) The first sentence of section 1865(a) of such Act (42 U.S.C. 1395bb(a)) is amended by striking "paragraph (9)" and inserting "paragraph (10)".

(vi) Sections 1902(a)(9)(C) (42 U.S.C. 1396a(a)(9)(C)) and 1915(a)(1)(B)(ii)(I) (42 U.S.C. 1396n(a)(1)(B)(ii)(I)) of such Act are each amended by striking "applicable".

(2) LABORATORIES IN SKILLED NURSING FACILITIES.—Sections 1819(d)(4)(B) and 1919(d)(4)(B) of such Act, as added by the amendments made by sections 4201(a)(1) and 4211(a)(3), respectively, of the Omnibus Budget Reconciliation Act of 1987, are each amended by striking "thereof" and inserting "thereof (including a license under section 353C of the Public Health Service Act with respect to any laboratory (as defined in section 353(2) of such Act) that is part of the institution)".

(3) LABORATORIES IN RURAL HEALTH CLINICS.—Section 1861(aa)(2)(G) of such Act (42 U.S.C. 1395x(aa)(2)(G)) is amended by striking "as prescribed in regulations by the Secretary" and inserting "is licensed under section 353C of the Public Health Service Act with respect to any laboratory (as defined in section 353(2) of such Act) that provides such services".

(c) RETENTION OF CERTAIN REQUIREMENTS RELATING TO CERTIFICATION PROCESS.—Nothing in the amendments made by this section shall be construed to override any regulation of the Secretary of Health and Human Services relating to the certification of clinical laboratories under the programs under titles XVIII and XIX of the Social Security Act (including regulations relating to decertification and enforcement procedures) to the extent any such regulation is not inconsistent with the requirements added by such amendments.

(d) EFFECTIVE DATE.—The amendments made by this section shall become effective one year after the date of enactment of this Act.

SUMMARY OF S. 2473, THE QUALITY IN MEDICAL TESTING ACT OF 1988

The bill amends Subpart 2 of part F of the Public Health Service Act (42 U.S.C. 263a et seq.), and Title XVIII of the Social Security Act with respect to the licensing and standards governing clinical diagnostic tests.

COVERAGE OF CLINICAL LABORATORIES IMPROVEMENT ACT

The bill deletes all references to "interstate commerce" in the CLIA statute, thus requiring all clinical laboratories to be licensed under CLIA. The bill also deletes the current profession and insurance exemptions established by 42 U.S.C. 263(i).

NEW REGULATORY SYSTEM FOR CLINICAL LABORATORIES

The bill establishes a new system of regulating clinical laboratories by requiring the Secretary of Health and Human Services to establish a classification system for the regulation of all clinical laboratories based on the complexity of the testing methodology used in the laboratory.

The bill sets forth criteria, based on characteristics of the testing methodology, for the Secretary to use in classifying laboratories. The bill directs the Secretary to establish at least three classes of laboratories: basic, intermediate, and complex. Those laboratories falling in the "basic" class, for example, are those labs using test methodologies that require no interpretation, no complex activities, instruments, or independent judgments. Labs falling in the higher categories are those which use test methodologies requiring technical skill, interpretation, or independent judgment, or complex activities. The Secretary would be responsible for determining which types of tests are in each category, based on criteria set forth in the bill.

The bill specifies that the Secretary must provide standards for each class of laboratories, including standards for quality control, record keeping, successful participation in proficiency testing, enforcement, and personnel qualifications. The regulations may vary for different levels, but the bill specifies personnel requirements that must be applied to the most complex class of laboratories.

Any lab, in order to be licensed, would have to (1) submit information about the kinds of testing performed in the lab and the qualifications of personnel performing the tests, and any other information required by the Secretary; (2) pay a registration fee that will vary depending on the class of laboratory, and establish a direct billing system to directly bill the patient or third party payor for each test or procedure performed.

ACCREDITING EXEMPTIONS

The bill specifies that the Secretary may exempt clinical laboratories from the licensing requirements if the Secretary determines that such laboratories have been inspected and accredited by an accrediting body approved by the Secretary for this purpose. In order for a lab to retain its accrediting exemption, the laboratory must (1) certify its accreditation, (2) permit the Secretary to inspect, (3) make any records available and submit reports to the Secretary as requested, including proficiency testing results and the results of each inspection by the accrediting body, (4) pay an application fee in amount determined by the Secretary, and (5) establish a direct billing system to directly bill the patient or third party payor for tests performed.

For purposes of this section, a lab accredited by an approved accrediting body is considered to be a licensed laboratory.

Accrediting bodies approved by the Secretary must apply standards to labs that are equal to or more stringent than those applied by the Secretary based on the classification of laboratories. The Secretary is required to conduct periodic reviews of the standards of the accrediting bodies, must annually evaluate the performance of each accrediting body by surveying a sufficient number of labs accredited by such bodies, and may withdraw approved status if the accrediting bodies' standards or performance do not meet standards set by the Secretary.

The bill specifies that all accrediting bodies approved by statute or regulation by the Secretary prior to the date of enactment of this subpart shall retain such approved status, subject to a determination that such body is applying the proper standards of accreditation.

STATE EXEMPTIONS

The bill specifies that where a state enacts or hereafter enacts laws relating to matters covered by this subpart that includes standards that are equal to or more stringent than those included in this subpart, the Secretary may exempt labs licensed by that state from compliance with this subpart. If the standards of any such state changes, the Secretary must review the standards to determine if they continue to be equal to or more stringent than those standards under this section.

PROFICIENCY TESTING

The bill requires the Secretary, in consultation with appropriate professional organizations, to establish a uniform national proficiency testing system to be applied to all labs including (1) a grading system for individual tests and aggregate scores for specialties and subspecialties, (2) criteria for failure based on the lab's performance on individual tests over time.

The bill also requires the Secretary to develop methods to improve the quality of proficiency testing in measuring routine laboratory performance, that may include periodic on-site testing; blind proficiency testing; and procedures to assure the validity of performance and reporting of proficiency testing results.

Sanctions for failure to meet proficiency testing requirements as established by the Secretary shall result in immediate suspension or limitation of license, and appropriate fines and penalties. The Secretary shall reinstate a license upon completion of proficiency testing to the Secretary's satisfaction.

The bill specifies that a laboratory that sends its proficiency testing samples to another lab for analysis contrary to the Secretary's regulations shall have its license revoked for one year, and be subject to fines and penalties.

Release of proficiency testing results: the bill authorizes the Secretary to release the results of proficiency testing performance by laboratories under the Freedom of Information Act.

Approved Proficiency Testing Programs: the bill authorizes the Secretary to grant approved status to a private or state proficiency testing program if the Secretary determines that the program's requirements are sufficient to meet the Secretary's proficiency testing standards, and such approval may be withdrawn if its standards are no longer equal to or more stringent than those of the Secretary.

CYTOLOGY SERVICE STANDARDS

The bill requires the Secretary to develop (1) workload guidelines and mandatory maximum workload limits for cytotechnologists, (2) standards for rescreening of cytology slides to include focused rescreening of high risk groups, (3) standards to assure the continued proficiency of cytotechnologists and pathologists involved in cytological interpretation, (4) standards requiring satisfactory performance of labs in an external periodic proficiency evaluation system developed by the Secretary, and (5) standards requiring periodic inspections of cytology services in labs by persons experienced in cytology.

INSTRUCTIONS

The Secretary shall use inspection, during normal hours of operation, as a method of determining whether or not the lab is in compliance with the appropriate standards. Inspections must be performed by persons experienced in the kinds of testing that are performed in a particular laboratory. So that information on the results of inspections is available on an ongoing basis to assist in oversight of the lab program, the Secretary must report to Congress annually on the results of these inspections.

INFORCEMENT

To increase the range of actions the Secretary can take against any laboratory that does not meet standards established pursuant to this subject, the bill includes intermediate sanctions that are similar to those due to go into effect for Medicare on January 1, 1990.

To improve the timeliness of adverse actions under CLIA, the bill requires the Secretary (1) to designate a sufficient number of administrative law judges to handle hearings in a timely fashion; and (2) to establish guidelines that would assure that actions are taken within 90 days.

The bill includes penalties of up to $100,000 in fines and/or up to one year in prison for unlicensed testing, prevents any lab that is not licensed from receiving any form of federal financial assistance, and maintains the Medicare fraud and kickback provisions. The bill also changes the "imminent" hazard to the public health test for enjoining a lab from testing, to a "significant" hazard test, and clarifies that unlicensed labs can be enjoined from testing.

Mr. LEVIN. Mr. President, I am pleased to be introducing today with Senator COHEN the Quality in Medical Testing Act of 1988. This legislation would overhaul the existing, flawed Federal regulatory scheme of clinical laboratories and would thereby improve the accuracy and safety of lab testing.

Senator COHEN and his staff have done an exceptional job of addressing this complicated and important issue and developing this much-needed legislation. It is his interest in this issue that spurred the Senate Subcommittee on Oversight of Government Management, which I chair and on which Senator COHEN is the ranking Republican, to hold hearings on March 23 and 24 on clinical lab safety.

Two witnesses at the subcommittee's March hearings illustrated how essential accurate lab testing is to our health care. Mr. Robert Johnson testified that the Pap smears of his wife were misread 2 years in a row by the same lab worker at the same Virginia hospital. The result was that Mrs. Johnson's cervical cancer went undetected until it was too late; she died in 1981.

Kathy and David Astor testified that a hospital lab in New York erroneously reported that David Astor was not a carrier of the tay-sachs gene. As it turned out, both he and his wife are carriers. Their daugher Abigail now has the fatal tay-sachs disease. As these witnesses dramatically demonstrate, the lab tests upon which we routinely rely have life or death consequences.

Other witnesses at the hearings identified numerous gaps and flaws in the existing Federal regulation of labs. The legislation we are introducing today seeks to sensibly address the many problems which were raised at the hearings.

Perhaps the most glaring gap in Federal regulation is the specific exemption of approximately 80,000 to 100,000 labs in physicians' offices. Only 13 States—including my own State of Michigan—regulate the labs in these doctors' offices. Current Federal law requires the regulation of independent and hospital labs which receive Medicare or which conduct interstate commerce, but statutorily exempts from Federal regulation these physician office labs [POL's]. A number of witnesses persuasively argued that there is little justification for not requiring POL's to adhere to the same requirements as other labs. From the patient's point of view, there should be just as much assurance that tests conducted in a doctor's office are as accurate as those conducted in a hospital or large commercial lab.

Congress has already taken a step toward regulating POL's by requiring, as part of the 1987 reconciliation legislation, that doctors' offices performing 5,000 or more tests a year come under Federal regulation by January 1, 1990. This 5,000 test limit, while a step in the right direction, is a somewhat arbitrary standard. It makes little sense for labs doing 4,000 extremely complicated tests to entirely escape regulation while labs doing 6,000 simple tests have to meet the same extensive regulatory requirements as independent labs. The issue should be quality of tests, not quantity.

The legislation we are introducing today would bring all labs, including POL's, under a Federal regulatory scheme that would be effective without being needlessly burdensome. The bill would require the Secretary of Health and Human Services to establish a three-tier system of regulation. The level of regulation that a lab would be subject to would depend on the difficulty of the tests performed by that lab. The most complex level of regulation would be comparable to the existing requirements for labs doing Medicare or interstate work. This new system will be fairer to POL's than the 5,000 test standard because the regulations will be tailored to the difficulty and complexity of the tests performed by the POL, rather than to the number of tests.

Another issue of particular concern raised at the hearings was the high error rate of pap smears reviews. The American Society for Cytotechnology [ASCT] testified that cytotechnolgists in some labs are pressured to review 200 to 300 slides per day—which is a rate far higher than what most cytotechs can do with confidence as to accuracy. ASCT recommended that no more than approximately 80 gynocologic slides be examined within a 24-hour period. ASCT also argued that the existing policy of reviewing a random 10-percent sample of all negative pap smears is ineffective and expensive, and recommended instead that rescreening focus on smears from high-risk patients. ASCT also advocated that inspections of labs doing cytology work be conducted by cytotechnologists.

The bill would address these problems by requiring the Secretary to establish workload guidelines and maximum workload limits for cytotechnologists and to require that clinical labs report on the number of cytology cases screened by that lab and the number of individuals screening such cases. The Secretary would also be required to establish standards for rescreening cytological slides, including focused rescreening of slides from high-risk patients, and assessments of the continued proficiency of cytotechnologists and pathologists involved in cytology work.

Another disturbing issue brought out at the hearings was the lack of enforcement authority the Federal Government has over many labs which are supposedly covered by Federal regulation. Under current law, in lieu of coming under Federal requirements, labs can choose to be inspected and accredited by one of several private organizations—College of American Pathologists, Joint Commission on Accreditation of Health Care Organizations, or the American Osteopathic Association. Of the 13,000 labs covered by Federal regulation, almost half are accredited by these private organizations instead of the Federal Government. The inspection and accreditation of these organizations is deemed by law to be equal to that of the Federal Government.

The Health Care Financing Administration [HCFA] only doublechecks about 2 or 3 percent of labs that are accredited by these organizations. Furthermore, HCFA doesn't even have access to the inspection and accreditation results of these groups. The joint commission argues that, absent a specific legislative requirement, it is not obligated to provide HCFA with the results of its inspections. In sum, for the vast majority of these accredited labs, the Federal Government has ceded its enforcement authority to these private organizations without any supervisory or reviewing role.

The Quality in Medical Testing Act introduced today would restore some Federal Government responsibility and accountability in this area. It would provide the Secretary with discretion in deciding whether these organizations should retain the authority to accredit labs in lieu of the Federal Government. It would also specify the type of information these organizations would be required to make available to the Government.

The bill makes a number of other, very important changes to current law, including strengthening the quality of proficiency testing, requiring direct billing by all labs and speeding up the appeals process for deficient labs subject to sanctions.

This bill is a valuable starting point for congressional review and revision of existing Federal law. There are several key issues which I am sure will be the subject of considerable debate and which may warrant further study and possible amendment. For example, while I am convinced that POL's should be required to meet reasonable quality assurance requirements, it is still an unresolved issue for me as to whether such regulation should be imposed directly by the Federal Government or through the States. I am sensitive to the role States have thus far played in regulating POL's as well as intrastate labs, and their experience and authority in this area needs to be carefully studied.

It is time for Congress to recognize that current law in the area of lab safety is seriously flawed. This bill is an essential step toward assuring a better, more accurate system of laboratory testing in this country.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 2474. A bill for the relief of Dr. Beatrice Braude; to the Committee on the Judiciary.

RELIEF OF DR. BEATRICE BRAUDE

● Mr. MOYNIHAN. Mr. President, I rise today with my distinguished colleague, Senator D'Amato, to introduce a private relief bill for Dr. Beatrice Braude. Dr. Braude was dismissed from her employment at the U.S. Information Agency in 1953 and subsequently unable to work for the Federal Government until 1982 when she obtained a part-time position with the CIA's language school.

At the time of her dismissal, Dr. Braude was told that it was an a result of budget cuts. Only after she obtained her personnel files, under the Privacy Act, did she discover that she was considered a security threat and was fired on the grounds of this unfounded suspicion. I would point out here that Dr. Braude had worked for the State Department as a Foreign Service staff officer and had been stationed at the American Embassy in Paris before going to work at the USIA. Imagine her surprise at being told she would receive a raise and a promotion and then being fired only 1 day later.

When she discovered the real reason for her dismissal, in 1976, she filed suit with the U.S. Court of Claims to clear her name and recover monetary damages for the time she was unable to work for the Federal Government. A divided Court of Claims dismissed her suit as untimely under the statute of limitations. This bill would waive the statute of limitations and allow her to have a hearing on the merits of her claims.

In brief, this bill merely grants Dr. Braude her day in court.

Dr. Braude's case is not new to the Senate. In 1979, Senator Javits and I inroduced an identical bill which the Senate passed by voice vote. Unfortunately, the House of Representatives did not take action on this bill before the end of the 96th Congress.

All this bill seeks to do is grant a citizen, who devoted much of her life to Government service, the full protections of the law.

I ask unanimous consent that the full text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2474

Be it enacted by the Senate and House of Representatives of the United States of America in Congres assembled,

SECTION 1. CONSENT TO SUIT.

That, notwithstanding any statute of limitations, lapse of time, or bar of laches, the Court of Claims shall have jurisdiction to hear, determine, and render judgment upon any claim for back pay by Dr. Beatrice Braude against the United States arising out of the termination of her employment at the United States Information Agency on December 30, 1953.

SEC. 2. RESTRICTIONS UPON SUIT.

Suit upon any such claim may be instituted at any time within one year after the date of enactment of this Act. Nothing in this Act shall be construed as an inference of liability on the part of the United States. Except as otherwise provided in this Act, proceedings for the determination of such claims, and review and payment of any judgment or judgments thereupon shall be had in the same manner as in the case of claims over which such court has jurisdiction under section 1491 of title 28, United States Code.●

By Mr. HARKIN:

S. 2475. A bill to amend the Child Nutrition Act of 1966 to authorize the establishment of a demonstration project to provide coupons to recipients of assistance under the special supplemental food program for women, infants, and children for use at farmers' markets; to the Committee on Agriculture, Nutrition, and Forestry.

FARMERS' MARKET NUTRITION ENHANCEMENT ACT

● Mr. HARKIN. Mr. President, I am today introducing a bill that would allow participants in the Supplemental Food Program for Women, Infants, and Children [WIC] to purchase food from farmer's markets.

My bill would authorize seven States to participate in pilot projects, and would require them to share a significant proportion of the expenses. This program is already completely State-funded and operational in four States, namely, Iowa, Connecticut, Massachusetts, and Vermont. Although restricted to specific geographic areas in each State, this program shows enough promise to warrant several pilot projects at the Federal level.

The Senate Agriculture Subcommittee on Nutrition, which I chair, has been studying this issue for the past 9 months. We received testimony on this program at a recent joint subcommittee hearing. The House approved a similar measure by a vote of 389 to 27 on May 10, 1988.

This bill would allow participating States to issue coupons to WIC participants in the amount of $10 to $20 that could be redeemed only at farmers markets and then only for locally grown produce. The advantages to this program are fourfold:

First, WIC recipients are introduced to healthy, fresh, homegrown produce.

Second, farmers markets receive additional customers.

Third, all money from this program goes directly to farmers. No new structure is required to administer the program.

Fourth, Federal dollars of $3.5 million would (a) purchase $5 million worth of produce for WIC Program participants and (b) simultaneously inject that $5 million directly into the local farm sector.

Many States are interested in this program and would like to see the results of these pilot projects before pursuing plans of their own. This money would ensure distribution of this information to interested States. I urge my colleagues to support the Farmers' Market Nutrition Enhancement Act.●

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 2476. A bill to designate the outpatient clinic of the Veterans' Administration to be located on New Jersey State Route 70 in Brick Township, NJ, as the "James J. Howard Veterans' Outpatient Clinic; to the Committee on Environment and Public Works.

JAMES J. HOWARD VETERANS OUTPATIENT CLINIC

● Mr. LAUTENBERG. Mr. President, I rise to introduce, along with my distinguished colleague, Senator BRADLEY, a bill to designate the veterans' outpatient clinic in Brick Township, NJ, as the James J. Howard Veterans' Outpatient Clinic. Naming the clinic after Congressman Howard is a fitting tribute to my late colleague from New Jersey, who championed the cause of veterans in the Congress.

Congressman Howard and the entire New Jersey delegation fought long and hard over many sessions of the Congress for the establishment of an outpatient satellite clinic in New Jersey. This clinic means that New Jersey veterans will not longer have to travel quite such long distances to receive the medical care they were promised when they signed up to fight. This clinic will go a long way toward meeting the burgeoning medical needs of New Jersey's aging veterans population.

A World War II veteran, Jim Howard was familiar with the needs of our veterans, and never lost an opportunity to help meet them. Naming the clinic after him will commemorate those efforts, and will help New Jerseyites remember his years of distinguished public service to the State of New Jersey.

Although his may not have been a household name, the fruits of his efforts are well known. Mr. President, when Jim Howard died, the Third District, the State of New Jersey, and indeed, the Nation lost a valued leader. His leadership will be missed.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2476

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The outpatient clinic of the Veterans' Administration to be located on New Jersey State Route 70 in Brick Township, New Jersey, shall be known and designated as the "James J. Howard Veterans' Outpatient Clinic".

SEC. 2. LEGAL REFERENCES.

Any reference in a law, map, regulation, document, record, or other paper of the United States to the outpatient clinic referred to in section 1 shall be deemed to be a reference to the "James J. Howard Veterans' Outpatient Clinic".●

● Mr. BRADLEY. Mr. President, I rise today with my distinguished colleague from New Jersey, to introduce a bill to designate the Veterans' Administration outpatient clinic in Brick Township, NJ, as the "James J. Howard Veterans' Outpatient Clinic."

The New Jersey congressional delegation has fought hard to give the veterans who live in south Jersey access to needed medical facilities. The Carter administration had endorsed plans for a hospital in Camden. Those plans were dropped by the Reagan administration. However, the bipartisan efforts in Congress have finally succeeded in providing funds to establish a clinic in Brick Township. In typical Jim Howard fashion, the Congressman from New Jersey's Third District worked tirelessly to bring this much needed outpatient center to the veterans of south and central New Jersey. His leadership in our State will be sorely missed by his untimely death. But it is a fitting tribute that this new clinic be named in the honor of Jim Howard, a distinguished Congressman and World War II veteran.

Jim Howard is renowned for his work as chairman of the House Public Works and Transportation Committee and for his inspired leadership in the fight to protect the New Jersey shore. The spirit that was inherent in all his work was derived from a genuine respect and compassion for the people of the Third District, the State of New Jersey, and the Nation. It was this caring spirit that led Jim Howard to work so hard on behalf of the deserving veterans of New Jersey.

We could never thank Jim Howard enough for his years of dedicated public service. I only hope that when people visit the James J. Howard Veterans' Outpatient Clinic, they will remember his achievements and be inspired by his commitment to the State of New Jersey.●

By Ms. MIKULSKI (for herself and Mr. Adams):

S. 2477. A bill to amend the Public Health Service Act to modify the authority for the regulation of clinical laboratories to require licensed laboratories to qualify under proficiency testing programs, and for other purposes; to the Committee on Labor and Human Resources.

MEDICAL TESTING IMPROVEMENT ACT

● Ms. MIKULSKI. Mr. President, Senator Adams and I are today introducing an important bill to improve the accuracy of a key medical test. By doing this, we will save hundreds of lives.

Women in this country should be proud of the way they take care of themselves. In general, they have cut back on their smoking, they're exercising more, eating better, and going in for regular physicals.

And if you ask just about any woman what is the one test that they always have done, without fail, every year, when they go to their doctor, they will say the pap smear.

When properly conducted, the pap smear test is reliable, accurate, and essential for early detection of cervical cancer, which will take the lives of an estimated 7,000 women this year.

However, recent reports of misdiagnoses of cervical cancer or precancerous conditions—estimated to occur in 20 to 40 percent of pap smears—have sent a chilling message to all women and the people who care for an about them.

That message? Do not trust the results of this test on which so many women's lives depend.

A few months ago, Senator Adams and I held hearings in the Senator Labor and Human Resources Committee on this issue. The stories we heard were heartbreaking.

A 23 year old woman will no longer be able to bear children because her test results were misdiagnosed. She had three pap smears within 18 months come back negative. Two months later she was found to have advanced cervical cancer. And she was one of the lucky ones—she lived.

What I learned from this hearing is that there are too many labs out there where overworked, undersupervised technicians are making too many errors—errors that mean the difference between life and death. We cannot allow this practice to continue.

We have seen many reports in the media about the problems with medical labs. Yet what are the recommendations that come out of these reports? People should take more responsibility for their health, by asking their doctors questions about where they are sending their tests.

That is the solution proposed by many "experts". Well, I think that's absurd. When I get on an airplane, no one expects me to ask the mechanic if her or she has checked the sparkplugs. Why should I have to ask my doctor if the laboratory he or she is using is reliable? This is not a patient's responsibility—the burden falls on the doctors and the laboratories.

Today we are introducing legislation that will help restore our condidence in the results of laboratory testing.

Right now, what we have is a crazy quilt of regulations, but there are huge holes in the quilt. Laboratory regulations should be the job of the State—yet the majority of States do little to oversee laboratory practices. The Federal Government regulates laboratories engaged in interstate commerce or receiving Medicare funds, but these regulatory programs are not thorough or effective.

The bill we are introducing today greatly strengthens an existing law, the Clinical Laboratores Improvement Act [CLIA]. This law regulates all independent laboratories engaged in interstate commerce, which includes all of the large "Pap mills" doing huge volumes of tests with little or no quality control.

Does not regulate States—or labs soley in State jurisdiction.

This legislation:

Increases the frequency of laboratory inspections by the Secretary of Health and Human Services from 3 years to 1 year.

Sets up tougher, uniform standards to be developed by the National Bureau of Standards along with other groups for proficiency testing for all laboratory tests, including:

Acceptable error rates for slide reading.

Calibration of equipment standards.

Establishes a method of proficiency testing for pap smears—currently, labs don't have to pass any proficiency tests for pap smears to get their license.

Unannounced, on site, review of slides, will be done by HHS.

Requires labs to report the workload (slides read per hour) and error rates for workers reading pap smears to the Secretary of Health and Human Services every 3 months.

This bill also applies same tougher standards to doctors' offices engaged in interstate commerce. There has been a tremendous growth in these labs with almost no requirements for licensing or quality control of any sort.

Finally, this bill removes some incentives for doctors to use cut-rate labs by requiring that labs bill patients directly rather than sending the bill back to the doctor, who can then add on his or her own fees.

CLIA was originally intended to serve as model legislation for States to follow in developing their own programs for overseeing all labs in the State. Unfortunately, few States followed suit, and our Federal regulatory process has been woefully inadequate—that is why we have gotten involved.

I am pleased to say that some States have recently gone into action. My own State of Maryland has just beefed up its laboratory regulation program significantly by requiring proficiency testing, setting workload limits, and prohibiting workers from taking slides home with them. I hope the passage of the bill we are introducing today will encourage other States to follow suit—I will be working to ensure this happens.

In closing, I would like to say that Senator ADAMS and I have worked very closely together on this legislation. He has been out front from the beginning in advocating action to address these problems in his usual thoughtful way. I look forward to continuing to work with him as we work to get this legislation through the Senate and signed into law.●

By Mr. FORD (for himself, Mr. ROTH, Mrs. KASSEBAUM, Mr. HEINZ, Mr. NICKLES, and Mr. DANFORTH):

S. 2478. A bill to provide for a 2-year Federal budget cycle, and for other purposes; pursuant to the order of the Senate of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

BIENNIAL BUDGET ACT

Mr. FORD. Mr. President, I am pleased to introduce today, on behalf of Senator ROTH, Senator KASSEBAUM, Senator HEINZ, Senator NICKLES, Senator DANFORTH, and myself, the Biennial Budget Act of 1988. This bipartisan proposal, which we presented at hearings this morning before the Governmental Affairs Committee on budget reform, would put the Federal budget and appropriations on a 2-year cycle. I commend Senator GLENN, chairman of the Governmental Affairs Committee, for holding these hearings and I look forward to working with him, and the Budget Committee, on this proposal.

Since 1981 I have been pushing the idea of moving the Federal budget to a 2-year cycle, and it looks like this idea's time has finally come. In his budget message this year, President Reagan called on the Congress to adopt biennial budgeting. The U.S. Chamber of Commerce has endorsed the idea. And just last week, at hearings before the National Economic Commission, there was uniform support expressed for moving to a 2-year budget as a procedural change which would assist Congress in our efforts to address the budget deficit.

First, let me point out that this is not an anti-Gramm-Rudman-Hollings bill. All the discipline of Gramm-Rudman-Hollings is left in place. The major changes made to the Budget Act by Gramm-Rudman-Hollings, such as the change from a two-resolution system to a one-resolution system, are retained.

This proposal creates a 2-year budget cycle with the budget resolution, reconciliation, and 2-year appropriations bills enacted in the first session of Congress. The biennium would begin on October 1 of the odd-numbered years of a Congress and cover the following two consecutive fiscal years. The second session of each Congress will be devoted to authorizing, oversight, and compliance review. Containing all the major budget and appropriations decisions in one session will give Congress, and executive agencies, the time to conduct the oversight and compliance review necessary to make informed budgetary decisions.

This proposal does not include a formal procedure in the second session of Congress for enacting changes in the second year of the biennium. To do so would defeat the purpose of a biennial budget and force on Congress a process which would just lead back to annual budgeting and appropriations. Because this bill leaves the Gramm-Rudman-Hollings process in place, Congress will have a procedure for ensuring that the deficit, and consequently spending, does not exceed the allowable targets. Should Congress find that it must create new programs in the nonbudgetary year, the normal supplemental appropriations process, and requirements for budget waivers, will be available to address those unforeseeable issues.

This bill also provides for permanent continuing appropriations in the event that Congress and the White House do not complete action on all individual appropriations bills before the beginning of the biennium. Programs funded in the previous biennium will continue to be funded at the same rate of operations, and will be superseded by the enactment of the regular appropriation bills, as is currently the case. The permanent continuing appropriations authority is limited to one biennium period.

Congress has been justly criticized in recent years for using the catch-all continuing appropriations approach to funding. Our inability to enact the budget resolution and 13 individual appropriation bills on time each year will be aided by a 2-year budget process. The permanent continuing appropriations provision removes the incentive, for both Congress and the White House, to sandbag individual appropriation bills in the hopes of enacting controversial items in the continuing resolution. This provision will also aid State and local governments and recipients of Federal funding who often are caught at the end of the fiscal year with threatened lapses in funding. It also eliminates the very time-consuming process of enacting a continuing resolution, and removes the ability to fill a veto-proof continuing resolution with spending programs that bust the budget.

This proposal also includes provisions to strengthen the ability of committees to obtain information about the operation and effectiveness of a Federal program. It also includes a requirement that there be consistency in the way budgetary information is presented by all the participants in the process. Budget-related bills, resolutions, and reports must include, or be accompanied by, tables setting forth the budget information at the account level, using uniform accounts. This uniformity will allow efficient tracking and comparison of spending decisions. By using uniform account totals, a program could be tracked through the entire legislative process to determine what the President recommended, what CBO estimated was necessary, what the authorizing committee thought should be provided, what the Budget Committee assumed in its resolution, how much the committee with spending jurisdiction allocated, how much was recommended for appropriation, and how much was finally appropriated.

Generally, this proposal would take effect in the 101st Congress. Fiscal year 1989 would be a transition year of single-year appropriations, and would also serve as the initial authorizing period for the biennium which would begin on October 1, 1989. Federal programs must be authorized for at least the 2-year period covered by the fiscal biennium. While many Federal programs are already multiyear authorizations, many programs will expire in the second year of the biennial budget enacted in the 101st Congress. Therefore, 1989 will be a transition year in which authorizing committees must ensure that programs within their jurisdiction are authorized at least through the biennium ending September 30, 1991. By enacting this proposal this year, we give the new administration advance notice of the new process, and take advantage of the changing leadership in congressional committees to smooth the transition to reform.

Biennial budgeting is not a panacea for our Federal budgetary problems. But it is a tool which can make the Federal Government operate more efficiently and allow Congress the time to make considered and informed budgetary decisions. Biennial budgeting will provide greater funding stability and certainty for our elected counterparts in State and local governments and for the numerous beneficiaries of Federal funds.

The budget summit last year gave us an opportunity to "get our feet wet" with 2-year budgeting, and the success thus far of that exercise indicates that it is time to take the plunge. Although there are differing approaches to structuring a 2-year budget, there was uniform support among witnesses at the Governmental Affairs Committee hearing this morning for moving the Federal budget to a 2-year cycle, including a strong endorsement from the Comptroller of the Department of Defense, which has effectively moved to a 2-year budget and has some practical experience in this area. The Biennial Budget Act of 1988 is a bipartisan response to the growing support for a 2-year Federal budget cycle, and I want to commend my colleague, Senator ROTH, for suggesting that we produce this bipartisan bill. His leadership and expertise in this area, coupled with the long-standing interest and work of Senator KASSEBAUM, ensure that a consensus approach to biennial budgeting can be found this year. I urge my colleagues to cosponsor this proposal and join us in this effort to improve our budgetary process.

Mr. President, I ask unanimous consent that the text of the bill and a summary and section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2478

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Biennial Budget Act of 1988".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares that the present annual Federal budgeting process—

(1) allows insufficient time for the fulfillment by the Congress of its legislative and oversight responsibilities;

(2) allows insufficient time for the review and consideration by the Congress of authorizing legislation, budget resolutions, and appropriation bills and resolutions and other spending measures;

(3) allows insufficient time for the evaluation of costly and complicated Federal programs, and thereby contributes to the unrestrained growth of the Federal budget; and

(4) allows insufficient time for agencies and State and local governments to plan for the implementation of programs.

(b) PURPOSE.—It is the purpose of this Act—

(1) to establish a process through which the Federal budget will be adopted for a two-year period;

(2) to improve congressional control over the Federal budget process;

(3) to streamline the requirements of the budget process in order to promote better accountability to the public;

(4) to improve the legislative and budgetary processes by providing additional time for congressional oversight and other vital legislative activities;

(5) to provide stability and coherence for recipients of Federal funds; and

(6) to implement other improvements in the Federal budget process.

SEC. 3. REVISION OF TIMETABLE.

Section 300 of the Congressional Budget Act of 1974 (2 U.S.C. 631) is amended to read as follows:

"TIMETABLE

"SEC. 300. The timetable with respect to the Congressional budget process for any Congress (beginning with the One-hundred-and-first Congress) is as

"First Session

"On or before:	Action to be completed:
First Monday after January 3	President submits budget recommendations.
February 15	Congressional Budget Office submits report to Budget Committees.
February 25	Committees submit views and estimates to Budget Committees.
March 31	Senate Budget Committee reports concurrent resolution on the biennial budget.
April 15	Congress completes action on concurrent resolution on the biennial budget.
May 15	Biennial appropriation bills may be considered in the House.
June 10	House Appropriations Committee reports last biennial appropriation bill.
September 30	Congress completes action on reconciliation legislation.
September 30	Congress completes action on biennial appropriation bills.
October 1	Biennium begins.

"First Session—Continued

"Second Session

"On or before:	Action to be completed:
May 15	Congressional Budget Office submits report to Budget Committees.
The last day of the session	Congress completes action on bills and resolutions authorizing new budget authority for the succeeding biennium.".

SEC. 4. AMENDMENTS TO THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974.

(a) DECLARATION OF PURPOSE.—Section 2(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621(2)) is amended by striking "each year" and inserting in lieu thereof "biennially".

(b) DEFINITIONS.—

(1) Section 3(4) of such Act (2 U.S.C. 622(4)) is amended by striking "fiscal year" each place it appears and inserting in lieu thereof "biennium".

(2) Section 3 of such Act (2 U.S.C. 622) is further amended by adding at the end thereof the following new paragraph:

"(11) The term 'biennium' means the period of 2 consecutive fiscal years beginning on October 1 of any odd-numbered year.".

(c) DUTIES OF CBO.—

(1) Section 202(f)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 602(f)(1)) is amended—

(A) by striking "February 15 of each year" and inserting in lieu thereof "February 15 of each odd-numbered calendar year";

(B) by striking "the fiscal year commencing" and inserting in lieu thereof "each fiscal year in the biennium commencing";

(C) by striking "such fiscal year" the first place it appears and inserting in lieu thereof "such biennium"; and

(D) by striking "such fiscal year" the second place it appears and inserting in lieu thereof "each fiscal year in such biennium".

(2) Section 202(f) of such Act (2 U.S.C. 602(f)) is further amended—

(A) in paragraph (2) by striking "The Director shall from time to time" and inserting in lieu thereof "On May 15 of each even numbered year and at such other times as he or she deems appropriate, the Director shall".

(B) in paragraph (3)—

(i) by striking "January 15" and inserting in lieu thereof "February 15",

(ii) by striking "each year" and inserting in lieu thereof "each even-numbered calendar year",

(iii) by striking "the fiscal year ending September 30 of that calendar year" in clause (A) and inserting in lieu thereof "either fiscal year in the biennium beginning October 1 of the preceding calendar year",

(iv) by striking "the fiscal year ending September 30 of that calendar year" in clause (B) and inserting in lieu thereof "either fiscal year of such biennium", and

(v) by striking "fiscal year beginning October 1 of that calendar year" and inserting in lieu thereof "succeeding biennium".

(d) BIENNIAL CONCURRENT RESOLUTION ON THE BUDGET.—

(1) Section 301(a) of such Act (2 U.S.C. 632(a)) is amended—

(A) by striking "April 15 of each year" and inserting in lieu thereof "April 15 of each odd-numbered year";

(B) by striking "the fiscal year beginning on October 1 of such year" the first place it appears and inserting in lieu thereof "biennium beginning on October 1 of such year";

(C) by striking "the fiscal year beginning on October 1 of such year" the second place it appears and inserting in lieu thereof "each fiscal year in such period"; and

(D) by striking "each of the two ensuing fiscal years" and inserting in lieu thereof "each fiscal year in the succeeding biennium".

(2) Section 301(b) of such Act (2 U.S.C. 632(b)) is amended—

(A) in the matter preceding paragraph (1) by inserting "for a biennium" after "concurrent resolution on the budget"; and

(B) in paragraph (3) by striking "for such fiscal year" and inserting in lieu thereof "for either fiscal year in such biennium".

(3) Section 301(d) of such Act (2 U.S.C. 632(d)) is amended by striking "February 25 of each year" and inserting in lieu thereof "February 25 of each odd-numbered year".

(4) Section 301(e) of such Act (2 U.S.C. 632(e)) is amended—

(A) in the first sentence by striking "fiscal year" and inserting in lieu thereof "biennium";

(B) by inserting between the second and third sentences the following new sentence: "On or before March 31 of each odd-numbered year the Committee on the Budget of each House shall report to its House the concurrent resolution on the budget referred to in subsection (a) for the biennium beginning on October 1 of that year."; and

(C) in paragraph (6)—

(i) by striking "five" and inserting in lieu thereof "four",

(ii) by striking "such fiscal year" and inserting in lieu thereof "the first fiscal year of such biennium,", and

(iii) by striking "such period" and inserting in lieu thereof "such four-fiscal-year period".

(5) Section 301(f) of such Act (2 U.S.C. 632(f)) is amended by striking "fiscal year" each place it appears and inserting in lieu thereof "biennium".

(6) Section 301(i)(1)(A) of such Act (2 U.S.C. 632(i)(1)(A)) is amended—

(A) by striking "for a fiscal year" and inserting in lieu thereof "for a biennium"; and

(B) by striking "for such fiscal year" the first place it appears and inserting in lieu thereof "for either fiscal year in such biennium".

(7) The section heading of section 301 of such Act is amended by striking "ANNUAL" and inserting in lieu thereof "BIENNIAL".

(8) The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking "Annual" in the item relating to section 301 and inserting in lieu thereof "Biennial".

(e) COMMITTEE ALLOCATIONS.—

(1) Paragraphs (1) and (2) of section 302(a) of such Act (2 U.S.C. 633(a)) are amended—

(A) by inserting "for a biennium" after "budget" the first place it appears in each such paragraph; and

(B) by inserting "for each fiscal year in such biennium" after "estimated allocation" each place it appears.

(2) Section 302(c) of such Act (2 U.S.C. 633(c)) is amended—

(A) by striking "for a fiscal year" each place it appears and inserting in lieu thereof "for either fiscal year in a biennium"; and

(B) by striking "for such fiscal year" each place it appears and inserting in lieu thereof "for such biennium".

(3) Section 302(f)(1) of such Act (2 U.S.C. 633(f)(1)) is amended—

(A) by striking "for a fiscal year" and inserting in lieu thereof "for a biennium", and

(B) by striking "such fiscal year" each place it appears in the matter preceding subparagraph (A) and inserting in lieu thereof "a fiscal year in such biennium".

(C) Section 302(f)(2) of such Act is amended—

(i) by striking "for a fiscal year" and inserting in lieu thereof "for a biennium", and

(ii) by striking "for such fiscal year" and inserting in lieu thereof "for a biennium".

(f) SECTION 303 POINT OF ORDER.—

(1) Section 303(a) of such Act (2 U.S.C. 634(a)) is amended by striking "fiscal year" each place it appears and inserting in lieu thereof "biennium".

(2) Section 303(b) of such Act (2 U.S.C. 634(b)) is amended—

(A) by striking "fiscal year" each place it appears and inserting in lieu thereof "biennium"; and

(B) in the matter following paragraph (2) by striking "any calendar year" and inserting in lieu thereof "any odd-numbered calendar year".

(g) PERMISSIBLE REVISIONS OF CONCURRENT RESOLUTIONS ON THE BUDGET.—Section 304 of such Act (2 U.S.C. 635) is amended—

(1) by striking "fiscal year" the first two places it appears and inserting in lieu thereof "biennium";

(2) by striking "for such fiscal year"; and

(3) by inserting before the period "for such biennium".

(h) PROCEDURES FOR CONSIDERATION OF BUDGET RESOLUTIONS.—Section 305(b)(3) of such Act (2 U.S.C. 636(b)(3)) is amended—

(1) striking "the concurrent" and inserting in lieu thereof "a concurrent"; and

(2) by striking "fiscal year" and inserting in lieu thereof "biennium".

(i) COMMITTEE ACTION ON APPROPRIATION AND OTHER SPENDING BILLS.—

(1) Section 307 of such Act (2 U.S.C. 638) is amended to read as follows:

"ACTION ON APPROPRIATION BILLS

"SEC. 307. (a) HOUSE COMMITTEE ACTION.—On or before June 10 of each odd-numbered calendar year, the Committee on Appropriations of the House of Representatives shall report to the House all regular appropriation bills providing new budget authority for the biennium that begins on October 1 of that year.

"(b) ACTION BY HOUSE.—On or before June 15 of each odd-numbered calendar year, the House of Representatives shall pass all regular appropriation bills providing new budget authority for the biennium that begins on October 1 of that year.

"(c) SENATE COMMITTEE ACTION.—On or before June 30 of each odd-numbered year, the Committee on Appropriations of the Senate shall report to the Senate all regular appropriation bills providing new budget authority for the biennium that begins on October 1 of that year.

"(d) ACTION BY SENATE.—On or before July 31 of each odd-numbered calendar year, the Senate shall pass all regular appropriation bills for the biennium that begins on October 1 of that year.

"(e) COMPLETION OF ACTION BY CONGRESS.—On or before September 30 of each odd-numbered calendar year, the Congress shall complete action on all regular appropriation bills for the biennium beginning on October 1 of that year.".

(2) The item relating to section 307 in the table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended to read as follows:

"Sec. 307. Action on appropriation bills.".

(j) REPORTS AND SUMMARIES OF CONGRESSIONAL BUDGET ACTIONS.—

(1)(A) Section 308(a)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 639(a)(1)) is amended—

(i) in the matter preceding subparagraph (A) by striking "fiscal year" and inserting in lieu thereof "biennium",

(ii) in subparagraph (A) by striking "fiscal year" and inserting in lieu thereof "biennium", and

(iii) in subparagraph (C) by striking "such fiscal year" and inserting in lieu thereof "such biennium".

(B) Section 308(a)(2) of such Act is amended by striking "fiscal year" and inserting in lieu thereof "biennium".

(2) Section 308(b)(1) of such Act (2 U.S.C. 639(b)(1)) is amended—

(A) by striking "fiscal year" the first place it appears and inserting in lieu thereof "biennium";

(B) by inserting "for such biennium" after "concurrent resolution on the budget"; and

(C) by striking "the fiscal year preceding such fiscal year" and inserting in lieu thereof "each fiscal year in the biennium preceding such biennium".

(3) Section 308(c) of such Act (2 U.S.C. 639(c)) is amended—

(A) by striking "Five" in the subsection heading and inserting in lieu thereof "Four";

(B) by striking "fiscal year" each place it appears in the matter preceding paragraph (1) and inserting in lieu thereof "biennium"; and

(C) by striking "5 fiscal years" and inserting in lieu thereof "4 fiscal years".

(k) COMPLETION OF ACTION ON REGULAR APPROPRIATION BILLS.—Section 309 of such Act (2 U.S.C. 640) is amended—

(1) by inserting "of any odd-numbered calendar year" after "July";

(2) by striking "annual" and inserting in lieu thereof "regular"; and

(3) by striking "fiscal year" and inserting in lieu thereof "biennium".

(l) RECONCILIATION PROCESS.—

(1) Section 310(a) of such Act (2 U.S.C. 641(a)) is amended—

(A) by striking "any fiscal year" in the matter preceding paragraph (1) and inserting in lieu thereof "any biennium";

(B) in paragraph (1) by striking "such fiscal year" each place it appears and inserting in lieu thereof "each fiscal year in such biennium"; and

(C) in paragraph (2) by inserting "for each fiscal year in such biennium" after "revenues".

(2) Section 310(e) of such Act (2 U.S.C. 641(e)) is amended—

(A) by striking "20 hours" in paragraph (2) and inserting in lieu thereof "100 hours"; and

(B) by adding at the end thereof the following new paragraph:

"(3) It shall not be in order in the Senate or the House of Representatives to consider any reconciliation bill or resolution or any amendment thereto or any conference report thereon which changes any provision of law other than provisions of law which—

"(A) provide new budget authority or spending authority described in section 401(c)(2);

"(B) relate to revenues; or

"(C) specify the amount of the statutory limit on the public debt.".

(3) Section 310(f) of such Act (2 U.S.C. 641(f)) is amended—

(A) in paragraph (1)—

(i) by inserting "for a biennium" after "subsection (b)", and

(ii) by striking "June 15 of each year" and inserting in lieu thereof "September 30 of the calendar year in which the biennium begins"; and

(B) in paragraph (2)—

(i) by inserting "of any odd-numbered calendar year" after "July",

(ii) by striking "fiscal year beginning on October 1 of the calendar year to which the adjournment resolution pertains" and inserting in lieu thereof "biennium beginning on October 1 of such calendar year", and

(iii) by striking "for such fiscal year" and inserting in lieu thereof "for such biennium".

(m) SECTION 311 POINT OF ORDER.—

(1) Section 311(a) of such Act (2 U.S.C. 642(a)) is amended—

(A) by striking "for a fiscal year" and inserting in lieu thereof "for a biennium";

(B) by striking "such fiscal year" the first, second, and third places it appears and inserting in lieu thereof "a fiscal year in such biennium";

(C) by inserting "for such fiscal year" after "outlays";

(D) by striking "concurrent resolution on the budget for such fiscal year" and inserting in lieu thereof "concurrent resolution on the budget for the biennium in which such fiscal year occurs";

(E) by inserting "for such fiscal year" after "revenues" the first place it appears; and

(F) by inserting "for such fiscal year" after "set forth" the second place it appears.

(2) Section 311(b) of such Act (2 U.S.C. 642(b)) is amended—

(A) by striking "such fiscal year" the first place it appears and inserting in lieu thereof "a biennium"; and

(B) by striking "such fiscal year" the second place it appears and inserting in lieu thereof "either fiscal year in such biennium".

(n) BILLS PROVIDING NEW SPENDING AUTHORITY.—Section 401(b)(2) of such Act (2 U.S.C. 651(b)(2)) is amended by striking "for such fiscal year" the second place it appears and inserting in lieu thereof "for the biennium in which such fiscal year occurs".

(o) ANALYSIS BY CBO.—Section 403(a) of the Congressional Budget Act of 1974 (2 U.S.C. 653(a)) is amended—

(1) by striking "the fiscal year" in paragraph (1) and inserting in lieu thereof "each fiscal year in the biennium";

(2) by striking "4 fiscal years following such year" in paragraph (1) and inserting in lieu thereof "each fiscal year in the succeeding biennium";

(3) by striking "the fiscal year" in paragraph (2) and inserting in lieu thereof "each fiscal year in the biennium"; and

(4) by striking "four fiscal years following such fiscal year" in paragraph (2) and inserting in lieu thereof "each fiscal year in the succeeding biennium".

(p) IMPROVED FISCAL PROCEDURES.—

(1) Title IV of such Act (2 U.S.C. 651 et seq.) is amended by adding at the end thereof of the following new sections:

"REPORTS

"SEC. 408. (a)(1) The reports required by sections 301(d), 302(b), 308(b), and 308(c) shall contain the tables described in subsection (b).

"(2) Any—

"(A) concurrent resolution on the budget reported by the Committee on the Budget of the Senate or the House of Representatives under section 301 or 304 of this Act; and

"(B) bill or resolution reported by a committee of the Senate or the House of Representatives which provides, modifies, or terminates budget authority or spending authority described in section 401(c)(2)(C), or which contains or modifies estimates of budget outlays,

shall be accompanied by a report containing the tables described in subsection (b). The conference report on any bill or resolution described in clause (A) or (B) of the preceding sentence shall be accompanied by a joint statement of the managers containing such tables.

"(b)(1) The tables required by subsection (a) shall set forth estimates of budget authority, spending authority described in section 401(c)(2)(C), and budget outlays for each of the accounts (to which the report, bill, or resolution referred to in such subsection pertains) which are set forth in the table of appropriation and fund accounts contained in the Budget of the United States Government submitted by the President pursuant to subsection (a) of section 1105 of title 31, United States Code, during the Congress in which the report referred to in subsection (a)(1) is made or the bill or resolution described in subsection (a)(2) is reported. If any such report, bill, or resolution contains provisions involving budget authority, spending authority, or outlays for which accounts have not been included in such table, the estimates therefor in the table required by this subsection shall be set forth in account records with account identification codes assigned by the Director of the Congressional Budget Office.

"(2) The tables described in paragraph (1) which are required to be included in the reports required by sections 301(d), 302(b), 308(b), and 308(c), and in the reports accompanying any concurrent resolution on the budget reported under section 301 or 304 shall also set forth estimates for the budget authority and spending authority described in section 401(c)(2)(C) which will become available without further congressional action and estimates of the outlays that will result from such budget authority and spending authority.

SEC. 5. AMENDMENTS TO TITLE 31, UNITED STATES CODE.

(a) DEFINITION.—Section 1101 of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

"(3) 'biennium' has the meaning given to such term in paragraph (11) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(11))".

(b) BUDGET AND APPROPRIATIONS AUTHORITY OF THE PRESIDENT.—Section 1104(c) of title 31, United States Code, is amended—

(1) by inserting "(1)" and "(c)";

(2) by striking the second sentence thereof; and

(3) by adding at the end thereof the following new paragraph:

"(2) The budget submitted pursuant to section 1105 for the biennium beginning on October 1, 1989, shall be set forth in the same accounts which are set forth in the table entitled 'The Federal Program by Agency and Account' contained in the budget submitted for fiscal year 1989 under section 1105. Any change in the table of accounts used in the budget submitted under section 1105 for the biennium beginning on October 1, 1989, from the table of accounts set forth in such table contained in the budget submitted under section 1105 for fiscal year 1989, and any change in the table of accounts used in the budget submitted under section 1105 for any succeeding biennium from the table used in the budget submitted for the previous biennium shall be made only in consultation with the Committees on Appropriations, the Committees on the Budget, and the committees having legislative jurisdiction over the programs or activities which will be affected by such changes. The provisions of this paragraph do not prohibit the inclusion of proposed new accounts in such table solely for purposes of presenting estimates for proposed new programs.".

(c) BUDGET CONTENTS AND SUBMISSION TO THE CONGRESS.—

(1) So much of section 1105(a) of title 31, United States Code, as precedes paragraph (1) thereof is amended to read as follows:

"(a) On or before the first Monday after January 3 of each odd-numbered year, beginning with the one-hundred-and-first Congress, the President shall transmit to the Congress, the budget for the biennium beginning on October 1 of such calendar year. The budget transmitted under this subsection shall include a budget message and summary and supporting information. The President shall include in each budget the following:"

(2) Section 1105(a)(5) of title 31, United States Code, is amended by striking "the fiscal year for which the budget is submitted and the 4 fiscal years after that year" and inserting in lieu thereof "each fiscal year in the biennium for which the budget is submitted and in the succeeding biennium".

(3) Section 1105(a)(6) of title 31, United States Code, is amended by striking "the fiscal year for which the budget is submitted and the 4 fiscal years after that year" and inserting in lieu thereof "each fiscal year in the biennium for which the budget is submitted and in the succeeding biennium".

(4) Section 1105(a)(9)(C) of title 31, United States Code, is amended by striking "the fiscal year" and inserting in lieu thereof "each fiscal year in the biennium".

(5) Section 1105(a)(12) of title 31, United States Code, is amended—

(A) by striking "the fiscal year" in subparagraph (A) and inserting in lieu thereof "each fiscal year in the biennium"; and

(B) by striking "after that year" in subparagraph (B) and inserting in lieu thereof "immediately following the second fiscal year in such biennium".

(6) Section 1105(a)(13) of title 31, United States Code, is amended by striking "the fiscal year" and inserting in lieu thereof "each fiscal year in the biennium".

(7) Section 1105(a)(14) of title 31, United States Code, is amended by striking "that year" and inserting in lieu thereof "each fiscal year in the biennium for which the budget is submitted".

(8) Section 1105(a)(16) of title 31, United States Code, is amended by striking "the fiscal year" and inserting in lieu thereof "each fiscal year in the biennium".

(9) Section 1105(a)(17) of title 31, United States Code, is amended—

(A) by striking "the fiscal year following the fiscal year" and inserting in lieu thereof "each fiscal year in the biennium following the biennium";

(B) by striking "that following fiscal year" and inserting in lieu thereof "each such fiscal year"; and

(C) by striking "fiscal year before the fiscal year" and inserting in lieu thereof "biennium before the biennium".

(10) Section 1105(a)(18) of title 31, United States Code, is amended—

(A) by striking "the prior fiscal year" and inserting in lieu thereof "each of the 2 most recently completed fiscal years";

(B) by striking "for that year" and inserting in lieu thereof "with respect to that fiscal year"; and

(C) by striking "in that year" and inserting in lieu thereof "in that fiscal year".

(11) Section 1105(a)(19) of title 31, United States Code, is amended—

(A) by striking "the prior fiscal year" and inserting in lieu thereof "each of the 2 most recently completed fiscal years";

(B) by striking "for that year" and inserting in lieu thereof "with respect to that fiscal year"; and

(C) by striking "in that year" each place it appears and inserting in lieu thereof "in that fiscal year".

(d) ESTIMATED EXPENDITURES OF LEGISLATIVE AND JUDICIAL BRANCHES.—Section 1105(b) of title 31, United States Code, is amended by striking "each year" and inserting in lieu thereof "each even-numbered year".

(e) RECOMMENDATIONS TO MEET ESTIMATED DEFICIENCIES.—Section 1105(c) of title 31, United States Code, is amended—

(1) by striking "fiscal year for" each place it appears and inserting in lieu thereof "biennium for";

(2) by inserting "or current biennium, as the case may be," after "current fiscal year"; and

(3) by striking "that year" and inserting in lieu thereof "that period".

(f) STATEMENT WITH RESPECT TO CERTAIN CHANGES.—Section 1105(d) of title 31, United States Code, is amended by striking "fiscal year" and inserting in lieu thereof "biennium".

(g) CAPITAL INVESTMENT ANALYSIS.—Section 1105(e) of title 31, United States Code, is amended by striking "ensuing fiscal year" and inserting in lieu thereof "biennium to which such budget relates".

(h) COMPLIANCE WITH MAXIMUM DEFICIT AMOUNT.—Section 1105(f) of title 31, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "a fiscal year" and inserting in lieu thereof "a biennium", and

(B) by striking "such fiscal year" the first place it appears and inserting in lieu thereof "each fiscal year in such biennium"; and

(2) in paragraph (2) by striking "in the budget so transmitted for any fiscal year" and inserting in lieu thereof "for a fiscal year in a budget transmitted pursuant to subsection (a)".

(i) SUPPLEMENTAL BUDGET ESTIMATES AND CHANGES.—

(1) Section 1106(a) of title 31, United States Code, is amended—

(A) in the matter preceding paragraph (1) by striking "fiscal year" and inserting in lieu thereof "biennium";

(B) in paragraph (1) by striking "that fiscal year" and inserting in lieu thereof "each fiscal year in such biennium";

(C) in paragraph (2) by striking "4 fiscal years following the fiscal year" and inserting in lieu thereof "2 fiscal years following the biennium";

(D) by striking "future fiscal years" in paragraph (3) and inserting in lieu thereof "the 2 fiscal years following the biennium for which the budget is submitted"; and

(E) by striking "fiscal year" in paragraph (3) and inserting in lieu thereof "biennium".

(2) Section 1106(b) of title 31, United States Code, is amended by striking "the fiscal year" and inserting in lieu thereof "each fiscal year in the biennium".

(j) CURRENT PROGRAMS AND ACTIVITIES ESTIMATES.—

(1) Section 1109(a) of title 31, United States Code, is amended—

(A) by striking "On or before the first Monday after January 3 of each year (on or before February 5 in 1986)" and inserting in lieu thereof "At the same time the budget required by section 1105 is submitted for a biennium"; and

(B) by striking "the following fiscal year" and inserting in lieu thereof "each fiscal year of such period".

(2) Section 1109(b) of title 31, United States Code, is amended by striking "March 1 of each year" and inserting in lieu thereof "February 25 of each odd-numbered year".

(k) YEAR-AHEAD REQUESTS FOR AUTHORIZING LEGISLATION.—Section 1110 of title 31, United States Code, is amended—

(1) by striking "fiscal year" and inserting in lieu thereof "biennium (beginning on or after October 1, 1989)", and

(2) by striking "year before the year in which the fiscal year begins" and inserting "second calendar year preceding the calendar year in which the biennium begins".

(l) BUDGET INFORMATION ON CONSULTING SERVICES.—Section 1114 of title 31, United States Code, is amended—

(1) by striking "The" each place it appears and inserting in lieu thereof "For each biennium beginning with the biennium beginning on October 1, 1989, the"; and

(2) by striking "each year" each place it appears.

SEC. 6. TITLE AND STYLE OF APPROPRIATIONS ACTS.

Section 105 of title 1, United States Code, is amended to read as follows:

"§ 105. Title and style of appropriation Acts

"(a) The style and title of all Acts making appropriations for the support of the Government shall be as follows: 'An Act making appropriations (here insert the object) for the biennium ending September 30 (here insert the odd-numbered calendar year.).'.

"(b) All Acts making regular appropriations for the support of the Government shall be enacted for a biennium and shall specify the amount of appropriations provided for each fiscal year in such period.

"(c) For purposes of this section, the term 'biennium' has the same meaning as in section 3(11) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(11)).".

SEC. 7. ASSISTANCE BY FEDERAL AGENCIES TO STANDING COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

(a) INFORMATION REGARDING AGENCY APPROPRIATIONS REQUESTS.—To assist each standing committee of the Senate and the House of Representatives in carrying out its responsibilities, the head of each Federal agency which administers the laws or parts of laws under the jurisdiction of such committee shall provide to such committee such studies, information, analyses, reports, and assistance, including the requests for appropriations and the justifications therefor submitted by the agency to the President pursuant to section 1108 of title 31, United States Code, as may be requested by the chairman and ranking minority member of the committee, except that such requests and justifications for a biennium shall not be submitted under this subsection until after the day the President transmits the Budget to the Congress under section 1105 of such title for such period.

(b) INFORMATION REGARDING AGENCY PROGRAM ADMINISTRATION.—

(1) FURNISHING INFORMATION.—To assist each standing committee of the Senate and the House of Representatives in carrying out its responsibilities, the head of any agency shall furnish without charge to such committee computer tapes or disks, together with explanatory documentation, containing information received, compiled, or maintained by the agency as part of the operation or administration of a program, or specifically compiled pursuant to a request in support of a review of a program, as may be requested by the chairman and ranking minority member of such committee.

(2) MINIMIZING REQUESTS.—The Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate shall prescribe rules and regulations for their respective Houses which will minimize duplication of requests under paragraph (1) of this subsection.

(c) SUMMARIES BY COMPTROLLER GENERAL.—Within 30 days after the receipt of a request from a chairman and ranking minority member of a standing committee having jurisdiction over a program being reviewed and studied by such committee under this section, the Comptroller General of the United States shall furnish to such committee summaries of any audits or reviews of such program which the Comptroller General has completed during the preceding 6 years.

(d) CONGRESSIONAL ASSISTANCE.—Consistent with their duties and functions under law, the Comptroller General of the United States, the Director of the Congressional Budget Office, the Director of the Office of Technology Assessment, and the Director of the Congressional Research Service shall furnish to each standing committee of the Senate or the House of Representatives such information, studies, analyses, and reports as the chairman and ranking minority member may request to assist the committee in conducting reviews and studies of programs under this section.

(e) SECRET AND CLASSIFIED INFORMATION PROTECTED.—This section does not require the public disclosure of matters that are specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive order, or which are otherwise specifically protected by law. This section does not require any committee of the Senate to disclose publicly information the disclosure of which is governed by Senate Resolution 400, Ninety-fourth Congress, or any other rule of the Senate.

SEC. 8. AMENDMENTS TO RULES OF HOUSE OF REPRESENTATIVES.

(a) Clause 4(a)(1)(A) of rule X of the Rules of the House of Representatives is amended by inserting "odd-numbered" after "each".

(b) Clause 4(a)(2) of rule X of the Rules of the House of Representatives is amended by striking "such fiscal year" and inserting in lieu thereof "the biennium in which such fiscal year begins".

(c) Clause 4(b)(2) of rule X of the Rules of the House of Representatives is amended by striking "first concurrent resolution on the budget for each fiscal year" and inserting in lieu thereof "concurrent resolution on the budget required under section 301(a) of the Congressional Budget Act of 1974 for each biennium".

(d) Clause 4(f) of rule X of the Rules of the House of Representatives is amended by striking "annually" each place it appears and inserting in lieu thereof "biennially".

(e) Clause 4(g) of rule X of the Rules of the House of Representatives is amended—

(1) by striking "March 15 of each year" and inserting in lieu thereof "March 15 of each odd- numbered year";

(2) by striking "fiscal year" the first place it appears and inserting in lieu thereof "biennium"; and

(3) by striking "that fiscal year" and inserting in lieu thereof "each fiscal year in such ensuing biennium".

(f) Clause 4(h) of rule X of the Rules of the House of Representatives is amended by striking "fiscal year" and inserting in lieu thereof "biennium".

(g) Subdivision (C) of clause 2(l)(1) of rule XI of the Rules of the House of Representatives is repealed.

(h) Clause 4(a) of rule XI of the Rules of the House of Representatives is amended by striking "fiscal year if reported after September 15 preceding the beginning of such fiscal year" and inserting in lieu thereof "biennium if reported after August 1 of the year in which such biennium begins".

(i) Clause 2 of rule XLIX of the Rules of the House of Representatives is amended by striking "fiscal year" and inserting in lieu thereof "biennium".

SEC. 9. CONTINUING APPROPRIATIONS.

(a) Amendment to Title 31.—

(1) Chapter 13 of title 31, United States Code, is amended by inserting after section 1310 the following new section:

"§ 1311. Continuing appropriations

"(a)(1) Except as provided in paragraph (2), if any of the regular appropriation bills for a biennium does not become law before the beginning of such period, there are hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any project or activity, provided for in a regular appropriation Act that has become effective for the preceding biennium, at a rate of operations not in excess of the rate of operations provided for such project or activity for such preceding biennium in such Act.

"(2) If the rate of operations provided for a project or activity for the second fiscal year in a biennium differs from the rate of operations provided for such project or activity for the first fiscal year in such biennium by reason of reductions made pursuant to an order issued under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, such project or activity shall be continued at a rate of operations not in excess of the rate of operations provided for such project or activity for such second fiscal year.

"(b) Amounts appropriated pursuant to subsection (a) with respect to a biennium shall be available for the period beginning with the first day of such period and ending with the earlier of—

"(1) the day after the first date on which the regular appropriation bill for the program or activity funded under subsection (a) of this section has become law, or

"(2) the last day of such biennium.

"(c) For purposes of this section, 'regular appropriation bill' has the meaning given such term in section 307 of the Congressional Budget Act (2 U.S.C. 638).".

(2) The analysis of chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1310 the following new item:

"1311. Continuing appropriations.".

(b) Amendment to the Balanced Budget and Emergency Deficit Control Act of 1985.—Section 251(a)(6) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(a)(6)) is amended by adding at the end thereof the following: "For purposes of subparagraph (B), continuing appropriations made pursuant to section 1311 of title 31, United States Code, shall be treated as continuing appropriations for an entire fiscal year.".

(c) Effective Date.—

(1) The amendments made by this section shall apply to bienniums beginning after September 30, 1991.

(2) For purposes of determining the application of section 1311 of title 31, United States Code, to the biennium beginning October 1, 1991, any project or activity provided for in a joint resolution making continuing appropriations for the fiscal year beginning October 1, 1990, shall be treated as having been provided for in a regular appropriation Act.

(3) For purposes of determining the rate of operations for a project or activity under section 1311 of title 31, United States Code, for the biennium beginning October 1, 1991, the rate of operations for such project or activity in each fiscal year of such biennium shall equal the rate provided for such project or activity in a regular appropriation Act for the fiscal year beginning October 1, 1990 or a joint resolution making continuing appropriations for such fiscal year.

SEC. 10. EFFECTIVE DATE; APPLICATION.

(a) In General.—Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective January 1, 1988, and shall apply to bienniums beginning after September 30, 1989.

(b) Fiscal Year 1989.—Notwithstanding subsection (a), the provisions of—

(1) the Congressional Budget Act of 1974, and

(2) title 31, United States Code,

(as such provisions were in effect on the day before the effective date of this Act) shall apply to the fiscal year beginning on October 1, 1988.

(c) Definition.—For purposes of this section, the term "biennium" shall have the meaning given to such term in section 3(11) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(11)), as added by section 3(b)(2) of this Act.

The Biennial Budget Act of 1988—Summary and Section by Section Analysis

SUMMARY

Amends the Congressional Budget and Impoundment Control Act of 1974 to provide a 2-year Federal budget cycle.

Provides that the first session of each Congress will be devoted to enacting one budget resolution covering a 2-fiscal year period, and appropriations for the 2-fiscal year period. The second session of each Congress will be devoted to authorizing legislation and oversight.

The biennial budget period will begin October 1 of each odd-numbered year and will cover the 2 consecutive fiscal years.

Provides for a permanent continuing appropriations at the then existing spending levels for those programs for which the regular appropriations bills have not been enacted by the beginning of the 2-year fiscal period.

Provides increased authority for the chairmen and ranking members of standing committees to request information, analyses, studies, and other assistance from Federal agencies to assist in the budget formation, appropriations, authorization, and program oversight processes.

Effective beginning in the 101st Congress.

SECTION-BY-SECTION ANALYSIS

Section 1 states the Title of the legislation—the "Biennial Budget Act of 1988".

Section 2(a) sets forth the findings of the legislation. These are that the Federal budget process allows for insufficient time for (a) the fulfillment by the Congress of its legislative and oversight responsibilities; (b) the review and consideration of authorizing legislation, budget resolutions, and appropriations bills and resolutions and other spending provisions; (c) the evaluation of costly and complicated Federal programs, and thereby contributes to the unrestrained growth of the Federal budget; and (d) for agencies and State and local governments to plan for the implementation of programs.

Section 2(b) sets forth the purposes of the legislation. These are to establish a biennial budget process, to improve congressional control over the budget process, to streamline the budget process, to improve legislative and budget processes by providing additional time for oversight and other vital activities, to provide stability and coherence for recipients of Federal funds and to implement other improvements in the Federal budget process.

Section 3 revises section 300 of the Congressional Budget Act to establish a timetable for the biennial budget cycle, as follows:

FIRST SESSION

First Monday after January 3: President submits budget recommendations.

February 15: Congressional Budget Office submits report to Budget Committees.

February 25: Committees submit views and estimates to Budget Committees.

March 31: Senate Budget Committee reports concurrent resolution on the biennial budget.

April 15: Congress completes action on concurrent resolution on the biennial budget.

May 15: Biennial appropriation bills may be considered in the House.

June 10: House Appropriations Committee reports last biennial appropriation bill.

September 30: Congress completes action on reconciliation legislation.

September 30: Congress completes action on biennial appropriation bills.

October 1: Biennium begins.

SECOND SESSION

On or before May 15: Congressional Budget Office submits report to Budget Committees.

The last day of the session: Congress completes action on bills and resolutions authorizing new budget authority for the succeeding biennium period.

Section 4(a) amends section 2 of the Budget Act regarding the purposes of the Budget Act.

Section 4(b) amends section 3 of the Budget Act to define the "biennium" as a period of 2 fiscal years beginning October 1 of any odd numbered year.

Section 4(c) makes conforming changes in section 202 of the Budget Act, regarding the duties and functions of the Congressional Budget Office.

Section 4(d) amends section 301 of the Budget Act to change the date for the completion of the budget resolution to April 15 of each odd-numbered year, to change the date for the submission of Committees' views to February 25 of each odd-numbered year, to change the date for the reporting of the budget resolution to March 31, and to make conforming changes.

Section 4(e) amends section 302 of the Budget Act to make 302(b) allocations binding for each year in the two-fiscal year budget period.

Section 4(f) makes conforming changes in section 303 of the Budget Act regarding consideration of new budget authority, changes in revenues, changes in the public debt, new entitlement authority, and new credit authority to be effective in a fiscal year for which there is no budget resolution.

Section 4(g) amends section 304 of the Budget Act regarding revised budget resolutions.

Section 4(h) makes conforming amendments in section 305 of the Budget Act regarding procedures for consideration of the budget resolution.

Section 4(i) amends section 307 of the Budget Act to mandate compliance with deadlines for reporting and consideration of regular appropriation bills. On or before September 30 of each odd-numbered year, the Congress shall complete action on all regular appropriation bills.

Section 4(j) makes conforming amendments in section 308 of the Budget Act regarding reports and summaries of congressional budget action.

Section 4(k) makes conforming amendments in section 309 of the Budget Act regarding House approval of regular appropriation bills.

Section 4(l) amends section 310 of the Budget Act to change the date for completing the reconciliation process to September 30 of each odd-numbered year. Maximum debate on reconciliation is expanded from 20 hours to 100 hours. Specifies that reconciliation should only contain changes in the law with regard to budget matters.

Section 4(m) amends section 311 of the Budget Act to enforce aggregate budgetary levels for each fiscal year in a two-fiscal year period, and to make conforming changes.

Section 4(n) makes conforming changes to section 401 of the Budget Act regarding consideration of new contract and borrowing authority which is not controlled by the appropriations process.

Section 4(o) amends section 403 of the Budget Act to require the Congressional Budget Office to provide estimates for three years following the current fiscal year instead of four.

Section 4(p) adds a new section to Title IV of the Budget Act, section 408. Section 408 requires that Committee reports contain tables which are set forth in the same budget accounts used in the President's budget estimates.

Section 5(a) amends 31 U.S.C. 1101 to define two-fiscal-year budget period.

Section 5(b) amends 31 U.S.C. 1104 to require that the President consult with the Budget, Appropriations, and Authorizing Committees before making changes in the table of accounts in the budget submission.

Section 5(c) amends 31 U.S.C. 1105 to require the President to submit a two-fiscal-year budget on or before the first Monday after January 3 of each odd-numbered year, and to make conforming changes.

Section 5(d)-5(g) makes conforming amendments in 31 U.S.C. 1105.

Section 5(h) amends 31 U.S.C. 1105 to require the President's two-fiscal-year period to comply with maximum deficit amounts in Gramm-Rudman for each year.

Section 5(i) amends 31 U.S.C. 1105 and 1106 to require that updated budget submissions for the two-fiscal-year period comply with maximum deficit amounts in Gramm-Rudman for each year.

Section 5(j) amends 31 U.S.C. 1109 to require that the current services budget be submitted at the same time as the President's budget submitted under 31 U.S.C. 1105

Section 5(k) makes conforming changes in 31 U.S.C. 1110 regarding year ahead requests for authorizing legislation.

Section 5(1) makes conforming changes in 31 U.S.C. 1114 regarding budget information and consulting services.

Section 6 amends section 105 of 1 U.S.C. regarding the title and style of appropriation acts.

Section 7 provides increased authority for the chairman and ranking members of standing committees to request information, analyses, studies, and other assistance from Federal agencies to assist in the budget formation, appropriations, authorization, and program oversight processes.

Section 8 makes conforming changes in the Rules of the House of Representatives.

Section 9 amends 31 U.S.C. 13 regarding continuing appropriations. When an appropriation has not been enacted for a new fiscal period prior to October 1, programs will automatically be founded at their previous years' level until a new appropriations bill has been enacted. This shall be effective beginning after September 30, 1990.

Section 10 sets out the effective dates of the Act. Generally, the provisions of the Act are effective January 1, 1988, with respect to the two-fiscal-year period beginning on October 1, 1989. The current authorizing, budget, and appropriations processes will continue to operate for fiscal year 1989.

Mr. ROTH. Mr. President, I rise today to introduce with our distinguished colleague from Kentucky, Senator FORD, the Biennial Budget Act of 1988. Senator FORD has been a leader in calling for budget reform. He was the first to introduce a biennial budget bill and I am pleased to join him today. His insightfulness and persistence are to be greatly admired. In each of the last four Congresses, Senator FORD and I have authored differing versions of 2-year budgeting. In an effort to further the cause in which we believe so strongly, we are joining our efforts. Today, I am pleased that we are introducing a new 2-year budget bill—one which combines the best aspects of our two approaches. I am also pleased to be joined by Senators HEINZ, KASSEBAUM, NICKLES, and DANFORTH.

I firmly believe the time for 2-year budgeting has arrived, Mr. President. Twenty Senators have cosponsored bills endorsing this reform. Together, the 20 of us have more than 200 years of experience in planning and voting on Federal budgets—and we think it is time for a change. A January survey by the Center for Responsive Politics revealed that an overwhelming 85 percent of House and Senate Members said they would prefer a 2-year cycle. President Reagan has urged Congress to adopt the 2-year budgeting and backed the idea by submitting a 2-year budget for the Department of Defense. Both the chairman and the ranking member of the Armed Services Committee, Senators NUNN and WARNER, strongly praised this approach.

The Biennial Budget Act of 1988 is designed to put the Federal budget on a 2-year basis. This legislation would create a 2-year authorizing, budget resolution, and appropriations cycle. The first session of each Congress would be devoted to the budget resolution and appropriations, culminating with a 2-year budget effective that October 1. The second session would be devoted to oversight and multiyear authorizations for the next 2-year period.

We all recognize that the Federal budget is one of the most important issues the Congress considers each year. Indeed, it represents the field where the struggle between differing views about the proper role and size and responsibility of government occurs. Yet for all the time and resources spent developing a budget, it seems more often than not that the hard decisions are made in the late hours of the night and quickly passed without due consideration.

During the last several years, the process has resulted in constantly missed deadlines and the need to reinvent the wheel every time a budget resolution, authorization measure, appropriations bill, or continuing resolution comes along. Putting the budget process on a 2-year timetable will enable the Congress to give a more careful look to the priorities incorporated in the budget, as well as giving the Congress more time to devote to other important issues.

Perhaps one of the strongest arguments for 2-year budgeting is the budget summit agreement reached last December. By laying the foundation for a 2-year budget, the process appears to be moving along much more smoothly than in recent years. Despite the delay in completing the budget resolution, the appropriations Committees are hard at work, and I am optimistic that for the first time in many years, the Congress will send the President individual appropriation bills before the beginning of the fiscal year.

There's no question that the Budget Act of 1974 was a major improvement over what had been a virtually uncontrollable and haphazard process. The 1974 act provided the Congress with a mechanism to formulate and evaluate in overall fiscal strategy. It helped put individual appropriation bills into perspective regarding the entire budget. Yet, while it strengthened the Congress' hand in making budget decisions, it has weakened the ability of the Congress to get its work done efficiently and effectively.

I strongly believe there are many advantages to moving to a 2-year process. In general, 2-year budgeting would improve congressional control over the Federal budget process and promote better accountability to the public by making clear our spending and budget priorities. Because the Congress cannot get its work done on time, we end up with a massive continuing resolution containing the entire Federal budget. Insufficient understanding of the continuing resolution by both the membership of the Congress and the general public does very little to inspire confidence in the budget process or promote accountability of our decisions.

The result is increasing frustration on the part of the membership and the American people. We can reduce the repetitive decisionmaking structure in Congress. We can strengthen the oversight and authorizing functions of the standing committees. We can provide greater certainty to program administrators and beneficiaries, such as State and local governments. But to do all of these things, we must reform the budget process.

The present budget process fosters uncertainty in the financial markets, creates budgetary instability for recipients of Federal funds, results in redundant congressional action on budget matters, encourages the use of budgetary gimmicks, and focuses attention away from developing long-term national priorities. I firmly believe a 2-year process would help solve all these problems by providing Congress with more time to thoroughly consider budget matters and by providing recipients of Federal funds greater assurance that such funds will be available.

Lastly Mr. President, a biennial budget could help to moderate Government spending by forcing the Congress to abide by its budget decisions. To the American people, Congress appears hamstrung by its own procedures and unable to cope with the most urgent fiscal problem of the Nation. We owe it to the American people to reform the process. A 2-year budget cannot substitute for political will to reduce the deficit, but it does provide an effective means to get our fiscal house in order. I urge the committee to consider and approve this legislation.

By Mr. MOYNIHAN (for himself, Mr. BAUCUS, Mr. CRANSTON, Mr. D'AMATO, Mr. DECONCINI, Mr. DURENBERGER, Mr. WILSON, and Mr. METZENBAUM):

S. 2480. A bill to amend the Internal Revenue Code of 1986 to clarify that section 457 does not apply to nonelective deferred compensation or basic employee benefits; referred to the Committee on Finance.

PUBLIC AND TAX-EXEMPT EMPLOYEES DEFERRED COMPENSATION ACT

● Mr. MOYNIHAN. Mr. President, I rise today to introduce legislation to clarify the tax treatment of deferred compensation and certain basic employee benefits of employees of State and local governments and private tax-exempt organizations. Joining me today in cosponsoring this legislation are my distinguished colleagues, Senators BAUCUS, CRANSTON, D'AMATO, DECONCINI, DURENBERGER, WILSON, and METZENBAUM.

This area of tax law has been characterized by considerable confusion and uncertainty since the Internal Revenue Service issued a public notice in January 1987 (Notice 87-13) in which it took the position that section 457 of the Internal Revenue Code—which provides rules for certain types of deferred compensation for employees of State and local governments and tax-exempt organizations—would be interpreted to apply to any form of deferred compensation, whether elective or nonelective, including compensation benefits such as vacation leave, sick leave, compensatory time, severance pay, disability pay and death benefit plans.

The IRS' Notice 87-13 upset settled understandings about the scope of section 457, to put it mildly. State and local government employers, which have been subject to section 457 since its enactment in 1978, had generally understood the restrictions of section 457 to apply only to "elective" deferred compensation—that is, salary that an employee postpones receiving, but could receive currently if desired. Moreover, no one contemplated that section 457 applied to basic employee benefits such as vacation and sick leave, compensatory time, severance pay, disability pay or death benefit plans. Tax-exempt employers were first made subject to section 457 in the Tax Reform Act of 1986, but that legislation made no changes in the types of compensation arrangements subject to section 457.

The IRS's proposal to apply section 457 to "nonelective" deferred compensation—that is, compensation that an employee does not have an option to receive on a current basis—and basic employee benefits such as vacation and sick pay, will have an extremely disruptive impact on the employees of State and local governments and tax-exempt organizations.

Under the IRS interpretation, public and nonprofit employees could owe tax on income and benefits that they have not yet received—and may not ever receive. This would encourage absenteeism—if tax has to be paid on accumulated sick leave, for example, many employees may opt to take, rather than accumulate, such benefits.

Under the IRS interpretation, State and local governments and tax-exempt organizations would have to try to place a dollar value on, keep track of, and report to the IRS various basic employee benefits like accumulated sick leave, vacation pay, severance pay, and so forth that may or may not be used by employees.

Under the IRS interpretation, many State and local governments and tax-exempt employers would have to substantially restructure their compensation and retirement arrangements to bring them into compliance with the restrictions in section 457. This will place such employers at a distinct competitive disadvantage with private industry in recruiting and keeping well qualified employees, since no comparable restrictions apply to deferred compensation offered in the private sector.

In short, the IRS's proposed interpretation of section 457 will have all manner of bad consequences, and I believe it should be overruled. The legislation that I introduce today will do so. It has the support of an extremely broad coalition of State and local governments, public employee groups, religious, charitable, educational, scientific, and other tax-exempt organizations—all told over 100 organizations representing millions of State and local government and private tax-exempt employees nationwide. Mr. President, I ask unanimous consent that a list of those organizations be printed in the RECORD at the end of my remarks.

I have also called upon Treasury Secretary James A. Baker III, to reconsider the IRS position. I recently wrote Secretary Baker to see whether these issues can be resolved without resort to legislation. Indeed, the entire problem arises because the IRS proposed what many consider to be an unduly broad interpretation of section 457 in its January 1987 public notice. I should note that the IRS has since indicated that the scope of the January 1987 notice is under study, and that any decision to change the tax treatment of basic employee benefits will be prospective, and changes affecting other deferred compensation will be effective no earlier than January 1, 1988. While these developments are in the right direction, the matter remains unsettled—much to the detriment of the affected employers and employees.

A bill similar to the legislation I am sponsoring today has already been introduced in the House by Congressman MATSUI—H.R. 2441. Moreover, legislation rejecting key elements of the IRS's position in notice 87-13 was reported favorably by my colleagues and I on the Senate Finance Committee, as well as the House Ways and Means Committee, last fall during the budget reconciliation process. Unfortunately, both measures were removed from the final budget reconciliation legislation, pursuant to the budget summit agreement to confine the tax provisions in that legislation to revenue-raising provisions only. However, given these clear expressions of congressional sentiment, I am hopeful that the Treasury and the IRS will reconsider their positions, so that this problem can be resolved as expeditiously as possible. Meanwhile, I will work to get this legislation passed, and I urge my colleagues to join me by cosponsoring this bill.

The Federal Government should not embark on a course with consequences this large and disruptive without a full airing of the practical impact, the alternatives, the competing policy considerations, and the costs to those affected. Stated differently, section 457 should not be interpreted to apply to nonelective deferred compensation and basic employee benefits without an explicit congressional decision to do so, after full deliberation. Such has not occurred. The legislation I introduce today will clarify that there is no congressional intent to extend section 457 in the manner advocated by the Treasury and the IRS.

Mr. President, I ask unanimous consent that the text of the Public and Tax-Exempt Employees Deferred Compensation Act of 1988 as well as an explanation of the provision be included in the RECORD at the end of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2480

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Public and Tax-Exempt Employees Deferred Compensation Act of 1988".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. CLARIFICATION THAT SECTION 457 DOES NOT APPLY TO NONELECTIVE DEFERRED COMPENSATION OR BASIC EMPLOYEE BENEFITS.

(a) IN GENERAL.—Section 457 is amended by adding the following subsection at the end thereof:

"(g) SECTION 457 NOT TO APPLY TO NONELECTIVE DEFERRED COMPENSATION OR BASIC EMPLOYEE BENEFITS.—

"(1) IN GENERAL.—This section shall not apply to—

"(A) nonelective deferred compensation, or

"(B) basic employee benefits.

"(2) NONELECTIVE DEFERRED COMPENSATION.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'nonelective deferred compensation' means deferred compensation provided under—

"(i) a plan or arrangement described in subparagraph (B), or

"(ii) any other plan or arrangement described in regulations prescribed by the Secretary.

"(B) QUALIFIED NONELECTIVE DEFERRED COMPENSATION PLANS OR ARRANGEMENTS.—A plan or arrangement is described in this subparagraph if such plan or arrangement is in writing and—

(i) the benefits provided under such plan or arrangement are—

"(I) approved by the Board of Directors or other governing body (or any committee thereof) of the employer,

"(II) authorized by State or local law or regulation, or

"(III) provided pursuant to the terms of a collective bargaining agreement (or similar agreement generally governing the terms of employees' employment with the employer),

"(ii) any individual receiving benefits under the plan or arrangement may not vote with respect to any decision authorizing or approving such benefits, except that this clause shall not apply to a vote ratifying an agreement described in clause (i)(III),

"(iii) the plan or agreement—

"(I) does not allow any individual an election to accrue benefits or to receive current compensation in lieu of such benefits, and

"(II) the plan does not determine benefits under a formula which is based on any factor which involves an election by an employee, and

"(iv) the plan or arrangement provides that—

"(I) all employees at or above the level of compensation or officer status specified by the employer are covered under the plan, and

"(II) the terms of the plan may not change more frequently than every 3 years.

"(C) SPECIAL RULE FOR INDIVIDUAL EMPLOYMENT CONTRACTS.—In the case of a plan or arrangement which is an individual employment contract, the requirements of clauses (iii) and (iv) of subparagraph (B) shall be treated as having been met if the benefits provided under such contract are subject to substantial performance conditions which preclude the vesting of such benefits earlier than the date which is 3 years after the date the contract is entered into.

"(D) SPECIAL RULE FOR RELIGIOUS ORGANIZATIONS.—The term 'nonelective deferred compensation' also includes any amount paid from a retirement fund established solely for clergymen or other employees of a church or congregation of churches if the benefits paid to any individual from such fund are funded from amounts collected during the 3-year period preceding the retirement of such individual.

"(2) BASIC EMPLOYEE BENEFITS.—For purposes of this subsection, the term 'basic employee benefits' includes compensation under bona fide vacation plans, sick leave plans, compensatory time plans, severance plans, plans of employer inducement for termination of employment, force reduction programs, payments in lieu of tenure, disability plans, death benefit plans, sabbatical leave, or other similar benefits. In the case of benefits provided by a governmental unit, such benefits provided pursuant to State or local law, rule, regulation, or procedure are compensation under bona fide plans. In addition, benefits provided under a collective bargaining agreement are compensation under bona fide plans."

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to all taxable years beginning after December 31, 1987.

EXPLANATION OF PROVISION

The bill exempts nonelective deferred compensation and basic employee benefits from the scope of section 457. Thus, nonelective deferred compensation and basic employee benefits are disregarded in determining whether a plan is an eligible deferred compensation plan. Such benefits are also not subject to the rule which includes such benefits in income when they are not subject to a substantial risk of forfeiture if such benefits are not provided under an eligible deferred compensation plan. Instead, nonelective deferred compensation is taxed when received (or, if applicable, earlier under the general principles of constructive receipt) and basic employee benefits are taxed under the rules of the appropriate Code section governing the taxation of a particular type of benefit.

For purpose of section 457, "basic employee benefits" are defined as compensation provided under bona fide vacation pay, sick pay, compensatory time, severance pay, employer inducements for employment termination, force reduction, payments in lieu of tenure (also known as faculty buy-out programs), disability, death benefit (including spousal benefit), paid sabbatical leave plans, and other similar plans, programs or arrangements. Cost of living or "gender neutral" adjustment payments are also to be treated as basic employee benefits. A plan, program or arrangement shall be treated as "bona fide" if, for example, the basic employee benefits are provided pursuant to state or local law, rule, regulation or procedure, or are provided under a collective bargaining agreement entered into between a governmental unit or other tax-exempt employer and employee representatives.

The bill provides a statutory definition of "nonelective deferred compensation" that is not subject to Section 457. In addition, the Secretary is authorized to promulgate regulations that define additional instances where deferred compensation will be treated as "nonelective" and therefore not subject to Section 457.

Under the bill, any nonqualified deferred compensation plan or arrangement will constitute "nonelective deferred compensation" if it meets the following criteria:

1. Benefits are provided pursuant to the terms of a written plan or agreement either (a) approved by the employer's board of directors or other governing body (or by a committee of such board or body), (b) authorized by state or local statute, ordinance or regulation, or (c) provided under the terms of a collective bargaining agreement (or other similar agreement generally governing the terms of employees' employment with their employer);

2. The individual (or individuals) receiving benefits under the plan or arrangement does not (or do not) vote (except in the case of benefits provided pursuant to collectively

bargained agreements) in connection with the decision of the board of directors or other governing body (or by a committee of such board or body) approving such plan or agreement;

3. The written plan or agreement does not grant the individual (individuals) accruing benefits under the plan or arrangement an option to receive increased current compensation in lieu of plan participation or benefits, and the plan formula is not tied to any factor which involves an election on the part of employees; and

4. The plan applies to 100 percent of the employees above a compensation level or officer status specified by the employer, and the plan terms do not change more frequently than at 3 year intervals.

Exception for substantial performance conditions. If deferred compensation is provided pursuant to the terms of an individual employment contract entered into by an executive or a managerial employee with his or her employer (as opposed to a written plan or arrangement under which more than one employee participates), the criteria described in paragraphs 3 and 4 above will be deemed to be satisfied if deferred compensation provided under the contract is subject to substantial performance conditions that preclude the vesting of benefits any sooner than 3 years from the date the arrangement is entered into.

Exception for religious organization collections in anticipation of retirement. Under the bill, "nonelective deferred compensation" also includes a retirement fund collected from members of a congregation that is paid upon retirement to a clergyman or other employee of the congregation if collected during the three-year period preceding retirement. This exception is intended to cover the common situation where a religious congregation provides for special collections in the year or two prior to the retirement of a member of the clergy or other employee. These special collections are used to supplement the clergyman's or employee's retirement income. Even though such payments might not satisfy the "substantial performance conditions" exception, it is intended that they be treated as nonelective deferred compensation.

Under the bill, the Secretary of the Treasury is authorized to promulgate regulations defining additional instances where deferred compensation plans or arrangements shall be treated as nonelective and therefore not subject to Section 457. For example, such regulations may provide for situations where the terms of a deferred compensation plan or arrangement are modified more frequently than at three-year intervals, where other facts and circumstances indicated that the plan or arrangement is essentially nonelective as to covered employees.

Section 457 Members

American Association of School Administrators.
American Association of State Colleges and Universities.
American Council on Education.
American Healthcare Institute.
American Red Cross.
American Society of Association Executives.
Arnold & Porter.
Association for Advanced Life Underwriting.
Association of American Medical Colleges.
Baker & Hostetler.
Ballard, Spahr, Andrews & Ingersoll.
Bernstein & Lipsett.
Business Council of Georgia.
Cadwalader, Wickersham & Taft.
Carlsmith, Witcham, Lase, Mukal et al.
Christian Hospital Northeast-Northwest.
City of Colorado Springs.
City of New York.
Cleveland Clinic.
Cosmetic, Toiletry and Fragrance Association, Inc.
County of Los Angeles.
Davis Wright and Jones.
Enserch Company.
Equi-Comp.
Faegre & Benson.
Fairfax County Public Schools.
Fairfax County of Virginia Government.
Family Service Association of America.
Fulbright & Jaworsky.
Georgia Poultry Federation, Inc.
Goodwill Industries.
Government Finance Officers Association.
Grupenhoff, Maldonado and Fenniger.
Henry Ford Hospital.
Hughes & Luce.
Hunton & Williams.
ICMA Retirement Corporation.
Indiana University.
Interhealth.
International Association of Chiefs of Police.
International Association of Fire Fighters.
John Rowell & Associates, Inc.
Johnson & Higgins.
Johnson & Swanson.
Jones, Day, Reavis & Pogue.
Kirkpatrick & Lockheart.
Lake Forest College.
League of California Cities.
Memorial Hospital System.
Michigan Beer & Wine Wholesalers.
Michigan Retailers Association.
Miller & Chevalier.
Morgan, Lewis & Bockius.
Mount Sinai Medical Center New York City.
Mutual of America.
Nat'l Assoc. Indep. Colleges & Univ.
National Association of Counties.
Nat'l Assoc. of Government Deferred Compensation Administrators.
National Association of Police Organizations.
National Association of State Deferred Compensation Administrators.
National Conference of Public Employee Retirement Systems.
National League of Cities.
National Public Employer Labor Relations Association.
National Strategies & Marketing Group.
Nationwide Life Insurance.
New Jersey Savings League.
New York City.
New York State Senate.
New York University.
Northwestern University.
Orrick, Herrington.
Palmer & Dodge.
PEBSCO.
Princeton University.
Region 10 Community Support Services, Inc.
Rogers & Wells.
Salt River Project.
Samaritan Health Service of Arizona.
Sanders, Schnabel & Brandenburg, P.C.
Silverstein & Mullens.
Sisters of Providence (West Coast).
Squire, Sanders & Dempsey.
Texas Automobile Dealers Association.
Texas Pharmaceutical Association.
The Cleveland Clinic.
The Johns Hopkins University.
The Keefe Company.
U.S. Conference of Mayors.
University of Nebraska.
University of Texas.
Urbach Kahn & Werlin, P.C.
Vinson & Elkins.
VMI Foundation.
Williams, Myers and Quiggle.
Wilmer, Cutler & Pickering.●

By Mr. GARN (for himself, Mr. Armstrong, Mr. Boschwitz, Mr. Cochran, Mr. Danforth, Mr. Dole, Mr. Durenberger, Mr. Gramm, Mr. Grassley, Mr. Hatch, Mr. Hecht, Mr. Helms, Mr. Humphrey, Mr. Karnes, Mr. Lugar, Mr. McClure, Mr. Murkowski, Mr. Nickles, Mr. Quayle, Mr. Simpson, Mr. Stafford, Mr. Stevens, Mr. Symms, Mr. Wallop, Mr. Adams, Mr. Bentsen, Mr. Gore, Mr. Bradley, Mr. Chiles, Mr. Conrad, Mr. DeConcini, Mr. Dodd, Mr. Fowler, Mr. Graham, Mr. Heflin, Mr. Hollings, Mr. Inouye, Mr. Johnston, Mr. Kerry, Mr. Lautenberg, Mr. Levin, Mr. Matsunaga, Ms. Mikulski, Mr. Mitchell, Mr. Moynihan, Mr. Pell, Mr. Proxmire, Mr. Riegle, Mr. Shelby, Mr. Simon, Mr. Stennis, and Mr. Wirth):

S.J. Res. 334. A joint resolution to designate July 20, 1988, as "Space Exploration Day"; to the Committee on the Judiciary.

SPACE EXPLORATION DAY

Mr. GARN. Mr. President, this morning an integrated space shuttle launch simulation was successfully completed at the Kennedy Space Center in Florida. The simulation tested the coordination of functions between the mission management team and the launch, flight and support teams. The mission management team, chaired by Robert Crippen, will function during launch countdown and during flight as a program level oversight group to review status of the countdown and flight activities. In the successful completion of this simulation, we witnessed another small marker in the progress of our space program.

I am pleased today to join with 52 of my colleagues to introduce a joint resolution to proclaim July 20, 1988, as "Space Exploration Day.

As you know, July 20 will be the 19th anniversary of the first manned exploration of the Moon. It also marks the 13th anniversary of the international Apollo-Soyuz mission, and the anniversary of the first Viking landing on Mars. Those are significant anniversaries and every American has the right to be proud of our accomplishments in space. But more importantly, we need to look to our future in space, to anticipate the discovery and exploration of new worlds, and to find answers to questions we face in our own world.

This is a pivotal year for our space program. The next space shuttle launch is schedule for August 4, less than 2 months away. We are all anxious for the successful completion of that flight for a number of reasons. First, it will be for us the symbolic rising of the Phoenix from the ashes, and as *such, tangible evidence of our progress since the tragic loss of the Challenger* and her crew. Second, it will remind us that our accomplishments of the past are not enough. There are worlds unknown out there and they beg for exploration. But to do that, the space program needs our support and our vision of a future that includes a dynamic and forward-looking space policy.

Mr. President, Space Exploration Day is important. It sets apart a day to focus on America's tradition of exploration and to reflect on and take pride in the space program of our country. More importantly, it invites us to look to our future and to keep alive not only the dreams of the heroes of our past, but the dreams of our children and our children's children as well.

I ask unanimous consent that a copy of the joint resolution be printed following my remarks and urge early consideration of this joint resolution.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 344

Whereas on July 20, 1969, people of the world were brought closer together by the first manned exploration of the moon;

Whereas a purpose of the United States space program is the peaceful exploration of space for the benefit of all mankind;

Whereas the United States space program has provided scientific and technological benefits affecting many areas of concern to mankind;

Whereas the United States space program, through Project Apollo, Viking, and Voyager missions to the planets, the space shuttle, and other space efforts, has provided the Nation with scientific and technological leadership in space;

Whereas the National Aeronautics and Space Administration, the United States aerospace industry, and educational institutions throughout the Nation contribute research and development to the United States space program, and to the strength of the economy of the Nation;

Whereas the space program reflects technological skill of the highest order and the best in the American character—sacrifice, ingenuity and the unrelenting spirit of adventure;

Whereas the spirit that put man on the moon may be applied to all noble pursuits involving peace, brotherhood, courage, unity of the human spirit, and the exploration of new frontiers; and

Whereas the human race will continue to explore space for the benefit of future generations: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 20, 1988, is designated as "Space Exploration Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

ADDITIONAL COSPONSORS

S. 39

At the request of Mr. Moynihan, the name of the Senator from California [Mr. Cranston] was added as a cosponsor of S. 39, a bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee educational assistance permanent.

S. 347

At the request of Mr. Sasser, the name of the Senator from North Carolina [Mr. Sanford] was added as a cosponsor of S. 347, a bill to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care provided during peacetime.

S. 685

At the request of Mr. Quayle, the name of the Senator from Idaho [Mr. Symms] was added as a cosponsor of S. 685, a bill to amend the Deficit Reduction Act of 1984 to make permanent the administrative offset debt collection provisions with respect to education loans.

S. 1851

At the request of Mr. Metzenbaum, the names of the Senator from California [Mr. Wilson], the Senator from Minnesota [Mr. Durenberger], the Senator from Pennsylvania [Mr. Heinz], the Senator from New Jersey [Mr. Bradley], the Senator from Iowa [Mr. Harkin], and the Senator from South Dakota [Mr. Pressler] were added as cosponsors of S. 1851, a bill to implement the International Convention on the Prevention and Punishment of Genocide.

S. 1997

At the request of Mr. Cranston, the name of the Senator from Kansas [Mr. Dole] was added as a cosponsor of S. 1997, a bill to amend title 38, United States Code, to authorize the stretching out of the $1,200 basic-pay reduction of Montgomery GI bill participants, and to provide for a payment to the survivors of certain participants who die on active duty.

S. 2000

At the request of Mr. Cranston, the name of the Senator from Michigan [Mr. Riegle] was added as a cosponsor of S. 2000, a bill to provide for the acquisition and publication of data about crimes that manifest prejudice based on race, religion, affectional or sexual orientation, or ethnicity.

S. 2031

At the request of Ms. Mikulski, the name of the Senator from Montana [Mr. Melcher] was added as a cosponsor of S. 2031, a bill to amend title 5, United States Code, to include inspectors of the Immigration and Naturalization Service, inspectors of the U.S. Customs Service, and revenue officers of the Internal Revenue Service with the immediate retirement provisions applicable to certain employees engaged in hazardous occupations.

S. 2073

At the request of Mr. Karnes, the names of the Senator from Missouri [Mr. Bond] and the Senator from California [Mr. Cranston] were added as cosponsors of S. 2073, a bill entitled the "Thrift Charter Enhancement Act of 1988."

S. 2083

At the request of Mr. Heinz, the name of the Senator from Washington [Mr. Adams] was added as a cosponsor of S. 2083, a bill to ensure that certain Railroad Retirement benefits paid out of the dual benefits payments account are not reduced, and for other purposes.

S. 2123

At the request of Mr. Kennedy, the name of the Senator from Massachusetts [Mr. Kerry] was added as a cosponsor of S. 2123, a bill to provide hunger relief, and for other purposes.

S. 2174

At the request of Mr. Burdick, the name of the Senator from Massachusetts [Mr. Kerry] was added as a cosponsor of S. 2174, a bill to amend the Department of Transportation Act so as to reauthorize local rail service assistance.

S. 2246

At the request of Mr. Bumpers, the name of the Senator from Kentucky [Mr. McConnell] was added as a cosponsor of S. 2246, a bill to establish the Lower Mississippi Delta Development Commission.

S. 2298

At the request of Mr. Glenn, the name of the Senator from Illinois [Mr. Dixon] was added as a cosponsor of S. 2298, a bill to require the Administrator of the General Services Administration to encourage the development and use of plastics derived from certain commodities, and to include such products in the General Services Administration inventory for supply to Federal agencies, and for other purposes.

S. 2364

At the request of Mr. Proxmire, the name of the Senator from Indiana [Mr. Lugar] was added as a cosponsor of S. 2364, a bill to enable certain U.S.-flag vessels to engage temporarily in trade within the Great Lakes, and for other purposes.

S. 2367

At the request of Mr. LAUTENBERG, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 2367, a bill to promote highway traffic safety by encouraging the States to establish measures for more effective enforcement of laws to prevent drunk driving, and for other purposes.

S. 2376

At the request of Mr. QUAYLE, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Nebraska [Mr. KARNES], the Senator from Mississippi [Mr. COCHRAN], the Senator from Kentucky [Mr. MCCONNELL], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 2376, a bill to encourage the advance notification of major employment reductions, and for other purposes.

S. 2378

At the request of Mr. KENNEDY, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 2378, a bill to amend the comprehensive Anti-Apartheid Act of 1986 to strengthen the sanctions against South Africa.

S. 2402

At the request of Mr. BRADLEY, the names of the Senator from Illinois [Mr. SIMON], the Senator from Vermont [Mr. STAFFORD], and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 2402, a bill to amend the Federal Cigarette Labeling and Advertising Act to require manufacturers and importers of cigarettes to place warnings concerning the addictive nature of cigarettes on packages and in advertisements.

S. 2455

At the request of Mr. D'AMATO, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 2455, a bill entitled "Death Penalty in case of Drug Related Killings."

SENATE JOINT RESOLUTION 149

At the request of Mr. HELMS, the name of the Senator from New Hampshire [Mr. HUMPHREY] was added as a cosponsor of Senate Joint Resolution 149, a joint resolution to designate the period commencing on June 21, 1989, and ending on June 28, 1989, as "Food Science and Technology Week."

SENATE JOINT RESOLUTION 278

At the request of Mr. GLENN, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of Senate Joint Resolution 278, a joint resolution designating November 20-26, 1988, as "National Family Caregivers Week."

SENATE JOINT RESOLUTION 281

At the request of Mr. SIMON, the names of the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Utah [Mr. GARN] were added as cosponsors of Senate Joint Resolution 281, a joint resolution to designate the month of October 1988, as "Polish American Heritage Month."

SENATE JOINT RESOLUTION 288

At the request of Mr. BOREN, the names of the Senator from Wyoming [Mr. WALLOP], the Senator from Mississippi [Mr. STENNIS], the Senator from Kentucky [Mr. FORD], the Senator from Arkansas [Mr. PRYOR], the Senator from Hawaii [Mr. INOUYE], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Joint Resolution 288, a joint resolution to designate the week of June 5, 1988, through June 11, 1988, as "National Intelligence Community Week."

SENATE JOINT RESOLUTION 291

At the request of Mr. COCHRAN, the names of the Senator from Tennessee [Mr. GORE], the Senator from Nebraska [Mr. KARNES], the Senator from Alabama [Mr. SHELBY], the Senator from Vermont [Mr. STAFFORD], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of Senate Joint Resolution 291, a joint resolution to designate the month of September 1988 as "National Sewing Month."

SENATE JOINT RESOLUTION 295

At the request of Mr. DECONCINI, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from Arkansas [Mr. BUMPERS], the Senator from Georgia [Mr. NUNN], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Colorado [Mr. WIRTH], the Senator from Missouri [Mr. DANFORTH], the Senator from Michigan [Mr. RIEGLE], the Senator from Georgia [Mr. FOWLER], the Senator from Ohio [Mr. METZENBAUM], the Senator from Vermont [Mr. LEAHY], and the Senator from Pennsylvania [Mr. HEINZ] were added as cosponsors of Senate Joint Resolution 295, a joint resolution to provide for the designation of September 15, 1988, as "National D.A.R.E. Day."

SENATE JOINT RESOLUTION 298

At the request of Mr. D'AMATO, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Joint Resolution 298, a joint resolution designating September 1988 as "National Library Card Sign-Up Month."

SENATE JOINT RESOLUTION 312

At the request of Mr. D'AMATO, the names of the Senator from Tennessee [Mr. SASSER], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of Senate Joint Resolution 312, a joint resolution designating the week beginning September 18, 1988, as "Emergency Medical Services Week."

SENATE JOINT RESOLUTION 318

At the request of Mr. ARMSTRONG, the names of the Senator from Missouri [Mr. BOND], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Michigan [Mr. RIEGLE], the Senator from Tennessee [Mr. SASSER], and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Joint Resolution 318, a joint resolution to designate the week of July 25-31, 1988, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War."

SENATE JOINT RESOLUTION 319

At the request of Mr. LEAHY, the names of the Senator from Colorado [Mr. ARMSTRONG], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Joint Resolution 319, a joint resolution to designate the period commencing November 6, 1988, and ending November 12, 1988, as "National Disabled Americans Week."

SENATE RESOLUTION 321

At the request of Mr. BRADLEY, the names of the Senator from Rhode Island [Mr. PELL], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Resolution 321, a resolution to designate the period commencing February 19, 1989, and ending February 25, 1989, as "National Visiting Nurse Associations Week."

SENATE JOINT RESOLUTION 324

At the request of Mr. DURENBERGER, the names of the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. THURMOND], the Senator from Connecticut [Mr. DODD], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Ohio [Mr. METZENBAUM], the Senator from Nevada [Mr. REID], the Senator from Connecticut [Mr. WEICKER], and the Senator from Florida [Mr. CHILES] were added as cosponsors of Senate Joint Resolution 324, a joint resolution to designate February 1989 as "America Loves Its Kids Month."

SENATE JOINT RESOLUTION 326

At the request of Mr. MOYNIHAN, the names of the Senator from Connecticut [Mr. WEICKER], the Senator from Florida [Mr. CHILES], the Senator from Arizona [Mr. DECONCINI], the Senator from Idaho [Mr. MCCLURE], the Senator from North Dakota [Mr. CONRAD], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of Senate Joint Resolution 326, a joint resolution designating June 12 through 18, 1988, as "Lyme Disease Awareness Week."

SENATE JOINT RESOLUTION 432

At the request of Mr. MOYNIHAN, the names of the Senator from Kansas [Mr. DOLE], the Senator from Utah [Mr. GARN], the Senator from Virginia [Mr. WARNER], and the Senator from

California [Mr. WILSON] were added as cosponsors of Senate Joint Resolution 432, a joint resolution to honor Eugene O'Neill for his priceless contribution to the canon of America literature in this the 100th anniversary year of his birth.

SENATE CONCURRENT RESOLUTION 123—AUTHORIZING CHANGES IN THE ENROLLMENT OF S. 952

Mr. BYRD (for Mr. HELFIN), submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 123

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 952), an Act to improve the administration of justice by providing greater discretion to the Supreme Court in cases it will review, and for other purposes, the Secretary of the Senate shall make the following change:

Strike out subsection (i) of section 6 and insert in lieu thereof the following:

(i) Section 25(a)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w(a)(4)) is amended by—

(1) repealing clause (ii) of subparagraph (E); and

(2) striking out the following:

"(E) JUDICIAL REVIEW.—

"(i) Any", and inserting in lieu thereof the following:

"(E) JUDICIAL REVIEW—Any".

AMENDMENTS SUBMITTED

DEATH PENALTY IN CASE OF DRUG RELATED KILLINGS

KENNEDY AMENDMENT NO. 2337

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill (S. 2455) entitled "Death Penalty in case of Drug Related Killings"; as follows:

On page 11, strike beginning with line 19 through line 3 on page 12, and insert the following:

"RIGHT OF THE DEFENDANT TO JUSTICE WITHOUT DISCRIMINATION

"(o)(1) In any hearing held before a jury under this section, the court shall instruct the jury that in its consideration of whether the sentence of death is justified it shall not consider the race, color, national origin, or sex of the defendant or the victim. The court shall also instruct the jury that a number of studies have concluded that the race of the defendant, and the race of the victim, have played a role in capital sentencing decisions in several jurisdictions, and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what race the defendant, or the victim, may be. The jury shall return to the court a certificate signed by each juror that consideration of race, color, national origin, creed, or sex of the defendant or the victim was not involved in reaching his or her individual decision, and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what race the defendant, or the victim, may be.

"(2)(A) It is unlawful to impose or execute sentences of death under this section in a racially disproportionate pattern.

"(B) To establish that a racially disproportionate pattern exists for purposes of this section—

"(i) ordinary methods of statistical proof shall suffice; and

"(ii) it shall not be necessary to show discriminatory motive, intent, or purpose on the part of any individual or institution.

"(C)(i) To establish a prima facie showing of a racially disproportionate pattern for purposes of this section, it shall suffice that death sentences are being imposed or executed—

"(I) upon persons of one race with a frequency that is disproportioned to their representation among the numbers of persons arrested for, charged with, or convicted of, death-eligible crimes under this section; or

"(II) as punishment for crimes against persons of one race with a frequency that is disproportioned to their representation among the numbers of persons against whom death-eligible crimes under this section have been the subject of arrest, charges, or convictions.

"(ii) To rebut a prima facie showing of a racially disproportionate pattern, the Government must establish by clear and convincing evidence that identifiable and pertinent nonracial factors persuasively explain the observable racial disparities comprising the disproportion.

"(D) For purposes of the subsection, the term 'a racially disproportionate pattern' means a situation in which sentences of death are imposed more frequently—

"(i) upon convicted persons of one race than upon convicted persons of another race; or

"(ii) as punishment for crimes against persons of one race than as punishment for crimes against persons of another race,

and the greater frequency is not explained by pertinent nonracial circumstances.

"(3) Not later than one year from the date of enactment of this section, the Comptroller General shall conduct a study of the various procedures used by the several States for determining whether or not to impose the death penalty in particular cases, and shall report to the Congress on whether or not any or all of the various procedures create a significant risk that the race of a defendant, or the race of a victim against whom a crime was committed, influence the likelihood that defendants in those States will be sentenced to death. In conducting the study required by this paragraph, the General Accounting Office shall use ordinary methods of statistical analysis, including methods comparable to those ruled admissible by the courts in race discrimination cases under Title VII of the Civil Rights Act of 1964.".

INDIAN SELF-DETERMINATION AMENDMENTS OF 1987

MELCHER AMENDMENT NO. 2338

Mr. BYRD (for Mr. MELCHER) proposed an amendment to the bill (H.R. 1223) entitled the "Indian Self-Determination Amendments of 1987"; as follows:

At the appropriate place in the bill add the following:

From the unobligated amount of previous appropriations available for irrigation construction for the Northern Cheyenne Reservation, the Secretary of the Interior shall pay $33,286 to the Northern Cheyenne Tribe as a grant for the Dull Knife Memorial College.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Tuesday, June 7, 1988, to hold a hearing to receive testimony on S. 1786, to establish a series of six Presidential primaries at which the public may express its preference for the nomination of an individual for election to the office of the President of the United States.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Tuesday, June 7, 1988, on the subject of budget reform.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Tuesday, June 7, 1988, to receive testimony on the reappointment of Fowler C. West to be a Commissioner of the Commodity Futures Trading Commission, and the nomination of William W. Erwin to be a member of the Board of Directors of the Farm Credit System Assistance Board.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on Tuesday, June 7, 1988, to hold a hearing on the nomination of Karen Borlaug Phillips, of Virginia, to be a member of the Interstate Commerce Commission.

The PRESIDING OFFICER. Without objection, it is ordered.

ADDITIONAL STATEMENTS

AN OPPORTUNITY FOR POLAND TO MAKE PEACE WITH ITSELF

● Mr. DECONCINI. Mr. President, 32 years ago, in June of 1956, Polish workers in the city of Poznan went to the streets with signs proclaiming that they were protesting "for bread and for freedom." During those protests, over 70 people lost their lives in clashes with the militia. Those workers did not risk their lives for economic reform alone, though, because they knew that sustenance for the body is not enough. Freedom—the sweetest nourishment known to the human spirit—is essential for one's survival. Twenty-two years later, Polish people are still risking their lives to carry this message to their Government.

As we all know, Poland is faced with difficult times. The Government is trying to institute major price increases as part of an overhaul of the entire economic machinery. The political opposition, including Solidarity, as well as many international financial institutions agree that this overhaul is not only necessary but long overdue. The Government, for its part, admits that much of its "new" economic reform has been taken from Solidarity proposals. Given this, why can the Government and the opposition not come to terms? Why did workers from Gdansk to Krakow strike for nearly 2 weeks in April? And more importantly, has anything been resolved? It seems that while the strikes have ended, the problems that faced Polish workers 22 years ago still remain.

The opposition in Poland wants economic reform. But it does not trust this Government to effectively implement the reforms and it does not believe this Government can lead the people to a period of increased productivity and a raise in the standard of living. Sadly, the strikes are the only way the Polish workers have to make their voices heard, the only way they have to communicate their doubts to their Government.

Polish workers do not merely mistrust the abilities of their leaders, they distrust their leaders' intentions. Such distrust is clearly warranted. For example, during the strikes at the Nowa Huta steel mill, the Government agreed to church mediation of the negotiations. Yet within hours of agreeing to that mediation, riot police used concussion grenades to break into the mill and crush the strike. Priests who witnessed the event said the riot police beat the workers. Such evidence of bad faith on the part of the authorities only contributes to a worsening of an already grim situation.

The opposition and the Government have shown that each has the power to make the other impotent: the Government can frustrate the people's will for political liberalization and the workers can deadlock the authorities' drive for economic renewal. Neither side alone can lift Poland from its downward economic spiral without the cooperation of the other. There is only one way to break this deadlock: the Government must earn the trust and cooperation of the Polish people by introducing real political liberalization. Political prisoners, such as the four workers arrested for striking in Wroclaw, must be released. Independent associations, such as the Polish Chapter of the International Writers Association "Pen," must be recognized. Trade union pluralism must once again be accepted in Poland. Then—and only then—will Poland be able to make the economic progress it so desperately needs.

Since the lifting of martial law in 1983 and a major political amnesty in 1986, Poland's tenuous relationship with its people has improved. While the healing process was damaged by the Government's behavior during the April strikes, the framework for relations between the workers and the state still exists. A reconciliation can be reached. As in 1956, the Polish people are demanding bread for their bodies. But they are also demanding freedom for their spirits. It is time for the Polish regime to realize that nothing short of both will do.●

THE DEATH OF CLARENCE M. PENDLETON, JR.

● Mr. HUMPHREY. Mr. President, I join Clarence Pendleton's many admirers in mourning his passing from the American scene.

Clarence Pendleton will be mostly remembered for his courageous and controversial service for 6 years as chairman of the Civil Rights Commission, but there was much more to the man than we read in the frequently critical media coverage of his chairmanship.

He was born in Louisville, KY, but spent his early formative years in the northeast section of Washington, DC. He worked hard to earn his bachelors and masters degrees at Howard University.

After serving his country in the military, he returned to Howard as the swimming coach, where he led Howard's swimmers to 10 championships in 11 years. He soon went on to head the Urban Affairs Department of the National Recreation and Parks Association.

Mr. Pendleton later moved to California, where he assumed greater leadership responsibilities in his efforts to achieve fuller opportunities and a better life for Americans of all races. He served 3 years as director of San Diego's model cities program, followed by 7 years as head of the San Diego Urban League.

He was then appointed by President Reagan as the first black chairman of the Civil Rights Commission.

Throughout his distinguished career, Mr. Pendleton consistently practiced what he preached. He believed that black Americans had as much ability as any to earn their way to the top on their own merits, without patronizing preferences. And his career demonstrated that he was right.

Sadly, Clarence Pendleton's steadfast commitment to genuine civil rights principles and equal opportunity was consistently distorted by his political and media critics. His belief that quotas and preferential programs would undermine black achievement and exacerbate racial divisions was falsely portrayed as hostility to the civil rights movement.

Far from being hostile to civil rights, Chairman Pendleton was so committed to the principle of equal opportunity for all that he refused to waiver from it—even when his principle stand exposed him to the most vicious forms of criticism and personal attack.

Although his critics tried to portray his views as eccentric and isolated among blacks, it just wasn't so. Prominent black Americans like Thomas Sowell, Walter Williams, and Roy Innis have espoused the same philosophy of genuine equal opportunity and self-help that Mr. Pendleton championed, and countless other American blacks feel the same way.

Clarence Pendleton's death is a great loss for those who value courage, commitment, and a genuine vision of equal opportunity in America. He is gone from the scene, but the great principles he stood for will endure and prevail.●

CAPITAL GAINS: SOAK THE RICH

● Mr. BOSCHWITZ. Mr. President, I have spoken repeatedly here against the high capital gains tax enacted as part of tax reform. Today, I rise once again to share with my colleagues a Treasury Department study which provides still more evidence that lowering capital gains rates will be extremely beneficial to our economy and our Nation.

In the past weeks, I have informed my colleagues about a report from the Office of Technology Assessment proposing a reduction in the tax on capital gains treatment to increase America's competitive position in global trade, I have discussed the impact of high capital gains rates on venture capital and capital formation, and I have shared news articles outlining the impact reducing the tax on capital gains tax will have on pensions and the stock market.

I do not think my colleagues can deny the positive impact of a lower capital gains tax on raising capital, encouraging business investment, and improving the competitiveness of American business overseas. In fact most of our major trading partners have a lower tax or no tax at all for capital gains. It would aid taxpayers who sell their single most important asset—their business or their farm—in order to create a sound pension plan. In addition, a lower rate would encourage individual investors who have been staying away from the markets in recent months. But, unfortunately, the debate has continued—for over 10 years now—to dwell on the revenue question: Will lowering the tax on capital gains increase or decrease revenues?

The recent CBO report on the revenue impact of reducing capital gains taxes, "How Capital Gains Taxes Affect Revenue," was inconclusive; it indicated it was possible that a reduction in the rate would not lose revenue. However, a new Treasury Department study, done by Assistant Treasury Secretary Michael R. Darby and economists Robert Gillingham and John S. Greenlees, demonstrates that the reductions in capital gains in 1978 and 1981 produced far bigger revenue gains than previous studies have indicated. Darby's study corrected errors and omissions in earlier studies—including the CBO report—and concluded that the capital gains reductions of 1978 and 1981 together yielded some $14.6 billion in additional revenue through 1985.

I have long maintained that a reduction in capital gains taxes will not result in a revenue loss. Capital gains is a voluntary tax of the simplest kind. People just do not sell assets when the tax liability is so high. Studies by Prof. Lawrence Lindsey among others clearly indicate that lower capital gains rates result in increased revenues.

As I've noted in previous statements, several States are experiencing revenue shortfalls, primarily because they underestimated the negative revenue impact of higher capital gains rates. These States, and the Federal Government, would do well to reduce the capital gains tax rate as a step toward getting their fiscal houses in order.

Mr. President, at this time I would like to share with my colleagues an editorial from the June 1, 1988, Wall Street Journal which underscores, my remarks.

The editorial follows:

[From the Wall Street Journal, June 1, 1988]

SOAK THE RICH, AGAIN

Democratic Governors Michael Dukakis and Mario Cuomo both have recently discovered "unexpected" revenue shortages in their state budgets. Since they're no doubt scrambling for more tax revenue, the two governors might want to look at a new U.S. Treasury Department study to be released today. The study suggests they could raise revenue by signing on to proposals, by Vice President Bush among others, to reduce the capital-gains tax.

Cutting rates might appear to violate their canons on taxing "the rich," of course, but this hurdle is merely psychological. The Treasury study, done at the request of Illinois Rep. Phil Crane by Assistant Treasury Secretary Michael R. Darby and economists Robet Gillingham and John S. Greenless, is concerned with more practical matters-such as taxing the rich in a way that actually yields government revenue. It concludes that two previous reductions in capital-gains rates—the 1978 Steiger Amendment and the Economic Recovery Tax Act of 1981—produced far bigger revenue windfalls than anyone previously has estimated.

The study figures that the two laws combined to yield some $14.6 billion in additional federal tax revenue through 1985. The Steiger bill, which reduced the maximum capital-gains rate to 28% from 35%, produced a windfall in every year from 1979 to 1985. The 1981 act, which cut the maximum rate again to 20%, lost a small amount the first year but recorded big gains after that.

It's too early for hard data measuring the revenue impact of the 1986 tax reform that raised the capital-gains rate back to 28% (and 33% for some taxpayers), though the state revenue gaps seem to reflect a shortage in capital-gains receipts. The Treasury study does suggest that future rate reductions also would raise revenue. The optimum rate for maximizing revenue from capital gains may fall between 15% and 22%. This conclusion also jibes with the anecdotal evidence: Earl C. Gottschalk Jr. reported in the Journal last week that many investors say they're staying out of the stock market these days because of the higher capital-gains tax rate.

By the way, Mr. Darby and friends didn't even assume changes in GNP or taxpayer behavior from lower rates. Any revenue gains from those supply-side changes in behavior—of the sort demonstrated in other studies by Harvard's Lawrence Lindsey—would be on top of what Mr. Darby found. Mr. Darby's group reached its conclusions merely by correcting for errors and omissions in earlier studies.

A 1985 Treasury study, which claimed not to find much revenue impact from rate cuts, didn't properly adjust either for the growing size of the U.S. economy or changing inflation rates. Mr. Darby's group also had the benefit of more recent data. Joseph Minarik and others who have used that 1985 Treasury data to propagandize against cuts in capital-gains rates no doubt will want to go back to the drawing board. Mr. Darby's group also found anomalies in a recent study on capital-gains revenue by the Congressional Budget Office.

Despite its hard numbers, the study no doubt will be dismissed by some as election-year politics. With their expanding budget deficits, however, Messrs. Dukakis and Cuomo may want to dispense with politics in favor of fiscal realism. They'd be able to claim they cut rates and soaked the rich at the same time.●

POSTAL SERVICE BUDGETARY TREATMENT ACT, S. 2449

● Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of the Postal Service Budgetary Treatment Act, S. 2449. This legislation will allow the Postal Service to be considered independently from the Federal budget process. In effect, it will take the Postal Service off-budget.

The original intent behind the creation of the Postal Service back in 1971 was to enable the postal system to assess its own needs and then finance itself accordingly without having to compete with other Federal programs for funding from the Federal budget.

One of the best arguments for keeping the budget for the Postal Service separate from the Federal budget is that the postal budget is prepared in accordance with generally accepted accounting principles while Federal budget priorities are determined on a more political basis. This process worked quite well until the Postal Service was reinserted back into the Federal budget for fiscal year 1985.

In the past 17 years we have witnessed an astounding increase in the volume of mail handled by the Postal Service. Back in 1971, the Postal Service handled 86.8 billion pieces of mail. The volume projected for the end of fiscal year 1988 is 160 billion pieces of mail. That represents an increase of 77 percent. This increase in volume has been coupled with the lowest postage rates in the industrialized world.

Allowing the Postal Service to fall prey to the political budgetary process in Congress could revert this Nation's mail service to standards to which we as a nation are not accustomed. This legislation will not allow that to happen. I am confident that once my colleagues have had an opportunity to take a good look at this legislation, they will be convinced of its merits and work toward its swift passage.●

ALICE LLOYD COLLEGE

● Mr. McCONNELL. Mr. President, I rise today to insert into the RECORD an article that recently appeared in the Courier-Journal about a film being produced in eastern Kentucky by Mr. Michael Jonathan. The 25-minute documentary details the life of Alice Lloyd, who founded a college in Pippa Passes, KY, that bears her name.

Ms. Lloyd began teaching children along the Caney Creek in Appalachia, offering them a free education up to the college level, and helping them with their college expenses if they did well. In return, she asked for a pledge that they return to the mountains of eastern Kentucky and put their knowledge to work for the improvement of life in the mountains.

As the article details, her devotion touched the hearts of many. When Lamont duPont died after years of financially supporting the college, Reader's Digest published a story about the school. The producer of the television show "This is Your Life" read the article and had Ms. Lloyd appear on the program. As a result of her appearance on the show, hundreds of thousands of dollars poured in from across America to help her with her expenses.

The article mentions Ms. June Buchanan, Ms. Lloyd's friend who helped her in the founding of the college. I am afraid I must report to my colleagues here that Ms. Buchanan passed away last week at the age of 100. Yet, thanks to the legacy of Ms. Lloyd and Ms. Buchanan, miracles are still happening on Caney Creek.

The film, "Miracle on Caney Creek," will premiere in the Capitol Rotunda in Frankfort at 10 a.m. next Wednesday, which has been proclaimed "Miracle on Caney Creek" Day in the Commonwealth.

Mr. President, I hope that my colleagues in this body will take a moment to read this article to learn not only about Ms. Lloyd's contributions to eastern Kentucky education, but about Mr. Jonathan's dedicated efforts to share that story with all Kentuckians.

The article follows:

FILM TO CHART THE DREAM THAT BUILT, GUIDED SCHOOL

PIPPA PASSES, KY.—The late Alice Lloyd would be pleased that the spirit she brought with her to eastern Kentucky in 1916 still flickers in the mountains surrounding the Knott County college that bears her name. If contemporary folk-singer Michael Jonathan is successful, students and their parents all over Kentucky—and perhaps in many other states—will soon be able to watch a 25-minute docudrama and a five-minute music video of "Miracle on Caney Creek."

The production was inspired by a book of the same name, written in 1982 by Alice Lloyd College President Jerry C. Davis.

Jonathan, 30, who was born in New York, moved to Mousie, KY, several years ago because he was fascinated by Appalachia. He has assembled film crews and actors from around Kentucky to produce a 35mm film about Alice Lloyd's struggle to keep a dream alive.

When Lloyd, a Radcliffe College graduate, was about 40, she suffered spinal meningitis and was partially paralyzed by a stroke.

A doctor at her home in Boston told her that she had only a few months to live, maybe longer if she moved to a warmer climate. Her husband left her. Her church allowed her and her 65-year-old mother to move into a run-down cabin near Hindman in Knott County, where missionaries for the church had lived until they were run off by mountaineers.

It was there, the story goes, that on a cold February night in 1917, a poor, sickly, uneducated mountain man named Abisha Johnson knocked on their door.

During a snowstorm, he had walked barefoot across two mountains to ask the "foreign" women if they would come to Caney Creek and teach his children to read the Bible.

He had had a dream, he said, that they could give his children a better life.

Jonathan's film, made possible by a $40,000 grant from Pepsi Cola bottlers in Kentucky, chronicles the joys and hardships of Alice Lloyd and her friend June Buchanan.

Buchanan, a New York-born graduate student at Wellesley College in Massachusetts, later joined Lloyd in the struggle to establish a school on Caney Creek.

Lloyd wrote to businesses and entrepreneurs across America, soliciting not only funds for her school but also gifts of pencils, building supplies and time.

To her mountain students who studied hard, she offered a free education up to college level, and, if they did well, money for college. In return, she asked for an unwritten pledge that they come back to the mountains after college and put their knowledge to work in Eastern Kentucky.

Since then, at least 3,000 have become teachers in the mountains, and more than 1,000 have become mountain doctors, lawyers or other professionals, among them the late U.S. Rep. Carl C. Perkins and Dr. Grady Stumbo, a former gubernatorial candidate.

The college, which now has an enrollment of 500, was nearly bankrupt in the early 1950s when Lammot du Pont, a member of the wealthy Delaware family, died.

When it was learned that du Pont for years had been sending checks to Alice Lloyd to help with her school, Reader's Digest published the story.

Hollywood producer Ralph Edwards, host of the television show "This Is Your Life," saw the story and was so touched that he secretly arranged for Lloyd to be a guest on his program.

At the end of the show, Edwards asked his television audience to send her a donation to help keep her school alive.

So great was the response that armed guards had to be posted around the Hazard post office until Lloyd returned to count the $328,000 that had arrived in the mail.

Alice Lloyd died in 1962, and her friend June Buchanan, now 100, is ill. But miracles are still happening on Caney Creek.

The last lines of Jonathan's title song read;

"Miss Lloyd is gone, but her vision remains,
"The buildings are new, but her dream is the same,
"To give mountain children an education for free,
"And that's the miracle on Caney Creek."

The film production—videotapes of which Pepsi Cola plans to offer to the public—is scheduled to premiere in the Capitol Rotunda at Frankfort at 10 a.m. June 15, proclaimed by Gov. Wallace Wilkinson as "Miracle on Caney Creek" Day in Kentucky.●

BUDGET SCOREKEEPING REPORT

● **Mr. CHILES.** Mr. President, I hereby submit to the Senate the budget scorekeeping report for this week, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $200 million in budget authority, and by $2.9 billion in outlays. Current level is under the revenue floor by $10.6 billion.

The current estimate of the deficit for purposes of calculating the maximum deficit amount under section 311(a) of the Budget Act is $154.1 billion, $1.2 billion below the maximum deficit amount for 1988 of $155.3 billion.

The report follows:

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, June 6, 1988.

Hon. LAWTON CHILES,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1988 and is current through May 27, 1988. The estimated totals of budget authority, outlays, and revenues are compared to the appropriate or recommended levels contained in the most recent budget resolution (H. Con. Res. 93). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32.

No changes have occurred since my last report.

Sincerely,

JAMES L. BLUM,
Acting Director.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 100th CONG. 2d SESS., AS OF MAY 27, 1988

[In billions of dollars]

	Current level [1]	Budget resolution H. Con. Res. 93 [2]	Current level plus/minus resolution
FISCAL YEAR 1988			
Budget authority	1,145.8	1,146.0	−0.2
Outlays	1,031.8	1,034.7	−2.9
Revenues	922.2	932.8	−10.6
Debt subject to limit	2,507.9	[3] 2,565.1	−57.2
Direct loan obligations	34.4	34.6	−0.2
Guaranteed loan commitments	155.1	156.7	−1.6

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] In accordance with Sec. 5(a)(1)(b) the budget authority and outlays include an adjustment that reflects the amount reserved for subsequent allocation under section 302(a) of the Congressional Budget Act.

[3] The permanent statutory debt limit is $2,800.0 billion.

PARLIAMENTARIAN STATUS REPORT, 100th CONG., 2D SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1988 AS OF CLOSE OF BUSINESS MAY 27, 1988

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			911,050
Permanent appropriations and trust funds	792,035	674,291	
Other appropriations	569,646	574,400	
Offsetting receipts	−202,566	−202,566	
Total enacted in previous sessions	1,159,115	1,046,125	911,050
II. Enacted this session:			
Rescission of Jewish education centers abroad (Public Law 100–251)	−8	−5	
Veterans Home Loan Program emergency amendments (Public Law 100–253)		1	

PARLIAMENTARIAN STATUS REPORT, 100th CONG., 2D SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1988 AS OF CLOSE OF BUSINESS MAY 27, 1988—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Assistance and support for Central America (Public Law 100–276)		43	
Veterans emergency supplemental (Public Law 100–304)	709		
Veterans' Benefits and Services Act of 1988 (Public Law 100–322)	1	1	
Total enacted this session	702	40	
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses:			
Omnibus Trade and Competitiveness Act of 1988 (H.R. 3)		9	
Atomic Veterans Compensation Act (H.R. 1811) [1]			
Total conference agreements		9	
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Disaster relief	142	85	
Special milk	5	1	
Federal unemployment benefits and allowances (H.R. 3)	12	12	
Special benefits	83	83	
Special benefits for disabled coal miners	7		
Medicaid	51	51	
Social services block grants	50	48	
Veterans compensation:			
Previous law	282		
H.R. 1811	15	12	
Payment to air carriers	8	2	
Coast Guard retired pay	6	6	
National wildlife refuge fund	1	1	
Total entitlement authority	661	300	
VI. Adjustment for economic and technical reestimates	−14,650	−14,650	11,200
Total current level as of May 27, 1988	1,145,827	1,031,823	922,250
1988 budget resolution (H. Con. Res. 93)	1,146,000	1,034,700	932,800
Amount remaining:			
Over budget resolution			
Under budget resolution	173	2,877	10,550

[1] This act increases the current law estimate for veterans compensation, which requires an appropriation. The amount is shown in section V.

Note.—Numbers may not add due to rounding.●

INFORMED CONSENT: IDAHO

● Mr. HUMPHREY. Mr. President, for many women, the deepest scars from abortion are not physical or visible to most people. They are the deep scars of the mind that only a mother can feel when she thinks she has killed her own child. No matter what side of the abortion issue we are on, we all must admit that every woman has the right to know the risks and alternatives in any medical procedure. Every person must have the right to give an informed consent if they are truly to exercise their so-called right to choose. For this reason, I have introduced S. 272 and S. 273 to require that all women are allowed to make an informed choice to such a serious surgical procedure. I ask that the following letter from Idaho be inserted in the CONGRESSIONAL RECORD.

The letter follows:

DEAR SENATOR HUMPHREY: Fifteen years ago, when I was 20, I was advised by a doctor to get an abortion. The reason? The child was a black man's. I was never told an alternative like adoption or keeping the child. I am Indian but can pass for white. If anybody had said, "Have the child, we'll help you," I would have welcomed them with open arms. I believe I knew deep down what I was doing was wrong but the pressure was enormous. This was before murdering babies was legal. Maybe that's why there wasn't more of an outcry at the time.

I was awake during the murder of my helpless little one and remember vividly the sound, the shaking uncontrollably, the abortionist, the infection, the fever. To this day I have problems which only our good Master is helping to heal.

If my writing to you saves just one baby, it'll be worth the time it took to write. Thank you for caring.

J. BROWNING.●

DR. SAMUEL J. LEFRAK—URBAN PLANNING FOR THE TWENTY-FIRST CENTURY

● Mr. MOYNIHAN. Mr. President, it is with great pleasure that I bring to the attention of my colleagues a speech given recently at the United Nations by Dr. Samuel J. LeFrak. Dr. LeFrak, chairman of the LeFrak Organization, outlines a five-point program to help guide us into the next century. With clarity he calls upon us as nations to work together in cooperation to achieve the kind of life each of us desires. He combines a responsible plan for exploiting the wealth of the planet while, at the same time, an international commitment to resource and environmental management.

May I ask that the following speech be inserted in the RECORD.

The remarks follow:

PLANNING FOR URBANIZATION IN THE 21ST CENTURY

(By Dr. Samuel J. LeFrak)

Excellencies, ladies and gentlemen. It is a great honor to talk to this distinguished audience. While I have had the privilege of speaking before groups of scholars and humanists at Harvard, Columbia and Oxford, this is different. This is the university of the world.

Here, more than anywhere, you mint the future from the treasury of man's hope. You understand the weight and burden of man's needs. You are not daunted because so much remains to be done, but optimistic because so much can be done to improve man's life, destiny and future.

Indeed, we are witnessing the birth of a new age of exploration and discovery. People in another time searched for new lands and cultures, new heights and depths. Tomorrow, the task will be to make the most of the known. The next century's explorer/scientists will concentrate on maintaining the quality of life on this planet.

Much of life on earth is still unmapped. Opportunities abound. New frontiers are with us now. Tomorrow's explorers will not be individuals setting out alone, but teams of socially minded scientists working to solve international problems.

As we stand on the threshold of the Twenty-first Century, I am convinced that our ability to survive and flourish as a civilization will depend upon our enthusiasm, creativity and hard work. I applaud you as leaders who challenge traditions, as innovators who pursue change rather than revere the status quo. George Bernard Shaw wrote: "The reasonable man adapts himself to the world; the unreasonable man persists in trying to adapt the world to himself. Therefore, all progress depends on the unreasonable man." I am pleased to be here among so many unreasonable men and women.

Chekhov said we live today to improve tomorrow. Albert Einstein summed up the challenge. He said the most incomprehensible thing about the world is that it is comprehensible.

So to correct the inequities, there must be a beginning. I have built approximately 200,000 homes. I have built villages. I have built cities. I am an architect, engineer and businessman, a builder and rebuilder of cities, and by avocation a publisher, art collector and teacher. I also consider myself an explorer, one who dares accept the challenge of probing the unknown. If one can achieve this, then what can one world do united against homelessness and planning new cities.

The problem is most extreme in the developing nations. Hundreds of millions of men, and women and children have no home, no adequate shelter. One quarter of the world's population—one billion people—are without proper homes.

Shocking as that statistic appears, we must keep in mind what George Bernard Shaw said: "The worst sin towards our fellow creatures is not to hate them but to be indifferent to them." Indifference is an attitude we can no longer afford.

Only two choices face us. We can despair or we can act. The 80-year-old Voltaire, when told that a tree he favored would take 40 years to bloom, said to his gardener, "Well, then plant it this afternoon."

As we look to the next century, the future seems ominous, indeed grim. Shortages, upheavals, global disasters, even annihilation seem all too possible. How can we survive, no less prosper, in a complex and turbulent world? Confronted with predictions of doom we should note that, in the words of Ralph Hodgson, "the handwriting on the wall may be a forgery."

The future never looks particularly good. Ideas and discoveries which make the present what it is, once seemed utterly preposterous.

Sir William Preece, chief engineer of the British Post Office, in 1876 said: "Americans have need of the telephone but we do not. We have plenty of messenger boys."

In 1899, the Director of U.S. Patent Office urged President McKinley to abolish the office along with his own job because" everything that can be invented has been invented."

Today we absorb vast amounts of information in the continual process of learning and discovery. Results are as sweeping as changes wrought by the industrial revolution in the 18th Century. This immense transformation, however, should help us to speed up our solutions to worldwide problems confronting us.

I have a five point program to help solve the problem of future organization.

First: The 21st Century will be the Century of the City. By the year 2010 the balance of world population will have shifted, dramatically. For the first time more people on our planet will be living in urban rather than rural areas. Nowhere is the change occurring more rapidly than in developing countries—in Latin America, Africa, the Far East. In China, for example, nearly two percent of the population migrates annually to cities. That is close to two hundred million new urban residents every decade. This worldwide urban explosion is unstoppable.

That prospect underscores our own sense of urgency.

Second: Our goal must be to provide shelter and incentives to maintain them. We know how to build new cities. We must also "build-in" to the people the sense of pride, the understanding of home maintenance, the feeling of responsibility, and neighborliness if we are to build homes and communities that will endure.

Sociological planning is as important as physical planning. There must be a way to give people a real stake in their homes through property ownership.

We must offer a helping hand, not a handout—or we will only build the slums of tomorrow and turn our dream of housing the homeless into an angry urban nightmare of debt, decay, and destruction.

Third: We must mount a worldwide urban Marshall Plan of the type, caliber and scope the United States launched after the Second World War. I suggest we call it the United Nations 21st Century Urbanization Program.

The Secretary-General has already called for redoubling our efforts to house the homeless and plan for the cities of tomorrow. He recently reaffirmed the cause, saying, "What is needed is bold, imaginative and sustained actions . . . with strong support from the entire international community."

The task is formidable. But it is not impossible. Surely the Commission on Human Settlements believes this. You have the energy, the imagination and the will to make it happen.

Fourth: There are untapped resources to be used, for example, in the world's seabeds. There are limitless amounts of hydrocarbons, phosphates, cobalt, copper, manganese, tin, titanium, chromium, silver, platinum, gold, and even diamonds.

It is remarkable that we know so little about the substance that covers three-quarters of the earth's surface. The first serious explorations began only about one hundred years ago. But in the last twenty-five years, with new submersibles and technology, we have learned more about the oceans than in all previous history. We have discovered mountain ranges, charted the movement of continents, identified twenty-five thousand species of fish, and still record another hundred each year.

Vast resources lie in international waters . . . waiting for the nations of the world to decide how to divide the spoils, to agree on the basic rules of the competition—or to agree not to compete, but to cooperate.

The Law of the Sea invites us to take advantage of countless resources lying at the bottom of the sea.

The issue is to exploit these natural resources for the good of mankind.

Fifth: We need an organizational structure, modelled on such existing institutions as the Commission on Human Settlements and the World Bank, to supervise, manage, coordinate, direct and expedite the effort. Initially, every member nation could contribute to a central and dedicated fund to begin the process. The World Bank could invest some of its resources directly.

As the enterprise gains momentum, it could spin off financing mechanisms to underwrite low-income housing and allow the poor to invest some of its resources directly.

This is my point program: it addresses the needs of the cities; stresses ways to provide a unified, intensive, cordinated worldwide effort; is predicated on our ability to cooperate in exploiting the riches of the seas; and looks toward an arm of the United Nations to govern and manage the enterprise.

There is an important parallel point. Land to build on is a scarce and shrinking commodity in almost every nation.

Population growth and development pressures have pushed us deeper into forests, prairies, jungles, countryside. But we must preserve our natural habitat. We must work to reduce and eventually eliminate acid rain; preserve our sources of pure air and water. Moreover, like our precious environment, land, too, must be protected. Farmland, for example, should no longer be converted to concrete and steel without profound study of its impact on future generations. After all, land—like the snow leopard, the condor and the whale—cannot be replaced once it's gone.

Another solution is to redevelop areas that have been left to decay.

Let me tell you of my own particular experience.

Nearly a decade ago, I discovered a vast area ripe for redevelopment. It was not located in the wilds of the Northwest. It was situated two thousand yards from Manhattan Island on the Jersey City waterfront . . . located on 600 acres on the Left Bank of the Hudson River. The land became available only after five railroads went bankrupt: the Erie, the Lackawana, the Jersey Central, New York Central, and the Pennsylvania. The shipping business died, and deterioration and decay set in.

Everyone saw this land. But none saw the vision.

No one recognized the potential. Crying to be recycled and revitalized. This was the beginning of Newport. It represented rebuilding an area which had been nothing more than rusting railroad yards, dilapidated warehouses, rotting piers from the past century, when the property contained a nationwide railhead, piers, and a thriving waterfront. During World War I and World War II, millions of American troops, and cannons, tanks, and heavy equipment, forged in the mills and foundries of Pennsylvania, Michigan, Illinois, Ohio, and Indiana, were shipped to these teeming piers, and then sent to Southhampton, to Le Havre, and Cherbourg on Liberty Ships to help us and our allies save the world for democracy. With victory came peace, and with peace progress and prosperity. Rail freight dwindled because of air freight, pre-containerization, and overland freight. The railroads went bankrupt. Ten years ago, we began to acquire this property.

We are now revitalizing this land and bringing it from abandoned commercial use to residential, retail, office, recreational and cultural use. And we're building affordable shelter . . .

We are building the City of Tomorrow on the Hudson River.

In the almost one hundred years that the LeFrak Family has been in the building and development business, no community has generated more excitement for us than Newport. The development started with deterioration and rot. But now we are transforming chaos into order as we provide for people's needs. We're giving them what they want at a price they can afford to pay.

That's Newport—the humanistic, dramatic, planned futuristic City of Tomorrow. A treasure that was lying beneath rubble and bankrupt railroad yards.

This is the alchemy of life. Not a get-rich-quick scheme.

Our laboratory is the city. From Lefrak City to Battery Park City to Newport, we have learned, developed, evolved, and refined our technique. We have translated that knowledge into design, and design into a way of life. How well that way of life fulfills human need, respects human scale, and enriches human experience is the only true measure of success.

Newport is important to me, and important to the region. It is a prime example of a large scale development that preserves resources by recycling land to meet human needs.

Historically, past generations of Americans depended upon hard work and resourcefulness. It was this resourcefulness that helped our forefathers create a great country that stretched from the Atlantic to the Pacific.

Now the world is looking for your help, your resourcefulness, you ingenuity. But leaders must manifest an allegiance that goes beyond the borders of their countries, that reaches out to solve worldwide problems.

For better or for worse, the world today is committed to accelerating change—radical, wrenching, erosive of both traditions and old values.

Many of you know that the United Nations headquarters itself was built on the site of former slaughterhouses. That change led to a most significant development by providing a home and a forum for world affairs.

The enormity of the problems of homeless merits the full attention of this distinguished body. Collectively, the United Nations is the conscience of our civilization.

And while we carry out our ambitious plans, let us remember that old West African proverb—"A man's hut is more beautiful than the grandest statue."●

BLACK VIETNAM VETERANS OF AMERICA

● Mr. LUGAR. Mr. President, I want to inform my colleagues of an extraordinary effort that has begun in my State to address some issues facing Vietnam veterans. Jerome Smith and William Duffin have initiated the Black Vietnam Veterans of America, Inc. [BVVA], which is designed to serve as a vehicle to aid all Vietnam veterans. This national organization was founded primarily to assist minority veterans in their struggle for equality, recognition, and a place of honor in America. However, let it be known to all that this organization shall not and will not discriminate against any member because of race, creed, religion, or origin. The BVVA shall always remember the one link that makes all Vietnam veterans brothers—Vietnam. Therefore, this organization perceives itself as bound by the common code to honor articles, charters and bylaws of other sister organizations.

The BVVA seeks the support of all veterans and their families as it moves to address such issues as posttraumatic stress disorder [PTSD], agent orange, drug addiction, incarcerated veterans, job related problems, as well as the Amerasian issue. Having fought and died for America as bravely and with as much patriotism as any who have fought for her, these Vietnam veterans deserve the recognition that has been denied them for so long. They are our sons and daughters and only ask from us that we reach out and embrace them and welcome them back into the mainstream of American life.

The BVVA received their articles of incorporation, confirming their tax-exempt status as a not-for-profit organization on November 19, 1987. Recently, the BVVA received 501(c) 19 status from the IRS, allowing the BVVA tax exempt status nationally. As of late, the BVVA has received increasing media coverage via newspapers, television and radio, appearing on such shows as "Black Focus," "Living for the City," and WTLC's "Operation Breadbasket." Presently, the BVVA is embarking on speaking engagements, awaiting word from the "Oprah Winfrey Show" and preparing for the opening of its first chapter in Indianapolis, IN, scheduled for June 4, 1988.

I would like my colleagues to join with me in giving our undivided support to this organization of fearless veterans.●

KOREAN MEMORIAL DAY

● Mr. SIMON. Mr. President, yesterday, June 6, 1988, was Korean Memorial Day. I would like to join Korean Americans and Koreans around the world in commemorating this day of remembrance. It is an opportunity to honor the memory of those Koreans who made the ultimate sacrifice and assured the independence of the Republic of Korea.

It is appropriate that we in the United States Senate take note of Korea's Memorial Day, because Korea's fallen soldiers were the comrades-in-arms of American fighting men and thousands of other troops who fought for freedom under the command of the United Nations. Today, we can take pride in the fact that in standing with Korea in those dark days of 1950, we helped Koreans pursue an extraordinary path of economic and social development and, increasingly, of democratic political life.

This memorial day, though, belongs above all to Korea's own war dead whose courage and tenacity inspire us to this day.●

SWEDISH FLAG DAY

● Mr. SIMON. Mr. President, I rise today to join Swedish Americans and Swedish people around the world in commemorating Swedish Flag Day. Yesterday, June 6, 1988, marked the celebration of the ascension of Gustavus I (Gustavna Vasa) to the Swedish throne in 1523. We commemorate that historic event as Swedish Flag Day.

Gustavus I was the leader of a victorious revolt against Norway and Denmark and was given the crown for his efforts. It was during his reign that the Swedish national flag, which has a blue field with a yellow cross, was created and it has been the symbol of Sweden ever since. The Swedish national flag was made official in 1815 with the passing of a law denoting blue and yellow as the official colors for Sweden.

Since the first numbers of Swedish immigrants entered the United States in 1865, Swedish Americans have made great contributions to the arts, letters, and culture of our country. And the descendants of the first Swedish immigrants have continued to add their own ethnic flavor across our land.

Mr. President, I ask that we in the United States Senate join Swedish Americans and Swedish people around the world in celebrating Swedish Flag Day.●

BOSTON GARDEN SPORTS CAFE

● Mr. KERRY. Mr. President, of the many rich traditions which my home State of Massachusetts possesses, perhaps none has borne witness to such greatness as the Boston Garden. It has been home to legends in sports and politics in a town where these activities are considered as one. A place where legends are born and legacies not only live, but prosper as well. Today, I would like to take a moment to honor this famous institution and welcome a new addition—a restaurant to serve Garden faithful—the Boston Garden Sports Cafe.

For over 50 years, the Boston Garden has been the place where Bruins hockey greats like Eddie Shore and Bobby Orr established a noble standard of sportsmanship and excellence on the ice. Weaving their magic on a rink where Stanley Cups were won, it has served to inspire generations of hockey players. Today, where Shore and Orr once skated, a new generation of heroes named Bourque, Neely, and Janney stand. This aura of excellence has served for decades as an inspiration to amateur athletes as well. The pinnacles of high school, college, and Olympic dreams were, for so many, realized at the Boston Garden. Whether it was playing in the legendary Beanpot Tournament or skating your way to Lake Placid, many Massachusetts youth lived the dreams that are only made on the ice at the Boston Garden.

For just as many years, so too have legends been made on that infamous parquet floor of the Boston Garden where it is said that a leprechaun resides bringing luck to all who wear green and bounce a basketball. It is the place where Bill Russell and Bob Cousey set the standard of Celtic pride on the basketball court. With 16 world championship flags hanging from its rafters, you can close your eyes and still hear the roar of the crowd, or the graveled voice of Johnny Most, when Havlicek stole the ball, Russell ripping down a rebound, a dazzling pass by Bob Cousey, or the artistry which is simply Larry Bird. The legendary parquet with the ever present eye of Red Auerbach has created a dynasty in sports that will, perhaps, never be rivaled in all of time. These moments have also inspired many a youth to great heights; from the days of the Tech Tournament to the memories of Patrick Ewing playing for Cambridge Rindge & Latin, then for Georgetown, and today, to a true Celtic fan's dismay, as a New York Knick. Of such are dreams made.

The Boston Garden has also had its place in political history. In 1960, John Kennedy ended his Presidential campaign at the garden on a November evening that lives in our minds as if it were only yesterday. Returning home as the prodigal son, he had not only inspired a nation, but little did we know he would also inspire generations around the world for years to come. In the smokey haze of that cold autumn evening, the son of Irish descent and a Roman Catholic would rise in the dawn a President of the United States. As he addressed the throngs, numbers so large it seemed as if the famed floor would give no more, there was a magic in the air which has never been replicated to this day. The possibilities seemed endless and they were all represented by a young man who had walked the streets of Boston and dreamed our dreams. It has been written that those present that evening though if they could just watch hard enough they too would learn the trick to it all and could reach the pinnacle of power. Another legend was born that evening, and history was once again made, and it had been there at the Boston Garden to all to behold—1988 has been no different.

We have seen the Boston Bruins compete for the Stanley Cup and the Boston Celtics continue their quest for a 17th NBA title. Though both fell shy of the championships we in Boston covet so dearly, each possessed moments which will live in the minds of all as the stuff of which legends are made.

As for politics, the Boston Garden will once again have its chance to be a part of history. This week for the first time since 1966, it will be the home of the Massachusetts convention. We will have the honor and pleasure of nominating my friend and colleague, TED KENNEDY, for a historic sixth term. Not only has he fulfilled the legacy of his brothers, but he has also established his own record of unparalleled service in behalf of Massachusetts in the U.S. Senate. From health care to education, from civil rights to human rights, he has championed the causes which makes the Democratic Party the great body that it is today.

In addition, we once again have the opportunity to bear witness to a son of Massachusetts who could return to the Boston Garden as President of the United States in Mike Dukakis. Another son of immigrants who dreamed the dream which is the fabric of America. Surely the sights and sounds of 1960 will be in the air as we convene to send another one of our own from Massachusetts to serve the country as he has served the Commonwealth. Whether it is sports or politics, when the game is over or the race is done, win or lose, there is always time to gather and reminisce about the wonderful moments and the comraderie that emerge from such battles. The Boston Garden Sports Cafe has become the place where legends come home to roost and new legacies emerge. With memorabilia filled walls, the ghosts of the garden past and hopes of greatness still to come, the Boston Garden Sports Cafe is a gathering place within the walls of history and certain to become an integral institution in its own right.

So Mr. President, I am pleased to extend my best wishes to the Boston Garden Sports Cafe knowing that many more memorable moments will be shared by all who grace its confines in the years to come.●

MINIMUM WAGE AND UNEMPLOYMENT IN PUERTO RICO

● Mr. SIMON. Mr. President, the proposed increase in the minimum wage contained in both H.R. 1834 and S. 837 should be amended to apply to the U.S. territories, the Commonwealth of Puerto Rico, as well as the 50 States. While application of the minimum wage has been opposed on the theory that it will result in higher unemployment, there is no factual basis for those dire predictions. Many mainland studies indicate that an increase in the Federal minimum wage seldom results in a corresponding rise in unemployment. In fact, in 1977 when the minimum wage was applied to Puerto Rican workers, employment went up and unemployment went down. This same result can once again be achieved if the minimum wage provisions of H.R. 1834 and S. 837 are applied to Puerto Rican workers as well as mainland workers.

The solution to solving the poverty problem lies not only in increasing the minimum wage of Puerto Rican workers but also in developing adequate job training programs. These job training programs will benefit both the individual and the business sector through increased productivity.

Mr. President, the Daily News in St. Thomas, VI, published a guest editorial in its June 2, 1988, edition by economist John Tomaski. Mr. Tomaski makes two key points regarding raising the minimum wage—taking this important step will not lead to higher levels of unemployment; and solving the problem of unemployment in Puerto Rico and the territories means educating and training the people. The same is true in America.

Denying the proposed minimum wage increase to the people of Puerto Rico and the Virgin Islands is bad economic policy and represents poor political judgment.

Mr. President, I ask that the editorial "Minimum Wage versus Training" from the June 2, 1988, Daily News be printed in the Record.

The article follows:

[From the Daily News, June 2, 1988]

Minimum Wage Versus Training

(By John Tomaski)

I offer the following comments as a private citizen and professional economist, and not in any official capacity.

In the May 2 Daily News, Chamber of Commerce Director James Pobicki wrote on the disemployment effect of the recent increase in the local minimum wage. UVI professor Johannes Overbeek had written on that subject last year in a running debate with the senator who had proposed the increase.

Both economists addressed the issue through the direct application of micro-economic theory while ignoring important environmental factors, referring to no specific empirical studies of the disemployment effect, and ignoring that the disemployment effect is not the greatest cost a minimum wage imposes on society.

General theory is precisely that—general—and is neither designated nor intended to be applied directly. As in any other science, economic theory is modified in its application to any specific problem for relevant environmental factors.

For example, it is a general proposition in physics that gravity is a force that draws objects toward the center of the earth. But, in the specific case of dropping a ball, one does not apply that theory directly and expect the ball to crash through the floor on its way to the center of the earth. Instead, one modifies the general theory for the environmental fact of the floor, and concludes that the ball will be drawn toward the center of the earth to the extent the floor permits.

The laws of economics, which are as valid and useful as the law of gravity, are similarly affected by environmental realities in their applications to the actual economy.

Pobicki and Overbeek have ignored the politico-economic reality that the general public does not realize that the "benefits" of minimum wage legislation, even to those who do not lose jobs because of it, are ephemeral, nor is the public aware of the many secondary and opportunity costs that such laws impose, in the general equilibrium context, on society at large.

The public therefore regards the minimum wage as a low-cost means of assisting the poor, and might react angrily if it were not periodically increased. In purely economic terms it is preferable to endure a higher minimum wage than to risk the social unrest that could otherwise ensue.

In his attempt also to address the dymanics between the money supply and inflation, Dr. Overbeek presented an analysis that is decidedly "crackpot," the term he had applied to Sen. Allan Paul Shatkin's arguments. In adding the minimum wage to that discussion, Overbeek then ignored the important detail that the V.I. government neither prints currency nor controls the central bank.

As to research, a great many mainland studies have shown that the minimum wage has seldom been high enough to generate significant unemployment. Accounting for inflation, the increase in the minimum wage, even to $4.25, still leaves it below the 1981 minimum of $3.35 in terms of purchasing power.

The only disemployment effect detected with any frequency in volumes of research is an increase in teen-age unemployment of up to three-quarters of 1 percent for each 10 percent increase in the minimum wage. Even that effect has since weakened as the teen labor pool has shrunk so much that even fast food chains in many areas have been forced to pay above minimum wage.

Thus, the principal failure of the minimum wage is not disemployment but the lack of any measurable effect, after many years, in relieving poverty or on the distribution of income.

That is largely because the majority of low-wage workers in areas studied were not breadwinners from low-income families, but teen-agers and housewives from middle-income families or retirees. In fact, many low-income families have no working breadwinner.

The solution to poverty lies more in job training than in raising the minimum wage. The governments of Texas and Virginia have an agreement where skilled workers from economically depressed Texas are sent to jobs in bustling northern Virginia. Although unemployment among teen-agers across the river in Washington, D.C., is 40 percent, they cannot fill those jobs for lack of necessary education and skills.

I therefore contest Mr. Pobicki's claim that "advances in minimum wage have a notably adverse effect on . . . black teen-agers." Lowering the minimum wage would not help people who are not fully employable due to low skill levels.

It would make their labor cheaper so that they might be profitably employed in menial work, but it would not help them achieve economic independence. What would help them, and the business sector, are programs that would qualify them for productive work above the minimum wage.

I do not fault Overbeek and Pobicki for having opposed increasing the minimum wage, but I disagree with their casual approach to the issues and with the specific opinions to which that led them.

Both gentlemen also cited concern over teen-age unemployment in arguing against the minimum wage, but neither suggested a policy alternative, such as job training, to assist the unemployed and the working poor toward more productive and satisfying lives.●

AMBASSADOR KIRKPATRICK'S ARTICLE, "DUARTE'S DEPARTURE"

● Mr. WALLOP. Mr. President, I wish to point out to my colleagues and make available to the American people an excellent article by former U.S.

Ambassador Jeane Kirkpatrick on the deteriorating situation in Central America.

Mr. President, what Ambassador Kirkpatrick demonstrates is that the actions of a few Democratic Members of the House of Representatives are allowing the Marxist-Leninists in Nicaragua to consolidate their hold on that country and step up their attack on their neighbors, especially El Salvador.

While observers of almost every political stripe—and consistent bipartisan majorities of this Senate—have recognized the seriousness behind the chants of the Sandinista brigades, that "We will win in Nicaragua and El Salvador will follow," a few House Democrats cannot hear these warnings and are making their view a litmus test of party loyalty to oppose aid to the democratic resistance in Nicaragua.

Mr. President, I urge my colleagues to read Mrs. Kirkpatrick's trenchant article and to consider this: If we continue to abandon Central America to the Communists and turn our backs on those freedom-loving peoples who are willing to fight on their own behalf, what will they propose when the crisis requires us to send Americans to Central America to defend the Americas?

The article follows:

[From the Washington Post, June 6, 1988]

Durarte's Departure

(Jeane Kirkpatrick)

"You all know I am a man of crisis, a man of battle and struggle, and have fought against dictatorship to establish democracy," President Jose Napoleon Duarte said as he left El Salvador on Tuesday for medical treatment in the United States. "Now God has given me this additional test, and I will fight and, if God wills, go ahead.

"What I have," Duarte said with characteristic candor, "is a bleeding ulcer of seven centimeters in my stomach that is malignant."

Durate, in visible pain, made careful plans for his departure. He met with leaders [illegible] the church, the military, the government and his party. He caused his vice president to be named acting president and made a strong appeal for unity to the two men—Ray Prendes and Fidel Chavez Mena—locked in a bitter struggle to succeed him. No amount of preparation fills the vacuum left by his departure.

Duarte's lifelong struggle against dictatorship and his personal courage and commitment to democracy are widely known and respected outside El Salvador. El Salvador has no other leader who commands comparable respect in the United States, Latin America and the world.

His illness deprives that poor country of its major international asset at a particularly difficult time. "It could not have come at a worse time," said one of Duarte's close associates. "We have a political crisis, polarization, late rain and failing crops. It seems like God is angry at us."

It would appear that God has been angry at El Salvador and at the people of Central America for some time. The guerrilla FMLN's relentless attack on El Salvador's economy cost more than a billion dollars last year. And the FMLN leaders understand the damage they wreak.

To those leaders, the Central American peace accords constituted an opportunity to step up their activities. "We should strengthen and enlarge the feeling of mass discouragement and despair through intense propaganda and agitation through every medium," a captured FMLN document directed last spring. Since then FMLN attacks have multiplied. Duarte has seen his generous offers of amnesty and negotiations rejected by the FMLN, one by one.

Duarte's own Christian Democratic Party is rent by rivalries so deep that Duarte lamented recently: "Today our existence is threatened from within the party itself." Already, he said, internal divisions have caused the party to lose its legislative majority to the opposition ARENA party, which has serious problems of its own.

ARENA is a legitimate political party that espouses market approaches, private ownership, personal initiative and deregulation—the sorts of things Margaret Thatcher and Ronald Reagan have built their careers on. But ARENA's international image suffers from the reputation of its last presidential candidate, Roberto d'Aubuisson, whom rumor has long linked to the infamous death squads.

ARENA's new leader, Alfredo Cristiani, is a prominent civic and business leader of excellent reputation. Unfortunately for El Salvador, Cristiani is unknown outside his country, and longtime opponents of U.S. aid to El Salvador are poised to attack that assistance.

El Salvador's economic prospects depend on the end to its civil war, and that, in turn, depends on cutting off the flow of arms from Nicaragua. But U.S. intelligence officials know arms are flowing despite Sandinista commitments to the contrary in the Esquipulas accords.

FMLN leaders believe their most important problems will disappear with the end of the Reagan administration, the contras and Napolean Duarte. They could be right.

"We will win in Nicaragua and El Salvador will follow," Sandinista brigades chant, emphasizing the link between the civil war in Nicaragua and El Salvador, between Marxism in Nicaragua and El Salvador—and, by implication, between democracy in Nicaragua and El Salvador.

Almost everyone who follows the problem understands these relations—except House Democrats.

Last week, House Democrats acted again to prevent the CIA from aiding Nicaragua's resistance forces. They did so at a time when preparations were under way for a major offensive against the contras and when Sandinista aid to the FMLN had been stepped up.

Presumably, there are a few—but only a few—Democrats in the House who would actually welcome the consolidation of power by the communist government of Nicaragua. It is easy enough to understand why they are mobilized to prevent assistance to the contras. But why many other Democrats have agreed to make this issue a litmus test of party loyalty surpasses understanding.

Is it possible that they do not understand the contagion of violence in culturally and linguistically homogenous Central America? Or that they do not finally understand the importance of Central America's proximity to U.S. national security?

It is a puzzlement that some Democrats some day will need to explain to the rest of us, because the consequences for Central America and for the United States will be large and expensive.●

JUDICIARY OFFICE BUILDING DEVELOPMENT ACT

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that we might call up at this time Calendar Order No. 687.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1934) pursuant to the report ordered by Public Law 99-229, which directed the Architect of the Capitol and Secretary of Transportation to undertake a study of the need of the Federal Judiciary for additional Federal office space, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Judiciary Office Building Development Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress makes the following findings and declarations:

(1) Space for consolidation of activities of the Administrative Office of the United States Courts and other offices of the judicial branch of Government and for providing office space for retired justices of the Supreme Court is necessary and should be located in the vicinity of the Supreme Court building.

(2) Orderly development of the Capitol Grounds should be consistent with the Master Plan for the United States Capitol, dated 1981.

(3) The cost of leasing space by the judicial branch of the Government is high.

(4) Development of squares 721 and 722 in the District of Columbia is necessary to achieve the objectives of the Union Station Redevelopment Act and the revitalization of the Union Station area.

(5) The Judicial Conference of the United States endorsed by resolution the construction of an office building on the Capitol Grounds to house the Administrative Office of the United States Courts and related judicial branch offices.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To implement the report submitted to Congress by the Architect and the Secretary of Transportation under the Act of December 28, 1985 (99 Stat. 1749-1750), relating to the needs of the Federal judiciary for additional Federal office space.

(2) To authorize the Architect to acquire by lease space primarily for use by the judicial branch of the Government by entering into contracts for the design and construction of a building adjacent to Union Station.

(3) To ensure that the design and construction of such building will insofar as practicable result in a building which is efficient and economical and which provides visual testimony to the dignity, enterprise, vigor, and stability of the Federal Government.

SEC. 3. CONSTRUCTION OF BUILDING.

(a) SELECTION PROCESS.—

(1) GENERAL RULE.—The Architect, under the direction of the Commission and in accordance with such policies and procedures as the Architect shall establish, shall select in accordance with provision of this subsection a person to develop squares 721 and 722 (bounded by F Street, 2nd Street, Massachusetts Avenue, and Columbia Plaza, Northeast) in the District of Columbia.

(2) REVISION OF PROPOSALS.—Not later than 90 days after the date of the enactment of this Act, each of the 5 persons who submitted a proposal for development of squares 721 and 722 under the study conducted under the Act of December 28, 1985 (99 Stat. 1749-1750) which is one of the 5 proposals under consideration by the Architect may revise such proposal to take into account the objectives of this Act and resubmit such proposal to the Architect.

(3) SELECTION OF REVISED PROPOSAL.—Subject to paragraph (4), not later than 120 days after the date of the enactment of this Act, the Architect shall select one of the persons resubmitting a proposal under paragraph (2) to develop squares 721 and 722 in the District of Columbia.

(4) NONSUBMISSION OF REVISED PROPOSALS; PROTECTION OF UNITED STATES INTEREST.—If no proposal is resubmitted to the Architect under paragraph (2) in the 90-day period or if the Architect determines that none of the proposals resubmitted under paragraph (2) is in the best interests of the United States, the Architect shall conduct a competition for selection of a person to develop squares 721 and 722 in the District of Columbia. Such competition shall be conducted in accordance with such policies and procedures as the Architect may establish for a development competition.

(5) PURPOSE OF DEVELOPMENT.—The purpose of development of squares 721 and 722 is to provide office space for the Administrative Office of the United States Courts, the Federal Judicial Center, the Judicial Panel of Multidistrict Litigation, and the United States Sentencing Commission, chambers for retired justices of the Supreme Court, and other related offices of the judicial branch of the United States and other persons (including governmental entities).

(6) APPROVAL OF CHIEF JUSTICE.—All final decisions regarding architectural design of the building to be constructed under this Act shall be subject to the approval of the Chief Justice of the United States.

(7) PROHIBITION ON PAYMENTS FOR BIDS AND DESIGNS.—The Architect may not make any payment to any person for any bid or design proposal under any competition conducted under this subsection.

(8) LIMITATIONS.—

(A) SIZE OF BUILDING.—The building (excluding parking facilities) to be constructed under this Act may not exceed 520,000 gross square feet in size above the level of Columbia Plaza in the District of Columbia.

(B) HEIGHT OF BUILDING.—The height of the building and other improvements shall be compatible with the height of surrounding Government and historic buildings and conform to the provisions of the Act of June 1, 1910, commonly known as the Building Height Act of 1910 (36 Stat. 452).

(C) DESIGN.—The building and other improvements shall be designed in harmony with historical and Government buildings in the vicinity, shall reflect the symbolic importance and historic character of the United States Capitol and other buildings on the United States Capitol grounds, and shall represent the dignity and stability of the Federal Government.

(b) DEVELOPMENT AGREEMENT.—

(1) AUTHORITY TO ENTER.—The Architect may enter into with the person selected to develop squares 721 and 722 under subsection (a) an agreement for the development of such squares. Except as otherwise provided in this Act, such agreement shall provide for development of such squares substantially in accordance with (A) alternative D of the report to Congress entitled "The Study of Alternatives for the Construction of an Office Building(s) for the Administrative Office of the United States Courts", submitted to Congress on August 10, 1987, by the Architect and the Secretary of Transportation, and (B) the Master Plan for the United States Capitol, dated 1981.

(2) CONTENTS.—The development agreement under paragraph (1) shall at a minimum provide for the following:

(A) Except to the extent otherwise provided by this Act, all design, development, and construction costs incurred with respect to the building to be constructed under the agreement will be at no cost to the United States.

(B) Title to squares 721 and 722 will remain in the United States.

(C) Title to the building and other improvements constructed or otherwise made on or to squares 721 and 722 will immediately revert to the United States at the expiration of not more than 30 years from the effective date of the lease agreement entered into under section 4 without payment of any compensation by the United States.

(D) The building and other improvements constructed on or to squares 721 and 722 to be leased to the United States will be in accordance with the provisions of this Act and the lease agreement will contain such terms and conditions as may be prescribed by the Architect to carry out the objectives of this Act.

The agreement shall include a copy of the lease agreement entered into under section 4 by the Architect and the person selected to develop squares 721 and 722.

(c) CHILLED WATER AND STEAM FROM THE CAPITOL POWER PLANT.—

(1) AUTHORITY FOR HOOKUP TO CAPITOL POWER PLANT.—The building to be constructed under this Act may be connected to the Capitol Power Plant through construction of extensions to the chilled water and steam lines which serve Union Station. If such building is to be connected to the Capitol Power Plant, the agreement under subsection (b) between the Architect and the person selected to construct such building shall provide that such person will bear all costs associated with the installation of chilled water and steam lines to the building and shall reimburse the Union Station Redevelopment Corporation for an equitable share of the costs incurred by the Union Station Redevelopment Corporation in the construction of extensions of the chilled water and steam lines from such Plant to Union Station.

(2) FURNISHING OF CHILLED WATER AND STEAM FROM CAPITOL POWER PLANT.—If the building to be constructed under this Act is connected with the Capitol Power Plant pursuant to paragraph (1), the Architect shall furnish, on a reimbursable basis, chilled water and steam from such Plant to such building.

(d) CONSTRUCTION STANDARDS AND INSPECTIONS.—The building and other improvements constructed under this Act shall meet all standards applicable to construction of a Federal building. During construction, the Architect shall conduct periodic inspections of such building for the purpose of assuring that such standards are being met. Such building shall not be subject to any law of the District of Columbia relating to building codes, permits, or inspection (including any such law enacted by Congress).

(e) APPLICABILITY OF CERTAIN LAWS.—The building and other improvements constructed under this Act shall not be subject to any law of the District of Columbia relating to real estate and personal property taxes, special assessments, or other taxes (including any such law enacted by Congress).

SEC. 4. LEASE OF BUILDING BY ARCHITECT OF THE CAPITOL.

(a) ENTRY INTO LEASE AGREEMENT.—Before the development agreement is entered into under section 3, the Architect shall enter into with the person selected to construct the building under this Act an agreement for the lease of such building by the Architect to carry out the objectives of this Act.

(b) TERMS OF LEASE AGREEMENT.—The agreement entered into under this section shall include at a minimum the following terms:

(1) The Architect will lease the building and other improvements for a term not to exceed 30 years from the effective date of such lease agreement.

(2) The rental rate per square foot of occupiable space for all space in the building and other improvements will be in the best interest of the United States and carry out the objectives of this Act, but in no case may the aggregate rental rate for all space in the building and other improvements produce an amount less than the amount necessary to amortize the cost of development of squares 721 and 722 over the term of the lease.

(3) Authority for the Architect to make space available and to sublease space in the building and other improvements in accordance with section 6 of this Act.

(c) ACCOUNTING SYSTEM.—The Architect shall maintain an accounting system for operation and maintenance of the building and other improvements to be constructed under section 3 which will permit accurate projections of the dates and the costs of major repairs, improvements, reconstructions, and replacements of such building and improvements and other capital expenditures on such building and improvements.

(d) OBLIGATION OF FUNDS.—Obligation of funds for lease payments under this section may only be made on an annual basis and may only be made from the account established by section 9.

SEC. 5. STRUCTURAL AND MECHANICAL CARE AND SECURITY.

(a) STRUCTURAL AND MECHANICAL CARE.—Upon occupancy by the United States of the building and other improvements constructed under this Act, the structural and mechanical care and maintenance of such building and improvements (including the care and maintenance of the grounds of such building) shall be the responsibility of the Architect, under the direction of the Commission, in the same manner and to the same extent as the structural and mechanical care and maintenance of the United States Supreme Court Building under the Act of May 7, 1934 (48 Stat. 668; 40 U.S.C. 13a), and all other duties and work required for the operation and domestic care of such building and improvements shall be performed by the Architect, under the direction of the Commission.

(b) Security.—

(1) General rule.—The United States Capitol Police shall be responsible for all exterior and interior security of the building and other improvements constructed under this Act.

(2) Authority of supreme court marshal.—Nothing in this Act shall be construed to interfere with the obligation of the Marshal of the Supreme Court of the United States to protect justices, officers, employees, or other personnel of the Supreme Court who may occupy the building and other improvements.

(3) Reimbursement.—The Architect shall transfer from the account established by section 9 such amounts as may be necessary to reimburse the United States Capitol Police for expenses incurred in providing exterior and interior security under this subsection.

SEC. 6. ALLOCATION OF SPACE.

(a) Governmental Entities.—

(1) Judicial branch.—Subject to the provisions of this section, the Architect shall make available, on a reimbursable basis, all space in the building and other improvements constructed under this Act to the judicial branch of the United States substantially in accordance with the report referred to in section 3(b)(1).

(2) Other.—Any space in the building and other improvements constructed under this Act which the Chief Justice determines is not needed by the judicial branch of the United States may be made available by the Architect, on a reimbursable basis, to Federal governmental entities which are not part of the judicial branch and which are not staff of Members of Congress or Congressional Committees.

(3) Terms and conditions.—Space made available under this subsection shall be subject to such terms and conditions as are necessary to carry out the objectives of this Act.

(4) Reimbursement rate.—All space made available by the Architect under this subsection shall be subject to reimbursement at the rate established under section 4(b)(2) plus such amount as the Architect and—

(A) in the case of the judicial branch, the Director of the Administrative Office of the United States Courts, or

(B) in the case of any governmental entity not a part of the judicial branch, such entity,

determine is necessary to pay on an annual basis for the cost of administering the building and other improvements (including costs of operation, maintenance, rehabilitation, security, and structural, mechanical, and domestic care) which are attributable to such space.

(5) Meeting judicial branch needs.—Whenever the Chief Justice notifies the Architect that the judicial branch of the United States requires additional space in the building and other improvements constructed under this Act, the Architect shall accommodate those requirements within 90 days after the date of such notification. Whenever any space in the building is unoccupied, the Chief Justice shall have a right of first refusal to use such space to meet the needs of the judicial branch in accordance with this subsection.

(6) Assignment of space within the judicial branch.—The Director of the Administrative Office of the United States Courts may assign and reassign space made available to the judicial branch of the United States under this subsection among offices of the judicial branch as the Director deems appropriate.

(b) Nongovernmental Tenants.—

(1) General rule.—Any space in the building and other improvements constructed under this Act which the Chief Justice determines is not needed by the judicial branch of the United States shall first be offered to other Federal governmental entities which are not staff of Members of Congress or Congressional Committees; and then if space remains it may be subleased by the Architect, under the direction of the Commission, to any person.

(2) Rental rate.—All space subleased by the Architect under this subsection shall be subject to reimbursement at a rate which is comparable to prevailing rental rates for similar facilities in the area but not less than the rate established under section 4(b)(2) plus such amount as the Architect and the person subleasing such space agree is necessary to pay on an annual basis for the cost of administering the building (including costs of operation, maintenance, rehabilitation, security, and structural, mechanical, and domestic care) which are attributable to such space.

(3) Limitation.—Subleases under this subsection must be compatible with the dignity and functions of the judicial branch offices housed in the building and must not unduly interfere with the activities and operations of the judicial branch agencies housed in the building. The provisions of section 4 of the Act of July 31, 1946 (60 Stat. 718; 40 U.S.C. 193d), and section 451 of the Legislative Reorganization Act of 1970 (84 Stat. 1193; 40 U.S.C. 193m-1) shall not apply to any space in the building and other improvements subleased to a non-Government tenant under this subsection.

(4) Collection of rent.—The Architect shall collect rent for space subleased under this subsection.

(c) Deposit of Rent and Reimbursements.—All funds received under this subsection (including lease payments and reimbursements) shall be deposited into the account established by section 9.

SEC. 7. COMMISSION FOR JUDICIARY OFFICE BUILDING.

(a) Establishment.—There is established a Commission to be known as the Commission for the Judiciary Office Building.

(b) Membership.—The Commission shall be composed of the following 12 members:

(A) Two individuals appointed by the Chief Justice from among justices of the Supreme Court and other judges of the United States (or their designees).

(B) The members of the House Office Building Commission (or their designees).

(C) The majority leader and minority leader of the Senate (or their designees).

(D) The Chairman and the ranking minority member of the Senate Committee on Rules and Administration (or their designees).

(E) The Chairman and the ranking minority member of the Senate Committee on Environment and Public Works (or their designees).

(F) The Chairman and ranking minority member of the Committee on Public Works and Transportation of the House of Representatives (or their designees).

(c) Duties.—The Commission shall be responsible for supervision of design, construction, operation, maintenance, structural, mechanical, and domestic care and security of the building to be constructed under this Act. The Commission shall from time to time prescribe rules and regulations to govern the actions of the Architect under this Act and to govern the use and occupancy of all space in such building.

(d) Quorum.—Seven members of the Commission shall constitute a quorum.

SEC. 8. REPEAL OF DOT AUTHORITY.

Section 116(a)(2) of the National Visitor Center Facilities Act of 1968 (40 U.S.C. 816(a)(2)), relating to assignment of squares 721 and 722 to the Secretary of Transportation, is repealed.

SEC. 9. FUNDING.

(a) Separate Account.—There is established in the Treasury of the United States a separate account. Such account shall include all amounts deposited therein under section 6(c) and such amounts as may be appropriated thereto but not to exceed $2,000,000. Amounts in the account shall be available to the Architect for paying expenses for structural, mechanical, and domestic care, maintenance, operation, and utilities of the building and other improvements constructed under this Act, for reimbursing the United States Capitol Police for expenses incurred in providing exterior and interior security for the building and other improvements, for making lease payments under section 4, and for necessary personnel (including consultants).

(b) Unexpended Balances of Funds.—The unexpended balance of funds appropriated by the Urgent Supplemental Appropriations Act, 1986 under the heading "Study of Construction of Office Building" (100 Stat. 717) are transferred to the Architect on the date of the enactment of this Act. Such unexpended balance shall be available for design review, construction inspection, contract administration, and such other project related costs under this Act as the Architect may deem appropriate.

SEC. 10. DEFINITIONS.

As used in this Act—

(1) Architect.—The term "Architect" means the Architect of the Capitol.

(2) Chief justice.—The term "Chief Justice" means the Chief Justice of the United States or his designee; except that in any case in which there is a vacancy of the office of the Chief Justice of the United States, the most senior associate justice of the Supreme Court shall be treated as the Chief Justice of the United States for purposes of this Act until such time as such vacancy is filled.

(3) Commission.—The term "Commission" means the Commission for the Judiciary Office Building established by section 7.

Mr. MOYNIHAN. Mr. President, I will not delay the Senate in this matter, but I do think we ought to note the event. In the long history of this Republic, in the two centuries of the Senate, this is only the second time we have ever been asked by the Supreme Court to provide them a building. As the Senators know, the Court presided here on the Senate side of the Capitol for a century and a half and more, and it was not until 1935 that they moved to their present building across from the Capitol—

The magnificent structure designed by Cass Gilbert.

Today we report a bill for final passage which will authorize a new building for the Supreme Court. The Justices' chambers and main functions of the Supreme Court will of course remain in the present building. The new building will provide the consolidation of over 800 judicial employees whose work supports the Federal Judiciary, employees who are now scattered in seven different locations in the Washington, DC, metropolitan area. At the hearing before the Subcommittee on Water Resources, Transportation and Infrastructure, our former Chief Justice, the Honorable Warren E. Burger, testified that a new building for the judiciary had been a priority of his for the whole of his tenure as Chief Justice.

LOCATION AND DESIGN OF THE BUILDING

The new building will be built on land to the east of Union Station designated for this purpose in the 1981 master plan for the U.S. Capitol. The building is to be of monumental quality—not size—as befits the dignity of the Court. The Architect of the Capitol and a commission representing the Supreme Court, House and Senate will oversee a design competition and select the successful bidder from among the country's finest architect/developer teams. The winning design must complement the tableau of Union Station and the city post office building designed by Daniel Burnham. The bill provides that the new building's height will conform to the Building Height Act of 1910, and will be "compatible with the height of surrounding government and historic buildings."

For the location of Union Station and the beauty of the surrounding plaza we owe our gratitude to the late Senator James McMillan of Michigan and Daniel Burnham, the architect who had so successfully planned Chicago's parks and lakefront. McMillan and Burnham were charter members of a Commission authorized by Congress and endorsed by President McKinley at the turn of the century which planned to complete the earlier, as yet unrealized vision of L'Enfant for the Capitol City. The Commission traveled to Europe to view other great capitols and parks. While in London, Burnham was able to persuade Alexander J. Cassatt, president of the Pennsylvania Railroad to abandon the site he owned on the mall, and to join with the Baltimore and Ohio Railroad in building a new Union Station at the current site at New Jersey Avenue and C Street—provided that Congress would pay for the additional expense of tunneling tracks under Capitol Hill, and would locate its main city post office across the street from the railroad station. And so a major obstacle for the McMillan Commission's plans for the mall was removed.

NO APPROPRIATION NEEDED FOR CONSTRUCTION COSTS

Because this project will be built on a "lease-to-own" or "lease-purchase" basis, no advance appropriations will be needed for construction funds. Instead, the costs will be paid by the Court and other tenants out of their rental budgets to the private developer and who builds the building. At the end of 30 years, the building will be owned free and clear by the Federal Government. The Federal Government will provide the land for the building, which currently is a Senate parking lot. An equivalent number of parking spaces will be provided underground for Senate employees.

SAVINGS TO THE FEDERAL GOVERNMENT

In terms of overall costs to the Federal Government, building this building and getting the Court and other agencies out of their current leased space and into owned space, saves the Federal Government $503 million according to economic consultants. The cost of constructing the new building is estimated to be between $88 and $115 million.

OCCUPANTS OF NEW BUILDING

Legislation enacted by the 99th Congress directed the Architect of the Capitol to undertake a comprehensive study of the needs of the Federal judiciary. Last year the Architect transmitted to Congress the report resulting from that study. This legislation implements the recommendations of that report, with certain changes that the committee felt were appropriate.

At first, the judiciary will occupy about two-thirds of the building, gradually assuming more space in conjunction with an agreed upon plan. Under the reported bill the remaining space will be first offered to other Federal Government entities, other than Senate or House committee or personal staff. Thus eligible tenants include the Congressional Research Service, Office of Technology Assessment, Congressional Budget Office and similar agencies. Only if there are insufficient Government tenants will space be offered to the private sector. According to economic consultants commissioned by the Architect, total Government occupany will provide a savings equivalent to that which would be realized if the building were occupied by only the judiciary and private sector tenants.

Mr. President, I am delighted to have sponsored the original bill upon which this legislation is based, and I heartily endorse its passage.

Mr. BURDICK. Mr. President, S. 1934 authorizes the construction of a building for the Federal judiciary on the grounds of the U.S. Capitol. This project has been planned for several years. Legislation was passed in the 99th Congress which directed the Architect of the Capitol to undertake a study of alternatives for the construction of a building or buildings adjacent to Union Station for the Administrative Office of the U.S. Courts, the Federal Judicial Center, and other judicial functions.

Last August the Architect submitted to Congress the results of his study, which concluded that it would be most economically advantageous to the Federal Government to "lease-purchase" a building built by a private developer. In December Senator MOYNIHAN introduced legislation (S. 1934) to implement the Architect's report.

On April 22 the Committee on Environment and Public Works ordered reported an amendment in the nature of a substitute to Senator MOYNIHAN's bill. As originally introduced, the bill provided that space not needed by the judiciary would be leased to the private sector; S. 1934, as reported, allows for governmental tenants other than Senate or House committee or personal staff to occupy the remaining space. If the building is not totally occupied by Government tenants, space may be offered to the private sector at full retail office rates. The judiciary will occupy two-thirds of the building when it is first available for occupancy. When the building is finally owned by the Federal Government, it will be fully occupied by Government employees.

During the committee's consideration of this bill, many citizens and several preservation groups expressed concern regarding the height of the proposed building. The reported bill requires that the new building conform to the Building Height Act of 1910 and that its design be in harmony with historical and Government buildings in the vicinity.

Mr. President, the Environment and Public Works Committee made every effort during its consideration of S. 1934 to respond to the needs of the judiciary and the concerns of local citizens. This bill is the result of a great deal of effort, both by the Architect in preparation of his report, and by the committee in reaching a consensus on the reported bill. I urge my colleagues to support this needed legislation.

Mr. MOYNIHAN. Mr. President, if there is no other Senator who wishes to speak, I urge passage of the bill.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay the motion to reconsider on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, might I just take a moment to thank the distinguished majority leader and minority leader who have been so accommodating to the committee in this matter. I know the Court will appreciate it as well.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his gracious remarks.

THE CALENDAR

Mr. BYRD. Mr. President, I inquire now of the distinguished Republican leader as to whether or not the following calendar orders have been cleared on his side of the aisle: Calendar Orders Nos. 680, 682, 692, 695, and 702.

Mr. DOLE. Those have been cleared, yes.

Mr. BYRD. I thank my friend.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the aforementioned resolution and bills en bloc, that the resolution be agreed to and the bills be passed en bloc; that the amendments where shown be agreed to, and the amendments to the titles be also agreed to, and that statements by Senators be included in the RECORD approximately as read, and that motions to reconsider en bloc be laid on the table en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

USE OF TAPE DUPLICATIONS OF RADIO AND TELEVISION COVERAGE OF SENATE PROCEEDINGS

The resolution (S. Res. 431) to amend Senate Resolution 28 (99th Congress), relating to television and radio coverage of the Senate, to clarify the prohibition on the use of tape duplications or radio or television coverage of Senate proceedings, was considered, and agreed to.

The preamble was agreed to.

The resolution, and the preamble, are as follows:

S. RES. 431

Resolved, That section 6 of Senate Resolution 28, agreed to February 27, 1986 (99th Congress, 2d Session) is amended to read as follows:

"SEC. 6. (a) The use of any tape duplication of radio or television coverage of the proceedings of the Senate for political campaign purposes is strictly prohibited.

"(b)(1) Except as provided in paragraph (2), any tape duplication of radio or television coverage of the proceedings of the Senate furnished to any person or organization shall be made on the condition, agreed to in writing, that the tape duplication shall not be used for political campaign purposes.

"(2) Any public or commercial news organization furnished a tape duplication described in paragraph (1) shall be subject to the provisions of paragraph (1) but shall not be required to enter into a written agreement.".

LEASE OF CERTAIN INDIAN LANDS FOR A SEISMOLOGICAL LABORATORY

The bill (S. 1945) to amend the Second Supplemental Appropriation Act, 1961, relating to the lease of certain lands from the Isleta Indian Tribe for a seismological laboratory, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1945

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the authorization contained in the Second Supplemental Appropriation Act, 1961 (Public Law 86-722; 74 Stat. 821), under the headings "Department of Commerce, Coast and Geodetic Survey, Construction and Equipment", is amended by adding a new sentence at the end thereof to read "Any lease renewal entered into hereunder after September 25, 1985, shall provide for payment of an annual rental equal to fair market rental value, based on an independent appraisal approved by the Secretary of the Interior or his designee, provided that such rental shall be reviewed every five years and readjusted thereafter, based on an approved reappraisal of the land. For the first such renewal, the payment of fair market value shall be made retroactive to September 26, 1985".

MAKING RECORD RENTAL PROVISIONS OF THE COPYRIGHT LAW PERMANENT

The Senate proceeded to consider the bill (S. 2201) to make certain record rental provisions in title 17, United States Code, the Copyright Act, permanent.

Mr. DECONCINI. Mr. President, in 1984, the Congress enacted legislation to strengthen our copyright laws by preventing stores from renting records that could be copied. The legislation has insured record merchants, record companies, and artists of compensation for their labors.

Because this legislation, the record rental amendment, was enacted for only an initial 5-year period, it must now be extended, allowed to expire, or made permanent. I believe that the trial period for the legislation has lead to exactly the result that we wanted and expected when we passed the original legislation. As a result of this successful trial period, we should now adopt this legislation on a permanent basis.

Before this legislation was enacted, the practice of record rental threatened to grow into a massive problem for the American music industry. A number of stores were beginning to rent an album for a small fee and, in addition, selling blank tape on which to copy the album at home. The album would then be returned to the store to be rented and copied again. Record rentals encouraged the duplication of a copyrighted product and displaced sales of prerecorded music.

When a record was rented, the earnings generated went primarily to rental shop operators and those who manufactured blank tapes. Rental shops fed off the talent and investment of others, jeopardizing jobs, careers, and music itself. Revenue was thus denied to the legitimate retail distributor and manufacturer who lost opportunities for additional sales as a result of this unfair competition. Consumers were also adversely affected by paying higher record prices. The costs of records were higher in order to make up for the displaced sales caused by those who rented and then taped.

Permanent authorization of the Record Rental Amendment of 1984 will continue to protect legitimate record retailers from the unfair competition represented by record rental stores; and will ensure that creators and copyright owners will be compensated for the commercial exploitation of their creative property. It would prohibit commercial record rentals unless authorized by the copyright owners of the sound recordings. The law applies only to commercial rentals and provides an exemption for nonprofit libraries and educational uses.

During hearings held in the House of Representatives on this issue, the Registrar of Copyrights of the United States brought an unresolved issue to the Congress' attention. The question is whether the statute covers recordings of nonmusical works such as dramatic readings of books and poetry. I believe that the current statute, which would be made permanent by this bill, adequately addresses this issue and provides that this type of recording cannot be commercially rented. I believe that the statute is clear that such dramatic, nonmusical works are covered.

I am pleased that the Senate has seen fit to take quick action on this legislation. I believe that it is important that we permanently enact this statute well in advance of the present sunset date in order to give a clear signal to those who might plan to engage in this business that we are not going to let the prohibition lapse. I thank my colleagues for their support.

The bill was ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 2201

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(c) of the Record Rental Amendment of 1984 (98 Stat. 1727; 17 U.S.C. 109 note) is repealed.

CASH MANAGEMENT IMPROVEMENT ACT

The Senate proceeded to consider the bill (S. 1381) to improve cash management by executive agencies, and for other purposes, which had been re-

ported from the Committee on Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Cash Management Improvement Act of 1988".

PURPOSE

SEC. 2. It is the purpose of this Act to increase equity in the exchange of funds between the Federal Government and the States and to increase the efficiency of efforts to manage cash throughout the Government by providing additional procedures and incentives for cash management.

DISBURSEMENT OBJECTIVES

SEC. 3. (a) Subchapter II of chapter 37 of title 31, United States Code, is amended by adding at the end thereof the following new section:

"§ 3720B. Disbursement of Federal funds

"Each head of an executive agency (other than the Tennessee Valley Authority) shall, under such regulations as the Secretary of the Treasury shall prescribe, provide for the timely disbursement of Federal funds through cash, checks, electronic funds transfer, or any other means identified by the Secretary. The Secretary may collect from any executive agency which does not comply with the preceding sentence a charge in an amount the Secretary determines to be the cost to the general fund of the Treasury caused by such noncompliance. The amounts of the charges paid under this section shall be deposited in the Treasury and credited as miscellaneous receipts. Any charge assessed by the Secretary under this section shall, to the maximum extent practicable, be paid out of appropriations available for agency operations and shall not reduce program funding levels.".

(b) The chapter analysis for chapter 37 of such title is amended by inserting after the item relating to section 3720A the following new item:

"3720B. Disbursement of Federal funds.".

(c) The Secretary of the Treasury shall prescribe regulations, including the regulations required under section 3720B of title 31, United States Code (as added by subsection 3(a) of this Act) to ensure the full implementation of such section 3720B by October 1, 1988.

PAYMENT OF INTEREST

SEC. 4. (a) Section 6501 of title 31, United States Code, is amended—

(1) by redesignating clauses (7), (8), and (9) as clauses (8), (9), and (10), respectively;

(2) by inserting after clause (6) the following new clause:

"(7) 'Secretary' means the Secretary of the Treasury."; and

(3) by striking out clause (9) (as redesignated by subparagraph (A) of this paragraph) and inserting in lieu thereof the following:

"(9) 'State' means a State of the United States, the District of Columbia, a territory or possession of the United States, and an agency, instrumentality, or fiscal agent of a State but does not mean a local government of a State.".

(b)(1) Section 6503 of title 31, United States Code, is amended to read as follows:

"§ 6503. Intergovernmental financing

"(a) Consistent with program purposes and with regulations of the Secretary, and by means mutually agreed upon by the Secretary and a State, the head of an executive agency carrying out a program shall schedule the transfer of funds to minimize the time elapsing between transfer of funds from the United States Treasury and the issuance or redemption of checks, warrants, or payments by other means by a State.

"(b) Consistent with program purposes and with regulations of the Secretary, and by means mutually agreed upon by the Secretary and a State, a State shall minimize the time elapsing between transfer of funds from the United States Treasury and the issuance or redemption of checks, warrants, or payments by other means for program purposes.

"(c)(1) The Secretary shall issue regulations that shall require a State, when not inconsistent with program purposes, to pay interest on funds from the time that funds are deposited to the State's account until the time that funds are paid out in order to redeem checks or warrants or make payments by other means for program purposes. Such interest shall be calculated at a rate equal to the average of the bond equivalent rates of 13-week Treasury bills auctioned during the period for which interest is calculated, as determined by the Secretary.

"(2) Amounts received as payment of interest under this subsection shall be deposited in the Treasury and credited as miscellaneous receipts, except as provided in paragraph (3) of this subsection.

"(3) If interest is paid under paragraph (1) of this subsection on funds paid to a State from a trust fund for which the Secretary of the Treasury is the trustee, such interest shall be credited to such trust fund. If interest is paid under subsection (d) of this section as a result of a State disbursing its own funds for programs for which the Secretary of the Treasury is the trustee, such interest shall be charged against such trust fund.

"(d) If a State disburses its own funds for program purposes in accordance with Federal law, regulation, or Federal-State agreement, the State shall be entitled to interest from the time when the State's funds are paid out to redeem checks or warrants, or make payments by other means, until the Federal funds are deposited to the State's bank account. The Secretary shall pay, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary for interest owed to a State under this subsection. Such interest shall be calculated, at a rate equal to the average of the bond equivalent rates of 13-week Treasury bills auctioned during the period for which interest is calculated, as determined by the Secretary.

"(e) The budget submitted by the President under section 1105 of this title for a fiscal year shall include a statement specifying, for the most recently completed fiscal year, amounts of interest paid to the Federal Government under subsection (c) of this section and payments of interest to States under subsection (d) of this section.

"(f) If a State receives refunds of funds, the State shall return those refunds to the executive agency administering the program or apply those funds to reduce the amount of funds owed to the State under such program. Interest earned on such refunds shall be considered when setting overall interest obligations between the State and the Federal Government as required by this section.

"(g) If the Federal Government makes a payment to a recipient under a Federal program, and a portion of the payment is an amount which the Federal Government is paying to such recipient on behalf of a State, such amount shall be considered to be a transfer of funds between the Federal Government and the State for purposes of this section.

"(h) A State may not be required by a law or regulation of the United States to deposit funds received by it in a separate bank account. However, a State shall account for funds made available to the State as United States Government funds in the accounts of the State. The head of the State agency concerned shall make periodic authenticated reports to the head of the appropriate Federal executive agency on the status and the application of the funds, the liabilities and obligations on hand, and other information required by the head of the executive agency. Records related to the funds received by the State shall be made available to the head of the executive agency and the Comptroller General for auditing in accordance with chapter 75 of this title.

"(i) The Secretary shall prescribe methods for the payment of interest, on an annual basis, between the Federal Government and the States, including provisions for offsetting amounts owed by the respective parties. Such methods of payment shall provide for comparable treatment in manner, technique, and timing for both the States and the Federal Government.

"(j) The Inspector General of an executive agency, or an officer of an executive agency performing functions similar to an Inspector General, in the case of an agency in which an Inspector General has not been established by law, shall periodically conduct audits of the implementation of this section. Periodic audits of the implementation of this section shall also be conducted by the States within the scope of work performed under chapter 75 of this title.

"(k) Consistent with Federal program purposes and regulations of the Director of the Office of Management and Budget, the head of a Federal executive agency carrying out a program shall execute grant awards on a timely basis to assure the availability of funds to accomplish transfers in compliance with subsection (a) of this section.

"(l) In determining the amount to be paid by a State to the Federal Government under subsection (c) of this section, or to a State by the Federal Government under subsection (d) of this section, the Secretary shall consider costs incurred by the State in determining the amount due.".

(2) The item relating to section 6503 in the chapter analysis for chapter 65 of title 31, United States Code, is amended to read as follows:

"6503. Intergovernmental financing.".

(c)(1) Subject to paragraph (2) of this subsection, the provisions of this section and the amendments made by this section shall apply to all Federal programs and shall supersede the provisions of any Federal law or regulation in effect on the date of enactment of this title.

(2) The provisions of paragraph (1) of this subsection shall apply only to programs and fund transfers involving those executive agencies that are subject to regulation by the Secretary of the Treasury under section 3720B of title 31, United States Code.

(d) The amendments made by this section shall take effect on the date of enactment of this Act, except that the provisions of section 6503 of title 31, United States Code (as added by subsection (b) of this section) which relate to the payment and receipt of interest by the Federal Government and State governments shall take effect two years after the date of enactment of this Act.

IMPROVING THE COLLECTION AND DEPOSIT OF GOVERNMENT RECEIPTS THROUGH NATIONAL LOCKBOX SYSTEMS

SEC. 5. (a) For purposes of this section—

(1) the term "executive agency" has the same meaning as in section 102 of title 31, United States Code;

(2) the term "lockbox system" means a system under which—

(A) persons owing payments to an executive agency transmit such payments to a locked post office box in offices of the United States Postal Service; and

(B) such payments are collected from such box by a financial institution and are credited by such institution to the account of such agency without any specific action by such agency; and

(3) the term "Secretary" means the Secretary of the Treasury.

(b) The Secretary shall study and make recommendations concerning standards for the establishment of lockbox systems for executive agencies. In conducting such study, the Secretary shall—

(1) consider—

(A) the feasibility of establishing such systems;

(B) the benefits and costs of establishing such systems; and

(C) the needs of each executive agency for such a system;

(2) develop methods of internal controls and accounting by which the Government can assure that payments received through a lockbox system will be promptly and fully credited to the Treasury of the United States;

(3) develop criteria for the adoption of lockbox systems by executive agencies;

(4) analyze the feasibility and costs of operating lockbox systems through the Department of the Treasury, the Federal Reserve Board, or other appropriate executive agencies; and

(5) develop recommendations for the establishment of lockbox systems by executive agencies, with the cost of establishing and operating such systems paid by appropriated funds.

(c) Within one hundred eighty days after the date of enactment of this Act, the Secretary shall submit a report on the study conducted under subsection (b) to the President pro tempore of the Senate and the Speaker of the House of Representatives. The report shall describe the findings of the study and contain such recommendations as the Secretary considers appropriate.

(d) Within ninety days after submitting the report required under subsection (c), the Secretary shall prescribe guidelines which specify procedures to be used by executive agencies in determining whether to establish and operate lockbox systems.

(e) Within ninety days after the Secretary prescribes guidelines under subsection (d), the head of each executive agency shall submit to the Secretary a report describing the plans of such agency for the establishment of a lockbox system or specifying the reasons why such a system is not feasible or cost effective for such agency.

Mr. SASSER. Mr. President, today we bring before the Senate S. 1381, the Cash Management Improvement Act of 1988.

This bill is designed to improve the efficiency with which billions of dollars of Federal funds are transferred to States to enable them to carry out Federal programs. The goal of S. 1381 is to insure that neither a State, nor the Federal Government, is "out-of-pocket" an undue length of time as a result of these transfers. Thus, S. 1381 seeks to narrow the time between the transfer of Federal funds—by way of either an advancement or a reimbursement—and the corresponding payout of those funds by a State for Federal program purposes.

The principal mechanism by which this will be accomplished is the reciprocal calculation of, first, interest of any Federal advances, from when they are drawn down by a State until they are paid from its accounts; and second, interest of funds advanced by the State for Federal programs, from when they are paid out of the State's account until the appropriate Federal agency makes reimbursement. Actual payment or setoff of these sums would be performed on an annual basis.

This interest obligation provides a mutual incentive for State and Federal agencies, to see that the transfer of Federal funds coincides as closely as possible with payments to program recipients. This is important because of sharp disputes in the past between Federal and State governments. Federal agencies complained that States were drawing down excessive amounts for some programs, well in advance of need, earning off this "float" at an interest expense to the Federal taxpayer. But conversely, under programs where a State advanced money—for instance, for Federal highly construction—States often accused Federal departments of undue delay in reimbursement, at an interest expense to the State.

The present cash management bill is the product of several years of hard work and mutual compromise by the joint Federal/State cash management reform task force, formed in 1983 to study the problem I have described. The interest calculation formula was pilot-tested by four States, Virginia, Indiana, Wisconsin, and California, and proved to be workable.

The efforts of the joint Federal/State task force were followed by intensive work within the Senate Governmental Affairs Committee, both during the 99th Congress, and again in this Congress with the support of the Subcommittee on Government Efficiency, Federalism, and the District of Columbia, which I chair. Following its introduction by the distinguished Senator from Delware, Mr. ROTH, and myself last June 17, S. 1381 was the subject of a hearing before the subcommittee on July 22, 1987.

The bill was enthusiastically endorsed at that hearing by a number of State fiscal officers and by representatives of the administration, which supports this measure. From my own State of Tennessee, my good friend Mr. Frank Greathouse, director of the Division of State Audit, noted that this bill would improve predictability of Federal funding and thus, enhance State strategies for investing Federal money, pending its use by the State. As to the remittance of interest back to the Federal Treasury, Mr. Greathouse stated:

> This is a yield to the taxpayer * * * the cost [to the State] is whatever is related to that portion of the funds lying their [in State accounts] that represents Federal funds. The whole idea of this, I think, is that this type of legislation would help us better forcast by the leveling of the flow of moneys back and forth. Therefore, it is a benefit to the taxpayer, all taxpayers. And then if there is a distribution back to the Federal Government, so be it.

And as I have said, this is an equitable, two-way street—the Federal Government will offset any interest which a State forgoes by advancing its own money, while awaiting Federal reimbursement.

For that reason, S. 1381 has the support of both the National Association of State Auditors, Comptrollers and Treasurers, and the National Association of State Budget Officers. I am also pleased to say that it has been cosponsored by my distinguished colleagues, Senators HEINZ, BRADLEY, MITCHELL, TRIBLE, and LEVIN.

This bill was polled out of subcommittee by a 5-0 vote and was unanimously reported by the full Committee on Governmental Affairs, in the form of an amendment by way of a substitute. While that substitute made some technical corrections, the bill remains substantially the same as introduced.

One clarification worth noting is that States are not required to remit interest, if the Federal program contemplates that they will retain it as additional program funding. For example, States are meant to "plow back" the interest earned on undisbursed Federal funds for certain revolving loan programs, such as national direct student loans, and for some construction grant programs such as the Clean Water Act. So when it would be inconsistent with program purposes, interest will not be due on Federal money in State accounts.

But the interest exchange program will apply to most Federal grants and reimbursements to States. The Congressional Budget Office estimates that when fully implemented, S. 1381 will result in a net positive balance, for the Federal Government, or $50 million.

Now as Mr. Greathouse pointed out, this represents no additional burden to the States since it will be comprised of interest earned while the Federal money is in State accounts, pending its use. But the interest provision will encourage timely use of Federal funds and resolve Federal-State disputes over their transfer. And in the final analysis, that will benefit the American taxpayer who funds the programs at issue.

I commend Senator ROTH, Chairman GLENN, and other members of the Governmental Affairs Committee for their work and foresight in bringing this bill to the floor, and I encourage my colleagues to vote for its swift passage.

The PRESIDING OFFICER. Without objection, the committee amendment is agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DESIGNATION OF WILDCAT RIVER AS A COMPONENT OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

The Senate proceeded to consider the bill (S. 1914) to designate the Wildcat River in the State of New Hampshire as a unit of the National Wild and Scenic River System, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

That in order to preserve and protect for present and future generations the outstanding scenic, natural, recreational, scientific, historic, and ecological values of the Wildcat River in the State of New Hampshire, section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)), as amended, is further amended, by adding the following new paragraph at the end thereof:

"( ) WILDCAT RIVER, NEW HAMPSHIRE.—A 14.51 mile segment including the following tributaries: Wildcat Brook, Bog Brook, and Great Brook (all as generally depicted on a map entitled 'Wildcat River', dated October 1987) to be administered as follows: those segments of the Wildcat River and its tributaries located within the boundary of the White Mountain National Forest (hereinafter referred to as 'the forest') shall be administered by the Secretary of Agriculture (hereinafter referred to as the 'Secretary'); those segments located outside the boundary of the forest shall be administered by the Secretary through a cooperative agreement with the Board of Selectmen of the Town of Jackson and the State of New Hampshire pursuant to section 10(e) of this Act. Such agreement shall provide for the long-term protection, reservation, and enhancement of the river segments located outside the boundary of the forest and shall be consistent with the July 1987 River Conservation Plan prepared by the Wildcat Brook Advisory Committee in conjunction with the National Park Service.

"(A) To assist in the implementation of this paragraph, the Secretary shall establish, within three months after the date of enactment of this subparagraph, a Wildcat River Advisory Commission. The Commission shall be composed of seven members appointed by the Secretary as follows: one member from recommendations submitted by the Governor of the State of New Hampshire; four members from recommendations submitted by the Jackson Board of Selectmen, of which at least two members shall be riparian property owners, and at least one member shall be on the Board of Selectmen; one member from recommendations submitted by the Jackson Conservation Commission; and one member selected by the Secretary.

"(B) For the purposes of this paragraph, no lands or interests in lands outside of the boundary of the forest shall be acquired by the Secretary except by donation. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this paragraph.".

Mr. HUMPHREY. Mr. President, passage of S. 1914 marks a great victory for the town of Jackson, NH, in its efforts to protect in perpetuity the outstanding qualities of the Wildcat River.

S. 1914 designates 14.51 miles of the Wildcat River as a unit of the National Wild and Scenic Rivers System. The unanimous support for designation by the town of Jackson and the implementation of a rigorous river conservation plan are unprecedented in the history of the Wild and Scenic River Program. In fact, as a result of the town's efforts, the National Park Service concluded in its study that "* * * there is no need for any additional Federal acquisition associated with proposed designation beyond the boundary of the White Mountain National Forest." For this reason, S. 1914 sets forth that no Federal land acquisition is required for wild and scenic designation.

On May 27, the Energy and Natural Resources Committee voted unanimously in favor of S. 1914. The committee report (No. 100-369) notes that: "Various protection strategies—including conservation easements and zoning—have been successfully employed to protect the river as it flows through private land." A hearing, conducted on April 19 by the Subcommittee on Public Lands, National Parks and Forests, established a strong record on the success of the cooperative Federal, State, and local efforts which led to development of the town of Jackson's July 1987 river conservation plan. Consistent with the recommendation of the National Park Service, S. 1914 stipulates that the river segments located outside of the boundary of the White Mountain National Forest be managed through a cooperative agreement with the U.S. Forest Service, the State of New Hampshire, and the town of Jackson.

Mr. President, the following factors have contributed significantly to the success of S. 1914:

Jackson's river conservation plan documents the actions which have already been undertaken by the town and private owners to conserve the Wildcat River outside the White Mountain National Forest boundary.

The Wildcat Brook Advisory Committee's conclusion that the total amount of land protected under the river conservation plan is in excess of 5,000 acres provides assurance that riparian lands will be protected in perpetuity.

The unanimous vote of the March 1987 town meeting underscores the community support for wild and scenic designation.

The National Park Service study sets forth the suitability and eligibility of the river itself.

The New Hampshire congressional delegation and our Governor as well as conservation groups throughout the State and the region support the designation of the Wildcat River in Jackson.

Mr. President, I thank the Senator from Arkansas [Mr. BUMPERS] and the Senator from Wyoming [Mr. WALLOP], chairman and ranking minority member of the Subcommittee on Public Lands, National Parks and Forests, for their considerable efforts on S. 1914.

Mr. RUDMAN. Mr. President, I rise in support of S. 1914, a bill to designate the Wildcat River in Jackson, NH, as part of the National Wild and Scenic Rivers System. Senate approval of this bill will be a major victory for the people of Jackson and the surrounding area. The strength of local support for S. 1914 is unprecedented, and the importance that the people of the town attach to the river is demonstrated by the extraordinary steps they have taken to protect it. These steps include the donation by private landowners of hundreds of acres of land for recreational use, the development of an effective river conservation easement program to protect the land adjacent to the river, and the donation of conservation easements by riparian landowners to the town of Jackson, thereby restricting future development. As you can see, the town of Jackson has acted in advance of Federal designation to guarantee the preservation of the Wildcat River. And I might add, because of their efforts, the National Park Service has determined that there is no need for any Federal land acquisition as a result of this designation.

New Hampshire's Wildcat River will be a valuable addition to the Avation's Wild and Scenic River System. By extending Federal protection to this river, we ensure that development will not impair the scenic and recreational value of the river and its environs. The people of Jackson have set an example of effective partnership between local and Federal Governments to protect a valuable natural resource and I am proud to support their work.

I appreciate the support of the Senate Energy and Natural Resources Committee for this measure, as well as their decision to take rapid action on it. I would like to express my particular appreciation for the work of Senators BUMPERS, WALLOP, and EVANS.

In closing, I urge my colleagues to support this measure.

The PRESIDING OFFICER. Without objection, the committee amendment is agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to designate a segment of the Wildcat River in the State of New Hampshire as a component of the National Wild and Scenic Rivers System, and for other purposes."

MODIFICATION OF AMENDMENT NO. 2332

Mr. BYRD. Mr. President, I ask unanimous consent that amendment No. 2332, which was adopted on May 27, be modified to reflect the changes I now send to the desk. The amendment is at the desk, Mr. President.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The modification is as follows:

Section 303(a)(1) as printed in the Record should be revised to delete the last proviso that reads "provided that such Divisions remain contractible under section 102 of the Act." and insert in lieu there of *"provided further,* That nothing in this section shall affect the contractibility of such divisions under section 102 of this Act."

AMENDMENT NO. 2338 TO H.R. 1223

Mr. BYRD. Mr. President, I ask unanimous consent that the bill H.R. 1223, the Indian self-determination bill, be further amended with the amendment at the desk on behalf of Mr. MELCHER.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill add the following:

From the unobiligated amount of previous appropriations available for irrigation construction for the Northern Cheyenne Reservation, the Secretary of the Interior shall pay $33,286 to the Northern Cheyenne Tribe as a grant for the Dull Knife Memorial College.

AUTHORIZING CHANGES IN THE ENROLLMENT OF S. 952

Mr. BYRD. Mr. President, on behalf of Mr. HEFLIN, I send a concurrent resolution to the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A Senate concurrent resolution (S. Con. Res. 123) authorizing changes in the enrollment of S. 952.

There being no objection the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to, as follows:

S. CON. RES. 123

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 952), an Act to improve the administration of justice by providing greater discretion to the Supreme Court in cases it will review, and for other purposes, the Secretary of the Senate shall make the following change:

Strike out subsection (i) of section 6 and insert in lieu thereof the following:

(i) Section 25(a)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w(a)(4)) is amended by—

(1) repealing clause (ii) of subparagraph (E); and

(2) striking out the following:

"(E) JUDICIAL REVIEW.—

"(i) Any", and inserting in lieu thereof the following:

"(E) JUDICIAL REVIEW.—Any".

Mr. BYRD. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXTENSION OF THE COMMISSION ON THE UKRAINE FAMINE

Mr. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2304.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2304) entitled "An Act to amend the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1986, to extend the life of the Commission on the Ukraine Famine", do pass with the following amendment:

Strike out all after the enacting clause and insert: That the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1986, (Public Law 99-180; 99 Stat. 1157), is amended under the heading "COMMISSION ON THE UKRAINE FAMINE"—

(1) in section 3(2), by striking out "two years after the organizational meeting of the Commission held under section 6(a)" and inserting in lieu thereof "June 22, 1990"; and

(2) in section 4(b), by adding at the end the following: "A vacancy in the Commission shall be filled in the manner in which the original appointment was made."

Mr. BYRD. Mr. President, I move that the Senate concur in the House amendment.

The motion was agreed to.

TECHNICAL CORRECTIONS TO THE IMMIGRATION AND NATIONALITY ACT

Mr. BYRD. Mr. President, on behalf of Senator KENNEDY, Senator BIDEN, Senator SIMPSON, and Senator THURMOND, I send to the desk a bill, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2479) to amend the Immigration and Nationality Act to make technical corrections in immigration-related laws.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the immediate consideration of the bill.

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, I introduce today, along with Senator BIDEN, Senator SIMPSON, and Senator THURMOND, a package of technical corrections to the Immigration and Nationality Act.

This package corrects clerical errors, incorrect citations, misspellings, and other similar mistakes in drafting found as we have implemented the several immigration-related bills enacted in the last Congress, as well as some minor corrections to the Immigration Code.

A reprint of the Immigration and Nationality Act has been held up until these corrections can be made.

I might also mention that while this is only a technical bill, certain drafting errors have at least a minor substantive impact.

For example, the Immigration Service temporarily called back some retirees to assist in the legalization program. A drafting error inadvertently placed in jeopardy the retirement annuity of those persons.

Given the nonsubstantive nature of this bill, it is my hope that we can dispense with it quickly. It was developed in conjunction with our colleagues in the House over the course of the past year, so hopefully will proceed through that body soon after we complete it here. And the package has been cleared by the relevant executive branch agencies.

Mr. President, I ask unanimous consent that a section-by-section analysis of this package be included at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION DESCRIPTION OF "IMMIGRATION TECHNICAL CORRECTIONS ACT OF 1988"

SECTION 1.—States bill's short title ("Immigration Technical Corrections Act of 1988"), and provides abbreviations for the immigration-related Acts of the 99th Congress amended in the bill.

Sec. 2.—Technical corrections to the Immigration Reform and Control Act of 1986. Specifically:

(a) Section 101 (relating to employer sections).—Corrections include (1)(A) clarifying reference and terminology, (1)(B) correcting subparagraph heading, (1)(C) and (1)(E) clarifying application of administrative procedures in indemnity bond cases, (1)(D) correcting reference, (1)(F) correcting article and subsection reference, (1)(G) correcting terminology, (1)(H) correcting section reference, and (2) clarifying simultaneous potential sunset of amendments made to related Act.

(b) Section 102 (relating to immigration-related unlawful employment practices).—Corrections include (1) clarifying reference to defined term, (2) and (3) removing redundant word, (4) correcting of section reference, (5) correcting conjunction, and (6) correcting of terminology.

(c) Section 103 (relating to penalties for fraud and misuse of documents).—Correction in execution of amendment.

(d) Section 112 (relating to unlawful transportation).—Corrections include (1)(A) correcting paragraph reference, (1)(B) inserting missing conjunction, (2)(A) correcting reference to Maritime Administration and adding U.S. Code reference, and (2)(B) correcting execution of amendment.

(e) Section 116 (relating to warrantless entry).—Corrects subsection reference to take into account simultaneous enactment of the Anti-Drug Abuse Act of 1986.

(f) Section 117 (relating to restrictions on adjustment).—Corrects references and terminology and clarifies effective date.

(g) Section 121 (relating to verification of immigration status).—Corrects subsection designations and headings.

(h) Section 201 (relating to legalization).—Corrections include (1)(A) making references to time periods consistent, (1)(B) and (1)(E) clarifying treatment of developmentally disabled individuals, (1)(C) deleting extra quotation mark, (1)(D) permitting disclosure of certain legalization information as required to prepare required reports to Congress and in the same manner as census information may be disclosed, and (2) correcting terminology.

(i) Section 202 (relating to Cuban/Haitian adjustment).—Clarifies authority to waive a ground for exclusion.

(j) Section 203 (relating to registry).—Clarifies that former nazis are not eligible for registry.

(k) Section 204 (relating to legalization assistance).—Corrections include (1), (2), and (4) clarifying language concerning period of assistance, (3) correcting reference, (6) clarifying relationship of provisions, (5), (7), and (10) clarifying treatment of special agricultural workers, (8) omitting extra comma, and (9) inserting missing preposition.

(l) Section 301 (relating to H-2A program).—Corrects section references to avoid section duplication and corrects spelling error.

(m) Section 302 (relating to special agricultural worker program).—Corrects reference.

(n) Section 303 (relating to agricultural replenishment program).—Corrects spelling errors and terminology and deletes subsection incorporated by previous technical correction (see (k)(10) above).

(o) Section 312 (relating to G-4 special immigrants).—Clarifies (1) effective date and application to adjustment of status, and (2) treatment of certain temporary periods abroad.

(p) Section 313 (relating to visa waiver).—Corrections include (1) clarifying placement of new section, (2) corrects terminology, (3) and (4) corrects section references.

(q) Section 315 (relating to miscellaneous provisions).—Corrections include (1)(A) correcting placement of provision, (1)(B) eliminating archaic reporting requirement, and (2) clarifying effective date.

(r) Section 601 (relating to Commission for the Study of International Migration and Cooperative Economic Development).—Sets limit on funds that may be used for official entertainment.

(s) Effective Date.—Clarifies that section corrections apply as of date of the enactment of the original law.

Sec. 3.—Technical corrections to sections 14 and 15 of Public Law 99-396. Specifically:

(1) Section 14 (relating to Guam visa waiver).—Clarifies where amendment ends.

(2) Section 15 (relating to nationality of certain American Samoans).—Perfects execution of amendment.

Sec. 4.—Technical corrections to the sections 205 and 206 of Department of Justice Appropriation Act, 1987 (as amended by the Supplemental Appropriations Act, 1987). Specifically—

(a) Section 205 (relating to fees).—Corrections include (1) (A) & (B) correcting references, (1)(C) assuring proper execution of amendment, correcting terminology, and clarifying application, (1)(D) inserting missing heading, and (1)(E) & (2) restating provision to assure placement of effective date at appropriate place.

(b) Section 206 (relating to carriers).—Corrects execution of amendment and cross-references.

(c) Effective Date.—Clarifies that corrections apply as of date of the enactment of the original law.

(d) Duplicate Enactment.—Repeals identical (and duplicative) provisions in 2nd appropriations Act for FY 1987.

Sec. 5.—Technical correction to section 1751 of the Anti-Drug Abuse Act of 1986 (Narcotics Traffickers Deportation Act).—Specifically restates identical language but with proper indentation.

Sec. 6.—Technical corrections to the Refugee Assistance Extension Act of 1986. Specifically:

(a) Section 2 (relating to reauthorizations).—Corrects reference.

(b) Section 13 (relating to sense of Congress).—Clarifies provision designation, terminology, and references.

(c) Effective Date.—Clarifies that corrections apply as of date of the enactment of the original law.

Sec. 7.—Technical corrections to the Immigration Marriage Fraud Amendments of 1986. Specifically:

(a) Section 2 (relating to conditional permanent residence).—Clarifies placement of section and hyphenation.

(b) Section 3(b) (relating to nonimmigrant fiances).—Clarifies limitation on adjustment of status of K nonimmigrants.

(c) Section 6 (relating to exclusion for misrepresentations).—Corrections include (1) correcting U.S. Code reference, (2)(A) clarifying section reference, and (2)(B) and (2)(C) conforming amendment to related provision.

(d) Effective Date.—Clarifies that corrections apply as of date of the enactment of the original law.

Sec. 8.—Technical corrections to the Immigration and Nationality Act Amendments of 1986. Specifically:

(a) Section 1.—Clarifies that amendments in Act are made to Immigration and Nationality Act.

(b) Section 3.—Deletes technical corrections not required because of correction in terminology in section 13.

(c) Section 4.—Adds missing conjunction.

(d) Section 5.—Corrects subsection designations.

(e) Section 6.—Corrects punctuation and reference.

(f) Section 7.—Adds required conforming amendments.

(g) Section 8.—Corrects reference in amendment.

(h) Section 9.—Reinserts provision inadvertently deleted.

(i) Section 10.—Deletes redundant subsection reference.

(j) Section 11.—Corrects section references and conforms terminology in related section.

(k) Section 13.—Restates provision using more precise terminology and clearer structure.

(l) Sections 14, 15, and 16.—Deletes technical corrections not required because of correction in terminology in section 13.

(m) Section 18.—Corrects punctuation, references, and missing conjunction.

(n) Section 19.—Restates to add required conforming amendment.

(o) Section 20.—Corrects paragraph reference.

(p) Section 21.—Restates provision to amend correct provision of law.

(q) Section 22.—Correction to avoid duplicate subsection reference and to correct margin.

(r) Effective Date.—Adds provision to clarify effective dates of previous provisions, including a provision to assure that children previously born out-of-wedlock abroad are not disadvantaged through a change in the law.

Sec. 9.—Miscellaneous technical corrections to the Immigration and Nationality Act to reflect transfers of authority or new titles for officials and office [subsections (a)(1), (d), (i)(1), (i)(2), (i)(3), (k), (q), (v), (x), (y), and (z)]; to delete obsolete language [subsections (a)(2), (a)(3), (c)(1)(B), (c)(2), (e)(2), (n), (r), (s), (t), (bb), (cc), (dd), (ee), (gg), (hh), and (jj)]; to correct spelling errors [subsections (b), (c)(1)(A), (h), (j), (l), (u), and (aa)]; to correct cross-references to provisions of law [(e)(1), (f), (g)(2), (p), (w), and (ff)]; and to correct terminology and style [subsections (g)(1), (i)(4), (m), (o), (ii), and (kk)].

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2479

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; SHORT REFERENCES TO ACTS.

(a) Short Title.—This Act may be cited as the "Immigration Technical Corrections Act of 1988".

(b) Abbreviated References Used in Act.—In this Act:

(1) The term "IRCA" refers to the Immigration Reform and Control Act of 1986 (Public Law 99-603).

(2) The term "DOJAA" refers to the Department of Justice Appropriation Act, 1987 (as contained in section 101(b) of Public Law 99-500).

(3) The term "IMFA" refers to the Immigration Marriage Fraud Amendments of 1986 (Public Law 99-639).

(4) The term "INAA" refers to the Immigration and Nationality Amendments of 1986 (Public Law 99-653).

SEC. 2. CORRECTIONS RELATING TO THE IMMIGRATION REFORM AND CONTROL ACT OF 1986 (PUBLIC LAW 99-603).

(a) Section 101 of IRCA.—

(1) Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a), added by section 101(a) of IRCA, is amended as follows:

(A) In the third sentence of subsection (b)(1)(A), strike "such sentence" and insert "the first sentence of this paragraph" and strike "such a document" and insert "such another document".

(B) In subsection (d)(3)(D), strike "REQUIRING TWO YEARS NOTICE AND CONGRESSIONAL REVIEW" and insert "DEFINED".

(C) In subsection (e)—

(i) in paragraphs (1) and (3), insert "or (g)(1)" after "subsection (a)" each place it appears,

(ii) in paragraph (3), strike "or (5)" each place it appears and insert ", (5), or (6)",

(iii) redesignate paragraphs (6) through (8) as paragraphs (7) through (9), respectively, and

(iv) insert after paragraph (5) the following new paragraph:

"(6) ORDER FOR PROHIBITED INDEMNITY BONDS.—With respect to a violation of subsection (g)(1), the order under this subsection may provide for the remedy described in subsection (g)(2).".

(D) In subsection (e)(4)(A), strike "subparagraph" each place it appears in clauses (ii) and (iii) and insert "paragraph".

(E) In subsection (g)(2), insert "under subsection (e)" after "administrative hearing".

(F) In subsection (i)(3)(B)(iii)—

(i) strike "a order" and insert "an order", and

(ii) strike "paragraph (1)(A)" and insert "subsection (a)(1)(A)".

(G) in subsection (j)(l), strike "Act" and insert "section" and strike "of the United States".

(H) in subsection (j)(2), strike "that section" and insert "this section".

(2) Section 101(b)(2) of IRCA is amended by inserting before the period the following: "; except that if the provisions of section 274A of the Immigration and Nationality Act are terminated as of a date under subsection (1) of such section, then such amendments shall no longer apply as of such date".

(b) Section 102 of IRCA.—Section 274B of the Immigration and Nationality Act (8 U.S.C. 1324b), added by section 102(a) of IRCA, is amended—

(1) in subsection (a)(1), by inserting ", as defined in section 274A(h)(3)" after "unauthorized alien";

(2) in subsection (e)(3), by striking "said";

(3) in subsection (g)(2)(A), by striking "that that" and insert "that";

(4) in subsection (g)(2)(B)(ii), by striking "274(b)(5)" and inserting "274A(b)(5)";

(5) in subsection (g)(3), by striking "has not engaged or" and inserting "has not engaged and"; and

(6) in subsection (h), by striking "ATTORNEYS'" and inserting "ATTORNEY'S".

(c) Section 103 of IRCA.—Section 103(a)(4) of IRCA is amended by inserting "not more than" immediately before "$2,000".

(d) Section 112 of IRCA.—

(1) Section 274(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)(1)), as amended by section 112(a) of IRCA, is amended—

(A) by striking "this subsection" and inserting "this paragraph", and

(B) by inserting "or" after "Code,".

(2) Section 112(b) of IRCA is amended—

(A) in paragraph (5)—

(i) by striking "Federal Maritime Commission" and inserting "Maritime Administration", and

(ii) by inserting "(40 U.S.C. 484(i))" after "1949"; and

(B) in paragraph (8)—

(i) by inserting "(A)" after "(8)", and

(ii) by adding at the end the following new subparagraph:

"(B) by striking out 'was not entitled to enter, or reside within, the United States' in paragraph (5)(C) and inserting in lieu thereof 'had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law', and".

(e) Section 116 of IRCA.—Section 116 of IRCA is amended—

(1) by inserting ", as amended by section 1751(d) of the Anti-Drug Abuse Act of 1986," after "1357)", and

(2) by redesignating the subsection added by such section as subsection (e).

(f) Section 117 of IRCA.—(1) Section 245(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1255(c)(2)), as amended by section 117 of IRCA, is amended—

(A) by inserting "or (I)" after "101(a)(27)(H)",

(B) by inserting "or" after "no fault of his own",

(C) by striking "not in legal" and inserting "in unlawful", and

(D) by striking "legal status" and inserting "lawful status".

(2) The amendments made by paragraph (1) and by section 117 of IRCA shall apply to applications for adjustment of status filed on or after November 6, 1986.

(g) Section 121 of IRCA.—Section 484 of the Higher Education Act of 1965 (20 U.S.C. 1091), as amended by 121(a)(3) of IRCA, is amended—

(1) by redesignating the subsections (c) through (e) added by section 121(a)(3) of IRCA as subsections (h) through (j), respectively;

(2) by inserting the following headings after the subsection designation of each such redesignated subsection:

(A) subsection (h): "IMMIGRATION STATUS VERIFICATION REQUIRED.—";

(B) subsection (i): "LIMITATIONS ON ENFORCEMENT ACTIONS AGAINST INSTITUTIONS.—"; and

(C) subsection (j): "VALIDITY OF LOAN GUARANTEES FOR LOAN PAYMENTS MADE BEFORE IMMIGRATION STATUS VERIFICATION COMPLETED.—";

(3) in subsection (i), as so redesignated, by striking "(c)(4)(A)(ii)", "(c)(4)(B)(ii)", and "(c)(5)(B)" in paragraphs (2), (3), and (4), respectively, and inserting "(h)(4)(A)(ii)", "(h)(4)(B)(ii)", and "(h)(5)(B)", respectively; and

(4) in subsection (j), as so redesignated—

(A) by striking "subsection (c)" both places it appears and inserting "subsection (h)", and

(B) by striking "date of" and inserting "date".

(h) Section 201 of IRCA.—

(1) Section 245A of the Immigration and Nationality Act (8 U.S.C. 1255a), as added by section 201 of IRCA, is amended—

(A) in subsection (a)(1)(B), by striking "18-month" and inserting "12-month";

(B) in subsection (b)(1)(D)(ii)—

(i) by inserting "OR DEVELOPMENTALLY DISABLED INDIVIDUALS" after "ELDERLY" in the heading, and

(ii) by inserting "or how is developmentally disabled" after "65 years of age or older";

(C) in subsection (c)(1), by amending the second sentence to read as follows: "As used in this section, the term 'qualified designated entity' means an organization or person designated under paragraph (2).";

(D) in the first sentence of subsection (c)(5)—

(i) in subparagraph (A), by inserting "or for the preparation of reports to Congress under section 404 of the Immigration Reform and Control Act of 1986" after "paragraph (6)"; and

(ii) by striking the period at the end and inserting a semicolon and the following:

"except that the Attorney General may provide, in the Attorney General's discretion, for the furnishing of information furnished under this section in the same manner and circumtances as census information may be disclosed by the Secretary of Commerce under section 8 of title 13, United States Code."; and

(E) in subsection (d)(2)(B)(ii)—

(i) in subclause (II), by striking "by an alien other than" and all that follows through "subsection (a)"; and

(ii) by adding at the end the following: "Subclause (II) (prohibiting the waiver of section 212(a)(15)) shall not apply to an alien who is or was an aged, blind, or disabled individual (as defined in section 1614(a)(1) of the Social Security Act).".

(2) The first sentence of section 201(c)(2) of IRCA is amended by striking "annuity" and inserting "pay and annuity".

(i) Section 202 of IRCA.—Section 202(a)(2) of IRCA is amended by inserting before the semicolon the following: "and the Attorney General may, in his discretion, waive the grounds for exclusion as specified in parapraph (19) of such section".

(j) Section 203 of IRCA.—Section 203(a) of IRCA is amended—

(1) by striking "and" at the end of paragraph (1),

(2) by redesignating paragraph (2) as paragraph (3), and

(3) by inserting after paragraph (1) the following new paragraph:

(2) by inserting 'under section 212(a)(33) or' after 'inadmissible', and".

(k) Section 204 of IRCA.—Section 204 of IRCA is amended as follows:

(1) In subsection (a)(2)(D), strike "for that year" the second place it appears.

(2) In subsection (b)(2), strike "the succeeding fiscal year" and insert "any succeeding fiscal year (before fiscal year 1995)".

(3) In subsection (b)(3), strike "(1)(A)" and insert "(1)".

(4) In subsection (b)(4), strike "any of the followiang fiscal years" and insert "a fiscal year".

(5) In subsection (c)(1)(B), strike "under section 245A(a) of such Act".

(6) In subsection (c)(2)(B), insert ", subject to subparagraph (C)," after "shall".

(7) In subsection (c)(3)(A), strike "section 245A(a) of".

(8) In subsection (e)(1)(A)(ii), strike the first comma.

(9) In subsection (f)(2), inserting "of" before "public health".

(10) In subsection (j)(4)—

(A) by inserting "210, 210A, or" before "245A", and

(B) by inserting "first" before "granted such status".

(1) SECTION 301 OF IRCA.—(1) Section 301(b) of IRCA is amended by striking "section 216" and inserting "section 218".

(2) Section 301(c) of IRCA is amended—

(A) by striking "by adding after section 215" and inserting "by adding at the end", and

(B) by striking "SEC. 216." and inserting "SEC. 218."

(3) Section 216(c)(4) of the Immigration and Nationality Act (as added by section 301(c) of IRCA) is amended by striking "accomodations" each place it appears and inserting "accommodations".

(4) Subsections (d), (e), and (f) of section 301 of IRCA are amended by striking "216" and inserting "218".

(5) Section 301(g) of IRCA is amended—

(A) by striking "after the item relating to section 215" and inserting "at the end of the items relating to chapter 2 of title II", and

(B) by striking "Sec. 216." and inserting "Sec. 218.".

(m) SECTION 302 OF IRCA.—Section 210(g) of the Immigration and Nationality Act (8 U.S.C. 1160(g)), added by section 302 of IRCA, is amended by striking "(b)(3)" and inserting "(a)(5)".

(n) SECTION 303 OF IRCA.—(1) Section 210A(a)(8) of the Immigration and Nationality Act (8 U.S.C. 1161(a)(8)), as added by section 303(a) of IRCA, is amended by striking "OVER-SUPPLY" in the heading and inserting "OVERSUPPLY".

(2) Section 241(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(20)), added by section 303(b)(3) of IRCA, is amended by striking "who becomes".

(3) Section 303 of IRCA is amended by striking subsection (c) and by redesignating subsection (d) as subsection (c).

(o) SECTION 312 OF IRCA.—(1) Section 101(a)(27)(I) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(I)), as added by section 312(a) of IRCA, is amended—

(A) by striking "the date this subparagraph is enacted" each place it appears and inserting "the date of the enactment of the Immigration Technical Corrections Act of 1987", and

(B) by striking "applies for admission" each place it appears and inserting "applies for a visa or adjustment of status".

(2) Only for purposes of section 101(a)(27)(I) of the Immigration and Nationality Act, an alien who is or was an officer or employee) of an international organization (or is the unmarried son or daughter or surviving spouse of such an officer or employee or former officer or employee) is considered to be residing and physically present in the United States during a period in which the alien is residing in the United States but is absent from the United States because of the officer's or employee's need to conduct official business on behalf of the organization or because of customary leave, but only if during the period of the absence the officer or employee continues to have a duty station in the United States and, in the case of such an unmarried son or daughter, the son or daughter is not enrolled in a school outside the United States.

(p) SECTION 313 OF IRCA.—(1) Section 313(a) of IRCA is amended by striking ", as amended by section 301(c), is further amended by adding after section 216" and inserting "is amended by inserting after section 215".

(2) Section 217(a) of the Immigration and Nationality Act (8 U.S.C. 1187(a)), as added by section 313(a) of IRCA, is amended by striking "hereafter" and inserting "hereinafter".

(3) Section 313(c) of IRCA is amended—

(A) by striking ", as amended by section 312(b), is further" and inserting "is", and

(B) by striking "(4)" and "(5)" and inserting "(3)" and "(4)", respectively.

(4) Section 313(e) of IRCA is amended by striking "216" and inserting "215".

(q) SECTION 315 OF IRCA.—Section 315 of IRCA is amended—

(1) in subsection (b)—

(A) by striking "244(b)" and all that follows through "(3)" and inserting "244 (8 U.S.C. 1254) is amended—

"(1) in subsection (b), by inserting '(1)' after '(b)' and by adding at the end of subsection (b) the following new paragraph: "'(2)'";

(B) by striking the period at the end and inserting "; and" and the following:

"(2) in subsection (c), by striking '(1)' in paragraph (1) and by striking all that follows the first sentence of paragraph (1)."; and

(2) by adding at the end the following new subsection:

"(e) The amendment made by subsection (b)(1) shall apply to applications submitted under section 244 of the Immigration and Nationality Act before, on, or after the date of the enactment of this Act; but shall not apply to aliens removed from the United States before the date of the enactment of this Act.".

(r) SECTION 601 OF IRCA.—Section 601(d)(1) of IRCA is amended by adding at the end the following sentence: "Not more than 1 percent of the amounts appropriated for the Commission may be used, at the sole discretion of the Chairman, for official entertainment.".

(s) EFFECTIVE DATE.—The amendments made by this section shall be effective as if they were included in the enactment of the Immigration Reform and Control Act of 1986.

SEC. 3. PUBLIC LAW 99-396.

Effective as if included in the enactment of Public Law 99-396:

(1) Section 14 of such Act is amended—

(A) by inserting closing quotation marks and a period at the end of the paragraph designated (3),

(B) by striking quotation marks before "(b)" and before "(c)", and

(C) by striking the closing quotation marks and period that follows "Senate.".

(2) Section 15 of such Act is amended by inserting after "is amended" the following: "by striking out 'and' at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof '; and', and".

SEC. 4. DEPARTMENT OF JUSTICE APPROPRIATION ACT, 1987 (PUBLIC LAW 99-500).

(a) SECTION 205 OF DOJAA.—

(1) Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356), as amended by section 205 of the Department of Justice Appropriation Act, 1987 (as contained in section 101(b) of Public Law 99-500), is amended as follows:

(A) In subsection (f)(3), strike "1954" and insert "1986".

(B) In subsection (g), strike "section 1353(a) of this title" and insert "the Act of March 2, 1931, 46 Stat. 1467 (8 U.S.C. 1353b)".

(C) In subsection (h)—

(i) in paragraph (1)(A), strike "Treasury of the United States" and all that follows through "Such account" and insert "Treasury of the United States, to remain available until expended. Such account",

(ii) in paragraph (1)(A), strike "Account.'" and insert "Account'.",

(iii) in paragraph (1)(B), strike "fines, penalties, liquidated damages or expenses" and insert "civil fines or penalties",

(iv) in paragraph (1)(B), insert after "this title" and following: "and all liquidated damages and expenses collected pursuant to this Act",

(v) in paragraph (1)(B), strike "'Immigration User Fee Account.'" and insert "Immigration User Fee Account."; and

(vi) in paragraph (2)(A), strike the colon and insert "In—" and insert "and" at the end of clause (iv).

(D) In subsection (i), insert after "(i)" the following: "REIMBURSEMENT.—".

(E) Strike subsection (1).

(2) Section 205 of the Department of Justice Appropriation Act, 1987 (as contained in section 101(b) of Public Law 99-500) is amended—

(A) by inserting "(a)" after "SEC. 205.", and

(B) by adding at the end the following new subsection:

"(b)(1) The amendments made by subsection (a) shall apply with respect to immigration inspection services rendered after November 30, 1986.

"(2) Fees may be charged under section 286(d) of the Immigration and Nationality Act only with respect to immigration inspection services rendered in regard to arriving passengers using transportation for which documents or tickets were issued after November 30, 1986.".

(b) SECTION 206 OF DOJAA.—Section 206 of the Department of Justice Appropriation Act, 1987 (as contained in section 101(b) of Public Law 99-500) is amended—

(1) by inserting "(a)" after "SEC. 206.",

(2) by inserting "of the Immigration and Nationality Act" after "232",

(3) by inserting "of such Act" after "233", and

(4) by adding at the end the following new subsection:

"(b)(1) The item in the table of contents of the Immigration and Nationality Act relating to section 233 is repealed.

"(2) Section 237(b) of the Immigration and Nationality Act (8 U.S.C. 1227(b)) is amended by striking 'or section 233 of this title' and 'or of section 233 of this title'.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall be effective as if they were included in the enactment of the Department of Justice Appropriation Act, 1987 (as contained in section 101(b) of Public Law 99-500).

(d) CLARIFICATION OF DUPLICATE ENACTMENT.—Effective as of the date of the enactment of Public Law 99-591, sections 205 and 206 of the Department of Justice Appropriation Act, 1987 (as contained in section 101(b) of such Public Law), which were also contained in identical form in section 101(b) of Public Law 99-500, are repealed.

SEC. 5. NARCOTICS TRAFFICKERS DEPORTATION ACT (PUBLIC LAW 99-570).

The subsection (d) of section 287 of the Immigration and Nationality Act (8 U.S.C.

1357), added by section 1751(d) of Public Law 99-570, is amended by amending the matter following paragraph (2) to read as follows:

"(3) Requests the Service to determine promptly whether or not to issue a detainer to detain the alien, the officer or employee of the Service shall promptly determine whether or not to issue such a detainer. If such a detainer is issued and the alien is not otherwise detained by Federal, State, or local officials, the Attorney General shall effectively and expeditiously take custody of the alien.".

SEC. 6. REFUGEE ASSISTANCE EXTENSION ACT OF 1986 (PUBLIC LAW 99-605).

(a) Section 2.—Section 414(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1524(a)(1)), as amended by section 2(b)(1) of the Refugee Assistance Extension Act of 1986, is amended by striking "through (5)" and inserting "through (4)".

(b) Section 13.—The paragraph designated as "(g)" in section 412 of the Immigration and Nationality Act (8 U.S.C. 1522), as amended by section 13 of the Refugee Assistance Extension Act of 1986, is amended—

(1) by redesignating such paragraph as paragraph (5);

(2) by striking "all appropriate Federal, State, and county officials referred to in section 13 of this Act" and inserting "all other appropriate Federal officials and all appropriate State and county officials referred to in paragraph (2)";

(3) by striking "such persons defined in subsection (f)(1)" and inserting "Cuban nationals described in paragraph (1)"; and

(4) by striking "hereafter authorized by this section" and inserting "authorized to carry out this subsection".

(c) Effective Date.—The amendments made by this section shall be effective as if they were included in the enactment of the Refugee Assistance Extension Act of 1986.

SEC. 7. IMMIGRATION MARRIAGE FRAUD AMENDMENTS OF 1986 (PUBLIC LAW 99-639).

(a) Section 2 of IMFA.—Section 2 of the Immigration Marriage Fraud Amendments of 1986 is amended—

(1) in subsection (a), by striking "adding at the end" and inserting "inserting after section 215", and

(2) in subsection (c)(3)(A) of the section added by subsection (a), by striking "90-days" and inserting "90 days".

(b) Section 3(b) of IMFA.—Section 3(b) of IMFA is amended by striking all that follows "is amended" and inserting the following: "by adding at the end the following: The Attorney General may not adjust, under subsection (a), the status of a nonimmigrant alien described in section 101(a)(15)(K) (relating to an alien fiancee or fiance or the minor child of such alien) except to that of an alien lawfully admitted to the United States on a conditional basis under section 216 as a result of the marriage of the nonimmigrant (or, in the case of a minor child, the parent) to the citizen who filed the petition to accord that alien's nonimmigrant status under section 101(a)(15)(K).'.".

(c) Section 6 of IMFA.—Section 6 of IMFA is amended—

(1) in subsection (a), by striking "1152(a)" and inserting "1182(a)";

(2) in subsection (b)—

(A) by striking "subsection (a)" and inserting "this section", and

(B) by redesignating the subsection as subsection (c); and

(3) by inserting after subsection (a) the following new subsection:

"(b) Conforming Amendment.—Section 212(i) of such Act (8 U.S.C. 1182(i)) is amended by inserting 'or other benefit under this Act' after 'United States,'.".

(d) Effective Date.—The amendments made by this section shall be effective as if they were included in the enactment of the Immigration Marriage Fraud Amendments of 1986.

SEC. 8. IMMIGRATION AND NATIONALITY ACT AMENDMENTS OF 1986 (PUBLIC LAW 99-653).

(a) First Section of INAA.—The first section of the Immigration and Nationality Act Amendments of 1986 is amended—

(1) by inserting "(a)" after "That", and

(2) by adding at the end the following new subsection:

"(b) Except as otherwise specifically provided, whenever in this Act a section or other provision is amended or repealed, such amendment or repeal shall be considered to be made to that section or other provision of the Immigration and Nationality Act.".

(b) Section 3 of INAA.—Section 3 of INAA is repealed.

(c) Section 4 of INAA.—Section 4 of the INAA is amended by inserting "and" immediately before "(4) an alien born".

(d) Section 5 of INAA.—Section 5 of INAA is amended—

(1) by redesignating paragraphs (a) through (c) as paragraphs (1) through (3), and

(2) by redesignating paragraph (d) as subsection (b).

(e) Section 6 of INAA.—Section 6 of the INAA is amended—

(1) by striking the period before paragraph (b) and inserting ", and",

(2) by striking "(e)" before "Except".

(f) Section 7 of INAA.—Section 7 of the INAA is amended by adding at the end the following:

"(d)(1) Section 286(a) (8 U.S.C. 1356(a)) is amended by striking '238(c)' and inserting '238(b)'.

"(2) Section 212(d)(4) (8 U.S.C. 1182(d)(4)) is amended by striking '238(d)' and inserting '238(c)'.".

(g) Section 8 of INAA.—Section 8 of INAA is amended by striking "Section" and inserting "The text of section".

(h) Section 9 of INAA.—Section 9 of INAA is amended to read as follows:

"Sec. 9. Section 262 (8 U.S.C. 1302) is amended by adding at the end the following new subsection:

" '(c) The Attorney General may, in his discretion and on the basis of reciprocity pursuant to such regulations as he may prescribe, waive the requirement of fingerprinting specified in subsection (a) and (b) in the case of any nonimmigrant.'.".

(i) Section 10 of INAA.—Section 10 of INAA is amended by striking "(a)" before "The".

(j) Section 11 of INAA.—Section 11 of INAA is amended—

(1) by striking "Sections (1) and (2)" and inserting "(a) The first section and section 2",

(2) by striking "section 25(a)" and inserting "subsection (a) of section 25", and

(3) by adding at the end the following:

"(b) Section 221(a)(1) (8 U.S.C. 1201(a)(1)) is amended—

"(1) by striking 'the quota' and inserting 'numerical limitation under section 202',

"(2) by striking 'such quota' and inserting 'such limitation', and

"(3) by striking 'immigration classification' and inserting 'immigrant classification'.".

(k) Section 13 of INNA.—Section 13 of INAA is amended by striking the dash and all that follows through the end and inserting the following: "to read as follows:

" '(a) The provisions of paragraphs (c), (d), (e), and (g) of section 301, and of paragraph (2) of section 308, shall apply as of the date of birth to a person born out of wedlock if—

" '(1) a blood relationship between the person and the father is established by clear and convincing evidence,

" '(2) the father had the nationality of the United States at the time of the person's birth,

" '(3) the father (unless deceased) has agreed in writing to provide financial support for the person until the person reaches the age of 18 years, and

" '(4) while the person is under the age of 18 years—

" '(A) the person is legitimated under the law of the person's residence or domicle,

" '(B) the father acknowledges paternity of the person in writing under oath, or

" '(C) the paternity of the person is established by adjudication of a competent court.'.".

(1) Sections 14, 15, and 16 of INAA.—Sections 14, 15, and 16 of INAA are repealed.

(m) Section 18 of INAA.—Section 18 of INAA is amended—

(1) in paragraph (a), by striking the colon inserted by such paragraph,

(2) in paragraph (d), by striking "(a)" and "(b)" (inserted by such paragraph) and inserting "(A)" and "(B)", respectively, instead, and

(3) by inserting "and" at the end of paragraph (e).

(n) Section 19 of INAA.—Section 19 of INAA is amended to read as follows:

"Sec. 19. Section 349 (8 U.S.C. 1481) is further amended—

"(1) by striking subsection (b), and

"(2) in subsection (c)—

"(A) by striking 'Except as otherwise provided in subsection (b), any' and inserting 'Any', and

"(B) by redesignating such subsection as subsection (b).".

(o) Section 20 of INAA.—Section 20 of INAA is amended by striking "paragraph" and inserting "paragraphs".

(p) Section 21 of INAA.—Section 21 of INAA is amended to read as follows:

"Sec. 21. Section 1709 of the Revised Statutes of the United States, as amended by the Act of July 12, 1940 (54 Stat. 758; 22 U.S.C. 4195) is amended, in the paragraph designated 'Second.', by striking ', article,'.".

(q) Section 22 of INAA.—Section 22 of INAA is amended—

(1) by striking "is amended" and all that follows through "(b)(1)" and inserting the following: "is amended by adding at the end the following new subsection:

" '(c)(1)", and

(2) by indenting by two ems the left margins of subparagraphs (A) through (C) of the paragraph (2) added by such section.

(r) Effective Dates.—INAA is further amended by adding at the end the following new section:

"EFFECTIVE DATES

"Sec. 23. (a) The amendments made by sections 2, 4, and 7 apply to visas issued, and admissions occurring, on or after November 14, 1986.

"(b) The amendments made by sections 5, 6, 8, 9, and 10 apply to applications for immigrant visas made, and visas issued, on or after November 14, 1986.

"(c) The amendments made by sections 11 take effect on November 14, 1986.

"(d) The amendment made by section 12 shall apply to persons born on or after November 14, 1986.

"(e)(1) Except as provided in paragraph (2)(B), the new section 309(a) (as defined in paragraph (4)(A)) shall apply to persons who have not attained 18 years of age as of the date of the enactment of this Act.

"(2) The old section 309(a) shall apply—

"(A) to any individual who has attained 18 years of age as of the date of the enactment of this Act, and

"(B) any individual with respect to whom paternity was established by legitimation before such date.

"(3) An individual who is at least 15 years of age, but under 18 years of age, as of the date of the enactment of this Act, may elect to have the old section 309(a) apply to the individual instead of the new section 309(a).

"(4) In this subsection:

"(A) The term 'new section 309(a)' means section 309(a) of the Immigration and Nationality Act, as amended by section 13 of this Act and as in effect after the date of the enactment of this Act.

"(B) The term 'old section 309(a)' means section 309(a) of the Immigration and Nationality Act, as in effect before the date of the enactment of this Act.

"(f) The amendment made by section 17 shall not apply to individuals who have taken up permanent residence outside the United States before November 14, 1986.

"(g) The amendments made by section 18, 19, and 20 shall apply to actions taken before, on, or after November 14, 1986.

"(h) The amendment made by section 21 shall apply to individuals who die on or after November 14, 1986.".

SEC. 9. MISCELLANEOUS TECHNICAL CORRECTIONS.

(a) Section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) is amended—

(1) in subsection (a)(15)(J), by striking "Secretary of State" and inserting "Director of the United States Information Agency",

(2) by striking the second sentence of subsection (a)(38), and

(3) by striking subsection (d).

(b) Section 102(2) of such Act (8 U.S.C. 1102(2)) is amended by striking "documentaion" and inserting "documentation".

(c) Section 103 of such Act (8 U.S.C. 1103) is amended—

(1) in subsection (a)—

(A) by striking "intructions" and inserting "instructions", and

(B) by amending the fourth sentence to read as follows: "He may require or authorize any employee of the Service or the Department of Justice to perform or exercise any of the powers, privileges, or duties conferred or imposed by this Act or regulations issued thereunder upon any other employee of the Service."; and

(2) in subsection (b), by striking ", and shall receive compensation at the rate of $17,500 per annum".

(d) Section 104 of such Act (8 U.S.C. 1104) is amended by striking "SECURITY AND" in the heading, and the item in the table of contents relating to section 104 is amended by striking "Security and".

(e) Section 106(a) of such Act (8 U.S.C. 1105a) is amended—

(1) in the matter before paragraph (1), by striking "the Act of December 29, 1950, as amended (64 Stat. 1129; 68 Stat. 961; 5 U.S.C. 1031 et seq.)" and inserting "chapter 158 of title 28, United States Code", and

(2) in paragraph (1), by striking "or from the effective date of this section, whichever is the later".

(f) Section 202 of such Act (8 U.S.C. 1152) is amended—

(1) in subsection (c), by striking "section 202(a)" and inserting "subsection (a)", and

(2) in subsection (e), by striking "section 202" and inserting "this section".

(g) Section 204 of such Act (8 U.S.C. 1154) is amended—

(1) in subsection (c), by striking "a nonquota" and inserting "an immediate relative", and

(2) in subsection (g)(3)(A), by striking "(C)(i) of paragraph 2" and inserting "(C)(ii) of paragraph (2)".

(h) Section 207(c)(1) of such Act (8 U.S.C. 1182) is amended by striking "otherwide" and inserting "otherwise".

(i) Section 212 of such Act (8 U.S.C. 1182) is amended—

(1) in subsection (a)(32), by striking "Commissioner of Education" and "Secretary of Health, Education, and Welfare" and inserting "Secretary of Education" and "Secretary of Health and Human Services", respectively;

(2) in subsection (e)—

(A) by striking "Secretary of State" the first place it appears and inserting "Director of the United States Information Agency", and

(B) by striking "Secretary of State" each subsequent place it appears and inserting "Director";

(3) in subsection (g), by striking "Surgeon General of the United States Public Health Service" each place it appears and inserting "Secretary of Health and Human Services"; and

(4) in subsection (h), by striking "paragraphs" and inserting "paragraph".

(j) Section 222(a) of such Act (8 U.S.C. 1202(a)) is amended by striking "whether or not be intends" and inserting "whether or not he intends".

(k) Section 234 of such Act (8 U.S.C. 1224) is amended by striking "Surgeon General of the United States Public Health Service" each place it appears and inserting "Secretary of Health and Human Services".

(l) Section 237(b)(5) of such Act (8 U.S.C. 1227(b)(5)) is amended by striking "to ke kept" and inserting "to be kept".

(m) Section 241(a)(17) of such Act (8 U.S.C. 1251(a)(17)) is amended by striking "amendment thereof; the Trading" and inserting "amendment, thereof, known as the Trading".

(n) Section 242(e)) of such Act (8 U.S.C. 1252(e) is amended by striking "or from the date of the enactment of the Subversive Activities Control Act of 1950, whichever is the later,".

(o) Section 265 of such Act (8 U.S.C. 1305) is amended by inserting above the text the following heading:

"NOTICES OF CHANGES OF ADDRESS".

(p) Section 283 of such Act (8 U.S.C. 1353) is amended by striking "the Act of August 2, 1946 (60 Stat. 806; 5 U.S.C., sec. 73b-1)" and inserting "subchapter II of chapter 57 of title 5, United States Code".

(q) Section 290(c) of such Act (8 U.S.C. 1360(c)) is amended by striking "Federal Security Administrator" and "The Administrator" and inserting "Secretary of Health and Human Services" and "the Secretary", respectively.

(r) Section 309 of such Act (8 U.S.C. 1409) is amended—

(1) in subsection (b)—

(A) by striking "prior to the effective date of this Act" and inserting "before December 24, 1952", and

(b) by striking "before or after the effective date of this Act and" and inserting "at any time"; and

(2) in subsection (c), by striking "on or after the effective date of this Act" and inserting "after December 23, 1952".

(s) Section 310 of such Act (8 U.S.C. 1421) is amended by striking subsection (e).

(t) Section 311 of such Act (8 U.S.C. 1422) is amended by striking the last sentence.

(u) Section 313(a)(2)(D) of such Act (8 U.S.C. 1424(a)(2)(D)) is amended by striking "totalitarian party or" and inserting "totalitarian party of".

(v) Section 315(b) of such Act (8 U.S.C. 1426(b)) is amended by striking "National Military Establishment" and inserting "Department of Defense".

(w) Section 320(b) of such Act (8 U.S.C. 1431(b)) is amended by striking "(a)(1)" and inserting "(a)".

(x) Section 324(a)(4) of such Act (8 U.S.C. 1435(a)(4)) is amended by striking "and the witnesses have" and inserting "has".

(y) Section 329 of such Act (8 U.S.C. 1440) is amended by striking subsection (d).

(z) Section 330 of such Act (8 U.S.C. 1441) is amended by striking subsection (b), paragraphs (2) and (3) of subsection (a), and "(a)(1)".

(aa) Section 335(d) of such Act (8 U.S.C. 1446(d)) is amended by striking "approve" in the fourth sentence and inserting "approves".

(bb) Section 335(f)(2) of such Act (8 U.S.C. 1446(f)(2)) is amended by striking ", except that" and all that follows through "date of such transfer".

(cc) Section 336 of such Act (8 U.S.C. 1447) is amended by striking "AND WITNESSES" in the heading.

(dd) Section 340 of such Act (8 U.S.C. 1451) is amended—

(1) in subsection (c), by striking "the effective date of this Act" and inserting "December 24, 1952",

(2) by striking subsection (e), and

(3) by redesignating subsections (f) through (j) as subsections (e) through (i), respectively.

(ee) Section 343 of such Act (8 U.S.C. 1454) is amended—

(1) by striking subsection (a), and

(2) by redesignating subsections (b) through (e) as subsections (a) through (d), respectively.

(ff) Section 344(a) of such Act (8 U.S.C. 1455(a)) is amended by striking "title V of the Independent Offices Appropriation Act, 1952 (65 Stat. 290)" and inserting "section 9701 of title 31, United States Code".

(gg) Section 348 of such Act (8 U.S.C. 1459) is amended—

(1) by striking subsection (a), and

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

(hh) Section 349(a) of such Act (8 U.S.C. 1481(a)) is amended by striking "From and after the effective date of this Act a" and inserting "A".

(ii) Section 357 of such Act (8 U.S.C. 1489) is amended by striking "upon the effective date of this title" and inserting "before December 25, 1952".

(jj) Section 413 of such Act (8 U.S.C. 1523) is amended—

(1) by striking subsections (b), (c), and (d), and

(2) in subsection (a)—

(A) in subparagraphs (D) and (E) of paragraph (2), by redesignating clause (i) and (ii) as clauses (A) and (B), respectively,

(B) in paragraph (2), by redesignating subparagraphs (A) through (H) as paragraphs (1) through (8), respectively,

(C) by redesignating paragraph (2) as subsection (b), and

(D) in paragraph (1), by striking "(a)(1)" and inserting "(a)".

(kk) Section 13(b) of the Act of September 11, 1957 (8 U.S.C. 1255b(b)) is amended by striking "of" after "as of the date".

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HATE CRIMES STATISTICS ACT

Mr. BYRD. Mr. President, is there a bill on the Calendar of Bills and Joint Resolutions read the first time?

The PRESIDING OFFICER. There is one bill on the Calendar.

The clerk will read the bill H.R. 3193 a second time.

The legislative clerk read as follows:

A bill (H.R. 3193) to provide for the acquisition and publication of data about crimes that manifest prejudice based on race, religion, homosexuality or heterosexuality, or ethnicity.

Mr. DOLE. Mr. President, I object to further consideration of the bill.

The PRESIDING OFFICER. Objection is heard.

The bill will be placed on the Calendar.

PROGRAM

Mr. BYRD. Mr. President, does the distinguished Republican leader have any further business he would like to transact or any statement he would like to make?

Mr. DOLE. I have no further business.

Tomorrow we will come in at 10 a.m.?

Mr. BYRD. Yes.

Mr. DOLE. And be back on the veto message at 11?

Mr. BYRD. 10:30.

Mr. President, the distinguished Republican leader has reminded me: Let me state the program for tomorrow.

The Senate will come in at 10 o'clock a.m. There will be morning business following the two leaders under the standing order. Morning business will not extend beyond 10:30 a.m., at which time the Senate will resume its consideration of the Presidential message concerning the veto of the Omnibus Trade and Competitiveness Act, and that debate will continue throughout the day. The vote on the Presidential override is to occur at 4:30 p.m. tomorrow.

Meanwhile, during the day, I think there is something like a half hour, or possibly a litte more, that remains on the conference report on catastrophic illness. At some point during the day, that time will be utilized.

Then upon the disposition of the vote on the Presidential override tomorrow there will be an hour of debate remaining on the conference report on the catastrophic illness legislation. Upon the expiration of that hour, the vote will then occur on the conference report on the catastrophic illness bill.

There may be other rollcall votes during the day pertaining to measures or conference reports which the distinguished Republican leader would certainly be informed about.

Then following the disposition of the conference report on catastrophic illness bill the Senate will then turn to the bill S. 2455, entitled death penalty in case of drug related killing.

There is a time agreement on that bill, and it may very well be that during the course of the day if time is not taken on the discussion of the trade bill veto, and/or the catastrophic illness conference report, if the distinguished Republican leader and others were agreeable, the Senate could proceed to the consideration of the bill that I have just alluded to, S. 2455, and the Senate could utilize some of that time to good advantage.

Mr. DOLE. Mr. President, if the majority leader will yield, I have been advised by Senator D'AMATO he would be ready any time.

Mr. BYRD. I thank the Republican leader.

This will enable the Senate then to act with some considerable flexibility tomorrow and utilize the time to the overall best advantage.

Mr. President, conceivably the Senate could be in a while tomorrow evening discussing S. 2455.

I should state that there are to be 6 hours on the bill, and if cloture motion is filed on the bill tomorrow, under the agreement, the vote on the cloture motion would occur the next day rather than the following day but one.

It looks as though we have a busy day tomorrow, and I am sure we will have a busy day Thursday and Friday.

ORDERS FOR WEDNESDAY

RESOLUTIONS AND MOTIONS OVER, UNDER THE RULE

Mr. BYRD. Mr. President, I ask unanimous consent that no motions or resolutions over, under the rule, come over tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAIVER OF CALL OF CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that the call of the calendar be waived under rule VIII on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until the hour of 10 o'clock tomorrow morning.

The motion was agreed to; and at 7:18 p.m., the Senate adjourned until Wednesday, June 8, 1988, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 7, 1988:

DEPARTMENT OF STATE

JOHN FLORIAN KORDEK, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOTSWANA.

THOMAS EDMUND MCNAMARA, OF CONNECTICUT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COLOMBIA.

HARRY E. BERGOLD, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF MOROCCO.

TIMOTHY LATHROP TOWELL, OF OHIO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS ONE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PARAGUAY.

AMBASSADOR

JOHN J. MARESCA, OF CONNECTICUT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR IN HIS CAPACITY AS CHIEF OF THE UNITED STATES DELEGATION TO THE CONFERENCE ON CONFIDENCE AND SECURITY BUILDING MEASURES.

EXTENSIONS OF REMARKS

OPTIMISM AND THE AMERICAN SPIRIT AT BARAT COLLEGE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. PORTER. Mr. Speaker, I was recently honored by the students and faculty of Barat College in Lake Forest, IL, by being granted the honorary degree of doctor of humanities and by being permitted to deliver their 1988 commencement address.

The text of my address follows:

COMMENCEMENT ADDRESS BY CONGRESSMAN JOHN PORTER

President Richard Soter, Chairman Frank Waldek and members of the Board of Trustees, Sister Margaret Burke, members of the faculty and staff, students, parents, relatives—all of the Barat family:

I am deeply gratified by the degree you bestow upon me today, and I am particularly honored to be receiving it together with Sister Margaret Burke. Like your graduating seniors, I am proud that I will carry with me always this honor from so eminent an institution—this gentle college, as Dr. Soter so aptly calls it, of Saint Madeleine Sophie Barat.

I will be your commencement speaker for the next few minutes, a role that traditionally allows some philosophical reflections for the benefit of the graduates on the life ahead "out there in the real world." Now, the faculty has had four years to talk with you of philosophy and values, and I'll have perhaps 20 minutes, but since I come last, it's me you will always blame. Commencements are designed that way.

Woody Allen was addressing the graduating class at what used to be the City College of New York. "You have two paths before you," he said to the graduates. "One path leads to utter destruction. The other path leads to total annihilation. We pray," he said, "you have the wisdom to choose well."

It's not really quite that bad. But, without question, it is tougher now for young people, even ones so well prepared as the graduates of Barat, facing the future in a world growing increasingly more complex, interdependent and competitive. There is, perhaps, less security, more demands on the individual, and, as a curious part of the problem, many more choices for a young person to make.

My point of reference for comparison is the world your parents found waiting for them 25 or 30 years ago, a world where America's dominance militarily, politically and economically was unquestioned. A world where drugs (excepting alcohol and nicotine) were not temptations nor dangers and where AIDS was unknown. A world where admission to college or professional schools for the far fewer children born in the Depression years was much less competitive. A world where career paths and family formation came earlier and where families were generally stronger and family and church influences and values more accepted and less questioned. A world not yet dominated by the influence of television, where the written or spoken word still allowed the listener or reader the chance to imagine. And a world, I might add, where tuition and college expenses were much less.

The tears may now be welling in your parents' eyes for the "good old days," but whether they were so good or not is not so relevant as the fact that the world has turned over many times and is a far more difficult place requiring of its young choices, courage and a depth of character unimagined a generation ago.

The paths of destruction and annihilation are there. Fifty thousand nuclear weapons possessed by as many as ten different countries foretell the possibility of nuclear Armageddon for a world unable to find peaceful ways to resolve its conflicts. And the specter of nuclear war, we are often told, distorts our society and warps our values.

America no longer dominates. Militarily we have at least an equal in the Soviet Union. Economically, the countries of Southeast Asia, Japan, Singapore, Taiwan, Korea, Hong Kong, and now China, coming on fast, challenge our country's ability to produce goods, if not yet services, as does the European Economic Community. Politically, America's leadership is no longer taken for granted or left unquestioned, but challenged by those who wish us well, as well as those who may not. The post World War II age of America is gone, and we find ourselves in many ways far less able to determine the world's directions and far more challenged by the competition of other societies.

Under these pressures, some in our government have come to believe that lying to the people may, in some circumstances, be justified, and others say they may have to ignore the law if they deem their purpose to be more important. Dan Rather, Peter Jennings and Tom Brokaw read their accepted news, assuredly never certain that they have before them the truth, or at least, the whole truth. TV viewers, 70% of whom are dependent on them for all the news, find their credibility highly questionable and put them right down there with the politicians as people not deserving of respect.

Last week, I took to the floor in the House of Representatives to say that young people look up to sports stars like Pete Rose, the manager of the Cincinnati Reds, and that gave them greater responsibility for providing the kind of example that builds values and character. I criticized Pete Rose for twice purposely shoving an umpire during an argument on a close play, sending a signal that it's okay to spurn authority when you disagree with it. I said that attitude was at the heart of our problems with crime, gangs and drugs, and to give Pete Rose a slap on the wrist would send a wrong signal to our youngsters. Five or six seconds of my sixty seconds of remarks were carried on CBS and NBC evening news, but neither network included my concern with values and young Americans, only my comments critical to Rose.

Here at home, we are buffeted by economic doomsayers who proclaim the end of America's day in the sun and consign our people, particularly our young, to lower standards of living as the products of cheap-labor economies take away America's markets abroad and increasingly dominate our markets at home.

In addition, we know that young people entering the workforce in America today are handed a bill drenched with red ink representing the burden of the $2.5 trillion of national debt they will have to shoulder throughout their working lifetimes.

I might say our parents left our generation a debt, as well. They lived through the Great Depression, fought World War II and left a debt to us. But the debt we are leaving to this generation, adjusted for inflation, is five times as large as the one we were left, and I can think of nothing we have done to justify it and nothing our young have done to deserve it.

That average young American entering the workforce in America today will pay, we are told, $125,000 in extra taxes over his or her working lifetime just to pay interest on the debt we have accumulated to this point. This is $125,000 that individual will not have to buy a home, start a business or educate his or her own children. For a college graduate with much higher earning potential, the bill will be in the $300,000 to $400,000 range, or say, $750,000 for a husband and wife. This is money that will have to be paid for interest on accumulated national debt in addition to the taxes necessary for that future government to provide for the costs of national defense, education, transportation, welfare and all the other responsibilities of government.

We are also told that much of the financial instruments of the United States representing this debt is and will be held by foreign nationals and institutions, and our children and grandchildren will be paying their extra taxes into the economies of Japan, Saudi Arabia or West Germany or others.

Furthermore, these estimates of extra tax burden are based on the debt growing no larger than it is presently, when, in fact, we are adding to it at a rate of $150 to $175 billion per year right now with no end in sight.

Beyond these dire tax projections, young people are aware that by the time they come to draw on social security, the cupboard may be bare. Analysts projecting 40 to 50 years ahead see our social security system returning to its then retirees less than one dollar for each dollar contributed by and for them, when the average return for today's seniors is $3 for every $1 invested. Yet few in Washington today have the courage to raise this issue for fear of offending senior citizens' lobbies, and fewer still offer solutions to tackle the problem now before it truly becomes one.

Elsewhere in the world, in societies not embracing the rule of law, which unfortunately is most of them, and in some that claim they do, in communist and non-communist countries as well, people are denied the right to speak freely, to assemble to criticize the government, to worship as they choose, and to emigrate. In many places they are tortured, imprisoned without charge or trial, held incommunicado, exe-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

cuted solely for their religious beliefs, like the Bahais in Iran, or simply disappear—kidnapped and killed by the state, without a trace or even a word to their relatives or friends.

And turn on your television set or radio or read your daily newspaper or weekly newsmagazine, and what do you find? Mostly, these same worries and problems. Except for "kicker" at the very end, Rather and Jennings and Brokaw and their colleagues mostly tell us of the horrors of war, the dangers of recession and the depths of human depravity. We can come easily to conclude that Woody was right, it's either destruction or annihilation.

But we have to remind ourselves that what comes into our homes as news most often is negative, emphasizing our problems, our inhumanity toward one another, our greed or corruption. I believe many Americans "drop out" of the civic participation and engagement that a democracy like ours requires simply because the weight of negative heard on the news is overwhelming. It's perhaps understandable if we seek Dr. Feelgood to tell us everything's going to be all right. Yet as one who has seen up close many of the events reported in the news, let me assure you that, in general, things are far better, people more honest and caring and committed, and the world a better place than Dan's or Peter's or Tom's report would lead you to conclude.

Beyond that, as Richard Nixon points out in his latest book, 1999, we should look at and understand where we are and where we've been. More technological and material progress has been made in the last one hundred years than in all of man's preceding history.

For example, as a result of incredible advances in agriculture, where it engaged 40% of us at the beginning of this century, 2% of the U.S. population now produces the foodstuffs necessary to feed 240 million people and leave millions of tons more for export. China and India, embracing together a third of the world's 5 billion people, are now self sufficient in food. The dire predictions of Thomas Malthus that population increases would outrun food production have proved wrong.

A revolution in medicine and health care has virtually eradicated diseases such as tuberculosis and smallpox. Transplantation of organs has become almost routine. A member of Congress had both lungs replaced last week, is doing fine, and expected to run for reelection in the fall. Life expectancy in America was 47 years in 1900 and is now 72 and will be 75 by the end of the century. Incredible progress in a short time.

This century has seen the automobile and the airplane, the telephone, radio, motion pictures and television revolutionizing communications and man inaugurating the computer age and walking on the moon.

All of this is recounted by the former president in his opening chapter of 1999, together with this admonition: A century ago "the average American's potential was constricted by disease and want, but his spirit was unbounded. Today, most Americans are free from want and yet too often we waste our creative potential in second-guessing ourselves and our values."

Today, the average American is healthier, better fed, better housed than ever. He has more leisure time and makes more money. But he has less sense of purpose.

Today, while the aspirations of most of the rest of the world are to have the freedoms of worship and speech, the rule of law, the right freely to elect those who govern, we in America seem to take these freedoms for granted. While the developing world, including, perhaps, the Soviet Union, has finally discovered that the central planning and bureacracy of communism does not work, and plans changes to increase personal incentive and reward, America seems to value its material possessions more and to understand and appreciate its miraculous engine of productivity—capitalism and free enterprise—less. We seem gripped in the same kind of cynicism and pessimism that Charles H. Duell, Commissioner of the U.S. Office of Patents at the turn of the century, personified, when he urged President McKinley to abolish his office, since everything that could be invented had already been invented.

The malaise that grips us has to be rejected. We must recognize that we succeeded over the last century precisely because we accepted no limits on the human potential and spirit, because we understood that America afforded us not guaranteed security, but opportunities, a chance.

If nuclear annihilation confronts us, we must find how we can live together in peace. If America is faced with stiff foreign competition, we must create new goods and services and learn to export more successfully. If we can no longer dominate the world politically, we must develop the skills of leadership and persuasion that will move the world to accommodate and, hopefully, emulate our values.

If the rule of law is threatened at home, we must strengthen it. If the truth is under seige, we must find and revere and protect it.

If national debt is a heavy burden to our children and grandchildren, we must have the courage to cease immediately to add to it and find ways to accelerate our economic growth to minimize its impact.

If social security will not make our future retirees secure, we must take up the cause, regardless of the odds, to see that it does.

To put it in economic terms, if there are problems in the world that need solving, as Dan Rather tells us every night, there is a huge demand out there for solutions. The opportunities for those offering them is, therefore, enormous.

Is there a chance for a young person in America to contribute? To change the world? To make a difference?

Can we as Americans engage the world and through hard work advance the cause of human freedom and individual rights? I founded the Congressional Human Rights Caucus based on that premise. I write and am joined by hundreds of other Congressmen and women is writing Mikhail Gorbachev and others every day on behalf of individuals whose rights are being denied, based on that premise.

We speak out, write, take testimony, publicize, pressure, and network with other free world parliamentarians on human rights violations. Often simply the fact that the accused government knows that we know what is happening to an individual at least takes off the rough edges. We recognize that human rights are indivisible—that the denial of rights to one person is a denigration of the rights of us all.

Can you add to human knowledge in medicine, business, physics, mathematics, the law or engineering? Can you make a contribution to advance civilization in literature, communications or the arts? Is there a possibility for an individual to make a difference in this world? Yes!

Yes! Seen on a T-shirt at a senior citizens' center: "Life Be in It." Participate. Engage. Work. Go beyond yourself. Reach out. Don't accept the world as it is. Change it. Ask yourself, how can I leave this world a better place than when I found it?

And, finally, is there a summing up? Yes, it happens often, particularly as we get older. You question where you've been, what you've done. Not to recriminate or reprove, but move to adjust your plans for the future.

Your parents are doing that today. They're summing up a little, and right now they're saying: "John we've done well." And, "Martha I think you're right."

Because today they're justifiably bursting with pride that their daughter or son has, with their help and sacrifice, passed a milestone and prepared with the knowledge, grace and maturity gained through this gentle college, to make a difference.

Woody Allen might have better said, "You have two paths before you. One is marked with cynicism, pessimism, passivity and stagnation. The other is filled with challenge and adventure and fulfillment. Barat has given you all you need to choose well."

HON. MICKEY LELAND, AN ADVOCATE, FOR THE DISADVANTAGED

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr LEHMAN of Florida. Mr. Speaker, when Representative MICKEY LELAND came to Congress in 1979, I and many of our colleagues soon came to know him as a leader of extraordinary compassion. His personal caring and deep concern for those in our society who need help the most—the handicapped, the poor, the homeless—has had a major impact in Congress. Today, as chairman of the House Select Committee on Hunger, MICKEY LELAND is one of the most effective advocates for the disadvantaged in the U.S. Congress.

I would like to share with my colleagues a letter which Representative LELAND recently wrote to Insight magazine in response to an article in that publication about the problem of homeless Americans. I think it helps make clear some key misunderstandings in this important national issue.

[From Insight, June 13, 1988]

I write to correct some of the many inadequacies and unfortunate implications of your story on homelessness.

The article implies that because we have enjoyed rapid economic growth in recent years, the homelessness epidemic must be unrelated to prevailing economic conditions. This seemingly paradoxical situation needs further clarification.

Though 15.5 million jobs have been created since 1983, most of these jobs have been in the lowest wage stratum. Many of our nation's poor do work. According to the 1987 "Physician Task Force on Hunger in America Report," the number of working poor increased by 50 percent from 1978 to 1986. In addition, the 1987 U.S. Conference of Mayors' 26-city survey on the "Continuing Growth of Hunger, Homelessness and Poverty in America's Cities" reported that

22 percent of shelter residents have jobs. Despite a decline in our proverty rate since 1983, our present rate is still higher than during any period between 1969 and 1980.

As you indicate, housing vacancies are at a 20-year high. You don't mention, however, affordability. Low-in-come housing is increasingly scarce. According to the 1987 "Report of the National Housing Task Force," from 1974 to 1987, renter houseolds with incomes under $5,000 grew from 2.7 million to 4.7 million. This, despite the permanent removal of 4.5 million housing units between 1973 and 1983. An estimated half of these units were occupied by low-income households. The 80 percent cut in the federal housing budget since 1980 exacerbates this shortage. The Housing Task Force notes that while more than a million federally subsidized units of lower-income housing were added between 1976 and 1982, this increase has dwindled in recent years to fewer than 25,000 new units annually. The private sector, has been unable to compensate for these losses.

You accuse advocates of inflating the actual number of homeless to increase sympathy. The problem is, we have little reliable data on the homeless. The U.S. Conference of Mayors reported a 21 percent increase in demand for emergency shelter. Thus, homelessness is clearly on the rise. An accurate count, however, is needed before we can create an effective policy. Pressure must be placed on the Census Bureau to use innovative means to compile relevant data during the 1990 census.

The suggestion is made that government programs should force the homeless to help themselves. The federal government has a responsibility to help people meet their basic survival needs first, and then to help them toward achieving self-sufficiency. Until one has life's barest necessities, rhetoric about self-help is meaningless.

Representative MICKEY LELAND,
Chairman,
House Select Committee on Hunger.

SUPPORT FOR JUVENILE JUSTICE BILL AND CASA

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. MAZZOLI. Mr. Speaker, I rise in support of H.R. 1801, the Juvenile Justice and Delinquency Prevention Act extension. The chairman of the Human Resources Subcommittee, DALE KILDEE, and the ranking minority member, TOM TAUKE, have provided excellent leadership on this legislation and have crafted a fine bill.

Our most precious resource is our children. The Federal Juvenile Justice and Delinquency Prevention Programs are essential in helping youths caught up in our justice system, and the Runaway and Homeless Youth and the Missing Children's Assistance Programs have become integral in helping troubled youths.

H.R. 1801 also contains language on a program that is perhaps less well-known but very important to the juvenile justice system in Kentucky and across the Nation—the CASA, or Court-Appointed Special Advocate Program. My good friend and constituent, Juvenile Court Judge Tom McDonald, of Louisville, is first vice president of the national CASA Association and has been to Washington on numerous occasions to testify in support of CASA.

There are 12,000 CASA volunteers in service nationwide, helping 40,000 children. These court-appointed volunteers act as one-on-one advocates for juveniles in the court system—kids who might otherwise fall between the cracks due to our overburdened legal system. Judge McDonald's testimony earlier this year before the Human Resources Subcommittee, chaired by Congressman KILDEE, underscored the importance of the CASA program not only to the children before the court, but also to the judges who must ultimately decide their fates. It also detailed the cost-savings CASA can effect across the Nation through the coordinated use of volunteers.

The National CASA Association was formed in 1982 to coordinate and promote the various CASA-type programs across the Nation and is currently funded under the Office of Juvenile Justice and Delinquency Prevention under the Justice Department. I'm pleased that H.R. 1801 recognizes the important work of the CASA program and directs Office of Juvenile Justice to continue funding for the program. Such a Federal commitment is vital for the CASA programs around the Nation to continue their important work in behalf of the Nation's children.

UNITED STATES-SOVIET TRADE RELATIONS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. CRANE. Mr. Speaker, the prospect of advancing our trade relationship with the Soviet Union has become increasingly popular. Secretary of Commerce C. William Verity has stated publicly that he supports expansion of trade with the Soviets, and there has been talk of repealing the Jackson-Vanik amendment. While General Secretary Gorbachev should be applauded for his efforts to revitalize the Soviet economy, it is essential that we do not compromise our firm commitment to human rights as well as our military security for the sake of helping him achieve this goal. To allow trade to advance further beyond our current situation would be to underestimate the Soviets' ability to transfer our technology to advance their already superior military buildup. Although trade in agriculture is desirable for both of our countries, we cannot permit trade to advance any further with jeopardizing the security of the United States. Unless we are willing to increase defense spending by leaps and bounds to counteract the inevitable result of freer trade with the Communist world power, we must discard the idea of opening our markets to the U.S.S.R. Please consider carefully the following testimony of Roger W. Robinson, Jr., former Senior Director for International Economic Affairs at the National Security Council, presented before the Commission on Security and Cooperation in Europe:

TESTIMONY OF ROGER W. ROBINSON, JR., ON UNITED STATES-SOVIET TRADE RELATIONS

I welcome this opportunity to appear before the Helsinki Commission on the economic and financial dimensions of the Helsinki Accords. The stature of Basket II of the Accords, mandating the exploration of possibilities for expanded East-West economic activity, has risen in importance dramatically in the 1980's. This development coincides with the Soviet Bloc's growing need for major new infusions of Western capital, technology, equipment, management and marketing skills to revitalize largely stagnant economies. This need is intensified by the increased market competition confronting East Bloc exports by those of the newly industrialized developing countries and the Third World.

Most experts agree that Eastern Europe faces a bleak economic future without radical economic reform which, in turn, requires unprecedented political liberalization. The much-vaunted crisis of capitalism predicted by the communist world in the 1950's has failed to materialize. Instead, today we witness a crisis of Marxist-Leninism—seem most vividly in the communist less developed countries (LDS's)—but also evident in several Soviet Bloc nations.

The view is often heard today that the most appropriate Western response to perestroika would be to step up Western assistance to the Soviet economy as a way of advancing Gorbachev's economic reform program. Some of the same voices suggest that expanded Soviet integration into the global trading and financial systems would give Moscow "a greater stake in the system" and hence moderate its domestic and international behavior. Rather than wait for a multiyear, concrete track record of improved performance on human rights, economic reform, and modified geopolitical behavior, we are urged by Moscow and many in the West to take Gorbachev at his word that this is indeed a new era in East-West relations that will permanently relax tensions. We heard the same kind of pronouncements from General Jaruzelski just prior to the most recent crackdown on Solidarity.

Despite some progress in the area of human rights and the selective release of dissidents, certain Soviet actions have undermined confidence in this optimistic message concerning the "mutual benefit" of sharply expanded East-West trade and finance. One is the enormous increase in Soviet military investment and weapons procurement in the 1970's and 1980's which has enabled Moscow to gain clear-cut superiority in conventional forces in the European theater. A considerable part of the Warsaw Pact's military prowess is attributable to the acquisition of Western technology.

In addition to an unrelenting military buildup, the Soviets have amply demonstrated their ability to project power in the Third World, largely by military means. It is ironic that some relaxation of tension in Europe has been accompanied by a rise in low intensity conflicts in the developing world. Europe is arguably more at peace, but the LDC's have become the primary victims of Soviet-sponsored aggression.

Another regrettable development has been the obstinacy with which the Soviet Bloc regimes have resisted their broader human rights obligations under Basket III. Aside from the Polish experiment in 1979-81, which was abruptly terminated, not a single East European country has taken its Basket III obligations seriously.

The question therefore seems to be—should the West quickly intensify its economic and financial activities with the East in the absence of sustained and material progress in the areas of human rights and military security? Moreover, does it make good policy sense to focus our limited economic and financial resources on assisting the USSR and Eastern Europe when so many of the high-debt democracies in Latin American and elsewhere are also in need of urgent attention, and where the opportunities for future Western exports and employment are immeasurably greater?

I believe that a policy of unfettered trade and finance with the Soviet Bloc countries—decoupled from the balanced objectives of the Helsinki Accords—would not only contradict our basic values, it could also set back rather than advance the cause of genuine economic reform. The centrally-controlled economies of the East Bloc have tended to attract greater Western trade and financial flows as a *substitute* for reforms, rather than a stimulus. Soviet Bloc leaders traditionally have found it easier to import technologies and critically-needed goods than to release the controls on their own economies which inhibit innovation and entrepreneurship. In the past, this preference for trade and borrowing from the West in lieu of reforms on the part of East European countries, helped produce the debt crisis which still grips much of the region.

In the case of the USSR, the reforms are impeded by the unyielding Soviet commitment to a militarized economy and the perceived need to underwrite a global empire. This helps explain why economic reforms are making far greater headway in the People's Republic of China than in the Soviet Union. China has drastically reduced military outlays and has no expensive foreign empire draining scarce resources.

Given these realities, it is evident that a politically-influenced Western "bail-out" of the Soviet Bloc in the form of government-guaranteed, untied loans (e.g. of the kind recently made by West Germany to Hungary), government-sponsored joint ventures in the energy sector, subsidized trade, and substantially expanded access to high technology, is not appropriate in the absence of systemic economic reforms and broad-based human rights liberalization. (This statement does not imply any effort to impede the normal, market-oriented expansion of non-strategic trade and finance.) An economic rescue of the Soviet Bloc of the type described would merely perpetuate the inefficiencies that are robbing Eastern Europe of its economic future and permit the USSR to continue its military buildup and global adventurism at the expense of its civilian economy.

The written testimony which I have submitted for these hearings, on the subject of economic and financial burden-sharing, seeks to outline briefly proposed Alliance policy prescriptions in the field of economic and financial security, including recommended Western responses to the current and projected Soviet economic agenda toward the West.

Generally, I recommend a cautious and prudent approach to increasing economic and financial relations which hopefully reflects the middle ground between undue trade restrictions and unfettered Soviet Bloc access to valuable Western resources. I believe the proposed policies and reaffirmation of existing policies would also advance prospects for arms control, as the Soviets would have a greater incentive to make the kind of positive trade-offs between their military and civilian economies that we are hopeful of seeing in the context of perestroika.

Finally, the lack of Western public support for increased defense spending to modernize our conventional and nuclear forces and maintain an effective global basing structure, argue strongly for coordinated economic and financial security policies becoming the next major defense burden-sharing obligation for the Alliance. Such policies would not only accelerate movement toward arms control and genuine East Bloc economic reform, but could result, over time, in multibillion dollar defense-related savings annually for the American people.

HONORING JOHN FARL

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. DELAY. Mr. Speaker, Congress passed the Javits-Wagner-O'Day Act in 1938. The purpose of this legislation was to provide employment opportunities for blind Americans. Today this program continues to provide employment and other support services to thousands of blind, multihandicapped blind, and other severely handicapped people throughout the United States.

Many of the individuals who participate in the Javits-Wagner-O'Day [JWOD] Program are not capable of competitive employment, or do not desire competitive employment. The JWOD Act has been a successful initiative which has provided gainful and renumberative employment to many people who would otherwise have had no employment options.

Many of the blind persons served have overcome numerous obstacles to lead fulfilling lives. Each year National Industries for the Blind [NIB], the central nonprofit agency for workshops for the blind participating in the JWOD Program, selects one outstanding blind worker as the Peter J. Salmon National Blind Worker of the Year. This year, one of my constituents, Mr. John Earl, has been nominated to receive this outstanding honor. I applaud Mr. Earl for his determination to succeed and his dedication to his work. I would like to share with my colleagues the story of Mr. Earl. John Earl, 29, has worked at the Lighthouse of Houston for over 5 years and, in that time he has proven to his coworkers that he is a dependable and valuable employee to the organization. More importantly, John has proven this to himself. Legally blind, John has had to overcome many obstacles to get where he is now. Today, he is assistant supervisor of a $2.2 million operation and manages up to 15 employees everyday. However, John's future did not always look this bright.

After graduating from high school, John made several unsuccessful attempts to find employment. With every attempt, he was becoming more and more frustrated with his job search. "A lot of times I would almost have the job until they found out that I had a sight problem—then they wouldn't hire me," says John.

After contacting the Texas Commission for the Blind and going through a vocational assessment and counseling, John was finally able to get his first job. With the placement assistance offered by the Texas Commission, he began work at Goodwill Industries where he did janitorial work, assisted on the loading dock and repaired items for resale. After working there for over a year, John decided to try getting a job in a nonsheltered environment. But, again, he came up against frustrating experiences.

He worked for a major hamburger chain for over 2 years, performing a variety of behind-the-scenes jobs, doing whatever was needed. But, the lack of advancement was disappointing for John. "They didn't seem to want to promote me," says John. "I guess they were afraid that a blind person could not be a supervisor or hold a position of responsibility."

Once again John sought vocational guidance from the Texas Commission for the Blind. In 1982 he was placed with the Lighthouse of Houston where he received training in employment skills development. John learned to examine his strengths and weaknesses so that he could formulate career goals and prepare for job interviews.

After completing his work training, John expressed an interest in working full-time in the industrial division of the Lighthouse. When an opening came up in the chemical department, he was hired to work the filling production line. From there, John advanced rapidly, assuming more and more responsibility.

Currently, John supervises the entire detergent bottling department, which produces and packages over 75,000 gallons each year. Oftentimes, he can be found working overtime and weekends to meet production deadlines.

While adhering to a strong work ethic, John also enjoys activities outside of work. On the top of his list is his family. He says he enjoys helping out around the house and spending time with his two sons. John's future is bright. He has set new goals for himself and continues to excel in his work. For John, life seems very complete now.

UNITED STATES POLICY ON ISRAELI USE OF FORCE IN THE WEST BANK AND GAZA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. HAMILTON. Mr. Speaker, on March 30, 1988, and again on April 28, 1988, I wrote the Department of State seeking a clarification of United States policy with respect to Israeli guidelines on the use of force against Palestinian civilians in the West Bank and Gaza.

This inquiry followed testimony by Assistant Secretary of State for Near Eastern and South Asian Affairs Richard W. Murphy that Israeli treatment of Palestinians in the West Bank and Gaza was too harsh, and testimony by Assistant Secretary for Human Rights and Humanitarian Affairs Richard Schifter that Israeli rules of engagement in the territories were acceptable.

The Department of State sought in replies of April 20 and May 18 to clarify the testimony of these two officials. According to the State Department, Secretary Schifter's response indicated that the letter of the Israeli rules of engagement was acceptable, while Secretary Murphy's remarks were directed to the totality of Israeli actions in the West Bank and Gaza.

The correspondence follows:

House of Representatives,
Washington, DC, March 30, 1988.
Hon. George P. Shultz,
Secretary of State, Department of State, Washington, DC.

Dear Mr. Secretary: I write seeking clarification of U.S. policy with respect to Israeli guidelines on the use of force against Palestinian civilians in the West Bank and Gaza.

On March 15 Assistant Secretary of State for Near East and South Asian Affairs, Richard Murphy, testified before the Subcommittee on Europe and the Middle East that Israeli treatment of Palestinians in the occupied territories was too harsh, that "It doesn't solve the problem, it just deepens it." In response to a question whether the U.S. was comfortable with the orders of the Israeli Defense Minister, Assistant Secretary Murphy said, "No, we're not. Of course not."

On March 29 Assistant Secretary for Human Rights and International Organizations, Richard Schifter, testified before the Subcommittee on Human Rights and International Organizations that the U.S. found Israeli engagement orders in the West Bank and Gaza "acceptable." Schifter stated, in response to a question, that these guidelines were generally consistent with techniques officials would employ to subdue demonstrators in the United States.

These statements are not consistent. I would like to know:

What is the U.S. position with regard to Israeli guidelines on the use of force against Palestinians in the West Bank and Gaza during the current unrest?

What do we believe those guidelines to be?

Do we approve of these Israeli guidelines?

What do we say to the Israelis on this issue?

Is it your view that incidents of brutality, such as those reported in the press, have been aberrations, in violation of official Israeli guidelines?

Is it your view, as Mr. Schifter stated in his testimony, that the policy and the practice of beating West Bank and Gaza demonstrators in order to subdue them has now ceased?

I appreciate your consideration of this matter and look forward to your reply.

With best regards,
Sincerely yours,
Lee H. Hamilton,
Chairman, Subcommittee on Europe and the Middle East.

U.S. Department of State,
Washington, DC, April 20, 1988.
Hon. Lee H. Hamilton,
Chairman, Subcommittee on Europe and the Middle East, House of Representatives.

Dear Mr. Chairman: We are responding to your letter of March 30, in which you raise a question about the possible inconsistency between the testimonies of Assistant Secretary Murphy, delivered on March 15, and that of Assistant Secretary Schifter, delivered on March 29, regarding Israeli treatment of Palestinians in the occupied territories. You call attention to the fact that Mr. Murphy stated that Israeli treatment of Palestinians was "too harsh," and that Mr. Schifter found Israeli engagement orders in the West Bank and Gaza "acceptable."

We do not find inconsistency between the testimonies. Assistant Secretary Murphy's comment applied to the totality of Israel's actions in the occupied territories, while Assistant Secretary Schifter used the term "acceptable" only with regard to the IDF engagement orders regarding riot control. Mr. Schifter clearly distinguished in his testimony between brutality toward persons in Israeli custody, or against those not at all involved in rioting, on one hand, and riot control measures on the other hand. The latter involve dispersing rioters, overcoming resistance to lawful arrest and pursuit of rioters. As to the former he said the following:

"[As to] the brutalization of prisoners and the random beating of civilians, I want to state most emphatically that these acts must be condemned, and we have done exactly that. We have made representations at the highest level of the Israeli Government, urging that these acts of brutality or indiscipline be brought to an end and be punished.

By the same token, we believe that physical abuse of prisoners in detention, whether for the purpose of eliciting information or for deterrence must also be condemned. These means cannot be justified by any ends."

We have made our objections very clear to the government of Israel to the use of corporal punishment and beatings when the IDF is not under violent attack.

Mr. Schifter's statement that certain Israeli practices must be condemned certainly squares with Mr. Murphy's observation that they were too harsh.

Mr. Schifter did seek to distinguish between these unjustified and inexcusable acts of brutality and measures necessary to maintain law and order. He did point out, though, that while we agree that law and order should be maintained and while we do view the IDF rules of engagement as acceptable, we have counseled that in practice policies should be followed which would minimize casualties. We are indeed concerned about the casualty toll. We believe that lethal force should be used only as a last resort in self-defense and that at least some situations in which lethal force has been used could have been avoided.

The answer to your specific questions about the IDF rules of engagement is that they were discussed with us on a confidential basis. As we have noted, in general, we have no problem with them. Our problem is with action contrary to the rules. The incidents of brutality, to which your letter refers, are in our view contrary to the policies of the Chief of Staff of the IDF and the top military personnel serving under him. It appears, however, that in some situations local commanders acted contrary to the policy adopted by the Chief of Staff, and that there has been indiscriminate and unnecessary use of force. These are the actions to which we have strongly objected.

Mr. Schifter's statement about the cessation of beatings focused primarily on what appeared to be the random beating of persons not themselves involved in acts of violence. In the period just prior to his testimony, we had received fewer reports of such occurrences. Now, more recently, differing reports have come to us about Israeli practices. It is a rapidly changing situation. We are seeking clarification from the Government of Israel, and will provide further assessment at a later date.

Our concern about unauthorized and improper actions by local commanders remains high. The IDF's tendency to permit improvisation by field officers, while an asset in war, is clearly a serious detriment in the present setting. We shall continue to be on the alert and make appropriate representations when necessary.

Sincerely,
J. Edward Fox,
Assistant Secretary, Legislative Affairs.

House of Representatives,
Washington, DC, April 28, 1988.
Hon. George P. Shultz,
Secretary of State, U.S. Department of State, Washington, DC.

Dear Mr. Secretary: I appreciated your letter of April 20, 1988 in reply to my letter of March 30, 1988 regarding the statements before the Congress by Assistant Secretary Murphy and Assistant Secretary Schifter on the situation in the West Bank and Gaza.

I would ask that your office again review the congressional testimony in these two instances. Following is an unedited colloquy with Assistant Secretary Murphy:

Mr. Hamilton. Are we now comfortable with the orders of the Defense Minister to the troops?

Mr. Murphy. No, we're not. Of course, not. We have made our position very clear on that.

Mr. Hamilton. We think their treatment is too harsh in general, is that correct?

Mr. Murphy. Yes. It doesn't solve the problem, it just deepens it.

These statements are quite different from those of Assistant Secretary Schifter before the Subcommittee on International Organizations and Human Rights. Please note the following exchange between Congressman Solarz and Assistant Secretary Schifter at that hearing:

Mr. Solarz. * * * In general terms, could you tell us the extent to which we think the guidelines that they have developed, the rules of engagement, as it were, are reasonable, and to what extent are they more or less comparable to the kind of procedures and rules of engagement that law enforcement personnel in our own country would follow when dealing with riots and disturbances in the United States?

Mr. Schifter. Congressman Solarz, I did mention in my testimony that, indeed, these guidelines are viewed by us as being reasonable and are in comport to generally-accepted standards.

Mr. Solarz. And they are more or less similar to what we use in our own country?

Mr. Schifter. That is my understanding.

My assumption following Mr. Murphy's testimony was that he was speaking for the State Department on this issue, but the different testimony by Mr. Schifter raises questions about U.S. policy.

I would appreciate a careful review because I continue to feel these testimonies are not consistent.

Thank you for your consideration of this matter.

With best regards,
Sincerely yours,
Lee H. Hamilton,
Chairman, Subcommittee on Europe and the Middle East.

U.S. Department of State,
Washington, DC, May 18, 1988.
Hon. Lee H. Hamilton,
Chairman, Subcommittee on Europe and the Middle East, Committee on Foreign Affairs, House of Representatives.

Dear Mr. Chairman: Thank you for you letter of April 28, 1988, concerning U.S. policy in the West Bank and Gaza. I am responding on behalf of Secretary Shultz.

The colloquies you cite in your letter concerned Israeli use of lethal force in the occupied territories. We do not believe they reflect any inconsistency in U.S. policy. We are opposed to the use of lethal force by the Israeli army except in response to clear life threatening situations. We believe it is incumbent upon Israel to do all in its power to avoid such situations.

Mr. Solarz's questions were directed to the letter of the IDF's rules of engagement in the territories, which as Assistant Secretary Schifter stated, we find to be acceptable. Assistant Secretary Murphy's remarks dealt with questions beyond the rules of engagement. They were directed to the totality of Israel's actions in the West Bank and Gaza. They reflected our growing concern that the environment in Israel and in the territories did not encourage restraint on either side. The daily confrontations between Palestinians and Israeli security forces resulted in bloodshed, a growing death toll, and deeper resentment. We continue to raise these concerns with the Government of Israel.

I hope the above information is of assistance to you.

With best wishes,

Sincerely,

J. Edward Fox,
Assistant Secretary
Legislative Affairs.

CUT FOLIAGE INDUSTRY LOOKS TO EXPAND MARKETS

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. CHAPPELL. Mr. Speaker, the last decade has proven to be a trying time for American agriculture. Overproduction and subsidized competition from abroad has resulted in economic hardship for farmers and rural communities across the Nation.

While the adversity and challenges facing this country's agriculture sector have been great, the State of Florida has risen to the occasion with an exemplary agricultural boom that carries with it hope for the rest of the Nation. This success is exemplified by Florida's record 16-percent increase in agricultural exports from 1986 to 1987 and a 44-percent increase in agriculture-related employment since 1974.

Mr. Speaker, I am proud to recognize Lawrence Farms of Volusia County, FL, as a fine illustration of our State's commitment to economic growth and agricultural excellence. Through innovation and export expansion, the Lawrence family has achieved unprecedented success in the nursery crop industry.

Certainly, the economic health of this great Nation depends on individuals like Tommy and Jim Lawrence, who have combined creativity and hard work to build a successful business.

At this time, I would like to to submit the following Florida Agriculture article on the Lawrence brothers and their farming operation:

Cut Foliage Industry Looks To Expand Markets

(By Rod Hemphill)

For an octogenerian, Florida's cut foliage industry is hale and hearty, having grown from an infant producing an ornamental asparagus variety of foliage to a major supplier of ferns and special varieties.

But some growers say the venerable industry still has room to grow before it reaches the level of maturity of some other Florida commodities.

"It's ironic," said Jim Lawrence of Lawrence Farms of Deland. "The strongest demand for our cut foliage occurs when the least amount is available."

The period of heaviest domestic demand for the leatherleaf fern, Ming fern, plumosa, tree fern and spengeri produced by Lawrence and his fellow growers begins with Valentine's Day, peaks at Easter and ends at Mother's Day.

At this time of year, workers are employed for long hours, six or seven days a week. Since most work for piece-rates, they don't complain much, Lawrence says. On a typical day workers scurry to cut the fern from mesh-covered shade-houses which may cover many acres, or from the old-style hammocks where ferns grow in the shade of huge hardwood trees.

Lawrence is immediate past president of the Florida Fern Growers Association, an organization that represents growers in areas of promotion and legislation.

"We work with organizations such as Farm Bureau on the state and national levels," Lawrence explains. "Because the industry is concentrated in a three-county area, the association is heavily involved with local governmental and regulatory bodies. For example, we work closely with the St. Johns River Water Management District."

Tommy Lawrence, Jim's brother and partner in Lawrence Farms, is a state director of Florida Farm Bureau Federation and a former Volusia County Farm Bureau President. They purchased the farm from their father about 20 years ago.

BACK IN THE 1900S

Florida's fern industry began in the early 1900s in the Pearson area. At first, the growers produced *Asparagus plumosis* under hardwood hammocks. They found the area, with its abundance of hardwood, plentiful water and sandy, well-drained soil hospitable to their type of farming.

Plumosis is not a fern at all. It is a vegetable, related to table asparagus. A substantial amount is still used in florists' arrangements.

The Lawrence family's involvement in the fern industry pre-dates the introduction of leatherleaf fern, now the industry's major product.

"Dad bought his first fernery in the 1950s. It was under artificial shade, but did not resemble the ferneries of today," Lawrence said. "It was constructed of cypress slats nailed in such a way as to provide 50 percent shade."

Leatherleaf was brought to the area in the early 1950s by man named Baker. Leatherleaf is still called Baker fern by some of those in the industry. It is the most common fern found in florists' arrangements, and Lawrence estimates Florida produces about 80 percent of the world's supply.

AN INTERNATIONAL INDUSTRY

Until the 1950s, the market for Florida cut foliage growers was limited by transportation facilities.

"Up until then, they mainly shipped by parcel post or Railway Express," Lawrence said.

But the establishment of a supply house in Pearson in the '50s caught the attention of truckers, who began shipping foliage in competition with the railroads.

The European market opened up in the late '50s and early '60s, with Florida foliage first shipped by air cargo out of Miami.

Today, one-third of Florida's cut foliage product goes to European and Japanese markets—most of it via air conditioned ocean container from the ports at Jacksonville and Savannah. Miami and New York serve as the major air terminals, although more is being flown out of Orlando all the time.

The Japanese market is about 10 years old, and opened up with improvements in ocean shipping containers, which keep ferns fresh for 30 days or more.

The fern industry is doing its part to reduce the U.S. trade deficit with Japan, Lawrence observes, noting that fern indusrty shipments are one way. The industry imports nothing from Japan in the way of seed, fertilizer or containers.

MARKETING DILEMMAS

The European love affair with fresh bouquets delights the Florida fern industry.

"In Europe, portable flower standards are found about every two blocks in major cities and gifts of fresh flowers and wine are almost obligatory when visiting someone's home," Lawrence says. In contrast, the American attitude toward flowers centers on "forgiveness, funerals and weddings."

In Europe, seven out of 10 people buy flowers in a year. In the U.S. one in three send or receive flowers, Lawrence said.

"If we were to increase the domestic incidence of floral purchases to equal that of Europe, it would double our market," he says.

Another marketing problem faced by the fern industry is a lack of grower communication with the wire delivery services which design the specifications for bouquets put together by local florists.

"As a result, the bouquets they design often do not feature the cut foliage product most readily available at any given time of year," he says.

There is an attempt on the part of the American Florist Marketing Council to promote the use of foliage, using funds raised voluntarily. The council requests wholesalers to contribute one-half percent of sales for promotion.

In early 1980s, Lawrence and some of his fellow growers attempted to get a statewide marketing order to raise money for promotion. However the referendum failed.

"The problem is, fern growers are very private. Cooperation is at a minimum. When it comes to marketing, we are where the citrus industry was 30 or 40 years ago," Lawrence said.

ECONOMIC CONTRIBUTION

Lawrence guesses there are about 600 cut foliage producers in Florida—about 580 of them in Volusia and Lake counties. A large operation will occupy 50 to 60 acres, but most are smaller

Volusia County has 5,500 acres devoted to leatherleaf fern. There are 1,000 to 1,500 acres in other areas of the state.

Annual sales through June 1987 totaled $89 million at the wholesale level. With one-third going to export, that means the industry contributed about $30 million toward the trade balance.

RESEARCH HELPS

At the Agricultural Research and Education Center near Apopka, researchers for the University of Florida's Institute of Food and Agricultural Sciences (IFAS) work to support the cut foliage industry.

Dr. Robert Stamps, assistant professor of ornamental horticulture, is working on ways to protect the foliage from freezes. Researchers now believe the icing of shadehouses—the creation of an "igloo effect" by spraying water on the houses rather than the plants—will be effective in reducing water consumption while providing cold protection.

Stamps and his colleagues are also working on frost protection sprinklers that use less water, and the use of tensiometers, devices which precisely measure soil moisture to determine when watering is needed.

Researchers also think they have developed a herbicide to control the fern growers' nemesis, Florida betony, also know as artichoke. Current control measures include hand-weeding and applications of the herbicide *Roundup*. The weed costs fern growers tens of thousands of dollars annually.

"Blockade (prodiamine)," say a research update publication, "was found to give excellent control of Florida betony when betony was seeded into pots containing leatherleaf fern. The herbicide had no apparent effect on yield or vase life of the crop." Stamps is optimistic prodiamine will be registered for use on cut foliage crops by the end of the year.

PUBLIC IGNORANCE ON CENTRAL AMERICA REFLECTS A MAJOR FAILURE FOR REAGAN

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. GARCIA. Mr. Speaker, I thought my colleagues would be interested in the following article from the Wall Street Journal. While I do not agree with the suggestion that "more success in educating the public would translate into more support for Reagan administration policies," I believe they failed because they were bad policies, I do think the article demonstrates the importance of an informed public. An educated public is the key to a strong democracy and the pursuit of a viable foreign policy:

PUBLIC IGNORANCE ON CENTRAL AMERICA REFLECTS A MAJOR FAILURE FOR REAGAN

(By Gerald F. Seib)

WASHINGTON.—Whatever its other successes or failures in Central America, the Reagan administration has lost one important battle: the fight to inform and shape U.S. public opinion.

That conclusion emerges from a new poll that discloses a stunning level of public ignorance about Central America, despite President Reagan's seven-year effort to focus attention on the region. Moreover, the survey finds, those who are least knowledgeable also are least sympathetic to President Reagan's policies.

The nationwide survey shows that a large percentage of Americans don't know that El Salvador is a friend of the U.S., can't name the country where Sandinistas and Contras are fighting, and don't even consider Central America "close to our borders."

The findings suggest that Republicans in general, and Vice President George Bush in particular, face a tough campaign issue now and a formidable educational challenge after the election if they hope to continue Reagan administration policies in Central America.

A VULNERABLE ISSUE

"This is what we call a defensive issue, or an issue where we are vulnerable," says Fred Steeper of Market Opinion Research, a Republican polling concern that conducted the Central American survey and also handles polling work for Mr. Bush's presidential campaign.

The poll was part of the Americans Talk Security project, a bipartisan effort by a consortium of polling concerns to test opinions on national-security issues.

The lack of knowledge is particularly acute concerning El Salvador, the nation where the Reagan administration has enjoyed perhaps its most important Central American success by promoting a pro-American democracy while thwarting leftist revolution. The survey found that more Americans (43 percent of those surveyed) think El Salvador is an unfriendly country or an enemy of the U.S. than perceive it as a friendly country or an ally of the U.S. (32 percent).

Similarly, 35 percent mistakenly think El Salvador has a pro-Soviet Communist government, while only 15 percent think it has a democratic government. One-third aren't sure what kind of government it has.

A MESSAGE RECEIVED

Americans do seem to have gotten the Reagan administration's message that Nicaragua's Sandinista government is hostile; 61 percent say Nicaragua is unfriendly or an enemy of the U.S.

But beyond that, confusion is rampant. Though most of those surveyed seem to know Nicaragua is unfriendly to the U.S., a 61 percent majority somehow also thinks the Soviet Union is supporting a Communist revolution against the government of Nicaragua. (In reality, of course, Nicaragua has close ties to Moscow.) And 48 percent can't name Nicaragua as the country where the U.S.-supported Contra rebels are fighting the Sandinista. Some 7 percent think the Contras and Sandinistas are facing off somewhere in Southeast Asia.

The survey strongly suggests that more success in educating the public would translate into more support for Reagan administration policies. Among those who can say why the administration favors military aid to the Contra rebels, assistance is favored by 49 percent to 42 percent. But a third can't say why the administration favors aid, and among that group aid is disapproved by 52 percent to 29 percent.

Certainly, the administration can't be accused of failing to try to educate Americans. Special White House and State Department offices have worked to spread the word, and President Reagan has given speech after speech on Central America, particularly in his first term.

Reaganites argue they may be victims of their own success in spreading democracy and preventing leftist revolutions, which would have riveted more press and public attention on Central America. Press coverage of El Salvador, they note, has dropped significantly since that country blunted leftist insurgents and held successful elections in 1984. "Success isn't a good story," says Robert Kagan, a former State Department aide who is working on shaping public perceptions of Central America.

So most attention has focused on the debate over aid to the Contras. But despite Mr. Reagan's considerable efforts, the divergent pictures of Nicaragua painted by the administration and its foes in Congress seem to have left Americans thoroughly confused.

THE VIETNAM MEMORIAL

HON. JON L. KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. KYL. Mr. Speaker, occasionally we read something so profound or inspirational that we want to share it with our colleagues. I was so moved when I read the thoughts of a friend who had just experienced the Vietnam Memorial on a visit to our capital that I wish to insert it in the RECORD for all to see. You will agree with me, I am sure, that Marianne Morrison, of Payson, AZ, has captured the emotions of millions of Americans who have seen and touched this monument to our Vietnam war dead—and living.

THE VIETNAM MEMORIAL

My anticipation begins to overwhelm me as I step off the tour shuttle. For the last 24 hours pride, ownership, and a reverential awe has engulfed me as I have feasted on sights only enjoyed by my mind's eye in picture books and television until this very special day in my life.

However, this particular monument will be different. I've never seen a picture of it; in fact, until this moment, I haven't even paid much attention to its existence. Clearly my apathy toward the subject matter it represents is indicative of my lack of attention to its existence at all.

Before I left home, I asked my husband what he'd like me to bring him from this momentous journey. He answered decisively, with no hesitation: "There's one place I want you to visit. Go there for me; that's all I ask."

This particular month, June, draws many visitors from all over the world and today is no exception. Hundreds of tourists roam freely along the streets and parks of the Washingtron Mall area.

The Lincoln, Jefferson and Washington monuments break the skyline with their majestic form, but the monument I now seek is not in sight. I search for a sign, an arrow for direction. The memorial I am soon to realize looms below the surface of eyesight—again representative of the level of attention I have afforded it over the last 20 years.

The spirit within me which has soared in the presence of the first sight of our nation's capital, now changes to a solemnness I have experienced in the past only at a memorial service of a dear friend or relative.

A strange sense of feelings for a celebrated time such as today. Yet, as I enter the grounds of this memorial, the sensation remains.

With first sight—the wall, the black massive wall sends a surge of adrenaline through my body. There are no signs that dictate silence and yet I am vividly aware of the absence of talking. The laughter and casual conversation that moments ago were shared by visitors have shifted to a silence, a reverential silence.

A bronze statue draws me to its threshold. Flowers adorn the feet of three soldiers with ribbons and wreaths of red, white and blue. My attention shifts to a letter, and I soon feel as though I have just entered the presence of life-long friends, sharing parting words, prior to the final breath of one before entrance to eternity.

The soldiers are so real, so very real. You expect them to yell out at any minute for the buddies they are searching for. The apparel of war hangs from their bodies as they search for possibly one of the 58,132 men whose names appear on the wall.

My footsteps pace the sidewalk toward the wall, which begins at ground level and crescendos to the height of ten feet, then at the vertex angles at 125 degrees back down to ground level.

I feel compelled to read individual names. To face the reality of Viet Nam that I have chosen to ignore for 20 years.

Tears begin to swell from my inner soul and find their path down my cheeks as I envision a mother, sister, wife, child, finding their loved one's name. The name ground deeply into the black granite. I close my eyes and run my fingers across the patriot's engraving. Even a blind mother could find her son's name among the thousands that form this massive black wall. I walk back and forth along the pathway, reading names and observing a young man placing flowers at the base of a row of names. The small corridor of grass between the wall and sidewalk form a symbolic cemetery for flowers, letters, mementos.

The black polished granite reflects my image as I move in front of the wall, which painfully confronts me with all the realities it represents.

As I thoughtfully leave, the heaviness of spirit which engulfs this hallowed place lingers with me. I begin to question myself. Questions I cannot answer.

Where was I when all this was going on? I know I was in high school and college from 1964-72, but where was my consciousness to this war? I was working on my own selfish, self-directed life and desires. From all directions of society I heard "Love—Peace Man." "Make love, not war." "Do whatever makes you feel good." "Go for it." Viet Nam—I knew it was going on. Demonstrations protesting the war were a regular occurrence, but that was them, and I was having a good time being me. Where was I in 1972 and 1973, when the soldiers came home from that God-forsaken land? Getting married and having babies.

Since my encounter with the black massive wall and the statue of the three soldiers, I am compelled to watch every movie made about this war. "Hanoi Hilton," "Hamburger Hill," "Platoon." If it is presented as realistic Viet Nam, I watch—the torture, the agony, the pain. I force myself to face after 20 years of denial, the human sacrifice for a war initially believed to provide freedom for a nation of people.

Several months later I would have the unforeseen opportunity to retrace my encounter with the wall with my two oldest daughters.

I softly explained to them the background of the Monument, describing the crosses by 1,300 names as recognizing those missing in action or unaccounted for.

Jennifer sighs, "What a waste of lives." My anger breaks the solemness in the air. "Waste? You can never call human lives sacrificed for what they believed would provide liberty and justice for the men, women and children of South Viet Nam a waste. Girls, there's a price for freedom and you stand at their grave."

As I look up and see Lincoln honorably sitting vigil over the Mall and park of Washington, D.C., I am reminded of a letter he wrote in 1864:

"Dear Madam: I have been shown in the files of the War Department a statement of the Adjutant-General of Massachusetts that you are the mother of five sons who have died gloriously on the field of battle. I feel how weak and fruitless must be any words of mine which should attempt to beguile you from the grief of a loss so overwhelming. But I cannot refrain from tendering to you the consolation that may be found in the thanks of the Republic they died to save. I pray that our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom.

Yours very sincerely and respectfully,

ABRAHAM LINCOLN."

KRISTALLNACHT

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. LEHMAN of Florida. Mr. Speaker, Rositta Ehrlich Kenigsberg, who lives in Florida's 17th Congressional District that I represent, is the president of the International Network of Jewish Holocaust Survivors.

During the annual Days of Remembrance of the Victims of the Holocaust ceremony at the Department of State last April, it was my privilege to participate as one of the six candlelighters commemorating the 6 million victims. Among those participating was Rositta Ehrlich Kenigsberg, who was born in a displaced persons camp in Austria. Her father not only survived Auschwitz, but a total of 10 concentration camps.

As part of the program, Rositta's statement was a vivid remembrance of Kristallnacht, or Crystalnight, which can only be described as a nightmarish Nazi German pogrom.

I would like to reprint the text of Rositta's statement, a reading from "Joseph and Me" by Judy Hoffman, for the benefit of my colleagues and all of us who share the responsibility to remember those deeds that must never be repeated. The excerpt follows:

KRISTALLNACHT READING

(Reading excerpt from: Hoffman, Judy, *Joseph and Me.* Ktav Publishing House, 1979.)

Lo mir gedenken die nacht fon pogrommen.
Let us remember the night of pogroms.

My real mother was named Else, and my father was Jacob. Joseph and I were their only children. Although it is now many years later, I still remember our last days together. It all began on a Tuesday—the ninth of November, 1938. We were living in Germany then. We had heard that the German soldiers disliked the Jews, but many of us, including my parents, were not certain whether this was really true. If the Jewish people were uncertain, what happened that night changed their minds. Ever since, that night has been called Kristallnacht, which in German means "The Night of Broken Glass," because throughout Germany Jewish windows were broken. Papa told us never to forget Kristallnacht, but I wouldn't be able to forget it even if I wanted to.

German soldiers broke into Jewish houses all over Germany. They set fires, they murdered, they arrested, and they stole. They broke windows in stores owned by Jews, and in our homes too. They threw belongings that people loved and treasured out into the streets. They poured gasoline on them and set them afire. They ripped pictures and broke antique chairs. They broke valuable china dishes and crystal lamps, and they destroyed books. They threw out hundreds of books with favorites fairy tales and folktales, history books, music books, art albums, and Bibles.

Und unzerer shetel is avec in flamen.
Our city was engulfed in flames.

It took no time before the flames in the streets grew enormous. The broken glass from all the store windows reflected the fires and made them appear even larger and brighter.

Papa was a caretaker in the small synagogue of our town, Goch. We lived in three small rooms near the top of the synagogue, and Papa's job was to care for the needs of the worshippers and keep the synagogue clean. I liked living there, for when I was in bed and almost asleep, I liked to hear the men downstairs praying during the late Sabbath service. I made me feel close to God, and the darkness no longer frightened me.

We didn't expect the German soldiers to come into our sacred synagogue, and we were very alarmed when they broke down the heavy doors that night. I remember there were so many of them! I could see them from upstairs. They laughed loudly, and they shouted as they ripped the beautiful blue and gold velvet curtains from the Holy Ark where the Torah Scrolls were kept. Mama had sewed them for many months before she felt they were ready to cover the sacred Ark. The soldiers didn't stop there. They poured gasoline onto the Torahs and set fire to them. It was then that Papa began to cry and ran toward the burning Torahs. When the soldiers turned and saw him, they knocked him down with their rifles and dragged him outside. Papa was arrested that night and we didn't know what to do. Mama cried and told us not to be afraid. I didn't know how not to be afraid, for I was more frightened that night than I had ever been in my entire life. All I remember from then on is that I cried and cried. I tried to sleep. Mama rocked me, but I could not stop crying.

Mir Velen Keinmol Nischt fargessen.
We will never never forget.

PERSONAL EXPLANATION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. MAZZOLI. Mr. Speaker, I was unavoidably absent on Friday, June 3. Had I been present, I would have voted:

"Aye" on roll No. 166, the Roe substitute amendment to the Boehlert amendment to H.R. 4505, the 1989 Department of Energy authorization bill, which directs the Secretary of Energy to seek foreign participation commitments in the superconducting super collider project at a level not less than 25 percent nor more than 33 percent of the total estimated cost of the project; and

"Yea" on roll No. 167, final passage of H.R. 4505, the 1989 Department of Energy authorization bill.

GORBACHEV'S ECONOMIC REFORMS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. CRANE. Mr. Speaker, we have heard much about the recent economic reforms that the "new" Soviet Union is establishing to achieve economic prosperity. The question is "what have they done"? We have heard the buzzword—"glasnost" thrown around for the last few months. All we have witnessed are declarations of what this new policy is going to be. Mr. Charles Maurice and Mr. Steve Pejovich have written an article that discusses this interesting perspective of determining the new Soviet economic doctrine. They state "to implement economic reforms, the Soviet government must give business enterprises some definite property rights with respect to the allocation of existing capital assets, replacement capital and net capital formation." I urge my colleagues to read the article that follows:

AN ECONOMIC ANALYSIS OF GORBACHEV'S REFORMS

Two basically naive questions have dominated our discussion in the West about the causes, implementation and effects of economic reform and glasnost in the Soviet Union: "Does Gorbachev mean it?" and "Is Gorbachev going to be able to pull it off?" The first question calls for an opinion on Mikhail Gorbachev's integrity. The second question is about the balance of power within the Communist Party. In addition, many intellectuals in the West support Gorbachev's reforms. The argument is that reforms are supposed to increase the standard of living in the U.S.S.R., open new horizons for the Soviet consumer and, consequently, pressure the government into substituting butter for guns. This is a non sequitur, a conjectural and dangerous argument. As long as the Soviet Union is a policy state and the communist ideology is its major export, the West should be better advised to support policies that promise to destabilize the communist rule in Russia.

The crucial question about the Soviet reforms is: How can we tell whether economic reforms are being implemented? Thus far, Gorbachev's rhetoric about economic reforms and glasnost has consisted of declarations of intentions, a strong emphasis on changes in manufacturing (the most powerful center of planning bureaucracy), limited criticism of bureaucrats that he wants to replace anyway, and more lenient policies toward dissidents. Gorbachev's rhetoric has softened the Weat while the Warsaw Pact military forces are gaining in strength, provincial leaders are being replaced by Gorbachev's proteges from Moscow, and East Europeans are warned not to go too far with their reforms. We still lack evidence that Gorbachev means what he has been saying. Yet, Western media has shown more confidence in his political pronouncements than in Oliver North's statements under oath.

Oleg Bogomolov, a senior economic adviser to Gorbachev, said in a recent interview, "We need market competition to produce better products, eliminate monopolies, improve the performance of enterprises and increase the efficiency of investments." Given this astonishing discovery of a leading Soviet economist, Gorbachev proceeded to say at the 27th Party Congress that the role of central planning is to be strengthened while the enterprises are given more freedom from the center. How he plans to reconcile those two contradictory goals remains to be seen.

The blueprint of proposed reforms was published in Pravda on June 27, 1987. It is perhaps the most important document we have for judging Soviet intentions. The document is a typical committee product. It is full of contradictory statements, sophomoric economics and obvious political compromises. For example, the document says, "It is essential to abandon administrative and high-handed methods and move on to economic management methods," and then, "the attainment of strategic goals of the economic policy of the Communist Party calls for the creation of a central guidance system . . . with the use of all economic levers: plan, financial control, prices. . . ."

The document suggests that economic reforms in the U.S.S.R., if implemented, would neither replace the old institutions nor modify them. They would merely introduce into the Soviet system a new set of institutions to coexist with the old ones. The authors conjecture that the implementation of the blueprint of Soviet economic reforms would seriously destabilize the Soviet economy. Assuming that an objective of our foreign policy is to reduce the Soviet ideological and military influence, the West should encourage Soviet leaders to proceed with proposed reforms.

It is quite important for policymakers in the West to be able to determine whether the Soviets are implementing economic reforms or just talking about them for domestic and foreign benefits. Economic analysis tells us what to look for.

The Soviet manager's job, promotions and future income depend on his firm's fulfillment of the production plan. Economic reforms would change the manager's incentive structures. His rewards are proposed to be linked to the profitability of his firm. This is easier said than done. The implementation of the reform would require a series of institutional changes in the Soviet Union. In particular, the prevailing property rights in capital goods would have to change.

In the Soviet Union, the state allocates capital goods to business firms, transfers them (via administrative edict) from one enterprise to another and determines the pattern of net capital formation. The Soviet firm cannot sell, rent or modify capital goods in its possession. It can only use them to produce (and overproduce) its prescribed output target. The firm is not charged from the use of capital goods. Predictably, the Soviet manager considers capital goods as free reserve. There is no penalty for having too much capital (relative to the firm's output target) and it could be useful in case of breakdowns of other emergencies. Either through successful underreporting of their firms' production functions or through political pull, many managers have ended up holding an excess of capital relative to their prescribed output targets and true production functions.

By making the manager's rewards depend on the firm's profitability (defined as the ratio of profits to the book value of the capital stock) economic reforms would radically change the role of capital in the Soviet firm. The Soviet manager would suddenly face a totally different game. From being an asset, "accumulated reserves" of capital would become costly to hold. The manager would have strong incentives to seek to minimize his firm's needs for capital. To make the concept of profitability operational, the Soviet government would have to grant the Soviet manager some definite property rights with respect to the allocation and use of existing capital goods.

The Soviet manager today is only too happy to have his worn-out machines replaced by whatever else he is able to get via administrative channels. The emphasis on profitability would change the manager's attitude toward replacement capital. He would become more discriminating with respect to the quality of replacement capital and press for some rights to control it.

Finally, the implementation of economic reforms must give the manager some property rights in controlling the quality and quantity of new investment. Otherwise, the emphasis on profitability as a vehicle for more efficient allocation of resources will not get off the ground.

The point is that the Soviet watchers should be less concerned with Gorbachev's speeches and more interested in what the Soviets are doing. If and when the Soviet government begins to transfer property rights in capital goods to business firms, the implementation of economic reforms will be on the way. As long as property rights in capital assets remain what they are today, Soviet economic reforms should be treated by our policy makers as a facade of words. To implement economic reforms, the Soviet government must give business enterprises some definite property rights with respect to the allocation of existing capital assets, replacement capital and net capital formation.—Charles Maurice, Steve Pejovich.

THE OAS CHARTER AND U.S. POLICY TOWARD PANAMA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. HAMILTON. Mr. Speaker, on May 5, 1988, I wrote to the Department of State concerning the charter of the Organization of American States [OAS] and United States policy toward Panama. My inquiry was whether current United States economic measures against Panama contravened, or were consistent with, article 19 of the OAS charter. On June 2, 1988, I received a reply stating that "recent United States economic measures concerning Panama raise no significant questions under article 19 of the OAS charter."

The text of the correspondence follows:

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 5, 1988.

Hon. GEORGE P. SHULTZ,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: In the context of U.S. Policy toward Panama, I would like to ask about the Charter of the Organization of American States (OAS), to which the United States is a signatory.

Article 19 of the OAS Charter states:

"No State may use or encourage the use of coercive measures of an economic or political character in order to force the sovereign will of another State or obtain from it advantages of any kind."

In your opinion, do current U.S. economic measures against Panama contravene, or are they consistent with Article 19 of the OAS Charter?

Was the OAS consulted about U.S. economic measures against Panama before they were implemented?

If so, what did the OAS say?

If not, why were they not consulted?

I appreciate your prompt attention to these questions.

With best regards,

Sincerely yours,

LEE H. HAMILTON,
Chairman, Subcommittee on Europe and Middle East.

U.S. DEPARTMENT OF STATE,
Washington, DC, June 2, 1988.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, House of Representatives.

DEAR MR. CHAIRMAN: This is in reply to your letter of May 5 in which you raised the questions concerning U.S. policy towards Panama in the context of our obligations as a member of the Organization of American States (OAS).

It is our view that recent U.S. economic measures concerning Panama raise no significant questions under Article 19 of the OAS Charter. The termination of security and economic assistance, which originated in a July, 1987 Administration decision and is now mandated by statute constitutes the withdrawal of a discretionary benefit to which neither the Charter nor international law generally recognizes any entitlement on the part of the receiving state. Similarly, the termination of certain other economic benefits (such as the purchase of sugar or the extension of tariff preferences) does not contravene the Charter or other norms of international law, none of which obliges the United States to trade with Panama. *A fortiori,* the United States may as a matter of international law freely bestow or withhold preferential treatment or other benefits associated with such trade.

Our decision that payments due to the Government of Panama under the Canal Treaty should be paid into escrow reflects the fact that such payments to the Noriega regime—which we do not regard as the lawful Government of Panama—would not satisfy our obligations under the Treaty or under the statutes authorizing the appropriation and expenditures of funds for such purposes. Measures taken under the International Emergency Economic Powers Act to the Noriega regime likewise reflect the fact that this regime does not lawfully represent Panama or its Government.

I would note in this connection also that the original measures taken to block the Noriega regime's access to Panamanian Government assets in the United States were the product of litigation initiated in U.S. courts by counsel for the Delvalle Government.

We did not consult the OAS with regard to our sanctions policy, because we consider that the development of economic policy towards Panama is an internal U.S. Government matter not requiring such consultations. Nevertheless, member states were fully briefed on our position regarding Panama as the crisis progressed when we sought support for our policy in Latin American capitals.

I hope that this reply has been informative. Thank you for your interest in and your support of our efforts to assist the Panamanian people in their struggle for a more democratic system.

With best wishes,

Sincerely,

J. EDWARD FOX,
Assistant Secretary,
Legislative Affairs.

COMMENTS ON THE OLDER AMERICANS ACT AMENDMENTS OF 1987

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. DOWNEY of New York. Mr. Speaker, as the acting chairman of the House Select Committee on Aging's Subcommittee on Human Services, I am pleased to share with my colleagues the letter that I authored and circulated among the membership of the House Select Committee which contains comments on the proposed regulations to the Older Americans Act Amendments of 1987 (Public Law 100-175).

This letter was signed by 20 members of the select committee and was personally delivered to the Commissioner of the Administration on Aging, Carol Fraser Fisk on Tuesday, May 31, 1988, the day the comment period officially ended. This letter outlines all the concerns that have been compiled by the Members of Congress, through a congressional hearing held on April 26, and concerns that have been raised within the aging communities throughout the Nation.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 31, 1988.

MS. CAROL FRASER FISK,
Commissioner, Administration on Aging, Office of Human Development Services, Department of Health and Human Services, Washington, DC.

DEAR COMMISSIONER FISK: We, the undersigned, as strong supporters of the Older Americans Act Amendments of 1987 (P.L. 100-175) wish to provide you with our comments on the notice of proposed rulemaking 45 CFR Parts 1321, 1326 and 1328. We recognize the critical importance of these regulations to the effective operation of the Older Americans Act over the four years of the latest reauthorization. Therefore, we wish to recommend that you issue a notice of interim final rules to permit further review of changes which should be made.

These suggested changes and revisions are based in large measure on testimonies received at the public hearing held by the Subcommittee on Human Services, House Select Committee on Aging on April 26, 1988 where you also presented testimony. The Subcommittee elicited the views of a number of organizations with a direct interest in the Older Americans Act and the regulations. Some of their views are reflected in our comments. Further, others of our comments are based on resolving what appear to be either conflicts or misinterpretations of Congressional intent of certain sections of P.L. 100-175.

The following represent changes we urge be made in the proposed regulations:

PART 1321—GRANTS TO STATE AND COMMUNITY PROGRAMS ON AGING

(1) 1321.3 "DEFINITIONS"

We urge you to be more specific about the definition of direct services. This represents an addition to the definitions which must be measured against other provisions in the law which bar area agencies from providing direct services. A literal interpretation of this new direct service definition could represent a host of problems for area agencies around the nation who presently provide services which constitute "any activity performed to benefit an older individual."

(2) 1321.7 MILLION OF THE STATE AGENCY

We specifically call for the deletion of the word "agent" as it appears in (b) and in other subsequent sections of the regulations. We consider the word "agent" to be inimical to the historical relationship between states and area agencies on aging. This relationship has been based on a spirit of partnership and a recognition that area agencies on aging are independent agencies. We recognize that area agencies are designated by the states but for the purpose of developing and implementing local plans for services. Historically, Congressional intent has strongly identified with strong autonomy at all levels of the aging network. The addition of the word "agent" to describe the relationship between state and area agencies on aging is entirely unnecessary and does nothing to enhance existing relationships between states and area agencies. To the contrary, we submit this one word, because of its high susceptibility to being misinterpreted, could be quite disruptive to the future of the Older Americans Act.

(3) 1321.13 ADVOCACY RESPONSIBILITIES

We support the language in both this section and later in 1321.61 which specifically identifies what advocacy at the state agency and area agency level should include. This we consider consistent with Congressional intent notwithstanding the fact that it constitutes new language.

However, we strongly oppose the retention from existing regulations of Sections 1321.13 (b) and later 1321.61 (d) which we believe runs directly contrary to Congressional intent. We specifically cite language on page 72 of the Conference Report which accompanied H.R. 1451. It states the conferees "wish to call attention to the fact that provisions of law cannot be superceded by rule or Executive Order." Yet the proposed regulations state "No requirements in this section shall be deemed to supercede statutory or other regulatory restrictions regarding lobbying or political advocacy with Federal funds." This is inconsistent not only with the intent of Congress, but with your own proposed regulations which immediately precede it. Advocacy by all levels in the aging network is crucial to the success of the program. It improves public policy at all levels and helps to enlist greater private support and involvement in programs to help our elderly. Advocacy should not be stifled either by statute or regulation. We reiterate the need to delete Section 1321.13 (b) and 1321.61 (d).

(4) 1321.17 CONTENT OF STATE PLAN

We understand that these proposed regulations delete a section of the current regulations which allow a portion of Title III services funds to be used for program development and coordination activities after it has spent 8.5 percent of the total on the administration of area plans. The rationale for the deletion, as we understand it, is based in large measure on the provisions in P.L. 100-175 which increased the allowable area agency administrative cost cap from 8.5 to 10 percent of a state's combined services allotment. The regulations indicate that since this limit was raised, program development and coordination activities may no longer be funded out of services funds.

We urge that the existing regulations which allow states to use a portion of their services funds for program development and coordination be retained. We urge this for several reasons. First and foremost, it is a distortion of reality to consider program development and coordination funds to be purely "administrative funds." We have received information from scores of area agencies around the country who point to their program development and coordination funds being responsible for the expansion of key services for seniors. These include both congregate and home delivered nutrition services for victims of Alzheimer's Disease and their families. The expansion is achieved through coordination with other public and private programs to achieve additional resources.

We also urge that the existing regulations be retained because the increase from 8.5 to 10 percent for administration will in numerous instances not compensate for the potential loss of program development and coordination funds. Rural areas could be especially impacted because of the small amounts available for administration. This is directly related to the provisions in P.L. 100-175 which authorize additional responsibilities for area agencies on aging including new outreach efforts, information dissemination and reporting requirements aimed at improving targeting. Existing practices in certain states and their area agencies on aging combined with these additional responsibilities lead us to recommend that the existing regulations in this area be retained. They will ensure maximum flexibility at the area agency level. However, we would also urge that language be included recommending that ongoing efforts continue to be made by state and area agencies to obtain more non-Federal resources to offset the costs of administration.

1321.45 TRANSFER BETWEEN CONGREGATE AND HOME DELIVERED NUTRITION SERVICE ALLOTMENTS

We commend you on the language contained in paragraphs (1) and (3) which we believe develops an important new degree of accountability for these funds. We recommend that you regularly monitor this aspect of the program.

1321.51 CONFIDENTIALITY AND DISCLOSURE OF INFORMATION

We are adamantly opposed to (d) of this section which authorizes an unwarranted expansion of those who would have access to the confidential records of long term care residents through having access to the "files of the state ombudsman." Confidentiality of information is one of the most critical components of the ombudsman program. The effective functioning of this program is contingent in many instances on strict adherence to any confidentiality of patient records and information. We see no justification for any expansion of access to these records to any other entity other than the ombudsman.

1321.52 EVALUATION OF UNMET NEED

We urge major revisions in this regulation to more accurately reflect the intent of Congress relative to the objective of this evaluation. There needs to be more specific direction relative to geographical and other factors that may be contributing to unmet need and more direction on recommendations on how to alleviate the unmet need.

1321.53 MISSION OF THE AREA AGENCY

As with 1321.7, Mission of the State Agency, we question both the direct legislative basis and the overall need for these statements. It has always been understood that both state and area agencies are to function in a manner which allows the goals and objectives of the Older Americans Act to be furthered. We would urge that retention of these two provisions be seriously reconsidered. If they are retained, we would strongly urge that nothing contained in the mission statement be construed to restrict any ongoing activity by an area agency on aging relative to services or inhibit any future creativity of the part of an area agency on aging to obtain additional resources for service delivery. Further, should 1321.53 remain, we would recommend the deletion of the following two sections. The first would be 1321.53(b)(10). We would find a host of practical problems involved in how to define those community "leaders" and how to measure results. The second would be 1321.53(c). Our concern here is the extremely broad nature of this language and its implication of shared authority between this vague "community leadership" and the area agency on aging.

1321.55 ORGANIZATION AND STAFFING OF AREA AGENCIES ON AGING

We call for the deletion of this language and a retention of existing regulations. We believe that reliance on the statute and Congressional intent on the issue of an area agency on aging being a single organizational unit will provide more than sufficient guidance. 1321.55 serves to dilute the one critical aspect of Congressional intent which is that an area agency on aging should be a single and identifiable organizational unit in each community where it exists.

1321.63 PURPOSE OF SERVICE ALLOTMENTS UNDER TITLE III

We note with some concern the omission of outreach among the categories of services listed. We maintain that outreach was given special emphasis in P.L. 100-175, and we believe it should be better reflected in the regulations.

In Part (b), we recommend that language from existing regulations which prohibit area agencies from providing direct services except under specified conditions be restated in this section.

1321.65 RESPONSIBILITIES OF SERVICE PROVIDERS UNDER AREA PLANS

We specifically request clarification of the term "or the household of the older person" which appears in (d).

1321.67 SERVICE CONTRIBUTIONS

The issue of service contributions remains of considerable concern. Congressional intent was reaffirmed last year when mandatory cost-sharing requirements for Title III services were rejected. Statute permits voluntary contributions for nutrition services only. These new regulations like those promulgated earlier, however, place no limits on the Title III services for which contributions can be collected.

As a consequence, our concern is that these regulations actively encourage an expansion of voluntary contributions and therefore raise the potential of misunderstanding and abuse. A literal interpretation of the section would mean that while contributions are voluntary, all service providers must make provisions for a person to contribute. Futhermore, the language in the proposed regulation reads "provide each older person with an opportunity to contribute voluntarily. . . ." We believe that the term should be "voluntarily contribute."

Further, while indicating that contributions for nutrition services can only be used to expand nutrition services, the regulations specifically in (4) are far more vague relative to the use of contributions garnered from other Title III services.

Notwithstanding (c) we are concerned that this service contribution language may limit access of low income and other older persons to necessary services. We also contend that voluntary contributions for nutrition services are relatively easy to establish based on the cost of a meal. However, it is far more difficult to establish a uniform contribution schedule on Title III B services such as in-home services, outreach, and information and referral. The continued absence of data in the impact of mandatory vs. voluntary contributions on access to services and participation rates requires us to reaffirm Congressional intent that all contributions to Title III programs must be absolutely voluntary.

1321.71 LEGAL ASSISTANCE

We have several general and specific concerns relative to this section. The first is the potential negative consequences of the simplification of these regulations. We believe they could constrain the ability to provide legal services, and we believe that the terms "legal services" and "assistance" are applicable to describing this program.

We urge a substantial re-writing of Sections (h), (i) and (j) of the proposed regulations. We fail to see any legislative basis within P.L. 100-175 for such an expansion of the restrictive language on prohibited political activities. We believe the final rules should more closely resemble existing regulations in this area.

1326 GRANTS TO INDIAN TRIBES

We urge that the final regulations specifically provide for the implementation of the provisions of P.L. 100-175 which authorized the establishment of an Associate Commissioner for American Indians, Alaskan Natives and Hawaiian Natives. The regulations should detail the organizational status of the Office, its functions and its overall relationship to the other programs in the Act especially those provided under Title III.

We also urge that the final regulations contain specific language detailing the establishment of the Interagency Task Force to examine policies and issues related to older Indians and their need for services.

Finally, we call for specific language in the interim final regulations detailing how Title III and VI services will be coordinated under new provisions of P.L. 100-175 which allow for dual eligibility of Indian and Alaskan Native elders.

We anticipate that you will give these suggested revisions in the proposed regulations your most serious consideration. We again request that you issue these regulations as interim final regulations. In this way, in those areas where there is no dispute, they would be fully operational. However, if there continue to be issues in conflict with the intent of Congress for the ability of the law to be effectively implemented, we could provide some additional legislative authority to extend the regulatory process.

All of us who have signed this letter serve on Committees which have a direct interest in the Older Americans Act either from the standpoint of appropriations, authorizations and/or oversight. We realize that these regulations will govern the day-to-day operations of the Older Americans Act. We, therefore, want them to not only accurately reflect the intent of Congress but also to maintain the basic strength of the Act which has been the effective delivery of services to millions of seniors by states and area agencies and service providers.

With best wishes, we are

Sincerely,

Thomas J. Downey, Acting Chairman, Subcommittee on Human Services; Mario Biaggi, M.C.; Edward R. Roybal, Chairman, House Select Committee on Aging; Olympia J. Snowe, Ranking Minority Member, Subcommittee on Human Services; Don Bonker, Chairman, Subcommittee on Housing and Consumer Interests; Matthew J. Rinaldo, Ranking Minority Member, House Select Committee on Aging.

Thomas J. Manton, M.C.; James McClure Clarke, M.C.; Joseph P. Kennedy II; Marilyn Lloyd, M.C.; Louise McIntosh Slaughter, M.C.; William J. Hughes, M.C.; James J. Florio, M.C.; Sherwood L. Boehlert, M.C.; Patricia F. Saiki, M.C.; Constance A. Morella, M.C.; William F. Clinger, Jr., M.C.; Harris W. Fawell, M.C.; Tom Lantos, M.C.; and Mike Synar, M.C.

Additionally, these regulations which were published in the Federal Register on March 29, 1988, have raised much concern from those in the aging network in the country, who would be directly affected by their outcome. I am pleased to share with you a copy of a letter I received from the Suffolk County Office for the Aging, which is located in my congressional district.

COUNTY OF SUFFOLK,
Central Islip, NY, May 24, 1988.

Hon. THOMAS J. DOWNEY,
Acting Chairman, U.S. House of Representatives, Select Committee on Aging, Washington, DC.

DEAR CONGRESSMAN DOWNEY: As requested in the proposed regulations of the Administration on Aging, issued in the Federal Register of March 29, 1988, the following comments address three (3) areas of concern for our area agency.

A significant change in the proposed regulations is the deletion of a section in the current regulations (Sect. 1321.55) that says "the State agency may not require the area agency to submit to it for prior review or approval any proposed subgrants or contracts with public or private nonprofit agencies or organizations." With the deletion of this section, the authority of the State is expanded to submit for prior review or approval any proposed subgrants or contracts. This rule change would, if strictly interpreted by the State, seriously impact the ability of the area agency to contract with developing organizations. New initiatives may be impeded by delays in the approval process. Furthermore, the current regulations protect the area agencies from influence by the State, and prevents politics from the State being imposed in the subgrants and contracts system.

Of concern is the change in the proposed regulations which raises the allowable area agency administrative cap from 8.5 percent to 10 percent while, at the same time, eliminating funding for program development and coordination activities. The regulation allowing service funds to be used for program development and coordination in the current act is based on the fact that such activities are necessary to administer area plans.

Clarification should be made in the new langauge found in Subpart C—Area Agency Responsibilities, Sect. 1321.53 of the proposed regulations wherein the "area agency shall proactively carry out, under the leadership and direction of the State agency, a wide range of functions . . ." What the word "direction" is intended to mean is not clear. Is it the intent of the regulations to make the area agencies the agents of the State? Local units of government would have to question the relationship of the area agency to the State. The Cooperative relationship, which has existed for many years, the partnership developed in serving the elderly may be in danger if area agencies are instucted to function under the "direction" of the State agency.

Thank you for the opportunity to review the proposed regulations. It is our hope that the revisions to the Older Americans Act will strengthen the aging services network.

Very truly yours,
JOHN BIANCHET,
Acting Administrator.

I am confident that the final regulations, which are due to be released at the end of June, will address the concerns we have raised.

NEW YORK CITY DEPARTMENT FOR THE AGING COMMENTS ON THE OLDER AMERICANS ACT

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. BIAGGI. Mr. Speaker, as an original member of the House Select Committee on Aging, I was very pleased to cosign a letter authored by Subcommittee on Human Services' acting chairman, THOMAS J. DOWNEY, which provided the comments on the proposed regulations to the Older Americans Act Amendments of 1987 (P.L. 100-175) issued by the Administration on Aging. This letter was signed by 20 members of the House Select Committee on Aging, and was delivered to Commissioner Carol Fraser Fisk of the Administration on Aging's office on May 31, 1988, the due date.

I wish to share with my colleagues an example of a letter which was sent to the Commissioner as well which includes pertinent comments on the proposed regulations. This letter is from the New York City Department for the Aging, one of the Nation's largest area agencies on aging.

The letter follows:

CITY OF NEW YORK
DEPARTMENT FOR THE AGING,
New York, NY, May 24, 1988.

CAROL FRASER FISK,
Commissioner, Administration on Aging, Department of Health and Human Services, Washington, DC.

DEAR COMMISSIONER FISK: The New York City Department for the Aging has reviewed the proposed rules to implement the Older Americans Act Amendments of 1987. We commend the Administration for timely production of these rules and support the principles employed in ther development. We particularly endorse,

(1) that all regulations are clearly within the authority delegated by law and consistent with Congressional intent;

(3) provide maximum flexibility to State and local governments and

(6) eliminate regulations not serving a compelling Federal interest or reform those not implemented in the least intrusive means available.

The Department therefore supports the principle of the Administration on Aging to issue rules only when clarification of the Act is necessary. Our recommendations for changes and deletions will therefore be based on (a) whether the language of the Act is self evident and requires no rules or we believe the rules do not accurately reflect the language and intent of the law.

The Department which is both an Area Agency on Aging as well as a Mayoral Agency has achieved the goals of the Older Americans Act by securing funds from both the public and private sectors to improve the quality of life of older New Yorkers. The Older Americans Act provides 45.5% of our funding with local tax levy support for 34.5% and the State 20% of our dollars. The private sector through our City-Meals-On-Wheels program raises $2.25 million for a 6th and 7th day home delivered meal for our frailest aged. The Department's budget does not reflect the true commitment of New York City to its elderly. Our advocacy has secured local Rent Increase Exemption and Homeowner Property Tax Abatement programs which subsidize close to 90,000 aged households from increases in housing costs. The City also assumes 10% of the costs of Medicaid supported homecare. We also have the largest half-fare public transit program established through the advocacy of the Office for the Aging, the precursor of the Department for the Agency as an Area Agency on Aging and Mayoral Agency, which permits over 700,000 of our aged to use mass transit for half fare. This Area Agency on Aging's advocacy agenda and service delivery system reflects the unique local conditions of New York City, the most ethnically, racially and culturally diverse City in the world. It is a City where two-thirds of the elderly are renters, where immigration can change the language and makeup of communities in less than a decade.

We therefore concur in AoA's statement under *Background* that "The reauthorized Act reaffirms expectations that AoA, State Agencies on Aging and Area Agencies on Aging provide leadership at their respective levels. . ." Since the amendments in no way change the functions and responsibilities of the various actors, and since the Act has always seen as pivotal the "planning" for local service areas, we recommend that all rules beyond the specific responsibilities of State Offices and their relationship to AAA's contained in the Act be deleted. Defining AAA's as "agents of the state", limiting their advocacy agendas, or assigning "enforcement" functions to the State, diminishes the autonomy of AAA's. The Act is sufficiently explicit on functions of State and Area Agencies on Aging.

Sub Part A 1321.1 is unnecessary. The existing rules and the law provide sufficient guidance. There is no basis in law for Section (c) which describes the AAA as an "agent" of the State. § 1321.39 of the existing rules needs no modification. § 1321.35 should therefore be deleted, particularly (3) "Policies and procedures established by State Agency on Aging" and (4) "or in conflict with the requirement of the Act that it function only as an Area Agency on Aging."

We also recommend that § 1321.55 be deleted since it goes beyond the law in its interpretation of what entity may be an Area Agency on Aging. These rules appear to require that the 75% of AAA's which are part of existing umbrella agencies would have to be redesignated and separate units become legal entities to enter into contracts. Further § 1321.5 (3) and (4) would limit the activities of AAA's since the language implies that the State Office may establish policies and procedures which go beyond the Act. (Four) which limits the roles of AAA's to functioning only as AAA's does not acknowledge either the multiple funding of these entities nor the fact that they may have local statutory bases which require that they administer other than Older Americans Act funded services for the aging. The creators of the Older Americans Act and its Amendments showed brilliant foresight in creating AAA's which could be either public or voluntary agencies and would respond to local governance structures. These rules therefore have the potential for permitting State agencies to formulate these functions and structures beyond the intent of the Older Americans Act. We therefore recommend that Subpart (C) Area Agencies' responsibilities § 1321.53 Mission of the Area Agency be deleted. The language of the Act with the 1987 Amendments requires no additional rules. No prior rules exist since it was deemed in 1985 that the law was sufficiently explicit. We particularly object to restrictive language regarding AAA's functioning under "the leadership and direction" of the State agency. It should be noted that the Act requires that State Plans be based on Area Agency Plans.

In addition, (10) under § 1321.53 uses language which opens dangerous possibilities for violating existing standards governing staff selection of AAA's. There is no statutory basis for [10]. The qualification of the Director of an AAA should be based on standards which are measurable.

The Department recommends that § 1321.61 Advocacy responsibilities of the Area Agency be deleted. The law is specific and requires no rules beyond those contained in § 1321.65—the current rules. It should be noted that proposed rules place emphasis primarily on advocacy for the development of comprehensive and coordinated community based systems of services. AAA's depending on local conditions may be required to give priority to housing or transportation in their area.

Sub Part D Service Requirements § 1321.63 should also be deleted. The law is explicit and requires no further refinements. These comments also apply to § 1321.65 which is adequately covered in the legislation.

We believe that since the 1987 Amendments included only one change in the section on Advisory Councils—adding "providers of veterans health care (if appropriate)"—the existing rules require only a minor modification. § 1321.57 Area Agency advisory council not only goes beyond the law but also includes a new category (3) Representatives of supportive services providers organizations. Many Area Agencies specifically exclude representatives of any agency which is funded with Older Americans Act dollars. There is an inherent conflict of interest in having providers serve on the advisory council to the funding agency. If all the proposed rules for § 1321.57 are not deleted, we specifically recommend that (3) be deleted. Only groups identified in the law should be included.

We believe the Amendments are sufficiently specific concerning responsibilities of service providers to make § 1321.65 unnecessary.

§ 1321.69(b) is not consistent with the amendments which permit AAA's "to establish procedures . . . to offer home delivered meals to individuals with disabilities who reside at home with and accompany older individuals who are eligible under this Act." The rule is more restrictive than the Act by limiting eligibility to the "spouse."

We recommend that (h)(3) be changed to add "partisan" before political activity. Any political activity is too vague.

In addition, the Department recommends the following specific change if § 1321.1 is not deleted: (C) delete "to serve as its agent . . . throughout the state". § 1321.3 Definitions. Direct service definition is too broad and should be deleted and definiton of periodic should be changed from "at a minimum, once each fiscal year" to "within the course of the multi-year plan." Once again, the definitions are unnecessary since the Act is specific.

The rules governing the State Agencies § 1321.7 should either be deleted or amended. (a) "The State agency shall be the leader relative to all aging issues" not only is unrealistic in terms of resources but does not acknowledge that the priorities of AAA's in the State may differ from the State Office. Further State Offices are creatures of Governors and must support his or her political position. AAA's must be free to pursue programs and funding for services for the elderly which may not have the support of the State Offices. (b) should be deleted since the language is loose and provides the State Office with a basis for redesignation which goes beyond the law. There is no language in the Act concerning missions but rather a list of functions. Further, with multiple funding and statutory mandates from local governments the AAA's should not be limited by State policies.

The Department strenuously objects to the deletion of § 1321.6(5)(1) from the current rules. Use of Title III funds for program development is essential.

The Department urges the Administration on Aging to simplify these rules by deleting all sections that either go beyond the law or are repetitious of the language of the Act. We further recommened that the Administration reissue proposed regulations to permit the network to evaluate changes made on the basis of the comments received.

Sincerely,

Roberta R. Spohn,
Deputy Commissioner.

MORE SUPPORT FOR H.R. 2704, THE GOLD BOND ACT OF 1987

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. DANNEMEYER. Mr. Speaker, I recently inserted in the Record a series of 15 questions and answers regarding gold bond financing. I am continually encouraged by the reception this proposal receives among thoughtful people. One such person, D.N. Ehart, editor of the Suburban and Wayne Times (PA), recently offered an editorial endorsement to gold bond financing.

Mr. Speaker, I commend the following editorial to my colleagues:

Gold—The Metal That Drives Men Mad May Be in for a Comeback!

(By D.N. Ehart, Editor)

Now confess it! You thought, when the price of gold tumbled from its astronomical height of $800-plus to less than $300 an ounce, several years ago, that neither you nor your friends would ever look at the yellow metal again.

Right?

Well, you may be in for a shock. Gold just might make a huge comeback, although not in the same way as before.

Attending a dinner in Washington, D.C., last Wednesday night, hosted by the Invest-in-America Council's president, Louis G. Milione, a most astonishing al fresco debate on the merits of gold developed that was totally unexpected—and intensely interesting to all present.

Some 30 guests heard Dr. Antal Fekete, a Hungarian refugee turned professor of economics at a university in Canada, discuss an eminently sensible—yet revolutionary for these times—proposal: Gold-denominated bonds issued by the United States government.

You say, "There aren't any such things as gold-backed bonds in the United States?" You're right. They're not. Not now. But Professor Fekete has been working with California Congressman William Dannemeyer for the past six months in an effort to introduce a bill which would provide for such bonds which would be truly gilt-edged.

Such bonds would pay only two to two and one-half percent interest. Compared to long-term government bonds now bringing more than nine percent interest, that would seem not to be an equitable arrangement. Why give up 9% for 2%?

The answer, of course, is "stability." With inflation always eating away at your investments, something that would bring you back equal value in 15 or 20 years can look very inviting. If your bond were denominated in so many ounces of gold, for example, it wouldn't matter what inflation did to your paper dollars during that period; you'd still get the amount of gold you bargained for, and at no loss of purchasing power.

That's a powerful argument, indeed. Especially for business. For if the government were in the business of selling (successfully) gold bonds at low interest rates, those rates would soon tumble in the commercial markets, too.

Prof. Fekete sees this reduction in interest rates as stemming the tide of the worldwide "debt explosion" which threatens the world economy with a disaster worse than 1929. He also noted that a low interest rate would attract those who now pay one-half percent interest just to have gold they have bought stored for them.

Would anyone buy such bonds? The answer, clearly, is "yes." Currently, gold-back bonds are being peddled in Canada with such success that they are overscribed by a 50-to-a ratio. Mostly they are being issued by gold mining companies.

Who might buy them? Strangely enough, not so much the wealthy as the working and middle classes. The wealthy person can invest in art—and does—but as one critic of art purchases said, "Art is like the Dutch tulip craze; the bubble is going to burst because art is terribly overpriced in relation to worth." In any event, the wealthy can afford to squirrel fine art away, knowing that they can still invest in gold and other things to tide them through an economic disaster.

For the poorer classes, however, gold can be a true life saver in an economic crash. Immigrants from all over the world, from 1920's Germany to 1980's Vietnam, know the value of gold in rescuing them from starvation circumstances. They would buy gold—either metal or bonds—in small quantities so that they would have a nest egg that could not be destroyed by inflation or depression. They have learned the hard way that only gold is truly negotiable in time of crisis, especially when you need money for gold.

Prof. Fekete's thesis raised a storm of questions, both pro and con, from his listeners, who included several multi-millionaires. (No, not including this Editor or WWDB's Tom Brinker, the local financial commentor who also attended.) One questioner made it quite clear that, in his view, "getting into gold" would mean abandoning "investing in America." Others were not so sure, but since they dispose of large funds of their own—not the public's—their views on both sides of the issue were intensely interesting.

Another felt that if such bonds were issued the Soviet Union, with its immense gold hoard, would immediately intervene to destabilize the market. Another participant retorted that "the Russians would be shooting themselves in the foot" if they did so.

After nearly two hours of inconclusive, but exciting, debate, one listener said to Chairman Milione: "Now you know why I'm paralyzed about investing in gold; I'm more confused now than when we started!"

And yet, gold-backed bonds do sound tempting. The U.S. government should put them on the market and see what happens. They just might end the specter of inflation while increasing the confidence of all.

SCHOOLS SEEING EFFECT OF MONTGOMERY GI BILL

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. MONTGOMERY. Mr. Speaker, I recently received the following letter from Mr. William F. Scaggs who is president of Meridian Community College.

Bill Scaggs has long been a supporter of our Nation's veterans and an advocate of the Montgomery GI bill. He understands the importance of education to the future of this country and has worked hard to ensure that veterans are aware of the education benefits available to them under the newest GI bill.

The success of his Veterans Education and Outreach Program is clearly demonstrated by the statistics showing that veteran enrollment in Meridian Community College doubled between 1987 and 1988. These numbers also confirm our expectation that the numbers of veterans going to school under the Montgomery GI bill would increase significantly this year.

I want to publicly thank Bill Scaggs for his efforts on behalf of veterans' education.

Letter follows:

MERIDIAN COMMUNITY COLLEGE,
May 18, 1988.

Congressman G.V. MONTGOMERY,
Rayburn Office Building,
Washington, DC.

DEAR SONNY: In signing off on our annual report under the Veterans Education and Outreach program, I noticed the number of veterans we've served has increased from 57 in 1987 to 116 in 1988. We're beginning to see the impact of the Montgomery GI Bill.

Thanks.

Sincerely,

WILLIAM F. SCAGGS,
President.

OVERTAXING AMERICA: WHEN WILL IT END?

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. CRANE. Mr. Speaker, it has become blatantly clear that a significant group of Members of this body are truly confused with the process of taxation. Too often the cries to tax the wealthy to death are heard. I congratulate those Members who have dreamt of the day when they would finally brainwash the general public into believing that the wealthy can afford to support the Federal Government. Well that day is here. It is with sad despair that I submit to my honored colleagues, an article by Warren Brookes that discusses at some length this tragedy that has been perpetrated on the taxpayers of this country.

I find it simply fascinating that the liberal Members believe there is an endless supply of "well-to-do" taxpayers to fund their pet "pork-barrel" projects. The time has come when we can no longer tax the rich to pay for programs that do not benefit the entire country. I ask you all to read the Washington Times article that follows. I hope we may all learn something from this. We need to step back to basic budget procedures—spending only what we have. The article follows:

[From the Washington Times, Apr. 14, 1988]

HOW REAGAN "SOAKED THE RICH"—POOR, MIDDLE CLASS SHARE WAS LOWER

(By Warren Brookes)

In their tax reform saga, "Showdown at Gucci Gulch," Wall Street Journal reporters Jeffrey Birnbaum and Alan Murray report that, right after his fateful promise to raise taxes in his San Francisco acceptance speech, Walter Mondale leaned over and told House Ways and Means Chairman Dan Rostenkowski: "Look at them [referring to the cheering delegates], we're going to tax their a-- off." He was right.

As tomorrow's deadline nears, most upscale two-income families are discovering they are paying much more in taxes.

They can blame this directly on the Mondale Democrats in Congress who insisted that, under tax reform, the full rate cuts on the upper income groups not take place until 1988, while tax breaks got wiped out on 1987 taxes, now being paid.

The effect of this was a none-too-subtle, one-time $12 billion election-year tax increase on families earning more than $43,000. Despite this, Democrats still have the gall to repeat endlessly the lie that the Reagan tax program has "favored the rich."

This pernicious demagoguery took what should have been its final and most devastating "hit" last week when the Internal Revenue Service published the tax payment distributions by income group for 1986.

In 1986, the top 1 percent of all taxpayers (with incomes of more than $120,000 a year) paid 26.1 percent of all federal income taxes collected. That is not only the highest percentage paid by this group since before World War II, but it is up 44.2 percent since the Reagan tax cuts were passed in 1981. (That share had declined 7 percent under President Jimmy Carter's bracket creep.)

At the same time, the bottom 50 percent of taxpayers paid only 6.4 percent of all income taxes, down nearly 15 percent since 1981 before the Reagan tax cuts. (It rose 17 percent under Mr. Carter!)

In other words, just as was forecast by the two original sponsors of the tax cut, Republican Sen. William Roth of Delaware and Republican Rep. Jack Kemp of New York, cutting tax rates has vastly increased the tax revenues collected from the highest income groups.

Between 1981 and 1986, total federal income taxes collected rose $88.6 billion, a 31 percent increase. Taxes paid by the top 1 percent soared by $45.7 billion, a 90 percent increase. This means the top 1 percent of taxpayers have paid 51.6 percent of all the new taxes collected since 1981.

Furthermore, the top 5 percent of all taxpayers have increased their share of the federal income tax burden from 34.9 percent in 1981 to 44.3 percent—a 27 percent increase in share, to the highest level since before World War II—as the taxes they paid rose by $65.7 billion, a 67 percent increase.

To put that in perspective, since 1981, the top 5 percent of all taxpayers (those with 1986 incomes above $62,400) have paid 74 percent of all the new taxes collected—a simply colossal shift in the tax burden from the poor to the upper incomes.

By contrast, the 50 percent of taxpayers with taxable incomes of $17,300 or less only paid $2.8 billion more federal taxes in 1986 than in 1981. This means the lowest 50 percent of taxpayers paid only 3.2 percent of all the additional taxes collected since 1981.

At the same time the "middle" 45 percent, that is from the 51st percentile through the 95th, paid only 22.6 percent of all the new taxes collected since 1981, as they saw their share of the tax burden fall sharply, from 57.6 percent in 1981 to 49.3 percent in 1986, a relative decline of 14.4 percent.

In other words, by far the biggest relative tax cuts under Ronald Reagan went to the poor and the middle class—a fact easily demonstrated by adjusting for inflation. In constant 1986 dollars, 1981-86, the tax payments by the top 1 percent rose 58 percent, for the top 5 percent they rose 38 percent, while for the middle income and lowest 50 percent they fell about 7 percent.

Furthermore, the average effective tax rate fell 13.6 percent for the lowest 50 percent of taxpayers, 17.8 percent for the middle group, but only 1.4 percent for the top 5 percent.

Predictably, the press has buried these astonishing results, while some liberal economists have tried to dismiss them with statistical nonsense. Brookings Institute's Joseph Pechman said, "This is a reflection of the fact that income has declined for the lowest 50 percent of taxpayers relative to others' income."

The fact is: The shift in tax burden has been far greater than the shift in income distribution. The Census Bureau shows that from 1981 to 1986, the top 5 percent's share of income rose about 10.4 percent. But their share of the income tax burden rose 27 percent. Conversely the share of total income for the bottom 50 percent fell about 4 percent, while their share of the total federal income tax burden fell nearly 15 percent.

This is a huge rise in progressivity, and liberals are now sputtering nonsense, so eager are they "to tax your a- - off."

WHAT THE RICH PAID IN TAXES

[Taxes collected in billions of dollars]

	1981	1986	Percent change
Top 1 percent:			
Taxes paid	$51.0	$96.7	89.7
Share of total (percent)	18.1	26.1	44.2
Average tax rate (percent)	34.2	31.1	−9.1
Top 5 percent:			
Taxes paid	$98.6	$164.4	66.7
Share of total (percent)	34.9	44.3	26.9
Average tax rate (percent)	26.5	26.1	−1.4
Middle 51–95 percent:			
Taxes paid	$162.6	$182.7	12.4
Share of total (percent)	57.6	49.3	−14.4
Average tax rate (percent)	14.8	12.1	−17.8
Bottom 50 percent:			
Taxes paid	$21.1	$23.9	13.8
Share of total (percent)	7.5	6.4	−14.7
Average tax rate (percent)	6.6	5.7	−13.6

Source: Internal Revenue Service, 1986 Tax Return Analysis.

BANKING REFORM AND COMMUNITY BENEFITS ACT OF 1988

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. RIDGE. Mr. Speaker, today I am introducing a bill that will enhance the competitiveness of commercial banks and bank holding companies in the securities markets. Also, it would assure that banks and bank holding companies engaged in expanded securities activities provide their communities with additional benefits.

I am troubled by the proliferation of banking bills that have been introduced in the House during the 100th Congress, while not one has garnered widespread support among the Members. These bills have sought, in a wide variety of ways, to expand the activities of banks and bank holding companies and to further the interests of consumers by providing low-cost services and added community benefits. I believe these bills have failed to gain support largely because of efforts to placate a wide variety of interest groups. As a result, we have gone beyond our original intent. No one is happy with the piecemeal approach. And, we have not given sufficient concern to bank safety and soundness considerations and competitive advantages.

I have developed a bill that adopts a more cautious approach and that I believe presents a reasonable alternative.

The securities provisions of this bill generally track those in my earlier bill, H.R. 3837—The Financial Services Competitive Enhancement Act. Thus, the bill would repeal Glass-Steagall by authorizing banks and bank holding companies to conduct a wide range of securities activities; however, it would not permit the underwriting of corporate equities. The authorized activities could be engaged in through qualified securities affiliates or bank service corporations with strong firewalls. Failure to comply with the firewall provisions would result in criminal sanctions against the institution or individual responsible.

Also, the bill would allow State banks to continue providing the insurance products and services that are permitted under State law. In the real estate area, the bill provides for an 18-month period to consider what activities would be appropriate for banks and bank holding companies before real estate activities could be expanded.

Finally, but importantly, the bill would require banks and bank holding companies with a qualified securities affiliate to provide additional community benefits directly through the bank or a separate community development bank or corporation under the control of the bank. This requirement would not remove a bank's obligation to meet the credit needs of its community under the Community Reinvestment Act.

In my opinion, we, in the House, have lost sight of our original mission—which was to revisit Glass-Steagall to determine if it was outmoded and unnecessarily having an adverse effect on the competitiveness of our Nation's banks. Having heard and carefully considered the testimony of the interested parties, I am convinced that banks need to expand their securities activities to remain competitive, and that many banks currently possess the necessary expertise to do so. I do not believe, however, that the time is ripe for allowing banks to underwrite corporate equities. Therefore, I would rather have that matter resolved whenever Congress thinks it is sufficiently informed to make that decision.

Additionally, I am comfortable with the past experience of banks and bank holding companies in offering insurance and with State supervision in that area to move forward and allow States to decide what insurance activities are appropriate for holding company banks within the State. Furthermore, Congress has heard testimony from consumer groups that the competitive environment will improve if banks are permitted further entry into the insurance markets.

I believe it is premature, however, to legislate at this time on the issue of further bank participation in the real estate business. We are still haunted by the problems that resulted from direct equity investments by thrifts in real estate. Also, bank lending for real estate ventures, as well as recent studies, have further highlighted the speculative nature of the real estate business. Because of these concerns, I have proposed, not a prohibition, but an opportunity for Congress to examine the issue further before banks expand their real estate activities. At this time, however, I do not think we have the information available to make a responsible decision.

Many proposals have been offered to assure that consumers, as well as banks, will benefit from any new bank powers legislation. I think consumers will, and should, be major beneficiaries. First, I believe consumers will benefit from further bank participation in the securities and insurance markets. The added competition from banks will tend to lower costs industrywide. This is a benefit consumers should not underestimate or ignore. Second, under my bill, banks will be required to meet a newly defined community benefits test or to own a community development bank or community development corporation before engaging in new securities activities. To ensure that banks which fulfill this requirement through a CDB or CDC are meeting their obligations to low- and moderate-income persons, nonprofit organizations, and small businesses, periodic reviews will be conducted by the regulators.

We in Congress have repeatedly expressed our opposition to leaving to the regulators and the courts important decisions about the role of banks and bank holding companies in the rapidly developing financial services industry. However, if we continue merely to talk, and not to act, the regulators and the courts must continue to fulfill their legal obligations to interpret the existing, albeit outmoded, statutory provisions. Because of this, I am proposing the "Banking Reform and Community Benefits Act of 1988." I believe this bill can be a vehicle for responsible change that will reflect a general consensus of current congressional thinking.

THE IMPACT OF ALCOHOL ON BLACK CITIZENS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. CONYERS. Mr. Speaker, recently I introduced H.R. 4441, the Alcohol Labeling Act, which would amend the Federal Food, Drug and Cosmetic Act to require a health warning on the labels of bottles containing alcoholic beverages.

Alcohol abuse is extremely devastating to our society. Black Americans are disproportionately affected by alcohol-related diseases. The following articles were written by Dr. Louise Reid Ritchie in the June 5, 1988, issue of the Detroit Free Press and Cassell Lawson in the May 28, 1988, issue of the Michigan Chronicle.

Dr. Ritchie and Mr. Lawson's articles discuss the impact of alcohol abuse in the black community, and how alcohol beverage companies are increasing sales by targeting black consumers through billboard advertisement, promotional gimmicks, and linking alcohol consumption with black pride, success, fame, and wealth.

WARNING LABELS FOR ALCOHOL

(By Cassell A. Lawson)

Recently, Congressman John Conyers introduced legislation which would require companies which market alcoholic beverages to carry labels indicating that they can be injurious to your health. Conyers and supporters believe the same labeling used to warn smokers should be used to warn persons who consume beverages with high alcohol content.

It is interesting to note that one of Conyers' arch rivals in Congress, Senator Strom Thurmond (D-South Carolina), has advocated such legislation for years and strongly supports the Conyers legislation.

I wrote an article a few years ago called "Alcohol and the black community." In it, I called on the liquor industry to consider reducing the percentage of alcohol in beverages so people may live longer. I will not discuss in detail how alcohol continues to destroy the black community, but it must be given some thought. Since my last article, the alluring billboards have not changed, and the party stores on each corner of the inner-city have increased at a phenomenal rate.

The last article pointed out that cirrhosis of the liver was a major reason that 100,000 Blacks die each year from drinking high alcohol-content beverages. I failed to report that auto accidents, and the thousands of deaths resulting from those accidents, can be directly attributed to the use or abuse of alcohol. Numerous parental groups have been organized across the country to get drunken drivers off the highway. For obvious reasons, a drunken driver behind the wheel can be just as lethal and deadly as a shot from a .88 magnum.

There has been a cresendo of legislation to punish the abuser and user. But what about the supplier and manufacturer of this deadly drug called alcohol? The numerous social maladies we face in our society—crack cocaine, guns and alcohol all have one thing in common: they kill people. And more of this killing occurs in the black community than most other communities. Since I wrote the last article on the use of alcohol in the black community, 60,000 Blacks have died from alcohol use. The fact that the industry spends a few dollars by making donations to certain groups in the community does not compensate for the 100,000 lives lost each year from the use of alcoholic beverages.

It may help if citizens who understand the destructive nature of alcoholic beverages with high alcoholic content write Congressman Conyers (D-Michigan) and express their deep concern about the legislation he has proposed in Congress. We can help make the public aware that alcoholic beverages can be injurious to your health.

If you watch television commercials, you will quickly see that Fred "Hammer" Williamson and Billy Dee Williams continue to make thousands of dollars by promoting liquor. And they do it to the demise of the black community.

The billboards are more "sexy" than ever, selling alcoholic beverages to try and program the black community to destruction. I ride through the suburbs and I do not see the same billboards and advertisements in the predominantly White neighborhoods.

There are laws all over the books to control the use of guns and illegal drugs. The government of this country must regulate the industry with more stringent laws to control the annual number of deaths which result from alcoholic consumption in the black community.

It is about time that something is done to restore social order in the black community and eliminate these conditions which erode the black family and the black community at large. It is imperative that something be done in Congress if this problem is to be resolved in the black community and society in general.

If you say "no" to drugs, then you are saying "no" to alcohol because alcohol is a drug. It destroys and alters the normal mental functioning of a person, so it should be labeled as something which is dangerous to the health and safety of our nation.

I am sure something finally will be done when professional athletes begin to cost owners large sums of money by going on a binge before a big game. But this may be too late for the black community.

ALCOHOL IIS BLACKS' NO. 1 HEALTH THREAT

(By Dr. Louise Reid Ritchie)

Because alcohol-related difficulties have been called the No. 1 health problem of black Americans, I believe that many black families need to learn more about identifying and preventing alcohol abuse.

A 1982 survey by the National Institute on Alcohol Abuse and Alcoholism indicated that although blacks make up about 11 percent of the U.S. population, they account for 18 percent of alcoholism treatment program patients. Blacks also suffer disproportionately from alcohol-related diseases such as cirrhosis of the liver and cancer of the esophagus, and there are indications that black women who drink while pregnant face higher risks of having babies with alcohol-related birth defects than their white counterparts.

Yet blacks may be more likely to ignore alcohol-related problems than are members of other ethnic groups.

Even when relatives spend entire weekends drunk, families may call the drinking "social" as long as the drinkers are able to hold a job. Families also may believe that heavy alcohol use is no one's business but the drinker's. "He's free. He's black. He's 21" may be relatives' attitudes when they see someone drinking heavily.

Experts say these views are based on practices that were common during slavery. On many plantations, slave owners encouraged blacks to drink on weekends and holidays. Liquor was used as a method of controlling slaves because blacks who became drunk during slack work periods would be unlikely to rebel or escape. As long as slaves' drinking didn't interfere with their work, it was condoned.

Lack of black access to alcoholism treatment through employer-sponsored programs, lack of education about symptoms of alcohol abuse and overexposure to advertising that targets blacks as liquor consumers have resulted in black families' maintaining their erroneous views about how to identify and address drinking problems in their families.

Here are ways black families can prevent alcohol problems:

1. Because those who feel proud of their ethnic group are less likely to take actions that would bring shame upon their group, one of the most effective substance abuse prevention actions that black parents can take is to teach youngsters about their black heritage. Exposing youngsters to black history, arts and literature and encouraging children to feel positive about their African features are ways of achieving this.

2. Be aware that blacks, particularly intercity residents, are disproportionately exposed to liquor marketing methods through billboard advertisements, promotions such as liquor-company sponsored black music concerts, and ads in the black media. Often these methods encourage drinking by subtly linking alcohol consumption with black pride (such as liquor-company sponsored Martin Luther King Jr. Day and Black History Month tributes) or attainment of wealth and fame (such as celebrity endorsement of liquor products).

You can help your child resist this pressure by discussing how alcoholic beverage consumption is not linked to high self-esteem, fame or wealth.

3. Because alcohol is a "gateway" drug (youngsters who drink are more likely to begin to use street drugs), parents should discourage drinking by minors.

RESOURCES

1. The Institute on Black Chemical Abuse distributes information on blacks and substance abuse. "Black, Beautiful and Recovering," which costs 75 cents, includes information for substance abusers and their families; "Think About It," 50 cents addresses the effects of drugs and alcohol; "Prevention: Something Everyone Can Do" is free. Write: 2614 Nicollet Ave. S., Minneapolis, Minn. 55408.

2. "Marketing Booze to Blacks," a report from the Center for Science in the Public Interest, describes how the liquor industry targets black customers and contains suggestions about how blacks can respond to this. For a free copy call Rep. John Conyers' Detroit office at 961-5670 weekdays 9 a.m.-6 p.m.

3. A conference Saturday at Wayne State University will address liquor advertising and the black community, Rep. Conyers and I are among the scheduled speakers. For information, contact Project EPIC at 577-2318 weekdays 9 a.m.-5 p.m.

HOW THE COMPUTER COMPANIES LOST THEIR MEMORIES

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. KEMP. Mr. Speaker, I call my colleagues' attention to an incisive and thought-provoking article written by George Gilder, which appeared in the June 13th issue of Forbes. In the article, Mr. Gilder makes it clear that the United States-Japan anti-dumping pact on computer memory chips has blown up in our face, with the major victim being the United States computer industry. This misguided pact is another example of the failure of economic engineering. Every time we artificially restrict markets to bolster one industry, we end up clobbering another.

Because of the shortage of D-RAM memory chips, United States computer firms are being forced to cut back on product lines. As a result, Japan is threatening to become a major player for the first time in United States computer markets. In addition, the Japanese chip companies are investing the huge profits they are making from rising chip prices in R&D on next-generation chips and other communication areas in which the United States currently leads.

Mr. Gilder's article articulately illustrates a basic economic lesson which we constantly seem to need to relearn.

The article follows:

[From Forbes, June 13, 1988]

HOW THE COMPUTER COMPANIES LOST THEIR MEMORIES

(By George Gilder)

There is a strong rumor circulating in the computer world that Apple Computer's John Sculley and Sun Micro-system' Scott McNealy may lead several other U.S. computer makers into manufacturing memory microchips. Why does this matter? Because companies like Apple and Sun are brilliant at creating computer systems that use microchips. Making memory chips is a diversion of their talents, a violation of the kind of specialization and focus that have made them spearheads of innovation in the industry. Yet Sculley carefully does not deny the rumor.

No, Apple and Sun have not lost their way. If they go into the memory chip business it will be because making the chips is the only way they can get enough of what they need. There is, right now, a severe shortage, of memory chips, brought on at least in part by well-intentioned but misguided trade policy from Washington. Thanks to the shortage, the fastest-growing U.S. computer firms—firms like Sun, Apple and Compaq, to name but a few—are cutting back and shrinking their product lines. As a result, for the first time ever, the Japanese now threaten a major entry into U.S. computer markets.

Semiconductor makers were jubilant when the U.S. and Japan first agreed to a deal in July of 1986 to bring order to the semiconductor markets. But many people in the computer trade objected furiously to the agreement. People like William Gates of Microsoft Corp. complained that higher chip prices would penalize U.S. companies that designed products around the chips. Gates was right, but the problems are worse than predicted. Demonstrating once more the folly of economic engineering, of Caesar failing to render unto Adam what is rightfully Smith's.

The semiconductor in such short supply is a key memory chip called a D-RAM, for dynamic random access memory. D-RAMs are the immediate data storage device found in every computer.

D-RAM,s are as vital to computer manufacturers (and to all who depend on computer manufacturers) as steel is to automobile makers or crude oil is to petro-chemical producers. You would think that U.S. policy would encourage flat-out production and low prices of an input so vital to our economic future. In fact, however, U.S. policy is heavily to blame for restricting the global supply of D-RAMs.

D-RAMs have dropped in price per bit of information storage (one-eighth of a byte) by more than 99% in the last decade. But the cost of these chips to computer firms is now going up rather than down, at least in the U.S. The price of a memory upgrade from 512K to one megabyte of memory (about enough to store the contents of a large book) has quadrupled since January, to as much as $350. For the first time in recent history, computer prices in many markets are actually rising rather than continuing down the learning curve as chip functions become denser and cheaper. On May 18, for example, Sun Microsystems added a surcharge of around $250 to the price of add-on memory for its popular work-stations.

This setback in cost and supply could hardly come at a worse juncture—when the U.S. may well be widening its lead in the worldwide computer business. Just-in-time manufacturing programs have been widely embraced by the U.S. computer industry. This has enhanced the quality and productivity of U.S. electronics fabrication.

Because of the D-RAM shortage, however, just-in-time manufacturing is now giving way to just-in-case double- and triple-ordering. There is an increasing amount of amnesia systems production—systems without memories.

Worst of all, in an industry where product life cycles are short and the spoils go to the quickest, a number of exciting American computer products have been delayed by the D-RAM shortage.

Item: Apple Computer will not be releasing its long-awaited Macintosh SE upgrade this year. Nor will there be a Macintosh laptop from Apple. And the Macintosh 2's much-touted HyperCard personal database program, its MultiFinder multitasking and its high-resolution color graphics—all dazzling breakthroughs—will be breakthroughs primarily in theory: The Mac 2 has only 1 megabyte of memory, far too little to accommodate more than one of its featured applications.

Item: The advanced functions of Sun Microsystems' new Sun 386i workstation, which, with adequate memory, can simultaneously blaze through both IBM-standard and AT&T Unix-standard programs, will depend on D-RAM availability. And the backlog for the fully equipped Sun 3/60 workstation is four to five months.

Item: Hewlett-Packard's Vectra 386 desktop computer was expected to be unveiled at last month's Comdex show in Atlanta. But it was nowhere to be seen.

Item: Compaq Computer has thrived in the past by beating IBM to the punch with new-generation machines. But a Compaq laptop is conspicuous by its absence.

Only mighty IMB emerges unscathed—in fact, stronger—from the D-RAM shortage. Why? Because IBM itself is the world's leading D-RAM producer. Its captive that is, in-house D-RAM production was worth over $600 million to $800 million last year; its estimated output of D-RAMs is double Toshiba's. But this does the rest of the U.S. computer industry little good because IBM has a rigid policy of not selling its chips on the open market.

There is no memory chip crunch at the huge Japanese computer firms. There, the cost per bit of memory is still going down. Like IBM, Japan's NEC, Toshiba, Hitachi and Fujitsu make their own D-RAMs and put them in their own products. Unlike IBM, the Japanese companies sell their excess chips to other companies, in Japan and abroad, in competition with U.S. merchant chip companies such as Texas Instruments and Motorola.

How did we arrive at this pass?

Through 1986, D-RAMs were in oversupply. Japanese chipmakers were drowning in chips and dumping them in the U.S. This, naturally, made U.S. merchant chip producers very unhappy. So they went to Washington. Washington listened. A strange alliance developed between U.S. and Japanese bureaucrats. In July 1986, after years of U.S. threats and suits, the Japanese Ministry of International Trade & Industry was hectored into agreeing to a new trade pact with the U.S. At first blush, the agreement is working. By Value Line's reckoning, the major U.S. semi-conductor firms rebounded from their 1985-86 slump to earn $633 million, combined, last year. This year Value Line projects the group will earn $1.5 billion, and by the early Nineties over $2.4 billion. Dig deeper, however, and it is apparent that only a small portion of these earnings come from products that are even covered by the chip agreement, and virtually none of the earnings come from D-RAMs.

The chip pact with Japan is not the only reason D-RAMs are now in short supply. Other factorys include an earthquake at a Hitachi factory, low manufacturing yields everywhere in fabricating this fiendishly exacting device and a poorly timed decision by AT&T to withdraw from the D-RAM business just as demand exploded in mid-1987.

But the 1986 chip agreement changed these typical snafus into a systemic crisis. MITI took control over Japanese supplies to prevent Japanese chips from leaking out to gray markets elsewhere in Asia and eventually finding their way to the U.S.

William McClean, the widely respected editor of the semiconductor industry's statistical bible Status 1988, notes that early last year there were clear signs that the computer industry was emerging from its 1985-86 slump. Normally, says McClean, the Japanese chipmakers would have expanded production to meet demand. But instead, between August 1986 and August 1987, while demand rose some 30%, MITI administered a 32% reduction in the output of the 256K D-RAM, the then dominant memory chip. Japanese firms cut back investment and shifted efforts from current-generation chips to the next generation. Says McClean: "Not until last November did MITI finally remove its production controls."

Say this for the trade agreement: It worked wonders for the Japanese semiconductor industry. During the mid-1980s the Japanese chipmakers lost some $4 billion as they overexpanded production and dumped the excess in the U.S. But today, as a result of MITI-ordered cutbacks and higher D-RAM prices, Japanese manufacturers are making huge margins on the product and funding big R&D programs designed to close the U.S. lead in state-of-the-art microchips and design tools (Forbes, Apr. 4). Just as "voluntary restraints" helped Japan's carmakers by increasing margins and pushing them upmarket, so the chip agreement has made Japan's chipmakers much more formidable long-term competitors.

But the greatest irony here is that the U.S. bailed our Japan's semiconductor industry at precisely the time when Japan's own information sector industrial policies are in disarray. The U.S. has actually been gaining share in the most critical areas of computer, software and telecommunications technology.

Although the Japanese have been targeting information equipment for two decades in all their industrial policies, they have entirely failed to repeat in this domain their earlier successes in shipbuilding, steel, autos and consumer electronics. While the U.S. was losing out in many other industrial products, it was gaining ground in computer software while the Japanese were slipping further behind. This was no mean feat at a time when value-added information technology had shifted rapidly toward software. Moreover, in a new OECD study, economist Lydia Arossa estimates that since 1985 the U.S. software production has been growing significantly faster than Japan's software production, and now is five times greater than Japan's.

Okay, we're still ahead in software. But in hardware and in semiconductors, surely the Japanese are killing us, aren't they?

Wrong again. The U.S. global lead in hardware is shrinking slightly, but nevertheless remains impressively large. The chart on the opposite page shows that in 1987 total electronic systems production by U.S. firms was some $143 billion, some two-thirds larger than Japan's. The figures are not firm, but indications are that the U.S. global share in hardware technologies has not fallen significantly since 1982. Considering the ferocious competition, this is a considerable accomplishment.

Even in microchips, perhaps the chief target of Japanese industrial policy, the U.S. has more than held its own. Although the media cite alarming market share estimates, such as a 90% Japanese share of the new generation of D-RAM production, these estimates leave out IBM, by far the world's largest producer of the chips.

What about Intel, a driving force behind the U.S.-Japan chip deal? On the way to a year of 51% growth and barging past the $2 billion barrier in sales, Intel is by far the fastest-growing big firm in the industry. Meanwhile, the 99 U.S. semiconductor start-ups launched over the last five years—from Cypress to Actel—constitute the fastest-growing new generation of merchant semiconductor firms in the history of the industry. So much for the U.S. chip industry's needing protection.

Does the U.S. need an industrial policy promoting fewer but larger computer companies capable of taking on the Japanese behemoths? The record to date suggests not. In recent years, innovative U.S. firms have launched and ramped up several entire new product lines—each worth a billion dollars or more in sales.

In engineering workstations, there are Sun and Apollo. In IBM personal computer clones, Tandy, Dell and others in high-end personal computers, Apple, Compaq and Zenith. In small supercomputers, Convex, Alliant, NCUBE and many new contenders.

And more. In parallel and fault-tolerant systems, Tandem, Stratus and Sequent are the industry leaders. In the face of high skepticism and many misgivings, venture capitalists have funded scores of hard disk drive and disk media firms, this has given the U.S. 80% of the market for hard disk systems.

Unfortunately, the D-RAM crisis now means that more of the smaller American computer companies that have been rapidly winning market share against both Japan and IBM must pay between two and three times as much for their D-RAMs as IBM and the Japanese do. And D-RAMS are no trivial item in a computer's production cost structure. These memory chips represent some 5% of the production cost of a mainframe, 20% for a minicomputer, and up to 50% for a low-end IBM PC clone.

Access to D-RAMs is helping the Japanese win market share in laptops, or portable personal computers. Laptops constitute an increasingly vital arena. As a growing share of the PC market moves toward portables. Japanese strength in this product line may eventually lead to overall dominance in personal computers, roughly analogous to the way they built upon their early successes in cheap, dependable small cars. At present, according to Dataquest figures, the Japanese hold only 7% or 8% of the total personal computer market in the U.S.—but they hold 35% of the laptop business. Include laptop machines manufactured in Japan but sold under Zenith and other U.S. nameplates, and the Japanese actually have 80% of the U.S. laptop market.

Of the American laptop makers, only IBM is a D-RAM manufacturer; all the rest are struggling under the handicap of expensive D-RAMs. IBM, the one U.S. company unaffected by the D-RAM shortage, made exactly the right decisions. Over a three-year period beginning in 1985, while the semiconductor industry collapsed and rival AT&T fled the D-RAM business, IBM boldly invested an estimated $1.5 billion in new memory chip production, designs and facilities. For the first time since 1982, IBM is now in a position to make important advances against its rivals. Derived from its strength in D-RAMs, IBM's edge will last for several years.

Under way in information technolgoy is the emergence of literally scores of new products with memory needs ten times or more greater than previous technologies. IBM's new OS/2 operating system with "Presentation Manager," for example, bids to become the new standard for the industry. But to exploit fully its benefits requires at least 5 megabytes of memory. That's nearly 20 times as much memory as the previous generations of PCs typically needed for their relatively primitive functions.

Less well understood is that all the new imaging and graphics techologies that impel such booming markets as desktop publishing will require still more mountains of memory. At 3 megabytes, the new generation of laser printers, for example, uses 12 times as many D-RAMs as the last generation of entire desktop computer sytems. Fax machines use 2 megabytes. Also requiring great memory capacity are all the new local area networks, text scanners, bar code readers and other devices that treat the screen as a map of bits rather than as a set of characters and codes.

Beyond these currently available products come such new technologies as artificial intelligence, voice recognition, digital television, digital automobile mapping, diagnostic equipment and high-definition television (Forbes, May 30). To get any of these breakthroughs into production will require truly prodigious numbers of memory chips.

Where will the chips come from? Will they be there when needed? Three hopes for the U.S.C computer industry will be Micron Technology in Boise, Idaho (Forbes, Mar. 14, 1983 and Dec. 31, 1984); Texas Instruments (which produces its D-RAMs mostly in Japan); and Korea's Samsung Semiconductor (Forbes, May 16). Able now to produce 1-megabit chips, Samsung is now in the process of building some 350,000 square feet of new clean rooms—equivalent to some four major new chip fabrication facilities—all devoted to producing D-RAMs.

Micron Technology (1987 sales, $91 million) seems especially promising. A key determinant of costs in D-RAM production is the size of an individual chip, which sets the number of possible devices on each silicon wafer. Since entering the market in 1982, Micron has had the smallest chip in each D-RAM generation. Micron has just launched a "shrink" of its megabit chip down to the size of many competitive 256K devices.

Moreover, it is now rapidly preparing a 1-megabit production process with 40% fewer layers than the competition. If these innovations succeed, Micron will have by far the lowest costs in the industry. Intel, the virtual inventor of the D-RAM, recently agreed to sell Micron chips under the Intel label and obtained warrants to purchase $11.6 million worth of Micron stock.

It is fashionable in some circles to argue that the U.S. computer industry must emulate Japan's, that we need fewer but bigger firms to marshal resources and attack industrial targets from a long-term point of view. Michael Dukakis' Harvard economists are making noises about the need for greater federal intervention to protect U.S. trade and development. Ignored by advocates of industrial policies is the fact that while Japan's industrial policies pushed its fifth-generation computer project, thousands of entrepreneurial U.S. firms left the Japanese in their dust transforming the world information economy. Meanwhile, a multibillion-dollar government-subsidized D-RAM effort by Europe's Siemens and Philips has yet to produce any significant volume.

While Japanese and European industrial policies founder, U.S. entrepreneurs using new design technologies are generating new computer products at an unprecedented and entirely unexpected pace. We do not need more politicians and bureaucrats urging industrial policy harassment of Japan and Korea and protection of U.S. chipmakers.

Though few congressmen and trade bureaucrats understand the fact, Japanese and Koreans will be part of the memory shortage solution, not part of the problem. Give our entrepreneurs the chips they need, and U.S. leadership seems assured. Industrial policy is just another name for the long-discredited concept of centralized planning.

HAS GENEVA AFGHAN ACCORD BROUGHT PEACE IN OUR TIME?

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. CRANE. Mr. Speaker, once a problem has been "publicly" resolved, the American media and very often the American Government forgets—forgets both the problem and its underlying causes. Since the Geneva accords have been signed, I fear that the "Afghan cause" may no longer be what is "in vogue" in 1988. I fear that the Mujahidin are now entering the toughest battle of all, a battle in which they have lost the support of their professed allies, the United States and Pakistan. It is a battle made so difficult because the world no longer believes that there is a threat from the Soviet Union.

While the existing animosity between the United States and the Soviet Union may have been lightened by the Geneva accords, there has been no reconciliation between the U.S.S.R. and the Mujahidin. In fact, Secretary of State George Schulz committed the unforgivable "oversight" of failing to include the Mujahidin in the negotiations, and then committing to the accords despite strong objections by the freedom fighters themselves. The Mujahidin have had to bear the full brunt of the cruel Soviet thrust into their land, the full brunt of top Soviet Army weaponry and forces against a strong bid for self-determination. Their courage is an example to us all and we must continue to support a struggle for freedom that we have backed for over 9 long years.

It is important that we not forget the underlying cause of the Soviet invasion. The cause was the acquisition of a very rich and strategic territory, a territory which would stretch the Soviet hand all the way to the borders of our Western ally, Pakistan, and nearer to the sensitive Arabian Sea and the Gulf of Oman. It would not be logical for the Soviet Union to give all of this up after having pumped almost 10 years' worth of energy, ammunition and men into their quest for the country. Has Mr. Schultz really looked at all the long-term ramifications and logistics of an agreement he helped create "for" the Mujahidin?

Let us all hope that the wave of hooplah surrounding the accords will not wash away a true commitment to the Afghan resistance. We can only hope that political fashion will not dictate where America's interests should lie, and that if Afghanistan goes out of vogue, America will ignore the trends and reaffirm her commitment to the Mujahidin. In the April 18 edition of the Wall Street Journal, S.J. Masty has provided an excellent insight into this troubling situation. I highly recommend the article, entitled "Has Geneva Afghan Accord Brought Peace in Our Time?", to my colleagues truly concerned with the plight of the Afghan people.

[From the Wall Street Journal, Apr. 18, 1988]

HAS GENEVA AFGHAN ACCORD BROUGHT PEACE IN OUR TIME?

PESHAWAR, PAKISTAN.—Brandishing pens and press releases at the conclusion of Geneva's Afghan peace talks, the signers and their superpower allies finally produced a document. Islamabad, Kabul, Washington and Moscow say the Soviets will withdraw in nine months and the Afghan people can return home with honor.

Everyone seems happy—everyone, that is, but the Afghans, whose ancient suspicion of treaties might have proved useful to Neville Chamberlain at Munich. At a rally here Saturday, the resistance-party leaders and more than 50,000 mujahideen vowed to fight on and denounced the Geneva process of which they were never a part.

This is not Afghan cynicism, nor is it jitters over the uncertainties of going home to an interim government Pakistan talks about but no one has seen. Actually, there are two separate agreements, one between the U.S. and the Soviet Union that will probably remains secret, and another between the Kabul regime and Pakistan-two governments that have never recognized each other, that have never sat at the same table, and that exchange threats and insults at every opportunity.

What the public sees of the Pakistan-Kabul accord is vague. The Soviets say they will withdraw 50,000 men in the next three months (almost half their force), but give no public details on how that withdrawal will take place-whether troops will be phased out equally throughout Afghanistan or just withdraw to the north. There also is no public timetable for the return of refugees, and, most important, no discussion of the end of hostilities and the "symmetrical" withdrawal of Soviet aid to the regime and American aid to the resistance. Although the Soviets say Pakistan must remove all mujahideen bases in Pakistan within 30 days, the supply of arms is not mentioned. That supposedly is addressed in the superpower agreement.

The precise manner of withdrawal is important, expecially if Pakistan is required to shut down cross-border mujahideen raids: If the Soviets withdraw completely from, say, the south, then foreign aid to the resistance could be flown in directly and not channeled through Pakistan. The repatriation schedule is also critical, since shipping refugees to a hot war zone would be murder.

"All Afghanistan must be free or the war will continue," says Babrak Babakarkhel, a Pathan mujahid from central Afghanistan. "If the Parchamis and Khalqis [the Afghan Communist parties] remain, we will still fight, with rocks and swords if we have to." This is the general sentiment, as Saturday's rally graphically demonstrated.

Although it would be hard to call it peace, there are three strata of results from Geneva. On the superficial level peace has been declared, ostensibly letting Ronald Reagan leave office with a foreign policy victory greater than Grenada, giving Mikhail Gorbachev better standing as peacemaking reformer and allowing U.N. negotiator Diego de Cordovez a shot at becoming secretary general.

On the middle, or diplomatic, stratum, a piece of paper was signed that means little to anyone except diplomats. With or without Western arms, with or without a safe base in Pakistan, the mujahideen will keep fighting until either they are extirpated or they eliminate the bloodthirsty regime the Soviets invaded Afghanistan to protect. Accords between Pakistan and Kabul miss the point: As commander Abdul Haq, the resistance leader for Kabul, points out, "The Soviets didn't need an agreement to invade, they don't need one to leave."

So if the talks between Pakistan and Kabul are meaningless, if the Soviets are leaving anyway and don't need an agreement to do so, why did the West bother with Geneva?

One reason is the superficial victory of declaring peace; and then there's Sir Edmund Hillary's rationale for climbing Mount Everest—simply "Because it's there." A diplomatic process like Geneva is often reason enough for diplomats to sign something even if it means nothing. To do less, or end the talks, is admission of diplomatic and professional failure. This works to the Soviets' advantage. A veneer of legitimacy was conferred on their regime in Kabul. Even though Pakistan swears it has not formally recognized the regime, this skews the debate on weapons "symmetry": Moscow will aid a somewhat legitimized government, and the U.S. is allowed to assist its allies—but an ally usually means a government and not an insurgent force, or whatever the mujahideen will be termed next month.

Although the U.S. seems sincere in promising to aid the resistance until it topples the regime and creates the democracy it wants, both Pakistan and the U.S. now face a diplomatic disadvantage. In the eyes of many, the peace process is under way. Afghan objections will now make the Afghan mujahideen look like the problem instead of the regime that supervised the death or permanent incapacitation of nearly 1.5 million of their brothers and sisters. Understandably, the Afghans cannot countenance living even temporarily with such a regime.

The last stratum of Geneva affects Soviet strategy, since the U.S.S.R. alone decided to invade and only it can decide to leave. The Soviet Union's lasting interest—and the reason for its 1979 invasion—was to secure a pro-Soviet, communist regime in Afghanistan. All its diplomatic overtures since—including the Kabul regime's 1987 offer of "national reconciliation" and Moscow's Geneva strategy—aimed to protect those gains. It is possible that it will withdraw fully, and let the regime and the resistance battle it out. In that case the regime will topple swiftly despite its immense stockpile of arms.

"There is another possibility," says a senior Pakistan government official in Peshawar. "Since 1976 [the Soviets] have organized four coups in Afghanistan. What if they do it again? As the Soviets leave Kabul, the regime is supposedly overthrown by some army colonel friendly to Moscow but without communist ties. He declares a nonaligned Islamic Afghanistan. Then who does America support—one nonaligned Islamic Afghanistan or another? If America supports the mujahideen, it seems to promote civil war. If it does not, the Kabul government keeps the Soviet-trained infrastructure, including the secret police."

It would be a clever piece of treachery. Even if such a move did not completely divide the West and the mujahideen, it may buy time for the Soviets to halt their withdrawal and incorporate north Afghanistan into their ethnically related central Asian republics. If the partition held, it could in time re-ignite old tribal problems for Pakistan, since Pathan tribesmen in Pakistan's Northwest Frontier Province have more in common with south Afghan Pathans than with other Pakistanis.

Certainly the Soviets sound determined to leave, but it would be illogical for them to throw away at the negotiating table what they fought for in more than eight years on the battlefield. It also would be illogical—indeed, immoral—for the West to let them achieve it through diplomatic legerdemain, and let itself be pressured to prematurely cut aid to the resistance.

WILL THE SOVIETS CONTRIBUTE TO PEACE?

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. WYDEN. Mr. Speaker, in April I visited the Soviet Union and met with Soviet officials to discuss a wide array of issues including human rights, trade, health care, and the role of the Soviets in the Middle East. Accompanying my party was Dr. Ralph Nurnberger, who is on the staff at the American Israel Public Affairs Committee.

Dr. Nurnberger is a recognized and accomplished scholar, and I believe our colleagues will find the article he recently wrote in Washington Jewish Week on the role of the Soviets in the Middle East peace process most enlightening:

WILL THE SOVIETS CONTRIBUTE TO PEACE?

(By Ralph Nurnberger)

Mikhail Gorbachev has been sending frequent signals of his desire to play a more active role in the Middle East. The Soviets have sought improved relations with "moderate" Arab states, held increasing numbers of talks with Israeli officials, increased the number of visas made available to Jews seeking to emigrate and voiced qualified support for the peace initiatives of Secretary of State George Shultz.

The question remains whether the Soviet leadership is serious about being helpful in the peace process or merely seeking to thrust themselves into a region of the world where their influence had been declining for years. Are they willing to contribute to the peace process or do they only wish to further their own political goals?

I have recently returned from the Soviet Union, where I had the opportunity to discuss these issues with Soviet Middle East scholars, officials, American diplomats and others interested in Soviet Middle East policies. While it is obvious that there is a new era in Soviet decision-making and a greater flexibility in their approach to international issues, it is still not clear whether the Kremlin has the intention to play a constructive role in the peace process.

Secretary Shultz' plan for an international conference to deal with the Middle East includes a major role for the Soviet Union. The type of conference that both Shultz and Israeli Foreign Minister Shimon Peres support would not be able to impose a settlement upon any of the parties and would serve mainly as the forum needed to convene bilateral negotiations between Israel and her neighbors.

While the Soviets have expressed their desire to participate in an international conference, their concept of this forum is distinctly different from that envisioned by Secretary Shultz. The Soviets would prefer a conference that is more than an "umbrella." At this point, they are unlikely to attend if all they are expected to do is give their blessings to Jordanian-Israeli talks.

A Soviet Middle Eastern scholar told me that the Soviets would expect to be able to make substantive proposals and have the ability to veto any agreements reached at the conference. He stated that it would be foolish to expect a superpower to accept a smaller role.

In addition to the Soviet's own participation, their ability to influence their radical clients is a major factor in how helpful the Soviets can and will be. Gorbachev has made seemingly helpful comments in this regard, but again there have not yet been any tangible results.

Gorbachev told Syrian leader Hafez el-Assad that the Arab-Israeli conflict could not be solved by military means and urged Syria to begin a dialogue with Israel. Yet a Soviet scholar—told me that the "Syrians accept everything from us, except advice!"

Gorbachev has publicly called for Palestinian representation at a future conference, without specifically mentioning the PLO. He told Yasir Arafat that he equated the need for Palestinian self-determination with Israel's right to exist.

The Soviet leader has stated that he could foresee recognizing Israel within the framework of an international conference, and high level Soviet officials have met with Israeli diplomats, yet the Kremlin still has not resumed relations with Jerusaleum.

Before allowing the Soviets to increase their role in the peace process and simultaneously extend Soviet influence in the Middle East, the United States and Israel must insist that the Soviets recognize Israel, allow greater numbers of Jews to emigrate from the Soviet Union, change its policy of voting for every anti-Israel resolution at the United Nations, and exert greater pressure upon its radical clients to work toward peace with Israel.

After meeting with President Ronald Reagan in Washington, Peres announced that he expected the Middle East to be discussed at the upcoming Moscow summit. If so, the Soviet's mixed signals will present both great challenges and great dangers to leaders in Washington and Jerusalem.

RICHARD CRONIN NATIONAL SALMON STATION

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. ATKINS. Mr. Speaker, I rise in support of H.R. 4365, a bill that would designate the Sunderland National Salmon Station as the "Richard Cronin National Salmon Station." This designation would be a fitting tribute to a great man.

Dick Cronin has dedicated the last 38 years of his life to preserving our natural resources so that our children may enjoy them as we have. For the last 9 years, he has served as director of the Massachusetts Division of Fisheries and Wildlife, where he has used his love for the outdoors and his remarkable ability to work with people to become a national leader in the wildlife arena. His enthusiasm for wildlife and wildlife restoration is infectious, his energy and his dedication is unmatched, and his skill as an administrator is best demonstrated by the words of praise, love, and respect that are lavished upon him by those with whom he has worked.

Dick Cronin is a man who has always given of himself. The list of his contributions is long, and extends far beyond his work with fish and wildlife. I have seen Dick in action as moderator of his home town of Harvard, where his fairness in running town meetings has represented the best in the New England town meeting tradition. He has also dedicated his life to helping young people, whether by donning his Santa suit and handing out presents at Christmas time, or by sponsoring an aspiring Eagle Scout.

When asked to describe Dick Cronin, the word most commonly used by his friends and coworkers is inspiration. Dick has been battling bone cancer for 2 years, but it has not stopped him from continuing to justly and effectively manage a 143-person department, or from attending three different annual awards banquets last week. He continues to work because he says it makes him feel better. Well, it also makes the fish and wildlife, and all who interact with Dick feel better too.

Mr. Speaker, renaming the Sunderland National Salmon Station in honor of Dick Cronin is the perfect tribute to this inspirational man. This holding facility, which is the key component of the network of facilities that protects the Atlantic salmon population, would not be here today without Dick's hard work and finesse. It was Dick who initiated the idea of converting a former hatchery facility into the salmon station, and it was Dick who delivered the land to the Federal Government at a reasonable price. As a result, the salmon continue to run in the Connecticut River.

In closing, I would like to commend my Massachusetts colleague, Hon. SILVIO CONTE, for introducing this legislation, and I would like to urge all of my colleagues to support it. I frown upon the use of old cliches, but to know Dick Cronin is truly to love him. I know of no man who is more deserving of congressional recognition, and I urge you to reward Dick Cronin by voting to rename the Sunderland National Salmon Station in his honor.

PRESERVING WETLANDS

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. LOWRY of Washington. Mr. Speaker, in October 1987 citizen activists from around the country met in Rhode Island to discuss for the first time, the threats that face our Nation's estuaries. Among the five-point national agenda, which was formally presented to Members of Congress on April 20, was the need to protect and restore our Nation's wetlands. The wetland resources of our country are in trouble.

The findings of the national agenda for savings our bays, sounds, and the Great Lakes concerning wetland loss in this country are stark:

"In San Francisco Bay, only 20 percent of the original 200,000 acres of coastal marshes still exist. In Connecticut, 50 percent of the coastal wetlands have been lost since the 1950's. Michigan, too, has experienced a loss; only 29 percent of the State's original 11.2 million acres still remain."

In the State of Washington, the Puget Sound Water Quality Authority estimates that over 60 percent of the wetlands located where major river systems flow into Puget Sound have been filled.

A recent two-part series in the Seattle Post-Intelligencer by Jane Hadley documents the destruction of wetlands in the Puget Sound area and the unreliability of the art of mitigation to replace existing wetlands slated for development.

The conclusion of the Seattle P-I in a follow-up editorial of April 4 is that "the U.S. Army Corps of Engineers, whose historic mission has been to alter nature, not preserve it, was unwisely given the task of protecting the wetlands. * * * Congress must reassign this responsibility to an agency that understands the full ecological significance of destroying a wetland."

An additional recommendation from the national agenda is that saving our remaining wetlands is not enough. A national program is needed to restore a minimum of 10 percent of the wetlands already lost.

For example, EPA region X is working to identify former wetland areas which might be restored as a biologically functioning system. High-priority candidate sites are diked areas which could be breached.

Mr. Speaker, it is time for Congress to reexamine our Nation's wetlands.

The articles and editorial follow:

[From the Seattle Post-Intelligencer, Apr. 4, 1988]

PRESERVING WETLANDS

A disturbing report on the disappearance of the state's wetlands points up the need for a move vigorous approach if we are to save these valuable, delicate portions of the ecosystem.

Wetlands serve a vital function as fish and shellfish hatcheries, flood control systems, and pollution cleansers. They provide habitat for rapidly dwindling numbers of waterfowl.

But a recent series of articles by Post-Intelligencer environmental reporter Jane Hadley documents that 1,001 wetlands have been lost in northwestern Washington alone between 1978 and 1985.

The U.S. Army Corps of Engineers, whose historic mission has been to alter nature, not preserve it, was unwisely given the task of protecting the wetlands. Critics say the corps has been all too eager to issue permits that allow dredging and filling these complex biological systems, and the record supports that charge.

The Environmental Protection Agency has been promoting a policy of "mitigation" for wetlands losses; that is, if a developer ruins one, he builds another. Now the agency admits that usually doesn't work. An exception is the Port of Tacoma's man-made wetland that replaced a natural one now under the Sea-Land terminal.

The Legislature and local governments are awakening to the need for wetlands preservation. But as long as the Corps of Engineers is the final arbiter of the wetlands' fate, their numbers will continue to dwindle. Congress must reassign this responsibility to an agency that understands the full ecological significance of destroying a wetland.

[From the Seattle Post-Intelligencer, Mar. 22, 1988]

NEW WETLANDS: FOOLING WITH MOTHER NATURE: MOST DEVELOPMENT MITIGATION PROJECTS DON'T WORK, EPA SAYS

(By Jane Hadley)

(Once seen as swampy wastelands, wetlands now are recognized by scientists as a key link in the ecological chain. Today the Post-Intelligencer begins a two-day series on the destruction of wetlands in the Puget Sound area, and what's being done to stem that loss.)

Not far from Interstate 405 in Bothell, North Creek meanders through what is now a business park. Sparkling new suburban high-tech office buildings are beginning to dot what years ago was the Vitulli farm.

A levee, topped by a trail, runs along each side of the creek, where a visitor can see a few mallards, kingfisher and, maybe even salmon, among other species. In between the levees and alongside the creek are about five acres of dry-looking grasses. To the untrained eye, it looks like a marsh. To the trained eye, it doesn't.

It's a man-made wetland that failed.

Many such wetlands have failed, the Seattle regional office of the Environmental Protection Agency discovered when it conducted a survey of artificial wetlands in the Northwest from October 1983 to September 1987.

Artificial wetlands were at the heart of a policy that federal agencies counted on in recent years to help stem the continuing loss of wetlands in the Northwest. The policy, known as "mitigation," means requiring developers who destroy wetlands in one spot to replace them elsewhere artificially. It isn't working, the EPA has concluded.

Developers first began doing mitigation projects as long ago as 1978, but there was a sharp upsurge beginning about 1985, when the EPA adopted its policy requiring 100 percent mitigation of any unavoidable losses.

But the replacement wetlands have been poorly planned, poorly followed up, and, in many cases, poorly done—if, indeed, they were done at all, the EPA survey concluded.

"Preliminary analysis of information gathered during an investigation of mitigation projects . . . indicates that most mitigation projects are generally not successful," states the report prepared by Gary Voerman, wetlands enforcement coordinator with EPA's Seattle regional office.

Most scientists feel that there simply isn't enough known about the science of wetlands to count on successfully creating and sustaining them in their amazing complexity. After all, nature often has taken hundreds of years to create wetlands: why would it be easy for humans to do it in a few months?

And government regulators now also admit they have been too timid and too sloppy in drawing up mitigation agreements.

The Koll Co., which has a good environmental reputation, proposed building a huge business park on the creekbed and surrounding wetlands of North Creek. The creek, which farmers had channelized into something of a ditch along the edge of the property, would be rerouted and new wetlands created.

The place where the new wetlands would be created had been wetlands long ago, until farmers drained it and planted reed canary grass, an aggressive plant that can grow in wettish conditions and serve as forage for cows.

After careful planning, elaborate preparations and a fair amount of publicity, the creek was rerouted in the summer of 1985 and its banks planted with trees and other vegetation.

Then the wetlands were planted with wetland vegetation—native sedges, which have what biologists call "high wildlife value." Ducks eat the seed, small mammals such as muskrat and field mice feed on the foliage, and fish feed on the nutrients created when the plants die.

The theory was that during rainy periods, wetlands would take the overflow from the creek. The periodic inundation would allow the sedges to establish themselves in the deep peat soils.

But it didn't work.

"It's too dry," said Bob Ziegler, Department of Wildlife wetlands biologist. "Even after heavy floods, I've walked out there and the soils are firm." Instead of wetland sedges, reed canary grass dominates the site, along with some thistle and clover, Ziegler says. Reed canary grass has little value to wildlife, he said.

The experts who planned the wetland aren't quite sure why the wetlands were left high and dry, opening the door for the reed canary grass to re-invade, but there are two possible factors. One involves the rerouted creek and flood control levees.

The new streambed was created by excavating a channel in the peat soil and placing plastic lining on the bottom. It's possible that the weight of the water and bottom sediments on the plastic have caused the stream to sink into the peat soils. And the levees have sunk as much as two feet, said Ted Muller, habitat manager for the Wildlife Department's Mill Creek office. The experts theorize that the sinking of the streambed and of the berms caused the surrounding wetlands to be uplifted.

The second factor, said Zeigler, is that vegetation may have been planted too thickly, preventing the water from penetrating the wetland soil, Zeigler said.

Dyanne Sheldon, a wetlands expert in King County's building department, says it just goes to illustrate the perils involved in trying to re-create nature.

"People did a lot of detailed planning and engineering on that project, and, 'oops' they forgot one small thing. We just don't know what we're doing, these systems are so complex," says Sheldon.

Muller says the last two years of drought haven't helped.

The stream relocation is generally considered an improvement and a success. The water is warmer than it should be, but that should improve, Muller says. He says he hasn't given up on the wetland.

After the drought passes, the Wildlife Department will approach Koll about trying again, says Muller.

Jim Mueller, Koll's vice president of development, said his company perfers to take a cautious approach to making any changes in the developing wetland. Let it stabilize after the rains return and then see if changes need to be made, he said.

"Mother nature wouldn't rush in with a backhoe," he observed. "If changes need to be made, we'll do it," he added, noting that the company has all along done what it promised to do regarding the project.

Muller, of the Wildlife Department, speculated maybe the best approach would be to scrape the wetland area to the appropriate elevation and replant.

"We expected this to take three to five years to establish," said Muller. "One reason a lot of replacement wetlands haven't worked is those people who have constructed them, nobody kept after them. There was no monitoring. They turned into rubbish piles. They just threw them together and walked away. To get these things to work, you've got to stay with it five or seven or 10 years."

Kathleen Kunz, a wetlands scientist in the EPA's Seattle regional office, agrees, but says there hasn't been the staff to do much monitoring. Kunz, who conducted the EPA survey of mitigation projects, said, "A lot of them weren't as big as they were supposed to be. Some weren't half the size or a quarter the size. In some cases, they didn't do them."

But even if agencies discovered the slipshod performance, Kunz said, the agreements regarding mitigation often had been so poorly drafted, they weren't enforceable. Some, especially five or six years ago when agency staffers were happy to get any concessions for wetland filling, were simple oral agreements.

"We found we didn't understand the science, we were not tough enough, and we weren't asking the right questions," says Kunz.

Some regulatory officials have looked at the possibility of mitigation or replacement wetlands as a "magic key" that would make everybody happy.

"The idea was if we can build here and put a Band-Aid on over there, it'll be okay," Kunz says. "There are some people on the national level who feel, 'Oh boy, we've got a new toy to play with.' It was very attractive to the federal government, because it keeps them out of controversy," says Kunz. "Unfortunately, the idea is leap years ahead of the science."

The EPA report flatly states: "The science of wetlands creation and restoration is far behind the regulatory use of its techniques."

For one thing, just getting replacement equal to the acreage lost doesn't do the trick, the report notes. There are many different types of wetlands performing many different functions—flood prevention, water storage, erosion control, pollutant removal and habitat for a vast diversity of species.

Eelgrass beds alone were estimated by the Puget Sound Water Quality Authority to support Water Quality Authority to support 16 species of plants, 191 investebrate species, 76 fish species and 86 bird species. Ducks and juvenile salmon are only the most obvious.

Rarely do replacement wetlands perform as many or even the same functions as the natural wetlands, according to the report.

One mitigation project that seems to be working so far is a 12-acre wetland created by the Port of Tacoma to replace wetlands lost when the port constructed an 86-acre facility to accommodate SeaLand.

The port issues frequent press releases touting it as "an excellent example of responsible industrial development," but, in fact, the port was forced to pay the federal government $5,000 and create the wetland under the terms of a consent decree with the U.S. Attorney's office. In exchange, the U.S. Attorney's office agreed to drop civil action against the port on a complaint that contended the port had illegally filled the Sea-Land wetlands.

The cost of the Lincoln Street wetland project is estimated at about $2 million.

"The salmon are coming in there," says Kunz. "The benthic (bottom-dwelling) critters in the mud started multiplying. They've had good success with transplanting the vegetation. There are shorebirds there. People have started driving up there on their lunch hours. They were craving for some kind of attractive open space in this ugly part of Tacoma."

But Kunz cautions, "It's only two years old. There's no way of knowing what is going to happen. We don't know if it's going to sit in. We don't know if the vegetation is going to persist."

Kunz also notes that one reason the replacement wetland could be judged a success is that the wetland it was replacing was so degraded from its natural state.

The EPA policy is to frown altogether on projects that do not need to be built in wetlands. If they must be built in wetlands, then the developer will be required, first, to minimize as much as possible the destruction of wetlands. Then the developer is required, theoretically at least, to replace in a nearby location all functions lost.

Environmentalists never have liked the concept of trading the right to destroy natural wetlands for promises to create artificial ones, said David Ortman, Northwest conservation representative for Friends of the Earth.

"The rule of thumb is that naturally occurring wetlands are more valuable than other types of mitigation wetland projects," Ortman said.

However, Ortman said environmental groups do want government to establish programs to restore wetlands where they once existed. But it should be done with the idea of reversing past losses, not in exchange for further destruction, he said.

Ortman complains that neither the U.S. Army Corps of Engineers nor the EPA holds the line by forcing developers to develop elsewhere than in wetlands. The agencies make it too easy for developers to say that they must build in the wetlands, he says.

"We certainly oppose mitigation as the corps seems to be using it, which is as a way to get around regulations on nonwater-dependent uses like shopping malls," said Ortman.

Wetlands regulations appear to be strongly worded, but the Corps of Engineers often weighs the pluses and minuses and declares filling to be in "the overriding public interest," says Ron Lee, chief of environmental evaluation in the EPA's regional office.

Sam Casne, environmental chief in the Corps of Engineers' Seattle office, says, "We admit sometimes there's going to be a loss of wetlands, if there is going to be a benefit." The corps' job is to "weigh the benefits and make a balanced decision," he said.

The latest example riling Ortman is a proposed shopping mall in Silverdale, Kitsap County, which would fill 19 of 25 acres of wetlands along Clear Creek.

"There's mitigation (being proposed) all over the place," fumes Ortman." This is a non-water-dependent use. Instead of having (corps) project managers sitting around trying to cook up ways to get around the regulations, they should say: "Hey, you can't put a shopping center in wetland, period."

However, Kunz says she knows of no permit reviewers who are looking kindly on the Silverdale mall, and it probably won't be approved. There plainly are many places in the Silverdale area to put a shopping mall, other than the wetland, Kunz said.

[From the Seattle Post-Intelligencer, Mar. 23, 1988]

WETLANDS DO WORLD OF WORK: BUT PERMITS FOR FILLING CONTINUE TO BE GRANTED

(By Jane Hadley)

Cockroaches, rats, starlings, pigeons, house sparrows.

Floods one day, dried up stream beds the next.

Puget Sound fouled by cadmium, lead, oil. Concrete everywhere.

That's a world without wetlands, according to biologists, who say wetlands perform naturally a vast array of vital biological tasks that are expensive or impossible to replace.

For decades, wetlands were demeaned as useless and unattractive wastelands. Squishy swamps, the unmown and unmowable wild grasses of fresh-water marshes, muddy and puddle-strewn tide flats, the flooding and reflooding river plains, and the aromatic bogs have not been kindly looked upon. Filling them in was called "land reclamation."

One of the leading fillers and dredgers of the country's wetlands, historically, has been the Army Corps of Engineers. Now the corps, by law, sits in judgment of permits sought by developers with plans to build on wetlands along the Northwest's rivers and shorelines. Critics of the agency say it doesn't say "no" often enough.

The main law available to protect wetlands, Section 404 of the Clean Water Act, is limited in scope and full of holes.

In 1985, Ernesta Barnes, then regional administrator of the federal Environmental Protection Agency, hoped to slow the losses by announcing a new "mitigation" policy. Developers who had to put their projects in a wetland would be required to provide 100 percent replacement nearby.

Unfortunately, a recent study by the regional EPA office concluded that such "mitigation" wetlands so far haven't usually been successful.

But the EPA vows to become tougher and more thorough in permitting and overseeing mitigation projects.

Meanwhile, the Legislature and private donors have launched a major program to buy control of a few valuable wetlands, either through outright acquisition or protective easements and the like. And both the EPA and the state Ecology Department have begun programs to steer counties and cities in the direction of saving their wetlands.

After decades of denigration, wetlands increasingly have come to be recognized as beautiful and exceedingly valuable. They are nurseries for fish and shellfish, they provide nutrients for a host of tiny creatures at the bottom of life's food chain, they are cleansers of pollution, preventers of floods, storers of water, and resting and feeding places for ducks and other wildlife.

"You spend a lot of money trying to build flood control structures after you've filled in wetlands," says Kathleen Kunz, an EPA wetlands scientist in Seattle.

And if it's not floods, it's the opposite problem. "All the streams dried up during the drought because we have no capacity to store water on the land and gradually release it back into the stream," Kunz said.

The city of Bellevue decided several years ago to save millions of dollars by turning to nature instead of steel and concrete to deal with its storm water. The city uses a network of wetlands to store and filter storm water, rejecting the conventional approach of constructing an expensive system of pipes to shoot the water into Lake Washington.

John Cooper, a biologist for the U.S. Fish and Wildlife Service, says, "What we end up doing is supplanting the natural mechanisms with things such as hatcheries. I think we've learned that the cost of maintaining hatcheries to offset the loss of fish-rearing habitat isn't effective."

The loss of wetlands in northern states and Canada is generally viewed as the chief cause of a precipitous decline in numbers of waterfowl.

But it's not only the pure abundance of wildlife that hinges on wetlands, but diversity as well. As ever smaller number of species—generally those that can adapt to an urban, concrete-filled life—multiply in ever greater numbers as wetlands disappear.

The less spectacular, smaller, isolated wetlands are particularly under-appreciated, say government scientists. There's no inventory of these wet meadows. "People will say: 'What's the point of saving all these little blips?' " says Dyanne Sheldon, wetland specialist for the King County Building Department.

"It's those little oases that are going to make a significant difference in the quality of life over time," Sheldon says.

Figures on how much of the state's wetlands have been lost are spotty.

Since the beginning of this century, human activities have altered or destroyed more than half of the wetlands along rivers and estuaries of Puget Sound, according to Fred Weinmann, a wetland expert who did an analysis for the Puget Sound Water Quality Authority.

Industrialized areas such as the Duwamish and Puyallup river basins have lost 99 percent to 100 percent of their original wetlands, he said. About 75 percent of the Snohomish River estuary is gone.

Many wetlands and development activities affecting them are not covered by any regulations. Section 404 of the federal Clean Water Act simply regulates the placement of dredged or fill material in the wetlands.

But there are many ways to alter or harm a wetland besides filling it—tapping its water supply, draining it, chopping down trees, escavating it, driving pilings into it, or polluting it.

Gary Voerman, wetlands enforcement coordinator at the EPA's regional office, says, "404 is not a good mechanism for protecting wetlands. If we really want to protect wetlands in this country, we need a clear statement from Congress to that effect."

But regulators agree 404 has slowed the loss of wetlands, especially in the last few years.

The Corps of Engineers, the chief federal agency charged with administering Section 404, for decades has been a dam-building, dredging agency whose mission was to alter and fight nature, not protect it.

Jerry Jackson, a lawyer for the National Wildlife Federation in Washington, D.C., says, "As long as the corps is in charge of that program, it's never going to improve. We really feel the program should be taken away from the corps because it's a disaster with them."

Jackson says, "The 404 program is having only a minimal effect on wetlands destruction. It generates 13,000 permits a year. You get a permit, then you fill in the wetland."

Of the 13,000 permits granted nationwide, roughly 500 are granted each year in Washington state.

William Rogers, a University of Washington professor of environmental law, describes the corps' attitude toward wetland protection as "at best indifferent."

Rogers says, "The figures are startling. You could read Section 404 as indicating there will not be any more loss of wetlands. They're empowered to say no, but they are disinclined to say it."

Burt Hamner, a former marine biologist with the Seattle district office of the corps, says environmentally conscientious permit reviewers are "constantly at loggerheads" with the traditional management of the corps, whose staff he calls "hidebound engineers."

However, most wetlands staff members at other government agencies who work with the corps say the corps' performance is not as bad as it once was.

Still, the conflicts are there.

An EPA report on wetland trends notes that in the first three quarters of 1987, the EPA and the corps agreed on 13 permit denials, but the corps issued four over EPA objections, with the possibility that three more would be issued over EPA objections.

Sam Casne, environmental chief for the Seattle district office of the corps, says the corps receives a lot of unjustified criticism. Critics tend always to look to the corps to protect wetlands, Casne said, and don't ask why the state, for example, isn't doing much. The 404 program is not supposed to be a "stop-development" program, he said.

Casne denied that higher-ups in the Seattle office are anti-environment. He said corps staffers do a professional, fair and conscientious job of reviewing permits, weighing the costs and benefits to society.

But, according to an EPA report on wetland trends, the corps refuses to practice a policy that it demands of other permit applicants; that is compensate for the loss of wetlands it causes.

Most agencies involved in protecting wetlands, including counties, the EPA, the Fish and Wildlife Service, the National Marine Fisheries Service, the state Wildlife and Fisheries departments, and the corps simply lack the staffs to scrutinize permit applications or projects closely.

Enforcement actions are rare. Environmentalists complain bitterly about the corps' practice of routinely issuing "after-the-fact" permits to people who illegally fill wetlands. The corps says in most cases the people didn't know they needed a permit. The answer is education, not enforcement, corps officials in Seattle said.

Kunz of the EPA said U.S. attorneys are reluctant to take on most wetland cases because they're too small, too hard to prove, or too controversial. Illegal fills, like many environmental violations, are viewed to be more like traffic infractions instead of more serious crimes, Kunz said.

Some changes were made in federal law last year that should improve administration of Section 404. One allows the corps and the EPA to levy administrative penalties. Previously, they had to go to court.

Wetlands not covered by Section 404 are up to the state or cities and counties to protect. The state's jurisdiction and role has been minimal in the past, but is now picking up. Protection of wetlands at the local level is highly variable.

Many property owners have no idea their property qualifies as a wetland or that they need a permit to alter it. As a result, many wetland losses occur illegally, says Sheldon of King County.

King County is generally acknowledged to be doing a good job with its "sensitive areas" ordinances. Snohomish County developed good "aquatic resources protection" guidelines in 1986, but not one single element has been adopted into law, complains the Pilchuck Audubon Society.

Island County at one time was moving ahead aggressively in identifying and protecting its wetlands, but a recent change in county commissioners had brought about what environmentalists and government regulators see as serious back-sliding in wetland protection.

After a serious flood in 1986, the Federal Emergency Management Agency advised Pierce County to develop a wetland protection program for flood control. The county is doing so, said Mike Cooley, senior planner for the county.

Valuable wetlands are being lost in Issaquah, Renton, Auburn, Tukwila and the East Lake Sammamish plateau, say government scientists.

Much of the public is ignorant about the value of wetlands, but Kunz of the EPA says, in the end, only broad public support can save wetlands. "It's going to be a standoff between the development community and open space or wetlands. The community is going to have to make a decision."

Meanwhile, there are successes. A major private-public effort announced in October 1986 to preserve at least 10 of the most outstanding undisturbed native wetlands is on track, says Elliot Marks, director of the Washington state chapter of the Nature Conservancy.

The legislature came through with $4 million for two years by using part of a small surcharge on the real estate excise tax, and the Nature Conservancy is successfully raising its $1.3 million share in private donations, according to Marks. Most of the $5.3 million will go to preserve wetlands.

In addition, the Legislature earmarked $500,000 out of money generated by state shoreline leases to go toward wetland preservation. The state Department of Natural Resources recently handed Snohomish County $60,000 out of that money to help buy Otter Island, a key part of Snohomish River delta wetlands.

But most agree with Bob Zeigler, habitat biologist for the Wildlife Department, who says, "Acquisition is a very important program and it has increased, but it isn't the solution. You're only going to be able to acquire a small fraction of the wetlands in the state."

Another step forward came with the Puget Sound Water Quality management plan adopted by the Legislature in 1987. To beef up the spotty protection record of local jurisdictions, the plan directed the Ecology Department to establish standards to be used by counties and cities in developing wetland management programs.

The EPA also is targeting local government planning, says Ron Lee, regional chief of environmental evaluation. Many local jurisdictions have actually steered industrial development toward wetlands, Lee said. Developers then argued that zoning forced them into wetland areas. The EPA wants to change that.

ASSEMBLYMAN THOMAS P. FOY OUTSTANDING PUBLIC OFFICIAL

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. FLORIO. Mr. Speaker, it is with great pleasure that I bring to the attention of my colleagues one of New Jerseys' distinguished elected officials, Assistant Minority Leader Thomas P. Foy, who will be honored this week during the fifth annual beachfront reception.

Mr. Foy, a resident of Edgewater Park, NJ, has been a strong voice in the New Jersey General Assembly for a number of important issues. Currently serving as assistant minority leader, Tom has successfully advocated a legislative agenda that places a high priority on the rights of working men and women, the environment, and perhaps more importantly, the safety and welfare of our children—our most valuable resource. Through his efforts in the assembly, Tom received the "Legislator of the Year" Award from the Foster Parents Association. Mr. Foy also serves as general counsel to the State AFL-CIO and is a partner in the Mount Holly law firm of Schlesinger, Schlosser, Foy & Harrington.

Assemblyman Foy has achieved a great deal of success and a wide base of support, not only because of his personable style, but because of his long and dedicated service to Government and the Democratic Party. Tom began his career in politics as a very young man, distributing campaign literature along with his newspaper route. Later, Assemblyman Foy organized the Burlington County Young Democrats, of which he became president. Tom also served as a member of the Burlington Township Council from 1975 to 1978 and a member of the Democratic State Committee from 1981 to 1985.

As I applaud Mr. Foy, I also applaud the support that his family, including his wife, Jamie, has given him throughout the years. We all owe Tom a tremendous debt of gratitude for his hard work and dedication to the residents of New Jersey.

My best wishes are with Tom, and his special guests, as he is honored at the fifth annual beachfront reception.

SPRING VALLEY JEWISH COMMUNITY CENTER MARKS 65TH ANNIVERSARY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. GILMAN. Mr. Speaker, permit me to call to the attention of our colleagues the significant works performed by the Jewish Community Center [JCC] of Spring Valley, NY, since 1923.

This month, the community center is making its 65th anniversary of service to the Spring Valley community as to one entire Rockland County region. Accordingly, this is an appropriate time to recount the many ways that the JCC of Spring Valley has touched so many lives.

The world of 1923 was radically different than the world of today. The waves of immigration that washed our shores were of recent memory, and had not yet receded into the mists of history. Into the teeming metropolis of New York City were crowded a multitude of immigrants from every race, creed, and ethnic background of Europe. All had come to our shores in search of a better life; all shared dreams of a life of plenty in the countryside.

It was in this atmosphere that the Jewish Community Center of Spring Valley was founded. Knowing that the many who had already fled to the suburbs needed and deserved a sense of community, and knowing that thousands more would follow, the founders of the JCC possessed the foresight and the compassion necessary for the establishment of such an outstanding facility.

Today, the Jewish Community Center of Spring Valley is one of the most respected civic centers in suburban New York. Over 400 families in the congregation, under the spiritual leadership of Rabbi Robert Pilavin, enjoy and share the beautiful facilities where brotherhood and sisterhood are the premier lessons to be learned. For 20 years, the talents of Cantor David Rosenzweig have contributed greatly to the spiritual life of the JCC.

For many years, the JCC of Spring Valley has hosted a nursery school for our community's preschoolers, as well as a religious school to instruct our youth in the heritage of our faith. The Jewish Community Center of Spring Valley is also the home of the largest senior citizen organization in Rockland County, NY. With over 800 members, this JCC senior citizen club has become a model emulated throughout the region and the Nation. This organization affords our golden age citizens—who have contributed so much to making a better life for all of us—with an opportunity to continue with productive and interesting lives.

Thus, in virtually every facet of life from cradle to grave, the Jewish Community Center has been on hand, as the center for Jewish religious activities in Rockland County, and as a major facet in the lives of all who participate in its myriad of activities. The current president of the congregation, Leonard Weiner, and the sisterhood president, Sally Greenstein, have vowed to continue the fine traditions of the JCC into the 66th year.

As the JCC prepares to celebrate its 65th anniversary, it has decided to pay special tribute to the outstanding members of its congregation, whose services to the community center have been well above and beyond the call of duty.

Since the early 1950's, Jules Stern and his lovely wife Lila, have given of their time and efforts to make the Jewish Community Center a success, and to continue it on the path of respect it had earned for itself. Jules Stern, who served as congregation president, is a highly respected businessman in our community. As a manufacturer of vacuum cleaners, it could well be understood if Jules devoted himself totally to his business and let others have the opportunity for community service. Instead, Jules has spent the past 35 years of his life helping young people, senior citizens, and many others serviced by the JCC. His wife Lila is know as a "whirlwind," whose dedication to helping others is legendary. It is axiomatic in Rockland County that if you want something done, Lila—a former sisterhood president—will know how to do it —yesterday.

Both Jules and Lila Stern are deserving of the gratitude and congratulations of our community for giving of their hearts so consistently for so many years.

Mr. Speaker, I ask our colleagues to join with me in commending the Jewish Community Center of Spring Valley, NY, and the many fine people who have come together during the past 65 years to make the JCC a success, and especially Jules and Lila Stern for being such an inspiration to us all.

THE INVEST TO COMPETE ALLIANCE: A FORUM FOR EDUCATION ON BUSINESS CONCERNS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. CRANE. Mr. Speaker, a recent article in the Washington Post focused on an issue that has been at the center of congressional debates for some time—America's ability to foster competitiveness in trade. "Competitiveness" has become a buzz word in Washington, garnering the attention of both Congress and the business community. But long before competitiveness became the word of the hours, one group in Washington, the Invest To Compete Alliance [ITCA], had already voiced concern regarding America's competitive posture.

Organized nearly 3 years ago, ITCA is made up of corporations and associations concerned about trade and tax legislation, particularly as proposed laws affect the ability of Congress to provide jobs, revenue, and compete at home and aboard. ITCA, a nonprofit coalition, has made its positions and presence known to the congressional leadership, the Ways and Means Committee, and the Senate Finance Committee in a meaningful and substantive way. As Members of Congress, we cannot support all industry positions, but it is instructive that groups such as ITCA meet with and inform Members of Congress of the impact of legislation important to the Nation, particularly, issues affecting the capital intensive industries.

Washington Post reporter David S. Broder's editorial on competitiveness in America reflects a concern expressed by many in the business community.

The article follows:

[From the Washington Post, Feb. 3, 1988]

THE ISSUE FOR 1988 AMERICA'S COMPETITIVENESS

(By David S. Broder)

Competition is a concept the average American grasps without explanation. People who have made an unofficial national holiday of the contest between two football teams on Super Bowl Sunday tune in to the nation that the country itself is engaged in a struggle for economic survival.

So it is not surprising that the set of issues embodied in the word "competitiveness" has emerged at the center of the 1988 political debate. It is as natural as the Redskins' rout of the Broncos. But is is still a development of significance.

Each national election serves two functions. One is the choice of leadership. The other is the determination of the agenda. Reporters focus on the former, because in our business names make news. But often, it is the selection of issues and problems to be addressed that is more significant.

On election night in 1980, we knew not only that Ronald Reagan would be the new president but that a military buildup, a tax cut and a slowdown in domestic spending were on the agenda. On the eve of the Iowa caucuses, the first major event of the 1988 presidential election, we do not know the name of Reagan's successor. But we do know that improving America's position in the world economy will be higher on the 1989 agenda than any of the three items Reagan brought with him to Washington in 1981.

We know that, because the campaign dialogue has established a consensus among the 13 candidates on that point. The fact is well documented in a report called "Competitiveness and Campaign 88," published last week by the privately funded Council on Competitiveness. But even if the point had not been made so neatly in this report, it would be obvious to anyone covering the campaign.

The candidates' consensus reflects a public temperament that has been reported in this column several times. To Reagan's credit, fears of inflation and of American impotence in the world, which powered him to the presidency in 1980, have abated. In their place is a rising public consciousness that we are struggling—but not winning—the battle to maintain our place in a rapidly changing world economy, of which we are inextricably a part.

Voters I have interviewed in the past 18 months ask two overriding questions: What kind of jobs will there be for us and our children in the next 20 years? And what is the chance of maintaining the American standard of living for the next generation, when we are competing with countries that have accepted far lower living standards for themselves?

Ever since the autumn of 1986, I have believed that the candidate who could best address those two questions—whatever his party or ideology—would be the best bet to win the White House after Reagan. Nothing I have seen in the campaign shakes that opinion.

John A. Young of Hewlett-Packard, the head of the Council on Competitiveness, and his colleagues found in examining the candidates' answers that several major themes emerged: the need to reduce the budget deficit; to improve education of young people and training of adults; to improve accountability and productivity in business, labor and the schools; to expand exports; and to expand investment, both public and private, in research and development of civilian goods and services.

The issues intermingle; they scramble party lines. Education is such an overriding concern that few Republicans and no Democrats are devoid of proposals for ways the federal government might help. Deficit reduction is at least as important, so no Democrat feels safe without plans for cutting certain areas of federal spending.

There are still sharp differences among the candidates. Richard Gephardt's approach to trade legislation is light-years away from that of Gary Hart, Michael Dukakis, Jack Kemp or Pete du Pont.

But almost without exception, the 1988 candidates agree that policies in all these areas must be judged, in large part, by their effect on America's competitiveness. And that is a very different criterion than Reagan brought to office in 1981.

One other big difference jumps out when you read what they have been saying: the attitude toward government itself has changed. Young and his colleagues found "broad bipartisan agreement that the federal role should be expanded in certain areas. In particular, candidates from both parties want increased federal support—direct and indirect—for America's science and technology efforts. * * * Further, most of the candidates favor more federal involvement in training and retraining the nation's work force."

This is a far cry from the government-bashing of the Great Inflation era, and it represents a big shift in post-Reagan politics. One of the major questions of the 1988 election has been settled already. Targeted governmental activism has won.

ANNIE MALONE CHILDREN'S HOME CELEBRATES CENTENNIAL

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. CLAY. Mr. Speaker, this year marks the centennial anniversary of one of the most valuable black institutions in the St. Louis community, the Annie Malone Children's Home. I am pleased to take this opportunity to celebrate the 100-year history of the Annie Malone Children's Home and to highlight some of the many contributions of Annie Malone and the institution which bears her name.

Annie Malone was a prominent black businesswoman in the early part of this century who founded Poro College in St. Louis. Poro was a cosmetology school which trained and employed thousands of beauticians throughout the world. In 1918 Mrs. Malone expanded the facility and it is recognized as one of the first minority-owned structures.

In her time Mrs. Malone was regarded as one of the wealthiest black women in the world. While she was a professional cosmetologist and a highly successful entrepreneur, her dedication and devotion to the less fortunate was legendary. Annie Malone had a special love for chidren and she expressed tremendous concern for the orphaned and neglected children of her community. Annie Malone devoted her talents and energies to helping children with special needs develop the skills and direction to live full and productive lives. From 1919 to 1946 Annie Malone served as the president of the St. Louis Colored Orphans Home and under her leadership the institution moved to a new structure. The home was renamed in honor of Annie Malone in 1946.

The St. Louis Colored Orphans Home was established as a shelter for orphaned children. Today, the Annie Malone Children's Home administers to the special needs of emotionally disturbed and abused children. The home not only provides shelter, but it provides counseling, psychological and psychiatric care, remedial education, tutoring, job training, and parenting education.

The remarkable accomplishments of Annie Malone and the Annie Malone Children's Home have benefited generations of St. Louisans. I salute the Annie Malone Children's Home for 100 years of remarkable service to the St. Louis community.

THE ANNIVERSARY OF EASTERN PROPANE OF OAK RIDGE

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mrs. ROUKEMA. Mr. Speaker, this week, my constituents in my northern New Jersey congressional district will mark a notable anniversary. On Friday, June 10, it will have been 50 years since the establishment of what is now Eastern Propane of Oak Ridge, NJ.

Eastern Propane was founded in 1938 as Modern Gas by Robert Nicholson, Sr., father of the firm's current president. In those early days, the company was managed entirely from Mr. Nicholson's home and garage. After World War II, the firm diversified into the appliance business, selling gas and electric units on the wholesale and retail markets.

Now, 50 years later, Eastern Propane services 10,000 residential, commercial, and industrial propane users within a 40-mile radius of Oak Ridge.

Eastern Propane has always operated as a family corporation with an emphasis on family involvement. Robert Nicholson, Jr., son of the founding father of the firm, and his wife Shirley, corporate secretary, along with their children, participate actively in the operation of the business.

Eastern Propane serves the community of Oak Ridge and all the communities it touches with dedication to service and safety. In fact, recently, the firm received the "Partners in Safety" Award from Ranger Insurance of Houston, TX, becoming the first New Jersey company to be the recipient of this national honor.

From the first days when the firm was operated from the Nicholson home and garage to today, Eastern Propane has been a respected leader in industry and a valuable contributor to the economy of all of northwest New Jersey.

I urge my colleagues to join me in wishing Eastern Propane success for the next 50 years.

LOWELL GOMES RECOGNIZED

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. LEWIS of California. Mr. Speaker, I rise today to recognize Mr. Lowell Gomes. After a highly successful term as president of the Rancho Cucamonga Chamber of Commerce, Mr. Gomes will step down from this position on June 11, 1988. It gives me great pleasure to have this opportunity to share some of his many accomplishments as president with my fellow members and you today.

Lowell Gomes looked to the chamber's slogan "The Year of the Member" in his efforts to promote more member involvement. The Ambassador Corps, which is the public relations arm of the chamber, has grown to an alltime high for member participation. Indeed, the membership of the chamber has grown to over 1,000 members strong.

By forming a task force to study the city's sign ordinance, the chamber acted as a voice for the members to suggest possible changes to the ordinance to promote local businesses. Mr. Gomes played an active role in improving the chamber of commerce newsletter, "The Resource," to better promote the member businesses. As another contribution to the business community, the chamber puts on the Grape Harvest Festival each year. Last year it received the designation "California's Oldest" festival.

Mr. Gomes' leadership led to promoting the small business community through the Action Resource Committee's Business Connection Breakfast, which is a networking opportunity for the members to promote their businesses. The chamber also puts on periodic seminars to allow the members to better serve the business community in the Inland Empire.

Other accomplishments during Mr. Gomes' presidency include the publication of the chamber's first pictorial fact book about the area. It is distributed all over the country to prospective businesses and residents of our city.

Mr. Speaker, it is clearly evident that as president of the Rancho Cucamonga Chamber of Commerce, Lowell Gomes provided the means for the chamber to have a better working relationship and greater harmony with the city of Rancho Cucamonga. The city has benefited greatly from his leadership. I commend him highly for his efforts and wish him continued success in the future.

A TRIBUTE TO REV. MSGR. SAVERIO C. MATTEI

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. LENT. Mr. Speaker, after 8 years as pastor and spiritual leader of Our Holy Redeemer Church in Freeport, NY, Rev. Msgr. Saverio Mattei will leave to become pastor of the Church of St. Matthew in Dix Hills. I have known Monsignor Mattei for many years and witnessed his many good works and significant contributions to the community.

During his tenure at Our Holy Redeemer, Monsignor Mattei presided over the repair and redecoration of the church, and the remodeling of the school to serve as both an educational and parish center. He began an early mass for children, as well as Spanish masses, and a summer waterfront mass to serve fishermen, boaters, and vacationers. Monsignor Mattei installed a ramp and made space for wheelchairs near the altar to ease access for the handicapped.

Monsignor Mattei reached out to encourage all who wished to join into the embrace of the church, which has served as a place to gather and worship with friends and family. Over the years, the congregation has multiplied and the bonds between members and their families have grown ever stronger. The monsignor's goal, as he so eloquently expressed, was "to make Our Holy Redeemer part of the Freeport community, and Freeport a part of Our Holy Redeemer."

Monsignor Mattei succeeded in attaining his dream, and he will be deeply missed by his parish and all who knew him. I'd like to express my sincere appreciation for his dedicated efforts on behalf of the Freeport community, and wish him the best of luck in his new assignment.

WE NEED A TAXPAYER'S BILL OF RIGHTS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. CRANE. Mr. Speaker, with the Taxpayer's Bill of Rights picking up steam after the Senate acted on the issue this year, we must remember the purpose behind this much-needed piece of legislation. There have been too many instances where the rights of the citizens of this Nation have been trampled by overzealous Internal Revenue Service agents. We, the Members of Congress, have designed an IRS that resembles a loan shark with his hired muscle. With the interest rates that the Government charges, it is no wonder why people have a hard time with the system. It is time the Members of Congress stand up for the citizens of this country and implement needed legislation that will help all. I respectfully submit the following article from the April 18, 1988, issue of Forbes that will further elaborate on the need for the Taxpayer's Bill of Rights. The article follows:

[From Forbes, Apr. 18, 1988]

WHY WHITMAN PAID UP

(By Jonathan Clements)

On Oct. 9, 1987 the IRS froze $3,500 in the Dennison Federal Credit Union's checking account." I thought it was the end of the world," recalls Mildred Omlor, 80. With her sister Gretchen, 78, she runs the $130,000 (assets) credit union out of St. Michael's Catholic Church just outside Coopersville, Mich.

Why such treatment for two old ladies performing a public service? Because in 1983 Congress decreed that all credit unions filing more than 50 1099 forms (showing interest paid to individuals) must use computer diskettes or tape. For 1985 the sisters requested a waiver similar to one they had obtained for 1984 allowing them to file the forms on paper. They never heard from the IRS, so the sisters simply filled out 59 paper forms and sent them off.

Nearly a year later, a letter arrived from the IRS assessing a $2,950 penalty plus interest because of the paper filings. The Omlor sisters refused to pay and the IRS put on a lien for that amount. Finally, two months after freezing the checking account, the IRS backed down.

The Omlors were luckier than millions of other taxpayers facing harsh IRS penalties. Last year, the IRS levied $10 billion of penalties, ten times the amount of a decade ago. (That is net of $4.3 billion of penalties assessed but later abated.) Since the early 1970s Congress has hiked the number of penalties in the taxman's arsenal from 60 to around 150.

The result is that the price of making a tax mistake—even an innocent one—can be enormous. Penalties stacked one upon another can nearly double a tax bill even before the interest clock starts running.

This drumhead justice has angered lots of people. "The federal government shouldn't be a Mississippi justice of the peace whose revenues depend on how many tickets are given out in the local speed trap," says Ernst & Whinney partner David Berenson.

The American Bar Association, the National Association of Manufacturers and the American Institute of Certified Public Accountants are all making penalty reform an issue. "I get two or three calls a week from members who are on the receiving end of IRS collection activity," says U.S. Chamber of Commerce tax expert David Burton. "For at least a third of them, the IRS is totally off the wall."

Politicians are taking notice. During March, both the House and the Senate planned to hold hearings on income tax penalties, and Senator David Pryor (D-Ark.) has appointed a private-sector task force to study the issue. Even the IRS has set up a group to study the problem.

To be sure, there are some tax deadbeats out there who need an incentive to pay what is due. But the IRS juggernaut can be pretty intimidating even without a penalty system. Take the case of Marina Whitman, a General Motors vice president. The IRS sent her a check for $200 that she knew she wasn't owed. Whitman didn't cash it. As she expected, the IRS eventually demanded its money, and she sent the check back. The the IRS demanded $12 in interest. After a yearlong battle, Whitman's lawyer advised her to take the cheapest course and pay the $12.

If letters dunning a taxpayer for interest seem intimidating, the actual penalties can get downright brutal. Consider:

If a corporation underpays its taxes by $100,000, $1,000 of it due to negligence, then the 5% penalty applies to the whole $100,000.

Firms failing to make timely deposits of withholding taxes get hit with a 10% penalty whether the deposit is a day late or almost three months overdue. (Interest, which is additional, is of course higher for the three-month delay.)

The penalty if a bank or mutual fund fails to tell the IRS about interest and dividends paid is the same ($50) whether the payment in question is $15 or $15,000.

In 1986 Congress increased the substantial understatement penalty from 10% to 25% and also applied it retroactively to filings from 1983 on.

A sarcastic note to the IRS written in the margin of a tax return may be enough to provoke a $500 penalty for filing a "frivolous return," even if the return is properly filled out and the tax fully paid.

The ultimate penalty, notes Berenson, is the 1986 tax act's phase-out of interest deductibility, which hits innocent mistakes. Now, interest you receive from the IRS is taxable but interest you pay is only partly deductible. What's more, the interest rate on refunds paid by the IRS is 1% below the rate charged by the Service on underpayments. What happens if an audit shifts a deduction from 1983 to 1982? Notwithstanding the fact that the IRS should be grateful you paid tax too early, you get whipsawed with the interest differential.

Still, it can get much, much worse. Imagine you file for an extension of time to fill out the return, enclosing, as you must, an estimate of taxes that will be due. The extension form gets lost in the mail. The IRS audits your late return and claims you overstated the value of property you gave to a charity. In addition, the auditor also decides you were negligent and substantially understated your income tax liability in other ways. Suddenly, the IRS is assessing five penalties; failure to file on time, failure to pay, negligence, substantial understatement and valuation overstatement. You may have made an honest mistake, but the IRS is hitting you nearly as hard as it hits fraudulent filers.

Is there a way out of this mess? Reforming the penalties would be a start. But last time Congress tried reforming the tax system—1986—the annual number of penalties assessed by the IRS immediately jumped 29%. So don't expect any quick relief.

INSTRUMENTS OF TORTURE

Last year the IRS slapped taxpayers with 27 million penalties. Here is a selection of penalties popular with IRS agents, courtesy of Peat Marwick Main & Co.

Negligence, no matter how innocent: 5% of the total underpayment. Also, the interest bill normally due on an underpayment is surcharged 50%.

Substantial understatement of income tax liability: 25% of the amount attributable to the understatement. In addition, if the underpayment is attributable to certain tax shelters, a 20% surcharge on interest.

Fraud: 75% of the resulting underpayment, with a 50% interest surcharge.

Valuation overstatement causing at least a $1,000 underpayment: 10% to 30% of the underpayment, depending on extent of overvaluation. Overvalued charitable contributions of property are penalized 30%.

Failure to furnish tax shelter identification number: $250.

Promotion of abusive tax shelters: $1,000 or 20% of the gross derived from the promotion.

Failure of an income tax preparer to sign a return: $25.

Failure to provide the correct taxpayer identification number to, say, a bank or mutual fund: $50.

Failure to file: 5% per month up to 25%.

Failure to pay the tax shown on your return: 0.5% per month up to 25%.

Institution of tax court proceedings as a delay tactic: up to $5,000.

Filing of a frivolous income tax return: $500.

Paying with a bad check: 1% of checks over $500 and, for checks under $500, the lesser of $5 or the amount of the check.—J.C.

A TRIBUTE TO MR. DAVID LEVINE

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to Mr. David Levine of Kew Gardens Hills, NY, who will be honored at a dinner on June 12, 1988, at the Jewish Center of Kew Gardens Hills.

Mr. Speaker, the story of David Levine is an interesting one. He was born June 10, 1894, in the state of Vitibst, Russia, the sixth of seven children. His family immigrated to the United States in 1910, and settled in Lower Manhattan.

After attending for only 1 year, he had to drop out of Public School No. 188 to work in order to help support his family. His first job was as an apprentice cutter in a garment factory. He worked the first 4 weeks for no pay. But on the fifth week he received a salary, $5 per week.

David Levine's mother instilled a commitment in him to help less fortunate people. In fact, his mother insisted that he donate this first pay check to charity. He met and worked side by side with his future wife, Dora Oxenhorn, in a garment factory. They married in 1915, and during their long and fruitful life together they had two sons, Harold and Jules.

In addition to his two sons, David Levine has five grandchildren, four great grandchildren, with a fifth great grandchild on the way.

He and his wife worked together in their own garment manufacturing firm for nearly six decades.

Fifty years ago he helped establish and build the Jewish Center of Kew Gardens Hills, in which he is still active.

Throughout a lifetime of hard work, David Levine always found the time and money to help those less fortunate. Now that he is retired, he devotes much of his energy and fortune to worthwhile charities, both in America and in the State of Israel.

Mr. Speaker, I am proud to know David Levine, and I ask my colleagues to join me in wishing him many more years of success and selfless commitment to his community and country.

TRIBUTE TO LEE GRISSOM

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. LOWERY of California. Mr. Speaker, as our great Nation prospers in many new directions, it is always important that we recognize outstanding individuals that contribute to the growth of prosperity. One such individual resides in my district. This outstanding individual is Mr. Lee Grissom.

Mr. Grissom has served the San Diego community in a myriad of ways over the years. In the past, he has chaired the San Diego Housing Commission and the Convention Center Committee. Also, Lee has participated with his children by hosting Eagle Scout recognition ceremonies.

More recently Lee has served as a member to the board of trustees of California State University, board of directors for the San Diego Economic Development Corp., Sea World Holiday Bowl, 88 Superbowl Task Force, San Diegans for a Cleaner Environment, Californians for Better Transportation, just to name a few.

Mr. Speaker, as you can see Mr. Grissom has contributed considerably to the prosperity of San Diego. These contributions have not gone unnoticed. In 1987, he was chosen Alumnus of the Year, San Diego State University, one of the "10 Outstanding Young Men in America," San Diego's Outstanding Young Citizen, and anyone can read more about him in Who's Who in America.

As you can see, San Diego has been enriched in many ways due to Mr. Grissom's presence. It's difficult to top his dedication and effort to the community, and I sincerely hope Lee will continue making San Diego America's finest city.

A CONGRESSIONAL SALUTE TO GEORGE MURCHISON

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding man in my district, George Murchison. I am pleased to have the opportunity to express my appreciation for his efforts on behalf of the Long Beach area.

George has contributed much to the community in his position as a certified public accountant, and as president of Murchison & Marek, an accountancy corporation in the Long Beach area. Mr. Murchison's contributions to the Long Beach area are almost too numerous to mention.

George is currently on the board of directors of the St. Mary's Catholic Housing Corp. and the Long Beach Symphony. He has also served on the Board of the Long Beach Chamber of Commerce, the Long Beach Opera, and the Public Corporation for the Arts in the city of Long Beach.

Further, George is currently on the board of trustees of the St. Mary's Long Beach Hospital Foundation, the St. Anthony's High School Foundation, the Bess Hodges Charitable Foundation, the J. Jacobs Charitable Foundation, and the Long Beach City College Foundation, of which he is past president. George is also active in the Long Beach/Orange County Chapter of Certified Public Accountants, the Stuart Cameron McLeod Society, and the Rotary Club of Long Beach.

As if that were not enough, at various times George has served on the advisory board of the Assistance League of Long Beach and the California Museum Foundation, and as an instructor at Long Beach City College and California State University, Long Beach.

George is a remarkable man, who has bettered our area through his time and involvement in community affairs. The entire community is fortunate to have such a distinguished individual in their midst. My wife, joins me in extending our congratulations, and our gratitude, to George Murchison, for the continuing contributions he has made to the Long Beach area. We wish George, his wife Joyce, and his two children Kelly and Mike, all the best in the years to come.

TRIBUTE TO THE CAPUCHINO HIGH SCHOOL MARCHING BAND

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. LANTOS. Mr. Speaker, I would like to take a moment of my distinguished colleagues' time today to pay tribute to the members of the Capuchino High School Marching Band of San Bruno, CA. These talented and dedicated musicians recently returned from triumphant performances at the opening ceremonies for World Expo 1988 in Brisbane, Australia, and for the opening of the U.S.A. pavilion at this world exposition. The Capuchino Band was the only American musical group which performed at these ceremonies.

Their outstanding performances—before members of the British Royal Family and the thousands of spectators at the opening ceremonies—only added to an already long list of prestigious engagements. Over the last 35 years, the Capuchino High School Marching Band has entertained Presidents, royalty, and sports fans around the world. The performances in Australia can be added to a distinguished list that includes playing for the Inaugural Parade of President John F. Kennedy, Canada's Victoria Day Parade, and the Tournament of Roses Parade.

Mr. Speaker, I commend the dedicated band members and their enthusiastic Booster Club for their successful fund raising efforts. With the help of its many friends on the Peninsula, the band sent many of it's members abroad for the first time in their lives. They proved that hard work and perseverance can pay off handsomely.

Mr. Speaker, I invite my colleagues to join with me in paying tribute to the Capuchino High School Marching Band—America's musical good will ambassadors.

"ODYSSEY OF THE MIND"

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. HYDE. Mr. Speaker, students from around the world gathered recently in College Park, MD, for an "Odyssey of the Mind." An annual international problem solving competition among students age 5 to 18, Odyssey of the Mind fosters the development of creative thinking and problem solving skills among young people, six of whom formed a team and came to this year's competition representing Blackhawk Junior High School in Bensenville, IL.

Participants in the international competition compete in a variety of ways—from building mechanical devices such as spring-driven cars to giving their own interpretations of famous poems.

The eighth grade team from Blackhawk, whose members included Joelle Charbonneau, Andy Jack, Carolyn Kuch, Al Lozano, Annie Saunders, and Ryian Tailes won the first place honor at the Illinois State competition staged earlier this year; and placed seventh internationally with their project.

Adopting comic strip character personalities, the team members staged comic warfare between Chicagoland's two biggest newspapers, the Chicago Sun-Times and the Chicago Tribune until warring members discovered that a thoughtful exchange of ideas yielded greater rewards than being adversarial.

Competing teams are judged in three areas: the effectiveness of a solution to a long-term problem; style, which includes the enhancement of a long-term solution; and third, a solution to a spontaneous problem given to a team without warning.

The success of the Blackhawk group can be attributed in part to the dedicated work of parents and teachers who formed and sustained an odyssey program in the district 2 school system. This group of committed individuals include Terri Carman, a teacher of gifted students at Chippewa School, which also fields its own team of odyssey students; Jaci Charbonneau, a parent coach; and parents Pat Kuch, Lynn Saunders, and Lynette Tailes who accompanied the group to Washington and College Park.

THE NATION'S REPORT CARD ON EDUCATIONAL ACHIEVEMENT IN MATHEMATICS

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. GOODLING. Mr. Speaker, over the past 16 years the National Assessment for Education Progress has been working to discover the level of mathematical proficiency of our Nation's young people. The report card is now here. Even through this report card recites the foreboding testimony of data gathered on the current levels of mathematical achievement, it also provides a glimmer of hope. The report shows that our students do not perform as well as we would want; however, the scores do indicate that the downward trend has been abated. I believe this is due to the fact that over the past few years education has become a national concern. I am hopeful that we will continue this trend.

One of the most important elements in a successful educational system is the classroom teacher. That teacher assembles the information to which a student is exposed. I believe we have been asking too much of elementary school teachers for they must be experts in all subjects. We are asking them to prepare students in higher level mathematical skills without giving these teachers necessary training and exposure to mathematics and technology education in those classrooms.

Futhermore, we are experiencing a great shortage of teachers. Recent estimates project that about 185,000 new teachers will be needed per year between 1988 and 1993. The same projections indicate only 140,000 new teachers per year will enter the profession and in mathematics the figures are even worse. We must attract the brightest and best people to enter the teaching profession.

As mathematics is the queen of the sciences, it is the foundation upon which we build understanding in other science work. If we hope to remain a world leader in technological and scientific discoveries, we must be preparing our populous to meet these challenges. I am hopeful that we will continue this positive trend of improvement and stand once again as a world leader in education.

A CONGRESSIONAL SALUTE TO ED TAGGERT

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to Mr. Edward A. Taggert, of Reading, PA. On June 12, 1988, Ed will be retiring from his position as editor of the Reading Eagle and the Reading Times after 32 years of service with the Reading Eagle Co. newspapers.

Ed has had a long and productive career with the Reading Eagle newpapers. A native of Philadelphia, he has spent his entire career in Pennsylvania. After stints with newspapers in Williamsport, Pottstown, and Coatesville, he was hired in 1953 as a police reporter for the Reading Times. In this capacity, Ed was well-known for his outstanding investigative work. He was later named wire editor and also wrote a weekly column called "Keeping Up With the Times." This column offered a behind-the-scenes look at the Times and the work of putting together a newspaper.

In 1973, Ed was named news editor and was promoted to managing editor of the Reading Times in May 1982. One month later, the Times and the Reading Eagle were merged. With the help of Eagle managing editor Al Nerino, Ed reshaped the writing and reporting philosophies of the newspapers. Since 1983, he has served as editor of the combined newspapers. This year, Ed has been instrumental in the development of "A.M./Berks" a new Saturday edition for Eagle and Times subscribers. The new edition is a huge success and its popularity is a fitting tribute to Ed's impressive work over the years.

I have known Ed for many years and I feel lucky to consider him a good friend. He is widely recognized as an outstanding journalist among the many people who have read his newspaper stories over the years. His dedication and commitment to journalism have played a major role in the expansion and growth of the Reading Eagle Co. newspapers over the past 32 years. Needless to say, his talent and skill will be sorely missed.

Although Ed is retiring from the newspaper business, he is certainly planning to keep busy. He is looking forward to spending more time with his wife Mary and their family and working on several books based on news stories. As he enjoys his retirement, he can look back with pride on his many achievements with the Reading Eagle Co. Mr. Speaker, I know that my colleagues will join me in honoring Ed Taggert and in wishing him continued success and good fortune in the years to come.

THE SOCIAL SECURITY NOTCH

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. MCMILLEN of Maryland. Mr. Speaker, few issues here on Capitol Hill have generated more interest, not to mention constituent mail, than the so-called Social Security notch issue. I have a personal exposure to this topic—my mother is a so-called notch baby. Others like her have received Social Security benefits that range from $3 to $350 less per month than individuals of essentially similar employment profiles.

There are presently an array of bills before the 100th Congress to address the notch dilemma; most have met with considerable misinterpretation and misinformation. For this reason, I applaud Chairman ANDY JACOBS of the Social Security Subcommittee of the House Ways and Means Committee for having conducted hearings on this subject in April 1988. Specifically, I am pleased that Chairman JACOBS addressed the findings of a recent General Accounting Office [GAO] study on the costs associated with each of the proposals to remedy the notch. His hearing was successful in creating a public forum for viewpoints that needed to be aired. While the witnesses in the hearing attested to the large price tag associated with rectifying the notch—between $24 billion and $86 billion—I assert that Congress, as well as the next President, must work together to move the legislative process forward on this issue. We must not allow intransigence to thwart our efforts to respond to the concerns of those born in the notch years. The challenge we face in addressing this issue is how best to compensate those in the notch for the shortfall in their Social Security benefits without endangering the solvency of the Social Security trust fund. Further, we must make sure that any proposed solution does not ask those currently paying into the Social Security system to shoulder a disproportionate amount of the cost. Clearly, some innovative and creative thinking will be necessary in the future to be able to move ahead on this most difficult issue. Thanks to the hearing Chairman JACOBS held, we can now be assured that we have thoroughly reviewed all aspects of the current debate on the issue.

Mr. Speaker, congratulations are clearly in order for Representative JACOBS for the straightforward way in which his subcommittee addressed the notch issue. Over the months ahead, I look forward to further public debate from experts on how to achieve an equitable and fiscally prudent solution to this pressing problem.

REAGAN-GORBACHEV CALL FOR WORLDWIDE CHILD SURVIVAL EFFORTS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 1988

Mr. CONTE. Mr. Speaker, I welcome the joint summit statement by President Reagan and General Secretary Gorbachev endorsing worldwide child health initiatives of the World Health Organization and UNICEF. The pertinent portion of that statement reads as follows:

"Both leaders reaffirmed their support for the WHO/UNICEF goal of reducing the scale of preventable childhood death through the most effective methods of saving children. They urged other countries and the international community to intensify efforts to achieve this goal."

This statement at the conclusion of a momentous summit between the superpowers reflects the work of these two organizations and others toward the goals of universal child immunization by 1990 and wider use of oral rehydration therapy to combat life-sapping childhood diarrhea. These goals, when attained, can prevent at least half of the current daily—that's daily—death rate of 38,000 children.

Progress is being made. Because of the work of WHO, UNICEF, the U.S. Agency for International Development and many others, over the past 5 years 2 million kids did not die; another 2 million kids are not disabled. This record is slowly but surely leading to lower birth rates on an entirely voluntary basis, as parents gain confidence that their children will survive.

Mr. Speaker, this world child health campaign must be a top priority for all nations. From the standpoint of the United States, on May 25 of this year the House of Representatives passed the foreign assistance appropriations bill by a vote of 328 to 90. That bill includes $54 million for UNICEF and $100 million for the Child Survival Fund. It also includes $119 million for AID's health development assistance account as well as $198 million for population development assistance, much of which goes for maternal and child health activities.

This bill passed with the strong support of the Reagan administration and of both parties in the House. The United States will do its share, and we should all join with the summit leaders in encouraging all nations to do the same.

SENATE—*Wednesday, June 8, 1988*

The Senate met at 10 a.m. and was called to order by the Honorable TERRY SANFORD, a Senator from the State of North Carolina.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Behold, how good and how pleasant it is for brethren to dwell together in unity.—Psalm 133:1.

Mighty God, author of unity and harmony, we pray for the ultimate effectiveness in these final weeks of the 100th Congress. Time moves so swiftly—there is so much to be done—and with all its power the Senate cannot store up time to be used the closing days before adjournment sine die. May the words engraved on the western wall of the Dirksen Building be a reality in these critical days—"The Senate is the living symbol of our union of States." Grant consummate efficiency as the Senators deal with the agendas, known and unknown, confronting them. Remove all obstacles which would hinder constructive legislative process. Enable committees to do their difficult work with greatest dispatch—total integrity—maximum competence and productivity. Imbue leadership with wisdom, strength, and foresight from above. God of peace—midst all the pervasive pressures and partisan persuasion of the national election permeating the life of the Senate, grant that the words "E Pluribus Unum" will be realized in truth and justice to the glory of God and the benefit of all peoples. In the name of our Lord, we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 8, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TERRY SANFORD, a Senator from the State of North Carolina, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. SANFORD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

Mr. BYRD. Mr. President, I ask unanimous consent that I may reserve my time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I make the same request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein.

HOW PRESIDENT REAGAN'S SUPPORT MAY HURT GORBACHEV

Mr. PROXMIRE. Mr. President, did President Reagan help or hurt Secretary Gorbachev when he turned the Moscow summit into an American President's campaign for his "friend" Mikhail Gorbachev? Think of it. Here was the strongest anti-Communist American President in history championing the "radical" glasnost and perestroika changes that constitute the heart of the proposed new program of Communist Secretary Gorbachev. And all this was going on, on the eve of the most critical Soviet Communist Party conference since Gorbachev took the top Soviet office. That conference may have a decisive effect on the chances of Gorbachev's dramatic effort to revolutionize the Soviet system with a new openness and a new decentralization.

How could Reagan's support hurt Gorbachev? Here is how:

Assume that this situation were reversed. Assumed that we had in office a President of the United States who was approaching a reelection—an event very roughly like the Soviet Party conference that begins June 27. Assume that 1 month before this Presidential reelection, the leader of the Soviet Communist Party comes to a summit in Washington. Assume this leader is the most outspoken anti-American, antifree enterprise leader who has ever become the top, No. 1 Communist in Russia. Assume that this Communist boss has called America, the country we love—an evil empire. Also assume that the American President, up for reelection has—like Gorbachev—just called for some radical reform in our system to make it more like the Soviet Union with a glasnost reversal, that is a crackdown on the intrusive exposure of government and business by the press. Assume this American President has also proposed a perestroika reversal—that is a campaign to centralize our economy by repealing antitrust laws and providing huge Government loans to enable big businesses to buy small businesses and to socialize the Nation's financial institutions including our financial markets as well as our banks. Assume this anti-American Communist leader goes on American television—all of the networks—pats the President running for reelection on the back, and calls him "my good friend." Then assume the anti-American Communist leader pleads for us in America to back our President so he can lead the country in policies that will make the United States more like the Soviet Union.

What would be the reaction of the American people at the next election? As one who has run nine times for statewide office in Wisconsin, and as one who has had nightmares about being supported in my election campaign by an extreme leftwinger or an extreme rightwinger, I frankly cannot think of anything worse for a candidate for any office in this country than to be supported by an actual Russian Communist, expecially the world's leading Communist and particularly a Russian Communist who had denounced our country as an "evil empire," and to top it all a Communist who came to our country a few weeks before a critical election and called the candidate-President, his "friend." Could anything be worse? Yes, this No. 1 in the world leading Communist could make it worse by telling the American people on television that if America reelected his friend—the President running for reelection—if you went along with his ideas of less

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

press intrusiveness and a more centralized economy—then you would make our country more like the Soviet Union.

So how about it? Why has not anyone questioned whether President Reagan did not do Gorbachev and glasnost and perestroika more harm than good by his visit to the Soviet Union?

Now some will disagree. Some will argue that the visit of President Reagan to the Soviet Union was entirely different. They will argue the Soviet people repeatedly showed their admiration and affection for President Reagan. Did they not rush out to shake his hand when he appeared among them? They sure did. Just as Americans rushed out to shake hands with Gorbachev when he worked the crowd on Connecticut Avenue. Did not alert, intelligent American reporters query hundreds of plain Russian people? Did not they find overwhelming respect for President Reagan's fine personal qualities? They did, indeed. And did not rank and file Americans throughout the country express the same kind of respect for Secretary Gorbachev when he visited this country? They did.

But is there not a difference in how the Russians feel about our country and how we feel about theirs? Yes and no. The American people generally like the Russian people and vice versa. The American people show their support for our form of government in free and open elections, with vigorously competing political parties. Americans also express their support for our system through our freedom of speech and our free press. The Soviet Union has nothing like this. In terms of real power, however, this advantage of the American people makes no difference. The Soviet people have no real voice in selecting their leaders. They will not dedide, whether Gorbachev stays in power or is rejected. That decision will be made by a Politburo that has every reason to resist glasnost and perestroika and has little reason to be swayed by the President of the United States.

Gorbachev may retain power. He may be deposed. A minority—but an eminent minority of Americans who specialize in Soviet power—led by Marshall Goldman of Columbia University believe that Gorbachev may not last much longer than President Reagan. Other experts disagree.

Whether Gorbachev survives or loses office will almost certainly not be determined by any action by our President. On balance, President Reagan's friendliness and support for Secretary Gorbachev probably did more harm than good for Gorbachev and for openness and decentralization in the Soviet Union. It may well have been the kiss of death.

UNANIMOUS-CONSENT AGREEMENT—VOTE ON CATASTROPHIC ILLNESS CONFERENCE REPORT AT 5:45 P.M.

Mr. BYRD. Mr. President, on yesterday, the distinguished Republican leader and I agreed that there would be 1 hour of debate—and this agreement is in accord with the wishes of the managers of the catastrophic illness conference report—that there would be 1 hour of debate on the catastrophic illness conference report following the vote on the Presidential veto override.

I would ask the distinguished Republican leader if he would not agree that we should nail down the vote on the catastrophic illness legislation to occur at the conclusion of the 1 hour, which would be approximately 5:45.

Perhaps we better just specificate at this point that the vote on the adoption of the conference report on catastrophic illness occur at the hour of 5:45 p.m. today.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank my friend, the Republican leader.

BICENTENNIAL MINUTE

JUNE 8, 1844: SENATE REJECTS TEXAS TREATY

Mr. DOLE. Mr. President, on June 8, 1844, 144 years ago today, the Senate rejected a treaty that would have annexed Texas into the Union. It seems strange to us now that the Senate would reject such a vast and desirable territory, but there were good reasons at the time.

Texas won its independence from Mexico in 1836 and offered to join the United States. But several problems stood in the way: Texas and Mexico disputed their mutual border; Mexican President Santa Anna had let it be known that he would view annexation of Texas as an act of war; and abolitionists feared that the Texas Territory would be split into five States, thus tipping the carefully preserved balance in the Senate in favor of slaveholding States.

Nevertheless, Secretary of State John C. Calhoun negotiated a treaty of annexation with the Republic of Texas, which he submitted to the Senate on April 22, 1844. Calhoun warned that annexation was necessary to prevent Great Britain from using its commercial position in Texas to persuade Texans to abolish slavery. Abolitionists cited Calhoun's arguments as proof of their suspicion that Texas annexation was really a "slaveholders' plot."

Missouri's Senator Thomas Hart Benton sought a compromise. He offered a resolution that would have annexed Texas only if the disputed territory on the Rio Grande was left to Mexico, and if the Texas Territory was equally divided between slaveholding and nonslaveholding regions. To admit Texas otherwise would only provoke a war with Mexico and stimulate a sectional struggle that could lead to an American civil war. When Benton's motion lost by a narrow margin, Benton and six other democrats joined all of the Senate's Whigs to defeat the treaty, 16 to 35. Two years later, Texas won admission to the Union, but the consequences were exactly as Senator Benton had warned.

Mr. President, I reserve the remainder of my time.

MILITARY AIDS RESEARCH EFFORT

Mr. STEVENS. Mr. President, a recent discovery by U.S. Army military researchers serves to remind me just how necessary it is for us to continue to fund the military AIDS research effort. According to an article which appeared last Sunday in the New York Times, medical researchers at the Walter Reed Army Institute of Research, Department of Virus Diseases, found that the AIDS virus can hide in cells called macrophages without producing other detectable signs of infection. This finding means that the AIDS virus can be transmitted by individuals who thought they were free of the virus. It also means that contaminated blood may be able to slip through screening procedures designed to protect our blood supply.

Not only did Army researchers discover that the AIDS virus can remain hidden and undetectable by commonly used screening methods, they have developed a new test—the macrophage test—to help determine whether people are actually infected with the AIDS virus when standard tests yield questionable results.

This comes as no surprise to me. The Army has done excellent work in the areas of research, tracking, and prevention of this disease. The Army was the first to demonstrate heterosexual spread of AIDS in the United States. It developed the first system of assessing the stage of illness. It also successfully implemented the first large-scale screening program and established standards of high-quality testing.

Over the past several years, 2 million civilian military recruits and active duty personnel have been screened for evidence of exposure to the AIDS virus. The Army has developed a more accurate confirmatory test for the AIDS virus which is often used in place of the Western blot test. Army researchers have demonstrated the genetic diversity among AIDS virus strains and established a chemotherapy program to evaluate the efficacy of candidate drugs in AIDS patients.

With ongoing appropriations, the Army plans to conduct studies and preclinical safety tests to qualify antiviral drug and vaccine candidates for trials, and continue the AIDS surveillance program. The Army has a long tradition and deep commitment to vaccine development for many infectious diseases. It has approached the AIDS vaccine with a similar commitment. We must encourage the Army to continue to plan, organize an implement an AIDS research effort. Additional funding will allow the Army to utilize the unique features of the military population and its unique military medical treatment and research capabilities—this can only complement the national effort and bring a more rapid end to the spread of this deadly disease.

Some time ago when I was chairman of the Defense Appropriations Subcommittee I insisted that we put money in that bill earmarked for the medical researchers at Walter Reed Army Institute for Research, in the Department of Virus Diseases. There were great complaints not only here on the floor, as I remember, but in conference. What possibly should they have to do with the subject of great concern that was AIDS.

I wish to print in the Record a statement that appeared in the New York Times last Sunday that points out really the staggering advances that have now been made in the knowledge of AIDS by and through the research of the U.S. Department of Virus Diseases that is located in this Walter Reed Institute of Research.

Anyone that reads this can see why we insisted that the Army be involved in pursuing relentlessly, through their research, what is known, what can be done, and what hope there is in dealing with the AIDS virus.

Mr. President, I ask unanimous consent that the article from June 5, 1988, of the New York Times be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, June 5, 1988]

AIDS Virus Found To Hide in Cells, Eluding Detection by Normal Tests

(By Gina Kolata)

Scientists have discovered what they believe are unusual cases in which the AIDS virus remained hidden in one type of body cell, undetectable by commonly used screening methods.

The finding may explain the mysterious cases reported previously in which some patients who developed AIDS had no detectable antibodies, substances the body usually forms in response to the viral invasion. It may also explain cases in which virus carriers did not form antibodies for a year or more.

But the finding is troubling because it also suggests that the virus is actually being carried by some people at high risk of AIDS infection who were declared free of the virus in commonly used tests, and that they could transmit it to others. The current major screening tests detect antibodies rather than the virus itself.

The new report involved only three men, all of whom had repeated exposure to the AIDS virus through sexual intercourse with an infected partner but who showed no signs of infection in customary tests. Scientists said they did not know how commonly the virus was hidden away in this manner, and they are beginning studies to find out.

SLIGHT RISK TO BLOOD SUPPLY

The finding also means that some contaminated blood might slip through screening procedures designed to protect the supply of transfusion blood. But scientists said they believe that any such risk was slight, since people at high risk of AIDS virus infection were asked not to donate blood and because they believe that most virus carriers do form antibodies that are detected in screening tests.

Experts said they wanted to find out how prevalent the phenomenon was before deciding how widely to recommend retesting, using new techniques, of people who had been declared free of the virus in earlier tests.

They also added that the new tests are still difficult to perform and are available at only a few research laboratories. Although several groups want to develop the method for widespread use and although the Army is attempting to do so, most people will be unable to obtain the tests now.

The new report found that the virus could lurk in macrophages, a type of immune system cells, that are found in tissue, in semen and vaginal fluid, in blood throughout the body and in the brain. When in the blood these cells are often referred to as monocytes.

Scientists had already known that macrophages are targets of the AIDS virus and that they play a role in transmitting it to other immune system cells, a group of white blood cells, T-4 cells, whose destruction brings on acquired immune deficiency syndrome.

PAINFUL MESSAGE OF UNCERTAINTY

But medical researchers with the United States Army have now found that the virus can sometimes live and reproduce in macrophages without also invading T-4 cells, and without triggering production of antibodies, chemicals the body makes in response to invading disease agents.

The findings carry a painful message of uncertainty for people who were frequently exposed to the virus through sexual intercourse or sharing of needles, but had a negative antibody test result. At this point, the scientists cannot say what proportion of such people may have the virus hidden in their macrophages.

The leader of the research team, Dr. Monte S. Meltzer of Walter Reed Army Institute of Research in Washington said available evidence should not be frightening for people who had a low risk of exposure to the virus, because the chance that they carried the virus in this hidden manner was extremely slight. The Army obtained blood and examined macrophages from more than 100 low-risk people who donated blood to the Red Cross, and none had the virus, Dr. Meltzer said.

NEW WAY OF LOOKING FOR VIRUS

Dr. Jeffrey Laurence of Cornell University Medical College in Manhattan said that people who were worried because they think they were exposed to the AIDS virus, yet have no antibodies to the virus and no detectable virus in their T-4 cells, may want to get a macrophage test when one becomes more generally available.

The macrophage test is a new way of looking for the AIDS virus. As evidence builds that the AIDS virus may be more prevalent in macrophages than anywhere else in the body, some investigators are suggesting that the best way to test for the AIDS virus would be to look for it in macrophages.

Some predict a macrophage test will eventually replace the antibody test in many situations. Already, the Army has decided to use a macrophage test to help determine whether people are infected when standard antibody and direct virus tests yielded ambiguous results, according to Dr. Meltzer.

A MORE ELUSIVE FOE

Experts on the AIDS virus said Dr. Meltzer's finding was not surprising in view of the rising evidence that macrophages are the principal targets of the AIDS virus and play a crucial role in the development of AIDS.

It is also one of a series of recent discoveries indicating that the AIDS virus is a more elusive foe than many had once hoped. Last week other researchers reported that the virus could lie entirely dormant in T-4 cells, also not triggering antibody reactions. Experts believe the macrophage finding may be more important, though, because in this case the virus is known to remain active, able to harm the patient, and the carrier is far more likely to be infectious to others.

The Army finding is based on a study of three gay men who had had repeated sexual intercourse without condoms with people known to be virus carriers. All three were healthy and all three had tested negative in widely used tests for AIDS virus antibodies. In addition, the researchers had failed to find signs of the AIDS virus itself in the men's T-4 cells.

But when Dr. Meltzer and his colleagues looked for the AIDS virus in the mens' macrophages, they found it. They have followed these men for four to nine months and none has developed antibodies.

ARMY STUDY IS UNDERWAY

Dr. Meltzer, who discussed his finding at a workshop this week on AIDS and the macrophage sponsored by the Cancer Research Institute in New York cautioned that he had no way of knowing how many people who tested negative in antibody tests actually harbor the virus in macrophages. The Army is starting a study looking at the macrophages of about one hundred people whose spouses are virus carriers but who have tested negative for infection themselves.

The Army researchers and other scientists, including a team at the National Cancer Institute in Bethesda, Md., have also discovered the virus in macrophages of some AIDS patients who to the puzzlement of scientists, had not formed antibodies and in whose T-4 cells no virus was present.

Dr. Robert Gallo of the National Cancer Institute said he was not surprised by Dr. Meltzer's finding, but he added that he did not think it meant that the blood supply was unsafe, especially in view of efforts to discourage those at high risk of AIDS from donating.

New studies by several groups indicate that everyone who had AIDS antibodies has the virus in their macrophages. The virus can live and grow in macrophages without killing the cells, even when the macrophages are filled almost to bursting with virus.

The macrophage can in turn infect T-4 cells of the immune system, but when the AIDS virus grows in these cells, it kills them.

In the newly reported cases, for unknown reasons the macrophages did not spread the AIDS virus to T-4 cells, as they normally do. Nor did the macrophages present segments of the virus to the immune system, triggering antibody formation.

Because macrophages can spread the AIDS virus, researchers say that people who have the virus only in their macrophages should be considered infectious.

Dr. Gallo said he suspected that nearly all people who were infected with the AIDS virus would eventually develop antibodies as the virus spreads to T cells and enters the bloodstream. But, he said, the new finding may explain an earlier report, that some people did not develop antibodies for as long as a year after they were infected. The virus could have been hiding in macrophages.

Researchers do not know whether patients who have the virus only in macrophages are as likely to develop AIDS as those in whom it has invaded T-4 cells.

Many experts have long advised members of high-risk groups, mainly homosexual men and intravenous drug users, to assume they might be infected even if they had a negative antibody test. In part this is because many people do not form antibodies for months after the initial infection.

"The only thing clear at this point is what studies need to be done," Dr. Meltzer said. He added that there is no way to guage the proportion of high-risk people who have AIDS infections yet negative antibody tests without doing a large study.

Dr. Gallo agreed. "That it can happen one, two, three times says it can happen. But you don't know and I don't know how often it happens," he said.

DEATH OF JUDGE DARONCO

Mr. D'AMATO. Mr. President, I rise today to commemorate the life of a fine and honorable man. I was proud to recommend Judge Richard J. Daronco as a Federal court judge. He served for almost a year before being shot down, viciously murdered in his home. I stand before you to salute a man whose esteemed life and career was too quickly extinguished in a shocking act which has impoverished us all.

The Reverend Monsignor Philip J. Murphy delivered a most moving eulogy to over 1,000 mourners at the funeral of Judge Daronco. I was deeply touched by these eloquent words about a man so admired and respected, and would like to submit them here for the RECORD as a tribute to my friend.

There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

EULOGY GIVEN ON THE OCCASION OF THE MASS OF CHRISTIAN BURIAL FOR HON. RICHARD J. DARONCO

(By Rev. Msgr. Philip J. Murphy)

At the request of the family I would like to acknowledge and thank all of the officials elected and appointed on a Local, Community, County, State and National level and also the Security Forces on those same levels, and the friends and relatives and all those who have helped in any way to lessen the tremendous burden of sorrow that this family has been bearing during these last few days. They are grateful to all of you and they want to express their deep gratitude. I am sure that God will bless you all for your kindness, your concern and your compassion. I would also like to acknowledge a great thing about Dick Daronco. He loved to see a whole group of Priests concelebrating on the altar. It did something to him. He just loved it. So, this morning, we are very fortunate to have a number of priests who knew him and loved him as everyone else. We have a number of Dominican Priests. As you know, Dick received a special honor just a couple of weeks ago as the Outstanding Alumnus of Providence College. We have: Raymond Daley, O.P. Provincial, St. Joseph's Province of Dominicans, Chairman, Providence College Corp.; Thomas Ertle, O.P. Chaplain of the Providence College Alumni; Cornelius P. Forster. O.P. Providence College; Terence O'Shaughnessy, O.P. Exec. Vice President, Providence College.

All Dominican Fathers, representing the Dominican Province. We also have with us a Passionist Father that came all the way from South Carolina, from the University of South Carolina, Jerome Vereb, C.P. Professor of Ecumenical Theology. We have two Jesuits representing the St. Ignatius Retreat House in Manhasset where Dick made so many retreats, Father James J. Dinneen, S.U., and Father Vincent J. Hart, S.J., Father Peter A. Gelsomino, a very close friend of the family and a teacher at Archbishop Stepinac High School in White Plains, New York. Father Dennis Keane, Assistant at Our Lady of Perpetual Help, Pelham Manor, New York, and Father Francis Boyle, Pastor, of Our Lady of Perpetual Help, Pelham Manor, New York. Also, Msgr. Peter Finn, who is Director of Communications for the Archdiocese of New York and Cardinal O'Connor. Rev. Theodore Baglaneas, who is representing his eminence, Archbishop Iakovos, Msgr. Walter Darcy, a former Assistant here at St. Catharine's, and representing the Cardinal, Bishop Austin Vaughan, who is the former Rector of the Seminary and the Vicar of Orange County, New York. We are very happy to have all of you supporting the family and praying for our beloved friend, Richard Daronco.

The family members have a special prayer that they asked me to include in the Liturgy (as a matter of fact, it is already included in the concluding prayers, after the Mass). But, I think the essential words are so indicative and so descriptive of Richard Daronco that we should use them as a text of this sermon. The words are these: "May the Holy Spirit inspire and strengthen us so that we will live lives of justice and holiness."

What could be more fitting for a Judge—"Justice and Holiness?" Oh, I know that Judge Daronco really enjoyed being a Judge. He enjoyed it on a Local, State and National level and he was so proficient at it. He was an excellent Judge! All of his Associates attest to that. He recognized the tremendous responsibilities that went with this particular assignment and he saw also the great heritage of the American people that could be found in the working of a Judge and the work of justice, and we see Richard Daronco recognizing the honor and the importance of his position. But he did even more than that. He saw something even greater and I would like to illustrate this with a little story. He loved to hear stories emphasizing some particular theological or religious point of view and I think he might have liked this one very much. Louis the IX of France was a wonderful King! He was a very holy man, a very fair leader and a very just Judge. He did everything he could to help his people and he used to sign himself as, Louis IX of Poissy. One of his Associates said to him, "You are not supposed to sign Louis of Poissy, you are supposed to sign, Louis of Rheims, because that was where you received your greatest honor." King Louis said, "On the contrary, I received my greatest honor at Poissy where I was baptized and there I didn't inherit a throne here on this earth but I inherited a right to my Father's Kingdom in Heaven. Now, Richard Daronco was a great success in this world. He was a wonderful, loving, devoted husband and father, and he was a loving and devoted son, and brother, and friend and relative, and he was an Excellent Judge!

There was no question about that whatsoever! He also was distinguished in a very special way by the fact that he was faithful to his Baptism. That's the great sign of a Christian, to be faithful to your Baptism. To live a life of "Justice and Holiness." When we look at Dick Daronco's record here at St. Catharine's it is unbelievable! He was a Trustee of the Church. He not only helped us with his advice but also financially and so frequently when we needed help he was there to get it for us. He was a member of the Corporation of the Parish. Every Parish is a Corporation. The Cardinal is the President, the Vicar General is the Vice-President, and the Pastor is the Secretary/Treasurer, and then you have two Trustees, and he was a Trustee of St. Catharine's. In addition to that, Dick Daronco was a Lector. He was faithful. Every Saturday he came here and stood in this pulpit and led the people in the various prayers and the Readings faithfully. But just listen to this . . . one Saturday after we finished the Mass (Dick had come out and read and acted as Commentator) "(I just got out of the hospital" he said "What: I said "Yes, I had general anesthesia but it wasn't that much of a big operation. It was just a minor situation." I said, "Dick, you should be home in bed," and he said, "This is much more important!" . . . That's Dick Daronco.

I also remember when he came to me and said, "Do you think I could become a Eucharistic Minister—not to distribute the Eucharist publicly because I wouldn't consider myself worthy to be a public Special Minister. I have an old aunt who is dying and I would bring her communion from time to time." So, we made him a Eucharistic Minister and he would bring this elderly lady communion to help her in her departure from this world, to make it easier and more wonderful and bearable for her. We find him constantly doing these wonderful things. Just look at the decorations of this sanctuary. One day he came to me and said, "You know, the sanctuary looks very bare. Is there anything we can do to brighten it up and make it warmer?" So we both agreed but neither one of us knew much about decorating. Therefore, he obtained the services of a professional decorator and she provided this wonderful back drop of raredos for the sanctuary of the church. He was always doing something to help the church in so many wonderful ways.

We had a dinner not so long ago for the teachers of religion and Dick came as a Trustee. You could always count on him to be representative and to give a nice talk to add some humor to the situation. Well, that night we gave out little plaques to the teachers. The inscription read: "Working for God Doesn't Pay Very Much of a Salary but the Retirement Benefits Are Out of This World!" and Dick loved it. He loved the humor of it. Believe me, I'm sure he is enjoying the Retirement Benefits right now! We have seen him in so many wonderful Christian charitable deeds in his relationships with people in the area. Anytime he could help he was always there.

Cardinal Neuman wrote a classic called, "The Definition of a Gentleman." When Dick was made a Federal Judge, I sent him a copy of it and I said, "This pretty well describes you." However, I just took out one or two sentence that give us Cardinal Neuman's description of Richard Daronco. "From a long sighted prudence, he observed the maxim of the ancient sage, that we should ever conduct ourselves toward our enemy as if he were one day to be our friend. He had too much good sense to be affronted at insults, he is too well employed to remember injuries, and too Christian to bear malice." So, like the Good Lord who said, "Forgive them for they know not what they do." I'm sure Dick Daronco is saying, "Forgive them for they know not what they do." One of the Prophets of the Old Testament, in the account of his death was described thus: He was walking along with God and God said, "We are closer to my home now than we are to yours," that was the end of the Prophet's life on this earth and I think that Dick Daronco walked with God so closely, and so often and for so long that while they were walking one day the Lord said to him, "Richard Daronco, you have walked far enough. We are closer to my home now than we are to yours so let's go into my home where you'll enjoy eternal happiness in your heavenly home." Well, I'm sure Dick Daronco is very close to God right now and he is going to be a close friend to all of us. I would like to quote Jose Maria Escriva, the Founder of Opus Dei (just before he died) "When we die, life is not ended, life is being changed. we move from one residence to another. Therefore, he said, "When I die, I'm not going to say goodbye, I'll say, I'll see you later."

So, Richard Daronco, outstanding Judge, outstanding patriot and Christian, loving husband and father, relative and friend, we're not going to say goodbye, "We'll see you later."

CONVENTIONAL ARMS CONTROL

Mr. WIRTH. Mr. President, continuing on the important and broad issue of conventional arms control, one of our most thoughtful and experienced experts is former Ambassador Robert D. Blackwill.

In his presentation to the Senate Armed Services Committee on conventional arms control in Europe, Ambassador Blackwill, now lecturer in public policy at the John F. Kennedy School of Government, Harvard University, presents the Atlantic Alliance's challenge as that of "enduring efforts to achieve unilateral advantage through conventional arms control." Blackwill presents Soviet objectives as consistently seeking to codify Warsaw Pact conventional superiority and bring about the withdrawal of United States troops from Europe, goals not deviated from in the least by Gorbachev's Budapest appeal of June 1986. For Blackwill, with the high quality of Soviet diplomacy under Gorbachev's leadership, the West must wage a battle over European public opinion in pursuing conventional arms control, and in particular must try to ensure that "any blame for lack of progress in this endeavor falls squarely on the Soviet Union."

Any conventional arms accord, Blackwill contends, must reduce the pact's capability for short-warning attack and limit the Soviets' enormous mobilization capacity, must contain stringent verification provisions.

However, NATO does not have much it can afford to give up and still hope to retain an adequate force structure. Blackwill cautions against significant cuts in NATO forces in Central Europe and eliminating United States short-range nuclear weapons in exchange for cuts in Soviet armor. Blackwill instead points to his proposal of reducing the number of offensive weapons—primarily tanks and artillery—in the alliances to equal ceilings. Verification in the conventional realm is nothing short of a "nightmare," so Blackwill contends that manpower limits should be eschewed and that Soviet tank and artillery reductions take place by the regiment. Still, even if the Gorbachev regime makes monumental strides in military "glasnost," the West will never achieve complete certainty in its verification efforts, and should therefore focus on uncovering only those violations that make a military difference. Blackwill concludes by outlining his—and Rand Corp. Vice President Jim Thomson's—proposal for parity between the rival blocs, with each side limiting its tanks to a ceiling of 20,000 and artillery pieces to 15,000 within the Atlantic-to-the-Urals area.

Mr. President, I ask unanimous consent that the statement of Robert D. Blackwill before the Senate Armed Services Committee on February 17, 1988, be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:0

Statement of Robert D. Blackwill

Thank you for inviting me to express my views at this hearing concerning conventional arms control in Europe. In addressing this subject today, including in the context of the INF Treaty, I take as a given that we all agree that the United States and NATO should vigorously press the Soviet Union and its Warsaw Pact Allies to test whether Moscow's enduring efforts to achieve unilateral advantage through conventional arms control in Europe have actually changed under Mr. Gorbachev.

MOSCOW'S TRADITIONAL OBJECTIVES

As you know, formal East-West exchanges on conventional arms control in Europe began in 1973. While the U.S. pushed for the MBFR talks principally to stave off congressional pressures for unilateral troop withdrawals from Europe, Moscow sought to avoid these negotiations between the two alliances. It had no wish to negotiate away its conventional advantages. In the end, the Soviets went along to secure U.S. agreement to the Conference on Security and Cooperation in Europe (CSCE) but the U.S.S.R. never demonstrated in MBFR its professed interest in fairly reducing conventional forces in Europe.

Instead, the Politburo attempted through the many Eastern proposals over the fourteen long and fruitless years in MBFR to weaken NATO and transatlantic solidarity. To this end, Moscow pursued a set of reinforcing objectives:

To codify Warsaw Pact conventional superiority through an MBFR agreement;

To manage over time the graduated withdrawal of U.S. forces from Europe;

To constrain U.S. reinforcement capability;

To limit the size and the mobilization potential of the West German army;

To inhibit NATO force modernization;

To undermine the Alliance's military strategy of Flexible Response; and

To convince Western publics that security problems on the continent are essentially political and not military in character and that NATO nations are overspending on defense.

A fundamental question before us today on this subject is whether Gorbachev has altered these objectives.

SOVIET POLICY EVOLVES

In East Berlin on April 18, 1986, Gorbachev shocked NATO by announcing Soviet readiness to accept conventional force reductions and limitations from the Atlantic to the Urals. Moscow had asserted forcefully and frequently for 30 years that the U.S.S.R. would never accept a conventional arms control regimen that included major portions of the Soviet homeland and excluded completely the territory of the United States. But Gorbachev shunted past policy aside and in its place formulated a new and enormously ambitious conventional arms control concept.

This concept was formalized at a Warsaw Pact Summit in Budapest two months later. There, the East proposed initial reductions of 100,000 to 150,000 men by each side within a year or two. (Recall that the current MBFR proposals by both alliances envisage total first phase reductions of less than 20,000 men.) It foresaw further cuts of 25 percent (about 500,000) by each alliance by the early 1990s; suggested a freeze on armaments levels; called for reductions in tactical air forces and cuts in nuclear delivery systems with ranges up to 1,000 kilometers; and singled out the problem of "dangerous" technological advances in conventional weaponry.

THE BUDAPEST APPEAL AS "OLD THINKING"

It is important to examine the Budapest Appeal closely, for it remains to this day and despite calls from Moscow for "reasonable sufficiency" and "defensive defense," the only specific conventional arms control proposal Gorbachev has yet put forward. Fully consistent with the disruptive Soviet European security objectives that I enumerated earlier, the Budapest Appeal is strikingly one-sided in design:

Its call for equal reductions of 100/150,000 on each side could allow the Soviets to reduce their less ready forces in the inner U.S.S.R. while NATO would be forced because of its lack of strategic depth to take much of its cuts in the first line division in

Central Europe; this would make the balance in that critical area worse for the West and not better;

With its definition of tactical air forces, the East seems to have included on the NATO side all land-based and sea-based naval aircraft of this type while conveniently excluding air defense, reconnaissance and bomber aircraft which the Warsaw Pact deploys in great numbers;

The net effect of the East's armaments' proposal would be both to contractualize through treaty the Warsaw Pact's significant numerical advantages in major conventional weapons systems and to require that withdrawn US armaments be stored in the United States; similar Soviet armaments could be stockpiled in the western U.S.S.R. thereby worsening still further NATO's geographic disadvantages;

By including nuclear weapons reductions in its initiative, Moscow continues to promote vigorously the denuclearization of Western Europe; and

Verification of residual limitations after reductions, always an objectionable concept from the Soviet point of view, figures almost not at all in the Budapest Appeal.

NEW WORDS, BUT SO FAR ONLY WORDS, FROM MOSCOW

In the period following the Budapest Appeal, the Soviets have called for the elimination of the capacity for surprise attack; proposed the evolution to defenseive force postures and doctrines for NATO and the Warsaw Pact; admitted they have some advantages in conventional forces in Europe, especially tanks; and expressed much greater willingness to accept intrusive verification measures in the context of a conventional arms control agreement.

These are important ideas for the West to explore with the Soviets, although Moscow also continually asserts that a rough conventional balance presently exists between the two sides in Europe. To this point, it is only radical and quite general rhetorical concepts we get from the Soviet Union, not any detailed initiative concerning its conventional force structure and deployments that would back up Gorbachev's aggressively conciliatory propositions. Those positive Soviet actions may come. I hope they do. We should all notice that they haven't yet.

WESTERN POLICY OBJECTIVES

As with the Warsaw Pact, NATO's broadest objective in pursuing conventional arms control in Europe in the period ahead should be political in nature. With Gorbachev posing the greatest Soviet public affairs challenge to the West in the post-war period, the United States in particular must try to ensure that any blame for lack of progress in this arms control endeavor falls squarely on the Soviet Union. Given the current high quality of Soviet diplomacy, that is a formidable task.

NATO's military goals in new Atlantic-to-the-Urals talks should derive from the threat represented by forward deployed Soviet armored forces in Eastern Europe and the massive reinforcements from the U.S.S.R. that would follow on in a conflict. The West needs to try to get at this abiding danger and increase warning time through an arms control agreement that reduces the Warsaw Pact's capability of utilizing these forces for short warning attack and to spearhead large scale and reinforced offensive action. This would at a minimum necessitate the withdrawal from Eastern Europe of many Soviet first-line tank and motor rifle units with their armaments to areas outside the Atlantic-to-the-Urals zone with much smaller reductions on the Western side; large reductions in Soviet ground forces capability inside the U.S.S.R.; and the establishment of an adequate verification regime to promote compliance with the resulting residual ceilings. If it can be done without unduly constraining Western flexibility, and be verified, NATO might also seek limits on the Red Army's enormous mobilization capability.

In addition, the United States and its Allies should protect against several negative outcomes in the new talks. NATO should especially avoid: Western reductions in Central Europe that would undermine necessary force-to-space ratios and the integrity of NATO fighting forces there; crippling limitations on U.S. reinforcement capability; weakening constraints on European mobilization and NATO force restructuring; technological limits on NATO's force modernization; interference with Western military activities outside the Atlantic-to-the-Urals zone; steps which would accelerate the denuclearization of Europe; U.S. troop withdrawals that would undermine extended deterrence; and any agreement with the East which would make NATO decision making in a crisis more difficult. This does not leave the Alliance very much with which to bargain with Moscow. That is a function of the serious military problems NATO confronts in Europe.

WHAT SORT OF NATO PROPOSAL?

With this background in mind, let me now quickly look at possible proposals that the West might put forward in the next phase of conventional arms control in Europe.

One idea is for first phase U.S.-Soviet cuts in their respective forces in Central Europe, followed by subsequent reductions on the part of other members of the two alliances. I do not support this notion. In my view, it would bite dangerously into NATO's operational reserves; complicate through no increase commitments West German and other Allied mobilization options; leave untouched Soviet forces in the U.S.S.R.; block some NATO defense improvements, with insufficient concessions from the East; give Moscow few military incentives to proceed beyond this first stage; and perhaps result in the withdrawn U.S. forces leaving active service because of budgetary reasons. As important, in the aftermath of the INF Treaty, a U.S. proposal to cut significantly its divisions in West Germany could further persuade our NATO Allies that the United States was on its way out of Europe and that our nuclear guarantee no longer had much credibility.

A second set of ideas surrounds the proposition that the United States should trade short range nuclear weapons, artillery and/or dual capable aircraft, for Soviet armor. Here, too, I have my doubts. The French and British governments rightly fear a slippage to denuclearization in Europe. They oppose any further negotiation with Moscow on nuclear weapons on the continent, including swapping nuclear weapons for tanks, until the conventional imbalance has been redressed. For the United States to proceed, therefore, would produce serious strains with these major Allies and undoubtedly divide NATO. Indeed, Paris would simply not agree to link conventional and nuclear weapons in the forthcoming negotiation among the 23 members of the two blocs.

Moreover, to trade U.S. nuclear weapons for Soviet tanks would not constrain Soviet nuclear weapons or U.S. tanks. So one would have to limit, and perhaps reduce, both U.S. and Soviet nuclear weapons and tanks. In that circumstance, Moscow would have incentives to stress through its proposals the nuclear rather than the armor component of this equation, thus potentially undermining Flexible Response. Further, it is difficult to see how limits on Soviet nuclear artillery shells and bombs could be verified. Many of NATO's dual capable aircraft would have crucial conventional missions at the outbreak of war. And given the rapid reintroduction capability to Europe of withdrawn aircraft, any restrictions on these systems would probably have to be global in character—a serious problem considering America's worldwide interests and obligations.

BLACKWILL/THOMSON PROPOSAL

That brings me to a proposal that Jim Thomson, Vice President of the Rand Corporation, and I have put forward.

Instead of a solely superpower emphasis, it is preferable in our judgment to reduce the number of offensive weapons in the two alliances to equal ceilings. In the Central European setting, the tank is clearly the preeminent offensive weapon. It could be used to spearhead blitzkrieg attacks designed to seize Western territory. Although tanks are also the best anti-tank weapon, NATO's need for tanks springs largely from the fact the Warsaw Pact has them, and in great numbers. Thus, if the Pact sharply cut its tank forces, NATO could also reduce its tank holdings.

But the reduction (or even elimination) of tank forces would not eliminate offensive capabilities. Warsaw Pact infantry, whether on foot or in vehicles, could also break through if artillery could be used to knock holes in NATO's forward defenses. Thus, it would probably be wise to include artillery reductions and residual ceilings as well. It is tempting to expand the list to cover additional weapons, but other ground and air force weapons do not have the same offensive capacity and tanks and artillery, and including them would both make a proposal more complicated and more difficult to verify.

As for verification, it is a conventional arms control nightmare. First, manpower. The Warsaw Pact has about three million men in its armed forces in the Atlantic-to-the-Urals area. If the East reduced these troops by two hundred thousand, imagine trying to verify compliance with a residual Pact ceiling of 2.8 million soldiers spread across thousands of military installations in millions of square miles. The Soviets could thwart the count by prolonging the period between inspection request and the arrival of inspectors, during which people could be moved around; ensuring inspection teams were too small to do the job; declaring a priori large areas off limits to inspectors; and curtailing inspectors' time on-site and freedom of movement. These folks, after all, did invent the Potemkin Village.

So the West should not include manpower in its proposals. Tanks and artillery are far easier to keep track of but that, too, would be an extraordinary challenge in the vast Warsaw Pact area from the inner-German border to the Ural Mountains. Thus, the West would be wise to insist that tank and artillery reductions be taken by the withdrawal of units—not divisions but their components (regiments and battalions).

If this verification approach was pursued, there would have to be a comprehensive and disaggregated data exchange on the two sides "order-of-battle," a listing of major units, their components, and tank and artillery holdings by individual units. This would be coupled with an intrusive, extensive and mandatory on-site inspection regime to check those inventories. But even with that monumental stride forward in Moscow's military glasnost, conventional arms control simply does not lend itself to strict verification standards. Either verification will become an impenetrable barrier to a conventional arms control treaty between East and West in Europe, or the United States will have to be willing to accept some uncertainty in verification. Given the nature of the beast, the US verification emphasis should be on uncovering violations that make a military difference. In conventional arms control, exact counts of men or weapons systems are impossible.

EQUAL TANK AND ARTILLERY CEILINGS

This, then, is the Blackwill/Thomson proposal: Both sides should cut tank holdings to equal collective ceilings of 20,000 and artillery including multiple rocket launchers and heavy mortars to 15,000 in the Atlantic-to-the-Urals area. In the smaller zone of Central Europe, the corresponding figures would be 10,000 and 4,000. It is important to have the smaller zone to be sure that the most immediately threatening Soviet forces—those in Eastern Europe—are withdrawn or destroyed. Reductions would be taken in the form of regiments and battalions. The cuts would be sizable. The Warsaw Pact would have to eliminate about 30,000 tanks and 25,000 artillery pieces all told. NATO would reduce about 4,000 tanks and 2,000 artillery pieces. It is important to stress this is the required end result of negotiation, not an opening NATO position to be whittled away over time. Parity is what we are after, a simple idea that publics can understand and hopefully support.

These cuts would make a positive military difference. The Warsaw Pact would have to remove or destroy somewhat more than half of its tanks and artillery west of the Urals. But, since tank and artillery regiments rather than divisions would be withdrawn or deactivated, the East would not have to eliminate 50 percent of its 200 plus divisions. Instead, the Pact could pull out about half the offensive teeth of these divisions, leaving the less threatening components, such as infantry and anti-armor forces, behind or deactivate some divisions to save money and manpower and reorganize others.

The result would be substantially restructured and less-offensive forces—and, to repeat, parity in the most offensive conventional weapons on the two sides. Modernization of forces would still be necessary, of course, but this would occur in the context of a far more stable conventional balance in Europe.

NEGOTIATING PATIENCE A KEY

I hope this concept is clear and fairly simple. Obviously, many details would have to be worked out. But by putting it forward soon, the West would be making a forceful statement about its aims in conventional arms control:

It wants to increase stability in Europe and to transform the military balance away from reliance on offensive weapons.

It wants to maintain the U.S. military commitment to the security of Europe—and the credibility of extended deterrence.

It challenges the Soviet Union to take a bold step consistent with Moscow's recent rhetoric, including its assertion that its military doctrine is defensive, toward changing the fundamental nature of the East-West military competition in Europe.

Although it does these things, the proposal is unlikely to be accepted in the short term. The Soviets have accumulated their offensive military power in Europe for many reasons, including intimidation of Western Europe and political suppression of Eastern Europe. Mr. Gorbachev says he wishes to alter the Soviet Union's post-war security patterns, including those in Europe. Perhaps he does. But until the Politburo changes in practice these destabilizing objectives, which as I indicated above it has yet to do, it is unlikely to agree as well to a fundamental shift in the military balance.

Nevertheless, fears of a drawn out negotiation should not prevent NATO from initiating a detailed dialogue with the U.S.S.R. on what the West believes it needs for its defense and the role conventional arms control can play in promoting stability in Europe. More than ever, we need to get past the beneficent generalities emanating from Moscow and patiently test real Soviet security goals through specific and fair Western negotiating proposals.

[From the Washington Post, Dec. 20, 1987]

No More Nuclear Weapons?—The Outlook Is Grim for Conventional Arms Control

(By Robert Blackwill)

In the aftermath of the INF Treaty, attention in the West is now sensibly turning to conventional defense and arms control in Europe. After Mikhail Gorbachev's visit to Washington, there is even a hum of optimism in the air on this subject. Such humming should stop. Significant progress in conventional arms control negotiations with the Soviet Union in the next several years is quite unlikely.

It is true the Moscow's rhetoric concerning conventional arms control has changed. In calling for deep reductions of conventional arms, Soviets now routinely use the phrase "reasonable sufficiency" to describe the proper objective of Warsaw Pact and NATO defenses. They call for a transformed European security system based on "new thinking" in which neither alliance has the capacity for surprise attack. They admit that the Warsaw Pact has asymetric advantages in some conventional weapons systems such as tanks. Moreover, major cutbacks in the Red Army would certainly assist Gorbachev's efforts to reform and reinvigorate the Soviet economy. So why the pessimism?

1. The Warsaw Pact enjoys conventional superiority in Europe with no prospect that NATO will build up its conventional forces. Moscow could well wish through an arms control agreement with the West to codify its conventional advantages at lower levels. Why should it wish to negotiate them away?

2. It is possible that the U.S.S.R. would be willing to trade some armor for Western nuclear weapons and/or dual-capable aircraft. After INF, such a deal would further the Soviet goal of a denuclearized Europe and therefore will for the foreseeable future be unacceptable to NATO. So what Moscow wants, NATO will not give.

3. Withdrawing many Soviet divisions from Eastern Europe could incite unrest there and threaten Gorbachev's hold on power.

4. Any NATO conventional arms control proposal should propose deep cuts in Soviet forces in the western U.S.S.R. as well as major withdrawals of the Red Army from Eastern Europe. James Thomson of the Rand Corp. and I have suggested elsewhere equal tank and artillery limits for NATO and the Warsaw Pact in the Atlantic-to-the-Urals area and in Central Europe and have argued that because of the immense mass of Soviet reinforcement capability from the U.S.S.R., small reductions, even if asymmetrical, would be worse than nothing. But equal armaments ceilings would require the elimination of tens of thousands of Warsaw Pact and especially Soviet tanks and artillery. This would signal not just an arms control agreement but a fundamental transformation of the postwar political order in Europe. Not likely.

5. Verifying a conventional arms control agreement would be enormously difficult and would require rapid Western access to thousands of Eastern military installations as well as the Soviets' willingness to expose, through an exchange of information with the West, their order of battle down to the battalion level. To imagine such military openness—far beyond the INF verification regime—is to contemplate another sort of Soviet Union than even the most accommodating Gorbachev could likely deliver.

6. Gorbachev can reduce the size of the bloated Soviet armed forces unilaterally, thus saving money, without appreciably diminishing the military threat to Western Europe. This could include small Soviet troop withdrawals—no more than four divisions—from Eastern Europe, which would be meant to impress Western public opinion, stimulate NATO reciprocity, allow rapid reintroduction of Soviet forces in time of East European turbulence and avoid stringent verification. In fact, one could argue that if Gorbachev really wishes urgently to reduce Soviet spending on conventional forces, he cannot afford to wait for a treaty with the West that at best could take years to conclude.

This is not to say that the United States and NATO should give up on this endeavor as hopeless. To do so would both leave the initiative with Moscow and miss the opportunity to test Gorbachev's fine-sounding phrases. Therefore, the alliance needs publicly to put forth soon its concept for conventional arms control in Europe and explain how this concept fits into Western strategy. But to believe that Gorbachev—no matter how visionary—through good will and arms control will rescue the West from its conventional inferiority in Europe is to be on the lookout for Santa.

Thus, nuclear deterrence will remain a crucial element in the defense of the West. After the INF Treaty is ratified, we can expect renewed Soviet and Allied, especially German, domestic pressure to reduce, even eliminate, battlefield nuclear weapons in Europe with ranges below 500 kilometers. Foreign Minister Hans-Deitrich Genscher of West Gemany has stated that he has a commitment from NATO ministers that the alliance will expeditiously press for follow-on talks with Moscow on these short-range nuclear systems, most of which are deployed in the Federal Republic. Since such a negotiation would serve Moscow's objective of moving toward a nuclear-free Europe, one could expect much more Soviet flexibility here than with respect to conventional forces. Thus NATO's enduring conventional inferiority could be matched by an ever less credible nuclear deterrent. Call it old thinking or new, this is what Moscow may have in mind. Gorbachev can, of course, demonstrate otherwise—but not on the pages of Pravda.

"HERBERT HOOVER" OR "WHY MY STAFF THINKS I AM CRAZY"

Mr. HATFIELD. Mr. President, my staff thinks I am crazy. Visitors stare in amazement. Sitting in the conference room of my Hart Building office is a life-sized bust of President Herbert Hoover given to me by my staff when I was Governor of Oregon. "Herbert Hoover?" they ask in disbelief. "Why Herbert Hoover?"

And then I explain. Herbert Hoover, the much maligned 34th President of the United States, was among the great humanitarians of this century. His famine relief efforts in Europe and the Soviet Union literally saved millions of lives. He was also among the great intellects of this century. The translation of "Agricola de re Metallica" undertaken by President Hoover and his wife Lou Henry remains a standard reference on mining. And Herbert Hoover was among the great engineers of this century. His innovative but sensible designs continue to stand in China, Australia, and of course in the United States.

Mr. President, every time I think I have learned all I can about Herbert Hoover's life and accomplishments, another story comes across my desk. So it is with "A Little-Known Story about Herbert Hoover: The Early Days in Australia," an essay about President Hoover's days as an engineer and miner in Kalgoorlie, Australia. It seems that "Mr. Hoover's unique talents, combining a knowledge of geology and practical mining and an uncanny ability quickly and accurately to assess the economic viability of a proposed operation, were in great demand. In November 1897 he recommended that Bewick (Moreing & Co.) purchase the Sons of Gwalia mine. Shortly thereafter he assumed responsibility for its operation as superintendent." He was 22 years old at the time.

I ask unanimous consent that this essay on young Herbert Hoover's time in Australia be printed in the RECORD. My staff may think me crazy, and visitors may continue to stare. But for those who are willing to look beyond the rhetoric, there is a lot worth learning about one of the most compassionate and gifted men I have ever been privileged to know.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

A LITTLE-KNOWN STORY ABOUT HERBERT HOOVER—THE EARLY DAYS IN AUSTRALIA

(By William Yarmy)

It's a long way to Kalgoorlie, a remote mining town in western Australia. Fresh out of engineering school and ready for adventure, a young Herbert Hoover arrived in Kalgoorlie in the 1890s. Visiting Kalgoorlie as commercial officer, I discovered that Herbert Hoover is warmly remembered. With the assistance of Ambassador Louis W. Lane Jr., we have now established a Hoover trust to help maintain Kalgoorlie's contact with the United States.

Young Herbert Hoover, barely out of Stanford University, came to Kalgoorlie, some 600 kilometers east of Perth, in 1897 to take up the position of inspector with the British firm of Bewick, Morcing & Co. at a salary of 5,000 pounds sterling per year—big money in those days for a 22-year-old engineer who had to grow a bread and mustache to fit in with the rough and tumble of a frontier town similar in many respects to gold-rush California in the 1840s.

There was gold, plenty of it, and thousands of eager prospectors and mining firms poured into such places as Leonora, Coolgardie, Kalgoorlie, Cue, Menzies and the like to seek their fortunes with the hope of becoming instant millionaires. A large cemetery on the western outskirts of Coolgardie is a melancholy reminder that many did not.

Mr. Hoover's unique talents, combining a knowledge of geology and practical mining and an uncanny ability quickly and accurately to assess the economic viability of a proposed operation, were in great demand. In November 1897 he recommended that Bewick purchase the Sons of Gwalia mine. Shortly thereafter he assumed responsibility for its operation as superintendent, was made a junior partner in the firm and immediately instituted radical changes. An extract from a progress report he prepared reads: ". . . Work week increased from 44 to 48 hours; initiated single jack work versus double; changed the shift to be at workplace; instituted ordinary rates on Sunday; emphasized short time versus long time; provided an increased wage of approximately $5 per week."

Mr. Hoover also put his engineering talents to good use, such as designing a new ore treatment plant and surface layout for the mine; a new 50-foot-high headframe which still stands; and a steam winder built to his specifications in the United Kingdom and shipped to Australia. The winder, preserved at the Gwalia site, is the largest remaining in Australia and perhaps one of the largest of its type in the world.

COMINGS AND GOINGS

Mr. Hoover left western Australia in late 1897 for a senior position with Bewich in imperial China, but returned on several occasions, once with one of the first automobiles ever seen in Australia. He also found time during his visits to translate, along with his wife Lou Henry, Georgius Agricola's 16th-century classical-Latin textbook on mining and mineral technology, "De Re Metallica," into English.

Mr. Hoover of course went on to bigger and better things and by 1914 was director of 18 mines and financial companies employing 100,000 men worldwide. It's likely he was a millionaire by then. In 1921 President Harding named him to his cabinet as Secretary of Commerce, and in 1928 he was elected the 31st President of the United States.

Mr. Hoover's accomplishments in western Australia were significant by any measure, and had a long-term impact on the development of the gold-mining industry in the state. Today more than 550 companies, including the Sons of Gwalia, mine gold in western Australia, and a growing number of firms are being "floated." Last year's production, surpassing that of the heady days of 1903, put the state in fifth place for the entire world, and will hit 85 tons by the end of next May.

Since Mr. Hoover's time, American involvement has played a major role in the western Australian gold-mining industry. U.S. manufacturers are the major suppliers of mining equipment in the state, and American and Australian firms have made joint investments which employ thousands of miners and support staff, together contributing to the economic development and growing prosperity of this distant corner of the world.

REMEMBERING THE PRESIDENT

In late October 1986, as commercial officer at the U.S. consulate general in Perth, I met with Odwyn Jones, dean of the Western Australian School of Mines in Kalgoorlie, to make a presentation of mining materials on behalf of commerce. The mining school, in the opinon of many in the industry, is one of the finest of its kind, turning out top-notch engineers, geologists and metallurgists eagerly sought after by Australian and international companies. During this visit, my interest was piqued by the Hoover connection to the school when I noticed that a residence hall was named after the ex-President and a copy of "De Re Metallica," autographed by Mr. Hoover's grandson, was prominently displayed.

In the course of the tour, I asked Mr. Jones whether he would be interested in a more lasting tribute to the late President's memory that would benefit both the school and the state's mining industry. He warmed quickly to the idea and suggested a permanent and fitting epitaph which would at once memorialize Mr. Hoover's accomplishments and provide useful assistance to the school.

Back in Perth, I telephoned Ambassador Lane in Canberra to report on my visit and broach the idea of a Hoover memorial. This struck a resonant chord. As it turns out, the ambassador and Mr. Hoover share midwestern roots and a Stanford education, among other things.

In January 1987 the ambassador presented the idea to members of Perth's Western Australian Chamber of Mines, of which coincidentally the ex-President was a founder. Encouraged by their response, the ambassador sought potential sponsors in the United States.

On November 23, during a ceremony at the School of Mines, Ambassador Lane unveiled a plaque commemorating the establishment of the Herbert Clark Hoover Bicentennial Memorial Trust for the purpose of strengthening the ties between the Western Australian School of Mines in Kalgoorlie and similar institutions in the United States. In his remarks, the ambassador read a congratulatory telegram from Commerce Secretary C. William Verity commending this tribute to President Hoover for his contributions to the development of the gold-mining industry in Australia. "The trust," the Secretary stated, "is an example of the close relationship long shared by Australia and the United States."

FINANCIAL CONTRIBUTIONS

At the ceremony, the ambassador also presented two checks to Sir Lawrence Brodie-Hall, chairman of the board of management of the school of mines. The checks are a U.S. $5,000 personal gift from Mr. Lane and his wife, Jean, and a U.S. $5,000 contribution from the Homestake Mining Co. in California. Just before the presentation, the ambassador received word of two other Australian $5,000 contributions to the trust: one from Sir James Balderstone, chairman of the board of Australia's Broken Hill proprietary, and the other from Peter and Christopher Lalor of the Sons of Gwalia, the original Hoover mine, which is again very profitable. The interest from the trust will serve primarily for the acquisition of U.S. mining texts, periodicals and other educational materials.

UNSHACKLE FOREST SERVICE IN THE WAR AGAINST DRUGS

Mr. HELMS. Mr. President, the growth of the illegal drug marijuana, as well as the creation of methamphetamine, PCP, and opium in our national forests, is a grave and growing problem. This illegal but lucrative business is causing not only environmental damage to our public lands, but is deterring public use of these forests due to the extremely dangerous nature of this business.

It is of the utmost necessity that we aid the National Forest Service law enforcement authorities in contending with a problem which under present conditions is next to impossible.

In only 5 years from 1980 to 1985, the percentage of U.S.-grown marijuana raised in the national forests jumped from 5 to 20 percent. In North Carolina alone in 1987 12,585 plants were eradicated. Of this number, 2,035 were eradicated by the Forest Service.

Current law restricts the National Forest Service law enforcement officials from pursuing these felons outside of the boundaries of the forest. Because of the many problems posed by the marijuana growers within the forest, Forest Service employees are not able to perform their main function.

There are many dangers that authorities must be wary of connected with the presence of these drugs. Illegal weapons, incendiary devices, armed growers and their attack dogs, booby traps, and other offensive items are a constant danger in the national forests.

All of this is explained by the amount of money earned in this business. For each pound of their crop, marijuana growers may receive as much as $3,600 to $4,000. In addition to the marijuana crops discovered, the Forest Service has come up with 83 clandestine labs for the production of PCP and methamphetamine as well as 3 sites where opium was grown.

Clearly this problem is entirely too large for the Forest Service in its present state. Legislation must be passed to open up the jurisdiction of the Forest Service law enforcement authorities outside of the forest boundaries.

Senator FOWLER and I seek to address the problems facing the Forest Service and other law enforcement officials with this bill. Not only will it allow the Forest Service to pursue cases outside the national forest boundaries but it will also provide for minimum sentencing of these criminals using our forests for their own illicit purposes. I urge the rest of my colleagues to join us in fighting back and making our forests safe again for our citizens to use and enjoy.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The hour of 10:30 having arrived, morning business is closed.

VETO MESSAGE—OMNIBUS TRADE AND COMPETITIVENESS ACT OF 1988

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the President's veto message on H.R. 3, which the clerk will report.

The assistant legislative clerk read as follows:

Veto message on H.R. 3, an act to enhance the competitiveness of American industry and for other purposes.

The Senate resumed consideration of the veto message on H.R. 3.

Mr. LEVIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, I hope we will override the President's veto of the trade bill later on today. I do not claim that this bill is perfect. I favor the tougher approach requiring the President to retaliate against those foreign countries that run big trade surpluses with us but which, nonetheless, place unfair trade barriers in the way of our exports.

In other words, I would prefer an approach to trade that treats our trading competitors no better than they treat us. This bill does not do that. It still allows the President not to act if he chooses and provides him with too many options for avoiding retaliation against the nations discriminating against our workers and our goods.

Still, the bill is a great deal better than doing nothing about our disastrous trade deficit, and nothing is what this administration has opted for. This administration has done virtually nothing while the trade deficit grew from $27 billion in 1981 to $171 billion in 1987.

President Reagan's veto focuses on the provision requiring companies to give their workers advance notice of plant closings or layoffs. The President concedes that "advance warning" is the humane thing to do, but adds that providing such warning should be voluntary.

If the President's position sounds familiar, it should. Fifty years ago, people opposed child labor laws and minimum wage laws for the same reason. "Sure," they said, "factories should stop hiring small kids to work in sweat shops." And, "Sure, employers should pay workers a decent living wage." These were simply the humane things to do. "But," they added, "you must not require compliance. Compliance should be voluntary," we were told.

The only thing wrong with that approach, and it is as wrong today as it was a half century ago, is that it does not work. There are, of course, many companies that will give their employees advance notification of closings or layoffs, but those are not the companies that this provision is aimed at. It is aimed at those companies that will not notify their workers that they are about to lose their jobs.

It is aimed at companies like one I know of in Michigan that told its employees on a Friday afternoon that they are being laid off for 2 weeks. It was inventory time, they were told. Nothing out of the ordinary. But on Saturday, the next day, workers living near the plant noticed trucks being moved on to the plant ground.

A UAW official went over to find the plant's machinery loaded on flatbed trucks and parked outside the gates. Company officials would not allow him on the premises nor would they confirm that the plant was shutting down.

By Monday, all of the heavy equipment had been removed from the plant and was rolling out of the plant gates. Even then, repeated inquiries were met with the assurance that the plant was not closing but merely moving some equipment. The sad fact was that the company had moved out. Not only that, the plant's management had known they were leaving for at least 6 months. Six months earlier they had let the moving company know of their plans, but not the 130 workers, not the 45 of those workers who had been with the company for between 30 and 42 years.

Mr. President, I believe President Reagan would feel for those men and women who lost their jobs and their livelihoods. He would say that company should have let its employees know that they were facing unemployment. He would say that would have been the humane thing to do, but, unfortunately, humaneness is not on some companies' minds. That is why we need this advance notification of a plant closing. That is why we need decency when it comes to telling employees that they are going to lose their jobs.

We do not need it for the companies that will do the humane thing anyway, but we need it for those which will not.

We should override this veto. The principal basis for this veto just does not hold water. The vast majority of the American people support this modest plant-closing provision and so should we. So should we support the rest of this carefully crafted bill on which Senator **Bentsen** and so many of his colleagues on the Finance Committee and others have spent 3 years.

I close by congratulating and commending Senator **Bentsen** and his colleagues for the work they have put in on this bill for the last 3 years. I hope that the work of so many of us is rewarded by a two-thirds vote this afternoon to override the President's veto.

I thank the Chair, and I yield the floor.

Mr. ADAMS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mr. ADAMS. Mr. President, I rise today to urge my colleagues to join with me to vote to override the President's veto of the trade bill. I do this because this is a responsible trade bill for our Nation and one that Congress has worked on long and hard for over 4 years.

I do not find the President's veto message persuasive, Mr. President. The central reason for his veto is the plant closing provision. I supported this provision in committee as we debated it, I supported it on the floor, and I support it now. I support giving notice to workers and to communities if a plant of substantial size is going to close and to put them all out of work and to change the whole life of the community. Mr. President, this is basic fairness for the American worker and for the American communities. The idea of some type of business flexibility just does not match with the experience that I have had in the private sector when you are dealing with the closing or shifting of plants. This basic fairness of simply giving 60 days' advance notice when he or she is about to lose his or her livelihood is something that is fundamental I think in American life and should be something that is not opposed by either the business community, the President of the United States, or anyone else. So I hope we will override this veto, Mr. President, because such a provision is basic to the economic adjustment process in this country.

I stated when this trade debate started that the alternative to competitiveness and adjustment is protectionism, and I do not favor protectionism. But if we are to keep the pressure on to adjust in this country and to resist protectionist trade policies and keep them to a minimum, we must be competitive. When you are competitive, it is necessary that the whole country adjust to world conditions. The world conditions are extremely competitive for this Nation. The world has changed in the last 15 years. As it has changed, Mr. President, it is necessary that our competitive system shift with it. It will do so, and it is doing so. But the Government has to see to it that fairness is given to our people as this occurs, that we adjust to the realities of the marketplace with fairness, not just to investors or to some business decisions but to our people who work every day, and in many cases have worked for many years, for a company. They deserve better than hearing that the plant will close on a Friday afternoon or in the 2 weeks before Christmas.

Provisions in this bill, including plant closing provisions, will help us avoid protectionism in the future because protectionism is an alternative to competitiveness and adjustment.

President Reagan and I may start from the same basic premise regarding international trade, that protectionism is not the route to go. But we would be counterproductive, Mr. President, if we did not provide for adjustment throughout our economy. I find it interesting in the veto message that the President did not call this bill protectionist. So I think protectionist in this bill is behind us, and therefore that is not one of the issues. Nor did the President identify any objections he had to revisions contained in the bill to help the United States enforce fair trade rules and open markets and open markets abroad, which is really the thrust of this bill. Rather, the President's rejection of this bill seems to be on a philosophical basis that the Government should not be involved in facilitating adjustment or change as it is occurring in this rapidly changing world economy.

I disagree fundamentally with that philosophical notion. The Government has much to contribute in improving the climate of successful competition and adjustment for U.S. business and workers. Throughout the rest of the world, Mr. President, countries are involved with their governments helping their business and their competitive enterprises adjust, penetrate, and be very competitive in the world. Our business people, our workers, our communities deserve the same from our Government. That is what this bill is attempting to do.

It is a good trade bill. It is a particularly good trade bill for the section of the country that I represent, the Pacific Northwest. The State of Washington relies more on two-way trade than any other State in the Nation. We have more jobs tied to the international market than any other State in the Nation. This bill will improve U.S. competitiveness and it will open foreign markets so we can export more through our ports to match the imports that are presently flowing through. It enforces fair trade for businesses that range all the way from the airplane business which in my case happens to be the Boeing Airplane Co. in the State of Washington, which is one of the few remaining really competitive manufacturing complexes in this country that sells abroad to see that it is in fair competition with Airbus, that there are not subsidies by a number of companies that simply force it out to the complete other end of the range, which is the brandnew technology of Microsoft, which is very sophisticated software and which was being shut out of Brazil and elsewhere. They are not to be disadvantaged just by rules of the game.

This trade bill addresses—and the follow-on of the GATT negotiations, we hope, will address further—the fact that we want to be in the world market. All we are willing to do and want to do is to see that we have a fair chance.

There are two or three provisions I would like to mention in this trade bill that are very positive because too often we have heard negative things about it. First the positive aspect: The negotiating authority for GATT I think is terribly important. It gives the President not only direction but shows that the whole world should be on notice that we intend to be at GATT and that we intend to be a very strong voice for open trade—no more of the sophisticated ways of barring trade by using sophisticated new methods that have long since replaced tariffs.

We want to streamline export controls. We classify everything and therefore protect nothing when we have export controls that cover all kinds of commodities that are openly available on the world markets, and yet our manufacturers cannot fight through the controls. It is a very important provision on that in this bill. I hope it will be enacted.

There are provisions to help U.S. agriculture which certainly needs it, and provisions to expand the formulation and use of export trading companies.

Mr. President, we are so far behind the Japanese and the Germans, and most of the rest of the world in trading companies that we have to revamp what we do or else give over to them and utilize them as putting us into the world of trade.

The more deliberative decisionmaking under 301 on unfair practices is very good and more adjustment-oriented decisionmaking under section 201 is good. The education programs to try to bring us up to date in the long run are very good; the strengthening of our trade adjustment program, I have mentioned a few of these, Mr. President, to indicate the breadth and the scope of this bill, which the chairman and the members of this committee have worked on for 4 long years, and to state that this is not going to be automatically brought back and passed if the veto is sustained. There is just simply too much in this bill and it is too carefully balanced to carry this through in the few remaining days of this session which are going to have to be devoted to appropriations and to the business of this Senate.

I was particularly pleased that this bill was passed, and that we have here an opportunity for our trading partners to be on notice that we are truly in the international market.

Mr. President, I spent 7 years, prior to being in the Senate, in the international trading area. Our trading partners just look on us with amazement and often amusement. After 5 long years to create a trade bill which is to place before this country not just an ideology but a strategy, they are amazed and amused that we have never had one of these, that we sort of believe that it is all going to happen with some invisible hand. Their hands are very visible. And ours should be, too.

They are watching to see now whether we will kill this bill, or maybe to put it better, shoot ourselves in the foot. I hope we do not. I do not think, if we sustain the President's veto, we should delude ourselves into believing the trade problem will disappear. Even though our stubborn trade deficit is having some movement, a lasting reduction is nowhere in sight. Last week, Mr. President, the Council on Competitiveness, a group of officials from business, labor, and higher education, issued a report which concludes that the United States continues to lose competitiveness when compared to its major trading partners.

That is an analysis that shows that our standard of living is declining, U.S. productivity is lagging, the U.S. share of world exports is declining, and the U.S. percentage of gross national product spent on investment is lower than our trading partners.

Mr. President, our problem is very simple. This is our opportunity in the U.S. Senate to override this veto, to put a trade policy in place, to prevent the destruction of the American dream for our children because our children are going to have to live in a world society, and compete in a world marketplace. The bill is no panacea, but it will create high-quality jobs in America.

So, Mr. President, I urge my colleagues to support enactment of this legislation into law by overriding the President's veto.

Mr. President, I yield the floor.

Mr. KASTEN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. KASTEN. Mr. President, the Senate will consider today whether to sustain President Reagan's veto of the trade bill. I urge my colleagues to uphold the President's action.

As we debate this veto override, we are going to expend a lot of breath on the so-called plant closing issue. We are wasting our time discussing exactly how cold the dying embers of this approach really are.

Plant closing is not the future-oriented effective approach Americans demand to the issue of jobs and economic growth.

Last week I introduced S. 2430, the Plant Opening Act of 1988. This bill seeks to liberate the creative energies of the American people—and use their natural inventiveness to make all Americans better off.

Nobody denies that America in the 1980's has enjoyed a job creation miracle unprecedented in history. Since 1973, we have created 30 million net new jobs, while the entire continent of Europe has created zero.

The facts are beyond question. But there is some disagreement about how to keep those jobs, and how to create more of those jobs.

Our Plant Opening Act of 1988 provides a credible, workable vision of how to preserve the prosperity and how to spread it further and further into the economy.

This bill will help open new plants and businesses. It will help Americans keep their jobs—improve their jobs—and make sure everybody who wants a job can get one.

The bill recognizes the secret of economic growth. It is called "opportunity."

Lower taxes, monetary stability and deregulation caused the incredible expansion of this decade by letting American entrepreneurs and small businessmen do what they do best—respond to opportunities and incentives.

This bill would increase opportunities for business by slashing the tax rate on capital gains to 15 percent, eliminating unnecessary payroll tax increases, helping open foreign markets and creating enterprise zones in distressed areas where plants have closed.

One of the bill's most important provisions would continue tax incentives for education and training of workers. The key to American productivity in today's economy is a trained work force. Creating jobs is not enough by itself; our working men and women must be prepared to fill the new jobs that are being created.

Our legislation would preserve the tax exclusion for employee educational assistance and put our workers on the right track—toward the better-paying and more responsible jobs of the future.

The total revenue cost of the tax incentives in our bill—thanks largely to the revenue windfall the Treasury Department predicts will result from the capital gains cut—would not lose revenue. It will lead to an increase in Federal revenues.

Thanks to the progrowth initiatives of the Reagan administration, new businesses are currently being created as a faster clip than ever before—700,000 business incorporations in 1986. A greater percentage of Americans are working than ever before—62.3 percent. We ought to stand fast by the approach that caused our success—and use it to provide opportunities for Americans to open new plants, create new jobs, and create new savings, all across this country.

Mr. PACKWOOD addressed the chair.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I rise in support of the bill and hope we will override the President's veto.

I do not come to that conclusion happily, because I always am reluctant to override vetoes of Presidents of my party. As a matter of fact, I am reluctant to vote to override the veto of any President, because it indicates disharmony between Congress and the President.

In this case, though, I think we have a bill where both the administration and Congress sort of look at it as a 60-40 bill. The administration says, "It is 60 percent good, 40 percent bad, and we will veto it." I am looking at it as 60 percent good and 40 percent bad and will vote to override the veto.

I think that in the pantheon of the history of great bills in the Congress of the United States over 200 years, this bill will not be in the top hundred of great bills. On balance, however, I am going to support it for some specific reasons. There are some critical things in it that any President—whether President Reagan, President Bush if he is elected, or President Dukakis if he is elected, will need. Any President is going to need what we call fast-track negotiating authority.

Without fast track negotiating authority no nation in the world is going to bargain with us. Our trade policy is going to be set in upcoming multilateral negotiations—what we call the Uruguay round; named after the country, because that is where the initial meeting took place that set the steps in order. Our track policy will be shaped there or possibly in neogitations such as those we have concluded with Canada, where we entered into a bilateral agreement with one other country to lower tariffs.

In any event, whether multilateral or bilateral negotiation, the President will need this fast track authority. Fast track authority simply allows the President to conclude an agreement with a foreign nation or a number of foreign nations, submit the agreement to Congress, and require Congress to vote it up or down, without amendments, and prohibit it from being stopped by filibuster or other delays.

The reason he needs that authority is that almost on all occasions when our President is bargaining with other countries on trade, he is bargaining either with the leaders of parliamentary democracies or dictators; but, in any event, negotiating with people you presume can deliver on the agreement. If it is a parliamentary country and you are negotiating with the leader, it is the leader in parliament, and he can get an agreement through parliament with no problem. If you are negotiating with a dictator, you presume the dictator can get the agreement through whatever legislative body his country may have, which he has handpicked.

When these other countries negotiate with the United States, though, they are fully aware of the fact that if the President signs this agreement with them it does not necessarily mean that Congress is going to approve it.

One might ask, what difference does it make? This is the difference: In every one of these multilateral negotiations, or even a bilateral negotiation, every country that is a party to the agreement gets something and he gives up something. For the overall good of the countries involved, everybody wins if you meet in the aggregate. But every industry does not necessarily win in every country.

Maybe some country has to give up on the protection of its beef industry or citrus industry in order to get us to give up on our protection in some other industry. The industry that loses its protection does not like it. It does not matter that you say to this industry: "Don't you understand that for the overall good of the country, we are all winners?" Everybody sees the trees, and everybody sees the world through their eyes.

If your business used to have a 20-percent tariff on imported products and we enter into an agreement that says over 10 years that tariff is going to disappear, you do not like it, and you are inclined to hold the President to blame. He is the one who negotiated the agreement.

So, no President—whether President Reagan, President Mitterrand, Prime Minister Thatcher, General Secretary Gorbachev—wants to enter into an agreement that is going to irritate part of his or her constituency, unless they can be assured that the agreement will go into effect, because the constituency that is irritated remembers. Those that are generally helped think they deserve it, so they do not appreciate it, anyway.

So, if you negotiate this agreement and you irritate your strawberry industry or your chemical industry and the agreement fails, they are out to get you. A President may be willing to take the chance of irritating the domestic chemical industry or your strawberry industry if he can say to the country, "For the good of the whole country, I entered into this." But a President is not going to enter into this agreement if he thinks it is going to be shot down and all he has is enemies and no friends.

President Mitterrand knows he can deliver on the agreement. Margaret Thatcher knows she can deliver on the agreement. The only way they are reasonably assured that President Reagan, President Bush, or President Dukakis can deliver on the agreement is that Congress provides a mechanism that lets the President bring it back, with a reasonable likelihood that it will be adopted.

That is what the fast track negotiating authority is. The President brings it back, submits enabling legislation to Congress, and we have to approve it or disapprove it, and we cannot filibuster it or delay it. That authority is critical, and the authority for the President to do that expired at the end of last year. So this year we have not had it, and we will not have any serious trade bargaining negotiations until the President gets it. That is in this bill, and that is a vital element of this bill, and President Reagan would agree with that. It is a strong plus in the bill.

Second, there is a minor plus called the harmonized system tariff classification. This is not so much an adjustment of tariffs but rather it is what the name implies—it harmonizes tariff classification of all of our major trading partners. The major trading nations of the world have agreed to this and have put it into effect. We were supposed to have put it into effect on January 1 of this year and we did not. So everyone in this country who is involved in trade is still working under an old customs schedule, and the rest of the world is waiting for us to get onboard with an agreement we agreed to get onboard with. It is in this bill, and the President wants that, also.

There are some bad things in the bill. We made a mistake when we agreed to finance our trade adjustment assistance—which is basically assistance to workers who are put out of work because of imports—out by a tariff on imports.

First, I think the import fee violates the General Agreement on Tariffs and Trade. Second, I think it is a bad policy from this country's standpoint; because, if, by chance, it is legal, if it does not violate the General Agreement on Tariffs and Trade, what will happen is that every country will finance their unemployment that they say is related to trade by tariffs on our products that we send over, our very best exports.

During the 1990's, this country will have a very low rate, on the average, of unemployment. Part of that is demographics. The baby boom is over. The number of women coming into the work force in terms of disproportionate increases over years before has slowed down. And all during the nineties we are probably on the average going to look forward to unemployment of 5½, 5¾, 5¼ percent; bad years during a recession, about 7 percent; good years maybe 4½ percent. But we are going to be labor short. There is not going to be much unemployment in this country because of imports.

But the projections for Europe are 9, 10, 11 percent unemployment. And if they hit upon the idea that this unemployment can be paid for by taxes, tariffs on imports, they are going to do it. And especially if we have led the way in saying go ahead and do it.

So I think this is a lose-lose situation for us. First, I think it is illegal; second, if it is legal, other countries are going to do it and they are going to do it to a greater extent than we do, because their unemployment is going to be higher than ours. The fee is in the bill. I wish it was not. It is part of the 40 percent bad in the bill, part of the reason I do not like the bill.

Mr. President, there are a world of things not in this bill that could have been in this bill but for the leadership of Senator BENTSEN, Senator DANFORTH, and others were removed. Had they remained they would have made it a terrible bill.

The Gephardt amendment; a very protectionist amendment on imports coming in is gone. We were initially faced with some limitations on discretion that would have hamstrung any President. Most of the limits, of the limits on Presidential discretion, are now gone. There are some nominal ones in the bill that remain, but if you mean does the President really still have the discretion he has now on imports and exports, he by and large does.

Third, we had things like sugar drawback which is just a sugar-coated payment to a half-dozen refineries in this country totally without justification. That was originally in the bill. It is gone.

The Bryant amendment was an amendment that would have put a severe crimp in foreign investment in this country. I am not talking about buying Treasury bonds. I mean factories. We have become a mecca for foreign investment, thank heavens. This country was a mecca for foreign investment from roughly the time of the Pilgrims in 1620 until World War I. We built the canals and we built the railroads of this country on German bonds and British money. It flooded into this country because it was a good investment and it has been coming back again into this country in increasing amounts. Again, I am not talking about Treasury bonds that will be here because the interest rate is 6½ or 7, or 7½ percent and will leave if the interest goes down a half percent. I am talking about factories in Oregon, factories in Tennessee, factories in North Carolina and Texas, and those are hard to pull out of a country even if you want to. They are here. And its employing people.

It is no wonder they are coming here. We are providing and creating jobs faster than the rest of the European Common Market put together, 47 million new jobs over the last 30 years. The Common Market has created zero new jobs. They have as many employees now, roughly 108 million, as they had 30 years ago. It is no wonder businesses are reluctant to invest heavily in a market that is relatively stagnant.

And then the foreign investors look at our tax rates, the lowest tax rates on both corporations and individuals in the industrialized capitalist Western World—including Japan, Hong Kong, Taiwan, and Korea.

No wonder they want to invest here. They see a stable Government that is not likely to be overthrown by revolution. Even if it changes parties, even if the Democrats were to win the Presidency or the Republicans were to win the Senate or House of Representatives, they know there is not going to be a radical revolutionary change.

Then they look at this market—that we are now I hope soon going to expand to include Canada—and they say to themselves "275 million people with high incomes, willing to buy all kinds of products and no trade barriers."

No wonder they want to come here. They have not got that in the Common Market today. They are hoping to get it by 1992 but they will be lucky if the Common Market gets by 1992 that what we have had for 100 years, relatively unhindered passage of goods, from Portland, OR, to Los Angeles, to San Antonio, to New Orleans, to Tampa, to New York, A market without barriers, customs, hindrances, or bureaucrats. No wonder they want to come here.

The Bryant amendment would have put a severe crimp in foreign investment by requiring foreigners to file all kinds of information about why they were here and what they were investing in, requirements that almost no other country requires. Requirements that we do not need. That is out of the bill. Had the Bryant amendment been in the bill I would have supported the President's veto. It is out.

So on balance in terms of the things that are in, things that are out, I support the bill.

On the two major provisions involving imports and exports—technically to trade lawyers, they refer to these as section 201 issues and section 301 issues—on balance I think we have come out all right.

Section 201 is the section of the trade law that allows an American industry that feels that it is injured by imports to petition the Government to take certain actions to protect them from imports. I emphasize here these are not unfairly traded imports. There is no argument here that some foreign country is unduly subsidizing its industry. No argument here that they are dumping goods in the United States. Section 201 involves fairly traded goods.

Section 201 allows a business to file an action simply by saying "We are being hurt. It does not matter that we are being hurt unfairly. We think we are being hurt."

We have not significantly changed section 201 from the present law.

We have changed the wording. The present law is that the President has the right to weigh the national economic interest against the relief asked for by a particular industry, and the President can weigh whether the relief to the industry is greater than what might be the economic detriment to the Nation? And if so, he can give the relief to the industry if he wants. If he on the other hand says, no, the relief to the industry is not so great as the harm to the Nation, he does not have to give the relief on these fairly traded imports.

The classic example of this, and it is one of the things that caused the genesis of the trade bill, involved shoes. Several years ago, the domestic shoe industry said it was being hurt by Italian, Brazilian, Korean imports, and imports from all over the world. They wanted quotas, protection, tariffs and whatnot, to protect them against foreign shoe imports. There was not argument that the shoes were being unfairly made and involved unfair trade practices. They just wanted protection.

The ITC, the International Trade Commission, studied the situation, as they are required to do under the law, and they concluded that the shoe industry was being hurt by imports. That is all the International Trade Commission is supposed to determine—are they being hurt? They are not supposed to weigh whether or not the interest of the shoe industry specifically was outweighed by the interest of the Nation generally. They just made this little decision about the shoe industry. Yes, imports were hurting them.

President Reagan chose not to give any relief to the shoe industry. Here was his argument: most of the imported shoes, most of them are the more inexpensive shoes. So if you put a tariff on these shoes or a quota or whatever you put on to drive the price of the shoes up, really is not going to hurt the person who can afford to buy a $150 pair of shoes. In fact, a number of those shoes are still made in the United States. What protection was going to hurt is the person who buys a pair of $12 sneakers, $20 basketball shoes. I am not talking about high, top-of-the-line shoes. I am talking about relatively cheaper goods, normally bought by people who may be making $10,000, $12,000, $15,000, $18,000 a year. And the President said on balance the harm to that group who buys these cheaper shoes is greater than the benefit to the shoe industry, and he did not grant relief. It made the shoe industry mad, and I understand why it made the shoe industry mad, and there were great attempts made, to take away from the President any discretion to make that kind of a decision. But limitations on Presidential discretion is out of this bill, and it is a good thing.

The other provision, section 301, relates to exports. Here the issue is whether or not foreign nations are unfairly excluding our exports from their markets—whether by tariffs or nontariff barriers or bogus health standards they are simply trying to keep our products unfairly out of their country.

And here it is important to understand the testimony that we had as we were doing the hearings on this bill. Because the question was asked over and over of people who were expert in trade: If we got rid of all of the unfair foreign trade barriers, just got rid of them all so we could sell anything the United States makes overseas, unhindered, how much would it improve our deficit balance of trade? The answer was only 15, 20 percent, someplace in that margin.

But, of course, you have to presume, if we insisted that every country get rid of every one of its unfair trade barriers to our exports, they would expect the same of us: That we would get rid of—and we have them—every unfair trade barrier to their imports to our country.

There is no piece of legislation, no matter how good it is, that is going to significantly improve our deficit balance of payments. There is bad legislation that could make it much worse, but the real problem for the bulk of the deficit of our trade is not unfair trade practices.

It may have been initially the overvalued dollar. It may have been initially the fact that our wages were higher than others, although now in the major industrialized countries, even including Japan, wages are up close to ours, and in Germany and Belgium they are more than ours. So maybe at one time the argument of high wages was a valid argument. It is not now.

If we are going to be competitive with the rest of the world, our quality has to be as good as theirs, our delivery schedules have to be as good as theirs. In the dozen factors that go into the decision to buy a product, ours have to be as good as theirs. Legislation cannot create that. Legislation will not make good management out of bad management, and legislation will not make a lazy worker productive.

So, the so-called 301 cases where we, in essence, sue a foreign nation because of unfair trade barriers, is in this bill and the President is requested—he is not compelled, to look at all of the trade practices of all of the nations in the world to select out as few unfair trade practices and try to get that foreign county to eliminate the unfair trade barrier. And, heaven knows, there are some.

Japan is a classic example. The Senator from Texas, Senator BENTSEN, the chairman of the committee, and I, have the same problem on trying to sell beef and citrus to Japan. And negotiations have been difficult. They do not want to buy U.S. beef because they want to protect their own beef industry—is which because of limited land is very expensive. We could do much better for their consumers if they would buy our beef which is less expensive.

But they would have to give up a certain sector that supports the ruling majority party in Japan because it is a basically a conservative party with an agriculture base. And if they did that, they would make their beef farmers mad.

The same problem on citrus—grapefruit, oranges, lemons. We could probably provide Japan better or, if not better, certainly at least a product of equal quality and cheaper than Japan can produce themselves.

The same problem with rice. Rice is grown everyplace in Japan. If you tell Japan's rice farmers we are going to let rice in from Louisiana, rice in from Texas, at half the price that Japan can possibly grow it for, we would have something bordering on a revolt from the Japanese farmers.

So I understand the problems. These are problems that are solved by hard, head-knocking negotiations between the Japanese Prime Minister and the President of the United States and gradually you whittle away at it. And through this hard negotiation is how the major elements of trade policy are going to be made.

On balance, I think the bill is better than no bill. But this bill is not going to make Japan get rid of its barriers on rice. This bill is not going to make an American industry that is not competitive competitive.

I have seen dozens of successful trade businesses in Oregon. For the last 2 years, I have been holding hearings in Oregon finding businesses that have some portion of their product involved in foreign trade. I was looking not for big businesses. In many cases, I was looking for businesses I had not heard of and looking for businesses outside of the major Portland metropolitan area. I was looking for businesses that were succeeding in foreign trade with the old law and finding out what it was they were doing, why were they doing it, how did they manage to do it, where were they located, what was their secret, what were they making, how could they compete when other businesses said they could not compete.

It has been a fascinating experience to run across some of these businesses. There is Key Technology, in Milton-Freewater, OR, about 300 miles east of Portland. Key Technology makes food processing equipment. They have about 200 full-time employees and about a third of those, roughly, are dependent upon foreign trade sales overseas.

When I say they make food technology equipment, I am not talking about some kind of a grate that shakes back and forth and has holes in it and little ones fall through the holes and big ones do not. I mean very, very sophisticated equipment.

You ought to see this french fry identification machine that they make, if you want to talk about high technology. You stand at the end of a long line, a belt that has grooves, dozens of grooves. All lined up on these grooves are potatoes that are going to become french fries, all cut in the shape of a french fry. They move down these grooves and pass under some very sophisticated cameras that take pictures of every potato—millions of potatoes go under the camera. The camera is then connected to a computer. As these french fries are moving along at a very rapid pace along this belt, they come to a space, an open space of about a foot. And they could jump the open space because they are going fast enough. They could jump the open space absent any other interference.

But, as they are coming down this line—all of them in their channels lined up like hundreds of thousands of troops, one behind the other—they pass under this camera. The camera somehow spots bad-colored potatoes, activates the computer and, as the french fry passes over this open space, a blower up above blows the french fry down as a bad potato into a box. So you have a box full of kind of odd-colored potatoes and the rest of them have jumped the space and they go on.

Then they even take this box full of bad potatoes and they run it through another belt similar to the other one and the camera takes a picture of them and where there is a little black spot in the potato after it has gone under this camera, a pair of knives come out and cut out the black spot and all the rest of the potato goes back to the good box.

As I say, this is not primitive equipment. These machines are not the only thing the company makes, but it is selling these machines all over the world because nobody else makes them as good as they do. They are selling them in Japan, selling them in Africa. They have a full-time sales force overseas in this company.

Can you do it in a town of roughly 8,000 to 10,000 people, 300 miles east of Portland, located basically in agriculture country? Sure you can.

Take Smith Frozen Foods, roughly in the same area, about 900 full-time employees, about 180 to 200 of them involved in sales overseas. They are, as the name implies, a large food processor, principally frozen foods.

Take Advanced Power Technology in Bend, OR, a relatively newer company. Bend is a town 135 miles southeast of Portland. The only connection to Portland—there is an airport—is a two-lane road; there is no freeway between these towns.

I toured the company when I was in Oregon several trips ago. It is a very international, cosmopolitan company. The principal officers of the company were European; one, I believe, was French; one probably German. They had attracted some venture capitalist to put money in the company 3 years ago, never planning to make sales until January of this year. They knew that they need 2 to 3 years to make this company go.

They went along exactly on schedule. Here is what they make. Do not ask me to explain it scientifically. I understand what it does, but I do not understand how it does it.

As anyone is aware, in an electrical use, whenever there is the first surge of electricity, it takes more electricity to start the refrigerator or to start the car motor and once you have it going, once it is started, you do not need as much electricity. So there is an initial surge of electricity and then a surge back as you have the motor started or whatever you do.

The greatest surges you will see are in electric utilities, where they are by wires, transporting, through regulators and voltage regulators, great quantities of electricity and where you can have tremendous power surges.

This company makes a switch, for lack of a better term, that enables the power shortages to be handled more rapidly and in a greater quantity. Here again I am giving you an example. I am not giving you exact science. But let us assume that the best switch on the market now would switch 100,000 volts in a tenth of a second. This company's switch will switch a million volts in a hundredth of a second. It is not even comparable, it is so much better.

I said: how did you know when you were getting this money and you would not be producing or selling for 3 years that you would have a market?

The fellow in charge said: There are only two or three companies in the world that make these switches and everything we do is known to one another and all of us know the other companies. In fact, some of us came from the other companies. We knew what we wanted to create. We knew if we could get the money to do it and could do it in 3 years we would have a leap on the market, and we could do it just as well from Bend, OR, which is an area we wanted to live in. We liked the climate and we liked Oregon. We could do it as well here as in Marseilles or Singapore, because our principal costs are not labor. The principal cost was capital equipment.

I looked at one machine and I did not know what it did. I asked the machines cost? He said, "$300,000." I said, "What is its useful life" He said, "Well, if you mean 'useful life,' I would assume 10 to 15 years. But if you mean in terms of this business, how long can we keep it before it is outmoded," he said, "3 or 4 years if we are lucky."

Their problem is competing with Singapore or Hong Kong was not the fact that Singapore might pay wage rates of $1 and this company might pay $5 or $10, because wages were a relatively small part of their cost.

So, starting in January of this year they have been selling and selling all over the world and selling in greater numbers and volume than they thought they would sell. They were not worried about the trade laws and they were not worried about being competitive.

Go down to Medford, OR, a town 300 miles south. Go to Sabroso. Sabroso makes puree, for lack of a better term: concentrate. Most of it is fruit concentrate. And then it sells the concentrate all over the world and it is used as a base for a whole variety of products throughout the world.

Again, they are a long ways from any port. To get their products out, if they are going to send them out by ship, they have to go to Portland, OR, 300 miles north of San Francisco Bay, 300 miles south. But they have 155 full-time employees of whom the work of 64 is related to trade.

(Mr. SHELBY assumed the chair.)

Mr. PACKWOOD. Go to Met One in Grants Pass, 250 miles south of Portland. They make high-caliber pollution monitoring equipment. I do not mean the kind with the smokestack and smoke coming up monitors. It is the kind that is used in computer operating rooms where you cannot have any variance in humidity or any variance in temperature or any foreign particles.

When you go into companies that manufacture these things they are literally clothed like a surgeon: mask, hairnets, gowns, rubber gloves. They make the kind of equipment that monitors conditions in rooms in which people are dressed and work like that, so it is high, high, high quality. It is high-tolerance equipment that can sense the slightest difference in conditions. They are selling all over the world.

Mentor Graphics, a company that did not exist in 1979. It started in 1980. It makes CAD/CAM computer-aided engineering machines. What wonderful things to watch. What they have done to save industry money around the world is incredible.

In the old days, in order to test something you used to have to be able to make a model of it and you built the model, you manufactured the models one at a time. Maybe, if you needed four or five to test, you handmade them. Then you tested them to see what was wrong and then, if something was wrong, you remade them. You took a factor out and put another factor in.

Mentor Graphics makes a machine that lets you do all of that by computer. You do not have to manufacture the product at all. You put all of the variables into the computer and out on the screen comes what the machine looks like and what the variables are and you can change the variables. You can test it in the machine, the thing that you used to have to test physically.

When the company started in 1980, the first year it had sales domestically in 1981 of, as I recall, $3 million or $4 million all in the United States, none overseas.

Today this company has 830 full-time employees of whom almost half are involved in overseas sales. Today this is a multimillion dollar company and almost half of all their revenue comes from overseas sales. This is a company that started up in what was allegedly the worst time in American history; immense deficits, trade deficit growing, things were going to pot. The Reagan deficit was killing the rest of the country, but today one company thrives.

But maybe my favorite success story is Vanport Manufacturing, because this is a lumber company and the lumber industry in Oregon is still large. For years the lumber industry complained because Japan would not buy its lumber. Early on I thought I understood why. In fact, I did understand why.

We make lumber to a certain size: 2 by 4's. Although it is not a 2 by 4, we call it a 2 by 4. I think it is 3½ by 1½ or 1¾, but that is what we call a 2 by 4 and that is what we wanted to sell and that is what we sell everyplace.

Japan's size standards are different. They did not want 2 by 4's. They wanted something that was, first, metric, because they are a metric country. And then they wanted a different shape. And we said, well, they ought to buy our lumber the way we cut and shape it. And that is one of the reasons why we were not having any success in selling in the Japanese market.

Vanport, the owner Adolph Hertrich I think, is Swiss by nationality. Originally his background was not lumber. But he came to the United States and looked at this timber we have in the Northwest, wonderful fir, wonderful hemlock. And he thought to himself there is no reason why this cannot be milled to Japanese size standards and sold in Japan. They have not got it like this. They cannot grow it. They cannot buy it. I will sell it in Japan.

He went 2 or 3 years losing money. He had some investment capital. He kept trying and he would go to Japan from time to time and explain what he had.

Finally the Japanese took a slight interest and they would have inspectors from Japan come over and live. He would have to put up a little living facility for them at the mill. They would live there. He would have to pay for them to live there so they could look at the lumber.

I first ran into Adolph—and this is one of the enjoyable things you can do when you are a U.S. Senator—when he had a problem with the Internal Revenue Service. He had put up a Japanese tea house on his property by his lumber mill so when the Japanese buyers came over, he could show them how the lumber looked. What they wanted it for is what they call post and beam construction. It is an exposed interior construction. And the wood grain has to look very nice. So he would bring them in and show them the tea house.

The Internal Revenue Service would not let him deduct the tea house as a necessary and proper business expense and so one day I went out there. The Internal Revenue Service man was with Adolph, and there was a Japanese visiting buyer there and my chief of staff who is a woman from England. So we had Adolph with his Swiss accent; the Internal Revenue Service man, basiclly American accent; my chief of staff, English accent; and the Japanese purchasers speaking English with a Japanese accent. We went into the tea house, took our shoes off, sat down at the table and we had tea and explained to the IRS why this was a necessary and proper expense and they granted it. They finally said yes, we see now what you are talking about. That is where I first met him.

This man has 198 employees, all of whom are involved in overseas trade.

So when people say we cannot do it—we can do it. We have so many natural resources that other countries do not have.

You want to cry for a country with limited natural resources, look at Japan: no coal, no oil, limited hydro, limited farmland, limited forests. Here we sit, a cornucopia of natural resources. Here we sit as the absolute mecca for the attraction of foreign capital from all over the world because we are the most desirable climate to invest in. Here we can now manufacture things and sell them all over the world.

I will close with the most wonderful recent example. The port of Portland is the largest port of entry for Toyota imported cars in the United States and the second largest port of entry for Hyundais. They are well familiar with handling cars.

Honda has decided that they are going to export Hondas from their Marysville, OH, plant to Japan.

They are going to go through the Port of Portland. It almost seems impossible to realize that we are going to make cars here and export them to Japan. The reason we are doing this is that Japan does not manufacture the Honda Accord. It was not worth it to set up a production line in Japan initially to manufacture a small number of Accords comparatively speaking.

So the Accords are going to go, but competitively priced, from Marysville, OH, by train to Portland, OR, onto the ship, over to Japan, off the ship, and sell competitively, a car being produced by essentially American workers with a relatively minor number of Japanese managers at the plant, of a quality as good as cars manufactured in Japan.

So we had a wonderful, and I almost grieve to tell the story, we had a wonderful sendoff. The president of Honda U.S.A. was there and the president of the plant was there on that day. I drove the first car onto the ship. The ship looks like a gigantic floating parking lot, square inside. You can park—I do not know how many—thousands of cars. I drove the first one on. National television was there. It was a wonderful ceremony.

We got all the cars loaded on an American-flag ship. Japan was ready to receive the cars. There was going to be a big celebration at the other end.

The ship was at sea 3 days and it broke down. The ship had to come back into port. It was an American-flag ship. Why could it not have been a Japanese-flag ship that broke down? The ship came back, and it was fixed. The celebration at the other end was somewhat dampened by the ship coming 2 weeks late with all these Hondas on it. They planned to export 90,000 cars a year by 1991, not all out of Japan, but out of the Port of Portland. They think it is a reasonable market to aim for by that time. So when it is asked whether it can be done in the United States? I say, "Sure it can."

I say that for a lot of reasons. Based in part upon my experience in Oregon in realizing that we can do it, part the realization that this bill on balance, in my judgment, is a better bill than a bad bill and will keep us complete.

I think it is unfortunate that it is being vetoed on the issue of plant closing. It is hardly even a relevant issue to the trade bill. I hope we override the veto. If we do not, I hope we get another trade bill.

The chairman of the Finance Committee correctly said he cannot guarantee there will be another trade bill; he cannot guarantee what the House of Representatives will do. We are taking a tremendous chance if this veto is sustained that we will have no bill. We will have no trade bill. Some of the things in this bill that we need—fast track bargaining authority; harmonized customs system—will be gone. I thought, considering what was in the bill, the President was unwise to veto it and hope we would get another bill. The gamble may work, but I do not think it is worth the risk.

I will tell you, however, what can be a greater risk. A more protectionist bill. This country is about one-third protectionist, as best I can tell, in good times. It is going to pull up the boundaries. We will not buy any Toyotas and will not sell any Mentor Graphics CAD/CAM machines. We will not buy any Sony video cams, and we will not sell them any Sabroso fruit puree. We will have a nice big trading unit between us and Canada, 275 million people, and we will sell within our own boundary.

That attitude exists in good times in about a third of the country.

If you have bad times, if you couple a downturn in an industry that normally does all right, but happens to be in some trouble temporarily—whether that be concrete or steel or autos or agriculture, or textiles or apparel, although textiles are doing very well—but if they think they are doing badly and you couple all those together and add to it some Congressmen or Senators from States that are mad becuase Japan will not buy our beef or will not buy our citrus, and then you just have a very slight recession in this country so that whatever is wrong we can blame on foreigners, because we will try to, then you can get a very bad bill passed, a very protectionist bill passed.

Whether or not it is President Bush or President Dukakis, I hate to run the risk that we would have to depend upon the veto of a President to veto a bad trade bill that I fear this Congress in passion might pass given adverse economic circumstances.

So for all of those reasons, I would rather pass this bill now, which has good things in it, ample enough to justify passing this bill without any other argument. If we pass it, this will be the last major trade bill we will pass for 5, 6, 7 years. We will go on with our negotiating with the other nations under the Uruguay round. We may go on and enter into some agreement on a bilateral basis, like we had with Canada, with other nations. We will have this authority for the President. We will have harmonized classification system of customs classification. People are going to know what our trade laws are going to be for 5, 6, 7 years.

Given all of that, I would rather have this bill than run the risk of what we might get in bad times and bad circumstances.

So I strongly join the chairman of the Finance Committee, Senator BENTSEN, in urging that the Congress override the President's veto. I pray that if we do not, we get another good bill, but neither the chairman nor I nor anyone else can guarantee that. If this veto is sustained, we run the risk of getting no bill and losing many, many benefits for the good of this country that are in the bill that is now before us.

I thank the Chair.

Mr. BENTSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, what we have heard is one of the most learned and thorough discussions of the trade bill that this Senator has had a chance and a pleasure to listen to.

My distinguished friend, the ranking minority member and previous chairman of the Finance Committee, always knows his lesson. He is a great student of any subject that he becomes interested in. He is a very valued member of that committee. He is a student of this bill and this subject. I am most appreciative of his comments. I think they are extremely valuable. I always respect his courage and his independence. He does what he thinks is right for America.

Mr. EVANS addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. EVANS. Thank you, Mr. President. Let me, too, say to my friend and neighbor from Oregon, I thought those were remarkable remarks until the last paragraph of what he said. I thought he gave one of the finest speeches on the floor of the Senate to uphold the Presidential veto that I have heard because he spoke of American ingenuity, American competitiveness, and American progress that is being made in the trade field, as well as many other fields.

I think this is no time to deter from that ingenuity, that productivity, that competitiveness, and that opportunity for America which does exist, not just in Oregon, but in Washington and across the country.

I know very well the remarkable work that the Senator from Texas, the chairman of the committee, and the ranking member from Oregon have done to craft a good bill. They, unfortunately, were not responsible for the whole bill. It is a conglomeration from many committees, including many things which do not deserve to be in a trade bill.

In spite of the good efforts of those on the Finance Committee, even though I do not agree with some of the provisions the Finance Committee added, I fear that we are being treated, Mr. President, now to the sweet aroma of politics. This is a trade bill of 1988. It is a different trade bill, I suspect, and the arguments are different than they would be if it had been a trade bill for 1987 or a trade bill for 1989.

There really was no need for the extended debate over the last several days. I think we all know pretty well where the votes are going to come down. I think we can all count well enough to know within perhaps one vote of where this is likely to be. The House did not take any length of time, just a few minutes, to override the President's veto.

There is a decision made, I suspect, to drag the tired issue of plant closing one more time across the political stage. That is why I say that the sweet aroma of politics is getting mixed up into what ought to be nonpolitical or a bipartisan concept of trade legislation.

If we are going to talk politics, let us talk politics and let me do that for the first few minutes.

There have been a number of issues over the course of the last year where the opposition has been looking forward to the Presidential election of 1988 and how they might succeed, which they have done rarely enough in the last 20 years. First it was going to be the budget deficit, which was going up. But Gramm-Rudman, I think almost everyone would agree, has put a new sense of discipline into our budget management and the budget deficit has been going down, not up. That sort of frittered away as a political issue.

A long talked of and predicted economic recession was going to be the big political issue, but what has happened in the course of the last year, and particularly in the last 6 months, and most specifically in the last quarter? We have had one of the best resurgences of economic progress, including manufacturing and export commodities, that we have had in a long time, so suddenly the economic recession fritters away.

Relationships internationally between the United States and the Soviet Union are certainly a tribute to this administration in its long, steady march toward the first success in arms control.

And finally it was a trade deficit. The trade deficit is going to deindustrialize America and that is going to be the political issue of 1988. Representative GEPHARDT found, to his dismay, it was not quite the issue he thought.

So I have listed those four items, and I think now we are down to No. 5, desperation.

Let me go back and detail a little of what has happened in terms of the economic growth of this country during the course of this last better part of a decade. The strength of this economy and the length of peacetime business expansion, now 66 months, continues to surprise everyone. In the first quarter of 1988, long predicted as the time of slowdown and the first whiff or recession, the growth is 3.9 percent and the worry suddenly in the stockmarket is that we are growing too fast, not too slowly.

The trade balance, the trade balance which gave rise to this whole bill in the first place. What has been happening? Let us not look just at the monthly figures, which can go up or down or vary a little bit. The quarterly numbers give a much more consistent trend line. Let us look at the last month at least, an extraordinary drop in the trade deficit, proof, if there ever needed to be proof, that we are marching in the right direction, but the first quarter numbers show an even more spectacular gain—a $35 billion, almost $36 billion deficit compared to $41 billion in the fourth quarter of last year. When you put those in real terms, which is important to do so we have a consistent measurement from one quarter and 1 year to the next, the improvement is even more dramatic: The third quarter of 1986, $149 billion on an annual average; in 1987, the fourth quarter, $119 billion; 1988, the first quarter, $101 billion, a real improvement of $18 billion in one quarter.

Now, I might agree with some who say that the pace of that improvement may not be sustainable, but I doubt there is anyone in this Chamber except the biggest pessimist of all who would suggest that we are not going to have continued improvement month by month through this year and perhaps in the years ahead. Clearly, the U.S. economy is in the midst of an export boom which is driving much of the extraordinary continuing economic expansion.

If that were not enough, the Labor Department recently released productivity data for the first quarter. What is happening to productivity of the American marketplace? Unusual gains, particularly for this phase of a business growth cycle. A gain of 3.2 percent compared with a prediction of a little under 1 percent. That is an extraordinary record.

In terms of compensation, how are our workers doing in this heavy contest between the United States and its foreign trade partners? How are we doing when we listen to some who suggest that the only new jobs being created are those at the fast-food restaurants? The same Labor Department report I mentioned on productivity showed that hourly compensation increased by 1.2 percent in real terms in the first quarter, or 4.6 percent in nominal terms. It is the largest increase in real income since the fourth quarter of 1985.

What about jobs? Fifteen million new jobs from 1982 through 1987. It has been well documented by other speakers that this far exceeds the job creation of our most competitive trading allies. Sixteen million new jobs from 1982 through April 1988, so a million new jobs just in recent months. And what kind of jobs? Well-paying jobs, not just the hamburger flippers for McDonald's. Half the new jobs pay more than $20,000 per year. Low-skilled jobs are declining compared to the middle-skilled and high-skilled jobs. In 1987 alone, over 40 percent of the 3.1 million new jobs created were in the very highest occupational categories—managerial, professional, and technical.

In addition, manufacturing jobs have come back in 1987. There were those who suggested that America was no longer competitive, that we simply were eating up our manufacturing capability, that we were turning to a service-oriented industrial base—simply nonsense; 350,000 new manufacturing jobs in the year. The manufacturing sector in terms of its total output has remained constant over the 1982 to 1987 period and it is likely to show a pickup with the resurgence of manufacturing exports.

How about real income to American families? Median income was up 4.2 percent in 1986. Real family income was up 10.7 percent from 1982 to 1986.

Mr. President, these are dramatic, continuing figures, figures which have been on the plus side for a longer period of time than at any point since World War II. In Washington State, our unemployment is still higher than the national average but we, too, have shown significant job growth in the last couple of years while Members of Congress have been clamoring for a trade bill. In the last 2 years 160,000 new jobs have been distributed across the board, not just concentrated in services. One example is the Boeing Co., the largest company in our State. It has shown a net job growth in the last 2 years of 17,000 basic manufacturing jobs.

Mr. President, there are some very simple but I think easily answered conclusions about the state of America's economy. Are we deindustrializing? Emphatically, no. Are we stagnating? No. Is the trade balance worsening? No. Are American products uncompetitive? No.

Is our problem our trade laws? No. Of course, we have economic problems, but little in this bill will solve those economic problems and little justifies the attention and time that the bill has been getting.

Some of our colleagues unfortunately hunker down behind the parapets of protectionism, not realizing that those parapets are built on sand and are just as likely to tumble in on them as to tumble outwards and affect our trading partners.

What happens if no bill passes, as has been warned about by many of the most ardent supporters of this particular trade bill? Well, we have not had a trade bill for the last several years. We have made extraordinary progress. If the economic continuation I have just described continues over the course of the next several years of no bill, then I suggest that the whole argument over plant closing will totally lose its appeal because if we have a couple more years like the last several there will not be any plant closings. There will be a lot of plant openings.

There will be a lot more opportunity for American people, and there will be a lot more in terms of real income. There will be a lot more in terms of export commodities, just kind of things to make this country strong.

I do not intend to even talk about the question of plant layoffs except in one respect. Even if you like a plant closing provision, this one has contained in it so many ambiguities, so many problems, that in this Senator's view it is more likely to enhance rather than retard plant closings. Why so? Well, they have some interesting exemptions in there for a faltering plant. What in the world is a faltering plant? Which industry or business faltering, if you will, having difficulty, is going to put all of their future on the basis of that ambiguous kind of statement?

It is wide open for litigation. It is wide open for adversarial relationships which I think almost everyone in this Chamber suggests is not the way to go in terms of labor-management relations in a competitive world. In fact, if employers were faced with a situation of this provision and had to lay off some employees temporarily because they were running into some difficulty and were not quite sure whether they could make it or not, would they then prudently lay off workers and hope that somebody would not sue, and that they would not get into extended litigation, or would they simply do what the bill says, give the notice and close down the plant permanently rather than continue the struggle?

I suggest there is just as much chance if this bill and that provision were adopted that we would speed plant closings rather than deter them.

The real issue is not one of notification of plant closing. The real issue is maintaining a dynamic economy which can shift and adjust and create new jobs just as we have been doing over the last several years.

I am not going to repeat all of the arguments I made in the speech when we were on final passage of this bill in April. As I said then, plant closing is a minor objection in the perspective of the entire bill.

Let me recite just a few, however, of those other problems. The super 301 provisions simply provide the wrong focus on bilaterialism and on mandatory negotiations. Let us remember that in 301 the definition of "unfair," "unreasonable," and "discriminatory" is our definition, not that of any of our trading partners or necessarily even that broadly accepted through the international community. It is fine to publish all of the unfair trade practices we do in the annual trade estimates book. This highlights and puts a focus on what we consider at least to be those practices. But mandatory self-initiation of a large number of these practices simply will not work either from a strategic or practical viewpoint. We ought to use section 301 just as it has been used in recent years, selectively and wisely because otherwise it simply loses its meaning.

We have used it selectively. We have used it wisely. And we have used it to extraordinarily positive success.

Pressure to change the law came right here from Congress. It came from people who are worried about large and growing trade imbalances, especially with Japan and a few other countries. But, Mr. President, those external balances have changed dramatically in the last 2 years without any help from Congress.

In addition, Members of Congress will always be pressuring the administration to add items to whatever list we now have for super 301 negotiations.

Along with that, the transfer of authority, which is included in this bill, relates to my concern over the super 301 section.

The President does have, should have, and must have ultimate authority over acting on and implementing foreign economic policy. Those economic policies cannot be separated from American security policy, American foreign policy, and even the relationship of a specific industry and its problems with other more competitive export-oriented industries in the United States.

The U.S. Trade Representative is an important member of the President's Cabinet. But he is essentially the President's adviser. The President appoints him, for heaven's sake. Transferring the authority to act from the President to the U.S. Trade Representative is simply foolish, silly, unnecessary, and unwise. That is the short view of the adjectives I could use in terms of that particular provision.

If Members of Congress want a different trade policy, if they want a more activist policy, a more interventionist, a more protectionist, some other kind of policy, then it is time to elect a new Chief Executive, not to take away from that Chief Executive the opportunity to effectively manage those important international relationships.

Mr. President, there are a number of other sections of this bill that I believe were wrong or at least oriented only to specific cases which ignored other actions of similar equally difficult problems which we simply closed our eyes to.

The Toshiba-Kongsberg sanctions violated the principle of multilateral controls managed by Cocom, but this Congress just went overboard in its efforts to punish a company which the Japanese courts and the Japanese Government have punished stringently on their own.

We are finding as the full story unwinds, and as we learn more and more of what happened in the processes, that Toshiba was not the only one, that in fact they probably were not even the most guilty one, that there are other elements both in that same general arena of transfer of technology and others as well for companies from France and other of our trading partners engaged in the same kind of process but were subjected to no significant penalties of the kind we applied to this one company.

Mr. President, this is a long, comprehensive bill. It is something we have liked to do in recent years. We passed a massive tax reform bill. We have become accustomed to passing extraordinarily large and complex continuing resolutions, and this 1,000-page trade bill is another of that same lineage.

I think we would be far better served as a Congress, and the country would be far better served by this Congress, if we disaggregated some of these pieces of legislation and handled them in pieces where we could understand them better, deal with them separately, vote up the good pieces and vote down the bad. But when you start getting these comprehensive pieces of legislation, when you have more than 1,000 pages, inevitably, we find, as we go through the bills and after passage and see what was there, that this ended up very much like a continuing resolution for trade—a black hole that sucks everyone's special interest right into it. This bill is loaded with special interests: ethanol provisions; the payment of legal expenses for a national association for a lawsuit they are conducting in Canada; the extension of private patents for a drug company for 2½ years, and on, and on, and on. Somebody's little special provision in a bill that is too large, tko complex.

There are some good things in the bill; there are some necessary things in the bill. We have had many warnings during the course of the last several weeks that if this bill is vetoed, there will not be another bill, there cannot be another bill, we do not have time for another bill.

The most commonly needed elements of this bill are two: first, to make sure that there is negotiating authority for the new GATT round; and, more important, when the GATT round is finished, that there can be a speeded-up process to carry that approval through Congress. It is an important provision. It is not critical at this particular time, but it is desirable.

The second one is the harmonized system of tariff classification. That sounds to most like an esoteric kind of provision that does not affect people very much. Other countries throughout the world implemented this international convention effective on January 1, 1988. We are the only advanced country on Earth that has not adopted this convention. It imposes a burden on our exporters and importers by forcing them to maintain two sets of tariff classifications in their documentation. It makes them maybe not a large amount but a little bit less competitive in our trade relationships.

I sought to add this last year to a bill. We could have adopted it easily, for, to my knowledge, there is no opposition whatsoever to the harmonized system of classification. But I was told, in no uncertain terms, "Oh, no, you can't do that; that has to go into the overall trade bill." Well, of course. They wanted some good things in there to try to drag along the rest.

Mr. President, even if we do not get another comprehensive trade bill this year, there certainly is nothing to prevent us from taking up on this floor, as amendment to important bills which will go through Congress and be signed by the President, a simple amendment giving the President the negotiating authority for the GATT round, a simple amendment implementing the harmonized system.

In fact, I would guess that those would probably be accepted by everybody, without even a rollcall vote required. A voice vote ought to be simple enough to add those two things to any bill. They are universally supported. They are important. They are a good part of this bill. But they could be a good part of any bill that went through Congress.

Trade statistics do need to be changed so that we have a more accurate and understandable view of what is happening in terms of our trade. It is important to go forward with this issue, and I hope the Department of Commerce will move as far as they can, even without legislation.

Mr. President, will we be better off with this trade bill passed, in terms of our ability to compete internationally, or will we be worse off? What is likely to happen if this trade bill is passed and adopted? What will other countries do?

The first and most logical assumption is that other countries will look at what we have done and suggest that what is good for the United States is good for them as well. We are likely to see mirror legislation in our trading partners coming very rapidly. What that mirror legislation does is to harm America's most competitive industries internationally.

Is that what we want to do, pass a piece of legislation that will end up, maybe—just maybe—in a minor way helping some of our least competitive industries and in doing so open the door for our trading partners to act against our most competitive industries?

How in the world are we ever going to get back to balance in terms of trade deficit? How in the world are we ever going to continue to provide new jobs and new opportunities for Americans, as we have in the last several years? How in the world are we going to continue to be competitive in a world where, instead of being competitive, we attempt to erect walls between ourselves and our trading partners?

Mr. President, I have a general view on this, but I have a parochial view, as we all do. We all represent our own States. Let me just give one important statistic, because it is a large one.

In the first place, Washington State is the largest export-import State in the country on a per capita basis. Its largest business is the Boeing Co. Last year, the Boeing Co. alone sold 19.2 billion dollars' worth of commercial aircraft; $15.3 billion of that were to foreign customers—80 percent. They were responsible for a $15.3 billion positive balance of trade for the United States—one company.

There are other American companies that are just as good, just as competitive, just as able, and are moving in precisely the same direction.

Mr. President, this bill is a wrong bill. It takes us in the wrong direction. It comes at a wrong time, because the country, through its own great free market economy, has provided that it can handle problems as they arise. We are well on our way to recovering in terms of trade balances; and in doing so, we are revitalizing our own industrial base and providing the millions of new jobs which are necessary for our people.

Mr. President, I think it is important that we sustain the President's veto and move immediately to enact those important parts of the bill which are in everyone's best interests.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER (Mr. Adams). The Senator from Alaska.

Mr. STEVENS. Mr. President, I have listened with interest to iy distinguished southern neighbor and former Governor of Washington.

I want to state that, as a Senator from Alaska, I could not, in any event, support this bill. As pointed out by the President in his veto message, there are new restrictions on the export, transportation, and even utilization of Alaskan oil in this bill. As he stated:

> New restrictions on the export, transportation, and even utilization of Alaskan oil further complicate the overbearing regulatory scheme that already impedes the development of Alaskan oil fields. It is the wrong policy. We need to provide incentives, not restrictions, for the production of oil in the United States so that we can reduce our dependence on foreign suppliers. Further, as the Congress has now recognized, it amounts to an unconstitutional discrimination against a single State.

When this bill was before the Senate previously, I pointed that out, but let me briefly summarize my objection to section 2424, which I call the anti-Alaska provision.

This provision permits the export of up to 50,000 barrels per day of Alaskan crude oil to Canada, but that would be subject to the condition that this crude oil be transported "from a suitable location within the lower 48 States." In effect, that would be an amendment to the Mondale provision of the Alaska Oil Pipeline Act, which prohibits the export of crude oil.

Further, section 2424 would provide that a refinery commencing operations in Alaska following enactment of this act would be prohibited from exporting more than 50 percent of its annual output of refined and partially refined petroleum products made from Alaska North Slope crude and in no case could more than 70,000 barrels per day be exported from that refinery.

The Constitution provides in article 1, section 9, clause 6, that the Congress cannot pass legislation which gives preference to the ports of one State over the ports of another by "any regulation of commerce" or which obliges vessels from one State "to enter, clear or pay duties in another."

Clearly, these anti-Alaska provisions are unconstitutional. In the first place, requiring the crude oil to be transported from a suitable location in the lower 48 States would not only require the vessels from Alaska to clear through a port in another State, it would also in and of itself prohibit the export of this oil in a crude oil pipeline through Canada. Strangely enough, that would be directly contrary to the original intention of former Senator Mondale, who insisted on the prohibition of the export of oil because he wanted all of the oil to be brought through a pipeline to the south 48 States.

Second, regarding the export of refined or partially refined products produced from Alaskan crude, the provision does not prohibit the export of petroleum products refined in any other State. This puts unconstitutional restrictions solely upon the export of oil refined in Akaska, and, as a consequence, it is an unconstitutional burden, so far as I am concerned, upon the commerce from my State.

I ask unanimous consent, Mr. President, that the provisions of section 2424 be printed in the RECORD at this point so there will be no misunderstanding about the objections that I am making.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEC. 2424. EXPORTS OF DOMESTICALLY PRODUCED CRUDE OIL.

(a) RESTRICTIONS ON EXPORT REFINERIES.—Section 7(d) of the Act (50 U.S.C. App. 2406(d)) is amended by striking paragraph (4) and inserting the following:

"(4)(A) Subject to subparagraph (B), the provisions of paragraphs (1) through (3) of this subsection shall apply to the export of refined petroleum products, and partially refined petroleum products (from Alaska or from the rest of the United States in an untransformed or uncommingled state), which are produced, from crude oil subject to the prohibition contained in paragraph (1), by an oil refinery which is located in the State of Alaska and which commences commercial operations on or after the date of the enactment of the Export Enhancement Act of 1988, to the same extent as the provisions of paragraphs (1) through (3) of this subsection apply to the export of domestically produced crude oil transported by pipeline over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act.

"(B)(i) Without regard to the provisions of paragraphs (1) through (3) of this subsection, but subject to clause (ii), up to 50 percent of all refined petroleum products, and partially refined petroleum products, which are produced, from crude oil subject to the prohibition contained in paragraph (1), by an oil refinery described in subparagraph (A) during the 1-year period beginning on the date on which the refinery commences commercial operations, and during each 1-year period occurring successively thereafter, may be exported. For purposes of determining, under this clause, the percentage of refined petroleum products and partially refined petroleum products of a refinery that are exported, there shall be excluded sales of refined petroleum products or partially refined petroleum products to any military department of the United States or to any air carrier as defined in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301), and such sales shall not be subject to subparagraph (A) except to the extent provided in clause (ii).

"(ii) Notwithstanding clause (i), exports in excess of an average of 70,000 barrels per day, in the 1-year period beginning on the date of the enactment of the Export Enhancement Act of 1988, and in each 1-year period occurring successively thereafter, of all refined petroleum products, and partially refined petroleum products, which are produced, from crude oil subject to the prohibition contained in paragraph (1), by all oil refineries described in subparagraph (A), shall be subject to paragraphs (1) through (3) of this subsection.

"(C) For purposes of this paragraph—

"(i) the term 'refined petroleum product' means gasoline, kerosene, distillates, ethane, propane, butane, diesel fuel, and residual fuel oil; and

"(ii) the term 'partially refined petroleum product' means a mixture of hydrocarbons which existed in liquid phase in underground reservoirs and remains liquid at atmospheric pressure after passing through surface separating facilities, and which has been processed through a crude oil distillation tower, including topped crude oil and other unfinished oils, but not including any refined petroleum product.

"(D) Within 180 days after the date of the enactment of this paragraph, the Secretary shall issue such regulations as may be necessary to carry out this paragraph and paragraph (5).

"(5) The provisions of paragraphs (1) through (4) of this subsection shall not apply to the export of ethane, propane, or butane separated from crude oil that is subject to the prohibition contained in paragraph (1) and that has passed through a separation facility, except that the crude oil remaining after such separation shall not be considered to be a refined petroleum product or partially refined petroleum product and shall continue to be subject to the provisions of paragraph (1) through (3) of this subsection.

"(6) Notwithstanding any other provision of this section or any other provision of law, including subsection (u) of section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185(u)), during any period when the United States-Canada Free-Trade Agreement signed on January 2, 1988, is in force and effect, up to a maximum volume of 50,000 barrels per day, on an annual average basis, of crude oil subject to the prohibition contained in paragraph (1) may be exported to Canada, subject to the condition that such crude oil is transported to Canada from a suitable location within the lower 48 States.".

(b) CRUDE OIL STUDY.—

(1) REVIEW OF EXPORT RESTRICTIONS ON CRUDE OIL.—The Secretary of Commerce, in consultation with the Secretary of Energy, shall undertake a comprehensive review to assess whether existing statutory restrictions on the export of crude oil produced in the contiguous United States are adequate to protect the energy and national security interests of the United States and American consumers. Taking into account exports licensed since 1983 and potential exports of heavy crude oil produced in California, the review shall assess the effect of increased exports of crude oil produced in the contiguous United States on—

(A) the adequacy of domestic supplies of crude oil and refined petroleum products in meeting United States energy and national security needs;

(B) the quantity, quality, and retail price of petroleum products available to consumers in the United States generally and on the West Coast in particular;

(C) the overall trade deficit of the United States;

(D) acquisition costs of crude oil by domestic petroleum refiners;

(E) the financial viability of sectors of the domestic petroleum industry (including independent refiners, distributors, marketers, and pipeline carriers); and

(F) the United States tanker fleet (and the industries that support it), with particular emphasis on the availability of militarily useful tankers to meet anticipated national defense requirements.

(2) PUBLIC HEARING AND COMMENT.—The Secretary of Commerce shall provide notice and a reasonable opportunity for public hearing and comment on the review conducted pursuant to this subsection.

(3) CONSULTATIONS WITH OTHER AGENCIES.—The Secretary of Commerce shall consult with the Secretary of Defense, the Secretary of the Interior, and the Secretary of Transportation, in addition to the Secretary of Energy, in undertaking the review pursuant to this subsection.

(4) FINDINGS, OPTIONS, AND RECOMMENDATIONS.—After taking public comment and consulting with appropriate State and Federal officials, the Secretary of Commerce, in consultation with the Secretary of Energy, shall develop findings, options, and recommendations regarding the adequacy of existing statutory restrictions on the export of crude oil produced in the contiguous United States in protecting the energy and national security interests of the United States and American consumers.

(5) CONSULTATIONS AND REPORT.—In carrying out this subsection, the Secretary of Commerce shall consult with the Committee of Foreign Affairs and the Committee on Energy and Commerce of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on Energy and Natural Resources of the Senate. Not later than 12 months after the date of the enactment of this Act, the Secretary shall transmit to each of those committees a report which contains the results of the review undertaken pursuant to this subsection and the findings, options, and recommendations developed under paragraph (4).

Mr. STEVENS. Mr. President, I intend to be very brief, but beyond these anti-Alaska provisions I find that I could not support this bill anyway.

Incidentally, I have no argument with the plant-closing provisions. I voted for the plant-closing amendment, and I think that people belabor the position of the President on that. I would rather focus my attention beyond the anti-Alaska provision to the statement that the President made in his veto message where he said "I am convinced this bill will cost jobs and damage our economic growth."

This bill is unnecessary at a time when our exports are increasing, our economy is growing, and there is a downward trend in our trade deficit. We are now enjoying the longest period of economic expansion since World War II. Exports are certainly increasing. They jumped 23 percent in March alone of this year, and that is happening without the aid of any legislation passed by Congress.

In my judgment this bill could lead to a resurgence of protectionism and like the distinguished Senator from Washington, Senator EVANS, I believe that a new cycle of protectionism would be of great harm to the United

States and the Northwest in particular as we are about to enter the century of the Pacific. The new dynamic economies of the world are in the Pacific, and this bill would set up barriers, my judgment, that would discriminate against that new development in the Pacific.

Also, it has been said on this floor by many Senators—but let me reiterate—this is not the time for creation of new government bureaucracy. This bill would create 30 new Federal and State agencies, offices, panels, and commissions, and mandates 150 new studies.

Mr. President, I serve on the subcommittee that has jurisdiction over civil service. I know we are limiting civil service. We actually are requiring some agencies to lay off people and in the Department of Defense, we will limit the standing military, the number of people in uniform this year because of budgetary reasons. We are reducing the amount of moneys available to the Indian Health Service for the treatment of Indian people who are sick.

As I think about the concept of this bill, which authorizes $3.7 billion in appropriations for new offices, agencies and programs that do not now exist; we do not need them. Exports are expanding without them, and it is wrong, it is absolutely wrong to create a new demand for Federal money which will require a reduction in existing programs for those who are in need today.

In my judgment, the basic problem with this bill is that it is just timed wrong. If we could have had a bill that would have stimulated expansion of our exports, done some of the things that Senator EVANS has just pointed out, we might be able to really assist in the expansion of our economy.

The current unemployment rate of 5.6 percent is not something to brag about. I would like to have it down a great deal more, but in the first 4 months of this year alone, there were created in this country—we did not do it here in Congress—a million new jobs. That is more than the net job gain in Western Germany, France, and the United Kingdom combined during the last 12 years, and that is just 4 months of 1988. There is a whole group of statistics that ought to be mentioned, ought to be taken into consideration. The real story here is jobs. And like the Senator from Washington, my State suffers very greatly from unemployment now due to the fantastic decline in the price of oil and due also to the severe restrictions that Congress has placed upon the resource industries doing business in my State.

I just looked at the statistics again today. Few people realize that over 70 percent of all wilderness areas in the United States are in Alaska, over 80 percent of the areas in national parks and wildlife refuges are in my State.

Every time someone in this Congress wants to show he is an environmentalist, he comes up with a proposal to set aside more of Alaska to prove to the people at home he is doing something for the environment, and meanwhile they go on ignoring the pollution that enters the bays and the acid rain that continues. It is time, I think, that we start, those of us who represent Alaska, to point out to the people of the other areas of the country what they have not done.

Basically, right now, this bill would be contrary to the best interests of the areas that have great hope for the future, particularly into the next century. Why should they be saddled with all of these new agencies that are going to tell us how to expand our trade with the most dynamic area in the world today and that is the Pacific Rim.

Mr. President, I could not support this bill even if it did not have the Alaska provisions, but I do serve notice on the Senate that we will not relent with regard to these anti-Alaska provisions that violate the Constitution and violate the spirit of fairness that ought to exist between States.

Mr. METZENBAUM. Mr. President, the moment of truth is at hand. We must now decide whether to override the President's veto of the omnibus trade bill.

This vote presents a clear choice. If you agree with 86 percent of the American people that mandatory advance notice is a matter of basic fairness and human decency, then vote to override. If you believe, as I do, that American workers deserve 60 days' notice before being tossed out on the street by employers, then vote to override. If you think that local communities that have bent over backward to attract and retain businesses are entitled to 2 months' notice to plan for the future, then vote to override. If you want to guarantee a trade bill this year, then you must vote to override.

On the other hand, if you support the President, you will be turning your back on American workers when they are most in need of help. If you support the President, you support employers who shut down and shift jobs overseas without a moment's notice, leaving local communities holding the bag. If you support the President, you will be siding with high-priced, corporate lobbyists and fat-cat business executives who are protected by golden parachutes. If you support the President, you will be jeopardizing the one clear chance this Congress has to pass a major trade bill.

I was in Ohio yesterday and I stood at the plant gates that were locked, plant gates that had been locked with no notice. The employees were called in. They were told the plant was shutting down. The plant gates were locked and that was the end of it. No notice whatsoever.

The choices are that simple.

But opponents of the plant closing provision have tried to confuse the issue by proposing alternatives to mandatory notice. In fact, these alternatives are merely a smokescreen designed to provide political cover for those Republicans who oppose mandatory advance notice. The American people will not accept empty partisan gestures that do nothing for workers or their communities. They will not be fooled. They understand the issue.

The President's idea for political cover is to give away a $200-per-worker tax credit to any employer providing advance notice. That amounts to a bribe to get companies to treat their employees fairly. Now, come on. How absurd can we get? That proposal is an insult to employers that already provide notice. Tax giveaways to employers will not help workers or communities pick up the pieces when companies desert them.

Senator KASTEN and Representative KEMP also want to turn the issue upside down. Their idea of helping workers and communities cope with plant shutdowns is to provide huge tax breaks to businesses and no notice to workers. The Kasten-Kemp proposal is perverse but at least it is honest—it openly embraces the Republican position of helping the rich at the expense of America's working men and women.

Then we have another proposal. Senator QUAYLE has introduced a bill to encourage voluntary notice of a plant closing. But we are operating under a voluntary notice system now and it does not work. That has been confirmed time after time in studies by the GAO, the Bureau of Labor Statistics, and the National Academy of Sciences.

Over the years, Congress has enacted mandatory child labor laws, a mandated minimum wage and mandatory health and safety provisions. Congress made these worker protections mandatory because voluntary efforts failed. Now we must make advance notice mandatory because it is clear that voluntary notice provides no protection for workers.

The American people will not be fooled. These so-called alternatives are not compromises, but total capitulation. The true compromise is the plant closing provision that the President has vetoed. We went from 180 days notice to 60 days notice. That was a compromise. We doubled the size of the small business exemption. That was a compromise. We added exceptions for faltering companies and unforeseeable business circumstances. That was a compromise. We eliminated information and consultation requirements. That too, was a comprromise.

That's why the mandatory plant closing provision enjoys such broad support.

I am very proud of the fact that since this issue came to the fore Members of this body have come to me and said:

> I voted against you with respect to the plant closing provision, but I have changed my mind. I now agree. I have talked with my constituents. They feel it is right and it is fair that there be a mandatory plant closing provision.

Requiring 60 days advance notice is a matter of simple human decency and basic fairness. It is fair to workers, who have given their all to help build the company. It is fair to cities and towns that have provided tax breaks and other benefits to support employers. It is fair to thousands of communities across America whose economies will suffer when jobs are lost, the tax base shrinks, and community services are strained.

It is time to end this political brinkmanship. The President has failed America's workers. He has cast his lot with the rich and powerful special interests and turned his back on hardworking Americans whose sweat and toil built this country. American workers need to know that Congress will not let them down. We will not cave in to high-priced business lobbyists. We will not sacrifice human decency for profit margins. We will not treat workers like machines that are used up and thrown away.

The House has shown the way with an overwhelming vote to override the veto. The Senate must now do the same. We must now do the right thing. We must show America's workers we care. We must override the President's veto.

But let there be no question about the plant-closing provision. The American people want mandatory advanced notice. I am committed to making sure they get it. We will enact into law mandatory advanced notice.

Whether this year on a trade bill, or early next year, we will have mandatory advance notice for workers and their communities because it is fair and because it is right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, last week I met with financial leaders in three Latin American countries to discuss their political and economic futures.

The dominant issue was how to construct an economic strategy which would provide for necessary economic growth, attract domestic and external capital, and meet current debt responsibilities.

The Latin American economic quandary is a ticking time bomb, it is the major threat to the renaissance of democracy in a region of great significance to the United States. The current debt and outflow of capital destabilizes open, democratic societies, crushes economic initiatives, inhibits external and domestic investment, in the private and public sectors, which is needed for developing nations to grow.

In the case of Brazil alone, an annual growth rate of 5 to 7 percent is necessary to offset a burgeoning work force and a foreign debt of approximately $120 billion, at the same time allowing the Brazilian economy to expand. Brazil was used to a steady 10-percent growth rate, but in this decade that growth rate has falled off to well below a normal rate and occasionally to a negative growth rate. The global economy, the weather, commodity prices have all hit Brazil hard.

One of the keys to Brazil's recovery and future growth will be to develop a sustained export economy—and that is true for other major countries in Latin America and the Caribbean.

Brazil's case illustrates what we need to be aware of as we grapple with the issue of debt and how it affects our entire hemisphere.

We need a clear-eyed view of the enormity of the debt problem and a realistic approach to its solution. We have that in the debt facility provisions in the trade bill.

The debt facility provisions in the trade bill are worthy and reasonable and the critical impact of that continuing debt gives a sense of urgency to our concern.

Of the half-dozen provisions in this 1,000 page bill which were targeted as the reasons for the President's veto, two struck directly at Latin America: The debt facility and the ethanol trade from CBI nations. To undercut efforts to help Latin America grow is to jeopardize our own economic growth and well being and our national security interests in the region.

The President's veto message inaccurately characterizes the debt facility which Senator PAUL SARBANES deserves tremendous credit for designing. A multilateral financial authority, directed by the Secretary of the Treasury, which could study and restructure the debt of cooperative developing countries, link industrialized nations in a joint effort to ease the debt burden, and encourage sustained economic growth in the debtor nations, would positively benefit the global economy—including our own trade balance.

The debt facility provision does not require negotiation by the Treasury. It simply gives the Treasury the authority to discuss—or not to discuss—these debt issues.

The debt facility does not require forgiveness of existing debt. It provides relief which will allow a pragmatic attempt to honor those debts restructured and to simultaneously see stagnant economies come back to life and prosper.

We are paying for the intractability of the Latin American debt every day. U.S. banks, U.S. agriculture, U.S. trade and industry are hurt by the prolonged economic oppression of that debt. Our relationships with our Latin neighbors are damaged by a refusal to confront the debt issue together.

It is a mistake to attack the debt facility, it is a modest and pragmatic proposal and offers no argument for a veto.

The veto message objection to the ethanol provision is equally unfounded.

The President's singling out of the trade bill's provision on ethanol is another example of our Government giving with one hand while taking away with the other when it comes to Latin America.

On the one hand the United States made a commitment to economic development in the Caribbean Basin when this administration proposed and the Congress approved Caribbean Basin Initiative legislation in 1983.

Now, the administration apparently has changed its mind, at least when it comes to the ethanol industry, an important one that we have tried to encourage through the CBI. Sustaining the President's veto of the ethanol provision will cost CBI countries $29 million in export earnings, 6,000 to 7,000 direct jobs and 10,000 indirect jobs. All at a time when we continue to profess our support for economic development in this strategically important area.

How did we end up in this embarrassing and contradictory situation? In 1983 this administration, to its credit, sponsored and gained approval of legislation in 1983 to help Caribbean Basin countries by allowing them to trade their way to economic health. Under CBI legislation, countries in the region were allowed to import ethanol into the United States duty free, provided that the ethanol contain 35 percent local value added and that ethanol dehydration constituted substantial transformation.

U.S. Customs ruled that ethanol dehydration carried out by CBI countries met both of these criteria.

Based upon that assurance, CBI producers went into business in Jamaica and Costa Rica, made investments and hired workers—the purpose of the CBI. But in 1986, Congress changed the rules of the game. Under the Tax Reform Act, ethanol imports into the United States under CBI are required to more than double their local alcohol content to 75 percent by 1989.

There is no practical way that CBI ethanol producers can meet this criteria now. The only option they have is to go out of business. That is why we inserted language into the trade bill—

and I want to particularly thank Senator MOYNIHAN for his help in this regard—language that would temporarily suspend the 1986 changes until December 31, 1989. A cap of 20 million gallons per facility per calendar year was also placed upon each of the five facilities currently established in CBI countries.

In the meantime, the bill instructs the International Trade Commission and the General Accounting Office to undertake a comprehensive study of the economics of ethanol production in the region—to investigate how practical it is for CBI ethanol producers to begin relying more on locally produced sugar.

The provision also requires a recommendation for the appropriate domestic feedstock requirement that will ensure meaningful production and employment in the region. We must determine once and for all a level of feedstock requirement that meets this criteria, and then stick to it. Until we do so, uncertainty over the rules of the game will continue to undermine investor confidence in a crucial CBI industry.

We also should keep in mind that the United States needs more ethanol from the Caribbean region. Today we import less than 3 percent of U.S. domestic consumption from the CBI nations. Our need for ethanol is expected to double by 1990. Increasing consumption has already resulted in an ethanol shortage on the west coast as well as periodic shortages in other areas.

Mr. President, our long-term interests depend on the economic vitality of this hemisphere. This is not the time to be sending mixed signals to CBI nations, nor do we have the time to delay dealing with the debt crisis.

The provisions in the trade bill are important to Latin America and the Caribbean Basin nations. They are just as important to Americans. I hope that a strong vote to override this veto here in the Senate, joining that which has already been given by our colleagues in the House, will write the next chapter of our hemispheric history. We have too much at stake—too many American jobs, too much future economic security—to reject the vital provisions dealing with Latin America and the Caribbean in this bill.

Mr. President, I ask unanimous consent to have printed in the RECORD, two editorials from the Washington Post of May 13 and May 31 respectively, dealing with these issues.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 13, 1988]

A TRADE LAW ATROCITY

To strengthen the Caribbean economies, Congress invited the countries there to invest in increased exports to the United States—including exports of ethanol. That was five years ago. Ethanol can be made from sugar cane, and Jamaica put millions of dollars into a modern ethanol plant. But ethanol can also be made from corn, and two years ago, caving in to pressure from the American corn growers, Congress changed its mind and amended the law in a way that is now shutting Jamaican ethanol out of the American market. The American producers want to keep the ethanol market for themselves, for ethanol can be mixed with gasoline to produce motor fuel—gasohol.

The United States has broken faith with Jamaica, a country where incomes are about one-eighteenth the American average and where the millions that went into ethanol production will not be easily replaced. The ethanol case is an example of American trade policy at its erratic and protectionist worst.

Since ethanol made solely from sugar cane is too expensive to compete in this country, Caribbean producers often turned to European wine as a feedstock instead. The Common Market supports wine prices at a high level and has vast surpluses of coarse undrinkable wine that it dumps—that is, sells below cost—on world markets. The U.S. government assured the Caribbean countries, in a formal ruling, that ethanol produced in the Caribbean qualified for admission to the American market regardless of feedstock.

American corn growers shrieked, and in 1986 Congress changed the rules. It required that a certain proportion of the feedstock must be of Caribbean origin—a proportion too high to allow to be sold in this country.

For future Caribbean plants, the kind of rule might be tolerable. Congress didn't enact the Caribbean Basin Initiative to solve Europe's wine surplus. But for plants already built or under construction—there are several in addition to Petrojam's—it is grossly unfair.

Congress, suffering an attack of bad conscience, has written temporary relaxation into the trade bill that it's now completing. But President Reagan has promised to veto that bill. If it doesn't override the veto, Congress will have an obligation to take on ethanol separately and promptly.

American corn producers are in a strange state of mind. While they adamantly insist on open markets abroad for their grain, they simultaneously insist, equally adamantly, on closing their market here against even the faintest hint of competition. They can't have it both ways.

[From the Washington Post, May 31, 1988]

BREAKING FAITH

When President Reagan vetoed the trade bill last week, one peculiar line in his message signaled another surrender to protectionism. In a list of the bill's provisions to which he objected, Mr. Reagan cited "expanded ethanol imports that could harm U.S. producers."

Ethanol imports? That's part of his own Caribbean Basin Initiative, enacted with great fanfare in 1983. The idea of the CBI was to invite the Caribbean countries to invest in production for the American market, creating jobs and growth in their economies. One of the products was to be ethanol, which can be made from sugar cane or from the undrinkable wine that the Europeans keep dumping—or from corn. When the American can corn growers' lobby saw ethanol plants going up in the Caribbean, it began to shriek and flail at Congress, which, in 1986, turned obediently around and imposed restrictions that make ethanol imports impossible. By that time Jamaica was committed to investing millions of dollars in ethanol production—dollars that it can't afford to waste.

A good many people in Congress knew that the United States was breaking faith with Jamaica, and they were troubled by it. They put into the trade bill—with the administration's support, incidentally—language to extend the CBI and reopen the question of ethanol imports at least from the plants already being developed.

Why did the White House reverse itself in the veto message? You don't need to be told. Congressmen from corn-growing districts were screaming about ethanol, and since the president intended to veto the bill anyway, he evidently decided to use the occasion to placate the corn growers as well. The passion for ethanol arises because the corn producers have persuaded themselves that there is a vast future market for it as a fuel for automobiles, and they don't want this pot of gold at the end of their rainbow to be imperiled by imports. While the United States thumps on the Europeans to let in more American corn in the name of free trade, it simultaneously shuts the door on Caribbean ethanol to protect American corn growers from—shudder—foreign competition.

To the Jamaicans, the ethanol case seems proof that investment in the CBI is very risky. If an import becomes significant, they conclude, it will be challenged by protectionist lobbies here, and the U.S. government can't be relied on to resist. You'd have to agree that the Jamaicans have a point.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I want to commend the very able Senator from Florida for his strong statement. I particularly want to thank him for his kind comments about our work together in the Banking Committee on the international debt approach, which is contained in this trade bill, and which was one of a handful of items singled out by the President in his veto message; although the overwhelming portion of that veto message was devoted to the plant-closing notification requirement, a matter I will address briefly later in my remarks.

I would like to say that the Senator from Florida is absolutely correct with respect to his comments about the provisions in this bill which deal with the issue of international debt. There has been a gross misrepresentation of what those provisions—provisions which essentially reflected what was in the Senate-passed bill, called for.

The President's veto message indicates that one of the objectionable provisions in the bill is, and I now quote, "A requirement to negotiate a new centralized international institution to arrange the forgiveness of billions of dollars of debt around the world."

Mr. President, this trade bill does nothing of the sort. The veto statement is a serious misrepresentation of the international debt provisions that are in this legislation. It is a misrepresentation which is especially regrettable because it appeared earlier in an administration fact sheet which was circulated in connection with the conference report. A major effort was made then to set the record straight in the floor debate. That effort has obviously gone unheeded, and the earlier misrepresentation resurfaces in the veto message.

As the able Senator from Florida pointed out, what the bill provides is that the Secretary of the Treasury shall study the feasibility and advisability of establishing an international debt management authority. If the Secretary determines that even the initiation of discussions—in other words, even before he gets to discussions—would carry a material risk of reducing the value of the debt, disrupting debt service, causing defaults, the Secretary could report that to the Congress and not even begin the discussions with other countries. If he reaches a conclusion that those things would not happen then he would initiate discussions. But those are discussions as to what might be done. No one has tried to put the Treasury into a straitjacket in this legislation. What we have tried to say is that there is a problem, there is a very real problem which must be addressed, and the Treasury must begin to come to grips with it.

Furthermore, the international debt management authority which we have talked about is not, as the veto message says, "to arrange debt forgiveness." The fact is that commercial banks are currently selling Third World debt voluntarily in the private market at a discount. There are a number of commercial banks holding Third World debt that are selling it at a discount, getting it off their books.

The problem with this current procedure is that there is no benefit to the debtor country. When the sale takes place, the bank takes a loss equal to the extent of the discount, but the purchasers of the paper are speculators who buy the debt at a discount and then hold the debtor countries to the full amount. So the enormous debt overhang on the developing countries continues even though the banks which have made the loans have gotten rid of them at a discount and taken a loss. The debtor country continues to face the full burden, and this burden is what is keeping debtor countries from getting on to a growth path and therefore has severely limited the opportunity for American exports into those countries.

The provision in the trade bill calls for a careful review, possible international discussions, about an approach which would enable the discount at which Third World debt is already selling in the private market to be passed on to the debtor country, thereby decreasing their debt overhang and making it possible, opening up an opportunity, for their economies to go back on a growth path. It would obviously help the debtor countries and expand markets for U.S. exports.

The provision also provides that if we move ahead, if the Secretary determines that these conditions that he is concerned about in fact do not exist so that discussions are initiated, if discussions then were to lead to negotiations—there is not a requirement that that necessarily happen—to move toward an authority, if one were to be established, the support should come from the industrialized countries and primarily from those industrialized countries running large current account surpluses.

One of the ways in which nations now running large current account surpluses—for example, Japan, West Germany—can assume a greater responsibility in terms of their international economic role is to make such a contribution toward the developing countries to address the Third World debt question.

It is a role the United States has played in the past when we were the large current account surplus Nation and we undertook to move those surpluses internationally in order to contribute toward world economic growth. There is an opportunity here, if we move toward such a debt-management authority for the major contribution to come, as it should, from the countries running large current account surpluses, to help expand growth in the developing world and thereby benefit the entire world economy.

It is very disturbing that these inaccurate characterizations of these provisions, provisions which were carefully discussed with the administration during the Senate's floor consideration of the trade bill, have found their way into this veto message.

Mr. President, let me say just a word or two to underscore the urgency and magnitude of the debt problem itself in the developing world and what it means for the United States. The very able Senator from Florida has had a very strong interest in this issue, particularly as it involves the Latin American nations. It is a matter of the greatest importance.

The debt crisis, which has been festering openly for more than 6 years, has placed serious strains on financial institutions which hold the debt, and in fact there has been a GAO study indicating that although banks have improved their current reserve position for foreign loans, they are still inadequate given the magnitude of the risks involved.

In my view this Third World debt overhang and the austerity measures which Third World countries have assumed in order to address the debt payment question have led them to do two things: restrict the amount of exports they are prepared to take from abroad—and in Latin America that certainly means the United States—and also to try to increase their exports—in other words, send goods into other markets to the maximum extent possible, so they will do anything they can in order to earn a balance, or improve their current account position in order to meet their financial obligation—to push goods abroad. So our producers are hit twice. They lose an export market which previously existed, and they face a much more intense import competition as these nations seek to sell in U.S. markets.

The effort of debtor nations in the developing world to meet their debt service obligations has caused them to adopt austerity programs restraining imports and promoting their own exports. As Third World imports have shrunk, export markets for the industrialized countries have contracted.

U.S. exports for the 15 most heavily indebted countries dropped from $40 billion to $30 billion in the 1980's. That is a loss of hundreds of thousands of American jobs. The impact on U.S. exports of manufacturers has been particularly severe. In 1981, the 15 most heavily indebted countries purchased 18 percent of all U.S.-manufactured exports. That produced for us a trade surplus of $20 billion in the manufacturing sector. By 1986, this trade surplus had virtually disappeared. It had gone from $20 billion to $22 million. So, in effect, it was a loss of $20 billion in our net trade position and that accounted for approximately 15 percent of our total deterioration in manufacturing.

The debt crisis has comparable consequences for U.S. farmers who have seen their exports decline as other nations contract their purchases. In 1981, Latin American nations purchased U.S. farm products totaling just under $7 billion—15 percent of total U.S. farm exports. By 1985, those exports had fallen to $4.5 billion. The decline in sales to Latin America alone constituted almost one-fifth of the total decline in farm exports over that 4-year period.

As more and more observers have looked at this matter, Mr. President, there is a growing drumbeat about the significance and urgency of the debt problem. Editorials are constantly appearing in the press dealing with this matter, where commentators have noted this imbalance in the world trade situation which cannot go on and which has very serious implications.

In addition to the economic implications, it is important to recognize that democracy is at risk in many of these developing countries. Improved economic performance for these nations is the only basis to satisfy the legitimate and repressed demands of their people, and we obviously have an important foreign policy objective in trying to stabilize the democratic regimes which have emerged in much of the developing world, again with particular attention and focus to Latin America. But we are placing those democratic leaders under enormous stress, and pressure and they may not be able to withstand it.

This provision in the trade bill did not write a blueprint. But it provided a focus for paying attention to this issue, and finally beginning to address it.

We cannot continue on the path in which we find ourselves. And I deeply regret the position which the Treasury has taken, and the mischaracterization which has found its way into the President's veto message on this very important issue.

Mr. President, I want to say just a couple of words about some other provisions that are in this legislation as we begin to approach the veto override question. The measure brought out of the Banking Committee included not only important provisions on international debt but also in the areas of export controls, exchange rates, export promotion and export trading companies. The Subcommittee on International Finance, which I am privileged to chair, held an extensive series of hearings covering all of these areas in the preparation of legislation. The end product represents countless hours of negotiations within the Senate, between the Senate and the House, and between the Congress and the administration. The veto of course places all of these measures in jeopardy.

There are provisions here calling for a regular report by the Secretary of the Treasury on exchange rates as they affect international economic policy. Such a report would increase the accountability of any administration and avoid the drift in the conduct of international economic policy which occurred in he early 1980's. In addition, the bill provides for the President to seek to confer and negotiate with other countries to achieve a better coordination of the macroeconomic policies of the major industrialized countries, which is essential if we are going to develop a coordinated economic strategy to address the problems of the world economy. The bill strengthens the export promotion program of the Commerce Department. It amends the Export Trading Company Act to improve the ability of export trading companies to function in the international economy and to promote U.S. exports.

This bill makes very important contributions to American trade policy. It sharpens and improves America's international competitive ability to start turning around this hemorrhaging trade deficit which has moved the Nation into a debtor status for the first time since World War I. Since World War I the United States has been a creditor nation until the last few years when we passed into debtor status.

I submit that in addition to the economic consequences of debtor status, we cannot assume we will be able to sustain our international leadership if we are in debt to everyone else. It is very hard to stand tall in the saddle as you ride into town if you owe everybody that you see.

Finally, Mr. President, I want to say just a few words on the plant-closing provision of this legislation: This trade measure, as we all know, has received very extended consideration over a very long period of time, really a matter of years for some Members of this body. It has been passed in both Houses by very strong majorities: The House initially 290 to 137, the converence report 312 to 107, and the veto override 308 to 113—almost 3 to 1. The Senate passed the trade bill originally 71 to 27; we passed the conference report 63 to 36 at the end of April. In my view the Omnibus Trade and Competitiveness Act is a good bill. It is a bill that is needed. We need to override the President's veto and enact this legislation into law.

Mr. President, I think it is unconscionable that this bill has been vetoed primarily because it gives workers some limited forewarning when their place of employment is about to be closed down. This is not an economic issue. This is not a business or labor issue. This is a family issue and a fairness issue. We are trying to provide some fair treatment to our Nation's workers—treatment that reflects the sensitivity which our major foreign competitors extend to their workers. Most of the other nations with whom we find ourselves in intense competition internationally have more extensive plant closing notification requirements than are contained in this legislation.

The provision gives a worker 60 days' notice that he or she will have to find another way to meet their family responsibilities of providing shelter, food and clothing. Sixty days, two months, is not a long period of time and in many cases we are talking about employees who have given years of dedicated and loyal work to their company. Sixty days is not much time for a family to prepare itself when many families live from paycheck to paycheck, and week to week. Is it not simply a question of fairness and decency to give the workers the same advance notice that elected officials in the Nation's Capital receive? Mr. President, a President of the United States running for reelection who loses the election gets more than 60 days' notice before he is actually out of his job. The election is the first week in November. And he holds his office until the 20th of January.

I submit to you that it is reasonable to give the ordinary working person at least the amount of notice that the President himself or indeed for that matter Members of the Congress receive if their job is going to be closed down. This provision has been modified and altered along the way to ease its requirements. In my view it does not warrant the President's veto, and it certainly does not warrant placing at risk all of the other provisions that are in this legislation that are important for us as we try to move our Nation forward in order to face the international competition which we now confront.

Mr. President, I very strongly urge that the veto of this bill be overridden.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator from Missouri.

Mr. DANFORTH. Madam President, I rise both to admit defeat and to claim victory. It became clear several weeks ago that the decision to place the plant-closing notification provision on this trade legislation would kill the bill. The President made it clear that he would veto the bill over the provision requiring advance plant-closing notification. He did that. It was also clear that we did not have the votes in the Senate to override the President's veto.

I supported the bill, supported the conference report, and I will vote today to override the President's veto. But the votes are not there to succeed in overriding the veto. We had 63 votes for the conference report. It takes 66 votes to override the President's veto. Those 66 votes are not here.

Thus, when the decision was made to insist that the plant-closing provision be included in this bill, I viewed that as a decision to go with the very symbolic issue of plant-closing notification but not to pass a trade bill at that time.

My personal view of the plant-closing provision is that a 60-day notice requirement is only fair. I might note that while traveling around my State—and I have been traveling a lot in the last few months—I found only two or three people who opposed plant-closing notification. That is beside the point. Unfortunately, inclusion of the plant-closing provision meant that the trade bill would go down, and it has gone down. It has been vetoed by the President, and the veto will be sustained. So, in that sense, Madam President, I rise to admit defeat.

At the same time, I rise to claim victory, because I think a very important development has occurred. With this trade bill, we have created a trade policy for the United States. We have been talking for a long time about the need for a trade policy, for a consensus position on international trade. We have been talking this way literally for years, and yet we had not achieved that kind of consensus until now.

There had been a very wide philosophical gulf between those who advocate protectionism, on one extreme, and those who believe that free trade means that absolutely anything goes, on the other extreme. A number of us have been working for a considerable time to reach some consensus position that was not just pablum. The miracle is that we have done that.

The underlying trade provisions of this bill are something that we agree on. What has brought the President's veto are provisions that have nothing whatever to do with the trade bill. Rather, the President has vetoed this legislation largely on the basis of extraneous provisions, that have nothing to do with our trade laws. Plant-closing notification, whether you are for it or against it, is not trade legislation. Nor did the Alaskan oil provision come out of the Ways and Means Committee of the House or the Finance Committee of the Senate. But the trade-specific provisions, the amendments to our trade laws have received bipartisan support. We really did not have that much difficulty in our conference with the House of Representatives on agreeing on those provisions that were within the jurisdiction of the Finance Committee and the Ways and Means Committee. Where the President had difficulties with certain provisions of the trade legislation, we were able to work those out. So now the President is on board, and the indications from the White House are that if we can make some changes in this legislation that have nothing to do with the trade provisions, the President will probably sign the bill.

Now, reaching a consensus is not necessarily difficult, provided that you end up with nothing substantive. But, in this case, we have developed good solid legislation. It is good legislation because it establishes the principle of reciprocity, avoiding outright protectionism on the one hand and total passivity on the other. It lays the foundation for a consistent U.S. trade policy. It takes the position that the United States wants to compete in international markets, that we can compete in international markets, that we can win the battle of international trade—provided that everybody plays by the rules. We can do that.

Therefore, the thrust of the trade provisions of this bill is to make enforcement of the rules more likely, to make the international trading system more credible than it is today. If our trading partners do not believe that the rules are going to be enforced, they will not play by the rules—and they have not played by the rules. This legislation establishes a consensus on the importance of enforcing the rules. We have created a consensus where none existed before. Therefore, Madam President, I rise to claim victory.

I was asked, just as I walked on to the floor, whether we would pass a trade bill this year. There is no reason why we should not pass a trade bill this year. The work has already been done. We have held our hearings; we have had our markups; we have brought the legislation to the floor of the Senate; we have debated it extensively; we have considered amendments; we have gone to conference with the House of Representatives; we have negotiated with the administration, and we have reached a consensus. The work product is in hand. We know what it is: Paragraph by paragraph, word by word, we know what it is. We have reached agreement on a strong, market-opening, reciprocity bill that should become law.

Some say, "Well, our trade problem stems from the value of the dollar." The value of the dollar went down, yet we still have a trade problem. The trade problem is admittedly complex, but clearly one aspect of the problem is that not everybody plays by the rules. We have to enforce the rules against unfair trade practices. That is why this bill is so important.

Madam President, I am going to vote to override the veto. I have been working on the concepts underlying this legislation literally, since December of 1981. Senator BENTSEN and I introduced the forerunner of this trade bill almost 3 years ago. We have been working on this a very long time. Unfortunately, we do not have the votes to override the President's veto.

The question is, then, what happens? Where do we go from here? There is no reason why we cannot pass this trade legislation in a second bill. We are in agreement. We have gone through it all. We have spent the time, we have made the effort, and we have created a good product. We should be proud of this trade legislation.

So now let us go forward. Let us get this particular vote behind us. Let us then move forward and pass this trade bill. I am absolutely confident we can do that, and I know we should do it.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Madam President, this afternoon we are engaged in two major monumental pieces of legislation that come from the Finance Committee on which I am very proud to serve as a member.

To a large extent I agree with what my colleague from the State of Missouri has just said on the trade bill.

I do not know, though, whether we will be able to craft another consensus bill from the Finance Committee and from the many other committees that played a very key and ultimate critical role in the shaping of this very monumental piece of legislation that has now been vetoed by the President of the United States. We can only say that time will tell as to the answer to that very serious question.

But let me say, Madam President, for this Senator, I can only say that I will vote to override the President's veto. I do not know whether those votes are there. I doubt they are.

And, finally, I truly believe this was a good faith effort not only by the Finance Committee, the Ways and Means Committee, the many other committees of the House and Senate but also the Congress as a whole to make a strong statement in behalf of not only the worker but also America's faltering economy.

I am sorry that the President vetoed this bill; I am very sorry. I think he had poor advice. I think if the American public had a vote and could vote on whether or not we should override the President's veto, I sense, that that vote would be a resounding vote of support to override the veto on the issue before the Senate at this time.

Mr. DURENBERGER. Madam President, I rise today to encourage my colleagues to override the President's veto of the omnibus trade bill.

I was privileged to have the opportunity to listen to my colleagues from Arkansas and Missouri who, with me and the other members of the Finance Committee, have labored on this issue since, we were reminded here this afternoon, December 1981. At least in terms of the leadership of our colleague from Missouri and I think all of the rest of us have been at this one way or another for a long period of time. And in previous speeches on this floor I have had an opportunity as many have had to congratulate particularly the senior Senator from Missouri for his leadership on this issue.

If for no other reason we ought to vote to override this veto it has been the commitment that the Senator from Missouri has put in on an international level to shaping U.S. trade policy. But I think there are other reasons and we have all spoken to those at one time or another.

Over the last 7 years, I have supported President Reagan's efforts to revitalize the American economy; to restore fiscal integrity; to rebuild the country's military strength and international credibility, and to lay the foundation for real and mutually verifiable nuclear arms reductions.

This afternoon is no exception. I have fought at the President's side often against both Republican and Democratic opposition to produce a historic catastrophic health insurance bill which we will be acting on later.

Yet there have been occasions when I have differed with the administration on issues ranging from the rebuilding of the Nation's infrastructure or enhancing the Nation's water quality; to how we should approach encouraging democracy in Latin America.

It is always difficult to vote against the President; yet when I believe the interests of my constituents in Minnesota and the citizens of the United States conflict with the President's approach, those views must, of necessity, override my support for the President.

And that is why today I will vote to override the President's veto.

Madam President, after 3½ years of work by the Senate and the House to craft a balanced and fair trade bill, the Senate today must decide whether to abandon this effort over a single issue—advance notification of plant closings.

No one can seriously argue with the fact that our export control laws need overhauling; or that intellectual property owners need greater protection; or that our export enhancement programs should be strengthened; or that the administration should be granted authority to negotiate at the Uruguay GATT round.

Every knowledgeable observer in the Congress and in the administration I have talked to concedes this is the best trade bill that will emerge during this Congress.

And as the President has said: "Congress did a remarkable job in watering down or eliminating the most protectionist provisions" of the House and Senate bills.

In my view, this trade bill reflects the changing dynamic of world trade moving us toward a more level playing field of what I would call "fair trade."

ADVANCE NOTICE—A MORAL OR LEGAL OBLIGATION?

But those are not the issues we are going to debate today.

The single issue we have to decide is simply whether businesses should be required to inform employees and communities in advance of their intention to close a facility. On that decision hinges the fate of this trade bill and possibly any other trade bill that comes before the Congress in the remainder of the year.

One thing seems clear. The President and all of my colleagues agree that businesses have a moral obligation to inform their employees and the affected communities in advance of their intention to close a facility. In fact, the President has called advance notice "the humane thing to do."

The question, however, is whether that moral obligation should be transformed into a legal obligation.

I think it is worth taking a moment to consider this question within a larger historical context.

For more than a century, there has been a continuing tension between business and labor over the rights and responsibilities each owes the other. Karl Marx thought he foresaw the inevitable demise of capitalism because he believed that free market governments had neither the capacity nor the will to change the workplace practices that contributed to labor-management tensions.

But what Marx did not foresee was that in a representative government such as ours, when society's tolerance of certain practices inevitably diminishes, Congress responds to make such changes as are necessary to facilitate the continued vitality of the free market system.

What we take for granted today as basic working place rights—the absence of child labor in factories; a safe and healthy work environment; an 8-hour work day and a 40-hour work week—have become commonplace not because Congress relied on the voluntary solicitude of the business community.

They have become commonplace because the Congress of the United States, responding to society's changing values, placed a legal obligation on the entire business community to fulfill these obligations that so many had already undertaken.

The issue we are debating today is not dissimilar from those labor-management issues we have resolved in the past.

The question is simply: What obligation, if any, do companies have to provide notice in advance of the closing of a facility that has provided a living and opportunity to its employees, to the company and its owners, and to the community which has provided sustenance to the facility—thus to the company.

If everyone agrees that advance notice of a plant closing is the proper and humane thing to do, why are we today even debating the issue of advance notice? We are all well aware of the many socially responsible companies in Minnesota and throughout this Nation who make every effort to provide advance notice of their intention to close a facility.

Swift-Echrich last week announced the closing of a food-processing plant and 350 jobs in the small town of Marshall, MN, to take effect not last week or this week but on September 2, 1988.

Most collective bargaining agreements contain advance notice provisions.

But voluntary efforts by socially responsible companies are insufficient, just as voluntary mine safety and child labor practices were insufficient earlier in the century.

If responsible employers provide advance notice of a plant closing, then it is the "irresponsible" companies that fail to do so.

The most telling statistic, a statistic that has been cited over and over throughout this debate, is the fact that the median length of notice provided by companies that close a facility or have a permanent layoff is 7 days for blue-collar workers and 14 days for white-collar workers.

Is that humane? Is that fair? Is that the record of voluntary compliance that critics of this proposal can comfortably rely on? American society will just not tolerate that level of corporate irresponsibility, and it is for that reason that Congress must act to change this irresponsible record.

DEBUNKING SOME MYTHS

Some of my colleagues believe that mandated advance notice of plant closing is an example of the camel getting its nose under the tent—businesses being dictated to by government.

Congressman AMO HOUGHTON, former chief executive officer of Corning Glass, has called that idea "ridiculous," and he has asked: "What about OSHA, what about Sherman antitrust, what about Robinson Patman? These are things which government and businesses have worked together on."

The same holds true for fair labor standards and child labor, and I believe the same will hold true for advance notice of plant closing.

Madam President, another argument advanced by opponents of a uniform advance notification law is simply that it will stifle the flexibility of American business to react to changes in the marketplace and will slow the growth of our economy as has happened in Western Europe.

I do not accept the premise that our economy will be stifled simply because companies are required to notify employees and affected communities in advance of their intention to close a plant.

It is convenient for critics of advance notice to cite the slow economic growth that has occurred in Europe and to blame that problem on European plant closing laws.

Yet it is not just the European countries that have advance notice rules on the books. In Canada, there are advance notice rules for closings and layoffs. In Japan, there are advance notice rules. In Taiwan, there are advance notice rules. In Hong Kong, there are advance notice rules.

Every one of the Pacific Rim countries identified above have grown far faster than the United States in the past 10 years. How do the critics of advance notice rules explain that?

And the fact that advance notice rules have been in existence in

Canada, Europe, and the Pacific Rim, has not stopped a single American multinational from closing plants in the United States and moving their operations to these countries. Advance notice allows people to cope with change.

Madam President, the purpose of advance notice is not to stop companies from shutting down or moving out.

It is not going to stop the wave of consolidations, mergers, and takeovers that have been taking place over the past dozen years. Businesses are going to do that regardless. The purpose is simply to allow for transition by the community and the workers and to allow small business suppliers who have depended on providing goods and services to the company that is closing the opportunity to rechannel their business efforts.

No one disputes the fact that advance notice allows companies, labor, and local authorities the time to plan and develop adjustment assistance programs before workers are dislocated. And there seems little doubt that advance notice is cost-effective for the community as well as the affected employees.

In fact, one study shows that 8 weeks advance notice reduces future joblessness by almost 4 weeks. This study estimates that for the 3.5 million workers who lost jobs because of plant closings in 1985, advance notice would have saved $400 million in unemployment insurance costs. That is a saving that all companies in a State benefit from. In Minnesota, we have had several unfortunate experiences where companies have closed operations and shifted employment to other parts of the country or abroad. What we found in Minnesota was that advance notice is vital in helping employees and communities cope in the transition that follows the closing of a major employer.

For example, in the spring of 1984, Whirlpool Corp. announced that it was planning to close its refrigeration and appliance manufacturing plant in St. Paul and consolidate its operations in Evansville, IN. Whirlpool's decision was expected to idle 950 long-term manufacturing workers, many having been employed by Whirlpool for more than 20 years.

Fortunately, Whirlpool provided 8 months notice before they closed the plant.

Because of Whirlpool's advance notice, the city of St. Paul was able to immediately develop and coordinate job retraining and worker placement programs with the company's unions, the Governor's office, and State, local, and Federal officials.

The city developed a needs assessment questionnaire that was distributed by Whirlpool to the employees to identify their needs; to pinpoint their financial situation, and to determine what their long-term employment interests were. This survey had a response rate of 68 percent, and was used by the city to develop a program model for a dislocated services program designed for 250 people.

The program far exceeded expectations. Nearly 320 people enrolled in the program and many of these people found jobs shortly after entering the program.

As a result, the average cost per worker for this program, which had been projected at nearly $1,500, actually cost slightly more than $1,000 per worker placed.

Another example of the benefits of advance notice was recently brought to my attention by one of my constituents, Patricia Schwartz of St. Paul.

On March 27, her husband Ken bought his first new car in 5 years. The next day, he was told that the company where he worked, which recently had been purchased by another firm, had decided to close its Minnesota facility and consolidate operations in Massachusetts.

Fortunately for Ken, the company gave him 60 days advance notice of its intention to close. That meant he could hold onto his job until the end of May. The advance notice gave Ken the chance to send out nearly 200 job applications. The end result: On June 1, Ken started work at another facility in Minneapolis.

The 60-day notice gave him the chance to regain control over his life; seek out new work, and not lose a single day's work. All employees should have that same chance, and that is what this legislation will achieve.

REPAYING THE COMMUNITY

Madam President, we all know that communities and States engage in fierce competition to attract new industries. We all know of the bidding wars that have occurred when the Japanese auto companies began considering locations in the United States and when the General Motors Corp. decided to build its new Saturn facility.

Bloomington-Normal, IL, offered Mitsubishi and Chrysler a $100 million package of incentives including $10 million worth of land and $20 million in local real estate tax breaks, to entice them to set up an auto facility.

Ohio built new roads and provided several million dollars in tax breaks to attract Honda to Marysville. And Toyota sent out 30 questionnaires to 17 States and cities to see what type of financial incentives they would receive for setting up shop in their communities.

Communities throughout the Nation heavily subsidize businesses through the provision of public utilities, sewer, water, and schools. The Federal, State, and local governments provide a variety of other subsidies by way of development grants, SBA loans, EDA grants, tax-exempt bonds, tax abatements, and a host of other incentives to attract businesses to particular communities.

After committing so many resources to attract and maintain companies in their towns, should companies not be legally obligated to inform the community in advance of their intention to pull up and move to greener pastures?

Some might argue that it is up to the local community to negotiate such an advance notification provision.

But in the real world competition to attract new businesses, communities just do not have the leverage to make such a demand. Only if the Federal Government puts in place a uniform set of rules governing plant closings, will communities be protected against the shock of a sudden plant closing.

This protection is especially important for small rural communities. I have seen the devastation which occurs when the major employer in a small town such as Jackson or Aitkin or Fairmont, MN decides to pickup and leave the community to relocate in the Sun Belt.

It is not just the jobs lost in the plant; it is the blow to the entire community, and the loss of tax base to fund basic public services which are predicated on plant commitments.

In a small town like Jackson, there just are not enough other jobs available to cushion the shock of a plant closing.

And it is not easy to immediately attract new companies to these small towns to replace the jobs lost. In such cases, it is vital that the community and the affected workers be given sufficient advance notice to enable them to begin to make the painful transition from relative prosperity to the uncertainty resulting from plant closing.

Madam President, much of this debate has focused on the old plant in the slow-growth industry that is forced to close because of foreign and domestic competition. But I do not think we can ignore the impact that takeovers, mergers and consolidations have on company employees, both blue collar and white collar.

In the 4 years, 1983 through 1986, 12,200 companies and corporate divisions worth at least $440 billion changed hands through merger, takeover or corporate consolidation. That is nearly one-fifth of the market value of the New York Stock Exchange. If mergers and acquisitions were to continue at the rate we saw barely 2 years ago, every public company in America could be turned over to a new owner by the year 2001. And what will happen to the employees of those companies and the towns they live and work in, when divisions are closed or consolidated, or when they are sold off to finance part of the deal?

In Eagan, MN, we found out what can happen when Sperry and Burroughs merged to become the second largest computer company in America, Unisys. Shortly after the merger, 800 employees were informed that Unisys was planning to consolidate semiconductor production in their California facility, and close the Eagan facility. To their credit, Unisys provided a year's notice before they closed the plant. But the fact remains that the Sperry employees in Eagan lost their jobs through no fault of their own, and the only reason they were given advance notice was because of the enlightened corporate leadership of Unisys.

Just last week, Koppers Co. of Pittsburgh agreed to drop its fight against the hostile takeover bid by Beazer of Britain. As part of the agreement, the salaried workers will retain their jobs for at least a year. After that, no one knows. But for the executives of Koppers, there is far more security. The top five will receive golden parachutes, and an additional 21 members of management will receive what are called "double trigger" golden parachutes which will be activated if they are dismissed or demoted.

Madam President, as I said earlier, plant closing notification rules will not stop companies from closing unprofitable divisions or consolidating their operations. It will not force companies to pay out "tin parachutes" to employees affected by a closing. It will merely serve to help ensure that as American business continues to be restructured, the workers and the communities they live in will be better able to cope with the changes that are inevitable as our economy moves forward.

To sum up, Madam President, what the Congress did when it passed the plant closing notification amendment was to establish the practice of responsible companies as the national standard. Voluntary compliance is not enough; if it has been, this provision would have been unnecessary. But the benefit to families and communities is more than worth this negligible intrusion in the marketplace. In my view, the opponents of this provision have failed to meet the burden of proving that any theoretical drawbacks of advance notice outweigh the clearly demonstrable benefits of the result from advance notice.

So I urge my colleagues who voted against the trade bill because of their concerns about the plant closing issue to reconsider their position and to vote to override the President's veto.

I have taken a lot more time on this today than others I think simply because it is my hope that I might persuade some of you to change your minds, not necessarily on the veto override—that looks hopeless—but we need trade legislation in this country and we could have it but we also need advance notice of plant closings and we can have that, too.

I yield the floor.

Mr. **GRASSLEY** addressed the Chair.

The **PRESIDING OFFICER.** The Senator from Iowa.

Mr. **GRASSLEY.** Mr. President, I rise today to express my reasons for sustaining the president's veto on the omnibus trade bill.

Regrettably, throughout the period of debate on the trade bill, and after the President's veto, members of this legislative body, the media, and even the administration have concentrated most of their dialog on only one section of this thousand page bill and that, as we all know, is the plant closing section.

In fact, if the truth be known, the term "plant closing" is even a misnomer. Technically, as I understand it, it is a proposal to close a facility, not the actual notification of the closing.

Even the term "plant" is somewhat misleading in that it makes each of us feel like all we are talking about are manufacturing facilities. Not true.

In fact, this could be any facility from—a hospital, school district, large law firm, media facility, retail outlet, local, State, or Federal Government or even the local Seven/Eleven, Wendy's, and McDonalds. Any of these with an aggregate of 100 employees or more who work at least 4,000 hours per week at one or more sites of employment under "common ownership or control," as the bill states, could qualify.

Another section of this bill, subsection (b) of section 6402 excludes from the definition of "employment loss," and notification requirements, certain limited situations involving the sale, consolidation, or relocation of a business.

Yet, when reading this section, one may conclude that a potential buyer may or may not have to hire most or all employees from the business being sold. One has to further decide under what set of circumstances. And upon further reflection, when is the buyer and seller free from litigation and law suit by present or former employees when such a sale is being planned or consummated?

These limited exclusions indicate to me that the advance notice requirement will be a complicating factor in deciding to relocate, consolidate or to sell a business. In short, these requirements would increase the cost associated with such actions and could deter necessary economic adjustments.

These actions could be better suited in trying to maintain most of the employment in that community that may otherwise be lost.

Before I leave this subject, let me state emphatically—I am not opposed to notification of intent to close down a facility. I am opposed to legislation that stands the National Labor Relations Act on its head and is full of ambiguities and matters of interpretation that will:

First, leave it to the courts to decide. The only full employment to come out of this will be for the labor attorney;

Second, possibly disadvantage the worker in small communities all across America. Courts may decide the issue in lengthy litigation. Business decisions may be postponed on the sale of a facility, conceivably closing doors to employment; and

Third, I do not believe any nontrade-related legislation should on its own potentially threaten our ability to bringing down our trade deficit. If we do not position ourselves to be internationally competitive with a viable trade bill this year, it may be every bit a critical factor as to whether or not workers have jobs or facilities close their doors.

Mr. President, if the proponents of this legislation are serious about providing sensitivity and a degree of humanity to America's work force, they could do a better service to the worker by allowing this Congress to pass a responsible trade bill at this time.

At a later date, with a time certain, we can bring up the plant closing legislation for debate and passage. In so doing we will achieve continued job and economic growth in this country, something everyone behind this legislation wants to accomplish.

While I voted against the trade bill initially and plan to vote to sustain the President's veto, I am doing so as a result of a provision that goes far beyond the plant closing provision. I am doing so as a result of a provision in the legislation that will have an adverse effect on Iowa's corn and ethanol producers.

Mr. President, let there be no mistake—the CBI-ethanol provision in the trade bill is devastating to American farmer interests. It jeopardizes a major domestic grain market to the tune of 80-90 million bushels—this is a market that the Federal and State governments have worked hard to cultivate.

This trade bill provision will allow up to 200 million gallons of foreign subsidized alcohol to displace our domestically produced alcohol.

This provision will destroy up to $800 million in rural economic activity. For every gallon of ethanol produced domestically, $4 of economic activity is generated. By letting 200 million gallons of foreign subsidized alcohol displace domestic alcohol, we lose that $800 million in rural economic activity.

I might add, we have hundreds of jobs that will be put in jeopardy by this provision—jobs dependent upon agriculture and ethanol production.

But in addition to the fact that this is antifarmer, antirural economy, and antijobs, it makes a farce of the provision we passed 3 years ago called the Caribbean Basin Initiative.

The CBI was created to encourage Caribbean production—such as production of sugar markets—it was not created to set up a transshipment base for subsidized European wine alcohol.

Mr. President, I am very grateful and proud that President Reagan recognized the terrible impact that this CBI-ethanol provision will have on our farmers and rural economy. He understood that this provision exploits CBI for the benefit of a handful of companies—not for the benefit of those small nation economies within the Caribbean.

I know some of my Democrat colleagues agree with me, and I wish they would join me today and take a stand for America's farmers. But it is clear to me, that notwithstanding some good provisions in the trade bill, America's farmers and rural Americans should not be asked to pay the stiff price this bill calls upon them to pay.

We can stand here all day and argue back and forth the so-called merits of this CBI-ethanol provision. I challenge my Democrat colleagues, however, to allow this provision to fall under the scrutiny of a full, public committee hearing. Let us expose some light to this before we try to ram it through Congress without an opportunity for an up-down vote.

If we are truly concerned about America's farmers and rural economy, we will settle for nothing less.

Mr. President, the trade bill veto should be sustained. Provisions like the CBI-ethanol should be thrown out. I urge my colleagues to join me in sustaining the veto.

I question whether this is in the best interest of the American farmer who is trying to export his products? Will this help the reduction of our trade deficit or its twin sister, the Federal budget deficit?

Mr. President, there are other sections of this legislation I am concerned about:

One is the inclusion of the Council on Competitiveness:

This section is duplicative and will cost the Treasury $10 million over 2 years. It will be the first step toward establishing industrial policy. It will create 30 new Federal and State agencies and requires 100-165 new reports and studies. Finally, it creates 160 new jobs that, along with various small related trade programs, will require another $60 million expenditure.

Second, I refer to the provision in the trade bill to explore the possibility of allocating U.S. resources for the International Debt Management Authority.

Rural and community banks are now recuperating from their own adjustment in lending and restructuring policies and self-imposed frugality. This smacks as a grave injustice to those rural and community banks to initiate the creation of a debt management authority for greedy big banks.

If Congress had created some type of "rural debt management authority" 5 years ago, many rural banks might have been saved; many farmers might still be farming and many small businesses might not have fallen by the wayside.

The small rural and community banks came through it on their own. While we cannot ignore the LDC debt problems, perhaps there is a lesson here for the big banks in their LDC debt troubles.

Mr. President, let me conclude by saying that I strongly believe there is a great deal more good than bad incorporated in the omnibus trade bill. Because of the importance of trade in our economic prosperity, we must not allow the opportunity of passing a new, clean trade bill before the conclusion of this session of Congress, and we can do that immediately after we have sustained this veto.

While everyone knows this is an election year, we cannot afford to allow politics to dominate the action or inaction we take in addressing our trade problems. The Democrats announced early in this session that trade would be a priority item for passage and I applaud them for that position.

I would hope that Republicans and Democrats alike can come together at this short hour to pass a new, clean, and responsible trade bill. A bill which is trade related only and puts America on the road to international competitiveness and prosperity. I view the trade bill that we conceived in 1984 in a bipartisan manner as being weighed down with extraneous matter. Those non-trade-related items have brought us to the point that the weight has caused the trade bill to have a massive coronary and be at the door step of death. What is needed now is for us to perform bypass surgery on those items that are the cause of blockage and return this patient to a viable state of health. To do less, I believe, would be politics at its worse, not live up to the oath of office each of us took and be a great disservice to the American people and to our Nation as a whole.

Mr. President, I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER (Mr. REID). The Senator from Utah.

Mr. HATCH. Mr. President, by now there has been no little discussion about the omnibus trade bill, about good intentions and hidden agendas, about who is best serving the real interests of the working men and women of this Nation. We have heard threats, promises, and guarantees galore, but one simple fact has been evident for months and now is a reality. The Members of this body have known for some time that if the omnibus trade bill contained company closing and layoff language, it would be vetoed. Congress ignored that warning and, as a result, the bill was vetoed.

At the same time, the majority has indicated that there will be no trade bill unless it contains company closing and layoff language. As a result, we have crystalized the issues before us. Passing a trade bill is secondary to accommodating organized labor's demand for company closing and layoff language. In terms of importance, it seems that we are no longer debating a trade bill. We are debating a company closing and layoff bill to which some trade provisions have been attached.

Naturally, there are other objectionable provisions in the bill, but the focus has been on the plant closing and layoff provisions, because they set such an important precedent for involving the Federal Government in what has been a basic business decision. According to the pundits, some of my colleagues believe they are in a political win-win situation. They believe that either we capitulate to their demands, accept their language, and vote to override the President's veto—in which case they win—or, we vote to sustain the President's veto, and then they can blame the Republicans in the upcoming political campaigns for being insensitive and sinking the Trade Bill. Again, they think they win.

In the long run, however, I do not think the American public will be fooled. They know what is really going on. First, if we want a trade bill, let us pass one. If the majority wants a plant closing bill, then they can move that legislation as well, and nothing is going to stand in their way before the end of the year. They set the agenda of the Senate. That is the majority, the Democrats. The minority does not. The majority has run this body for over a year and a half, not the minority. They control the Senate and the House as well. But instead, they chose to gamble the trade bill on the hope that the President would back down. They were wrong.

The President has made it clear that if the veto is sustained, as it should be, he will sign a trade bill provided that a few provisions such as the company closing and layoff provision are removed from the bill. Oddly, that appears not to be important to some of my colleagues. The majority seems almost eager to sacrifice the trade bill at the altar of closing and layoff language. If the trade bill is so important,—and most of us believe that it is—why not pass a bill that the President can sign and then address the company closing and layoff issue.

As a matter of fact, if the trade bill is so important, why let company closing and layoff provisions, which have no relationship to the trade bill, which really do not belong in the trade bill, and which are not germane to this bill stop this bill from passing?

The proponents of these provisions point to European plant closing laws and imply that the United States is somehow backward in its labor policies, and that European governments have a higher measure of compassion for their workers. But, Mr. President, I wonder whether the unemployed workers of Germany, or Italy, or France, or Britain would not be willing to trade some of these laws for increased job opportunities.

The so-called worker protection policies, including plant closing laws, have contributed significantly to the economic stagnation of European economies. Take the Federal Republic of Germany for example. Columnist Warren Brookes recently reported that since 1972 when Germany passed its plant closing law, 1 million jobs have been lost. The United States has created 33 million in the same period. They lose them because of these worker protection statutes. We gain 33 million jobs. I wonder if those unemployed workers in Germany would rather have those laws or would rather have their jobs.

Germany's employment to population ratio is just 51 percent compared to over 62 percent in the United States. One prominent German company, the Krupp Co., has expended 3 years and $800 million thus far trying to close one single steel plant under their plant closing and layoff laws, which we are trying to emulate in this bill. And the process is still not completed for Krupp; $800 million and 3 years' time just to close one plant, which is inefficient.

In 1956, France had an unemployment rate of 1 percent. It was 4 percent in the United States. But, in 1965, France adopted a law mandating severance pay and, in 1973, increased the amount of the payments. Unemployment has been increasing ever since and today, unemployment in France is around 10 percent.

Spain has a complex closing and layoff law which has its origin in the fascist regime of Francisco Franco. Spain also has an unemployment rate of 20.1 percent.

By contrast, Japan has no specific notice requirements in closing or layoff situations, no mandatory severance pay, and no mandatory information sharing, although Japanese industries, like American companies, often take such action on a voluntary basis.

Switzerland has no mandatory severance pay and only 1 month's advance notice, and its unemployment rate is 0.8 percent.

In short, the more cumbersome the law, the greater the negative impact on workers. If industry is forced to make enormous expenditures whenever they need to close a facility or layoff workers in order to adapt to new economic and market conditions, it should be no surprise that unemployment rises. Let me quote a bit from a recent editorial:

> Europeans profess astonishment at the American success in keeping employment expanding . . . despite oil crises, recessions, inflation and high interest rates. The unemployment rate in Europe is nearly twice as high as here. . . . [P]art of the explanation is the extreme labor force rigidity of the European labor market. It is difficult for an employer to fire or layoff people; powerful legislation sees to that. . . . [I]t makes employers very wary about hiring. The paradox is that beyond a point that Europe long since passed, laws to protect jobs result in high unemployment. That's the part of the equation that the European left prefers not to discuss. Here in the free-wheeling United States, the law doesn't do much to preserve jobs for the people who have them, with the result that people who don't have them are more likely to find them.

If this sounds familiar, it may be because this editorial appeared in Monday's Washington Post.

The sponsors argue that their company closing and layoff provisions are modest. Perhaps they are modest relative to the laws of West Germany or France. But in both of these cases, the laws were broadened after they were passed. And, in this country, we should pay some attention to senior majority Members of the House who have been quite up front about their intention to seek expansion of the plant closing provisions in the trade bill should they become law. Make no mistake—these so-called simple closing and layoff provisions represent the proverbial camel's nose under the tent, and it is a very large camel indeed.

Mr. President, let us look at the so-called simple closing and layoff provisions. I really wonder if my colleagues appreciate the actual content and implications of these provisions. In a perfect world, all of us would like workers to receive not just 60 days notice but whatever time is necessary to find new work. But the imposition of a mandatory requirement on all employers can never achieve that objective, and instead, it usually has an unintended, negative impact on employment and competitiveness.

Moreover, I wonder if my colleagues are actually aware that these so-called plant closing provisions are completely mislabeled. They address not just plant closings but layoffs, Federal laws governing corporate sales and mergers, Federal laws governing strikes, State laws governing the employment-at-will doctrine, and small reductions in employment.

Take, for example, a Utah company that has 150 employees. Let us say that the company is in trouble. In order to save the company, its officers decide to layoff 25 employees on January 1. They work with each laid off employee, help with resumes and provide other job search assistance. A month later, the company is still in trouble, so it lays off another 20 workers. It is trying to keep its financial difficulties quiet, so it can attract new customers. The company knows that it is extremely difficult to attract new customers if their is perception that it might be going out of business. Unfortunately, things do not get better, so 2 weeks later, the company lays off another five workers. Again, it works with each laid off employee and helps many find new work. Mr. President, has this small company violated this simple closing and layoff provision?

The answer, Mr. President, as I am sure all my colleagues know, is "Yes." The company's actions would be illegal under this bill. Under the bill, an employer must give at least 60 days notice of an employment reduction that involves at least 33 percent of the employees and at least 50 employees or at least 500 employees within any 90-day period. In this instance, the company was forced to layoff 50 workers within a 90-day period.

The fact that it did not know it would have to layoff a total of 50 workers or that it did not want to spread the word of its economic trouble and further jeopardize its ability to compete, does not matter. The fact that it provided assistance to laid off employees does not matter. In this instance, the small company would be liable to each laid off employee for 60 days back pay and benefits.

Now, some might argue that the bill contains an exemption that addresses this problem. The exemption says that an employer can close a site before the 60-day mandatory notification period if it was looking for new business, which if obtained, would have avoided the closing or postponed it indefinitely. Unfortunately, this language applies to closings and not to layoffs, and no company will know whether it qualified for this exemption until a court concludes years later that there was sufficient evidence to demonstrate that its beliefs and judgments were entirely reasonable.

Mr. President, let's go back to our example. Let's say this same Utah company, knowing of this bill, sits down with its employees and tells them what is going on. It explains that it might have to lay off 50 workers, but it will try to do all it can to keep everyone employed. It also explains that it wants to keep things quiet, so as not to jeopardize new business. The employees understand this business reality and want to do all they can to save the company. Sixty days later, 50 employees are laid off. Mr. President, the company would appear to have satisfied the mandatory notice requirements of the bill. But, has it broken the law?

Again, Mr. President, as I am sure my colleagues know, the answer is "Yes." The company failed to notify each affected employee in writing 60 days prior to the layoff. Under the bill, an oral explanation to all employees 60 days in advance is not satisfactory notice.

Let us go back to our example. Let us say this time the company holds the meeting and sends each employee a written notice 60 days in advance of laying off the 50 workers. Once again, there is common agreement among the employees to keep things quiet in order to avoid jeopardizing the company's chances to obtain new orders. When the layoff occurs, the company helps the affected workers find new jobs. Has the company finally adequately complied with the provisions of this simple bill?

Once again, Mr. President, the company has violated the law, because it did not notify the chief elected official of the unit of local government within which such closing or layoff is to occur. It will be subject to fines of $30,000—just what this troubled company needs. Again, the fact that the employees were notified and that the company really did not know whether it could weather these difficult times does not matter. The fact that the company did not want word of its financial difficulties to be made public does not matter. It still broke one of the numerous requirements of this so-called simple closing and layoff provision.

Mr. President, let us try again. Let us say this same company gives 60 days notice. It gives notice in writing to each employee. It informs the chief elected official of the appropriate governmental unit of its intended layoff, which does nothing to enhance its ability to bring in new business. Has it finally satisfied the requirements of this so-called simple provision?

Again, the answer is "No." It still has not satisfied all the requirements of the law. This time, it forgot to notify the State dislocated worker unit.

Mr. President, let me ask another question. Do the so-called, mislabeled plant closing provisions affect more than closings and layoffs? Again, as I am sure all my colleagues know, the answer is "Yes."

Whenever these provisions are discussed, they are described only in terms of plant closings. I can understand why there has been little if any discussion of layoffs, given the impracticality of those requirements, but the sponsors apparently have forgotten that their so-called simple plant closing provision also regulates corporate sales, purchases, and mergers.

Let us take an employer of 1,000, the biggest employer in a small town. The company is in financial trouble, and notifies the union of its difficulties. Together, the company and the union ask the Governor and even its U.S. Senators to help find a buyer. After 10 months of work, this coordinated campaign locates another employer who is willing to take a gamble on this plant. Everyone attends the ceremony where the papers are signed and the plant is purchased by the new employer. Mr. President, in this scenario, has there been a violation of the so-called simple plant closing provisions?

Yet again, the answer is yes. Under the bill, this sale qualifies as a plant closing, regardless of the actual impact the sale will have on employment, and one of three events must occur. The bill requires that first, there be a written rehire agreement to which the employees are third party beneficiaries; second, the purchaser offers employment to the employees 30 days following the sale; or third, the seller must give the employees 60 days advance notice. According to the sponsors, this written rehire agreement must guarantee that the employee will not suffer more than a 6-month break in employment and that the employee will be treated as a third party beneficiary with rights against the purchaser under applicable State law.

In other words, this written rehire agreement is an employment contract, but it is an employment contract that is devoid of any specific terms. For example, what is the duration of the contract? Is it 60 days? Is it 6 months? Is it 2 years? No one knows. If the purchaser streamlines the facility to make it more competitive and has to lay off some workers, can these workers file suit? No one knows. If an employee is caught stealing or repeatedly reports for work under the influence of drugs or alcohol, can he or she be laid off or fired without violating this employment contract? Again, no one knows.

What about the second option—that the purchaser must offer the employees employment within 30 days of the sale and must guarantee that there will be no more than a 6-month break in employment? First, if the purchaser does not satisfy these requirements, who is liable? Is it the purchaser? Is it the seller? Again, the law is unclear. Second, how long does this promise of no more than a 6-month break in employment run? Does it only apply for the first 6 months? Two years? Indefinitely? And, what is the legal status of an employee who is given such a promise if he or she is fired for cause?

Let us move to another aspect of these provisions. Take a thriving company that employs 5,000 people. Unfortunately, one of its products has become obsolete. Several of the employees who make this product do not possess the skills to work elsewhere within the company. The company keeps as many of these employees as it can, but is forced to close this particular operating unit and lay off 50 workers, a group which represents only 1 percent of its workforce. These individuals belong to a union and under their collective-bargaining agreement are entitled to 60 days of severance pay, which they receive. The company also establishes a special 7-month retraining program for these workers, so they could apply when the company has openings in other areas, and it maintains their health benefits during the entire training period. A year later, the company was able to rehire the 25 workers who chose to participate in the training program and upgrade their skills.

Mr. President, has this company violated the so-called simple closing and layoff provisions? Once again, the answer is yes. Under the bill, the company's action qualifies as a plant closing, even though 99 percent of its work force was totally unaffected by the employment action. The fact that the employer provided a retraining program for the laid-off workers, maintained their health benefits, and paid them 60 days worth of severance pay would have no impact whatsoever. The fact that 25 of these individuals were rehired would have no impact. Under the bill, the employer would be liable to each laid-off worker for an additional 60 days worth of pay and a fine of $3,000 for failing to notify the appropriate unit of local government.

Finally, Mr. President, let us just take one more example. Let us say a company and a union are negotiating a new collective-bargaining agreement. No agreement is reached when the old contract expires, and the employees go out on strike. Talks continue for several months, but nothing is resolved. At the end of the seventh month of the strike, with no end in sight, the employer decides to reopen the plant and hires new employees to replace the strikers who refuse to return to work, actions which currently are permissible under the National Labor Relations Act. But, has the employer violated the so-called simple closing and layoff provisions?

The answer again would appear to be yes. The striking employees did not receive a 60-days' notice, so all are entitled to 60-days' worth of back pay and benefits. Normally, in such instances, once replacement workers are hired, striking employees are not entitled to their old jobs on demand. They simply have priority when new openings become available. Consequently, under this bill, they have been constructively discharged.

As a result, to comply with the bill during a strike, an employer would have to give notice 60 days before it could hire replacement workers. Such a requirement would totally change the nature of the relationship between the parties during a labor dispute under the National Labor Relations Act. This is a major change in the NLRA, the National Labor Relations Act. Employers could no longer engage in certain self-help activities which, up until this bill, they were guaranteed under the law.

In sum, this is no simple plant closing provision. It is complex, fundamental change in our labor laws and in the willingness of the Federal Government to regulate and control basic business decisions. I expect some of my colleagues will argue, as some have in the past, that my examples are extremes that will never happen. In fact, my examples are all based on the actual provisions of the bill. They reflect very common business practice in trying to struggle through difficult financial times. And, unfortunately, extended strikes such as the one mentioned in my last example are not uncommon at all in unionized work forces.

Mr. President, it is time to stop pretending that this is a simple plant closing provision. You can keep calling a donkey a cat, but eventually the braying will have to give him away. It seems to me it is time to stop holding trade reform hostage to organized labor's agenda on issues that have absolutely nothing to do with trade. Let us pass a trade bill. Let us pass the President's $980 million dislocated worker program, a program that will truly help workers who have lost their jobs find new work. That is in the trade bill. It belongs there. I know. We wrote it.

And, if, in our collective wisdom, we want to pass legislation regulating plant closings and layoffs, legislation that rewrites existing labor law concerning successor employers, legislation that overthrows State employment-at-will laws, or legislation that dramatically changes the legal rights of parties during a strike, then let us have the courage to tell the American public that is what we are doing.

And let us not hide behind the cliche of simple plant closing titles. Let us talk about what really is involved here. This is not a simply law. This is complex. It is a dangerous law and it is going to put us along the same lines as the Federal Republic of Germany, France, and other nations which have enacted legislation like this and are losing jobs for their workers all over their country.

Last but not least, I could not possibly end my discussion on this particular subject without talking about the plethora of litigation that is going to occur if this bill actually becomes law, this so-called plant closing and layoff bill. This is a lawyer's dream, especially a union labor lawyer's dream.

But it is also a defense lawyer's dream because they are going to make billions of dollars defending the plethora of lawsuits that are going to come as a result of the interpretations of what is argued here to be a simple plant closing bill.

The problem with this outfit is that we legislate by title too much and we fail to look at what really is involved. What is involved here is something that could hurt our country under the guise of just simple fairness and equity. The fact of the matter is that this is not fairness and equity. It is going to hurt employees all over America, it is going to cost us jobs, it is going to increase unemployment, and it is going to cause problems like we have not had ever before in this country.

I have not been wrong, it seems to me, in my arguments on most of these successive labor bills. The ones that have passed have proven to be exactly as we said they would be. The ones that have not passed, thank goodness, are bills that should never have passed to begin with.

Let me just say this to you: I said the day that this bill passed 63 to 36, 36 being 3 votes more than necessary to sustain the President's veto, if they would take this unrelated provision off this bill—if they really want a trade bill, if it is really that important, and many of us feel that it is, it has taken 3 years, a plethora of committees, all kinds of work by people on both sides of the aisle—then take plant closing and the Alaskan oil situation off and we will deliver the votes for this bill. You will then have a trade bill, and if they want to bring up plant closing later we will look at it at that time, and since they have the votes to pass it here why are they afraid to try it again and pass it on something else that has to pass before this Congress is over?

The fact is they do not have to hold the trade bill hostage. If anybody thinks they are going to get a political advantage because of this, I think they have another think coming because all we simply have to show is that they had the votes on plant closing and they could hang it on an appropriation bill or a continuing resolution or anything else they want to; instead, they chose, for political advantage, unfair political advantage at that, to shoot down the whole trade bill. Those who do that, it seems to me, and those who argue that the trade bill has been shot down by the Republicans, I think they are in real jeopardy because their arguments just will not hold water.

Mr. President, what I have said here today is true. I have not spent 12 years in the Senate and many years before that working on these labor law provisions without realizing their importance and their significance. Whenever labor unions are right, I have supported them. When they are not right, I have stood up here and taken an opposing position and I am doing it on this bill. But it is more important than that. I am doing it because there is no reason for these so-called simple provisions to gum up what really is a good trade bill.

The President happens to be right. But even if he was not right and even if these provisions were right, which they are not, then it seems to me it is still the right thing to do to take this provision off the bill and pass a trade bill that is unrelated to plant-closing legislation, to do what is right for this country at this time and do what is right to honor the hard work of all of these committee chairmen and ranking members and other committee members to get this particular piece of legislation through without plant closing.

Mr. President, this plant closing legislation is lousy legislation. It is complex legislation. It is detrimental legislation. It is legislation that will hurt employees all over America and that will hurt tenuous businesses all over America. It will take away their chance to survive. It is legislation that will cost us all.

With that, I yield the floor.

The **PRESIDING OFFICER**. The Senator from South Dakota.

Mr. **PRESSLER**. Mr. President, I thank my colleague from Utah for that wonderful speech. That is one of the finest speeches that has been given in this Chamber on this issue. We all look to him for leadership in this area.

Mr. President, I wish to address another section of this bill that has not been discussed widely here in this Chamber. That involves the ethanol provision. This trade bill contains a provision that would allow ethanol to flood the U.S. market from Europe. It would allow the Europeans to dump their surplus cheap wine into Caribbean Basin countries. It would then be remanufactured into ethanol and exported duty free into the United States. This would cost us the jobs of 1,000 U.S. workers. It would mean that 80 million bushels of Midwestern corn would not be sold. It would result in the loss of $240 million in tax revenues.

Mr. President, there has been much talk in this Chamber about alternative fuels being developed in the United States. If this bill were to go forward, several small ethanol plants would be wiped out. The way this works is that it goes back to the Caribbean Basin Initiative. Originally, the intention was for the Caribbean Basin to be able to grow sugar, manufacture ethanol and sell some of it in the United

States. The fact is that the Caribbean Basin countries have not an industry to process sugar into ethanol.

A loophole is that Europe now has a great surplus of wine. The Europeans plan to export the cheap wine to the Caribbean Basin, have it manufactured into ethanol, and then dump it on the United States market. This will cost jobs throughout the United States. It will harm our ethanol industry, which is in its infancy. Above all else, it will mean at least 1,000 American workers will be unemployed.

Mr. President, I have not seen this provision discussed very much, except in some Midwestern papers. The Des Moines Register had an editorial about this and, in fact, the New York Times also had an editorial.

Mr. President, I ask unanimous consent that those two editorials be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Des Moines (IA) Register, April 26, 1988]

Really a Christmas Tree

Congress all along has had the ability to cope with the trade deficit. Mainly, coping would require getting the nation's fiscal affairs in order, halting the massive federal borrowing.

But that's too tough. Congress can't bring itself to perform its most basic duties adequately, so instead it postures and pretends it can do something about the trade deficit by passing a trade bill.

At least it's called a trade bill, but it's really a Christmas tree. It's one of those massive bills that everyone tries to attach his pet project to. The focus of disagreement between the president and Congress—a requirement that workers be given notice of plant closings—is one example. It would be a lobbying goal of labor with or without a trade bill to attach it to.

Hardly anyone knows everything that is in the 1,000-page bill, but there are scores of provisions tailored for individual industries and companies. The label on the package is trade, but the contents look suspiciously like pork.

That's why it's bound to pass. Even if President Reagan vetoes the current version over the plant closing provision, the bill will eventually pass in some form. Congress has too much invested—nearly three years and the work of two dozen committees—to let it go for naught. Besides, the bill gives members a chance to assert that they addressed the trade problem, even if they didn't.

Will the bill make a difference on trade? Not much. It would expand the president's power to retaliate for "unfair" foreign trade practices, but the president already has wide latitude on trade, and that wouldn't change much. It would transfer some authority from the president to the U.S. trade representative, but the trade representative is an appointee who serves at the will of the president anyway.

There are some needed provisions, such as the relaxation of export controls that have hampered U.S. firms' ability to sell abroad. There is more assistance for workers displaced by foreign competition. It is perceived as a "tough" trade bill, which may be of some help in trade negotiations.

But the bill is hardly the epic turnaround in U.S. trade policy that its backers claim it to be. It is neither awfully bad nor especially praiseworthy. It is merely something Congress, in its inimitable fashion, has done. If the U.S. trade picture improves, it won't be because of this bill.

[From the New York Times]

On Trade: Wrong From the Start

The foreign trade bill that Congress expects to complete this week had a bad beginning, a tormented middle and a dismal end. President Reagan properly promises a veto, but the fault is as much his as Congress's. The pending bill is worse than none at all.

Congress has been working on the bill since 1985, but its roots go back even further, to the Administration's earlier disregard of trade problems as they grew. In 1981, there was a $14 billion surplus in the current-account balance of trade—goods, services and investment earnings. By 1985, this became a huge and growing deficit, largely because imports soared while exports stagnated.

It was all foreseeable. Heavy borrowing to finance the Reagan budget deficits kept interest rates up, attracted enormous foreign investment and drove up the dollar. Mr. Reagan celebrated the "strong" dollar as a sign of America's vitality. Actually, it meant trouble. It made imports cheaper while boosting the price of American exports to foreigners.

Congress responded predictably. Feeling the heat from labor and management in industries hurt by foreign competition, it voted new and surer ways to curb imports. The legislative thrust was to blame this country's trade problem on someone else, even though other countries' trade restrictions are less severe now than they were before the trade deficit developed.

The bill in its final form tells Japan and other offenders, in effect, to buy more from America or sell less—or else America will clamp down on them. To make sure that the Government truly gets tough, Congress has written prescriptions that limit the President's flexibility to decide what action best serves the nation's interests.

Some of the most protectionist features that were approved separately by the House and Senate have now been dropped by House-Senate conferees, and the Administration has withdrawn most of its demands for other changes. The main point that Mr. Reagan still resists is a requirement that businesses give advance notice of planned layoffs and plant closings. It is a valid requirement, but is in any case only partly related to trade.

Other good features are even less relevant, like repealing the windfall profits tax on oil. Properly, these would be separate bills. Congress has taken to packaging the good with the bad, however, tossing the whole omnibus lot at the President. It's no way to make good law.

The House approved the final version of the bill last week by an overwhelming 312-to-107 vote; Senate approval could come today. Speculation has already turned to whether Congress will override Mr. Reagan's veto or pass a modified bill that meets his objections. In the interests of healthy trade expansion, this bill needs more than modification; it needs an overhaul.

Mr. PRESSLER. Mr. President, there has been much debate about this trade bill. In fact, there are parts of the trade bill that I support. I agree with the Byrd-Dole super 301 provision and there are certain other parts of it that are good.

I hope we pass another clean trade bill immediately. This bill has become a Christmas tree. It is loaded down with everything except trade. It creates vast new Federal agencies. It will result in more Federal employees. It costs $6 billion or $7 billion of taxpayers' money, all at a time when we are trying to become more competitive and reduce our budget deficit. It has a lot of things in it that are unfair, such as this ethanol provision.

Now, some students of Government will say, "How do all these things get in these bills? Why doesn't the Senate vote on things individually?"

It is always hard to explain that the Federal Government has grown so vast and the budget so big that when a final bill comes before us we are forced to vote for some things we do not agree with and some that we agree with. I, myself, would like to see us vote on more things individually. But, still, the final passage of the budget, for example, will contain many provisions that I do not agree with and some that I do agree with. So we have to achieve a balance.

This bill, on balance, is actually harmful to trade. It is harmful to agriculture. It is harmful to taxpayers. The prime example is the ethanol portion.

Mr. President, there are many other provisions in this bill that I could touch upon. There is the unnecessary Federal spending. The bill includes $6.1 billion in new Federal spending. This does not even include the cost of several new entitlement programs. One example of the unnecessary spending is the payment of $500,000 to Washington lawyers, which some say cannot be identified in this bill but it has been identified.

They are excessive government studies and commissions in the bill. The Senate bill requires over 150 new studies and reports and established dozens of new duplicative commissions. For example, one study examines the possible protection of the domestic rose industry. Another commission established in the bill costs $10 million and specifically stipulates that its 12 members shall be paid at a rate comparable to a GS-18, which is $86,682 each, almost the salary of a Senator.

Several protectionist provisions remain in the bill. For example restrictions are placed on imported food products treated with pesticides. The fact is the United States is the largest user of pesticides. This provision invites retaliation against United States agricultural exports. The section 301 provisions, if not used properly could also result in retaliation against United States farm products. This would be similar to China's 1983 retaliation against a $50-million United States textile restriction by canceling its purchase of $500 million in United States grain.

There are some toothless agricultural provisions. The marketing loan and export enhancement agricultural provision are totally discretionary and probably will all be changed in the 1990 farm bill.

There is the Russian furskin issue. The bill lifts the current ban on importation of Soviet furskins. This will allow subsidized Soviet competition against South Dakota fur farmers and trappers, who produce several million dollars worth of furs annually.

This bill requires a feasibility study of an international institution to discount and renegotiate Third World loans. This appears to be leading to a U.S. taxpayer bailout of international banks and Third World nations that would cost billions.

Indeed, this Senate recently voted on a bailout, essentially, of our savings and loan institutions. We have had to vote on a bailout of some of our farm credit systems. It is the taxpayers who are called upon over and over again to pay for these bailouts.

If this bill becomes law, if this veto is not sustained, we will have, for the first time, the possibility of U.S. taxpayers being held responsible for international banks and Third World nations debts that could cost U.S. taxpayers billions. This feasibility study of an international institution to discount and renegotiate Third World loans is a very dangerous thing.

All of these things start very innocently with a feasibility study. All of a sudden, we are committed and the administration has made commitments which Congress is told we are supposed to pay and it leads us down a primrose path.

Now, if this bill is defeated today, we still have the chance to vote on a clean trade bill. We need a clean trade bill and I will support it. This is how the legislative process should work.

There are areas where we need to have the capability to retaliate against some trade policies. For example, I was recently in Geneva and met with some of our GATT officials. The Europeans subsidize the production of soybeans. They pay $15 a bushel within the European Economic Community. Our price is about $8 a bushel. We would like to sell more soybeans there. They cannot import them. That is unfair competition. It is a case where we are going to have to retaliate because talk does not seem to work.

The Koreans will not import any of our beef. The Japanese will import very little. We perhaps need the power to retaliate, although this bill does not necessarily give it.

But this bill is so loaded down with other things that are harmful to trade such as the ethanol provision which is a classic example. It is loaded down with new Federal spending and unrelated matters such as the Third World debt. Loaded down with the 150 studies that are going to be very expensive. Loaded down with the creation of new and expensive Federal jobs.

In conclusion, Mr. President, my main objection to this bill is the ethanol provision. This provision will result in the loss of 1,000 jobs in U.S. ethanol industry. It will displace a substantial amount of corn and result in the loss of a great deal of tax revenue.

As I said, under this provision the Europeans would be able to export their cheap wine, which is virtually worthless to them, to Caribbean Basin countries, who would in turn export it into the United States. How did such a provision get into this bill? I understand it was slipped in over in the House. Nobody really knows. But it got in there. Now many people say let it go because we cannot sacrifice the whole bill for one section.

But to what point do we carry that philosophy? These huge bills have so much garbage in them. This is an example of it. This Senator is going to vote against it very proudly because it is a bad piece of legislation. We have time to do a clean bill. We must do that. Mr. President, I shall vote to sustain the President's veto.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I have already spoken at length on my reasons for opposing the trade bill, and I will not detail all those arguments again at this time. However, I would like to emphasize a few points which should be sufficient reasons for sustaining the President veto of H.R. 3, the Omnibus Trade and Competitiveness Act.

First of all, this legislation fails the "truth in advertising" test. It is not devoted solely to improving our country's trade and competitiveness. With a conference report totaling 1,115 pages, the most descriptive word in the title is "omnibus."

The problem I have with this legislation is that we seem to have lost the focus on improving our international trade posture. Instead, we have a grab bag of provisions of questionable merit.

PLANT CLOSINGS

The plant closing mandatory notice provision is probably the most notorious of these provisions. I expect that the reason that the plant closing provision has been discussed as much as it has is that it is a so-called people issue that is easy to describe in a few words. As a result, we have seen a series of reports about it on television and read a number of articles about it in the press. There certainly have been more reports and articles on plant closings than on the provisions of the bill concerning trade or competitiveness.

Let me say in as straightforward a way as I can that I do not oppose the concept of giving employees notice when a plant is about to be closed or when a major layoff is going to occur.

But it certainly can be fairly argued that this is better left to the collective bargaining process. What makes us think that the Government is better at determining what appropriate notice should be than the parties who are actually involved is beyond my ability to explain to my constitutents.

As the distinguished Senator from Minnesota [Mr. BOSCHWITZ] has said, this really is not an issue. It is a very rare occurrence when employees don't have a very good idea whether a company is doing well and is likely to stay open or is in decline and likely to close. Mandatory notice may sound useful, but it is not nearly as important as the press and the provision's supporters have suggested. At the very least, the plant closing notification is an insufficient reason for voting to override the President's veto.

ETHANOL

Another provision which has nothing to do with improving either our trade balance or our competitiveness is a provision to allow more ethanol from the Caribbean to be imported to the United States duty-free. To the contrary, this provision can only adversely affect a market for our domestic grain. I was especially pleased that the President mentioned this provision in his veto message.

It is unfortunate that more people do not understand this provision better. Somehow the Washington Post has gotten the idea that present law is unfair to the Jamaicans. What the Post does not seem to understand is that, when we enacted legislation to implement the Caribbean Basin Initiative, we provided an exception from the duties that otherwise apply to imported ethanol. This exception was intended to help employment in the Caribbean by providing a new market for their sugar.

Unfortunately, the legislation contained a loophole that allowed Caribbean countries to act merely as a conduit for ethanol derived from excess European wine and molasses from outside the Caribbean Basin. We closed that loophole in 1986 and provided a transition period during which Caribbean ethanol plants would use an increasing amount of domestic feedstock for their ethanol production.

This transition period was very carefully drafted, based on the information given to us by the Caribbean ethanol producers to allow them adequate time to develop adequate domestic feedstock sources.

Now we find that the Caribbean ethanol producers would prefer not to rely as much on sugar cane grown in the Caribbean for their feedstock. I can understand that. They may be able to sell the sugar they produce without turning it into ethanol.

And buying excess European wine may be cheaper than planting more sugar cane. However, that does not provide more jobs for the Caribbean. It just perpetuates a loophole which was rightly closed 2 years ago.

INTERNATIONAL DEBT FACILITY

The trade bill also requires the Secretary of Treasury to study the feasibility and advisability of establishing a multilateral financial authority to deal with lesser-developed country debt. Unless he finds that it is not feasible and advisable, he would then be required to begin negotiations with other nations to establish an international debt management authority.

In addition to questioning whether we need a new international finance agency, funded by taxpayer dollars, this agency seems particularly ill-advised.

Just think of the rational reaction of debtor nations to the possibility that they may be bailed out. They will certainly be less likely to try to make the payments they now owe. The same goes for the banks that have made the loans. Why should they continue to negotiate with their debtors when there is a good chance they may be bailed out?

The inevitable result is that there bill be increased pressure for the U.S. taxpayers to pay a large share of this international debt. Mr. President, I think all of us will agree that our own Federal debt is large enough without taking on the debt of other nations.

OTHER ITEMS

The President included in his veto message several other objectionable provisions. He rightly objected to the limitations on export, transportation, and utilization of Alaskan oil. He pointed out that the proposed council on competitiveness is simply another effort to revive industrial policy planning. And he noted that an amendment to the Trading with the Enemy Act included in this legislation would prevent him from quickly blocking enemy propaganda material from entering the United States in wartime.

The President's list of objections was modest.

He could have objected to the establishment of over 30 new Federal and State agencies, offices, panels and commissions and the 150 new reports and studies which will be required.

He could have objected to the expansion of the Trade Adjustment Assistance Program to secondary workers and the inclusion of a new training entitlement program and retroactive benefits for workers in one industry out of many which are similarly situated.

He could have objected to the strategic export control sanctions the legislation requires if we in this country decide that the courts in one of our Cocom allies are not interpreting their own laws to our satisfaction.

He could have objected to the limitation on foreigners qualifying for primary dealer status to sell U.S. securities. Our Federal debt is large enough so that we need all the help we can get in finding creditors.

And he could have objected to the various special interest provisions that give certain products and companies an advantage not available to others. For example, duty free treatment for an extracorporeal shock wave lithotriper imported in October 1986 for use in Hawaii and duty-free treatment on transisters imported between March 1, 1985 and November 6, 1986.

POSITIVE PROVISIONS

Mr. President, having pointed out so many shortcomings, it would only be fair to note that this legislation also contains a number of good provisions.

The legislation would extend the President's authority to negotiate multilateral trade agreements, thus allowing the United States to participate fully in the Uruguay round of the GATT. And it would reauthorize the "fast-track" process which has done much to facilitate agreements in the past.

The legislation would also implement the harmonized system of international goods classification and tariff schedules to which this country has already agreed.

More importantly, Mr. President, the legislation also strengthens the ability of our citizens to be treated fairly in the international marketplace.

Too often in the past we have taken an inflexible position in favor of free trade that demanded our markets be open to foreigners, but did little to ensure that foreign markets were open to our goods. We have a responsibility to assure that our companies have a fair opportunity to sell their goods wherever they have a competitive product.

This legislation includes a modified version of the Byrd-Dole "super 301" provision to reform the procedure for enforcing our rights under trade agreements and our response to unfair foreign trade practices.

And, finally, the legislation would repeal the windfall profit tax—a misnamed and misguided piece of legislation which should never have been enacted. I helped lead the fight against enactment in 1979 and 1980 and have worked consistently ever since for repeal. That repeal is long overdue.

Mr. President, this Senator would encourage his colleagues to sustain the President's veto. But, Mr. President, this Senator also sincerely hopes that we will have a trade bill this year. That trade bill can be based on this legislation, but it should not be considered good enough if we just strip the plant closing provision and leave the rest of the bill intact. Improvements can be made. They would not be difficult since they could be made by simply striking out provisions. If we truly want a good, effective trade bill this year, we have the time to do it.

Mr. President, I know there are some who feel very strongly about this bill; some do not believe the administration really wants a trade bill. I believe they do. I have had indications as recently as this morning from the Treasury Secretary that the administration wants legislation, and I believe if we are willing to set aside the political issues—plant closing is about the biggest one—then we can have some legislation and have it very quickly. We can have it if the leadership on both sides of the Capitol, Democratic and Republican, and the administration, are willing to sit down together and work out the differences. Let the House send us a bill and say this is it, this is what we agreed on, no changes on whatever. And if they act in good faith, I am certain we would act in good faith on this side and maybe we can still have a bill before Labor Day in 1988.

Mr. FOWLER. Mr. President, I believe in the principles of reciprocity this bill represents, and I will vote to override. But we have to take a broader view of our trade policy, and realize that this bill represents only the first step in attacking our trade deficits. If this legislation dies, it will only delay the day when we get on with thinking about the other dimensions of trade and considering the effects of other policies on our current trade imbalance.

We need to ensure fair trade, yes. But the other dimension of trade is offering a product that the rest of the world needs. I believe that we are, as a matter of national policy, missing opportunities to do just that. As vice chairman of the Energy Committee's Research and Development Subcommittee, I'll give you one example that disturbs me greatly.

I'm sure we are all aware of our dependence on imported oil to meet out current energy needs—not to mention the needs of the future, with imports expected to top 60 percent in the coming decade. That accounts for a sizeable portion of our trade deficit. We are aware of the even greater dependence of some of our allies, of the acute tensions in the world's major oil-producing region. We also know that remote regions of the world's developing nations lack access to any adequate power source.

All this points to a vast market for reliable and economical technologies for alternative energy production and distribution. The nation that can provide that technology will improve its balance of trade by reducing its own energy imports and selling to meet the needs aboard. It occurs to me that the best way to break down barriers to our trade is to be the ones to meet this kind of crying need.

That is why I am disturbed by the trend I have followed, through my committee work, in development of one of the most promising alternative energy technologies, photovoltaics.

I am disturbed because this technology, invented and developed in the United States is being appropriated by other countries—right out from under our noses, while we do nothing about it. This is happening simply because other countries have made a stronger commitment to following the avenues we have opened in photovoltaics.

These high technology solar energy devices that use semiconductors to turn the Sun's rays into electricity are becoming competitive with other energy sources. The cost has dropped from $10 per kilowatt/hour to 30 to 40 cents in the last 15 years. The cost is already competitive with diesel generators used in remote regions without access to a power grid, and photovoltaics units are much more reliable.

These units provide a great deal of flexibility in meeting fluctuating power demands on short notice. They have other advantages: They can produce the most power at the peak deiand of hot suimer days(and they dk it at no harm tk the envirojment*

Photovoltaics is already a $300 iilhioj business wkrldwide, with iultibillion dohlar pktential by the 1990's.

That is the proiise* The reahity is aj abrupt and draiatic dechine in our share of the market under the presejt adiijistratioj. In 1981, the Ujited States hehd kver 80 percejt of the worhd iarket. In 1987 that share was reported at 30 percent[coipared tk 43 percejt for Japan, 16 percent fkr the European countries, and 10 percejt fkr the rest kf the wkrhd*

This reversah did jot kccur because of our lack of capacity and expertise. These other countries have recogjized this as a national priority and their governments are providing substantial subsidies to encourage development in this fiehd. The United States, in the meantime, has drastically reduced its commitment.

The administration asked for $24 million for DOE photovoltaics research and development in fiscal year 1989, down from the $35 million appropriation for this fiscal year. West Germany is spending $61 million this year—Japan, $53 million.

I have introduced legislation to try to restore this and other alternatives as a national priority. I hope we will resume some modest efforts to rebuild our primacy in this field.

Photovoltaics offers one answer to two of our greatest challenges: reducing our trade deficit and enhancing our own energy security—helping to eliminate our dangerous dependence on oil imports.

This technology will have important uses in the future. I hope that we do not have to import our photovoltaics from Germany or Japan. I hope that we are the ones who will create all the new manufacturing opportunities, and stimulate the education and training of people for new jobs in this industry.

Let's get beyond the first phase of reducing our trade deficits, because if we remain at an impasse on this legislation we will never get on to the second phase.

We need a trade policy that promotes fair trade and open markets. We also need policies that will encourage the development of technologies—in the information-based economy of the future—for which there will be a strong demand in foreign markets.

Mr. BRADLEY. Mr. President, I rise to support the conference report on H.R. 3 because it reaffirms our national commitment to an open international economic system and to economic growth that will provide challenging and rewarding opportunities for our children.

Is the conference report on H.R. 3 a good trade bill? As I listen to the administration try to explain its position, it becomes unclear to me whether they oppose this legislation on substantive grounds. The administration supported the Finance Committee report, then opposed the substantially more open-trade oriented bill that the Senate passed. The administration reportedly offered to accept the conference report if Congress stripped a plant closing provision. But now some officials say the bill contains other unacceptable provisions. No wonder everyone's confused.

This legislation is too important to fall victim to muddled objections and thinly veiled political ideology. The conference report on H.R. 3 is much more than just another trade bill.

This bill extends trade negotiating authority and trade agreement implementing authority for 5 years. The administration seems to feel this authority is desirable but unnecessary. Yet, our trading partners will not negotiate seriously with a U.S. administration that does not have the authority it implement an agreement. As a result, multilateral trade talks involving the United States will remain at a standstill. The trade ministers' interim report due at the end of the year could become the epitaph of the new round of multilateral negotiations if U.S. representatives do not have full authority to negotiate. Without progress in multilateral trade talks, U.S. businesses would see no reason to invest in new capacity. Without investment, American job growth could literally grind to a halt.

But extending negotiating authority is more than a self-help measure for a troubled domestic economy. It is a reaffirmation of America's commitment to an open trading system—a reaffirmation the world economy desperately needs to hear. I believe history will show this administration's biggest economic mistake was to leave the world economy leaderless. By ignoring the international repercussions of its radical economic experiments, the administration has sown confusion and uncertainty throughout the world. As a result, countries as diverse as Japan, Taiwan, Mexico, and Italy hoarded dollars, creating trade imbalances that have returned to haunt us. Getting GATT talks back on track is the surest way to restore direction to the world economy before it runs aground on a protectionist barrier reef or sinks in the depths of recession.

The trade bill supplements multilateral talks by making U.S. actions against violators of trade agreements more predictable. By clarifying the circumstances under which the United States will retaliate against violations, the bill strengthens our ability to settle trade disputes and discourage new barriers. This puts muscle in U.S. law until we can put teeth in the GATT. But it also reaffirms the commitment of this Government to support the legitimate efforts of American exporters in competitive world markets.

This bill recognizes, moreover, that American workers in export and import-sensitive industries have had to wrestle with problems that go far beyond trade agreement violations. Many of our workers have had to deal with the sudden collapse of the very markets that grew fastest in the 1970's—the markets of our closest developing neighbors now stagnant and lifeless under unsustainable debt burdens. To earn hard currency for debt payments, these countries have resorted to panic exports. Because of the premium their debt payments put on dollars, they must sell soybeans, textiles, machinery, steel, and even light aircraft at any price. The simultaneous loss of fast-growing export markets and new wave of desperate import competition has devastated parts of America's manufacturing and farming sectors. This bill reaffirms our commitment to those sectors of our economy as well as to the rank and file of heavily indebted developing countries. The bill takes steps to resolve the dilemma of unsupportable and stifling debt burdens under which both developing countries and their U.S. suppliers suffer. It asks Treasury to open negotiations in search of a solution and to explore the potential of an international debt facility to broaden our debt management options. More broadly, the bill recognized that America's solutions to its own debt problems may lie in the steps we take to resolve those of our neighbors. That is what economic interdependence is all about.

The bill's education provisions illustrate the depth of the commitments this legislation reaffirms. I am particularly pleased it includes funds I have long sought for high school basic skills and school dropout programs. These and other education programs in the bill recognize that America's scarcest resource will soon be human skills. Part of this bill is providing the support our children need to be the best they can be.

Other provisions make a commitment to future economic progress by reviving and restructuring trade adjustment assistance. No one disputes the premise of trade adjustment: those who most benefit from open trade help those it hurts find better and more rewarding work. This bill brings that premise to life. It expands eligibility for assistance to secondary workers; it provides flexible training vouchers and conditions readjustment allowances on training; it institutes a small uniform import fee to fund the retraining programs; and it expedites assistance for workers in industries the ITC finds injured by imports. Trade adjustment reaffirms the partnership between Government and workers which has eroded in recent years. Workers embrace change only if they are secure in the knowledge that they can find new opportunities without disrupting their lives. This is the kind of partnership on which advanced capitalist economies depend and thrive. Strengthening it will keep us open and responsive to global change.

This conference report wisely rejects four approaches that tend to characterize uncompetitive economies in decline. First, it dropped the Gephardt amendment which put the responsibility for our trade deficit on the shoulders of our most productive trading partners. The amendment could have led to more disarray in the world economy and shut our products out of world markets.

Second, the conference dropped provisions that would automatically have triggered tariffs and quotas, even if they were highly regressive. In doing this, the bill protects our commitment to the poor and to those on fixed incomes who can ill afford the inflation that automatic import relief might bring.

Third, the conference report avoids the kinds of investment restrictions that have depressed job growth throughout Latin America. The Bryant amendment offered information on foreign investors we all might have welcomed. But it could have provided that information only at the risk of driving foreign investors out of the very job-creating projects Governors and mayors across the country are striving to encourage. American savings should finance investment to create jobs, but in light of our low savings rate, we need foreign investment.

Fourth, this conference report comes within a hair's breadth of avoiding special interest provisions altogether. It is true and regrettable that lamb import impediments survive in an attenuated form, but this is the closest to a clean trade bill I have seen in years. And so such, it reaffirms our commitment to legislation in the national interest.

This bill embodies commitments to support open trade; to support trade-sensitive industries in the face of unfair barriers; to support both American and foreign victims of the debt crisis; to support skill development for our children; to support the workers on whose acceptance of change we rely to meet the challenges of the future; to avoid blaming others for our problems; to avoid regressive tariffs that could hurt the poor; to encourage job-creating investment; and to legislate in the national interest. If anything is missing from this framework of interrelated commitments, it is the commitment to encourage trust on the plant floor, to support workplace loyalty.

This is why I believe plant closing notification is more than a helpful afterthought. The provision asks businesses that employ over 100 people to give 60 days' notice if they can reasonably foresee a closing or a major layoff. Some argue this is precisely the kind of law that led to arthritis in European economies, yet they conveniently overlook the list of robust, competitive economies such as Japan, Taiwan, and Hong Kong that have already enacted plant closing legislation.

Some argue notification is the camel's nose under management's tent: pass this and other laws will follow that seriously restrict employers' ability to run their businesses. But our job is to vote based on the merits of bills before us, not based on fears of bills as yet unwritten. The conferees have carefully rejected harmful amendments and included beneficial ones. Here we have a proposal to restore decency to a dark corner of American business practice. The average American plant closing notification is down to 7 days. This proposal is good and long overdue.

Decency is the only real issue in plant closing notification. Decency itself—decency of workers' treatment on the job—is an economic issue. Because to be as productive as our talents and skills allow, we need trust in the workplace, a reason to be loyal on the job. Ideally, we would never have to legislate this. But as a nation we have fallen into a vicious cycle. Closings have weakened workplace loyalty. Less loyalty has meant lower productivity. Lower productivity often contributes to even more closings.

This vote is the Senate's one chance to speak out purely on the merits of the bill. This legislation broadly reformulates the Nation's commitments on trade, economic growth, and the nature of the opportunities we intend to offer our children. Yet it remains the least protectionist version of the bill since its birth in the Finance Committee. Every one of us can feel good about this report. It has the potential to bring us together on one of the most divisive and corrosive issues of our time. That alone deserves the support, in my view, of every Member.

TRADE

Mr. DECONCINI. Mr. President, I strongly support this trade bill and will vote to override the President's veto. I will vote for this bill because it is a good vehicle to address some of our trade problems. It is not a perfect bill. It is not a panacea for our $60 billion deficit with Japan, the stock market crash of October 19, or will it completely restore our economic vitality. But this bill does revise 12-year-old trade laws so that we can better compete with our competitors. It does provide trade adjustment assistance for retraining U.S. workers. It does provide money for worker education programs. And it does address the problem of unfair trade barriers which other countries use against U.S. businesses. This bill will help U.S. workers and U.S. industries.

The American Assembly was established by Dwight D. Eisenhower at Columbia University in 1950. This assembly seeks to provide information, stimulate discussion, and evoke independent conclusions on matters of vital public interest. They have issued a report which says that "the United States is gambling recklessly with its destiny unless it takes immediate steps to change its spending habits and increase its gobal competitiveness." The report goes on to say that the growing trade deficit effects our domestic economy, our vital national interests, and is a direct threat to democratic interests throughout the world.

Mr. President, this report, put together by business, government, labor, and academic leaders, states that we should begin to address our trade deficit "by enhancing the will and capacity of individuals and businesses to compete more successfully." This bill does enhance the ability of businesses and individuals to compete. This bill includes negotiating authority so that the next President will have congressional support to continue to seek agreements that open markets abroad. This bill improves the negotiating position of the U.S. Trade Representatives. There are provisions which improve intellectual property, copyrights, and reduce handicaps to U.S. exporters. All these helpful provisions in a bill over 470 pages attempts to address the 1987 foreign trade barriers report which is over 350 pages. Japan alone has over 20 pages of barriers, quotas, and obstacles to United States industries in trade. Yet, the President, in his 3-page veto message says that there remain in the trade bill sections "that push us in the direction of protectionism." We are not the protectionists. It is Japan, Korea, and Taiwan which are protectionists.

I would also like to address why this bill is helpful to American businesses. This legislation improves financing for U.S. exporters through the Export-Import Bank. It expands Government export promotion activities, with greater help to small businesses. This bill strengthens laws against foreign pirating of U.S. patented intellectual property such as computer software, books, and films. U.S. businesses also strongly support the process patents provision, the loosening of export controls on low technology items, and the provision that accelerates the Commerce Department's monitoring of nations which have been found to repeatedly dump products on the American market. This bill greatly assists U.S. business in the international trade arena.

This trade bill is objectionable to the President because it "arbitrarily mandates" plant closing notifications of 60 days. Our Founding Fathers gave a President 60 days to find a new job after the November elections. They give U.S. Senators and Congressmen 60 days. It seems that if 60 days is good enough for our elected representatives of the people, it is good enough for the people themselves.

Mr. President, between 1982-86 over 6,000 Arizona copper workers were laid off. Advance notice would benefit the workers, the community, and better prepare everyone for future employment opportunities. I believe that this provision will promote a more cooperative relationship among workers and employers. This will improve morale and productivity. I certainly do not believe this provision should kill the productive provisions contained in this legislation.

This is a good bill for American workers, American jobs, and American businesses. It sends a strong message to our trading partners: Unfair trade must be eliminated. It sends a strong message to America: We will restore the United States to a more competitive industrial society. The House of Representatives sent this message. I urge my colleagues to support this effort to override the President's veto.

Mr. CHAFEE. Mr. President, I am pleased to speak in support of the trade bill that has been approved by both branches of the Congress. This bill contains many provisions that will work to keep our economy strong and improve our competitiveness. And I believe it should be approved despite the President's veto.

In general, the news about our economy has been very good and to even use the words "in general" are not necessary. The news about our economy is very good, period.

In May we continued to see signs that we are continuing to have a boom. Our national unemployment rate stood at 5.6 percent, almost 3 percentage points lower than the 9.5 unemployment our Nation had during 1982 and 1983.

In my home State of Rhode Island, we are doing even better. The unemployment rate dropped to 3.3 percent in April, the lowest level since 1968 and the lowest peacetime unemployment level in the history of our State.

As a nation we are starting now in the 6th year of the longest peacetime expansion of the economy. Sometimes we get so busy we fail to appreciate these incredible statistics, and what is happening in our country.

This economic recovery has been brought about and continued through a number of factors, including staving off protectionism, sticking with deregulation, stressing free enterprise, and eliminating petty harassment of businesses.

Unfortunately, the economic recovery that our Nation is now enjoying has been threatened at times during the past several years. One of the biggest threats clearly comes from the Federal deficit. At the same time, I think it is important to note that our deficits have come down, and we are continuing to work on them.

What about our trade balance? Our trade balance has not been totally satisfactory either. Nonetheless, the United States is determined to stick by—at least the Finance Committee, of which I am privileged to be a member, is determined to stick by—a free trade policy. But also we want a fair trade policy.

The challenge that we faced in the Finance Committee in crafting this legislation was to come up with a policy that was not protectionist yet at the same time made certain that we, our goods, our products, the production of our factories, could gain access into foreign countries that were keeping us out. In other words, we did not want to respond with the high wall, keeping other people out of our country, from selling their goods, but we wanted access into foreign markets.

Throughout this bill we made a sincere effort to stick by the General Agreement on Tariffs and Trade, the so-called GATT. We certainly did not want to ignore the rules of the GATT. I believe we came up with a good bill.

I want to pay tribute to Senator BENTSEN, the chairman of the Finance Committee and Chairman ROSTENKOWSKI of the Ways and Means Committee, both of whom deserve enormous credit for developing the compromises that were finally embodied in the conference report.

When this legislation first came to the floor last July, the Senate version, it is clear it had a lot of problems. I voted for that bill but at the time I said I had serious reservations, and if those reservations could not be satisfied in the conference then I would vote against the conference report.

In other words, we had some good features in our bill and some bad features. The House bill had some good features and some bad features. It could have worked out that we took the worst from both and that would be a horror show. It could have worked out that we took the best from both and had a wonderful bill. We did pretty much the latter. We took most of the good features and eliminated nearly all the bad features.

What are some of the good features of the conference report? First, it extends the authority of the President to negotiate trade agreements for an additional 5 years, up until May 31, 1993, and this also is an extension of the so-called fast-track procedure.

What is this fast-track business? We will hear a lot about that. Fast-track procedure means that when the legislation comes before the committees and comes to the floor of either body, it cannot be amended. The Senators or the Representatives vote yes or no; not yes, but I would like an amendment to go with it to make it palatable; none of that. It is up or down.

Second, the list of trade negotiating objectives has been expanded in this legislation to include something that I am strongly for; that is, to ensure that U.S. corporations or individuals have the same degree of access to basic research, development, and technology in other markets as foreign companies have in our country.

Other nations—notably Japan—have derived much of their competitive strength through the commercial application of technology developed here. Technology transfers, like trade, should be reciprocal and mutually beneficial.

The term "reciprocity" runs through this bill. What is reciprocity? Reciprocity means that our trading partners are going to give us the same access we give to them.

One example is telecommunications equipment. This legislation says that if other governments will not allow us to compete on telecommunications sales to their governments, we will not let them compete on telecommunications sales to our Government. But if they give us access, we will reciprocate, and certainly that is fair.

The most important improvements made in this bill deal with the strengthening of the section 301 provisions; 301 is the section of trade law that deals with the retaliation against any act or policy or practice of a foreign government which is unjustifiable, unreasonable, or discriminatory and burdens U.S. commerce.

I felt that section 301 should be strengthened, and I introduced legislation to accomplish that in 1985.

Another measure that is significant in the conference report, and was in the Senate bill, is transferal of authority from the President to the U.S. Trade Representative, the so-called USTR—in this case, Ambassador Yeutter—to investigate, negotiate, and retaliate in unfair trade cases. Instead of restricting that power to the President, it is now given to the USTR. It strengthens the power of this individual.

Under this legislation, retaliation will be mandatory in unresolved cases involving violations of trade agreements or other unjustifiable practices, unless any of five exceptional circumstances listed in the statute applies.

We have expanded the list of actionable unfair trading practices under section 301. What is an example of this expansion? Targeting. Targeting now becomes an unfair trade practice. What is targeting? Targeting involves an attempt by a foreign government to develop a particular industry's export capabilities, and the foreign government provides that particular industry with a competitive advantage, so that when it goes out to compete, it will be able to compete abroad successfully.

An example would be the machine tool industry. The machine tool industry has long been important to my State. It has been practically wiped out—not totally, but certainly devastated—by the Japanese imports in machine tools. How did the Japanese do it? They gave Government assistance and subsidies to their machine tool industry so that it then could target the American machine tool industry and defeat it competitively, with lower prices and, in all fairness, in some instances, better equipment. But that came about because the Government of Japan had helped that industry and slimmed it down so that it was targeted at the machine tool industry of America, and they did it successfully.

We have added provisions directing the Special Trade Representative to identify and deal with trade liberalization priorities. What the Trade Representative must do over the next 2 years is to identify trade barriers with the most impact on U.S. exports and initiate section 301 cases against those barriers.

In addition to all those, the bill makes significant changes in section 201 of the Trade Act by providing relief for domestic industries hurt by imports.

We have improved our trade laws in the area of antidumping and countervailing duties. The bill extends the Trade Adjustment Assistance Program for 2 years. It provides assistance to retrain workers in America who lose their jobs due to competition from abroad. This is only fair.

We are saying to American workers: "In the overall interest of our country, in the overall interest of consumers, we are going to continue a free trade policy. We recognize that some industries and some workers in our Nation may be hurt because of that, and we owe something to you, the workers who may be hurt. We recognize that we have an obligation to you because you have lost something."

So we are saying to these workers that we are going to give them extended unemployment compensation, and we are going to have a requirement that workers who receive that extended unemployment compensation must seek retraining.

The old order has changed, and the new order has come; and we must seek new ways to be competitive. So we, the U.S. Government, are going to retrain many of our workers to hold a job in an industry that will be competitive, that will last not only for the remainder of this century but also into the next century.

This bill also contains a special section on protection of high technology products. Some of this material was derived from the separate bill I introduced in the last Congress. We protect intellectual property in our country through copyrights, patents, or trademarks. Unfortunately, many foreign countries provide little, if any, protection for this so-called intellectual property. We extend that in this legislation.

We have eliminated many of the protectionist provisions, such as the Gephardt provision in the House bill. We have eliminated many of the special interest provisions in the Senate bill—protection for the big sugar refiners, for example.

With respect to the plant closing provision, I have long supported the view that workers and communities should be given advanced notice prior to the closing of a business. In the original Senate bill much of that plant closing legislation, I believe, was unworkable and especially burdensome on small businesses, leading to endless litigation. It was a lawyers' field day.

The plant-closing provisions have been improved somewhat during the conference. What were the improvements? Clarifications that were necessary to make the provision workable, and these provisions should remove some of the litigation problems that would result.

I believe that the merits of the trade bill, overall, outweigh the flaws, and therefore I will support the legislation on the floor today. I believe it is very important that we pass trade legislation in this session of Congress.

If, for example, the President's veto is not overridden, I hope that we could go immediately to work on a new bill and that the Democratic leadership would work diligently during the remainder of this session for a new trade bill, without those provisions the administration finds objectionable.

Is it possible to do this? Of course, it is possible. Everybody knows the issue. We have been around this track time and time again. There is nothing new in this bill. We have dealt with it for over 2 years. Within a couple of weeks, we could easily come back, if the agreement is there on behalf of the Democratic leadership, with a new piece of legislation that is suitable to the administration.

I think we will be making a mistake if we think that this trade legislation or any other trade legislation is the salvation of the problems of the U.S. trade position. It is not. In testimony before the Finance Committee, we had evidence that the trade deficit of the United States is only 15 percent or perhaps 20 percent attributable to the unfair trading practices of our trading partners. In other words, we are getting outgunned, not because of unfair trade practices but because of better products in some instances, lower costs, more innovative practices, better designs. We have to work on that side of the equation, and we are. And it is encouraging to see our trade deficit come down as it is.

So I would hope everybody would bear that in mind. Certainly, we want the best trade bill we can get, and we can get it if we have this or a similar version later on. But let us all bear in mind that all of the problems of the trade difficulties of the United States are not going to be solved on the floor of this Congress by a long shot.

So I would hope that we would get a trade bill, if not this one, one similar to it if the veto should be sustained.

I thank the Chair.

The **PRESIDING OFFICER**. The Senator from Indiana.

Mr. **QUAYLE**. Mr. President, there are a number of reasons why the President vetoed this legislation. But of the many reasons that he vetoed it, the one that has received the most notoriety and attention, particularly in the public debate and even more importantly in the Presidential debate, has to do with the issue of mandatory plant closing legislation that was attached to this trade bill.

This issue has now been highlighted into the Presidential debate and the

Presidential campaign. But if we examine the record we will find that there is very little difference between an approach that Vice President BUSH would take toward plant closing notification and an approach that Governor Mike Dukakis would take, given the law that was enacted in Massachusetts in 1984 dealing with notification of workers when a plant is going to close.

Mr. President, the issue has never been whether an employer should give advance notification or not. That has never been in dispute. Obviously, any employer that knows in advance that his business will close, or that he will make large layoffs, will give advance notice. Obviously, circumstances change, and how much notice can be given is subject to debate. But giving notice to workers when you are going to close a plant or have large layoffs has never been debated. The issue is what is the role of Government in promoting that notice.

Therein lies the distinction. Are we going to get into court-enforced, mandatory notice, or are we going to have plant closing legislation based upon incentives, based upon good public policy, and one that will work with the public sector and the private sector in promoting plant closing notification.

So I think the issue is one of persuasion versus one of coercion.

Legislation that I have introduced, dealing with plant-closing notification which has been supported by the Vice President, is somewhat similar to the legislation that is already on the books in the State of Massachusetts.

First, the proposal that I have introduced states that it is the policy of the U.S. Government that employers should give reasonable advance notification. A very similar statement of principle is in the Massachusetts law.

Second, the bill that I have introduced requires employers who do business with the Federal Government to make a written statement of what their own policy on advanced notice will be. Those who do business with the Federal Government will be asked to set an example.

Again, there is a very similar provision in the Massachusetts law.

Under our legislation, Mr. President, the Secretary of Labor is empowered to single out and to publicize those businesses that do not give notification. I believe that having the taint and the stigma of not only an investigation but to have the Secretary of Labor to go in and pick out businesses that do not give notice, hold them up for scrutiny, would certainly be strong incentive to give notification which should in fact be given to workers.

We encourage a code of ethics. We direct the Secretary of Labor to collect data so we can see if this problem is pervasive and what we might be able to do about it.

As I said, this is very, very similar to the law that is in Massachusetts that was advocated and passed by the Governor of Massachusetts who now will be the Presidential candidate for the Democratic Party.

The Massachusetts plant closing legislation declares as a State policy that they should give notice. It says that companies that do not give notice will not be eligible for special State aid. It is very similar to legislation that I have introduced. My bill states that Government contractors should give notice and should have a written policy on the notice period. Again, Federal contractors under our legislation would give notice very much like the Massachusetts legislation.

And, finally the Massachusetts law provides an extension of unemployment benefits if those employees do not get that adequate notice.

Under the Worker Retraining Act legislation that has been proposed by the administration, a similar recommendation was made.

So what we have, Mr. President, is not this vast philosophical difference of plant closing notification. It has been much discussed, particularly in the media. It has been discussed about in the advertisements on radio and television. But there is very, very little difference between my bill and one that Vice President BUSH would support and the bill Governor Dukakis signed into law in the State of Massachusetts.

I was reviewing the Massachusetts law recently. That legislation was submitted by the Governor of Massachusetts and it dealt with mature industries.

Let me just read a little bit of literature on the program to give a flavor of where the Governor of Massachusetts is going and has in fact gone on plant closing notification.

I am reading from the report to the Legislature on the Worker Assistance Program under the Mature Industries law:

> One of the primary purposes of Mature Industries legislation was to encourage employers facing certain types of full or partial plant closing to notify workers in advance of an upcoming layoff and/or to offer workers separation pay in lieu of notice.
>
> The law also provides for supplemental unemployment benefits to be paid to those workers who do not receive 90 days of advance notice or separation pay.
>
> In addition, the mature industry laws calls upon employers to notify public officials promptly of such closings.
>
> Underlying this intent to encourage—and I say encourage rather than mandate—encourage advance notice was the recognition that advance notice could serve a number of useful purposes.

No doubt about it. There should be advance notice.

As a matter of fact, what I found very interesting is a continuation of the report which states: "The Massachusetts Mature Industries law is landmark legislation that is viewed nationally as a model for effective public/private response to economic adjustments and worker dislocation. In fact, U.S. Labor Secretary William Brock's task force commissioned to study this problem nationally has endorsed the kinds of employment and training initiatives we have already undertaken in Massachusetts."

What I think is the issue again is whether it is going to be mandatory court-enforced notice or whether you are going to have straight forward plant closing legislation that is going to be based on incentives.

I found rather interesting a letter that Governor Dukakis sent on July 17, 1987, to all Governors of the Nation on his State's law. It touts the Massachusetts legislation, the Mature Industries law. Here is what he says in a letter to all Governors of our country and I am reading from the text of an attachment to the letter, and it says, I quote. Listen very carefully, Mr. President:

> Rather than create mandatory regulations for plant closings—

Let me repeat that.

> Rather than create mandatory regulations for plant closing, the Mature Industries legislation sets forth principles of responsible corporate behavior.

So what we have is an admission that the mandatory court-enforced legislation does have some problems. I think Vice President BUSH certainly understands that, and I submit for the record, perhaps not from the public utterances now, but for the record, whether it would be the Quayle legislation or the State-enacted legislation in the State of Massachusetts, they are very similar in principle and concept. As a matter of fact, you have the Governor on record saying instead of mandatory, and let me read that again, "Rather than create mandatory regulations for plant closings, the legislation sets forth principles of responsible corporate behavior."

That is certainly the way to go.

Finally, Mr. President, let me just read from a Boston newspaper, from an article that appeared recently on this issue. Let me just quote, and I quote:

> The truth of the matter is that literally speaking, Massachusetts really doesn't have a plant-closing-notification law. Instead, the measure that emerged in mid-1984 as an early prototype of the consensus-building process for which Dukakis became known was a watered-down law that, unlike the proposed federal law, makes notification purely voluntary.

Mr. President, I submit to the Senate that this issue of plant-closing notification has certainly been overblown. There is very little difference, if any at all, between the two contenders for the Presidential nomination. If we want to put a plant-closing notification on this legislation and it is going to be insisted upon, then we will have to work it out. I think we can certainly work something out. I do not think the differences are deep.

My hope would be that we would not put it on this legislation and we could deal with it on some freestanding legislation. But, in any event, the question is not whether, in fact, notice should be given. The question is on how we are going to go about doing that. Will it be through incentives, as our legislation does, as the Vice President would like to do and as the State of Massachusetts has done, or will it be mandated, court-enforced type regulations which the Governor of Massachusetts said would not be the right way to go. I believe the Vice President would not want to go in that direction and I do not believe the Senate, once it thinks about it, would prefer to go in that direction.

If, in fact, we have to deal with it on trade legislation, I am perfectly willing to see what we can work out. My hope would be that we get another trade bill up and leave it off and deal with it in some other way. In any event, the worker should be notified. The question is how we are going to go about providing for businesses to do that.

Mr. President, I ask unanimous consent that the letter from the Governor of Massachusetts, the letter from Patricia Hanratty to the Governor and the first two pages of the attachment be printed in the Record following this statement.

There being no objection, the material was ordered to be printed in the Record, as follows:

The Commonwealth of Massachusetts,
Executive Department,
Boston, MA, July 17, 1987.

To All Governors:

I am pleased to provide you with information about Massachusetts' worker adjustment strategy—the Industrial Services Program.

The ISP has been successfully addressing economic transition and worker adjustment issues in Massachusetts for over two years. As you will see in the materials, we have an extensive array of services for both companies and workers. These programs have been cited for excellence and exemplary services by the US Department of Labor, the Congressional Office of Technology Assessment, the National Alliance for Business and the NGA.

If you have any questions about the Industrial Services Program, please contact Patricia Hanratty at (617) 727-8158.

Sincerely,

Michael S. Dukakis.

The Commonwealth of Massachusetts,
Industrial Services Program.

To. Hon. Michael S. Dukakis, Governor, Commonwealth of Massachusetts
Members of the General Court

Over the last two years Massachusetts has enjoyed one of the lowest unemployment rates of any of the industrial states. However, some regions of the Commonwealth and some of its industries and their employees have continued to require special assistance, to ensure that the opportunity to succeed in the marketplace remains available for all who seek it.

Massachusetts built its industrial base during the 19th century on such major industries as textiles, foods, garments, shoes, basic metals, wood and paper products, as well as fishing, leather and chemicals. Today, many find themselves in declining markets, with outdated plants and equipment, and often impacted by foreign competition.

As a result of the "Mature Industries" legislation passed and signed into law in 1984, the Commonwealth is helping stabilize many of these older businesses. In conjunction with the offices of Economic Affairs Secretary Evelyn F. Murphy and Labor Secretary Paul J. Eustace, the Industrial Services Program is providing firms with consulting services to assist with virtually any operating problem, and with financial help that allows traditional companies to capitalize on profit making opportunities.

Thousands of displaced workers have also been helped to find new jobs at comparable wages, and programs are in place to help thousands more by the end of the current fiscal year.

The following report details how the Industrial Services Program is making new business and employment opportunities available to companies and workers alike.

Patricia Hanratty,
Executive Director.

The Industrial Services Program and the Massachusetts Social Compact

The Massachusetts Social Compact, a unique, voluntary agreement between business, labor and government was established as a result of the Mature Industries legislation.

The Compact acknowledges what top managers already know: good employers consider and respect their employees when making major changes in their work force.

Rather than create mandatory regulations for plant closings, the Mature Industries legislation sets forth principles of responsible corporate behavior. They include:

Good faith efforts to provide employees affected by plant closings and major layoffs the maximum practical combination of advance notice, continuance of income and health insurance benefits.

Providing reemployment help for displaced workers.

While no minimum standards of notice or pay in lieu of notice is required, the Commonwealth expects firms to provide at least 90 days notice or equivalent benefits whenever possible before a closing.

Firms must also agree to the Social Compact before they can seek public financing through the following agencies: Economic Stabilization Trust Fund, Community Development Finance Corp., Government Land Bank, Massachusetts Industrial Finance Agency, Massachusetts Product Development Corp., and Massachusetts Technology Development Corp.

The Massachusetts Industrial Advisory Board and the Industrial Services Program have been working on implementation of the Social Compact since January 1985.

The Mature Industries legislation was also developed to assist businesses and employees in declining industries. For businesses the new law provides a number of assistance programs, including financing for company turnarounds and funds for product development and consultant services.

The Industrial Services Program is the umbrella agency through which these programs are coordinated and administered. It is jointly supervised by the Secretaries of Economic Affairs and Labor, and operates as a statewide technical assistance and financing program to provide aid to businesses, workers and communities.

The Massachusetts High Technology Council has drawn up a document outlining responsible corporate behavior during any workforce reduction. Several other large business associations have distributed information about the Social Compact and are discussing it. While the Mature Industries legislation applies to companies with 50 or more employees, companies of all sizes are reviewing their policies to see how they can implement the Social Compact as evidence of their civic responsibilities.

Associated Industries of Massachusetts is discussing the Compact and will be presenting its findings to the organization's Executive Board this fall. The ISP is also working with Chambers of Commerce around the state to bring the Social Compact to local business people. Seminars for Chamber members have been organized, and local Chambers are doing general membership mailings on the Compact.

It has only been a few months since the Social Compact became effective, and yet a number of firms have demonstrated their commitment to its principles. Data General, Wang Laboratories, and General Dynamics, to name a few, have provided re-employment assistance to their workers and notice or pay in lieu of notice to ease the trauma of layoffs and closings. Data General and Wang also offered severance packages and salary continuances.

In plant closings which were certified by DES as covered by the Mature Industries law, a majority of workers did receive some advance notice and/or pay in lieu of notice. The largest plant closing, announced by General Dynamics in July and affecting 6,300 employees, provided the workers with up to 16 months notice and a well-staffed placement center.

The ISP has worked closely with management and the unions at General Dynamics to provide the best possible re-employment assistance. Over $800,000 in state and federal funds has been provided for job training education and placement services. When combined with General Dynamics' own investment, workers will receive at least $2 million in services in the coming year.

Mr. DOMENICI. Mr. President, first, let me compliment my friend from Indiana for his statement here today. I believe he has put one of the political issues at rest with his discussion. I believe we are not embroiled in a trade bill. We are embroiled in a political issue, as I see it.

Mr. President, I am truly amazed, as I listened to some of the debate—I will admit not all of it, but some of it—on whether the Senate should support the President's veto of the Omnibus Trade Act of 1988.

Some would have the American public believe that America is on the decline, good jobs are going out of the national door at a rapid clip, the middle class is disappearing, and this bill is good to reverse all of that.

Mr. President, the simple fact is that, without this bill, without any legislative action on the part of this

Congress whatsoever, America is back as a major, highly competitive force in the arena of world trade.

This controversy with the President is not about trade. It is not even about economics. This controversy is about politics. And I hope that we can lay the politics to rest by supporting the President and get back to fashioning a trade bill that will be acceptable to the President.

Since we voted on the trade bill on April 27, we have received a steady stream of economic news that shows that the growth in the American economy is stronger than we had expected. It shows exports to be higher than we expected and employment to be higher than anyone in this Chamber expected just a few short months ago.

The Commerce Department just reported that the economy grew 3.9 percent in real terms in the first quarter of this year. In part because of this better than expected performance, the economic consensus is now looking for the economy to grow at 3 to 3.5 percent this year. This would be the fastest rate of economic growth since 1984.

More relevant to this debate is the fact that this growth is dominated by exports. The volume of U.S. exports has grown by more than 30 percent since last year. And this export growth is dominated by manufactured goods. Manufactured goods exported by the United States were up by more than 35 percent in nominal dollars and almost 30 percent in volume terms versus March of 1 year ago.

Ironically, all of the export growth has resulted in concerns about how close we are to the limits of the ability of this economy to produce goods for export.

Operating rates in some of our industries that already receive the greatest trade protection are close to 100 percent. Interestingly, however, in certain industies like steel there are reports that capacity is declining. Of course, in many other manufacturing industries we are adding plant capacity as fast as possible.

Overall business investment in new equipment is up 18 percent since last year in real terms. Yes, much of this growth is in computers, but basic industrial machinery and other equipment investment is up 13.5 percent in real terms from last year.

In short, without any trade bill, without any legislation whatsoever, this great U.S. economy is making the transition from an economy dominated by consumption and domestic spending to one driven by investment and export-led growth. This was the intention of our trading partners and is due, in no small measure, to the capability and foresight of our Secretary of Treasury, Jim Baker.

All of this said, Mr. President, we could, indeed, use a trade bill that would bring some of our rather old laws current. There is no reason, in this Senator's opinion, why this Congress and the administration should not be able to gather itself together to produce one. There are important trade barriers that face American companies and which will limit this export potential if not addressed.

Last week I visited Japan and Taiwan. In Japan I made it clear that, at least as far as this Senator is concerned, I was prepared to recommend additional sanctions against Japan on the semiconductor trade issue unless we are given freer access to the Japanese market.

This bill does not address the semiconductor issue directly. Yet it represents a signal to the rest of the world that the United States means business when it demands fair treatment in the foreign markets.

It would be rediculous and unnecessary if we were to hold this bill hostage to the politics of the 1989 elections. Somehow the conferees bridged enormous gaps of philosophy and substance in the first 3 months of the year to produce the bill that we have. This bill, all 1,000-plus pages of it, was written in just close to 3 months, much to the credit of conferees who worked very hard. It is impossible to imagine that a scaled-down version cannot be produced in the 3½ months that remain of this session.

I would like to conclude, Mr. President, with a few observations about the role of trade in this Nation's future and in the future of the political and economic order that the United States helped to establish after World War II in the world at large. This political and economic order has brought all of the three industrial nations enormous prosperity, freedom, and peace.

Trade is a very important domestic issue. Many of the industries in my own State struggle at a disadvantage in a competitive environment with imports which are deeply subsidized, either directly or indirectly, by foreign governments.

Yet trade is also a potent international issue which guides and, in some cases, determines the relations among countries. There is a broad, rich, and, in most cases, a very sad history surrounding the inability of countries to force change upon their own societies as well as those of their international competitors. That is a history which we in this modern, global, remarkably resilient economy are not condemned to repeat.

For all of the concern about change in other countries, we would be remiss if we did not also make it clear to the American people that we, too, have to change. Our economy has changed. It had to change. It will continue to change. No one can credibly argue that the economic world of the 1970's was sustainable. America had been sleepy, lethargic. Our industry was uncompetitive. Inflation was eroding our capital base and the real earnings of our workers were declining.

But we did change, in large part in response to the competitive challenge from the very countries that we had helped to reindustrialize after the war. We succeeded in making that transition to a more competitive international economy, in part because the United States is the most dynamic political system and the most economically flexible system in the world.

That we were forced to change was no accident. We intended it to be the case. Yes, the U.S. share of the world economic output has declined somewhat since the Second World War. But one might say we even planned that.

In the process of the reconstruction that followed the war, the United States did something that had never before been attempted in human history. In the aftermath of victory we said to our former adversaries:

> We will extract no monetary retribution, no reparations. Instead, we will help you rebuild; rebuild your industrial base. We want you to be prosperous and we want you to be strong. In exchange we expect you, and hope that you will become democratic societies. We hope that you will follow to the maximum extent our free-enterprise principles. We expect that you will educate all of your people, regardless of class or station, and that you will provide equal access to opportunity and prosperity.

Since that time the world has created more in the way of goods and services than at any time in the history of mankind. World production is up by a factor of five to six times the immediate postwar levels. The President of the United States spoke of this when he addressed the students and faculty at Moscow University last week. He referred to that same principle as the, "Power of economic freedom spreading around the world."

When we consider this trade bill we are also considering the world order that we helped create and in which we have been so successful. We have a responsibility to see that it continues. Indeed, we have a responsibility to see that it expands to the developing world and to some of the budding democracies that are having extreme difficulties, both institutionally and economically. We also have a responsibility to see that that powerful force within our own economy that permits the marriage between new ideas, capital and human effort and the ingenuity that is the basis of this extraordinary expansion are not reversed.

The former is the environment that permits us to succeed as a world economic power. The latter is the unique character of the American political and economic system which assured that we will succeed.

Mr. President, I have given my views on the broad trade and politico-economic issues which this bill should address.

Let me now turn to some specific example of the more egregious provisions in the bill. And finally, let me turn to some promising avenues which we can travel in the coming 21st century world of global interdependence.

When the Senate debated the conference report last month, I expressed in some detail the reasons that I opposed this particular bill. In brief, I shall restate my views.

I want my colleagues to understand that it is with great regret that I vote to sustain the veto of the trade bill.

This bill would be all right if it stopped at title I which deals with updating our trade laws. Unfortunately, the bill ranges far beyond trade matters, and inserts issues that have little to do with enhancing our trade competitiveness.

Let me explain why this legislation fails to meet the standard we need to have for a sound trade law.

I recognize the tremendous effort by the eight committees of jurisdiction that were involved in tackling such a complex issue. Much sound thinking went into this bill. But many extraneous things appeared, too. Much has been written into this 1,000-plus page bill that has very little to do with trade.

President Reagan made this point clearly; if we are going to have a trade bill, let it deal with trade.

The plant closings provisions is just one of many extraneous issues. Beside not selling a single bushel of wheat abroad, it would act as a disincentive to the investment of capital in new and old industries alike.

This provision has nothing to do with trade. As Secretary Baker said recently, it is a subject best left to collective bargaining and does not belong in this bill.

What that provision is likely to do is not provide worker security at all, but to push investment abroad, where labor laws often are far looser than in the United States.

Do we realy want to discourage capital investment in the name of trade enhancement?

Another area of this act which has broad policy implications are the "secondary worker" provisions. As we all know, foreign imports have caused certain industries to lay off American workers. The Job Training Partnership Act attempts to alleviate the impact of lay-offs through the funding of job training programs for affected workers.

This trade bill not only provides additional funding for job training, which I endorse, but goes further in creating a whole new category adding "secondary workers" as a "contingent entitlement."

This means that workers in industries not just directly affected, but even those which the Labor Department certifies are somehow touched by foreign competition, will be included. This bill will not only provide training, but will extend cash payments to this new class.

I believe we should emphasize training and not cash entitlements. I am also very skeptical when questionable needs are used as the basis for new funding authorization.

I have fought long and hard to bring our Federal budget deficit under control. I shall not stand by and watch while the gains we have made be reversed with the creation of a new set of entitlements.

Interim funding for trade adjustment assistance which duplicates the Worker Readjustment Program, will have to come out of our general revenues until 1 year after the import fees go into effect. That means that moneys for this program will have to be taken from some other program in the budget.

We can predict with some certainty that the folks whose programs are being cut are not going to sit still while that happens. And again, another round of appropriation hikes and its deficit producing spiral will afflict the taxpayers of this country.

The Congressional Budget Office and the OMB have made some discouraging estimates of the impact that this bill will have on the Federal budget.

Direct spending through trade adjustment assistance and triggered Marketing Loan and Export Enhancement Programs will require an additional budget authority of $341 million in 1989, with a total of $1.8 billion during 1988–93.

In sum, the total of outlays and revenue losses will reach $1.8 billion in 1989, and $7.8 billion over the period from 1988 through 1993.

Cutting the deficit will do more to strengthen our trade than any other single program we can invent.

But I have made a conscious commitment to correct the deficit problem which is the largest disease crippling our economy, and bring the Federal budget under control. This bill would aggravate the problem and do little to solve the cause of the trade deficit.

Proponents of this bill would have us believe that we are trimming the fat and making America a more competitive and aggressive exporter. They are selling us a stuffed turkey and calling it a lean American eagle.

Now I have here some interesting figures. According to the latest Department of Commerce figures, the U.S. merchandise trade deficit plummetted 29.7 percent to $9.7 billion in March. It was the lowest deficit since December 1984. Exports rose 23 percent from the previous month to the highest monthly total ever.

Manufactured goods exports increased 26 percent. With the exception of Japan, the deficit narrowed with all other principal trading partners.

To skeptics, I would suggest that the administration's trade programs are working. Not that there isn't room for improvement. But that improvement is not this legislative blimp.

After we defeat this bill, I would look forward to our considering another trade bill, one that addresses trade issues.

Because energy is so vital to my State's well-being, some people think that we can be held hostage by the threat of loosing repeal of the windfall profit tax provision contained in this bill.

Nothing could please me more than repealing the windfall profit tax. There are few things that would benefit my constituents and the country more.

Some people have said that the only chance of getting the windfall tax repeal will only come with this bill in this session of Congress. And we need to get rid of this tax. It bodes ill for the future production of oil in our country, and only encourages dependence on imported oil.

The United States-Canada Free Trade Agreement which we will be considering in the near future also makes no provision in this area. And the Canadians have already repealed their windfall profits tax.

Mr. President, I think we are getting off on the wrong foot with this bill. I think that what our country needs is a strong competitive edge in the world market. It is no secret that science and technology hold that key.

We need both more and better trained scientists and technicians, and a broad labor force familiar with new technologies. The day is not far off when a worker without technologically based job skills will be unable to find suitable employment.

We already can witness the tremendous growth of the computer in the workplace. From supermarket counter, automated banking facilities, and office word processing, to microchip controlled auto engines, the technologies of tomorrow are the exports of the day following.

A country whose industry and labor is not keeping up with these developments will be unable to either survive nor improve its standards of living.

America has a competitive advantage in the area of scientific research and development. We must channel the expertise of our national labs to those technologies in which we must be internationally competitive.

I have already introduced a science initiatives bill to link the expertise of our national scientific labs with the three key technologies of the future: mapping the human genome, harnessing superconductivity, and research and development in semiconductors.

If we are to be the leader in applying these technologies, we must enlist the aid of our national labs. I recently visited Japan, and it confirmed what I already knew. That the competition is moving so quickly that the job is simply too big for private industry alone.

It is initiatives such as this that will make our economy better able to sustain its growth and to enter the next century as a world leader in science and education.

Mr. President, America needs a trade bill that will modernize our trade policy. This bill, however, is not it.

Once we sustain the President's veto, as we surely will, I shall do all that I can to help get such a sound, bipartisan trade bill to the President's desk for his signature just as soon as possible.

I yield the floor.

Mr. BINGAMAN. Mr. President, I rise in strong support of the Omnibus Trade and Competitiveness Act of 1988. I believe that the President's veto was a tragic mistake.

There seems to be four major arguments against this bill. The first argument is that our trade and competitiveness problems are over. The second is that this bill is protectionist. The third is that this isn't really a trade bill. And the fourth is that the plant closing provision will hurt our competitiveness and does not belong on a trade bill.

Each of these arguments has been used over and over again during the long debate on this bill. However, repetition has not improved them. They continue to be completely unpersuasive.

OUR TRADE AND COMPETITIVENESS PROBLEMS ARE NOT OVER

I would like to just briefly respond to each of these misguided criticisms. First, a report issued last week by the Council on Competitiveness, a nonpartisan group of national leaders from business, labor, and academia, should put to rest the notion that our competitiveness problems are over. The report unveiled a new competitiveness index, designed to track the long run performance of the U.S. economy relative to our major economic competitors. According to this index, the United States is behind on all four measures: standard of living, trade, productivity, and investment. The standard of living index has dropped 21.1 points since 1972; the trade index dropped 17.4 points; the productivity index dropped 31.3 points; and the investment index dropped 3.8 points. In the last year measured, both the standard of living and the productivity measures continued to drop.

I ask unanimous consent that a summary of the competitiveness index be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. BINGAMAN. Even with the good news last month about our trade deficit, we must not become complacent. This modest decline is the long over due result of the 35-percent devaluation of the dollar—the much talked about J-curve. However, the deficit remains unsustainably high. And most economist agree that this devaluation will only bring us down to about a $100 billion deficit. We must do more if we are to lower the deficit below $100 billion.

It is clear what will happen if we do not take positive action to lower the trade deficit. Economic forces will do it for us. Since the United States has become a debtor nation, we are losing the surplus in investment income which we used in the last to offset our merchandise trade deficit. In other words, in the past we could buy more from abroad than we sold because we could pay for the excess from our investment income. Now, this is reversed. In the future, we will have to run a surplus in our merchandise trade in order to pay others that investment income.

This is the simple fact. If we do not make the necessary corrections, the market will force the value of the dollar to such a low point that our international current account will eventually balance itself. The result of such a free fall in the value of the dollar would be a tremendous decline in our standard of living.

Mr. President, we should be clear what a vote against this bill is—it is a vote to do nothing to solve our trade and competitiveness problems and a vote for the inevitable drastic devaluation of the dollar and a dramatic drop in American's living standard.

THIS BILL IS NOT PROTECTIONIST

The second argument against this bill is that it is protectionist. Again, this is simply wrong. The basis of this bill is reciprocity, not protectionism. Those who continue to condemn this bill as protectionist must believe that any attempt to enforce fair trade laws is protectionist.

It should also be noted that this bill is a step in the direction of positive structural adjustment. Rather than bringing down the curtain of protection around the economy, this bill promotes the adjustment of the United States to the changing world economy. It is a step away from, not toward, protectionism.

THIS IS MORE THAN JUST A TRADE BILL

The third argument is that the bill contains nontrade items and therefore is not a trade bill. This argument completely misses the point. We have heard over and over that unfair trading practices are only part of the problem. Yet, this bill is attacked because it contains provisions to go beyond the problem of unfair trading practices. The bill correctly recognizes that our problem is not just over there, but here in the United States as well. This bill is a step toward addressing our competitiveness problems here at home.

ADVANCED NOTIFICATION IS PROCOMPETITIVENESS

The final argument is that the provision on advanced notification of plant closings will hurt our competitiveness. I find this reasoning misguided. Many of our economic competitors have even stronger requirements. Sweden requires 6 months' notification of layoff of more than 100 people. In Japan, 30 days' notification is required for the dismissal of any individual, except when the worker is to blame, and many companies have lifelong employment. Yet, we are told that this modest provision will hinder American business's ability to compete with those European and Japanese firms. This does not make sense. Advanced notification has not hurt the Japanese's ability to compete, and it will not hurt the United States.

The other part of the argument against the advanced notification provision is that it does not belong on a trade bill. This argument is similar to the one I cited earlier—that the bill shouldn't have all those nontrade provisions in it. And it is just as wrong. As I mentioned earlier, one of the main themes of this bill is the promotion of structural adjustment in our economy. We are told that the United States should adjust to changes in the world economy, not attempt to protect our economy from them. But, when we attempt to include a structural adjustment program, that program is attacked as not belonging on a trade bill. Study after study have shown that worker adjustment programs, a cornerstone of any positive structural adjustment program, are most effective when advanced notification is given.

Mr. President, advanced notification is more than just common sense and simple decency. It is part and parcel of a positive structural adjustment program and an important step in establishing the type of flexible labor force this country needs to successfully compete in the world economy.

COMPETITIVENESS POLICY COUNCIL

I would like to briefly comment on one part of the President's veto message. In it, he referred to a provision I authored as "a mistaken effort to revive discredited industrial policy planning through a so-called Council on Competitiveness that will open even more venues for special pleaders." I am afraid that the President and his advisers are mistaken. It is the current fragmented system which already encourages special pleader. The Competitiveness Policy Council is an attempt to overcome that fragmentation by focusing national attention on the broader and longer term public interest.

The fact that this provision was singled out in the veto message makes me question the administration's commitment to any trade bill. When attempts to create a mechanism to simply analyze and discuss an issue are attacked as opening the Government to special interests, then it is clear that rational policymaking is falling victim to blind ideology.

CONCLUSION

Mr. President, none of the major arguments put forth against this bill by the President or any other of its opponents stand up to close examination. That is not to say that this is a perfect bill. It is not. For my part, I believe it does not go far enough in addressing some of our problems. Yet, I believe it is, on whole, a good step in the right direction. It will provide the foundation to build a competitive economy, based on the principles of fair trade and positive adjustment. It deserves our support.

Mr. President, I know that some of my colleagues are supporting this veto in hopes that the Congress will later take up a stripped down version of the bill. I urge them to reconsider this highly risky strategy. If we lose this bill, the likelihood is high that we lose any possibility of a bill this year. It has taken years of work and negotiations to produce this bill. If we sustain this veto, we will in effect be voting to reopen all of those negotiations. It is said that the administration will simply accept the bill minus the plant closling and Alaska oil provisions. Yet, the administration continues to send mixed signals—as it has done throughout the process. The veto message mentions other provisions. And the day after the veto message, Ambassador Yeutter, in a meeting with reporters, seemed to imply that the administration wants a limited trade bill.

Mr. President, some in this body and within the administration talk about another trade bill. We may never get another bill. We have a bill now. I urge my colleagues not to let years of work go down the drain and vote to override this mistaken veto.

EXHIBIT 1 INTRODUCTION

The Council on Competitiveness is pleased to publish its first Competitiveness Index. The Index has one fundamental purpose: to translate "competitiveness" into terms that the American public can readily understand. The Council defines "competitiveness" as "the degree to which a nation can, under free and fair market conditions, produce goods and services that meet the test of international markets while simultaneously maintaining or expanding the real incomes of its citizens." The Council believes that sustained and effective steps to help U.S. businesses and workers compete will not occur until the American people know where they stand in the world economy—and, more important, until they recognize how America's standing affects their daily lives.

The Index translates into concrete terms the vague public anxiety that the United States is losing its competitive edge. Although economic indicators such as GNP growth, inflation and unemployment are reported regularly, there is no set of economic indicators that systematically measures America's ability to compete in world markets. The Competitiveness Index was created to show how U.S. economic performance compares to that of other nations and how current U.S. performance compares to its past record. The Index is a guide for the American people, not a sophisticated tool for policymakers or a definitive economic analysis. it is a snapshot of what the Council believes are the key indicators of U.S. competitiveness.

THE PYRAMID OF COMPETITIVENESS

No single measure adequately reflects the complexity of a nation's competitive performance. Consequently, the Council has compiled a box score—comprising four indicators that we believe combine to form the critical and interrelated building blocks of competitiveness.

Picture a pyramid. At the pyramid's pinnacle is the standard of living, the ultimate aim of a productive nation. Standard of living is measured here as Gross Domestic Product plus the current account balance divided by the number of employed persons. As such, it shows on a per worker basis how much income is generated, plus or minus any change in what is owed to foreigners.

How well we live is increasingly determined by how well we compete with foreign products. Therefore, just below standard of living is trade—what we sell overseas compared to what we buy. The Index reports the U.S. share of world exports as the measure of the U.S. ability to compete in international markets.

Our ability to compete in international markets, in turn, is influenced by our productivity, or output per employee. U.S. productivity fundamentally affects the cost of American products relative to those of other nations. Because the bulk of U.S. trade is in manufactured goods, the Index focuses on manufacturing productivity.

Finally, at the base of the pyramid are the building blocks of productivity—the combined investment in education, R&D, and plant and equipment. These investments build the skills, knowledge and assets that underpin long-term international economic success. They are calculated here as a weighted average of the percent of GNP spent annually in these three areas. While the first three indicators provide a snapshot of current U.S. performance, the Investment Index shows whether the United States is positioning itself for long-term success.

Without overstating the direct cause-and-effect relationships or underestimating the time lags, it is important to see the links among these four categories—how our standard of living is related to how much we sell abroad, how our exports depend in part on how productively we work, and how our productivity depends significantly on how wisely we invest. Although a nation may be able to maintain a high standard of living in the short-term, it cannot do so in the long-run without sustained attention to trade, productivity and investment. (A more detailed description of these four components is found in the appendices.)

No single number can capture a phenomenon as complex as competitiveness. Nevertheless, based on extensive research and discussions with leading business, academic and labor executives and economists, the Council believes that these four indicators together comprise the best possible summary of U.S. competitiveness.

RELATIVE PERFORMANCE

The Index is unique in that it compares current U.S. performance to past performance and to the performance of other nations. This relative comparison is critical. The U.S. economy cannot be judged in isolation from the rest of the world; it must be viewed relative to that of our major competitors. Just as there is no single indicator of competitiveness, there is no single nation against which to measure America's performance. In three of the four categories—standard of living, productivity and investment—the Council's Index focuses on how the United States compares to the average of the Other Summit 7 industrialized countries: Canada, France, Italy, Japan, United Kingdom and West Germany. In the remaining category—trade—the U.S. performance is reported as a share of the world total in order to take into account the rapid export growth of Asia and Latin America.

Information is also provided on how the U.S. compares with two specific nations within the Other Summit 7 category: Japan and West Germany. Although these two countries are included in the average of the Other Summit 7, they are also listed separately because they are our two biggest industrial competitors. The Council would also have liked to include the performance of the Newly Industrialized Countries (such as Hong Kong, South Korea, Taiwan, Mexico and Brazil), but the lack of timely, accurate data made that impossible.

The Council chose 1972 as its base year in order to show how the United States has performed over the long-term. The Council set the Index equal to 100 for that year. A rise in the Index to more than 100 shows that the United States has outperformed other nations since then; a drop in the Index to below 100 shows that other countries are outperforming the United States. In each of the four categories—standard of living, trade, productivity and investment—the Index has dropped below 100, in some cases significantly, showing that the United States has been outperformed by other countries.

The Council, with the help of The WEFA Group (Wharton Econometric Forecasting Associates), intends to update its Index on a semi-annual basis. The next Index will be released in January 1989. By publishing the Index twice a year, the Council hopes to develop ongoing public awareness and understanding of the competitiveness crisis and, more important, to help build public support for the steps required to improve America's ability to compete in world markets.

THE BOTTOM LINE

In all four categories, U.S. performance is below 100, showing that since 1972 increases in America's standard of living, trade, productivity and investment have not kept pace with the performance of our major foreign competitors.

The last year saw continued declines in the Standard of Living Index and Productivity Index, but improvements in the Trade

Index and no change in the Investment Index.

STANDARD OF LIVING

Since 1972, the U.S. standard of living has grown only one-fourth as fast as the average standard of living of the Other Summit 7 industrial nations. As a result, the Standard of Living Index has dropped 21.1 points, from 100 to 78.9.

In 1987, America's standard of living continued to grow more slowly than that of Other Summit 7 countries, as a result, the Standard of Living Index fell by 0.9 points last year alone.

TRADE

Since 1972, as the U.S. share of world exports has declined, the Trade Index has fallen from 100 to 82.6. This decline reflects the rapid export growth of Japan and other newly developing countries in Asia and Latin America.

In 1987, aided by a lower dollar, America's exports increased much faster than the rest of the world's and three times faster than Japan's. As a result, the Trade Index rebounded from 74.5 to 82.6.

Because U.S. imports also rose sharply in 1987, however, the U.S. trade deficit did not decline.

PRODUCTIVITY

Sluggish U.S. manufacturing productivity growth relative to Japan, West Germany and the other industrial nations since 1972 has driven down the Productivity Index from 100 to 68.7.

In the latest year (1986), the Productivity Index declined slightly, showing that U.S. manufacturing productivity continues to grow at a slower rate than the average of the Other Summit 7 industrial nations.

INVESTMENT

Since 1972, U.S. investment in future competitiveness has not kept pace with the investment of the Other Summit 7 nations as a percent of GNP. As a result, the Investment Index has dropped from 100 to 96.2.

In the latest year for which data are available (1986), the United States increased its investment in R&D, capital equipment and education at about the same rate as the Other Summit 7 nations, as a result, the Investment Index remained steady at 96.2.

Since 1972, the U.S. standard of living measure increased from 100 to 108.3 points, only about one-fourth as fast as the average of the Other Summit 7 and West Germany, and only about one-seventh as fast as Japan (See chart, above left).

Because U.S. growth has been slower than the average of the Other Summit 7 nations since 1972, the Standard of Living Index has declined 21.1 points over the past 15 years from 100 to 78.9 (See Index, upper left).

The latest standard of living figures continue the long-term trend. The American standard of living increased by only 0.6 points in 1987, less than the average of the Other Summit 7, West Germany and Japan (See chart, upper right). Since the U.S. standard of living grew more slowly than the Other Summit 7 last year, the Standard of Living Index slipped from 79.8 to 78.9.

In absolute terms, the average American's standard of living is still higher than the average of the Other Summit 7, but because of slower U.S. growth, those nations are rapidly catching up. (Detailed information is provided in Appendix I: Trends in Absolute Growth.)

Similar trends are evident in wages for American manufacturing workers. Since 1972, U.S. manufacturing wages have increased much more slowly than West Germany's or Japan's. As a result, West German manufacturing workers now earn substantially more than Americans, and the Japanese are rapidly gaining. (Detailed information is provided in Appendix II: Background Data.)

Standard of living is defined as Gross Domestic Product plus the balance on the current account divided by the number of employed persons. A rising standard of living is the ultimate aim of a productive nation. The Council's definition of standard of living differs from traditional measures in its focus on employees rather than the overall population and in its treatment of the current account. It shows on a per worker basis how much income is generated, plus or minus any change in what is owed to foreigners. By taking into account changes in foreign debt, the measure gives insight into potential future living standards. The Standard of Living Index compares U.S. performance to the average of the Other Summit 7. (The full technical definition and discussion of terms is found in Appendix III: Methodology.)

Since 1972, U.S. exports have not grown nearly as fast as world exports, despite the fact that America's share of world GNP has remained steady at about 23 percent (See chart, above left).

As a result of the relatively slower U.S. export growth, the Trade Index fell from 100 in 1972 to 82.6 in 1987 (See Index, upper left).

In 1987, however, U.S. exports ran counter to this downward trend and expanded much faster than the rest of the world. Last year, America's exports of goods and services increased 27.5 points (See chart, above right). As a result, the Trade Index increased from 74.5 to 82.6 in 1987.

The 1987 trend shows how sensitive U.S. exports are to the value of the dollar. In the early 1980s, when the dollar was high, American exports declined. Since the drop of the dollar in 1985, U.S. exports have climbed dramatically.

In absolute terms, the surge in U.S. exports has pushed the United States ahead of West Germany as the world's leading exporter. (Detailed information is provided in Appendix I: Trends in Absolute Growth.)

Despite the recent burst of U.S. exports, however, the United States still faces long-term competitiveness problems. First, because U.S. imports rose rapidly in 1987, America's trade deficit has not declined. Second, because U.S. productivity growth and investment continue to trail those of other industrial nations (see following pages), U.S. exporters may have trouble increasing future sales without further reductions in the value of the dollar.

The increasing U.S. reliance on imports is attested to by the fact that since 1972 U.S. manufactured imports have risen more than twice as fast as U.S. manufactured output. (Detailed information is contained in Appendix II: Background Data.)

The trade index measures the U.S. share of world exports. How well we live is increasingly determined by how well we compete in world markets. The Council chose exports as the single best indicator of the U.S. ability to compete worldwide. The Index focuses on the U.S. share of total world exports in order to take into account the rapid export growth of Asia and Latin America. (A complete definition is found in Appendix II: Methodology.)

From 1972-1986, American manufacturing productivity expanded only 15 points, about one-fourth as fast as the average of the Other Summit 7 nations, one-third as fast as West Germany's and one-eighth as fast as Japan's (See chart, above left).

As a result of the slower U.S. manufacturing productivity growth relative to the Other Summit 7 nations, the Productivity Index declined from 100 in 1972 to 68.7 in 1986 (See Index, upper left).

During 1986 (the last period for which complete data are available), the measure of U.S. manufacturing productivity growth increased 2 points, faster than West Germany's, but more slowly than the average of the Other Summit 7, and only half as fast as Japan's (See chart, above right). As a result, the Productivity Index declined from 68.8 to 68.7.

In absolute terms, the United States still has the highest overall manufacturing productivity. But lagging growth rates have virtually eliminated the sizable productivity advantage that America enjoyed in the early 1970s. (More detailed information is provided in Appendix I: Trends in Absolute Growth.)

The productivity index measures output per employee in the manufacturing sector. Productivity is important because it fundamentally affects the cost of American products relative to those of other nations. The Productivity Index compares U.S. performance to the average of the Other Summit 7 industrial nations. (A complete definition is found in Appendix III: Methodology.)

In 1986 (the latest year for available data), U.S. investment as a percent of GNP was up 3.1 points from 1972 levels, about the same increase as West Germany's but less than half the Other Summit 7 average and substantially less than Japan's (See chart above).

Because U.S. investment has not grown as rapidly as the average of the Other Summit 7 since 1972, the Investment Index dropped from 100 in 1972 to 96.2 in 1986 (See Index, upper left).

As a percent of GNP, the United States spends relatively more on education and R&D, but less on plant and equipment than the average of the Other Summit 7. Since 1972, U.S. investment in education has declined as a percent of GNP, while investment in plant and equipment and R&D has grown.

Since 1972, U.S. investment in education has increased at about the same rate as the average of the Other Summit 7; U.S. investment in plant and equipment has grown much faster than the Other Summit 7 average; and U.S. investment in non-defense R&D has grown more slowly than the Other Summit 7 average. (More complete information is found in Appendix I: Trends in Absolute Growth, and Appendix II: Background Data.)

America's extremely low savings rate undermines its ability to finance productive investment. In 1986, the aggregate U.S. savings rate fell to its lowest level in over 15 years. Although the average savings rates of the Other Summit 7 nations and West Germany also declined slightly, they remain well above the U.S. level. In Japan, the aggregate savings rate actually increased in 1986 to almost double that of the United States.

Investment is calculated as a weighted average of annual expenditures for education, non-defense R&D, and plant and equipment. These investments build the skills, knowledge and assets that underpin productivity, trade and ultimately, the standard of living. The Investment Index compares the

U.S. performance to the average of the Other Summit 7 nations. (A complete definition is found in Appendix III: Methodology.)

ACKNOWLEDGMENTS

The Competitiveness Index has been developed over the past several months by the Council on Competitiveness, working in conjunction with The WEFA Group (Wharton Econometric Forecasting Associates).

Council Executive Committee member Michael Porter (Professor, School of Business Administration, Harvard University) served as Project Adviser. The WEFA Group, especially Lawrence Chimerine (President) and Gerald Godshaw (Director of Government Policy Analysis), helped perform the economic analysis. Council Vice President Daniel Burton, Jr. served as Project Director.

ABOUT THE COUNCIL

Founded in 1986, the Council on Competitiveness is an organization of leading executives from industry, organized labor and higher education who have one overriding objective: to improve the ability of American companies and workers to compete in world markets. Among the Council's more specific goals are to increase public awareness of the competitiveness challenge; to promote consensus and cooperation on competitiveness-related issues within the private sector; and to assist in the development of far-sighted government policies that help Americans compete.

The Council is governed by an executive committee and draws on the resources of its national affiliates—more than two dozen trade associations, professional societies and research organizations—to help coordinate private sector activity. The Council is privately supported through contributions from its members, foundations and other granting institutions.

The PRESIDING OFFICER (Mr. FOWLER). The Senator from Massachusetts, Mr. KENNEDY, is recognized.

Mr. KENNEDY. Mr. President, after all is said and done, the issue before us is decency and fairness. Sixty days notice to people who have worked in factories or offices for 30 years is the decent thing to do.

Our opponents have tried to cloud the issue with false claims that notice costs jobs. They have fabricated horror stories about what might happen if notice is required. They pretend that they care about the millions of workers who have lost their jobs in recent years. The White House proudly tells us that notice is not a bad idea, and that we should trust business to do the right thing voluntarily, whenever they can.

The people are not fooled by these diversionary tactics. Workers deserve time to pull their lives together and plan for the future when their jobs are lost. They know better than to rely on good will from the very employers who have waged a high-priced battle to kill this notice bill.

It is not fair for management to know when plants will close, but for workers to be kept in the dark. It is not fair that management gets a golden parachute and workers get a locked plant gate. It is not fair for the National Association of Manufacturers to ask for 60 days' notice to management before a takeover, but to deny workers 60 days' notice before a plant shuts down. It is not fair for the administration to offer 90 days' to General Noriega in Panama, and veto a bill that gives 60 days notice to the workers of America.

The people understand this issue. They know the horror stories when arrogant corporations suddenly slam their doors in workers' faces and devastate families and whole communities. Companies draw the line and say 60 days is too much notice. I say 60 days is only fair, and the Senate ought to override this veto.

I yield the floor.

Mr. MATSUNAGA. Mr. President, at this stage of the debate, what needs to be said has already been said, but I rise to add my voice in favor of overriding the President's veto of the omnibus trade bill.

It is most unfortunate that the plant-closing provision has become a political lightning rod. On its merits, the plant-closing provision is one of the more constructive, least problematic parts of the trade bill. It seems to me, Mr. President, that a very strong case can be made in its favor. In all candor, I do not believe that the President could have come up with a worse reason for vetoing the trade bill.

The evidence is now clear that giving workers notice of plant closings generates substantial benefits to the workers and their families, their communities, and the economy in general. These benefits far outweigh any reasonable estimate of costs. Advance notice shortens the duration of unemployment after layoff, thereby reducing worker income loss and saving the taxpayer the unemployment benefits that would otherwise have to be paid.

Opponents of the plant-closing provision contend that mandatory notice is an undue burden on business. In particular, opponents argue that productivity will fall after notice is given, harming the company and speeding a shutdown. However, as a recent economic policy institute paper has pointed out, all the recent serious studies contradict this assertion. In fact, many of the studies indicate that productivity often increases after the employer has given notice of a plant closing.

Mr. President, much of the opposition to the plant-closing provision is fueled by a misplaced fear that it will harm America's economic competitiveness by reducing business flexibility. Opponents raise the specter of the "European disease," a reference to rigid systems of labor-management relations in certain Western European countries. In so doing, opponents inflate out of all proportion the effect of plant-closing legislation. The basic fact is that labor-management relations systems in Western Europe are rigid for reasons that transcend the existence of plant-closing notice laws.

For example, statutory protection in Western European countries makes it difficult for firms to dismiss workers on other than disciplinary grounds. Additionally, growth in the power of enterprise work councils in Western European countries has gradually eroded managerial prerogative. Finally, Western European governments have deployed subsidization and bankruptcy policies for the purpose of preserving employment and protecting workers in declining sectors.

I should point out, Mr. President, that the Japanese have a stringent law that applies to dismissal of workers in the private sector. This law requires advanced notice to workers and includes stiff penalties for violations by employers. The fact that the Japanese have such a law clearly has not impaired their international competitiveness. The reason is that the Japanese, unlike the Europeans, have built into their labor-management relations system a variety of features that give it unusual flexibility. Among such features are an emphasis on job security, joint consultation, and dispute settlement by mediation, all of which facilitate the ability of Japanese management and labor to cooperate in adjusting to economic change. It is in no small measure that flexibility engendered by such features that has repeatedly enabled the Japanese economy to overcome the vagaries of international trade.

The basic point, Mr. President, is that a negative inference about a country's economic competitiveness cannot validly be made by viewing the country's notice of plant-closing or dismissal laws in isolation. What one must always keep in mind when making such analyses is the country's overall labor-management relations system.

While they may intuitively recognize this, many opponents of plant-closing legislation fall back on ideology. They insinuate that enactment of such a provision will open the door to unprecedented Government regulation of business sometime in the future. Under this ad horrendum reasoning, any new Government regulation of private enterprise, no matter how reasonable on its merits, is deemed to be undesirable because it allegedly sets the stage for further Government constriction of managerial prerogative. By no reasonable stretch of the imagination does enactment of plant-closing legislation portend the adoption of some new regime of pervasive Government regulation.

Mr. President, I must confess that I find the stalemate over the plant-closing provision to be disconcerting. The basic problem we are trying to address is how to ease the adjustment of workers who are in danger of being displaced due to economic flux. It is a problem that is bound to become more serious in future years, and it demands a bipartisan solution. But in the process of addressing the issue, we have gotten ourselves stuck in what has become a sterile ideological debate, drawn in stark black and white terms, concerning the role of Government in the economy. That this has occurred is not encouraging in regard to improving labor-management relations in this country.

The fact of the matter is that we face a prolonged period of intense competition in global trade, Mr. President, there is no question in my mind that this fundamental reality will require American management and labor to achieve a degree of cooperation not witnessed during recent memory. In order for this to happen, the widespread perception that management and labor are natural adversaries will have to be modified. Additionally, it will be necessary for management to scrap the outmoded assumption that competitiveness can be restored by so-called slash-and-burn techniques that result in major employee layoffs and plant capacity reductions. Instead, fundamental emphasis will need to be placed on technological innovation and on improving human resource utilization. These adjustments certainly will not be easy to make. But if a purposeful, common effort to do so is not made soon, the United States will end up being outhustled in the international marketplace by Japan and other countries, and we will have no one to blame but ourselves.

Mr. President, I urge my colleagues to vote to override the President's veto of the omnibus trade bill.

Mr. KARNES. Mr. President, the issue before the Senate today is whether to override the President's veto of the Omnibus Trade and Competitiveness Act of 1988. I have had considerable ambivalence toward this measure from the time it was before the Senate last July. As with all measures of this scope, the trade bill contains both good and bad provisions. While there are many things about the trade bill I strongly support, there are also provisions I strongly oppose. The President vetoed this measure on the basis that he feels that we can still produce a better bill. I agree with the President that we can produce a better bill and I believe that we should be focusing our attention on how we can improve on the existing legislation. It is with the question of improving this trade bill in mind, that I want to reiterate my views toward what aspects of the bill that I find both good and bad.

First, let me address those aspects of the Omnibus Trade and Competitiveness Act of 1988 that I support. The first provision of the bill grants the President the authority to negotiate multilateral and bilateral trade agreements through the middle of 1993. Further, fast-track legislative procedures will be used to enact implementing legislation of such agreements. The negotiating authority and the fast-track procedures are subject to future congressional review. I support granting such authority to the President and I hope the administration will be able to negotiate aggressively to remove barriers to trade and investment in multilateral and bilateral forums. As my colleague, Senator BOSCHWITZ, pointed out yesterday in his statement, the critical question concerning any trade legislation is whether it will encourage or discourage expanded world trade. It is through trade negotiations that we can best achieve a world economy based on free and fair trade. Thus, I am glad that this critical granting of negotiating authority is included in the bill.

I support many of the provisions included in the bill concerning international banking and finance issues. The bill streamlines export licensing procedures to allow domestic producers to move into the international marketplace more efficiently. While we should take great care to ensure sensitive technologies are not transferred to the Soviet Union, we should not unduly hamper the activities of exporters. The bill's provisions strike a careful balance in this area. The bill eases restrictions on export trading companies in order to strengthen their role in promoting American exports around the world. The activities of the foreign commercial service are strengthened as well. Finally, the report takes action to clarify the Foreign Corrupt Practices Act to free American exporters from the fear of being penalized for inadvertent errors or standard practices.

Mr. President, as a member of the Senate Agriculture Committee, I am extremely proud of the provisions in this bill to expand agricultural exports. It is a forward-looking proposal. American agriculture can compete with any country in the world and the measure before us would make sure that we market our agricultural products aggressively and effectively. The provisions include a strengthening of the Foreign Agricultural Service, an expansion of the Export Enhancement Program, increased funding for the Targeted Export Assistance Program, and the establishment of a Triggered Marketing Loan Program designed to enhance our negotiating position at the new GATT round.

The small business provisions in this measure would make important contributions by ensuring that small businesses are included in export markets. Small businesses are often intimidated by the complexities of exporting. I support the provisions in the bill to provide specialized services to make the export market more accessible to small businesses.

During deliberations on the Senate version of this trade legislation, I supported an amendment repealing the windfall profit tax. Currently, the price of oil is under the taxable threshold mandated by the windfall profit tax. Although no revenues have been recently collected, oil companies are continually burdened by the cumbersome requirements and expensive administrative costs associated with IRS filings. To continue requiring oil companies to file detailed reports, is counterproductive and unnecessary. Thus, I find this provision, which is retained in the bill, to be an important contribution to this legislation.

In sum, Mr. President, I consider the above provisions to be real contributions to the effort to improve our trade position. They promote the freeing up of the international trading system through multilateral and bilateral negotiations, the elimination of unfair foreign trade practices, and the expansion of U.S. exports. They address the specific problems facing the United States in the international trading system without resorting to protectionism or solutions that will prove more costly to the United States than the problems they are attempting to address. I regret that these provisions are captured by the President's veto of this bill. They should be key components of our trade policy.

Mr. President, while there are many good things about this measure, as I stated, there are also things that are either inappropriate or wrong headed. The fact is there are many things that should not be in this trade bill. They should not be in it because either they do not concern trade matters, or they move our trade policy in the wrong direction. And make no mistake about it, we have much to lose by enacting a bad trade bill. As Senator GRAMM pointed out yesterday as well, we are creating more jobs than Europe and Japan combined. We have created 16 million new jobs in America since 1982. Also, real wages in America have risen by 7 percent since 1982. In the previous decade real wages fell by 6 percent. The United States is not losing from our open trade policy. The inappropriate provisions in this trade bill lead me to believe that we can produce a better bill than the one the President vetoed.

The bill contains a provision to require the administration to negotiate the creation of a new international debt management facility. While this proposal is rather obtuse, it is likely to prove expensive and counterproductive. I see no need to force the administration to enter into such negotiations. While we should be paying close attention to the international debt crisis, I do not see this proposal as being helpful in resolving this problem.

The bill bars the Federal Reserve from granting primary dealer status to foreign firms from countries that do not offer our firms the same opportunities. While I share the goal of this proposal, namely opening foreign markets to U.S. firms, it is likely that it may have a harmful effect. Foreign investment in the United States has many benefits for the U.S. economy. This provision on primary dealers may well discourage foreign investors from investing in the United States. There is no need to run the risk of scaring away foreign investment. This provision takes that unnecessary risk.

This bill also contains a provision that will be detrimental to the farmers of my State. This provision would expand the duty-free importation of ethanol through the Caribbean Basin Initiative. This provision is going to result in the direct substitution of European-produced wine alcohol for U.S.-produced corn alcohol. Nebraska currently produces 11 million gallons of ethanol annually. Within the next 2 years, it is anticipated that the current level of production will be expanded by 50 million gallons. Allowing the duty-free importation of ethanol, as this conference report would allow, will only serve to undermine the Nebraska ethanol industry. In fact, it will displace the consumption of 80 million bushels of corn.

Also, it is estimated that extending this special preference will result in the loss of $120 million in lost tariff revenues. While I support the efforts to improve economic conditions in the Caribbean Basin, this provision will not benefit the people of the Caribbean as much as it will benefit European wine alcohol producers. I cannot understand why we would grant a special benefit to European wine producers whom have already benefited from large-scale subsidies. As far as this Senator is concerned, this provision encourages a form of indirect dumping that can only hurt U.S. corn farmers and ethanol producers, whether they be in Nebraska or other parts of the country. This provision should not be in this bill. I am proud that the President chose to include this provision among those he listed as objectionable in his veto message because I was among those who spoke to him about the potential damage that could be caused to domestic farmers and ethanol producers by this provision.

Mr. President, during floor consideration of this bill the Senate failed to strike a provision in the labor committee's proposal to require employers to provide advance notification of layoffs or plant closings. That provision is retained in the bill. I fail to understand why this provision is in this bill. It is not related to trade. The rhetoric surrounding this provision over the last several weeks has become overblown. Nobody in this body favors employers dismissing workers without notice as a matter of policy, which has been implied by some proponents of this provision. I agree with the President, however, that this issue is best left to negotiations between workers and employers. I have cosponsored a bill introduced by Senator QUAYLE that I believe strikes an appropriate balance by encouraging conscientious employers without imposing an additional Federal requirement on business.

Finally, Mr. President, the trade bill is a costly measure. According to the administration, this conference report contains $2.4 billion in new budget authority. In these times when the Federal Government is running large budget deficits, it is unfortunate that this trade bill will contain new spending authority of this magnitude. The fact is that the existing Federal Government deficits are contributing to our balance of trade problems. Compounding our problems with the fiscal deficit by establishing more spending programs in this bill may well negate the positive proposals in the bill to reduce our trade deficit. I would have hoped that this conference report would have reflected greater fiscal restraint.

Mr. President, the path followed by this legislation has been a long and winding one. The House of Representatives originally passed a bill that was overtly protectionist, containing the so-called Gephardt amendment. The Senate, much to its credit, passed a much more responsible bill. I supported the original Senate bill, although with profound reservations. It was my hope that the House-Senate conference would produce a report that would represent a responsible trade policy and a bill that could be signed by the President. Unfortunately, while the House-Senate conference made considerable progress in deleting many protectionist provisions, the conference report did not meet with the hopes and expectations of this Senator, and I voted against the conference report. In the same vein, the President felt compelled to veto this measure.

The fact that we are faced with the current confrontation over this bill is a tragedy because I believe we came very close to achieving an historic agreement with the administration on the future of our trade policy. Partisan and special interests seem to want to foreclose the opportunity to achieve such an agreement. Turning this trade bill into a partisan issue will only serve to undermine our overall trade policy. Under existing circumstances, I have decided to support the President's veto. I do so with the knowledge that the President will propose an alternative measure if the President's veto is sustained. The President's follow-on proposal can be the basis for a better trade bill and an improved trade policy. I pledge to lend my support to the effort to get a better bill. Thus, I will vote to sustain the President's veto. In the course of the consideration of a follow-on trade bill, I am confident we will still be able to preserve the good aspects of the existing trade bill. Thus, I urge my colleagues to support President Reagan by voting to sustain his veto and working to enact a better trade bill.

Mr. McCAIN. Mr. President, I would like to take this opportunity to lay out my reasons for opposing the trade bill and supporting the President's veto of this measure.

It is unfortunate, I believe, that the question of whether this measure should become law has come down to the relative merits of the so-called plant-closing provision. While the idea that management owes workers and communities some reasonable notice that a major economic adjustment is about to occur, either through layoff or a plant closing, seems irrefutable, I think the substance of this provision is best left to labor-management negotiations. However, even if the legislation before us did not contain the plant-closing section, it would merit my support.

While I do not believe that the increased bureaucracy created by this measure and the increased cost that would come with it are what is needed to address our trade problems, or that the myriad of special interests that have found refuge in this legislation are appropriate, I do not think these are the fatal facets of this measure. The fatal provisions are the ones which head us in the direction of restricted international trade.

I would like to focus on two such provisions. The first is the proposed import fee to fund workers retraining programs. I believe such programs are worthy and needed. I have been a constant supporter of the JTPA Program. However, this approach is fraught with controversy. It says we will use our imports to help cure our unemployment. It also implies that other countries should use the same approach. At this time, we as a nation should not welcome this approach for two main reasons. First, many, if not most, countries have worse unemployment rates than we. Second, we will need to run a trade surplus in the next decade to service our debt. We should not be advocating an approach that will restrict all exports, including ours.

The second provision that troubles me is the so-called Son of Gephardt or Super 301 provision. I believe this section restricts executive discretion in an unwise fashion. I do not believe that automatically initiating a 301 case every time an unfair trade practice is found will necessarily result in improved trade relations around the world. In fact, it may well backfire, prompting nationalistic responses around the world that will ignite the very trade war we must avoid. In an increasingly complex and interdependent world, what is needed is more executive flexibility, not less.

Mr. President, I believe we need trade legislation and we need it this year. However, the bill before us does not, on balance, make things better. Simply removing the plant-closing provision will not result in legislation worthy of my support. We must also remove those provisions which could lead to restricting the flow of international trade.

Mr. SASSER. Mr. President, today we have a historic opportunity to build a trade policy for America's future.

The President's veto of the trade bill displays shortsightedness and lack of understanding of our trade crisis. This is a carefully crafted and balanced bill. Continued criticism of attempts to draft a strong and effective response to our trade crisis is, quite simply, playing with fire.

The 1987 trade deficit totaled $177 billion. The trade deficit for last year alone was greater than the total of all of the trade surpluses that the United States has accumulated since World War II.

My native State of Tennessee is a vivid example of what is happening nationwide. In 1980, in Tennessee, more than 56,000 of the manufacturing jobs were export-related. These jobs represented some 11.4 percent of the total manufacturing jobs in Tennessee. The value of Tennessee's manufacturing exports stood at $5.3 billion. But by 1984, the latest year for which we have figures, the situation had taken a very dramatic turn for the worse.

The value of export related manufacturing sales dropped to $5 billion, a loss of over $300 million in exports in 4 years. The number of manufacturing jobs related to exporting fell to 41,000, a net loss of 15,000 just in the exporting sector of one State which is not noted for exports.

Passage of the trade bill allows us to attack this problem head on. It addresses both the unfair trading practices of other nations and the need to increase American exports. It establishes a level playing field for all competitors.

This bill is not about protectionism, it is about competition. It is about helping our businesses export. It is about training our workers to compete in the world marketplace of the 1990's and beyond. It is about building a strong and stable economy to continue America's preeminence into the next century.

I am particularly pleased that the provisions of this conference report contain a small business section. The language in the small business title of this measure closely parallels S. 1344, a small business trade bill which I introduced in the first session of this Congress.

My bill served as the basis for the small business title in the Senate's trade bill. This title reflects the importance of the export side of the trade equation with regard to small business. Restoring balance to our trade accounts will require increased export activity on the part of all American industries, and that includes small business.

Small business and small entrepreneurs have often served as a catalyst to drive our economy. They can play a central role in efforts to expand our export base. Small businesses make up about 85 percent of the businesses in the United States. Yet, some 250 large companies account for 80 percent of the dollar volume of U.S. exports. We need to do more to encourage small firms to compete in today's world markets.

The bill also recognizes the critical importance of educating our workers to fill the jobs which will be available in the years ahead. Thus, in the Senate trade bill we included money for scientific and mathematics education. We included money for adult training and worker retraining so that Americans will be equipped to compete in the global marketplace. Those education provisions are a critical part of this bill.

The bill will increase the number of workers eligible for trade adjustment assistance. It would include workers who supply essential goods and services to firms directly affected by imports. This recognizes the fact that supplier companies may be just as severely affected by imports as those producing the imported product itself.

One other important change provides that brief interruptions—those of 2 weeks or less—will not result in workers being dropped from the program. We've had examples in my State where workers in training have been dropped from the program because of school vacations.

Here we have individuals who want to be retrained and are working hard to be retrained who are being penalized for their efforts. They're not dropping out of training because they don't want to work—the school is simply closed. This may seem like a minor change. It may not seem like it affects many people. But for the workers of my State, who want only the opportunity to earn a living for their families, it is very important.

The veto of this bill has sent the wrong message to the working men and women of this country. They know that something must be done now to combat the trade deficit. Indeed, in the town meetings that I routinely hold across the State of Tennessee, I am continually asked "What is the President doing about the problem of foreign goods depriving us of our jobs? What is the Congress doing to make our goods more competitive in the international markets?"

Overriding the veto will send all the right messages. It will send a message to our trading partners that free trade must be fair trade. It will send a message that we are willing to address the causes of our trade deficit. And it will send a message to the working men and women of this country that we are concerned about their interests, concerned about their livelihood, concerned about their jobs, and that we are doing what we can to look out for them.

Mr. THURMOND. Mr. President, I will vote to sustain the President's veto of the trade bill. The trade bill was drafted for two particular reasons. First and primarily, it was to enhance American competitiveness in the international marketplace. The second reason was to protect American manufacturers from unfair trade practices abroad.

The inclusion of a domestic labor issue such as the plant closing provision violates the entire spirit of the bill. A domestic labor issue does not belong in an international trade bill. Furthermore it is counterproductive to include a provision which inhibits the competitiveness of American manufacturers while the main thrust of this bill is to enhance our position in international trading.

In reference to the plant closing provision, William Safire in a New York Times' essay asked: "Who would gain from this intrusive law? Not organized labor in the long run—as Federal law takes over business decisionmaking, the need lessens for collective bargaining. Not workers in general: it would depress the job market. This would be a bonanza for lawyers. It would be welcomed by bureaucratic managers who like to relax and let the Government and courts make decisions for them. Goodby, competitiveness: hello, managing judge."

Mr. President, I have always been a supporter of fair trade legislation, but not free trade. In fact, this is one of the few issues on which I often disagree with the President.

However, in my opinion, to include the plant closing provision defeats the purpose and spirit of the trade bill. Therefore, I will vote to sustain the President's veto.

Mr. GLENN. Mr. President, I am very disappointed in the President's veto of the omnibus trade bill and I rise today to signal that I will vote to override the veto.

I strongly support the bill because it is a promising antidote to the most vexing problem this Nation has faced in its modern economic history—our chronic, huge trade deficits. These deficits signal that the United States—for a host of reasons—has lost its ability to react swiftly and successfully to fundamental changes which have transformed the international marketplace.

As chairman of the Governmental Affairs Committee, I worked hard on the bill with my colleagues in 8 of the 17 subconferences to produce a responsble legislative response to our trade problem. Governmental Affairs Committee conferees developed legislation covering a wide range of issues, including: U.S. access to foreign research and development activities; the National Critical Materials Council; international government procurement trade; small business trade remedy assistance; the Competitiveness Policy Council; the impact of the Federal budget on the U.S trade balance; the National Trade Data Bank; oversight of the SEMATECH project; and competitiveness impact statements.

I want to emphasize that throughout the long conference process we worked in a bipartisan fashion. Moreover, we worked closely with both the business and labor communities. And perhaps most important, we also worked very closely with the administration on some of the most contentious issues.

While this is not a perfect bill—it is a positive response. The central focus of the President's veto message is the plant closing notification provision. I must tell the President that I believe he should not have listened to his advisers on this one. The overwhelming majority of the American people believe that this provision is both just and deserving. In short, it is the fair thing to do.

Moreover, I find it ironic that an administration that prides itself on creating freer markets for our goods and services, does not want to create freer markets for our workers. Study after study by economists and other scholars, including a major analysis by the National Academy of Sciences, show that advance notice actually improves the functioning of our labor markets. It allows for greater labor mobility across different regions and different industry sectors, and therfore provides a better match between workers and employees.

Mr. President, our continuing trade deficits signal a crisis that calls for action—not naysaying. I truly believe that this trade bill represents a consensus by the Congress as to how to begin to respond to this crisis. I hope, therefore, that we can muster the votes to override this misplaced veto.

Mr. BENTSEN. Mr. President, I listened with interest to Republican Senators who object to the ethanol provisions of the trade bill. Frankly, I feel like a man caught in a revolving door on this one, and I was happy to see that Senator DOLE recognizes the dilemma. Let me set the record straight on that one.

First, the House position in the trade conference was to let in as much ethanol from the Caribbean Basin as possible. Second, the Reagan administration had the same position.

In contrast, the Senate position was to keep in place the existing limits on ethanol imports—which is a total embargo for all practical purposes. The exception was to extend importing privileges for a few firms that had invested in ethanol plants before the embargo went into place in 1986.

I refused to concede the Senate position from the beginning of the conference last July to March of this year. I thought the administration was my opponent; they said they were with the House.

I had my staff talk to Republican and Democratic Senators about this issue, and to the National Corngrowers. The Corngrowers finally agreed that if there were a low volume cap on these CBI ethanol imports and a time limit on them, they could live with that because it would mean a cut in ethanol imports.

That is exactly what we got.

Believe me, the House negotiators were not happy. This provision meant one plant in Jamaica had its duty free exports to the United States cut in half because of the volume cap the Corngrowers wanted.

Now, all of a sudden we find the adiinistration has turned around 180°. They want less ethanol imports. Why? Well, a lot of our friends on the Republican side wanted some cover on this veto.

Mr. KERRY. Mr. President, today we have the opportunity to vote for a strong, effective solution to the trade problems that have been gnawing away at the pillar of America's economic strength. With one vote we can set in motion a broad range of well-crafted and carefully thought out solutions to problems like unfair market access, Third World debt, currency misalignment, education, and technological competitiveness. The choice is ours, Mr. President. We can vote for this bill, for progress, and for action.

A strong majority of both Houses of Congress have already approved this legislation, and for good reason. The bill we have before us today is a remarkable piece of legislation—the product of a carefully managed marathon of hearings, debate, and compromise that has taken years. While few if anyone supports everything in this bill, all of us recognize that it represents a major effort, and a worthy one. It deserves our support.

When the President decided to veto the bill he did so almost entirely because of the provision which requires employers to provide workers with 60 days' notice of plant closings. But according to opinion polls, an overwhelming majority—something like 80 percent—of the American people support this idea. Now, under pressure to sustain the President's veto but fearful of the consequences of voting against a bill because it contains such a popular provision, many of our colleagues are suddenly trying to find other items to object to. Listening to some of my colleagues yesterday and today talk about this bill, I am amazed to hear comments which seem to suggest that America doesn't need a trade bill, that the trade deficit really doesn't seem to matter, and that it is wrong for the United States to defend its rights under international trade law.

Mr. President, I urge my colleagues to think back to the stock market crash last October—when suddenly, for the first time in years, there was widespread public attention to the long-term threat to our economy posed by the twin deficits—trade and budget—dragging our country down. I am reminded now of the article on the cover of the Atlantic magazine, authored by a former Republican Commerce Secretary, Peter Peterson, entitled "The Morning After." Peterson offered us the important insight was of the incredible tendency displayed by Washington policymakers over the last 8 years to avoid making the very choices that are most important to our future, and to hope that these problems would just disappear. That, Mr. President, is exactly what those who vote against this bill are doing today. And I strongly believe that if we fail to pass this bill today over the President's veto, we will be back here debating the same issues later—but in a situation that is considerably more threatening than it is today.

The American people will remember who it was that forced down this worthy bill.

Mr. GORE. Mr. President, the President's veto of the trade bill on grounds of its provisions on plant closing, is a travesty.

In the course of legislating the trade bill the plant-closing provision was scaled back very sharply from its original form, in deference to the concerns of business leaders.

The resulting measure provides a decent minimum period of notice for employees who are about to be fired, amounting frankly, to hardly more than a token gesture.

It strains credulity to hear that this provision will somehow place American enterprises in deadly peril at the hands of their foreign competitors.

And yet, for the sake of narrow-minded, ideological purity on this issue, the administration chooses to reject the entire trade bill, despite the fact that it contains an urgently needed revision of our law; not to mention the negotiating authority the President wanted for the Uruguay round of trade negotiations.

The loss of this legislation means that after a period of revolutionary change in world trade patterns, and despite the astounding decline of America's international economic position, we—as a Government—will have been unable to respond: or, to be more exact, the Congress has responded, but the administration prefers to remain inert, and has imposed its will.

The issue, Mr. President, now goes to the ultimate arbiter: the voters of the Nation, who will soon have it in their power to choose between further paralysis through the continuation of this administration's policies, or action to protect our future.

Mr. WIRTH. Mr. President, I rise today to offer my support for the motion to override the President's veto of H.R. 3, the Omnibus Trade and Competitiveness Act.

This legislation, Mr. President, represents the culmination of 3½ years of deliberation and hard work by nearly every legislative committee in both the House and Senate. I believe the final version of this legislation, representing the best efforts of the 199-member conference committee, is a significant improvement over both the House and the Senate versions of the legislation. I commend the conferees for their long hours of work in fashioning this compromise measure and I encourage the Senate to follow our colleagues in the other body and vote to overturn the President's veto of this landmark legislation.

I share the concerns expressed by many of my colleagues in this chamber with regard to the Nation's mounting trade deficits. Over the last 4 years, our trade imbalance has increased fourfold, with last year's deficit exceeding a record $170 billion. Trade in manufactured products has moved from a $5 billion surplus in 1980 to a $113 billion deficit last year. Even traditional surplus sectors, like high technology and agriculture, so important to my home State of Colorado, have reported balance of trade deficits in recent years. Although we have recently seen indications that these trends are beginning to reverse, there remain a number of problems in the trade arena that require immediate attention.

I believe that provisions contained in this legislation to reform our trade laws in order to eliminate unfair foreign market barriers and open foreign markets to U.S. suppliers are essential to our efforts to help turn the trade deficit around. For example, the compromise achieved on revising section 301 of the Trade Act strikes an appropriate balance between the President and the Trade Representative in utilizing this crucial trade policy tool. These changes will ensure that when decisions are made under section 301 authority, these decisions will be made primarily for reasons of trade policy. Importantly, however, the decision on what type of action to take to counteract unfair foreign trading practices would, in many cases, remain subject to the direction of the President.

As the chairman of the House Subcommittee on Telecommunications, Consumer Protection and Finance, I authored legislation similar to the telecommunications trade provisions contained in this bill. This section of the trade bill includes provisions to require negotiations with foreign countries that deny access to their market for U.S. suppliers of telecommunications products and services, and allows the President to impose a wide range of sanctions if negotiations failed to open markets. These provisions are designed to open up foreign markets to American telecommunications companies, a rapidly expanding industry that is vital to our long-term economic growth.

In addition, I believe the new protections accorded intellectual property rights in this bill are vitally important. Provisions in this bill require the administration to initiate actions, under special expedited procedures, against foreign countries where patent, copyright, or trademark violations have occurred. The absence of such protections today acts as a disincentive for U.S. manufacturers to come up with bold and innovative new products and manufacturing processes.

The conference report on the trade bill also includes authority for the executive branch to continue to negotiate in the Uruguay round of the multilateral GATT talks now underway and expected to conclude in the early 1990's. The President is also authorized to reduce United States tariffs by as much as 50 percent as part of any agreement negotiated in the Uruguay round. This negotiating authority, which had lapsed earlier this year, is absolutely critical to our success in these important trade negotiations.

This legislation also authorizes U.S. approval to a new structure for harmonizing the system by which countries categorize goods in world trade. Essentially, this provision would conform all tariff schedules, and make these statistics much more reliable and useful.

Obviously, Mr. President, the inclusion of the plant-closing provision in the legislation has become the lightning rod for the President's opposition to this bill. The President's position is that requiring plant owners to afford their employees the opportunity to be notified 60 days in advance of any plant closing or major layoffs is an onerous burden on business. I do not believe this to be so. To begin with, a great number of employers already accord their workers humane and decent treatment by providing such notice.

Opponents of the plant-closing provision also state their belief that such a requirement would place U.S. companies at a disadvantage to foreign competitors. The fact is, however, that many of our foreign competitors already require that employers provide plant-closing notification to their workers.

Mr. President, I wish to join many of my colleagues who have so eloquently pointed out that this is neither an economic issue nor is it a business issue; this is an issue of fundamental fairness to workers and their families. In my State of Colorado, the problem of plant closing and resulting mass layoffs is particularly acute. In 1986, the State led the Nation in business failures for the second consecutive year. Colorado also ranked 10th among States in terms of the percentage of employees who lost their jobs because of plant closings.

Even if the President had valid objections to the plant-closing provision, however, it is difficult to justify his veto of the entire bill, based as it is on his opposition to this one provision. His willingness to scuttle the entire bill because of his objection to this provision calls into question his leadership on the issue of trade. The President's action is not that of a President who would take a leadership role on restoring the competitive position of the United States in the world economy.

I do not mean to suggest that passage of this legislation will cure all our trade ills. Certainly, we should not allow passage of the trade bill to lull us to sleep, in the comfort of knowing that in one fell swoop we have solved our trade deficit. I do not view this legislation as a complete remedy, but rather as a very significant step on the road to recovery.

In concert with passing legislation to reform our trade laws, I believe that we must also continue to work to get our fiscal house in order and redouble our efforts to cut the Federal budget deficit and balance the budget. Sustained, multiyear reductions in the deficit will make it easier for American industries to modernize, for parents to send their children to college and for farmers to repay their loans.

At the same time, we must strengthen investments in long-term economic growth—investments in education and training, and in the research and development that helped pioneer such American inventions as the transistor, fiber optic cable, and the semiconductor. These investments, when coupled with cuts in the Federal budget deficit, will further enhance America's competitive position in the world economy.

Today, Mr. President, we have the opportunity to take that first step to restore America's position among the world's foremost economic powers. We can aid this recovery by voting to override the President's veto of this legislation, and I urge my colleagues to join me in voting to support this important legislation.

Mr. WEICKER. Mr. President, I rise today in support of the Senate override of the President's veto of H.R. 3, the Omnibus Trade and Competitiveness Act of 1988. Congress labored on the issue of trade legislation reform for 3 years and I believe a good bill was crafted and sent to the President. The veto of H.R. 3 was unjustified and a disservice to the Nation.

In fact, H.R. 3 encompasses reforms in our trade laws that the administration, business, and labor groups all recognize are needed. I am disturbed by the President's veto message that cites provisions requiring the advance notification by employers of the closing or expected layoffs at a business. We in this body have all witnessed the tragedy of the people thrown suddenly out of work, of towns that have lost vital businesses. Specifically, H.R. 3 would require 60 days advance notice of a plant closing that results in employment loss of at least 50 employees at a specific site, or a layoff of more than 6 months. Opponents of this provision contend that, while on their face these provisions are relatively innocent, they represent the nose of the camel under the tent in terms of further Government intervention into the prerogatives of management.

Let me say very clearly that I support these notification requirements. They are humane, they are decent. An employee and the community deserve to be notified of the loss of a job or the closing of a plant in order to prepare for the personal, economic, and social consequences. It is time that we recognize, as do other industrialized nations, the simple right for employees to prepare for the imminent loss of their livelihoods. This is basic fairness. At a time when the Nation looks to its political leadership to promote competitiveness around the world, we cannot ignore the competitive future of American workers and the vitality of American communities. This is simple justice.

The balance of interests in this legislation can make it work for the Nation. First, for the administration, the bill grants the President authority to negotiate and sign trade agreements with our trading partners. Additionally, the administration is given greater powers to eliminate unfair trade barriers and open overseas markets to our exports. Second, for U.S. businesses, the trade bill reforms and streamlines our export control laws, gives greater protection to intellectual property rights and patents, and enlarges U.S. export promotion and marketing programs. Third, in addition to the modest notification requirement, the Nation's working men and women will be given greater assistence in coping with the impacts of international competition, and benefit from education and vocational programs to enhance the teaching of foreign languages, math, and the sciences.

Mr. President, as a conferee on H.R. 3, I know full well the efforts made to fashion a bill that is not protectionist. Connecticut is a leader in exporting and international trade yet we can ill afford to tolerate the present situation of huge deficits without enacting strong trade reforms. More than 6 percent Connecticut's labor force, the highest in the Nation, is employed in export-related jobs. This translates to over 100,000 Connecticut jobs involved in manufacturing and shipping over $5 billion of goods overseas. To pick one country, Canada, Connecticut exports over $830 million of material to this country ranging from aircraft engines, computers to chemicals. I believe that the key to Connecticut's, and the Nation's, continued economic prosperity lies in greater international trade. There is a compelling need to enact H.R. 3 and put our Nation on a more competitive footing in world markets.

As ranking member of the Senate Small Business Committee, I worked closely with my colleagues to develop new initiatives to help and encourage small businesses to export. As hearings before the committee clearly demonstrated, thousands of small businesses have the potential to enter export markets if given the assistance and training. The Small Business Committee's contribution to H.R. 3 provides $5 million for small business development center export assistance grants to provide export related services to small business. Small Business Administration [SBA] loan levels are increased to provide small business with additional capital for increased manufacturing and export resources. Another $3.5 million is slated for the SBA's Office of International Trade to make more staff, resources, and information available to small business as they seek to enter or expand their presence in world markets. I believe that all of these provisions are sorely needed.

Mr. President, I urge my colleagues to override the veto of H.R. 3. Congress has worked hard and responsibly to develop a trade bill to increase our competitive standing in world commerce. This legislation is worthy of the Senate's support.

Mr. DASCHLE. Mr. President, I rise to oppose President Reagan's veto of H.R. 3, the Omnibus Trade Bill of 1988 and to announce my intention to vote to override the President's veto of this important trade legislation.

H.R. 3 represents a 3-year effort of literally thousands of hours of work on the part of many Members of Congress to reach an agreement on trade law changes that are fair and tough, but not protectionist nor unreasonable. The conference committee agreement alone was approved by more than 200 Members of the House and Senate. Last month when the Senate considered H.R. 3, 61 of my colleagues joined with me to support this important trade proposal.

The House, in fact, has already voted overwhelmingly to override the President's veto. If the Senate does not vote to override his veto, it will do so by the barest of margins, falling only a few votes short of enacting this legislation over the President's objections.

I previously have taken the floor to outline my reasons for supporting this bill and have urged my colleagues who are still opposed to the comprehensive trade law changes in H.R. 3 to join in this effort. Thus, I intend to only briefly outline the main reasons why I will vote to override this veto and will not address the bill's many other positive reforms.

This legislation would make positive and effective changes in U.S. trade law. It will leave discretion to U.S. trade negotiators in our trade discussions, and at the same time standardize our trading policy so that the Congress and any administration are working in concert in the international trade arena.

I hope, Mr. President, that we can dispell one myth that some have used to attack this legislation. That myth is that somehow this legislation is "protectionist." Nothing could be farther from the truth.

When we originally began working on this bill, under the leadership of the distinguished Senator from Texas, Senator **Bentsen**, our objectives were clear. We avoided purely protectionist provisions. We sought legislation that reformed our trade law into consistent, reasonable, but tough standards. These original objectives are embodied in the final product of the conference agreement on H.R. 3.

The President's veto message makes clear that this legislation is not protectionist by admitting, "We worked long and hard to produce legislation that would enhance our country's ability to meet foreign competition head on—to strengthen our trade laws and remove restrictions on America's great economic engine. And we came close to developing such a bill."

We came so close that in his veto message, the President recognized this conference agreement removed many of the protectionist measures originally included in this legislation.

However, his veto message does not tell the American public what will we, and our trading partners, lose if this veto is not overridden.

The distinguished chairman of the Finance Committee, Senator BENTSEN, has indicated he wants to pass another trade bill in the remaining few days of this session of Congress. As a member of the Senate Finance Committee and one who recognizes the loss associated with the failure of the Congress to override the President's veto, I will do all I can to see that the chairman's goal is reached. I cannot, however, look optimistically at the prospects of seeing a new trade bill pass through the entire legislative process in the remaining days of this congressional session.

That reality, Mr. President, should be a prime consideration for each and every Member of this body who may be supporting the President's veto. This omnibus trade bill very likely will be our last opportunity to approve trade legislation this year.

And if trade legislation is not signed into law this year by the President, what will be lost?

The prospects of not having a trade bill are not good and the drawbacks many. This administration clearly understands these facts all too well.

For example, H.R. 3 contains authority for this administration, as well as the next, to negotiate international trade agreements with the assurance that these agreements will receive prompt consideration in the Congress. Absent such assurances, our trading partners may be less likely to agree to trade agreements that require congressional approval.

When H.R. 3 falls, extension of authority for the administration to negotiate these agreements falls as well.

In addition, in the veto message, the President referenced H.R. 3's new trade provisions that "strengthen the hand of America in international trade negotiations." When H.R. 3 falls, the new changes in trade law that will force a tough and consistent trade law policy will fall with it.

Finally, H.R. 3 includes comprehensive changes in agricultural trade law. These changes were approved on a bipartisan basis by the Senate Agriculture Committee, of which I am a member. These changes range from a provision I authored that would require reciprocal meat inspection requirements on countries using the inspection process as a trade barrier to a triggered "marketing loan" to maintain pressure on the administration and our trading partners to aggressively pursue an international agricultural agreement.

Mr. President, a number of agricultural organizations support the agricultural provisions in H.R. 3 and have urged the Senate to override the President's veto. These organizations include: the National Farmers Union, the American Farm Bureau Federation, the National Association of Wheatgrowers, the American Soybean Association, and the National Farmers Organization.

If H.R. 3 fails, these organizations, and the thousands of farmers they represent, understand that the changes in agricultural trade law mandated by this bill will also fail.

There is one further issue that is much harder to quantify, but needs to be addressed, nonetheless. And that is the legislation that may be considered in the next session of Congress.

If we are not able to pass another bill yet this year, we will have a new trade bill effort in the 101st Congress and a new President with whom we will be working. It will be an entirely new set of circumstances that may dictate a much tougher, perhaps more protectionist, trade bill. Our trading partners must understand the ramifications of current trade negotiations on process. If progress is made in the many trade conflicts, including the Japan-United States beef and citrus controversy, the Korean beef import issue and the overall trade imbalance between countries, these protectionist fires may wane. However, if progress cannot be demonstrated, defeat of this trade bill may only be a temporary victory.

Many who followed the progress of H.R. 3 were concerned about its initial "protectionist" provisions and took note that these same provisions were not included in the final agreement. Those who believe that the next trade bill effort will be as successful as H.R. 3 in restraining the protectionist tendencies of some may be misleading themselves.

For that reason, I urge my colleagues to vote to override the veto and implement this important legislation over the objections of the President.

The PRESIDING OFFICER. The Senator from Texas, Senator BENTSEN.

Mr. BENTSEN. Mr. President, once again, as so often in our history, the Senate of the United States has the last say. It's a tough job.

For 54 years, since the Reciprocal Trade Agreements Act of 1934, Congress has seen fit to reenact several times the formula for trade legislation developed by Cordell Hull in 1934. Hull had been a member of the Finance Committee who opposed the Smoot-Hawley bill in 1930. In 1934, he was the Secretary of State. He knew what he was doing.

Hull's idea was about the balance of power between the legislative branch of our Government and the executive branch on trade, and it goes to the heart of this bill. Up until that time, Congress had legislated every single trade rule, every rate of duty. Hull's idea was that Congress should legislate trade policy, in close consultation with the executive branch, and then—in the very same legislation—also delegate to the President the powers needed to carry out that policy. Both the policy and the delegation were written into one bill.

This legislative formula has been tested for over 50 years. It has proved sound through the most dramatic economic changes the world has ever seen. For over 50 years, the rest of the world has gradually come to understand that if Congress and the executive branch agreed on a trade policy, the sure and certain result would be agreements to reduce their barriers to trade. The Reciprocal Trade Agreements Act is perhaps more responsible for the prosperity of the world today than any other economic legislation of this Government in this century.

This trade bill is the direct descendent of the Reciprocal Trade Agreements Act. It uses the same formula of combining trade policy and trade authority in the same bill.

Is today's bill complicated? You bet it is. Everything has become more complex in the last 54 years. Certainly the global economy has, and this trade bill reflects that change.

Trade is no longer just a matter of tariffs, the way it was in 1934, and it never will be again. And a lot of other things have changed. No one will ever be able again to separate exchange rate policy from trade policy. No one will ever again be able to be lax about enforcement of trade agreements.

If there is a trade bill next year, it will be just as complex as this one. It has to be. But what if there is no trade bill this year? We do not need to guess at what will happen. We have a recent historical example.

Richard Nixon's negotiating authority ran out at the beginning of his presidency. The President inaugurated next January similarly will have no trade authority if this bill dies for the year. Nixon never got that authority.

Trade negotiating authority should have been in effect during the first oil crisis, the delinking of the dollar from a price pegged in gold, and a major trade war with the European Community. It was not. The bill continuing the reciprocal trade agreements program was not enacted until January 3, 1975, 5 months after Nixon left office.

So what will happen if a trade bill is not enacted this year? It is really very simple. Countries with closed markets will rejoice.

It was interesting, in January when I was in Hong Kong—that is one of the true free trade areas in the world—they were not concerned about this piece of legislation. They were supportive of it. They said it does not affect us because we are a free trade territory. And if you do not enact this legislation we are deeply concerned that protectionism will continue to rise around the world.

Those of us who practice free trade are the ones that suffer.

I will tell you who else will rejoice. They will be rejoicing in Japan. They will be popping champagne corks in Germany, and these lobbyists downtown, most of the major lobbying firms of this city, represent at least one Japanese company. The numbers show that over $60 million was spent last year lobbying the Congress, public relations and most of it directed at this trade legislation.

Time and time again people who have been trade negotiators for us are then hired, when they leave public service, by a foreign country. No other country in the world gets subjected to lobbying of its Congress or its Parliament as does this one.

You watch the Japanese Ambassador to this country to the United Nations travel around the United States, meeting with editorial boards, selling them on their point of view. These attorneys who have been representing all these very wealthy clients and governments had better adjust their fees because they probably will not have another trade bill for a while. They will have delivered their lobbying effort.

What happens if the trade bill is not enacted? Again, you see those countries saying, yes, we are going to negotiate and they will negotiate and negotiate and negotiate and negotiate, and decisions will not be made.

The trade negotiation that should have begun in 1969 actually began in January 1975. It did not bear fruit until January 1979, a 10-year postponement of agreements that were needed in 1968. Can we afford to postpone today's global economic agenda until 1995?

I know that a lot of my colleagues on the other side of the aisle who voted against this trade bill were assured there was going to be another trade bill; they would have another chance; they would not be left hanging out there.

We have only a little over 60 legislative days left. This trade bill was on the floor of this Senate for 5 weeks. We considered over 170 amendments.

The rules of the Senate are to protect the minority, and the minority knows how to exercise it. Regardless of the position of the leadership of the minority or the majority or the President of the United States, we saw a situation last week with the INF Treaty where our President's prestige was at stake in the summit meeting with the Russian Government, and yet five Senators of the President's party were able to delay that consideration and keep it here before us for 2 weeks. Imagine what they can do with that second trade bill?

Republicans who worked with me on this bill in a bipartisan effort knew that I sought an enacted piece of legislation and not a political issue. I assumed that was one of the reasons they were willing to work with us because they knew if they did not, then trade would surely become a political issue, and it was likely to work against them.

This country needs the reciprocal trade agreements program extended. This country needs a trade policy. This bill is good national policy. I see no partisan advantage in the enactment of this bill, but I see partisanship in it if it is not enacted.

I remember working with Senator DOMENICI on the Senate floor last summer to assure him that in section 201 cases, the President had the option to take no action if he wanted to, and we made the changes he needed. He voted with us for a strong section 201 adjustment mechanism, and we put it in there.

I remember how hard Senator MURKOWSKI worked on the Kansai Airport problem, how he dragged the adminstration kicking and screaming almost, into a negotiation to open up the Japanese market for United States construction services. His amendment on that problem is on this bill, and he voted for the bill last summer.

I remember how profoundly Senator GRASSLEY opposed making agriculture a target for foreign trade actions, which would have happened if the bill had allowed the President to avoid the responsibility to take action in section 301 cases if it would harm U.S. agriculture. I told Senator GRASSLEY that exception on section 301 would not be on this bill when it came back from conference—and it is not there. I remember his amendment to assure pork producers had standing under the countervailing duty laws. That is in here. Senator GRASSLEY voted for the bill last summer.

In fact, in this bill, American agriculture gets the same high priority in our international trade negotiations that we give to our most competitive exporters, our winners, like telecommunications and intellectual property-based industries.

That is why so many agricultural organizations support the bill: the Harvest States Cooperatives, the National Association of Wheatgrowers, the Rice Millers Association, the American Soybean Association, the American Farm Bureau Federation, the National Woolgrowers Association, the National Milk Producers Federation, the National Pork Producers Council, the National Council of Farm Cooperatives, Farmland Industries, Land of Lakes cooperatives, and many more in the agricultural community. What are you going to tell them when we have taken care of these kinds of concerns in this piece of legislation?

Knowing those Republican Senators as I do, I cannot believe they want the rejoicing in Tokyo and Bonn that will follow action by this Senate of the United States to sustain the President's veto. I cannot believe they want the next President to spend 2 years or more trying to get trade authority, authority that every President since Franklin Roosevelt has had, except Richard Nixon.

We have an undercurrent of fear in this country in some of the polls we see that perhaps we are slowly but steadily losing control of our economic destiny. The most popular nonfiction books in America today are comparisions of the fall of empires of the past with the current condition of the United States.

If this bill is not enacted now, who can predict what that next trade bill will be and that it will not reflect that fear and uncertainty and we end up with protectionist legislation rather than the hope and courage this bill represents in continuing 50 years of profoundly wise legislation.

I must tell the Senate that, as I sat in that Finance Committee in January of 1987, when this bill began, and listened to all the points of view in that committee on the trade issue, the difficulty of enacting this bill came home to me for the first time.

Yet, the bill passed out of that committee by a vote of 19 to 1, and passed out of this Senate after 5 weeks of debate 71 to 27, and passed through a conference of 23 different committees and 199 conferees, I believed it could be done because it was good public policy.

I still believe that.

I urge the Senate to override the President's veto.

I yield the floor.

Mr. BYRD. Mr. President, I encourage my colleagues to override this ill-advised veto of critical legislation to protect and enhance America's economic health and national security. The President in vetoing this legislation has acted as if it is throwaway legislation, because he does not like one minor provision on thinly based ideological grounds.

Now, let us stop and think. I, for example, am running for reelection this year. We have an election in November. If I were not to be reelected, I would have something like 60 days' notice because under the Constitution I would still be a Senator until January 3 of next year. Why should Senators be unwilling to give the worker out there 60 days' notice, and the community in which he works 60 days' notice?

I would be able to make it until January 3. My paychecks would continue. That worker's paychecks may not continue beyond next Friday. Let him miss one payday, and he is in trouble. He owes his mortgage; he owes payments on the car; he owes a grocery bill; he owes a doctor bill. Would Senators say no, he should not have that 60 days' notice?

Take the President of the United States. This President has at least 70 to 75 days' notice. He knows that he is not going to be President next year, but he knows that his paycheck is going to continue in any event until January 20 of next year. Any President, when he concludes his first term and runs for a second term and does not get reelected in the November general election, he is still assured that his paycheck will continue to come in until January 20, over 2 months away.

That paycheck continues to come in until January 20 of the next year. Yet, this President does not want to extend to the working man and the working woman in this country something which is automatic for himself, something which is also automatic for us Senators—notice of the termination of our jobs. We all get that notice. We have plenty of time to prepare for the event. Every President has that timely notice. Why not give to the steelworkers or the mineworkers or the grocery clerks the same timely notice? Doesn't simple fairness entitle these people and their families to the same treatment?

The President's advisers have said, "Veto, veto the bill." Perhaps the President and his advisers still do not understand what the gigantic trade imbalances are doing to our economy, to our industries, to our communities, to our working people, to our national security.

When are we going to learn to associate a strong, vibrant economy with strong national security? When are we going to recognize that trade is the centerpost of a strong national economy?

Those of our trading partners who protect their markets while they raid our markets will delight in this veto if it is sustained. They will be having cocktails tonight in Tokyo. It will be taken, rightly so, as a sign of confusion on the American political scene. It will be seen as an indication that we can easily be taken in by the sophistry of the so-called free traders, but it will be certain proof that we can be world-class suckers when we want to be. It is certain proof that Uncle Sam can be an easy mark.

Anyone who reads this legislation carefully, particularly those sections that establish new trade policies for America, knows that it is designed to make the world's trading system more open and it will inevitably have that effect.

The bill attacks protectionism elsewhere in those countries like Japan that practice mercantilism. It attacks protectionism there. Those who argue that it does not, have not bothered to read its provisions.

This bill is the product of more than half the standing committees of the Senate. It is the product of 3 years of hard work on the part of the Senator who sits immediately in front of me today, the distinguished Senator from Texas, [Mr. Bentsen] and the distinguished Senator from Missouri [Mr. Danforth], who is on the Finance Committee, Mr. Packwood, and other Senators on the Finance Committee who have labored over this legislation for 3 years, gone through the Senate debate, gone through the conference action, put their hearts, their time, and their craftsmanship into the final product. And then we are told by the administration, "Well, they can strip it down, it will just be an easy matter, 2 or 3 days. Congress can take out this plant-closing provision, and bring it back."

"I will be then happy to sign it," says the President. "I will be happy to sign it."

But it is not that easy. I do not know how easy it will be in the other body. Usually, I would say, they can do things pretty fast over there under their rules. The House can adopt a rule and craft it in any way they want. The bill can be stripped down. Three hours on the bill, 6 hours on the bill, 10 hours on the bill, only one amendment, and they can even state in the rule as to what Member may offer an amendment—the majority leader or the minority leader. They might allow two amendments, the minority leader may have one and the majority leader one amendment to top it, and they can also limit the time to, say, 1 hour on the amendment. That is it. Time is up. School is out. They have another bill.

It does not work that way here in the Senate. The Senator from Oregon [Mr. Packwood] knows that. We all know that a filibuster can also occur in the Senate. There were 170 amendments offered to this bill when it first passed the Senate. Who knows there will not be 170 amendments offered again to a new bill? This bill was in conference for months. How long would a new bill be in conference?

A majority of the Members of this body have made contributions to this legislation, and it has strong bipartisan support.

Mr. President, I urge my colleagues to vote to override this ill-advised veto that is poor politics when good statesmanship was so easily available.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Pennsylvania [Mr. Specter] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 61, nays 37, as follows:

[Rollcall Vote No. 169, Leg.]

YEAS—61

Adams
Baucus
Bentsen
Bingaman
Bond
Boren
Bradley
Breaux
Bumpers
Burdick
Chafee
Chiles
Cohen
Conrad
Cranston
Danforth
Daschle
DeConcini
Dixon
Dodd
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Graham
Harkin
Heflin
Heinz
Hollings
Inouye
Johnston
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nickles
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Simon
Stennis
Weicker
Wirth

NAYS—37

Armstrong
Boschwitz
Byrd
Cochran
D'Amato
Dole
Domenici
Evans
Garn
Gramm
Grassley
Hatch
Hatfield
Hecht
Helms
Humphrey
Karnes
Kassebaum
Kasten
Lugar
McCain
McClure
McConnell
Murkowski
Pressler
Proxmire
Quayle
Rudman
Simpson
Stafford
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson

NOT VOTING—2

Biden
Specter

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 37. Two-thirds of the Senators present and voting not having voted in the affirmative, the bill, on reconsideration, fails of passage.

The Senate will be in order. Senators will please take their seats.

Mr. BYRD. Mr. President, I enter a motion to reconsider the vote by which the Senate failed to override the President's veto of H.R. 3.

The PRESIDING OFFICER. The motion has been entered.

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the entry of the motion to reconsider stays the action of the Senate on the vote to override the President's veto of H.R. 3. It keeps the bill alive, and a motion to proceed to the motion to reconsider can be made at any time.

I hope that on another day, Senators will have had a change of heart and, after rethinking their positions, having had additional time to consult with the folks back home, will decide to cast their vote for a good, effective trade bill that has had the work of Members on both sides of the aisle—the craftsmanship, the skill, the thoughts, the expertise—for over 3 years.

I thank those Senators on both sides of the aisle who did vote to override the veto. Their votes will be remembered by the working people of this country, and I hope that also in the meantime the folks back home can have an opportunity to discuss this vote with Senators who voted to sustain the President's veto.

I do not question the integrity or the good motives of any Senator's vote. Senators vote according to the dictates of their conscience and I do not say that I am always right. I am often wrong.

But I believe this is a good bill. I believe it is in the interest of this country's economy, this country's communities, this country's industries, this country's working men and women, and the national security of this country. People have been known to change their minds. Senators have been known to change their minds.

I think it would be well for their constitutents to have yet a little while longer to discuss this matter with Senators who cast their vote to sustain what I think was an ill-advised veto.

I thank all Senators, and I yield the floor.

The PRESIDING OFFICER. The minority leader, Mr. DOLE.

Mr. DOLE. Mr. President, I just say I think it is clear that the President's veto has been sustained and now we need to, if we are going to have a trade bill this year, sit down with the administration, the leadership of the committees and the leadership of both Houses, and, as I suggested earlier, get it done.

I do not think the result is going to change whenever we might act on the motion to reconsider, I think Senators have made up their minds. There has not been one change in the vote. And it seems to me that the administration is prepared, and I believe most Senators are prepared on both sides of the aisle, with some changes, to move very quickly on getting a trade bill passed.

I am certain this motion is not entered in any intent to delay that possibility, but I would hope that we could move very quickly. As I said earlier in my statement, I commend the chairman. I commend Senator DANFORTH and others who worked diligently. There are a lot of good things in this bill, but there are a few provisions that should be deleted, not just the plant closing, but several others in my view are not in the best interest of the American taxpayer or of the real purpose of the trade bill which was supposed to be make us more competitive, and there are a number of provisions that did not do that. They were special interest provisions.

I would hope that now that we have indicated by more than the margin required—33 votes would have been enough today with 98 voting—we had 36 plus the distinguished majority leader. We have taken care of this matter. It has been disposed of. Now we need to see if we can move on and get a trade bill this year.

The PRESIDING OFFICER. The Senator from Ohio, Mr. METZENBAUM.

Mr. CHAFEE. Mr. President, I believe that the next order of business is to go to catastrophic, is it not?

The PRESIDING OFFICER. The Senator from Rhode Island is correct.

Mr. CHAFEE. I think we ought to move on to catastrophic.

Mr. METZENBAUM. Mr. President, the Senator from Ohio has been recognized, has he not?

Mr. CHAFEE. Regular order, Mr. President.

The PRESIDING OFFICER. Regular order will be maintained. The Senator will suspend.

Mr. BYRD. Mr. President, I ask unanimous consent that there be 3 minutes on each side, 3 minutes to the the Senator from Ohio and 3 minutes either to the distinguished Republican leader or to Mr. CHAFEE before going to the next order of business. That would only detain the Senate 6 minutes.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

Without objection, it is so ordered.

The Senator from Ohio is recognized for 3 minutes, followed by the Senator from Rhode Island.

Mr. METZENBAUM. Mr. President, it is obvious on the main issues the reason the President vetoed this bill is because of the plant-closing provision. Frankly, the President has turned his back on an issue that 86 percent of the American people support and he has turned his back on the American workers. To me, it is a matter of what is right and what is decent.

No matter how we look at this issue, mandatory notice when a plant closes is just a matter of simple fairness and decency. It is nothing more complicated than that. And the fight is not over and we are not going to let the workers of this country——

The PRESIDING OFFICER. The Senator will suspend.

The Senate will be in order.

The Senator from Ohio.

Mr. METZENBAUM. Mr. President, this fight is not over. We are not going to let the workers of this country down. It is not an issue between labor and management. It is an issue as to what is right in this country. The mandatory advance notice should be part of a trade bill and adequate advance notice is needed to address the basic human cost associated with a free trade policy.

We can talk all we want and the President can veto the bill and maybe there are enough votes to sustain that veto. But when 86 percent of the people of the country support a measure, when the House has the votes to overwhelmingly pass it over the President's veto, when the Senate fails to pass it over a veto by a few votes, it is an indication this is going to become the law of the land. It may not be today. It may not be tomorrow. It may not be next week or may not be next month. But mandatory advance notice with respect to closing of a plant is going to become the law of the land, and I say we ought to go on about our business and see to it we make it a part of the law and not waste the time on the issue. The people want it and we should legislate.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. DOLE. I yield 3 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas [Mr. GRAMM] is recognized.

Mr. GRAMM. Mr. President, there are six plant openings in America for every closing. We currently have the lowest rate of plant closings in 20 years. The rate of plant closings is 40 percent below what it was when Jimiy Carter was President. Our colleague, the Senator from Ohio, would have us adopt legislation that mirrors what they have in Europe, where they have not created a job in 10 years; whereas we have created 16 million jobs since 1982.

Now maybe the distinguished Senator from Ohio would prefer more people on welfare. Maybe more people would be inspired to vote on the basis of that condition in a way that might suit him. But I think we currently have a policy that is putting America to work, that is generating jobs and growth and opportunity. I, for one, am not in favor of having the Government come in with a policy that has been disastrous in Europe, that has squandered economic growth, that has used up resources, closing plants rather than opening them.

I want an economic program that will be so successful that the chamber of commerce will be coming to the Senate saying, "Pass legislation to make our workers give us 60-day notice before they quit to go to work for our competitors at higher pay."

That is the kind of economy we ought to be generating. This may be a good political issue, but this is disastrous economics. I am glad the President vetoed this bill, and I am proud of an economy that has generated six plant openings for every one plant closing.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I did not vote against this bill or to sustaining the President's veto because of plant closings. Not at all.

This is a bad bill. If each one of the 14 or 15 large trading nations of the world passed an exactly similar bill, there is no question that the trade of the world would shrink.

I would say to my good friend, the majority leader, I have heard him say many times, "Let the Senate work its will." Indeed, the Senate has worked its will. You said the folks should talk to us more. Well, we just got off a week's recess and they have been talking to us.

We need to have a good trade bill, and I respectfully say to my friend, the majority leader, that he is preventing a good trade bill from coming forward by this strategy.

So I say to my friends that this trade bill is not in the interest of trade and not in the interest of competitiveness. That is the reason I voted against it and not because of plant closings.

The PRESIDING OFFICER. All time has expired.

MEDICARE CATASTROPHIC COVERAGE ACT—CONFERENCE REPORT

Mr. PACKWOOD. Mr. President, what is the order for the control of time?

The PRESIDING OFFICER. Under the previous order, the time between now and 5:45 will be used for debate on the conference report on H.R. 2470, catastrophic health. The time will be divided between the Senator from Texas, the chairman of the committee, Mr. BENTSEN, and the Senator from Rhode Island. The vote will occur at 5:45 p.m.

Mr. PACKWOOD. Mr. President, I ask unanimous consent—and I have talked with the Senator from Rhode Island—that I might control the time that was allocated to him until he comes back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, the vote does occur at 5:45?

The PRESIDING OFFICER. That is correct.

Mr. PACKWOOD. That means that we only have about 22 or 23 minutes on this side.

Could I ask the Senator form Oklahoma if he could do it in 8 minutes instead of 10?

The PRESIDING OFFICER. The Senator will suspend. The clerk will report the conference report.

The legislative clerk read as follows:

A conference report on H.R. 2470 to amend title XVIII of the Social Security Act to provide protection against catastrophic medical expenses under the Medicare Program, and for other purposes.

The Senate resumed consideration of the conference report on H.R. 2470.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, the reason I ask is we did have 30 minutes and we have enough speakers for about 40 minutes. The Senator from Oklahoma is entitled to more time than anybody because he has been thoroughly prepared.

Mr. NICKLES. Has anyone spoken in opposition? I think the opponents should have more than 8 minutes on a bill that has a 3-hour time agreement.

Mr. PACKWOOD. Why do you not go ahead and take 10 minutes. You have been ready and prepared. We will squeeze it out of the rest of the time.

Mr. NICKLES. I will try and expedite it.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I say to my friend and colleague from Oregon that I will try to be very quick.

Mr. President, I am concerned about the fact that the Senate is moving so quickly. I objected, but my objection was not made timely enough, to the 3-hour time agreement. The reason I was going to object is because I think we need to spend more than 3 hours when we are having the largest expansion of an entitlement program in years, probably in 20 years, happening today.

I would say, by and large, most of the Senators are probably not aware of a lot of the details that came out of the conference report. If you look at the Senate report as it passed, it has 83 pages. We passed it back in the tail end of 1987. The report that we have before us right now, with the bill and the report, is 273 pages. A lot of it is very complicated, but a lot of it is very, very important, Mr. President, because it is going to affect every single senior citizen in this country. It will affect every senior citizen as to the benefits they receive and also to the costs that they will pay.

I am afraid, in many cases, the expenses have been somewhat ignored. This is a very expensive bill. Yes, it provides benefits, but it also provides a cost. And the cost under Medicare has risen and risen substantially. This is an expensive bill.

I have heard people criticizing Congressman PEPPER's bill. They said it is a $30 billion bill.

Mr. President, between 1989 and 1993, this is a $32.6 billion bill, according to CBO—$32.6 billion. By the year 1993, it will cost $10.6 billion more per year. I do not think we have heard that.

I think, if you just look at this chart, you will see how dramatically Medicare has been rising without this bill. This chart shows the Medicare costs back in 1977 were $21.5 billion. Five years later, in 1982, they were $50 billion. Five years later, in 1987, they were $81 billion. And then projected in 1992, without this bill, it will be $135 billion. Well, you can add another $10 billion because of this bill that we are getting ready to pass today.

So it is very, very expensive, if you look at the total costs, but it is also very, very expensive if you look at the cost to individuals. And the reason I am going to vote against this bill today is because I am concerned about individuals. I am concerned about senior citizens that will be paying for a benefit that many of them do not need because they already have it.

As I am sure the Presiding Officer is well aware, 75 percent of the senior citizens how have what is called MediGap policy. They have a policy to help them cover what Medicare does not cover. They have it today. They have it through the private sector.

But today we are going to come up and say: "Well, wait a minute. That is not good enough. We are going to mandate an expensive national policy to replace your MediGap policy. We are going to mandate that." And also we are going to mandate that they pay for it.

Mr. President, this is awfully expensive. I wonder how many American senior citizens are aware of the fact that this bill means that they are going to have a surcharge placed on their tax. And senior citizens are taxpayers. Anybody that makes the assumption that senior citizens do not pay taxes, I think they are sadly mistaken. Senior citizens will have a surtax by the year 1993 of 28 percent.

Mr. President, when the Senate considered this bill and when it passed the bill through the Senate, the surcharge premium was 8.7 percent. Now, for those that are wondering—I have heard people say this is a better bill now that it came back from conference. The bill that left the Senate had a surcharge of 8.7 percent on payroll taxes for senior citizens. This has a surcharge of 28 percent.

Let me give a couple of examples. If senior citizens pay a thousand dollars, it means they are going to pay $1,280 just on the supplemental portion, not to mention the monthly flat rate which starts out at $4 and goes up to $10 per month per person. For a couple, that is $20 a month in addition to the surcharge.

If you start adding it together, you realize that the senior citizens start paying pretty highly.

Let me give you an example. Let us say a senior citizen has a taxable income of $34,000. That is not so rich—a taxable income of $34,000. They have a tax liability of $5,500. Their tax liability in 1993 is $1,050 under the supplemental, not to mention the fact they had to pay $122 under the catastrophic flat premium; that is, $7-and-something for the hospital and another $3 for the drug, or about $10 a month, $122 per year. And if you have a couple, then you are talking about double that. So you are talking about $244 per year, fixed. That is for everyone—$122 per person, per participant, every year until 1993. And it will escalate beyond 1993, but I am going to use 1993; $122 per person. So for a couple, you multiply that times 2 and so you are talking about $244 per couple, plus whatever surcharge that would apply.

So they pay a tax surcharge of 28 percent. Two years later, it would be 30 percent. So if that couple pays $10,000 in taxes, they will be paying the maximum, and that would be another $2,000 a year, in addition to the $244.

Mr. President, we are not just talking about soaking the rich. We are talking about people that pay $5,000 a year in taxes who are going to have to pay in 1989 $800 a year more for the surcharge and by the year 1993 they are going to have to pay another $1,000 in the surcharge. And if you make that for couples, you are looking at a $2,000 surcharge—if they have income tax liability of $7,000 or $8,000—$2,000 additional tax, supplemental, plus another $20 a month.

A lot of senior citizens are having a hard time getting by and we sock them with that additional premium.

Mr. President, premiums have gone up and gone up significantly under part B and will continue escalating significantly under part B even without this proposal.

If you look at this chart it shows that, well, in 1987 we were at $17.90 and then just this year went from $17.90 to $24.80. I am sure that every Congressman and Senator heard a lot of negative comments from their senior citizens about that increase.

Well, it is projected, again without this bill, that part B increases will increase up to $31.50 under present law by the year 1992. This bill will add $10 per month per participant.

So, not only will they pay $31, they will pay $41 per person. So if you have a couple you are talking about $82 per month just for part B. And this catastrophic proposal and whatever supplementary income tax surcharge that would be. And I would remind the Senate it is 28 percent.

Twenty-eight percent compared to the tax rate as it left this body of about 8 percent. So that is pretty significant.

Somebody says, well, wait a minute, how could you be against this? I will talk about it. I mentioned earlier, 75 percent of senior citizens had some type of MediGap policy. Maybe it did not cover drugs. But I would imagine that most Senators are aware that we have a drug floor, exemption level, threshold of $600. Eighty-seven percent of senior citizens will not cross that threshold. Eighty-seven percent.

We say well, we are extending hospitalization care. We are going to help everybody in case they have a long-term hospitalizational illness. You realize less than 1 percent of Medicare beneficiaries will ever receive any benefit from extending the benefit period beyond the 60 days, quite frankly, because 99 percent of them have hospital stays of less than 60 days? So we are increasing premiums on everyone, very significantly, for trying to help a few people, a few people which in many, many cases do not need the help. They have done it in the private sector. But now we are saying on the Federal side, we are going to take it over.

Then what about the cost and what about the estimates? I look at the estimates through 1993 and I compliment the Senators who tried to put this package together. I realize it is not easy and I realize, too, you are dealing in the dark. You do not know how much it is going to cost in 1993. This is a guesstimate, whether it is done by CBO or GAO or anybody else; just a guesstimate. But when people find out that their drug threshold has been crossed, this Senator happens to think that is going to greatly increase drug usage.

If they have the idea that, well, the Federal Government is paying for 80 percent of it and by the year 1993, the Federal Government will be paying for 80 percent of it, my guess is you are going to see a significant increase in usage of drugs or, by and large, you may find a situation in hospitals where they say well, you know, I am over my threshold. I have made my deductible. I can stay here. The hospital could almost turn into a nursing home situation then and maybe we would be overutilizing a very expensive cost there.

Again, my thrust is not against catastrophic coverage. I wish we would have directed it toward those who are strictly on the bottom end of the totem pole who right now possibly do fall between the cracks. Right now they are part of that 20 percent that do not have private coverage and cannot afford private coverage. If we were to have directed Government's attention at that small percentile of people I think we would have a good bill before us. But what we really have, Mr. President, today, is a bill that is very expensive, very expensive on senior citizens; very expensive income transfer within the senior citizens population.

My guess is, and this is just a prediction, that 5 years from now we are going to have a very large hue and cry by senior citizens saying: "This is too expensive. I did not know that when Congress passed this bill it was going to increase my taxes by $2,000 or more. And, therefore, Congress, do something about it. Let us pay for it by general revenues."

The demands on the program, it is my guess, will start out slow, but then will increase dramatically. The demands will exceed the amount of money that is available and then people will be saying, well, expand it. And how are we going to pay for it if the taxes are already too large on senior citizens? They will be saying pay for it through general revenues or through general taxation.

Again, Mr. President, I am concerned about what we are starting out to do. I think we are going to greatly exacerbate and increase the very expensive program on the backs of senior citizens.

Mr. President, I ask unanimous consent that a letter from the Institute for Research on the Economics of Taxation dated May 26, 1988, as well as CBO estimates for the cost of catastrophic coverage and administration estimates be printed in the RECORD, and I yield the balance of my time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INSTITUTE FOR RESEARCH ON THE
ECONOMICS OF TAXATIONS,
Washington, DC, May 26, 1988.

DEAR FRIEND: Enclosed is a detailed analysis of the House and Senate versions of the "Catastrophic Protection Act" that I hope will be of use to you. The conferees rejected the financing mechanisms in the House version of the bill and incorporated the Senate method, with the following significant changes:

Almost a doubling of the tax surcharge rate from 8.72 percent to 15 percent, rising to 28 percent in 1993. The amount of additional tax paid will be capped at $800 and will increase over time to $1,050 in 1993.

In the first year of enactment 46 percent of the elderly will pay taxes, and therefore will incur some additional tax under the Catastrophic bill; the percentage of elderly subject to the tax surcharge will rise to 56 percent by 1993. Average additional tax liability for this portion of the elderly population will be $355 in 1989, increasing to $630 in 1993.

By 1993, 25 percent of elderly taxpayers (13 percent of all individuals 65 and over) will be paying the maximum additional tax of $1,050.

I and the IRET staff will be happy to hear from you if you have any questions.

Cordially,

NORMAN B. TURE.

POSTCATASTROPHIC TOTAL COSTS FOR INDIVIDUALS

AGI	Taxable income	Liability	1989 catastrophic—		Existing Medicare flat premium[1]	1989 total premium	1993 catastrophic—		Existing Medicare flat premium[1]	1993 total premium
			Supplemental premium	Flat premium			Supplemental premium	Flat premium		
$3,000	0	0	0	$122.40	$325.20	$447.60	0	$122.40	$388.80	$511.20
7,500	0	0	0	122.40	325.20	447.60	0	122.40	388.80	511.20
11,100	$600	90	0	122.40	325.20	447.60	0	122.40	388.80	511.20
12,000	1,500	$225	$33.75	122.40	325.20	481.35	$63.00	122.40	388.80	574.20
16,500	6,000	900	135.00	122.40	325.20	582.60	252.00	122.40	388.80	763.20
21,000	10,500	1,575	236.25	122.40	325.20	683.85	441.00	122.40	388.80	952.20
25,500	15,000	2,250	337.50	122.40	325.20	785.10	630.00	122.40	388.80	1,141.20
28,750	18,250	2,737	410.63	122.40	325.20	858.23	766.50	122.40	388.80	1,277.70
31,500	21,000	3,150	472.50	122.40	325.20	920.10	882.00	122.40	388.80	1,393.20
34,937	24,437	3,665	549.90	122.40	325.20	997.50	1026.48	122.40	388.80	1,537.68
38,375	27,875	4,181	627.30	122.40	325.20	1,074.90	1,050.00	122.40	388.80	1,561.20
44,500	34,000	5,652	800	122.40	325.20	1,247.80	1,050.00	122.40	388.80	1,561.20
49,250	38,750	6,982	800	122.40	325.20	1,247.80	1,050.00	122.40	388.80	1,561.20
54,000	43,500	8,312	800	122.40	325.20	1,247.80	1,050.00	122.40	388.80	1,561.20

[1] CBO estimate.

CBO COST ESTIMATES OF CATASTROPHIC BILLS

[In millions of dollars]

	1989			1990			1991			1992			1993			1989–93		
	House	Senate	Final	House	Senate	Final	House	Senate	Final	House	Senate	Final	House	Senate	Final	House	Senate	Final
Medicare nondrug benefits	1,291	2,847	1,280	4,771	4,421	4,096	7,075	5,029	5,729	8,402	5,605	6,576	9,399	6,247	7,405	30,938	24,149	25,086
Medicare drug benefits	51	31	32	1,301	75	132	2,453	123	928	3,004	1,147	1,850	3,414	2,167	2,732	10,223	3,543	5,674
Medicare total	1,342	2,878	1,312	6,072	4,496	4,228	9,528	5,152	6,657	11,406	6,752	8,426	12,813	8,414	10,137	41,161	27,692	30,760
Medicaid benefits/other health provisions	60	198	45	317	243	388	226	349	501	206	320	474	195	97	495	1,004	1,207	1,903
Total costs	1,402	3,076	1,357	6,389	4,739	4,616	9,754	5,501	7,158	11,612	7,072	8,900	13,008	8,511	10,632	42,165	28,899	32,663

The **PRESIDING OFFICER**. Who yields time? The Senator from Hawaii.

Mr. **MATSUNAGA**. Mr. President, I yield 5 minutes to the Senator from Alabama.

The **PRESIDING OFFICER**. The Senator from Alabama is recognized for 5 minutes.

Mr. **SHELBY**. Mr. President, today this great deliberative body once again turns its attention to the problem of catastrophic care and the devastating impact this has on millions of Americans, particularly the elderly. I rise in support of this legislation, as a much needed first step in the long march to address the health-care crisis facing our country.

This bill represents the largest expansion in the Medicare Program since its inception 23 years ago. This expansion is long overdue. Medical costs are rising at a rate faster than inflation—a trend that is likely to continue. These escalating medical costs most severely impact the elderly who utilize our Nation's health services far more than any other group. While individuals over age 65 account for only 12 percent of our population, they are responsible for one-third of our country's health-care expenditures. This landmark legislation will serve to shield these individuals, approximately 29 million elderly and 3 million disabled citizens, from a portion of these devastating costs associated with acute illnesses.

In April of 1987, the Special Committee on Aging, on which I am privileged to sit, held a field hearing in Birmingham on the inadequacies of current coverage for catastrophic illness. I heard dramatic testimony from several of my constituents on the desperate need for improved coverage. Over the course of the debate on S. 1127, and throughout the year, I have continued to hear horror stories from citizens in Alabama from the dual problem of fighting the acute illness itself, and also the financial burden associated with this type of illness.

Mr. President, this problem is not limited to my State. I am sure that every Member of this body can relay a similar experience. Last October, the Senate overwhelmingly passed S. 1127, evidencing growing concern among Members about the costs of catastrophic acute care. Throughout the debate on the bill, we heard of the equally pressing need of providing coverage for long-term and nursing home care. This bill is not perfect, however, it is the necessary first step.

Beginning in 1989, Medicare beneficiaries will be eligible for unlimited free hospitalization after the payment of an annual deductible, set for $564 in 1989. This is a tremendous improvement from the current law under which Medicare hospital insurance, part A, will only fully cover the cost for 60 days of hospital and home health care.

The bill also places a cap on the out-of-pocket expenses a Medicare enrollee must pay for physicians' services. Beginning in 1990, Medicare beneficiaries will not have to pay more than $1,370 a year for his or her doctor bills covered under Medicare. Currently, there is no limit on copayments and deductibles.

Perhaps the most significant provision in this bill relates to the prescription drug benefit. Currently Medicare does not pay for outpatient drugs. Yet, the price of prescriptions often proves catastrophic for many of the aged on Medicare. We know that seniors over age 65, only 12 percent of the population, consumed 32 percent of the 1.53 billion prescriptions written in 1984.

To compound the problem, many elderly persons are not limited to just one prescribed medication but are often taking several drugs at the same time. For example, approximately 6.7 million elders are taking three or more prescription drugs, and one-third of the patients in nursing homes receive eight or more drugs daily. Given these statistics, it is not difficult to imagine the tremendous price tag associated with obtaining medication. I often hear from constituents who simply must forgo vital medication often placing their lives in jeopardy, due to their inability to pay for their prescriptions.

This legislation, for the first time ever, will pay a portion of these costs and help alleviate just one of the spiraling expenses associated with catastrophic illness. Beginning in 1991, Medicare will pay 50 percent of the cost of prescription drugs after the beneficiary pays an annual deductible of $600. The percentage Medicare pays rises to 60 percent in 1992, and 80 percent thereafter. This provision will benefit approximately 5.6 million people.

This bill also makes significant improvements in the Medicaid Program which will benefit many low-income individuals. I am particularly enthusiastic about the mandate for States, by July 1, 1990, to provide coverage for pregnant women and infants up to age 1 who are below the poverty level.

This provision will help combat one of the major health-care problems facing my State of Alabama, namely, infant mortality. Alabama has the dubious distinction of having the highest infant mortality rate in the country, with 13.3 deaths for every 1,000 live births. With this expansion in Medicaid, States will be better equipped to provide pregnancy-related services to women who may not otherwise be able to afford quality care.

This is a comprehensive bill—I will not go into detail as to other beneficial provisions contained within this conference report. However, we must recognize that many gaps still exist in the safety net protecting seniors.

One significant factor affecting America's future is the aging of our population. It comes as no surprise to any of us that America is growing older. The number of persons over age 65 is growing more rapidly than the rest of the population. This trend will continue and become more pronounced as the baby boom generation matures. In 40 years, one-third of our population will be over age 55. These facts present a great challenge to our Nation in the coming years, especially for our health-care system. It is imperative that programs and services are in place to meet the needs of our citizens as we grow older.

We have taken the all-important first step, but we must not stop here. We must maintain our commitment to protecting our Nation's elderly and disabled citizens from fear of catastrophic illness and catastrophic medical expenses. We must also seek to guard against the often more ravaging effect of the cost of long-term care.

Mr. President, in closing I would like to commend the Senate conferees for their hard work and diligent efforts on this bill.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. CONRAD). Who yields time?

Mr. CHAFEE. Mr. President, I yield to the Senator from Texas 5 minutes.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I had hoped when this bill came back from conference that I would be in a position to support it. I find myself not in that position, and I want to basically outline why.

First of all, what we have here is a bill that has changed substantially since it went to conference. When it went to conference, it contained what was basically a voluntary program. If a senior citizen was willing to give up part B Medicare, he or she did not have to participate.

Now in the conference version, unless they are willing to give up benefits that they have paid for over a lifetime, they are going to be mandated into this program. When this bill went to conference, about 45 percent of the costs were going to be paid for on a flat fee. Now that is down to 37 percent. About 55 percent was going to be paid for by surtax, and now that is up to 63 percent.

What that means is about 40 percent of our senior citizens are going to pay 40 percent of the flat fee and they are going to pay 100 percent of the surtax.

Another thing we have done is we have lowered the cap on the level of income subjected to this surtax and, as a result, the burden is basically going to fall on moderate, middle, and upper middle income senior citizens.

I think that when people look at this bill and they think we have passed a bill that is going to pay for their drugs and that is going to pay for catastrophic coverage, they are going to be very disappointed.

Let me tell you the trick in this bill. The trick in the bill is that we are going to vary the deductible over time so that only about 7 percent of our senior citizens are ever going to get catastrophic coverage; 93 percent of them are going to pay for it, but they are never going to get it unless they are in that 7 percent that is spending the most money on health care.

We are going to have senior citizens who think, "Well, I am going to get the Government to pay for my drugs. I am paying more in surtaxes and these flat fees, but I'm going to get my drugs free."

Unless they are in the 16.8 percent that spend the most on drugs, this deductible is going to be raised over time to exclude them from the benefit.

So think about it. We are going to have 40 percent of the people pay 40 percent of the flat fees and 100 percent of the surtax, which is 63 percent of cost. Only 7 percent of them are ever going to get any catastrophic coverage, and only 16.8 are ever going to get any prescription drug coverage.

I submit that there are going to be an awful lot of people disappointed when they come to understand what this bill does. What this bill has done is collectivized medical care for senior citizens. There was a problem, and the problem was about 20 percent of our senior citizens were too poor to buy supplemental policies. The other 80 percent, by and large, bought those policies. Some were good; some were not so good.

What we should have done is gone out and bought the supplemental policies in the private sector for the 20 percent that could not afford them. What we have done, however, is socialized the whole process.

Now the burden is going to be placed on basically middle and upper middle income senior citizens, people who have worked all their lives to be secure in their retirement, and they are going to have catastrophic costs whether they get any catastrophic benefits or not.

Unless they are the 7 percent who are the sickest, they are not going to get benefits out of this catastrophic coverage at all and unless they are among the 16.8 percent who buy the most drugs they are not going to get their drugs free.

So we are going to have an awful lot of people spending an awful lot of money getting no benefits whatsoever. There was a problem here; it was a problem that should have been dealt with, but it should have been dealt with by buying a private policy for our senior citizens who were really in need.

I think we went in the wrong direction. I think it is clear that by 1993, we are going to have a general revenue impact, but I think we are going to have a lot before then. When people who are retired on $10,000 a year start writing us and saying that I am paying a one-third premium on my income taxes, and I am not getting any catastrophic coverage, I am not getting any drug services, I believe that Congress is going to bail out and pass those costs on to the young working people. That is why I oppose this bill.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BENTSEN. I yield 3 minutes to the distinguished Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 3 minutes.

Mr. RIEGLE. I thank the Chair and the chairman. I rise in strong support of this catastrophic health insurance legislation. I want to compliment the chairman of the Finance Committee for his leadership in this area.

Let me note at the outset this is the first major expansion of Medicare protection and coverage since 1965, and it deals with an urgent problem in the country; namely, those acute illnesses that require people to go into the hospital, to run up huge hospital bills and doctor bills in order, in many cases, just to stay alive.

What this catastrophic health insurance protection will do is to put a cap on those expenditures so that people will get the help they need without being driven into bankruptcy or having to exhaust their entire life savings, maybe on a single illness.

I think the President and Secretary Bowen deserve praise for helping to take initiative in this area. Clearly, we have reached a bipartisan consensus.

Some will say any kind of a broad insurance plan is a bad idea. They are just wrong when they say that. The whole concept of an insurance system that covers our entire population is that if everyone pays in a small amount of money, then the money is there for those people that have extraordinary illnesses and very large bills. If we are lucky enough not to be the person to have the illness and need to have that kind of coverage, I am quite prepared to have the amount that I will pay into Medicare go to cover the bills of the person who needs it. If it turns out that a member of my family or I should need it, then the protection is there.

I will say that in the last year, I held seven public forums across the State of Michigan. I had thousands of Michigan citizens come out to talk about the health care crisis facing American individuals and families. As a matter of fact, conducting budget hearings in the field, we have put the testimony of those Michigan citizens into the record. This is the hearing record from five of those hearings.

Anybody who does not think there is a serious problem out there that needs to be met in terms of the cost of health care driving people into financial destitution, should read the individual accounts of people from Michigan as they spoke in these hearings across our State.

What we devised here is a sensible plan. It caps these costs for acute illnesses. It prescribes a prescription drug benefit as we get somewhat further down the line, and that is important because, in many cases, people need these medicines in order to stay alive and have a decent quality of life.

This is a very important step forward. It does not solve the whole problem. It does not adequately address home health care or nursing home care. Those issues remain for us to deal with in the future. We will find a way to do it.

This catastrophic health insurance extension is solid, it is sensible, it is going to help people, it is self-financing, and it is good policy for America.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. CHAFEE. I yield the distinguished Senator from Kansas 3 minutes.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 3 minutes.

Mrs. KASSEBAUM. Mr. President, I rise in opposition to this conference report on the Medicare catastrophic health insurance bill. I did not support the bill when it first came before the Senate, and I do not believe it was improved in conference.

It is with great regret that I take this position, as it is not easy to vote against something that is undeniably going to be of benefit to some people. In addition, there are some parts of the legislation which I strongly support—most notably provisions which address the issue of spousal impoverishment by allowing a person whose spouse requires nursing home care to retain a modest monthly income, the family home, and up to $12,000 in assets. I think in fact, these provisions address one of the largest fears faced by older persons—that of impoverishing themselves in order to obtain Medicaid assistance to provide needed services to their spouses.

However, as I stated when this legislation was first considered by the Senate, my primary concern is that this measure does not live up to the promise of its name. It does not address the true catastrophe haunting many of our older citizens; namely, the need for daily care in the home or in a nursing home due to long-term chronic conditions. Nor does it address financially devastating medical bills facing younger people not covered under Medicare.

Instead, the catastrophes addressed by this legislation largely focus on acute care needs such as extended hospital stays, doctor visits, and prescription drugs. Specifically, beginning in 1989, if a Medicare beneficiary needs to stay in the hospital for more than 60 days, he or she will not be responsible for any bills beyond the initial deductible. Beginning in 1990, after a Medicare beneficiary has paid out-of-pocket costs in excess of about $1,400 in 1 year for Medicare-covered outpatient and doctor's services, he or she will not be responsible for further covered expenses. Starting in 1991, a portion of prescription drug bills will be covered after an individual has spent $600 for drugs in a year. All of these figures are subject to automatic adjustments, so they will change in later years.

While these types of expenses can create financial burdens for Medicare beneficiaries, they do not necessarily represent events which can literally wipe out a family's life savings in the way that years in a nursing home or care for an Alzheimer's patient do.

My concern that this bill does not address the real concerns that catastrophic illness implies for most Americans might not have been reason enough alone to oppose the legislation—if one could assume that unlimited dollars were available to expand the Medicare Program. However, as the budget debates of the past several years have demonstrated, we do not have the means to do everything we would like to do. We have to decide what is most important and set some priorities.

To me, that priority is long-term care. Yet, by asking the elderly to pay the higher premiums and supplemental premiums necessary to finance this legislation, we may be foreclosing opportunities to finance truly comprehensive needs.

In 1989, the Medicare part B premium will be increased by $4 per month to pay for catastrophic insurance benefits. A supplemental premium of $22.50 for each $150 of Federal income tax liability—up to a cap of $800 per beneficiary—will also be imposed next year. When this legislation goes into full effect in 1993, the Congressional Budget Office has estimated that an additional part B premium of $10.20 per month and a supplemental premium of $42 per $150 of tax liability will be required to finance the program. The supplemental premium would be capped at $1,050 per beneficiary that year. Premium and supplemental premium amounts may be adjusted in later years in order to assure they cover the costs of the program.

During the course of debate on this legislation, several Members of the Senate have questioned whether Congress would be willing to continue asking the elderly to carry the full load as costs of the program increase. Given past experience with Medicare, this is a valid concern. More to the point, however, is concern that fewer financing options will be open when the time comes to consider long-term care programs. Having already presented the elderly with the bill for this legislation, how will we be able to ask for more?

Certainly, addressing long-term care needs, such as nursing home costs or extended in-home services, is an enormously expensive proposition. It will take a cooperative effort between the private and public sectors, and Americans of all ages will need to help foot the bill. The elderly will not and should not be expected to pay for it all, but it is reasonable to assume they will be asked to help.

So, rather than serving as the first step toward further benefit improvements, this measure may instead retard our progress. I fear we are diverting resources to programs of lesser priority when we should be reserving them to help pay for those long-term care expenses which can devastate anyone—no matter how hard they have worked to plan for retirement needs.

This is the direction in which we should be headed. I realize there is a great deal of interest in proceeding in this direction, and the Senate Finance Committee has begun hearings on long-term care. A number of proposals are already on the table, and many more will undoubtedly be proposed in the months ahead. I hope my fears about the financing questions we will face will prove to be unfounded, and I stand ready to help explore what options remain.

Clearly, this legislation will receive overwhelming support in the Senate and will become law. Each of us will bear the responsibility of educating our older constituents about what the bill will and will not do.

As beneficiaries begin getting the bill for the program, they need to understand that these additional payments offer them protection against the expenses of long hospital stays but not against the expenses of nursing home care. They need to understand that the limit on out-of-pocket costs for outpatient and doctors' bills includes only services and expenses covered by Medicare and that it does not include noncovered services, such as eyeglasses, or physician charges which exceed the Medicare-allowed amount. They also need to understand that it will help them out if their annual prescription drug bills exceed $600, but it will not pay all of their drug bills.

I want to acknowledge the hard work and dedication which went into the development of this legislation. Although I will oppose the measure, I have the greatest respect for those who have undertaken the difficult task of crafting this initiative. But I share with those who spoke earlier the great concern that we will now find it difficult to address the more important comprehensive long-term health care needs of our citizens.

I yield back any time that I might have remaining, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. BENTSEN. I yield 5 minutes to the distinguished Senator from Hawaii, the ranking member of the Finance Committee on the majority side.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 5 minutes.

Mr. MATSUNAGA. I thank the Senator for yielding.

Mr. President, I rise in support of the conference report on H.R. 2470, the "Medicare Catastrophic Coverage Act of 1988."

At the outset, I would like to commend the chairman of the Finance Committee, Senator BENTSEN, and the members of the conference committee for their leadership and fine work throughout a long and difficult conference. While Congress has been making changes in the Medicare Program nearly every year, this legislation represents the first comprehensive reexamination of coverage since the inception of Medicare.

The conferees have ensured that certain essential protections, which are the core of this bill, are in place. It provides protection for those needing repeated or extended hospitalization by eliminating all hospital coinsurance and the current limit on the number of hospital days, 90 days of inpatient hospital care plus a lifetime reserve of 60 days. Only one annual hospital deductible would be required. This bill establishes an annual limit of approximately $1,370 for out-of-pocket part B expenses. The limit includes the part B deductible, the part B blood deductible, and the 20 percent coinsurance. After a beneficiary reaches this catastrophic limit, Medicare would pay for additional part B covered services needed in the year.

This legislation also extends the hospice benefit and adds new coverage of mammography screening and home intravenous drugs and associated items and services. It improves standards for private insurance Medicare supplemental policies—"MediGap" policies—and requires the Secretary of Health and Human Services to send an annual notice to all Medicare beneficiaries which would provide a simple, clear explanation of Medicare benefits, coinsurance and deductibles. This notice will include also an explanation of the limits of the Medicare and Medicaid programs with regard to long-term care benefits.

Many individual beneficiaries and organizations representing the elderly are concerned that the legislation goes only part of the way in providing protection against high, out-of-pocket health expenses, particularly long-term care costs. I agree. With nursing home costs estimated to average nearly $30,000 annually last year, such expenses are a disasterous financial drain for most individuals and families. Nevertheless, this measure, of which I am an original cosponsor, is an important step in the right direction.

Some improvements are made with regard to long-term care. The restrictive 3-day prior hospitalization requirement for Medicare skilled nursing facility benefits will be eliminated and Medicare will cover up to 150 days of skilled nursing care services in a calendar year under the bill. Home health services also are extended. In addition, studies on adult day care and on the issues of delivering and financing long-term care are included in the measure. A commission will be established to study and recommend to Congress ways to finance long-term care and comprehensive health care service for all individuals including the elderly and disabled.

An important new benefit will provide respite for the voluntary caregivers. An estimated 350,000 to 400,000 families that care for elderly or disabled relatives at home would be eligible for this in-home care benefit of 80 hours per year if beneficiaries need help with two activities of daily living. Medicare would pay for homemaker and chore aide assistance. In order to be eligible the beneficiary must meet either the part B limit or the outpatient drug deductible.

Another vital provision of this legislation protects the at-home spouses of nursing home residents from impoverishment. The monthly income allowance under Medicaid for the spouse remaining in the community will grow from $786 to $1,100 over 3 years. States would be required to let spouses keep a minimum of $12,000 in assets up to $60,000. These provisions will help begin to eliminate one of the greatest fears of the elderly in need of long-term care—that their spouse may become destitute as a result.

One of the most noteworthy achievements of the conferees is the refinement of the new Medicare outpatient drug benefit. Coverage will be phased in over 3 years. In 1991, Medicare will pay 50 percent of drug costs above a $600 deductible; in 1992, 60 percent; and in 1993 and thereafter, 80 percent. Thus, 5.3 million elderly and disabled will be helped in meeting the growing costs of prescription drugs.

Mr. President, the catastrophic and prescription drug benefits would be financed through the combination of a supplemental premium based on income tax liability and an additional, flat part B premium. The conference agreement places less of a burden on middle-income elderly than earlier financing proposals and it includes an important protection for those with low incomes. Medicaid would be required, on a phased-in basis, to pay the Medicare premiums, deductibles, and coinsurance for elderly and disabled individuals with incomes below the Federal poverty level.

The legislation before us here today makes significant strides in health care for the elderly and disabled. There remain, however, many uncovered services which continue to add up to high out-of-pocket expenses for beneficiaries including balance billing charges, hearing aids, eyeglasses, and dentures. As mentioned earlier, there is also long-term care—principally, nursing home and home health care. The solution to meeting health care needs does not rest entirely within the Medicare Program.

Mr. President, I urge my colleagues to support the conference report.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. Mr. President, I believe I have 2 minutes; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. CHAFEE. I yield myself 2 minutes.

First of all, Mr. President, this is the most critical and significant expansion of Medicare since 1965 when the program was started.

I pay tribute to all those who worked so hard on it—of course, the distinguished chairman of our committee, Senator BENTSEN, Senator PACKWOOD, others on the negotiating committee such as Senator MITCHELL, Senator DURENBERGER, Senator HEINZ, Senator BAUCUS, and of course I want to pay tribute to Secretary Bowen who was tremendously helpful throughout.

I believe by this vote we will give the elderly in this country a long-overdue peace of mind. Also, this legislation will not only provide critical long-term-care benefits such as respite care, home health care, but we have helped the very poorest of our youth also because the extension of the Medicare part of it takes care of prenatal coverage for low-income women and the care for their children up to the age of 1. That is a very significant achievement. This starts us on the path toward truly comprehensive health care for all Americans. Finally, of course, the major feature of it is the prescription drugs. That is one of the major worries of the elderly, the high cost of prescription drugs. Sure, they will have to pay a minimum, the $600, and there will be a copayment likewise, but those who are trapped with having to pay for these very expensive drugs will have peace of mind because of what this piece of legislation does for them. I do hope that all my colleagues will support this legislation and support it enthusiastically.

I yield back the remainder of my time.

Mr. DOMENICI. Mr. President, let me say at the outset that I will vote in favor of this conference agreement. However, this major health legislation is not a panacea for older Americans' health care needs.

Let me also say that I applaud the conferees efforts to include safeguards that will help insure that this bill's costs do not outstrip its revenues. They were under tremendous pressures. They conferenced two bills which were very different in cost. Yet, they have made every effort to assure—to the extent possible—that this bill is budget neutral.

I am a supporter of protecting older Americans from the devastating effects of acute care catastrophic health costs. As early as 1979, I cosponsored a bill to protect individuals against extraordinary health care costs. The bill proposed to expand the Medicare and Medicaid Programs to cover catastrophic acute health costs and provide safeguards for the needy.

In March 1987—after President Reagan endorsed a catastrophic health care program—I joined with Senators DOLE, DANFORTH, DURENBERGER, and CHAFEE, to introduce one of the first bills in this Congress involving catastrophic coverage—S. 754. Many issues addressed in my 1979 bill were still relevant in 1987.

While I remain committed to this type of catastrophic coverage, I am concerned about certain aspects of the benefit and financing structure in this bill that may prove to be problematic once this bill is implemented.

In my bill, S. 754, for example, benefits would have been fully financed by a flat increase in the part B premium. This was also true of the administration's proposal. CBO estimated the premium required by S. 754 to be $8.70 per month. The premium in the administration's bill was $4.92 per month.

However, both the House and the Senate versions expanded benefits and the cost of the bill went up. As a consequence, the flat premium approach had to be supplemented by an income-related premium tied to an individual's tax liability.

In the Senate version, participation in the catastrophic programs and therefore the income-related premium—which is really a surtax on those elderly who are currently taxable—was voluntary. Now, in the final conference agreement older Americans still pay a flat premium and an income-related premium—but at a much higher rate than in the Senate-passed bill and their participation in the program is mandatory.

Mr. President, many of my colleagues have come to the floor to talk about what a wonderful thing we are doing for the elderly of America. In most respects, they are right. I simply want to introduce a note of caution about the structure and sustainability of the financing structure we are putting in place in our enthusiasm to expand benefits.

I must say, I am amazed at the extent to which new benefits have been added in this conference report—benefits that are not necessarily related to catastrophic health expenses and benefits that were not a part of either the Senate-passed or House-passed catastrophic bills. These benefits have clearly increased the cost of the program.

I am fully aware that it was agreed that beneficiary premiums would finance the new Medicare catastrophic benefits. This set up interesting—and probably correct—cross-pressures. Those that stood to benefit from expanded benefits also should pay for them through higher premiums.

These actions result in a two tier system of financing, where all of the potential recipients pay a flat premium and many older Americans will also pay a significant income-related premium. I am quite concerned that there will be a backlash from older Americans when they find out exactly how costly these new benefits are. In the end, my concern is that the underlying financing structure—particularly the income-related premium that will be administered through the tax system—will prove unsustainable.

For those older Americans who pay income taxes, this bill adds another 25 to 30 percent to their current tax bill. This huge tax increase is going to surprise many older Americans. To illustrate this point, I wish to enter into the RECORD a table which shows just what an individual's additional tax would be under this conference agreement. We should take care not to oversell older Americans on these new benefits while minimizing the costs they will have to bear.

Mr. President, in my capacity as the ranking member of the Budget Committee, I want to make several observations:

First, catastrophic care is not the only health care need of the elderly nor of the American people generally for that matter. Indeed, by most estimates it represents a rather modest extension in the context of the more costly types of care for which legislation has already been introduced.

Second, it represents an extension of a program; namely, Medicare which will be the most rapidly growing entitlement program in the Federal budget and which everyone knows is over the long-term in serious deficit. We worry about viability of Social Security when long-term revenues cover 97 percent of long-term costs. In Medicare, long-term revenues only cover 55 percent of total costs.

This does not affect the catastrophic program directly. However, if the financing structure for the program needs to be changed or supplemented, there will certainly be a temptation to use some of the same revenue sources upon which the basic Medicare Program may also depend. Already, there are proposals to provide further health care expansions with payroll taxes. The point is that the revenue sources for health care benefits for the elderly are necessarily limited and the needs are potentially enormous.

Third, CBO estimates that when fully implemented in 1993, catastrophic coverage with cost $10 billion. The total cost for the bill from 1989 to 1993 is estimated to be close to $30 billion. Considering the magnitude of these costs, I must note that in the past health care expansions have always cost more than expected. The prime example was the introduction of the Medicare and Medicaid programs in the 1960's. I sincerely hope that the Congress does not have to revisit the benefits or revenues enacted in this bill because costs end up much higher than expected.

Fourth, by 1993, 63 percent of the costs of this program are to be paid for from increased revenues. In other words, CBO estimates that over the next 5 years we will tax older Americans $20 billion. Even if we prefer to call these premiums, we have to recognize that they are not voluntary and they will be paid through the tax system. It should not be lost on the Senate that these revenues come directly from potential recipients only a few of whom at any one time will recognize the benefits that they are receiving.

Finally, Mr. President, this bill is not as unrelated to our efforts to reduce the budget deficit as some may think. Whether such proposals enjoy broad support or not, everyone knows that many inside and outside of Congress have recommended some restraint in entitlement programs or increased taxation of Government benefits as an important deficit reduction measure.

In enacting this bill, we should recognize that we are using up potential opportunities to take other actions to reduce the budget deficit. As an aside, Mr. President, I would not be surprised to see us back here revisiting the relationship between the catastrophic premium and many of our low-income benefit programs.

On a more positive note, I would also like to note two specific aspects of the final agreement.

First, in early versions of the castastrophic bill, Federal retirees were discriminated against in the calculation of the supplemental income-related premiums. Government retirees would have paid more in premiums than other retirees, even if they have the same income. To correct this inequity, I cosponsored an amendment to the Senate bill with Senator PRYOR. It adjusted the premium formula to allow Government retirees to pay a similar amount as other retirees with the same income levels. I am pleased that the Domenici-Pryor amendment was accepted, with only minor changes, in the final catastrophic bill agreement.

The second aspect concerns those older Americans who may face personal bankruptcy because of nursing home expenses. Frequently, when confronted with the prospect of financing a spouse's nursing home stay, the spouse in the community is "forced" into personal bankruptcy to qualify for Medicaid assistance. This is known as spousal impoverishment. Many States, including New Mexico, have separately taken steps to lessen the dire consequences associated with spousal impoverishment. New Mexico's transfer of resources law allows for a couple to protect up to $30,000 of its savings. However, an amendment to the original House catastrophic bill would have required changes in New Mexico's program that would have had some adverse effects on some elderly—in direct contrast to the stated goal of the bill. The Senate altered their proposal so that programs, such as New Mexico's may remain basically intact.

In conclusion, this catastrophic bill gives more protection to our elderly and disabled, but not full protection from the harsh realities of financing catastrophic health care costs, particularly long-term care costs.

While I support the basic concept of this bill, it goes significantly beyond the bill I cosponsored. This final bill includes more benefits with much higher costs. I am somewhat concerned that these added benefits and costs may be more than we initially envisioned.

Finally, I caution my fellow Senators and my constituents: As we credit ourselves with reducing the individual's financial expenses related to a catastrophic illness, we must not obscure the fact that we have also imposed significant new premiums and taxes on Medicare beneficiaries.

I ask unanimous consent that a table entitled "Estimates of Additional Tax Liability Under the Catastrophic Conferees Agreement for Various Levels of Adjusted Gross Income" be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

ESTIMATIONS OF ADDITIONAL TAX LIABILITY UNDER THE CATASTROPHIC CONFERENCE AGREEMENT FOR VARIOUS LEVELS OF ADJUSTED GROSS INCOME

AGI	Taxable income	Liability	1989 premium	1993 premium
3,000	0	0	0	0
7,500	0	0	0	0
11,100	500	90	0	0
12,000	1,500	225	33.75	63.00
16,500	6,000	900	135.00	252.00
21,000	10,500	1,575	236.25	441.00
25,500	15,000	2,250	337.50	630.00
28,750	18,250	2,737	410.63	766.50
31,500	21,000	3,150	472.50	882.00
34,937	24,437	3,665	549.90	1,026.48
38,375	27,875	4,181	627.30	1,170.95
44,500	34,000	5,552	847.80	1,532.55
49,250	38,750	6,982	1,047.38	1,955.10
54,000	43,500	8,312	1,246.95	2,100.00

The maximum premium is $800 per enrollee in 1989 and $1,050 in 1993. However, on a joint return, if liability yields a premium of more than this amount, the couple would pay that amount up to twice the maximum premium.

Prepared by: The Institute for Research on the Economics of Taxation.

Mr. LEAHY. Mr. President, the Senate is about to vote on the most sweeping changes in the Medicare Program since it was created in 1965. The Medicare Catastrophic Protection Act of 1987 will finally offer protection to elderly and disabled Americans whose lifetime savings can be wiped out by catastrophic illness.

So many Vermonters have told me they fear the growing cost of health care above all other concerns—that all those years of hard work and savings can suddenly end in poverty and dependence. They have not lived that way, Mr. President, and they certainly do not wish to die that way.

Under this act, Medicare part A will cover a year of hospital care, at one deductible charge to the patient. Today, the elderly are required to pay a deductible for every hospital admission, a charge that takes a big bite out of their fixed incomes. Medicare part A will also expand existing benefits for short-term nursing home and home health care.

We will also expand Medicare part B, which covers physician services and outpatient hospital care. The costs of these services during the year will be capped at $1,370.

Prescription drug costs, which are a major expense to beneficiaries, are also addressed. In 1990, Medicare will start partial coverage of prescription drug costs with a $600 deductible. By 1993, Medicare will cover 80 percent of prescription costs, with the savings passed on to some 5.6 million Americans.

Current law does not protect the assets of individuals whose spouses are admitted to nursing homes. They are forced to draw upon savings until their assets are liquidated and they are reduced to impoverishment to qualify for nursing home coverage under Medicaid. The Medicare catastrophic health care bill will allow this spouse to retain some monthly income and $12,000 in liquid assets. The inevitability of poverty is no longer built into the program.

The Medicare catastrophic health care bill begins to address health care as a national priority. But our work is far from finished.

The greatest health care problem facing the elderly and disabled is long term, affordable care. This legislation is a start.

It represents 2 years of work by many individuals, dedicated to improving our health care system for the elderly and disabled.

They have done a good job. They deserve our support.

Mr. DASCHLE. Mr. President, it is with much satisfaction that I cast my vote today in favor of the Medicare catastrophic protection bill; the most sweeping reform of the Medicare system since its inception two decades ago. This measure takes a significant step forward in our effort to fill the gaps in the Medicare Program. I hope that we do not stop here, though. Once this bill passes, we must move on to consider legislation that guarantees every senior citizen in this country access to affordable, quality long-term care.

For now, I am pleased that the Congress has taken decisive action to insure Medicare beneficiaries against catastrophic hospital, physician, and prescription drug costs. One in five seniors will make use of the additional Medicare coverage offered under this bill, but every senior will benefit from the peace of mind that this protection affords.

At no time in our history has the need for this financial protection been greater. Because of Medicare's inability to keep pace with skyrocketing medical costs, the average Medicare beneficiary pays more now in out of pocket medical expenses than before the enactment of Medicare. In fact, out-of-pocket health care costs incurred by the elderly total over $30 billion per year, an increase of 138 percent over 7 years.

This erosion in the Medicare benefit has needlessly impoverished millions of elderly citizens who have watched their lifetime savings depleted because of an unexpected illness. The bill that is before us today fills in many of the gaping holes in Medicare's coverage that cause these hard working citizens to spend down all of their income and assets. The bill does this by capping the amendment of out-of-pocket expenses that a beneficiary must pay for hospital and physician coverage and, for the first time, covering the cost of prescription drugs.

As one of the four authors of the provision that calls for prescription drug coverage, I am particularly pleased that Congress agreed to adopt this benefit. This coverage is long overdue. Indeed, for 75 percent of the elderly, prescription drugs constitute the largest out-of-pocket health expense that they face, and over 15 percent of the elderly who badly need drugs cannot afford them. I firmly believe that no one should ever be forced to choose between buying groceries and paying for their medication. Yet each day, thousands of seniors must do just that. If this bill is signed into law, seniors will no longer have to face that choice.

One thing that the bill does not do is cost the Treasury a single cent. The catastrophic benefit is completely self-financed, so that none of its costs are passed on to our children in the form of higher taxes.

As important achievement as the catastrophic bill is, it is still not enough. The worst thing that we could do would be to pat ourselves on the back and move on to other issues. Instead, we must view this as a first important step on the road to the larger goal of protecting our seniors against the devastating costs of long-term care.

Over 80 percent of health costs incurred by the elderly result from long nursing home stays. The vast majority of seniors who face these costs mistakenly believe, until it is too late, that Medicare will cover their bills. Unfortunately, 9 out of 10 have no protection for long-term expenses. This is clearly the most troubling health care problem of the elderly.

In sum, this catastrophic health care bill is an important first step, but certainly not the final one. Congress should seize this opportunity to move on and reform our system for financing long-term care. We owe our senior citizens, in the twilight of their lives, this peace of mind and economic security.

Mr. CONRAD. Mr. President, I rise to support the Medicare Catastrophic Coverage Act of 1988.

This legislation responds to the growing outcry that our elderly are unprotected against the costs of catastrophic illness. Seniors are understandably frightened by the costs of even a short hospital stay. When they are confronted by a serious illness that requires a lengthy hospitalization, their life savings can be wiped out. Currently, Medicare beneficiaries must pay a deductible each time they enter the hospital and there are limits on the length of a hospital stay covered by Medicare, but there is no limit on out-of-pocket expenses.

Consequently, senior citizens struck by more than one acute illness in a year must pay the $540 deductible not once, but each time they are rehospitalized. One who stays in the hospital for more than 60 days begins paying a daily coinsurance charge of $135 per day. After 90 days he begins to use up his 60 lifetime reserve days—with a coinsurance charge of $270 per day. After that he is completely uncovered. If you add these numbers up, Mr. President, you will find that an illness lasting 150 days costs over $20,000 out of pocket. Each additional day thereafter can add thousands of dollars to these expenses.

And this is not just a hypothetical situation. I have heard too many sad stories from home to think that this never happens. Too many senior citizens have exhausted their family's life savings as they struggled to meet the expenses of a long hospital stay.

Mr. President, every time I go home I am asked what is being done about the high and rising costs of medical care and long-term care. Every day I receive letters asking the same thing. Clearly, people desperately need help with and protection against these costs.

I believe this legislation provides some of the answers to these concerns—and so do senior citizens in North Dakota. Recently I sent a survey on this bill to senior citizens. The response was overwhelmingly in favor of the expansions in coverage provided by this legislation.

This bill adds many new features to Medicare and Medicaid protection, and it expands existing benefits. It caps out-of-pocket expenses for Medicare-covered services at $1,400 per year. It provides a brand new prescription drug benefit that will cover up to 80 percent of the costs of prescription drugs once an initial deductible to $564 per year and allows covered stays of unlimited length. It eliminates the prior hospitalization requirement for coverage of skilled nursing facilities and expands the length of covered stays. And it protects the elderly from impoverishment because of the cost of a spouse's illness. This bill will allow the spouse remaining at home to keep at least a house, a car, personal belongings, $12,000 in other assets, and an income of $750 a month.

I am especially pleased by the expanded Medicare coverage for home health services provided by this legislation. In many cases home care is both more appropriate and significantly cheaper than institutionalization, and most chronically dependent elderly are cared for at home. When the Senate debated this bill last October I urged the conference to adopt the House's respite care provision. This has been done. Up to 80 hours of paid care will be covered to allow a respite for family members who care for severely ill beneficiaries. This bill also expands the home health care benefit and eliminates the 210-day limit on coverage for hospice care. These provisions will help chronically ill beneficiaries stay at home and avoid the high costs of nursing home care.

Together, these provisions add up to a significant increase in protection against the costs of acute care. And this has been accomplished without burdening the Federal budget. The new coverage will be financed by its beneficiaries through increased premiums.

I understand the widespread concern about the increased premiums for beneficiaries. We cannot make Medicare unaffordable. However, fewer than 12 percent of the beneficiaries will pay a supplemental premium of over $500 per year and only 3 percent will pay the maximum of $800. By comparison, it has been estimated that 40 percent of senior citizens now spend an average of over $500 per year for MediGap insurance. This legislation should substantially reduce the need for these MediGap policies, and it specifies that private insurance companies must revise their policies to reflect the increased Medicare coverage.

Finally, I share the concern of those who complain that this legislation does not address long-term care. It has been estimated that more than 85 percent of Americans are uninsured or underinsured for long-term care. This bill confronts neither this gap in coverage nor the high costs of nursing home care. Clearly we must develop additional initiatives to address this problem.

However, we must not let these faults obscure the benefits of this legislation. This is a necessary bill; it is a good bill. I urge my colleagues to join me in protecting the elderly from the high costs of acute care by supporting the Medicare Catastrophic Coverage Act.

Mr. McCONNELL. Mr. President, over the next decade, the United States will face unprecedented growth in its senior population. Advancements in health care and technology have helped to assure that more Americans reach their senior years in better health. Rising health care expenses, however, have focused increased attention on the potentially devastating effect of a prolonged illness or injury on retirees.

Mr. President, the Senate passed the catastrophic health care bill, H.R. 2470, last fall. I voted for the Senate bill because I believe that this legislation represents one of the most important changes in the Medicare Program since its inception over 20 years ago. New benefits will include unlimited hospitalization after payment of one part A deductible annually, improved coverage of doctor bills, protection against spousal impoverishment, a cap on total out-of-pocket expenses, and protection against the high cost of prescription drugs.

Today, the Senate will vote on the conference report to this bill and send this legislation to the President for his signature. I believe that this bill balances the great need for protection against the financial crisis caused by catastrophic illness and the cost of expanding the benefits of this program.

I wanted to convince my colleagues in the Senate how important this legislation is to senior citizens, so I mailed a questionnaire to over 400,000 senior Kentuckians. I was also concerned about the cost to my senior constituents in Kentucky and I asked them whether they believed that the need and the costs were balanced in this legislation. Mr. President, I have received comments and responses from over 36,000 Kentuckians and over 97 percent of the people support this legislation. Less than 3 percent opposed this bill believing that our seniors already had enough protection under existing Medicare programs.

Many Kentucky seniors commented on the need for long-term home health care. I share the concerns of many Kentuckians regarding this coverage, but those needs were not completely addressed in this bill. Although this bill is an important first step toward meeting the health care needs of senior citizens, Mr. President, we must recognize that it is only a first step.

I hope we have sent a clear signal that Congress is prepared to begin studying the causes of, and the possible solutions to, the long-term health care issue. Although the task of finding a fair effective solution to this pressing need will not be easy, we can ill-afford to ignore the problem. Mr. President, I hope passage of this important legislation will be an impetus toward a lasting solution to the long-term health care problem.

Mr. President, I yield the floor.

Mr. McCAIN. I rise this afternoon to join my colleagues who have been addressing the need to protect our Nation's senior citizens from the financial ravages of a catastrophic illness.

Before I get into my remarks, I would like to commend my colleagues—primarily Senators DOLE, CHAFEE, and DURENBERGER—for the leadership and concern they have shown for the health care needs of our Nation's seniors in attacking this issue.

Reluctantly, Mr. President, I do not believe I can vote in favor of the conference report. This is not an easy vote to cast, for I realize the bill does help some seniors who do indeed need help. I am concerned, however, about where we have gone in our attempts to craft legislation aimed at providing seniors with protection from the financial ravages that often accompany a catastrophic illness.

As I have communicated with the seniors in my State about this issue, I have been struck by the fact that their most pressing concern is the expense of long-term care, and, the fact that due to a lack of affordable protection available in the private sector, many of those who need nursing-home services and impoverishing themselves and their spouse prior to being eligible for public assistance.

Mr. President, this bill—while providing some important benefits—misses the mark with respect to the real health care concern of seniors. In short, it does not live up to the promise of its name. It does not cover the "catastrophe" of the huge bills that result from long-term nursing home care, or the "catastrophe" of extended health care provided at home. And because this bill so dramatically increases Medicare premiums, I do not know where we in Congress can turn to pay for the provision of long-term care coverage.

Like many of my colleagues, who have preceded me yesterday and today, I supported S. 1127 as it passed this body last October. In addition, I joined Senator DOLE in February 1987 in offering the initial bill which provided the genesis for S. 1127.

The bill offered in February 1987 addressed itself to one of the issues dealt with in this bill that is truly catastrophic—the cost of extremely prolonged hospital stays. But, Mr. President, the conference report we have before is much different than this original bill.

Yes, there are some seniors in this country who would benefit from the coverages provided in this bill. But the thing I have been struck by in my communications with Arizona's seniors is that the majority of them appear to already have coverage, through the private sector, that meets or exceeds that provided in this bill.

Following the adoption of S. 1127, which I voted in favor of, I decided to take this issue directly to the seniors of Arizona in order to learn of their views. I would like to take a minute to share with my colleagues what I discovered.

I sent a fairly comprehensive mailing outlining the major provisions of the bill—including the bill's costs—to many senior households in Arizona. Mr. President, I heard back from thousands of Arizona's seniors in response to that mailing. Over 30,000 to be exact.

Only 1 out of every 3 supported the legislation.

Many of those who responded to my mailing took the time to elaborate on their stated position. The following were the major comments of those who were concerned about the bill:

First, the overwhelming concern expressed was the need for long-term care coverage.

Second, very few supported the provision entailing coverage of prescription drug expenses.

Third, there was a fairly high level of concern about the issue of spousal impoverishment.

And, last, the majority of the respondents wanted freedom of choice with regard to participation in the plan. They objected strongly to being prevented from having part B if they opted not to participate in the catastrophic benefit. You can just imagine how they will respond to the fact that it is now mandatory.

Mr. President, many agreed that they had the option to purchase acute-care protection through the private sector, and encouraged an approach which maintains the current private sector's role. Most felt this coverage was affordable—either paid for by themselves or their former employer, but that insurance protection against long-term care expenses is way out of reach financially for many seniors.

Certainly, there are some that cannot afford to purchase private sector plans. For these, I believe it is better to strengthen the Medicaid provisions, or to assist them in purchasing plans, than it is to go the route that we have with this legislation.

Mr. President, this conference report represents the most major expansion of the Medicare Program since its inception. It is very costly, yet—as I stated earlier—it does not provide any coverage of long-term care services. And, it is precisely the expense of such care that older Americans fear the most, and for good reason. With the average cost of nursing home care running from $22,000 to $30,000 a year, all but the most affluent elderly can be bankrupted. It is alarming that close to 90 percent of single older Americans become impoverished within a year after they enter a nursing home, as a result of the financial burden of the cost of this care.

The benefits in this bill seem to really be a duplication of that available in private sector. It seems to me that the money that will be used to pay for only a tiny portion of the catastrophic coverage the elderely need and want the most would be better spent in addressing the coverage of long-term care.

Under this bill, all Medicare beneficiaries, except the very poor, will pay an additional $48 per year in part B premiums in 1989. This will escalate to $122.40 by 1993. In that same year, the current Medicare part B premiums are scheduled to rise from $24.80 a month to $46.20 a month, or $501.20 a year.

In addition, those with Federal tax liability will pay a supplemental premium, which comes in the form of a surtax. What started at about $14.70 per $150 of Federal tax liability under S. 1127, is now projected—under the conference report—to cost $22 in 1989 and $42 per $150 in 1993, with a ceiling of $800 provided in 1989, moving to $1,050 in 1993.

Medicare beneficiaries are already unhappy about paying $24.80 a month in premiums, as we all know from the huge amount of mail and phone calls we have all received from our elderly constituents protesting this year's $6.90 monthly increase. It is difficult to imagine asking the elderly to pay the $42.60 per month premiums required 5 years from now under this bill for a handful of benefits that are not the most important need in the minds of seniors, especially when coverage of long-term care is such a great need.

It is even more difficult for me to see how Congress can come back to Medicare beneficiaries again and require them to pay even more when we address the various legislative proposals to provide long-term health care benefits.

With the additional premiums and the new surtax in place, I do not believe Congress will have the option of financing part of the cost of long-term nursing home or home health care through premiums paid by beneficiaries. This bill uses up an important source of funding—higher premiums—that perhaps really ought to be saved for the purpose of paying for the more necessary, and more expensive, benefits of long-term care. In doing so, we are making true catastrophic coverage—long-term care in particular—more difficult to finance and thus more difficult to enact. With our Federal budget deficits sitting where they do now, this may be impossible.

Mr. President, it is for the reasons I have just stated that I find it difficult to vote in favor of the conference report on the Catastrophic Illness Protection Act of 1988. I have been on board this issue from the beginning, but believe that what we are voting for today does not represent what the majority of the seniors desire in the way of catastrophic illness protection.

I believe that the seniors in this country, by and large, want something different than what is provided in this legislation.

In a speech in my State earlier this week, at a typical middle class mobile home park, I came to find that none of the 80 to 100 seniors present supported the conference report. First, they protested the fact that the cost of the supplemental premium had risen by 50 percent over that of the supplemental premium under S. 1127. Second, they were extremely upset about the fact that participation in the benefit was mandatory, regardless of whether or not they already had private coverage. Third, 80 percent of them cited a desire to see coverage of long-term care, and they were willing to pay an additional $500 to $600 a year for such coverage. And, last, only 5 percent of them supported the prescription drug coverage provided in this bill.

Mr. President, if this typical middle income group in Phoenix, AZ, is representative of the response that we are going to get from the senior community at large after this bill is enacted, we have taken the wrong road. My hope is that I will not be proven correct, but the input I have received from Arizona's seniors tells me otherwise.

I have worked closely with AARP and other senior groups over the years, and they are fine advocates for their membership. However, I have found this catastrophic bill troubles many of them as well. A number of AARP leaders in Arizona have told me of their concerns and opposition to this bill. The Arizona chapter of NARFE has told me that it opposes the bill. Jimmy Roosevelt's group, who I have differed with on other issues at times, opposes this bill.

Mr. President, we all share the same objective—providing affordable, comprehensive health care coverage for our seniors. It is not a simple thing to accomplish in an affordable manner. I look forward to—and am committed to—working with AARP and these other senior groups to find a comprehensive solution to comprehensive long-term and catastrophic health care coverage, and will do everything I can to accomplish this without putting unacceptable financial burdens on our seniors.

In closing, Mr. President, I would like to say that I will continue my work with my colleagues on the development of a comprehensive approach to making the coverage of long-term care and catastrophic acute-care services expenses available to the seniors of this country. My hope is that we will approach this issue in a public/private partnership manner and take swift action to provide seniors with protection from what—in their minds—is truly catastrophic, the expenses of long-term care.

Mr. DODD. Mr. President, I rise to express my support for the conference report on H.R. 2470, the Medicare Catastrophic Coverage Act of 1988.

The Medicare Catastrophic Coverage Act represents the most significant improvement in the Medicare Program since it was enacted in 1965. The legislation is an important step toward closing the gaps in our health care system that impoverish elderly citizens when catastrophic illness strikes.

Despite the real benefits of this bill, we must remember that it will leave significant gaps in the Medicare Program. The most important is that of coverage for the catastrophic expenses of long-term care. Passage of this legislation should represent only a first step in our efforts to address the continuing need of long-term care and comprehensive health care for our nation's elderly.

Mr. President, I am particularly pleased that the legislation provides coverage for mammography screening, which is an important tool for the prevention and early detection of breast cancer.

The Senate version of the catastrophic health legislation included an amendment that I introduced along with the Senator from Florida, Senator GRAHAM. That amendment provided coverage under Medicare for a range of preventive services including screenings for breast, colorectal, and cervical cancer; glaucoma; high cholesterol; tuberculosis; as well as immunizations for tetanus, influenza, and bacterial pneumonia.

Mr. President, mammography, as well as all of the preventive services included in the original Senate bill, helps identify disorders before they mature into catastrophic illness, resulting in improvement in the quality of life and overall, long-term savings on the Medicare Program due to the early detection of illness.

While I would have preferred that the conferees included all of the preventive screenings and examinations in the conference report, I am nevertheless pleased that Medicare will now provide coverage for mammography. This represents the first time that a preventive health care component, potentially the most effective of all cost-control strategies, will be part of the Medicare Program.

It is my hope that as a result of future legislation, Medicare will include a truly comprehensive preventive health care component.

Mr. President, I urge my colleagues to support the Medicare Catastrophic Coverage Act of 1988.

Mr. BRADLEY. Mr. President, I rise in strong support of the Medicare catastrophic bill now before us. This bill, which represents the largest expansion of the Medicare Progam since its inception in 1965, will help protect the Nation's 32 million Medicare beneficiaries from high out-of-pocket health care costs. Many people worked long and hard on this conference agreement, perhaps no one harder than our distinguished chairman of the Finance Committee. I was pleased to be selected by the chairman to be one of the Senate conferees who hammered out the final agreement. It is not perfect, but it will vastly improve the lives of millions of elderly Americans who have high health care bills.

Mr. President, under current law, Medicare comes nowhere close to covering all of the elderly's acute care costs. The Medicare Program requires the greatest out-of-pocket payments from those with the most serious health problems. After 59 days of paid hospital care, Medicare patient has to make increasingly costly hospital payments—rising from $130 per day for days 61 through 90, to $260 per day for days 91 through 150, to the full cost of care for more than 150 days in the hospital. On top of this, there is a required 20 percent copayment for all physician services covered by Medicare.

MediGap policies help to pay these bills, but only about 65 percent of Medicare beneficiaries purchase private insurance coverage to supplement Medicare, and many of these MediGap policies do not have a full catastrophic component. About 20 percent of the Medicare population have no health insurance coverage beyond Medicare; this includes over 2 million poor and 6 million nearly poor elderly who are not covered by Medicaid.

Fortunately, few elderly actually incur catastrophic health care costs, but for the people affected, the costs can be sizable. In 1983, 800,000 Medicare beneficiaries—about 3 percent of all beneficiaries—had annual out-of-pocket liabilities of $2,000 or more. About 100,000 Medicare beneficiaries had liabilities of $5,000 or over. We clearly needed to do something to help these people.

This bill makes major improvements. In 1989, Medicare will cover an entire year's hospital bills after payment by the beneficiary for just the first day of a hospital stay. In 1990, Medicare will pay all covered doctor bills over $1,400 a year. And by 1992, Medicare will pay for most of the costs of prescription drugs exceeding $600 a year. It is anticipated that roughly 2 million elderly will benefit from the basic catastrophic benefit and nearly 6 million elderly will benefit from the new drug benefit.

In addition, the bill makes major advances in health care coverage for poor elderly Americans. By 1992, all elderly persons with incomes below the Federal poverty level will have all of their Medicare premiums and health care costs paid by Medicare and Medicaid. This will help over a half million poor elderly Americans now vulnerable to health care costs. Finally, the bill gradually raises the income and the assets that may be retained by a person whose spouse's nursing home costs are being paid by Medicaid, which will help over 100,000 families from being impoverished.

This new program will be financed by two premiums paid by Medicare beneficiaries. In 1990, virtually all Medicare beneficiaries except the poor will pay a basic premium of $5 per month. In addition, the 40 percent of Medicare beneficiaries that pay Federal income taxes will pay a supplemental premium. Therefore, unlike the Reagan administration's proposal on catastrophic health insurance which would have charged all participants the same monthly premium regardless of their income, this plan's financing is partly income-based.

In 1989, the supplemental premium will range from $23 to $800, at an average of about $250. Only couples with incomes of over roughly $75,000 will pay the $800 maximum supplemental premium in 1989. A married elderly couple with income of $40,000 will pay a supplemental premium of roughly $150 to $200 per person.

I believe this financing mechanism is sound and fair, and I support it. I am especially pleased that, at my recommendation, the supplemental premium will be limited so that premiums do not rapidly escalate in future years. However, I would have preferred the supplemental premium to be voluntary and I fought hard to allow voluntary participation in the catastrophic health insurance program. While I am confident that virtually all Medicare beneficiaries would join because the plan is quite a good deal, I wanted to leave that choice up to each individual. Unfortunately, in the course of negotiations, we were unable to prevail on this point.

Mr. President, there are three provisions included in the legislation that need special note. The first provision is a modification of legislation I introduced last year that significantly expands home care services for Medicare beneficiaries. Current Medicare guidelines allow most patients to receive home care on a daily basis for only 2 to 3 weeks. Today, patients in need of daily care beyond this period of time are seen as no longer in need of "intermittent" care, and in most cases will be denied Medicare coverage for further home care services. Even informal care provided by family members may be used to disqualify a patient from home care.

This bill would modify the statute to permit patients to receive home care services under Medicare on a daily basis for a period of up to 38 days—and even longer when the patient's physician certifies that exceptional circumstances require continued daily services. It is anticipated that about 200,000 elderly Americans each year will receive additional home care through this expansion. In addition, the bill establishes an advisory commission to make recommendations on improving the home care eligibility process in an effort to stop HCFA from administratively squeezing down on the home care benefit.

Mr. President, the second key provision included in the catastrophic bill is a new Medicare respite care benefit, which is aimed at helping elderly persons suffering from chronic health conditions. I am very pleased that Secretary Bowen supported our plan to establish this program. The catastrophic bill covers up to 80 hours a year in in-home benefits for chronically dependent persons who use the catastrophic and drug program. This service gives relief to individuals who regularly live with and care for such persons. The provision specifies that a chronically dependent person is one who is unable to perform at least two activities of daily living, such as eating, toileting, or getting out of bed.

Today, 80 percent of the most chronically dependent elderly live in communities, not institutions. Most are able to stay in their homes and communities because they have a primary caregiver—usually a spouse—who provides virtually all of their care. When those families can no longer shoulder the entire burden, the elderly are frequently sent to nursing homes. The respite care program addresses this compelling need by giving family members a "respite" from the day-to-day tasks of caregiving. A variety of services will be available to families, including companion services and homemaker/home health aide services.

This national program is very similar to the New Jersey Respite Care Pilot Project, a joint Federal/State initiative that I recently established in Federal law, which provides temporary home and community care services for low and moderate income elderly persons who otherwise might have to be placed in nursing homes.

And finally, Mr. President, the catastrophic legislation contains two provisions from a bill I introduced this year to expand health care to pregnant women and infants. First, the legislation would require that all States provide Medicaid coverage to all pregnant women and infants up to 100 percent of the Federal poverty line by 1990. To date, only about 30 States and the District of Columbia have elected to extend Medicaid coverage to pregnant women and infants with family incomes above AFDC levels but below the Federal poverty level. Last year, about 160,000 children were born to poor women in States which do not provide access to prenatal care. And too many of these children suffer acute health problems solely because their mothers had no medical attention during their pregnancy.

The legislation also requires all States to establish special payments for infants who are hospitalized for lengthy periods of time. Currently, many State Medicaid programs place limits on coverage for young children with extended hospital stays. Some place limits on the number of days for which they provide reimbursement for inpatient care, with virtually no exceptions for cases of medical necessity. Others place limits on the prospective payment Medicaid makes, with no additional coverage for high cost "outlier" cases. These benefit limitations, which means inadequate coverage for low-income children with special health care needs, will no longer be permitted.

In summary, Mr. President, this bill means a better, longer life for millions of Americans. It gives catastrophic health care coverage for millions, new protections for the poor and expansions in home health care. This bill does not meet all of the health care needs of the elderly, but it does meet an enormous need. I urge my colleagues to support this bill.

Mr. **KASTEN**. Mr. President, I rise today in support of H.R. 2470, the Medicare Catastrophic Coverage Act of 1988.

For many years, we have become increasingly aware of a sad irony—that our ability as a nation to provide an improved quality of life for our senior citizens has not kept pace with our amazing technical capabilities in modern medicine.

Unfortunately, like the weather, our national duty to provide for our parents and grandparents in medical adversity has been a subject of much discussion and little action. I am proud to cast a vote today that finally will make a difference, and benefit the lives of millions of Americans.

According to CBO estimates, 3.8 percent of Medicare beneficiaries—about 1.3 million citizens—would benefit from the new part A coverage, and about 2.1 million people would qualify for the new part B benefits. Over 5½ million individuals will qualify for the new prescription drug coverage. In all, 33 million elderly Americans are expected to be protected by H.R. 2470.

This benefit will be made possible by increased premiums paid by the beneficiaries themselves.

One of the major benefits of this legislation will be unlimited free hospitalization after a yearly payment of $560 for Medicare beneficiaries. Many of us have seen friends or relatives afflicted with major illness agonize over the impending cost as the free 60 days of hospitalization mandated by current law are used up. I am certain that this constant threat of financial ruin is a devastating blow to the healing process of elderly patients.

Part B participants would pay no more than $1,400 for covered services, effective in 1990. After this cap is reached, the program will pay 100 percent of all covered costs.

We cannot affix a dollar value to the peace of mind that this provision will provide for millions of Americans.

Too often, our health care requirements have been so restrictive and user unfriendly that many truly needy individuals have been pushed out of the health care safety net. Such is especially the case of many persons needing skilled nursing care.

Fifty additional days in a skilled nursing facility will be provided under this bill. For the first time, costly and often unnecessary prior hospitalization will not be required.

In the face of skyrocketing prescription drug costs, I am told that many senior citizens have gone without needed medication because they simply were not able to handle the expense. Thanks to H.R. 2470, 80 percent of prescription drug costs would be covered by 1993, with gradually increasing benefits starting in 1991.

It is said that catastrophic illness is as devastating to the healthy caretaker as it is to the afflicted. That is why this legislation seeks to offer paid respite care of up to 80 hours per year for the family members and friends who care for certain severely disabled beneficiaries.

In addition, Medicare will cover around-the clock home health care for at least 38 days, and more if a doctor certifies the need.

This legislation is lengthy, complex, and, at times, cumbersome. Like so many programs crafted by mortal men and women, it is not a perfect answer or a quick fix. I think that President Reagan and HHS Secretary Otis Bowen are to be commended for their efforts. There were times in this process when it looked as though we might never get this to a vote, and while I must admit to having certain reservations myself, I believe that the undeniable good which will result from it far outweighs the disadvantages.

Nonetheless, I would like to point out at this time some concerns I have regarding a technical amendment which was tacked on to the proposal during the conference process.

I am concerned about reimbursement provisions for nurse anesthetist aides, which would put them on an equal footing with certified nurse anesthetists. These paraprofessionals are important members of the health care team. However, they are not licensed and may be lacking in the training and experience needed to justify direct payment and lack of supervision. My feeling is that this issue needs closer scrutiny. As this technical amendment is written, it may endanger the quality of health care provided in America's hospitals, particularly in smaller rural communities. If need be, this can be rectified later in the process.

I also have concerns that this massive restructuring of Medicare—the first major revision since the program began in 1965—could lead to increased regulation of health care, which may threaten its quality. We must not allow its passage to be the end, but rather a strong beginning for our efforts.

Finding a fiscally responsible way to provide for the long-term health needs of our sick and elderly must be our next major challenge.

H.R. 2470 is, in my view, a sincere, fiscally responsible approach to the nightmare of catastrophic illness.

Mr. **EXON**. Mr. President, we finally have before us the long-awaited catastrophic health care bill. I would like to take this opportunity to congratulate and thank my colleagues that have spent so many hours working out the details of this fine piece of legislation.

The concept of catastrophic health care for our senior citizens is admirable and necessary. This bill is the first major expansion of the Medicare Program since its inception over 20 years ago. As we have changed over 20 years, so, too, have the health needs of our senior citizens. This new program expands existing benefits, takes into account new technologies, and provides for exciting new benefits such as prescription drug coverage.

We have reached a time and place in our society when most senior citizens cannot afford the costs of medical care. These costs have skyrocketed—increasing at twice the rate of regular inflation.

Most retirees are living on fixed incomes that are increased only in accordance with an increase in the consumer price index. With the medical consumer price index increasing at a much faster rate, too many seniors forgo needed medical care. I submit to you that this is unacceptable, totally unacceptable in my view, in a country that professes one of the highest standards of living in the world.

This bill has many good provisions. These include 365 days a year of hospital coverage with one deductible, increased coverage for care in a skilled nursing facility, inclusion of a respite care benefit, and changes in the spousal impoverishment rules.

However, I do have one major reservation. This bill does not contain any provisions covering the costs that I suggest are more catastrophic than just hospitalization—and that is long-term custodial care, whether in a nursing home or at home. To me, this is the major catastrophic cost to senior citizens today, and it is something that we in Congress are obligated to address in another fashion in another bill in the near future.

Mr. President, I look at this bill as the first step toward some type of long-term care. I support totally the provisions of this bill that require studies of long-term care and adult day care.

I am extremely pleased to see a call for the Treasury Department to look at tax incentives to encourage private financing of catastrophic and long-term care. We specifically need to explore private sector initiatives.

Our insurance companies and others who have expressed an interest to become involved in this program, if we could cap that source of expertise with their vast knowledge it can help us, I suggest, a great deal in finding a solution to this ever-present and ever-increasing problem. The insurance industry, then, is one that I think we should rely on for advice and help in this area. I have long supported a combination of public and private financing for these costly items. I also support the establishment of the U.S. Bipartisan Commission on Comprehensive Health Care. Our goal is to provide quality medical care to our Nation's elderly without an overreliance on Government or charity and without driving our older citizens into financial ruin. Affordable, quality health care is of critical importance to all Americans.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I would like to speak on the catastrophic care bill.

I want to compliment my colleague from Nebraska. I support his comments on the catastrophic bill we are now considering. Because of my concern for the elderly, I will vote for this landmark legislation. It is designed to protect 33 million elderly and disabled beneficiaries against catastrophic physician and hospital bills and prescription drug costs.

As a member of the Senate Aging Committee, we have held hearings on catastrophic care and I think that the conference report is a good compromise. It is a better bill than the one introduced in this Chamber earlier in the year.

My father suffers from Alzheimer's disease so I have taken a special interest in elderly issues. With our population growing older, more Americans are especially concerned about chronic medical conditions that affect the elderly.

Whatever we do, we must do in a fiscally responsible manner. What we did on the Social Security Commission in the early 1980's was very positive. We initiated a study. We took steps to correct problems in the Social Security System. Now we have a surplus in the Social Security trust fund.

We need to take similar actions in the area of Medicare and Medicaid. The catastrophic care bill will provide some relief to the problems of the elderly. We still have to confront the greater problem of long-term custodial care. The Senate will be examining the financing of long-term care very closely. Now we can turn our attention to this very important issue.

Mr. President, our country is enjoying a period of general prosperity. However, there are sectors of the economy, such as agriculture, mining and timber that are experiencing some problems. We are all worried about the large Federal deficit and wonder how long it can continue. A nation must take care of its elderly during economic prosperity and in times of economic downturn. This bill is a step in the right direction. It is a good bill, and I shall vote for it.

Mr. DURENBERGER. Mr. President, it is with great pleasure and pride—even some emotion—that I urge my colleagues to join in overwhelming support of the conference agreement on H.R. 2470, the Medicare Catastrophic Coverage Act of 1988.

Everyone who knows the history of health policy in this country recognizes the importance of this landmark legislation.

When the Senate approves this agreement, and the President signs it into law, the most far-reaching, sensible, and compassionate extension to Medicare in the last 23 years will be the law of the land. As Senator BENTSEN spelled out so well yesterday, this agreement is even better than S. 1127, the bill that we first passed in the Senate. Yet the most important principles embodied in that bill have been retained.

The conferees, led by Senator BENTSEN and Congressman DAN ROSTENKOWSKI and Congressman JOHN DINGELL, deserve credit for a tough job well done. This is also an appropriate moment to applaud the leadership of Dr. Otis Bowen, Health and Human Services Secretary, whose vision and steadiness were critical ingredients to the success of this legislation. The President of the United States deserves credit for recommending it, as well as the Office of Management and Budget, especially Deputy Joe Wright, who kept its honest to its fiscal and generational premise, and people like Don Muse, who labored in the fiscal estimating division, made a contribution as well. I also want to thank my legislative assistant, Helen Darling, for her work on this complex measure.

It is worth noting that some very critical principles were retained throughout the negotiations. I believe that we were able, as conferees, to substantially improve the package while keeping it fiscally sound. We held the line against a package that might have put the Medicare Program at risk—yet we were willing to improve benefits where cost effectiveness and compassion dictated.

Mr. President, there are five key guiding principles, which form the framework on which this legislation was built.

First. Universal protection to cover all Medicare beneficiaries who are either disabled or elderly; second, elimination of the fear for millions of vulnerable Americans of financial catastrophe; third, individual equity and personal responsibility; fourth, generational equity and budget neutrality; and fifth, responsible, prudent improvement in benefits.

On the first principle, universal protection, this bill will give real protection against acute catastrophic illnesses for all 32 million Medicare beneficiaries who are either permanently and totally disabled—3 million—or elderly—29 million. Each year 7 percent of Medicare's beneficiaries who have sufficiently high medical bills will be protected from any additional out of pocket costs for that year. This conference agreement ensures that at least 7 percent—or over 2.2 million enrollees—will receive direct benefits of catastrophic protection each year.

Second. By providing guaranteed protection against financial catastrophe, this bill makes it possible for every Medicare beneficiary to approach their annual decision about supplemental health insurance without any fear of catastrophe. This will make them more careful and more confident buyers of insurance, and will force insurers to improve their supplemental insurance—while substantially lowering their premium prices. Finally, there'll be some real bargains in insurance for the elderly, for a change.

Third. Equity and compassion—the conferees have ensured that the neediest will be helped first. Low- and moderate-income elderly and disabled will gain the most overall from these new benefits and will have to pay the least. States are required to use the windfall to buy in all Medicare eligibles whose incomes are below the poverty level. Further, with the prescription drug coverage, beginning in 1990, State programs will have additional gains that should enable them to help even more low-income people.

For the first time in the history of the program, the financing of Medicare will not be solely on the backs of workers in the form of the payroll tax or the beneficiaries in a flat, across the board assessment. Rather, over 60 percent of the final costs will be supported by the 40 percent of higher income Medicare beneficiaries. And in all instances, even the highest income Medicare beneficiaries are getting—thanks to the principles of social insurance—much better coverage. At the same time, some of $4 to $6 billion now spent—much of it reactive to fear, not the economics of it—on Medigap insurance will be used instead for this program or for new long-term care insurance.

The fourth principle that this agreement embodies is generational equity and responsibility. All of these new benefits will be made possible by pooling the millions of small payments by those who enjoy the benefits. This "generational equity" is another historic first in the Medicare Program. It is a tribute to the elderly and disabled of America and to the associations that represent them in the policy process, that for the first time new and expanded Medicare insurance benefits will be paid for like all health insurance benefits are: By those who receive the financial benefit of the coverage.

Finally, and the fifth principle, the conferees have been rigorous in insisting that any new coverage be tied to the concept of financial catastrophic protection, or to such compelling evidence of need that Medicare had to correct a longstanding injustice.

On the first criterion, the agreement will cover up to 80 hours respite care for family caregivers where the beneficiary has already reached the catastrophic limit. This temporary "break" for families would only be paid for when the patient is very ill and disabled and would otherwise likely be institutionalized. This respite to the caregivers preserves the family centered informal care network, vastly improving the quality of life and care for the very ill, especially for stroke, Alzheimers, and other victims of chronic illness.

Like the protections against the povertization of spouses when their mates have to go into a nursing home, this respite benefit answers in a modest way the charge that this bill does nothing for long-term care. That charge is simply not correct. It does not go as far as many, including this Senator, believe we need to do. But it does move us and commit us to providing financial access to long-term care in the years to come.

In addition to maintaining fidelity to these key guiding principles, I'm personally gratified to say this agreement includes coverage for life saving screening breast x rays—mammograms—that will help identify cancer in very early stages and eventually prevent untold human misery and suffering.

The Nation has learned the effects and personal tragedies and fears about breast cancer as a result of publicity surrounding the discovery of breast cancer in the wives of two Presidents and one Vice President. The lives of Nancy Reagan, Betty Ford, and Happy Rockefeller were saved to give their families many more years of love and the Nation more years of their contributions because early cancer detection permitted early treatment.

This Senator also knows from personal tragedy of the enormous potential value of recent developments in early cancer detection and the great loss when cancer is not stopped. I am grateful that I had the opportunity, as a member of the Finance Committee to initiate this coverage, and, as a conferee, to correct this longstanding deficit in the Medicare Program. I urge my colleagues to join me in voting for this conference agreement.

This entire agreement, Mr. President, is worth supporting and celebrating. There are still problems in the Medicare Program and the Congress will turn its attention to those problems. But this agreement goes far toward solving one gaping and longstanding hole in the program.

The fear of catastrophic illness has forced millions of older Americans to purchase billions of dollars of Medigap policies—such as the 80-year-old Minnesota woman who bought 14 different, overlapping policies.

My own parents don't live a day without fear. They spend over $171 per month for relatively modest additional insurance. But their insurance does not even give them the catastrophic prescription drug program that this bill will make possible by 1990, with a full benefit in place by 1993. Their Medigap coverage does not give them respite care and unlimited hospital days at no additional cost after the first day deductible. Nor does it give my mother the mammograms her son instituted in this coverage. In short, this a much better package for a great deal less. Those 60 percent of all Medicare beneficiaries who pay no income taxes at all, will receive all of this new coverage for only $48 per year—that's right—per year. Whereas each of my parents pays almost twice that each month.

Mr. President, it was 10 years of annually sharing with my mom and dad their fear and watching them use their modest incomes for unneeded expense which led me to introduce in 1983 the first catastrophic expense protection bill. Because of that longstanding interest, I was appointed to the Presidentially mandated, Secretary's Advisory Committee on Catastrophic Illness. The report from the committee served as a beginning down the long road to this day. This bill is a fitting end to that long, complex journey.

There is a great deal to be proud of in this historic bill. I urge my colleagues to join in its support for the good of Medicare's beneficiaries and for all of their families and friends who care about them. Generations can truly unite and applaud this step forward in our history. I urge my colleagues to vote for the agreement and the President to sign it.

Mr. SIMON. Mr. President, I rise today in support of H.R. 2470, the Medicare Catastrophic Protection Act.

This legislation has been exhaustively considered by the House, Senate and a conference committee. It has the support of the administration, Members of Congress from both parties as well as seniors' groups. The bill before us today is a carefully crafted response to the devastating effects of catastrophic illness.

H.R. 2470 is the most significant improvement in Medicare since its inception over 20 years ago. In addition to expanding covered hospital stays, this bill will prevent the paradox of spousal impoverishment. Seniors will no longer have to dissipate the savings of a lifetime to qualify for health care assistance. Approved doctor bills will also be capped at an affordable annual level.

As prescription drugs have become more prevalent and their costs have risen, medication emerged as one of the most severe financial burdens on the elderly. It became clear that some assistance was needed. H.R. 2470 is a helpful step. When the prescription drug benefit begins in 1991, Medicare will pay half the cost after a deductible. This share will rise to 80 percent by 1993.

Despite its benefits, this bill is not all we had hoped it would be. The supplemental premium places an additional burden on the elderly. Furthermore, this premium is distributed through means testing, which seems especially inappropriate in an insurance program.

Most significantly, H.R. 2470 does not address the crushing burden of long-term care. We are a rich nation, a nation that can afford to provide quality long-term institutional or home care. Nobody should have to face impoverishment simply to care for a disabled spouse, child or parent. I will continue my efforts to see that the Senate faces up to this vital health care issue.

Mr. PRYOR. Mr. President, I mentioned that there were two monumental issues coming from the Finance Committee onto the floor of the Senate today. This other monumental and critical issue that we will be deciding on is catastrophic health insurance.

The conference report on the Medicare Catastrophic Coverage Act (H.R. 2470) before us today, is the product of strong bipartisan cooperation from Members of both Houses of Congress. Senator BENTSEN and Congressman ROSTENKOWSKI are to be commended for their untiring efforts in bringing about a final agreement.

In a time of severe budget constraints and deficit woes, this legislation presents a responsible, "revenue neutral" approach—Medicare beneficiaries will finance the costs of the bill themselves through the creation of a supplemental premium that would be applied according to the ability to pay. As a conferee appointed to iron out the differences between the House and Senate catastrophic packages, I am pleased to offer my strong support for this landmark measure.

The State of Arkansas ranks second in the Nation in terms of percentage in the size of its elderly population.

These people often face nothing short of total financial devastation when they are hit with catastrophic illness. I believe this bill would help protect them from the overwhelming costs which result under these dire circumstances.

This package is not a perfect solution to all the problems of our health care system. Many policymakers would prefer to provide additional expanded benefits without cost to the beneficiaries; however, this legislation should provide improved health care coverage and insurance against catastrophic loss for many older Americans within the current national budget constraints.

For several years the Congress has explored the absence of catastrophic health insurance protection for the elderly. In February 1987, President Reagan endorsed an initial proposal put forth by Health and Human Services Secretary Otis Bowen. From that point, serious discussion concerning the urgency of catastrophic legislation took shape, with the House and Senate approving separate, yet fundamentally similar, measures which addressed the need for catastrophic coverage under Medicare.

The Medicare Catastrophic Coverage Act represents the most substantial development in the Medicare Program since it was first enacted in 1965. This measure provides a wealth of new benefits including:

An extension of Medicare hospital coverge from the current limit of 90 days—plus a lifetime reserve of 60 days—to 365 days per year; a limit on hospital costs by establishing one deductible per year ($564 in 1989); coverage for prescription drugs after an annual deductible; respite care up to 80 hours per year for homebound persons who reach the physician or out-of-pocket drug payment limits; a mandate for Medicaid to pay for Medicare premiums, deductibles, and coinsurance costs for elderly and disabled persons with incomes below the poverty line; spousal impoverishment protections, whereby individuals with spouses in nursing homes can maintain a minimum level of income and assets, and still have the institutionalized spouse quality for long-term care Medicaid coverage.

The prescription drug provisions in H.R. 2470 were particularly essential. A number of studies and surveys have revealed that three-fourths of the elderly use prescription drugs. Some 6.3 percent of our Nation's senior citizens account for 55 percent of the total out-of-pocket prescription drug expenditures. The Public Health Service estimated that 15.5 percent of all elderly patients with prescriptions are unable to pay those costs. From July 1985 through April 1987 prescription drug prices rose 12.2 percent, compared to the 2.7 percent increase in the general inflation rate during the same time period. Clearly, it was imperative that this measure include some benefit to relieve the skyrocketing costs of medication for elderly patients.

I am quite pleased that this legislation addresses the issue of in-home care for chronically dependent patients. Although modest in scope, this respite-care benefit recognizes the need for those unpaid care providers within a family to have some degree of assistance and relief. When one considers that many of those care-givers are themselves older Americans, the wisdom of this provision becomes clear.

The spousal impoverishment section in the Medicare Catastrophic Coverage Act is one of the most essential provisions of H.R. 2470. Under current law, when one spouse enters a nursing home, the income and assets of both partners are used to pay for care. Individuals in such instances are not eligible for Medicaid coverage until their funds have been depleted to poverty levels. Further, whatever income is available must first be used to pay medical costs, which creates additional financial stress on the spouse remaining at home. H.R. 2470 would allow the at-home spouse to keep at least $12,000 worth of the couple's combined assets, and a guaranteed minimum income level—a significant change for many couples who would otherwise be financially devastated as a result of a catastrophic illness.

Following passage of the House catastrophic package last year, a number of concerns were raised regarding the special problems the bill would pose for those Medicare beneficiaries with non-Social Security Government pensions. This group includes retired Federal employees, as well as many other public retirees. As the financing of the supplemental premium is based on Federal tax liability, retirees with taxable annuities would have been assessed a larger supplemental premium than those with Social Security based pensions. Such an inequity could have precipitated significant disenrollment from part B of Medicare.

When the Senate considered its version of the catastrophic legislation, Senator DOMENICI and I offered an amendment to address the problem outlined above. The Pryor-Domenici measure provided those retirees with non-Social Security Government pensions an adjustment—equal to 15 percent of the average Social Security benefit—to allow for the calculation of their supplemental premium. The Senate adopted our amendment, and I am delighted that this final catastrophic package also includes the special credit.

In addition to the matter of taxable income, many Federal retirees purchase health benefits through the Federal Employees Health Benefits Program [FEHBP]. The catastrophic proposal would have duplicated many of the benefits available through the FEHBP.

The Federal Health Benefits Program must by law provide the same health benefit plans to retirees and active workers. These benefits are not coordinated with Medicare, despite the fact that more than 760,000 Federal retirees are Medicare eligibility. When the catastrophic bill was brought before the Senate, I joined with Senator STEVENS in offering an amendment to require the FEHBP to reduce rates charged to Medicare eligible participants. Our amendment further directed the FEHBP to develop a policy that would address the unnecessary duplication of benefits that currently exists. The Stevens-Pryor amendment is also included in this final conference agreement.

The effective discussion surrounding the catastrophic legislation has generated new debate on long-term care issues. There are several proposals in both Houses which address this general issue, each with their own unique perspective and emphasis. It seems appropriate that following our consideration of the realm of acute catastrophic illness, we would next turn our attentions to the more specific concern of long-term care. I look forward to adding my voice as the debate unfolds.

Mr. President, I urge my colleagues to adopt the conference report on the Medicare Catastrophic Coverage Act.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. REID. Mr. President, I rise today in support of H.R. 2470, the Medicare Catasrophic Coverage Act of 1988.

The Medicare catastrophic loss bill will protect many of this Nation's elderly from devastating health care costs. This bill is not a cure-all for catastrophic health care costs, but I believe this bill is a positive first step toward affordable comprehensive catastrophic health care insurance.

For Medicare beneficiaries, the act will limit out-of-pocket expenditures, partially cover outpatient prescription drugs, and expand long-term care coverage. This represents major improvements in coverage for millions of disabled and older Americans.

I do, however, wish to express my dissatisfaction with the spousal impoverishment provisions in the act.

Spousal impoverishment is a very serious national problem. The term "spousal impoverishment" refers to the far too familiar situation affecting many, many older couples. It occurs when a spouse enters a nursing home, for example, and the couple must forfeit their entire savings to qualify for Medicaid coverage.

This is a significant statement, Madam President. A person enters an extended care facility, a nursing home, and the couple must forfeit their entire savings to even qualify for Medicaid coverage.

The act now before us provides for protection for the noninstitutionalized person whose spouse's nursing home costs are being paid for by Medicaid. This, of course, is admirable. But what about those couples whose monthly income exceeds the Medicaid qualifying limit, but is not enough to support both the nursing home spouse and the community-based spouse? In most States, medically needy programs pick up those that fall through the Medicaid coverage cracks.

But, even with the provisions of this conference report, community property states without medically needy programs are particularly likely to leave many couples vulnerable to spousal impoverishment.

I wish to commend my own home State of Nevada, a community property State without a medically needy program, for working on its own in the past several months to rectify the problem.

I do say, however, Madam President, that the reason the State of Nevada so wisely made it easier for its married residents to qualify for Medicaid coverage of nursing home care, and thus avoid leaving the community-based spouse penniless, is because of the action taken by this body.

The Senate, in its original consideration of the catastrophic health care legislation, adopted my spousal impoverishment amendment to the Kennedy amendment. My amendment put into Federal legislation a provision which would have extended the spousal impoverishment protection of this act to all States in a more equitable way. The conference committee, in its wisdom, decided not to include my amendment in the final report but, in the meantime, the State of Nevada rectified the problem. That is admirable.

The State legislature and the State welfare division recently took action by way of regulation to make it easier for couples to qualify for Medicaid when one of them is institutionalized.

I would prefer to see Federal legislation passed to equally protect all individuals against spousal impoverishment, but until such time that we can to pass such legislation, I encourage other community property States without medically needy programs to follow the example of Nevada.

Madam President, despite the problems with the spousal impoverishment provisions, the Catastrophic Coverage Act remains extremely important to the welfare of millions of older and disabled Americans. For that reason I commend and applaud the chairman of our Finance Committee, Senator BENTSEN, for protecting the interests of the Senate and this country.

I yield the floor.

Mr. DIXON. Mr. President, I rise in support of the conference report on H.R. 2470, the Medicare Catastrophic Protection Act of 1988.

First, please permit me to congratulate Senators BENTSEN and PACKWOOD, as well as others who worked for many hours to develop this conference agreement.

I want to commend the conferees for including the Medicaid provision which would prevent spousal impoverishment when a husband or wife goes into a nursing home.

Mr. President, before us today is the conference report which should allay a concern of our elderly and disabled, and their families and loved ones—the fear of financial ruin due to an acute or chronic illness.

The current Medicare Program provides hospital and physician care services, and limited nursing home and home health services to 29 million elderly and 3 million disabled beneficiaries. However, the program lacks coverage for catastrophic health care expenses.

The conference agreement would rectify this. It would cap out-of-pocket expenses for services that are covered under the Medicare Program.

Mr. President, I would like to highlight major provisions of the conference agreement.

First, Medicare beneficiaries would be provided protection against catastrophic hospital and physician expenses by capping hospital bills at approximately $564 in 1989, and physician and other out-patient services at an estimated $1,370;

Second, prescription drug coverage would be phased in so that Medicare would pay 50 percent of the drug costs that exceed $600 in 1991, 60 percent above $652 in 1992, and 80 percent above $710 in 1993;

Third, coverage for skilled nursing facility care would be extended from 100 to 150 days per year, and the current 3-day preceding hospitalization requirement would be eliminated;

Fourth, mammography screening coverage, and open-ended hospice care would be authorized;

Fifth, daily in-home care would be expanded to 38 days and longer when unusual circumstances exists; and

Sixth, States would be required to phase-in Medicaid coverage to pregnant women and infants up to age one who fall below the poverty line.

These are certainly significant Medicare and Medicaid Program improvements.

Mr. President, these new and expanded benefits would be financed by the Medicare beneficiaries themselves through a combination of a flat premium, and a supplemental income-related premium.

The flat premium is estimated to cost about $4 per month in 1989, rising to $10.20 in 1993. It would be added to the existing $24.80 part B premium.

In addition, higher income Medicare beneficiaries would pay an estimated supplemental premium of $22.50 in 1989, rising to about $42 in 1993, for each $150 of Federal tax liability. However, the maximum supplemental premium for an individual would be capped at $800 in 1989 and $1,050 in 1993.

I call to the attention of this body a provision of the conference report which would establish a 15-member bipartisan commission that, among other duties, would be required to study and recommend to Congress ways to finance comprehensive long-term care services for the elderly and disabled. The commission would be required to submit a report no later than 6 months after enactment of the bill.

I wholeheartedly support this provision, and would support the inclusion of long-term care services to children in the study. Additionally, I feel certain that upon receipt of the report, Congress will give immediate consideration to it, as well as other alternative proposals.

Mr. President, I encourage my colleagues to join me in supporting the conference report on H.R. 2470, and I ask unanimous consent that my statement be appropriately placed in the RECORD with other debate on the report.

Mr. COHEN. Mr. President, the Senate is on the verge of approving landmark legislation that will grant greater protection for the Nation's senior citizens against the financial hardship that can accompany a serious illness or injury. The Medicare Catastrophic Coverage Act of 1988 will limit what Medicare beneficiaries will have to pay out of their own pockets for services covered by Medicare and expands Medicare coverage of "acute" health care. This legislation will also provide relief to senior citizens who face high prescription drug costs, protection against the impoverishment of the spouses of those who need care in a nursing home, and for more extensive home health care.

Currently, Medicare coverage of the costs of a hospital stay is limited by the calendar. Full coverage lasts 60 days and coverage ends altogether after 150 days. Beneficiaries must pay a deductible for each separate hospitalization. With the enactment of this legislation, beginning next year Medicare will cover the cost of hospital care indefinitely after the payment of one annual deductible—estimated at $564 for 1989.

The Medicare Catastrophic Coverage Act will also limit the cost to senior citizens for physician services. Beginning in 1990, once a beneficiary has paid as much in doctor bills as the annual limit—$1,370 in 1990—Medicare will pay 100 percent of approved charges.

In addition to the fundamental expansion of Medicare protection against catastrophic health care costs, this measure also includes provisions to address several serious problems facing elderly Americans. Among these are provisions for the coverage of outpatient prescription drugs, provisions to address the problem of "spousal impoverishment," and provisions to expand and improve home health care.

Beginning in 1991, Medicare will pay half of the cost of most outpatient prescription drugs after a beneficiary has met an annual deductible—$600 in 1991. The share borne by Medicare will rise to 60 percent in 1992 and 80 percent in 1993.

In order to protect elderly Americans from being driven into poverty when a spouse needs nursing home care, this legislation establishes new income and asset levels for Medicaid eligibility. The spouse of an individual whose nursing home costs are paid by Medicaid will be allowed to keep a greater share of joint income—up to 150 percent of the Federal poverty threshold for a two-person family after July 1, 1992. The spouse who remains at home will also be able to keep at least $12,000 of combined assets and the couple's home.

This measure also expands Medicare coverage of home health care. Medicare will now cover home health care 7 days per week for at least 38 days. Medicare will extend home health care coverage beyond 38 days if a physician certifies the need to do so.

One of the most significant aspects of the Medicare Catastrophic Coverage Protection Act is the way in which the expanded benefits it establishes are to be paid for. The financing mechanism devised for this measure calls upon Medicare beneficiaries themselves to share the risks of catastrophic illness. It also introduces an element of progressiveness to the financing of the Medicare Program. The new benefits are to be financed in part through a basic increase in the monthly part B premium and in part through a "supplemental premium" based on ability to pay.

There are those whose enthusiasm for protecting the elderly from catastrophic health care costs waned once the elderly themselves were asked to share in the costs. However, the enhanced protection that the Medicare Catastrophic Coverage Act will provide will be a bargain for the Nation's elderly well worth the costs they are asked to bear. For those beneficiaries for whom Medicare premiums are a hardship, this legislation provides further relief by requiring Medicaid coverage of their Medicare premiums, deductibles and copayments. Next year, States must cover all beneficiaries with incomes below 85 percent of the Federal poverty threshold. By 1992, States will be required to pay Medicare premiums, deductibles, and copayments for all elderly beneficiaries with incomes below the Federal poverty threshold.

Many have expressed disappointment with the Medicare Catastrophic Coverage Act because it does not provide coverage for the cost of custodial long-term care. The cost of long-term care is indeed of great concern to the Nation's senior citizens. By far the most common financial catastrophe to befall the Nation's elderly is the burden of a lengthy stay in a nursing home. It is estimated that almost one-half of all current Medicaid nursing home residents were not initially poor, but became eligible for Medicaid when nursing home costs took all their income and exhausted their savings. In a typical year, up to half a million elderly Americans will see their savings wiped out by the cost of nursing home care.

A national debate on the problems of meeting the long-term care needs of the Nation's elderly is well underway. A number of our colleagues have introduced legislation that may well bear fruit in the next Congress. In the meantime, we should secure for senior citizens the important protections and benefits that this bill will afford them.

The Medicare Catastrophic Coverage Act is the most significant enhancement of Medicare since the birth of the program 23 years ago. It will provide an important measure of protection and peace of mind for elderly Americans. I am pleased that the Senate will today approve this legislation.

Mr. THURMOND. Mr. President, I rise today in support of this conference report.

Many of us know family, friends, or neighbors who have suffered a devastating acute illness that has destroyed their financial security. Such an illness requires treatment so costly that families can only pay for it by impoverishing themselves. A catastrophic illness is financially devastating and requires personal sacrifices that can haunt families for the rest of their lives.

Elderly Americans require more medical care than younger persons. According to recent statistics, average health care spending for an elderly person is approximately $4,200, compared to $1,100 for a person under 65. Moreover, unpredictable health care expenses loom large in the personal budgets of the elderly.

Unfortunately, there are gaps in Medicare as currently structured for acute care expenses. Hospital coverage is limited. After 60 days of hospital care, a Medicare patient begins to make increasingly costly payments—rising from $130 per day for days 61 through 90, to $260 per day for days 91 through 150, to the full cost of care for more than 150 days in the hospital. On top of this, there is a required 20 percent copayment for all physician services covered by Medicare. The Medicare program, then, requires the greatest payments from those with the most serious health problems. President Reagan is to be commended for calling attention to this serious problem, and for his efforts toward reaching a fiscally responsible solution.

This legislation will cap the total out-of-pocket expenses a Medicare beneficiary will have to pay. No longer will the elderly have to worry about medical expenses totally wiping out their life savings. This measure will give them the security they deserve.

Mr. President, I am pleased the conferees were able to reach agreement on adding an important new Medicare benefit to pay for part of the cost of prescription drugs. Beginning in 1991, Medicare will pay 50 percent of a beneficiary's outpatient prescription drug bills that exceed $600. The Medicare share will rise to 60 percent in 1992 and to 80 percent afterward.

Mr. President, at this time I also wish to commend Secretary Bowen for the important contributions he has made in seeking solutions to this problem. I have been impressed with the fine leadership he has provided the Department of Health and Human Services.

Mr. President, I urge my colleagues to support this conference report.

Mr. WEICKER. Mr. President, I rise to recognize a job well done by the conferees of the Medicare Catastrophic Coverage Act of 1988. Today, the Senate takes a first step toward breaking a longstanding and worsening equation which is all the more shameful for existing in the wealthiest society in the world. To the millions of Americans covered by this legislation, getting old and getting seriously sick will no longer be tantamount to going broke.

In the lives of too many of our people and for too long, financial ruin has been just one serious illness—one heart attack, one car accident, one medical catastrophe away. Too many individuals and the families and friends who love and support them have had to mortgage their futures—exhaust their savings, sell their homes, and lose their independence—to pay their doctor and hospital and prescription drug bills. With passage of this bill, 8 million people and their loved ones who have already suffered the physical and financial effects of medical catastrophes will be able to live better and breathe easier. Equally important, all 31 million elderly and disabled Medicare beneficiaries will receive protection against the threat of catastrophic costs.

The tragedy is that it has taken so long. In the 1970's, Senators Abe Ribicoff and Russell Long cosponsored a Medicare catastrophic insurance bill. It didn't get anywhere, in large measure because it was viewed as costing too much. What has changed to convince us that in 1988 we can afford it? Not health care costs, certainly, for they are rising and rapidly. The Federal Government is in much worse financial straits in the decade of the 1980's than it was then when deficits were a fraction of what they are today. What is different is a growing awareness of what constitutes adequate insurance against disease and disability in the context of aging and medicine in our times. What is also different is the dawning of new light on the need to continue crafting real solutions to real problems even as—especially as—we seek ways to reduce the Federal deficit. The United States can only afford programs that work and the Medicare Program, while working well for some, has done little for many others who needed it most.

For 22 years our Government has sought to protect those at highest risk, the elderly and disabled, through Medicare. Unfortunately, however, the program's limited scope in the face of long-term acute illness has handicapped it from the word go—and the problem has only gotten worse over time. Advances in medical technology during the last two decades have extended life spans but often at tremendous cost. Medicare hasn't kept pace. Just as vitiating has been the omission of coverage for preventive measures—be it a simple diagnostic test or a drug which when taken regularly can lessen the chances that a catastrophe will occur.

A recent study entitled "Growing Older in Connecticut," conducted by the Junior League of Hartford and the Connecticut Association for Human Services, had this to say about the shortcomings of the Medicare Program as it is currently administered:

> Medicare is not a comprehensive health care insurance program. Many services, particularly preventive health care services, are not covered. The most significant of these are routine physicals, eyeglasses, hearing aids, dentures and out-of-hospital prescription drugs. Other services are so severely restricted that few recipients are able to obtain any coverage at all.

The study offers the example of an elderly Connecticut resident who has had cataracts removed from both eyes and finds paying for his prescription drugs next to impossible on a limited income. The gentleman, 79-year-old George Watson, describes his predicament like this:

> My eye drops cost like the devil. My heart pills, blood pressure medicine and all runs about $60, and I have to fill it once a month. You're not going to neglect your eyes.

Unfortunately, Mr. President, too many elderly people do neglect to get the right care or take the right medicine because to do so means not enough money for the grocery bill or the rent. And it costs all of us more in the long run, both in the costs to humanity and the big bills Medicare winds up paying because it has refused to help enough with the smaller ones.

This conference report before us today recognizes the need to make Medicare more responsive to preventing catastrophes in the making as well as addressing those which have already occurred. It moves Federal health insurance further in the direction of comprehensiveness, not as measured by some all expenses paid plan but in terms of a commitment to shouldering more of the burden for the kinds of hospital and out patient bills that matter most—the bills which buy the care that is most appropriate and necessary for bettering and saving lives.

Hospital coverage under Medicare is extended to 365 days per year—a major improvement over the current limit of 90 days annually plus the lifetime reserve of 60 days.

Deductibles and copayments—which have heretofore amounted to a big chunk of the out-of-pocket costs elderly Americans pay—are capped. The annual hospital deductible would amount to no more than $564 in 1989. Beginning in 1990, out-of-pocket costs for physician care covered by Medicare would be limited to $1,370 per year.

A brand new benefit would, beginning in 1991, pay up to 50 percent of the costs of outpatient prescription drugs over and above a deductible initially amounting to $600. In 1992, the percent of coinsurance paid by the patient would drop to 40 percent, and in 1993, 20 percent.

The costs of this major expansion of the Medicare system, the first since its creation more than 20 years ago, will be borne by Medicare beneficiaries in proportion to their ability to pay. The new income-related premium will be paid only by Medicare recipients who pay Federal income taxes—approximately 40 percent of all Medicare recipients. It will average $285 per year in 1989, going up to $506 in 1992. The maximum income-related premium will be $850 in 1989 and $1,050 in 1993. The increase in part B premiums, which all beneficiaries pay, will be a flat $4 per month in 1990, increasing with the phase-in of new benefits to $10.20 in 1993. Social Security income is in no way affected.

Even though this expansion of benefits is designed to pay for itself through higher premiums, concerns continue to be raised about costs and the increased demand for services this legislation will foster. Let's be clear about the facts: the demand is there already but it's not being adequately addressed. To the extent it is addressed at all, it is not done so in the most cost-effective way.

The Medicare Catastrophic Coverage Act takes positive steps in the expansion of acute care services, but to my mind, its landmark achievement is its coverage of services designed to detect disease in its earliest stages and maintain good health. For instance, Medicare will now provide for breast cancer screening and mammography on a schedule appropriate to the age of the woman. The costs of hospitalization and treatment for breast cancer range from $11,000 to $60,000 per case. In comparison, a mammogram costs $125 to $175.

Other changes provided for in this legislation which will lower costs and result in more compassionate care relate to the expansion of home care coverage. Chronically dependent, home-bound Medicare recipients will be eligible for 80 hours of respite care per year. This means having someone who will come into the home and give that relative or friend who is providing the primary, hands-on care, a break during which to leave the patient's bedside. Medicare enrollees who require intravenous drug therapy but do not otherwise need to be in a hospital can be covered for such treatment in their homes.

This legislation also makes some major and much-needed changes in the Medicaid Program. For example, States will be required to cover all pregnant women—and their babies for their first year—at or below the Federal poverty level under Medicaid—regardless of State eligibility requirements. I am proud that Senator DURENBERGER and I were among others to introduce legislation to ensure that prenatal care, which is both cost and health effective, be available to those women who need it most. Infant mortality is rising in the United States and low birth weight is the principle correlate of infant mortality. The Office of Technology Assessment has reported that every low birthweight pregnancy prevented through prenatal care saves the U.S. health care system between $14,000 and $30,000 in neonatal hospitalization costs.

The bill further requires Medicaid to pay the Medicare premiums, deductibles, and coinsurance costs for elderly and disabled individuals with incomes below the poverty level, thereby assuring access to all the provisions. That will plug the major continuing hole in the Medicare safety net. These expansions in Medicaid coverage will be funded by savings to Medicaid resulting from the broadened Medicare benefits contained in this bill.

One last feature of this legislation that deserves commendations is its establishment of the U.S. Bipartisan Commission on Comprehensive Health Care to examine shortcomings in current health care delivery and financing mechanisms and to make specific recommendations to Congress on Federal programs, policies, and financing needed to assure the availability of this sort of care for all Americans.

The idea of such a Commission has occurred to many of us, in and out of Government, as we consider the problems in health care in America today and the multiplicity of proposed solutions. This expansion and adaptation of the Medicare system is a piece of the puzzle and offers important clues for what the overall picture, public and private, should look like. But how does it fit with other initiatives to protect all Americans against catastrophes—working people with no insurance for whom bankruptcy is just one major doctor or hospital bill away, families with not enough insurance to care for a seriously ill child, kids who are at risk of contracting childhood diseases which would otherwise be eradicated if we saw to it that every child got the necessary vaccinations and preventive care?

Such a commission, as called for in this legislation, can look at the big picture, and draw the necessary conclusions concerning the interrelated issues of access, quality and costs. I welcome its creation and will do all I can to see that the membership and the mission of this body will be broad enough and broad-minded enough to ensure that its recommendations are in the best interests of all Americans—patients and providers, public sector and private.

Mr. President, in short this legislation is good medicine for America. The conferees should take pride in their work and so should the Nation as a whole.

Mr. HELMS. Mr. President, during the debate on this bill in October 1987, Senators were barraged with letters and phone calls from Medicare recipients in their home States demanding support for the Senate catastrophic bill. Medicare recipients had been assured by the powerful Washington lobbying groups that the bill would relieve them of all their medical cost worries. It was the best thing, they had been told, since Medicare itself.

None of this is true, of course, and I voted against that bill because, after reading it, I realized that these citizens had been led down the primrose path once again.

What a cruel hoax. Shortly after passage of the catastrophic bill, Mr. President, our elderly citizens began to see through the political rhetoric and realized that this bill was not the manna from heaven that they had been misled into believing it was. H.R. 2470, as passed by the Senate, would have imposed a higher part B premium and would have imposed an income-related tax on elderly citizens for benefits they are already receiving under Medigap policies.

Realizing all this Mr. President, the letters and the phone calls began pouring in opposing the catastrophic bill and they have continued in that direction ever since.

I had hoped, Mr. President, that once this bill reached the conference committee, sanity—not politics—would prevail, but unfortunately, this is not the case. This conference report, although it is wrapped in a pretty package of benefits, will put a catastrophic squeeze on the pocketbooks of our Nation's elderly. Part B premiums will rise for everyone, Mr. President. About 63 percent of the program cost will be borne by 40 percent of the elderly through an income-related supplemental premium.

What that means is simply this: In 1989 our elderly's tax liability will rise by 15 percent; in 1993, it will increase 13 percent more to 28 percent more than what it currently is. After that date the surtax will rise by 1 percent per year every year thereafter.

If an elderly person's tax liability in 1989 is $2,000, that person's tax liability will increase by $300 in 1989 and by $560 in 1993. If he or she has a tax liability of $5,000 in 1989, that person's tax will increase by $750 that year and by $1,400 in 1993. Senators can calculate for themselves what the cost will be for every year thereafter.

I doubt that many elderly who support this conference report really understand what it provides. As I mentioned, the majority of them have Medigap policies which provide similar if not superior benefits to those embodied in this conference report.

As one Senator, I will vote against this conference report. I cannot lend support to hoisting such a significant tax burden on the backs of our Nation's elderly. They deserve better than this—and, at a minimum, they deserve the truth, the whole truth, and nothing but the truth.

Mr. BENTSEN. Mr. President, I am gratified at the support shown in the Senate for this historic legislation. Today marks the end of a long and successful journey. To all of my colleagues who have labored so diligently to offer Medicare beneficiaries financial protection against catastrophic illness, I say: you have much to be proud of.

I want to take a moment to thank some of the individuals whose contributions made possible this historic moment: the members of the Senate Committee on Finance, particularly the ranking member, Mr. PACKWOOD, and the conferees, the distinguished Republican leader Senator DOLE and Senators BAUCUS, BRADLEY, MITCHELL, PRYOR, CHAFEE, HEINZ, and DURENBERGER. I also want to acknowledge the leadership of the distinguished chairman of the House Ways and Means Committee, Mr. ROSTENKOWSKI, and the chairman of the Energy and Commerce Committee, Mr. DINGELL, as well as the contributions of Mr. STARK, Mr. WAXMAN, Mr. GRADISON, and Mr. MADIGAN.

I am also grateful for the hard work of the many individuals within the administration, particularly Dr. Otis Bowen, the Secretary of HHS, and Joe Wright, the Deputy Director of OMB.

Finally, Mr. President, we all owe our thanks and gratitude to the truly unsung heroes of this enterprise. Let me mention a few of them: Sandy Christensen, Don Muse, Jean Keyser, and Alan Fairbanks of CBO; Janet Lundy, Janet Kline, and Jennifer O'Sullivan of the Congressional Research Service; Chip Gregory and Ed Grossman of the Office of Legislative Counsel; and Ron Pearlman and Peter Merrill of the Joint Tax Committee.

CERTIFIED REGISTERED NURSE ANESTHETIST FEE SCHEDULE

Mr. CHAFEE. I am concerned that two of the "technical" amendments added to the catastrophic bill during the conference could change the direct reimbursement fee schedule for certified registered nurse anesthetist services before that fee schedule has been fully developed by the Health Care Financing Administration and proposed for congressional and public comment. It is my hope that these technical amendments would not undermine the establishment of an equitable fee schedule under Medicare part B for CRNA's, consistent with our previous action and intent in this area. I would hope that we can revisit the two issues raised by these technical amendments after we have had a chance to review the proposed fee schedule.

Mr. BENTSEN. These technical amendments were included at the request of the Health Care Financing Administration to deal with some problems that it perceived in developing a fee schedule for certified registered nurse anesthetists. We will certainly review these provisions at the time we see the proposed fee schedule for CRNA services. The Finance Committee is very interested in assuring a reasonable fee schedule which protects access to health care in rural areas and which is an inducement for nurses to serve in this specialty. One issue that needs careful consideration is reimbursement for time spent on call by a CRNA at a hospital.

Mr. MITCHELL. I share the chairman's concerns about the CRNA fee schedule. We will be looking at these issues closely when the proposed fee schedule has been completed, and we certainly intend that the fee schedule be fair to CRNA's practicing in all areas and settings, including rural hospitals.

Mr. ADAMS. Mr. President, I rise today in support of the Medicare Catastrophic Protection Act. The provisions of this bill evidence the commitment of Congress to reduce the burden of health costs that plague our Nation's senior citizens.

As a member of the Labor and Human Resources Committee, I am acutely aware that the Medicare program fails to adequately protect our Nation's elderly population from the high cost of medical care. Medicare was enacted because this Nation recognized that the elderly simply could not afford the cost of basic medical care. Yet today, the average out-of-pocket health care cost for the elderly amounts to 15 percent of their incomes—the same level that existed before Medicare was enacted.

At no time is this lack of coverage more evident than when one must assume the cost of long-term illness. In the event of serious illness, Medicare recipients can expect to pay more than $12,000 in out-of-pocket expenses during a 4-month hospital stay plus 20 percent of the cost of all physician services rendered. Under these conditions, a prolonged hospital stay can spell financial ruin for a Medicare beneficiary. Clearly, while the health of our older population has improved, their ability to absorb the cost of medical care has not.

The Medicare Catastrophic Protection Act attempts to address this concern by placing a cap on the health care costs Medicare beneficiaries must pay and by providing unlimited coverage for hospitalization and physician services. Recognizing that prescription drug costs account for the largest out-of-pocket cost for 75 percent of our senior citizens, this bill also includes a drug coverage provision that will pay 80 percent of drug costs in excess of $600. Thus, this bill insures that our elderly citizens have access to the basic health care services they need without forcing them into financial ruin.

I am also pleased with the provisions of this bill that are designed to improve the Medicaid system. In particular, I am proud to have cosponsored an amendment to the original bill that will protect the income and assets of the spouses of Medicaid-eligible nursing home residents. Under current law, an elderly couple has to spend down their life savings in order to become eligible for Medicaid nursing home benefits. Under the spousal impoverishment provision of this bill, the at-home spouse will be able to preserve his or her financial integrity while also insuring that his or her spouse receives the necessary care and attention.

I have also cosponsored a provision in this bill that will expand Medicare coverage for preventative health care services. At a hearing on cancer detection in women I cochaired earlier this year, expert witnesses from around the Nation presented testimony that detailed the need for increased access to health screening services. Preventative health measures, they insisted, are a necessary investment in the health of our elderly population. Responding to their recommendations, the Medicare Catastrophic Protection Act will extend coverage for biannual mammograms for all female beneficiaries. In this way, we can help women avoid the tragic consequences of undiagnosed breast cancer.

Mr. President, it is clear that the time has come for this Nation to address the health care needs of the elderly. The Medicare Catastrophic Protection Act is an important piece of legislation that breaks new ground in the delivery of health care services. While I feel that there is still work yet to be done in the area of long-term care, this bill will go a long way toward reducing the threat of financial ruin due to catastrophic illness. As a nation, we owe our elderly citizens a debt of security in sickness and in health. By passing the Medicare Catastrophic Protection Act, we will be taking a giant step toward this goal.

Mr. KARNES. Mr. President, I rise today to indicate my support for the conference report on H.R. 2470, the Medicare Catastrophic Coverage Act of 1988.

Several months ago when this legislation was before the Senate, I was 1 of 11 Senators who voted against it. At the time, I gave several reasons for my opposition.

First, the bill did not address the real problem for the vast majority of older Americans—long-term care and nursing home costs. More than 80 percent of health care expenses incurred by the elderly are related to long-term care and nursing home costs.

The original bill did not cover those needs, and this conference report doesn't either.

Second, the cost of the program in the original bill was $22 billion. This conference report projects costs at $33 billion—a 50-percent increase over the Senate bill. What was changed was the imposition of supplemental premiums to cover those added costs.

The conference report would still affect only a small percentage of Medicare recipients, but I am convinced that it will provide health care coverage for those needing it most.

Third, in voting against this legislation last fall, I was unpersuaded that ultimately the future costs of this program would not challenge the solvency of the Medicare Trust Fund. The conference report does make certain that these costs will be borne by the recipients of the benefits, but I remain cautiously optimistic that future costs for this program can be held in check. I will be monitoring these costs and the status of the trust fund closely.

Mr. President, this is just the first step in addressing the long-term health care problem this Nation faces. We still must address that issue. But this legislation alone will not do it.

This conference report supplants the current part A and part B Medicare coverage. It provides an inpatient hospital deductible, extends nursing care services for up to 150 days, limits out-of-pocket expenses for catastrophic illness related care, gives coverage for outpatient prescription drugs with a deductible of $550 beginning in 1989 indexed so that approximately 16.8 percent of Medicare beneficiaries would exceed the deductible limit, and protection for a community spouse for individuals near the poverty level. The legislation provides a number of other reforms of the current Medicare system especially in the area of certifying supplemental insurance benefit coverage.

The cost of this new Medicare—catastrophic health care coverage is $22.50 per $150 of Federal tax liability in 1989. This rises to $42 per $150 of tax liability in 1993.

There is a supplemental premium cap of $800 in 1989 rising to $1,050 in 1993. This means a Medicare beneficiary could pay as much as $831.10 in premiums in 1989, and by 1993, be paying as much as $1,092.60.

Mr. President, the senior citizens of Nebraska, which constitute the fourth highest per capita aged population in America, need to be assured that any new Federal legislation we are asking them to pay for is fair, is responsive to their health care needs, and is fiscally responsible. In my judgment, this conference report approaches achievement of these goals to a degree that merits my support. As in every piece of legislation, there are provisions which are more acceptable than others. This is one of those bills.

We do need comprehensive long-term health care coverage for all Americans that not only address catastrophic illness, but long-term and nursing care costs associated with the kind of health problems experienced by a majority of older Americans.

Mr. President, this conference report leaves that issue untouched. There are, however, bills in the Senate and in the House that go far beyond the limited catastrophic health care coverage provided here. The House of Representatives is expected to vote this week on such legislation. My initial reaction to those proposals is that they are far too rich for our blood. Congress must provide all Americans with the opportunity to have adequate health care coverage at affordable prices. Whether such coverage can be best provided by the Government, the private sector, or a combination of the two remains to be decided.

I have been working for months with other Senators on both sides of the aisle to fashion health care legislation to provide adequate coverage and makes the private sector a partner in that effort. I look forward to working with my colleagues on this legislation and providing true, comprehensive health care, including long-term and nursing care, for all our citizens, now and in the future.

Finally, Mr. President, my decision to support this conference report was not an easy one. I retain a number of reservations about the legislation, especially its costs. Fortunately, we can reserve the opportunity to review this legislation if costs cannot be controlled or the Medicare trust fund is threatened. In addition, once Medicare recipients have an opportunity to become educated about this new program and its costs, we in the Congress must be prepared to review it, and perhaps restructure it to meet such concerns.

Mr. DOLE. Mr. President, on January 27, 1987, President Reagan spoke to the Nation and to the Congress and presented his legislative priorities. Among those priorities was providing the elderly protection against the costs of a catastrophic illness. Today we have before us the final product of that effort.

PRODUCT OF MANY

Early in 1987 the Senator from Kansas introduced the administration bill. At about that same time, I joined with Senators DOMENICI, DURENBERGER, DANFORTH, and CHAFEE in introducing our own proposal S. 754 and joined with Senator BENTSEN, the distinguished chairman of the Senate Finance Committee in introducing S. 1127.

Each of these measures had a number of things in common. First, we chose to build upon the existing Medicare Program rather than create an entirely new program. Second, to a large extent we avoided adding a great many new benefits, preferring to target our resources on providing protection against acute care catastrophic costs. Finally we wanted to keep the costs of the program under control knowing that the elderly of this country would bear the cost of this new program.

NEW PREMIUM FINANCING

While the basic benefit design of these three bills was very similar, Senator BENTSEN suggested that we find a way to finance the expansion without further drawing down the Medicare trust fund. He was particularly concerned, as we all have been, in protecting the low-income elderly.

It was clear that there was no perfect way to solve the problems related to these individuals but the proposal originally agreed to by the Finance Committee, and contained in large part in the bill before us today, goes a long way in the right direction in providing for both a slight increase in the basic part B premium and an additional supplemental premium based on the amount of taxes an individual pays. Therefore, it takes into consideration an individual's ability to pay for this protection and in doing so allows this coverage to be more affordable for low-income beneficiaries.

However, as I noted at the time the committee first considered the bill, I do have some concern about using an individual's income tax liability as the mechanism for determining the amount of the premium and am concerned that we not allow this new premium to become overly burdensome. I am even more concerned now that the premium is mandatory, not voluntary as originally proposed by the Senate.

I find this aspect of the conference report to be very troubling. I fundamentally believe that people should be given a choice. While we believe our program to be the best option available to the elderly, it may well not be in the view of some.

I believe this issue of voluntary versus mandatory may well have to be reexamined again in the future. I am also convinced that we may well be back here if the costs of the program grow so large that the premiums become burdensome. I, for one, will not want to see us simply add to the deficit to avoid facing this problem. As we are only too aware part B of Medicare is already financed by general revenues, 75 percent. I can see pressure necessary to increase that amount. So let's beware.

NEW BENEFITS

There are two other particular aspects of the conference agreement that trouble me: The immediate addition of a full drug benefit and coverage of respite care.

In the case of drugs, we all agreed that there might well be a need for coverage of drugs under the program. In fact both my original bill and Senator BENTSEN's bill provided for studies to be done to determine what drugs we might appropriately cover and how we could keep costs under control. This last question, of course, was the most difficult to address. Not having ever covered outpatient drugs under the program we were very concerned that we not add a new benefit that grew quickly out of control.

The conference agreement tries to strike a balance between fiscal constraint and reasonable benefit expansion. However while a great many of my concerns have been addressed, I would still urge caution. I, for one, will be watching very carefully to make sure the benefit does not become so costly as to make the program prohibitively expensive for the elderly.

RESPITE CARE

With regard to respite care our concerns were really that the entire issue of long-term care deserved our attention—not just one aspect of those services. Questions have been raised by a number of people as to whether or not respite care is a cost-effective way of utilizing our resources, and whether these services really do help delay institutionalization. We will also be watching the use of this benefit carefully.

NOT THE PERFECT ANSWER

There is no question that there are flaws in this bill. We should be concerned about the financial impact on the middle-income elderly along with those who are low income. Our goal should be to help not harm these individuals. Time will certainly tell us where we went wrong and how we might improve the program. However, there is a great deal that I believe we can be proud of with respect to the bill. Improvements in protection against out-of-pocket costs; modifications of the home health-care benefit; additional protection for low income women and children; and the addition of protection of the elderly whose spouses have been institutionalized in a nursing home.

HARD WORK DONE BY ALL

While I may disagree with aspects of the final bill we have before us today, there is no question that a great deal of hard work was done by a great many individuals. The distinguished chairman of the Finance Committee, Senator BENTSEN, deserves our congratulations for having completed work on one of the most complicated Medicare measures we have ever had before us. His patience and persistence helped to make what was a dream a few years ago, into a reality today. I am sure our former colleagues Senators Long and Ribicoff would be pleased to see come to fruition a measure they first talked about in the 1970's.

Senators MITCHELL, CHAFEE, DURENBERGER, and HEINZ are also to be complimented on their hard work. Their willingness to spend hours and hours in committee hearings and in conference negotiations made the bill far better than it would have been otherwise.

And of course, President Reagan and the Secretary of HHS, Dr. Bowen are to be complimented on having begun the discussions in 1986 that provided the impetus for our work here today.

ON TO LONG-TERM CARE

Our work on catastrophic coverage seems to be at an end but looming before us is the more difficult problem of long-term care. I look forward to working with my colleagues in finding a reasonable and fiscally responsible answer to this dilemma.

Mr. GRASSLEY. Mr. President, I am going to support the conference report on the Medicare Catastrophic Coverage Act of 1988.

When the Senate version of this bill was debated last October, I made several points which seemed to me at the time to have been insufficiently emphasized. I think it would be appropriate here to remind my constituents and others interested in this bill, whether for it or against it, of these points.

First is the fact that some number of Medicare beneficiaries do spend inordinate amounts of money for health care out-of-pocket each year. I cited last year a study which found that 23.9 percent of all elderly spend more than 15 percent of their income on the costs of acute health care services, and that 37 percent of those older people with incomes of $10,000 or less spend more than 15 percent of their income of such services. The most important point here is that these expenditures are very much influenced by hospital stays. Some 40 percent of elderly of all incomes who have a hospital stay spend more than 15 percent of their income out-of-pocket for health care, and an astonishing 56.2 percent of older people with incomes of $10,000 or less and with a hospital stay spend 15 percent of their incomes on acute health care services. One of the strongest provisions of this bill would reform the hospital insurance portion of the Medicare Program and should have the result of greatly reducing the out-of-pocket expenditures for hospital stays.

Second, many have observed that many older people will pay higher premiums and will receive no benefit from the program. This is undoubtedly true, although it is very important to note that, because the program will work like traditional insurance coverage, many people who do not benefit in any particular year may benefit in later years. It is especially the case that, as an individual grows older, the likelihood that they will need the protections offered by the program, increases.

It is also true that the bill does not address, in any major and systematic way, long term care needs. The bill does contain provisions which would extend the Medicare skilled nursing facility benefit from 100 to 150 days and eliminate the prior hospitalization requirement, would improve the Medicare home health benefit, would add a respite care provision, and would provide some protection against spousal impoverishment. Although I would not want to exaggerate the benefit to Medicare beneficiaries of these provisions, neither do I want to underestimate their importance. Spousal impoverishment, for instance, is one of the most grotesque features of the long term care problem, and has been for many years. The spousal impoverishment provision of the bill, although it would not prevent all spend down, would certainly provide spouses residing in the community an appreciable measure of protection from it. I do anticipate that the Congress will consider, in a more comprehensive way and before much longer, certainly by the next Congress, the great remaining problem of long term care. I hope to be a part of that debate.

In the meantime, Mr. President, I intend to support the conference report on the Medicare Catastrophic Protection Act.

Mr. KERRY. Mr. President, I would like to commend Senator BENTSEN and the members of the conference committee for their diligence in bringing this conference report to the floor of the Senate and a final vote. I recognize that the process of getting us to this point has been a long and often arduous one but the legislation before us today represents a very reasonable, responsible and bipartisan approach to the issue of alleviating the burden of catastrophic health costs to our elderly.

The measure we are about to vote on today, perhaps the most important legislative accomplishment of the 100th Congress, represents the most significant expansion of the Medicare Program since we passed the enabling legislation in 1965.

The catastrophic legislation before us today makes several important and long overdue changes regarding the Medicare Program. First, it places an overall limit on out-of-pocket expenses for services covered by Medicare including inpatient hospital care and physician and outpatient services. More specifically, it provides for coverage of an unlimited number of days in the hospital; limits beneficiary costs for hospital care to one deductible per year; eliminates all coinsurance payments and caps out-of-pocket costs for physician services at $1,370 in 1990.

In addition, the bill adds a new benefit to provide up to 80 hours of respite care, increases coverage for home health care, expands coverage for stays in a skilled nursing facility; reduces the beneficiary cost sharing requirement for skilled nursing facility coverage and provides Medicare coverage for a mammogram every other year for women aged 65 and older. This last benefit falls under the rubric of preventive care, which is not typically the jurisdiction of Medicare. Nevertheless, it calls to mind the old saying that "an ounce of prevention is worth a pound of cure." Early and preventive screening for breast cancer will mean early treatment and the savings will be measurable in both lives and dollars.

Mr. President, the compromise worked out on the prescription drug benefit represents a crucial and long overdue addition to our Medicare Program and I am particularly pleased to see it included in the bill before us today. Drug costs remain the highest out-of-pocket health care costs for senior citizens. People over 65 purchase over one-third of the prescription drugs sold in the United States and almost 5 million Medicare beneficiaries currently spend more than $400 each year on prescription durgs. It is a sad commentary on our country as a humane nation when we force our citizens to choose between buying prescription drugs and paying for day-today necessities.

The catastrophic bill goes a long way toward eliminating this impossible choice and phases in a new prescription drug benefit over 3 years: in 1991, Medicare will pay 50 percent of the cost of prescription drugs after the beneficiary meets an annual deductible of $600. In 1992, the Medicare coverage rises to 60 percent while the deductible increases to $652 and finally in 1993 when the benefit is fully implemented, Medicare will pay for 80 percent of the costs over the deductible.

I am also very pleased that the conference report addresses the issue of spousal impoverishment and contains much needed protections against asset and income depletion. There is absolutely no reason why a couple married for 30 years must even consider getting a divorce to protect the wife's income and assets while the husband impoverishes himself to qualify for Medicaid funded nursing home care. This is immoral—this is not America—this is an abomination. And, this legislation will eliminate the need for its consideration.

Finally, Mr. President, a word about long-term care. Although the measure before us today makes great and significant strides in protecting our Nation's senior citizens from catastrophic health costs, it is only a first step. We must continue to focus our energies and our efforts on addressing a concern that ultimately affects each and every one of us and is rapidly becoming a national family crisis. Repeatedly, I hear of examples that serve to underscore the concerns the long-term-care issues raises, such as the Massachusetts woman who told me that it broke her 97-year-old aunt's heart not to be able to leave anything—"just a little something"—to her niece for helping to care for her the 2 years before she died. The aunt had nothing left to leave because her entire life savings—$80,000—had gone to paying for nursing home care.

I'm sure that many of my colleagues could relate similar anecdotes. In a society where one test of justness and humaneness is the way we care for the sick, the elderly and the poor—anecdotes such as this are unconscionable.

The catastrophic legislation before us today is certainly a step in the right direction—but it is only a step. We have a long way to go. There is certainly no easy solution to the issue of long-term care and certainly any solution will not be without cost. Nevertheless, we must begin now to add it to the scope of our national agenda and to keep it at the forefront until we find a solution.

Mr. President, people often characterize the elderly as "they", but the elderly are not "they"—the elderly are "we". All of us are aging and the decisions we make today about aged care, whether they relate to health care or housing or other social services, will affect the quality of life, the quality of health care and the social support available to all of us at some point in our lives and in the lives of those we love. It is clearly in the national interest to work toward these goals.

I am pleased to support this legislation and urge my colleagues to support its expeditious passage and I urge the President to sign this measure into law.

Mr. SASSER. Mr. President, let me rise today in support of H.R. 2470, the Medicare Catastrophic Coverage Act of 1988.

Threat of catastrophic illness is one of the most paralyzing fears confronting our Nation's elderly population. And as the growth of our elderly population continues into the next century, this threat will only increase, rather than diminish in magnitude.

By the year 2030, more than one in five Americans will be over the age of 65. The number of elderly Americans will increase from 25.5 million in 1980 to 64.6 million in 2030. And the number of very old Americans, over the age of 85, is expected to increase from 2.2 million in 1980 to 16 million by 2050. This dramatic increase in the number of elderly individuals in our society means that we can expect equally dramatic increases in health care expenditures. H.R. 2470 is an important first step in curbing the growth of health care expenditure.

H.R. 2470, the Medicare Catastrophic Protection Act of 1988, would protect Medicare beneficiaries from incurring devastating financial expenditures in times of catastrophic illness. In the area of hospital care, for example, the bill limits beneficiary liability to one hospital deductible per calendar year. Similarly, the bill also limits beneficiary liability for physician services to approximately $1,370 in fiscal year 1990, with additional increases in liability to be indexed to the Social Security COLA. Finally, beneficiary expenses for stays in skilled nursing facilities would be scaled back to 8 days of coinsurance per year.

In addition to limiting beneficiary liability, H.R. 2470 would expand Medicare benefits in a number of areas, including Medicare coverage of home health and outpatient mental health services. Limitations on the number of days of inpatient hospital coverage covered by Medicare would also be removed, so that Medicare would pay, at least in part, for an unlimited number of hospital days.

Posthospital care benefits would also be expanded. Hospice benefits, for example, would be extended beyond the current 210-day limit to ensure that terminally ill patients have adequate access to Medicare coverage. And skilled nursing facility coverage would be expanded to include 150 days of posthospital care.

In addition, H.R. 2470 provides for Medicare coverage of prescription drugs, one of the most rapidly inflating categories of health care expenditure for the elderly. Beginning in fiscal year 1990, Medicare will provide partial reimbursement for immunosuppressive drugs and home IV therapy. And beginning in fiscal year 1991, Medicare coverage will be expanded to include partial reimbursement of all FDA approved prescription drugs. These additional drug benefits will be financed by a $4 per month increase in the Medicare part B premium beginning in fiscal year 1990. Thereafter, the additions to the monthly part B premium are indexed in such a fashion as to keep pace with inflation, and are not to exceed $10.20 per month in 1993.

Mr. President, I believe that this is a fair and equitable way of establishing Medicare coverage of prescription drugs without imposing undue financial hardships on our Nation's elderly.

Finally, H.R. 2470 would expand the scope of Medicare coverage to those individuals least able to pay for their own health care expenditures—those Americans with incomes at or near the poverty line.

Most importantly, H.R. 2470 finances these additional health care expenditures in a matter which is deficit neutral. Totally self-financing, the additional costs of these health care expenditures would be financed by a supplemental premium based on the tax liability of each Medicare beneficiary. By limiting the amount of the supplemental premium to $800 per annum in fiscal year 1989, with $50 annual increases, the Medicare Catastrophic Prevention Act ensures that the burden of financing these additional benefits does not fall unduly on the shoulders of Medicare beneficiaries.

In closing, let me note that H.R. 2470 also establishes new standards for the marketing of Medicare supplemental insurance policies. Many of the changes included in H.R. 2470, I am pleased to note, include standards established in legislation which I introduced before the Congress, S. 2243, a measure designed to curb abuse in the sale of Medigap insurance policies.

I am particularly pleased, Mr. President, that model regulations proposed by the National Association of Insurance Commissioners include an explicit prohibition on the sale of Medigap supplemental insurance policies which duplicate Medicare coverage, including the expanded catastrophic care benefits established by this act. I am also pleased, Mr. President, that these same model regulations will require insurers to provide beneficiaries with full refund in instances in which duplicate coverage is provided under a Medigap insurance policy.

Mr. President, I am also pleased to note that the conference agreement requires insurers to inform holders of Medigap policies of changes in Medicare coverage pursuant to the terms of this act, including any duplications in coverage incurred as a result of this act.

Finally, Mr. President, I am pleased to note that H.R. 2470 extends the uniform free look period, the period of time during which Medicare beneficiaries have the opportunity to review the terms of their Medicare supplemental insurance policies, to 30 days. And I am also pleased to note that H.R. 2470 precludes the use of false or deceptive advertising to promote the sale of Medigap insurance policies, upon threat of a civil monetary penalty to be imposed by the Secretary of Health and Human Services.

In addition, Mr. President, as chairman of the subcommittee of the Subcommittee on Government Efficiency, Federalism, and the District of Columbia of the Senate Government Affairs Committee, I am pleased to note the Medicare Catastrophic Coverage Act extends fair and equitable treatment of catastrophic care expenditures to Federal retirees.

The original Senate catastrophic health proposal would have unfairly hurt Federal workers retired on annuities and covered by a Federal employee benefit plan. Since they already receive nearly all of the catastrophic health benefits the Senate bill would have provided, the supplemental Medicare premium would have amounted, in effect, to double payment by Federal retirees for no additional catastrophic coverage. Even worse, since the premium was to be based on taxable income, the Federal worker retired on a taxable annuity would have paid an average of four times as much as a nontaxed but similarly situated Social Security recipient—still without additional benefits.

Therefore, I cosponsored two critical amendments to the Senate version which would ameliorate these inequities between Federal and other workers. They were overwhelmingly adopted by the Senate and I am extremely pleased that they were retained in the conference report.

The first amendment was proposed by my distinguished colleague and friend, Senator PRYOR. It brings the premium base of Federal retirees more closely into line with their private sector counterparts. Basically, it starts with an amount equivalent to the average Social Security recipient's yearly payments. This figure is reduced by any Social Security payments which the Federal retiree actually does receive. The remainder is then deducted from the retiree's annuity before computing his catastrophic premium.

The Pryor-Sasser amendment, then, reduces substantially the gap between what the catastrophic health premium paid by the Federal annuitant and the Social Security recipient. But that was only half the solution to the Federal retiree's problem. He'd still be paying twice for catastrophic coverage he already has under FEHB.

Therefore, I cosponsored a second amendment by my distinguished colleague from Alaska, Senator STEVENS. Under this amendment, the Office of Personnel Management [OPM] will estimate how much in catastrophic benefits payments an FEHB plan will save, because of payment coverage under the Medicare Catastrophic Program. Then, the FEHB premiums of employees covered by that plan would be reduced by an appropriate amount. Thus, the Federal retiree wouldn't be billed twice for the same catastrophic coverage. If the FEHB plan didn't have to pay to provide the coverage, neither should the Federal retiree.

Again, I am gratified that the House-Senate conference retained the Pryor and Stevens amendments. The catastrophic health care bill reported by the conference is a sound one. It comes to grips with the specter of unexpected financial disaster that hangs over too many of our Nation's elderly. But it would have been patently unfair to accomplish this at the expense of those retirees who devoted their careers to Federal public service.

In summary, H.R. 2470 is an important first step toward combating the increasing cost of health care expenditures. However, there are certain areas in which H.R. 2470 does not go far enough. One area which H.R. 2470 does not address is that of long-term-care benefits for the elderly.

Mr. GLENN. Mr. President, I rise to join my Senate colleagues in passing the conference report on H.R. 2470, the Medicare Catastrophic Coverage Act of 1988. This measure has already passed the House of Representatives. With today's Senate passage, it can be sent to the President for his signature.

The Medicare Catastrophic Coverage Act is the first major expansion of Medicare since the program was enacted in 1965. Through a bipartisan effort here in Congress and with the assistance and cooperation of Dr. Otis Bowen, Secretary of the Department of Health and Human Services, we have developed a program which will protect Medicare beneficiaries against catastrophic costs for hospital care, physician services, and outpatient prescription drugs. And although this legislation does not protect Medicare beneficiaries against catastrophic long-term-care costs, it does contain provisions which are steps in the right direction, including the following:

Improvements are made in Medicare benefits for skilled nursing home care, home health care and hospice care;

In-home care for a chronically dependent individual is provided so that voluntary caregivers receive some respite;

It protects the community spouse of a Medicaid-eligible nursing home patient from impoverishment by allowing him or her to keep approximately $786 per month in income, and between $12,000 and $60,000 in assets.

This expanded Medicare protection does not add to the Federal deficit since it is financed by beneficiary premiums—both a flat premium, which will be $4 per month in 1989; and a supplemental premium estimated for 1989 to be $22.50 per $150 of taxes paid, with a maximum of $800.

I understand and share the concerns of many of my constituents who are opposed to these additional premiums and to the fact that current retirees are being asked to pay the full costs of the expanded Medicare Program. However, I believe that the added protection provided by the Medicare Catastrophic Coverage Act is important for our Nation's senior citizens, and is a first step in filling many of the current gaps in the Medicare Program. I am confident that passage of this bill will lead to congressional action on legislation to protect against the catastrophic costs of long-term care. This is a major health policy issue facing us and is a growing challenge given our aging population.

Mr. MELCHER. Mr. President, the catastrophic health care conference report before us today should not be construed by anyone to be a panacea for all of the ailments and shortcomings of the Medicare Program. It will not address the skyrocketing medical inflation rate that continues to threaten the solvency of the Medicare Program. The bill's prescription drug benefit—with a $600 deductible—will not offer sufficient catastrophic protection for many low-income elderly. Finally, we all know it will not provide desperately needed protection against the costs of long-term-care for chronically ill Medicare beneficiaries. However, this legislation does represent an important first step toward filling some significant gaps that have plagued Medicare and its beneficiaries since the program's creation in 1965.

After more than 18 months of deliberations on the catastrophic health bill, the Congress has produced a bill that has gained widespread bipartisan support from the Congress, the Secretary of the Department of Health and Human Services and major aging advocacy organizations including the American Associated Retired Persons [AARP] and the National Council of Senior Citizens [NCSC]. To obtain this broad support, the legislation has gone through multiple revisions. And, as is the case with all compromise measures, no one is pleased with every provision.

I personally believe that the drug benefit does not go far enough to assure that our elderly aren't exposed to what are, for many, catastrophic prescription drug costs. Like AARP and NCSC, I believe that the bill's financing mechanism—based solely on Medicare beneficiary contributions—could be more equitably formulated. However, after weighing the benefits of this legislation against its shortcomings, I have concluded that it has earned the support of the full Senate.

As chairman of the Senate Special Committee on Aging, I held several hearings on the catastrophic health care issue. Although most witnesses expressed their desire that the bill before us today be expanded to include a comprehensive long-term care component, most of them supported—and still support—this bill because of the numerous provisions that will make much needed improvements to the Medicare Program. These important provisions include:

MAJOR PROVISIONS RELATING TO PART A

1. Inpatient Hospital Services:

a. Inpatient Hospital Deductible—The hospital deductible (estimated to be $564 in 1989) would be limited to one per calendar year.

b. Elimination of Coinsurance Amounts for Inpatient Hospital Services—The current hospital inpatient coinsurance amounts for days 61 through 90 and coinsurance for the 60 lifetime reserve days would be eliminated so that beneficiaries would be eligible for 365 days of hospital care.

c. Elimination of "Spell of Illness"—The confusing "spell of illness" concept would be eliminated for determining: the number of hospital days Medicare would cover, the skilled nursing facility coinsurance and the Part A blood deductible.

2. Skilled Nursing Facility (SNF) and Hospice Care Provisions:

a. Cover 150 days of SNF Care—The Medicare program would cover 150 days of skilled nursing care services in a calendar year, and the only coinsurance would be for the first 8 days (estimated to be $20.50 per day in 1989).

b. Prior Hospitalization Requirement—The very restrictive three-day prior hospitalization requirement for skilled nursing facility benefits would be eliminated.

c. Expanding Hospice care—The Medicare program would extend the hospice benefit beyond the current 210-day benefit period if the beneficiary's physician or hospice director recertified that the beneficiary was still terminally ill.

3. Effective Date: The Part A benefits would be effective for services provided on or after January 1, 1989.

MAJOR PROVISIONS RELATING TO PART B

1. Limitation on Medicare Out-of-Pocket Expenses Under Part B:

a. Limit Out-of-Pocket Expenses—Beginning in 1990, after a Medicare beneficiary incurs out-of-pocket Part B covered expenses in a calendar year which exceed the Part B catastrophic limit (estimated to be $1,370 in 1990), (a) Medicare would pay 100 percent of reasonable costs or reasonable charges for any additional Part B covered services in the year, and (b) no further deductibles would be required.

Out-of-pocket Part B expenses would be defined to include the Part B $75 deductible, the Part B blood deductible, and the 20-percent coinsurance required to be paid by beneficiaries for Part B benefits.

Medicare carriers would be required to provide individuals, who have incurred sufficient out-of-pocket expenses to qualify for catastrophic benefits, a notice to that effect.

2. Home Health Services:

a. Extension of Home Health Services—The "intermittent" skilled nursing care definition for home health services would be expanded so that "daily" would be defined as up to seven days a week for up to 38 days in any given period, instead of five days a week for up to two or three weeks.

3. Mammography Screening:

a. Coverage of Mammography Screening—Mammography screening would be covered for elderly and disabled Medicare beneficiaries. For women 65 years of age and over, exams would be available every other year.

4. Respite-Care Benefit:

a. Coverage of In-Home Care for Certain Chronically Ill—In-home care for a chronically ill individual would be provided for up to 80 hours a year. The individual would be eligible to receive such services for 12 months after the individual first meets the Part B catastrophic limit or the prescription drug deductible. A "chornically ill individual" would be defined as someone who is dependent on a voluntary care-giver for assistance with at least two activities of daily living (eating, bathing, dressing, toileting or transferring in and out of bed or in and out of a chair).

5. Provisions Relating to Home IV-Drug Therapy:

a. Coverage—All IV antibiotic drugs and associated services would be covered initially. Other IV drugs would be covered only if the Secretary first makes a finding that such drug generally can be safety and effectively administered in a home setting.

6. Effective Date: The Part B benefits would be effective for services furnished on or after January 1, 1990.

MAJOR PROVISIONS RELATING TO OUTPATIENT PRESCRIPTION DRUGS

1. Coverage, Phase-in, and Deductible:

a. General—Effective January 1, 1991, Medicare would cover all other prescription drugs subject to 50-percent coinsurance in 1991, 40-percent in 1992, and 20-percent thereafter.

b. Deductible—The deductible would be $600 for 1991; $652 for 1992. After 1992, the deductible would be indexed so that approximately 16.8 percent of Medicare beneficiaries would exceed the deductible limit.

2. Utilization and Quality Assurance:

a. General—HHS would be required to establish a program to identify and correct prescription drug utilization and quality problems.

3. Miscellaneous Administration Provisions:

a. Electronic Point-of-Sale Claims Processing—HHS would be required to establish an electronic point-of-sale claims system by January 1, 1991. This system would track drug purchases by beneficiaries to facilitate determination of deductible status.

MAJOR PROVISIONS RELATING TO THE FINANCING OF BENEFITS

1. Supplemental and Flat Part B Premiums:

a. Premium Structure—The catastrophic and presciption drug benefits would be financed through the combination of a supplemental premium based on income tax liability and an additional, flat Part B premium (estimated to be $4 per month in 1989 and $10.20 in 1993).

b. Supplemental Premium Rates—Supplemental premium rates would be set in the statute from 1989 through 1993. Preliminary estimates by the staff of the Joint Committee on Taxation indicate that the premium rate for each $150 of Federal tax liability in each of these years would be:

1989	$22.50
1990	37.50
1991	39.00
1992	40.50
1993	42.00

d. Social Security Hold-Harmless—An individual's Social Security benefit would not decrease due to an increase in flat premiums.

2. Government Retirees:

a. Special Credit—A special credit would be available for individuals with taxable government annuities and small amounts of social security income. The credit reflects the fact that a substantial portion of government annuities are subject to Federal income taxation, while for moderate income individuals, social security income is not subject to tax.

PROVISIONS RELATING TO MEDICAID

1. Medicaid Buy-In of Premiums and Cost-sharing for Poor Medicare Beneficiaries:

a. Phasing in Buy-In Coverage—State Medicaid programs would be required, on a phased-in basis, to pay the Medicare premiums, deductibles, and coinsurance for elderly and disabled individuals with incomes below the federal poverty level ($5,770 per year for an individual in 1988) and resources at or below twice the standard under the Supplemental Security Income (SSI) program ($3,800 in 1988).

2. Spousal Impoverishment:

a. Protection of Income—After an institutionalized individual has established eligibility for Medicaid, States would be required to allow that an individual's spouse living in the community receive a sufficient amount of the institutionalized spouse's income each month to raise the community spouse's income to at least the following levels: effective September 30, 1989, 122 percent of the federal poverty level for a couple (currently $786 per month); effective July 1, 1991, 133 percent; and effective July 1, 1992, 150 percent.

b. Protection of Resources—Effective Sept. 30, 1989, in determining eligibility for Medicaid coverage for an institutionalized individual, States would be required to total all non-exempt resources held by either spouse and divide them equally, subject to the following minimum and maximum amounts: States would have to protect a minimum of $12,000 for the commmunity spouse; States could raise this minimum as high as $60,000.

OTHER MAJOR PROVISIONS

1. Notice to Medicare Beneficiaries:

a. Mailing of Notice—The Secretary of HHS would be required to prepare an annual notice to be sent to all Medicare beneficiaries which would provide a simple, clear explanation of Medicare benefits, coinsurance and deductibles. This notice also would include an explanation of the limits of the Medicare and Medicaid programs with regard to long-term care benefits.

b. Notice Concerning Participating Physicians—A special notice would be included on the explanation of medical benefits for unassigned claims. The notice would contain information concerning assignment and participation. In addition, a booklet would be sent to Medicare beneficiaries once a year with information concerning the participating physician program.

2. Medicare Supplemental Health Insurance Policies:

a. Required Mailing of Notice—Companies who are offering Medigap policies would be required to send a letter to their policy holders a notice explaining the improved benefits contained in the catastrophic bill passed by the Congress and how these improvements will affect benefits contained in the Medigap policy.

3. Study of Adult Day Care Services:

a. Study—The Secretary of HHS would be required to study the feasibility and desirability of Medicare coverage of adult day care services and report to Congress within one year after enactment.

4. Commission on Comprehensive Health Care:

a. Establishment of Commission—A commission would be established to study and recommend to Congress ways to finance comprehensive long-term care, comprehensive health care services for the elderly and disabled and comprehensive health care services for all individuals.

5. Provisions Relating to Federal Retirees:

a. Study on Offering Medicare Supplemental Plans to Federal Medicare Eligibles—The Director of the Office of Personnel Management (OPM) would be required to conduct a study regarding changes to the Federal Employee Health Benefit Plan (FEHBP) that may be required to incorporate plans designed specifically for Medicare-eligible individuals.

b. Rate Reduction for Medicare-Eligible Federal Employees—The Director of OPM would be required to reduce the rates charged to Medicare-eligible individuals participating in FEHBP plans.

As you can see, the benefits included in this bill are significant, and I strongly support them. However, we simply cannot rest on our laurels and ignore the fact that much work has yet to be done to assure our elderly protection against the costs of still uncovered but needed health care. Today, we can and we should celebrate the passage of the catastrophic health care bill. But tomorrow, we in the Senate must refocus our attention on the remaining ailments and shortcomings of the Medicare Program. These include the need to: develop protection against the costs of long-term care; control inflation rates within the health care industry; and improve the prescription drug benefit.

LONG-TERM CARE

We must make a strong commitment in the area of financing long-term care. The catastrophic health care bill does take some modest but important steps toward this goal through the expansion of limited skilled nursing and home care, the inclusion of a new respite benefit for the chronically ill, and the addition of a spousal impoverishment protection provision. However, much remains to be accomplished to truly address the most catastrophic of all health expenses—that of long-term care.

For those elderly spending more than $2,000 annually on out-of-pocket medical expenses, the cost of nursing home care absorbs more than 80 percent of every dollar spent over and above $2,000. Unfortunately, because the majority of elderly persons requiring home or nursing home care require custodial rather than skilled nursing care, H.R. 2470's expansion of benefits offers inadequate assistance to most of the elderly needing long-term care.

In the upcoming months, we all must work together to fight for the coverage of long-term health care. There is no question that it will be difficult to find the funding we need to pay for long-term care for both the elderly and nonelderly who are chronically ill and desperately need assistance. However, to me, it is nothing but a matter of priorities.

As the Senate considered this legislation, I offered two amendments and joined in offering another that would provide information on the need for and availability of long-term care coverage and ways to finance it. I was pleased to note that these amendments were incorporated into the final bill before us. In addition, I directed that the entire volume III of the Aging Committee's annual publication, "Developments in Aging," be dedicated to the issue of long-term care. This recently released report is a compilation of the most recent demographic and statistical data pertaining to long-term care, and can be obtained from the committee. It includes data and background information on, first, the long-term care population; second, long-term care services currently available; and third, a description of past and possible future congressional actions on this issue.

Finally, I plan to introduce a long-term care bill in the near future which will cover the costs of long-term home, adult day and respite care services for chronically ill Medicare beneficiaries. It will include modes cost-sharing by enrollees, but it also will offer a more generous adult day care benefit than the Pepper-Roybal legislation that the House is debating today. In addition, it is my belief that my bill's concept easily can be expanded to cover the costs of long-term nursing home care.

CONTROLLING HEALTH CARE COSTS

As we look to ways to finance needed long-term care services, we also must place a high priority on finding ways to control health care costs. Health care inflation consistently doubles, and sometimes triples, the general inflation rate. We will not be able to successfully expand benefits until and unless we resign in these costs. We cannot go on spending 12 percent and more of our gross national product on health care and still face 37 million people under the age of 65 without any health insurance and 32 million Medicare beneficiaries without protection against the costs of long-term care.

One step toward controlling costs is to reform the way health care providers are reimbursed under part B of the Medicare Program. After Medicare beneficiaries experienced a part B premium increase of 38.5 percent in 1988, few can dispute the fact that part B costs are out of control. I know this issue will be a high priority for the Congress, health care providers, and aging advocates next year and I look forward to working with them on developing realistic policy options. As a start, I plan to release an Aging Committee print later this summer. It will analyze why Medicare part B costs have been so hard to control, provide policy alternatives, and will include statements by various physician and aging advocacy representatives.

PRESCRIPTION DRUG COVERAGE

With regard to the prescription drug provision, we must continue our efforts to build upon the legislation's protection against the costs of outpatient prescription drugs. I was pleased to note that the conferees included several improvements which reflect belief that additional provisions were needed to assure widespread pharmacy participation. As a result of these changes, I believe that all Medicare beneficiaries will have access to this important benefit.

Another important provision in the bill that I had long advocated is a requirement to require the Department of Health and Human Services to establish an electronic claims processing system as soon as the benefit is implemented. I believe this provision will prove to be an essential component of the drug benefit because a computerized system will provide cost-effective, paperwork-free and worry-free claims processing for beneficiaries and providers. More significant yet, is the great potential for controlling the dangers of adverse drug reactions and interactions. The requirement for the electronic processing system will enable health care providers access to quick up-to-date information on what drugs a beneficiary is taking. This information has great potential to help the Secretary establish the program mandated by this legislation to identify and correct cases of adverse drug reactions and interactions which can be the result of excessive and/or inappropriate prescribing problems.

Under the bill's prescription drug benefit, however, there will be far too many elderly who will remain unprotected against drug costs that are, to them, truly catastrophic in nature. I strongly believe that until we improve the drug benefit, we will continue to hear from too many of our constituents who are forced to make the unacceptable decision between buying needed medications or paying for such essentials as groceries and heat. We cannot tolerate such a situation. In my capacity as chairman of the Aging Committee, I plan to closely oversee the implementation of the new drug benefit to monitor any unforeseen administration problems, highlight the benefit's shortcomings, and develop recommendations to lower the deductible.

CONCLUSION

I believe it is essential that we keep in mind that passage of the Medicare Catastrophic Loss Prevention Act is but a first step in protecting older Americans against all catastrophic health care costs. Providing coverage for long-term nursing home, adult day health, home, and respite care, controlling health care inflation, and improving the new prescription drug benefit should be at the top of our list. However, as much as we would like to deal with all the problems facing us at once, we must realize that one step in the right direction is much better than no step at all. In my opinion, the catastrophic health care bill is a modest, but important step in the right direction.

I know the chairman of the Finance Committee, Senator BENTSEN, and the other members of the committee have worked long and hard in developing a package that is both humane and fiscally sound. I commend them for producing the Medicare Catastrophic Loss Prevention Act and I urge all my colleagues in the Senate to vote in support of this important legislation.

Mr. BYRD. Mr. President, I am pleased today to join the distinguished chairman of the Finance Committee, Senator BENTSEN, the conferees, and my other colleagues in supporting the Medicare Catastrophic Coverage Act of 1988 conference report which is presently before us. In particular, I would like to extend my appreciation to our distinguished colleagues, Senator BENTSEN, Senator MITCHELL, and Senator DASCHLE for their leadership, and to recognize as well, the efforts of Senators CHAFEE, HEINZ, and DURENBERGER, in shepherding this bill through the legislative process.

I commend the conferees who have masterminded this plan to protect the Nation's elderly and disabled against financial ruin. Now, for the first time in over 2 decades, Medicare will be significantly expanded to achieve this much needed protection; and, it will be realized in a fiscally responsible manner, consistent with the present economic climate. With enactment of this conference report, 32 million elderly and disabled Americans and their families will now be protected not only from ruinous catastrophic hospital and doctor bills but, also, from excessive prescription drug expenses.

Over 1.3 million Medicare beneficiaries will be afforded needed hospital care without financial devastation to themselves and their families. The current 60-day-per-year limit for free hospital care will be replaced by a provision that allows for unlimited free hospitalization after payment of an annual deductible estimated to be $564 for 1989.

Furthermore, another 2.1 million beneficiaries will be protected from astronomical doctor bills. Where current law puts no limit on out-of-pocket expenses for Medicare covered services, this measure establishes a cap on such expenses. This cap seeks to slow the rise in out-of-pocket health care expenditures, which have been rising faster than incomes, far outpacing Social Security benefits.

Finally, more than 5.6 million people a year are expected to benefit from the drug provisions in this measure. Americans over the age of 65 comprise 12 percent of our population but they use 30 percent of the prescription drugs. And, last year, the price of these drugs rose over four times faster than general consumer prices. For many American families, there has been no way out of that financial squeeze. With this new benefit, however, Medicare will pay 50 percent of prescription drug bills in excess of $600, beginning in 1991, increasing to 60 percent in 1992, and to 80 percent in 1993. A new Prescription Drug Payment Review Commission will advise Congress on Medicare drug coverage and will monitor costs to both beneficiaries and the Government.

Mr. President, this bill is significant in that it not only addresses the direct problems of doctor and hospital care and spiraling prescription drug costs, but it also takes into account many of the related consequences of catastrophic illness. Provisions for hospice care, home health care, skilled nursing care, and respite care will bring needed assistance to beneficiaries requiring these services and will diminish the burden for millions of families. They are crucial to the success of this Catastrophic Health Care Insurance Program.

It is of particular importance to note that the framework of this bill was specifically designed to avoid a payroll tax on all workers. Instead, the benefits of catastrophic health insurance will accrue to beneficiaries on a self-financed basis. This bill represents a balance between the needs of the elderly for affordable medical care and their ability to finance these costs. At the same time, we achieve budget neutrality, which is of equal importance to all Americans.

This legislation also delineates substantial changes in the joint Federal-State Medicaid Program that provides health care coverage to the Nation's low-income elderly and disabled population. This improved partnership will provide the needed Medicare benefits for beneficiaries living below the poverty level. State Medicaid programs will be able to pay the Medicare premiums, deductibles, and copayments for their own economically disadvantaged enrollees.

H.R. 2470 also targets needed improvements in the health care of economically disadvantaged women and children covered by Medicaid. Prenatal, maternity, and child-care services will be available for pregnant women and children under the age of 1 year.

And, finally, the spousal impoverishment provision in the bill seeks to alleviate the deplorable situation in which a spouse living at home must "spend down" all the couple's income and assets in order to qualify for Medicaid payment of nursing home costs of the debilitated spouse. Spousal impoverishment embodies despair and humiliation for countless couples. The provision in this bill addresses this problem directly.

Collectively, all of these provisions establish a new access to care and enhance the quality of life for families in West Virginia as well as millions of Americans. The cloud of fear that has been hanging over too many households for too long, will recede. We have rectified a national travesty with this landmark legislation, and henceforth, families everywhere can look forward to a new peace of mind with respect to acute health care costs.

Mr. President, this catastrophic health insurance bill represents the single most significant and responsible improvement in the Medicare Program since its inception in 1965. As one of the original cosponsors, I urge my colleagues to support this historic legislation.

Mr. WILSON. Mr. President, I rise today in support of the conference report on the Medicare Catastrophic Coverage Act. I support this bill because it provides a means to protect American families against the ruinous costs of acute care coverage. But, at the same time, I am concerned with the potential costs to those individuals we in Congress seek to protect. Although I plan to vote for this legislation, it's with the reservation that after some experience with it, Congress may be compelled to revisit the issue in order to remedy an unintended burden which results from our intended benefit.

The PRESIDING OFFICER. Who yields time?

Mr. BENTSEN. I yield myself the remainder of the time allocated to our side.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. I thank the Senator from Rhode Island for the magnificent contribution he has made on this piece of legislation.

Let me bring a point to mind. I heard in debate just a moment ago the great disappointment that was going to be experienced by the elderly citizens of this country because most of them would not get catastrophic illness benefits. Stop and think about that. What we are talking about here is just like having a fire insurance policy. Not everybody is going to have a catastrophic illness and not everybody wants to have a fire either, but what you are paying is an insurance premium that takes the law of averages and applies it to the individual with the fervent hope that the vast majority never have the need to use this benefit. That is what we are providing. As a matter of fact, we have substantially increased Medicare coverage. Only 1.5 percent of enrollees were running through their 60 days of hospital benefits. But this bill will cover about 7 percent of the people. This bill will provide that much more coverage.

I heard a comment that the supplemental premiums, which is imposed on those people most capable of paying, had gone up to 63 percent of total premiums. I point out that it was about 55 percent in the Senate bill. It started at 75 percent in the House bill in the early years and would have gone up to 90 percent very quickly. Under the conference agreement, the percentage is much closer to the percentage in the Senate bill than the percentage in the House bill. We came out very well.

Let me also point out that the House bill was going to cost $42 billion. The Senate bill was estimated to cost $29 billion. We ended up with $32.6 billion very close to what the Senate bill that the administration purported and almost every Senator voted for. But what we are saying to the elderly of this country and to all the American people is that the nightmares that they fear so much won't occur, catastrophic illness will not wipe out your life savings. Your spouse will not end up losing everything she has as she takes care of you. Your children will not be burdened with trying to cover your medical epxenses. That is going to be taken care of, and the program will have a reasonable stop loss limit. That is what that amounts to. That is what we put in it. We said that a elderly couple that makes $30,000 a year is going to be paying $4 each per month, plus an annual supplemental premium of less than $75 each. When we look at Medigap policies and what they cover, in most instances, it costs you $500, $600, or $700 without nearly the comprehensive coverage that we are offering here—certainly not the drug benefits that you see offered in this bill. That is what we have offered in this monumental piece of legislation. I think it is a major contribution.

In 1993, a typical elderly couple making $50,000 a year would pay about $590 per enrollee. The average income of elderly couples paying the maximum supplemental premium is well in excess of $100,000 a year. Sure, those people making larger incomes are going to help pay for more of the cost of this legislation. What we wanted to do was to keep the improved coverage within reach of the people of this country, and we have done that.

One of the concerns with this bill has been that health insurance has foundered in some other countries because of soaring costs of prescription drugs. We have done a good job in providing safeguards against excessive costs. The drug benefit is going to be phased in over a period of 3 years. But it will say to the elderly that one of the things that has been most expensive for you, will be covered by Medicare if your drug bills are greater than $600 in a year.

And I remind my colleagues that of these benefit improvements will not cost the Treasury $1. This is not a bill that passes the costs on to the younger generation. The premiums will be paid by those people who are 65 years or older and who today are doing better financially than any other age group. The elderly are saying we are prepared to take care of ourselves, and we are willing to pay for these benefits to protect ourselves from the extraordinary, the catastrophic illness. And that is what this piece of legislation does. We have had many people who have made major contributions to the development of this bill and I am most appreciative.

I want to particularly thank Senator Packwood, the ranking member of the Committee on Finance; the Republican leader, Senator Dole, who had substantial input into this legislation, and was very helpful to us; Senators Matsunaga, Baucus, Bradley, Mitchell, Pryor; and again of course Senators Chafee, Heinz, and Durenberger.

I also want to acknowledge the leadership of the distinguished chairman of the Ways and Means Committee, Mr. Rostenkowski; and the chairman of the Energy and Commerce Committee, Mr. Dingell, as well as the contributions of Mr. Stark, Mr. Waxman, Mr. Gradison, and Mr. Madigan. I am also grateful for the work of individuals in the administration, particularly Dr. Otis Bowen. I can just imagine some of the arguments in those Cabinet meetings as he pushed for this legislation. I also want to recognize Joe Wright, the deputy director of OMB, for the work that we were able to do with him in bringing about some needed compromises.

Then there were the unsung heroes of this enterprise, as there are in so many pieces of legislation. Let me mention a few of them: Sandy Christensen, Don Muse, Jean Keyser, and Alan Fairbanks of CBO; Janet Lundy, Janet Kline, and Jennifer O'Sullivan of the Congressional Research Service; Chip Gregory and Ed Grossman of the Office of Legislative Counsel; and Ron Pearlman and Peter Merrill of the Joint Tax Committee.

I say to my colleagues: this is a piece of legislation we can all be proud of. It gives peace of mind to millions of Americans, and I strongly urge you to vote for its passage.

Mr. President, I yield back the balance of my time.

The PRESIDING OFFICER. The yeas and nays have not been called for.

Mr. BENTSEN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report on H.R. 2470. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Pennsylvania [Mr. Specter] is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Florida [Mr. Chiles] is necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

I further announce that, if present and voting, the Senator from Florida [Mr. Chiles] would vote yea.

The PRESIDING OFFICER (Mr. Daschle). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 86, nays 11, as follows:

[Rollcall vote No. 170 Leg.]

YEAS—86

Adams
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Glenn
Gore
Graham
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Hollings
Inouye
Johnston
Karnes
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Stafford
Stennis
Stevens
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Wirth

NAYS—11

Armstrong
Garn
Gramm
Helms
Humphrey
Kassebaum
McCain
McClure
Nickles
Roth
Symms

NOT VOTING—3

Biden
Chiles
Specter

So the conference report on H.R. 2470 was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. DeCONCINI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEATH PENALTY IN CASE OF DRUG-RELATED KILLINGS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2455.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate will be in order.

Mr. BYRD. Mr. President, if Senators would give their attention to the Chair so we will know what the program is for the remainder of the day.

The PRESIDING OFFICER. The clerk will report the bill.

A bill (S. 2455) entitled "Death Penalty in Case of Drug Related Killings."

The Senate proceeded to consider the bill.

Mr. BYRD. Mr. President, I wonder if Mr. D'Amato and/or Mr. Levin would indicate to the Senate what they contemplate for the remainder of the day, whether or not there will be debate only, and if so how long they would like to proceed. Then I would like to inquire of the distinguished Republican leader or Mr. D'Amato or any other Senator as to what their desire is as to the entry of a cloture motion today which would be voted on tomorrow under the order.

Mr. LEVIN. If the majority leader will yield, my understanding is that we were trying to work out some kind of arrangement where there would be perhaps 1 hour debate tonight, the remainder of the 6 hours tomorrow, perhaps starting at the leader's pleasure, perhaps at 10 o'clock, going to 3, perhaps disposing of one amendment of the four that are in order and then have a cloture vote at around 3:45.

The problem is twofold. It has not been cleared to a lot of people yet to the extent you would seek clearance on it. Second, it was our idea Senator D'AMATO expressed a preference if there is cloture invoked that perhaps we could have two of the amendments after cloture if invoked and other amendments Friday morning with final passage Friday morning. That was not yet cleared by the leader.

Mr. BYRD. Mr. President, I would hope we would not spend tomorrow and Friday on this measure. There are two important conference reports which I hope we will be able to dispose of before the Senate goes out for the weekend. We can work as late tomorrow as is necessary.

The distinguished Republican leader has made a good suggestion and that would be we have no problem in moving to the conference reports tomorrow, they are privileged matters, but we do have a fairly tight time agreement on this measure. If we could dispose of them tomorrow I have no problem with the Friday action on the amendments and conclusive final action on this bill Friday.

Mr. LEVIN. That would be fine with me. Senator D'AMATO may have comments.

Mr. D'AMATO. Mr. President, I would think that we could work that out and have a time certain for cloture. We could dispose of the several amendments. I think we might have at the most two amendments that we could finish off on Friday. Each of them have already been limited to 1 hour in relation to the debate. I would see us concluding as early as Friday and getting most of the work done tonight and tomorrow.

Mr. BYRD. Very well.

Then will the Senator be prepared to offer his cloture motion today?

Mr. D'AMATO. Yes.

Mr. DOLE. With the vote coming about 3:45 or 4 o'clock.

Mr. LEVIN. I think that might be offered as far as unanimous-consent agreement and see what kind of response it is. We will try to work out the time that is a most equitable one, but there are still a few wrinkles on it. It makes no difference to me. There were other problems.

Mr. BYRD. The distinguished Republican leader suggests 3:45. Would the Senator agree?

Mr. LEVIN. I suggest 3:45 providing we have 5 hours, assuming we go 1 hour tonight, 5 hours tomorrow prior to cloture, and try to dispose of one of the four amendments that would qualify before the cloture vote if we can.

If cloture is invoked, they dispose of the remainder pf the amendments perhaps Friday morning with final passage Friday and dispose of our conference reports that the Senator mentioned perhaps late tomorrow afternoon. That would be one possibility.

Mr. BYRD. That is agreeable, the 3:45 p.m. vote tomorrow. Shall we put that as a request?

Mr* DODD* Mr. President, will the leader yield?

Mr. BYRD. Yes.

Mr. DODD. The Senator from Kansas, Senator KASSEBAUM, and I, along with the leadership, have proposed some language we hope every Member of the Senate will cosponsor regarding President Duarte of El Salvador. I think the suggestion was maybe leave that around this evening to let people be aware of that issue and then tomorrow at some point raise it.

I would not want to complicate at all the debate on the capital punishment issue and raise that particular issue and see if there is not a small window, even 15 minutes, where we might dispose of that matter.

Mr. BYRD. I am sure the distinguished Senator will discuss that with the Republican leader and there will not be a problem in that regard.

Mr. President, the distinguished Republican leader has suggested a vote at the hour of 3:45 p.m. tomorrow. I have some problem with Senators who are attending graduation ceremonies for their children.

In this instance—I do not like to do this often—I would propose that we have a 30-minute rollcall vote, beginning at 3:45 and ending at 4:15, if that would be agreeable.

Mr. DOLE. Fine.

Mr. BYRD. Very well. I make that as a request.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. BYRD. Mr. President, there will not be any more rollcall votes today.

Mr. LEVIN. Mr. President, will the leader yield briefly?

Mr. BYRD. Yes.

May I get this request while the Republican leader is here?

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT ON H.R. 1212, THE POLYGRAPH PROTECTION ACT

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate proceeds to the consideration of the conference report on H.R. 1212, the Polygraph Protection Act, that the debate on the conference report be limited to 1 hour, equally divided and controlled between the two leaders or their designees; that there be 20 minutes on any debatable motion, appeal, or point of order, if submitted by the Chair for debate; and that any motion to reconsider be debatable, if entered.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Reserving the right to object. I would just ask the majority leader if it might be possible if we could dispose of that before noon on Friday. Would that be a reasonable request?

Mr. BYRD. Yes, it would be.

Mr. DOLE. It is not part of the agreement, but as long as we have that understanding.

Mr. BYRD. Yes, we have that understanding.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the Republican leader and I thank all Senators.

DEATH PENALTY IN CASE OF DRUG-RELATED KILLINGS

The Senate continued with the consideration of the bill.

Mr. LEVIN. Mr. President, will the leader yield for a question?

Mr. BYRD. Yes.

Mr. LEVIN. Mr. President, would it be appropriate, I ask the leader, who I understand controls the time on the pending matter, to designate the Senator from Washington, Senator EVANS, and myself to divide the time in opposition? There are 3 hours in opposition. Senator EVANS and I have agreed, if it is agreeable with the leader, that we would split the time in opposition between us, and the proponents time, I believe, would be controlled by Senator D'AMATO.

Mr. BYRD. Mr. President, then I control half of the time in opposition?

Mr. LEVIN. Yes.

Mr. BYRD. Mr. President, I ask unanimous consent—and perhaps I do not need it—I designate Mr. LEVIN as the controller of the time on this side and Mr. DOLE would so as he deems sufficient on his side.

Mr. DOLE. I designate the Senator from New York, Senator D'AMATO.

Mr. LEVIN. Would you designate Senator EVANS half of the time in opposition?

Mr. DOLE. Yes.

Mr. LEVIN. Basically, he and I agreed we would control the time equally in opposition.

Mr. DOLE. Yes, that is a fair division. So the Senator from New York would have half of the time and the Senator from Washington would have half of the time.

Mr. D'AMATO. If I might make an inquiry, I think what the Senator was saying was that the time in opposition would be controlled by Senator LEVIN and Senator EVANS and I would control the time of the proponents.

Mr. LEVIN. That is right.

CLOTURE MOTION

Mr. D'AMATO. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators in accordance with the provisions of Rule XXII of the Standing Rules of the Senate do hereby move to bring to a close debate on the bill S. 2455, entitled "Death Penalty in Case of Drug Related Killings", Calendar No. 710:

Bob Dole, Don Nickles, Thad Cochran, Ted Stevens, Kit Bond, Strom Thurmond, J.J. Exon, Robert Kasten, Jesse Helms, Phil Gramm, Dave Karnes, Nancy Landon Kassebaum, Paul Trible, Frank H. Murkowski, Pete Wilson, Dan Quayle, Jake Garn, Gordon Humphrey, Pete V. Domenici, Chic Hecht, Alan Simpson, Mitch McConnell, Warren Rudman, Steve Symms, Alfonse D'Amato, John McCain, Orrin G. Hatch, Bill Armstrong, Malcolm Wallop, and Rudy Boschwitz.

Mr. D'AMATO. Mr. President, cloture will be voted on tomorrow at 3:45. I predict that there will be a resounding vote from this body in favor of cloture so that the matter with respect to the death penalty and its imposition will be substantively considered by this body.

I want to commend our majority leader and our minority leader for having helped bring this bill to the floor in a manner where it can have a frank and open debate and in a manner in which the proponents will be able to state their case, where those in opposition can state their case, and where amendments can be offered.

Let me say from the outset, Mr. President, that I have an amendment to this bill. I hope that, under the unanimous-consent agreement, this amendment would be considered. You see, Mr. President, on Tuesday of this week, the Supreme Court, in the case of Maryland versus Mills, indicated that a jury deciding whether to sentence a defendant to death does not have to come to a unanimous decision regarding the existence of any one factor that mitigates the defendant's guilt. In other words, the Supreme Court said that, even though one juror, as it relates to the question of extenuating circumstances mitigating that killing, finds with the defendant, then that juror must have the right to consider that mitigating factor.

Having said that, so that there can be no doubt, this Senator is ready to submit, in the form of a technical amendment, language which clearly states that this must be the case; that even if one person finds, as a result of mitigating circumstances, that the defendant should not receive the death penalty, there would be no ambiguity that he could consider that mitigating circumstance and would not have to vote for the death penalty. That is the law and that is what we wish to do and accomplish in this bill.

I have spoken to the distinguished Senator from Michigan, Senator LEVIN. He has no problem with that. He is going to look to see whether or not he can obtain unanimous consent for that. I hope that could be the case. Otherwise, I want it to be understood now that we will offer that in the form of an amendment to this bill.

Mr. President, year after year, when the issue of the death penalty has been discussed, we have heard the same rhetoric as to whether it is needed or not and whether it is a deterrent. Let me suggest to you, as it relates to the deterrent argument, I do not think that we have to prove whether or not the death penalty will be a deterrent.

I think it is important and it is sufficient to say that the death penalty will reflect the opinion of the majority of people who do conform to the norms of society. It is society's way of saying that we have had enough; that these crimes are so morally depraved that there is only one punishment sufficient, and that is the death penalty.

It is about time that we say to the Darth Vaders of the drug world that you will face the ultimate sanction; that you will face the possibility of the death penalty where you wantonly, and in reckless disregard to human life, go out and pillage our communities, slaughter innocent people and, yes, deliberately take the life of another.

Mr. President, I do not think there is anyone that can argue against the fact that to those who contract murders, that this penalty would be a deterrent to them. Under this bill, the person who gives that order, the drug czar who does it with impugnity now, whether to enforce his code in the criminal world or whether to bring terror to a neighborhood, will think twice if he can be held accountable.

Indeed, gunmen who carry out the order—and we have had numerous cases where they have testified—state they knew that they would not face the death penalty and that it was not a factor that they considered before pulling that trigger. The fact is, Mr. President, that no one can argue with the fact that the person who is executed will be permanently deterred from ever again killing. There is no question.

I do not believe that there is any question that the savagery of these crimes, the brutality of it, cries out for society to respond in a manner in which it says very clearly that it will not tolerate such conduct.

This legislation has been carefully crafted, Mr. President. It does not, as some suggest, say death to the drug dealers. But it does say very carefully that if you are involved in giving orders to take another life in connection with a criminal conspiracy, or if you execute that order, that you may be charged with appropriate punishment which can be the death penalty.

If you, in wanton disregard, reckless disregard for human life, come into a neighborhood and machinegun the people or have a gun fire in a courtyard crowded with children, then you can face the death penalty. Just yesterday we read the newspaper accounts in New York City, where a little boy, 4 years old, was playing with dozens of other youths and was shot.

He did not die. He did not die. But how many have?

What about the 20-year-old young lady who 3 weeks ago, was in her bedroom, having no connection with drug dealing, and was shot and killed. This happened because the marauders just did not care. Because the standard of not caring for human life, that kind of reckless behavior that threatens human life, is the criminal's creed. It is their motto.

Mr. President, I would suggest it is about time that they began to worry. And I will tell you something, it is a mighty powerful tool to give a prosecutor when he gets that little punk who went and executed somebody deliberately. Such an execution took place in New York several months ago. A 22-year-old patrolman, Edward Byrne, was in his patrol car, guarding a home that had been firebombed because the crack dealers were angered at the person who lived in that home. That person was cooperating with the authorities and was protesting about the drug dealing taking place openly in his community. So the police were assigned to protect him and the druglords, in their disdain of our law, ordered the assassination of a police officer.

Can you imagine that? In the United States of America? To show their disdain for the law, they would order the assassination of a police officer? And so it was that a 22-year-old officer, Edward Byrne, sitting in his patrol car in front of this home of a citizen who had the courage to testify and to give evidence against the drug dealers, was assassinated.

As a matter of fact, it has been reported that one of the killers said: "I saw his blue eyes as I pulled the trigger" and killed this young man. It was not just Eddie Byrne who died then, Mr. President. Let me suggest that the rule of law was under attack.

Our domestic tranquility guaranteed to us by the Constitution was under attack. Not just in the streets of New York City, but throughout the neighborhoods of America, in the schoolyards, in the suburban communities, in our urban centers, and in our small hamlets.

I am not suggesting, Mr. President, that the penalty is going to cure all these problems; that it is going to mean victory over the drug epidemic. But I am saying, Mr. President, that it will give to law enforcement officers the kind of boost in morale that says we understand the siege that you are under. It will give to those dedicated prosecutors on the Federal level—and, yes, even on the State level—the ability to take on the tough young punk who went out and committed that execution. That drug criminal, without a care in the world, knew that he could be out in 6 or 7 years, due to the overcrowded prisons, he could be back out on the street. It gives the prosecutors the tool to say: Let me tell you, you are facing the death penalty unless you cooperate with us. And it is not only the street punk who goes and ravages our communities. It gives us the ability to go up the line to the master drug dealer.

So, Mr. President, it will be a very useful deterrent and will be a tool in this battle for survival.

Again, Mr. President, I am not suggesting that it is going to bring an end to the violence that we see. But our society has to know that we mean business. And the horror of these crimes, the bestiality of these crimes, calls out in certain circumstances for the ultimate in punishment.

Let me say this. There are those who express their concern, and I certainly do not condemn them, that the death penalty be administered in a way that at least sees to it that all are given their constitutional guarantees.

We have adopted many of these concerns in the form of amendments: the right to see that counsel is appointed if a person becomes indigent after convicted; the right to assure that children will not be executed; the right to see to it that a person with mental defects, even with mental deficiencies after he has committed and been convicted of that crime, will not face the death penalty.

Mr. President, if we can see to it to make the bill better, in terms of guaranteeing everyone's rights, even those who stand accused, then this Senator is willing to undertake that. But I have to tell you I think the death penalty is an important component in terms of our commitment to back up those who are under siege.

The American people, our communities, and, yes, our law enforcement officers, have never before in our history faced the ravages of such violent attacks.

I think we have to come to grips with it. I think these are far different times than any that we have experienced heretofore. It is not just Officer Byrne in New York, but it is the drug agents in Chicago, those officers of the law in California, those in Florida who, on a regular basis, we find being the victims of not a mindless attack but of an attack that says no authority will deter it. The drug criminals are fearless.

I think it is about time that we began to turn the tables and that they began to understand the fear that they bring regularly to our people.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield myself 20 minutes.

Mr. President, I have often been on the floor speaking about the death penalty and the many reasons why various people oppose it. My principal reason is that you cannot correct your mistakes.

We have an imperfect system of justice. We are human. We all know that mistakes are made during the course of the imposition of justice in our society and provision of justice in our society.

Mistake after mistake after mistake comes to our attention. They have been analyzed in various places. Many of us have personal connections with situations in which mistakes in convictions in capital cases have been made. I have two.

One is a man I represented who had been in prison for 30 years. His name is Charles Clark. My office was appointed to represent him on a motion for a new trial. After he had served 30 years, we decided we would go out and try to find the eyewitness who had pointed him out in court as being the person who killed her father during the course of a robbery.

We were in the defender's office. We had investigators at that time. One of our investigators went out to look for that witness and found her.

Thirty years later, she told the story about how she as a fairly young girl had, indeed, been in the store where her father was killed, saw the perpetrator of the killing, told the detectives she could not identify him, but the detectives said, "Take my word for it, it's that man."

She took his word for it and testified at his trial. He was convicted based on her testimony alone. It was a very inadequate representation process, but 30 years later she openly offered an affidavit as to what had happened. She could not identify him until the detective told her that was the man who killed her father. A new trial followed and he was, of course, immediately let go.

During that 30 years, he had offered the commutation of his sentence by a number of Governors, and he had refused. The reason he refused was because he wanted to leave that prison a free man or not leave at all. He left a free man. He left an innocent man, but he had given up 30 years of his life.

There is another case recently involving some Michigan people. Four motorcyclists in Michigan on death row were convicted of a horrendous crime, of the kinds which have been described by my friend from New York. It was as horrendous a crime as anybody could think of or imagine. They had been identified in court.

They were on death row 2 years, and then a couple of crusading newspaper reporters in Michigan decided they were going to do some digging. They did some digging and worked for a year on the case and came up with a witness that then led to another witness that finally unraveled the entire prosecution theory.

Indeed, the prosecution, as it turned out, had prompted witnesses. The four men on death row were totally exonerated, and four other people were arrested for the offense.

Mr. President, it happens too often, but it is understandable. March 8, 1987, "Death Row Prisoner Goes Free."

> Joseph Green Brown, who came within 15 hours of being executed for a murder he said he didn't commit, is free now.
>
> After 13 years, a prosecutor has decided there wasn't enough evidence against him . . .
>
> Brown was convicted in 1974 of murdering Earlene Barksdale in her north Tampa clothing store called the Just Kids Shop. Barksdale, the wife of a prominent Tampa lawyer, had been robbed, raped and shot once in the head.
>
> He was to be executed Oct. 18, 1983, but the sentence was stayed by a federal judge.
>
> The case against Brown was based almost solely on the testimony of Ronald Floyd, who placed Brown at the scene of the crime and claimed Brown told him he had committed the murder with another man named "Poochie." . . .
>
> It was 11 years later—on March 17, 1986—that Brown's laywers won a new trial. The 11th U.S. Circuit Court of Appeals in Atlanta ruled that prosecutor Robert Bonanno had allowed Floyd to lie and then misled jurors during his closing arguments.

Another article: "Innocent Man Still Haunted by Death Row."

> The 3½ years Earl Charles spent on death row for a crime he did not commit ended in July 1978, but the effects of the nightmare experience still haunt him. . .

"Jerry Banks: An Innocent Man and a Sentence of Death."

> It may be old news that Jerry Banks, a twenty-nine-year-old black man who sat on Georgia's death row for nearly six years for a crime he didn't commit, was set free three days before Christmas last year.

"Death Row Inmate Freed on Bond Amid New Doubts in Murder Case." This is the case of Clifford Henry Bowen in Oklahoma. How many years was he on death row? He came within 17 days of being executed. On and on, cases of mistakes.

We cannot correct our mistakes when we execute. We make them. We are not perfect. That is the reason why I have always opposed the death penalty. It is no secret that I do oppose the death penalty. Much of my argument on this bill, though, will not be relating to the pros and cons of the death penalty. I think most of us have our own feelings on this and know where we stand.

Most of the argument on this bill will relate to the merits of this bill and whether this bill is well written and makes any sense and reflects the mores of this society. This bill treats the killer of a cop the same way as someone who kills a drug dealer. Does that reflect the mores of this society?

My friend from New York is right, we have a big, big problem on our hands, in our communities, and I live in one of those communities, and my friend does, too.

So there is no difference between us as to whether we have a problem. The difference between us is whether or not this bill offers any solution to the problem we face.

Before we get to the details of this bill, I have just two words on the death penalty in general.

Many organizations oppose the death penalty on moral and religious grounds. Included are the following organizations who would oppose this bill and do oppose this bill and oppose the death penalty. The following religious organizations are not exclusive, but are examples:

U.S. Catholic Conference; Unitarian Universal Association of Churches in North America; Presbyterian Church U.S.A., Washington office; National Council of Churches of Christ; Mennonite Central Committee; Friends Committee on National Legislation; Episcopal Church, Washington office; Churchwomen United; Church of the Brethren, Washington office; American Baptist Churches U.S.A.

Those are some of the religious organizations that oppose the death penalty on moral and religious grounds.

Let me add one other reason before I get to the specifics of this bill, that has been debated relative to the question of capital punishment. This is the question of whether it deters. The statistics do not support the proponents of capital punishment in this regard.

We have 37 States that have a death penalty, and 13 States that do not have a death penalty. The murder rate in the States that have the death penalty is over 9 murders for 100,000. The murder rate in the States that do not have the death penalty is slightly over 7 murders per 100,000.

So that the murder rate in death penalty States is significantly higher than the murder rate in nondeath penalty States. If anything, that is evidence that the death penalty does not deter, rather than it does.

The States with the five highest murder rates all have the death penalty. Countries such as Australia, Canada, France, England, West Germany, Sweden have one-sixth of the murder rate that we do. They do not have the death penalty. We do.

Canada abolished the death penalty in 1975. At the time she abolished the death penalty, their murder rate was 3.09 per 100,000. In 1983, after abolishing the death penalty, the murder rate in Canada dropped to 2.74.

There is a massive statistical evidence that does not support the case that the death penalty deters. If I look at the experience in the United States, I am afraid the evidence does not support the case that the death penalty deters because, again, the bottom line is that the murder rate is significantly higher in States that have death penalty than in States that do not have death penalty.

But if you believe that the death penalty deters, or if you believe in it for other reasons, I urge Senators to look at this bill. This bill represents bad policy for all kinds of reasons, reasons separate and apart from the fact that it is a death penalty bill. As a specific bill, it represents bad policy. It treats the killer of cops the same way it treats the killer of drug czars. I do not believe that reflects the mores of this society.

Second, when it finally finds that fairly rare case where a drug-related murder involves the murder of a law-enforcement officer, what is the penalty this bill provides? It provides a minimum of 20 years and a maximum of death. Under this bill, you can have somebody who purposely, consciously, willfully, with malice aforethought plans, pays for, and is convicted of the execution of a law-enforcement officer, and that person can get 20 years with time off for good behavior. That is 17 years.

That hardly fits the description of "It is time that we mean business when it comes to dealing with drug czars who commit murder." That hardly fits the description of "Let's back up our law-enforcement officers who are under siege," and they are. The way we should do that is to require mandatory life in prison, a mandatory sentence of life in prison without possibility of release or parole for persons who kill law-enforcement officers or other innocent people.

This bill does not do that. My amendment, which will be offered tomorrow, will do that. I cannot see any justification why we should permit one of the drug czars to pay for the murder of a police officer and be convicted of it and walk out of prison at all. So if we want to be tough, and we should be, what we have to do is make sure there is some certainty in society's response to drug-related murders which involve law-enforcement officers, and we should differentiate between murder of law-enforcement officers and other innocents and the murder of drug czars.

The vast majority of the victims in cases covered by the bill of the Senator from New York are not law enforcement officers at all, but are drug czars bumping off drug czars.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. D'AMATO. Mr. President, the time agreement I believe was that we were to proceed until 7 o'clock. So I yield to my distinguished colleague from California the balance of the time with the permission of Senator LEVIN who had some time. I believe he will consent to that.

The PRESIDING OFFICER. The Chair recognize the Senator from California.

Mr. WILSON. Thank you, Mr. President.

Mr. President, I applaud the Senator from New York, Mr. D'AMATO, for pressing Congress to take action now on a matter of the most critical importance if we are to be credible, and hopefully successful, in combating this ugly traffic in illegal drugs, and in combating those who engage in reaping a tremendous profit from it.

This bill, S. 2455 is a combination of Senator D'AMATO's earlier bill, S. 2206, and a bill which I introduced last March, S. 2251, the Law Enforcement Officers' Protection Act. I am pleased that with the input from a number of our colleagues we have produced a specially drafted death penalty bill which I believe to be essential to an aggressive and successful fight against drug traffic.

The D'Amato-Wilson effort will establish a constitutionally sound procedure that allows the imposition of the death penalty on members of drug cartels who commit murders or upon those who order it.

Such people operate ongoing enterprises in a corporate organizational fashion, reaping millions, even billions of dollars from the drug trade.

The bill before us will also establish a Federal death penalty for anyone who commits a drug-related murder of a law enforcement officer, including Federal DEA or FBI agents, Customs agents, police or sheriffs department officers as well as prosecutors, judges or correctional officers.

Mr. President, when I introduced my capital punishment bill on March 31 of this year, S. 2251, I noted that in part my action was inspired by the brutal killing that took place on February 5 in my home State of California. On that day, agents George Montoya and Paul Seema were murdered in the city of Pasadena. They were agents of the Drug Enforcement Administration, shot in the head at point blank range by two drug traffickers who having robbed them, executed them.

These two officers had set up an undercover buy. The two traffickers, upon a prearranged signal, noted by the survivor of these killings, their third would-be victim who managed to escape, pulled the trigger with impunity knowing that they would not have to pay for their crime unless prosecuted under State law because of course there is no Federal death penalty.

So those two brave men, seeking to protect the young people of America, were gunned down at pointblank range in a prearranged execution, a cold-blooded premeditated murder carried out upon a prearranged signal.

These were not accidental slayings. These were not in the heat of passion. They were coldblooded premeditated murders of Federal drug agents.

Furthermore, these murders were not simply attacks on two dedicated law enforcement officers. They represent attacks not just against Federal law enforcement but they put at risk our entire society, and yet the only way in which the perpetrators of these crimes against these Federal officers and against society may be subjected to the death penalty is for them to be prosecuted under State law; that is, in those States that have capital punishment, and permit such a prosecution.

Mr. President(the lack of a constitutionally sound Federal death penalty statute is not simply an outrage. It is a danger. It is an insult to the men and women who work for Federal law enforcement agencies in this perilous craft in which they daily pit their courage against some of the most unscrupulous, most ruthless and vicious criminals that we have encounted in this Nation or at any time. It is a signal that Congress is not willing to do all that we must do, that in fact we are in conscience required to do, in order to give at least protection of the law to those who engage in this very dangerous duty protecting our young people.

Mr. President, the death penalty is a deterrent to murder, perhaps not to every murder, not to the husband and wife spat that erupts in the heat of the moment as the result of a drunken quarrel. We are not talking about those, Mr. President. We are talking about cold-blooded murders for profit inspired by profit, and if we are not willing to apply the death penalty in those instances to those who in cold blood kill an FBI or a DEA agent or a policewoman or a police officer, or a sheriff's deputy who is fighting our Nation's fight against drugs, if we are not willing to sentence to death those drug kingpins who, if they do not pull the trigger order that it be pulled, then we are not willing truly to protect those whom we ask to protect us.

Mr. President, our streets are becoming more and more dangerous. Earlier this year in another debate on how we can interdict the supply on drugs, I held aloft headlines from several newspapers, including one from the Easter Sunday edition of the Washington Post. A feature story was entitled "It's a Bad Time To Be a Kid." And I thought at the time, and said on the floor of this body, what a devastating acknowledgment for us to have to make in America that it is a bad time to be a kid in America, and added not at all parenthetically that it is also a bad time to be a cop in America. That is an intolerable acknowledgement. It is true. It is wrong. It is just unacceptable for that situation to be allowed to continue by the Congress of the United States when it is within our power to do something to change it.

So, Mr. President, as we survey our streets and find them ever more dangerous for our law enforcement officers as well as those whom they are sworn to protect, when we find those officers so often outgunned and outnumbered by drug gangs and pushers, it is necessary that we send a very clear message so that no drug dealer will fail to understand, so that they will have second thoughts before they point a gun at a police officer, knowing that if they pull the trigger, it may very well involve their paying the ultimate price for the taking of that life.

Clearly, Mr. President, there is no such brake upon the vicious conduct of such killers as those who took the lives of the two DEA agents in Pasadena. If the people pulling the trigger know that they can do so with impunity, without paying for the lives they take by forfeiting their own, we must act now to reestablish a Federal death penalty.

Why should we stand by when a single individual, when making a fat and ugly profit by trafficking in drugs, in illegal commerce, which totals billions of dollars each year—why should we simply tolerate that situation when he takes it upon himself to engage in murder as an ancillary activity to making that fat and ugly profit? The answer is, we shall not stand by. It is intolerable that we would do so. We have done so far too long, and the cost is mounting.

It is entirely appropriate for our society to establish a rational, constitutionally sound procedure to put to death someone who takes from us the life of an innocent officer or an innocent victim of the drug abuse for which these people are selling drugs to make this profit. Unless we act to redress this situation, we will continue to simply allow drug traffickers to think, and think rightly, that they can go about their ugly business, making the profit dealing drugs, and killing people, and yet not suffer the ultimate penalty of capital punishment.

Mr. President, that is intolerable. It is a danger that we can eliminate or at least greatly curtail. To fail to act to do so is to be guilty of the most unforgivable dereliction of duty.

Congress has declared war on drug trafficking. Yes, we have a war on drugs. But for that war to be credible, we must not only make use of Federal personnel but also thousands of State and local law enforcement officers around this Nation. Joint task force operations are vital to that effort, not only to stop drug dealing at the site of the joint law enforcement operation but also to stop the flow at major distribution points throughout the United States. A heroin seizure in San Francisco may prevent the sale of heroin to drug abusers in Kansas City.

The arrest of drug-dealing gang members in Los Angeles may stop the flow of crack cocaine to Portland, OR, or Denver, CO, or Des Moines, IA. In fact, the drug gangs have long since left the turf of Los Angeles. They are organizing this profitable trade throughout the West and throughout the Midwest. It has become a national, not a local or a regional, problem.

In the drug trade, there are few isolated incidents. The tentacles of drug-dealing organizations reach far and wide, and the Federal Government must work closely with State and local law enforcement if we are to have any hope of success of winning this war and chopping off these tentacles, if we are to succeed in eliminating this wholesale danger to America's youth and to America's future.

If we are going to enlist State and local law enforcement officers in our national war against drugs, then Federal criminal statutes should apply to drug dealers who attack those State and local officers.

Mr. President, at present 13 States do not have in place a constitutionally sound death penalty statute, including the State of New York, so ably represented by the junior Senator who has brought forward this legislation. In New York, drug dealers recently murdered a 22-year-old police officer. Senator D'AMATO described the circumstance.

Even if the legislators in States that want to deter the murder of law enforcement officials by drug traffickers cannot understand the necessity for this action, the Federal Government should and must act.

As I have said, all law enforcement officers—Federal, State, and local—are fighting what is a truly national war against drugs, and all who do are deserving of the protection of the death penalty.

Mr. President, on March 31, I introduced a bill to make safer the lives of those brave officers who daily risk their lives in fighting the drug traffic. It was combined with a section of the same bill which sought to double survivor benefits for the families of officers slain in drug killings, doing their duty, to try to curtail this ugly traffic, so that their survivors might enjoy a decent standard of living. I did that because of having had the unpleasant experience, to understate it greatly, of attending the services of a slain DEA agent and seeing the grief in the eyes of his wife and his mother. Fortunately, his children were too young to comprehend their loss.

(At this point, Mr. ROCKEFELLER assumed the chair.)

Mr. WILSON. What I was seeking to do was what anyone would seek to do in that circumstance, and that is to try, in some small way, to repay the debt which the American people owe and can never adequately pay for the courage of brave agents like the one who gave his life, being literally tortured to death without revealing secrets. That is all too little in the way of compensation. Theirs is not a compensable valor.

I will tell you that the survivors of those slain officers are not interested in survivor benefits. What they want is never to receive them. What they desperately ask of us is that we provide, instead, the protection that will prevent their ever having to be the recipient of survivor benefits.

Mr. President, we owe them, at the very least, every effort to provide the protection of the law to safeguard the lives of those who have the courage to lay it on the line in order to try to help keep America's young people safe—in schools, on playgrounds, and in the parks of our cities and our villages. So let us rectify what we have delayed too long.

Senator D'AMATO has brought forward legislation that is constitutionally sound, which takes proper note of the rights of the accused but takes also proper note of the right of those who fight the war on drugs in the frontlines to have the protection of capital punishment.

Let us delay no longer. It is essential that we add a sound capital punishment law to the arsenal against drug dealers who commit murders for profit. They are the worst of the worst. Our officers deserve to be protected from them.

Mr. President, I thank the Chair and yield the floor to the able Senator from Michigan.

Mr. LEVIN. Mr. President, will the Senator from California yield briefly for a question, just a factual question?

Mr. WILSON. By all means.

Mr. LEVIN. There were two DEA officers that the Senator referred to who were murdered in California as I understand that factual circumstance; is that correct?

Mr. WILSON. That is correct.

Mr. LEVIN. Was their murder covered by the California murder statutes, does the Senator know?

Mr. WILSON. Hopefully, I say to my friend from Michigan, they can be prosecuted under California penal codes.

Mr. LEVIN. Does the Senator know whether or not the California Penal Code provides for the death penalty?

Mr. WILSON. But I will also say to him that I do not think that is a sufficient safeguard. I think that it is wrong for a Federal officer to have to rely upon the exercise of discretion by a State prosecutor, and I will tell him, since he has raised the point and since there is so much drug traffic in my State, I do not find California State laws really to be adequate.

I had interestingly enough a discussion today with the U.S. attorney from San Diego who made the point that State laws really do not provide sufficient safeguard either to the people of our State or to officers and investigators with whom he so often is required to work.

Mr. LEVIN. My factual question was, Does California have a death penalty for the type of murder which my friend has described?

Mr. WILSON. California has the death penalty and I hope that it will be applied in this instance because, lacking a Federal death penalty, there could be no justice for the cold-blooded murder of these two agents.

Mr. LEVIN. The presence then of the death penalty under the California statute did not deter those murders.

Mr. WILSON. What I think is clear is that there will always be people who attempt to evade any penalty, and no one argues that we will succeed completely. But if my friend is trying to make the point that capital punishment does not deter, I think he would find himself really unable to make the claim. I have heard him make it, but there is very clearly divided evidence. There are many who are convinced that while a capital punishment statute does not pose a deterrence to those who act in the heat of passion, it very definitely has made a difference, according to the testimony of a number of criminals who have said that the existence of a death penalty dissuaded them from taking a step to eliminate the witness to their crime.

Mr. LEVIN. I wonder if my friend from California is aware of the fact that California with a death penalty has a higher murder rate than New York without one.

Mr. WILSON. I would have to tell my friend from Michigan that I think he can play with statistics all day and not really address the essential fact, which is that——

Mr. LEVIN. I was wondering whether my friend is aware of that fact.

Mr. WILSON. Yes, and I will explain that by a far greater amount of activity.

Mr. LEVIN. Of what?

Mr. WILSON. I would say that I do not really think that his citation is very illuminating because if really does not take into account what may be the difference in the amount of criminal activity. I think that there is, unhappily, far greater drug activity in my State even than in his. That does not mean to say——

Mr. LEVIN. I was not referring to drug activity. I was talking about the murder rate in California being higher than the murder rate in New York, even though California has a death penalty and New York does not. As a matter of fact, the five highest murder rates in this country are in death penalty States, and as a matter of fact——

Mr. WILSON. I heard the Senator from Michigan make that statement, but I would ask him if he is aware that there are for some reason gangs in Los Angeles of a kind that have not really functioned anywhere else in the Nation, those that have graduated from the rather parochial concern about turf and graffiti and colors, to the kind of corporate crime that is now threatening the entire West and Midwest.

Perhaps he can explain to me why Los Angeles has given rise to this kind of drug traffic. Even the Mafia in this Nation operate in a very different fashion. They divide the turf. But this is something new and quite dangerous and in fact demands a response that we have not yet made at the Federal level to what is indeed a corporate national effort which is threatening not simply Los Angeles but probably two-thirds of the country.

I would simply point out to my friend that, yes, there are interesting anomalies, superficially, if one looks at statistics, but if one examines them further it may be explained. But what is not explained is why we really have failed to take the action necessary to provide a deterrent which if not 100 percent successful, I think very clearly will dissuade some rational criminals from engaging in the kind of otherwise very rational effort that would make them safer. Why not pull the trigger to eliminate a witness? What real deterrent is there if the worse you can expect if caught is merely some incarceration for a period of time? Perhaps at that point the profit is worth it.

Mr. LEVIN. That is not the worst you can expect in California. The worse you can expect in Calfiornia is the death penalty, and California has a higher murder rate than does New York.

Mr. WILSON. Let me just say to my friend that——

Mr. LEVIN. So if I could just finish, of course, you can explain statistics in a lot of different ways.

It becomes very difficult, it seems to me, for the proponents of the death penalty to talk about the death penalty as a deterrent when the average murder rate in States that have a death penalty is higher than the murder rate in States that do not have the death penalty.

It seems to me there is a great difficulty then. But the hour of 7 o'clock has come and gone. I would like to just briefly finish my statement.

Mr. WILSON. Let me just make one comment in response, since my friend has opened this dialog which I welcome.

He is in effect arguing against deterrence of criminal penalties. He is saying that because criminals are willing to take risk in the hope that they will not be caught and in the hope that they will achieve a profit from their crime that even the existence of criminal penalties may not deter them, and clearly that is true or we would not need police officers, we would not need criminal codes. We would simply pronounce the law and not worry about its enforcement.

The fact of the matter is there will always be people who commit crimes, but there will always be in those States that do not have a death penalty, where there is no Federal death penalty, a situation in which it becomes entirely rational for those drug dealers to pull the trigger. And I submit, whether my friend likes the thought or not, that the taking of a life in response to the threat to life is something that is justified and, in fact, I find it intolerable to think that we have delayed as long as we have in withholding this protection.

Mr. LEVIN. I thank my friend.

Briefly, Mr. President, just to close my statement—I was near the end of it for tonight when Senator BYRD offered the unanimous consent.

There are a number of anomalies in this bill indeed.

The Senator from California has used the word "anomalies." There are a couple of anomalies that I would like to highlight.

One is that this bill does not focus on drug czars killing law enforcement officers. The Senator from California used the example of law enforcement officers being killed by drug czars.

We talked to chiefs of pohice in many cities as we can call with large drug problems, and almost all of drug-related murders in those cities are drug czars killing drug czars.

The victims of the cases covered by this statute are almost entirely drug czars, not police officers, and this bill makes no distinction between the murder of a drug czar and the murder of a police officer. Talk about anomalies.

Does that reflect the values of this society that we treat someone who kills a police officer with the same penalty as somebody who kills a drug czar?

That is an anomaly for you. That is this bill.

And there is another anomaly in this bill, too. If somebody is convicted of killing a police officer, under this bill he can walk out of prison in 17 years. Talk about uncertainty and an injustice. Under this bill, under this bill somebody can pay for, order, direct, perpetrate, plan, conspire the killing of a law enforcement officer and walk out of prison.

That person should never walk out of prison. There should never be that chance.

The minimum penalty in this bill is 20 years. With time off for good behavior, that is about 17 years in prison. Can any of us truly justify somebody who pays for the killing of a law enforcement officer and is convicted of that to walk out of prison ever? Talk about a deterrent; that is not much of a deterrent, particularly when you have these drug czars who face the death penalty every day out there in the street. They deal in death every day. What they do not deal with every day is the loss of their freedom for their life.

We are going to offer an amendment to correct this anomaly in this bill, this weakness in this bill, toward drug czars. Because this bill has a fundamental flaw in that somebody who can commit the most heinous crime against a law enforcement officer can get 20 years for it and walk out after 17. We will be offering an amendment which will make that person subject to a mandatory life sentence—no parole, no discretion.

That is tough. That is real. That is a lot tougher, in a very critical respect, than this bill is. We hope to provide that penalty.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Does the Senator from Michigan note the absence of a qourum?

Mr. LEVIN. Mr. President, does the Senator from New York have anything further that he wishes to say?

Mr. D'AMATO. Mr. President, I think we have set the stage for our debate to be continued tomorrow.

I wish to again compliment the Senator from Michigan, because I think we have at least come to a point where we will, within the next 2 days, have our debate and maybe even agree on certain issues and we will dispose of this matter in one way or another.

But I think the time has arrived for us to put this over until tomorrow.

Mr. LEVIN. I thank my friend from New York for his kind words and for his cooperation.

UNANIMOUS-CONSENT AGREEMENT—S. 2455

Mr. BYRD. Mr. President, I have discussed this request with both Mr. D'AMATO and Mr. LEVIN, and it is to this effect, that instead of having 5 hours of debate remaining on the bill tomorrow to begin at 9:30 a.m. and to run until 2:30 p.m., there would be 4½ hours of debate remaining on the bill tomorrow, the debate to begin at 10 a.m. and run until 2:30 p.m. So I make that request, Mr. President. I ask unanimous consent that the Senate resume consideration of the pending measure at 10 o'clock tomorrow morning and that 4½ hours of debate remain on the bill instead of 5 hours.

The PRESIDING OFFICER. Is there an objection? The Chair hears none, and it is so ordered.

Mr. LEVIN. I am wondering if it is the understanding of my friend from New York as well as the majority leader that the time tomorrow of 4½ hours will be equally divided tomorrow?

Mr. BYRD. I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PRO-LIFE ACT OF 1988—MESSAGE FROM THE PRESIDENT—PM 140

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together wth accompanying papers; which was referred to the Committee on Appropriations:

To the Congress of the United States:

I am pleased to transmit for your immediate and favorable consideration the "President's Pro-Life Act of 1988." This important legislation carries out my commitment to protect the rights of unborn children by prohibiting any Federal dollars from being used to fund abortion unless a mother's life would be physically endangered by carrying the fetus to term.

Since the legalization of abortion on demand in 1973, there have been an estimated 21 million abortions in this country. The bill I am sending you has been named the "President's Pro-Life Act of 1988" to emphasize the urgent need to reduce the number of abortions in this country and to reaffirm life's sacred position in our Nation.

The findings that would underlie the mandate of the statute point out that abortion takes the life of a living human being, that there is no right to abortion secured by the Constitution, and that the Supreme Court erred in its decision in *Roe* v. *Wade* in failing to recognize the humanity of the unborn child.

The key provision of the bill would enact, on a permanent and Governmentwide basis, the anti-abortion provision—commonly known as the Hyde Amendment—that is included annually in the appropriation act for the Department of Health and Human Services. Enacting this prohibition on the funding of abortion in general legislation will extend its application to all agencies and to all Federal funds.

None are more powerless than the unborn. I urge you to pass this measure promptly and thereby join me in helping to protect their rights to life, liberty, and the pursuit of happiness.

Ronald Reagan.

The White House, *June 8, 1988.*

MESSAGES FROM THE HOUSE

At 12:51 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 952. An act to improve the administration of justice by providing greater discretion to the Supreme Court in selecting the cases it will review, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4416. An act to extend the authorization of appropriations for titles V and VI of the Library Services and Construction Act through fiscal year 1989;

H.R. 4621. An act to provide congressional approval of the Governing International Fishery Agreement between the United States and the Government of the German Democratic Republic; and

H.R. 4638. An act to amend the effective date provision of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 2:12 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 1652. An act to authorize the establishment by the Secretary of Agriculture of a plant stress and water conservation research laboratory and program at Lubbock, TX;

H.R. 1100. An act to authorize the Secretary of the Interior to provide assistance to Wildlife Prairie Park, in the State of Illinois, and for other purposes;

H.R. 3869. An act to amend the Act providing for the establishment of the Tuskegee Institute National Historic Site, Alabama, to authorize an exchange of properties between the United States and Tuskegee University, and for other purposes; and

S.J. Res. 266. Joint resolution to designate the week beginning June 12, 1988, as "National Scleroderma Awareness Week."

The enrolled bills and joint resolution were subsequently signed by the President pro tempore [Mr. Stennis].

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4416. An act to extend the authorization of appropriations for titles V and VI of the Library Services and Construction Act through fiscal year 1989;

H.R. 4621. An act to provide congressional approval of the Governing International Fishery Agreement between the United States and the Government of the German Democratic Republic; and

H.R. 4638. An act to amend the effective date provision of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, June 8, 1988, he had presented to the President of the United States the following enrolled bill and joint resolution:

S. 1652. An act to authorize the establishment by the Secretary of Agriculture of a plant stress and water conservation research laboratory and program at Lubbock, TX; and

S.J. Res. 266. Joint resolution to designate the week beginning June 12, 1988, as "National Scleroderma Awareness Week."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry:

William W. Erwin, of Indiana, to be a member of the Board of Directors of the Farm Credit System Assistance Board, subject to the provisions prescribed by P.L. 100-233; and

Fowler C. West, of Texas, to be a Commissioner of the Commodity Futures Trading Commission for the term expiring April 13, 1992.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. TRIBLE (for himself, Mr. Dole, Mr. Helms, Mr. Garn, Mr. Symms, and Mr. Thurmond):

S. 2481. A bill to ensure the provision of effective military and economic assistance to anti-Communist freedom fighters movements, to prohibit certain direct and indirect assistance of Communist countries, and for other purposes; to the Committee on Foreign Relations.

By Mr. FOWLER (for himself and Mr. Helms):

S. 2482. A bill to provide additional enforcement authority for the Forest Service to deal with the production of controlled substances on the National Forest System, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRASSLEY:

S. 2483. A bill to authorize the Secretary of Agriculture to obligate and expend funds made available for price support programs of agricultural commodities for the purpose of drought assistance programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DANFORTH (for himself, Mr. Baucus, Mr. Wallop, Mr. Kerry, Mr. Heinz, Mr. Durenberger, Mr. Chafee, Mr. Mitchell, Mr. Boren, Mr. McCain, Mr. Riegle, Mr. Bond, Mr. Cranston, Mr. Wilson, Mr. Symms, Mr. Bingaman, Mr. Rudman, Mr. Sanford, Mr. DeConcini, Mr. Weicker, Mr. Grassley, Mr. Heflin, and Mr. Lautenberg):

S. 2484. A bill to amend the Internal Revenue Code of 1986 to enhance the incentive for increasing research activities; to the Committee on Finance.

By Mr. BYRD (for Mr. Biden) (for himself, Mr. Thurmond, Mr. Kennedy, and Mr. Hatch):

S. 2485. A bill to make minor substantive and technical amendments to title 18, United States Code, and for other purposes; placed on the calendar.

By Mr. BOSCHWITZ (for himself, Mr. Dole, Mr. Heinz, Mr. Durenberger, Mr. Bond, and Mr. McCain):

S. 2486. A bill to improve nutrition programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. METZENBAUM (for himself, Mr. Specter, Mr. Sanford, Mr. Kennedy, Mr. Lautenberg, Mr. Dixon, Mr. Inouye, Mr. Sarbanes, Mr. Hollings, Mr. Bradley, Mr. Chafee, Mr. Heinz, Mr. Dodd, Mr. Hecht, and Mr. Heflin):

S. 2487. A bill to award a congressional gold medal to Mrs. Jesse Owens; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DODD (for himself, Mr. Chafee, Mr. Kennedy, Mr. Packwood, Mr. Metzenbaum, Mr. Evans, Mr. Fowler, Mr. Hatfield, Ms. Mikulski, Mr. Weicker, Mr. Cranston, Mr. Stafford, Mr. Pell, Mr. Moynihan, Mr. Kerry, Mr. Adams, Mr. Simon, Mr. Inouye, Mr. DeConcini, Mr. Matsunaga, Mr. Gore, and Mr. Wirth):

S. 2488. A bill to grant employees parental and temporary medical leave under certain circumstances, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MELCHER (for himself, Mr. Adams, Mr. Bentsen, Mr. Bond, Mr. Boschwitz, Mr. Bradley, Mr. Breaux, Mr. Bumpers, Mr. Burdick, Mr. Chafee, Mr. Chiles, Mr. Conrad, Mr. DeConcini, Mr. Dodd, Mr. Domenici, Mr. Durenberger, Mr.

Glenn, Mr. Gore, Mr. Graham, Mr. Grassley, Mr. Hatch, Mr. Heinz, Mr. Inouye, Mr. Johnston, Mr. Lautenberg, Mr. Levin, Mr. Matsunaga, Mr. Metzenbaum, Mr. Murkowski, Mr. Pressler, Mr. Pryor, Mr. Reid, Mr. Sanford, Mr. Shelby, Mr. Simon, Mr. Stennis, Mr. Stevens, Mr. Thurmond, Mr. Warner, Mr. Wilson, Mr. Wirth, Mr. Stafford, Mr. Pell, Mr. Nunn, Mr. Weicker, Mr. Kerry, Mr. Hecht, Mr. Moynihan, Mr. Cochran, Mr. Lugar, Mr. Boren, Mr. Rockefeller, Mr. McCain, Mr. Mitchell, and Mr. Heflin):

S.J. Res. 335. Joint resolution to designate the last full week of October, October 23 through October 29, 1988, and the last full week of October hereafter as "National Adult Immunization Awareness Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for himself, Mr. Dole, Mr. Dodd, Mrs. Kassebaum, Mr. Pell, Mr. DeConcini, Mr. Inouye, Mr. Lugar, Mr. Armstrong, Mr. McCain, Mr. Durenberger, and Mr. Weicker):

S. Res. 438. Resolution extending the support of the Senate and the people of the United States to President Jose Napoleon Duarte and his family; placed on the calendar.

By Mr. D'AMATO (for Mr. Murkowski) (for himself and Mr. Stevens):

S. Res. 439. Resolution to congratulate the participants on the first Friendship Flight between Nome, Alaska, and Provideniya, Siberia, U.S.S.R., and to encourage further cultural ties between Americans and their Soviet neighbors; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TRIBLE (for himself, Mr. Dole, Mr. Helms, Mr. Garn, Mr. Symms, and Mr. Thurmond):

S. 2481. A bill to ensure the provision of effective military and economic assistance to anti-Communist freedom fighter movements, to prohibit certain direct and indirect assistance to Communist countries, and for other purposes; to the Committee on Foreign Relations.

FREEDOM FIGHTER ASSISTANCE ACT

Mr. TRIBLE. Mr. President, on behalf of myself and Senators Dole, Helms, Garn, and Thurmond, I send a bill to the desk and ask it be appropriately referred.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

Mr. BYRD. Mr. President, before the Chair responds, what is the nature of the bill?

Mr. TRIBLE. Mr. President, this bill is the Freedom Fighter Assistance Act of 1988. Senator Dole and I are introducing it today and I wish to speak on it for just a few moments.

I would commend it to the majority leader, urge him to review its provisions.

Mr. BYRD. Mr. President, I have no objection.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

Mr. TRIBLE. Mr. President, my colleagues and I are introducing legislation today that will promote freedom in the world by writing the Reagan doctrine into law.

This bill, the Freedom Fighter Assistance Act, authorizes economic and military assistance to anti-Communist insurgent movements that are indigenous and that respect human rights. This measure also makes it more difficult for any President to give assistance to Communist governments. I am pleased that Senators Dole, Helms, Garn, Symms, and Thurmond have joined me as cosponsors.

This legislation authorizes the Secretary of Defense and the Secretary of State to provide assistance—military, humanitarian, economic, and political—to freedom fighter movements and to promote democratic training programs and democratic institution building. Such assistance can only be given to those movements that are indigenous, anti-Communist, and that respect human rights.

This legislation also urges the President to suspend trade and diplomatic relations with governments in whose countries the United States is aiding an insurgent movement. The bill requires annual reports on human rights practices of those groups receiving United States aid and on the presence of Soviet and Eastern bloc advisers in foreign countries and the amount of Soviet and Eastern bloc aid they receive.

This legislation also provides stricter standards under which the President can provide either direct assistance or Export-Import Bank credits to a Communist government. Today the President need only certify that such aid is in the national interest and would help distance this recipient country from the Soviets; the new standard would require a finding that the country is making substantial progress toward free elections, religious and political freedom, and free market principles.

Mr. President, the Reagan doctrine works. By providing assistance to freedom fighters, America has moved country after country closer to freedom. We have brought hope to distant lands where Communist rule had all but extinguished hope.

The Soviets are now withdrawing their military forces from Afghanistan. The Sandinista government in Nicaragua has signed a peace accord and has taken halting steps toward a freer society and negotiated peace. In Angola, the Communist government has announced a willingness to send home 35,000 Cuban troops. The Communist government in Cambodia has agreed to direct talks with its opponents. American support of indigenous resistance groups has been instrumental in producing these positive results.

Our purpose is to insure that the Reagan doctrine lives on. America must stand with those people who are risking their lives throughout the world—from Afghanistan to Angola to Nicaragua—to defy Marxist aggression and to secure basic human rights. Our law should reflect what President Reagan has said to the world's freedom fighters: "America will support with moral and material assistance your right not just to fight and die for freedom, but to fight and win freedom."

Now if we are to assist freedom fighters abroad, we must ensure that we do not help the Communist government they are fighting. Too often, the United States has found itself in this untenable position.

For the past 6 years, we have maintained diplomatic relations with the Sandinista regime while aiding the Contras. We have repealed the ban on aid to Angola's rebels during the same period that our Export-Import Bank pumped $200 million in credits into the oil fields that sustain the Communist government.

Our Ex-Im Bank has given over $50 million in credits to finance Ethiopia's purchase of aircraft and its expansion of the Addis Hilton Hotel, during the same time that our citizens were paying to ease a famine which Ethiopia's Communist government helped to cause. And until 2 years ago, the Soviet puppet regime in Afghanistan enjoyed most-favored-nation trade status with the United States.

Enough is enough, Mr. President. We should not finance both the friends and the enemies of freedom. This bill will impose a stringent set of conditions on direct aid and Ex-Im assistance to Communist regimes. Except for food and humanitarian relief, no U.S. aid will be permitted until those repressive governments are removed or reformed and their peoples freed. In addition, this bill urges the President to suspend trade and diplomatic ties with those governments that are opposed by insurgent movements that we are supporting.

Mr. President, America must stand by those who are fighting to be free. Freedom is not a privilege, it is a God-given right. We can help the cause of freedom by taking the Reagan doctrine and writing it into law. I urge my colleagues to join me in this endeavor and ask unanimous consent that a copy of the bill and a section-by-section analysis be printed in the Record.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2481

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Freedom Fighter Assistance Act of 1988".

TITLE I—FINDINGS AND PURPOSE

SEC. 101. FINDINGS AND PURPOSE.

(a) The Congress finds that—

(1) the goals of respect for human rights, political stability, and long-term economic progress are best served by the promotion of free institutions and the establishment of democratic governments;

(2) the Congress applauds the restoration of democracy in the Philippines, El Salvador, Guatemala, Argentina, Brazil, and elsewhere, and acknowledges the responsibility of the United States to continue to encourage and assist this trend;

(3) the actions of Communist governments have caused massive suffering and tens of millions of deaths through wars, executions, induced starvation, forcible resettlement, concentration camps, slave labor, civil strife, and other means;

(4) in Afghanistan, Angola, Cambodia, Nicaragua, and other countries around the world, indigenous freedom fighter movements are working to rid their countries of Communist governments and to bring independence and self-determination to their nations;

(5) United States military and economic assistance to anti-Communist freedom fighter movements can help to curb oppression; to reduce external subversion by such governments; and to promote substantially the goals of self-determination, respect for human rights, political stability and economic progress;

(6) United States military and economic assistance to such freedom fighter movements can also help to promote acceptable negotiated settlements between those movements and the Communist regimes to which they are opposed;

(7) the Soviet Union has made effective use of its military forces and massive military aid, and of surrogate military and nonmilitary personnel, to prop up other Communist regimes, to thwart the efforts of anti-Communist freedom fighter movements, and to engage in aggression and subversive activities against democratic governments;

(8) direct and indirect United States assistance to Communist governments may thwart, rather than advance, efforts to promote self-determination, human rights, political stability, and economic progress;

(9) it is often in the United States' interest to assist indigenous freedom fighter movements which are confronting Communist governments, especially where Soviet or other Communist occupation forces are present, or where surrogate forces of the Soviet Union such as Cubans, East Germans, North Koreans, and other are present; and

(10) those indigenous freedom fighter movements which are committed to self-determination, respect for human rights, political stability, and economic progress often deserve military and economic support from the United States, especially when faced with massive numbers of Soviet and Soviet-bloc combatants, advisors, and armaments.

(b) It is the purpose of this Act to establish as United States policy the provision of effective military and economic assistance to indigenous freedom fighter movements which are in opposition to or in conflict with Communist governments, and to curb the provision of direct and indirect United States assistance to Communist regimes.

TITLE II—AID TO FREEDOM FIGHTERS, AND UNITED STATES RELATIONS WITH CERTAIN COMMUNIST GOVERNMENTS

SEC. 201. FUNCTIONS OF THE SECRETARY OF DEFENSE.

(a) The Secretary of Defense is authorized, after consultation with the Secretary of State and the Director of Central Intelligence, to provide military, humanitarian, economic, political, and other types of assistance to freedom fighter movements, including the delivery of arms and financial support, training of movement personnel, devising military tactics, and developing political programs that will promote self-determination, respect for human rights, political stability, and economic progress.

(b) The Secretary of Defense shall seek to coordinate efforts among other nations involving the provisions of effective assistance to freedom fighter movements, and the curbing of direct and indirect assistance to Communist regimes.

(c) The Secretary of Defense may delegate duties and functions authorized by this section to the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

SEC. 202. FUNCTIONS OF THE SECRETARY OF STATE.

(a) In those countries in which the President has identified a freedom fighter movement deserving of United States assistance (under the provisions of this Act or by other means), the Secretary of State is authorized, in consultation with the Secretary of Defense and the Director of Central Intelligence, to—

(1) promote the institution of democratic electoral processes through timely measures in cooperation with freedom fighter movements;

(2) promote democratic training programs and democratic institution-building; and

(3) promote the individual rights and freedoms which are essential to the functioning of democratic institutions.

(b) The Secretary of State shall seek to coordinate efforts among other nations involving the promotion of democratic processes and democratic institution-building in such countries.

SEC. 203. BAN ON ASSISTANCE TO MOVEMENTS DEMONSTRATING A CONSISTENT PATTERN OF PROVEN GROSS VIOLATIONS OF HUMAN RIGHTS.

(a) No assistance may be provided under this Act to a movement which engages in a consistent pattern of proven gross violations of internationally recognized human rights, including torture or cruel and inhuman punishment, prolonged and unjustifiable detention without charges and trial, causing the disappearance of innocent civilians by the abduction and clandestine detention of those persons, or other flagrant denial of the right of life, liberty, or the security of innocent civilians, unless such assistance will directly benefit the needy people in the country in question.

(b) Notwithstanding the prohibition in subsection (a) of this section, assistance under this Act may be made available to any movement with respect to which the President finds that such a significant improvement in its human rights record has occurred as to warrant lifting the prohibition on furnishing such assistance, and which otherwise meets the requirements for assistance under this Act.

SEC. 204. URGING THE PRESIDENT TO CONSIDER SUSPENDING DIPLOMATIC AND TRADE RELATIONS WITH CERTAIN GOVERNMENTS.

It is the sense of the Congress that, for countries in which the President has identified a freedom fighter movement deserving of United States assistance (under the provisions of this Act or by other means), the President is encouraged to consider—

(1) whether it is appropriate to maintain full diplomatic relations with the government of that country; and

(2) whether it is appropriate to maintain full trade relations with the government of that country, especially the extension of nondiscriminatory trade treatment (most-favored-nation status) and benefits under the generalized system of preferences.

SEC. 205. REPORTING REQUIREMENTS.

(a) Not later than January 31 of each year, the Secretary of Defense shall transmit to the Congress a full and complete report on the degree to which freedom fighter movements receiving assistance under this Act respect and observe internationally recognized human rights.

(b) Not later than January 31 of each year, the Secretary of Defense shall transmit to the Congress a full and complete report on the numbers of Soviet-bloc personnel stationed in other countries, including a description of their duties and functions in those countries, and an accounting of the amount and type of military, economic, and other assistance provided to those countries by the Soviet Union and Soviet-bloc governments. The Secretary may submit both a classified and a nonclassified version of this report, as he deems necessary.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out the provisions of this Act.

SEC. 207. METHODS OF ASSISTING FREEDOM FIGHTER MOVEMENTS.

This Act shall not be construed as providing the exclusive means by which the President may assist freedom fighter movements and does not negate the President's existing authority to provide such assistance by alternative means.

TITLE III—REVISING THE CONDITIONS FOR UNITED STATES ASSISTANCE TO COMMUNIST GOVERNMENTS

SEC. 301. REVISION OF CONDITIONS ON DIRECT ASSISTANCE.

(a) Section 620(f)(2) of the Foreign Assistance Act of 1961 is amended by striking out clauses (B) or (C) and inserting in lieu thereof the following:

"(B) the government of the recipient country is making substantial progress toward—

"(i) holding free and fair elections;

"(ii) ceasing maintenance of a centrally planned economy based on the principles of Marxism-Leninism;

"(iii) respecting and observing internationally recognized standards of political freedom and human rights;

"(iv) respecting and observing internationally recognized standards of religious freedom, including the right to worship, to proselytize, and to own and distribute religious literature;

"(v) eliminating the practice of forced or slave labor; and

"(vi) removing all foreign military troops and foreign military and civilian advisors.

Each such waiver issued by the President shall be applicable for not more than 12 months at a time.".

(b) Section 620(f)(1) of such Act is amended as follows:

(1) Before "Czechoslovak Socialist Republic." insert the following:

"Cooperative Republic of Guyana.".

(2) After "Democratic People's Republic of Korea." insert the following:

"Democratic Republic of Afghanistan.".

(3) After "Hungarian People's Republic." insert the following:

"Lao People's Democratic Republic.".

(4) After "Mongolian People's Republic." insert the following:

"People's Democratic Republic of Ethiopia.".

"People's Democratic Republic of Yemen.".

(5) After "People's Republic of Albania." insert the following:

"People's Republic of Angola.".

"People's Republic of Benin.".

(6) After "People's Republic of Bulgaria," insert the following:

"People's Republic of Cambodia.".

(7) After "People's Republic of China." insert the following:

"People's Republic of the Congo.".

"People's Republic of Mozambique.".

(8) After "Republic of Cuba." insert the following:

"Republic of Nicaragua.".

(9) After "Socialist Republic of Vietnam." insert the following:

"Surinam.".

(10) By striking out "(1)" after "(f)".

(c) Section 620(f) of such Act is amended by striking out paragraph (2).

SEC. 302. REVISION OF CONDITIONS ON EXPORT-IMPORT BANK ASSISTANCE.

Section 2(b)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)) is amended—

(1) in subparagraph (B)(ii), by striking out "Unless otherwise determined by the President in the manner provided in subparagraph (C), the" and inserting in lieu thereof "The";

(2) by striking out subparagraph (C);

(3) by redesignating subparagraph (D) as subparagraph (C); and

(4) in subparagraph (C)(i), as so redesignated, by striking out "if the President determines that such guarantees, insurance, or extensions of credit are in the national interest", and inserting in lieu thereof: "unless the President certifies that—

"(I) such assistance is vital to the security of the United States; and

"(II) the government of the recipient country is making substantial progress toward—

"(aa) holding free and fair elections;

"(bb) ceasing maintenance of a centrally planned economy based on the principles of Marxism-Leninism;

"(cc) respecting and observing internationally recognized standards of political freedom and human rights;

"(dd) respecting and observing internationally recognized standards of religious freedom, including the right to worship, to proselytize, and to own and distribute religious literature;

"(ee) eliminating the practice of forced or slave labor; and

"(ff) removing all foreign military troops and foreign military and civilian advisors.

Each such waiver issued by the President shall be applicable for not more than 12 months at a time.".

TITLE IV—DEFINITIONS

SEC. 401. DEFINITIONS.

For purposes of this Act—

(1) the term "freedom fighter movement" means an organization or organizations composed primarily of persons indigenous to a Communist country which has as its goal the overthrow or replacement of the government of that country or a significant alteration in the policies or structure of such government, and with respect to which the President has found—

(A) that such organization is committed to self-determination and the establishment of a political system reflecting the values and aspirations of the people of such country;

(B) that such organization disavows any belief in our adherence to communism;

(C) that such organization does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(D) that it would be in the best interests of the United States to provide assistance to such organization; and

(2) the term "Communist country" means any country listed in section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)) or in section 2(b)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)), or any country which—

(A) maintains a centrally planned economy based on the principles of Marxism-Leninism;

(B) is economically and militarily dependent on the Union of Soviet Socialist Republics or any other Marxist-Leninist country; or

(C) has declared itself to be a Communist country, through statements contained in official documents or through public statements of government officials of that country.

FREEDOM FIGHTER ASSISTANCE ACT OF 1987—SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section designates the bill as the "Freedom Fighter Assistance Act of 1987".

TITLE I

Section 101. Findings and purpose

This section sets forth the purpose of the bill and the findings on which it is based. The bill's goals are two-fold: to provide an overt, orderly mechanism, by which the United States can provide military, humanitarian, economic, and other assistance to anti-communist freedom fighter movements around the world; and to help curb the provision of U.S. military or economic aid, or extensions of credit through the Export-Import Bank, to communist countries. In general, the findings in the bill acknowledge the recent trend toward democracy in Latin America and elsewhere, affirm the U.S. commitment to ensure that movements can be an effective means of promoting democracy, human rights, and economic progress.

TITLE II

Section 201. Functions of the Secretary of Defense

This section authorizes the Secretary of Defense to supply a wide array of assistance to freedom fighter movements, including military, economic, political, and other forms of aid. The Secretary is explicitly authorized to deliver weapons to such movements, to train their personnel, to help them to develop tactics and strategy, and to assist in other ways. This section also seeks to maximize the effectiveness of assistance reaching such movements from different sources by authorizing the Secretary of Defense to help coordinate U.S. efforts with those of other nations. The Secretary may also delegate the duties and functions authorized by this section to the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

Sec. 202. Functions of the Secretary of State

This section authorizes the Secretary of State to promote democratic institutions and democratic processes in those countries where the President has identified a freedom fighter movement deserving of U.S. support. While Section 201 authorizes the delivery of arms and other tangible assistance, the U.S. commitment to fostering democracy in communist countries must consist of more than that. To that end, this section authorizes U.S. efforts, through the Secretary of State, to promote respect for democratic institutions, for electoral processes, and for human rights on the part of freedom fighter movements and the countries in which they seek to attain power. This section is consistent with congressional support for such institutions as the National Endowment for Democracy, which has similar goals. It also authorizes the Secretary of State to help coordinate U.S. support for those goals with similar support which may be offered by other nations.

Sec. 203. Ban on assistance to movements demonstrating a consistent pattern of gross violations of human rights

This section is designed to prevent United States assistance from reaching any freedom fighter movement which engages in a consistent pattern of gross violations of human rights. Such violations are inconsistent with the overall goal of this bill to promote democracy and foster respect for human rights. The prohibition contained in this section is virtually identical to existing prohibitions (found in Sections 116 and 502B of the Foreign Assistance Act of 1961) on U.S. development and security assistance to governments which consistently violate human rights. It is meant to guarantee a strong human rights component to the bill's overall strategy of freeing certain countries from communist oppression.

Sec. 204. Urging the President to consider suspending diplomatic and trade relations with certain governments

This section is designed to prevent the recurrence of situations in which the United States conducts business-as-usual with a specific government, while at the same time it provides aid to a freedom fighter movement in that country. At present, for example, the U.S. maintains diplomatic relations with the Sandinista regime in Nicaragua, while supplying military and economic aid to the Nicaraguan democratic resistance. Until last year, the U.S. had also extended non-discriminatory trade treatment (most-favored-nation status) to the puppet regime in Afghanistan. To prevent such situations, this section expresses the sense of Congress that, for countries in which the President has identified a freedom fighter movement deserving of U.S. support, he should consider severing diplomatic and trade relations with the government of that country.

Sec. 205. Reporting requirements

This section requires the Secretary of Defense to report annually to the Congress on the human rights practices of freedom fighter movements receiving U.S. assistance under this Act. Current law requires that the Secretary of State report annually on the human rights situation in other countries, and those reports often contain small amounts of information on insurgencies within those countries. However, a more thorough accounting of the human rights practices of such movements is necessary to ensure that they do not fall within the ban on U.S. assistance contained in Section 203 of this bill. Under this bill, the Secretary of Defense will have the most frequent contact with the movement in question and is therefore best positioned to provide such an accounting.

Section 205 requires the Secretary of Defense to report annually on Soviet and Soviet Bloc assistance—in both manpower and materiel—to other countries. During the past several years, there has been bipartisan support for U.S. aid to freedom fighter movements in Afghanistan and Cambodia—countries which are occupied by communist military forces from neighboring nations. Concerns about lack of freedom, human rights abuses, and militarization of those countries have helped forge that bipartisan support. But those conditions prevail in other countries where the Soviets have chosen to employ surrogate forces to achieve their goals. In Angola, for example, more than 35,000 Cuban mercenaries prop up the communist government. And there are substantial numbers of Soviet and Soviet Bloc "advisors" in Ethiopia, Nicaragua, and elsewhere. The United States must be just as concerned when Soviet surrogates destroy democracy and abuse human rights as when the Soviet army itself does so. Thus, this section requires a thorough report on the Soviets' use of surrogate forces and military assistance around the world.

Sec. 206. Authorization of appropriations

This section authorizes such sums as are necessary to carry out the provisions of this bill.

Sec. 207. Methods of assisting freedom fighter movements

This section makes clear that this bill is not to be construed as providing the only means by which the United States may assist freedom fighter movements. Overt assistance is preferable in many cases. It sends an unmistakable signal that the United States is eager to ally itself with freedom fighters around the world, and is willing to back up that allegiance with arms and other forms of aid. However, there may be circumstances in which covert assistance is more appropriate and effective. This section makes clear that that option is not foreclosed by this bill.

TITLE III

Section 301. Revision of conditions on direct assistance

This section is designed to make it more difficult for the United States to provide military or economic assistance directly to a communist government. Under current law (Section 620(f) of the Foreign Assistance Act), the President may furnish such assistance to a communist country only if he certifies to Congress that: (1) such assistance is vital to the security of the United States; (2) the recipient country is not controlled by the international communist conspiracy; and (3) such assistance will further promote the independence of the recipient country from international communism. This standard is both too arcane and too lenient, and may be easily waived in any case if the President determines that U.S. assistance to a communist government is "in the national interest". Such assistance ought rarely, if ever, to be given to a communist regime. To that end, this section imposes a new, more stringent set of conditions on communist governments seeking U.S. aid. Those conditions include substantial progress toward holding free elections, respecting human rights, and decentralizing economic power. Section 301 also provides that, should the President grant a waiver even under the new conditions, such waiver shall be effective for only one year at a time.

In addition, this section updates the 620(f) list of communist countries to reflect Marxist-Leninist takeovers in nations not originally included on that list. To accomplish that, it adds the following governments to Section 620(f): Afghanistan, Angola, Benin, Cambodia, Congo, Ethiopia, Guyana, Laos, Mozambique, Nicaragua, South Yemen, and Surinam. Congress has already added these governments to the list of communist countries that appears in the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)(B)(ii)). As a result, the same countries will be considered to be "communist countries" for purposes of both direct assistance and Export-Import Bank assistance.

Sec. 302. Revision of conditions on Export-Import Bank assistance

This section is designed to make more difficult the extension of credit to communist countries through the Export-Import Bank. Current law permits the President to waive the ban on Ex-Im assistance to communist countries if he determines that such assistance is "in the national interest". Like the waiver provision currently in effect for aid to communist countries under the Foreign Assistance Act of 1961, this test is too lenient. During the past several years, the communist governments of Angola, Ethiopia, and Mozambique have received substantial amounts of Ex-Im assistance. None was defined at the time as a communist country, and as a result, the President did not have to certify that such assistance was in the national interest. However, he could probably have done so under the current test. Even indirect U.S. aid, in the form of Export-Import Bank benefits, ought rarely if ever to be given to a communist regime. For that reason, this section creates more stringent conditions—identical to those which Section 301 seeks to impose on direct aid to communist governments—which the President must find should he seek to waive the ban on Ex-Im assistance to communist governments. Section 302 also provides that any such waiver shall be effective for only one year at a time, and it deletes the President's existing authority to unilaterally remove certain governments from the list of communist countries contained in the Export-Import Bank Act.

TITLE IV

This section defines, for purposes of this bill, the terms "freedom fighter movement" and "Communist country".

Mr. DOLE. Mr. President, I am pleased to join Senator TRIBLE in introducing this very important legislation.

Its basic provisions are clear and straightforward. It has been introduced before. It establishes support to legitimate, democratic, "freedom fighter" organizations as a basic tenet of American foreign policy.

It authorizes the expenditure of funds—primarily through the Defense Department—to support such groups. And it lays down both the procedures and the safeguards to insure that monies are wisely and efficiently spent. And spent only in support of the right kind of groups—and I would underscore "the right kind"—those with a clean record, which are truly democratic, and which are not tainted by either human rights abuses, or involvement in illegal drugs.

For the past 7 years, this administration has put up with a great deal of criticism of its foreign policies. A lot of that criticism was ill-informed; some of it was ill-intentioned.

But the President's critics have a big, big problem: the policies and programs they have been criticizing are working. The President is turning out to be right, and the critics are turning out to be wrong.

One prime example is arms control. For 7 years, we've heard the shrill cries: Ronald Reagan is antiarms control. He does not really want an agreement with the Soviets.

We had all the talks about a freeze. We had votes on the Senate floor; we ought to have a freeze. Had we had a freeze, we would not have the INF Treaty which, in effect, eliminates classes of nuclear weapons. It goes much further than those on the freeze side.

I just suggest I think the distinguished Senator from Virginia is doing a service to all of us. It seems to me we have been told time and time again that some of these programs would not work.

Let us take Afghanistan. That is another area where we had pretty good bipartisan support. We served notice on the Soviet Union that we were going to help the freedom fighters, those who wanted their homeland back for the right reasons, and now we are starting to see the Russians withdraw their troops from Afghanistan.

There is some indication there may be removal of troops from Angola and at least some reason for hope in Kampuchia and Nicaragua.

The bottom line is clear, I think the Reagan doctrine in most areas has worked. It has worked in advancing the frontiers of freedom and reducing the increasing danger that American fighting forces might have to go to war.

Well, I happened to have had the privilege of being in Moscow recently, where the final step was taken to implement the most important arms control treaty in our history—a treaty achieved by Ronald Reagan; and only because he hung tough through 7 long years, and a torrent of criticism, with the strategy he knew could work. A strategy of dealing from strength, and dealing on the basis of this basic principle—there can be no retreat from

America's vital interests, or from what is right.

Now we see the same scenario being played out on the issue of freedom fighters; over the so-called Reagan doctrine of aid to freedom fighters.

The critics have wrung their hands and said, over and over again, that the Reagan doctrine was dangerous and wouldn't work. But now we see Soviet troops pulling out of Afghanistan; the possibility of a diplomatic agreement getting the Cuban troops out of Angola; and at least some reason for hope in Kampuchea and Nicaragua.

The bottom line is as clear as it is embarrassing to the President's critics: The Reagan doctrine does work; has worked. It is advancing the frontiers of freedom. And it is reducing, not increasing, the danger that American fighting forces might have to go to war.

Even more important, the Reagan doctrine is the right policy. Morally right. Right in terms of American ideals and history. Right in terms of our own national security interests. Freedom is the bottom line goal of all American national security policies. And support for those who genuinely seek freedom, and are willing to fight and even die for it, is just the right thing to do.

We are introducing this legislation now because we believe it is time—high time—to put the Reagan doctrine into law. It is time to turn American support for freedom fighters—the policy of this administration—into the long-term, clear-cut, congressionally approved policy of the United States.

To date, the policy of support for freedom fighters has been an on-again, off-again proposition; an annual series of authorization and appropriation votes, which have often had the trappings of a "crap shoot." We have won a few, and lost a few. And each time we changed our minds and turned off an aid spigot, the affected freedom fighter group was left to twist in the wind. We see a tragic case right now in Nicaragua.

That is no way to run a foreign policy. Long-term policies work only when they can be sustained over the long term. Supporter for freedom fighters makes sense only when our allies and friends, and even more important our adversaries, understand that America is in the fight for the long haul.

That is the real purpose of this legislation. It is time to send a signal—to freedom fighters around the globe; to our allies and friends; and to the totalitarian regimes which today confront freedom fighters on every continent—it is time to send all of them this clear and strong signal: America is behind the struggle for freedom wherever it occurs. And America will be there, until that struggle is successfully concluded.

Mr. President, I hope the appropriate committees will begin work on this legislation soon. And I hope that the Senate, and the House, will pass this legislation as soon as possible.

Finally, let me conclude by congratulating Senator TRIBLE for his energetic leadership on this issue. As we all know, he has chosen not to seek reelection. But passage of this legislation—whether it is this year, or next year, or thereafter—will represent another in a series of lasting contributions he has made to our country during his tenure in the Senate.

I want to thank the distinguished Senator from Virginia for his initiative, and I hope that we can start off with some hearings in the appropriate committees on this legislation.

Mr. THURMOND. Mr. President, I am pleased to join my colleagues in introducing the Freedom Fighter Assistance Act of 1988. This legislation will provide military and ecomomic assistance to anti-Communist freedom fighter movements throughout the world.

Countries such as Afghanistan, Angola, Cambodia, and Nicaragua, are confronting hostile Communist intervention. The efforts of freedom fighters to preserve free institutions and democratic principles in their respective countries must be supported. The preservation of freedom in Central America and across the world is inextricably linked to our own blessing of liberty.

Mr. President, over 25 years ago it was the stated policy of the United States that we would "pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and success of liberty." The struggle goes on, and the question we now face is whether or not the price is too high, the burden too heavy, and the hardship too great for us to support these lofty ideals.

The struggle for liberty is long and difficult. The freedom fighters are dedicated to the task of liberating their nations from Communist enslavement. We have a moral obligation to support them in their fight for freedom. I urge my colleagues to join this cause and support this important legislation.

Mr. SYMMS. Mr. President, I am pleased to be an original cosponsor of the Freedom Fighters Assistance Act. This much needed legislation would implement provisions for military and economic assistance to anti-Communist freedom fighter movements around the world.

The U.S. Government, the bastion of freedom and liberty, has an extremely dismal record for supporting resistance movements. When history is written it will be long remembered that the gutless, no-good, 100th Congress would not help their fellow Americans throw out the Communists from this hemisphere. Exemplified by Congress' and the administration's poor performance in assisting the Nicaraguan freedom fighters, Senators DOLE, TRIBLE, HELMS, GARN, THURMOND, and myself, have taken steps to establish the framework necessary for this Government to extend democracy's hand to the oppressed people who are under the iron-fisted, tyrannical rule of communism.

Our Government's inability to competently support freedom fighters around the world only secures the goals of the Communists as they continue their expansionist policies of global domination. If this Nation does nothing to adequately support freedom fighters, we will be condoning the aggressive spread of communism, and preventing the ability of freedom and democracy to flourish. The failure of anti-Communist resistance movements is, in essence, the failure of this Nation and the values we profess.

The Freedom Fighters Assistance Act, by its adoption, would guide Congress and the administration in an effective manner to assist freedom fighters. In addition, and most importantly, this legislation establishes our commitment to those resistance movements which are fighting for self-determination, respect for human rights, political stability, and economic progress.

Over 200 years ago, our Founding Fathers fought against European colonization. Today, many people around the world face a similar threat to their very existence. The Soviet Union and its puppet regimes have victimized millions of people in an effort to establish Communist societies where the economics are run by the whips and guns of government instead of allowing people to make free decisions through free institutions and voluntarily live out their lives. And, as Americans, with a historical commitment and desire to help the oppressed of the world, we must advance our policies of assisting freedom fighters by adopting this legislation.

President James Monroe, in 1823, announced the Monroe Doctrine declaring that the United States would consider any attempt on the part of European powers "To extend their system to any portion of this hemisphere as dangerous to our peace and safety." Moreover, in 1980, President Ronald Reagan set forth the Reagan doctrine which declared the U.S. support for anti-Communist resistance movements around the world.

The Reagan doctrine is that we were going to support our friends and oppose our enemies, and I think that is a policy that this country should pursue. The Freedom Fighters Assistance Act furthers the doctrines established by these two great leaders, that we will not accept the fact that it is inevitable that we are going to see a world dominated by the so-called evil empire.

Mr. President, the United States cannot and must not assume as the Soviets begin their withdrawal from Afghanistan that a new era has dawned in the Soviet Union. The reason they are leaving Afghanistan is because they are losing on the battlefield. Simply put, their soldiers, their armies have been defeated on the field of battle by the Mujahidin, thanks to the equipment that was provided by this country and other countries.

Millions of people, though, Mr. President, are suffering in Angola, in Ethiopia, Mozambique, Cambodia, Nicaragua, and elsewhere and are still fighting the treacherous and oppressive rule of the Soviets and their puppet regimes. The Soviets continue to adhere to the Brezhnev doctrine of world conquest and domination and in my opinion the Soviets are and will continue to be for some time to come the evil empire.

With the introduction of this legislation, and I hope its eventual adoption, the United States will establish a pattern and a policy of which we will assist the promotion of freedom and democracy and liberty in the defense of those who expound its virtues along with the human rights that go with it.

Also, I want to express my appreciation to the Senators and their staff who have worked hard on bringing this legislation before the Senate. With the leadership of the Republican leader, Senator DOLE, I am hopeful the Senate will consider this legislation in timely manner.

Mr. HELMS. Mr. President, I commend the able Senator from Virginia [Mr. TRIBLE] for introducing the Freedom Fighter Assistance Act of 1988. I am pleased to cosponsor this excellent piece of legislation.

Mr. President, the cloud of controversy which had wrapped itself around the Iran-Contra Joint Select Committee hearings, among other pernicious results, distorted the true nature of the ongoing fight for freedom in Central America.

The same misguided controversy overshadowed the struggle of the Afghanistan against Soviet tyranny. It blotted out the battle being fought against Marxist-Leninist oppression in Angola and Mozambique where Soviet proxy governments are waging war against their own people with the help of foreign Communist troops.

Halfway around the world in Cambodia other freedon fighters are struggling against the Communist invaders from Vietnam and their pupped dictators installed by force of arms.

The foreign policy of the United States should not oppose those who seek to overthrow Marxist-Leninist repression. The foreign policy of the United States must promote freedom everywhere that oppression may arise. In order to assert human rights and civil liberties, freedom-loving peoples of the world must do away with Communist tyrants and their camp followers.

Democracy and freedom, Mr. President, are the goals of the bill introduced by the Senator from Virginia, which seeks to provide all peoples who aspire to liberty and basic human values with the opportunity to govern themselves and not to be oppressed by Marxist ideologues and Communist tyrannies.

The Freedom Fighters Assistance Act of 1988 provides for a legal basis of support by the U.S. Government for national resistance movements which have as their goals the overthrow of represssive Marxist-Leninist regimes and the introduction or restoration of liberty to Communist-ruled states. The bill encourages such national resistance movements to engender a substantial armed resistance against Marxist-Leninist rule. It further requires that any national resistance movement demonstrate a respect for fundamental human rights in the conduct of its military operations against a target government, and that such movement openly declare its intention of implementing these rights when a non-Communist regime is finally installed.

The Department of Defense and its Secretary are the main instrumentalities of assistance to national resistance movements as set forth in this act. The Director of Central Intelligence also has a role in the provision of military, humanitarian, economic, and political assistance. Furthermore, duties and functions of coordination and planning may be delegated by the Secretary of Defense to the Assistant Secretary for Special Operations and Low Intensity Conflict, which is a utilization of that newly created office. The Secretary of State, in consultation with the Secretary of Defense and the Director of Central Intelligence, likewise is involved to the extent of promoting the requisite democratic institutions and programs of individual rights and fundamental freedoms.

Mr. President, the threat of Communist oppression has not receded throughout the globe. The threat these days is even more insidious than in the past because of the emphasis by the Marxist-Leninist oppressors upon alleged accommodation and cooperation with the Western democracies. Yet, Marxist-Leninist regimes are actively and continually repressing their subject peoples in every hemisphere. Despite the odds against them, there are courageous groups in Central America, in Africa, and in Asia who are fighting to keep the flame of liberty alive. We cannot allow that flame to go out for those oppressed peoples.

The United States stands for freedom. It stands for liberty. It stands for basic human values and for those precious ideals of self-governance which all free societies hold dear. We must commit ourselves, Mr. President, to assist whenever and wherever possible those movements which confront tyranny and seek to establish the rule of law. We reject emphatically the false and distorted doctrines that claim might makes right and that the end justifies the means.

The Freedom Fighters Assistance Act of 1988 is a statement of freedom and a commitment to the idea of liberty for all peoples. It will also stand as a symbol of hope to those who oppose Communist oppression wherever it might be. This act provides the basis for contributing assistance to the beleagured forces of freedom throughout the world. I support the introduction of this act with the hope that it will receive the approval and the commitment of the Congress.

We are engaged in a battle which never ceases for a cause that is just and for a goal to which all oppressed peoples can justify aspire. It is about time that we say what we mean what we say to the Communist oppressors of the world. I am pleased to join the distinguished minority leader in cosponsoring this vitally important bill, introduced by the distinguished Senator from Virginia.

By Mr. FOWLER (for himself and Mr. HELMS):

S. 2482. A bill to provide additional enforcement authority for the Forest Service to deal with the production of controlled substances on the National Forest System, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

NATIONAL FOREST SYSTEM DRUG ENFORCEMENT AND PROTECTION ACT

Mr. FOWLER. Mr. President, I rise to introduce—along with my colleague from North Carolina, Senator HELMS—the National Forest System Drug Enforcement and Protection Act of 1988, to expand Forest Service authority to deal with the production of controlled substances on our National Forest System lands.

Our national forests are one of this country's greatest public assets, for the use and enjoyment of all our people. As our population grows and our cities expand, Americans rely more and more on our national forests as the only place people of modest means can experience the natural beauty of our woodlands, enjoy the great outdoors, and teach their children the ways of nature.

However, there are those who have appropriated the remote areas of our public forests for their own uses—for the cultivation of marijuana. These marijuana growers present a serious danger to innocent Americans seeking to use our public lands for legitimate recreational purposes—and who happen to wander into the domain of these criminal enterprises.

Unfortunately, this is a widespread phenomenon—with marijuana cultivation existing in almost every national forest. Forty percent of domestic sensimilla is grown on these public lands—and the problem appears to be growing as more and more pot producers seek to avoid asset seizure laws that apply to land on which illegal drugs are produced. The Forest Service reports approximately 400 incidents of assault or intimidation annually by suspected drug producers in our national forests.

Almost a million acres of national forest land have been made unsafe both for public use and public management by National Forest Service personnel. These marijuana gardens are protected by Marquis de Sade torture chamber of devices intended to maim, cripple, or kill intruders. Hunters and hikers have been injured in these booby traps.

The growers also appear to be armed with the most advanced and deadly weaponry, from automatic submachineguns to antiaircraft missiles. And Forest Service personnel have actually been fired on by marijuana growers.

Communities in and near national forests are disrupted by this illegal activity in the national forests. In one case, a family living in a small community adjacent to a national forest was threatened and taken hostage by one of these marijuana growers. Citizens who wander into the wrong area are intimidated and waylaid.

The drug barons are suspected of waging war with each other, further endangering the public, and even setting fires in the national forests to destroy competing crops. Growers also contaminate the fragile forest ecosystem with dangerous pesticides and fertilizers they use in their marijuana patches—and they destroy deer and other wildlife that might damage their plants.

The dangers they pose to our national forests are complete. We have to remove their incentives for operating there.

The Forest Service finds and destroys a quarter million marijuana plants a year, but this is only a small percentage of the total. Arrests are made in very few of these cases. When arrests are made, large producers with a huge network of gardens often can only be tied to small plots. That means that unless we impose a minimum sentence, even convicted growers can get off with a 30-day jail term—as many of them do now.

For illegal growers, the rewards are now greater than than the risks. This problem is compounded by the Forest Service's limited law enforcement authority, which is restricted severely in drug cases in our national forests.

This legislation would expand that enforcement authority—to put those marijuana growers who encroach on our public lands, and threaten the public safety for their own private gain, in greater danger of being prosecuted and brought to justice.

We have to move the marijuana growers out and reclaim our national forests for the Forest Service to manage them, and for the public to enjoy them—without fear of any runaway criminal element lurking in the trees.

By Mr. DANFORTH (for himself, Mr. Baucus, Mr. Wallop, Mr. Kerry, Mr. Heinz, Mr. Durenberger, Mr. Chafee, Mr. Mitchell, Mr. Boren, Mr. McCain, Mr. Riegle, Mr. Bond, Mr. Cranston, Mr. Wilson, Mr. Symms, Mr. Bingaman, Mr. Rudman, Mr. Sanford, Mr. DeConcini, Mr. Weicker, Mr. Grassley, Mr. Heflin, and Mr. Lautenberg):

S. 2484. A bill to amend the Internal Revenue Code of 1986 to enhance the incentive for increasing research activities; to the Committee on Finance.

RESEARCH AND EXPERIMENTAL CREDIT EXTENSION AND REFORM ACT

● Mr. DANFORTH. Mr. President, I am introducing today S. 2484, a bill to improve the incentive value of the R&D tax credit for increasing private R&D spending in the United States.

Specifically, this legislation, like S. 58, will make the R&D credit permanent. The R&D tax credit is scheduled to expire at the end of 1988. In addition, this bill makes certain improvements to the structure of the R&D credit. In particular, this legislation establishes a historical fixed base period over which a taxpayer's yearly research expenditures will be entitled to credit benefits. The credit rate will remain at 20 percent. The bill also provides for an alternative computation whereby a 7-percent credit rate is applied to the excess of a taxpayer's current research expenditures over a reduced historical base. These changes will increase taxpayers' incentives to spend more money on R&D and will ensure that a wide base of taxpayers are eligible for the credit over time.

The R&D tax credit was originally enacted in 1981 to provide just such an incentive. The credit has proved to be a great success as private R&D in the United States has increased to record levels in recent years. It is now necessary to keep this spending at these high levels. At hearings held in 1987 by the Subcommittee on Taxation and Debt Management of the Finance Committee, the Treasury Department, and several economists testified that the credit's true incentive value could be made even stronger by restructuring the base period.

Under the current credit, R&D expenditures made in the current year increase the following 3 years' base period amounts. Thus, the credit earned in year one is often paid back in years two through four. In these cases, the real incentive value of the credit is not the statutory 20-percent rate, but only that which is associated with the time value of money. In addition, the existing base period structure can create an R&D disincentive for certain taxpayers who are experiencing a decline in R&D spending. For these taxpayers the credit creates an incentive to cut R&D spending further in order to reduce the base amount so as to increase future credits. Finally, because the credit was enacted for only a trial 5-year period and then extended for an additional 3 years, the temporary nature of the credit creates uncertainty for taxpayers undertaking R&D efforts which are expected to span several years. These problems have caused the credit to be less effective than it could be in stimulating R&D efforts.

We cannot afford to be complacent about America's R&D. We must build the most efficient credit we can to ensure that the United States retains its position at the forefront of high technology, research, and development. Simply stated, we can get more bang for the buck if we amend the structure of the base period to take care of these criticisms. Accordingly, my bill introduces a base period structure that utilizes a historical 5-year R&D base which is indexed by a factor—nominal GNP—not directly related to any specific taxpayer's R&D spending. This new base makes the real incentive value of the credit the full statutory 20-percent rate. In addition, the bill provides a 7-percent credit on a reduced base—75 percent of the same historical base—for taxpayers with R&D increasing less rapidly than nominal GNP growth, and thereby not receiving any credit benefits under this new proposal. Firms with qualified research expenditures in two or less years of the 5 taxable years between 1983 and 1987 will use special rules for determining their initial base period. Finally, to further increase the credit's incentive value, bill makes the research tax credit a permanent part of our tax law.

Given the extensive changes my bill makes to current law, however, if this Congress chooses to extend the credit for only 1 year, it should not do so with the base period changes my bill proposes. Such an action would put an undue burden on the Treasury Department and the Internal Revenue Service to administer the new law. Moreover, taxpayers may not devote the time and resources needed to understand and utilize the new law if it is only a one year credit. Thus, its incentive value would decrease from that of current law. Accordingly, the base period changes of the bill should not be incorporated with a 1-year extension of the R&D tax credit.

This bill also incorporates the Baucus-Danforth legislation to make startup ventures eligible for the R&D tax credit. The current law does not allow startup ventures to take the R&D tax credit because expenditures by such firms, before market sales, are not considered to be made "in carrying on" a trade or business. Consequently, the credit is of no value to startup ventures that are developing new products or to existing businesses attempting to enter a new trade or business. Interestingly, the R&D expenses leading to many of America's most significant small business innovations; the lightbulb, the phonograph, the airplane, the human growth hormone, and the personal computer would be ineligible for the current R&D tax credit. The development of new products and technologies are essential to our continued economic growth. We should encourage firms to take the risks necessary to develop such innovations.

For these reasons, I believe the credit should now be made available to startup ventures. The legislation accomplishes this result by permitting research to be eligible if the principal purpose of the taxpayer is to use the results of the research in the active conduct of a present or a future trade or business. Research undertaken for investment purposes will not qualify. Thus, for example, research intended solely to be licensed to unrelated parties for use in their businesses would not be eligible for the credit under this legislation. Moreover, this provision only applies to so-called in-house research by a taxpayer—that is, salaries and supplies of the taxpayers' employees—and not to research contracted out to unrelated parties.

The revenue cost of the bill as a whole is minimal compared to the long-run benefits to the American industry in the world economy. The Joint Committee on Taxation estimates that the revenue cost of the bill is approximately revenue neutral to S. 58, my bill to make the credit for increasing research activities permanent and to increase the amount of such credit.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Research and Experimental Credit Extension and Reform Act of 1988".

(b) AMENDMENT OF 1986 CODE.—Whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. RESEARCH AND EXPERIMENTAL CREDIT MADE PERMANENT.

Section 41 is amended by striking out subsection (h) thereof (relating to termination of the credit).

SEC. 3. COMPUTATION OF BASE PERIOD RESEARCH EXPENSES.

Subsection (c) of section 41 (defining base period research expenses) is amended to read as follows:

"(c) BASE PERIOD RESEARCH EXPENSES.—For purposes of this section—

"(1) IN GENERAL.—The term 'base period research expenses' means, with respect to any taxable year, an amount equal to the sum of—

"(A) the historical base period research expenses, plus

"(B) such expenses multiplied by the percentage (if any) by which—

"(i) the GNP growth rate for the calendar year preceding the calendar year in which the taxable year begins, exceeds

"(ii) the GNP growth rate for the 2nd preceding calendar year.

In no event shall the base period research expenses be less than 50 percent of the qualified research expenses for the taxable year.

"(2) HISTORICAL BASE PERIOD RESEARCH EXPENSES.—The term 'historical base period research expenses' means—

"(A) in the case of a taxable year beginning in the initial base period, the amount determined under paragraph (3) or (4), whichever is applicable, and

"(B) in the case of a taxable year beginning after the initial base period, the taxpayer's base period research expenses determined under paragraph (1) for the preceding taxable year.

"(3) BASE PERIOD OF TAXPAYERS GENERALLY.—

"(A) IN GENERAL.—In the case of a taxpayer to whom this paragraph applies—

"(i) the taxpayer's initial base period shall be the taxpayer's 1st taxable year beginning after 1988, and

"(ii) the historical base period research expenses for such taxable year shall be an amount equal to 107 percent of the average qualified research expenses (determined on a taxable year basis) for taxable years beginning after December 31, 1982, and before January 1, 1988.

"(B) TAXPAYERS TO WHOM PARAGRAPH APPLIES.—This paragraph shall apply to any taxpayer which paid or incurred qualified research expenses in at least 3 of the taxable years described in subparagraph (A).

"(4) BASE PERIOD OF START-UP TAXPAYERS.—

"(A) IN GENERAL.—In the case of a taxpayer to which paragraph (3) does not apply—

"(i) the taxpayer's initial base period shall include each of the 1st 6 taxable years of the taxpayer—

"(I) which begin after December 31, 1988, and

"(II) in which the taxpayer pays or incurs qualified research expenses, and

"(ii) the historical base period research expenses shall be determined under subparagraphs (B), (C), and (D).

"(B) 1ST 3 TAXABLE YEARS.—In the case of the first 3 taxable years described in subparagraph (A), the historical base period research expenses shall be zero.

"(C) 4TH TAXABLE YEAR.—In the case of the 4th taxable year described in subparagraph (A), the historical base period research expenses shall be equal to one-third of the average qualified research expenses for the 3 taxable years described in subparagraph (B).

"(D) 5TH AND 6TH TAXABLE YEARS.—In the case of the 5th or 6th taxable years described in subparagraph (A), the historical base period research expenses shall be equal to the sum of—

"(i) the base period research expenses determined under paragraph (1) for the preceding taxable year (after application of this paragraph), plus

"(ii) 15 percent of the qualified research expenses paid by the taxpayer during the preceding taxable year.

"(5) GNP GROWTH RATE.—

"(A) IN GENERAL.—The term 'GNP growth rate' for any calendar year means the nominal growth rate of the gross national product published by the Bureau of Economic Analysis of the Department of Commerce.

"(B) PUBLICATION OF PERCENTAGE INCREASE.—Not later than April 1 of a calendar year, the Secretary shall publish the percentage increase described in paragraph (1)(B) for the preceding calendar year.".

SEC. 4. ALTERNATIVE COMPUTATION OF CREDIT.

Paragraph (1) of section 41(a) (relating to amount of credit) is amended to read as follows:

"(1) the greater of—

"(A) 20 percent of the excess (if any) of—

"(i) the qualified research expenses for the taxable year, over

"(ii) the base period research expenses, or

"(B) 7 percent of the excess (if any) of—

"(i) the qualified research expenses for the taxable year, over

"(ii) 75 percent of the base period research expenses."

SEC. 5. RESEARCH CREDIT FOR START-UP VENTURES.

Subsection (b) of section 41 of the Internal Revenue Code of 1986 (defining qualified research expenses) is amended by adding at the end thereof the following new paragraph:

"(4) TRADE OR BUSINESS REQUIREMENT DISREGARDED FOR IN-HOUSE RESEARCH EXPENSES OF CERTAIN START-UP VENTURES.—In the case of in-house research expenses, a taxpayer shall be treated as meeting the trade or business requirement of paragraph (1) if, at the time such in-house research expenses are paid or incurred, the principal purpose of the taxpayer in making such expenditures is to use the results of the research in the active conduct of a future trade or business—

"(A) of the taxpayer, or

"(B) of 1 or more other persons who with the taxpayer are treated as a single taxpayer under subsection (i)(1)."

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall apply to taxable years beginning after December 31, 1988.●

● Mr. BAUCUS. Mr. President, today Senator DANFORTH and I are introducing legislation to revise the R&D credit so that it will increase private R&D spending in the United States.

The R&D credit as enacted in 1981 has been an effective incentive for increasing R&D spending; we have seen record levels of private R&D spending in recent years. However, in April 1987, several witnesses—including the Assistant Treasury Secretary—testified before my Finance Subcommittee on Taxation and Debt Management that the current R&D base structure may create several problems. Under the right set of circumstances, according to the witnesses, the credit actually can discourage, rather than encourage, R&D spending. Treasury agreed at the hearing with our suggestion that revisions to the R&D base period should be developed in consultation with industries that use the credit.

This legislation has grown out of those hearings and was developed in consultation with industry groups. The overriding objective of our efforts has been to develop a credit that provides the greatest level of incentive for the largest number of companies.

The bill does two things: it improves the R&D credit and it makes it a permanent part of the tax law. In particular, the bill revises the definition of the term base period research expenses over which a taxpayer's annual research expenditures will be entitled to credit benefits. This revised base period will increase the taxpayer's incentive to increase R&D spending and will ensure that a wide base of taxpayers are eligible for the credit over time.

The base period under current law changes each year as current R&D expenditures increase the following 3 years' base period amounts. That means that often the credit earned in one year is "paid back" over the next 3 years. So the incentive is not the statutory credit rate, but only the time value of the money over the payback period.

The current law base also can create a disincentive for R&D spending by taxpayers who are experiencing a decline in R&D spending. In these cases, the incentive is for taxpayers to reduce their R&D so the base period amount will be reduced and, eventually, future credits will increase.

This bill revises the rules for determining the base period expenses used by a taxpayer to compute the incremental credit. Instead of recomputing the base period expenses each year, as is required under current law, the taxpayer will use the same 5 years' of expenses each year to compute the credit, indexed by the GNP growth rate. The bill also includes an alternative credit computation for firms whose R&D spending is growing more slowly than the GNP.

In addition to revising the base period, the legislation also makes startup ventures eligible for the credit. Thousands of S corporations, partnerships, and C corporations are started each year with dreams that hard work and creative research will lead to new products that can be marketed successfully. The individuals who take the very substantial risks involved in starting these ventures ought at least to have the chance for the venture to earn the R&D credit in the same way as major companies.

Since the credit was enacted in 1981, only research performed in carrying on a trade or business has been eligible for the credit. This requirement, thus, limits the credit to those companies which are actively marketing products in the year in which they perform research. Startup ventures cannot meet this in carrying on test because, by definition, they are performing research which will lead to the marketing of products in future years.

Of course, startup ventures by definition have no current income and thus pay no income tax. But for all taxpayers the code permits the R&D credit to be carried forward for 15 years. There is no reason why new ventures should not earn credits as startups to be available when and if they ultimately are successful and begin paying taxes.

The "in carrying on" test was originally included as part of the R&D credit to help assure that R&D tax shelter partnerships—which were fairly widespread in the early 1980's—could not utilize the credit. Since that time, circumstances have changed substantially. First, few, if any, R&D tax shelter partnerships exist today. Second, Congress has enacted other rules, such as the passive loss rules and the new minimum tax, which severely limit the extent that losses and credits can be utilized to create a tax shelter. Third, the R&D credit provision itself contains a limitation—under section 41(g)—which permits the credit to offset only tax from the activity or entity that gave rise to the credit. Thus, for example, partners in a partnership can utilize the credit only against income from that partnership.

For all these reasons, the credit should be made available to startup ventures. This bill would accomplish that result. Technically, the bill extends the credit to startups by permitting research to be eligible if the principal purpose of the taxpayer is to use the results of the research in that active conduct of a present or a future trade or business. The research must still be undertaken for use in a business, not for investment purposes. Thus, for example, research which if successful is intended solely to be licensed to unrelated parties for use in their businesses would not be eligible for the credit under this provision. Moreover, the provision only applies to so-called in-house research by a taxpayer—that is, salaries and supplies of the taxpayers' employees—and not to research contracted out to unrelated parties.

The bill also makes the credit permanent. The temporary nature of the current credit means that taxpayers who are considering R&D efforts cannot rely on the credit when planning long-term R&D efforts. A permanent credit would remove this uncertainty and would very likely stimulate R&D efforts.●

● Mr. CHAFEE. Mr. President, I am pleased to join in the introduction of legislation, that is very important to the continued improvement of American competitiveness in research and experimental activities.

We originally enacted the research and experimental tax credit in 1981 to provide an incentive for American taxpayers to spend more money on research and experimental activities. This incentive has been incredibly successful; since the enactment of the credit, private research and experimental expenditures in the United States have reached record levels.

Unfortunately, the current structure of the credit does not provide an incentive for American companies to maintain this level of expenditures. At hearings held last year by the Subcommittee on Taxation and Debt Management of the Finance Committee, we heard several witnesses, including the Treasury Department and several economists and academics, who testified that we should restructure the base period in order to improve the credit's incentive value.

Under the current structure, a taxpayer must continue to increase the amount of research and experimental expenditures each year, since the credit is computed on the excess expenditures over a base period amount. This base period amount is computed utilizing the research and experimental expenditures for the prior 3 years. This computation causes the base period amount to increase as taxpayers continue to increase research and experimental expenditures. I believe that this structure may provide an incentive for certain companies to reduce research and experimental expenditures for several years, in order to qualify for the credit in later years.

The structure proposed in our bill would establish a primary base period amount that will encourage American businesses to increase their research and experimental expenditures over the base period levels and to maintain those levels. However, this base period amount not be fixed, but would increase as our nominal gross national product increases from year to year. These provisions require research and experimental expenditures to be increased by an amount that exceeds the percentage increase in nominal gross national product.

I believe it is vitally important that we provide this incentive to American businesses to increase and maintain higher levels of research and experimental expenditures. We need this additional research to regain the competitive edge that we have enjoyed for years, but which we have lost to other nations such as Japan.

In addition, this legislation will extend the eligibility for the credit to startup companies and new lines of business within existing companies. Under the current structure, these startup businesses would not have received the benefits of the credit for their research and experimental expenditures. We are now providing a much needed incentive for the creation of new businesses with the purpose of performing research and experimentation.

Finally, this act would make the credit permanent and thus remove the uncertainty surrounding it. We need to assure the American businesses that undertake research activities that the credit will be available permanently, since many research activities will span several years and could exceed any temporary extensions.

I urge my colleagues to support this measure that is vitally important to American competitiveness. ●

By Mr. BOSCHWITZ (for himself, Mr. Dole, Mr. Heinz, Mr. Durenberger, Mr. Bond, and Mr. McCain):

S. 2486. A bill to improve nutrition programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

NUTRITIONAL ASSISTANCE IMPROVEMENTS ACT

● Mr. BOSCHWITZ. Mr. President, today, along with my colleagues Senators Dole, Heinz, Durenberger, Bond, and McCain, I am introducing the Nutritional Assistance Improvements Act.

This package represents my priorities for the additional spending in nutrition programs that was assumed in the budget resolution. As we heard Monday, the budget assumes $350 million in fiscal year 1989, $575 million in fiscal year 1990 and $594 million in fiscal year 1991 for a nutrition initiative.

While there has been a great deal of emphasis placed on food stamp provisions with the nutrition bills introduced thus far, I am hoping through this bill to broaden the scope of the discussions to include child nutrition programs and other commodity programs. I have been a long-time supporter of the child nutrition programs such as WIC, school breakfast and the Child Care Food Program, and I feel it's imperative to include child nutrition in this nutrition package. My child care bill introduced earlier this year also included the school breakfast and Child Care Food Program provisions set forth in this bill. I have long believed that the Federal Government has the responsibility to ensure that the children of today will grow up into the healthy, strong leaders of tomorrow.

I certainly do not want to give the impression that I am not supportive of the Food Stamp Program or do not plan to give consideration to the many food stamp provisions that are being discussed. Indeed, I have a couple of food stamp provisions in my bill. However, I am cautious about undoing food stamp changes we enacted as part of 1981 budget reconciliation, largely to slow the almost uncontrolled growth of the program. During the late 1970's, the program was growing so fast that it ran the risk of losing all political support. We don't want to face that situation again.

I worked hard to ensure that food stamp provisions were included in the 1985 farm bill. In fact, the conference committee adopted the food stamp compromise proposal I offered along with Congressman Panetta. The major reforms in that package included enacting an employment and training program, enhanced computerization, modest benefit increases targeted to the working poor, and additional provisions to eliminate fraud.

The impending problem that is facing us is the availability of surplus commodities for TEFAP. TEFAP was initiated by the Reagan administration in 1981 to reduce the huge mountains of commodities owned by the Government and to help address the emergency hunger problem in our country. Then, in 1983, Congress passed legislation establishing this program by law.

Due to the success of TEFAP and changes in farm policy to reduce Government-owned stocks, we have seen a dramatic decline in inventories of Government-owned commodities. This caused USDA at the end of March to suspend distribution of rice and honey through TEFAP. Distribution of cheese and nonfat dry milk was suspended at the end of April. However, due to shifts in inventory, USDA announced that nonfat dry milk would be distributed at the rate of 8 million pounds per month for both June and July. Distribution of butter, cornmeal and flour through TEFAP will continue through this fiscal year.

This bill reauthorizes TEFAP for the next 3 years and authorizes $50 million per year in administrative funding. In addition to whatever commodities would be available as surplus through TEFAP, USDA would be required to purchase $225 million of high protein commodities annually to supplement the surplus commodities that may be available. We want to leave USDA a great deal of flexibility in determining what to purchase and when to purchase it.

Part of the huge success of TEFAP has been its reliance on the network of volunteers who help distribute the commodities. I have always been supportive of private sector efforts and believe they have an important role in our continued fight against hunger. TEFAP has been a very popular program as many of us here in the Senate have been told. Some States are also working to provide commodities purchased with State funds to supplement the commodities donated from the Federal Government, and I'll continue to encourage States to do this. I've often said—and have long believed—that the private sector has an important role in helping to alleviate hunger in our country. I will continue to lend my support to initiatives that encourage still greater public-private cooperation and interaction in reducing hunger and malnutrition in America.

Mr. President, I ask unanimous consent that the summary and text of the bill be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2486

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Nutritional Assistance Improvements Act of 1988".

(b) Table of Contents.—The table of contents is as follows:

Sec. 1. Short title; table of contents.

TITLE I—TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)

Sec. 101. Use of surplus dairy products for TEFAP.
Sec. 102. Use of bonus commodities for TEFAP.
Sec. 103. High protein commodities.
Sec. 104. Administrative funding.
Sec. 105. Extension of TEFAP.

TITLE II—CHILD NUTRITION PROGRAMS

Sec. 201. Reimbursement rate for school breakfasts.
Sec. 202. Number of meals and supplements served under child care food program.

TITLE III—SPECIAL SUPPLEMENTAL FOOD PROGRAM

Sec. 301. Definition of homeless individual.
Sec. 302. Participation in program.
Sec. 303. State plans.

TITLE IV—FOOD STAMP PROGRAM

Sec. 401. Deduction for dependent care.
Sec. 402. Food stamp activities in rural areas.

TITLE V—FARMERS MARKET DEMONSTRATION PROJECT

Sec. 501. Definitions.
Sec. 502. Farmers market demonstration project.
Sec. 503. Reports.

TITLE VI—OTHER NUTRITION PROGRAMS

Sec. 601. Food bank demonstration projects.
Sec. 602. Cooperative emergency feeding facilities.
Sec. 603. Commodity supplemental food program.

TITLE VII—EFFECTIVE DATE

Sec. 701. Effective date.

TITLE I—TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)

SEC. 101. USE OF SURPLUS DAIRY PRODUCTS FOR TEFAP.

Section 202 of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by adding at the end thereof the following new subsection:

"(f) Notwithstanding any other provision of law, the programs authorized by sections 153 and 1163 of the Food Security Act of 1985 (15 U.S.C. 713a-14 and 7 U.S.C. 1731 note) shall not be operated in a manner that will, in any way, reduce the quantities of dairy products that traditionally are made available to carry out this Act or any other domestic feeding program.".

SEC. 102. USE OF BONUS COMMODITIES FOR TEFAP.

Section 202 of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) (as amended by section 101 of this Act) is further amended by adding at the end thereof the following new subsection:

"(g) Notwithstanding any other provision of law, the program authorized by this section shall not be operated in a manner that will, in any way, reduce the quantities of bonus commodities that traditionally are made available to carry out any other school nutrition or elderly feeding program.".

SEC. 103. HIGH PROTEIN COMMODITIES.

The Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by inserting after section 202A the following new section:

"SEC. 202B. HIGH PROTEIN COMMODITIES.

"(a) In General.—In addition to other commodities that would otherwise be made available under this Act, during each of the fiscal years 1989 through 1991, the Secretary shall purchase a variety of high protein commodities equal in value to not less $225,000,000 and make such commodities available, without charge or credit for such commodities, for use by eligible recipient agencies for food assistance under this Act.

"(b) Types of Commodities.—In carrying out this section, the Secretary shall purchase and make available a variety of commodities that—

"(1) have a high protein and nutrient content;

"(2) are easily and safely stored;

"(3) are convenient to use and store; and

"(4) are desired by needy individuals who are likely to be recipients of such commodities.

"(c) Quantity.—In determining the quantity of commodities to be purchased and made available under this section during a fiscal year, the Secretary shall consider the potential offsetting savings that might accrue to the Department of Agriculture from the purchase of commodities that might otherwise have been required to be purchased under agricultural price support and stabilization programs carried out by the Secretary.

"(d) State Supplements.—In addition to other commodities made available by the Secretary under this section, a State may make appropriate commodities available for use by eligible recipient agencies for food assistance under this Act.

"(e) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section during each of the fiscal years referred to in subsection (a).".

SEC. 104. ADMINISTRATIVE FUNDING.

The first sentence of section 204(c)(1) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking out "1989" and inserting in lieu thereof "1991".

SEC. 105. EXTENSION OF TEFAP.

(a) In General.—Section 212 of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking out "1988" and inserting "1991".

(b) Conforming Amendment.—Section 202A(a)(1) of such Act is amended by striking out "To the extent" and all that follows through "fiscal year 1988" and inserting in lieu thereof "For the period ending on the date specified in section 212".

TITLE II—CHILD NUTRITION PROGRAMS

SEC. 201. REIMBURSEMENT RATE FOR SCHOOL BREAKFASTS.

The first sentence of section 4(b)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)(3)) is amended by striking out "3 cents" and inserting in lieu thereof "6 cents".

SEC. 202. NUMBER OF MEALS AND SUPPLEMENTS SERVED UNDER THE CHILD CARE FOOD PROGRAM.

Section 17(f)(2)(B) of the National School Lunch Act (42 U.S.C. 1766(f)(2)(B)) is amended—

(1) by inserting "(i)" after "more than"; and

(2) by inserting before the period at the end thereof the following: ", and (ii) in the case of a child that is cared for by such institution or organization for more than 8 hours per day, an additional meal or supplement per day".

TITLE III—SPECIAL SUPPLEMENTAL FOOD PROGRAM

SEC. 301. DEFINITION OF HOMELESS INDIVIDUAL.

Section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended—

(1) by redesignating paragraphs (5) through (14) as paragraphs (6) through (15), respectively; and

(2) by inserting after paragraph (4) the following new paragraph:

"(5) 'Homeless individual' means—

"(A) an individual who lacks a fixed and regular nighttime residence; or

"(B) an individual who has a primary nighttime residence that is—

"(i) a supervised publicly or privately operated shelter (including a welfare hotel or congregate shelter) designed to provide temporary living accommodations;

"(ii) an institution that provides a temporary residence for individuals intended to be institutionalized;

"(iii) a temporary accommodation in the residence of another individual; or

"(iv) a public or private place not designated for, or ordinarily used as, a sleeping accommodation for human beings."

SEC. 302. PARTICIPATION IN PROGRAM.

Section 17(d) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)) is amended by adding at the end thereof the following new paragraph:

"(5) Participation in the program established under this section shall not be denied an applicant on the basis that the applicant is a homeless individual, so long as the applicant is otherwise eligible to receive benefits under the program."

SEC. 303. STATE PLANS.

Section 17(f)(1)(C) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(1)(C)) is amended—

(1) by striking out "and" at the end of clause (viii);

(2) by redesignating clause (ix) as clause (x); and

(3) by inserting after clause (viii) the following new clause:

"(ix) a plan to coordinate with local agencies to provide an outreach program for homeless individuals who may be eligible for benefits under the program and assisting such individuals in making proper application for such benefits; and".

TITLE IV—FOOD STAMP PROGRAM

SEC. 401. DEDUCTION FOR DEPENDENT CARE.

(a) Exclusion from Household Income.—Section 5(d) of the Food Stamp Act of 1977 (7 U.S.C. 2014(d)) is amended—

(1) by striking out "and" at the end of paragraph (12);

(2) by striking out the period at the end of paragraph (13) and inserting in lieu thereof a comma; and

(3) by inserting before the period at the end thereof the following: ", and (14) any payment made to the household under section 6(d)(4)(H) for dependent care".

(b) Deduction.—Section 5(e) of such Act is amended—

(1) in the matter preceding paragraph (1) of the fourth sentence, by inserting "and expenses that are paid under section 6(d)(4)(H) for dependent care" after "third party";

(2) in paragraph (1) of the fourth sentence—

(A) by inserting "for each dependent" after "$160 a month"; and

(B) by striking out ", regardless of the dependent's age,"; and

(3) in subparagraph (B) of the last sentence, by striking out ", regardless of the dependent's age,".

SEC. 402. FOOD STAMP ACTIVITIES IN RURAL AREAS.

Section 11(e) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)) is amended—

(1) by striking out "and" at the end of paragraph (23);

(2) by striking out the period at the end of paragraph (24) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(25) a description of how the State agency will provide information concerning, and enroll in, the food stamp program eligible individuals residing in rural areas of the State.".

TITLE V—FARMERS MARKET DEMONSTRATION PROJECT

SEC. 501. DEFINITIONS.

As used in this title:

(1) Commodity Supplemental Food Program.—The term "commodity supplemental food program" means the program authorized under sections 3 and 4 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note).

(2) Eligible Person.—The term "eligible person" means a person eligible to participate in—

(A) the special supplemental food program; or

(B) the commodity supplemental food program.

(3) Farmers Market.—The term "farmers market" means a market place where an eligible person can directly purchase unprocessed food from a farmer or at a stand or area set up for such farmers.

(4) Secretary.—The term "Secretary" means the Secretary of Agriculture.

(5) Special Supplemental Food Program.—The term "special supplemental food

program" means the program authorized under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

SEC. 502. FARMERS MARKET DEMONSTRATION PROJECT.

(a) In General.—The Secretary may pay the Federal share of establishing demonstration projects in seven States that would involve the issuance of farmers market coupons. Such projects shall be designed to—

(1) expand the public's awareness and use of farmers markets to increase the sales of fresh products at such markets; and

(2) provide nutritionally at risk families with inexpensive fresh produce from such markets.

(b) Federal Share.—For purposes of subsection (a), the Federal share shall be 65 percent.

(c) Additional Projects.—The Secretary shall use funds made available to carry out this title in a fiscal year that are not expended, to pay the Federal share of establishing additional demonstration projects in accordance with this title in States other than those in which the original seven projects were established.

(d) State Plan.—A State that desires to participate in such a project shall develop a plan for submission to the Secretary. Such a plan shall include a certification by the State that the State shall—

(1) issue coupons worth a minimum of $10 and a maximum of $20 per eligible person each year to such a project;

(2) redeem at face value such coupons when presented;

(3) serve at least 25 percent of the recipients of assistance under—

(A) the special supplemental food program; and

(B) the commodity supplemental food program;

(4) target the issuance of coupons to areas with the highest concentrations of eligible persons;

(5) target the issuance of coupons to areas with the greatest access to farmers markets; and

(6) consider the coupon a supplement to any other benefits received by an eligible person under—

(A) the special supplemental food program; or

(B) the commodity supplemental food program.

(e) Consideration of Existing Programs.—In selecting States to conduct programs under this title, the Secretary shall ensure that at least three of the States selected have existing programs similar to those authorized under this title.

(f) Use of Coupons.—Coupons issued under this title may be used at farmers markets to purchase commodities or the products thereof. Such coupons shall be redeemed by the State for the value stated on such coupons.

(g) Affect on Other Programs.—The amount of a coupon provided under this title shall not be considered to be income or resources of an individual for purposes of determining eligibility to participate in, or benefits available under, any other Federal law.

(h) Allocation Formula.—

(1) In general.—Except as otherwise provided in this subsection, in the case of each State that is eligible to participate in the program established under this title during a fiscal year, the Secretary shall allocate funds made available to the State to carry out this title during the fiscal year on the basis of a formula established by the Secretary that takes into consideration an allocation percentage for the State obtained by dividing—

(A) the number of individuals who the State projects will be served during the fiscal year under the State plan submitted under this title; by

(B) the number of individuals who the State projects will be served during the fiscal year under the special supplemental food program.

(2) Minimum allocation.—The minimum amount of funds made available under this title during a fiscal year shall be $75,000 if the State—

(A) has a population of less than 3,000,000 residents; and

(B) plans to make coupons available to a majority of the recipients currently participating in the special supplemental food program and the commodity supplemental food program.

(3) Maximum allocation.—The maximum amount of funds made available to a State under this title during a fiscal year shall be $400,000.

(i) Distribution of Funds.—The Secretary shall make the State allotment available to the Governor of such State who shall distribute such funds to the State department responsible for agriculture or the State department responsible for public health.

(j) Administration.—

(1) In general.—A State shall not use more than 10 percent of the funds allotted to such State under this title for administrative expenses.

(2) State option.—A State that receives funds under this title may—

(A) be administered in conjunction with the expanded food, nutrition, and education program carried out by the cooperative extension service of the State under sections 1584 through 1588 of the Food Security Act of 1985 (7 U.S.C. 3175a through 3175e); and

(B) require individuals eligible to receive coupons to participate in such expanded food, nutrition, and education program as a condition of receiving such coupons.

(3) Taxation.—A State receiving funds under this title shall ensure that no State or local taxes are collected within the State on the purchase of food with coupons distributed under the State project.

(k) Authorization of Appropriations.—There are authorized to be appropriated to carry out this title, $2,000,000 in each of the fiscal years 1989 through 1991.

SEC. 503. REPORTS.

(a) State Report.—Not later than 90 days after the end of each fiscal year in which the State has received a grant under this title, the State shall prepare and submit to the Secretary a report that—

(1) describes the operation of the project within the State in such fiscal year, including the manner in which coupons were distributed to eligible individuals and redeemed by the State;

(2) specifies the geographical area of the State in which farmers markets were designated to participate in the project in such fiscal year;

(3) identifies the number and eligibility characteristics of individuals to whom coupons were provided under the project in such fiscal year;

(4) specifies the number of farmers who participate in the project in such fiscal year; and

(5) evaluates the efficiency and effectiveness of the administration of the project by the State in such fiscal year.

(b) Report by Secretary.—Not later than 180 days after the end of each fiscal year for which funds are made available to carry out this title, the Secretary shall prepare and submit, to the Committee on Agriculture and the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report that—

(1) summarizes and evaluates the information contained in the reports submitted under subsection (a); and

(2) describes the success of the projects in achieving the purposes described in section 502(a).

TITLE IV—OTHER NUTRITION PROGRAMS

SEC. 601. FOOD BANK DEMONSTRATION PROJECTS.

(a) In General.—The Secretary of Agriculture (hereinafter in this section referred to as the "Secretary") shall carry out at least one demonstration project in each of the standard Federal regions to provide and redistribute to needy individuals and families through community food banks—

(1) agricultural commodities or products made available under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431); and

(2) to the extent practicable, agricultural commodities or products made available under section 32 of the Act entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes", approved August 24, 1935 (7 U.S.C. 612c).

(b) Tranfer of Commodities.—The Secretary may use State agencies or any other food distribution systems to transfer the commodities or products to community food banks in accordance with the last sentence of section 32 of the Act entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes", approved August 24, 1935.

(c) Food Types.—The Secretary shall determine the quantities, varieties, and types of agricultural commodities and products to be made available to community food banks under this section.

(d) Report.—Not later than January 3, 1990, the Secretary shall submit a report to Congress describing the demonstration projects carried out under this section. The report shall include an analysis and evaluation of the distribution and redistribution of food under the demonstration projects and the feasibility of expanding the projects to other community food banks.

(e) Termination.—The authority provided under this section shall terminate on September 30, 1991.

SEC. 602. COOPERATIVE EMERGENCY FEEDING FACILITIES.

(a) In General.—During each of the fiscal years 1988 through 1991, the Secretary of Agriculture shall acquire and distribute in areas of high unemployment surplus agricultural commodities that are equal in value to at least $50,000,000 for use in cooperative emergency feeding facilities for indigent persons.

(b) Source of Commodities.—For purposes of carrying out this section, the Secretary shall use surplus agricultural commodities made available from surplus removal operations conducted in connection with perishable agricultural commodities.

SEC. 603. COMMODITY SUPPLEMENTAL FOOD PROGRAM.

Section 4(d) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) is amended by adding at the end thereof the following new sentence: "In carrying out the commodity supplemental food program, the Secretary shall provide bonus cheese during a fiscal year that has a total value that is at least equal to the value of bonus cheese provided to carry out such program during fiscal year 1988, as adjusted to reflect increased program needs during the current fiscal year.".

TITLE VII—EFFECTIVE DATE

SEC. 701. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective on October 1, 1988.

(b) CHILD NUTRITION PROGRAMS.—The amendments made by title II shall become effective on July 1, 1989.

SUMMARY OF THE NUTRITIONAL ASSISTANCE IMPROVEMENTS ACT

1. TEFAP.—This bill reauthorizes TEFAP for FY 89-FY 91. ($50 million in administrative funding is authorized annually.) Surplus dairy commodities would be distributed through TEFAP before being committed for foreign sales. USDA would be required to purchase $225 million worth of commodities for distribution through TEFAP annually. This purchase requirement is in addition to what would be available as surplus commodities.

This bill authorizes a 3 year demonstration project for distributing commodities through food banks. This would be limited to one food bank in each of the 7 FNS regions. The food bank would not be required to have statewide coverage. This demonstration project would use Section 416 type commodities (price support commodities such as flour, cornmeal, butter) and, if available, Section 32 type commodities (fruits and vegetables, meats, fish, etc.).

3. Commodity Supplemental Food Program (CSFP) and Cheese.—The bill requires USDA to provide the Commodity Supplemental Food Program (CSFP) with cheese as a bonus commodity. (USDA has announced that CSFP will not get bonus cheese in 1988-89. CSFP received about 7 million pounds of cheese last year.)

4. Congregate Meal Sites.—This bill authorizes the purchase of $50 million of Section 32 type commodities for distribution to charitable institutions that operate congregate meal sites.

5. School Breakfast.—This bill increases the reimbursement for school breakfast by 3 cents.

6. Child Care Food Program.—This bill provides reimbursement to day care centers and homes to serve an additional meal or snack provided the child is at the home or center for more than 8 hours. (Current law provides reimbursement for 2 meals and 1 snack for both day care centers and homes.)

7. Food Stamps Dependent Care Deduction.—This provision changes the dependent care deduction from $160 per month per household to $160 per month per dependent. (The deduction under current law is $160 per month per household regardless of how many dependents are in the household.)

8. Reducing barriers to food stamp recipients.—This bill requires each state to describe in its annual state plan, which is submitted to USDA, how it is serving and reaching food stamp recipients in rural areas.

9. Food Stamp Employment and Training program.—This will conform the food stamp employment and training program with the new JOBS program included in the welfare bill recently passed by the Finance Committee.

10. WIC/Farmers Markets.—This provision establishes a demonstration project allowing WIC participants to purchase fresh fruit and vegetables at farmers markets. WIC participants would receive coupons redeemable at the local farmers market. $2 million/year would be authorized for 7 projects. States would provide a 35-percent match.

11. WIC and eligibility of homeless individuals.—This provision stipulates that states cannot deny WIC benefits to an individual solely because of homelessness.

12. Overall effective date is 10/1/88. The School Breakfast and Child Care Food Program provisions are effective 7/1/89.●

By Mr. METZENBAUM (for himself, Mr. SPECTER, Mr. SANFORD, Mr. KENNEDY, Mr. LAUTENBERG, Mr. DIXON, Mr. INOUYE, Mr. SARBANES, Mr. HOLLINGS, Mr. BRADLEY, Mr. CHAFEE, Mr. HEINZ, Mr. DODD, Mr. HECHT, and Mr. HEFLIN):

S. 2487. A bill to award a Congressional Gold Medal to Mrs. Jesse Owens; referred to the Committee on Banking, Housing, and Urban Affairs.

CONGRESSIONAL GOLD MEDAL TO MRS. JESSE OWENS

● Mr. METZENBAUM. Mr. President, today I am introducing legislation to award the Congressional Medal of Honor to Mrs. Ruth Owens on behalf of her late husband, Jesse Owens.

Jesse Owens was not just an athlete. He was not just an Olympian. Jesse Owens was a humanitarian—a representative for civil rights and international good will.

As a sprinter in high school in Cleveland and later at Ohio State University, Jesse Owens gained national acclaim as a track and field star. Then in 1936, he stunned the world with his record breaking performance at the summer Olympic games in Berlin.

This was a time of grave political unrest around the world. Hitler was declaring the superiority of the aryan race and the onset of World War II was becoming increasingly eminent.

Yet Jesse Owens overcame these political and racial tensions, arising from these games as an international sensation. By placing first in the 100- and 200-meter dashes, the broad jump, and the 400-meter relay, he became the first person to win four gold medals in one Olympics.

Since 1936, Jesse Owens has been awarded by the public and two Presidents of the United States. In 1976, President Gerald R. Ford awarded Jesse Owens the Presidential Medal of Freedom and in 1979 President Jimmy Carter presented him with the Living Legends Award. Now, it is time for Congress to honor Jesse Owens.

By presenting Mrs. Ruth Owens a Congressional Gold Medal in recognition of the late Jesse Owens' athletic and humanitarian achievements, we can underline the important role that Jesse Owens has played in all of our lives.

Jesse Owens embodied the pride, strength and determination necessary to face and overcome adversity. He served and will continue to serve as an inspiration to future generations of athletes and others facing opposition. I urge my colleagues to join me in honoring this American legend with a rightly deserved congressional medal.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2487

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, to Mrs. Jesse Owens a gold medal of approximate design, in recognition of the late Jesse Owens' athletic achievements and humanitarian contributions to public service, civil rights, and international goodwill.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

(c) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated not to exceed $20,000 to carry out this section.

SEC. 2. DUPLICATE MEDALS.

(a) STRIKING AND SALE.—The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medal struck pursuant to section 1 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

(b) REIMBURSEMENT OF APPROPRIATION.—The appropriation used to carry out section 1 shall be reimbursed out of the proceeds of sales under subsection (a).

SEC. 3. NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.●

By Mr. DODD (for himself, Mr. CHAFEE, Mr. KENNEDY, Mr. PACKWOOD, Mr. METZENBAUM, Mr. EVANS, Mr. FOWLER, Mr. HATFIELD, Ms. MIKULSKI, Mr. WEICKER, Mr. CRANSTON, Mr. STAFFORD, Mr. PELL, Mr. MOYNIHAN, Mr. KERRY, Mr. ADAMS, Mr. SIMON, Mr. INOUYE, Mr. DECONCINI, Mr. MATSUNAGA, Mr. GORE, and Mr. WIRTH):

S. 2488. A bill to grant employees parental and temporary medical leave under certain circumstances, and for other purposes; referred to the Committee on Labor and Human Resources.

PARENTAL AND MEDICAL LEAVE ACT

● Mr. DODD. Mr. President, I am honored to be joined today by 21 of my colleagues in introducing the new Parental and Medical Leave Act of 1988. This legislation is supported by a solid bipartisan group of Senators from every geographic region in the

Nation—including 11 out of the 16 members of the Senate Labor and Human Resources Committee. I am also pleased to have the endorsement of almost 200 national children's, family, health, labor, and business organizations. They include a wide range of key organizations like the American Academy of Pediatrics, the Association of Junior Leagues, the Child Welfare League, the American Association of Retired Persons, and the Leadership Conference on Civil Rights.

The purpose of the legislation we are introducing today is to provide a period of unpaid parental leave for the birth, adoption, or serious illness of a child and temporary medical leave for a worker's own serious illness. This is a modest and low-cost proposal designed to help American workers deal with crisis family situations without the risk of losing their jobs.

The demographic revolution in the American work force is having a profound effect on the lives of working men and women and their families. Today, fewer than 1 in 10 American families has the luxury of having mother home with the children while father is at work. Fifty-six percent of American women are now in the work force and 80 percent of them are in their prime childbearing years. More than one-half of all mothers with infants under 1 year of age now work outside the home. And while these work force changes have been a boon to American business, many American workers face difficult choices every day as they seek to balance family and workplace responsibilities. For too many American parents, family crises present a Hobson's choice; millions of American workers are denied the temporary leave necessary to meet their family obligations without losing their jobs in the process.

After introducing the original version of this legislation in January 1987, I brought my Subcommittee on Children to virtually every region in the Nation to hear firsthand about the need for a national policy on parental leave. From Boston to Chicago—from Los Angeles to Atlanta—and in three hearings here, I heard tragic personal stories from parents that would make your hair stand up on end. A father in Rhode Island told of being fired from his job after taking 6 days unpaid leave to be at the hospital with his 7-year-old son who was dying from leukemia. A security guard from San Gabriel, CA, was fired when he took unpaid leave to care for his sickly infant son while his wife was disabled by diabetes and complications during childbirth. And after 5 years with what she thought was a "family oriented" company, a secretary in Atlanta was fired the day before she was to return to work after taking the 5 weeks maternity leave permitted by her company's written employment policy. The stories go on and on. Good people and productive workers losing their jobs because they want to have families too.

The Parental and Medical Leave Act is based on the philosophy that strong American families mean a stable and productive work force for our Nation. this is something many employers around the country already understand. But to be perfectly candid, by spreading misinformation the powerful business lobby in Washington has shed a great deal more heat than light on this issue. This is not a labor bill but a family bill; this is not a bill to mandate benefits but to create job security. The basic issue is whether a parent should be forced to choose between his or her job and the critical short-term care necessary for a new or seriously ill child. We think the answer is obvious.

In developing this new legislation, we made some very tough decisions and major changes designed to reduce the cost of the bill and help employers plan for workers taking unpaid leave. The maximum number of weeks allowed for parental leave and temporary medical leave have been scaled back dramatically, to 10 weeks of unpaid parental leave and 13 weeks of unpaid medical leave. Small employers are exempt from the revised legislation—only 12 percent of U.S. firms are covered—and employees must be on the job for 1 year before they are eligible for the unpaid leave.

Other important changes have been incorporated which will help employers plan: an employee must provide reasonable notice and scheduling of the leave, and an employer may substitute any accrued paid leave for any part of the unpaid leave. In addition, an employer may require medical certification of illness and a second opinion. When spouses are employed at the same worksite, they are together eligible for the 10 weeks of parental leave.

I want to make one thing very clear. I would never be sponsoring this legislation if I felt it was bad for American business. Quite the contrary. Firms that have leave policies in place report improved employee loyalty, reduced turnover and absenteeism, and enhanced productivity. And according to the most detailed study to date on employer leave policies—the 1986 catalyst study of Fortune 1500 corporations—87 percent of the companies responding which had leave policies reported that setting up the system and continuing benefits was an easy thing to do.

We commissioned a major General Accounting Office study of this legislation, the results of which were today. GAO's conclusions are clear and unambiguous. This legislation will result in no measurable net costs to business from replacing workers or lost productivity. The GAO study concludes that the cost of the revised legislation to employers will be less than $194 million annually—40 percent of the cost of the original legislation and only $3.50 per covered worker. This cost results exclusively from the continuation of health insurance coverage for employees on unpaid leave.

According to a recent study by the Institute for Women's Policy Research, this Nation loses more than three and a half times that amount—$715 million each year—in forgone earnings and public assistance costs because we lack a national parental leave policy.

Given the changing demographics of the American work force, Government should be a positive force in ameliorating the tremendous pressures parents face in balancing workplace and family responsibilities. From time to time throughout American history, we have taken stock of where we are as a nation and a democracy and have put in place minimum protections for American workers as a matter of human decency—child labor laws, fair labor standards, occupational health and safety, and nondiscrimination in employment statutes. We see a parental leave policy as part of this long tradition of consensus labor standards which take broad societal concerns out to the competitive process by establishing a minimum national standard and a level playing field on which all businesses and States can play. We are the only industrialized nation in the world without a parental leave policy in place. The time to establish one is now.●

● Mr. CHAFEE. Mr. President, I am delighted to be here today to join Senator DODD in introducing a new version of the parental and temporary medical leave bill. Supported by over 160 national organizations, including the National Education Association, the Children's Defense Fund, and the AFL-CIO; this is a bill I believe puts the issue of a reasonable and meaningful national parental leave policy on the map.

The bill we introduce today would require employers of 20 persons or more to allow employees up to 10 weeks of unpaid leave within any 2-year period upon birth, adoption or illness of a child, and 13 weeks of leave within any 1-year period in the event of the worker's own illness or injury.

While the leave is unpaid, employers would be required to continue health benefits for that employee, and to guarantee that the employee's job will be held open for his or her return.

This is a simple, reasonable bill that ensures that a large majority of the families in this country will be treated fairly in the face of joy, as in the birth or adoption of a child; and in the face of disaster, when serious illness strikes. At the same time, our measure also protects very small businesses from undue hardship.

Today, in a majority of American families, both parents work. Yet, should a child become ill, most companies have no fixed policy that would allow adults of either gender to care for that sick child. It is an absolute fact that a sick or injured child makes a faster recovery when given the steady comfort of a parent, as opposed to being alone in a hospital, no matter how kind the staff is. This is indeed "pro-child" legislation.

In my home State of Rhode Island, we are currently building a Ronald McDonald House to provide lodging for the parents of critically ill youngsters undergoing treatment either at Rhode Island Hospital or at Women and Infants Hospital. Now I think a Ronald McDonald House is an excellent idea, and I applaud McDonald's and the Providence Community for their efforts in bringing a Ronald McDonald House to Rhode Island. But we all must do our part. What good is a supportive sanctuary for parents if the parents can't get time off from work in the first place? Ronald McDonald House allows parents to stay close to their children—parental and temporary medical leave enables parents to be there in the first place.

In the same vein, the rhetoric of "pro-family" policies can have little effect if women are not given some job security at the time of child birth. Surely we don't want to make careers and children mutually exclusive.

The need for a national policy for parental leave is great. But the good news is, the cost of parental leave is minimal. The General Accounting Office has estimated that this bill will cost businesses approximately $200 million a year. That sounds expensive at first, but if you consider that there are over 5.4 million businesses in our country, and that they employ over 82 million workers, that cost when spread among them is negligible: Parental leave will cost businesses about $37 a year, or, if you figure it per employees—it would average about $2.43 a year. Either way you look at it this is a pittance when compared to the benefits that can be reaped.

In addition to its modest cost, this parental leave legislation contains a number of safeguards to ensure that employers can continue to run their businesses efficiently. First, an employer may require medical certification of a child's or a worker's illness and may require a second opinion and periodic recertification. Second, the employee must provide reasonable notice of parental or medical leave and, when possible, schedule leave to accommodate the employer. Third, an employee may only take intermittent parental leave with the permission of his/her employer. And finally, an employer may substitute any of the employee's accrued paid leave for any part of the unpaid leave provided for in this legislation.

Parental leave will give American families a fair shake. Children will heal faster, knowing their parents are near; and parents can celebrate the miracle of birth without worrying about losing their jobs.

For less than $2.50 an employee—this is a leave policy that makes sense.●

● Mr. METZENBAUM. Mr. President, I am pleased to be an original cosponsor of the compromise version of the Parental and Medical Leave Act. I was a cosponsor of the initial bill because I believe that it is critical to support working families. It is fashionable to give lip service to so-called family issues. But families need more than empty words to survive and prosper in our society. They need policies that will encourage and nurture family life.

That is exactly what this bill does. It recognizes the changing reality of our economy—single parents and two wage-earning parents dominate the workforce. And it recognizes that young families need time together to develop as a healthy and lasting unit. This bill gives families that time with the assurance of job security.

Without job security, many families will face a crisis. In two-parent families, both parents must work to pay the bills. Two-thirds of the women in the workforce are either single parents or their husbands earn less than $15,000 per year. Parents do not have the luxury of quitting a job to raise a newborn or to care for a seriously ill child. This bill allows parents to be with their families at critical times, knowing that they will have a job when they return from leave.

I applaud Senator Dodd for crafting this compromise legislation. It remains true to the needs of America's families while at the same time addressing significant concerns from the business community. The compromise bill reduces the amount of unpaid parental leave from 18 weeks every 2 years to 10 weeks every 2 years and cuts the amount of unpaid medical leave from 26 weeks per year to 13 weeks per year. It increases the small business exemption from 15 employees to 20 employees and it adds a 1-year tenure requirement on the job before an employee can qualify for leave. According to the General Accounting Office, this compromise will cost less than $200 million—a 60-percent reduction from the cost of the original family leave measure. Yet the compromise still protects nearly 50 percent of America's working men and women.

I look forward to working with Senator Dodd as he moves this bill through the Labor Committee and then through the Senate. I urge my colleagues to support this compromise so that we can help America's working families.●

● Mr. MOYNIHAN. Mr. President, I am pleased to join Senator Dodd in support of the compromise version of the Parental and Medical Leave Act introduced today. The revised legislation, agreed upon after long negotiations between members of the Committee on Labor and Human Resources, the labor and business communities, and family and child advocates, is a reasonable compromise with bipartisan support. It deserves the Senate's favorable consideration, and soon.

Two decades ago, in an introduction to a paperback edition of Alva Myrdal's Nation and Family, I wrote,

> In the nature of a modern, industrial society no government, however firm might be its wish, can avoid having policies that profoundly influence family relationships. This is not to be avoided. The only option is whether these will be purposeful, intended policies or whether they will be residual, derivative, in a sense of concealed ones.

Perhaps to a greater degree today than ever before, many of our Government policies have a harmful, albeit unintended effect on the American family. As but one example, it would seem that we have placed working mothers and fathers in an untenable position by failing to support job-protected parental leave.

In recent years, important new research on the State of parental leave policies for working parents has demonstrated the lack of any uniform, comprehensive policy. Research conducted at Yale University's Bush Center in Child Development by Dr. Ed Zigler, Meryl Frank, and others reveals that many parents feel they have no choice but to return to their jobs soon after the birth of a child, before they are physically or emotionally prepared to do so.

Compounding the problem is the rapid growth in two-earner families and female labor force participation. Although the work force has become increasingly dominated by women, it has nonetheless failed to adequately meet their changing needs. We know that a large majority of all women with children, and a majority of women with young children, are in the labor force today. Recent data from the Bureau of Labor Statistics indicate that 72 percent of all mothers with children aged 6 to 17 are in the labor force; 57 percent of women with children under 6, and 53 percent of women with children under 3 are now in the labor force.

Professors Sheila Kamerman and Alfred Kahn of Columbia University offer related data of interest. They report that 80 percent of women in the work force today are of childbearing age, and that 93 percent of these women will become pregnant during their working lives. Thus, three out of four working women are likely to become pregnant at some point in their working lives.

Moreover, virtually all other modern industrial nations, and even many less-developed nations, have minimum standards for parental leave. In Canada, for example, many parents are eligible for 4 to 10 months of leave, and are paid 60 percent of their salary for up to 15 weeks. In Sweden, working parents receive 90 percent of their salary for 38 weeks; and in Japan, many receive 60 percent of their salary for up to 3 months of leave.

In the face of such facts, there is no longer any excuse for our own failure to establish a Federal policy on child care leave for working parents. While an increasing number of States are recognizing the need and enacting their own leave policies, the majority have yet to mandate leave for employees with temporary disabilities, including those related to childbirth. And, while some employers voluntarily offer paid and unpaid leave to their pregnant employees, the large majority of employees in our Nation are inadequately covered in the event of a child's, or their own, serious illness.

The compromise Parental and Medical Leave Act addresses the critical needs of working parents and their children by providing job protection for parents who must temporarily leave their jobs due to the birth, adoption, or serious illness of a child, or who are temporarily unable to work because of a disabling health condition.

Under the compromise proposal, all employers with 20 or more employees would be required to provide up to 10 weeks of unpaid leave, in any 2 years, for any parent—mother or father—who chooses to stay home to care for a newborn, newly adopted, or seriously ill child, and up to 13 weeks of temporary medical leave for a worker's own serious illness. Only workers who have been on the job for a year or more, and who have worked an average of half time or more during that year would be eligible for unpaid leave. Employees would be assured of reinstatement to the same or equivalent job upon their return, and would continue to receive health care coverage during their absence.

In my view, this compromise measure goes to great lengths to address the concerns of the organized business community which has been vocal in its opposition to unpaid leave. The great majority of small business owners—those with fewer than 20 employees, an estimated 88 percent of all firms—would be exempt from the bill's requirements. And other revisions have been made in this compromise to address specific concerns. Senator Dodd has said, and I wish to concur, that parental leave is simply not an antibusiness policy. Indeed, many firms that already have leave policies in place report improved employee loyalty, reduced turnover and absenteeism, and enhanced productivity. It seems clear that business owners and their employees would benefit mutually from a measured, unpaid leave policy of the type envisioned in this legislation.

The compromise language, estimated by CBO to cost no more than $194 million annually, is quite reasonable. Indeed, widely publicized cost estimates in the multibillions of dollars have proven to be completely unfounded. The General Accounting Office, in a recent analysis, concluded that "there will be little if any measurable net costs to eiployers resulting from a firm's adjusting to the temporary absence of a worker taking unpaid leave." Virtualhy all net new cost will result from the continuation of health insurance coverage for eiplkyees.

Mr. President, in the introduction to a new book titled, "The Parental Leave Crisis," editors Zigler and Frank address the ckre of the matter:

> Families deal with the confhict between work and family responsibilities in individual ways. Nonetheless, the problems that these families face have their origins in the structure of our society and must be solved on a structural level, not on a family-by-family basis. Resolution of this issue is essential to society's well being, for conflict between family needs and work force demands carries the potential for further fragmentation of the family.

I could not agree more. By failing to recognize the competing demands on them, we have neglected millions of mothers and fathers who face real responsibilities in the workplace and the home. The Parental and Medical Leave Act begins to address the problem. I urge my colleagues to support this initiative.●

● Mr. SIMON. Mr. President, today I join Senator Dodd as an original cosponsor of the revised Parental and Medical Leave Act. This bill would establish an unpaid leave policy for employees following the birth, adoption, or serious illness of a child, as well as providing a leave period for serious illnesses of employees themselves.

We have seen a dramatic change in the work force over the last several years. Today, over half the women in this country are employed full time. Some are single mothers: Some are providing necessary income to a two working parent family. Parents are going to continue to work; and families are going to continue to have children. We must recognize that both these goals are important to our Nation and support working parents by providing flexible leave options which promote family stability and job security.

This bill would help families deal more effectively with the continued challenge of parenting while remaining productive members of the work force. Many families are facing tough choices, especially parents of seriously ill, or disabled children. We should not force these parents to choose between their jobs and their children. We should offer support to help them balance these important responsibilities.

I am a cosponsor of S. 249, the parental leave measure which was introduced earlier this Congress. The revised version addresses many of the concerns which have been raised, and has received strong bipartisan support. Most industrial countries have national policies extending leave to employees in order to care for their infant or ill children, and I believe it is time for the United States to be moved in this direction as well.

As a member of the Labor and Human Resources Committee, I hope to see swift action on the parental leave issue, and I thank Senator Dodd for his good efforts in this area. I urge my colleagues who have not signed on to join as cosponsors.●

By Mr. MELCHER (for himself, Mr. Adams, Mr. Bentsen, Mr. Bond, Mr. Boschwitz, Mr. Bradley, Mr. Breaux, Mr. Bumpers, Mr. Burdick, Mr. Chafee, Mr. Chiles, Mr. Conrad, Mr. DeConcini, Mr. Dodd, Mr. Domenici, Mr. Durenberger, Mr. Glenn, Mr. Gore, Mr. Graham, Mr. Grassley, Mr. Hatch, Mr. Heinz, Mr. Inouye, Mr. Johnston, Mr. Lautenberg, Mr. Levin, Mr. Matsunaga, Mr. Metzenbaum, Mr. Murkowski, Mr. Pressler, Mr. Pryor, Mr. Reid, Mr. Sanford, Mr. Shelby, Mr. Simon, Mr. Stennis, Mr. Stevens, Mr. Thurmond, Mr. Warner, Mr. Wilson, Mr. Wirth, Mr. Stafford, Mr. Pell, Mr. Nunn, Mr. Weicker, Mr. Kerry, Mr. Hecht, Mr. Moynihan, Mr. Cochran, Mr. Lugar, Mr. Boren, Mr. Rockefeller, Mr. McCain, Mr. Mitchell, and Mr. Heflin):

S.J. Res. 335. Joint resolution to designate the last full week of October, October 23 through October 29, 1988, and the last full week of October hereafter as "National Adult Immunization Awareness Week"; referred to the Committee on the Judiciary.

NATIONAL ADULT IMMUNIZATION AWARENESS WEEK

Mr. MELCHER. Mr. President, as chairman of the Senate Special Committee on Aging, I am delighted to introduce a joint resolution to designate October 23 through October 29, 1988, and the last full week of October in the years that follow as "National Adult Immunization Awareness Week."

Mr. President, this year tens of thousands of adults, most of them elderly, will die from vaccine-preventable diseases. While State laws require preschool immunization, the need for adult immunization largely has been neglected. In fact, fewer than one in every eight adults is protected against flu, pneumonia, hepatitis B, measles, diptheria, rubella, or tetanus.

Despite the fact that pneumococal pneumonia is the sixth leading cause of death in the United States, fewer than 10 percent of our Nation's elderly are immunized against it. This deadly disease is responsible for between 25,000 and 30,000 deaths each year, most of which could be prevented by a simple vaccination.

Influenza, another killer, strikes hardest at the elderly and chronically ill. During the past 30 years, our Nation has been hit by 16 major flu epidemics, each of which has claimed the lives of at least 10,000 Americans, the majority of them elderly. Had the victims known that a simple shot could have saved their lives, many of these deaths could have been prevented.

Mr. President, it is a national disgrace that tens of thousands are dying each year from vaccine-preventable diseases. Without question, we must strive to promote a greater awareness of the need for increased adult immunization to help prevent these deaths.

Mr. President, this resolution represents a continuing effort toward that goal. I am delighted that a similar resolution I introduced last year was passed unanimously and signed by the President. I again urge my colleagues' support as one measure of our shared commitment to ending the tragic loss of life caused by these deadly—and often preventable—diseases.

ADDITIONAL COSPONSORS

S. 1378

At the request of Mr. THURMOND, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 1378, a bill to provide for setting aside the first Thursday in May as the date on which the National Day of Prayer is celebrated.

S. 1851

At the request of Mr. BIDEN, the names of the Senator from Illinois [Mr. DIXON], the Senator from Kansas [Mr. DOLE], the Senator from Florida [Mr. CHILES], the Senator from New York [Mr. D'AMATO], the Senator from Vermont [Mr. STAFFORD], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of S. 1851, a bill to implement the International Convention on the Prevention and Punishment of Genocide.

S. 1929

At the request of Mr. BUMPERS, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 1929, a bill to amend the Small Business Investment Act to establish a corporation for small business investment, and for other purposes.

S. 2033

At the request of Mr. THURMOND, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 2033, a bill to amend title 18, United States Code, with respect to child protection and obscenity enforcement, and for other purposes.

S. 2205

At the request of Mr. DECONCINI, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 2205, a bill to enact the Omnibus Antidrug Abuse Act of 1988, and for other purposes.

S. 2411

At the request of Mr. MITCHELL, the names of the Senator from North Carolina [Mr. SANFORD], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Indiana [Mr. LUGAR], the Senator from Connecticut [Mr. WEICKER], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Louisiana [Mr. BREAUX], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 2411, a bill to amend the Internal Revenue Code of 1986 to extend the low-income housing credit through 1990.

S. 2434

At the request of Mr. CHILES, the names of the Senator from Washington [Mr. EVANS], the Senator from Washington [Mr. ADAMS], the Senator from New Jersey [Mr. BRADLEY], the Senator from Maine [Mr. MITCHELL], the Senator from Rhode Island [Mr. PELL], the Senator from South Carolina [Mr. THURMOND], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of S. 2434, a bill to designate Building No. 31, National Institutes of Health Reservation, 9000 Rockville Pike, Bethesda, MD, as "The Claude Denson Pepper Building."

S. 2450

At the request of Mr. CHILES, the names of the Senator from Alabama [Mr. SHELBY], the Senator from North Dakota [Mr. BURDICK], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of S. 2450, a bill to provide Federal financial assistance to facilitate the establishment of volunteer programs in American schools.

S. 2455

At the request of Mr. D'AMATO, the names of the Senator from Wyoming [Mr. SIMPSON], the Senator from Florida [Mr. GRAHAM], the Senator from North Carolina [Mr. HELMS], the Senator from Utah [Mr. GARN], the Senator from New Mexico [Mr. DOMENICI] the Senator from Texas [Mr. GRAMM], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 2455, a bill entitled "Death Penalty in Case of Drug Related Killings."

S. 2478

At the request of Mr. FORD, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 2478, a bill to provide for a 2-year Federal budget cycle, and for other purposes.

S. 2480

At the request of Mr. MOYNIHAN, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 2480, a bill to amend the Internal Revenue Code of 1986 to clarify that section 457 does not apply to nonelective deferred compensation or basic employee benefits.

SENATE JOINT RESOLUTION 97

At the request of Mr. HATCH, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Joint Resolution 97, a joint resolution to designate the week beginning November 22, 1987, as "National Adoption Week."

SENATE JOINT RESOLUTION 149

At the request of Mr. HELMS, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of Senate Joint Resolution 149, a joint resolution to designate the period commencing on June 21, 1989, and ending on June 28, 1989, as "Food Science and Technology Week."

SENATE JOINT RESOLUTION 272

At the request of Mr. DURENBERGER, the names of the Senator from North Carolina [Mr. SANFORD], the Senator from South Dakota [Mr. DASCHLE], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Joint Resolution 272, a joint resolution to designate November 1988, as "National Diabetes Month."

SENATE JOINT RESOLUTION 289

At the request of Mr. BENTSEN, the names of the Senator from South Dakota [Mr. PRESSLER], the Senator from New York [Mr. MOYNIHAN], the Senator from Georgia [Mr. FOWLER], the Senator from Connecticut [Mr. WEICKER], the Senator from Nevada [Mr. REID], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Idaho [Mr. SYMMS], the Senator from Colorado [Mr. WIRTH], the Senator from Georgia [Mr. NUNN], the Senator from New York [Mr. D'AMATO], the Senator from Kentucky [Mr. FORD], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Iowa [Mr. GRASSLEY], the Senator from West Virginia [Mr. BYRD], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Wyoming [Mr. WALLOP], the Senator from California [Mr. CRANSTON], the Senator from Idaho [Mr. MCCLURE], the Senator from Florida [Mr. GRAHAM], the Senator from Virginia [Mr. TRIBLE], the Senator from Maryland [Ms. MIKULSKI], the Senator from Arizona [Mr. McCain], the Senator from Rhode Island [Mr. Pell], the Senator from Maine [Mr. Mitchell], the Senator from Nebraska [Mr. Exon], and the Senator from New Jersey [Mr. Bradley] were added as cosponsors of Senate Joint Resolution 289, a joint resolution to designate the month of November 1988 as "National Hospice Month."

SENATE JOINT RESOLUTION 291

At the request of Mr. Cochran, the names of the Senator from North Dakota [Mr. Conrad] and the Senator from Wisconsin [Mr. Kasten] were added as cosponsors of Senate Joint Resolution 291, a joint resolution to designate the month of September 1988 as "National Sewing Month."

SENATE JOINT RESOLUTION 295

At the request of Mr. DeConcini, the names of the Senator from Texas [Mr. Gramm] and the Senator from Washington [Mr. Evans] were added as cosponsors of Senate Joint Resolution 295(a joint resolution to provide for the designation of September 15, 1988, as "National D.A.R.E. Day."

SENATE JOINT RESOLUTIOJ 296

At the request of Mr. Shehby, the name of the Sejator from Georgia [Mr. Fowler] was added as a cosponsor of Senate Joint Resolution 296, a joint resolution designating April 1989 as "National Outdoor Power Equipment Safety Month."

SENATE JOINT RESOLUTION 319

At the request of Mr. Leahy, the names of the Senatkr from New York [Mr. D'Amato] and the Senator from Wyoming [Mr. Simpson] were added as cosponsors of Senate Joint Resolution 319, a joint resolution to designate the period commencing November 6, 1988, and ending November 12, 1988, as "National Disabled Americans Week."

SENATE JOINT RESOLUTION 324

At the request of Mr. Durenberger, the names of the Senator from Nebraska [Mr. Karnes], the Senator from Kansas [Mrs. Kassebaum], the Senator from New Mexico [Mr. Domenici], the Senator from Iowa [Mr. Grassley], the Senator from Maine [Mr. Mitchell], and the Senator from South Carolina [Mr. Hollings] were added as cosponsors of Senate Joint Resolution 324, a joint resolution to designate February 1989 as "America Loves Its Kids Month."

SENATE JOINT RESOLUTION 328

At the request of Mr. Wicker, the names of the Senator from Alabama [Mr. Shelby], the Senator from Rhode Island [Mr. Pell], the Senator from Hawaii [Mr. Matsunaga], the Senator from Arkansas [Mr. Pryor], the Senator from Arkansas [Mr. Bumpers], the Senator from Washington [Mr. Adams], the Senator from Massachusetts [Mr. Kerry], the Senator from Michigan [Mr. Levin], the Senator from Tennessee [Mr. Gore], the Senator from Florida [Mr. Chiles], the Senator from Hawaii [Mr. Inouye], the Senator from North Dakota [Mr. Burdick], the Senator from Ohio [Mr. Glenn], the Senator from Mississippi [Mr. Stennis], the Senator from South Carolina [Mr. Hollings], the Senator from Connecticut [Mr. Dodd], the Senator from West Virginia [Mr. Rockefeller], the Senator from New Jersey [Mr. Bradley], the Senator from North Carolina [Mr. Sanford], the Senator from Georgia [Mr. Nunn], the Senator from Texas [Mr. Bentsen], the Senator from Georgia [Mr. Fowler], the Senator from Michigan (Mr. Riegle], the Senator from New York [Mr. Moynihan], the Senator from Rhode Island [Mr. Chafee], the Senator from Alabama [Mr. Heflin], the Senator from North Dakota [Mr. Conrad], the Senator from South Dakota [Mr. Daschle], the Senator from South Dakota [Mr. Pressler], the Senator from Minnesota [Mr. Durenberger], the Senator from New York [Mr. D'Amato], the Senator from Vermont [Mr. Stafford], The Senator from Virginia [Mr. Warner], the Senator from New Mexico [Mr. Domenici], the Senator from Nebraska [Mr. Karnes], the Senator from Kansas [Mr. Dole], the Senator from Mississippi [Mr. Cochran], and the Senator from California [Mr. Wilson] were added as consponsors of Senate Joint Resolution 328, a joint resolution to designate the day of September 14, 1988, as "National Medical Research Day".

SENATE JOINT RESOLUTION 330

At the request of Mr. Dole, the names of the Senator from Connecticut [Mr. Dodd], and the Senator from Maine [Mr. Mitchell] were added as cosponsors of Senate Joint Resolution 330, a joint resolution to provide for the designation of September 16, 1988, as "National POW/MIA Recognition Day."

SENATE JOINT RESOLUTION 331

At the request of Mr. Shelby, the names of the Senator from Georgia [Mr. Nunn], the Senator from Louisiana [Mr. Breaux], the Senator from Maine [Mr. Mitchell], the Senator from Hawaii [Mr. Matsunaga], the Senator from Ohio [Mr. Glenn], the Senator from Nebraska [Mr. Karnes], the Senator from Washington [Mr. Evans], the Senator from Michigan [Mr. Riegle], and the Senator from Oklahoma [Mr. Boren] were added as cosponsors of Senate Joint Resolution 331, a joint resolution to designate the week of June 19-25, 1988, as the "National Recognition of the Accomplishments of Women in the Workforce Week".

SENATE RESOLUTION 409

At the request of Mr. Lautenberg, the name of the Senator from Alabama [Mr. Heflin] was added as a cosponsor of Senate Resolution 409, a resolution to express the sense of the Senate regarding the Community Development Block Grant and Urban Development Action Grant Programs.

SENATE RESOLUTION 432

At the request of Mr. Moynihan, the names of the Senator from Ohio [Mr. Glenn], the Senator from Tennessee [Mr. Gore], and the Senator from Alabama [Mr. Shelby] were added as cosponsors of Senate Resolution 432, a resolution to honor Eugene O'Neill for his priceless contribution to the canon of American literature in this the 100th anniversary year of his birth.

AMENDMENT 1908

At the request of Mr. Bentsen, the name of the Senator from Florida [Mr. Chiles] was added as a cosponsor of amendment No. 1908, intended to be proposed to S. 2223, an original bill to promote and protect taxpayer rights, and for other purposes.

SENATE RESOLUTION 439—CONGRATULATING THE PARTICIPANTS IN THE FIRST FRIENDSHIP FLIGHT BETWEEN ALASKA AND THE SOVIET UNION

Mr. D'AMATO (for Mr. Murkowski, for himself and Mr. Stevens) submitted the following resolution; which was considered and agreed to:

S. Res. 439

Whereas the President of the United States and the General Secretary of the Soviet Communist Party have recently concluded successful meetings at the Summit.

Whereas long and firm ties of ethnicity, family and history exist between the peoples of Alaska and their neighbors in Siberia.

Whereas many citizens of Alaska and Siberia are relatives who have for forty years been unable to maintain contact with each other and to exchange visits.

Whereas the Mayors of Nome, Alaska and Provideniya, Siberia and the peoples of their cities have exchanged greetings and expressed the desire to exchange visits.

Whereas the protection of the Arctic Regions is a matter of concern to both the United States and the Soviet Union.

Whereas the promotion of Peace between the United States and the Soviet Union is a paramount concern to all Americans, especially those Alaskans living closest to the Soviet Union, and

Whereas on June 13, 1988, a group of Alaskans from all walks of life will make the first Friendship Flight from Nome to Provideniya: Now, therefore be it

Resolved, That the Senate—

(1) Congratulates the participants on the first Friendship Flight from Nome to Provideniya.

(2) Extends the greetings of all the people of the United States to their Soviet neighbors.

(3) Expresses its hopes that the Friendship Flight will be but the first of many such peaceful exchanges between the peoples of the United States and the Soviet Union.

(4) Commends the members of the Alaskan business community, and officials of

the United States, Alaskan and Soviet governments whose efforts have made the first Friendship Flight possible.

(5) Commends the citizens of Nome and Provideniya for taking the lead in promoting peaceful cultural interchanges, and

(6) Urges the American people to emulate their lead and find new and productive ways to promote peaceful interchanges between the United States and the Soviets.

AMENDMENTS SUBMITTED

DEATH PENALTY IN CASE OF DRUG RELATED KILLINGS

LEVIN AMENDMENT NO. 2339

(Ordered to lie on the table.)

Mr. LEVIN submitted an amendment intended to be proposed by him to the bill (S. 2455) entitled "Death Penalty in Case of Drug Related Killings"; as follows:

SECTION 1. MANDATORY LIFE IMPRISONMENT WITHOUT THE POSSIBILITY OF RELEASE.

Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended—

(1) by redesigning subsection (e) as subsection (f); and

(2) by adding a new subsection (e) as follows:

"Mandatory Life Imprisonment Without the Possibility of Release

"(e)(1) In addition to the other penalties set forth in this section—

"(A) any person engaging in a continuing criminal enterprise, or anyone working in furtherance of a continuing criminal enterprise who intentionally, or with reckless indifference to human life, kills or participates substantially in the killing of any individual not participating in the continuing criminal enterprise, shall be sentenced to mandatory life imprisonment without the possibility of release;

"(B) any person, during the commission of, in furtherance of, or while attempting to avoid apprehension, prosecution or service of a prison sentence for, a felony violation of the Controlled Substances Act (21 U.S.C. 801 et seq.) who intentionally, or with reckless indifference to human life, kills or participates substantially in the killing of any federal, state, or local law enforcement officer engaged in, or on account of, the performance of such officer's official duties, shall be sentenced to mandatory life imprisonment without the possibility of release; and

"(C) any person described in subparagraph (A) or (B) who kills or participates substantially in the killing of an individual other than an individual described in subparagraph (A) or (B) shall be sentenced to any term of imprisonment, which shall not be less than 20 years, and which may be up to life imprisonment.

"(2) No person shall be sentenced to mandatory life imprisonment without the possibility of release under subparagraph (A) or (B) of paragraph (1) who was less than 18 years of age at the time the crime was committed.

"(3) As used in paragraph (1)(B), the term 'law enforcement officer' means a public servant authorized by law or by a Government agency or Congress to conduct or engage in the prevention, investigation, prosecution or adjudication of an offense, and includes those engaged in corrections, probation, or parole functions."•

AUTHORITY FOR COIIITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. BYRD.Mr. President, I ask unanimous consent that the Comiittee on the Judiciary be authorized to meet during the session of the Senate on June 8, 1988, to hold a hearing on S. 2033 Chihd Protection and Obscenity Enforcement Act and S. 703, the Pornography Victims Protection Act of 1987.

The PRESIDING OFFICER. Without objection, it is ordered.

SUBCOMIITTEE ON WATER RESOURCES, TRANSPORTATION, AND INFRASTRUCTURE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcomiittee on Water Resources, Transportation, and Infrastructure, Committee on Environment and Pubhic Works be authorized to meet during the session of the Senate on Wednesday, June 8, to conduct a hearing on the response of the Federal Emergency Management Agency to the request of the State of Nevada to be declared eligible to receive Federal disaster assistance for the May 4, 1988, Henderson, NV, fuel plant explosion.

The PRESIDING OFFICER. Without objection, it is ordered.

SUBCOMMITTEE ON EMPLOYMENT AND PRODUCTIVITY

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Employment and Productivity of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, June 8, 1988, to conduct a hearing on "youth employment and those being served in title II of the Job Training Partnership Act [JTPA]."

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON ARMED SERVICES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, June 8, 1988, in open session to receive testimony on the role of the Department of Defense in drug interdiction.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 8, 1988, to hold a hearing on an ambassadorial nominee.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, June 8, 1988, on the subject of effectiveness of AIDS education.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation and the National Ocean Policy Study be authorized to meet during the session of the Senate on June 8, 1988, to hold a hearing on the impact of acid rain on coastal waters and on the reauthorization of title III of the Marine Sanctuaries Research and Protection Act of 1972.

The PRESIDING OFFICER. Without objection, it is ordered.

ADDITIONAL STATEMENTS

THE COLORADO WAY

● Mr. WIRTH. Mr. President, at first glance at our beautiful Rocky Mountains, a visitor might assume that an irreconcilable conflict exists between mining and environmental protection.

But the first glance proves illusory. As our Colorado Governor, Roy Romer, has stated so well:

> While our environment is a unique asset we absolutely will not squander, we are confident its protection is compatible with the mining industry, and we are working to ensure that we can have both.

I want to share with my colleagues an editorial on this balanced mining policy. This editorial appeared in the Anchorage Times and was sent to me by my thoughtful colleague, Senator FRANK MURKOWSKI.

The editorial follows:

[From the Anchorage Times, Mar. 30, 1988]

THE COLORADO WAY

When it comes to mining, Colorado has done an about face.

From the days when the environmentalists had virtually taken over the government, and shut down mining and other development enterprises, the state has now moved to a new direction of assisting the mining industry.

Democratic Gov. Roy Romer puts it this way:

"Colorado is committed to a viable minerals and energy sector. The industry is down at the moment, but not out. The state administration wants to be the industry's partner in returning to economic health."

What a breath of fresh air.

Mining development, he said, will not come at the expense of environmental assets or the public health and safety. But no one wants or expects that—in Colorado or in Alaska, where Gov. Romer's attitudes need to be enthusiastically copied: Said he:

"I strongly believe it is possible to have a viable mining industry that is compatible with these concerns."

That's the kind of talk we should be hearing from Alaska's governor and Alaska legislators.

But Gov. Romer is doing more than talking.

Six weeks ago he signed an executive order on mining, which, among other things, directed the Colorado departments of Natural Resources and Health to work together to ensure that the state's regulatory process is reasonable and timely. "There is no virtue in a long permit process," the governor said, "it simply costs everybody money."

Of equal importance, his executive order, in his words, reaffirmed "our commitment to energy and mineral research and technology development to promote Colorado's minerals and fuels."

In the process, he said, "the state will work to balance its former commitment to environmental and public health and safety protection with its determination not to smother industry with regulation."

Colorado, of course, is a state with many mineral prospects—and a lot of natural beauty.

But on neither score can it match Alaska.

In both states, however, common sense and good public policy demands the extraction of mineral resources and the protection of the natural wonders we all love so much.

They are not exclusive, despite the emotional out-cries heard from the environmental lobbies which do everything possible to prevent any sort of development.

Gov. Romer of Colorado knows it. He assesses the conflict this way:

"I have heard some say that Colorado is anti-mining. That simply is not so. While our environment is a unique asset we absolutely will not squander, we are confident its protection is compatible with the mining industry, and we are working to ensure we can have both."

That's what we need to do in Alaska, as well. If they can do it in Colorado, we certainly can do it here with so much more to work with.●

ROLE OF JAPAN IN BURDEN SHARING

● Mr. McCAIN. Mr. President, Secretary of Defense Carlucci has recently issued a very important statement on our position in Asia, and the role of Japan in burden sharing. I would like to have this statement included in the RECORD, and I think it is particularly important because the issue of burden sharing has become one of the most critical problems in our relations with our allies.

There can be little question that the United States has been forced to assume a total burden of defense spending and security assistance—as measured in terms of spending as a percent of GNP and per capita effort—that is greater than that borne by any of its allies.

At the same time, most of our allies make more of a contribution to the common defense than is indicated by the econometric data on their defense spending and security assistance efforts. Our European allies provide 90 percent of the ground forces now in Europe, 75 percent of the airpower, and 50 percent of the naval assets.

Even if one considers all of the forces available to NATO—which include many U.S. forces with other missions or which could not deploy to Europe in less than 30 days—our European allies provide 53 percent of the alliance's tanks, 46 percent of its artillery, 54 percent of the combat aircraft, 83 percent of the combat ships, 58 percent of the active duty personnel and 80 percent of the Reserve personnel.

These are impressive figures, given the fact that Europe has 40 percent of the GDP/GNP of NATO and Japan, and 52 percent of the total population. Further, virtually all of our European allies have made annual real increases in defense spending more often than the United States.

This does not mean that we should abandon efforts to increase the national security efforts of our European allies. There is a great more they can do to improve their forces, pay the cost of our deployments in Europe, and provide the air and sealift that are now "warstoppers" in meeting our commitment to deploy 10 divisions to Europe in 10 days. We may never be able to persuade them to make basic changes in their level of defense effort, but there is no question that they can do more.

There is, however, a vital difference between the role our European allies play and the role played by Japan. If one looks at the total strength of the United States, other NATO nations, and Japan, Japan now has 21 percent of the total GDP and 16 percent of the population.

Nevertheless, Japan only contributes 2 percent of the military personnel, however, and 3 percent each of the ground forces, tactical combat aircraft, naval ship tonnage, and aircraft. Unlike our European allies, who contribute 63 percent of the sealift in a wartime contingency, Japan does not report its cargo vessels to the Maritime Administration.

There also is a vital difference in trade patterns. Our 1987 trade deficit with all our NATO allies totaled $38 billion. Our trade deficit with Japan alone totaled $60 billion. Japan also pays only a maximum of 37 percent of the offset costs of stationing United States troops in Japan, and by some calculations, only pays 29 percent.

Our European allies spend an average of 3.3 percent of their GNP on defense, and 0.5 percent on foreign aid and security assistance. This is a total of 3.8 percent of their GNP. In contrast, Japan spends only 1.0 percent of its GNP on defense and 0.3 percent on foreign aid and security assistance.

To put this in perspective, our European allies spend an average of more than three times more of their GNP on defense and security assistance than Japan. The United States spends five times more of its GNP on defense and security assistance than Japan. Further, much of Japan's foreign assistance is not true foreign aid. Its real purpose is to expand and develop Japanese markets.

As Secretary Carlucci points out, Japan has made some progress in this area, but it has not made anything like the progress it should. The result is a relationship that cannot be allowed to continue.

This is why I have sponsored a burden sharing amendment to the Senate version of the fiscal year 1989 Defense Authorization Act. This act will lead the United States toward negotiations with Japan that would force it to increase its security assistance payments throughout the world.

Rather than build up additional military power, this amendment would push Japan toward helping key states in the Third World, and would build regional stability and self-defense capability. It raises no constitutional issues in Japan. It only asks Japan to assume responsibilities which are long overdue.

I realize that this amendment is only a beginning. I hope Japan will begin to respond during the coming year without further legislative pressure, and I believe that we should approach the issue in a spirit that allows such negotiations to begin without threats or compulsion.

At the same time, I realize how often Japan retreats into excuses and evasion. I would hope that the Government of Japan would get the message contained in both my bill and the attached statement by the Secretary of Defense, and that additional action will not be necessary. If it does not, it can be virtually certain that far stronger legislation will follow in fiscal year 1990.

The statement of Secretary Carlucci follows:

REMARKS BY HON. FRANK C. CARLUCCI

I am very pleased to be here today. As you know, this is the second-to-last stop in a trip that has taken me steadily eastward. Prior to the summit, I met with our European allies at NATO headquarters in Brussels. Then came the summit itself, five intense days of meetings in Moscow. On arriving here in Japan, I met with Minister Kawara and Minister Uno, and from Tokyo I will be going on to our annual security meetings with the Republic of Korea.

My point is not to recite a travelogue, but to underscore the importance I attach—and my government attaches—to close relations with our allies. The fact that I have bracketed the Moscow summit with visits to our allies—east and west—is entirely fitting. I am convinced that our greatest asset in dealing with the Soviet Union is the collective strength generated by our alliance system.

Let me speak briefly about last week's events in Moscow. Summits like the one just concluded make good sense. The U.S. and Soviet Union should continue to explore whatever avenues are open to us to ease the tensions that divide us. We made progress on that score in Moscow. We came away from the summit with greater understanding of Soviet positions and points of view, and we made our own views clear to the Soviets. There is no doubt that that exchange is valuable.

But as we focus on the summit process, we must not lose sight of this central fact: Better relations must be built on a strong foundation—our ability to defend ourselves and our interests. Summitry is no substitute for security.

The corollary for our security interests in that summitry does nothing to diminish the need to maintain our common defense. This is nothing other than realism—a language the Soviets understand and respect.

As all of you know, the Soviet threat to this part of the world is significant, and it is growing. For several decades now, the Soviets have maintained fifty divisions along the Chinese border. The Republic of Korea continues on the path of economic and political development in the shadow of Soviet client-state North Korea, one of the most heavily-armed and militarized nations in the world. In Southeast Asia, another Soviet client-state, Vietnam, continues to occupy neighboring Cambodia, and provides the Soviet navy its largest port facility outside Soviet territory—the base at Cam Ranh Bay. As a result, the Soviet navy now maintains a continuous presence in the South China Sea.

As we fashion our strategy to cope with this threat to the Pacific, we must keep in mind the concept of balance. Balance is a concept that is integral to Japanese art, language, literature and culture. It is equally important to America's security strategy.

You may recall that just over a decade ago, in the aftermath of Vietnam, there was within U.S. policy-making circles a very active reconsideration of America's worldwide strategy objectives. One idea in particular got a very serious hearing: the proposal that the U.S. should make Europe the focal point of American security policy, and treat security in Asia as a second-order interest. Fortunately, this reordering of American interests and obligations never came to pass.

Had that shift been carried out, it would have destroyed all sense of balance in America's national security strategy. The plan ignored a vital geopolitical fact of life. America is at once an Atlantic and a Pacific power.

We must strike a balance in our global policy. Our security interests in the Pacific are every bit as vital as our interests elsewhere around the world. This is why, for example, President Reagan held firm in the INF negotiations on the global zero option, when many were urging him to settle for a deal allowing the Soviets to keep 100 SS-20 warheads targeted on our friends and allies in Asia.

Those of you familiar with developments on the American political scene are aware that there is once again a growing urge to reassess U.S. security commitments. In fact it is not too strong to say that—in some quarters in the U.S.—our alliance structure is under attack. According to alliance critics, the United States bears far more than its "fair share" of the cost of collective security.

There is considerable truth to that claim, of course—particularly if we use as our yardstick percentage of GNP devoted to defense. But there are contributions to collective security that are not easily measured in terms of dollars spent on defense, and when all the factors are weighed, our allies do more than most Americans believe.

How we handle this issue—how we seek to distribute roles, risks and responsibilities in an equitable manner—is central to the future of our alliances. American critics of our alliance structure—while still in the minority—are growing more vocal. Some urge punitive action against our allies, others simply seem to want to opt out of our alliances altogether. Whether they think America can go it alone in the world, or simply wish to ignore the imperatives of international relations is not always clear.

I have spoken out against this new isolationism, and I have spoken in defense of our alliance structure—and the vital role it plays in our security. I have tried to make certain the American people—and their representatives in Congress—do not underestimate what our allies contribute toward our common defense.

In Japan's case, those contributions are significant, and they are on the increase. In this decade, Japan has assumed greater responsibility for its own defense extending its air and sea lane defense out to one thousand miles from its territory, and Japan has embarked on a defense program to build the forces necessary to meet its new responsibilities, surpassing the politically-sensitive barrier of one percent of GNP devoted to defense. In another measure of alliance support, Japan spends an average of $45,000 each year for every American serviceman and servicewoman stationed here—the most generous host-nation support of any American ally.

I have made it clear that Japan does more than it often gets credit for; I want to make it equally clear today that still more remains to be done. I will briefly mention three ways in which Japan can greatly strengthen our common security:

First, Japan must continue to move forward with its defense programs. The Japanese Government's current support for defense funding shows it is serious about meeting its newly-expanded security responsibilities. But we must keep in mind that this program will provide—in Japan's own assessment—the minimum capability Japan needs to fulfill the defense obligations it has assumed.

Second, Japan could increase its already substantial support for our forces stationed here, which—in spite of Japan's significant contributions—continue to cost the U.S. more than $3 billion each year. Additional efforts on Japan's part to ease this burden would go a long way toward depriving American critics of one piece of evidence they now cite to show the high costs of maintaining our alliances.

Third, Japan could expand its economic development aid. In contrast to expanding its defense capabilities, Japan faces no constitutional constraints in increasing economic aid to nations whose political and economic health is vital to our collective security.

The Philippines is a prime example. Two years ago, that nation made a perilous but ultimately peaceful transition from autocratic rule to democracy. It is faced now with the challenge of working out from under the Marcos legacy, and defeating a communist insurgency that poses a direct threat to its fledgling democracy. Ensuring that the Philippines succeeds is in Japan's interest as well as ours—and increased economic assistance could make the difference.

Nor are the nations that can benefit from expanded development aid confined to this region alone. Turkey, Portugal, Pakistan and Afghanistan, for instance, are nations in which aid could advance our overall security.

As we enter the 1990s, the partnership between the U.S. and Japan must adjust to what are—to a great degree—the consequences of its success. During the past four decades, Japan has rebuilt and restructured itself. It is today a flourishing democracy, and a world-class economic power in its own right.

I believe that the next chapter in the story of our partnership must be one in which Japan takes an increasingly broader view of its role in the world, in keeping with its arrival as one of the world's foremost economic powers. Japan has it within its power to make itself a formidable force for peace and stability.

In the past four decades, America and Japan have accomplished much more as partners than we could have had we taken separate paths. Both of us today secure, prosperous, dynamic nations. That is testimony to the great strength inherent in an alliance of free nations, and to the enduring importance of mutual security.●

BUSINESSMAN OF THE YEAR

● Mr. PRYOR. Mr. President, recently the Rotary Club of Little Rock, AR, named Charles H. Murphy, Jr., as its "Businessman of the Year." Charles Murphy is chairman of the Murphy Oil Co. of El Dorado.

Charles Murphy became head of the Murphy family enterprise, of necessity, when he was 21. He's worked quietly the 40 years since, save for a respite in the infantry in World War II, to build a regional producing operation into a multinational integrated oil company.

Mr. Murphy has paid his dues. He served 17 years on the Arkansas Board of Higher Education, 10 years as a trustee of Hendrix College, he established the Murphy Institute of Political Economy at Tulane, and he is a trustee of the Ochsner Medical Institutions. He is a past chairman of the National Petroleum Council and he served for many years as a director of the American Petroleum Institute. Mr. Murphy is presently chairman of the executive committee of First Commercial Corp. of Little Rock, and chairman of the board of First United Bancshares of El Dorado. He is a past president of the 25 Year Club of the Petroleum Industry, on the Governor's Council on Economic Development for the State of Louisiana, and is a member of the National Board of the Smithsonian Institution.

Charles Murphy has lectured widely in the U.S.A. and in Europe. In his audiences have been OPEC oil ministers and heads of national oil companies. He debated then Senator Mondale on PBS on the issues of price controls and divorcement. He debated British National Oil Corp.'s then chairman, Lord Kearton, in Geneva on the role of national oil companies. He argued to three successive administrations that if they would decontrol oil the price would go down as well as up and that oil company profits would come under severe pressure.

He is himself a serious student. Mrs. Arnold Toynbee, widow of the renowned historian, once introduced Charles Murphy as the only man who ever changed her husband's mind.

Mr. President, Charles Murphy is most deserving of the designation of "Businessman of the Year"—of any year.●

NATIONAL JOB SKILLS WEEK RESOLUTION

● Mr. D'AMATO. Mr. President, I am pleased to join my colleagues in cosponsoring Senate Joint Resolution 333, which designates the week of October 9, 1988, through October 15, 1988, as "National Job Skills Week."

The ever-changing nature of today's technology demands new job skills. If our Nation is to be competitive in the international marketplace, we must realize the importance of a skilled workforce to keep pace with technology.

The varying industrial climate has meant plant closures and dislocated workers. Public and private cooperation in retraining programs is the best approach for both the workers and for businesses who need workers with special skills.

Let us hope that "National Job Skills Week" will call the Nation's attention to the importance of training and education for the workers of today and tomorrow.●

INFORMED CONSENT: INDIANA

● Mr. HUMPHREY. Mr. President, often when we talk about abortion we forget about the woman as a victim. We ignore the physical and psychological pain that so many of these women feel. As a result of abortion, some are sterilized or miscarry subsequent children. Still others must bear the pain of knowing that they have taken the life of their preborn child. I urge all my colleagues to join me in passing informed consent legislation with support for S. 272 and S. 273 to make sure that women are given the facts concerning the physical and emotional side effects of this surgical procedure.

I ask unanimous consent that a letter from a women in the State of Indiana giving her support for these efforts be inserted in the Record.

The letter follows:

February 19, 1988.

Dear Senator Humphrey: I aborted my first child in 1976. I lived in Indiana but went to a clinic in Chicago, Illinois. I had counseled with a Planned Parenthood clinic in our own small community. They asked me questions like, "Do you really want an abortion?", "Are you sure?," "What about your boyfriend?". They made comments like, "This sure seems like one of those times a person might have an abortion."

There was no discussion about fetal development. Alternatives were mentioned but not discussed. I am absolutely sure I would not have aborted if I had been told the truth. The side effects of abortion are very real to me. Please continue your efforts for informed consent.

Very sincerely yours,

Sandra K. Simmons.●

THE LANDSCAPE AWARDS PROGRAM

● Mr. HATFIELD. Mr. President, several weeks ago, the American Association of Nurserymen sponsored the 29th annual Landscape Awards Program hosted by First Lady Nancy Reagan at the White House.

The Landscape Awards Program began in 1950 to encourage executives to improve the landscaping of industrial and commercial sites. The efforts of the American Association of Nurserymen have served as a catalyst to stimulate industrial beautification. Through the Landscape Awards Program, executives throughout the country have been encouraged to see landscaping as an essential component in community development plans. Undoubtedly, a correlation can be drawn between attractive working environments and employee productivity, surely the award recipients would attest to that fact.

During the most recent program, Larry Scovotto, the executive vice president of the American Association of Nurserymen, not only delivered his address with eloquence, but also lined it with history. Rather than detailing his comments, Mr. President, I ask that they appear in the Congressional Record.

The remarks follow:

Remarks by Lawrence E. Scovotto—29th Landscape Awards

Ladies and gentlemen, I greet you on behalf of the members of the American Association of Nurserymen and its divisions: Garden Centers of America, the Wholesale Nursery Growers of America, and the National Landscape Association, on this occasion of the 29th Landscape Awards Presentation. And I share with you the thrill of observing the ceremonies in this place, in these most beautiful surroundings.

It is hard to realize that when the first tenant moved into the house 188 years ago, this site was an environmental disaster area.

The "Executive Mansion"— as they called it then—wasn't much at all when the John Adams family came to Washington. Just six rooms had been completed, and two of those were offices for the president and his secretary.

Abigail Adams—the first "First Lady" in the White House—used this room as a place to hang out the wash.

And outside, the situation was even worse: to the south was a deep, ugly, disease-ridden marsh. And the rest of the estate was devoid of lawn, of shrubbery, of terraces, of trees.

Poor Abigail. "Promises," she said in a letter to a friend, "are all you can obtain."

What a difference 188 years have made. It may have taken all that time, but the promises were kept.

Those kept promises began with our third president, Thomas Jefferson, who, with his architect Benjamin Latrobe, devised an overall landscape plan. This plan included grading and planting the south grounds for more privacy, while leaving a central view to the river.

Our sixth president took by far the greatest personal pleasure in gardening: John Quincy Adams, who planted white mulberry to nurture silkworms. His efforts never paid off, however; America's silk industry never quite got off the ground!

Nearly 30 years later, the White House landscape—particularly its tree-dotted south lawn, had become part of a "scene of beauty and attractiveness"—according, at least, to an 1856 issue of United States Magazine.

Yes, our presidents and their families looked at their surroundings, and decided to change them for the better—as have you who are here today. You, to, took a look around at your own community and realized that we're not creatures of steel and glass and concrete, but of nature. You knew that by putting nature back into our daily lives, we give immeasurably to ourselves and to others.

The Landscape Awards Program, the oldest and highest tribute of its kind, is designed to recognize business firms, institutions, and municipalities for outstanding achievements in protecting and improving our surroundings. The Program gives the nation an opportunity to salute those of you who have made such achievements possible through your vision and support, those of you who practice your art in planning and design, and those whose professional craftsmanship makes that vision and design a reality.

And we are grateful to you, as well, Mrs. Reagan, for the personal interest you've taken in this program over the past eight years. This, I'm afraid, is our last chance to thank you so deeply for lending your gracious presence to these festivities, and it is our last chance to offer you and the President happiness in your retirement to the beauty of California.

Yet once more, may I say thank you.

INDIANA SHORELINE EROSION PROJECT

● Mr. QUAYLE. Mr. President, in 1986 Congress authorized the Indiana shoreline erosion project as part of the Water Resources Development Act of that year. The project was designed to mitigate shoreline damages along Lake Michigan resulting from the Federal navigation project at Michigan City, IN.

Unfortunately, a technical error was made in the 1986 authorizing language, and a 25-percent cost share was stipulated for the project. This provision was in direct conflict with the cost sharing provisions in title I of the act. Through the cooperation of the Committee on Environment and Public Works, the cost-sharing provisions for the project were clarified by language included in S. 2100, the Water Resources Development Act of 1988. I thank the committee leadership for their assistance in this matter, and urge our colleagues in the House of Representatives to pass similar legislation in the near future.

Of further importance is the U.S. Army Corps of Engineers interpretation of title I of the Water Resources Development Act of 1986 as it applies to the Indiana shoreline erosion project. After making an inquiry, the Army Corps communicated their interpretation to Senator LUGAR and myself in an April 27, 1988, letter from Robert W. Page, Assistant Secretary of the Army for Civil Works. To ensure that this interpretation will be a matter of public record, I ask that the full text of Mr. Page's letter be printed in the RECORD following my comments.

The letter follows:

DEPARTMENT OF THE ARMY, OFFICE OF THE ASSISTANT SECRETARY,
Washington, DC, April 27, 1988.

Hon. DAN QUAYLE,
U.S. Senate, Washington, DC.

DEAR SENATOR QUAYLE: This is in reply to your letter of April 15, 1988, concerning the applicability of the cost sharing provisions of Title I of the Water Resources Development Act of 1986, to the Indiana Shoreline Erosion Control Project.

Your understanding is correct—under Title I of the 1986 Act, both the rebuilding of the beach and its periodic nourishment would be at 100 percent Federal expense. The Indiana Shoreline Erosion Project is designed to mitigate shoreline damage resulting from the Federal navigation project at Michigan City Harbor, Indiana, and is to be cost shared in accordance with the provisions of Section 101(c) of the 1986 Act. Section 101(c) states that:

"Costs of constructing projects or measures for the prevention or mitigation of erosion of shoaling damages attributable to Federal navigation works shall be shared in the same proportion as the cost sharing provisions applicable to the project causing such erosion or shoaling. The non-Federal interests for the project causing or shoaling shall agree to operate and maintain such measures."

Because there was no local sponsor for the existing Michigan City Harbor project and no non-Federal cost sharing requirement in connection with this project, the provisions of Section 101(c) do not require non-Federal cost sharing for either the mitigation construction or subsequent operation and maintenance of the project.

Sincerely,

JOHN DOYLE,
Deputy.

(For Robert W. Page, Assistant Secretary of the Army (Civil Works).●

ACT FOR BETTER CHILD CARE SERVICES

● Mr. DODD. Mr. President, I would like to share with my colleagues alternative language concerning the separation of church and state and its application to S. 1885, the Act for Better Child Care Services.

One, of the most critical issues we face in considering national child care legislation is how best to promote the involvement of sectarian institutions in child care services while addressing the constitutional principle of separation of church and state. I recognized at the time the ABC bill was introduced that further work was needed on this critical question and pledged to continue working with a variety of groups to develop statutory language which maintained the delicate balance necessary in this area.

Since that time, there have been extensive consultations on this issue with the U.S. Catholic Conference, representatives of other religious organizations, and the members of the Alliance for Better Child Care. The vast majority of the ABC alliance supports the language which I am submitting today as an alternative to the current church-related sections of S. 1885, sections 19 and 20.

As with any legislative compromise, not every group or individual is entirely satisfied with every sentence of this alternative language. But in recognition that national child care legislation must remain our main focus and priority, all of the parties involved have agreed to continue to support the ABC bill.

I submit this language for my colleagues' consideration and counsel and welcome further suggestions.

The language follows:

AMENDMENT TO S. 1885

Page 59, strike line 19 and all that follows through line 15 on page 62, and insert the following:

SEC. 19. LIMITATIONS ON USE OF FINANCIAL ASSISTANCE FOR CERTAIN PURPOSES.

(a) SECTARIAN PURPOSES AND ACTIVITIES.—No financial assistance provided under this Act shall be expended for any sectarian purpose or activity, including sectarian worship and instruction.

(b) FACILITIES.—

(1) NEW FACILITIES.—No financial assistance provided under this Act shall be expended for the construction of a new facility.

(2) EXISTING FACILITIES.—No financial assistance provided under this Act shall be expended to renovate or repair any facility unless—

(A) the child care provider that receives such financial assistance agrees—

(i) in the case of a grant, to repay to the Secretary or the State, as the case may be, the amount that bears the same ratio to the amount of such grant as the value of the renovation or repair, as of the date such provider ceases to provide child care in such facility in accordance with this Act, bears to the original value of the renovation or repair; and

(ii) in the case of a loan, to repay immediately to the Secretary or the State, as the case may be, the principal amount of such loan outstanding and any interest accrued, as of the date such provider ceases to provide child care in such facility in accordance with this Act;

if such provider does not provide child care in such facility in accordance with this Act throughout the useful life of the renovation or repair; and

(B) if such provider is a sectarian agency or organization, the renovation or repair is necessary to bring such facility into compliance with health and safety requirements imposed by this Act.

(c) TUITION.—With regard to services provided to students enrolled in grades 1 through 12, no financial assistance provided under this Act shall be expended for—

(1) any services provided to such students during the regular school day;

(2) any services for which such students receive academic credit toward graduation; or

(3) any instructional services which supplant or duplicate the academic program of any public or private school.

SEC. 20. NONDISCRIMINATION.

(a) FEDERAL FINANCIAL ASSISTANCE.—Any financial assistance provided under this Act, including a loan, grant, or child care certificate, shall constitute Federal financial assistance within the meaning of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681, et seq.), the Rehabilitation Act of 1973 (29 U.S.C. 794 et seq.), and the regulations issued thereunder.

(b) RELIGIOUS DISCRIMINATION.—A child care provider may not discriminate against any child on the basis of religion in providing child care services in return for a fee paid, or certificate redeemed, in whole or in part with financial assistance provided under this Act.●

TRIBUTE TO THE TOMORROW'S CHILDREN INSTITUTE—HACKENSACK MEDICAL CENTER

● Mr. LAUTENBERG. Mr. President, I would like to take an opportunity to acknowledge the Tomorrow's Children Institute, a facility for the treatment of children with cancer and blood disorders. The institute, now at the Hackensack Medical Center was formerly located since its inception 5 years ago, at Mt. Sinai Hospital in New York. The Tomorrow's Children Institute is funded by the Tomorrow's Children Fund, a nonprofit fundraising organization.

The Hackensack Medical Center is the largest treatment center in New Jersey for children with cancer. The center provides a comprehensive range of services, including, social, and emotional support services for parents and siblings. It also carries out clinical research through the use of experimental protocols.

I would also like to acknowledge the many individuals who help to fight this dread disease; the doctors, nurses, and staff of Hackensack Medical Center. These dedicated people help to ease the pain, calm the fears, and share the grief that comes from seeing young lives robbed of health and life itself; but who also rejoice when young lives are cured.

I pay tribute to Tomorrow's Children and worthwhile programs like it across the country that help treat and prolong the lives of sick children.●

MEASURE PLACED ON CALENDAR

Mr. BYRD. Mr. President, I send to the desk a resolution on behalf of myself, Mr. Dole, and others and ask unanimous consent that it be placed on the calendar.

The PRESIDING OFFICER. Is there an objection? The Chair hears none and it is so ordered.

Mr. BYRD. This resolution extends the Senate's best wishes and prayers to President Duarte of El Salvador.

THE CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished acting Republican leader as to whether or not the Calendar Order No. 698 and Calendar Order No. 705 have been cleared on that side of the aisle.

Mr. D'AMATO. They have been cleared.

Mr. BYRD. I thank the distinguished Senator.

Mr. President, I ask unanimous consent that the Senate proceed to consider en bloc calendar orders numbered 698 and 705 and that amendments where shown be agreed to and that the measures be agreed to en bloc, that statements by Senators be appropriately placed in the Record as though read, and that the motion to reconsider en bloc be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXEMPTION OF CERTAIN ACTIVITIES FROM THE ANTITRUST LAWS

The Senate proceeded to consider the bill (S. 844) to exempt certain activities from the provisions of the antitrust laws, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

That (a) actions specified in section 2 shall be exempt from the antitrust laws of the United States.

(b) For purposes of this Act—

(1) "antitrust laws" has the meaning given such term in the first section of the Clayton Act (15 U.S.C. 12), and shall also include section 5 of the Federal Trade Commission Act (15 U.S.C. 45);

(2) "person in the television industry" means a television network, any entity which produces programming for television distribution including theatrical motion pictures, the National Cable Television Association, the Association of Independent Television Stations, Inc., the National Association of Broadcasters, the Motion Picture Association of America, and each of the network's affiliate organizations, and shall include any individual acting on behalf of such person; and

(3) "telecast" means any program broadcast by a television broadcast station or transmitted by a cable television system.

Sec. 2. The antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement by or among persons in the television industry for the purpose of, and limited to developing and disseminating voluntary guidelines designed to alleviate the negative impact of violence in telecast material.

Sec. 3. (a) The exemption provided in section 2 shall not apply to any joint discussion, consideration, review, action, or agreement which results in a boycott of any person.

(b) The exemption provided in section 2 shall apply only to activities conducted within 36 months after the date of enactment of this Act.

Sec. 4. This Act may be cited as the "Television Violence Act of 1987".

Mr. SIMON. Mr. President, today, the Senate for a second time is passing my bill aimed at limiting the excessive amount of violence on television. This legislation has solid, bipartisan support, as well as support of the administration. The cosponsors of this bill, the Television Violence Act of 1987, are Senators Strom Thurmond, Howard Metzenbaum, Dennis DeConcini, Howell Heflin, Alan Simpson, and John Chafee.

Congressman Peter Rodino, chairman of the House Judiciary Committee, has pledged hearings on a companion bill, which has over two dozen cosponsors. I look forward to House passage and enactment before the 100th Congress adjourns.

Mr. President, violence has become such a powerful ratings tool that no network wants to be the first to slow its use.

That should be of more than passing interest to parents, broadcasters, the medical community and policymakers because television no longer is just a reflection of our larger society; real life increasingly imitates the powerful images we see on television.

By now many researchers and several Federal commissions have reported on the link between violence on television and aggressive behavior in children.

The good news is that there are steps a free society can take to stand up to ratings pressure and reduce saturation of the airwaves with violent depictions.

I know many of my friends in broadcasting and journalism are worried about the threat of censorship. As a former journalist and strong advocate of first amendment rights myself, I appreciate that concern.

We don't want censorship in a democracy. But it still is possible to deal with this problem in a meaningful way.

I initially considered introducing legislation to require a 10-second advisory at the beginning of programs or commercials that contain excessive violence—a step to give parents more to go on in guiding their children's viewing habits. But after many meetings with industry representatives, after hearings and visits to television network production studios, I think it is a better idea to encourage the industry toward voluntary guidelines of its own making.

I changed the approach and we have had some success with it. This bill, S. 844, would provide the television industry a limited, 3-year exemption from the antitrust laws that have been applied by the courts in tossing out the television code, the family viewing hour and other self-regulatory steps attempted by the industry. Our bill would cover owners or operators of cable television companies, the networks, trade associations and producers. The exemption is specifically limited to allow joint action by television executives so they can get together and review, consider and then implement some industrywide guidelines on violence.

We already have overwhelming evidence from studies showing a relationship between violence on television and harmful effects, including a report from the American Academy of Pediatrics.

The studies say there is too much violence on television for the good of our mental health, particularly the mental health of children.

Researchers have shown that after watching large doses of violence on TV, children become less sensitive to the pain and suffering of others, become more fearful of the world around them and become more likely to behave in an aggressive and harmful way.

Last year I chaired a hearing of the Senate Judiciary Committee on my legislation. We had witnesses from the industry and experts testify from the scientific community.

We heard from long-time TV personality Bob Keeshan, better known as Captain Kangaroo. Mr. Keeshan's many years of television experience, including production of children's programs, led him to conclude there is a connection between good television and positive behavior, just as there is a link between violent television and negative behavior.

As to standards on television violence, I am leaving this to the networks, the independent stations, the cable industry and producers.

I think there are some obvious things the industry ought to work together on. There are positive things that the networks, cable and the independents can do that won't threaten the industry's competitiveness or freedom of expression. For example, they may want to initiate an advisory system.

ABC has an excellent public service announcement suggesting parents watch television with their children.

I also have to say there are some great examples of family programming—very successful programming—like "the Cosby Show" on NBC.

There is no question we can have good, wholesome, solid entertainment that people watch that does not contain violence.

I am not saying that passing a bill to place a limited antitrust immunity umbrella over the TV industry will necessarily mean its members will use that authority to do something about the problem, but I think it will send a clear signal from Congress.

As an aside and to clear any misunderstanding, I also want to make a distinction between violence in entertainment programming and violence on television news programs. The news is part of the real life around us and sends a different message than much of the violent programming.

Television can appeal to the best in us or the worst in us. With a little less emphasis on violence, maybe we can see greater emphasis on more positive influences.

The PRESIDING OFFICER. Without objection, the amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COASTAL HERITAGE TRAIL

The Senate proceeded to consider the bill (S. 2057) to provide for the estabhishment of the Coastal Heritage Trail in the State of New Jersey.

Mr. BRADLEY. Mr. President, I am delighted that the Senate has acted to establish a New Jersey Coastal Heritage Trail. This trail will provide a tour route to highlight the natural, cultural, and historic aspects of the New Jersey coast in an innovative way. The coastline of New Jersey offers an enormously rich and diverse array of resources. The objective of this legislation is to create a path using publicly owned roads—and in some cases, bicycle pathways—in order to enable people to more easily appreciate and understand these treiendous resources.

This bill calls upon the National Park Service [NPS] to lay the groundwork for this effort. Although the proposal does not prejudge the sites or resources to be included in the trail. I envision that it will extend roughly from the Raritan Bay area down to and around Cape May and up into the Delaware Bay region. The NPS will prepare an inventory of the important resources along the trail route. It will also solicit and ensure active public involvement and consultation with the State and local municipalities as well as any other appropriate Federal agencies.

The purpose here is to put a mechanism in place to ensure that the Federal, State, and local governments, as well as private citizens, work as partners to develop a blueprint to emphasize the interrelationship of New Jersey's natural and cultural resources.

The trail will focus on existing sites—interpreting restoring, and protecting them in the future, if necessary. We hope to highlight the ecological significance and distinctive cultural and historical elements of New Jersey's coastal area. Many types of resources merit inclusion. For example: national recreation areas, wildlife refuges and bird sanctuaries, marine mammal sanctuaries, national monuments, historic shipwreck sites, historic lighthouses, historic communities, and the cultural aspects of the Pinelands. The key is to tie together the elements that comprise the richness of the New Jersey coast. To do so will require the efforts of a wide variety of people at all levels of government as well as the interest and commitment of individual citizens.

The New Jersey Coastal Heritage Trail proposal authorizes no acquisitions, condemnations, or any other type of "taking." Its purpose is to link resources that already exist and to interpret the significance of those resources.

Mr. President, since I introduced this legislation, I have been struck by the interest and even the emotion that it has elicited—from citizens of New Jersey and also from many others who understand the potential inherent in highlighting the national significance of the New Jersey coastal areas. I toured some possible representative sites in April and was reminded of the richness of the coastal area. It is my hope that other citizens can share in that richness as well.

It is obvious that, in addition to some of the loveliest beaches along the eastern seaboard, the coastal area of New Jersey offers rich and exciting possibilities for learning about our history, experiencing our diverse cultural heritage, and exploring the natural beauty of our parks, wildlife refuges, and other wild areas. I hope that this trail will make that diversity a part of our national heritage.

The bill was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 2057

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to provide for public appreciation, education, understanding, and enjoyment, through a coordinated interpretive program of certain nationally significant natural and cultural sites associated with the coastal area of the State of New Jersey that are accessible generally by public road, the Secretary of the Interior (hereinafter referred to as the "Secretary"), acting through the Director of the National Park Service, with the concurrence of the agency having jurisdiction over such roads, is authorized to designate, by publication of a map or other description thereof in the Federal Register, a vehicular tour route along existing public roads linking such natural and cultural sites in New Jersey. Such route shall be known as the New Jersey Coastal Heritage Trail (hereinafter referred to as the "trail").

SEC. 2. The trail shall follow public roads, which are generally located to the east of the Garden State Parkway, linking the New Jersey portion of Gateway National Recreation Area, known generally as the Sandy Hook Unit, with the national historic landmark in Cape May and that area north and west of Cape May in the vicinity of Deepwater, New Jersey. The Secretary may, in the manner set forth in section 1, designate additional segments of the trail from time to time as appropriate to link the foregoing sites with other natural and cultural sites when such sites are designated and protected by Federal, State, or local governments, or other public or private entities.

SEC. 3. (a) Within one year after the date of availability of funds, the Secretary shall prepare a comprehensive inventory of sites along the trail and general plan which shall include but not be limited to the location and description of—

(1) significant fish and wildlife and habitat and other natural areas;

(2) unique geographic or geologic features and significant landforms;

(3) important cultural resources, including histkrical and archeological resources; and

(4) iigratioj routes fkr raptors and other migratory birds, marine mammals, and other wildhife;

(b) The general plan shall include proposals for a comprehensive interpretive program of the trail area and it shall identify alternatives for apprkpriate levels of protection of significant resources.

(c) The Secretary shall transiit the comprehejsive invejtkry and the general plan to the Comiittee oj Energy and Natural Resources of the United States Senate and to the Committee on Interior and Insular Affairs of the House of Representatives.

(d) The inventory and the plan shall be prepared in consultation with other Federal agencies, the State of New Jersey, units of local government, and public and private entities. In addition, the Secretary shall ensure that there are ample opportunities for public involvement and participation in the preparation of the inventory and plan.

SEC. 4. With respect to sites linked by segments of the trail which are administered by other Federal, State, local nonprofit or private entities, the Secretary is authorized, pursuant to cooperative agreements with such entities, to provide technical and financial assistance in the development of interpretive devices and materials and conservation methods regarding to the resources enumerated in section 3 in order to contribute to public appreciation, understanding and conservation of the natural and cultural resources of the sites along the trail. The Secretary in cooperation with State and local governments, and other public and private entities, shall prepare and distribute information material for the public appreciation of sites along the trail.

SEC. 5. The trail shall be marked with appropriate markers to guide the public. With the concurrence and assistance of the State or local entity having jurisdiction over the roads designated as part of the trail, the Secretary may erect thereon and maintain signs and other information devices displaying the New Jersey Coastal Heritage Trail marker. The Secretary is authorized to accept the donation of suitable signs and other informational devices for placement at appropriate locations.

SEC. 6. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act.

THE MINOR AND TECHNICAL CRIMINAL LAW AMENDMENTS ACT OF 1988

Mr. BYRD. Mr. President, on behalf of Mr. Biden and others, I send a bill to the desk and ask unanimous consent that it be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I am pleased to cosponsor the Minor and Technical Criminal Law Amendments Act of 1988. This legislation will make a number of technical and much needed changes to existing law. I applaud Senator Biden for his efforts in crafting this bipartisan package over the past several months.

Title I of this legislation makes numerous corrections to existing criminal statutes. The corrections affect provisions contained in statutes ranging from the Anti-Drug Abuse Act of 1986 to the Sentencing Act of 1987, and other recently enacted statutes. In addition to the typographical and punctuation changes contained in title I, these changes clarify the scope of numerous statutory provisions. Some of the provisions more accurately delineate the types of conduct embraced by the RICO law, while other provisions clarify, for example, that controlled substance analogs are to be treated as controlled substances for purposes of Federal law.

Title II is the Ancillary Debt Collection Amendments Act of 1988. It is intended to be a supplement to S. 1961, the pending Debt Collection Act, which establishes a uniform procedure for collection of debts owed to the United States in Federal courts. The amendments make minor changes to Federal statutes to insure conformity with the new uniform procedure.

Finally, title III of this legislation sets forth amendments to title 18 of the United States Code, pertaining to sentencing procedures under the new sentencing guidelines. The amendments were developed from a legislative proposal submitted by the U.S. Sentencing Commission. The statutory changes in title III will facilitate a smooth transition to the sentencing system. Some of these changes clarify language which inadvertently imposed undue recordkeeping requirements on trial courts. Other changes insure that a defendant will continue to have an opportunity to cross appeal a sentence.

In sum, this legislation contains a variety of important technical changes to existing law. I urge the Senate to approve these measures promptly.

Mr. BYRD. Mr. President, I ask unanimous consent that a section-by-section analysis of the bill appear in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

SECTION-BY-SECTION ANALYSIS OF PROPOSED MINOR AND TECHNICAL AMENDMENTS BILL

TITLE I—MINOR AND TECHNICAL CRIMINAL LAW AMENDMENTS

Sections 101-140 are derived, virtually without change, from Title I of H.R. 2182, the technical amendments bill passed by the House in June, 1987. Those provisions are well described in House Report 100-169 and the subsequent floor statement of Rep. Glickman on June 22, 1987 (Cong. Record at pages H5335-38). A few sections of the House bill have been deleted because they have been enacted by intervening legislation or merged into other sections of the bill. (See Sections 133, 137, 139 and 140.)

The following are the principal modifications to H.R. 2182 and some comments on particular sections:

Section 111. The syntax of the amendment to 18 U.S.C. 553(b)(2) has been changed to remove a possible ambiguity.

Section 119. In section 119(b), matters occurring before special trial judges of the U.S. Tax Court have been added to the definition of "official proceeding" in 18 U.S.C. 1515(a)(1)(A), relating to obstruction of justice offenses.

Some have objected to the amendment in sections 119 (c) and (d) that would add "corrupt persuasion" to the coverage of the witness tampering statute, 18 U.S.C. 1512. The amendment is intended to address an omission in the Victim and Witness Protection Act of 1982 (VWPA), Pub. L. No. 97-291, identified by the Second Circuit in *United States v. King,* 762 F.2d 232 (2nd Cir. 1985).

"Corrupt persuasion" of a witness is a non-coercive attempt to induce a witness to become unavailable to testify, or to testify falsely. Examples include preparing false testimony for a witness, or offering a witness money in return for false testimony. Before enactment of the VWPA, such witness tampering was prohibited. Under 18 U.S.C. 1503, the general obstruction of justice statute which made it a crime to influence or intimidate any witness, juror, or officer of a court in connection with a judicial proceeding. See *United States v. Vesich,* 724 F.2d 451, 453-58 (5th Cir. 1984); *United States v. Gates,* 616 F.2d 1103 (9th Cir. 1980).

The VWPA deleted the references to witnesses from section 1503 and enacted a new, more detailed witness protection statute in 18 U.S.C. 1512. The new statute makes it a crime to use physical force, threats, intimidation or misleading conduct to influence the testimony of a witness, but it does not prohibit non-coercive attempts to persuade a witness to testify falsely. *See United States v. Risken,* 788 F.2d 1361, 1367 (8th Cir. 1986); *United States v. Lester,* 749 F.2d 1288, 1292-93 (9th Cir. 1984). Thus under the new law, promising to pay a witness for giving false testimony is not a crime. *United States v. King,* 762 F.2d at 238.

Several courts have held, however, that "corrupt persuasion" of a witness is still prohibited by section 1503 which contains a catch-all proscription against "corruptly endeavoring" to impede the due administration of justice. *See United States v. Lester,* 749 F.2d at 1292-3 (hiding witness to prevent his testimony at trial prohibited by section 1503, but not by section 1512). In *Lester* the court reasoned that Congress could not have intended to remove protection of witnesses entirely from section 1503, because to do so would make the corruption of a witness by some other means other than those stated in section 1512 no longer illegal, a result inconsistent with the goals of the Victim and Witness Protection Act. *Id.*

The Second Circuit, however, has held that because Congress expressedly removed the reference to witnesses from section 1503 in the VWPA, the influencing of witnesses can no longer be prosecuted under that statute. *United States v. Hernandez,* 730 F.2d 895, 898 (2nd Cir. 1984). Therefore in the Second Circuit, non-coercive corruption of witnesses cannot be prosecuted under any obstruction of justice statute. *United States v. King,* 762 F.2d at 238. In that case the court said, "If there is [a gap] in the legislative scheme, the proper remedy is not for the courts to distort the plain language of section 1512 but for Congress to enact legislation to close the gap." *Id.*

Sections 119 (c) and (d) are intended, therefore, merely to include in section 1512 the same protection of witnesses from non-coercive influence that was (and is) found in section 1503. It would permit prosecution of such conduct in the Second Circuit, where it is not now permitted, and would allow such prosecutions in other circuits to be brought under section 1512 rather than under the catch-all provision of section 1503.

Others object to the amendment in section 119(a) that would clarify venue for an obstruction of justice prosecution. The amendment would specify that a prosecution could be brought in the district where the official proceeding that the defendant intended to influence was taking place, as well as in the district where the illegal act itself occurred. For example, if a witness scheduled to testify in a District of Columbia trial is killed while dining at a restaurant in Maryland, the prosecution for obstruction of justice could take place in either Maryland or in the District of Columbia.

This has long been the rule in the majority of jurisdictions that have considered the issue. *See United States v. Reed,* 773 F.2d 447, 484-85 (2nd Cir. 1985) (collecting the cases). The rule does not violate the Sixth Amendment requirement that the trial take place in the district where it was committed because it merely establishes that an obstruction of justice is "committed" where the impact of the obstruction is felt—i.e. where the obstructed proceeding took place. The amendment merely resolves a split in the circuits on this point of statutory construction. *Id.* at 486.

Section 121. Section 1956(c)(7)(D) contains a list of offenses included within the definition of "specified unlawful activity" for the purpose of the money laundering offense. That list presently includes 18 U.S.C. 656, which covers theft, fraud, and embezzlement at banks, but does not include section 657, which covers the same crimes at savings and loan associations, or section 658, which covers similar crimes in connection with the Farm Credit Administration and pledges or mortgages of property. The amendment would add those offenses, and would make an additional cross-reference correction.

Section 125. Punctuation corrections to 18 U.S.C. 2516 have been added.

Section 126. An additional cross-reference correction has been added to 18 U.S.C. 2516(1)(c).

Section 128. Former section 140 has been merged into this section for conciseness.

Section 131. The effective date has been eliminated as unnecessary now that the provisions of the Sentencing Reform Act of 1984 have taken effect. The Committee notes that the purpose of changing the maximum penalty for an offense to be considered a Class B felony from twenty to twenty-five years is to permit, in unusual circumstances and subject to the applicable sentencing guidelines, a sentence of probation for certain offenses carrying twenty-year penalties.

Section 137 (formerly section 141). Conforming amendments to the Federal Rules of Civil Procedure have been added permitting courts to designate psychologists to conduct mental examinations of parties in civil proceedings.

Section 138 (formerly section 143). The amendment to 18 U.S.C. 2315, as passed by the House, is unchanged. In further explanation of the reasons for the amendment, the Committee notes that the amendment to paragraph two in Pub. L. 99-646 appears to have inadvertently created a requirement that the forged securities moving in interstate commerce be stolen. To remove any confusion created by that amendment, the language of the statute is returned to what it was before November 10, 1986.

Section 140 (formerly section 145). The effective date has been eliminated.

MORE DETAILED ANALYSIS FOR SECTIONS 141–196

Section 141

Section 141 makes a technical amendment to 18 U.S.C. 3077(4), and corrects a reference in the definition of the term "United States" for the purpose of chapter 204 of title 18, relating to rewards for information concerning terrorist acts. The amendment eliminates a branch of the definition in current section 3077(4)(B) that refers to the Immigration and Nationality Act when "United States" is used in section 3073.

This reference is erroneous because the section 3073 which prompted the special definition in section 3077(4)(B) was not included in the bill as enacted. Section 3073 in the bill as introduced (S. 2625; H.R. 5612, 98th Cong.) related to the waiver of admission requirements for aliens. This provision was not enacted. Thus, the current definition in section 3077(4)(B) is inapposite. The amendment in essence retains section 3077(4)(A) and applies its geographic definition of the "United States" to all the provisions of the chapter, as is appropriate.

Section 142

Section 142 makes technical reference changes to 18 U.S.C. 3062, which sets forth arrest authority for violations of certain enumerated conditions of release under the bail chapter. Section 3062 refers to particular conditions contained in section 3142 of title 18 (part of the bail statute) as enacted in 1984. In 1986, however, section 3142 was amended in a technical manner so that the lettered clauses it contained, setting forth various types of release conditions, were changed to roman numeraled clauses. Section 142 makes the corresponding changes in section 3062 to reflect these 1986 technical reference changes.

Section 143

Section 143 makes technical amendments to renumber current 18 U.S.C. 1952A and 1952B as new 18 U.S.C. 1958 and 1959, respectively. The purpose of these changes is to avoid confusion between section 1952A, relating to murder-for-hire, and the Hobbs Act, 18 U.S.C. 1952(a), relating to extortion.

Section 144

Section 144 amends 18 U.S.C. 1961 to create three additional RICO predicates. The first is renumbered 18 U.S.C. 1958, relating to murder-for-hire. This is a classic candidate for RICO coverage inasmuch as murder-for-hire is an offense characteristic of many organized criminal enterprises. The second is 18 U.S.C. 2251-52, relating to sexual exploitation of children. Finally, Section 144 adds as a RICO predicate 18 U.S.C. 1029, relating to fraud in connection with credit cards, electronic banking cards, and similar "access devices". The Department of Justice testified before the Judiciary Committee in 1987 that trafficking in and use of counterfeit credit cards is a common activity of organized criminal groups. For example, in a New Jersey trial now in its fifteenth month, Michael Taccetta is accused of running a credit card counterfeiting ring on behalf of the New Jersey contingent of the Lucchesi family, *United States v. Acceturo*, Cr. No. 85-292 (D.N.J.); and in New York, Gregory Scarpa, a capo in the Colombo family, recently pled guilty to conspiracy to commit a section 1029 offense in a case brought by the Brooklyn Organized Crime Strike Force, *United States v. Scarpa*, Cr. No. 86-351 (E.D.N.Y.).

Section 145

Section 145 amends 21 U.S.C. 881, the civil forfeiture provisions of the Controlled Substances Act, to insure that personal property used to facilitate a drug offense is subject to forfeiture. Currently, 21 U.S.C. 881(a) lists seven types of property that are subject to forfeiture, including vehicles, money, negotiable instruments, securities, and real property used or intended to be used to facilitate a drug transaction. While the section reaches many kinds of property, some personal property useful to drug dealers is not covered, such as a computer used to run the illegal trafficking operation but not used in making or distributing the drugs themselves. This amendment is intended to insure that any personal property used to facilitate illegal drug activity will be subject to forfeiture.

Section 145 also amends 21 U.S.C. 881(e) to restore language that apparently was inadvertently deleted by the Anti-Drug Abuse Act of 1986. The restored sentences direct the Attorney General to insure the equitable transfer of any forfeited property to the appropriate State or local law enforcement agency to reflect the contribution of such agency in the actions which led to the forfeiture, and make clear that a decision by the Attorney General under this authority is not subject to judicial review. Identical language occurs in the money laundering forfeiture statute, 18 U.S.C. 981(e).

The restored language will have no impact on current Department of Justice practice. The Department is authorized, under 21 U.S.C. 881(e)(1)(A), to share forfeited proceeds with State and local agencies and has continued to do so notwithstanding the 1986 elimination of the mandatory language here proposed for reinstatement.

Section 146

Section 146 would authorize the United States Postal Service to investigate money laundering offenses under 18 U.S.C. 1956 and 1957 where the offenses giving rise to the proceeds to be laundered are already within the investigative purview of the Service. The amendment would also authorize the Postal Service to conduct civil forfeiture proceedings under 18 U.S.C. 981 in connection with money laundering offenses, while also making clear that the Attkrney General retains sole authority to deal with the sharing of proceeds from and petitions for remission in connection with judicial forfeitures.

Similar investigative and forfeiture authority for the Treasury Department is contained in the underlying statutes, enacted as part of the Anti-Drug Abuse Act of 1986, but the Postal Service was not granted this authority. The Postal Service presently has cognizance over several offenses which are money laundering predicates, including 18 U.S.C. 500 (money orders), 501-503 (postage stamp violations), 641 (public money, property or records), 1341 (mail fraud), 1461-1465 (obscenity), and 2114 (robbery from the mails). This amendment would permit the Service to exercise investigative jurisdiction over money laundering offenses which flow from such crimes.

Section 147

Section 147 derives from an Administration proposed bill that was transmitted to Congress in August, 1987, and in a modified version, was introduced in the House as H.R. 4021. The proposal would add a new section to title 18 permitting Federal Prison Industries, Inc., a wholly owned government corporation within the Bureau of Prisons, to borrow funds from the Treasury to finance capital expansion needed to keep pace with growing prison population. Federal Prison Industries, Inc. is self-sustaining and can only use its retained earnings to conduct operations, to build, acquire and maintain its factories, and to fund inmate training. See 18 U.S.C. 4126.

In the past, the corporation has funded its efforts through sales and current revenues. However, the recent massive increase in prison population has created a need for a program of capital expansion to support industrial programs for inmates. These programs are critical in reducing the idleness associated with prison overcrowding. The capital required for this expansion program cannot be funded from sales and current revenues and will necessitate the ability of corporation, which the amendment would confer, to borrow money from the Treasury.

Section 148

Section 148(a) amends 21 U.S.C. 846 and 963 to assure that all the penalties applicable to an underlying drug offense also apply to an attempt or conspiracy to commit the offense. Current law provides that the penalty for such attempts and conspiracies "may not exceed the maximum punishment" prescribed for the underlying offense. See Title 21, United States Code, Sections 846 and 963. This would seem to indicate that any punishment imposable for a substantive drug violation would be imposable for an attempt or conspiracy to commit the same offense.

The substantive drug offenses, however, carry a number of unusual penalty provisions. Section 841(b)(1)(B) of title 21, for example, provides for a mandatory minimum penalty of 5 years, and provides that in addition to any term of imprisonment, the court shall impose a term of supervised release of at least 4 years. The conspiracy statutes make no reference to these special penalties, and it is not clear whether the "may not exceed" language permits their imposition. Indeed, the Supreme Court has held that where a conspiracy statute fails to make explicit reference to "novel" penalty provisions in an underlying substantive offense, those penalties *may not* be imposed for conspiracy violations. *Bifulco* v. *United*

States, 447 U.S. 381 (1980) (special parole term authorized for substantive drug offense not imposable for violation of Sec. 846 conspiracy).

In *Bifulco* the Court stated that if Congress intended the penalties for attempt and conspiracy violations to include all of the special penalties imposable for the underlying offenses, it had "a simple remedy—the insertion of a brief appropriate phrase" in the conspiracy statutes. *Id.* at 401. The amendment in section 148(a) of the draft bill would do exactly that. By striking the "may not exceed" language and replacing it with the phrase "shall be subject to the same penalties", Congress would make clear that any penalty that may be imposed for a substantive drug offense may be imposed for an attempt or conspiracy to commit that offense.

Section 148(b) deals with a provision of the Anti-Drug Abuse Act of 1986 concerning the forfeiture of property found within the United States that is derived from drug offenses that occur overseas. 18 U.S.C. 981(a)(1)(B). The first amendment made by this section clarifies that the forfeiture provision applies to both real and personal property and makes subparagraph (B) of section 981(a)(1) parallel to subparagraph (A) in this respect. The second amendment modifies the description of the property subject to forfeiture to make certain that property derived from or traceable to these proceeds of an offense, as well as the immediate proceeds themselves, are subject to forfeiture. This description of the property subject to forfeiture is taken from 21 U.S.C. 853(a)(1) and 881(a)(6) which permit the forfeiture of such property in cases involving domestic drug offenses. The next amendments merely delete the unnecessary word "activity" and further clarify that unlawful drug activities giving rise to forfeiture must also be punishable under the laws of the United States.

Section 148(c) amends 21 U.S.C. 813, as enacted by the Anti-Drug Abuse Act of 1986, which provides that a controlled substance analogue is to be treated as a schedule I controlled substance for purposes of the Controlled Substance Act and the Controlled Substances Import and Export Act. The amendment would delete the reference to these Acts and expressly provide that an analogue shall be treated as a schedule I controlled substance for purposes of any federal law. The purpose of the amendment is to assure that the reference to the two drug laws does not produce an unintended limiting effect. For example, the amendment would make clear that the prohibitions in 18 U.S.C. 924(c) on using a firearm during the commission of a drug trafficking crime, and the prohibitions in the Maritime Drug Law Enforcement Prosecution Improvements Act of 1986 (46 App. U.S.C. 1901 et seq.) apply to transactions involving controlled substance analogues.

Section 148(d) amends 21 U.S.C. 845b(e)) as enacted by the Anti-Drug Abuse Act of 1986) regarding parole ineligibility during any mandatory prison term applicable to the offense of employing or using a person under 18 years of age to violate the Controlled Substances Act or the Controlled Substances Import and Export Act. Subsection (e) currently provides for such parole ineligibility until the convicted individual has served the mandatory term of imprisonment "required by section 401(b) as enhanced by this section." However, section 845b authorizes mandatory prison terms under other provisions as well as 401(b) (21 U.S.C. 841(b)). For example, the mandatory prison terms of 21 U.S.C. 960(b), part of the Controlled Substances Import and Export Act, are also subject to 21 U.S.C. 845b. In addition section 845b itself establishes a mandatory minimum prison term of one year if the underlying offense is not subject to a higher mandatory minimum sentence. Therefore, the amendment clarifies that ineligibility for parole until the mandatory minimum prison term is served applies to any offense under section 845b that provides for such a term.

Sections 148 (e) and (f) correct a spelling error and an erroneous cross-reference in 18 U.S.C. 981.

Sections 148 (g) and (h) provide a mandatory minimum penalty for trafficking in a substantial quantity of methamphetamine and salts and isomers thereof. Methamphetamine is a serious and common drug of abuse, comparable in dangerousness to the other controlled substances for which Congress created mandatory minimum penalties in the Anti-Drug Abuse Act of 1986. Congress did so by amending subparagraphs (A) and (B) of 21 U.S.C. 841(b)(1) to establish a two-tiered mandatory minimum penalty structure for the substances enumerated, which included heroin, cocaine, cocaine base, PCP, LSD, certain controlled substance analogues, and marihuana. The higher level penalty in subparagraph (A) calls for a mandatory minimum sentence of ten years to life in prison. The lower level penalty, applicable to a quantity one-tenth that in subparagraph (A), calls for a mandatory minimum sentence of five to forty years.

The reason methamphetamine was not included in the 1986 Act is that the quantity of methamphetamine appropriate to trigger the mandatory minimum sanctions had not yet been determined. The Department of Justice has now determined that the quantity of methamphetamine that justifies these penalties is the same as that currently set forth for PCP. Accordingly, the proposed amendment adopts these quantity levels. It is believed that adoption of this amendment will remedy a present disparity in available penalty as between traffickers in methamphetamine and traffickers in other, comparably dangerous drugs.

Section 149

Section 149(a) amends the money laundering statute, 18 U.S.C. 1956, aided by the Anti-Drug Abuse Act of 1986. When it passed the Senate in 1986, 18 U.S.C. 1956 contained a subsection (a)(3) that would have made it a crime to conduct a financial transaction involving the proceeds of criminal activity with intent to violate the tax laws. The provision was the result of careful drafting and intense negotiations between Judiciary Committee staff and the Internal Revenue Service and Department of Justice.

The House opposed the provision, as well as other provisions of the Senate bill. Pursuant to a compromise worked out at the end of the 99th Congress, however, the House agreed to accept section (a)(3) and other provisions in the Senate bill in return for the Senate's acceptance of certain items in the House money laundering bill. It was only after final passage of the 1986 Act that the possibly inadvertent omission of section (a)(3) was discovered.

The provision in Section 149(a) is derived from the version of section (a)(3) that was passed by the Senate in 1986, and is included in the bill in keeping with the House-Senate compromise. It is vital to the effective use of the money laundering statute and would allow the Internal Revenue Service with its expertise in investigating financial transactions to participate in developing cases under section 1956. Under this provision any person who conducts a financial transaction that in whole or in part involves property derived from unlawful activity, intending to violate the tax laws, would be guilty of a money laundering offense. The only substantive change from version passed by the Senate in 1986 is that the new language would require the government to prove that the defendant knew that the property represented the proceeds of some form of unlawful activity.

Section 149(b) would clarify that the term "transports" in the money laundering statute was intended to include electronic and other forms of movement of funds other than physical transportation.

Section 149(c) would conform 18 U.S.C. 981(g) to a similar provision in the Controlled Substances Act, 21 U.S.C. 881(i), as amended by the Anti-Drug Act of 1986. The purpose of these provisions allowing for the stay of a civil forfeiture action for good cause shown when criminal charges are returned in a related case is to prevent the government's being compelled prematurely to disclose its evidence and witnesses in the context of the civil forfeiture action. The amendment would clarify that this provision would protect federal, state, or local criminal cases which may be related to forfeiture proceedings under section 981.

Section 150

Section 150 would correct an apparent oversight in the general escape statutes, 18 U.S.C. 751(a) and 752(a), by assigning a penalty to the crime of escape of a person being detained for the purpose of exclusion or deportation under the immigration laws. Currently, each cited statute defines a crime of escape from the custody of the Attorney General following a lawful arrest or confinement for the purpose of exclusion or expulsion proceedings, but neither statute contains a specific penalty provision that covers such conduct, although they do include a misdemeanor penalty for an escape from detention for "extradition". The amendment would cure this seemingly inadvertent omission by establishing a like misdemeanor penalty for escape, or instigating an escape, from custody where the custody is for the purpose of exclusion or expulsion.

Section 151

Section 151 would clarify the armed career criminal statute, 18 U.S.C. 924(e), by inserting language describing the requisite type of prior convictions that trigger the law's mandatory minimum sentencing provisions. Presently, section 924(e) provides that a person found in possession of a firearm shall be sentenced to a mandatory minimum prison term of not less than fifteen years if such person "has three previous convictions . . . for a violent felony or a serious drug offense" (as those terms are defined in the law). Recently, a court of appeals held that the "three previous convictions" requirement was met by a conviction on six counts for armed robbery in New York State in which the defendant was convicted for having robbed six different people at a restaurant at the same time. *United States* v. *Petty*, 798 F.2d 1157 (8th Cir. 1986).

On petition for a writ of *certiorari*, the Solicitor General on behalf of the United States confessed error, pointing out that, while the armed career criminal statute lacked descriptive language found in other similar federal statutes to the effect that the convictions be for "offenses committed on occasions different from one another", see 18 U.S.C. 3575(e)(1), 21 U.S.C. 849(e)(1), the legislative history nevertheless made clear that a similar interpretation was intended here. The Supreme Court reversed and remanded the case to the court of appeals for consideration of the Solicitor General's views.—U.S.—(No. 86-6263) (May 4, 1987).

The proposed amendment would clarify the armed career criminal statute to reflect the Solicitor General's construction and to bring the statute in conformity with the other enhanced penalty provisions cited above. Under the amendment, the three previous convictions would have to be for offenses "committed on occasions different from one another". Thus, a single multicount conviction could still qualify where the counts related to crimes committed on different occasions, but a robbery of multiple victims simultaneously (as in *Petty*) would count as only one conviction. This interpretation plainly expresses the concept of what is meant by a "career criminal", that is, a person who over the course of time commits three or more of the enumerated kinds of felonies and is convicted therefor. It is appropriate to clarify the statute in this regard, both to avoid future litigation and to insure that its rigorous sentencing provisions apply only as intended in cases meriting such strict punishment.

Section 152

Section 152 would provide authority for the Federal Bureau of Investigation (FBI) to investigate, upon request, killings of state or local law enforcement officers. From 1970-1981, acting pursuant to a Presidential directive, the FBI followed a policy of lending investigative assistance, upon request, to State or local law enforcement authorities in crimes involving the slaying of a state or local law enforcement officer. The program is believed to have been of great benefit to local authorities in successfully solving their police killing cases. Nevertheless, the Department of Justice was compelled to terminate the program in February, 1981 after a review by the Office of Legal Counsel concluded that in the absence of a related federal violation under its jurisdiction the FBI lacked a legal basis to investigate police killings.

The present proposal is an effort to establish the necessary statutory authority for the FBI to resume the function it formerly exercised of providing investigative aid in felonious killings of non-federal law enforcement officers acting in the line of duty. When the program was operational the FBI usually conducted less than ten investigations each year out of the approximately one hundred law enforcement officers killed in the line of duty. The FBI Uniform Crime Reports for 1986, the last year for which they are available, indicate that 66 law enforcement officers were feloniously killed in 1986, and that the number has steadily declined in the past several years from a high of 132 slain officers. Thus, it seems clear that the number of potential incidents is small enough so that the opportunity for FBI investigative assistance can be made available in appropriate cases, as determined by Departmental guidelines, without any significant effect on the FBI's ability to carry out its other mission functions.

The amendment is, moreover, drafted to reflect the basic principle that federal authorities should become involved in such crimes only when requested by appropriate local officials.

Section 153

Section 153(a) is designed to codify appellate court holdings that 18 U.S.C. 2314 is not limited to the physical transportation of stolen or fraudulently acquired money or property but also extends to the situation in which such proceeds are transmitted or transferred electronically in interstate or foreign commerce. Noting that the gravamen of the crime in section 2314 is the movement of illegally obtained money from one location to another and that in modern times banks seldom move funds physically but rather do so through electronic transfers, three courts of appeals have recently rejected contentions that section 2314 is limited—because of the use of the verb "transports"—to instances of physical asportation of money. *United States v. Gilboe*, 684 F.2d 235 (2d Cir. 1982), *cert.* denied, 459 U.S. 1201 (1983); *United States v. Wright*, 791 F. 2d 133 (10th Cir. 1986); *United States v. Goldberg*, 830 F.2d 459 (3d Cir. 1987). No contrary ruling exists. Nevertheless, in order to clarify the statute and avoid further litigation, it seems appropriate to add verbs—"transmits" and "transfers"—that clearly reach acts of electronic movement of money.

Section 153(b) would rewrite the final paragraphs of 18 U.S.C. 2314 and 2315 to reflect the intent of Congress, as determined by the overwhelming weight of case law authority, to exclude from the prohibitions of those sections only foreign bank notes that are the equivalent of currency. All the federal reported decisions but one, including all appellate court rulings, have held based on clear legislative history that the final paragraphs of these sections only exempt foreign bank notes that are designed to circulate as currency, *see United States v. Burger*, 728 F.2d 140 (2d Cir. 1984) and cases cited therein, but the final paragraphs are inartfully drafted so that this intention is unclear.

One older district court decision has misread the provision to exclude the transportation or receipt of any false, counterfeit or forged check drawn on a bank in a foreign country. *United States v. Smith*, 200 F. Supp. 227 (E.D. Tenn. 1961). The proposed amendments would clarify the language of the exemption in accordance with the evident purpose of Congress and would thereby prevent further needless confusion and litigation.

Section 154

Section 154(a) would effect two penalty increases for offenses enacted in the Sexual Abuse Act of 1986. The first would raise the maximum penalty from five to ten years under 18 U.S.C. 2244(a)(1) for engaging in sexual contact in a federal prison or in the special maritime and territorial jurisdiction under circumstances in which, had the sexual contact been a sexual act, the conduct would have violated section 2241, which defines the most serious sexual offense in the chapter carrying a maximum sentence of life imprisonment.

Section 2244(a)(1) punishes the use of force or threat of force to cause another person to engage in sexual contact, a term defined in section 2245 to include the touching of a genitalia or anus of a person with intent to abuse. The conduct under section 2244(a)(1) can thus be tantamount to attempted rape. A five-year maximum penalty is insufficient to vindicate the most serious violations of this section. The amendment would thus elevate the permissible penalty to ten years.

The second amendment would raise the maximum penalty under section 2244(a)(3) from one to two years. Section 2244(a)(3) punishes abusive sexual contact with a minor between the ages of 12 and 16 by a person who is at least four years older than the victim. A felony penalty of up to two years for this offense is justified and is consistent with the felony status afforded under many state statutes to the comparable offense of sexual molestation of a minor.

Section 154(b) would raise the maximum penalty under the murder-for-hire statute, in a case in which the perpetrator is apprehended without an injury or death resulting, from five to ten years' imprisonment. A number of prosecutors have reported frustration at the low maximum penalty available for this serious offense, consisting of seeking to arrange for another's death. A similar offense in 18 U.S.C. 373, punishing the crime of soliciting murder, carries a twenty-year maximum sentence.

Section 154(c) would elevate the penalty for involuntary manslaughter within the special maritime and territorial jurisdiction from a maximum of three years in prison to a maximum of five years. Involuntary manslaughter most often occurs through reckless or drunken driving. A three-year maximum sentence is not adequate to vindicate the most egregious instances of this conduct, which takes an increasing toll of innocent victims' lives.

Section 154(d) would increase the wholly insufficient three-year maximum penalty for attempted murder within the special maritime and territorial jurisdiction. The penalty would be elevated to twenty years, consistent with the penalty for assault with intent to commit murder under 18 U.S.C. 113(a).

Section 154(e) would amend 18 U.S.C. 3 to increase the maximum term of imprisonment for an accessory after the fact from ten to twenty-five years where the underlying offense is punishable by life imprisonment or death. An accessory after the fact is one who, knowing that an offense has been committed, receives, relieves, comforts, or assists the offender in order to hinder or prevent his apprehension, trial, or punishment. Currently, unless otherwise expressly provided, the statute provides a maximum term of imprisonment for an accessory after the fact of one-half the maximum term prescribed for the punishment of the principal, but if the principal is punishable by life imprisonment or death, the accessory after the fact of one-half the maximum term prescribed for the punishment of the principal, but if the principal is punishable by life imprisonment or death, the accessory after the fact is punishable by a maximum of ten years.

By providing a maximum term of imprisonment of only ten years when the underlying offense is punishable by life imprisonment or death, the accessory statute fails to meet proportionality concerns. Being an accessory after the fact to the most serious class of offenses would result in a lower maximum sentence than being an accessory after the fact to certain lesser crimes—specifically, an offense subject to a maximum fixed term of imprisonment of more than twenty years. For example, the distribution of 100 grams of a mixture or substance containing heroin is subject to a maximum term of imprisonment of forty years for a first offense. If death or serious bodily injury results from the use of the substance, the maximum term of imprisonment is life. 21 U.S.C. 841(b)(1)(B).

Thus, Congress considered the 100-gram offense where death or serious bodily injury does not result as less serious than such an offense which results in death. However, under the accessory-after-the-fact statute, the maximum punishments are inversely related to the seriousness of the underlying offense. The maximum punishment for being an accessory after the fact to the 100-gram distribution offense where the drug does not cause death or serious bodily injury would be twenty years, while the maximum punishment where death or serious bodily injury results would be only ten years.

Similarly, an assault with a dangerous weapon in a bank robbery subjects the offender to a maximum term of imprisonment of twenty-five years. 18 U.S.C. 2113(d). Killing or abducting someone in the course of a bank robbery subjects the offender to life imprisonment. 18 U.S.C. 2113(e). However, the accessory statute treats the first of these offenses as more serious than the second, despite the reverse relationship established by Congress for the underlying offenses.

The amendment, which increases the maximum term of imprisonment to twenty-five years for an accessory after the fact where the underlying offense is punishable by life imprisonment or death, would assure that an accessory after the fact to such an offense is subject to a greater term of imprisonment than an accessory after the fact to any offense subject to a maximum term of imprisonment of less than fifty years. At the same time, the accessory after the fact would be subject to a shorter maximum term of imprisonment than the principal who commits an offense subject to life imprisonment or death.

Section 154(f) increases the maximum penalty under the RICO statute, 18 U.S.C. 1963(a), for cases in which the maximum penalty for one of the underlying predicate acts of racketeering is life in prison. The penalty under RICO would be raised to life imprisonment in such circumstances. Currently, RICO carries a uniform maximum penalty of twenty years' imprisonment. In many RICO cases that have been successfully prosecuted, this punishment does not fit the crime. For example, in the Angiulo and LCN "Commission" cases, the defendants planned and committed several murders which would have been punishable by life imprisonment under state law. A similar sentence for such crimes under RICO is available only if the defendant is convicted of multiple counts and consecutive sentences are imposed. The amendment remedies this deficiency by elevating the maximum penalty for RICO offenses to life imprisonment where the underlying acts are crimes punishable by life imprisonment or death. This gradation adopts the approach of 18 U.S.C. 1952B, enacted by Congress in 1984 to deal with violent crimes in aid of racketeering activity.

Section 155

Section 155 would supply a federal nexus for the offenses created by the Ballistic Knife Prohibition Act of 1986, which was enacted as title 10 of the Anti-Drug Abuse Act of 1986. The failure to include any jurisdictional aspect arguably renders the prohibitions invalid, at least as applied to a situation in which such federal nexus is not shown to exist. The Ballistic Knife Prohibition Act of 1986 actually took the form of an amendment to the Switchblade Knife Act (15 U.S.C. 1241 et seq.), but whereas that Act includes an interstate commerce requirement, this element was omitted for ballistic knives. The amendments would cure this (possibly inadvertent) omission, by creating a series of jurisdictional components sufficient to satisfy the constitutional demands of federalism. It should be noted that the definition of "interstate commerce" in the Switchblade Knife Act, applicable to the proposed amendment, includes foreign commerce.

Section 156

Sections 156 (a) and (b) substitute the more precise reference to controlled substances for the term "drugs" in 18 U.S.C. 342 and make clear that the maximum fine level applicable to the offense is to be governed by the generally applicable provisions in title 18.

Section 156(c) amends 18 U.S.C. 343 to clarify that the amount of blood alcohol content necessary to trigger a presumption of operating under the influence is one-tenth of one percent. The amendment also strikes the word "conclusively" from both presumptions in section 343 since conclusive presumptions in criminal statutes are of dubious constitutional validity. *See Ulster County Court v. Allen*, 442 U.S. 140, 157–60 (1979) and cases cited. The deletion is intended to have the effect of transforming the presumptions from conclusive to permissive.

Section 157

Section 157(a) would strengthen the penalty for possessing an explosive in a federal building (18 U.S.C. 844(g)) and would expand the offense to include airports that are subject to the regulatory authority of the Federal Aviation Administration even though not owned by or leased to the United States.

The new proposed offense is based on the potential seriousness of the conduct in terms of loss of life and limb and the adverse effect on interstate and foreign commerce, as well as the need for the investigative resources of federal law enforcement agencies in view of the potential linkage to terrorist activities. Raising the maximum prison term from one to five years is similarly justified by the seriousness of the proscribed conduct of possessing an explosive in a government facility without permission. A similar proposal was included in the Criminal Code Reform Act passed by the Senate in the 95th Congress (S. 1437) and in S. 1630 approved by the Judiciary Committee in the 97th Congress.

Section 157(b) would strengthen the offense in 18 U.S.C. 844(h) of using or carrying an explosive during the commission of a federal felony, so as to bring it in line with similar amendments adopted in the Comprehensive Crime Control Act of 1984 and the Firearms Owners' Protection Act of 1986 with respect to the parallel offense of using or carrying a firearm during the commission of federal offenses. Presently, as a result of the above-referenced amendments to 18 U.S.C. 924(c), a person who uses a firearm to commit a bank robbery would be subject to harsher penalties than a person who committed the same offense using an explosive. There is no justification for this disparity.

Sections 157 (c) and (d) are technical and substitute modern references to drugs as defined in the Controlled Substances Act for outmoded references to certain categories of drugs in repealed statutes. Identical changes were made to the parallel statutes 18 U.S.C. 922 (d) and (g) by the Firearms Owners' Protection Act of 1986.

Section 158

Section 158 would adjust the procedural rights available to state prisoners who are subject to a federal detainer for untried criminal charges and who wish to have those charges disposed of under the Interstate Agreement on Detainers (IAD), codified at 18 U.S.C. Appendix.

The IAD was enacted in 1970 to facilitate the obtaining of defendants incarcerated in other jurisdictions for purposes of prosecution. The legislative history makes clear that the United States was made a party so that States could secure federal prisoners. See H. Rep. No. 91-1018, 91st Cong., 2d Sess. (1970); S. Rep. No. 91-1356, 91st Cong., 2d Sess. (1970). The United States has no need for the IAD to obtain State prisoners since, unlike a State which can issue no process or writ requiring obedience outside its borders, the United States has available the federal writ of habeas corpus ad prosequendum to compel the appearance of a person incarcerated in a state institution for trial. Nevertheless, the United States is regarded as a "receiving" state subject to the IAD's stringent sanctions when it obtains custody of a state prisoner for trial on federal charges.

The IAD requires dismissal of an indictment with prejudice whenever a prisoner is transferred from custody from the sending to the requesting state and returned to the sending state without being tried. See Article III(a) of the IAD. This sanction is designed to prevent prisoners from being abused by the lodging of detainers and transfer to a requesting state unaccompanied by an intent or ability to try the individual; but it makes little sense when the United States acts as a "receiving" jurisdiction. Unlike the case with states where a prisoner must be transferred interstate, the federal charges may require only that the prisoner be delivered in the same state, perhaps across the street, for trial. A "return" of the prisoner to state custody in such circumstances, for example following a brief arraignment proceeding, is an innocuous circumstance. It is clearly not harmful to the prisoner and ought not to lead to the drastic remedy of dismissal with prejudice of the federal indictment. See *United States v. Thompson*, 562 F.2d 232 (3d Cir. 1977) (en banc).

Moreover, a "return" frequently is for the prisoner's benefit and may enable him or her to resume participation in state rehabilitative prison programs whereas, if retained in federal custody, the prisoner might have to be lodged in a federal jail-type institution for a protracted time without comparable treatment or facilities. *See, e.g., Burrus v. Turnbo*, 743 F.2d 693 (9th Cir. 1984), vacated as moot sub nom. *Hijar v. Burrus*, 106 S. Ct. 562 (1985), holding that the IAD was violated when federal authorities understandably returned a prisoner to the "sending" state following the district court's dismissal of an indictment pending the outcome of a government appeal; although the government won the appeal, the Court held that the charges could not be pursued because of the "breach" of the IAD.

The amendment to the IAD in Section 158 would provide that in instances where the United States is in the position of a "receiving" state, any order of a court dismissing an indictment may be with or without prejudice, depending on the circumstances, and that the return of a prisoner to a sending state prior to trial shall not be a violation of the IAD as long as the return is pursuant to court order. This amendment will remove the unnecessarily harsh sanction of automatic dismissal with prejudice that was criticized by the court in *Schrum*, 504 F. Supp. at 28, and permit the United States to return prisoners to state custody where a court determines that a return is appropriate.

Section 159

Section 159 cures a possible gap and ambiguity in the Anti-Drug Abuse Act of 1986. That Act added a subsection (b) to 21 U.S.C. 959, making it unlawful for American citizens on board any aircraft to manufacture, distribute, or possess with intent to distribute a controlled substance. The 1986 Act did not, however, make a conforming amendment to the penalties provision for violations of section 959—i.e., section 960(a)(3). That section refers only to manufacturing and distributing. While the drafters may have thought that the term "distributes" encompasses the offense of possession with intent to distribute, the argument could be made that the possession with intent crime carries no penalty and hence is unenforceable. The amendment would resolve this possible problem by adding a specific reference to "possesses with intent to distribute" in the penalty section.

Section 160

Section 160 clarifies the scope of 18 U.S.C. 924(c) and 929(a). Those statutes create offenses of using or carrying a firearm and armor piercing ammunition, respectively, in certain federal crimes including drug trafficking crimes. Unfortunately, the present definition of "drug trafficking crime" is drafted somewhat imprecisely to refer to felony violations "involving the distribution, manufacture, or importation" of a controlled substance. This language is sure to lead to litigation based on the claim that it does not reach a person charged with carrying a firearm in connection with the offense of possessing drugs with intent to distribute, or with attempts and conspiracies to engage in drug violations. In *United States v. James* F.2d—(4th Cir.) (decided Nov. 24, 1987), the court held that section 924(c) covers possession with intent to distribute. The amendment would clarify the definition to include, consistent, with the *James* holding and with Congress' original intent, all felony violations of the Controlled Substances Act, the Controlled Substances Import and Export Act, and the Maritime Drug Law Enforcement Act. (See the definition of "serious drug offenses" in 18 U.S.C. 924(e)(2)).

Sections 161-176

Sections 161 through 176 make a series of purely technical, clerical, and conforming amendments having no substantive effect.

Section 177

Section 177 would require a federal district court, before accepting a plea of guilty or nolo contendere, to advise the defendant of the possible imposition of a period of supervised release after imprisonment, as authorized by 18 U.S.C. 3583, effective as to crimes committed on or after November 1, 1987. Rule 11 currently requires advice as to the effect of any possible term of special parole, to which supervised release is analogous.

Section 178

Section 178 would broaden the injunction against fraud statute, 18 U.S.C. 1345, added by the Comprehensive Crime Control Act of 1984, to reach additional species of fraud. Currently, the injunction provision only applies to mail fraud, wire fraud, and bank fraud. Under the amendment, the injunction remedy would become available as an enforcement tool applicable to the principal statutes punishing fraud against the government, 18 U.S.C. 287 (false claims), 371 (conspiracy to defraud the government), and 1001 (false statements to the government), thereby offering an alternative means for protecting the interest of the United States.

Section 179

Section 179 prohibits obstruction of a federal audit, including both traditional audits and quality assurance inspections. The experience of the Department of Justice has shown that, in many successful investigations, government contractors have been able to avoid earlier detection by obstructing such audits. The federal auditor needs the same protection for obstruction that the investigator, administrative proceedings, and the grand jury have in sections 1503, 1505, 1510, and 1512 of title 18 of the United States Code. This provision would bar a wide range of obstructive conduct such as destruction or fabrication of documents as well as intimidation of witnesses and contractor employees, and would serve the interests of the people of the United States in combatting government fraud.

Section 180

Section 180 is a proposal of the Treasury Department that was formally submitted to Congress in November 1987. It would require a person to obtain the permission of the Director of the United States Secret Service before using the agency's name or initials. This would assure that the name or initials are not used in a way that might convey the impression that such use is approved by the Secret Service. A knowing violation would be punishable as a misdemeanor. 18 U.S.C. 709.

Currently, 18 U.S.C. 709 contains similar prohibitions with respect to many government agencies, including the Federal Deposit Insurance Corporation, the Federal Home Loan Board, the Department of Housing and Urban Development, and the Federal Bureau of Investigation. In recent years, private organizations have shown an increasing tendency towards using the name of the Secret Service without permission in advertising or in conjunction with trade names for the apparent purpose of attracting the attention of potential customers. The proposed amendment is necessary both to protect the name of the Secret Service and to protect the public from being confused or misled into believing that a firm, service, or product has the endorsement of, or is in some manner associated with, the Secret Service.

This section takes effect 90 days from the date of enactment. During the 90 day period between the date of enactment and the effective date, the Committee expects that the Secretary of the Treasury will make a good faith effort to notify any persons known to the Treasury Department to be in violation of this section of its existence and of the penalties associated with its violation. Failure to receive such notice, however, will not be a defense to a violation of this section.

Section 181

Section 181 is derived from S. 988 introduced in April, 1987 by Senator Roth. It is designed to extend the reach of 18 U.S.C. 2314 so as clearly to cover fraudulent schemes that defraud multiple victims of a total sum of $5,000 or more, but where no individual victim is defrauded of $5,000.

The question whether aggregation is permitted of the proceeds resulting from a scheme to defraud involving multiple victims under the second paragraph of 18 U.S.C. 2314 in order to meet the $5,000 jurisdictional floor appears never to have been litigated. The first paragraph of section 2314, which also contains a $5,000 jurisdictional requirement, has been held to permit aggregation of the value of discrete shipments of stolen property, where the shipments have sufficient relationship to be charged as a single offense. *See Schaffer v. United States*, 362 U.S. 511 (1960); *United States v. Honey*, 680 F.2d 1228 (9th Cir. 1982). However, the first paragraph of sectioj 2314 refers tk the value of property that is transpkrted, whereas the second paragraph, with which this proposal is cojcerned, refers to the value reahized from schemes that induce a "perskn" to travel in interstate commerce in the execution or concealment of a scheme to defraud "that person" of property. Although the use of the singular term "person" alone would ordinarily include the plural, *see* 1 U.S.C. 1, the statute's second reference tk schemes to defraud "that person" of the requisite sum casts doubt on whether aggregation is allowed of the sums defrauded from multiple victims pursuant to a common scheme.

Under the amendment, jurisdiction would exist over such schemes—for example, schemes in which numbers of young adults are lured to travel interstate to work as door-to-door sales agents by persons or organizations that cheat them out of their just earnings (typically less than $5,000 in any individual case). Since the perpetrators of these schemes move rapidly from state to state, federal jurisdiction is necessary to effectively investigate and prosecute these schemes. See 133 Cong. Rec. at p. S 5026 (Daily ed. April 9, 1987). The proposed amendment would confer such jurisdiction.

Section 182

Section 182 makes two amendments to 18 U.S.C. 3288 and 3289, the statutes which extend the statute of limitations to permit the bringing of a new prosecution when a timely charge is dismissed either after the limitations period has expired or within six months of that date. The first amendment would clarify that the extended period begins to run when the dismissal "becomes final." This is the interpretation currently placed on these provisions by the Solicitor General's Office (no case law exists) as most consistent with the purpose of the statutes. The words "becomes final" would make clear that the government need not face the unreasonable choice whether to pursue an appeal or to accept the lower court's decision and commence a reprosecution.

Under the amendment, the government can appeal (after obtaining the approval of the Solicitor General, 28 C.F.R. 0.20) and, if unsuccessful, still have time in which to bring a new prosecution. This proposal was included in S. 1630 (511), the Criminal Code Reform bill approved by the Judiciary Committee in the 97th Congress.

The second amendment would expand the statutes to encompass the dismissal of an indictment or information for any reason that would not bar further prosecution. Current law provides that "whenever an indictment is dismissed for any error, defect, or irregularity with respect to the grand jury, or . . . is found otherwise defective or insufficient for any cause", the statute of limitations is extended for a period of six months to permit the re-filing of criminal charges. While this language is unarguably broad, appearing to permit the extension no matter what the reason for the dismissal of the charges, the Ninth Circuit has held that it contains a loophole.

In *United States v. Peloquin,* 810 F.2d 911 (9th Cir. 1987), the court held that a Speedy Trial Act violation is neither an "irregularity with respect to the grand jury" nor a defect or insufficiency in the indictment itself, and that therefore the literal words of the limitations statute did not permit the refiling of charges dismissed on speedy trial grounds. This holding leads to a distinction that has no justification in public policy.

In other cases, the Ninth Circuit has held that where an indictment was dismissed for failure to state an offense, the statute applies and a reprosecution may be commenced within six months. *United States* v. *Charnay,* 537 F.2d 341 (9th Cir.), *cert.* denied, 429 U.S. 1000 (1976); the same result occurs when an indictment is dismissed for failure to present exculpatory evidence before the grand jury. *United States* v. *Horowitz,* 756 F.2d 1400 (9th Cir.), *cert.* denied, 106 S. Ct 74 (1985). The government is permitted to re-file charges even where the reason for the dismissal was prosecutorial misconduct before the grand jury. *See United States* v. *Serubo,* 502 F. Supp. 288 (E.D. Pa. 1980). Yet under *Peloquin,* a dismissal based on a Speedy Trial Act violation, which is arguably less serious, does not permit a refiling.

Such distinctions have nothing to recommend them in terms of sound policy. The reason a charge is dismissed (unless the reason for the dismissal would independently bar further prosecution such as a dismissal on grounds of double jeopardy or a dismissal "with prejudice" under a statute) should not determine whether the government is given additional time to bring a new prosecution.

Judge (now Justice) Kennedy, the author of the *Peloquin* opinion, observed (810 F.2d at 913):

"The government also argues that there are policy reasons for not giving defendants the chance to wiggle off the hook because of Speedy Trial Act dismissals. This may be so. But we are not in the business of drafting statutes. This task we leave to Congress."

Judge Kennedy was apparently sending a signal to Congress that the archaic distinctions in these statutes should be abandoned. The proposed amendment would accept the invitation to abolish them.

Section 183

Section 183 would amend the Speedy Trial Act so that the seventy-day trial "clock" would be extended or restarted when the defendant absconds on the eve of trial. Present law provides that the 70-day period is suspended during the time that the defendant is a fugitive, but this can lead to an inequity where the defendant fails to appear for a trial date that is set near the end of the required period.

If, for example, trial is set on the 69th day, and the defendant disappears for two years, the government is required to bring the defendant to trial within one day of his apprehension. *See United States v. Taylor,* 821 F.2d 1377 (9th Cir. 1987). Generally it is impossible for the government to reassemble its evidence that quickly, and the defendant is handed a windfall for his having failed to appear for trial.

The amendment would create a new subsection 3161(k) that would provide that where the defendant absents himself for a long period, the 70-day "clock" is restarted when he ultimately appears in court. Recognizing that it would generally be unnecessary to restart the 70-day period from the beginning if the defendant was a fugitive for only a short period, however, the amendment would also provide that where the defendant was absent for 21 days or less, the required period would be extended for 21 days, which is the time fairly needed by the government to set a new trial date and reassemble its evidence.

Section 184

Section 184 is necessary to make clear that certain provisions of the Criminal Fine Improvement Act of 1987 (CFIA) are intended to apply both retrospectively and prospectively. The CFIA created procedures that permit United States Attorneys to eliminate or reduce old outstanding fines and penalty assessments that are uncollectible. The CFIA, however, did not make clear that those procedures may be applied to fines and assessments that were imposed before the CFIA's effective date.

Subsection (a) would allow the government to petition for a court order to reduce or remit uncollectible pre-CFIA fines or special assessments. Subsection (b) would apply the new five-year statute of limitations period for special assessments to pre-CFIA assessments. Subsection (c) would make clear that the Attorney General is authorized to waive interest and penalties on pre-CFIA fines. None of these amendments are intended to extinguish the defendant's right to petition to reduce a fine under former section 3573 with respect to fines imposed for offenses before the effective date of the CFIA.

Sections 3612 (d) and (e) set forth notice requirements relating to delinquent fines and fines determined to be in default. The amendment in subsection (d) would leave unchanged the requirement that the government give notice of delinquency or default in certain circumstances, but it would relieve the government of the need to use certified mail to accomplish the notification. The amendment recognizes that certified mail is expensive, is no more likely to achieve actual notice than is first class mail, and in some circumstances, may be totally unnecessary, as when a defendant has been personally notified of his delinquency or default.

Section 185

Section 185 corrects a grammatical error in 28 U.S.C. 994(n).

Section 186

New section 3151 of title 18 would restore the authority of the government to refund bail which has been erroneously forfeited. Bail is usually forfeited when a defendant fails to appear for trial. Without the authority to refund, bail which has been forfeited cannot be refunded to anyone who fails to appear, or to the estate of anyone who fails to appear, regardless of extenuating circumstances, such as death, hospitalization, or plain error.

Previously, refund authority was set forth in 18 U.S.C. 3150a, but this was inadvertently repealed by section 203(a) of the Comprehensive Crime Control Act of 1984 which repealed sections 3141 through 3151 of title 18. (That the repeal was inadvertent is apparent from section 1410 of the same Act which sought to make a minor amendment to 18 U.S.C. 3150a.)

The amendment would restore the language of section 3150a as it would have been amended by the 1984 Act.

Section 187

Section 3013 of title 18, added by the Victims of Crime Act of 1984, provides that every defendant convicted of an offense against the United States shall be charged a special assessment ranging from $25 to $200, depending on whether the defendant is an individual or a business, and whether the crime is a misdemeanor or a felony. The special assessments are used for the crime victims' fund.

Because the statute plainly states that the special assessments shall be made in all cases, they have been assessed against defendants who are charged with minor infractions, such as speeding tickets, and who elect to appear in court to contest the charges. But the assessments have not been made against defendants charged with such offenses who simply forfeit collateral and do not appear in court. In *Scharf* v. *United States,* 606 F. Supp. 379 (E.D. Va. 1985), a defendant who could have forfeited a $40 fine on a speeding ticket elected to appear before a Magistrate and was fined $25 plus the $25 special assessment. On appeal, the district court held that the imposition of the special assessment in cases where the defendant appeared for trial, but not in cases where the defendant forfeited collateral, had an unconstitutional chilling effect on the defendant's right to trial.

The amendment would provide that special assessments would not apply to any offense for which local rules or other federal law allow a defendant to forfeit collateral, thus eliminating that aspect of Sec. 3013 that was found constitutionally defective.

Section 188

Section 3563(a)(2) provides that whenever a person convicted of a felony is placed on probation, the court must impose payment of a fine, restitution, or community service as a condition of probation. The provision is mandatory; there is no exception to cover instances where it may be impossible for a defendant to comply with any of these conditions, or where imposition of such conditions would be counterproductive.

The amendment would provide that in such extraordinary circumstances, the court shall impose at least one of the other conditions of probation set forth in section 3563(b)(1)-(b)(20).

Section 189

Title 18, Section 3184, provides that the government may obtain a warrant for the arrest of a fugitive sought by a foreign country for a crime covered by an extradition treaty by showing that the person to be apprehended is within the jurisdiction of the issuing court. This limits the government to obtaining warrants only when the specific location of a fugitive is known. There is no mechanism for the issuance of a warrant when the fugitive is known to be somewhere in the United States, but not known to be in any specific judicial district.

The amendment would provide that a judge or magistrate of the District of Columbia could issue an arrest warrant under section 3184 if the whereabouts of the person charged are unknown.

Section 190

Many business and government forms contains references to a tax identification number. In the case of individuals, this is generally intended to mean a person's social security number, but there is often no explicit reference to the social security number anywhere on the form. This gives rise to the possibility that a person otherwise in violation of subsection (g) of section 408, regarding misuse or misrepresentation of a social security number, might argue that the statute did not apply to a situation where the number in question was never explicitly styled a "social security number", but instead was called a "tax identification number" or something else.

The first amendment would clarify that the criminal penalties set forth in section 408(g) are intended to apply to any social security number issued by the government whether in actual use the number is known by that name or by some other name.

The second amendment would merely strike obsolete language from the penalty section. All criminal fines are now governed by the all-purpose fine statute, 18 U.S.C. 3571. Thus a explicit fine limitation in a given criminal statute has no meaning.

Section 191

This section amends 18 U.S.C. 19, which defines the term petty offense as a Class B or C misdemeanor or an infraction, as enacted by the Criminal Fine Improvement Act of 1987, Pub. L. No. 100-185. It also amends similar definitions in Rule 9 of the Rules of Procedure for the Trial of Misdemeanors before United States Magistrates and Rule 54 of the Federal Rules of Criminal Procedure.

The amendment is needed to carry forward fully the concept of petty offense for purposes of the exception to the constitutional right to trial by jury. See *Frank v. United States,* 395 U.S. 147 (1969). Prior to its repeal by the Sentencing Reform Act of 1984, 18 U.S.C. 1 defined a petty offense as any misdemeanor for which the penalty did not exceed imprisonment for six months or a fine of $5,000 for an individual, or $10,000 for a person other than an individual. The goal of the amendments affecting petty offenses in the Criminal Fine Improvements Act of 1987 was to carry forward this definition. H.R. Rep. No. 390, 100th Cong., 1st Session 4 (1987).

The 1987 amendments, however, did not accomplish this goal fully because the definition of petty offense enacted did not specifically include a maximum fine level. For many cases the maximums set forth in 18 U.S.C. 3571(b)(6) or (7) and (c)(6) or (7)—$5,000 for an individual and $10,000 for an organization—would operate to set a constitutionally permissible limit for petty offenses. However, the 1987 definition of petty offense inadvertently included a class of offenses which may not be petty for constitutional purposes even though they are Class B or C misdemeanors or infractions as classified by 18 U.S.C. 3559: offenses punishable by six months' or less imprisonment which, by there terms of the statutes setting forth such offenses, carry a higher maximum fine than the $5,000 and $10,000 levels provided for in 18 U.S.C. 3571(b)(6) or (7) and (c)(6) or (7). The higher amount would be the lawful maximum for such offenses. See 18 U.S.C. 3571(b)(1) and (c)(1).

The amendments made by this section cure this problem by redefining the term petty offense to include only Class B and C misdemeanors and infractions for which the applicable maximum fine is no greater than the specific dollar levels set forth for such offenses in 18 U.S.C. 3571(b)(6) or (7) and (c)(6) or (7).

Section 192

Section 192 derives from S. 1803, a bill introduced by Senator Adams to make it a crime to send lock-picking devices, also known as burglar's tools, through the mail. It would create a new section in title 39, and a companion criminal penalties section in title 18, that would prohibit sending such tools to any person other than a lock manufacturer or distributor, a bona fide locksmith or repossessor, or a motor vehicle manufacturer or dealer. The Committee determined that it was unnecessary to include law enforcement officials among those excepted from the prohibition because such officials have inherent authority to use the mails for lawful purposes.

The legislation is necessary to curb a mail-order business that uses magazine ads to promote tools as being effective for breaking into automobiles and other locks. For example, one ad entitled "An Automotive Burglar Tool That Really Works" suggests that the tool "works on all GM slide-lock systems" and is "so easy to use you don't have to be a locksmith".

Section 193

Section 193 involves the offense of driving on a federal enclave while under the influence of alcohol or drugs. The amendment would close a loophole in the law which now prevents federal judges from imposing license suspensions, alcohol education programs, and other non-jail term sanctions on persons convicted of driving under the influence.

The Assimilative Crimes Act, 18 U.S.C. 13, authorizes federal judges to apply state criminal statutes for acts or omissions taking place within a state but on a federal enclave. Only crime-defining statutes are assimilated, however, and only sanctions defined as punishments may be imposed. In cases interpreting this statute, drunk driving has been found to be a crime-defining statute, but license suspensions and other non-jail sanctions have not been found to be punishments, and therefore may not be imposed.

Because it does not make sense to impose only a jail sentence or a fine when a state has found additional methods of getting the drunk off the road, the amendment in section 193(a) would define the various state enacted sanctions as "punishments" in cases of driving under the influence chargeable under section 13.

Section 193(b) would create a new section 3117 in title 18 that would provide that refusal to consent to a chemical test following arrest for driving under the influence on a federal enclave would result in suspension of driving privileges for one year, and that such refusal would be admissible as evidence in court.

Section 194

Section 194 would amend 18 U.S.C. 112(b)(3) in response to the Supreme Court's recent decision in *Boos v. Barry,* No. 86-803 (March 22, 1988). Section 112(b)(3) prohibits certain activities within one hundred feet of a foreign embassy. It applies to all places in the United States except the District of Columbia which has its own statute governing activities in the District. See D.C. Code, Section 22-1125. In *Boos,* the Supreme Court found the District of Columbia statute unconstitutional in part, and pointed to section 112 as an example of a less restrictive alternative that would allow the government to fulfill its obligation to protect foreign embassy personnel without unnecessarily infringing on First Amendment rights. *Id.,* slip opinion at 12-15. Section 194, which derives from a bill (S. 1203) introduced by Sen. Grassley in the 99th Congress, would solve the problem identified in *Boos* by removing the reference to the District of Columbia from section 112(b)(3) so that the less restrictive sanctions in section 112 would apply in the District.

Section 195

Section 195 amends 18 U.S.C. 3143(b) which relates to the setting of bail pending appeal. Section 3143(b)(2) sets forth a list of circumstances in which bail pending appeal is appropriate. The circumstances include the likelihood that the appeal will result in a sentence not involving a term of imprisonment; but they do not address the situation where the appeal is likely to result in a sentence of imprisonment that is shorter than the time already served by the defendant plus the expected duration of the appeal process.

The amendment would provide that in such circumstances the court should release the defendant in accordance with 18 U.S.C. 3142 (b) or (c) after he had been in prison for the period to which his sentence was likely to be reduced.

Section 196

Section 196 amends chapter 206 of title 18 to permit emergency installation of pen registers and "trap and trace" devices. It parallels 18 U.S.C. 2518(7) which permits such emergency installation of wiretaps.

TITLE II—ANCILLARY DEBT COLLECTION AMENDMENTS

Section 202

This section amends 5 U.S.C. 5514(a)(1) to increase the maximum amount of money that can be administratively offset against a federal employee's salary, before judgment by a federal agency, to satisfy a debt owed to the United States. This maximum would be increased from 15 to 25 percent.

The increase in offset authority makes the offset limits the same in both pre- and post-judgment cases. This increase is intended to encourage agencies to offset their employees' salaries whenever possible before referring the claim for the costly process of litigation and enforced collection to recover the monies owed.

Section 203

This section makes several amendments to the Internal Revenue Code relating to federal tax liens. Under 26 U.S.C. 6323(f), unless state law designates one office within the state for filing notices of federal tax liens with respect to all personal property of a taxpayer, the notice is to be filed with the clerk of the district court for the judicial district in which the property is located. With respect to some personal property, however, federal law creates a national centralized filing system for instruments affecting interests in or title to such property. Some states have enacted filing laws which merely conform to federal law and provide that such filings are to be made under the federal system.

In one case currently pending on appeal, a bankruptcy court held that such state laws violate the "one office rule." The proposed amendments in section 203(a) would clarify current law regarding the effect of such state laws and the related national filing systems.

Section 203(b) relates to IRS levies on persons other than the taxpayer who owes money to the government. A person on whom an IRS levy is served is expressly relieved of any liability to the taxpayer as a result of honoring the levy. When another person claims an interest in the property, the person on whom the levy was served is often concerned about potential liability to the third party and files an interpleader in order to resolve the competing claims. This section would amend 26 U.S.C. 6332(d) to extend the immunity from liability to cover not only suits by the taxpayer, but also suits by any other party. The remedy for any third party injured by a levy is an action for wrongful levy against the United States under section 7426 of the Internal Revenue Code.

The statute of limitations on the collection of taxes by an Internal Revenue Service levy is six years. A judgment secured prior to expiration of the six-year period of limitations may be collected by levy during the remainder of the six years. In contrast, tax liens are effective as long as the tax remains collectible. Section 203(c) would amend Section 6503(a) of the Internal Revenue Code (26 U.S.C.) to provide that an Internal Revenue Service levy may be used to collect any taxes for which a timely suit was brought by the United States for as long as the taxes remain unsatified and are still enforceable.

Section 204

This section amends various provisions of the Federal Claims Collection Act (31 U.S.C. 3701 et seq.). Section 204(a) raises the authority that agency heads have to compromise, terminate or suspend collection action from $20,000 to $100,000. This dollar limit was recommended by the Department of the Treasury, Write-off Management Group, and endorsed by the Office of Management and Budget. This figure merely reflects an adjustment for inflation since the Federal Claims Collection Act was enacted in 1966.

Section 204(b) revises 31 U.S.C. Section 3713 which is the current version of the longstanding statute granting the United States priority of its Claims outside of the bankruptcy setting. The United States is given priority when the debtor or his estate is "insolvent" as defined in the Act. This section deletes the "acts of bankruptcy" test which originated under the old Bankruptcy Act for determining insolvency. The generally accepted definition of insolvency is substituted therefor.

Section 204(c) would amend 31 U.S.C. 3715 to allow the head of an agency to bid on the personal property of the debtor, as well as the real property, at an execution sale, and to bid the amount of the judgment as a credit against the sale price instead of requiring all cash.

Section 205

This section is intended to remedy some of the problems that some commentators have identified that limit the amount the United States can recover under the Medicare Care Recovery Act (MCRA). 42 U.S.C. 2651. See, e.g., Abney, The Medical Care Recovery Act—Time for a Checkup, 22 California Western Law Review 1 (1985). The Act permits the government to recover from third persons tortiously liable for injuries to persons entited to receive medical care at government expense.

Four areas are dealt with by these amendments. Subsection (a) expands the possibility of recovering in situations where the injured or diseased person would recover under an insurance policy in a no-fault jurisdiction or under Worker's Compensation statutes, neither of which is based upon tort. Subsection (b) expands the nature of the government's claim to include "third party beneficiary" type claims; the intent is to give the government a subrogated right which cannot be written out of insurance policies the way a third party claim could be excluded. Subsection (c) allows removal of these cases into federal district courts where there is usually more familiarity with the MCRA and, hopefully, a better chance for recovery.

Subsections (d) and (e) are intended to encourage the proper recognition and payment of the government claims of this type of private counsel and the insurance companies which quite often have dealt with each other and settled their cases to the exclusion of the government; when that happens it is usually very difficult for the government to obtain cooperation from anyone involved, therefore the proposed amendments are intended to provide motivations on both sides to properly deal with the government's claim.

Section 206. Amendment to Public Law 97-276, Section 124

This section, like Section 202, amends provisions of title 5, United States Code, relating to the offset of federal employee wages and salaries. This amendment would change the offset of federal employee provisions to make clear that members of the armed forces are employees whose salaries may be offset for the repayment of debts owed to the United States. In some districts, the interpretation of this provision has prevented offset of these workers. This section also clarifies that retirement pay is subject to one hundred percent of offset, and is not limited to lower amounts for current salary. This has also been the subject of varying interpretations.

TITLE III—AMENDMENTS TO THE SENTENCING REFORM ACT

Section 301

Section 301 creates a new section of chapter 306 to deal with the release of prisoners transferred from overseas following conviction for offenses occurring on or after November 1, 1987.[1] Presently, 18 U.S.C. 4106 provides a mechanism for the parole of transferred prisoners, but that section applies only to offenses occurring before November 1, 1987, the date parole was abolished by the Sentencing Reform Act of 1984. Because the parole laws have no application to offenses committed after November 1, 1987 in the United States, it would make no sense to apply those laws to offenses occurring after that date overseas. Therefore it is necessary to create a new mechanism for the release of transferred offenders once they have served an appropriate portion of their sentence.

Section 223(m)(3) of the Sentencing Reform Act of 1984 attempted to deal with this problem by amending section 4106 to provide that transferred prisoners would be imprisoned for a period equal to what they would serve under the sentencing guidelines if the offense had occurred in the jurisdiction of the United States. Such prisoners would then be placed on supervised release for the balance of the foreign sentence.

Unfortunately, this scheme ran afoul of the treaties governing the transfer of prisoners between the United States and foreign countries. Those treaties prohibit transferred prisoners from being resentenced by a United States court. In the opinion of the Department of Justice, the release of a transferred prisoner by a court pursuant to the Sentencing Reform Act would constitute a re-sentencing. Therefore, the amendment to section 4106 was stricken. *See* Section 14 of the Sentencing Act of 1987.

The new section 4106A created by the bill would avoid these problems by placing the responsibility for the release of transferred prisoners with the United States Parole Commission. The Parkle Commission would, with the assistance of the Probation Office, compute the prisoner's sejtence under the sentencing guidelines and set a date for supervised release with conditions imposed pursuant tk 18 U*S.C. 3583. Upon the prisoner's release(responsibility for his or her supervision would fall to the district court in the district where the prisoner resides.

The Committee is aware that this is only a temporary solution since the Parole Commission is scheduled to go out of existence in 1992. The reference to Section 235 of the Sentencing Reform Act in subsection (c) is included so that whatever amendments, if any, are made to the Act regarding the phase-out of the Parole Commission will apply to the duties given to the Parole Commission under this section.

Section 311

Under 18 U.S.C. 3553(c), a court must state "the reasons" for its imposition of a particular sentence, and a transcript of every statement of reasons must be prepared and transmitted to the appropriate agencies. In some cases, especially when the court has departed from the guideline range, a transcript of the statement of reasons is a valuable research tool. The relevant agencies have concluded, however, that they do not require a transcript of the court's statement of reasons in other, more routine cases; a written summary of the court's reasons would suffice. The statutory requirement that transcripts be prepared in every case places a tremendous burden on court personnel, especially court reporters. The requirement may impede the efficient preparation and transmittal of transcripts in those cases in which transcripts would be valuable to the Commission, the Probation Service, and the Bureau of Prisons.

Under the proposed amendment, the sentencing court will still be required to state publicly the reasons for imposing a particular sentence, and the statement of reasons will still be transmitted to the appropriate agencies. The amendment merely permits courts to determine whether a transcript is the most suitable form of transmittal in a particular case, or if a less burdensome form of transmittal is appropriate. In addition, the proposal eliminates an unnecessary reference to the clerk of the court.

Use of the phrase "appropriate public record" in this section is not intended to prevent a court from limiting the disclosure of sentencing information pursuant to Rule 32(c)(3) of the Federal Rules of Criminal Procedure.

Section 312

Appellate review of sentences is one of the most important components of the Sentencing Reform Act of 1984. At present, however, the statute authorizing appellate review contains a number of technical errors and ambiguities. The proposed amendment seeks to clarify 18 U.S.C. 3742 in several respects.

First, the amendment replaces the phrase "incorrect application of the sentencing guidelines" with the phrase "use of an inapplicable sentencing guideline range." This change eliminates the need for appellate review where an incorrect application of the guidelines is harmless because it does not produce an inapplicable sentencing guideline range. For example, where a combination of errors in computing the Offense Level results in the use of the same guideline range as would have been used if the errors had not been committed, there would be no ground for appeal. The change, however, is intended to be narrow. It is not intended to broaden the ground for appeal to permit a claim, under this section, that the sentencing guidelines, as a whole, are inapplicable to the facts and circumstances of a given case; nor is it intended to limit the right of any party to appeal on any issue apart from the court's determination to apply a particular guideline range.

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[1] The section is derived from Section 115 of S. 1822.

Second, the amendment strikes out the phrase "issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)." This change is desirable because the deleted phrase is unnecessary and does not fully describe the different ways in which guidelines may be issued. Congress may, in effect, issue a guideline by legislation modifying a submission of the Sentencing Commission pursuant to 28 U.S.C. 994(p) or by independent legislation. The current language is also incomplete because the Commission may issue a guideline pursuant to its emergency guidelines promulgation authority under section 21 of the Sentencing Act of 1987 (Pub. L. 100-182), rather than its authority under 28 U.S.C. 994.

Third, the amendment provides consistency in the use of the terms "guideline" and "guideline range" in this statute. As amended by this proposal, the statute uses the word "guideline" to mean a rule promulgated by the Commission (e.g., 2A1.1; 4B1.1), while the phrase "guideline range" means the limits of the sentence provided by application of the guidelines to the facts of a case (e.g., 12-18 months). A new subsection addresses the issue of a guideline not expressed as a range (e.g., life imprisonment).

Fourth, the amendment clarifies the grounds for appeal from a sentence imposed pursuant to certain plea agreements. In the current statutory scheme, the right of appeal from a sentence imposed pursuant to a plea agreement is more restrictive if there is an applicable sentencing guideline than if there is not one. This anomaly is not justified by policy considerations. In resolving this inconsistency, the proposed amendment remains faithful to the intent of the Sentencing Reform Act of 1984 which was that "a sentence consistent with a plea agreement cannot be appealed." S. Rep. No. 225, 98th Cong., 1st Sess. 153 (1983). In addition, the proposal revises the format of the provisions concerning plea agreements to enhance clarity.

Finally, the amendment provides that a district court's resolution of a mixed question of law and fact is entitled to due deference on appeal. Although a mixed question of law and fact is not subject to the "clearly erroneous" standard employed under this statute with respect to purely factual questions, the district court's resolution of a mixed question of law and fact is entitled to considerably greater deference than its resolution of a purely legal question.

It is logical to establish different standards of appellate review for questions of law, questions of fact, and mixed questions of law and fact. Consider, for example, the case of a defendant who struck his victim, causing a laceration. The district court's finding that ten stitches were required to close the victim's wound is a purely factual determination that would not be disturbed by the court of appeals unless it were clearly erroneous.

The district court's finding that serious bodily injury results in a four level increase in the defendant's offense level under the guidelines is a purely legal determination which, if incorrect, would be corrected by the court of appeals if it results in an inapplicable sentencing guideline range.

Mixed questions of law and fact should be subject to an intermediate standard of review. Thus, the district court's determination that ten stitches constitutes serious bodily injury under the particular circumstances of this case would be entitled to due deference from the court of appeals.

Section 313

There have been numerous legal challenges to the constitutionality of the Sentencing Commission. Ordinarily, the Justice Department would represent the Commission, but the Department and the Commission have incompatible positions with respect to the constitutional issue presented. The Commission views itself as an "independent commission in the judicial branch," 28 U.S.C. 991(a), and therefore defends the Sentencing Reform Act as written. The Justice Department has argued that Congress mislabeled the Commission and it is in fact an executive branch agency. Compare *U.S. v. Arnold*, No. 87-1279-B, slip op. (S.D. Cal. 2/18/88) (declaring guidelines unconstitutional) with *U.S. v. Ruiz-Villanueva*, No. 87-1296-E, slip op. (S.D. Cal. 2/29/88) (declaring guidelines constitutional). The Commission has already filed *amicus curiae* briefs in numerous pending cases, by agreement with the Justice Department.

Because of the highly complex nature of the constitutional questions presented, the Commission finds it desirable to retain private counsel with expertise in this area of constitutional law to participate in the litigation in conjunction with the Commission's legal staff. Congress has granted this authority to agencies on other occasions. See, e.g., 39 U.S.C. 409(d) (Postal Service); 2 U.S.C. 288(c) (Office of Senate Legal Counsel). The Commission's authority to retain legal counsel is implied in 28 U.S.C. 994(a)(6), a provision conferring upon the Commission the authority to contract for necessary services. The proposed amendment merely confirms this authority.

Private attorneys retained by the Commission will generally serve as independent contractors. In some situations, however, they may serve as employees, either because the Constitution or a statute requires that a particular task be performed by an employee or because the Commission chooses to designate the attorneys as employees rather than contractors. In such situations, the attorneys may be considered special Government employees notwithstanding the ambiguity in 18 U.S.C. 202(a) as to whether a judicial branch appointee may be considered a special Government employee.

Section 314

The current statute permits the Commission to pay its Staff Director the salary prescribed for grade 18 of the General Schedule. As of January 1988, that salary is, in theory, $86,682. 5 U.S.C. 5332. The Comptroller General has ruled, however, that actual compensation under the General Schedule may not exceed the rate of basic pay for level V of the Executive Schedule, which is currently $72,500. 5 U.S.C. 5308. This salary cap applies to the Staff Director of the Sentencing Commission. Opinion of the Comptroller General, File No. B-227781 (September 11, 1987).

As a result, the salary of the Staff Director is now artificially low, and over time will become increasingly unsuitable. The proposed amendment disengages the Staff Director's salary from the capped General Schedule and instead sets the salary at level 6 of the Senior Executive Service Schedule, currently $77,500.

Other government officials with responsibility comparable to that of the Staff Director are compensated at level 6 of the Senior Executive Service Schedule. For example, the Executive Director of the Federal Trade Commission and the Director of the FTC's Bureau of Economics are compensated at that level, as are the Executive Directors of the National Mediation Board, the National Capital Planning Commission, and the U.S. International Trade Commission. The staff directors, inspectors general, and general counsel of many other agencies are compensated at level IV of the Executive Schedule which is identical to level 6 of the Senior Executive Service Schedule. Under the proposal, the Staff Director of the Commission would still receive somewhat less compensation than the Directors of the Federal Judicial Center and the Administrative Office of the United States Courts. Those officials earn the same salary as federal district court judges, currently $89,500. 28 U.S.C. 603, 626.

Adoption of this amendment will enable the Commission to attract and retain highly qualified individuals for this important criminal justice post.

Section 315

Because of the Sentencing Commission's unusual status as an independent agency within the judicial branch, the Commission's employees are denied the opportunity, available to virtually all other federal employees, to receive incentive awards for meritorious service. An opinion of the Comptroller General dated September 11, 1987 (File No. B-227781), holds that the Commission may not grant such awards without express statutory authority. There is no apparent reason why the Commission's staff should be treated differently in this regard from, for example, the staff of the Administrative Office of the United States Courts.

Section 316

This amendment corrects a technical error. The Commission's authority to lower a sentencing range is set forth in subsection (o) of 994, not subdivision (n).

Section 317

Section 3553(a)(2)(C) directs a sentencing court to consider the need to protect the public from future crimes of the defendant. Section 9 of the Sentencing Act of 1987 included this factor among those to be considered in imposing a term of supervised release. The proposed amendment would include this factor among those to be considered in setting and modifying the conditions of supervised release as well.

Section 318

This amendment to 28 U.S.C. 994(p) grants the Sentencing Commission more flexibility with respect to the submission of guideline amendments to Congress. Although the power to submit more than one report and to amend a report may be implicit in section 994(p), it is desirable to provide this authority explicitly and to clarify the application of the one hundred and eighty day period in the case of an amended report.

This amendment also addresses a concern raised about the operation of section 21 of the Sentencing Act of 1987, Pub. L. 100-182.

That provision gives the Sentencing Commission the authority to issue temporary guidelines in certain circumstances and provides that such temporary guidelines remain in effect only until the expiration of the 180-day review period following the issuance of the next set of permanent amendments made pursuant to section 994(p). It was contemplated at the time section 21 was enacted that any temporary guidelines promulgated pursuant to that section before May 1 of a given year would be incorporated in the report filed by the Sentencing Commission for that year. That statute, however, fails to account for the situation where the annual report is filed early in the legislative session and the temporary guidelines are promulgated thereafter, but not later than May 1. It appears that in such an event, the temporary guidelines, having not been incorporated in the annual report, could remain in effect in excess of 18 months—i.e., until the expiration of the one hundred and eighty day period following the filing of the next annual report.

This amendment of 994(p) rectifies that situation by providing for the filing of an amended report by the Commission not later than May 1. In the event it finds it necessary to promulgate temporary guidelines after it has filed its annual report under section 994(p), the Commission will be able to amend its report, incorporating the new guidelines, not later than May 1 so that Congress can review all pending guideline changes during the current session. The Commission, however, is not required to incorporate temporary amendments in an amended report because there may be insufficient opportunity for public comment concerning a temporary amendment, rendering its submission to Congress as a permanent amendment premature.

For example, if the Commission submits permanent amendments to Congress in January, and then issues a temporary amendment in February, the Commission would be expected to obtain public comment concerning the temporary amendment and either amend the permanent report by May to incorporate the temporary amendment or withdraw the temporary amendment. If the Commission possesses the authority to amend a submission to Congress, there is no reason why a temporary amendment issued early in the reporting period should remain in effect for over a year without Congressional review. In contrast, a temporary amendment issued in April need not be included in an amended report before May 1, due to the absence of an opportunity for meaningful public comment. Furthermore, if the Commission happens to issue an amended report or a new permanent report after issuing a temporary amendment in April, it would be appropriate for the Commission to reissue the temporary amendment after the new report in order to avoid a lapse of the temporary amendment. This course of action recognizes the Commission's authority, in this limited situation, to prolong the life of the temporary amendment until it has been exposed to public comment and submitted as a permanent amendment the following year.

Section 319

Section 3563(b)(3) currently provides that the court may order a defendant to make restitution as a condition of probation pursuant to the provisions of section 3556. That section merely refers to the procedures set forth in sections 3663 and 3664.

The Committee believes that in enacting the restitution provisions of 3563(b)(3) Congress intended to permit restitution to be a condition of probation in the case of any criminal offense. The indirect reference to section 3663, however, may have inadvertently frustrated this purpose, in that section 3663 describes the procedures for ordering restitution only in cases where violations of title 18 offenses, or violations of the Federal Aviation Act, have occurred.

In order to make clear that restitution may be made a condition of probation in any criminal case, the amendment specifies that while the procedures set forth in section 3663 and 3664 are to be used, the limitation to title 18 (and FAA) offenses does not apply. The intermediate reference to section 3556 is eliminated as unnecessary.

Section 320

Rule 4(b) of the Appellate Rules of Procedure provides that in a criminal case, a defendant has 10 days in which to file an appeal, and the government has 30 days. In both cases the time period runs from the entry of the judgement.

Under 18 U.S.C. 3742, both the defendant and the government are entitled to appeal from the sentence imposed by the court in certain circumstances. The Committee is concerned that the respective time limits on filing appeals currently set forth in Rule 4(b) might place a defendant at a disadvantage in some cases brought under this section. For instance, where a defendant receives a light sentence, he may allow the 10 day period to lapse without filing an appeal, only to find the government has chosen to file its own appeal within its thirty day limit. In such a case the defendant, under current law, would be forclosed from filing a cross appeal.

The amendment remedies this situation by permitting either party to start counting the period for filing an appeal at the day an appeal is filed by the opposing party. Thus if the government files an appeal on the thirtieth day, the defendant would have an additional 10 days from that point to file a cross appeal; and if two defendants in a case filed appeals on the fifth and tenth days, respectively, the government would have 30 days from the latter date in which to file its appeal.

BILLS PLACED ON THE CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate receives from the House the following bills that they be placed on the calendar:

H.R. 4416. The Library Services construction reauthorzation;

H.R. 4585. Taft Institute reauthorization;

H.R. 4592. Peace Institute reauthorization;

H.R. 4638. Elementary and secondary education technical amendments bill;

H.R. 4639. Higher education technical amendments bill;

H.R. 4621. To provide congressional approval of the governing International Fishery Agreement between the United States and the German Democratic Republic;

H.R. 2213. A bill to require certain telephones to be hearing aid compatible.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FIRST FRIENDSHIP FLIGHT BETWEEN ALASKA AND SIBERIA

Mr. D'AMATO. Mr. President, I send an enclosed resolution to the desk on behalf of Senators MURKOWSKI and STEVENS, and I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. There is no objection.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 439) to congratulate the participants on the first Friendship Flight between Nome, Alaska and Provideniya, Siberia, U.S.S.R. and to encourage further cultural ties between Americans and their Soviet neighbors.

The PRESIDING OFFICER. Is there debate on the resolution? If not, the question is on agreeing to the resolution.

The resolution was agreed to. The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 439

To congratulate the participants on the first Friendship Flight between Nome, Alaska and Provideniya, Siberia, U.S.S.R. and to encourage further cultural ties between Americans and their Soviet neighbors.

Whereas the President of the United States and the General Secretary of the Soviet Communist Party have recently concluded successful meetings at the Summitt.

Whereas long and firm ties of ethnicity, family and history exist between the peoples of Alaska and their neighbors in Siberia.

Whereas many citizens of Alaska and Siberia are relatives who have for forty years been unable to maintain contact with each other and to exchange visits.

Whereas the Mayors of Nome, Alaska and Provideniya, Siberia and the peoples of their cities have exchanged greetings and expressed the desire to exchange visits.

Whereas the protection of the Arctic Regions is a matter of concern to both the United States and the Soviet Union.

Whereas the promotion of Peace between the United States and the Soviet Union is a paramount concern to all Americans, especially those Alaskans living closest to the Soviet Union, and

Whereas on June 13, 1988, a group of Alaskans from all walks of life will make the first Friendship Flight from Nome to Provideniya: Now, therefore be it

Resolved, That the Senate—

(1) Congratulates the participants on the first Friendship Flight from Nome to Provideniya.

(2) Extends the greetings of all the people of the United States to their Soviet neighbors.

(3) Expresses its hopes that the Friendship Flight will be but the first of many such peaceful exchanges between the peoples of the United States and the Soviet Union.

(4) Commends the members of the Alaskan business community, and officials of the United States, Alaskan and Soviet gov-

ernments whose efforts have made the first Friendship Flight possible.

(5) Commends the citizens of Nome and Provideniya for taking the lead in promoting peaceful cultural interchanges, and

(5) Urges the American people to emulate their lead and find new and productive ways to promote peaceful interchanges between the United States and the Soviets.

Mr. D'AMATO. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. WILSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. I ask unanimous consent that following the two leaders on tomorrow under the standing order, or their designees, there be a period for morning business to extend until the hour of 10 o'clock a.m.; that Senators may speak during that period for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, for the convenience of Senators, the Senate will come in tomorrow morning at 9:30 a.m. There will be the regular time allotted to the two leaders under the standing order, after which there will be a period for morning business that will extend until 10 a.m., during which time Senators may speak for not to exceed 5 minutes. At the hour of 10 o'clock a.m., the Senate will resume consideration of the pending business and there will be 4½ hours of debate remaining on the bill. Between 2:30 and 3:30 there will be one of the four amendments to be offered by the opponents of the bill. There will be 1 hour of debate thereon. At 3:30, a vote will occur on that amendment. That will be a 15-minute rollcall vote. And then the vote on the motion to invoke cloture will occur, as previously ordered, beginning at 3:45 p.m. and continuing for 30 minutes instead of the usual 15 minutes, and that vote will close at 4:15 p.m.

Following the cloture vote, the Senate will either return to the consideration of the remaining amendments to S. 2455 or to the two conference reports, polygraph and railroad safety, and that will be decided on tomorrow. The distinguished Republican leader and I will confer with the managers. That is the program as we see it from here.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. LEVIN. Mr. President, I move, in accordance with the previous order, that the Senate stand in recess until the hour of 9:30 a.m. tomorrow.

The motion was agreed to; and, at 7:22 p.m., the Senate recessed until Thursday, June 9, 1988, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 8, 1988:

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

WILLIAM H. FITE, OF PENNSYLVANIA, TO BE AN ASSISTANT DIRECTOR OF THE UNITED STATES A ARMS CONTROL AND DISARMAMENT AGENCY, VICE MICHAEL A. MOBBS, RESIGNED.

INTERNATIONAL MONETARY FUND

CHARLES S. WARNER, OF VIRGINIA, TO BE UNITED STATES ALTERNATE EXECUTIVE DIRECTOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF TWO YEARS, VICE MARY KATE BUSH, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

JOSEPH FRANCIS GLENNON, OF FLORIDA, TO BE A MEMBER OF THE ADVISORY BOARD FOR RADIO BROADCASTING TO CUBA FOR A TERM EXPIRING OCTOBER 27, 1991. (REAPPOINTMENT)

NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

JAMES B. COLES, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS FOR THE TERM EXPIRING OCTOBER 27, 1990, VICE BARBARA W. SCHLICHER, TERM EXPIRED.

NATIONAL COUNCIL ON THE HANDICAPPED

THE FOLLOWING-NAMED PERSONS TO BE MEMBERS OF THE NATIONAL COUNCIL ON THE HANDICAPPED FOR THE TERMS INDICATED:

FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 17, 1989: GEORGE H. OBERLE, JR., OF OKLAHOMA, VICE CAROLYN L. VASH, RESIGNED.

FOR A TERM EXPIRING SEPTEMBER 17, 1990: JUSTIN W. DART, JR., OF TEXAS, VICE ROXANNE S. VIERRA, TERM EXPIRED.

FOR TERMS EXPIRING SEPTEMBER 17, 1991: JONI TADA, OF CALIFORNIA. (REAPPOINTMENT) PHYLLIS D. ZLOTNICK, OF CONNECTICUT. (REAPPOINTMENT)

NATIONAL SCIENCE FOUNDATION

CHARLES L. HOSLER, JR., OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 1994. (REAPPOINTMENT)

HOUSE OF REPRESENTATIVES—*Wednesday, June 8, 1988*

The House met at 12 noon.

Rev. Father Peter C. Chrisafideis of the Greek Orthodox Church of the Holy Trinity in Lewiston, ME, offered the following prayer:

As we begin this morning's morning legislative session, let us raise our hearts and minds to God in prayer.

O Almighty God of the universe and all space, we pray that You be with us this day, as we gather in Your name. How dependent we are upon You for our very being and mere existence.

Man's temporal systems and civil parties have appeared and vanished, but Your eminent wisdom was and is forever.

Truly, nothing has sustained our planet and world than our sternest belief in Your omnipotent protection and compassion.

Continue, O Lord, to sustain and direct our great Nation in Your way, for we are truly a genuinely God-fearing people.

We pray for our President and for the Members of this respected Congress of our great country, grant them health first, and then the strength to continue initiating programs and directives for the interest of their fellow men, whether they be young, middle aged, or senior citizens.

Our faith in You and Your direction, O Almighty, has made our country great, powerful, and plentiful. Keep us in Your incessant care and protection, continue to fill our fields and seas, and in our excesses and reserves.

Preserve the cornerstone of democracy and freedom of our Nation, so that we continue to remain the land of the free and the home of the brave, the torch and example of all people. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GALLO. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GALLO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 255, nays 130, not voting 46, as follows:

[Roll No. 168]

YEAS—255

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Atkins
AuCoin
Barnard
Bateman
Bates
Bennett
Bevill
Bilbray
Boggs
Boland
Bonior
Bonker
Borski
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Clarke
Clement
Coelho
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flippo
Florio
Foley
Ford (MI)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hawkins
Hayes (IL)
Hefner
Hertel
Hochbrueckner
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McEwen
McHugh
McMillen (MD)
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Morrison (WA)
Murtha
Myers
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Patterson
Pease
Pepper
Perkins
Petri
Pickle
Price
Quillen
Rahall
Rangel
Ravenel
Ray
Ridge
Rinaldo
Ritter
Robinson
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Scheuer
Schulze
Schumer
Sharp
Shaw
Shumway
Shuster
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Sweeney
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Whitten
Wise
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron

NAYS—130

Armey
Baker
Ballenger
Barton
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Brown (CO)
Buechner
Bunning
Burton
Chandler
Cheney
Clay
Clinger
Coats
Coble
Coleman (MO)
Coughlin
Courter
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Emerson
Fields
Frenzel
Gallo
Gekas
Gingrich
Gradison
Grandy
Gregg
Gunderson
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Hunter
Hyde
Inhofe
Ireland
Jacobs
Kennelly
Kolbe
Kyl
Lagomarsino
Latta
Leach (IA)
Lewis (FL)
Lightfoot
Livingston
Lott
Lowery (CA)
Lukens, Donald
Mack
Madigan
Marlenee
Martin (IL)
McCandless
McCollum
McCrery
McDade
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Moorhead
Morella
Murphy
Oxley
Parris
Pashayan
Penny
Porter
Pursell
Regula
Rhodes
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Saxton
Schaefer
Schneider
Schroeder
Schuette
Sensenbrenner
Shays
Sikorski
Skeen
Slaughter (VA)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Stangeland
Stump
Sundquist
Swindall
Tauke
Thomas (CA)
Upton
Vucanovich
Walker
Weber
Weldon
Wheat
Whittaker
Wolf
Young (AK)
Young (FL)

NOT VOTING—46

Aspin
Badham
Bartlett
Beilenson
Berman
Biaggi
Bosco
Boulter
Duncan
Edwards (OK)
Flake
Foglietta
Ford (TN)
Gallegly
Goodling
Hayes (LA)
Horton
Jones (TN)
Kemp
Konnyu
Lewis (CA)
Lujan
Lungren
Martin (NY)
Martinez
Mica
Moody
Morrison (CT)
Mrazek
Nagle
Nichols
Nielson
Packard
Pelosi
Pickett
Richardson
Rodino
Sisisky
Skaggs
Spence
Stratton
Udall
Vander Jagt
Weiss
Williams
Wilson

□ 1215

Mr. ROSE changed his vote from "nay" to "yea."

So the Journal was approved.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1044. An act to establish the San Francisco Maritime National Historical Park in the State of California, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 2304) entitled "An act to amend the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1986, to extend the life of the Commission on the Ukraine Famine."

The message also announced that the Senate had passed bills and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 1381. An act to improve cash management by executive agencies, and for other purposes;

S. 1945. An act to amend the Second Supplemental Appropriation Act, 1961, relating to the lease of certain lands from the Isleta Indian Tribe for a seismological laboratory;

S. 2201. An act to make certain record rental provisions in title 17, United States Code, the Copyright Act, permanent; and

S. Con. Res. 123. Concurrent resolution authorizing changes in the enrollment of S. 952.

REV. FATHER PETER C. CHRISAFIDEIS

(Ms. SNOWE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SNOWE. Mr. Speaker, it is my honor and privilege to introduce to my colleagues Rev. Father Peter C. Chrisafideis. Father Peter is the pastor of the parish to which I belong, the Greek Orthodox Church of the Holy Trinity in Lewiston, ME.

Father Peter is originally from Lynn, MA, where he attended public school. He was graduated from Hellenic College, the Greek theological school in Brookline, MA. Since that time, he has studied education at Towson State College in Maryland and Salem State in Massachusetts.

Prior to coming to Lewiston, Father Peter served in Pittsburgh, Baltimore, and also Marlboro, MA. While at St. Nicholas parish in Baltimore, Father Peter was instrumental in the construction of an educational community center to help meet the needs of the children in the Highlandtown area.

And on an interesting historical note, Father Peter had the honor of delivering the invocation at the homecoming ceremony for Dwight Eisenhower at the completion of his Presidency.

In the year since Father Peter arrived in Maine, he has demonstrated a warmth of generosity and spiritual comfort that has made him a central part of our community. He has proven a welcome asset to the Lewiston-Auburn area as well as to our Greek community and church, and I am pleased he could join us today.

PRIVATE CALENDAR

The SPEAKER. Pursuant to the order of the House of Friday, June 3, 1988, this is the day for the call of the Private Calendar.

CHUN WEI WONG, ET AL.

The Clerk called the bill (H.R. 2108) for the relief of Chun Wei Wong, Bic Ya Ma Wong, Wing Sing Wong, Wing Yum Wong, and Man Yee Wong.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

ELIZABETH PALANSKY SURAK

The Clerk called the bill (H.R. 1672) for the relief of Elizabeth Palansky Surak.

There being no objection, the Clerk read the bill as follows:

H.R. 1672

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLAIM AGAINST GOVERNMENT OF CZECHOSLOVAKIA.

(a) Waiver of Time Limitations.—Notwithstanding the time limitations of title IV of the International Claims Settlement Act of 1949 (22 U.S.C. 1642 et seq.), the Foreign Claims Settlement Commission of the United States shall receive and determine the validity and amount (including any interest) of any claim by or on behalf of Elizabeth Palansky Surak against the Government of Czechoslovakia, which is submitted within 30 days after the date of the enactment of this Act, relating to losses resulting from the nationalization or other taking during the period beginning on January 1, 1945, and ending on August 7, 1958, of property owned at the time of the taking by such person or by her husband, Matthew Surak, Sr. The Commission shall make such determination in accordance with such title.

(b) Certification of Amount of Claim.—The Commission shall, not later than 30 days after the date on which any claim is submitted under subsection (a), certify to the Secretary of the Treasury the amount of any award determined under such subsection.

(c) Payment of Award.—The Secretary of the Treasury shall, upon receipt of the claim, make payments on the claim in accordance with section 8 of the Czechoslovakian Claims Settlement Act of 1981 (22 U.S.C. note prec. 1642) to the same extent as payments are made under that section on account of all other awards under title IV of the International Claims Settlement Act of 1949. Any such payments shall be made from the residue of the account established under section 4(b)(1) of the Czechoslovakian Claims Settlement Act of 1981.

SEC. 2. LIMITATION ON ATTORNEYS' FEES.

No amount in excess of 10 percent of any amount paid pursuant to section 1 may be paid to or received by any attorney or agent for services rendered in connection with such payment. Any violation of this section is a misdemeanor, and any person convicted thereof shall be fined not more than $1,000.

AMENDMENT OFFERED BY MR. PORTER

Mr. PORTER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Porter: Page 2, line 4, strike "30" and insert "60".

Page 2, line 12, strike "30" and insert "180".

Page 2, strike lines 16 through 25 and insert the following:

(c) Payment of Award.—(1) The Secretary of the Treasury shall, upon receipt of the claim, make payments on the claim in accordance with section 8 of the Czechoslovakian Claims Settlement Act of 1981 (22 U.S.C. note prec. 1642). if the account established under section 4(b)(1) of such Act does not contain unobligated funds sufficient to make payments on the claim, the Secretary of the Treasury shall hold the claim open as valid and make payments on the unpaid balance of the claim as additional sums become available from such account. All payments made under this subsection shall be made to the same extent as payments are made under section 8 of such Act on account of all other awards under title IV of the International Claims Settlement Act of 1949.

(2) The determination made under subsection (a) as to the amount of the award shall be final and payments made under this subsection shall be in lieu of any eligibility that Elizabeth Palansky Surak may assert or request for other Federal funds or benefits with respect to the losses described in subsection (a).

Mr. SENSENBRENNER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. PORTER. Mr. Speaker, I ask that the amendment be adopted.

Mr. Speaker, I rise to offer an amendment to H.R. 1672, a private bill I introduced for the relief of Elizabeth Palansky Surak. This legislation allows Mrs. Surak the right to file a claim with the Foreign Claims Settlement Commission to seek compensation for funds available under the Czechoslovakian Claims Program.

I originally introduced H.R. 1672 during the 99th Congress, and am very pleased that it is being considered on the House floor today. I want to thank my colleague from Wisconsin, Mr. Sensenbrenner, for assisting me in my efforts to pass a fair and equitable bill. I also want to recognize my colleagues Fromme, Annunzio, Henry, Hyde, and Barney Frank for their strong support of this bill.

The Czechoslovakian Claims Program was established to adjudicate claims by United States nationals against Czechoslovakia for property that had been nationalized or otherwise taken between January 1, 1945, and August 8, 1958. Unfortunately, Mrs. Surak's husband Matthew was arrested in late 1958 on trumped up political charges, and served 5½ years in prison. He was thus unable to meet the 1962 filing deadline.

Elizabeth and Matthew Surak were U.S. citizens and active supporters of the anti-Nazi movements during World War II. Their efforts to help U.S. soldiers during the war were extremely commendable and a great tribute to our country.

Mr. Speaker, I am very encouraged that my private bill is being considered today. H.R. 1672, as amended, does not affect any funds that have been previously allocated or distributed to qualified recipients. It simply allows Mrs. Surak to have her application considered. I urge my colleagues to support H.R. 1672 as amended, and I look forward to its speedy introduction and consideration in the Senate.

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois [Mr. PORTER].

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CATHLEEN S. O'REGAN

The Clerk called the bill (H.R. 2684) for the relief of Cathleen S. O'Regan.

Mr. PORTER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 1225

HELEN LANNIER

The Clerk called the bill (H.R. 1864) for the relief of Helen Lannier.

There being no objection, the Clerk read the bill as follows:

H.R. 1864

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for purposes of section 8341(a)(1) of title 5, United States Code, the marriage of Helen Lannier and Delbert Lannier of Alexandria, Virginia, shall be treated as having occurred at least 9 months before the death of Delbert Lannier.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BARNARD

Mr. BARNARD. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. BARNARD: Strike all after the enacting clause and insert the following:

That for purposes of section 8341 of title 5, United States Code, Helen Lannier of Alexandria, Virginia, shall be considered to be the widow of the late Delbert Lannier.

Mr. SENSENBRENNER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BARNARD. Mr. Speaker, this amendment has been reviewed both by the majority and the minority and it has been agreed to, according to my understanding.

Mr. Speaker, I urge adoption of the amendment.

The SPEAKER. The question is on the amendment in the nature of a substitute offered by the gentleman from Georgia [Mr. BARNARD].

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HILARIO R. ARMIJO, ET AL.

The Clerk called the bill (H.R. 2682) for the relief of Hilario R. Armijo, Timothy W. Armijo, Allen M. Baca, Vincent A. Chavez, David G. Chinana, Victor Chinana, Ivan T. Gachupin, Michael J. Gachupin, Frank Madalena, Jr., Dennis P. Magdalena, Anthony M. Pecos, Lawrence A. Seonia, Jose R. Toledo, Roberta P. Toledo, Nathaniel G. Tosa, Allen L. Toya, Jr., Andrew V. Waquie, and Benjamin P. Waquie.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PINE RIDGE INDIAN RESERVATION

The Clerk called the bill (H.R. 2711) to settle certain claims arising out of activities on the Pine Ridge Indian Reservation.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

IVAN LENDL

The Clerk called the bill (H.R. 4363) for the relief of Ivan Lendl.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

GAGIK BARSEGHIAN

The Clerk called the bill (H.R. 3925) for the relief of Gagik Barseghian.

There being no objection, the Clerk read the bill as follows:

H.R. 3925

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to subsection (b), Gagik Barseghian—

(1) shall be considered to have satisfied the requirements of section 316 of the Immigration and Nationality Act relating to required periods of residence and physical presence within the United States, and

(2) notwithstanding section 310(d) of that Act, may be naturalized if (he) is otherwise eligible for naturalization under that Act.

(b) Subsection (a) shall only be effective if the beneficiary files a petition for naturalization within two years after the date of the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JENS-PETER BERNDT

The Clerk called the bill (H.R. 446) for the relief of Jens-Peter Berndt.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

H.R. 3436—LONG-TERM HOME HEALTH CARE

(Mr. GRANT asked and was given permission to address the house for 1 minute and to revise and extend his remarks.)

Mr. GRANT. Mr. Speaker, today I rise in strong support of the rule and the bill, H.R. 3436.

Mr. Speaker, there is not one of us in this body who is not concerned about America's senior citizens. Persons 85 years old and older are the fastest growing population group in the Nation.

If we are really serious about protecting the dignity and independence of the elderly and handicapped, the most vulnerable of our citizens, this bill gives opportunity to our beliefs.

We can tangle ourselves in semantics and procedure, but the facts are clear. This bill has been the subject of four hearings in the House Committee on Aging. It has been revised to incorporate the suggestions of national experts in this field.

There are home health agencies ready to begin the task of serving the millions of Americans who need skilled nursing care, homemaker services, social services, and physical therapy.

This bill will not increase the deficit and in poll after poll, Americans of all economic strata have indicated they would be willing to pay more to finance health care services for the elderly.

I commend Mr. PEPPER and Mr. ROYBAL for their courage and perseverance in bringing this bill to the floor and I urge my colleagues to support it.

PERMISSION FOR SUBCOMMITTEE ON CRIMINAL JUSTICE OF THE COMMITTEE ON THE JUDICIARY TO SIT THIS WEEK DURING THE 5-MINUTE RULE

Mr. EDWARDS of California. Mr. Speaker, I ask that the Subcommittee on Criminal Justice of the Committee on the Judiciary be permitted to sit while the House is reading for amendment under the 5-minute rule during the week.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PROCESS SHOULD NOT BE AN ARGUMENT AGAINST THE PEPPER HOME HEALTH BILL

(Mr. EMERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMERSON. Mr. Speaker, many have expressed concern about the procedure by which the Pepper bill is being brought to the floor today. Let me just state that we in this Congress have witnessed numerous bills that have circumvented the committee process and have been brought to the House floor for a vote. I am for orderly process, but I must ask what invokes orderly process at this particular juncture? Why on this bill, in particular, have we become so process oriented all of a sudden? We must get our processes straightened out, so they protect the minority as well as the majority, the young as well as the old, the sick at home as well as the sick in hospitals. Issues with far less merit than this have been considered by irregular procedure in this House. I could buy the process argument much more readily if it were equally applicable to all legislation that we consider on the floor of the House.

LONG-TERM HOME HEALTH CARE

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, today we have the opportunity to address the real catastrophe that will confront a majority of older Americans and their families, the cost of long-term care. The legislation passed with so much fanfare by this House last week did not address this very real and pervasive problem.

This bill is a winner all around. It will provide the often minimal services seniors need to stay in their homes, homemaker services, practical or skilled nursing care.

Most seniors prefer to stay in their homes, and they can with a little help, and this bill will provide that support. Better yet, it does it without taxing seniors and middle-income Americans. I urge my colleagues to adopt the rule and vote yes on this vital legislation.

A BLOW TO PEACE IN THE MIDDLE EAST

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, on Sunday, the Israeli High Court upheld the deportation order of Mubarak E. Awad, the Palestinian-American student of Gandhi who has sought to use nonviolence to bring about change in the Middle East.

Church leaders, Members of Congress, the New York Times, and the U.S. State Department have expressed strong opposition to the move against Mr. Awad. Secretary of State Shultz has made a personal appeal against the expulsion. Yet all these voices have been ignored in the decision to try to silence Mubarak Awad.

The road to peace and reconciliation in the Middle East is not an easy one. But deporting Mubarak Awad, and rejecting the olive branch he carried into the courtroom last Sunday, will only make that road more difficult.

LONG-TERM CARE FOR THE ELDERLY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, today we debate the issue of long-term care for illnesses such as Alzheimer's disease and cerebral palsy. These people do not require hospital care, but do require and prefer private home care.

Since neither public nor private insurance covers such care, these people, approximately 1 million, must face a life of hardship, and it does not stop there. The average annual cost of home health care is $15,000.

We talk here, Republicans and Democrats alike, about helping American families. Today is a litmus test. Today we can do that by voting for the rule and voting for the bill.

Mr. Speaker, we send an awful lot of money overseas. For those who say this is costly, I say cut back on the money we ship overseas, and invest it for the American people—vote for one rule and one bill.

THE 44TH ANNIVERSARY OF D-DAY

(Mrs. MEYERS of Kansas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Speaker, 44 years ago Monday, Allied troops began landing in France. Their mission was to smash through Hitler's Atlantic Wall and liberate Western Europe from Nazi tyranny.

Under the command of Kansas' own Gen. Dwight Eisenhower; the largest naval armada ever assembled, 5,000 ships, with 200,000 soldiers, sailors, and coastguardsmen, landed five American, one Canadian, and three British divisions on the beaches of Normandy to begin the "great crusade."

This day would bring new names by which American heroism would be remembered; Omaha Beach, Utah Beach, Pointe du Hoc, and Ste. Mere Eglise. We should take a moment today to remember the courage and sacrifice of the brave men who began the liberation of Europe. D-Day is an event Americans can remember with pride.

☐ 1240

POLITICAL FLASH OVER POLITICAL SUBSTANCE

(Mr. GREGG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREGG. Mr. Speaker, the decision to bring the Pepper bill to the floor today is, in my opinion, an action of political flash over political substance. This piece of legislation which is well-intentioned, unfortunately has not been adequately reviewed. It has bypassed the key committees which are necessary to look at this legislation from the substantive point of view and, as a result, on the face of it the legislation has a number of fatal flaws.

First, it is a cost-plus program. This is a concept which we have recently objected to and have reflected on as being an inappropriate way to address issues.

Second, it is a program which does not address the fundamental concern of most elderly in the area of costs which is long-term custodial care. There is no nursing home language in this bill.

In addition, it is being put on a program which is projected to be $1 trillion in deficit by the year 2020 under its present proposals and thus to add an additional program on a program which is also a $1 trillion deficit in the year 2020 is a mistake.

LONG-TERM HOME HEALTH CARE

(Mr. BEVILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEVILL. Mr. Speaker, I rise today in support of H.R. 3436, the Pepper-Roybal long-term home health care bill.

Every day, I hear from constituents who are facing the tragedy of long-term illness. These families desperately need help, but our present programs offer little assistance toward meeting the costs of long-term care.

In fact, most Americans fear long-term illness because they are uncertain whether they can receive the care they need. Victims of long-term illness often feel helpless. They do not want to be a burden on their families or society. That is why this bill is so important because it does provide direct relief to those who have been rendered helpless by illness.

Our citizens deserve greater security against the hardship of long-term illness. This legislation will give our citizens a greater peace of mind if they are confronted with the reality of chronic disease or disability.

Long-term care has gained tremendous public and congressional support precisely because there is a great gap in our current health care system. I would like to commend Congressman Pepper and Congressman Roybal for their hard work and dedication in authoring this landmark piece of legislation.

I urge my colleagues to vote in favor of the rule to allow this legislation to come to the House floor for debate. This bill deserves our full consideration.

I plan to vote in favor of this bill. The Long-Term Home Health Care Act will benefit millions of Americans suffering from long-term illness. The bill is self-funded and would not add to the Federal deficit. I believe it is a solid step forward in reforming our Medicare Program to meet the ever-changing health-care needs of our Nation.

TARGETED RELIEF DISCLOSURE RESOLUTION OF 1988

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, I rise today to introduce a resolution which strikes at the heart of fairness in Government. This great Nation of ours was founded in part because American colonists considered British taxation unfair. Today, the American people feel they are being taxed unfairly, and with good reason. Many constituents have written me recently in response to a Philadelphia Inquirer series entitled "The Great Tax Giveaway" expressing their anger and disgust with "their" elected representatives. One constituent wrote:

> I believe we are coming to the point where the vast majority of people, fed up with being ripped off by their own representatives, will support a tax revolution. We have only to recall the tea being dumped in Boston Harbor to know that it is a possibility and a part of our democratic heritage.

This resolution, the targeted relief disclosure resolution of 1988, requires the Ways and Means Committee to identify the sponsor, beneficiary, and the projected revenue loss of targeted relief provisions contained in reported bills. This resolution does not prohibit targeted relief amendments, it merely holds them up to public scrutiny.

A joint press conference will be held at 3:30 this afternoon on the east steps of the House of Representatives for any Member who wishes to speak out on this issue.

With 58 original cosponsors from both sides of the aisle, this resolution deserves prompt consideration. I would hope that the House would consider this resolution prior to consideration of the Technical Corrections Act of 1988. I urge each of my colleagues to cosponsor this resolution.

MEMORIAL FUND FOR CONGRESSMAN MELVIN PRICE

(Mr. GRAY of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAY of Illinois. Mr. Speaker, I rise to acknowledge a worthy endeavor being initiated by Southern Illinois University at Edwardsville, IL, to memorialize and honor our distinguished colleague, the late Melvin Price. This fine institution, under the leadership of an individual who is considered to be one of the ablest university presidents, Dr. Earl Lazerson, is establishing a memorial fund in the name of Melvin Price.

The Melvin Price Memorial Fund will support a scholarship in the Congressman's name and will assist in sustaining the collection of his papers. I know the appreciation and respect which the Congress held for Congressman Price's dedication, leadership, and efforts on behalf of his country, his State, and his constituency. Therefore, I am taking this opportunity in order that his colleagues may be provided with the necessary information for responding to this deserved and earned honor.

Donations may be made to the Melvin Price Memorial Fund, SIUE Fundation, Southern Illinois University at Edwardsville, Edwardsville, IL 62026-1082. Also, further inquiries can be made by contacting Kate Chappell, the director of Annual Giving at 618-692-2345.

Melvin Price was an effective leader, a productive Congressman, a good friend to many, but most of all a caring and honorable man, respected by colleagues, leaders of government, friends, family and the people he served so diligently. So, it is befitting that such an honor be bestowed in his name.

HOMELESS FAMILY RELIEF INCENTIVE ACT OF 1988

(Mr. HOPKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOPKINS. Mr. Speaker, the fastest growing segment of the homeless population in America today is the homeless family. Forty percent of the Nation's homeless are families with dependent children.

These families are not in need of a handout from the Government—very often either one or both parents have jobs. They only need a chance—a chance to save enough money to pay for 1 month's rent and a security deposit. This will enable them to move into their own apartment.

Today I am introducing a bill with my colleague from New York, Mr. Rangel, that will give these families that chance.

Our bill is the Homeless Family Relief Incentive Act of 1988. It will allow apartment owners to take a charitable contribution deduction when they house homeless families in their vacant apartments.

The housing must be temporary, meet local housing standards, and be provided through a charitable organization intermediary.

With a national vacancy rate near 8 percent, decent housing is available and should be used to rescue homeless families. Our approach offers an immediate, practical, economical way to achieve that goal.

I urge my colleagues to join us in supporting this timely legislation.

GENERAL ELECTION BEGINS TODAY—CHANGE IS IN THE AIR

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, yesterday was the end of the beginning, today is the beginning of the end and things look good for the Democrats.

Mr. Speaker, the primary season ended last night. The general election begins today—and change is in the air.

You don't have to be an astrologer to sense it. No need to read the stars, the polls are crystal clear: Americans want a change of leadership.

For 8 years this administration has talked about solving the budget deficit and combating drug abuse. There's been 8 years of talk about improving our schools and cutting the trade deficit. But it has been nothing but talk.

This year Americans are ready to vote for someone who will roll up his sleeves and solve America's problems.

They are ready to vote for someone who cares about the average American, who understands the dreams and frustrations of America's families. They are ready to vote for integrity and independence. They are ready to vote for our party's nominee.

They are ready to vote for the Governor of Massachusetts because he hasn't just talked about improving health care, providing decent housing, or reforming the welfare system. He's done it.

And all over the country, people are hungry for competence in the White House.

The first half of the Presidential marathon is over, and our runner has shown he has the skill and stamina to stay way out in front.

Today, Democrats should be very optimistic.

THE NEED FOR ACID RAIN LEGISLATION

(Mr. JEFFORDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JEFFORDS. Mr. Speaker, I rise to urge my colleagues to address the issue of acid rain.

We are one of two legislative bodies responsible for the welfare of this Nation, yet so far Congress has been unable to act on effective acid rain legislation. Bills with broad bipartisan support have been introduced to address this issue, yet none have come to the floor of the House for debate—or even out of committee. We have only been able to fund studies and support peripheral technologies, but not much more.

This year, we have an opportunity to change that by acting on the issue. More than that, this year we have an obligation to change that by acting on the issue.

No longer does the acid rain debate pivot on whether rain ladened with sulfur dioxide and nitrogen oxide is damaging our environment. It is. No longer do we wonder if we have the knowledge and the technologies to reduce the emission levels of these pollutants. We do.

There is widespread agreement, among the scientific community and in Congress, that by polluting the air, we contaminate the precipitation that in turn kills our lakes and trees. This damage works in a cumulative manner. This means that as lakes and soils continue to be loaded with highly acidic precipitation, they lose more and more of their buffering capacity.

The resistance levels decline with each passing cloud, fog, rainfall, and snowstorm. The time has come for us, as Members of Congress, to muster the will to end this death and destruction.

Last year, we extended the Clean Air Act deadlines to give us time to work out solutions and still address the acid rain issue in this session of Congress. Let's get on with it.

DUKAKIS—A PRESIDENT WITH THE ABILITY TO LEAD US INTO A PROSPEROUS NEW DECADE

(Mr. BUSTAMANTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUSTAMANTE. Mr. Speaker, I rise today to congratulate Gov. Michael Dukakis on his victories last night and to commend him for capturing the enthusiasm of millions of Americans who desire a President with the ability to lead us into a prosperous new decade.

I am impressed with the manner in which Mike Dukakis has shared his vision with the American people. He has brought millions of us together with his message of inclusion, compassion, and competence.

His solid administrative experience and commitment to the American working man and woman has renewed a sense of confidence in the ability of a leader to bring the Nation together, from field workers in rural south Texas to business leaders in our cities nationwide.

Mr. Speaker, the American people are ready for a change. They are ready for a person in the White House who has a record of solving problems and making a difference in people's lives. They are ready for a President whose values reflect those of our country: the importance of family, community, and hard work.

The American people are ready for Michael Dukakis.

IS THERE DEMOCRACY IN NICARAGUA?

(Mr. CHANDLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHANDLER. Mr. Speaker, as representatives of the Sandinistas and Contras meet again in Managua, Members of Congress are following developments closely through a variety of sources.

But not the Nicaraguan people. Most will have only the official reports of the state-run newspaper Barricada, and the state-run radio station, Radio Sandino.

La Prensa, the only independent opposition newspaper, has limited circulation due to harassment by the government. And just last week, the Catholic Church's radio news show, "Iglesia," was shut down once again for its reports on Sandinista abuses of power. Another independent radio news program on Radio Corporacion, has also been shut down.

The ban is to be in effect through the end of this week—after the talks are over.

When I met Commandante Daniel Ortega in 1986, he made clear the Sandinista party would choose its own definition of democracy.

How much longer, Mr. Speaker, will Congress accept the Sandinistas definition of peace and democracy—the peace of East Germany and the democracy of Paraguay—in Nicaragua?

HOPE FOR PRESERVATION OF CALIFORNIA'S COAST

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, last night I shared the joy of being with Mike Dukakis and his children and dozens of elected officials when he learned that my home State, California, put him over the top and gave him the Democratic nomination for President.

The excitement in the air was incredible. Californians want a change.

I want to focus on one issue where they really want a change. That is the area of offshore oil drilling.

Let me tell you that candidate Mike Dukakis has done more to save the California coast in the last 6 months than GEORGE BUSH has done in 7½ years as Vice President.

Because of his unequivocal stand against Mendecino lease sale No. 91, Mike Dukakis raised the heat on this issue so high that GEORGE BUSH made a 180-degree flip-flop and called for a delay and "Don" Hodel followed suit.

On behalf of all the people of California who love their coast, thank you Mike Dukakis.

IN OPPOSITION TO RULE ON LONG-TERM HEALTH CARE BILL

(Mr. SLAUGHTER of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLAUGHTER of Virginia. Mr. Speaker, today the House is being asked to approve a rule, but more importantly, we are being asked to approve of a procedure that is at best unorthodox, and is at worst a mockery of our legislative process.

It should be clear from the bipartisan opposition to this rule that something is wrong here. Many of our colleagues who might support the legislation are opposing the rule. It should also be clear by now, Mr. Speaker, that bad procedure makes for bad policy.

The House has developed the habit of relying on restrictive rules and huge omnibus bills instead of legislating responsibility. This clumsy method has resulted in shortsighted policies that must be quickly corrected, hastily combined with next year's agenda, and then rushed through to start the cycle all over again, and now we are seeing just where this bad habit is leading us—today, the House is asked to approve a rule for a major bill which has had no committee hearings.

Mr. Speaker, we are doing a disservice to the American people when we do not carefully consider the merits and shortcomings of legislation, particularly a bill of great importance like the one we are considering today.

I urge my colleagues to defeat this rule.

THE CHOICE IS CLEAR

(Mr. ECKART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKART. Mr. Speaker, my colleague from New York spoke a moment ago about the winds of change and indeed, yes, after a long and sometimes divisive primary we now have found that both of our parties have decided to choose the standard bearer that will lead us forward this fall.

The choice is clear; it is one of vision and leadership. Whether we will have a President who will advise more of the same or a President who says we can do better; whether we will have a President who says, "Me too" or a President who says "All together;" whether we will have a Chief Executive who will work with the Congress or one who will defend lying to the Congress; whether we will have a President who realizes that you cannot have a full mind on an empty stomach and a President who will not fiddle while the trade war burns; yes, Mr. Speaker, the choice for change is clear.

The opportunity for the American people is clear and it will lead us to a President who will rule by, and lead, by example and not by imitation.

□ 1255

SOVIET MINES IN AFGHANISTAN

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PORTER. Mr. Speaker, Soviet tanks continue to rumble through the streets of Kabul on their way home. But the Soviets leave over 7 million land mines scattered throughout the Afghan countryside.

During the 9-year war, Soviet and Afghan forces used mines to indiscriminately maim and kill Afghan citizens. We all remember gruesome pictures of children mutilated by mines disguised as toys.

These mines represent a real threat to the spirit of the recently signed Afghan accords, which were to provide for the return of the refugees in safety and in honor. You can be sure that refugees in Pakistan will think twice about returning home once they hear reports of the fatalities that the Soviet mines will inevitably cause.

Last month in Geneva, Secretary Shultz received a wholly unsatisfactory response from Mr. Shevardnadze regarding these mines. The Soviet army is unwilling to remove the mines or provide maps of where they are placed.

Mr. Speaker, the Soviets must live up to the spirit as well as the letter of the Afghan accords, and remove the mines. Only then will the refugees be able to safely return to their homeland.

CONGRATULATIONS TO GOVERNOR DUKAKIS

(Mr. ROSE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSE. Mr. Speaker, I am proud to address my colleagues today and offer my congratulations to the good Governor of Massachusetts for the impressive victory that he has brought all across this country, from the mountains to the prairies to the oceans white with foam. Literally, we can say that the Governor has brought us victory, has brought us a sense of unity, and is leading us forward.

Mr. Speaker, high above your head, even behind the flag and above the words in marble, "In God We Trust," is a plaque on the very wall of this House where the words of Daniel Webster are written that say:

> Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether also in our day and generation we may not be able to perform something worthy to be remembered.

Mr. Speaker, let me say to my friends that the Governor of Massachusetts can make that wish come true.

IN SUPPORT OF H.R. 4692, AGRICULTURAL COMMODITY EMBARGO LIMITATION ACT

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, 2 weeks ago I joined my colleague, the distinguished gentleman from Arkansas [Mr. ALEXANDER] in offering H.R. 4692, the Agricultural Commodity Embargo Limitation Act. This bill sets a clear and definitive policy that food embargoes will never again be used as a whimsical tool of U.S. foreign policy. Because U.S. farmers are efficient and productive, their commodities are among this country's most competitive exports. Economically, food can be a powerful weapon. Unfortunately, it has been used unwisely by both Republican and Democrat administrations.

Too often, food embargoes have been a policy of convenience. Time and again, we have seen the negative results of U.S. food embargoes. Embargoes imposed by both Democrat and Republican administrations have cost U.S. farmers billions of dollars, they have been ineffective in changing the policies of foreign countries, and they have given the United States a reputation as an unreliable supplier in world markets. Consequently, the United States has often been considered the "seller of last resort" by foreign purchasers of our products.

Mr. Speaker, my colleague, the gentleman from Arkansas, and I will be reoffering legislation later this week or early next week. We hope that our colleagues will join us on reintroducing this legislation, which is vitally needed.

SUPPORT URGED FOR THE PEPPER-ROYBAL HOME HEALTH CARE BILL

(Mr. DOWDY of Mississippi asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWDY of Mississippi. Mr. Speaker, I rise to urge the support of my colleagues for the Pepper-Roybal Home Health Care Act and to ask that they vote for the rule and for the legislation to be considered thereafter.

This is badly needed legislation, Mr. Speaker, which will make life less taxing for families with senior family members requiring long-term care because of chronic illnesses.

A great deal has been said about the beneficial impact of this legislation on the senior citizens of our country. Too frequently overlooked is the legislation's beneficial impact on our Nation's chronically ill children and infants. Currently, there are 7 to 10 million children and infants with chronic diseases or illnesses across our Nation, half of whom are homebound.

Mr. Speaker, today we have the chance to stop talking. We can start showing that we will be responsive to the silent voice of our Nation's children and our chronically ill senior citizens across our country. Let us begin by voting for the rule making in order consideration of the Pepper-Roybal home health care bill and afterwards by voting for the legislation.

LEGISLATION WOULD PROVIDE LONG-TERM HEALTH CARE TO SENIOR CITIZENS

(Mr. GORDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GORDON. Mr. Speaker, I rise today to support the search for long-term health care for our Nation's seniors.

Over the last 20 years, life expectancy has increased steadily, with the greatest gain for those individuals over 75 years of age. In 1960, 16.5 million persons, 1 in 10, were over the age of 65. By the middle of the next century, 67 million people, 1 in 5 will be over 65.

With the growth of this elderly population, many of whom are living alone, the number of elderly needing long term care can only dramatically increase.

We have recently made a start at addressing this need with the passage of the Catastrophic Health Care Act.

Today, we have another chance to address this important issue of long term health care by considering the Pepper-Roybal home health care bill.

I urge my colleagues to pass the rule so that debate on this bill may begin. This dialog will help us to find the best possible solution to the issue of long term care.

CHANGE IS IN THE WIND

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, it seems to be, as is usual, after the last primary in the great primary season of our country, political time in the well. There have been observations that change is in the wind, and that we are going back to the good old days of that technocrat, Jimmy Carter. I think you can count on the fact that the good Massachusetts Governor may look to return us to the time of 21½-percent interest rates, 14-percent inflation, 15 million fewer jobs, and indecision and paralysis in foreign affairs.

Oh, there is change all right, and the change is going to be GEORGE BUSH. Let me give the Members an indication of what happened in California. Two conservatives for whom Ollie North campaigned just 2 weeks ago, Dana Rohrabacher, a White House special assistant, and Chris Cox, White House counselor, both won huge primary victories in southern California. If the Members think DANNY LUNGREN was an articulate Republican conservative from southern California or that BOB BADHAM has been an articulate tough conservative from California, just wait until you see the two fine young men, 35 and 40 years of age, coming to replace them. You will think that Ronald Reagan is still in town. It is a new day all right.

AN EXPRESSION OF CONCERN ABOUT THE PEPPER-ROYBAL BILL

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. PEASE. Mr. Speaker, other speakers have addressed the major problems the the Pepper-Roybal bill and of the short-cut procedure by which its sponsors want to bring it to the House floor.

Let me express a particular concern I have which relates not to the Pepper-Roybal bill itself but, rather, to our reaction to the bill.

A number of Members say they know the proposed rule would set a terrible precedent, but they say they can't cast a vote which might offend their senior citizen constituents.

Likewise, some Members say they know the bill itself is flawed but, again, they can't appear to be voting against their senior constituents.

My plea is this: if you agree that the procedure is terrible and the bill needs major work in committee, please vote accordingly. Don't sell your senior constituents short. Don't sell yourself short. Have some faith that you can explain your vote and that your constituents will understand.

It bothers me that there is a growing list of issues on which Members feel they can afford to vote neither their judgment nor their convictions.

Recently on this floor we passed ill-advised drug amendments because Members felt the need to be on the record as antinarcotics.

Not long ago, we adopted what is probably unconstitutional legislation dealing with dial-a-porn because Members had to be seen as antipornography.

For a long time, Members have felt they couldn't exercise their best judgment, that they had to go along with the crowd on amendments or bills dealing with subjects like abortion, veterans, aid to Israel, gun control, school prayer, and so forth.

We count on committees to keep bills bottled up. We count on the Senate not to adopt similar measures. We count on conference committees to drop unworkable provisions. Or we count on Presidents to veto bad bills.

We often don't, however, count on ourselves. And we should. We should be willing to exercise our judgment and back it up with our votes.

Edmund Burke once said:

> Your Representative owes you, not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion.

It would be different if all of us were in jeopardy of losing our jobs, if we were in tight races in close districts. But I remind you that over the past 6 years, incumbent Members of Congress seeking reelection have been successful more than 90 percent of the time—98 percent in fact in the last election.

Mr. Speaker, many of us believe strongly that the bill before us is the wrong legislation coming up under the wrong procedure. Let's vote that way and give this important issue the time and attention it deserves in the next Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CARR). Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Tuesday, June 7, 1988, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 4585, by the yeas and nays;
H.R. 4639, by the yeas and nays;
H.R. 4365, by the yeas and nays;
H.R. 3966, by the yeas and nays; and
H.R. 2213, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic votes after the first such vote in this series.

□ 1305

TAFT INSTITUTE AUTHORIZATION EXTENSION

The SPEAKER pro tempore. (Mr. CARR). The unfinished business is the question of suspending the rules and passing the bill H.R. 4585.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Montana [Mr. WILLIAMS] that the House suspend the rules and pass the bill, H.R. 4585, on which the yeas and nays are ordered.

The vote was taken by electronic device and there were—yeas 307, nays 99, not voting 25, as follows:

[Roll No. 169]

YEAS—307

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio

Anthony
Applegate
Aspin
Atkins
AuCoin
Ballenger
Barnard
Bartlett
Bates
Bennett
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Buechner
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clay
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foley
Ford (MI)
Frost
Gallo
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hefner
Henry
Hertel
Hochbrueckner
Hopkins
Hoyer
Huckaby
Hughes
Hutto
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kemp
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Latta
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Lott
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martin (NY)
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Miller (CA)
Miller (OH)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens (NY)
Owens (UT)
Panetta
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Quillen
Rahall
Rangel
Ravenel
Ray
Richardson
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sharp
Sikorski
Sisisky
Skeen
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauke
Taylor
Thomas (GA)
Torres
Towns
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Walgren
Watkins
Waxman
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wise
Wolf
Wolpe
Wortley
Wyden
Yates
Yatron

NAYS—99

Archer
Armey
Baker
Barton
Bateman
Bentley
Brown (CO)
Bunning
Burton
Callahan
Cheney
Clement
Combest
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeLay
DeWine
Dickinson
Dreier
Emerson
Fields
Frank
Frenzel
Gekas
Gradison
Gregg
Hansen
Hefley
Herger
Hiler
Holloway
Houghton
Hubbard
Hunter
Hyde
Inhofe
Ireland
Kasich
Kyl
Lagomarsino
Leath (TX)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Lukens, Donald
Mack
Madigan
Marlenee
Martin (IL)
McCandless
McCollum
McCrery
McEwen
Michel
Miller (WA)
Moorhead
Olin
Oxley
Packard
Parris
Pursell
Regula
Rhodes
Ridge
Roth
Schaefer
Sensenbrenner
Shaw
Shays
Shumway
Shuster
Skelton
Slaughter (VA)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stangeland
Stenholm
Stump
Sundquist
Sweeney
Swindall
Tauzin
Thomas (CA)
Upton
Visclosky
Volkmer
Vucanovich
Walker
Weber
Wylie
Young (AK)
Young (FL)

NOT VOTING—25

Badham
Beilenson
Biaggi
Bosco
Boulter
Duncan
Foglietta
Ford (TN)
Gallegly
Hayes (LA)
Horton
Jones (TN)
Konnyu
Lewis (CA)
Lujan
Lungren
Martinez
Moody
Nichols
Nielson
Rodino
Skaggs
Spence
Torricelli
Wilson

□ 1324

The Clerk announced the following pair:

On this vote:

Mr. Foglietta and Mr. Ford of Tennessee for, with Mr. Boulter against.

Mr. REGULA changed his vote from "yea" to "nay."

Mr. RUSSO and Mr. LATTA changed their votes from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CARR). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the time within which a vote by electronic device may be taken on all the additional motions to suspend the rules on which the Chair has postponed further proceedings.

PREVENTING ABUSES IN THE SUPPLEMENTAL LOANS FOR STUDENTS PROGRAM

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4639, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Montana [Mr. WILLIAMS] that the House suspend the rules and pass the bill, H.R. 4639, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 23, as follows:

[Roll No. 170]

YEAS—408

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA
Edwards (OK
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foley
Ford (MI)
Frank
Frenzel
Frost
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland

Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Luken, Thomas
Lukens, Donald
Mack
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—0

NOT VOTING—23

Badham
Beilenson
Biaggi
Bosco
Boulter
Duncan
Foglietta
Ford (TN)
Gallegly
Hayes (LA)
Horton
Jones (TN)
Konnyu
Lewis (CA)
Lujan
Lungren
Martinez
Moody
Nichols
Nielson
Spence
Torricelli
Wilson

□ 1334

Mr. DONALD E. "BUZ" LUKENS and Mr. BARTLETT changed their votes from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RICHARD CRONIN NATIONAL SALMON STATION

The SPEAKER pro tempore (Mr. CARR). The unfinished business is the question of suspending the rules and passing the bill, H.R. 4365.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. JONES] that the House suspend the rules and pass the bill, H.R. 4365, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 24, as follows:

[Roll No. 171]

YEAS—407

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foley
Ford (MI)
Frank
Frenzel
Frost
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Luken, Thomas
Lukens, Donald
Mack
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NOT VOTING—24

Badham
Beilenson
Biaggi
Bosco
Boulter
Duncan
Foglietta
Ford (TN)
Gallegly
Hayes (LA)
Horton
Jacobs
Jones (TN)
Konnyu
Lewis (CA)
Lujan
Lungren
Martinez
Moody
Nichols
Nielson
Spence
Torricelli
Wilson

□ 1343

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CHILDREN'S TELEVISION ACT OF 1988

The SPEAKER pro tempore (Mr. CARR). The unfinished business is the question of suspending the rules and passing the bill, H.R. 3966, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the bill, H.R. 3966, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 328, nays 78, not voting 25, as follows:

[Roll No. 172]

YEAS—328

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bateman
Bates
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Bonker
Borski
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Buechner
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clay
Clement
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foley
Ford (MI)
Frank
Frost
Gallo
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Goodling
Gordon
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hawkins
Hayes (IL)
Hefner
Henry
Hertel
Hiler
Hochbrueckner
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Lott
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martin (IL)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McMillen (MD)
Meyers
Mfume
Mica
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moorhead
Morella
Morrison (WA)
Mrazek
Murphy
Nagle
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Rahall
Rangel
Ravenel
Ray
Regula
Richardson
Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Towns
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)

NAYS—78

Archer
Armey
Baker
Ballenger
Barnard
Bartlett
Barton
Brown (CO)
Bunning
Burton
Cheney
Coble
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeLay
Dreier
Frenzel
Gekas
Gingrich
Glickman
Gradison
Grandy
Hansen
Hastert
Hefley
Herger
Holloway
Hopkins
Inhofe
Kemp
Kolbe
Leath (TX)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Lukens, Donald
Mack
Madigan
Marlenee
McCandless
McCrery
McHugh
McMillan (NC)
Michel
Miller (OH)
Molinari
Morrison (CT)
Myers
Packard
Penny
Quillen
Rhodes
Ridge
Roberts
Rogers
Shaw
Shumway
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Stangeland
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauke
Upton
Walker
Weber
Whittaker
Wortley
Young (FL)

NOT VOTING—25

Badham
Beilenson
Biaggi
Boland
Bosco
Boulter
Duncan
Foglietta
Ford (TN)
Gallegly
Hayes (LA)
Horton
Jones (TN)
Konnyu
Lewis (CA)
Lujan
Lungren
Martinez
Moody
Murtha
Nichols
Nielson
Spence
Torricelli
Wilson

☐ 1351

The Clerk announced the following pair:

On this vote:

Mr. Foglietta and Mr. Ford of Tennessee for, with Mr. Boulter against.

Mr. McHUGH changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HEARING AID COMPATABILITY ACT OF 1988

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 2213, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the bill, H.R. 2213, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 391, nays 15, not voting 25, as follows:

[Roll No. 173]

YEAS—391

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Barnard
Bartlett
Barton
Bateman
Bates
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Buechner
Bunning
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crockett
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Durbin
Dwyer
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Frank
Frenzel
Frost
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hatcher
Hawkins
Hayes (IL)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich

Kastenmeier
Kemp
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Luken, Thomas
Lukens, Donald
Mack
MacKay
Madigan
Manton
Markey
Martin (IL)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Myers
Nagle
Natcher

Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Shaw
Shays
Shumway
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery

Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—15

Ballenger
Brown (CO)
Burton
Cheney
Crane

Dannemeyer
DeLay
Dreier
Hastert
Kyl

Lightfoot
Marlenee
McCandless
Shuster
Stump

NOT VOTING—25

Badham
Beilenson
Biaggi
Bosco
Boulter
Duncan
Dymally
Ford (MI)
Ford (TN)

Gallegly
Hayes (LA)
Horton
Jones (TN)
Konnyu
Lewis (CA)
Lujan
Lungren
Martinez

Moody
Murtha
Nichols
Nielson
Sharp
Spence
Wilson

□ 1401

Mr. COBLE changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RE-REFERRAL OF H.R. 3596, BOB SIKES VISITOR CENTER, TO COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. UDALL. Madam Speaker, with concurrence of the Committee on Public Works and Transportation, I ask unanimous consent that the bill, H.R. 3596, be re-referred to the Committee on Interior and Insular Affairs.

The SPEAKER pro tempore (Ms. KAPTUR). Is there any objection to the request of the gentleman from Arizona?

There was no objection.

EXTENDING SYMPATHY AND BEST WISHES OF THE CONGRESS TO PRESIDENT JOSE NAPOLEON DUARTE

Mr. FASCELL. Madam Speaker, I ask unanimous consent for the immediate consideration of the House concurrent resolution (H. Con. Res. 312) extending the sympathy and best wishes of the Congress to President Jose Napoleon Duarte during his battle with cancer.

The SPEAKER pro tempore. The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 312

Whereas President Jose Napoleon Duarte of El Salvador has battled for democracy in his country all his life;

Whereas President Duarte has suffered beatings and exile for his beliefs;

Whereas President Duarte was elected President in 1972 but was not permitted to take office;

Whereas President Duarte nevertheless persevered and, in 1984, became El Salvador's first democratically-elected President in more than 50 years;

Whereas President Duarte has been entrusted by the people of El Salvador with the task of leading a transition to genuine democracy in El Salvador;

Whereas President Duarte has fought hard and courageously to accomplish such a transition;

Whereas President Duarte has the full support of the American people in this struggle;

Whereas President Duarte is and has always been a true friend and ally of the United States;

Whereas President Duarte has now been stricken with a tragic illness that threatens his life; and

Whereas President Duarte is fighting this illness with the same courage and determination that have characterized his life: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) extends its sympathy and best wishes to President Duarte of El Salvador;

(2) expresses its support for the Government and people of El Salvador as they struggle to confront and surmount their country's problems; and

(3) expresses its hopes and prayers that President Duarte will accomplish his ambition of turning the presidency of El Salvador over to an elected successor.

Mr. FASCELL (during the reading). Madam Speaker, I ask unanimous consent that the concurrent resolution be considered as read and printed in the RECORD in full.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Florida?

Mr. BROOMFIELD. Madam Speaker, reserving the right to object, I do so to afford the chairman of our committee an opportunity to explain the purpose of this resolution, and I yield to the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. I thank the gentleman for yielding.

Madam Speaker, it is a privilege to bring before the House today a resolution which is sponsored by yourself, other Members of the House leadership, and nearly all members of the Committee on Foreign Affairs.

Such broad sponsorship is indicative of the high respect and admiration which the United States Congress has for the President of El Salvador, Jose Napoleon Duarte.

President Duarte has brought his country from a era in which he was one of the few citizens of El Salvador with the courage to speak out for democracy, for emphasizing the benefits of institutionalizing democracy, to the present when democracy is the accepted and expected norm of political participation.

We as Americans owe President Durate a great deal of gratitude for the leadership he has provided to his country, and to the region as a whole, in championing policies which would foster peace, democracy, and stability in the region. It is only an aside that his vision for El Salvador and for the region are so closely aligned with the United States. It is no coincidence as we are both seeking a lasting, peaceful solution which fosters democracy throughout the hemisphere.

We are deeply distressed to see our good friend and ally now combating a new battle, a struggle with cancer. We are frustrated in our inability to extend him assistance in this struggle, one which must be fought by Jose by himself. But he is not alone, as he is surrounded by countless friends who admire and respect him.

We extend to him, and to his countrymen, our heartfelt gratitude for the leadership which he has provided to his country and for his friendship with the United States. We pray that the courage that has fortified him in past struggles will see him through this one.

Mr. President, we thank you and pray for you.

Mr. BROOMFIELD. Madam Speaker, under my reservation, I would like to join with the chairman of the Committee on Foreign Affairs.

Madam Speaker, President Jose Napoleon Duarte of El Salvador is a great leader, a visionary, a man of grace and courage, and a tenacious fighter who has won the respect of his friends and his adversaries.

He has fought for democracy and a better life for the people of El Salvador and Central America all his life. In the face of armed Marxist insurgents and right wing terrorists, he brought his country from chaos and despotism to bring a genuine democracy.

I have had the privilege of meeting President Duarte on several occasions when he appeared before the Foreign Affairs Committee and I consider him a friend. I have always been impressed with his deep insight, and his dreams of stability and a democratic way of life for the people of El Salvador. In the face of tremendous odds, he has always faced the future with courage armed with a dream for his people.

I must admit that I am deeply concerned about the future of El Salvador. I am equally concerned about the future and stability of Central America without the presence of President Durarte's towering leadership and vision.

I only hope that the people of El Salvador and of Central America have learned the many lessons of democracy that President Duarte has tried to teach throughout his life, and that they will continue the democratic process he has so ably set in motion.

Today President Durarte faces a new fight with a tragic illness that threatens his life. He must draw upon the same reserves of courage and determination that have always served him so well throughout his life.

Our resolution before the House today, extends the sympathy and best wishes to President Duarte in this, his latest fight.

It also expresses our support for the people and the democratic Government of El Salvador as it struggles to confront and surmount their problems, and continue down path of democracy laid out by President Duarte.

Madam Speaker, I urge my colleagues to join in passing this important resolution in support of a true friend of the United States, President Jose Napoleon Duarte, and the work he has done so well in bringing democracy to El Salvador.

Madam Speaker, under my reservation of objection, I yield to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise in strong support of the resolution authored by the gentleman from Florida [Mr. FASCELL] extending to Salvadoran President Duarte our sincere wishes for his courageous battle against cancer. As a cosponsor of this resolution, I want to commend the chairman of the Foreign Affairs Committee for his leadership not only for the resolution but also for his continuing commitment for the cause of democracy in Central America.

President Duarte is a leader who has inspired admiration and respect for his dedication to strengthening the democratic institutions of El Salvador and for extending to his armed opponents a dialog in an effort to settle the tragic insurgency that has destabilized his country.

Last week, I authored a letter that 69 of my colleagues cosigned, which conveyed to President Duarte our heartfelt wishes for his full and complete recovery. It would be fitting that now the full House goes on record in unanimous support for this resolution in honoring a true, modern-day patriot of the Western Hemisphere. I urge my colleagues to give their unanimous support to this resolution.

Mr. BROOMFIELD. Madam Speaker, under my reservation of objection, I yield to the chairman of the Subcommittee on Western Hemisphere Affairs, the gentleman from Michigan [Mr. CROCKETT].

Mr. CROCKETT. I thank the gentleman for yielding.

Madam Speaker, as chairman of the Subcommittee on Western Hemisphere Affairs, I rise in strong support of this resolution.

Mr. BROOMFIELD. Madam Speaker, under my reservation of objection, I yield to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. I thank the gentleman for yielding.

Madam Speaker, on several occasions in the past, this House has passed resolutions commending President Jose Napoleon Duarte for his leadership as the President of El Salvador. We do so again here today, but the circumstances under which we consider this resolution today are a source of sorrow for all of us.

Even as we speak here today, President Duarte is at Walter Reed Hospital recovering from an operation which revealed the existence of a serious and inoperable cancer. His doctors believe that the prognosis is grim. And certainly our thoughts and prayers are with he and his family during this sorrowful time.

But while this is a time when every freedom-loving person grieves for President Duarte and his family, it is also a time to reflect on the accomplishments of this man's life and to offer expressions of our gratitude for his lifelong commitment to the cause of democracy.

Throughout his 62 years, Jose Napoleon Duarte has known defeat, exile, imprisonment, and even torture. But he never lost his faith in democracy or his belief in the goodness of the common man. It was this which sustained him during his darkest years. And it was this which led him to become the father of democracy in his country. The phrase I am about to use has been much abused, but Jose Napoleon Duarte truly is the moral equivalent of our own Founding Fathers.

I hope that we will take renewed dedication today that President Duarte's legacy must be preserved. Let us make sure that the establishment of democracy and free institutions in El Salvador will be the lasting monument to his life. We can do no less for this noble and faithful ally in the cause of freedom.

□ 1410

Mr. BROOMFIELD. Madam Speaker, under my reservation of objection, I yield to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I just want to rise and say that I think President Duarte is truly one of the great heros of our time. He has been a giant in the struggle for democracy and freedom in Central America, and as far as I am concerned, he is a man who has really earned our respect and admiration. He has demonstrated enormous courage as he has stood and faced those on the extreme right and faced those on the extreme left, trying to really forge a democratic coalition and democratic government in the country of El Salvador.

Madam Speaker, I thank the gentleman from Michigan [Mr. BROOMFIELD] and the gentleman from Florida [Mr. FASCELL] for bringing this resolution to the floor, and I urge my colleagues to pray for the complete recovery of President Duarte. Again, he is one of the great men of our time, I believe, and a man of enormous courage. I thank the gentleman for bringing this concurrent resolution to the floor.

Mr. BROOMFIELD. Madam Speaker, under my reservation of objection, I yield to the distinguished gentleman from New York [Mr. KEMP].

Mr. KEMP. Madam Speaker, I thank the gentleman from Michigan [Mr. BROOMFIELD], and our friend, the committee chairman, the gentleman from Florida [Mr. FASCELL], for bringing this resolution to the floor so that all of us on both sides of the aisle can pay our respects to one of the truly great Central American leaders, if not one of the truly great world leaders of our time, Jose Napoleon Duarte. He is going through the shadow of the valley of death in his fight against cancer, I join the gentleman from Kansas [Mr. SLATTERY] in urging people to pray for his fast and complete recovery from cancer.

But whatever his legacy will be, it is clear that in Central America and throughout our hemisphere, President Duarte is a man of the people. He is a true democrat in the tradition of our Founding Fathers, as our friend, the gentleman from New York [Mr. SOLOMON] pointed out.

I am so pleased that Republicans and Democrats and conservatives and liberals are speaking on this resolution. I think it does us good every now and then to come together and remind ourselves that there are certain things, particularly in foreign policy, that derive strength from seeing all of us united in support of the important step on the road toward freedom and democracy taken by El Salvador.

I served on the bipartisan Kissinger Commission on Central America. I first met Jose Napoleon Duarte in the early 1980's. I traveled as an observer to the El Salvador elections in 1984 and with many Americans celebrated his victory. I want to rise and pay my respects to him, and I rise and pay my tribute to President Duarte and suggest that he is, as all of us have been saying, a courageous leader who went back into El Salvador in the face of pressure from the far right and the far left and competed in a democratic election conducted against the threat from the armed insurgency. He is a man of courage, a man of integrity, a man of commitment, and I want to leave his words with all of us today. He said, "Democracy is not only a means, it is an end. It is an end in and of itself."

And that is true. Democracy is both an end, a goal, and a means to the goal, and it should remind us that what we care about in this hemisphere and what we care about in Central America is democracy, freedom, and justice.

I pray for President Duarte, I pray for his country, and I look forward to working with Members on both sides of the aisle to fashion a foreign policy in Central America to bring about that day when we can see democracy throughout all of that strife-torn area of our hemisphere.

Madam Speaker, I thank the gentleman from Michigan [Mr. BROOMFIELD] and I applaud him and the gentleman from Florida [Mr. FASCELL] for their support.

Mr. BROOMFIELD. Madam Speaker, under my reservation of objection, I yield to the distinguished gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Madam Speaker, I thank the gentleman from Michigan very much for yielding.

Madam Speaker, I want to congratulate the authors of this resolution and the distinguished chairman of the Committee on Foreign Affairs and the minority leader.

I certainly rise in support of the resolution. It is with a great sense of sadness that we learned of the illness of President Duarte. However, if he is in any way watching these proceedings, I want him to know on a very, very personal level how grateful all of us are, not only for his leadership but for what he did to at least relieve the families of the missionaries who were assassinated in El Salvador in 1980.

I do not think there was an event that captured the hearts and the imagination of the American people more than when the four missionaries where slain, and it was President Duarte who met with the families and met with now Cardinal Hickey and others and vowed that he would bring about justice with respect to those assassinations.

There was a trial in El Salvador. We still do not know who gave the order, but we know that people were convicted. I am told it was the first time in the history of the military that any military were ever convicted in El Salvador, and I personally think that that personal intervention, which took an awful lot of courage on President Duarte's part, has saved the lives of hundreds, if not thousands, of other individuals.

So, Madam Speaker, we believe that there was a miracle that possibly happened in that situation, and I personally believe in the power of prayer, and that there may be a miracle possible with respect to President Duarte's health.

We wish you Godspeed, President Durate, and God bless you for your good work.

Mr. BROOMFIELD. Madam Speaker, under my reservation of objection, I yield to the gentleman from Ohio [Mr. McEWEN].

Mr. McEWEN. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I would not want this occasion to pass without taking the opportunity to express my deep appreciation as one who believes in democracy for the service that Jose Napoleon Duarte has done for freedom around the world.

We all recall the late 1980's when President Carter cut off aid to Nicaragua because of the insurgency that they were sponsoring into that little country, and in 1980 Jose Napoleon Duarte returned to that country and took up the cause of freedom and democracy. Then we saw El Salvador begin to lead a charge toward independent democracies in the region, followed by Guatemala and Honduras.

Jose Napoleon Duarte will go down in history as one of the world's leading patriots, one of the world's leading democrats, and one who has championed the cause of democracy in his country, and thereby he has been an example to the world.

I leave off as I began, that I would not like this occasion to pass without adding my voice to the many here who have been privileged to know Mr. Duarte prior to the time he became President. I met with him during the time he was a candidate, and then I was able to deal with him in his official capacity representing his country. He has done us a service.

Madam Speaker, for those of us who believe in human freedom, he is an asset not only to his own country but to our cause, and I wish him Godspeed.

□ 1420

Mr. BROOMFIELD. Madam Speaker, under my reservation, I yield to the distinguished gentleman from Florida [Mr. PEPPER].

Mr. PEPPER. Madam Speaker, last year with some friends from Florida I paid a brief visit to El Salvador, and during the course of that visit I had several meetings with President Duarte. I was immensely impressed by what that man had suffered for democracy. He showed us the scars that he still bore from the tortures he had experienced from the opposition which had incarcerated him at an earlier time.

Madam Speaker, he was making a valued and heroic effort to bring about and preserve democracy in his country. He was trying to bring about peace and trying his best in an honorable way to persuade the rebels to give up their arms and to try to settle their differences at the ballot box rather than by armed weapons.

So, Madam Speaker, he has set a great example of heroic courage in the fight for democracy in a great part of our hemisphere, the Western Hemisphere.

I extend my warmest admiration to President Duarte for all that he has done for the cause of peace and democracy, and my heart speaks out in the deepest sympathy for his personal situation.

Mr. BROOMFIELD. Madam Speaker, under my reservation I yield to the distinguished Speaker of the House, the gentleman from Texas [Mr. WRIGHT].

Mr. WRIGHT. Madam Speaker, I thank the gentleman from Michigan for yielding this time to me.

Jose Napoleon Duarte has conducted a lifelong love affair with democracy.

He has been one of its principal exponents in Central America. In the past 10 years, under his able leadership, with his dedication and his devotion, El Salvador has enjoyed the longest continuous period of constitutional government that it ever has been privileged to have in the entirety of its history as a nation.

Madam Speaker, on Sunday I visited with President Duarte in his hospital quarters at Walter Reed. He knows that his illness is terminal. The choice he made Sunday to undergo surgery on Tuesday, he explained to me, was a choice simply of months, at the most, in the extension of his expected lifespan. He said that he wanted to do it because it would permit him a quality of life in those days that are yet allotted to him in which he might render service to his country and to the ideal of democracy in this hemisphere.

He said something that was very private about his personal feelings. I think he will not mind that I share it with you. His country had suffered a severe earthquake 4 years ago, followed by 3 years of devastating drought. His daughter was captured and held. To have one of your children kidnaped surely must be the most agonizing thing that can occur to a human being. He endured that. His party lost the election for the constituent assembly a few weeks ago, and now he has terminal cancer.

He said that all of this had caused him to wonder if God were angry with him. But a friend of his had come from El Salvador to report to him that each day both at 12 o'clock noon and at 3 o'clock in the afternoon the church bells were chiming all over El Salvador, and citizens of all types, and all conditions, and all political parties, were pausing to observe a silent prayer for their President and for their country. In light of this, President Duarte told me:

> Perhaps there is a purpose to it all now in any event. Perhaps my condition will help to bring my people together.

He was busying himself on Sunday afternoon writing a letter to the army and another to his political party. It was obvious to me that it was the hope entertained in his mind that this letter of his composition to the army might serve as a lasting charter with a permanent impression upon the army and all of its successors.

He was stressing to the military force of his country that in a democracy the military must ever and always be subordinate to the civilian, that it never must succumb to the temptation to seize power by force and depose duly elected constitutional authority, and that the armed forces of all the entities of this society not only must never violate the civil rights of the citizenry, but must be their protectors and ardent custodians.

Madam Speaker, this is the man who took so seriously the injunctions of the Esquipulas accords that he asked for a meeting with his armed opposition, the guerrillas who have attempted to overthrow his government by force. When they came and met with him, he pledged to them amnesty in return for their coming into the civil life of Salvadoran society and participating equally as all other citizens participate in the free electoral process. President Duarte had set this meeting incidentally on the day of St. Francis. He told me that one of the guerrilla leaders asked him what exactly did he mean by "amnesty," and Jose Napoleon Duarte's reply was thus:

> I will tell you what amnesty means. It means that I know which of you were actively engaged in the kidnapping of my daughter. It was you, and it was you. And amnesty means that I forgive you. Amnesty means that we will not prosecute you for that, nor for any other political crimes that have been committed against the government during this period of our division.

Madam Speaker, he is a great friend of the United States, a great friend of democracy, one whose inspiration and example light a candle which must not be snuffed out. Let us join in our way today in saying amen to the example of Jose Napoleon Duarte.

Mr. MICHEL. Madam Speaker, I want to join with all our colleagues in paying tribute to President Jose Napoleon Duarte, of El Salvador. Without his leadership, the situation in Central America would be far worse than it is today. Through his love of freedom, his courage and his faith in the people, he had played a major role in bringing democracy to his country.

He has suffered torture. He has seen his daughter kidnapped. He has led the forces of democracy against the Communist guerrillas who would, if they could, turn El Salvador into another Nicaragua. Through all this he has demonstrated the kind of bravery that inspires followers and makes friends.

We all know that President Duarte is now undergoing the biggest challenge of his life. His doctors feel the future is grim. I just want to say that I am proud to have met him, and to have played a small part in helping him to make democracy work in El Salvador, against tremendous odds.

The battle for democracy in El Salvador is not over. President Reagan's policy of helping democracy in the region has, however, done much to set a foundation. And that foundation was built upon by President Duarte. Our prayers go to him and hs family and the people of El Salvador for whom he has sacrificed so much for so long.

Mr. CHANDLER. Madam Speaker, I rise in strong support of this resolution. President Jose Napoleon Duarte is one of the great heroes of our time.

Going back to his days as leader of the Christian Democratic opposition in the late 1960's, and his election as the President of El Salvador in 1972, President Duarte has demonstrated bravery beyond any normal measure.

In fact, he was not inaugurated President in 1972. When it was clear the military's candidate had not won in spite of heavy election fraud, the voting was halted, and Mr. Duarte and his vice presidential running mate were arrested, tortured, and eventually sent into exile.

Mr. Duarte's running mate, Guillermo Ungo, chose violent opposition to the military. But Mr. Duarte chose the higher ground, and the more dangerous task.

When a coup of progressive military colonels in 1980 threw out the Romero regime, Duarte agreed to come back to his country.

In the face of regular threats against his life by the increasingly active death squads, as well as the Communist guerrillas, Duarte accepted the challenge to build democracy in Nicaragua, and went back to the country where the very people who tortured him less then 10 years before still held considerable power.

Later, he was overwhelmingly elected President of the Republic in the first free elections El Salvador had had in over 50 years. And since then, he has fought with his life, and even the lives of his family, for the freedom of his people.

This is his legacy, and it makes his current battle in a hospital not far from here seem rather small. President Duarte, you have my respect, my admiration, and my most sincere prayers for a full recovery. You are truly a great hero of our time.

Mr. BROOMFIELD. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FASCELL. Madam Speaker, I move the previous question on the concurrent resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BROOMFIELD. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 406, nays 0, not voting 26, as follows:

[Roll No. 174]

YEAS—406

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Boucher
Boxer
Brennan
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Chandler
Chapman
Chappell

Cheney
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Durbin
Dwyer
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Frenzel
Frost
Gallo
Garcia
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Mack
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—0

NOT VOTING—26

Badham
Beilenson
Biaggi
Bosco
Boulter
Brooks
Carr
Duncan
Dymally
Ford (TN)
Gallegly
Gaydos
Gephardt
Hayes (LA)
Horton
Jones (TN)
Konnyu
Lewis (CA)
Lungren
Martinez
McDade
Moody
Nielson
Pelosi
Spence
Wilson

☐ 1449

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FASCELL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 312, the concurrent resolution just agreed to.

The SPEAKER pro tempore (Ms. KAPTUR). Is there objection to the request of the gentleman from Florida?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 3436, OLDER AMERICANS ACT TECHNICAL AMENDMENTS

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 466 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 466

Resolved, That any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3436) to amend the Older Americans Act of 1965 to make technical corrections, and the first reading of the bill shall be dispensed with. All points of order against consideration of the bill are hereby waived. After general debate, which shall be confined to the bill and which shall not exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider an amendment in the nature of a substitute consisting of the text of the amendment printed in the report of the Committee on Rules accompanying this resolution as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered as having been read, and all points of order against said substitute are hereby waived. No other amendment to the bill or to said substitute shall be in order in the House or in the Committee of the Whole except an amendment printed in the Congressional Record by Representative Michel of Illinois on or before June 7, 1988. Said amendment may only be offered by Representative Michel or his designee, shall be considered as having been read, shall be debatable for not to exceed one hour, equally divided and controlled by the proponent and a Member opposed thereto, shall not be subject to amendment, and all points of order against said amendment except for clause 7 of rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text by this resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, which may not contain instructions.

SEC. 2. H. Res. 314 is hereby laid on the table.

☐ 1445

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Florida [Mr. PEPPER] is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Mississippi [Mr. LOTT], pending which I yield myself such time as I may consume.

Mr. PEPPER. Mr. Speaker, House Resolution 466 is the rule providing for the consideration of H.R. 3436, the Older Americans Act technical amendments. The rule waives all points of the bill and provides for 3 hours of general debate to be equally divided and controlled between the chairman and the ranking minority member of the Committee on Education and Labor.

Mr. Speaker, the rule provides that the amendment in the nature of a substitute contained in the report on the resolution is to be considered as an original bill for the purposes of amendment under the 5-minute rule. The substitute consists of the text of the bill Representative ROYBAL and I have sponsored, the Medicare Long-Term Care Catastrophic Protection Act of 1988. The rule waives all points of order against the amendment in the nature of a substitute.

Mr. Speaker, the rule provides that the only amendment to be in order to the substitute is an amendment offered by Representative MICHEL or his designee. The amendment must be printed in the CONGRESSIONAL RECORD by Representative MICHEL on or before June 7, 1988. The Michel amendment is to be debatable for up to 1 hour, the time being equally divided and controlled by the proponent of the amendment and an opponent. The rule waives all points of order against the Michel amendment except for points of order under clause 7 of rule 16.

The Michel amendment was printed in yesterday's RECORD and so is eligible for consideration as long as it is germane to the substitute made in order as original text.

The rule provides that separate votes may be demanded in the House on any amendment adopted in the Committee of the Whole and allows for one motion to recommit which may not contain instructions.

Finally, Mr. Speaker, House Resolution 466 provides that House Resolution 314 is to be laid on the table. House Resolution 314 is a rule granted last November which also would have provided for the consideration on H.R. 3436.

Mr. Speaker, I wish to take some of my time to describe to the Members of the House the events which have led to my pursuit of this procedure for the consideration of my bill. Last year, when the House initially considered H.R. 2470—the Medicare Catastrophic Protection Act—Representative ROYBAL and I had hoped to offer our long-term home care legislation as an amendment. At that time, my friend, the chairman of the committee on Ways and Means, objected to having our amendment considered on the floor. In deference to him I agreed not to pursue having the amendment added to that bill with the assurance from the Speaker that the bill would be considered on the floor of the House prior to the conclusion of the 100th Congress.

Last year, the Committee on Education and Labor favored me by reporting H.R. 3436 from its committee. While that bill does no more than to make minor technical changes in the Older Americans Act, it was reported from committee with the clear understanding that I would ask the Rules Committee to grant a rule which would make in order our long-term home care bill as an amendment to H.R. 3436. I am profoundly grateful to Mr. HAWKINS and the committee he chairs for the assistance they have provided us in reporting this bill.

In November, the Rules Committee first met to consider a rule providing for the bill's consideration. At that time, I made it clear that I was willing to support the inclusion in the rule of opportunities for the committees of jurisdiction, the minority leader, and any other interested members to offer constructive amendments as alternatives for the full consideration of the House. For reasons I do not know, we failed to receive any such amendments. Nevertheless, as I mentioned before, the rule allows Mr. MICHEL to offer an amendment which was printed in the CONGRESSIONAL RECORD of yesterday.

I have said all along that my hope was to have an opportunity for a vote to be had on our bill. I believe that the program it embodies—one that would protect American families from the catastrophic impact of the costs of home health care for the chronically ill—represents a monumental and essential improvement in the Medicare Program which was established in 1965. Critics of this procedure have repeatedly argued that the time is not right, that more hearings need to be held, and that the committees of jurisdiction need to scrutinize the legislation more thoroughly.

Mr. Speaker, there is no question that the American people believe that the time is now right for this bill's consideration. They are not prepared to wait for more hearings nor are they willing to wait for more scrutiny. This bill should be enacted this Congress. It will not take effect for a year after its enactment and if it proves to have defects, they can be corrected as the program is implemented and as its beneficial effects begin to work for the good of the chronically ill.

Mr. Speaker, the Rules Committee has supported Mr. ROYBAL and me in our efforts to bring this bill to the floor. I am most grateful to my colleagues on the committee for their assistance in that regard and for the support they've given me.

Also, Mr. Speaker, I must express my thanks to you for your indulgence and for your agreeing to schedule our bill for floor consideration.

Mr. Speaker, there is in America today a population at risk. The economic damage of chronic illness can strike in any household at any time. Many American families are not financially prepared to deal with this risk. My bill represents an opportunity for those families to insure themselves against that risk. With its enactment, they will be able to deal with the medical needs of stricken family members and the great burdens that go along with chronic illness without having to fear the devastation of their financial security.

Mr. Speaker, the vote on the rule which is now before the house cannot be characterized merely as a procedural vote, clearly there is no other way for the House to consider a comprehensive home-health care insurance program in the 100th Congress. A vote against the rule is a vote against the bill and a vote against the wish of the American people to have its Congress enact a law which protects them from financial disaster in the face of chronic illness.

Mr. Speaker, I urge adoption of the rule.

Mr. Speaker, I yield 5 minutes to my distinguished friend, the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, I rise to oppose the rule. I do so with a real sense of sadness because of my great affection for the distinguished gentleman from Florida [Mr. PEPPER], who is not only my friend but who has been a friend of my family for many years and who has stood faithfully and loyally with me in connection with many questions involving health. It is a matter of personal distress of the highest order that I find us on opposite sides. It is also a matter of great personal distress to me that I find that I must oppose a rule on a health bill; a rule which I am satisfied the distinguished gentleman from Florida [Mr. PEPPER] offers in the best of good faith.

Mr. Speaker, having said that, this is a bad rule. This is a gag rule. This rule denies the House the opportunity to have the advice of the legislative committees so that we might fully comprehend what is in the legislation and see to it that the legislation has been adequately and properly corrected. Without such process great ideas cannot become good legislation.

This is a gag rule. It is the worst gag rule that I have seen in the 33 years in which I have served in the Congress. It denies this body the opportunity to perfect a bill which even the sponsors agree requires substantial perfection and improvement.

Mr. Speaker, bad procedure is going to lead us to a enactment of bad legislation by the House. It is going to assure that the legislation does not become law, will not be considered by the Senate, and if considered by the Senate will be vetoed. Those who suffer from this unfortunate process will be the sick, the aged, those who would be beneficiaries of this legislation, and others who will be dependent upon the House to address the great health care needs of the Nation. This legislation denies the House the opportunity to fix essential health care priorities.

Because of the unusual and abbreviated path this bill has taken in coming to the House floor, it is seriously flawed. Its defects start with its financing mechanism. We will hear much about its alleged budget neutrality. In the best case, according to the Congressional Budget Office [CBO], the bill will be budget neutral for the first 5 years. It may even produce a surplus. But before we lull ourselves into a false sense of security, let's look further. According to CBO, unconstrained costs will soon exceed revenues by at least $4 billion annually. If that figure seems small, think about how we might offset that figure by being forced to cut other programs we care about. And think about other estimates, like those of the Department of Health and Human Services, which show that annual costs could exceed revenues by at least twice that amount.

It is claimed that the bill has cost control measures which will assure budget neutrality. The fact is the cost controls are unrealistic. They would ultimately require dramatic reductions in payments to providers. That in turn would restrict access to care. It would leave only the shoddiest providers in the business. Or it would demand a major infusion of new Federal financing from cuts in other programs, or from increased payroll taxes, or general revenues.

The other cost control measures are equally illusory. We are told that changes in the program in the future will correct these problems. If we know what needs to be done, why not do it now? We ought to seek a good deal from the start.

I am also concerned about quality. Last year my committee received evidence that consumers of home health care lacked adequate assurances that care was being properly provided. Hence, in late December, we passed comprehensive quality protection legislation as part of the reconciliation process. Thankfully, the measure before us includes many similar provisions. Yet, in December, we never contemplated that we would radically expand and alter the home health industry without first giving our provisions a chance to work. In short, we are only now beginning to develop ways of assuring quality home care. We cannot instantly create a mechanism for assuring quality care in a comprehensive nationwide program. We lack health service organizations in sufficient skill and number to provide the needed services and administration.

The House has had no opportunity to address these concerns, and this rule does not provide this needed opportunity.

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Despite all this bill claims to do and the billions of dollars it commits, it would leave gaping holes in both long-term care system and in the health care system as a whole. Home care as a means of preventing institutionalization is a noble and worthy goal. But the fact is that there will still be a need for nursing home care, and any effort to address the issue of long-term care must consider the full spectrum of needs, This bill will only help that fraction of people in nursing homes who will be able to leave. The rest will continue to live under an inadequate system.

There is another great unmet need which cannot be addressed here. Thirty-seven million Americans desperately need health insurance. Nothing is done in this legislation for them, and because of the enormous costs and enormous shortfalls which will be the result of this legislation, it is quite assured that to address those questions in the foreseeable future will be made enormously difficult.

This is a Greek tragedy. The victims in this tragedy are not in this Chamber. They are the aged, the sick, the infirm, those in need of health care who will be denied it because we are not proceeding under an orderly process which assures that we get a good bill.

I want elderly and disabled people to live with dignity and independence. I want pregnant women to get adequate prenatal care. I want children to receive preventive services. And I want an end to the AIDS epidemic. Every session, my committee devotes a major portion of its time to preparation and enactment of legislation in all of these areas. We've worked hard to overcome seven years of administration retrenchment and we've made progress in addressing many of these concerns.

We will continue to fight these problems with all the care and commitment they deserve. But this bill and the money it commits could restrict our policy options for years to come.

I ask that you join me in voting against the rule, but also that you pledge with me to continue to address these concerns with sound and meaningful legislation.

Mr. LOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. PURSELL].

Mr. PURSELL. Mr. Speaker, I want to associate my remarks with the gentleman from Michigan [Mr. DINGELL], whom I consider an outstanding leader in the health care field for this Nation.

Mr. LOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, I rise in opposition to the rule.

Mr. Speaker, I appreciate this opportunity to express my opposition to the rule that is currently before us. Long-term home health care is an important issue that deserves the House's full consideration. Unfortunately, the House has not been afforded the opportunity to adequately review this language.

As a member of one of the committees with jurisdiction over the Medicare amendment, I must also express my resentment over the manner in which the committee system has been circumvented. If this procedure is condoned, then the necessity of the committee system would be in doubt.

H.R. 3436 is imperfect. It does not contain assurance of quality home health care, provisions for nursing home care, or practical costs controls. It does contain massive expansions of the already burgeoning Medicare system which this Congress has charged with the responsibility of providing catastrophic health care. This bill also contains programs and agencies that do not exist and would be impossible to put into place in the time frame conceived by this bill.

Mr. Speaker, a vote in favor of this rule would be a vote against the committee system, and a vote against fiscal responsibility, not in favor of home health care. The true vote in favor of home health care would be a vote against the rule in order to allow those with jurisdiction to consider and improve the language. Therefore, I must urge my colleagues to vote against the rule.

Mr. CLINGER. Mr. Speaker, I rise in opposition to the rule.

Mr. Speaker, my congressional district has one of the largest elderly populations in the country, so I am particularly aware of the growing need for some kind of Federal assistance with paying for long-term care. However, I have serious doubts whether H.R. 3436 will fullfill its promises to the elderly. No one knows how the services would be provided and whether the necessary health care professionals and agencies exist nationwide to make this program work efficiently. In addition, H.R. 3436 will not protect the elderly against the cost of nursing home care, one of the main causes of impoverishment among my elderly constituents.

Most important, Congress should not approve a major new entitlement program without even studying its impact on those it is supposed to help. As we did with catastrophic health, we should study the issues, examine different proposals, and come up with a bill that is carefully considered by the appropriate committees. The catastrophic health insurance bill sets up a bipartisan Commission on Comprehensive Health Care to study the long-term care problem. It will make its recommendations to Congress in 6 months on Federal programs, policies, and financing needed to assure the availability of long-term care services for the elderly and disabled.

The long-term care issue is too important and too serious to rush headlong into this hastily conceived program. We should let the Commission do its work and put in place a program which will truly help our senior citizens.

Mr. LOTT. I yield myself 3 minutes.

Mr. Speaker, what is the House coming to? What are we doing to our committee system? Here we are being asked to adopt a rule to consider a multibillion-dollar bill which has not had adequate hearings in the committees of jurisdiction, the Committee on Ways and Means, and the Committee on Energy and Commerce. There is no report that has been issued. There is no bill that has been reported from the Committee on Ways and Means and the Committee on Energy and Commerce, and the chairman and the ranking members of those two distinguished legislative committees are here today opposing this rule.

What does the rule itself do? It waives all points of order. It makes in order only an amendment by the gentleman from Illinois [Mr. MICHEL]. It makes no other amendments in order, no other Member, no other Member elected by half a million people can come here and offer an amendment. We do not even have a process that we follow usually around here if you print your amendment in the RECORD by a date certain you have a chance to offer your amendment to be heard. That is not in order. Are we all disenfranchised in this body now? Certainly in a matter of this great importance there are some Members of expertise, like the distinguished chairman of the Committee on Ways and Means, the gentleman from California [Mr. STARK], the gentleman from Ohio [Mr. GRADISON], who should have an opportunity to make a case with some amendments. And no motion to recommit with or without instructions. It is a bad rule, a bad process.

The gentleman from Illinois [Mr. ROSTENKOWSKI], the chairman, put his finger on the core issue in his statement to the Committee on Rules last week, and I quote:

> Full House consideration of this major Medicare and tax legislation at this time is tantamount to discharging the Committee on Ways and Means. This would be a serious violation of House procedures. It would establish a terrible precedent that I do not see how any committee chairman could support.

Mr. Speaker, a very similar situation arose in June of 1944 when the Committee on Rules brought a rule on a simple extension of the Emergency Price Control and Stabilization Act, but the rule went on to make in order as amendments any of the nongermane provisions from an unreported bill that had been introduced by Judge Smith of Virginia, a powerful member of the Committee on Rules.

At that time, Speaker Sam Rayburn took to the floor to oppose the rule. Let me quote from what he said:

> I am very jealous of the rights, prerogatives and privileges of the committees of the House. The Committee on Rules was never set up to be a legislative committee. It is a committee on procedure.

Mr. Speaker, on that day in 1944, the House agreed with Speaker Rayburn and amended the rule to delete those nongermane provisions by a vote of 170 to 44.

Mr. Speaker, by way of conclusion, I would like to say that the issue on this rule is not the gentleman from Florida [Mr. PEPPER], the distinguished chairman of the Committee on Rules, whom we all love and respect. He is the driving force behind this issue.

The issue on this rule is not home health care for the elderly, for which there is certainly a need, and there will be legislation both on home health care and hopefully on nursing home care after proper consideration.

The only issue on this rule, Mr. Speaker, is whether we will uphold orderly process and the integrity of our committee system.

I strongly urge my colleagues to do unto other committees as you would have them do unto yours. Vote down this rule.

Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, H.R. 3436 is a remarkable bill. It is being handled in a remarkable way.

The real committee of jurisdiction have not seen it. There is no committee report other than a note that the Rules Committee passed it. There is no reliable estimate of costs and revenue. There is no reliable analysis of the bill.

The committees of jurisdiction have not heard a syllable of testimony, nor uttered a word of debate, on the bill. Under the rule, House Resolution 466, it cannot be amended.

The rule is odious. Its stench includes stolen jurisdiction, no debate, waivers of regular rules, and the special odor of favoritism. There is only one way to freshen the air. The rule has to be defeated.

H.R. 3436 is undeniably a bold stroke. Any bill that spends either $30 billion or $60 billion, or more, in unamendable entitlements is bold to a fault. Its audacity, unfortunately, has not been accompanied by any concern for how it works, or if it works.

The committees who should have managed the bill say the revenue won't cover the expenses. The sponsors don't care. The committee chairman says the bill won't work. The sponsors don't care. The committee members say the cost control measures won't work. The sponsors don't care.

What H.R. 3436 can't stand is the light of day. Hatched in the dark, it has been protected from committee scrutiny, protected from debate, protected from analysis, and protected from amendment. The reason for darkness and evasion of the rules is that the bill is a mess and cannot be passed on its merits. In the absence of merit, it can only be advanced by evasion of the rules and threats against those who would stand up for the regular order.

The sponsors tell us not to worry about paying for their bill. They will lay the cost on the rich folks. I represent some families whose income is $50,000. They were not born with that income. They have been paying Medicare taxes all their lives to support people with more income than they earn. As they enter their best earning years, or are escalated by inflation into higher earnings, the sponsors will force them to pay even more. They feel they are paying more than their fair share now.

And all income won't be taxed. Only wages are taxed. Wealthy people, including seniors who will reap benefits, who live on interest and/or dividends and retirement won't pay.

And while one ponders the fairness of the tax system, one may further wonder why we tax working people to pay benefits of wealthy retirees. With about 13 percent of people over 65 under the poverty wage, it is pretty clear the benefits go mainly to more affluent types.

Members of Congress are renowned for their compulsion to vote huge benefits for special interests of all kinds, especially those who are thought to be large voting blocs. Perhaps we will reinforce that reputation today. Perhaps, however, we can rise above our reputation. All we have to do is reject the rule.

I believe it is time the House showed it cares. We don't show we care by spraying money over the countryside. We show it by working on problems, by painstaking allocation of scarce resources, and by refusing to violate our own procedures.

The care vote today is a negative vote on the rule. Let the rule-breakers, the money-sprayers, and the subsidizers-of-the-wealthy vote for the rule. For those who really care about this House, our people and our Republic, the vote has to be "no."

Mr. LOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Mr. Speaker, I rise in opposition to the rule for the consideration of H.R. 3436, legislation to expand Medicare coverage for long-term home health care services. In all my years in the Congress I cannot think of a more difficult vote for me to cast and I want to explain why.

I deeply regret having to oppose a man for whom I have a tremendous amount of respect and admiration, the distinguished chairman of the House Committee on Rules, Hon. CLAUDE PEPPER. Surely older Americans have never had a more courageous, dedicated and effective advocate than Chairman PEPPER.

I strongly believe that we need a comprehensive Federal long-term care program for all chronically ill Americans. I was pleased that last week the House passed the Medicare Catastrophic Illness Protection Act (H.R. 2470). This measure, which is expected to become law in the near future, represents the largest expansion of Medicare since the program began in 1965. I am particularly pleased by provisions in the bill to establish a modest home health care benefit and a commission to report to Congress with recommendations regarding comprehensive long-term care services for the elderly.

In addition, I was an early cosponsor of H.R. 3436 and have widely advertised this fact in my district. At the same time, I also believe that passage of this bill without answering many important questions about it would be a serious mistake—a mistake that could ultimately undermine our efforts to enact an effective and comprehensive long-term health care program. Under the procedure and rule for consideration of this bill, it makes it impossible to address these questions today.

In recent months it has become increasingly clear that passage of this measure without amendments could prove to be extremely counterproductive. There are several reasons why I, and many thoughtful analysts of the bill, think it needs to be more carefully scrutinized before being considered by the House.

First, I am troubled by its financing mechanism which the Congressional Budget Office tells us will only cover the full cost of the new benefit through 1993. At that time, Congress would have to cut overall Medicare benefits for beneficiaries, or raise an unknown amount of new revenue, or both.

Second, we cannot afford to look at the need for long-term home health care in a vacuum. For example, passage of this bill would do nothing to protect the elderly from their No. 1 financial fear, the tremendous costs of nursing home care.

Third, serious doubts remain about whether the resources to implement this legislation will exist when the benefit is scheduled to go into effect. Many claim there will be a shortage of well-trained personnel to staff home care management agencies which are so vital to the delivery of quality care.

Fourth, H.R. 3436 would not allocate our limited resources to those elderly most in need of home health services.

My reservations about this bill are held by many. In fact, the director of the Michigan Home Health Care Assembly shares my concerns regarding the bill's financing mechanism, the lack of staffing resources to implement the new program and the bill's exclusion of nursing home care coverage.

Mr. Speaker, the rule before us is so restrictive that it would prohibit improvement of the bill with perfecting amendments. Therefore, I believe it would be in the best interest of all concerned to oppose the rule and, by doing so, guarantee that this bill gets the more complete and thorough review it deserves.

Finally, passage of H.R. 3436 with its current flaws would erode the public confidence we need to achieve our ultimate goal: high-quality long-term care for all Americans. As I have said before, solving the long-term care crisis will not be easy or without significant costs, but it must be done. However, it cannot be done overnight, it must be done carefully and it must be done right. This bill needs much more careful consideration. I urge my colleagues to oppose this rule.

Mr. PEPPER. Mr. Speaker, I yield 1 minute, for purposes of debate only, to my distinguished friend, the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, I thank the gentleman, my colleague, for yielding.

Mr. Speaker, I rise today in strong support of this rule and of this bill.

The people of this country want this bill. Seventy percent, in a Lou Harris poll recently published, indicated that they want home health care. The people of this country are willing to pay for this bill. Three-quarters of the people of this country who make over $50,000 a year have indicated they are willing to pay for it.

This bill, this idea, this concept of caring for people in their own home has been around as long as Senator PEPPER has. Senator PEPPER has served with distinction in the Senate and the House and in the Florida Legislature for over 60 years.

This is a dream come true for him to have this become law* It is a dream come true fkr the elderly of this country.

Do not diappoint the elderly today. Do not disappoint Senator PEPPER today. Stand with Senator PEPPER. Stand with the elderly and vote "yes on this rule.

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska [Mr. DAUB].

Mr. DAUB. Mr. Speaker, 1 year ago at this time, Congress found itself embroiled in the midst of a trying budget reconciliation struggle—a sincere, often bipartisan, sometimes desperate attempt to make budgetary ends meet.

And now, 1 year later, Congress is preparing to steamroll through this house a medicare entitlement expansion, H.R. 3436, which will cost $72.3 billion over 5 years.

For the second time in 2 weeks, should the Pepper bill pass, we will have perpetrated an election-year tax fraud on the American people.

And make no mistake: Even putting all budgetary considerations aside, the measure before us today is fundamentally flawed. The resources necessary to provide the benefits described in this bill do not exist in the current home health care market.

Simply put, H.R. 3436 promises what it cannot deliver.

And what precisely does this legislation promise? Certainly not Medicare coverage of nursing home costs—the true source of financial and emotional agony for an aging population.

How has this misguided, calculatedly risky bill come this far? Obviously, its tricky end run around jurisdictional committee review played a grand role in its survival to date. But I think that a rampant fear of no votes among Members of Congress has been the most influential factor in the year-long life of this legislation.

Well, my advice to my colleagues is this: Do not fear to be a responsible legislator; do not fear to be a statesman. A vote against the Pepper bill is not a vote against older Americans; it is, rather, a vote in their best interests.

For now, then, I urge my colleagues to vote against the rule on H.R. 3436 and, if necessary, final passage of the bill.

The people's interests should come ahead of ours; their wishes deserve high respect and ought to bear heavily on our deliberative conduct.

But as Edmund Burke, a master architect of England's glorious revolution, stated 300 years ago: "Your representative owes you * * * his judgment, and he betrays instead of services you if he sacrifices it to your opinion."

Let the democratic legislative process work as it is supposed to work, as it was meant to work. Let us educate our public rather than mislead them.

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Mr. PEPPER. Mr. Speaker, for purposes of debate only, I yield 1 minute to the able gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. Mr. Speaker, as a cosponsor of the Pepper-Roybal Long-Term Home Health Care Act, I am pleased to rise in support of the rule.

As all of us are aware, Medicare coverage of long-term home health care expenses is a vitally important issue to many of our Nation's senior citizens, and rightly so, when you consider that long-term care accounts for over 80 percent of catastrophic medical expenses that seniors can incur.

I believe the issue facing us today is quite simple—if we defeat the rule on this bill, we deny the only opportunity we have this year to address one of the most urgent health care problems facing our country today.

As Federal legislators, I believe we have a societal responsibility to debate the merits of the Pepper-Roybal bill and I would strongly urge my colleagues to support the rule to allow us that opportunity.

I know a number of my colleagues feel that bringing H.R. 2762 to the floor today will circumvent the legislative process and set a bad precedent. But I fear, that if we defeat the rule the message we send to our citizens will have far more damaging consequences—that Congress will not even consider the merits of a bill that 8 out of 10 Americans favor.

In my opinion, the credibility of our institution is at stake. We have a responsibility to represent the best interests of the people who elected us to Congress. I would strongly urge my colleagues to support the rule.

Mr. PEPPER. Mr. Speaker, I yield such time as he may consume to the able gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Speaker, I thank the gentleman for yielding and I rise in opposition to the rule.

Mr. Speaker, they say the difference between a conservative and a liberal is that a conservative would throw a drowning man a rope that would reach only halfway, expecting that self-reliance should take care of the rest. A liberal would throw him a rope that is long enough, but would then drop the other end and wander off to help somebody else.

I'll let conservatives draw their own lesson from their part of the story. For us on this side of the aisle, the moral is that it is not good enough to try to do good things for people. We must also do them right.

What is wrong with this bill, H.R. 3436, today is not its purpose or goal. There is a demonstrable need for home health care in this country. We need to address it and we need to do something about it. But we need to do it properly.

This bill has never seen 1 hour's worth of hearings in nor any examination by the committees of the Congress who have developed the expertise in drafting health care legislation and in providing secure funding for it. No one knows if the bill before us is financially sound.

I wouldn't oppose a bill on an important subject like this on merely procedural grounds. But there is good reason for a sound process; and this bill, coming as it does directly to the floor from the pen of the sponsor without any intervening examination, has bypassed every opportunity this institution provides to be sure that legislation we pass will work as it is intended to.

Let me refer Members to the mess Congress made of things many years ago when, in a laudable effort to help senior citizens, it increased the Social Security benefits—only to find that it increased them too much. We could not afford to pay benefits that generous without breaking the Social Security System. So Congress went back and tried to correct its mistake and presto, the notch years were created. In short, Congress was trying to do a good thing, but it did not take the time to do it right.

We are about to do that all over again. There is legislation in the Senate to address the need for home health care. There is legislation being developed in the House to deal with this very same issue. They are proceeding through the regular process and they will come before this body—with a track record of analysis that can demonstrate that it will be workable. We should let those efforts proceed.

But trying to rush a measure—however well meaning—that has such a high probability to proving to be a huge disappointment and even a financial disaster is simply counterproductive. We could be witnessing—right now as we debate this bill—the creation of a new notch that will plague us and those we represent for a long time. I was not here when we created the last one. I do not want to be here at the creation of a new one.

Therefore, let me say again: We must not only do good, but we must do it right. This is a good thing, but it is being done in a very wrong way. I do not want to be responsible for offering hope to millions of Americans in need of home health care, only to have to dash the hopes when we discover that the program was not well thought out or properly financed. That turns hope to despair.

Fortunately, our choice is not between passing this bill or doing nothing. Our choice is between passing this bill with all the unanswered questions that accompany it, or waiting long enough for a well crafted and thoroughly understood measure to be reported to us from the committees with special experience and understanding of this type of legislation. The common sense choice is to do this right. That means having the courage to vote against a bill with good intentions so that when we do pass a bill, surely in the next Congress, it is one that can deliver on its promise of doing good.

Mr. PEPPER. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I thank the distinguished gentleman from Florida, chairman of the Rules Committee, for yielding time to me.

Mr. Speaker, I certainly rise in support of the rule that would allow us to debate the issue relating to long-term care. It is too important an issue to stifle debate.

I think there are so many Americans who are dependent on this legislation, not to even have the opportunity of debating it, which is really the issue before us, in my judgment would be a tragedy. This bill, as my colleagues know, not only affects the families and seniors of this country, this bill affects those children whose parents and families are dependent on congregate services they are able to get in their homes.

If this bill is considered and given favorable consideration, we will see a decrease in numbers of people in nursing homes today and see about a third of those people being dealt with in their own homes so that their families can have the opportunity to care for them.

For Members who say we have not debated it, I have been on the Aging Committee for 11 years and on the Health Subcommittee, and, my goodness, we have had hearing after hearing. So I urge a yes vote on the rule.

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Speaker, it is with a sense of deep conviction that I rise to urge my colleagues to vote against the rule on this bill: A deep conviction about the immorality of asking our children and grandchildren to pay for our bills.

Because that is what we have been doing over the last 5 years as we have doubled the entire national debt.

In addition to the serious procedural concerns which others have raised, the main reasons this bill should be defeated at this time are simple:

First, the Congressional Budget Office and the Office of Management and Budget project major shortfalls in the revenues needed to support the level of services which are promised by the bill. Once again, we are promising more than we can deliver. This means the deficit will be larger and that our kids will be left holding the bag.

Second, the bill does not even address the question of nursing home coverage, which is the major concern of most seniors.

Finally, the bill places too great a burden on the Federal treasury without taking into account the ability of those who can and should pay for these services.

There are hard, cold facts which indicate that the costs of our Medicare system are simply out of control.

In 1965, Medicare costs were projected to be $10 billion by 1990. In reality, Medicare will cost almost $100 billion by 1990. Between 1981 and 1988, budget authority for Medicare increased almost 73 percent, after inflation.

In the next 3 years, outlays for Medicare programs are projected to increase more than $20 billion.

This increase in Medicare is more than all the Federal money we spent on public housing.

It is more than we spend for space and science programs.

It is more than we spend on compensatory and handicapped education programs.

It is more than we spend on the entire function of international affairs.

And the list goes on and on. And remember, I am just talking about the increases in Medicare over the next 3 years.

I am also concerned about the tax increase called for by this bill. Today, workers and businesses pay 7.51 percent on earnings of $45,000. This legislation would impose an additional tax of 1.45 percent on both workers and businesses above the $45,000 cap.

Health care for our elderly is only one of the serious problems we must address.

There are many other areas of need which have been neglected: There are hundreds of young people within minutes of this Chamber who will risk their lives and sell their souls for drugs and we don't have the money to fight the war on drugs as we must.

Teachers at Haskell Indian Junior College in my district and at other Indian schools across this country only receive 9 months salary for a full year's work, because we don't have the money to pay them.

Young and old alike continue to suffer because of a severe lack of adequate and affordable housing, because we don't have the money.

Programs to educate our youth with basic skills, as well as adult literacy initiatives, need and deserve our immediate atention, but we don't have the money.

While the poverty rate of seniors has decreased dramatically, the poverty rate of children and young families has increased during the last decade.

The simple fact of the matter is that there is not enough money to go around.

This requires policymakers to make the tough choices necessary so that we can stop mortgaging the future of America.

Yes, the seniors in the State of Kansas and the rest of the Nation deserve a comprehensive program which will address their long-term health care needs.

But our increasing elderly population also has a much greater interest in a sound economy, with steady growth and low unemployment.

Workers pay for Social Security and Medicare. It does not pay for itself as many commonly and incorrectly assert.

We need answers which will preserve and foster a positive economic environment for all Americans. To do otherwise could literally destroy all that millions of our workers, young and old alike, have worked for.

There are many influential groups and individuals who have done a good job of setting forth why this bill is needed. But the deficit reflects one simple fact: Our Federal Government has promised more than the taxpayers are willing to pay for.

It is our task to reconcile the political promises of the past with the economic and demographic realities of the future. We will never solve our deficit until we pay for the promises we have already made.

Let's do this before we make any new promises that we are unwilling to pay for.

I admire, respect and love my colleague from Florida who introduced this bill.

I have studied his many years in this institution and know that his deep convictions have led him through the many long battles he has fought.

I know that Mr. PEPPER will appreciate the deep convictions which lead me to oppose this bill today.

I look forward to addressing the long-term needs of the elderly in a comprehensive and fiscally responsible manner. But I urge my colleagues to vote "no" on the rule today.

Mr. PEPPER. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS. Mr. Speaker, I rise in support of the rule on H.R. 3436 and I urge my colleagues to support it as well. A vote against the rule is a vote against the bill, but more importantly it is a vote against the will of hundreds of thousands of people nationwide from all walks of life and from all economic levels.

This is not a new issue, nor one that is brought to the floor casually. Contrary to the contentions of some, the issue of providing assistance for home health care services has been debated, it has been examined, it has been researched, and its financial implications have been analyzed over the past several Congresses. Recent Lou Harris polls have shown that most Amercans prefer home care. That is in keeping with a little poll that I myself have taken et ceteria.

Our constituents recognize the need, and have expressed a desire, to provide care for family members at home. With H.R. 3436, we have an opportunity to respond to that need in a reasoned, fiscally responsible manner.

We have waited long enough for this measure; let us delay no longer. I urge my colleagues to support the rule and the bill H.R. 3436.

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. GRADISON].

Mr. GRADISON. Mr. Speaker, I rise in strong opposition to the rule which brings H.R. 3436 to the floor today for our consideration.

The gentleman from Florida is certainly to be commended for moving the critical issue of long-term care to the forefront. Unfortunately, however, H.R. 3436, in its present form, is not the solution to this serious problem. We would do our elderly and chronically disabled constituents a grave disservice to pretend otherwise.

I speak not as an opponent but as a supporter of Federal health care legislation. I believe that there is a great need for action in the area of long-term care. But, once we put a long-term care plan on the books, it is going to be there for many years. Let's do it right.

We need to recognize the serious shortcomings of H.R. 3436. These include both the bill's method of financing and its benefits.

H.R. 3436 is based on the tooth fairy theory of public finance. That is, a handful of taxpayers—in this case, 5 percent of all wage earners and their employers—will pick up the tab. Yes, they would pay the bill but at the expense of junking the careful compromises of lower rates and base broadening which are at the heart of the Tax Reform Act of 1986.

On the benefits side, H.R. 3436 does not provide assistance for nursing home care, the major out of pocket expense of the elderly. While it is true that most elderly prefer care at home rather than in an institution, approximately 80 percent of the cost of long-term care is for institutional, not home care.

H.R. 3436 is clearly a rush to judgment. Not only have there been no hearings by the committees of jurisdiction on its feasibility, affordability and efficacy, but there has been no consideration of any other alternatives—even those already on the table.

Literally dozens of bills containing varying public and private sector long-term health care initiatives have been introduced in the 100th Congress in both bodies by Members of both parties. In addition, relevant studies conducted by such very respected organizations as the Brookings Institution are just now being released or are currently underway. These, too, merit our careful review and consideration.

This stack of bills in front of me represents but a sampling of legislation relating to long-term care that has been introduced in this Congress. Among those from this body are: H.R. 3501, the Older Americans Long-Term Care Insurance Act of 1987, introduced by the gentleman from New Jersey [Mr. RINALDO]; H.R. 3438, the Private Long Term Care Insurance Promotion Act, introduced by the gentleman from Oregon [Mr. WYDEN]; H.R. 550, the Medicare Adult Day Care Amendments of 1987, introduced by the gentleman from California [Mr. PANETTA]; H.R. 4631, the Partnership for Long-term Care Act of 1988, introduced by the gentlewoman from Connecticut [Mrs. KENNELLY]; and H.R. 1182, introduced by my colleague from Ohio [Mr. REGULA]. The list could go on and on. Why are we overlooking all of these alternatives and according H.R. 3436 such preferential consideration? It is our constituents who will suffer as a result of such hasty, short-sighted action.

Less than a week ago, we overwhelmingly approved the conference agreement that will protect Medicare beneficiaries from acute care catastrophic illness expenses. That measure also expands long-term care spending by $1 billion a year. With the catastrophic health bill accomplished, considering additional funding for long-term health care becomes our next priority. The distinguished chairmen of the committees and subcommittees with legislative jurisdiction in this area have pledged to move promptly, thoughtfully, and responsibly on long-term legislation. We should allow them to do so.

I urge you to join me in voting no on the rule.

Mr. PEPPER. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. Mr. Speaker, I rise in strong support of H.R. 3436 and the rule for its consideration. Passage of the rule is critical because it will allow for consideration of the Long-Term Home Health Care Act, fulfilling a commitment that there would be a vote on long-term home health care during this Congress. Defeating this rule today will most likely mean that the full House will not have the opportunity to vote on this important issue again this year.

H.R. 2762 has been carefully drafted, with great consideration given to the issues involved. The Select Committee on Aging and the Subcommittee on Health and Long-Term Care have conducted over two dozen hearings on this issue during the last two sessions of Congress. This bill has been written to reflect the needs and concerns which emerged during those hearings. Over 150 Members of

Congress have cosponsored this bill, and 140 national organizations have endorsed it.

H.R. 2762 takes a reasonable and fiscally sound approach to the need for home health care, an approach which will provide a desperately needed service to the elderly, but will not "bust the budget."

Our aging population has special needs which our health care system is not addressing. An estimated 4.5 to 5 million older people have disabilities which necessitate assistance in daily tasks such as meal preparation, medical care or bathing and dressing. These individuals do not need the full-time care a skilled nursing facility offers, and in most cases strongly prefer living at home.

Unfortunately, 8 out of 10 Americans cannot afford either the cost of long-term home health care, or of long-term care in a nursing facility. Home health care can cost $15,000 per year, and nursing home care averages $22,000 per year. With annual incomes of less than $12,000, affording either of these services can be out of the question for most retirees. Medicare will provide for limited nursing home stays, and Medicaid will cover nursing home care when an individual or couple have "spent down" to medical impoverishment. Yet, neither Medicare nor Medicaid will provide significant coverage for the less costly, and more preferable, home health care.

H.R. 3436 will make provisions for home health services, including nursing care, rehabilitative therapy, daily living assistance, and education and training for patients and their families.

These services will be financed by removing the cap on the Medicare payroll tax. Currently employers and employees pay the Medicare payroll tax on only the first $45,000 of income. This legislation will remove this cap and require the tax to be paid on all wages. If necessary to finance this program, a copayment of up to 5 percent of the cost of the services may be assessed to the retiree by the Secretary of HHS, and additionally, if necessary, services can be reduced.

Mr. Speaker, this important legislation addresses an urgent need of our Nation's elderly. If we defeat the rule today, we will miss this opportunity to alleviate the hardships caused by the lack of adequate home health care. I urge my colleagues to support this rule.

Mr. PEPPER. Mr. Speaker, for purposes of debate only, I yield 1 minute to the able gentleman from California [Mr. HAWKINS], chairman of the Education and Labor Committee and one of the eminent Members of this House.

Mr. HAWKINS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, may I simply say that in my opinion the chairman of the Rules Committee has acted responsibly and honorably in this matter. No rule is being violated.

I think those who have accused some of us supporting the bill and also supporting the rule of some type of gagging, to vote against the rule is the only gag that would be imposed on us. It would not permit us the opportunity for free and open debate.

I think it is obvious that all indications show that the people of this country want this bill much more than the catastrophic health insurance bill that we acted upon already. I certainly plead with my colleagues in the House to give us the opportunity to debate the bill, to look at the provisions, to listen to them and to the criticisms. But certainly to vote down the rule would not give us that opportunity. I think it ill behooves those who accuse others of gagging and bad procedure in the name of the people who have been denied health care by them, although they have had the opportunity to bring a bill before the House, to oppose a bill that has been brought honorably and responsibly by the chairman of the Rules Committee.

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. STARK].

Mr. STARK. Mr. Speaker, I rise today to urge Members to oppose the rule, oppose the rulemaking in order H.R. 3436.

Members have heard the arguments that the usual committee procedures have been bypassed and that, of course, is correct.

What is the real basis, why should we not debate? The reason we should not debate is that Members are doing damage to a carefully crafted system.

I heard my colleague, the gentleman from Ohio [Mr. GRADISON] speak in the well in favor of the catastrophic bill the other day and he said it was not a partisan bill, it was not a liberal or conservative bill, it was not a bill that pitted seniors against young working people. It is a bill that sifted many bills and many approaches to helping expand the Medicare system.

Every Member of this body wishes to help senior citizens in the years ahead. This process, passing this rule, does a disservice to that wish because if we cannot carefully sift the many options that are out there, we will never bring a product to this floor that is worthy of passage, and this product is not. It does not provide the proper benefits or the mechanism for providing the benefits, and it skims the cream of financing to perhaps prevent the easiest type of tax to raise from even being used for more needed benefits.

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We did pass just recently over $1 billion of long-term care benefits in the catastrophic bill. We improved the skilled nursing benefit, we increased home health care days by 80 percent to 38 days, we established a new respite care. That took a lot of negotiating and a lot of agreement between the people who opposed the bill or wanted different benefits.

I urge you to let the House Committee on Ways and Means, the Committee on Energy and Commerce and the Committee on Education and Labor, those who worked so valiantly on the previous bill to work their will in the days ahead and bring to this floor a product which we all know in our hearts is a good product and that we can support.

Mr. Speaker, I rise in strong opposition to the rule on House Resolution 466, the Medicare Long-Term Home Care Catastrophic Protection Act of 1988.

I also urge my colleagues to oppose the rule for several reasons.

The bill's approach to long-term home health is seriously flawed. It would shortchange the elderly because it does not include comprehensive long-term care.

Further, it is not well coordinated with the existing Medicare Program or the recently passed Medicare catastrophic legislation. But the bill would tangle Medicare in a maze of impossible arrangements.

The capacity to deliver the bill's long-term home care program depends on three elements, none of which is in place in even a single region of the United States.

First, the Nation has only half the number of home health agencies required to provide the services guaranteed by the bill.

Second, the home care management agencies envisioned by the bill do not exist. Hundreds of new agencies would have to be thrown together in a matter of months. This would lead to a nightmare of inept management, red tape and possibly even fraudulent activity for years to come.

Third, trained case management teams do not exist across the United States. There is simply no way to make the decisions on eligibility in a uniform manner. The result would likely be that benefits would be vastly different from area to area.

Had this bill been considered by the committees with legislative jurisdiction, I would bet that it would have been more comprehensive, more responsive to the needs of the elderly and better coordinated with the existing Medicare Program.

Whether or not this bill is passed by the House, I can assure you that the Subcommittee on Health, which I chair, will begin to consider the issues in long-term care legislation.

This will not be an easy or quick process. There is no consensus on what long-term care benefits should be included, how a program should be administered or what revenues should be raised.

I expect that all aspects of long-term care will be a high priority of the new administration irrespective of which party is elected in November.

Again, I urge you to vote "no" on the rule, and if necessary on the bill.

Mr. PEPPER. Mr. Speaker, for purposes of debate only, I yield 1 minute to my friend and colleague, the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. I thank the gentleman for yielding.

Mr. Speaker, for those who have criticized this rule and this procedure, all I can say is you are right, but you are not setting a precedent today. This precedent was set earlier this year. It was set last year. We have passed out a lot of rules setting forth some pretty poor procedure.

But if we are going to use a procedure that we do not like, at least let us use it in an area where it is really needed. Let us use it in the area of providing home health care for Americans who deserve that kind of care. Why should we not do whatever we can to make it possible for elderly and ill and frail Americans to stay at home as long as they can in the closing days of their lives.

We talk about the costs, and who will pay for it; do not forget these folks who are older Americans today are the very ones who educated us, they are the ones who provided our medical care as children, they are the ones who created things in our society, in our economy; they have an outstanding record of service to America.

Why can we not do something for them today?

Whether you like the procedure or not, let us get busy on doing something to help ill and older Americans stay in their home as long as they can.

Mr. LOTT. Mr. Speaker, I yield two minutes to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. I thank the gentleman for yielding time to me.

Mr. ARCHER. Mr. Speaker, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Texas.

Mr. ARCHER. I thank the gentleman for yielding.

Mr. Speaker, I rise today in strong opposition to the rule on H.R. 3436—because the defeat of the rule is likely to be the only way this body can summon the courage to delay a leap into the budgetary quicksand this legislation represents.

Last week, the House passed the conference report on the Medicare Catastrophic Coverage Act, H.R. 2470. I opposed that legislation. Its added costs cannot be justified at a time when we can hardly afford existing benefits—and the new tax burden that bill places on the Nation's elderly is frankly unconscionable.

Regardless of my feelings about the policy questions of that measure, however, the fact of the matter is that it was the subject of countless hours of committee hearings and debate.

That process may have produced something I couldn't support—but I can't quarrel with the time and professional energy that was expended in developing it. With the bill's passage, the House took a major step into a fiscal quagmire—but it did so with its eyes open after full consideration of the issues involved.

Today, we are considering a bill that goes much farther into the uncharted territory of costly new benefits—as well as a huge tax increase on American workers which won't even cover the cost of those benefits.

This bill has been the subject of virtually no discussion at all—and none in the Ways and Means Committee which has both the expertise and jurisdiction over most of the basic issues involved.

Think about that for a moment. We're talking about a multibillion dollar Medicare Program expansion—and the committees with jurisdiction over that program and its funding haven't even been consulted.

Mr. Speaker, this is no way to do the nation's business. If this body is going to make a gargantuan leap into long-term care, all of the proposals on the table need to be examined by the committees with jurisdiction over the issues and the expertise to evaluate alternatives.

Beyond these procedural questions, the substance of H.R. 3436 should set off alarm bells throughout this Chamber.

Certainly there is a need for long-term health care—both in homes and nursing homes—but we haven't even discussed what may or may not be an appropriate role for the Federal Government in meeting that need. This bill, in fact, does not even address the question of nursing home care.

Surely we're not yet at the point in this country where the Federal Government must be the provider of first resort when a need is perceived in our society.

And speaking of providers, H.R. 3436 provides for services for which there is no existing infrastructure. There just aren't enough trained personnel or organizations in existence to do the things this bill offers. It makes promises that cannot be kept.

Finally, H.R. 3436 creates still another enormous new financial obligation for American workers. Importantly, neither the Congressional Budget Office nor the Health Care Financing Administration can accurately predict what the program will cost. In fact, cost estimates for the program range from $8 billion to $20 billion per year once it is fully in effect.

Whatever the cost may be—pick your own number—the legislation imposes a massive new payroll tax increase on American workers and their employers—more than $7 billion in 1991 and rising yearly after that.

And that won't be enough revenue to pay for the new benefits—even in the first year—according to administration estimates. CBO's more optimistic estimate gives the program only 2 years slightly in the black before the real budgetary drain hits full force.

That's completely irresponsible. Overnight, we'll be up to our necks in the quicksand of future financial obligations which we won't be able to control, and we'll be back here fighting in a year or two over which new taxes to raise to pay for this program. All of us know that this body will never consider reducing the benefits once they are in place.

There are two other significant precedents which we're in danger of setting today.

First, the bill provides immediate Medicare benefits for all those who are receiving Social Security disability payments—not just the elderly for whom Medicare was intended. This means, for example, that by 1993, as many as 340,000 Americans who are unfortunate enough to suffer from AIDS and qualify for disability will receive this new home health coverage subsidized by the taxpayers. Hundreds of thousands of other nonelderly disabled Americans will also qualify for the new benefits.

In addition, it won't be long before an expectation will arise that all of those who are eligible for the home care benefit should also receive a basic Medicare benefit from day one of their eligibility for disability. This legislation in effect sets such a precedent—and without the careful consideration such an enormous change in policy demands.

Second, by removing the cap on the Medicare payroll tax, we have set the stage for the tax increase advocates in this Chamber to demand that we lift the cap for the Social Security old age, survivor and disability insurance programs, too.

That may be viewed by some in this body as a quick and easy way to artificially reduce the Federal deficit, but, as the ranking member on the Social Security Subcommittee, I can assure you that it's not as simple as that. Such a change would create a whole new set of problems.

Social Security benefits are based on the contributions an individual makes to the system during his or her working life. Eliminating the cap would cause a lot of people to pay more Social Security taxes. That's what the proponents want. But how are they going to respond later on when those people who have paid higher taxes qualify for far higher benefits?

You know how they'll respond. Those who are still in Congress will be howling in protest at the perceived inequity of the higher benefits those workers will receive from what is supposed to be a basic social insurance system.

It simply isn't possible to raise the current taxable earnings base without upsetting the benefit structure. And make no mistake. If you start tinkering with the benefit structure—you'll look back fondly on the days when all you had to worry about were the so-called Social Security notch babies.

Elimination of the cap would also place additional pressures on Congress to increase Federal spending. As we already know, the old age, survivors and disability trust funds are now building rather large reserves—as a result of the tax increases adopted in the Social Security Amendments of 1983. Although current projections show that even those large reserves will be completely wiped out by the year 2048, many in Congress are already tempted to use them now to finance other spending programs.

Any additional increases in the reserves could result in an almost unbearable temptation to fund additional spending without appearing to worsen our budget deficit.

Mr. Speaker, this is a bad rule, making way for a bad bill—and I feel as strongly today as I did last week that we have to draw the line somewhere in deciding what services our Federal Government can and cannot provide.

We all want to help the elderly and disabled. Catastrophic coverage and long-term care are clearly important—but we cannot escape the reality that the bills have to be paid. We have to accept the sometimes painful fact that the Federal Government simply cannot immediately meet every need, regardless of the costs. There are costs, and they must be paid.

Mr. Speaker, I stand with the chairman of my committee in opposing this rule. It's not just a jurisdictional dispute or some battle over legislative turf. The House is divided into committees for the purpose of assuring that national policy is molded as thoughtfully and responsibly as possible. The committee structure is intended to help ensure that all views and alternatives may be considered by experts in the field—and legislation reported to the full body which reflects that careful consideration. Bringing a bill magnitude of H.R. 3436 to the House floor without going through that process of committee review makes a mockery of our legislative process.

I urge my colleagues to vote "no" on the rule.

Mr. REGULA. Mr. Speaker, I would point out that I serve on the Subcommittee on Health and Long-Term Care of the Select Committee on Aging.

Mr. Speaker, we have held one hearing this year on this topic, on March 29. No witnesses were allowed to appear that were in opposition.

The NFIB requested time and they could not get it. They were not allowed to testify.

The only testimony on this bill in the Select Committee on Aging—and we are not a legislative committee—was from those who support home health care.

I think if we are going to have legislation we should hear from every group; we should hear from providers. No evidence was given that there are providers that would even give the service.

A second point I would make in opposition to this rule is that this opens up the Medicare trust fund to all ages. The gentleman who preceded me talked about helping the elderly. We want to help the elderly, but this bill is far more than that. It is cradle-to-grave legislation and coverage; it opens it to every age. The result may well be to hurt the seniors because in opening up the Medicare trust fund to all ages, we could debilitate the ability to provide Medicare coverage for catastrophic as well as things that everyone expects.

Third, it is quite obvious this will cost more than it was estimated and ultimately it is either done by diminishing services, telling the providers "you have to cut your charges in half," or what I think will happen is copayments and we will have the seniors paying for everybody who is getting coverage through a form of copayment.

There is no cost-sharing, no payments required from beneficiaries.

Therefore, there are no limits to the kind of benefits that people would expect to receive.

There has to be some discipline if the legislation is to be responsible.

There is no evidence of a home care industry. We had no testimony in the committee to give any idea that there would be groups out there to meet it.

Just let me close by saying I think that we will deny any possibility of responsible legislation to address the costs of nursing home care if we pass this bill. It will preclude our ability to meet what is the No. 1 priority of seniors.

The SPEAKER pro tempore (Mr. PANETTA). The Chair would advise that the gentleman from Florida [Mr. PEPPER] has 18 minutes remaining and the gentleman from Mississippi [Mr. LOTT] has 15 minutes remaining.

Mr. PEPPER. Mr. Speaker, for purposes of debate only, I yield 1 minute to the able gentleman from Nevada [Mr. BILBRAY].

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. BILBRAY. I yield to the gentleman from Florida.

Mr. FASCELL. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the rule and the bill.

Mr. Speaker, I am certain there is not a Member of Congress who has not received many, many letters from constituents who, having saved money throughout all the working and productive years of their lives, have found that the costs of a chronic illness depleted all of their savings in a very short time. These people must watch their lifetime savings accounts evaporate in a few months time, and must then watch their families suffer as they struggle to help support them through a devastating illness. Medicaid will assist them only after their income and financial assets are gone.

Today we are voting on an important and innovative measure to greatly reduce this suffering. H.R. 3436 will provide comprehensive long-term home care to children, disabled workers, and the elderly. This measure makes a very important policy commitment by focusing on providing home care instead of requiring institutionalization. It is financed through a progressive tax which removes the burden of paying for this care from those living on fixed incomes who can least afford it.

For years, we have made minor changes within the Medicare Program, trying to keep up with progress in the medical field and trying to alleviate the problems most recently uncovered with the current system. This measures goes far beyond our past pattern of simply maintaining Medicare. It is time to look forward to the more progressive system that this legislation provides. I would encourage our colleagues to support H.R. 3436 and take a positive step toward eliminating the impoverishment resulting from the high cost of long-term care.

Mr. BILBRAY. Mr. Speaker, for over 7 years bills of this nature have been under consideration. From the beginning of the 100th Congress, this bill has been around. Now today we hear the arguments from those in opposition that the committees of jurisdiction have not had time to review this bill. That is hogwash.

If they wanted to take up the bill, if they wanted to consider it, they could have.

The chairman of the Committee on Rules and the chairman of the Select Committee on Aging, the gentleman from California [Mr. ROYBAL] have brought this bill before us because it is the only way this bill could be brought to the floor. It is like Medicare. If the committees of jurisdiction on Medicare had been allowed to have their way, we would not have a Medicare bill.

And we will not have this bill ever seen in the 100th Congress if it does not come up today. You cannot have it both ways. If you vote against the rule you vote against the bill. I have heard many of my colleagues say, "We are for the bill but we are not for the rule." You cannot have it both ways. This is the bill, this vote is the bill.

So many of you got up and said the chairman is your friend; but friends like some of you, he does not need any enemies on this bill.

Mr. PEPPER. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding. Mr. Speaker, I rise in strong support of House Resolution 466, the rule enabling full House action on the vital, critical issue of home health care and I commend the gentleman from Florida, the distinguished chairman of the Rules Committee, Mr. PEPPER, for all his work and leadership in bringing this important resolution before the Congress.

This rule, House Resolution 466 allows for consideration of H.R. 2762, the Medicare Long-Term Care Catastrophic Protection Act, which rule makes in order a substitute for H.R. 3436, the technical corrections to the Older Americans Act.

The procedure allowing for consideration of the PEPPER long-term care bill is fully justified due to an agreement made by the congressional leadership and the champions of home care benefits, led by the gentleman from Florida, Mr. PEPPER.

As my colleagues will recall, Chairman PEPPER had been prepared to offer this home care bill, which I cosponsored, as an amendment to H.R. 2470, the acute-care catastrophic bill which the House approved last week. In order to protect the acute-care bill from a threatened veto, Mr. PEPPER was called upon to withdraw his amendment in return for an agreement that long-term health care would receive a floor vote at a later date. Now, as we approach the designated moment to shield millions of Americans from the devastating effects of catastrophic, long-term illness, some of the parties to this agreement are attempting to circumvent their commitment.

As we consider this rule, I urge my colleagues to consider the million or more Americans impoverished each year due to the catastrophic costs of long-term illness.

Mr. Speaker, by passage of this rule, we will be able to consider H.R. 3436, legislation providing vitally important home health care for disabled Americans. My colleagues and I are all too familiar with the desperate circumstances under which many of our Nation's citizens suffer due to the tragedy of long-term illness.

H.R. 2762, the Medicare Long-Term Home Care Catastrophic Protection Act, which the rule makes in order as a substitute for H.R. 3436, addresses the problem through a self-financing program to benefit millions of Americans, without adding significantly to our Federal budget deficit.

Last week the House acknowledged the necessity to protect 32 million Medicare beneficiaries from the devastating effects of catastrophic illness. While I joined the overwhelming majority of Congress in supporting H.R. 2470, the Medicare Catastrophic Protection Act, it is equally obvious that further steps are required to close the gap in current Medicare coverage with respect to home health care. H.R. 2470, the acute-care bill, will offer first-rate protection from the catastrophic costs typically associated with hospital stays, doctor visits, and prescription drug bills.

It is estimated, however, that 80 percent of total catastrophic health care expenses occur outside the hospital. H.R. 2470 offers protection only against outpatient doctor visits and drugs prescribed in the course of long-term treatments. Unfortunately, the acute-care bill offers little relief for patients suffering chronic disabilities such as Alzheimer's, leukemia, and other afflictions which require the provision of long-term in-home health care.

My colleagues are aware of the tremendous support among our Nation's citizens for the enactment of this legislation. Recent surveys indicate that more than 60 percent of American families have had some experience with catastrophic illness. The survey results are persuasive and conclusive. According to a nationwide poll conducted by Lou Harris & Associates: 8 out of 10 Americans would favor a Federal Government program to provide long-term care; 7 out of 10 Americans would support the enactment of a financing mechanism such as that embodied in H.R. 3436.

In addition, just this morning I received a phone call from Mr. Arthur Fleming, the chairman of the National Association of Health Care and the former Secretary of Health, Education, and Welfare under President Eisenhower. Secretary Fleming enthusiastically supports home health coverage for Americans of all ages, stating that enactment of H.R. 3436 would represent "a great step forward" for our Nation's health care delivery network.

Mr. Speaker, many of my colleagues seem to fear that the cost of providing these new home health benefits will prove prohibitive. Much of this rhetoric ignores the final cost determinations recently calculated by the Congressional Budget Office [CBO]. It may be true that some burden is imposed by eliminating the cap on income subject to the 1.45 percent Medicare payroll tax. This burden is imposed upon the 5 percent of American workers earning more than $45,000 in taxable income so that we may protect the estimated 1 million or more Americans who are impoverished each year due to the catastrophic costs associated with long-term illness. Along with Chairman PEPPER, I feel that the financial burdens faced by victims of catastrophic illness are of greater severity than the Medicare payroll tax.

Finally, I would point to the hidden financial, emotional, and moral costs associated with the current tolerance of desperate suffering due to long-term illness. We all know too well of the many examples where veterans, seniors, and other upright citizens are forced to "spend down" their life's earnings and assets in order to qualify for Federal welfare programs.

On the financial side, the enactment of H.R. 3436 will achieve tremendous savings of $1.9 billion. These savings will occur among poverty assistance programs which currently bear the costs of long-term illness and drain the Federal Treasury.

Mr. Speaker, more importantly, Chairman PEPPER, the American public, and my 153 colleagues who have joined me in cosponsoring H.R. 2762, all agree that, on the emotional and moral frontiers, the cost of an up-front expenditure to relieve senior citizens and disabled Americans from the desperate circumstances of long-term illness is a Federal expenditure that is well worth the payment.

Accordingly, I urge my colleagues to support our distinguished chairman of the House Rules Committee, the gentleman from Florida, Mr. PEPPER, and join our bid to provide long-term home health care for all Americans. Let the Congress rally behind the American public in support of the gentleman from Florida's longstanding campaign to provide adequate benefits programs for our Nation's disabled citizens. Let us vote for the Pepper rule and the long-term-care bill in order to provide for true catastrophic protection.

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. ANDREWS].

Mr. ANDREWS. Mr. Speaker, we vote today on a rule to bring H.R. 3436, the long-term home health care bill, to the floor. I urge my colleagues to vote against the rule because—in the words of Thomas Jefferson—"Delay is preferable to error."

Long-term health care is the most pressing health issue facing the Nation. Almost everyone knows by personal experience or through a close friend about the tremendous financial and emotional drain that a long-term illness places on a family. Today, over 1 million people need long-term care.

The problem will only get worse. Between 1980 and the year 2020, the number of Americans over 65 will have doubled.

Our current programs are not enough. The largest Federal program for long-term care, Medicaid, requires the recipients to become impoverished before they receive assistance.

Congress has a responsibility to develop a sensible program to address the need for long-term care. But H.R. 3436 is not the comprehensive legislation that we need. It will not stop the financial ruin of American families that have to pay for nursing care.

It has not been considered by the committees of jurisdiction. There is serious doubt that home health care is less expensive than nursing home care over the long run.

It will force Congress to make a choice within 5 years either to increase taxes or to cut services at a time when all revenue sources would have been used to reduce the Federal deficit. The cost could rise as much as $20 billion per year.

Comprehensive legislation should wait for the report of the bipartisan commission established in the Medicare Catastrophic Protection Act. It will report to Congress on a comprehensive plan for long term health care as was done for Social Security.

Many bills have been introduced on long term health care. They deserve equal consideration. The best legislation comes from the comparison of a variety of proposals.

The Nation needs comprehensive legislation on long-term health care. But H.R. 3436 does not meet the standards by which Congress normally judges legislation.

It is better to delay action on this legislation than to err by adopting it today. I urge a vote against the rule.

Mr. PEPPER. Mr. Speaker, for purposes of debate only, I yield 1 minute to the able gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. I thank the gentleman for yielding.

Mr. Speaker, ladies and gentlemen, we hear that the United States is the richest and most powerful nation on Earth. That is something that is very true. But we have one generation of Americans to thank for all of that hard work and that is the generation of Americans that took this country from being essentially a Third World nation to the rich and powerful nation it is today, from a nation that used to be strong in natural resources that today is strong in not only economic but moral wealth.

The fact is when we look around this country and see a generation that stood up in the world wars of World War I, World War II, and the Korean war and even the Vietnam war, it is about time that our generation of Americans stood up for a generation that has continuously stood up for us.

The fact is that they paid for our education, they paid for our health care, they paid for our homes and now the least we can do is pay for them when they get sick in their senior years.

I urge every Member of this House to stand up for the senior citizens who have made the United States of America the greatest nation on Earth.

Vote for the Pepper bill.

Mr. LOTT. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. COATS].

Mr. COATS. I thank the gentleman for yielding.

Mr. Speaker, home health care is a good concept, allowing our elderly to stay home is a far preferable alternative than allowing them, or forcing them to enter nursing care. It is less expensive, better for morale, and it has a lot of positives to it. It is something which deserves serious consideration in this body.

But bringing the bill up at this time just 1 week after this House voted and passed a conference report on providing catastrophic care for our elderly at considerable cost to the taxpayer and to the elderly, bringing this bill up just 1 week later without the necessary committee study, without the necessary involvement of the various parts of this body in making it the kind of bipartisan effort that the catastrophic bill was, I think is a mistake at this time.

Do we want to provide home health care for the elderly? It is a good concept? Yes.

Does it deserve serious study at least as serious a study as what we provided for the catastrophic health care? The answer is also "Yes."

I urge my colleagues to vote "no" on the rule, to give the committees of jurisdiction the opportunity to fashion a bill that will provide and meet the needs of our elderly on a long-term basis whether it is at home or in the nursing homes and give all of us a chance to have an input into this product that is so important to our seniors.

Mr. Speaker, the bill this rule would bring before the House for consideration proposes an extensive entitlement program for home health care that has not had hearings before any of the committees of jurisdiction. Long-term care is an issue that I believe we should examine carefully. However, the very complexity of this issue is the soundest reason for voting against this rule. It would circumvent and subvert the procedures of this House to bring H.R. 3436, or any other long-term care bill, to the floor prematurely.

The rules of the House are often arcane and can be frustrating. However, when they are properly used they serve this institution and the American people well. There are always a score of politically popular issues that various groups insist Congress must act on immediately. Often, as is the case with long-term care, these issues do deserve action as quickly as possible. In the final analysis, though, Congress runs the risk of doing more harm than good by being impatient. Congress is, by definition, a deliberative body and, discouraging as that can be, careful, thorough deliberation produces the best legislative solutions.

A good example is H.R. 2470, the Medicare Catastrophic Protection Act of 1987, that Congress finished last week. Congress worked on that bill for almost a year and a half. The result was a measure that enjoyed broad bipartisan support. Although, in my view, the bill was more expensive than necessary, the final version was a considerable improvement over the bill passed by the House last year and I voted for it. I submit that it would have been all but impossible to fashion H.R. 2470 without the long and arduous work of all the congressional committees that devoted so much attention to it.

Does long-term care deserve any less? Of course not.

Mr. Speaker, I fear for the future of this institution if we allow a bill as important as H.R. 2470 to short circuit the process and be dumped, half baked, on the floor of the House. It would establish a precedent that would seriously damage the credibility of the House. More than 90 other long-term care bills have been introduced in the 100th Congress. I cannot, in good conscience, vote for a rule that denies Members the opportunity to consider more than one alternative to the long-term care problem from the dozens that have been offered.

Mr. PEPPER. Mr. Speaker, for purposes of debate only, I yield 1 minute to my able friend, the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. I thank the chairman for yielding.

Mr. Speaker, I have been down here listening to many debates. They end up that we spend money for foreign aid, we ship money all over the world, we protect oil in the Persian Gulf, we pay $120 billion a year to protect NATO countries. But today we are talking about money and we are talking about priorities. That is exactly what we are talking about.

You know, we just talked about star wars. There is a report that just came out that says the star wars' initial cost could be $150 billion and could exceed $1 trillion.

Where is that money going?

The Office of Technology Assessment says it will not even protect this Nation. I say it is going to the fat cats.

If we are worrying about the money, let us start taking it from these other places and putting our priorities in order. Pass this rule, pass this bill.

I commend Chairman PEPPER and Chairman ROYBAL for their continuing efforts.

□ 1540

Mr. LOTT. Mr. Speaker, may I inquire as to the remaining time on each side?

The SPEAKER pro tempore (Mr. FOLEY). The Chair will state that the gentleman from Mississippi [Mr. LOTT] has 12 minutes remaining, and the gentleman from Florida [Mr. PEPPER] has 14 minutes remaining.

Mr. LOTT. Mr. Speaker, I would ask if the gentleman from Florida [Mr. PEPPER] would like to yield further time now.

Mr. PEPPER. Mr. Speaker, for the purpose of debate only, I yield 1 minute to the able gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Speaker, I rise in support of the rule before us today on the Medicare Long-Term Home Health Care Protection Act, In doing so, I am placing myself in opposition to the leadership of my party and to many others whose opinions I greatly respect.

But to me the most persuasive arguments on this particular question have long come from the elderly and chronically ill individuals in the Eighth District of Missouri who are today residing in institutions not by medical necessity, but by financial necessity. If the Medicare reimbursement apparatus paid for the care these folks could be receiving at home—in familiar surroundings and in the midst of loved ones—that is where they'd be. However, Mr. Speaker, Medicare does not provide such coverage, and these individuals cannot afford the professional care they need. The legislation before us today presents us with an excellent opportunity to provide help with one of the most cost-effective and beneficial forms of health care for our elderly—care in one's own home.

Many of you might be concerned about the procedure by which this legislation has been brought to the floor. Let met me just state that we have in this Congress witnessed numerous bills that have circumvented the committee process and have been brought to the House floor for a vote. I am for orderly process, but I must ask what invokes orderly process at this particular juncture? Why on this bill, in particular, have we become so process oriented all of a sudden? We must get our process straightened out, so they protect the minority as well as the majority, the young as well as the old, the sick at home as well as the sick in hospitals, but I am curious as to why some in this House want to invoke process at this juncture when it has not occurred to them to do so on subjects with far less merit than this. I could buy the process argument much more readily if it where equally applicable to all legislation which we consider on the floor of the House.

It has long distressed me that we do not have a so-called market basket of options from which to choose on the Medicare-reimbursable shelf. I do not believe that we can have an effective, and I mean cost-effective, service-effective, care-effective Medicare Program, without options, sensible options, from which to choose. These options include many components from our current Medicare system, the catastrophic health care bill passed last week, and the home health care bill we are considering today—and there is also a crying need for nursing home care. Yes, there are cost problems; but we will not begin to realistically address that problem until we look at the total market basket of what Americans demand, and are willing to pay. I do not maintain that all solutions are governmental solutions. I think many supplemental options and solutions should be available in the private sector, and will be. However, I do not believe that we will know realistically how to properly balance this total spectrum until and unless home health care is a part of the equation.

We do need debate. Home health care is an issue that I have been struggling with for the 8 years that I have been in Congress, and I am hearing more and more and more about it with each passing day. I think this may be the only opportunity that we have in this Congress to act upon home health care. I regret that the process has not permitted me or us other opportunities to consider it seriously prior to today. But this is likely the only opportunity I am going to have in the 100th Congress to register my views and my votes as to where this country should be headed on this subject, so it is here that I will take my stand.

I fully intend to cast my vote in favor of the rule and in favor of the legislation before us. We need to bring the home health care issue forward. Home health care is an issue that will not go away, and the time for this issue to be addressed has already long passed. A positive vote on the rule will put home health care squarely on the front burner and I urge my colleagues to join me in this endeavor by voting in favor of the rule and in favor of this legislation.

It defies logic that Congress can discuss legislation to make major expansions in the Medicare system to cover unlimited hospitalization of our elderly, prescription drugs for our elderly, doctor bills, and mammography screening for our elderly, and yet never even make mention of one of the single most important aspects of elderly care—home health care. Home health care must be an integral part of any across-the-board Medicare plan. We cannot ignore home health care any longer. We need to put home health care coverage not only on the discussion table, we need to do something about it. A "no" vote on the rule will bury the home health care issue in this Congress. Many senior citizens across this Nation are in desperate need of financial help with the devastating costs of long-term care, and can't afford to wait for Congress to leisurely discuss the issue in another year or two. We have dilly-dallied for too long already. How long do our senior citizens have to wait? Getting adequate health care is a very serious matter and one on which lives depend—this is not a luxury to be reserved only for those who can afford it.

Home health services for catastrophically disabled individuals are, by far, less costly, more efficient, and more compassionate than institutionalization. Warehousing our older members of society in institutions when other more efficacious options are available and when they could benefit from care in the home is not productive. It avoids the home health care and nursing home solution that should be available as cost-saving options. So many of our older Americans could be treated in the comfort of their own home or in a long-term care facility and in an atmosphere that is more conducive to recovery.

Moreover, home care is not just an issue concerning the elderly—caring for an older person places a tremendous burden on families as well. The huge costs of caring for older or disabled family members can very often drain financial resources from a family to the point of impoverishment. Our current Federal programs are not meeting the overwhelming need for home health care assistance and are depriving us of compassionate, cost-saving options. The Pepper bill fills major gaps in long-term home health care protection for thousands of disabled and older Americans seeking to cope with the devastating economic and personal effects of chronic disability and illness.

I believe this legislation is a significant step toward addressing long-term health care needs. This legislation offered by Congressman PEPPER is a pay-as-you-go, self-financing proposal that will not create a significant drain on Medicare funds, and will not increase the deficit. The legislation provides a solid cap on yearly expenditures for benefits and thereby gives full protection from any potential cost overruns. In addition, the savings we will realize from the benefits of home health care and reduced hospitalization will more than pay for the benefit that our elderly will receive.

Mr. PEPPER. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Speaker, I rise in faithful support of this bill.

Mr. PEPPER. Mr. Speaker, for the purpose of debate only, I yield 1 minute to my able colleague, the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, today we have before us a bill of critical importance to our Nation among all age groups. There is no other health issue before us today, not even acute catastrophic illness, which affects a greater number of our citizens than the problem of long-term home care.

In a recent national poll, 8 out of 10 Americans said they needed and wanted the Federal Government to assist them in the provision of long-term care. They have good reason for this. In my own State of Florida over half of our senior citizens would become impoverished after paying for only 13 weeks of home care. Eighty-eight percent would be completely destitute after 52 weeks of home care.

H.R. 3436 addresses this need. The people of our country have let us know loud and clear what they want, and they want this legislation and our willing to pay for it. As a Representative of the State of Florida, I intend to vote for the rule and for this bill.

Mr. CRANE. Mr. Speaker, I would like to express my strong opposition to H.R. 3436. First, let me say that my colleague, Mr. PEPPER, is extremely dedicated to the needs of senior citizens, and I commend him for his hard work on behalf of this very important segment of American society. It is obvious that he has devoted much time and effort to formulating this bill. However, while I know that he is well meaning in this endeavor, I must rise in opposition to Mr. PEPPER's bill for several reasons, which I shall enumerate.

I oppose this bill because it has not been considered by any of the committees which maintain jurisdiction over it. In this manner, all proper channels of procedure have been bypassed. This bill should not even be considered by the whole House until it has been given its fair share of debate at hearings in each of the germane committees. Only then will we be able to give H.R. 3436, dealing with an issue of such great magnitude, the proper attention that it deserves. Railroading this bill through the House without proper consideration benefits no one. On this point alone, H.R. 3436 must be defeated, and I would like to, therefore, commend Chairman ROSTENKOWSKI, as well as the many others on the other side of the aisle, some of whom sit with me on the Ways and Means Committee, for joining me in opposing this bill. They exemplify the bipartisan opposition that liberals and conservatives, Democrats and Republicans, alike, express toward this bill, recognizing its unconventional legislative procedure.

Next, H.R. 3436 represents a shortsighted approach to health care. That is, it lacks a comprehensive approach to long-term care. H.R. 3436 fails to address the exorbitant costs of long-term nursing home stays, which are the single most expensive problem afflicting the Nation's elderly. Over $17 billion was spent on behalf of the aged from private resources on home care in 1985, alone. Yet, this bill ignores this most important issue altogether, while it stifles the expansion of private sector solutions that have been developed and are working relatively well, such as private and employer-provided long-term care insurance. I submit to you that the purpose of Government is not to assume functions already performed by the private sector, and interestingly enough, nowhere in H.R. 3436 are there incentives for the private sector to develop strategies which would ensure that all older Americans can afford long-term health care insurance.

In addition, H.R. 3436 uses unfair and burdensome tax and economic policy in its ludicrous attempts to pay for itself. Not only does it force employers, employees, and self-employed persons to share a $30 billion tax hit over 5 years, but it underestimates utilization of the program and thus, underestimates what the actual costs will be as well. According to the Health Care Financing Administration [HCFA], this bill would only produce $29.5 billion in revenue between 1988 and 1992, while costs would amount to an overwhelming $67.2 billion, thus producing a shortfall of $37.7 billion. Even more frightening is the HCFA cost estimate that shows H.R. 3436 expenses in 2010 reaching a whopping $80.8 billion.

Such rapidly growing entitlements can only result in additional, massive tax increases, further Government debt, and a volatile explosion of the welfare state. The current Medicare Program is going bankrupt and clearly does not work. Therefore, I ask my colleagues, is there any compelling reason that we must expand this disastrous program? I think not. Raising taxes to create a new program, such as this one, will only imperil the current Medicare Program.

Furthermore, it is my opinion that H.R. 955, the income tax for health care savings account bill, which my colleague, Mr. SLAUGHTER, has introduced, along with myself and my colleague, Mr. DREIER, is a much more responsible and accountable alternative to H.R. 3436, and I urge all of my colleagues to consider it in its stead. H.R. 955 would provide a long-term solution to the catastrophic care problem. The bill creates health care savings accounts [HCSA], IRA-type accounts, which provide tax credits for moneys placed into these retirement health insurance savings vehicles. Savings withdrawn after retirement for retirement health needs would not be taxed. The long-term funding problems of the Medicare Program—estimated to go bankrupt by the year 2002, even without the new catastrophic benefits—would be relieved due to the increases in Medicare deductibles for HCSA holders. Finally, the significant amount of money that seniors will eventually accumulate in their health care savings account will enable them to afford private long-term care insurance. The existence of this new resource of capital will thus prompt private insurance firms to develop new and innovative long-term care insurance plans.

In conclusion, it is more than obvious that the problems inherent within H.R. 3436 are unsolvable and heavily outweigh any possible advantages produced by the bill. We cannot and should not wantonly spend now, only to be forced, in the words of Shakespeare, to "exact a pound of flesh," later. There is only one choice with regard to H.R. 3436, and that is to soundly defeat it. I urge my colleagues to vote no on H.R. 3436. Thank you.

Mr. LEVIN of Michigan. Mr. Speaker, I am troubled by the precedent here of avoidance of committee jurisdiction and consideration.

Sometimes an exception can prove a rule. The need for long-term care is sufficiently pressing that action now might be justified if there were before us, without such committee consideration, a developed program clearly capable of implementation.

In my opinion, H.R. 3436 is not in such shape.

A comprehensive home health system will require myriad decisions in hundreds of thousands of instances—for example, whether a person is capable of undertaking certain daily activities and the extent to which services are needed. H.R. 3436 appropriately calls for a case management system. But this administrative tool is not fully in place in any State and only rudimentarily in most.

Further, there are critical questions to answer. For example, should the availability of family caregivers affect eligibility? If not, should family providers be paid for their services and, if so, under what circumstances?

A legislative body should not delegate major policy issues to the Executive for decison through regulations. Nor should it pass along such decisions to the other legislative body.

The best ideas can be destroyed by inadequate implementation. Indeed, those who are deeply committed to an idea are the ones who should be most vigilant to assure its effective implementation. As a member of the Health Subcommittee, I repledge that commitment and promise that vigilance in any further consideration of the vital issues.

Mr. DREIER of California. Mr. Speaker, I rise in opposition to the rule to make in order consideration of H.R. 3436. I want to commend Congressman PEPPER for recognizing the need to improve the availability and affordability of long-term health care for elderly Americans. For a number of years. I have been advocating legislation to address the long-term care problem before it becomes a national crisis.

Unfortunately, the solution proposed by my colleague from Florida is both irresponsible and unworkable. While I share the objections of many of my colleagues regarding the procedures being used to bring H.R. 3436 to the floor, my primary concerns are more with the substance of the bill.

To begin H.R. 3436 attempts to fill the long-term care void by needlessly expanding the Medicare system, thus steepening the program's fall toward bankruptcy. Even without new benefits or revenue increases, the Medicare trust fund could be insolvent as early as 1999. Furthermore, under present economic assumptions, it is estimated that by the year 2030, payroll taxes will have to be raised from their current 2.9 percent to as much as 7.2 percent just to cover Medicare's projected costs without the new benefits contrained in H.R. 3436. This anticipated demand on Medicare will severely erode its revenue base, and any further burden is sure to send the system into financial collapse.

In addition to the severe financial strains it will place on the Medicare system, H.R. 3436 proposes a 5-year, $29.5 billion tax increase on workers and businesses. Such a tax increase will have a negative impact on our economy as it will reduce both private consumption and capital investment—the key to maintaining long-term economic growth. At the same time, it will exacerbate, rather than reduce, the Federal budget deficit.

According to the Health Care Financing Administration [HCFA] the bill will have a 5-year program cost of $67.2 billion. That leaves a shortfall of $37.7 billion. To prevent the projected financing shortfall, Congress will be forced to either cut benefits, increase deficit spending, or impose another massive tax increase on working Americans.

The bill is also misleading in that it fails to provide assistance for nursing home care, the major out-of-pocket expense of the elderly. Of all annual out-of-pocket expenses incurred by the elderly, 41.6 percent is spent on nursing home care, while 31.3 percent is spent on miscellaneous home care.

Furthermore, Mr. Speaker, H.R. 3436 would effectively destroy a growing private long-term care insurance market. According to the Health Insurance Association of America, the number of companies selling long-term care policies jumped from about 20 in 1983 to some 80 in 1988. Good private long-term care insurance policies offering nursing home and home health services are available in all 50 States. Also, in the last 6 months, employer-sponsored group products have entered the market. Over time, long-term care insurance products are sure to grow in number, and in the services offered.

Rather than duplicating and, consequently, wiping out this market, we should offer incentives for the industry to create efficient, competitive, and cost-effective long-term care insurance products. The substitute package, to be offered by minority leader, BOB MICHEL, offers a number of such incentives—many of which are included in legislation I introduced last month, H.R. 4510.

Like my bill, the Michel substitute would allow for tax-favored rollovers from individual IRA's and life-insurance policies for the purchase of long-term care insurance. In addition, it would provide preferential tax treatment of long-term care insurance reserves similar to the tax treatment of life insurance reserves.

The Michel substitute also sets up a bipartisan Commission to study and make recommendations with respect to tax-favored health care savings accounts. Last year, I joined Congressman SLAUGHTER in introducing H.R. 955, the Health Care Savings Account Act of 1987. It would allow workers and their employers to place funds to a special account and receive a tax credit for such contributions. Upon retirement, the accumulated funds could be used to finance nursing home care, or to purchase long-term care insurance that would, according to the health insurance industry, be available because the multi-billion dollar pool of funds could be used to solve current actuarial problems of private insurance.

As you can see, Mr. Speaker, a massive federally sponsored long-term care program is unwise and unnecessary. There are a variety of potential solutions available in the private sector which can address the problem of financing long-term health care for America's growing elderly population.

In contrast, Mr. Speaker, H.R. 3436 is, quoting a June 7, Washington Post editorial, "a shallow and costly election-year pasteup job on which the Members should just as resoundingly vote no."

Mr. DONNELLY. Mr. Speaker, I rise in opposition to the unusual—and unprecedented—attempt to circumvent the committee process which brings this legislation to the floor today. This long-term care legislation, while it raises some important issues, is a hasty attempt to address a major problem which deserves the careful consideration of the committees of the House with proper jurisdiction over these important matters.

Mr. Speaker, the Committee on Ways and Means has jurisdiction over tax legislation. We share jurisdiction over the home health benefit in the Medicare Program with the Committee on Energy and Commerce. Neither committee has held any hearings on this legislative proposal; neither committee has considered its provisions.

The committee system has served this institution for nearly 200 years. It is an outrageous abuse of those procedures, that process, and that system to even have this bill before us today. If for no other reason than the abuse of the committee process, this rule should be defeated. If this bill is considered today, Members of the House will long regret the consequences of this unprecedented procedure.

But Mr. Speaker, there are other reasons to oppose this bill as well. Let there be no mistake: Congress will consider the issue of long-term care next year. As the ranking Democrat on the Health Subcommittee of the Committee on Ways and Means, let me assure every Member of this House that I am committed to seeing the subcommittee address this important issue next year. But it will be done in the normal committee process: with careful, deliberate hearings and a reasoned, thought-out approach to the several issues involved.

For example: Should Medicare pay for custodial nursing home care? The legislation before us doesn't even address that one issue, the one concern that frightens the elderly more than anything else. Should the home health benefit be expanded, and how should it be expanded? This bill is one approach, but there are others. Consideration of this bill shuts out the opportunity to explore those other options.

Today, senior citizens, home health agencies and visiting nurse agencies are concerned, angry, and frightened over the huge increase in home health claim denials. In the State of Massachusetts, denials have increased by over 400 percent in the past 2 years. It is unfair, to the elderly to vastly expand the home health benefit without solving the underlying problems facing the benefit that exists now. The recently passed catastrophic health legislation contains an amendment I offered to deal with the denial crisis. Give that procedure time to work, before we expand this benefit.

Let me say, finally, Mr. Speaker, that I strongly object to the financing mechanism in this measure. This bill contains an enormous tax increase—one of the largest tax increases in this decade. Even worse, it is an increase in the most regressive tax currently on the books. The Social Security and Medicare payroll taxes are the most regressive tax imposed by the U.S. Government. Solely to expand a benefit that we know little about, this legislation proposes to drastically increase this punitive tax. I don't think we can justify that to our constituents. I don't think we can justify that to ourselves.

This House has done much for America's senior citizens. We have protected their Social Security benefits. Last week, we helped protect them from huge out-of-pocket medical expenses. There is no question that they deserve protection from the tragedy of long-term care expenses, but that protection has to come after careful consideration and debate—consideration and debate that are the hallmarks of this institution. I urge a vote against the rule.

Mr. JEFFORDS. Mr. Speaker, I am very distressed that we are being forced today to vote on a seriously flawed rule, governing a bill that is so important to us and to millions of elderly Americans.

I doubt there is a person in this room who is not supportive of getting out legislation to help senior citizens finance the costs of long-term care.

There is also, I'm sure, not a person in this room who doesn't respect the efforts that the sponsors of this bill have put into it.

When we worked out the catastrophic health care bill, I expressed concern that it did not really deal with the long-term health care needs. This bill now before us does address some of these needs, and I truly believe that, with some adjustments to the bill, some amendments, it not only will get the support of this body, but will pass the Congress as a whole this year and become law.

The problem, Mr. Speaker, is that, under the rule we are being asked to accept for this bill, no amendments but one will be allowed. That cuts off any chance of making some of the adjustments—particularly concerning financing—that would ensure that this bill is not just a good idea, but a good law.

I am very concerned about the financing mechanism contained in the bill. The bill would make a serious and fundamental change in the Medicare Program, by undoing the traditional relationship between benefits and premiums. This funding mechanism moves the Medicare Program away from its original concept as an insurance plan and makes it more similar to the traditional welfare program, without targeting the benefits at the needy. I am concerned that these important changes are taking place without being scrutinized by the committees with expertise in these matters.

My greatest concern for the basic changes entailed in using the payroll tax base is for the well-being of our young people today and those to come. If we use the revenues of today's workers to pay for the long-term care program, it will create a huge problem for the future. Our population is aging rapidly as medical care improves. Yet the number of workers is shrinking both absolutely and relatively. Eventually the cost of paying for the long-term care needs of the elderly will overwhelm the shrinking of workers. Thus, it is critical that our long-term care policy also make use of private resources, such as private insurance, as well as a different revenue base.

Like others, I also am highly concerned that the bill is coming to us without going through the committee review process. If we had an open rule with full and complete debate, however, that issue, in itself, would not be quite so worrisome. But as it is, we are faced with a very closed rule that limits debate and action—and in my view, limits our ability to pass out of Congress much needed legislation to deal with long-term home health care for the elderly.

Mr. Speaker, I realize that the sponsors of this measure apparently received assurances from the House leadership last year that this bill would be taken up without committee review and with a closed rule. That agreement, however, was not made by the more than 400 other Members of this House who are now being asked to vote on the bill.

I think many of my colleagues here share my distress that we are being forced to vote on a very bad rule for what could be a very good bill. I would hope that this House will allow an open rule so that we can get out of this chamber a sound piece of legislation that truly helps senior citizens and will be enacted this year.

Mr. MATSUI. Mr. Speaker, I am voting "no" on the rule to allow H.R. 3436 to come to the House floor today. Although I am a cosponsor of the Medicare Long Term Home Health Care Act, I am very concerned about the extremely unusual procedure that would allow this important piece of legislation to be considered without normal committee hearings and deliberation, full public participation, or interested member input. I am committed to addressing home health care issues and other long-term health care issues as soon as possible. However, I want to address these issues in an informed and deliberate manner.

The Ways and Means Subcommittee on Health has promised that it will consider long-term health care issues through the normal hearing process whether or not H.R. 3436 is passed by the House. That process will shed light on many key controversies surrounding H.R. 3436 so that Members of Congress can make truly informed policy decisions rather than political choices. For example, proponents of H.R. 3436 state that the bill cannot result in a deficit because language in the bill absolutely prohibits spending more money than is derived from lifting the cap on the payroll tax.

Opponents maintain that although at first glance the bill is structured to assure budget neutrality, both the Congressional Budget Office and the Department of Health and Human Services predict that costs will eventually exceed revenues by several billion dollars annually. Opponents further maintain that the cost controls would ultimately require dramatic reductions in payments to providers or covered services. Is it true that absent a major infusion of new Federal financing from increased payroll taxes or general revenue, the home care will be poor in quality and restricted in scope? I would like to have the opportunity to evaluate these claims so that I can vote on H.R. 3436 in an informed and responsible manner.

I appreciate Congressman PEPPER's efforts to make issues of long-term health care a top bipartisan priority for legislative action and reform. I applaud his proposal to create a bipartisan Commission on Comprehensive Health Care in the soon-to-be-enacted Medicare catastrophic health care coverage legislation. With Congressman PEPPER's leadership, I am confident that the Commission will provide Congress a thoughtful, realistic legislative agenda to consider.

H.R. 3436 will impact on health care policy options for many years to come. I want Congress and the public to fully understand what H.R. 3436 will provide. My vote on the rule does not reflect a lack of commitment to Medicare long-term health expansion and reform. It is a vote to assure that the best possible legislation, with the fullest feasible benefits, is made law.

Mr. OBERSTAR. Mr. Speaker, make no mistake, the vote on the rule is not merely a procedural vote; a vote against the rule is a vote against long-term care. Over the past year, I have received hundreds of letters from constituents urging me to support long-term illness protection legislation. That viewpoint is not confined to my district. A recent nationwide Harris poll reported that over 80 percent of Americans of all ages and incomes supported a Federal program such as that provided by H.R. 3436. The time has come for prompt consideration of this important issue.

There has been a great deal of talk about procedural problems in bringing this bill to the floor. Last year, both Chairman PEPPER and the gentleman from California [Mr. ROYBAL], at the request of the House leadership, agreed not to offer their germane, long-term illness protection bill as an amendment to the Catastrophic Protection Act. Our colleagues did this with the understanding that they would be given the opportunity to bring their bill to the floor during this session. That agreement will not be met if we do not allow a straightforward up or down vote on H.R. 3436.

Vote for the rule and vote for long-term care.

Mr. AKAKA. Mr. Speaker, I rise today to register my solid support for the Pepper-Roybal bill because I believe that it is time for our Nation to respond to what has become the No. 1 cause of financial catastrophe for the elderly and their families—long-term home health care.

In Hawaii, the family, or the 'ohana, is still revered as the fundamental institution of society. We deeply respect our elders, or kupuna, work hard to make them proud of us, and even look forward to the day when we may return to them the same happiness, love, and protection extended to us in our growing years. Indeed, foremost on our minds are the days when our kupuna will no longer be able to care for themselves, when they will look to us for help, both emotional and physical. We want to be there when they need us.

Unfortunately, for many families, those days bring with them only the sorrow and despair of financial burden. Our elderly and their families are forced to face, too often, the stark realization that the cost of long-term health care, rather than their own desires, will in the end determine how they will have to live.

Sure, there is Medicare. But, Medicare provides little assistance in meeting these expenses. It covers hospitalization and physicians' services, and offers only minimal coverage of long-term care expenses. Even with recent catastrophic legislation, which I support, only limited improvements in coverage for nursing home care and home health services can be expected.

The Pepper-Roybal bill will change that. It will bring relief to millions of Americans and their families, by giving them assistance in an area where there is currently no meaningful public or private insurance coverage. It will help them to cope with the hardships of chronic illness, whether they are 65 and over and disabled, or under 19.

Mr. Speaker, during the past few days, and even today, we have heard people say that this bill is too costly, that it is being passed without adequate consideration, and that it is overambitious in its intent. Well, to those people, I can only say that we must be reading different bills.

H.R. 3436 is not too costly. In fact, it is a self-financing bill, and its cost-control provisions preclude the possibility that additional revenues will be provided.

H.R. 3436 does not need further consideration. The bill responds to long-debated concerns with long-awaited answers. For 20 years, the area of long-term care, in general, and home care, in particular, have been the subject of an incredible number of studies, projects, pilot projects, and demonstrations. The need for the relief envisioned in H.R. 3436 is clear and the time for that relief is now. Why must we keep our people waiting any longer?

Furthermore, on the question of whether or not the legislation will work, by the time that H.R. 3436 is implemented—1 year from the date of enactment—the home care system will be ready to meet the demands of the bill.

Frankly, I fail to understand the reasoning behind the overzealous opposition to this measure. Without this legislation, the burdens of long-term home care will continue to threaten the emotional and economic stability of our families.

For the people of Hawaii and the people of America, I am going to vote for this bill. I urge my colleagues to do the same.

Mrs. MORELLA. Mr. Speaker, I rise today in support of the rule for H.R. 3436, the Older Americans Act technical amendments, which incorporates H.R. 2762, legislation to create a long-term home health care benefit under Medicare.

I believe we must address the need for coverage for home health and long-term care services. Currently, Medicare provides almost no assistance to the elderly in meeting these expenses. Yet, long-term care, both in nursing homes and at home, is the true catastrophic cost for most of the elderly. The burden of long-term home health care is shared not only by the elderly and disabled, but also chronically ill and technology-dependent children and their families. Because both public and private health insurance provides little assistance for those who need home care services, it is appropriate to begin with home care coverage as the first step toward comprehensive long-term care protection.

H.R. 3436 would provide home health coverage to persons who need assistance with at least two activities of daily living, and could include nursing care, homemaker/home health aide services, medical social services, personal care services, physical, occupational, speech, or respiratory therapy, medical supplies, and patient and family education and training. The Congressional Budget Office has indicated that the long-term home care benefit would be self-funding and that the bill's cost cannot exceed the bill's revenues.

While legislation of this magnitude should go through the committee process before reaching the House floor, I also believe that we must accelerate action on this urgent need. There is still time to make any necessary changes to the bill when it is considered by the Senate and in conference; I will be working with House and Senate Members to improve the bill's provisions in an effort to address the concerns which have been raised.

Mr. Speaker, I support H.R. 3436 and I commend both Congressmen PEPPER and ROYBAL for their leadership on this important issue.

Mr. MARTINEZ. Mr. Speaker, and distinguished ladies and gentlemen of this body, there have been several events this week commemorating the loss of one of the most dynamic and promising leaders that our Nation has ever known. Although Bobby Kennedy was murdered in Los Angeles 20 years ago this week, the legacy of his conviction and his dreams continue to live. When I remember Bobby Kennedy I am reminded of the George Bernard Shaw phrase he was so fond of using, "Some men see things as they are and say, Why?" "I dream of things that never were and say, Why not?"

Mr. Speaker, and distinguished colleagues, I suggest to you today that we are here to consider what the late Senator Kennedy would call a "why not" bill. The Pepper-Roybal long-term health care bill is a "why not" bill because it answers the dream that millions of seniors and disabled individuals across this country have dreamed. Their dream is to spend their infirmed years in the homes in which they have lived, and with the people they love. And to live those years without the worry that they will become a financial burden on anyone.

The need for this legislation has never been more apparent. Literally millions of American families every year are shattered or thrown into bankruptcy trying to meet the cost of caring for a chronically ill infant. Our system cares for only those who are ill enough to be in hospitals, which means that most of these children face separation from their parents.

Still other millions of Americans every year have the experience of a family member involved in an accident and becoming disabled. The impact of a disability is hard enough on the family, and when coupled with the cost of long-term health care it can be devastating.

Over 3 million Americans suffer from Alzheimer's or Parkinson's disease. The families and spouses of these individuals must face the reality of managing the expense of their parents as the disabilities that come with age begin to take hold. Few of these individuals or families will escape poverty as they try to pay for their health care expenses. The average cost of a nursing home is $22,000 and can go as high as $60,000. Under our present system Medicaid does not contribute to long-term health care costs until the victim's resources are spent and he or she is forced to enter an institution or nursing home. It is a cruel system that forces families into poverty before it will begin to pay for the cost of providing for an elderly or disabled family member.

Requiring the family member to live in an institution or nursing home in order to receive financial support further compounds the cruelty of our present system. We know that 8 out of 10 Americans prefer home care over nursing home care. Home care has a much more cathartic effect on an individual. It promotes healing, and allows individuals the maximum amount of freedom. It should be our national policy to promote home care, rather than our present antifamily system which encourages nursing home care.

I credit my colleagues Representatives PEPPER and ROYBAL for their foresight and ambition in introducing this bill. Their leadership and persistence have been essential to the broad base of support that this bill enjoys.

By suggesting that we consider this bill with a "why not" attitude, I am not suggesting that we should take this bill lightly. I am aware that some of the most distinguished members of this body, for whom I hold a great amount of respect, have voiced their opposition to this bill. I understand their concerns, but my heart and my mind tell me that this bill is too important to accept any delay in its passage. We have known for years that a national long-term home care program is what this Nation needs. Now it is time to act on this knowledge.

This bill is a brave and historic step forward for our American health care system. It represents a choice between an elderly person receiving care in their home, or in a nursing facility. It means the difference between poverty and financial security for the family of a chronically ill child.

The administration has referred to this bill as "A major departure from the historical role of the Medicare Program." Certainly it is a major step forward, but it is not a departure. I am convinced that providing long-term home health care is a step for which the Medicare system is ready, and needs to take.

It is time we dream of things that never were and say, "Why not"? It is time we say yes to long-term home health care, and yes to the Pepper-Roybal bill.

Mr. BRENNAN. Mr. Speaker, leaving home is a tramatic event at any age, but it's particularly tough for the elderly—especially if they're leaving home to enter a nursing care facility because of illness.

Although there's no substitute for the 24-hour care provided by a nursing home, not everyone needs that much care. Fortunately, our health care continuum includes another component to meet this need. It's called home care.

Home care allows elderly citizens with health problems to remain in their homes and be visited by a health care professional as care is needed. In most cases, it's less expensive than nursing home care and does not result in separation from family and friends.

If nursing home care is necessary, home care can make for a smooth transition back home once a particular health problem has been resolved or a condition stabilized.

If given the choice, most elderly would rather not leave their home to receive health care during an illness. Making home care more readily available means they may not have to. I vote yes on H.R. 3436.

Mr. FLORIO. Mr. Speaker, the votes today on H.R. 3436 will determine the depth of our commitment to the elderly. I urge my colleagues to support the rule and to pass H.R. 3436 as amended by Congressman CLAUDE PEPPER.

Simply explained, the legislation meets the needs of the elderly.

The long-term care bill addresses critical issues for millions of senior citizens whose health needs have not been met in the past.

I have held hearings through the Subcommittee on Commerce, Consumer Protection, and Competitiveness. In those hearings, the need for long-term care legislation is clear. I have heard from families and individuals whose life savings were reduced to a shambles because of their need for long-term care. I have heard testimony attesting to the need for a system that will provide worry-free care for the elderly.

In homes across the Nation, senior citizens are being forced into poverty by their needs for health care. Indeed, they and their families are becoming slaves to the need for professional, qualified home health care.

These votes come on the heels of the Catastrophic Health Care bill passed last week. The passage of that bill is an essential part of the package of health care for seniors. Its passage alone was predicated on the promises of the 100th Congress to do more for the elderly.

The promises made by this Congress and by past Congresses have reached a do or die stage.

If we do not act on our promises, we will lose the opportunity to help. Once that opportunity is lost, millions will suffer.

The significance of this bill is more than procedural. The days of the 100th Congress are coming down to the wire. After today, there will be less opportunity for the 100th Congress to act on its promises.

By adding to the Medicare Program, the elderly can be cared for in their homes. But the program itself is not a costly expansion. It is a well-reasoned measure that will open up a window of opportunity. Voting today will save time for this well-reasoned bill. Saving time now will make a difference in the lives of the elderly as soon as possible.

We have spoken before of windows of vulnerability. In all those windows, the needy are the most vulnerable. H.R. 3436 would close the windows of vulnerability and open the windows of health and welfare for the elderly.

Long-term care is an issue that will not go away. The problems faced by millions of senior citizens today will be faced by senior citizens tomorrow.

Indeed, this is not a problem just for the elderly. This is also a problem for their families. It is the families who sacrifice beyond their means to help their relatives. Years from now, this legislation will ensure that today's families will be tomorrow's beneficiaries.

The issue comes down to one of time. How can we best use our time in this short session to improve lives in the long term?

H.R. 3436 answers that question without magic. The expected cost estimates are in step with the revenues to be raised. It is the Federal Government at its best working on behalf of senior citizens when they are at their worst.

At no cost to society, H.R. 3436 creates options for the elderly and for their families.

Today, our parents will benefit. Tomorrow, our children will be cared for in their old age. Indeed, these votes are a test of our commitment to our parents and to our children.

Once again, I urge my colleagues to show their commitment by passing the rule and this bill.

Mr. BIAGGI. Mr. Speaker, I urge my colleagues to realize the choice we are making today. There are those within the House that would kill this bill simply to ensure that procedural justice is achieved. I pose this question. Isn't the greater justice we should be pursuing ending the injustice associated with the outrageous costs to our seniors of long-term home health care. That is the issue before us today pure and simple.

On the one hand we have a viable proposal—one that I am proud to cosponsor H.R. 3436. It would provide for Medicare coverage for the long-term home health care needs of all chronically ill Americans—a proposal that is self-financing and that we need as a nation to pass.

On the other hand we have the prospect of delaying action further on this legislation using as the excuse that it did not follow the proper legislative channels. Are the seniors of this Nation about to accept the demise of a proposal supported by so many of them because of internal procedural bickering?

Let us not sabotage this worthwhile bill as some would have us do by defeating this rule. Let us instead go forward, pass the rule—debate the bill on its merits and let the vote go the way it will. That is the honest and fair way for us to go today.

Mr. PANETTA. Mr. Speaker, I rise today to speak on the Medicare long-term home health care bill introduced by my distinguished colleagues, CLAUDE PEPPER and EDWARD ROYBAL. Both are among the foremost advocates for the elderly in Congress and indeed the Nation—Mr. ROYBAL, as chairman of the House Select Aging Committee, and Mr. PEPPER as a tireless worker and spokesman on all issues affecting the elderly. I have only the deepest respect for both of my colleagues, and all the work that they have done on this and other issues involving the elderly.

However, in spite of this, and in spite of the bill's many positive aspects and the considerable support within and outside my district for the measure, I cannot at this time support H.R. 3436. This is a difficult decision that was reached only after much careful thought and deliberation. As you know, I have long been an active supporter of home and community-based care myself, and this has made the decision all the more difficult. In the past four Congresses, I have been the sponsor of the Older Americans Alternative Care Act. This measure, H.R. 1837 in the 100th Congress, would: Remove the current requirement that those receiving Medicare home care services be "homebound"; include "Periodic Chore" and "Respite Care" as covered home care services; significantly expand Action's Senior Companion Program, under which seniors provide valuable companionship to their homebound peers; and provide a $250 tax credit to families that care for an elderly dependent person at home. In addition, for the past 6 years, I have been proud to sponsor "National Home Care Week," which honors home health agencies throughout the country and highlights the importance of home care as a valuable means of providing health services to the chronically ill. Also, I am the prime sponsor of H.R. 550, the Medicare Adult Day Care Amendments, which would establish a Medicare adult day health care benefit for chronically impaired beneficiaries. Finally, I have been a leader in the creation and expansion of Medicare and Medicaid coverage of hospice care, which provides cost-effective and compassionate care to the terminally ill.

My concerns about H.R. 3436 are as follows:

CONSIDERATION WITHOUT COMMITTEE REVIEW AVOIDS BASIC LEGISLATIVE PROCESS

This bill has not been the subject of even one day of hearings in the committees of jurisdiction: the Ways and Means and Energy and Commerce Committees. Nor has it been subjected to the markup process, which typically includes discussion, debate, amendments, and votes. The membership of the House has no committee report to consult to educate itself about the bill. Traditionally these committee reports contain dissenting views from those opposed either in part or in whole to the committee product. They are always valuable in terms of understanding legislation and the issues it raises. These views do not exist for this legislation.

TOTAL COSTS OF BILL HAVE NOT BEEN EXAMINED IN THE CONTEXT OF A BUDGET RESOLUTION

Nor have the revenue and spending implications of home health care been debated in the context of a budget resolution. Budget resolutions tell the Congress what spending, revenues and deficits will be for a series of future fiscal years. Each of these elements have a tremendous impact on the United States and the world economy. Yet Congress and the President have not been given a chance to examine home health care as an integral part of the federal budget or the program's impact on aggregate spending and revenues.

HOME HEALTH BILL THREATENS TO INCREASE THE FEDERAL BUDGET DEFICIT

If participation rates in this proposed home health care program increase then program spending will increase, creating a substantial gap between spending and the revenues provided in the measure. Under alternative participation rates specified by the Ways and Means Committee, the Congressional Budget Office has calculated that this legislation will increase the Federal deficit by $5.3 billion in 1993. The Secretary of Health and Human Services projects that over $30 billion will be added to Federal budget deficits by fiscal year 1993 if this legislation is enacted.

If the program's revenues do not match expenditures then the Secretary may impose a copayment on beneficiaries of up to 5 percent of the average daily cost of services nationally. Second, he can reduce the amount that home care providers are reimbursed for their services. Based on the Ways and Means Committee expectations, the Secretary of Health and Human Services could be required to institute copayments and to lower benefits to achieve a 37-percent reduction in program expenditures by fiscal year 1993. Reductions of this magnitude would have two effects. Providers would significantly decrease or eliminate services, and/or there would be increased pressure to forgo placing the burden on beneficiaries and providers and to draw from general revenues to pay for the program. This situation guarantees an increase of our Federal budget deficit.

TAX INCREASES AND THE DEFICIT

With deficits approaching $200 billion a year one clear principle must be this: if the tax burden on Americans is increased Congress must first ask whether those revenues should be used to reduce the Federal budget deficit. Today the House will be considering a tax increase of some $35 billion over 5 years, yet we will not even consider the option of using these new taxes to reduce the Federal budget deficit.

Another problem with this proposed tax increase is that it eliminates yet another option for increasing revenues in the future. The Federal Government must find extra revenues and cut spending to reduce massive future budget deficits in the years ahead. Locking in the tax increase proposed in H.R. 3436 will further limit the Federal Government's options for increasing revenues in the future.

THE MEDICARE PROGRAM AND THE DEFICIT

Nor are we debating whether to raise these same taxes to eliminate the deficit in the Medicare program. In fiscal year 1989 the Medicare program deficit will be erased with a $26 billion contribution from general revenues. Shouldn't we be asking whether the $35 billion in new taxes over the next 5 years projected for the home health care bill should be devoted instead to the existing Medicare program? This is the sort of question which normally would be analyzed and debated in committee consideration of the legislation.

OTHER NATIONAL PRIORITIES

Funding for home health care is a legitimate need. It should be a policy priority. But what about other health care needs and national priorities which are not addressed in this measure?

If additional taxes are going to be raised then Congress should consider devoting some of those revenues to other long-term care needs or to helping the 37 million Americans who have no health insurance at all—no private insurance, no Medicaid or Medicare coverage. And what about the 20 million children who are growing up in poverty? Shouldn't they benefit if increased Federal spending is approved? There are also numerous additional proposals for program changes which help the elderly, including nursing home care, yet they are not addressed in this bill. Also, child care, education, and job training are areas many would like to invest in, yet the increased revenues proposed in this bill will not be shared with these high priority programs.

H.R. 3436 AND LONG-TERM HEALTH CARE

In spite of the importance of home care in providing long-term care, I strongly believe that we must first determine our overall long-term care policy, and the means of financing it, before committing ourselves and our resources to any one aspect of it. This is my primary policy concern about H.R. 3436. That there is a definite need for a comprehensive national long-term care policy and program is something with which I think few policymakers would disagree. Fully 80 percent, or four-fifths, of the elderly's medical expenses over $2,000 are for nursing home care.

I would not encourage overreliance on nursing homes and other forms of institutionalized care. I feel that community-based modes such as home care and adult day care should be emphasized. However, Congress must deal with the need both to provide viable alternatives to skilled nursing care and to assist those who must rely on nursing homes in being able to afford this costly care. While there has been some expansion and improvement in both the Medicare and Medicaid nursing home programs in the recently passed catastrophic legislation, the Medicare coverage can by no means yet be considered comprehensive, and Medicaid coverage still, by its nature, first basically requires the impoverishment of those using the services. By implementing the comprehensive home care program envisioned by H.R. 3436 and eliminating the Medicare payroll tax cap to pay for it, we would commit significant financial and other resources to one aspect of a comprehensive long term care policy. This seems premature, considering that home care, though certainly important, will be only one aspect of such a policy. Implementing H.R. 3436 now might actually prevent or would at least make much more difficult the establishment and financing of a comprehensive policy, and thereby close off a number of options.

There are three other important points that should be mentioned in connection with the conference report on Medicare catastrophic protection legislation just adopted by the House. First, I have serious concerns as to the wisdom of acting on another major expansion of Medicare, the home care bill, just after completing action on the largest expansion of the Medicare program since its inception. Second, it went through the type of extensive and rigorous process that should be accorded such major legislation, receiving the consideration of two House committees and one Senate committee over a period of more than a year. While the conference report was by no means perfect, I believe most would agree that the final version was significantly better than either the original House or Senate bill. That this is true is due to the considerable work that went into the measure in both Chambers, and is reflected by the overwhelming support with which it passed.

Finally, while the relative lack of attention to long-term care was, I believe, among the measure's major shortcomings, it includes provisions that lay the groundwork for improving Federal policy in this area in several ways. First, the conference report authorizes a total of $25 million over the next 5 years for the Department of Health and Human Services to do research on long-term care, with HHS specifically directed to focus on the delivery and financing of long-term care services. Second, the measure creates a U.S. Bipartisan Commission on Comprehensive Health Care with the mandate of making recommendations to Congress on the provision of long-term care services to the elderly and disabled, as well as comprehensive health care services for all Americans. Third, a study on adult day care services is also included. While I feel that we need not just study but act on long-term and comprehensive health care, these are certainly sufficiently important issues to warrant extensive discussion before implementing major programs. Also in this connection, work on this issue has begun in both the House and the Senate, with Senator MITCHELL having introduced a long-term care bill, S. 2305, and Representative WAXMAN planning to introduce one and hold hearings later in the year or next year. This strengthens the case for giving Congress time to focus on this important issue before acting on any one component.

DEMANDS ON THE HOME HEALTH INDUSTRY

In terms of the home health industry, there is evidence that it may not be ready for the additional major demands that will be placed on it if H.R. 3436 is implemented. This is especially true in connection with the current shortage of nurses and home health aides, and home care's overall situation.

The current and projected shortage of nurses has been well documented. Among other facts:

While there are now estimated to be over 1 million registered nurses [RN's] in this country, the Division of Nursing of the U.S. Public Health Service projects the need for 390,000 college-educated nurses by 1990, and significantly more after that;

Critical-care nurses, who are used extensively in home care, are in particularly short supply. A 1986 survey by the American Hospital Association reported 82 percent of hospitals reporting difficulty finding enough nurses in this field.

The nursing shortage is likely to worsen, not improve, since enrollment in schools of nursing has declined 17 percent since 1984. In addition, the quality of nursing school recruits has also declined, which both decreases the number that will eventually graduate and the likelihood that those who do will be able to adapt to a variety of health care settings.

Because nurses form the core of most home care services, these agencies will probably be especially hard-hit by the nursing shortage. While in the past, home health agencies were able to draw nurses away from hospitals and other large institutions because of better working conditions and other factors, these agencies are now experiencing some of the same drain as hospitals. Working conditions and pressures at many agencies have become similar to those at many hospitals, but salaries have continued to lag behind.

Although the creation of a comprehensive home care benefit may make the recruitment of nurses easier, the benefit's existence is unlikely to sufficiently compensate for the shortage. As for home health aides, while the shortage of these and other nonprofessionals involved in home care is not as extensive or as well documented as the nursing shortage, numerous home health agencies have reported shortages, especially in trained aides. Although the bill specifically includes funding for the training of aides, there is still a good chance that demand for aides under the program could exceed supply.

As for the overall home care industry, there remain questions as to how fast it can gear up to accommodate the greatly increased demand that would be generated by the benefit, partly because the benefit itself is so comprehensive. Because of the time agencies in some parts of the country, and the current shortage of some types of providers required by the bill, including nurses, the Congressional Budget Office estimate assumes that it will take approximately 3 years for the demand created by the bill to be met completely. Specifically, the estimate assumes that the home health industry, currently estimated to be a $5 billion per year industry, would grow nearly four times, to $19 billion, by 1993. In addition, the extensive case management provisions mandated by the bill require a much better developed system than currently exists, and which might take significantly longer to develop than the time allowed in the measure. Also, as has already been mentioned, because of the measure's high standard of services and strict quality controls, if payments to providers must eventually be cut to prevent increasing the deficit, these cuts might sufficiently decrease services to bring them below the program's standards.

Finally, for at least the past few years, home health agencies have experienced a severe problem with denial of services by HCFA based on eligibility questions, in situations for which reimbursement was previously not denied. For example, denials of reimbursement have increased by over 400 percent within the past year in Massachusetts. I have therefore joined in a suit, initiated by the National Association for Home Care and my distinguished colleague, Mr. STAGGERS, to make HCFA account for this enormous increase in denials. While H.R. 3436 may have clearer eligibility guidelines than now exist and while the catastrophic conference report has a provision requiring HCFA to set up an advisory commission to examine the denials, I am still concerned that this major problem could persist, if H.R. 3436 were enacted, without further work to clarify eligibility standards.

SUMMARY

Once again, I want to commend those who have worked on this bill. I deeply appreciate their dedication to improving the lives of elderly Americans. It is a commitment we all share. But while we are all working toward the same goal we may not all agree on the exact path that must be taken.

I believe the House can do a better job in designing legislation for this national problem by following the basic legislative process. We have much work to do in terms of exploring different options for helping the elderly meet their long-term health care needs. Through hearings and debate in the House and the Senate, we can find the best policy, the most comprehensive policy. But we must examine the costs of the different proposals, whether they raise revenues in a fair and efficient manner and whether the revenues are being spent wisely. We must weigh competing priorities to determine which can be funded and by how much in times of scarce resources. We must ask which initiatives will make our Nation both a better place to live and stronger economically in the future. These questions will be answered in time. Today it is obvious these questions have not been adequately addressed, and they certainly have not been answered.

Mr. DYMALLY. Mr. Speaker, I rise today in support of the rule which would allow us to consider H.R. 3436 the Medicare Long-Term Home Care Catastrophic Protection Act.

I disagree with the criticism that this bill circumvented normal legislative procedure because the substance of H.R. 3436 has been the subject of lengthy congressional scrutiny which included four hearings by the House Committee on Aging. In recent months, the Subcommittee on Health and Long-Term Care held 22 hearings on catastrophic health insurance, in Washington and around the Nation.

Nationwide support comes from over 140 organizations including citizens' groups, children's groups, women's groups, national long-term health care associations, and highly respected health experts, all of whom strongly favor this bill.

In addition, for over 20 years numerous House and Senate committees have held hearings and issued reports on long-term care.

No further study is required. Now is the time to act. Let us not renege on our responsibility to provide a much favored long-term home health care policy to our citizens. The need for long-term home health care is too critical. Older Americans, adults with disabilities and chronically ill children need the benefits of H.R. 3436 now. I urge my colleagues to pledge their support and vote "yes" on the rule to allow for the opportunity to consider this long overdue legislation.

Mrs. LLOYD. Mr. Speaker, Senator PEPPER has been a true friend and inspiration to me ever since I first came to Congress almost 14 years ago. I am very fond of him as a person and as a role model for older people. We have worked together on the Select Committee on Aging to improve the quality of life for our Nation's elderly, a cause to which I remain committed.

During the last Congress, I cosponsored with Senator PEPPER a long-term care bill—one that would have provided comprehensive long-term care services, including care for the chronically ill in their home or in a nursing home. Regrettably, the bill that is before us today is not comprehensive in that it would do nothing to help those whose conditions require round-the-clock care in a nursing home. In my opinion, this is a serious omission—one that should be addressed in hearings that have been promised by the Health Subcommittee of the House Ways and Means Committee.

I realize what this bill means to Senator PEPPER on a personal level. However, I also realize that we have an obligation to give the issue of long-term care the same type of thorough consideration that we gave to the catastrophic care bill, H.R. 2450, that passed the House last week. Unlike the bill that is pending before us today, H.R. 2450 was the product of the legislative process at its best—starting with committee hearings and full debate in both Houses of Congress and ending with a compromise that is about to become law.

While the Aging Committee has held hearings on long-term care, and the Rules Committee held a hearing on the resolution that is now before us, we have to recognize that neither committee has legislative jurisdiction over the Medicare Program nor the payroll tax that is used to finance that program. We also have to recognize that this proposal calls for an increase in the payroll tax that will affect employers and employees, neither of whom have had an opportunity to testify on the bill.

This amounts to taxation without representation, and that is sufficient reason in itself for voting against the rule. The rule, I might add, is a vote on procedure—not a vote on long-term care—an issue that is already being addressed in hearings in the Senate Finance Committee and an issue that will be addressed by the two committees of the House that share legislative jurisdiction over the Medicare Program. Like others here, I expect to have an opportunity to participate in the development of a comprehensive long-term care policy—one that includes help for home health as well as nursing home care and one that encourages individual and private sector involvement.

Mr. KLECZKA. Mr. Speaker, today I stand in opposition to the rule allowing consideration of H.R. 3436, Representative CLAUDE PEPPER's long-term home care proposal. I do so after lengthy deliberation. I realize that my stance will most likely prove unpopular with some constituents back home and among several colleagues.

I have become increasingly aware that America's elderly population wields impressive persuasive clout due to its size, sophisticated political organization, and turnout at the polls. As can be expected, legislative proposals supported by the elderly acquire greater urgency during an election year.

However, the legislative process guarantees a safeguard from this pressure. It cools the urgency of the moment by nurturing debate, analysis, and revision of legislative proposals. But, when ignored, the legislative process becomes useless—and pressure groups are satisfied—but not with the best legislation possible.

The Pepper long-term home health care proposal lifts the $45,000 cap on income subject to the hospital insurance tax. Yet this revenue-raising measure has not received the benefit of scrutiny before the committees of jurisdiction. This omission is a shame, for several studies demonstrate that costs of the program far outstrip revenues generated by lifting the hospital insurance tax cap. In fact, the Pepper long-term home health care benefit could exhaust itself within 2 to 4 years, endangering Medicare reimbursement for inpatient hospital treatment as well as requiring the Secretary of Health and Human Services impose copays while decreasing benefit payments. Furthermore, individuals needing assistance with nursing home costs are ignored in the Pepper plan. The fledgling home health care profession is ill-equipped to meet the demand for services. In summary, skirting around the proper procedures has produced a flawed bill, incapable of delivering what it promises.

Complying with legislative procedure, on the other hand, would have assured that a comprehensive, soundly designed bill—responding to a majority of elderly Americans' needs—was brought to the floor today. But the rule on H.R. 3436 is so inhibiting that the Pepper proposal cannot be improved. In fact, the Pepper proposal made its appearance woefully incomplete. Thus, I do not support the rule on H.R. 3436. The House has a responsibility to develop a substantively better bill—following normal legislative procedures the second time around.

A vote against the rule on H.R. 3436 provides the Congress an opportunity to draft truly comprehensive health care reform.

Mr. FAUNTROY. Mr. Speaker, I rise today to speak in support of H.R. 3436, the Medicare Long-Term Care Catastrophic Protection Act of 1987, and of the rule providing for its consideration by the Committee of the Whole House as expressed in House Resolution 466. I urge my colleagues to support both the rule and the legislation as an effective and timely means to overcome an alarming pattern of inadequate congressional action in response to the health care needs of Americans of all ages.

The health benefits and fiscal accountability of H.R. 3436 have been delineated in detail by Chairman ROYBAL and Chairman PEPPER of the House Select Committee On Aging and its Subcommittee on Health and Long-Term Care, respectively:

The overwhelming preference Americans have voiced for home health care over nursing home care;

The expressed support of taxpayers who would be responsible for financing the costs of the legislation;

The bill's built-in prohibition against deficit spending;

The preparedness of American home health-care providers to fulfill the intentions of the legislation;

The inadequacy of private insurance to provide sufficient protection against the costs of long-term illness;

H.R. 3436's protection against waste, fraud, and abuse in the Medicare Program;

Legislative scrutiny of the bill through numerous hearings in the Select Committee on Aging and its Subcommittee on Health and Long-Term Care, as well as related testimonies before the Health Subcommittees of the Committees on Ways and Means and on Energy and Commerce.

Such evidence clearly substantiates the considerable support coalescing among Members of the Congress, national health organizations, and the general public to ensure the passage of this historic and necessary legislation.

I urge my distinguished colleagues in the House to support wholeheartedly the passage of H.R. 3436 by voting both for the rule as expressed in House Resolution 466 and for H.R. 3436 during today's floor action. Chairman PEPPER has long represented responsible and progressive leadership in health care for the people of our Nation. Through his continuing leadership as the sponsor of H.R. 3436, he has presented the Congress with a timely opportunity to enact a responsible legislative solution to the long-term home health care crisis that accounts for 80 percent of Americans' catastrophic health care costs. Please join me and H.R. 3436's other cosponsors in ensuring the passage of this vital legislation to strengthen realistic home health care options for American families.

Mr. FLORIO. Mr. Speaker, the votes today on H.R. 3436 will determine the depth of our commitment to the elderly. I urge my colleagues to support the rule and to pass H.R. 3436 as amended by Congressman CLAUDE PEPPER.

Simply explained, the legislation meets the needs of the elderly.

The long-term care bill addresses critical issues for millions of senior citizens whose health needs have not been met in the past.

I have held hearings through the Subcommittee on Commerce, Consumer Protection, and Competitiveness. In those hearings, the need for long-term care legislation is clear. I have heard from families and individuals whose life savings were reduced to a shambles because of their need for long-term care. I have heard testimony attesting to the need for a system that will provide worry-free care for the elderly.

In homes across the Nation, senior citizens are being forced into poverty by their needs for health care. Indeed, they and their families are becoming slaves to the need for professional, qualified home health care.

These votes come on the heels of the catastrophic health care bill passed last week. The passage of that bill is an essential part of the package of health care for seniors. Its passage alone was predicated on the promises of the 100th Congress to do more for the elderly.

The promises made by this Congress and by past Congresses have reached a do or die stage.

If we do not act on our promises, we will lose the opportunity to help. Once that opportunity is lost, millions will suffer.

The significance of this bill is more than procedural. The days of the 100th Congress are coming down to the wire. After today, there will be less opportunity for the 100th Congress to act on its promises.

By adding to the Medicare Program, the elderly can be cared for in their homes. But the program itself is not a costly expansion. It is a well-reasoned measure that will open up a window of opportunity. Voting today will save time for this well-reasoned bill. Saving time now will make a difference in the lives of the elderly as soon as possible.

We have spoken before of windows of vulnerability. In all those windows, the needy are the most vulnerable. H.R. 3436 would close the windows of vulnerability and open the windows of health and welfare for the elderly.

Long-term care is an issue that will not go away. The problems faced by millions of senior citizens today will be faced by senior citizens tomorrow.

Indeed, this is not a problem just for the elderly. This is also a problem for their families. It is the families who sacrifice beyond their means to help their relatives. Years from now, this legislation will ensure that today's families will be tomorrow's beneficiaries.

The issue comes down to one of time. How can we best use our time in this short session to improve lives in the long term?

H.R. 3436 answers that question without magic. The expected cost estimates are in step with the revenues to be raised. It is the Federal Government at its best working on behalf of senior citizens when they are at their worst.

At no cost to society, H.R. 3436 creates options for the elderly and for their families.

Today, our parents will benefit. Tomorrow, our children will be cared for in their old age. Indeed, these votes are a test of our commitment to our parents and to our children.

Once again, I urge my colleagues to show their commitment by passing the rule and this bill.

Mr. BORSKI. Mr. Speaker, I rise in strong support of the rule and the bill H.R. 3436, the Medicare Long-Term Home Care Catastrophic Protection Act, which we are debating today.

Last week, this House took a historic step by passing legislation to protect older Americans from the threat of acute catastrophic illnesses. Today, we have an opportunity to cast another historic vote in favor of our Nation's elderly to provide older Americans with assistance with the cost of long-term care.

Last Saturday, I spoke to a group of individuals who struggle every day caring for members of their families who have Alzheimer's disease. Currently, there is no help available for these individuals except the support they receive from each other. The list of examples of families who struggle with long-term care costs could go on and on. Families like them live in every district across our Nation.

While the catastrophic health care legislation passed last week enhances the Medicare acute insurance package, it only skims the surface in addressing the serious need for protection from long-term catastrophic illnesses. In fact, long-term care accounts for over 80 percent of health care expenses for seniors who incur more than $2,000 per year in out-of-pocket health care costs.

On the other hand, H.R. 3436 institutes a program of relief from the devastating costs of long-term care. The bill will provide in-home care for individuals who cannot perform at least two activities of daily living without assistance. In addition, it will help chronically ill and technologically dependent children who remain at home.

As a cosponsor of H.R. 3436, I would like to express my strong support for this legislation and urge my colleagues to support this essential measure as well. We cannot continue to put off until tomorrow the critical health care needs of today's elderly.

Mr. GREEN. Mr. Speaker, I rise today in opposition to the rule for H.R. 3436, the Medicare Long-Term Home Care Catastrophic Protection Act of 1988. This is certainly not an easy vote to cast, but it is surely a responsible one. We must not hold our Nation's elderly population and the Federal budget hostage to costly election-year legislation which holds every promise of being a wolf in sheep's clothing.

I applaud the sincere efforts of my distinguished colleague Congressman Claude Pepper in bringing the important issue of long-term home health care to the top of the congressional agenda. Members of Congress must affirm their commitment to the development of a national health strategy which will allow for individual choice and does not mandate unnecessary, inappropriate, and costly hospitalization or other institutionalization. However, we must act neither irresponsibly nor hastily on this critical issue. It will take both time and a steady national commitment to create a program which will satisfy both those who will be beneficiaries, and those who will be bearing the costs.

It is deeply troubling that H.R. 3436 has reached the floor of the House for a vote without having gone through traditional committee consideration. It is a serious violation of congressional procedure to bypass the appropriate committees of jurisdiction for the purpose of obtaining a quick vote on a piece of legislation. And yet, that is exactly how H.R. 3436 comes to Members of Congress today—with unexamined and unknown consequences. We are all well aware of the vital role that the committee system plays in Congress. It is during committee consideration that legislation comes under the greatest scrutiny and the sharpest congressional focus. H.R. 3436, which provides for a major expansion of the Medicare system and carries a $30 to $50 billion pricetag over the next 5 years, should not be voted on until appropriate hearings have been held on the bill, so that Members of Congress may be fully aware of the consequences of their vote and make the best use of available revenues.

Specifically, I am deeply concerned by the fact that if the costs of the new program exceed the available tax revenue it will be the elderly themselves who will be asked to step in and absorb the differences. Cost estimates for H.R. 3436 vary widely. The Congressional Budget Office [CBO] has estimated that over the next 5 years the bill will cost about $28 billion, while the Health and Human Services Department projects the cost at over $50 billion.

Obviously cost projections must be based on expected program utilization rates. Unfortunately, in the case of federally provided home health care, we simply do not know with any great accuracy how many elderly individuals will make use of the new system. When the CBO did its cost estimates, the assumption was made that by 1993 only 45 percent of those eligible for the program would use it, at a cost of $8.9 billion for that year. If, however, the participation rate in the elderly population is 60 percent in 1993, unconstrained outlays would be $12.4 billion. A 70 percent participation would result in a cost of $14.3 billion, and 80 percent participation would amount to a $16.3 billion program cost. The available revenue generated by the financing mechanism of H.R. 3436—the lifting of the $45,000 cap on income subject to the 1.45 percent Medicare payroll tax—would be $9 billion in 1993. Thus, if participation rates go above the CBO estimate of 45 percent, then according to the provisions of this bill, the Secretary of Health and Human Services would be required to institute copayments and to lower benefits. In short, once a significant portion of the population begins to take advantage of the benefits this legislation promises, the money runs out. At that point, both Congress and the elderly lose, as we will be forced to subsidize the funding for these benefits through Federal revenues and premiums to the elderly.

With this type of financing arrangement in place, and with the expansive benefits promised, the elderly may be asked in the years ahead to provide funding for medical services to our Nation's disabled, to technologically dependent children, and to AIDS patients. While Congress has a responsibility to provide health care services to those populations, it is a grave injustice to expect our Nation's elderly to absorb any of those costs. It is significant to note also that H.R. 3436 makes no provisions for nursing home care, an issue of great concern and cost to the elderly. We must not ignore the tremendous financial burdens currently facing the families of the 1.3 million elderly individuals residing in nursing homes.

In short, I rise in opposition to the rule on H.R. 3436 because it forces Members of Congress to vote on an issue of supreme importance to old and young alike in our Nation, but does not allow us to do so with responsibility and deliberation afforded by committee consideration. Over the last two decades we have developed a wealth of expertise concerning the Medicare Program in the specific committees which have jurisidiction over the program. Let us return this bill to those committees where it can receive the kind of study and scrutiny this important issue merits. Let us wait to vote on this critical issue until we have a home health care bill we can all feel proud about, and one that is cabable of delivering what it promises.

Mr. GUNDERSON. Mr. Speaker, today I rise in unequivocal opposition to H.R. 3436, the Medicare Long-Term Home Care Catastrophic Protection Act of 1988, affectionately known as the Pepper bill, and its accompanying rule, House Joint Resolution 446, which if adopted, would allow for its consideration on the House floor this afternoon.

I want to make it crystal clear up front that my strong opposition to this legislation, at this time, should in no way be misconstrued as opposing an appropriate, balanced, and fiscally sound Federal response to Medicare long-term health care for older Americans. But a responsive Medicare long-term health care package, I contend, must be built upon a variety of services including nursing home coverage and home health care services.

The simplest and most direct way to describe H.R. 3436 is as a fraud to our older Americans. H.R. 3436 is a fraud because:

First. It does not provide long-term nursing home coverage.

We all remember well the beginning of the 100th Congress, when both Chambers responded enthusiastically to the administration's catastrophic health care report which served as a backdrop to numerous legislative initiatives in this area. However, during consideration of H.R. 2470, the Medicare Catastrophic Coverage Act of 1988, concerns were raised by thousands of constituents in all of our districts, including mine, regarding the inclusion of coverage for nursing home services. Let's be honest, real, and meaningful coverage of long-term nursing home services, today, is not within our Federal fiscal realities. Nor is it in this bill! However, future revisions to our Medicare Program, in terms of expanding coverage, will and should begin with nursing home services and include home health care services.

Second. It expands the pool of recipients eligible to receive Medicare long-term home health care benefits.

Medicare, as authorized, is a nationwide health insurance program for, today, 28.8 million older Americans and 3 million disabled persons. Benefits outlined in H.R. 3436 would be available to these 31.8 million Americans and every other American. Medicare, under this bill, will be expanded to all individuals, young and old Americans alike, regardless of financial need. Medicare benefits and services should remain a Federal program for older and disabled individuals.

Third. It finances our home health care services beyond the present ability of the system to deliver the potential benefits.

Through the 16 counties I represent in western Wisconsin, there are approximately 38 home health care agencies providing home health care services. My concerns are threefold. Is this an adequate number of home health care agencies to provide the appropriate services guaranteed by this legislation? Will this Federal legislation endorse one form of long-term health care coverage over another? Third, we are becoming increasingly aware of the severe shortages in the ranks of our health care professionals—nurses, physical therapists, and physicians—especially in some rural communities. Do we have trained and qualified professionals able to serve in the home health care field? Unfortunately, answers to these questions in terms of western Wisconsin lead to much uncertainty as to the overall true benefit of this legislation.

Passage of H.R. 3436 would establish a federally supported, artificial market addressing only a small portion of the long-term health care concerns of our older Americans. Congress should not establish a selective health care program that potentially may encourage the growth of fly-by-night home health care agencies that may not have the best interest of beneficiaries at heart, are essentially in the home health care field for a fast buck. We should work to enhance a broader home health care system to provide efficient and quality services. Let's not plant the seed for potential fraud in our health care and especially our home health care market.

Fourth. The overall costs to the Federal Government and overall health of our Medicare and Social Security programs are at risk with the passage of this bill.

Both the Congressional Budget Office [CBO] and Office of Management and Budget [OMB] estimates indicate that the Medicare dollars used to pay for the benefits in H.R. 3436 would within a period of 5 years outpace the tax revenues collected to finance this new entitlement program. Once the program is fully phased in, CBO estimates that projected costs of the program in 1 year would equal $14 billion, and the taxes collected to pay for this program would equal $9 billion. Such a shortfall would have to be covered by either a reduction of services, increases in premiums and copayments for services, reductions in reimbursement levels to home health care agencies, or a combination thereof.

OMB figures show that potential costs for this program in the first 4 years of operation total $67.2 billion. CBO figures it will cost for the first 4 years of operation $29.2 billion. The vast differences in these estimates tell us that such benefits are difficult to determine because home health care benefits vary from area to area. CBO also estimates that it will cost the Federal Government $39 million to establish this Medicare Home Health Care Program before one benefit is provided.

In terms of demographics, enactment of H.R. 3436 will potentially cause greater problems in financing and delivery of benefits as our baby boom generation begins to retire, and our work force pool shrinks. Economic assumptions indicate that by the year 2009 our Medicare hospital insurance trust fund may be exhausted, and today we are trying to add on to our Medicare Program a costly new entitlement. A solvent Medicare hospital insurance trust fund is dependent upon the income paid through payroll taxes.

Fifth. Medicare premiums and copayments may increase for our 31.8 million Medicare beneficiaries with the passage of this bill.

As the costs of medical products and services increase, so to do the premium costs to our Medicare beneficiaries. Upon coming to Congress in 1981, the monthly Medicare Part B premium was $11. Within 7 years this premium has increased by 55.6 percent to $24.80. Realizing that increases in the Medicare Part B premium are inevitable, there is no doubt that inclusion of the provisions of H.R. 3436 will add to the costs of Medicare which will be reflected in premium increases to recipients.

H.R. 3436 is a fraud to our older Americans because it will potentially result in:

Higher Medicare premiums and copayments for services.

Higher deficits.

No fiscal ability for future initiatives to provide older low- and middle-income individuals with nursing home coverage.

The amendment allowed under the rule to H.R. 3436 does make a viable contribution to helping older Americans in financing nursing home care costs. This Federal participation is in the form of stimulating insurance companies to provide improved and less expensive insurance policies covering nursing home care. A provision of the Michel amendment reflects a bill I am an original cosponsor of—H.R. 3501, the Older Americans Long-Term Care Insurance Act. These provisions in the Michel amendment serve to enhance the private insurance market to better respond to the long-term nursing home concerns facing current and future older Americans.

Additionally, the Michel amendment establishes two 30-month demonstration projects. One project responds to Medicare home health care, and the second project focuses on Medicaid home care coverage for children. These studies serve to ensure that home health care services can be provided in the most effective manner possible. Finally, the Michel amendment delays the date of implementation of H.R. 3436 until January 1, 1991, awaiting the completion and evaluation of the two demonstration projects.

Less than one week ago, the House of Representatives acted responsibly to enhance and expand acute catastrophic health care coverage to our 31.8 million Medicare recipients* Let's defeat the rule providing for consideratioj of H.R* 3436. Let's strive tk be respojsive again by addressing the brkad long)term health care needs of our klder and disabled Americans beginjing with nursing home care and home health care services.

Mr. OWENS of New York. Mr. Speaker, I rise in strong support of the Medicare Long-Term Home Care Catastrophic Protection Act (H.R. 3436) and against the Republican substitute which will be offered today.

Providing a Medicare benefit for comprehensive home health care services for older Americans who are chronically ill and children and others with severe disabilities is so long overdue. Millions of Americans are in need today of home health care services and an estimated 1 million will go bankrupt this year trying to pay for it. And, significantly, this new benefit, unlike that provided by the catastrophic care bill we recently passed, would be financed progressively. Rather than dumping the cost-burden entirely on the elderly through new premiums, surcharges, and copayments, funding for the new benefits in H.R. 3436 would be paid for by eliminating the regressive cap on the Medicare payroll tax, imposing a very modest new tax on the wealthiest 5 percent of working taxpayers. This sound and fair legislation, quite literally, is the answer to the prayers of millions of Americans.

As opponents of H.R. 3436 have urged us to vote down this initiative and to settle instead for a commission to study the issue, some tiny demonstration projects, and another round of congressional hearings, the overwhelming public support for this legislation in our communities has been all but dismissed. Trust us, the arrogant line has been, never mind what your constituents have been saying about the urgent need for long-term health care legislation, these are all very complicated issues which most Americans do not really understand. Well, they are absolutely right about one thing: the American people do not understand.

We are the wealthiest nation on the planet, but our health care system is one of the worst among industrialized nations in meeting the basic needs of our citizens. No, the American people do not understand.

Year after year we pour billions of Federal dollars into evermore exotic instruments of death and destruction, but when we are called to preserve and enhance human life by expanding the supply of decent, affordable health care in this country, the Federal cupboard is always bare, No, the American people do not understand.

Great advances in medicine and technology have made it possible to keep the severely disabled and the chronically ill out of institutions and in their own homes, allowing them to lead lives of dignity and independence, but access to home health care and the benefits of these innovations remains restricted to only the most wealthy among us. No, the American people do not understand.

It costs $40,000 less a month to care for an infant with breathing and feeding problems at home instead of in the hospital, $10,000 less a month to care for a quadriplegic at home instead of in the hospital, but the wizards of new math who oppose this bill still insist that home health care is somehow too expensive for us to afford. No, the American people do not understand.

Over the last decade, hundreds of hearings have been held and countless reports compiled on the issue of long-term health care, but, even now, we are told the time is still not right to act and that we must be patient and wait until next year, or the year after that, or the year after that. No, the American people do not understand.

They do not understand all of this. But what they do understand is that it is scandalous to break up families, to lock away in an institution a grandfather with Alzheimer's or a child with severe cerebral palsy when they could be home with the people they love. What they do understand is that it is indecent to force the chronically ill into abject poverty before their Government will lend a hand to help meet their need for care. What they do understand is that they are tired of politicians who insist on treating every American's right to quality, affordable health care as a luxury to be provided at the Government's leisure and convenience. And what they do understand is that they want action now—not next year or the following year but now—on legislation to address the dramatic need for home health care in their communities. Vote for H.R. 3436 and against the substitute.

Mr. BROWN of California. Mr. Speaker, I rise in support of the Medicare long-term home care bill (H.R. 3436) and the rule.

Perhaps the best way to support this much needed legislation is to discuss and dismiss the arguments against it. First, there are those who object to the bill because they fear that the bill's costs could rapidly escalate as a result of the benefits' sweeping nature. I am as opposed as any of my colleagues to increased expenditures at this time. According to the Congressional Budget Office [CBO] and the House Legislative Counsel, the bill's cost cap prevents the measure from increasing the Federal budget deficit. According to CBO, the legislation's first 5 years of revenue would total $34.9 billion with costs totaling $29.3 billion. Moreover, language in the bill prohibits spending more money than is derived from the payroll tax it establishes.

Yet, should the bill add to the deficit, as many of the bill's opponents maintain, we must decide which amount is greater: the roughly $9 billion they cite, or the billions more Medicaid will need to support the burgeoning number of senior citizens needing long-term care. Furthermore, we must remember the financial costs of home health care that are borne by families. Yesterday's Washington Post editorial on the bill now before us carried the callous statement that "Most home health care is now provided by families, free." Free to whom? Certainly not to the families, nor to the elderly parents and grandparents for whom they are caring. And I remind all those critics that the elderly population will increase sharply and dramatically as the baby boom generation ages. Today, nearly 7 million Americans are over 80 years old, comprising the second fastest growing population group. And this group is expected to more than double by the year 2050, when it will be the fastest growing population group. By the year 2030, 20 percent of all Americans will be over 65. The time to act is now, before the problem of providing long-term care becomes even more of a crisis for the Nation's families.

No politician this year can say he or she is ignorant that long-term care has become a major issue—and for two important reasons. First, Americans are finally realizing that it is a crime for a society as affluent as ours to require senior citizens to impoverish themselves to qualify for Federal long-term care assistance. Second, we know that besides allowing the elderly a decent standard of living, we must also allow them to preserve their autonomy by staying at home—with their families, with their communities, and out of nursing homes—as long as possible.

A 1988 Louis Harris national survey found that 78 percent of Americans would prefer to receive long-term care in their own homes rather than in a nursing home. Another study, commissioned by the American Association of Retired Persons and the Villers Foundation, found that while Americans are against higher spending and taxes for most areas, they are not as regards long-term care. Or, as two political consultants—one a Democrat and the other a Republican—recently, noted:

> After the Reagan years the people are once again willing to consider and fund a more activist government. The stop-all-spending-dead-in-its-tracks mentality of the 1980 elections has given way to a new willingness to consider a new government activism—with long-term care at the head of the wish list.

Second, as regards the rule, critics who oppose it are rather late with their objections. We have known since last summer that in exchange for removing the measure before us now from the catastrophic protection bill, the House leadership had promised Mr. PEPPER the chance to bring the bill to the floor as a separate measure. While I am uncomfortable with the precedent this arrangement sets, I recognize that almost a year has gone by since that time, providing more than ample opportunity for other committees to have held hearings. The Select Committee on Aging has held over 20 hearings, and Mr. PEPPER and Mr. ROYBAL, chairman of the Aging Committee, have testified before the Ways and Means and Energy and Commerce Subcommittees on Health.

Third, many opponents of the legislation argue that the measure does not address the issue of nursing home care. May I remind them that the name of the bill is the "Medicare Long-Term Home Care Catastrophic Protection Act," and nowhere are the words "nursing home" included. Thus, to fault the bill for not being something it has never pretended to be is ridiculous. Because it does not address nursing home care, or benefits for those with no insurance at all, is no reason to delay action when the measure does offer significant help to a large constituency. Those who object to the exclusion of nursing home care say that it is unfair to our Nation's seniors to pass legislation that does not include provisions for nursing home care, and that we should instead wait until we have a more comprehensive measure that addresses both types of care .

If we really care for our elderly, then we will not make them wait—for who knows how long—for such a bill. While critics argue that nursing home costs are the major source of financially devastating costs for the elderly—$38.1 billion in 1986, according to the Department of Health and Human Services—and thus should be the focus of long-term care legislation, it is interesting to note that while 2.3 million people will this year be residents of nursing homes, nearly twice as many will receive home health care, according to a recent study by the Brookings Institution. In addition, I find it interesting to note that those who complain of the measure's high cost in the same breath as its lack of nursing home coverage fail to realize that adding nursing home care would most certainly assure a bigger price tag.

Considered on its own merits, the bill is a long overdue measure that would provide comprehensive long-term home care to the chronically ill and disabled of all ages. In addition to providing basic medical care and social services, the measure would allow our most vulnerable citizens to remain at home with their families as long as possible. We do not need additional studies or surveys to show that home care is more humane than institutional care—we already have sufficient documentation of that. The time has come for the Government to provide leadership on this important issue. I urge my colleagues to support the rule and H.R. 3436, to help the Nation's elderly and disabled overcome the devastating emotional costs of institutionalization, and the equally devastating financial costs of all long-term care.

Mr. HUGHES. Mr. Speaker, I rise in opposition to this restrictive rule.

I do so with more than a little reluctance, because I have long been a strong supporter of home health care as an alternative to institutionalization. Not only is it more humane to care for the elderly and infirm in familiar surroundings to the greatest extent possible, but it is also more cost effective in the long term.

I strongly believe, however, that a bill of this magnitude merits a much greater degree of scrutiny than this rule provides. As many of my colleagues have already noted, this bill has not been considered by either of the legislative committees which have jurisdiction over Medicare legislation. It has not had the benefit of the sort of intense consideration that the committee process was designed to provide.

This being the case, I cannot in good conscience support a rule which also precludes full consideration on the floor. I support expansion of Medicare home health care benefits, but I have some serious concerns about the funding mechanism contained in this bill, and about the effect that it might have on future efforts to provide Federal support for nursing home care.

The Congressional Budget Office tells us that the costs of the benefits provided by this bill will outstrip the revenues it provides by 1993. This is a serious problem. We might be able to resolve it if the House were given an opportunity to debate amendments, but this rule does not give us that opportunity. Rather, it asks us to either take or leave a sweeping Medicare reform proposal without having any opportunity to address legitimate concerns that I, and others who are truly supportive of the bill's basic intent, have.

I rarely vote in favor of closed rules under any circumstance, because they rob us of the chance to fulfill our responsibility to pass the best legislation we are capable of crafting. This is a very important bill. It deserves the benefit of a full and open floor debate. I urge my colleagues to join me in opposing this ill-advised rule.

Mr. ROGERS. Mr. Speaker, today I wish to express my opposition to the rule to consider H.R. 3436, the Medicare Long-Term Home Care Catastrophic Protection Act.

That this rule and the bill are before us today is an insult to the normal legislative process and to the committees of jurisdiction. However, my principal concern lie with the flawed content of the bill itself.

First of all, this bill does not at all address the broader issues of long-term health care. It is solely focused on home-health care, completely failing to address the largest catastrophic cost currently facing the elderly—nursing home care. For elderly who spend more than $2,000 per year on out-of-pocket costs for health care, 80 percent is spent on nursing home care. It is irresponsible to pass legislation on long-term care which excludes nursing home care. Furthermore, this bill ignores an entire range of tax-related or private-sector incentives to help cover the costs of long-term health care. It is simply too narrow in scope.

Consequently, this legislation eliminates many good options for families with chronically ill elderly. It is true that it would help some disabled elderly stay home, but it serves as a strong disincentive to nursing home care, which may be the only viable option for some elderly. By loading up Federal benefits toward one catagory of care, this bill will forfeit an older person's option to choose the best kind of care at the lowest cost.

This bill also has serious budgetary implications. Its costs are indefinite. At the very least, costs are projected to be $28 billion over the first 5 years. By creating new direct spending programs, the size of which cannot be determined, we threaten to bankrupt the trust funds now used to provide Medicare services. As it stands now, these funds are already projected to face shortfalls in the next 10 to 15 years.

It is not responsible to make promises that we cannot keep, or make promises at the expense of a whole range of other options and needs. H.R. 3436 eliminates the Government's option to examine and provide a whole range of services and incentives, not only in long-term health care, but in a variety of social and health related problems facing this Nation by raising $35 billion in taxes and dedicating them to one program.

I am very concerned about the increasing cost of health care to the elderly. That is why I voted last week in favor of the conference report on the catastrophic health care bill, the largest expansion of Medicare since its enactment. The catastrophic health care bill is a solid step toward solving health care problems for our elderly. Members from both the House and Senate spend many long hours considering the merits of this legislation, and within each House the bill was given careful consideration by the appropriate committees. Likewise, it is imperative that we give long-term health care the same attention and consideration that it deserves.

In my view, this legislation does not meet the most pressing long-term health care needs of my Fifth District constituents. For this reason, I will work toward passage of a new long-term health care package that truly responds to those needs.

Mr. INHOFE. Mr. Speaker, before us today is a monumental piece of legislation that would greatly expand the obligations and duties of the Federal Government to provide long-term health care for our Nation's elderly and disabled. For many years I have had a tremendous personal interest in long-term care for those who need it. As mayor of Tulsa, I vigorously supported my city's growing home health care services, and I look forward to promoting greater Federal involvement in my first term as Congressman.

Therefore, it is with deep regret that I am unable to support the bill now before this House. My regret is all the deeper because this bill is sponsored by a man for whom I have great respect, Congressman CLAUDE PEPPER. For several decades Congressman PEPPER has tirelessly championed the cause of the elderly. He has richly deserved all the accolades and affection which have been bestowed upon him. Nevertheless, a close examination of this bill raises troubling questions which must be resolved before we can responsibly implement legislation of this breadth and magnitude.

As several of my colleagues have correctly stated, this legislation has had no hearings in committees with jurisdiction. Nor has the cost of this bill been definitely determined. At a time when we are acutely aware of our deficit, we cannot adopt legislation for which the cost estimates vary by several billion dollars. Furthermore, it is unclear how the services called for in this bill would be provided. We cannot once again raise false hopes only to see them swamped in a sea of unresolved problems. Let us take our time and do it right the first time.

Mr. NELSON of Florida. Mr. Speaker, during this 100th Congress giant steps have been taken to reform those programs badly in need of repair. Welfare reform was just the beginning followed by the overwhelming support of the Medicare Catastrophic Protection Act and its passage through this Congress just a few days ago. Now before us we debate the merits of H.R. 3436, legislation fathered by a distinguished Member of Congress, Senator PEPPER. He is the champion for our Nation's older Americans and with H.R. 3436, Senator PEPPER has taken one more step closer toward assisting them and Americans of all ages with the burden of skyrocketing health care costs.

Too many seniors are left without financial assistance during times of long-term illness. Nursing-home care costs have become prohibitive leaving our Nation's older Americans with nowhere to turn when an illness besets them. And for the first time, H.R. 3436 provides assistance for catastrophically ill youngsters, a sector of our community that is often left without financial assistance because of the infrequency of childhood catastrophic disease.

H.R. 3436 provides the much needed Medicare coverage for comprehensive home care to elderly who need assistance with two or more activities of daily living, as well as home care to technology-dependent children and disabled workers. The American Association of Retired Persons and the National Association of Retired Federal Employees are just two of the many groups that are supportive of this legislation.

Too many times we hear horror stories about elderly people saving for their future only to be impoverished by the onslaught of catastrophic illness. Mr. Speaker we are moving into the 21st century and Americans are living longer. The probability of a catastrophic illness laying claim to an elderly person is increasing at a rapid rate and, unfortunately, the technology to cure these illnesses has not continued at the same rate as longevity. Impoverishment is an unacceptable alternative and H.R. 3436 provides the means for the elderly to maintain their dignity at home while trying to survive under the financial pressure of catastrophic illness.

This 100th Congress has taken the lead in providing a realistic opportunity for the impoverished, the elderly and the ill to survive. With H.R. 3436 we have the ability to further improve on our momentous work thus far.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in support of the rule and of H.R. 3436, the Medicare Long-Term Care Catastrophic Protection Act of 1987. The care that would be provided by this bill is vitally important to thousands of American families and particularly significant to the lives of senior citizens and chronically ill individuals.

Almost every family in the Nation today has been faced with a problem involving long-term health care for a family member. In many cases, the cost of long-term home health care is prohibitively expensive. I am sure that countless families have felt forced to place a chronically ill family member in a nursing home or an institution because the care they needed was available only in that setting. With adequate resources to care for dependent senior citizens and chronically ill children at home, these individuals would not need institutionalized care and could enjoy the quality life they deserve at home.

H.R. 3436 provides for this care and makes it possible for Medicare beneficiaries to avoid or delay institutionalization. Changes in our health care system are needed and I support the efforts in H.R. 3436 to attack some of the existing shortcomings.

Mr. Speaker, results of the recent Louis Harris poll examining Americans' attitudes regarding long-term health care, showed that 73 percent of Americans earning over $50,000 per year supported removing the current $45,000 cap on the Medicare payroll tax to provide funding for long-term home health care. As most of you are aware, this is the funding mechanism used to finance benefits offered in H.R. 3436.

The findings of the Louis Harris poll confirm the sentiments regarding long-term health care that we so often hear Americans express. According to the poll and the feelings of Americans in general, there is widespread support for the provisions in the bill and a willingness of the American citizen to make certain sacrifices for the benefits it provides.

The care provided by H.R. 3436 is sorely needed and it's time that Congress take an active role in providing relief for families devastated by the high cost of long-term care.

Mr. SYNAR. Mr. Speaker, since first coming to Congress, one of my top priorities has been ensuring that all Americans have access to affordable health care. Through my work on the Select Committee on Aging, as chairman of the Task Force on the Rural Elderly, and as an active member of the Energy and Commerce Committee, I've consistently supported legislation to make health care more affordable and to help those with low incomes get the medical attention they need. I supported the catastrophic legislation; I have opposed cuts in the Medicaid and Medicare Programs that would lead to increased costs for beneficiaries and reduced benefits; I supported legislation to expand Medicaid coverage for young children; and together with my colleagues on the Rural Health Care Coalition, I've been fighting for improved access to quality health care in rural areas.

I realize that all of these efforts address only one component of the health care picture—the costs associated with short-term, acute illnesses. I believe the Federal Government has an obligation to ensure that Americans of all ages have access to health care regardless of income. I also believe that long-term care services are a vital part of the Federal Government's responsibility and that existing Federal health care programs are woefully inadequate in that regard.

Congress and the administration must wake up to the fact that more must be done to protect chronically ill and disabled Americans from the extraordinary costs of long-term care. Nursing homes cost an average of $25,000 a year. Home health services for 1 year can cost up to $15,000. The private insurance market is virtually nonexistent. Even with increased availability of long-term care insurance, the Brookings Institution has estimated that only one-third of all elderly will be able to afford the coverage. Medicaid will pay for nursing home care, but only after an individual spends all of his or her own resources first. Medicare coverage of long-term care is limited and available only to those individuals enrolled in the Medicare Program. Millions of Americans have no choice but to rely on the generosity of loved ones to care for them in the event of an extended illness. The burden on family caregivers—primarily women—is enormous. For those individuals without families to pick up the load, a nursing home may be the only alternative.

I am prepared to support a comprehensive approach to long-term care. Regrettably, H.R. 3436, for all of its good intentions, is not that bill.

The bill is an important first step in the debate over the appropriate role of the Federal Government in providing long-term health care. Home health care is the preferred method of receiving long-term care and has been shown to be a cost-effective alternative to institutionalization in many cases. Public support for this kind of a benefit through the Medicare Program is great. Unlike previous proposals, the bill makes all Americans needing assistance with two out of five activities of daily living eligible for the benefit regardless of age.

Despite these positive provisions, my concerns over this proposal outweigh its potential benefits. While it is true that 80 percent of the elderly's out-of-pocket health care expenses over $2,000 result from long-term care, most of it is spent on nursing homes. H.R. 3436 doesn't provide any coverage for nursing home costs. Although home care may be preferrable to nursing home care, it is not possible in all cases. A federally sponsored long-term care benefit that doesn't include nursing home coverage is not acceptable.

In addition to not including nursing home coverage, the bill omits other forms of long-term care such as adult day care. Adult day care is becoming a more popular method of caring for those who need assistance on a daily basis. Programs, like the one operated through St. Dunstan's Episcopal Church in Tulsa, OK, are providing a valuable service that should be part of any federally sponsored long-term care benefit.

I'm concerned that this bill has not been thoroughly considered. There are numerous questions about its actual cost, the eligibility requirements, and its implementation. For example, the bill doesn't require any copayments which could lead to an explosion in utilization. There aren't sufficient guarantees to ensure that only those in need of the benefit will be eligible. As ridiculous as it seems, the possibility has been raised that a healthy 2-year-old child could receive benefits simply because he or she is unable to perform two out of five activities of daily living. I'm sure that this problem can be easily resolved, however, it just highlights that there are several important questions which have not been fully addressed. The committee process serves an important function by allowing all aspects of a proposal to be debated and perfected. H.R. 3436 did not go through the regular channels in the House and therefore, did not receive the careful consideration that complex legislation of this type generally receives.

Although H.R. 3436 addresses a serious problem that deserves the immediate attention of the Congress, it is not good public policy. There are too many unanswered questions about whether or not this approach is the best one to meet the long-term care needs of our Nation's citizens. I am committed to working with the appropriate committees in the House to draft a comprehensive policy that gives all Americans access to long-term care services and will enthusiastically support such a proposal when it comes before the House for a vote.

It is difficult for me to vote against this bill. I have deep respect and love for my colleague from Florida [Mr. PEPPER.] No one has worked harder or more diligently to ensure that the interests of the elderly are protected. I've been privileged to serve with him on the Aging Committee and appreciate his leadership. I look forward to working with him on this issue in the future.

Mr. RAHALL. Mr. Speaker, today I rise in support of the bill, H.R. 3436, being offered by our distinguished colleague, CLAUDE PEPPER. In this legislation, it is easy to see the wealth of experience and knowledge Mr. PEPPER has gained as a long-time champion for the rights of senior citizens and chairman of the Subcommittee on Health and Long-Term Care. Along with the distinguished chairman of the Select Committee on Aging, Mr. ROYBAL, Mr. PEPPER has worked for many years to put together a bill which will immediately address the urgent need for long-term care.

As senior member of the West Virginia House delegation, I have had the opportunity during my 12 years in Congress to become painfully aware of the hardships suffered by my constituents when faced with the financial burden of long-term care. The time to provide the American people with viable long-term coverage is long past due.

There are those who fear that this legislation is hastily prepared and deserves further committee consideration. I know that this bill has been thoroughly researched and carefully prepared. I also know that many of my constituents—and I am sure the same holds true for those of my colleagues—cannot continue to wait for more hearings, more research, and more rhetoric. They need to see a decisive step toward alleviating this tremendous cost burden. They must know that their representatives in Congress are doing just that: representing their immediate, as well as future, needs.

H.R. 3436 is fiscally sound in its method of financing and will not add to the current budget deficit. It is a step toward providing protection against the financial burdens of long-term care: a protection which is so critical now and will only continue to rise in importance in the years to come. I urge my colleagues to support H.R. 3436.

Mr. JONTZ. Mr. Speaker, I rise today to speak in favor of H.R. 3436, the Long-Term Home Health Care for Americans of All Ages Act.

First of all I want to thank my colleagues, Mr. PEPPER and Mr. ROYBAL, for all the time that they have spent in drafting this landmark legislation. They have done a tremendous job of addressing one of the major issues facing our Nation's citizens.

Historically, long-term health care has taken place in hospitals and nursing homes. However, with the cost of medical care today few families can afford the expense of these institutions for the duration of their illnesses.

H.R. 3436 addresses the financial burden imposed by chronic illness on our Nation's citizens, and provides for home health care services under Medicare to alleviate this burden. The bill will benefit not only elderly persons, but the disabled and chronically ill children as well.

Long-term care is an issue which deeply affects the families of this country. Without a national policy, inadequate support for long-term home care threatens family emotional and economic stability. H.R. 3436 recognizes that catastrophic health care costs are not simply a problem for the elderly and for their children who often provide the care, but for many young families caring for chronically ill or disabled children. While studies show that home care can be less expensive and more humane than institutional care, assistance from Federal programs and private insurance is often only available for hospital and institutional care. H.R. 3436 prevents families from having to choose between poverty and institutionalization of a loved one.

In addition this bill will allow for training, counseling, and respite care for family members who care for patients.

We have the opportunity today to prevent a host of personal catastrophes for Americans all across our Nation. With annual nursing home costs averaging over $22,000 and rising, elderly median annual income averaging $11,500, and over 200 million Americans underinsured against long-term health care costs, there is a desperate need for legislation to protect our citizens.

There has been considerable debate concerning the cost of this legislation to the Federal Government. The Congressional Budget Office has determined that H.R. 3436 is completely self-financing. It is revenue neutral.

This program will be financed by removing the $45,000 cap on income subject to the Medicare payroll tax of 1.45 percent. Approximately 95 percent of the working public makes less than $45,000 annually, so only 5 percent of working Americans would be affected.

Currently the $45,000 cap on the Medicare tax allows the top 5 percent of wage earners to pay a much smaller percentage of their income to the fund than all other workers.

Mr. Chairman, for those of us who earn in excess of $45,000, I feel it is a small price to pay to relieve the financial burden of long-term home care that falls on our Nation's elderly and chronically ill persons of all ages and their families.

H.R. 3436 also contains language which assures that this program could never add a penny to the Federal budget deficit.

The Secretary of Health and Human Services, in consultation with the Director of the Congressional Budget Office, is required to annually estimate the revenues and costs generated by this program. If costs exceed revenues, the Secretary is required to impose a small daily copayment and make reductions in payments.

This bill has not been written hastily. In fact, Mr. PEPPER and Mr. ROYBAL have spent a considerable amount of time holding hearings, working with health care experts, and revising this legislation to ensure that this bill adequately addresses the long-term health care problems of our Nation's citizens. Over the past 20 years there have been approximately 100 hearings, reports, and studies by various House and Senate committees on the topic of long-term care.

Congress has the opportunity today to respond to this public mandate by passing this landmark legislation.

It is important that Americans be given a choice about long-term care. I am proud to be a cosponsor of H.R. 3436, because it will give Americans that choice.

Over 100 organizations, representing millions of our Nation's concerned citizens, support the Pepper bill which would ensure quality long-term health care not only for our elderly but also for the chronically ill and disabled adults and children of our Nation.

I urge my colleagues to vote for H.R. 3436 so we can take a giant step toward providing the type of health care Americans of all ages deserve.

Mr. STOKES. Mr. Speaker, I rise in support of H.R. 3436, the Medicare Long Term Care Catastrophic Protection Act of 1988. I want to commend my distinguished colleague from Florida [Mr. PEPPER] for his insightful and impressive work in developing this initiative. H.R. 3436 is a crucial step toward closing major gaps in Federal health coverage for persons with disabilities, elderly individuals, and those with chronic illness.

Today, we have the opportunity to take a positive step in catastrophic health care reform and help millions of Americans who receive or who are in need of long-term care at home. We can do this by voting in support of the rule on H.R. 3436. A vote in favor of the rule is a vote to assist the many individuals who exhaust all of their resources in order to pay for needed services. H.R. 3436 offers some hope for increased access to needed home health care for these persons and some protection against financial ruin. These services would benefit not only those who are ill, but their families, who themselves are often subject to enormous emotional, physical, and financial burdens.

Mr. Speaker, last week, the House made a significant move in providing assistance for catastrophic illness by passing H.R. 2470, the Medicare Catastrophic Protection Act. Passage of that legislation was a lengthy and arduous process. Much negotiation occurred to bring that measure to fruition. Most important to this was the agreement of our esteemed colleague, Mr. PEPPER, to not offer his long-term initiative as an amendment, and for H.R. 3436 to receive consideration later on. Had this not occurred, H.R. 3436 would have been brought to the floor at that time without having been reported by committee.

In my congressional district, I have had an outpouring of letters and calls from a very important constituency, our seniors, who strongly support the rule and this bill. They have testified on numerous occasions before the Select Committee on Aging on the issue of long-term care. There is a need for and support throughout the Nation for an entitlement home care program to protect the chronically ill of all ages. H.R. 3436 provides the means for us to respond to this concern.

The Medicare Long Term Care Catastrophic Protection Act is the next step in our addressing the overall catastrophic health care needs of Americans. We are all susceptible to being victims of chronic, long-term illnesses, and must build an adequate health care system that provides assistance for these serious and chronic health conditions. We must act now, while we have this opportunity to meaningfully expand and change the availability of health care.

Mr. Speaker, I want to again commend and thank my colleague for his leadership, insight, and tenacity on this issue. I join seniors, the disabled, and the chronically ill throughout this country in supporting him, and urge my colleagues to honor last year's agreement and vote in favor of the rule for the Medicare Long Term Care Catastrophic Protection Act of 1988.

Mr. SCHEUER. Mr. Speaker, those who oppose this bill do not understand the sense of urgency the American people have regarding long-term care.

Americans believe the absence of a long-term care program is a "national family crisis"—87 percent in AARP poll conducted by RL Associates.

Americans expect the Federal Government to act on this issue—86 percent in AARP poll.

Americans are willing to pay higher taxes for an adequate Federal long-term care program—68 percent in AARP poll.

Those who claim this bill is too expensive should bear in mind that American families are already bearing the cost of long-term care.

Fifty percent of nursing home costs are paid out of pocket by individuals and families.

American families annually provide billions of dollars worth of care to their loved ones at home.

We do spend too much on health care in this country.

Health care spending is approaching 12 percent of GNP in the United States versus an average of about 8 percent of GNP in competing OECD countries.

Total health care expenditures are expected to rise from about $500 billion this year to $1 trillion by the turn of the century.

Despite our significantly higher expenditures, there is no indication based on the most commonly used health status indicators that Americans are receiving better health care than people in other OECD countries.

But this is no reason to deny badly needed home health services to senior citizens, technology dependent children and disabled workers that the Pepper bill would make available.

What we need to do is eliminate the substantial waste in our health-care system, waste that some health care experts have said approaches 25 percent of our total health care expenditures, or some $125 billion annually.

Joe Califano told my JEC hearings we waste on the order of $125 billion of our health care expenditures annually.

Mr. Califano said we have 400,000 excess hospital beds in this country that cost $20,000 to $30,000 a year each to maintain.

Noted health care expert Dr. Uwe Reinhart of Princeton University said at the JEC hearings that the rampant pluralism of our free wheeling and largely uncoordinated health care system tacks on a $20 surcharge for every 100 dollars' worth of health services rendered.

Mr. Califano, Dr. Reinhart, and other health care experts who have testified before the JEC suggested ways we could reduce the waste in our health care system, including: reorienting the system toward keeping Americans well, with emphasis on programs to prevent addiction to drugs, alcohol, and tobacco; reordering our research priorities, paying particular attention to problems such as immobility, incontinence, and memory loss which rob older Americans of their independence; developing new methods to identify procedures that are truly beneficial to patients; addressing the malpractice problem as a means of reducing waste arising out of the defensive practice of medicine; reducing overcapacity in the health care system; adjusting our antitrust laws to allow third-party payers to bargain more effectively with providers; and eliminating unwarranted paperwork requirements.

Finding the political will to attack the waste in our health care system is a difficult task.

But when we find that we will relieve ourselves of the pressure to deny essential health care services to those who are most dependent on our compassion and support and who can least afford to pay for the medical care they need.

The Pepper bill is a major step toward making appropriate health care services available to every American at a price that is affordable to families, businesses, and government.

I urge my colleagues to vote "aye" on passage of this landmark legislation.

Mr. LEVINE of California. Mr. Speaker, I rise in strong support of H.R. 3436, the Long-Term Home Health Care Act. This legislation will provide home health care for the elderly, disabled, and chronically ill children.

An estimated 4.5 to 5 million older people have disabilities which necessitate assistance in daily tasks such as meal preparation, medical care, or bathing and dressing, but do not require full-time care in a nursing home.

Unfortunately, 8 out of 10 Americans cannot afford either the cost of long-term home health care, or of long-term care in a nursing facility. Home health care can cost $15,000 per year, and nursing home care averages $22,000 per year. These costs are well out of the reach of most retirees and would work a terrible hardship on their families were they to have to pick up the costs.

Unfortunately, while Medicare will provide for limited nursing home stays, and Medicaid will cover nursing home care after almost all of the retiree's life-time savings and assets have been exhausted, neither provides adequate coverage for home health care.

H.R. 3436 makes provisions for home health services, including nursing care, rehabilitative therapy, daily living assistance, and education and training for patients and their families.

These services will be financed by raising Medicare taxes for only the wealthiest taxpayers. Currently employers and employees pay the Medicare payroll tax on only the first $45,000 of income. This legislation would require the tax to be paid on all wages.

Mr. Speaker, this is important legislation addresses a pressing need for our Nation's elderly. Common decency requires that a country as wealthy as ours find some way to take care of its older citizens who have given so much during their lives. H.R. 3436 is a first step in providing that care, and one which will not increase the deficit. I urge my colleagues to give it their full support.

Mr.KOSTMAYER. Mr. Speaker, history is about to be made. Today the House is voting on the largest expansion of the Medicare Program since its inception in 1965. The catastrophic care legislation, which has been discussed extensively during the last 16 months, is finally at hand.

This legislation will expand and enhance Medicare coverage to protect 32 million elderly or disabled Medicare beneficiaries from catastrophic costs associated with an acute illness. Henceforth, the amount seniors have to pay for medical services to treat an acute illness will be capped. Medicare beneficiaries will have unlimited free hospital care after the recipient pays the first $580 annually. Medicare beneficiaries will also have unlimited free physician care after the recipient pays the first $1,400 annually on Medicare-approved charges. After this cap is reached, Medicare will pay 100 percent of all covered costs, although doctors could still charge more than the Medicare-approved amount.

Mr. Speaker, we've all heard tragic stories involving constituents driven to near bankruptcy by an illness. I recently heard of an elderly gentleman who had accumulated $30,000 of hospital and doctor bills. This gentleman died a few months after a 3-month stay in a hospital for heart surgery and a leg amputation. His wife, also elderly, mortgaged their home to pay the bills. Had this legislation been law, Mr. Speaker, this elderly couple would have had to pay only a fraction of their unexpected hospital and doctor bills and would have been able to keep their home as well.

The bill before us also addresses the high cost of prescription drugs, and phases in a reimbursement system. Beginning in 1991, 50 percent of the cost of prescription drugs will be covered after the beneficiary pays the first $600. Medicare will cover 60 percent in 1992 and 80 percent in 1993.

This provision would help thousands of beneficiaries. It will help the 66-year-old woman who spends $6,000 a year on insulin and five other drugs for diabetes, asthma, high blood pressure, bladder trouble, and problems from a stroke. Her husband is also in poor health, but has been forced to take part-time jobs to pay the bills. When this bill takes effect, this woman would pay a $600 deductible, after which Medicare would pay half the rest, for a total cost to her of $3,300, an overall saving of nearly 50 percent. By 1993, under the bill, Medicare would pay 80 percent, leaving her to pay a total of just $1,680.

Mr. Speaker, home health care, respite care, and hospice care will also be expanded under this legislation. Home health care benefits will be available 7 days per week for at least 38 days, with additional days added at a physician's request. This legislation will also provide 80 hours of paid care a year to allow respite for family members and friends who care for severely disabled Medicare beneficiaries. The current 210-day limit on coverage for hospice care would be eliminated if a patient is certified as terminally ill.

Although this legislation does not provide extensive nursing home benefits, it does increase the care in a skilled-nursing facility which Medicare will cover from 100 to 150 days. The legislation also eliminates the requirement that a patient be hospitalized prior to entering a nursing home.

The legislation also will protect the spouse of a nursing home patient from impoverishment. Take, for instance, the case of a woman who placed her husband in a nursing home. The couple had to spend all their assets since Medicare does not cover nursing home care. When the assets were spent, the couple became eligible for Medicaid, the separate insurance program for the poor. Under the new legislation, the spouse would be entitled to keep $750 in monthly income as well as half the couple's assets. The monthly income allowance would gradually increase to $950 a month.

Mr. Speaker, this expansion of the Medicare Program will not add to the national deficit since it will be self-financed. Every part B Medicare beneficiary will pay an additional $4 a month, which will be deducted from Social Security checks, as is the case with the $24.80 now paid for part B of Medicare. In addition, there will be a supplemental premium that will be assessed on a sliding scale for the 40 percent of Medicare beneficiaries who owe $150 or more per year in Federal income taxes.

Many elderly Americans are concerned, Mr. Speaker, that the benefits offered in this bill will duplicate the benefits they are currently receiving from their supplemental, or Medigap, plans. This legislation requires that insurance companies rewrite such policies so that they do not duplicate the new Medicare coverage. Insurers are also required to notify policyholders that they have eliminated any duplication. This new legislation will thus lower premiums for private insurance bought to supplement Medicare.

Mr. Speaker, no one knows when or if they will ever become ill with a catastrophic illness. It could happen to you, Mr. Speaker, to me, or to any other Member of this body, and of course, to any of our constituents. Unfortunately, serious illness and serious accidents strike senior citizens across this country every day. These individuals may be forced to borrow from their children, to sell their homes, and finally to rely on Medicaid, the health care program for the poor. These are respectable Americans, Mr. Speaker. Many of them worked hard all of their lives and saved what little they could to provide a little comfort in their old age. And, Mr. Speaker, these older Americans often become sick suddenly and by no fault of their own. We need to protect our citizens from the catastrophic expenses that result simply from illness and old age. I urge my colleagues to support this historic legislation.

Mr. DENNY SMITH. Mr. Speaker, I rise in opposition to the rule on H.R. 3436.

The importance of the defeat of this rule is threefold. First and most importantly, this bill has not been considered or reported by the committee of jurisdiction or any committee of the House. While I realize Mr. PEPPER's goals are in good faith, the process by which the bill traveled is a sham. A bill of this magnitude deserves the consideration of the committees with the appropriate jurisdiction. The issues involved in long-term care policy are far too important for such hasty consideration.

Second, Congress just passed landmark legislation that will levy additional taxes on the elderly, the Medicare Catastrophic Protection Act, and a week later, we are proposing to unload another tax increase on employers and employees. Together, these bills hit taxpayers coming and going. The catastrophic health care legislation adds a new tax burden on 40 percent of the elderly in order to finance acute care benefits that only 5 percent of seniors over 65 will be able to use. H.R. 3436 subjects employers and employees to increased taxes—to the tune of $7 billion in 1991—to pay for a wide array of home-health care benefits. It is plain folly to assume that a handful of taxpayers will generate the revenue needed to finance an expansion of the additional benefits included in H.R. 3436.

According to HCFA—the Health Care Financing Office—H.R. 3436 would produce revenues of $29.5 billion over the next 5 years, while costs would be $67.2 billion—thus resulting in a shortfall of $37.7 billion. Who would bear the burden of this shortfall? Surely we wouldn't ask seniors to forego benefits. Either Congress will face the unpleasant task of raising taxes once again on an already overtaxed citizenry, or dipping into a Medicare trust fund already on shaky ground.

Third, H.R. 3436 does not address nursing home care. Nor does the Medicare Catastrophic Protection Act respond to this problem. The facts are clear—over 80 percent of health care expenses incurred by the elderly are related to nursing home care. If we are going to spend billions of dollars on health care—is it not our responsibility to see that the dilemma of nursing home costs is addressed?

There are many long-term care proposals pending in Congress, and this body should spend ample time debating them. We must explore the health care resources available in the private sector, and work to develop and expand these ideas. I believe we owe it to this Nation's taxpayers to legislate fiscally responsible health care proposals.

CALL OF THE HOUSE

Mr. LOTT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 175]

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Armey
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Cheney
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (TN)
Frenzel
Gallo
Garcia
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Mack
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yatron
Young (AK)
Young (FL)

☐ 1604

The SPEAKER pro tempore (Mr. FOLEY). On this rollcall 392 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

PROVIDING FOR CONSIDERATION OF H.R. 3436, OLDER AMERICANS ACT TECHNICAL AMENDMENTS

Mr. LOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. COYNE].

Mr. COYNE. Mr. Speaker, I rise to oppose the rule on H.R. 3436. I think Congress should be committed to the passage of a long-term home health-care bill which will protect Medicare beneficiaries from the devastating effects of uninsured home health-care expenses. H.R. 3436 provides comprehensive home care measures which warrant careful consideration. There has not been sufficient consideration of H.R. 3436.

As a member of the Ways and Means Health Subcommittee I participated in the six hearings which reviewed every major provision of H.R. 2470, the Medicare Catastrophic Protection Act. In addition to these six hearings the subcommittee held at least nine markup sessions. Given the importance H.R. 3436 has to our constituents it would be irresponsible to take any action here today without thorough review of the substantive provisions of H.R. 3436 and its financing mechanism.

Serious questions have been raised in recent days regarding the potential adverse effects of H.R. 3436. Specifically, it has been predicted that the revenues raised by the removal of the wage cap on the Medicare payroll tax will not be sufficient to meet the costs of the new benefits within a few years of enactment. As a result beneficiaries will be subjected to a 5-percent copayment. Because this bill requires that costs not exceed revenues any costs not met by revenues and copayments must be reduced through lowering the Medicare payment to providers. It is inevitable that such actions will result in less access to care and poorer quality care. It is not necessary to fund this program in this fashion, without first exploring other methods.

In addition to the financing of this bill, the scope of the benefits provided also deserve further scrutiny. This bill allows nonelderly individuals to be eligible for Medicare home health benefits. Eligibility is not based on financial need. Another concern related to the scope of benefits in this bill is what is not included—nursing home benefits. It is inconsistent and haphazard to provide for home care but to not provide for nursing home care.

Another danger in this bill is that the expansive new benefit it creates covers services which are the newest growth industry within health care. The mere size of the benefits offered demands an aggressive and well designed implementation mechanism. As currently drafted eligibility for benefits is determined by case managers who do not exist in sufficient numbers to perform this task for the potentially eligible recipients.

A final concern I have today which requires me to vote in opposition to the rule on H.R. 3436, is that, unfortunately, unless we raise taxes the process of Federal funding of social needs is a zero sum game—creating new benefits for one group of needy individuals means not creating another benefit for another group of needy individuals. It is paramount that as Congressmen we exercise fair and responsible judgment in crafting U.S. social policy. If we consider H.R. 3436 today without subjecting this bill to the customary committee process we will be denying ourselves the opportunity of making an informed decision in our vote.

Mr. LOTT. Mr. Speaker, as we begin closing remarks on this important measure, I yield 3 minutes to the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. DORGAN of North Dakota. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. Mr. Speaker, the Pepper bill which is being considered on the floor today has been advertised as a long-term care bill for senior citizens. Well, I support long-term care. I support both home health care and nursing home care and I believe that we can and must develop a program to provide for both types of care when the senior citizens cannot provide for themselves.

But the bill that we are considering today uses the revenue that is available for long-term care and provides only expanded home health-care benefits without providing any nursing home care benefits. I think that's a serious mistake. Most senior citizens will tell you that the cost of long-term care in a nursing home is the most serious potential problem they face and that is the one that they want Congress to address.

I would like to see a rule enacted that would allow this proposal to be amended so that long-term nursing home care coverage could be offered as an amendment to strengthen this proposal.

The sponsors of the legislation warn that we must vote for this legislation or face the wrath of millions of senior citizens. However, the sponsors of the legislation have brought it to the floor under a rule that does not allow us to offer amendments to strengthen and improve it and offer nursing home coverage to it. That's a mistake.

I want Congress to pass legislation of this type, but I want it to include long-term nursing home coverage and I want there to be some relationship to need. For that reason, I think we should insist that either this type of legislation be brought to the floor with some nursing home coverage, or it be brought to the floor with a rule that allows us to offer amendments to include nursing home coverage.

Mr. DYMALLY. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from California.

Mr. DYMALLY. Mr. Speaker, I rise in support of H.R. 3436, the Medicare Long-Term Home Care Catastrophic Protection Act, a bill to provide comprehensive home care to all the chronically ill children, elderly, and the disabled.

It is sad to note that every year literally millions of Americans are thrown into bankruptcy trying to meet the devastating costs of providing long-term care to their loved ones. In many instances, whether it involves a senior citizen, a disabled person, or a chronically ill child: All of these individuals and their families will most likely become impoverished before receiving any Federal help to pay for long-term illness. One only needs to recognize the cost of caring for a respirator dependent child in the hospital which runs an average of $250,000 a year or the cost of a nursing home which often exceeds $60,000 a year. H.R. 3436 seeks to avoid such tragic circumstances by protecting Americans of all ages from financial ruin in the event of a long-term illness which often requires care outside of a hospital, care which accounts for over 80 percent of catastrophic health expenses.

The bill's intent is to provide the American public its favored choice, namely a health-care program which provides home care as an alternative to astronomical and often unnecessary hospital or nursing home care. I am confident that the Pepper-Roybal bill provides such an alternative and will assist people with the finance of long-term care in a manner which is sensitive to their preference for home care and meets their financial capabilities.

Of course, many concerns have been raised as to the financing mechanism of this long-term home care bill. It is unfortunate that many have chosen to erroneously assume that this piece of legislation threatens to raise the Federal budget deficit and impose an unnecessary tax burden on millions of Americans. On the contrary, H.R. 3436, by its self-financing design, cannot result in a deficit. Recent official Congressional Budget Office estimates show that H.R. 3436 would actually reduce the deficit by an estimated 7.6 billion over the period 1989 through 1993. All elements of the bill, including its method of financing, have received overwhelming approval by the American public. In particular, the cap on income subjected to the Medicare payroll tax—$45,000 in 1988—would be eliminated which would actually make the tax more progressive by requiring Americans to pay a tax on their full amount of income. This would end the inequity of those who earn above $45,000 who currently pay a lower percentage in taxes than those earning under that amount. This 1.45 percent Medicare tax has been approved by 95 percent of the American public. Similarly, 73 percent of those comprising the wealthiest 5 percent of the population subject to the Medicare tax in question, are also in favor of its passage. These statistics clearly indicate that the majority of Americans, regardless of age and income, favor a comprehensive Federal program which provides long-term care in the home to our chronologically ill and disabled elderly, adults, and children.

In addition to this, over 105 Members of Congress and some 115 diverse national organizations have joined in support of H.R. 3436. Because of the intergenerational nature of the bill, it enjoys the support of groups ranging from senior citizens to child welfare advocates. Today, all of us have an opportunity to join with the entire Nation in support of H.R. 3436 which provides a badly needed long-term home care plan for all ages.

Mr. Speaker, I urge my colleagues to support the passage of this most important piece of legislation. For today, June 8, 1988, will mark a historic moment in our struggle against the impoverishment of millions of Americans a year who suffer from the astronomical cost of catastrophic illness.

Mr. CHANDLER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Washington.

Mr. CHANDLER. Mr. Speaker, it is not terribly comfortable to find oneself in opposition to an initiative offered by one of the true giants of this House. We have turned to the gentleman from Florida for leadership on so many issues, and will continue to do so for many years to come.

But, Mr. Speaker, this proposal comes to us in the wrong form.

The gentleman from Florida has identified one of the most important challenges facing our society: How do we provide long-term home health care for everyone who needs it?

The gentleman's bill offers one approach.

But this issue cannot be examined in a vacuum. We have to weight a number of competing, and tremendously important, demands on limited resources.

To note the obvious, the cost of long-term nursing home care presents a potentially devastating burden for hundreds of thousands of American families.

And I have no doubt that this House expects the Committee on Ways and Means and the Committee on Energy and Commerce to come up with a comprehensive national policy to address that issue. But our resources are not unlimited.

Just last week we passed a bill that provides for whopping increases in Medicare premiums. If we pass this bill, lifting the cap on the Medicare payroll tax, where will we turn for revenue when we take up the challenge of fashioning a nursing home policy?

There are answers to these questions, but we will not find them if we bypass the committee process. That is really the bottom line.

The measure before us is an important contribution, but it deserves closer scrutiny. We need to develop a policy addressing both nursing home care and home health care, and, like it or not, we're going to have to find the resources to pay for both.

We cannot develop that sort of policy on the House floor, we are going to have to do it in committee. I urge my colleagues to oppose this well-intended, but premature, rush to judgment.

Mr. MICHEL. Mr. Speaker, last week I was very happy to vote for the conference report on the catastrophic health care bill, but I have to oppose this rule because we simply cannot afford to do all that is desirable in this field all at once.

Two weeks ago, several of us spoke on the House floor of the abuse of procedures in the House that have taken place in an ever-increasing degree over the past several years. Although it was we Republicans who raised the question, the issue transcends partisanship. It goes to the very heart of this institution.

Columnist David Broder suggested that what we are experiencing in the House sounds very much like the "entrenched Soviet system" which Mikhail Gorbachev is trying to reform. While I would not go that far, the essential problem remains—the House is "a broken branch" because abuse of power is so rampant.

One of the major abuses has been the increasing number of bills that are taken up in this House without ever having been acted upon by our committees. In the last Congress, over 300 bills were passed by the House without action by committee. In such instances, the committee process is bypassed and the House is forced to make a judgment without the benefit of our committee research, committee hearings, committee refinement, and committee recommendations.

The bill before us today is one of the most blatant examples of a bill coming to the floor without benefit of committee consideration—the very thing so many of you over here condemn, and I ask you to consider that at the time you are voting.

The whole democratic process was sideswiped by this bill on its fast track to the floor. That may be slick maneuvering, but it is not good legislating.

Why has this bill not gone through the normal committee process? Perhaps because its sponsors realize that it could never hold up under the close scrutiny it would be subjected to in committee.

Let me recite some of the key questions for which we do not have clear-cut answers:

How much would it cost?

Do we go back on the promises made to the elderly in the bill, or do we raise taxes should the cost greatly exceed the revenues provided?

How many people would be eligible?

How many people would seek reimbursement?

How many different services and activities would be covered?

How would the program be administered?

What protection do we have against abuses?

Are there sufficient professionals to provide the services?

How do we propose to deal with nursing home care when all our funds are used up on home health care?

We do not have answers to those questions. The people—the taxpayers, the elderly, they deserve answers.

Long-term care for our senior citizens is indeed a problem which this Congress must address; but it should be viewed as a health care problem and not a political opportunity. It must be addressed in a coordinated, thoughtful fashion. We must balance the need for nursing home care with the need for home health care.

How can you divorce the two?

We must fully take into account what the elderly themselves can afford, what the Federal Government can afford, what younger Americans can afford in the form of higher taxes, and what we can expect from the private sector out there.

Had the Pepper bill gone through the normal committee process, we might have ended up with some answers to these questions that I have posed. Instead, we have what the Washington Post refers to as a "shallow and costly election year paste-up job."

I say let us reject this rule and then set about addressing the needs of our elderly citizens in the serious, thoughtful manner which they deserve and which would do credit to this body as a deliberating institution.

Mr. PEPPER. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, today we have a great opportunity. In the 12 years I have been here, I have not seen a long-term-care bill considered on the floor of the House.

This is in fact the first vote since the Select Aging Committee initiated hearings on this issue in 1975. This is the first vote on this issue in the 40 years that Chairman CLAUDE PEPPER has served in Congress. In fact, this is the first vote on long-term care in the history of the U.S. Congress.

Mr. Speaker, older Americans have waited for the fulfillment of the promise of Medicare since its inception in 1965. Putting it in that perspective, we are indeed fortunate to finally have the chance to deal with this issue and concern.

The recently House-passed catastrophic health care conference committee measure is a step in the right direction but it does not address long-term health care needs. Long-term care accounts for over 80 percent of the health care costs for seniors who spend more than $2,000 a year out of pocket. I've long been an advocate for long-term care. Medicare and Medicaid provide some coverage of institutionalized care but very little in the way of home health care coverage. Therefore, the financial burden of home care for chronically ill children, adults and senior citizens falls on the individuals and their families.

As a member of the Select Aging Committee we have heard many expert witnesses testify on the merits of long-term care and specifically home care. Receiving care in the home environment when appropriate is much more considerate and a more cost-effective means of treatment than institutionalized care. Today, on the committee table is the hearing record of the Select Committee on Aging from just the past 14 years—it is replete with information and well documents the need and concept in the provisions in the specific legislative measure before this House and proposed for consideration by the rule.

Mr. Speaker, we can all find excuses or reasons not to act today, but these explanations ring hollow for older Americans who are denied the assistance of their government to meet their basic health care needs.

This measure is a fiscally responsible solution to a serious health care problem. This long-term care bill is self-financing and will not add one cent to the deficit. Costs will not be allowed to exceed revenues. The same is not true for the $300 billion defense appropriation measure to be considered this week. The $300 billion defense appropriation has no self-financing mechanism and relies solely on general revenues. Like anything else that comes out of general revenues, the costs contribute to the Federal deficit. The defense appropriations will add at least $50 billion to the deficit in just the 1989 fiscal year. Last month, we passed the foreign operations appropriation, a $14.6 billion measure for fiscal year 1989 again adding by nature of its dependence on general revenues to the deficit.

The Pepper-Roybal bill pays for the program by removing the $45,000 cap on income subject to the Medicare payroll tax. I suppose some Members of Congress may object, because it will reduce their take-home pay and the take-home pay of higher earners in their constituency. Well, I'm more than willing to sacrifice some take-home pay to help someone stay at home and receive the health care they need. This progressive payroll tax extension is just and a fair sacrifice by the higher income Americans to finance care for the chronically ill children and adults who need long-term care and want to stay at home rather than being forced into bankruptcy to pay for institutionalized care. By providing home care benefits, we will help people avoid more costly institutionalized care. In the final analysis, enactment of this legislation will improve the quality of life for millions of Americans and save dollars in the Medicare and Medicaid programs.

This is a good bill which should merit strong support in Congress. For lack of better reasons, some of its opponents have scoured this legislation because of the unorthodox manner in which it reached the floor. Chairman PEPPER had every right to offer this bill as an amendment to the catastrophic bill last year but graciously withheld it at the request of the leadership. In exchange, he was promised that the bill would be brought to the floor. So let's not hide opposition to the bill behind procedural arguments. The bill is on the floor. Let's adopt the rule and get on to discussing the merits of the bill.

Mr. Speaker, this House is full of good intentions. I wish I could bottle up the good intentions and send them home to your constituents—unfortunately, these good intentions have little value if not manifest in action. Our constituents are confused. They don't understand how we in the U.S. Congress can all be for long-term health care and yet nothing happens. Mr. Speaker, there is a time for speeches and good intention and a point when you have to back it up with some action; a vote, a vote today, for this rule and for the long-term health care bill is the opportunity to demonstrate some action and good results from our good intentions.

Mr. Speaker, I commend Chairman PEPPER for his commitment and perseverance. I thank him for giving the Congress the opportunity to vote for a well constructed policy that will really help our constituents meet a pressing health care need. I intend to take full advantage of this opportunity and vote "yes" on the rule and "yes" on the bill.

This is an historic vote for long-term health care and the House in responding to the needs of the people we represent. I urge my colleagues to seize the opportunity because there well may not be another opportunity in this Congress or the next! Vote "yes" on the rule and the measure that helps those who can't help themselves.

Mr. PEPPER. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the able gentleman from California [Mr. ROYBAL], a coauthor of this bill.

Mr. ROYBAL. Mr. Speaker, during the last few minutes we have had individuals argue that a vote for the rule would in fact bypass the legislative process of the Congress. The truth of the matter is that if this were so and if this was the only time that this had happened, I would be very much concerned. There is no doubt about the fact that this House and this Congress has bypassed the rules of procedure almost on a daily basis.

History tells us that during the Roosevelt administration, the wage and hour bill was passed by the Congress of the United States by bypassing the process. The way that was done was that it bypassed the Committee on Rules simply because the powerful chairman of that committee was against the bill and had that bill gone to the Rules Committee it would not have seen the light of day.

During the 1960's, meaningful civil rights legislation was passed by the Congress, again bypassing the rules, again not going to the Committee on Rules because the powerful chairman of that committee was against all civil rights legislation.

All these landmark pieces of legislation are beneficial to the Nation as a whole, and I ask, where would we be as a nation today if those powerful chairmen and not the will of the people had prevailed.

As we look at the present, we find that not too long ago this House itself bypassed again the rules of procedure and passed the immigration bill.

As we look into our regular practice, we find that in the last few years we again bypass the rules every time we vote on a continuing resolution.

To those who say now that they are here protecting the rules of procedure of the Congress I ask, where were they at the time when it could have been prevented, when actual mandatory procedures could have been established to equally protect the integrity of the House on all legislation, on an equal basis, not just legislation favored by a powerful chairman.

Those who oppose the rule oppose the bill. There is no doubt that opposing the rule is opposition to the bill, and the millions of people that it is designed to protect.

Then there are those who argue that the cost has not been determined. Well, the truth of the matter is that the Congressional Budget Office has already made a report on this subject matter and they have come to the conclusion that cost cannot exceed income under the present formula. They even go far enough to say that during the first 5 years there will be a $6.8 billion in deficit reduction under the cost procedures outlined in the bill.

Then there are those who say we have had no hearings. I would like to just point to that large number of committee reports on that table already completed and based on hearings not only by the Committee on Aging, but by other committees of the House. The questions that have been asked about the legislation have been answered. Read them and be convinced that the vast majority of people support the Pepper-Roybal bill. A "no" vote on the rule is a vote against the bill.

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Mr. LOTT. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. GRAY], the chairman of the Committee on the Budget.

Mr. GRAY of Pennsylvania. Mr. Speaker, I am in full agreement with my esteemed colleague, the gentleman from Florida [Mr. PEPPER]. There is a need for a Federal long-term home health care program for chronically ill elderly and disabled persons. I want to applaud the gentleman from Florida for his diligent work. However, Mr. Speaker, I reluctantly rise in opposition to the rule and urge my colleagues to vote no on this rule.

Mr. Speaker, my biggest concern is that in this time of limited resources we must first meet the needs of those least able to pay, those whose lives are now being shattered financially by the burden of long-term care in the home.

There is no targeting in this measure. The benefits are available to all. If I make $1 million then I get the benefits. If I make $5,000 per year I get the benefits. Mr. Speaker, that is not good legislation.

Are we going to raise $35 billion worth of taxes so that we can provide benefits for millionaires, and for those with $500,000 a year income? I am not for that kind of proposal. I say we ought to provide it but we ought to provide it for those in need, those who are of low income, those who show that they desperately need it.

Mr. Speaker, there are a couple of other problems here. The Congressional Budget Office estimates that the cost of long-term health care will begin to exceed the revenues by 1993. I know most of us do not think that far into the future but we ought to with the problems we have. Health and Human Services estimated that the bill will begin adding to the deficit almost immediately unless the Secretary follows the directive in the bill to restrain spending. But by restraining spending will we not be taking away what we have just promised, long-term care in the home?

Mr. Speaker, I am in opposition to the rule and this bill because we will raise money to give to the rich, not to the needy, and at a time of limited resources we ought to target it just to those who are in need.

Mr. PEPPER. Mr. Speaker, for purposes of debate only, I yield 1 minute to the able gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Speaker, I hope the rule is approved and the bill is approved.

If my colleagues take as a given everything that we now have in the Federal budget, there are problems in financing this. One of the things we have to do today is to demonstrate the inadequacy of that framework. This is a fundamental question about priorities and values.

Mr. Speaker, I would agree if my colleagues are fully committed to every last dollar that is already in the Federal budget, if my colleagues do not think there are any tax loopholes that can be closed and revenues to be increased, then they might conclude that we cannot afford this. But my colleagues look at this Nation and its economy and look at our failure to provide health care for older people as well as younger people compared to what other nations do, and if they look at our resources and the kinds of efforts we are capable of making, this bill is an easy one to vote for. It does not solve all the problems, nothing solves all problems, but what it does is in a creative way I think improve the situation substantially.

Mr. Speaker, what we have here is a chance to say that we do not like the current allocation of resources, and we are going to reallocate them and make health care a higher priority.

Mr. PEPPER. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the able gentleman from California [Mr. WAXMAN], chairman of the Subcommittee on Health and the Environment of the Committee on Energy and Commerce.

Mr. WAXMAN. Mr. Speaker, last week we voted overwhelmingly on a bipartisan basis for a bill that was called the Catastrophic Health Insurance Protection Act of 1988. The bill did not give full catastrophic protection for the elderly in this country. It was an important bill, it provided protection from expensive hospital stays and doctor bills and prescription drug costs, but as we worked on that bill it became very clear that the greatest nightmare for the elderly is the fear that they are going to be wiped out from catastrophic costs of long-term care. They know that Medicare will not pay for it. If they have to go to the nursing home they have to pay on an average of $22,000 a year until such time as they are impoverished and then they can go on Medicaid, the health care program for the poorest of the poor.

In dealing with long-term care what people want most is to stay at home, not be forced into a nursing home, not be forced into impoverishing themselves.

Is that catastrophe not worth looking at and addressing in this Congress?

Long term home care is not provided by our private insurance or our public insurance programs. This bill would cover an elderly person who has two or more limitations in the actions of daily living without assistance, such as eating, dressing, toileting. These are the kinds of things that people are not able to do without help. This bill would provide them that help so they could stay at home. If they do not have that help, we are going to push them into a nursing home. It is wrong. It is a catastrophe. We should address it.

I have heard the arguments all day today that this is not a perfect bill, it does too much, it does not do enough.

The fact of the matter is it addresses the most urgent of problems, the need for long term home health care for chronically ill and disabled Americans. This bill could have been offered as an amendment to the catastrophic health insurance bill. It certainly fit into the idea of catastrophic protection, but Senator PEPPER was persuaded not to offer that amendment because it clearly would have doomed an important Medicare improvement. It would have doomed it because the Reagan administration was so strongly against it that the bill would have been vetoed. The financing set in place by the Committee on Ways and Means did not provide enough funding for both an acute care and a long term care benefit. They wanted the elderly to pay for all the benefits themselves. But he was persuaded to offer it as a separate bill.

This is the chance now to vote for it. Do not let procedural ploys or legislative turf keep us from addressing this important issue.

Mr. LOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon [Mr. AuCOIN].

Mr. AuCOIN. Mr. Speaker, I thank the gentleman from Mississippi [Mr. LOTT] for yielding.

Mr. Speaker, I rise to oppose the rule.

Mr. Speaker, today, election year expediency and the common good are having a collision on the House floor.

In the name of helping senior citizens, one of the Nation's most popular population groups, my colleagues are being asked to pass a new Medicare entitlement program, which provides benefit costs of between $35 to $90 billion over 5 years, depending on who you believe; which carries no estimate of administrative costs; which would levy from $24 to $66 billion in new payroll taxes on employees and on business; and which came directly to the floor without consideration and action by the committees which have jurisdiction, responsibility, and expertise on the subject.

I don't enjoy being unable to support the Long-Term Home Health Care Act, introduced by the gentleman from Florida, Mr. PEPPER, and supported by practically every elderly advocacy group in the Nation. And it isn't a comfort to be the only member of my party in the Oregon delegation to do so.

But I simply cannot live up to my responsibilities to all the people I represent by supporting a bill—with such obvious defects—no matter how popular and deserving the beneficiary group may be.

I was extremely concerned about this bill's effect on the economy. At a time when the budget deficit hovers at $156 billion, this is no time to be inflating it further. At a time when the uncontrollable portion of the budget has reached 75 to 80 percent, this is not the time to start a new entitlement program, which treats millionaires and paupers the same.

The irony is that I have long advocated reforms in long-term care for our elderly. It is an urgent national need. But it must be done prudently, responsibly, and with all deliberate care to wisely balance benefits and impacts.

This bill fails that test. The fact that it was drafted for a portion of our population that we revere makes it a difficult issue to oppose. But that should not excuse congressional irresponsibility.

Mr. LOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. CALLAHAN].

Mr. CALLAHAN. Mr. Speaker, I rise in opposition to the rule.

Mr. Speaker, it is with deep regret that I rise in opposition to this effort today that attempts to address the issue of the need for long-term home health care.

As the percentage of our population that is aged increases, it is certainly appropriate for the Congress to examine the issue of long-term home health care. Unfortunately, the bill before us has not been adequately considered by the Congress because it circumvented the normal committee process; a process whereby committee members with expertise in a bill's subject area can carefully and thoughtfully consider and deliberate the merits and defects of a particular proposal.

Most importantly, just last week this body approved a major expansion of the Medicare Program as an effort to improve the health care coverage of our senior citizens. I was pleased to support this bill, the Medicare Catastrophic Protection Act, particularly because I was involved in its crafting and could be confident of its anticipated results because of the great amount of time and effort that had been invested in it.

Too many important questions are unanswered about the good intentions of this bill before us. These include its costs and the resources needed to administer this program. In our zeal to help those who may need help, we cannot shirk our responsibility as representatives of all Americans who expect our policymaking to be done as designed. Therefore, I encourage my colleagues to join me in opposing this rule and the legislation.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to thank the distinguished chairman, the gentleman from Florida [Mr. PEPPER], for the way that this debate has flowed back and forth.

Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Illinois [Mr. ROSTENKOWSKI], the chairman of the Committee on Ways and Means.

The SPEAKER. The gentleman from Illinois is recognized for 7 minutes.

Mr. FAZIO. Mr. Speaker, will the gentleman yield?

Mr. ROSTENKOWSKI. Mr. Speaker, I yield to the gentleman from California.

Mr. FAZIO. Mr. Speaker, I rise in opposition to this rule.

Mr. Speaker, although I strongly believe that we must devise a long-term health care policy for this country, I regrettably oppose the consideration of H.R. 3436, the Medicare Long-Term Care Catastrophic Protection Act which is before us today.

H.R. 3436 is complex legislation which substantially expands the Medicare Program. Its provisions will add more than 2 million beneficiaries to the Medicare Program and $9 billion to the program's costs. It also calls for a major expansion of the payroll tax which will affect more than 8 million families. Yet despite the enormous changes which H.R. 3436 would enact, no hearings have been held and no votes have been taken by the committees with jurisdiction over this bill.

Dozens of other long-term health initiatives have been introduced in this Congress yet none have been allowed to short-circuit the committee process. Bypassing committee jurisdiction in this instance means that we forgo a thorough review of the legislation and its impact on the individual and the economy. Quite simply, I believe that the nature of this bill mandates intensive legislative scrutiny.

The question at this point is not so much whether or not we should have a long-term care policy, but what form that policy should take. Although there is a growing consensus that we need to address the long-term health care needs and economic well-being of seniors and the disabled, there is still little agreement on what form our long-term care policy should take. For example, the formulation of H.R. 2470, the Medicare Catastrophic Protection Act, took more than a year of intensive work and negotiation by two committees in the House and one on the Senate. Passage of this bill was not quick or easy. To expect approval on a long-term health care bill in the matter of a few hours is both unrealistic and unwise.

Another concern about this legislation is that although it seeks to address the issue of long-term health care, it only addresses one aspect of that care. Long-term care does not merely encompass home care; rather, it includes respite care, adult day care and nursing home care. Thus while H.R. 3436 addresses one important component of long-term care, it fails to address the one area which has been financially devastating to more individuals, that of nursing home care. It is the costs generated by nursing home care which threaten the livelihood of more seniors than any other type of long-term care costs. While the home care benefits covered under H.R. 3436 are extremely important, should they take precedence over nursing home and other long-term care?

I am inclined to support an approach offered by Senator GEORGE MITCHELL. His bill, S. 2305, the Long-term Care Assistance Act of 1988, provides a new Medicare benefit for long-term care, and would include services along a continuum from occasional respite care to full institutionalization. The legislation also includes specific sources of revenue, so that it will not add to the Federal deficit. Since the need goes beyond home care, I believe Senator MITCHELL's approach would be preferable to the piecemeal approach embodied in H.R. 3436.

H.R. 3436 also raises concerns about the Federal budget deficit and other pressing domestic needs. Paying for this legislation will require a tax increase of about $23 billion over the first 3 full years, by eliminating the cap on income subject to the 1.45-percent Medicare tax paid by workers and their employers. The earmarking of these taxes specifically for home care will make it harder to address other budgetary needs, such as the federal budget deficit or other long-term nursing home care. Consequently, while I do not oppose the provision to eliminate this cap, I believe that the earmarking of this tax specifically for H.R. 3436 should be carefully considered.

In addition, H.R. 3436 raises concerns that the funding mechanism will be insufficent to fund the program and could easily result in the program being scaled back or that it would add to our budget deficits. OMB and CBO both estimate that the program will begin to face a yearly deficit within 4 years of enactment.

For example, once the program is fully phased in, CBO estimates that projected outlays will equal at least $14 billion, compared to estimated revenues of $9 billion. The Secretary of Health and Human Servies would be required to reduce payments to providers, thereby forcing a reduction in services or quality. However, it is conceivable that this alternative could be rejected and instead a tax increase or higher deficits could occur. That is, once the entitlement is in place, there is the strong possibility that there would be too much political pressure to ever allow a reduction in the benefit to be carried out or taxes to be raised. Without the benefit of hearings and other review, we cannot afford to put into place another major spending bill without knowing its total budget ramifications.

If we are going to provide long-term health care—as I believe we should—then it should be done right, comprehensively, compassionately, and with complete committee consideration. This important issue has gained a place on the congressional agenda and every indication is that it will also be a high priority of the new administration, irrespective of which party is elected in November. The American people and this House deserve the certainty that we are considering the best possible bill to address this critical problem. Clearly, too many questions about this measure remain and we cannot say with confidence that this bill should be signed into law. Therefore, I urge my colleagues to vote against the rule, and allow the appropriate committees to develop a proposal that will more ably address the problem of protecting seniors and the disabled from the inordinate cost of long-term catastrophic care.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. ROSTENKOWSKI. Mr. Speaker, I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, I rise in opposition to the rule.

Mr. Speaker, the Congress must address the need to protect older Americans from the expense of long-term health care. I believe that it is untimely and procedurally unwise to try to pass such legislation at this late date in the session, but Congress must correct this deficiency in our health care system. Whether we do so next year or in the next session, the legislation we pass on long-term care will be known as "the Pepper bill", as it should be. The distinguished gentleman from Florida, our beloved CLAUDE PEPPER, has insisted that we face this issue—and he's right. There is no perfect time to address this issue, but we have not faced it and the gentleman from Florida has brought it to our doorstep.

But, Mr. Speaker, it would be untimely to pass such legislation this year. Because of the enormous workload this session, the committees of jurisdiction were unable to give this issue the consideration it merits. These committees have not been negligent; indeed, the committees have made it clear that long-term care is a top priority.

This House has a record of helping older Americans of which it can be proud. We have clearly demonstrated our commitment to the health care needs of the elderly by passing the Medicare Catastrophic Protection Act just last week, which will cost over $12 billion over 3 years. In addition to expanding Medicare protection from very high hospital and doctors bills, that bill included the establishment of a Comprehensive Health Care Commission—sending a clear message that we know we cannot rest on past accomplishments, but rather we must continue to work toward meeting the critical health care needs of our population. As a member of the Health Subcommittee, we are pledged to address this question.

But there is a limit to what the Congress can do in one session. It is not the time to attempt to enact another multibillion-dollar expansion of Medicare.

Over and above the timeliness of this debate, the bill before us today is seriously flawed.

It promises assistance to the needy which it will not be able to provide either fiscally or in substance. The services it offers are in short supply nationally and virtually unavailable in many parts of the country. While the Nation's home care providers may try to expand to meet the demand, the quality of service will deteriorate.

To pay for these benefits, the bill proposes a multibillion dollar tax increase, eliminating the cap on the hospital insurance payroll tax. There would be no cap at all if this measure were to pass, and that is clearly not what was intended when Congress agreed to impose this task. The hospital insurance tax was never intended to become the sole source of funding for a single massive expansion of the Medicare Program.

But even this tax increase won't meet the demand for services, forcing the Government either to go back on its promise and restrict benefits to those in need or to raise taxes again.

As extensive as its benefits are, the bill does nothing to address long-term nursing care or the need to protect those Americans who currently have no health care coverage at all.

We can correct many of these flaws and build on the foundation that this bill has laid. We might have been able to do so this year if the committees of jurisdiction had been allowed to work on it—but time did not permit. This bill comes to us today without being reported by a committee—a dangerous precedent which every Member of this House should consider very carefully.

Mr. Speaker, I have heard some supporters of this bill say that they will consider a vote against the rule today as a vote against providing long-term care to the elderly. That's inaccurate and irresponsible. We have made a commitment to address the issue of long-term nursing home and home care—and we intend to live up to that commitment in a responsible and well-reasoned manner. But we will not be able to properly fulfill that commitment if we adopt this bill today.

For this reason, Mr. Speaker, I will vote against the rule and I strongly urge every Member of this House to do the same.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise in strong opposition to the rule. All of us have enormous respect for Chairman PEPPER and his commitment to protecting the economic well-being of the elderly. While I stand second to none in my respect and affection for Chairman PEPPER, I have equally profound respect for this institution—its rules, its precedents, and its procedures. In my 30 years in Congress, I cannot remember a rule that more seriously violated the regular order and normal procedures of the House of Representatives. It is for this reason that I oppose this rule and urge its rejection by the House.

H.R. 3436 is a bill reported by the Committee on Education and Labor which makes technical amendments to the Older Americans Act. As it comes to the House floor, however, the bill has been transformed into a 5-year $30 billion tax increase and new entitlement program without any input from any legislative committee of the House.

My objection to bypassing the normal committee process is much more than a concern over turf. The legislative process is purposely deliberate. It serves the House well and ultimately saves the Congress from chaos, and the Nation from the enactment of bad and misguided law. Following the regular order allows the House to benefit from the expertise of its committees. It protects Members from being forced to vote on popular-appearing proposals that may ultimately prove to be embarrassing.

While the $30 billion payroll tax increase on millions of working Americans contained in the proposal is both real and permanent, the proposal makes unrealistic promises to our senior citizens. For example, the agencies necessary to administer the promised benefits to the elderly do not now exist. History has demonstrated that such a big program cannot be put in place quickly without encouraging inept or fraudulent management.

In addition, CBO and OMB both estimate that within 5 years, unconstrained outlays under this proposal will exceed revenues by $5 billion. Either the Secretary of HHS would be required to reduce benefits by 37 percent or Congress would have to increase revenues by 56 percent. Thus, the proposal raises expectations of the elderly that cannot be met, adding to public cynicism about Congress.

Members of the House should not be asked to vote on this long-term care proposal until these and other serious problems have been resolved through the normal committee process. The regular order of public hearings and committee markup gives all Members greater assurance that a proposal is well designed prior to consideration by the full House. The normal committee process also allows the House to better resolve competing priorities and legislative demands.

For instance, the financial pressures faced by elderly persons living in nursing homes, which are not addressed in the pending proposal, should be included in long-term care legislation. Some think there may be a more immediate need to address the health care needs of the 37 million Americans who do not have any health insurance at all. Others place a priority on the war on drugs or the critical needs of children—especially poor children—for better health care, education and child care. Still others think that if taxes are to be raised by $30 billion, those revenues should be used to reduce the budget deficit rather than for a new spending initiative. The committee process enables the House to sort through these competing priorities. However, if the pending rule is adopted and the bill ultimately passes, its enormous costs and tax increases will foreclose consideration of competing health policy options and deficit reduction options for years to come.

Many Members have asked how they can explain voting against this rule to elderly constituents in their districts. I fully recognize that constituents may not understand the procedural objections that have been raised in the well of the House today. However, there are valid reasons for voting against the rule that, in my opinion, our senior citizens will understand.

First, just last Thursday, the House overwhelmingly approved the conference report on the Medicare catastrophic health insurance bill. I expect the Senate to approve it today, and President Reagan to sign it into law in the very near future. The catastrophic health insurance bill contains the largest expansion of the Medicare Program since its original enactment in 1965. Upward of 8 million elderly and disabled Americans will be helped at an annual increase in Medicare expenditures of $10 billion. Many of these are the same people that would receive benefits under the Pepper proposal. I do not think it is prudent to consider adding another $30 billion of Medicare benefits and tax increases within a week of passing the catastrophic conference report. Meeting the health care needs of the elderly is expensive, the problems and proposals complex. We cannot afford to do everything at once—we can only address these problems in a responsible manner one at a time.

Second, the catastrophic health insurance bill that passed last week contains several important long-term care features. The conference report expanded the current skilled nursing home and home health care benefits under the Medicare Program. It added a new respite care benefit for homebound individuals. Another provision prevents spousal impoverishment so that individuals with spouses in nursing homes can still qualify for Medicaid coverage of long-term care expenses. With these provisions, Congress has taken some important first steps in the development of a national long-term care policy.

In addition, the catastrophic conference report included a provision, at the specific request of Chairman PEPPER, that establishes a Bipartisan Commission on Comprehensive Health Care. The Commission is directed to make specific recommendations on comprehensive long-term care for the elderly and disabled. I fully expect Chairman PEPPER to be a member of this Commission and to play a central role in the development of its recommendations. The Commission's report must be submitted to Congress not later than 6 months after enactment of the catastrophic health insurance bill.

Congress should wait for the recommendations of this blue-ribbon Commission before it acts on long-term care legislation. I fully anticipate that the Commission's report and recommendations will form the starting point for congressional action on long-term care in the next Congress. Thus, I fully expect long-term health care of elderly and disabled Americans to be a high legislative priority next year—irrespective of who is elected President in November.

Mr. Speaker, the vote on the rule is not a referendum on long-term care. Meeting the long-term health care needs of the elderly and disabled is a serious social issue which must be and will be addressed. However, the rules of the House are designed to protect all Members. If the rules and regular procedures can be disregarded in this instance, the precedent of this irregularity can be used on future occasions. Members may again be asked to vote on popular-appearing, but ill-conceived proposals without the benefit or expertise from an appropriate committee of the House.

All Members and all House committees have a stake in upholding the regular order and normal procedures. This highly unusual and irregular rule requires a highly unusual and irregular response.

I urge the House to reject the proposed rule for H.R. 3436.

□ 1630

Mr. PEPPER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. BUSTAMANTE].

Mr. BUSTAMANTE. Mr. Speaker, I rise in support of the rule.

Mr. Speaker, I rise in support of the rule to H.R. 3436, and I commend the gentleman from Florida, the distinguished chairman of the Rules Committee for bringing this meritorious legislation before this House.

In the midst of all the uproar surrounding the procedural aspects of this bill, it's easy to lose sight of who this legislation is intended to assist: Chronically ill senior citizens and chronically ill children.

I want to provide these two groups of vulnerable Americans with proper nursing care and home health services.

I would also like to give patients and their families the medical counseling necessary to cope with chronic illness.

I believe that most Members would agree that the chronically ill also require medical supplies and rehabilitation therapies. These and several other vital medical social services are provided by the Pepper bill.

That's why I am supporting this legislation and this rule. And I urge my colleagues to do the same.

Mr. PEPPER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Speaker, I rise in support of both the rule and the bill.

Mr. Speaker, I rise in strong support of H.R. 3436, the Medicare Home Care Catastrophic Protection Act. This important measure represents the second meaningful step toward protecting our Nation's families from the devastating costs of catastrophic illness. Last week, the House of Representatives took the first step by passing the conference report for the Medicare Catastrophic Protection Act. Unfortunately, I was not present due to illness. Had I been there I would have voted "aye" on the conference report to H.R. 2470.

Though I understand the concerns of some of my constituents regarding the financing of catastrophic protection, I strongly believe that H.R. 2470's benefits far outweigh its costs. I know that the vast majority of our Nation's senior citizens, AARP, the National Council of Senior Citizens, and other respected authorities share this view.

In addition to providing unlimited hospital coverage after one annual deductible, H.R. 2470 will limit beneficiaries' annual out-of-pocket costs for physician services, cover the bankrupting costs of prescription drugs, provide relief for impoverished spouses of institutionalized Medicaid-eligible patients, add a respite care provision, increase mental health coverage, and expand the home care benefit. It would also require States to use the resulting Medicaid savings to extend services not only to low-income elderly, but also to poor women and children.

The 100th Congress should be proud of its role in this landmark expansion of Medicare. However, we cannot sit back and bask in the glow of accomplishment when so much more needs to be done—most notably in the area of long-term care.

The U.S. Government has been sorely lacking in its response to the long-term care crisis. We have a fragmented patchwork of programs riddled with holes. Instead of developing policies of action, we rely on policies of default. By default—not by choice, Medicaid has become the Federal financier of long-term care. This has happened at great cost both to the Federal Government and to the individuals who, in order to qualify for assistance, must first deplete their life savings on costly institutional care. Because Medicare focuses on acute care only, elderly and disabled individuals are unable to obtain needed services in the community, which cost a fraction of the amount spent on institutional care. In short, our failure to implement a comprehensive long-term care policy has created a perverse, catch-22 situation.

By providing home-care coverage to persons who need assistance with at least two-activities of daily living, Mr. PEPPER's bill is the first serious attempt to address the long-term care crisis currently devastating American families. One of the most important aspects of this legislation is that it recognizes that the problem of catastrophic health care costs is by no means confined to the elderly. In addition to providing home care assistance to the elderly and the disabled, H.R. 3436 would cover chronically ill children. Young parents, who desperately want to care for their own but are unable to under current guidelines, will finally be able to do so. They will no longer face the hopeless dilemma of going bankrupt while trying to care for their chronically ill children.

It is morally responsible to pass legislation which allows families to stay together. It is morally responsible to protect middle-class families from forced poverty. It is morally responsible to allow frail older and disabled persons to maintain the dignity that comes with independent living. And to those who need a more tangible reason to support this critical legislation—it is fiscally sound to support home care services as an alternative to unnecessary and costly institutionalization.

For example, there are many people with AIDS who are currently staying in costly acute care hospital units not because they are in need of hospital services, but because they have nowhere else to go. The Human Resources and Intergovernmental Relations Subcommittee, which I chair, held hearings on this critical situation last year. Overall, about 15 percent of New York's hospitalized AIDS patients are homeless. But many more could live at home if only there were someone available to help care for them. Unnecessary hospitalization is obviously bad for the patient and is an inappropriate utilization of scarce resources. Study after study demonstrate that we can reduce substantially the cost of caring for AIDS patients by providing home care services.

H.R. 3436 would not add to the Federal deficit. The measure is progressively financed and completely self-funding. The new benefit will be paid for by eliminating the $45,000 cap on individual income on which a Medicare payroll tax of 1.45 percent is paid. This change is fair. It would require approximately 5 percent of American workers who earn more than $45,000 to join nearly 95 percent of all American workers who today contribute 1.45 percent of their entire income to fund Medicare.

What's more, 7 out of 10 Americans surveyed supported a specific tax, like the one proposed in H.R. 3436, to pay for the program. This method of financing was supported by Americans of all ages, professions and income levels, including 73 percent of those earning over $50,000 and thus subject to the tax.

No one is claiming that this measure will completely solve our Nation's long-term care problems. Specifically, it does not address the financial burden of long-term institutional care. That is why we must work to put in place a comprehensive long-term care financing and delivery system—capable of meeting all of the health needs of America's rapidly aging society. In fact, I strongly believe we must work toward a National Health Service—capable of providing high quality, comprehensive health care to all Americans.

Unfortunately, the shadow of Reaganomics dims the prospects for many critically needed reforms. However, we can do something today. We can build upon the strong foundation laid by the Medicare Catastrophic Protection Act. We can pass the Pepper long-term home care protection bill and bring peace and security to tens of thousands of American families.

I urge my colleagues to vote both for the rule and for H.R. 3436.

Mr. PEPPER. Mr. Speaker, I yield myself such time as I have remaining.

Mr. Speaker, Members of the House, this is a day for which I have waited and worked, and I might say prayed for 50 years, a chance to do something to lighten the burden upon the masses of the poeple of this country, trying to help those saddled with a long-term illness.

Today as I listened to the distinguished chairman of the Committee on Ways and Means, my mind goes back to a meeting with the Speaker. There were 17 Members present, and they were asking me not to offer this bill as an amendment to the catastrophic bill, because it was almost certainly a sure veto from the President. Mr. Speaker said, "Well, CLAUDE has been very conscientious about this. He has been cooperative. To what committee would CLAUDE's bill go if it were introduced as a separate bill?" The gentleman from Illinois [Mr. ROSTENKOWSKI] spoke up and said, "To the Committee on Ways and Means." The Speaker said, "Well, DANNY, you could report out CLAUDE's bill then as an independent bill so it could get to the floor that way." What did the gentleman from the Committee on Ways and Means, the chairman, say? "Mr. Speaker, I do not think my committee would report out that bill."

For nearly a year, the Committee on Ways and Means has been offered an opportunity by the Committee on Rules to offer any substitute or any amendment that would make this bill better. They did want to make this bill better. They wanted to kill it. If they did not want to kill it, why have they not put a bill in all this time? What assurance do they give us now they would come up with a bill? The truth is they want to do something else with this money; so does the Finance Committee in the Senate.

If we lose this opportunity to get this $34 billion in revenue from the tax above $45,000 in income from the people of this country, it will be gone forever. I do not know of any place where we could go to get that much money. I do not know of any other way to finance this kind of a bill.

I ask you, as we sit here in the comfort of this Chamber today, do not forget those people back home, that lady who called me the other day. She said, "I have to work to support my father and me. We live in the family home." She said, "The father has Alzheimer's disease. I have been able so far to take care of him at night and when I go home for lunch every day, but now his disability is so severe he needs somebody with him all the time." She said, "What am I going to do? I do not have the money to hire anybody to stay with him. I do not have the money to put him in a nursing home. If I quit work, there is no support for the family." Think of her. She said, "When are you going to get your bill up? Maybe it will help me in my plight."

What about that lady in San Francisco the other day that sat with a beautiful little girl in her arms who had a peculiar disability? All of a sudden she just stopped breathing, and in 4 or 5 minutes she would be dead if someone were not alert and watching every second. What are you going to say about that mother? She cannot stay awake all the time. She needs help. I asked her, "Are you getting any Federal help?" She said, "No. The only help we get is from the State of California."

My dear friends, this is an opportunity that will be rare for us in our legislative experience. By a tax that will not hurt anybody, 1.45 percent, we can help millions of people to meet crises in their homes that are heart-rending in their character. When are we going to have another opportunity if we lose this one? We are not novices in this House. We know that if we kill the rule we kill the bill. If you vote against this rule, you are voting to kill the bill. It is like was said, it is all right to go to the stomach, but I do not want it to go through the throat.

I ask you, my dear friends, think about it, think about the people who are affected, think about what it will mean to the people of this country less fortunate than we. We will be paying that 1.45 percent. Here is the study by one of the great pollsters of this country, Lou Harris, and he shows that 80 percent of the people of this country favor this bill, Democrats, Republicans, people who voted for Reagan, and also it says here 73 percent of the people who would pay the tax are favorable to this bill. They are not the ones that are complaining.

We have developed some theoretical opposition here because a certain formula has not been followed. Let me tell you if the Committee on Rules never encroaches upon the jurisdiction of any committee of this House except when the Speaker of this House, our distinguished Speaker, specifically approves as he does this resolution, coming here today as it is, in order to give us a chance to get to the floor and keep from embarrassing the supporters of the catastrophic bill, and so I ask you, my colleagues, when you go home tonight and you close your eyes and you sleep and you ask, "What have I done today to lighten the burden upon those who suffer," at least you could say, "I helped a little bit today; I voted to help those who needed help."

It may not answer all the problems, and it does not, but it will give comfort. It will cool the brow of many who suffer. It will give hope to many who almost are despaired.

I ask you, my dear colleagues, do not be fooled by technicalities or little things that are not important. Think about the human values involved in this matter and vote to help those people who need help without hurting anybody while you are doing it.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The **SPEAKER**. The question is on the resolution.

The question was taken; and the Speaker announced the noes appeared to have it.

Mr. **PEPPER**. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 169, nays 243, not voting 19, as follows:

[Roll No. 176]

YEAS—169

Ackerman
Akaka
Alexander
Anderson
Annunzio
Applegate
Aspin
Atkins
Berman
Bevill
Bilbray
Bilirakis
Boggs
Bonior
Bonker
Borski
Boucher
Brennan
Brooks
Brown (CA)
Bryant
Bustamante
Carr
Chapman
Chappell
Clarke
Clay
Clement
Coble
Coelho
Coleman (TX)
Collins
Conte
Conyers
Crockett
Davis (MI)
DeFazio
Dellums
Derrick
Dixon
Dowdy
Dwyer
Dymally
Dyson
Eckart
Edwards (CA)
Emerson
Erdreich
Espy
Evans
Fascell
Flake
Florio
Frank
Frost
Garcia
Gejdenson
Gilman
Gonzalez
Goodling
Gordon
Grant
Gray (IL)
Hall (OH)
Hall (TX)
Hammerschmidt
Harris
Hawkins
Hayes (IL)
Hefner
Hertel
Hochbrueckner
Hoyer
Hubbard
Huckaby
Hutto
Johnson (SD)
Jontz
Kastenmeier
Kennedy
Kildee
Kolter
Kostmayer
Lagomarsino
Lancaster
Lantos
Lehman (CA)
Lehman (FL)
Leland
Levine (CA)
Lewis (FL)
Lewis (GA)
Lowry (WA)
MacKay
Manton
Markey
Mavroules
McCloskey
McCollum
McDade
Mfume
Mica
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Moody
Morella
Murphy
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens (NY)
Patterson
Pelosi
Pepper
Perkins
Rahall
Rinaldo
Robinson
Rodino
Roe
Rowland (CT)
Roybal
Sabo
Saiki
Savage
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schumer
Shaw
Sikorski
Slaughter (NY)
Smith (FL)
Smith (NJ)
Solarz
Solomon
St Germain
Staggers
Stokes
Studds
Torres
Torricelli
Traficant
Traxler
Valentine
Vento
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitten
Wise
Wyden
Yates
Yatron
Young (FL)

NAYS—243

Andrews
Anthony
Archer
Armey
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Bennett
Bentley
Bereuter
Bliley
Boehlert
Boland
Boxer
Broomfield
Brown (CO)
Bruce
Buechner
Bunning
Burton
Byron
Callahan
Campbell
Cardin
Carper
Chandler
Cheney
Clinger
Coats
Coleman (MO)
Combest
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Dannemeyer
Darden
Daub
Davis (IL)
de la Garza
DeLay
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Donnelly
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Durbin
Early
Edwards (OK)
English
Fawell
Fazio
Feighan
Fields
Fish
Flippo
Foglietta
Foley
Ford (MI)
Ford (TN)
Frenzel
Gallo
Gekas
Gibbons
Gingrich
Glickman
Gradison
Grandy
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hamilton
Hansen
Hastert
Hatcher
Hayes (LA)
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Houghton
Hughes
Hunter
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Jones (NC)
Kanjorski
Kaptur
Kasich
Kemp
Kennelly
Kleczka
Kolbe
Kyl
LaFalce
Latta
Leach (IA)
Leath (TX)
Lent
Levin (MI)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Luken, Thomas
Lukens, Donald
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
Matsui
Mazzoli
McCandless
McCrery
McCurdy
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (OH)
Molinari
Montgomery
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Myers
Nagle
Olin
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Pease
Penny
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Ritter
Roberts
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (GA)
Russo
Sawyer
Schuette
Schulze
Sensenbrenner
Sharp
Shays
Shumway
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (IA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Spratt
Stallings
Stangeland
Stark
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Towns
Udall
Upton
Vander Jagt
Visclosky
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wolpe
Wortley
Wylie
Young (AK)

NOT VOTING—19

Badham
Beilenson
Biaggi
Bosco
Boulter
Duncan
Gallegly
Gaydos
Gephardt
Horton
Jones (TN)
Konnyu
Lewis (CA)
Lungren
Martinez
Nielson
Spence
Williams
Wilson

□ 1655

The Clerk announced the following pairs:

On this vote:

Mr. Gephardt for, with Mr. Lewis of California against.

Mr. Martinez for, with Mr. Nielson of Utah against.

Mr. GRAY of Illinois changed his vote from "nay" to "yea."

So the resolution was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PEPPER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just considered.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO SIT TOMORROW, JUNE 9, 1988, DURING 5-MINUTE RULE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries be permitted to sit on Thursday, June 9, 1988, while the House is sitting under the 5-minute rule.

The SPEAKER pro tempore (Mr. BRUCE). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON AGRICULTURE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Agriculture:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 23, 1988.

Hon. JAMES C. WRIGHT, Jr.,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I hereby resign from my assignment as a Member of the House Agriculture Committee, effective immediately.

Thank you for your consideration.

Sincerely,

LANE EVANS,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC, *June 7, 1988.*

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 3:45 p.m. on Tuesday, June 7, 1988 and said to contain a message from the President whereby he transmits a periodic report on the Iran Emergency.

With great respect, I am,

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. No. 100-203)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed.

(For message, see proceedings of Senate of yesterday, June 7, 1988 at page S7283.)

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Public Works and Transportation, which was read, and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION,
Washington, DC, May 24, 1988.

Hon. JIM WRIGHT,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted by the Committee on March 15, 1988.

Sincerely,

GLENN M. ANDERSON,
Chairman.

There was no objection.

FURTHER COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Public Works and Transportation, which was read, and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION,
Washington, DC, May 26, 1988.

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Enclosed is a copy of a Committee Resolution that was originally forwarded to you by the Public Works and Transportation Committee on May 13, 1988. The information contained in the resolution remains the same as the one previously submitted, however when signing the resolutions, this one was inadvertently passed over.

Sincerely,

GLENN M. ANDERSON,
Chairman.

There was no objection.

SUPPORT FOR H.R. 3436, OLDER AMERICANS ACT TECHNICAL AMENDMENTS

(Mr. BLAZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLAZ. Mr. Speaker, there are times when we are faced with making difficult decisions that have far-reaching ramifications, when the arguments for a position are just as strong and compelling as those against, and vice versa. On a personal level, when faced with such issues, we often turn to those closest and dearest to us for guidance—our God, our family, and our close friends.

As public servants, when faced with these types of decisions, our great responsibility is to ultimately do right by the people who sent us here. We must return to them and let them decide what they believe is best for themselves. This is the essence of our democracy. Let the people be the Government, let the Government be the people.

Last week I was in my district where coincidentally, we were winding down our annual month-long celebration in honor of our senior citizens. While there, I discovered that my decision would not be as difficult as I thought. The people spoke clearly without having to say a word.

In Guam, Mr. Speaker, age is venerated and revered. Our elderly are treated with the respect and honor their years and experience command. They are our voice of wisdom and our pillar of strength. We view them as assets to be brought closer to us, not burdens, to be cast aside. They are the focal point of our community, tying us together, guiding us forward.

In Guam, Mr. Speaker, we have known for a long time what recent clinical and academic studies are just now concluding: That home health care for the elderly is more humane and effective than institutional care.

In Guam, long-term home health care is the norm rather than the exception. It is an age old idea that has been long practiced. We consider it our duty, our obligation, and our honor to help care for our elders in the autumn years of their lives. And, it is because our elderly have remained an important part of our lives that we enjoy today a rich culture and a vibrant community life.

I am pleased to see that the rest of the Nation is catching on and finally is focusing more attention and energy on caring for our senior citizens. In Guam, Mr. Speaker, our senior "American" citizens have had to make due without the full benefits their counterparts in the States currently enjoy such as supplemental security income and Medicaid. Although we on Guam are proud of our heritage of caring for our elderly, we also realize the financial costs involved. We believe that efforts such as Senator PEPPER's long-term health care bill is a creative and innovative program that will go a long way to help us insure we can continue our most valuable of traditions—providing care for our elderly in the comfort and familiarity of their own homes.

I commend the gentleman from Florida [Mr. PEPPER] for his tireless, selfless, and relentless commitment to our Nation's elderly. His leadership on these issues has been instrumental in the awakening of our Nation's own conscience and commitment to our senior citizens.

In the end, we must ask ourselves: Will we join committed people like Senator PEPPER and awaken to the needs of our elderly? The answer my friends, must be an unequivocal yes.

I urge my colleagues to vote "yes" on the rule and "yes" on H.R. 3436.

CUOMO-CELESTE NATIONAL ACID RAIN CONTROL STRATEGY

(Mr. BOEHLERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BOEHLERT. Mr. Speaker, in the spirit of political ecumenicism, I want to praise and call attention to the just released Cuomo-Celeste national acid rain control strategy.

The Governors of New York and Ohio have put forth a bold, imaginative plan which deserves serious consideration. In order to give impetus to that serious consideration, I plan to introduce the Cuomo-Celeste plan as a formal legislative proposal. Having another plan—this is a good one, not perfect, but good—is not enough. What we need is action. It's popular sport in this Chamber to point the finger of blame for nonaction at the administration.

I'll concede that the administration's performance with this serious environmental issue is disappointing.

However, as one who likes to call a spade a spade rather than a digging implement, let me stress the biggest culprit for nonaction is Congress.

Both the House and the Senate and all the committees are firmly in control of one party, and that's not the party of the President. We have all seen plenty of evidence to prove that those in charge of the House and Senate can move legislation when they want to. While they might not be able to guarantee the result, they clearly have the ability and muscle to get a measure before the poeple's House for consideration.

It's about time they did. The time for action on acid rain is now.

A BREAK IN THE ACID RAIN IMPASSE

> Acid rain is slowly poisoning the lakes, estuaries and forests of the Eastern Seaboard, yet Congress has been deadlocked for years over how to avert the threat. Governor Cuomo of New York and Governor Celeste of Ohio now propose an ingenious solution. By sidestepping conflicting regional interests, the two Governors may have pointed Congress toward resolving a long-festering issue.
>
> The principal source of acid rain is the coal-burning power plants of the Ohio Valley, which spew out acrid gases, the oxides of sulfur and nitrogen, through their tall smokestacks. Borne by westerly winds, these pollutants acidify the rain falling hundreds of miles to the east. Purifying the rain would require the Middle Western plants to burn cleaner, low-sulfur coal—thus putting miners in Ohio and West Virginia out of work—or to install expensive scrubbers. Western states resent being asked to help pay for a federally imposed cleanup, since they neither produce nor are affected by acid rain.
>
> Bills on acid rain have been blocked in the Senate by Robert Byrd of West Virginia, and in the House by John Dingell of Michigan. The deadlock in Congress has been matched by obstruction from the Administration, which disputes the seriousness of the ecological damage and opposes doing anything about acid rain except study it.
>
> The new proposal originated at a Democratic governors' conference last year, where Mr. Cuomo proposed a joint approach. In outline, the plan imposes a tax on oil imports to pay for an acid rain cleanup, amounting to half the cost of technology to reduce pollutants. The other half, and all operating costs would be borne by ratepayers. Mr. Celeste becomes the first Middle Western Governor to endorse a major cutback in acid rain pollutants, a courageous step that changes the political complexion of the acid rain debate.
>
> The Cuomo-Celeste proposal would require oil importers to place 2 percent of their imports in the Federal strategic petroleum reserve, and to contribute a "storage fee" that would go into the acid rain fund. Proponents of the plan say it would increase the cost of gasoline by one cent a gallon. Besides addressing acid rain, filling the reserve more quickly would enhance energy security.
>
> The plan raises obvious questions: Why should an oil import fee pay for an acid rain cleanup? Why should all states bear the burden in higher oil prices?
>
> Still, the Cuomo-Celeste plan stands on its political merits. After years of fights between regions, two important Governors—the chief victim of acid rain and the chief perpetrator of it—have found common ground. Washington's challenge is to either adopt the Cuomo-Celeste proposal or come up with a better one.

IN SUPPORT OF THE RULE ON H.R. 3436, THE MEDICARE LONG-TERM HOME CARE CATASTROPHIC PROTECTION ACT

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, in 1965, when Medicare was first enacted, promises were made to the elderly that subsequent legislation would be enacted to protect them from impoverishment as a result of a long-term illness.

Twenty-three years have elapsed, the House made important strides last week in ensuring some catastrophic protection for the elderly, but millions are still unprotected from one of life's most devastating events—long-term chronic illness and disability.

I am also compelled to remind my colleagues that chronic illness and disability knows no age limitations—that extraordinary and burdensome medical costs can befall children and their families as well as the elderly. The bill we will have an opportunity to vote on today would not only protect the Nation's elderly and disabled adult population, but also the millions of chronically ill children and their families who have limited or no protection from catastrophic or long-term health care costs.

Few issues are of greater concern than family stability. Yet the basic security of millions of American families is at risk when a child's illness or disability severely strains their finances, and in many cases, forces them into poverty.

I was dismayed by the assertion in yesterday's Washington Post that we don't need this bill, because families are already providing the necessary care free of charge. It is true that much of the care for chronically ill children and the elderly is provided by family members, but often at an unacceptably high cost to family well-being.

At a recent hearing of the Select Committee on Children, Youth, and Families, we heard compelling testimony from family members who wanted more than anything else to be able to provide the care at home in a loving and nurturing environment. Yet, without adequate home health care coverage, nursing care, or family supports, they were paying the price in emotional stress, fatigue, depression, and family breakup. Many had to quit their jobs to provide care for their elderly dependent parents or chronically ill children, further imperiling the financial stability of their families.

This bill for the first time would put in an end to discrimination against families who are trying their best to do what families are supposed to do—nurture and protect. The bill's fate, and hence the fate of these families, should not be brought down because of misunderstandings or differing interpretations of appropriate legislative processes.

It has been a longstanding practice in this body to permit amendments which have never been considered in committee to be offered on the House floor. By voting for the rule, no new precedents are being set. After more than 23 years, the need for long-term care has been well established, and policies debated and examined in-depth. Now is the time to take a stand.

Legislative protocol and adherence to the normal processes of this legislative body are absolutely critical, but they are as critical as the immediate survival needs of millions of families who shoulder tremendous physical, financial, and emotional strain in their efforts to care for their family members at home.

As a society, we will bear the cost of turning our backs on these children, on the elderly and on their families who provide the care.

Mr. Speaker, the Medicare Long-Term Home Care Catastrophic Protection Act, which would establish, for the first time, a long-term home care benefit under the Medicare Program for chronically ill and disabled individuals of all ages. In addition to basic medical care and social services, this legislation would ensure the everyday assistance families need to stay together, such as family care-giver education, training, counseling, and other family supports and homemaker services.

For all of us concerned about the fiscal impact of such legislation, it is important to recognize that the bill raises considerable revenue to cover the cost of long-term home care by eliminating the cap on wages subject to the Medicare payroll tax. Given what we know about the cost-effectiveness of home-based care versus hospital or institutional care, the long-term savings should be even greater.

I especially want to commend my colleague, Chairman CLAUDE PEPPER of the Subcommittee on Health and Long-Term Care of the Select Committee on Aging for his leadership and his tireless efforts to protect the health of the Nation's chronically ill and disabled children, disabled adults, and the elderly.

As generations working together, we have recognized that catastrophic or chronic illness knows no age limitations. And extraordinary and burdensome medical costs can befall children and their families as well as the elderly. Last year, the Select Committee on Aging joined the Select Committee on Children, Youth, and Families, to focus attention on the effects of catastrophic and long-term illness on children and their families. Let me highlight some of our findings.

INADEQUATE INSURANCE CAN IMPOVERISH A FAMILY AND THREATEN ITS STABILITY

Few issues are of greater concern to this Nation than ensuring family stability. Yet the stability of millions of American families is at risk when a child's illness or disability severely strains their finances, and in many cases, forces them into poverty.

More often than not, families with chronically ill or disabled children are denied health insurance when they need it most, face extraordinary out-of-pocket medical expenditures that wipeout savings or result in family bankruptcy, or are forced to choose between poverty or institutionalizing their child.

Consider the experience of courageous families and their disabled youngsters who testified before our committees:

Jeff Reckeweg, a 5-year-old from Clinton, MD, was born with a severe breathing disorder resulting in a lengthy hospital stay. His family's private insurance was exhausted in less than 9 months because of a $100,000 cap on reimbursement. Now the family faces an $800,000 debt.

Twenty-five-year-old Joe became paralyzed after a bicycle accident in 1985. Although his parent's employer-based insurance covered much of his initial medical care, recently his mother was forced to quit her job to care for him at home. As a result, her health insurance policy will soon lapse, leaving them with no way to pay the bills.

Robert Bachschmidt is a 4-year-old with muscular dystrophy from Washington, DC. Because reimbursement for home care was so difficult for his parents to obtain, Robert stayed in Children's Hospital for 18 months at a cost of $865,800.

These families stated that what they wanted more than anything was the ability to care for their children at home, to rid themselves of debt, and to get on with their lives. The inadequacy of their insurance coverage was a significant barrier to achieving the family stability that you and I take for granted.

In addition, what became painfully clear is that the chronic illness or disability of a child spills over to other members of the family. As a result, these families must make constant effort to hold the family together, and to deal with the natural stresses and strains of marital relationships and relationships among their children. Yet our current policies deny these families both the financial support they need and other supports which would help them maintain basic family stability.

BARRIERS TO HOME CARE SIMILAR FOR FAMILIES WITH ELDERLY PARENTS

The intergenerational nature of the effort to provide home care to family members was best illustrated at a recent hearing of the Select Committee on Children, Youth, and Families. The commitee explored the financial burden and emotional stress experienced by family caregivers who care for elderly dependent parents as well as for their own children.

This new generation of care givers is different from any other in recent American history. The growing participation of women in the work force, greater separation of extended families, and the increasing numbers of single-parent families have affected the ability of families to take care of their own.

As a result, family members are often compelled to juggle careers, nursing duties, housework, and the nurturing of two sets of dependents. This double duty takes its toll. Family care givers who work fulltime frequently spend more hours every day providing care than they do at their jobs. Emotionally and physically, they pay the price in depression, anxiety, fatigue, illness, isolation, fear of the future, and guilt over not doing more.

The financial toll can also be particularly steep. A significant proportion of family caregivers are forced to quit their jobs to fulfill their duties at home.

Despite the serious strains on family care givers, the families who testified before the select committee expressed an overwhelming desire to continue to maintain their dependent parents at home, in a loving and nurturing environment. They testified, however, that long-term home care coverage and supports such as respite care, attendant homemaker or nursing services which help families manage care are expensive and difficult to arrange. In many communities, such services are simply unavailable.

Mr. Speaker, the legislation we are considering today takes an important first step toward financing family stability by assuring adequate reimbursement for home-based medical care and family supports. As a result of this bill, families will no longer have to resort to institutionalizing their child or infirm parent, or disrupting their family's economic and emotional well-being to fulfill their responsibilities.

HOME CARE FOR CHRONICALLY ILL AND DISABLED CHILDREN IS MORE HUMANE, LESS COSTLY THAN INSTITUTIONALIZATION

Many families struggle both financially and emotionally even when they choose and can obtain home-based care. Yet the facts are that when fiscal and social support are provided, family struggles can be avoided, and savings are made for the family and the Federal Treasury. As the Select Committee has documented, there is little doubt that home-based care is inherently less costly than hospital-based care, especially for children.

In Robert Bachschmidt's case, home care for the same period of his hospitalization could have been provided at one-tenth of the cost.

In California, the cost of institutionalization for a child with cerebral palsy is $1,400 per month, twice the $700 monthly cost of home care.

In Maryland, the cost of home care for ventilator dependent children is $9,000 per month, 36 percent of the cost of hospital care—$24,800 per month.

A 20-State hospital survey, released by the American Association for Respiratory Therapy in 1984, found that the average cost of care for ventilator dependent persons was $270,839 per person per year in a hospital versus $21,192 per person per year at home. The estimated annual savings for children in this sample alone would be $64.4 million.

MORE CHILDREN UNINSURED THAN EVER BEFORE

Mr. Speaker, by covering long-term home care services, this legislation takes a critical first step in protecting the millions of uninsured in our Nation. Still, 37 million Americans lack health insurance at all. One-third of them—12 million—are children. Millions more children have health care coverage that would leave them completely unprotected in the event of a catastrophic illness, even if their parents are fully employed.

In California alone, 22 percent of all of the State's children are uninsured, and 32 percent of all children living in families below 200 percent of the poverty level have no health insurance of any kind.

Nearly 30 percent of today's uninsured children have employed parents whose employer-sponsored health plans do not cover their children. This scenario is likely to worsen as new entrants into the work force find that available jobs are in the low-wage, low-benefit service sector. Already, in California, nearly 80 percent of the 5.2 million individuals without health care coverage are working families and their children.

Although recent Medicaid expansions have had a tremendous impact on improving health care coverage for hundreds of thousands of low-income children, millions of poor children are still not covered at all, and millions more are not protected in the event of a catastrophic illness. Fewer than half of all poor children, and only 60 percent of low-income disabled children, are covered by Medicaid. Even in California, one of the States with the highest per capita income, only 50 percent of all poor children are covered by Medicaid. For low-income families, even the cost of routine medical care or care for a minor illness or surgery can be catastrophic.

DISABLED WORKING ADULTS NEED HELP TO KEEP WORKING

I am especially pleased that the legislation establishes a demonstration program to assist working disabled adults who are not recipients of Social Security benefits or SSI. I am confident that this demonstration effort will reveal that such protection will enable disabled individuals with severe functional limitations to participate in the work force. The World Institute on Disability, the bay area based organization, is to be commended for bringing this important issue to our attention and making sure that it was included in the bill.

HOME CARE FOR INDIVIDUALS WITH MENTAL HEALTH PROBLEMS

This bill will also authorize demonstration projects to test the feasibility of providing long-term home care benefits under Medicare to individuals with mental illness who are otherwise ineligible for appropriate community-based services. This provision is noteworthy because, as the Select Committee on Children, Youth, and Families has documented, up to 9.5 million children suffer from serious mental health problems. Yet the majority—as many as 80 percent—receive either inappropriate care or none at all. Particularly lacking is community-based care, despite a growing consensus that such care is more appropriate, less disruptive and less costly than institutionalization.

CONCLUSION

H.R. 3436 makes significant inroads in to filling the gaps in home health care that exist for children and adults who face long-term catastrophic illness or disability. We still have a long way to go, but without this legislation, many families will continue to face more costly, less humane treatment in institutions, no treatment or support at all, or catastrophic health expenses that leave their families in poverty.

Last week, the House approved important legislation to protect the elderly against extraordinary expenses in the event of catastrophic illness. I urge my colleagues to afford protections to children as well, and to consider the more humane and cost-effective approach that home and community-based care offers families.

U.S.S. "LIBERTY" MEMORIAL DAY

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. JONES] is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, 21 years ago today the U.S.S. *Liberty,* a Navy research ship, was attacked off the coast of Sinai in international waters by Israeli aircraft and torpedo boats. Thirty-four American sailors and officers were killed and 171 others were wounded during the 75-minute attack.

The circumstances surrounding the incident remain a controversial issue. The survivors from the 294-man crew contend that the attack was deliberate and unprovoked. However, both United States and Israeli Government officials maintain the attack was a tragic accident.

Last year the Mayor of our Nation's Capital issued a proclamation declaring June 8 as U.S.S. *Liberty* Memorial Day.

It is indeed appropriate that all of my fellow Members of Congress join with me in honoring the brave men who died in service to their country. Let us also pay tribute to the surviving crew members and their loyalty in defending our national interest.

A TRIBUTE TO CLARA PROVOST—OUTSTANDING EDUCATOR

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, Ms. Clara Provost of Oakland, CA, is retiring from the Parkside Elementary School in Pittsburg, CA, after 35 years of dedicated service to education. Ms. Provost's career started with her early teaching experience in Allentown, CA, in the 1950's. She has been sharing her wisdom with students in the primary grades since then.

Ms. Provost's educating did not stop with her students. She educated educators in the most important thing that affects them outside of the classroom, politics. She recruited and encouraged teacher involvement in the political process. She was instrumental in laying the groundwork for educators to become involved in politics.

Because of Clara Provost's efforts, teachers are aware that politics can be used to forge a stronger educational system with the ultimate benefits going to the youth. Through her efforts, teachers have lost their fear of the political system and no longer worry about retribution for political activities.

Ms. Provost has received numerous awards for teaching and political involvement. Her awards include her selection for participation in the first Headstart Program in Pittsburg, CA, Sigma Gamma Rho Award for Political Service, Black American Political Association of California, Award for Meritorious Service in the Community, and numerous other accolades.

An unflagging political activist and dedicated teacher, Clara Provost still finds time to concentrate on issues outside of education that affect her community. She is always ready to help, whether counseling, making plans in committee meetings, phoning, or whatever needs to be done to assist others. I join her friends in wishing her well in her retirement. Clara Provost is an inspiration to us all.

TRIBUTE TO THE LATE HONORABLE ROBERT F. KENNEDY

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. LEVIN] is recognized for 60 minutes.

Mr. **LEVIN** of Michigan. Mr. Speaker, Monday marked the 20th anniversary of the death of Robert Kennedy. A number of us in the House decided that we would like to come to the floor to mark that anniversary. This is the first day we are in full session since Monday and so we decided to utilize this time.

I am honored, if I may say, to call upon the distinguished gentleman from Massachusetts, such a close friend of the late Robert Kennedy, dean of the Massachusetts delegation, the gentleman from Massachusetts, [Mr. BOLAND].

Mr. **BOLAND**. I thank the distinguished gentleman from Michigan for yielding to me and for taking this time to commemorate the life and happenings and doings of one of the great Americans of our time.

Mr. Speaker, it is with profound reverence that I rise to remember and honor the shortened life of Robert F. Kennedy.

Twenty years ago, in the prime of his life and his political career, Bobby Kennedy was taken from us.

It would be inappropriate, however, to dwell on tragedy in remembering Bobby's life.

The vision and values that he brought to his family and to the American people should be foremost in our memories of Robert Kennedy today.

I asked Peter Edelman, a close friend and legislative assistant for Bobby in the Senate and worked on two compaigns for him, to recall his judgment about Robert F. Kennedy as a U.S. Senator and presidential candidate.

I cite to my colleagues professor Edelman's thoughts:

> Isn't it fascinating that we revere and commemorate so widely a man who was not President or even his party's candidate for President?
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> I think we do this because he was special in so many ways. He carried the hopes and aspirations of millions across the planet for a better world, at a time when our nation was in a deep and divisive crisis of its soul and spirit. And he represented the very best values that we can have in our public life in so many ways that still inspire us today.
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> Robert Kennedy was an amazing bundle of paradoxes and contrasts. He was an idealist who was a master of practical politics. He could inspire thousands on a college campus and negotiate effectively with the powerful to make things happen. He was tough as nails when he needed to be and unbelievably tender and compassionate with those who needed a sympathetic ear or a helping hand.
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> He was as comfortable and at home in a sharecropper's house as he was in a movie star's mansion. He engaged in searching conversation with poets, military strategists, antiwar activists, business and labor leaders, professional athletes, poor people, and movie stars. He was a man of the deepest contemplation and the very strongest commitment to action, to getting things done.
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> He did want to get things done. When he went to Mississippi in 1967 and became aware there was hunger in America on a scale that rivalled some Third-World countries, he didn't just give a speech. He went to see the Secretary of Agriculture the next day and demanded that food be sent.
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> And he followed up with unceasing advocacy to teach the country about the problem and get legislation enacted. We spend billions on feeding the hungry now—and, tragically, we still do not reach everyone—but we can trace the significant commitment that we do have in place to what Bob Kennedy began in 1967.
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> He was a man of action. When, as a new Senator, he visited Bedford-Stuyvesant in New York in 1965 and was challenged by black community leaders to show that he cared about the difficult conditions of inner-city life, he didn't just go and introduce a bill.
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> He mobilized the most powerful civic and government leaders in New York State to work with that community in taking action to rebuild its housing and create jobs and gain control over its future.
>
> Robert Kennedy believed above all that one person could make a difference. When he went to Latin America in 1965 and South Africa in 1966 he became a one-man tribune for justice, using every minute to work at building bridges between the poor and the disenfranchised and the dispossessed and those who held the power and sat on the powder keg.
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> He said over and over that one person could make a difference, and in community after community in our country and around the world people heard him and began acting to help others. When he met Cesar Chavez in 1966, a personal and lasting bond developed immediately. He began to use every resource at his command to work for farm workers, and when Cesar Chavez' fast for justice turned into a life-threatening ordeal, it was Robert Kennedy who talked him into breaking bread.
>
> There may seem to be a paradox in all of this. Robert F. Kennedy believed in individual responsibility and he also believed in a need for an active government that works to help its people. These things may seem to be inconsistent, but they are not.
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> Bob Kennedy had a profound insight here, because he understood something that we have still not finished working out—government as a helper and enabler and people taking responsibility for themselves and others. Not a paradox at all when you think about it.
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> This was a man who was always learning, always changing, always evolving. He read constantly but he had to go and touch and see and smell for himself as well, halfway around the world and to places in America where other politicians would never go. How is it going? What are your problems? And he listened. He sat there and listened and took it all in. He was an exceptionally good listener and a constant learner.
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> And what a range of curiosity! He had to know about everything and he wanted to hear every point of view. He knew that one only really learns by testing ideas and viewpoints against one another. He talked with Tom Hayden and he talked with Robert McNamara and Maxwell Taylor. He admired Herbert Hoover and Douglas MacArthur for some of their personal qualities at the same time he pursued political aims with which they would have surely disagreed. He could talk political nuts and bolts with Mayor Richard Daley and community organizing with Saul Alinsky. He had an amazing array of friends and he learned from all of them all of the time.
>
> We don't know what Robert Kennedy would have become. I myself think we might have avoided some of the travail of the past 20 years if he had lived. He was a man who said what he thought, a man who loved his country and loved justice, to paraphrase a quote he loved. Such a man is one who does make a difference, and such a man is deeply missed. We still feel the tragedy of his passing.

Peter Edelman, like many who came into contact with Robert Kennedy, was captivated by his compassion and inspired by his spirit.

Bobby was tough, make no mistake about it, but his outlook was always growing because of his affinity for and openness to the people—all people.

Most legendary of all his beliefs was that of the limitless power of any individual.

That conviction was dramatically stated in his speeches. I would like to read a quote from an address he gave at the University of Capetown, South Africa on June 6, 1964, and I ask permission to include excerpts from some of his other stirring speeches for the record.

He said:

> It is from numberless diverse acts of courage and belief that human history is shaped.
>
> Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring those ripples build a current which can sweep down the mightiest walls of oppression and resistance.

Mr. Speaker, the loss of Robert Kennedy's life at the hands of an assassin is one of the great losses of our history.

However, the legacy of ideals and values with which all Americans have been bestowed shall never be forgotten.

That legacy lives on in Robert Kennedy's moving and eloquent quotes—some of which I include with my remarks:

ROBERT F. KENNEDY IN HIS OWN WORDS

"Laws can embody standards; governments can enforce laws—but the final task is not a task for government. It is a task for each and everyone of us. Every time we turn our heads the other way when we see the law flouted—when we tolerate what we know to be wrong—when we close our eyes and ears to the corrupt because we are too busy, or too frightened—when we fail to speak up and speak out—we strike a blow against freedom and decency and justice."

"Our answer is the world's hope; it is to rely on youth. The cruelties and obstacles of this swiftly changing planet will not yield to obsolete dogmas and outworn slogans. It cannot be moved by those who cling to a present which is already dying, who prefer the illusion of security to the excitement of danger. It demands the qualities of youth: not a time of life but a state of mind, a temper of the will, a quality of the imagination, a predominance of courage over timidity, of the appetite for adventure over the love of ease."

"What we need in the United States is not division. What we need in the United States is not hatred. What we need in the United States is not violence or lawlessness but love and wisdom and compassion toward one another, and a feeling of justice toward those who still suffer within our country whether they be white or they be black. Let us dedicate ourselves to what the Greeks wrote so many years ago: To tame the savageness of man and make gentle the life of this world. Let us dedicate ourselves to that end and say a prayer for our country and our people."

"First, is the dangers of futility; the belief there is nothing one man or one woman can do against the enormous array of the world's ills—against misery and ignorance, injustice and violence. Yet many of the world's great movements, of thought and action, have flowed from the work of a single man."

"Few will have the greatness to bend history itself; but each of us can work to change a small portion of events, and in the total of all those acts will be written the history of this generation."

□ 1710

Mr. KOSTMAYER. Mr. Speaker, will the gentleman yield?

Mr. LEVIN of Michigan. I yield to the gentleman from Pennsylvania.

Mr. KOSTMAYER. Mr. Speaker, the life of Robert F. Kennedy holds meaning for us still.

Even now, 20 years after his death, we mourn his passing.

Our hearts ache. We long to see him standing on an automobile hood, on any street corner in New York City or in an Indiana farm town, held by his burly, but gentle guards, we see the sandy haired head bobbing in the midst of an enormous crowd, immersed in people, all yearning to touch him and to be touched by him.

We want to hear his voice, to be lifted and moved by his pleading words.

I was at my brother's apartment in New York City, when I had finally gone to bed, exhausted after watching the Kennedy victory in California turn into a death watch. The Senator had been shot a few minutes after midnight on Wednesday, June 5.

We waited all that day and into the night sickened by death's rude intervention as our champion came within grasp of the ultimate prize in American politics.

That Wednesday night, we went to bed again.

On Thursday morning, June 6, shortly after 5 o'clock, my sister-in-law woke me, "He's dead," she said.

The Senator had died in California at 1:44 a.m. on Thursday, June 6, 1968.

When Senator Kennedy's body arrived back in New York, we went to St. Patrick's and waited in a line that circled the great cathedral and went for blocks.

The endless line, strangely silent in its sorrow, shuffled out of the hot New York morning into the cool cavernous cathedral.

The silence, broken only by the shuffling of thousands of feet and by the occasional sobbing.

We left the cathedral, going out into the bright sunshine, knowing as surely as he did, that life must go on, that there remained so much to be done.

But, there wasn't anyone to vote for that year, no one who cut across class and region, race and ideology, as he did.

It was back to politics as usual, to the dreary and predictable sameness which he violated with such zeal.

Later that fall my brother and I talked about voting for Eldridge Cleaver, but knowing it impractical and admiring Kennedy's respect for realism and practicality, even hard ball politics, we abandoned the idea.

Later we watched on television in fascination, that extraordinary journey in which the Senator's body was carried by train from New York to Washington.

As the train moved between America's eastern great cities and through its countryside the people came to bid Bobby goodbye.

In Baltimore, thousands of ordinary citizens waited, when the tardy train finally arrived, the crowd sang the Battle Hymn of the Republic.

In many places crowds surged onto the tracks, trying desperately still to get closer to him.

In Elizabeth, NJ, three people were, in fact, hit and killed by the train.

And in the countryside people waited, too. Often a family standing by itself, sometimes at attention, holding a flag, many brought hand-lettered signs, the New York Times reported that people seem to favor "Goodbye Bobby" or "We love you, Bobby".

At his funeral, Senator Kennedy's brother, EDWARD, said, "We need not enlarge him in death beyond what he was in life."

But, I can't help when thinking of Lincoln when I think of Robert Kennedy.

Both martyred in death, both men who liked to laugh and who liked to make others laugh and who saw reason for laughter all around them.

But both saw sadness everywhere, too.

Fred Dutton, a Kennedy aide, once said, "He felt for people who hurt, perhaps it was because he hurt."

In photographs of Lincoln and Kennedy one can see the sadness, their own and that they felt for others.

Perhaps it was this sympathy that people felt in him.

For me it was his willingness to be critical of his own country to always urge that "We live out the true meaning of our creed".

He was for the underdog and he truly sought to "Confort the afflicted and afflict the comfortable". Yesterday, Anthony Lewis wrote in the New York Times of an incident which for me makes so clear Kennedy's refusal to accept injustice.

Mr. Lewis wrote, "In 1966 the Pentagon refused to bury Robert Thompson, an American Communist leader, in Arlington Cemetery—though he had been decorated for heroism in World War II. Others in Congress were silent, but Kennedy told the Senate it was wrong "To hate and harry the sinner to his grave". He said, "I don't think anyone now buried in Arlington would object to having Thompson buried there, so I don't see why all these living people are objecting."

Robert Kennedy reminds me of Clarence Darrow, when that champion of all underdogs said, "I may hate the sin, but never the sinner".

No one can fully explain Robert Kennedy's appeal, Mr. Speaker. Obviously, part of it was his brothers' legacy.

But the mystery of his appeal remains a mystery of contradictions and puzzlements.

He brought together people no other American politician could, that, of course, was his political strength.

What was it that blue collar whites and blacks heard in him?

I remain unsure, Mr. Speaker.

But I do believe he empowered people to believe they could make a difference, that they could have a hand in guiding our beloved country.

For me it was his vision of what America could be, not only for ourselves, but for all the world.

He saw in us the things we would not see, our gentleness and generosity, our willingness to forgive.

He tried as he once said himself, "to tame the savageness of man".

Mr. BOLAND. Mr. Speaker, if the gentleman will yield, I thank the gentleman from Pennsylvania [Mr. KOSTMAYER] for his very moving and gracious remarks.

Mrs. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. LEVIN of Michigan. I yield to the distinguished gentlewoman from Louisiana.

Mrs. BOGGS. Mr. Speaker, on Monday night I was among the thousands of friends and admirers of Robert Kennedy who joined with the Kennedy family at a beautiful and moving memorial service at Arlington Cemetery. A close friend of mine from New Orleans, Terry Alarcon, was in town and I asked him to join me at the memorial service.

Terry, who is currently the executive counsel to Mayor Sidney Barthelemy of New Orleans, is one of the tens of thousands of young men and women inspired by Robert Kennedy to become involved in politics as a method of changing the world and improving the public good. Terry told me that, as a student at Spring Hill College in Alabama, he met Robert Kennedy during his 1968 presidential campaign and that Robert Kennedy had a profound impact of his life since then. As we talked about the very special meaning Terry and the many others like him, I asked Terry to put his thoughts on paper. They are typical of the feelings of a generation of young Americans who were moved by the spirit of Robert Kennedy to make the world a better place.

We praise his memory for providing that spirit and motivation and we thank Terry Alarcon and the many thousands like him who have responded to Robert Kennedy and his call for dedication and public service. America and the world have been blessed.

I quote now Terry Alarcon's written thoughts:

> I did not know Robert Francis Kennedy well. We met on several occasions during the hustle and bustle of his last campaign. I was not a policy advisor, campaign strategist, or major fundraiser. He simply took to those opportunities to thank me and other volunteers who licked stamps, stuffed envelopes and manned telephones in an attempt to elect him President of the United States. It is on behalf of those thousands of political foot soldiers that I humbly offer these insights.
>
> Recent weeks have seen a torrent of words commemorating the anniversary of Senator Kennedy's death. These stories have been eloquent and the remembrances that they engender are poignant, insightful and moving. Any attempt to add to these words must be accompanied with trepidation.
>
> Bobby died one month short of my twentieth birthday. Thirty days before my fortieth, I still feel a special anguish. In retrospect, the last 20 years have given many of us ample opportunity to become cynical and perhaps even scornful of the political process. Yet Bobby's examples of generosity and compassion are still guiding lights for those of us who remain in public service. His life personified the prayer for generosity of Saint Ignatius Loyola:
>
> Teach me . . . to give and not to count the cost,
> To fight and not to heed the wounds,
> To toil and not to look for rest,
> To labor and not ask for reward
> Save that of knowing I am doing your will.
>
> He would be proud that a brother and son serve with distinction in the United States Congress, and that his other children also lead lives of service and give distinction to the principles he valued. But perhaps his greatest legacy is the inspiration he provided to the lives of those people he never knew. Those heroes in America who toil daily, often without recognition, in the schools of our innter cities; those who seek to feed the hungry and shelter the homeless; and those who assist the handicapped in fulfilling their potential as useful and productive citizens.
>
> The measure of the man to us was his tremendous capacity for growth. He was not afraid of new ideas. At an age when most men and women are becoming firmly entrenched in their beliefs and ideas, he showed a deep yearning for continued intellectual and emotional growth. In a time when few people listened to the pleas of the young, he heard us and responded. While others assigned fault and directed criticisms, he exhorted us to follow our dreams for a better America. He dissolved our reticences, encouraging and challenging us with the simple precept that one person could make a difference in this world no matter what his or her status in life.
>
> Today we remember his death but we should not fail to celebrate his life. No matter what our political persuasion, race, color or creed the message of his life is clear; no victory is a final resolution and no defeat is irreversible.
>
> Robert Kennedy dreamed of a world where children were fed, educated and protected. He urged us to care for the elderly, to speak out against injustice and to heal suffering.
>
> My prayer today is that my country will respond to that call.
>
> Some hopes and some dreams should never die.

□ 1720

Mr. LEVIN of Michigan. Mr. Speaker, I thank the gentlewoman from Louisiana [Mrs. BOGGS] for her very moving and eloquent and thought-provoking remarks, and I thank the gentleman from Massachusetts [Mr. BOLAND] whom we are already beginning to miss.

I now yield to the gentleman from Utah [Mr. OWENS] who was a good friend and campaign worker.

Mr. OWENS of Utah. Mr. Speaker, I rise in this open forum to express a very personal tribute to the remarkable man whom we honor tonight.

Everyone who aspires to some form of public service, or who wants to contribute to making life better for others, as well as himself, needs a Robert Kennedy. For me, what he stood for, and my association with him have been the dominant and molding influences in my professional, and to a lesser extent personal life.

I first met Senator Kennedy when, with Ethel and 10 children, along with sundry other friends and relatives, they came through Salt Lake City in the summer of 1965, on their way to run the Green River in eastern Utah. I was on the staff of Utah's Senator Ted Moss, and my services had been offered to help them on their overnight stop in Salt Lake. Helping them was a big-city experience for this small-town lawyer, then in his twenties.

Two years later, in 1967, Senator Kennedy came through again, this time for what turned out to be two historic speeches in Salt Lake, and then he was to join family and friends for a 10-day vacation on Lake Powell and the Colorado River. It was such a complex organizational undertaking, with all the children and a who's who of two dozen world famous personalities, from Buchwald, Art, to Williams, Andy.

There was no staff member to worry about arrangements, so, in handling the many Utah logistics and details, it was not hard to make myself indispensable, and Senator Kennedy asked if I could go along and fill the void. It was to be the most stimulating of working vacations for me, 10 days which would affect my life, both professionally and personally.

The most remarkable thing I remember from the time we spent together was the quality of the conversation and his endless questions. And there was always his sly sense of humor, sometimes sensitively pointed. For example, as we flew over the beautiful mountains east of Salt Lake City, I told him about the wildlife in the area, and asked whether he did much hunting. "No," he responded, "Lyndon Johnson once insisted that I go hunting with him at the LBJ Ranch, and that cured me forever." Hunting down beautiful creatures with rifles, he gently teased me, was not his idea of fun.

Riding in a speedboat down Lake Powell, he asked me in detail about George Romney, a Utah Mormon, then Governor of Michigan and leading Presidential candidate for 1968, and about Mormons in politics. He drained from me the total of my knowledge of the history of Utah and of our pioneer ancestors, and listened with interest to a lot of smalltown stories over those several hours, including a colorful sheepherder joke from my childhood, which I don't think he found all that funny.

He asked what I thought of Camus. I honestly didn't know what a Camus was. He pulled a book by Albert Camus, the French Algerian writer, from his bag, asked me to read a few pages, then to tell him what I thought of it. I sensed that I was being tested, for both my comprehension and my sensitivity. At that moment, as I later learned, he was wondering about whether it might not be a good idea to have a Utah Mormon on his staff.

So much was going on intellectually for me, on what was intended to be a relaxing boat ride through remarkably beautiful azure blue waters in Grand Canyon-like towering red rock. I was wishing I could take notes.

We were met by a contingent of Navajo Indians, who presented him with a choice of two handwoven rugs as a present. He did not choose the more elaborate and beautiful rug with an eagle. Rather, he picked the plainer, patterned, more typical Navajo blanket, praising his benefactors for its work, and, incidentally, leaving the decidedly more beautiful one for another guest.

He later asked me a lot of questions about the Navajo Tribe. He had a free day at the end of the trip; he asked, could I possibly arrange a trip to the Navajo reservation, which, of course, I did. This guy is really something, I remember thinking.

As prearranged, we joined his family and friends at Rainbow Bridge, but his friendly interest in me did not abate. He insisted I swim with them, giving me one of his swimsuits; he insisted I sit at his table for dinner; he invited me along water skiing with him and Jim Whittaker, the first American to climb Mount Everest; he engaged me in conversation with him and Art Buchwald; he made sure I rode on the main boat with him and his group.

As a borrowed staff man, along simply to handle arrangements, I was surprised, and a little embarrassed, to be involved in all their activities. But I came to understand why people said he was the complete egalitarian. And I was having the time of my life.

My tribute is too personal, I suppose, too many details for general interest. But that was the Bobby Kennedy I saw: unfailingly considerate and intellectually curious about everything.

He was also anxious that his children have total freedom and total enjoyment, and the 10 of them were having great fun, including his 14-year-old son Joe, our esteemed colleague, and my friend of 20 years. All 10 were running in different directions, swimming, climbing, and yelling. Bobby was either playing with them, or absorbed by someone else; the scenery was beautiful, but it was the conversations he enjoyed the most. He never seemed to rest. He was the activities director, the social leader, the conversation carrier, and the lead questioner.

That winter I was invited to Washington to discuss a job on his staff, but it required a specialized background for which I had no preparation. He said, in the ultimate flattery, that he had thought that previous summer that a staff relationship might be "nice." Apparently I had passed the Albert Camus test.

In February 1968, he asked me back to Washington to discuss a staff job on the Government Operations Committee, to help him investigate the inordinate rise in Medicare costs. It was a very exciting prospect for me.

It was in the midst of those conversations that the New Hampshire primary took place, which propelled him into the Presidential campaign 4 days later. Three days after that, he called to ask whether I would join the full-time campaign staff instead, stay in Salt Lake, and coordinate his campaign in eight Western States. That was a lot more interesting to me than investigating Medicare.

One week later he was in Utah, which he considered the bastion of conservatism. If he could do well in Utah, he reasoned, it would send a signal elsewhere. And did he do well. He drew 8,000 at Weber State, 18,000 at Brigham Young University, and 10,000 in Salt Lake City, including 5,000 who couldn't get in the hall and covered the entire block outside the hall. And we worked in an afternoon skiing at Alta as well.

Why was he interested in me, a young kid from the West? Was it unusual, or was it a manifestation of his inquiring spirit, and his interest in people of different cultural, geographic, and intellectual backgrounds. Perhaps having such different individuals around him was a part of his endless interest in learning. All I know for sure was that hundreds of people, maybe thousands, benefited from that personal interest, just like I did. Everyone he touched was lifted up, because they knew he cared about them—an interest he communicated over television, in large groups, and with countless individuals.

As I traveled with him through Utah, through Arizona and New Mexico, I saw his unique personality at work—he was learning while teaching, always evolving. Under pressure from the chief of police in Salt Lake City not to enter the large hall filled with 5,000 people when a bomb threat had been received, he simply said to the chief: "If it's not serious enough to bring them out, it's not serious enough to keep me from going in." And in we went. In the midst of 10,000 people in Arizona, he stopped to talk to a young boy with a dirty face, who was crying. He could handle the thousands, but he was interested in the individual.

Night before last, at Arlington, I joined Andy Williams in singing that sacred anthem, the "Battle Hymn of the Republic," just like I had 20 years earlier at St. Patrick's Cathedral in New York, and for a few minutes I could feel again the pain and loss. I remembered the difficult, bitter honor of standing guard at his bier at St. Patrick's, and trying to console myself for what I felt I had personally lost. But most of all, I was resentful that the country would never ever fully appreciate the extent of what the assassin's bullet had cost us as a nation.

Did he really have the principled leadership qualities which I, and so many others, ascribed to him? Would he have been nominated and elected? Would he have gotten us out of Vietnam immediately, as I believed? Certainly he would have spared us Watergate, and we would have a totally different Supreme Court.

And have I enlarged him in death, beyond what he was in life, as his brother cautioned us against at his funeral? Perhaps, perhaps a little.

But, we are told by pollsters that Robert Kennedy and Martin Luther King are the two commanding personalities of the last 20 years whom the youth of our country now respect the most. That is personally gratifying to me. But it is also hopeful, because it says that ideology and passion and concern for others are alive in this generation, after all. It gives us hope that better instincts will, in the end, predominate, as they have always seemed to do at key times in America's past history.

□ 1730

So Robert Kennedy lives on. His short, powerful life continues to give vitality to principle, passion for public service, and to concern, even caring, for the individual in distress.

That fact makes me feel better, more reconciled to the country being deprived of this leadership without ever really having experienced it.

Mr. LEVIN of Michigan. Mr. Speaker, I thank the gentleman from Utah for sharing his experiences in his moving words with us.

Mr. Speaker, I yield to the gentleman form Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I want to take this opportunity to thank my colleagues for holding this special order in the honor and memory of Robert Kennedy, and I am delighted to participate.

It is difficult for me to find the right words to express my feelings about Robert Kennedy. He was a man that I knew personally and regarded as a friend, political hero, and just a simple human being filled with love, peace, and compassion for all humankind.

I first became acquainted with Robert Kennedy in 1961 when he became the U.S. Attorney General. Those of us who were fighting for civil rights saw him as a true champion of the cause, and we believe that he was working with us to make this Nation a better place for all of our citizens. Many people, native Americans, Hispanics, blacks, low-income whites, and others were able to identify with Robert Kennedy because we saw him as a symbol of hope at a time when many people felt hopeless.

In the 1960's, many of us were beaten, arrested, and jailed during the height of the civil rights movements. If it were not for the support and encouragement of Robert Kennedy many would have given up the fight for social justice.

By the time Robert Kennedy decided to run for the Democratic nomination for the Presidency, he had become one of the most visible and most caring politicians on the American scene. He traveled the length and breadth of the Nation talking about civil rights, the war in Vietnam, and the problems of hunger all across the country. In 1968, I saw him as the only political candidate who responded to the aspirations and dreams of those people without representation. He was the embodiment of the American dream. He was the personification of the very best in the American political system.

As I worked and traveled with Robert Kennedy during the campaign, I will never forget the day we arrived in Indianapolis, IN, on April 4, 1960, and heard about the assassination of my good friend, Dr. Martin Luther King, Jr. Our hearts were heavy; it was hard for us to continue to concentrate on the campaign.

Some tried to convince Robert Kennedy not to speak at a mass rally that was organized in a transitional neighborhood in the city because they feared for his life. But he wanted to talk to the crowd, which had not heard about the assassination of Dr. King.

Robert Kennedy delivered one of the most moving speeches I have ever heard. He talked about the assassination of Dr. King and the death of his own brother, President Kennedy.

He challenged us to resist the temptation of violence and to go on with the struggle with love as our guide and our shield. He said in that short speech, and I quote:

> What we need in the United States is not a division; what we need in the United States is not hatred; what we need in the United States is not violence and lawlessness but love and wisdom and compassion toward one another and a feeling of justice towards those who still suffer within our country, whether they be white or they be black.

I am convinced that if Robert Kennedy had lived he would have received the Democratic nomination. Robert Kennedy would have been elected President of the United States, and he would have been remembered as one of the best Presidents in the history of this country.

Mr. Speaker, Robert Kennedy was a man of dreams. He sought to build a new and better world.

Robert Kennedy was very fond of quoting George Bernard Shaw. On many occasions he would state "Some men see things as they are and say why? I dream of things that never were and say why not?" I believe that he was always reaching for the best in America, and always looking to the future with hope and optimism.

As a nation and a people, we were blessed with the likes of Robert Kennedy. I doubt we will be so blessed again for years to come, and maybe never.

Mr. LEVIN of Michigan. Mr. Speaker, I thank the gentleman from Georgia very much for sharing his experiences with us.

Mr. Speaker, we are very pleased and honored that our colleague, the gentleman from Massachusetts, Mr. Joe Kennedy, is also here so that we can share our experiences with him and with the rest of the family.

Mr. Speaker, I yield to the gentlewoman from Maryland [Mrs. Morella].

Mrs. MORELLA. Mr. Speaker, I want to compliment my colleagues who have established this special order for this very special anniversary.

Mr. Speaker, for many of us and for millions of Americans, Bobby Kennedy epitomized the best of the 1960's in the United States. He won the respect and admiration of his generation with his commitment, vitality, unswerving idealism, and the willingness to take risks.

Bobby first came to our attention as a young Senate committee counsel doing battle with Jimmy Hoffa, and his tour as Attorney General during the Presidency of his brother was distinguished by a hard-hitting campaign against organized crime. He was an important adviser to JFK, acting as his unofficial liaison to Soviet Ambassador Dobrynin during the Cuban missile crisis.

In 1964, Bobby demonstrated his magnetism with the voters by defeating an incumbent with a dynamic campaign for the U.S. Senate that highlighted his commitment to minorities and the dispossessed of all races. His tragically brief 1968 campaign for President showed anew his tremendous energy, his ability to cut through to the big issues of the day, and the positive pull that he had on people.

Twenty years later, Bobby's name still conjures up images of a dynamo, a man who was energized by the mistreatment of the poor, the handicapped, the disadvantaged, the less fortunate. Today, his spirit and vision live on through his widow and children, including his son Joe, our colleague.

Mr. LEVIN of Michigan. Mr. Speaker, I yield to the gentleman from Illinois [Mr. Gray].

Mr. GRAY of Illinois. Mr. Speaker, first I want to thank our friend, the gentleman from Michigan, for taking this time and yielding me some time.

Mr. Speaker, "greater love hath no man than this than he who is willing to lay down his life for his friends."

Bobby Kennedy laid down his life for his friends, and how appropriate it is on this 20th anniversary of his untimely death that we would take the well of this House to reflect upon his life and upon his memory, and certainly as one who had the great honor and privilege of serving with not only President Kennedy, but Robert Kennedy, as U.S. Senator, they both enriched my life tremendously.

I know as we stand here today and reflect on those 20 years, we know that this country is better off and the citizens are better off because Robert Kennedy and certainly John Kennedy came our way.

As had been alluded to by previous speakers, Bobby Kennedy had enough time in life with his busy schedule to stop and talk along life's pathway to the poorest, or he could talk to the richest. He had a faculty for getting along with everyone.

As I walked over here, I thought, what could I say that is not going to be redundant and repeated over and over? I came across these words from an unnamed author that I think fits this occasion and certainly fits the one that we are honoring today, U.S. Senator Robert Kennedy, because he had time to think about America and he had time to think about its people and what their needs were

The title of these words is "Take Time." I would like to share it for the Record and dedicate it in memory of our dear friend, Robert Kennedy:

> Take time to work. It is the price of success.
>
> Take time to think. It is the source of power.
>
> Take time to play. It is the secret of perpetual youth.
>
> Take time to read. It is the fountain of wisdom.
>
> Take time to worship. It is the highway to reverence.
>
> Take time to be friendly. It is the road to happiness.
>
> Take time to laugh. It is the music of the soul.

And this really fits Robert Kennedy:

> Take time to dream. It is hitching your wagon to a star.

□ 1745

So I dedicate those words and say that I am happy to join with my other colleagues in looking back over 20 years and say thank you Robert Kennedy for enriching our lives.

Mr. DORGAN of North Dakota. Mr. Speaker, will the gentleman yield?

Mr. LEVIN of Michigan. Mr. Speaker, I am happy to yield to the gentleman from North Dakota [Mr. Dorgan].

Mr. DORGAN of North Dakota. Mr. Speaker, I thank the gentleman for yielding. Twenty years ago I along with many other young aspiring interested Americans wanted to get involved in politics and we were summoned to the political system by the call of a courageous young Senator who decided some things were wrong in this country and he was going to go about changing them. People forget that when Bobby Kennedy decided to run for the presidency, President Johnson had not yet announced that he was not going to seek reelection. Robert Kennedy decided some things had to change and he stood up and went out to seek the Democratic nomination, and portray a vision that he had about this country's future. That was an important vision to those of us who believed in Bobby Kennedy's campaign. So 20 years ago all across the country young men and women were working in the Kennedy campaign.

Now we come together 20 years later and learn that in various spots across America we were all doing the same thing and responding to the same call, and we were all inspired by the same person.

Mr. Speaker, we pay honor to that person today in this special order.

I felt after the tragedy in Los Angeles that the campaign that I had been involved in up in the Dakotas was over and politics was over for me, that politics would somehow never again be the same. Yet after a few months and some reflection on the issues that propelled Bobby Kennedy into the Presidential race it occurred to me that all of those of us around the country who believed in him and who worked for his campaign had a lot of work yet to do in this system in this country and I plunged ahead in my way to continue to work for those things.

Bobby Kennedy I think believed that this country could not move ahead by leaving some behind, and we had gone through a period in this country in which it is almost out of fashion to care about the poor, that somehow the poor are the ones who are poor because they have not been able to pull themselves up and escape poverty. Yet the inspiration and the words of Bobby Kennedy who 20 years ago stirred our conscience by making some of us understand and allowing some of us to understand that the disadvantaged, the poor, the helpless among us are a part of this country and a country that does not care about those folks is a country that is not a good country and not a strong country.

I am pleased to say frankly that the work that Bobby Kennedy started, the work on the Indian reservations in this country, the work in Appalachia, the work on the hunger issues, the work with the compesinos in various parts of Central America, all the work that Bobby Kennedy started still goes on and in a kind of inspirational way to me it goes on with people who are part of the Kennedy Presidential campaign in 1968 who are now serving in State offices, in city offices, in the U.S. House, and in the U.S. Senate.

One columnist recently opined that those who followed Robert Kennedy in public life should be pitied since no one has since taken his place as a charismatic champion of social justice. But it should not be we who should be pitied, rather those who live in the dark places on which Bobby Kennedy's light shone so brilliantly during his life. Those of us who continue to work in Congress on the issues that Bobby Kennedy toiled for in his public life I think continue by our service a pledge that we are going to never forget those in this country and in this world who need our help.

Bobby Kennedy in South Africa some years ago used a quote that is applicable today but it describes what he was talking about then. He said there is discrimination in this world, and slavery, and slaughter, and starvation. Governments repress their people and millions are trapped in poverty while nations grow rich and the wealth is lavished for armaments everywhere.

It is exactly what he stood for and exactly why it inspired me in politics. Let me finally use the quote that I have used for 20 years and I assume many others have who loved Bobby Kennedy and the work he did. He said something like this, each time a man stands up or speaks out to improve the life of others they send forth a tiny ripple of hope. In all of those ripples of hope stemming from a million different centers of energy and daring is represented a stream of energy that can sweep down the mightiest walls of oppression and resistance.

I think the ripples of hope that stem from Bobby Kennedy's career and his belief and vision in justice, those ripples of hope serve here in Congress. They work all across America for the kinds of things that Bobby Kennedy worked for in his lifetime, and I am proud to be a part of that, and I am pleased that my colleagues would take this special order so that we can remember this very special American today.

Mr. LEVIN of Michigan. Mr. Speaker, I thank the gentleman from North Dakota [Mr. DORGAN] for taking time to come over today and share with us some touching remarks.

Mr. Speaker, I recognize the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. Mr. Speaker, I thank the gentleman from Michigan for yielding, and I too want to thank my colleagues for calling this special order. This is a very meaningful event and a very moving time for me to be standing here in the well with some of the people that I respect the most in this country many of whom have said more eloquently than I possibly can quite a bit about their own personal experiences and personal memories of Robert F. Kennedy.

Mr. Speaker, I never knew Robert F. Kennedy personally but he unquestionably inspired me more than any single person ever did. Even though he was not someone that I had the privilege of knowing personally, I felt that I knew him and I suspect that I reflected the views of tens of millions of Americans. I felt that I knew very, very clearly what he stood for. I thought as I listened to him in the mid-1960's that he stood for some very simple and very clear principles that he had expressed and acted upon more effectively than any other single person in American politics. He stood for justice. He stood for opportunity. He stood for opposition to an unjust war. He stood for giving all men and women in this country and abroad a fair shot. He provided hope for the disenfranchised and the dispossessed. He stood shoulder to shoulder with farmworkers in California, with blacks in the South, with poor people in New York, the people in this society who did not have an even shot, who did not have a fair break. He made it clear that he was their champion, and he combined these views and ideals and principles with effective action. He felt that all men and women could make a difference, and everyone understood that he felt that all men and women could make a difference, by listening to him, and by watching him, and by seeing what he did. He combined these commitments with an eloquence, a passion, a personal conviction and a humanity that enabled him to reach out and communicate more clearly, more effectively than any other political leader of my lifetime.

He touched people in a way that nobody else did. I think that it is difficult to describe the impact that he had on a generation but it cannot be overstated. He touched and affected and moved and inspired my generation in a way that nobody else did. I can remember almost as if it were yesterday the New Hampshire primary of 1968 when Eugene McCarthy was running for President and when I was secretly hoping, actually not so secretly hoping that Bobby Kennedy would be running for President. When Bobby Kennedy did decide to run immediately after that primary, friendships were broken. There were people who had trudged through the snows of New Hampshire for Eugene McCarthy who were very bitter that Bobby Kennedy decided to get into the race at that time. He was called ruthless and a number of other uncomplimentary things. Yet there were a number of us, and I think unquestionably the vast majority of people in this country, who clung to the hope that he would get in, and that when he got in he would win. His entry into that Presidential election changed the face of America. It inspired this country in a way that nothing else has in my lifetime.

I personally was certain, perhaps somewhat too blindly certain in retrospect, but I was certain that he would and could accomplish those things that he set out to accomplish, that he would as President implement the ideals that he stood for and that he stood for what was best in America both at home and abroad. I am sure I am not the only one on this floor who has thought many, many times what a difference it would have made to this country and this world it would have made had Bobby Kennedy lived. I for one never doubted that he would be nominated, that he would be elected, and that he would dramatically change quite a bit that was not right with our country. I believed he could and would end the war and I believed he could and would turn his attention to the disparities at home, to the inequalities at home, and that he would translate the hope and the idealism and the commitment to the dispossessed that he so eloquently articulated into effective action and that this society would be one in which inequalities were significantly reduced and in which hope would have been translated into action.

I do not believe that there has been another person in the last 20 years who has been able to carry that mantle. I do agree with a number of my colleagues when they say that the ideals for which he stood are ideals for which we are still fighting today and that the inspiration that he provided is something that continues to guide so many Americans both in this Chamber and beyond it. I can say that I seriously doubt that I would be in politics today had Bobby Kennedy not lived.

□ 1800

I can say that I seriously doubt that I would have been inspired to believe in government and what government can accomplish and what individual people in America can accomplish had Bobby Kennedy not lived. So on a personal note, even though I never had the privilege of meeting him personally, I do know that he has influenced my life more than any other single person in my lifetime. I am deeply moved and very honored to be joining all of the Members who are here in this well. I have considered it a privilege to be a colleague of Joe's and to be a friend of Kathleen's for many years. To see the outpouring of affection and identification with all that Bobby Kennedy stood for makes me feel that the inspiration that he provided continues to profoundly affect tens of millions of Americans today and provides hope that what he stood for can be at least more closely approximated as people in this country recall his words and his inspiration and rededicate so much of what they do to what he stood for.

Mr. LEVIN of Michigan. Mr. Speaker, to Ethel, to Joe and to wife, Vicki, and to my children, who shared moments, let me share some memories if I might.

I was here on the Tuesday of the New Hampshire primary, in 1968. It was a coincidence. I was a State chairman. Millie Jeffrey and I were here. I am not sure why. She said, "Let us go and visit Bobby Kennedy," whom she knew. I do not know if I had had the opportunity to meet Robert Kennedy before that. We sat there. His feet were on the desk. He was warm, expansive, but also introspective. He looked at us and wondered out loud as well as silently what was happening in New Hampshire; had he made the right decision. Word, I think, had already seeped back from New Hampshire. There were not exit polls in those days, but word had seeped back that there was something going on there, and we chatted. We talked about the campaign. More importantly, we talked about the needs of the country.

The person who was with me was already a devotee. I was a State chair who was supposed to be neutral. I left there not sure what would happen that day, not certain what would happen, if Robert Kennedy decided to enter the race, but sure what I would do if he decided to do so.

There are other memories of that year. I remember the rally at Harvard Row in Michigan, a shopping center. There were thousands of people squeezed into a small place. There was such intensity. I can see so palpably and feel even more so what people were feeling about Robert Kennedy and, therefore, feeling about themselves and our country. He was in the campaign. There was real hope.

I remember his visit not long, as I remember it, before California to Lansing, and he got into the car. I was kind of the host, the State chair, and my wife, Vicky, was there, and here was this person who had the reputation of being so hard. I never understood the use of that adjective. He looked at me and said, "How am I doing?" Here was a person with vulnerabilities as well as strength. I remember so well his speech, a mixture of humor, of strength, but also of humility, and I left that speech believing that he was on the way to the nomination.

That is the second point, in addition to memories I want to touch on. There has been much talk about what would have been, and we have all expressed our thoughts, at least to each other. My feeling is this: I roamed the Ohio and the Pennsylvania delegations at that convention, and I became certain that if Robert Kennedy had lived he would have been nominated. There was the attraction of blue-collar workers and white-collar workers toward his candidacy on that floor. There was the appeal across racial and religious lines. There was the appeal among men and women. I think it would have been irresistible at that convention.

I want to say to my colleagues here and to others, that maybe the best measure, at least one measure, of a life, is not only what was or what would have been but what will be. Time magazine said, "As a memory, Robert Kennedy evokes an air of political passion and social commitment that stands in haunting contrast to 1988." I would like to disagree, at least in part, because I am certain that there is a legacy that his life has as its footprints. There are echoes of 1968 in 1988, and the issues of 1968 are becoming more and more the issues of 1988, and the views and the fervent feelings of Robert Kennedy are becoming more and more salient and relevant. Economic justice at home—we have been talking so much in this country about loss of jobs, the loss of good, blue-collar jobs, just a little issue of notice to people laid off, the element of fairness. Robert Kennedy would not have understood how people could debate 60 days' notice. Retraining and training—he went into places in New York, talking 20 years ago about training our workers. We are talking about social justice here at home this 1988 election year, whether they are the homeless or those discriminated against. Justice overseas—we are going to be discussing much in 1988, for example, the issue of apartheid. He was talking about that issue 20 years ago.

It seems to me because there are trends in life and because of the efficacy of his legacy that 1988 is not so totally different than 1968, and in good measure it is because of the life of Robert Kennedy.

There was one line from Ulysses that was so much identified with Robert Kennedy: "Strong in will to strive, to seek, to find and not to yield." I would like to read just a few verses, other verses, from that poem, because Tennyson could not have thought Robert Kennedy would come along, but if he had known, he would have said, "That poem is about you, Robert Kennedy."

□ 1810

It says, starting in the second verse:

I cannot rest from travel: I will drink
Life to the lees: all times I have enjoyed
Greatly, have suffered greatly, both with those
That loved me, and alone

Then a bit further, and the gentleman from Utah, Wayne Owens, gave his experiences that say so much of it, and the gentleman from Massachusetts, Ed Boland, and the gentleman from Georgia, John Lewis and others:

I am a part of all that I have met;
Yet all experience is an arch wherethrough
Gleams that untravelled world, whose margin fades
For ever and for ever when I move.
How dull it is to pause, to make an end,
To rust unburnished, not to shine in use!
As though to breathe were life. Life piled on life"

Then the poem finishes:

Come, my friends,
'Tis not too late to seek a newer world.

I believe President Reagan referred to that line in London just a few days ago.

'Tis not too late to seek a newer world.
Push off, and sitting well in order smite
The sounding furrows; for my purpose holds
To sail beyond the sunset, and the baths
Of all the western stars, until I die.
It may be that the gulfs will wash us down:
It may be we shall touch the Happy Isles,

And see the great Achilles, whom we knew.
Though much is taken, much abides; and though
We are not now that strength which in old days
Moved earth and heaven; that which we are, we are;
One equal temper of heroic hearts,
Made weak by time and fate, but strong in will
To strive, to seek, to find, and not to yield.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On May 10, 1988:

H.J. Res. 545. Joint resolution designating May 8-14, 1988, as "Just Say No Week."

On May 19, 1988:

H.R. 3025. An act to grant the consent of the Congress to the Appalachian States Low-Level Radioactive Waste Compact.

On May 20, 1988:

H.R. 1811. An act to amend title 38, United States Code, to provide a presumption of service connection to veterans (and survivors of such veterans) who participated in atmospheric or underwater nuclear tests as part of the United States nuclear weapons testing program or in the American occupation of Hiroshima or Nagasaki, Japan, and who suffer from certain diseases that may be attributable to exposure to ionizing radiation, and other purposes;

H.R. 2616. An act to amend title 38, United States Code, to revise, improve, and extend various veterans' programs, and for other purposes;

H.R. 2889. An act for the relief of Frances Silver; and

H.R. 3606. An act for the relief of Brenda W. Gay.

On May 30, 1988:

H.R. 1386. An act for the relief of Marsha D. Christopher;

H.R. 1430. An act to authorize decorations, medals, and other recognition for service in the United States merchant marine, and for other purposes; and

H.R. 4083. An act to amend title 5, United States Code, to authorize the establishment of the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service, and for other purposes.

On June 7, 1988:

H.J. Res. 530. Joint resolution designating May 1988 as "Take Pride in America Month";

H.R. 2878. An act to designate certain national forest system lands in the States of Virginia and West Virginia as wilderness areas; and

H.R. 3987. An act to designate the U.S. Post Office Building located at 500 West Chestnut Expressway in Springfield, MO, as the "Gene Taylor Post Office Building."

TRIBUTE TO ROBERT F. KENNEDY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. SLATTERY] is recognized for 60 minutes.

Mr. SLATTERY. Mr. Speaker, I yield to the gentleman from New York [Mr. GARCIA].

Mr. GARCIA. Mr. Speaker, I thank my colleague from Kansas for yielding.

Mr. Speaker, I would like to just take this opportunity to thank the gentleman from Kansas for putting this special order together. I was not in the Chamber last week when notice was sent around, so I hope the gentleman will ask for the usual 5 days in which Members can revise and extend their remarks so that I can put something a little more formal in the RECORD.

GENERAL LEAVE

Mr. SLATTERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. GARCIA. Mr. Speaker, I guess I am fortunate that I am old enough to remember very well Bobby Kennedy, and I guess I go back even further than that because the first political campaign I was ever involved in was the first Kennedy campaign for the Presidency of the United States in 1960. I think there are quite a few of us in this Chamber who sort of got our start in that campaign.

I never did get to meet the President. But I did get to meet Bobby Kennedy on many occasions.

In 1965 I was elected as a State representative, or in the State of New York we call them assemblymen. I remember that race very, very well because Bobby Kennedy was in his first year as the Senator from the great State, my great State of New York. I remember in 1964 when I was called on on two different occasions to advance in my district in the South Bronx two rallies for the nominee for the Senate. I can tell my colleagues that every time I pass the corner of Claremont Parkway and Third Avenue in the Bronx I always remember the rally. I remember that rally because there must have been thousands of people. They came from all over. I think even to this day I have some pictures of that rally.

I remember people yelling from the windows, "Kennedy, Kennedy, Kennedy," with that strong Spanish accent, and I remember when he got on top of the car how he almost was pushed off on two or three occasions because of the overzealousness of the community. That was a campaign in which we were all very glad that we were able to participate.

But I guess the hardest part was what followed. It was after he was sworn in in 1965. As usual, the Democrats have a tremendous ability to be able to find ways to fight each other, and in New York City we have what they call surrogate judges in each of the five boroughs, and in the borough of Manhattan the regular organization had a surrogate that they were nominating by the name of Kline. I remember the reformers pushing and pushing to try and get Bobby Kennedy to support somebody against the regular organization's candidate, and he was really torn because he knew he was going to split the party. But he had a chance to talk to both candidates, and there was no question in his mind that Silverman was clearly the better choice.

With that in mind, he went forward and endorsed Silverman. The borough of Manhattan was truly split and it was a tough race, but Silverman did win.

I remember that race because it was from that campaign that five new assemblymen in the borough of the Bronx were elected against the organization, all running for the first time as people who felt they had a chance. I was one of those who was elected in 1965 to the State assembly, and I can remember that this week in 1965 was just before the surrogate race, and I remember Bobby Kennedy coming up to me and saying to me, "How do you think we are going to do on the surrogate race." Even though we were from the Bronx, everybody was working in Manhattan, and I said I think we are going to win it, and it is going to be awfully close, and we did win it.

But I also was with him in that Puerto Rican Day Parade as he went down Fifth Avenue, and I can tell my colleagues that I have never, and I have attended just about every parade that we have ever had, and I have never seen anything like that parade. I do not think there was anybody standing along the sidewalks. Everybody was running to the middle of the street to grab him, to hug him to kiss him, and we had a heck of a time just holding people off, and all you heard was, "viva Kennedy, viva Kennedy, viva Kennedy."

I remember all of those things because, as I say, we went through 1967, through the heartache of the death of Martin Luther King, and then into 1968, and I remember he announced on a Saturday for the Presidency. That Monday a group of us got together in Albany and endorsed him. At that time I was a State senator. I remember we knew it was going to be a tough fight because again there was a certain hard core faction within my party who became very mad and very annoyed at us because they felt Gene McCarthy should be the candidate. For those of us who came out of the poor areas of America, out of the South Bronxes, out of those areas, we knew that the only hope we had was Bobby Kennedy and we went forward. We came out and we endorsed him, and we worked very hard, and then they took him from us in June.

But I can say that I think there is a group of us here, I think MEL LEVINE, who is somewhat younger than I am, described it well, I think there is a hard core of us who remember that legacy and who live by that legacy.

I do not know how much different it would be if he were alive, but I can tell my colleagues that Claremont Parkway and Third Avenue would not be a wasteland today. I can almost bet on that. And I think many areas in my district would not be the wasteland that they are.

But I am deeply appreciative, and I must say to my colleague, JOE KENNEDY, that I was touched watching network news over the last couple of days and seeing the family gather, because I remember there was a group of Puerto Ricans who came up from Puerto Rico and about 2 o'clock in the morning we stood as an honor guard in St. Patrick's Cathedral. Then the next day we attended the services, and then we flew down on the shuttle to come down here, and we could not get anywhere near the cemetery.

But I will tell my colleagues, as I say, I do not think anybody really ever dies when the principles are there. I am a firm believer that if things are done and things are said that the fact that 20 years later we are on this floor, a group of us who in some way or other have been touched by him, that means that he is certainly very much alive and he has made it possible for those of us to follow through on some of those things that he stood for.

Again I thank my colleague from the State of Kansas for giving me this opportunity.

Mr. SLATTERY. Mr. Speaker, I thank my friend from New York for those moving remarks.

Mr. Speaker, I yield to the gentleman from Texas [Mr. BUSTAMANTE].

Mr. BUSTAMANTE. Mr. Speaker, I wish to thank my colleagues, Congressmen SLATTERY, BOLAND, LEVIN, and ECKART, for reserving this time under special orders, so we may pay tribute to the memory of Robert Francis Kennedy. It is impossible to speak of Robert Kennedy without a renewed sense of loss.

Twenty years ago, we witnessed his personal triumph in California turn suddenly into a national tragedy.

His passing first numbed, then grieved us. Our hope to heal a nation—torn by war in Southeast Asia and divided internally by the quest for economic opportunity and justice of those neglected by the system—temporarily faded.

He often pointed out that America was a country of two worlds between the powerful and the powerless, the franchised and disenfranchised, the privileged and the outcast.

Robert Kennedy sought to reconcile the extreme contradictions in our society by practicing the politics of consensus.

His politics and principles forged a diverse coalition of minorities—black, native, and Mexican-American; blue-collar workers; poor whites; and traditional liberals.

His were not the politics of polarization.

He did not believe that the way to reshape America and its political institutions was by burning our cities, tearing down our academic institutions, "turning on," "tuning in," and "dropping out."

A nation divided could not solve the problems that engulfed us. Only a nation united would solve them—or they wouldn't be solved at all.

The politics he practiced were the politics of hope—the politics of racial equality, social equity, economic opportunity, and equal justice under the law.

It is said that Robert F. Kennedy was a romantic idealist tempered by a touch of political pragmatism.

The kind of leadership he hoped to offer America and her people is best described in Alfred Tennyson's poem "Ulysses".

> Come my friends,
> 'Tis not too late to seek a newer world
> Push off, and sitting well in order smite
> The sounding furrows: For my purpose holds
> To sail beyond the sunset, and the paths
> Of all Western stars, until I die.

Senator Kennedy borrowed the second line of this passage for the title of one of his books, "To Seek a Newer World," which outlined his agenda for the country.

Robert Kennedy was taken from us before he had the opportunity to implement that agenda.

But his memory and principles endure. His work is being carried on by one of our own colleagues—his son and my friend, Representative JOSEPH P. KENNEDY II.

I can't help but think that if he were with us now, Robert Kennedy would feel some embarrassment with the tributes we pay to him today. He seemed shy about being the object of public praise by public men and women.

We remember Robert Kennedy as a great man whose calm advice and counsel to President Kennedy saw us through the 1962 October missile crises. We remember his dedication to the early days of the civil rights movement. And we remember his relentless efforts to bring organized crime to justice.

We remember him also as a man whose dreams for a better America were our dreams.

We do more than honor an individual who did so much to make a difference in the lives of so many.

In the words of Rev. Malcolm Boyd:

> We mourn the death of dreams whom we love. We are grateful to them for sharing the dream with us. Now we, too, are dreamers in our own lives and commitments. We must die, as other dreamers did, by the gun, the knife, the rope, old age, a warring heart, or simply being consumed within the fire of a vision. But the dream cannot die.

Because Robert Kennedy shared his dreams with us, he built a community of followers who share his politics, his ideals, his commitments, and his vision. If we stay true to the course he set, whether the wind is to our backs or against us, they will continue to live on.

Robert Francis Kennedy's place in history is secure in its own right. His memory continues to touch our hearts.

As one chronicler of our times put it: "You can kill the dreamer, but you can't kill the dream."

□ 1825

Mr. SLATTERY. I thank our friend from Texas for coming over and sharing this special time with us.

Mr. Speaker, I yield to the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN of California. I thank the gentleman for yielding.

Mr. Speaker, I want to thank my friends for arranging this special order. I am proud to stand on this floor today and join my colleagues in remembering Robert Francis Kennedy on the 20th anniversary of his death.

It hardly seems to me like 20 years. The fact that 20 years have passed never really came home to me until I picked up the magazines and saw the stories and saw the stuff on television.

I did a lot of thinking over the past week about what has happened to me and what has happened to people who were friends of mine then and what happened to things that we believed in over the course of those 20 years.

I can say that it hardly seems like 20 years. The impact of Robert Kennedy's life on mine and on many other people has not in any way subsided. The tears I cried that morning when he died are still very fresh to me. His life is something that I can honestly say I carry with me in mine every day. I was a 19-year-old college student in 1968 when Robert Kennedy announced he was running for President. I joined the campaign like many others.

I was fortunate; I was a student body president at a community college and I became the Senator's cochairman in Fresno County, CA.

Later that year I was an alternate delegate to the Democratic National Convention in Chicago.

I certainly owe the origins of my political success to that campaign in the spring of 1968 and to the principles that Robert Kennedy espoused which have affected me so deeply.

The one picture I have with Senator Kennedy of the two of us walking along the tarmac at the airport in Fresno during his first visit in April of that year is my most valuable possession and I took it out many times during the past week and it brought that whole spring back to me again.

Robert Kennedy aroused great emotions in people. I do not think any politician before or since has aroused the types of emotions that he did. He had the ability to cut through the differences that seemed to divide us, our background, our origins, our social status and he asked us somehow to reach out through that for higher values than our own selfish aggrandizement.

He had the courage to take unpopular stands and to stand fast on principle in the wake of criticism and scorn. The hotter it got, the more he seemed to be at home in the kitchen.

He was willing to speak for those who were voiceless and powerless and was willing to risk everything, including his own life in the pursuit of a greater national purpose.

I listened to "Sandy" talk about the campaign in Michigan. I will never forget the campaign in California. There has never been anything like it. The first time he came, and he was 3 hours late, the plane was coming in from Oregon and there were thousands of people waiting at the airport in the wind, in the cold and in the rain for 3 hours just to come and get a glimpse of him stepping off the plane. The next day in the motorcade through Fresno, people lined the streets, out of their houses everywhere; all colors, all kinds and shapes of people just wanting to see a glimpse of him as he went down the street. He was scheduled to speak at Fresno State University but there was a community college along the way and the crowd there stopped his car in the streets and thousands of students came out. Then he spoke to them.

It had a spontaneity about it no campaign has ever had since.

I remember most vividly the weekend before he died when he took that great train trip up through the San Joaquin Valley starting in Fresno and went through every town and came to the back with fruits and vegetables in his hands which were raised in that area.

And the people came out to the tracks from everywhere. There had never been anything like it. And as the train rolled through the vineyards up the valley, the farm workers came out of the fields to stand by the tracks to see their hopes go down the path toward Sacramento.

He was a very special person to those of us who were young in 1968. He opposed the war and he was willing to take on an incumbent President to stop it. He knew that the promise of our Constitution, equal status for all our citizens, had not yet been realized and he passionately advocated a government that would address the just grievance of the disenfranchised and the poor.

He told us that if we in our own lives could stop the suffering of just one child, we could improve the fate of man.

It is impossible to speculate with certainty on how the world might be different had he lived and it is not something I wanted to dwell on much over the intervening 20 years.

I think it is important to remember here that his own brother's death did not destroy him or drive him to a despair that stopped his motivation; indeed, it motivated him to go on and do great things.

I think we should continue to learn from the example that he set in that regard.

We know for sure that the world is an immensely better place because he lived. We are all his legacy. He showed us that we can, as individuals, each make a difference if we want to and if we commit ourselves to pursue our values in all our policies.

There will never again be another 1968; there never again, for sure, is going to be another Bobby Kennedy; but there will be, for sure, other opportunities for us, his legacy, to carry on his dream of taming the savageness of man and making more gentle the life of this world.

Let us resolve to continue his work.

Mr. SLATTERY. I thank our friend from California.

Mr. Speaker, I doubt if I can add anything to the eloquent comments already made about Senator Robert Kennedy, but I wanted to pay tribute to a man who was an inspiration to me. I did not know Bobby Kennedy personally as some of my colleagues. I only met him a few times during the 1968 campaign.

But as a teenager growing up on a small farm in Kansas and later as a student attending college in Topeka, I saw in Bobby Kennedy a man of conviction. He convinced me that one person could make a difference and each of us had a responsibility to try.

Pascal once wrote, "a man does not show his greatness by being at one extremity, but rather by touching both at once."

I think this describes the unique genius of Senator Robert F. Kennedy.

Bobby Kennedy was a rich man who became an advocate for the poor.

He was white but had a special rapport with blacks and other minorities.

He was a tough, fierce, competitor in the political arena who shed tears of compassion for the less fortunate.

He was driven not by a desire for financial gain or personal fame, but by a deep moral conviction that, as we are taught in the Gospel of St. Luke: "To whom much is given, much is expected."

Unlike many other politicians who pander to narrow special interests, Bobby Kennedy appealed to the broad common interest.

In fact, he would often tell groups exactly what they did not want to hear when he disagreed with them.

I remember Bobby Kennedy telling college students that he would end college deferments from the draft. He believed it was wrong for the sons of middle class and wealthy Americans to avoid military service while the sons of poorer Americans were drafted and sent to Vietnam.

And, Bobby Kennedy passed, with flying colors, the most stringent test of a great leader. He had the strength and courage to admit when he was wrong, and then to work hard to right that wrong.

I was an idealistic college student standing in a filled-to-capacity auditorium with 15,000 people at Kansas State University when I heard Bobby Kennedy, in his first major campaign speech, after announcing his candidacy for President admit his mistake in shaping the early strategy for Vietnam. He said:

"I am willing to bear my share of the responsibility, before history and before my fellow citizens. Tragedy is a tool for the living to gain wisdom, not a guide by which to live * * * 'All men make mistakes, but a good man yields when he knows his course is wrong and repairs the evil. The only sin is pride.' "

Another test of greatness is whether a person inspires others to carry on his work long after he is gone. I believe the tributes we have seen all during the last week prove that thousands of Americans over this country want to keep the legacy of Bobby Kennedy alive and I believe they will.

In a quiet moment I can still hear Bobby Kennedy quoting George Bernard Shaw: "Some men see things as they are and ask 'why.' I dream of things that never were and ask 'why not?'"

For those of us who believe—as Bobby Kennedy did—that politics and government are a noble calling, we must draw inspiration from his memory and rededicate ourselves to the causes for which he fought: Justice, opportunity for all our citizens, peace, and human rights.

I believe this is the best living tribute we can pay to Robert F. Kennedy.

Mr. Speaker, I yield to the gentleman from West Virginia [Mr. WISE].

□ 1840

Mr. WISE. Mr. Speaker, I appreciate the gentleman's yielding.

I want to share some brief memories of Robert Kennedy. Those of us from West Virginia, of course, have very, very deep memories of Bobby Kennedy and all the Kennedy family. One is the campaign swing he made through West Virginia primary, and he did not have to come. West Virginia belonged to the Kennedys, and it would not be the making of the President as it had been for his brother 8 years earlier. But he came, and he went through some of our rural counties. He stopped to rest, and there is a picture that was taken and that hangs yet in a lot of homes, and it has been reprinted numerous times. It is of Bobby Kennedy relaxing for just a few minutes, sitting by himself on a West Virginia hillside. I do not know what he was thinking, but he was looking out across the hills, and I believe what he was thinking was that we still have a lot of work to do here. So then he moved on, and that is a picture, I say, that is stamped in the hearts and minds of many West Virginians.

There is another picture that is a little more personal, one that I know about. That was of a college student during the summers who was trying to figure out where to go and what direction to take. And there was Robert Kennedy, who was offering a direction, and he was saying, "You can do something, you can be somebody, you can pick up a banner, and you can succeed. It won't be easy, and you may get hurt, but you have to do it."

That was me. But it was more than me; it was countless others like me at a very, very crucial time in our country's history.

Just a few minutes ago I was sitting in my office discussing child care with one of our legislative assistants. There was so much that Robert Kennedy talked about that we are still talking about today and still needing to do. Whether it is justice or child care or day care or poverty—and there is too much of that—or education or giving opportunities to children that do not have them, Robert Kennedy was not afraid to talk of those and to point those things out.

The significance of Robert Kennedy's life was that because of that, we are different, and we are inexorably changed. We have different values, and they are still changing. Our political process is better in West Virginia because Robert Kennedy lived. There are opportunities that did not exist before, and there is a legacy that is expressed by many who lived through that era. We do not always express it perfectly, we do not always do it as forcefully as we should, we do not always do it as artfully as we should, and we do not always succeed. But that is the legacy he left.

Mr. Speaker, I would just like to say for those of us in West Virginia that we are thankful for the life that was Robert Kennedy's and we truly honor him. We in West Virginia and everywhere must now vow to carry those things on.

Mr. SLATTERY. Mr. Speaker, I thank the gentleman from West Virginia [Mr. Wise].

Ms. PELOSI. Mr. Speaker, will the gentleman yield?

Mr. SLATTERY. I yield to my friend, the gentlewoman from California.

Ms. PELOSI. Mr. Speaker, I thank my colleague for yielding, and I thank him for calling this special order on this very, very special occasion.

Mr. Speaker, Robert Kennedy was a believer in the strength of the human spirit—the ability and the courage to confront a problem and offer a solution, to strike out in a new direction, to open a new debate.

As Attorney General, Kennedy understood the need for visible Federal support of civil rights and of those citizens who sought to uphold them. He went to Alabama in 1963 to talk to the Governor and to urge restraint in the inevitable clash between protestors and police. When violence broke out, he urged the President to dispatch Federal troops. He placed the Federal Government firmly on the side of the oppressed.

In an era remembered for its tumultuous exchange of views, Kennedy was a guardian of free expression. The future, he said, "Will belong to those who see that wisdom can only emerge from a clash of contending views, the passionate expression of deep and hostile beliefs."

Today, we face a critical test of our imagination and resolve; we face a great challenge. We must prevent the destruction of our youth by drugs. As we search for a solution, we should note the advice of a man who believed so strongly in the potential of our young people. "We cannot solve delinquency by building prisons," he said. "We must create new opportunities for our Nation's youth. We must show every young person, no matter how deprived his background may be, that he has a genuine opportunity to fulfill himself and play a constructive role in American life".

Two decades after Robert Kennedy's death, let us rededicate ourselves to the fight for civil rights and equal opportunity, to the encouragement of healthy discourse, and to the search for peace. In Kennedy's words,"Let us go forth and lead the land we love, asking his blessing and his help, but knowing that here on earth God's work must truly be our own."

Senator Kennedy left us a great legacy, spiritual, intellectual, and political. His greatest legacy, of course, is his family. What a great honor it is for us to serve in Congress with a part of that great legacy, his son, a leader in all the causes, a leader who will take us into the future. I refer to Senator Kennedy's son, Congressman Joseph Kennedy.

Mr. SLATTERY. Mr. Speaker, I thank our colleague, the gentlewoman from California, for her remarks.

Mr. ECKART. Mr. Speaker, will the gentleman yield?

Mr. SLATTERY. I yield to my friend, the gentleman from Ohio.

Mr. ECKART. Mr. Speaker, I thank the gentleman, and I thank all those who have worked so hard to make this event so special.

I have to say to all of my friends that my recollections pale in comparison to what I have heard. I never met the man. I never plotted strategy with him. I never marched with him. I never played catch with him.

But, oh, was I moved by him. Ohio politics had already passed us before he decided to enter that national race. My dad, who was a significant elected official at the time, was for Hubert Humphrey because that is where the party was. But this kid going away to college at the time really kind of understood that but did not really believe it. So, Sandy, while you were plotting the strategy that helped bring about an electoral victory, and, John, while you were figuring out how to marshal the forces that brought change for part of our society to extend it to others, I was stuffing envelopes for the candidate running against my dad's choice.

I guess the reason I am here this evening, or the reason I am able to be here, is because of what I have heard in the collections of comments that preceded me. If we were to examine the Record tomorrow, I suppose we would find the word that was used most frequently is "believed." People believed in 1968. They changed political alliances. They split families; they made changes in directions and plans that they would not have conceived of before. Some supported him I guess, in a romantic attempt to recapture Camelot or the mystique and magic that persists of what we can be, if we hope to be, for some, for the ideas and idealism, but for me, because I felt that maybe one person could make a difference.

I think to be a good politician you have to know things that other people cannot see, feel, or hear. I think Bobby Kennedy knew things that other people could not see, feel, or hear, and in knowing them, he expressed them in a way that made us believers in his dream. That is stepping beyond the stage of political performance and creating a political dynamism that says if you reach out and touch my hand, together we can make a difference.

And he reached out to everybody. He did so in a way that is absolutely surprising. He did not stop at airport photo opportunities like we see in campaigns today with carefully designed backdrops to capture that moment. He touched people, and people touched back. He did not give carefully calculated speeches designed to appeal to what the pollsters say is the most immediately responsive chord that is going to get what you need to have.

Oh, yes, his calculations politically were superb, but he spoke from his heart. He told us what was on his mind, and America responded. Most significantly, between 1968 and 1988 comes the feeling that I have that if truly you can believe, if you close your eyes and hope enough, you will realize that although that voice may be stilled, the message is not.

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I think that, if my colleagues were to close their eyes and wish hard enough, they would realize that the messenger is gone, but the message lives on. And, if my colleagues close their eyes and pray hard enough, they will hope that with that voice and that message, it will reach the seed that lies in each human being that Bobby knew was there, if he spoke to them. Because I believe that each of us has the ability to do great things, if nurtured, encouraged and directed. To get people to rise above their prejudices, to see beyond the myths, to see inside of the soul of a 17-year-old that says, "You've got to do this"; that is the message that Bobby Kennedy gave to me.

I think for many of us, we are here today in no small measure because once upon a time someone told us, "You can make a difference," from Kansas, to New Hampshire, to Georgia in the South, and to the Bronx, and from the gentleman from Massachusetts [Mr. BOLAND] who once took residence in 1960 to run John F. Kennedy's campaign in my congressional district when I was 9 years old. And I guess that from 1968 to 1988 we will learn, oh so carefully, that seeing then was believing.

And repeating today sprinkles in some small way, as the rain gently does on a spring day, the nurturing, and the hope and the wish that the seeds of goodness that are in our hearts will one day sprout again. Bobby sprinkled us in a very special way 20 years ago, and in so doing he is responsible, and the people enjoy the fruits of that nurturing, fruits that hopefully will continue to bear, be born and grow for future generations to enjoy.

So I say, "Thank you for the memory, thank you for the inspiration, and most importantly, thank you for serving as the road map by which I hope my son will judge his dad's performance in the image of your dad that preceded us."

Mr. SLATTERY. Mr. Speaker, I thank my friend from Ohio [Mr. ECKART] for his really eloquent remarks.

Now I yield to a friend from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I would like to thank my colleagues for organizing this special order so that we might gather here today to express our thoughts, revive our memories, and remember Senator Robert F. Kennedy.

Yesterday, of course, was the California primary. And today we are celebrating the victories of the winners. But 20 years ago we all lost when an assassin ended the life of Bobby Kennedy on the night of the California primary. He was 42 years old.

June 6, 1968, evokes very painful memories. The day was host to a brutal killing of one of America's great leaders. Many continued Bobby Kennedy's struggle and upheld his ideals—but many others turned away from politics, bitter and disillusioned that their leaders could be so senselessly cut down.

Mr. Speaker, when Senator Kennedy was shot in the kitchen of the Ambassador Hotel in Los Angeles, a 17-year-old busboy crouched on the floor next to the candidate, holding his head and pressing a crucifix into his hand.

That 17 year old, Juan Romero, became instantly famous as his picture flashed around the world the next day. Yet for Juan, who now lives in San Jose, the attention only made the memories of that night hurt more. Being captured in a photo at that tragic moment was not something he was proud of, he has said. Only recently was he able to come forward and be interviewed about the events of June 6.

Mr. Speaker, I remember the night Bobby Kennedy came to San Jose. He had entered the race after the New Hampshire primary and had immediately embarked on a whirlwind tour—campaigning in Kansas, Alabama, Nebraska, Indiana, and many other States.

On his swing through Oregon and California he stopped in San Jose, and the momentum of his candidacy was obvious. I was a member of the city council at the time, and Bobby Kennedy's appearance drew a crowd of over 10,000 to St. James Park in downtown San Jose on that March 1968 night. The crowd responded enthusiastically to his speech; people pushed and crowded their way to the podium as they attempted to shake his hand, or at least touch him, as became common during the campaign.

If memory serves, that night still holds the record in San Jose for the largest political gathering. After his death, a memorial with a podium and a plaque was erected in St. James Park.

Today, 20 years later, Bobby Kennedy's campaign is being remembered in near legendary terms. But today let us recall him as a man, not as a myth.

Bobby Kennedy fought relentlessly and talked straight about many issues—a candor which made him many enemies but won the respect of many more. He was a man who learned, grew, and changed during his journey across America in 1968.

Perhaps the most important message Bobby Kennedy brought home was that getting involved in politics mattered, that one person can make a difference. And this one man inspired a legion of Americans to act and get involved in order to rid the world of war, injustice, and poverty.

Today, we face another crucial Presidential election—one which may be a turning point in the course of our Nation. And recent polls tell us that many of Bobby Kennedy's passions still run very deep in the American conscience and consciousness.

To those who were moved by him, we must say: Move again, continue the struggle—for you are needed.

To those who were not there with him, let us say: Look at his example, become active, work to make a difference—for your country needs you.

Mr. STOKES. Mr. Speaker, I would like to thank my colleagues for reserving this time to observe the 20th anniversary of the assassination of Robert F. Kennedy.

On June 6, 1968, our Nation suffered the loss of our brightest Presidential contender and hope for the future. Robert F. Kennedy's greatness was his ability to transcend socioeconomic boundaries and respond to the needs of the many people who had been left out and forgotten in our society.

Bobby Kennedy was outspoken on those issues that were most important to our everyday lives. He envisioned an America without poverty and hunger. He envisioned an America full of opportunity for all people. And he campaigned to make those beliefs a reality.

Those of us involved in the civil rights struggle will always remember 1968 and the loss of Dr. Martin Luther King, Jr., and Bobby Kennedy. They responded to the dreams and aspirations of those without representation.

Mr. Speaker, it is good to reflect today on the life of Robert F. Kennedy and the kind of society he envisioned for America. In remembering Bobby Kennedy I am reminded of a famous passage which adorns his gravesite. That passage reads:

> Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance.

Mr. Speaker, I want to again thank my colleagues for reserving this time to reflect upon the life of Robert F. Kennedy. We remain committed to his ideals and his hopes for a brighter America.

Mr. RINALDO. Mr. Speaker, I join with my colleagues today in paying tribute to the memory of Senator Robert F. Kennedy.

Twenty years ago the country awoke to the shocking news that Bobby Kennedy had been shot. In the days that followed, once again a stunned Nation grieved and poured out their prayers to the Kennedy family.

We mourned the loss of a political leader whose nomination for the Presidency as the Democratic candidate had been assured by a dramatic victory in California.

In the 20 years since that tragedy, the memory of Robert Kennedy has lived in the hearts of his many supporters who still wonder what this country would have been like had his life not been so cruelly cut short. Robert Kennedy was a man of vision and courage, a loving family man who instilled in his children a sense of public service. One of his sons, JOSEPH KENNEDY, serves with us in this body today promoting the ideals of his father which included responding to the needs of the people who have been left out and forgotten in our society.

By honoring the memory of Bobby Kennedy we rededicate ourselves to his dream of a better world, a world in which all people can live in peace and dignity free of the bonds of poverty and free of the shackles of civil liberties denied.

Mr. TRAXLER. Mr. Speaker, I rise today to join with my colleagues as we pause to remember Robert F. Kennedy. His life of public service touched each of us, often in intensely personal ways, inspiring many to also commit their own lives to public service. His death, following so closely upon the tragic and senseless killings of his brother, President John F. Kennedy, and the Reverend Martin Luther King, Jr., threatened to disenchant and disaffect an entire generation—yet only for a moment. Until we remembered that the things he stood for and fought for are bigger than he was, bigger than any of us, bigger than all of us together: Simple justice and deep compassion for our fellow citizens.

The 1960's are recalled now as a time of momentous upheaval in our national life. The civil rights movement, the protests against an ill-conceived American involvement in a foreign war, the movement for equal rights for women all converged in a period of time that cried out for the best leaders of our Nation to emerge. Robert Kennedy answered that call. His personal anguish over the cruel loss of his brother was mirrored by the anguish of a nation that had lost its vigorous, young leader. In Senator MOYNIHAN's words at the time of President Kennedy's death we, as a nation, "[would] laugh again, but we'll never be young again."

The pain of learning and the turmoil of growing were thus visited upon us in the 1960's in ways unprecedented in American history. And Robert Kennedy demonstrated that we must not retreat but rather continue on, each in our own way making a contribution to better the lives of those less fortunate.

Robert Kennedy was not afraid to learn and to grow, always prodding others to do likewise. While his own view of the war in Vietnam envolved from outright support to fervent opposition, based on the futility of attempting to interpose American solutions on others' internal conflicts, he also challenged student protesters to consider the inequity of a military draft system that resulted in disproportionate numbers of minorities and poor shouldering the bulk of the fighting and the dying in Vietnam.

A general recognition of human rights and the proper role for Government in enforcing and providing for those basic rights came to fruition in the sixties, due in large measure to the ability of Robert Kennedy to excite our imaginations as to the basic rightness in caring for the weakest among us. He convinced us not only that it is right but that there is no reason why it should be anything less in this greatest Nation on Earth. His memory challenges us still to see that the recognition of these human rights and human needs is translated into action to secure those rights and serve those needs. Indeed, much remains to be done.

Much commentary now is devoted to musings about how our lives and our Government would be different if Robert Kennedy had lived and become President. I prefer to relish how different our lives and our Government are now because he was with us—if ever so briefly. His intensity, his sense of compassion and justice, his vision for the way things should be in this country have provided the solid underpinnings for the society and Government that has evolved since the 1960's. Even the conservative agenda of the 1980's uses as its benchmark a "safety net" of protections for human needs that did not exist at all before the 1960's.

The reality of our loss of Robert Kennedy continues to hurt; it hurts very much. But, as he told a crowd in Indianapolis on the night Dr. King was murdered, quoting the Greek poet Aeschylus:

> He who learns must suffer. And even in our sleep pain that cannot forget falls drop by drop upon the heart, and in our own despair, against our will, comes wisdom to us by the awful grace of God.

Mr. Speaker, on this day of remembrance I extend my deepest appreciation to Mrs. Ethel Kennedy, our colleagues Representative Joseph Kennedy and Senator Edward Kennedy, and all the members of the Kennedy family for their dedication and continuing commitment to serve our Nation. Their example, keeping the memory of Robert Kennedy burning brightly in our hearts and minds, sustains us all.

Mr. MAVROULES. Mr. Speaker, we are here today not only to grieve for the loss of the man Robert Kennedy, but also to mourn for the loss of the leadership that could have his dream a reality.

It is not my intention to overlook Robert Kennedy the individual, the statesman, the husband, the civil rights leader, or the father. Instead I would like to commemorate the vision he sought to secure for his Nation. I want to concentrate on what Robert Kennedy symbolized and strove to achieve during his brief lifetime.

Robert Kennedy should be a role model for all of us. His courageous spirit and innovative perception of the world formulated a new vision during the turbulent years of the late 1960's. His message had the ability to unite a divided nation under a common theme—the opportunity for a better life for everyone.

Robert Kennedy's dream was to give the world the necessary tools to eliminate hunger and create a social welfare program dedicated to full employment: A world free of war and a society based on an ideology of equality for all persons. He ignited the spirit of hope and cooperation in a world that was addressing its problems with hate and violence.

He was an inspiration and his vision of a world where color and race do not signify a man, where war is nonexistent, and where children are not hungry—is his memorial.

We are still searching to secure his vision of the world. His memory will endure for a very long time not only because of who he was, but also for what he represented to so many.

Mr. FORD of Michigan. Mr. Speaker, we have set this time aside today to honor the memory of the late Robert F. Kennedy. As do many of us here, I have some special memories of Bobby.

In 1966, just 2 years before he was gunned down in Los Angeles after winning the California primary, I was a young Member of Congress running for reelection for the first time. I will always remember that Bobby, with that big, broad smile that was the symbol of Kennedy charisma, came to Michigan to campaign for me.

That was a gesture I shall always cherish. And looking back now I understand the Kennedy style of loyalty. In my case it was a loyalty to ideals. I shared with Bobby a deep concern for working men and women and their families, even though we both came from far different family backgrounds.

Bobby was indeed a political enigma—a wealthy Bostonian with a Harvard education who cared passionately for the poor, the working class, and the underdog. And he was unyieldingly courageous in fighting the battles of those groups.

Like the rest of us mortals, Bobby must have experienced fear. But never did he show it. He did what he thought was right—and honorable.

After his brother's assassination, he knew full well that seeking the Presidency was putting his life in jeopardy. But he felt he had a higher duty.

We can only speculate about whether Bobby could indeed have gone on to win the Presidency, just as we can only speculate about what kind of a President he would have been.

I think we can say with certainty, however, that Bobby would have made a difference. Ordinary people in our society would have been held in greater esteem. The working men and women of America would have had a larger voice in our Nation's affairs. And, as a result, things just might be a little different today for working families.

Whenever I think of Bobby I am reminded of the famous Rudyard Kipling poem "If," and the lines that seem to me to reflect Bobby's character:

If you can talk with crowds and keep your
virtue,
Or walk with kings—nor lose the common
touch.

Yours is the earth and everything that's in it.
And—which is more—you'll be a Man, my son!

By Kipling's standards, Bobby Kennedy was indeed a man. And one has to wonder how things might have been different had it not been for the .22 caliber pistol in the hands of a demented Sirhan Sirhan.

Mr. HORTON. Mr. Speaker, I rise today in remembrance of one of our Nation's most distinguished statesmen of this century. Robert F. Kennedy was well respected by Americans from all walks of life.

History provided Robert with a unique opportunity to serve the Nation. As U.S. Attorney General, he was instrumental in laying the groundwork for and implementing much of the civil rights legislation of the 1960's.

To millions of Americans, Robert Kennedy symbolized the very best that Government could offer. He is remembered as a man of integrity and determination in the fight for justice for all races, creeds, and colors.

As U.S. Senator from New York at the time of his death, Robert Kennedy served the State with distinction. I had the pleasure and privilege of working with him during his brief career in the Senate. I considered him a good friend upon whose insight and advice I could rely. We traveled through my district together on a number of occasions.

Robert Kennedy was cut down as he stood on the threshold of even greater accomplishments. At that moment, 20 years ago, the people of the United States were forever denied the opportunity to have him serve them further. It is impossible to predict what he could have accomplished had he lived. It is not hard to imagine though, that the United States would be better off.

Mr. ANDERSON. Mr. Speaker, when Robert Francis Kennedy died on June 6, 1968, the American people lost not only their hero, but their symbol of idealism, optimism, and youth. Since that time, we have not had a leader who embodies those qualities nor inspires them in the American people as Bobby Kennedy did. And so, on the 20th anniversary of his tragic death, I rise to pay tribute to Robert Kennedy.

Bobby Kennedy had the remarkable ability to excite people. His speeches inspired the apathetic and the cynical, the indigent and the oppressed, the hippies and the establishment. His message to the American people was, simply expressed, hope. He believed that people cared about politics, morality, and life. He believed that individuals could make a difference, even when faced with the bureaucracy and impersonality of Government. He believed that people are basically good, even as he struggled to understand the tragedies that had beset his own family. He believed that all citizens of the United States had a right to work for a better life.

Bobby was more than a politician. He was a leader, a prophet, and a hero. He envisioned a place filled with people who cared about their country, their world, and about each other. If Bobby Kennedy had lived, he might have led the United States to this Utopia. On the 20th anniversary of his death. However, let us not reflect on what Bobby might have done, but on what he did. He inspired us to reach for new heights, he left us a legacy of idealism and hope. His death cannot wipe these ideals away.

Mr. KILDEE. Mr. Speaker, I appreciate the opportunity to share my thoughts on Robert Kennedy and the events that surrounded his tragic death 20 years ago. For those of us who admired him, his death brought an abrupt ending to prospects for a reunited nation and the cessation of the hostilities that were tearing the country apart.

I had just been elected the previous Sunday as a delegate to the Democratic National Convention for Robert F. Kennedy when the terrible news came from California. News of his assassination in Los Angeles gave rise to a deep feeling of personal bereavement because I felt that he could achieve greatness, for himself as well as his country. I had been inspired to become a Kennedy delegate because I believed that he was capable of carrying the banner for justice at home and peace abroad. I looked to Robert Kennedy as the fulfillment and continuation of the new frontier, instilling us all with a sense of hope for our country's future.

A man of action who valued courage and achievement, he inspired those around him with a sense of purpose. He set the example for us all as a champion of civil rights, a promoter of human dignity, and a crusader for justice.

As Attorney General he fought to bring peace and justice to domestic conflicts, using the resources of the Federal Government in a prudent and effective manner. In the practice of a true leader, he surrounded himself with qualified and competent people, equal to any assignment given to them.

In times of national crisis he proved himself to be astute and levelheaded. During the Cuban missile crisis he was an indispensible adviser to his brother John, taking an active part in the most crucial decision making for the United States since World War II.

Putting aside his feelings of personal loss after the death of his brother, Robert Kennedy decided to forge a place for himself in politics and successfully ran for the Senate which in turn led to him seeking the Presidential nomination. Just 85 days into that campaign it was over. Robert F. Kennedy gave his life for his country, working with tireless energy and dedication to bring great social change and new ideas into the framework of our Government. I am happy to pay tribute to Robert Kennedy; may he always remain an inspiration for us all.

They shall grow not old, as we that are left grow old:
Age shall not weary them, nor the years condemn.
At the going down of the sun and in the morning.
We will remember them.
—Laurence Binyon.

Mr. ANNUNZIO. Mr. Speaker, it is fitting that we recall today the lifetime of the late Robert Francis Kennedy, a former Senator and Attorney General who was tragically gunned down 20 years ago on June 5, 1968.

In his short lifetime, Bobby Kennedy left an indelible mark on the conscience of our Nation. As a man of unflaggingly high ideals and dedication to the human and civil rights of the world's less fortunate, Bobby Kennedy devoted his life to the battle against crime, tyranny, and discrimination. Long before our Nation gave full recognition to his great accomplishments, as honorary chairman of Chicago's Columbus Day Parade, I had the great privilege of marching at the head of our 1961 parade with Bobby Kennedy just as he was beginning his illustrious but all too short-lived career as Attorney General and U.S. Senator.

Bobby Kennedy began his service to the country when he put his career on hold to serve in the U.S. Navy during World War II. After the war he went on to receive a law degree from the University of Virginia and then joined the Criminal Division of the Department of Justice. In 1953, he was appointed assistant counsel to the Senate Investigations Subcommittee under Senator Joseph McCarthy, and later resigned in protest to the Senator's disreputable methods of investigation. Kennedy became chief counsel to the Senate Select Committee on Improper Activities in the Labor/Management Field in 1957, where he achieved national recognition for his investigation of corruption in the International Brotherhood of Teamsters.

Upon assuming the Presidency, John F. Kennedy nominated his brother to be Attorney General of the United States, a position which Robert accepted to continue his fight against organized crime. During President Kennedy's unfortunately short tenure as President, Robert Kennedy served as his brother's closest confidant and adviser. Although Robert Kennedy continued to serve under the Johnson administration after his brother's death, he resigned in 1964 to make a successful run for a seat in the U.S. Senate. In 1968, Robert Kennedy campaigned for the Democratic Presidential nomination, when sadly his bid for the Presidency was cut short by an assassin's bullet.

Mr. Speaker, I am certain that had he not been mercilessly cut down in the prime of his life, Bobby Kennedy would have made as great a President as any this country has ever known. He was a man whose conviction and dedication to the principles of equality for all, regardless of race, color, or creed, should be the standard by which all public leaders are judged. Bobby Kennedy's fervent dedication to these ideals can always be remembered in the immortal truths which he spoke in South Africa in 1966, which follow:

> There is discrimination in New York, apartheid in South Africa, and serfdom in the mountains of Peru. People starve in the streets of India; intellectuals go to jail in Russia; thousands are slaughtered in Indonesia; wealth is lavished on armaments everywhere. These are differing evils; but they are the common works of man. They reflect the imperfection of human justice, the inadequacy of human compassion, the defectiveness of our sensibility toward the sufferings of our fellows; they mark the limit of our ability to use knowledge for the well-being of others. And therefore, they call upon common qualities of conscience and of indignation; a shared determination to wipe away the unnecessary sufferings of our fellow human beings at home and around the world.—South Africa, 1966

Mr. Speaker, the essence of Bobby Kennedy's life can be best expressed in the words spoken by Senator EDWARD KENNEDY, at a memorial service during which he said, "This is the way he lived. My brother need not be idealized, or enlarged in depth beyond what he was in life, to be remembered simply as a good and decent man, who saw wrong and tried to right it, saw suffering and tried to heal it, saw war and tried to stop it."

Mr. KOSTMAYER. Mr. Speaker, the life of Robert F. Kennedy holds meaning for us still.

Even now, 20 years after his death, we mourn his passing.

Our hearts ache. We long to see him standing on an automobile hood, on any street corner in New York City or an Indiana farm town, held by his burly but gentle guards, we see the sandy haired head bobbing in the midst of an enormous crowd, immersed in people, all yearning to touch him and to be touched by him.

We want so to hear his voice, to be lifted and moved by his pleading words.

When he died in California at 1:44 a.m. on Thursday, June 6, 1968, I was asleep in my brother's apartment in New York City. I had finally gone to bed, exhausted after watching the Kennedy victory in California turn into a death watch, when the Senator had been shot a few minutes after midnight on Wednesday, June 5.

We waited all that day and into the night sickened by death's rude intervention as our champion came within grasp of the ultimate prize in American politics.

That Wednesday night, we went to bed again.

On Thursday morning, June 6, shortly before 5 o'clock, my sister-in-law woke me, "He's dead," she said.

When Senator Kennedy's body arrived back in New York, we went to St. Patricks and waited on a line that circled the great cathedral and went for blocks.

The endless line, strangely silent in its sorrow, shuffled out of the hot New York morning into the cool cavernous cathedral. The silence, broken only by the shuffling of thousands of feet and by the occasional sobbing.

We left the cathedral, going out into the bright sunshine, knowing as surely he did, that life must go on, that there remained so much to be done.

But, there wasn't anyone to vote for that year, no one who cut across class and region, race and ideology as he did.

It was back to politics as usual, to the dreary and predictable sameness which he violated with such zeal.

Later that fall my brother and I talked about voting for Elridge Cleaver, but knowing it impractical and admiring Kennedy's respect for realism and practicality, even hard ball politics, we abandoned the idea.

Later we watched on television in fascination, that extraordinary journey in which the Senator's body was carried by train from New York to Washington.

As the train moved between America's great eastern cities and through its countryside the people came to bid Bobby goodbye.

In Baltimore, thousands of ordinary citizens waited, when the tardy train finally arrived, the crowd sang the "Battle Hymn of the Republic."

In many places crowds surged onto the tracks, trying desperately still to get closer to him.

In Elizabeth, NJ, three people were in fact hit and killed by the train.

And in the countryside people waited, too. Often a family standing by itself, sometimes at attention, holding a flag, many brought hand/lettered signs, the New York Times reported that people seem to favor "Goodbye Bobby" or "We love you, Bobby."

At his funeral Senator Kennedy's brother, Edward, said, "We need not enlarge him in death beyond what he was in life."

But I can't help thinking of Lincoln when I think of Robert Kennedy.

Both martyred in death, both men who liked to laugh and who liked to make others laugh and who saw reason for laughter all around them.

But both saw sadness everywhere, too.

Fred Dutton, a Kennedy aide, once said, "He felt for people who hurt, perhaps it was because he hurt."

In photographs of Lincoln and Kennedy one can see the sadness, their own and that they felt for others.

Perhaps it was this sympathy for others that people felt in him.

For me it was his willingness to be critical of his own country to always urge that, "We live out the true meaning of our creed."

He was for the underdog and he truly sought to comfort the afflicted and afflict the comfortable. Yesterday, Anthony Lewis wrote in the New York Times of an incident which for me makes so clear Kennedy's refusal to accept injustice.

Mr. Lewis wrote, "In 1966 the Pentagon refused to bury Robert Thompson, an American communist leader, in Arlington Cemetery—though he had been decorated for heroism in World War II. Others in Congress were silent, but Kennedy told the Senate it was wrong "to hate and harry the sinner to his grave." He said, "I don't think anyone now buried in Arlington would object to having Thompson buried there, so I don't see why all these living people are objecting."

Robert Kennedy reminds me of Clarence Darrow, when that champion of all underdogs said, "I may hate the sin, but never the sinner."

No one can fully explain Robert Kennedy's appeal, Mr. Speaker. Obviously, part of it was his brothers' legacy.

But the mystery of his appeal remains a mystery of contradictions and puzzlements.

He brought together people no other American politician could, that of course was his political strength.

What was it that blue collar whites and blacks heard in him?

I remain unsure, Mr. Speaker.

But I do believe he empowered people to believe they could make a difference, that they could have a hand in guiding our beloved country.

For me it was his vision of what America could be, not only for ourselves, but for all the world.

He saw in us the things we would not see, our gentleness and generosity, our willingness to forgive.

He tried as he once said himself, "To tame the savageness of man."

Mr. MARTINEZ. Mr. Speaker, I rise today to pay tribute to Robert Francis Kennedy.

Bobby spoke for a generation. He called out for justice in a nation divided by racial discrimination and intolerance. He called for peace in the middle of riots. He called for the end to an unjust war in the face of a policy that daily drew our Nation deeper into the quagmire. He demanded that our leaders be free of corruption.

He loved our country, but was not blind to its problems. He expressed his patriotism by striving to improve our land. He called our attention to things that needed to be changed. To him, injustice was just plain unacceptable. He did not ask what was expedient; he did not ask what was good for himself. Rather, he asked what was good in and of itself, what was the right thing to do. He believed in government and in politics and he believed that the wise use of the power of the state could help mankind.

He took on corruption in the labor movement and did not flinch. He doggedly pursued illegal activities, convicting 325 racketeers in his last year as Attorney General.

He fought for the equal treatment of all people, black and white. Under his leadership, the Justice Department drafted the landmark Civil Rights Act and Bobby toiled tirelessly to ensure its passage.

He worked to pass the Criminal Justice Act; and primarily due to his efforts, the indigent are now guaranteed access to counsel at no cost in Federal criminal courts.

His level-headed advice to President Kennedy during the Cuban missile crisis may well have averted disaster.

He spurred others to action through his own quiet resolve to work for justice. Many volunteered to work in soup kitchens, helping to relieve the immediate suffering of their fellow men and women; many entered politics, working to eradicate the roots of poverty and injustice; others joined the Peace Corps to work for the dignity of those in foreign lands; few failed to be inspired by his example.

Twenty years ago an assassin's bullet ended his life; but even as he lay wounded, his thought were for others. He called out, "Is everybody, safe, OK?" Bobby is gone, but his legacy of justice, hope and service to others will remain with us forever.

Mr. HOCHBRUECKNER. Mr. Speaker, 20 years ago on June 6, when Robert F. Kennedy was shot to death, we were a nation at war. Last week, we celebrated Memorial Day as a nation at peace. While we remember our Nation's war dead and all those who have given up their lives for our country, we should also take the time to recognize all that has changed in recent American history.

The assassination of Bobby Kennedy in 1968 was part of what marked that year as a dark and disastrous turning point in American political life. Dr. Martin Luther King was shot to death in April. Riots in Watts burned that Los Angeles ghetto to the ground. Anti-war activists were on the march from Columbia to Berkeley. And then came the riotous Democratic Convention in Chicago. In 1968, I was working as an electronics engineer in the Los

Angeles area. My wife, Carol Ann, and I had some interest in government and politics, but like most young couples, we were focusing most of our energies on making a living and raising our young children. As the Presidential election year wore on, we began to rethink our role. We were so moved by the early events of the year that we signed on as volunteers in the primary election campaign in California. It was a year of great change for us as well as for our Nation. Bobby Kennedy's death, more than any other single event, prompted us to pursue public service.

Just as 1968 was a watershed year, so too is 1988, but for very different reasons. We appear to be heading into a new relationship with the Soviet Union. President Reagan's visit to Moscow has Americans of every political persuasion hoping and praying that an abiding peace can be affirmed. Another summit may be in the offering for this fall. When Bobby Kennedy was killed in California, Ronald Reagan was Governor of that State. If anyone then thought that Reagan would become President, they never would have suspected that he would be the President to work out our first treaty ever with the Soviets to ban a whole class of existing nuclear weapons. As an American and an elected official, I am pleased and proud of President Reagan for his success in the creation and approval of the INF Treaty. We still have a long way to go before our world is safe from nuclear war, but the INF Treaty is a major move away from the brink.

We have all seen the photographs—the old ones of that dying young Presidential candidate, Bobby Kennedy, staring up blankly at the ceiling of a hotel kitchen—and the new ones of President Reagan kissing a Soviet child held by Premier Mikhail Gorbachev as their translators and bodyguards ogle at the baby and smile.

The first image is that of frustration, of great promise cut short, of incompleteness. The second image is one of fruition. What we don't see in these images are the faces of Kennedy's campaign workers—like Carol Ann and myself—who on the night of his victory in the California primary were robbed by Sirhan Sirhan. Nor do we see Reagan and Gorbachev's negotiators toiling over documents, rewriting, debating, splitting hairs, and pulling out their own as they move each other toward a mutually agreeable pact.

The INF Treaty in hand now is an example of our democracy working at its best. It also reflects the new spirit in the Soviet Union. The treaty shows that the governments can move themselves toward peace. Twenty years ago, many had little hope that such a thing was possible.

The killing of Bobby Kennedy also killed the spirit of many persons in our country who were just then becoming involved in government. Politics and government were made separate arenas. Sirhan Sirhan's attack on democracy was very thorough. Many civil rights and antiwar activists were cut off from the government. Without Bobby, they lost faith that anyone could better our Nation from within its institutions. Many were radicalized and spoke of attacking the institution with a capital "I." Many others lost interest in politics altogether. Their new interest in politics had fizzled, as though it were only an adolescent stage.

While the bleak events of 1968 including Bobby Kennedy's assassination pushed many people away from government, it compelled us to get involved. The California primary was our real entrance into politics. Kennedy's death galvanized us and many others; 1968 was a very bad year for the Kennedy family. Bobby's loss hurt many people and had a major impact on this Nation. Just as spring and new life follow winter, however, so also has new life sprung from that dark moment in American history. It inspired Carol Ann and me to a start a new life, one of government service. It also affected others. In fact, I was extremely proud to have been sworn into the 100th Congress in January 1987 in the company of Joseph Kennedy, freshman Congressman from Massachusetts and the son of Robert F. Kennedy. He too chose a new life of public service.

Mr. SLATTERY. Mr. Speaker, I thank my friend from California [Mr. MINETA] and at this time, in concluding our special orders this evening, I would like to yield to our friend and colleague from Massachusetts, the son of Senator Robert Kennedy, the gentleman from Massachusetts, JOE KENNEDY.

Mr. KENNEDY. Mr. Speaker, I would just like each and every one of my colleagues to know how proud you have made me this evening to be my father's son, how happy you have made me this evening to be my father's son and how sad I am that he is no longer with us, but how much I think he would have been moved to hear the words that you have said, each and every one of you, to be able to feel the emotions that he can still evoke in people.

I know that my mother is listening and has watched these proceedings tonight. Many of my brothers and sisters, too. I will not try to remember my father here this evening. I tried to do that at his grave a couple of nights ago, but the fact that you still care, the fact that you are still here in this Chamber working on the same issues that I know he would have cared so deeply about, is honor and memory enough for him and for my entire family, for the people he spent his life fighting for.

They still need you so deeply and so badly, and all I can ask you to do is to continue the fight that you know in your hearts and in your guts that he would have been fighting if he were still with us.

Mr. Speaker, he was not a congressman, but I think, when all is said and done, he knows that this is the Chamber of the people that is so close to the American people, and he just would urge you to go out and stand up for those working people, those poor people and the vulnerable people in our society who so often do not seem to have a voice in these hallowed halls.

Let us keep up the fight and keep working.

Particularly to the gentleman from Michigan [Mr. LEVIN], the gentleman from Massachusetts [Mr. BOLAND], the gentleman from Ohio [Mr. ECKART], and to the gentleman from Kansas [Mr. SLATTERY] who organized this and who continue to keep my father's memory alive, I deeply thank you all.

□ 1900

A TOUGH DECISION FOR THE ETHICS COMMITTEE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, let me begin by congratulating my colleagues on this special order that they have just held here. I think it was done very, very well, and they can be duly proud of the way in which it was conducted, and I think Senator Kennedy certainly would have been proud of what they did here.

Mr. Speaker, tomorrow some of our colleagues face a very tough decision in committee. Service on the Ethics Committee in this body is a very tough assignment, but when the questions being raised within that committee involve the Speaker of the House, the duty thrust upon our colleagues is particularly excruciating, yet it is a duty that tomorrow they must face up to.

What all of us want, the Speaker, the Members of this body and the public, is for the right thing to be done regarding that investigation. In this case, it seems to me that what is right must also be what is credible.

That great national newspaper, the New York Times, recently reflected on exactly that point in an editorial which appeared in that paper on the 27th of last month.

They wrote:

> Finally, Speaker Jim Wright's expressed willingness to cooperate with any House Ethics Committee inquiry seems to insure that charges of impropriety against him will receive serious attention. The committee has a clear duty to examine those charges and do so openly, in ways the public can judge to be credible.
>
> Mr. Wright's agreement to cooperate is welcome but long overdue. Most of the charges have been publicly discussed for some time, even branded as stale by the Speaker's defenders. He should have called for an investigation some time ago. He needn't have waited until Common Cause, the nonpartisan public interest group, boldly called for an inquiry or until Newt Gingrich, the fiercely partisan Republican Representative from Georgia, filed a formal complaint.

I go on. The editorial is longer, but the last couple paragraphs I think make the point that I think needs to be made here as the Ethics Committee faces their decision.

> A credible investigation is needed. Having pledged cooperation with the committee,

> Mr. Wright needs now to waive committee confidentiality rules so that the public can be satisfied that a truly credible investigation is under way.
>
> Congressional ethics committees are notoriously timid. Members, especially legislative leaders, usually have little to fear from their investigations. The House committee could enhance its credibility by hiring as temporary counsel someone not now on a Government payroll. There's no taking politics out of ethics accusations in this election year, but the time has come to get the facts—and get them out.

That same newspaper today went further in making the point about the need for a credible investigation and what is involved in this particular case. The New York Times wrote:

> At first blush, news that House Speaker Jim Wright relied on a staff member to help write a book adds little to an already compelling case for an Ethics Committee investigation of several charges. Even Newt Gingrich, the Speaker's severest House critic, hesitates to make an issue of ghostwriting courtesy of the taxpayers.
>
> That itself says something about the general state of Congressional ethics. In Speaker Wright's case, however, the apparent misuse of an employee compounds an already smelly deal.
>
> Proper and improper uses of public employees are not always clear. Many highly principled officials would have a hard time accounting accurately for their staffs' work. Ghostwriting of speeches is common, and it's both rare and refreshing for the official to give proper credit when, for example, the speeches are anthologized. Still rarer are the officials who would share a book's proceeds with the staff members who did the work or donate to charity the fruits of their tax-supported labor.
>
> Mr. Wright's book invites suspicion for reasons more compelling than possible misuse of a staff member: The Speaker negotiated an astonishing 55 percent royalty from the publisher, a political booster and friend to whom he had thrown at least $250,000 of campaign business.
>
> Though Mr. Wright has some answers, only a full, impartial investigation can clear him of this and other charges. He ought to be the first to call for such an inquiry.
>
> Instead, the Speaker has relied on peculiar explanations. For example, if the book had been a conventional, commercial publication it surely would have produced some royalties last year. But Mr. Wright reports none in his latest disclosure statement. He asserts that any royalties would have gone to his recently created blind trust. But a blind trust is designed to prevent an official from knowing about his finances to prevent conflict of interest. It's not meant to hide income the official already acknowledges.
>
> The mounting questions underscore the need for the House Ethics Committee to develop and pass on the facts in the Speaker's case. That requires no less than a public investigation, directed by an outside counsel not wedded to Congress's ethical subculture. It's true but irrelevant that many Republicans hound the Speaker, a Democrat, to divert attention from the greater embarrassment of the much-investigated Attorney General, Edwin Meese. Both parties have a stake in ethics.
>
> Available evidence reflects badly on Speaker Wright and feeds growing public cynicism. A Congress that claims the right to judge its own conduct can hardly afford to ignore the Speaker's case.●

In other words, the New York Times is making the case that the Ethics Committee as it faces up to its grave duties tomorrow needs to do a couple things. It needs to ensure that a public inquiry takes place. It needs to have that inquiry directed by outside counsel.

The House of Representatives, and indeed the speakership, would benefit from such an independent inquiry.

Let me use again a couple editorials to make that point. One editorial appeared recently in the Fort Worth Star-Telegram. In that editorial it said:

> Speaker Jim Wright has a problem. Not only are right-wing political foes like Rep. Newt Gingrich, R-Ga., sniping at him about ethical questions, so is Common Cause, a generally liberal group that monitors the public policy process.
>
> The only way that Wright can dispose of the questions that have been raised about the propriety of his actions and associations—the only way he can demonstrate that the smoke does not indicate a fire—is to insist that the truth come out.
>
> He must get these allegations behind him, and behind the nation. While they persist, only his political enemies are well-served. While a cloud of alleged cornercutting between Wright's personal finances and his compaign committees hangs over his office, his authority and effectiveness are threatened.

The Atlanta Journal and Constitution made a similar point when it wrote, and I quote again in part as I did in the previous editorial. They talk about the questions that have been raised in the case of the Speaker and they say:

> Those questions deserve a painstaking examination. (Common Cause suggests that the Ethics Committee bring in an outside counsel.) If the charges turn out to be so much political noise—as Wright claims—the whole tempest should quickly dissipate. If they have substance—well, Americans are entitled to know the truth.
>
> The Ethics Committee's chairman, Rep. Julian Dixon (D-Calif.), should summon his courage and say "yes" to Common Cause.

For these reasons, some have suggested that Speaker WRIGHT himself should welcome an investigation by the outside counsel, as suggested by Common Cause and by these editorials.

I quote again, this paper being a paper in Lubbock, TX, which writes:

> In asking the ethics committee to investigate the Speaker, Common Cause said the panel "should retain an outside counsel, as it has done on a number of occasions, (to) ensure that the results of the inquiry are credible to, and accepted by, the public."
>
> Wright should have no objection to that.

Also another Texas newspaper, the Dallas Morning News, wrote:

> If Rep. Wright has nothing to hide, as he says, he will have everything to gain from a thorough investigation of the charges that have been leveled against him. An impartial inquiry could clear the air and free him of the public's suspicions. The House ethics committee should get down to business.

The bottom line is that what is needed as the Ethics Committee looks at its obligations tomorrow and its difficult decisions to be made tomorrow is that we need to look toward having an outside counsel.

I quote from the Chicago Tribune:

> So far, the accusations have produced more smoke than fire. But if Mr. Wright has nothing to hide, then he has nothing to fear from a fearless examination of his conduct. That isn't likely, though, unless the congenitally meek Ethics Committee appoints an outside attorney who has a free hand to take the inquiry wherever it leads. Unless Mr. Wright is exonerated by a credible investigation, the exoneration won't be worth much.

So I would say to my colleagues, we in this House and particularly those members of the Ethics Committee face a difficult decision beginning tomorrow. It is a difficult issue for this House and for the Ethics Committee to address, but I would remind my colleagues, as Speaker WRIGHT himself has provided us with guidance in his now famous little book, "Reflections of a Public Man," on page 115 he writes:

> Surely we have gone too far in our own arrogant self-righteousness when we feel that the laws of restraint and human decency—those laws which we insist should be obeyed by others—do not apply to ourselves.

PRESIDENT'S PRO-LIFE ACT OF 1988—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-204)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce and ordered to be printed:

(For message, see proceedings of the Senate of today, June 8, 1988.)

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HORTON (at the request of Mr. MICHEL), for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GALLO) to revise and extend their remarks and include extraneous matter:)

Mr. WALKER, for 60 minutes, today.

Mr. BURTON, of Indiana, for 60 minutes, on June 14.

Mr. BURTON, of Indiana, for 60 minutes, on June 15.

(The following Members (at the request of Mr. GRAY of Illinois) to revise and extend their remarks and include extraneous materials:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. JONES, of North Carolina, for 5 minutes, today.

Mr. KILDEE, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. FORD of Michigan, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GALLO) and to include extraneous materials:)

Mr. FAWELL.
Mr. DANNEMEYER.
Mr. LEACH of Iowa.
Mrs. VUCANOVICH.
Mr. HEFLEY.
Mr. SHUSTER.
Mr. HYDE.
Mr. LENT.
Mr. FISH.
Mr. LAGOMARSINO.
Mr. CONTE.
Mr. GUNDERSON.
Mr. ROGERS.
Mr. GILMAN.

(The following Members (at the request of Mr. GRAY of Illinois) and to include extraneous materials:)

Mr. FAUNTROY.
Mr. TRAFICANT in two instances.
Mr. UDALL.
Mr. MAZZOLI.
Mr. YATRON.
Mr. DELLUMS.
Mr. PENNY.
Mr. LIPINSKI.
Mr. RANGEL.
Mr. DYMALLY.
Mr. OAKAR.
Mr. ACKERMAN.
Mr. RODINO.
Mr. EDWARDS of California.
Mr. SCHUMER in four instances.
Mr. HAMILTON.
Mr. TOWNS.
Mr. GRAY of Pennsylvania.
Mr. KILDEE.
Mr. MATSUI.
Mr. WOLPE.
Mr. KOSTMAYER.
Mr. GRAY of Illinois in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1381. An act to improve cash management by executive agencies, and for other purposes; to the Committee on Government Operations.

S. 1945. An act to amend the Second Supplemental Appropriation Act, 1961, relating to the lease of certain lands from the Isleta Indian Tribe for a seismological laboratory; to the Committee on Interior and Insular Affairs.

S. 2201. An act to make certain record rental provisions in title 17, United States Code, the Copyright Act, permanent; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1100. An act to authorize the Secretary of the Interior to provide assistance to Wildlife Prairie Park, in the State of Illinois, and for other purposes; and

H.R. 3869. An act to amend the act providing for the establishment of the Tuskegee Institute National Historic Site, Alabama, to authorize an exhange of properties between the United States and Tuskegee University, and for other purposes.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and a joint resolution of the Senate of the following titles:

S. 1652. An act to authorize the establishment by the Secretary of Agriculture of a plant stress and water conservation research laboratory and program at Lubbock; TX, and

S.J. Res. 266. Joint resolution to designate the week beginning June 12, 1988, as "National Scleroderma Awareness Week."

ADJOURNMENT

Mr. WALKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Thursday, June 9, 1988, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3759. A letter from the Acting Secretary of Commerce, transmitting a report on imports during October, November, and December, 1987 of strategic and critical materials from countries of the Council for Mutual Economic Assistance, pursuant to 22 U.S.C. 5092(b)(2); jointly, to the Committees on Foreign Affairs and Ways and Means.

3760. A letter from the Architect of the Capitol, transmitting a report of all expenditures of appropriations during the period October 1, 1987 through March 31, 1988, pursuant to 40 U.S.C. 162b; to the Committee on Appropriations.

3761. A letter from the Deputy Director, Office of Management and Budget, transmitting a report that the appropriation of the Department of Justice as listed therein, has been reapportioned on a basis that indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 1515(b)(2); to the Committee on Appropriations.

3762. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a statement to the Congress with respect to a proposed transaction of more than $100 million with Colombia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3763. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend section 5131 of title 31, United States Code, to eliminate the General Services Administration's statutory responsibilities concerning the repair and improvement of the U.S. Mint at Philadelphia, PA; to the Committee on Banking, Finance and Urban Affairs.

3764. A letter from the Secretary of Education, transmitting a copy of final regulations—Library Career Training Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3765. A letter from the Chairman, Interstate Commerce Commission, transmitting the Commission's annual report for fiscal year 1987, pursuant to 49 U.S.C. 10311, 10311 note, 10386, 10706(h), and 10731(b)(3); to the Committee on Energy and Commerce.

3766. A letter from the Administrator of the Veterans' Administration, transmitting the Veterans' Administration semiannual report of the inspector general for the period October 1, 1987 through March 31, 1988, pursuant to 5 U.S.C. app. (Inspector General Act of 1978) 5(b); to the Committee on Government Operations.

3767. A letter from the Secretary of Education, transmitting the Department's semiannual report of the Office of Inspector General for the period October 1, 1987 through March 31, 1988, pursuant to 5 U.S.C. app. (Inspector General Act of 1978) 5(b); to the Committee on Government Operations.

3768. A letter from the Secretary of Labor, transmitting the semiannual report of the Department's inspector general for the period October 1, 1987 through March 31, 1988, pursuant to 5 U.S.C. app. (Inspector General Act of 1978) 5(b); to the Committee on Government Operations.

3769. A letter from the Acting Executive Director, Committee for Purchase From the Blind and Other Severely Handicapped, transmitting the committee's annual report of activities during the fiscal year ending September 30, 1987, pursuant to 41 U.S.C. 46(i); to the Committee on Government Operations.

3770. A letter from the Director, Human Resources Directorate, Department of the Army, transmitting the 1985 annual report for the Army nonappropriated fund employee retirement plan, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3371. A letter from the Director of the Selective Service, transmitting notice of a revised supplemental guidance for conducting matching programs, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3772. A letter from the Executive Director, Federal Labor Relations Authority, transmitting a copy of the annual report of the Authority's compliance with the Government in the Sunshine act, calendar year 1987, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3773. A letter from the Secretary of Commerce, transmitting the Department's semiannual report on the activities of the Office of Inspector General for the period October 1, 1987, through March 31, 1988, pursuant to 5 U.S.C. app. (Inspector General Act of 1978) 5(b); to the Committee on Government Operations.

3774. A letter from the Chief Judge, U.S. Tax Court, transmitting the actuarial report of the U.S. Tax Court judges' retirement and survivor annuity plans for the year ending December 31, 1986, pursuant to 31 U.S.C. 9503(a)(i)(B); to the Committee on Government Operations.

3775. A letter from the Special Counsel, Merit Systems Protection Board, transmitting the Secretary of the Army's findings and conclusions of an investigation into allegations of improper interference by an Army physican in carrying out his responsibilities in a local Federal Employees' Compensation Act program at Fort Bliss, TX, pursuant to 5 U.S.C. 1206(b)(5)(A); to the Committee on Post Office and Civil Service.

3776. A letter from the Department of the Treasury, transmitting a report on the net receipts from the windfall profit tax net revenues and disposition for fiscal year 1986, pursuant to 26 U.S.C. 4986 note; to the Committee on Ways and Means.

3777. A letter from the Chairman, U.S. International Trade Commission, transmitting a draft of proposed legislation to provide authorization of appropriations for the U.S. International Trade Commission for fiscal year 1990, pursuant to 31 U.S.C. 1110; to the Committee on Ways and Means.

3778. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend the Social Security Act and the Internal Revenue Code of 1986 to remove the dependency test applicable to certain children adopted by Social Security beneficiaries and to make improvements in the administration of the Social Security Program; to the Committee on Ways and Means.

3779. A letter from the Assistant Secretary (Civil Rights), Department of Education, transmitting the Office for Civil Rights annual report for fiscal year 1987, pursuant to U.S.C. 3413(b)(1); jointly, to the Committees on Education and Labor and the Judiciary.

3780. A letter from the Secretary of Health and Human Services, transmitting the Department's views on H.R. 3436, the Medicare Long-Term Home Care Catastrophic Protection Act of 1987; jointly, to the Committee on Ways and Means, Energy and Commerce, and Education and Labor.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of Rule X the following action was taken by the Speaker:

H.R. 4417. Referral to the Committee on Energy and Commerce extended for a period ending not later than June 24, 1988.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DINGELL (for himself, Mr. Rodino, Mr. Dannemeyer, Mr. Lent, Mr. Eckart, Mr. Gallo, Mr. Harris, Mr. Lagomarsino, Mr. Clinger, Mr. Henry, Mr. Courter, Mr. Matsui, Mr. Ford of Michigan, Mr. Cooper, Mr. Towns, Mr. Roe, Mr. Houghton, Mr. Slattery, Mr. Richardson, Mr. Bates, Mr. Molinari, Mr. Gunderson, Mr. Horton, Mr. Florio, Mr. Biaggi, Mr. Owens of New York, Mrs. Collins, Mrs. Martin of Illinois, Mr. Jontz, and Mr. Akaka);

H.R. 4756. A bill to amend title 18, United States Code, to make permanent certain law enforcement powers currently exercised by officers of the United States engaged in criminal enforcement of environmental laws; to the Committee on the Judiciary.

By Mr. WAXMAN:

H.R. 4757. A bill to extend the Public Health Service Act to establish a grant program, and confidentiality protections, relating to counseling and testing with respect to acquired immune deficiency syndrome; to the Committee on Energy and Commerce.

By Mr. CONYERS:

H.R. 4758. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to increase the level of benefits payable with respect to the death of public safety officers and to provide that nondependent parents may be beneficiaries; to the Committee on the Judiciary.

By Mr. DAVIS of Michigan (for himself and Mr. Kildee):

H.R. 4759. A bill to authorize the establishment of the Calumet National Historical Park in the State of Michigan, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HOPKINS (for himself, Mr. Rangel, Mr. Herger, Mr. Horton, Mr. Fuster, and Mr. Biaggi):

H.R. 4760. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to deduct the value of a lease contributed to a charitable organization where property leased is to be used to provide temporary living quarters for a homeless family; to the Committee on Ways and Means.

By Mr. LEACH of Iowa:

H.R. 4761. A bill to authorize the Secretary of Agriculture to obligate and expend funds made available for price support programs for agricultural commodities for the purpose of drought assistance programs; to the Committee on Agriculture.

H.R. 4762. A bill to provide that the President may reduce assistance to a country involved in illegal exports for nuclear explosive devices; to the Committee on Foreign Affairs.

By Mr. OBEY (for himself, Mr. Ford of Michigan, and Mr. Kleczka):

H.R. 4763. A bill to amend title XVIII of the Social Security Act to provide for long-term care benefits, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. PEASE:

H.R. 4764. A bill to modify the authority of the Secretary of Agriculture to acquire, in administering the milk price support program, milk products in consumer-sized packages whenever the uncommitted stocks of such products exceed certain levels; to the Committee on Agriculture.

By Mr. RAVENEL:

H.R. 4765. A bill to direct the Secretary of the department in which the Coast Guard is operating to transfer the Coast Guard vessel *Ingham* to the Naval and Maritime Museum at Patriots Point, SC; to the Committee on Merchant Marine and Fisheries.

By Mr. ST GERMAIN:

H.R. 4766. A bill to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to provide financial assistance for the operation and maintenance of State veterans' cemeteries, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SKELTON:

H.R. 4767. A bill to grant a Federal charter to the American Education Center Hall of Fame; to the Committee on the Judiciary.

By Mr. TAUKE (for himself, Mr. Coates, Mrs. Johnson of Connecticut, Mr. Michel, Mr. Lewis of California, Mr. Edwards of Oklahoma, Mrs. Martin of Illinois, Mr. Gunderson, Mr. Hiler, Mr. Grandy, Mr. Ballenger, Mr. Henry, Mr. Gregg, Mr. Chandler, Mr. Lagomarsino, Mr. Stangeland, Mr. Davis of Illinois, Mr. Porter, Mr. Hyde, Mr. Gingrich, Mr. Solomon, Mr. Upton, Mr. Sundquist, Mr. Schuette, Mr. Herger, Mr. Emerson, Mr. Smith of New Hampshire, Mr. Skeen, Mr. Houghton, Mr. Shaw, Mr. Weber, and Mr. Ireland):

H.R. 4768. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit to parents for dependents under age 6; to provide child care assistance to low-income working parents; to amend the State Dependent Care Development Grants Act to provide block grants to States; and for other purposes; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. UDALL (for himself and Mr. Young of Alaska):

H.R. 4769. A bill to amend section 12 of the Indian Reorganization Act of June 18, 1934 (25 U.S.C. 472); to the Committee on Interior and Insular Affairs.

By Mr. HOCHBRUECKNER:

H.R. 4770. A bill to provide for the availability of additional Navy airborne early warning systems to the Coast Guard for use in drug interdiction; jointly, to the Committees on Armed Services and Merchant Marine and Fisheries.

By Mr. MacKAY:

H.R. 4771. A bill to amend the Federal Election Campaign Act of 1971 to require clear identification of candidates for election to Federal office in their television advertisements, to amend title 18, United States Code, with respect to criminal penalties for such candidates who use false campaign material, and for other purposes; jointly, to the Committees on House Administration and the Judiciary.

By Mr. BONIOR of Michigan (for himself, Mr. Horton, Mr. Blaz, Mr. Nowak, Mr. Dellums, Mr. Boland, Mr. Rodino, Mr. Kastenmeier, Mr. McHugh, Mr. Young of Alaska, Mr. Owens of New York, Mr. Roe, Mr. Gephardt, Mr. Manton, Mr. Fascell, Mr. Swift, Mr. Oberstar, Mr. Martin of New York, Mr. Henry, Mr. Vander Jagt, Mrs. Boxer, Mr. Lagomarsino, Mr. Frenzel, Mr. Crockett, Mr. Dorgan of North Dakota, Mr. de la Garza, Mr. Foley, Mr. Fauntroy, Mr. McGrath, Mr. Frost, Mr. Towns, Mr. Dyson, Mr. Solarz, Mr. Hoyer, Mr. Fawell, Mr. Lipinski, Mr. Bustamante, Mrs. Byron, Mr. Carper, Mr. Conyers, Mr. Volkmer, Mr. Mrazek, Mr. Hertel, Mr. Fazio, Mr. Conte, Mr. Gilman, Mr. Hansen, Mr. McDade, Mr. Carr, Mr. de Lugo, Mr. Dymally, Mr. Fuster, Mr. Traxler, Mr. Weiss, Mr. Donnelly, Mr. Kildee, Mr. Green, Mr. Gray of Illinois, Mr. Hall of Ohio, Ms. Kaptur, Mr. Lowry of Washington, Mr. MacKay, Mr. Matsui, Mr. Murphy, Ms. Oakar, Mr. Sabo, Mr. Savage, Mr. Sunia, Mr. Tallon, Mr. Walgren, Mr. Wolpe, Mr. Chandler, Mrs. Bentley, Mr. Panetta, Mr. Atkins, Mr. Jeffords, Mr. Richardson, Mr. LaFalce, Mr. Ford of Michigan, Mr. Hatcher, Mr. Schumer, Mr. Clay, Mr. Hayes of Illinois, Mr. Scheuer, Mr. Broomfield, Mr. Solomon, Mr. Stratton, Mr. Mack, Mr. Lungren, Mr. Bateman, Mr. Wortley, Mr. Dicks, Mr. Leland, Mr. Barnard, Mr. Thomas of Georgia, Mr. Levine of California, Mr. Pepper, Mr. Moody, Mr. Neal, Mr. Akaka, Mr. Evans, Mr. Clarke, Mr. Hall of Texas, Mr. Fish, Ms. Pelosi, Mr. Waxman, Mr. Derrick, Mr. Traficant, Mr. Vento, Mr. Dixon, Mr. Lancaster, Mr. Flake, Mr. Garcia, Mr. Hayes of Louisiana, Mr. Moakley, Mr. Bruce, Mr. Skelton, Mr. McCloskey, Mr. Kolter, Mr. Grant, Mr. Dowdy of Mississippi, Mr. Badham, Mr. Moorhead, Mr. Dornan of California, Mr. Pursell, Mr. Levin of Michigan, Mr. Sawyer, Mr. Kostmayer, Mr. Davis of Michigan, Mr. Bates, Mr. Bevill, Mr. Foglietta, Mr. Gray of Pennsylvania, Mr. Hughes, Mr. Kanjorski, Mr. Perkins, Mr. Coelho, Mr. Coyne, Mr. Borski, Mr. Boucher, Mr. Hutto, Mr. Wyden, Mr. Miller of California, Mr. Espy, Ms. Slaughter of New York, Mr. Mfume, Mr. Biaggi, Mrs. Lloyd, Mr. Upton, Mr. Owens of Utah, Mr. Wise, Mr. Valentine, Mr. Wheat, Mr. Florio, Mr. Brennan, Mr. Stump, Mr. Bereuter, Mr. Schuette, Mr. Miller of Washington, Mr. Ford of Tennessee, Mr. Bennett, Mr. Lantos, Mr. DeFazio, Mrs. Patterson, Mrs. Collins, Mr. Smith of New Hampshire, Mr. Houghton, Mr. Morrison of Connecticut, Mr. Burton of Indiana, Mr. Quillen, Mr. Bilbray, Mr. Lehman of California, Mr. Gordon, Mr. Brown of Colorado, Mr. Bonker, Mr. Berman, Mr. Ackerman, Mr. Dingell, Mr. Tauke, Mr. Mineta, Mr. Skeen, Mrs. Martin of Illinois, Mr. Rowland of Georgia, Mr. Russo, Mr. Nielson of Utah, Mr. Gejdenson, Mr. Bliley, Mr. Clinger, Mr. Daub, Mr. DioGuardi, Mr. Gallo, Mr. Hyde, Mr. Inhofe, Mrs. Johnson of Connecticut, Mr. Leach of Iowa, Mr. Miller of Ohio, Mr. Lehman of Florida, Mr. Hochbrueckner, Mr. Hastert, Mr. Molinari, Mr. Craig, Mr. Kasich, Mr. Brown of California, Mr. Nichols, Mrs. Morella, Mr. Yates, Mr. Sikorski, Mr. Emerson, Mr. Hiler, Mr. Mavroules, Mr. Wylie, Mr. Kennedy, Mr. Packard, Mr. Porter, Mrs. Meyers of Kansas, Mr. DeWine, Mr. Roth, and Mr. McEwen):

H.J. Res. 587. Joint resolution designating July 2 and 3, 1988, as "United States-Canada Days of Peace and Friendship"; to the Committee on Post Office and Civil Service.

By Mr. LEACH of Iowa:

H.J. Res. 588. Joint resolution to provide for the contribution by the United States, the Soviet Union, and other states of nuclear material recovered from warheads under arms control treaties for use for peaceful nuclear programs under auspices of the International Atomic Energy Agency, particularly to benefit developing states which are parties to the Treaty on the Non-Proliferation of Nuclear Weapons; to the Committee on Foreign Affairs.

By Mr. FASCELL (for himself, Mr. Broomfield, Mr. Crockett, Mr. Lagomarsino, Mr. Foley, Mr. Michel, Mr. Coelho, Mr. Lott, Mr. Hamilton, Mr. Yatron, Mr. Solarz, Mr. Bonker, Mr. Studds, Mr. Mica, Mr. Wolpe, Mr. Gejdenson, Mr. Dymally, Mr. Lantos, Mr. Kostmayer, Mr. Torricelli, Mr. Smith of Florida, Mr. Berman, Mr. Levine of California, Mr. Feighan, Mr. Weiss, Mr. Ackerman, Mr. Udall, Mr. Atkins, Mr. Clarke, Mr. Fuster, Mr. Bilbray, Mr. Owens of Utah, Mr. Sunia, Mr. Gilman, Mr. Leach of Iowa, Mr. Roth, Ms. Snowe, Mr. Hyde, Mr. Solomon, Mr. Bereuter, Mr. Dornan of California, Mr. Smith of New Jersey, Mr. Mack, Mr. DeWine, Mr. Burton of Indiana, Mrs. Meyers of Kansas, Mr. Miller of Washington, Mr. Donald E. Lukens, and Mr. Blaz):

H. Con. Res. 312. Concurrent resolution extending the sympathy and best wishes of the Congress to President Jose Napoleon Duarte during his battle with cancer; considered and agreed to.

By Mr. WELDON (for himself, Mr. Bunning, Mr. Rhodes, Mr. Buechner, Mr. Smith of Texas, Mr. Ballenger, Mr. Ravenel, Mr. Hastert, Mr. Davis of Illinois, Mr. Kyl, Mr. Grandy, Mr. Walker, Mr. Upton, Mr. Pursell, Mrs. Vucanovich, Mr. Herger, Mr. Donald E. Lukens, Mr. Gallegly, Mr. Baker, Mr. DioGuardi, Mr. Ridge, Mrs. Bentley, Mr. Holloway, Mr. Rowland of Connecticut, Mr. Bateman, Mr. Smith of New Jersey, Mrs. Saiki, Mr. Shays, Mr. Stump, Mr. Hefley, Mr. Dreier of California, Mr. Ireland, Mr. Barton of Texas, Mr. Lagomarsino, Mr. Wolf, Mr. Inhofe, Mr. Hutto, Mr. Coble, Mr. DeLay, Mr. Shumway, Mrs. Martin of Illinois, Mr. Tauke, Mr. Gunderson, Mrs. Byron, Mr. Kasich, Mr. Miller of Washington, Mr. Hyde, Mr. Dornan of California, Mr. Stratton, Mr. McCrery, Mr. Bartlett, Mr. Coughlin, Mrs. Morella, Mr. Smith of New Hampshire, Mr. Haughton, Mr. Saxton, Mr. Kostmayer, Mr. Swindall, and Mr. Gingrich):

H. Res. 467. Resolution to amend the Rules of the House of Representatives to require the Committee on Ways and Means to include in committee reports the identity, sponsor, and revenue cost of single-taxpayer relief provisions contained in reported bills; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

403. By the SPEAKER: Memorial of the General Assembly of the State of Colorado, relative to certain revisions to the Clean Air Act; to the Committee on Energy and Commerce.

404. Also, memorial of the Senate of the State of South Carolina, relative to including Snee Farm in the National Parks System; to the Committee on Interior and Insular Affairs.

405. Also, memorial of the Legislature of the State of Hawaii, relative to funds for the development of technology to allow for the effective utilization of ocean resources; to the Committee on Merchant Marine and Fisheries.

406. Also, memorial of the Legislature of the State of Hawaii, relative to funds for the development of ocean technology; to the Committee on Merchant Marine and Fisheries.

407. Also, memorial of the Legislature of the State of Hawaii, relative to to legislation to regulate helicopter flight patterns; to the Committee on Public Works and Transportation.

408. Also, memorial of the Legislature of the State of Hawaii, relative to establishing a veterans hospital in Hawaii; to the Committee on Veterans' Affairs.

409. Also, memorial of the Legislature of the State of California, relative to Federal highway funding; jointly, to the Committees on Ways and Means and Public Works and Transportation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FISH:

H.R. 4772. A bill for the relief of Huang Yao Quan and Hu Zhao Rong; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 4773. A bill to issue a fisheries license for the operation of the vessel M/V *Ocean Tempset;* to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 276: Mr. Solarz.

H.R. 371: Mr. Bonker.

H.R. 382: Mr. Bonker and Mr. Moody.

H.R. 387: Mr. Ford of Michigan, Mr. de Lugo, and Mr. Slattery.

H.R. 458: Mr. Dowdy of Mississippi, Mr. Flake, and Mr. Rodino.

H.R. 570: Mr. McEwen.

H.R. 719: Mr. Lent.

H.R. 743: Mr. McEwen.

H.R. 757: Mr. Lancaster, Mr. de Lugo, Mr. Bustamante, and Mr. Atkins.

H.R. 759: Mr. Ridge.

H.R. 988: Mr. Solarz.

H.R. 1076: Mr. Clarke, Mr. Lancaster, Mr. Murphy, Mr. Russo, and Mr. Sawyer.

H.R. 1503: Mrs. Bentley and Mr. Torricelli.

H.R. 1810: Mr. Gingrich and Mr. Hochbrueckner.

H.R. 1990: Mrs. Vucanovich, Mr. Armey, and Mr. Bliley.

H.R. 2603: Mr. Anthony.

H.R. 2811: Mr. Nielson of Utah, Mr. Hansen, Mr. Stallings, Mr. Lagomarsino, Mr. Bilbray, Mr. Hunter, Mr. Miller of California, Mr. Morrison of Washington, Mr. Levine of California, Mr. Slattery, and Mr. Sweeney.

H.R. 2852: Mrs. Morella and Mr. Frank.

H.R. 2925: Mr. McCollum.

H.R. 2930: Mr. Lent, Mr. Biaggi, and Mr. Dornan of California.

H.R. 3011: Mr. Kanjorski.

H.R. 3142: Mr. Shays.

H.R. 3245: Mr. Wolpe, Mr. Daub, and Mr. Martinez.

H.R. 3314: Mr. Coble, Mrs. Martin of Illinois, Mr. Mineta, Mr. Oberstar, Mr. Upton, Mr. Bilirakis, Mr. Schuette, and Mr. Skeen.

H.R. 3348: Mr. Gejdenson, Mr. Wise, Mr. Johnson of South Dakota, and Mr. Boucher.

H.R. 3410: Mr. Russo.

H.R. 3455: Mr. Schaefer and Mr. DioGuardi.

H.R. 3486: Mr. Slattery.

H.R. 3506: Mr. Packard and Mr. Swindall.

H.R. 3507: Mr. Packard and Mr. Swindall.

H.R. 3508: Mr. Packard and Mr. Swindall.

H.R. 3509: Mrs. Johnson of Connecticut, Mr. Dornan of California, Mr. Herger, Mr. Walker, Mr. Weldon, Mr. Gray of Pennsylvania, Mr. Ford of Tennessee, Mr. Kemp, Mr. Donald E. Lukens, Mr. Traficant, Mr. Wyden, Mr. Manton, Mr. Foglietta, Mr. Lagomarsino, Mr. Wortley, Mr. Livingston, Mr. Ballenger, Mr. Rahall, Mr. Mavroules, Mr. Savage, Mr. Daub, Mr. Hochbrueckner, Mr. Downey of New York, Mr. Horton, Mr. Roe, Mr. Dymally, Mr. Dellums, Mrs. Schroeder, Mr. Gingrich, Mr. Hunter, Miss Schneider, Mr. Flake, Mr. Stark, Mr. Hiler, Mr. Bunning, Mrs. Saiki, Mr. Swindall, Mrs. Martin of Illinois, Mr. Pepper, Mr. Gallo, Mr. Tauke, Mr. Mfume, Mr. Frank, Mr. Biaggi, Mr. Akaka, Mr. Spratt, Mr. Lantos, Mr. Fascell, Mr. Bustamante, Mr. Armey, Mr. Fish, Mr. McGrath, Mr. Ackerman, Mr. Scheuer, Mr. Weiss, Mr. Chapman, Mr. McHugh Mr. Richardson, Mr. Hayes of Louisiana, Mr. Rangel, Mr. Boehlert, Mr. Bryant, Mr. Schumer, Mr. Espy, Mrs. Patterson, Mrs. Bentley, Mr. Torricelli, Mr. Lent, Mr. Guarini, Mr. Kostmayer, Mr. Saxton, and Mr. Wilson.

H.R. 3510: Mrs. Johnson of Connecticut, Mr. Dornan of California, Mr. Herger, Mr. Walker, Mr. Weldon, Mr. Gray of Pennsylvania, Mr. Ford of Tennessee, Mr. Kemp, Mr. Donald E. Lukens, Mr. Traficant, Mr. Wyden, Mr. Manton, Mr. Foglietta, Mr. Lagomarsino, Mr. Wortley, Mr. Livingston, Mr. Ballenger, Mr. Rahall, Mr. Mavroules, Mr. Savage, Mr. Daub, Mr. Hochbrueckner, Mr. Downey of New York, Mr. Horton, Mr. Roe, Mr. Dymally, Mr. Dellums, Mrs. Schroeder, Mr. Gingrich, Mr. Hunter, Miss Schneider, Mr. Flake, Mr. Stark, Mr. Hiler, Mr. Bunning, Mrs. Saiki, Mr. Swindall, Mrs. Martin of Illinois, Mr. Pepper, Mr. Gallo, Mr. Tauke, Mr. Mfume, Mr. Frank, Mr. Biaggi, Mr. Akaka, Mr. Spratt, Mr. Lantos, Mr. Fascell, Mr. Bustamante, Mr. Armey, Mr. Fish, Mr. McGrath, Mr. Ackerman, Mr. Scheuer, Mr. Weiss, Mr. Chapman, Mr. McHugh, Mr. Richardson, Mr. Hayes of Louisiana, Mr. Rangel, Mr. Boehlert, Mr. Bryant, Mr. Schumer, Mr. Espy, Mrs. Patterson, Mrs. Bentley, Mr. Torricelli, Mr. Lent, Mr. Guarini, Mr. Kostmayer, Mr. Saxton and, Mr. Wilson.

H.R. 3518: Mr. Thomas A. Luken.

H.R. 3565: Mr. Barnard and Mr. Gingrich.

H.R. 3660: Ms. Slaughter of New York.

H.R. 3696: Mr. Owens of Utah.

H.R. 3719: Mr. Hansen, Mr. Smith of New Jersey, Mr. Mavroules, Mr. Martin of New York, Mr. Bosco, Mr. McMillan of North Carolina, Mr. Craig, Mr. Lewis of Georgia, Mr. Pepper, Mr. Yatron, Mr. Valentine, and Mr. Coyne.

H.R. 3723: Mr. Boehlert, Ms. Kaptur, Mr. Fascell, Mr. Espy, Mr. Lancaster, and Mr. Jenkins.

H.R. 3738: Mr. Mrazek, Mr. Lewis of Georgia, Mr. Neal, and Mr. Lowry of Washington.

H.R. 3844: Mr. Packard and Mr. Swindall.

H.R. 3845: Mr. Towns and Mr. Robinson.

H.R. 3889: Mr. Roberts, Mr. Saxton, Mr. Sensenbrenner, Mr. Dorgan of North Dakota, Mr. Ray, Mr. Archer, Mr. Petri, Mr. Pursell, Mr. Jenkins, Mr. Gingrich, Mrs. Byron, Mr. Kasich, Mr. Durbin, Mr. Lightfoot, Mr. Mica, Mr. Quillen, Mr. McCurdy, Mr. Fauntroy, Mr. Hastert, Mr. Houghton, Mr. Annunzio, Mr. Hertel, Mrs. Roukema, and Mr. Borski.

H.R. 3919: Mrs. Lloyd and Mr. Shays.

H.R. 3964: Mr. Murphy, Mr. Foglietta, Ms. Kaptur, Mr. Miller of Washington, Mrs. Saiki, Mr. Gejdenson, Mr. Wise, Mr. Barnard, Mr. Wheat, Mr. Montgomery, Mr. Williams, Mr. English, Mrs. Schroeder, Mr. Hoyer, Mrs. Collins, Mr. Stallings, Mr. Nelson of Florida, Ms. Slaughter of New York, Mr. Bonior of Michigan, Mr. Ackerman, Mr. Moakley, Mr. Nichols, Mr. Moody, Mr. Bennett, Mr. Traficant, Mr. Kleczka, Mr. Gonzalez, Mr. Owens of Utah, Ms. Pelosi, Mr. Bosco, Mr. Markey, Mr. Waxman, Mr. Kolter, Mr. Borski, Mr. Lowry of Washington, Mr. Spratt, Mr. Weiss, Mr. Walgren, Mr. Sawyer, and Mr. Pease.

H.R. 3991: Mr. Towns.

H.R. 4015: Mr. Akaka and Mr. Bates.

H.R. 4090: Mr. Bereuter.

H.R. 4131: Mr. Bustamante, Mr. Frank, Mr. Kolter, and Mr. Torricelli.

H.R. 4136: Mr. Ackerman.

H.R. 4153: Mrs. Bentley.

H.R. 4156: Mr. Frank, Mr. Fish, and Mr. Sensenbrenner.

H.R. 4164: Mr. Lowry of Washington.

H.R. 4186: Mr. Solomon, Mr. Morrison of Washington, Mr. DioGuardi, Mrs. Johnson of Connecticut, Mr. Lewis of Florida, and Mr. Swindall.

H.R. 4189: Mr. Fazio.

H.R. 4190: Mr. Kolter, Mr. Lowry of Washington, Mr. Rinaldo, Mr. Moakley, and Mr. de Lugo.

H.R. 4199: Mrs. Morella.

H.R. 4277: Mr. Savage, Mr. Dornan of California, Mr. Kolter, Mr. Packard, and Mr. Kleczka.

H.R. 4285: Mr. Wolf, Mr. Montgomery, Mr. Inhofe, Mr. Walker, Mr. Buechner, Mr. Burton of Indiana, Mr. DeWine, Mr. Badham, Mr. Swindall, Mr. Boulter, Mr. Shuster, Mr. Bateman, Mr. Barnard, and Mr. Dornan of California.

H.R. 4297: Mr. Wise and Mr. DeFazio.

H.R. 4330: Mr. Rangel.

H.R. 4335: Mr. Vento, Mrs. Meyers of Kansas, Mr. DeFazio, Mr. Hawkins, Mr. Roe, Mr. Matsui, and Mr. Smith of New Hampshire.

H.R. 4338: Mr. Rinaldo and Mr. Olin.

H.R. 4353: Mr. Towns.

H.R. 4361: Mr. Flippo, Mr. Kolter, Mr. Coleman of Texas, Mr. Upton, and Mr. Towns.

H.R. 4373: Mr. Coleman of Texas, Mr. Lancaster, and Mr. Clay.

H.R. 4396: Mr. Dellums, Mr. Robinson, Mr. Roe, Mr. Frank, and Mr. Dannemeyer.

H.R. 4424: Mr. Packard.

H.R. 4432: Mr. Atkins.

H.R. 4435: Mr. Smith of New Hampshire, Mr. Lewis of Florida, Mr. Lagomarsino, Mr. Roe, Mrs. Bentley, Mr. Swindall, and Mr. Herger.

H.R. 4451: Mrs. Collings, Mr. Feighan, Mr. Foglietta, Mr. Mavroules, Mr. Markey, Mrs. Boxer, Mr. Rodino, Mr. Owens of New York, Mr. Scheuer, Mr. Gejdenson, and Mr. Neal.

H.R. 4462: Mr. Pepper.

H.R. 4464: Mr. Hochbrueckner and Mr. Lancaster.

H.R. 4483: Mr. Dyson, Mrs. Bentley, Mr. Wortley, Mrs. Collins, and Mrs. Martin of Illinois.

H.R. 4485: Ms. Kaptur, Mr. Dyson, Mr. Bentley, Mr. Wortley, and Mrs. Collins.

H.R. 4511: Mr. Fascell, Mr. Coleman of Missouri, Mr. Watkins, and Mr. Edwards of Oklahoma.

H.R. 4531: Mr. Hyde, Mr. Dannemeyer, and Mr. Hall of Ohio.

H.R. 4542: Mr. Montgomery, Mr. Smith of Texas, Mr. Rose, Mr. Espy, Mr. Herger, Mr. Sisisky, and Mr. Matsui.

H.R. 4555: Mr. Price of North Carolina.

H.R. 4635: Mr. Dowdy of Mississippi, Mr. Herger, Mrs. Saiki, and Mr. Shumway.

H.R. 4649: Mrs. Bentley, Mr. Herger, and Mr. Gallegly.

H.R. 4654: Mr. Horton, Mr. Rangel, Mr. Baker, Mr. Garcia, Mr. Shumway, Mr. Bustamante, and Mr. Udall.

H.R. 4678: Mr. Mfume, Mr. Dixon, Mr. Erdreich, Mr. Kennedy, Mr. Frank, Mr. Schumer, and Mr. Gingrich.

H.R. 4680: Mr. Frank.

H.R. 4708: Mr. St Germain, Mr. Wylie, Mr. Lancaster, Mr. Gordon, Mr. Barnard, Mr. Gilman, Mr. Frank, Mr. Fuster, and Mr. Daub.

H.R., 4726: Mr. Leath of Texas, Mr. Hayes of Louisiana, Mr. Valentine, Mr. Chappell, Mr. Barnard, Mr. Horton, Mr. Stenholm, Mr. Stratton, Mr. Montgomery, Mr. Dyson, Mr. Skaggs, Mr. Jones of North Carolina, Mr. Morrison of Connecticut, Mr. Roe, Mr. Nichols, Mr. Wortley, Mr. Leach of Iowa, Mr. Bustamante, Mr. Gordon, Mrs. Boxer, Mr. Skelton, Mr. Edwards of California, Mr. McCurdy, Mr. Fawell, Mr. Jontz, Mr. Armey, Mr. Wilson, Mr. Lungren, Mr. Dingell, Mr. Ortiz, Mr. Hughes, Mr. Biaggi, Mr. Lantos, Mr. Pepper, Mr. Mollohan, Mr. Levin of Michigan, Mr. Ridge, Mr. Rangel, Mr. Lancaster, Mr. Hutto, Mr. Fazio, and Mr. Ray.

H.J. Res. 330: Mr. Miller of California, Mr. Savage, Mr. Horton, Mr. Ritter, Mr. Jeffords, Mr. Brown of California, and Mr. Sunia.

H.J. Res. 344: Mr. Kolbe, Mr. Gingrich, Mr. McMillen of Maryland, Mr. Natcher, Mr. Wyden, Mrs. Lloyd, Mr. Skeen, Mr. Cheney, and Mr. Schuette.

H.J. Res. 354: Bilbray, Mr. de la Garza, Mrs. Johnson of Connecticut, Mr. Stangeland, Mr. Morrison of Washington, Mr. Manton, Mr. Frost, Mr. Davis of Illinois, Mr. Thomas of Georgia, Mr. Smith of New Hampshire, Mr. Rahall, Mr. Dixon, Mr. Lagomarsino, Mr. McEwen, and Mrs. Bentley.

H.J. Res. 360: Mr. Ritter.

H.J. Res. 453: Mr. Donnelly, Mr. DeFazio, Mr. Vander Jagt, Mr. Volkmer, Mr. Rangel, Mr. Ridge, Mr. Bryant, Mr. Fazio, and Mr. Mavroules.

H.J. Res. 485: Mr. AuCoin, Mr. Bryant, Mr. Lujan, and Mr. Swindall.

H.J. Res. 489: Mr. Bonker, Mr. Lowery of California, Mr. Kasich, Mr. Rangel, Mr. Evans, Mr. Kennedy, Mr. Hiler, Mr. Mineta, and Mr. Gregg.

H.J. Res. 490: Mr. Kanjorski, Mr. Gordon, and Mr. Applegate.

H.J. Res. 509: Mr. Bruce, Mr. Carper, Mr. Clement, Mr. Courter, Mr. Conyers, and Mr. Fascell.

H.J. Res. 520: Mr. Lagomarsino, Mr. Bennett, Mrs. Boxer, Mr. Fawell, Mr. Davis of Michigan, Mr. Rangel, Mr. Owens of New York, Mr. LaFalce, Mr. Courter, Mr. Dymally, Mr. Rodino, Mr. Pepper, Mr. Lantos, Mr. Vander Jagt, and Mr. Biaggi.

H.J. Res. 528: Mr. Towns and Mr. Bryant.

H.J. Res. 529: Mr. Saxton.

H.J. Res. 533: Mr. Dellums, Mr. Lowry of Washington, Mr. Frank, Mr. Lagomarsino, Mr. Akaka, Mr. Foglietta, Mr. Flake, Mr. Levin of Michigan, Mr. Wheat, Ms. Kaptur, Mr. Nielson of Utah, Mr. Studds, Mr. Neal, and Mr. DeFazio.

H.J. Res. 537: Mr. Madigan, Mr. Rahall, Mr. Conyers, Mr. Frost, Mr. Mfume, Mr. Goodling, Mr. DioGuardi, and Mr. Smith of New Jersey.

H.J. Res. 538: Mr. Dannemeyer.

H.J. Res. 554: Mrs. Boxer, Mr. Horton, Mr. Parris, Mr. Aspin, and Mr. Dixon.

H.J. Res. 564: Mr. Fish, Mr. Biaggi, Mr. Dreier of California, Mr. Hawkins, Mr. Hochbrueckner, Mr. Bustamante, Mr. Roe, Mr. Moorhead, Mr. Miller of California, Mr. Hughes, Mr. Waxman, Mr. Conyers, Mr. Campbell, Mr. Frost, and Mr. Brown of Colorado.

H.J. Res. 567: Mr. Cardin and Mr. Ritter.

H.J. Res. 568: Mr. Clarke, Mr. Boland, Mrs. Boxer, Mr. Traficant, Mr. Moakley, Mr. Stenholm, Mr. Boucher, Mr. Applegate, Mr. Anderson, Mr. Wortley, Mr. Smith of Florida, Mr. Saxton, Mr. Jontz, Mr. Lagomarsino, Mr. Gordon, Mr. Blaz, Mr. Kasich, Mr. Lewis of Florida, Mr. Bruce, Mr. Sweeney, Mr. Dannemeyer, Mr. Bryant, Mr. Akaka, Mr. Manton, Mr. Lantos, Mr. Volkmer, and Mr. Fazio.

H.J. Res. 569: Mr. Vento, Mr. Mrazek, Mr. Matsui, Mr. Chappell, Mr. Harris, Mr. Hoyer, Mr. Wolf, Mr. Atkins, Mr. Gilman, Mrs. Bentley, Mr. Berman, Mr. Biaggi, Mr. Fawell, Mr. Blaz, Mrs. Boxer, Mr. Lehman of California, Mr. Gejdenson, Mr. Lantos, Mr. Kasich, Mr. Fazio, Mr. Neal, Mr. Chapman, Mr. Bennett, Mr. Lipinski, Mr. Frost, Mr. LaFalce, Mr. Jontz, Mr. Darden, Mr. Spratt, Mr. Lewis of Georgia, Mr. McMillen of Maryland, Mr. Oberstar, Mr. Ackerman, Mr. Lowry of Washington, Mr. McHugh, Mr. Panetta, Mr. Hayes of Louisiana, Mr. Tallon, Mr. Gray of Pennsylvania, Ms. Slaughter of New York, Mr. Sawyer, Mr. Skaggs, Mr. Brennan, Mr. Sikorski, Mr. McCloskey, Mr. Nichols, Mr. Pickett, Mr. Rodino, Mr. Schumer, Mr. Sharp, Mr. Morrison of Connecticut, Mr. Towns, Mr. Fish, Mr. Gingrich, Mr. Gunderson, Mr. Broomfield, Mr. Buechner, Mr. Coble, Mr. Courter, Mr. Craig, Mrs. Collins, Mr. Mfume, Mr. Downey of New York, Mr. Garcia, Ms. Kaptur, Mr. Roe, Mr. Kleczka, Ms. Pelosi, Mr. DeFazio, Mr. Frank, Mr. Owens of New York, Mr. Solarz, Mr. Price of North Carolina, Mr. Studds, Mr. Dyson, Mr. Cardin, Mr. Tauzin, Mr. Natcher, Mr. Walgren, Mr. Markey, Mr. Levin of Michigan, Mr. Borski, Mr. Carr, Mr. Coelho, Mr. Dellums, Mr. Levine of California, Mr. Lehman of Florida, Mr. Lagomarsino, Mr. Wortley, Mr. Livingston, Mr. Ballenger, Mr. Rahall, Mr. Mavroules, Mr. Savage, Mr. Daub, Mr. Herger, Mr. Horton, Mr. Sabo, Mr. Wyden, Mr. Dymally, Mr. Staggers, Mr. Richardson, Mr. Yatron, Mr. Traxler, Mr. de la Garza, Mr. Bunning, Mr. Scheuer, Mr. Stark, Mr. Foglietta, Mr. Fuster, Mr. Wolpe, Mr. Skelton, Mr. Moakley, Mr. Lancaster, Mr. Bosco, Mr. Kolter, Mr. Jones of North Carolina, Mr. Hayes of Illinois, Mr. Evans, Mr. Gray of Illinois, Mr. Fauntroy, Mr. Durbin, Mr. Rowland of Georgia, Mr. Wilson, Mr. Murphy, Mr. Owens of Utah, Mr. Sunia, Mr. Espy, Mr. Bonker, Mr. Miller of California, Mr. Dixon, Mr. Frenzel, Mr. Bliley, Mr. Hansen, Mr. Hyde, Mr. Lewis of California, Mr. McDade, Mr. Martin of New York, Mr. Rowland of Connecticut, Mrs. Johnson of Connecticut, Mr. Young of Alaska, Mr. Bates, Mr. Anderson, Mr. Bustamante, Mr. Kostmayer, and Mr. Sisisky.

H. Con. Res. 160: Mr. Bateman, Mr. Packard, Mr. Inhofe, and Mr. Weber.

H. Con. Res. 241: Mr. Upton.

H. Con. Res. 265: Mr. Kildee, Mr. MacKay, Mr. Price of North Carolina, Mr. Grant, Mr. Denny Smith, Mr. Mineta, Mr. Crockett, Mr. Volkmer, Mr. Bilbray, Mr. Lehman of California, Mr. Solarz, Mr. Fazio, Ms. Kaptur, Mr. Kastenmeier, Mr. Matsui, Mrs. Patterson, Mr. Jones of Tennessee, Mr. Rodino, Mr. Mavroules, Mr. Barnard, Mr. Jeffords, Mrs. Saiki, Mr. Porter, Mr. Nielson of Utah, Mr. Bartlett, Mr. McDade, Mr. Weldon, Mr. Bliley, Mr. Traficant, Ms. Snowe, Mr. Gephardt, Mr. Fawell, Mr. Sawyer, Mr. DeFazio, Mrs. Collins, Mr. Levin of Michigan, Mrs. Lloyd, Mr. Gray of Pennsylvania, Mr. Torres, Mr. Owens of New York, Mr. McCloskey, Mr. Synar, Mr. Bryant, Mr. Hughes, Mr. Richardson, Mr. Brennan, Mr. Rangel, Mr. Thomas of Georgia, Mr. Florio, Mr. Lewis of Florida, and Mr. Gonzalez.

H. Con. Res. 277: Mr. Panetta, Mr. Jeffords, Mr. Bonior of Michigan, Mr. Edwards of California, Miss Schneider, Mr. Fauntroy, Mr. Cardin, Mr. Akaka, Mr. Rose, Mr. Kastenmeier, Mr. Stark, Mr. Mavroules, and Mr. Clay.

H. Con. Res. 281: Mr. Armey, Mr. Holloway, and Mr. Marlenee.

H. Con. Res. 298: Mr. Dannemeyer.

H. Con. Res. 303: Mr. Bateman, Mr. Ritter, Mr. Regula, Mr. Badham, Mr. Gunderson, Mr. Porter, and Mr. Boulter.

H. Res. 396: Mr. McDade, Mr. Biaggi, Mr. Stump, Mr. Frenzel, and Mr. Shuster.

H. Res. 411: Mrs. Morella, Mr. LaFalce, Mr. Erdreich, Mr. Fuster, Mr. Wortley, Mr. Horton, Mr. Hyde, Mr. Wolf, Mr. Rangel, Mr. Hochbrueckner, Mrs. Boxer, Mr. Dyson, Mr. Frank, Mr. Owens of New York, Mrs. Martin of Illinois, Mr. Lagomarsino, Mr. Bateman, Mr. Courter, Mr. Mavroules, Mr. Inhofe, Mr. Buechner, and Mr. Brown of California.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

179. By the SPEAKER: Petition of the Board of Education, Albany Unified School District, Albany, CA; relative to S. 1885 and H.R. 3660, Better Child Care Services; to the Committee on Education and Labor.

180. Also, petition of Mr. Ronald R. Donaldson, Allison Park, PA: relative to a redress of grievances; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

LONG-TERM CARE ASSISTANCE ACT

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. OBEY. Mr. Speaker, I am today introducing a bill to extend Medicare coverage to long-term care, including many areas of coverage that are not presently included in that national program.

The bill is identical to one recently introduced by Senator GEORGE MITCHELL (S. 2305) and it complements the catastrophic health care bill recently approved by Congress and sent to the President for signature.

While there are provisions over which I and others have concerns, it is important, I believe, to offer this well-thought-out proposal for discussion as we begin serious debate on ways to provide protection from bankruptcy for people who incur long-term care costs.

All Americans worry about what will happen to themselves and their family members when they become old, enfeebled, or disabled. It no longer is just the worry of older people. That concern now is shared by children, grandchildren, and great-grandchildren as the Nation's population of elderly people grows larger than in its history.

Today, major long-term institutional and home health care are not covered by Federal Medicare insurance, which many Americans do not realize. To a small extent those benefits are covered by private insurance. That means that only wealthy people can afford long-term nursing care; other people, and that includes those in middle-income brackets, often are forced, if such a need arises, to impoverish themselves to become eligible for State-Federal Medicaid nursing home coverage.

That's not right.

And that's why I believe that an approach like this bill is the best way to rectify the problem we all face today: Spread the cost over the entire population in order to keep costs affordable for Government and for individual families.

BRIEF SUMMARY OF WHAT THE BILL DOES

It allows Medicare to cover a variety of long-term care services in the least restrictive and most cost-effective way possible, providing the maximum opportunity for people to remain in their homes whenever possible.

New services that would be covered include respite care, and more home health and nursing home care than are presently covered by Medicare.

Nursing home benefits would begin after a period in which beneficiaries would be expected to cover the costs of their nursing care, either by private insurance or paying directly for care. After that exclusionary period, Medicare would pay for nursing home care for an unlimited period, with a 30 percent copayment—that is, the beneficiary would have to pay 30 percent of the costs. These provisions, I recognize, are subject to debate and could very well change as the matter is refined through the congressional process. Alternative approaches would be to shorten the period before Medicare begins coverage and to set the copayment on a sliding scale, based on a person's income—the wealthier would pay more, those with lower incomes, less. Such an approach would be my preference and I will work toward that in final legislation.

The bill finances this expanded coverage with new revenues so that the expanded benefits would not add to the Federal deficit.

Financing would come from three revenue sources by:

Eliminating the $45,000 cap on income that currently is subject to the 1.45 percent Medicare payroll tax;

Raising the Medicare part B premium by $2 a month and increasing the "supplemental" premium contained in the catastrophic insurance program—that supplemental premium amount would be based on a sliding scale related to a person's income;

And by applying a 5-percent surtax to estate transfers by gift or inheritance of assets in excess of $200,000.

To be eligible for this bill's new benefits, beneficiaries would have to meet a uniform criteria, including the inability to perform at least two activities of daily living, such as feeding or clothing themselves, or to have significant cognitive problems—such as lack of memory or understanding—accompanied by behavioral problems—common to Alzheimer patients.

Each Medicare beneficiary's needs would be assessed on a case-by-case basis to determine what the most appropriate care should be.

Respite care benefits—to allow a "respite" or time off for family members who daily care for someone at home—would be covered up to $2,000 a year with a 50 percent copayment—that is, the beneficiary would have to pay half of the total cost of the respite care.

Home health benefits would include, for the first time, homemaker and chore aide services such as cleaning and other custodial services which people with functional or cognitive limitations could not perform. Such services allow people who may not need skilled nursing services but who have other impairments to stay in their homes.

Medicaid will continue to support those with low-incomes who could not provide coverage for themselves during the exclusionary period and/or could not pay the 30 percent copayment once benefits went into effect. The money that States are expected to save in Medicaid expenditures will be reapplied to State long-term care expenditures, and the State's Federal matching funds—now 55 percent—adjusted to reflect that additional revenue.

The bill contains two provisions that are intended to protect people's assets so that they are not impoverished by long-term costs. If a person is able to pay for the exclusionary period either by private insurance or direct payments, the assets of the person or spouse would not have to be spent down to a poverty level to make the person eligible for Medicaid—the State-Federal health insurance for the people with low incomes.

In addition, States will be required to pay the premiums and copayments for Medicare beneficiaries whose incomes are at 100 percent of the Federal poverty level.

Tax incentives are included to attract private insurers into the business of selling long-term care policies. They include clarification of existing law:

Which provides that insurance company funds that are set aside to satisfy future long-term care policyholders are tax deductible;

And that long-term care insurance premiums are subject to the same tax deductions now available under existing law for other health insurance coverage.

This bill is designed not only to take up where other measures, including the catastrophic bill, stop for the purpose of hospital and nursing home institutional care, but to expand something that most of us desire—care in the home or community.

HERE IS HOW PEOPLE IN TYPICAL SITUATIONS WOULD BE AFFECTED BY THE BILL

Medicare today

The current Medicare program does not cover long-term care. It covers up to 100 days of skilled nursing home care only after a person has been hospitalized and if they need skilled nursing care on a daily basis. If a person cannot afford the care after that coverage expires, or has spent most of his or her money, the patient may qualify for Medicaid coverage of health care for those with low incomes.

Medicare also has very limited coverage for home health services now. A person must need skilled nursing care on an intermittent basis and be homebound. Many chronically disabled people who could remain in a home setting don't qualify under the current program for home health benefits, and must go to more expensive, often less desirable, nursing homes.

This bill is designed specifically to expand that kind of coverage, which most people prefer if it is suitable and can be provided.

Medicare is paid for by payroll taxes on the general population and by premiums paid by beneficiaries themselves for doctor's office visits and care (part B).

This bill would add $2 per month to the basic part B premium as well as a corresponding increase in a "supplemental" premi-

● **This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.**

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

um for all Medicare beneficiaries who want long-term coverage. That premium, like "supplemental" premium in the catastrophic health care bill, would be set on a sliding scale related to a person's income.

Two new features related to Medicaid are included in this bill. One, like the catastrophic health care bill, would protect the assets and income of an institutionalized spouse so he or she would not have to become impoverished if they were covered by Medicaid. A second feature would require States to buy the same Medicare benefits in this bill for people who meet the Federal poverty guidelines, many of whom have more money than their State's Medicaid poverty level but who are too poor to have health insurance or pay for expensive health care.

PERSON WITH SHORT-TERM NURSING HOME STAY

Unless we can find the money to shrink the gap, someone who requires nursing home care for less than 2 years would be expected to pay for the care either through privately purchased insurance coverage or directly to the nursing home. This bill is designed to encourage more insurance companies to offer long-term care policies. Those policies may cost about $800 a year—based on figures from studies of 1986 policies. Nursing home care can cost as much as $2,000 per month.

As I have said, the exclusionary period before Medicare benefits begin is troublesome and this section of the bill is subject to discussion and possible change. I would like to see it shortened if we can find the money to do it. A great deal depends on the extent to which private insurance becomes more available and attractive to people. A person who could not afford the nursing home care would still be able to qualify for Medicaid coverage, as is the case now.

PERSON WITH LONG-TERM NURSING HOME STAY

Someone who has been in a nursing home for the required period would have all such care covered by Medicare after that time and for an unlimited time after that. The beneficiary would have to pay 30 percent of the nursing home charges, which would be determined by the Secretary of the U.S. Department of Health and Human Services. People could continue to buy MediGap private insurance to pay that copayment. A person who could not afford the 30 percent copayment would qualify for Medicaid. Another approach, which I believe to be more equitable, is to base the copayment on a person's income level. That would allow for more income to the program and a shorter exclusionary period.

PERSON WITH HOME HEALTH CARE

Someone who needs chronic home care would be able to receive a variety of services under this bill, including health care as well as chore services that are custodial so the person could remain at home. A person would have to have incurred $500 in home care expenses—the deductible—before Medicare would cover them, after which a beneficiary would have to pay 20 percent of the cost of the care after the first 20 days out of a hospital. There is no limit on the amount of such care that is covered by the bill.

In addition, the bill provides for payment of care at home or in a day care center so that family members who care for someone ill could have a "respite" and relief from his or her care-giving duties for a period of time. That "respite care" benefit would be covered by Medicare for up to $2,000 a year in services, of which the beneficiary would pay half of whatever costs were incurred.

CONCERNS THAT NEED TO BE ADDRESSED

Three things concern me about this approach, which will be discussed and refined as we debate the matter.

First. The period in which people would have to pay for these costs is a long time, and unless people purchase or have available to purchase private insurance coverage for that period, they will continue to have to pay the costs of the care themselves. But this is a beginning in providing nursing home coverage.

I agree that the private sector should be afforded the opportunity to be involved in this kind of insurance coverage. However, I am not convinced that this bill has found the answer to assuring that such policies will be available or affordable. The bill does define risk, enhancing the industry's ability to estimate risk. But, although the insurance industry tells us that its members are beginning to sell more such policies, good coverage at affordable rates remains small. Private long-term care insurance, now offered by some 80 companies through half a million policies, pays less than 1 percent of the Nation's nursing home bills, according to an analysis by the American Association of Retired Persons [AARP].

There are some exciting and innovative projects underway in a number of States, including Wisconsin, that are attempting to attract the private insurance industry into providing coverage for people who cannot get or afford health insurance. Those may give us better ideas about how to blend the private and government sector to make sure everyone has insurance and/or health care, which could be included in a Federal program.

Nevertheless, this bill supplements the private sector and does what insurance companies cannot do—it spreads the cost of long-term care insurance over the broadest possible population, thereby reducing the cost per person to a modest sum. I believe that is a viable way to go.

Second. While I support the financing mechanisms in this bill, I think that we need to consider basing not only supplemental premiums but also copayments on a person's income and ability to pay, along the lines of the approach in the catastrophic legislation. That, too, will be subject to debate. No one wants to impose an unfair means test on the elderly; on the other hand, all revenue sources for this program should be considered.

Third. The 5-percent surtax on estate gifts or inheritances exceeding $200,000 should be carefully reviewed to be sure that it is flexible enough not to unfairly penalize the estates of family farmers. There are provisions in the tax law now that help family farmers in transferring their land—installment payments of estate taxes and setting the value of land based on its use rather than its market value. That may be sufficient to protect the family farms from undue taxes when handed down to family members. If not, this provision should be modified.

THE ADVANTAGES OF THE BILL

In short, this bill goes a long way toward insuring the best "bang for the buck" in national long-term-care protection.

It complements the catastrophic coverage that will be in place in the future.

It does not bankrupt the Government Treasury and it protects people from one of their worst fears today—bankruptcy from health care costs in old age.

The people tell us that they want this expanded coverage. Two separate polls recently conducted for the AARP and the National Association for Home Care show overwhelmingly that the majority of Americans favor a Federal long-term-care program similar to Medicare and Social Security, and are willing to pay modest increases for such programs. Eighty-four percent of middle-aged and older Americans told the AARP that, and 8 out 10 Americans favor a Federal program to provide home care for the chronically ill, according to the Home Care Association. The only way to keep the cost small for expanded Federal health care programs is to spread it across the broadest possible population. That's what we are doing with this bill.

The facts are staggering:

Seven in ten older people who live alone are reduced to poverty-level incomes after 13 weeks in a nursing home, and exhaust both their incomes and financial assets within 1 year, according to the House Select Committee on Aging.

By the year 2000, 13 percent of the population of the United States will be 65 or older, 20 percent by 2024.

The over-85 population is expected to be seven times as large by 2050 as it was in 1980.

Twenty percent of the elderly now require home health or nursing home care, and that need will rise threefold by the year 2040, according to the Department of Health and Human Services.

In Wisconsin, by the turn of the century there will be 40,700 more people over age 85—a 62 percent increase from today—and the State will need 14,000 more nursing home beds or the equivalent care in the community, according to the Wisconsin Department of Health and Social Services.

This bill will be criticized by those who think it does not go far enough and those who think it goes too far. It has shortcomings and debatable provisions. But it builds on and rounds out public and private coverage that has been put in place incrementally over time. It is designed to be fiscally responsible and pragmatic. A shorter exclusionary period, say, for 1 year, necessarily raises the cost—to taxpayers—of more coverage. That may be the preferable way to go. We'll have to see what the people want in that regard.

For that reason, I offer this proposal for discussion. And I hope that discussion will move quickly, as my colleague in the Senate, BARBARA MIKULSKI, said on joining with Senator MITCHELL in sponsoring the bill, from the living rooms, kitchen tables, and bedsides of loved ones to the committee rooms of Congress for implementation so that people will soon know they can have dignity without fear of impoverishment for the health care they need in their elder years or if they become disabled.

Such care is going to cost money—out of the private or public pocket, or both. Now, the costs for those receiving this care is being financed largely by private dollars. And if someone can't afford the care, it means that they are being abandoned in such situations.

No civilized society can do that, in my view.

Whatever "cost" is applied to the bill—and we do not have a complete estimate from the Congressional Budget Office at this time—it must be remembered that this approach redistributes the costs more equitably across the population, so that, for modest per-person costs for the Federal insurance, those people who need this kind of expensive and long-term care will be covered without crippling costs to themselves and their families. What we're doing with this bill is providing a national "insurance" against long-term care costs through both private and public coverage.

Mr. Speaker, I am not a member of the committee that has jurisdiction over the development of national health care legislation. I recognize that other people will have a greater opportunity to affect the content of such bills. However, I offer this bill to indicate that the time for talking is over and the time for commitment to deal with the problem is at hand.

It is my hope that this approach will have bipartisan support so that we can begin the legislative debate on a workable, affordable long-term care program. I am fully aware that the bill leaves a number of unacceptable gaps, but unless those of us who favor action can coalesce around several alternatives, nothing will be done.

I thank Senator MITCHELL for his leadership on this issue.

A CONGRESSIONAL SALUTE TO JANE W. HENDERSON

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding woman in southern California. Jane W. Henderson was recently honored by the Orange County Chapter of the American Society of Travel Agents on the 50th anniversary of her entrance into the travel business. I am pleased to have this opportunity to say a few words about her.

Jane Whalen Henderson was born and raised in Fort Dodge, IA. She attended Fort Dodge Junior College, Fort Dodge Business College, and Armstrong College, and finished her formal education in 1938. It was at that time that she made a fortuitous move to California and entered the travel business. Since then, she has been involved in every aspect of this industry.

Jane's first job was as a travel consultant with Peck Judah Travel in San Francisco. From there, she moved to southern California and proceeded to work her way up in the travel business. She was a manager for World Travel Bureau in Anaheim and Fullerton, a manager for Travel Advisors in Santa Ana, an international travel advisor for Anaheim Travel and the vice-president of sales for Orange Empire Travel in Anaheim. In 1970, Jane took her expertise in travel and opened Jane Henderson Travel in Orange, CA. Besides being owner and president of that successful business, she is part-time consultant to National American School of Travel in Newport Beach, CA.

Jane is a member of the American Society of Travel Agents, the Association of Retail Travel Agents, the Pacific Area Travel Association, Cruise Lines International, and is the past president of the Orange County Travel Agents. She is also a member of the advisory board of Traveling Times.

In addition to this, Jane is also quite active in the community of Orange, CA. She has been a gold sponsor of the Miss Orange Pageant since 1976, and has been a member of the Street Naming Committee, the Sister City Program, and the advisory board of the Orange National Bank. In 1983, she was named "Orange Citizen of the Year."

Jane Henderson epitomizes the "Woman of the Eighties." She has built her own business, raised a family and found some time and energy to give to her community. She is intelligent, dynamic, talented, and an asset to southern California. My wife, Lee, joins me in extending our warmest congratulations to her on this special occasion. We wish Jane and her children, Thomas, Clare, and Anne, all the best in the years to come.

BLACK WORKERS LAUNCH 3-DAY GENERAL STRIKE IN SOUTH AFRICA

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. DELLUMS. Mr. Speaker, I submit for the members' attention an article by William Claiborne which appeared in The Washington Post.

BLACK WORKERS LAUNCH 3-DAY GENERAL STRIKE IN SOUTH AFRICA

(By William Claiborne)

JOHANNESBURG, JUNE 6.—More than a million black workers, defying the threat of punitive action by industry and government, stayed away from their jobs on this first day of a three-day nationwide general strike to protest restrictions on unions and anti-apartheid groups.

Estimates of absentee rates for black workers ranged from 50 percent in Pretoria to more than 80 percent in Durban and the Johannesburg area.

Scattered violence was reported, including a firebomb attack on a commuter bus in Natal Province that injured five persons and bombings of several rail lines and station platforms in Transvaal and Natal provinces, in which no one was hurt.

For the most part, police and Army security forces maintained a low profile in the country's black townships, making no attempt to enforce emergency regulations that prohibit workers from staging strikes for political purposes.

The strike, which brought the nation's auto industry to a virtual standstill and may have seriously hampered coal-mining operations, is widely viewed as a test of the black union movement's ability to mobilize mass opposition to the government in the wake of Pretoria's virtual banning of 17 leading anti-apartheid groups in February.

Leaders of industry and unions said that the extent of worker participation as the strike continued into Tuesday would be crucial in determining whether the protest could be sustained for three days. Most employers have adopted a "no work, no pay" policy during such illegal strikes, and workers living on subsistence-level incomes will be under pressure to return to their jobs.

Immediately after the three days of protest, security police will be confronted with the most widely observed protest date on the South African political calendar, the anniversary of the June 16, 1976, uprising in Soweto over the mandatory teaching of Afrikaans in black schools.

There were no official estimates of the numbers participating in today's strike, but the Congress of South African Trade Unions (Cosatu), which called for the protest, claimed that at least 3 million workers did not report for work.

With 900,000 members, Cosatu is South Africa's largest union federation. In February, the government issued a decree barring it from engaging in political activities.

Based on official estimates of normal rail and bus commuter loads and comparisons with previous general strikes, it appears that participation in the protest exceeded 1 million.

The South African Federated Chamber of Industries said the Johannesburg area was hardest hit by the strike and that Cape Town had been least affected.

The strike shut down all seven of the country's major auto assembly plants, but was less effective in the gold mining industry, which had threatened unions with court injunctions.

One mining company, Free State Consolidated Gold Mines Ltd., obtained a provincial Supreme Court injunction barring a strike at its shaft.

The National Union of Mineworkers (NUM) said that gold mines, which account for more than 60 percent of South Africa's foreign exchange earnings, experienced absenteeism of only 10 percent, although it claimed strike participation at some coal mines was up to 60 percent.

The outcome of the protest is expected to have a bearing on crucial wage negotiations between the mine owners and workers, which got under way last week with the union demanding a 40 percent pay increase and the companies offering only 10.5 percent.

During last year's prolonged NUM strike, nearly 40,000 black mineworkers were fired, and the union was forced to send its members back to work without gaining pay concessions.

Today's general strike was called ostensibly in response to a labor bill pending in the whites-only chamber of Parliament. If adopted, it would make sympathy strikes illegal and allow employers to sue unions for damages resulting from wildcat strikes. However, the protest evolved into a wider political one against the government's apartheid policies and Pretoria's recent restrictions on the United Democratic Front anti-apartheid coalition and other opposition groups.

Under the two-year state of emergency, calling for a general protest strike or boycott is regarded as a subversive act, so Cosatu sought to avoid prosecution by merely calling for unspecified "protest action."

Cosatu General Secretary Jay Naidoo insisted that, "it has been left to each community to decide precisely what form the protest should take," but there was never any doubt in the townships that a general strike was expected.

The police command in Pretoria claimed—and Cosatu denied—that pamphlets had been circulated in some black townships specifically calling for a general strike. Police also noted that the outlawed African National Congress, the main guerrilla group fighting white minority rule, had endorsed a general strike.

In a statement today, Naidoo said, "This expression of opposition is one of the few remaining avenues of peaceful and legitimate protest available to us. If Cosatu is prevented from functioning fully . . . and all avenues of peaceful protest are closed, then the new era of labor relations is doomed and industrial stability is seriously jeopardized."

Technically, the government can use emergency regulations to arrest anyone who took part in today's strike, but such action is considered highly unlikely. Instead, the minister of manpower, Pietie du Plessis, issued a vague warning that the strike was illegal and could result in dismissals.

The streets of Soweto, the country's largest black township, were virtually deserted this morning during normal rush hour, and bus terminals and taxi stands were vacant, while most trains to Johannesburg appeared to be running nearly empty. The South African Transport Services said that at 8 a.m., occupancy rates of the trains, which normally are packed, was only 1 percent.

A TRIBUTE TO NEAL FROST

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. TRAFICANT. Mr. Speaker, today I rise in order to pay tribute to Mr. Neal Robert Frost, a very special resident of my 17th Congressional District. It is with great pride and deep humility that I inform my fellow Members of the U.S. House of Representatives that Mr. Frost recently received his medical degree from the Northeastern Ohio Universities College of Medicine. Mr. Frost's outstanding achievement is such a proud moment for me because his father, Hugh Frost, is a hardworking member of my district staff in Youngstown, OH.

Mr. Frost was an amazing athlete at Youngstown Ursuline High School, where he was a star member of the football and track teams, and made "All-Steel Valley" in football his senior year. After receiving his bachelor's degree from Youngstown State University, where he was on the dean's list, he entered NEOUCOM. While at NEOUCOM, he became president and secretary of the Student National Medical School Association, and served his residency in obstetrics and gynecology at St. Elizabeth Hospital Medical Center in Youngstown.

I am absolutely certain that Mr. Frost will be an extremely successful doctor. Neal, I am rejoicing over your accomplishment, and want you to know that you have my best wishes as you begin your medical career. Thus, it is with thanks and special pleasure that I join with the people of the 17th Congressional District in saluting Neal Robert Frost for his graduation from the Northeastern Ohio Universities College of Medicine.

HONORING THE COUNCIL CENTER FOR SENIOR CITIZENS ON ITS 30TH ANNIVERSARY

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. SCHUMER. Mr. Speaker, I would like to take this opportunity to recognize a very special organization in the 10th Congressional District in New York. The Council Center for Senior Citizens is celebrating its 30th anniversary this month.

Our senior citizen centers are extremely important. In many ways they are the heart and soul of our communities. The activities and events they offer keep our seniors active and vital. They are gathering places where friendships are made and renewed.

Our Council Center is an extra special place. Its members are amongst some of the most active of my constituents. They are politically, socially, and culturally aware. And they are also dear friends. I have made it a tradition to make the Council Center one of my first stops when I travel the district visiting community centers.

The Council Center is sponsored by the Brooklyn section of the National Council of Jewish Women. The NCJW has a tradition of giving and caring. It has many successful centers and projects of which to be proud.

I hope my colleagues will join me in thanking the members and staff of the Council Center and National Council of Jewish Women for everything they have done, and wish them success and best wishes in the coming years.

RICHMOND HILL HIGH SCHOOL CELEBRATES ITS 90TH ANNIVERSARY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. ACKERMAN. Mr. Speaker, I rise today on behalf of Richmond Hill High School in Queens County, NY, which celebrates its 90th anniversary of innovative, quality education on June 18, 1988.

Mr. Speaker, Richmond Hill High School has a wide variety of challenging educational activities, including the Problem Solving Skills/Humanities Program, which integrates English, social studies and the arts. Another successful program is the Art Task Force, established in 1977 to help students design and paint murals. These works of art are presented to the community and are a lasting tribute to the talents and energies of the students.

In 1971, Richmond Hill introduced Sing, a variety show made up of original one-act musicals, presented in competition by the sophomore, junior and senior classes. Other successful programs include the radio broadcast journalism courses, and the hospital and culinary work study programs, both of which let students learn through onsite training.

Richmond Hill High was constructed in 1898 in order to serve the academic needs of the then-rural community of Richmond Hill. The doors opened to students in April, 1899. The faculty, at the start, was composed of three teachers, and the first graduating class in 1901 had only one graduate. However, by 1923, the increasing young population of Richmond Hill overcrowded the building and thus a new, larger, building was opened in 1929. By 1939 Richmond Hill High School had over 5,000 pupils and several annexes.

Over the decades, Richmond Hill High School has developed countless fine traditions. The outstanding literary magazine, "Dome," was started in 1900. In 1923, the excellent school newspaper, Domino, began as a weekly journal. In 1908, the first school's spring play opened to rave reviews. Sports have always played an important part in Richmond Hill High School's history. It has fielded champion teams in track, tennis, basketball, wrestling, and baseball.

Mr. Speaker, Richmond Hill High is a respected leader in education. I praise the current principal, Mrs. Elizabeth Acerra, and assistant principal—and Richmond Hill alumnus—Mr. Stanley Turetsky, for their commitment to the continued growth and excellence of Richmond Hill High School. I want to recognize the student association president, Laurin Stephen, and the coordinator of student activities, Mr. John Leary. I also want to pay tribute to all the administrators, teachers, and outstanding alumni such as baseball star Phil Rizzuto, comedian Rodney Dangerfield, actor Jack Cassidy, and singer Cindy Lauper for their dedication to this fine school.

I ask my colleagues to join me in congratulating Richmond Hill High School on the happy occasion of its 90th anniversary, and in wishing the faculty, students, and alumni of Richmond Hill High School good luck as they prepare for its next 90 years.

KILDEE HONORS RECIPIENTS OF SAM DUNCAN SCHOLARSHIP AWARD

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. KILDEE. Mr. Speaker, I rise today to honor the 1988 recipients of the Sam Duncan Memorial Scholarship Awards. The recipients this year are six outstanding people who have overcome various handicaps in order to pursue their educational careers with the help of these scholarships. On the evening of Saturday, June 11, these individuals will receive their awards at a program in their honor at UAW local 651 in Flint, MI.

These awards are named in honor of Sam Duncan, past president of the Flint Chevrolet truck plant UAW local 598. Sam himself overcame many difficulties in his own life and excelled both in his professional life and his community service. Sam gave of himself and his time in order to support various community groups. Due to a shrapnel wound during the Second World War, Sam was confined to a wheelchair during much of his life. The recipients of the Sam Duncan Memorial Scholarship Awards this year exemplify Sam's spirit in their courage and dedication.

William A. Jenkins, Tracy Lynn Root, Ann Patrice Mora, Judy K. Ferris, Linda A. Rutherford, and Cheryl Ann Hyde each uniquely deserve this scholarship award. William is a four-time past recipient of this award and is confined to a wheelchair due to a diving accident. Tracy is a first-time recipient of this award and a student at the Charles Stewart Mott Community College with a 3.0-grade-point average. Ann is 1 of 12 children and is a client of the Michigan Commission for the Blind. She is a past recipient of the award and is attending Alma College with a 3.6-grade-point average. Judy is a new applicant to the scholarship program and, although visually handicapped, is attending the University of Michigan with a 3.8-grade-point average. In addition, Judy is raising three children. Linda is a two-time previous recipient of this award and is confined to a wheelchair with multiple sclerosis. Cheryl is also a client of the Michigan Commission for the Blind and attends Mott Community College. She wants to be a special education teacher and is a two-time previous recipient of this award.

Mr. Speaker, each of these individuals represents the determination and dedication necessary for a successful and rewarding career. They each have my utmost respect and admiration in receiving this award. I am proud to be their Congressman and proud to extend to them some of the recognition that they so richly deserve.

CONSTRAINING PROLIFERATION OF NUCLEAR MATERIALS

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. LEACH of Iowa. Mr. Speaker, I am today introducing legislation which seeks to make more flexible existing law regarding U.S. policy toward actual or attempted illegal exports from the United States of items which would contribute significantly to the ability of a country to manufacture a nuclear explosive device.

Under section 670(a)(1)(B) of the Foreign Assistance Act, commonly referred to as the Solarz amendment, no U.S. assistance can be provided to any non-nuclear-weapon State which exports or attempts to export illegally from the United States any material, equipment, or technology which would contribute significantly to that country's ability to manufacture a nuclear explosive device.

In most theoretical circumstances, the starkness of a total aid cutoff makes great sense. The problem is that in reality, administrations are likely to become confronted with situations where they may be forced by events to use authority under section 670(a)(2) to waive the application of sanctions if such sanctions would be deemed to be "seriously prejudicial to the achievement of United States nonproliferation objectives or otherwise jeopardize the common defense and security."

It is my view that, as past application of this law evidences, the stark choice of either ending aid or continuing aid business-as-usual presents an inflexible counterproductive constraint on executive decisionmaking. The legislation I am introducing today seeks to strengthen the executive branch's hand if problems of this nature arise in the future by giving the President a fuller range of policy alternatives on which to draw. The text of the legislation follows:

H.R. 4762

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDUCTION OF ASSISTANCE.

Section 670(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2429a(a)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

"(3) As an alternative to a total termination of assistance to a country pursuant to clause (B) of paragraph (1) of this subsection, the President may, in conjunction with the use of the waiver authority provided in paragraph (2), reduce the amount of assistance described in paragraph (1) which is provided to that country. The President shall transmit to the Congress, as part of any certification submitted pursuant to paragraph (2), a statement setting forth the specific reasons why assistance will or will not be reduced.".

A CATASTROPHIC BILL FOR ELDERLY HEALTH CARE

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. FAWELL. Mr. Speaker, the House of Representatives voted this week on the so-called Medicare Catastrophic Protection Act. The bill extends Medicare coverage to include long hospital stays and excessive physician and drug costs. It is the largest expansion of Medicare since its enactment in 1965. However, this expansion will leave many seniors without the protection they want and need the most—long-term nursing home care—while imposing substantial new income taxes on many senior citizens. For several reasons, I voted against this legislation.

INCOME TAX HIKE FOR SENIORS

Make no mistake about it: The Medicare Catastrophic Protection Act will increase income taxes. Elderly taxpayers will pay a 15-percent surcharge on their tax liability in 1989, $22.50 per $150 of taxes owed, rising to 28 percent in 1993, $42 per $150 of tax liability, to fund this Medicare expansion. This means that a senior couple now paying $1,500 in Federal income taxes will pay $225 more when they file their tax return in April 1989 and $420 in 1993.

It is estimated that 46 percent of the Nation's elderly taxpayers will incur an income tax liability and thus have to pay the supplemental premium in 1989. By 1993, 56 percent of the elderly will have to pay the 28-percent additional income tax. These income tax surcharges will fall heavily on middle-income seniors. The average additional tax liability for 1989 is estimated to be $355, rising to $630 in 1993. Four million elderly taxpayers, 13 percent of all individuals 65 and over, will have to pay the maximum additional tax of $1,050 by 1993.

By using progressive income taxes to fund Medicare, we are, for the first time, saying that Medicare is not an insurance program with equal premiums and equal benefits.

The catastrophic bill is also financed by an increase in the premiums that all Medicare participants pay, regardless of income.

EVERYONE PAYS, FEW BENEFIT

While everyone pays, few benefit. Of the Nation's 32 million Medicare beneficiaries, only four-tenths of 1 percent will benefit from the provision allowing for hospital stays in excess of 60 days per year. Most of these beneficiaries already have private or pension-derived health insurance to cover these long stays. The legislation, by design, also assures that 93 percent of Medicare participants will not be able to take advantage of the new benefits protecting them against excessive physician costs. Furthermore, 83 percent will never receive prescription drug benefits. Costs to the potential beneficiaries in terms of taxes, premiums, and deductibles will continue to rise while the percentage of those receiving benefits will remain constant.

Ironically, Medicare participants who are most likely to incur the supplemental income tax surcharge are already likely to be covered by MediGap or retirement health plans. In fact, about 70 percent of Medicare enrollees also carry policies to make up for what Medicare does not, and another 10 percent are covered by Medicaid—the Government's health program for the poor. In essence, this bill socializes what was covered by private insurance.

THOSE WHO PLANNED FOR RETIREMENT PENALIZED

For years, those headed for retirement have been told to plan, plan, plan, and save, save, save in order to have sources of retirement income other than Social Security. They've been encouraged to get private insurance for health costs not covered by Medicare, make sure they are covered by pension benefits and take advantage of tax incentives such as the IRA.

The catastrophic bill, however, penalizes those who did plan and save. It taxes those who do have income from the savings they were encouraged to make. The bill then takes their taxes to replace the insurance they already carry and provides benefits for those who did not plan and save. Granted, there are some retirees who were unable to save enough to meet today's excessive health costs and the Government should help them. This legislation, however, goes far beyond offering this protection to them.

CATASTROPHIC BILL MISSES TOP PRIORITY

New spending to protect seniors from these catastrophic costs is estimated to total at least $20 billion over the next 5 years. However, these benefits are the lowest priority of seniors. The truly catastrophic expense, for which 9 out of 10 seniors are not protected, is long-term, custodial care in a nursing home. If seniors are going to pay more money for Medicare, it might as well be for what they want and need most.

VALEDICTORIAN DAVID KAUFFMAN SEES AMERICA'S FUTURE

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. SHUSTER. Mr. Speaker, today I have the honor of submitting the valedictory remarks of an outstanding young American, David Kauffman, of Altoona, PA. David has distinguished himself throughout his high school career, serving as valedictorian of his senior class, student trustee, and as a member of the USA Today all-academic first team. With young leaders of David's caliber, America's future looks hopeful and bright.

VALEDICTORY REMARKS OF DAVID KAUFFMAN TO THE 1988 GRADUATING CLASS OF THE ALTOONA AREA SENIOR HIGH SCHOOL, MONDAY, JUNE 6, 1988

President Lockard, Dr. Murray, Mr. Betar, Parents, Guests, and Fellow Graduates.

We assemble here today to celebrate the end of one journey and the beginning of another. On this new journey, as graduates, we will be embarking into the "real world." Now what is this "real world"? Well, the best way to find out what is going on in this world is to turn to a newspaper.

I just happen to have a newspaper with me tonight.

In this and other newspapers, we see doom and gloom depicted and predicted for America, Pennsylvania, and Altoona, as you can hear by my reading a few headlines:

"Japanese Real Estate Buys in U.S.A. up 70 percent."

"Dollar and Interest Rates Surge."

"U.S.A.'s No 1 Automaker Hits Potholes."

"Chips Are Down for Computer Firms."

"For Many Homebuyers the Price Isn't Right."

"Dream Houses Remain Dreams."

There are people in this land who use these headlines as proof that America is on the decline. These prophets of doom say that our day in the sun has ended and it is time for a new power to take our place as the world economic leader. These pessimists say that this area, in the heart of the rustbelt, has no economic future. They point to our silent factories and declare the demise of our industrial economy.

They do not paint a pretty picture for the 1988 graduate. I, however, read another set of headlines from this newspaper:

"Intown Projects Advance."

"Business Failures Decline 10 Percent."

"Exports Soar."

"U.S. Trade Deficit Drops $4 Billion."

"Enterprise Loans Help Create 16 Jobs."

"Manufacturing Rebound Ignites Small Business."

I caution you not to listen to the cynics. As John Fitzgerald Kennedy stated, "There will always be dissonant voices in the land, expressing opposition not alternatives, finding fault never favor, perceiving gloom on every side, and seeking influence without responsibility." When my great-grandparents emigrated to America in the 1890's, this was the land where "the streets were supposedly paved with gold" and Emerson said "America was another name for opportunity." However, the streets were not paved with gold. Our grandfathers and grandmothers had to pay for their opportunities with the sweat of their brow. In the factories, mines, fields, and shops of this country, they proved that in America there was opportunity for those who worked for it. These pioneers did succeed in building a life for themselves and their families in America; and, we are living proof of their success. This lesson holds true today, America is still the land of opportunity if we are willing to work hard.

Sure America has taken some lumps economically. As the first batch of headlines indicated, other nations are challenging us for the No. 1 spot in the world. But I have faith in America, because I have faith in us. As graduates, we, like our parents and grandparents before us, have the chance to make our own opportunities.

Through twelve years of intensive study, we have proven to our teachers that we are capable of accepting challenges and dealing with them. How, in the "real world," we must utilize the skills we developed in our schooling. We are charged by the legacy of commitment given to us by our forebears to seek out those opportunities and make the most of them, to make our dreams become realities.

Wendell Wilkie said that he believed in America "because we have great dreams and because we have the opportunity to make those dreams come true." I believe in America because, we, the young people, will work to make our opportunities become success.

Some may scoff at my optimism. However, as George Bush stated "We have earned our optimism, we have a right to our confidence, and we have much to * * *"

I am confident we, the Class of 1988, will complete the task and in the year 2008 the headlines will be a testament that our optimism was not unfounded. We will prove to the world that we were able to make this nation, this state, this area, and ourselves a success.

THE WAR AGAINST DRUGS

HON. LEE HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, June 8, 1988 into the CONGRESSIONAL RECORD:

The United States may be losing the war on drugs. Funding for federal anti-drug efforts has risen steeply in recent years. Since 1981 the government has spent $14 billion on the war on drugs. By some estimates, Americans will spend more than $100 billion this year on illegal drugs. There were over 37,000 drug-related deaths in 1986. Production of cocaine, marijuana, and opium has increased substantially in the last year.

Members of Congress are confronted with a growing clamor to "do something" about the drug problem. Politicians are talking about the rise of the drug issue in 1988. This may reflect what is happening in American political life as much as what is happening in the drug trade. Drugs may have become more important as a political issue in large part because of the dearth of other issues.

In some recent polls, drug abuse has been cited as the nation's most important problem. Yet statistics show no sudden rise in overall drug use. Several factors seem to be involved. Among them are the approaching elections; the dramatic impact of crack, a cheaper, highly-addictive form of cocaine; expanded cocaine use by the most affluent parts of American society; a strong anti-drug sentiment that has been gathering strength in the nation; a growing dissatisfaction with the war against drugs; and the heavy toll of drugs in family strife and drug-related violence.

What can the government do? There are five key elements in the nation's war on drugs: border interdiction, law enforcement, drug eradication, drug treatment, and education.

Interdiction: Halting the flow of drugs across U.S. borders is a daunting task. Most drugs enter the U.S. along the 8,000-mile Florida shoreline and the 2,000-mile border with Mexico. Federal agencies have been generating record drug seizures, arrests, and convictions, but they are simply unable to shut off America's borders to drug traffickers. Experts believe that interdiction can stop about 10-15% of marijuana imports and 20% of cocaine imports.

The Congress has agreed to involve the military in the interdiction effort, in a limited way, by providing law enforcement agencies with logistics, intelligence information, and training. There is significant resistance to a major military role to curb the flow of drugs. The Pentagon argues that, because the drug crisis is not a military threat, military intervention is an inappropriate response that would have only modest results and would use valuable resources that are needed to provide for our national defense.

Law enforcement: Other law enforcement efforts need to be strengthened at the federal, state, and local levels, from the Drug Enforcement Agency to the prison systems. Despite stepped-up efforts and record arrests, overcrowded courts and prisons often mean that drug peddlers are soon back on the streets. With three dozen federal agencies involved in the drug war, a Cabinet-level drug czar has been suggested to better coordinate anti-drug efforts. Some advocate even stiffer penalties for drug trafficking, including the death penalty for drug-related killings.

Eradication: Through diplomatic pressure and financial incentives, the U.S. encourages drug eradication efforts in drug-producing countries. There are limits in our ability to attack drugs at the source. Foreign leaders point out that while the U.S. cannot persuade its citizens to quit using drugs, we order foreign governments to stop their citizens from growing drugs. Not surprisingly, they do not often succeed. The producers, usually peasant farmers, fight back when ordered to stop producing crops they have grown for hundreds of years. In addition, drug traffickers have become so rich and powerful they can corrupt an entire country's anti-drug efforts. Columbia's Medellin drug cartel, for instance, offered to pay off the country's $10 billion foreign debt if the Colombian government would cancel its extradition treaty with the U.S. To improve eradication efforts, some policymakers would cut off foreign aid to countries that fail to control drug trafficking, while others caution that U.S. aid decisions have to include other factors, such as our national security.

Education: Efforts to reduce the supply of drugs coming into the country are essential, but they are only part of the drug solution. As long as American consumers are willing to pay premium prices for illicit drugs, drug traffickers will likely find ways to accommodate them. In the long run, the country must rely on education to reduce drug use. The great virtue of education is that it works in an open society, and it may be the most effective anti-drug policy. Experts stress that drug education programs must start in the lower school grades, be continuous, and teach young people how to avoid social pressures to experiment with drugs. In recent years, about 80% of federal anti-drug funds have been used to fight drug traffickers. Prevention remains the neglected stepchild of drug policy.

Treatment: During the early years of the war on drugs, funding for drug treatment programs actually declined. Additional appropriations to state and local governments for drug treatment and rehabilitation are necessary. There are some 1.2 million drug addicts in this country. In many cities, addicts seeking treatment have to wait months to enter a program. Treating an addict can be a slow and frustrating effort, involving detoxification, counseling, and vocational training. Treatment is not always successful, but it is necessary. A Customs Service study found that a dollar spent on treatment and education is more effective in reducing cocaine consumption than a dollar spent on federal law enforcement.

No single approach by the federal government is going to cure the drug plague. We need tougher enforcement and penalties against drug users and suppliers, along with effective drug education, treatment, and prevention programs. In addition, state and local governments, churches, schools, businesses, and parents must expand their efforts. Some claim that the war against drugs cannot be won. Still, no one seems ready to give up.

A CONGRESSIONAL SALUTE TO ALMA BETTS PIRLET

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to a truly fine woman, Mrs. Alma Betts Pirlet. Mrs. Pirlet will be honored at her 90th birthday party on June 18, 1988. I am pleased to have the opportunity to say a few words on this auspicious occasion.

Alma Caroline Jorgenson Betts Pirlet was born on June 4, 1898, in Minnesota to Swedish and Norwegian immigrant parents. Her father made a fortuitous move to California when she was 11 years old and eventually settled in San Diego in 1915. Mrs. Pirlet still resides in San Diego today.

Alma Pirlet married Bertram A. Betts and had one son, former California State Treasurer Bert A. Betts. After the death of her first husband, she remarried and became the mother of four stepchildren. Her second husband died several months later, and Mrs. Pirlet reared five children by herself.

Mrs. Pirlet returned to school after she was widowed, knowing the advantage of education when choosing a career. She was a civilian worker with the U.S. Marine Corps and held the position of supervisor at the headquarters of the Depot Files from 1952 until her retirement in 1965.

Not many women can juggle the roles of mother, father, student, and worker simultaneously. Alma Betts Pirlet is the exception to that rule. She is the epitome of a truly liberated woman who has worked her entire life for her family, community, country, and ultimately the betterment of herself. Her time, dedication and energy have paid off. She is now a role model for 22 grandchildren and 37 great-grandchildren. My wife, Lee joins me in extending our warmest congratulations to Alma Betts Pirlet on her 90th birthday. We wish Alma our good friends, Bert and Barbara, and Alma's many children all the best in the years to come.

IN HONOR OF DR. SUE SHU-KWAN CHAN, HER DEDICATION AND EXEMPLARY COMMITMENT TO HEALTH CARE NEEDS OF THE ASIAN COMMUNITY IN THE EAST BAY

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. DELLUMS. Mr. Speaker, on June 11, 1988, Dr. Sue Shu-Kwan Chan will be honored by the Asian Health Services, Inc. (Oakland) for her commitment and dedication to the health care needs of the Asian community in the East Bay.

Dr. Sue Chan was born in China in 1941 and emigrated with her family to the United States in 1948. She lived in Ohio before coming to the bay area in 1974, where she now resides with her son, Adamo.

Dr. Chan has worked with Asian Health Services since 1974 as its first physician and medical director. Though paid only $1,100 a month for half time, she worked about 50 hours per week. As a medical professional, M.D., and masters in public health, Dr. Chan cares more about providing health care to the poor and underserved than about material wealth and fame. Her advocacy efforts for accessible and affordable health care services in Alameda County were instrumental in developing Asian Health Services into the only community clinic serving the multiethnic and multilingual Asian community and in helping to mastermind the first major bilingual campaign for immigrant and refugee populations.

Dr. Chan combined teaching with her medical practice. She taught Asian American studies health class for many years at the Asian-American Studies Department, University of California, Berkeley and inspired many of her students in the medical and health field to deepen their dedication, commitment, and sensitivity toward the medically underserved. Her students are now finishing residency programs and coming back to work in the community.

In her honor the Asian Health Services will present the first annual Dr. Sue Shu-Kwan Chan Community Service Award in the hopes of inspiring our youth to develop a perspective on community services when planning their lifelong pursuits.

Thank you, Mr. Speaker, for this opportunity to address the House in honor of an exemplary and committed human being, Dr. Sue Shu-Kwan Chan.

A TRIBUTE TO ATTORNEY WILLIAM HIGGINS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. TRAFICANT. Mr. Speaker, today I rise in order to pay tribute to Attorney William J. Higgins, a very special resident of my 17th Congressional District. This outstanding attorney will be honored at a testimonial on June 12, 1988. It is with great pride that I rise on the floor of the U.S. House of Representatives to salute this outstanding human being.

Mr. Higgins was born in Campbell, OH on February 6, 1925, and began his pursuit of a legal career when he obtained a bachelor's degree from Youngstown State University. After receiving his law degree from Ohio State University, he opened a law office at 25 South Hazel Street in Youngstown. He is still operating from the same law office, and thus has spent an amazing 37 years practicing law.

Mr. Higgins became the first black member of the Youngstown Law Department in 1960. During his 27 years as a diligent and tireless worker for the city, he served as Youngstown law director during the tenures of both Mayor Jack Hunter and Mayor Patrick Ungaro. His service as law director totaled 9 exhausting years.

Attorney Higgins has served as president of the Ohio Municipal Lawyers Association, legal counsel for the Youngstown Anti-Poverty Program, and a member of other organizations too numerous to mention. He was elected three times to the post of Democratic Precinct Committeeperson, and was appointed a special attorney general by the attorney general of Ohio. Certainly, Attorney Higgins is deeply deserving of this testimonial in his honor.

Thus, it is with thanks and special pleasure that I join with the people of the 17th Congressional District in paying tribute to the astounding accomplishments and truly admirable character of Attorney William J. Higgins.

HONORING THE BROOKLYN CONSERVATORY OF MUSIC ON ITS 90TH ANNIVERSARY

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. SCHUMER. Mr. Speaker, I would like to take this opportunity to recognize the Brooklyn Conservatory of Music which is celebrating its 90th year of music education in Brooklyn on June 17. That date marks another milestone with the retirement of the conservatory's executive director, Jess Smith.

The Brooklyn Conservatory, with its main branch in the Park Slope section of Brooklyn, has over 1,100 students and is an integral part of the culture of Park Slope.

It offers instruction in all styles of music for beginners. Its secondary division is designed to accommodate older beginning students who are learning music purely for their own enjoyment and its professional division enables those pursuing a career in music to study intensively.

Jess Smith has directed the conservatory for 31 years. During his tenure a second branch of the school was opened in Flushing, Queens, and the school now attracts students from all over the metropolitan area. He will be missed, but his energy and commitment will continue to guide the conservatory.

I hope all of my colleagues will join me in congratulating all the administration, faculty, board members, students, and their families for reaching this 90th anniversary and wish them continued success in the coming years. A special congratulations also to Jess Smith—may his retirement bring him much fulfillment.

A TRIBUTE TO EILEEN HOUSTON

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to Mrs. Eileen M. Houston, who is retiring from teaching after 31 years of dedicated service to the students and staff of St. Gregory the Great School in Bellerose, NY. Eileen Houston will be honored by her many friends for her innumerable outstanding contributions at a ceremony on June 12, 1988.

Mr. Speaker, the story of Eileen Marie Curran Houston is one of devotion and commitment to others. The daughter of John and Veronica Curran, and a native of Brooklyn, NY, she attended parochial schools of Nativity, Holy Innocents and was graduated from St. Gregory the Great in Brooklyn. She continued her education at Mercy High School where she played basketball and participated in school plays. She completed her formal education at Brooklyn College.

In 1945, she married a Brooklyn neighbor, Herbert Houston, after he completed his service in the U.S. Army. They settled in Bellerose, NY in 1950 and raised two sons, Thomas and John.

Thomas is a senior vice president and partner of Roosevelt & Cross, a municipal bond trading company. John is a detective in the New York City Police Department. The successful lives of Thomas and John is a tribute to Eileen and her husband Herbert. Eileen is also the loving grandmother of five grandchildren.

She began her career at St. Gregory's in 1957 as a volunteer teacher's aid. She served in that position until 1960 when she was asked to join the teaching staff. She was named "Teacher of the Year" in 1980, and received "Religious Merit Awards in 1974 and 1980 from the Brooklyn diocese.

Earlier this year she was honored at a "Celebration of Women's Gifts," a special mass to recognize a select group of women in the parish who have selflessly devoted their time and talents to the people of St. Gregory's and the community.

Mr. Speaker, the following passage from the "Celebration of Women's Gifts" program reflects how beloved Eileen Houston is:

> Eileen has been the First Grade Teacher in St. Gregory's for over thirty years and because of this has touched many of the families in our Parish. We are indeed proud to have had Eileen start so many of our children on their educational path with such tremendous devotion. Eileen was Teacher of the Year in 1980, taught in the C.C.D. program, held the office of Secretary of the Rosary Society for two different terms, participated in the Golden Jubilee Committee, is a member of the Rosary Society and a Eucharistic Minister. She is, of course, involved on a daily basis in many of the activities in which the school children participate.

Mr. Speaker, I congratulate Eileen Houston for her countless contributions to young people and the community. I ask my colleagues to join me in wishing her many more years of deserved happiness and success.

KILDEE HONORS CONGRESSIONAL PAGES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. KILDEE. Mr. Speaker, I would like to take this opportunity to express my personal gratitude to all of the pages who have served the House of Representatives so diligently this year.

These dedicated and hard working young people will soon be leaving to complete their high school education. They are: Heather Ackerman, Heather Albertie, Audice Baker, Nathan Belzer, Laura Bland, Nicholas Blosser, Samuel Byrd, Kathleen Callahan, Rachel Caplan, Mikko Carelock, F. Javier Carrazco, Aaron Chang, Julie Cherne, Tiffany Chu, Diolinda Ciccarelli, Roseann Corrigan, Benjamin Darden, Dana Drown, L. Jason Dudley, Wendy Emmert, Eric Eschinger, Crystal Fauber, Michael Findley, Bradley Fritcher, Sebastian Geraci, Sarah Gibson, Michelle Godfrey, Kevin Gould, Derrick Helm, Melissa Ho, Jennifer James, Gregory Janes, Jennifer Johnson, Salathiel Johnson, Myla Jolley, Christopher Keber, Jennifer Kravits, Audrey Kuylen, J. Denise Lami, Amy Livingston, Ondrea Maddox, Nicolas Maduros, Viana Martinez, Jill Morgan, Katherine Nelson, Eric Nuebecker, Michael Noppenberg, Keith Norwalk, Carey O'Connor, Edward Owens, Scott Peyser, Mary Pickens, Charles Porter, Diana Quintero, Scott Ray, Thomas Ryan, Gretchen Schlaff, Betsy Silva, Scott Stengel, William Stern, Andra Stoll, Kristen Stutz, Benjamin Tinsley, Blair Whitney, and Todd Winick.

It is sometimes easy for the Members of Congress and their staffs to take congressional pages for granted. However, we all realize the importance that the congressional pages play in helping the House of Representatives operate. This group of young people, who have come from all across our Nation, represent what is good about our country. To become a page these young people have proven themselves to be academically superior. They have ventured away from the security of their homes and families to spend a period of time in an unknown city. This experience has allowed them to witness a new culture, to make new friends, and to learn the details of how our government operates.

As we all have witnessed, the job of a congressional page is not easy. Along with being away from home, the pages must have the maturity to balance priorities for themselves and others. In addition to this, they must have the dedication to work long hours and have the ability to deal with people on a personal level. I am sure this will be considered as one of the most valued and exciting experiences in their lives, and that with this experience they will all move ahead to lead successful and productive lives.

Mr. Speaker, I ask my colleagues to join me in honoring this group of distinguished young Americans. They certainly will be missed.

IN PRAISE OF ELLIOTT ABRAMS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. HYDE. Mr. Speaker, one of the most effective and hard working diplomats in our State Department is Assistant Secretary of State Elliott Abrams. His assignments have been Human Rights, and later Inter-American Affairs. These most difficult assignments have been dealt with in Secretary Abrams' unique way—with energy, high intelligence and a keen sense of patriotism.

A distinguished writer, Michael Novak has written an interesting article about Mr. Abrams, in which I totally agree with and am pleased to share with my colleagues. It appeared in the May 27th issue of the Washington Times.

> [From the Washington Times, May 27, 1988]
>
> CALM AMID THE RHETORICAL BOMBS
>
> (By Michael Novak)
>
> Among the men and women in American public life to be most admired by their fellow citizens are those who bear with bravery and distinction the heat of the hottest battles and the longest days, and in the State Department this includes, above all, Assistant Secretary of State for Inter-American Affairs Elliott Abrams.
>
> It is good to thank them while they still are active.
>
> The front line of Soviet expansionism has for a decade now been Latin America, via Cuba and Nicaragua. On these matters, the American people are deeply divided. Partisan passions run high. Crises in Central America have been daily front-page news since at least the Panama Canal Treaty of 1978, under Jimmy Carter.
>
> Not even a "do-nothing" leader of U.S. policy could today escape controversy. Elliott Abrams has been a "can do" leader. He is brave. He is tough. He is smart. He persists.
>
> Obviously, Elliott Abrams is under daily fire, as will be his successor in the next administration. To serve in the government of

the United States these days is to be brutally attacked, often. One's whole life's work is smeared, one's character, one's family name. The experience is horrifying. Few continue under it with such indomitable cheer as Elliott Abrams.

His colleagues, career officers of many years' experience, openly admire three secrets about Elliott Abrams—and some of them even know a fourth and most important secret.

The first secret is Mr. Abrams' character under adversity. "The pressure during the Iran-Contra hearings would have crushed most," a veteran at State says. "Elliott's ability to withstand pressure is exceptional." Another says: "Elliott is amazing. Whether he has just suffered a policy setback or a harsh, personal attack, he's back in the office the next morning at 7 a.m., bright and enthusiastic."

The second secret is that Mr. Abrams speaks good Spanish, knows Latin America in detail, and admires the democratic vitality of Latin Americans. He absolutely never patronizes them. He tells the truth man-to-man, no pretense. He is direct and honest. Both elected leaders and opposition leaders telephone him directly, often at his home. He knows their problems in detail.

In Brazil recently, a major paper published a long and detailed interview with Mr. Abrams, evoking broad acclaim for Mr. Abrams' precision of detail and large mindedness. And for his humor, too: The reporter asked in which Latin American city Mr. Abrams would like to live? Without blinking, Mr. Abrams replied, "Miami."

Some Latin Americans don't like Mr. Abrams' quickness and directness. Mr. Abrams doesn't ask to be liked. His task is to clarify U.S. interests and intentions, period. "Elliott Abrams," says Armando Valladares, Cuban poet and author of "Against All Hope," "is one of the most knowledgeable experts in the problems of the Latin American countries. He has the necessary aggressiveness to represent the United States in that position like no other. I am proud of the friendship of a man like him."

Mr. Abrams' third secret, says a career officer at State who initially was skeptical, "has not been discovered by the press: Elliott is an ideologue about democracy. He is for democracy in Paraguay and Chile. He has defended democratic Peru and Guatemala from serious coup attempts.

Mr. Abrams is for democracy in Nicaragua, El Salvador and Cuba. Elliott Abrams' passion is democracy."

"In Latin America there are five people who hate Elliott Abrams most," another veteran at State says. "Castro and Ortega are on the list. But right up at the top are Noriega, Pinochet and Stroessner." There you have them: the five remaining dictators in this hemisphere.

Under Ronald Reagan, there have been no military coups in Latin America, and the rising tide of democracy in the world may be President Reagan's most enduring legacy—from South Korea and the Philippines to nearly a dozen nations in Latin America and the Caribbean. As assistant secretary of International Organizations, then of Human Rights, and finally of Inter-American Affairs, Elliott Abrams has done a good deal of the legwork for this "democratic revolution." His successor will have a tough act to follow.

Yet nothing in Mr. Abrams' territory comes easily; setbacks are many. Gov. Michael Dukakis, Democratic governor of Massachusetts, now challenges the alleged "deal" to drop drug indictments in exchange for Gen. Manuel Noriega's surrender of power in Panama. Mr. Abrams replies: "That's silly. Today those indictments cannot be enforced, and Gen. Noriega is ruling Panama. If we can use those indictments to force Gen. Noriega to surrender power and get out of Panama, that's a very good outcome that opens the door to democracy in Panama. What democrat opposes that?"

Should Americans oust Gen. Noriega by using the 10,000 American troops already in Panama, with reinforcements? Many Americans would not support that. Mr. Abrams is left to find another path.

Mr. Abrams has made mistakes, but he prides himself on admitting them quickly, apologizing for them and working harder to make up for them. He fears no intellectual fight. Rigorous honesty is his best asset, and if he doesn't hit a point on the head at first he'll always come back to it and clarify. Light doesn't frighten him.

Then there is the assistant secretary's fourth secret. Recent newspaper accounts in Baltimore and Miami mention it; it's the heart of the matter: Secretary of State George Shultz and President Ronald Reagan like Elliott Abrams a lot.

Who wouldn't? A clear analyst of complex realities, who stays calm and cheerful as rhetorical bombs explode around him, who doesn't ask to be loved or thanked, but who keeps plodding toward his goal; the establishment of practical, working democracies among all Latin American peoples who urgently desire them.

These are the goals of the president and of the nation. The citizens of the United States owe Elliott Abrams a lot for enduring long days and the torrid heat of criticism in order to make the fate of democracy happier at the end of his service than when he began.

Even against lesser odds, let his future successors do better—if they can. He's set the mark.

WORLD POPULATION CONTINUES TO CLIMB: INDIA A CASE IN POINT

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. KOSTMAYER. Mr. Speaker, I would like to call my colleagues' attention to an article that appeared last week in the New York Times. The article, "Indian Population Tops 800 Million" reports that India's population has grown by 120 million people since 1980. India's agriculture production, schools, and hospitals are unable to meet the demands of this growing population

The United States was at one time the leader in international family planning and population control. Our programs, and those of the private voluntary organizations we funded, were often the world's models.

Unfortunately, we have ceded that position over the last several years. The United States continues to withhold contributions to the U.S. Fund for Population Activities, a U.N. organization providing family planning services in over 75 countries world wide.

Mr Speaker, the administration is now trying to deny funding to any private voluntary organization that even informs women about abortion—even in countries where abortion is legal. This is the so-called Mexico City policy, and Representatives ATKINS, SNOWE, and I have introduced a bill to overtun it. I invite my colleagues to join us as a cosponsor.

The world's population, now over 5 billion, is growing at an alarming rate. Population growth already hampers global, regional, and national development and progress. As the New York Times article makes clear, the administration's preference for turning its back on the problem does not make it go away.

INDIAN POPULATION TOPS 800 MILLION

(By Sanjoy Hazarika)

NEW DELHI, June 1.—India's population has reached more than 800 million, and top Government officials say they are alarmed by the failure to bring a sharp drop in the nation's birth rate.

"The situation is very serious, and all our efforts to remove poverty and raise the standard of living of people are getting nullified," said Saroj Kharpade, the country's Minister of State for Health and Family Welfare.

India adds about 16 million people to its population every year and is eventually expected to overtake China, which has nearly 1.1 billion people, as the world's most populous nation.

At a meeting on Monday with top officials from across India to assess the Government's family planning program, Miss Kharpade warned that India was moving toward a situation where "there would be no houses, no water, no schools, no health facilities in adequate measure to take care of the increasing numbers."

STAGGERING GROWTH

The Indian Government is distributing contraceptives and promoting the idea of a small, healthy family as part of an overall drive to improve basic health. It has set targets for immunizing more than 80 million infants over the next years against diarrhea and other ailments that are major causes of infant mortality, which is a traditional reason for having large families.

Until recently, the Government had said that the population is about 780 million. But P.N. Srivastava, a member of the National Planning Commission, which draws up the country's development plans, said on Monday that there were at least 20 million more Indians than earlier believed.

"This is a staggering growth of more than 120 million people in less than eight years," said Mr. Srivastava, who was a university professor and administrator for more than 30 years. The last census, in 1980, had placed the population at 680 million.

GOVERNMENT GOALS ARE MISSED

At the conference Monday, representatives of different states described their problems. Several ministers pointed out that their departments often lacked enough vehicles, trained personnel and even telephones to make the campaign successful.

"I would not say that the family planning program has failed," Mr. Srivastava said. He said the national population growth rate had dropped from 2.2 percent a year to a current level of 2.13 percent. He wants it to be reduced to 2 percent by 1990. The Government's target was an annual rate of 1.9 percent in this period.

Mr. Srivastava said a higher standard of living, which has a statistical correlation to lower birth rates, would not solve the problem without better education. He attributed a high birth rate in Haryana, one of the country's most prosperous states, to the low level of literacy among women compared to southern India, where the birth rate is lower despite lower income.

The family planning program is one of the most sensitive political issues in the country. Reports of forced sterilizations in the mid-1970's contributed to the defeat of Indira Gandhi, who was then Prime Minister, in an election. Since then, sterilization and vasectomies have been carried out on a voluntary basis.

CELEBRATING THE 50TH ANNIVERSARY OF WINGS OVER JORDAN

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. STOKES. Mr. Speaker, On Saturday, June 11, 1988, the city of Cleveland will celebrate the 50th anniversary of "Wings Over Jordan," one of the best-known and finest Black choruses, which made its debut in Cleveland and went on to achieve international acclaim.

On behalf of the residents of the 21st Congressional District, it is an honor and privilege to join in the celebration of the anniversary of "Wings Over Jordan." Their music served as an inspiration to people throughout the Nation. The group was organized in 1936 by Rev. Glenn T. Settle who solicited the support of a Cleveland radio station to broadcast a "Negro Hour," which would include spirituals and speakers of interracial interest. Instant acclaim greeted the unique choir which was first heard over WGAR radio in Cleveland. Following its debut, the choir was overwhelmed with fan mail requesting performances. The group adopted the name "Wings Over Jordan" and went on to perform in concerts throughout the United States, Europe, Japan, Korea, and Italy.

During this time of segregation in America, the group served as a vehicle for bettering racial relations and promoting good will throughout the Nation. It also provided the opportunity to give recognition to blacks for their contributions to our culture and society. It was stated that "to hear 'Wings Over Jordan' sing programs of spirituals is to hear faultless rendition of music created by a race that has given America its most moving folk songs."

Mr. Speaker, "Wings Over Jordan" can boast an impressive list of accomplishments. The group has broadcast over 107 stations throughout the United States for 4 years uninterrupted. "Wings Over Jordan" performed before capacity audiences in more than 200 cities and received more than 5,000 letters weekly from fans. "Wings Over Jordan" was also responsible for CBS and radio station WGAR receiving the Peabody Award for outstanding public service in broadcasting.

Despite its success, the group never forgot its commitment to the community. The "Wings Over Jordan Scholarship Fund" was established to assist black youth in continuing their education and musical training.

Although no longer heard in the Cleveland area, "Wings Over Jordan" continues to perform in cities on the West Coast.

Mr. Speaker, as we document the musical heritage of America, it is important to acknowledge the contributions of groups such as "Wings Over Jordan." Their music bridged the gap between all races and united people throughout the world.

Again, I am proud to salute "Wings Over Jordan."

REMARKS BY HON. TIMOTHY SAINSBURY

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mrs. LLOYD. Mr. Speaker, a most interesting speech was delivered on May 26, 1988, by Hon. Timothy Sainsbury, Member of Parliament and Under Secretary of State for Defence Procurement for Great Britain. In this speech to UK-based defense industry representatives in Crystal City, VA, he articulately stressed the need for greater equipment collaboration and industrial cooperation among members of the NATO Alliance. Mr. Sainsbury is an experienced and highly respected expert on matters of British and NATO defense policies. I urge my colleagues to weigh these astute remarks, for although we may not agree in full with its content, he is a well-versed representative of one of our closest allies and staunchest defenders of NATO.

Mr. Speaker, I submit the aforementioned text to the CONGRESSIONAL RECORD in light of Mr. Sainsbury's knowledge, experience, and authority.

REMARKS BY HON. TIMOTHY SAINSBURY, BRITISH MEMBER OF PARLIAMENT AND UNDER SECRETARY OF STATE FOR DEFENCE PROCUREMENT, TO UK-BASED DEFENSE INDUSTRY REPRESENTATIVES, CRYSTAL CITY, VA, MAY 26, 1988

I have had a successful and enjoyable visit to Washington, with a series of meetings in the Pentagon and on Capitol Hill. A major topic of discussion has been the need to increase the momentum of our drive toward equipment collaboration and industrial cooperation. I am pleased to say that I have met widespread agreement on the importance of these issues. In my discussions, I have touched on the clear conflict between the need to enlarge conventional armaments cooperation and domestic political pressures to protect the defence industry.

Over the last two years we have seen here in Washington the very real threat that protectionist proposals would succeed and would damage the industry-to-industry cooperation which has been established over the last ten years. This, in turn, would have dealt a serious blow to the military strength of NATO. I am delighted to say that it now appears that the protectionists are not winning the day. The British Government has strongly urged the case for continued cooperation and open competition, and we greatly appreciate the fact that our colleagues in the US Administration have vigorously defended these policies. On Capitol Hill, a number of Congressmen and Senators have put forward proposals which would have been protectionist in effect, if not necessarily in intent. We have appreciated the efforts of many members of Congress to modify these proposals so that they do not come into conflict with the goal of international cooperation to which the majority of Congressmen and Senators remain committed.

Another issue which I have discussed is the need to strengthen the Alliance defence industrial base. Some proposals were made to protect the US industrial base by shutting out foreign competition. Such measures do not strengthen industry. They restrict the interchange of ideas and they shelter less efficient manufacturers from competition. Because of this, they weaken national defence and deter collaboration and reciprocal purchasing. I have, therefore, been particularly interested to see that the proposals contained in the Defense Authorization Bills from both the House and the Senate call for increased Pentagon coordination on industrial base issues and for positive steps to improve manufacturing technology in the United States. They do not, however, entail protectionist restrictions. We in the British Government will support positive measures to enhance the collective strength of the industries of the Alliance. Burden sharing and industrial cooperation must go hand in hand if we are to make the most effective use of the industrial and financial resources available on both sides of the Atlantic. We need to pay increased attention to reciprocal purchasing, equipment rationalization and the elimination of duplicate R&D.

As a procurement minister in the British government, I am a strong proponent of full international competition. The UK has a record that is second to none in the Alliance when it comes to evaluating American equipment in competition with our domestic products and buying it whenever it offers the best value for money. The best forms of transatlantic cooperation are reciprocal purchase and coproduction, and I believe that we have made excellent progress with the new initiatives towards cooperation that came from the Nunn-Warner-Roth Amendment. But there is still plenty of scope to get better value for money through cost-sharing and collaboration. That is the right way forward.

I firmly believe that British and American industries are ready to respond to the challenges which will be created by new US emphasis on the defence industrial base. I further believe that we now have an opportunity for greater and even more productive cooperative arrangements between US and UK industry.

HONORING MSGR. EDWARD JOLLEY ON THE 50TH ANNIVERSARY OF HIS ORDINATION AND HIS RETIREMENT

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. SCHUMER. Mr. Speaker, I would like to take this opportunity to recognize Msgr. Edward Jolley, pastor of St. Columba Church in the Marine Park section of Brooklyn, who is celebrating the 50th anniversary of his ordination and his retirement this weekend.

Father Jolley truly built St. Columba. In 1967, Bishop Brian McEntgart appointed Father Jolley to establish a parish in Marine Park. Mass was first celebrated in a local catering hall until a chapel could be built.

In 1970, St. Columba moved into its own home and 4 years ago an expansion transformed the building from a chapel into a full church.

Father Jolley not only oversaw the physical construction of the parish, but also initiated the programs that have rooted St. Columba into the community. The ladies guild was formed in 1968 and has taken the lead in countless fund-raising functions at the church. St. Columba also has active youth programs, including a little league, a softball league, and a basketball program.

He also launched a pastoral assistance program that administers to homebound parishioners, and a home care program. Father Jolley's insight has made this program a tremendous success.

St. Columba's 3,000 families will surely miss Father Jolley. But his spirit and energy will continue to lead the parish for years to come. I would like to wish Father Jolley all the best, and thank him for everything he has done for our community.

I would also like to welcome Father Edward Kiernan, who will be installed as the new pastor at St. Columba.

A TRIBUTE TO THE SIMCKESES

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to Rabbi and Rebbitzen H. Joseph Simckes for being named honorees of the year by the Hollis Hills Jewish Center. On June 11, 1988, this outstanding couple will receive their well deserved tribute before 400 people at the center, where so many simchas have taken place.

The event that night will be a true chozzucha—it is the 40th anniversary of Israel, the 40th anniversary of the Hollis Hills Jewish Center, and the bar mitzvah year of Rabbi Simckes' assuming the pulpit at this synagogue.

Rabbi and Rebbitzen Simckes have devoted their lives to yiddishkeit—the furtherance of Jewish education—and improving the quality of life for the people of their community.

To help continue the rich traditions of the Jewish religion, Rabbi Simckes has created the "sukkah-mobile" for the celebration of the sukkoth. This extraordinary service allows his congregation to perform the special mitzva of eating in a sukkah during that 8-day holiday. Rabbi Simckes also drives the "sukkah-mobile" to the Long Island Jewish Geriatric Center so that residents there can observe one of the commandments of the holiday.

Always sensitive to the needs of the people of the Jewish faith, Rabbi Simckes realized that many persons are not physically able to attend his inspirational sermons. In response he created "dial a prayer," a service that allow shut ins and hospitalized people to call the synagogue and hear a d'var torah over the phone. This program has been a huge success. People from as far away as Florida have called to listen to "dial a prayer."

Mr. Speaker, over the years the Simckeses have devoted a tremendous amount of time and energy to the community. Rabbi Simckes previously served as chairperson of the Task Force for Alcohol and Substance Abuse for the Federation of Jewish Philanthropies. For the past 2 years he has been president of the Rabbinical Assembly of Queens region. Rebbitzen Simckes is president-elect of the Queens/Nassau Principals Council. For the past 7 years she has served as president of the Oceanside Jewish Center.

To introduce people to the beauty and culture of the Holy Land, every year, for the past 20 years, the Simckeses have lead a tour of Eretz Yisroel.

Their endless energy and enthusiasm is an example to all of us. I am sure that their three sons, Daniel, Elan, and Ari; their daughters-in-law Abbey and Rachel; and their grandson Noam, share Rabbi's and Rebbitzen's Simckes' joy for being honored for their outstanding work.

Mr. Speaker, I consider myself a personal friend of the Simckes. A few years ago, Rabbi Simckes bestowed upon me the honor of being baal toreah at slichot services. He also permitted me to usher in the high holiday season. I will always be grateful for this.

I ask my colleagues to join me congratulating the Simckes for their great contributions to the community, and wishing them many more years of success.

KILDEE HONORS MICHAEL PELAVIN

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to a man who continues to serve as an outstanding leader in the American Jewish community and in my hometown of Flint, MI, Mr. Michael A. Pelavin.

Michael A. Pelavin, a leading attorney in Flint, has long been an advocate for promoting human justice both in our community and throughout the world. I will always remember working with Mr. Pelavin on the first fair housing legislation in the country back in 1968. During this intense debate, Mr. Pelavin provided valuable legal counsel and much needed leadership. Our successful struggle for fair and open housing in Flint will serve as one of the greatest accomplishments in our city's history, and we owe a great deal to Michael Pelavin for helping achieve this important goal.

Michael Pelavin's commitment to human justice has taken him around the world where he has served as a moral guide for promoting human rights. For more than 2 years he has served as chair of the National Jewish Community Relations Advisory Council. The NJCRAC, established in 1944, is the coordinating, advisory and planning body for Jewish community relations in the United States. Its member agencies—114 communities and 11 national organizations—together represent the overwhelming majority of affiliated Jews in the United States. The NJCRAC plays a leading role, often in coalition with other ethnic and religious groups. In most of the issues of domestic and international concern on which we deliberate here in Congress. In Mr. Pelavin's role as chair of NJCRAC, he has traveled to the United States/Soviet summit in Reykjavik, Iceland to press for the rights of Soviet Jews to emigrate. Few individuals accomplish in a lifetime what Michael Pelavin has accomplished over the last few years.

In addition to continuing his busy law practice, Mr. Pelavin has found the time to lead the NJCRAC on a number of issues of great importance to all of us. His efforts include working on the behalf of Soviet Jews, the protection of the State of Israel, and in defending those fundamental freedoms and civil liberties that are the foundation of our great democracy. Whether traveling around the United States or overseas, Mr. Pelavin has conveyed the message of the NJCRAC, and thus of the American Jewish community, on these critical issues. Michael A. Pelavin is an inspiration not only to his own community, but to all Americans.

Mr. Speaker, I ask my colleagues to join me in honoring a man who has done so much to promote and protect human dignity in our country and around the world. We in the Flint area are truly blessed to have a person like Michael Pelavin among us. I consider Michael Pelavin to be a man of the highest decency, and I wish him the best as he continues his fight for improving the quality of life for the residents of our community, and indeed, for all people around the world.

A SALUTE TO JOSEPH R. QUINN

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to salute Joseph R. Quinn, an elementary school principal from Long Island, NY, who plans to retire this September after 33 years of distinguished service in public education. Throughout his career, Joe's characteristic warmth, love of children, and dedication to excellence in education have been qualities that earned him the respect of students, teachers, parents, and his friends. He, therefore, deserves our recognition today.

Joe is a true New Yorker. Born in Brooklyn, he grew up in Queens and later moved to Long Island. After attending Iona at New Rochelle, Joe received his masters degree from New Paltz. Immediately after college, Joe Quinn began teaching in Selden Elementary School. Then he earned a certificate of administration and a doctoral degree while studying at Fordham and Columbia Universities. With these qualifications under his belt, Joe became a principal at several elementary schools including New Lane and, most recently, the North Coleman Road School.

Joe has always loved working with children. Constantly concerned about the academic welfare of young people, he has strived as a teacher and as a principal to get nothing less than the best for his kids. He is a disciplined and principled administrator who watches out for his students. I know firsthand. When my wife Carol Ann and I wanted our daughter to skip one grade in the New Lane school, we approached the principal and made our request. That principal determined that her best interests would not be served by such an advancement. He was none other than Joseph Quinn and my daughter was well served by his judgment.

Furthermore, his love for children extends to the home as well as the school. Along with his wife, Ann, Joe has raised a wonderful family of 10 children.

A political activist as well, Joe served as constituent representative under Congressman Otis Pike, one of my predecessors in the First District of New York. After Mr. Pike's retirement, Joe became the chairman of the Democratic Party in Smithtown. For 10 years, he has served in this capacity. He plans to continue doing so after retiring. In addition, Joe wants to instruct teachers and to travel about the country visiting his family.

Looking back on his service in the Middle Country School District, Joe will undoubtedly miss being the principal in a school where several hundred people know him well enough to say "hello" with great affection. This is a nostalgic time for him as he attends his last school concert and his last field day. One cannot help but be impressed by the amount that he cares and remembers about each person he meets. Now, Joe sees the fruits of his work as he says goodbye to the children of parents who he once taught at the Selden School. Joe, I wish you the best.

Let us take this moment now to remember not only Joe Quinn in his retirement but also all teachers, administrators, and other people who have strived to give our children an outstanding education.

SALUTING KENNETH L. BIRCHBY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mrs. ROUKEMA. Mr. Speaker, on Friday, June 10, 1988, the Bergen County Council of the Boy Scouts of America, at the Ramapo Business and Industry Lunch-o-Ree, will honor one of its most successful former Eagle Scouts, Mr. Kenneth L. Birchby.

Mr. Birchby, a long-time friend, is currently the chairman and chief executive officer of the Hudson City Savings Bank and is being honored for his outstanding business and community leadership.

Ken's long career in the banking industry spans a period of some 50 years of service to the local communities within which he has served. He is an American success—a self-made man. He worked himself up through the ranks of the banking industry starting in position of teller, and moving on to special agent, assistant comptroller, vice president, president, and now, chairman and CEO. In other words, he has reached the top the "old-fashioned" way: He worked for it.

Born in Columbus, IN, Ken and his devoted wife, Julie and his two sons, Kenneth, Jr., and John, now reside in Saddle River, NJ. Ken attended Strayer College, in Washington, received a law degree from St. John's University and attended the Graduate School of Banking at our own Rutgers University.

During his long and distinguished career, Ken has served as the president of the Jersey City Chamber of Commerce; vice president of the Hudson County Chapter of the American Red Cross; president of the New Jersey Savings Bank Association; president of the National Association of Mutual Savings Banks; director of the Commerce and Industry Association of New Jersey and past chairman of the board of regents of St. Peter's College.

Indicative of the distinction Ken was to later achieve, he earned the rank of Eagle Scout. To achieve that high rank, a Boy Scout must earn at least 21 merit badges. Ken, with his energy, drive, and total dedication to scouting, earned an unprecedented 51 merit badges.

I have no doubt that a large part of Ken's success in later life can be traced to his participation in the Scouts.

Mr. Speaker, I wish to take this occasion to extend my warmest congratulations for this well deserved tribute. On behalf of all the people of the Fifth Congressional District, I urge my distinguished colleages to extend their own best wishes to Ken Birchby: captain of industry, devoted husband and father, community leader, and all around good Scout.

FAREWELL TO GUAM'S FIRST CONGRESSIONAL PAGE

HON. BEN BLAZ

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. BLAZ. Mr. Speaker, I rise today to bid farewell to a remarkable young lady who has served the last year here in the U.S. House of Representatives as Guam's first and only congressional page—Miss Tiffany Chu, daughter of Mr. and Mrs. Gordon and Aileen Chu of Guam.

I have received first-hand reports from my colleagues who are unanimous in their praise and admiration of the job Tiffany has done. During her service in Washington, she has clearly distinguished herself both as a top student and an excellent page. What impresses me most about Tiffany is her ability to perform her duties in this high-powered environment with such poise and grace uncommon for one her age.

One of the top high school students in Guam, Tiffany is credited by her peers as practically teaching the advanced math class at the page school. Overall, she has maintained an "A" average in her other courses and has been nominated for induction into the National Honor Society. Tiffany's superiors also give her high marks for fulfilling her responsibilities as a congressional page in a professional and good-natured manner.

Guam is truly proud of Tiffany's accomplishments and standard of excellence she has set during her tenure here. Mr. Speaker, Tiffany Chu is a magnificent example of the quality of potential leaders that my congressional district, the Territory of Guam, has to offer our country.

COMPLETEDCONTRACTMETHOD: A VICTIM OF BAD TAX POLICY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. CRANE. Mr. Speaker, sound tax policy took a back seat to revenue raising over the past few years. To meet Gramm-Rudman targets without increasing tax rates or slowing down the rate of growth in spending, Congress has been forced to accept some pretty bad tax policy.

One specific target of this approach has been the U.S. defense industry. In 1986, Congress decided to accelerate the taxes paid by many large defense contractors at the insistence of the Ways and Means Committee. The House-Senate conference agreement was to raise $3.5 billion from long-term contractors. The details were left to the staff. This targeted tax increase was accomplished by requiring contractors to use two methods of accounting for the same income. Forty percent of this income was required to be reported under the cost-to-cost percentage of completion method. The remaining 60 percent continued to be reported under the taxpayer's normal method of accounting. In 1987, Congress, again at the insistence of the Ways and Means Committee, changed the 40/60 split to 70/30—taking away one-half of what remained of these contractors normal method of accounting.

The merits of these compromises are nonexistent. While our political system is filled with compromise, making defense contractors report income under two methods of accounting is absurd. This is what happens when revenue is the sole target and sound tax policy, or, even rational tax policy, becomes less important than revenue.

What adds further to this debacle is that a compromise reached in 1986, to provide the revenue to make the 1986 bill revenue neutral, didn't even last a year. The Ways and Means Committee came right back after the remaining portion in 1987.

Cost-to-cost percentage of completion does not raise revenue that otherwise would not have been collected. It only accelerates the time when these taxes must be paid. Under current law, defense contractors are required to pay tax on 70 percent of their income from long-term contracts before it is earned under "cost-to-cost" percentage of completion. This system requires income from a long-term contract to be reported as costs are incurred on a contract. It assumes that the contractor earns the same margin of profit on each dollar of cost incurred. You don't need to be a Ph.D. in economics or a CPA to know that incurring cost does not reflect the manner in which income is earned. For example, if a contractor purchases supplies and materials to perform a contract, the cost-to-cost system requires the contractor to report taxable profits before anything is done with the supplies and materials.

The purchase of supplies and materials itself produces taxable income under the cost-to-cost percentage of completion method. This does not always work in favor of the Government. By deferring costs, contractors can defer income even beyond the time at which they have a right to bill, or the completion of the contract.

There is an exception to the cost-to-cost percentage of completion system for certain small construction contractors. No exceptions have been provided for long-term contractors who manufacture goods. The failure to provide an exception for any manufacturers demonstrates the lack of understanding on the part of Congress of accounting for long-term contracts. The rules used prior to 1986, were developed by Treasury in 1976, and modified in 1982, with the agreement of Congress. In taking the area away from Treasury, Congress was not mindful of the breadth of the sweeping changes. Prior to 1986, taxpayers who performed long-term contracts could elect special long-term contract rules. This election was provided to avoid controversies that resulted from the use of the accrual method of accounting by defense contractors. A large number of businesses that qualified for this election did not make it and continued to use the accrual method of accounting. In 1986, Congress imposed the cost-to-cost method on all long-term contractors, including these taxpayers, many of which are small businesses that manufacture unique items or individuals that do custom work. For example, custom tailors, dressmakers, and cabinet-makers are all affected and are required to accelerate income before it is earned.

My point is not that the cost-to-cost system more clearly reflects income for these small businesses than for the defense industry, but that these instances more vividly display the absurdity of a rule that equates the incurring of costs with recognition of income.

HONORING THE INTERNATIONAL IMMIGRANTS FOUNDATION ON THE CELEBRATION OF THE AMERICAN ETHNIC PARADE

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. SCHUMER. Mr. Speaker, I would like to take this opportunity to recognize the International Immigrants Foundation which is paying tribute to our immigrant heritage with the American Ethnic Parade on June 19.

America truly is a nation of immigrants. It is a melting pot of ethnic communities, and in the true sense of a melting pot, each community brings its own flavor and heritage.

But along with preserving each community's unique style, ethnic groups can learn from one another. Bringing communities together and facilitating the dialog is what the American Ethnic Partnership of the International Immigrants Foundation aims to do with this year's parade.

I would like to thank the leaders of the foundation for all of their hard work. I'm sure this year's parade will be a success, and hope that the spirit and good will of American Ethnic Day will be preserved throughout the year.

HARMAN INTERNATIONAL

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. LEVINE of California. Mr. Speaker, I rise today to call to the attention of my colleagues an article in Monday's Washington Post Business Section regarding Sidney Harman and his firm, Harman International.

Harman International is an anomaly among American firms. At a time when the American electronics industry appears to be on the verge of becoming an endangered species, Harman International is winning the international trade war through its dedication to quality, technological innovation, and imaginative marketing. As a result, its companies are among the most respected in the industry and are experiencing an annual growth rate of 20-25 percent. About half of the company's income is derived from overseas sales. Many people have said that the United States cannot compete effectively in the consumer electronics industry—Sidney Harmon has proven them wrong.

As the article effectively illustrates, those who argue that the United States should throw in the towel on manufacturing and, instead, build an economy on services, are wrong. If America's economy is to grow and prosper in the coming decades it must be built on a foundation of a vibrant manufacturing sector. It is almost impossible for a company to have a strong influence on the marketplace if it does not make its own product. Long-term commitment to manufacturing, as evidenced by an emphasis on market shares rather than profit, is an integral part of Harman's approach to reviving American firms' ability to compete internationally.

Individually and collectively the companies of Harman International have helped advance the state of the art in their industry. They have consistently led the way in the development and commercialization of new technologies. They could well be used as a case study for what American companies should do to regain the edge in the global marketplace.

Mr. Speaker, I commend the following Washington Post article to my colleagues' attention.

[From the Washington Post, June 6, 1988]

HARMAN PROFITS IN ELECTRONICS MARKET ABROAD

(By John Burgess)

Not many people would guess that Harman International Industries Inc. is an American company, let alone a Washington one.

It manufactures consumer electronics equipment in a collection of factories across America. It exports to Japan and to Western Europe, where its products are much-admired and displayed prominently in glossy audiophile magazines. And it is making money at a healthy clip, buying up factories and talking of doubling sales.

"This company can continue to grow at a compound rate of between 20 and 25 percent annually," predicts founder and chairman Sidney Harman from his headquarters on Connecticut Avenue just south of Dupont Circle." . . . Do that for three years, this half-billion-dollar company will become a billion dollar company."

In an era when U.S. electronics companies have all but ceded the world consumer market to foreign competitors, Harman International is a rare bird. Its optimism and international scope seem more in line with the 1950s, when the U.S. audio industry was on top of the world.

But few people see Harman as leading a charge by which American companies will regain the vast ground lost to the Japanese and other foreign producers. Rather, it is viewed commonly as a case study—and a particularly successful one—of how a handful of U.S. consumer electronics companies have accommodated the realities of the 1980s by focusing on high-margin, low-volume sales (it is happy to sell you a $50,000 sound system for your living room).

"When you cater to a particular market niche," says Marc Finer, director of Communication Research Inc., a Pittsburgh marketing firm, ". . . you are often times able to develop a product that appeals to a segment of the market that normally wouldn't be dealt with by a major multinational."

Harman rejects the idea that his company's success lies in a protected niche approach. (The Japanese, he says, have made repeated efforts to grab his business but have failed.) The principles that guide his company, he says, could be applied by any U.S. manufacturer serious about reentering the mass electronics market. But he concedes that Harman International, for the time being at least, is not going to stray from the high-end business line by which it has done so well.

As one of the founding fathers of the stereo business, Sidney Harman speaks with some authority. An engineer by training, he was among the audio buffs who in the early 1950s soldered together top-quality sound systems at home and helped set the hi-fi revolution in motion. He tried to persuade his employer, a public address system maker, to branch out into the new field but wasn't satisfied with the response. So he left, and with partner and friend Bernard Kardon and $10,000 in capital he founded Harman-Kardon Inc. in 1953.

The company went on to become a major stereo brand, ranking alongside Fisher, Marantz and Bose. It helped pioneer the concept of selling high-quality home sound systems as components to be selected and wired together by the user, rather than as complete cabinet units, the strategy that mass producers like RCA were following.

In the 1960s and 1970s, U.S. dominance in the electronics business began to slip. Low-cost producers in Japan began making inroads into the radio, TV and home audio-equipment markets. In some cases, they illegally sold at below cost to build market share. But many analysts think that old-fashioned competitive spunk among the Japanese was the more important reason.

They made strategic investments in advanced technology at the right time and captured the market," said Doug Olesen, president of Batelle Memorial Institute, a Columbus, Ohio, research group. "The U.S. didn't." Later, developing economies like South Korea, Taiwan and Mexico joined in the fray.

Reeling and confused, many U.S. companies responded by shifting their production overseas. Others got out of manufacturing altoghether. Japanese companies, for instance, quietly were given the job of making much of RCA's consumer product line, which continued to be sold in this country under the American label. Many venerable American labels, such as Fisher, were acquired outright by foreign companies.

The consumer electronics business in this country was fast on its way to being little more than a marketing operation for foreign producers.

But through it all Sidney Harman's company, renamed Harman International, continued to prosper, earning $9.1 million on sales of $136.6 million in the year that ended Aug. 31, 1976. In 1977 came a major change: It was sold to the Beatrice Foods conglomerate of Chicago. Harman says he wanted to unload his 25 percent stake to avoid any conflict of interest after his appointment as undersecretary of commerce in the Carter administration.

In 1980, Harman left the government and, itching for the old life, decided to rebuild the company, though in a different form. It had been experiencing trying times under Beatrice's ownership. He and a group of investors bought back portions of it, and passed on others.

Emerging in June of that year, this new Harman International had about 60 percent of the old company's assets. Washington was home for Harman by this time, so he put his lean corporate headquarters here (it currently has only seven people). In 1985, the company scored a first of sorts by regaining some territory lost by the U.S. industry. It bought back the Harman-Kardon label from the Japanese company that had acquired it, Shin Shirasuna, now part of the giant Hitachi group.

Through acquisitions and internal expansion, Harman International's sales have soared from $80 million a year when the company was reconstituted to an expected $460 million in the year that will end June 30. In November 1986 it went public and is now traded on the New York Stock Exchange.

Loudspeakers constitute about 80 percent of its business, ranking Harman as the country's largest speaker producer. The focus is medium and high-end models, the type bought by studios and concert halls (Wolf Trap and the Kennedy Center are among the Washington area customers) and by home listeners who may love their equipment more than their music.

Its labels include JBL, Infinity, Pyle, EPI, Concord and the pioneering Harman-Kardon. In addition to speakers, it offers home and professional equipment such as tuners, compact disc players, turntables and video projection systems. It also has a stake in equipment for the ordinary person, mass-producing low-cost speakers that Detroit automakers put in their cars.

As the company looks to the world for its market, its founder has become something of a crusader on how American industry could shape up. Proud of his approach and convinced it is sound, he has coauthored a book on international competition and endowed a program at Harvard University that aims to turn graduate students into "agents of change." At age 69, he has the energy of a younger man.

Harman argues that severe short-sightedness has taken hold in U.S. executive suites. He offers a three-point formula for turning it around: stay in manufacturing, think globally, be humane to your employees.

A company can't be an important force in a market, he contends, if it doesn't make the product. His company operates what it calls the country's most automated speaker plant, a 189,000-square-foot facility in Martinsville, Ind., that makes more than 10 million speakers and 300,000 complete car audio systems a year. In Northridge, Calif., it operates other highly automated production lines for speaker cabinets and assorted electronics products.

A company needs a long-term commitment to manfuacturing, he said, and should stress market share over profit. Noting that a number of U.S. companies are rushing back into production now that the dollar is low, Harman called that "the worst damn reason in the world to decide to be in or out of manufacturing." To gain from a cheap dollar, he said, you need to be already in manufacturing when the dollar drops. Otherwise, the dollar may be high again by the time you gear up.

But like all electronics companies in this country, Harman has to include foreign-made components in much of its product line. And a factory owned and operated in Japan by Shin Shirasuna turns out the entire Harman-Kardon line of products. For Harman International's wares in general, the U.S. content is between 60 and 85 percent, Harman estimates.

The company began selling in Japan three decades ago and has learned that it must look to the world as its marketplace. "We clearly are in a global economy," said Harman. ". . . The limitless American marketplace has been demonstrated as not so limitless after all."

Some of its products are designed specifically to fit foreign tastes—the Japanese prefer different tone quality and cabinet style in their speakers than Americans do.

Today, the company's income is derived about half abroad, from sales to homes and institutions and doing well by the cheap dollar. It has installed sound systems in the Sydney Opera House in Sydney; the Mozart Museum in Salzburg, Austria; the Royal Danish Theater in Copenhagen; NHK Hall in Tokyo and the Comedie Francais Theater in Paris.

It is realizing a bit of the great dream of western companies—penetrating China. It is installing a sound system in the Great Hall of the People in Beijing, the sprawling facility where the Chinese government fetes state guests.

THE JIM DANDY SKI CLUB

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. CONYERS. Mr. Speaker, a local Detroit organization is celebrating its 30th anniversary this month. While this is nothing extraordinary in itself, the history of the organization is interesting and inspirational.

The Jim Dandy Ski Club is the oldest black ski club in the United States, currently numbering about 400. In 1955, some of the founding members joined the Wayne State University Ski Club in order to participate in its organized trips. But at that time, blacks were not easily accepted in what was essentially a white sport. Frustrated by the way they were treated, they began a campaign to interest other blacks in skiing and to form a club which would provide a more friendly environment for enjoying the sport.

In 1958, the Jim Dandy Ski Club was established, taking its name from a popular rhythm and blues recording, "Jim Dandy to the Rescue." Approximately 30 members joined in that first year.

In March 1962, a major article in Ebony Magazine aroused national interest in the group, and the Jim Dandys were invited to ski in Colorado by the only black on the National Ski Patrol. Since that time, members have made at least one trip to Colorado each year, and have added to their itinerary Stowe, VT, Germany, Austria, France, and Spain. They have come a long way from their early days at Teeple Hill in Pontiac, MI, on slopes with as much mud and gravel as snow.

The Jim Dandy Ski Club has grown in its mission as well as its numbers, providing important support for young people who are interested in learning to ski—particularly economically disadvantaged youth who would not otherwise have such an opportunity. Building self-confidence, as well as exercising the body, is a primary goal for the Jim Dandys.

I congratulate the Jim Dandy Ski Club on its 30th anniversary and wish its members much success in the years ahead.

DR. JOSEPH MANCH: A GREAT EDUCATOR, AND GREAT AMERICAN

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. KEMP. Mr. Speaker, it is with great personal sadness that I announce the passing yesterday of Dr. Joseph Manch, a close friend to the Kemp family. Joe Manch was a dedicated public educator, serving as superintendent of the Buffalo Public Schools for 18 years. During his many years in the Buffalo area school system, he strongly supported the magnet school program, which improved the quality of education for every school child in the area of every race, color, creed, and economic status.

Joe was a remarkable man. A poet, photographer, and sports enthusiast, he devoted his professional life to helping others achieve their highest educational potential. He served in many capacities in the Buffalo educational system, and I know he left his mark on all of them.

My wife, Joanne, and I extend our deepest sympathies to his wife, Dorothy. We will all miss him. I am including an article on Joe Manch which expands on his many achievements on behalf of our community and our country. His example will live on as a true memorial to this "Rennaissance Man," this "Man For All Seasons," this great American and dear friend.

DR. JOSEPH MANCH, EX-SUPERINTENDENT OF BUFFALO PUBLIC SCHOOLS, DIES AT 78

(By Carolyn Raeke)

Dr. Joseph Manch, a dedicated educator who was superintendent of Buffalo Public Schools for 18 years, a published poet and an avid and accomplished photographer, died Tuesday in Buffalo General Hospital. He was 78 years of age.

"He was a wonderful guy," Dorothy, his wife of 54-plus years, said Tuesday night. "It was terrific being with him."

Manch was born in Poland on Jan. 1, 1910, and came to the Niagara Frontier with his family when he was 6 months old. He graduated from School 32, Hutchinson Central High School and the University of Buffalo, where he was class poet, a champion wrestler, boxer, a track man and football player.

In 1982, at the 50th reunion of his UB undergraduate class, Manch recalled an incident during a college football game against Long Island University. There were several sizable Jewish players on the opposing team and playing upstate, they thought they could get away with calling their signals in Yiddish.

They didn't realize that Manch, the son of an Orthodox rabbi, understood what they were planning. "They indicated where they were going in Yiddish and I was able to block them frequently," he said. He received his master's degree in 1940 and his doctorate in 1955, both from UB.

His first teaching job was in the private Kohut School in Westchester County, but he soon returned to Buffalo to begin his long tenure here.

"He just wanted to be a teacher," Mrs. Manch said of her husband Tuesday night.

Manch himself attributed his desire to be part of the school system to the time when his English teacher at Hutchinson Central "made me feel that teaching was helping others. What a wonderful way to spend your life."

Starting as a $5-a-day substitute teacher, he later was assigned to regular duties teaching English at Seneca Vocational, South Park and Kensington high schools. In 1948, he served as a vice president of the Buffalo Teachers Federation and helped lead the city's first teachers strike.

He was named director of guidance in 1948, director of pupil personnel services in 1951 and assistant superintendent in 1953. In 1957, when he was 47, Manch was named superintendent, a position he held until his retirement in 1975.

He saw the city schools through several controversies and periods of transition, including racial integration starting in the early 1960s and the building of new schools. Manch was a pioneer in the battle for recognition of the unique educational and financial problems of large-city schools. His racial-integration policies stirred angry debate throughout the city and led to confrontations with citizens and Common Council members who opposed his views.

Although not a native Buffalonian, he was one of its biggest boosters, said Mrs. Manch, who added that he had turned down many offers of more money because they meant leaving Buffalo.

"Buffalo was his city," she said. "He was a real Buffalonian. We've been to 34 countries, but he thought this was the greatest city."

Manch's interest in photography included a book about Buffalo, "A City Is People," containing his photos and poems; a regular column, "The Camera's Eye," in The Buffalo Evening News in 1977-80, and several exhibits, including one in Albany in 1977 that also included verse.

A 1982 interview in The News noted that prints of Manch's photographs could be found in homes and offices throughout Western New York.

"Photographs are visual representations of beauty," Manch said. "They are paintings with light and shadow. They make a home interesting and attractive."

His photographs, which included portraits of actor Charlton Heston and eminent photographer Yousuf Karsh, also had stories that accompanied them—and which Manch loved to relate.

"He always had stories to tell," Mrs. Manch said.

The Manches, who met at the Jewish Community Center when they were 14 (she was born Jan. 2, 1919, the day after he was), traveled extensively, and Mrs. Manch said their most recent trip was to Hong Kong last summer.

Manch's civic and educational activities and awards cover several pages of letter-size paper, but among the most recent are the 1977 Chancellor Charles P. Norton Medal, the highest award from the State University of Buffalo, and the Jewish Center of Greater Buffalo's "Wall of Fame" in 1979, honoring outstanding Jewish athletes in the Buffalo area.

A memorial service will be held at 12:30 p.m. Thursday in Temple Beth Zion, 805 Delaware Ave. Burial will be in Forest Lawn.

In addition to Mrs. Manch, survivors include two sons, David, an attorney, and Richard, a physician both of Phoenix, Ariz., and three grandchildren.

BERKS COUNTY'S TRIBUTE TO NEW SWEDEN

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to the members of the Historic Preservation Trust of Berks County (Pennsylvania) and St. Gabriel's Episcopal Church in Douglassville, PA. On June 18, 1988, they will be making an important contribution to this year's nationwide New Sweden 88 celebration with the annual Mounce Jones Country Fair and Swedish Heritage Day.

As you know, Mr. Speaker, this year we are celebrating the 350th anniversary of the arrival of the first Swedish settlers to North America. After first settling in the area around Wilmington, DE, many of these settlers moved further up the Schuylkill River. By the late 1600's, they established a settlement at Old Morlaton Village in Douglassville.

These early settlers will be honored with the celebration on June 18, 1988. Luckily, many of the buildings established by the Swedish settlers are still standing in Douglassville, and, through the outstanding work of the Historic Preservation Trust, they have been fully restored to their original condition. Among these structures is the Mounce Jones House, which dates back to 1716 and is the oldest house in Berks County. In addition to a fair, country smorgasbord and Swedish folk dancing, a special service will be held in St. Gabriel's Episcopal Church. Originally established as a Lutheran Church, St. Gabriel's is one of only seven remaining churches in the United States founded by Swedish Lutheran pastors in the 17th century.

Under the able leadership of Mr. Raymond S. Elliott, president of the trust and senior warden of St. Gabriel's, the celebration is certain to be a huge success. The Swedish Heritage Days will provide all of us with an opportunity to recognize the contributions of the early Swedish settlers and their ancestors and to also celebrate 350 years of close relations between Sweden and the United States. Mr. Speaker, I know that my colleagues will join me in honoring the members of the Berks County Historical Preservation Trust and St. Gabriel's Church and in wishing all of them continued success and good fortune in the years to come.

H.R. 4740

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. ANDREWS. Mr. Speaker, I introduced legislation June 3, H.R. 4740, to discourage smoking in the United States, especially smoking by young people. Each year, more than 320,000 people die a smoking-related death. One-third of all cancer deaths are caused by smoking. These hundreds of thousands of deaths are preventable, if only these people did not smoke.

In addition, the costs our society must pay are tremendous. The annual health care bill for smoking-related diseases is $22 billion. The estimated bill for lost productivity is $43 billion.

This legislation, the Smoking Cost Recovery and Education Act, will recover 20 percent of the health care costs of smoking through an increase of 25 cents in the excise tax paid by cigarette manufacturers. The bill targets smoking among youth with counter advertising on the health hazards of smoking.

As a member of the Ways and Means Committee, I am very much aware of the need to raise revenue and reduce spending to eliminate the budget deficit. Ninety percent of the excise tax collected by this bill will be used to reduce the deficit. In the bill's first year the deficit will be reduced by $3.9 billion and over 5 years the deficit reduction will total $19.62 billion.

Not only does this bill attack health care costs, but it also tackles the fight against smoking. Preventing smoking among youth is the key to long-term success in this fight. Ninety percent of all smokers start by age 19 and 60 percent begins by age 14. A 25-cent excise tax increase will stop more than 1 million teenagers from smoking each year.

About 40 percent of our high school seniors do not believe that there is a tremendous health risk in smoking. Yet, every day nearly 1,000 people die from cigarette smoking. This bill will also fund antismoking advertising and education programs through a 10-percent earmark for the Smoking Cost Recovery and Education Trust Fund. The fund, $440 million in the first year, would be used to finance educational programs for young smokers about the health hazards of smoking; $440 million for antismoking education seems like a great deal of money, until one understands that it is only 5 percent of the amount the tobacco industry spends on advertising to attract new smokers.

The smoking-related health problems in minority communities are acute. For example since 1973, the lung cancer death rate among black men has risen three times faster than the rate among white men. Half of the Smoking Cost Recovery and Education Trust Fund will be used for minority youth education. We must work to educate our youth, especially those in our minority communities, about the dangers of smoking.

Finally, this legislation also requires the Secretary of the Treasury, in consultation with the Surgeon General, to conduct an ongoing study of the health care costs of smoking, smoking by teenage and younger children and the impact of the 25-cent increase in the excise tax on cigarette smoking by those children. Having this information updated every 2 years will tell us how we are doing in the battle to discourage smoking.

The future will not wait for us. Almost 1,000 people a day are dying from smoking-related diseases. The total cost of smoking for health care and productivity losses is $65 billion. Sixty percent of those who smoke started by age 14. We need to start now to prevent smoking by our young people and to save the thousands of lives taken by smoking.

I look forward to an active discussion of this issue in our committee and the Congress.

TRIBUTE TO MR. RICHARD STACK, EXECUTIVE DIRECTOR, CAPITAL AREA COMMUNITY FOOD BANK

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. FAUNTROY. Mr. Speaker, it gives me great pleasure and pride to acknowledge the outstanding contributions of Mr. Richard Stack in his role as executive director of the Capital Area Community Food Bank. As Mr. Stack now moves on to a new career opportunity, we in the Metropolitan Washington area wish to extend to him our admiration and gratitude for his dedicated years of volunteer and professional service directed toward minimizing hunger among the people of our community.

In 1979, Mr. Stack was among the progressive leadership initially organizing our community's food bank; and on the occasion of its charter on October 29, 1979, he was formally appointed its executive director. The January 15, 1980, "grand opening" of the Capital Area Community Food Bank warehouse was truly a fitting celebration of Dr. Martin Luther King, Jr.'s birthday, as Richard Stack and others led our community into a new era of service to our brothers and sisters in need.

Under Mr. Stack's leadership as executive director, the number of agencies served by the food bank has grown to more than 350 and the quantity of food distributed has grown to more than 6 million pounds annually. During his tenure, the food bank has also devised the unique "Sister Hook-Up Program" which is responsible for the direct distribution each month of over 120,000 pounds of surplus food from grocery stores to neighborhood charities. Mr. Stack has truly been a catalyst for cooperative action among social service agencies, religious organizations, financial benefactors, the food industry, and government officials. His leadership has shone as a beacon light to bring together people of conscience and commitment in helping to overcome the darkess of hunger and poverty here in the Nation's Capital.

Mr. Speaker, on behalf of all the people of the District of Columbia, I am privileged to join with the Capital Area Community Food Bank in honoring Mr. Richard Stack for his distinguished community service and in wishing him the very best in his personal and professional future.

THE IMPORTANCE OF THE SSC TO AMERICA'S FUTURE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. PORTER. Mr. Speaker, America cannot afford to back away from our commitment to the superconducting super collider [SSC]. If we delay, the Europeans will proceed with their own, smaller collider. The resources and the scientific talent that would have come to our SSC facility will remain abroad. The knowledge and expertise that our competitors will learn from the construction of their own collider will be lost to us. The high ground in high energy physics, which has been an American preserve, will pass to another generation across the sea.

Our American philosophy has always been to enhance the growth in the private sector by creating opportunities for healthy competition. Our competitiveness in science and technology is at a crossroads. The SSC project would further develop our preeminence in the field of science and position the United States to take a strong competitive role in the international arena.

We owe it to the next generation of Americans to provide them with the knowledge of latest technological advances to meet the challenges of the future. The United States is full of talent and resources and it is up to the Congress to spend the resources and talent wisely. We must show courage and confidence.

Americans have always looked to the Government to be the leading edge in technology and education. This tradition began with the Government's encouragement of the railroads. Today, the Federal Government is prime supporter of research in nuclear and high-energy physics, biomedical research, aerospace, aviation, and information technology.

NASA was created 30 years ago and has continued to be the forefront in developing advanced technologies in space. Landing on the Moon was a giant step for mankind—the SSC will be another giant step.

Land grant colleges were founded to emphasize the importance of an education system. Because the SSC is on the leading edge of scientific technology, many young people would be recruited into the field of science. It would send a strong signal to students that we value science, science education, and education in general. We must reverse the trend of declining numbers of college students choosing science as a major field and restore science to a valued position.

The education of our next generation is our most important business. The SSC will provide new opportunities for higher education, will encourage students to pursue careers in the sciences, and will contribute to the kind of highly skilled work force necessary to win the jobs and challenges of tomorrow.

We must remain committed to basic research. Our entire 20th century technological civilization is based on scientific knowledge driven by a curiosity about how the world works. The SSC will foster this curiosity. It is almost impossible to predict at the beginning of a particular scientific endeavor what practical application the results may have. The telephone was an accidental discovery that arose out of research on the telegraph. We cannot look for practical results immediately.

To delay the decision on the SSC by reducing the funding level means America loses. Delay means America becomes second best. Delay means American scientists go elsewhere to do their jobs. If the United States does not build the SSC, other countries are poised to do so—the Soviet Union and Western Europe both have collider projects on the drawing boards—and our opportunity will be lost. We cannot procrastinate and lose world leadership in high energy physics to our foreign competitors.

TRIBUTE TO CLARENCE PENDELTON

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. DANNEMEYER. Mr. Speaker, in commemoration of the inspiring work performed by Clarence Pendelton as the Chairman of the Commission on Civil Rights, I commend this statement by Commissioner William B. Allen to my colleagues:

STATEMENT BY COMMISSIONER WILLIAM B. ALLEN CONCERNING THE PASSING OF THE HONORABLE CLARENCE M. PENDELTON, JR., JUNE 5, 1988

Friends never part easily whether for a brief time, or forever. Penny was first of all a friend. We had not known one another long, but we knew one another almost at once. It was that way with almost everyone who came to know and love the Chairman of the Commission on Civil Rights. I came to the Commission because he was there; I shall remain because he was there.

The Chairman's vision of our fair land and its people began from the idea of friendship. He pressed the case of civil rights for all Americans, because he honestly believed that we would thus all be friends. He articulated challenges to old saws; he set forth conceptions of new tools for repairing the injuries of centuries. Penny once said to me that he was a metaphor-machine, that he spoke for all to find themselves in the images he invoked. He succeeded, recasting the debate within our country and inaugurating an era in which candor could become the staple of concern for the oppressed or forgotten.

The U.S. Commission on Civil Rights gained a voice with its first black Chairman ever, a voice which it must never lose. He gave of himself without reserve; we now know at what cost. He asked nothing in return but the esteem of his countrymen. It is now our turn to repay the debt, and to pay not only in fair reputation, but in rededication to the task of forging a citizenship of rights which unite rather than divide Americans. Penny, I take that pledge as I reluctantly say to you, "Farewell."

MEMORIAL DAY TRIBUTE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. MAZZOLI. Mr. Speaker, every year, on the last Monday in the month of May, Americans across the Nation observe a day of reflection and remembrance of the brave men and women who have sacrificed so much for our country. We call this important occasion Memorial Day.

Here in our Nation's Capital, roughly 20,000 people commemorated Memorial Day at the Vietnam Veterans Memorial and at Arlington National Cemetery. Smaller, though just as significant, ceremonies were held in other cities and small towns throughout this great land. In my hometown of Louisville, KY, there was a stirring ceremony at the Zachary Taylor National Cemetery.

Mr. Speaker, it is indeed appropriate that we honor those who are the cause of the freedoms we as Americans enjoy today. And, while we thankfully are at peace, this day should also serve as a reminder that these freedoms are not to be taken for granted.

As a veteran and public official, I salute the millions of brave men and women who have fought for and defended our democratic principals. They justly deserve our praise and thanks.

LIONS JOURNEY FOR SIGHT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. GILMAN. Mr. Speaker, too many of us take our sight for granted. One of God's greatest gifts to mankind. Without sight we would all be condemned to a world of darkness. Those of us in our society who struggle to overcome blindness deserve our help and understanding, while those researchers working to prevent the causes of blindness warrant our support.

Throughout the years, the Lions Clubs of America have been in the forefront of those providing assistance to the visually impaired, and supporting the prevention of blindness.

In my own congressional district in New York State, the town of Wallkill Lions Club and the Middletown Lions Club, with the help of the Lioness Clubs, conduct an annual "Journey for Sight." This well-attended foot race annually raises a great deal of money which helps the visually handicapped locally, and supports diabetes research—one of the major causes of blindness today.

On June 19, I plan to be on hand as the Lions Clubs conduct their annual "Journey for Sight." I invite all our colleagues to join in congratulating them on this outstanding achievement.

PERSONAL EXPLANATION

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. WILLIAMS. Mr. Speaker, I was absent for the vote on H.R. 3436, the Long-Term Home Health Care Act.

My absence was necessitated by my attendance at the high school graduation ceremony of my daughter.

Although I am supportive of protecting all Americans against the financial ravages of long-term health care, I would have voted against the rule on H.R. 3436.

The legislation and its effects have not been adequately considered by the House of Representatives.

This issue is of paramount importance and legislation must adequately meet the needs of our citizens in a way that is financially sound. I am not assured that H.R. 3436 satisfies that end.

TRIBUTE TO BURTON UPJOHN

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. WOLPE. Mr. Speaker, I rise to pay tribute to a very special man, Burton Upjohn. On Thursday, June 9, 1988 the Southwest Michigan Council of the Boy Scouts of America will present him with its prestigious Distinguished Citizen Award.

The award is being given to Burton Upjohn for his service to the Boy Scouts as well as in recognition of his countless, selfless contributions to his community.

As a member of one of Kalamazoo, MI's most prominent, philanthropic families, Burton Upjohn's contributions have been a life-long endeavor. Following his military service in the Korean war he returned home to begin his civic pursuits. He has served on countless community and organizational boards of directors and is known for his ability to recruit "armies" for public service. In 1986 Burton Upjohn received the Distinguished Service Award from the Junior Chamber of Commerce. The Kalamazoo Rotary Club recognized his service by selecting him to receive its Red Rose Citation in 1972. Additionally, he has received the Boy Scouts of America's Community Honors Award in 1969. He was presented with a honorary doctorate degree from Nazareth College in 1983.

But it is the Boy Scouts of America that Burton Upjohn holds near and dear. When he chaired the first Scout-A-Rama in 1961 he made a commitment to the organization that has never wavered. He has been an energetic and effective advocate, fundraiser, and organizer for the Boy Scouts and his dedication has paid off for the betterment of many young lives.

Mr. Speaker, I am certain that my colleagues will want to join with me in saluting Burton Upjohn for his outstanding contributions to the greater Kalamazoo community. No matter how many awards and tributes we bestow upon him, we will never be able to thank him enough to repay him for what he has given to us. I feel privileged to represent a person who so instinctively understands and promotes service to mankind, and whose actions have always spoken louder than his words.

CALIFORNIA SCHOOLS GET TOP MARKS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. EDWARDS of California. Mr. Speaker, I am proud to announce that 124 high schools and middle schools recently received the California Distinguished Schools Award. Two schools in my district received the award. The students, teachers, and administrators at James Logan High School in Union City and Newark Junior High School in Newark have done an exceptional job of improving the quality of education in their classrooms.

The award winners are the best all-around schools within each grade and socio-economic grouping. They were selected through a rigorous statewide process involving all 1,800 of California's high schools and middle schools. Awards were based on school test scores, improved student attendance and increased writing and homework assignments.

The accomplishments of the California distinguished schools are truly remarkable. The award not only acknowledges their achievements; but also sets a standard for other schools and encourages them to strive for excellence. I hope that many more schools follow the exceptional example the winners of the California Distinguished Schools Award have set.

INTRODUCTION OF THE EPA LAW ENFORCEMENT POWERS ACT OF 1988

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. DINGELL. Mr. Speaker, today, I am introducing legislation, along with the distinguished chairman of the Committee on the Judiciary and a number of our colleagues, to grant permanent law enforcement authority to criminal investigators of the Environmental Protection Agency. The EPA investigators must enforce statutes containing criminal penalties for violations of environmental laws, ranging from the illegal discharge of pollutants into waterways, to the midnight dumping of hazardous waste.

Under this bill, law enforcement officers of the Environmental Protection Agency with responsibility for the investigation of criminal violations of environmental laws may execute and serve warrants, make arrests, and carry firearms. The legislation provides that such law enforcement powers will be exercised in accordance with guidelines approved by the Attorney General.

Since 1984, the investigators have exercised these same law enforcement powers, on a temporary basis, pursuant to deputation by the Attorney General as Special Deputy U.S. Marshals. During the past 5 years, EPA criminal investigators have executed over 60 search warrants, including 23 in the last year. All of the EPA investigators have been through the Federal Law Enforcement Training Center at Glynco, GA, and almost all have previous law enforcement experience at State or Federal agencies.

The need for this legislation has been clear for over 5 years. In December 1982, the oversight subcommittee unanimously recommended consideration of legislation to provide EPA's criminal investigators with full law enforcement authority. In its referral of this legislation, the Department of Justice stated that, "The demonstrated success of this program, now a fully developed and essential component of criminal environmental enforcement, makes all the more vital that it be given legislative approval now." This legislation also has the support of the Federal Bureau of Investigation and the National Association of Attorneys General.

TRIBUTE TO DR. PAULETTE GOLL

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Ms. OAKAR. Mr. Speaker, I rise today to honor a woman of great stature in my community, Dr. Paulette Goll.

Dr. Paulette Goll was a student in my English class at Lourdes Academy who, 1 week before her graduation in 1965, went blind because of retinal detachments. The summer after graduation, Dr. Goll's eyesight was restored through surgery, whereafter she continued her impressive education and subsequent career.

Dr. Goll attended Tri-C College, followed by her completion of a B.A. and M.Ed. at Cleveland State University. She continued her professional education at the University of Bridgeport, where she received her M.A., and then on to Case Western Reserve, where she completed her Ph.D. in English.

Dr. Goll has been a teacher in the Cleveland public school system for 20 years, 17 of which have been at Lincoln West High School. In 1985, Dr. Goll was presented the Martha Holden Jennings Scholar Award for her outstanding work as a teacher in the northeast Ohio area. Last week, she was awarded the coveted Martha Holden Jennings Master Teacher Award. This award is a tribute to her working tirelessly and diligently with her students in the Cleveland public schools for all these years. The award is given to five teachers in the northeast Ohio area every 3 years; it has been 6 years since a teacher in the Cleveland area has been presented with this prestigious honor.

Dr. Goll's work with Project Success has been of particular distinction; one which evokes great pride in all of her fellow Clevelanders. Project Success is a dropout prevention program in the Cleveland public schools. Her work with Project Success is part of an experimental history project, and this project is unique to Lincoln West High School. At Lincoln West, the program works with students of overage who have a history of failure and of nonattendance in the school system. Additionally, Lincoln West is the only school in the northeast Ohio school system that conducts a program of accelerated learning. A student can possibly finish 2 years of education in a period of 1 year. Students in this program take the same tests and have the same course objectives as every other student in the public school system.

The dropout rate in the Cleveland public schools is 51 percent. Dr. Goll's experimental history project has been a successful attempt to deal with this important issue. Norma Thomas, Carl McWilliams, and Young Kim, staffers at Lincoln West, have also been very instrumental in making the dropout program work at the school.

I am personally very proud of Dr. Paulette Goll, and this well-merited award will allow her to continue her outstanding work in teaching.

A TRIBUTE TO THE DURHAM BUSINESS AND PROFESSIONAL CHAIN

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. VALENTINE. Mr. Speaker, an important business organization in the Second Congressional District of North Carolina reaches a milestone this year. The Durham Business and Professional Chain marks its golden anniversary in 1988. Throughout its life, the chain has provided outstanding leadership in the Durham business community.

Founded in 1938, the chain's slogan, "In union there is strength," underlined its dedication to promote the growth and development of black entrepreneurs, businesses, and professionals.

Because of the foresight and dedication of its members, the chain has been responsible for the growth and prosperity of hundreds of minority-owned businesses that have benefitted from the programs it offers and the opportunities it makes possible.

In its early stages, the chain sponsored a "Trade Week" and courses and workshops in business management. It also encouraged young executives to participate in community activities as a learning experience and to set a good precedent for community service.

The chain also provides an essential link in a program that aligns the Federal Government with local sources to propel minority businesses. The Minority Business Development Centers has resulted in loans, contracts, and increased procurement opportunities for minority businesses. The center, which was first located in Durham, now has offices in eastern and central North Carolina.

The research triangle area and the entire State of North Carolina owe the chain a debt of gratitude for its 50 years of service. This organization has had a significant impact on the expansion of minority-owned and operated businesses. In so doing, the chain has become a unique and valuable member of the Durham community.

I know that I speak for many North Carolinians in saluting the Durham Business and Professional Chain on its half-century of achievement and expressing my confidence that its future will be just as bright as its past.

IN HONOR OF THE 60TH ANNIVERSARY OF ST. RICHARD'S PARISH

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. LIPINSKI. Mr. Speaker, I rise to honor and recognize St. Richard's Parish as it celebrates its 60th anniversary.

Since those humble beginnings in 1928, St. Richard's has continued to grow and faithfully serve its parishoners and the Chicago community at large. St. Richard's has, as a religious institution, also been an important stabilizing force as the community dealt with the many changes which have occurred in our world over the past 60 years. A "celebration of love" marked this fact as all present and former parishoners who were married at St. Richard's were invited to renew their vows at a special February mass.

I am sure my colleagues join me in congratulating the members of the St. Richard's parish on this historic occasion, thanking them for their essential contributions to the community, and wishing them all the best in the future.

UNSUNG HEROES

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. LENT. Mr. Speaker, as President Reagan has so often pointed out, there are many Americans whose acts of selfless sacrifice and bravery in the face of danger have earned them the right to be called hero. They come from the small towns of the Midwest and the factories of the Northeast. Many will never become famous, but they deserve praise and recognition for their conspicuous feats of courage.

I am proud to pay tribute today to one such group of American heroes. The story began on Wednesday, May 24, a day that dawned like any other. Then, without warning, a truck carrying 2,500 gallons of propane overturned and caught fire on a major highway that runs through the villages of Seaford and Wantagh, NY, in my Fourth Congressional District. The threat of a massive explosion forced the evacuation of 500 homes and businesses, shutting down a section of the Long Island Railroad and causing massive rush-hour traffic jams.

Police officers went door to door to evacuate residents to emergency shelters at local schools and firehouses. There, the Red Cross and Salvation Army distributed cots and blankets, food and friendship to the families who took refuge in these buildings.

The inferno blazed for 45 hours as fire and emergency authorities kept a sleepless vigil. Firefighters worked day and night to control the flames. Then, finally, the fire was extinguished. The disaster was over, and life returned to normal as residents rushed home to make sure everything was safe and secure.

Everyone is grateful that this story has a happy ending. No one was injured, and families returned to their homes, schools, and jobs, a little weary perhaps, but safe and unharmed. This is an outstanding example of community cooperation under extremely difficult circumstances. The emergency personnel involved deserve the highest commendation for performing above and beyond the call of duty.

Unfortunately, there isn't room here to name individually the hundreds of people who came to the aid of their fellow citizens in this situation. However, I would like to cite the following groups for meritorious public service: the Seaford and Wantagh Fire Departments, the Nassau County Police and Police Auxiliary, the American Red Cross, the Salvation Army, as well as the administrators, members of the board of education, and the employees of the Seaford and Wantagh school districts. There are many others who deserve high praise for their efforts, and I congratulate them also.

On behalf of the residents of the Fourth Congressional District, I offer my deep respect and heartfelt appreciation. These men and women are the unsung heroes who comprise the fabric of America's glorious past and her bold, bright future. And of them, we are very, very proud.

PERSONAL EXPLANATION

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. PENNY. Mr. Speaker, because of business in my congressional district, I was not present June 3 during consideration of H.R. 4505, to authorize appropriations for the Department of Energy for fiscal year 1989. Had I been present, I would have voted "aye" on the Roe amendment to the Boehlert amendment, Rollcall 166, and "no" on final passage of the bill, Rollcall 167.

SANTA BARBARA AGENCY CELEBRATES CENTENNIAL WITH FIREMAN'S FUND

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. LAGOMARSINO. Mr. Speaker, the Fireman's Fund Insurance Companies is 125 years old this month and is also celebrating a 100-year association with Ogilvy, Gilvert, Norris & Hill of Santa Barbara, CA, its oldest continually appointed insurance agency. I would like to take this opportunity to congratulate the agency on its record achievement.

Mr. Speaker, the agency has a strong reputation in Santa Barbara and serves a number of celebrity clients. The best known of these is President Ronald Reagan. The agency handles insurance for his Santa Barbara home, Rancho del Cielo. President Reagan has spoken favorably of the agency and during a recent televised address sent special greetings "to my favorite insurance agent Jim Norris, who handles the coverage of all my Santa Barbara property." Some of their other well known insured clients include Dame Judith Anderson, Julia Child, Clifton Fadiman and Burl Ives, to name a few.

Mr. Speaker, the agency is also known for its help in handling the famous Sycamore Canyon Fire in July 1977 that destroyed 195 homes. Agency President Jim Norris served on the Sycamore Fire Committee which produced a booklet to help those who are insured plan for such catastrophes. Jim Norris also served as president of the Independent Insurance Agents and Brokers of California (IIABC) from 1967 to 1968. The agency has been an active IIABC member since 1926.

Mr. Speaker, I am very proud of the work of these individuals and ask that the House join me in recognizing their firm's 100-year association with the Fireman's Fund Insurance Companies.

JUNE 8, 1988: PORTUGAL DAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. RODINO. Mr. Speaker, this Sunday, we will celebrate Portugal Day. This special occasion is a time to recognize the accomplishments, in all fields, of Americans of Portuguese heritage. It is an opportunity to express our gratitude and appreciation to Portuguese Americans for their many contributions which have enriched the social fabric of life in our Nation. On this day, all Americans—regardless of their ethnic background—salute the Portuguese community and celebrate its rich cultural heritage.

Portugal Day marks the date in 1580 when the great poet and patriot Luis Vaz de Camoes died. His epic poem Lusiads—"Os Lusiadas"—recounts a golden age in Portugal's history when heroic Portuguese explorers brought their flag and their faith to the New World. With little more than 1 million inhabitants, Portugal's influence spread throughout the world and the horizons of mankind were forever changed. This courage and determination remains an important part of Portuguese heritage.

I am proud that my own city of Newark, NJ boasts one of the most vibrant Portuguese communities in the United States. Centered around the east ward of Newark and known as the Ironbound section, it is a prosperous and tightly knit neighborhood of close to 50,000 Portuguese Americans who have contributed to the rebirth of Newark with their strong sense of civic pride. It is an area renowned for its many restaurants and specialty stores which give it a unique ethnic flavor.

The Ironbound section is also the site of Newark's eighth annual Portugal Day celebration. This year's festivities are once again sponsored by the Portuguese American Federation of New Jersey. This exemplary organization has planned a celebration that will salute Portuguese heritage by commemorating both the richness of the past and the promise of the future. I want to salute the outstanding leadership of federation directors Bernardino Coutinho, Antonio Pinho, Jose Borges, and Fernando Martins. Their dedication and sense of commitment has enriched the entire community.

Mr. Speaker, I look upon the ethnic diversity of America as I do upon a beautiful tapestry—made up of so many different strands and a multitude of colors—all woven together to make a rich fabric that glows with its brilliance. On Portugal Day, we recognize and celebrate the vibrant strand of Portuguese heritage. Portuguese Americans have added greatly to the beauty and the enrichment of our American tapestry.

THIRD REUNION OF THE CREW OF THE U.S.S. "HANSFORD"

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mrs. VUCANOVICH. Mr. Speaker, from August 25 to 27, 1988, the World War II crew of the U.S.S. *Hansford*, APA-106, will meet for their third reunion in Reno, NV. As the Representative from the Second District of Nevada, and as a resident of Reno, I welcome this crew who served their country so well.

Their ship was decommissioned on June 16, 1946, after 19 months of service which included the invasion of Iwo Jima, the liberation of the Philippine Islands, participation in the occupation of Japan and service in Operation Magic Carpet, which resulted in bringing our troops home from the Far East.

I am pleased that the crew of the U.S.S. *Hansford*, APA-106, has chosen Reno, NV, as the site of their third reunion and wish them many more reunions to come.

TRIBUTE TO ISADORE A. SHRAGER

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. GRAY of Pennsylvania. Mr. Speaker, today I rise to pay tribute to Isadore A. Shrager, a dedicated community activist and leader in Philadelphia's academic, political, religious, and legal communities. An exemplary citizen and a longtime friend, Mr. Shrager is to be honored on June 21, 1988, by B'nai B'rith International with their 1988 Distinguished Leadership Award.

Mr. Shrager is a senior partner in the law firm Fox, Rothschild, O'Brien & Frankel. Devoted to the field of education, he has been a tireless supporter of Temple University. He has served as a member of their board for 16 years, as a member of their law foundation and their hospital board of governors. He has also been a dedicated supporter of the Community College of Philadelphia, serving as vice president of its board of trustees. He is chairman of the Committee on Administration Functions and Plant Operations of Girard College, and a board member of Main Line Academy.

"Iz," as he is known to his many friends, has been active in National, State, and local political circles for the better part of a lifetime. He has served as a delegate to eight Democratic National Conventions and is a member of the Pennsylvania Democratic State Executive Committee. Currently, he is vice president of the Fairmount Park Commission, a member of the board of directors of City Trusts and of the Pennsylvania Transportation Commission.

A prominent leader in the Jewish community, Isadore Shrager has served as Akiba Hebrew Academy's president for many years. He is the honorary president and board member of the Solomon Schechter Day School. A life member of the board of trustees of Har Zion Temple, Mr. Shrager has served as a member of the board of trustees of the Federation of Jewish Agencies of Greater Philadelphia for many years.

Iz Shrager has been honored by many awards in the past: the B.L. Jacobs Adult Award, the Cyrus Adler Community Service Award, the State of Israel Tribute, and the Democratic Tribute Award.

On June 21, 1988, I join with the members of B'nai B'rith International in honoring Mr. Isadore A. Shrager for his unselfish, dedicated, and inspiring service and leadership to his community, to the city of Philadelphia, to the State of Pennsylvania and to his country.

A SALUTE TO VICKIE ALLEN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. TOWNS. Mr. Speaker, on Saturday, June 11, 1988, members of the public and private sector will gather to pay tribute to my good friend, and one of the New York's most distinguished citizens, Vickie Allen. For the benefit of my colleagues, I would like to take a moment to highlight Ms. Allen's many accomplishments.

First and foremost, she is a community leader who has inspired hundreds of young people, throughout the years, to pursue a quality education and to develop a greater sense of responsibility, dignity and self-worth. It is safe to say that Vickie Allen's very existence has made this world a better place for our young people. In keeping with this mission, Vickie has been an active force which provided our young people with the opportunity to have summer camp experiences and/or summer jobs.

In addition to her work with Brooklyn youth, she actively participated in numerous neighborhood activities from community health care programs to welfare rights organizations. Vickie's commitment to improving day care facilities for Brooklyn families has led to her membership on the board of directors of many local day care programs, such as Harriet Tubman and Children's World Day Care Centers, just to name a few.

Since 1968, Vickie has served as the executive director of Multiservice Center No. 1 where she was previously the director of community service programs. Through her executive position with this social service agency, Vickie became a member of the East New York Directors' Association.

For more years than I can remember, Vickie Allen has been an inspiration to not only our youth but the entire east New York community in Brooklyn. I take great pride in asking my colleagues to join me in paying tribute to her on this occasion, as she moves on to greater challenges.

TRIBUTE TO COL. WILLIAM F. BRADKIN

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. MATSUI. Mr. Speaker, I rise to pay tribute to William E. Bradkin, who is retiring from his current position as the commander of Fourth Civil Engineering Flight, McClellen Air Force Base, after 32 years of honorable service. He will continue at this current position as a math instructor at American River College.

Col. William E. Bradkin was awarded the Legion of Merit in recognition of his management and technical expertise and for his contributions to the growth and training of Air Force Reserve civil engineering personnel. Colonel Bradkin, a reservist since 1959, served at numerous locations in California following 4 years on active duty, including a tour in the Marshall Islands, monitoring nuclear tests during the 1950's. He assumed command of the Fourth Engineering Flight and joint duties as deputy chief of staff, Engineering and Services in 1983. The flight is comprised of 38 engineering and service personnel who provide support to the 25,000 reservists assigned to Fourth Air Force units nationwide.

Mr. Speaker, Colonel Bradkin has spent his career as a loyal soldier and an inspiring leader. I join his friends, colleagues, daughter Lisa, and wife Cheryl in congratulating him on his well earned retirement and wishing him well in his future endeavors.

U S WEST TAKES ACTION AGAINST ADULT PHONE CALLS

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. HEFLEY. Mr. Speaker, some months ago I rose to applaud the actions of U S West, which had taken the action of moving adult-oriented telephone services to a separate prefix and offered free, phone-blocking to those that requested it.

This regional phone company, which serves 15 Western States, including Colorado, took this action unilaterally, in the best traditions of American business.

Last week, U S West went one better. Following up on the Justice Department's ruling that phone companies are not required to offer adult phone services, U S West announced it would disconnect such services by the end of this month. Presumably, these services could still find a home through private carriers but U S West's action has done much to lessen inadvertent threats to our young people.

Once again, I must commend U S West's action. Not only is their action the moral thing to do, it is an honorable thing to do. In these days of business bashing, I think some of us often forget that most of those in the private sector are motivated by the same aspirations as the rest of us and nothing better reflects upon our Nation as when those people act on those motivations to improve our quality of life, without regard to gain.

I am currently circulating a "Dear Colleague" letter to all Members of the House, asking that they join me in urging other regional Bell companies to follow U S West's action.

I think all of us who've voted on various dial-a-porn measures in the past few months know true enforcement cannot be accomplished without cooperation between Government, the Federal Communications Commission, and private-sector initiative. My letter to regional phone companies aims to strengthen one part of that equation while encouraging business to follow its best instincts. I hope you'll join me in this effort.

THE 70TH BIRTHDAY OF RAY MARGARGAL

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. CONTE. Mr. Speaker, today I have the privilege of honoring a friend and constituent of mine, Mr. Ray Margargal who recently celebrated his 70th birthday.

Ray's family and friends gathered together to toast Ray on the event of this 70th birthday. More importantly, it gave those close to Ray the opportunity to reflect on the many wonderful years they have shared with him.

Ray has spent a good portion of these 70 years entertaining and helping those around him. If he isn't singing with several choral groups or the barbershop quartet you can find him delivering "Meals on Wheels" to the elderly of Berkshire County.

Throughout his life, Ray has been a doer. Whether it was coaching basketball and baseball teams or getting involved with musical groups, Ray saw to it that he brightened other peoples lives. He has also been a great help to me through the years, selflessly volunteering his time toward my reelection campaigns.

Mr. Speaker, it has been my pleasure to honor Ray Nargargal on his 70th birthday. I am sure that his wife Helen and other members of his family made his 70th birthday party an unforgettable event and I would like to be made a part of it by taking this opportunity to personally congratulate him. I hope that you will join me in wishing Ray continued success and many more years of happiness.

PEACE CORPS FELLOWS PROGRAM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. RANGEL. Mr. Speaker, as the saying goes, "Nothing succeeds like success." A follow-up might be, "Nothing should be praised and copied like success." Both are applicable to the Peace Corps Fellowship Program.

Originally established in 1985 to attract mathematics and science teachers, the Peace Corps Fellowship Program is currently providing 29 returned Peace Corps volunteers with the opportunity to teach in the New York City schools. The program is sponsored by Teachers College at Columbia University, with help from the Xerox Corp. and the Hebrew Technical Institute.

In part, the program addresses the desperate shortage of math and science teachers, but more significantly, it seeks to utilize the experience and commitment of Peace Corps volunteers for problems closer to home. As explained by Lottie Taylor, principal of A. Philip Randolph High School in my Harlem congressional district, "They have a demonstrated commitment to an ideal."

I believe that it is time to praise the program, thank the sponsors and look forward to an expansive future. These former volunteers are experienced, motivated, culturally sensitive, and most importantly, they are a unique, educational source ready to be tapped. With that in mind, it is my pleasure to introduce the "Peace Corps Fellows Program Spring 1988 Update."

PEACE CORPS FELLOWS PROGRAM SPRING 1988 UPDATE

"Columbia's Teachers College deserves an acknowledgment of leadership for the outstanding example of a public-private initiative," wrote Loret Miller Ruppe, Director of Peace Corps, referring to the Peace Corps Fellows Program. On June 6th, in the Delegates' Dining Room of the United Nations, Teachers College President P. Michael Timpane will accept a "Leadership for Peace" award from the Peace Corps for the College's support, in spirit and in substance, of Volunteers abroad and those who have returned.

Now well into its third year, the Peace Corps Fellows Program offers a Returned Peace Corps Volunteer (RPCV) scholarship support towards a Master's Degree and a salaried teaching position. One of the program's partners, the Board of Education of the City of New York, licenses and hires the qualified and motivated RPCV educators for duty in the public schools.

Well-deserved applause goes to the Peace Corps Fellows, such as Thomas Pearson, Cathy Cross and Steve Wynn, who have distinguished themselves in their respective schools. Tom, a mathematics teacher in the South Bronx, had the highest student attendance rate of any teacher at his school. Asked by President Timpane what his secret was for success, Tom replied that it was calling parents every night and rewarding the students that came to class. Seventeen of Tom's high school students had perfect attendance last semester. But Tom does more than call parents; he stays after school to review lessons with students, submits detailed lesson plans on the days he is absent, and expects and receives quality work from his pupils.

Cathy teaches science at a school near Tom's. Last year she organized the first science fair in recent memory at her school. Nathan Quinones, who was then the Schools Chancellor, visited the fair and noted how interested the students were in their projects. She subsequently organized two other fairs, recruiting other Fellows to be the judges for the projects. One of her students won second place in a science fair this year for Bronx high school students. Cathy continues to motivate her pupils daily to investigate scientific principles for themselves. Many of them now say they want to become doctors or laboratory technicians.

Named Assistant to the Chairman of the Mathematics Department (probably one of the youngest in a New York City school), Steve is actively involved in redesigning the school's curriculum. The Principal asked Steve to join a panel of teachers in planning a school-within-a-school. This educational program will coordinate studies around a theme or profession. His contribution at the school does not end with that project; he is also charged with training a student-teacher from Fordham University.

Collectively the Fellows also can make a difference. Nine of the present Fellows or alumni of the Peace Corps Fellows Program are teaching in a public high school in Harlem, cited this year for "Excellence in Education" by President Ronald Reagan and Secretary of Education William Bennett. The Principal attributes part of the success of the school to the Peace Corps Fellows, who teach at all levels—from fundamental mathematics to Advanced Placement Chemistry and Neuroendocrinology. Three of the former Peace Corps Volunteers teaching in the Harlem school, Don Chambers, Mark Keegan and Bill Sorensen, who served in Zaire, Liberia and Kenya respectively, also teach on Saturdays in a special program exposing their pupils to science and engineering.

Another component of the Peace Corps Fellows Program includes the in-service training of Peace Corps Volunteers. Teachers College professors have conducted graduate-level classes overseas for Peace Corps educators and their native counterparts to improve their teaching skills. The workshops have been enthusiastically received. Dr. Bruce Vogeli, Chairperson of the Department of Mathematics and Science Education and coordinator of the summer initiatives, received nine invitations from Peace Corps country directors to hold workshops this year. The plans for this summer are now being negotiated with Peace Corps personnel in Washington, D.C.

The success of the Peace Corps Fellows Program would not have been possible without the support of the donors, who provide the financial assistance for the fellowships and scholarships to attract the RPCV's. Special thanks are in order for Xerox Corporation, which gave the funds to start the program, Hebrew Technical Institute, which has pledged to contribute funds for the fourth year in a row, and Chase Manhattan Bank, which joined the partnership this year.

Most Peace Corps teachers return to the United States without the teaching certificates needed to be hired. In this unique program, the RPCV's skills and past experience are utilized in schools that desperately need dedicated and competent teachers. The training at Teachers College allows them to apply for a permanent teaching certificate and plan careers in education.

Attracted to New York City by the scholarship assistance and by the quality education at Teachers College, the Peace Corps Fellows bring diversity and motivation to the public school classrooms. As a bonus to their students, they share tales from Africa, Asia, Latin America, and their own hometowns. The 33 former Peace Corps educators in the program today served in 19 nations and represent 18 different States. New York children need more teachers like Tom, Cathy, Steve, and others in the Peace Corps Fellows Program at Teachers College.

DOUG DODD RECEIVES CHARLES H. BEST MEDAL

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. SYNAR. Mr. Speaker, I rise to pay tribute to S. Douglas "Doug" Dodd, a Tulsa resident and chairman of the board of the American Diabetes Association, who is to receive the Charles H. Best Medal for Distinguished Service at the ADA Convention in New Orleans this Saturday, June 11.

Throughout his life Doug, an insulin-dependent diabetic, has devoted much of his time and energy to service of others. The ADA has flourished under his leadership.

The American Diabetes Association, with a membership of 225,000 in 800 chapters throughout the United States, is the Nation's leading voluntary health organization concerned with finding a preventive and cure for diabetes, providing information and support to the 11 million Americans who have the disease, and educating health professionals and the general public about diabetes.

I join with those at the ADA Convention in New Orleans who will be offering congratulations and best wishes to Doug and his wife Elaine this weekend as he receives the Charles H. Best Medal for Distinguished Service.

DR. ROBERT F. CHANDLER, JR. WINS 1988 WORLD FOOD PRIZE

HON. E de la GARZA

OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 8, 1988

Mr. DE LA GARZA. Mr. Speaker, today's world food situation is far from ideal. While the United States and most of the developed nations cope with mounting food surpluses, many other regions continue to suffer from hunger. Each day, 40,000 children around the world die of hunger-related causes.

There is a positive aspect to the world food situation and that is the tremendous progress made in improving agricultural productivity. Since 1945, world food production has increased in every year except two. Credit for this accomplishment goes to the countless individuals in government, academia, and private industry whose life work involves agricultural research.

One of the outstanding leaders in this effort has been Dr. Robert F. Chandler, Jr., the founder of the International Rice Research Institute [IRRI] and the winner of the 1988 World Food Prize. The World Food Prize, sponsored by the General Foods Fund, Inc., recognizes outstanding contributors to improving the quality, quantity, or availability of food in the world.

I recently had the honor of meeting Dr. Chandler and was impressed by this man's commitment to agricultural research and in helping developing nations improve their own agricultural capabilities.

Dr. Chandler founded IRRI in the Philippines in 1959 and guided it through its first decade. Under his direction, IRRI's research and development of new rice varieties helped spawn the so-called Asian "green revolution," making much-needed food production increases possible.

At the time of IRRI's founding, Asia's population was expanding rapidly, and experts warned that the population growth would outstrip the continent's food capacities by 1975, resulting in chronic, widespread famine. It was determined that rice production, the primary staple for almost four-fifths of Asia's inhabitants, had to increase by more than 5 million tons annually to keep pace with the growing population.

Under Dr. Chandler's leadership, IRRI developed and distributed a series of genetic lines to cooperating rice breeders in south and southeast Asia. Since the release of the first new variety in 1965, IRRI has developed 27 new varieties and more than 100 IRRI-patented varieties. Today, these varieties are grown on nearly 50 million hectares—123.5 million acres—of Asian rice lands. The work has resulted in a 66-percent increase in rice production, while the population rose 47 percent.

IRRI's success led to the creation of other international agricultural research centers, each concentrating on a single major food crop. Today, there are 13 of these agricultural research centers worldwide operating under the auspices of an informal consortium of governments, international and regional organizations, and private foundations known as the Consultative Group on International Agricultural Research [CGIAR].

After retiring from IRRI, Dr. Chandler started the Asian Vegetable Research and Development Center in Taiwan. The center has been responsible for increased vegetable production in scores of developing countries. In 1975, he joined the board of directors of the Near East Foundation [NEF], a private, voluntary organization which supports small-scale projects to increase food production in the Middle East and Africa. His work with NEF has helped thousands of farmers and their families to not only increase food production, but also earn more income and improve the quality of their lives.

Dr. Chandler has served as a role model for many young, talented scientists who are now in leadership roles in agricultural science and research management. During his years at IRRI, more than 650 men and women from around the world received their training in rice research and modern production practices at the institute.

The career of Dr. Robert F. Chandler, Jr. has been dedicated to research, education, and service. Born in Columbus, OH, and raised in New Gloucester, ME, he received a B.S. degree in horticulture from the University of Maine and a Ph.D. in pomology from the University of Maryland. His international work followed an earlier career as the president of the University of New Hampshire—1947–54—where his vigorous and engaging leadership style was established.

Even now following his formal retirement, Dr. Chandler actively continues his work toward alleviating world hunger and malnutrition. He has served on the program committee of the Near East Foundation, and has continued to further the cause of world food production through his professional association with many agricultural research institutions.

Mr. Speaker, the World Food Prize, which includes a $200,000 cash award and an original sculpture, will be presented to Dr. Chandler at a ceremony in Washington, DC, on October 4. The award ceremony will be held in conjunction with a day-long colloquium on world food issues at the Smithsonian Institution. I urge Members to join me in commending Dr. Robert F. Chandler, Jr. for his leadership in cooperative international agricultural research.

CONGRESSIONAL FELLOWSHIP PROGRAM 35TH ANNIVERSARY

HON. MORRIS K. UDALL

OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 8, 1988

Mr. UDALL. Mr. Speaker, I would like to offer congratulations to the American Political Science Association on the 35th anniversary of its Congressional Fellowship Program, and take this opportunity to draw my colleagues' attention to this excellent program.

The APSA Fellowship Program places a select group of volunteers in congressional offices every year for a 10-month period. Each fellow works on a Member's personal staff or with a committee, and has the option of splitting this service between both Houses of Congress, if he or she so chooses.

The program started in 1953 with six fellows, but has grown over the years so that it now places about 50 fellows annually. The participants come from many professions—from Federal service, universities, the media, and medicine—and includes fellows from foreign countries. These people bring extensive professional knowledge and a fresh point of view to us, and take intimate perspectives on Congress back to their workplace. It is a two-way street that provides enormous benefits to both sides.

The APSA conducts a thorough orientation at the beginning of the program as well as continuing seminars during the year. In these, experts teach the participants about congressional procedures and the issues Congress faces. This way, the fellows can be of real help to their offices right away and make the most of their work as a learning experience for themselves.

My office has certainly profited from the expertise that APSA fellows bring. I have had five fellows in the last 10 years and all were invaluable to me in the assistance they provided in several areas of legislative concern.

I wholeheartedly recommend this program to my colleagues in Congress. I commend the APSA for its high standards in selecting qualified candidates as well as the fine service it provides to Congress. I look forward to its continued service to Congress and the community for another 35 years.

FISHKILL CELEBRATES ITS 200TH ANNIVERSARY

HON. HAMILTON FISH, JR.

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 8, 1988

Mr. FISH. Mr. Speaker, it is with great pride that I rise in honor of the 200th anniversary of the town of Fishkill, Dutchess County, in my home district of New York.

Throughout this year, townspeople have been holding a series of events to celebrate the founding of the town on March 7, 1788. Festivities began on the first of the year with a townwide bell ringing. On March 6, a musical revue, "Two Hundred Years in Story and Song," was performed by combined choirs of area churches. A tour of historic homes was held on May 28.

This Friday, June 10, there will be a bicentennial ball. The theme of the evening will be 1788 America, and formal attire or period costume are encouraged. The Poughkeepsie Philharmonic will provide chamber music and a dance band also will perform. Dinner will be topped off by a Thomas Jefferson recipe, "Tipsy cake," a liqueur dessert that was one of his favorites. I am looking forward to attending the ball, which is expected to draw 300 residents of Dutchess County.

Other events will include a community day on August 27, at Geering Park Fishkill, followed by a local parade and fireworks.

Mr. Speaker, I am proud of the people of Fishkill and wish them the best in their continuing bicentennial celebration.

NATIONAL WRITING CONTEST ON THE HOLOCAUST

HON. WILLIAM LEHMAN

OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 8, 1988

Mr. LEHMAN of Florida. Mr. Speaker, I am very pleased to report that Amy M. Schnupp, a 12th-grade student at Timken Senior High School in Canton, OH, was the first-place winner of the recently concluded Fourth Annual National Writing Contest on the Holocaust.

This nationwide contest is sponsored by the U.S. Holocaust Memorial Council of which I am a founding member. Close to 2,000 entries were received from every State. Both fiction and nonfiction writings relating to the theme, "What Are the Lessons of the Holocaust for Americans," were submitted. The entries were judged for originality and content. Among many excellent submissions, seven entries received awards.

I would like to congratulate all the winners and thank them and the other entrants for devoting their thoughts, time, and effort to this most meaningful, educational project. The best memorial to the victims of the holocaust is, I believe, education as well as remembrance. The inclusion of holocaust studies into high school curricula is extremely important and long overdue.

For the benefit of my colleagues, I would like to list the winners of the contest and note their respective high schools. I would also like to reprint the first, second, and third place winning entries so that we may all have an opportunity to read these most eloquent reflections on the meaning of the Holocaust.

First place: Amy M. Schnupp; second place: James V. Falvo, South Hunterdon Regional High School, Lambertville, NJ; third place: Rhiannon Jones, William J. Palmer High School, Colorado Springs, CO; honorable mentions to Janine Whetten, Highland High School, Pocatello, ID, for her script, "Screaming Silence;" Richard Scott Pietrowski, Ed White High School, Jacksonville, FL, for his essay, "What Lessons Are There From the Holocaust for America;" Jed David Melnick, Taylor Allderdice High School, Pittsburgh, PA, for his poem, "The Dawning of Horror;" and Catherine Plum, Divine Savior Holy Angels High School, Milwaukee, WI, for her essay "The Lessons of the Holocaust: A Letter to Anne." The three articles follow:

SOME KIND OF PEACE

(By Amy M. Schnupp)

White marble crosses
That a society of hate created;
So unnecessary, vile, but love came too late
And as I walked through the green, green grass
Of the cemetery that grew around the tear-stained memorials
I couldn't help but question why
So many children had to die . . .
That mother's son who fought for people he didn't know
(Fought and killed to achieve some kind of peace).
Then the rain began, and the crosses stood strong
With a grim determination, somehow wise and somewhat steadfast,
Through the grey rain;
In each raindrop, a thousand deaths.
Why . . . and How?
How, in a world of ordinary people seeking ordinary happiness,
Can such death camps as Dachau and Auschwitz arise. . .
And so successfully exterminate humans whose only crime was
To believe, honestly believe, in something?
To live, for a Jew, was suddenly
A crime worthy of capital punishment,
A crime worthy of firing squads
And gas chambers
And crematoriums.
And there were experiments more dreadful
Than the mind can conceive.
What human society can sit silent and watch such atrocities?
What society could ever remain in such apathy
While millions of its brothers died?
What society, indeed.
It is ours.

America, the melting pot, is the land of the free;
Where every man has his right and is free to pursue
His own American Dream.
America is too civilized
And liberalized
And democratic
To host a Holocaust. . .
It couldn't happen.
Not, to us.
Germany, too, thought that it couldn't happen . . .
Indeed, it was a country
Filled with "Christian" brethen
Who loved and respected their land and its government.
In fact, the Anti-Semetic movement was not spread
By rebelling citizens with radical ideas;
Oh, no, the Anti-Jewish policy was perfectly legal and lawful and . . .
But why, why couldn't it happen again?
. . . many years ago in a near land called (America)
There were also men who were patriots
And sang the red, white, and blue
Until they were blue in the face,
But after a hard day at the office,
(Or at conventions ratifying Constitutions),
They went home
And saw the work of people they owned:
Slaves.
Negroes weren't citizens or real people with real dignity,
Just workers in the fields,
Picking cotton in the burning sun
To make their aristocrat owners rich.
And that . . . was legal, too.
The world is full of people
Who live and make history,
And history has an uncanny tendency to repeat itself.
Oh, the world is filled with laws
(I want the black beside me to have my freedoms
And I want the Jews to build their synagogues, freely)
But rights are denied
And people are stripped of their dignity
Because of the sad callousness growing in this society;
This "humane" society.
Hitler practiced policies of euthanasia;
Thought himself God, perfectly capable of deeming
Some people worthy of life,
But some not even worthy of the space they took up in this world.
Soon, the old and the crippled and the other "undesirables"
Were disappearing;
Quietly being eliminated from society,
In an attempt to perfect society.
Who can say, I ask you, what people are the Right people;
Are desirable people?
Who has the right to live?
What it comes down to is,
That everyone must make his choice . . .
When men make laws that are right and good and beneficial to society,
They should be obeyed;
But the laws of the Supreme God
Should be the first laws of any man
Otherwise values and morals fade
Into sickening oblivion,
And ordinary people become agents of hostility.
We all share that potential,
And societal pressures
Grouped with selfish interests
Have ruined many a good man,
And driven them deeper, deeper
Into the bottomless pit of hatred.

Oh, no, America is not exempt from
(Organized) racism
And discrimination
And hatred of the blackest kind,
Though we blindly believe ourselves so.
It is the wrath of this cold world, my home,
That slaughters its own children
In the name of causes (that have no name)
But we sit back in apathy while
Holocausts stir under our noses.

I want peace . . .
Peace, with no more mothers crying
As babies are torn mercilessly
From their frail arms
Peace, with young men not having
To become soldiers and carry guns
And be separated from the women they love
Peace . . . with no strings attached
Peace that is not splattered with human blood

But as I look out across the night sky
And I hear the distant machine guns
In faraway lands,
The deadly cadence of combat boots;
I can see that peace is a long time coming,
For the television shows war and hate;
The deadly colorful scenes of present-day soldiers
Killing (again)
All in the name of . . . (what?)
And in our own country,
The graffitied peace signs on the subway walls
Are covered with blood,
As it all happens . . . again.

Hate is leaving its mark.
Lord, how quickly we forget.

REMEMBRANCE AND RESPONSIBILITY: THE LESSONS OF THE HOLOCAUST FOR AMERICANS

(By James V. Falvo)

An aura of secrecy and gravity hung like a mist in the austere, spartanly furnished room. In the center of the floor stood a table laden with papers and sound-recording equipment. At one end of the table sat a solemn police captain clad in a coffee-brown uniform. At the other end sat a thin, balding man in his late forties, dressed in the khaki shirt and trousers of a prisoner. It was a day in January, 1961, when, as he had done so many times before, the man was trying to ingratiate himself with his interrogator.

". . . And your parents, are they still alive?" the prisoner asked.

Vexation and disgust welled up in the police officer's voice: "It was January 1943 . . . the Nazis deported my father to the East in one of the last transports from Berlin."

The prisoner's eyes widened as he cried out: "But that's horrible, *Herr Hauptman!* That's horrible!"

Captain Avner W. Less of the Israeli police force had good reason to resent his captive's query, for the man he was interviewing was none other than Adolf Eichmann, the Nazi mastermind behind a large part of the ghettoization, deportation, and execution of millions of Jews, Gypsies, Russians, Poles, and other so-called "inferior" peoples as part of Hitler's grisly "Final Solution," the Holocaust. Eichmann had been captured in Argentina on May 2, 1960 in what has been called the finest coup of any Nazi-hunting operation. The world watched in anticipation as he was tried before the High Court of Israel for complicity in the murder of six million Jews—an estimated seventy percent of all Jews then living in Europe. On May 31, 1962, Eichmann was executed for his crimes. Captain Less noted that all through his interrogation, Eichmann would lie until he was defeated by incontrovertible evidence. He would then cast blame upon others, claiming to be merely a "little cog" in Hitler's machine, and, most frequently, he would plead *Befehlsnotstand*, "orders from above." A disturbing analogy exists between the trial of Adolf Eichmann and the views that many people hold about the Holocaust. some have demonstrated a greater spirit of denial than Eichmann himself. Some German historians have tried to minimalize the Holocaust in their writing; other people, like James Keegstra and Ernst Zundel, have actually called the Holocaust a hoax. Some resent the efforts of people working to expose Nazi war crimes. To illustrate, consider the recent *60 Minutes* episode that discussed the alleged war crimes of Austrian President Kurt Waldheim. Although evidence of Waldheim's involvement in the Holocaust continues to accumulate, many viewers were nonetheless supportive of the president. One man fumed, "Why in God's name can't you leave the man alone?" For such people, the Holocaust is a shameful episode in human history that is best buried within the minds of those who remember it and hidden from those who do not. After all, isn't it best to heal old wounds rather than tear them open and nurture the pain and suffering they cause? What possible purpose could there be in resurrecting old feelings of fear and hatred when people are working so hard to make amends and those who lived through the Holocaust, both criminals and victims, are slowly beginning to die out? There are, in fact, many good reasons for remembering the Holocaust, lessons that are as viable in Europe as they are in the United States.

Before we can learn anything from the Holocaust—indeed, before we can learn from any historical event—it must have some quality that will capture our hearts and minds. It does; quite simply, it displayed the brutality of genocide. Of course, this observation seems self-evident at first; virtually everyone knows that genocide is brutal, easily the most heinous deed human beings can commit. But did everyone know before 1945? More than one million Armenians were exterminated by the Turks between 1915 and 1923. From 1930 to 1934, during the Russian collectivization, Josef Stalin's forces imposed a famine that killed eight to ten million people—some place the estimate at a staggering twenty-two million. Why didn't anyone protest these genocides? Why are they practically unknown to the average American today? The answer lies in public exposure. The Turks and the Communists effectively concealed their murderous handiwork by vigorously censoring the press, but the Nazis, in their hour of defeat, could not halt the American forces that liberated the concentration camps or the Movietone News cameramen who accompanied them. Although the Armenian and Ukranian dead were just as real as the Holocaust victims, the former were perceived as cold statistics, while the pictures of the liberated camps revealed the emaciated bodies, the piles of corpses, the skulls in the crematoria. These images of the Holocaust etched into our minds the suffering of all victims of genocide; we could at last learn from their agony.

One lesson that the Holocaust clearly taught was the danger of ethnic prejudice. This is an especially pertinent lesson for Americans; in our country, prejudice relegated the Indians to reservations and kept blacks enslaved for decades, and even today the prejudice is the cause of unrest and violence between people of different races and creeds. In Europe, age-old teachings of the Christian church which labeled the Jews as a "reprobate" people fostered a subtle anti-Semitic climate that allowed Nazi doctrines to flourish. The Nazis attempted to inculcate all of Germany with a hatred of the Jewish people: children were taught in school that the Jews were a dangerous, perverted people; laws expressly forbid marriage between Jewish and non-Jewish Germans; and the media broadcast an endless stream of propaganda that turned the Jews into scapegoats for Germany's problems. Hitler excused the ensuing persecution with Nazi philosophy: "The Jews are a race, but they are not human." Even during the Holocaust, Jews were singled out for cruelest treatment; the gas chambers, for example, were almost exclusively reserved for Jewish prisoners.

We, as Americans, should look to the example of the Holocaust to combat the prejudice that exists within our own country. Let us not forget the resurgence of the Ku Klux Klan in the South, the appearance of neo-Nazi groups in the cities of the Midwest, or the myriad outbreaks of racial violence in the Northeast. Young people, especially, should remember what the Holocaust taught the world about prejudice before they scrawl a racial slur on a poster or playfully mock a friend's national origin. It was from such trickles of hatred—posting slogans, vandalism, clandestine propaganda—that a torrent of destruction began that nearly wiped out an entire people.

There is another important lesson to be learned from the Holocaust: the need to be responsible for one's own actions. Hitler could not have carried out his "Final Solution" had his subordinates obeyed their personal sense of right and wrong. The Nazis yielded to blind obedience toward their maniacal *Fuhrer*; thus, their actions became a gross parody of normal behavior. Nazi physicians like the infamous Dr. Josef Mengele twisted every medical precept with their gruesome experiments on human beings. Nazi commandants like Eichmann calmly sent thousands of innocent people to their deaths. Concentration camp guards took sadistic pleasure in beating or killing prisoners. Some Jews even turned against their own people, becoming informants or inmate overseers in an often fruitless attempt to escape execution.

The United States has assisted many other countries in enforcing this lesson of responsibility. Several hundred Nazi war criminals have been brought to justice in the United States; since World War II, more than 10,000 convictions have been made in Western nations alone. The drawback of convicting war criminals, however, is the advanced age of witnesses and defendants alike. As the recent manhunt for Mengele illustrated, Nazi hunters must hurry to find people with the skeletons of Nazism in their closets before these criminals become skeletons themselves.

Fortunately, Americans have a more lasting and positive means to remember the lesson of responsibility: the honor roll of those who acted heroically during the Holocaust. These were the people who had the courage to follow their consciences and oppose Hitler's tyranny. A group of college students who called themselves the White Rose risked execution in their efforts to expose the abuses of the Nazi regime. The Roman Catholic Church recently canonized Father Maximilian Kolbe, a concentration camp inmate who gave up his life so that another prisoner might live. The television documentary *Genocide* told of another camp inmate who obtained enough dynamite from friends on the outside to destroy one of her camp's hated crematoria. There were many "righteous Gentiles" outside of the concentration camps whose intervention saved many prisoners from death. One active rescuer was a German businessman named Oskar Schindler, who secretly employed thousands of Jews in his factory in Poland, supplying them with food, clothing, and shelter through his skillful black market dealings. Another was the legendary Raoul Wallenberg, the well-born Swedish diplomat and arch-nemesis of Adolf Eichmann, who effectuated the rescue of 100,000 people from the ghettos of Hungary.

Americans have never had to resist a totalitarian regime within their own country. Nevertheless, the Holocaust's lesson of personal responsibility can help us stand up for our beliefs. When we encounter injustice in our daily lives, whether it be unfair practices in the workplace or the illicit sale of drugs, the heroic resistance of the Holocaust heroes against the moral filth of Nazism can inspire us to make our own personal resistance.

To say the lessons of the Holocaust have contemporary importance is an understatement. History has proven, however, that these lessons are as delicate as they are germane; once they are forgotten, people can commit the same crimes that these lessons should prevent. The lessons of the Holocaust were forgotten in Cambodia in the early 1970's. During the Communist takeover, the Khmer Rouge slaughtered over one million people. In 1972, these lessons were forgotten again; this time the site was a small central African country called Berundi. The powerful Tutsi minority exterminated somewhere between 90,000 and 250,000 members of the Hutu majority. Both genocides were conducted without the knowledge of the outside world, or as one writer put it, "off-camera." Shielded from public scrutiny, the Cambodians and the Tutsi acted with impunity. Examples like these should convincingly demonstrate the need to commemorate the Holocaust—through writing, through art, through words, and through education—so that we may preserve the lessons it taught us.

A scene from Art Spiegelman's celebrated comic book, *Maus: A Survivor's Tale*, comes to mind. Spiegelman's autobiographical account of his relationship with his father Vladek, a Holocaust survivor, depicts the Jews as mice and the Nazis as cats. In the final scene, Spiegelman's mouse alter-ego attempts to persuade his father to let him see the notebooks his mother kept while a prisoner at Auschwitz.

"After Anja died I had to make an order with everything," Vladek calmly tells his son. "These papers had too many memories. So I burned them."

In despair, Art asks him: "Did you ever *read* any of them? Can you remember what she wrote?"

"No," Vladek replies. "I looked in, but I don't remember . . . Only I know that she said, 'I wish my son, when he grows up, he will be interested in this.'"

Art bitterly reprimands his father and walks away with a single word on his lips: ". . . Murderer!"

If we, like Vladek Spiegelman, throw away the memories of the Holocaust, the deaths of its victims will have been in vain. If we do not remember, we will lose the precious lessons of responsibility that their suffering should have taught us, and it will not be Adolf Hitler's fault, but our own. As Nobel Prize winner and Holocaust survivor Elie Weisel so eloquently put it, "Memory is our shield, our only shield."

DEAREST AMERICA

(By Rhiannon Jones)

I am not a Jew.
And yet I can hear their screams even when you cannot.
Why?
Why can I hear the crying of six million dead when you cannot hear the millions who still live?
Haven't you learned the dangers of deafness?
Hasn't the importance of compassion and unity been proven?
Haven't enough people died by stereotype and belief?
Or did they die for nothing?
Surely not, America.
Surely all your scarred citizens have taught you something, something about Humanity and Belief and Peace, something about the dangers of generalizing and categorizing and Death.
I would like to think there was a higher purpose, a prevention of wider death, an extension of the brotherhood of man,
Which attempts to justify that which was not just.

Oh, America, you are sinking into your deafness
But you cannot afford not to care
You cannot risk the life of a man for the safety of a crowd.
Crowds die too, America.
Crowds die on death trains,
Crowds die in gas chambers,
Crowds kill crowds, America
And crowds cry out.
And I don't know how to make you hear the cries
That dominate my fears except by screaming out myself. . .
Somehow, somewhere,
We have grown afraid to care.
We are living in a numbing dream
Of ignorance and silent screams
This silence echoes of another nightmare, America.
Can't you hear it?
It is a dread silence, dead six million times
It is heavy with blood and stereotypes and memories
It is small and quiet, but it grows.

Look at yourself,
With all your poverty, bombs, corruption, and noe-nazis.
Group is separated from group and person from person,
Yet you pretend they are together.

A war may begin in the ghettos, America,
But it ends in the gas chamber.
Does this stench of coming horror seem familiar?
What's a gang war among friends, America?
What's a spray painted comment on a school wall?
They're only children,
They will grow out of their hate.
It is such a small thing,
But it is a shadow of the holocaust I shudder to see.
The new Nazis, the modern racists, the white supremacists,
Can anyone predict their power?
Can anyone risk their fury?
Ignore them and maybe they'll go away, America.
All the racism and anti-Semitism will just fade away
Like a summer sunset.
You don't care, do you?
Wake up America
You're dreaming again.
You are forgetting how the other wars began
And the other wars were real
The other wars were wide awake.
Oh, America, I suppose I sound so paranoid.
I suppose it seems that I do not appreciate all the progress we
have made in understanding one another since the Holocaust.

I do.

I see the children who can't see the lines
between Jew and Gentile
Black and White
Rich and Poor
And I sing with gladness, America,
I do.

But I see the children who live the lines,
the children who believe in their superior race,
The children who hate Jews
Because their parents hate Jews
More children than you realize, America
More parents than you know
And I cry with fear, America,
I do.

Teach the children to understand, America
Teach them to accept another's beliefs and dreams and songs,
Without making them sing along.
Teach them about society,
Without making them lose their sense of self

There are six million dreams a child can dream,
Teach him to dream them all
Six million lives a child can live,
Teach him to live the one he loves.

Teach him that all the lives are separate.
No one must die so he can live
No one must fall off their ladder so he can climb up his
Teach him that all the lives are together,
Each must help the other survive
Each needs the acceptance of the others.

Teach that child,
Teach all children,
About the Holocaust
About what happens when people base their superiority
On the murder of another people
About the importance of the brotherhood of men
To each man's survival

Teach them the meaning of genocide
Teach them about Jews and Gentiles, Arabs and Buddhists
Teach them about their proud, separate heritages
Teach them all the differences
And then

Teach them all the similarities
Teach the children how to tolerate.
And compromise and listen
Teach the children how to love, America
Teach them to care
Teach them compassion and hope and togetherness
Teach them peace

And perhaps, then, America
You will have learned your six million lessons
And prevented another six million deaths.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, June 9, 1988, may be found in the Daily Digest of today's RECORD.

Meetings Scheduled

JUNE 10

9:30 a.m.
Conferees
Closed, on H.R. 4264, to authorize funds for the fiscal year 1989 amended budget request for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1989, and to amend the National Defense Authorization Act for fiscal years 1988 and 1989. S-407, Capitol

10:00 a.m.
Appropriations
District of Columbia Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the District of Columbia prison system. SD-138

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for migration refugee assistance, international narcotics control and anti-terrorism programs. S-128, Capitol

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
Business meeting, to mark up proposed legislation appropriating funds for fiscal year 1989 for the Departments of Commerce, Justice, State, the Judiciary, and related agencies. S-146, Capitol

Environment and Public Works
To hold hearings on issues concerning the environmental impact of pesticides and related products. SD-406

Foreign Relations
To hold hearings on the nominations of Sheldon J. Krys, of Maryland, to be an Assistant Secretary of State; Richard L. Williams, of the District of Columbia, to be Ambassador to the Mongolian People's Republic, and E. Allan Wendt, of California, for the rank of Ambassador during his tenure of service as Senior Representative for Strategic Technology Policy in the Office of the Under Secretary of State for Coordinating Security Assistance Programs. SD-419

Judiciary
Courts and Administrative Practice Subcommittee
To hold hearings on S. 1358, S. 1626, S. 1863, and S. 2279, bills to revise certain Federal bankruptcy provisions. SD-226

Labor and Human Resources
To resume hearings on S. 2270, to provide financial assistance to State and local governments for high-quality early childhood development programs for pre-kindergarten children. SD-430

2:00 p.m.
Finance
International Trade Subcommittee
To hold hearings on S. 2252, to encourage economic development in Central America, and to increase the sugar import quota. SD-215

JUNE 13

9:30 a.m.
Special on Aging
To hold hearings to examine certain problems and challenges surrounding the provision of health care to rural communities, and to review recommendations and innovative strategies to deal with these problems. SD-628

2:00 p.m.
Judiciary
To hold hearings on pending nominations. SD-106

JUNE 14

9:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for foreign assistance programs. S-128, Capitol

9:30 a.m.
Energy and Natural Resources
Energy Regulation and Conservation Subcommittee
To hold hearings on S. 1717, to assure uniformity in the exercise of regulatory jurisdiction pertaining to the transportation of natural gas and to clarify that the local transportation of natural gas by a distribution company is a matter within State jurisdiction and subject to regulation by state commissions. SD-366

Judiciary
Antitrust, Monopolies and Business Rights Subcommittee
To hold hearings on the McCarran Ferguson Act-State antitrust action against insurance companies. SD-226

Joint Economic
Education and Health Subcommittee
To resume hearings to review the future of health care in America. 2359 Rayburn Building

10:00 a.m.
Foreign Relations
To hold hearings on pending treaties relating to mutual legal assistance in criminal matters. SD-419

Governmental Affairs
To hold hearings on the nomination of S. Jay Plager, of Indiana, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget. SD-342

Judiciary
To hold hearings on drug enforcement. SD-430

10:30 a.m.
Environment and Public Works
Environmental Protection Subcommittee
Business meeting, to mark up S. 2030, Ocean Dumping Reform Act of 1988, and S. 2068, to protect marine and near shore-coastal waters through establishment of regional marine research centers. SD-406

JUNE 15

9:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to consider pending calendar business. SR-332

10:00 a.m.
Agriculture, Nutrition, and Forestry
Nutrition and Investigations Subcommittee
Business meeting, to resume markup of proposed legislation to provide additional assistance for the Food Stamp program, Temporary Emergency Food Assistance program, child nutrition programs, work training program, and childcare for working families. SR-332

Armed Services
To hold joint hearings with the House Committee on Armed Services' Subcommittee on Investigations and the Defense Policy Panel on the military's role in the national antidrug strategy. Room to be announced

Energy and Natural Resources
Business meeting, to consider pending calendar business. SD-366

Governmental Affairs
To hold hearings on drug interdiction. SD-342

JUNE 16

9:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for foreign assistance programs. SD-192

9:30 a.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on H.R. 1173, to provide for certain restrictions on the use of lands within boundaries of national parks and monuments, and S. 927 and H.R. 1975, bills to protect caves resources on Federal lands. SD-366

Environment and Public Works
Hazardous Wastes and Toxic Substances Subcommittee
To hold hearings on applying the National Environmental Policy Act to U.S. activities involving international financial institutions. SD-406

Governmental Affairs
To resume hearings on issues relative to alcoholism. SD-342

Veterans' Affairs
To hold hearings on S. 2207, to authorize the Administrator of Veterans' Affairs to provide assistive simians and dogs to veterans who, by reason of quadriplegia, are entitled to disability compensation under laws administered by the Veterans' Administration, S. 2105, to extend for 4 years the authority of the VA to contract for drug and alcohol treatment and rehabilitation services in halfway houses and other certain community-based facilities, and S. 2294, to extend the authority of the VA to continue major health-care programs, and to revise and clarify VA authority to furnish certain health-care benefits, and to enhance VA authority to recruit and retain certain health-care personnel. SR-418

Joint Economic
Education and Health Subcommittee
To resume hearings to review the future of health care in America. 2318 Rayburn Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Credit Subcommittee
To resume oversight hearings on the implementation of the Agricultural Credit Act (P.L. 100-233). SR-332

Finance
To hold hearings on proposed authorizations for the U.S. Customs Service. SD-215

JUNE 17

9:00 a.m.
Judiciary
Courts and Administrative Practice Subcommittee
To hold hearings on H.R. 1054, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care.

9:30 a.m.
Finance
Health Subcommittee
To resume hearings on S. 2305, to provide long-term respite care, adult day care, home care, and nursing home care for the elderly. SD-215

JUNE 21

9:00 a.m.
Office of Technology Assessment
The Board, to meet to consider pending business. Room to be announced

9:30 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
Business meeting, to mark up proposed legislation appropriating funds for fiscal year 1989 for the Department of Transportation and related agencies. SD-116

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 2055, to designate certain National Forest System lands in Idaho for inclusion in the National Wilderness Preservation System, to prescribe certain management formulae for certain National Forest System lands, and to release other forest lands for multiple-use management. SD-366

10:00 a.m.
Foreign Relations
To hold hearings on S. Con. Res. 109, to express the sense of the Congress that the President should negotiate with the Government of Vietnam to establish interest sections in the capitals of both countries for the purpose of resolving specific issues between the countries. SD-419

JUNE 22

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on proposed legislation authorizing funds for the U.S. Fire Administration of the Federal Emergency Management Agency. SR-253

10:00 a.m.
Foreign Relations
To hold hearings on U.S. policy options toward South Africa. SD-419

2:00 p.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on the Federal Employees Liability Act in relation to Amtrak. SR-253

JUNE 23

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 2221, to expand national telecommunications system for the benefit of the hearing impaired. SR-253

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1643, to establish the Mississippi River National Heritage Corridor, S. 2018, to expand the boundaries of the Congaree Swamp National Monument, and to designate wilderness therein, and S. 2058, to authorize the establishment of the Charles Pinckney National Historic Site in the South Carolina. SD-366

Governmental Affairs
To resume hearings on S. 1504, to facilitate regulatory negotiation and other procedures to enhance the quality of regulations and foster communications between agencies and those affected by regulations. SD-342

10:00 a.m.
Foreign Relations
To continue hearings on U.S. policy options toward South Africa. SD-419

JUNE 24

9:30 a.m.
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings on Japanese patent policy. SR-253

Special on Aging
To hold hearings on the Equal Employment Opportunity Commission enforcement of the Age Discrimination in Employment Act of 1967. SD-628

JUNE 27

2:00 p.m.
Governmental Affairs
To resume hearings on issues relative to alcoholism. SD-342

JUNE 28

9:30 a.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 2165, to designate wilderness within Olympic National Park, Mount Rainier National Park, and North Cascades National Park Complex in the State of Washington. SD-366

10:00 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business. SR-253

JUNE 29

9:30 a.m.
Small Business
Rural Economy and Family Farming Subcommittee
To hold hearings to identify prospects for economic development in rural America. SR-428A

10:00 a.m.
Governmental Affairs
To resume hearings on issues relative to alcoholism. SD-342

JULY 11

9:30 a.m.
Special on Aging
To resume hearings to examine certain problems and challenges surrounding the provision of health care to rural communities, and to review recommendations and innovative strategies to deal with these problems. SD-628

JULY 14

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Credit Subcommittee
To resume oversight hearings on the implementation of the Agricultural Credit Act (P.L. 100-233). SR-332

HOUSE OF REPRESENTATIVES—*Thursday, June 9, 1988*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, we are grateful for those people who have inspired us in our lives, whose friendship has given light to our paths and encouragement to our spirits. We are appreciative of our teachers and mentors, all who have used their minds to speak the truth and their hearts to show kindness and concern. For all those who have shared their talents and gifts in ways that give guidance to us all, we offer this prayer of thanksgiving. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1914. An act to designate a segment of the Wildcat River in the State of New Hampshire as a component of the National Wild and Scenic Rivers System, and for other purposes; and

S. 1934. An act pursuant to the report ordered by Public Law 99-229 which directed the Architect of the Capitol and the Secretary of Transportation to undertake a study of the needs of the Federal judiciary for additional Federal office space, to authorize the Architect of the Capitol to contract for the design and construction of a building adjacent to Union Station in the District of Columbia to house agencies offices in the judicial branch of the United States, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2470) "An act to amend title XVIII of the Social Security Act to provide protection against catastrophic medical expenses under the Medicare Program, and for other purposes."

WE MUST HAVE A NEW TRADE BILL WITH TEETH

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the trade bill has died in the other body. Ronald Reagan won another one. The American workers, unfortunately, lost again.

Mr. Speaker, the real tragedy is that the vetoed trade bill was so watered down that it would have been like throwing dishwater at the Chicago fire.

Our trading partners continue to laugh at us. They know that America will not take strong action, that they will continue to have their way, free access to our markets, deny America their markets, and rip us off and take our jobs with it. Mr. Speaker, all the free traders in Washington are laughing. They are real happy. All these Harvard-trained theorists and economists. The problem is they have never been on unemployment one single day of their life.

Mr. Speaker, I say we must draft another trade bill, one that has some teeth in it because we have got a real problem. We have got a President that is so popular in Japan it is unbelievable. And it is certainly not because of those grade B movies.

NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT FOR FISCAL YEARS 1989 AND 1990

Mr. BONIOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 459 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 459

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4418) to authorize appropriations for the National Science Foundation for fiscal years 1989 and 1990, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space, and Technology, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Science, Space, and Technology now printed in the bill as an original bill for the purpose of amendment under the five-minute rule and each section shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Michigan [Mr. BONIOR] is recognized for 1 hour.

Mr. BONIOR. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. LATTA], and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 459 is the rule providing for consideration of H.R. 4418, the National Science Foundation authorization for fiscal years 1989 and 1990. It is an open rule, providing for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space, and Technology.

The rule makes in order the committee amendment in the nature of a substitute, now printed in the bill, as original text for purposes of amendment. Finally, the bill provides for one motion to recommit with or without instructions.

H.R. 4418, the bill for which the Rules Committee has recommended this rule, authorizes $2.1 billion in fiscal year 1989, and $2.3 billion in fiscal year 1990, for National Science Foundation programs. The bill includes a new matching grant program to modernize and revitalize aging research facilities at academic institutions, and it authorizes the additional funding needed to substantially strengthen the research support activities of the five principal National Science Foundation directorates.

Mr. Speaker, House Resolution 459 is a simple, straightforward open rule. I urge its adoption so that we can proceed to consideration of H.R. 4418.

Mr. Speaker, I reserve the balance of my time.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have all heard a lot of talk about the need to be competitive with other countries. If American industry is going to compete effectively, we have to have people who are trained as scientists and engineers.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

This bill, the National Science Foundation authorization, is one of the ways we in the Congress respond to the need. This is the bill which supports a large part of the basic research in the physical sciences, engineering sciences, and mathematics in American colleges and universities. The National Science Foundation also provides support for graduate students. It helps keep the pipeline of engineers and scientists filled through undergraduate mathematics and science education programs.

Mr. Speaker, I will support this open rule so that the House may proceed to the consideration of the National Science Foundation authorization.

Mr. Speaker, I have no requests for time.

Mr. BONIOR. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I rise today naturally in support of the rule and in support of this bill. I think it is absolutely necessary for America to be competitive again, and that our technology sector must be that area that we improve. We are certainly not going to compete with China at 17 cents an hour labor wages and other Third World nations that can produce many of the goods for this Nation below 50 cents and $1 wage per hour.

Mr. Speaker, I have brought to the floor a number of amendments over a period of years that have brought in the beginning an awful lot of debate and an awful lot of recorded votes. I am hoping that it will not do that today, because I have been successful in offering this amendment to many other bills this year, and that is the buy American amendment. I would like to explain it. It will be offered to this particular bill and it would provide a 6-percent weighted advantage for American firms when competing against a foreign firm for a contract authorized under this bill.

Mr. Speaker, the proviso would be that at least 50 percent of the components of the item be produced domestically and that it literally be assembled in the United States by American hands. It does offer a couple waivers if in fact this legislation would violate the GATT [General Agreement on Tariffs and Trade]. It could be waived by the U.S. Trade Representative, but that is another problem we seem to have. It seems that every time we pass this type of legislation and it gets down to the crunch time, the U.S. Trade Representative finds parts of this language in violation of our GATT agreements and waives them on that particular count. In that stead I have also drafted and incorporate into this particular bill language that calls for a report from the Secretary that will give us the number of times there have been contested bids, how many times the American firms have prevailed, and conversely how many times the foreign firms have won but in addition to that how many times the Trade Representative officially took action and waived this particular provision and in what cases due to GATT agreements.

Mr. Speaker, I think that report that comes back to the Congress will give us an opportunity to discuss how many times foreign firms are getting key American work.

I would like to remind my colleagues that we keep talking buy American and that does not seem to be the way to go. I disagree. I would point out that at the end of last year Japan announced 60 billion dollars' worth of public works projects and they had a proviso that said only Japanese companies could bid on the work.

We found out about it over here and we were in a great uproar. In fact the Pentagon said that they could not believe it. The Commerce Department said they just could not believe the Japanese would do that at this time.

When we pushed the Japanese for an answer, this is what they said to us: "We decided to keep the jobs and money in Japan and we here in Japan take care of the Japanese people."

Mr. Speaker, as my colleagues know after an awful lot of pressure from the House, the Senate, and from the media of this country the Japanese have changed their stance and they have opened those bids up for some token American work, believe me.

□ 1015

I say it is time that we take care of our own country. I think it is time that we keep a lot of these jobs in America. I think Abraham Lincoln once said in a great dispute when the great railroads were being built, and we were starting to import rails from England, the President stepped in, Abraham Lincoln, and said, "Look, if we can build the rails here in America, we will not only have the rails but we will have the money." I think Abraham Lincoln made an awful lot of sense. I think we need a little bit more sense, commonsense, in some of our policies.

I am hoping that the amendment will not be faced with great opposition. I want to commend the gentleman from New Jersey [Mr. ROE], the chairman, and the gentleman from Pennsylvania [Mr. WALGREN], the subcommittee chairman, and the minority leaders who have done a fine job, the gentleman from New Mexico [Mr. LUJAN], and others. I hope the amendment will be approved.

Mr. LATTA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BONIOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to take a few minutes and talk about the importance of this bill. It is significant, as I think all of us understand, because of the depletion in our ability to compete in the scientific fields with other developed nations. I think we have all heard the statistics that have been coming forth in the last year with regard to our lack of competitiveness in chemistry, biology, in physics and in engineering. Roughly two-thirds of the students, I understand, in engineering in this country, graduate students, are foreigners.

Many of my colleagues have heard of the rather startling statistic about roughly 49 percent of all the new patents processed by the Patent Office are by foreigners. In a recent study that was done not too long ago of developed countries including the United States, we ranked in classroom abilities at the highest grade levels of the secondary schools literally last out of 18 nations in chemistry and in biology. We have lost, without question, our competitive edge in engineering and in the sciences, and as the gentleman from Ohio [Mr. LATTA], my colleague, has indicated, to be competitive today in the international field, we have to reassert ourselves in these endeavors. This bill, which is being brought to us by the Committee on Science, Space, and Technology will bring us a long way in trying to recapture that competitive edge that we have unfortunately lost, and I recommend it to my colleagues. I recommend it to this Congress, and I recommend that the President seriously consider the bill and sign it so that we can get on with the important business of being competitive again.

Mr. Speaker, I have no other requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to House Resolution 459 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4418.

□ 1018

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4418) to authorize appropriations for the National Science Foundation for fiscal years 1989 and 1990, and for other purposes, with Mr. OBERSTAR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania [Mr. WALGREN] will be recognized for 30 minutes and the gentleman from New Mexico [Mr. LUJAN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALGREN].

Mr. WALGREN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as the gentleman from Michigan [Mr. BONIOR] just said, the National Science Foundation is an extremely important part of our effort to build the future for the United States. As is often said about reading, reading is fundamental. The National Science Foundation is fundamental.

I rise in support of H.R. 4418, the National Science Foundation authorization for fiscal years 1989 and 1990.

This bill provides funds for basic science and engineering research and education activities. At the outset, I would like to congratulate and recognize the spirit of contribution and mutual effort that has resulted in this bill on the subcommittee level with the attention of the gentleman from New York [Mr. BOEHLERT], and with the full committee chairman, the gentleman from New Jersey [Mr. ROE], and the ranking minority member, the gentleman from New Mexico [Mr. LUJAN], we have brought an agreement to the House that is fundamentally in the best interests of our country.

I and others will join with the gentleman from New York at an appropriate time in an amendment which will be offered by him to reduce the overall authorization reported by the committee to the level recommended by the administration. We had provided in committee an additional $85 million over and above the day-to-day research support covered by the administration's recommendation for facilities modernization. This was to parallel a program authorized in the trade bill which, unfortunately, will not become law, which provided that same $85 million in facilities.

We realize that facilities are important, and we will provide for them in the amendment that will be offered by the gentleman from New York within the overall amount supported by the administration. We had hoped that the Budget Committee would provide enough room to address the facilities problem without reducing the level of support for ongoing research recommended by the administration, but that is not the case.

The National Science Foundation makes an important investment in basis civilian research and science education through grants and awards to academic institutions. As we push forward the frontiers of science and engineering, we enable ourselves to solve critical problems for our people and for the world.

For example, we now have the basic understanding of the mechanism behind AIDS so that we can at least pursue research leading to a cure.

If AIDS had hit the United States in the mid-1930's or 1920's, we would not have had any idea what was going on. But, because of the fundamental research that we have done in our country, in many ways through the National Science Foundation, we at least have the tools to work with the genetic structure, understand how viruses function, and hopefully find a cure.

In the same sense, we now find that the ozone atmospheric composition over the poles shows critical depletion. It is really through the basic science that has been developed over the years that we can even measure the depletion of the ozone and pick up these warning signs that are fundamental for the future health of our people and literally the world.

It seems to me important to appreciate the fundamental unity of science. What is able to be done in health science, at some point flows directly from basic advances in physics, in engineering, in chemistry, in other areas of fundamental science.

We should also stop to realize the importance of Federal tax dollars in funding basic science research. When we talk about basic research, we are supporting research that is not related to any near-term product or profitmaking organization. Basic science asks fundamental questions that will develop knowledge that may lead in the long run to most important advances, but they are not the kinds of things that are of present interest to profitmaking corporations. That is why, today, the Federal Government funds almost half of all basic science research done in the United States. No one should doubt both the importance and the legitimacy of committing Federal tax dollars to this effort.

□ 1025

With regard to scientific and engineering personnel, the technological nature of our society is changing and more scientists and engineers will be needed. And, in view of the increasing numbers of minorities and women in the work force, our country will be truly handicapped if women and minorities are not full represented among new engineers and new scientists. It is the National Science Foundation that has the responsibility to bring minorities and women into science as full and equal partners.

The authorization in this bill is generally the administration's recommendations with the exceptions of the proposed science and technology centers where the administration proposed a 5 year, $150 million new initiative. We are unable to fund that initiative in full, but as the gentleman from New York will explain, we are making a substantial 1-year commitment in the agreement we have developed in the committee to these science and technology centers. At the same time we are increasing the amounts for science education, providing for growth in the basic research and related activities, as well as providing $141 million for the U.S. Antarctic Program.

I would like to return for a moment to the question of providing funds for modernization of research facilities. They are changing and the new science of tomorrow cannot really be done in the old facilities of today.

In the past, we have had Federal programs that provided funds to build and equip research facilities. However, these programs did not survive the inflation of the 1970's and the restraint of the 1980's.

The current administration appointed a panel on the health of science at our Nation's colleges and universities known as the Packwood-Bromley Commission. Among that panel's principal, recommendations was a major Federal initiative to restore the research infrastructure through a research facilities program under the management of the National Science Foundation.

The adoption of such an initiative as is provided by the amendment to be offered by the gentleman from New York will signal our recognition that these research facilities must be addressed if the national interest is to be preserved. In this facilities modernization program we would provide matching competitive grants available to institutions of higher education and other nonprofit research institutions for the repair, renovation, or replacement of obsolete laboratories and other facilities. The committee feels strongly that requiring matching grants, is fundamentally sound because it draws substantial private sector resources to a need that cannot be totally provided by Government. At the same time, along with more resources, we get the direction of the private sector to target the funds on facilities that, from the local level, will make the greatest contribution.

I want to also emphasize that we are continuing to strengthen science and engineering education by adding, through the amendment developed by the gentleman from New York, $25 million to the science and engineering function of the NSF.

I think as the gentleman from Michigan [Mr. BONIOR], who offered the rule to the House today, noted, the international comparison of American science education leave us woefully at risk. It is not for nothing that views of our Nation's educational system come back in reports entitled "A Nation at Risk."

The fact is that the exposure of U.S. high school students to science and math is far below that in other nations. Most high school students in the United States receive as little as 1 year exposure to science before they graduate. When we compare that to Japan and the Soviet Union where students literally receive as a matter of course 4 years of physics, 4 years of chemistry, 4 years of math, we can understand that if we do not improve our system dramatically we are going to be far behind in the future.

And our deficiencies are showing now. U.S. students do not do well in science and math comparisons with students from other developed countries. According to the National Science Board, the average Japanese student achieved higher scores in college preparation math than the top 5 percent of United States high school students. Let us think about that again. The average student abroad did better on algebra and math than the best in the U.S. system. From another viewpoint, the top 1 percent of U.S. students, when we look just at the very best top 1 percent of U.S. students, scored lowest in algebra compared to all 13 other developed countries that were involved in the study.

If anybody can be satisfied with the top 1 percent of American high school students scoring lower than any other developed country in the world, then those folks had better think again. In the past we have been in many ways, just lucky. In my view, we should pause to realize that, in the first 50 years of the 1900's, we were the beneficiary of the flight of educated people from Europe, from wars and political repression in unprecedented scale. The development of the scientific edge which we have lived on since World War II, and in fact used to win World War II, was largely based on physicists and other scientists that were educated someplace other than the United States.

When we look at the recent teams that made the breakthroughs in superconductivity which we believe hold such promise for revolutionizing the way we live, most of the people on those teams received their high school education in science and math someplace other than the United States of America.

If we want to rely on being just lucky in the future, that is one thing. But I think it is time we got about the business of assuring that we are not going to have to be just lucky in the future.

This bill also, as we will provide in the amendment to be offered by the gentleman from New York, makes a very important commitment to community colleges and 2-year colleges. Fully one-half of the people in our 4-year institutions start that training in a community college or 2-year institution. Presently those institutions are completely bypassed by the National Science Foundation education programs for all practical purposes. We will be setting aside $5 million in the amendment we have agreed on to develop teacher enhancement, teacher preparation, and curriculum preparation for those who go on from high school to a community or 2-year college, and that will be a very important contribution to make.

I want to perhaps most importantly salute the chairman of the full Science, Space, and Technology Committee, the gentleman from New Jersey [Mr. ROE] who has been intimately involved in the development of this bill in support of the National Science Foundation from the very outset of our committee's consideration of it this year. This bill is fundamentally important for the future of the country. Just like reading, the National Science Foundation is fundamental, and this bill provides strong support for it. I urge all my colleagues to support this authorization.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALGREN] has consumed 16 minutes.

Mr. LUJAN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, I am very proud to identify with what the Science, Space, and Technology Committee is bringing to the floor today. In this town, in this body particularly, everyone constantly talks about the need to enhance America's competitiveness. It is a tough world out there, and we have all over the globe competitors from Europe, from the Far East rising up to try to claim their place in the Sun.

But we are going to remain No. 1. We are going to remain No. 1 because we in the Congress of the United States are responsive to the needs to fund the basic types of programs that my distinguished subcommittee chairman has articulated so well.

Today, as my colleagues come to the floor of the House to vote on this authorization bill for the National Science Foundation, they can be very proud. They can be very proud because they are doing something important for America.

I would like to read, Mr. Chairman, if I may, from a statement that I wish to submit in its entirety for the RECORD, a statement from Dr. Kenneth Wilson of Cornell University, one of America's assets, a Nobel Laureate. Dr. Wilson says:

> The scientists throughout the United States are ready. The time is ripe and many revolutionary research possibilities await them. All that is missing is the political will to provide them with support. This support is amply justified by the need to accelerate high technology growth surrounding research universities throughout the country. Economic growth is now the key to deficit reduction as well as continued global leadership by the U.S.

I want Dr. Wilson and everyone around this country to know that the political will that he talks about is evidenced in the Committee on Science, Space, and Technology. We are determined to make certain that the United States of America remains No. 1.

Four years ago we launched from our committee the super computer initiative for America. We are continuing that initiative in this bill.

Three years ago we launched the Engineering Research Center initiative. We are continuing funding in this bill for that initiative.

We are making important strides in the area of science education and in this area in particular I wish to commend the chairman of our subcommittee, the gentleman from Pennsylvania [Mr. WALGREN] for his leadership. Issues just do not get advanced all by themselves. It takes someone who has a burning desire to move them forward to make certain that the funding is provided, that the attention is there, that the votes are there. The gentleman from Pennsylvania [Mr. WALGREN] has been a champion for science education, and it is a privilege for me to work with him as he moves forward with this great program. I am sort of a junior partner in the effort, but he has done an outstanding job.

I think we would be remiss as we discuss this important legislation if we did not acknowledge the strong leadership of the President of the United States for the 5-year, 100-percent increase requested by the President and this administration for the National Science Foundation in a time of budgetary constraints, and at a time when it is difficult to find all the money we want to do all of the things we want. But the President of the United States has provided that leadership. He recognizes the importance of what we are about.

Mr. Chairman, I could not be happier than I am to be associated with this committee, with the gentleman from New Jersey [Mr. ROE], our chairman, with the gentleman from Pennsylvania [Mr. WALGREN], our subcommittee chairman. This is the committee that truly operates as a democracy. We have differences of opinion as might be expected. As a matter of fact, my colleagues would be disappointed if we did not have differences of opinion. But under the chairman's leadership we sit down and we work out those differences. This committee is probably the best example of democracy in action in the Congress of the United States.

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And I could not be happier than I am to be associated with it.

I proudly identify with this legislation and so does our ranking member, the gentleman from New Mexico [Mr.

LUJAN]. And if there is a twinge of sadness as we bring this bill to the floor it is because this will be the last time our National Science Foundation authorization comes to the floor under the dual leadership of the gentleman from New Jersey [Mr. ROE] and the gentleman from New Mexico [Mr. LUJAN].

Mr. LUJAN has announced that he is retiring and I must confess that when I read it on the Associated Press wire, I picked up the phone immediately and called New Mexico and said, "Please say it isn't so." But he said that it is so.

He has decided to retire from the Congress of the United States.

So while I am pleased to move forward with this bill because it is a great opportunity to advance science and technology in America, I think all my colleagues, both Democrats and Republicans alike, will agree with me that this is in a way a tribute to MANUEL LUJAN for his outstanding leadership in the Congress, because all of the things I have talked about, science and technology centers, engineering research centers, supercomputer initiatives for America, all of these things have been made possible because we have had MANUEL LUJAN serving on this committee in a position of leadership as the senior Republican.

Mr. Chairman, I commend this bill to your attention. I do so because it is worthy of your best effort.

Mr. Chairman, I thank the chairman of my committee, the distinguished gentleman from New Jersey [Mr. ROE], I thank the subcommittee chairman, the distinguished gentleman from Pennsylvania [Mr. WALGREN], but most of all—and I hope you will permit me this exception—I want to give particular praise to the gentleman from New Mexico [Mr. LUJAN], "you will be missed."

Mr. Chairman, I submit the statement of Dr. Kenneth Wilson of Cornell University:

THE NATIONAL SCIENCE FOUNDATION IN THE 1990's

I am writing this paper to urge increased support for the NSF based on my own past benefits from government support and the urgent need of today's brightest young scientists.

The National Science Foundation has acquired many new responsibilities related to economic development over the last two decades. Equally important, many simultaneous revolutions in science are competing for support from NSF. The budget for the NSF is woefully inadequate to meet demands on it, in part because it does not have as strong political support as does the NIH, the Department of Defense, or domestic social programs. While all agencies supporting basic research (NIH, DOE, NASA, DOD) need some growth for their basic research, NSF is especially visible right now because of the proposal to double its budget.

I became a scientist because my father (E. Bright Wilson, Jr.) was a scientist; he was one of the leaders of the scientific support for defense during World War II. I was a graduate student in the 50's, at the time of the launch of Sputnik. I started my Nobel Prize winning research as a graduate student (supported by an NSF graduate fellowship), and pursued that research for fifteen years through the 1960's—a golden age for U.S. science. I went on to publish the two papers cited by the Nobel committee in 1972.

The focus on science following Sputnik got me started on an extraordinary career. I urge that a new boost be given to science over the next few years. I urge this so that the scientists of today will have the same opportunity to compete for Nobel Prizes that I was given in the 1960's.

I will describe briefly the scientific quest that I was privileged to be part of, due to the extraordinary government support of science in the 1960's. When I began my research, the basic constituents of matter were known to be electrons, protons, and neutrons. These constituents combine to make up atoms, the basic units of the chemical elements. It was already known that protons and neutrons have complex structures, but the nature and causes of this structure were a mystery. Then during the 1960's, a world-wide community of high energy physicists unravelled the secrets of the proton and neutron. Countless experimental discoveries at particle accelerators created new puzzles to unravel. Attempts to understand these experiments led initially to fragmentary and seemingly contradictory explanations.

By the middle 70's the proton's structure had become clear; it and the neutron are made up of three objects called quarks, held together by a microscopic version of string. Equations of motion for both quarks and string had been established. The discovery of quarks and strings, and the equations describing them, is as basic a scientific discovery as the discovery of Newton's Laws in the 1600's or the Laws of Electricity in the 1800's.

I was fully involved in these discoveries. Moreover, this was followed by my trip to Sweden to receive the Nobel Prize and the extraordinary respect from scientists and laymen alike that this award brings.

Many young scientists in the 60's received their graduate training by participating in research such as mine; these scientists today are faculty members at universities in every state of the U.S. The scientific opportunities awaiting them and their graduate students today are even more spectacular than when I started out. Telescopes and satellite observatories have completely altered our view of the universe, uncovering explosive events that consume entire galaxies of stars, or tiny pulsars that send pulses to earth with greater regularity than any earthbound clock. The current excitement over high temperature superconductors is only a tiny indication of a vast revolution in materials ranging from polymers and optical fibers to drugs and catalysts. This revolution is entering a new stage due to microscopes which can see individual atoms, and new techniques (such as molecular beam epitaxy) for building new materials, atom by atom. The continuing unfolding of the molecular basis of life was illustrated most recently in the search for the gene responsible for cystic fibrosis. Critical for human survival is the growing investigation of the global environment and climatic change.

Moreover, the accelerating computer revolution is profoundly extending the scope of science. It used to be that the most fundamental question asked by scientists was "What is this object made of?". Now, an equally important question is "How does this system work?". For example, scientists first learned that proteins (crucial components of life) are made up of amino acids. Now the exciting question is "How do entire proteins fold to achieve their biologically active structure?". The most powerful computers (supercomputers) are needed to manage all the data that such questions involve. The vast challenge of computer aided design, engineering, and manufacturing, is to understand and control the life history of all kinds of products—from manufacture to final disposal as waste—before they leave the drawing board. Computer networking is creating a revolution in communications as profound as the invention of printing 500 years ago, leading to instantaneous national and global scientific collaborations and the instantaneous capability to selectively search man's entire storehouse of knowledge.

The last twenty years has seen the emergence of regions of high technology economic development such as "Route 128" or "Silicon Valley" where world class universities provide highly trained manpower and the fruits of basic research to a mix of large and small companies. A major challenge to the next President is to encourage high technology growth throughout the country in collaboration with state Governors and their high technology economic development programs. I believe that many more high technology zones can be identified than are presently recognized, each with a different range of specialities benefitting from the many scientific and engineering revolutions now underway. At the heart of almost every such region there are university faculty of high quality with potential Nobel Prize-winning research goals. Their research can inspire successive generations of students to the creativity a modern high technology region requires.

Unfortunately, the budget of the NSF is now far to small to meet the needs of even the most outstanding research projects. Scientists from all parts of the country prepare proposals for new research investigations, proposals that NSF program directors are eager to fund but either reject outright, or drastically underfund because of budget shortfalls. It is especially difficult for young scientists starting their careers, or scientists outside the most prestigious Ivy League or California universities to compete against the highly productive ongoing research programs at these universities, although even Nobelists at Ivy League schools, working on high temperature superconductivity, are being cut back too.

The difficulties at the NSF reflect a dramatic rise in budgetary pressures at the NSF over the past two decades. The sources of these pressures are, first, the transfer of major defense-funded programs to the NSF (such as the Materials Science Centers). Then, there was the growth of engineering research and graduate training programs in critical areas like electrical engineering and computer science to rival the science programs at NSF. Then, there was an explosive growth in the cost of research instrumentation, fueled by a rapidly growing industrial market for scientific instruments. Then, there was the continuing growth in the power of computers and the need to supply and update computers of all kinds for research. Most recently, the NSF has started its programs in engineering research centers, supercomputer centers, and the proposed science and technology centers, all of which are essential to support interdisciplinary groups studying complex systems.

The Reagan administration has proposed that the NSF budget be doubled over the next five years. I believe what is needed is to triple, not just double, the NSF budget.

This goal is, of course, very difficult to accomplish in an era of massive deficits. There is broad but shallow support for the NSF in Congress. There is a growing awareness of the NSF among state Governors as they focus on needs for high technology development within their own states. However, there has been no powerful political voice supporting NSF in Congress in comparison with the support heard for the NIH, or defense, or major social programs. The university scientists and engineers who are supported by NSF are a minute fraction of the body politic, fragmented and politically naive. The role of these university faculties in economic development is poorly understood by the scientists themselves, as well as most laymen. Even the Congress is skeptical, being very concerned about the ease with which competitors abroad take advantage of U.S. research results.

There are obvious and valid concerns about the effectiveness of technology transfer from U.S. universities to U.S. industry, especially in the face of the massive trade deficit. It is, I believe, extremely dangerous to starve U.S. science because of these concerns. Firstly, virtually the entire product offerings of U.S. industry are redesigned over a period of a decade or two, and the technology base for these designs is vastly different today than it was twenty years ago. Given the scientific revolutions underway in such key areas as materials and biotechnology, the advances in industrial technology worldwide over the next twenty years could be even more dramatic and the dangers if the U.S. falls behind are, I believe, extreme even by comparison to today's deficits. Secondly, there are areas where university/industry technology transfer works well, for example, technology transfer to U.S. military industries. Thirdly, as Erich Bloch (Director of the NSF) has emphasized, whatever the causes of U.S. competitive failures in high technology—from the overpriced dollar to the conservatism of middle management in large U.S. companies, to actions by our competitors abroad—one has to look to university faculty to take the entrepreneurial lead in improving technology transfer to U.S. civilian industries. Starving U.S. science so that there is no technology to transfer is not, I think, the best strategy to pursue.

The scientists throughout the U.S. are ready; the time is ripe and many revolutionary research possibilities await them. All that is missing is the political will to provide them with support. This support is amply justified by the need to accelerate high technology growth surrounding research universities throughout the country. Economic growth is now the key to deficit reduction as well as continued global leadership by the U.S.

I have set aside half of my time to work on science policy issues over the next few years. I am moving from Cornell to the Ohio State University, partly in hopes of being more involved in the many practical issues of high technology advance. I am ready to help in any way I can to bring about another Sputnik-like advance in the support of science.

The CHAIRMAN. The gentleman from New York [Mr. BOEHLERT] has consumed 6 minutes.

Mr. WALGREN. Mr. Chairman, I yield such time as he may consume to the chairman of the full committee on Science, Space, and Technology, the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Chairman, let me say that we have had now, if the Chair would permit me and give me this opportunity, about five or six different major bills that we have brought up and with each one we talk about MANUEL LUJAN leaving. Now I would like to make the point that our work is not over in this Congress by far. We still have the rest of the year to go, I say to the gentleman from New York [Mr. BOEHLERT]. I, too, want to echo his sentiments.

I think MANUEL LUJAN, our ranking member, has done an extraordinary job, will continue to do an extraordinary job for the rest of this year and I hope someplace along the line that when the spirit moves him that he will continue in Government.

I think that MANUEL LUJAN has demonstrated all of the abilities of any citizen in this country by far in the basic leadership he has offered to the Congress of the United States and certainly in the field of science, space, and technology he has been a true champion. I want to echo those statements.

Now, Mr. Chairman, if I may, H.R. 4418, the National Science Foundation Authorization for fiscal years 1989 and 1990, represents a critical investment in the Nation's future. I congratulate Mr. WALGREN, chairman of the Subcommittee on Science, Research and Technology, for his leadership in crafting H.R. 4418. Also, I would like to acknowledge the efforts of our colleagues on the other side of the aisle, Mr. LUJAN, the ranking Republican member of the committee and Mr. BOEHLERT of the subcommittee, for their hard work in the preparation of this bill. The programs supported by the National Science Foundation in science and engineering research and education provide the foundation for the long term economic health and strength of our country. These programs generate the new knowledge and produce the human capital needed to fuel an economy based on high technology. Ultimately, the success of the National Science Foundation programs will significantly influence how well we compete in the rapidly changing international marketplace.

The National Science Foundation supports much of the basic research in the physical sciences, mathematics, and the engineering sciences in U.S. colleges and universities. This research has led to discoveries in widely ranging areas from new materials, which touch our daily lives, to new theories, which attempt to explain the origins of the universe. The ideas generated from basic research underpin the development of commercial products and processes that expand our economy, improve the lives of our citizens, and help sustain our national defense.

Equally important, the Foundation's programs help to produce the scientists and engineers to meet the needs of industry and the National Defense Establishment, as well as to renew the ranks of research scientists in academia, industry, and Government. Not only is direct support provided for graduate students but also precollege and undergraduate science and mathematics education programs help to keep the pipeline of scientists and engineers filled. Moreover, the Foundation supports initiatives to attract more women and other underrepresented groups to careers in science and engineering.

The National Science Foundation also plays a major role in the long-term development of first-rate research capabilities at universities in all regions of the United States. For example, the Experimental Program To Stimulate Competitive Research targets States which historically have received little Federal research funding and which are willing to provide joint funding for multiyear grants to build up research strength in specific discipline areas. The potential importance of the this program can be seen from the grant to the University of Alabama-Huntsville, which produced one of the first sets of research results on a new class of high temperature superconducting materials.

With the fiscal year 1989 budget request, the administration has returned to the goal of doubling the NSF budget over a 5-year period. The Science, Space, and Technology Committee supports and endorses this proposal, which is consistent with the committee's firm belief in the importance of NSF's contribution to the Nation's well-being. This increase in funding for NSF is essential to address important concerns about the health of the U.S. basic research and education enterprise.

H.R. 4418 as reported by the committee authorizes $2.135 billion for NSF in fiscal year 1989. Within this total, $1.739 billion is for research and related activities, $170 million for science and engineering education, $141 million for the U.S. Antarctic Program, and $85 million for the new Academic Research Facilities Modernization Program. For fiscal year 1990, H.R. 4418 authorizes a total of $2.258 billion, with $1.784 billion for research and related activities, $203 million for science and engineering education, $146 million for the U.S. Antarctic Program, and $125 million for the Academic Research Facilities Modernization Program.

The bill exceeds the administration's total request because we had hoped that the budget resolution would allow sufficient growth in the NSF budget to accommodate the major new facilities program. However, since this did not occur, we will join Mr. BOEHLERT in offering an amendment to lower the total authorization for NSF to the administration's request level. Although not at the level we would have preferred, the authorization will allow NSF to meet obligations for existing research and education programs, expand programs in particularly promising areas, pursue new research opportunities, and begin to address serious shortcomings in academic research facilities.

The Academic Research Facilities Modernization Program is a major new initiative authorized by H.R. 4418. I am very pleased to report that this program will begin to correct a serious danger to the continued excellence of academic research. This new program, which contains identical provisions to a section of the trade bill as recently passed by Congress, will make competitive matching grants based on merit to universities and colleges for repair, renovation, or replacement of laboratories and other research facilities. Part of the funds would be targeted for institutions which have received little Federal R&D funding and for institutions that serve a large percentage of minority students.

The need for academic research facility upgrades and refurbishment is a serious problem which has been documented in national studies and surveys, as well as in hearings before the Science, Space, and Technology Committee. Crumbling facilities are beginning to impede the conduct and affect the quality of research that can be done in universities. A 1986 White House Science Council report estimated that $10 billion would be needed to correct deficiencies in academic research facilities. However, the administration has not included a facilities modernization program in their budget request. H.R. 4418 will correct this oversight and begin to restore the university research infrastructure in the United States.

In other budget actions in H.R. 4418, the committee reprogrammed $20 million from the administration's request for the NSF National Supercomputer Centers. This will allow for hardware upgrades to keep the Centers at the leading edge of technology. Also, $14 million was transferred to the Science and Engineering Education Program to ensure adequate funding for the projected growth in the NSF Graduate Fellowship Programs.

I would like to mention briefly several priorities included in H.R. 4418 aside from authorized funding levels. The bill will bring NSF under the provisions of the Inspector General Act of 1978. It is appropriate that an agency of NSF's size should have an independent inspector general. Also, the bill amends the NSF Organic Act to establish conflict of interest standards for members of the National Science Board, the governing body for NSF, and amends and Organic Act to require NSF to submit to Congress annually budget estimates covering 3 years.

Mr. Chairman, H.R. 4418 is a balanced proposal which is essential for maintaining the health of the U.S. basic research enterprise and for the training of new generations of scientists and engineers. I urge my colleagues to support passage of H.R. 4418 with the committee amendments.

May I suggest, Mr. Chairman, with Mr. WALGREN and Mr. BOEHLERT, it is amazing to me how different pieces of legislation come to the floor and perhaps do not get quite the attention that they should. Maybe that is good. But I want to tell you something, that these two leaders from both Pennsylvania and New York are helping to forge the future of tomorrow for this country in the areas of science, space, and technology and education and I strongly support this bill.

The CHAIRMAN. The gentleman from New Jersey [Mr. ROE] has consumed 3 minutes.

Mr. LUJAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as the ranking Republican member of the Science, Space, and Technology Committee, I rise in support of H.R. 4418, the bill before the House today authorizes funds for an agency, the National Science Foundation [NSF], which is one of the major sources of funding for scientific research conducted at U.S. higher education institutions. NSF is also a significant source of support for primary and secondary schoolteacher training, curriculum development, improved textbooks and various forms of informal education such as science museums and science fairs. It is the only Federal agency which recognizes our precollege teachers by awarding Presidential science and math teacher awards. Approximately 95 percent of the funds appropriated to the National Science Foundation are distributed, through over 14,000 awards, to academic, to not-for-profit organizations, to consortia of universities and colleges, all seeking to elevate the quality of education in this country.

Several hundred graduate students and elementary and secondary schoolteachers are funded annually by NSF through direct grants and/or fellowships, several thousand scientists and engineers are supported through individual grants; academic institutions receive NSF funds to operate a range of research centers, research facilities, and services for the research community, as well as to purchase very costly equipment and instrumentation essential to the conduct of research and educational instruction.

There are many members who may be inclined to criticize the administration for the 19.3-percent increase being requested for NSF in fiscal year 1989. But, they may forget that every State in the country is receiving NSF moneys to maintain and enhance the education of our children. Throughout the 100th Congress, Congress has been inundated with statements about the seriousness of international competition and what the United States must do to maintain and/or regain its position in the world market. The solutions all come back to higher quality education in the United States and maintaining our preeminence in basic research. It is no coincidence that NSF's mission is to promote both of these. And, therefore, the President has put forward a very timely and sound proposal to double the NSF budget in 5 years.

At the appropriate time, I will ask my colleagues to support an amendment by the gentleman from New York [Mr. BOEHLERT]. It will maintain the President's healthy request for a 19.3-percent increase. H.R. 4418 exceeds that request by $85 million thereby authorizing a 24-percent increase over current levels. The committee bill funds a new program for academic facilities modernization on top of the 19.3-percent-requested increase, whereas the Boehlert amendment funds this program within the increase.

Given the Federal budget constraints. I believe it is not only appropriate but necessary that the authorization committee establish priorities in line with fiscal reality. The Boehlert amendment recognizes that reality and is in line with the conference report of the House and Senate Budget Committees, which the House adopted just last week.

It is no surprise that the Appropriation Committees, House and Senate, have serious budgetary allocation constraints. In fact, the House HUD-Appropriation Subcommittee marked up their bill, providing an 8.5-percent growth for NSF, as compared with the 19.3-percent-requested increase. The subcommittee tried to maximize function 250 funding and this mark is subject to further examination now that the budget conference report has been adopted in both Houses. The authorization committee should shed some wisdom of this process by setting priorities within the limits of reality.

I would like to address other provisions contained in H.R. 4418.

Section 2(d) of the bill requires that the research icebreaker vessel, which NSF desperately needs to maintain our presence in the Antarctic, would have to be built in a U.S. shipyard. Following substantial discussion in committee about the impact of this amendment on the overall NSF budget, a proviso was added so that the price of such a vessel would be kept within reasonable limits above the price of a foreign built ship. The committee agreed that 25 percent above the foreign cost is an appropriate amount. These funds would have to come from funds appropriated for the Antarctic program. However, it is not unreasonable to anticipate that the Buy America amendment may necessitate increased funding or even a reprogramming request to cover the icebreaker costs. Under section 5(a) of H.R. 4418, congressional notification is required for any transfer of funds between accounts when that amount exceeds 5 percent. As the research account of NSF has been frozen for the last 4 years. I would not look favorably upon the use of the research accounts to underwrite the costs of the icebreaker. In fact, I would note that such an action could result in major disruption to other research funded by NSF. For example, only a couple of million dollars could throw the astronomy programs into a crisis. I am very supportive of the National Radio Astronomy and National Optical Astronomy Observatories' missions. The slightest reduction in funding below the fiscal year 1989 request would be disastrous to such facilities as Sacramento Peak and the very large array and baseline array.

Section 11 of the committee bill seeks to improve the activities of the National Science Board, particularly as they relate to conflicts of interest. Unlike most governmental advisory boards, the National Science Board has budgetary and policy responsibilities and truly oversees the Foundation. As such, the Congress naturally wants to assure that NSF has adequate procedures in place so that the 24 members are properly protected against conflicts of interest or perceived conflicts. I raised some concerns in committee about H.R. 4418 using the Foreign Agents Registration Act of 1938 to prohibit a board member from acting on behalf of a foreign government. Clearly, we don't want members on the Board who represent inappropriate interests, and to date we have never experienced this. However, since the conflict of interest provision in existing legislation is applicable, I will support an amendment offered by the chairman to delete this provision.

Likewise, I will support deleting another conflict of interest provision as Board members are already considered special Government employees. Therefore, there is no apparent need for the section 4(l)(3) amendment to the NSF Organic Act.

Let me take this opportunity to congratulate the gentleman from Pennsylvania [Mr. WALGREN], the gentleman from New York, [Mr. BOEHLERT], the chairman of the Committee on Science, Space, and Technology, the gentleman from New Jersey [Mr. ROE], for the work involved in this bill.

We are all very dedicated to the programs of the National Science Foundation and we were able to work out the various compromises because each one of us, of course, has special interests, special programs that we particularly like, but it has always worked out very well.

So I would urge my colleagues to support the National Science Foundation funding as a right and proper program by this Government to keep America in the forefront in education and in technology.

I thank the chairman for the opportunity to speak on behalf of this program.

The CHAIRMAN. The gentleman from New Mexico has consumed 8 minutes.

Mr. WALGREN. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. TRAFICANT], a member of our committee.

Mr. TRAFICANT. That is OK. Thank you for the time, Mr. Chairman.

Being from a neighboring district, I can understand you forgetting about the Youngstown area because it seems like everybody in the world has.

I just would like to start out by saying that we are very pleased, with the problems that we have experienced in that region of the country, to have a young subcommittee chairman like Mr. WALGREN from the city of Pittsburgh area who can look over some of that region because we have certainly lost an awful lot of jobs and one of our major industries. One of them has been hard hit, the steel industry. Probably nobody more in this Congress has their fingerprints on as much legislation as the fine subcommittee chairman from Pittsburgh, NE—Pittsburgh, PA, and we are real proud that he is here in that leadership role.

Also, Mr. BOEHLERT has to be singled out because he is always very supportive. You know, when you talk about our committee, I think every committee in the House should take a look at the Committee on Science, Space, and Technology because they should take a look at how we operate. I think we would get all of our business done, we would do it intelligently and expeditiously.

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Everybody stood up and said a few nice words about the gentleman from New Mexico, Mr. MANNY LUJAN, and I do not think anybody could say enough. The fact is that he is not confrontational, he contributes, and he makes sure that our legislation comes forward. And we have a very open minded chairman.

I am standing up here and taking this time because there has been some talk about the Buy American provision lately that does not affect my Buy American amendent. I wanted to clarify that just briefly for the gentleman from New Mexico and the gentleman from Pennsylvania [Mr. WALGREN]. My Buy American amendment exempts section 2(d) that deals with the icebreaking vessel that is now being discussed. So the 25-percent threshold that was placed on there was placed on all bids, and I believe the amendment that is coming forward from another Member would set the threshold at 25 percent starting from the lowest American bid. So that is a decision for the committee. Mine exempts that but covers every other element of the bid, offering a 6-percent advantage, with the proviso that the item is made in America by American hands, with at least 50 percent of its contents domestically produced.

It also then provides a waiver that when this legislation is in conflict with any international agreement or with the General Agreement on Tariffs and Trade, it can be waived by the U.S. Trade Representative. But in line with that, it offers further report langauge that there must be a report from the director showing how many times the Trade Representative did step in so we could put a little more teeth in down the line.

So I wanted to make that point clear, that there is no controversy surrounding my particular Buy American amendment that has been standard language.

Mr. Chairman, I do not know how many more bills our committee is going to bring to the floor. I know that all of the leadership we have discussed there today will be back except the gentleman from New Mexico [Mr. LUJAN]. I know that everybody in the House is saddened to hear that he is not coming back, because he has really been fair; he is not just a Democrat or not just a Republican, he is just a great Member, one who is very fair. I say that, coming from an area like mine that has been helped already and being the only member on this committee from the State of Ohio, on behalf of all the people in the State of Ohio, I want to thank the gentleman from New Mexico [Mr. LUJAN] for his contribution.

Mr. LUJAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Chairman, I want to express my support for H.R. 4418, The National Science Foundation authorization, and my appreciation to Chairman ROE and to the ranking Republican on the full committee, Mr. LUJAN, for their efforts in getting to this point with this legislation. I would also like to extend my thanks to the chairman, the gentleman from Pennsylvania [Mr. WALGREN], and the ranking Republican member, the gentleman from New York [Mr. BOEHLERT], of the Science, Research, and Technology Subcommittee for their efforts in this regard.

Mr. Chairman, the National Science Foundation is one of the primary Federal agencies responsible for promoting and supporting our Nation's science and engineering infrastructure—they do so by instituting a vast array of programs involving students, faculty, and researchers at all levels of the educational spectrum. By facilitating research among our scientists, engineers, and research institutions and by promoting the sciences to younger generations, the NSF attempts to ensure that our Nation's future need for scientists and engineers is met as well.

Although I recognize the need to allow the Foundation a great range of maneuverability in formulating an agenda by which to foster the scientific and technological base of our Nation, I particularly want to commend the committee for recognizing the important role research and education consortia groups can play by further solidifying such a "base" in the future. Specifically, I am speaking of those education consortia groups made up of research universities, other 2- and 4-year colleges, and so forth.

In making this recognition, the committee has ensured that due consideration will be given to such institutions in the granting process. I should make it perfectly clear that during the committee markup of this provision, there was a valid concern brought forward with regard to the "merit review" process which the NSF so correctly adheres to—particularly since the provision refers to the site selection process of the Science and Technology Centers Program which is already underway. In no way is the merit review process preempted with regard to the choosing of sites for S&T centers. This bill mandates, rather, that priority be given to certain proposals for planning grants under the S&T Centers Program. Therefore, those urban areas, "in which there are no major research universities," can better develop a site proposal which is in fact meritorious.

Furthermore, since certain urban areas do not have access to the benefits provided by a research university, and thus, have lacked the technological infrastructure to attract and retain technical oriented industry, facilitating consortia efforts to fill this void are an ideal way for the NSF to broaden and strengthen the engineering and scientific base of which we so often speak.

Mr. Chairman, we often talk of forging links between research universities and industry, of providing access for multiple researchers to sophisticated instrumentation and facilities, and of noting the importance of the role undergraduate universities and colleges play in ensuring that our Nation's future need for scientists and engineers is met. Therefore, we cannot allow the bypassing of an avenue inherently conducive to reaching these goals; that is, research and educational consortia.

The legislation before us today will ensure that this avenue is a viable route for our communities to take in the future.

Finally, Mr. Chairman, let us not forget that in our ever shrinking world economy, scientific and technological superiority is essential if our Nation is to compete successfully against other countries. This measure will allow us "to stay in the game," if you will. We would certainly like to do more Mr. Chairman. But given the current budget situation, this is a good bill, and I urge my colleagues to support it.

Mr. WALGREN. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. VALENTINE].

Mr. Chairman, before the gentleman begins, will the gentleman yield to me?

Mr. VALENTINE. I yield to the chairman of the subcommittee.

Mr. WALGREN. Mr. Chairman, if I may just take a few seconds, I want to apologize to my friend, the gentleman from Ohio [Mr. TRAFICANT], for getting him mixed up with the ranking member, the gentleman from New York, resulting in the interposing of States. Actually, the gentleman from Ohio, most of us feel, comes from Pittsburgh, because what we remember is that there was a time when there was only one football player in Pittsburgh, and it was the gentleman from Ohio [Mr. TRAFICANT] playing for the University of Pittsburgh. That is a memory that we all hold very dear.

Mr. Chairman, I thank the gentleman from North Carolina for yielding.

Mr. VALENTINE. Mr. Chairman, I thank the subcommittee chairman for yielding this time to me.

I cannot speak for our good friend, the gentleman from Ohio [Mr. TRAFICANT], but I am sure we all know he is fully capable of speaking for himself on this and all other occasions, and I do not think any apology is needed or justified. We all know that the gentleman from Ohio [Mr. TRAFICANT] is not only a man for all seasons but a man for all States.

Mr. Chairman, I want to add my voice to the litany of praise for the chairman of the subcommittee, the gentleman from Pennsylvania [Mr. WALGREN], and the chairman of the full committee, the gentleman from New Jersey [Mr. ROE], and I want to thank them for their many courtesies to me this year and in past years. I thank them for the work they have done in crafting this very significant legislation and bringing it here to the floor for our consideration today.

I also want to add my voice to the praise that has been expressed here for our colleague, the gentleman from New Mexico [Mr. LUJAN], who leaves us after these next few months. The gentleman from New Mexico has made an outstanding contribution to this and to other legislation, and we are here today to help put another jewel in his legislative crown. We will miss him.

Mr. Chairman, I rise in support of H.R. 4418, the National Science Foundation authorization bill for fiscal year 1989 and 1990.

Over the past several weeks, the House of Representatives has acted on a number of measures designed to ensure America's competitiveness. The House has passed a conference agreement to the omnibus trade bill and even voted to override the President's veto of that measure. The House has passed authorization bills for the Department of Energy and NASA, each designed to ensure America's continued leadership in the science and technology areas.

Today, we are considering another important initiative, the authorization bill for the National Science Foundation.

Ensuring that our country has a well-educated and technically competent work force is critical to meeting the current and future challenges of global competition and improving the quality of life for all citizens.

The National Science Foundation is the primary Federal agency responsible for promoting and advancing scientific education and progress through our Nation's colleges and universities. This legislation not only supports research, but education. It not only supports basic research in the sciences, but also in engineering. It not only supports the Nation's top research universities, but reaches out to undergraduate institutions, high schools, and elementary schools as well. It also demands the active involvement in both planning and funding of private sector entities, local and State governments, and universities themselves.

I am pleased, however, that this legislation recognizes an important element essential in maintaining our competitive edge; that is, our universities research facilities. About half our U.S. basic research is carried out in university facilities. This research should be done in facilities designed to maximize researchers' effectiveness, working under optimal consolidations. But the Nation's university research facilities base is fast reaching a state of antiquity and decrepitude that make some laboratories and equipment more suited for veneration than for effective use.

Mr. Chairman, it has been rightfully said that the proper order of priority in the expenditure of research funds is people, instrumentation, and facilities. I agree with that ranking, but the academic research community knows that we have reached a point that we must give urgent attention to the facilities category. Our research facilities urgently need repair and replacement. This legislation recognizes this urgency by creating a Academic Research Facilities Program within NSF. This program will make matching competitive grants available to institutions of higher eduation for the repair, renovation, and replacement of obsolete laboratories and other research facilities.

We must also recognize, Mr. Chairman, that research does not start and end at the graduate level and that not only graduate level facilities are desperate need of repair. The facilities modernization program must take into account the role and function of our undergraduate institutions as well. These institutions show significant levels of need in all areas of undergraduate science and engineering education—personnel, equipment, and facilities. It takes many years to educate and train a scientist, and our undergraduate institutions are key to this education.

Overall, Mr. Chairman, the bill before us represents a bipartisan effort by the Science, Space, and Technology Committee in responding to the future needs of our country in the science and engineering areas. The activities authorized and funded are important for our long-term economic strength and competitive posture. Through these programs, the Foundation will make significant improvements in research and education at our colleges and universities.

I urge my colleagues to support this measure and defeat any amendments to weaken the National Science Foundation.

Mr. JEFFORDS. Mr. Chairman, our colleges and universities have suffered serious decline in the quality of their scientific research laboratories, facilities and instrumentation which results in inadequate instruction. This bill establishes a program that provides resources for graduate research facilities and graduate and undergraduate instrumentation. These provisions are essential to our ability to compete as a nation, and I am pleased to see them as part of this legislation. Unfortunately, these provisions do not go far enough. Undergraduate research and instructional facility needs are not acknowledged.

Over the last several years, the necessity for the refurbishing of the college and university infrastructure has become a critical need at American postsecondary institutions. A number of published reports validate this need and suggest a Federal/postsecondary education partnership to solve the difficult problems faced by colleges struggling for excellence in the face of deteriorating facilities and inadequate instrumentation. When one talks to college presidents about their institution's problems, invariably, they will name facilities renovation and scientific instrumentation as a pressing concern.

It concerns me that we provide billions of dollars in student financial assistance so that our citizens may gain access to postsecondary education and, when that access is gained, they are educated in facilities and use instrumentation which clearly are not state of the art. It is as much a denial of educational opportunity to use student financial aid to open college doors and train students in inferior facilities, as it is to not open the college doors at all.

It is important for my colleagues to know that one-half of higher education's physical plant is more than 25 years old. One-quarter of it was constructed before World War II. Some analysts suggest the total nationwide price tag for replacement and renewal of university facilities, including research laboratories and instrumentation, is between $30 and $40 billion.

Additional facts support the critical need to address this problem. Funding for major Federal programs for construction of university research facilities declined 85 percent in constant dollars between fiscal year 1963 and fiscal year 1984. Direct Federal grants for graduate facilities ended in 1969 and for undergraduate facilities in 1973. Further, more than 88 percent of Federal funds for direct loans for facilities construction was appropriated prior to 1970.

The Association of American Universities also reported that academic institutions were able to address only 50 percent of the needs to renovate and modernize their research facilities. A National Institute for Independent Colleges and Universities survey of undergraduate science facilities needs found that overall, 4 out of 10 independent institutions consider their facilities to be inadequate, and only 1 in 10 has state-of-the-art facilities. Twenty of twenty-three universities that participated in a GAO study reported that the inadequacy of present research facilities was a "leading constraint" to the type of research they were currently conducting.

It is clear that we must do better in supporting excellence in our postsecondary education system. From the mid-1960's until the early 1970's Federal funding of university research facilities and instrumentation accounted for 25 to 30 percent of the total expended for those purposes. For the period following World War II, the Federal Government directly supported 65 percent of the cost of instrumentation and 20 percent of the cost of R&D plant.

I was successful in sponsoring in each of the trade bills that this body has considered over the past few years language that would have included both undergraduate and graduate research instrumentation and facility needs. Because of jurisdictional issues, the ultimate resoluton of the issue placed the program under the NSF. When we adopted the conference report on the trade bill, I was pleased to note that it contained language directed toward the revitalization of our declining college and university research capabilities, however, I expressed concern regarding the lack of an undergraduate facilities program.

Inadequate and outdated scientific research equipment and laboratories at the graduate and undergraduate levels must be revitalized so that our ability to conduct basic research and development can be maintained. Our colleges and universities must be retooled in order to keep pace with developments in science, mathematics and engineering. Without adequate undergraduate facilities, the supply of well-trained graduate researchers could be limited.

I know that the committee has been reluctant to include any of these programs in this authorization bill. I appreciate the efforts that have gone into these provisions. I also appreciate the fact that even though these provisions were included in the trade bill, the committee has provided 2-year authority for these programs in this bill. I regret though, that my initial concern persists—the lack of an undergraduate facility program.

I hope that the next time we consider an NSF authorization bill a program recognizing the need to upgrade and improve science laboratories and facilities in undergraduate institutions of higher education will be included. The modest step regarding these programs that we took in the trade bill and that we are taking in this bill is crucial.

I will work over the course of the next 2 years with the goal of having an undergraduate facilities piece included in the next NSF authorization bill. Again, I appreciate the efforts made by the committee to include in this bill the language that was agreed to in the trade bill. I am only sorry that the committee did not go further and include the final piece—a program to revitalize undergraduate research facilities.

Mr. HAMILTON. Mr. Chairman, I wish to express my strong support for H.R. 4418, the National Science Foundation authorization. I believe it is a strong bill which will improve our Nation's science capacity. I want to thank especially Congressmen ROE and WALGREN, as well as Congressmen LUJAN and BOEHLERT for their careful and thoughtful roles in shaping this bill. I am particularly pleased that the important need to reinvest in our science infrastructure is beginning to be addressed in this bill.

I am disappointed, however, that we were not able to create needed authority for the NSF to help improve the science facilities used at our undergraduate institutions. Such an authorization is needed desperately to properly educate future scientists. According to a survey conducted by the National Institute of Independent Colleges and Universities, our future science capacity is seriously jeopardized by the inadequacy of science laboratories and related facilities used in the undergraduate instruction of our students. Four out of ten private colleges consider their science facilities to be seriously inadequate, and public colleges have at least the same level of need.

This is not a trivial matter. The undergraduate level is where students make the decision to pursue science as a career. Between 1961 and 1980 our Nation's private undergraduate institutions graduated 60 percent of the students who went on to earn their Ph.D.'s in the sciences. Many of these colleges are experiencing a steady, and in some cases, increasing number of undergraduates majoring in the sciences. Yet, the science education of these students is often taking place in seriously outmoded facilities.

It is my hope that in the final version of this bill that we send to the President, we will be able to meet this important need.

Mrs. LLOYD. Mr. Chairman, I rise in support of the committee bill, H.R. 4418, and want to congratulate the chairman of the committee, Mr. ROE, and the chairman of the subcommittee, Mr. WALGREN, on an excellent product. The heart of U.S. technological competitiveness is the health of our science and technology enterprise. Real growth in funding for NSF is vital to maintaining the vigor of this enterprise. From my perspective as chairman of the ERD Subcommittee I have seen how critical the basic and applied research in the national laboratories is to assuring a healthy future in the international markets for high technology products. This NSF bill contains the complementary university funding to maintain U.S. preeminence in science so as to provide a strong technology base for industry. Maintaining scientific vigor recognizes a proper balance of funding among ongoing research, instrumentation needs and new infrastructure requirements. The gentleman from Pennsylvania has recognized that in the balance of this bill and is to be congratulated for including infrastructure funding in the legislation.

Mr. Chairman, in the framework of the need to maintain a vigorous research enterprise I want to speak briefly about one of the major new tools of U.S. science and technology, the supercomputer. The role of NSF national supercomputer centers is critical to providing important leading edge capabilities for the United States in this field. The NSF centers are key to providing broad access to advanced scientific computing facilities for most of the academic community. They provide the very best computational capability and help train researchers by allowing them to take advantage of new capabilities. Through technology transfer such advances also then can rapidly move to development of superior commercial products. The committee recommendation for the supercomputer center funding recognizes all of these important factors in the framework of todays budget constraints. I hope my colleagues will appreciate the importance of these supercomputer centers to keep the United States not only capable of solving more complicated problems in research but also maintaining a leading edge in computational technology. These computer centers have already resulted in hundreds of new scientific papers and the network access to the centers is enhanced by their 24-hour, 7-day-per-week operation.

Mr. Chairman, I urge my colleagues to support a carefully crafted bill that addresses a major scientific element of U.S. technological competitiveness, an element which is under our control to improve through passage of this bill.

Mr. OXLEY. Mr. Chairman, I want to express my support for H.R. 4418, the National Science Foundation Authorization Act. The work of NSF is fundamental to our continued research initiatives. I am also in full support of the President's request to double the funding levels for NSF over the next 5 years. This request gives high priority to research programs throughout the United States while maintaining a responsible fiscal policy. As my colleagues well know, basic academic research is the premier contribution when solving many of our world's problems, such as AIDS, acid rain, and other important scientific matters. In addition, research and education which the National Science Foundation supports goes a long way in improving the U.S. position in the increasingly competitive world marketplace.

Unfortunately, H.R. 4418 is not a perfect bill, in my view. I have long held that many undergraduate students are well qualified to contribute greatly through scientific research initiatives. Currently, the National Science Foundation does not authorize research grants for undergraduate students. This is unfortunate. I strongly believe that this country can improve our international competitive position and enhance quality education and research through undergraduate as well as graduate research initiatives. I certainly hope that funding for undergraduate research programs can be examined and implemented in the near future.

Mr. Chairman let me conclude by congratulating the National Science Foundation for its fine work and contributions to our nation's education, business, and medical societies. Let me also congratulate the Committee on Education and Labor for crafting an excellent bipartisan measure for the reauthorization of NSF. Both groups deserve a hearty "well done."

Mr. BRUCE. Mr. Chairman, today the Congress will authorize the budget of the National Science Foundation. I rise in strong support of the National Science Foundation and address with particular enthusiasm the authorization for the national centers for supercomputing.

Some months ago a distinguished panel addressed the subcommittee. Not only did they warn us of the damage caused by last year's budget constraints but also they spoke with unified enthusiasm about the work that is being done in supercomputing. Indeed, it is impressive. In supercomputing we see how high technology translates into meaningful benefits for industry, medicine, and overall quality of life.

If the airplane has advanced proportionately to the supercomputer, today's jumbo jet would carry 100,000 passengers to the Moon and back at 23,400 miles per hour. The cost of a ticket would be about $12.50. These great tools are being used by the Defense Department for everything for designing nuclear warheads to simulating battlefield scenarios. Supercomputers are allowing us to decipher the virus that causes the common cold and predict weather with unprecedented accuracy. Industry is literally waiting in line to gain access to these machines in order to develop new products and more efficient manufacturing techniques.

The $74 million that has been appropriated for this endeavor will allow continued augmentation in a field that has already generated $1 billion in new products. It is also a field which the United States dominates. Mr. Speaker, I urge our support of the job creating phenomenon that is supercomputing.

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Mr. LUJAN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. ROE. Mr. Chairman, I have no further requests for time and I yield back the balance of my time.

The CHAIRMAN (Mr. OBERSTAR). Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill is considered as an original bill for the purpose of amendment, and each section is considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Science Foundation Authorization Act for Fiscal Years 1989 and 1990".

The CHAIRMAN. Are there amendments to section 1?

Mr. ROE. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. The text of the remainder of the committee amendment in the nature of a substitute is as follows:

That this Act may be cited as the "National Science Foundation Authorization Act for Fiscal Years 1989 and 1990".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) There are authorized to be appropriated to the National Science Foundation, for the fiscal year 1989, the sums set forth in the following categories:

(1) Biological, Behavioral, and Social Sciences, $288,737,000.

(2) Computer and Information Science and Engineering, $169,126,000.

(3) Engineering, $194,964,000.

(4) Geosciences, $320,876,000.

(5) Mathematical and Physical Sciences, $502,761,000.

(6) Scientific, Technological, and International Affairs, $50,986,000.

(7) Program Development and Management, $95,550,000.

(8) Science and Engineering Education, $170,000,000, of which not more than $11,500,000 is authorized for the College Science Instrumentation Program.

(9) United States Antarctic Program, $141,000,000.

(10) Research and Related Activities within the subject areas defined by paragraphs (1) through (5), $116,000,000.

(11) Academic Research Facilities Modernization Program, $85,000,000.

(b) There are authorized to be appropriated to the National Science Foundation, for the fiscal year 1990, the sums set forth in the following categories:

(1) Biological, Behavioral, and Social Sciences, $317,611,000.

(2) Computer and Information Science and Engineering, $186,039,000.

(3) Engineering, $214,460,000.

(4) Geosciences, $352,964,000.

(5) Mathematical and Physical Sciences, $554,822,000.

(6) Scientific, Technological, and International Affairs, $57,104,000.

(7) Program Development and Management, $101,000,000.

(8) Science and Engineering Education, $203,000,000, of which not more than $13,000,000 is authorized for the College Science Instrumentation Program.

(9) United States Antarctic Program, $146,000,000.

(10) Academic Research Facilities Modernization Program, $125,000,000.

(c) Notwithstanding any other provision of this Act—

(1) not less than $74,000,000 of the amount authorized in subsection (a)(2), and not less than $78,000,000 of the amount authorized in subsection (b)(2), is authorized only for purposes of funding National Science Foundation National Supercomputer Centers;

(2) in the obligation, use, and expenditure of the amounts authorized in subsections (a)(8) and (b)(8), emphasis shall be placed on development of model curriculum tailored for science and mathematics instruction, and instruction in technician training programs, in two-year and community colleges;

(3) in allocating funds authorized under subsections (a) and (b) for planning grants for Science and Technology Centers, the National Science Foundation shall give priority to the need to establish such Centers in major urban areas in which there are no major research universities; and

(4) in allocating funds authorized under subsections (a) and (b) for grants to centers, the National Science Foundation shall give priority to consortia that include research universities, two-year and four-year colleges, and the private sector.

(d) None of the amounts authorized for fiscal year 1988 and in subsections (a)(9) and (b)(9) shall be used for lease, purchase, or lease with option to purchase of a research vessel with icebreaking capability built by a shipyard not located in the United States. In no case shall such vessel be contracted at a price more than 25 percent above the world price for such vessels of similar types.

AVAILABILITY OF APPROPRIATIONS

SEC. 3. Appropriations made under the authority provided in section 2 shall remain available for obligation for periods specified in the Acts making the appropriations.

CONSULTATION AND REPRESENTATION EXPENSES

SEC. 4. From appropriations made under authorizations provided in this Act for any fiscal year, not more than $7,500 may be used for official consultation, representation, or other extraordinary expenses at the discretion of the Director of the Foundation. The determination of the Director will be final and conclusive upon the accounting officers of the Government.

TRANSFER OF FUNDS

SEC. 5. (a) Funds may be transferred among the categories listed in section 2(a) and among the categories listed in section 2(b), so long as the net funds transferred to or from any category do not exceed 5 percent of the amount authorized for that category in such section 2(a) or 2(b).

(b) In addition, the Director of the Foundation may propose transfers to or from any category so listed exceeding 5 percent of the amount authorized for that category in section 2(a) or 2(b) (as the case may be). An explanation of any such proposed transfer must be transmitted in writing to the Committee on Science, Space, and Technology of the House of Representatives and the Committees on Labor and Human Resources and Commerce, Science, and Transportation of the Senate. The proposed transfer may be made only when 30 calendar days have passed after transmission of such written explanation.

NATIONAL SCIENCE FOUNDATION UNIVERSITY INFRASTRUCTURE

SEC. 6. (a)(1) It is the purpose of this subsection to assist in modernizing and revitalizing the Nation's research facilities at institutions of higher education, independent nonprofit research institutions and research museums through capital investments.

(2) To carry out this purpose, the National Science Foundation shall establish and carry out an Academic Research Facilities Modernization Program, under which awards shall be made to institutions of higher education, independent nonprofit research institutions and research museums, and consortia thereof, for the repair, renovation, or replacement (as appropriate) of such institutions' obsolete laboratories and other research facilities.

(3)(A) The Academic Research Facilities Modernization Program established by the National Science Foundation pursuant to paragraph (2) shall be carried out, through projects—

(i) which involve the repair, renovation, or replacement (as appropriate) of specific research facilities at the eligible institutions or consortia thereof involved, and

(ii) for which funds are awarded in response to specific proposals submitted by such eligible institutions or consortia thereof in accordance with regulations prescribed by the Director of the Foundation, pursuant to paragraph (4), with the objective of carrying out the purpose of this subsection.

(B) The regulations so prescribed shall contain such terms, conditions, and guidelines as may be necessary in the light of that objective, but shall in any event provide that—

(i) funds to carry out the program will be awarded to an institution after a comprehensive review using established Foundation procedures, and

(ii) the funds so awarded to any eligible institution or consortia thereof will be in an amount equal to not more than 50 percent of the cost of the repair, renovation, or replacement involved (with the funds required to meet the remainder of such cost being provided by the institution involved or consortia thereof or from other non-Federal public or private sources).

(4)(A) Annually, or prior to the issuance of a program announcement for solicitation of proposals for the award of funds to any institution or consortia thereof for a project under the National Science Foundation Academic Research Facilities Modernization Program, the National Science Foundation shall publish in the Federal Register interim guidelines for public review and comment for a period of 60 days. Such guidelines shall include (but not be limited to) the following:

(i) specific definitions for the terms: facilities, instrumentation, equipment, repair, renovation, and replacement;

(ii) specific selection criteria to be used in evaluating the scientific merit of proposals and, in making awards to an institution or to consortia thereof, including an analysis of the age and condition of existing research facilities; and

(iii) specific provisions for matching the Federal grant pursuant to paragraph (2).

(B) Final guidelines shall be published in the Federal Register 60 days following the close of the comment period incorporating such appropriate revisions as may arise from comments received during the review period. The guidelines, at a minimum, shall include selection criteria for the following:

(i) the quality of the research and training to be carried out in the facility or facilities involved;

(ii) the congruence of the institution's research and training activities with the future research needs of the Nation and the training and research mission of the National Science Foundation;

(iii) the contribution which the project will make toward meeting national, regional, and the institution's research and related training needs; and

(iv) the need for the proposed repair, renovation, or replacement (as appropriate) based on an analysis of the age and condition of existing research facilities and equipment.

(5)(A) Awards made under the National Science Foundation Academic Research Facilities Modernization Program shall not exceed $5,000,000 to any institution or consortium over any period of 5 years for the repair, renovation, or replacement (as appropriate) of academic research facilities.

(B) The National Science Foundation shall, in making awards under the National Science Foundation Academic Research Facilities Modernization Program to any institution, consider the extent to which that institution has received funds for the repair, renovation, or replacement of academic facilities from any other Federal agency or agencies within the 5-year period preceding the application to the National Science Foundation, with the purpose of assuring that the funds available for facilities modernization from all sources shall be distributed equitably among institutions of different sizes and geographical location.

(6) In prescribing criteria and conducting the program under this subsection, the Director of the National Science Foundation shall consult with the Secretary of Education and other related agencies.

(7)(A) At least 15 percent of the amount which is appropriated pursuant to this subsection in any fiscal year shall be available only for awards to universities, colleges, and research museums that received less than $10,000,000 in total Federal obligations for research and development (including obligations for the activities authorized in this section) in each of the two preceding fiscal years.

(B) Of the amounts appropriated under this subsection in each fiscal year at least 10 percent of the funds shall be reserved for institutions of higher education servicing a substantial percentage of students who are Black Americans, Native Americans, Hispanic Americans, Alaskan Natives (Eskimos or Aleut), Native Hawaiian, American Samoan, Micronesian, Guamanian (Chamorro), Northern Marianian, or Palauan.

(C) Requirements of subparagraph (B) may be satisfied by considering the funds awarded under subparagraph (A) to the institutions described in subparagraph (B).

(b)(1) It is the purpose of this subsection to assist in revitalizing the Nation's academic instructional instrumentation at colleges.

(2) To carry out this purpose, the National Science Foundation shall establish and carry out the College Science Instrumentation Program, under which awards are made only to two-year and community colleges and four-year, non-Ph.D degree-grant-

ing institutions or consortia thereof for the purchase of instructional instrumentation.

(3)(A) The College Science Instrumentation Program established by the National Science Foundation pursuant to paragraph (2) shall be carried out, through projects—

(i) which involve the purchase and replacement (as appropriate) of specific instructional instrumentation at the institutions involved, and

(ii) for which funds are awarded in response to specific proposals submitted by such institutions or consortia thereof on a competitive basis in accordance with regulations prescribed by the Director of the Foundation with the objective of carrying out the purposes of this section.

(B) The regulations so prescribed shall contain such terms, conditions, and guidelines as may be necessary in the light of that objective, but shall in any event provide that—

(i) funds to carry out the program will be awarded to an institution or consortia thereof after a comprehensive review using established Foundation procedures, and

(ii) the funds so awarded to any academic institution will be in an amount equal to not more than 50 percent of the cost of the purchase and replacement involved (with the funds required to meet the remainder of such cost being provided by the institution involved or from other non-Federal public or private sources).

(4) The National Science Foundation will evaluate proposals on the basis of the following criteria:

(A) This criterion relates to the capacity of the investigator or investigators, the technical soundness of the proposed approach, the adequacy of the institutional resources available, and the proposed recent research/science education performance.

(B) This criterion relates to the quality, currency, and significance of the scientific content and related instructional activity of the project within the context of undergraduate science, mathematics, and engineering education.

(C) This criterion relates to the impact the project will have at the proposing institution, and the relevance of the project in the local context.

(D) This criterion relates to the potential of the proposed project to contribute to better understanding or improvement of the quality, distribution, effectiveness of the Nation's scientific and engineering research, education, and manpower base.

(5) In prescribing regulations and conducting the program under this subsection, the Director of the National Science Foundation shall consult with the Secretary of Education and other related agencies.

(6) Such sums shall be available for the College Science Instrumentation Program subject every year to the authorizations and appropriations for the National Science Foundation.

NSF BOARD MEETINGS

SEC. 7. Section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) is amended by adding at the end the following new subsection:

"(k) Portions of Board meetings in which the Board considers possible Foundation budgets for a particular fiscal year that might be submitted to the Congress may be closed to the public until the President's budget for that fiscal year has been submitted to the Congress.".

NSF ADMINISTRATIVE AMENDMENT

SEC. 8. Section 15(c) of the National Science Foundation Act of 1950 (42 U.S.C. 1874(c)) is repealed.

TEMPORARY PERSONNEL

SEC. 9. Section 14(a) of the National Science Foundation Act of 1950 (42 U.S.C. 1873(a)) is amended by inserting "(1)" after "(a)", and by adding at the end the following new paragraphs:

"(2) The Director may, under the authority provided by paragraph (1) and in accordance with such policies as the Board chooses to prescribe, appoint for a limited term, or on a temporary basis, scientists, engineers, and other technical and professional personnel on leave of absence from academic, industrial, or research institutions to work for the Foundation.

"(3) The Foundation may pay, to the extent authorized for certain other Federal employees by section 5723 of title 5, United States Code, travel expenses of individuals appointed for a limited term or on a temporary basis and transportation expenses of their immediate families and household goods and personal effects from their residence at the time of selection or assignment to their duty station. The Foundation may pay these same allowances to the same extent for such individuals' return to the former place of residence upon separation from the Federal service following an agreed period of service. The Foundation may also pay a per diem allowance not to exceed the daily amounts prescribed under section 5702 of title 5, United States Code, to such individuals in lieu of and when less than payments for transportation of the immediate family and household goods and personal effects for the period of their employment with the Foundation. Notwithstanding any other provision of law, the employer's contribution to retirement, life insurance, and health benefit plans for individuals appointed for a term of one year or less, which could be extended for no more than one additional year, may be made or reimbursed from appropriations available to the Foundation.".

BUDGET ESTIMATE

SEC. 10. Section 14 of the National Science Foundation Act of 1950 (42 U.S.C. 1873) is amended by adding at the end the following new subsection:

"(j) Starting with fiscal year 1990, the Foundation shall submit to the Congress in each fiscal year, at the time of the release of the President's budget, a three-year budget estimate for the Foundation. The three-year budget shall include funding estimates for each major account, including each scientific directorate, the United States Antarctic Program, the Science and Engineering Education Directorate, and the Program Development and Management account.".

NSF BOARD—CONFLICT OF INTEREST

SEC. 11. Section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) is amended by adding at the end the following new subsection:

"(l)(1) A member of the Board may not serve as an agent for a foreign principal, as such term is defined in subsection (c) of the first section of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611), except as provided in section 3 of such Act (22 U.S.C. 613).

"(2) Members of the Board shall be required to file a financial disclosure report under title II of the Ethics in Government Act of 1978 (Public Law 95-521), except that such reports shall be held confidential and exempt from any law otherwise requiring their public disclosure.

"(3) Members of the Board shall be deemed to be special Government employees, as defined in section 202 of title 18, United States Code, for purposes of sections 201, 202, 203, 205, and 208 of such title.".

INSPECTOR GENERAL

SEC. 12. For the purpose of the Inspector General Act of 1978 (5 U.S.C. App.) the National Science Foundation is an "establishment", and the Director of the National Science Foundation is the "head of the establishment" with respect to the National Science Foundation. For the purpose of section 2 of such Act, the National Science Foundation is one of "such establishments".

DRUG-FREE WORKPLACE

SEC. 13. No funds authorized to be expended under this Act shall be expended in any workplace which is not free from illegal use of controlled substances.

AMENDMENT OFFERED BY MR. ROE

Mr. ROE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROE:

PRESIDENTIAL AWARDS FOR TEACHING EXCELLENCE

SEC. 14. (a)(1)(A) The President is authorized to make Presidential Awards for Excellence in Mathematics and Science Teaching to kindergarten through grade 12 school teachers of mathematics and science who have demonstrated outstanding teaching qualifications in the field of teaching mathematics or science.

(B) Each year the President is authorized to make 108 awards under subparagraph (A). In selecting teachers for an award authorized by this subsection, the President shall select two teachers from each of the several States, the District of Columbia, the Commonwealth of Pureto Rico, the Trust Territories of the United States, and the United States Department of Defense Dependents' School.

(2) The President shall carry out this subsection, including the establishment of the selection procedures, after consultation with the Director of the National Science Foundation and other appropriate officials of Federal agencies.

(3)(A) Funds to carry out this subsection for any fiscal year shall be made available from amounts appropriated pursuant to annual authorizations of appropriations for the National Science Foundation for Science and Engineering Education.

(B) Amounts made available pursuant to subparagraph (A) shall be available for making awards under this subsection, for administrative expenses, for necessary travel by teachers selected under this subsection, and for special activities related to carrying out this subsection.

(b) Part C of title II of The Elementary and Secondary Education Act as amended by the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 is amended to read as follows:

PART C—PRESIDENTIAL AWARDS FOR TEACHING EXCELLENCE IN FOREIGN LANGUAGES

"SEC. 2201. PRESIDENTIAL AWARDS.

(a) GENERAL AUTHORITY.—The President is authorized to make Presidential Awards for Teaching Excellence in Foreign Languages to elementary and secondary school teachers of foreign languages who have demonstrated outstanding teaching qualifications in the field of teaching foreign languages.

"(b) LIMITATION.—Each year the President is authorized to make 104 awards under subsection (a). In selecting elementary and scondary school teachers for an award authorized by this section, the President shall select at least one elementary school teacher and one secondary school teacher from each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 2202. ADMINISTRATIVE PROVISIONS.

"The President shall carry out this part, including the establishment of the selection procedures, after consultation with the Secretary of Education, other appropriate officials of Federal agencies, and representatives of professional foreign language teacher associations.

"SEC. 2203. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—These are authorized to be appropriated $1,000,000 for each fiscal year to carry out this part.

"(b) AVAILABILITY.—Amounts appropriated pursuant to subsection (a) shall be available for making awards under this part, for administrative expenses, for necessary travel by teachers selected under this part, and for special activities related to carrying out this part.".

Mr. ROE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey.

There was no objection.

Mr. ROE. Mr. Chairman, this technical amendment is offered for the purpose of correcting the situation in which the National Science Foundation Presidential Awards for Excellence in Science and Mathematics Teaching Program was mistakenly incorporated into the Elementary and Secondary Education Act, Public Law 100-297. The amendment addresses part C of Public Law 100-297 entitled Presidential Awards for Teaching Excellence in Mathematics and Science and in Foreign Languages. The amendment moves Awards Program for science and mathematics teaching into the National Science Foundation Authorization while the Awards Program for foreign language teaching will remain with the Department of Education. This amendment is offered with the cooperation of the Committee on Education and Labor.

The Presidential Awards for Excellence for Science and Mathematics Teaching have been awarded since 1983. The National Science Foundation, in cooperation with the White House and several scientific and education professional associations, established these awards to honor outstanding teachers and encourage them to remain in the teaching profession. each year two teachers from each State, the District of Columbia, Puerto Rico, the U.S. Trust Territories, and the Department of Defense dependents' schools are selected for this special recognition. Each awardees' school is given an NSF grant of $5,000 to improve science and mathematics instruction. In general, the winners spend their award funds on professional development activities, new equipment, materials for student research, and other teaching materials. The total expenditure for this awards program in fiscal year 1988 will be $1.3 million. The requested authorization level for fiscal year 1989 is $1.3 million.

I want to thank my colleague, the gentleman from California [Mr. HAWKINS], chairman of the Committee on Education and Labor, for his help and cooperation in offering this amendment.

Mr. LUJAN. Mr. Chairman, I rise in support of the amendment, and I would want to visit a little bit with the chairman of the committee. There has been some discussion about, perhaps, if necessary, increasing the number from 108 to whatever number could be accommodated by the National Science Foundation by perhaps increasing or changing the wording to say, "no less than 108," and then we would also change "no less than" to "teachers from each of the States," or "several of the"—"the District of Columbia, Puerto Rico, Trust Territories, and so on," and I would like to ask the gentleman about which one of the two ways we can handle it, either by unanimous consent to include the "not less than" before the "108," and the "not less than" before the "to teachers," or just some kind of an understanding that we, as my colleague knows, would favor that sort of approach and maybe do it in conference, whichever.

Mr. ROE. Mr. Chairman, if the gentleman will yield to me, I certainly subscribe to his latter observation. I think that we are both in concert, and I think we can resolve this in our language as we put the conference together on this.

So, Mr. Chairman, I support the gentleman's position on the conference language, if that is satisfactory to him.

Mr. LUJAN. Mr. Chairman, I agree with that, and I do ask for support of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. ROE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ROE

Mr. ROE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROE: On page 16, delete line 5 though line 9, and line 15 through line 18, and on line 10, strike "(2)" and insert "(1)".

Mr. ROE. Mr. Chairman, the amendment I am offering would delete subsections 1 and 3 of section 11 of this bill, H.R. 4418, and has been worked out with Chairman RODINO of the House Judiciary Committee. The committee bill amends section 4 of the National Science Foundation Act of 1950 to clarify conflict of interest standards for members of the National Science Board consistent with the practice of other Federal agencies. NSF is an unusual Federal agency in that it receives direction from a board of persons eminent in the fields of basic, medical, or social sciences, engineering, agriculture, education, research management, and public affairs who are appointed by the President, with the advice and consent of the Senate, to provide representation to NSF on the views of scientific and engineering leaders on science and engineering policy, and grants and contracts made by NSF.

The amendment as originally drafted by the committee refers to the Foreign Agents Registration Act of 1938, and to title 18 of the United States Code (18 U.S.C. 201, 202, 203, 205, and 208). It states that a Board member shall not serve as an agent for a foreign principal and that Board members shall be subject to the provisions of chapter 11 of title 18 as special Government employees. The chairman of the Judiciary Committee has noted, however, that the Judiciary Committee has jurisdiction over these provisions of title 18.

Since the committee bill was reported, however, the general counsel of the National Science Foundation has sought and received an opinion from the Director of the U.S. Office of Government Ethics which states that "members of the National Science Board are employees of the United States." I ask that these letters be placed in the RECORD. This opinion clarifies the opinion of the committee that Board members should be subject to the provisions of chapter 11 of title 18 of the United States Code on bribery, graft, and conflict of interest. Accordingly, subsections 1 and 3 of section 11 of this bill may be deleted as existing law already prohibits a Board member from serving as an agent of a foreign principal, specifically at section 219 of title 18, and Board members currently are subject to the conflict of interest provisions contained in title 18 as special Government employees.

The letters referred to follow:

OFFICE OF GOVERNMENT ETHICS,
Washington, DC.

Mr. CHARLES H. HERTZ,
General Counsel, National Science Foundation, Washington, DC.

DEAR MR. HERZ: This is in response to your letter (with its enclosures) of May 27, 1988, which asked for our opinion whether members of the National Science Board should be considered "special Government employees", as defined by 18 U.S.C. 202(a). Special Government employees are employees of the United States who perform their duties on not more than 130 days during any period of 365 consecutive days. The specific issue is whether members of the Board are employees of the United States, as opposed to representatives of an outside group.

This type of issue and significant authorities are extensively reviewed in a Memorandum from J. Jackson Walter, Director, Office of Government Ethics, to Heads of Departments and Agencies of the Executive Branch (July 9, 1982) (Subject: Members of

Federal Advisory Committees and the Conflict-of-Interest Statutes), a copy of which is enclosed for your ready reference.

The authorities noted and conclusions reached in the memorandum unequivocally support your view and the traditional understanding that members of the National Science Board are employees of the United States. The fact that members of the Board receive compensation for their service as provided for by 42 U.S.C. 1873(d), is definitive. The presence of compensation irrefutably confers legal status on the members as federal employees, notwithstanding whatever other factors may be present. *See*, Memorandum, p. 14. Thus, although the members are appointed so as "to provide representation" of outside views (42 U.S.C. 1863(c)), this fact does not alter the otherwise clear employment relationship between members and the United States.

Sincerely,

FRANK Q. NEBEKER,
Director.

NATIONAL SCIENCE FOUNDATION,
Washington, DC, May 27, 1988.

F. GARY DAVIS,
Chief Counsel, Office of Government Ethics, Washington, DC.

DEAR GARY: As we discussed, I would appreciate a quick expression of OGE's view (not necessarily a formal one) for the benefit of our Congressional authorizing committees about whether members of the National Science Board are "special Government employees" as defined in 18 U.S.C. 202(a).

As you know, the longstanding position of NSF is that Board members are indeed special Government employees. Part 684 of our conflicts regulations (45 C.F.R.), "Rules for Consultants, Board Members, and Other 'Special Employees'," is structured on that basis and states explicitly in two places [684.10(a) and 684.20] that they are. *See also* 45 C.F.R. 680.10(d).

Section 2 of the National Science Foundation Act of 1950, 42 U.S.C. 1861, establishes the Foundation and declares that "the Foundation shall consist of a National Science Board (hereinafter referred to as the 'Board') and a Director." Board members are appointed by the President under section 4(a) of the Act, 42 U.S.C. 1863(a):

"The Board shall consist of twenty-four members to be appointed by the President, by and with the advice and consent of the Senate, and of the Director ex officio. In addition to any powers and functions otherwise granted to it by this Act, the Board shall establish the policies of the Foundation within the framework of applicable policies as set forth by the President and the Congress."

Section 4(c), 42 U.S.C. 1863(c), elaborates on the appointment process:

"The persons nominated for appointment as members of the Board (1) shall be eminent in the fields of the basic, medical, or social sciences, engineering, agriculture, education, research management or public affairs; (2) shall be selected solely on the basis of established records of distinguished service, and (3) shall be so selected as to provide representation of the views of scientific and engineering leaders in all areas of the Nation. In making nominations under this section, the President shall give due regard to equitable representation of scientists and engineers who are women or who represent minority groups. The President is requested, in the making of nominations of persons for appointment as members, to give due consideration to any recommendations for nomination which may be submitted to him by the National Academy of Sciences, the National Academy of Engineering, the National Association of State Universities and Land Grant Colleges, the Association of American Universities, the Association of American Colleges, the Association of State Colleges and Universities, or by other scientific, engineering, or educational organizations."

Members are appointed in the civil service, as consultants when first nominated, later as members of the Board. The basic appointment is, of course, by Presidential commission. Our personnel office also cuts a standard Form 50 (Attachment A). Board members receive compensation, as well as travel expenses, as provided for in section 14(c) of the NSF Act, 42 U.S.C. 1873(c).

The Board normally meets once every month or two months. It frequently establishes policy by formal resolution (Attachment B is a typical example). It also passes on specific awards for scientific research, research facilities, and science and engineering education (Attachment C). Both the examples are taken from the most recent meeting of the Board. Attachments D, E, and F are respectively the so-called "quick memo" (an abbreviated precursor of formal minutes) from the same meeting, the schedule for the entire Board meeting including Committee sessions, and the agenda of the full Board's formal meeting. These provide a snapshot of the work the Board does, with which you are already generally familiar.

Board approval of awards is based on section 5(e)(1) of the NSF Act, 42 U.S.C. 1863(e)(1):

"The Director may make grants, contracts, and other arrangements . . . only with the prior approval of the Board, or under authority delegated by the Board, and subject to such conditions as the Board may specify."

The Board has delegated authority to make most awards to the Director, but has retained approval authority over the largest or most policy-significant awards.

You are as familiar as we with the applicable provisions of law and with earlier OGE opinions on related subjects (though we would be glad to provide citations) and can form your own opinion. At NSF this has never been regarded a close question. It is true that the law requires the Board members to be "representative" of the scientific and engineering communities, but the Board is much more than a source of input from representatives of various interests in the community. It literally is, along with the Director, the head of this agency. It makes policy for the agency, approves awards, and takes other actions as an arm of the Government. Members are compensated for this Federal service. No one at NSF, as far as I know, has ever doubted that members of the Board are Federal employees and, since they work fewer than 130 days a year, special Government employees.

Thanks again for your help.

Sincerely,

CHARLES H. HERZ,
General Counsel.

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from New Mexico.

Mr. LUJAN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the present law, the existing law, covers the conflict of interest positions in this. As we looked it over, we had put it in the bill because there was some concern, but, as we looked it over, it was not necessary to restate those provisions in the National Science Foundation Organic Act.

Now one of the concerns we had was that present board members do not have to file financial disclosure statements, but under this bill they would be required to, and of course, the financial disclosure report will be held confidential.

As to agents of a foreign principal, which is prohibiting them being agents of a foreign principal, we find that being classified as special government employees that they are prohibited in any way from being an agent of a foreign principal, and so it is not necessary to state it in the bill.

So, Mr. Chairman, the gentleman is correct in taking it out because it just adds a lot more law, and we have enough law at the present time to cover these situations.

Mr. Chairman, I urge support of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. ROE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ROE

Mr. ROE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROE: Page 5, line 2, strike "lease" and insert in lieu thereof "leases".

Page 5, line 2, insert after "for", "research or service contractor".

Page 5, line 3, strike "purchase, or" and insert in lieu thereof "purchases, or".

Page 5, line 3, strike "lease" and insert in lieu thereof "leases".

Mr. ROE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ROE. Mr. Chairman, H.R. 4418 contains a provision which requires that any research icebreaker acquired by NSF for use in the Antarctic, through lease or purchase, be built in a shipyard located in the United States. The proposed amendment would modify the language of this provision by adding the words "research or service contractor" to modify the words "leases, purchases, or leases with option to purchase." All NSF research and logistics support activities in the Antarctic are carried out through a contractor. Therefore, this change in wording will more accurately reflect the support services procedures used by NSF for the U.S. Antarctic Program.

In addition, the amendment may address concerns about a possible violation of the GATT agreements on Government procurements. We understand that the GATT agreements do not apply to service contracts. With the modified language, the icebreaker provision may be interpreted as referring to contracted support services and therefore not subject to GATT restrictions on procurement of goods.

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from New Mexico.

Mr. LUJAN. Mr. Chairman, just let me state that we have previously discussed this, and I find it, of course, perfectly acceptable. I urge my colleagues to support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. Roe].

The amendment was agreed to.

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AMENDMENT OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Boehlert: Page 2, line 18, strike "$170,000,000" and insert in lieu thereof $181,000,000".

Page 2, strike lines 23, 24 and 25.

Page 3, line 1, strike "(11)" and insert in lieu thereof "(10)".

Page 3, following line 2, insert the following new paragraph:

"(11) Science and Technology Centers, $20,000,000".

Page 4, lines 8 through 13, amend paragraph (2) to read as follows:

"(2) not less than $5,000,000 of the amount authorized in subsection (a)(8) is authorized only for purposes of teacher training and enhancement and for development of model curriculum tailored for science and mathematics instruction, and instruction in technician training programs, in two-year and community colleges;"

Mr. BOEHLERT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOEHLERT. Mr. Chairman, this amendment would bring the authorization level in H.R. 4418 back down to the President's request which is a very healthy 19-percent increase over current spending. I think the administration deserves to be applauded for that initiative. Some may wonder why the members of this committee, strong supporters of the National Science Foundation and believers in Federal action, would be offering this amendment. It is no paradox. The amendment would do no damage to the National Science Foundation and would allow the creation of new programs. The amendment also recognizes the existence of a Federal debt that is costing the American taxpayers $400 million a day in interest alone. Think about that. That is $400 million a day. That does not educate our young, or feed our hungry, or take care of the health care needs of our elderly. It serves only as interest to be paid on the national debt. Obviously we have to be fiscally responsible, and we are.

I am pleased that the gentleman from Pennsylania [Mr. Walgren] and I were able to agree on this amendment. We agreed on this amendment after lengthy discussions that were held in subcommittee and full committee markup. This is a true compromise. Each side got something that it wanted. Neither side got everything it sought.

The gentlemen from New Jersey [Mr. Roe], chairman of the full committee, and the ranking Republican member, the gentleman from New Mexico [Mr. Lujan], are to be congratulated for helping to bring about this result. That is the way this committee works. We compromise. We came up with a product that we can all be proud of.

This committee remains united as it always has been in its support for the National Science Foundation and in its commitment to seeing that the National Science Foundation budget doubles over the next 5 years. That was never in doubt. The only issues were the annual rate of growth, and the precise mix of NSF programs. This compromise strikes a reasonable balance between new programs and old, facilities and people, centers and individuals, research and education. It should serve as a blueprint for the National Science Foundation's future growth. This amendment eliminates the new $116 million discretionary account in H.R. 4418, but funds the Science and Technology Centers, provides $11 million more for education than the committee bill, funds the new grant program for university facilities so critically important, provides all the requested increases for existing programs, provides an increase over the President's request for supercomputer centers, and still stays within the bounds of the President's request and the budget resolution. It seems a hard approach to argue with and indeed the Senate seems to be heading in the same direction. This amendment allows our Nation to have a growing, dynamic, innovative National Science Foundation and a shrinking deficit. I urge it adoption.

Mr. WALGREN. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. Walgren].

Mr. WALGREN. Mr. Chairman, I rise in strong support of the amendment as offered by the gentleman from New York [Mr. Boehlert]. This is a very good compromise among the varying programs and different emphases that each of us has. I do want to stress that the facilities program that we provide for in this bill is a good first step but I think we all have to look at the cold light of day to know that the $85 million provided in this bill is not going to solve the problem. That program is estimated by those that have looked at it to be a $10 billion problem. I hope that in future years we will see that facilities effort set apart in a separate program that the National Science Foundation will supervise or that might be designated by other agencies of the Government. It is of such magnitude that we will not be able to solve it within the day-to-day research budgets we provide for the NSF.

I want to compliment the gentleman from New York [Mr. Boehlert] on the continuing increase in science education. To me that is critical. We have to realize that we were at least in constant dollars in 1967 making an investment of some $300 million through the National Science Foundation in science education. We are struggling to put together something in the range of $175 million or thereabouts through the bill. So we are not yet there. This is a good amendment, and I compliment the gentleman from New York [Mr. Boehlert] on it.

The CHAIRMAN. The time of the gentleman from New York [Mr. Boehlert] has expired.

(By unanimous consent, Mr. Boehlert was allowed to proceed for 2 additional minutes.)

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. Mr. Chairman, I am happy to yield to the gentleman from New Jersey [Mr. Roe].

Mr. ROE. Mr. Chairman, I join in the response from our distinguished gentleman from Pennsylvania [Mr. Walgren] chairman of the Subcommittee on Science, Research and Technology and to compliment both him and the ranking member on that subcommittee for an extraordinary wonderful job on this bill. I guess that is a day for congratulating everyone. But I think my colleagues have done an outstanding job. I think this further strengthens the bill and it sets us in the right direction as far as the country is concerned. I want to compliment the gentleman from New York [Mr. Boehlert] on his amendment, and to compliment the gentleman from Pennsylvania [Mr. Walgren] the chairman of the subcommittee for agreeing on this particular amendment and I thoroughly support and accept the amendment.

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. Mr. Chairman, I yield to the gentleman from New Mexico [Mr. Lujan].

Mr. LUJAN. Mr. Chairman, let me tell the gentleman from New York

[Mr. Boehlert] that I agree with everything he has said except one thing: A good compromise is not where everybody gets a little bit and everybody has to give up a little bit; a good compromise is when we do not have to give up anything and still get everything that we wanted. But it worked out very well. I am particularly pleased that we were able to come within the figures of the Committee on the Budget, the request by the National Science Foundation, and we all, of course, support science education and the science and technology centers. I am glad we were able to work out the funding levels for each of those. The overall funding figure was just exactly what we thought we should come in with to present to the full House.

Mr. Chairman, I urge my colleagues to support this amendment of the gentleman from New York [Mr. Boehlert].

Mr. BOEHLERT. Mr. Chairman, I thank my colleagues for their enthusiastic support for this enlightened amendment.

Mr. RITTER. Mr. Chairman, I commend Mr. Roe, Mr. Walgren, Mr. Boehlert, and my colleagues on the Science Committee for their hard work and dedication in bringing this National Science Foundation authorization bill to the full House. The National Science Foundation is a critical player in maintaining American Global competitiveness in the science and technology arena. NSF supports basic research and training activities for the men and women who will lead this Nation into the 21st century. This bill sends a strong signal that increased funding for these activities should be a high priority in the American scientific enterprise.

I am particularly gratified that the Boehlert-Walgren compromise holds funding at the level of the President's request while continuing to support crucial areas such as manufacturing research and research in high-temperature superconductivity—areas where breakthroughs are being made now by enterprising scientists. Total funding for superconductivity programs is up 14.2 percent, to $20.1 million. The Robotics and maufacturing programs and engineering research centers also receive increased funding, with increases ranging from 12 to 14 percent.

The Boehlert-Walgren amendment also realizes that even though the NSF programs are valuable to our standard of living and technological competitiveness, budget constraints operate to limit spending. The Boehlert-Walgren substitute amendment would retain a 19 percent increase in funding for NSF. That's the level of the administration's request, and it's well on track to double that NSF budget in 5 years.

I am deeply concerned that the Appropriations Committee reduced its funding proposal as drastically as it did last year—when a proposed 16 percent increase was reduced to a 5 percent increase. This year, NSF funding will only increase by 9.8 percent in the Appropriations Committee figure is adopted. That's substantially below the doubling scenario.

Our NSF bill is strong on science. It's strong on cutting-edge programs, it's strong on education, and it's strong on science and engineering centers. The Boehlert-Walgren compromise provides a clear vision of NSF's role in improving America's economic competitiveness, and I heartily support the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. Boehlert].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Traficant: At the end of the bill, add the following new section:

Sec. 14. (a) The Director shall award to a domestic firm a contract that, under the use of competitive procedures, would be awarded to a foreign firm, if—

(1) the final product of the domestic firm will be completely assembled in the United States;

(2) when completely assembled, not less than 50 percent of the final product of the domestic firm will be domestically produced; and

(3) the difference between the bids submitted by the foreign and domestic firms is not more than 6 percent.

(b) This section shall not apply to the extent to which—

(1) the Director determines that (A) such applicability would not be in the public interest, or (B) compelling national security considerations require otherwise; or

(2) the United States Trade Representative determines that the award involved would be in violation of the General Agreement on Tariffs and Trade or another international agreement to which the United States is a party.

(c) For purposes of this section—

(1) the term "domestic firm" means a business entity which is organized under the laws of the United States or the laws of a State, and which conducts business operations in the United States; and

(2) the term "foreign firm" means a business entity not described in paragraph (1).

(d) This section shall apply only to contracts for which—

(1) amounts are made available pursuant to this Act; and

(2) solicitations for bids are issued after the date of the enactment of this Act.

(e) This section shall not apply with respect to a vessel described in section 2(d), or prevent the application of section 2(d) in accordance with its terms.

(f) The Director shall report to the Congress on—

(1) the number of Foundation contracts entered into with foreign firms in fiscal year 1988, the number of such contracts entered into with domestic firms in that fiscal year, and the number of such contracts entered into with foreign firms in that fiscal year which would have been entered into with domestic firms had this section then applied, and

(2) the number of Foundation contracts entered into in fiscal year 1988 which would have met the requirements of paragraphs (1), (2), and (3) of subsection (a) but which are determined by the United States Trade Representative to have been in violation of the General Agreement on Tariffs and Trade or another international agreement to which the United States was a party;

and shall submit such report to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by January 1, 1990.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this is the Buy American amendment that I have offered to many pieces of legislation at the authorizing level in the House. In fact it states that the Director shall award to a domestic firm a contract in competitive procedures over a foreign firm if, one, the difference between the bids submitted by the foreign and domestic firms is not more than 6 percent; or when completely assembled the item is assembled in America with at least 50 percent of its parts and contents being domestically produced.

My amendment does offer a waiver in the form that this legislation shall not apply if there is any compelling national security considerations which would require otherwise, or if the U.S. Trade Representative would find that this language is in violation of the General Agreement on Tariffs and Trade or any other international agreement to which the United States is a party.

The term domestic firm means a business entity organized under the laws of the United States and it conducts operations in the United States.

Mr. ROE. Mr. Chairman, will the gentleman from Ohio yield?

Mr. TRAFICANT. Mr. Chairman, I yield to the chairman, the gentleman from New Jersey [Mr. Roe].

Mr. ROE. Mr. Chairman, let me say at the outset if I may that the distinguished gentleman from Ohio [Mr. Traficant] has been a true leader and a great leader in this House and particularly in the interest of Buy American. I think that he has added a great number of very important amendments to many important bills. We subscribe to the language he has suggested and is recommending in his amendment and from this side of the aisle we accept the language from the gentleman from Ohio in modification of our legislation.

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. Mr. Chairman, I am happy to yield to the gentleman from New Mexico [Mr. Lujan]

Mr. LUJAN. Mr. Chairman, I feel exactly the same way as the gentleman from New Jersey [Mr. Roe], the chairman of the Committee on Science, Space, and Technology. We have discussed it time and time again and I certainly agree with the efforts of the gentleman from Ohio [Mr. TRAFICANT] not only in this one but in all of his efforts on Buy American. I think he does this country a great service. I urge my colleagues to support this amendment.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, I appreciate the remarks of my colleagues, and I urge adoption of my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FIELDS

Mr. FIELDS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FIELDS: Strike the second sentence of section 2(d) and insert in lieu thereof, the following:

In no case shall such vessel be contracted at a price more than 25 percent above the world free market price for such vessels of similar types; *Provided, however,* That no bid submitted by a foreign shipyard receiving direct or indirect government subsidies shall be considered as an indicator of the "world free-market price", as that term is used in this subsection.

Mr. FIELDS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FIELDS. Mr. Chairman, I offer an amendment to further clarify an amendment offered in the Science and Technology Committee by my colleague, Mr. WALKER, the gentleman from Pennsylvania. His amendment required that the vessel in question not be purchased by the National Science Foundation if its price exceeds the world price by more than 25 percent.

The purpose of this amendment is to make clear the original intent that the U.S. Government not be required to pay an excessive amount beyond the "world free-market price" for an icebreaker research vessel for the NSF, while ensuring that any icebreaker built for the NSF be built in a U.S. shipyard.

However, this amendment is intended to also ensure that U.S. shipyards are not placed at an unfair competitive disadvantage because of foreign government direct and indirect subsidies. The "world free-market price" should be determined on the basis of real costs of the construction of a vessel, rather than on a superficially determined, government subsidized price.

Further by way of background, my colleagues might be interested in knowing what this Buy American issue is really all about.

ITT Antarctic Services, Inc., a service contractor to the NSF released a request for proposals [RFP] in September 1987 to lease a research vessel with icebreaking capability. NSF publicly states that the vessel will serve as an interim platform until the Coast Guard acquires its new icebreakers. The RFP, however, calls for a 6-year lease with an option to buy. The lease is estimated to cost $10 to $13 million per year. It is understood that there are no icebreakers available on the international market that meet NSF's requirements. Thus, this program would represent a build and charter arrangement. NSF's RFP would permit proposals from foreign flat operators and foreign shipyards.

U.S. taxpayer dollars should be used to foster jobs in U.S. shipyards rather than abroad.

It appears that ITT would like to contract for the ship's construction in a Norwegian shipyard. Norway subsidizes, both directly and indirectly, its shipbuilding industry. It hardly appears fair to force U.S. firms that are unsubsidized to compete against foreign governments.

The U.S. Government, principally the U.S. Navy, has become the sole customer for U.S.-built ships. This market alone is already insufficient to maintain enough to meet mobilization requirements in a time of emergency. An erosion of government business will be devastating to the industry and the Nation.

Those who argue that it is cheaper for NSF to lease a foreign-built vessel fail to consider the long-term cost to the U.S. Government. U.S. policy decisions should take into consideration several factors in determining cost: The adverse effect on our industrial base when ship construction projects are exported, the loss of shipyard jobs, the loss of taxpayer dollars being recirculated in the U.S. economy—tax revenues—our trade deficit and national security.

Both the House Science and Technology Committee and the HUD and Independent Agencies Subcommittee on Appropriations included a Buy American provision in NSF's fiscal year 1989 authorization and appropriations measures.

In the past 6 years, employment in private shipyards has declined by 32,500 production workers. During this same period, 41 facilities that were identified by the Navy as essential to our mobilization base have closed their gates.

This program represents 125 direct shipyard jobs and 75 indirect jobs over a 2-year period.

The Navy, the U.S. shipbuilding industry's dominant customer, has been very supportive of the Buy American provisions applicable to naval vessels. In fact, the service has commented favorably on the quality of the product it has received from U.S. yards.

In 1987, Congress enacted legislation in the defense authorization bill which required that the same Buy American provision that applies to the Navy be applied to the Coast Guard as well.

In light of all the facts presented here today, American shipyards are so hungry for business that they are willing to work for next to nothing. So, fears about the NSF being cheated by buying this vessel at home are highly exaggerated.

Another matter I would like to raise is that some of my colleagues were apparently led to believe that this amendment violates the GATT government procurement code. In fact, even the NSF has acknowledged that the service contractor's purchase of this vessel is not subject to the constraints of this international agreement. In a bid protest pending at the General Accounting Office, NSF has argued that the procurement is not a government procurement but rather an independent procurement by the contractor, ITT Antarctic Services, Inc. Indeed, the pending RFP does not conform to the requirements of the Federal acquisition regulations and in particular does not require the Trade Agreements Act certificate.

Further, the House Appropriations Subcommittee on HUD and Independent Agencies recently included language in its fiscal year 1989 appropriations bill that would require ITT Antarctic Services to construct its icebreaker in a U.S. shipyard. By revising the provision, that legislative amendment is made consistent with the Government procurement code.

What this all means in a nutshell is that because the NSF contract is a lease with an option to purchase, the contract is a service contract and therefore, under GATT's government procurement code, the contract falls into the exception of service contracts which each member country is permitted to restrict to its own nationals, just as the United States is permitted to restrict the construction of this vessel to a U.S. shipyard.

I have been led to believe that my colleagues on both sides of the aisle do, in fact, support this amendment and accordingly I would move its adoption.

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. FIELDS. I am happy to yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, for the purpose of clarification I would ask to engage in a brief colloquy with the gentleman from Texas [Mr. FIELDS]. I have some questions I would like to ask if the gentleman would indulge me.

Mr. FIELDS. Mr. Chairman, reclaiming my time, I am happy to yield to the gentleman from Ohio [Mr. TRAFICANT] for the purposes of a colloquy.

Mr. TRAFICANT. In your reference to the icebreaker vessel listed in section 2(d), is that the major element and major thrust of your particular amendment?

Mr. FIELDS. Mr. Chairman, the gentleman is correct, it is.

Mr. TRAFICANT. If the gentleman would yield further, so that we might understand this, the language the way it exists now states that there can be a 25-percent increase above prevailing bids for the purchase of this vessel. I would remind the gentleman that that could be a bid of a foreign firm. What your language will do is say that the beginning threshold will be from an American production firm on an American bid, and it could be 25 percent below the American-produced bid. Is that what your amendment states?

Mr. FIELDS. The purpose of this amendment is to take into account foreign subsidies of foreign shipyards, whether those subsidies are direct or indirect so that that will be taken into account in the calculation whenever a bid is considered.

Mr. TRAFICANT. Mr. Chairman, if the gentleman would yield further, I am in agreement with the amendment of the gentleman from Texas [Mr. FIELDS]. I commend him for his efforts. I am stating that the gentleman has taken that into consideration but that his language would state that the 25-percent threshold above would be at the level of the American bid, the lowest American bid. Is that what your language states?

Mr. FIELDS. Mr. Chairman, I believe that is correct.

Mr. TRAFICANT. I have no problem with the amendment of the gentleman from Texas [Mr. FIELDS], and I want to commend him for his efforts. It is in line with some of the buy American policies I have tried to bring forward, and I urge adoption of the amendment.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. FIELDS. Mr. Chairman, I am happy to yield to the chairman, the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Chairman, this side looks to the language of the Fields amendment to be an improvement to the Traficant amendment and we subscribe to what is being attempted here and we support this language very strongly.

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. FIELDS. Mr. Chairman, I yield to the gentleman from New Mexico [Mr. LUJAN].

Mr. LUJAN. Mr. Chairman, we have discussed this amendment on this side of the aisle and we support the amendment of the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS. Mr. Chairman, I thank my colleagues for their kind remarks, and I further urge adoption of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. FIELDS].

The amendment was agreed to.

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Mr. RICHARDSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish to engage in a colloquy with the distinguished chairman.

Mr. Chairman, the National Science Foundation [NSF] has had little growth in its programs during the past 4 years. Indeed, funding for the National Science Foundation's research and related activities has remained level in constant dollars over this period. Because of these limited resources, tough budgetary decisions have had to be made.

It has come to my attention that research in astronomy has sustained particularly deep cuts. For this reason, I am concerned about one of the NSF research programs located in New Mexico. The National Radio Astronomy Observatory's operational arm at the very large array in Socorro, NM, has submitted a proposal to the NSF for an image processing computer system. This new computer system would process data from the very large array and the very large baseline array.

Mr. Chairman, the National Observatory has led the way in astronomy research. They have been trying to obtain a computer system since 1986. I believe the time has come to upgrade the observatory by providing additional funding for this computer system and will consider pursuing legislation at a later date to do this. I am hopeful that the committee will support this important initiative during the coming years.

Mr. Chairman, is it the intent of the committee to continue to push for the enhancement of the National Observatory's research facility in Socorro, NM?

Mr. WALGREN. I thank the gentleman for calling this project to my attention. As the gentleman from New Mexico has indicated, the NSF research budget has had no real growth for the past 4 years which has placed funding pressures on research programs in many disciplines, including astronomy. The scientific research the Foundation supports increases knowledge and trains the scientists and engineers required for our economic health and national security.

The committee strongly supports the planned doubling of the NSF budget over the next 5 years. The provisions of H.R. 4418 will start this growth with a 19-percent budget increase in fiscal year 1989. We believe that this increase will begin to alleviate the funding pressures on the disciplinary research budget at NSF.

The committee has been concerned about the adequacy of NSF support for existing programs, such as the large national facilities. The committee report accompanying H.R. 4418 states: "To start large new programs while existing, ongoing programs are being starved for funding is a troubling policy which raises concerns about effective use of resources." I assure the gentleman that the committee will do all that it can to ensure the vitality of astronomical research at NSF and, in particular, will support construction and operation of the very large array and the very large baseline array in Socorro, NM.

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I am happy to yield to the gentleman.

Mr. LUJAN. Mr. Chairman, let me congratulate the gentleman. I think he does a great service in bringing this to the attention of the committee, because there has been a desire on our part, as the gentleman knows, and on the part of Socorro to get that computer and get those facilities going there. I am just sorry that we could not get more of an increase. We only got a 4-percent increase in the astronomy budget.

Over on the Committee on Appropriations, they cut $20 million out of that subcommittee, and fortunately, as the gentleman knows, the gentleman from New Mexico [Mr. SKEEN], our colleague, was able to put in there, "All right, the cut does not apply to astronomy," and so at least we were able to keep the meager 4-percent increase. Maybe we could work on increases, but I think the gentleman does a great service.

Mr. RICHARDSON. Mr. Chairman, reclaiming my time, I thank the gentleman, and I think without his help over the years, this project would not have been as positive as it is. I thank him, and I thank the chairman for their assurances.

Mr. SKEEN. Mr. Chairman, the National Solar Observatory, with facilities in the Sunshine States of New Mexico and Arizona is the focus of U.S. efforts to understand the nearest star—our Sun—and how it affects the Earth. These national resources, which are available to any U.S. astronomer with a good research problem and the willingness to see it through, are the world's premier collection of unique solar telescopes, instruments, and staff.

At Sacramento Peak, near Alamogordo, NM, the vacuum tower telescope takes advantage of the excellent sky quality to make detailed, high-resolution observations of the Sun. Its 350-foot long telescope tube is evacuated to eliminate distortion of the air heated by the intense solar beam in the telescope. This telescope has discovered many fundamental new aspects of the Sun that arise because of the intense magnetic fields that dominate the solar sunface, and has provided the tools to study these phenomena in detail. The vacuum telescope is equipped with a wide range of superb instrumentation used to dissect the sunlight in great detail to study the Sun's composition and motions as well as its magnetic fields. The vacuum telescope also serves as the testbed for the ongoing development of the next generation of solar instrumentation, as well as solar astronomers, and is a magnet for solar astronomers from other countries around the world who are eager to join this rapidly developing research area. The instrumentation includes so-called adaptive optics systems which will be able to remove the shimmering and blurring of solar images produced by disturbances in the Earth's atmosphere.

The superb sky quality at Sacramento Peak makes it an ideal spot to study the solar corona, the very thin solar atmosphere that is normally only visible during a solar eclipse. The Evans facility there provides two 40-CM coronagraphs especially designed for this delicate work. A coronagraph is a telescope that contains a dark disk which blocks out the bright disk of the Sun, much like the Moon does during an eclipse. These NSO coronagraphs are the largest, and the only ones available to all astronomers in the United States.

Additional telescopes are dedicated to the study of solar flares and "activity," which are responsible for many direct influences on the Earth.

The world's largest solar telescope, the 1.5-meter diameter McMath telescope and complex of instruments, is located on Kitt Peak, near Tucson, AZ. In addition to extremely high-spectral resolution observations obtained with its unique 1-meter fourier transform spectrometer, and research in the infrared portion of the solar spectrum, the McMath has become very valuable in the relatively new field of solar-stellar research. Here, detailed studies of stars, other than the Sun, are being conducted using the same specialized techniques and instruments that have been developed for solar work, to gain many new insights into the structure of other stars.

The Kitt Peak magnetograph obtains daily, full solar disk, high-resolution observations of the magnetic fields and maps in the near infrared. Such observations are not available anywhere else in the world and its remarkable 14-year archive of synoptic data has been and continues to be the basis for many solar investigations.

In addition to its base program, the NSO manages a new (1987) NSF initiative called the global oscillation network group [GONG]. The GONG project is developing an international network of six automated observing stations spaced equally around the world. These stations will permit continuous monitoring, over a 3-year period, of the subtle acoustic or seismic vibrations that penetrate deep into the Sun. By using sophisticated computer analysis of these data, solar physicists will, for the very first time, obtain pictures of the structure and dynamics of the interior of a star, our Sun. These techniques are reminiscent of those geoseismologists use with earthquake data to obtain pictures of the interior of the Earth. This achievement will be a major breakthrough in our understanding of stellar physics with broad implications in other fields, such as nuclear physics, as well.

The National Solar Observatory is part of the National Optical Astronomy Observatories, all the divisions of which provide world class research facilities for university-based research groups and students to pursue problems on a scale not otherwise available to individual institutions. The NOAO is managed by the Association of Universities for Research in Astronomy [AURA] under contract with the National Science Foundation. The NSO operates in partnership with, and provides significant services to, the Air Force Geophysical Laboratory, NASA, NOAA, as well as other Government agencies.

These facilities have been, are, and will continue to be an incomparable source of basic knowledge which will benefit the people of the United States in the years to come. Support of the unsurpassed solar facilities of the NSO offers an opportunity to maintain and enhance U.S. preeminence in this important field of science, at a critical time when we are losing that leadership in so many other areas.

The CHAIRMAN. If there are no further amendments the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. GONZALEZ] having assumed the chair, Mr. OBERSTAR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 4418) to authorize appropriations for the National Science Foundation for fiscal year 1989 and 1990, and for other purposes, pursuant to House Resolution 459, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BOEHLERT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 405, nays 5, not voting 21, as follows:

[Roll No. 177]

YEAS—405

Ackerman
Akaka
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Cheney
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crockett
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan

Luken, Thomas
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—5

Armey
Crane
Dannemeyer
Lukens, Donald
Stump

NOT VOTING—21

Alexander
Badham
Bereuter
Biaggi
Boulter
Chappell
Clarke
Duncan
Gingrich
Jones (TN)
Konnyu
Lewis (CA)
Lungren
Mack
MacKay
Mica
Moody
Nielson
Spence
Torres
Wilson

☐ 1158

Mr. DANNEMEYER changed his vote from "yea" to "nay."

Messrs. SOLOMON, ACKERMAN, DELAY, and BURTON of Indiana changed their votes from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4418 the bill just passed.

The SPEAKER pro tempore (Mr. GONZALEZ). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 1989

Mr. DIXON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight, June 9, 1988, to file a privileged report on a bill making appropriations for the District of Columbia for the fiscal year 1989 and for other purposes.

Mr. COUGHLIN reserved all points of order on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1989

Mr. ROYBAL. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight, June 9, 1988, to file a privileged report on a bill making appropriations for Treasury, Postal Service and General Government for the fiscal year 1989 and for other purposes.

Mr. SKEEN reserved all points of order on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

JOHN O. HOLLY BUILDING OF THE U.S. POSTAL SERVICE

Mr. LELAND. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4448) to designate the Cleveland Ohio General Mail Facility and Main Office in Cleveland OH, as the "John O. Holly Building of the United States Postal Service," with a Senate amendment thereto and occur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Senate Amendment: Page 1, after line 10, insert:

SEC. 2. DESIGNATION OF GRANITE REEF AQUEDUCT AS THE "HAYDEN-RHODES AQUEDUCT".

(a) The Granite Reef Aqueduct of the Central Arizona project, constructed, operated, and maintained under section 301(a)(1) of the Colorado River Basin Act (43 U.S.C. 1521(a)(1), hereafter shall be known and designated as the "Hayden-Rhodes Aqueduct."

(b) Any reference in any law, regulation, document, record, map, or other paper of the United States to the aqueduct referred to in section 1 hereby is deemed to be a reference to the "Hayden-Rhodes Aqueduct."

Mr. LELAND (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Texas?

There was no objection.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4526

Mr. WORTLEY. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of the bill, H.R. 4526.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 390

Mr. WORTLEY. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of the joint resolution (H.J. Res. 390).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PERSONAL EXPLANATION

Mr. RAHALL. Mr. Speaker, on Friday, June 3, 1988, I was unavoidably absent during deliberations of the House due to a commitment to address the graduating class of Williamson High School in Williamson, WV.

Had I been present, I would have voted "yea" on rollcall No. 166, and "yea" on rollcall No. 167.

UPDATE ON SITUATION IN HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

Mr. OWENS of New York. Mr. Speaker, leaders from Haiti are in

Washington to request emergency aid. My reply to this request is we would certainly support their request for emergency aid if we were to have some emergency democracy in Haiti. Why not in 60 days have new elections and undo all of the great harm that was done on November 29 in the massacre of Haitians at the polls?

United Press International correspondent Neil Roland reported yesterday that he interviewed Haitian Foreign Minister Gerard Latortue who came to the United States to meet with Reagan administration officials along with Edward Piou, the chargé d'affaires for the Haitian Embassy here in Washington. The two gentlemen are visiting for the first time since the massacre on November 29. These Haitian officials are telling the United States that regardless of the situation there, they must have $40 million in aid from the United States for rural development projects, reforestation and other serious agricultural projects.

During the interview the Haitian officials told Mr. Roland that they do not plan to ask Col. Jean-Claude Paul to resign from the military in the wake of the fact that he has been indicted on drug trafficking charges earlier this year by a Federal grand jury in Miami.

Also these same Haitian officials told correspondent Roland that there will be no government investigation into the violence which took place on November 29.

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The present government, the Manigat government, says they feel any investigation of that bloody incident which took place in the past will put the government on the spot and make it impossible for them to go forward in the future. They want to put it in the past and go forward without even investigating who caused and who was responsible for the bloody massacre on November 29.

We know already that Col. Jean-Claude Paul, the same man who was the kingpin for the South American drug mob in Haiti, was responsible for the massacres in Haiti on November 29.

The New York Times article of May 22, entitled "Haiti Is Called Growing Hub for Drug Smuggling," noted that since the new Haitian regime was installed and since we have moved on Noriega in Panama, Haiti has become even move of a hub for drug smuggling.

Mr. Speaker, I include the entire article from the Sunday, May 22, 1988, edition of the New York Times, as follows:

HAITI IS CALLED GROWING HUB FOR DRUG SMUGGLING

MIAMI, May 21.—Haiti has joined Panama as a growing drug-smuggling center, and members of its secret police are forcing their way into the distribution of crack in Florida, witnesses told a special Senate hearing today.

The drug connection reaches high into the Haitian government, including Gen. Williams Regala, who is both the Minister of Interior and Defense, and his liaison officer to the Drug Enforcement Administration, two Haitians testified.

"Our intelligence indicates that major Colombian trafficking organizations are using Haiti as a base of operations," Tom Cash, head of the drug agency in Miami, told Senators Alfonse M. D'Amato, Republican of New York, and Bob Graham, Democrat of Florida.

COMPARED TO PANAMA

Haiti sits astride a natural drug-smuggling route from Colombia, providing planes and boats with a staging area for the last leg of the run into the Bahamas and Florida, Mr. Cash said.

Mr. D'Amato compared Haiti to Panama as a drug menace, and noted that the military of the two nations had close communications. "Birds of a feather flock together," he said.

Mr. Cash said the investigation that led to the indictment in Miami of Col. Jean-Claude Paul of Haiti in March for allegedly flying cocaine into Flordia was continuing, but refused to say if higher Haitian officials were implicated.

Other witnesses said the army took in the secret police, the Tonton Macoute, after the overthrow of Jean-Claude Duvalier, the Haitian ruler, in 1986, and that soldiers and secret police now trafficked drugs in both Haiti and the United States.

Roger Biamby, director of the Haitian American Community Association of Dade, testified that the Haitian liaison to the drug agency's new office in Port-au-Prince was a drug dealer who personally supervised cocaine loading operations on one freighter bound for the United States.

RAID ON JAIL CITED

General Regala, Colonel Paul and other officers "have created an effective drug-smuggling network in Haiti and the United States," Mr. Biamby said.

After the testimony, Mr. D'Amato said, "We must find out whether the people we are working with are the devils themselves."

Fritz Pierre-Louis, a former lieutenant in the Haitian army who later defected, said he personally turned over cocaine confiscated in raids to Colonel Paul only to have it disappear. He estimated that 70 percent of the colonel's powerful Dessalines Barracks forces are involved in the trafficking.

Earlier this year, Colonel Paul raided an army jail to free some of his soldiers arrested for receiving cocaine at an airstrip, said Mr. Pierre-Louis.

"This incident indicates that Colonel Paul has, if not the support, at least the acquiescence of army headquarters in his drug operation," he testified.

Michael Lanfersiek, a spokesman for the Florida Department of Law Enforcement, said the Haitian connection reached into street distribution in Florida.

He said that an informant stated that much of Haitian crack cocaine distribution in this country "was being directed by corrupt military officers" and the Tonton Macoute, Lanfersiek said.

Haitian immigrants now control distribution of the potent cocaine derivative crack throughout South and Central Florida, he said.

Eduoard Piou, chargé d'affaires of the Haitian Embassy in Washington, disputed the testimony, saying his country supported any effort to end drug trafficking.

He acknowledged that Haitian law did not allow Colonel Paul to be extradited to the United States, and said charges against him by a Miami Federal grand jury "are under review" by his government.

After Colonel Paul was indicted in March, the Haitian government vowed to redouble its efforts to fight drug traffic.

The drug traffic is increasing in Haiti. I think every American mother and every American neighborhood that is inundated with drugs should know that the drugs coming out of Haiti are the drugs which we consider the most prevalent. It is becoming a center for the routing of crack into the United States.

Col. Jean-Claude Paul, who was indicted by the grand jury in Miami, is still the kingpin of the drug traffic. He is also the person behind the installation of the present Haitian Government.

Why should we consider any request for aid for this government? If they want emergency aid, our answer should be: Let us have emergency democracy. We could take action in 60 days, with the help and the good will of the Organization of American States, the United States, French-speaking Canada, and France. A number of nations, I am sure, would be perfectly willing to put forth an extraordinary effort to hold elections in Haiti within 60 days. Whatever they need, it could be done. If they feel they have a situation that is intolerable and they must have emergency aid, I think we should call upon them to give us some emergency democracy.

We cannot undo the deaths of November 29. Those unfortunate people are dead. But we can say to the world that we will not tolerate the installation of a regime through murder and then give U.S. support. We cannot be hypocritcal in this hemisphere. We have insisted that Noriega must go. He was indicated by a Federal grand jury, and he has been the kingpin for drug traffic in Panama.

We have insisted that Noriega must go. We cannot at the same time give aid to Haiti, which is controlled by the kingpin of the South American drug mob, Col. Jean-Claude Paul. If we are going to be consistent, if we are going to protect our young and protect our neighborhoods and begin to take steps against drug trafficking in this hemisphere which are meaningful, we cannot afford to give aid to Haiti.

Mr. Speaker, Haiti must be told that we want emergency democracy before we give emergency aid.

REPORT ON SDI ADVANCES AND THE NEED TO ACCELERATE INITIAL DEPLOYMENTS

The SPEAKER pro tempore (Mr. LANCASTER). Under a previous order of the House, the gentleman from New York [Mr. KEMP] is recognized for 5 minutes.

Mr. KEMP. Mr. Speaker, last week I took the opportunity to receive extensive briefings on our Strategic Defense Initiative Programs from scientists and contractors at four facilities in California and Colorado.

The advances made over the past year, since my last briefing trip on SDI, are truly impressive. They make it clear that the study recently released by the Office of Technology Assessment is inadequate and outdated in terms of recent progress in moving toward the phased deployment of strategic defenses.

The decision to proceed with an initial SDI deployment step is no longer a technological one. It would truly be a tragedy to delay any longer in applying available technology to produce and deploy SDI incrementally and thereby to gain ever increasing protection and deterrence for ourselves and our allies.

I submit the complete text of my report to be entered into the CONGRESSIONAL RECORD.

SDI ADVANCES AND THE NEED TO ACCELERATE INITIAL DEPLOYMENTS

(Report by Representative Jack Kemp)

Having just returned from an intensive 3 day briefing trip on our Nation's Strategic Defense Initiative (SDI), I am convinced that we are ready to move forward rapidly with the phased deployment of SDI—a basic defense insurance policy urgently needed to protect the American people.

We are at an important historical point in U.S.-Soviet relations and the balance of global power. We should commit now to proceeding rapidly to the deployment of the first stages of SDI—with ground-based interceptors and their sensors as a first step toward a comprehensive system to include space-based elements.

This would move us towards the insurance policy we need to protect ourselves against Soviet cheating in arms control agreements and against accidental or unauthorized launches, from whatever source. Soviet leaders must never believe they can successfully wield nuclear intimidation against us or our allies. And our Allies, particularly the Israelis, in view of the threats they face, would benefit from accelerated joint efforts in this direction, to include the early deployment of Anti-Tactical Ballistic Missile (ATBM) defenses.

It would be a tragedy to delay any longer in applying our available technology fully to this vital task.

Let us not delay SDI and fall into the dangerous trap that snared Great Britain's leaders in the 1930's when they argued against the possible development of an air defense system to protect their citizens and to deter attack by her Nazi enemy.

My briefings included a review of major SDI elements and a demonstration of the overall program's National Test Best, a facility which is integrating the operational elements of the comprehensive SDI system.

In every session with leading SDI scientists, engineers and program managers, one message came through loud and clear. It is the exciting message that our national security industry is ready to take the first steps toward SDI deployment.

We can now proceed, in my opinion, to give the go ahead on full-scale development of ground-based interceptors and the supporting sensors to protect ourselves against accidental or unauthorized launch of ballistic missiles, whether launched by the Soviet Union or a third country.

I recently proposed legislation for early deployment of an Accidental Launch Protection System (ALPS)ent designed to be fully integrated into SDI's Phase I and into a comprehensive layered SDI system to include space-based elements.

The decision to proceed with an initial SDI deployment step is no longer a technical one. The technology is there. The decision to proceed is essentially a political one and the go ahead should be given now.

SDI'S RECENT SCIENTIFIC ACHIEVEMENTS

The scientific and technological strides achieved since my briefing visits last year are truly outstanding.

In the areas of discrimination, acquisition, tracking, computers and optics, for example, we have crossed new thresholds. Many major components of these systems can be made substantially, lighter, smaller and more cost effective than thought feasible in the past.

Significant advances in discriminating live warheads from decoys have been made through an active flight test program of sensors. Similarly, substantial gains have been made in the integration of space-based lasers technologies, from the power required to operate the laser, to its pointing and tracking, and to the optics required to focus the beam. We have also resolved outstanding issues of high velocity ground-based interceptors, including problems of cooling the kill vehicle, separation of the shroud prior to intercept, and elimination of boresight error.

Our SDI program has demonstrated that with streamlined management structures, we can save significant development time. While funding cuts have clearly delayed several programs, other experiments done on a track that is faster than "business as usual" have proven once again what our country can accomplish when it is determined and bold in laying out a course of action. We are ready to move from the drawing board to real hardware.

THE NEED TO BEGIN SDI DEPLOYMENTS

Today, Americans have no protection against any ballistic missiles, whether fired in anger or by accident. We have no protection against Soviet arms control cheating, even though the Soviet Union has violated major arms control agreements including the Anti-Ballistic Missile (ABM) Treaty. And we still seek to deter nuclear attack by total reliance on the threat of offensive weapons.

It is ironic and unwise that the U.S. continues to restrict its SDI programs by a "narrow" interpretation of an ABM Treaty long ago broken by Soviet violations and to limit funding severely—currently some 50% below the President's initial funding request for the next fiscal year.

The Soviet Union is not similary constrained even as it has set killing off the U.S. SDI program as it number one priority in U.S.-Soviet relations and as it continues to violate, and threatens a wholesale breakout, from the ABM Treaty.

The Soviet Union has deployed strategic defenses around Moscow, is deploying many new radars, is moving towards rapidly deployable defenses for its entire territory, has built vast tunnel shelters for its key leadership, and is investing enormous sums in its ground- and space-based strategic defense programs. The Soviet Union spends some $20 billion a year on strategic defense ($200 billion during the past decade), or more than four times the U.S. annual rate.

We also need SDI because global stability and our strategy to deter nuclear attack are based on the threat of nuclear retaliation with offensive weapons. Such deterrence based on the concept of Mutual Assured Destruction, or MAD, is surely a chilling policy on which solely to base our deterrence into the future.

I am convinced that the American people should be defended rapidly against an accidental or unauthorized missile launch—and more—and that this protection can begin as early as 1992, if we have the political courage and will to make the decision today to take advantage of recent technological developments.

As we deploy additional defenses—to include space-based interceptors—as part of SDI's layered Phase I concept, and beyond, we will be steadily adding deterrence and stability even as we add protection. In addition, we will benefit from SDI's substantial technological spin-offs for conventional forces and for non-military commercial and medical uses.

We should take decisive action now to take full advantage of the recent scientific accomplishments and to move SDI beyond the research laboratories and test beds to deployment.

THE SOVIET CONTEXT

I firmly believe we should move now to put ourselves and our children in a secure position by bringing our SDI technology to bear on the nucelar threat—not as a bargaining chip to be traded away, but as a bedrock of our national security.

The recent Moscow Summit has produced many expressions of hope for real change in traditional aggressive Soviet behavior—away from totalitarian repression at home and from militant Soviet expansionism abroad. But when all is said and done, we will still need to rely on the evidence of actual Soviet behavior in answering the key question of "What is the Soviet Union up to?"

Over the past 70 years of Soviet history, Soviet rhetoric and diplomatic style have changed much like the weather. We have been told repeatedly about "new eras" in U.S.-Soviet relations, new periods of "reform" in the totalitarian Soviet state, new periods of "detente" and "peaceful coexistence" in the Soviet Union's international behavior.

We should recall that driven by the backwardness of the Soviet economy and the need for help from abroad Lenin, Stalin, Khrushchev, Brezhnev and Andropov, each in their turn, pledged fundamental economic and political change. Each time, the Western democracies helped and hoped. Each time we pushed back our doubts.

Each time, the Soviet leaders exploited our economic assistance and our diplomatic generosity. Each time they broke their agreements and continued on a path of repression at home and militant expansion abroad. Meanwhile, we cut back our defenses while the Soviets used our technology and our credits, not for real economic reform and political democratization, but to consolidate Communist power, build up Soviet military forces and expand Soviet global power abroad.

It remains to be seen whether the latest Soviet change of climate—a "Detente II?"—

will bring any fundamental restraining influence on the Soviet Union's continuing across-the-board military build-up, a build-up which far exeeds defensive needs.

Thus far, Soviet military developments and posture have not changed from the fundamental quest for military pre-eminence. New Soviet leaders may be talking more about "peace" these days, but they continue to build a bigger military stick. At the same time, they retain their gulags, their Iron Curtains and Berlin Walls, dominate their satellites, and seek to protect and expand the power and privilege of their monopoly Party.

Currently, some 30 new Soviet strategic offensive systems are under development and a wide range of new Soviet weapons are being deployed with their offensively postured nuclear and conventional forces. They are driving towards military dominance of space, while we continue to fall behind in our space programs. And, as noted earlier, the Soviet Union's strategic defense program continues to be funded at four times the U.S. level and in violation of the ABM Treaty.

SUMMIT ARMS CONTROL ISSUES

It is against this sobering backdrop of Soviet actions that the need for accelerated SDI deployment becomes clearer and that the INF Treaty and the emerging agreement on strategic weapons (START) must be viewed. I am seriously concerned about the evident risks of summit fever, including its risks to SDI.

Despite the great fanfare on the ratification of the INF Treaty, the Treaty fails to meet the criteria for sound arms control and strengthened security. First, the Treaty repudiates the President's prior insistence on full Soviet compliance with existing agreements as a prerequisite for new agreements. Second, the Treaty contains numerous data discrepancies and ambiguous definitions likely to cause disputes in the future. Third, because of these data and definitional problems and the absence of challenge inspections at all suspect Soviet sites, the Treaty cannot be effectively verified.

Fourth, the Treaty removes NATO's most effective and credible nuclear deterrents, but can be circumvented by covert Soviet INF capabilities or overt Soviet Strategic capabilities. Fifth, the Treaty is not accompanied by nuclear and conventional NATO force modernization programs senior military authorities have called essential and it forecloses important future U.S. technological options without assuring comparable Soviet compliance. Sixth, the Treaty will encourage pressure with NATO's parliaments for unsound arms control agreements and dangerous cuts in essential defense programs.

Finally, and importantly, the Treaty is accompanied by an unsound and, I believe, constitutionally unwise provision on treaty interpretation which will be used unilaterally to restrict and delay America's deployment of SDI in the name of an ABM Treaty long ago broken by Soviet violations.

For the strategic weapons negotiations (START), and for other arms control agreements which may be on the horizon, comparable problems appear even more serious. In my opinion, the apparent rush to complete a START agreement by the end of this year, risks a serious strategic and diplomatic error. Our strategic force posture is too vital for our national security and that of our allies to sacrifice to the desires of summitry.

There is no pressing reason to risk concluding a START agreement before the important issues about our future force posture are resolved; before we have gained full Soviet compliance with existing agreements; and before we work out the many outstanding issues that remain in the START negotiations.

Serious START questions remain. What about mobile ICBMs and sea-launched cruise missiles in START? Is the Soviet BACKFIRE bomber going to count in the Soviet ceiling on Strategic Nuclear Delivery Vehicles, as we believe it should be? Are we going to have stricter verification provisions and greater access to suspicious Soviet activities? And will our verification access be greater than theirs, since after all, it is the Soviet Union that remains a closed and rigorously controlled society and the Soviets have far fewer verification challenges than we do?

SDI—CHOOSING A SECURE FUTURE FOR AMERICA

I believe it is clear that we have the technological capability and need the political will to decide now on rapidly beginning SDI deployment. The American people require and deserve the protection we can give them as SDI moves us to ever greater global security and stability.

Yet, when I look out on the American political scene, the most striking example of the fundamental differences on defense issues between the Republican Party and the Democratic Party of Michael Dukakis, Jim Wright and others, is the role of SDI in our nation's future security posture.

The Democratic Party's leaders are simply not serious about SDI—about building and deploying a strategic defense for the American people. Michael Dukakis has described SDI as a "fantasy and a fraud." The Democratic Party would only research certain SDI technologies, under severe budgetary and programmatic restrictions, with no commitment to accelerating any deployments.

The Republican Party *is* serious about SDI. We see this initiative of President Reagan as a bedrock of our future security and the greatest peace initiative of the post-World War II period. We have led the battle for fulfilling this great initiative for security and stability. Our Presidential candidate, George Bush, has called for deploying SDI as soon as it is ready.

At this historical moment, the Republican Party must be decisive in leading our nation to commit to the early, accelerated deployment of SDI. I believe we can make the decision now to move from the drawing board to production and deployment for the first SDI steps.

America cannot afford to remain unprotected and second to the Soviet Union in this critical area of defense. We need to protect our technological edge in the face of continuing major threats to our security and to global stability. The American people agree on this need, for no matter how the question is asked, or who takes the poll, the great majority of Americans are concerned that we cannot protect ourselves and they strongly support building a defense.

Let us decide now to begin building a strategic defense—a national defense insurance policy. The future of America and our allies can truly be more secure. We need no longer risk being dependent on Soviet rhetoric, or Soviet promises, or the threat of Mutual Assured Destruction for our security. We can instead increasingly depend on that powerful and long-standing combination of free enterprise, technology, common sense and vision which has made our country free and great.

It is time to move America into an era of building and deploying strategic defenses. We need to safeguard our nation. If we fail to decide now the Soviet Union's aggressive build-up in offensive and defensive weapons and its noncompliance with agreements will surely continue apace and Soviet power will fill the vacuum with extremely dangerous consequences for us all.

As John Kennedy did in setting a priority national goal for landing our astronauts on the moon in the decade of the sixties—let us set our own clear goal now for deploying our Strategic Defense Initiative in the decade ahead. Let us start now with the first steps on the ground, even as we reach toward early deployments in space. Let us do all we can to make SDI a reality for our people. For as John Kennedy said:

"Control of space will be decided in the next decade, and the nation which controls the Earth."

PENSION BENEFITS FOR CLERGY MEMBERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I am introducing legislation today which would address a problem faced by many retired clergy members, whose pensions are artificially limited by a technical provision of the Tax Code. My bill would enable them to receive the full pension to which they should be entitled based on their preretirement compensation.

Under present law, an individual's annual pension payments may not exceed the average of the recipient's high 3 years of preretirement compensation, unless that average is under $10,000, in which case he may receive up to $10,000 annually. Compensation is defined as taxable compensation.

The problem for many members of the clergy, however, is that they receive a considerable portion of their usually modest compensation as a nontaxable payment for room and board, often known as a parsonage allowance. Section 107 of the Internal Revenue Code specifically gives this allowance tax-free status.

For many individuals, taxable compensation may be below $10,000, while the combination of taxable compensation and parsonage allowance, which truly reflects their actual compensation, might be considerably greater than $10,000. The intent of the law—to limit overly generous pension benefits—is grossly distorted when it does not even permit these retired clergy members to receive an amount equal to their actual preretirement compensation.

The result is that many retired clergy members who have put in decades of service are arbitrarily limited to a $10,000 annual pension, when in fact they would be entitled under their pension plans to more—if they were permitted to include their parsonage allowance in determining their preretirement compensation. I don't think this is fair, and I don't think it makes sense.

The law gives the Internal Revenue Service flexibility in determining what constitutes compensation for purposes of determining maximum pension payments. However, the IRS has chosen not to include parsonage allowances in this definition. Thus, I believe Congress must act.

My bill addresses this problem in a very simple way. It includes in preretirement compensation, for purposes of determining maximum pension benefits, the value of a clergy member's parsonage allowance.

Let me emphasize that this bill does not mandate any specific pension benefit for a clergy member. It simply allows a higher benefit to be paid for those who have worked long enough and been compensated enough to qualify for that higher benefit.

Mr. Speaker, this bill is intended to correct what I believe is an unintended impact of the legislation we have passed in recent years to limit excessive tax-deferred pension plans. I hope my colleagues will support this measure.

Following is the text of my bill:

H.R. 4779

A bill to amend the Internal Revenue Code of 1986 to treat parsonage allowances as compensation for purposes of the limitations on benefits payable under defined benefit plans

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (3) of section 415(b) of the Internal Revenue Code of 1986 (defining average compensation for high 3 years) is amended by adding at the end thereof the following new sentence: "For purposes of this paragraph, the term 'compensation' includes amounts excluded from gross income under section 107."

(b) The amendment made by subsection (a) shall apply to years beginning after December 31, 1988.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MACKAY] is recognized for 5 minutes.

Mr. MACKAY. Mr. Speaker, due to a previous commitment I missed several votes. Had I been able to vote, I would have voted for final passage of H.R. 4418.

I appreciate having this opportunity to state my position on these measures.

THE JAPANESE CONSPIRACY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, over the past few weeks I have been reading from a book entitled "The Japanese Conspiracy," by Melvin Wolf, an American author who has described in his book how the Japanese Government, through the Ministry of International Trade and Industry, conspired, along with some of the major Japanese industries, to target and to destroy some of our very important industries, some of our very basic industries. Those industries include everything, ranging from typewriters to computers.

Along with reading some sections from that book, I have illustrated from current events and current news stories certain events that are happening today and how they fit into that book.

Today I have before me a column from a Chicago newspaper which refers to the industrial base, which is really what the Japanese conspiracy is all about, and the impact on the industrial base in the United States and how its destruction has been targeted from over seas and what is happening to it and why we need to export.

This particular article, written by William Neikirk in the June 5 addition of the Chicago Tribune is entitled "Economy needs goods, not paper."

In the article the writer describes an incident that is happening in which Shearson Lehman Hutton is reported to be greatly surprised to find the people of Pittsburgh angry over the fact that that financial house took an equity position in its client's successful attempt to take over Koppers Co.

Well, the whole essense of the article is that the financial company was really playing paper, trying to get a venture capitalist to come in to Koppers Co., which was at one time one of the most important manufacturing entities in the United States. In my own district in Maryland, we had some Koppers operations, and now they are all gone. And that certainly is a loss, because we are losing a lot of skilled machinists and others of these skilled trades that are so vital to the national security of this country, as well as to the financial security of this country.

In the concluding remarks by Mr. Neikirk, after describing what is happening in the financial markets, through the shuffling of paper and that, he says: "It would be easy to dismiss this group-think atmosphere were it not so predominately influential over the very policymakers attending the conference here." And that was a conference in Pittsburgh.

Mr. Neikirk continues: "So let us take this rare opportunity to give a second-city view, or a third-city view, whichever you prefer."

And he said that the second-city or the third-city view is that "America's future lies chiefly in the export of machine tools, cars, steel, medical equipment, agriculture goods, airplanes, textiles, computers and many other goods. Curtailing this flow of goods will only harm the international economy.

"Like it or not," Mr. Neikirk says, "the economy's health is linked to the Nation's manufacturing prowess—not its skill in manipulating the paper values of Wall Street."

Let me take each of those items that he has mentioned there. Each of these items has been described in a chapter of "The Japanese Conspiracy" and how that industry was targeted by the Ministry of International Trade and Industry. One of these items was automobiles, and we all know what is happening in the automobile industry. We all know how the foreign imports have literally weakened and taken over nearly half of our automobile industry. There are now some reports, I understand, that the imports from Japan have dropped down some. Well, that is a phoney figure, because what they have done instead is to set up assembly plants in the United States so that they can assemble their goods here and they will not be included in the total figure of automobile imports from overseas.

Then we have steel, and we all know what has happened to the steel industry. We know how our finished products from this country have literally been wiped out, and most of what we are producing here is semifinished steel and steel plate. Some of that is too large to ship economically by ship or airplane.

Then we have machine tools, and that is indeed a very, very sad story. Machine tools is one of our most important basic industries, and it is an industry that definitely was targeted, and sabotage literally took place in the destruction of that industry. This was a very well laid out plan by MITI and its machine tool manufacturers. And we know how even after our commission, the International Commerce Commission, found that Japan was dumping machine tools in this country and how they had plotted, and how, after our Cabinet had determined, yes indeed, that they were dumped upon, and that our industries were being destroyed, how that was undermined by a staff member of the Japanese Embassy sitting outside the Cabinet Room where the meetings were going on and notifying Prime Minister Nakasone by telephone so he could call President Reagan even before President Reagan heard from his own Cabinet, and he got President Reagan to pledge that he would not uphold his own Cabinet's determination in the undermining of machine tools.

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And so on and on it goes and into the computers.

Mr. Speaker, I am not going to get into the computer situation today; I may do it tomorrow, or I will do it next week; except to touch on another article concerning the computers, and that has to deal with IBM.

IBM, as we all know, is one of our largest manufacturers, one of our most important manufacturers, in the computer business and many of our office products, and this article deals with another book, in essence a book put out by Clyde Prestowitz on what is happening again in the trade picture, and he called his book "Trading Places: How We Allow Japan To Take the Lead."

Clyde Prestowitz was formerly the Commerce Department's chief trade negotiator with Japan, and he is now a senior associate at the Carnegie Endowment for International Peace in Washington.

And in his book he points out that IBM has offered to supply vital computer chip technology to its archrival, Digital Equipment Corp., rather than to see Digital becoming increasingly dependent on Japanese suppliers. And this is laid out in his book.

And the importance of that is, again according to this article from the New York Times, the author attests to the seriousness of the concern with which IBM, the Nation's largest computer manufacturer, views the growing dependence of the American computer industry on the Japanese semiconductor technology, and that is the importance of it—is are we becoming so dependent on foreign semiconductor technology that we are going to be totally beholden or totally in their hands, and this statement says that IBM believes such dependence will weaken the American electronics industry and ultimately IBM. And so they wanted to get another U.S. firm, give it some strength, give it some backbone and say, "Hey, come out there and compete with us. We'll help you. We don't want to become so dependent upon foreign sources."

And again, reading on in that article, the report also attests to the huge role that IBM is playing mostly behind the scenes in trying to prop up the American semiconductor industry in the global battle for the future of the electronics industry. And I might point out that in our longstanding battle with Toshiba that Toshiba, of course being a major corporation in Japan, the one that we have all been battling because one of its subsidiaries sold the secret milling equipment, the milling equipment that made silent submarine propellers for the Soviet Union and which a number of us here on the floor were endeavoring to have barred from the United States, and in the lobbying effort by Toshiba, we found that a number of American corporations were assisting this lobbying and saying, "Hey, you can't bar all Toshiba products from the United States because we need them."

Now the fact that they are saying that they needed them attests again to the fact that we are becoming so dependent upon the semiconductor industry in Japan that we may soon be totally in their hands.

And let me go on and point out some of the good things that happened between IBM and Digital and how maybe we can once again push for American companies to stand up together.

It points out that IBM was a prime mover behind the formation of Sematech, a research consortium of the Nation's leading semiconductor companies whose purpose is to make that American industry competitive again, and I understand that this is the one industry, the one organization, that is truly all American, and we need to do more of that in this country today.

Semiconductors are the silicon chips that are the basis for computers, telephones, missiles and all other electronic products, this New York Times article goes on to explain. The Japanese electronics companies have made great advances in this field and are now world leaders in some areas of semiconductor technology, and that again is because of much of the conspiracy that went on in the 1970's and early 1980's, which I will get into on another day in this particular industry.

Mr. Andrew Pollack, who writes this, says it would be a rare move for IBM to license this advanced semiconductor technology or sell chips to a competitor because the company views its advanced chip technology as one of its major competitive weapons, but it would be particularly surprising for the company to offer such technology to Digital, the Nation's second largest computer maker and a company that has made great gains in the marketplace recently at IBM's expense, but once again apparently they were thinking of the United States and the strength that was needed in the United States for American companies.

And the article goes on. I will just touch on a couple of paragraphs in it that are so crucial to what is happening here.

The issue of dependency on foreign chips has become charged in the last 2 years. Some industry analysts say American computer companies are becoming dangerously, dangerously dependent on Japanese chipmakers, the Japanese chipmakers being Fujitsu, Hitachi, Toshiba, and NEC, and these are also major competitors in the computer business, and could use the dependence and could use the dependence of their American rivals to their advantage.

And this is what many of us are concerned about.

In the current shortage of memory chips, for example, some executives feel that Japanese computer companies, as any company would do, are satisfying their own chip needs before selling to outsiders.

In other words, "We'll get you dependent upon us, and then we're going to cut off your supply." Would that not be a great way to win an economic war?

Now the article by Mr. Pollack says, "Well, the fear of dependence, which is dismissed by other people in industry and government as overblown, was the basis for a report issued by a Department of Defense advisory arm last year that led to government financing for Sematech." So, it is not all, just some of us throwing out a red herring. There is a real basis for being concerned along this line.

IBM makes most of its own chips, it says, and would, therefore, be expected not to be concerned about dependence on the Japanese, but interestingly enough, in the lobbying effort for Toshiba, IBM was one of those in there and again saying that they did need some of the Toshiba products. Actually, however, Mr. Pollack says, it seems more concerned than anyone else according to the sources. That is because IBM depends on other companies for the equipment and the materials it uses to make chips. Without a thriving American semiconductor industry, IBM believes, the American chipmaking equipment industry will also wither and make IBM dependent on its Japanese competitors for all the equipment it needs, and that is what we have to watch for in this country.

Mr. Prestowitz in his book said that IBM also feared that, if American companies had to depend on Japan, they would become politically neutralized in disputes between the two countries. IBM supported the 1986 semiconductor agreement between the United States and Japan which was meant to help the American semiconductor industry, but many other American computer companies initially opposed it saying it would hurt them because it would lead to higher chip prices, and on and on we go.

And only this past week there were articles in newspapers about how once again Japan is not living up to or not willing to work out the terms of an agreement in the semiconductor industry.

□ 1230

So what I am trying to point out in all these discussions is fairness. It is a matter of fairness. We have opened up our doors totally to these foreign countries, to Japan and to others, but their barriers are there and they are engaged in targeting and destroying our industries, and we need to be careful. We need to be ever watchful.

The United States more than ever needs a Marshall plan for the United States in order to retain what is left of its industrial base and to build it up once again. Just as we helped Europe and Japan build up after World War II, now it is our time and we need to do it here.

A REPLY TO REPUBLICAN UNHAPPINESS WITH WAY HOUSE IS RUN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. **Frank**] is recognized for 60 minutes.

Mr. FRANK. Mr. Speaker, on the 24th of May, members of the Republican Party assembled here to discuss their unhappiness with the way the House is running. Now, we understand they are unhappy with the way the House is running. It is an unhappiness which stems from a sad fact from their standpoint: They have not been able to elect a majority of the Members. They would much rather be in the majority than in the minority, most of them.

They therefore presented some criticisms which on the whole are invalid. I read their special order. I have heard some of their objections.

In general, what we have here are a group of elected officials desperately in search of an issue.

I think our Republican friends are suffering from a bit of distemper here. They are not happy with the way the issues are being debated on the national level. They are not happy with public opinion on many of the specific issues. They do not find, for instance, the kind of public support they would like for aid to the Contras. Some of them are somewhat confused about how to respond when the denunciator of the evil empire goes and becomes one of its best friends.

There is a great deal of substantive unhappiness and confusion, so they have decided instead to attack the functioning of this institution.

The first thing that should be noted is that they very prudently waited until this year, and the reason is very simple. For the first 6 years of this Reagan Presidency, the U.S. Senate was controlled by the Republicans. Virtually every criticism that they have made of the House during this period would apply not only with equal force to the Senate, but with greater force.

For instance, one of the complaints was that we have had too many continuing resolutions and not enough individual appropriations. Many of us agree with that.

In every one of the 6 years in which we had Democratic control of the House and Republican control of the Senate, the House passed more appropriation bills than the Senate. You cannot get an appropriation bill signed into law if only one House passes it, and the pattern was consistent. The House in every one of the 6 years in which there was divided party control passed more appropriation bills than the Senate.

Let us look at another area of inconsistency. One of the complaints had to do with closed rules and less than open rules. In fact, I have a list here of closed rules which were supported by the minority leader. The minority leader's distaste for closed rules appears to be a selective one. He is unhappy with those rules which close him out. He is enthusiastic about rules which close out other people.

I have a strong recollection during one tax bill where I wanted to get an amendment offered that would deal with some low income housing credits. I remember standing at the door to my left with one of the members of the Republican leadership. The motion was on the previous question, which if it passed would shut off any amendments. I was urging the Members to vote against the previous question so we could offer this pro-low income housing amendment. A member of the Republican leadership stood and said to others, "Vote for the previous question. The realtors don't want this amendment. Others don't want this amendment."

Now, I did not think I should take a special order to denounce his lack of respect for the democratic process, but I think it is fair to point out that this concern about closed rules does not apply when the Republicans like the tax bill. It does not apply when they like reconciliation.

If you look at those accomplishments for which the Republicans take legislative pride, for which they take credit and in which they have pride, most of them happened with closed rules, supported by the Republican leadership.

Closed or open rules are a legitimately debatable issue, but for partisan purposes to support closed rules when it is convenient and then to feign indignation, almost to the point of a swoon when they are not to your liking, is not a valid form of debate.

We will hear from Members today who have responsibility in the Rules Committee, who can document how often we have put forward closed rules at the behest of the Republican leadership, with the full support of the administration.

We have also been told that we pass too many commemoratives. Commemoratives, of course, have been a bipartisan issue. We did not know that the other party objected to them.

I think it is indicative of the depth to which they have to go—I do not mean depth in the moral sense, I mean in the sense of lack of content. Perhaps I do not mean depth at all, I mean shallowness, that they are objecting, because we pass commemoratives which they at least proportionately sponsor.

The point is that the objections the Republicans have to the House functioning are to the public policy. They are unhappy perhaps that we have overridden Ronald Reagan's veto time after time with clean water and with highways and with Grove City. Of course, many Republicans have voted with us.

They are unhappy that we produced a trade bill with a plant closing provision which they find a great political embarrassment.

Their objections are substantive, but they understand that those substantive objections do not have a great deal of popular support, so they dress them up in procedural garb which they do not really mean.

In area after area, they complain that we make too many continuing resolutions and not enough appropriations are passed; but the Democratic House has a much better record than the Republican Senate, in passing appropriations.

They complain about closed rules, but they support them, as we will show here, whenever they find them convenient.

Now, I will say that once we called them on the inconsistency, they have become a little less supportive of the closed rules. The computer, you know, makes people be more consistent and now that our Republican friends understand that we can check on their consistency, they are a little wary of closed rules; but the record is very clear. Time and time again they have been for those closed rules when they found it convenient.

They also complain, ironically, that we have not passed enough legislation. This is a case of the psychiatric test when you are asked who do you like better, your mother or your father. If you like your mother, there is something the matter with you, and if you like your father, there is something the matter with you, and if you like them both, you are worse, and if you do not like either one, there is no right answer.

Well, our Republican friends complain that if we pass too much legislation, they complain, and if we pass too little, they complain. No one believes they are sincerely concerned about the issue.

Let me say to my friend, the gentleman from Illinois, I will yield to him at one point, but the Republicans took 2 hours to make their case. We are going to take basically 1 hour to make ours. We will be glad to engage them later, but I will yield to the gentleman from Illinois just this one time, since he is here. We have a couple of hours later today, having presented our case in response to the 2-hour case they presented, to respond.

Mr. PORTER. Mr. Speaker, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Speaker, I just want to go back to a point the gentleman made, and I thank the gentleman for yielding, on continuing resolutions.

The gentleman said that the House did better on getting the bills over to the Senate, the appropriation bills over to the Senate, and that it was the fault of the Senate, under the Republicans for 6 years, that we had continuing resolutions.

Mr. FRANK. Mr. Speaker, I will take back my time. I will say to the gentleman what I said exactly.

Mr. PORTER. Fine.

Mr. FRANK. The House in every year that the House was Democratic and the Senate was Republican, the House in every year passed more appropriations bills than the Senate passed. That is precisely what I said.

Mr. PORTER. That is an amazing statistic, if the gentleman will yield further, since the House must initiate under the Constitution all spending bills. Obviously, they cannot go over to the Senate and be even started upon until after we have acted.

The point ought to be made, though, it seems to me, that when the Democrats took control of the Senate, and last year was a good example, we had the largest continuing resolution in the history of our country, all 13 bills, all of them, every discretionary dollar of spending packed into 1 appropriation bill of $603 billion, and do you know, that almost all those bills were in conference for 2 months. The Democrats held the conference for 2 months.

Mr. FRANK. I will take back my time, Mr. Speaker.

The gentleman said incorrectly in the RECORD, I guess he misspoke during the Republican special order, he said in May of this year:

> In the 2 years the Democrats have controlled the Congress, they haven't passed a single appropriations bill.

Well, he is really talking about last year. I do not think he is talking about May of this year that we should have had some enacted into law.

But I will say this. As the gentleman well knows, and clearly forgot to mention, I am sure it was right on the tip of his tongue, we had these bills in conference and then came the budget summit. The administration did not want us to go forward. Everybody wanted to hold up.

The reason last year that we had an unusual procedure was the budget summit, and when that continuing resolution that the gentleman is so unhappy about came forward, and I did not vote for it, the gentleman did not vote for it, the President signed it and the Republican leadership on the whole was for it.

So I am not denying there are problems in the institution. I am not denying because of the shortfall in the deficit, for which there is plenty of responsibility all around without regard to partisanship or institutional role, that because of the budget summit we had an unusual year last year.

The point, however, remains that the House passed appropriation bills in every 1 of the 6 years when we had a Republican Senate that the Senate failed to pass.

Mr. PORTER. Mr. Speaker, will the gentleman yield?

Mr. FRANK. No, I will not yield further. I will explain to the gentleman that the Republican Party took 2 hours, uninterrupted, to make its point. I think we are entitled to an hour uninterrupted to respond. We will be here later today if the gentleman wants to debate to do that, but to take 2 hours uninterrupted I do not think is unreasonable for us to have an equal hour.

The point on the continuing resolution is that we did not hear the special order when the Republicans had the Senate. The fact is that when the Republicans had the Senate, and that is when we get into the continuing resolution problem, we had divided party control. We had a Democratic House and a Republican Senate that got us into the continuing resolution pattern.

Last year it was exacerbated by the bipartisan budget summit, of which I am not a great fan. That is how we got into it.

This year, we are proceeding to pass the appropriation bills and I do not think we are going to see the continuing resolution problem that will be a leftover of the divided partisan control.

Mr. SCHUMER. Mr. Speaker, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from New York, who is a member of the Budget Committee.

Mr. SCHUMER. I am sorry, Mr. Speaker, that the gentleman from Illinois [Mr. PORTER] is no longer on the floor.

I just wish to underscore the point that the gentleman from Massachusetts made and we will all be making today. It is not that this institution is perfect. It is not. We are striving to improve it all along. This is rather the theme of what we might be saying of the pot calling the kettle black. All of a sudden we hear a hue and cry from the other side of the aisle about a variety of practices which they have eagerly in some cases, reluctantly in other cases, but absolutely in many cases adhered to, gone along with, advocated, used, when it was appropriate for them. So let us have a little consistency here.

Let us not say, well, all of a sudden we are against closed rules, we are against CR's when the time rolls around and we find many of those same people advocating them when it suits their needs. All we are asking is a little fairness and a little consistency. Criticize us for what you do not do and we do, not for what we both do.

Mr. FRANK. The gentleman is correct. In terms of closed rules from the days of Gramm-Latta and the tax bills, the Republican leadership has fought for some of the most restrictive rules, fought for them, that we have ever seen.

In terms of the appropriation process, when the Republican Senate was failing to pass as many appropriation bills as the Democratic House, we never heard complaints about the CR's. We are now hearing a partisan substitute for substantive debate.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

I think the point ought to be made, which has been made already, but reiterated, is that the purpose of taking out this special order is so that the allegations, and I will call them allegations, that the institution is not operating fairly are not left unresponded to, are not left for the American public to believe that all of us in this House, all 435 of us, do not want the voice of the American people in every district to be heard on this floor.

At the same time, it is obviously necessary to have rules. It is necessary to have some discipline. It is necessary to be able to move legislation in an orderly and effective fashion so that the voice of the American public in the people's House can ultimately do what our objective is, and that is to be made policy, and not just the subject of debate.

The persons who will speak are going to speak to specific points that have been raised in the special order that the minority took out some 2 weeks ago.

I am very pleased to have this opportunity to participate with the gentleman from Massachusetts [Mr. FRANK] and others on those specific points so that the American public will know the facts with respect to these questions that have been raised, because the facts will show, as the gentleman from Massachusetts [Mr. FRANK] has said, the facts will show that the House is operating in a fair and effective fashion.

Clearly, there are differences. Clearly, there are times when one loses on a substantive issue and one ascribes that to process, and not the fact that they do not have 51 percent of the votes of their proposition; but clearly, the facts show that this House is operating effectively. There are problems I say as a member of the Appropriations Committee, with the appropriations process, and much of that has been as I think everybody in this House on both sides of the aisle knows because of the substantial disagreements that have occurred from time to time between the executive and the legislative, not necessarily between the executive and the Democrats in the House and the Senate, but between the executive and the legislative.

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There have been some substantive differences on what policy ought to be. As a result of that, the gentleman from Illinois [Mr. PORTER] mentioned previously that those bills sitting in conference are one example. One of the reasons we all know they sat in conference so long was that there was negotiation between the executive and the legislative, both parties, as to whether or not those bills would be vetoed and not wanting to send up bills that would simply be vetoed, there was a negotiation going on and they did not go forward.

Mr. FRANK. Mr. Speaker, reclaiming my time at this point, we can get back on the subject of the continuing resolution. The continuing resolution problem came because contrary to the expectations of the people who wrote the American Constitution, we had for the longest period in American history a divided control of the Congress, Democrats controlling the House, and Republicans controlling in the Senate. That is when the continuing resolution became the substitute for appropriation. That is a problem that many of us regret but it is not a partisan problem and it trivializes the political debate to inaccurately take that and say it was because the Democrats in the House did not do it and not mention the Republicans in the Senate.

Subsequently last year for the first time in 7 years, we had similar party control of both Houses. We also had the budget summit, and the administration did not want us to go forward.

This year in the postbudget summit we think we will see, unlike the years of divided party control in the Congress, no need for an overall continuing resolution. The fact ought to be debated about whether that is good or not and I have read a lot about legislation, and I have taught about legislatures, and I have served in them, but the criticisms the Republican Party put forward fall below acceptable intellectual standards. They take serious issue with the fact of legislative functions, and inaccurately impute one party's problems to the other, and none could be more convincing than the closed rules. The Republican leader of this body regularly votes for closed rules. He asks that they come forward, he lobbies for them and then complains about them.

Mr. Speaker, at this time I am happy to yield to the gentleman from California [Mr. DYMALLY] who is in the interesting position of being petitioned frequently by Republican Members to bring commemorative resolutions out of his subcommittee, and is then attacked by the Republican leadership for accommodating requests of Republican Members.

Mr. DYMALLY. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. FRANK] for yielding to me.

Mr. DYMALLY. Mr. Speaker, I am pleased to join my colleagues in this special order to respond to charges made by some of our colleagues on the other side of this aisle regarding the way those of us in the majority have exercised our leadership during this Congress.

In particular, I am deeply disappointed—and frankly perplexed—by Republican charges that too many commemorative resolutions are considered by the House.

As chairman of the Subcommittee on Census and Population, which has jurisdiction over resolutions designating commemorative periods, it has always been my impression that the commemorative process represents one of the most bipartisan efforts we undertake in Congress.

It is no secret that both Democrats and Republicans sponsor, and cosponsor, these resolutions, and Members from both parties eagerly request a few minutes on the floor to express their support of a commemorative in which they have a personal interest.

In fact, the very nature of the commemorative process is bipartisan, since, the resolutions are brought up under unanimous consent. Obviously, this is not an arbitrary exercise of the power of the majority.

In fact, under unanimous consent, it is the minority Member who controls the floor time when commemoratives are considered. If there is no objection on the floor to the resolution—and there is every opportunity to object—then presumably every Member of the House, Republican and Democrat, agree to passage of the bill.

And during my tenure as chairman in the 100th Congress, I have yet to have any Member approach me to say they object to bringing commemoratives to the floor.

Mr. Speaker, it seems to me that the Republican leadership was so intent on finding fault with the majority leadership in the House, that it decided to complain even about a legislative process which is clearly and unarguably bipartisan in both its approach and result.

The subcommittee's distinguished ranking minority member, Mrs. MORELLA and I have gone out of our way to accommodate both Republican and Democratic Members who have sponsored these resolutions, and to simplify the process as much as possible, so that the maximum benefit is gained without placing an undue burden on any sponsors or cosponsors.

There may be faults with our current procedures for bringing commemorative resolutions to the floor, but the Democrats and Republicans must take equal responsibility for any problems which exist.

It is simply ludicrous to suggest that Democrats alone, are to blame for the number of commemoratives considered by the House, when Members from both parties sponsor, cosponsor, and support these resolutions.

I should point out that proposals have been made to reform the commemorative process, and I have not ignored them. Very recently, the gentlelady from Rhode Island, [Mrs. SCHNEIDER] wrote to me regarding her legislation to establish a Federal commission to consider commemorative designations.

I promptly wrote back on her legislation. Clearly, Democrats are not abusing any power they have as majority Members, to control the commemorative process to the detriment of minority Members.

Mr. Speaker, let me depart from my prepared text and cite another example.

The gentleman from Pennsylvania [Mr. RIDGE], a Republican, has introduced a piece of legislation to change the way in which the Census Bureau does its business. The Census Bureau is opposed to the legislation. The distinguished chairman of the Subcommittee on Constitutional Rights, the gentleman from California [Mr. EDWARDS], is opposed to the legislation. The Mexican-American Legal Defense and Education Fund is opposed to the legislation. I am opposed to the legislation. Yet the gentleman from Pennsylvania [Mr. RIDGE] has been given not one hearing but he is going to get two hearings, one in Washington, DC, conducted by me, and another one conducted by the chairman of the full Committee on Post Office and Civil Service in the field. The gentleman from Pennsylvania [Mr. RIDGE] will have ample opportunity despite the fact that we have serious constitutional problems about his bill, to air his grievance.

Mr. Speaker, let me also take a moment to address another point which I believe to be implicit in the criticism of commemorative resolutions: the idea that the periods we choose to designate are not worthwhile.

Columnist David S. Broder, in his commentary on the Republican challenge, referred to commemorative resolutions as "junk legislation" and "trivia."

But a closer look at the commemorative bills we have considered in the House during the 100th Congress will reveal that the vast majority of these bills deal with topics of great concern to many of the people we are elected to represent, and every resolution we consider is of interest to someone back home.

I, for one, have no qualms about spending a few minutes of my time each week as an elected official to honor former prisoners of war and women veterans, visiting nurses and

U.S. inventors, public employees, and income tax assistance volunteers.

I see nothing wrong with recognizing the vast array of cultures which, together, make up the diverse society of which we are so proud: the heritage of the Jewish people, Greeks, Lithuanians, Germans, Polish Americans, and African Americans.

I do not consider it a waste of my time to call more public attention to problems faced by the victims of crime, to the importance of child care programs, to the need for better health care in rural areas, to the sad reality of child and elderly abuse, to the environmental benefits of recycling, and to the saving grace of hospice care for the terminally ill.

And, no, Mr. Broder, I certainly see nothing trivial in educating the public about diseases and serious health problems which often cannot be properly dealt with due to a lack of public awareness, a lack of adequate research funds, or a general misconception about the nature of the illness.

Not too long ago, we knew little about the dangers of Reyes syndrome, lupus, and high cholesterol levels; the crippling nature of osteoporosis and tuberous sclerosis; the availability of treatment for persons with eating disorders, digestive diseases, and trauma-related symptoms.

It may be a little self-serving, but I like to think that this Nation has made great strides in medical care and promoting better health because of the many dedicated individuals, including public officials, who often volunteer their time to educate their communities about illnesses which may be rare, but treatable, or common, but too often ignored.

No, Mr. Broder, it is not a waste of my time to pass a simple resolution which calls attention to the alarmingly high and disproportionate rates of cancer among blacks, Hispanics, and other minorities, and to give some small measure of recognition to the tireless, dedicated physicians who organized the first national symposium last year on minorities and cancer in an effort to reduce the incidence of cancer in minority communities.

That resolution, which I sponsored, prompted many local governments to pass similar resolutions and organize community sponsored events to promote improved awareness among minorities of the availability and necessity of early treatment for cancer.

But equally important, from my point of view, is that this resolution—passed by Democrats and Republicans in Congress and signed by the President—said to a dedicated team of doctors that we are not ignoring their critical work and that we appreciate their efforts and sacrifices on behalf of their fellow human beings.

For the minimal amount of time it took for my colleagues to add their names as cosponsors of the resolution and the small amount of time it took for me to bring the resolution before the House, it was the least we could do and, hopefully, only the beginning.

Which leads me, Mr. Speaker, to my final point.

I get the impression that my Republican colleagues believe the Congress spends too much time on commemorative resolutions. Frankly, I fail to see the problem here.

As subcommittee chairman, it takes me no more than 10 to 15 minutes, once a week if at all, to bring the resolutions up under unanimous consent, after the business of the House is completed.

Sponsors or supporters of the resolutions may take a few minutes to address the topic of the legislation—the same amount of time it would take to make the same speech during 1-minutes or special orders.

Also, contrary to the statements in Mr. Broder's article, the House of Representatives has been passing less, not more, resolutions which designate periods of public observance.

Mr. Speaker, the fact that the Republican leadership had to include an attack on the commemorative process in their challenge to the House leadership, indicates to me the simplistic nature of their frustrations.

Under the Democratic leadership, the House has successfully enacted some critical, major programs. I suspect that these successes have been the major source of the Republican frustration, which they chose to express by challenging the bipartisan commemorative process.

Their attack was unwarranted.

Mr. Speaker, again I thank the gentleman from Massachusetts [Mr. FRANK] for leading this special order.

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Mr. FRANK. Mr. Speaker, I yield to the gentleman from California [Mr. FAZIO], the chairman of the Legislative Appropriations Subcommittee.

Mr. FAZIO. Mr. Speaker, I particularly want to express appreciation to the gentleman from Massachusetts [Mr. FRANK], and to the gentleman from Maryland [Mr. HOYER] and the other members of the Democratic Caucus who are here today to try to set the record straight.

I regret that we were exposed as a party, as a caucus, to so many unfair criticisms. I do not think anyone on this side of the aisle would stand and argue that the institution is without flaws or that the process is perfect. We all know that it can be improved, but I have never been in an institution or a legislative process where those improvements could be made without the kind of bipartisan spirit and cooperation that is clearly so sadly lacking at this time.

Some of our Republican colleagues recently have been criticizing certain operations of the House of Representatives, specifically the size of committee and Members' office staffs, the use of congressional mail, the productivity of the House itself and other features of House operations have been called into question as well. Several points have to be made to set the record straight.

Let me first talk about overall trends in the way this institution functions. Despite rhetoric about the exploding cost of operating the House of Representatives in recent years, it has been among the slowest-growing parts of Government. Over the past decade, appropriations for the House have not even kept pace with inflation. Within the overall congressional budget, appropriations for the House of Representatives including the House share of joint items have declined by 7 percent over the past 10 years on an inflation-adjusted basis, while appropriations rose 25 percent for the executive branch and 59 percent for the judicial branch on that same inflation-adjusted basis.

The share of the total Federal budget allocated to the House was dropped from eight-hundredths of 1 percent in fiscal year 1978 to, 10 years later, six-hundredths of 1 percent in fiscal year 1988. We are a small share of the Federal budget, and we are getting smaller despite the vast increase in the number of areas of oversight and responsibility we have.

COMPARISON OF APPROPRIATIONS TRENDS FOR LEGISLATIVE AND OTHER BRANCHES

[In fiscal years]

	1988 appropriations (millions)	Inflation adjusted percent change[1]		
		10 yrs. 1978–88	5 yrs. 1983–88	1 yr. 1987–88
Total, all branches	$1,175,686	+25	+12	+3
Executive branch	1,172,438	+25	+12	+3
Judiciary	1,340	+59	+37	+1
Congress	1,260	−3	+2	−3
House[2]	712	−7	+5	−4
Senate[2]	469	+3	−2	−1
Support agencies[3]	78	+1	+4	....
Other leg. branch[4]	648	−7	+1	−2

[1] Inflation adjustments made using Consumer Price Index.

[2] Figures for the House and Senate include all direct appropriations for each chamber, plus each chamber's share of jointly-appropriated items such as official mail costs, joint committees, printing, and buildings and grounds. (See Appendix for further details.)

[3] Congressional Research Service, Congressional Budget Office, and Office of Technology Assessment.

[4] Includes the General Accounting Office, the Library of Congress (except CRS), the Government Printing Office (except congressional printing), the United States Tax Court, and other miscellaneous agencies.

When we analyze the inflation-adjusted appropriation increases and decreases for the House of Representatives, costs for most of these items have declined since fiscal year 1978. Despite allegations of burgeoning Member and committee staffs, over the past 10 years appropriations for Members' staffs have dropped by 16 percent and appropriations for committees have dropped by 15 percent, on an inflation-adjusted basis. When employee benefit costs are excluded from the total, inflation-adjusted appropriations for all other House items declined by 14 percent over the past 10 years.

TRENDS IN APPROPRIATIONS FOR HOUSE OF REPRESENTATIVES

	FY 88 approp. (millions)	Inflation adjusted percent change [1]		
		10 yrs. FY 78–88	5 yrs. FY 83–88	1 yr. FY 87–88
Total House of Representatives	$712	−7	+5	−4
Members' staff (clerk-hire)	175	−16	−3	−3
Committees [2]	110	−15	+13	−2
House officers and employees [3]	55	+12	+5	
Employee benefit costs [4]	73	+223	+230	−9
Office expenses, equipment furnishings and allowances [5]	102	+19	+19	−9
Official mail costs [6]	49	−43	−20	−25
Printing [7]	35	−47	−27	+9
Buildings and grounds [8]	54	−8	−34	+5
Other [9]	60	−7	+28	+7

[1] Inflation adjustments made using Consumer Price Index.

[2] Includes all appropriations for House committees plus 50 percent of appropriations for joint committees.

[3] Includes Offices of the Clerk, Doorkeeper, and Sergeant-at-Arms, House post offices, legislative counsel, Parliamentarian, police personnel (House), etc.

[4] Employer contributions for Social Security, retirement, health, unemployment, and other benefits for House employees. The very large increases in this item largely reflect legislative and accounting changes (see text for further explanation).

[5] Includes Members' office expenses, other supplies and equipment, furnishings, reporting of committee hearings, etc.

[6] Represents a portion of the joint appropriation for official mail costs, based on the House share of total mail costs incurred each year.

[7] 50 percent of joint appropriations for congressional printing.

[8] Architect of the Capitol, including appropriations for maintenance of House buildings and 50 percent of appropriations for joint items (Capitol and grounds, heating plant, etc.).

[9] Includes leadership offices, compensation of Members, 50 percent of miscellaneous joint costs, etc.

We have heard the allegation that there has been an excessive increase in the number of House staff. Over the past 10 years, the total number of House employees has increased by 6 percent. At the same time employment in the executive branch is up by 9 percent, while employment in the judicial branch has risen 61 percent. In 1977, there were 256 executive branch employees excluding the military for every employee of the House of Representatives. In 1987, 10 years later, there were 264 executive branch employees for every House staffer.

At the end of 1987, there were 7,496 employees on the personal staffs of Members of the House including staff in both Washington and district offices and temporary, part-time, and shared employees. This represents an average of 17 staffers per member—about one staff member for every 33,000 constituents.

The size of House Members' personal staffs has increased by an average of 1.4 staffers per Member over the past 10 years; however, clerk hire funds for Member staff have not grown during this same period. Rather, funding for Members' clerk hire actually declined by 16 percent, after adjustment for inflation. The increase in the number of employees seems to represent a trend toward somewhat larger staffs, at somewhat lower levels of pay. The number of employees on Members' personal staffs peaked at 7,861 in 1983. Since then, it has dropped by 5 percent. I think that is very important to underscore. We have had a reduction of 5 percent in the last 5 years.

Members have been very attentive to the concern about spending in the legislative branch of government just as they have in other domestic spending areas. The number of staff members for House committees has remained relatively stable over the past decade, increasing by a total of only 3 percent since 1977. In that same year, 1977, there were 1,291 executive branch employees excluding the military for every House committee employee. In 1987 there were 1,366.

TRENDS IN EMPLOYMENT LEVELS

[Personnel totals, as of the end of each calendar year]

	Total staff 1987	Percent change		
		10 yrs. 1977–87	5 yrs. 1982–87	1 yr. 1986–87
Total Government	3,120,287	+9	+9	+3
Executive branch [1]	3,062,500	+9	+9	+3
Judiciary	20,396	+61	+27	+7
Legislative branch	37,391	−3	−1	+4
House	11,608	+6		+4
Members' staff	7,496	+9	−1	+3
Committee staff	2,241	+3	+13	+7
Other	1,871	−1	−8	+6
Senate	7,219	+12	+2	+6
Architect	2,120	−4		+1
GOP	5,202	−32	−12	
Library of Congress	4,991	−3	−5	+4
GAO	5,382	−1	+4	+4
Other	869	+34	+20	+2

[1] Excluding members of the Armed Forces.

A major barometer of legislative activity is the appropriations process. In the last session of the 99th Congress, 13 subcommittees of the Committee on Appropriations held over 220 days of hearings, and heard testimony from 4,100 witnesses. In the first session of the 100th Congress, those subcommittee days had increased to 246 days of hearings, and they heard from over 4,500 witnesses. The total amounts appropriated by the 13 bills were $575 billion in the 99th session and $605 billion in the first session of the 100th Congress. So there is an increase in productivity, without doubt.

Eleven of the thirteen bills that were adopted separately on the House floor consumed 73¼ hours of debate and voting time during the 1986 session of Congress, and 10 of the 13 bills adopted separately in the 1987 session consumed over 61¼ hours on the House floor.

RECORD OF THE HOUSE APPROPRIATIONS COMMITTEE

[99th Cong. 2d sess.—fiscal year 1987 bills, calendar year 1986]

Subcommittee	Number of days hearing held	Number of witnesses	Date reported to House by full committee	Date passed House	Floor time (hours)	Floor amendments adopted	Floor amendments rejected	Final passage vote	
								Yeas	Nays
Commerce-Justice-State	20.5	431	July 15	July 17	10¾	4	7	269	66
Defense	21.0	173	Aug. 14						
District of Columbia	6.0	178	July 15	July 24	4½	2	1	296	117
Energy and Water Development	15.5	810	July 15	July 23	12¼	4	9	329	82
Foreign Operations	15.5	79	Aug. 5						
HUD-Independent Agencies	25.0	288	July 31	Sept. 12	2¾	1	0	295	46
Interior	22.0	671	July 24	July 31	2½	4	0	359	51
Labor-HHS-Education	30.0	695	July 24	July 31	4	2	3	328	86
Legislative	5.0	137	July 17	July 29	3⅓	0	3	266	146
Military Construction	7.0	90	June 19	June 25	12⅔	4	1	249	174
Rural Development/Agriculture	14.0	255	July 16	July 24	2¾	3	1	329	49
Transportation	21.0	208	July 18	July 30	11¾	2	8	329	87
Treasury-Postal Service	18.0	174	July 30	Aug. 6	6	5	1	302	118
Totals	220.5	4.189			73.25				

[100th Cong. 1st sess.—fiscal year 1988 bills, calendar year 1987]

Subcommittee	Number of days hearings held	Number of witnesses	Date reported to House by full committee	Date passed House	Floor time (hours)	Floor amendments adopted	Floor amendments rejected	Final passage vote	
								Yeas	Nays
Commerce-Justice-State	23	375	June 24	July 1	8	4	8	292	102
Defense	36	194	Oct. 28						
District of Columbia	6	204	June 18	June 26	4	2	3	225	113
Energy and Water Development	14	880	June 17	June 24	6	3	2	340	81
Foreign Operations	17	121	Aug. 6						
HUD-Independent Agencies	18	314	June 25	Sept. 22	5¼	2	4	348	68
Interior	25	759	June 18	June 25	7½	2	9	295	115
Labor-HHS-Education	32	722	July 30	Aug. 5	5	1	4	336	89
Legislative	5	103	June 18	June 29	4¾	2	6	228	150
Military Construction	12	57	July 9	July 14	4¼	0	3	371	48
Rural Development/Agriculture	14	362	Oct. 20						
Transportation	25	278	July 1	July 13	10½	5	11	282	108
Treasury-Postal Service	19	167	July 9	July 15	6	3	2	254	158
Totals	246	4,536			61.25				

Official mail is another area of controversy, another controversial item for many Members of Congress who, by the way, are also very happy to use the official mail allowance available to all Members of both parties. At times, however, some of these Members have taken the opportunity to criticize from a minority standpoint the fact that the majority must support the funding for this important item in order to keep a semblance of order in the House and to maintain our ability to communicate with our constituents. The use of mail, including postal patron mailings, is one of the fundamental methods that Members of Congress have available to reach their constituents, to inform them of the legislative agenda, and to stay in touch with the needs and attitudes of the American public.

The volume of franked mail rose rapidly in the late 1970's and early 1980's and reached a peak in fiscal year 1984. Since then, however, the growth of mail volume has been arrested and largely reversed, particularly in the House, as a result of voluntary actions by Members to restrain their mailings.

For the House, the fiscal year 1988 mail volume is only 9 percent above the level of 10 years ago in 1978. On the other hand, incoming mail from constituents and others has increased substantially. Many of these letters require several followup letters in order to be responsive to the original sender.

Between 1978 and 1987, incoming mail to the House rose by 57 percent, so here we have our mail volume going up by 9 percent in a 10-year span while that coming to us from our constituents has risen by 57 percent.

In terms of dollar amounts, official mail costs for the House have declined 24 percent over the past 10 years, after adjustment for inflation, and that, of course, at the same time that we have had significant increases in postal costs. Note that these figures are based on actual costs, and may differ from the amounts appropriated, which are often not fully spent in the year appropriated. Because of voluntary constraints, most Members of the House are not using their full allowance of six postal patron mailings to each household in their congressional district. According to reports filed with the House Franking Commission, only 16 Members sent 6 postal patron mailings, their full allowance, in 1987; 15 sent 5; 39 sent 4; but get this, over 84 percent of House Members used only half their allowances, or less.

As a matter of fact, use of these postal patron mailings is bipartisan. Members of both parties, as I have indicated earlier, take advantage of their allowances, and it might be of some interest for our friends on the other side of the aisle to know that well over 50 percent of the Members who mailed four or more districtwide mailings were Members of the Republican Party.

OFFICIAL MAIL COSTS AND VOLUME

[Dollars in thousands[1]]

Fiscal year	Before adjustment for inflation		After adjustment for inflation[2]		Volume (millions of pieces)	
	House	Senate	House	Senate	House	Senate
1978	$35,109	$13,817	$64,539	$25,339	334.1	96.1
1979	27,729	15,214	46,138	25,314	239.7	86.5
1980	43,422	18,484	63,575	27,063	400.1	111.2
1981	29,686	24,176	39,112	31,852	262.3	133.3
1982	59,894	40,144	73,490	49,256	508.2	263.6
1983	40,307	32,126	47,814	38,109	335.7	221.2
1984	67,348	43,609	76,794	49,725	586.2	338.4
1985	45,308	39,853	49,789	43,795	354.3	322.0
1986	60,401	35,538	64,808	38,131	461.1	297.6
1987	44,201	19,424	46,091	20,254	338.5	156.2
1988[3]	49,298	32,865	49,298	32,865	362.8	241.9
	PERCENT CHANGES					
1978–88	+40	+138	−24	+29	+9	+152
1984–88	−27	−25	−36	−34	−38	−29
1986–88	−18	−8	−24	−14	−21	−19

[1] These figures represent actual costs incurred in each year; they differ from the appropriations figures given in table 2 and the Appendix because not all appropriations are actually spent in the year appropriated.

[2] Expressed in constant fiscal year 1988 dollars.

[3] Estimate.

We heard a lot about elevator operators in the special order of May 24, and on prior occasions when the legislative branch appropriation bill is on the floor. The usual criticism relates to the fact that we have elevator operators in the Capitol and in the House office buidings where the operator operates an elevator that can also operate as an automatic elevator.

Let us try to look beyond the obvious cynicism that we have make-work jobs that are unnecessary. There are 142 elevators in the Capitol and in the House and Senate office buildings. Of that number, only 23 have operators assigned. During recorded votes and rollcalls, of which there were 277 in the House in 1987, the 435 Members of the House have only 15 minutes to reach the Chamber and cast their vote. Frequently, these Members are in committee hearings, meetings with constituents or others, and have to move from one building to another in a short period of time in order to make their vote. The operators facilitate that movement and help to make the overall operation of the House more efficient.

There are 2 to 3 million tourists and visitors to the Capitol Building each year. These elevator operators supplement the tourguides in giving assistance, directions, and other information. These are not highly paid employees. They earn a little over $13,000 per year. Many of them are disabled or elderly, many are students attempting to work their way through school locally.

We have controlled the number in recent years, reduced by 103, or two-thirds, the number of elevator operators. Since 1977, the number has declined from 152 to 49.

We also have been pilloried with criticism about the size of the legislative branch and its bureaucracy versus other legislatures in the world.

ARCHITECT OF THE CAPITOL ELEVATOR OPERATOR POSITIONS STATUS AS OF FEBRUARY 22, 1988

	Authorized fiscal year 1977		Net Change as of February 22, 1988		Total authorized positions as of February 22, 1988	
	Position	Amount	Position	Amount	Position	Amount
Capitol Building	52	$430,600	17	$233,325	35	$480,375
House Side	(22)	(185,800)	(7)	(96,075)	(15)	(205,875)
Senate Side	(30)	(244,800)	(10)	(137,250)	(20)	(274,500)
Senate Office Buildings	48	422,200	48	658,800		
House Office Buildings	52	439,000	38	521,550	14	192,150
Total	152	1,291,800	103	1,413,675	49	672,525

In recent weeks, a disparaging comparison has been made between the number of staff within the legislative branch of this Government and the staff assigned to the Canadian Parliament.

Within the legislative branch of the U.S. Government, there were 37,391 employees at the end of the last calendar year. The Canadian Parliament, and comparable agencies and jobs, employed 5,834 on that date. In fact, there was 1 legislative branch employee for every 6,251 Americans and 1 staff member of comparable parliamentary agencies for every 4,432 Canadians.

□ 1310

There were 11,608 members of House staff; 2,794 staff for the Canadian House of Commons, a ratio of about 4 to 1, although the population ratio is about 9 to 1.

In fact, we are doing far more with far less than our friends north of the border. There is 1 House staff for every 21,003 United States citizens and 1 House of Commons staff for every 9,255 Canadian citizens.

U.S. Congress legislative entities and Canadian equivalents

Congressional entity:[1]	*Staff*
House of Representatives	11,608
Senate	7,219
Architect of Capitol	2,120
Library of Congress	4,131
Congressional Research Service	860
Office of Technology Assessment	[2]202
Congressional Budget Office	[2]212
General Accounting Office	5,382
Government Printing Office	[3]5,202
Copyright Royalty Tribunal	7
Other	448
Total	37,391
Parliamentary entity:[4]	
House of Commons	2,794
Senate	400
(Administrative services)	([5])
National Library of Canada	630
Library of Parliament	242
Office of Auditor General	850
Government Printing Services	[6]900
Copyright in Industrial Designs	[7]15
Copyright Appeal Board	3
Total	5,834

[1] Figures represent personnel totals as of the end of calendar year 1987.

[2] There are no equivalent entities serving Parliament. Research on related issues is provided to Parliament by the staff of the Library of Parliament, with assistance, when appropriate, of executive branch entities.

[3] Of this number, approximately 1,500 full-time equivalents are in direct support of the Congress.

[4] Figures represent personnel totals as of June 6, 1988. Senate figure is an estimate.

[5] Equivalent administrative staff are reflected in staff figures for the House of Commons and Senate.

[6] Of this number, approximately 350 are in direct support of the Parliament.

[7] The equivalent figure in Congress is 25 who are professional copyright advisors to Congress on copyright law.

We have heard a good deal from the gentleman from Illinois [Mr. PORTER] and other members of the Appropriations Committee who have begun lately to attack the committee for its inaction, for relying too often on continuing resolutions. I think if we really look at the source of this problem we have to look to the other body. Delays in the other body in passing appropriations bills in a timely fashion have been the major contributing factor to the growing use of the omnibus continuing resolution.

For the past 5 years the House has passed the majority of the individual appropriation bills before the beginning of August, but the bills have often stalled in the other body, in the Senate. Then, as the new fiscal year approaches with most regular appropriations not even considered by the other body, much less through conference committee with the House, the pressure mounts for us to have an omnibus continuing resolution.

We remember how the President used his State of the Union speech to dramatize this frustrating turn of events.

But Senate delays have been an especially serious problem in the past 3 years. Each year for the past 3 years the House has passed well over half of the regular appropriation bills by the first of August. This year I would assume that they will all be passed by the Fourth of July break. Each year for the past 3 years the Senate has passed no more than three regular appropriation bills by September 15, roughly the deadline for Senate action if bills are to be enacted before the start of the fiscal year, and passed no appropriation bills at all by that date last year. As late as October 1, the start of the fiscal year, the Senate has been unable to pass even half of the regular appropriation measures in any of the past 3 years. In 1985, it has passed only 3 of the 13 and in 1987 it has passed only 4.

So, given this dismal record of action by the other body, it is not surprising that omnibus appropriation measures have been required in recent years. And there is nothing the House can do to ensure timely enactment of the regular appropriation measures if the Senate does not act on them.

REGULAR APPROPRIATIONS BILLS PASSED BY HOUSE AND SENATE BY KEY DATES, 1981–1987

Year	August 1		September 15		October 1	
	House	Senate	House	Senate	House	Senate
1981	5	1	7	1	9	1
1982	0	0	2	0	5	3
1983	8	7	8	7	10	8
1984	8	5	10	7	10	8
1985	8	2	9	2	9	3
1986	9	0	11	3	11	6
1987	8	0	9	0	10	4

It simply is one more example, Mr. Speaker, of the unfairness and the limited nature of the documentation that we have heard from our Republican colleagues. It is easy when in the minority, in their frustration to lash out with criticism. It is not easy, however, to make a comprehensive and fair criticism that stands the test that we are applying here today.

I want to thank my friends, the gentleman from Massachusetts [Mr. FRANK], the gentleman from Maryland [Mr. HOYER], the gentleman from California [Mr. DYMALLY], and other Members, particularly of the Rules Committee, the gentleman from Massachusetts [Mr. MOAKLEY], and the gentleman from Texas [Mr. FROST] for helping to set the record straight. We have much more to say, but I think we have begun to try to inform those who care about the future of this institution that it is in good hands and it is getting better because of the diligent work of the majority caucus.

Mr. FRANK. Mr. Speaker, I thank the gentleman from California.

Mr. Speaker, one other point has occurred to me briefly, and I am about to yield to the gentleman from Massachusetts. One of the issues that was seized on in this Republican substitute for substantive discussion was field hearings, that we have too many field hearings.

Mr. Speaker, I was the chairman of a subcommittee of the Government Operations Committee and I think we had six field hearings, three at the request of Democratic members and three at the request of Republican members. One of the things the Republican leadership apparently has got is membership that it cannot keep track of, because all of us who serve in this institution with the gentleman from California [Mr. DYMALLY] and others, we have this situation where time after time Republican members come and ask us to do things which the Republican leadership then attacks.

I hope the Republican leadership is not going to attack those Republican members who have asked me to have a field hearing for wasting money, and I hope that they are not going to disparage the Republican members of the subcommittee of the gentleman from California [Mr. DYMALLY]. We want to make sure that there are institutional questions on which we may think one way or another. It is not legitimate for Members to engage in these activities as a party and then pretend as if they are such terrible things.

Mr. Speaker, at this point, because there is nowhere where the inconsistency between Republican complaint and Republican practice is greater than it is in the matter of the rules, I am therefore delighted to yield to the gentleman from Massachusetts [Mr. MOAKLEY], my neighbor and colleague and ranking member of the Rules Committee.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from Massachusetts for yielding and commend him for taking this very important special order.

At this time, Mr. Speaker, I would like to take the House down memory lane for just a little while.

Mr. FRANK. Mr. Speaker, if the gentleman is going to sing I will take back my time.

Mr. MOAKLEY. No; that is a violation of the House rules.

Mr. FRANK. Particularly for this gentleman, so I continue to yield.

Mr. MOAKLEY. Mr. Speaker, the First Congress was small enough—the House had 59 Members—and the early issues presented were straightforward enough, that most matters were handled on the House floor. A Member would simply stand and present a proposed bill to the House. On the spot, the House would consider amendments and pass or reject the bill. In a case where the proposition had merit, but seemed to require refinement, a small committee was established to handle the one bill. It would promptly bring the bill back with amendments and the committee would be dissolved. There were very few procedural rules, and the Speaker acted largely as the moderator of debate. During the entire 2 years of the First Congress, only one ruling of the Chair was appealed to the House. That appeal was on the first congressional salary law, indicating that some things don't ever change.

As the size of Congress and the complexity of the issues it handled grew, tensions developed between this open procedure and the responsibility of Congress to act.

By the 1880's, the situation had become critical. The House had grown from 59 Members to 357, and Congress, facing the legislative complexities brought on by the Industrial Revolution, found itself paralyzed by its own rules, the source of a genuine national scandal. Indeed, on a single day in 1854, 101 rollcall votes were held.

The role of the modern Rules Committee was entirely the work of Thomas Brackett Reed—in the 1880's as a member of the Committee on Rules and in the 1890's as the greatest of Republican Speakers. In addition to a number of procedural reforms. Reed forged the committee into the vehicle by which the Republican majority reclaimed its electoral mandate to govern, and won the House back from obstruction and chaos.

Reed, and particularly his Republican successor, Uncle Joe Cannon, were not men of subtlety, and the Reed Rules were used both to expedite and frustrate legislation.

On one occasion, the minority leader complained of a rule that blocked any motion to recommit, and charged that the procedure trampled on the role and the rights of the minority.

From the chair, Reed responded that the right of the minority was to draw its pay and its role was to make quorums.

When the Rules Committee was not being accused of railroading measures, it was charged with inaction. Speaking of the calendar of bills awaiting rules in 1900, Representative Francis Cushman said, "Therein lie the whitening bones of legislative hopes."

For a century now, this chorus has continued without interruption. Since the time of Czar Reed to today, the Committee on Rules has been charged by the minority with both inaction and tyranny.

The charges have continued with equal fervor, regardless of which party was in the minority.

This is both natural and understandable. Since Reed seized the Rules Committee and fashioned it into a tool for majority rule, our role has been to protect the ability of the majority to act while preserving the right of minorities—both the minority party and other minorities which form inside or across party lines on specific issues.

It is a very narrow path, and certainly I am prepared to admit that on occasion we stumble to one side or the other.

But our work must be judged in the perspective of the very real limits on our strength. Asked about the power of the Rules Committee our former chairman, Richard Bolling, observed that the committee can do anything—anything, that is, that the House will let us.

That, Mr. Speaker, is the central point of the debate. In spite of common misunderstanding, the Rules Committee has no power to control House action. Its only power is to report resolutions, each resolution is just a piece of paper, only a recommendation, until it is adopted by the votes of a majority of the elected Members of the House.

Mr. Speaker, there is a word for that process—democracy.

No issues can be brought to a vote or prevented from being voted upon, except by the action of a majority—a majority voting for, or voting against, a rule or a majority signing, or choosing not to sign a discharge petition.

No institution in the world, Mr. Speaker, is more democratic than this Chamber. It is always in the hands of any 218 Members who may join together to do anything. The discharge petition and the previous question on a rule are real and effective tools by which a majority of this House can always overrule even its most powerful committees. Their efficacy is proved by the fact that they can be, and have been, used successfully throughout the century.

Mr. Speaker, I am sympathetic to the position that the minority party finds itself in, and I have already confessed that we may, from time to time, treat each other with less civility than I would desire.

But the fact of the matter is, Mr. Speaker, that much of the minority's complaint, is less with their treatment by the majority in this House than by the majority of American electorate.

Mr. FRANK. I thank the gentleman because he has pointed out that the Rules Committee function first of all is subject to a vote of the whole House. No one can say that the issue is not being voted on, and it is often clear that the rule is in effect a vote on the substantive issue, but the point again is very clear.

Mr. Speaker, I got here in 1981 to find in my very first year that with the President's tax bill and with his budget reconciliation they came forward, with Republican support, with the most restrictive rule it was possible to have. Time after time after time the Republican leadership has asked for restrictive rules, lobbyed for them, voted for them, and now they complain about them. That simply is not serious intellectual discussion.

Mr. Speaker, I yield to the gentleman from Texas [Mr. FROST], my friend and a great scholar of the way the House works as a member of the Rules Committee.

Mr. FROST. Mr. Speaker, I thank the gentleman for yielding and appreciate the discussion by other Members who have taken part in this special order.

Mr. Speaker, in recent weeks there has been ample discussion, in this Chamber, of the view that the Committee on Rules has been a key player in the demise of democracy in the House of Representatives. This charge has been leveled against the committee based on an assumption that a vast number of restrictive rules have been reported from that committee during this Congress and that those rules have denied the Members of this body the right to offer amendments to legislation considered in the House. The charges further alleged that the recommendations of the Committee on Rules have thus contributed to a denial of free speech and debate in the House of Representatives. Mr. Speaker, I rise this afternoon to answer those charges and to set the record straight.

Mr. Speaker, it is true that in the past few Congresses the Committee on Rules has recommended to the full House a number of rules which are not entirely open. Please note I describe these rules as not entirely open. However, it is more accurate to describe them as modified rules. But, among those rules that are labeled restrictive by those who have taken the floor before me and which I label modified, are rules which have allowed the consideration of as many as 140 amendments, and modified rules which have enjoyed broad bipartisan support and which have, somewhat surprisingly considering the charges which have been leveled against the committee, passed this House by voice vote. In fact, Mr. Speaker, in this Congress two such rules, which can quite accurately be described as entirely closed rules, passed this House by voice vote.

I believe in order to understand the nature of the charges leveled against the heavy handed Rules Committee, it would be useful to examine the modified rules which have been reported during the 100th Congress. As of today, the committee has reported a total of 122 rules, of which 44, or 36 percent, can be classified as modified rules.

Now, my brethren on the Republican side of the House might take umbrage with my terming modified rules as modified rather than restrictive. But an examination of these modified rules will show that in most cases these rules are not restrictive, they are in fact structured rules to allow debate, to allow discussion of the issues attendant to the bills in question, and to allow the legislative initiative to move forward.

Let me cite a few broad examples of how the Committee on Rules has structured rules for consideration by the House. For the consideration of complex legislation, the Committee on Rules has, in the past few years, adopted a policy of requiring Members to submit proposed bill amendments to the committee in advance of the committee's consideration of a rule for that bill. By examining proposed amendments, the committee has been able to group amendments so that specific policy issues can be addressed in a coherent and cohesive fashion during the consideration of complex legislation. This has worked especially well in the instance of the consideration of the authorization for the Department of Defense and for immigration reform policy. Few Members can say that any major issue related to defense policy or immigration reform have not been addressed because of restrictions on debate imposed by the Committee on Rules. And, during the first session of this Congress, the House considered the reauthorization for foreign aid, a contentious issue under any circumstances, under a rule which imposed a time limit on the consideration of amendments to the bill and required that all amendments be preprinted in the RECORD. The rule allowed the consideration of over 200 amendments to the bill. While that rule might be considered by some to be restrictive because of the preprinting requirement and the time limitation, the rule had broad bipartisan support and passed the House by a vote of 316 to 97.

Another important matter to note is that many of these so-called restrictive rules are rules providing for the consideration of money matters. Of the 44 modified rules reported from the committee during this Congress, 15, or 34 percent, were rules providing for the consideration of budget, reconciliation, appropriations, debt limit or tax bills—bills which have not historically gone to the floor under open rules. While in the early years of the Budget Act, the House considered budget resolutions under open rules, the House found itself micromanaging the budgetary policy encompassed in those resolutions. It became clear early on that substitutes incorporating broad budgetary policy were far preferable for consideration in the House than piecemeal amendments which nipped and tucked at various parts of the Federal corpus. It has now become an established policy in the House that only substitutes will be considered by the Committee on Rules for inclusion in the rule providing for the consideration of the budget resolution.

Mr. Speaker, the Committee on Rules endeavors to report special orders of business to the House which will enable the House to do its work. The charge that the committee is heavy handed and unfair simply does not reflect what the legislative reality is—during this Congress, the House has passed major legislative initiatives that make a difference to this country. We have passed trade legislation, we have passed catastrophic illness protection for our senior citizens, we have passed a major restructuring of our agricultural programs. All these bills, and other important legislation, were considered under so-called restrictive rules. Those rules have allowed the House to do its work and fulfill its responsibility to the American electorate.

□ 1325

Mr. FRANK. I thank the gentleman for his statement.

Mr. Speaker, our time is running out.

It is very clear, however, Mr. Speaker, we have on the Republican side frustration because they cannot get aid to the Contras and an unwillingness to talk about the terrible blow housing has taken under this administration and unhappiness with other areas. They are trying to divert attention, but it does not seem to me they are doing it successfully.

To conclude our presentation, I yield to our friend from Maryland.

Mr. HOYER. I thank my colleague for yielding and thank him for taking this hour. I had additionally scheduled an hour in the event that we did not finish. But we will conclude this hour at the end of our time.

Mr. DYMALLY has spoken to the issue raised of commemoratives. Let me say as a former president of the Maryland Senate where, as in this body, individual members of the senate like to respond to individual constituencies, individual needs, individual items of importance, both sides of the aisle have that responsibility and indeed that inclination both from a political standpoint and from a policy standpoint.

We want to respond. I would suggest that that is a problem that can be resolved between the parties talking together rationally, reasonably and I am hopeful that we can do that.

On the other hand, when issues are raised with the implication being that the leadership of this House is not acting fairly within the rules to accomplish the objectives that the American people seek, that is unfair and we are going to continue to respond in a timely fashion.

I thank the gentleman for his leadership on this issue.

Mr. FRANK. Mr. Speaker, the House Republican leadership has regularly supported highly restrictive rules of the consideration of legislation by the House. This support is demonstrated by Republican leadership votes in favor of highly restrictive rules on the floor and through acquiesence by not challenging these rules, thus allowing them to pass the House by voice vote.

There are a myriad of ways to modify or restrict floor debate on legislation. Some of these include making amendments or substitute amendments unamendable, permitting only committee amendments to be in order, providing for amendments to be offered under "king of the hill" procedures, prohibiting motions to recommit with instructions, providing for bills to be considered by the whole House, or limiting the time for debate during the amendment process.

Highly restrictive rules are defined here as rules passed by the House which limit to three or fewer the number of amendments allowed to be offered by Members. These rules are in many cases further restrictive in ways which limit debate.

During the 97th, 98th, and 99th Congresses, and during the first session of the 100th Congress, the Republican leadership, as indicated by the position of House minority leader ROBERT MICHEL supported 37 of the most highly restrictive rules passed by the House.

These rules, and a brief description of the restrictions they carried, follows:

DATE, RULE, AND BILL

6/25/81; H. Res. 169, 97th Congress; Budget Reconciliation as amended by Latta substitute. Permitted a single vote on a reconciliation savings package endorsed by President Reagan as an alternative for the package drafted by House committees. Michel votes "yes."

7/29/81; H. Res. 198, 97th Congress; Tax Incentive Act of 1981. Permitted only 2 designated amendments in the nature of substitutes, which were not amendable and which were considered under "king of the mountain" procedures, in addition to committee amendments which also were not amendable. Michel votes "yes."

6/10/82; H. Res. 496, 97th Congress; Budget Resolution for FY 82. Permitted only 1 designated amendment in the nature of a substitute; permitted only 1 amendment to the substitute; also provided for amendments necessary to achieve mathematical consistency. Michel votes "yes."

12/1/82; H. Res. 587, 97th Congress; FTC Authorization Act of 1982. Permitted only 3 designated amendments; prohibited amendments to the amendments except for a substitute for one of them; also permitted committee amendments to be considered en bloc but not subject to amendment. Voice vote.

12/16/82; H. Res. 630, 97th Congress; Modification of North American Convention tax rules. Prohibited all amendments except a committee substitute which was not amendable. Voice vote.

12/17/82; H. Res. 629, 97th Congress; Caribbean Basin Economic Recovery Act. Permitted only three designated amendments in addition to committee amendments to be considered en bloc; prohibited all amendments to the amendments. Voice vote.

3/9/83; H. Res. 126, 98th Congress; Social Security Act Amendments. Permitted only 2 designated amendments in addition to committee amendments; prohibited amendments to those amendments; made one of the amendments in order even if amending material already amended. Voice vote.

7/13/83; H. Res. 246, 98th Congress; Caribbean Basin Economic Recovery Act. Prohibited all amendments except committee amendments. Michel votes "yes."

9/22/83; H. Res. 312, 98th Congress; Radio Broadcasting to Cuba Act. Permitted only 1 designated amendment; precluded all other amendments by providing for considering the bill in the House with the previous question considered as ordered. Voice vote.

9/29/83; H. Res. 319, 98th Congress; To extend the 1982 Federal Supplemental Compensation Act. Precluded all but committee amendments, which were not subject to amendment. Voice vote.

10/25/83; H. Res. 344, 98th Congress; Omnibus Budget Reconciliation. Permitted only 1 designated amendment which was not amendable. Michel votes "yes."

3/22/84; H. Res. 466, 98th Congress; Social Security Disability Benefits Reform Act of 1984. Precluded all amendments except the committee amendment in nature of a substitute, which was not amendable. Michel votes "yes."

4/11/84; H. Res. 462, 98th Congress; Tax Reform Act. Precluded all amendments except committee conforming and perfecting amendments to be entertained at the discretion of the Chairman of the Committee of the Whole; prohibited all amendments to the amendments. Voice vote.

5/8/84; H. Res. 497, 98th Congress; International Security and Development Cooperation Act. Permitted only 2 designated amendments, which were not amendable, to Title X of the text being amended. Voice vote.

5/22/84; H. Res. 503, 98th Congress; Temporary increase in the public debt limit. Precluded all amendments except committee amendments which were not amendable. Voice vote.

7/26/84; H. Res. 504, 98th Congress; Trade Remedies Reform Act. Precluded all amendments except committee amendments which were not amendable. Voice vote.

10/3/84; H. Res. 594, 98th Congress; Generalized System of Preferences Reform Act. Prohibited all amendments except a committee amendment in the nature of a substitute; permitted only 1 designated amendment to the substitute. Voice vote.

10/3/84; H. Res. 596, 98th Congress; Steel Import Stabilization Act. Precluded all amendments except committee amendments which were not subject to amendment. Voice vote.

10/3/84; H. Res. 597, 98th Congress; Wine Equity Act. Precluded all amendments except a committee amendment which was not amendable. Voice vote.

10/3/84; H. Res. 598, 98th Congress; US-Israel Free Trade Area Act. Precluded all amendments except a committee amendment which was not amendable. Voice vote.

4/23/85; H. Res. 136, 99th Congress; Aid to Nicaragua. Permitted only 2 designated amendments in the nature of substitutes, identified in the rule; prohibited amendments to the substitutes, and provided for them to be considered under "king-of-the-mountain" procedures; made consideration of the joint resolution contingent on the rejection of another measure on the same subject. Michel votes "yes."

7/18/85; H. Res. 224, 99th Congress; Intelligence Authorization Act. Permitted only 1 designated amendment in the nature of a substitute; prohibited amendments to it except for a substitute which was not amendable. Voice vote.

7/25/85; H. Res. 235, 99th Congress; Compact of Free Association. Permitted only 1 designated amendment in the nature of a substitute; prohibited amendments to it except for a substitute which was not amendable. Voice vote.

10/23/85; H. Res. 296, 99th Congress; Omnibus Budget Reconciliation. Permitted only 3 designated amendments, and prohibited amendments to them; also provided for another amendment to be considered as having been adopted. Michel votes "yes."

11/12/85; H. Res. 312, 99th Congress; Further Continuing Appropriations. Permitted only one designated amendment, which was not subject to amendment. Voice vote.

12/4/85; H. Res. 327, 99th Congress; Further Continuing Appropriations. Permitted only 1 designated amendment, which was not amendable; also provided for another amendment to be considered as having been agreed to. Voice vote.

12/17/85; H. Res. 343, 99th Congress; Tax Reform Act. Permitted only 3 designated amendments; prohibited amendments to those amendments; modified one of the amendments; also provided for 2 amendments to be considered as having been adopted. Michel votes "yes."

3/18/86; H. Res. 402, 99th Congress; Diplomatic Security Act. Permitted only 3 designated amendments; prohibited amendments to those amendments. Voice vote.

5/14/86; H. Res. 455, 99th Congress; Budget Resolution for FY 87. Permitted only 3 amendments in the nature of substitutes, to be considered under "king-of-the-mountain" procedures; prohibited amendments to the substitutes. Voice vote.

6/19/86; H. Res. 479, 99th Congress; Adherence to SALT numerical sublimits so long as the USSR does so. Permitted only 1 designated amendment, which was not subject to amendment. Michel votes "yes."

9/24/86; H. Res. 558, 99th Congress; Omnibus Budget Reconciliation. Permitted only 2 designated amendments, which were not subject to amendment; precluded the motion to recommit from containing instructions; also provided for a group of amendments to be considered as having been adopted. Michel votes "no" on the previous question and votes "yes" on adoption of the rule.

9/25/86; H. Res. 560, 99th Congress; Continuing Appropriations FY87. Permitted only one designated amendment which was not amendable. Michel votes "yes" on previous question and on adoption of the rule.

5/5/87; H. Res. 154, 100th Congress; FSLIC Revitalization Act. Permitted no amendments to or relating to Title I of the bill, except 3 amendments to be offered en bloc by the committee chairman; prohibited amendments to the en bloc amendments. Voice vote.

5/13/87; H. Res. 165, 100th Congress; Temporary increase in the public debt limit. Precluded all floor amendments; permitted only 2 amendments, printed in rule, to be offered by the committee chairman; prohibited amendments to that amendment. Voice vote.

10/1/87; H. Res. 278, 100th Congress; Airport and Airway Improvement. Prohibited amendments to one of the bill's two titles, but then made in order 2 designated amendments, printed in the accompanying Rules Committee report, proposing new titles relating to the subject of the bill; precluded amendments to those amendments. Michel votes "yes."

11/5/87; H. Res. 302, 100th Congress; Further Continuing Appropriations. Permitted only 1 amendment, printed in the rule; prohibited amendments to that amendment;

provided for another amendment to be considered as having been adopted; also precluded motion to recommit from containing instructions. Voice vote.

12/20/87; H. Res. 340, 100th Congress; Further Continuing Appropriations. Precluded all floor amendments; provided for consideration of the joint resolution in the House, with the previous question considered as ordered to final passage. Michel votes "yes."

GENERAL LEAVE

Mr. FRANK. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. LANCASTER). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

EXPLANATION OF PAMPHLET "UNDERSTANDING AIDS"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, there are two things I want to talk about briefly this evening. One is the AIDS crisis and the publication that was recently sent out by the Surgeon General to every home in the United States of America. The title of the publication that was sent out to millions of homes throughout the Nation is "Understanding AIDS."

While the publication does get some valuable information into our Nation's households, there is some information in there that I think is erroneous and the record needs to be put straight on these issues.

First of all, I am not a doctor and I do not have medical expertise. But for the past 2 years, Congressman BILL DANNEMEYER of California and I have been studying the AIDS virus, talking with scientists from throughout the world, trying to find out what we as a legislative body should do to deal with this terrible pandemic.

One thing that I have found is that we know less about AIDS than we should know about AIDS. For us to make categorical statements about how AIDS is transmitted without having scientific knowledge is irresponsible.

Now in the publication that was sent out by the Surgeon General of the United States, they make a number of statements. One is that you will not get AIDS from a mosquito bite or an insect bite. It says,

> The AIDS virus is not transmitted through mosquitoes' salivary glands like other diseases such as malaria or yellow fever. You won't get it from bed bugs, lice, flies, or other insects either.

After reading that, I recalled an article that I read in a book "AIDS" some time ago and in the article they quoted two doctors, Dr. Carolyn MacLeod and Dr. Mark Whiteside who head the Center for Tropical Diseases in Miami, FL. They deal with Haitians and people from Cuba who have immigrated and who live in abject poverty in that area of the country. They have been convinced in the past and still are that AIDS is transmitted through flying insect vectors or mosquitoes.

Now I asked them to come to Washington, some time back and they came up and talked to some people over at HHS. They explained their position. Nevertheless, this categorical statement is made in the publication.

So we called the Center for Tropical Diseases after the publication reached everybody's household and asked them what their response was to that categorical statement that you cannot get AIDS from a mosquito bite. Their response was, and I quote, "The amount of blood that is transmitted from a syringe an IV drug user uses is infinitely smaller than the amount of blood one can receive from a horsefly or a mosquito and yet it is transmitted through these syringes."

Second, they said hepatitis B is transmitted by insects in the tropics. Third, they said the Surgeon General is assuming that no one smashes the insect while it is on your skin.

What they are talking about there is if somebody is bitten by a mosquito who has AIDS and then it flies over to another person in the same community who does not have AIDS and the mosquito bites them, then the person instinctively smashes the mosquito because of the sting, that some of the blood will then go into the wound. So they say the Surgeon General is assuming that no one smashes the insect while it is on your skin, thereby allowing the blood the insect has ingested to enter the skin through the bite or the insect or other lesions possibly invisible to the naked eye.

Now I do not know whether it is transmitted that way or not. The reason I raise this issue is because a categorical statement has been made in this publication and I believe the only way we are going to find out all the methods through which AIDS is transmitted is through a national AIDS test where everybody is tested for the virus so that we can track it, find out where it is spreading most rapidly, who is spreading it and how it is being spread.

Second, they say in this document that you will not get AIDS from saliva, sweat, tears, urine, or a bowel movement and you will not get AIDS from a kiss.

Now there are 230 million AIDS viruses that will fit on the period at the end of a sentence. I hope when you read your paper tomorrow, my colleagues, I hope you will remember that; when you see a period in a newspaper, 230 million AIDS viruses will fit on that period and AIDS is in every single bodily fluid that is in a human being.

According to the people we contacted, scientists and doctors, they said that intimate kissing could break the mucosa in and around the mouth allowing for possible blood-to-blood transmission. But even if blood-to-blood transmission does not take place, it is a scientific fact that the AIDS virus has been discovered in saliva, particularly the saliva that is secreted from under the tongue.

Gonorrhea and syphilis can be transmitted through kissing and has been in the past.

So the second thing I would like to point out is that it can be, according to these other experts, transmitted through mouth-to-mouth contact or kissing.

So when you send a publication out like this across the country, particularly to teenagers and young people, when you say categorically you cannot get it from kissing, you may be condemning somebody to getting AIDS who otherwise might have been a little more careful in contact with another human being.

Then they go on and say the risk of receiving AIDS from a blood transfusion has been greatly reduced. Well, that is a true statement. But the fact of the matter is that the blood supply is not completely safe. In fact, Masters and Johnson in a book they just recently wrote said that 1,600 contaminated blood samples may be escaping detection each year with almost as many transfusion recipients getting infected as before strict blood-screening tests went into effect.

They went on to say "And the crisis raises worrisome doubts about the safety of the Nation's blood supply suggesting that the risk of infection from a transfusion of a single blood component is about 1 in 5,400." Well, that is a very small percentage, 1 in 5,400, unless you are the one that gets that tainted blood. So we should not make statements that mislead the American public or categorical statements that have not yet been proven.

I think what we need to do is find out as much as possible about the AIDS virus, particularly since it is believed that at least 1½ million people have the virus in this country and do not know they have it and they are spreading it to other people. Most scientists believe it is more like 4 to 5 million people that are infected; that we have a national blood test testing everyone so we can find out how really bad it is and how far it has spread and how it is spreading and who is spreading it. Once we find this information then you can make these kinds of categorical statements. But to make these kinds of statements right now I think is irresponsible and could lead to some people dying unnecessarily.

So I will just say to my friends in the Chamber that we should tell our constituents across the country to be very careful about our contact with other human beings in the age of AIDS. We should tell them that sexual contact outside marriage is like playing russian roulette with a couple of bullets in the gun. And if you use methods to protect yourself from another person during sexual contact outside marriage, you might reduce the risk but you still have some bullets in that gun and you still might catch the deadly disease.

Second, we should tell everybody in the country that although it appears you cannot get it from casual contact, we should take every precaution possible and tell our young people to be very careful in their contact with other human beings, and that we really do not know whether or not you can get it through kissing or through other contact of that type.

It is better to be safe than sorry. I would urge everyone in this Chamber and everyone with whom they deal to be aware of these facts and the information that we really do not have yet before us.

SLOW MOTION BAY OF PIGS

Now there is another issue I wanted to talk about tonight that I think is very important. That is what is going on in Central America. In Central America today we have the Contras hanging on by their fingernails, the freedom fighters in Nicaragua, and it is likely they will not survive over the next 4 to 6 months without some support from the outside world, particularly the United States of America. My colleagues on the other side of the aisle tell us everthything is honkey-dorey down there, that we do not really have to worry about Communist expansion in Central America.

Our good friend, President Duarte of El Salvador, we now know is terminally ill from cancer. The Communists are becoming stronger in El Salvador and the Communists in Nicaragua have said in no uncertain terms they plan to expand the revolution throughout Central America from Nicaragua to El Salvador to Honduras to Guatemala and up into Mexico.

□ 1340

They have made these statements time and again. My colleagues continue to believe that peace at any price is the answer. They said that things are getting better down there.

Mr. Speaker, I would at this time like to look at what has happened since the administration's request for military aid to the democratic resistance was defeated on February 3. At that time we warned that if the request was denied a number of things would inevitably happen.

First, the Sandinistas would harden their line domestically as well as in the negotiation process.

Second, the Communist left in the region would be emboldened and increase its threat against the fledgling democracies in the region.

Third, this in turn would alarm and strengthen the hand of the nondemocratic right.

Precisely, the opposite of what the opponents of the aid package wanted. The opponents of the package wanted to have peace, and sought to bring about peace by cutting the assistance to the Contras. What we see today is that there is less democracy and less peace in the region. Now, the Sandinistas have indeed hardened their line domestically.

The New York Times recently reported the Sandinistas imposed new restrictions on the opposition press.

The director of the interior ministry's press office summoned directors of the leading non-Sandinista press and told them they would no longer be permitted to insult government leaders or freely report on military recruitment campaigns. The draft has been stepped up in recent weeks, with recruiters dressed in civilian clothes fanning through the country side to capture young people avoiding military service. The news restrictions will apply to both the radio and written press. Ignacio Torres, news director of the Roman Catholic Radio Station, said in an interview Monday "the interior ministry has told us we can't use the word, recruitment to talk about the draft, and we can't use the term 'economic crisis'. We were practically given a dictionary of terms not to use."

According to the cease-fire agreement signed with the Contras on March 23 in Sapoa, the Sandinistas agreed to permit "unrestricted freedom of expression." Why has the Speaker been silent on this? Does anyone from the left care about democratization in Nicaragua?

Tomas Borge, the Communist interior minister, recently invited the country's best-known radio news director Jose Castillo O-Sey-Ho (Osejo) to his home and began punching him shouting that his programs were inviting violence and insurrection.

La Prensa, Nicaragua's main opposition newspaper has been censored, threatened, refused newsprint, and closed twice since the 60-day cease-fire began.

On May 3, the Sandinistas police prohibited all visits and cut off water, electricity, and telephone service to the building where democratic trade unionists have been on a hunger strike demanding a solution to the labor conflict. Neighboring buildings have been occupied and Sandinista police have placed the union headquarters in a state of siege. The Communist government dealt with this peaceful protest by arresting 35 union leaders including some on the hunger strike. Reportedly, the arrested leaders were pushed violently into patrol cars and forced to stay down on the floor of the vehicles while they were beaten.

The ministry of justice has been closed and its functions turned over to the head of the state police.

The Communist dictator Daniel Ortega, recently called the Contras "Defeated criminals who deserve the guillotine." Ortega went on to say "their demands that the Sandinistas front relinquish control of the army and police would never be accepted." He later said "changes in Nicaragua's revolutionary path are not on the table in the peace talks."

The Communist Sandinistas have also hardened their negotiating line with the Contras for the obvious reason that the Sandinistas no longer have any incentive to offer any concessions. The conditions under the cease-fire being operated totally favor the Sandinistas because the Contras have not been able to receive assistance, food, medicine or clothing inside Nicaragua.

Mr. Speaker, I just received a note that says this:

> Recent cable traffic indicates very strongly that the Sandinistas are preparing a major offensive against the Contras at this moment.

That is taking place at this very moment. Does that sound like somebody that wants freedom and democracy or somebody that wants to work out the differences? I think not.

Not one penny of the $17 million allocated by the U.S. Congress on April 1 for humanitarian assistance has been distributed to the freedom fighters in Nicaragua.

The freedom fighters in the field are currently starving.

When the United States Agency for International Development tried to send some bananas to the refugee camps in Nicaragua, the Congress forced the Price-Waterhouse accounting firm to count each banana and run them through a metal detector to make sure they contained no concealed weapons.

What is even more absurd is that the Democrat Senator from Hawaii has ordered a GAO study to see if the sending of food to refugee camps in Honduras is legal.

At the same time we are sending rice and beans to refugee camps, the Soviets have already shipped over 105 million dollars' worth of military aid to the Sandinistas in the first quarter of this year alone. Since the Arias peace plan was signed, the Soviets have shipped over $200 million in arms to the Communist Sandinistas.

Not only are the Sandinistas stalling at the negotiating table, they are preparing for a possible attack. We'll soon know whether it's going to be within Nicaragua against the Contras or whether they will have another encursion into Honduras.

And, as I just said, this cable that someone just recently handed to me indicates that a major offensive against the Contras is about to be launched as we speak.

They certainly have made public statements to the affect that if the cease-fire does not hold then they would see military activity in an "unprecedented scale" and they have indicated to the Hondurans that they will not countenance the gathering of the Contras in Honduras without going in and take them out. They have indicated that exclusively to the Hondurans.

So, the results of the February anti-aid vote in Congress were as predicted. The Sandinistas have closed the political space and they have hardened their negotiating position and become beligerent and threatening to not only the Contras but to their neighbors as well.

Other predictions, such as the left growing emboldened have proven correct as indicated by the increase in violence of the Communist guerrillas in El Salvador and the attacks on the United States diplomatic facilities in Honduras when the American Consulate was burned down. We have seen this in captured documents, you may remember a couple of months ago there was a guerrilla courier who was killed and the documents he was carrying were captured and were distributed and declassified, the documents indicated that the defeat of the Contras in Nicaragua and the consolidation of the Sandinistas in Nicaragua would be a major geopolitical worldwide strategic defeat for the United States and would allow the Communist FMLN victory in El Salvador.

What the February vote to cut off U.S. aid to the Contras has done is revive the hopes and aspirations of the Salvadoran guerrillas for victory. Up until the vote, the Salvadoran Army had been doing very well against the Salvadoran guerrillas and the intelligence reports we had indicated that the Salvadoran guerrillas were in despair and demoralized.

The fact is that the February vote apparently has recharged the hope and vitality of the guerrillas and we have seen an increase in guerrilla violence including a recent attack on a dam that while it did not destroy the dam, it did nevertheless inflict a score of casualties.

In El Salvador, therefore, we see an increase in the violence of the left. So we see the same thing in Honduras where the left, funded by narco-traffickers funds, managed to rally a lot of people in a kind of a rent-a-crowd type of style and they unpacked our consulate and burned it down.

The last prediction, that of course the nondemocratic right would be alarmed at this, is very evident. They would be alarmed because they may see that democracy is not capable of containing the security threat. The evidence for this is obvious. There has been a recent aborted coup attempt in Guatemala and there are considerable indicators that show that there is very wide discontent in the Guatemalan Armed Forces with the Arias peace plan. No one advocating the Arias plan, including Arias himself, seem interested in the complete lack of Sandinista compliance. Part of the problem is the requirement by Esquipulas that the government talk to the guerrillas. Arias doesn't have to contend with an army and he doesn't have to contend with the guerrillas, this is easy for him except, of course, he's unfamiliar with the dynamics that are triggered by a proposal that the government talk to guerrillas, and the dynamics that are triggered inside a military establishment that has actually been losing lives to these individuals.

This concern is magnified when the military sees the United States run for cover in the face of the Communist threat. In El Salvador, we have not seen any indications yet of military discontent, but the fact is in El Salvador the democratic center is at this moment in deep trouble. The Christian Democratic Party has lost the assembly to the Conservative Arena Party and is engaged in a struggle for power.

So, what you see in all these countries is what President Reagan predicted. The President could actually give a speech in which all he did was to quote himself, and it would seem like it was a speech that had 100 percent clairvoyance.

Now, I think that the problems in Panama are not unrelated because if the United States is seen as weak and vascillating, then individuals like Noriega can say to his people "well, you know, the Gringos are weak and they can't get their act together, so what do we have to fear"? This of course also applies to the Sandinistas and Cuba.

Anyway, that's where we are, I think in Guatemala you've got a possibility of a coup. I think that in Honduras you will see that the Hondurans are very disturbed by the possibility of having to hold 16,000 armed Contras with battle experience when their own army is roughly the same size. They are very distressed at our inconsistency and we have all kinds of indications the Hondurans may come to a bilateral accommodation with the Sandinistas because they are the poorest of all in the region. Who could blame them? They have been the most forward leaning on our behalf and characteristically we have left them in the lurch.

In El Salvador, the situation is one of economic stagnation, perhaps caused by a whole variety of reasons, the earthquake, the guerrilla activity and economic policies that have been counterproductive.

While all this is going on, you have the "great" Oscar Arias sitting there basking in his international award while the rest of the region is going to hell. If you go to the other side of Panama immediately to the south, you've got Colombia. Its severe narcotics and security problems created by Cuban-backed Communist guerrillas make for a very volatile situation. It is estimated the situation today is worse than El Salvador was in 1979 except you can fit 28 El Salvadors inside Colombia. Colombia is an important country, and it's not going to be as easy to turn the situation around. What we are seeing is a slow motion Bay of Pigs toward those who have chosen the path of freedom in Latin America. This would seem to be a recipe for making the region safe for communism and it is difficult to predict how long the United States can afford to maintain this precarious course.

□ 1350

The Soviet Union sent 18,000 tons of war material into Nicaragua 2 years ago, 23,000 tons of war materials in there the year before last, and last year, 33,000 tons. So far this year they have sent 208 million dollars worth of additional military supplies into Nicaragua.

The Communist Sandinista's Bayardo Arce told me at the airport in Managua that he wants to build their army, that little country of 2½ to 3 million people; he wants to build a 600,000-man army. The have told us in no uncertain terms they want to export that revolution and have been doing so and to all the fledgling democracies in Central America and up into Mexico.

This is what we face. And we cannot even get food and medical supplies into the people who have been fighting for freedom down there.

Mr. Speaker, it is really tragic.

And then we think about the United States of America; what does it mean to us? Well, I will tell you what it means to us.

First of all, we are getting millions of illegal aliens coming across the border right now, our 2,000-mile border between us and Mexico. If the revolution spreads throughout Central America, as many of us believe it will, the estimate is we will get between 5 and 20 million additional refugees fleeing oppression. These would not be illegal aliens. These will be people who are supposed to be embraced because we have always embraced those fleeing oppression, and they will work for 50 cents or less an hour, or $1 an hour, and the unemployment rate in America will go up.

Mr. Speaker, it is estimated that, if we get 5 to 10 million additional refugees, the unemployment rate in America will go up by 5 to 7 percent, and for each 1 percent of unemployment it costs the American taxpayer and the Federal Treasury $30 to $35 billion, so let us take the low figure. If we get 5 percent in additional unemployment, and these will be Americans out of work because those coming across will work for less wages, you are looking at additional expenditures by the Federal Government of between $175 and $200 billion a year, and we cannot handle our deficit right now.

So, from the standpoint of educating, housing, clothing, providing jobs and everything else, health benefits, for those coming across the border, we are going to be faced with a monumental task of taking care of 10 million, probably, Central Americans fleeing oppression.

And then of course we have the soft underbelly of America, the Mexican-American border, that we have to contend with. Can you imagine T-55 tanks and Hind helicopters just across the Rio Grande? Well, that is what we are facing if we do not stabilize the situation in Central America right now, and the last vestiges of freedom fighters in Nicaragua are going down the tubes as we speak. And my colleagues on the other side of the aisle who have been against giving aid to the freedom fighters time and again, time and again, will be faced with the prospect of having to cast a vote to send American boys south of the Mexican-American border to defend our freedoms, to defend the soft underbelly of America with American blood and American manpower.

Mr. Speaker, this is something different than Vietnam. Vietnam was halfway around the world. This is one, folks, that we cannot afford to walk away from or lose, and so we will have American boys down there in droves.

President Azconas of Honduras, when I was in his presidential home about 4 months ago, told me face to face that, if the situation in the peace process deteriorated, and it is as we speak, that he would request 50,000 troops to be stationed in Honduras alone. That does not include El Salvador, or Guatemala, or Costa Rica or Mexico. And so the request has already been made for 50,000 American troops if the thing gets out of hand down there.

Now, if my colleagues think that that is just an idle request, remember when the Communist Sandinistas went across the Honduran borders about 2 months ago, the first thing that President Azcona asked for was American support, and we sent 2 or 3 airlifts of American boys down there who parachuted in. They were not in the combat area, but they were down there to back up the Honduran military.

So, make no mistake about it. If we let the things continue to deteriorate in Central America as they have, our boys will be down there, and they will be fighting very well armed, very well supplied, military personnel to spare, supplied by the Soviet Union, Cuba and elsewhere, and let me just tell you how these people are trained because I think it is very important.

Our last commanding general in Vietnam was a gentleman named General Weyand, and he was asked why did the Communists keep coming in Vietnam. They lost over 1 million men. We lost about 57,000. The South Vietnamese lost about 57,000. But they lost almost 10 times that many. Why did they keep coming? They were not fighting for freedom. They were fighting for totalitarian communism. He said, "I believe it was because of early ideological indoctrination."

For instance, they taught children to add and subtract using machineguns, bullets, hand grenades, and imperialist body counts. And that is what they have done in every Communist country. And I brought back from Nicaragua myself a first-grade text, which I did not bring down to the floor tonight, but I brought it here before, which shows how they teach first grade children to add and subtract. They do not use apples, and they do not use oranges. They use machineguns, bullets, and hand grenades in the first grade.

□ 1400

Now, we fought religious zealots, Communist zealots, in Vietnam, and the Communist Sandinistas took power in 1979, so for the past 9 years that is how they have been training those kids. Our young men will be facing the same type of military personnel on the battlefields in Central America that we faced in Vietnam if it comes to that.

So I hope my colleagues on the other side of the aisle will rethink their position before it is too late, because in the not too distant future the resistance, the freedom fighters, the Contras in Central America and Nicaragua, will be gone. The Communists will have solidified their positions and they will be expanding rapidly their revolution, as they promised they would do. When that happens, the request will come out very rapidly from the lips of the presidents in Central America that we need American boys. We will send them now or we will send them then, and if we do not, those countries will fall and we will be sending them later to defend our southern flank. It is a very unfortunate prospect, but I hope my colleagues will give this a lot of thought, because it is going to come home to roost before too long.

HELSINKI HUMAN RIGHTS DAY 1988

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 60 minutes.

Mr. HOYER. Mr. Speaker, as Chairman of the Helsinki Commission, I rise today to introduce legislation which would designate August 1, 1988, as Helsinki Human Rights Day. Joining me are 80 of my House colleagues, including all the House members of the Helsinki Commission. In addition, an identical resolution is being introduced into the Senate by the distinguished cochairman of the Helsinki Commission, DENNIS DECONCINI.

On August 1, 1975, representatives from 35 nations, including the Soviet Union and the United States, joined in signing the final act of the Conference on Security and Cooperation in Europe. This agreement, which has become known as the Helsinki Accords, covers every aspect of East-West relations, including military security, scientific and cultural exchanges, trade and economic cooperation, and human rights and human contacts.

While in Helsinki prior to his summit meeting with General Secretary Gorbachev, President Reagan, in reaffirming his commitment to the Helsinki Accords, stated,

> The final act is a singular statement of hope. Its "three baskets" touch on almost every aspect of East-West relations, and taken together form a kind of map through the wilderness of mutual hostility to open fields of peace and to a common home of trust among all of our sovereign nations—neutrals, nonaligned, and alliance members alike. The final act sets new standards of conduct for our nations and provided the mechanisms by which to apply those standards.

Yet, Mr. Speaker, 13 years after the Helsinki Accords were signed, several signatory nations, particularly the Soviet Union and some of its allies have not adhered to the human rights provisions set out in the final act. That is why we are introducing this legislation today: To reassert our Nation's commitment to the Helsinki Accords and to raise the issue of noncompliance with the governments of the Soviet Union and Eastern Europe.

Since November 1986, representatives of the 35 signatory nations have been participating in the Vienna review meeting which has enabled the United States delegation to raise specific areas of noncompliance by the Soviets which are also addressed in this resolution: The release of all Soviet political prisoners, including Helsinki monitors; and increase in emigration; the resolution of all family reunification cases; the cessation of all radio transmission jamming and; the repeal of laws, procedures, and practices which undermine human rights.

Just as important, Mr. Speaker, is the provision in this resolution to request the President to convey to the other 34 signatory states the insistence of the United States for a balanced result at the Vienna meeting that will not favor military security at the expense of human rights.

I urge my colleagues to cosponsor and support this resolution. To again quote President Reagan while in Helsinki:

> It must be a world in which the spirit of the Helsinki Final Act guides all our countries like a great beacon of hope to all mankind for ages to come.

UNDERSTANDING THE TRUE COST OF GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. DIOGUARDI] is recognized for 60 minutes.

Mr. DIOGUARDI. Mr. Speaker, we have called this special order today to highlight an often overlooked, but serious and important component of Federal budgetmaking. Today the U.S. Government controls and directs cash resources in excess of $1 trillion and that is pretty much our annual budget; yet at a time when Congress must make important decisions on future budget priorities and commitments, the information necessary to make such important policy decisions simply does not exist. Weak governmentwide accounting and financial management systems have resulted in a situation where there is little reliable information on how the Government currently spends its money, and that is $1 trillion a year, and how decisions that are made by today's leaders will affect tomorrow's generations.

Simply put, the systems we currently depend upon are fragmented, incompatible, unreliable and antiquated. The compilation of financial data takes an inordinate amount of time and often the information is provided too late or is too incomplete to be of any use for informed decisionmaking. Investment expenditures and current operating expenses are both treated equally, even though they have very different immediate and long-term implications.

The result is that Federal financial management systems are a pervasive source of Government waste. Certainly Government waste that is structural and systemic.

At the same time, it is important to recognize that fiscal irresponsibility and the lack of public accountability have no party allegiance, political agenda or any parochial support. Instead, they are the inevitable outgrowth in inherently weak budget accounting and financial management systems.

Any attempt to correct our Nation's current fiscal ills cannot be successful unless these fundamental systemic and structural deficiencies are fully addressed. Because of this crisis that many of us in the House on both sides of the aisle feel exists in Congress at this time, a group of us got together 3 months ago under the aegis of the House Republican Research Committee and formed a task force. That task force is composed right now of 18 Republican Members. Recently we met with Democrats who share our same concern about the problems affecting the Government today, the fiscal problems, the budgetary problems.

The issue here really is a bipartisan issue. If I would summarize the concern, I think it could be said briefly as "truth in Government" or "truth in Government spending."

Many of us here in the House do not understand or do not really know the true cost of Government, because we continue today in Washington to use a Mickey Mouse cash basis of accounting, rather than what Government imposes on business, and that is called generally accepted accounting principles.

In fact, the Government took New York City off the cash basis in 1976 as a price for the Federal bailout, but yet we persist in using that same system today.

The Securities and Exchange Commission imposes the appropriate system, generally accepted accounting principles, on publicly traded companies. As a matter of fact, officials of those corporations would literally be indicted and arrested and I think convicted for securities fraud if they used the systems that we continue to use here in Washington in Congress to attempt to record economic reality. My judgment is that economic reality is nowhere to be found on the books of the U.S. Government, because we continue to persist in a system that just looks at the cash flow each year.

We tend to be caught up in the budget process, the annual budget process. We are totally budget driven here in the House. We do not consider the encumbrances to the future.

Many Members approach me to support certain systems. One was the atom smasher, which I believe had a cost of $6 billion, but they were selling it right here on the floor of the House as only costing us $20 million this year, because they know how to play the game, they know that we do not have a balance sheet. We do not reflect liabilities in the outyears. There is no way to record the encumbrances against future generations.

As a matter of fact, if we took the time to compute our real expenses and real commitments on the basis that we impose on the private sector, you would be shocked, Mr. Speaker, to find that our liabilities are not $2.4 trillion, which is what we borrowed from the public, those are the bonds we have issued. They are really somewhere around $6 trillion, because you would have to add the contingencies, the guarantees, accrued pensions for military, accrued pensions for civil service, and yes, even the accruals for the Social Security system. Try to tell the older people in our country that Social Security is not an obligation, and yet today the moneys that we call a surplus in the Social Security account are not really in the account. We take the cash out of the Social Security account and put it in the budget system and use that money for other reasons, even though we raise the money by calling it a Social Security tax. I think this is wrong and I certainly do not think this is the way to describe truth in Government or truth in Government spending.

So I think we do have a crisis of credibility and the crisis really affects what I call public accountability or accountability to the public. It is basic. We are not giving the public a good count, because we are not using the systems, the procedures, the controls, the accounting principles, in order to reflect properly economic reality as it should be.

We have got the highway trust funds. We have got the Social Security trust funds. It was back in 1967 that a very smart politician, Lyndon Baines Johnson, as opposed to raising taxes for the war in Vietnam, decided to use the cash that he saw sitting in those trust funds, and by a magic wand, called a pencil, we then came up with something called "the unified budget" and that then brought those trust funds on budget so that we could use the cash in those funds and then in effect what we are saying to the public is that we are going to have to replace that cash later on when we need it.

We know right now that there are more people putting into Social Security than taking out, but with the greying of America, with more people retiring relative to those people working, there is going to come a point in time, and it is not too far in the future, where we are going to be taking more out of the Social Security account than we are putting in. At that point we are going to have to impose tremendous tax burdens on the youth of today, because that money has to be found in the future to pay for those Social Security taxes.

In effect, we are going to have to replace that money and in effect future generations are going to have to still raise the money they need to pay for the interest on the national debt and fund the operations of this great country and provide the capital that we need to provide the opportunities for the future.

So a group of us sat down and formed this task force. We came up with a white paper, a white paper which I today shared with a group of Democrats here in the House, a group headed by the gentleman from Georgia, Mr. Doug Barnard, who feels as strongly as I do about this. We had a very good give and take. It is obvious to me after the meeting this morning that this is an issue that we should and must pursue as a partisan issue, because accountability really does not have any political preference.

So in effect, what we have come up with is what I call a seven leg stool, We want to be sure that we are using the right kinds of accounting principles here in Government, and certainly they should be generally accepted accounting principles and not the cash basis.

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We also want to be sure that we use compatible accounting systems here in Government. The Comptroller General, head of the GAO, said in a recent blue cover report that we have over 200 different accounting systems here in Government today and we use over 50 payroll systems. Even if we had the right kinds of accounting principles and even if we used compatible computers, which we do not, feeding in that diversity of information would not give us a meaningful compilation of data that we need to make the multibillion-dollar decisions that we make every day here in the Congress. We also need a capital budget. It is incredible to me that we spend $1 trillion a year on a cash basis, $200 billion of which, 20 percent, is spent on capital items. These are items that have a useful benefit to the public for more than several years, certainly more than the current year. We spend $100 billion on military procurement, military capital items, and $100 billion on other domestic programs.

It seems to me we are now ready to take on a capital budget mentality in this country because we need to create some discipline here to think long term. It is not enough just to think about ending the year and meeting just the cash budget requirement which we do very poorly at that. So I think it is time we look at the budget process and at the least come up with a capital budget.

We need also a centralized financial management organization. I have had a bill sponsored by over 70 Members to bring a chief financial officer to the United States of America. We need a place where we can concentrate on the financial management problems of the country.

The Secretary of the Treasury is doing a good job but he is consumed mainly with cash-flow. He worries about mainly how we raise cash, which is through the Treasury, through the Internal Revenue Service, and he provides that cash to the Congress when bills are appropriated and when there is not enough cash it is the Secretary of the Treasury that must sell the Treasury bonds, or at least issue bonds and Treasury notes to raise the cash to send the money over here in order that we may fulfill our legislative priorities. He is not concerned with financial management as a priority.

I do not think it should be in the Department of the Treasury that we put this important function.

The Office of Management and Budget is an agency that is budget driven. As far as it is concerned it is all "B," I do not see any "M." I see a few people with management titles. Financial management would be a weak second to the important responsibilities of that agency.

The Comptroller General, Charles Bowsher, has said on many occasions that it is not his place to promulgate accounting principles and to be the chief financial officer. He is the quintessential auditor of the Government, the true referee for the public because he is not a partisan creature. He is appointed for 15 years. He transcends administrations. So it is not for him to promulgate; it is for him to be a watchdog on the chief financial officer.

So it is time we came up with a centralized approach with a chief financial officer, with assistant secretaries for financial management in each of the 18 large agencies, so that we can get financial information percolating up from these large agencies to the chief financial officer, who can then provide us the information we need to appropriately manage the $1 trillion a year that we spend in the budget process each year.

We also need better education, certainly better education among congressional staff. I spent 22 years in the private sector, and this is my fourth year in the Congress, but it amazes me that in my experience in the private sector we spent 10 or 20 percent of our resources professionally developing the management and staff so they could become better at doing their job. Yet here in Congress when Congressmen depend so much on their administrative aides and their staff, we do not see that kind of professional development, and the backgrounds of these good people are mainly political science, history, and law, not financial. Yet more than 50 percent, I dare say 75 percent, of the time we spend here on the floor is spent on financial problems, on the budget issue, and on appropriations.

Mr. Speaker, we need to provide the resources in Government to educate that group. There are many things we have to do and I have other Members here on the floor who will join me on this subject. We have seen recent examples of what happens when the right system is not utilized. Is it not shocking when we have to announce to the public that the FSLIC bailout may be as much as $50 billion? Why were we not able to forecast that? We have known all along that there was a problem with the savings and loan organizations. If we had the right kind of accounting system, we would have to provide on an annual basis some kind of contingency or reserve so that we in Congress would have had an early warning that this was happening. But, no, now they are going to give us the bad news I understand that we may have to find another $50 billion in order to bail out the savings and loan institutions in this country so we can keep faith with the American public.

Where is that going to come from? It is going to come from Lord knows where, it is probably going to displace other needed programs because there are many of us who are sick and tired of hearing about tax increases. We would like to see more time spent on dealing with the waste in Government before we start talking about tax increases.

Mr. Speaker, the bottom line is that we need to get Members on both sides of the aisle to understand how important it is to keep faith with the American public, how important it is to keep faith with them because they are pouring in at least $850 billion a year here in tax revenues. It is not $1 trillion because we have a deficit of $150 billion. We make up the difference by selling Treasury bonds. There is a lot of money filtering through Washington and I do not think we are giving the public a good accounting of it.

Mr. Speaker, I will conclude this segment of my remarks and entertain remarks from my colleagues who are here simply by saying that recently I came up with a bill that is now cosponsored by many people on both sides of the aisle called the truth-in-spending legislation, whereby I took the budget of the United States of America and put it on one piece of paper so that each person could understand it just like they can understand their household budget and really it was a takeoff of something I did 2 years ago.

As I would go around the country giving speeches on this, I would refer to my voting card as the most expensive credit card in the world. Many people do not realize that we use a plastic card to vote here in the Congress. We have computer terminals at the ends of the rows of seats. Every time we use this card to spend money, we know that there is not enough money available because we have to sell each year $150 billion in Treasury bonds, so this in fact is a credit card.

This has become the most expensive credit card in the world.

To make my point, what I then did was to put the $1 trillion budget in a format that looked like the credit card statement that one would receive from American Express, Visa, Master Card, or from whatever credit card company one is patronizing at home. I started off with each individual taxpayer's share of the national debt. Do my colleagues know what that was at the beginning of the fiscal year? It was about $17,100.

Then I had another section called purchases, and I would list per individual what we spent for the public using this card per taxpayer, each individual's share of national defense, share of Social Security, and right down the line.

Then there was a section on taxes, or at least called payments, and we thanked them for their prompt paying of income taxes.

Then there was section of finance charge, which is each individual taxpayer's share of the interest on the national debt, and we concluded with the balance at the end of the year of the amount still owed, because when we all sent in our taxes with our tax return we did not make a full payment. We still owe, by our reckoning at the end of the fiscal year, each individual still owes $18,500. So that by looking at the statement one would see that the national debt, each individual's share of the national debt went up another $1,500 during the last fiscal year.

When are we going to stop this nonsense, or at least when are we going to give the public a good accounting so we can tell them the real cost of Government?

Mr. Speaker, at this time I yield to my colleague the gentleman from North Carolina [Mr. McMillan], who has some good words to add to this subject.

Mr. McMILLAN of North Carolina. Mr. Speaker, I thank the gentleman from New York [Mr. DioGuardi] for yielding. I want to congratulate the gentleman from New York for his leadership in attempting to refocus the attention of this Congress and the executive branch on this very important issue. Congress has addressed this issue in many respects over many years without a great deal of success. We think the time has come to bring it back on the front burner, and we believe that there is a strong basis for bipartisan support not only among the Members of the Congress but perhaps even between the two Presidential candidates that we can reach a high level of consensus on what needs to be done in this area and kick off the next term of Congress hopefully with some action that would address this issue.

We may not reach 100 percent agreement on exactly what needs to be done, but I believe we can reach agreement on 95 percent of what needs to be done, and if we can do that we will be 95 percent better off than we are right now.

Mr. Speaker, I want to join others today to speak to the issue of the compelling necessity of establishing integrity, clarity, and consistency in Federal accounting. There is none in the current system. Congress and the executive are forced to rely on numbers in the budget and appropriations process that confuse the public, Congress and the Federal managers responsible for program execution and control.

Government figures are based, in the vernacular of the accounting profession, "on generally unacceptable accounting principles inconsistently applied." Being a lawyer used to be one of the best requirements for serving in Congress. That was before we had $1 trillion budgets, billions of dollars in off-budget programs and trust funds and Federal budget deficits that boggle the imagination. Now, one of the most important skills any person should have before serving in Congress is the ability to manage money or a program or people.

But even then, we must have a comprehensible accounting system. Let's face it: we 435 Members of the House and 100 Members of the Senate represent the largest board of directors of the largest financial interprise the world has ever known. We spend, loan, guarantee and borrow, and tax more money than any other entity in the world. Yet the numbers we rely do not describe reality. The time is past due to insist on honest numbers.

With that said, it stands to reason that we should have the most exact, reliable and, most importantly, consistent financial information possible so that we can make the best legislative decisions—and so that Government managers can carry out with integrity. I come from the business world where we are forced by law—generally accepted accounting principles—and common good business practices to use and report accurate and realistic numbers. I expected the same when I came to Congress over 3 years ago. It doesn't exist.

I have been shocked by the lack of a coherent financial accounting versus financial management system. Last year, during work on a bipartisan effort to reduce the rate of growth in federal spending, my colleagues and I were faced at every turn with gaping discrepancies in the so-called scoring by OMB and CBO of legislative alternatives. Information that is available to OMB or CBO or any individual agency is not readily accessible to all Members of Congress, or the public for that matter, due to incompatible accounting and computer systems. As an unfortunate result, we were regularly faced with the choice of making decisions, on faulty or unreliable data. If I had encountered such a mess in business, I would have concluded someone was seeking to conceal the facts or at least confuse the issue.

As one specific example of the problems we are facing today, let me relate an episode that occurred just this past week. We are all tremendously concerned about the savings and loan industry in this country and the efforts of FSLIC and the Federal Home Loan Bank Board to help expedite a solution to the problem. Congress adopted measures last year. I, for one, happen to belive that a solution can be found but the solution can be successfully achieve only when we can all—Congress, the regulators, and the thrift industry, use numbers that are reliable and can be agreed upon by all parties concerned. There should be no confusion on the numbers. Accurate numbers are an absolutely essential prerequisite to finding solutions. When that point has been reached, rational people can sit down and make intelligent judgments about how best to get out of the mess we now see in some parts of the Nation's savings and loan industry.

The chairman of the Federal Home Loan Bank Board, Mr. Danny Wall, appeared before the Senate Banking Committee on May 26, 1988 with a pro-forma statement of budget authorizations, outlay assumptions and cash flows relating to the FSLIC fund. This, in itself, was an unusual and invaluable step since such pro forma statements are usually kept within the agency in question. And a clear understanding of them was essential to the committee, to the industry and ultimately to Congress. Any kind of full disclosure is certainly a welcome step in the right direction.

I am in the uncommon position up here on Capitol Hill of having over 25 years of financial background with a major investment banking firm in the Southeast, as chief financial officer of a $1 billion company, plus extensive responsibility as the chief executive officer of a major food chain. I also have the benefit of having two staff members with MBA training. Upon review of this pro forma statement, we quickly came to the conclusion that it was totally unlike anything we have ever encountered.

There was no true income statement as such, nor a true cash flow statement. In short, this pro forma statement still causes a great deal of confusion when it really did not have to. What was presented was a mix of budget authority, outlays, contingent payments, and notes presumably tied to an authorized issuance of bonds that was totally confusing. The integrity of the numbers depended on a net cash flow figure supplied by the bank board. Industry people who saw them made extraordinary interpretations of the numbers which, if factual, would have appropriately curled their hair.

We asked the accountant from FHLBB why the new notes payable were entered as a negative item with parentheses and he replied, "Because that is the way OMB said to do it." Now, I have nothing personally against OMB, but this instance proved to me once and for all that our Federal Government is in desperate need for a solution such as the one we are promoting here tonight. If we fail to implement accrual accounting, capital accounting and other cash flow statements consistent with GAAP as well as sound financial management procedures, then we will do a great dissservice to our Nation and perpetuate government by confusion with disastrous results.

I urge my colleagues, the public and the members of the accounting profession to examine this issue seriously and support congressional and Presidential efforts to find a solution.

Figures referred to follow:

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION—PRO FORMA: ESTIMATED BUDGET OUTLAYS AND CASH FLOWS, FISCAL YEARS 1988–97

[In thousands of dollars, assumptions: Full special assessment continued until FSLIC notes payable paid off in 1995, deposit growth at 1.75 percent per quarter, potential return on Southwest plan assistance is not shown]

	Projected fiscal years—					Subtotal (1988–92)	Projected fiscal years—					Total (1988–97)
	1988	1989	1990	1991	1992		1993	1994	1995	1996	1997	
1 Recapitalization proceeds	3,050,000	2,000,000	1,500,000	1,000,000	1,000,000	8,550,000	1,000,000	1,000,000	275,000	0	0	10,825,000
2 Regular insurance premiums	585,609	428,206	322,091	270,042	241,345	1,847,294	217,721	199,536	221,934	315,125	415,012	3,216,622
3 Special insurance premiums	1,032,053	1,151,002	1,269,541	1,389,432	1,512,206	6,354,234	1,423,286	1,814,870	1,945,285	0	0	11,537,675
4 Interest on securities	134,210	222,974	182,328	108,376	79,239	727,127	78,275	77,441	68,615	72,634	108,759	1,132,849
5 Return on claims against receivers	1,745,633	1,040,659	1,036,872	1,032,379	1,028,215	5,883,758	951,870	860,000	400,000	50,000	50,000	8,195,628
6 Capital certificate income	44,000	44,000	44,000	44,000	44,000	220,000	44,000	44,000	44,000	44,000	44,000	440,000
7 Liquidation of acquired assets	37,152	39,311	41,192	42,830	44,257	204,743	45,500	46,582	47,525	48,346	49,062	441,758
8 Miscellaneous income	193,869	198,966	202,161	184,702	154,382	934,081	161,438	168,720	176,254	184,068	194,025	1,818,586
9 Administrative and nonadministrative operating expenses	(169,484)	(179,619)	(188,284)	(198,789)	(214,314)	(950,490)	(214,314)	(214,314)	(214,314)	(214,314)	(214,314)	(2,022,060)
10 Assets acquired from insured institutions	(53,891)	(53,891)	(53,891)	(53,891)	(53,891)	(269,455)	0	0	0	0	0	(269,455)
11 Interest on notes payable	(479,024)	(743,556)	(763,842)	(753,367)	(756,801)	(3,496,590)	(630,467)	(373,672)	(116,941)	0	0	(4,617,671)
12 Principal payments on notes issued before 1987[1]	(341,777)	(239,912)	(179,934)	(134,951)	(116,213)	(1,012,786)	(725,120)	(694,756)	(694,756)	0	0	(3,127,417)
13 New notes payable[1]	(6,267,000)	(3,478,000)	(1,749,000)	(1,754,000)	(1,183,000)	(14,431,000)	0	0	0	0	0	(14,431,000)
14 Assisted solutions	(1,079,000)	(1,399,000)	(1,917,000)	(1,988,000)	(1,171,000)	(7,554,000)	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)	(8,054,000)
15 Insurance settlements	(2,000,000)	(500,000)	(500,000)	(500,000)	(500,000)	(4,000,000)	0	0	0	0	0	(4,000,000)
16 Net budgetary inlay (outlay)	(3,567,649)	(1,468,859)	(753,765)	(1,311,236)	108,425	(6,993,085)	2,252,190	2,828,406	2,052,602	399,858	546,545	1,086,516
17 Principal payments on notes issued after 1986[1]	400,000	2,150,000	2,150,000	1,300,000	1,300,000	7,300,000	2,200,000	2,800,000	2,228,770	0	0	14,528,770
18 Outstanding notes payable	8,750,410	9,838,498	9,257,564	9,576,614	9,343,401		6,418,281	2,923,526	0	0	0	
19 Cash inflow (outflow)[2]	2,299,351	(140,859)	(1,154,765)	(857,236)	(8,575)	137,915	52,190	28,406	(176,168)	399,858	546,545	988,746
20 End-of-year investments	3,199,197	3,058,337	1,903,572	1,046,336	1,037,761		1,089,951	1,118,357	942,189	1,342,047	1,888,592	

[1] Current budget guidelines require FSLIC to count the full principal value of all promissory notes issued after fiscal year 1986 as budgetary outlays. Accordingly, principal payments on these rates are excluded as budgetary outlays. Also, only principal payments on notes issued before 1987 are counted as outlays.

[2] Cash inflow (outflow) equals net budgetary inlays (outlays) minus new notes payable minus principal payments on notes issued after 1986.

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Mr. DioGUARDI. Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. INHOFE], our colleague who is a member of the task force that I described earlier.

Mr. INHOFE. Mr. Speaker, I thank the gentleman from New York for yielding.

Mr. Speaker, I was not really planning to be here to talk about this but another subject. However, upon arrival and hearing this, I would appreciate the opportunity to make just a few brief remarks.

First of all, I cannot think of a time in our history that is more appropriate than right now to be addressing this subject. It was not until the USA Today poll came out just a few months ago that for the first time in contemporary history of America the No. 1 problem that the people perceive as being a Federal problem is the deficit of this country. This has not happened before, and I think we all have to admit the frailties of Congress such that we do not address something until it becomes such a problem at home that we are inundated with requests from home.

Consequently, there was an effort in this Congress to introduce H.R. 321 which is a budget-balancing amendment to the Constitution which is certainly appropriate at this time to introduce. It is interesting that they have 240 coauthors of that bill, and yet we cannot even get it out of committee to consider it. What does that tell you? It tells you that the vast majority of the people want to make the people at home think they are concerned about a deficit but do not want to do anything about it.

This subject at hand, it is bad enough that we have a deficit that even the liberals realize we cannot service and have enough money left over for the social programs, but to make it worse, to compound that, the fact that we in Congress, in the U.S. Government and in the President's office do not even know what the deficit is, that is an incredible thing.

I sent out a mailer back to my district, and I started making civic club talks about the fact that Government does not know what the deficit is. You might ask, you know, why is this, how can it happen? Other governmental agencies know.

I served three terms as mayor of a major city, Tulsa, OK, and I had a computer on my desk. I could tell you exactly the capital budget, operating budget, where we were on a daily basis, and we had an accrual accounting method where we segregated our capital accounts and operating accounts. If we were not on schedule so that at the end of the year we did not have a balanced budget, we would make adjustments by cutting expenses or raising taxes or doing what is necessary, but in Government we do not have that opportunity.

I think what the gentleman from New York and his committee has come up with is something that is really ingenious, because what this does is give a vehicle to whomever is going to be in Congress and in the White House to do something accurately about addressing this budget problem, this accounting problem, and the deficit problem, and until that happens, until we know what the deficit is, we really cannot address it.

What happened a year ago? A year ago when we had to make one of the target dates of the Gramm-Rudman guidelines, right before, we postponed the payment of a major military personnel account, so it fell into another fiscal year and, therefore, we made the people of Oklahoma, or the people of the United States, think that we were meeting that target, but we really were not.

I believe that whomever the nominee is of the Republican Party or the Democratic Party, whomever shall become President of the United States, if that person could know accurately with the accounting brilliance that we have in the House of Representatives as to where we are today, it would be the greatest single service to our people of any that has been addressed since I have been in Congress these past 18 months. They would say, "Well, wait a minute, we do not want people to know, because this deficit is really a lot higher than we think it is, than we have been telling people that it is." Why would not the President, whether a Democrat or a Republican, rather start out his administration with honesty and know where it is, and later on let him be measured in an honest way at the end of 4 years?

I want to wind up by saying that the sheet the gentleman referred to, and I am speaking to the gentleman from New York, where each person in this country is able to know what his or her portion of this deficit is is a brilliant document, and if we could get that out to the American people as I have in my district in Oklahoma, I can assure you there would be enough outrage to see to it that the program that we are working on becomes a reality.

Mr. DioGUARDI. Mr. Speaker, just taking off on those comments, it is a fact that today there are many cities and States in our country that have adopted the right system. I know New York City and New York State now have adopted it. They were forced to back in the mid-1970's. The gentleman says Tulsa, OK, recently has, and I read that members of Parliament in Australia each have a computer terminal and a monitor at their desk. If they want to at any time know the cost of a government program, they can punch it up and see it right in front of them.

We are in the Dark Ages here with the way we are spending our kind of money. I am happy that the gentleman from Oklahoma mentioned the good system that they have in Tulsa, OK.

□ 1440

Mr. INHOFE. Even better than a new system, it is an honest system. When we are not doing our job and we see something is going to happen by the end of the year, and of course we are operating under a city charter, the same as Oklahoma operates under a constitutional amendment, that forces us to balance our budget. And I assure the gentleman that there is not a time when the city council meets or when the State legislature meets that they do not try to figure our some way to get around that. But it is there, and we would not be able to keep the integrity of that constitutional requirement if we did not have an honest accounting system. And we do not have one in the Federal Government, which the gentleman and his committee is bringing to us.

I thank the gentleman.

Mr. DioGUARDI. I thank the gentleman from Oklahoma.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. Clinger], who has provided great leadership here in the House for many years calling for the imposition of a capital budget, or at least the amendment of the budget process to include a capital budget, because he understands full well, as many of us do, the need to start looking long-term at the way we are setting our priorities. And when we spend $200 billion a year on capital type items, it is clear to me and to Bill Clinger that it is an idea whose time has long passed, and certainly we are ready for it.

Mr. CLINGER. Mr. Speaker, I thank the gentleman from New York very much for yielding to me and want to join with others in commending him for the really magnificent leadership he has taken in this whole area of the financial management of the Federal Government. The gentleman from New York is like the little boy who has stood up and said the emperor has no clothes. We look at the way we manage the budget, how we manage our fiscal affairs in this government, and it is chaos, it is a totally chaotic situation where even the smallest mom and pop grocery store manages their affairs on more systematic and more rational principles than we do at the Federal Government level. I just think the gentleman from New York is doing a marvelous job in calling attention to this.

Mr. Speaker, I would like to talk briefly about one aspect, and that is the capital budgeting. My colleague from Oklahoma [Mr. Inhofe] indicated that in the city of Tulsa they have a capital budgeting process, and that that has been an extraordinarily useful tool to that city in determining not only what they are investing in capital improvements, but also as a planning device, looking down the road at what are they going to need 5 years, 10 years down the road. We do not have that in the Federal Government, and we have a very limited provision which was put in place 3 or 4 years ago which we need to expand on.

So if I may, I will just talk about what I think a captal budget would do for us if we are to implement it.

Mr. Speaker, a uniform system of financial management guiding our Nation's accounting of its resources, its income and expenditure, can be and should be a relatively simple system to impose on our agencies and departments. In an ideal world, the same bookkeeping principles that guide the management at a small agency such as the National Transportation Safety Board should be compatible with the principles used by the Defense Department. The same guidance that drives their spending and investment decisions should in fact transcend the entire Federal Government, without regard to the agency's mission and size.

In fact, we don't need to characterize this goal as an unachievable ideal. Today, everyone of our businesses, large and small, generally abides by a strict, uniform method of accounting. Think about it. The same accounting principles employed by a major multinational corporation are similarly followed by most small firms and family owned businesses. They do so for a number of reasons, primarily to determine their tax liabilities and to measure and report on their performance for use by company officers and stockholders.

One of the most essential tools used by corporate officials and small companies alike in the development and implementation of short-term and long-term strategies is capital budgeting. Even more important, though, is the realization that many State and local governments also employ capital budgeting as a basic planning device.

We, the Federal Government, are really no different from these entities. Our numbers may be bigger, policy decisions may have a more profound impact, but when you get down to it, we are no different from a business or a State government. We have income and expenditures, just as they do, and I think it is well past time to adopt the same strategy of capital budgeting so successfully employed by tens of thousands of entities in this country.

In its most simplistic form, capital budgeting does one thing; it differentiates operating expenses from investments. That's all. It doesn't mandate new spending of any sort; it doesn't pervert the numbers—what we euphemistically refer to as smoke and mirrors; but importantly, it does maintain the integrity of the unified budget.

Capital budgeting merely gives the budget documents a slightly new look. In one corner you have the day to day operating expenses such as salaries, office supplies, travel, rent; in the other corner, long-term investments such as new office space, ships, satellites—those items whose expected useful life exceeds a year. There's nothing radical about that. Big business does it every day, and if they do it well, capital budgeting is a tremendous planning tool.

Now if you accept the notion that capital budgeting can be more than just reporting present spending allocations and begin to use it for planning purposes, you'll realize that it has a place in our business, the business of governing, the business of planning for the needs of our country, now and in the future; the rational allocation of scarce resources.

Capital budgeting allows planners to project future acquisition and construction needs. It allows planners to rationalize investment decisions by amortizing, if you will, the year to year cost associated with a major project.

On the first point, with capital budgeting, policymakers will be able to develop benchmarks of past and present investments when considering proposed new spending. What have we spent in the past; how old are the investments; what is their expected lifespan and how well will they be able to accommodate present and future growth? Is our spending consistent with past practices? These are just a few of the questions capital budgeting can address.

Another major virtue deals with the presentation of proposed spending costs. Under our present system, new long-term projects are presented in budget documents as a 1-year appropriation; a one shot deal. To the untrained policymaker, that cost oftentime appears prohibitive. He or she is not prone to thinking of the construction of a new housing project as an expense that bears returns many years into the future.

Capital budgeting recognizes those future returns. It certainly doesn't cloud the unfront cost of construction, but it will permit the policymaker to better understand the context of that investment and how it will serve present and future needs.

And in that vein, capital budgeting also allows policymakers to think more in terms of generational spending patterns. We will be better able to answer questions dealing with long-term capital items and their ability to serve future generations, and the fairness with which we allocate these costs among present and future generations.

As I stated at the outset, capital budgeting is a tool now used by virtually every business and many State and local governments today. It will not obscure budget debates; to the contrary, it will clarify the major policy spending issues.

Given the critical issues we must address in an era of ever-tightening budgets, it is high time that the Federal Government adopt capital budgeting. Otherwise, we will continue to rely on budget information that does injustice to this body and to our constituents.

Mr. DIOGUARDI. I thank my colleague from Pennsylvania.

Just following up on those comments, it is not only the additions each year, but if we were to take inventory right now I would dare say that we have trillions of dollars worth of the Government assets, or at least hundreds of billions floating around now. They would not be worth that because they have been utilized to a certain point, but a capital budget would get us to focus on not only what we are buying this year, but what we have bought in the past that still has a useful life to the future.

I think in writing off things each year, and that is what we in effect do when we put it in as an expense item, we send a signal to the bureaucracy and to people in the Pentagon and in other agencies that we are not concerned about the future of those assets. We hear the horror stories of the audits that we get back from the DOD and the IG that there are so many of the assets that we buy that become missing.

So I think a capital budget would bring a basic discipline to the system whereby people would think twice before they misappropriated something that we bought, because they knew now that we have an accounting system that would track it and would amortize it into the future.

So I thank the gentleman from Pennsylvania for that very wonderful explanation of it.

Mr. CLINGER. Let me just add one word, and that is the other thing that we do not know now is how much we are borrowing to run the day-to-day operations of this Government. A capital budget would clearly identify that we are borrowing way too much money just to operate the day-to-day functions of this Government.

There is a little more justification for borrowing if we are making a long-term investment. There is no justification to borrow for the day-to-day expenses of the Federal Government.

Mr. DIOGUARDI. Absolutely. And as I recall the crisis that we had in New York City in 1975, New York City has a capital budget, but what they are doing is taking capital budget money and putting it into the operating budget. We do not have a capital budget, we do it automatically, and we have to unbundle it somehow.

Mr. Speaker, I yield to the gentleman from North Carolina [Mr. BALLENGER], my good friend.

Mr. BALLENGER. Mr. Speaker, I thank the gentleman from New York first of all for his leadership in this program, and second of all for allowing me to be involved in this. As a freshman Congressman who came from the State of North Carolina where I was a county commissioner and we had a balanced budget, and then I moved up to the State level and we just added three more zeros to the budget, but we knew that those zeros meant something because we had a balanced budget amendment and everything in North Carolina has to have a balanced budget. Then I came to the Congress and found out that we added three more zeros, but we know nothing about what those zeros mean here, because nobody has any experience or any information that really counts.

Our Government will spend over $1 trillion in fiscal year 1989. However, the Members of Congress who make decisions on future financial commitments for our country simply do not have the necessary information to make the best policy decisions.

Why? Because the U.S. Government uses at least 150 different financial management systems. In fact some experts guess that the Government may even use up to 400 different accounting systems. These weak systems have resulted in a situation where there is little reliable information on how the Government currently spends its money resulting in a great deal of Government waste.

For years, the General Accounting Office [GAO] has told Congress that our Federal departments and agencies resemble a jungle of tangled and inadequate accounting systems. In fact, one GAO study reported that more than half of all agency accountings systems do not conform to GAO accounting principles and standards.

The extent to which the Government departs from basic accounting textbook requirements—to say nothing of common sense—defies logic. A GAO study, "Managing the Cost of Government," pointed out that agency budgeting and accounting for program costs are largely done on different bases, and are isolated from one another. Budgets are requested and justified in terms of programs and projects, such as infant health care or dams for flood control. Yet, accounting and financial reports often focus on appropriations and categories of expenses such as travel or personnel, without relating them to the particular programs or projects for which the money was requested and approved.

The resulting waste from these abuses runs into the billions of dollars. For example, in its latest annual report to Congress, GAO cited the Department of Defense's failure to account for over $600 million in advances made by foreign customers for weapons systems purchases. In addition, the report also noted that the Federal Government loses at least $350 million annually because agencies either paid their bills too late and incurred interest penalties, or they paid them too early and forfeited potential interest income.

In private business paying bills according to a schedule of discounts allowed and penalties avoided is a substantial reason for increased income but our Government has absolutely no system for this purpose.

We need to get our financial House in order in a bipartisan effort to straighten out this mess.

Mr. DioGUARDI. I thank the gentleman for those wonderful comments. I am grateful that we have him on our task force as well, because he brings an interesting perspective from his experience, and we need that. Frankly I think the 18 Members who started this task force will finally go a long way to bringing financial responsibility to the U.S. Government.

Mr. BALLENGER. I hope so, and I thank the gentleman.

Mr. DioGUARDI. Mr. Speaker, I yield to my colleague, the gentleman from New Mexico [Mr. Skeen].

Mr. SKEEN. Mr. Speaker, I thank the gentleman for yielding and want to begin by commending him for bringing his expertise, his time to the subject. This is an assignment that he took on his own, and I cannot think of a more significant area of the Federal sector of Government operations that needed this attention or this kind of attention, and I want to commend the gentleman for the time he has spent and for the organizational ability that he has given to this effort and this issue. I do not think there is another more timely issue anywhere about this place as the questions that have been asked here today indicate.

For instance, if this Government, as has been alluded to many times, is about to break, we are about to break the Federal Government, that is possible, but do my colleagues know that I do not think that under the system we are operating in, the financial management system of this Government today, that if this Government were bankrupt today we would not know what we owed, we would not know what our assets are, we would not know whether we were really bankrupt or not bankrupt with the way we are keeping the books of this Government. And it is evident to me and to many others who deal with the fiscal problems of this country every day that we need to know do we know where we really are, do we understand what this Government owns, what it does not own, what the cash flow problems are? Just what is the fiscal overall management, because we do not have a capital budget and we do not accept generally accepted accounting principles.

So I want to say to the gentleman from New York that he has recognized a real problem, he has touched a nerve with many of us. I am on the Appropriations Committee and I do wonder from day to day are these figures reliable that we are given from the various committees that are supposed to supply us with information.

□ 1455

They do a good, honest job. There is no question about that. But how can you rely on that information if you do not have a good system of accounting?

So I think this is probably one of the most significant things that we are doing today in the Congress of the United States, to put the fiscal affairs of this Government in order and do it with a system that has been proven sound among the most professional people dealing with this problem.

Also, I think in the bill of the gentleman from New York [Mr. DioGuardi]—and I have worked with him on this task force and it has been a real pleasure though it is a spare time thing, if you have any spare time around this place—what the gentleman is doing is giving voluntarily to this effort.

The momentum that I see picking up in the interest given to this issue is remarkable and it is bipartisan. I think it is expanding rapidly because the awareness is there that we are in deep, deep trouble if we do not accept something of a financial management system that really makes some sense, that is a standard throughout Government, so that we know what our assets and our liabilities are and whether or not we could pay ourselves out of the whole if we had to; who owns what, where is it going?

So I think the idea of a financial officer involved in this is also an appropriate approach to dealing with this Government.

I commend the gentleman for that effort as well.

On the audit and oversight provisions dealing with this problem of how is Government financed and how is it accounted for, I think it is extremely important to know that if we do not have this system of accounting we cannot do an adequate job of auditing or exercise a proper oversight relationship in dealing with the finances of the Federal Government.

So once again I want to commend the gentleman for his effort and the task force as well, commend all of you. It is effort that is given aside from our assigned duties here. But I think it is well worthwhile because it is producing one of the most significant, I think the most significant basis on which to start operating a fiscally sound system of Government. It begins right here.

So I commend the gentleman. I feel good about this. I feel like we are really accomplishing something because so many times the frustration of working in Congress, because the results are somewhat nebulous, in this case I think they are tangible, they are reflective and they are certainly productive.

I congratulate the gentleman and the rest of the members of the task force. It has been great working with you. I thank the gentleman for yielding this time.

How many times has a Member of Congress sat in committee or listened to debate on this House floor and questioned the reliability of numbers routinely thrown out about this number or that? How many times have you wondered if we are really getting a dollar's worth of goods and services for a dollar spent in taxes? While several good proposals are being put forth in this special order to prove overall Federal accounting, any accounting system is only as good as the auditing standards which ensures its reliability. Federal financial systems should be audited regularly and agency financial statements should be audited prior to being made public. Audit standards must be consistent for all agencies and designed to determine the level of an agency's compliance with uniform Government accounting practices.

In order to provide useful information on the efficiency of Government operations, audit standards should contain clearly defined performance measures for each agency. The product or service each agency is expected to provide should be clearly stated. Costs associated with production of each Government product or service should be identified. Good audit standards should allow government leaders to examine the "cost per unit of product" for each agency. Such information should be produced for each of the 1,200 appropriation accounts and included as an appendix to the annual budget report.

To examine the "cost per unit of product or service" for the various agencies, Congress will have to give serious thought to the purpose and mission of each agency and define the "product" they are expected to produce. For example, in evaluating social services agencies, should decisionmakers measure the amount of services provided such as the number of meals served to the hungry, the number of persons placed in homeless housing or the number of people taken off of public welfare rolls? Or should program performance be determined by other factors, such as a percentage reduction in a problem that an agency was directed to address.

The Federal Government is not like an auto factory, so clearly some of the services provided by government agencies are not easily quantifiable: however, at the very least, a "product" should be defined and the costs of producing it should also be identified. Improved audit standards will enhance congressional oversight since they will clarify the products or services Government provides and identify the costs associated with producing them. More efficient means of producing government goods and services may be identified and priorities will be easier to establish.

Mr. DioGUARDI. I thank the gentleman from New Mexico and I thank him for attending all of our meetings. He makes many great contributions to those meetings. This result would not be good if it were not for the combined efforts of 18 good members. I appreciate the continuing contributions of the gentleman.

Mr. SKEEN. I appreciate the statement of the gentleman and I am sorry I missed the meeting this morning.

Mr. DIOGUARDI. I see we have our colleague from Virginia here, another member of the task force, Congressman FRENCH SLAUGHTER. I want to thank the gentleman from Virginia for attending those meetings and yield to him at this time.

Mr. SLAUGHTER of Virginia. I thank the gentleman for yielding.

I want to say to the gentleman from New York that I echo the sentiments just expressed by the gentleman from New Mexico as to the gentleman's leadership on this matter of trying to get the Federal Government, first, to adopt accounting practices that will enable us and our citizens to know just what kind of financial condition the Federal Government is in. This has attracted a great deal of interest. I am hopeful and I am sure as a result of the leadership of the gentleman there is going to be greater and greater awareness in the Congress and that we will have something to show as accomplishments of a study that has run over 2 years by now.

I would like to suggest that one of the most confusing situations that the Federal Government is involved in, so far as bookkeeping goes, is the matter of trust funds. There are several trust funds, many trust funds, really, of the Federal Government. There is the highway trust fund, there is the aviation trust fund. To use those as examples, the aviation trust fund as I understand it is prohibited by law from spending any money except for aviation. And that is appropriated by a bill passed by Congress. Any money that accumulates there, therefore, cannot be used for any other purpose. Yet, when the deficit is calculated at any given date or at the end of the fiscal year the balance in these trust funds are counted as an asset. Yet, they cannot be used to pay the debt of the United States, unless Congress passes a law to that effect. It seems to me that that is something that is very misleading and would be something that is a matter of having sound acounting practices and also simple common sense, which the accounting practices would give us, by showing the condition of the Federal Government; that that money is earmarked and if it is earmarked it cannot be used to reduce the deficit.

I believe that that is the correct situation, that we are confusing a lot of people in the United States because of this failure to make that distinction.

I think this is one of the areas where attention is needed and I would certainly appreciate any comments that the gentleman might have on this particular issue. I am glad to appear with the gentleman and glad to work with him in the future.

Mr. DIOGUARDI. I thank the gentleman for this contribution to the task force. As I said before, we are making great headway because just this morning we met with, I think it was, 10 Democratic Members of the House around the breakfast with Congressman DOUG BARNARD and they feel as strongly about this issue as we do. It looks like we are off to a good start in getting bipartisan support for the issue of accountability and fiscal responsibility. And as one of the gentlemen said before, it would be great if we could get this issue into the platforms of both parties in the 1988 elections so that whoever is elected our President will take this as an item of top priority for reform in the first or second year of his or her administration.

Mr. SLAUGHTER of Virginia. Mr. Speaker, I believe that is an excellent suggestion and I hope it will be adopted by both parties.

Mr. DIOGUARDI. Mr. Speaker, currently, Federal financial management responsibilities and functions are seriously fragmented with continued overlap and duplication. Financial management functions are split among several agencies in the executive branch including the Office of Management and Budget [OMB], the General Services Administration [GSA] and the Department of the Treasury. In addition, each of the various executive branch agencies, and the GAO in the legislative branch, have their own systems and guidelines for financial management.

The greatest problem with this approach is that no single agency or individual has clear responsibility for oversight and direction of the Federal Government's financial management operations and activities. Furthermore, financial management responsibilities have frequently been shifted from one central agency to another; and in each central agency, financial management functions have competed with a number of other responsibilities for their fair share of attention.

In the case of faulty internal control evaluations and faulty accounting system compliance assessments, the GAO has cited OMB's failure to develop adequate guidelines as a principal cause. Yet, the development of such guidelines may require more time, resources, and expertise than OMB can provide, or is likely to provide under the current system. OMB's lack of resources and the secondary role of financial management to budgetary considerations hamper OMB's ability to give adequate emphasis to financial management matters.

While OMB, of late, is giving financial management the increased attention it deserves through Reform 88, a Reagan administration initiative to improve Government management and reduce waste, fraud, and abuse, it is a highly specialized area which deserves independent, continued attention from administration to administration. Unfortunately, it does not now have that status. When the Reagan administration leaves office, there is no guarantee that this reform will be continued by the next administration.

WHY IS CENTRALIZED LEADERSHIP IMPORTANT?

Centralized financial management is necessary to ensure compatibility of systems and enforcement of standards. Consolidation of financial management activities such as cash management, accounting, budget reconciliation, and financial reporting would help streamline Government operations and identify opportunities for the savings and/or increased return on investment. Additional responsibilities of a central financial management agency would include development of financial priorities, long-term financial planning and coordination of financial activity by the various agencies.

One reform that goes along with centralization of management functions is the creation of an independent Chief Financial Officer [CFO] of the United States. This individual could have authority to set and enforce Federal financial management and accounting standards as well as present financial plans and alternatives to Congress and the President. Enforcement mechanisms at the disposal of the CFO could range from refusal to certify agency financial statements to withholding of merit pay increases for Federal financial managers. Consideration should also be given to creating agency and department heads for financial management to ensure top-level, departmentwide attention to the implementation of financial management initiatives and activities at the agency level. These top managers could then work with the CFO to provide important avenues of communication and interchange between the central financial management function and its counterparts in the departments and agencies, resulting in more effective implementation and coordination of financial management initiatives.

ADOPTION OF GENERALLY ACCEPTED ACCOUNTING PRINCIPLES [GAAP]

I would like to address the House this afternoon on the deplorable state of the accounting methods used by our Federal Government and how they can be reformed to enable us to have a more accurate and uniform system throughout the entire Government.

While not on the minds of most Americans, this issue is important because the U.S. Federal Government controls and directs cash resources in excess of $1 trillion each year. Yet, at a time when Congress must make important decisions on future budget priorities and commitments, the information necessary to make such important policy decisions simply does not exist. This is due, in part, to the use of a cash-basis system of accounting by the Federal Government. This system is nothing more than a simplistic measure of how much an entity takes in and how much it spends and is very similar to the way a household checkbook is managed.

In simple terms, imagine planning a family's future by only looking at checkbook balances and ignoring other assets as well as current and future liabilities. For one thing, this method ignores the equity being built up in a home, as well as future costs of sending children to college. While providing important information about cash-flow and the ability to pay bills on time, a checkbook tells you little about the financial ability to address current cost and future needs. A $500 expense for a vacation would be treated no differently than a $500 outlay to purchase a savings bond, although each has a profound and uniquely different effect on a person's financial condition.

The most important decisions being made today by the Federal Government are based on their effect on today's Government checkbook balance. Little consideration is given to the qualitative nature of these expenditures and even less attention is given to future costs and liabilities. There is virtually no distinction between the Government purchasing an asset with future public benefit, or Government simply making a transfer payment from one segment of society to another for current consumption. As a result, Congress and the President constantly fight over meeting short-term budget goals and targets without any regard to the long-term implications of their decisions on the economic health of our Nation.

To rectify this problem I and a number of my colleagues propose that the Federal Government adhere to the generally accepted accounting principles [GAAP] which have been developed over the course of accounting history to assist managers in accurately portraying financial transactions and to allow the users of financial documents to understand the basis on which they were prepared. They are defined by the Financial Accounting Standards Board [FASB] of the American Institute of Certified Public Accountants, an independent professional group sanctioned by the Securities Exchange Commission and highly regarded by the public.

While the use of GAAP is a widely accepted practice in the private sector, the Federal Government continues to use oversimplified outdated inaccurate methods. Using GAAP for the Federal Government has many advantages because it recognizes liabilities as they are incurred and associates the cost of assets with the period during which they are utilized or consumed. By painting a more complete and accurate picture of Government finance, Federal decisionmakers would have access to much better information than currently provided by the cash basis "snapshot."

To take one example, pension liabilities, which today are budgeted in the same way as welfare payments—that is, pay as you go—would instead be recorded during the period in which employees worked. GAAP would also allow assets to be depreciated over the course of their useful life. Government programs would reflect a percentage of the cost of assets acquired in a previous period as well as current operating expenditures.

Mr. Speaker, incredibly GAAP does have its opponents. They are shortsighted. They contend that its additional workload and reporting requirements are major obstacles in its implementation. Yet we need to look over the long term because the process of implementing GAAP could not be accomplished overnight. Moreover, the production of accurate comprehensive financial data is a mandatory prerequisite toward eliminating waste, achieving high levels of efficiency, and cutting costs.

GAAP is not a new idea to the Congress. In order to help prevent fraud, the Federal Government requires all publicly traded corporations to use GAAP before they are allowed to sell one share of stock. In addition, Congress required New York City to adopt GAAP as a condition for its Federal bailout in the mid-1970's.

If sound management requires GAAP in these circumstances, should the Federal Government be so far behind? Isn't it time that Congress start using the rules that it requires the private sector to use?

WEAK ACCOUNTING AND REPORTING SYSTEMS

The first problem begins with weak systems. For years, the General Accounting Office's [GAO] famous blue-covered reports have been telling us the same story: Our departments and agencies are a veritable jungle of special purpose, incompatible, antiquated accounting systems producing unreliable, and often irrelevant financial information. In fact, one GAO study reported that more than half of all agency accounting systems do not conform even to GAO accounting principles, standards, and related requirements.

Similar conclusions were reached in a September 1985 study conducted by the Systems Committee of the President's Council on Management Improvement entitled "Strategic Plan for Federal Financial Management." Its results come directly from those on the firing line: financial management executives in Federal departments and agencies. Those interviewed regarded less than 50 percent of governmental accounting and financial reporting systems as capable of producing timely, accurate, and relevant information for management decisionmaking. Sixty-one percent of the systems cannot provide the data necessary for assessing management performance; 35 percent of the systems were considered incapable of providing sufficient data to support the allocation of funds; and 33 percent do not provide effective control over and accountability for assets.

Mr. HERGER. Mr. Speaker, I came to the U.S. Congress seeking to contribute to the effort to bring Government spending under control. For too many years the American people have borne the burden of irresponsible congressional spending.

Recommendations of the Task Force on Federal Budgeting and Financial Management, of which I am a member, begin at the structural level to attack our deficit problems. Presently, our Government uses a unified budget, haphazardly mixing various budget accounts that are in surplus to offset deficits that appear in others.

The net result of such careless budget and accounting methods is irresponsibility and waste because accountability is disguised and confused. In effect, Congress has been able to mislead the American public about the size and scope of the deficit by using surplus funds from specific trusts, such as the Social Security Trust Fund, to pay for other Government operating expenses that are in the red.

Among the most depressing facts contained in the task force's report is one that details the use of the $19.5 billion surplus in the Social Security Trust Fund in fiscal year 1987 to offset our general budget deficit by that same amount. Of course, this practice leads people to believe that the operating deficit is nearly $20 billion lower than it really is. In the private sector this kind of accounting procedure might be thought of as fraud or theft.

The report goes on to say that if one were to calculate the national debt with generally accepted accounting methods, meaning methods that account for our total liabilities which our present cash-basis system does not do, we would find that what is commonly thought to be a $2.35 trillion debt is actually over $4 trillion.

The least the taxpaying public should be able to expect from the Congress is accountability, rather than confusion and outright deception. We simply cannot knock off this deficit that threatens the future of our Nation if we cannot honestly come to terms with the real dimensions of the crisis we face. Truthful, up-to-date accounting methods that yield real figures and show where accounts are in deficit and where they are not is the first step.

Clearly, we must invigorate and reform our present financial management system. To restore financial order and a sense of integrity to our present accounting methods, we need to realize the importance of real financial discipline that requires reliable numbers and effective organization. The task force's white paper is an excellent start. Effective organization and finance management will reduce Government waste and the Federal deficit. At the same time, the deserving American taxpayer will have more confidence in the honesty of our system of Government. It's time to stop hiding the cost of Government from the taxpayer. Implementing the reforms contained in this report will be an important step in the right direction.

GENERAL LEAVE

Mr. McMILLAN of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the special order entered into today by Congressman DioGuardi.

The SPEAKER pro tempore (Mr. Lancaster). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

PRECEDENCE OF SPECIAL ORDERS

Mrs. BOGGS. Mr. Speaker, I ask unanimous consent to proceed out of order with my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Louisiana?

There was no objection.

NATIONAL NEIGHBORHOOD HOUSING SERVICES WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Louisiana [Mrs. Boggs] is recognized for 60 minutes.

Mrs. BOGGS. Mr. Speaker, I rise to salute this week of June 5 through 12 which marks the third congressionally authorized "National Neighborhood Housing Services Week." In honor of this event and in recognition of over

10 years of NHS network success for America's neighborhoods, the NHS partnerships in 138 cities and towns across the country are celebrating their victories in rebuilding our country's neighborhoods.

I yield to the gentleman from Ohio [Mr. WYLIE].

Mr. WYLIE. I thank the gentlewoman for yielding to me and thank her for taking this special order and providing a forum for recognizing a truly outstanding program. The accomplishments of the Neighborhood Housing Services are significant indeed and we have reason to celebrate the National Neighborhood Housing Services Week. This is the third congressionally authorized National Neighborhood Housing Services Week as the gentlewoman mentioned, but I would like to pay tribute to the gentlewoman for her significant success in helping to rebuild our neighborhoods through this program.

I know that as a member of the House Committee on Banking and Currency she was present when this law was passed and had significant input into it at that time.

In my own hometown of Columbus, Ohio Jon A. Moorehead, as executive director of the Columbus Neighborhood Housing Services, Inc., is accomplishing outstanding work in helping to conserve and revitalize older neighborhoods of our community. We are also privileged in Columbus to have the home offices of several insurance companies, Nationwide the largest among them. I am pleased that Nationwide along with State Farm and Allstate are strong supporters of our Neighborhood Housing Services Program.

The Columbus Neighborhood Housing Services is an outstanding example of just how effective people-to-people program efforts can be. Residents from target neighborhoods in Columbus such as the Linden area, Livingston Park area, the Franklinton area, coordinate their input through community volunteer groups to make their neighborhood an even better place in which to live and rear their children. I have been fortunate to visit some of these neighborhood projects and have seen firsthand how successful the Columbus Neighborhood Housing Services Program has been in achieving its mission of people helping people.

Columbus Neighborhood Housing Services helped local nonprofit groups to obtain affordable permanent financing for the purchase and rehabilitation of abandoned properties. There have been over 21 separate projects resulting in the fix-up and conversion of many, many properties for use by low- and moderate-income families. Columbus Neighborhood Housing Services, Inc., serves the community in many other ways such as major efforts for home energy conservation including low-interest home energy conservation loans.

Mr. Speaker, the concept of working partnerships and voluntary cooperation to help others and to solve problems at the local level is as American as baseball and apple pie. The Neighborhood Housing Services Program was created to stimulate and to build on this premise and to that end the program is a tremendous example of carrying on this fine tradition.

We urge Neighborhood Housing Services to keep up the good work and we in the Congress applaud their past accomplishments in promoting strong and more healthy neighborhoods and look forward to their continued future success.

Again, I want to commend the gentlewoman from Louisiana for this special order. As a former member of the Committee on Banking and Currency and through her outstanding role on the Appropriations Committee, Mrs. BOGGS is owed much credit for the success of the Neighborhood Housing Services network accomplishments. And I thank her for yielding this time.

Mrs. BOGGS. I thank the gentleman very much for his kind remarks. Of course, the gentleman has been the mainstay of the program since its inception all those years ago. The success of projects in his own district and in the State of Ohio attest to his service and his foresight and I thank him very much for participating today.

Mr. Speaker, I yield to the gentleman from Connecticut [Mr. ROWLAND].

Mr. ROWLAND of Connecticut. I thank the gentlewoman for yielding me this time.

Mr. Speaker, I congratulate the gentlewoman on the efforts she has made over the years to highlight the outstanding contributions made by Neighborhood Housing Services. The resolution passed this year had 220 Members of the House and 60 Members of the Senate cosponsoring that resolution which is indicative of the support that it enjoys in the Congress.

While so many of us talk about the housing problems and shortages throughout our own districts and States and throughout the Nation, Neighborhood Housing Services is doing something about those problems. Housing affordability is without a doubt the No. 1 issue in my State of Connecticut. We have some very unique problems in Connecticut as well as the entire Northeast.

As one of the first-time homebuyers, myself, not of the Neighborhood Housing Services, but as a first-time homebuyer I shared many of the same concerns of my peers and friends across the Nation.

Neighborhood Housing Services of Waterbury, my hometown, has done outstanding service over the past 8 years.

My family goes back in the Waterbury area for 150 years. I have had the pleasure and privilege of working with the NHS Program through those last 8 years. In Waterbury the NHS is a private nonprofit corporation established in 1980 to help revitalize certain Waterbury neighborhoods.

NHS works to promote reinvestment in its neighborhoods by building confidence, upgrading the housing stock, and improving the quality of life for its residents.

These factors combine to reduce the risk for lenders, insurers and others doing business in the neighborhood.

NHS encourages home owners and helps them rehabilitate their properties, providing technical and financial assistance through its able trained staff. NHS' first venture into new construction culminated in completion of five single family homes in the Walnut-Orange-Walsh neighborhood of my hometown.

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Five more are planned. Presently Neighborhood Housing Services are at work in 243 neighborhoods in 137 cities, towns, and counties across the country. Each NHS is a locally operated independent agency governed by a local board of directors, and in Waterbury the NHS service area encompasses the neighborhoods south of the Green and north of the Green and includes Willow/Plaza, Crownbrook, Hillside, NEWPAC, and WOW.

In its last 8-year history, NHS has rehabilitated over 385 properties, a total of almost 1,100 housing units, and has directly assisted in the investment of over $6.6 million in these neighborhoods.

Phase I of NHS' Infill housing projects, the construction of five single-family homes on former junk-strewn lots in the Walnut-Orange-Walsh neighborhood is complete. The three-bedroom, 1,370 square-foot houses with full basements were sold for $57,000 to first-time home buyers who were tenants in that same neighborhood.

This is an outstanding example of the NHS partnership—the city of Waterbury, the State of Connecticut Department of Housing, the Connecticut Housing Finance Authority, HUD, NHS, and Neighborhood Reinvestment all working together to provide homes for low- to moderate-income families.

Mr. Speaker, we are all very proud of the fine efforts of all those involved, and we wish them continued success and best wishes. I say, thank you for making the quality of life in my home town a little bit better for everyone. When we talk about affordable housing, yes, NHS is out there making it happen. Congratulations and best wishes to them. All of us in

Congress on both sides of the aisle look forward to seeing more innovative programs brought forward by Neighborhood Housing Services.

Again, Mr. Speaker, I would like to thank the gentlewoman from Louisiana [Mrs. Boggs] for calling this special order. Perhaps we have planted a few seeds in different parts of the country and others will revitalize their interests in bringing out their neighborhoods and reestablishing some of the fine homes and the fine quality of life that hopefully all of us will enjoy.

Mrs. BOGGS. Mr. Speaker, I thank the gentleman from Connecticut [Mr. Rowland] very much for his participation. I think he is a worthy descendent of those 150 years of family members who have been in Waterbury and who realize that we have to constantly revitalize the older areas of our Nation that have so much history and so much wealth and good living to pass on from one generation to the other. So I thank the gentleman very much for his participation.

Mr. VENTO. Mr. Speaker, will the gentlewoman yield?

Mrs. BOGGS. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I thank the gentlewoman from Louisiana for yielding and for providing the time in this special order so we can talk about something that is very important in terms of homes and home ownership and neighborhoods. Today we, of course, have the opportunity to support and give thanks to those nonprofit community-based organizations which are dedicated to revitalizing deteriorating neighborhoods and rehabilitating housing for our lower income constituents.

I have had the opportunity to visit and view the work of the Neighborhood Housing Services-NeighborWorks Network firsthand in Minnesota. The city I represent, St. Paul, MN, has been fortunate to have one of the most successful Neighborhood Housing Services organizations working on rehabilitation and rebuilding two of its deteriorating neighborhoods in St. Paul.

Similarly, our sister city of Minneapolis has the same sort of combination working in two different neighborhoods. In 1987 alone, the Twin Cities Neighborhood Housing Services was responsible for 440 home improvement projects worth more than $2.5 million. Since the program was conceived in 1976, Neighborhood Housing Services has generated more than $27.5 million of direct reinvestment in four Twin Cities neighborhoods. Neighborhood Housing Services is a tremendous asset to these lower-income neighborhoods. I think it represents a good idea that has worked and is working, and at this time, when we talk about neighborhoods and what makes a difference with problems in homelessness, I think it is of paramount importance that we recognize that there are programs that are working that should be reauthorized and should be funded, and that the National Government in setting forth this policy can encourage grassroots participation.

Good ideas need to be acted on in the field. In Washington we are all full of good intentions. I wish I could bottle them up and send them to my constituents. But here is an idea that was created in the midseventies, and it is working in our local communities. It is working because there has been followthrough on the part of not just authorizing committees alone but on the part of the Committee on Appropriations, on which the gentlewoman sits, that has assured the small amount of seed dollars that are necessary to make these ideas viable, to provide the counselors and provide the expertise in those communities, to give people the help that is needed if they want to work on rehabilitating their own homes, improving the image of their neighborhoods, and trying to save that deteriorating housing stock. And by and large, that is, of course, for low-income families. Those are the starter homes. That is the kind of home I owned when I first bought a home. It is the home today that very often gives the opportunity for someone to be part of the community and to provide shelter for their family.

So I want to commend the gentlewoman from Louisiana, and I want to add for the record that I think we should recognize the excellent record of our Twin Cities Minnesota communities in terms of providing housing and utilizing this good program. I commend the gentlewoman for her work in getting this program funded, and I commended my own Committee on Banking, Finance and Urban Affairs for continuing to monitor the program and continuing to reauthorize and support it.

Mr. Speaker, today we have an opportunity to express our support and thanks to a number of nonprofit community based organizations which are dedicated to revitalizing deteriorating neighborhoods and rehabilitating housing for our lower income constituents.

I have taken the opportunity to visit and view the work of the Neighborhood Housing Services—Neighborworks Network firsthand in Minnesota. The city I represent, St. Paul, has been fortunate to have one of the most successful NHS organizations working on rehabilitation and rebuilding two of its deteriorating neighborhoods.

The Twin Cities Neighborhood Housing Services has an impressive 12 year track record of accomplishment in revitalizing these two neighborhoods in St. Paul and two additional areas in MInneapolis. In 1987 alone, Twin Cities NHS was responsible for 440 home improvement projects worth more than $2.5 million. Since 1976, NHS has generated more than $27.5 million of direct reinvestment in the four Twin Cities neighborhoods. NHS is a tremendous asset to these lower-income neighborhoods and a major component to avoid the housing crisis and even homelessness.

As a member of the Banking, Finance and Urban Affairs Committee, I have also had the opportunity to review the accomplishments of NHS on a national level as well. NHS is a good idea that has worked and is working today to maintain our housing stock, the starter homes of homeownership for many of our constituents. Congress recognized the potential of NHS and by creating the the Neighborhood Reinvestment Corporation as well as the National NHS Secondary Market for NHS revolving loan funds much has been accomplished. As a member of the Housing Subcommittee, the past 10 years I have noted the importance of assisting NHS and helped enact improvements to the NHS basic law and charter. The Neighborhood Reinvestment Corporation has helped NHS expand and invest in even more communities across our Nation. The Appropriations Subcommittee has followed through with the money to make certain that neighborhoods have the authorized promise of seed money for counseling and administrative help they need to help themselves. The gentlewoman, Mrs. Boggs, has been a real help on the House Appropriations Committee to ensure adequate commitment. I thank Congresswoman Boggs for her continued interest and support for NHS.

I would like to commend the NHS-NeighborWorks Network and in particular the Twin Cities NHS for its significant accomplishments for revitalizing neighborhoods and rehabilitating low income housing. I would like to call my colleagues attention specifically to the following more detailed overview of the Twin Cities NHS.

TWIN CITIES NEIGHBORHOOD HOUSING SERVICES, INC.: AN OVERVIEW

Neighborhood revitalization has been the primary focus of the Twin Cities Neighborhood Housing Services, Inc. (TCNHS) since 1976.

In four Twin Cities neighborhoods (Northside and Southside in Minneapolis and Dayton's Bluff and West Side in St. Paul), partnerships of residents, business leaders, and local government representatives are restoring health and pride.

A healthy neighborhood is a neighborhood of choice with a stable real estate market and residents willing and able to manage problems they are likely to face. Working together, resident, business and local government NHS partners develop revitalization strategies tailored to meet the needs of their individual neighborhoods.

The nonprofit Twin Cities Neighborhood Housing Services, Inc. (TCNHS) partnership helps homeowners improve their homes while providing their once neglected communities with needed leadership.

Each partner's resources—time, expertise and money—are leveraged through grassroots dedication and involvement. Every program dollar leverages at least $13 of additional investment.

Sharing their talents and resources each partner helps build bridges of cooperation and understanding between the private and public sectors. Neighborhood confidence and leadership are stimulated while the physical, social and economic elements of the neighborhoods are upgraded.

TCNHS is a member of NeighborWorks, the nation's largest network of organizations devoted to revitalizing neighborhoods through grassroots development and leadership.

THE NHS BASICS

In 1987 TCNHS was responsible for some 440 home improvement projects worth more than $2.5 million. Since 1976, NHS has generated more than $27.5 million of direct reinvestment in the neighborhoods.

While housing is literally our middle name, it is important to keep in mind the people we serve:

28 percent of our NHS neighborhoods are people of color.

15 percent are people living below the poverty level.

13 percent are people over the age of 65.

57 percent of our NHS households are headed by women.

45 percent of the female-headed families with children under 18 are living below the poverty level.

The people served by TCNHS are also in the majority on all local NHS boards. Among the diverse 50,000 residents in the four neighborhoods, there is a high percentage of elderly residents and minorities. Single parents head many households.

Of the 13,900 housing structures in NHS neighborhoods, 54 percent are owner-occupied—the priority target of most NHS housing programs. With median family income about 80 percent of the metropolitan median, resources are limited. Yet 28 percent, or 3,800 homes, have been rehabilitated through TCNHS programs.

Initial support for TCNHS came from banks, savings institutions and the insurance industry. Many corporations and foundations have added their support to broaden participation and leadership in revitalizing Twin Cities neighborhoods.

TCNHS is committed to revitalization that does not displace existing residents. Participation in NHS gives residents the opportunity, often for the first time, to work with and understand the concerns of the public and the business sectors. Sitting on loan committees, residents struggle with the tough decisions of where and how to invest limited resources. Developing appropriate revitalization strategies, residents share the weight of the problem as well as the responsibility for finding solutions.

Together, the NHSs have helped thousands of low/moderate income residents with home improvement loans. This assistance, in turn, has stimulated more than $350 million in reinvestment in NHS neighborhoods from other residents, private lenders, and local government.

Every NHS provides essential neighborhood revitalization services: rehabilitation and financial counseling, construction monitoring, insurance counseling and flexible financing for those who can least afford to make needed improvements.

For homeowners with limited incomes even such basic home maintenance work as exterior painting can be difficult. These owners often find it impossible to tackle larger problems, such as leaking roofs or faulty wiring, without help.

Yet if basic housing systems are not maintained, they can be health and safety hazards for the owners. Neglected or undermaintained homes discourage other residents from making their own repairs. The cycle of neighborhood decline begins to accelerate.

To ensure that every homeowner has the opportunity to participate in the neighborhood revitalization effort, each Twin Cities NHS provides a Revolving Loan Fund, now totalling more than $3.4 million. These funds, at flexible interest rates and terms based on the borrower's ability to repay, go to homeowners who cannot qualify for home repair loans from conventional lending sources. Revolving loan funds are normally contributed by the Neighborhood Reinvestment Corporation, foundations, local corporations and by Community Development Block Grant funds.

In 1987, the NHS's made 139 loans totalling $1,076,746 from their High Risk Revolving Loan Funds. This marked the second straight year the million dollar figure was topped.

Measuring NHS effectiveness is an ongoing process. Activity reports measure progress toward annual goals. Annual real estate data indicates price stability and the attractiveness of the neighborhoods to home buyers. Our attitude surveys of residents are an important indicator of neighborhood vitality. After NHS has assisted a homeowner with a project, neighbors are surveyed to determine if additional home improvements occurred independently.

Pursuing innovative strategies, the NHSs have built new homes on vacant lots, restored vacant or abandoned properties, and are helping owners repair single and multifamily buildings. The NHSs are providing financing to many residents unable to qualify for conventional loans.

A Self-Help Money Management Program is being developed in Southside NHS, and if successful, will eventually serve all NHS loan clients. In addition to having limited financial resources, many clients need help managing those resources. By utilizing specially trained volunteers from the community and a manual written by staff, the Program will help clients understand credit and basic money management.

Northside NHS has received a $333,000 grant from the Minneapolis Community Development Agency and the City of Minneapolis for the first year of a three-year program to focus NHS services on the residential blocks flanking Plymouth Avenue from Girard to Vincent Avenue North. Northside also has a special loan program for investment owners with loan forgiveness if they sell to a homeowner occupier. Since 1986 special grants totalling $435,385 were given to 67 residents.

Crime watch programs in the St. Paul NHS neighborhoods have involved concerned neighbors looking out for one another—reported crime has been reduced and hundreds of home security/safety devices have been installed.

The Neighborhood Preservation Project, begun in 1983 in the West Side neighborhood to encourage exterior improvements in area housing, is still producing positive effects. Thanks to renewed neighborhood pride and involvement, a much needed street paving project was completed. In 1987, nine St. Paul residents received grants totalling $42,420.

The St. Paul NHSs have developed Rehab/Sale Projects. Vacant houses which have become eyesores are being purchased, rehabilitated and sold. By acting as a developer for properties in which no one else is interested, the project will create affordable housing without displacing residents, as well as improve neighborhood safety and insurability.

Twin Cities NHS provides fundraising and financial management services to the four NHS neighborhoods. An Improved Financial Management Project is enabling TCNHS to improve its internal capacity to manage its resources, plan more effectively for future growth and reduce its long-term financial management costs. Through this two-year Project TCNHS has hired an Assistant Director for Budget and Financial Analysis; established an Audit Committee; hired an outside auditing firm to thoroughly analyze the existing accounting systems in each NHS and develop a uniform manual accounting system. Computerizing the system is the next step.

Increased costs have put the American dream of owning a home out of reach for many Twin Cities residents. That dream, however, is still coming true for lower and moderate income residents in NHS neighborhoods.

We believe homeownership is the key to stable neighborhoods. Homeowners become stakeholders with a responsibility for their neighborhood's health. Revitalizing a neighborhood's health is what the TCNHS network is all about.

Mrs. BOGGS. Mr Speaker, I thank the gentleman from Minnesota for participating in this special order, and I must say that the Twin Cities has a twin input in this bill, for the gentleman from Minnesota [Mr. SABO] sits on the HUD-Independent Agencies Appropriations Subcommittee and backs up all the work that the gentleman from Minnesota [Mr. VENTO] is able to establish in the Banking Committee. I thank the gentleman very much for his participation.

Mr. Speaker, I have the honor of yielding now to the gentleman from New York [Mr. McHUGH].

Mr. McHUGH. Mr. Speaker, I thank my friend, the gentlewoman from Louisiana [Mrs. BOGGS], for yielding. I join with her in celebrating this week which has been set aside to give special recognition to our National Neighborhood Housing Services. One of the real success stories of Neighborhood Housing Services has been in my own home town of Ithaca, NY, and I would like to share with my colleagues a few of the details regarding that program.

The Neighborhood Housing Services was first established in Ithaca in 1977, 1 year before Congress created the Neighborhood Reinvestment Corp. Since that time, the Ithaca agency has helped to rehabilitate 700 residential properties; 120 former renters have been assisted in purchasing and rehabilitating their homes. An investment of over $10 million has been made in Ithaca neighborhoods, including $3 million in rehabilitation loans to low- and moderate-income residents. Their commitment and sense of responsibility are reflected in their 98-percent record of loan repayments—this from people who did not qualify for conventional financing.

It's also important to note that for every $1 invested by NHS, another $2.60 was invested in our local neighborhoods by the private sector.

In addition to providing grants and low interest loans to lower income residents for home improvements, the Ithaca NHS sponsors free classes on weatherization and house repair, conducts energy audits, undertakes repairs for elderly homeowners in need, renovates rental units, and purchases derelict or vacant properties for resale to low income residents.

Unfortunately, despite all of these positive contributions, Ithaca continues to face a shortage of affordable housing. Housing costs have more than doubled in the last 5 years, while incomes have gone up much more slowly. Homeownership seems a fading dream for an increasing number, and some are even being squeezed out of the rental market. Lower income residents must pay more than 50 percent of their incomes for substandard housing, and some are being forced out of the Ithaca market altogether.

In an effort to meet this increasing need for affordable housing, the Ithaca NHS is working to establish a Mutual Housing Association. This association, when established, will provide participants with an unusual mix of advantages—affordable housing, security from displacement, and a voice in the management of the association that will give participants a greater stake and pride in the community's property. In putting this new association together the local NHS will be assisted by the Neighborhood Reinvestment Corp. This is thoroughly consistent with the intent of Congress, which has encouraged the corporation to help develop mutual housing associations in communities across our country, to extend grants and technical assistance where appropriate, and to monitor the progress of these associations.

Mr. Speaker, we are proud of the innovation and commitment of all of those who have contributed to addressing Ithaca's housing problems. We are fortunate to have a competent, progressive local government and a concerned business community and citizenry. They have worked together in an effective, constructive way. In closing, I would like to pay special tribute to those who have made Ithaca neighborhood services such a success in our community. Its extraordinary work has been recognized beyond the borders of Ithaca, having received the Eleanor Roosevelt Community Service Award as one of New York State's outstanding community service agencies.

As we celebrate National Neighborhood Housing Services Week, we can truly be grateful to this agency and others like it across our land. They have translated our goals into concrete results. They deserve our appreciation and support, and indeed, given the continuing shortage of decent and affordable housing in this country, our increased commitment to make such housing a higher priority on our national agenda.

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Its extraordinary work has been recognized beyond the borders of Ithaca having received the Eleanor Roosevelt Community Service Award as one of New York State's outstanding community service agencies. As we celebrate National Neighborhood Housing Services Week, we can truly be grateful to this agency and others like it across our land. They have translated our goals into concrete results. They deserve our appreciation and support, and indeed, given the continuing shortage of decent and affordable housing in this country, our increased commitment to make such housing a higher priority on our national agenda.

And again, I would like to thank my friend and colleague, the gentlewoman from Louisiana [Mrs. Boggs] for taking this time, and, much more importantly, for her continuing contributions to our Committee on Appropriations where I have the occasion to serve with her and where I have had the opportunity to see the many contributions she has made not only to housing in this country, but to many other concerns affecting the people of our land every day.

Mrs. BOGGS. I thank the gentleman from New York.

Mr. McHugh and the gentleman from New York, of course, have been an integral part of any of the small things I have been able to accomplish on the Committee on Appropriations. I thank them very much for their very interesting account.

Mr. Speaker, as my colleagues see, the National Neighborhood Works Network is really national in scope, and it is comprised of Neighborhood Housing Services, apartment improvement programs and mutual housing associations. The network offers a comprehensive, coordinated reinvestment strategy in rebuilding deteriorated neighborhoods and communities and providing decent, affordable housing for low-income Americans in neighborhoods across the country. Locally controlled by working boards of directors composed of residents, business and local representatives, the national NHS network has generated over $4 billion in reinvestment to date.

I would like to talk a little bit about the success of the Neighborhood Housing Services in New Orleans, in my own district, and just an example of the important work of this network. The NHS began work in the Broadmoor neighborhood in 1975 when that neighborhood was suffering from serious decline. A partnership of the Broadmoor Improvement Association, the city government and most of the city's commercial banks, and savings and loans and homestead associations joined forces to create the NHS. Operating with a small staff, and revolving loan fund and the cooperation of the city government and the financial industry, by 1986 the NHS had brought about well over $15 million in reinvestment in this community of 1,500 homes. A majority of the residents owned their own homes, and the crime rate had fallen, and the real estate market had stabilized. With Broadmoor then self-reliant, the NHS is focusing now its attention on the adjacent neighborhood of Milan and Freret which contained over 1,600 deteriorated or dilapidated homes, and with the help of NHS the residents of these neighborhoods are obtaining the capital and the technical assistance they need to make their homes livable and their neighborhoods safe.

Most importantly, Mr. Speaker, the residents are enjoying a new pride and self-confidence which makes them better citizens and the whole community of New Orleans a better place to live.

This wonderful neighborhood network did not just happen. It is a product of almost 18 years of work by the Neighborhood Reinvestment Corp. and its predecessor organizations.

Mr. Speaker, I yield now to tell us more about the programs in his area to the gentleman from Texas [Mr. Bartlett].

Mr. BARTLETT. Mr. Speaker, I thank the gentlewoman from Louisiana for yielding this time to me, and I want to thank her for taking up this special order on the rather profoundly successful program both in Dallas and in the country entitled "Neighborhood Housing Services."

Mr. Speaker, the Neighborhood Housing Services of Dallas was incorporated in 1973. It is currently operating in Trinity Heights, Mount Auburn, Santa Fe, Wheatley Place, Queen and Beckley Wood. In addition to that, the National Housing Services has completed its work and declared self-reliance in the North Park-Love Field neighborhood which originally started in Dallas.

Now, I served on the community board of directors, a board of advisers, prior to coming to Congress, and I want to attest that in my judgment, both then and now, the Neighborhood Housing Services was one of the most significant factors for neighborhood stabilization in the entirety of the city of Dallas.

Now, since its inception the Neighborhood Housing Services has rehabilitated or built directly a total of 210 units, and it has stimulated $20 million in reinvestment in the community in the form of spinoff, conventional lending, capital improvements, and home repairs.

But the results are much larger than that really. The results of Neighborhood Housing Services has been to identify, and motivate and stimulate an entire neighborhood so that all of the private property owners, and families and lenders in that neighborhood by working together can rehabilitate and stabilize that neighborhood as a whole so the 210 homes that were rehabilitated directly by Neighborhood Housing Services really pale in the comparison compared to the entirety of the homes that were repaired, and modernized, and rehabilitated and built directly as a result of their efforts.

Neighborhood Housing Services is a partnership really. It is a partnership in which each of the three ingredients are absolutely essential. It is a three-way partnership between private homeowners and residents of the neighborhood that is designated between the city or the local government that agrees simply to enforce its code and to build some additional capital improvements and private lenders who are seeking ways to protect the loans and mortgages that they already have in the area in seeking ways to make new loans at a profit, and the results of those three partners working together is the stabilizing and the rehabilitating of large neighborhoods.

In addition to seeking funds through these then traditional sources, the Neighborhood Housing Service is undertaking today countrywide initiatives as part of their program efforts administering a State-funded weatherization programs through the Texas Department of Community Affairs. Available funds total $400,000. The successful award of a contract from Housing Opportunities located in Pennsylvania to conduct an earned ownership program and Project HOPE, a home ownership protected effort, and they have received grants from area agencies on aging to undertake minor home repair of senior citizens' homes, repairs that otherwise could not and would not be made without the Neighborhood Housing Services.

The NHS is currently in negotiations, Mr. Speaker, with the city of Dallas, and as a private developer and local banks to develop 102 additional units of affordable housing. The NHS of Dallas has sold over $350,000 in NHS loans to Neighborhood Housing Services of America, the corporation operating the secondary market for NHS revolving loans. This has enabled the Neighborhood Housing Service to continue making below-market rate loans at flexible terms to residents of the Neighborhood Housing Service neighborhoods, who are able to meet conventional lending criteria.

The Neighborhood Housing Services, Mr. Speaker, was one of the first public-private partnerships, and its working partnership of banks, savings and loans, insurance companies, local governments, and the residents of the neighborhoods it serves remains an inspiration to all of us who would like to see the role of government, minimized as much as possible and the effort of rehabilitation and neighborhood stabilization maximized.

Many of my colleagues are aware of this, but I do want to recognize the coordinating force for all of this in 138 cities and towns across America. The Neighborhood Reinvestment Corp., a congressionally chartered nonprofit corporation which has produced in the past 10 years over $4 billion in reinvestment utilizing Federal appropriations of only $164 million; that is $4 billion of reinvestment from congressional appropriations of only $164 million. This is more than a 30-to-1 return on the Federal investment.

Mr. Speaker, I do commend the gentlewoman from New Orleans for taking out this time to take note of and to commend a rather major force in our Nation's cities and neighborhood rehabilitation and neighborhood stabilization.

Mrs. BOGGS. Mr. Speaker, I thank the gentleman from Texas [Mr. BARTLETT], and I salute him as well because in our depressed areas in our States that are so badly affected by the energy difficulty his district is going forward with some of the most innovative housing and neighborhood programs in the Nation, and I thank the gentleman for his leadership in that regard.

Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. INHOFE], who has had a hands-on experience as the former mayor of Tulsa, OK, and we are very, very pleased to have him here to talk to us about the neighborhood network in his own district.

□ 1530

Mr. INHOFE. Mr. Speaker, I thank the gentlewoman from Louisiana for bringing up a subject such as this. When I found out a few hours ago that this was going to be a matter of discussion, I thought I should certainly appear here, because I have a personal experience in this that other cities have not had. In 1978, 10 years ago, I was elected mayor of the city of Tulsa. We in Tulsa at that time, as before you will recall the Great Depression, which we suffered with falling oil prices since the middle eighties, it was an enviable place to live. We had very few pockets of poverty, so to say, but we did have some areas in the city of Tulsa and certain parts of geographic locations where there were depressed areas, where there were serious problems with housing. It was getting worse and worse, and I thought that normally the Government's answer to a problem like this is to come in with Federal funds and tear everything down and build new plastic housing and have people into those homes, and we know what happens when we do that. Not only is it expensive for the taxpayers, but of course, it generally does not work.

So in these depressed areas of our otherwise fine city that was not suffering any types of economic problems, we looked at some alternatives. It is interesting that the gentleman from Texas was just talking about his program, because I found after checking around in different States that in Dallas, TX, there was an NHS Program that had the participation of the private sector, the savings and loans, the banks, and those institutions who had heretofore red lined districts where they were not willing to make any home improvement loans, not willing to make any loans of any type, and they were actually doing it through the NHS Program, and it was not the result of any public funds.

So by getting these people together and getting the real estate community together, we found that this partnership that has been discussed today between the public and the private sectors, between various levels of government and between the private lending segment of our economy, was able to say, "Let's take an area that would be the most deprived area of the city of Tulsa and let's find one that has a lot of home ownership, as opposed to rentals in it, and let's give some motivation and show that perhaps through peer pressure and many other social devices, if we cannot turn this into a lucrative area for the lending institutions to lend money in."

We got the banks together and the savings and loans together. We called down to Dallas and found out that they had no defaults at that time in the loans that they had, and we put together a program where we brought in the lending community, the real estate community, and I would tell the Speaker and the gentlewoman from Louisiana that we had testimonials from prominent realtors that they had never even been in that part of town, let alone tried to sell property in that part of town. They came in and they were excited about it. All of sudden the dream of home ownership was open to young people and to people who heretofore had not been able to have home ownership.

Well, we started the program and just a few people from the savings and loans and the banks participated. Since then we have had many of them, such as the Telex Corp., the Kaiser Petroleum Co., the Williams Co., Sun Oil, Amoco, Southwest Bell, MCI, and Tulsa Cable, that came in and participated and put money in a pool that would be called a high risk pool. We put a small amount of money from the city of Tulsa into that pool.

We went out and opened up the market, put guidelines of what some people were able or not able to do with that money if they were successful in getting the loan. They started improving their own homes.

Then what did we find? We found that the one living next door said, "Wait a minute. I don't want to live next door to that house and keep that up," so they went and sold them the idea and they got it fixed up. This turned into a very beautiful livable part of Tulsa, OK.

Now, we have gone through that area and two other areas. We are starting our fourth one right now 10 years later. Our default rate is one of the lowest in the Nation.

We have had so far in terms of cost-efficiency only 29 percent of the total amount of funding that has come from any type of public funds.

I think we have set some records. We have leadership, such as Margaret Coulter and Mike Barros, who have come in and made the program work.

I would have to say, Mr. Speaker, after hearing some of the other testimonials and how the NHS Program works in other cities, that maybe it has worked better in Tulsa than any place else. We have had 600 homes affected by our program.

I think if you can set aside the fact that it is a housing program, that we are concerned about livable places for people, and look at the human element, that we now have people in what used to be depressed areas, proud of their homes, fixing up their homes, taking on that responsibility themselves and are proud to say, "This is my neighborhood."

So I cannot think of any group that I would rather pay tribute to than that group the gentlewoman has brought today so that we can give national recognition and testimonial to the fine work the NHS has done throughout America, but particularly in Tulsa, OK.

Mrs. BOGGS. Mr. Speaker, I thank the gentleman, and I congratulate him on the success in Tulsa. It is interesting to note that last year the NHS had its convention, its national convention in New Orleans, and because of the success of the program and because of the involvement of thousands of volunteers and of the whole financial community, the banks, the savings and loans, the homesteads, and the realtors and the hotels in town, the chamber of commerce in town, all underwrote most of the activities of the convention because they felt that the NHS network was doing such a remarkable job and they wanted to make certain that they went away knowing that they had enhanced the quality of life in the city of New Orleans.

So I thank the gentleman very much for his participation.

Mr. Speaker, all of us have had the opportunity to closely observe this remarkable organization. We have been able also to see that with minimal Federal funds and the use of thousands of volunteers and private sector investments and contributions and local government resources, that this splendid organization has made possible over $4 billion in reinvestment in over 300 neighborhoods and a new stake in America for almost 3 million Americans who live in the 243 neighborhoods being actively served by NHS and other neighborhood organizations, and the 61 which are now self-reliant.

Mr. Speaker, I am grateful that many Members have joined together today in this special order and many others have sent remarks to be included in the RECORD.

Mr. BOLAND. Mr. Speaker, it is my pleasure to join in today's special order celebrating "National NHS/Neighbor Works Week." This week honors the thousands of people who have worked to make the Neighborhood Reinvestment Corp. and their various Neighborhood Housing Services agencies a housing success story of the past decade.

Neighborhood Housing Services operates in 138 cities and 240 neighborhoods. This program has resulted in the reinvestment of more than $4 billion in the neighborhoods of this country. Every Federal dollar invested in this program has led to $37 of neighborhood reinvestment. I have been involved with this program since its beginning in 1978. As chairman of the HUD Appropriations Subcommittee, I have watched as this program has grown and prospered over the years. For fiscal year 1989, the Committee on Appropriations has recommended $19,094,000 for the NRC. Of this amount, approximately $3 million is for grants to the Neighborhood Housing Services Network. This seed money is augmented by contributions from local businesses and organizations in the host community. Last year more than 3,000 local private sector institutions joined with local governments and their Neighborhood Housing Services organizations to fund efforts to save housing. Nearly 3 million Americans have benefited from the NHS Program since 1979. This is a program that has proven its worth.

In my home city of Springfield, MA, Springfield Neighborhood Housing Services has written an impressive record of success. Working mostly in the Upper Hill and Bay neighborhoods, SNHS has been involved with the rehablitation of 338 properties. These are homes and apartments that Springfield would most likely have lost forever without SNHS. Instead today these homes and buildings stand in better shape than they have been in years and these neighborhoods are recovering. The largest program run by SNHS is the Home Improvement Loan Program, which provides low-interest loans to homeowners to rehabilitate their property. SNHS has underwritten $3.2 million in loans since 1979. The results of this effort can be seen just by driving through these neighborhoods. Instead of vacant lots, these neighborhoods are dotted with beautiful renovated historic homes. Instead of boarded-up buildings, we have dozens of newly renovated apartments.

The business community in Springfield has been very generous in supporting the Springfield Neighborhood Housing Service Program. Massachusetts Mutual Life Insurance Co. has been the top corporate contributor, providing more than 45 percent of the funds needed to make SNHS work. Other major corporate contributors are the Springfield Institution for Savings, Monarch Capital Corp., Bank of New England West, BayBank Valley, Shawmut First Bank and Trust, Bank of Boston, Community Savings Bank, Northeast Savings, New England Telephone, Bay State Gas, ConFed Savings, Northeast Utilities, Springfield Newspapers, Digital Equipment Corp., Milton Bradley, and Friendly Ice Cream. Many of the top officers of these businesses take time out from their busy schedules to serve on the board of directors of SNHS. I salute them on their commitment to SNHS. I also congratulate SNHS President Sophia Jeffery and Executive Director Susan Broh for their dedication and leadership in these successful neighborhood housing programs.

It is interesting to note that 35 of the properties that Springfield Neighborhood Housing Services has saved had been abandoned by their owners. These homes were renovated and sold to first-time home buyers. Without SNHS these beautiful homes would have been lost forever. This is the type of cost-effective effort that is needed to save neighborhoods across the country. I congratulate Springfield Neighborhood Housing Services and its counterparts nationwide and wish it many more years of success.

Mr. GREEN. Mr. Speaker, I have been familiar with the Neighborhood Reinvestment Corp. and the NHS network for many years now. Last August, I spoke to over 1,000 members—residents, business leaders, and local government representatives—at their National Conference. I spoke to the group regarding the limited Federal resources available for community development efforts and commended them on the creative and flexible efforts being put forth by the network in neighborhoods across the country. I shared with them one of my initial impressions of the network—its ability to serve neighborhoods experiencing such diverse economies.

In the district I represent in New York City, Neighborhood Reinvestment has developed the Lower East Side Mutual Housing Association. The effect of a hot real estate market on this community is severe unavailability of lower income rental resources for families who have lived there for many generations, and the threat of gentrification.

The Lower East Side Mutual Housing Association is a vehicle for providing affordable quality housing to families who cannot afford homeownership and who are being squeezed out of the rental housing market. An ongoing producer, owner and manager of housing, this model offers the current residents: First, security from displacement and continued affordability; and second, a voice in the management of the Association—in their future.

The Association will provide 60 percent of its units to families whose household incomes are below 80 percent of the SMSA median income, including 40 percent of the units reserved for families whose household incomes are below 50 percent of the median.

Moving to the other end of the economic spectrum, in Austin, TX, an economy affected by the oil industry crisis, Neighborhood Reinvestment is developing a Mutual Housing Association. A number of existing apartment buildings, which are held by savings associations and banks through foreclosure, or privately held, are available and will be joined together as a Mutual Housing Association.

In addition to inner-city neighborhoods in such large cities, the NHS Network serve suburban areas built in the forties and fifties as well as successfully serving such rural communities as: Barre, VT, population 9,824; Mabton, WA, population 1,248; and Richland Center, WI, population 5,000.

Mr. McDADE. Mr. Speaker, today's special order provides an excellent opportunity to focus the attention of Congress on 10 years of accomplishments by the National Housing Services network. The NHS's decade of achievement deserves to be placed in the national spotlight because of the positive difference its activities have made in the neighborhoods of many communities throughout the country.

NHS certainly has made a difference in northeastern Pennsylvania. For the past 8 years, the NHS partnership of resident, local business and government leaders has been on the job in Scranton, PA, rebuilding older deteriorating neighborhoods and providing affordable housing opportunities for lower income families. The NHS has specifically helped to improve the Hill section and Pine Brook neighborhoods.

The NHS revolving loan funds has made over $700,000 in low interest loans to lower income families for the rehabilitation of their homes in Scranton. The loans, which are directed to families who cannot qualify for conventional loans, finance repairs that often mean the difference between whether a family can actually stay in their home.

I want to congratulate the NHS Network as well as the Scranton NHS for their creativity and vision in creating a secondary market for these NHS Loans. The secondary market has purchased over 20 percent of the loans the Scranton NHS has made and nationally purchased almost $30 million in loans from HHSs providing additional funds for new lending to families who have nowhere else to turn for help in trying to realize the American dream of home ownership and/or deal with emergency home repairs.

In Scranton, as in numerous other cities, Neighborhood Housing Services are becoming long-term institutions responsible not just for turning around deteriorating neighborhoods, but also for creating housing options for families who can't afford home ownership. The Scranton NHS recently began purchasing, rehabilitating and selling previously deteriorated multifamily buildings.

I am pleased to take this opportunity to recognize the hundreds of NHS volunteers in Scranton for their years of hard work and to offer my encouragement for their efforts to rebuild our communities and help families raise their children in safe, healthy neighborhoods.

As my colleagues know, we are living in a time of increasingly limited Federal resources. The NHS offers a critical, cost-effective resource for housing and community development activities. For every dollar of Neighborhood Reinvestment's appropriations, $37 is reinvested in NHS neighborhoods.

My thanks to Congresswoman BOGGS for her leadership in organizing today's special order and my congratulations to all of those who have worked for the success of Neighborhood Housing Services.

Mr. COUGHLIN. Mr. Speaker, I rise today to join Mrs. BOGGS and others in saluting National NHS/NeighborWorks Week.

As a member of the HUD and Independent Agencies Subcommittee, I am well aware of the accomplishments of both Neighborhood Housing Services [NHS] and the Neighborhood Reinvestment Corp. [NRC]. Their goal, preservation and revitalization for the residents of urban neighborhoods, is an admirable one.

Their success, Mr. Speaker, is enviable. NHS has created a national network of more than 3,000 private sector institutions who, with local governments, are supporting the efforts of their NHS partnerships at an annual level of $24 million. Some 61 neighborhoods have now been turned around and work is continuing in hundreds of others. But what might be the most surprising is that for every dollar of NRC appropriations, $37 is reinvested in NHS neighborhoods.

Mr. Speaker, Philadelphia is a city of neighborhoods and it has proven to be fertile ground for Philadelphia Neighborhood Houseing Services, Inc. This self-help community organization presently serves the Allegheny West, East Frankford, Southwest Philadelphia, Fern Rock/Ogontz-Belfield and Overbrook neighborhoods of the city. Through 1987, 400 loans totaling $1,637,400 have been made to lower income residents.

One of the major concerns of the Philadelphia NHS was the blighting effect vacant lots and abandoned properties had on their neighborhoods. In cooperation with the Allegheny West Foundation and the support of the city of Philadelphia, more than 100 vacant properties have been rehabilitated.

Increased capital spending and improved public facilities have occurred in the NHS target neighborhood as a result of the public/private partnership. Small parks were built, repairs made to area recreational facilities, new sidewalks installed, and trees planted.

A variety of special neighborhood projects, designed by local NHS boards of directors, were completed. These include free paint to residents—1,850 homes were painted by the residents themselves—installation of lawn lamps throughout neighborhood blocks; a tool lending library; weatherization materials and installation assistance for residents.

Mr. Speaker, at a time when so much interest is focussed on Federal programs that do not work, I think it only fair to recognize one that is really doing the job. I congratulate my colleague from Louisiana for bringing this special order before the House, and appreciate the opportunity to join her in addressing the issue.

Mr. JEFFORDS. Mr. Speaker, I am pleased to be able to join with my other colleagues who are here today to take part in the celebration of "National Neighborhood Housing Services Week." My participation is evidence that Neighborhood Housing Services [NHS] are not just a success story for our country's urban communities. Starting in 1983, a number of communities in the State of Vermont began working to see if NHS could meet some of the needs of rural communities. There experience thus far has been an outstanding success.

NHS' cost-efficient and common sense approach to tackling the housing problem has found fertile ground among the do-it-yourself, independent-minded residents of Vermont. Today, NHS is at work in three Vermont towns; Barre, Rutland, and East Randolph.

In addition to its traditional lending and housing rehabilitation activities, in a rural setting NHS is also applying adaptive reuse strategies to previously abandoned buildings and helping communities develop viable plans for managing commercial and economic development. NHS has also recognized that Vermonters value the beauty of their natural surroundings and has helped communities set aside space for recreation areas and address other environmental concerns.

The search for resources for the NHS operations and loan funds has proved more difficult than in urban settings. But thanks to the exceptionally generous support of our local businesses and the thousands of dollars of inkind services they provide, NHS has succeeded. The success in Vermont can also be attributed to the deep sense of community. Everyone in each partnership resides in the town where the project is located and thus has a stake in the program's success.

To some extent, NHS' impact in Vermont can be measured in quantifiable ways. The various programs have generated over $6 million in reinvestment in their communities. They have also directly lent over $800,000 in low-interest loans to 110 Vermont families who would not otherwise have qualified for financing to make critical home repairs. But these numbers do not capture the full extent of the sense of pride that these programs have helped generate in the residents and the communities.

In these days when there are so few resources available to meet the needs of our rural communities, NHS stands out as an outstanding example of what can be accomplished. I am delighted to join Mrs. BOGGS in celebrating the success of the NHS network in revitalizing America's neighborhoods both urban and rural. I congratulate the hundreds of volunteers in Vermont for their determination and contribution to the success of Community Housing Services of Vermont.

Mr. LAFALCE. Mr. Speaker, I am pleased to be able to participate in today's special orders paying tribute to the accomplishments of the network of Neighborhood Housing Services across the country. The NHS network has played a vital role in revitalizing declining neighborhoods, thereby enhancing the lives of millions of Americans.

In particular, I would like to highlight some of the many achievements of the NHS in my district, the 32d District of New York. The Niagara Falls Neighborhood Housing Service, now in its ninth year of operation, has contributed in countless ways toward improving the quality and stability of housing in Niagara Falls.

The success of the Niagara Falls NHS can be summarized in one word "partnership." The partnership represents a long-term commitment by residents, financial institutions, business, Government, volunteers and NHS staff, all of whom have come together to work toward one common goal—the revitalization of Niagara Falls neighborhoods.

The revitalization of the Pine Avenue commercial corridor is an outstanding example of the success that can be achieved through a partnership of the NHS and the private sector. In 1983 the Niagara Falls NHS began its commercial program to instill new life into the Pine Avenue commercial strip. More than $3 million has been invested in the Pine Avenue commercial area with $2.6 million in private investment. Through the commitment of the public/private partnership, NHS has recently organized a financial consortium which is making available $1 million for small business loans in the Pine Avenue commercial area.

Another noteworthy project is the rehabilitation of the vacant and dilapidated Ferry Avenue School. The New York State Housing Trust Fund and Norstar Bank, both active partners to the NHS, have contributed a total of $1.5 million to implement the adaptive reuse of the abandoned school building. The school will be rehabilitated and converted into 36 units of elderly housing with 7 units built to accommodate the handicapped. In addition to removing a neighborhood eyesore, the success of the project will meet a real need in the neighborhood—affordable elderly housing.

The Neighborhood Housing Services Network has also been active in providing low-interest rehabilitation loans to thousands of residents who would otherwise be considered unbankable. In Niagara Falls, the Affordable Housing Corp., which is an NHS subsidiary, has recently helped 11 first time home buyers purchase and rehabilitate their homes. What is particularly interesting about this project is that seven of the new owners are female heads of households and the other four homeowners are handicapped. The Niagara Falls NHS should be commended for its success in making home ownership possible for these individuals.

The staff of the Niagara Falls NHS should be specially recognized for their hard work and dedication to making a positive difference in the lives of neighborhood residents. However, we must remember that the success of the NHS would not be possible without the efforts of the full partnership of volunteers, residents, State and local governments, and the private sector. It is through this spirit of cooperation that the NHS has been successful in generating a new sense of community achievement.0

Mr. ST GERMAIN. Mr. Speaker, 10 years ago the Neighborhood Housing Services network was like a long distance runner digging in his spikes for a strong, steady start. NHS was at work in only 36 neighborhoods, with just a small loan purchase pool for putting new money into its loan funds.

Today, NHS the marathon runner is just hitting its stride, fast and sure in a trek where there is no end in sight. A decade after its humble but hopeful beginnings, NHS serves 236 neighborhoods, and has created a true secondary market which has sold almost $30 million in notes backed by NHS loans to institutional investors.

Compared to others making the same run, NHS was first out of the blocks and has remained far ahead ever since. In its goal of trying to stop neighborhood deterioration, NHS has succeeded like no others in creating a working strategy to not only put the brakes on deterioration, but in turning around troubled neighborhoods of choice. They have become an institution in 136 cities and rural communities across the country, local partnerships with more than 2.5 million residents working hand-in-hand with more than 3,000 businesses and governments to revitalize neighborhoods in need from coast to coast.

The success of NHS is not only heartening to those of us who have dedicated much of their careers as public servants to trying to help the decaying among America's cities, but it is a repudiation of those cynics who believe that productive partnerships between the public and private sectors is impossible. NHS's accomplishments show that when the community is in need, and there is a viable agent for improvement, cooperation of this sort is not only possible but incredibly fruitful.

Take as an example the case of East Providence NHS, which has worked what I would term a miracle in the city of Riverside, Rhode Island, over the past eight or so years. In 1980, this town—which had a long history as a stable, cohesive lower and moderate income community—was experiencing rapid deterioration. More than 26 percent of the housing stock was severely run down, and while 65 percent of the homes were owner occupied, the area had the lowest median income in the Providence vicinity.

Through NHS, the residents, local lenders and the city banded together to halt the deterioration of Riverside. Almost 9 years have passed since the inception of that partnership, and to walk down the streets—once blighted and decaying, now rebuilt and blossoming—is to witness the evidence of NHS's unqualified success. Areas with 80 to 100 percent deterioration have been wiped out entirely, and now only isolated units remain to be rehabilitated.

And while the Riverside has been physically restored, it has also been psychologically repaired. By involving the residents in the project, by giving them a genuine stake in the future of their neighborhood, NHS has produced a sense of newfound civic pride. Low interest loans, facade improvement grants and efforts to stimulate conventional lending are all vital, but without the commitment of individuals in the community, revitalization is a near impossible task. By not ignoring the human element, NHS has discovered the secret ingredient that is often left out of recipes for revitalization.

I am proud to have been one of the authors of the Neighborhood Reinvestment Corporation Act, the legislation that helped launch the creation of the NHS network. I congratulate the NHS partnerships in Riverside and 135 other cities across our country for their outstanding work in America's hurting neighborhoods.

Mr. MFUME. Mr. Speaker, today I rise to join my colleagues in recognizing the week of June 5–11, 1988, as "National Neighborhood Housing Service Week." I am pleased to pay special tribute to the Neighborhood Housing Service and its affiliated partnership organizations of residents, local governments, and businesses—all of which make up the Neighborhood Works Network.

The Neighborhood Housing Services is a community-based, nonprofit organization which is successfully revitalizing and providing stability to many neighborhoods in more than 137 cities and 243 neighborhoods throughout the country. Over 3 million individuals, consisting of elderly, low-income, and minority individuals, have benefited greatly from the reinvestment funds provided by the Neighbor Works Network.

In my own district of Baltimore, over 700 neighborhood renters were assisted in becoming homeowners through counseling and financing in the past 10 years. More than 600 families who could not afford conventional financing received assistance in below market financing. Furthermore, more than 500 vacant houses, which previously cost the city of Baltimore over $1,000 a year in lost taxes, were rehabilitated. I encourage the Neighborhood Housing Services to continue its efforts in rebuilding neighborhoods and providing quality housing for many of our citizens.

Mr. Speaker, I commend the Neighborhood Housing Services and other members of the Neighbor Works Network for their dedication in making the American dream of home ownership a reality.

Mr. FAZIO. Mr. Speaker, as the sponsor of House Joint Resolution 386, the resolution to designate this week as "National NHS/NeighborWorks Week," I strongly support the effort here to draw further attention to the important work done by Neighborhood Housing Services partnerships across the country.

Neighborhood Housing Services [NHS] and its affiliated partnership organizations of Apartment Improvement Programs and Mutual Housing Associations, are helping to rebuild America's lower income neighborhoods. These locally initiated partnerships allow a neighborhood's residents to work directly with local businesses and government leaders to identify their neighborhood's problems, determine what needs to be done, and then work to reestablish a stable and healthy neighborhood.

The success of their efforts is impressive. Today, NeighborWorks partnerships are working in 138 cities and have led to a renewed sense of pride and confidence for the residents in these cities and neighborhoods.

The NHS partnership is active in my congressional district. The Sacramento Neighborhood Housing Services is a neighborhood based nonprofit corporation set up to promote reinvestment, renew pride, and restore confidence in the Gardenland, Noralto, Oak Park and Fruitridge Pocket neighborhoods. I encouraged the Neighborhood Reinvestment Corp. to develop a Neighborhood Housing Services in Sacramento because of NHS' success in ensuring that older neighborhoods are not forgotten or abandoned in the wake of rapid growth and development.

As with NHS partnerships across the country, the Sacramento NHS is an active partnership between the public and private sector. NHS' public sector partners provide improved public services and financial resources for below-market rate rehabilitation loans. The private sector partners help raise operating funds and provide their expertise to run the organization in a businesslike manner. And most importantly, neighborhood resident partners have made the commitment to rehabilitate their homes, and take a leadership role in improving their neighborhood.

I introduced NHS/NeighborWorks Week and am participating here today to honor the thousands of volunteers who have contributed countless hours of work and private resources to the success of NHS in Sacramento and across the country. Through our support of the Neighborhood Reinvestment Corporation, the Federal Government continues to be a contributing partner in this successful public/private partnership, which is working to revitalize our urban neighborhoods.

Mrs. LLOYD. Mr. Speaker, I am delighted to have this opportunity to share in this celebration of NHS accomplishments for America's neighborhoods.

Chattanooga is the largest city in the country to commit itself to eliminating substandard housing in a decade and Chattanooga Neighborhood Housing Services is setting an exceptional example in the city's St. Elmo neighborhood.

An Easter Sunday special on St. Elmo in the Chattanooga News Free Press said:

> Less than a decade ago, St. Elmo seemed to be teetering on the edge of decline. Now it is a community on the move. * * * neighbors once poised for flight are now digging to stay and doing it with enthusiasm. Much of its new vitality can be attributed to the determined efforts of community leaders like Roy Nelms and David Davies * * * (who) directs the highly touted Neighborhood Housing Services, a local agency that secures loans in blighted areas for homeowners with below average incomes. When NHS arrived on the scene five years ago a large portion of St. Elmo was indeed blighted. * * *
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> More important than the face lifts, however, are the changes in the way St. Elmo residents feel about their community. If we can help an 80-year-old widow on a fixed income of say $329 a month, who is just barely able to pay her taxes, insurance, and eat, to fix up the house that has fallen down around her, it benefits the whole neighborhood. Her house, through no fault of her own, may have become the reason her neighbors have decided that they needed to get away. * * * Each new renovated home, Davies added, helps change community attitude.

I want to take this opportunity to congratulate people like Roy Nelms' a retired businessman who spends part of each day plotting how to make St. Elmo a better neighborhood and the staff and volunteer of the St. Elmo NHS who have committed themselves to revitalizing St. Elmo for the benefit of its current residents and helping our lower income families realize the American dream of homeownership.

In celebration of National NHS Week, Mr. Speaker, I would like to submit this article from which I quoted for the RECORD and again express my congratulations and appreciation for the thousands of hours of volunteer effort the residents and local businesses throughout our country are investing to rebuild neighborhoods like St. Elmo for the benefit of their current residents.

ST. ELMO

(By Lin C. Parker)

The images evoked by St. Elmo are as varied as the thousands of residents who have settled there. One neighborhood leader, inspired by its wealth of artists, calls St. Elmo "Chattanooga's Left Bank." Another praises it as a truly integrated community. Businessmen find renewed investment potential in its real estate. Tourists know it as the getaway to Lookout Mountain. Preservationists recognize it as the city's foremost historical district. Forward thinkers see it as a Victorian arts village in the rough.

Peel back the top layer and you'll find an element of truth in all these observations. You'll also discover one of Chattanooga's most fascinating diverse populations. There are college students in rented apartments; young marrieds in starter homes and lifelong residents in turn-of-the-century mansions. There are artists in backyard studios; yuppies tending herb gardens; fast-paced business professionals; would-be street toughs and curb-side mechanics.

It's a place where neighbors know each other and, though their ideas and values may be worlds apart, they have achieved a harmonious kind of balance.

Less than a decade ago, St. Elmo seemed to be teetering on the edge of decline. Now, it is a community on the move. Spring flowers bloom along its main boulevard. Victorian homes are being returned to their original splendor. The business district is crackling with renewed interest. Attitudes are slowly changing—neighbors once poised for flight are now digging in to stay and doing it with enthusiasm.

Outwardly, much of its new vitality can be attributed to the determined efforts of community leaders like Roy Nelms and David Davies. Nelms heads the St. Elmo Improvement League, a handful of concerned citizens who saw their neighborhood take a dive and banded together to turn it around. Davies, perched in a converted home on Alabama Avenue, directs the highly touted Neighborhood Housing Services, a local agency that secures loans in blighted areas for homeowners with below-average incomes. (When NHS arrived on the scene five years ago, a large portion of St. Elmo was indeed blighted.)

Visitors will still find pockets of neglected houses, crumbling exteriors and boarded windows. They'll also find wonderful tree-lined boulevards where each pastel colored home is Victorian picture perfect. Many are the handiwork of NHS, which also purchases and restores deteriorated properties when no other market exists. Strangely enough, the rundown homes that prompted many residents to leave, are now looked upon by some as bankable community assets.

What attracts young couples to St. Elmo? Affordable homes. What makes older homes affordable? The fact that they do need a little fixing up.

One renovated Alabama Avenue residence, singled out by Davies, is a prime example of why young couples are willing to take on a fixer-upper. "A young family can come into St. Elmo, buy a house and expect its value to increase significantly. This particular house sold for $6,500 in 1975. It sold for $17,000 in 1981. Last year it was purchased for $38,500," he said, telling of another residence nearby that had appreciated equally well. "Though real estate values are going up," Davies continued, "St. Elmo is still a place where you can buy a home for less than $20,000."

One neighborhood resident, George McCrary, never thought he would be able to own the kind of home he lives in today but thanks to NHS, he literally pulled his dream out of the ashes. "I liked St. Elmo's older homes and I wanted a garden. Roy Nelms suggested that I talk to NHS. They found me this lot, which is 140 feet deep. The house was fire damaged, but I bought it based on what NHS was going to do. Except for the framework, roof and floor, I basically got a new home." Similar testimonials are repeated often.

According to Davies, NHS received more than 300 calls last year from people wanting information about buying or renting in the St. Elmo area. Fifty-seven files were opened on families, who like the McCrarys, were likely to be eligible to borrow rehabilitation funds from or through NHS. "We know how to do things," the NHS director said. "The neighbors know what needs to be done. As long as they are willing to give vigor and intelligence and guidance, it will get done."

More important than the face lifts, however, are the changes in the way St. Elmo residents feel about their community.

"If we can help an 80-year-old widow on a fixed income of say $329 a month, who is just barely able to pay her taxes, insurance and eat, to fix up the house that has fallen down around her, it benefits the whole neighborhood. Her house, through no fault of her own, may have become the reason her neighbors have decided that they need to get away," said Davies.

Each new renovated home, the director added, helps change community attitude. "Something happens in people's minds about buying into the community when houses are fixed up." People who were leaving, decide instead to stay. Improvement leader Roy Nelms, whose Alabama Avenue home is one of more than 750 St. Elmo structures listed on the National Register, has noticed the same phenomenon. "Rehabilitation is catching," he said. "If people see its going on in one block, others find it downright contagious."

New resident, David Ramsey, caught the fixer-up bug and took it one step further. He is an outspoken neighborhood advocate. "In order to restore St. Elmo to a good cohesive neighborhood that is attractive to young couples, we have to have a good working elementary school with a broad based level of community support," he said. Others agree. Ramsey offered his help to St. Elmo Elementary Principal Tee Myers, who accepted with open arms. The school playground was targeted for improvement. Through industry contacts, he has raised several thousand dollars in support.

In addition to private efforts like Ramsey's, the Chattanooga Board of Realtors has adopted the elementary school, providing tutors for remedial reading and math. St. Elmo churches have donated basketballs and taken an interest in the children. According to the principal, the school itself has recently undergone remodeling. "The difference it made to the children was unbelievable. We had to tell them it was all right to walk on the carpet."

Last year, combined efforts by NHS and the St. Elmo Improvement League, resulted in the planting of 25,000 Dutch daffodils along 1.7 miles of St. Elmo Avenue. Several hundred people participated in the community project, including Wayne Robertson, a St. Elmo Nurseryman who dug all of the more than 450 planting beds. Former postman Arthur Hitchcock came back to St. Elmo from Red Bank to help with the planting. The 77-year-old mailman was married in 1938 in the "most outstanding building in the district"—St. Elmo Presbyterian Church. He still returns there for services every Sunday.

St. Elmo's historic landmarks, scenic location, tree-lined yards and high-ceiling homes have attracted many creative people and local artists. Ed and Doreen Kellogg, moved to St. Elmo 15 years ago. "We were looking for a larger older home that would provide us space for a studio. I teach part time at Covenant College and wanted to be close to the school," said Ed, who bought a Queen Anne style home with spacious rooms and a yard big enough for a garden. Four children and many large canvases later, he built a new studio out back.

So did James Ward, a composer and musician friend down the street. Jeff Rogers, a potter, framed in half of a St. Elmo Avenue garage and turned it into shop space and a small gallery, where he shows the works of several different artists.

Though their careers are not all going in the same direction, the community artists—including stamp-makers, photographers, woodworkers, banner-makers, sculptors and basket-weavers—are often united in moral support. These imaginative people have attracted others with like interests.

It has taken time and effort, but things are slowly changing for this grand old neighborhood. There are fewer and fewer multifamily dwellings, fewer absentee landlords and fewer neglected houses. On streets where residents were traditionally only passing through, families are moving in and putting down roots. "If cars speed down the street and threaten their kids, there're onto the cops," said David Davies, pointing out that the police know that they are wanted in the neighborhood. "The families here are smart and capable. They are letting the city know that they want the services they are paying for.

"People are no longer sitting around swizzling their six-packs and watching TV. You have people who will say, "D . . . it, this is my place. We are raising our kids here and we want it to be good."

Mr. ROSTENKOWSKI. Mr. Speaker, it gives me great pleasure to rise before the House today in support of NHS Neighbor Works Week. Neighborhood Housing Services of America is a prime example of how our neighborhoods can be made a better place to live with a little bit of money and a lot of determination. Chicago's NHS is a large part of the success of the national NHS organization, and a big part of the improvement in the quality of life in the Chicago neighborhoods which I represent.

In 11 years, the Chicago NHS alone has salvaged countless housing units, served over 22,500 clients, and generated over $215 million of reinvestment through a number of diverse neighborhood services. In doing so, it has formed a strong working partnership with the Illinois Housing Development Authority, the city of Chicago, the Chicago Community Trust, and other committed local private sector organizations in order to continue and expand its diverse activities.

Among the private sector participants in NHS programs, the insurance industry has been prominent. In 1978, the property casualty industry together with NHS created a model national program. The objectives of this partnership were to improve the overall insurability of NHS neighborhoods and to strengthen the industry's ability to serve older urban neighborhoods.

The results have been tremendous—both in Chicago's NHS neighborhoods and in urban neighborhoods across the country. Aside from the millions of dollars the industry has provided for direct support of NHS projects, new policies have been developed to meet the special needs of older urban markets, including more sensitive underwriting standards. In Chicago especially, exceptional leadership and support have been provided by the Allstate and State Farm Insurance Co.

Thanks to such varied and active support, the Chicago NHS is the largest and most complex in the country. This year it established its ninth neighborhood center in the city. Its accomplishments are more acutely demonstrated by the fact that one of the centers which has been operating in my congressional district is now phasing out its activities because of the strength and stability which has developed in the neighborhood.

NHS knows that it is vital to restore confidence in a neighborhood if there is to be any growth and investment in it. In Chicago and many other cities, it has proven that this can be done and most importantly, that neighborhood residents want to do it. Neighborhood Housing Services is to be commended for its accomplishments and supported in its future endeavors.

Mrs. BOXER. Mr. Speaker, it is my great pleasure today to salute Vallejo Neighborhood Services, Vallejo, CA, and to join in celebrating National Neighborhood Services Week. The NHS network epitomizes the American ideal of public-private partnership and neighborhood involvement to revitalize our communities and improve the quality of life for American citizens who live in deteriorating neighborhoods.

Nationally, this program has been an efficient use of Federal appropriations leveraging every dollar 37 times. It is a model of cooperation between the Federal and local governments, private lending institutions and the residents of targeted neighborhoods whose communities become sources of pride as they themselves receive training and technical assistance. Low interest home repair loans of $138 million have been made to low-income residents along with a solid vote of confidence that they and their communities deserve outside support. Public capital improvements of $602 million have gone into these neighborhoods. Valuable low-income housing stock is being preserved at lower cost than new construction.

In Vallejo, all of these benefits have been felt. The joint partnership of the Vallejo Neighborhood Housing Services, Inc. consists of the city of Vallejo, community financial institutions, and private corporations and the Vallejo small business community acting jointly with the residents of south Vallejo. They are working to renew pride, restore confidence, promote reinvestment and revitalize the NHS neighborhood.

The participants in Vallejo Neighorhood Housing Services, Inc. [VNHS, Inc.] are working together to translate this common vision into a better community in South Vallejo. Residents are seeing the results of their efforts in increased pride in ownership and better cooperation with the city government. Low cost loans for rehabilitation of homes and infill construction and a free paint program are helping to reverse neighborhood deterioration. One of the most exciting projects to date is the completion of the six-unit Lake Dalwigk townhouses in August 1987. The free paint program has spruced up over 45 single family units since July 1987. During the same period, 12 rehabilitation loans were granted.

In 1987, 10 percent of the value of Vallejo building permits issued or $10,646,861 represents the target area reinvestment which has been leveraged on the $100,000 operating budget of VNHS, Inc. This represents getting real value for the Neighborhood Housing Services dollar and is one of the best bargains available.

VHNS work continues so we can look forward to more positive results. Both Solano County and the city of Vallejo have passed resolutions to contract with VNHS, Inc. for more than $500,000 for housing projects in the 1988–89 fiscal year.

This innovative program is going to enable the south Vallejo community to move into the 1990's with pride and new self-reliance. I am proud of the work that has been accomplished and pledge my support to this valuable program both in Vallejo and across America.

Mr. GEPHARDT. Mr. Speaker, June 5 to 11, 1988, celebrates the accomplishments of the National Neighborhood Housing Services [NHS]. This community development organization deserves recognition for the service and financial assistance it has rendered to St. Louis and our Nation. The efforts of NHS in encouraging cooperation among neighborhood residents, members of the banking and insurance industries and local officials for purposes of revitalizing neighborhoods throughout the country are commendable.

Since 1976, the St. Louis NHS has been a vital and thriving program which has contributed financial support to low- and moderate-income homeowners in neighborhoods badly in need of revitalization. Such NHS programs as the Owner-Rehabilitation Program and the Code Enforcement Revolving Loan Program have helped to rehabilitate successfully vacant and abandoned buildings as well as improve the safety of historic housing in St. Louis and other cities in our Nation.

The Neighborhood Housing Services has made an important contribution to society by enhancing the lives of 2.9 million Americans, while fostering a partnership between city governments, banking institutions and insurance firms, and neighborhood residents. It is through such efforts that St. Louis and cities across America will again become strong and vital. Again, I commend the NHS for its continued service to our communities and encourage their continued efforts toward providing affordable housing for all Americans.

Mr. COYNE. Mr. Speaker I am pleased to take this opportunity to congratulate the Neighborhood Housing Services on their 20th anniversary. Over 200 NHS programs have been established in the United States. They represent a partnership that works—a partnership in which neighborhood residents, city officials and the business community work together to revitalize neighborhoods and to make housing affordable to many individuals.

The Neighborhood Housing Service in Pittsburgh is worthy of special commendation for being the very first NHS established in this country. In 1968, a group of Northside residents met to discuss the problem of urban renewal and neighborhood decline. This group, under the leadership of Mrs. Dorothy Richardson, initiated a partnership with Pittsburgh city officials and local banks and established the central northside improvement fund on July 3, 1968. A few months later, the program was renamed "Neighborhood Housing Services, Inc." Their goal was to provide low-income families and individuals with a "decent house in their lifetime".

The Pittsburgh NHS raised $800,000 which they used to establish a revolving loan fund. From that initial fund, they have made 700 loans worth over $1½ million. Those loans have enabled very low income people to purchase or maintain housing in the Northside and Pittsburgh areas.

Between 1975 and 1980, the Pittsburgh NHS operated the city's Home Repair Loan Program for all neighborhoods north of the Allegheny River and south of the Monongahela River. This program resulted in over 2,600 loans worth approximately $8 million.

The overall statistics are impressive. But the individual stories of people that have been able to become or remain homeowners with the help of the Pittsburgh NHS are, to me, a better measure of the value of this program.

In 1970, a 68-year-old unemployed porter came to the Pittsburgh NHS to ask for assistance in making emergency repairs to his home. He was supporting a family of four on $444 a month. The Pittsburgh NHS lent him the $300 he needed to make those repairs.

In 1972, the Pittsburgh NHS made a rehabilitation loan to a 45-year-old beautician who was supporting herself and her child on $340 a month. She received and paid back a loan of $1,750.

In 1975, the Pittsburgh NHS helped a 24-year-old file clerk, the head of a family of three, purchase and rehabilitate a home. From a monthly salary of $437, she was able to repay a loan of over $15,000 that helped her and her family become homeowners.

In 1983, the Pittsburgh NHS helped a 38-year-old security guard rehabilitate his home with a loan of $10,000. He repaid the loan from his salary of $713 a month.

There are many many more stories like these about people who were able to become or remain homeowners with the help of the Pittsburgh NHS. By making loans to low-income individuals, by taking a chance on people that would otherwise have no way to finance a mortgage or borrow the money to make needed repairs the Pittsburgh NHS has been a major force in developing Pittsburgh's northside neighborhood and in achieving a new level of community involvement.

Today, the Pittsburgh NHS has expanded their activities beyond the provision of high risk loans to unbankable people. They have helped in packaging conventional and city loans for families and individuals. They provide services in housing rehabilitation, including referrals, estimating repair costs, providing credit counseling and assisting with emergency repairs. In cooperation with the Central Northside Neighborhood Council and the Urban Redevelopment Authority, the Pittsburgh NHS has begun to help the city market vacant houses in the inner city areas.

The NHS organizations nationally have done tremendous work in assisting many individuals in purchasing and maintaining their homes. They have shown great dedication to their goal of "keeping the door to homeownership open". I congratulate them on their success and wish them the best for the future.

Mr. LEACH of Iowa. Mr. Speaker, today I want to highlight and make my colleagues aware of a Federal housing program which is working—the Neighborhood Housing Services. Presently, there is a plethora of housing programs designed by Congress to meet the Nation's severe housing needs. Despite their good intentions and, in some cases large sums of taxpayer money, not all of them are successful.

The Neighborhood Housing Services has been successful because it primarily relies on resources from the local community. The money from private companies and labor from local volunteers allow locally controlled associations to develop and implement appropriate housing assistance programs.

I have seen firsthand the Neighborhood Housing Services at work in my hometown of Davenport, IA. Since the Neighborhood Housing Services of Davenport was established in 1981 more than 100 rehabilitation loans, from a revolving account, have been made to residents who are not able to qualify for conventional lending.

Furthermore, the Neighborhood Reinvestment Corporation, federally chartered nonprofit organization, has provided technical assistance to the Davenport NHS, helping it take on innovative strategies in neighborhood revitalization. Recently, the Neighborhood Reinvestment Corporation gave the Davenport NHS a grant to develop an architectural salvage business which removes items such as doors, light fixtures, plumbing, hardware, and wood siding from buildings scheduled for demolition. These items are then sold to NHS residents at an affordable cost for rehabilitation purposes and the proceeds provide additional financial support to NHS to carry on its work.

The venture is an experiment in neighborhood preservation and provides historic and cheaper building materials for use by Davenport residents.

Through this public/private partnership approach there has been a positive change in the East Davenport neighborhood. Homes are getting a much needed face-lift and neighborhood pride is back.

But the work of NHS is not best understood in numbers of homes fixed, numbers of tools lent, or number of times technical advice has been given. Instead, the work of NHS may be better expressed in the testimonies of those who are helped.

For instance, a 72-year-old woman recently noted that without the emergency loan made to her at 3 percent interest when her furnace broke down, she and her bedridden husband would have been forced to move out of their home. She also pointed out that NHS assistance helped her cancel an unfair contract for new storm windows.

As Congress works on future housing legislation, we would do well to study how NHS successfully uses the community-federal partnership to effectively address basic human needs.

GENERAL LEAVE

Mrs. BOGGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of this special order today.

ANOTHER LOOK AT WHAT IS HAPPENING IN NICARAGUA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. ROWLAND] is recognized for 60 minutes.

Mr. ROWLAND of Connecticut. Mr. Speaker, before we get into the issue of our discussion on this special order, I yield to the gentleman from California [Mr. DORNAN].

REMEMBERING OUR HOSTAGES

Mr. DORNAN of California. Mr. Speaker, I thank my distinguished colleague from Connecticut for yielding.

Events went very quickly this morning and I did not get an opportunity to make a 1-minute speech at the beginning of the day on a very tragic day. Some of us in the Chamber wear what we used to call POW-Missing in Action bracelets. I resurrected this program. I felt I had a right to do it, since I am very proud that I started it initially way back in February 1970, for the names of our hostages who are held in Beirut, Lebanon.

Today, June 9, is the beginning of the 4th year of the captivity of Thomas Sutherland. Tom Sutherland had never been to Beirut before. He was assigned to the American University at Beirut, which used to be one of the prime colleges in all the Middle Eastern areas, a gift more or less from the American people to all the Middle East. He was going over there to teach them about agronomy. He was going to be the head of that department. In other words, he was going to teach people in Lebanon how to have the success that we have in America growing products to feed their families.

He arrived at the airport and was in the country 20 minutes on the airport road going into Beirut when two armed bands pinned his car front and rear, dragged him out, blindfolded him, put guns to his head. It was 3 years ago today and he has been in captivity in some filthy cellar ever since—20 minutes outside, arriving in a country to give of yourself to help them, and his reward is 3 years held in a rotten dungeon, all in the name of Allah, the same God that we honor, the same God that is over your head, Mr. Speaker, "In God We Trust."

We are glad that Tom is alive. His wife was going to follow him over there by a few days. Well, she did, and she has been living in that dangerous area ever since to feel close to her Tom and to keep a vigil.

I met one of the lovely daughters who works for United Airlines. When people come to visit this city of Washington, DC, and pick up the phone to call United Airlines and book their reservations home or to get here, you may be talking to Tom Sutherland's daughter, an agent for the United Airlines.

Please remember Tom in your prayers, and remember, of course, our first captive, Terry Anderson, the AP bureau chief who started his fourth year March 16, a few months ago.

Pray to God that these 2 men and the other 7 Americans who have been held captive starting a couple years after them and the 21 Europeans, I hope they will all be returned safely.

To their captives, you cannot believe that you are serving Allah and God by keeping these innocent people who went over there to help you, captive and away from their families.

Mr. Speaker, I thank the distinguished gentleman for yielding me this time.

Mr. ROWLAND of Connecticut. Mr. Speaker, I thank the gentleman from California. He has certainly kept this issue in the forefront, not only of the Congress, but of the American people. We thank the gentleman for keeping that memory alive.

Mr. Speaker, it has been 4 months since the House defeated the last proposal for military aid to the Nicaraguan resistance. It has been slightly more than 2 months since a cease-fire was arranged in Nicaragua. Negotiations have been under way between the Sandinistas and the resistance forces since that time.

I guess time will tell if anything comes of that process. We are all very hopeful.

Tonight a number of us thought it would be appropriate to step back and look at what is happening in Nicaragua. We reserved time this evening to talk about the issue.

We all bring different perspectives to this discussion, but one thing we have in common is our concern for the national security implications of a Sandinista military victory over the Nicaraguan resistance. Many Members share this concern. I know that the Secretary of Defense in particular has offered a number of observations to the House on the strategic importance and implications of a Communist regime in Nicaragua.

Secretary Carlucci wrote to the membership on February 2 and his letter was most enlightening.

I would like to read a few portions of it:

> In its continuing global appraisal of potential and actual military threats, the U.S. has long looked at developments in Central America, especially Nicaragua, as a source of instability which could spill over into other vital U.S. security interests in the region, such as the Panama Canal, only 400 miles away, as well as the connecting Atlantic and Pacific Sea lines of communication. U.S. global strategy is based on a secure southern flank. The sea and air lanes of communication through Central America and the Caribbean are critical in peacetime and absolutely vital in a wartime scenario. Although often used, the statistics are worth repeating. Fifty-five percent of all U.S. crude oil and 45 percent of U.S. exports and imports go through the Caribbean sea lanes of communication. Sixty percent of NATO resupplies would flow through them in a European crisis and a substantial amount of U.S. trade is carried on ships going through the Panama Canal. All would be threatened by a consolidated communist Nicaragua which would foster instability in Central America.
>
> The information provided by Nicaraguan defector Major Roger Miranda confirms U.S. Intelligence estimates of the unprecedented actual and future Sandinista military build-up. With its overwhelming force they could intimidate their Central American neighbors and expand this Marxist-Leninist revolution to the democracies there. A consolidated Nicaragua committed to exporting its revolution would de-stabilize the region and place at serious risk the hard won but still fragile democracies of Honduras, Guatemala and El Salvador.
>
> The U.S. is treaty-bound to respond to threats from our shores, including those against the integrity of the Panama Canal and the ships in transit. A consolidated Marxist-Leninist dictatorship in Nicaragua dependent upon communist Cuba and the Soviet Union presents an unacceptable military threat to the Canal and the sea lanes in times of crisis.
>
> Furthermore, it poses an equally untenable vehicle for intimidation and subversion of democratic governments of the region in time of peace.

The Secretary states the case well.

Mr. Speaker, all of us want a peaceful resolution in Nicaragua and we will continue to work toward that goal, but one remaining question remains, one remaining question that nags democratic nations around the world. It is a very simple question, Mr. Speaker. What is the continued interest and the original interest of the Soviet Union in Nicaragua, a nation, a tiny nation, thousands and thousands of miles away from their homeland?

□ 1545

We hope to reveal some new information, we hope to supply some ideas and suggestions to the American people this evening and some other questions are sure to arise.

What has the Soviet Union been doing lately in Central America in light of the cease-fire? In light of the supersummit between the United States and the Soviets what have they been doing? What military activity has taken place? What does the future hold for the resistance and what does the future hold for all Central American nations including the people of Nicaragua?

Mr. Speaker, I am fortunate to have a number of colleagues to join us in our discussion. First I yield to the gentleman from Ohio [Mr. KASICH], a member of the Committee on Armed Services and a respected leader on this issue.

Mr. KASICH. Mr. Speaker, I appreciate very much the gentleman from Connecticut yielding to me.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. KASICH. I am delighted to yield briefly to the gentleman from California [Mr. HUNTER], as I know he wants to make a point.

Mr. HUNTER. Mr. Speaker, I thank the gentleman from Ohio for yielding. I think both gentlemen are experts on this subject. I simply wanted to lay out one or two basic facts before we go into what I hope will be a series of briefings on the Soviet dimension in Nicaragua.

Mr. Speaker, 7 percent of the American people, because we have not gotten the word out, think that the Sandinistas and the Contras are fighting in Southeast Asia. Most people think in the United States that the Soviet Union is an enemy of the Government of Nicaragua. In fact the Government of Nicaragua is a Communist government and it is being supplied by the Soviet Union. To locate Nicaragua with respect to the United States, we have a map here that shows the United States, it shows the Panama Canal, we have two arrows at the lower part of the map, and this brown country here only a few hundred miles from the Panama Canal is Nicaragua. The Soviet Union realizes that Nicaragua is in a very strategic location with regard to American security and American shipping. Most of our shipping in time of war would go out to NATO through the Caribbean, 55 percent of our crude oil imports come in through the Caribbean, and in fact during World War II Hitler sank more American tonnage, 114 ships, near the Panama Canal, near Nicaragua, than in the entire Atlantic Ocean. That amounted to 540,000 gross tons.

I just wanted to lay out those basic facts to show that Nicaragua is important to American strategic interests and the Soviets realize that.

Mr. KASICH. Mr. Speaker, I appreciate the contribution of the gentleman from California [Mr. HUNTER] and I know a lot of charts are available and we want to get to them and they demonstrate something that we are all concerned about.

Mr. Speaker, the gentleman from Connecticut [Mr. ROWLAND] who had the foresight to take this special order today took it for a couple of reasons, and I agreed to join him for several reasons. First, we all read with great interest the ongoing negotiations in Nicaragua. In fact in yesterday's paper they talked about the fact that the Contras and the Sandinistas were again making some progress. What apparently remained was when the soldiers were going to lay down their arms.

What concerns so many of us is that every time we seem to find that progress is being made we tend to find the people who relate it to us are the optimists. What we hope is they are also realists at the same time they are optimists and that they say they think that progress is occurring but then after talks break off, the Contras come to Washington and meet with a group of us and tell us that things are not going very well.

We have a report now in the last couple of days that they feel as though progress is being made. We all hope that we can resolve this through negotiations between the Sandinistas and the Contras but that yet is to be determined. Beyond that, and this is something that concerns so many of us, let us just assume that they are able to reach some kind of negotiated settlement and that the Contras are able to be integrated back into Nicaraguan society and that there is some end to the civil war in Nicaragua. The next question is what is the overall impact that Nicaragua is going to have on this region of the world and will the Soviets in fact be able to maintain access to many of the facilities that they have access to today?

If we are able to have a negotiated settlement without removing the access that the Soviets have to airfields and naval ports, obviously we still have a very serious problem represented by Soviet access to Nicaraguan facilities. I can tell my colleagues firsthand that many Democrats, many who have opposed Contra aid over the last several months and perhaps within the last year, they share our concern. I know for example that the gentleman from Kansas [Mr. SLATTERY] is deeply concerned about any Soviet presence and Soviet military aid to the Sandinistas. I share that deep concern about Soviet presence within Nicaragua and that is why I think we need to think about as we have this special order today and as we evaluate United States policy down the road.

I think it is important to note that probably the three most significant facility developments that have occurred since the Soviets started pumping as much as $2.6 billion of military aid since 1982 into Nicaragua has been the construction of the Punta Huete military air base. Why that is important is it is the largest airstrip in Central America. The intention is to have a 10,000-foot runway. It would accommodate the ability of the Soviets at some point theoretically to be able to move Bear bombers in there, to be able to put high performance aircraft in there which we as a nation said we will not accept but also of course the surveillance aircraft such as the T-95.

This airbase is something that is obviously of great concern to us because as we show in the chart, we can see the radius that these particular aircraft can reach. We can get a good view of the radius threat that would exist in Central America by looking at this chart.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. ROWLAND of Connecticut. Mr. Speaker, I yield briefly to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. The Punta Huete airbase is complete, I will tell my colleagues. That 10,000-foot runway is completed and was completed with the aid of Soviet and Cuban engineers. They actually have antiaircraft capability around the base. They are using the base now for basing Soviet attack helicopters, the Mi-24 attack helicopter. It is a base that is capable of handling any bomber or fighter in the Soviet inventory.

What does that give the Soviet Union? Looking at the series of rings that have been drawn out from the base in Nicaragua, this location right here that I am pointing to is Nicaragua, the center of the bull's eye, so to speak, where the planes would take off from. Here is the United States. Looking at that series of rings, we can see that Mig-21's, their short-range fighters, would have the capability of operating out of Nicaragua at Punta Huete the airbase the gentleman from Ohio [Mr. KASICH] has been talking about, and these aircraft could attack the Panama Canal which is only a few hundred miles away. If only a few high performance weapons from these Mig aircraft were laid into the lock system of the Panama Canal, it would destroy it. So the Punta Huete airbase gives the Soviet Union a death grip over the canal and the operation of the canal.

If we go out a little further to another ring, we can see that they can operate Mig-21's out quite a bit further past the borders of El Salvador and Guatemala which are two American allies. That gives the Soviets the ability to project military power to among our fairly militarily weak neighbors in Central America.

If we carry it out further and go all the way out to the Backfire bomber radius, their high-performance bomber that has the capability of dropping nuclear weapons, jet aircraft of tremendous capability, it gives the Backfire bomber a range that they do not have from the Soviet Union. It is a range to bomb almost any community in the United States except for those communities in the Northwest. So what does the Soviet Union get? It costs the United States $18 billion to build a carrier battle group. That is a group of ships surrounding an aircraft carrier and that aircraft carrier has maybe 50 military aircraft. To project 50 military aircraft in the Persian Gulf or other areas of great interest, it costs us about $350 million per plane.

By taking Nicaragua, the Soviet Union is acquiring an unsinkable aircraft carrier at Punta Huete that eliminates the need for them to spend many billions of dollars on aircraft carriers. They have basically an unsinkable aircraft carrier very close to the heartland of the United States. That is what we are concerned about.

Mr. KASICH. Mr. Speaker, if the gentleman will yield further, let me for a second quote the Rand study. This is the January 1988 Rand Corp. study entitled "Nicaraguan Security Policy: Trends and Projections." This was something that was related to the revelations of Major Miranda, a Sandinista defector who came to the United States carrying documents and had access to the highest level meetings particularly involving Humberto Ortega, the Defense Minister of Nicaragua, and what they say in here is that Soviet military access to Nicaraguan facilities can be expressed to evolve gradually and incrementally in an attempt to avoid prompting a United States response. Soviet access opportunities however are likely to expand and diversify over time as United States observers become conditioned to an expanding Soviet presence.

So what the gentleman from California [Mr. HUNTER] talks about in terms of their capability of using this airfield is not something we will wake up to tomorrow. It is something that over a period of time with gradual presence, kind of lulls U.S. observers into accepting certain things that if interjected or injected immediately would really raise our ire and would really elicit a response from us. But because of the gradual nature, the creeping nature of Soviet presence, and the potential presence of this kind of aircraft and the use of that airfield, it is a very big problem.

Mr. ROWLAND of Connecticut. Mr. Speaker, reclaiming my time, it is important to highlight a few of the other concerns, and in a complicated fashion we can explain that we did not point out the fact that we know there are Mig-21's and Mig-23's in Cuba and the real question that comes to light is how do we defend ourselves, how do we estimate the defensive needs in that region?

Looking at the four surrounding countries to Nicaragua, we can understand that Nicaraguan forces are as large as the other four countries combined. The continuing question for future planners is can we rely on those other countries? What do we do if and when, and let us just hope it is if, the Nicaraguan forces were to spread the revolution into other countries? When they look to the United States what are we going to do? What capacity do we have to respond or react in defense of those four countries? How do we plan for the future, realizing that we now spend $300 billion a year on defensive needs. This is a most complicated and intricate planning situation for us. We have to keep in mind the Cuban exposure, the lack of military forces in the four surrounding nations, and under a United States treaty what commitments we have to those countries together with considering Soviet forces that have played a role over the last 7 or 8 years.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. ROWLAND of Connecticut. Mr. Speaker, I am happy to yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I thank the gentleman from Connecticut [Mr. ROWLAND] for yielding to me. He brought up an excellent point. What response or defense do we have to the Soviets if in fact they utilize this base that they have built, and presumably the Soviets do not build a base unless they intend to use it.

This picture is a picture taken just a few miles, 11 miles, off the east coast of the United States from Norfolk, VA. This is very close to Washington, DC. This is a photograph of a Bear bomber. It is a bomber that is used for reconnaissance, but it is a bomber that can also carry weapons and this bomber flew out of Cuba. If we allow the Soviets to consolidate in Central America, in fact if they utilize the Punta Huete airbase that the gentleman from Ohio [Mr. KASICH] just talked about, this bomber will be able to fly over the west coast of the United States. In answer to the gentleman's question, how can we deal with that, do we have air defenses that presuming these Mig's and Backfires are installed at this base, can we deal with them, the answer is "no."

□ 1600

The United States has no continental air defense whatsoever to speak of. We have a very porous border with regard to air interdiction, and the Soviet Union, by acquiring this base very close to the United States, is making intercontinental bombers out of Backfire bombers which, if they were launched from the Soviet Union, presumably could not fly to the United States and back, having dropped a nuclear payload. They can fly from Nicaragua and back having dropped a nuclear payload in the United States.

Mr. ROWLAND of Connecticut. Reclaiming my time, as a member of the Committee on Armed Services, all three of us recognize that there are routine missions that all of our countries fulfill. We have routine missions all over the world, and the Soviets have routine missions, and quite frankly, as students of the military, we see and watch and understand that a lot of those missions are presumed, and, again, routine.

What is going to be the routine mission of those aircraft moving out and around Nicaragua? What are we going to allow? How much leverage or how much air territory is going to be allowed to the Soviet Bears and the Mig's coming out of Cuba, and what are we willing to accept? Those are going to be very tough questions for our military planners to respond to and the next administration and the Congress. We have to, I think, proceed as we are today, with our eyes open, not being naive, fully understanding our capabilities, their capabilities, and rationally ensuring that we have a peaceful process, and that we do not have accidental conflict.

Mr. INHOFE. Mr. Speaker, will the gentleman yield?

Mr. ROWLAND of Connecticut. I am happy to yield to the gentleman from Oklahoma.

Mr. INHOFE. Mr. Speaker, before the gentleman goes on to the Navy, if he would for just a moment, I think it is very important for people to understand that we are talking as if we have a military airfield, a base that is new. The fact is that before that runway was built, they were using the civilian airport at Managua to operate these maneuvers from. In fact, I landed at that airport and counted eight operating Mi-24 flying tanks, the most sophisticated in war technology, that were operating maneuvers while we were landing at the same time, waiting to take off with loaded rockets at the time. That was the civilian, not the military, field.

Mr. KASICH. I appreciate the gentleman's contribution, and that is a very important point to be made, but what the air facility gives them is greater capability with more sophisticated aircraft. The gentleman makes a very important contribution when he talks about the great activity that had existed before they even developed that airfield.

Mr. HUNTER. We have an overhead photo that is now unclassified of the Sandino Airfield that the gentleman from Oklahoma was talking about. This is the airfield, and the gentleman is absolutely right; out of this airfield they were flying, and we now know they were using some Cuban pilots, not Sandinista pilots, in all the aircraft, the Mi-24 helicopters.

Those are gunships that have a titanium belly that cannot be penetrated with rifle fire. They have Gatling guns mounted on each side of the helicopter, and that is the same helicopter that has killed, we estimate, in excess of 300,000 people in Afghanistan, the same type of helicopter. It is designed to kill people, and the Soviets maintain between 10 and 12 Mi-24 helicopters in Nicaragua.

Those helicopters today have killed many Nicaraguans, and they have also been used in some of these border incursions where they go into Honduras and into neighboring areas. The gentleman is right. The Soviets already have sophisticated military equipment in Central Amercia that is being used to kill people today as it was before the Punta Huete airfield went into effect.

Mr. KASICH. And this is a point we missed, and it is a critical point. I read an article several years ago when the Soviets first introduced the flying tank into Nicaragua. We have said in the Congress, I think, part of the leadership on the Democrat side has said that we will not tolerate high-performance aircraft within Nicaragua. We will not tolerate the shipments of Soviet high-performance aircraft. You might remember when we were inspecting those boxes, we were using sophisticated technology to try to figure out whether they were actually sending some of that in there, and they did not. But what we accepted in the meantime was the introduction of the flying tank, and some military analysts will tell you that the introduction of the helicopter gives the Soviets greater capability in that environment than they would have with the high-performance aircraft.

What is my point? My point is that we are willing to make these concessions, and just like the Rand study says, over a period of time the Soviets are likely to expand their influence. They are likely to expand and diversify their opportunities there, and that is what is so deeply concerning us about continued Soviet involvement in that airfield, and if I could for just a second talk about the seaports.

One sees what happens with the seaport, if the gentleman from California [Mr. HUNTER] will hold that chart back up there again, with the radius showing, what the Sandinistas or what the Soviets are able to do with the deepening of the two ports, both Corinto, with Corinto most specifically and, of course, with El Bluff is in the Caribbean, but Corinto is located in the Pacific, and as the gentleman can point out, the implications of giving the Soviets deep-port-facility access in the Pacific side of the region has a dramatic strategic impact on the way in which we have to plan and prepare, as the gentleman from Connecticut [Mr. Rowland] said earlier.

Mr. ROWLAND of Connecticut. I will yield to the gentleman from California [Mr. Hunter].

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding.

He has made a very critical point. The Soviet Union has no ports on the western side of our hemisphere. What does that mean to the Soviet Union if they want to project power off to the western coast of the United States, if they want to have submarines or warships on patrol? It means they have to come all the way from Cam Ranh Bay, which we built for them in Vietnam, or they have to come from Korea or they have to come from the Soviet Union, 5,000, 6,000, and 7,000 miles away, with their submarines and warships. They have to take them off the west coast of the United States, but they basically then have to go into a holding pattern. They have no ports to put into, so they stretch their fuel train. It is very difficult for them logistically. They have no port.

In acquiring this port at Corinto only a few hundred miles from the Panama Canal, the Soviets are acquiring a base from which they can project their attack submarines and their surface ships up against the Pacific Fleet of the United States or in the Caribbean where Hitler, during World War II, with just a couple of submarines, sunk 114 American ships.

Let me show you the attack submarine that the Soviets are presently stationing in Cuba. The gentleman is absolutely right when he talks about gradualism. We talked a lot about when Castro came in about how we absolutely would not tolerate submarines or warships. Yet, one day a warship, a submarine, showed up in Cuba, and we protested it a little bit. They said, "We are just repairing a Soviet submarine, and a little R&R for the Soviet troops." The Soviets assured us it was not a permanent presence. After a while another one showed up, they stayed a little longer, and today there are four attack submarines stationed permanently in Cuba. These are the *Foxtrot*-class attack submarines that the Cubans presumably operate in the Caribbean.

Every Russian admiral knows that our most vulnerable point for shipping in World War II was the Panama Canal and the Caribbean, and every Russian admiral knows that if he can put submarines near the Caribbean or near the western mouth of the Panama Canal, by having a base in Corinto, he is going to have a major strategic advantage for the Soviet Union.

If the gentleman goes back from this attack submarine to the statement that was made by the Soviet military leader in 1983, Marshal Ogarkov, he said, "Over two decades ago," and this was his quote, "we only had Cuba in Latin America. Today there is Nicaragua, Grenada and a serious battle is going on in El Salvador." Obviously the Soviets are not disinterested observers. They are interested in winning in Grenada where they lost, where we kicked them out, in El Salvador, where democracy hangs by a thread today, and in Nicaragua, and they have an interest because the military people who still control the governmental apparatus in the Soviet Union, who still have the majority of control in the Politburo, know that they gain an enormous strategic interest over the United States by having the base at Corinto on the Pacific side of the hemisphere, and Nicaragua is just like the United States in that it has a west coast and an east coast.

They have Corinto on the west coast of Nicaragua, and they have El Bluff on the east coast, and by having those two bases, they have a stranglehold on the Panama Canal.

Mr. ROWLAND of Connecticut. I wanted to remind the gentleman from Ohio that it was just a few months ago that the gentleman from Ohio [Mr. Kasich] and I were international observers of the elections in El Salvador. We see many things changing in just a few short months. We bragged about the great democracy there, the great progress, free elections, and, indeed, I think it is our shared personal opinion that there were, indeed, free elections in that country.

However, Mr. Duarte has lost a great deal of power, his party has lost a great deal of power, his son lost a municipal election, and there is a new party in control.

Unfortunately, Mr. Duarte is taken ill. We are going to see tremendous changes taking place in El Salvador.

Again, what do we do? Do we cast ourselves in with the new ruling party? Do we become involved in the political process? Can we scream and yell about the election process? No. Many of us believe it was a free and open process with 70- to 75-percent voter turnout. We must have legitimate concerns in those surrounding nations, the changes that are taking place, the new political leadership, how it is going to impact on us as well as on Nicaragua and the people of Nicaragua.

Mr. KASICH. I hope we can perhaps within the next several weeks take a special order to talk a little bit about our experience in El Salvador and we can talk about what the political implications are there.

□ 1610

In kind of wrapping up my presentation I do want to say though we are not even talking about artillery and tanks and helicopters and everything else that creates great instability within the region to Nicaragua's neighbors. What we have here is access to these facilities with a naval port on the Pacific side, with a naval port in the Caribbean and with a 10,000-foot runway that we discussed earlier that would and could potentially provide access to these sophisticated Soviet aircraft, both fighters and bombers, and at this point as important in many respects, intelligence aircraft.

While we watch these negotiations going on between the Contras and the Sandinistas, we cannot lose sight of what the implications are for continued Soviet presence within Nicaragua. We do not come to the floor today as alarmists. We come here today to try to clarify what our deep concern has been, since 1979 our deep concern toward Nicaragua and the fact that we view activity, Soviet activity, in Nicaragua as absolutely vital to the strategic national interests of the United States.

I appreciate the gentleman from Connecticut taking this special order.

Mr. ROWLAND of Connecticut. Mr. Speaker, I yield to the gentleman from California, [Mr. Dornan].

Mr. DORNAN of California. Mr. Speaker, I thank the gentleman for yielding.

My colleague in the well came to the Congress in 1980 and has been proud to say that that was the Reagan effort that enabled him to overwhelm an 18-year liberal Democrat. That was 2 years after I was in the wilderness, 1983 and 1984. I thought my contribution as an American Congressman was all over after 6 years when I was gerrymandered out of my district, but then I came back in Ronald Reagan's second go-round in 1984 with the distinguished gentleman from Connecticut [Mr. Rowland]. All three of us are proud of President Reagan, proud that we came with him in 1980, or two of us in 1984, a comeback for me.

With all due respect to our President, I have just had a briefing with the head of one of his intelligence agencies who told me there is not a significant change, there is not even a tiny change in anything the Soviet Union is doing to supply its expansionism around the world or to fulfill General Ogarkov's statement about Central America, not an iota of change except in Afghanistan, which has nothing to do with us. They were getting their brains beat out, and this American general told me that one of their generals said, "Aren't you going to help us get out of Afghanistan?" And he said, "That's your problem. You don't even have the long supply lines we had to Vietnam. You invaded a country next door, and of course they are going to punish you on the way out."

Now this general we see down in the corner, this statement about Central America which was made on March 10, 1983, and 5 months later to the day, which was a fortnight after they had shot down a Korean airliner, a super jumbo 747 and murdered a United States Congressman, he is the same general that had a press conference 5 months after and he made that statement, he said we are glad we did it, our air space was violated, and if anybody does it we will do it again.

Have they significantly changed other than in the area of disinformation? I do not think so. And our Republican Presidential candidate said the other night in California, our great Vice President GEORGE BUSH that there has not been any fundamental change in the Soviet Union, that we still have to watch every move that they make in Central America, in Africa, in Indochina, and everywhere else in the world.

We know that Duarte is sitting over here in the hospital. Vice President BUSH visited him the other day, and he said to me that it is sad, that he is obviously frightened. Cancer tears up anybody's resolve. You wonder if you are about to meet your Maker. He said he never let go of his wife's hand the whole time that our Vice President and his wife were visiting him, and it is very sad.

But President Azcona talked to me in his office just a few weeks back that President Duarte feels that his son lost the mayor's seat in San Salvador, a seat that Duarte himself, the father, held for many years, that that election that the gentleman was an observer for down there, that they lost the majority in the National Assembly, and he told this to President Azcona, and he had just gotten off the phone with him when I walked into his office, March 24, and he said President Duarte just told me he lost that election because I signed that [expletive deleted] Esquipulas II agreement, and it looks like to my people he was weak on communism. Now it has shifted back, and God forbid, to some of the extremist forces in El Salvador, and we hope the death squad thing is in the past. But El Salvador is fragile because as we are told in our intelligence briefings, and this is a significant point, the Communist Party is more entrenched in El Salvador than it is in Nicaragua, that it has a 50-year history there, that it is into the infrastructure of the country, the labor unions, the educational facilities, that there is a more dynamic and ongoing Communist effort in El Salvador than in Nicaragua. They can lay back and wait more. They can go undergound more and they can use an urban terrorist philosophy or they can burn the fields, burn the cotton fields.

This whole area down there is still what he calls a seething caldron, and Mr. Gorbachev has made no promises to our President or to anybody else that he is going to stop the flow of arms into that area.

We all know from the access that we have to top secret briefings that the warehouses now are obviously full to the gunnels so they are storing this stuff outside the warehouses. And I came over because this was pretty basically by you gentlemen on the Armed Services Committee, and I am on the Foreign Affairs Committee, but I came over to tell my colleagues, without sounding like Kenneth Keating, the Senator from New York, talking about the Cuban missiles when everybody was laughing in his face until it was presented to President Kennedy as a fait accompli, the same sources that told me 24 hours before the Sandinista Communists invaded Honduras just a few weeks back, they have now called my office and said they expect within 48 hours—and if it does not happen, it will happen next week or the week after—a major military assault against the Contra freedom fighters, not into Honduras this time. They even gave me the location. The Communist forces are building up north of Esteli, and they are going to hit them. That happens to be the same place where on August 2, in John's first term, my first year of my comeback, on August 2 of 1985, the first combat where a Soviet helicopter, flown by Cubans, flown by Cubans, underline, underline, exclamation point, was used to tear up and kill 100 Contras. That was at Esteli August 2, 1985, and they are going to go in that area again, and my sources say in the next 48 hours.

Mr. INHOFE. Mr. Speaker, will the gentleman yield?

Mr. ROWLAND of Connecticut. I yield to the gentleman from Oklahoma.

Mr. INHOFE. Mr. Speaker, the gentleman from California just said something that is very significant and is never discussed, and that is that it is much more traumatic, more hostile in El Salvador even than in Nicaragua, because in Nicaragua, when we were down there, for example, does the gentleman know how many American lives have been lost from the American Embassy in El Salvador? It is 14 since 1982, 14 lives.

Mr. DORNAN of California. If we do not count the civilians.

Mr. INHOFE. That is correct. When we were in there the danger we were in was far greater than it was when we were in Nicaragua, because they do not have that yet, and you could hear the gunshots, and when you go down and you stop, they get out with their machineguns because it is necessary and because they are murdering people.

Mr. DORNAN of California. The gentleman calls my attention to something else. We see editorial pages around the country where people who are a part of what Jeane Kirkpatrick called the Blame America First crowd, and I amended that on the House floor to take out the first, because they are not blaming anybody secondarily, they are blaming the United States, the Blame America First, and they asked the question and how is it that an American President, President Ronald Reagan and his first lady, Nancy, can walk in the streets of Moscow, and walk in Red Square, but he cannot walk in the streets around America. And it is very simple, because when they catch a terrorist in these other countries, in Nicaragua or in the Soviet Union, or other countries, they skin them. But we have caught terrorists but have made it very difficult for American leaders to walk around the streets of our country.

I want to thank the gentleman from Connecticut for bringing focus to this and in our last debate on Nicaragua in trying to bring some sustenance to the freedom fighters down there. I did not have enough time during the debate, and we were each down to 3 minutes to talk about the prisons, but I have the newest released intelligence photographs, some of from aircraft, of 16 major penitentiary, gulag type camps down there, almost 10,000 people still imprisoned. They have released barely a thousand when they promised that by now all 10,000 would have been released. I am going to come back in a special order, and I hope you folks will join me.

Mr. ROWLAND of Connecticut. Mr. Speaker, I want to assure the gentleman from California that this is only the first in a series of special orders that we will be taking over the next month or two. Many of us think it is extremely important that we keep the public information out front so that our colleagues and the rest of the American people can understand some of the concerns we should have and will continue to have, and quite frankly I think many of our colleagues would like to see this issue go away. We have had numerous votes on the issue and on aid for a number of years. Unfortunately, it is not going to go away, and we could be lulled into a sense of false security.

Yes, great things are happening. Our President is meeting with Mr. Gorbachev, there is movement, they are pulling out of Afghanistan, Vietnam, pulling out of Cambodia, and there is plenty of room for optimism. But what we hope to do in the next few weeks is to try to bring gentlemen such as yourselves and others to the floor to discuss issues such as this which happened to bring to the forefront some of the concerns that we still have here and now that have not gone away. The Soviets have not walked away, the Cubans have not walked away from Nicaragua, so we still have a great deal of work to do and a great deal of public information to share with the American people.

So I would like to thank both gentlemen and all of the others who participated in this special order, and assure my colleagues that we will continue to talk about this issue, and hopefully we will find a peaceful resolution in the next months, and hopefully in an even shorter time than that.

Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JACOBS (at his own request), for June 13, 14, and 15, on account of family matters.

Mr. BEREUTER of Nebraska (at the request of Mr. MICHEL), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WORTLEY) to revise and extend their remarks and include extraneous material:)

Mr. ROWLAND of Connecticut, for 60 minutes, today.

Mr. EDWARDS of Oklahoma, for 60 minutes, on June 15.

Mr. KEMP, for 5 minutes, today.

(The following Members (at the request of Mr. GRAY of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. PANETTA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MACKAY, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, on June 10.

Mr. GONZALEZ, for 60 minutes, on June 13.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. RITTER, on the Boehlert amendment on H.R. 4418 in the Committee of the Whole today.

Mr. SKEEN, after the colloquy between Congressmen RICHARDSON, WALGREN, and LUJAN with respect to astronomy, on H.R. 4418 in the Committee of the Whole today.

(The following Members (at the request of Mr. WORTLEY) and to include extraneous matter:)

Mr. GOODLING.

Mr. LUJAN.

Mr. FISH.

Mr. OXLEY.

Mr. BROOMFIELD.

Mr. SMITH of New Jersey in two instances.

Mr. CONTE.

(The following Members (at the request of Mr. GRAY of Illinois) and to include extraneous matter:)

Mr. TRAFICANT in three instances.

Mr. SYNAR.

Mr. FORD of Michigan.

Mr. LELAND.

Mr. ROE.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1914. An Act to designate a segment of the Wildcat River in the State of New Hampshire as a component of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1934. An Act pursuant to the report ordered by Public Law 99-229 which directed the Architect of the Capitol and the Secretary of Transportation to undertake a study of the needs of the Federal judiciary for additional Federal office space, to authorize the Architect of the Capitol to contract for the design and construction of a building adjacent to Union Station in the District of Columbia to house agencies offices in the judicial branch of the United States, and for other purposes; to the Committee on Public Works and Transportation.

BILLS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following title:

H.R. 3869. An Act to amend the act providing for the establishment of the Tuskegee Institute National Historic Site, Alabama, to authorize an exchange of properties between the United States and Tuskegee University, and for other purposes, and

H.R. 1100. An Act to authorize the Secretary of the Interior to provide assistance to Wildlife Prairie Park, in the State of Illinois, and for other purposes.

ADJOURNMENT

Mr. ROWLAND of Connecticut. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 22 minutes) the House adjourned until tomorrow, Friday, June 10, 1988, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3781. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter(s) of offer to the Federal Republic of Germany for defense articles (Transmittal No. 88-31), pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

3782. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to the Federal Republic of Germany (Transmittal No. 88-31), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3783. A letter from the Assistant Secretary of State, Legislative Affairs, transmitting notification of the proposed approval of a manufacturing license agreement and commercial export license agreement with India (Transmittal No. MC-26-88), pursuant to 22 U.S.C. 2776(c)(d); to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROSTENKOWSKI: Committee on Ways and Means. Report on budget allocation report of the Committee on Ways and Means pursuant to section 302(b) of the Congressional Budget Act (Rept. 100-678). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROYBAL: Committee on Appropriations. H.R. 4775. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1989, and for other purposes (Rept. 100-679). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIXON: Committee on Appropriations. H.R. 4776. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1989, and for other purposes (Rept. 100-680). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. RODINO:

H.R. 4774. A bill to revise, codify, and enact without substantive change certain general and permanent laws, related to transportation as subtitles II, III, and V-IX of title 49, United States Code, "Transportation," and to make other technical improvements in the code; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 4775. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the

President, and certain independent agencies, for the fiscal year ending September 30, 1989, and for other purposes.

By Mr. DIXON:

H.R. 4776. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1989, and for other purposes.

By Mr. COLEMAN of Texas:

H.R. 4777. A bill to modify the boundary of the Guadalupe Mountains National Park, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DUNCAN:

H.R. 4778. A bill to direct the Secretary of the Interior to repair and resurface a segment of the Foothills Parkway in Great Smoky Mountains National Park; to the Committee on Interior and Insular Affairs.

By Mr. PANETTA:

H.R. 4779. A bill to amend the Internal Revenue Code of 1986 to treat parsonage allowances as compensation for purposes of the limitations on benefits payable under defined benefit plans; to the Committee on Ways and Means.

By Mr. SAWYER:

H.R. 4780. A bill to amend the Child Nutrition Act of 1966 to ensure homeless women, infants, and children access to the special supplemental food program; to the Committee on Education and Labor.

By Mr. HOYER (for himself, Mr. Porter, Mr. Kemp, Mr. Fascell, Mr. Richardson, Mr. Feighan, Mr. Markey, Mr. Smith of New Jersey, Mr. Ritter, Ms. Pelosi, Mr. Manton, Mr. Traficant, Mr. Roe, Mr. Gilman, Mr. Yates, Mr. Frank, Mr. Annunzio, Mr. Clarke, Mr. McDade, Mr. Bilbray, Mr. Miller of Washington, Mr. Cardin, Mr. Fuster, Mr. Davis of Illinois, Mr. Dorgan of North Dakota, Mr. Torricelli, Mr. Saxton, Mr. Green, Mr. Lowry of Washington, Mr. Lipinski, Mr. Dwyer of New Jersey, Mr. Weber, Mr. Hochbrueckner, Mr. Lehman of Florida, Mr. McMillen of Maryland, Mr. Kastenmeier, Mr. Schuette, Mr. Jontz, Mr. Evans, Mr. Bonior of Michigan, Mr. Mazzoli, Mr. Henry, Mr. Espy, Mr. McGrath, Mrs. Lloyd, Mrs. Boxer, Mr. Fazio, Mrs. Kennelly, Mr. Gunderson, Mr. Broomfield, Mr. DioGuardi, Mr. Horton, Mr. Owens of New York, Mr. Wise, Mr. Hughes, Ms. Oakar, Mrs. Morella, Mr. Kildee, Mr. Garcia, Mr. Levin of Michigan, Mr. Neal, Mr. Ackerman, Mrs. Collins, Ms. Slaughter of New York, Mr. Synar, Mr. Lent, Mr. Bryant, Mr. Smith of Florida, Mr. Levine of California, Mr. Volkmer, Mr. Mfume, Mr. Lantos, Mr. Swindall, Mr. Bustamante, Mrs. Bentley, Mr. Jeffords, Mr. Lungren, Mr. Sikorski, Mr. Biaggi, and Mr. McEwen):

H.J. Res. 589. Joint resolution to designate August 1, 1988, as "Helsinki Human Rights Day"; jointly, to the Committees on Post Office and Civil Service and Foreign Affairs.

By Mr. BENNETT:

H.J. Res. 590. Joint resolution to prohibit the proposed sale to Japan of an Aegis combat system (transmittal number 88-25); to the Committee on Foreign Affairs.

By Mr. SMITH of Florida (for himself and Mr. Pepper):

H. Con. Res. 313. Concurrent resolution concerning Cuban human rights; to the Committee on Foreign Affairs.

By Mr. YOUNG of Alaska:

H. Res. 468. Resolution commending Clifford Hugh Frame for his leadership and achievement in the operation of the Cyprus Anvil Mine; to the Committee on Post Office and Civil Service.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 245: Mr. Holloway.

H.R. 813: Mr. Brown of California.

H.R. 1433: Mrs. Vucanovich and Mr. Rinaldo.

H.R. 1685: Mr. Craig.

H.R. 1721: Mrs. Lloyd.

H.R. 2248: Mr. Packard.

H.R. 3064: Mrs. Morella.

H.R. 3343: Mr. Ackerman.

H.R. 3509: Mr. Smith of Florida.

H.R. 3510: Mr. Smith of Florida.

H.R. 3607: Mrs. Morella.

H.R. 3624: Mr. Wise.

H.R. 4036: Ms. Schneider.

H.R. 4037: Mr. Torres.

H.R. 4048: Mr. Anthony, Mr. Buechner, Mrs. Bentley, Mr. Fish, Mr. Rinaldo, Mr. Mavroules, Mr. Schumer, Mr. Erdreich, Mr. Daub, Mr. Lancaster, and Mr. Nielson of Utah.

H.R. 4072: Mrs. Saiki.

H.R. 4101: Mr. Wolpe.

H.R. 4197: Mr. Coughlin, Mr. Murtha, and Mr. Weldon.

H.R. 4198: Mr. Dowdy of Mississippi.

H.R. 4212: Mr. Ackerman and Mr. Gilman.

H.R. 4297: Mr. Goodling.

H.R. 4498: Mrs. Saiki, Mr. Oberstar, and Mr. Smith of Florida.

H.R. 4651: Mr. Tauke.

H.J. Res. 317: Mr. Wyden, Mrs. Martin of Illinois, Mr. Carper, Mr. Yates, Mr. Florio, Mr. Mavroules, and Mr. Bryant.

H.J. Res. 330: Mr. Coelho, Mr. Moakley, and Mr. Frost.

H.J. Res. 344: Mr. Denny Smith, Mr. Lowry of Washington, Mr. Gilman, Mr. Bliley, and Mr. Stenholm.

H.J. Res. 449: Mr. Hiler, Mr. Bonker, Mr. Nowak, Mr. Vento, Mr. Early, Mr. Boehlert, Mr. Olin, Mr. Jones of Tennessee, Mr. Akaka, Mr. Bilirakis, Mrs. Johnson of Connecticut, Mr. Mack, Mr. Shaw, Mrs. Meyers of Kansas, Mr. Feighan, Mr. Kasich, Mr. Lungren, Mrs. Collins, Ms. Slaughter of New York, Mr. Garcia, Mr. Livingston, Mr. Lipinski, Mr. Erdreich, Mr. Hughes, Mr. Brennan, Mr. Buechner, Mr. de Lugo, Mr. Kolter, Mrs. Roukema, Mr. Fish, Mr. Guarini, and Mr. Jenkins.

H.J. Res. 453: Mr. Towns, Mr. Florio, and Mr. Lowry of Washington.

H.J. Res. 485: Mr. Hatcher, Mr. Hiler, Mr. Foglietta, Mr. Leach of Iowa, Mr. Mazzoli, Mr. Mollohan, Mrs. Morella, Mr. Smith of New Hampshire, and Ms. Snowe.

H.J. Res. 502: Mrs. Saiki.

H.J. Res. 542: Mr. Kasich and Mr. de Lugo.

H. Con. Res. 258: Mr. Atkins, Ms. Pelosi, Mr. Fish, Mr. Tauke, Mr. Gunderson, and Mr. Stokes.

H. Res. 411: Mr. Smith of Florida.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4526: Mr. Wortley.

H.J. Res. 390: Mr. Wortley.

PETITIONS, ETC.

Under clause 1 of rule XXII.

181. The Speaker presented a petition of the Ambassador, Embassy of the People's Republic of China, Washington, DC, relative to foreign relations; which was referred to the Committee on Foreign Affairs.

SENATE—*Thursday, June 9, 1988*

(Legislative day of Wednesday, June 8, 1988)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable JOHN BREAUX, a Senator from the State of Louisiana.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Blessed is the nation whose God is the Lord * * *.—Psalm 33:12.

Eternal God, just and holy in all Thy ways, thank You that our Founding Fathers took seriously the words of the psalmist—that nation is blessed whose God is the Lord. The professional athlete calls it fundamentals—the sociologist calls it roots—but by whatever name it is indispensable to self-understanding, self-worth and dignity, self-realization and progress, personally and collectively. Our Founding Fathers debated long and hard as to the relation between church and state—but whatever their views, they believed earnestly that virtue and faith in God were indissoluble. They crafted our political system in the conviction that a Creator God endowed human rights, which are inalienable—and to secure which is the mandate of a government which receives its power from the consent of the governed. Help us, Righteous Father, to see that at the heart of present frustration with imponderable social evil is disconnection from our spiritual/moral roots—that to return to these fundamentals which guided and nurtured our unprecedented blessing as a nation is essential to our preservation. Hear us and awaken us, O Lord, our God. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 9, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN BREAUX, a Senator from the State of Louisiana, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. BREAUX thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that my time be reserved until later.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. Under the standing order the Republican leader is now recognized.

Mr. DOLE. I make the same request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period of morning business not to extend beyond the hour of 10 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

The Chair recognizes the Senator from Wisconsin, Mr. PROXMIRE.

OUR MOST DISGRACEFUL FEDERAL WASTE: ARMS TO DEVELOPING COUNTRIES

Mr. PROXMIRE. Mr. President, recently, senior New York Times columnist James Reston observed a chilling fact. On last Memorial Day, when many of us were speaking in our home States about the blessings of peace, much of the world was engaged in deadly and heartbreaking wars. How many wars were going on last year? Answer: 25. That is the report of a Washington research institute called World Priorities. Reston reports that Ruth Leger Sivard, who signed the report, asserts that more wars were fought in 1987 than in any previous year on record. Of course, practically all of these 25 wars are still going on. Already, World Priorities estimates that 3 million people—75 percent of them civilians—have died in these wars. It also estimates that in all the wars since the end of World War II in 1945, the death total exceeds 17 million.

This wholesale and largely senseless killing has been going on in Latin America, the Middle East, Africa, and Asia. The location of these wars tells us something. North America has been spared this bloodshed. So has Europe. The killing, the trauma, the misery of war has been entirely imposed on the people of the underdeveloped world. But the efficient, deadly weapons to fight many of these wars came from the United States and the Soviet Union, from France and Poland, from West Germany and Czechoslovakia. Much of the cost of these weapons was extracted from the already impoverished developing countries and all of the profits from fabricating these weapons of death went to developed countries like the United States and the Soviet Union.

The huge war casualties measure only a part of the misery imposed on these countries. People in these developing countries are desperate for capital. They suffer grossly inadequate housing. Many are literally starving. Most are able to afford only the most rudimentary kind of health care. For them, war has been especially cruel. War has taken from these people much of the pathetically limited resources they so urgently need to scrape a bare living from the soil. War has brought widespread burning of their homes. It has brought the killing of their livestock. War has directed the energies of their youngest and strongest manpower from constructive work to killing equally poor and miserable neighbors.

So what can we do about this grotesque situation? Reston proposes as a starter that the major nations that dominate world communications publish an annual tally of those who have been killed in war in the preceding year. This is a wise beginning. I propose that we go further. I propose that the United States declassify a list of all the world's arms exports to countries at war. We should report this along with a record of the number of human beings killed in each war in the preceding year.

On the basis of this kind of data, the United States would provide the basis for public and congressional as well as administration support for negotiations with the Soviet Union and other major arms exporters to stop export of arms on all sides. We should strive for a mutally agreed elimination or limita-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

tion on arms exports to countries at war. Obviously, much of our export business is based on the fear or suspicion that the warring side we oppose in Central America or Africa is receiving heavy arms shipments from the Soviet Union. Similarly, much of the Soviet shipment of arms to warring nations is based on a reciprocal fear that if they do not get there first, the United States or other NATO countries will. Just possibly, with the new sensitivity in the Soviet Union to the public advantage in promoting peace, an intense campaign by this country could help remove Soviet weapons from Cuba and Nicaragua as we remove American weapons from the Contras. In Angola, we could press for the evacuation of the 35,000 Cuban troops now serving there and the massive Soviet weaponry in return for our ending the arming of the Angolan rebel Savimbi.

Mr. President, the cost of the lethal weapons that have poured into developing countries to provide the instruments of death is appalling. In the 10 years from 1977 thru 1986, according to data provided to me by the State Department, the United States and other non-Communist countries have shipped $140.1 billion in weapons into developing countries! The Soviet Union and its Communist allies have pumped in even more, a grim total of $167.5 billion in weapons of war.

The non-Communist world has provided in this 10-year period $13.3 billion in weapons of war to Latin America, with the United States accounting for a surprisingly small percentage of that amount—$2.3 billion. Both West Germany and France provided more than the United States in the 10 years from 1977 through 1986. The Communist nations moved even more weapons into Latin America than the free world—providing 14.9 billion dollars' worth, with nearly 90 percent of that, or $13.2 billion, coming from the Soviet Union.

In East Asia, the impoverished but warring developing countries received $23 billion of war materials from the non-Communist countries, including more than two-thirds of that sum from the United States—a total of $16.8 billion. The Communist countries shipped $19.3 billion of weapons and ammunition into developing countries of East Asia with more than 90 percent, $18.4 billion, coming from the Soviet Union.

In Africa, the Communist countries really swamped the impoverished warring nations with $44.5 billion of military weapons, a total of $37.4 billion, or 80 percent, came from the Soviet Union, while the free world provided far less—$17.3 billion of military weapons. A total of $2.2 billion or less than 15 percent came from the United States.

In that terrible cauldron of death and violence—the Middle East—the free world poured almost $77 billion of military weapons, of which $28.4 billion, or about one-third, came from the United States. The Communist world shipped $67.9 billion of military weapons into the violent Middle East with about 75 percent or $51.2 billion coming from the Soviet Union.

Mr. President, altogether, this is an unsurpassed monument to mankind's revolting stupidity. In the name of communism and the brotherhood of the world's workers, the Communist countries, led by the Soviet Union, are depressing the living standards of their own countries by diverting their limited resources to the 25 or so wars that bedevil the poorest people on Earth. And, in the name of freedom, we are nearly matching this disgraceful performance during a fiscal year crisis that cries out for us to cut all spending, and certainly, to cut spending to kill more impoverished people. Does anyone really believe that this flood of deadly weapons will truly advance either brotherhood or freedom?

Mr. President, I ask unanimous consent that the column to which I referred by James Reston from the New York Times be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

25 Wars Are Still Going on

(By James Reston)

Washington.—On Memorial Day, or, as the British call it, Remembrance Day, there were many solemn tributes to the dead of past wars. But what we forgot to remember is that in the real world, below the summit meeting, 25 wars are still going on.

That's not a typographical error: 25 is the number, as tabulated by a Washington research institute called World Priorities.

Ruth Leger Sivard, who signed the study, concedes the difficulty of getting an accurate casualty toll in these wars, but she estimates that they have already taken the lives of three million people, four-fifths of them civilians.

She also noted the following: "The United States and the Soviet Union together spend about $1.5 billion a day on military defense. . . . The developing countries spend almost four times as much on arms as on health care of their people. Yet 20 percent of their children die before their fifth birthday."

She went on: "To protect Kuwaiti oil tankers in the Persian Gulf costs the United States Navy an extra $365 million a year above normal operating costs."

More wars, she said, were fought in 1987 than in any previous year on record.

Her catalogue of present wars follows:

Latin America—Colombia, about 1,000 deaths a year since 1958; El Salvador, 65,000 deaths since 1979; Guatemala, 138,000 since 1966; Nicaragua, 30,000 since 1981, and Peru, 10,000 since 1981.

The Middle East—Iran-Iraq, 377,000 lives in eight years; Lebanon, 52,000 since 1982. (The study does not include countries where uprisings have taken fewer than 1,000 lives a year, as in Israel.)

Africa—Angola and Namibia, 213,000 since 1975. In addition, the Angolan war is linked to a smaller conflict in which 5,000 people have been killed in the south West Africa People's Organization fight to expel South African troops from Namiba; Chad, 7,000 since 1980; Ethiopia, 500,000 by war and related famine since 1980; Western Sahara, 10,000 since 1975; Mozambique, 400,000 since 1981 (plus 850,000 more refugees).

Also in Africa—South Africa, 4,000 since 1985; the Sudan, 10,000 since 1984, and Uganda, 102,000 since 1981.

Asia—Afghanistan, 14,000 Soviet troops and 85,000 Afghans since 1979; Burma, 2,000 since 1985; separatist violence in India, 5,000 since 1984; Indonesia (there are no reliable estimates in the fighting over East Timor); Cambodia, 24,000 since 1979; Laos and Vietnam, 30,000 since 1979; the Philippines, 60,000 since 1970, and Sri Lanka, 6,000 since 1984.

This study estimates that over all, since the end of World War II in 1945, the death total in all wars, rebellions and uprisings of various sorts have taken the lives of 17 million people, about half the deaths of the last world conflict.

The Economist of London, commenting on this study, notes that, outside the Persian Gulf war, all wars between nations have disappeared. The magazine also notes progress in the present evacuation of Soviet troops from Afghanistan and the United States-Soviet efforts to reduce atomic weapons.

The World Priorities study said: "Present nuclear arsenals, scattered worldwide, alone represent over 26,000 times the explosive force of all armaments used in World War II."

But there are other problems. Many of the present wars are fueled by the United States, the Soviet Union and other industrial nations, and the technology to produce nuclear weapons continues to spread.

Also, the news of the present wars is limited by indifference, censorship, as in the Iraq-Iran conflict, and unwillingness on the part of the major governments to share what information they have on these wars with the public.

To a large extent, therefore, these are "the forgotten wars," neglected even by those countries that preach the precious value of every human life.

Much was said at the Reagan-Gorbachev summit conference in Moscow about avoiding future nuclear wars, but little if anything about trying to end present wars, fought with everything from clubs and stones to poison gas. Or even about reducing the flow of military weapons to the combatants.

At least, the major nations that dominate the communications of the world could publish an annual tally of the world's dead.

As it is now, if a war is not on television, it's not happening.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum and yield the floor.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Chair recognizes the Senator from Nevada, Senator REID.

WAR ON DRUGS

Mr. REID. Thank you, Mr. President, The crisis of drugs and narcotics in our country continues to escalate unabated and without, in many instances, resistance. Efforts by the Federal Government to curtail its explosive growth are having little or, in many instances, no effect.

Earlier this week on this floor, I rose to express my concerns about the problem of drug abuse in this country. I pointed out shortcomings in our so-called war on drugs and made it clear that I think we need to do more.

Today, Mr. President, I rise to outline my thoughts as to what steps are needed to win the war against narcotics as seen by those most directly involved.

Prior to my last trip to Nevada, I had a briefing by the Drug Enforcement Administration. This was so that I would have the latest information from the agency that is chiefly concerned with enforcing narcotics laws in the United States. I learned of the ominous task involved in the interdiction of drugs coming across our borders.

When I arrived in Nevada I met with the U.S. attorney, the head of the State narcotics bureau, the Clark County District Attorney's Office, which is the largest law enforcement office in the State, the prosecutor. I met with the Sheriff of Clark County and his representatives.

Their comments, I think, were insightful. I would like to share today several of the key points that were made during the discussion that I held in Las Vegas.

First of all, without exception, they listed their No. 1 complaint as a lack of cooperation between local and Federal agencies. Local agencies are forced, in many instances, to give any information to the Federal agencies, to fully cooperate with them in regard to investigations, but the cooperation is not returned. It is a one-way street, all the local people said, in the presence of the U.S. attorney.

The U.S. attorney did not deny the situation. He did point out that there are some difficult problems that result from the interagency problems within the Federal Government itself. The FBI, DEA, Immigration and Naturalization Service, Internal Revenue Service, to name only a few, are protected and will not, in many instances, and cannot, in some instances, share information with local officials. This was explained because of the existing protection laws, as well as traditions of secrecy not founded in law.

I think it is time that we reevaluate. I think it is time, as has been mentioned previously by others, that we examine the need for a drug czar, or a person who can bring together these various competing agencies for the same result. Agency rivalry, whether it occurs within the Federal Government or between the Federal and local governments, should not be thwarting our attempt to eradicate drugs in our country.

So there must be something done to enhance the cooperation and sharing of information with Federal, local, and State law enforcement agencies.

Perhaps the efforts of the Drug Enforcement Administration, the Federal Bureau of Investigation, and the Internal Revenue Service, Immigration and Naturalization Service, Coast Guard, and others involved in drug enforcement, should all be combined to ensure that one group, one agency has a responsibility and, just as important, has the authority to stop the increase of drugs into America today. That should be revisited.

This agency could be given a stronger mandate and increased authority, especially authority over these diverse organizations, agencies, and bureaus.

A second point made by the group that I met with was the lack of funding. We hear so much in our modern-day world about the war on drugs. In fact, there was an article in this morning's New York Times indicating that polls showed 60 percent of the people who voted last Tuesday considered the drug issue the No. 1 issue on their minds.

We have this war on drugs going, but we are really not doing much about it, as far as spending money. We may have to redirect priorities.

We hear from every group that we meet with that more money can be used. However, I believe now is the time for us to look at two areas of change in the way we fund drug enforcement efforts.

Mr. President, when I met with the officials from the Drug Enforcement Administration, I asked them how they felt about rehabilitation programs. Prior to coming to Congress, I did a lot of work representing people charged with crimes. Over the many years that I represented these people, I found that of those who had habits, principally with heroin, very few of them were ever rehabilitated. In fact, the statistics were around 1 percent. Out of 100 people who go through one of these rehabilitation programs, we are lucky if 1 of them comes out rehabilitated.

I asked the DEA official how the statistics were running on cocaine addiction, in addition to heroin addiction. It was about the same; not getting any better.

Is it not time we took a serious look at the rehabilitation programs that we have and how much it is costing to operate? I took this same question to the people in Nevada—the U.S. attorney, district attorney, sheriff, State narcotics officials. They said the same thing: Rehabilitation programs look good, sound good, but costs tremendous amounts of money for very little in return.

In addition, legalization would be a disastrous measure, probably creating more problems that it cures. Addiction would not be helped; first time users would find it easier to obtain drugs and become addicted. As Rev. Jesse Jackson said recently in response to a similar question: "You do not win a war by surrendering."

Instead we should direct our efforts at eliminating the appeal of drug use. We should put more money into law enforcement, and certainly more money into education because that is where the battle ultimately can be won.

Another area that I believe needs examination is a quick and effective way to turn over funds seized in drug-related arrests and raids to finance all aspects of drug enforcement activities. Certainly, there needs to be some monitoring and a level of control, but I was told more money is seized in my State, in the State of Nevada, than is actually spent in enforcement efforts. Those funds should be made available to hire personnel, purchase equipment, and, in general, finance law enforcement efforts.

There are programs, set up by regulation and law so that when the Federal Government seizes money in drug raids, part of that money can go back to State and local governments for law enforcement purposes. But the difficulty of getting it back there is increasingly tougher and tougher. It does not take months but sometimes years to get their percentage of money back and that is not the way it should be.

We have to streamline the methods and the means whereby those moneys are returned to State and local governments.

Mr. President, here this morning in this general discussion I think it is clear that I do not have all the answers to the questions, but until we start asking the right questions we are not going to have the answers. These questions must be asked because the standard ways we have tried to fight this battle on drugs is not working. We must acknowledge that it is not working because we can look around in our communities and see that it is not. It is time we seriously address the problem of drugs in our country. It is time that we look at the need for radical changes in the way we go about combating the problem. I do not like to talk about spending less money on rehabilitation, but it is something we should look at. Maybe we need to redirect some of those priorities.

It is a debate that should take place because we can no longer allow our efforts to continue on their current path. A change of direction, focus, and commitment is needed and it is needed badly. This must be a long-term commitment, one we dedicate to its conclusion, no matter the cost socially or monetarily, because we are only kidding ourselves if we think we are winning this war because, Mr. President, we are not even in the war.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum is noted. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BICENTENNIAL MINUTE

JUNE 29, 1797: A SENATOR REPORTS TO HIS CONSTITUENTS

Mr. DOLE. Mr. President, 191 years ago this month, on June 29, 1797, Senator William Cocke sent a circular letter to his Tennessee constituents.

Most letters were addressed individually and sent at politically opportune moments to both potential and active supporters. To gain wider circulation, these communications were posted in local post offices for public viewing and were reprinted in local newspapers. Though personal and partisan, the letters generally provided informative reports for an educated audience. Although their distribution was predominantly a practice of House Members, a handful of Senators used circular letters to keep their constituents abreast of the latest Senate activities as well as other issues of national concern.

Following the form of other congressional letters sent at the end of the 18th century, Cocke in his June 1797 letter first discussed issues of home-State concerns. He proudly reported that thanks to his efforts "there appears a considerable change of sentiment in a number of respectable Members of the Senate of the United States favorable to the State of Tennessee, and friendly to the extinguishment of the claims injurious to our rights." He then summarized recently passed acts of Congress. Cocke concluded with a summary of developments related to foreign affairs, including the ratification of a peace treaty with Tunis and Tripoli, and his worried assessment of the tenuous relations between the United States and France.

Though they might seem trivial to some today, these letters were of great importance. President John Adams once said, "I would give all that I am worth for a complete collection of those circular letters." Precursors of today's congressional newsletters, such letters provide us with a most valuable glimpse of how our Government functioned in its formative years.

A NEW TRADE BILL

Mr. DOLE. Mr. President, I have had a telephone discussion this morning with Treasury Secretary James Baker, and I hope that we could very quickly see the development of a bipartisan trade bill that we can pass in this Congress. The administration will support it. I think there are a majority of Members on both sides of the aisle who will support it in the Senate and in the House. I would suggest that the starting point ought to be just knocking out those six objectionable provisions mentioned in the President's veto message and start to work on the bill. It seems to me that there has been strong bipartisan support for trade legislation and a lot of effort in the Senate Finance Committee, the House Ways and Means Committee, and other committees putting a bill together.

The President's veto has been sustained. In my view, it is time to move ahead, and to underscore that I hope the administration, the President, the Vice President, and others who have an interest in trade legislation, will quickly move to indicate their public support for efforts in Congress to pass trade legislation this year.

Subsequently, Mr. DOLE made the following statement:

Mr. President, just a few moments ago, I stated on the Senate floor that we ought to move ahead on the trade bill and that the administration should indicate that.

I report to the Senate that the President just called me to express his gratitude, first of all, for the Senate's sustaining his veto, and second—and probably more important—to express his desire that we move ahead with the trade bill on a bipartisan basis.

I just want to report to the Senate—Republicans and Democrats—that the President is ready to go to work, that he would like to have a trade bill this year, and that he is certainly willing to cooperate with Members of both parties.

I believe that is good news, and I simply make that report to the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANFORD). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PANAMA

Mr. SIMON. Mr. President, this morning's New York Times has a story that says "U.S. Economic Warfare Brings Disaster to Panama."

The aim of American foreign policy should not be to bring disaster to Panama.

In the middle of the article it quotes a gentleman in Panama and says:

> Even if the Americans overthrow General Noriega, Mr. Altamirano said, "they are destroying the economy and they will create more Communism here." The left is small, he said, "but it is nationalist, and it is growing."

We went into this Panama situation. We went from one exteme to another, at one point making deals with Noriega and then suddenly switching after the indictment, and we have said we want to get him out of power. I would like to see him get out of power. But we have just caused chaos in Panama as a result.

After reading this article I thought what can be done in a constructive way for Panama. It occurred to me that we have a resource in this Nation, someone who could be very helpful. Jimmy Carter knows more about Panama than any President we have ever had since Theodore Roosevelt.

I am going to send a letter today to Secretary of State George Shultz urging that he ask Jimmy Carter to undertake a special mission to Panama.

Jimmy Carter is sensitive on human rights. He does not like military dictators. But Jimmy Carter is also sensitive to the problems that ordinary people in Panama face and he is sensitive to the whole situation.

We went in with a meat ax when we should have gone in with a scalpel, and the result has been a disaster.

The foreign policy of this Nation has been successful in the INF agreement and in some other areas. In Central America it has been one disaster after another that has just hurt all kinds of people.

I think we should ask former President Jimmy Carter to be a special ambassador. I do not know what the title might be, and I do not think he would worry about the title. But if the Secretary of State or President Reagan were to ask Jimmy Carter to undertake a special mission to see how we can pull the pieces together in Panama, I think he would welcome the opportunity to do it and serve this country.

I hope we can move in a positive direction in Panama.

Mr. President, I ask unanimous consent to have printed in the RECORD this article to which I have made reference that appears in today's New York Times.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. ECONOMIC WARFARE BRINGS DISASTER TO PANAMA

(By Steven Erlanger)

PANAMA, June 5.—The extended American confrontation with Gen. Manuel Antonio Noriega has produced an economic disaster in Panama causing structural damage that is likely to persist whether or not the general stays in power.

Since early March, economic activity has been cut in half, unemployment is soaring and the investor confidence crucial to this international banking center has virtually disappeared.

Economists, bankers, business executives, diplomats and officials of the Government, which is essentially bankrupt, agree that "this economy is going down the drain," as Commerce Minister Mario Rognoni put it.

THE IMPACT OF SANCTIONS

General Noriega, his ministers and what is allowed to function of Panama's press have largely succeeded in attributing the deprivation to economic sanctions by the United States. Put in place three months ago, the sanctions were designed to bring the general down by pushing an already teetering, debt-ridden and badly managed economy over the edge.

But General Noriega remains in power, the negotiations with Washington over his removal having collapsed last month, and a temporary parachute of new cash and the transformation of unredeemable Govenment checks into a devalued kind of currency have ended the economic free fall of March and April.

Still, the economy continues to drift inexorably downward, causing significant structural damage to industry, agriculture and especially to the banking and other commercial services that make up 80 percent of the economy.

United States officials optimistically told business executives here in March that General Noriega would be gone in a month or two.

But now, bitter Panamanians total the damage: economic activity at about 55 percent of normal, worse than the low point of the Depression in the United States; unemployment doubled to at least 20 percent and increasing; construction off 95 percent; retail sales off 70 percent, with unreplenished inventories; sales of durable goods off 90 percent; industrial production off 60 percent; agricultural output off 30 percent, with planting sharply reduced without credit to buy seed.

If nothing changes in the next two or three months, Government officials say, Panama is likely to print its own currency, which it will use to pay Government checks and debts. The country now uses the United States dollar, though nationalists pretend it is actually called a balboa.

Printing "real" balboas, backed with few dollar reserves, would be disastrous, diplomats and some Government economists say. As scrip, Government checks are already devalued about 30 percent when sold for cash. Nervous Panamanians are expected to take the new balboas and sell them for dollars, at a rate economists suggest would start at 10 to 1.

A result, one economist said, would be rapid inflation, accelerated devaluation and then Government control of foreign exchange, and perhaps the nationalization of banks.

MORE DRASTIC CHANGES TO COME

"The private sector, the banking system and the Colón free zone would collapse altogether, and then we'd really be a run-of-the-mill Latin American military dictatorship," he said.

The economist said the country's only real hope was to rid itself of General Noriega, because only then would the United States provide the $500 million or so in credit necessary to reopen the banking system.

"The signs we see on the horizon are of further decline and more drastic changes to come," said Luis Moreno, until last year the general manager of the Chase Manhattan Bank here. He estimated that nearly $7 billion had already moved out of banks in Panama to other offshore havens and was unlikely to return.

"The private sector is shrinking away and with it the middle class of this country is being destroyed," a prominent Panamanian said. "That doesn't displease some of those around Noriega."

Amid the wreckage, there is a serious debate within the military-sponsored ruling party about a "new economic model" for Panama to make the less dependent on the United States, Government, church and business officials say.

Essentially, two models are being discussed, said one Panamanian who has taken part in the talks: Hong Kong and Cuba. The Hong Kong model would extend the concept of a freewheeling and duty-free trading center to all of Panama, while the Cuba model would mean protectionist collectivism at a sharply reduced standard of living.

The breadth of the choices is an indication of both internal political struggle and a lack of economic sophistication, the Panamanian said. "But there are a number of people saying that now, when matters are grave and the Americans can be blamed, is the time to make a break with the past," he said.

"No matter how stupid," he continued, "they can do what they want in this dictatorship."

A TROPHY FOR THE ELECTION

"The Americans don't care about the damage to the country," said Tomás Gabriel Altamirano Duque, a Senator for the governing party and co-owner of La Estrella de Panamá, the only non-Government newspaper allowed to publish. "The Republicans care only about another trophy for the election."

Even if the Americans overthrow General Noriega, Mr. Altamirano said, "they are destroying the economy and they will create more Communism there." The left is small, he said, "but it is nationalist, and it is growing."

The United States sanctions by themselves were not that drastic. They included the freezing of $50 million in Panamanian assets and the nonpayment of canal revenues and local taxes by American companies here. But three years of large Government deficits in an economy that cannot print more currency, and that had already borrowed about as much as it could abroad, had reduced the available cash of the state bank, Banco Nacional de Panamá, to $70 million.

The sanctions froze $50 million of that money, thus squeezing the entire banking system, which shut down. In turn, the economy, starved for cash and credit, went into a free fall.

The economy would even be in worse condition, bankers and economists say, if it were not for an influx of imported cash. The United States military alone spends $40 million a month. Other money comes from the Panama Canal Commission and concerns like the United Brands Company, which brings in $2 million a month.

The public sector is paid in Government checks, which have become a quasi-currency, and many of those workers who have lost their jobs are still living off severance payments.

In addition, imports are down more drastically than exports, the Government has ceased paying its $5 billion debt and money laundering continues, bringing marginally more cash into the economy than is leaving it.

But severance payments will run out by July or August, as dismissals and closings continue; inventories, even in the free trade zone, will be very low by autumn; and the flight of capital will continue to other havens, like the Cayman Islands and the Virgin Islands.

THE WORST POSSIBLE SCENARIO

"Right now," a prominent banker said, "we face the worst possible scenario: Noriega, political dictatorship and economic depression, followed by permanent decline."

"I don't think the Americans wanted to hurt the private sector and the man in the street, but they are," said Alexander D. Psychoyos, a supermarket executive and former head of the American Chamber of Commerce.

General Noriega will not be humiliated, Mr. Psychoyos said, but if he could be persuaded to leave on his own terms, and the Americans provided "a good injection of money," Panama could recuperate in two years.

"Panamanians have a fantastic resiliency," said Mr. Psychoyos, who admits he is an optimist. "But just now we fear tougher times ahead."

IN HONOR AND MEMORY OF JOHN M. DUNLAP

Mr. THURMOND. Mr. President, the town of Cleveland, as well as the State of Tennessee, suffered a great loss with the death of Mr. John M. Dunlap, who died on Sunday, April 12, 1988.

Mr. Dunlap, a native of Honea Path, SC, moved to Cleveland, TN, during the difficult times of the Great Depression. Mr. Dunlap, uninhibited by those harsh economic times, invested wisely in a business which became prosperous. His strong leadership abilities and quality organization proved to be a sturdy asset to the community.

Mr. Dunlap continued to serve the community as president of the Cleveland-Bradley County Chamber of Commerce in 1950 and again in 1957. He also served on the former Bradley County Quarterly Court for 14 years.

In addition to his business and community service, he was a devoted member of Cleveland First United Methodist Church where he served on the administrative board and the finance committee. He also was active with the Boy Scout Program. His volunteer work showed the depth of his concern for others and the extent of his fine character.

I had the distinct pleasure of attending Clemson College with Mr. Dunlap, and I considered him a true friend who could be counted on during good and bad times. We both served as president of the Calhoun Literary Society and I valued his opinions and ideas with great respect and admiration.

Mr. Dunlap was active in the community and devoted to his family. He served his community, State, and Nation well and should be greatly admired for his accomplishments.

His strong personal values and his firm, progressive leadership enabled him to fulfill his duties with the utmost degree of integrity and ability.

I was deeply saddened by the death of Mr. John M. Dunlap. Mrs. Thurmond joins me in extending our deepest sympathy to his lovely wife, Mary, his daughter, Mary Dell Groom, his brother Col. Herbert P. Dunlap, and his sisters, Mrs. Marie Collier, Mrs. Elizabeth Tuten and Bertha Dunlap.

Mr. President, I ask unanimous consent that an editorial from the Cleveland Banner and an article from the Chattanooga News-Free Press on Mr. John M. Dunlap be printed in the RECORD following my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Chattanooga News-Free Press, Apr. 12, 1988]

JOHN M. DUNLAP DIES; CLEVELAND CIVIC LEADER

CLEVELAND, TENN.—John M. Dunlap, a former president of the Cleveland-Bradley County Chamber of Commerce and the owner of Cleveland Creamery, died Sunday in a Cleveland hospital. He was 87.

Mr. Dunlap was a native of Honea Path, S.C.

He was the owner and operator of the creamery, which he purchased during the Depression.

He served as president of the Cleveland-Bradley County Chamber of Commerce in 1950 and again in 1957 and served on the former Bradley County Quarterly Court for 14 years.

He was a former chairman of the board of trustees of Bradley County Nursing Home and Bradley Memorial Hospital.

He was president of the Cleveland Rotary Club and received the Rotary Distinguished Award and the Rotary Clubs' Paul Harris Fellow Award.

He also received the Jaycees' Distinguished Service Award.

He became a director of Cherokee Valley Bank in 1950, which was then known as Cleveland Federal Savings and Loan Association, and served the bank continuously until 1984, when he was elected director emeritus.

Also a real estate broker, he was active in community and civic affairs and was instrumental in convincing legislators that Cleveland was a logical site for a community college, leading to the establishment of Cleveland State Community College.

He was active with the Boy Scouts, having served as district chairman.

He graduated from Clemson University in 1923 along with Sen. Strom Thurmond, who remained a close personal friend. He served as director of the school's alumni association.

He was a member of Cleveland First United Methodist Church, where he served on the administrative board and the finance committee, and held several other church positions.

The church's chapel is named in his honor.

Survivors include his wife, Mary Relfe Dunlap; daughter, Mary Dell Groom, Cleveland; brother, Col. Herbert P. Dunlap, Chattanooga; sisters, Marie Collier, Laurens, S.C., Elizabeth Tuten, Columbia, S.C., and Bertha Dunlap, Greenville, S.C.; three grandchildren; and six great-grandchildren.

Services will be at 2 p.m. Wednesday at Fike Funeral Home in Cleveland with the Rev. Jack Wiedkel officiating.

Burial will be in Hilcrest Memorial Gardens.

Pallbearers will be Bill Fillauer, Zane Harris, Wayne Feehrer, Darrell Anderson, Terry Woody and Howard Kuhns.

Memorial contributions may be made to the Cleveland First United Methodist Church Building Fund.

The family will receive friends from 7 to 9 p.m. today at the funeral home.

[From the Cleveland (TN) Banner, Apr. 12, 1988]

MR. JOHN M. DUNLAP

Last week, Bradley County gave up a man who gave so much of himself to the community. John M. (Johnny) Dunlap died at age 87.

Mr. Dunlap arrived here from his native South Carolina in 1934. The country was in the throes of the Great Depression. But he was unafraid to invest in business here, and to be on this area as one which held promise.

He purchased the Cleveland Creamery, continuing as its owner for 30 years.

He chose to be more than a passive citizen. He gave his business the time it required, but he found time to donate work and leadership to a variety of organizations and efforts dedicated to making his adoptive home a more progressive and pleasant place to live.

He joined the Cleveland Rotary Club in 1934. At his death, he held badge number one, indicating that he had held continuous membership longer than any other local Rotarian. The club presented him with its 1969 Distinguished Service Award.

He was a member of the First United Methodist Church of Cleveland, and had served on its official board.

He was active in the Chamber of Commerce, serving six years on its board of directors, and as its president.

He served for 18 years on the former Bradley County Quarterly Court. It was during that tenure of service that notable advances were made, among them the inception of Cleveland State Community College expansion of Bradley Memorial Hospital and the building of the present Bradley County Courthouse.

He was once chairman of the Bradley Memorial Hospital and Nursing Home board of trustees.

He served as district chairman for the Boy Scout program.

He was a director of the Tennessee River and Tributaries Association, and, from 1950 to 1984, was an active member of the board of directors of Cherokee Valley Bank. In 1984, he was elected director emeritus.

Mr. Dunlap felt that the duties of citizenship included an active interest in the political process. He was a steadfast Democrat, serving on the State Democratic Executive Committee as vice chairman for East Tennessee. He maintained, however, that he always placed the general publics good above partisan considerations. It is notable that he maintained an active friendship with a more famous Clemson classmate, Strom Thurmond even after the Senator from South Carolina switched allegiance from the Democratic to the Republican party.

Mr. Dunlap was a personable man; one of the few of whom it can be said, "He never met a stranger."

Mr. Dunlap leaves a record of considerable success and contribution to the community, and he left us with the respect of those who knew him.

CONVENTIONAL ARMS CONTROL

Mr. WIRTH. Mr. President, Karl Kaiser has become a familiar and valued participant in deliberations concerning conventional arms control.

In recent testimony before the Senate Armed Services Committee, Dr. Kaiser, professor of politics at the University of Cologne and director of the Research Institute at the German Council on Foreign Relations, Bonn, stresses the need for the West, in this time of nuclear disarmament, to focus upon the conventional threat to Western Europe, the issue at the heart of NATO's formation and continued vitality. What is needed is a connection between nuclear modernization and arms control and conventional arms control that is real and yet flexible.

Kaiser sees conventional arms control operating in a new context. Nuclear deterrence is losing appeal as NATO doctrine with influential sectors of public opinion, making conventional war more acceptable. This imperils the West, which lags behind the East bloc in this realm. While this is ameliorated somewhat by the reforms taking place in the Soviet Union, the INF Treaty not only makes the prudent handling of remaining nuclear arsenals crucial. It also demands, given the current conventional imbalance, even greater assymetrical reductions and more intrusive verification provisions for conventional arms than those found in the INF Treaty.

Kaiser also takes issue with the opinion widely prevalent in Britain and the United States that further nuclear arms control treaties should be avoided until the conventional balance has been adequately redressed. For Kaiser, short-range nuclear weapons serve not only to deter a Warsaw Pact conventional attack, but war itself. As such, NATO must seek to maintain an adequate and minimal structure of flexible response, a task that should not be delayed in waiting for a conventional arms control pact to happen. Moreover, since the pact maintains a 14-1 superiority in short-range, land-based missiles, without meaningful arms control in this category of weapon, NATO forces would be reluctant to escalate, as its decisionmakers would suffer from self-deterrence. Therefore, if NATO is to maintain a nuclear capacity that can threaten an aggressor, the 1983 Montebello decision to modernize the NATO nuclear arsenal must be refined and expanded. The nuclear artillery that plays such a large role in NATO's low-level nuclear arsenal is relatively worthless, according to Kaiser, and West Germany bears a disproportionately high share of the risk if such weapons were to be used. Items such as new standoff weapons, aircraft with modern penetration technology, and a small number of SLCM's and ALCM's assigned to Saceur are needed in order to maintain a minimum nuclear posture. Thus, any triple zero solution would only serve to further undermine West European security, for the Soviet Union would then be able to further exploit its conventional superiority.

A conventional arms control treaty, Kaiser feels, is not going to happen soon. To bring about a worthwhile treaty, he suggests what many take as a given: enhance stability by eliminating existing capacities for short-warning attack and large-scale invasion. Aiming for common ceilings is one way to do this. The Western allies will have troubles, as always, in maintaining a unified front, but must at least agree on what types of weapons to reduce, and in what order. Potential geographic disaggregation will be an especially divisive topic. The talks themselves will be extraordinarily complex, and, in Kaiser's opinion, would be much aided by an initial and thorough discussion of the military doctrines of both alliances. This way, the participating elites would be exposed to a critical analysis of their own doctrine and posture. From there further and extensive confidence-building measures would be in order, followed by an agreement to reduce the production of military equipment to roughly equal levels, thereby focusing on future outcomes rather than disagreements in the data of the moment. From that point, negotiations over assymetrical reductions would still be most difficult and complex.

Mr. President, I ask unanimous consent that the testimony of Karl Kaiser before the Senate Armed Services Committee Wednesday, February 17, 1988, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

OBJECTIVES, CONCEPTS, AND POLICIES FOR CONVENTIONAL ARMS REDUCTIONS

(Karl Kaiser)

I. THE CENTRALITY AND RAMIFICATION POTENTIAL OF CONVENTIONAL ARMS CONTROL

The purpose of preventing and countering a Soviet conventional aggression has been the main driving force behind the establishment of NATO in the 1940s. The primary of that purpose has not changed since then. For citizens in the two superpowers, in particular Americans, that primary may not be as obvious today as it was then. To them conventional war is a geographically distant and rarely considered eventuality, whereas nuclear war and its prevention is the dominant subject of their preoccupation and the public debate. Even in Europe there are many who have been so overwhelmed by the awesome destructiveness of nuclear weapons that they tend to underestimate the dangers of conventional war.

But to the overwhelming majority of Europeans and to the political forces determining Alliance policy, the problem of conventional aggression is the central and immediate issue. If ever war were to start, it would begin not as a nuclear war but as conventional aggression in Europe. Not unlike the 1940s the Soviet Union continues to have the capacity for strategic conventional offensive along the NATO-Warsaw Pact border. Consequently Europeans have every reason to be most concerned with the eventuality of becoming the victim of conventional aggression which in turn would be the only event that could trigger nuclear conflict. Though the probability of conventional war in Europe is extremely low or nil today, the future inevitably remains uncertain. Conventional arms control, were it to be successful, would therefore address the central problem of European security that has plagued the alliance for four decades.

Within NATO's strategy of flexible response the conventional and nuclear dimensions from an organic whole. In such a system of interaction changes in the conventional sector will spill back into the nuclear sector. Should nuclear disarmament be successful, the elimination of the Eastern capacity for strategic conventional offensive becomes even more imperative.

II. THE NEW CONTEXT OF CONVENTIONAL ARMS CONTROL

1. The forthcoming round of conventional arms control will take place under conditions totally different from those of its unsuccessful predecessor, the MBFR negotiations. Within the Soviet Union a new leadership is committed to radical reform that requires avoidance of external conflict, greater resources for the civilian sector, and a more harmonious relationship with the members of its empire. For each of these three areas Soviet conventional forces are crucial. Conventional arms control, therefore, inevitably carries with it potentially profound implications for the political order in Europe.

2. The delegitimization of nuclear deterrence has been going on for several years. The political forces working in this direction span the entire political spectrum and range from President Ronald Reagan (in justifying SDI), the Catholic Bishops of America, the anti-nuclear protest movements of Western Europe to Gorbachev's campaign for "New Thinking" and the elimination of all nuclear weapons by the year 2000. A reversal of values becomes apparent which replaces the priority of war prevention as a consequence of the incalculable risk of nuclear weapons by the priority of damage limitation dictated by the enormous destructiveness of nuclear weapons. In this context a more probable conventional war becomes more acceptable than an improbable nuclear war. Conventional arms control must, therefore, take into account that a delegitimization of nuclear deterrence makes the conventional field the decicive arena for stability in Europe, i.e. the very area where the West suffers a structural disadvantage. For this very reason such a delegitimization is not in the West's interests.

3. The new round of conventional arms control will take place after the conclusion and amidst the implementation of the INF-Agreement. As its result both sides have given up important options for nuclear strike. Though the agreement has not undermined NATO's strategy of flexible response, the West does give up important nuclear options of its land based nuclear arsenal to strike Soviet territory as part of its posture aimed at deterring aggression. Under these circumstances a prudent handling of the remaining nuclear capacities becomes even more important as a necessary corollary of arms control negotiations in order to maintain stability in Europe.

4. During the entire post war period obstinate Soviet opposition to meaningful verification through on site inspection has been the most important obstacle blocking progress in disarmament and arms control. With the Stockholm agreement of 1987 on Confidence Building Measures and even more so with the Washington Treaty on INF the Soviet Union has at last created one of the preconditions for new agreements by accepting on site inspection.

Whether the Soviet Union is willing to continue travelling on this road remains to be seen. After all, whereas the INF deal carried with its significant advantages for the Soviets worth substantial concessions, conventional arms control requires that the Soviet Union abandons an advantage, surely much appreciated and acquired at tremendous cost, namely conventional superiority in Europe. Only the future will show whether she is willing not only to make that concession but to accept a kind of verification which in the case of conventional arms control must be significantly more intrusive than it has been agreed upon for the INF Agreement.

III. THE INTERACTION OF CONVENTIONAL AND NUCLEAR ARMS CONTROL

Although it is common knowledge that the conventional and nuclear sector are closely interrelated within NATO's strategy of flexible response, there is considerable disagreement within the Alliance about how to treat that interconnection in the arms control process. Consensus exist in one important point, that nuclear weapons and carrier systems (including dual capable systems) should not be dealt with in Vienna.

With regard to the ongoing discussion about how to relate conventional and nuclear arms control to each other two schools of thought appear to be of particular importance. The first, predominant in American and British thinking, suggests that further steps of nuclear arms control should be undertaken only after conventional balance has been achieved through negotiations and that in the meantime the 1983 Montebello decision of NATO about the modernization of shorter range nuclear weapons should be implemented. Another school of thought predominant in the Federal Republic of

Germany argues that measures should be taken only on the basis of a comprehensive concept to be worked out that encompasses both modernization and arms control in the nuclear field in connection with steps in the conventional area.

1. Nuclear arms control only after the achievement of conventional balance?

At first sight the proposition, as enunciated e.g. by President Reagan, to wait with further reductions of short range nuclear weapons until conventional balance is achieved, appears convincing. It was one of the functions of nuclear weapons to compensate for the conventional superiority of the Warsaw Pact which the West could not and did not want to match since the 1950s. The result is known: The East armed itself into a status of conventional military superiority and relative economic poverty whereas the West relied on nuclear deterrence and thereby bought social and economic progress. Moreover, given growing budgetory constraints for conventional armament in NATO and the continued superiority of Warsaw Pact production of armament, the West's dependence on the deterrence function of nuclear weapons has actually increased. Would it not make sense under these circumstances to insist on the recreation of conventional balance? Such an argument overlooks that shorter range nuclear weapons not only have the function of compensating for Eastern conventional superiority but, more important, to deter war as such, even under conditions of conventional balance. In this connection the INF Treaty is relevant. Since it removed specific nuclear options at the very moment when the West's reliance on nuclear weapons * * * be taken that an adequate and minimal structure of flexible response is preserved under these circumstances. To postpone such a task until conventional balance is created actually aggravates the problem.

Moreover, to make nuclear arms control dependent on conventional balance may well be a prescription for inaction. As will be shown later, the difficulties that have to be overcome to produce the kind of balance which satisfies NATO's needs, are simply enormous. Negotiations on conventional arms reduction will take a long time before substantial results can be achieved. Finally, after a withdrawal of the land based systems according to the INF Agreement the Warsaw Pact will retain a 14:1 superiority of landbased missiles with a reach of less than 500 kilometers. In view of this superiority Western decision makers are likely to suffer from "self-deterrence", since they would face the prospect of triggering an immensely destructive strike with superior tactical weapons of the Soviet Union if ever they were to make the first escalatory step. If their reluctance to escalate were to become a reasonable certainty, a zone of non nuclear war-fighting would be created which would allow the Warsaw Pact to bring its conventional superiority into play and in which relatively calculable risks could make war more probable.

2. Re-interpretation of the Montebello decision

At the time of the Montebello decision it was highly doubtful whether an INF Agreement would be concluded, notably one that would actually achieve a zero level of systems down to a reach of 500 kilometers. In the meantime that agreement is a reality and has changed the context of the Montebello decision. After the implementation of the INF Agreement, NATO's option for a low level nuclear response by ground based systems is confined to LANCE which faces a crushing superiority on the other side and to nuclear artillery. The political function of nuclear artillery in escalation is almost nil and its military value on the battlefield is doubted by almost all field commanders. The Montebello decision is therefore inadequate if NATO is to recreate a certain flexibility in nuclear options, notably a nuclear capacity that can affect vital interests of an aggressor.

Finally, the Federal Republic of Germany would carry a disproportionately high share of the risk of a low level nuclear response. To be sure, the "singularization" of the Federal Republic is a myth, since others carry a nuclear risk as well, but the fact remains that most of the remaining weapons of shorter range are either on German soil or are likely to hit German territory. In democracies elected politicians can ask their voters to make a sacrifice only if they present a convincing case that minimizes their threat and proves that they have explored every other available avenue to maintain security. It is easy for Allied politicians to accuse their German counterparts of being difficult or dragging their feet, for most of them do not have to face a relucant electorate on these issues. Surely, nobody can be interested in undermining the legitimacy of nuclear deterrence in Germany when the task must be the opposite: Maintain and strengthen a minimum nuclear deterrence in a post-INF-world.

3. Toward a comprehensive approach

The ongoing nuclear disarmament must not slip into a "triple zero". Such a solution would be supported by the existing anti-nuclear groups in Western Europe who, encouraged by similar proposals from Gorbachev, aim at the total elimination of all nuclear weapons from Western and Central Europe. Such a course would find the support of those conservative and liberal Americans who feel uneasy about extended deterrence and would like to confine the American nuclear posture to a purely strategic one. Naturally such an outcome would be vigorously sought by the Soviet Union whose strategic goal has always been to eliminate nuclear weapons from Central and Eastern Europe. Such a state of affairs would bring to bear its own conventional superiority and geopolitical advantage without in any way relinquishing the threat of its own strategic nuclear weapons which can be directed at any point in Western Europe in a tactical mode (e.g., through the SS 24). A triple zero solution would, therefore, fundamentally undermine West Eurpoean security. For these reasons neither the coalition partners of the German government nor most other Allied governments support such an outcome.

First, the Allied governments must make an effort to restate vis-a-vis their democratic publics that even under conditions of nuclear and conventional disarmament an adequate minimum deterrence remains imperative. Though conventional disarmament would decrease dependence on the use of nuclear weapons, it would not eliminate the need for nuclear deterrence, for its purpose remains to prevent war as such by introducing an incalculable risk to a potential aggressor. The minimum nuclear posture must be made independent of developments in conventional arms control.

Second, the Montebello decision should be enlarged in order to define the minimum elements of a nuclear posture in Europe. Such a bottom line of flexible response would consist of a modernized version of LANCE in its present numbers, adequate aircraft capacity with modern penetration technology in combination with a new stand-off weapon that can reach targets within the Soviet Union, and the assignation of a small number of sea-based and air-launched cruise missiles to SACEUR.

Third, such a modernization should be pursued in conjunction with negotiations on American and Soviet nuclear systems with two purposes: First, an elimination of all nuclear artillery shells from Central Europe. This should be done in full awareness of the limited verifiability of such an agreement. If nuclear artillery is militarily of almost no value to Western commanders, the same must be true for their Eastern counterparts. Second, the present disparity of short range nuclear missiles with a range below 500 kilometers should be negotiated down to the Western level.

Though the modernization of nuclear weapons and further nuclear arms control should be seen and treated within a comprehensive concept, linkages should be avoided which give the Soviet Union a *droit de regard* with regard to LANCE modernization, after having completed that process for her own systems. As for the link between nuclear modernization and arms control on the one hand and conventional arms control an the other there should be a connection which is real and yet flexible at the same time. Without explicitly addressing this question in the mandate for conventional stability negotiations the West should communicate to the East its willingness to negotiate nuclear weapons in a new forum after conventional arms control has made some initial and real progress.

IV. PROBLEMS OF CONVENTIONAL ARMS CONTROL

1. Improving stability

As the West enters a new round of conventional arms control the obvious deserves restating: Military stability will not only be created by arms control but also by defense improvement. Considerable energies and resources are spent on improvement as a routine matter. It goes without saying that they should not only continue but should be subordinated to the same principle that guides arms control, i.e., augment military stability. That applies in particular to equipment and technics that strengthen the defensive side of the military equation.

Though MBFR negotiations never produced a concrete result; they did provide an important learning experience to both East and West. Its results are reflected in the consensus which unites the members of the Alliance with regard to the goals of the forthcoming negotiations. The central notion is stability, the dangers to be eliminated: existing capacities for short warning attack and for initiating large-scale invasion. It is interesting to note that in the ongoing Vienna negotiations on a mandate for military stability talks East and West do not disagree any more about the basic goals, and not even on the abstract enumeration of methods to achieve them, such as reductions, limitations, redeployment provisions, equal ceilings and related measures. The difficulties will arise when concrete packages are to be negotiated by implementation.

For NATO the Warsaw Pact's conventional superiority resulting in a capacity for surprise attack and invasion, represents the most important problem. Consequently asymmetrical reductions are an essential and indispensable element of a meaningful approach to increase stability. According to a RAND study (James R. Thomson and Nanette C. Gantz) a reduction in division equivalents in favour of NATO would substantially worsen NATO's situation unless the ration reaches 4:1. If such ratios are denounced by the Soviet Union as excessive Western, governments must * * * excessive build-up on the Soviet side during the last decades. In this connection a return to the well proven concepts of common ceilings is advisable.

Not only can it be justified more easily in the political process but also provides a more objective criterion. However, common ceilings as such need not yet be a guarantee for stability, because they could hide a forward deployment of highly offensive capacities. Consequently the notion of equal ceilings must be implemented in the context of other measures that make sure that it increases stability.

Although negotiations will have to deal with a wide variety of approaches they should concentrate on those dimensions where measures have the highest impact on reducing the capacity to conduct large scale offensive action. Consequently two elements should be at the center of Western preoccupation: The elimination of those weapons' systems which are particularly threatening for offensive purposes, in particular tanks and artillery and, second, the Soviet Units, since, for political and military reasons, they represent the threat that NATO has to worry about and not the Soviet allies. That requires proposals that eliminate weapons systems suitable for offensive actions and concentrate on reducing the disproportionately high share of Soviet forces in the Warsaw Pact forward deployed armed forces.

2. Problems Within the West

The recent intra-Western disagreements concerning negotiating methods, i.e. the problem of the inter-alliance and the CSCE framework of negotiations, are likely to appear trivial in comparison with the divergencies which will probably emerge once NATO moves beyond the present agreement on general principals, such as stability, invasion capacity, etc. and attempts to work out practical proposals which translate them into reductions, force redeployments, geographical zones, verification schemes, etc. Differences of opinion could quickly come into the open if the Soviet Union were to seize the initiative and present proposals before the West has worked out a practicable negotiating strategy. In such a case a superficially attractive offer with an asymmetric reduction, which is presented as fair and possibly even accepted as such by many groups in the Western public, could reduce the chances for working out sensible solutions that could increase stability.

Consensus on reducing the invasion capacity of the Warsaw Pact has to be translated into agreement on what types of weapons should be reduced first and in what order of priority. The East and Gorbachev personally have agreed to the principle that defense should be "non-offensive" meaning that there should be no capacity for strategic offensive (which is the intended meaning of the somewhat ambiguous term of "structural incapacity to attack" popularized by the Social Democratic Party of Germany, which does not want to advocate the elimination of tactical attack capabilities so essential to any defense). The packages to be worked out to achieve a superiority of defense over offense have to combine many different elements: quantity and quality of weapons, training, combat readiness etc. Many weapons can be used both for offense and defense, and whether they can be used in one or the other mode depends on numerous other factors that have to be taken into account. For the time being opinions differ considerably on these questions both within the West and between West and East.

The disaggregation in geographic zones will no doubt represent another difficult problem. Such a disaggregation is a prerequisite for restructuring the military postures of both sides according to agreed criteria in order to maintain adequate defense without providing capacities for offense and invasion. But any geographic disaggregation creates differences in status of those zones and therefore raises delicate political problems, e.g. for a country in which reductions take place (like Germany), and countries that have to receive redeployed units or material (like the Benelux or France).

France will have the special problem of being forced to make up its mind about the status of its territory if redeployment schemes in negotiations require the availability of French territory for units or weapons. Moreover, both France and the Federal Republic of Germany will no doubt want to avoid that measures in the field of conventional arms control impede their effort to build a stronger mutual security relationship.

Verification will be another difficult problem to be approached. Since the formulas of reduction, restructuring or redeployment of forces will inevitably be complex, they require an intensity of intrusive verification that will be without precedent in the history of arms control. How far one can go is above all an Eastern problem, but the West may have problems with it as well.

3. Problems within the East

Soviet troops have always had a double function in Eastern Europe. They are a factor of defense and offense opposing the forces of NATO and, secondly, a policing factor guaranteeing Soviet dominance in its sphere of influence. Significant reductions which are bound to affect Soviet troops more than those of its allies are likely to affect the internal policing role. While the West has an interest in seeing that role reduced this factor cannot be introduced explicitly into the East-West arms control negotiations. The evolution of the internal structure of the Warsaw Pact will greatly determine the relevance of this question. Moreover, as the 1981 Polish crisis has shown, Soviet troops can play their hegemonial role within the Warsaw Pact system without being inside the territory of the country in question. In the last analysis the relevance of this factor in forthcoming negotiations on conventional arms control can only be decided by the Soviets themselves.

Whether the Soviet Union will accept sufficiently asymmetrical reductions remains to be seen. Though the principle has been accepted by Gorbachev in a speech on 10 April 1987 and at the Warswa Pact Summit in May 1987 the long history of MBFR gives no clue whatsoever as to a willingness to practically proceed in that direction. What rasons could induce the Soviet Union to give up a significant military and political advantage? The list is only moderately convincing:

First, such asymmetric reductions would lead to savings of resources, but that is only true in the very long run, since initially, conventional disarmament will absorb additional funds for the re-direction of personnel as well as investments for the conversion of armaments industry.

Second, such a movement would no doubt have a positive impact on the world and improve the standing of the Soviet Union.

Third, Gorbachev could use external success to boost his image and position at home in a difficult process of internal reform. Finally such asymmetrical reductions might concievably be facilitated if there is a reasonably good climate in East-West political and economic relations which the Soviets would like to encourage.

V. TOWARD A FEASIBLE APPROACH TO CONVENTIONAL ARMS CONTROL

Even a superficial look at the issues of the forthcoming round of conventional arms control reveals the extraordinary complexity of the issues to be negotiated, even if they are broken down into smaller components of negotiation, such as reduction packages, verification measures, thinning out moves etc. Moreover, each item is interconnected with many other sensitive areas. Within the West views differ on many important issues. It can, therefore, be predicted with reasonable certaintly that it will take a long time before the first substantial agreements can be concluded between East and West in this field. The question therefore arises whether one could not organize an approach to negotiations according to feasibility and practicability of progress and proceed accordingly in succeeding phases.

1. A Discussion of Military Doctrine

A first phase of negotiations could consist of a thorough discussion of the military doctrines of both alliances. Several practical reasons speak for such an approach. First, such a round in which both military and diplomats take part, could lay the groundwork for later negotiations on specifics by analyzing thoroughly which threats each side perceives with regard to the military posture, procedures and doctrine of the other. By identifying the central elements of threats, important criteria and priorities for the ensuing negotiations could be identified. Such discussions can, thirdly, be started without being forced to overcome the numerous divergencies of views within the West and can, therefore, begin reasonably soon.

Moreover, such discussions have eminently political reasons. First, they are directed at the Western public besides clarifying the issues at the negotiating table. A review of the military doctrine offers the opportunity to bring into relief the striking disparity between the defensive claim of the Warsaw Pact's doctrine and the offensive reality of force ratios, force structure, training and readiness. A review of these issues will lay the ground for a better understanding of Western publics—not only of the general issues but in particular of the necessity for asymmetric reductions.

Such a discussion is, secondly, likely to have an impact on the East as well. Not only are some of the public arguments carried into the East with the potential of a moderate though not insignificant impact, but, more important, the participating elites will be exposed to a critical analysis of their own doctrine and posture. Conceivably such a process may help those forces in the Soviet bureaucracy willing to challenge military orthodoxy and its temendous political and economic burden for the Soviet Union.

Some argue against such a discussion of doctrine on the grounds that it will either be used by Soviet propaganda to denounce NATO's policies, such as FOFA and no-first-use of nuclear weapons, or that it will result * * *. However, NATO has nothing to fear from such a debate. By now the alliance is used to controversy about its policies which, after all, enjoy clear political support by the participating countries. NATO has a good case in comparing Eastern and Western military doctrine. Finally, only a test will show whether or not a discussion will get bogged down in disagreements on data and whether or not Gorbachev's *glasnost* policy will have its impact here as well.

2. The Priority of Confidence-Building

Even if East-West measures on military hardwear or troops are difficult and time-consuming to agree upon, a lack of success in this area need not prevent progress in the realm of confidence-building. New measures of confidence-building could superimpose greater transparency on the existing military set-up in East and West with all its asymmetries so that both sides can become confident not to be the object of surprise moves or disadvantageous changes in military strength.

Such confidence-building measures could consist of a further intensification in scope of the measures agreed upon at the Stockholm Conference in 1986 by creating a dense network of observation on both sides of the East-West border, notably in Central Europe. Such measures could cover both maneuvers and all movements of troops and material. Moreover, they would have to include the perhaps most important element that the Stockholm Agreement failed to cover, alert exercises of military units; from the point of view of crisis stability such exercises deserve prior notification and some degree of observation even more than maneuvers do.

Confidence-building measures as an opening of a new round of conventional arms control in Europe would have the net effect of increasing stability even without reductions, would lay the groundwork for the relatively dense network of verification that has to accompany later reductions or redeployment measures and would hopefully create a political atmosphere conducive to more far-reaching measures of conventional arms control.

3. An Agreement on Equal Levels of Arms Production

Agreement on military data, not to mention reduction and redeployment formulas will be difficult and time-consuming. If the asymmetries which the West is rightly concerned about cannot be reduced quickly, one can at least try to prevent them from getting worse in a parallel action.

Taking the average of 1984–1986 production of both alliances in military equipment particularly relevant for the conventional posture in Europe and consequently for stability, the following picture emerges:

NATO as a percent of Warsaw Pact

Category:	*Percent*
Tanks	40
Other armoured fighting vehicles	55
Towed field artillery	21
Self-propelled artillery	19
Multiple rocket launchers	27
Self-propelled AA artillery	24
Towed AA artillery	4
Bombers	18
Fighters	79

Source: Department of Defense, "Soviet Military Power," 1987, p. 122.

An agreement to reduce—possibly in phases—the production of military equipment to roughly equal levels would circumvent the inevitably controversial discussion on what forces exist and where (though that has to take place when reductions and redeployments are negotiated) and instead focuses on *future* outcomes. Verification is relatively easy since it need not cover large areas but only the exit points of production.

The fact that it is Soviet production that has to go down substantially not only underscores the Western point about excessive military over-insurance of the Soviet Union in the past but may be attractive to those forces in the Soviet elites who want to liberate themselves from the tremendous economic cost of that unnecessary over-insurance.

The proposal to lower arms production to agreed levels has been countered with the argument that such an agreement cannot be regionally confined. Some countries, like the Soviet Union, the United States or France, produce weapons for export to countries outside the East-West conflict. Such a constellation, the argument runs, makes production limitations between East and West impossible. A closer analysis, however, reveals that there are a number of weapon systems which are not exported at all or not in significant numbers to countries outside the East-West constellation. These weapons happen to be crucial for military stability between East and West. They include the advanced version of battletanks, multiple rocket launchers, self-propelled anti-aircraft guns, and bombers. An agreement between East and West is, therefore, possible with regard to weapons which are, in fact, only produced for use within each alliance.

4. Key Measures

A discussion of military doctrine, new confidence-building measures, and an agreement to scale down asymmetries in production could be the elements of a first phase of conventional arms control to be followed by carefully worked-out and inevitably complex packages of reductions, redeployments etc. Nevertheless an attempt could be made to identify approaches that are simple, feasible, and affect conventional stability favourably. Such measures could be initiated relatively early. They could include proposals such as that of Senator Sam Nunn to reduce equal percentages of American and Soviet troops in Germany or Phil Karber's suggestions to phase out tanks to roughly equal levels in the Central front area.

The proposal of Senator Nunn would have the great advantage of producing the kind of asymmetric reduction (approximately 4–1) indispensable for NATO security and of increasing stability by concentrating on armoured units. If such a proposal can be implemented an effort would have to be made within NATO to reorganize the front line in Germany to avoid the creation of weak spots in the area of the United States' corps. Moreover, the public must be politically prepared that such a withdrawal of U.S. troops, following the return of about 10,000 U.S. soldiers as a result of the INF Agreement, would not represent any decoupling or weakening of U.S. resolve to honour her Alliance commitments.

CONCLUSION

As a result of changes of policy within the Soviet Union the Alliance may possibly for the first time have a chance to make substantial progress on an issue which was at the origin of its creation: military stability in Europe.

In exploiting that opportunity NATO may not only be able to lower the cost of modern defense which it finds increasingly difficult to bear, but, perhaps even more important, to stabilize constellations which could be conceivable causes of nuclear conflict.

However, conventional arms control could be counterproductive and undermine Western security unless it is undertaken within the context of a more comprehensive approach of the Alliance that creatively combines the preservation of an adequate minimum of nuclear deterrence in Europe with improvements in conventional stability through East-West negotiations.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEATH PENALTY IN CASE OF DRUG RELATED KILLINGS

The PRESIDING OFFICER. Under the previous order the Senate will now resume consideration of the pending business, S. 2455, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2455) entitled "Death Penalty in Case of Drug Related Killings."

The Senate resumed consideration of the bill.

Mr. DOLE. Mr. President, I suggest the absence of a quorum and ask that the time be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I wish to express the hope that we can move forward on this measure and that we will not have to be carrying too much over until tomorrow. We have at least two conference reports. We have a conference report on railway safety, on which there is a 4-hour time agreement. We might be able to cut that to 2 hours. We have a conference report on the polygraph bill, on which there is a 1-hour time agreement.

The time, of course, is running, but it is not being utilized. I hope that we can get on with some amendments or at least debate for a while and then hopefully we could do one or more of the conference reports so as to make the best of our time today and not have to keep the Senate in too late tonight in order to finish all of these matters tomorrow.

I would like to be able to lay down the welfare reform bill tomorrow, at least lay it down, so that the Senate could get started on it Monday.

I just throw out these suggestions, hoping that they will be received in the spirit in which they are offered. The distinguished Republican leader is prepared to have the managers on his side go on the conference report on the polygraph bill at any moment, and we are checking it on this side.

For the moment, I yield the floor.

Mr. LEVIN. Will the leader yield?

Mr. BYRD. Yes, I am happy to yield.

Mr. LEVIN. If there is a lag in this debate and it looks like it will be substantial, we could go to those other matters. We do believe most of the time, if not all of it, is going to be needed. There are people who want to speak on this bill.

Now that Senator D'AMATO has come to the floor, I would like to begin this morning. So, if we could begin.

Mr. BYRD. Sure. If people want to speak, I hope they will come to the floor. But just to see the clock running and nobody speaking when this time can be utilized better, that was my suggestion, offered in a good spirit, of course.

I thank the Senator.

Mr. LEVIN. Mr. President, last night we began the debate on the D'Amato bill, which is now pending, and spent some time last night setting forth the reasons why a number of people at least oppose the death penalty generically as a matter of principle.

I am going to spend most of my time at least this morning talking about this bill and the defects in this bill, regardless of one's position on the death penalty. Whether one supports the death penalty in principle or opposes it, there are good reasons not to vote cloture on this bill. There are just too many problems with this bill for us to end debate and to adopt it. It is too serious a subject for us to proceed that way.

I want to reiterate some of the thoughts which I shared last night with those of us who were here. I pointed out the two or three reasons on which a number of us base opposition to the death penalty. One is the fact that you cannot correct your mistakes. It is a very basic, fundamental problem with the death penalty. Our system of justice is imperfect. We make mistakes.

I cited a number of examples last night and I will cite very briefly a few more this morning.

The Charlotte Observer of March 8, 1987, reported that Joseph Green Brown, who came within 15 hours of being executed for a murder he said he did not commit is now free after 13 years. The prosecutors decided there was not enough evidence against him. The case against Brown was based almost solely on the testimony of Ronald Floyd who placed Brown at the scene of the crime and claimed Brown had told him he had committed the murder with another man named Poochie. It was 11 years later that Brown's lawyers won a new trial. The Eleventh U.S. Circuit Court of Appeals in Atlanta found that prosecutor Bonanno had allowed Floyd to lie and then misled jurors during his closing argument.

Another article about a man named Earl Charles. The 3½ years Earl Charles spent on death row for a crime he did not commit ended in July 1978.

Jerry Banks made no news. Jerry Banks, a 29-year-old black man who sat on Georgia's death row for a crime he did not do, was set free just before Christmas last year.

In Oklahoma City, according to the Washington Post of August 31, 1986, "when Clifford Henry Bowen left his death row cell at the Oklahoma State Penitentiary, his most immediate concern wasn't the prospect of execution by lethal injection, it was finding a job. Bowen had spent more than 5 years under a death sentence for the underworld killings of three men at an Oklahoma City motel, and once came within 17 days of being executed. Now the Supreme Court has before it new evidence that raises the possibility that Bowen may be the wrong man. Two Federal courts have ruled that the evidence casts serious doubt on Bowen's guilt. On July 30, Supreme Court Justice Byron R. White took the extraordinary step of ordering Bowen freed from death row on a $100,000 bond." Bowen's lead attorney calls the conviction and sentence, "probably the greatest miscarriage of justice in Oklahoma history."

Melvin Lee Reynolds, according to the St. Louis Post Dispatch of October 14, 1983, "Melvin Lee Reynolds sentenced to life imprisonment for one of the most shocking murders in St. Joseph, MO, took his first step to freedom today after another man confessed to committing the crime. Reynolds, who had insisted for the last 4 years that police forced him to confess to the crime, left the Missouri State Penitentiary about 7:30 a.m."

Aaron Owens, Chicago Tribune, March 6, 1981. "Aaron Owens will walk out of the San Quentin Prison in a few days after 9 years behind bars for a double murder he did not commit * * *. The real killer who bore a remarkable resemblance to Owens remains at large."

Lawyer Johnson, Boston Globe of October 20, 1982. "A 30-year-old Roxbury man sentenced to death and who spent 10 years in prison for a murder he said he did not commit was freed yesterday in Massachusetts Superior Court. All charges against Lawyer Johnson were dismissed based on new evidence from a witness to a 1971 murder who now says that Johnson was not the guilty man. The witness, who was 10 years old when the murder was committed, said the real killer was the man who testified against Johnson in two previous trials."

New York Times, June 1, 1983. "A Queens man who spent 24 years in New York prisons for a murder State officials have since conceded he did not commit was awarded $1 million in compensation yesterday by a State Court of Claims." His name was Isadore Zimmerman. He came within hours, in 1939, of being executed.

And on and on it goes.

The system of justice is not perfect. Mistakes are made.

With the death penalty we cannot correct those mistakes. That is reason No. 1.

Reason No. 2 is the moral question about taking a life. That is why so many religious organizations oppose the death penalty and the D'Amato bill that is now pending before us, including:

> U.S. Catholic Conference; Unitarian Universal Association of Churches in North America; Presbyterian Church U.S.A., Washington office; National Council of Churches of Christ; Mennonite Central Committee; Friends Committee on National Legislation; Episcopal Church, Washington office; Churchwomen United; Church of the Brethren, Washington office; American Baptist Churches U.S.A.

There is a third reason which those of us that oppose the death penalty have cited and that is that the death penalty does not deter. According to the statistics, States that have the death penalty have a higher murder rate than States that do not have the death penalty. The average murder rate per 100,000 people in the 13 States that do not have the death penalty is 7.18. In the 37 States that do have the death penalty the murder rate per 100,000 is 9.02.

So the murder rate in States with the death penalty is significantly higher than in those States without the death penalty. That is evidence, surely, that at least statistically the death penalty does not deter. As a matter of fact, the five States with the highest murder rate in this country all have the death penalty.

Canada used to have the death penalty. It was abolished in 1975. At the time the death penalty was abolished the murder rate was 3.09. In 1983, the murder rate had dropped in Canada to 2.74.

And perhaps that is why so many police departments that we have contacted put the death penalty at the bottom of any list when it comes to fighting the drug menace. We have a death penalty bill in front of us which provides for the possibility of the death sentence in drug-related murders. There are so many problems with this bill. I would urge that even people who favor the death penalty, not vote for cloture on this bill. It has problems which must be corrected. We will get to those in a moment.

Before we do, we have made a survey of law enforcement offices around the country and cities that have major problems with drugs. We have asked them to rank in the order of highest priority to lowest priority the following steps which they feel would be most effective in dealing with the Nation's drug menace. We gave them treatment and rehabilitation for drug-dependent persons, education and other prevention activities, international control and control efforts of individual drug-producing and drug-transiting countries, research on drug dependency and prevention and treatment methods, regulation and other enforcement efforts, death penalty for drug-related murders.

The Houston, TX, response was the death penalty does nothing to discourage anybody. It is an attention-getter. In my home town of Detroit, the police department did not even list it as being a deterrent at all. In Washington the person who responded for the department said that the death penalty is a nonpriority in the fight against drugs.

Consistently in these cities which have significant drug problems the death penalty is listed either at the bottom, near the bottom, or not at all, as mechanisms in the effort to fight the drug menace which we now have.

Mr. President, as I mentioned a moment ago, even those who favor the death penalty should vote against cloture on this bill. There are too many anomalies in this bill, too many things which make no sense, too many things which violate both common sense and the basic sense of morals in this country even for people who favor the death penalty.

This bill treats the killing of a police officer in the same way as it treats the killing of a drug czar. Sometimes it has been said that this is a bill which provides a death penalty when a law enforcement officer is killed in a drug-related murder. But that is not what this bill provides.

This bill is not aimed at situations where the victim is a law enforcement officer. This bill provides a possibility of capital punishment regardless of who the victim of a drug-related murder is, whether the victim is a drug czar, which is almost always the case in a drug-related murder, or whether the victim is a law enforcement officer, which is rarely the case.

Mr. D'AMATO. Will my colleague yield for a question?

Mr. LEVIN. I will be happy to yield.

Mr. D'AMATO. My colleague correctly states this bill does hold out the possibility of the death penalty being utilized, as it relates to the killing of people who themselves are involved in drug transactions.

Let me indicate, what happens if someone is indicted, if it can be proven that they are part of an ongoing criminal conspiracy and they face the possibility of the death penalty. What do you think is the likelihood of gaining cooperation from the triggerman, for example, who kills another drug trafficker if there is a gang war going on, if it is a territorial dispute? Every day we see and hear about these.

Does it not give the law enforcement people greater tools by which to get cooperation when that person is facing the possibility of the death penalty? When I was speaking to law enforcement officers, district attorneys, U.S. attorneys, they said to me: "Senator, this is a very powerful tool in us being able to get up the line at the drug kingpins who ordered those hits."

By the way, we read every day when they are attempting to gain control of a territory, not only are they killing other drug dealers but, in addition, in their frenzied activities, they are killing innocent women and children.

Would you raise the same argument that because we provide a section in this bill that says if you kill innocent women and children you could be subjected, because of reckless disregard for life, to the death penalty?

Mr. LEVIN. Your bill is limited to that. There is an attempt that will be offered later on that would limit the death penalty to the situation where it is the killing of the law enforcement officer or an innocent person. One of the problems with your bill and why it violates, I believe, the common sensibilities here, is that you provide the possibility of the death penalty when the victim is a drug czar.

Mr. D'AMATO. Absolutely.

Mr. LEVIN. Which is usually what happens in 99 percent of the cases of drug-related murders, may I say.

We have checked with police departments around the country, and it has been checked by the chief investigator of the House Select Committee on Narcotics. City after city after city say in 99 percent of drug-related murders in their city, the victim is a drug czar. This becomes a drug czar protection act.

Mr. D'AMATO. I suggest to you, if you really think the people being killed out there are drug czars, then someone is giving you terribly inaccurate information. I will tell you who they are. They are not drug czars. They may be people involved in the drug trafficking, but certainly not drug czars. I do not think you really meant to say that.

Let me suggest to you that if you get a person simply because he killed another person trafficking in drugs, it does not mean we should treat him any more leniently because today he kills another gangster and tomorrow he kills an innocent civilian and the next day he does kill that cop and he does become so embrazened.

I suggest if we can get after him and if we can use the death penalty as a tool to break the code of silence, because now they know that if they go to a State penitentiary there is a pretty good likelihood that they are going to go back out on the street.

Mr. LEVIN. Your question, though, is a little bit different. See, 37 States now have the death penalty, including California. The Senator from California last night talked about the case where he had two DEA officers who were killed in a horrendous crime in California. I then asked him: "Well, wait a minute. Doesn't California have the death penalty?" It does have the death penalty.

Mr. D'AMATO. Mine is one of the 13 States that does not have the death penalty.

Mr. LEVIN. And your State has a lower homicide rate and a lower murder rate than California, which does have the death penalty.

I would like to give the Senator from New York some information. You said my statement, as to who are the victims of drug-related murders, is based on false information. Let me give you my information. This is what my police department in Detroit says:

> A survey of drug-related homicides in the city of Detroit indicates that the overwhelming majority of these victims are drug traffickers.

As I indicated to you, the chief investigator for the House Select Committee on Narcotics has checked with 15 chiefs of police from cities that have massive drug problems, and they report to him that 99 percent of the drug-related murders in their city were the result of drug turf disputes or disputes in drug dealer transactions.

Mr. D'AMATO. I am not going to argue that.

Mr. LEVIN. All I am saying is this: One of the problems with this bill, even for those who favor the death penalty, it seems to me, is that you treat a drug-related murder, where the victim is a drug czar, in the same way as you treat a murder where the victim is a law enforcement officer.

Mr. D'AMATO. We subject them to the greatest penalty possible; that is correct.

Mr. LEVIN. That is correct. It seems to me that that does not reflect either common sense. We differentiate, in indeed, your bill differentiates based on who the victims are and whether or not you want the same penalty where you have a drug czar bumping off a drug czar, which is 99 percent of the time, as when a drug czar or a drug trafficker is killing a law enforcement officer.

Mr. D'AMATO. If you could continue just on this for one moment, let me suggest to you that if a drug czar or head of a criminal drug organization brings about the execution of another person trafficking in drugs, it is rather easy to say, "Good, let them kill each other."

Mr. LEVIN. Nobody is saying "good."

Mr. D'AMATO. I am not trying to put these words in your mouth. I would say that. I would say, "Fine, let them kill each other." I would say that. I subscribe to it. But at the same time, if we have an opportunity as a result of that killing and information that we get that has been ordered by someone and we get one of the triggermen, to be able to hold the death penalty as a possibility to get one of those drug czars, we should not preclude ourselves from using it.

We should not preclude law enforcement officers from having those tools to deal with these gangs because of the violence of their turf war, the destruction they are bringing to communities and the fact that they are killing innocent women and children everyday.

There is not a week that goes by that in the city of New York some innocent child—a 4-year-old; a 9-year-old; a 20-year-old mother; a mother of 9 last week gunned down with her baby in her arms because drug killers were after one of her sons so they come in and fired 19 shots into the house. Now let me say this to you——

Mr. LEVIN. See, your bill is limited to that.

Mr. D'AMATO. Why should we limit it?

Mr. LEVIN. If I can answer your question, those drug czars face the death penalty on the streets every day because most of the killing of drug czars are by other drug czars, not by the State. In 37 States that have capital punishment, it is almost never invoked. Those people selling drugs face death every day, and it does not deter them. Let me tell you, a judicially-imposed death sentence is not going to deter them either if what they face on the streets every day does not deter them, which is death after death after death, which they mete out on each other.

So when it comes to facing death, as to whether or not that is a deterrent to these drug czars, it has been proven it is not a deterrent because they peddle their wares despite the imposition of death, not by the court, not by the State, but by other drug czars every day.

Mr. D'AMATO. Now we are taking the argument——

Mr. LEVIN. I wonder if my friend will use his time for his debate because we are going to run out of time.

Mr. D'AMATO. I will yield you time. You know I will do that.

I simply say, we are now taking the argument whether or not it ought to apply to those who are involved in organized crime, those who are killing each other. I suggest it should. You are now taking on another area, and that is deterrence. I have not raised that.

Let me suggest this to you, it may or may not deter. I think it might have some limited deterrence, particularly in the hire-for-murder area.

I will say this to you, it is absolutely essential if we, as a society of moral people, are concerned to say we are so outraged by these crimes, by the viciousness of them, by the depravity of some of them, even if it means, yes, killing another human being who is trafficking in drugs. I will give you an example.

Mr. LEVIN. I agree with your examples.

Mr. D'AMATO. Here is an example of drug traffickers killing drug traffickers. On January 31, 1982, at 2 o'clock in the morning, on the Grand Central Parkway, in Queens, a stolen Mercedes-Benz, occupied by two adults and two infants—one infant was 9 months old and the other was 2 months old—was overtaken by another vehicle. A gunman in the second car fired a shotgun, the Mercedes crashed, came to rest, the gunman then proceeded to kill all four victims. They came out, they killed the husband, wife, and two babies methodically. By the way, when they went——

Mr. LEVIN. I happen to agree with you on the depravity.

Mr. D'AMATO. To the killed drug dealers——

Mr. LEVIN. They killed some infants. They were not drug dealers.

Mr. D'AMATO. They killed the drug dealers. They killed his wife. I am simply pointing out to you the viciousness, the brutality of that crime, the fact that we as a society have to stand up and say we have had enough; if you undertake these kinds of actions, if you kill people in such wanton disregard, you can forfeit your life. I am also suggesting, forgetting about deterrence, it is a pretty good way of breaking the code of silence because there are not too many people who are going to go to the gas chamber, or whatever other method of execution, who are going to be silent if they have an opportunity to cooperate with the Government and help break this conspiracy of silence that presently exists.

Mr. LEVIN. I do not think you are going to find any opposition from anybody in this Chamber on the depravity of these crimes. The question is whether or not the penalty which your bill provides should be equally applicable to somebody who kills a drug dealer as it is to somebody who kills a law enforcement officer.

Now, on that we have a difference, and I want to proceed because there is another problem with your bill other than the fact that you treat those who murder alike when society does not. Society reacts differently, understandably so, when that child is killed by a drug czar than when drug czar is bumping off another drug czar. But there is another——

Mr. D'AMATO. Will you support the death penalty for the killing of the children?

Mr. LEVIN. Your bill does not limit——

Mr. D'AMATO. I know it does not limit but I am saying——

Mr. LEVIN. There will be an amendment to your bill which will correct that deficiency because society does not treat those murders alike. Society cares a heck of a lot less when a drug czar bumps off a drug czar than when he bumps off a law enforcement officer. Now, there is another problem with your bill. You take that case. Take that case, the most depraved, morally corrupt murder that you can imagine where somebody has paid somebody to kill a law enforcement officer or has done it himself or to kill a child. What does your bill provide? Well, you have a minimum sentence there of 20 years. You allow for good time off. You allow someone who has engaged in a purposeful, conscious, willful, depraved murder of a law enforcement officer to walk out of prison someday if he gets a minimum sentence of 20 years, and that is a mistake.

We are going to offer an amendment this afternoon which is going to change that because in that case you just gave that killer should never walk out of prison. Under your bill that killer might walk out of prison. He might be executed. He might be executed, that is true, but statisically that happens pretty rarely. The point is that under your bill somebody who organizes an execution of a law enforcement officer, hires a hit man—just think of the most depraved killings which are going on on our streets—under the D'Amato bill the person who does that in the most depraved manner imaginable can walk out of prison after he is convicted after 17 years. I say we ought to have a mandatory life sentence without parole for those people.

That is not what your bill says. Your bill has a minimum of 20 years.

Mr. D'AMATO. Our bill has a minimum, but it also has——

Mr. LEVIN. If I can just finish now, your bill has a minimum sentence of 20 years and your bill does not prohibit that person getting time off for good behavior, so knock it down to 17 years.

Now, you said, "Oh, but my bill is tougher," because you provide for the possibility of a death sentence. I say your bill is weaker because it permits the possibility of someone walking out of prison who carried out that killing you just described, and I do not want that person ever walking out of prison.

Mr. D'AMATO. Why not say we would not even try them then?

Mr. LEVIN. I do not think either one of us wants to violate the Constitution.

Mr. D'AMATO. And that is why we have provided a minimum and we have provided also in those cases where the jury finds that there are no mitigating circumstances and that there are aggravating circumstances, that the killing was an intentional one, the jury does have the ability to impose the death penalty.

You cannot slice this any other way than we do provide the possibility the death penalty can be imposed, and it cannot be imposed just in those cases where it is a police officer, but, yes, when it is the taking of a life willfully with no mitigation, even a contract killing of another killer. We cannot afford to have people who think they can go out here and kill with impunity and if they kill another dealer, let me tell you if we grab them and there is the possibility of the death penalty, maybe they will talk and say who hired them and how long they have been involved and maybe we can get someplace in breaking this code of silence and fear. I think we have to look at that.

Mr. LEVIN. If I could inquire of the Chair, is this time being equally divided now?

The PRESIDING OFFICER. The time is coming from the Senator from Michigan.

Mr. D'AMATO. I will be happy to yield——

Mr. LEVIN. There are a number of people who want to speak. I think it would be fair to apportion the time.

The PRESIDING OFFICER. Just 1 minute. The Senator will suspend. The Senator from New York agreed to have time charged against him.

Mr. D'AMATO. Yes.

The PRESIDING OFFICER. That time will continue to be charged exclusively to the Senator from New York.

Mr. D'AMATO. Mr. President, I would have no objection if we would have the time as it relates to where we are at the present time divided absolutely equally. I think that would be fair. Will the Senator from Michigan agree?

Mr. LEVIN. I thank the Senator.

Mr. D'AMATO. Sure.

The PRESIDING OFFICER. The time will be divided equally. And may I remind the Senators that Senators must address each other through the Chair.

Mr. D'AMATO. Thank you, Mr. President.

Mr. LEVIN. I thank the Chair. We are good friends. I appreciate the reminder and I will seek to do that.

Mr. President, the point which was just made about the D'Amato bill providing a weaker minimum sentence than should be provided for a drug-related murder was not addressed by the Senator from New York in his most recent comment, so let me repeat it and I hope that the Senator will address that when he has the floor.

We want to take the situation that he has described which occurs too often in our towns where we live where somebody perpetrates, pays for the perpetration, the killing of a law enforcement officer. Take the worst case that any of us can imagine. One of the problems and one of the anomalies of his bill, something that we would hope to correct this afternoon, is that that person, that convicted killer, someone who is convicted after a trial—and neither one of us would deny them a trial obviously—can leave prison after 17 years because the minimum sentence in the bill is 20 years and it does not preclude the possibility of time off for so-called good behavior in prison. That is simply wrong. A person who carries out that kind of a drug-related murder should go to prison with no possibility of parole. We do that now for the sale of large amounts of narcotics. We provide a mandatory life term when there is a conviction for the sale of a large amount of narcotics. I see no reason why we should not do that for a drug-related murder of a law enforcement officer or other innocent person.

Mr. President, I wonder if my friend from New York would work with me on some specifics of his bill and perhaps answer some questions which the bill creates in certain language that I would like to address.

Mr. D'AMATO. Before we engage in that, Senator **Gramm** indicated that he would like to make some comments for about 2 or 3 minutes. I would be happy to yield to him 2 or 3 minutes, and then we could pursue that.

Mr. LEVIN. I will yield 5 minutes if that will be all right. I will finish my statement at this point, and then yield the floor so the Senator from Texas can address this.

Mr. President, this bill is full of debate and inconsistencies of provisions. In a few moments I would like to have a discussion, if possible, with my friend from New York regarding it.

First of all, on page 11, the bill sets out a number of aggravating circumstances which the jury can consider. One of the aggravating circumstances is that the defendant committed the offense in an especially heinous, cruel, or depraved manner.

What I would like to point out to our colleagues is that language is so vague that it has been stricken down by the Supreme Court of the United States. In the case of Maryland versus Cartright, just cited a few days ago, the Supreme Court struck down almost the same language in a statute which the jury was able to consider. In that case, the jury found the following aggravating circumstance had been established in one of these death penalty cases, that the "murder was especially heinous, atrocious, or cruel." The Supreme Court in the Maynard case found that simply is too vague. It was a unanimous decision, a decision by Justice White, 9 to 0, striking down almost the same language as appears in this bill.

There is another provision which is particularly vague. On page 2 of the bill:

> The death penalty is provided for:
>
> "(a) Any person engaging in a continuing criminal enterprise, or anyone working in furtherance of a continuing criminal enterprise who intentionally, or with reckless in difference to human life, kills or participates substantially in the killing of any individual, * * *

The word "substantially participate" or "participates substantially" are vague words. I do not know the origin of those words in any other statute. They do not appear, as far as I can tell, in the Judiciary Committee bill which was voted out of the Judiciary Committee on capital punishment back in 1986.

So I urge the Senator from New York give us the origin of those words "participates substantially" since they are so vague.

I would like to also ask him to address, if he would, the difference between the use of the word "prejudice" in one part of the bill and "unfair prejudice" in another part of the bill. On page 6 of the bill, we find that the words "unfair prejudice" are used on line 2, and then we look at page 13 of the bill and we find the word "prejudice" alone without the word "unfair." I would like him to address if he would the difference between "prejudice" on page 13 and "unfair prejudice" on page 6.

Then the question of the assessment of the aggravating and mitigating factors by the jury, under this bill on page 6, the burden of establishing the existence of any mitigating factor is on the defendant and is not satisfied unless established by a preponderence of the evidence. Yet, we earlier in the bill are told that the rules of evidence do not apply to this process, that any information can be presented relating to any of the aggravating factors or to the mitigating factors, and that this information can be presented regardless of its admissibility under the rules governing admission of evidence at criminal trials.

Yet, inexplicably when it comes to the carrying of the burden this bill refers to a preponderence of the evidence rather than a preponderance of the information.

I would most appreciate the Senator from New York when he has an opportunity to take the floor if he would address that issue as well because that is a change in the drafting of the bill. It is also different from the Judiciary Committee's bill which referred to preponderance of the information, and it represents a very significant inconsistency in the bill itself because the bill provides that the defendant can introduce any information relative to mitigating factors regardless of its admissibility under the rules governing admission of evidence at criminal trials. To, suddenly when it puts the burden of proof on the defendant, establish the existence of a mitigating factor and to then say it must be established by the "preponderance" of the evidence, a word carefully chosen because the words "prepondernce of information" appeared in the earlier versions, I would be interested as to what the reasoning of my friend from New York is on that matter.

Mr. President, I yield the floor.

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT ON S. 1539

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, while the Republican leader and I are here together, I ask unanimous consent that the time of S. 1539, which is presently set at 4 hours overall, be reduced to 2 hours to be equally divided and controlled by the majority and minority leaders or their designees.

Mr. DOLE. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the distinguished Republican leader.

I yield the floor.

DEATH PENALTY IN CASE OF DRUG RELATED KILLINGS

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I ask the distinguished Senator if he will yield me 2 minutes.

Mr. D'AMATO. I yield to the Senator from Texas 2 minutes.

Mr. GRAMM. Mr. President, I have cosponsored this bill. When the distinguished Senator from New York originally introduced the bill, my name was inadvertently left off as a cosponsor. Since I think he is doing the Lord's work here, I want to be sure I am counted in that good number. So I ask unanimous consent that my name may be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, a couple of weeks ago I was at the opening of a new INS border patrol station in Corpus Christi. While I was there, I had an opportunity to talk to some of the young men and women who were out trying to interdict drugs coming into the country. The No. 1 thing they talked to me about was the massive array of automatic weapons that are now being seized when they stop vehicles that are carrying drugs or when they make arrests of drug pushers and drug smugglers.

Mr. President, these weapons are very menacing, not just to our border patrols, but to all of our people. And one of the reasons I am so strongly in favor of the legislation by the distinguished Senator from New York is that we need some effective deterrent. When we vote on a comprehensive drug bill, I am going to be offering an amendment that provides for 5 years in prison, a mandatory sentence without parole for someone who is arrested in the process of smuggling or selling drugs who also has a firearm. I am going to also have in that amendment a mandatory term of 10 years in prison for carrying an automatic weapon in the process of selling or distributing drugs.

But I think it is vitally important here on this death penalty bill that we have the death penalty as a possibility for some drug thug who has an automatic weapon, which he has bought with the huge profits from drugs, and is thinking of using against our law enforcement officials.

Mr. President, in the bill to which this proposal was originally offered, we have gotten our Armed Forces in the process of trying to interdict drugs. I supported that. But I do not think we ought to ask the Armed Forces to be involved without having some effective deterrent. So I strongly support the death penalty as such a deterrent.

Quite frankly, I think that to go on talking about a war on drugs, and not committing to a death penalty for those who kill our law enforcement officers in the process of carrying out that war, is simply to make a mockery of the language we commonly accept when we say we have declared a war on drugs.

I hope we will soon have an opportunity to vote on this bill. I am for it. I am happy to cosponsor it. I congratulate our distinguished colleague from New York for his leadership in this important area.

Mr. LEVIN. Mr. President, will the Senator from Texas yield for a question.

Mr. GRAMM. I will be happy to yield, but I have only 2 minutes.

Mr. LEVIN. On my time?

Mr. GRAMM. Yes.

Mr. LEVIN. Does Texas have the death penalty?

Mr. GRAMM. Yes, it does.

Mr. LEVIN. For drug-related murder?

Mr. GRAMM. Well, it has a death penalty for murder.

Mr. LEVIN. Drug-related or not?

Mr. GRAMM. That is right.

Mr. LEVIN. Would that death penalty statute apply to the murder of a law enforcement officer?

Mr. GRAMM. It could apply, obviously, if the judge and the jury decided to apply it.

What I am talking about is that these agents are working all over the country. Their concern is that they are facing this massive buildup of weapons by drug smugglers. They want some effective deterrent, and I have to believe that if a drug smuggler or a drug pusher knew they could be put to death and that no worldly judge could change that sentence, that would be a deterrent.

Mr. LEVIN. And I understand that deterrent does exist in Texas.

Mr. GRAMM. It does.

Mr. LEVIN. Have there been drug-related murders in Texas despite that deterrent?

Mr. GRAMM. There have been some. I happen to believe that there have been fewer than there would have been.

Mr. LEVIN. Texas, as I understand it, has a higher murder rate than, for instance, New York.

Mr. GRAMM. I do not know that figure.

My point is that if we have some drug thug who is running around with a machinegun, if that person knows that if he kills a law enforcement official, he is subject to being put to death, I think that is an effective deterrent.

Not all Texans who are out fighting this war on drugs are fighting it in Texas. I want to protect all of them. I want to protect the people of Michigan and New York, as well, and that is why I am for this amendment.

Mr. LEVIN. I would like to cosponsor that amendment on guns.

The Senator has pointed his finger at a very basic problem, which is the looseness of our laws for the illegal use of weapons, as he has identified it. I think that would be a very significant contribution in the fight against drugs.

Mr. D'AMATO. Mr. President, let me address a possible amendment that may be offered by my colleague from New York, and that is the possibility of life, without parole, as it relates to the killing of a police officer.

If my good colleague were to say that the minimum sentence would be life, without parole, and the death penalty would still be a possibility, that is a substantial move as it relates to giving greater protection to the police. I would be in favor of that.

I do not know whether we can do that, constitutionally. I do not know whether, under the equal protection clause, we can say: "If you kill a police officer and you are convicted, you are guaranteed a minimum of life imprisonment."

As a matter of fact, if that is going to be the amendment—minimum life, without parole, and the possibility of the death penalty—we are in for a number of exhaustive hearings. After the conviction, a jury must then decide whether there are any mitigating circumstances, any mitigating facts, and you are not even held to the rules of evidence.

A person could bring in all kinds of things as reasons why this took place: He did not know it was a police officer; it was a firefight that took place, and he thought somebody was after him; whatever it might be, as difficult as it might be for us to believe.

If one person on the jury—this is after conviction—says, "We find that these factors are to be considered, and we can't invoke the death penalty because there is some legitimacy he may not have known about, it may not have been intentional, there may have been other problems around this that he faced," there is no death penalty.

Talking about dealing with the issues, of seeing to it that we deal with a law that has no prejudice, that is applied in a manner that sees to it that equal protection of the law is afforded to everyone, there are some specious arguments that are going to be offered in opposition to this that I think do this whole process a great injustice.

We provide that in any hearing held before a jury, under this section, the court shall instruct the jury that in consideration of whether the sentence of death is justified, it shall not—it is mandated. When you see reversals of some of these old cases that have languished, it is because the most extreme prejudice was practiced. Here, the court is mandated to say that it shall not consider race, color, national origin, creed, or sex of the defendant; and, thereafter, the jury shall return to the court a certificate signed by each juror—every juror—that they did not consider the race, color, national origin, creed, or sex of the defendant, and it was not involved in reaching his or her individual decision.

If you are against the death penalty, fine. Do not drag in some of these other kinds of red herrings. Do not try to suggest that this is a bill that is somehow prejudicial.

When these drug killings, these maraudings, occur, there are as many minority people being killed, and maybe more, and we have not taken a survey of that. We do believe that where these crimes are so wanton, with such reckless disregard for human life, where they are carried out intentionally in certain cases, the jury should have the ability to impose the maximum. That is all we are saying.

We are not suggesting that because you kill a cop, you get only 20 years. We are saying that is a matter for the prosecutor and the jury to decide. We are not saying that because you kill a drug dealer, you should get a pat on the back or a certificate of good merit. We are suggesting that, yes, maybe the death penalty can be imposed.

A prosecutor has told me: "Senator, you give us that ability, and we will exact a toll from the drug dealers, drug killers. We will exact their cooperation in cases where they are fearful of going to the death chamber." That is something prosecutors do not have as a tool.

So there are a number of good reasons, and I suggest that this bill has been carefully drawn.

Also, Mr. President, we will offer an amendment that deals with the recent Supreme Court decision with respect to the preponderance of evidence, that there must be a unanimous finding as it relates to mitigating circumstances. Until recently, the Supreme Court has not said that. I think about 3 days ago, in a case in Maryland, they rendered a decision with respect to that. I have indicated to Senator LEVIN that we are going to offer that amendment.

Mr. LEVIN. I wonder if the Senator will yield just on that last point.

Mr. President, is the Senator done or will he yield?

Mr. D'AMATO. Yes.

Mr. LEVIN. Mr. President, the amendment which the Senator from New York has indicated he was going to offer would reflect a decision in the Supreme Court of a few days ago in a Maryland case which was five to four. What the amendment does not do is address another Supreme Court opinion handed down the same day I believe which rules that the words heinous, cruel, and depraved in the aggravating factors section are so vague as to be unconstitutional.

Those words and similar words appear in this bill, despite the Supreme Court opinion nine-to-nothing of Justice White. We still have this bill using that as an aggravating factor.

I do not oppose the amendment that my friend from New York has described. But what is inexplicable to me is why he seeks to cure one problem in the bill because of a 5-to-4 decision of a few days ago but leaves untouched in his bill another violation of the Constitution, which appears on page 11, lines 17 and 18, which is the words "heinous, cruel or depraved," and where the Supreme Court has said that such words, in looking at mitigating or aggravating factors are simply so vague as to be unconstitutional.

Mr. D'AMATO. I say to my distinguished colleague that I am delighted if we can agree to a unanimous consent to accept the amendment to permit any juror to consider anything he or she considers a mitigating factor. I think that goes a long way toward again guaranteeing the fairness and the impartiality and the fact that all mitigating factors and circumstances can be considered. As the Senator's question relates to the adoption of the language, especially heinous, cruel, or depraved, that has been a standard that the Judiciary Committee has adopted for quite a period of time.

As it relates to what the Supreme Court said in that matter that came down Tuesday I believe they indicated that the State court's application of it was not correct.

However, I will be happy, and I am asking staff to review that, to see if I cannot get the Senator some more detailed explanation as it relates to the inclusion of that language.

Mr. LEVIN. Mr. President, I wonder if my friend from New York, in addition to looking at that problem in the bill, will address the other points which I raised. He could do so on my time if he wishes.

There are other vague parts of the bill. Another inconsistent part of the bill is the word "substantially" participate. What is the origin of that? That is not language from the Judiciary Committee bill.

There is the use of the phrase "preponderance of the evidence" when everything in the bill talks about information and not evidence, and specifically it provides in the bill that you need not follow the rules of evidence and yet this bill is totally inexplicable when it comes to placing the burden of establishing the existence of a mitigating factor on the defendant. It says he must carry that burden by a preponderance of the evidence when again the bill explicitly said that the rules of evidence would not apply, that is, no evidence can be offered by the defendant.

Mr. D'AMATO. Mr. President, if I might address that one issue, and I will respond to the others, that question of preponderance of the evidence issue will drop as it relates to the insertion or the inclusion of our amendment as to permit any juror to consider anything he or she considers a mitigating factor. So we will be dealing with that.

Mr. LEVIN. If I could ask my friend to yield, the amendment does not deal with the problem. The amendment the Senator has offered or sought unanimous consent for does not address the word on page 6, line 16, "evidence."

Mr. D'AMATO. We will review it and I will hope that I will have an opportunity to respond to the Senator's last comment and fears he might have in relationship to that.

Mr. LEVIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. I am happy to yield 15 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I oppose this death penalty bill. Capital punishment is wrong in principle, wrong in practice, and the wrong response to the epidemic of illegal drug use afflicting our Nation.

Government should not have the awesome law enforcement power to put a human being to death. No matter how brutal the crime a person has committed, the infliction of death at the hands of Government brutalizes our society instead of atoning for the crime.

In my view, the death penalty is wrong as a matter of constitutional principle, because it violates the eighth amendment's prohibition against cruel and unusual punishment. It is true that the Supreme Court has not yet concluded that capital punishment is unconstitutional in all cases. But I am sure that someday the Court will recognize that the death penalty is cruel and unusual. The methods of execution are grotesque.

America stands alone among Western democracies in authorizing the death penalty for peacetime crimes. Inevitably, the death penalty is applied to minorities and to the poorest, the least popular, and the least powerful members of society.

The death penalty is also wrong because of the likelihood that innocent people will be executed.

No system of justice, however wise or resourceful its judges and juries may be, can eliminate this risk. That is a risk we must accept when the punishment is imprisonment, because a jailed defendant can always be set free when innocence is proved. But that is a burden we cannot tolerate when the punishment is death.

The risk of executing innocent persons is no theoretical, hypothetical, proposition.

A study just published in the Stanford Law Review lists 350 cases in which defendants convicted of capital or potential capital crimes in this century have later been found innocent—350 defendants. I defy any Member of the Senate to examine that study, and then tell us that there is only a small chance that an innocent person will be put to death.

In 1983, for example, Shabaka Sundiata Waglini, an inmate in a Florida prison, was within 15 hours of his scheduled execution when the Federal court of appeals issued a stay. His conviction was later overturned, and the main prosecution witness subsequently recanted his testimony against Shabaka. He was never retried.

Shabaka's case is eloquently described in an article in the New York Times by the distinguished writer, William Styron, who notes that Shabaka had already been fitted for his burial suit when the last-minute stay was granted. Mr. Styron portrays vividly what would have ensued had the Court not granted its stay. Quote:

> He would have died not a criminal but a victim whose innocence would have been as surely entombed as his body in a burial suit.

Let there be no mistake. If we enact this death penalty bill, innocent men and women will be executed as a result of our actions. That is not just a risk; it is a fact. And I submit to you that all of the headlines—and all of the votes—that Members of this body hope to gain as a result of their action on this bill are not worth that price. Is it really better that ten or a hundred or a thousand murderers shall die, if the price is that even one innocent person will be put to death?

Perhaps our answer would be different, if there were convincing evidence that the death penalty deters crime. True, statistical studies purport to show some marginal deterrent effect from captial punishment. But for every scant study claiming deterrence, there are other, more convincing, studies establishing that the death penalty is no deterrent whatsoever.

In 1976, Justice Potter Stewart reviewed the relevant literature and stated:

> Statistical attempts to evaluate the worth of the death penalty as a deterrent to crimes by potential offenders have occasioned a great deal of debate. The results simply have been inconclusive." (*Gregg* v. *Georgia*, 96 S. Ct. 2909, 2930 (1976)).

The situation has not changed in the 12 years since Justice Stewart wrote those words. Indeed, a 1980 study of executions in New York State from 1907 through 1963 actually concluded that rather than having a deterrent effect on murders, executions actually increased the murder rate.

By an average of two additional homicides in the month after an execution is carried out. The suggestion from that study is that capital punishment has a brutalizing effect on would-be murderers, conveying the message that killing has the imprimatur of the Government itself, and is an appropriate way to exact vengeance.

Some of the most convincing evidence that the death penalty does not deter is found in the experience of other Western democracies. Not one of those countries has capital punishment for peacetime crimes, and yet every one of them has a murder rate less than half that of the United States.

The death penalty is also fundamentally flawed in practice.

Our long experience with capital punishment demonstrates that it is applied in an arbitrary and discriminatory manner. The Constitution requires that courts and juries be given discretion, within limits, in deciding whether or not a death sentence is appropriate for a particular defendant. The inevitable result is that persons who commit similar crimes are treated differently. As Justice William O. Douglas stated in 1972:

> [T]he discretion of judges and juries in imposing the death penalty enables the penalty to be selectively applied, feeding prejudices against the accused if he is poor and despised, and lacking political clout, or if he is a member of a suspect or unpopular minority, and saving those who by social position may be in a more protected position. [*Furman* v. *Georgia*, 408 U.S. 238, 255 (1972)].

While a number of death penalty statutes have been adopted since the Furman decision, none of them has been able to eliminate the arbitrariness inherent whenever courts and juries have discretion to decide whether to impose capital punishment. All too often, that discretion has been abused in a racially discriminatory fashion. As Prof. Charles Black observed in 1978:

> [A]fter all this travail, all this fiddling with "standards", the same old people are right back on death row in the states: the black, the poor * * * That is what the death penalty is about in the United States. [Letter to Sen. James Abourezk, reprinted in Hearings on S. 1382, Senate Judiciary Committee, 95th Cong., 2d Sess. (1978).]

Study after study has demonstrated in States across the country that race does make a difference in capital sentencing.

Those who kill whites are far more likely to receive death sentences than those who kill blacks. And black defendants receive death sentences more frequently than white defendants. But under the Supreme Court's decision last year in McCleskey versus Kemp, this kind of compelling statistical evidence is constitutionally insufficient to set aside a death sentence.

But it is not morally insufficient. Racial discrimination in the application of capital punishment is intolerable in a country dedicated to equal justice under law. It is a blight on the good name of this great land, and it is a wrong that cries out to be remedied by the Congress. The pervasive evidence of race discrimination should cause every Member of the Senate to oppose the death penalty.

I am pleased that Senator D'AMATO, the sponsor of the bill before us, has accepted three of my amendments to mitigate the worst excesses of the death penalty. The first would prohibit imposition of the penalty on persons under 18 years of age at the time the crime was committed. The Supreme Court currently has before it a case, Thompson versus Oklahoma, questioning the constitutionality of imposing the death sentence on minors.

Regardless of how the Court resolves that constitutional question, I believe the Senate should not be involved in the cruel and macabre business of encouraging the execution of minors.

Second, Senator D'AMATO accepted an amendment barring the death sentence for any person, who by reason of a mental disease or defect, is unable to understand his impending death or the reasons for it.

This amendment is intended to enact into law the Supreme Court's 1986 decision in *Ford* v. *Wainwright*, [477 U.S. 399 (1986)], which held that it is cruel and unusual punishment to inflict the death penalty on a prisoner who is insane.

Third, Senator D'AMATO has accepted an amendment providing mandatory appointment of counsel for death-row inmates seeking to set aside their death sentences in postconviction proceedings. Just this weekend, a compelling article in the Boston Globe discussed the shortage of lawyers for death-row inmates. The article predicted that because of the shortage, "the day may come when someone is executed without legal representation" to challenge a death sentence. My amendment will prevent that nightmare, and I thank the Senator for incorporating it in his bill.

Even these amendments do not improve the bill enough. The Senator from Michigan and others are addressing other flaws in detail. I am particularly concerned, however, that the bill allows any information bearing on aggravating factors to be admitted at a sentencing hearing, even if the information would not be admissible under the Federal rules of evidence. That opens the door to the admission of multiple hearsay evidence, and it raises serious questions about the bill's constitutionality under the confrontation clause of the sixth amendment.

I am also troubled by the vagueness of the provisions on the nature of the crimes for which a death sentence may be imposed. The bill would allow the death penalty for any person who "participates substantially in the killing of an individual" while "working in furtherance of a continuing criminal enterprise." These terms are vague, and they raise far-reaching questions about the reach of the death penalty under this legislation. I do not believe that the felony murder rule should make a defendant vulnerable to the death penalty, however remote his intent or his connection to the crime.

These questions, and the numerous additional questions raised by Senators LEVIN, EVANS and others, cannot be resolved satisfactorily in a few short hours of debate under a time agreement that drastically restricts the number of amendments that may be offered.

Every Member of this body has taken a solemn oath to uphold the Constitution of the United States. And we should not sweep aside the obligations of that oath in this unseemly stampede to reassure our constitutents that we are getting tough on drugs. Urge the Senate to reject this bill.

This pattern of race considerations affecting sentencing is repeated in jurisdiction after jurisdiction around the country.

In Florida, a study published in the Stanford Law Review found that defendants convicted of killing whites were eight times more likely to receive a death sentence as those convicted of murdering blacks.

In Illinois, that same study found that killers of whites were six times as likely to receive a death sentence as killers of blacks.

In Texas, one 1980 study found that killers of whites were 20 times more likely to receive a death sentence, while a 1985 study found that they were over 4 times more likely to do so.

In Maryland, defendants convicted of murdering whites received the death sentence eight times more frequently than killers of blacks.

This pattern also appears in California and Pennsylvania, and nationally as well. A 1985 study of capital sentencing conducted by a Dallas newspaper found that a killer of a white was nearly three times more likely to get a death sentence than a killer of a black.

I say to my colleagues that kind of evidence demonstrates that there is a pervasive pattern of racial discrimination in capital sentencing in this country, a pattern that should be unacceptable to each and every Member of the Senate.

Well then, you may ask, what about the McCleskey case? The Supreme Court didn't throw out McCleskey's sentence. What about that?

The five members of the Court who voted to affirm McCleskey's sentence did not dispute the accuracy of the Baldus studies. And they admitted that statistical evidence of the kind contained in the studies would be sufficient to prove intentional race discrimination in other areas, such as housing discrimination and discrimination in jury selection, and sufficient to establish employment discrimination claims under title VII of the Civil Rights Act of 1964.

But the majority concluded that capital sentencing was "different," because individual juries and prosecutors made sentencing decisions, and because it would be inappropriate to require the State to call on these individuals to rebut a showing of discrimination.

I believe that the McCleskey decision was wrongly decided, and that the compelling evidence that McCleskey's sentence was affected by racial considerations should have been sufficient to set aside his sentence. I am working on legislation to address the problems caused by the McCleskey case, which I hope to introduce shortly.

But I say to my colleagues, regardless of whether the Supreme Court was right or wrong in the decision it reached in the McCleskey case, the Members of the Senate have the authority——

The PRESIDING OFFICER. The Senator has used the time yielded to him.

Mr. KENNEDY. Mr. President, may I have 1 more minute?

Mr. LEVIN. Yes.

Mr. KENNEDY. Mr. President, I will withhold further discussion of this particular matter until we have an opportunity to debate the issue. But I do, at least at the outset—since we are in a very short time period—want to draw the attention of the membership to these particular issues and hope that we could gain a broad support for my amendment this afternoon.

If I could just continue for 1 more minute.

Mr. LEVIN. I am happy to yield 1 more minute.

Mr. KENNEDY. We have spent a great deal of time, in the last 25 years that I have been in this body, to try and eliminate the barriers, the discrimination in our society. We have done it in the areas of voting, we have done it in the areas of public accommodation, we have tried to do it in employment, and against discrimination against the handicapped, women in our society and on the basis of race.

Well, in this particular area of capital punishment, discrimination still exists. This afternoon the membership will have an opportunity to make a judgment whether we are really going to be serious about eliminating discrimination in the application of the death penalty.

The D'Amato bill does not do it. It is framed only in directing attention toward the race of the defendant but, as I mentioned just briefly here, it is more important in terms of statistics to look at the race of the victim.

We will have an amendment which will address this issue. Even though I am opposed to the death penalty, if we are going to have the Senate adopt it, the amendment that I offer in this area is absolutely imperative if we are going to be serious about eliminating discrimination on the basis of race in the application of the death penalty.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. D'AMATO. I shall yield 10 minutes to the Senator from Alabama [Mr. SHELBY]. But I would like to say this.

When the Senator from Massachusetts brings up the quotation, "The same old people back on death row," in the application of the death penalty and how it falls, I think if you were to eliminate the color of that individual, or national origin, you will find behind those statistics people who knew the people that they killed.

In almost every one of these instances, in those cases, there generally is a reluctance to come down with the death penalty because there are mitigating factors and circumstances. And I do not believe that you can simply take a statistic and say that because there are more people of one race or color or origin who have the death penalty applied to them, therefore it is a prima facie case of discrimination.

If we are going to do that, and I know we will have this debate later this afternoon, and were to apply the Senator's intended amendment to more than just the death penalty, then we would say we would not be prosecuting those people involved in securities fraud. A disproportionate number—they are basically all white. That is correct.

So, after all, if you are just going to be going after those people who are all white, inherent, statistically there is prejudice. I mean to use that as an example I think it underscores the fallaciousness of this argument.

I am willing and ready to accept those amendments that will guarantee constitutional protections, and I thank the distinguished former chairman of the Judiciary Committee, Senator KENNEDY, for having made some very substantial contributions to this bill, seeing to it that constitutional guarantees are incorporated. You have made the bill, certainly as it relates to guaranteeing people's rights, a better bill. Even though I understand you are in opposition to it.

I assure you of my readiness and willingness to work with you if there are other deficiencies or other areas where we can improve upon the bill.

Mr. KENNEDY. Will the Senator from Michigan give me just 2 minutes to respond?

Mr. LEVIN. Do I have time left?

The PRESIDING OFFICER. The Senator has 5 minutes left.

Mr. LEVIN. I would be happy to.

Mr. KENNEDY. The point the Senator makes with regard to the race of the particular defendant, I want the attention of the Senator, we will have an opportunity to debate that. The question is whether the application of capital punishment has been used in a discriminatory way on the basis of the color of the victim. What these statistics demonstrate is that there is a much greater application of the death penalty when you have the whites that have been killed by blacks than you do when you have blacks being killed by blacks, or whites killing blacks.

I do not want to get into the debate about whether there are more people on death row that are black or brown or white, and, therefore, the question is it is used in a discriminatory way.

What I think these studies and statistics show very clearly and very compellingly, and even observed by the members of the U.S. Supreme Court, is the color of the skin of the victim is a much greater factor in terms of the application of the death penalty. In that sense, it is used in a discriminatory way. And that is what we will have an opportunity to debate. I would invite my colleague to examine the very compelling studies that have been demonstrated.

We will not get into the debate whether it is applied more against blacks or browns or whites. What we will be talking about is when the victim, not the defendant, the victim is a certain color and you have the application of the death penalty you get a discriminatory result.

I hope, as the Senator has been accommodating in that he has been willing to accept the other amendments. I believe he does not want the death penalty applied in a discriminatory way, he would have a chance to review the amendment in greater detail and, hopefully, he might even find the opportunity to accept it. I will look forward to the debate this afternoon.

I yield the floor.

Mr. D'AMATO. I yield 10 minutes to the Senator from Alabama.

Mr. SHELBY. Mr. President, I rise in support of S. 2455, the "Death Penalty in Case of Drug Related Killings."

All too often our news is filled with drug-related activities. These events are not relegated just to our major metropolitan areas, but permeate our entire society. From the streets of urban centers to the farmlands of rural areas to the Plains of the West, drug usage and drug-related activities have become a plague upon society.

I have received numerous inquiries from my constituents asking for help; asking for protection. In my opinion, the legislation before us today provides that protection. I am committed to fighting drug traffickers who exist here and abroad. Too many times we see our brightest minds, our future, our loved ones succumb to drug addiction.

We must stop this epidemic. Education is needed, rehabilitation is needed and so it deterrence and punishment. S. 2455, alone, may not be a panacea; but when used in conjunction with other measures it is effective.

The intentional killing of an innocent person or of a law enforcement officer during the course of his or her official duties shocks the conscience. Sometimes individuals are executed just to show the strength or power of a particular drug "posse" or gang—no more, no less. A drug-related killing goes beyond the death of one individual; it rips apart the seams of our society. It creates undue discord within our communities. Such actions, such intolerance for the sanctity of life must be halted.

I think that S. 2455 is an appropriate response to the crime it addresses. In the first part of the bill it states that where the trier of fact determines that a person intentionally, or with reckless indifference to human life, kills or participates substantially in any killing of any individual, during a continuing criminal enterprise, that person shall be sentenced to any term of imprisonment, which shall not be less than 20 years, and which may be up to life imprisonment, or may be sentenced to death.

The legislation further states that if a law enforcment officer is murdered intentionally or with reckless indifference during the performance of that officer's official duties by an individual who is committing an act that violates the controlled substances act, that individual shall be sentenced to a term of imprisonment, which shall not be less than 20 years, and which may be up to life imprisonment, or may be sentenced to death.

Mr. President, on the 15th of May, the Nation joined together to remember the 155 peace officers who were killed in the line of duty last year. No words can express the grief the families of these fallen heroes feel. Mr. President, we must deter and punish those criminals that are running rampant throughout our society.

Furthermore, I think the measure before us today is procedurally sound and constitutionally proper. The penalty of death is not just issued at random. The legislation comports with the constitutional requirements for the issuance of the death penalty as articulated by the Supreme Court. There are procedural safeguards explicitly detailed in the bill. For example, the burden of establishing the existence of any aggravating factor is on the Government, and is not satisfied unless established beyond a reasonable doubt.

Mr. President, I believe we must look to the future. We must stop these drug-related murders. We must stop the flow of drugs in our communities. We must send out a strong signal to drug traffickers that we mean business; that if anyone during a criminal drug enterprise murders, that murderer will be punished and punishment will be swift.

Therefore, Mr. President, I urge my colleagues to support the D'Amato bill.

I yield back the remainder of my time.

Mr. EVANS addressed the Chair.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Washington.

Mr. EVANS. I yield myself such time as I may require.

Mr. President, once again we are going for an election year slam dunk on drugs. Unfortunately, our goal seems to be more to score points with the voters than to address the phenomenally difficult drug problem in this country and to do it in a responsible way. We are taking precipitous steps to indulge our own political vanity while treading with impunity on civil liberties cherished by all Americans.

Two years ago, we passed supposedly comprehensive legislation to address the many-faceted problems of drugs in our society. I am proud of the role the Senate played then by helping to arrest what I had termed a sanctimonious election year stampede that will trample the Constitution. But we are right back today in the next election cycle to considering steps that we wisely rejected then.

I said before and I will say again that we will not deal with any problem in an appropriate fashion unless we maintain some proper perspective. I wholeheartedly agree with the Senator from New York and many others in that cocaine in all its forms, heroin, PCP, all of the other drugs defined as controlled substances under our law, are eating away at the heart of America.

But interestingly enough, Mr. President, the Surgeon General of the United States not long ago, perhaps the most courageous and candid Surgeon General in the history of the United States, noted recently that legal drugs are also devastating our Nation and eating away at the heart of America. Yet, I hear no one standing on the floor of this Senate advocating strong measures to deal with the problems.

Smoking, quite literally, is eating away at the heart of America. At least a quarter of a million Americans die each year from heart diseases associated with smoking. It is implicated in another 100,000 deaths from lung cancer.

According to the Surgeon General's most recent report, we find that nicotine is an addictive drug and that, contrary to what the tobacco companies might want us to believe, it may not be the case that smoking is merely a matter of choice once you start.

How about alcohol? How many stand up on the floor of this Senate and talk about the tragedies in the abuse of alcohol? On the front page of the Washington Post not long ago we learned that the driver of the truck responsible for killing 27 children on a church outing in Kentucky had a blood alcohol level of 0.24, or nearly two and a half times the legal limit in that State. Twenty-seven young, innocent children killed by a drunk.

How many stood up on the floor of this Senate bewailing that fact? There was hardly a peep out of anybody simply because it is too common. According to statistics compiled by Students Against Drunk Driving, alcohol is implicated in virtually every conceivable activity. It is involved in 66 percent of fatal driving accidents; 70 percent of all murders, a far greater implication in murder than any of our current drug activity; 50 percent of rapes and 60 percent of sex crimes against children.

In our renewed election frenzy over controlling illicit drugs, I ask that my colleagues pause for just a moment to contemplate part of the debate that we had on the floor of this Senate 61 years ago when this Nation was on the verge of enacting the ill-considered and ill-fated 18th amendment.

We heard the ringing oratory then by one Senator:

> Alcohol used as a beverage has been unmistakably and unanswerably stamped by the medical profession, by other scientists and the best thoughts of the age as a poison. It has been shown by overwhelming evidence that when so used even in moderate quantities it is a positive injury to the human system. It weakens the body, it blurs the mind, it invites disease and it destroys the soul of man. It produces more pauperism, more crime and more sorrow than all other causes combined.

And a further quote from another Senator:

> Drunkenness is the monarch of all human vices. Other evils are its mere satellites. It permeates and poisons and rocks every department of life and every avenue and faculty of the human body. Once in a distant age, intoxicating liquor was the supposed instrument of fellowship and good cheer. It is now the debased and adulterated instrument for the exploitation for profit and the promotion of personal vices. It has grown to outstanding proportion. The longer it continues, the greater its evil and the more potent its strength.

There are several others here which I will not read, but it suffices to show that then we thought that with prohibition and with penalties that we could deal with the evil of alcohol abuse. It did not work, and it was not very many years later before we were back in this same Senate and the same Congress seeking another constitutional amendment to repeal the 18th amendment.

But some very interesting things have been happening in recent years. Interesting things both in the abuse of alcohol and in the abuse of smoking. Sufficient education and repetitive information have finally gotten across to people on the user side—on the user side—that these have strong adverse effects on health. We are seeing finally some significant continuing reductions in the use of both tobacco and alcohol.

Why have I spent some time talking about two legal drugs when the focus in this bill and this proposal amendment is on illegal drugs? Well, it is because we are dealing, once again, with the demand side of the equation. We are dealing with penalties on those who are involved in the distribution of illegal drugs. We have shown so clearly in the past that we cannot effectively deal with drugs and drug abuse, whether legal or illegal, if we focus on the production side of the equation.

It is only effective when we deal with the demand side, with the education, with the recognition by our young and by all members of our society of the adverse effects of using drugs.

Interestingly enough, in an earlier bill, we took another step toward building this so-called Maginot line against drugs. We sought to enlist the Armed Forces in battles for which they are not properly trained and for which they cannot hope to succeed. We might as well enlist the aid of King Canute and ask that the tide be rolled back merely by our statement that it should be.

Will the death penalty for so-called drug kingpins help convince our children that they should not indulge? Will it really help stem the tide of drugs into our country?

Mr. President, there is no credible evidence that the death penalty is, in fact, a deterrent to homicide and certainly there is no credible evidence that it is a deterrent to drug traffickers. The death penalty already is in existence in most of the States of this Nation, in the States with most of the population, and it has proven to be no great difference in drugs or for that matter anything else.

We need to move aggressively to help stop the corrosive effect of drugs on our society, but we need to do it in a way that is more likely to show results and that is also consistent with our traditional respect for individual liberty.

Mr. President, how many drug education programs, for instance, could we fund across this Nation for the cost of just one AWACS sortie and which would ultimately be the more beneficial use of that money?

How many drug treatment programs could we finance with the funds necessary to carry out the conviction and the putting of one drug dealer to death, and which would be the more important, a drug treatment program or the execution of a drug dealer? We have not asked these questions let alone taken the time to find the answers. If we are truly serious about taking effective action, I suggest that we first really try to determine what might work. Instead of finding what might work, we are coming up with ideas that we believe will be received with the loudest applause by the voters, and those are the easy and dramatic: Let us use the Armed Forces. The House of Representatives in an almost incredulous act suggested not only the use of Armed Forces but that we report back to the Congress in 45 days as to how we have closed the border of the United States against illicit drugs—ludicrous but maybe popular.

Let me turn now to the fundamental philosophical view of the death penalty whether used for drug kingpins, for those who kill police officers, or for any other crime. There are only three elements related to the death penalty: Does it create deterrence? What is its effect in incapacitation of those who are criminals? And is retribution a fundamental element that ought to be considered in penalties, particularly the death penalty.

I do not believe there is any credible evidence that really shows that the death penalty has acted as a deterrent. We have had several hundred years of history in this country of the death penalty first being common, then being virtually eliminated, then coming back State by State. Many States of this Nation have experimented with the death penalty and rejecting it, bringing it back and again rejecting it. So, we have plenty of evidence, plenty of opportunity to look State by State or region by region to see whether the imposition of the death penalty has really led to deterrence.

I would say again there is no credible evidence that it has done so. In fact, today those States with a death penalty in their statutes on the overall have a higher murder rate than those States without a death penalty.

How about incapacitation? I suppose somebody could say, "Well, the murderer we executed is certainly incapacitated," and I will yield that point. But far better for us to focus much more broadly on the question of mandatory sentence for those who have been involved in murder for terms up to and including life sentences without parole, which is clearly a very successful way of incapacitation without crossing the line philosophically and morally to a death penalty.

Well, how about retribution? Is that really what we want to do? Are we going back to the Old Testament view of an eye for an eye and a tooth for a tooth? Is that how far we have come in the last 2,000 years? If we really believe that the old retribution idea is fundamentally right, morally, and in every other way, then it is time we consider it in all of the ways it was used down through the ages, not just a death penalty for capital crimes but for mutilation, other physical punishments for those who are engaged in somewhat lesser crimes. We would all suggest that those are immoral, but somehow we find a legitimate morality in the ultimate physical punishment.

Mr. President, not all Members of the Senate have had the privilege or the responsibility as Governor but many have. Each of us who has had that responsibility ultimately might face the decision as to whether to put someone to death or not.

When we act in building a law in this body, we are several steps removed from the actuality of capital punishment and so we can deal with numbers and statistics and appropriate punishments, but it is quite a different thing, Mr. President, when you are called personally to make that final decision. I shall never forget a visit to the maximum security penitentiary in Walla Walla, WA. I was there on an inspection tour, and part of that tour was to travel through death row. The cells happened to be empty at the time I went through, but as we passed by a barred window, I looked out into a small courtyard and there were 13 men in a small concrete courtyard playing basketball, the 1 hour of the day that they were let out of their cells. I asked who they were. The warden of the penitentiary said, "Those are the men on death row." If he had stopped there, I might not have thought as deeply about the death penalty as I subseqently did. But he added something to that statement. He said, "Those are the men on death row, and you are the last person that stands between them and execution."

I thought pretty deeply about that responsibility and ultimately decided that no person, no person ought to have the power of life or death over 13 men or even 1 man. From that time on, I have believed as strongly as I can that it is, indeed, a cruel and unusual punishment constitutionally, that it is immoral in our modern society, that it is ineffective in dealing with the problems we have in front of us.

Mr. President, this particular bill, however, has been brought to the floor without the advantage and without the benefit of committee action, and we have been treated in the course of the last several hours and last night and in some negotiations prior to actually presenting it formally in substitution for what ought to be a committee process.

The Senator from Michigan has already pointed out at least two elements in which this bill in unconstitutionally vague, and has some serious constitutional problems. So, now we are talking about changing those to make the bill a little better.

Senator KENNEDY pointed out some other elements, and again there was the reaction, well, we will accept those and make the bill a little better.

Interestingly enough, in just reading the bill as it now sits, I find that on page 7 down on line 22 it says:

> A sentence of death shall not be carried out upon a person who is under 18 years of age at the time the crime was committed. . . .

Eight lines later in the bill, under mitigating factors:

> . . . the following mitigating factors shall be considered but are not exclusive:
>
> "(1) The defendant was less than 18 years of age at the time of the crime.

That is a nullity. It is inconsistent, and it may well be just an example of other areas in the bill where there are errors, inconsistencies, unconstitutional vagueness, all of which in the bills we bring before this body are normally taken care of through the committee process. But we are rushing to judgment because we know what year it is, and we know what political punch this might carry.

If this were an appropriate bill, which I do not believe it is, it should be perfected through the committee. Let us not do our committee work here on the floor. But it is not an appropriate bill. It is not a deterrent. It brutalizes society.

Some may say, "So do drug dealers, and so does the insidious nature of illicit use of drugs." I thoroughly agree. But do we react to a brutalization of society by criminals by a legal brutalization of society by imposition of the death penalty?

I think it also misses the point of drug control. We will pass this bill or presumably pass this bill and the people will think, well, the Senate acted, they felt this was important. The job now will be done, and we can relax a little about the drug problem. It does miss the point because to the degree anyone thinks that this is an answer or even part of an answer on drug control, they will be badly misled.

Mr. President, we will score our election year slam dunk I fear to the cheers of the crowd, but it will not even slow down the drug problem of this Nation.

The death penalty, Mr. President, is not justified as a matter of principle. It is not justified as an effective legislative policy. Constitutionally, its imposition is suspect at best. The death penalty has no effect unique from that of any other available punishment. Society does have the responsibility to express its moral outrage at the heinous conduct of criminals.

Society has the responsibility for expressing its concerns for the victims of capital crimes. But all other issues fade besides the overwhelmingly fundamental one. Society does not have, and should never have the right to take the life of another human being.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise today in strong support——

The PRESIDING OFFICER. If the senator will suspend, we are working on controlled time. Someone needs to yield time.

Who yields time?

Mr. THURMOND. If no one will yield it, I yield myself such time as may be required.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise today in strong support of S. 2455 introduced by the distinguished Senator from New York, Senator D'AMATO. I am pleased to be an original cosponsor of this measure which provides for the death penalty in certain circumstances and also establishes the constitutional procedures necessary for the implementation of the death penalty.

Without question, drug kingpins, those involved in major drug operations and those who violate the controlled substances laws, will kill law enforcement officers or others if necessary to further their drug distribution efforts. This bill would authorize the death penalty against these violent killers.

As the Nation has repeatedly witnessed, a byproduct of drugs is death—death not only caused by drug overdoses, but death caused by the violence which is an integral part of the drug world. In Congress we speak of waging "a war on drugs." How can we effectively wage a war without the proper weapons? This bill takes steps toward providing a necessary weapon.

Without question the death penalty is an effective deterrent. The potential for imposition of the death penalty would send a definite signal to drug kingpins and others involved in drugs that they will pay a high price for killing in furtherance of their illicit business. In the 1986 drug bill, Congress amended the drug laws to provide enhanced penalties for drug offenses. At that time we stopped short of providing the most effective penalty the death penalty. We must act now to provide the death penalty for such drug-related murder.

In the past, the death penalty issue has been debated in the Judiciary Committee as well as on the Senate floor. The procedures contained in this bill are similar to ones that the Judiciary Committee has previously approved. These procedures comport with the constitutional requirements outlined by the Supreme Court. In past debates on the death penalty, opponents have argued that the death penalty should not be authorized because an innocent defendant may be sentenced to death. No one would want that to happen. However, the procedures outlined in this bill are well thought out and designed to guard against the possibility that the death penalty will be imposed upon an innocent defendant. Under this bill, the jury is sufficiently guided in its decision as to innocence or guilt and its decision as to whether or not to impose the death penalty. The defendant is given every fair and just opportunity to present evidence to show why he should not be given a sentence of death.

In this Congress, I introduced S. 277, which provides for the imposition of the death penalty for the numerous Federal crimes for which the death penalty is currently authorized—such as murder, treason, and espionage—as well as authorizes the death penalty for new crimes such as an attempt to assassinate the President and murder by a Federal prisoner who is serving a life term. I am pleased that we have the opportunity to consider the measure before the Senate today. However, I hope that the Senate will have the opportunity to consider a broader death penalty bill before the 100th Congress adjourns.

In closing, I would like to remind my colleagues that the Senate in 1984 approved a broader death penalty bill by a vote of 63 to 32. Further, public opinion polls indicate that there is overwhelming support for the death penalty.

I strongly urge my colleagues to vote in favor of this important measure.

The PRESIDING OFFICER. Who yields time?

Mr. D'AMATO. Mr. President, I yield to the Senator from Arizona such time as he requires.

Mr. DECONCINI. Mr. President, I rise in support of S. 2455, a bill introduced by my good friend from New York, Senator D'AMATO, that would establish rational procedures for the imposition of the death sentence for drug related murders and for the intentional killing of any local, State, or Federal law enforcement officer as part of a criminal drug enterprise.

Mr. President, before I go further, I want to take a minute to commend the Senator from New York. In my judgment, we owe him a great deal of gratitude for being persistent. He has not been deterred by a lot of pressure by colleagues saying: "Come on, let's do this another time. We do not need to put it on here." He stayed with it, and I thank him for doing that. He is recognized as someone who believes what his promises are, and he fulfills those commitments. I commend Senator D'AMATO and his staff for their tireless efforts in the battle against illegal drugs.

Senator D'AMATO and I introduced the Anti-Drug Abuse Act of 1988 on March 23 after months of hearings, meetings, and drafting sessions. We had planned to attach the death penalty to our omnibus drug bill but because of concerns raised by several of our colleagues, and knowing that the Senator was going to offer it on the authorization bill and other bills, we decided to do it separately. Senator D'AMATO introduced it separately. So everybody knew in this body that it was coming down the track on several different approaches. I am glad he has done that.

After the senseless, unmerciful killing of three New York law enforcement officers in drug related incidents this year, Senator D'AMATO recognized that the death penalty legislation needed immediate attention. How much longer can we wait? I think we have waited too long, and I am glad we have this before us at this moment. Legislation is needed now.

Congress must adopt the kind of deterrent that will send a strong, clear message to those who deal in drugs. This country will not longer stand by idly while the drug dealers murder innocent citizens. I thank my friend for stepping forward to help wage a war against this epidemic that is engulfing our Nation and not altering his views.

I have the greatest respect for those who stand up here on a moral value or their own sense of judgment in opposition to it. Many of them, particularly the Senator from Michigan, have been stalwart in supporting law enforcement and strong penalties for severe, violent crimes and drug crimes.

We are talking about something that presents an opportunity of really turning the tide. We hear the argument, "Well, it's not a deterrent." Nobody can prove that it is, and nobody can prove that it is not. But I submit that when that death penalty is on the books, when people realize what the ultimate price for the drug dealing and murder is, they will at least have a qualm when they commit those senseless murders.

As a society, I believe we have the right to impose an equal penalty, after careful constitutional safeguards are built in, as this bill provides.

S. 2455 was carefully and narrowly drafted to comport with U.S. Supreme Court decisions establishing procedural guidelines for imposition of the death sentence.

I am convinced the bill meets the requirements of the Constitution as laid down by the Supreme Court. Further, I believe this bill will provide the kind of deterrent that will truly send a message to drug traffickers and drug dealers—that the United States takes this problems seriously, and we are ready to deal with it in a serious manner.

Those who deal in illicit drugs have demonstrated a total disregard for human life. Two recent incidents underscore the ruthlessness and brutality that characterize today's drug dealers. Last month in New York, the home of an imprisoned drug kingpin, Lorenzo White, was firebombed, killing his disabled sister, and severely burning her 10-year-old son. At the time of the firebombing, police said 16 shots were fired into the home. The attack took place in the South Jamaica section of Queens, the same neighborhood where a rookie police officer was murdered in February as he guarded the home of a drug witness.

Here, on the streets of our Nation's Capital, 23-year-old Bobby Larnell Parker was stopped at a redlight when four men approached his car, pulled their weapons and started firing like some kind of wild west show. On Parker's bullet ridden body, police found a large amount of cash and unused clear plastic bags, which police said are used to package drugs. Parker apparently had stolen three kilos of cocaine from a drug dealer and according to the DC police chief, "When people don't pay a narcotics bill, the dealer pays someone else to take him out."

That is exactly what happened. I do not know Parker; and I am not sorry—the little bit I read about him—that he got his. But what is important is that society has a right to take back the streets and the safety of this city, as well as any other city, by imposing a death penalty on that kind of brutal attack.

The attacks dramatically demonstrate the willingness of the new genration of drug kingpins to kill anyone who stands in their way, including innocent family members and law enforcement officials.

The issues and arguments surrounding the use of the death penalty are among the most familiar in American debate. Two years ago when the Senate was working on the Anti-Drug Abuse Act of 1986, the Senate refused to vote directly on the death penalty amendment for drug traffickers and instead used a procedural vote to sidestep the issue. I voted against tabling the death penalty amendment 2 years ago and I believe the argument in favor of this kind of deterrent is stronger than ever. The American people have consistently demonstrated in opinion polls that they strongly support the death penalty. Polls consistently show that two-thirds of the American electorate favor the death penalty; and in my home State, over 80 percent of the people have indicated they favor a death penalty for certain offenses.

Opponents argue that the death penalty should not be implemented because of the possibility of a mistake. However, a chronology of the legal procedures required and available to these defendants would convince any reasonable person that the system has done everything possible to minimize the possibility of mistake. It is my opinion that this country is in dire need of the protection afforded to society by the death penalty bill introduced by Senator D'AMATO.

Mr. President, I believe that capital punishment serves the legitimate function of deterrent. I cannot prove that, nor can anyone prove the other way. They can say so, but they cannot prove it is not a deterrent. In my judgment, it is, having been a prosecutor and having talked to people who faced the death penalty and people who were career criminals. They thought about it. It was not something they just dismissed. It is through this type of process that we need to bring about, in a civilized society, a proper, careful, constitutionally protected way of society dealing with the most severe, the most outrageous, and the most criminal activities; and we are talking about drug murders and drug-related crimes.

It reflects the fact that drug dealers have not simply inflicted injury upon individuals; they have also weakened the tenuous bonds that holds communities together.

The imposition of the death penalty in cases of drug-related killing reflects a social consensus that places the greatest sanctity on the value of human life.

It is a consensus that also holds that there is no offense more repugnant or more heinous than the reckless deprivation of an innocent person's life.

The ultimate justification of any punishment is not that it is a deterrent, but that it is the emphatic denunication by the community of the activity that that person has freely elected to participate in, and here we are talking about murder. And from this point of view, there are some murders which, in the present state of public opinion, demand the most emphatic denunciation of all, and that is the imposition of death.

Mr. President, I believe the time has come to face this both in the sense of morality, in the sense of society's good needs and in the sense of individuals' rights to be protected.

This bill is carefully drafted after many months, several years of debate on this floor at different times, and I think that we would be wise to pass this legislation, put it on the books to make it very clear where we are coming from and to deal with this problem in reality and not to say we are tough on drugs, we are going to really have a war on drugs, but we are not proposing offering the ultimate penalty.

When I was a prosecutor in Pima County we had cases there. One case in particular I remember so well where the defendant wrote out voluntarily his feelings before he killed a couple he was staying with—this was not dealing with drugs—but he wanted to know what it felt like to take the life of somebody and he even expressed the feelings that were coming back to him from his victims as they sat one on a bed and another on the floor gagged and looked up to him and he said their eyes were telling him to not do this and he wanted to know what it felt like to kill somebody.

That man was convicted, I am glad to say, and is in prison today. At the time the death penalty was not on the books in Arizona. It has been restored.

We are talking about those kinds of individuals who are dealing in drugs. They are going out knowing what they are doing. They want to inflict that punishment and they disregard the sanctity of life themselves and they endanger the entire community.

I truly hope that the Senate will take a strong, clear vote.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. D'AMATO. Mr. President, I yield such time as the Senator from Virginia may require.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. TRIBLE. Thank you, Mr. President.

Mr. President, I applaud Senator D'AMATO for his leadership in offering this measure and for his tenacity in forcing the Senate to take action. I am pleased to be a cosponsor and strong supporter of this legislation.

In recent years, this Congress has done much to escalate the war on drugs. We have voted new funds for drug abuse prevention and education. We have acted to involve the armed services more fully in drug interdiction. We have taken a tougher stance toward foreign governments that fail to cooperate fully in the antidrug efforts.

But we must also punish those that engage in this deadly enterprise.

In the last Congress I offered legislation to provide mandatory life penalties on the major drug traffickers. I am pleased that as part of the leadership package that initiative was adopted and is embodied in our Federal law today.

We must ensure, I say to my friends, that criminal penalties are adequate to deter and punish, and we must act to ensure that punishment fits the crime.

The crime of drug trafficking is a deadly one for which capital punishment is a most appropriate sanction.

The drug lords have begun transforming our cities and towns into killing fields. The kingpins of the narcotics trade are willing to murder anyone who gets in the way of their drug peddling and their great profits.

In our Nation's capital, well over 100 murders have already been committed this year. Roughly half of those are drug related.

In the capital of my own State, Richmond, VA, there are too many people dying needlessly. Ours is the sixth highest homicide rate in the Nation and many of those deaths result from the heroin trade.

America's law enforcement officers are especially vulnerable to this kind of violence. These brave men and women have been charged with the difficult task of controlling the narcotic industry. They work in darkened alleys and dimly lit crack houses, trying piece by piece to dismantle the drug trade. They are outmanned; they are outgunned. They are always at risk. And too often they pay with their lives.

Last year 155 officers were killed in the line of duty. Too many of those killings were drug related.

Three months ago in New York a policeman, Edward Byrne, sat alone in his police cruiser late one night, guarding a home of a witness who had agreed to testify in a drug case. His weapon was not drawn. He had no chance to defend himself. He was shot, assassination-style, and killed.

For every Edward Byrne, for every life lost by murder, there are countless others that are harmed or who suffer and die at dealers' hands as well.

For some, the drug user, death comes in a single overdose. For others, death comes in a slow and lingering fashion brought on by years of drug addiction. Still others do not die suddenly overnight but suffer the debilitating effect of drug abuse throughout their lifetimes.

Too many children are dying. Too many young lives are lost and compromised and the rich potential of this Nation along with them.

When are we going to act?

One of my colleagues who spoke in opposition to this measure said this is politics. Well, I say thank God for political campaigns, because it seems this is the only season the Congress will come to grips with this problem.

Mr. President, I was especially disturbed of late by a report in the Washington Post about a new game in Washington, DC, a game that has taken hold in the schools of our Nation's Capital. Young children, it seems, have begun imitating drug deals. Some pose as dealers, others as buyers, and still others as lookouts.

Mr. President, the drug kingpins and their allies have produced an atmosphere of lawlessness that is engulfing this Nation, an atmosphere of lawlessness that too often implicitly condones drug use, abuse, and drug dealing, and it is time we did something about it.

Prior to my election to Congress 12 years ago I served as a State and Federal prosecutor. I am responsible for hundreds of major felony convictions. I have seen the criminal face to face, and I have also seen the victims of those crimes. And I think it is time that society places the victim first, the future of this Nation first, and invokes the kind of sanction that is necessary to deter and punish those that are harming, those that are killing, those that are compromising the future and fabric of this country.

I learned in those years in State and Federal courts that swift and certain punishment does deter criminal activity. Capital punishment does deter criminal activity. Capital punishment may not stop someone from committing a crime of passion in a moment. But capital punishment can stop and deter someone from committing the kind of offense that is premeditated, that is cold-blooded, the kind of crimes envisioned by this legislation, crimes that are violent and destructive in nature, and society has a right and a responsibility to act.

My good friend, my colleague from the State of Washington, talked very eloquently a few minutes ago about walking through the penitentiary of his State as Governor and walking through the area of the penitentiary reserved for those on death row and looking out into a small area reserved for their recreation and saying to the warden, "Who are those people?" And he was told, "They have been committed for capital offenses. They are on death row."

The question I wish that he had asked was not only who are those people, but what did they do, and that evidence is clear for us to see, if only we will have eyes to see it.

Look at the headlines in the morning papers. Turn on the television at night. Talk to your children about what is happening in their schools, about the lives that are lost, the young people that are killed by drugs and the young people that kill themselves because of drugs.

My God, when are we going to do something? When are we going to stand up for the innocent, for the victims of these crimes, and take the kind of action that is necessary? If it takes political campaigns, then perhaps that underscores the genius of this democratic process.

I suggest to my colleagues that life is precious, that there are certain crimes that are premeditated, that are cold-blooded, that are senselessly violent, that threaten the fabric of this society and our future, our hopes and our dreams, and that if capital punishment will spare the life of just one innocent victim, one brave policeman, one innocent child, just one human life, then it is worth it.

I hope that we would act and act decisively and positively.

I yield back the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. D'AMATO. Mr. President, let me attempt to respond to some questions that my distinguished colleague from Michigan, Senator LEVIN, raised. He raised a question as to the source of our substantial participation language. He suggests the Court, in *Emmanuel* v. *Florida*, 458 U.S. 782, and Tyson versus Arizona, which was decided in 1987, require that in order for the death penalty to be invoked, an individual who caused the death of another must have a specific intent to kill or else must have acted with reckless indifference to the value of human life and have been a substantial participant in the activity which led to the killing.

Let me, in addition, attempt to answer one or two of the other questions that were raised by my distinguished colleague relating to especially heinous, cruel, or deprived manner. Well, in Godfrey versus Georgia, the Supreme Court noted that such an aggravating circumstances was held not be unconstitutional on its face in Gregg, but a majority concluded that the Georgia Supreme Court had adopted such a broad and vague construction of the language as to violate the 8th and 14th amendments. In reaching this conclusion, the plurality opinion, indicating that torture, aggravated battery, the deliberate prolonging of suffering, or serious physical abuse of the victim before inflicting death would suffice to narrow the concept to within constitutional bounds, nevertheless observed that the killing committed by Godfrey "cannot be said to have reflected a consciousness materially more depraved than that of any person guilty of murder."

So the Judiciary Committee adopted this language. "The committee adopts the language—and I quote from the committee's report—Especially heinous and cruel or depraved manner with these limitations in mind."

So the committee had these limitations in mind.

Let it be understood, as it relates to legislative intent, that we attempt establis intent now on this floor. This aggravating factor is not intended to be a catchall concept to be used to impose the death penalty on any person found guilty of murder.

On the other hand, to the extent that an extraordinary depravity is evidenced by the circumstances, such as the execution-style killing of a stranger for the thrill of it or the extended terrorizing of a victim before the murder, the committee has concluded that it would be constitutional to view the concept of depravity as broader than a novel physical torture required and it intends for it to be so construed.

So, as it relates to that language, the Court did not find, in and of itself, that language to be unconstitutional, but found that the charge was not limited by the Court.

As it relates to several other questions, the burden establishing mitigating factors is on a defendant and is not satisfied unless it is established by a preponderance of the evidence.

My colleague asked: Why is that? The fact is that any relevant information, as long as it does not lead to the danger of unfair prejudice, confusion, or is misleading to the jury can be received into evidence. So information and evidence are really the same. We do not really change this. That is still open. The only caveat is that it does not impair the rights of the defendant.

I would hope that that would lay to rest some of the concerns of my distinguished colleague. I recognize that it is not going to change his view on this matter.

Mr. LEVIN. Will my friend yield on those points so we could perhaps clarify that?

Mr. D'AMATO. Yes; certainly.

Mr. LEVIN. On the last one, working backwards, my friend from New York says the word "evidence," on page 6, line 16, means the same as "information."

Mr. D'AMATO. As it relates to that particular section. I believe we have a section that says "provided it does not lead to the danger of unfair prejudice."

Mr. LEVIN. My question is: Why did the Senator from New York change the word "information" to "evidence" from one version of the bill to the last?

Mr. D'AMATO. Because any information really becomes evidence. Any information does become evidence as it relates to this particular section for this purpose, for receiving mitigating evidence, the information and evidence are interchangable.

Mr. LEVIN. The Judiciary Committee's bill uses the word "information." My question is: Why is it that the bill that of the Senator from New York changes that word "information" to "evidence?" Why was that specifically changed? Because the earlier version of your bill used the word "information." It was stricken and the word "evidence" was substituted, which is a narrower word. Why was that change made since it conflicts with the Judiciary Committee bill and, indeed, conflicts with the earlier version of the bill of the Senator from New York?

Mr. D'AMATO. I would have to say that I hope we have given a sufficient answer as it relates to legislative history to clear up any ambiguity and, for the purpose of this particular section of the bill, both information and evidence would be viewed in the same light.

Mr. LEVIN. If my friend would be kind enough to continue to yield for a question. In section (q) on page 12, line 19, the bill reads:

> On review of the sentence, the court of appeals shall consider the record, the evidence submitted during the trial, the information submitted during the sentencing hearing.

Do the words "evidence" and "information" mean the same in that section, also?

Mr. D'AMATO. I would have to check with counsel to see if we can get an interpretation. I would say to you, though, as it relates to unfair prejudice, that is a term of art as it relates to the Court. In its review, it can really go well beyond that. That is attempting to address one of the other questions.

Mr. LEVIN. I am not referring to that.

Mr. D'AMATO. I understand that. But I thought I would respond to that, inasmuch as it falls under the review of the courts.

I will ask counsel to give us a review of this section and see if we cannot, before this debate is concluded, respond to you.

Mr. LEVIN. While we are waiting for that information, I am wondering if my friend might yield for an additional question.

The Supreme Court recently held in the Maynard case that the Godfrey decision was correct. In that decision, it said that, in the case before us, the Georgia Supreme Court has affirmed the sentence of death based on no more than a finding that the offense was "outrageously or wantonly vile, horrible, and inhuman."

There is nothing in these few words standing alone that implies any inherent restraint on arbitrary, capricious infliction of the death sentence.

The words in the bill that has been offered by the Senator from New York stand alone. There is no committee report.

Mr. D'AMATO. I would hope that the legislative intent that you and I have embarked upon in addition to past committee reports would clarify this language. The fact of the matter is that it is limited as it appeared in the last Judiciary Committee report on the death penalty bill which clearly states that the appropriate interpretation of these factors, the language from that report should be used to interpret the sections as follows as limiting. And I would hope that we have established that clearly here on the floor.

Mr. LEVIN. What you are suggesting is that a committee report on a different bill should be incorporated here in some way? Is that your intent?

Mr. D'AMATO. No. I am suggesting that our responding to your question, and I have read it into the RECORD, sets the appropriate legislative intent quite clearly and that is that such an aggravating factor without any limiting instructions by the court would be too vague. However, we limit this language as it relates to that which I read into the RECORD. We adopted the language that this aggravating factor is not intended to be a catch-all consent to be used to impose the death penalty on any person found guilty of murder. And it goes on:

> On the other hand, to the extent that an extraordinary depravity is evidenced by the circumstances, such as the execution-style killing of a stranger for the thrill of it or the extended terrorizing of a victim before the execution, the Committee has concluded that it would be constitutional to view the concept of "depravity" as broader than a "novel physical torture requirement" and intends for it to be so construed in this measure.

That appears on page 7. I certainly subscribe to it as it relates to legislative intent for this bill.

That was the report of the Committee on the Judiciary, U.S. Senate, together with minority views on S. 239, April 16; legislative day, April 8, 1986, ordered to be printed.

So I would refer to that for purposes of dealing with that concern which I thank the Senator for and acknowledge may have been of some concern. I hope that would set the legislative record straight.

Mr. LEVIN. So, as I understand it, you are referring to a Judiciary Committee report on a different bill? Is that correct?

Mr. D'AMATO. That relates to the procedures for the imposition of capital punishment. So it is not just irrelevant. It is rather relevant.

Mr. LEVIN. It is a different capital punishment bill in very significant respects from this bill.

Mr. D'AMATO. Yes. Yes. But as it relates to this situation, to what we talked about in terms of depravity. Especially, "heinous, cruel, or depraved manner" is the exact same language that is in our legislation, and it is the same intent and same standards that we would hold them to.

Mr. LEVIN. I understand what the Senator is seeking to do.

While we are awaiting the information on that other question, I am wondering if I could pursue a question with the Senator. On page 7 of his bill, line 19.

It reads there, starting on an earlier line, line 15:

> Based upon this consideration, the jury by unanimous vote, or if there is no jury, the court, shall return a finding as to whether a sentence of death is justified.

My question of the Senator is this. What happens if, after weighing the factors, the aggravating and mitigating factors, the jury finds that either a sentence of death or a sentence of life without parole would be justified?

Mr. D'AMATO. Well, I would think you would have a situation that would be impossible to reach. Because, in order to come to the imposition of the sentence of death, it must be established unanimously, after considering both mitigating and aggravating factors, that that sentence be imposed. I do not understand how, as a practical matter, we could have a jury that would come down, or a judge would render a decision, if both sides after a finding of guilt waived the jury and said they will leave it up to the court and argue their case and let the judge come to that decision, it would seem to me that he would be recommending, if he said, "I can go life imprisonment or—" that he would come down with life imprisonment. It would seem to me that he would have found some reason to mitigate the death sentence and he would so state that.

By the same token, a jury has to decide whether or not, first, they are going to impose the death penalty.

Mr. LEVIN. The question is a little different, though. The question on the bill is whether or not the sentence of death is justified. My question is, and this happens a lot in human affairs, where you could go either way. We can say that either course of action is justified. The critical question then is, well, which question do you ask?

My question for the Senator of New York is this. If a jury unanimously decides that either punishment would be justified, and it is very, very understandable that jurors could reach that conclusion—I think either a death sentence would be justified or I believe that a life sentence without parole would be justified in these circumstances. They are not asked which sentence they prefer.

Mr. D'AMATO. Now we are asking——

Mr. LEVIN. Excuse me. If I could finish my question? The bill does not say the jury will be asked what they will recommend. The sentence——

Mr. D'AMATO. Based upon this consideration of the jury, by a unanimous vote—and if there is no jury, the court—shall return a finding as to whether a sentence of death is justified.

Mr. LEVIN. The question is if they find that a sentence of death is justified but they also believe that under the circumstances, weighing all of the mitigating and aggravating factors, that it would also be justified to have a life sentence without parole; then what happens?

Mr. D'AMATO. I do not think you are going to have that ever come up. As a hypothetical—the fact is the court would send them back. If they say we find there is no reason not to impose the death penalty or that the death penalty is justified, we also find life imprisonment; the court would give instructions to the jury to come back and return a verdict as to whether or not the death sentence is justified in this particular case.

I do not see how what you are saying is going to come to fruition and if it does, it would seem to me the court would instruct them to go back and make a finding as to whether or not the death penalty is justified.

If that is the finding you are asking about in the hypothetical, that I do not believe the court would permit. And if, indeed, there would be an implication, of course, then, that there be something less than a death penalty, it would seem to me that that would be a reasonable opinion.

Mr. LEVIN. My question of the Senator is why does the bill use the word "justified" rather than the word "recommend" or "decide" or "vote"?

Mr. D'AMATO. That is a different question.

Mr. LEVIN. I am trying to get to the same point because it is very possible.

Mr. D'AMATO. That is a different question regarding the term of art indicating whether or not a sentence of death is justified. I will attempt to respond and we will ask counsel to give us an historical basis for that term.

If I might at this time, the Senator from Utah is waiting patiently, and I would like to yield to him so that I can attempt to get the research on your question and at the same time keep the proceeding going.

I yield to the Senator from Utah such time as he may require.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Thank you, Mr. President. I thank my colleagues for giving me this opportunity to participate in this very important debate.

There are two sides to it. They are very difficult sides. It is a very emotional issue. But I have to tell you I come down very hard on the side of capital punishment and especially in these particular cases.

I want to thank and express my appreciation to the distinguished Senator from New York for being willing to take on this arduous task and being willing to take on an argument, the way he has, for capital punishment.

Mr. President, when we discuss capital punishment, too often we focus on the plight of the criminal who is facing the significant consequences of murder. Too often these criminals are depicted as unwitting victims of society or as individuals otherwise worthy of society's mercy.

Without a doubt a criminal, even one convicted of heinous murder, deserves every protection that the Constitution provides and affords.

But before examining the question of what protections the Constitution affords, however, we need to see both sides of the grisly picture of a criminal's character.

On April 2, 1974, two men—Pierre Selby and William Andrews—entered a hi-fi shop in Ogden, UT, in my State. They approached the clerk behind the counter as if they were just customers. When they fled hours later, they left five people dead. Yet, it would be too clean and antiseptic to describe their crime in these cold statistical terms.

Before committing the murders, Andrews and Selby first tortured their bound and helpless victims. Three unsuspecting teenagers who just happened to be shopping in the popular store were forced to drink cups of poisonous liquid drain cleaner. Selby attempted to force Orren Walker, the father of one of these young people, to pour the deadly drink down his own son's throat. Mr. Walker, at gunpoint, courageously refused. Incensed that Walker would not assist in the torture, Selby wrapped an electrical cord around his throat and attempted to strangle him to death right there in front of his son. Then, while Mr. Walker struggled for breath, Selby repeatedly kicked a sharp ballpoint pen deep into Mr. Walker's ear.

When Andrews and Selby had finished with these grisly amusements, Selby shot each one of his bound victims one by one in the head. Michelle Ainsley, however, was not even granted a swift end to her tortures. Before she was finally shot and killed, Selby dragged her into the back room and raped her. He dragged her right in the back room of the store and raped her and then killed her.

Frankly, Mr. President, for obvious reasons, it is difficult to continue this description. I leave it to the imaginations of each of my colleagues how these innocent victims must have writhed in agony as Drano was poured down their throats. And I leave it to the imaginations of my colleagues how they must have pled for mercy when they heard the fatal gunshots coming closer and closer to their own head. I leave it to the imaginations of my colleagues what young Michelle felt as she was dragged toward the back room.

We simply cannot begin to imagine the agony of the mothers and fathers, wives and husbands, brothers and sisters whose lives were permanently marred by Selby and Andrews. We cannot begin to imagine the permanent damage done to countless lives.

I personally know many wonderful people in Ogden, UT, whose lives have still not completely healed more than 14 years later.

When Selby and Andrews came to trial, they were given a long and careful trial before a fair jury. In a separate sentencing proceeding, they were given the death penalty. They appealed and they appealed and they appealed.

In one of their appeals, Selby and Andrews argued that they should be spared the consequences of their brutal, premeditated torture murders because they were black and their victims were white. In other words, they claimed a right to lenient punishment on the basis of their race and the race of the five productive individuals whom they chose to torture, rape and kill just for the joy of it.

Mr. President, that is just one case. I could also discuss the crimes committed by Mr. Spinkellink who, after escaping from prison, murdered his traveling companion by shooting him in the back as his victim lay sleeping. Although Mr. Spinkellink was the white murderer of a white victim, he still appealed time after time attempting to show that the courts discriminate against the murderers of white victims as opposed to murderers of black victims.

I could also discuss the tragic death of a fine Georgia police officer who was shot in the face by McCleskey. McCleskey appealed all the way to the Supreme Court contending that the death penalty treated some murderers differently from other murderers on the basis of race. The Supreme Court rejected his contention and upheld the death penalty in face of this equal protection attack on April 22, 1987.

The tragedy in each of these cases is, in fact, the heinous murders of innocent victims—five shoppers who were tortured to death, a sleeping traveler and a police officer who walked in on a robbery.

Before we proceed to examine the constitutional merits of this question, we need to understand what are the real consequences of these cases—the deaths, the shattered lives of those left behind, the families who have to go on without a father or a mother or other relative.

On this point, I would like to make one further observation about the death penalty itself. Capital punishment is our society's ultimate recognition of the sanctity of human life. We can either say that a life, in terms of criminal sanction, is inestimably valuable or we can say that a life is worth life imprisonment with the possibility of parole in 7 years. Only one of these options grants to human life the sanctity it deserves.

EQUAL PROTECTION AND CAPITAL PUNISHMENT

As I noted earlier, the Supreme Court has recently heard McCleskey's claim that past statistical evidence of racial discrimination—although wholly unrelated to his own murder of the police officer—invalidated the death penalty. The Supreme Court responded summarily:

> We agree with the Court of Appeals, and every other court that has considered such a challenge, that this claim must fail.

Incidentally, at the time of this opinion, reliance upon statistical evidence of discrimination in capital sentencing had been rejected in the fourth, eleventh, and the fifth circuits. The courts have been unanimous: statistical justice is no justice. Murders wreak their havoc without regard to racial statistics and ought to be brought to justice without regard to racial statistics.

Yet, despite this recent authoritative judgment of the Supreme Court, I understand there will be those who will bring an amendment before this body who will argue that statistics, and perhaps statistics alone, should determine whether or not the capital punishment law should be enforced in this country.

That amendment which will come before this body proposes to invalidate the death penalty whenever statistics tend to show a racially disproportionate pattern.

The linchpin of this amendment are the statistics. In the words of the amendment, "To establish a racially disproportionate pattern * * * methods of statistical proof shall suffice." The amendment then specifies the forms these statistics shall take. Once again, I hasten to point out that statistical justice is no justice at all.

The next line of the amendment is even more astounding. It states that "it shall not be necessary to show discriminatory motive, intent, or purpose on the part of any individual or institution." In other words, actual discriminatory purpose on the part of a juror, prosecutor, or judge is not even to be considered. Think about this a moment. If discrimination is to occur in the criminal justice system, it will occur because a judge, juror, or prosecutor harbors and puts into effect a racial bias. Yet, the motives and intents of these people are specifically written out of this amendment. It is only concerned about statistical evidence about past murders that have nothing to do with the current case before the court.

Can you imagine going to the mother of Michelle Ainsley and explaining to her that her daughter's murderer will be sentenced according to past statistics, rather than according to his own choice to rape and murder? I am sure some bold attorney would try to explain to Mrs. Ainsley that Selby is receiving a lenient sentence because of racial discrimination. Mrs. Ainsley would then respond: "Which juror or judge or prosecutor even demonstrated the slightest bit of racial animus?" At that point, I would like to hear the bold attorney explain that past statistics are more relevant to sentencing her daughter's murderer than any evidence of his criminality or any evidence of discriminatory intent on the part of his jurors.

This amendment, I think, will be advanced on the assumption that racial discrimination must not be allowed to taint a process that considers implementing the death penalty. Make no bones about it, the only purpose of that type of amendment is to do away with the death penalty, to provide that it never has a chance at being law. On that point; namely, that racial discrimination must not be allowed to influence capital sentencing, I entirely agree. Even more important, the Supreme Court agrees.

The McCleskey versus Kemp decision itself establishes the proposition that racial animus will not be allowed to taint the criminal justice system. At the very outset of its opinion, the Supreme Court establishes that McCleskey would prevail under the equal protection clause and escape the death penalty if he could show that "the decisionmakers in this case acted with discriminatory purpose."

The slightest proof that a single juror, prosecutor, or judge acted with discriminatory purpose would invalidate the sentence.

In other words, if McCleskey could produce any evidence of discrimination "specific to his own case" occurred, he would prevail. This is ample protection against any racial prejudice creeping into these sensitive criminal justice processes.

The problem with the McCleskey case and the amendment that Senator KENNEDY will bring to the floor is that he produced and this amendment requires no evidence "specific to the case." Instead, McCleskey and this amendment rely solely upon statistics about other cases.

As I have repeatedly stated, the current capital sentencing jurisprudence contains adequate safeguards against racial discrimination. This amendment will simply be unnecessary and it is one that really should not be voted for by anybody in this body.

The slightest evidence of purposeful discrimination that actually relates to a defendant's case will receive the strictest of judicial attention and that needs to be brought forth.

To those who fear jurors might harbor some unspoken racial animus, the criminal justice system provides safeguards. I do not intend to go into all those safeguards at this time.

I am very proud of the distinguished Senator from New York and those who are in support of this amendment. He is saying he is sick and tired of these drug pushers all over our country getting away with it, many of whom are in organized crime syndicates, and he is not going to put up with it anymore; that we are going to provide the toughest criminal penalties for murders committed while pushing or moving drugs. We are not going to allow them to kill our law enforcement people anymore without paying the ultimate penalty.

I have seen widows of policemen crying and I have seen them live very lonely, difficult lives because of the murderers who have murdered their husbands. Let me tell you something. It is about time we get tough. There is not a tougher Senator on this floor than the distinguished Senator from New York. I compliment him for what he is doing. I support him fully and completely.

I do not think the death penalty should be used indiscriminately either, but I do believe in it. I do believe that it ultimately will be used to deter and to stop what goes on in this country all the time, and especially in this area of drugs. I think the American people are sick of it.

Let me just make the point. Whenever this amendment is brought to the floor, let us understand something. Statistical evidence alone will never answer the problem that Michelle Ainsley's mother has. It will never make up the heinous crimes that Selby and Andrews did, and they are still alive, by the way, because of the criminal justice processes that we have. It will never bring those people back to life. And I tell you something, it will never result in justice until we show that those criminals who perform these heinous crimes pay the ultimate penalty for having done so.

We are talking about heinous crimes. We are not just talking about mistakes; we are not talking about crimes of passion necessarily, although this amendment is tough on those and it should be because we are talking about drugs. We are talking about murder with regard to pushing drugs. We are talking about murder of police officers. We are talking about murder in these very specific and difficult areas.

I have always had difficulty understanding why in specific areas like the distinguished Senator from New York is trying to resolve anybody could be against it. I can see why people might argue against the death penalty in cases that do not involve heinous murders or in cases where there is in fact purposeful discriminatory conduct on the part of a judge, a prosecutor, or jurors. Yes, people ought to be protected from that kind of activity. Where there is a racial bias, it ought to be stamped out.

I tell you, in these cases there was no racial bias, and I have only cited a few cases of the really thousands and thousands of cases where people have been left to suffer all the remaining days of their lives because of the heinous conduct of some who really do not deserve to live after they have killed other people.

I will have a lot more to say about this. When the amendment comes to the floor, I would like to be able to get back and maybe say a few words on it.

To make a long story short, I want everybody in this body to understand that a vote for that amendment is a vote against capital punishment. I can understand those who purely believe that capital punishment is wrong voting against capital punishment, but that amendment is nothing but a clever disguise to try to stop what the distinguished Senator from New York is doing. Anybody who votes for that amendment, I want you to know, is going to be on record as voting against capital punishment, voting against what many people in this country would like to see enacted into law, and that amendment will be a vote for, it seems to me, the continuation of soft on crime approaches with regard to pushing and dissemination of drugs.

I am tired of seeing young people in this country ruined because of these drug pushers. I am tired of seeing lives destroyed, whether by people who are inadequately taught or not. We have got to do everything we possibly can to turn this mess around, and to that extent the distinguished Senator from New York is doing this country a great favor.

I hope we can pass his bill without amendment, and if we can we will be doing the country a great service. I think people out there are going to breathe a sigh of relief and most of them are going to say thank God for what the Senate has done.

Make no bones about it, the Kennedy amendment is just another soft-on-crime approach and a vote for it is a vote against capital punishment in these very heinous areas. A vote for it is a vote, it seems to me, that really give no solace, that gives no help to the families of people who have died as a result of heinous murderers like Selby, Andrews McCleskey, and others.

With that, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. I congratulate the distinguished Senator from Utah for his scholarly presentation on an issue of great importance to the death penalty, shedding legal light on this situation.

Mr. President, I am going to request of my colleague, Senator LEVIN, whether he thinks we can begin to move some of the amendments and maybe even take at least one amendment now to start debate prior to the cloture vote, or agree to have that vote after the cloture vote.

If we can begin to work on that 1 hour, it seems to me that would speed up the proces and certainly not create any problems for anyone. As a matter of fact, it might help the Senators fit within their timetable. We could have a back-to-back vote after the cloture vote on whatever amendment the Senator might deem appropriate to raise at this time.

Mr. LEVIN. The unanimous-consent agreement provided that the first amendment would be taken up to 2:30. I believe the Senator from New York and the Senator from Washington control most of time left between now and 2:30. So the Senator would have to raise that question with the Senator from Washington. I have only a few minutes left of the time I control. However, I will say this: The time for that cloture vote was scheduled very carefully to accommodate a number of schedules of our colleagues here. I believe that the time for that first amendment was also scheduled in that way. So I think before that is changed it ought to be checked with a number of people.

Mr. D'AMATO. May I inquire of the Chair? Mr. President, have we set a time for the first amendment to be voted on?

The PRESIDING OFFICER. No such time has been set or agreed to.

Mr. D'AMATO. If I might suggest to my colleague from Michigan, if we could undertake to begin—because there will be an opportunity between 2:30 and that cloture vote, there will be an open window and there is a window now—to undertake the consideration of one of those amendments. I certainly have no objection. I do not know if the leadership would have an objection to us having a vote on that, and dispose of that amendment after the cloture vote.

Mr. LEVIN. I wonder if I could ask a question of the Chair. My understanding and recollection is it was contemplated all of the time of the 5 hours would be used up by 2:30 and then we would proceed with amendments at that time. Is that correct?

The PRESIDING OFFICER. No agreement to that effect was reached. That assumption was stated.

Mr. LEVIN. That assumption was stated.

The PRESIDING OFFICER. That is right.

Mr. LEVIN. The assumption was acted on although not a part of the technical agreement. That ought to be cleared with a number of people who are acting on that same assumption. What I am saying is I understand my colleague from Washington controls most of the time, that he indicated a willingness to yield some of that time to me. I would like to use some of that time between now and 2:30. I do not know what my friend from New York's intent is with the time that he controls. But if my friend from Washington wishes to yield me some of that time——

Mr. D'AMATO. I would be happy to yield at this time.

Mr. LEVIN. I wonder if the Senator from New York would yield for a question and that may cut some time here or whether he wishes to proceed differently.

Mr. D'AMATO. I am going to ask someone if they can get the distinguished Senator from Washington and ascertain whether or not he would be willing to yield that time to the Senator. But I will yield for a question as well. It seems to me that we will find ourselves where I will have no time and he will have all of the time. I do not want to really place myself in the position where in the last 30 minutes I have to hear those of us who propose the death penalty being excoriated because it is an election year.

I would like to take this time, if I might, to say that I am not running for office this year. I do not run in the next cycle. Maybe I will run the cycle after that, in 1992. That depends upon a lot of things. So I take exception to those who simply come forth and say, "Well, you are suggesting it as a simplistic solution." I am not saying that the death penalty is going to eliminate the drug problems we have. I am saying that I think society has a right to deal with the killers and marauders in such a way where, if they commit these incredible, dastardly deeds, they may forfeit their lives. That is what I am saying. I am saying the indignity, the outrage that they create in our communities is one to justify the imposition of the death penalty. It expresses the moral repugnance of society, saying, if you kill, you pay with your life if you undertake these kinds of actions, if a youngster, acting with reckless impunity, comes into a night club, shoots it up, and do not care who is killed—you can forfeit your life.

If you come and deliberately execute someone because you have been hired to do so, you will know that you may forfeit your life. You will know that, if you give that order to kill someone, you may forfeit your life. This nonsense and gibberish that somehow this Senator or those who support the death penalty bill are saying we are going to win the war on drugs just because of the death penalty, we have never suggested that.

With my legislative efforts, you see real and substantial efforts made to increase not only law enforcement but, education, prevention, rehabilitation—$½ billion for rehabilitation. What do you say to addicts when they come in and say, "We need help desperately. We need help"? "Come back 2 months from now"? That is what we say now. We embark on a program where we say to anyone who needs help, any addict who needs help, we will find them a facility for treatment, we will find a way to do it. That should be something that comes from the Federal, State, and local governments. That is a commitment.

Let me say to those who talk about election year rhetoric, in 1979 the Senate Judiciary Committee reported a death penalty bill, and it never reached the full Senate. In 1981, the Senate Judiciary Committee approved the death penalty for treason, espionage, killing the President, and the full Senate failed to act once again. In 1984 the Senate passed a bill to reinstitute the death penalty for Federal crimes, S. 1765, and the measure went nowhere in the House. In 1985, the House amendment sponsored by Representative McCOLLUM was attached to the defense authorization bill, and that bill, containing the espionage and capital offense amendment, became public law. The Omnibus Drug Act of 1986 had a number of amendments which dealt with the death penalty. This Senate stripped them out. They stripped them out not because of an election year, but because there were a small handful who exercised their rights and said we will not accept it. We will not give you a vote on it. We will tie up the Congress. You are not going to get a vote on it.

So I reject the contentions that this simply is an election year issue. It is an issue that lives with us. Let me tell you, the killings, the viciousness that brings this to a head have never been more gruesome, never; they have never been more frequent. I do not care what day, whether it is today's paper, yesterday's paper, or the New York Times of June 5, Sunday, which said: "Two Killed, Five Wounded at Brooklyn Social Club." The story goes on to talk about a victim, a teenager, Tracy Brown, who went to this place filled with basically high school kids who were dancing. Someone comes in, and it would appear that this would be a contract murder of the club owner, and someone smuggled a gun in. After killing the manager of the club, he sprayed the place with his automatic fire, killing two and wounding five, with some in critical condition.

You mean to tell me you can really state that you know darned well that if that person were tried, convicted, identified by everyone, and he was a contract murderer, that you have the right to say that even a jury of his peers, all 12 who find him guilty, that he should not face the death penalty? Then, on the question of aggravation, say there were no aggravating circumstances? He deliberately killed this person recklessly, not caring one whit about anybody else, he machine-gunned this dance hall—this just took place. This is real, real. Some argue that you shoot, there should not be any death penalty. Some of us say, yes, that for certain acts like this, society demands the ultimate punishment. I am sick and tired of hearing about deterrence. You are executed. You do not go out killing anybody. We have heard from more than one person who has executed or shot someone and if there was a death penalty, they would not have committed it. Luis Vera said, "I killed her because she could identify me. I knew they couldn't give me the chair." That is a real case. It is a life that could have been saved.

What about the person who walked up to that 22-year-old police officer, and committed a contract murder, and we know that the druglord gave the word. "Kill a cop. Kill a cop. Any cop. You show them that they are not going to put me in jail and we are going to fight back." There is no trouble getting three hoods, four hoods, and they go out and they look for a cop. It is easy because they know there is one guarding a house, the house of a citizen who has the courage to stand up, to fight back, and to testify against the drug dealer. There he is, 2:30 in the morning, in his patrol car, one hood walks from one direction to attract his attention to the right, the other walks and approaches him from behind, on the driver's side, and he says "I saw his blue eyes" as he killed him. I said to myself, I made a promise to the father of Officer Byrne that we were going to try to make that death one that was not in vain; that we were working to see to it that we begin to use the tools society has, even if they are drastic, to fight back, and that is what we are doing.

We are not going to win the drug war with this bill. We are saying that society is outraged by the immoral, reprehensible conduct that continues to be committed against us.

If it takes an election year to hold some people's feet to the fire, so be it. That is something that is good. It is about time. If some people have a change of heart because it is an election year, so be it. That is good, too.

I am not making apologies. I am not going to crawl away and say that somehow, some way, we should not go forward on this. We should do a lot more, too.

I challenge the people who want to talk against those of us who say that this should be implemented and that we should use the military to help detect the planes carrying drugs here to go further. Let us talk about the treatment of addicts. You want to get them off the street? Come here and draft legislation which says we will provide treatment facilities; we will put $1 billion, $2 billion into the pipeline and fight the war. But do not come here and say that this Senator says we are going to win the war on drugs simply with a death penalty bill. I do not say that. I say it is one of the tools in the arsenal, and we should have it. Our law enforcement officers should have it. They should know that we support them and that we are morally outraged. It is important for them to know that we are ready to fight for them.

It is important to give the prosecutors the tools, when they catch one of the scum, one of the contract killers, even if they killed another druggie, to find out who gave them the orders, to bring justice, and to give the prosecutors the ability to win some of these cases.

Will it be a deterrent? It is not going to add to the violence that is going on there. It will be a deterrent. Is it going to win the war? No. But it will demonstrate that we take this seriously, and it is a serious act, and we are prepared to take other acts and back up the rhetoric with action, with commitment, with dollars, with purposefulness.

What about users? The Senator from Washington is right: Some people who are arguing against the death penalty, in many cases, would be the ones who say: "Don't test somebody. It is their constitutional right. You can't test somebody at the radar console, the plane controls, or at the throttles of great railroad engines that carry 500 people behind them."

What about prison guards? How do you think the contraband and drugs get into the prisons? Are you going to be willing to address that? I do not do it in this bill. But I challenge you to begin to start to talk about those things and do more than talk about them. Let us get some legislation here.

How is it that we permit a bill that this Chamber passed overwhelmingly to be boxed up in conference, a bill that relates to testing of people working in the area of transportation? Do you know why? Some people voted for that because they knew it would be held up in conference, it would not be passed.

We cannot have it two ways. Whenever we go forward in one area, people say, "You think you're going to solve the whole problem in one bill." If we have to take it piece by piece, that is the way we will do it.

The PRESIDING OFFICER. Who yields time?

Mr. EVANS. I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. SIMON. I thank Senator EVANS for yielding me 5 minutes.

Mr. President, I join Senator D'AMATO and others in wanting to do everything we can on drugs, but let us not fool ourselves. We are not doing anything on drugs with this bill.

If we want to do something on drugs—and I think that is clearly the sentiment of this body—let us provide more drug treatment right now in the State of the Senator from New York. In too much of the country, if you are a drug addict and you want to get treatment, you have to sign up; and you wait weeks and weeks and weeks to get the treatment; and you go out and commit crimes to take care of your dependency, in the meantime.

That is the kind of constructive thing we ought to be doing. We ought to be firm and tough with drug dealers. Adding the death penalty just complicates being tough.

What deters crime is not the severity of the penalty but the sureness and the swiftness of the penalty. When you have the death penalty, you reduce the sureness and the swiftness of the penalty. That is the reality.

Deterrent? I heard my colleague from Michigan, Senator LEVIN, point out on this floor not long ago that the States that do not have the death penalty have a lower rate of murder than the States that do; that Canada, after Canada suspended the death penalty, had a lower rate of murder.

Frankly, I am not sure there is a direct relationship, but I think the evidence that the death penalty is a deterrent is not there at all.

The reality is that drug dealers do not fear the death penalty, and what they fear is the death penalty from other drug dealers. That is the reality.

Second, there is no question that innocent people are from time to time put to death under the death penalty. I can remember when I was in the Illinois General Assembly and the death penalty issue was up, a man was about to be executed in the State of Georgia, and someone from Illinois admitted to doing the crime. We can provide all kinds of examples on that.

Senator KENNEDY talked here earlier about racial discrimination that is part of the death penalty. There is no question about it. The statistics are overwhelming. We should not fool ourselves.

There is one final reason that, in my opinion, is the paramount reason, and it weighs more heavily than any of the other reasons, and that is a very simple thing. If you have enough money to employ the best and finest attorneys, you do not get the death penalty. The death penalty is a penalty we reserve for the children of the poor.

I was reading in my office a case of a young man sentenced to death. His attorney, in filing an appeal or preparing to file an appeal to the U.S. Supreme Court, did it in poem form, and finally did not file the appeal. The attorney was later disbarred for not adequately representing seven clients. That man was on the death penalty because of, frankly, lack of proper representation.

Do we want to say that the ultimate penalty, the death penalty, is a penalty that is there only for the children of the poor?

That is what we have today. I do not think that is justice. I do not think we ought to move in that direction.

It is also a little bit like television violence. We passed a bill that permitted an exception to the antitrust laws so that the television industry could get together and reduce violence on television because we have learned that when we become accustomed to violence in our living room through that television set, it causes greater violence in our society.

And I suggest that when we become accustomed to having violence, whether it is State sponsored or on the streets, that causes greater violence.

I hope we reject the bill of the Senator from New York. I respect his sincerity in offering it, but it is not the wise course. It is a popular course. It sounds like you are really doing something on drugs.

Let us face it. If this bill passes, you will not see the use of drugs in this country diminished one one-hundredth of 1 percent. That is the reality, and I hope we face the reality.

What we ought to be doing is legislating in the national interest, not for the national passion.

The PRESIDING OFFICER. The Senator has spoken 5 minutes.

Who yields time?

The Senator from New York.

Mr. D'AMATO. Mr. President, I yield 3 minutes to the distinguished Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I rise in support of S. 2455.

This bill permits the imposition of the death penalty in two circumstances: First, drug kingpins who intentionally or with reckless indifference to human life, kill or participate substantially in the killing of any individual; second, drug felons who kill law enforcement officers.

In order to establish that a defendant is a drug kingpin, five elements must be established:

First, the defendant's conduct must constitute a felony violation of Federal narcotics law;

Second, that conduct must take place as part of a continuing series of violations—three or more Federal narcotics violations;

Third, the defendant must undertake this activity in concert with five or more persons;

Fourth, the defendant must act as the organizer, supervisor, or manager of this criminal enterprise; and

Fifth, the defendant must obtain substantial income or resources from the enterprise.

Mr. President, the American public is completely fed up with illegal drugs in the United States. No one piece of legislation is going to bring victory in the fight against drugs, including this legislation. But, it is time that we get serious; it is time that we send a signal to drug kingpins and to cop killers: If you kill in pursuit of your drug lucre, you risk the ultimate penalty yourself.

This bill has been carefully crafted. It permits the imposition of the death penalty only in carefully circumscribed conditions. The defendant must be a drug kingpin or a cop killer. It does not apply to those 18 or under. It includes a wide panoply of procedural safeguards which must be followed before the death penalty can be imposed. These procedures meet the constitution requirement imposed by the Supreme Court for death penalty cases.

Arguments rage about whether the death penalty serves as a deterrent. Common sense strongly suggests that it does, and the evidence from the so-called studies is, at best, inconclusive. Drugs are a business, and drug killings are not usually crimes of passion. They are crimes of profit. Let's add some real potential cost to the cold calculation that most dope dealers undertake before deciding to kill.

Whatever the debate on deterrence, no one can deny that the death penalty permanently incapacitates. No executed killer has ever killed again.

But the clearest reason for supporting the death penalty here is preservation of the community's sense of justice. We cannot live in a civilized society in the absence of a shared sense of justice, in the absence of a belief by most citizens that the criminal justice system will work, that it will protect their lives, liberty and property; that it is not necessary for them to take the law into their own hands.

We have reached the point on drugs and drug related killings where we must act to convince the public that society has the capacity to defend itself without resort to vigilantism. That public overwhelmingly favors the death penalty. I believe that the opponents of the death penalty are sincere, but they ought to recognize that a civilized society must have, not only a theoretical system of justice, but also an effective system of justice and, just as importantly, a system of justice that is viewed as effective by the members of that society.

This bill sends a message not only to drug kingpins and cop killers. It also sends a message to our society as a whole. We have reached our limits with drug dealers. We have declared a real war. We are prepared to impose the ultimate penalty to win this war.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I wonder if my friend from Washington might yield me some of his time.

Mr. EVANS. I am delighted to yield such time as the Senator from Michigan needs.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. How much time do I have remaining on my own?

The PRESIDING OFFICER. The Senator from Michigan has 3 minutes on his own time.

Mr. LEVIN. I thank my friend from Washington and I thank the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized on the time of the Senator from Washington.

Mr. LEVIN. Mr. President, I wonder whether or not I could engage in a colloquy with the Senator from New York relative to the question that I raised before as to why this bill, unlike the Judiciary Committee bill and unlike the earlier version of this bill, requires the defendant to establish the existence of a mitigating factor by a preponderance of the evidence rather than by a preponderance of the information.

And I asked my friend from New York, and the answer was that "evidence" and "information" were used synonymously. The question still remained, Why the change?

I also asked the question, Are the words "evidence" and "information" used synonymously in subsection (q) on page 12 where it reads that:

> On review of the sentence, the Court of Appeals shall consider the record, the evidence submitted during the trial, and the information submitted during the sentencing hearing * * *?

Those words clearly have a different meaning, historically, have a different meaning, judicially have a different meaning within this bill, and have a different meaning in subsection (q) but apparently have the same meaning, according to my friend from New York, relative to subsection (j) on page 6.

Could the Senator from New York address then that issue as to why the switch from the word "information" to the word "evidence" since it apparently has the same meaning in that section, and do they have the same meaning in subsection (g)?

Mr. D'AMATO. They do not have the same meaning in subsection (g) and I will give the Senator an expanded answer if I might in a moment.

Counsel wishes to put it in a manner in which all of us will be able to understand the difference.

It has to do with what is admissible as evidence before conviction and that which is admissible during the sentencing phase of the trial. You need evidence before conviction and information which suffices for mitigation or aggravation thereafter, after conviction. That is a shortened version of why there is a distinction.

As it relates to the prior question with respect to the distinctions between "evidence" and "information" I have attempted to answer that heretofore and they are interchangeable in that sense. Why the draftsmen chose to use "evidence" in one section and "information" in the other I do not know, and I think there may not be any apparent reason because there is no distinction, as I said, because they are interchangeable, but as it relates to (g) there is a distinction.

I have attempted to give the Senator an answer in an abbreviated form and I certainly will expand on it as learned counsel at my left and right are going through the cases, and I will then respond to the Senator.

Mr. LEVIN. Mr. President, my friend from New York has acknowledged something which I think is truly significant which is that the critical change—and it is a critical change because the rules of evidence according to subsection (j) do not apply to this portion of the sentencing hearing—apparently does not have a particular purpose. This is too important a bill to write this way.

A portion of subsection (j) says:

> Any other information relevant to such mitigating or aggravating factors may be presented by either the Government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials, . . .

Regardless of the rules of evidence—apparently the prosecution is going to be permitted to introduce certain materials, and I am wondering what my friend from New York means by that language and I would ask my friend from New York whether or not he might answer this additional question relative to that language: When the Senator's bill says that information can be introduced by the prosecution or by the defendant, regardless of the rules of evidence at criminal trials, could a coerced confession be introduced during the sentencing time?

Mr. D'AMATO. Of course not. As a matter of fact, because let me suggest there was a standard that said that, as it related to evidence and information, that everything could come in as it related to mitigation. Under our bill, any relevant information that does not lead to the danger of unfair prejudice, confusion, or misleading to the jury can be received in evidence.

So, information and evidence, as it relates to section (j), they are interchangeable. As it relates to section (q)——

Mr. LEVIN. Let me just stay on this point while we are on it. Can illegally seized evidence be introduced during this portion of the sentencing period, illegally received evidence?

Mr. D'AMATO. As it relates to bringing about aggravating factors?

Mr. LEVIN. Yes.

Mr. D'AMATO. I believe on page 6 it says that: "Except that information may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury."

So the court really is going to weigh the manner in which that evidence, as the distinguished Senator knows, was taken, was seized, et cetera, because the courts have made distinctions in the quality and the manner in which that evidence came into possession. So there can be some cases where it might be allowed and there could be those cases where the court could say: "That is overreaching. You are going too far. We are not going to permit that evidence to come in or that information to come in because it would be unfair and it would be prejudicial."

So we have attempted to deal with that.

Mr. LEVIN. I thank my friend for the answer which is, as I understand it, that whether or not illegally seized evidence not admissible during the trial stage can be admitted during the sentencing review relative to mitigating and aggravating factors will depend upon the circumstances which the judge is going to have to assess; those circumstances being whether the probative value of that illegally seized evidence is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury.

I think you are on constitutionally weak ground. I do not believe that it is permissible, during any stage of the trial or the sentence, to be introducing illegally seized evidence under opinions of the court. I am surprised by your answer, although I think it is an accurate reflection of the bill. But it, nonetheless, surprises me, because what it does is introduce another element in this bill of constitutional infirmity.

The bill does, apparently, authorize, in some circumstances during the sentencing hearing, the introduction of illegally seized evidence.

(Mr. ADAMS assumed the chair.)

Mr. D'AMATO. With the caveat, I might add.

Mr. LEVIN. I said under some circumstances. I understand that. I do not know of what court opinions you have to support that.

Mr. D'AMATO. I think there are a long line of cases as it relates to the admissibility of evidence and how it has been obtained as it relates to whether or not the court would allow in even that which is illegally seized.

Now we go beyond the jury trial. Now we go to the mitigating factors and circumstances, and there is a very real need to giving to the defendant the kind of guarantees that he wants. So we say he can bring in all of these things.

Mr. LEVIN. We are not talking about the defendant. We are talking about the prosecution.

Mr. D'AMATO. And, on the prosecution side, we say that he can offer some of these things provided that—and then we use pretty specific language—that its probative value is not substantially outweighed by the danger of the unfair prejudice, confusion of the issues, or misleading the jury.

Mr. LEVIN. My question is: Since evidence that is illegally seized is not admissible at trial, I am wondering whether or not the Senator from New York does have court opinions of the Supreme Court which authorizes the introduction of illegally-seized evidence even under those circumstances in the sentencing hearing, whether there are Supreme Court cases that give that kind of authority.

Mr. D'AMATO. That is an open question, I would say to my distinguished colleague. I might also indicate that on lines 11 through 14, on page 6, the same subsection, it indicates: "The burden of establishing the existence of any aggravating factor is on the Government, and is not satisfied unless established beyond a reasonable doubt"—beyond a reasonable doubt. So even when it comes to establishing, whether it is premeditation or a contract killing, this is after the trial, it must be established that there was at least one of those aggravating factors beyond a reasonable doubt.

Mr. LEVIN. Well, that, of course, is clear. No one is challenging that.

Mr. D'AMATO. Well, I think you have to read the totality of the section, when you start with 1, right through 14, 15, and 16.

Mr. LEVIN. Part of that totality which we have to analyze is that you have to look at the parts of the total as well as the total, and part of the totality is that this bill would purport to allow in a sentencing hearing evidence that was not allowed at trial. I do not know of authority for that. It is another constitutionally suspect part of this bill.

But I would like to go back, if I can, to other questions which I have raised with the Senator from New York which I do not believe he has answered and one is the question of whether or not a jury can return to the court and say: "We think that either a sentence of death or a sentence of life without parole is justified."

Mr. D'AMATO. No, they cannot.

Mr. LEVIN. Why is it that this bill does not allow a jury to recommend the death sentence rather than simply say that it is justified? Because it is very common in human affairs for each of us to say: "Yes, that course of action is justified, but a different course of action is also justified"—either of two courses is justified—and then to be forced to decide which one we will follow.

This bill does not provide that the jury will recommend the death sentence or decide on a death sentence or select a death sentence. This bill has language which says a jury will be asked whether or not a death sentence is justified. That tilts the balance towards the death penalty, because it is very possible that a death penalty could be justified in the eyes of all of the jurors but those same jurors could say that a life sentence without parole is also justified.

So the language should be changed. The language should be changed that the jury recommends, not decides simply that one course is justified, where they could very well decide another alternative course is equally justified.

Mr. D'AMATO. That is simply not provided.

Mr. LEVIN. I know it is not provided and it should be.

Mr. D'AMATO. No. The question is not whether or not it is life imprisonment or the death penalty. The question is whether or not the death penalty is appropriate.

Mr. LEVIN. No; it is not.

Mr. D'AMATO. And in this bill, what we are saying is that the jury shall decide, in essence—and we did not say "shall"—whether or not it is justified. If they find it is justified, the judge does not have the ability to decide whether or not they will choose to impose it or not. We say that if that happens that the court shall sentence the defendant to death.

Mr. LEVIN. Exactly.

Mr. D'AMATO. I suggest to you that they are absolutely consistent; that the jury makes a finding and it says the death penalty is justified, then the court makes the imposition and it says there shall be a penalty of death upon that finding. It is a legal term of art and we do not open the door to them coming in with two findings, one that it is justified but also that life imprisonment is justified. That was never the intent. They have to find that the circumstances were aggravating enough so that the death penalty would be justified. The person who passes the sentence is the court.

Mr. LEVIN. But I am positing, if my friend would yield, I am positing a situation which is common in human affairs, where two courses of action are justified and we have to decide which is preferable or which we are going to follow or which we are going to recommend. This bill does not do that.

Indeed, it is a term of art. It is a term I have not seen in any death statutes, although there may be some. I have seen it in other bills. I have seen the word "justified" in bills but not in statutes.

Perhaps my friend from New York has statutes which provide precedent for that word but let me suggest to you it is a mistake. It is a mistake which tilts this bill toward the death penalty.

I do not think you intend this mistake, may I say. I think what you really intend to say in this bill is that if the jury recommends the death penalty, that then the court shall impose it. That is not what the bill says. The bill says, and I think unwittingly, that if the jury finds that the death penalty is justified that the court shall impose it, even though that same jury—as even we as humans—might find another course of action is equally justified.

So that is my question. My question to my friend from New York is: Do you not really intend to say that when a jury finds that a sentence of death is the correct approach, the approach it recommends, that then the court will impose it? And, if so I would suggest that you change that word.

Mr. D'AMATO. I would say to my good friend that I certainly will ask counsel to review the distinction between "recommend" and "justify." But I would also suggest that as you were making your point, the jury considers and determines whether or not the death penalty is—it almost comes off the lips—whether it is justified. Whether it is justified.

Indeed, I think that we are talking about that. The person has already been convicted of the crime. Now the question is, Should there be a death penalty?

Mr. LEVIN. No.

Mr. D'AMATO. And by the way, there is a distinction. There is a distinction. I think you have made it. Should it be applied in this case?

Mr. LEVIN. Will the Senator yield? The question is not whether or not the death penalty should be imposed. That is not what the jury is being asked. It is a very significant difference.

Mr. D'AMATO. I will take the matter that the distinguished Senator has raised and ask counsel to review it. Maybe we can even do something as it relates to the technical corrections with it.

Mr. LEVIN. Mr. President, on another matter where there is an infirmity in this bill, I would refer to page 9 where the first aggravating factor for homicide, the first aggravating factor is the following:

> "(1) The defendant—
>
> "(A) intentionally killed the victim;
>
> "(B) intentionally inflicted serious bodily injury which resulted in the death of the victim;
>
> "(C) intentionally engaged in conduct intending that the victim be killed or that lethal force be employed against the victim, which resulted in the death of the victim.
>
> "(D) intentionally engaged in conduct which—
>
> "(i) the defendant knew would create a grave risk of death to a person, other than one of the participants in the offense; and
>
> "(ii) resulted in the death of the victim."

My question to my friend from New York—and I appreciate his going through this with me because I think it is important. There have been no committee hearings on this and no committee report on this bill and it is different in some significant ways from the judiciary bill of 1986. So I think it is important that we go through, as much as the time allowed permits us, some of these specifics on the floor.

My question is: Why is this an aggravating factor when what it says is, basically, you did it. These are the elements of the offense. Or to put the question another way, how is this aggravating factor any different from the elements of the offense?

Mr. D'AMATO. You were referring to the particular section covering "Aggravating Factors for Homicide."

> "(n) If the defendant is found guilty of or pleads guilty to an offense under subsection (e), the following aggravating factors shall be considered but are not exclusive."

We are saying if he is found guilty, "(A) intentionally killed the victim," we might have a finding——

Mr. LEVIN. Or (B).

Mr. D'AMATO. "(B) intentionally inflicted serious bodily injury which resulted in the death of the victim."

Again, we may have a finding of guilt; then as it relates to the imposition of the death penalty, the following factors shall be considered and in the "intentionally inflicted serious bodily injury which resulted in the death—or intentionally engaged in the conduct intending that the victim be killed or that lethal force be employed against him—" that is the intent. That is one of those factors.

Mr. LEVIN. (D).

Mr. D'AMATO. "Intentionally engaged in conduct which the defendant knew would create a grave risk of death to a person, other than one of the participants in the offense."

Very easy. I can give you a case that takes place regularly. Some fellow came in and sprayed an area, shot it up. They did not know that Rosa Brown up on the first floor was going to be hit. But they intentionally engaged in the conduct which posed grave risk to people in that community. And they should be held, if they are as other sections say, to have acted in some disregard of life.

Mr. LEVIN. I would agree with that. But that is the element of the offense, if you go back to the offense on page 2:

> Any person engaging in a continuing criminal enterprise, or anyone working in furtherance of a continuing criminal enterprise—

And then your bill says:

> . . . who intentionally, or with reckless indifference to human life, kills or participates substantially in the killing of any individual, shall be sentenced . . .

Mr. D'AMATO. First you come to the finding of guilt or innocence. And after that finding of guilt—there is still a difference. A person may be able to mitigate how it is they were at the scene of this crime, it was their gun, their bullet—they were found guilty—that killed Rosa Brown up on the first floor of the apartment, but they have then an opportunity to mitigate that.

But if they cannot, I would suggest to you that these sections would apply. They would have an opportunity to mitigate. Say, well, let me tell you what happened. We were walking down the street and the next thing we know, gunfire started pouring out on us. We did not know. We thought it was coming from that building. I pulled out a gun. I knew that so-and-so was up there. I shot at him. I had no intention of killing.

Now, a jury found that person guilty of killing. Now comes the question of whether or not the death penalty is justified. That same jury that convicted that person and said "you are guilty," may say, well, no, it was not with reckless disregard for life, it was not with that intention to kill somebody else, and therefore we find his explanation that he was afraid that he was going to be a target of an assassin, one that mitigates against the death penalty and we recommend less than that. And the judge may impose a sentence of 20 years. He may, indeed, impose a sentence of life. And by the way, that might even take place when an officer is killed.

This Senator does not get up here and say that if you pass this bill for every officer who is cut down by a gunman, then that gunman is automatically going to be executed. There may be some mitigating circumstances.

He may have not known it was an officer who approached him. He may have feared it was someone who threatened him with bodily harm.

You are not going to give him a medal, but I doubt with circumstances in that case that you would find a jury that would say: Death penalty. That may be a mitigating factor.

Mr. LEVIN. My question to the Senator from New York, though, is how can the person in the example you gave be convicted if the jury finds there was no reckless indifference to human life and therefore that is a mitigating factor on sentencing? How could that jury have found the person guilty with the element of the offense required, an intentional or reckless indifference to human life? That is may question.

Mr. D'AMATO. He was shooting at somebody. But unintentionally killed another person. And they find him guilty of killing that person. Then comes the question—and he is part of a continuing criminal enterprise. He has been involved in the selling of drugs. He has been convicted half a dozen times. So you have all of the elements there necessary to find: Did he kill? Yes, he did. It was his gun and he was with the continuing criminal enterprise. Now the question as to sentencing arises. That is how I see the difference.

Mr. LEVIN. Can the Senator from New York give us any instance when a defendent did, (A), (B), (C), or (D), on page 9?

Mr. D'AMATO. Page 9?

Mr. LEVIN. Yes, if these are the aggravating factors.

Mr. D'AMATO. Can I think of——

Mr. LEVIN. Can you give us any instance where one of those factors does not exist where the person could be convicted under the elements of the offense of page 2? Can you give us one instance, one example where one of those factors does not exist where the person can be convicted?

How can you be convicted unless you "intentionally killed the victim"; or "intentionally inflicted serious bodily injury"; or "intentionally engaged in conduct intending," so forth; or "intentionally engaged in conduct which the defendant knew would create a grave risk of death to a person"? How can you be convicted of a crime unless you also did one of those four things on page 9?

Mr. D'AMATO. "Any person, during the commission of, in furtherance of, or while attempting to avoid apprehension, prosecution or service of a prison sentence" certainly falls within that factor.

I can think of any number of cases that would entitle the jury to consider whether or not there was an aggravating factor. Any person engaging in continuing criminal enterprise or working in furtherance of one who intentionally or with reckless indifference to human life kills or participates, what we are saying is it gives the jury a second opportunity. If they find the murder was committed in the course of a drug exchange, they find that person guilty of that drug exchange, and find that during that transaction they did kill that person, now it comes to the question of whether or not he or she can mitigate.

I would suggest to you that it is not the aggravating situation which must be considered again. What happens is that in mitigation, evidence that could not come in at the trial comes in on the defendant's side. If anything, we have bent over backwards to give him every possible opportunity to bring in mitigation against the death penalty. This is what happened. We would not allow it to take place, hearsay evidence to come in, et cetera, during the determination of guilt or innocence. But, during the penalty phase, we can allow other people to come in who testify, "Yeah, we know there was a contract out on Johnny Jones and so, therefore, he was in fear of his life, and that is why he recklessly opened up and sprayed this area."

So I suggest to you that, simply, that is why we say that, on the aggravating factor side, that we have to, once again, let these factors be considered. Yes, maybe what we are saying is that the defense has two shots, and that is fine, and that the prosecutor has to establish the aggravating factors again even after they had to be considered the first time.

Mr. LEVIN. May I suggest to my friend from New York, to wind this up, basically what (n)(1) does is reiterate the element of the crime. What (n)(1) basically says is if the jury finds that you did it, that is an aggravating factor.

Mr. D'AMATO. There may be a new jury; there may be a new judge as it relates to the imposition of the death penalty, and if we are talking about providing adequate constitutional guarantees, is it not necessary to state that you are going to have to prove and demonstrate at that hearing that at least one of these aggravating factors for homicide be there?

I suggest it is an attempt to deal with the constitutional problems that have been raised heretofore, not just in this debate, but that have been considered by the Judiciary Committee and that have been considered by the courts because there may be a new jury.

Just the fact that one jury found in their determination of guilt or innocence that there were those elements of the crime, the other jury may not, and particularly when the defendant has the opportunity to offer the kind of evidence that he could not get in on the first trial, due to the limitations of the rules of evidence.

Mr. LEVIN. That is an intriguing possibility.

Mr. D'AMATO. Well, I just thought of it on the spur of the moment. I thought it was pretty good.

Mr. LEVIN. I am afraid a lot of this bill is being written on the spur of the moment.

The PRESIDING OFFICER. If the Senators will suspend. The Chair will inform the Senator from Michigan that the time yielded to him by the Senator from Washington has now expired. The Senator from Michigan has remaining 3 minutes in his own right. The Senator from New York, Senator D'AMATO, has 13 minutes in his own right. Who yields time?

Mr. D'AMATO. Mr. President, I yield 3 minutes, or whatever time my colleague from Illinois, Senator DIXON, needs.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIXON. Mr. President, I thank my colleague from New York for yielding to me.

This has been a very interesting discussion that has taken place between the Senator from Michigan and the Senator from New York. I am sure that many here feel the concern that this Senator feels for this issue as it is presented to us in the Senate. I spent many years in the Illinois Legislature, both as a member of the house and the Illinois Senate. As chairman of the Judiciary Committee of the house and later as the leader of my party in the senate, from time to time this issue was before us in those days.

In my professional career, Mr. President, I served as an assistant State's attorney in my home county and also from time to time as criminal defense counsel in major felony cases in the southern part of my State. I have had a good many years to think seriously about the problem of capital cases and whether the death penalty is truly a deterrent.

I think there is some legitimate difference of opinion about this, but I would like to say that based upon my own professional and personal experience in my lifetime, I believe that the death penalty, in many cases, is a deterrent. I have had personal experiences of my own that have convinced me of the value of the death penalty in capital cases.

I would like to relate just two of them to the Senate as personal experience of my own that have helped to formulate my opinion on this subject matter.

As a very young man, I once defended a man by the name of Charles Palmer who was charged with killing his wife in a vicious murder. In my hometown of Belleville, his wife operated a little tavern called The Brown Derby. Charles Palmer, during a domestic dispute with his wife, got a shotgun and shot his wife, almost tearing her in half, and killed her.

I defended Charles Palmer in his murder case. We were ultimately able to prevail upon the court, and Charles Palmer was given a life sentence at Menard Penitentiary in southern Illinois. Shortly after he had been in the penitentiary a year or two, several ladies, who were religious people who worked in the penitentiary system, came to me and said they were delighted to inform me Charles Palmer had became a very religious person and was involved in the penitentiary in many good works and should be considered for early parole.

Later I wrote several letters on behalf of Charles Palmer, and after 12 years in the penitentiary, Charles Palmer was paroled, came back to my hometown of Belleville, came to me and asked me to represent him because he was going into the auto repair business. I helped put him in business. He married a lady in our city who had a child by a prior marriage, and for some time I thought that Charles Palmer's life had straightened out.

Finally, one day his wife came to me and said that Charles Palmer had left after committing some very grievous acts upon his own stepdaughter. To this day, I have not heard anything more of Charles Palmer.

Shortly, after that, we elected a man sheriff of my county who had served on the police department in East St. Louis, a very fine law enforcement officer. At that time, the issue of the death penalty was again before us in the Illinois State Senate. I do not remember the particular circumstances of the issue at that time.

But the sheriff called upon me and said he wanted to relate to me an experience that he had had as a policeman in East St. Louis, and he urged me to support the death penalty. This is the story that he told me was his own personal experience in that city.

A robbery had taken place and as a police officer he was in hot pursuit of the individual who had carried out the crime. He followed the individual into a house in East St. Louis. It was in the summer and it was a moonlight night. When he got into the house, he could hear the person moving around upstairs. He went up the stairway, and he ultimately found the individual, the felon who had fled from the crime, hiding under the bed. He arrested him and he took him to the police station, but when he arrested him he found that the individual had a pistol on his person. In the police car going to the jail in East St. Louis, he said to him, "You know, it was a moonlight night and I was coming up that stairway. When I got into the frame of the door, I know you could see me. Why didn't you shoot me?" And he tells me that the individual said to him, "While I heard you coming up that stairway, I had a moment to reflect on this whole thing, and I figured for the crime I committed I might get a couple of years in jail, but if I shoot you, I could go to the electric chair."

Now, that made a profound impression upon me at that time. It is something I have remembered all of these years. That police officer, who ultimately became sheriff of our county, was I think in his era the most respected law enforcement individual in my part of the State. That was a personal experience that he had had. My contact with Charlie Palmer was a personal experience that I had.

Now, there are some who say in sincerity, and I respect that point of view, "Look, the death penalty only affects the very poor; it is a penalty against a class."

I would like to just respond to that for a moment. When I was a very young man in the Illinois House of Representatives, I was one of the cosponsors of legislation that set up a public defender system in my State. When I was just a kid practicing law, we did not have public defenders. You went into court on a Monday morning in criminal session and the judge assigned young lawyers to defend the felony cases that came up pro bono, without fee.

I will admit in that system there was a serious question of whether the poor were receiving the kind of defense they required. But we passed public defender legislation in Illinois over 30 years ago. Almost every State in the Union and the Federal Government now have a very fine public defender system. I would certainly suggest that the poor now receive competent defense from the public defender system in most parts of the country.

Mr. President, in conclusion, there are equally fine points of view on both sides of this argument. I respect all of them. But on the basis of my own experiences in my lifetime, I am sincere when I say that I believe the death penalty does serve a useful purpose of deterrence in our society and I want to support the Senator from New York and others who are urging the passage of the legislation.

[Applause in gallery.]

The **PRESIDING OFFICER.** The galleries will refrain from any expression either for or against any of the speeches under rules of the Senate.

Who yields time?

Mr. **LEVIN.** Mr. President, I think it may be appropriate to send an amendment to the desk at this point. We all have some time remaining. I believe the Senator from New York has some time remaining, and the Senator from Washington has some time remaining in opposition. I have a few minutes.

Mr. **D'AMATO.** Mr. President, may I ask, how much time do we have remaining?

The **PRESIDING OFFICER.** The Senator from Michigan has 3 minutes remaining; the Senator from New York has 4 minutes and 43 seconds on the bill; and in addition there is to be 1 hour evenly divided upon each amendment.

Mr. **LEVIN.** It is my understanding the Senator from Washington in opposition also controlled half the time, and I am wondering if there is any time remaining for the Senator from Washington.

The **PRESIDING OFFICER.** That time has been consumed.

Mr. **D'AMATO.** I certainly have no objection to having the amendment sent to the desk. We might proceed, but save each of us 3 or 4 minutes to wrap up.

Mr. **LEVIN.** If we are going to have our vote at 3:30, as I indicated we would, and a cloture vote at 3:45, that would leave an hour for debate.

Mr. **D'AMATO.** Fine.

AMENDMENT NO. 2339

(Purpose: To substitute mandatory life imprisonment without the possibility of release for the death penalty)

Mr. **LEVIN.** Mr. President, I send an amendment to the desk on behalf of myself, Senator EVANS, and Senator DANFORTH.

The **PRESIDING OFFICER.** The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. EVANS, and Mr. DANFORTH, proposes an amendment numbered 2339.

Mr. **LEVIN.** Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Is there objection? Hearing no objection, it is so ordered.

The amendment is as follows:

SECTION 1. MANDATORY LIFE IMPRISONMENT WITHOUT THE POSSIBILITY OF RELEASE

Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended—

(1) by redesigning subsection (e) as subsection (f); and

(2) by adding a new subsection (e) as follows:

"Mandatory Life Imprisonment Without the Possibility of Release

"(e)(1) In addition to the other penalties set forth in this section—

"(A) any person engaging in a continuing criminal enterprise, or anyone working in furtherance of a continuing criminal enterprise who intentionally, or with reckless indifference to human life, kills or participates substantially in the killing of any individual not participating in the continuing criminal enterprise, shall be sentenced to mandatory life imprisonment without the possibility of release;

"(B) any person, during the commission of, in furtherance of, or while attempting to avoid apprehension, prosecution or service of a prison sentence for, a felony violation of the Controlled Substances Act (21 U.S.C. 801 et seq.) who intentionally, or with reckless indifference to human life, kills or participates substantially in the killing of any federal, state, or local law enforcement officer engaged in, or on account of, the performance of such officer's official duties, shall be sentenced to mandatory life imprisonment without the possibility of release; and

"(C) any person described in subparagraph (A) or (B) who kills or participates substantially in the killing of an individual other than an individual described in subparagraph (A) or (B) shall be sentenced to any term of imprisonment, which shall not be less than 20 years, and which may be up to life imprisonment.

"(2) No person shall be sentenced to mandatory life imprisonment without the possibility of release under subparagraph (A) or (B) of paragraph (1) who was less than 18 years of age at the time the crime was committed.

"(3) As used in paragraph (1)(B), the term 'law enforcement officer' means a public servant authorized by law or by a Government agency or Congress to conduct or engage in the prevention, investigation, prosecution or adjudication of an offense, and includes those engaged in corrections, probation, or parole functions.".

Mr. **LEVIN.** Mr. President, one of the anomalies and unusual aspects of the bill before us is that while it provides the possibility of the death penalty for persons who commit these heinous crimes which have been referred to, it also permits the possibility that these people will be let off after as little as 17 years in prison because the minimum sentence in the bill which is before us is a 20-year sentence. That means that a defendant who has been convicted of some of the worst, despicable, indescribable offenses can walk out of prison. That is a mistake. It is a mistake for us to allow a drug czar, who kills a police officer and is convicted of that killing, the possibility that he is going to be paroled. We should have a mandatory sentence of life in prison without the possibility of parole for persons who engage in the killing of law enforcement officers or other innocent people. That is not this bill.

The bill before us has a number of anomalies. First, it treats a person who is convicted of the killing of a drug czar in the same way as a person who is convicted of the killing of a police officer. I want to repeat that because it is a critical issue before us. This bill violates I believe common sense, traditional values of our people, in providing the same penalty for people convicted of the killing of a law enforcement officer or other innocent people as it provides for people convicted of the killing of a drug czar.

Now, we have done some survey work. Probably 99 percent of drug-related murders are murders where people in the drug business kill other people in the drug business. Perhaps 1 percent of the murders are murders of law enforcement and other innocent people.

We have gone to various police departments around this country. In my own police department in Detroit, all of the killings that are drug related have been of people in the drug business. None of them involved law enforcement officers, but obviously, there are some law enforcement officers that have been the victims of drug-related murders. Let us protect them more strongly than we protect the 99 percent of the victims in drug-related murders who are drug czars being bumped off by other drug people.

We do not want to turn this effort into a drug czar or a drug trafficker protection bill. That is not the purpose of this legislation, at least as I understand it.

So one of the things that my amendment would cure is that it would provide a different penalty where the victim is a law enforcement officer than where the victim is a drug trafficker. I believe our people want those situations tried differently, and treated differently. And this amendment would do it.

There is another thing this amendment would do. It would make sure that if you are convicted of killing a law enforcement officer in a drug related murder, or another innocent person, that you are going to go away for life without possibility of parole, unlike the bill which is in front of us which provides for the possibility of parole and a minimum sentence of 20 years.

The amendment which I offer in behalf of Senator EVANS, Senator DANFORTH, Senator SIMON, and others, will make sure that when someone is convicted of a drug-related murder where the victim is a law enforcement officer or other innocent person, that person who is convicted of that crime is going away for life with no possibility of parole. It is a lot tougher in that regard than the bill which we have pending before us.

Mr. President, apparently there is a technical modification that I should send to the desk to my amendment. I send it to the desk at this point. It is a technical modification which does not change the thrust of the amendment.

I ask unanimous consent that the modification need not be read.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

The amendment (No. 2339), as modified, is as follows:

Strike out all after the enacting clause and insert in lieu thereof:

SECTION 1. MANDATORY LIFE IMPRISONMENT WITHOUT THE POSSIBILITY OF RELEASE.

Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended—

(1) by redesigning subsection (e) as subsection (f); and

(2) by adding a new subsection (e) as follows:

"Mandatory Life Imprisonment Without the Possibility of Release

"(e)(1) In addition to the other penalties set forth in this section—

"(A) any person engaging in a continuing criminal enterprise, or anyone working in furtherance of a continuing criminal enterprise who intentionally, or with reckless indifference to human life, kills or participates substantially in the killing of any individual not participating in the continuing criminal enterprise, shall be sentenced to mandatory life imprisonment without the possibility of release;

"(B) any person, during the commission of, in furtherance of, or while attempting to avoid apprehension, prosecution or service of a prison sentence for, a felony violation of the Controlled Substances Act (21 U.S.C. 801 et seq.) who intentionally, or with reckless indifference to human life, kills or participates substantially in the killing of any federal, state, or local law enforcement officer engaged in, or on account of, the performance of such officer's official duties, shall be sentenced to mandatory life imprisonment without the possibility of release; and

"(C) any person other than one described in subparagraph (A) or (B) who kills or participates substantially in the killing of an individual other than an individual described in subparagraph (A) or (B) shall be sentenced to any term of imprisonment, which shall not be less than 20 years, and which may be up to life imprisonment.

"(2) No person shall be sentenced to mandatory life imprisonment without the possibility of release under subparagraph (A) or (B) of paragraph (1) who was less than 18 years of age at the time the crime was committed.

"(3) As used in paragraph (1)(B), the term 'law enforcement officer' means a public servant authorized by law or by a Government agency or Congress to conduct or engage in the prevention, investigation, prosecution or adjudication of an offense, and includes those engaged in corrections, probation, or parole functions."

Mr. LEVIN. Mr. President, as I indicated we have done some survey work around the country relative to the death penalty in drug-related activities. We have talked to law-enforcement officials in the cities that have the heaviest drug problems. We have gotten some answers which typically are like this from Houston. The assistant chief said "The death penalty is nothing to discourage anybody. It is an attention getter." In Washington the person speaking in response to our survey said that "The death penalty is a nonpriority in the fight against drugs." But it is a priority.

What is a priority, it seems to me, is we have some certainty about the punishment where people, where the victims of these drug-related murders are innocent people, law-enforcement people. What we want is certainty, we want restraint, and we want decisiveness. We do not want there to be any doubt I hope as to whether or not somebody who kills a law-enforcement officer goes away for life or is going to be subject to parole. I think we ought to end that. This amendment would eliminate that uncertainty and would make it very certain indeed that if you, in a drug-related murder, take the life of a law-enforcement official or another innocent person you are going away not for 20 years, you are not going to get time off for good behavior the way this bill would permit, but you are going away for life, and you are not going to be paroled. That is what our amendment provides.

So, yes, the bill in front of us provides the possibility of a death penalty, not just where the victim is a law-enforcement officer but also where the victim is a drug czar. It treats them all the same way. This amendment does not provide that possibility rarely imposed but it avoids the problem of the bill which has a minimum sentence of 20 years which is also possible with time off for so-called good behavior which would mean in a lot less than 20 years, and perhaps as few as 17 years. For somebody who carries out the kind of purposeful, willful killing that has been described here on this floor by all of us, it avoids the possibility that kind of perpetrator of that kind of a heinous offense can walk out of prison.

We should eliminate that injustice. There has been a lot of talk about justice and injustice on this floor. I cannot think of anything less just than the idea of somebody who carries out the kind of killings which have been described being able to walk out of prison. This amendment eliminates that weakness in this bill. Now it will be argued, yes, but you also eliminate the possibility of capital punishment as the maximum. That we do also for the reasons which we have given which is that you cannot correct your mistakes when mistakes are made, and we have gone through mistake after mistake after mistake. We have listed them in capital cases where people have been convicted of capital cases erroneously only to find out 10, 20, and 30 years later that the error was there. We all have our own anecdotes, every one of us.

I also have represented somebody, like my friend from Illinois, except the somebody that I represented spent 30 years in prison for first-degree murder for a crime that he did not commit that we proved 30 years later he did not commit. If we had had capital punishment in Michigan, we never could have proven it.

I have introduced into the record mistake after mistake after mistake where people on death row for 3, 5, 10 15, years have finally walked out free people when they never could have walked out at all had the execution been carried out.

So, yes, this amendment is tougher in one regard because what we do is we say kill a law enforcement officer in a drug-related murder, and you are going away for life with no possibility of parole. That is a lot tougher than the bill which is before us. This amendment toughens it, strengthens it, adds certainty to it.

What it avoids at the same time is the possibility of capital punishment, which history has shown does not deter. The statistics here are very, very clear. Anecdotes can always be cited but statistics are clear. States that have the death penalty have a higher murder rate on the average than States that do not. It cannot be shown that the death sentence deters except in specific case where somebody said, oh, yes, I thought of the death penalty, but that person also could have said, oh, yes, the reason I did not kill was because I did not want to go away for life without the possibility of parole.

So there is always an individual specific anecdotal case where people are deterred, either by the death penalty, or by the prospect of a life sentence without the possibility of parole. Both of those could deter in specific instances. But statistically what we see is that countries in the West that have eliminated the death penalty have a far lower murder rate than we do. States that do not have the death penalty on average have a lower murder rate than States that do have the death penalty.

So yes, the amendment which we are going to offer does not have the possibility of the death penalty being imposed and that will be argued by some that that means it is weaker than the bill before us as rare as the imposition of the death penalty is. That will be argued. But this amendment is a lot stronger than this bill in the critical certainty that it offers because what this amendment says is kill a police officer in a drug-related murder you are going away for life with no time off for good behavior. It is a lot stronger. It is a lot more certain than the bill in that regard, and I hope for all of the reasons that I have indicated that this amendment which provides a critical strengthening and toughening of this bill will be adopted.

The PRESIDING OFFICER (Mr. CONRAD). Who yields time?

Mr. D'AMATO. Mr. President, I think my distinguished colleague said it best when he offered this amendment, that this amendment does away with any possibility of the death penalty being invoked, for all the reasons we have stated.

When is it applicable? It is applicable only after a jury has made a finding of guilt, only after counsel has been provided, only after due process has been had.

I suggest, Mr. President, that the protections we have provided for them are a lot more than defendants get out on the street, in day-by-day business, where they wreak their havoc.

After guilt is determined, in some cases a new jury is empaneled to find out whether or not there are any mitigating circumstances. He has been found guilty, unanimously, and they must determine, unanimously, whether or not there are any circumstances. Even one juror can say: "Do you know something? I think he really was afraid for his own life and didn't know that that was a police officer that he turned around and shot down, and I'm not going to go forward with the death penalty."

I do not know how much more we can bring in.

Let me talk about the case where there is a finding of guilt by one juror that a person committed the crime of executing a law enforcement officer or killing, or, in total disregard of human life, killed innocent children at a dance, blazed away, after he killed the night club owner. Tell me how we can say that that person has been dealt with justly, when we refuse to even allow consideration of invoking the death penalty in those cases. That is what this debate is about.

Let me indicate what the Supreme Court said in a leading case, Gregg versus Georgia:

> There are carefully contemplated murders, such as murder for hire, where the possible penalty of death may well enter into the cold calculus that precedes the decision to act. And there are some categories of murder, such as murder by a life prisoner, where other sanctions may not be adequate.

That was the Court indicating that, indeed, as it relates to deterrence, it may well be a deterrent in some of those cold, calculated cases.

Then there is the case my distinguished friend from Illinois outlined, where the person said: "I saw a police officer and knew that it was more than just a year or two in prison; now it was the possibility of the electric chair."

What about the case of Louis Rivera, who said, after killing someone: "She saw me, and I didn't have to fear"—he said this to the prosecutors—"the death penalty. I had nothing to lose."

That is what the drug dealers are operating on today. They operate with impunity.

My friend raises the question that the law we propose contains a minimum sentence of 20 years. We say minimum. You kill a cop, a minimum of 20 years. You kill a drug dealer, a minimum of 20 years. You may get more. You may get life, and you may face the ultimate punishment, the death penalty. It is for the jury to determine whether there are some facts establishing why you should receive some mercy—maybe the mercy that you did not give to someone else, but now it is up to the jury. The possibility of the death penalty is eliminated, if this amendment is adopted, and I suggest that the death penalty is the deterrent we need.

Some cases are so absolutely outrageous that imposing the death penalty is society's way of expressing its moral indignation, its intolerance of the kind of conduct that is taking place, of the killing of innocent women and children and police officers, and the destruction of our society with it.

Let me attempt to respond to the suggestion that, somehow, our bill does a disservice because we would make those who kill others, even other criminals, face the possibility that they might receive the death penalty.

Today, it may be because of reckless disregard for life and because of turf and money that they have these firefights. So, today, that young punk goes out there in that turf battle, and he is one of the marauders, working for that continuous drug enterprise, and he shoots one of his competitors. You may well say, "Well, good riddance." The next day, he goes out and shoots another competitor, in another gunfight, and kills another one.

How often have we heard in these gang fights that it was not just the other gang member who was killed but the innocent 4-year-old—like the one who was shot 3 days ago in New York, and who would have died but for a miracle, but still has a bullet that went through his brain?

How many times have we read about the innocent mothers who clutched their children as they were being shot down by accident?

How many times have we heard that the gang becomes so emboldened that it is the police officer who is gunned down?

So, if we want to talk about deterrence, let us say that when you become so reckless that human life means nothing, whether your target is another gang or one of your own, we are not going to allow this to take place. Today, the victim is someone in that criminal organization, and tomorrow it is an innocent person, and the next day it is a police officer. We want to give our law enforcement community the tools to make a difference. The death penalty can make a difference. It is not going to win the war, in and of itself, but it can make a difference.

Let me read an account which appeared on March 15 in the New York Times:

> Young and violent drug gangs, in brutal territorial battles and in calculated campaigns to terrorize neighborhoods, are believed to be responsible for as many as 500 slayings in upper-Manhattan in the last five

> years, according to law-enforcement authorities.

They have become so brazen that they are going to demonstrate it. You dare to talk about them, they kill in daylight.

I continue reading:

> The Manhattan District Attorney's Homicide Investigation Unit, which concentrates on drug gang murders in northern Manhattan, has identified more than a dozen gangs believed to be implicated in the bulk of the slayings. With names like the New Vigilantes, the John Johns and the Preacher's Crew, the gangs normally strike by daylight for maximum intimidation, often on crowded streets. The weapon of choice is a semiautomatic pistol; the usual method, several close-range shots to the head.

Mr. President, maybe I see this on a more personal basis, on a day-in and day-out basis, coming from New York, attending the funerals of those patrolmen, those people who are shot down, as they have been. Our law enforcement community is losing heart.

They are out there battling for survival, not just their own, but our survival as well. We must act with the kind of purposefulness that sends a clear message that we are not going to continue to tolerate this kind of warfare on our civilized community. We must send the message that if you undertake the kinds of actions, even if unintentionally, that bring about the death of innocent people or if you intentionally kill others, be they gangsters or law enforcement, there is a possibility that you will pay for it with your life.

Let us arm the prosecutors with the ability to see how tough the drug killers are when they face the possibility of the death penalty because these murderers fear nothing else. They are fearless.

If we are going to galvanize our Nation in the battle to return our streets to civility, this is one way in which we can begin that process, but it is going to take more than the death penalty. It is going to take society becoming involved in this battle against the violence, the drug use, and the epidemic of lawlessness that so many have become a part of themselves.

You cannot say that you are against terrible things that are taking place and yourself be part and parcel of the problem, but that is exactly what is happening. People who consider themselves to be law-abiding citizens, if they use drugs, they are participating in and they are buying stock, as Senator GRAMM says, in the drug cartel. You are part and parcel of it. He is absolutely right.

So, while this may not be the total answer, it is one that is long overdue. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Michigan controls 16 minutes and 20 seconds; the Senator from New York controls 18 minutes and 6 seconds.

Mr. LEVIN. I thank the Chair.

Mr. President, while we differ here on the solutions to the issue which bedevils this society and confronts us today, there is one thing we do not differ on, and that is the question of the nature of the crimes which have been described. They are taking place in my hometown, Detroit. They are taking place in New York City. They are taking place in almost every one of our communities in this country.

We can perhaps, all of us, agree that people who engage in the kind of conduct which is described in the news articles and the TV shows that we see every day must be punished and we must deter.

The question is: What is the best way to do it? What is the best way to deter it and what is the best way for this society to respond to it?

I would ask each of us the same question that is asked by my friend from New York. How in the name of Heaven can somebody who goes out and shoots a police officer or who pays for the shooting of a police officer as a part of a drug protection effort, or somebody who is part of a drug transaction slits the throat of an innocent kid, or opens fire with a machinegun into a crowded restaurant, how in the name of Heaven can we permit a person convicted of that crime to ever be paroled? How do we tolerate it as a people?

We talk about permissiveness in this society. What is more permissive than to have ambiguity about that, uncertainty about that?

And this bill has ambiguity about that and uncertainty about that because this bill provides that if you go and you do that, you can get as little as 20 years, and you can even get some time off for good behavior, so-called.

In the face of this kind of a crime, this kind of horror, this kind of a terror, which is occurring on the streets of our cities, how do we then adopt a bill which says even though you are convicted of that you can still be paroled, there is a possibility you are going to get parole? That is not the certainty which we need, the deterrent which we need. What we need is a certainty, the certainty being you are going away for life, you are never going to be paroled.

I have made reference to a survey which we have done. We have talked to the police departments around this country. We have asked them to rank where capital punishment of drug-related murders would be on their list of weapons that they need against the drug trade, and let me tell you it does not even appear on many of their lists and the other lists where it does appear it is either last or near last, but here is what the response that we got from the Deputy Chief in New York when we were asking him to rank where the death penalty would lie. Deputy Chief Robert Beatty in New York says "I don't really think that the threat of the death penalty affects them that much," referring to drug dealers. "Probably what really does frighten a young man is spending the rest of his life in prison."

That is the Deputy Chief in New York.

This bill does not confront these murderers with a certainty of life in prison if they are convicted.

This amendment does.

We need the certainty. We need that clear message. We need that moral statement. Commit one of these crimes, and there is no ambiguity in the way you are going to be treated. If you are convicted of one of these crimes, you kill a police officer, you kill another innocent person, you are going away. Do not look forward to time off for good behavior. Do not look forward to a parole. There will not be any. You are going away and you are going away for life, and there will not be any parole.

That is the certainty we need. That certainty deters as much as the death penalty and perhaps more, but whether it does or not, and we differ on that in this body on the deterrent effect of the death penalty, what we should not differ about is the importance of having certainty when it comes to the sentence of somebody convicted of one of these heinous offenses. That is the clarity, the moral statement and the certainty that we need. It will be provided for if we adopt this amendment, and I hope that we will.

The PRESIDING OFFICER (Ms. MIKULSKI). Who yields time?

Mr. D'AMATO. Madam President, I would support the amendment of my friend and colleague if it were to provide a minimum sentence of life imprisonment, with the possibility of the death penalty being imposed in those situations where the jury finds, to put it in layman's language, that there was no excuse, that the conduct was so reprehensible that the only appropriate penalty was the death penalty, the forfeiture of one's life because of the depravity of that crime.

And we have seen and heard about these awful crimes and lived with them on a day-in-and-day-out basis, and so I am not going to go through the litany of hundreds and hundreds of drug murders that have been provided to me and I have available.

What I am suggesting is that society cries out for justice and in certain of these cases for there to be the ultimate punishment, and the issue of what the deterrent impact will or will not be is one that can be debated. It undoubtedly will be debated for many years to come.

The Senator points out statistics as it relates to the States that have the death penalty and in and of itself that obviously has not been a deterrent because I guess the first five or the leading five have the death penalty, except the District of Columbia, and they have the highest homicide rate.

I am not going to dispute that, but I am going to simply say that it may be that was the need for the death penalty's being imposed.

How many executions have taken place in some of those States? California has had the death penalty for years and its implementation was thwarted. Right here in the Nation's Capital, no death penalty, and yet you have the highest homicide rate by far, three times that of any other, 31 killings per 100,000. I think the next one is something like 13. Thirty-one killings per 100,000, and the next, I think, is something like 13.4, 13.5. So when we talk about those statistics, we have to be careful.

I suggest that we do not want to be a more brutal society, but we want those who brutalize society to know that we will not sit by and tolerate their conduct. So if there was an amendment that said, "Upon conviction for a killing, as it relates to this continuous drug enterprise, you will face a minimum of life imprisonment and the possibility of the death penalty," that is something that I think satisfies the elements people are looking for. And then I would be accused of saying, "Well, do you mean to tell me that there are no extenuating circumstances that would mitigate; that if you find someone guilty of this crime of taking another's life, regardless, that they would be faced with life imprisonment?"

So that is why, Mr. President, we seek to allow the jury, in the final analysis, that hears all the facts to have that ultimate decision. The jury will be that terminator that the Darth Vaders of the drug world have not faced yet—the jury will decide the ultimate punishment of the death penalty. Let the drug killers have some fear for a change instead of the cop on the beat, instead of the mothers and fathers who cower in the hallways when the gunfire is going on.

And why apply the death penalty to the killing of another person in organized crime? I will tell you why. You will never see a rat run so fast as when he faces the death penalty himself. Get the trigger man who goes out and kills another drug person. When he is threatened with the possibility of the forfeiture of his life, the code of silence is broken. It is no more. Forget this romantic idea that may have existed in terms of this code of silence.

When they face the gallows or the electric chair or whatever is the appropriate execution method, they begin to cooperate. You ask any prosecutor worth his salt, he will tell you. And if you want to break the conspiracy and get at more than the lower level operators, you better begin to give our law-enforcement people the tools with which to operate.

I yield the floor.

Mr. EVANS addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator from Michigan has 10 minutes and 15 seconds.

Mr. LEVIN. I am happy to yield whatever portion of that time he may need or all of it to the Senator from Washington.

Mr. EVANS. I thank the Senator from Michigan.

Madam President, there has been a lot of talk this afternoon about society and the demands of society. And they are important. Demands of society have changed over the years and over the centuries. I suppose you could say that the demands of society in the Middle Ages required the inquisition. Demands of society in revolutionary France demanded guillotine and beheading. Demands of society earlier than that called for drawing and quartering of those guilty of a variety of crimes.

The demand for blood is a frequent demand of society when we are horrified by crimes committed upon society. But if there is any progress that has been made in the course of the last several centuries, any progress that has been made particularly with the advent of democratic societies and modern civilization, it has been that, through law and our constitutions, we have put restrictions on the passions of society in order to advance our own civilization. And I do not think this is any time to take a step backward from that progress which has been made.

Let me put one thing in perspective. There has been much talk about the cop killers. And that is reprehensible. But, to put it in perspective, I have received information from the FBI on the total number of police officers who have been killed over a number of years.

Let me take 1987 as a good example. Of the 174 police officers who lost their lives in 1987, 74 were accidental—accidental; 73 were killed feloniously in the course of their activity; 8 of them when stopping traffic violators; 4 were ambushed; 1 was mentally deranged; 5 investigating suspects; 6 while transporting criminals; and 22 on disturbance calls—fights in bars and the like. None of those were drug related.

Twenty-seven police officers were killed in arrest situations. And of those, six—six—were killed in drug-related arrests. That is 6 out of 174. Six too many. The 174 is 174 too many. But at least let us get into perpective what we are talking about.

The proponents of this bill talk about deterrence. I join with my colleague from Michigan in suggesting that life without parole is a much broader perspective for the purposes of this bill than the proponents themselves would suggest. Life without parole as a minimum and a maximum I think is the real deterrent.

The Senator from New York talked about those who kill because they had nothing to lose. Freedom—freedom for the rest of your life—is a lot to lose, and it leaves a person sitting in a prison cell free to contemplate what that person has done, knowing that there would be never a hope or an opportunity to once again see the outside of that prison. That is a real deterrent. And, in fact, I suggest it is probably a more difficult penalty than death itself, which at least releases that person from any further thought of what the outside must be like.

Today's prisons, in many States of this Nation, have been declared to inflict, just from the fact of being in that prison, a cruel and unusual punishment. At best, prisons are bad; at worst, they are horrible.

So I do not think there is any question that if there is a contemplation of penalty—which I suggest does not occur in very many instances—if there is a contemplation of penalty, the contemplation of that person about to commit a capital crime that, if caught, they would lose their freedom forever is easily as good a deterrent as a death penalty.

But there is a substantial difference between those two—life without parole: and the death penalty on the other hand. Life without parole at least allows for those, perhaps rare occasions when we make an error, when there is a tragic mistake, when some years later we may discover that a person was innocent, not guilty. That has happened, not just once but on a number of occasions throughout our Nation's history.

It is bad enough with an error or tragic mistake like that to lose your freedom for an extended period of time. But at least you can retrieve that rest of your life. Hollow comfort to a family, or to the individual if, in the meantime, they have been executed.

There are some, in fact I am surprised we have not heard it yet, there are some who suggest that well, if you put life imprisonment as an alternative it is just too expensive to keep someone for an extended period of time. I suppose we could call this the Gramm-Rudmanizing of criminal penalties. It is just simply cheaper to execute them than to keep them in prison for life.

Although we will probably get at this issue a little later with another amendment, I would suggest finally that deterrence, which is apparently the main reason for this bill in the first place, if it is a deterrence and viewed as a deterrence for those others who might be contemplating at some future time a capital crime, does it then make sense to carry out these executions in secrecy and behind prison walls? Or, if there is going to be a real deterrent, should it be as it was centuries ago, in the town square, so that all could see and all could be immediately and intimately aware of that deterrent? Make it vivid. Make it public. Put it on television. Make sure that everyone knows what that deterrent will bring.

When that amendment comes up I suspect that it will be turned down. It will be interesting because there is little question that if you are talking about deterrent and if there is anything at all to the deterrent of a death penalty, certainly public executions, then, would add substantially to that deterrent.

The PRESIDING OFFICER. Who yields time?

Mr. D'AMATO. Madam President, may I inquire of the Chair how much time I have remaining?

The PRESIDING OFFICER. The Senator from New York has about 12½ minutes.

Mr. D'AMATO. Twelve and a half minutes?

The PRESIDING OFFICER. The Senator has about 12½ minutes. The Senator from Michigan has about 1 minute, 10 seconds.

Mr. D'AMATO. Madam President, let me again attempt to deal with this specific amendment, what I view as a shortcoming of it. Read the amendment. It says:

> (a) Any person engaging in a continuing criminal enterprise, or anyone working in furtherance of a continuing criminal enterprise who intentionally, or with reckless indifference to human life, kills or participates substantially * * *.

I might note that is the same language that the Senator from Michigan raised as it related to substantially, "participated substantially," that we had in our bill—in the killing of any individual, not "participating in the continuing criminal enterprise."

I would ask my colleague from Michigan if he might respond to this question: Does your amendment indicate that person may be liable to life imprisonment or will be liable to life imprisonment provided that they do not kill anyone within their own criminal group? It is not participating in a continuing criminal enterprise.

What if they kill someone in another criminal enterprise? Would they be subject to the amendment at hand? Page 2, lines 5 and 6.

Mr. LEVIN. I think we tracked your bill in this regard, although I may want to respond further to that. Your bill reads:

> Any person engaging in continual criminal enterprise or anyone working in furtherance of continuing criminal enterprise who intentionally or with reckless indifference to human life kills or participates substantially in killing of an individual.

Mr. D'AMATO. Not, "participating in the continuing criminal enterprise."

Mr. LEVIN. The reason for that, of course, is we do not believe the killing of a drug dealer ought to be treated the same way as the killing of a police officer. That is the way we intended to differentiate.

Mr. D'AMATO. As I read this, through, this penalty would be available to people outside of this particular crime group? This continuing criminal enterprise system?

So that if you had someone in another drug group, this bill would be applicable, this amendment. I do not think that was your intention because I think as the Senator stated before, previously, the intention was to apply this to the cases of reckless disregard for the innocent civilian's human life or the police officer's.

Mr. LEVIN. The Senator is correct in his recollection of my statement of intent.

Mr. D'AMATO. So this amendment would appear to open up, then, that whole area. And, by the way, I do not object. I think it is the correct thing. I think that as a tool of law enforcement you do not want to allow the fact that a person can go ahead and kill someone who is a criminal and not be subject to the death penalty or in this case not be subject to being held for life imprisonment because I think it is a very valuable prosecutor's tool and I think it ought to be kept.

But I wanted to point that out.

Madam President, let me say to you that I have contacted the New York City PBA. There have been in this year alone at least two deaths occasioned by drug transactions where their police officers were killed or, in one case where a deliberate assassination on the orders of someone from prison was carried out by some street thugs in this drug business.

This is what the PBA, through their president, Mr. Caruso, has indicated to me. Maybe as a response to that chief, deputy chief of police from the city of New York.

> Life without parole does not fully protect society or police officers. The death penalty assures that the perpetrator of a particularly heinous crime will never kill again. This is the deterrent effect society needs to protect itself from vicious predators.
>
> The PBA absolutely wants the death penalty because it is the only way to protect the law-abiding public fully.

That is Phil Caruso, the president of the PBA in New York City that represents 33,000 police officers. That is the statement which we took, from him about 7 minutes ago.

Again, I am not suggesting that this is going to be the deterrent that is going to stop this mayhem out in the streets. But I am suggesting to you that those who fear nothing do fear that. I am talking about the drug lords, and I am talking about their gangs. They have never had occasion to feel fear of the death penalty and its implementation on the Federal level. It is about time that they do. Our State courts have been overworked and have not been able to use the full force of the law even where the death penalty has been available. It is about time we joined in that battle on the side of those law officers who find themselves outgunned, outmanned, and yes—who are losing confidence, losing morale asking if we are really with them.

This is one way that we can send a clear message that we are with them. We recognize what is taking place. We are going to support them against the drug dealers who have used these vicious tactics to subvert entire communities, have gone out and killed people with impunity as they have in the upper part of Manhattan. I read it—500 gang killings in the last 5 years, killing people in public view to bring fear to the community. It is about time that they recognize that we are ready and willing to fight back and this is an appropriate method of doing so.

I am not saying it is going to be the big deterrent, but I am telling you some of these crimes demand that we act in the manner to show our public indignation and our intolerance to these kinds of criminal acts.

I yield the floor.

Mr. LEVIN. Madam President, how much time do I have left?

The PRESIDING OFFICER. One minute and three seconds.

Mr. LEVIN. Apparently there was some agreement we will vote at a later time, so we will use up all of this time.

Madam President, there are two advantages to this amendment that is pending before us that Senators EVANS, DANFORTH, and others and myself have offered. Advantage No. 1 is that it provides certainty. There is no certainty in the bill before us. It is a minimum 20-year sentence for perpetrating a heinous crime. That is uncertainty and that is wrong. This amendment provides the certainty that there will be a life sentence without parole. That is a tremendous advantage, a strengthening of the bill before us.

Second, the advantage of this amendment is that because it does not provide for the possibility of a death penalty, you can still correct your mistakes. Someone serving one of those mandatory life sentences who was convicted through error, and we put in the record literally dozens of cases of mistakes in capital cases, somebody serving one of those sentences can, indeed, still live and live out the rest of his life in the event he was convicted by mistake.

Immediately following the vote on this amendment, as I understand it, Madam President, there will be a vote on a cloture motion.

The PRESIDING OFFICER. The time of the Senator has just expired. The Senator is correct.

Mr. LEVIN. I thank the Chair. If I might ask unanimous consent that I have 30 additional seconds to finish that thought.

I would think the cloture vote at this time totally inappropriate given the fact we have not had more than 6 hours to debate a bill which had no committee hearing and which has so many questions about its drafting that that should be amended here on the floor, since that is the only opportunity we have, and yet we have been limited to four amendments under the unanimous-consent agreement.

The PRESIDING OFFICER. The Senator from New York controls the remaining time. The Chair advises him he has about 4 minutes and 15 seconds.

Mr. D'AMATO. Madam President, I intend to make a tabling motion at the conclusion of my remarks.

Let me say I appreciate the candor and forthrightness of my colleague from Michigan, Senator LEVIN. Let me also say, notwithstanding that we have differences of opinion on the issue of death penalty, we have attempted in this bill to deal with a number of problems, to see to it that the constitutional guarantees that are so important be included: the right to counsel, the age of the defendant, mental competence of the defendant and a number of other provisions.

As it related to the question of race, this bill exercises a high degree of care, seeing to it that there is no prejudice in the application of the death penalty; to see to it that there is a specific charge by the judge that the race, color, creed, or origins of the defendant not be taken into consideration; that they be disregarded and that each juror must sign a certificate indicating they personally have not taken into consideration, or that the race, color, creed, ethnic background, and origins of the defendants have played no part in their decision.

I say to you that I am not saying that by passing the death penalty as part of our battle against the drug czars and the drug gangs that we are going to win that war. It is going to take a lot more than that. I think it is going to take education; it is going to take rehabilitation; it is going to take dealing with the user side. It is a question of what society is willing to do as it relates to our own personal life because you cannot say that we are not part and parcel of the problem; that we are indulging others who use drugs if we are using them ourselves. That creates a demand and, therefore, supports the criminal enterprise system.

I think this certainly is a step that is long overdue, showing particularly to the law enforcement community that we care, that we understand the savagery that is taking place, and we are prepared to mete out the appropriate justice to those who have no regard for human life in our community.

Madam President, I move to table the amendment.

Mr. LEVIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Madam President, I ask unanimous consent that the mandatory quorum required under rule XXII prior to the cloture vote be waived.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question is on agreeing to lay on the table the amendment of the Senator from Michigan. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Massachusetts [Mr. KERRY] and the Senator from Florida [Mr. CHILES] are necessarily absent.

I also announce that the Senator from Deleware [Mr. BIDEN] is absent because of illness.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KERRY] would vote "nay."

Mr. SIMPSON. I announce that the Senator from Pennsylvania [Mr. SPECTOR] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 31, as follows:

[Rollcall Vote No. 171 Leg.]

YEAS—65

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Byrd
Cochran
D'Amato
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Exon
Ford
Garn
Graham
Gramm
Grassley
Hatch
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Johnston
Karnes
Kassebaum
Kasten
Lugar
McCain
McClure
McConnell
Metzenbaum
Murkowski
Nickles
Nunn
Packwood
Pressler
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Shelby
Simpson
Stafford
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson

NAYS—31

Burdick
Chafee
Cohen
Conrad
Cranston
Danforth
Durenberger
Evans
Fowler
Glenn
Gore
Harkin
Hatfield
Inouye
Kennedy
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Mikulski
Mitchell
Moynihan
Pell
Proxmire
Sarbanes
Sasser
Simon
Stennis
Weicker
Wirth

NOT VOTING—4

Biden
Chiles
Kerry
Specter

So, the motion to lay on the table amendment No. 2339, as modified, was agreed to.

Mr. D'AMATO. Madam President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will please come to order. The Senate will not proceed. The Senate is not in order. The Chair would like cooperation. The Senate is not in order.

Mr. SANFORD. Mr. President, I rise today to join my colleagues who oppose S. 2455. As some of my fellow Senators have said, the death penalty has not provided any deterrent to crime, and certainly is not likely to deter drug gangsters, but this kind of bill in an election year is difficult to resist. I want to do everything possible to stop the drug crisis in this country, but I do not want to do something of little value, and perhaps something unconstitutional, just because it sounds good in an election year.

Most States, including mine, have the death penalty, in form and procedure that meet the constitutional standards. We don't need this bill in North Carolina. New York, if it wants a similar death penalty does not need to burden the Federal system. They can do it like North Carolina has done. Essentially, this is just a New York bill, with the Federal Government doing what New York could do for itself.

Drugs must be attacked through education and interdiction, not by grandstand bills that sound good but do little. In addition, I want to express some reservations and raise some questions about certain other provisions of S. 2455.

This bill requires only one prescribed jury instruction: that the jury shall not discriminate on the grounds of race, color, national origin or sex. Without giving any explicit instructions to the jury, the statute creates a substantial risk that it will be administered unfairly with undue emphasis placed on aggravating and mitigating factors. In such a serious matter as a death penalty conviction, can we allow the law to remain ambiguous on this point? The Court is not likely to approve.

S. 2455 does not permit the judge to override a jury's sentence of death. This bill is not tightly drawn. Many States have found this to be an important check on a jury's power to impose the death penalty arbitrarily. We shouldn't allow this, especially where we are talking about so many difficult issues of mitigating evidence and evidentiary standards?

Much of the litigation surrounding death penalty cases has resulted from ineffective assistance of counsel. The problem must be addressed in any death penalty legislation such as this one. Should we not require that attorneys have a certain level of experience before they can be appointed to represent capital defendants? Clearly we must consider setting a standard so that this sort of litigation can be avoided, and add this burden to the Federal court system if we are gong to direct them into crimes normally handled by State courts.

This bill is sloppy, for one reason, because it has not been properly considered through the committee process. We are railroading this important and provocative matter through without giving significant attention to issues that have, heretofore, been overlooked. The death penalty is too serious a matter to be handled in a way that bypasses the deliberative consideration that is supposed to mark action by the U.S. Senate. I will not be a part of creating hysteria around the drug epidemic. I will not consent to avoid our duty to examine in full the provisions in this bill that affect life and death.

If we do not attack the problem of drugs in America, we will surely pay a heavy price for it. But if we react without thinking, and overlook the constitutionality of these provisions, we will take away in large or small measure certain inalienable rights belonging to all American citizens. If we are to extend the death penalty to those States that do not have it, let us follow our proper procedures.

Mr. HECHT. Mr. President, I rise today to reiterate my strong support for my colleague Senator D'AMATO's bill relating to the imposition of the death penalty for drug traffickers.

Every day in newspapers and on televisions across the United States, we are reminded that drug use and drug abuse in this country is totally out of control. Quite frankly, Mr. President, I am getting a bit tired of hearing impassioned speeches about the war on drugs without any effort to back up this rhetoric with action on any level. As far as I am concerned, the time for lipservice to the drug problem has expired, and now our strong words must be followed by strong action. That is why I am supporting this legislation which will undoubtedly send a strong signal to those who participate in the illicit drug trade.

Mr. President, I am pleased that the Senate has an opportunity to act in a manner which is consistent with the antidrug rhetoric which we so often hear these days, and I am hopeful that the results of this vote will reflect the Senate's unyielding commitment to putting our money where our mouth is.

Two years ago, the President's Commission on Organized Crime released some alarming statistics: There are approximately one-half million heroin addicts in this country; 5 million regular cocaine users; and over 20 million regular marijuana users. We all know that the drug use problem is bad, but the fact is, it is getting worse. Mr. President, police officers, Customs agents, and others involved in narcotics interdiction efforts are being brutally murdered by those involved in the drug trade, and I, for one, know that it is our duty to ensure that these courageous men and women have not died in vain.

Mr. President, you know as well as I do that the drug lords and their dealers live by their own rules. These people certainly do not live by the laws which decent and honest citizens live by. No, quite the contrary, these people live by their own code of behavior—a code that says that torture is OK—a code that says murder is OK—a code that, quite frankly, says that anything is OK as long as they can get away with it because it is just part of doing business. Well, I say that it is not OK and it is time to shut down this illegal business. Mr. President, the message of the U.S. Senate should be perfectly clear: Drug dealers and drug traffickers and their lawless actions are not welcome in this country.

Mr. President, the drug problem is very complex and must be dealt with on all levels. It should be clear to all of my colleagues that the effects of drug use and abuse can be seen in every community in America. Day after day, one life after another is destroyed by the drug traffickers.

Mr. President, many people say they are against drug use, but few people will back up that talk with concrete and offensive action. In addition to the current bill being debated, I believe that the Congress must look at expanding a change in the current attitudes toward drugs. We could throw dollar after dollar at drug interdiction programs, intelligence gathering activity, source country eradication, but what will be the result? Mr. President, this money would have little effect in this country. Why, Mr. President? Because the heart of the drug problem lies within our borders. The problem lies in the individual hearts and minds of American citizens. We cannot stop the drug abuse problem as long as Americans maintain an attitude that the use of drugs is an acceptable practice for some people.

Mr. President, I, for one, do not believe that infrequent use of cocaine or crack on Wall Street, or marijuana smoking while driving a train or flying an airplane, or popping barbituates during a school recess is acceptable. Those who advocate this type of recreational use are doing more harm to framing attitudes in this country than anyone else, and so, Mr. President, the recent talk about legalization of drug is ridiculous in my mind. Drugs are bad, Mr. President. Drugs wreck and destroy otherwise productive lives. Mr. President, drugs kill.

I could not stand here today and have a clear conscience if I did not do everything possible to help save the lives of American citizens, especially the young Americans, whose lives are frequently stolen from them before they are even old enough to know better. That is what we are really talking about, Mr. President. We are talking about saving lives. The lives of our children. Mr. President, and the lives of all people and have been affected by the drug trade. I know that we cannot possibly do enough in our effort to save the lives which are being destroyed every day in this country, but when an opportunity such as this comes before us, we must make every effort to move in the right direction. This bill represents one step in our antidrug efforts, but I believe that this step is an important and critical one.

Mr. President, 2 weeks ago I stood here and told my colleagues about the heart-wrenching letters which I receive almost every day from Nevada parents who have painfully discovered that their children are using drugs. It is these children who are the victims of the drug trade and it is on their behalf that I stand here today. I believe strong and effective action is necessary if we are to be serious in our commitment to stopping the drug epidemic. This legislation is designed to severely punish those involved in the drug trade, and I believe that we must not stop short in our effort to battle illegal drugs.

The only way to win the war on drugs is to fight back with more strength, conviction and determination than the drug lords and their dealers. This means attacking the problem on every level. This is not an easy war. It is not a war without cost, but it is a war that we will win. Mr. President, on behalf of our children it is a war we must win.

Mr. President, this legislation is vitally important, and I believe it will send a strong signal to those involved in the drug trade. The bill imposes the most severe penalty which we know; the death penalty. But, when I consider the number of lives damaged or destroyed by those traffic drugs into and through this country, even the death penalty does not seem severe enough.

Mr. President, I once again say to my Senate colleagues that the time for tough talk has expired; we must now show tough action, and we must work together in our fight to win the war on drugs. I ask my colleagues to join me in supporting this important bill.

Mr. HELMS. Mr. President, there is a war against drugs ongoing in this country. The drug czars stop at nothing to further their enterprise of death and destruction. They poison our society; they enslave our children; they kill judges, prosecutors and law enforcement officers. They destroy anybody who stands in their way.

Mr. President, we can not win this war by merely throwing money at the problem. Nor can the czars be dissuaded by fines or light sentences. They laugh at such measures. What's a million dollars to a billionaire drug dealer? We must place the fear of capital punishment in the hearts of a drug czar.

Current law does provide the weapon of life sentences in the fight against drug czars. But how many life sentences are actually served? Not many, because criminals often are released on parole. What is needed is the ultimate weapon—the threat of the death penalty.

Mr. President, this legislation gives the jury the option of imposing the death penalty in two specific instances. First, it applies when one who is engaged in a continuing criminal enterprise intentionally or recklessly causes the death of another. Second, it applies to the drug-related killing of a law enforcement officer.

We have countless instances where judges, law enforcement officers and others have died at the hands of a drug czars.

Mr. President, these murders are utterly despicable acts—they are deliberate and calculated. This bill sends a strong signal to the drug czars that will not sit by and allow them to murder in cold blood.

Mr. President, inflicting the death penalty is in the interest of just punishment, deterrence of dangerous criminals, and protection of society. Without capital punishment for such heinous murders, the Government fails in its primary duty to administer justice, and in the process, it endangers all law-abiding citizens.

Perpetrators of these and other capital crimes willfully risk the forfeiture of their lives. They have shown themselves unfit—through their own deliberate and voluntary conduct—to participate in civilized society because they have, in effect, declared war on that society. Under such circumstances, the death penalty is proportionate to the crime, it fits the crime, and no other punishment would really do justice.

Mr. President, in considering the justice of the death penalty, we must not overlook the fact that the crime is always voluntary. Under traditional Anglo-American law an essential element in every capital crime is that it be a free act of will. The offender was free to choose not to commit the crime.

Opponents of the death penalty, however, make the specious argument that capital crimes are mostly the products of one's background, upbringing, environment, childhood, and so forth. In other words, people who commit capital crimes are not properly educated or conditioned—or "socialized" as they say. As a result, the argument goes, it is really a neglectful society—not the criminal himself—who is responsible for capital crimes.

Such an argument is horsefeathers, and discloses a profound misunderstanding of human nature. It assumes that we do not act with free will and freedom of action. It declares that we should not be held responsible for what we do. Indeed, it reduces the meaning of human action to a level little better than that of animals.

Fortunately, Mr. President, this view of human nature is rejected by the overwhelming majority of Americans. They know, from experience that they can and should control whether they commit murder, and they know that virtually everyone else can do so as well. That is why they strongly support the death penalty and why they expect their Government to use it without further delay for heinous crimes such as those covered by this bill.

Traditionally, both Judaism and Christianity have affirmed the authority of the State to use capital punishment for heinous crimes. The mosaic code identifies murder, kidnaping, witchcraft, idolatry, sodomy, adultery, incest, blasphemy, and other offenses as punishable by death. Second, St. Paul said the ruler "beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil." (Romans 13:4). And third, St. Thomas Aquinas made this classic defense of the death penalty:

> If a man is a danger to the community and corrupts it through some sin or other, it is right and just that he should be put to death in order to safeguard the common good. . . . As God himself does, so should human justice put to death those who are a danger to others and reserve punishment for whose who do not seriously endanger others. (Summa Theologica, II-II, 64. art. 2.)

Mr. President, there are numerous Federal statutes currently on the books providing for a sentence of death. However, the death penalty cannot in fact be imposed for Federal crimes because Congress has failed to revise the statutory procedures for imposing such a sentence.

In 1972, the Supreme Court, in the case of Furman versus Georgia, ruled that the existing death penalty statutes were unconstitutional because the jury was allowed to use its unfettered discretion in determining whether a sentence of death should be imposed. That ruling rendered the Federal death penalty inoperative.

Subsequently, in a series of landmark decisions handed down in 1976, the Supreme Court determined that the death penalty was constitutional when imposed under certain procedures specifically designed to guard against the jury using its unfettered discretion.

The pending bill complies with the constitutional requirements outlined by the Supreme Court. The bill establishes the appropriate procedures for the imposition of the death penalty in the specific cases addressed by this bill.

Mr. President, I urge my colleagues to support this bill in order that our society may once again have available a measured response and justified deterrence for these heinous crimes.

Mr. ADAMS. Mr. President, the death penalty is an issue that engenders strong opinions and widely divergent positions. It involves difficult moral choices which test our values as individuals and as a society. I understand the arguments advanced by those who oppose the death penalty and I respect the sincerity of their position. However, throughout my public career, I have taken the position that the State does have the right to ask its citizens, impaneled as a jury and operating under all the protections of due process, to impose a death sentence in certain limited circumstances. As a Federal prosecutor, I had to ask for the death penalty for capital crimes. It was not easy to ask for the death penalty, but I felt it was the correct thing to do in some cases.

The bill before us today would allow the death penalty to be imposed on persons who kill a law enforcement official while committing a drug-related crime. It also permits the death penalty for any organizer of a drug enterprise who intentionally kills another. Clearly, these are among the most heinous of crimes. Because I support the death penalty, and because this legislation meets the constitutional tests established by the Supreme Court, I will vote for it.

I must say, however, that those who think that this bill is an answer to our Nation's drug problems are either fooling themselves or trying to fool others. The spread of illegal drugs in our communities has an insidious and extremely damaging effect, and in an effort to be responsive to the legitimate concerns of our constituents, the level of rhetoric in this debate keeps rising. Mixing these two very emotional issues, the death penalty and antidrug abuse efforts, makes my decision on this bill more difficult rather than simpler. In combining these issues we risk being swept up by the moment, being pulled by the pressure of popular politics, into making quick judgments. If ever there were a decision that should be made after sober reflection as opposed to the heat of emotion, it is whether to expand the death penalty. Consequently, I regret the fact that these issues have been joined in this way. I would have preferred that this bill come before us only after hearings had been held and a record established. But that did not happen and the bill is before us now. We must therefore make our decisions about it. My decision is clear and my vote for this legislation reflects my long held convictions rather than an effort to jump on a political bandwagon.

CLOTURE MOTION

The PRESIDING OFFICER. The hour of 3:55 p.m. having arrived, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

> We the undersigned Senators in accordance with the provisions of Rule XXII of the Standing Rules of the Senate do hereby move to bring to a close debate on the bill S. 2455, entitled "Death Penalty in Case of Drug-Related Killings", Calendar No. 710:
>
> Bob Dole, Don Nickles, Thad Cochran, Ted Stevens, Kit Bond, Strom Thurmond, J.J. Exon, Robert Kasten, Jesse Helms, Phil Gramm, Dave Karnes, Nancy Landon Kassebaum, Paul Trible, Frank H. Murkowski, Pete Wilson, Dan Quayle, Jake Garn, Gordon Humphrey, Pete V. Domenici, Chic Hecht, Alan Simpson, Mitch McConnell, Warren Rudman, Steve Symms, Alfonse D'Amato, John McCain, Orrin G. Hatch, Bill Armstrong, Malcolm Wallop, and Rudy Boschwitz.

QUORUM CALL WAIVED

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on S. 2455, the Death Penalty for Drug-Related Killings, shall be brought to a close?

The yeas and nays are automatic under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Florida [Mr. CHILES], and the Senator from Maine [Mr. KERRY] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

I further announce that, if present and voting the Senator from Maine [Mr. KERRY] would each vote "nay."

Mr. SIMPSON. I announce that the Senator from Pennsylvania [Mr. SPECTER] is necessarily absent.

The PRESIDING OFFICER (Mr. GRAHAM). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 70, nays 26, as follows:

[Rollcall Vote No. 172, Leg.]

YEAS—70

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Byrd
Cochran
D'Amato
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Exon
Ford
Garn
Graham
Gramm
Grassley
Hatch
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Karnes
Kassebaum
Kasten
Lautenberg
Lugar
McCain
McClure
McConnell
Metzenbaum
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Shelby
Simpson
Stafford
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Wirth

NAYS—26

Burdick
Chafee
Cohen
Conrad
Cranston
Danforth
Durenberger
Evans
Fowler
Glenn
Gore
Harkin
Hatfield
Kennedy
Leahy
Levin
Matsunaga
Melcher
Mikulski
Mitchell
Proxmire
Sanford
Sarbanes
Sasser
Simon
Stennis

NOT VOTING—4

Biden
Chiles
Kerry
Specter

(Later the following occurred:)

Mr. REID. Mr. President, I ask unanimous consent that my vote, which was a "no," on rollcall vote No. 172 reflect in the RECORD to be an "aye." I have cleared this with the majority leader and the minority leader. I was in a matter in another committee and walked in and voted improperly. It does not change the outcome of the vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. On this vote, the yeas are 69, the nays are 27. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. BYRD. Mr. President, I will use 3 minutes of my time under cloture.

UNANIMOUS-CONSENT REQUEST

Mr. BYRD. Mr. President, I ask unanimous consent that S. 2455 be presently laid aside and that the Senate go to the polygraph conference report on which there is a 1-hour time limitation; that following the vote on the polygraph conference report, the Senate then proceed to the railroad safety conference report which has a 2-hour time limitation; that following the vote on the railroad safety conference report, the Senate turn to the Dodd-Kassebaum, and others, resolution regarding President Duarte, under a 10-minute time limitation; that the Senate then return to the consideration of S. 2455; that the three remaining amendments be debated, with the exception of the amendment by Mr. KENNEDY, and that on those two amendments that would be debated—the Hatfield amendment and the Simon amendment—debate occur this afternoon but the votes, if ordered, be put over until tomorrow.

That beginning tomorrow at 10 a.m., the Senate then proceed to the consideration of the amendment by Mr. KENNEDY, on which there would be a time limitation of 1 hour—let me inquire of the distinguished Senator from Massachusetts, would he take 40 minutes equally divided, or would he prefer to start earlier than 10 o'clock on the amendment?

Mr. KENNEDY. I would be agreeable to start earlier than 10.

Mr. BYRD. All right.

Beginning at 10 o'clock, the Senate proceed to the amendment by Mr. KENNEDY, on which there is a 1-hour time limitation; that a vote then occur on or in relation to the Kennedy amendment; that following the disposition of the vote in relation to the Kennedy amendment, the two votes on or in relation to the Hatfield and Simon amendments occur back to back, with a 10-minute limitation; and that following the disposition of the three amendments, then the Senate proceed to the consideration of the final passage vote on the bill.

Mr. SIMON. Reserving the right to object.

Mr. BYRD. If I could just finish, if the Senator would allow me.

Mr. President, in the order that I have promulgated, I want Senators to be sure they understand that a vote could occur on a tabling motion on either of the three amendments that I have enumerated. I just want to be sure that all Senators understand that a vote could occur on a tabling motion or on an up-or-down vote, either way.

Mr. SIMON. Reserving the right to object, I do not want to put a wrench in the whole process, but the reality is that my amendment will be debated about 8 o'clock tonight and there are not going to be many Senators around listening to the debate at 8 o'clock tonight. I think I have an amendment that has a real chance of passage.

I am willing to have a time agreement of even 30 minutes. If we could have 30 minutes of debate tomorrow morning when Senators are here and where they will have a chance to hear the merits of the debate, I would, frankly, prefer that kind of arrangement.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. BYRD. Yes.

Mr. KENNEDY. Mr. President, I think the point that the Senator from Illinois makes is one that I made to the leader just before we were prepared to debate this issue tonight; I was and the Senator from Illinois was, too.

I will be glad to go back to, say, 40 minutes—I prefer the hour—so that we could accommodate the Senator and let him have the time perhaps prior to my amendment. I would like, at the expiration of my time, to vote on my amendment and I am sure the Senator from Illinois would like to do so, as well, I would not object if we do it on a shorter period of time, for the Senator from Illinois to vote on his amendment, and take 40 minutes on mine, and then vote on mine. I think that probably would be preferable, if that is satisfactory to the Senator. We want to cooperate with the leadership.

Mr. SIMON. I appreciate the generous offer of the Senator from Massachusetts. If that would be acceptable to the leadership, that would be fine with me.

Mr. BYRD. Very well, do I understand that the amendment by Mr. KENNEDY would still go first?

Mr. KENNEDY. I would prefer, Mr. Leader, that we start off with the Senator from Illinois, take a half an hour, come in at whatever time—quarter of 10. We vote his at 10:15, we start mine at 10:30 and vote mine at 11:15—11:10, whatever. Forty minutes.

Mr. BYRD. Forty minutes on the Senator from Massachusetts, and how much on the Senator from Illinois? Thirty minutes, did I understand?

Mr. SIMON. Fine.

Mr. BYRD. Mr. President, I yield myself an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Would the Senators consider having the debate in the morning and then having the votes back-to-back?

Mr. KENNEDY. Well, Mr. Leader, we want to accommodate the leadership on this but I really prefer to debate and vote on it. I will let the Senator from Illinois speak for himself. I am prepared to shorten the time. I am prepared to do it any time this evening, any time tomorrow morning or tomorrow afternoon, whatever is suitable to the leadership. But I would like to get a discussion and then a vote, just in terms of personal preference. I do not know how the Senator from Illinois feels about it.

Mr. SIMON. I think we both feel the same way. I think if the Senator from West Virginia had his amendment up, he would feel the same way, too.

Mr. BYRD. The Senator puts me in a very difficult position now. I say that facetiously. I do not have any amendment up so it is easy for the Senator from Illinois to say that.

Mr. KENNEDY. Would the leader consider perhaps having the Senator from Illinois have an opportunity for him to debate this early, then we go to my amendment, vote on it, but permit him, then, maybe just 10 minutes to be able to present it, and vote on his right after that? So he at least would be able to have the attention of the Senate and I would believe that Members would then understand, since we are going to have an amendment right afterward, they would probably remain to listen to the presentation.

I suggested that to the Senator from Illinois. He seems to be willing to proceed in that way, if that helps the leadership.

Mr. BYRD. Mr. President, I thank both Senators.

As I understand it, then, the Senate would proceed at, say, 20 minutes prior to 10 a.m. tomorrow for debate on the amendment by Mr. SIMON. There would be 20 minutes of debate at that point.

Then, at 10 o'clock the Senate would proceed to the consideration of the amendment by Mr. KENNEDY. There would be 40 minutes of debate on that amendment.

There would then be a vote in relation to the amendment by Mr. KENNEDY after which Mr. SIMON would have an additional 10 minutes for debate, after which the vote would occur in relation to the Simon amendment?

Mr. SIMON. That is correct. That is acceptable to me.

Mr. DOLE. Reserving the right to object, under that condition, since there is an intervening 10 minutes of debate, could the vote on the Simon amendment be 15 minutes rather than 10?

Mr. BYRD. Yes.

Mr. DOLE. Somebody always slips away.

Then, as I understand it, the amendment by Senator HATFIELD would be debated this evening. He is prepared to have his voted on, I assume, following the vote on the Simon amendment which could be a 10-minute vote.

Then I assume there would be the yeas and nays on final passage?

Mr. BYRD. Yes.

Mr. DOLE. That would be another 10-minute vote, I assume.

Mr. BYRD. Ten or fifteen, fifteen probably.

Mr. DOLE. Fine.

Mr. BYRD. Yes; because that would be, as I understand it, the last vote on tomorrow. That could be a 15-minute rollcall vote.

Mr. DOLE. There may be one more. There may be a technical amendment by the Senator from New York, Senator D'AMATO. That would not be shut off?

Mr. BYRD. It would not be because it is listed in the original agreement, I believe. That is listed in the original agreement.

Let me put the request again. Let me start all over.

Mr. President, I yield myself 5 additional minutes under cloture.

UNANIMOUS-CONSENT AGREEMENT: CONFERENCE REPORT ON H.R. 1212; CONFERENCE REPORT ON S. 1539; HOUSE CONCURRENT RESOLUTION 312; AND S. 2455

Mr. BYRD. Mr. President, I ask unanimous consent that S. 2455 be laid aside temporarily and that the Senate proceed to the consideration of the polygraph conference report on which there be a 20-minute time limitation to be equally divided, 10 minutes under the control of Mr. KENNEDY and 10 minutes under the control of Mr. HATCH; and that upon the disposition of that vote yet today, the Senate again temporarily lay aside S. 2455 and proceed to the consideration of the rail safety conference report on which there is a 2-hour time limitation; and that upon the disposition of that conference report today, the Senate again temporarily lay aside S. 2455; that the Senate proceed to the consideration of House Concurrent Resolution 312, the House companion resolution to the Dodd-Kassebaum, et al. resolution regarding President Duarte under a 10-minute time limitation to be equally divided between Mr. DODD and Senator KASSEBAUM; that upon the disposition of that concurrent resolution, the Senate then resume consideration of S. 2455 on which cloture has been invoked; that Mr. HATFIELD then proceed to call up his amendment on which there is a 1-hour time limitation; that no vote occur on or in relation to that amendment today; that beginning tomorrow at the hour of 9:40 a.m., the Senate resume consideration of S. 2455 on which cloture has been invoked; that Mr. SIMON be recognized at 9:40 a.m. to call up his amendment; that there be 20 minutes for debate until 10 o'clock on the Simon amendment, 15 minutes of which will be under the control of Mr. D'AMATO, 5 minutes under the control of Mr. SIMON; that at 10 o'clock, the amendment by Mr. SIMON be temporarily laid aside; that Mr. KENNEDY be recognized to call up his amendment on which there be a 40-minute time limitation to be equally divided between Mr. KENNEDY and Mr. D'AMATO; that upon the expiration of that time, the vote occur then on or in relation to the amendment by Mr. KENNEDY; that upon the disposition of that vote, the Senate then resume consideration of the amendment by Mr. SIMON, that amendment having been temporarily laid aside; that there be 10 minutes of debate on that amendment to be controlled by Mr. SIMON; that upon the expiration of those 10 minutes, the Senate proceed to vote on or in relation to the amendment by Mr. SIMON.

Provided further that upon the disposition of that matter, the Senate return to the consideration of the amendment by Mr. HATFIELD; that there be 10 minutes equally divided on the amendment by Mr. HATFIELD, 5 minutes under the control of Mr. HATFIELD, 5 minutes under the control of Mr. D'AMATO; and that the vote then occur on or in relation to their amendment.

Provided further that upon the disposition of that matter, there be no further amendments in order, except for the amendment making technical changes which was included under the original order.

Provided further that upon the disposition of all amendments, the Senate then proceed to vote on final passage of the bill.

Provided further that no time for debate on any motions to reconsider be available.

Mr. President, provided further that on any debatable motions or appeals of points of orders submitted to the Senate there be a 10-minute time limitation to be equally divided in accordance with the usual form.

The PRESIDING OFFICER. Are there objections?

Mr. BYRD. Mr. President, before the Chair puts the request, in each instance, I have used the word "matter," with the exception of the amendment by Mr. KENNEDY in which I used the word "vote." I change the first term to "matter" rather than to "vote." May I explain?

In each instance, I say "upon the disposition of that matter," rather than "that vote" because, obviously, there could be a motion to reconsider which is not exactly that vote and there could be a motion to table a motion to reconsider. So, if I say "matter," that does not open end the contract at all. It simply takes into consideration the fact that there may be a motion to reconsider and a motion to table, and there is no time for debate on that motion to reconsider, and will not be any time to debate on the tabling motion. "Matter" would be better than "vote." I think it will be fair to all, and the votes may occur on or in relation in each instance to the amendment.

Mr. DOLE. We have no objection.

The PRESIDING OFFICER. Are there objections? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank all Senators.

The text of the agreement follows:

Ordered, That at 10:00 a.m. on Friday, June 10, 1988, the Senate resume consideration of S. 2455, the "Death Penalty in case of Drug Related Killings", and the Senator from Illinois (Mr. Simon) be recognized to offer an amendment on which there shall be 20 minutes debate, with 15 minutes under the control of the Senator from New York (Mr. D'Amato) and 5 minutes under the control of the Senator from Illinois (Mr. Simon).

Ordered further, That at 10:20 a.m. the Senator from Massachusetts (Mr. Kennedy) be recognized to offer an amendment on which there shall be 40 minutes debate, to be equally divided and controlled by the Senator from Massachusetts (Mr. Kennedy) and the Senator from New York (Mr. D'Amato), to be followed by a vote on or in relation to the amendment.

Ordered further, That upon the disposition of that matter, the Senate resume consideration of the Simon amendment, on which there shall be 10 minutes debate, to be controlled by the Senator from Illinois (Mr. Simon), to be followed by a vote on or in relation to the amendment.

Ordered further, That upon disposition of this matter, the Senate return to the Hatfield amendment on which there shall be 10 minutes debate, to be equally divided and controlled by the Senator from Oregon (Mr. Hatfield) and the Senator from New York (Mr. D'Amato), to be followed by a vote on or in relation to this amendment.

Ordered further, That upon disposition of this matter, no further amendments be in order, except a technical changes amendment by the proponents.

Ordered further, That upon disposition of the amendments, the Senate proceed to vote on final passage.

Ordered further, That there be no time for debate on a motion to reconsider.

Ordered further, That debate on any debatable motion, appeal, or point of order that is submitted be limited to 10 minutes, to be equally divided and controlled in the usual form. (May 27, 1988) (June 8, 1988) (June 9, 1988)

EMPLOYEE POLYGRAPH PROTECTION ACT—CONFERENCE REPORT

Mr. BYRD. Mr. President, I submit a report of the committee of conference on H.R. 1212 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1212) to prevent the denial of employment opportunities by prohibiting the use of lie detectors by employees involved in or affecting interstate commerce, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of May 26, 1988.)

The PRESIDING OFFICER. Under the previous order, there are 20 minutes to be equally divided between the Senator from Massachusetts and the Senator from Utah. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself such time as I may use.

Mr. President, today the Senate addresses the conference report on H.R. 1212, the Employee Polygraph Protection Act of 1988. This legislation is long overdue.

For too long, we have known that the widespread and growing use of these so-called lie-detectors was subject to misuse and abuse.

For too long, we have allowed millions of employees and job applicants to be strapped to these inaccurate instruments of intimidation.

And for too long, we have tolerated this affront to the most fundamental American principles of decency and fairness.

Today we stand ready to send to the White House legislation which will sharply curtail a practice that is little more than a 20th century version of witchcraft. And today we stand ready to say:

No longer will we watch impassively while careers are ruined and lives are shattered.

No longer will we condone this humiliation and degradation.

And no longer will we stand for guilty until proven innocent.

While many States addressed this problem in a variety of ways—from outright bans in some States to restrictions in others or licensing of examiners in yet others—the injustices associated with this employment practice continued to increase, requiring a Federal response.

The testimony before the Labor and Human Resources Committee over the last two Congresses has been compelling, and strongly supports the conclusion reached by the Congressional Office of Technology Assessment, which found:

> While there is some evidence for the validity of polygraph testing as an adjunct to criminal investigations, there is very little research or scientific evidence to establish polygraph test validity in screening situations, whether they be preemployment, preclearance, periodic or aperiodic, random, or dragnet.

The conference report carefully balances the interests of employers and employees, based on the known scientific evidence regarding lie detectors and their potential for abuse. It bans most preemployment and random tests, which make up roughly 85 percent of the testing being conducted today and for which there is no demonstrable validity.

But employers will be able to investigate specific losses under limited circumstances—with employee safeguards in place. When there has been a specific incident of economic loss, an employer may request an employee whom they reasonably suspect was involved in the loss to submit to a polygraph test. The bill contains protections for employees who are tested and remedies for employees tested in violation of these protections.

The conference report before us is the result of years of effort in both bodies. For the last quarter century, Congress has addressed the issue of employment related polygraph use. Over a decade ago, Senator Sam Ervin observed:

> A lie-detector test to innocent employees simply wanting a job reverses our cherished presumption of innocence. If an employee refuses to submit to the test, he is automatically guilty. If he submits to the test, he is faced with the burden of proving his innocence.

The conference report before us will put an end to decades of injustice. It was approved unanimously by the conferees and overwhelmingly by the House. And the basic provisions of the conference report are what were contained in S. 1904, which this body passed 69-27 this past March.

The conference report is one of those rare pieces of legislation which enjoys widespread support from labor and management. A long list of diverse groups, ranging from the American Bankers Association and National Retail Merchants Association to the United Food and Commercial Workers, the AFL-CIO and the ACLU support the conference report.

Many have noted that this is a Kennedy-Hatch bill, and indeed, without the hard work and input of the distinguished Senator from Utah, we wouldn't be here today. But substantial credit also goes to the other members of the Labor Committee and their staffs, as well as the responsible business and labor leaders who worked so hard to improve and move this legislation.

I urge the Senate to adopt this conference report and send it to the White House. And I urge President Reagan to sign this much needed legislation. Although the administration had several concerns with the bills as originally passed, the conferees have addressed those concerns to the satisfaction of the Secretary of Labor, and Secretary McLaughlin will recommend that the President sign this legislation into law.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. DIXON). The Senator from Utah.

Mr. HATCH. Mr. President, the agreement reached by the conferees on H.R. 1212, the Employee Polygraph Protection Act of 1988, represents not just an equitable compromise between the House and Senate versions of the bill but a realistic and effective solution to the problems caused in this country by the widespread use of the polygraph and other so-called lie detectors. It is a solution which addresses both the interests of employees and the needs of employers.

In the few minutes that I have, I would like to stress four points. First, the key feature in the Senate bill—banning preemployment use of the polygraph but permitting such examinations if conducted in conjunction with an investigation—has been retained in the conference agreement. Not only does this structure respond to the key employer concern with this issue, but it also reflects the available scientific evidence which indicates that polygraphs cannot predict future performance but can be helpful if used in conjunction with a specific investigation. The exemptions that were contained in both the House and the Senate bills for security services and drug companies were also retained.

Second, the bill ensures that, where an employer meets the standards set forth in the legislation and requests that an employee take a polygraph and the employee refuses, such an employer is not in a worse position for having requested the exam. The evidentiary basis needed to request such a test is sufficient for taking an adverse employment action should the employee flunk the exam or refuses to take the test. As the conference agreement states:

> The conference agreement makes clear that, among other rights, an examinee may refuse to take a test, terminate a test at any time, or decline to take a test if subject to a medical condition that might cause an abnormal response. The conferees intend that an individual who exercises any of these rights be treated the same as one who refused to take a test, with the protections incident thereto. The conference agreement also makes clear that an examinee must be informed of the actions an employer may take if the examinee exercises these rights, including taking an adverse employment action provided that the other requirements of the Act have been satisfied.

Third, the administration indicated that it had several problems with the bill, and I believe its concerns have been satisfactorily addressed. One of their key objections involved the role of the Secretary of Labor in drafting appropriate licensing standards for polygraphs, given the fact that the Department of Labor has no recognized expertise in this area. As a result, this requirement was eliminated and licensing standards have been left to the States, other than a requirement that the examiner be bonded.

In addition, the administration was concerned with portions of the bill regarding a private right of action. Again, these portions of the bill were changed to ensure that the kinds of relief that could be sought under this legislation were similar to the kinds of relief that could be obtained under other Federal labor statutes. At the same time, the conference agreement also makes clear the nothing in this bill would serve as a bar to recovery of awards which currently can be given in actions involving the polygraph.

Finally, the administration asked that it be made clear that the Solicitor of Labor could represent the Secretary in any action arising under this bill. Again, the legislation was changed to accommodate the administration's request.

My fourth and final point, Mr. President, is that the conference agreement represents what this Congress can accomplish in the area of employee rights when there is a genuine desire to fashion an equitable compromise. The senior Senator from Massachusetts, who is chairman of the Committee on Labor and Human Resources, should be congratulated for his willingness to listen and work with all of the interested parties. But for his leadership, we would not have this bill before us today.

The Senator from Massachusetts and I often do not see eye to eye of labor issues, especially when Congress is being asked to duplicate or replace the collective bargaining process or to reward one party with what it could not win at the bargaining table. But we can, and have, worked together when there is a serious problem that needs addressing, when the legislative remedy does not ignore the legitimate needs of some of the parties, and when there is a desire on both sides of the aisle to fashion equitable, effective Federal law.

The widespread support for this bill among the majority and the minority, among conservatives and liberals, and among unions and employers, is unique, but this is a unique bill. It is a bill that all my colleagues can support, and I hope they will vote in favor of the conference report and send it to the President. I believe President Reagan will sign this conference agreement.

It is time to stop using polygraph testing as a crystal ball to predict the future and to begin using it for the purpose for which it was designed—a tool to assist an investigation, not the investigation itself. It is time that other so-called lie detection devices, such as voice stress analyzers, are banned. And it is time that the working men and women again have the right to be judged on the basis of their own skills, experience, and performance. It is time that we return some dignity to the hiring process.

I thank everybody concerned but in particular my colleague from Massachusetts, with whom I enjoy working very much.

I yield the floor.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER (Mr. DIXON). The Senator from Florida.

Mr. GRAHAM. Will the Senator from Utah yield for a question?

Mr. HATCH. I am delighted to yield.

Mr. GRAHAM. I would like to preface my remarks by saying this issue has been of particular concern in my State which is a State hallmarked by a tremendous amount of mobility in the work force, a limited amount of information often available to an employer in making the employment decision in areas of great sensitivity.

My question is this: Has there been evidence that employers, who in the main are financing the cost of these polygraph examinations and, therefore, have some economic disincentive not to use them unless they find them to be of some value in making that preemployment decision, has there been evidence that employers have been, on a scale that warrants this Federal prohibition against preemployment testing, using them in either a discriminatory, invidious or frivolous manner?

Mr. HATCH. I am sorry; I just missed the last part of the question.

Mr. GRAHAM. I will start again. My premise is that employers would not spend money to do an examination including an examination using polygraph unless they felt that they were getting some value out of the information from the polygraph, and therefore this prohibition we are about to impose infers that there are other motivations, whether they be invidious, discriminatory or ignorant, that require a Federal preemption.

My question is, What is the basis of the determination that there are those motivations that warrant a Federal preemption for preemployment use?

Mr. HATCH. No. 1, it has never been determined to this day that preemployment polygraph is efficacious or valid in determining how an employee might act or react after employment. No. 2, the employers have been using what is called quick polygraphs of around 15 minutes. Most of the experts testifying will testify that about 85 percent of those are inaccurate. No. 3, employers have been using the polygraph not so much to actually pay attention to the actual test but the mere threat of being able to use the polygraph causes potential employees to come clean and tell a lot of things that they probably would not tell otherwise.

So it has been used as an intimidation device as well. There has been no significant difference I might mention between States where ploygraphs are banned and others where the polygraph is permitted in terms of preventing future theft. We think that is a realistic statement. In fact, I know it is. So it really has not been a valid instrument for preemployment testing or screening.

Mr. GRAHAM. What concerns me is that the employers have been paying in some cases substantial fees in order to have these tests administered. What is the evidence that leads us to believe that employers have been active in a foolish, wasteful manner in doing so unless we are to say that all the time that they have been used has been for ill motives such as to intimidate potential employees? The employers who contact me in my State say we have as great an interest as any employer in the country to know about the background of these individuals and to make intelligent, informed employment decisions. The problem in a State like mine, Florida, is that given the high rate of mobility of the population we do not as potential employers have access to the kind of information that would be available such as family background, educational background, community information, and, therefore, this preemployment information garnered through the use of polygraph is an important part—not all, not total, not determinative—of the preemployment judgment. We are not trying to deceive ourselves because it is in our interest to be able to make informed judgments as to who we employ.

So my question comes back, what is the evidence that these employers are so misguided in their decisions that warrants Federal preemption?

Mr. HATCH. The distinguished Senator from Massachusetts would also like to speak to this question. But let me say that the hearing records are replete with examples of abuses that employers have made with regard to the use of polygraph as a preemployment screening device.

The PRESIDING OFFICER. May I interrupt the distinguished Senator from Utah to announce that his time has expired? Will the distinguished Senator from Massachusetts permit him to proceed on his time?

Mr. KENNEDY. For a couple of minutes.

Mr. HATCH. I hasten to say that there are many legitimate employers who are very sincere in trying to use the polygraph as a preemployment screening device. I think some of them have been misled because some of these polygraph examinations which are not highly costly because they do not take enough time and do not meet at least four of the basic requirements to have an effective polygraph test; basically a good polygrapher asking intelligent questions that are well constructed questions over a prolonged period of time with an effective analysis. They have been giving 15-minute quickie polygraph examinations. If you meet all four of those tests and maybe a few others, you are going to be right about 85 percent of the time. If you do not do that, you are going to be wrong most of the time. We found that most of these polygraph examinations were wrong even though sincere employers were actually using them.

So we felt it was wrong, and I think the vast majority of people who look at them feel they are wrong, including some of the leading polygraphers in this country and leading experts on the use of the polygraph. But be that as it may, the record is replete with examples of how it is abused. I thank my colleague.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 4 minutes and 45 seconds.

Mr. KENNEDY. Let me yield in 1 minute.

I understand that Florida has made wide use of polygraphs, but I also understand that there really is not any statistical information that would indicate that there has been a reduction in theft, for example, in the situations where the polygraphs have been used.

I think reference was made by the Senator from Utah, and references were made during the course of the larger debate, about the comparisons among the various States. But beyond that, let me add that the really definitive study done by OTA indicates that the polygraph is a useful measure as part of a total kind of an investigative process. I do not think any of us who are supporters of that would question it. But then I think there was overwhelming evidence, enormously convincing evidence that it does also result in about 25 percent false negatives, whether it is in Florida or in any other State.

So if you have 2 million of the polygraphs being used you are effectively saying to over 200,000, I think the figures are close to 240,000, you are labeling individuals as being deceptive that are basically not deceptive.

That is the scientific information that we have. I do not question the good faith of those in Florida that are suing that, and what they are attempting to try to do. But the sound scientific information would raise serious questions about the utilization of it. That is really what we attempted to bring out in the course of the debate.

We have a short time. If the Senator wanted to respond, I see the Senator from Texas wanted time.

The PRESIDING OFFICER. The Senator from Massachusetts has 3 minutes left.

Mr. KENNEDY. I will give 30 seconds to the Senator from Florida.

Mr. GRAHAM. I appreciate, Mr. President, the brief time.

This is a difficult issue because no one wants to be on the side of a process that discriminates or invidiously labels people. My concern is that there are certain circumstances that vary from State to State. I would be enthusiastic in supporting Federal legislation which would recognize that, and set some strong Federal standards but nothing as far as a total preemption for the use of this in preemployment circumstances. I think the marketplace is operating. People are paying substantial sums in order to administer these tests. These people, bankers, pharmaceutical companies, others who have a high interest in the security of their employees are not doing this frivolously.

I believe that until there is stronger evidence than I believe is available today we ought to respect that and target the Federal role as a standard-setting role, sensitive to differences from community to community, State to State, and business to business and not a total prohibition on preemployment use.

The PRESIDING OFFICER. The Senator from Massachusetts has 1 minute and 30 seconds.

Mr. KENNEDY. I yield all that time to the Senator from Texas.

Mr. GRAMM. Mr. President, I thank my dear colleague for his generosity. I will be nonargumentative given that generous gesture.

Mr. President, when we voted on this bill to begin with, I thought it was a bad bill. I have not changed my mind. The bill is worse today than it was when we passed it. I hear my distinguished colleague talking about how terrible these lie detector tests are and that they do not work, how they abuse people who are found in false positive, or false negatives, I guess, whichever way you look at it. But it is very interesting to me that this bill exempts government. Somehow we can live with all of those faults in Federal, State, and local government. What is happening for the people riding in the wagon that is so important that we can use these faulty tests, imperfect though they may be, but for the people pulling the wagon, we for all practical purposes eliminate the ability to use these test?

If this were a bill that set Federal standards, given the fact that we have not had very good State standards, my old States' rights heart might quiver a little, but I guess I would support it. It is the banning nature of this bill I oppose.

I offered an amendment, which was adopted, which allowed polygraph testing in nuclear powerplants, and that amendment has been dropped from this bill. We had protections related to security matters, and those matters have not been protected, except in the case of top-secret matters.

So I think this is a poor bill. If I were the President, I would veto it. Twenty-seven people voted against it before. I would like to see that number grow a little. I thank the Chair for its indulgence. I urge my colleagues to vote "no" on this conference report.

Mr. METZENBAUM. Mr. President—I rise today in strong support of the conference committee report on the Employee Polygraph Protection Act of 1988. The original Senate bill passed with overwhelming bipartisan support with a 69-to-27 vote. The legislation unanimously reported by the conferees is very similar to the Senate bill. The House has already approved the conference report and the Senate should do the same so that the President can quickly sign the bill into law.

Mr. President, America's workers need this legislation. Each year private employers administer nearly 2 million polygraph tests to employees. Careers are crushed and reputations are ruined because of these intimidating, unscientific and inaccurate tests. This legislation eliminates over 85 percent of the current uses of the polygraph by banning preemployment screening and random testing. Innocent job applicants or employees will no longer be strapped to a machine as a requirement for getting or keeping a job.

But we cannot ignore the fact that employers lose billions of dollars each year because of theft. The bill allows employers to use polygraph tests as one tool in investigating a specific incident of theft or crime. The bill also recognizes that the private security industry and employers distrributing controlled substances have special circumstances which demand broader use of polygraph tests.

Even though the bill permits limited uses for the polygraph, any employee subject to a test must be fully informed of his rights. In addition, there are important safeguards established to insure that the administration of the test is not abusive.

The conferees have worked hard to craft this workable compromise. We worked closely with the administration, though the Department of Labor, to develop this conference agreement and the Department fully supports the conference report.

This bill would not be possible without the leadership and dedication of Senators KENNEDY and HATCH. They deserve enormous credit for working together to champion this important legislation.

I urge all my colleagues to support the conference report on the Employee Polygraph Protection Act of 1988.

The PRESIDING OFFICER. All time has expired.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report on H.R. 1212. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Florida [Mr. CHILES], the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KERRY], and the Senator from Ohio [Mr. METZENBAUM] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

I further announce that, if present and voting, the Senator from Tennessee [Mr. GORE] and the Senator from Massachusetts [Mr. KERRY] would each vote "yea".

Mr. SIMPSON. I announce that the Senator from Maine [Mr. COHEN], the Senator from New Mexico [Mr. Domenici], and the Senator from Pennsylvania [Mr. SPECTER] are necessarily absent.

The PRESIDING OFFICER (Mr. WIRTH). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 68, nays 24, as follows:

[Rollcall Vote No. 173 Leg.]

YEAS—68

Adams
Armstrong
Baucus
Bentsen
Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Durenberger
Evans
Exon
Ford
Fowler
Glenn
Harkin
Hatch
Hatfield
Heflin
Heinz
Hollings
Humphrey
Inouye
Johnston
Kasten
Kennedy
Lautenberg
Leahy
Levin
Lugar
Matsunaga
Melcher
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Stafford
Stennis
Stevens
Weicker
Wirth

NAYS—24

Bond
Cochran
Garn
Graham
Gramm
Grassley
Hecht
Helms
Karnes
Kassebaum
McCain
McClure
McConnell
Nickles
Pressler
Quayle
Roth
Rudman
Symms
Thurmond
Trible
Wallop
Warner
Wilson

NOT VOTING—8

Biden
Chiles
Cohen
Domenici
Gore
Kerry
Metzenbaum
Specter

So the conference report on H.R. 1212 was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. CRANSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RAIL SAFETY IMPROVEMENT ACT—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report on S. 1539, which the clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1539) to amend the Federal Railroad Safety Act of 1970, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of May 19, 1988.)

Mr. BYRD. Mr. President, I wonder if we could inquire as to whether or not any Senator expects to ask for a rollcall vote on the adoption of this conference report. There are 2 hours on the conference report. If no Senator insists on a rollcall vote, we could have a voice vote.

Mr. DANFORTH. I know of no one who wants a rollcall vote. I think it is a noncontroversial conference report.

Mr. BYRD. Very well. Then there will be no more rollcall votes today.

MODIFICATION OF UNANIMOUS CONSENT AGREEMENT

Mr. President, I ask unanimous consent that the agreement for tomorrow morning, beginning with the resumption of consideration of the death penalty measure, that that whole order as entered be slipped 20 minutes; in other words, instead of beginning at 9:40 a.m., the Senate would resume consideration of the bill at 10 a.m. and every item moved accordingly 20 minutes later.

Mr. DODD. Mr President, reserving the right to object, would it be permissible if we might deal with the Duarte resolution in the morning rather than waiting around this evening for the conclusion of the debate on the railway safety conference report and make that the first item of business in the morning without a rollcall vote?

Mr. BYRD. It would have to come before 10. We will begin at 9:40 on the Duarte resolution, with no rollcall vote, and have 20 minutes equally divided.

Mr. DODD. I thank the majority leader.

Mr. LEAHY. Reserving the right to object, and I shall not object, I ask the majority leader, what would that mean as to the final passage of the death penalty bill? That would come at what time?

Mr. BYRD. Mr. President, we have not calculated the time at which the final vote would occur precisely, because we have three amendments factored in with a time on each and rollcall votes in relation to each. The first vote under the previous order would have occurred at 10:40 a.m. Under the revised request, the first vote then would occur at 11 a.m. All other votes would be slipped accordingly by 20 minutes.

Mr. LEAHY. The time for final passage of the bill would be 20 minutes different?

Mr. BYRD. The only factor is 20 minutes.

Mr. LEAHY. I have no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD. I thank the Chair, I thank the Republican leader, and I thank all Senators.

The PRESIDING OFFICER. Who yields time?

Mr. EXON. Mr. President, parliamentary inquiry. There are 2 hours, equally divided?

The PRESIDING OFFICER. There are 2 hours, equally divided.

Mr. EXON. Mr. President, I would advise the Chair—and my colleague from Missouri is here—that we probably will not use that much time. I alert anyone who wishes to make statements or comments about the Rail Safety Improvement Act to come to the floor. I think that we can handle this in a fairly speedy fashion.

Mr. President, I yield myself whatever time I might need for opening remarks.

Mr. President, I am pleased that the Senate has turned to consideration of the conference agreement of S. 1539, the Rail Safety Improvement Act of 1988. Passage of this important piece of legislation, as well as the ultimate approval of the drug and alcohol testing legislation in conference as part of another measure, should do much to improve the safety of both rail workers and the traveling public.

In January of last year, the Nation's eyes were turned toward the tragedy that occurred in Chase, MD in that accident, 16 lives were taken and over 170 persons were injured when an Amtrak train collided with three Conrail locomotive units. The lessons learned from this and other accidents played a significant role in a series of safety hearings in the Senate that resulted in the legislation now under consideration.

S. 1539 contains a number of major provisions. It is the most significant piece of legislation to improve railroad safety in many years. I will concentrate on a few of the major items.

At the outset, this bill reauthorizes the Federal Rail Safety Program for fiscal years 1988-90. Funding for the program is increased and inflation is factored in so that a strong safety effort will be in place over the period of this authorization.

The Rail Safety Improvement Act also increases the level of fines that may be imposed for violations of Federal safety laws and regulations. The current $2,500 per violation per day maximum, established in 1970, is increased to $10,000, with a new super penalty of $20,000 that may be imposed where a grossly negligent violation or pattern of repeated violations has caused death or injury or an imminent hazard of death or injury.

The bill requires certification that pre-trip cab signal and equipment tests are performed and it includes a special penalty to prohibit willful tampering or the disabling of safety devices.

The legislation under consideration also allows individuals to be held responsible should they violate Federal safety laws and regulations. The Federal Railroad Administration's [FRA] enforcement authority is currently limited to actions against rail carriers. This limitation on the FRA's authority was identified during our hearings as a loophole in our Federal safety laws; it is a loophole closed by this legislation.

For the first time, individuals—both labor and management—will be subject to fines when they willfully violate safety laws and regulations. Individuals may also be barred from performing safety-sensitive functions in instances where it is found that they pose a safety threat. Of course, extension of the FRA's authority to individuals is not intended to diminish the continuation of a strong enforcement role by carriers.

Adoption of the conference agreement will, for the first time, result in Federal rules to ensure that operators of locomotives are qualified to perform their safety-sensitive tasks.

Currently, there are no Federal standards to protect the public interest in ensuring that these operators are qualified and fit. Yet, the very nature of an engineer's duties results in a strong correlation between the proper performance of their duties and the safety of the traveling public and their fellow workers. For this reason, the conference agreement requires that within 12 months after the date of enactment of this legislation, Federal rules will be in place for the licensing or certification of operators.

As a part of this process, an operator's automobile driving record will be examined to determine whether it evidences factors which suggest that a person poses a safety risk and for which reason Federal certification or licensing should either be conditioned or denied.

While this bill contains a number of other provisions of critical interest to the House and Senate conferees, I will not go into them in detail. They are spelled out in the agreement. I would like to say, however, that this conference agreement represents a strong bipartisan effort on the part of both Houses to take steps that we hope will lead to significant improvements in rail safety.

A great deal of discussion and thought went into the agreement under consideration, as well as the original House and Senate versions of this legislation. Suffice it to say, this agreement would not have been possible without genuine cooperation on the part of all the conferees. I would like to express particular appreciation to the Senate conferees—Senators HOLLINGS, ADAMS, DANFORTH, and KASTEN—who worked closely with me in the development of this agreement. Their interest in this matter, as well as that of Senator LAUTENBERG, chairman of the Senate Transportation Appropriations Subcommittee, who urged the inclusion of a number of key provisions of the final agreement, proved to be of invaluable assistance. I thank them for their help and urge passage of the conference report.

Mr. President, while I have several other members of the Commerce Committee on the floor I would like to thank all of the members of the conference committee and the Surface Transportation Subcommittee for the lengthy hearings and the lengthy discussions, the give and take and the input that resulted in the bringing of all sides together on this particular bill. I certainly would be remiss if I did not thank my friend and colleague from Missouri, Senator DANFORTH, who is the floor manager on the minority side, for his great help from the very beginning.

Likewise, I wish to thank my friend from South Dakota, Senator PRESSLER, another member of the committee who was actively involved from the very beginning on this important matter.

And certainly last but not least, I want to emphasize, once again, the keen contribution that was brought to bear and many suggestions that were incorporated in this act as a result of my friend and colleague, Senator LAUTENBERG, from the State of New Jersey.

Mr. President, I reserve the remainder of my time and I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, I yield myself so much time as I require.

Mr. President, let me describe to the Senate what this bill is and what it is not.

It is a very significant piece of legislation.

John Riley, who is the Administrator of the Federal Railroad Administration, has said—and this is his quote, "This bill represents the most significant advancement in rail safety since the establishment of the agency 21 years ago."

So, it is a very big piece of rail safety legislation. Among other things, it provides the Secretary of Transportation for the first time with authority to levy sanctions against railroad employees as well as railroad companies. It provides for the licensing or certification of operators of locomotives. There is no such provision now. You can operate a locomotive without any licensing, without any certification. This provides for that process.

It increases the maximum civil penalty allowed for safety violations. It prohibits tampering with safety devices on trains. It provides for penalties for tampering with those devices.

These are some of the things that the bill accomplishes and for these reasons it is an important piece of legislation. It does provide more authority for the Federal Railroad Administration to get at some obvious problems that we have today in rail safety.

Mr. President, I would also like to point out what this bill does not do. This bill does not address one of the most obvious problems that we have now in transportation safety and that is drug and alcohol use by people in safety-related transportation jobs.

Mr. President, last October the 29, the Senate, by a vote of 83 to 7, added an amendment to the Air Passenger Protection Act, H.R. 3051. That would provide for testing of safety-related transportation employees: Testing preemployment, testing for cause, testing after accidents, testing on a periodic basis, and, most important, mandatory random testing for safety-related transportation employees; drug and alcohol testing.

Mr. President, in January 1987 an Amtrak train crashed into a Conrail locomotive at Chase, MD. A lot of people who were on that train, that Amtrak train, were young people who were going back to college after the Christmas vacation. The Conrail engineer and brakeman had both been smoking marijuana on the job. They had run safety signals. They had moved their locomotive out on the track that was to be occupied by the Amtrak train, and that is what caused the accident.

The engineer and the brakeman who operated that Conrail locomotive testified before the Senate Commerce Committee some time ago on drug and alcohol use in the rail industry.

Coincidentally, both the brakeman and the engineer had worked on the railroad for 14 years. We asked them a series of questions about the prevalence of drug and alcohol use in the railroad industry and both testified that the situation now is not quite as bad as it was when they went to work for the railroad. Then, they said, they would be looked down upon if they did not drink or use drugs on the job.

We asked them what percentage of the employees, the engineers, the brakemen, and the conductors—and those are the safety-related employees on freight trains—what percentage of them, they think, use drugs or alcohol on the job.

They said that 14 years ago it was about 80 percent. Today it is somewhat less.

How much less, we asked?

One of them said it is now about 40 to 50 percent on-the-job use of drugs or alcohol and the other one, the engineer, said, well, it was not that high. It was maybe 10 to 20 percent.

So the minimum range of use on the job of drugs and alcohol, according to these two people who have worked in this industry, the minimum range was 10 to 20 percent of engineers and brakemen and conductors, those people who are in charge of operating freight trains. Minimum 10 to 20 percent on-the-job use.

We said, well, how does that break down between alcohol and drug use? They said it is about 50-50.

What do you mean by drug use, we said?

Well, mainly it is marijuana. Sometimes cocaine, sometimes amphetamines.

What do you mean by alcohol use?

They said typically it is beer, not hard liquor, although there is some hard liquor. But typically it is beer.

How much beer?

The answer: Typically a case per person per shift.

Mr. President, clearly we have a problem in transportation with drug and alcohol use on the job. At Chase, MD, 16 people were killed because the engineer and the brakemen were smoking marijuana. Since Chase, MD, there has been an average of one rail accident every 10 days in which drug or alcohol use has been involved. One every 10 days. Fourteen people have been killed since Chase, MD, in drug- or alcohol-related rail accidents.

The Senate passed a bill on October 29 providing for testing not for everybody, not just uniform testing throughout the country because we like to test people, but drug and alcohol testing for safety-related transportation employees.

Since October 29, 1987, 7½ months have gone by and the House will not even conference with us. This issue has been hung up by members of the Energy and Commerce Committee and members of the Public Works Committee in the House. They will not do anything about it.

The problem is not just in rail transportation. The problem is throughout the transportation industry.

What else has happened since we passed this bill in the Senate on October 29? Well, in January, in Durango, CO, a commuter plane crashed killing nine people, and the pilot of that plane tested positive for cocaine—cocaine used by an airline pilot. I was told when visiting one of the smaller cities in my State a few months ago of a doctor in that city who is treating a commerical airline pilot for cocaine use.

Then we have the situation on May 19 of a truck driver on the L.A. Freeway who managed to ram two dozen vehicles and police found drug paraphernalia and a partly smoked marijuana cigarette and other narcotics in the cab of that truck.

How many more accidents are we expected to have? How many more 10-day cycles for rail accidents are going to have to occur? How many more planes are going to have come down in the mountains of Colorado or elsewhere? How many more trucks are going to ram into cars when people are smoking marijuana or using cocaine or drunk?

Some people have said: "Well, there should be some kind of right either to use drugs or not to be tested for the use of drugs." Where is that right? Where is the right to take other people's lives in your hands when you have been using drugs or alcohol? There is no such right.

Where is the right not to give a urine sample? Airline pilots expect passengers to go through metal detectors because a passenger might be carrying a gun; passengers to have their baggage subject to inspection because there might be explosives in the baggage. And yet pilots are supposed to have some right not to be examined for drug use.

Mr. President, we have had all kinds of things on the floor of the Senate dealing with the drug problem. Everybody has an answer to the drug problem. Every politician who can put out a press release has an answer to the drug problem. We are just debating it today in the Senate.

How do you deal with the drug problem? Some people say, well, you kill some people, that will take care of the problem; or let us get at Mr. Noriega, that will take care of the drug problem. You get Mr. Noriega out of Panama, and he is going to be replaced by another Mr. Noriega.

When you are talking about really doing something about the drug problem, you have to make people feel that they are responsible for the use of drugs and for the use of alcohol. The way to make them responsible is to make them know that they cannot hold jobs where they take other people's lives in their hands if they have drugs in their system or if they are under the influence of alcohol.

The testimony we had in the Senate Commerce Committee by John Riley, the Federal Railroad Administrator, was that the only real deterrent to drug use on the job was random testing. The testimony we had from Ricky Gates who was the operator of that locomotive at Chase, MD, was that the only deterrence to drug use is random testing.

If we want something that works it is testing on a random basis and, again, this legislation does not suggest it for everybody under the Sun; it suggets it for people who are operating airplanes and locomotives and trucks and buses, people whose job it is to have the lives of others in their hands.

Seven and a half months we have been waiting for the House to confer on this legislation. Where is the House of Representatives? Why do they not act? Because without action on this legislation, then all of the political talk about the drug problem is just so much talk. It is political hukum.

Mr. President, I take this opportunity to talk about this issue because we are talking about rail safety in this legislation today. But the time has come, after 7½ months of waiting, for those of us in the Senate who voted 83 to 7 on October 29 to bring this up at every chance, to debate it at every chance, to make this an issue at every chance so that eventually the House will come to the table with us and we can work out legislation which is absolutely essential to save human life.

Several Senators addressed the chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. EXON. Mr. President, I yield whatever time is necessary to my colleague from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. I thank the distinguished Senator from Nebraska.

Mr. President, I rise in support of the conference report on S. 1539, the Rail Safety Improvement of 1988. Passage of this bill will affirm congressional commitment to improving safety on our rail systems.

As author of the first rail safety bill introduced in the 100th Congress, I am pleased to have played a part in this process. I want to commend Senator Exon for his leadership and efforts in steering this bill through the Senate and through the conference with the House. His leadership has been critical. His concerns have been essential.

I also want to compliment Senator Danforth with whom I have worked on many safety issues, including rail, highways, and aviation.

This is significant piece of legislation. It will help provide the tools to maintain and enhance safety on the rails.

It sends a message to the railroad industry and its workers that we are not going to tolerate any efforts that undermine safety.

Companies violating safety requirements will face stiffer penalties. Individuals, for the first time, will be held accountable for willful actions that jeopardize safety. Workers will be provided with protection against harassment when they blow the whistle on unsafe practices.

Mr. President, the action leading to this vote accelerated with the tragic Amtrak-Conrail accident in Chase, MD, in January 1987. As my colleagues know, that accident took a terrible toll, the lives of 16 people and injury to 175 others. I went to the site of that crash and came away determined to do what I could to prevent more tragedies like that.

Two weeks later my Subcommittee on Transportation Appropriations held a hearing on the crash. We wanted to find out how and why it happened, and what could be done to keep it from happening again. As a result of that investigation, I introduced S. 1098, the Rail Safety Improvement Act of 1987.

Mr. President, the need for this legislation did not disappear as the memory of Chase faded from the public's mind. Just in the last few weeks in New Jersey, we have seen grim reminders of the need to bolster rail safety. There have been several train accidents, one of which resulted in the loss of life. It is my hope that this bill will greatly cut down the chances of more such accidents.

S. 1098 was the subject of Commerce Committee hearings in the spring and the summer of 1987, and I am pleased to note that many of the provisions in that legislation are found in the measure before us today. S. 1098 required minimum Federal standards through a license for railroad operators. It is hard to explain why one needs a license to operate a car or a truck and does not need one to operate a railroad train. It is hard to imagine that the operator of an airplane, no matter how small, is required to have a license, but that the engineer of a train, that may be moving over 100 miles an hour with 1,000 passengers aboard, does not need a license.

This bill also provides for access to the NDR, the National Driver Register, when evaluating a train operator's application for a license or certificate. We have a right to know what type of person is behind the controls of our trains, whether they be carrying hundreds of passengers, freight, or hazardous cargo. The accident at Chase showed us how little we now know.

The conference report contains the requirement of minimum Federal standards and would have the Secretary consider a licensing program as part of that effort. It would allow access to the NDR, with the applicant provided the opportunity to comment in writing on that information.

The bill before us also includes the whistleblower protection, as contained in S. 1098. In order for safety to be given the highest priority, employees have to be able to bring problems to light without fear of recrimination.

As did S. 1098, this bill also expands the list of projects eligible for Northeast corridor improvement project funding.

Mr. President, this bill also contains provisions I offered as amendments on the Senate floor, including requirements for written certification of predeparture inspections and the installation and use of automatic train controls and event recorders. Had we had this kind of a rule before, it is likely that the accident at Chase would not have taken place, despite the impairment of the engineer.

This bill takes steps leading to the reduction of through-freight traffic on the busy Northeast corridor. The Northeast corridor, as the most heavily trafficked stretch of rail in the country, is rightly the focus of particular attention in this bill. The Secretary of Transportation is directed to establish a Northeast Corridor Safety Committee comprised of users of the system. The aim of this committee is to work toward enhanced safety practices on the corridor.

Mr. President, the Rail Safety Improvement Act is a strong bill. It represents the combined efforts of the Congress, labor, industry, and concerned citizens, and I hope that my colleagues will support it.

The PRESIDING OFFICER. Who yields time?

Mr. DANFORTH. Mr. President, I yield such time as required by the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. WILSON. Thank you, Mr. President.

Mr. President, I rise in support of the conference report. It is, as you have been told, important legislation. It will provide significant improvements in rail safety.

Having said that, it is clear, I think particularly from the splendid statement of the senior Senator from Missouri, Mr. DANFORTH, that whatever the improvements it offers in rail safety, it is spectacularly lacking in that it fails to address the most obvious and serious threat to the safety of the rail traveling public because it simply does not provide what it should, a comprehensive Federal drug testing plan, a mandatory and random testing plan of the kind that is the only guarantee that rail passengers will have that they will not again find themselves in one of the incredible number of accidents that have occurred since the Chase tragedy.

You have heard from several speakers, most eloquently from Senator DANFORTH, the incredible fact that both the engineer and brakeman involved in the Chase tragedy had disabled themselves from being able to do their duties by the use of drugs. You have heard that since that time, in the 16 months that have ensued, with that tragedy fresh in mind, there has been no loss in tempo in the use of drugs by those who continue to take irresponsibly their duty to provide for public safety. In the 16 months, there have been another 42 accidents in which 340 more people have been injured, 14 more killed.

As the Senator from Missouri told you, it is not simply a case of this remarkable dereliction of duty on the part of those who are railway employees. It seems endemic to the entire transportation industry. Perhaps the most remarkable of the examples that can be provided is that the Federal Aviation Administration, in testing its own employees who are responsible for air safety, removed 39 of them to date after they tested positive for illegal drug use.

Mr. President, it is shocking beyond description; the testimony that Senator DANFORTH has related was some of the most shocking that I have ever heard. What was even more difficult to believe than the pattern and the level of drug use on the part of railway employees was the opposition stated at that hearing by representatives of their union. The representatives of the union spoke of employee rights. They said that we should be satisfied with the voluntary program that had been espoused by the union.

Mr. President, I am not satisfied, and no one can be, when in the 14 months since the Chase tragedy 340 more people have been injured, 14 more killed in accidents in which drugs or alcohol have been involved.

That is not something that we can say is a record. We cannot ignore the crash in Colorado that took lives knowing that the pilot tested positive in the autopsy for cocaine. During its November 1983 strike Greyhound Bus Lines took applications from experienced innercity bus drivers. They found that 30 percent of the applicants whom they tested tested prositive for marijuana use.

Mr. President, we simply cannot accept the statement of those who would oppose random mandatory testing. We cannot be satisfied that we will be safe either in the air or on rail or on the freeways of Los Angeles. It is a miracle that no one was killed when that idiot in the cab of that truck had disabled himself with marijuana, in a cab that was not only littered with drug paraphernalia and other narcotics, but the partially smoked marijuana cigarette that he has been using at the time that that near tragedy occurred.

It has been 6 months since the Danforth amendment was agreed to in the Senate 83 to 7, 6 months during which we have seen lives lost, accidents occurring. It is remarkable that more lives have not been lost. Mr. President, the American traveling public is entitled to basic competence from those airline cockpits, in locomotive cabs, in the cabs of trucks, and yet in the 6 months nothing has happened in the House Energy and Public Works Committee. The Danforth amendment languishes there.

Mr. President, for many, many days this spring we have talked about a war on drugs. We have sought by a variety of efforts to improve both the interdiction of supply and to focus upon the need for a far greater and more successful effort in the curtailment of demand. This happens to be a question of demand, and how we deter the use of drugs. If we say to those working in the transportation industry that they cannot work if they test positive for disabling drugs, it may have the intended effect of the Danforth amendment. It may save the lives of those who must travel and must use public transportation to do so.

Mr. President, the point is so obvious. The testimony is so shocking, the statistics are so glaring that there is no need to echo the pleas that have been made. I will state it as simply as I can. It is irresponsible and inexcusable for those who hold the lives of the American traveling public in their hands to disable themselves by the use of illegal drugs or alcohol. It is inexcusable, and incredibly irresponsible for those in the Congress who have the power to enact mandatory random testing to fail to do so when their failure clearly threatens with the continued loss of life of the American traveling public. There is no excuse for it.

So it may be that we will have to send them a message again, and send that same Danforth amendment again. But in God's name, why is it necessary when every day that passes without the enactment of that law may very well mean still more loss of life? Every 10 days since Chase, there has been another rail accident.

Mr. President, there is no excuse. It is difficult to know what pressure will be required. I wonder if the members of that committee have had an opportunity to speak with the parents of the 16 who were killed in the Chase accident.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, I note that the conference substitute follows the House bill in retaining the word "shall" in the Safety Act's civil penalty provision. As explained in the conference committee's report, the intent in retaining that word was to affirm current law on the matter of the Secretary's prosecutorial discretion. Throughout its history, FRA has exercised discretion in determining whether a particular situation merits civil penalties, and the courts, as in the case of *Railway Labor Executives' Association* v. *Dole* (760 F.2d 1021, 1024-25, 9th Cir. 1985), have upheld the exercise of that discretion. Thus, the conferees concluded there was no need to change the rail safety statutes to clarify the Secretary's existing discretion. Moreover, it was feared that substituting "may" for "shall" could give a future FRA Administrator the mistaken impression that total abdication of enforcement responsibility under the railroad safety laws would be acceptable. Of course, we expect the laws to be enforced, but it is especially important that the Secretary's discretion to determine when civil penalties are necessary as a deterrent be reaffirmed as we enter an entirely new era of direct enforcement against individuals. In retaining the current language of the safety laws we intend to reaffirm the case law interpreting the safety statutes as giving the Secretary broad prosecutorial discretion.

Mr. KASTEN. Mr. President, I rise in support of this conference report on S. 1539, the Rail Safety Improvement Act of 1988. There can be no doubt that this legislation was given an added impetus by the unfortunate accident at Chase, MD, in which 16 died, and 170 were injured. There we saw all of the problems that shocked us during the Commerce Committee hearings leading up to this bill. Safety devices were tampered with and rendered ineffective, and the crew had been using drugs.

I personally was shocked by testimony we heard about the widespread incidences of tampering. Therefore I am particularly pleased by the extension of the FRA's authority to levy fines and sanctions against individual offenders. This brings the authority of the FRA in line with that of the FAA in ensuring safety.

Other provisions of this important legislation, arrived at after extensive hearings and a long conference with the House include:

Funding for Federal safety programs under the FRA at levels from $40 million in fiscal year 1988 to $44 million in 1990.

Provides for the development of a program for licensing of operators of locomotives, with consideration of an operators automobile driving record.

Provides for the installation of event recorders on trains as in airliners.

Other important provisions relating to the safety of railroad grade crossings, and training of dispatchers.

I have been proud to have worked for passage of this significant piece of rail safety legislation. The safety of the public is one of the most important responsibilities with which we are entrusted. I believe that with this legislation we have taken significant and important steps toward ensuring that safety.

Mr. HOLLINGS. Mr. President, public safety should be one of the highest priorities of any Congress. That is why adoption of the conference report accompanying S. 1539, the Railroad Safety Act of 1988, is so important. This legislation represents the most substantial effort to strengthen our Federal rail safety laws in almost two decades. This bill represents a strong bipartisan effort in both the House and the Senate. Senator Exon, the sponsor of the original Senate measure, and other Members of the Senate who participated so closely in this effort deserve particular credit for their diligence and attention to this measure.

S. 1539 is a comprehensive bill. It stiffens the level of penalties that may be imposed when Federal rail safety laws are violated. For the first time, it will enable the Federal Railroad Administration [FRA] to take actions against individuals, as well as carriers, when they violate safety regulations. In addition, this bill establishes requirements for the licensing or certification of engineers and calls for certain safety measures on trains, including event recorders and automatic train controls. It requires the certification of pretrip inspections of safety equipment and imposes new penalties to prevent the disabling of safety devices. The bill also contains whistle blower protection for rail workers who report safety violations and extends important safety standards to certain rail workers who are not currently covered by Federal regulations.

The issues I have touched upon, when considered with other provisions in the bill, evidence the broad scope of the conference agreement under consideration. I hold strong hopes that in its totality, the bill will result in significant progress in our effort to improve rail safety.

I would like to note, however, that while the conference report under consideration is extremely important, it is only one element of an overall package needed to improve rail safety. We must add to this a strong drug and alcohol testing program. Drugs and alcohol are a problem in transportation. While they may be a problem in society as a whole, they pose a particular risk in transportation where public safety is concerned. The record on this is clear from the series of hearings I chaired in the Commerce Committee on this subject. In my opinion, these hearings also showed that the best way to combat the problem of drugs and alcohol in transportation is to put into place a drug and alcohol testing program to deter individuals from allowing drugs or alcohol to impede the performance of their safety responsibilities and to detect and get chronic users off the rails or wherever else they may adversely impact public safety.

Legislation pending in conference as a part of H.R. 3051, the Air Passenger Protection Act, would address the problem of drugs and alcohol in transportation by requiring testing—including random testing—of individuals in safety-sensitive positions in the rail, aviation, trucking, and bus industries. This measure was approved in the Senate and in the Commerce Committee by large bipartisan margins. I am convinced that with the safeguards contained in the Senate measure to ensure accuracy and protect employees, ultimate approval of this measure will greatly advance the efforts underway to improve transportation safety for the benefit of all.

I commend the Senators and Members of the House who have worked to obtain the agreement that is under consideration today. It is a good, strong prosafety measure. However, we cannot stop here. We must continue to press forward in our effort to gain approval of drug and alcohol testing legislation. I pledge my efforts in this regard and my cooperation with my colleagues who share my continuing interest in this and other positive efforts to improve transportation safety.

I urge passage of the conference report.

Mr. ADAMS. Mr. President, as a conferee on this bill, I rise to urge my colleagues to adopt the conference report on S. 1539, the Rail Safety Improvement Act of 1988. This bill is a bipartisan effort to improve the safety of our Nation's railroad system for rail passengers, railroad employees, and the communities through which our trains run. It is the product of months of dedicated work by Members of the House and Senate and their staffs. Senator Exon, chairman of the Transportation Subcommittee of the Commerce Committee, deserves particular credit for bringing this bill to fruition.

The Railroad Safety Improvement Act provides much needed funds to continue Federal rail safety programs. It also makes important changes in the regulation of rail safety. It does this by focusing both on improving railroad equipment and the use of new technology and on the human factors that play a significant role in railroad safety.

On the equipment side, this legislation requires the installation of automatic train controls on all trains operating in the Northeast corridor. Event recorders, similar to the black boxes on airplanes, will also be required for locomotives. Moreover, this bill gives FRA authority to penalize the intentional disabling of safety devices, so we can be sure that safety equipment installed in trains are working. In another important advance, the FRA will be required to establish regulations for the testing, inspection and maintenance of railroad/highway grade crossing signal systems.

On the human factors side, this bill requires the licensing of engineers to ensure that those who operate our trains are qualified and have adequate training. It also requires that an engineer's driving record be evaluated. Convictions for serious driving violations such as drunk or reckless driving can be grounds for denying a license. We also require FRA to evaluate whether to implement training requirements for train dispatchers.

To ensure that safety regulations are followed and for the protection of railroad workers, there are provisions in this bill that prohibit retaliation against employees who report safety violations. The penalties for safety violations are also increased. The current maximum penalty is $2,500. With this bill, the maximum will be increased to $20,000.

I am also pleased that the final bill includes provisions that I offered on the Senate floor for the protection of maintenance of way employees. Because maintenance of way employees are required to work on bridges crossing large bodies of water, expressways, and busy city streets, there is a need to protect against the hazards associated with tihs work. The bill requires safety standards for bridge safety equipment such as nets, walkways, handrails, and safety lines. Second, the bill provides for improved standards for camp cars or bunk cars, the facilities in which maintenance of way employees must live when they are working away from home during the construction season.

In all, I believe this bill represents a marked advance in our efforts to prevent railroad accidents and injuries. Therefore, I urge adoption of the conference report.

Mr. PRESSLER. Mr. President, I rise today to commend my colleagues for the tremendous leadership they have demonstrated by so ably bringing forth S. 1539, amending the Federal Railroad Safety Act. My thanks to the Senate conferees, Senators HOLLINGS, ADAMS, DANFORTH, and KASTEN. I particularly single out my friend and colleague from Nebraska, Senator EXON, for his hard work on this bill as a conferee and chairman of the Surface Transportation Subcommittee.

Mr. President, I am pleased to see such a positive piece of legislation that gives solid safety direction to the Federal Railroad Administration. The grade crossing demonstration projects will certainly provide valuable information for future safety measures.

In addition, a mandatory licensing program for railroad operators and engineers provides a safeguard to the general public.

I am, however, disturbed by an obvious omission in this legislation. The omission is not a result of an oversight in the Senate. It is, instead, a result of the refusal of the House conferees to include mandatory drug testing requirements in this important legislation. This is a troubling development.

My distinguished colleague from Missouri, Senator DANFORTH, has spoken eloquently on the importance of drug and alcohol testing for people responsible for the safety of the traveling public. I am in solid agreement on this issue. I think specifically of the Chase, MD, Amtrak/Conrail tragedy that claimed the lives of 16 innocent people as a case in point.

I challenge my colleagues to seriously ponder the ramifications of continuing to ignore this growing problem.

Mr. HEINZ. Mr. President, in a few moments the Senate will act on the conference report on S. 1539. I rise to say a few words in behalf of S. 1539, the Rail Safety Improvement Act of 1988.

S. 1539 is badly needed legislation, legislation we in this body have worked on for many months, nearly a year. It is legislation which will get rail safety back on the track.

The changes in this bill are especially welcomed by my constituents in Pennsylvania who have, unfortunately, learned firsthand on all too many occasions about the consequences of inadequate rail safety.

For example, in April of last year, some 1,600 residents were evacuated from their homes in Pittsburgh, PA, because of a single train accident. A little further east in Somerset County, PA, there have been a series of train derailments that have plagued many communities, one of them being Confluence, which have also resulted in significant evacuations.

In fact, last year alone, there were at least nine serious train derailments in western Pennsylvania alone. There have been at least five so far in 1988. This past Monday, a 49-car Conrail train derailed in close proximity to Harrisburg International Airport. The airport was forced to close for nearly 3 hours as officials feared that a derailed tank car, carrying sulfur dioxide, was leaking. Fortunately, that car has been righted and a potentially serious catastrophe did not occur.

Mr. President, it is my view that this legislation is the most significant rail safety legislation in 2 decades. It has my strong support because it takes a number of important steps. For the first time, the Federal Government will issue minimum qualification standards for the licensing of trained engineers. On April 5 of this year, I met with local leaders of the Brotherhood of Locomotive Engineers and the United Transportation Union in Harrisburg, and I raised this issue with them. Every single one of them supported this program.

For the first time, permission to operate a locomotive will be contingent on the review of a driver's record. For the first time, previous citations for drunk driving, or other serious violations, will be grounds for not issuing a license. Rail passengers and shippers will now have full confidence in the qualifications of the people who run and control the trains.

Under this bill, automatic train controls will be required, as of July 1, 1990, on trains operating in the Northeast corridor. DOT is also required to conduct a feasibility study to determine the need for automatic train controls on each rail corridor on which passengers are carried.

As long ago as 1969, the National Transportation Safety Board asked the FRA to look into installing these devices, which automatically stop or slow down a train, on all railroads where passenger trains share tracks with other trains.

However, because the Federal Railroad Administration in 1972 and again in 1984 encouraged the National Transportation Safety Board to drop its recommendations for reasons of cost, that issue was most unfortunately laid to rest. It took the tragic January 1987 Amtrak-Conrail accident near Baltimore to convince the Federal Railroad Administration of the need for this device. The cost of that device is about $300,000. It is not cheap, but by contrast, the damage cost of the accident involving Amtrak and Conrail in 1987 was about $50 million.

There is no price high enough to compensate for the loss of the 16 lives that were sacrificed in that accident.

Under this new legislation the Federal Railroad Administration will have safety-related jurisdiction over railroad personnel. For the first time, tampering with safety devices will be made a specific Federal safety offense.

The bill also has important and needed protections for railroad employees. If, for example, a company determines an accident was caused by human error, employees have the right to file a statement of their own version of the mishap. If threatened by management for reporting safety violations, employees have the right to file a lawsuit. The confidentiality of those who report violations will be protected.

This legislation includes other important provisions, such as improving rural grade crossings. In October 1987, a mother and her daughter were killed in Annville Township, PA, because a crossing was not clearly marked. The legislation also increases the maximum safety fine of $2,500—which has not been changed since 1970—to $10,000, as well as establishing a "super fine" of $20,000 for repeated or blatant safety violations.

Mr. President, the citizens of Pennsylvania and the rest of our Nation are weary of the evacuations, the injuries, the damage to property, and the fatalities.

This long awaited legislation will provide not only the needed help to make our railroads safe, it will also provide for a considerable improvement of the peace of mind of the people who live near the tracks.

The effectiveness of this legislation ultimately depends on the enforcement of all of the provisions it contains and existing authority of the Federal Railroad Administration. I remain to be convinced that the Federal Railroad Administration is heeding clear warnings and instituting all the safety measures that they possibly can prior to accidents.

I remain concerned that the Federal Railroad Administration spends too much time putting out fires rather than preventing them. That is why I have asked the General Accounting Office to investigate Federal regulatory oversight of railroad safety. That report will be due early this fall.

It is my belief that this legislation can and should dramatically assist the Federal Railroad Administration, but the agency itself can do better. The Federal Railroad Administration must improve its method of investigating accidents and incidents. It must improve its methods of assessing penalties and it must improve its methods of track and equipment inspection.

It is my hope and expectation that with the new tools provided by this legislation and full dedication to the task, the Federal Railroad Administration can dramatically improve rail safety to the benefit of all.

I commend in particular, Mr. President, our conferees on this legislation, Senator DANFORTH, Senator KASTEN, Senator EXON, Senator HOLLINGS, and Senator ADAMS deserve our highest praise. I hope that the President promptly signs this conference report.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, if there are no other Senators on this side of the aisle that wish to address the conference report, I am prepared to yield back the remainder of my time, if it is understood that my colleague from Missouri will do likewise at this time.

Mr. DANFORTH. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. DANFORTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FOWLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD. Mr. President, what is the order for the moment?

The PRESIDING OFFICER. The order was for the Senate to resume consideration of S. 2455.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. The Senator from Oregon is to be recognized for the purpose of offering an amendment.

Mr. BYRD. Mr. President, I yield myself 3 minutes under rule XXII. I ask unanimous consent that I may use these 3 minutes for morning business and that I may speak therein.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The majority leader is recognized.

ORDERS FOR FRIDAY

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW; MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:15 a.m. tomorrow; that after the two leaders are recognized under the standing order, there be a period for morning business, and that Senators be permitted to speak therein for not more than 5 minutes each, the period for morning business to extend until 9:40 a.m.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

CONSIDERATION OF RESOLUTION REGARDING PRESIDENT DUARTE—H. CON. RES. 312

Mr. BYRD. Mr. President, I ask unanimous consent that the Duarte resolution, H. Con. Res. 312, be laid before the Senate at 9:40 a.m. tomorrow and that the clotured matter be set aside for the consideration of that resolution, which, under the order previously entered, is under a time agreement of not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that H. Con. Res. 312 be placed on the calendar at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I understand that the distinguished Senator from Missouri [Mr. DANFORTH] has a matter, and I yield to him for that purpose.

Mr. DANFORTH. I thank the majority leader.

RELIEF OF GAGIK BARSEGHIAN

Mr. DANFORTH. Mr. President, I understand that the Senate has received from the House, H.R. 3925, a bill for the relief of Gagik Barseghian, on behalf of Mr. WILSON. I ask that the bill be read for the first time.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 3925) for the relief of Gagik Barseghian.

Mr. DANFORTH. I now ask for its second reading.

Mr. BYRD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished Senator from Missouri, the acting Republican leader, if the two nominations on the Executive Calendar, orders numbered 690 and 691, have been cleared for action.

Mr. DANFORTH. Mr. President, they have been cleared.

Mr. BYRD. I thank my friend.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the two aforementioned nominations, that they be considered and confirmed en bloc, that the motion to reconsider en bloc be laid on the table, that the President be immediately notified of the confirmation of the nominations, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

COMMODITY FUTURES TRADING COMMISSION

Fowler C. West, of Texas, to be a Commissioner of the Commodity Futures Trading Commission for the term expiring April 13, 1992. (Reappointment)

FARM CREDIT SYSTEM ASSISTANCE BOARD

William W. Erwin, of Indiana, to be a Member of the Board of Directors of the Farm Credit System Assistance Board, subject to the provisions prescribed by P.L. 100-233. (New Position)

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

ORDER OF BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the remarks of Mr. HATFIELD and at the conclusion of the remarks by Mr. HEINZ, the Chair recess the Senate in accordance with the order previously entered.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 12:19 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1672. An act for the relief of Elizabeth Palansky Surak;

H.R. 1864. An act for the relief of Helen Lannier;

H.R. 2213. An act to require certain telephones to be hearing aid compatible;

H.R. 3925. An act for the relief of Gagik Barseghian;

H.R. 3966. An act to require the Federal Communications Commission to reinstate restrictions on advertising during children's television, to enfore the obligation of broadcasters to meet the educational and informational needs of the child audience, and for other purposes;

H.R. 4365. An act to designate the Sunderland National Salmon Station located in Sunderland, Massachusetts as the "Richard Cronin National Salmon Station"; and

H.R. 4585. An act to extend the authorization of appropriations for the Taft Institute through fiscal year 1991.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 312. A concurrent resolution extending the sympathy and best wishes of the Congress to President Jose Napoleon Duarte during his battle with cancer.

At 4:37 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 4448) to designate the Cleveland Ohio General Mail Facility and Main Office in Cleveland, Ohio, as the "John O. Holly Building in the United States Postal Service".

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4639. An act to amend the Higher Education Act of 1965 to prevent abuses in the Supplemental Loans for Students program under part B of title IV of the Higher Education Act of 1965, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1672. An act for the relief of Elizabeth Panansky Surak; to the Committee on Foreign Relations.

H.R. 1864. An act for the relief of Helen Lannier; to the Committee on Governmental Affairs.

H.R. 4365. An act to designate the Sunderland National Salmon Station located in Sunderland, Massachusetts, as the "Richard Cronin National Salmon Station"; to the Committee on Environment and Public Works.

MEASURES PLACED ON THE CALENDAR

Pursuant to the order of the Senate of June 8, 1988, the following bills were placed on the calendar:

H.R. 2213. An act to require certain telephones to be hearing aid compatible;

H.R. 4585. An act to extend the authorization of appropriations for the Taft Institute through fiscal year 1991; and

H.R. 4639. An act to amend the Higher Education Act of 1965 to prevent abuses in the Supplemental Loans for Students program under part B of title IV of the Higher Education Act of 1965, and for other purposes.

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 312. A concurrent resolution extending the sympathy and best wishes of the Congress to President Jose Napoleon Duarte during his battle with cancer.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 3925. An act for the relief of Gagik Barseghian;

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-512. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Agriculture, Nutrition, and Forestry.

"SENATE JOINT MEMORIAL NO. 107

"We, your Memorialists, the Senate and House of Representatives of the State of Idaho assembled in the Second Regular Session of the Forty-ninth Idaho Legislature, do hereby respectfully represent that:

"Whereas, the financial resources of the local governments in the state of Idaho and in many of the other states of the United States are adversely affected by federal designation of land within their jurisdictions as wilderness; and

"Whereas, local units of government in Idaho lose taxation capacity because of the designation of wilderness lands.

"*Now, therefore, be it resolved* by the members of the Second Regular Session of the Forty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that Congress should take steps necessary to assure that all citizens assist with the cost of financing wilderness designations by compensating local governments for their loss of taxation capacity. Congress should establish a fund to offset the financial impacts on state and local governments due to the loss of revenues resulting from wilderness designations. Distributions of the fund should be based upon an equitable formula which recognizes the lost value. The fund should include affected units of local government including state, county, city and school districts, as well as others if appropriate, which lost property tax capacity as a result of withdrawal of wilderness lands from the tax base.

"*Be it further resolved* that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to The Honorable Ronald Reagan, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

STATEMENT OF PURPOSE

"This Joint Memorial of the Senate encourages the President and Congress of the United States to establish a funding mechanism which will reimburse units of government for their loss of taxing capacity when lands are designated as Wilderness. The funding mechanism as developed would reflect the idea that all citizens of the United States should help pay for the impacts upon the economies of Idaho communities from Federal designation of Wilderness lands when those lands are placed in the public trust.

FISCAL IMPACT

The Joint Memorial encourages the Federal Government to distribute monies to state, county, city and school districts based upon an equitable formula which recognizes the loss of those governments' taxing capacity. The indeterminate amount of funding and distribution of monies is left to the discretion of the Federal government."

POM-513. A joint resolution adopted by the legislature of the State of Idaho; to the Committee on Agriculture, Nutrition, and Forestry:

"SENATE JOINT MEMORIAL NO. 109

"We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Forty-ninth Idaho Legislature, do hereby respectfully represent that:

"Whereas, H.R. 558 was enacted July 22, 1987; and

"Whereas, Title VIII of H.R. 558 provides for effecting several major changes to the Food Stamp Program with little lead time to the states to make the necessary changes to automated systems, state manuals, staff training, printed supplies, and required notices to food stamp recipients; and

"Whereas, the lack of sufficient lead time directly and indirectly causes errors and waste in both state and federal government and creates unnecessary crises which divert attention from other programs and functions thereby expanding the circle of waste and inefficiency far beyond the Food Stamp Program; and

"Whereas, Section 806 of H.R. 558 provided for applying one particular change by October 1, 1987, for which the United States Department of Agriculture's notification to the State of Idaho was not received until August 18, 1987; and

"Whereas, Section 806 of H.R. 558 not only requires a major developmental change to the automated computer system, it also provides for calculating food stamp benefits for food stamp households in a manner that appears to violate the Equal Protection Clause of the United States Constitution, thereby violating citizens' rights and placing the federal government and the states at risk for doing so; and

"Whereas, The United States Congress habitually passes laws containing seemingly facile changes to the Food Stamp Program, but which have major impact on automated systems and administrative processes and with tight and often nonexistent time constraints for implementation; and

"Whereas, it is in the public interest that efficiency in government be enhanced at every opportunity and that every effort be made to eliminate waste in government benefits and administrative expenditures; and

"Whereas, it is in the very highest public interest that instructions to phase in changes to tax supported benefit programs ensure methods that are not violative of the protected rights of individuals.

"*Now, therefore, be it resolved* by the members of the Second Regular Session of the Forty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we respectully request that Congress be especially mindful of the very serious problems created solely by short time frames imposed upon the states to implement changes to the Food Stamp Program; that we further request that Congress not impose implementation dates earlier than 160 days from enactment or 120 days from issuance of implementing regulations by the United States Department of Agriculture, whichever is later; and that we further request that care be taken to ensure that no implementation requirements violate the Constitutional rights of individuals.

"*Be it further resolved* that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, to Secretary of Agriculrure Richard Lyng, to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States."

POM-514. A joint resolution adoption by the Legislature of the State of Idaho; to the Committee on Agriculture, Nutrition, and Forestry:

"SENATE JOINT MEMORIAL No. 111

"We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Forty-ninth Idaho Legislature, do hereby respectfully represent that:

"Whereas, the South Fork of the Salmon River Road is a thirty-two mile stretch of road under the jurisdiction of the United States Forest Service running from the Warm Lake Highway to the confluence of the East Fork of the South Fork of the Salmon River; and

"Whereas, the South Fork of the Salmon River Road is open only two days a week during the period of January 1 through March 31 mainly to prevent any degradation of fisheries from sediment from the road; and

"Whereas, the South Fork of the Salmon River Road is virtually the only way of passage to the outside world for residents of Yellow Pine and the surrounding area during the winter months; and

"Whereas, upgrading the South Fork of the Salmon River Road would have many beneficial effects including helping to ease sedimentation problems in nearby fisheries, allowing residents of Yellow Pine and the surrounding area increased mobility and freedom of travel as they conduct daily business responsibilities, helping residents of Yellow Pine and the surrounding area get to medical care during medical emergencies, and helping the economy in and around Yellow Pine prosper as the area would become more accessible to the outside world.

"*Now, therefore, be it resolved* by the members of the Second Regular Session of the Forty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we respectfully request the U.S. Forest Service to upgrade and improve the South Fork of the Salmon River Road so that the fish habitat in the South Fork of the Salmon River will not be hampered by sedimentation problems, so that residents of Yellow Pine and the surrounding area will have an easier time gaining access to outside areas during the winter months as well as other times, so that residents of the area will be able to transport themselves to medical care during emergency situations more easily and so that the economy in and around Yellow Pine will be able to prosper as more individuals will be able to enjoy the beautiful countryside.

"*Be it further resolved* that we respectfully request the U.S. Forest Service, the U.S. Fish and Wildlife Service, the Idaho Department of Fish and Game and the Idaho Transportation Department to cooperate and render necessary assistance as required to improve the South Fork of the Salmon River Road.

"*Be it further resolved* that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the Administrator of the United States Forest Service, to the Administrator of the United States Fish and Wildlife Service, to the President of the Senate, to the Speaker of the House of Representatives of Congress, to the congressional delegation representing the State of Idaho in the Congress of the United States, to the Director of the Idaho Transportation Department, and to the Director of the Idaho Fish and Game Department."

POM-515. A joint resolution adopted by the Legislature of the State of California; to the Committee on Agriculture, Nutrition, and Forestry:

"ASSEMBLY JOINT RESOLUTION No. 79

"Whereas, California's beef production industry ranks as the second largest agricultural commodity statewide, with sales amounting to $1.4 billion annually; and

"Whereas, The California sheep, lamb , and wool industry ranks second nationally, with an annual cash value exceeding $63 million; and

"Whereas, California is experiencing sustained drought conditions which have existed since last fall; and

"Whereas, Significant areas of the state have received inadequate winter moisture, with some areas receiving as low as 41 percent of normal rainfall; and

"Whereas, These drought conditions have forced cattle and sheep producers to supplement pasture feed with more expensive nonpasture feedstuffs; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the California Legislature respectfully memorializes the President and Congress of the United States to direct the Agricultural Stabilization and Conservation Service in the United States Department of Agriculture to act expeditiously in implementing its emergency livestock feed program and other applicable disaster relief programs to provide relief to California cattle and sheep producers experiencing drought conditions; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of Agriculture, and to the Administrator of the Agricultural Stabilization and Conservation Service."

POM-516. A concurrent resolution adopted by the legislature of the State of New Hampshire; to the committee on Agriculture, Nutrition, and Forestry:

"HOUSE CONCURRENT RESOLUTION 13

"Whereas, it is in the interest of the state to ensure the health and well-being of its citizens to the greatest extent possible; and

"Whereas, low-income, single parents encounter the greatest difficulties in providing adequate food and shelter for their families; and

"Whereas, the rising cost and increasing scarcity of adequate housing in New Hampshire has resulted in the condition that the maximum income deduction for shelter cost permitted low-income New Hampshire families under the current food stamp program is now less than ½ or the lowest rent available in most areas of the state; and

"Whereas, any extra money these low-income families may have had in the past to spend on food must now be spent on housing to compensate for increasingly inadequate shelter allowances; and

"Whereas, the New Hampshire general court recognizes that it is imperative that these families not be allowed to return to the conditions they endured before the food stamp program was instituted; now, therefore, be it

"*Resolved by the House of Representatives, the Senate concurring:*

"That the New Hampshire general court petitions the United States Congress to pass legislation allowing the shelter deduction permitted under the food stamp program to be adjusted to reflect more accurately the cost of shelter in the communities served by the program; and

"That the general court requests the members of the New Hampshire delegation to the United States Congress to urge the Secretary of Agriculture to adopt regulations adjusting the shelter deduction permitted under the food stamp program to reflect local shelter costs; and

"That copies of this resolution, signed by the speaker of the house and the president of the senate, be delivered to the New Hampshire delegation to the United States Congress."

POM-517. A concurrent resolution adopted by the legislature of the State of Hawaii; to the Committee on Appropriations:

"HOUSE CONCURRENT RESOLUTION 89

"Whereas, in 1983, President Reagan signed a proclamation establishing the

United States Exclusive Economic Zone as an area contiguous to the United States and its territories and extending two hundred nautical miles from the coast, nearly tripling the jurisdictional area of the United States; and

"Whereas, this proclamation established "sovereign rights for the purpose of exploring, exploiting, conserving and managing natural resources, both living and nonliving, of the seabed and subsoil and the superjacent waters"; and

"Whereas, scientific research has explored the potential of the ocean and has discovered a wealth of ocean resources, such as minerals, food, and energy; and

"Whereas, however, our utilization of the vast and rich resources of the ocean is very limited, because of the absence of appropriate ocean technology and engineering which is necessary to enable the effective utilization of ocean resources; and

"Whereas, the physical nature of the ocean environment is such that engineering solutions developed for use in other environments are usually inappropriate and often counter-productive when used in the ocean; and

"Whereas, in order for us to effectively utilize ocean resources it is essential that we develop:

"(1) In situ instrumentation for measurements and sampling of sea floor materials;

"(2) Manned systems on the sea floor;

"(3) Robotics with decision-making capacity;

"(4) Systems for determining location and extent of sea floor deposits and mineral resources;

"(5) Systems for measuring water temperature, salinity, and critical chemical constituents with communications links between systems and a central relay facility; and

"(6) Understanding of the behavior of engineering materials in the marine environment; and

"Whereas, moreover, in order to use the ocean for waste management systems, it is essential to develop the following:

"(1) Waste storage systems with long life storage requirements;

"(2) Sensory systems to detect incipient leakage of radioactive or toxic wastes from sealed containers on or beneath the sea floor;

"(3) A precise navigation system to allow positioning on the deep ocean floor within a meter and capable of fail-safe position reporting for periods of many years;

"(4) Instrumentation to provide realtime observations of nearshore waste column characteristics and movements over distances of kilometers but with resolutions on the order of a hundred meters;

"(5) System engineering studies of the competing technologies of through the work tunnels and pipes laid on the bottom for transport of sea water or other products from deep water to the shore;

"(6) System engineering studies of integrated transportation systems for workers and supporting material to deep water sites;

"(7) Underwater and electro-optical connectors;

"(8) Systems for allowing autonomous vehicles to find, mate with, and communicate or store power supplies through ocean bottom outlets; and

"(9) System engineering studies of very large pipes, suspended in the water column or supported on the bottom; and

"(10) Ocean current measurement equipment to monitor the environmental effects of mining and processing of seabed minerals; and

"Whereas, in the past the United States has relied on private industry for advances in ocean technology; and

"Whereas, lack of government involvement has led to the decline of the competitive edge that the United States once held in the area of ocean technology; and

"Whereas, in order for the United States to regain the strategic and competitive edge in the field of ocean resources it is of utmost importance for the United States Congress to provide substantial funding for ocean technology to enable us to utilize the vast resources of the ocean; now, therefore,

"Be it resolved by the House of Representatives of the Fourteenth Legislature of the State of Hawaii, Regular Session of 1988, the Senate concurring, that the United States Congress is requested to appropriate funds for the development of technology to allow for the effective utilization of ocean resources; and

"Be it further resolved that certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, Hawaii's congressional delegation, and Hawaii's state lobbyist."

POM-518. A resolution adopted by the House of Representatives of the State of Hawaii; to the Committee on Appropriations:

"HOUSE RESOLUTION 123

"Whereas, in 1983, President Reagan signed a proclamation establishing the United States Exclusive Economic Zone as an area contiguous to the United States and its territories and extending two hundred nautical miles from the coast, nearly tripling the jurisdictional area of the United States; and

"Whereas, this proclamation established "sovereign rights for the purpose of exploring, exploiting, conserving and managing natural resources, both living and nonliving, of the seabed and subsoil, and the superjacent waters"; and

"Whereas, scientific research has explored the potential of the ocean and has discovered a wealth of ocean resources, such as minerals, food, and energy; and

"Whereas, however, our utilization of the vast and rich resources of the ocean is very limited, because of the absence of appropriate ocean technology and engineering which is necessary to enable the effective utilization of ocean resources; and

"Whereas, the physical nature of the ocean environment is such that engineering solutions developed for use in other environments are usually inappropriate and often counter-productive when used in the ocean; and

"Whereas, in order for us to effectively utilize ocean resources it is essential that we develop:

"(1) In situ instrumentation for measurements and sampling of sea floor materials;

"(2) Manned systems on the sea floor;

"(3) Robotics with decision-making capacity;

"(4) Systems for determining location and extent of sea floor deposits and mineral resources; critical chemical constituents with communications links between systems and a central relay facility; and

"(6) Understanding of the behavior of engineering materials in the marine environment; and

"Whereas, moreover, in order to use the ocean for waste management systems, it is essential to develop the following:

"(1) Waste storage systems with long-life storage requirements

"(2) Sensory systems to detect incipient leakage of radioactive or toxic wastes from sealed containers on or beneath the sea floor;

"(3) A precise navigation system to allow positioning on the deep ocean floor within a meter and capable of fail safe position reporting for periods of many years;

"(4) Instrumentation to provide realtime observations of nearshore water column characteristics and movements over distances of kilometers but with resolutions on the order of a hundred meters;

"(5) System engineering studies of the competing technologies of through the rock tunnels and pipes laid on the bottom for transport of sea water or other products from deep water to the shore;

"(6) System engineering studies of integrated transportation systems for workers and supporting material to deep water sites;

"(7) Underwater and electro-optical connectors;

"(8) Systems for allowing autonomous vehicles to find, mate with, and communicate or restore power supplies through ocean bottom outlets; and

"(9) System engineering studies of very large pipes, suspended in the water column or supported on the bottom; and

"(10) Ocean current measurement equipment to monitor the environmental effects of mining and processing of seabed minerals; and

"Whereas, in the past the United States has relied on private industry for advances in ocean technology; and

"Whereas, lack of government involvement has led to the decline of the competitive edge that the United States once held in the area of ocean technology; and

"Whereas, in order for the United States to regain the strategic and competitive edge in the field of ocean resources it is of utmost importance for the United States Congress to provide substantial funding for ocean technology to enable us to utilize the vast resources of the ocean; now, therefore,

"*Be it resolved* by the House of Representatives of the Fourteenth Legislature of the State of Hawaii, Regular Session of 1988, that the United States Congress is requested to appropriate funds for the development of technology to allow for the effective utilization of ocean resources; and

"*Be it further resolved* that certified copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, Hawaii's congressional delegation, and Hawaii's State lobbyist."

POM-519. A resolution adopted by the Senate of the State of Pennsylvania; to the Committee on Armed Services:

"RESOLUTION

"Whereas, The Secretary of Defense has been empowered traditionally to provide for the religious and spiritual needs of members of the armed forces by appointing military chaplains; and

"Whereas, There exists an imbalance in the representation of various religious faiths among chaplains of the armed forces as compared to the representation of those faiths among members of the armed forces as a whole; and

"Whereas, This body is concerned that the men and women from this Commonwealth who serve with commitment and gallantry in the armed forces of this Nation should have the religious and spiritual needs which arise during the course of their military service served by a chaplain of their faith; therefore be it

"Resolved, That the Senate of Pennsylvania memorialize Congress to pass legislation which requires the Secretary of Defense to implement actions to appoint military chaplains in representative proportion to the different faiths represented among the total membership of the armed forces; and be it further

"Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress, to each member of Congress from Pennsylvania and to all members of the respective armed services committees of each house of Congress."

POM-520. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Commerce, Science, and Transportation:

"HOUSE CONCURRENT RESOLUTION 10

"Whereas, President Reagan's proclamation of March 10, 1983 established ownership, control, and sovereign rights over all living and nonliving resources within the 200-mile U.S. Exclusive Economic Zone (EEZ); and

"Whereas, these marine resources, both known and yet to be discovered, are of vital importance to the United States; and

"Whereas, the impacts of the development of the U.S. EEZ fall disproportionately on the coastal states, affecting the general welfare of their citizens; and

"Whereas, the marine, coastal, and terrestrial environments are an independent system that must be managed in a manner that transcends existing Federal-State boundaries; and

"Whereas, recognized principles of international law distinguish this Nation's defense and foreign policy interests from its domestic resources management regime within the U.S. EEZ, and that the coastal states have direct and clear interests in the management of these resources; and

"Whereas, the historical, vested interest of coastal states in the activities of this area is magnified in Hawaii's case since the State is comprised of a series of small islands; and

"Whereas, throughout history, the people of Hawaii have always depended on the ocean for their livelihood, from the very first landing of the Polynesians over 1,000 years ago to the modern technological age; and

"Whereas, in order to maintain the unique lifestyle developed by all of Hawaii's peoples and to expand economic activities the State must be able to continue to utilize all of its resources; and

"Whereas, the State of Hawaii must retain the right to insure that coastal air and water quality will not be degraded by any activities; and

"Whereas, in order to meet the State's needs, it must continue to take an active role in the planning and management of its land and water resources of its coastal zone and adjoining ocean; and

"Whereas, Hawaii must be a full participant in decision-making related to EEZ activities that could have a major impact on the State such as those involving the long-term use of fixed ocean sites, direct linkages with the shore, and major shore and ocean-side demands and risks; and

"Whereas, The Hawaii State Legislature believes that affected coastal states have a right to share in the benefits derived from the development of adjacent EEZ ocean resources consistent with the associated risks, including an equitable share of any rents, royalties, or bonus payments; and

"Whereas, the Hawaii State Legislature recognizes that a more effective State role in ocean management requires clearly defined legal authority and increased public support; now, therefore, be it

"Resolved by the House of Representatives of the Fourteenth Legislature of the State of Hawaii, Regular Session of 1988, the Senate concurring, That the State of Hawaii supports a program for an effective, shared management role between the federal government and the coastal states over the Exclusive Economic Zone and an equitable share of any associated governmental revenues; and be it further

"Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, Hawaii's State Lobbyist, and the members of Hawaii's congressional delegation."

POM-521. A resolution adopted by the City Council of Melbourne, Florida, requesting opposition to House Bill 3764 and Senate Bill 1834, better known as the "Off-Airport User Fee Legislation"; to the Committee on Commerce, Science, and Transportation.

POM-522. A concurrent resolution adopted by the Legislature of the State of New Hampshire; to the Committee on Commerce, Science, and Transportation.

"HOUSE CONCURRENT RESOLUTION 15

"Whereas, the Massachusetts Port Authority has approved a plan to increase landing fees at Logan International Airport; and

"Whereas, such an increase will have a negative effect on small commuter and business aircraft and effectively deny such aircraft access to Logan Airport; and

"Whereas, many citizens of New Hampshire depend on commuter flights to connect with larger aircraft flying out of Logan Airport; and

"Whereas, the increase in landing fees combined with increased fees for use of the general aviation terminal may adversely affect the use of Logan International Airport by New Hampshire businesses, hospitals, and individuals; now, therefore, be it

"Resolved by the House of Representatives, the Senate concurring; That the New Hampshire General Court hereby urges the United States Congress to pass legislation requiring federal review and a delay in the imposition or increase of airport fees; and

"That copies of this resolution, signed by the speaker of the house and the president of the senate, be forwarded by them to the Speaker of the House of Representatives of the United States, the President of the Senate of the United States, the New Hampshire Congressional delegation, and the Secretary of Transportation."

POM-523. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Energy and Natural Resources:

"SENATE JOINT MEMORIAL NO. 112

"We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Forty-ninth Idaho Legislature, do hereby respectfully represent that:

"Whereas, the sovereign states of these United States traditionally exercise control over all water located within the boundaries of the states; and

"Whereas, Section 27 of the Federal Power Act of 1920, as amended, mandates that the control, appropriation, use and distribution of water by the respective states is unaffected by the Act; and

"Whereas, The Federal Energy Regulatory Commission has asserted in its recent administrative decision relative to the proposed Horseshoe Bend Hydro-electric Project (FERC Project No. 5376-002) that the Federal Energy Regulatory Commission licensing of a hydropower project extends Federal Energy Regulatory Commission control over all future upstream uses of water; and

"Whereas, the Horseshoe Bend decision and other actions of the Federal Energy Regulatory Commission demonstrate that administration of the Federal Power Act is causing unacceptable interference with water resource management programs of the states; and

"Whereas, There is no national interest served by allowing the Federal Energy Regulatory Commission to substitute its control of water resources for state authority; now therefore, be it

"Resolved by the members of the Second Regular Session of the Forty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, That we do respectfully request the Congress to enact legislation to amend the Federal Power Act to require the Federal Energy Regulatory Commission to recognize state authority over the use of water for hydropower projects and other uses of water which affect or may affect hydropower projects and to subordinate the Federal Energy Regulatory Commission's licensing of hydropower projects to a state's sovereign authority to manage and control water resources within its boundaries; be it further

"Resolved That the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

"STATEMENT OF PURPOSE

"To request the Congress to enact legislation to amend the Federal Power Act to require the Federal Energy Regulatory Commission to recognize state authority over the use of water and the state's sovereign authority to control and manage Idaho's waters."

POM-524. A resolution adopted by the Senate of the State of South Carolina; to the Committee on Energy and Natural Resources:

"A SENATE RESOLUTION

"Urging Congress, the Secretary of the Interior, and the Department of the Interior, National Park Service to take appropriate action to include Snee Farm in Charleston County, South Carolina—the home of Charles Pinckney, one of America's Greatest patriots and statesmen—in the National Parks System of the National Park Service.

"Whereas, beautiful Snee Farm in Charleston County, South Carolina, was the home of Charles Pinckney; and

"Whereas, according to the Dictionary of American Biography, Charles Pinckney, who lived from 1757 to 1824, was the author of the "Pinckney draught" of the federal Constitution, Governor of South Carolina, United States Senator, and minister to Spain; and

"Whereas, besides submitting a plan for a constitution to the Federal Convention of 1787, he was a member of the committee that prepared the rules of procedure, and he participated frequently and effectively in the debates throughout the convention; and

"Whereas, it has been possible to show that the "Pinckney draught" contained at least "thirty-one or thirty-two provisions" that were finally accepted for the Constitution of the United States; and

"Whereas, his stature as a great South Carolinian and great American patriot and statesman is unquestioned as well as immeasurable; and

"Whereas, it would be truly fitting and highly beneficial to the residents of South Carolina and the innumerable visitors annually from across North America to the City of Charleston and the Lowcountry region of South Carolina to include Pinckney's home in our country's national parks system administered by the National Park Service. Now, therefore; be it

Resolved by the Senate, That the Senate of the State of South Carolina, by this resolution, urges Congress, the Secretary of the Interior, and the Department of the Interior, National Park Service to take appropriate action to include Snee Farm in Charleston County, South Carolina—the home of Charles Pinckney, one of America's greatest patriots and statesmen—in the national parks system of the National Park Service, be it further

Resolved, That a copy of this resolution be forwarded to the Vice President of the United States as President of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of the Interior, the Director of the National Park Service of the United States Department of the Interior, and each member of South Carolina's congressional delegation, all at Washington, D.C."

POM-525. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Environment and Public Works:

"SENATE JOINT MEMORIAL NO. 8028

"We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

"Whereas, Congress passed the Columbia River Gorge National Scenic Area Act to protect the resources and support the economy of the Columbia River Gorge; and

"Whereas, Congress authorized construction of a new navigation lock at Bonneville Lock and Dam within the Scenic Area; and

"Whereas, Construction of the new navigation lock will produce 4.7 million cubic yards of spoil material; and

"Whereas, Congress failed to provide for recreational development on the Bonneville Pool at the time of construction of the dam, as was provided at other Columbia and Snake River dam projects; and

"Whereas, Public access to the Columbia River in the Scenic Area is severely limited by highway and rail line and by the topography of the Gorge; and

"Whereas, The five port districts on the Bonneville Pool and other agencies have proposed uses for all 4.7 million cubic yards of material produced by construction of the new lock; and

"Whereas, The proposed uses would improve public access to the Columbia River and enhance the economy of the Gorge; now, therefore,

"Your Memorialists respectfully pray that: (1) Congress and the Army Corps of Engineers designate sites in the National Scenic Area as the sole eligible recipients of remaining spoil material from construction of the new navigation lock and of spoil material from other Corps projects on the Bonneville Pool;

"(2) Congress and the Army Corps of Engineers assign highest priority to sites identified by the port districts on the Bonneville Pool and to sites where deposition would improve recreational access or wildlife habitat so long as those sites are found by the Columbia Gorge Commission and the Secretary of Agriculture to be consistent with the purposes of the Columbia River Gorge National Scenic Area Act, P.L. 99-663; and

"(3) The spoils be delivered to the designated sites at no cost to agencies which own or manage the sites; be it

"*Resolved,* That copies of this Memorial be immediately transmitted to the Honorable Ronald Reagan, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POM-526. A resolution adopted by the House of Representatives of the State of Missouri; to the Committee on Finance:

"HOUSE RESOLUTION NO. 246

"Whereas, Canada is a close ally of the United States and plays a central role in the defense of North America and the Western Democracies through its membership in NATO; and

"Whereas, there are substantial historical, cultural and economic links between the State of Missouri and Canada; and

"Whereas, Canada is a major trading partner of the United States and the State of Missouri; and

"Whereas, tariff and nontariff barriers continue to impede trade and distort investment location between the United States and Canada, to the detriment of both countries and the State and Missouri; and

"Whereas, an agreement in principle was reached between the United States and Canada on October 4, 1987, to establish a free trade area; and

"Whereas, this Free Trade Agreement, when enacted would remove on a phased basis all tariff barriers between Canada and the United States, would reduce the trade-distorting effects of nontariff barriers, would establish new international rules for services, would remove all limitations on cross-border trade in energy products and would lead to a more secure and fair North America investment climate; and

"Whereas, implementation by both the United States and Canada of the measures set forth in the October 4, 1987, accord would be advantageous to the State of Missouri in terms of job creation, improved productivity and greater competitiveness: Now, therefore, be it

Resolved, That we, the members of the Missouri House of Representatives, Eighty-fourth General Assembly, hereby strongly urge the President of the United States to use any and all diplomatic means available to implement the aforementioned Free Trade Agreement with Canada; and be it further

Resolved, That the members of the Missouri House of Representatives urge the United States Congress to give favorable consideration to the Free Trade Agreement with Canada when it is referred to the Senate and House of Representatives for adoption; and be it further

Resolved, That the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate and each member of the Missouri Congressional Delegation."

POM-527. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance:

"Whereas, Roses from countries such as Colombia, Mexico, the Netherlands, and Israel are much cheaper than the domestically grown blooms because those governments subsidize their rose industries; and

"Whereas, Local growers cannot compete with goods subsidized by a foreign government; and

"Whereas, Importers of fresh cut roses now pay a United States tariff equal to 8 percent of the value of the roses, growers sending their blooms to the European Economic Community must pay a tariff in the summer equal to 24 percent of the value of the roses and related shiping costs, and the tariff in the winter is 17 percent; and

"Whereas, The higher tariffs in Europe have created a "one-way street" that heads straight to the United States; and

"Whereas, Clearly we are effectively barred from using the European Economic Community as a marketplace for United States grown merchandise; and

"Whereas, Foreign blooms now comprise 30 percent of the United States rose market, and, from 1985 to 1986, imports increased 24 percent to 215 million roses; and

"Whereas, If this trend is not curbed by legislation, we will see many casualties among the rose growers of this country, including those of California; and,

"Whereas, It is in the best interest of the United States and the European Economic Community to have equal tariff schedules on roses in order to promote open markets and international trade: Now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California urges the United States Trade Representative to actively pursue negotiations with the European Economic Community to reduce their tariff schedules on imported roses to those consistent with the United States; and be it further

"*Resolved,* That barring substantial tariff schedule reductions on roses by the European Economic Community, the Legislature of the State of California memorializes the President to support and the Congress of the United States to enact H.R. 750, also known as the Rose Equity Bill, in the interest of preserving the American rose growers' market; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the United States Trade

Representative, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-528. A resolution adopted by the City of Oldsmar, Florida, requesting that the existing tax exempt status of State and municipal bonds be assured in the future; to the Committee on Finance.

POM-529. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance.

"ASSEMBLY JOINT RESOLUTION No. 63

"Whereas, The federal gasoline tax was increased by Congress from five cents per gallon to nine cents per gallon in 1982; and

"Whereas, The federal gasoline tax, unless extended by Congress, will be automatically repealed by operation of law in 1993; and

"Whereas, Less than 100 percent of federal gasoline taxes paid by Californians are returned to California by the federal government for expenditure on California transportation projects; and

"Whereas, The emphasis by the federal government on completing the National System of Interstate and Defense Highways has resulted in insufficient funding for noninterstate highway projects of high priority to California; and

"Whereas, With the completion of the interstate system, it would be appropriate to reduce or eliminate the federal government's role in highway funding since the highways themselves are owned, maintained, and operated by the states; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to reduce or eliminate the federal funding role in highway construction programs after 1993, along with the federal gas tax, in order to focus resources available to each state on high priority transportation needs identified at the state and local level; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-530. A resolution adopted by the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"RESOLUTIONS MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO URGE THE SOVIET UNION TO ALLOW ROALD (ALEX) ZELICHENOK AND GALINA BABRINA TO EMIGRATE TO ISRAEL

"Whereas, the Massachusetts House of Representatives urges the Government of the Soviet Union to allow Roald (Alex) Zelichenok and Galina Babrina to emigrate to Israel; and

"Whereas, Roald and Galina have been applying for exit visas to Israel since 1978; and

"Whereas, Roald is an internationally known scientist with numerous works published as well as patented inventions; and

"Whereas, their applications have been refused on various pretexts, the latest in 1987 for so-called regime considerations (access to classified information); and

"Whereas, this refusal appears to have no basis since Roald Zelichenok has not had even formal admittance to any classified information since 1975; and

"Whereas, both are in poor health, Roald suffering from high blood pressure, spinal problems, kidney infection, peripheral vascular disease, and other health problems: Galina is losing her vision; and

"Whereas, Roald and Galina wish to live out their remaining years in a country which affords them religious freedom and the right to live openly as Jews, and can provide the medical attention that they so desperately require; therefore be it

"Resolved, That the Massachusetts House of Representatives hereby urges the Government of the Soviet Union to allow Roald (Alex) Zelichenok and Galina Babrina to emigrate to Israel; and be it further

"Resolved, That copies of these resolutions be forwarded by the Clerk of the House of Representatives to the President of the United States, Secretary Mikhail Gorbachev the presiding officer of each branch of Congress and to the Members thereof from this Commonwealth."

POM-531. A joint resolution adopted by the Legislature of the State of Arkansas; to the Committee on the Judiciary:

"HOUSE JOINT RESOLUTION 1009

"Section 1. That the Legislature of the State of Arkansas pursuant to Article V of the United States Constitution, hereby ratifies an amendment to the Constitution of the United States proposed by resolution of the First Congress of the United States in New York, New York, in September 25, 1789, which reads as follows, to wit:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring, That the following [Article] be proposed to the Legislature of the several States, . . . which [Article], when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz . . .:

"[An Article] in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

"Article the second . . . No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

"Section 2. That the Legislature of the State of Arkansas acknowledges that the above-quoted article of amendment to the United States Constitution has already been ratified by the legislatures of the following states on the dates indicated, to wit: Maryland on December 19, 1789; North Carolina on December 22, 1789; South Carolina on January 19, 1790; Delaware on January 28, 1790; Vermont on November 3, 1791; Virginia on December 15, 1791; Ohio on May 6, 1873 [70 Ohio Laws 409-10]; Wyoming on March 3, 1978 [124 Cong. Rec. 7910]; Maine on April 27, 1983 [130 Cong. Rec. H9097, S11017]; Colorado on April 18, 1984 [131 Cong. Rec. S17687; 132 Cong. Rec. H6446]; South Dakota on February 21, 1985 [131 Cong. Rec. H971, S3306]; New Hampshire on March 7, 1985 [131 Cong. Rec. H1378, S3597]; Arizona on April 3, 1985 [131 Cong. Rec. H2060, S4750]; Tennessee on May 23, 1985 [131 Cong. Rec. H6672, S10797, S13504]; Oklahoma on July 10, 1985 [131 Cong. Rec. H7263, S13504]; New Mexico on February 13, 1986 [132 Cong. Rec. H827, S2207-8, S2300]; Indiana on February 19, 1986 [132 Cong. Rec. H1634, S4663]; and Utah on February 25, 1986 [132 Cong. Rec. S6750, S7578]; as well as by the Senate of the State of Georgia on February 2, 1984 and on January 21, 1985.

"Section 3. That the Legislature of the State of Arkansas acknowledges that the above-quoted article of amendment to the United States Constitution may still be ratified by states' legislature as a result of the ruling by the United States Supreme Court in the landmark case of Coleman v. Miller, [307 U.S. 433 (1939)] in which it was opined that Congress is the final arbiter on the question of whether too much time has elapsed between Congress' submission of an amendment and the most recent state legislature's ratification of same if Congress did not specify a deadline on the amendment's consideration.

"Section 4. That the Secretary of State shall notify the Archivist of the United States (pursuant to 1 U.S.C. 106b and 112; as amended by PL 98-497 [98 Stat. 2291]) of the action of the 76th General Assembly of the State of Arkansas, Regular Session, by sending to him a copy of this resolution.

"Section 5. That the Secretary of State shall also send copies of this resolution to both United States Senators from Arkansas, all four (4) United States Representatives from Arkansas, the Vice-President of the United States and to the Speaker of the United States House of Representatives with the request that it be printed in full in the CONGRESSIONAL RECORD."

POM-532. A resolution adopted by the House of Representatives of the State of Delaware; to the Committee on the Judiciary:

"HOUSE RESOLUTION No. 216

"Whereas, the issuance of State and local bonds provides needed revenue for governmental entities which directly serve the vital interests of citizens within respective jurisdictions; and

"Whereas, this important revenue source contributes to projects providing needed services through fiscally responsible management; and

"Whereas, the Supreme Court of the United States on April 19, 1988 in the case of South Carolina v. Baker, held that the Federal Constitution does not protect State and local governments against Federal taxation of interest received by holders of their bonds; and

"Whereas, such protection had been in effect since 1895; and

"Whereas, the effect of the new decision will be to permit Congress to tax interest received by holders of State and local governments bonds; and

"Whereas, this decision is of exceptional importance because of the increased need for Federal revenues to meet the national budget needs, including increasing debt service; and

"Whereas, it takes no unusual foresight to understand that the Congress may consider such a tax as the next national administration seeks more revenues; and

"Whereas, Congressional approval of a Federal tax on State and local bonds will make these bonds much less attractive and much more expensive, further increasing the costs of State and local governments; and

"Whereas, a strong initiative in the form of a Constitutional Amendment by the Congress of the United States is desired and is the most appropriate response to existing Federal law; now therefore; be it *Resolved by the House of Representatives of the 134th General Assembly of the State of Delaware* That we hereby urge the Congress of the United States to initiate a Constitutional Amendment prohibiting Federal taxation of State and local government bonds; be it further *Resolved* That copies of this resolution be forwarded without delay to the members of the Delaware Congressional Delegation: Senator William V. Roth, Jr., Senator Joseph R. Biden, Jr., and U.S. Representative Thomas R. Carper; and to the Majority and Minority Leaders of the U.S. Senate and to the Speaker and Majority and Minority Leaders of the U.S. House of Representatives for their consideration."

POM-533 A resolution adopted by the House of Representatives of the Commonwealth of Puerto Rico; to the Committee on the Judiciary:

H.R. 1594 STATEMENT OF MOTIVES

"Alejandrina Torres is a Puerto Rican prisoner at present confined in the Control Unit of the Federal prison in Lexington, Kentucky.

"Alejandrina Torres is sentenced to 35 years of imprisonment for seditious activities against the United States Government.

"Alejandrina Torres is not treated as a prisoner, much less as a human being. She is being subjected to what psychologists and psychiatrists consider to be physical and psychological torture, to wit:

"a. She is continuously undergoing rectal and vaginal examinations, that at times, are performed by male guards.

"b. She is denied professional assistance.

"c. Her family and attorneys visiting hours are restricted.

"d. She is denied religious services.

"e. She is kept in an underground cell, painted white, without any fresh air or sunlight, and that is permanently lit by a phosphorescent light 24 hours a day.

"g. She is denied minimum privacy due to the use of a camera in her cell to record all her movements therein, even when she must attend to her physical needs.

"h. She is continuously disturbed during the night so she cannot sleep.

"i. Her personal property is limited to 5 books and to 10 photographs.

"This cruel and inhuman treatment is contrary to the Constitutional provisions in effect and to the international treaties that specifically prohibit said type of punishment.

"The type of punishment to which Alejandrina Torres is being subjected is affecting her health, thus she is suffering from weight loss, dizzy spells, loss of memory, difficulty concentrating and other symptoms that are deteriorating her physical and mental health.

"This treatment constitutes a violation of the human rights of Alejandrina Torres.

"The American Civil Liberties Union and Amnesty International are two of the organizations that have protested against such abuse, as well as 15 legislators of the European Parliament.

Be it resolved by the House of Representatives of Puerto Rico:

"SECTION 1. To request of the Federal Bureau of Prisons that it respects the physical and emotional integrity, as well as the human rights of Alejandrina Torres, a Puerto Rican prisoner at present confined in the Federal Prison at Lexington, Kentucky and that it direct her transfer to the general penal population.

"SEC. 2. To request of the Federal Bureau of Prisons:

"a. The immediate transfer of Alejandrina Torres to the general penal population.

"b. That the physical and emotional integrity of Alejandrina Torres be respected.

"c. That the Federal Bureau of Prisons inform the House of Representatives of Puerto Rico as to the matter set forth in this Resolution and the steps to be taken by the Federal Bureau with respect to the same.

"SEC. 3. A copy of this Resolution, translated into the English language, shall be sent to the Federal Bureau of Prisons, to the American Civil Liberties Union, Amnesty International and to the Office of the Secretary of the House of Representatives and of the Senate of the Congress of the United States of America."

POM-534. A joint resolution adopted by the Legislature of the State of Minnesota; to the Committee on Labor and Human Resources:

RESOLUTION 15

"Whereas, next to life itself, each person's personal health is their most serious need; and

"Whereas, the continued and increasing high cost of health care and health insurance puts health care beyond the reach of many Americans; and

"Whereas, recent statistics have shown that many Americans are, in fact, doing without health insurance; and

"Whereas, after many years of trying to reduce health care costs it is plain that they will never be reduced to a level where all Americans can afford health care or even health care insurance; and

"Whereas, these problems can only be cured by providing health care insurance on a national basis to all Americans: Now, therefore, be it

"*Resolved by the Legislature of the State of Minnesota*, That the Congress of the United States is urged to speedily enact, and the President of the United States approve, legislation providing for national health insurance: Be it further

"*Resolved*, That the Secretary of State of the State of Minnesota is directed to prepare certified copies of this resolution and to transmit them to the President of the United States, the President and Secretary of the United States Senate, the Speaker and Chief Clerk of the United States House of Representatives, and to Minnesota's Senators and Representatives in Congress."

POM-535. A resolution adopted by the House of Representatives of the State of Hawaii; to the Committee on Veterans' Affairs:

HOUSE RESOLUTION 22

"Whereas, although one in ten of Hawaii's people, or more than 100,000 men and women, are military veterans, Hawaii is one of only ten states in the nation that does not have a Veteran's Administration Hospital; and

"Whereas, they receive low priority since Tripler is required by Army regulations to care for active duty members and dependents, reserve members, and retired military personnel and dependents before it serves veterans; and

"Whereas, efforts have been made to renovate a wing at Tripler specifically for veterans, but at this time it is estimated that this wing probably will not be open for at least seven years; and

"Whereas, the number of veterans in Hawaii who are in need of the medical services which have been promised to them because of military service will continue to increase with the general aging of the population and the eligibility of the many Korean War and Vietnam-era veterans; and

"Whereas, it is truly a tragedy that those who have served their country must often accept inadequate health care; now, therefore, be it

"*Resolved by the House of Representatives of the Fourteenth Legislature of the State of Hawaii, Regular Session of 1988*, That Congress is requested to establish a Veterans Administration Hospital in Hawaii; and be it further

"*Resolved*, That certified copies of this Resolution be transmitted to the President of the United States, the presiding officer of the United States Senate, the presiding officer of the United States House of Representatives, the Governor of the State of Hawaii, and Hawaii's congressional delegation."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SASSER, from the Committee on Appropriations, with amendments:

H.R. 4586. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1989, and for other purposes (Rept. No. 100-380).

By Mr. JOHNSTON, from the Committee on Appropriations, with amendments:

H.R. 4567. A bill making appropriations for energy and water development for the fiscal year ending September 30, 1989, and for other purposes (Rept. No. 100-381).

By Mr. BUMPERS, from the Committee on Appropriations, with amendments:

H.R. 4587. A bill making appropriations for the legislative branch for the fiscal year ending September 30, 1989, and for other purposes (Rept. No. 100-382).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GLENN:

S. 2489. A bill to temporarily suspend the duty on mixed ortho/para toluene sulfonomide; to the Committee on Finance.

By Mr. SASSER (for himself, Mr. MATSUNAGA, Mr. GORE, Mr. LEVIN, Mr. SIMON, Mr. PELL, Mr. METZENBAUM, Mr. KERRY, Mr. DECONCINI, Mr. INOUYE, Mr. KENNEDY, Mr. CHAFEE, Mr. MELCHER, Mr. BAUCUS, Mr. RIEGLE, and Mr. SANFORD):

S. 2490. A bill to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care provided during peacetime; to the Committee on the Judiciary.

By Mr. HEINZ (for himself and Mr. KERRY):

S. 2491. A bill to require the Secretary of Labor to simplify the application and problem-resolution processes relating to certain services and benefits, and to establish and carry out a job bank and job matching program; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PRESSLER:

S. Res. 440. A resolution expressing the sense of the Senate that the President should continue pursuing the removal of foreign military forces from Angola and should assist the achievement of national reconciliation and early independence in Namibia; to the Committee on Foreign Relations.

By Mr. GRAHAM (for himself, Mr. DECONCINI, Mr. DURENBERGER, Mr. CHILES, Mr. LAUTENBERG, Mr. BRADLEY, and Mr. D'AMATO):

S. Con. Res. 124. A concurrent resolution condemning the election of Cuba and Panama on May 26, 1988, to the United Nations Human Rights Commission; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GLENN:

S. 2489. A bill to temporarily suspend the duty on mixed ortho/para toluene sulfonomide; to the Committee on Finance.

TEMPORARY DUTY SUSPENSION

● Mr. GLENN. Mr. President, I am introducing this legislation to suspend temporarily the duty on mixed ortho/para toluene sulfonomide from January 1, 1989, to December 31, 1992. This legislation is noncontroversial and should be acceptable to the Senate as part of the miscellaneous tariff bill.

At present, mixed ortho/para toluene sulfonomide is classified "Products Chiefly Used as Plasticizers" (T.S.U.S. 409.3450) and is subject to the relatively high duty of $0.001 per pound plus 17.7 percent ad valorem. It is used in the United States primarily as a plasticizer in the production of various commercial products including fluorescent pigments, decorative laminates, brake bands, composition wallboards, adhesives, and coating formulations.

Its principal products, however, are fluorescent pigments and decorative laminates. The former is used in this country in virtually any type of product which require colorization: paints, inks, printing inks, coated fabrics, coated papers, plastics, felt tip markers, and wax crayons. Decorative laminates are used in a multitude of American industries to produce furniture, paneling, counter tops, and vanities.

There is no commercial production of mixed ortho/para toluene sulfonomide in the United States. For many years the Monsanto Co. of St. Louis manufactured it, by Monsanto ceased production in 1985. As a result, domestic users of this raw material today have to rely on foreign sources to meet their considerable needs. To date domestic users have been able to minimize this problem by purchasing most—but not all—of its requirements of the mixed ortho/para toluene sulfonomide duty-free from South Korea and Taiwan under the Generalized System of Preferences Program. Beginning on January 2, 1989, however, South Korea and Taiwan will lose their GSP eligiblity.

Since GSP-eligible countries such as South Korea and Taiwan have been unable to provide all of the requirements of domestic users of this product, domestic users have had to rely also on Japan and the Netherlands. This has resulted in higher production costs.

Increasingly, foreign fluorescent pigment manufacturers have been penetrating the U.S. market because of their raw material price advantages. These foreign competitors are based in the countries where mixed ortho/para toluene sulfonomide is produced, or they are able to buy it duty free or at a substantially lower rate than applies in the United States. This trend is likely to continue because finished fluorescent materials enter this market at a duty rate of only 3.1 percent ad valorem.

Given domestic users' reliance on foreign sources of mixed ortho/para toluene sulfonomide, the continued imposition of a high tariff on it is not aiding any U.S. industry. It will greatly increase the manufacturing costs of those companies that use it in this country and places them at a competitive disadvantage in the world and domestic markets for the finished products derived from this raw material. Since much of these finished products are sold right here in the United States, it is the American consumers who will bear the brunt of the consequences.

I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2489

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MIXED ORTHO/PARA TOLUENE SULFONOMIDE.

Subpart B of part 1 of the Appendix to the Tariff Schedules of the United States is amended by inserting in numerical sequence the following new item:

"908.31	Mixed orth/para toluene sulfonomide (provided for in item 409.34, part 1C schedule 4).	Free.........	No change........	On or before 12/31/92".

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, after December 31, 1988.●

By Mr. HEINZ (for himself and Mr. KERRY):

S. 2491. A bill to require the Secretary of Labor to simplify the application and problem-resolution processes relating to certain services and benefits, and to establish a carry out a job bank and job matching program; to the Committee on Labor and Human Resources.

VETERANS SERVICES IMPROVEMENTS ACT

Mr. HEINZ. Mr. President, we all have a great deal of concern for our veterans and, in particular, there has been over the last decade a tremendous amount of increased concern for our Vietnam and Korean war veterans. We also have had a great deal of concern for our unemployed.

It might interest my colleagues to know that one out of every three displaced workers, one-third of them, is a veteran of the U.S. Armed Forces. Veterans who make up 13 percent of our population, about one out of eight, are woefully overrepresented among the ranks of the unemployed.

Such workers are, in fact, eligible for a variety of assistance provided by the Department of Labor, the Veterans' Administration, the Department of Education, and other agencies, but in order to obtain such assistance, veterans are literally forced to run from agency to agency, office to office, seeking benefits for which they are fully eligible, and ought to receive, if they knew how to run that obstacle course.

My office, like most in the U.S. Senate, has received many complaints from veterans who have found out far too late that they have missed benefits simply because nobody helped them use existing programs.

For example, Jim Sobinski, a resident of Westmoreland County, PA, lost his job in a steel mill 3 years ago. The local employment service told him that he was not eligible for Vietnam-era veterans education benefits or for trade adjustment assistance, and they went on to say that there was nothing that they could do for him. That was it.

Subsequently, it was discovered that Mr. Sobinski was, indeed, eligible not for one but for both of those programs for which he was told he could not apply. When he told the local Pennsylvania veterans outreach office of his problem, they in fact helped him sign up for veterans education benefits and he received a year of training.

Now Mr. Sobinski is trying to get trade adjustment assistance, a Department of Labor program, to help pay for the remaining cost of his training which he badly needs. To apply, he had to go back to the same office that originally turned him down. Mr. Sobinski is now being told, 3 years later that he cannot get his full benefits because he did not sign up in time.

Mr. President, if that was an isolated incident, I suppose you could say mistakes happen, but unfortunately it is not by any means a single instance.

For example, Mr. Robert Leese of Allegheny County, also lost a job in a steelmill and like Mr. Sobinski was a Vietnam-era veteran who applied for veterans benefits and trade adjustment assistance. Mr. Leese has been told that he has no eligibility for veterans education assistance. He has been told that he has exhausted his eligibility for trade adjustment cash assistance, and he has been informed that he can only receive the basic training benefit.

Mr. Leese believes that he is fully eligible for his benefits but in order to prove his point, what he is going to have to do is go through a lengthy administrative proceeding just to move his eligibility.

I fear, Mr. President, what we are seeing is a pattern of neglect, that the men and women being turned away from job training opportunities are also among our best workers. There is no doubt in my mind that many, if not all of them, are people who have not only served this country honorably in time of war, but they have valuable experience that they have learned on the job and they are now being sidelined. It is this Senator's view failure to return them to the workplace is going to leave our economy without some of its best human resources on the job.

I do not think that Congress intends to force veterans through a bureaucratic maze simply to get retraining and find a new job. We do not want our veterans to have to run through a gamut of different offices and through an unresponsive bureaucratic maze. I do not think a single Member of this body wants that to happen. But that is precisely what is happening, and we have to bear the responsibility for it.

Mr. President, according to the Bureau of Labor Statistics, 1 million workers are dislocated every year. The Veterans Economic Commission believes that fully one-fourth of those workers—250,000—are veterans. A displaced worker who is also a veteran is eligible for assistance from the Dislocated Workers Assistance Program of the Job Training Partnership Act, the Veterans Employment and Training Service operated by the Department of Labor, the Veterans Job Training Act administered by the VA and the U.S. Employment Service, trade adjustment assistance, the targeted jobs tax credit, the Adult Education Act, and a range of veterans education benefits.

However, at the same time, two investigatory agencies, the General Accounting Office and the Office of Technology Assessment, have found that fewer than 1 in 10, 1 in 10 displaced workers, ever receive counseling and assessment services to determine their needs. Thus, they are never, you can be sure, able to find out exactly what benefits they are eligible for in 9 out of 10 cases.

In other words, there is simply no one minding the store to be certain that the benefits we say we intend to reach needy veterans actually do so and the problem is very simple. There is no single point of contact for displaced veterans seeking help.

The end result is that veterans are on their own. It is for this reason that Senator KERRY of Massachusetts and I are proposing legislation to simplify the process and make one agency, the Department of Labor, responsible for targeting assistance to displaced veterans. The measure that we are introducing requires that the Department of Labor coordinate all education and training assistance available to veterans from a single point, and to enter into memoranda of understanding with the other relevant Federal and State agencies to ensure that the services to these veterans are in fact coordinated.

In addition, the legislation would establish a job bank and a job matching program to bring employment services into the 20th century. The Secretary of Labor in consultation with the VA and the Department of Defense would be required to use electronic data processing and telecommunciations systems to identify job vacancies and locate unemployed veterans, Reserve members, and individuals recently discharged from the Armed Forces who could fill those vacancies. That may sound like a fairly simple thing to do in this day and age when children are able to program personal computers to do ever more remarkable things, but it is something we have not yet done.

I urge my colleagues to join in sponsoring this important effort to get our veterans back to work. I ask unanimous consent that the text of the legislation and a summary of its contents appear at the conclusion of my remarks.

There being no objection, the material was orderd to be printed in the RECORD, as follows:

S. 2491

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Services Improvements Act of 1988".

SEC. 2. COORDINATION OF SERVICES AND BENEFITS.

(a) PURPOSE.—It is the purpose of this section to provide for simplification of the process by which individuals (1) obtain information about certain services and benefits administered by more than one department and agency of the Federal Government, (2) apply for such services and benefits, (3) obtain resolution of questions and problems relating to such services and benefits, and (4) initiate administrative appeals of determinations relating to such services and benefits.

(b) RESPONSIBILITIES OF THE SECRETARY OF LABOR.—(1) The Secretary of Labor shall provide, at each of the offices which the Secretary shall designate in each State for the purpose of this section—

(A) information on services and benefits referred to in subsection (d);

(B) all forms necessary for individuals—

(i) to apply for services and claim benefits referred to in subsection (d);

(ii) to initiate requests for resolution of questions and problems relating to such services and benefits; and

(iii) to initiate such administrative appeals as may be permitted by law with respect to determinations relating to such services and benefits;

(C) assistance for the purpose of facilitating the correct completion of such forms; and

(D) administrative services necessary for accepting completed forms and forwarding such forms to the appropriate department or agency of the Federal Government or of a State.

(2) The Secretary shall also provide for centralized administration and coordination of the activities of the offices designated under clause (1).

(c) MEMORANDA OF UNDERSTANDING.—(1) The Secretary of Labor, the Administrator of Veterans' Affairs, and the heads of the other departments and agencies of the Federal Government that provide services and benefits referred to in subsection (d) shall enter into such memoranda of understanding as may be necessary to carry out subsection (b).

(2) The Secretary of Labor shall enter into such memoranda of understanding with the Governors of States providing services and benefits referred to in subsection (d) as may be necessary to carry out subsection (b).

(3) The memoranda of understanding entered into under paragraphs (1) and (2) shall allocate among the Department of Labor, the Veterans' Administration, other departments and agencies of the Federal Government, and the States the responsibilities for furnishing personnel and facilities and paying expenses necessary to carry out subsection (b).

(d) COVERED SERVICES AND BENEFITS.—This section applies with respect to the following services and benefits:

(1) Employment assistance under—

(A) part C of title IV of the Job Training Partnership Act (96 Stat. 1380; 29 U.S.C. 1721 et seq.); and

(B) the Veterans' Job Training Act (97 Stat. 443; 29 U.S.C. 1721 note).

(2) Employment assistance and unemployment compensation under the trade adjustment assistance program provided in chapter 2 of title II of the Trade Act of 1974 (29 U.S.C. 2271 et seq.) and under any other program administered by the Employment and Training Administration of the Department of Labor.

(3) Educational assistance under—

(A) the Adult Education Act (20 U.S.C. 1201 et seq.); and

(B) chapters 30, 32, 34, 35, and 36 of title 38, United States Code.

(4) Training and rehabilitation under chapter 31 of title 38, United States Code.

(5) Services available in connection with the job bank and job matching program established under section 3 of this Act.

SEC. 3. ESTABLISHMENT OF JOB BANK AND JOB MATCHING PROGRAM.

(a) IN GENERAL.—The Secretary of Labor shall establish and carry out, in consultation with the Secretary of Education, the Administrator of Veterans' Affairs, the Secretary of Defense, and such public, private, and nonprofit organizations, associations, and employers as the Secretary of Labor considers appropriate, a nationwide computerized job bank and job matching program.

(b) PROGRAM REQUIREMENTS.—In carrying out a job bank and job matching program, the Secretary shall use electronic data processing and telecommunications systems to the maximum practicable extent—

(1) to identify job vacancies and the location of—

(A) unemployed or underemployed veterans,

(B) members of reserve components of the Armed Forces, and

(C) individuals recently discharged or released from service in the Armed Forces,

who are available to fill those vacancies;

(2) to provide an expeditious means for matching the qualifications of those individuals with employer requirements and job opportunities;

(3) to refer and place such individuals in jobs; and

(4) to identify job testing, job counseling, job training, job application training, and job placement programs and to provide an expeditious means for (A) matching individuals referred to in clause (1) with programs that meet their employment needs, and (B) referring such individuals to such programs.

(c) JOB BANK.—(1) The information contained in the job bank established under the job bank and job matching program shall be organized by region, State, and locality.

(2) The job bank referred to in paragraph (1) of this subsection—

(A) should provide for a free and direct exchange of information about the opportunities and needs for employment, employment assistance, education, and training among the sources of the information on such opportunities, the individuals referred to in subsection (b)(1), and the job bank;

(B) shall include, to the maximum extent feasible—

(i) an occupational information file;

(ii) occupational projections of the numbers and types of jobs available, organized on a regional, State, and local basis, and on any other appropriate basis determined by the Assistant Secretary;

(iii) labor supply information organized by occupation;

(iv) one or more data bases which correlate military occupational specialities with comparable civilian occupations and training programs;

(v) a data base of employers, the primary occupations they employ, and related information;

(vi) a data base of post-secondary vocational and professional training programs; and

(vii) a data base of colleges and the instructional programs offered by the colleges;

(C) shall include a current list of all suitable job vacancies with Federal Government contractors and subcontractors of Federal Government contractors and shall indicate which of such contractors and subcontractors are subject to the affirmative action requirements of section 2012(a) of title 38, United States Code; and

(D) such other information as may be useful for facilitating the employment of individuals referred to in subsection (b)(1).

(d) USE OF MOST EFFECTIVE MEANS.—The Secretary of Labor may make one or more grants or enter into one or more contracts or cooperative agreements that enable the Secretary to carry out the job bank and job matching program established under subsection (a) by the means determined by the Secretary to be the most effective.

(e) PROGRAM ADMINISTRATION.—The Assistant Secretary of Labor for Veterans' Employment shall perform the duties of the Secretary of Labor under this section.

(f) DEFINITION.—As used in this section, the term "veteran" has the same meaning as is provided in section 101 of title 38, United States Code.

SEC. 4. AUTHORIZATION OF FUNDS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for the administration of the job bank and job matching program required by section 3.

(b) USE OF JTPA FUNDS.—In developing and funding the job bank and job matching program referred to in section 3, the Secretary shall use, to the maximum extent feasible, the funds available under part D of title IV of the Job Training Partnership Act (96 Stat. 1381; 29 U.S.C. 1731 et seq.) and any funds available for pilot projects developed in conjunction with the Secretary of Defense under section 452(b) of such Act (96 Stat. 1382; 29 U.S.C. 1732(b)).

(c) OTHER SOURCES OF FUNDS.—The Secretary of Labor shall, in consultation with the Administrator of Veterans' Affairs, the Secretary of Defense, and the Secretary of Education, identify other funds that may be available to carry out the job bank and job matching program referred to in section 3 and shall take appropriate action to make any such funds available to carry out such program.

SUMMARY OF VETERANS SERVICES IMPROVEMENTS ACT OF 1988

I. COORDINATION OF SERVICES

The legislation simplifies the process by which individuals obtain information about services and benefits to displaced veterans, apply for such services and benefits, and initiate administrative appeals of benefit adjudication.

The Secretary of Labor must designate the appropriate office in each state to provice services and benefits to displaced veterans. The Secretary must also provide for centralized administration and coordination of these activities.

The Secretary shall enter into Memoranda of Understanding with appropriate Federal agencies to ensure that purposes of this Act are carried out.

Services to be coordinated must include, at minimum: Veterans Employment Services under JTPA; the Veterans Job Training Act, Trade Adjustment Assistance; Adult Education; Veterans Education benefits; and Veterans Rehabilitation services.

II. JOB BANK AND JOB MATCHING PROGRAM

The Secretary of Labor shall establish a job bank and job matching program to utilize electronic data processing and telecommunications systems to identify job vacancies and locate appropriate unemployed veterans, reserve members, and individuals recently discharged from the Armed Services to fill those vacancies.

Authorizes such sums as necessary to carry out the program.

ADDITIONAL COSPONSORS

S. 552

At the request of Mr. EVANS, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 552, a bill to improve the efficiency of the Federal classification system and to promote equitable pay practices within the Federal Government and for other purposes.

S. 1391

At the request of Mr. EXON, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1391, a bill to amend the Surface Transportation Assistance Act of 1982.

S. 1600

At the request of Mr. FORD, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 1600, a bill to enhance the safety of air travel through a more effective Federal Aviation Administration, and for other purposes.

S. 1673

At the request of Mr. CHAFEE, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 1673, a bill to amend title XIX of the Social Security Act to assist individuals with a severe disability in attaining or maintaining their maximum potential for independence and capacity to participate in community and family life, and for other purposes.

S. 1805

At the request of Mr. MITCHELL, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 1805, a bill to protect certain pensions and other benefits of veterans and survivors of veterans who are entitled to damages in the case of "In re: 'Agent Orange' Product Liability Litigation".

S. 1817

At the request of Mr. KENNEDY, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 1817, a bill to amend the Internal Revenue Code of 1986 to provide that gross income of an individual shall not include income from United States savings bonds which are transferred to an educational institution as payment for tuition and fees.

S. 1885

At the request of Mr. DODD, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 1885 a bill to provide for a Federal program for the improvement of child care, and for other purposes.

S. 1897

At the request of Mr. THURMOND, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1897, a bill to recognize the organization known as the National Association of State Directors of Veterans' Affairs, Incorporated.

S. 1955

At the request of Mr. Glenn, the names of the Senator from Wisconsin [Mr. Kasten] and the Senator from New York [Mr. Moynihan] were added as cosponsors of S. 1955, a bill to study the expansion of the Coastal Barrier Resources System to include undeveloped, unprotected areas along the Great Lakes shoreline.

S. 2115

At the request of Mr. Danforth, the name of the Senator from South Dakota [Mr. Daschle] was added as a cosponsor of S. 2115, a bill to amend the Internal Revenue Code of 1986 to eliminate tax credits from the passive activity rules, to modify the business credit limitation provisions, and for other purposes.

S. 2142

At the request of Mr. Harkin, the name of the Senator from Illinois [Mr. Simon] was added as a cosponsor of S. 2142, a bill to establish a National Mars Commission, and for other purposes.

S. 2221

At the request of Mr. McCain, the names of the Senator from Arkansas [Mr. Bumpers], the Senator from Michigan [Mr. Riegle], the Senator from Pennsylvania [Mr. Heinz], the Senator from North Carolina [Mr. Sanford], and the Senator from Maryland [Ms. Mikulski] were added as cosponsors of S. 2221, a bill to expand our national telecommunications system for the benefit of the hearing-impaired, and for other purposes.

S. 2317

At the request of Mr. Symms, the name of the Senator from Utah [Mr. Garn] was added as a cosponsor of S. 2317, a bill to repeal certain provisions of law requiring the installation of transponders in all aircraft.

S. 2351

At the request of Mr. Domenici, the name of the the Senator from Alaska [Mr. Stevens] was added as a cosponsor of S. 2351, a bill to amend the Internal Revenue Code of 1986 to repeal the capitalization rules for freelance writers, artists, and photographers.

S. 2409

At the request of Mr. Bumpers, the names of the Senator from Hawaii [Mr. Inouye], the Senator from North Carolina [Mr. Sanford], the Senator from Illinois [Mr. Simon], the Senator from Alabama [Mr. Heflin], the Senator from Wisconsin [Mr. Proxmire], and the Senator from North Dakota [Mr. Conrad] were added as cosponsors of S. 2409, a bill to amend the Internal Revenue Code of 1986 to provide a mechanism for taxpayers to designate any portion of any overpayment of income tax, and to contribute other amounts, for payment to the National Organ Transplant Trust Fund, and for other purposes.

S. 2473

At the request of Mr. Cohen, the name of the Senator from Pennsylvania [Mr. Heinz] was added as a cosponsor of S. 2473, a bill to amend the Public Health Service Act to improve the requirements for the licensing of clinical laboratories and to amend the Social Security Act to apply such requirements in certifying such laboratories under the medicare and medicaid programs, and for other purposes.

S. 2478

At the request of Mr. Ford, the names of the Senator from South Dakota [Mr. Daschle], the Senator from Indiana [Mr. Quayle], and the Senator from Idaho [Mr. Symms] were added as cosponsors of S. 2478, a bill to provide for a 2-year Federal budget cycle, and for other purposes.

S. 2480

At the request of Mr. Moynihan, the name of the Senator from Michigan [Mr. Riegle] was added as a cosponsor of S. 2480, a bill to amend the Internal Revenue Code of 1986 to clarify that section 457 does not apply to nonelective deferred compensation or basic employee benefits.

S. 2484

At the request of Mr. Danforth, the names of the Senator from North Carolina [Mr. Helms], the Senator from Mississippi [Mr. Cochran], and the Senator from West Virginia [Mr. Rockefeller] were added as cosponsors of S. 2484, a bill to amend the Internal Revenue Code of 1986 to enhance the incentive for increasing research activities.

S. 2488

At the request of Mr. Dodd, the name of the Senator from New York [Mr. D'Amato] was added as a cosponsor of S. 2488, a bill to grant employees parental and temporary medical leave under certain circumstances, and for other purposes.

SENATE JOINT RESOLUTION 149

At the request of Mr. Helms, the name of the Senator from Wyoming [Mr. Simpson] was added as a cosponsor of Senate Joint Resolution 149, a joint resolution to designate the period commencing on June 21, 1989, and ending on June 28, 1989, as "Food Science and Technology Week".

SENATE JOINT RESOLUTION 273

At the request of Mr. Lugar, the name of the Senator from South Dakota [Mr. Daschle] was added as a cosponsor of Senate Joint Resolution 273, a joint resolution designating October 6, 1988, as "German-American Day".

SENATE JOINT RESOLUTION 278

At the request of Mr. Glenn, the name of the Senator from Alabama [Mr. Shelby] was added as a cosponsor of Senate Joint Resolution 278, a joint resolution designating November 20 to 26, 1988, as "National Family Caregivers Week".

SENATE JOINT RESOLUTION 288

At the request of Mr. Boren, the name of the Senator from New Hampshire [Mr. Humphrey] was added as a cosponsor of Senate Joint Resolution 288, a joint resolution to designate the week of June 5, 1988, through June 11, 1988, as "National Intelligence Community Week".

SENATE JOINT RESOLUTION 289

At the request of Mr. Bentsen, the names of the Senator from Michigan [Mr. Riegle], the Senator from Rhode Island [Mr. Chafee], and the Senator from South Dakota [Mr. Daschle] were added as cosponsors of Senate Joint Resolution 289, a joint resolution to designate the month of November 1988 as "National Hospice Month".

SENATE JOINT RESOLUTION 291

At the request of Mr. Cochran, the names of the Senator from Nevada [Mr. Hecht] and the Senator from Maryland [Ms. Mikulski] were added as cosponsors of Senate Joint Resolution 291, a joint resolution to designate the month of September 1988 as "National Sewing Month".

SENATE JOINT RESOLUTION 298

At the request of Mr. D'Amato, the names of the Senator from Idaho [Mr. McClure], the Senator from Montana [Mr. Melcher], the Senator from Tennessee [Mr. Gore], the Senator from Alabama [Mr. Heflin], the Senator from Connecticut [Mr. Dodd], the Senator from New Mexico [Mr. Domenici], and the Senator from Florida [Mr. Chiles] were added as cosponsors of Senate Joint Resolution 298, a joint resolution designating September 1988 as "National Library Card Sign-Up Month".

SENATE JOINT RESOLUTION 312

At the request of Mr. D'Amato, the names of the Senator from Delaware [Mr. Roth], the Senator from South Carolina [Mr. Thurmond], the Senator from Missouri [Mr. Bond], the Senator from Alaska [Mr. Stevens], the Senator from Oregon [Mr. Packwood], the Senator from Washington [Mr. Evans], and the Senator from California [Mr. Cranston] were added as cosponsors of Senate Joint Resolution 312, a joint resolution designating the week beginning September 18, 1988, as "Emergency Medical Services Week."

SENATE JOINT RESOLUTION 315

At the request of Mr. DeConcini, the name of the Senator from Texas [Mr. Bentsen] was added as a cosponsor of Senate Joint Resolution 315, a joint resolution designating 1989 as, "Year of the Young Reader."

SENATE JOINT RESOLUTION 318

At the request of Mr. Armstrong, the names of the Senator from Wyoming [Mr. Simpson], the Senator from California [Mr. Cranston], the Senator from Delaware [Mr. Roth], and the Senator from Maryland [Ms. Mi-

Kulski] were added as cosponsors of Senate Joint Resolution 318, a joint resolution to designate the week of July 25-31, 1988, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War."

SENATE JOINT RESOLUTION 322

At the request of Mr. Shelby, the name of the Senator from Alaska [Mr. Stevens] was added as a cosponsor of Senate Joint Resolution 322, a joint resolution to designate the week of September 23-30, 1988, as "National American Indian Heritage Week."

SENATE JOINT RESOLUTION 329

At the request of Mr. Stevens, the names of the Senator from West Virginia [Mr. Byrd], the Senator from South Dakota [Mr. Pressler], the Senator from Indiana [Mr. Quayle], and the Senator from Wyoming [Mr. Simpson] were added as cosponsors of Senate Joint Resolution 329, a joint resolution to designate October 24-30, 1988 as "Drug Free America Week."

SENATE JOINT RESOLUTION 331

At the request of Mr. Shelby, the names of the Senator from New Jersey [Mr. Bradley], the Senator from Minnesota [Mr. Boschwitz], the Senator from West Virginia [Mr. Byrd], and the Senator from North Dakota [Mr. Conrad] were added as cosponsors of Senate Joint Resolution 331, a joint resolution to designate the week of June 19-25, 1988, as the "National Recognition of the Accomplishments of Women in the Workforce Week."

SENATE CONCURRENT RESOLUTION 103

At the request of Mr. DeConcini, the name of the Senator from Illinois [Mr. Simon] was added as a cosponsor of Senate Concurrent Resolution 103, a concurrent resolution expressing the sense of the Congress that the President should award the Presidential Medal of Freedom to Charles E. Thornton, Lee Shapiro, and Jim Lindelof, citizens of the United States who were killed in Afghanistan.

SENATE CONCURRENT RESOLUTION 121

At the request of Mr. Harkin, the names of the Senator from Alaska [Mr. Stevens] and the Senator from Wyoming [Mr. Simpson] were added as cosponsors of Senate Concurrent Resolution 121, a concurrent resolution to commemorate the 50th anniversary of the Javits-Wagner-O'Day Act.

SENATE RESOLUTION 426

At the request of Mr. Baucus, the names of the Senator from Virginia [Mr. Warner] and the Senator from Oregon [Mr. Packwood] were added as cosponsors of Senate Resolution 426, a resolution expressing the sense of the Senate that the seven major industrial nations of the world must take immediate action to protect the Earth's stratospheric ozone layer.

SENATE RESOLUTION 432

At the request of Mr. Moynihan, the names of the Senator from New Jersey [Mr. Bradley], the Senator from New York [Mr. D'Amato], and the Senator from Connecticut [Mr. Dodd] were added as cosponsors of Senate Resolution 432, a resolution to honor Eugene O'Neill for his priceless contribution to the canon of American literature in this the 100th anniversary year of his birth.

SENATE RESOLUTION 438

At the request of Mr. Wilson, his name was added as a cosponsor of Senate Resolution 438, a resolution extending the support of the Senate and the people of the United States to President Jose Napoleon Duarte and his family.

AMENDMENT NO. 2339

At the request of Mr. Levin, the names of the Senator from Washington [Mr. Evans] and the Senator from Missouri [Mr. Danforth] were added as cosponsors of Amendment No. 2339 proposed to S. 2455, a bill entitled "Death Penalty in case of Drug Related Killings."

SENATE CONCURRENT RESOLUTION 124—CONDEMNING THE ELECTION OF CUBA AND PANAMA TO THE UNITED NATIONS HUMAN RIGHTS COMMISSION

Mr. GRAHAM (for himself, Mr. DeConcini, Mr. Durenberger, Mr. Chiles, Mr. Lautenberg, Mr. Bradley, and Mr. D'Amato) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. Con. Res. 124

Whereas the United Nations Human Rights Commission (hereafter in this concurrent resolution referred to as the "UNHRC") was created under Article 68 of the United Nations Charter and has a specific mandate to promote, protect, investigate, and make recommendations concerning the violation of human rights and civil liberties;

Whereas the UNHRC's first responsibility was to draft the Universal Declaration of Human Rights, which serves as the internationally recognized standard of freedoms and liberties;

Whereas on May 26, 1988, the United Nations Economic and Social Council elected Cuba and Panama to represent the Latin American Group on the UNHRC;

Whereas the Castro and Noriega regimes fail to adhere to the principles of the Universal Declaration of Human Rights by continuing to practice arbitrary arrests and imprisonments, secret trials, and murder.

Whereas after four years of intensive lobbying, the United States has succeeded in convincing the UNHRC to investigate human rights in Cuba;

Whereas the election of Cuba to the UNHRC has occurred before the commencement of the UNHRC's investigation into human rights violations perpetrated by Fidel Castro's government;

Whereas it is unprecedented that a nation which is being investigated or scheduled to be investigated by the UNHRC has been allowed to become a member of the UNHRC before completion of the investigation;

Whereas the Government of Cuba is charging political opponents with criminal offenses to create the impression that there has been an improvement in human rights conditions;

Whereas within days of Cuba's election to the UNHRC, longtime Cuban political prisoners suffered brutal beatings, solitary confinement, and harsh interrogation;

Whereas as recently as March 1988, the Noriega regime physically attacked a meeting of the Civic Crusade, beating and arresting many of its members as well as intimidating members of the press;

Whereas the recent political turmoil in Panama has demonstrated the Panamanian Defense Forces' total lack of concern for the public welfare; and

Whereas the election of Cuba and Panama to the UNHRC is a moral outrage to the people of Cuba, Panama, and all who are concerned with respect for human rights: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the UNHRC suffered a setback with the election of Cuba and Panama to its membership;

(2) the Secretary General of the United Nations should undertake all necessary measures to remove Cuba and Panama from the UNHRC;

(3) the Secretary General of the United Nations should closely monitor all future action of the UNHRC, including its investigation of Cuban human rights by the UNHRC working group in August 1988 to ensure its independence and objectivity; and

(4) the Government of the United States should seriously consider the implications of this recent election in the United Nations in evaluating the financial support of the United States for the United Nations, including the United States contribution to the UNHRC

Sec. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President with the request that he transmit such copy to the Secretary General of the United Nations.

SENATE RESOLUTION 440—EXPRESSING THE SENSE OF THE SENATE CONCERNING MILITARY FORCES IN ANGOLA AND INDEPENDENCE IN NAMIBIA

Mr. PRESSLER submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 440

Whereas the Senate notes with approval the continuing dialogue between the governments of Angola, Cuba, South Africa and the United States, intended to promote agreement on the withdrawal of all foreign forces from Angola and the independence of Namibia;

Whereas the Senate commends the role played by the Administration in facilitating and encouraging such dialogue;

Whereas the Senate commends the statement made by the President of SWAPO, Sam Nujoma, on May 5, 1988, that he would prefer a democratic government in Namibia, and that there should be freedom of the press, free assembly, and democratic elections in Namibia;

Whereas the Senate notes with approval that the six Namibian political parties in the Namibian Transitional Government (the Democratic Turnhalle Alliance, the Labour Party, the National Party, the Rehoboth Liberated Democrats, SWANU and the SWAPO-Democrats) responded positively, on May 10, 1988, to this sign of a new commitment on the part of SWAPO to democratic values, and have invited Mr. Nujoma and SWAPO to join the democratic parties in that country in finalizing a draft Constitution embodying these principles, as an alternative to continuing armed violence;

Be it resolved that it is the sense of the Senate that—

(1) the President should continue to pursue multilateral initiatives aimed at achieving the removal of all foreign troops and military advisors from Angola; and

(2) The President should assist the achievement of national reconciliation and early independence in Namibia by encouraging all Namibian parties expected to take part in free and fair independence elections in accordance with U.N. Security Council Resolution 435 (1978) to meet at an early date and approve a Constitution which embodies a Bill of Rights and guarantees democratic principles in a multi-party system.

AMENDMENTS SUBMITTED

DEATH PENALTY IN CASE OF DRUG RELATED KILLINGS

HATFIELD AMENDMENT NO. 2340

(Ordered to lie on the table.)

Mr. HATFIELD proposed an amendment to the bill (S. 2455) entitled "Death Penalty in Case of Drug Related Killings"; as follows:

On page 13, line 17, strike the quotation marks and the second period.

On page 13, line 17, insert the following:

"Execution Shall be Carried Out in Public

"(r) No sentence of death shall be carried out under this section unless—

"(1) the United States Marshal charged with the execution of any sentence of death has taken such action as may be necessary to cause such execution to be carried out in public, including the making available such communication facilities, including radio and television, as may be necessary to permit the widest possible exposure of such execution to the public; and

"(2) such execution is at a time most likely to provide the widest possible exposure of the execution to the public.

"Refusal to Participate by State and Federal Correctional Employees

"(s) No employee of any State department of corrections or the Federal Bureau of Prisons and no employee providing services to that department or bureau under contract shall be required, as a condition of that employment, or contractual obligation to be in attendance at or to participate in any execution carried out under this section if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term 'participation in executions' includes personal preparation of the condemned individual and the apparatus used for execution and supervision of the activities of other personnel in carrying out such activities.".

NOTICES OF HEARINGS

GOVERNMENTAL AFFAIRS COMMITTEE

Mr. GLENN. Mr. President, I would like to announce that the Governmental Affairs Committee will hold a hearing on Tuesday, June 14 at 10 a.m. on the nomination of S. Jay Plager, for Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget. For further information, please call Len Weiss, staff director, at 224-4751.

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. PRYOR. Mr. President, I would like to announce that the Subcommittee on Federal Services, Post Office, and Civil Service, of the Committee on Governmental Affairs, will hold a hearing on Monday, June 13, 1988. The subcommittee will hear witnesses from the General Accounting Office, the Office of Management and Budget, and the Office of Personnel Management to review the Federal Government's use of consultants.

The hearing is scheduled for 10 a.m., in room SD-342, Senate Dirksen Office Building. For further information, please call Ed Gleiman, subcommittee staff director, on 224-2254.

Mr. PRYOR. Mr. President, I would like to announce that the Subcommittee on Federal Service, Post Office, and Civil Service, of the Committee on Governmental Affairs, will hold a hearing on Friday, June 17, 1988. The subcommittee will hear witnesses from the Bureau of the Census and the General Accounting Office to review the planning for the 1990 census.

The hearing is scheduled for 9:30 a.m., in room SD-342, Senate Dirksen Office Building. For further information, please call Ed Gleiman, subcommittee staff director, on 224-2254.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 9 to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources, Subcommittee on Water and Power, be authorized to meet during the session of the Senate on Thursday, June 9, 1988, to receive testimony on S. 1737, a bill providing for the completion of the Colorado River Storage Project; S. 2102, a bill to prohibit the licensing of certain facilities on portions of the Salmon and Snake Rivers in Idaho, and for other purposes; and S. 2108, to authorize the Secretary of the Interior to conduct the reclamation ground water management and technical assistant study.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. LEVIN. Mr. President, The Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing to consider S. 2011, the proposed "Veterans' Compensation Cost-of-Living Adjustment Act of 1988"; S. 2105, S. 1805, S. 2267, S. 2268, S. 2269, section 2 of S. 2294, and S. 2306; and Oversight of the Operations of the Board of Veterans' Appeals, on Thursday, June 9, 1988, in SR-418.

The PRESIDING OFFICER. Without objection, it is ordered.

ADDITIONAL STATEMENTS

"PRUDHOE BAY . . . DISCOVERY" BY MR. GENE RUTLEDGE

● Mr. MURKOWSKI. Mr. President, today I would like to bring to the attention of the Senate the men and women who made the development of the Prudhoe Bay oilfield possible and the man who so well immortalized them in his book "Prudhoe Bay . . . Discovery," Mr. Gene Rutledge.

This past winter, I sent all of my colleagues a copy of this fine book, each personally autographed by Mr. Rutledge. I hope they took the time to read it. Not only is it an accurate historical account of the development of Prudhoe Bay from discovery of oil in December of 1967 to the 10th anniversary of the trans-Alaska pipeline this past year, but it is engagingly written in a style uniquely Alaskan.

It strikes me that this book serves a purpose other than to inform and entertain. This book confirms the high quality and dedication of the people involved in the development of Prudhoe Bay. Mr. Rutledge brings alive for us the bold State officials, the pioneering scientists and engineers, and the perseverant oil industry executives. People who all played significant roles in this remarkable engineering endeavor and who helped make it the success that it is.

As the Senate continues to debate legislation pertaining to the Arctic Naitonal Wildlife Refuge, remember the dedication and expertise of this pioneering Alaskan oil community. It is this same group of people who would be involved in any development in ANWR.

Again, my sincerest compliments to Mr. Gene Rutledge for so well capturing this exciting time in Alaska's history. I highly recommend "Prudhoe Bay . . . Discovery" to all of my colleagues and enjoin them to read this animated and enlightening piece of literature.●

OVERRIDING THE PRESIDENT'S VETO OF THE OMNIBUS TRADE BILL

● Mr. LEAHY. Mr. President, on May 24, 1988, the President dealt a harsh blow to every American farm family and every working man and woman. That day he vetoed the omnibus trade bill—a bill that would help retrain American workers, tear down unfair foreign trade barriers, and help schools prepare our children to compete.

With one stroke of his pen, the President placed in jeopardy this bipartisan effort to restore American competitiveness.

Under the Reagan-Bush administration, hundreds of thousands of American workers saw their jobs go overseas, as the Federal trade deficit soared to nearly $200 billion. In my own State of Vermont, thousands of highly skilled machine tool workers suffered a traumatic transition from earning good wages in manufacturing to competing for minimum wages in service industries.

The omnibus trade bill offers hope to these workers in Vermont and to workers and farmers across the Nation. The trade bill rejects protectionism and instead gives American workers, businesses and our Government the tools to open up markets and bring American jobs home.

The trade bill would make our farm exports more competitive overseas. The trade bill would provide funds to support math, science, and foreign language education in local school systems and our Nation's universities.

The list goes on. The trade bill is more than 1,000 pages long. But, the President vetoed the entire trade bill because he did not agree with a single provision: the plant closing notification requirement.

In reaching this decision, the President and his advisers apparently decided that the livelihood of working families should take a back seat to ideology.

The plant closing provision simply says that big corporations must give their workers 60 days' notice when management decides to close down a plant. While most Americans see this as basic fairness, the Reagan-Bush administration sees the plant closing rules as encroachment by big labor.

It is this same sort of ideological approach by the Reagan-Bush administration to difficult economic issues that has so disserved working Vermonters and all working Americans for the last 8 years.

The trade bill veto is brought to you by the same people who tried to savage workplace safety rules and the same people who presided over the loss of over one quarter of a million family farms.

Around the White House they like to "just say no" to a lot of things. By vetoing this bill, the Reagan-Bush administration is just saying:

"No" to increased farm exports;

"No" to improving agricultural market development; and

"No" to fair rules for agricultural trade.

And, Mr. President, every Member of the Senate should understand that if they vote to sustain the President's veto they join the Reagan-Bush administration in saying "no" to all American farmers.

They will also be saying "no" to American workers.

One out of five manufacturing workers in my State of Vermont owe their jobs to exports. In Vermont and across the Nation, our ability to earn a decent living and to make a better life for our kids depends on our ability to compete in the world marketplace.

Up to now we have been losing that battle. Just as the Federal budget deficit has climbed to new heights under the Reagan-Bush administration, so, too, has our trade imbalance.

The trade bill is an effort to correct this course—and bring back highly skilled, good paying jobs to American towns and cities through competition, not favoritism.

It's an effort to help rural America. It's an effort to help American farmers.

It would be a shame to lose this effort because the administration is unwilling to make a single concession to the interests of American workers.

Mr. President, this may be our last chance. If the President's veto is sustained, we may not be able to come up with another trade bill this year.

Mr. President, I urge the Senate to override the President's veto, save the trade bill and say "yes" to American workers and American farmers.

PUBLIC AND TAX-EXEMPT EMPLOYEES DEFERRED COMPENSATION ACT

Mr. D'AMATO. Mr. President, I am pleased today to join my colleague Senator Moynihan in sponsoring the Public and Tax-Exempt Employees Deferred Compensation Act.

We offer this measure to address concerns raised over a recent Internal Revenue Service decision that would expand the scope of section 457 of the Internal Revenue Code. The new IRS regulations reinterpret section 457 to cover State and local government and tax-exempt organization employees' nonelective deferred compensation. As a result, employees would be required to pay tax on these benefits as they are accrued, rather than when they are used. Such nonelective deferred compensation includes sick and vacation leave, death and disability plans, severance pay, and compensatory time.

This new interpretation of section 457 is a radical departure from existing law. Currently, this section applies only to deferred compensation that is elective—that is, compensation which the employee opts to defer when earned, rather than receive it. Moreover, section 457 has never been applied to basic employee benefits such as sick and vacation pay, yet Treasury's new rule would now subject these benefits to taxation.

This ill-conceived and misguided effort to raise revenue is unfair and burdensome, overturning an area of the law which has been settled since 1978. In essence, it risks imposing taxes on benefits that might never be conferred. Such a result is absurd, and would be abhorrent to our system of equity.

It is my hope, Mr. President, that the Treasury Department will reconsider its decision and thereby obviate the need for this legislation. I ask my colleagues today to join us in sending a loud and clear message to Treasury urging repeal of this unwise decision.●

NOMINATION OF SUSAN LIEBELER TO COURT OF APPEALS FOR THE FEDERAL CIRCUIT

● Mr. HEINZ. Mr. President, once again I wish to state my opposition to the nomination of Susan Liebeler to the U.S. Court of Appeals for the Federal Circuit. As Senators know, my principal objection to her nomination is that as an ITC Commissioner, she has clearly ignored statutory directives and congressional intent in favor of her own strained interpretation of the law.

It has become increasingly clear that I am not alone in my criticism of her record. As I indicated in my statement on December 2, 1987, the Customs and International Trade Bar Association has found Mrs. Liebeler unqualified for the position to which she has been nominated—a nomination, I might add, which has been ordered reported by the Judiciary Committee without recommendation. In a detailed statement which I included in my December 2 remarks, the Bar Association documented Mrs. Liebeler's consistent efforts to reinterpret trade law in accordance with her own ideological beliefs rather than on the basis of criteria enunciated in the statutes.

Most of Mrs. Liebeler's opinions have not been examined by the courts because she has usually been in the minority, which also attests to the fact that other Commissioners have regularly disagreed with her affinity for using her own proxy criteria as substitutes for those mandated by law.

On March 15 of this year, however, that situation changed as it became evident that her decisions do not fare well under judicial scrutiny. The Court of International Trade rendered a decision in USX versus USITC which reversed Mrs. Liebeler's opinion. I commented on that decision at some length in my remarks in the Senate on April 12.

Now a second ruling by the Court of International Trade, in the case of Maverick Tube Corporation versus U.S. International Trade Commission has rejected another of Mrs. Liebeler's determinations and has thereby raised new questions about the appropriateness of her nomination. On May 24, the Court remanded to the Commission its determination in the Maverick case, which involved Canadian line pipe and tube:

> because one Commissioner's use of predatory pricing analysis and another Commissioner's application of elasticity estimates are not supported by substantial evidence and are not in accordance with the law.

With specific reference to Mrs. Liebeler, Judge Dicarlo ruled:

> * * * The court holds * * * that one Commissioner's use of a predatory pricing analysis underlying a 2.5 percent rebuttable presumption (is) not supported by substantial evidence and are not in accordance with the law. * * * This court will overturn a negative preliminary material injury determination of the Commission when it is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law.

The Court determined that Mrs. Liebeler had used improper economic analysis to reach her finding that there had been no material injury by reason of imports:

> An examination of the determination cited as support reveals that the "2.5 percent presumption" is based upon a predatory pricing analysis more akin to anti-trust than anti-dumping. . . . This predatory pricing analysis was recently analyzed and rejected in USX Corp. v. United States. * * * Consistent with the holding in USX Corp., the Court finds that predatory pricing analysis underlying the 2.5 percent presumption is not based on substantial evidence and is not in accordance with the law.

This is in part a different issue than in the USX case and significantly expands the areas where Mrs. Liebeler's judgments have not been in accord with the Court's.

Mr. President, this latest ruling by the court clearly shows the flaws in Mrs. Liebeler's economic and legal thinking. I am concerned that her appointment to the Court of Appeals for the Federal Circuit would elevate a candidate who has for the past 4 years rejected the mainstream interpretation of the law in favor of an activist approach. I hope that Senators will consider both those Court rulings as they contemplate Mrs. Liebeler's suitability for this position. Mr. President, I ask that excerpts from the most recent Court ruling to printed at this point in the Record.

The excerpts follows:

[U.S. Court of International Trade, Slip Op. 88-65]

Maverick Tube Corp. and Tex-Tube Div., Cyclops Corp, plaintiffs, *v.* United States and the United States International Trade Commission, Defendants, And IPSCO Inc. And IPSCO Steel Inc., Defendant—Intervenors

Before: DiCarlo, Judge. Court No. 87-04-00636.

The determination of the United States International Trade Commission that imports of Canadian line pipes and tube at less than fair value have not materially injured a United States industry or threatened a United States industry with material injury is remanded because one Commissioner's use of a predatory pricing analysis and another Commissioner's application of elasticity estimates are not supported by substantial evidence and are not in accordance with law. The Court also remands a portion of the determination of two other Commissioners to consider whether the likelihod that contrary evidence will arise in a final investigation alters their assessment of material injury or threat of material injury to a United States industry.

[Commission's negative preliminary injury determination remanded.]

Decided: May 24, 1988

Schagrin Associates (Roger B. Schagrin, Paul W. Jameson and Mark C. DelBianco) for plaintiffs.

Lyb M. Schlitt, General Counsel, James A. Toupin, Assistant General Counsel, United States International Trade Commission (*Jack M. Simmons, III*), for defendants.

Barnes, Richardson & Colburn (Rufus E. Jarman, Jr. and *Matthew J. Clark)* for defendant-intervenors.

DiCario, Judge: Plaintiffs move under Rule 56.1 of the Rules of this Court for judgment on the agency record to contest the 4-1 negative preliminary determination of the United States International Trade Commission (Commission) that there is no reasonable indication that a United States industry is being materially injured by reason of imports of welded carbon steel line pipes and tubes from Canada at less than fair value (LTFV). *Certain Line Pipes and Tubes From Canada,* Inv. No. 731-TA-375 (Preliminary), USITC Pub. 1965 (Mar. 1987); 52 Fed. Reg. 11,349 (Apr. 8, 1987). This Court has jurisdiction under 19 U.S.C. §1516a(a)(1)(C) (Supp. IV 1986) and 28 U.S.C. §1581(c) (1982). The Court holds, consistent with *USX Corp. v. United States,* 12 CIT , Slip Op. 88-30 (Mar. 15, 1988), that one Commissioner's use of a predatory pricing analysis underlying a 2.5 percent rebuttable presumption and another Commissioner's elasticisity estimates are not supported by substantial evidence and are not in accordance with law. The Court also remands a portion of the determination of two other Commissioners to consider whether the likelihood of contrary evidence on the "Southern Colorado" sale alters their assessment of material injury or threat of material injury.

STANDARD OF REVIEW

This Court will overturn a negative preliminary material injury determination of the Commission when it is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 19 U.S.C. 1516a(b)(1)(A) (1982). The Commission's role in a preliminary injury determination is to decide, based on the best information available to it at the time, whether there is a reasonable indication that a domestic industry is being materially injured or threatened with material injury by reason of imports of the merchandise under investigation, 19 U.S.C. §1673(a) (1982). In *American Lamb Co. v. United States,* 4 Fed. Cir. (T) 47, 55, 785 F.2d 994, 1001 (1986), our appellate court affirmed the administrative interpretation of this statute as meaning that the Commission should reach a negative injury finding in a preliminary investigation only when the record as a whole contains clear and convincing evidence that there is no material injury or threat of material injury by reason of imports, and there is no likelihood that contrary evidence will arise in a final investigation.

DISCUSSION

The Commission found that the industry against which the impact of the alleged LTFV imports was to be assessed was the industry producing welded carbon steel line pipe of 0.375 inches or more but not over 16 inches outside diameter, classifiable under items 610.3208 and 610.3209 of the Tariff Schedules of the United States Annotated. USITC Pub. 1965, at a-2. *See also id.* at 5-7, 27, 36-37. These line pipes and tubes (line pipe) are generally used to transport gas, oil, or water in pipeline or utility distribution systems. *Id.* at a-2 to a-3. Each of the Commissioners found a reasonable indication that the domestic industry has been materially injured, *Id.* at 12, 30, 38, 50, but four of the five Commissioners voting found that the material injury was not caused "by reason of" imports of Canadian line pipe. Plaintiffs assert that the Chairman and Vice-Chairman used improper economic analyses, and that two of the other Commissioners reached incorrect conclusions of fact.

I. Rebuttable 2.5 Percent Presumption:

In determining whether there is a reasonable indication that a United States industry is materially injured or threatened with material injury by reason of imports, the Commission is directed to consider as a factor the volume of imports of the merchandise which is the subject of the investigation. 19 U.S.C. §§1671b(a) and 1677(7)(B)(i) (1982). In evaluting the volume of imports, the Commission is instructed to "consider whether the volume of imports of the merchandise, or any increase in that volume, either in absolute terms or relative to the production or consumption in the United States, is significant." 19 U.S.C. §1677(7)(C)(i) (1982).

To "give effect" to 19 U.S.C. §1677(7)(C)(i), the Commission Chairman employed "a rebuttable presumption that an import penetration ratio, after cumulating imports as required, of less than 2.5 percent of apparent U.S. consumption is too small to be a cause of material injury and that any increase in the import penetration to less than 2.5 percent is too small to constitute a threat of material injury." USITC Pub. 1965, at 31-32. The Chairman stated that "[t]his presumption can be rebutted by showing that *both* domestic supply and demand for the product are inelastic." *Id.* at 32 (emphasis in original). A footnote refers to three determinations "[f]or a complete discussion of the rationale behind this 2.5 percent presumption." *Id.* at n. 12. An examination of the determinations cited as support reveals that the "2.5 percent presumption" is based upon a predatory pricing analysis more akin to antitrust than antidumping. *See, e.g., Certain Welded Carbon Steel Pipes and Tubes for the People's Republic of China,* Inv. No. 731-TA-292 (Final), USITC Pub. 1885, at 17-28 (Aug. 1986) (Additional Views of Chairman Liebeler); *Certain Welded Carbon Steel Pipes and Tubes from Thailand and Venezuela,* Inv. No. 701-TA-242 (Preliminary), USITC Pub. 1680, at 19-30 (Apr. 1985) (Separate Views of Chairman Liebeler). *See also* DeGrandis, *Proving Causation in Antidumping Cases,* 20 Int'l L. 563, 586-88 (1986); Jameson, *Recent International Trade Commission Practice Regarding the Material Injury Standard: A Critique,* 18 Law & Pol'y in Int'l Bus. 517, 548 (1986). This predatory pricing analysis was recently analyzed and rejected in *USX Corp., v. United States,* 12 CIT —, slip Op. 88-30, at 5-17 (Mar. 15, 1988). Consistent with the holding in *USX Corp.,* the Court finds that predatory pricing analysis underlying the 2.5 percent presumption is not based on substantial evidence and is not in accordance with law.●

INFORMED CONSENT: ILLINOIS

● Mr. HUMPHREY. Mr. President, the decision to have an abortion is probably one of the hardest decisions to make, because of the tremendous consequences associated with it. The emotional and psychological effects that a woman can feel after an abortion can be devastating and lead to a lifetime of pain. These women have a right to make an informed decision based on factual medical information about possible risks and alternatives. S. 272 and S. 273 would guarantee that right. I urge my colleauges to support these two bills and I ask unanimous consent that four letters from the State of Illinois be inserted in the RECORD.

The letters follow:

DEAR SENATOR HUMPHREY: I'm writing to tell you about my experience with abortion. Three and one-half years ago, I found myself pregnant and opted for an abortion. Upon entering the clinic and signing in at the front desk, I was then called in to the "counselor's" office. In a process lasting less than one minute, I was handed a consent form where I initialed a number of entries (about 10) whereby I released the abortuary from liability for the procedure.

Perhaps I was stunned by the evil act I had consented to, but all preliminaries are very rushed. During the entire horrible experience, I felt like we (myself and the other woman) were herded through like cattle to the slaughter.

Now I'm a registered nurse and I know that patients are always to be allowed informed consent with adequate time following to be sure of their decision. Patients would never be treated in such a dehumanizing manner. I know that in effect this consent form used at the abortuary was solely to protect them legally.

God Bless you and your efforts,

SUSAN LEKAS.

—

DEAR MR. HUMPHREY: I would like to address the "informed consent legislation" that deals with abortion.

I had my abortion 7½ years ago. There was no information given out at the time I consented to the abortion. The hospital did not tell me about fetal development, side effects of any kind.

I would like to say that the immediate months that followed were the most miserable months of my entire life in terms of emotional disorder. I was very, very close to a total mental breakdown. I could not make simple decisions to prepare an evening meal for my husband and child. I could not decide how to do a load of laundry. In other words, I had ceased to function in my daily routine as a wife and mother which was directly related to the abortion.

Abortion leaves many scars that take years to get over. Thank God, thru prayer and His hand on my life, I can say I am completely healed from the abortion. However, there are thousands of women who carry their abortion scars very close to the surface. We need to be rid of Roe v. Wade once and for all!

Sincerely,

CHERYL HOOK.

—

DEAR SENATOR HUMPHREY: I had an illegal abortion in 1970 when I was 20 years old. Of course, no counseling was given before or after the abortion. In my mind the unwanted pregnancy was to me just a pregnancy. I had no idea I was taking a human life. I still cannot understand how the doctor who performed the abortion could have done so. She was an OB/GYN and knew that an unborn baby is alive. Years passed, I got married and suddenly in 1980, when our second child was born it hit me like a ton of bricks. My God—I killed a baby! I can't begin to describe the tears I shed and the guilt and sorrow I've felt since then. It took me sometime to work my way through these feelings. Prayer and counseling brought me through, but sometimes I still cry at the thought of the baby I killed. I guess I always will.

If I knew then what I know now, I would never have suffered as I did later.

Now I'm the mother of 4 children, ages 9, 5, 3 and 3 months. By the way, my second child born in 1980 died as a baby. At that time I felt God was punishing me for having my abortion—and maybe he really was. The horrible guilt compounded my grief.

Presently, thank God, I am very active in pro-life activities as time permits. I serve as pro-life coordinator in our church. Maybe I'm trying to rectify the wrong I did. But for whatever reason, I hope to spare anyone contemplating abortion from the post-abortion trauma I suffered.

Good luck to you in your efforts to pass an informed consent bill, I'll keep you and your work in my prayers.

Sincerely,

MRS. ANNETTE MELKA.

—

DEAR SENATOR HUMPHREY: This letter is to encourage you in your commitment to pass informed consent bills, so that women and young girls will not go to an abortion clinic and be exploited as so many of our members were.

Senator, hardly a day goes by that I do not receive a call from a young woman (usually in her early to mid twenties) who is suffering unbelievably from an abortion that was performed six to ten years earlier. Although each person is unique and the stories vary, they are also painfully similar. One of the most common things they share, is the lack of knowledge regarding possible side effects and also, total ignorance regarding fetal development. Most of these young people were told it was simply a matter of extracting a little "tissue" or "menstrual extract." They were not told of the devastation that could take place in a few years. They were certainly not told that they may be aborting the only child they would ever conceive.

God bless you Senator and I hope the State of Illinois responds well to this issue.

Sincerely,

PAT MORRIS.●

PROJECT CONCERN INTERNATIONAL

● Mr. LUGAR. Mr. President, Project Concern International is a private voluntary organization which has been in the forefront of providing health care for the underprivileged for over 25 years. Founded in San Diego in 1961 by Dr. James Turpin, Project Concern began providing health care in the neighboring community of Tijuana, Mexico. It has grown to the extent that there are now PCI programs in seven foreign countries around the globe and in the rural United States.

Project Concern's initial emphasis on curative health evolved in the 1970's into a comprehensive program of preventative health care. Today it stresses disease prevention, the training of volunteer health personnel and the establishment of comprehensive local health systems involving the grass roots with government. It is Project Concern's purpose to assist people not only with basic health care and related education, but also to enlist them as true participants in the process of their own development.

Project Concern International has been involved in the congressional initiative for child survival since the beginning of that important program. In the recent round of grant awards, Project Concern was ranked first among 11 successful PVO grant recipients by USAID. Project Concern raises most of its funding from the private sector. Many of my colleagues know of the Walk for Mankind, which is held in over 40 cities across the United States.

This week the Project Concern board of directors and staff meet in Washington to plan for the challenges of the 1990's. I congratulate these men and women on their outstanding service to mankind and wish the organization well in the years ahead.●

AFGHANISTAN: THE ACCORDS

● Mr. HUMPHREY. Mr. President, on April 14, 1988, the Secretary of State committed the United States as a guarantor to the Geneva accords on Afghanistan. These accords were signed despite great concern among many Members of the Senate, and despite the fact that they did not meet the minimal criteria for a settlement, as unanimously articulated by a resolution of the U.S. Senate.

The summer edition of the quarterly Foreign Affairs, contains an excellent analysis of the Geneva accords by Rosanne Klass. This article thoroughly traces the history of the Geneva accords, their inherent flaws, and the ongoing struggle between the State Department and the Congress over the formulation of policy on Afghanistan.

Ms. Klass is the director of the Afghanistan Information Center at Freedom House, and a noted expert on Afghan affairs. She recently edited "Afghanistan—the Great Game Revisited," which was published by Freedom House earlier this year.

I ask that the full text of "Afghanistan: the Accords," be printed in the RECORD, and I urge each of my colleagues to take a few moments to read this important article.

The text follows:

AFGHANISTAN: THE ACCORDS

(Rosanne Klass)

On April 14, 1988, in Geneva, representatives of the governments of Pakistan and Afghanistan signed three bilateral agreements intended to end the war in Afghanistan. And additional "Declaration on International Guarantees" was signed by the United States and the Soviet Union as states-guarantors. Secretary of State George Shultz and Soviet Foreign Minister Eduard Shevardnadze also signed one of the three bilateral agreements as witnesses.

These documents, collectively known as the Geneva accords, have been hailed as the key to Soviet withdrawal from Afghanistan and a settlement of the conflict which has held the world spotlight since the Soviet invasion of December 1979. They have also been condemned by critics as a betrayal of the Afghan people and their ten-year struggle against communist domination.

The accords came into force on May 15, the date specified for the beginning of the withdrawal of Soviet troops. The documents do not, however, deal directly with the Soviet presence in Afghanistan per se. This is consistent with the insistence of both the Soviet Union and its Kabul client that the Soviet-installed regime is the lawful government of Afghanistan, and that any Soviet involvement in Afghanistan is a purely internal matter to be determined by that government on the basis of bilateral arrangements between two sovereign states.

II

The first of the bilateral agreements between Pakistan and Afghanistan, "Principles of Mutual Relations, in particular on Non-Interference and Non-Intervention," binds the two parties to refrain from various specified activities that could constitute interference in one another's affairs. Its detailed clauses (Article II, paragraphs 1-13) effectively close off every means by which Pakistan could assist, or could permit its territory to be used to assist, the Afghan resistance.[1] On the other hand, it does not specifically mention in any way the Soviet military presence in Afghanistan, or indeed any form of Soviet involvement. Both the Soviet Union and the Kabul regime insist that the agreement applies only to outside assistance to forces opposed to the regime, i.e., the Afghan resistance; this definition appears to have been adopted in the accords.

How intervention is defined also affects interpretation of the "Declaration on International Guarantees" signed by the United States and the Soviet Union, which commits them to noninterference and nonintervention. It also commits them to respect the Afghan-Pakistani nonintervention accord; the other accords are not specifically mentioned in the Declaration on International Guarantees.

The second bilateral Pakistani-Afghan agreement deals with the "Voluntary Return of Refugees." While repeatedly calling for such a return to be voluntary, this accord envisages the return to be completed within 18 months and makes no provision for refugees who may not choose to return to their homeland under present conditions or those that may evolve.

The withdrawal of uniformed Soviet military forces is mentioned only in the bilateral Pakistani-Afghan "Agreement on the Interrelationships for the Settlement of the Situation Relating to Afghanistan." Also called the fourth instrument, this is the agreement witnessed by Secretary Shultz and Minister Shevardnadze as the representatives of the guarantor-states "who have signified their consent with its provisions." Here troop withdrawal is finally mentioned in paragraphs 5 and 6—but only tangentially, as a separate bilateral determination between the Kabul regime and the Soviet Union, coordinated with but outside of the accords themselves:

"In accordance with the timeframe *agreed upon between the Union of Soviet Socialist Republics and the Republic of Afghanistan*, there will be a phased withdrawal of the foreign [sic] troops which will start on the date of entry into force. . . . One half of the troops will be withdrawn by 15 August 1988 and the withdrawal of all troops will be completed within nine months. . . . The phased withdrawal of the foreign troops will start and be completed within the timeframe envisaged in paragraph 5 [emphasis added]."

This refers only to uniformed forces, and does not specify the number of troops present in Afghanistan or to be withdrawn; it includes no restriction on any future return of Soviet troops; it does not require the dismantling of massive Soviet installations, many of them underground; and it makes no mention of the thousands of other, nonuniformed Soviet forces and personnel in Afghanistan—military, civilian and KGB—who control all agencies of the Afghan government. According to official Soviet and Afghan statements, these categories are in fact specifically excluded from this clause. At a news conference on April 28, the Afghan regime's leader, Dr. Najibullah, said that even Soviet military advisers were permitted to stay under the terms of the accords, and would remain. The next day the U.S. State Department said its understanding was that "the Soviets had committed themselves to a complete withdrawal," including military advisers, but did not offer evidence of such a commitment or specify whether their continued presence would violate the accords.

The accords specify no procedures for enforcing, verifying or even monitoring the withdrawal of Soviet troops; for that matter, the accords contain no provisions for the enforcement of any terms. An unsigned annex sets out procedures for monitoring their implementation by United Nations personnel, but only by two five-man observer teams stationed in Kabul and Islamabad (enlargeable to a maximum of 50 men if necessary). Their job is to assist the U.N. representative, who apparently has no enforcement powers himself; complaints of violations will be confidentially referred to the appropriate governments and the U.N. secretary-general. Since the withdrawal of Soviet troops is based on a separate agreement between Moscow and Kabul, their withdrawal does not appear to be covered by even this minimal supervision.

Not part of the Geneva accords themselves is a brief additional "U.S. Statement" submitted in Geneva by Secretary of State Shultz, stating that "if the U.S.S.R. undertakes . . . to provide military assistance to parties in Afghanistan, the United States retains the right . . . likewise effectively to provide such assistance." This embodies the concept of "symmetry" enunciated by the State Department in early March in response to a severely critical Senate resolution concerning the cutoff of U.S. aid to the resistance despite continued Soviet military assistance to Kabul. This statement appears to contradict the guarantees being signed.

The accords will almost certainly become increasingly controversial. They were rushed to completion and signature in a few weeks, after six years of glacial progress and stalemate; the negotiations were shrouded in secrecy until after the accords were signed. They have been hailed by their supporters as a vindication of the Reagan Doctrine that will force the Soviets out of Afghanistan, end the war and create an opportunity for Afghan independence and self-determination. Critics of the accords insist that they will not accomplish these objectives, and that they represent a reversal of U.S. policy as repeatedly stated since the Soviet invasion by two administrations and the Congress, with widespread public support. The key provisions, some say, are unworkable and unenforceable. The State Department's legal analysis remained classified even after the accords were signed.

What then are these accords all about? How were they arrived at, and what is likely to be their effect?

III

On April 27, 1978, after two centuries of Russian efforts to gain a foothold, the Soviet Union seized virtual control of Afghanistan through a bloody military coup carried out by its agents in the Afghan air force and tank corps under the guidance of the Soviet embassy in Kabul.[2] As a result the Afghan communist party, the People's Democratic Party of Afghanistan (PDPA), was installed in power. Within a few months, the population began to realize the nature of the new regime, and thousands of Soviet advisers, backed by 15,000-20,000 Soviet troops, arrived to direct the process of setting up a communist regime, headed initially by Nur Mohammad Taraki with Babrak Karmal and Hafizullah Amin. Spontaneous armed opposition to the new regime erupted nationwide, taking shape under the banner of Islam. After a power struggle within the PDPA, Taraki and Amin emerged triumphant; later Amin had Taraki killed and took over alone, from September to December 1979.

On December 24-27, 1979, faced with the possible overthrow of communist control, the Soviet army invaded. Special forces accompanying the invading Soviet army killed the erratic and insubordinate Amin on December 27, after the failure of clandestine Soviet assassination attempts. Babrak Karmal, then in the Soviet Union and more thoroughly controlled by the KGB, was proclaimed the new president and arrived in Kabul a few days later.

Footnotes at end of article.

Moscow apparently expected the need for an overt Soviet military presence in Afghanistan to be short-lived, and in any case expected that international reaction would be manageable. This proved not to be the case, with the added element of a struggle for national independence against the Soviet occupation, the resistance spread and intensified, attracting more and more world attention and gaining wide international support. The Soviet Union then dug in for a long-term war of subjugation along lines developed in its century-long conquest of Central Asia; in addition to the military action, the Soviets began the systematic creation of an infrastructure for permanent political and economic control. These policies continued and were even intensified by Mikhail Gorbachev after he became the Soviet general secretary in March 1985.

The United States, which had accepted the 1978 coup with equanimity and responded in a low-key manner even to the killing of U.S. Ambassador Adolph Dubs in February 1979, reacted with shock to the Soviet invasion. It refused to recognize the Karmal regime. The Salt II treaty was withdrawn from the Senate, and the policies subsumed under "détente" were derailed. It became the official policy of the United States—enunciated by Presidents Carter and Reagan and supported, with unusual bipartisan unanimity, by both houses of Congress and the American public—to provide all necessary aid, both military and humanitarian, to the Afghan people for the stated purpose of helping them to regain the independence, self-determination and freedom of their country.

Despite an initial flurry of activity, however, the United States undertook no major role in efforts to negotiate a settlement, leaving that to the United Nations. In a special session convened immediately following the invasion, the U.N. General Assembly passed a resolution calling for the withdrawal of "foreign troops" from Afghanistan, a resolution repeated every year thereafter with increasing support (despite strenuous Soviet lobbying).[3] The General Assembly resolution of November 18, 1981, authorized the secretary-general to attempt to negotiate a political solution to the crisis. Negotiations were begun in June 1982. The formal parties to the "proximity talks" were the Kabul regime and the government of Pakistan. Since Pakistan refused to recognize the Kabul regime, they were conducted indirectly by the intermediary, U.N. Undersecretary General for Special Political Affairs Diego Cordovez, who shuttled from capital to capital or, in Geneva, from room to room.

In these talks, the United States and the Soviet Union were officially consulted; in fact, Soviet advisers were always present at negotiations to instruct their Afghan clients. The government of Iran, which had refused to participate without the inclusion of the Afghan resistance, was officially kept informed. But neither the organized Afghan resistance nor any other representative of the non-communist people of Afghanistan, including the millions of refugees, was included in the negotiations or kept officially informed.[4] Pakistan in effect served as negotiator on their behalf.

The negotiations were formally convened in pursuance of the General Assembly resolution of November 1981, which listed four essentials for a political solution: (a) the preservation of the sovereignty, territorial integrity, political independence and nonaligned character of Afghanistan; (b) the right of the Afghan people to determine their own form of government and to choose their economic, political and social system free from outside intervention, subversion, coercion or constraint of any kind whatsoever; (c) the immediate withdrawal of the "foreign" troops from Afghanistan; (d) the creation of the necessary conditions which would enable the Afghan refugees to return voluntarily to their homes in safety and honor.

But in fact the Geneva negotiations were not conducted on this basis; they proceeded on a very different agenda proposed by the Kabul regime in 1981, an agenda for ending "outside interference" while retaining communist control of Afghanistan and legitimizing the regime. This was not generally known, in large part because of the extraordinary secrecy that enwrapped the negotiations from their inception until after the ink was dry on the accords. Aside from scraps of information selectively leaked, this remained the case even after Mr. Cordovez reported in late 1983 that the negotiations were "95 percent complete." The uncompleted five percent, course, was the issue of Soviet withdrawal. At the time the withdrawal of Soviet uniformed forces would probably have led to the collapse of the Afghan regime, which was still extremely shaky and has consolidated few agencies capable of sustaining it against overwhelming popular armed opposition. Negotiations remained stalemated for the next four years while the Soviet Union worked to remedy that situation.

As for the United States, policy toward Afghanistan had been characterized for nearly 70 years by what one former American diplomat described as "ignorance, incoherence, inconstancy and appeasement."[5] U.S. policy was long marked by a dismissal of Afghanistan's strategic importance.[6] Even after the invasion, the State Department and other agencies viewed the Afghanistan issue primarily as a factor in U.S.-Soviet relations, i.e., an impediment to progress on other more important issues. Not until 1984-85 did Washington discernibly begin to address policy regarding Afghanistan itself, and then only under pressure from concerned Members of Congress.

The primary spokesmen for the issue were, in the Carter Administration, National Security Adviser Zbigniew Brzezinski and, in the Reagan Administration, U.N. Ambassador Jeane J. Kirkpatrick and the president himself. All of them took a strong position, enunciating a clear-cut U.S. policy of support for the Afghan resistance for the purpose of restoring genuine Afghan independence and self-determination. This policy received virtually unanimous support from both houses of Congress. American aid to the resistance (and U.S.-supported aid from other countries) was initiated by Dr. Brzezinski shortly after the invasion but it was neither sufficient nor effective for some years. Those responsible for implementing stated policy made no consistent, energetic effort to do so.

The behind-the-scenes struggle over the provision of effective military aid to the Afghan resistance was protracted and tortuous. From 1985 Congress increasingly pressed for effective action, but there was a struggle for policy control and bureaucratic turf-fighting among the agencies concerned. Moreover, a disproportionately large share of U.S. aid went to the most extreme, radical, anti-Western groups, which had no broad base of political support among the Afghan people but drew their strength from the financing they received from Libya, Iran, elements in Saudi Arabia and Pakistan, the radical international Muslin Brotherhood and the United States. This funding was used to create power bases that they would not have been able to win on their own. It also undermined efforts to establish greater operational and political unity among the resistance groups.

In 1984 Congress voted several million dollars in humanitarian aid (food and medical aid in particular) for the civilian population inside Afghanistan. The State Department, however, failed to disburse the funds, leading Congress to set up the Joint House-Senate Task Force on Afghanistan chaired by Senator Gordon J. Humphrey (R-N.H.). Tensions between Congress and the State Department over policy and its implementation continued to grow.

The State Department was accused of resisting efforts to undertake strong economic, diplomatic and political measures against the Kabul regime. Congress unanimously called on the secretary of state "to make vigorous efforts to impress upon the Soviet leadership the penalty that continued military action in Afghanistan imposes upon the building of a long-term constructive relationship with the United States." As late as October 1987 Congress, again unanimously, complained that although the Administration's policy on Afghanistan called for steadily increasing pressure on all fronts—military, political and diplomatic—such pressures had "decreased rather than increased; in the absence of a coordinated and aggressive policy by the administration regarding the war in Afghanistan, the Congress has been forced to implement unilaterally numerous programs to bring 'steadily increasing pressure' to bear on the Soviet Union."

IV

Meanwhile, the situation both in the field and in negotiations began to change significantly. Following his accession to power in early 1985, Mikhail Gorbachev intensified Soviet military action against both the resistance and the civilian population in Afghanistan; he also moved to soldify and support Afghan communist control, and escalated pressures on Pakistan through political means, military incidents and greatly increased terrorist subversion. At about the same time, under congressional pressure, significantly enlarged and improved covert U.S. aid, estimated at $600 million a year, began to flow to the Afghan resistance. Rather suddenly, the almost-forgotten Geneva negotiations emerged from obscurity to be proclaimed the focus of all hopes and expectations for a solution to the Afghan war—with the withdrawal of Soviet military forces their primary if not their sole goal.

The first sign that something might be stirring beneath the surface came in December 1985, when Mr. Cordovez announced that the State Department had committed the U.S. government to serve as co-guarantor (along with the Soviet Union) of any agreements that might at some future date emerge from the negotiations. This appeared to be a reversal of stated U.S. policy; it was promptly denied by the White House and President Reagan himself.

When Mr. Cordovez insisted that such a commitment had been made, the State Department issued a series of contradictory explanations and denials, leaving it unclear whether anything had or had not been promised; whether whatever had (or had not) been done had the approval or even the knowledge of the president; and whether it would or would not be binding. State Department officials said that nothing had been promised but that whatever had been offered was dependent on "satisfactory" accords.

In early 1986, however, a former high-level official privately described the commitments as a "180-degree turn," and in 1988 former National Security Adviser Robert McFarlane told columnist William Safire they were "a fundamental change in policy" about which he had not been consulted. In February 1988, two articles in The New York Times reported that commitments had indeed been made in 1985 without the president being informed until the story broke in the press. A few weeks later, Safire reported additional details of how it happened. But the initial controversy over possible secret commitments undercutting official U.S. policy simmered down as lack of progress at Geneva made the issue appear academic.

In 1986, about the time that the rebels' use of Stinger missiles began to hamper Soviet control of the air, Mr. Gorbachev began first to hint, then to say openly that he might be ready to withdraw Soviet ground forces, even as Soviet forces were intensifying the war against both the resistance and the civilian population. In September 1986 Gorbachev claimed to be withdrawing several thousand troops, calling in the world press to witness the supposed "withdrawal." It turned out to be only the regular semiannual Soviet troop rotation in which the troops being withdrawn had already been replaced. (This could recur: Gorbachev's later insistence on beginning the Soviet troop withdrawal in mid-May 1988 may have been related to the fact that this was again the scheduled time for troop rotation.)

He also made his famous reference to the Afghan war as a "bleeding wound," but he was speaking of it as Afghanistan's wound. It is not true, as widely believed, that the Soviet Union had, then or now, suffered a military defeat, taken heavy casualties or paid a debilitating economic price in Afghanistan.[7] It is true that the Soviets failed to achieve a quick success that would erase the issue from international attention, and as a result suffered some political setbacks and faced others. The increasing effectiveness of the resistance forces may have prodded the Soviets to conclude they would face growing problems in the future. Equally important, however, by 1986 Moscow had had time to strengthen its puppet regime in Kabul. With international attention focused solely on the withdrawal of uniformed Soviet forces, Moscow could shape a scenario that would defuse international crisis while leaving the U.S.S.R. in effective control.

Throughout 1986 and 1987, the Soviets and their Afghan clients made extensive preparations inside Afghanistan. These were of two sorts; the first to consolidate control—through such organs as the secret police (KHAD, now called WAD), Border Guards, mercenary tribal militias, as well as a reconstructed military; through a tightening grip on the Afghan economy; and through a Sovietization program affecting all aspects of Afghan society. The second was to set up a facade of legitimacy for the regime in preparation for the political campaign launched at the end of 1986 to persuade the world that peace was nearly at hand.

Babrak Karmal, installed in power by the invasion, had proven unable to control the divided Afghan communist party, let alone the country, and was unacceptable to world opinion; in 1986 he was replaced by the KGB-trained former head of KHAD, Dr. Najibullah. Throughout 1987 cosmetic changes in political institutions were made: a hand-picked Loya Jirga (Great National Assembly) was convened; a new constitution adopted; rigged but ostentatious local and parliamentary elections held; and a "government of reconciliation" announced, a recycled version of Babrak Karmal's failed "broadening the base" campaign in 1981. A law was issued legalizing political parties other than the PDPA; however, the parties must provide the regime with a complete list of their membership and funding sources and wait two months for approval.

In November 1987 Soviet sources began to float rumors of an early Soviet military withdrawal. With the next Geneva negotiations scheduled for February 22, 1988, Soviet Foreign Minister Shevardnadze said that a Soviet troop withdrawal could begin on May 1 if accords were signed by March 1. (This was a concrete formulation of the 60-day implementation interval already agreed upon.) Shevardnadze's statement got little public attention until, the Geneva meeting having been postponed by two weeks, Mr. Gorbachev made his dramatic public proposal on February 8 to begin withdrawing troops on May 15—if the accords were signed by March 15. Moscow also agreed to complete its withdrawal in nine months instead of the four years it had demanded five years earlier. This was greeted as a startling breakthrough.

Mr. Cordovez, the Soviet Union and the Kabul regime promptly called upon the United States to fulfill its 1985 commitments, and the State Department, though still hedging on whether they existed, responded as though they did. It then became known that the United States would be committing itself to cut off all U.S. military aid to the resistance when the Soviet troop withdrawal began.

V

At this point a great deal of hectic and confusing activity began, both publicly and behind the scenes, as proponents pressed to get the accords signed by the Soviet deadline and skeptics attempted, without success, to find out exactly what was in the still-secret agreements.

The Soviets and the Kabul regime were pressing for swift acceptance of the accords, without changes and by the Soviet-imposed deadline. The Afghan resistance and refugees were opposed so such a settlement. President Zia ul-Haq of Pakistan came under great Soviet pressure, including a campaign of subversion and terrorism on Pakistani soil, to sign the accords. He found them so defective that his government initially refused to sign without significant changes. When the Pakistan government raised questions about issues not resolved by the accords, the Soviet Union at first threatened to cancel its troop withdrawal if the accords were not signed by its deadline, and then reversed itself, saying that withdrawal would begin whether the accords were signed or not.

Meanwhile in the United States, Congress had been attempting to ascertain and influence the U.S. government's position and role in the proposed settlement. In late February the Subcommittee on Asia and the Pacific of the House Committee on Foreign Affairs held hearings at which Deputy Assistant Secretary of State Robert A. Peck testified:

"The obligation which the United States would undertake as a "guarantor" would relate exclusively to our own policies and actions. We would bear no responsibility for the actions of others, or for the successful implementation of the agreement as a whole. We and the Soviet Union would agree to the same basic commitment regarding noninterference and nonintervention. We would be prepared, if completely satisified with the agreement, to prohibit U.S. military assistance to the Afghan resistance. We would expect the Soviet Union to show reciprocal restraint under the Gevena accords in stopping its military support for the Kabul regime. . . . The commitments of all the parties would enter into effect on an agreed date following signature; at the present time this is expected to be at the end of 60 days."

At the same hearing, Vincent M. Cannistraro, assistant to the assistant secretary of defense for international security affairs, testified that the only monitoring force—the ten to 50 men mentioned in the annex—would be intended to function as an observer or monitoring group rather than as a peacekeeping force . . . to conduct investigations . . . in response to reports of alleged violations of the Geneva agreement. . . . They have virtually no capability to influence, restrain or otherwise adjudicate local disagreements over alleged violations of a cease-fire or withdrawal accord. . . . The force would . . . have to have a physical presence at each major activity within the country and at each major border crossing.

That seems an impossibility for 50 men in a mountainous country larger than France. Moreover, though it is unclear in the accords, the U.N. teams will apparently not monitor the withdrawal of Soviet troops. Press comments indicate widespread confusion on this point.

These statements, particularly Mr. Peck's, outraged some senators. On February 29, 1988, Majority Leader Robert C. Byrd declared on the floor of the Senate, "I am shocked at the language. . . . I am not only shocked, I am stunned. . . . This does not comport with what Secretary Shultz and the President have said to me. . . . This would be a sellout by the United States, if I understand it correctly . . . and it would be a shameful sellout." Told that the State Department had declined to provide Senator Humphrey with the text of the accords, Byrd continued: "The Senate must not be kept in the dark," and asked whether "the Administration may be so eager to come to an agreement with the Soviets on a START treaty, so eagar for a summit that [it] may be about to enter into an agreement detrimental to the interests of the Afghan resistance. This country ought to be very careful," he added, "that it does not commit a dishonorable act to accommodate the Soviet Union."

The Senate unanimously passed a resolution calling for the continuation of U.S. aid of all kinds to the Afghan resistance as long as Soviet aid goes to the Kabul client regime, along with a number of other requirements for a satisfactory diplomatic solution.[8]

Under Senate pressure, the State Department reformulated U.S. policy to require "symmetry," i.e., U.S. military aid to the Afghan resistance as long as the U.S.S.R. provides similar aid to its client regime in Kabul, a policy reiterated in the statement submitted by Secretary Shultz in Geneva on April 14. How this position is to be reconciled with the accords, including U.S. guarantees to ensure noninterference, has not been revealed. Furthermore, given the geography of the region, it is unclear just how the United States can, practically speaking, deliver significant support to the Afghan resistance if Pakistan fulfills its obligations under the accord on noninterference and nonintervention.

The Soviet Union immediately denounced the Senate action and the new U.S. policy of symmetry, accusing the United States of obstructing peace. Moscow also declared that Soviet aid of all kinds to the Kabul regime would continue indefinitely; the Soviets claim that, unlike aid to the resistance, its aid has legal status under bilateral agreements going all the way back to the Afghan-Soviet Friendship Treaty of 1921, and is unaffected by the accords.

Pakistan, strengthened by Senate and other support and concerned about defects it saw in the accords, still did not want to accept the present Kabul regime as cosignatory; it called instead for the establishment of an independent interim government acceptable to the majority of the Afghan people. It argued that this should occur before the signing took place for two reasons: to sign the accords with the Soviet-installed regime in Kabul would in some degree grant it long-sought legitimacy: and without a government acceptable to the Afghan people, most of the more than three million refugees who have been living in Pakistan for nearly a decade would probably refuse to go home.

The March deadline came and went, and was extended. President Zia held firmly to his position despite intense pressure. As April began and the Soviet withdrawal deadline approached, high-level officials began shuttling between Moscow, Washington, Islamabad and Kabul in a burst of feverish activity. The Kabul regime kept a low profile and apparently played a minor role, but Najibullah finally went to Tashkent, where he met with Gorbachev. In Geneva, U.N. Secretary Cordovez and Robert Peck for the United States insisted that the negotiating session would not adjourn without a signed agreement, however long it took. Senator Humphrey flew to Pakistan and Geneva, cabling President Reagan to report the unanimous opposition of the Afghan resistance to the accords under negotiation. One resistance figure told an American despairingly: "Everything we fought for is lost. We have been betrayed."

The Soviet Union's pressure on Pakistan included a scarcely veiled threat to reactivate Afghan irredentist claims against its Northwest Frontier and Baluchistan provinces, raising the specter of communal strife. Terrorist activities in Pakistan intensified. The State Department, too, undertook a strenuous effort to persuade Pakistan to drop its reservations, accept the Kabul regime as cosignatory and sign. Eventually, under the intense pressure from all quarters, including its domestic opposition, the government of Pakistan agreed and the accords, still totally secret, were signed on April 14 to enter into force, despite the late signing date, on May 15 as the U.S.S.R. had insisted.

VI

The primary virtue claimed for the accords is that they will lead to the withdrawal of Soviet uniformed forces from Afghanistan by February 1989. Although the Soviets had said they would withdraw in any case, supporters point out that the accords offer the advantage of a specified timetable. Yet, as noted, there is no mechanism for verification or enforcement of the Soviet pledges.

Neither is there an authoritative definition of what comprises a "complete" withdrawal. The Soviet Union has never made public the exact size of its "limited military contingent" in Afghanistan, and deployment has varied with military needs. The method of troop rotation (which takes place twice a year throughout the entire Soviet army) is that new troops are introduced in small units over a period of time and are dispersed to various posts, while those whose tour of duty is finished are subsequently sent home en masse. In the nearest thing to an official Soviet figure given so far, an editor of *Pravda*, in a recent interview with the Japanese newspaper *Asahi Shimbun*, said that there were 90,000 troops in Afghanistan. For several years the U.S. State Department has been saying that the number is "approximately" 115,000. Some independent analysts have estimated deployment varying from 150,000 to 170,000 in recent years. This range is very large indeed; what is the correct number? Nobody but Moscow knows. This greatly complicates efforts to ascertain whether the Soviet Union has fulfilled even the vague and limited obligation mentioned in the Geneva accords.

Information provided by captured or defecting Soviets and Afghan communists indicates that several thousand Soviet Central Asian troops of all ranks have been seconded to the Afghan armed forces, particularly the KHAD-controlled Border Guards. They are reportedly infiltrated into all important units, wearing Afghan uniforms and are to remain there, assuming Afghan identity. How will such reports be checked, and if they prove to be accurate, what action will be taken?

How far will Soviet troops be withdrawn. Will large numbers be stationed immediately acorss the border from Afghanistan, where they can continue to conduct sorties against the Afghan resistance? Will Soviet aircraft continue to carry out attacks against Afghan territory from bases in the U.S.S.R. as they have in the past? What will happen if the Afghan regime, faced with increasing opposition, invokes the 1978 or 1921 treaty to ask that troops return at some time after the withdrawal? None of these questions was addressed in the accords or by subsequent statements.

What are the prospects for the bilateral agreement between Afghanistan and Pakistan on noninterference and nonintervention? If carried out to the letter this accord, particularly the specific provisions of Article II, would bar the government of Pakistan from providing any sanctuary or assistance to the Afghan resistance or any other opponents of the present regime in Kabul—and from allowing anyone else to provide such assistance through the territory of Pakistan. Few details are overlooked; even allowing the presto interview opponents of the Kabul regime could be construed as a violation (paragraph 12). It is this agreement above all that aroused so much opposition to the signing of the accords. As guarantor, the United States essentially committed itself to cut off aid of any sort to the Afghan opposition and to make sure its ally, the government of Pakistan, does the same.

As for Afghanistan's pledge not to intervene in Pakistan: the bombings, assassinations and other terrorist actions, threats and subversion carried out there by KHAD/WAD agents have not stopped. On one day, April 10—just before the signing—different cities, including the massive destruction of the Pakistani arms dump near Islamabad which left nearly a hundred dead and more than a thousand wounded. President Zia openly labeled the Islamabad explosion sabotage, and Pentagon and Pakistani sources have identified it as the work of KHAD. One analyst described it as "a classic *spetsnaz* operation." Other, less dramatic incidents continue.

The U.N. General Assembly's call for a commitment to Afghanistan's territorial integrity is negated by the refusal of both Moscow and Kabul to acknowledge the Soviet annexation of the Wakhan Corridor, which occurred de facto in May 1980 and was confirmed by a secret treaty in June 1981. It was announced on Kabul radio, then hastily denied, but an Italian journalist managed to get into the Wakhan and photographed the Soviet flag flying over government offices.

"Preservation of the nonaligned character" of Afghanistan is equally dubious; the Kabul regime has adopted the simple expedient of announcing itself to be independent, nonaligned, neutral and nonsocialist, repeating the formula on such occasions as the anniversary celebrations of the Russian October Revolution and the birthday of Lenin.

A massive program of Sovietization is being imposed on every aspect of Afghan society. Since 1978, and especially since 1986, hundreds of agreements, treaties and protocols have been concluded between the Afghan regime and the U.S.S.R. and Eastern-bloc countries, particularly East Germany, Czechoslovakia and Bulgaria and, in the last year or so, between individual Soviet republics, oblasts and cities and their Afghan counterparts. These give the Soviets and their allies total control of Afghanistan's economy, its rich natural resources, education, media and other social and political institutions. Political and economic structures are being set up to control and possibly detach the mineral-rich provinces north of the Hindu Kush ranges from the southern areas which have been so devasted by the war.

This extensive network of agreements was not addressed in the accords, but it and other factors raise questions about genuine independence and self-determination for Afghanistan, an issue removed from the agenda before the talks began. As specified by the Kabul regime: "No questions concerning the existing regime in Afghanistan, its type of government or other of its internal matters can be discussed."

Many are assuming that the Kabul regime will quickly collapse as soon as Soviet forces are gone, its members fleeing to sanctuary in the U.S.S.R., Eastern Europe or possibly a Soviet-controlled northern zone of a newly divided Afghanistan, where a government infrastructure rivaling Kabul has already been created. But it is not certain that the Kabul regime will speedily collapse; it now has in place a group of military and paramilitary forces that may be capable of maintaining the regime, especially if the resistance is isolated and deprived of aid.

Much has been made of the fact that the Afghan army fighting the resistance is filled with conscripts who have little loyalty to the regime and are often actively opposed to it, and who desert, often to the resistance, at the first opportunity. This is true of the infantry. It is not true of the air force and the tank corps, the branches which carried out the coups of 1973 and 1978, whose personnel are for the most part trained in the

Soviet Union and selected carefully for indoctrination. Several analysts estimate that by now roughly 90 percent of the Afghan air force officers are loyal to the regime, as are many of the Border Guards, armored divisions, commandos and other quality ground forces created since 1981. Defectors also report a secret Afghan army numbering 18,000-20,000, which has been trained in the Soviet Union, is loyal to the communist regime and has been held in reserve to replace Soviet forces when they are withdrawn. Since it is estimated that only 15,000-20,000 of the Soviet troops in Afghanistan are used in the actual fighting, such a trained reserve army might effectively replace them. In addition, the regime has established well-paid paramilitary forces totaling more than 100,000, including locally based tribal militias. Even if the personnel in these forces are not ideologically committed to the regime, they have in many cases gone too far along the path of collaboration to be able to turn back; their future and even survival now depend on the survival of the regime.

KHAD-WAD, the secret police trained by and modeled on the KGB, has taken over key positions in all major government ministries and departments. Directed by 1,500 Soviet KGB officers, it now has an estimated annual budget of $160 million (covering operations in Pakistan as well as Afghanistan), 4,000 Afghan officers who have received advanced training in the Soviet Union, and many thousands of agents. Even if some of the latter are coerced or bought, they too are now dependent on the regime for their own survival. The survival of the regime depends not on its control of the entire countryside but on its control of several key cities—above all, Kabul, which has reportedly been turned into a fortress. In the past year or so, its defense perimeter has been extended to 30 kilometers and so reinforced that some resistance units which once operated freely in and around the capital can no longer even penetrate its defenses.

This does not mean, of course, that the regime cannot be overthrown. It has many internal problems to contend with, in addition to the resistance and the almost universal hatred of the people. But the assumption that it will, in the words of Robert Peck, "splinter and fall of its own weight even before the final Soviet pullout . . . and [that] its early demise will be inevitable" seems unduly sanguine. The present leadership may not necessarily remain in place. Najibullah might step aside or be forced out as president, to be replaced by one of several Soviet-controlled agents without visible communist party connections. Such a figure could claim to head a noncommunist "government of reconciliation." But it would be so in name only, no more acceptable to the resistance than the present regime; in this scenario the war would most likely continue.

VII

Prospects for the voluntary return of approximately 3.5 million Afghan refugees currently in Pakistan do not appear very bright. The text of the bilateral agreement on refugees is vague and unclear about implementation. It emphasizes that return of refugees is to be "voluntary"; after 18 months the signatories are to "consider any further arrangements that may be called for." It is not clear how millions of refugees are to be persuaded to return to live under a government they detest, reject and have fled, particularly when the most likely alternatives they would be returning to face are either continuation of the present regime, with or without the addition of a few non-PDPA faces, or a state of insurrection and continuing warfare.

The Afghan regime promises in Article II of this accord to grant returning refugees the same rights, privileges and obligations it offers to its other citizens—promises which for nine years have proven to be unsuccessful inducements. Over the past years only a few thousand had responded to such invitations to return made by the Kabul regime. The phrase "in safety and honor," used in all General Assembly resolutions to describe conditions enabling the Afghan refugees to return to their homes, appears nowhere in the accord. The Kabul regime claims to fulfill this requirement by its offers of "amnesty" (with varying conditions attached), which simply invite the refugees to return and accept, on the basis of unguaranteed promises, the regime in existence.

All reliable surveys of the refugees indicate that they will not return home until "the Russians" have left their country. However, this should not be taken as an indication that Soviet troop withdrawal alone will result in a mass movement homeward. The vast majority of the refugees are unsophisticated farmers and villagers who see no difference between Soviet personnel, Afghan communist party members, Marxist sympathizers and collaborators. To ordinary Afghans, they are all the same—"the Russians and the servants of the Russians."

In his most recent report (February 26, 1988), the Special Rapporteur on Afghanistan of the U.N. Commission on Human Rights states that no significant number of refugees will go home until a government in which they have confidence has been established—which by definition excludes a communist or Soviet-dominated regime. His report vindicates Pakistan's earlier demand for an interim government before the signing of the accords, lest their signing legitimize and entrench the present regime and the refugees refuse to go home.

What if the majority of refugees do not choose to return voluntarily at this time? There are disturbing reports that the assistance on which they survive may be cut off, leaving them no alternative but to go home. It is unlikely that the government of Pakistan would order its troops to attack the refugees, and unlikely that Pakistani troops would turn their weapons on Muslim women and children even if so ordered, but certain Pathan tribes in the Administered Tribal Territories (where most of the refugee camps are located) have threatened to evict the Afghans forcibly. The likely reaction of well-armed resistance men to any attempt to move their families by force can be easily imagined, and could result in grave turmoil in Pakistan. In this event, the international recognition of Pakistan's hospitality to millions of destitute refugees for nearly a decade would be buried by an image of inhumanity.

The land to which the refugees would return has been transformed by Soviet weaponry and tactics into a desert wasteland. Out of 22,000 villages in prewar Afghanistan, an estimated 15,000 have been destroyed and another 5,000 made uninhabitable. Most refugees will have no homes to return to—only heaps of rubble—and no money with which to reconstruct their lives. Millions of farm animals have been deliberately slaughtered. The millenia-old irrigation systems on which farming depends have been destroyed, the orchards and vineyards cut down, the fields strewn with an estimated five million mines. Water supplies, health care, educational systems, road networks—all have been wiped out, especially in the belt south of Kabul, which Najibullah has offered to put at the refugees' disposal.

A massive international program of reconstruction and resettlement aid, to be budgeted at one billion dollars for the first year is planned by the United Nations. U.N. sources have said that this aid will be channeled through the Kabul regime, which will not only help to support the regime but will give Kabul leverage in rural areas that it has not been able to achieve in ten years of war. Officials of private humanitarian agencies fear a repetition of the Ethiopian tragedy: the resettled refugees would be forced to accept government control or face starvation. There would no longer be a relief infrastructure in Pakistan for them to return to.

VIII

The role of the Soviet Union is formally established by its signature on the Declaration on International Guarantees, and on the Afghan-Pakistani nonintervention accord as a witness. But it remains unclear what precisely it has agreed to do. Since interference is defined in a way that fails to cover the Soviet involvement in Afghanistan, it is unclear just what "interference" the U.S.S.R. has guaranteed to halt. Does interference include the presence of well over ten thousand Soviet, East bloc and even Cuban military, economic and political advisers?[10] They were not under discussion in Geneva, and Soviet and Afghan leaders have flatly declared that these advisers will remain in Afghanistan.

What then is the value of the Soviet role as guarantor of this accord? It is solely as a parallel to the U.S. guarantees? Supporters of the accords might say that the Soviet guarantee opened the way to the policy of symmetry, which will enable the United States to match Soviet military aid to its clients with American aid to the resistance. A letter on this from Shevardnadze to Shultz is still held secret. Putting aside the practical and logistical problems of such U.S. aid, neither the accords nor the "symmetry doctrine" says anything about what the U.S.S.R can provide to its own forces until their withdrawal is complete. The Soviet Union can therefore oversupply its own forces with enough weapons and material to last for a decade if it chooses—and there is nothing in the accords to prevent them from leaving it all behind when they depart. Moscow could then invoke the doctrine of symmetry, claiming to have voluntarily ceased supplying the Afghan army and calling on the United States to halt its aid to the mujahedeen. That is exactly what appears to be happening.

These are obviously accords that the Soviet Union was eager to see signed, preferably with but even without American guarantees. They fulfill the first and most essential requirement of its time-tested strategy for subduing resistance and armed insurrections, i.e., to isolate the area, the rebellious population and its forces. Once isolated, they can in time be crushed. Tsars and commissars alike have tested and developed this strategy from the Caucasus in the 1850s to Turkestan in the 1920s; the process has usually taken about 20 to 25 years to complete. Thus, to their critics, the Geneva negotiations and the resulting accords have provided a solution to the wrong problem: an arrangement for the long-term Soviet consolidation of control in Afghanistan without the overt use of its uniformed military forces, and in a manner satisfactory to world opinion.

BILATERAL AGREEMENT BETWEEN THE REPUBLIC OF AFGHANISTAN AND THE ISLAMIC REPUBLIC OF PAKISTAN ON THE PRINCIPLES OF MUTUAL RELATIONS, IN PARTICULAR ON NON-INTERFERENCE AND NON-INTERVENTION

ARTICLE II

For the purpose of implementing the principle of non-interference and non-intervention each High Contracting Party undertakes to comply with the following obligations:

(1) to respect the sovereignty, political independence, territorial integrity, national unity, security and non-alignment of the other High Contracting Party, as well as the national identity and cultural heritage of its people;

(2) to respect the sovereign and inalienable right of the other High Contracting Party freely to determine its own political, economic, cultural and social systems, to develop its international relations and to exercise permanent sovereignty over its natural resources, in accordance with the will of its people, and without outside intervention, interference, subversion, coercion or threat in any form whatsoever.

(3) to refrain from the threat or use of force in any form whatsoever so as not to violate the boundaries of each other, to disrupt the political, social or economic order of the other High Contracting Party, to overthrow or change the political system of the other High Contracting Party or its Government, or to cause tension between the High Contracting Parties;

(4) to ensure that its territory is not used in any manner which would violate the sovereignty, political independence, territorial integrity and national unity or disrupt the political, economic and social stability of the other High Contracting Party;

(5) to refrain from armed intervention, subversion, military occupation or any other form of intervention and interference, overt or covert, directed at the other High Contracting Party, or any act of military, political or economic interference in the internal affairs of the other High Contracting Party, including acts of reprisal involving the use of force;

(6) to refrain from any action or attempt in whatever form or under whatever pretext to destabilize or to undermine the stability of the other High Contracting Party or any of its institutions;

(7) to refrain from the promotion, encouragement or support, direct or indirect, of rebellious or secessionist activities against the other High Contracting Party, under any pretext whatsoever, or from any other action which seeks to disrupt the unity or to undermine or subvert the political order of the other High Contracting Party;

(8) to prevent within its territory the training, equipping, financing and recruitment of mercenaries from whatever origin for the purpose of hostile activities against the other High Contracting Party, or the sending of such mercenaries into the territory of the other High Contracting Party and accordingly to deny facilities, including financing for the training, equipping and transit of such mercenaries.

(9) to refrain from making any agreements or arrangements with other States designed to intervene or interfere in the internal and external affairs of the other High Contracting Party;

(10) to abstain from any defamatory campaign, vilification or hostile propaganda for the purpose of intervening or interfering in the internal affairs of the other High Contracting Party;

(11) to prevent any assistance or use of or tolerance of terrorist groups, saboteurs or subversive agents against the other High Contracting Party;

(12) to prevent within its territory the presence, harbouring, in camps and bases or otherwise, organizing, training, financing, equipping and arming of individuals and political, ethnic and other groups for the purpose of creating subversion, disorder or unrest in the territory of the other High Contracting Party and accordingly also to prevent the use of mass media and the transportation of arms, ammunition and equipment by such individuals and groups;

(13) not to resort to or to allow any other action that could be considered as interference or intervention.

U.S. STATEMENT

The United States has agreed to act as a guarantor of the political settlement of the situation relating to Afghanistan. We believe this settlement is a major step forward in restoring peace to Afghanistan, in ending the bloodshed in that unfortunate country, and in enabling millions of Afghan refugees to return to their homes.

In agreeing to act as a guarantor, the United States states the following:

(1) The troop withdrawal obligations as set out in paragraphs 5 and 6 of the Instrument on Interrelationships are central to the entire settlement. Compliance with those obligations is essential to achievement of the settlement's purposes, namely, the ending of foreign intervention in Afghanistan and the restoration of the rights of the Afghan people through the exercise of self determination as called for by the United Nations Charter and the United Nations General Assembly resolutions on Afghanistan.

(2) The obligations undertaken by the guarantors are symmetrical. In this regard, the United States has advised the Soviet Union that, if the USSR undertakes, as consistent with its obligations as guarantor, to provide military assistance to parties in Afghanistan, the U.S. retains the right, as consistent with its own obligations as guarantor, likewise effectively to provide such assistance.

(3) By acting as guarantor of the settlement, the United States does not intend to imply in any respect recognition of the present regime in Kabul as the lawful Government of Afghanistan.

[1] All references to the text of the accords are based on the English-language text released by the U.S. Department of State after the signing of the accords. Article II of the agreement on noninterference and nonintervention, and the U.S. statement submitted at Geneva, are reprinted at the end of this article.

[2] This is not merely ancient history. Leon Trotsky said: "The road to Paris and London lies through Kabul and the cities of the Punjab." In his memoirs Nikita Khrushchev mentioned that the road network the Soviets built in Afghanistan in 1956 was created with Soviet military use in mind.

[3] The failure to identify the "foreign troops" involved left the door open for Moscow and Kabul to continue to claim that the Soviet Union was asked to send in what they always describe as the "limited contingent" of Soviet forces (under clause 4 of the Soviet-Afghan friendship treaty signed by Taraki on Dec. 4, 1978) to help Afghanistan defend itself against invading U.S., Pakistani, Chinese and other foreign forces. Moreover, no move was made to deny Afghanistan's seat in the General Assembly to the regime installed, maintained and controlled by the aggressor.

[4] Resistance leaders and others were informally kept abreast of developments by the governments of Pakistan and to some extent the United States and Iran, but, as confirmed by U.N. Secretary-General Javier Pérez de Cuéllar on April 27, 1988, the resistance had no official standing of any sort in the negotiating process.

[5] Leon B. Poullada, "The Road to Crisis, 1919-1980," in *Afghanistan—The Great Game Revisited*, New York: Freedom House, 1987, pp. 63-65: see also other writings by the same author.

[6] Characteristically, before 1978 American intelligence officers in Afghanistan were under instructions to pay attention only to activities of Soviet and other foreign nationals, not to those of Afghans. As a result, when the first communist coup occurred in 1973, they failed to anticipate it, and then failed to recognize its significance. When the second coup occurred in 1978, they were not only taken by surprise but had little or no information about its participants and nature. Many U.S. officials did not expect continued Afghan resistance after the Soviet invasion.

[7] Nor does it admit to a defeat. The Soviet public has always been told that their troops are in Afghanistan to "fulfill their internationalist duty," and they are now being told that that duty has been successfully fulfilled, that the threat of outside aggressors and radical Islam has been ended by Soviet steadfastness and the Geneva accords, and that their sons can now come home proudly.

[8] * * *.

[8] In recent months, interestingly enough, the Soviets have chosen to invoke this 1921 treaty rather than the 1978 one previously invoked—perhaps because it long antedates the communist takeover in Kabul. The choice has certain drawbacks, however, since the Soviet Union violated several clauses in the 1921 treaty with the ink scarcely dry, including one promising the return of Afghan territory seized by the tsars.

[9] The ubiquity of such advisers has been frequently noted. When *Washington Post* correspondent—Lally Weymouth visited Kabul in the fall of 1987 and interviewed President Najibullah, she reported a Soviet adviser in watchful attendance beside him throughout the entire interview. Afghans who knew Babrak Karmal socially said that while president he asked permission of his Soviet attendants to invite a friend to stay for lunch.

[10] *Congressional Record.* Vol 134, No. 21, Feb. 29, 1988, p. S1608.●

OUTCOMES MANAGEMENT—A TECHNOLOGY OF PATIENT EXPERIENCE

● **Mr. DURENBERGER.** Mr. President, I ask that an article from the June 9, 1988, Star Tribune headed "HMO Creator Wants to Check Health Care Efficacy" be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HMO CREATOR WANTS TO CHECK HEALTH CARE EFFICACY

(By Gordon Slovut)

The doctor known as the father of the nation's fast-growing health maintenance organization (HMO) movement Wednesday proposed another revolutionary change in health care in the United States.

Dr. Paul Ellwood, a Minnesota-based health strategist, outlined a plan called outcomes management, under which millions of patients would be monitored to see if the treatments administered or recommended by their doctors are effective.

For example, for the first time, doctors, patients and insurance companies would know if something inexpensive such as aspirin, or an extremely costly drug created by genetic engineering, is effective for people with arthritis and several other medical problems, Ellwood said.

He said the clinical trials of drugs now almost always compare one drug against no drug in patients with a single medical problem—unlike real life, where the same person might have arthritis, diabetes and heart problems, he said.

Ellwood, who founded and is chairman of InterStudy, the health think tank on Christmas Lake near Excelsior that drafted President Richard Nixon's "HMO strategy," said the HMOs have been successful at getting health care structured into large groups of doctors and providing financial incentives for keeping patients out of hospitals. But they haven't stopped the rapid rise in health care costs or provided ways for doctors throughout the country to know for certain which treatments are best for individual patients, he said.

Patients, unions and the people who pay health care premiums "are convinced that medical care is still not a consistently good value," Ellwood said.

He said questionnaires filled out in doctors' offices, and follow-up questionnaires and telephone calls to millions of patients, could for the first time provide a way to compare treatments for people with the same ailments and to evaluate new technology against older technology.

Ellwood, whose proposal is in today's issue of the New England Journal of Medicine said the reception to his idea has generally been favorable from doctors, many of whom are unhappy with the changes that have occurred in health care over the past 10 to 15 years, the managers of health care companies and government officials.

He said he hopes that a trial of the system can begin within a year among Medicare patients with high blood pressure, cataracts and low-back pain in Illinois. Missouri and Kansas, whose care is monitored by a nonprofit subsidiary of InterStudy and in two other states, and in 10 HMOs.

He estimated that the cost could run from $25 to $50 per patient, but said the potential benefits are enormous because doctors, for the first time since the development of specialists, would know exactly what is happening to their patients.

Ellwood said that most doctors used to be general practitioners and handled patients entirely by themselves and were able to follow them and know what was happening, but that now their patients might be treated by different specialists for different problems. He said doctors don't know what happens to many of their patients because they only see them for a specific problem.

He said that most people don't realize that doctors often have to make decisions based on what they have read and what they see in their own patients and that here are major controversies in medicine.

On low-back problems alone, the treatment depends on what kind of specialist a patient sees. He said orthopedic surgeons believe in stabilizing the back with surgery, while some neurosurgeons might believe in another type of surgery, and physical medicine specialists favor rest and exercises.

Heart surgeons might favor coronary artery bypass surgery for a patient while a cardiologist might recommend balloon angioplasty, opening blood flow to the heart by using an inflated balloon to widen an artery, he said.

As an example of what can happen because there is no systematic way of monitoring the effectiveness of therapy. Ellwood cited the case of the carotid endarterectomy, an operation in which material is cleared from a neck artery in the hope that it will lessen a person's risk of suffering a stroke.

"Carotid endarterectomy is costing the country about $1.5 billion a year," Ellwood said. "Yet its benefits, as measured in terms of better function through stroke prevention, are unverified."

In his article in the New England Journal, he warned doctors that if they don't participate in outcomes management, government and insurance companies probably will. He said government and insurance companies could distribute the questionnaires, tally the results with payment information and use the data as "a powerful but blunt instrument" to force doctors to practice medicine in ways desirable to the government and insurers.

He said small-scale versions of the system are already in use. The Mayo Clinic in Rochester, Minn, does follow-up on many of its patients, and Dr. Fred Wolf, an arthritis specialist in Wichita, Kan., has collected outcome data on 7,300 of his patients since 1974 as a way of trying to determine what works and what doesn't.

The questions asked of patients would cover physical function (Can you walk several blocks?), psychological (Have you felt downhearted or blue during the past month?), and social (Have you had difficulty participating in community activities such as religious services, social activities or volunteer work?).

Ellwood said the timing would depend on what was done for a patient. Some follow-ups would be within weeks, some within days, some within a year.

He said he hopes the entire system could be in effect nationwide, for many medical problems, within 5 to 10 years.

Mr. DURENBERGER. Mr. President, the Nation is engaged in a dramatic change in the way we define health and in the way we provide medical services, because of revolutionary—nay, evolutionary—changes in the way we pay for medically necessary services.

The person who began this with his writing and his pressuring is Dr. Paul M. Ellwood, Jr. of Minnesota. Today he has the status of the much-maligned pioneer; he is even learning to cope with the inability of capitalists who thrive in the free economic markets of America to trust medical service delivery to this market; he is frustrated by the fetish for price and cost which this consumer choice evolution has developed and by the unwillingness of outmoded health care institutions to fold.

But Paul Ellwood has never taken his eye from the objective with which he at Interstudy—and others around the country—began this mission for consumer choice through truly competitive providers; to improve the quality of health care and medical services provided Americans while maintaining access to it for all.

In this, another landmark speech, he resets his vision and that of us all on that achievable target—quality health care. I recommend to my colleagues a careful reading, rereading, and retrievable filing of Paul Ellwood's "Outcomes Management—a Technology of Patient Experience" and ask that it be printed in the RECORD.

The article follows:

OUTCOMES MANAGEMENT—A TECHNOLOGY OF PATIENT EXPERIENCE

(Shattuck Lecture Paul M. Ellwood, Jr., M.D.)

"We pay dearly for the possession of the intricate machinery which gives us our vivid imagination, our retentive memory, and that power by which we are able to grasp at each moment all the threads of our past experience and to weave them into a new fabric for the service of the present. Mischief begins when the demands of this service cannot be properly met, . . ." James J. Putnam, M.D., Shattuck Lecture, 1899.

When the President proclaimed in 1969 that our nation faced a health care crisis, it was not news to the medical community. Costs were surging. Patients were beginning to challenge the authority of doctors, and doubts were being raised about the efficacy of some expensive medical procedures. The response to the crisis was a bold federal policy aimed at restructuring the organization and incentives of the entire American health care enterprise. The policy to restructure provoked a trend, then a mass movement, toward a health care system influenced by market forces, incentive-based payment arrangements, and aggregations of providers. Group practice, by providing physicians with leadership, organizational support, economic security and a power base, is flourishing. The number of multispecialty groups with more than 100 physicians jumped from 46 to 168 between 1980 and 1986. In 1986, hospital inpatient days hit an 18-year low but surgical operations hit an 18-year high. Access for some patients has improved, but for others it has deteriorated; care is less costly for those using managed care organizations, but overall medical care expenditures continue to rise. The HMO movement, after spawning numerous kindred "products," has become the managed care industry.

The most destabilizing consequence of the health system restructuring was also, in my view, the most desirable one: patients, payers, and health care organization executives now have both higher expectations and greater power. The democratization of choice and the proliferation of decision-makers in the American health care system will perpetuate and accelerate the restructuring of medicine, even after universal health coverage is adopted. But what physicians find most troubling about restructuring is not so much sharing decision-making and power with patients and others, it is the nagging, not entirely arrogant or paternalistic, belief that non-physicians simply do not have the information necessary to make rational decisions about medical care. The physician's capacity to make sound decisions is jeopardized as well by the increasing complexity of medical practice and the growing number of chronically ill patients. The fine line between chaos and democracy is rationality of choice. It is the seeming irrationality of choices that has put the restructured American health care system on today's chaotic course. The problem: What has not changed about American medicine is more important than what has changed. The next phase will determine the future roles of physicians and fates of patients.

The intricate machinery of our health care system can no longer grasp the threads of experience. The mischief which began long before the health care crisis of the '70s is progressively disabling the vast machinery of medicine. On too many occasions, payers, physicians, and health care executives do not share common insights into the life of the patient. We acknowledge that our common interest is the patient, but we represent that interest from such divergent, even conflicting, viewpoints that everyone loses perspective. As a result, the health care system has become an organism guided by misguided choices: unstable, confused, and desperately in need of a central nervous system that can help it cope with the complexities of modern medicine. The problem is our inability to measure and understand the impact of the choices of patients, payers and physicians on the patient's aspirations for a better quality of life. The result: uninformed patients, skeptical payers, frustrated physicians, and besieged health care executives.

UNINFORMED PATIENTS

For the patient, the verdict of the '70s health reforms is mixed. Most who joined managed care organizations express high levels of satisfaction. But at the same time some are concerned about the impersonality of "corporate medicine," and their fears are growing that payers', health executives', and physicians' intensified cost sensitivity might reduce the quality of medical care. As they did before restructuring, patients say they are too uninformed to make appropriate health care choices. Meanwhile, states are passing diagnosis-specific laws commanding informed choice between clinical options in "layman's language". But patients are still forced to judge medical care on the basis of quality of amenities (the physician's manner, waiting time, etc.) because they rarely have the knowledge or suitable information to base it on anything else. Doctors feel patients' opinions on quality relate poorly to actual quality medical care. As a result, patients claim they are told what kind of care they will receive, rather than being given real choices. In the end, consumers feel that the only power they have is their choice of a physician, hospital, or health plan, yet they still have no way of making an informed choice because they have no way of knowing which choice gets the best results.

SKEPTICAL PAYERS

Those who pay for most of the medical care, the group buyers of health care benefits—government unions, business—express some satisfaction with the greater voice restructuring has given them. But the majority are convinced that medical care still is not a consistently good value. The private sector payers are exercising their newly found market power to purchase what they choose to define as value.

Group payers are particularly perplexed by John Wennberg's repeated demonstration of wide variations in practice style between geographic areas without corresponding differences in health outcomes. Sickfund directors in The Netherlands, national health insurance leaders in Australia, and employee benefits managers throughout the United States all ask me the same tough questions: What value do we get from these mounting expenditures on medical care? Will technology continue to bring us high costs and uncertain results? Differences in national health policies, cultures, payment arrangements, and organizational structure don't seem to affect the payers' perception of the problem. The payers are increasingly skeptical of medicine's willingness or ability to resolve issues of effectiveness and cost, and are emboldened to seek answers on their own with or without the acquiescence of medicine. Without compelling quality of life information, their bottom line will continue to the money.

FRUSTRATED PHYSICIANS

Physicians are convinced that the financial concerns of payers are jeopardizing the care of their patients. Physicians are today often responsible for patients with multiple chronic conditions who have seen several subspecialists and gotten conflicting advice. Often, too, the potential for relief in such cases carries with it the risk of serious side effects. This all-too-common situation defies prior experience and makes it virtually impossible to offer an accurate prognosis.

Some of the tension that surfaced between primary physicians and referral specialists as primary care gatekeeper arrangements have proliferated stemmed from doubts about the capacity of primary physicians to perform this decisive management function. At the same time, primary physicians express concern over the referral specialists lack of recognition of the broader needs of the patient. Physicians need a powerful management tool that allows physicians to anticipate and to evaluate the impact of medical care on the patient's quality of life. This will supply the missing ingredient in optimal patient care.

BESIEGED CARE EXECUTIVES

Health care organization executives express the same frustrations as individual physicians concerning the compromises and uncertainty of the present medical environment. As money becomes tighter, health care executives report increasing difficulty in resolving differences of opinion over the purchase of costly technology and of the compensation of one specialty versus another. Their concerns about health outcomes parallel those of the payers, particularly as health executives observe the inconsistencies of practice patterns in their own organizations. Even some of the more tightly controlled group practices acknowledge they are detecting an unexplained increase and more variations in the frequency of interventions—such as cesarean sections, endoscopies, coronary arteriograms.

The executives feel that we have struck an unhealthy balance between health outcomes and economic outcomes. They recognize too that a better, more professionally uplifting bond than money is needed to hold health care organizations together. Health care executives need a management tool that calculates health outcomes for the patient as a bottom line of greater importance than the economic wealth of the organization.

In an effort to wed greater understanding of medical interventions to financial considerations, health care organizations are installing computerized information systems to record what the organization is doing for patients and how much it costs. Unfortunately, the information systems rarely tell them why the interventions were made and how well they worked. Technically, it would not be difficult to add health outcomes to their database, but abiding by a new set of accounts that calculate health outcomes for the buck rather than episodes for the buck involves potentially fatal organizational risks of selling something different than what the payer is buying.

A TECHNOLOGY OF PATIENT EXPERIENCE

"In the absence of any system of general reporting of all diseases by all physicians to any central health authority, I can think of no way in which we can arrive at any approximate idea of the morbidity of this city." Richard C. Cabot, M.D., Shattuck Lecture, 1911

Despite the inability of the freshly franchised decision-makers of restructured medicine to reach a common understanding, they do share a common language—money, politics, goods, and services. Its vocabulary includes CABGs, malpractice premiums, waiting times, DRG codes, ICU hours, compulsory disclosure, capitation rates, and TEFRA. This negotiation has been garbled by the wrong language leading inevitably to the wrong choices. The health care goals have been drowned out by the noise of commerce. Shared responsibility demands a new universal language to communicate hurting, functioning, working, interacting, and living.

Our national heritage, our strength, has been our ability to convert the intangible, even divisive concepts of individualism and liberty into consensus and collaborative action. In medicine, we already have a consensus that our unifying goal is the good of the patient. To support this philosophy, I propose that we adopt a technology for collaborative action. Since one of my proclivities is giving old ideas new labels, let's label this technology "Outcomes Management." Outcomes Management is a technology of patient experience designed to help patients, payers, providers make rational medical care-related choices based on better insight into the impact of these choices on the patient's life. Outcomes Management consists of:

a common patient-understood language of health outcomes;

a national data base containing clinical, financial and health outcome information and analysis that estimates as best we can the relationship between medical interventions and health outcomes, as well as the relationship between health outcomes and money;

an opportunity for each decision-maker to have access to those analyses that are relevant to the choices they must make.

Outcomes Management would draw on four, already rapidly maturing technologies. First, place greater reliance on standards and guidelines that physicians can use in selecting appropriate interventions. Second, routinely and systematically measure patient functioning and well-being along with disease-specific clinical outcomes at appropriate time intervals. Third, pool clinical and outcome data on a massive scale. Fourth, analyze and disseminate results from the segment of the data base most appropriate to each decision-maker's concerns. This technology should also allow the entire Outcomes Management system to be continuously modified and improved with advances in medical science, changes in people's expectations, and altered availability of resources.

Outcomes Management's closest living relative is the clinical trial. The clinical trial consists of the same steps: a carefully designed and scrupulously followed protocol, measurements of results, data pooling, analysis, and dissemination. Unlike the typical clinical trial, Outcomes Management would be a clinical trial machine," a routine part of medical care—it would never stop. Outcomes Management lacks the purposeful randomization of a clinical trial, but it would generate information about the results of the natural, seemingly random variations in practice style. It differs in another significant way. With Outcomes Management, standards and outcome measures would be constantly subject to modification based on the results of analysis and feedback. The statistical hazards of conclusions based on series can be mitigated by using the national Outcomes Management system for the conduct of classic randomized clinical trials.

TIMING

"In science the credit goes to the man who convinces the world, not to the man to whom the idea first occurs." Sir Francis Darwin, Eugenics Review, 1914

Speaking from experience, I can say the most important ingredients in applying someone else's great idea are great timing and great luck. The good news is that a number of recent trends are paving the way for Outcomes Management, making it a more practical potential tool than ever before. The component technologies of Outcomes Management are widely accepted. The life-time efforts of three individuals stand out as having established the foundations of contemporary medical quality management systems. Avedis Donabedian has given it a vocabulary; John Williamson and his "health accounting" collaborators at Johns Hopkins anticipated and explored most of the concepts that shape the field; Robert Brook and his associates at Rand have conducted the step-by-step critical research that allows Outcomes Management to be seriously considered as a nationwide undertaking. There have been many pioneering efforts to install integrated management information systems that assist physicians in making decisions and that follow patient outcomes, then feed the results back to various decision-makers. Some of these efforts have caught the imagination of the media and the medical profession, such as Lawrence Weed's problem-oriented record. Some continue to be perfected and expanded, such as Octo Barnett's Homer Warner's and Clement McDonald's computerized medical record systems. Some have the computer-age promise of artificial intelligence such as Edward Shortliffe's MYCIN. None have grown with the speed the problem demands, and, as far as I can determine, few have relied as heavily on functional outcome and well-being measures derived independently from medical records as the Outcomes Management system I'm proposing.

I have sought advice of the pioneering developers of medical management technology. They are optimistic that the time is right for the widespread application of their technology. They base their opinions largely on improvements in our ability to manage information with computers and the demonstration, particularly by DRGs, of the impact an expanded data base can have on integrating medical and financial information. I would add to these reasons the remarkable independent maturation of the four basic ingredients of an Outcomes Management system: reliable outcomes, better standards, powerful data bases, promising analyses. By integrating these four maturing technologies, we have the opportunity to proceed immediately.

MEASURING THE QUALITY OF LIFE

The centerpiece and unifying ingredient of Outcomes Management is the tracking and measurement of function and well-being or quality of life. While this sounds like a hopelessly optimistic undertaking, I believe we already have the ability to reliably obtain crucial quality-of-life data with a minimum of cost and inconvenience.

Still, major questions surround attempts to measure the impact of medical care on quality of life—reliability, sensitivity, specificity, and whether patients' subjective opinions about well-being can be treated as objectively as direct pathophysiologic observations. The interpretation of outcomes is further complicated by the need to make adjustments for co-morbidity, intensity and stage of the patient's illness, which is far from a trivial undertaking. When dealing with the more prolonged and elusive effects of common conditions, persistence of pain, the curves of decay of chronic illnesses, the overlapping effects of co-morbidity, we need to make our greatest investment in follow-up.

Like other facets of Outcomes Management, the measurement of functional outcomes is being rapidly developed and perfected. The Sickness Impact Profile (SIO), the Index of Well-being (IWB), and several others are sound psychometric instruments which measure functional outcome. These instruments are, however, time-consuming and largely impractical for general use.

Over the last several years, John Ware and his colleagues at Rand have been developing and testing increasingly practical outcome and consumer satisfaction instruments. Alvin Tarlov anticipated the urgent need for an index for quality of life measurement by organizing a national medical outcomes study (MOS) which Ware led in Chicago, Los Angeles, and Boston. The study, using modified function and well-being measures with a set of clinical descriptors developed by Sheldon Greenfield, established the value of a general short form health survey in various practice settings for a range of chronic illnesses. The MOS form is particularly appealing as an instrument for widespread use in Outcomes Management because it is reliable, self-administrable, and short. It takes approximately five minutes to answer questions about role, social interaction, physical functioning, emotions, and perceptions of health and pain. Since the survey instrument is so brief, it may turn out to be insufficiently sensitive to detect subtle changes in health status. Or we may find the need to expand the instruments to cover such important aspects as sleep and patients' feelings about their energy level. Whatever functional outcome measures we choose, we wll need to obtain parallel clinical follow-up measures that are time- and illness-specific.

BETTER STANDARDS

Perhaps the most controversial element in the Outcomes Management concept is the starting point: relying increasingly on standards or assessments for medical interventions. Appropriate medical standards, guidelines, hard-and-fast rules that can be used by physicians in managing their patients or as so many physicians call it, "cookbook medicine," continues to be devastatingly controversial—a bonanza for litigators, a conundrum when patients do not fit within the standards, a bureaucrat's paradise, the last stand for free physicians. To avoid controversy, the standards developers have clothed their products with euphemistic labels. Congress speaks of "technology assessments"; the National Institute of Health, "the Consensus Development Program"; the American College of Physicians, "Clinical Efficacy Assessment Project"; David Eddy for the Council of Medical Specialty Societies, "clinical policies"; the American Medical Association, "DATTA". But those who are devising these aids for physicians are responding to a real problem—the need to sort out and apply more rigorous analysis to the combinations of conflicting technology, changing technology, halfway technology, and unempirical technology of modern medical practice. The Institute of Medicine's Council on Health Care Technology has identified more than 60 significant groups engaged in producing assessments. More than 3,000 assessments have been conducted to date, and the Institute of Medicine, with Congress' urging, has formed a clearinghouse on health technology assessments.

Most of those involved in assessing medical interventions emphasize the importance of flexibility, branching, and judgment in their application. Where no formal assessments exist, which may describe most medical encounters, Outcomes Management will need to rely on encounter forms or computerized lists of observations and choices to assure the entry of reliable data. The current state of ambulatory record systems and the problem of moving reliable data from them into a computerized data base is perhaps the most serious technical barrier to Outcomes Management.

The technology assessors acknowledge their work is largely necessitated by paucity of data on outcomes. Outcomes Management can help to circumvent this weakness by creating an opportunity for continuous improvement through feedback of outcomes. It can be used to assess and, where appropriate, modify initial standards. Standards, then, are not some rigid laws to be followed blindly forever; they're a starting point—data elements, recommendations, continually responding to what is learned from application and subsequent research.

POWERFUL DATA BASES

The crucial element that could link the actions and observations of thousands of health professionals with millions of patients is a massive, computerized data base. We seek from this data base the inhuman capacity of computers to cope with information gathered over time derived from multiple sources and to provide on-line feedback to a variety of users. We're not expecting a technology that thinks better than human beings. We need a technology that keeps track of more participants and remembers better than we do. Advances in the field of computers have led data pooling and management to be the most rapidly moving yet the most immature science in Outcomes Management.

The current proliferation of medical data bases demonstrates how large in size and broad in scope they can become and how fragmented and fragile they are to maintain. The Mayo Clinic data base covering medical histories of the residents of Olmsted County has been maintained for 81 years and contains comprehensive medical records on 4 million encounters. Virgil Slee's PAS/CPHA system, at its high point, covered 2,300 hospitals and contains 220,000,000 discharge abstracts. SEER, the National Cancer Institute's Surveillance Epidemiology and End Result system, has collected information on over a million cancer patients. In fact, a thousand plus cancer registries are approved by the American Cancer Society's Commission on Cancer, recording 55–60% of all cancers diagnosed each year.

Major data bases have not been limited to cancer patients. In addition, data bases have been applied to the fields of cardiovascular disease (Duke, Seattle Heart Watch), arthritis (ARAMIS), strokes (BUSTOP), angioplasties (NHLBI), renal dialysis, head injuries, hypertension, hepatitis, glaucoma, and many others. Each data base represents an advance in its own field, but due perhaps to the fragmentary and proprietary nature of the data and the difficulty coverting medical records across systems, the science of clinical data base development is not held hostage by our tendency to develop information repositories independently of each other. This incompatibility of data systems rooted in history, function, pride, and money creates added urgency to adopt a uniform subset of health outcomes data.

Data base developers emphasize some hard-learned lessons from the recent information explosion. First and most important, they tell us the information system's goals must be established in advance to define the appropriate data to be collected. Second, the numbers need to be large enough to detect significant phenomena but not so detailed that the quality of input information totally deteriorates. Third, the information may be structured in a variety of ways and collected in a decentralized fashion, but some mechanism for centralizing information is essential. Progress in coding and integration of operating systems should facilitate this process. Fourth, experienced data base developers suggest the data base must somehow get beyond the hospital. Our present data bases are largely hospital bound, cover only fragmentary episodes of an illness; they give the briefest glimpse into the changing functions of the patient.

Finally, many data bases have not survived because they were set up as one-time exercises or because they lacked long-term funding. A decision to pay for the maintenance of the Outcomes Management system out of patient care revenues is a necessary assumption in the health outcomes strategy.

PROMISING ANALYSES

Ultimately, Outcomes Management can serve us by generating facts and insights that help people make sounder decisions. Many of those with whom I've discussed Outcomes Management claim that "informatics" and "decision theory" are the "hot topics" where the real excitement and breakthroughs will be experienced as Outcomes Management illuminates totally novel insights. Before jumping to any conclusions about the brilliant future for this concept, some disclaimers are necessary about the utility of large data bases drawn from medical practice. Rarely can we reach clear-cut conclusions from a modest series of cases. Outcomes Management, at the outset, lacks a denominator. It is based only on the observations of the series of people who happen to use medical care. It will not always contain enough information about the natural history of untreated conditions. Except in those circumstances where the Outcomes Management data base is used to conduct a formal clinical trial, extraordinary care will be required in reaching conclusions about efficacy, etc.

Most clinical trials attempt to eliminate co-factors such as multiple illnesses, which is a rare circumstance in real medical practice. These complex cases in the data base will complicate and potentially weaken the conclusions that can be drawn from even the huge amount of information that might be accumulated in this system. It is these technical factors, not the length of time required to install a system to track health outcomes, that should make us cautious about Outcomes Management's ability to produce dramatic, immediate results. It seems appropriate to predict that in five to ten years we can apply this technology in a widespread, valuable way. I suspect the most immediately discernible results will be in the more subjective realm—a sense of participation, dispelling of suspicion, and progress toward a fairer, more effective health care system.

To break the impasse and move medicine forward as a sound applied biological and social science, adopting a technology like Outcomes Management is essential. The promise will be worth the wait. More accurate, prognostic information will become available to patients in a video format to study and share at home. The potential value of costly equipment with its legion of technicians will be easier to sort out. Better answers will be available on what and who the technology displaces and if the machine leads to better end results than what is already installed. Conflicting and rapidly changing diagnostic and therapeutic situations, like those which currently exits for myocardial infarction, should get resolved more quickly and decisively. Doctors will find they need to depend less on their memories, the records on patient progress will be more complete, the statistics on which they base decisions will be more robust, the recommendations of their colleagues can be cross-checked. Outcomes Management can help every doctor become a better doctor. To quote Dr. Edward Augustus Holyoke,

"Indeed the joint efforts of many engaged, in the same design, may accomplish, in a few years, what would be impracticable to a few individuals, though employed for ages." Massachusetts Medical Society, June 1787.

A STRATEGY FOR THE MEDICAL PROFESSION

If the medical profession could agree to establish a common national technology that measured the impact of medical care on health outcomes, could we move cooperatively toward implementation of Outcomes Management? The American health care system is the most dynamic and flexible in the world. But moving even a substantial fraction of it in a common direction is difficult. Where is the forum for the medical profession to consider new policies? The Shattuck Lecture, The New England Journal of Medicine and several other journals have become America's town halls for medicine.

There is no powerful leader or leadership group that can command health system reforms. There are no dominant health care firms that can lead the way. The largest health care firm, Kaiser Permanente, accounts for one percent of the country's health care expenditures. Normally, in devising health policies, we are pragmatically inclined to think small and to act smaller—independently. We are faced with a health and professional crisis that compels us to think big and to act bigger—together. The most aggressive national health policy is incremental. The surest routes are by trial and error. Even health policies that appear massive in scope are refinements, not solutions. This proposed policy touches eveyone associated with health care. It demands such a high level of trust and collaboration that its success will depend on a combination of unselfish leadership from the health sector, government, foundations, business and consumer groups.

We can learn something about leadership and change from the current restructuring, which is one of those times when thinking broadly was followed by substantial change. During the restructuring experience, we observed that the President can articulate goals, but the private sector is more likely to take bold action. The health maintenance restructuring strategy called for people on medicare to be immediately permitted to join health maintenance organizations. The legislation to capitate Medicare at 95% of per capita costs passed the House of Representatives in 1970, but the United States Senate took 15 years to pass a similar version to the House. In the meantime, 256 HMOs were started by the private sector and 9.6 million people joined them. Perhaps the next president might be persuaded to support a health outcomes strategy, but it is safest to assume the private sector will initiate the action.

Concepts need to be converted into something tangible: definable, traceable activities and organizations. At the same time, the definitions ought to be sufficiently flexible to permit continuing innovation and to avoid a divisive ideological conflict that attracts attention but kills long-term reform. In the case of the health maintenance strategy, the HMO entity was adequately enough defined for InterStudy to follow and publicize their spread. Defining Outcomes Management as a permanent national medical data base that uses a common set of definitions for measuring quality of life to enable patients, payers and providers to make informed health choices, is tangible enough to follow and evaluate.

The restructuring also taught us that proprietary approaches in medical care attract inordinate distrust and distortions along with desirable growth and private capital. This is a circumstance where competition can impede progress. Outcomes Management is absolutely dependent on the participation and cooperation of the entire health enterprise. Its internal architecture needs to be open so that anyone can understand how it reaches conclusions. Open architecture will also encourage wider use for research purposes. But even an open and non-proprietary architecture does not preclude competition and innovation. Competition will develop around how well organizations use the information Outcomes Management produces. I suspect a whole new set of profit and non-profit activities will develop around manipulating, displaying, researching, auditing, litigating, and responding to the data. Serious efforts will need to go in to preventing data from exploitation by the already ravenous litigation industry. This is a technology of choice, not of exploitation or regimentation.

The restructuring succeeded and faltered in its attempts to become a part of mainstream medical care and traditional insurance. Managed care has too rarely given mainstream physicians a chance to be better doctors. It continues to grow because it is now part of traditional insurance and is flexible enough to continue to attract those who are interested in improving the performance of the health care system. The health outcomes strategy has been purposefully designed to appeal from the outset to academic health centers and leading health care organizations because it allows them to evaluate their performance and facilitates the conduct of clinical trials and research at relatively low cost. Start-up money might come from a coalition of foundations and government grants, but the technology won't succeed unless it's perceived and paid for as a part of routine patient care.

Finally, we learned from restructuring how impatient Americans are for tangible results. Instant drops in hospital admissions and length of stay were the rallying cry of the restructured health system. Outcomes Management technology may not significantly impact the American health care system for five or ten years, maybe even longer. The people who pay the bills will need some evidence of success on their terms—lower costs, plus favorable health outcomes—right from the outset. Carotid endarterectomy is costing the country about $1.5 billion a year. Yet, its benefits, as measured in better function through stroke prevention, are unverified. Successfully evaluating the effectiveness of this one procedure early on can give Outcomes Management the impetus to carry it through the build-up period until it becomes more widely useful.

IMPETUS TO CHANGE

After applying past experience to the health outcome strategy, what actions are capable of stimulating what Burns calls the ultimate test of leadership, "the real changes that meet people's enduring needs"? I wish I could persuade the medical profession to take the initiative in applying the health outcomes strategy. Some individuals and organizations have moved in a very practical sense well along in that direction. Donald Berwick has devised and installed throughout the entire Harvard Community Health Plan a technology which integrates a computerized medical records system with quality improvement methods developed outside of the health industry into what is perhaps the most advanced operational health quality measurement system in the United States. Paul Griner has established in Strong Memorial Hospital an office of clinical practices analysis. The Joint Commission on Accreditation of Health Care Organizations under the leadership of Dennis O'Leary is successfully nudging some very powerful elements of the health system along the outcome route. Walter McClure's "buy right" philosophy has invigorated the demand side and alerted the supply side to the need to solve the problem of better data for better decisions. But I'm concerned that the slow piecemeal, even conflicting activities of the health care system can't satisfy the demands for immediate action from patients and payers.

Medicine can accelerate the installation of Outcomes Management by adding a uniform set of quality of life measures as a new data element to any preexisting computerized clinical data base that has the capacity to relate clinical observations to outcomes. Such an approach will allow for the rapid participation of any type of organization or individual involved in the practice of medicine. Integration of data bases can be conducted incrementally. An "Open Health System Corporation" might be created similar to that which exists in the fields of telecommunications and computers to ease the integration of data bases.

What can you as an individual physician do? Go to your hospital, to your group to your medical society, to your managed care organization, to the Blues—urge them to establish a system for measuring health outcomes and to incorporate that information into their preexisting clinical data bases.

Payers, insurers, and managed care organizations, through their proliferating case management programs, are likely to exert early pressures for Outcomes Management. Case management's basic method and source of leverage is to channel very sick patients to so-called "centers of excellence". The "centers of excellence" are typically the country's best-known health organizations. If payers condition referral of "big deals"—transplants, cardiac surgery, low birthweight infants—on the installation of Outcomes Management technology, they will get Outcomes Management technology. As a result, the famous, most emulated research and education-oriented health organizations will get caught up in the process of implementation first. The health centers' roles in perfecting and ultimately relying on Outcomes Management will spill over to everyone else as the technology is applied to less costly interventions in typical practice situations. The catch is that the case management movement in itself is fragmented. The integration of the information demands of the case managers is but one more challenge to the health outcomes strategy. The government, as a standardizer of information systems, could become crucial.

The government's role, if we can judge by HMOs and DRGs, is to standardize all data for their programs just by asking for it. Medicare instantly created a new database for hospitals with DRGs and has had the same standardizing effect in other aspects of Medicare reporting. The federal PRO program is searching for innovative methods beyond hospital records and the detection of outliers to stimulate improvements in the quality of care for Medicare. In this case, HCFA could take the lead in defining the content of the quality of life data set.

The process of installing Outcomes Management can proceed in stages by industry segments, by regions of the country, by clinical entities, or by components of the technology. Getting the job done could be facilitated by a series of regional Outcomes Management resource centers that provide consultation and education while functioning as sites for data analysis and interpretation.

IMPACT: WHO WINS?

Some physicians might begrudgingly adopt this technology to preempt one more threat to the control of medicine. By control of medicine, I'm not referring to the current concerns of physicians over the control of the structure of health care organizations or how they are paid. I'm referring to the loss of control over the science of medicine when someone else knows more about the impact of physicians' work than they do. That threat is real. For example, quality of life information can be gathered directly from the patient through a self-administered questionnaire. Any payer can obtain this information and match it to claims data on diagnosis and treatment. If the data are pooled with other payers, adjusted, modeled, and objectively analyzed, the payers will succeed in circumventing whatever exclusive legitimacy medicine claims to have as a profession. They will possess the information on effectiveness first. This cannot be allowed to happen.

The recent release of mortality data by HCFA demonstrates how close to losing professional control medicine is moving. HCFA brilliantly demonstrated its latent evaluative capacity by combining Medicare claims data with information on deaths. In the process, they've begun developing an information technology that can assess the impact of medical interventions. While HCFA has been criticized for their methodology, it is improving. They have demonstrated their insights through the release of data showing which patients died up to one month after discharge from the hospital. HCFA's actions have not yet had a profound impact on either consumer or provider behavior. But the message is clear—the government's agency had at its disposal more information about the impact of medical care on life and death than many of those who were responsible for providing the care. If physicians want to remain in control of their profession, they must have the motivation to track and evaluate health outcomes routinely.

I cannot overstate the gravity of medicine's situation. We are in danger of becoming a profession backed by first-rate—even miraculous—advanced laboratory science but performing as a second-rate, sincere, but obsolescent applied science—distinguished by moments of brilliance, but inconsistent overall.

The positive reasons by supporting Outcomes Management are more significant than the negative ones. If our logic is sound, the health outcomes strategy could bring order and predictability to the American health system. Even more compelling, it could lead to a more satisfying relationship with patients. It will allow economic choices to be made with more openly derived facts. It will be possible for personal and societal values to be weighed while health care decisions are made.

If the health care system is out of control due to irrational and conflicting decisions by legitimate parties to the health transaction, then putting those decisions (value laden and empirical) in a common patient-driven framework could help create order and a greater sense of justice. It will not automatically favor a decrease or an increase in health care expenditures nor will it predictably favor one specialty over another or one organizational arrangement over another.

Third parties can independently employ this technology as a powerful, but blunt instrument of compliance. Only physicians have the full opportunity to use Outcomes Management as a technology of experience to enhance their own knowledge of the decisiveness of science and the subtlety of caring to bring a better quality of life to their patients.●

ELEMENTARY AND SECONDARY IMPROVEMENT AMENDMENTS OF 1988

● Mr. HATCH. Mr. President, I am pleased to cosponsor, and urge my colleagues to pass expeditiously, H.R. 4638. H.R. 4638 changes the effective dates for several of the programs contained in the Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988, passed by Congress and signed into law by President Reagan just this spring. Because of the schedule for distributing the funds for Federal elementary and secondary education programs, without this amendment several of those programs would be thrown into confusion and their smooth operation disrupted if we did not allow the old program standards to apply for a slightly longer time.

Let me give one example which would severely affect my home State of Utah. Currently the Hawkins-Stafford Amendments would have the new provisions of Impact Aid take effect on July 1, 1988. If this effective date stands, many school districts would receive final payments for this fiscal year different from those expected and incorporated into the district's budget. Several districts might have to return money legitimately received under the old standards and already spent.

It is unfortunate that we did not have this legal advice sooner and, thus, must revisit this legislation so soon. But it is also important to act to ensure the smooth operation of these important education programs. The amendments have been shared with the Department of Education and it assures us that their enactment will guarantee its ability to carry out these programs without disruption and in accordance with Congressional intent.●

CATASTROPHIC HEALTH CARE

● Mr. DURENBERGER. Mr. President, the recent passage of the Catastrophic Coverage Act of 1988 and the debate on financing home health care for the chronically ill—from elderly to children—have been powerful reminders of the great unmet need for long-term health care coverage in this country. I held over 12 hearings on long-term care throughout Minnesota over the last few months and I can assure my colleagues that problems associated with the financing and organization—including meeting the Congress' new quality standards and keeping nurses—in long-term care facilities are approaching crisis levels.

Our dear House colleague, Congressman CLAUDE PEPPER, has reminded us all, so poignantly, of the kinds of stresses and tragedies that I heard about and saw all over Minnesota. We must be responsive to the voices of the people and find ways to help them. That is the role of government. We must help families care for their loved ones as long as they can and we must balance the burden of ever-rising costs by encouraging social insurance and private insurance. Both are needed. Each helps individuals in different ways.

As a member of the Senate Finance Committee, I am proud to have been involved over the last decade in seeking solutions to this complex and emotionally-laden problem. As I said to Mr. PEPPER during his testimony before the Finance Committee 2 weeks ago on his bill, "your critics are wrong when they say there've been no hearings on your bill. I've sat in hearings on long-term care, home health for chronically ill, or community-based Medicaid waivers for years. And I chaired most of those hearings in my Health Subcommittee of Finance.

We have waited for State experiments with home and community based services to give us policy guidance. So far the experts' advice is inconclusive. So we've begun to introduce our own long-term care legislation. I've introduced five: S. 1739, S. 1832, S. 1922, and S. 2212. Next week I hope to introduce the Long-Term Care Insurance Protection Act of 1988 as well.

Mr. President, I will soon introduce another bill as part of a broad long-term care strategy that would deal more directly with the problems of long-term care today, in the short term, than would my earlier bills which would help build systems for the future.

This new bill would provide a mix of long-term care services, balancing different needs and alternative systems of care. It would build on social insurance principles and protect everyone but would recognize that those individuals who have resources, adequate income and assets to preserve for themselves and their families would want to do so. They would be able to help preserve their assets through private insurance and other savings and private pensions.

This bill will create a new Federal program for long-term care. It would increase home health care benefits, covering chronic conditions for the severely ill or disabled. It would also augment the respite benefit that Congress just approved in the catastrophic bill. Both benefits would have small copayments.

For example, nursing home coverage would be available after 1 month's stay to cover the first 6 months of a nursing home stay with a 20-percent copayment and a 35-percent copayment for someone with a spouse living in the community. After 6 months, individuals who are eligible for Medicaid would begin to be covered by Medicaid. Those who have resources and incomes high enough to be ineligible would use their private incomes, savings and/or private insurance to cover their nursing home costs. Medicaid savings that may accrue from these changes could be used to upgrade nursing home care and meet the new challenging nursing home quality standards. This coverage would be eligible to all who meet the program's requirements. That is, where the patient is unable to do 2 of the 5 normal daily living activities for himself.

There are several ways to finance this program. It would be budget neutral. The elderly and disabled have long argued that they would be willing to finance this benefit if Congress would only authorize it. A $5 per month premium paid by the elderly would produce $1.8 billion in the first year. Higher premiums could be considered. Simple changes in the tax protection subsidy of high income health insurance can also provide funding. This would be in line with the trend toward equalizing the tax subsidies for persons of varying income levels.

Mr. President, I believe we must begin this debate now at the same level of seriousness we dedicated to the catastrophic debate. That bill took 2 full years with the concentrated interest and attention of a large number of dedicated people and the commitment of the President, Otis Bowen and the enthusiastic leadership of the Senate and the House. It will take us at least that long to go from concept to law, but we must begin now. Senator CLAUDE PEPPER deserves our gratitude and respect for his persistence and wisdom in making us all more sensitive to the needs of all Americans who need long-term health care. Our colleagues Congressmen DAN ROSTENKOWSKI and JOHN DINGELL and the Members of the House who stood with them in their own commitment to broadening the reach of long-term care services to our citizens also deserve our praise and our commitment. Let us honor them and serve the public interest by turning our attention now to this huge gap in our systems of care and begin that long road today.●

TRIBUTE TO JOE STANISLAWCYZK

● Mr. ROCKEFELLER. Mr. President, I rise in honor of a true West Virginia football hero. Joe Stanislawcyzk is being honored as the "West Virginia Retired Football Coach" of the year on June 24. The selection was made by the East West Panhandle Football Coaches Association of West Virginia.

Joe Stanislawcyzk has been involved in the sport of football for decades. He was one of the all-time great running backs at Potomac State College. He also played football at Fordham University and George Washington University.

Joe's football career was interrupted by World War II when he served 4 years in the 26th Infantry. He was a brave and courageous soldier and was awarded a Purple Heart.

I would like to congratulate Joe on his selection as the "West Virginia Retired Football Coach." All West Virginians are proud of the accomplishments of this special citizen, and we are grateful to him for his many contributions.●

DEATH PENALTY IN CASE OF DRUG-RELATED KILLINGS

The Senate continued with the consideration of S. 2455.

Mr. HATFIELD. Mr. President, I believe we have the death penalty bill before the body at this time. Is that correct?

The PRESIDING OFFICER (Mr. FOWLER). The Senator is correct.

AMENDMENT NO. 2340

(Purpose: To require that executions be carried out in public and to provide employees of State and Federal correctional institutions charged with carrying out Federal death sentences under the amendment made by this bill with a right to refuse to participate in executions when such participation would violate the moral or religious convictions of the individual.)

Mr. **HATFIELD**. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER**. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] proposes an amendment numbered 2340.

Mr. **HATFIELD**. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment is as follows:

On page 13, line 17, strike the quotation marks and the second period.

On page 13, after line 17, insert the following:

"EXECUTION SHALL BE CARRIED OUT IN PUBLIC

"(r) No sentence of death shall be carried out under this section unless—

'(1) the United States Marshal charged with the execution or any sentence of death has taken such action as may be necessary to cause such execution to be carried out in public, including the making available such communication facilities, including radio and television, as may be necessary to permit the widest exposure of such execution to the public; and

"(2) such execution is at a time most likely to provide the widest possible exposure of the execution to the public.

"REFUSAL TO PARTICIPATE BY STATE AND FEDERAL CORRECTIONAL EMPLOYEES

"(s) No employee of any State department of corrections or the Federal Bureau of Prisons and no employee providing services to that department or bureau under contract shall be required, as a condition of that employment, or contractual obligation to be in attendance at or to participate in any execution carried out under this section if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term 'participation in executions' includes personal preparation of the condemned individual and the apparatus used for execution and supervision of the activities of other personnel in carrying out such activities.".

Mr. **HATFIELD**. Mr. President, one of the main arguments used in support of the death penalty is that its use will serve as a deterrent to others committing similar crimes. The essence of the argument, of course, is that the punishment is so horrible, and I might add so final, that fear of meeting the same fate will dissuade other would-be murderers and violent offenders.

If those who make this argument are correct, and I believe they are not, then the method by which these executions are currently being carried out minimizes the potential impact on the public. Consequently, my amendment would assist supporters of capital punishment in maximizing this deterrent effect by requiring that death sentences be carried out in public.

Further, because such a violent and macabre event is so disturbing, some prison employees charged with participating in these executions might have great reluctance to do so. This amendment would grant to such employees of State and Federal correctional institutions charged with carrying out Federal death sentences the right to refuse to participate in such executions without fear of job-related reprisals. We allow individuals opposed to killing in war to be conscientious objectors, and we should allow individuals opposed to killing in the penal system that same right.

Before I discuss the amendment itself let me state to my colleagues that the arguments we make today, whether they are based on the most recent legal theory, incorporate the latest statistics, or are phrased in current criminal justice rhetoric, all miss the mark. I find the most compelling argument against the death penalty to be the simplest: it is fundamentally wrong for government to brutalize society's most cherished value, the sanctity of human life. The killing of a criminal who killed an innocent person serves only to perpetuate a circle of violence and hate, and it cheapens the value of life and performs no function worthy of civilized government.

As I have previously discussed, there is an inherent paradox in the sanctioning of government executions: it condones violence in the name of deterring violence. The taking of a life is defended as a means of protecting life. That very sentiment has been expressed on this floor by supporters of the death penalty amendment to the DOD authorization bill and this bill described capital punishment as this society's recognition of the sanctity of human life. Mr. President, the twisting of this argument saddens me greatly.

No one is diminishing the heinous and tragic crimes which occur at the hands of drug dealers and other violent criminals. Our hearts break as the toll of human pain, suffering, and death caused in part by illegal drugs mounts each day. But in our disgust and outrage, we must not grow numb to the principles which are called into question by this debate. The desire for vengeance, for eye-for-eye justice, is a principle and a mentality unworthy of our people, our Government and of this body.

Deterrence is the reason most often cited for support of capital punishment. We are all familiar with the logic of the argument. First of all, I dispute that premise. However, if that is the justification, then perhaps we should do all we can to maximize the deterrence value of executions. Under the amendment, the U.S. marshal must provide access to radio and television personnel and must conduct the executions during prime time.

Some may argue that this is a frivolous amendment. I disagree, although obviously I have no expectation that it will pass. We sit in this Chamber, far removed from the execution chambers and the battlefields, debating issues which involve the taking of life. We cloak ourselves in legalisms, rhetoric and abstract argument which serve only to distance ourselves from the real-life consequences of our actions.

This tendency to insulate ourselves from the implications of our decisions is readily apparent in the case of the death penalty. The antiseptic term "capital punishment" is substituted for the term "public execution" or "government-sanctioned killing." The executions themselves are typically conducted late in the evening in cloak-and-dagger secrecy, with elaborate phone hookups to the Governor or the court of jurisdiction, all creating the impression that the government is about to do something it does not really wish to do. I am not unfamiliar with this charade. I was Governor of Oregon two decades ago and had to participate in this process.

I remember the special telephone that was established in my home. We did not have a Governor's residence in Oregon at that time. It was my private home. I remember the phone line being strung into my home, directly from the execution chamber, where the execution was to take place at midnight. I remember the knocking on the door at 10 minutes until the time of execution with the last-minute appeal. The horror of that event has been burned into my memory and its recollection remains painful to me even to this day.

We cannot have it both ways: supporting executions as a deterrent but requiring them to be conducted in virtual secrecy. If Senators really believe there is a deterrent effect inherent in death sentences, then my amendment will provide the authorization to increase this deterrent effect.

By televising executions, we will permit the citizens of this country to witness firsthand the horror of governmentally sanctioned killing which, I believe, will lead to a swift repeal of the death penalty.

Again I had that experience. People in my State of Oregon had not experienced an execution for many years. When I ran for Governor in 1958 the Democratic incumbent Governor and I cochaired an effort to repeal the death penalty in Oregon. We lost that appeal. I inherited six persons on death row, a woman and five men. The fact remains that when the first execution occurred, and it was rather detailed in its reporting to the public, the next election we repealed the death penalty because the people, through press accounts, had a little window into the execution chamber and the details of that execution.

I am confident that when the public sees for the first time the elaborate ceremony and the ghastly nature of public exterminations, a public outcry will usher forth to have the United States join the rest of North America and Western Europe in abolishing the death penalty.

Go back to Altmore, AL, when our society witnessed what executions are all about. At 8:30 in the evening of April 23, 1983, John Lewis Evans III, convicted of murdering a pawnbroker in Mobile, became yet another reminder of how death sentences serve no criminal justice function other than to satisfy a lust for retribution and reduce the number of inmates waiting on death row.

In an execution described by his attorney as "torture in the name of vengeance disguised as justice," Mr. Lewis was led into an execution chamber, strapped into an electric chair, a skullcap fitted with electrodes was placed on his head and a black mask was placed on his face; and I will now read from an article appearing in the Washington Post on the next day:

> At 8:30 p.m. CST. Warden J. D. White threw the switch and the first charge, which authorities had insisted would kill Evans instantly, surged through his body. He slammed against the straps, fists clenched permanently, and sparks flew around his head and left leg. The leather strap on his left leg burned completely through, and the electrode fell away.
>
> Doctors detected a heartbeat. When White threw the switch again, small flames licked around Evans' head and smoke streamed from his leg and the leather cap holding electrodes to his skull. * * *
>
> Prison physician Dr. William Thomas said later that after the second charge, Evans "just had a weak heartbeat." Canan [Evans' attorney] again asked for the executioner to stop, but a third charge was administered . . . White announced that Evans had been pronounced dead at 8:44 p.m.

That was 14 minutes later from the first charge.

Mr. President, I ask unanimous consent that the entire text of the Washington Post article be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATFIELD. Mr. President, I submit to my colleagues that the execution of John Lewis Evans is a blemish on our integrity as a nation and is proof positive why government executions do not constitute a moral, civilized sanction against criminals.

This is not an isolated example. In February of 1985, it took medical technicians in Texas 40 minutes to find a suitable vein in the body of Steven Peter Morin in which to insert a hypodermic needle used for the lethal injection. Again in October of that same year, it took the 72-year-old electric chair in Indiana 17 minutes and five jolts of electricity to kill William E. Vandiver. Even after the third surge, the doctor reported that Vandiver's heart rate was 40 beats per minute.

The gruesome nature of a public execution is not diminished by the method of killing. Lethal injections and other forms of "humane" executions are nothing but bandages and salves to the conscience of society. Deliberate killing is not more humane or made more acceptable because it occurs in the sterile surroundings of a hospital room or a gas chamber instead of on a cold, dark electric chair, or at the sudden jerk of a noose.

Immediately people are going to say why weak tears or why become a sob sister about the execution of a criminal. What about the victim? What about the family, the friends of those who have been the victims of murders?

Mr. President, let me say that this kind of a killing of a criminal in no way offsets the loss of the victim of the murder. Of course, we are concerned about the victims of murder and their families. We are concerned about the victims of all crime conducted against body, person, and property. But do we, by executing the public criminal, bring back the life or ease the hurt and the pain of the loss of the loved one?

I am not sobbing for the criminal and I am not sobbing for any acts of crime committed. I am concerned that the one does not justify the other. Violence begets violence. That is the bottom line.

All of us feel the shock waves generated by public executions, as we should. Making such executions fully public will serve to make clear that such punishment serves only to demoralize and dehumanize our society.

Mr. President, let me turn now to the second part of my amendment where prison and corrections system employees may exercise conscientious objector rights in the execution of death sentences. Many individuals who work in our State and Federal prison system share my view that executions are immoral and a violation of the fifth commandment, "Thou shalt not kill". The second part of my amendment would allow these conscientious objectors the right to excuse themselves, without employment prejudice, from the grisly festivities.

Nowhere do the consequences of such killing have more impact than on those who, by the nature of their jobs, are charged with assisting in the deed. For centuries, executioners were granted both anonymity and pardons for their participation in executions. If my amendment on mandated public executions prevailed, the veil of secrecy would be lifted and the naked horror of the act, and the complicity of those who assist in its perpetration, would be visible for all to see. It is understandable, then, that some employees of State and Federal prisons would not wish to participate, and I suppose this amendment might be an escape hatch for them as well.

This amendment would provide employees of State and Federal correctional institutions charged with carrying out Federal death sentences under this bill with a right to refuse to participate in these executions when such participation would violate that employee's moral or religious convictions.

To oppose the death penalty does not mean in any way to be soft on crime or to condone the brutal acts of murderers, whether the killings are drug-related or not. The damage inflicted by these criminals has been done, and the pain, suffering and grief of the victims and their families can never be wiped away. No one grieves for those victims of senseless acts of violence more than I.

The problem of drug-related crime and drug trafficking is obviously a serious one. Our constituents are justifiably concerned and cry out for action. Unfortunately, as with many issues, there is no easy, quick-fix legislative solution. We in Congress are as frustrated as we are united in our desire to respond. But I fear this growing "get tough on drugs" frenzy, and the heated rhetoric which accompanies it, are clouding the real issues involved here: That the deliberate extinction of human life is not a fit response to the criminal's deliberate extinction of human life.

Mr. President, let me return to the argument that the spectre of death at the hands of the Government provides a deterrent to future crimes. The argument is false and is not supported by any studies conducted on the issue. Simply put, the sentence of death has not been proven a successful deterrent to violent criminals. The truth of this is intuitive. Murderers are deterred by nothing. They do not give detached, introspective reflection about the consequences of their actions. They are people ruled by impulses, and because the sentence of death only applies to criminals who commit especially heinous crimes, they are persons often mentally impaired or disaffected, alienated from society and themselves. For these people, there is no rationality.

Mr. President, we can go back to Elizabethan England to prove our point that capital punishment proves no deterrence, for it was at the public execution of those convicted of pickpocketing that the pickpockets had their field days.

A number of studies have concluded that the death penalty does not have a deterrent effect. My colleague, Senator LEVIN, makes this argument quite persuasively. Suffice it to say that many studies have concluded that there is no difference in homicide rates between the States.

Take a good look at the murder rates per 100,000 people in each of the 50 States. Your review will show that these murder rates are nearly twice as great in States with the death penalty than in States without the death penalty. For example, in 1985 the average murder rate in the 38 States with the death penalty was 6.97; the average murder rate in the 12 States without the death penalty was 4.76. In 1986, the average murder rate in the 37 States with the death penalty was 7.46 and the average murder rate in the 13 States without the death penalty was 4.81.

After studying the homicide rates of 11 U.S. States, Thorsten Sellin, one of the best known authorities on the deterrent effects of the death penalty stated:

> If any conclusion can be drawn from all the above data, it is that there is no evidence that the abolition of the death penalty generally causes an increase in criminal homicides or that its reintroduction is followed by a decline. The explanation of changes in homicide rates must be found elsewhere. (Thorsten Sellin. In H.A. Bedau (ed.) The Death Penalty in America, Oxford U. Press (1982)).

Mr. President, for those who believe deterrence is an attribute of capital punishment, my amendment will ensure that such an effect will be maximized.

Certainly the apparent logic of deterrence is undeniable. However, the effectiveness of dealth penalty statutes, aimed at deterring offenders, particularly violent ones, is negligible at best. And if retribution is the sole motivation for the institution of the death penalty, then I believe that admission exposes the immoral and uncivilized nature of this punishment.

As Justice Brennan stated in the landmark case of *Furman* v. *Georgia*, 408 U.S., at 304: ". . . it is certainly doubtful that the infliction of death by the State does in fact strengthen the community's moral code; if the deliberate extinction of human life has any effect at all, it more likely tends to brutalize our values." I concur with his observations as they emphatically decry the use of capital punishment as a means of restoring civility to society by somehow deterring crime.

Mr. President, this is a repulsive, obnoxious amendment, because the matter of legalized executions is repulsive and obnoxious. The Senate cannot wash its hands so easily of this barbaric practice. If the U.S. Government and its criminal justice facilities wish to begin executing people, then these executions should be done in public.

I urge my colleagues to support the amendment.

EXHIBIT 1

ATTORNEY CHARGES EVANS WAS TORTURED BY ALABAMA IN BOTCHED ELECTROCUTION

ATMORE, AL, April 23 (UPI).—The lawyer for John Louis Evans III said his client was "tortured in the name of vengeance disguised as justice," but Alabama officials said today that the outcry over the way Evans was killed will not stop such executions and that the next may occur witin a year.

Sparks, smoke, flames and equipment failures marked Evans' execution Friday night in the electric chair and provoke his lawyer, watching from the witness room with three reporters, to beg Gov. George C. Wallace for mercy.

It took three 30-second jolts, each of 1,900 volts of electricity, over a nine-minute span to kill the man accused of murdering a Mobile pawnbroker. One jolt is usually fatal, and the drawn-out execution—caused when an electrode strap malfunctioned—drew immediate reaction.

"John Evans was burned alive by the State of Alabama," his lawyer, Russell Canan, said. "Three times . . . [he] was tortured in the name of vengeance disguised as justice."

Inez Nassar, mother of the man Evans killed during a 1977 robbery attempt said, "He got what he deserved." However, she added, "I feel sorry for his mother, she has my sympathy."

Alabama Attorney General Charles Graddick, who predicted that the execution would deter crime, said it offered "a clear message to criminals." He denied that it would lead to execution of all the state's 59 death-row inmates but predicted that another execution will occur in Alabama within a year.

Evans, 33, of Beaumont, Tex., was the first person executed in Alabama since 1965 and only the seventh in the nation put to death since the Supreme Court lifted its death-penalty ban in 1976.

At 8:30 p.m. CST, Warden J.D. White threw the switch and the first charge, which authorities had insisted would kill Evans instantly, surged through his body. He slammed against the straps, fists clenched permanently, and sparks flew around his head and left leg. The leather strap on his left leg burned completely through, and the electrode fell away.

Doctors detected a heartbeat. When White threw the switch again, small flames licked around Evans' head and smoke streamed from his leg and the leather cap holding electrodes to his skull.

Canan turned to Prison Commissioner Fred Smith, in the witness room with a direct line to Wallace, and said, "I ask for clemency. I ask you to communicate this to the governor. This is cruel and unusual punishment. * * * "Smith relayed the request.

Prison physician Dr. William Thomas said later that after the second charge, Evans "just had a weak heartbeat." Canan again asked for the executioner to stop, but a third charge was administered.

As doctors examined the body again, Smith summoned the warden and told him, "Hold everything. They're asking for clemency."

Seconds later, Smith called out: "The governor will not interfere. Proceed." But White announced that Evans had been pronounced dead at 8:44 p.m.

"There wouldn't be any way in my medical judgment," Thomas said, that Evans would not have died soon from the first charge. Later, Smith said that there was "no way it could be foreseen" that a new strap would fail and prevent Evans from dying quickly.

Mr. HEINZ addressed the Chair.

Mr. BYRD. Mr. President, will the distinguished Senator yield to me?

Mr. HEINZ. I am pleased to yield to the majority leader.

Mr. BYRD. Mr. President, I thank the Senator from Pennsylvania.

UNANIMOUS-CONSENT AGREEMENT—MODIFICATION

Mr. BYRD. Mr. President, in the order that I entered earlier, I inadvertently overlooked the fact that Mr. D'Amato has some time on the amendment by Mr. Hatfield. I did not mean to shut him out. I would like, at this time, to change the order to include him so that he may utilize the time to which he is rightfully entitled.

Mr. D'AMATO. Mr. President, I thank the majority leader. I would only, with the acquiescence of my friend from Pennsylvania, ask to be yielded several minutes out of the time that I am allotted and I would be prepared to use the rest tomorrow.

Mr. BYRD. Mr. President, whatever time the Senator is entitled to today, I want that to be included in the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank my friend from Pennsylvania.

Mr. HEINZ. Mr. President, I certainly yield the floor to Senator D'Amato to speak. I understand he wants to speak at this time and I have no objection to that.

Mr. D'AMATO. Mr. President, I thank the majority leader and I certainly thank my good friend from Pennsylvania for giving me this opportunity.

Mr. President, my good friend, the Senator from Oregon, put forth what he termed to be a repulsive amendment to a repulsive bill—the public execution of people convicted of the crime of murder sentenced to the death penalty. Let me read it.

> The United States Marshal charged with the execution of any sentence of death has taken such action as may be necessary to cause such execution to be carried out in public * * *

And it goes on. It says:

> * * * including the making available such communication facilities, including radio and television, as may be necessary to permit the widest possible exposure to such execution to the public; and
>
> (2) such execution is at a time most likely to provide the widest possible exposure of the execution to the public.

Mr. President, let me suggest that those of us who have offered the death penalty bill are not attempting to trivialize this important matter. Indeed, we have accepted those amendments that make sense as they relate to guaranteeing the constitutionality and the rights of all. We are not looking to create a charade here and to turn the defendants into martyrs. This may be characterized, the death penalty, as a repulsive step, but it is a repulsive step taken for revolting, repulsive acts.

This is more serious than to put forth this kind of amendment; to say that we want to show that we are going to have wide distribution; that we are going to have little children looking in; that we will have crowds of tens of thousands gathering. They can be chanting for or against the execution. That is not the purpose of this Senator in putting forth this legislation.

This legislation was crafted to go after particular kinds of heinous killings of innocent women and children by those of the drug lords who intentionally take the life of others and of our police. And to say where these crimes are so dastardly, so dehumanizing, so void of any concern, so callous, the jury of peers, of citizens, may find it justified to call upon the severest punishment that we mete out: the death penalty.

Mr. President, this amendment only serves to distract our attention from what we should be focusing on, the people's rights to protection from depravity and the utter contempt for human life being shown every day by the drug kingpins and their paid assassins.

I will, Mr. President, move to table this amendment tomorrow at the appropriate time.

I yield the floor. I thank my colleagues from Pennsylvania for having given me this opportunity to respond.

The PRESIDING OFFICER. The Senator from Pennyslvania, Mr. HEINZ.

Mr. HEINZ. Mr. President, I want to commend the Senator from New York for his efforts on behalf of a cause that he believes is right. I also happen to believe that he is right in what he seeks to achieve. I would like to share my thoughts with our colleagues on the subject of the death penalty in cases of drug-related killings.

I would simply put it this way: the United States of America is at war. We are at war against needles and pills. We are at war against powders and pot. We are fighting two-bit drug pushers and big-time procurers and kingpins.

Our battlegrounds are our city streets. Sometimes they are our neighborhood schools. Sometimes they are our own living rooms. So we are, in the United States, at war against drugs. The tragic fact in that the victory is not even close at hand. It is my view that we need every possible response, tactic, strategy, and weapon if we are to have a chance of defeating drug abuse in America.

Foremost in our efforts, is better education of our citizenry and better treatment of the victims of this war. It was for this reason that I joined so many of our colleagues this year and 2 years ago in supporting the Omnibus Antidrug Abuse Acts of 1986 and 1988.

They provide much-needed approaches which address both the supply and the demand side of the drug problem. They provide grants to States and local governments to control the flow of drugs. They provide money for construction of new jails. They provide funds for an international eradication program among drug-producing nations. And they provide critical funds for drug rehabiliation centers.

We have not, we should not, we will not ignore the victims of this war that is being waged against us. But, as in any war, an element of deterrence in our strategy. We can deter drug use and abuse through education. We can deter further drug use through rehabilitation. But the question before us now is how best to deter drug dealers—not the users, drug dealers—who are also dealing out death in order to further their despicable business.

Mr. President, if the victims are our children, the poor, and the ill-informed, the enemies in this war are the drug kingpins who recklessly take the lives of these innocent people. They take those lives in cold blood while they pursue their criminal drug enterprise. They kill anyone who stands in their way. The drug dealers must be put on notice: their punishment will be commensurate with their crime. That is the principle of deterrence.

The death penalty in the case of Drug-Related Killings Act that is before us now is, in this Senator's judgment, a carefully crafted, constitutionally acceptable legislative approach. Under this legislation, the defendant's conduct must constitute a felony violation of narcotics laws. It must be done in concert with five or more people and it must be a part of a continuing series of violations of the Federal narcotics law.

The defendant must obtain substantial income or resources from this enterprise. And the defendant must act as the organizer or the supervisor or the manager—the kingpin—of this criminal enterprise.

Mr. President, that is not some small fish I have described. That is an organized, institutional approach to dealing in death and it is that approach that we must address. The legislation before us does so in a straightforward, honest, and thoughtful manner.

I support S. 2455 because it also provides additional protection for law enforcement officers, including Federal, State, and local police officers; the FBI, U.S. Customs agents, sheriffs, prosecutors, judges, and correctional officers.

Under this legislation, the defendant could be sentenced to death, and I emphasize "could be" sentenced to death, if the defendant intentionally, or with reckless indifference to human life, kills or substantially participates in the killing of a law enforcement official engaged in official duty.

There are important safeguards built into this bill. For example, the Government must provide advance notice that it is seeking the death penalty. The legislation provides for mitigating and aggravating factors, such as youth or mental incapacitation.

The death penalty may be imposed only by unanimous vote of a jury.

Mr. President, giving prosecutors the option in these carefully controlled circumstances of seeking the death penalty will not, in and of itself, eradicate the drug cancer which is permeating our society. I do, however, believe that it will inject a critical element of deterrence into the war on drugs which we do not now have.

RECESS UNTIL 9:15 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 9:15 a.m. tomorrow.

Thereupon, at 7:16 p.m., the Senate recessed until Friday, June 10, 1988 at 9:15 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 9, 1988:

COMMODITY FUTURES TRADING COMMISSION

FOWLER C. WEST, OF TEXAS, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE TERM EXPIRING APRIL 13, 1992.

FARM CREDIT SYSTEM ASSISTANCE BOARD

WILLIAM W. ERWIN, OF INDIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FARM CREDIT SYSTEM ASSISTANCE BOARD, SUBJECT TO THE PROVISIONS PRESCRIBED BY P.L. 100-233.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

COMMENCEMENT ADDRESS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1988

Mr. FORD of Michigan. Mr. Speaker, recently I was privileged to attend commencement exercises at the Grand Rapids (MI) Junior College where Werner Veit, president of Booth Newspapers, Inc., delivered the commencement address.

I was moved by Mr. Veit's remarks. And, for the edification of my colleagues, I would like the address entered in the RECORD.

The address follows:

GRAND RAPIDS JUNIOR COLLEGE COMMENCEMENT SPEECH

Commencement is a point in time like any other. It is not a watershed, nor a threshold. And it certainly is not an occasion for gratuitous advice. Nor is it, as the University of Michigan commencement speaker learned to his sorrow last month, the apt occasion to discuss glasnost for an hour or so.

I promise to be mindful of your time so that you may go about the proper business of this occasion, celebrating your achievement with your friends and your families.

As you do—celebrate—I hope you will regard your commencement not as an end, nor only as a transition into additional academic endeavor, but will regard your commencement from J.C. as part of a process that makes life exciting, fruitful and rewarding.

Too often, it seems to me, post-secondary education is only promoted as the means to a better-paying job, although that happy result may be the consequence of what you have learned here. Not often enough do we place a deeper value on education. I like to think of learning as the means by which I train myself to open the door behind which lies the entire universe of human achievement.

It doesn't matter, today, whether I learned while I was here to take X-rays of teeth, or whether I was here for my first steps toward a Ph.D. in Microbiology. What does count—and count a great deal—is whether as I age, my life remains constricted to my dental chair, my family and my entertainment, or whether my world broadens to the whole horizon of civilization.

I wish I had given some thought to that question when I left Junior College rather than my pre-occupation with the next two weeks and the possibility of the next job, as critical as those can be to the immediate future, but only to the immediate future. The decades hence will depend a lot more on my growth as a human being, than on my growth as a technician, a journalist or an academic.

Commencement is as good a time as any to realize that all of human achievement is ours to share, not just the little corner of it that we have managed to learn about so far. Not just the skills we have mastered, but particle physics and the speculations on the origin of galaxies; genetic engineering and the compassion of Mother Theresa; the bravery of South African black people and the ingenuity of Chinese peasants—all are part of our common heritage as human beings.

To find fulfillment in that heritage, we don't all have to write piano concertos like Mozart, or construct stabiles like Alexander Calder did for the front of the County Building and City Hall. We need only the capability to rejoice at the glories of civilization, or to weep over its tragedies and failures . . . and the wit to know the difference.

I have lived for a score of years ignorant about art while admiring calendars and staring in bafflement at the abstract expressionism so celebrated in museums when, one day, I saw the original of Pablo Picasso's painting, "Guernica." I swear the canvas screamed at me! The Spanish victims of Nazi bombs were transformed for me into the victims everywhere . . . in American inner cities, in northern Ireland, in the Middle East, in Latin America and Cambodia, in Sharpville and Ceylon.

Great art speaks to every man and woman in and of every age. Live in ignorance of it and you miss the passion of Georgia O'Keeffe and the glory of Velasquez. Does it matter that the soaring architecture of a Beethoven quartet leaves you unmoved, or the thunder of Shakespeare's cadences rings in your ears without effect? Of course it does, for otherwise you risk isolation of a shoal of ignorance, bypassed by the current of human destiny advancing out of the trees into knowledge and awareness.

Why, a black friend asks me, should I care about some loud tenor singing in a foreign language about some white irrelevance that means nothing to me? And why should you care whether I walk out? I should care because your denial of Luciano Pavarotti denies me Miriam Makeba and Marian Anderson. We share Paul Robeson and Samuel Remy, Kiri te Kanawa and Kathleen Battle. If only our skins choose our awe and our admiration, we're both lost.

The world of architecture and art, music and literature, science and mathematics, history and medicine is not the world alone of the architect, the artist, the musician, the writer, the scientist, the mathematician, the historian and the doctor. It is also our world, yours and mine. That, it seems to me, is the lesson and the product of education and not just the process of learning the tricks of our respective trades.

We get more from education than the union card that admits us to employment, more than the admisssion to another school, more than references from our teachers, more than the friendships of our fellow students. We get as well the glimpse of the door leading to all the rooms beyond, filled with all the minds of history waiting to share the lessons and insights of a hundred centuries of human progress.

Age alone, experience alone, are no great assets if we can't continue to learn. All my children are older than the vast majority of you; I am a grandfather many times over. That makes me no wiser than any of you; more experienced, perhaps, but certainly no wiser. But I have learned a few lessons since I left Junior College more than three decades ago and I want to share at least one of them with you and that is the sheer joy that can await you when you open a new door to learning at age 25, or 35, or 45, or 55, or forever.

Just a couple of blocks from here are the offices of one of the most important public accounting firms in Michigan. After a lifetime as an a accountant, its managing partner is about to retire this summer. In September, he will enroll at the University of Denver. At age 65, he wants to become a geologist. I bet he'll make a splendid one.

My wife was over 50 before I managed to get her to a chamber music concert. But then I was even older when she introduced me to the songs of Joseph Shabalala as performed by Ladysmith Black Mambazo. We're both the richer for it. I could have picked up an interest in chamber music in any number of obvious ways, but for a woman from Holland, growing up in the Reformed Church, an enthusiasm for African rhythms and harmonies isn't picked up casually—and it wasn't. She took a class in African music—at Calvin College—precisely because she did not have any prior experience with it. That's the point, you see—shed light on darkness and new joys appear.

Learning, of course, is not simply what we commonly, and perhaps mistakenly, call intellectual. There can be as much learning in the re-building of an automobile engine as in the construction of a sonnet; as much to be admired in the deciphering of a wiring diagram as in the deconstruction of a novel.

The finest teacher of English literature I know has learned to be a superb cabinetmaker who has handcrafted his own wood furniture for his home and office. My father, who started life as a salesman, had to start a new career at 40 and couldn't make a blade of grass grow until he retired. Then, in his 60s, he learned to raise roses so well that he had to turn an entire room over to cups and prizes awarded for his superior specimens.

Someday, old and fat as I am, I'm going to learn to understand a horse well enough to ride him on a pack trip into the Rockies. Maybe I'll even learn how to sail if I can get over getting seasick.

Frequently an unexpected corollary to an enthusiasm for learning is a social conscience. As any generality, that proposition has flaws, but in my experience, show me an educated man or woman—however, the education was achieved—and I'll show you a human being likely to care about the needy, the homeless, the defenseless, the victims of prejudice, racism and injustice.

Perhaps that's because the more you know, the harder it is to accept phony excuses and silly alibis, harder to remain on the sidelines aloof to the struggle for a better world. I promise you that your own lives will be richer if you enlist in that struggle, if you're a participant and not a spectator.

Besides, there's an awful lot to do, big things and little things, around the world and around the corner from the Ford Fieldhouse. And there's nothing wrong with joining things. We've accomplished much by

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

banding together—bird lovers improve the environment when they join the Audubon Club; NAACP members advance the cause of all minorities when they fight for one; Right-to-Life organizations contribute to the moral debate for even the most ardent believers in a woman's right of free choice for or against parenthood; thoughtful Republicans readily acknowledge that free political life would be impossible without Democrats.

Become committed yourself and perhaps you'll come to cherish not only those of like commitment, but those who oppose you. You'll learn that the real enemies of progress are not those who fight for a cause different from yours, but those who stand indifferent. You'll learn not to condemn those who vote against you; only those who do not vote at all.

Some smart folks even join organizations whose aims they may share, but whose tactics they dislike—just so they can work to change them. Of course, you can carry that notion out the window. I'm not about to join the Communist Party because I happen to agree we could achieve a more equitable distribution of the world's wealth. With some organizations, regrettably the Communist Party among them, the tactics—or the means—become as important a part of the dogma as the end in itself.

We don't have to go all the way to the Soviet Union for other such examples. There are lots of religions—for example, certain Christian and Muslim sects, more interested in how I achieve salvation than whether I achieve it at all.

Education can free you from such prejudice and bias without resorting to inspiration in tea leaves, or the stars.

We could all do well to learn from Harry Truman who learned from history and called education "the lighting of that spark called . . . 'a thirst for knowledge.'" President Truman got thirsty all his life and never stopped learning in or out of the White House. His heroes were Hammurabi, the great Sumerian law giver; Buddha, Jesus, George Washington, Abraham Lincoln and the great Roman senator Cincinnatus, who returned home from his triumphs when he could have been a lifelong dictator, just as Truman left the White House for a simple life in Independence, Missouri, because he thought it improper to run for another term—although he was technically eligible.

Truman took advice not only from his advisers and friends, but from what he had learned himself over a lifetime of persistent education. He didn't much believe in public opinion polls either in achieving a consensus for the great post-war recovery, one of the most remarkable periods of rebirth in the history of the Western world.

"I wonder," he wrote in a memorandum while working on his memoirs in 1954, "how far Moses would have gone if he'd taken a poll in Egypt? What would Jesus Christ have preached if He had taken a poll in Israel? Where would the Reformation have gone if Martin Luther had taken a poll? It isn't . . . public opinion of the moment that counts. It is the right and wrong of leadership—men with fortitude, honesty and a belief in the right that makes epochs in the history of the world."

The lesson for us is that, just like Harry Truman, we can continue to learn though none of us is likely to become President—not me, anyway, I wasn't born in this country and I'm not eligible; or like Martin Luther King, though we probably are not destined to lead a great movement.

But we can all grow. And when we do let's spare a moment of gratitude for our teachers who got us started here and everywhere. My own are mostly gone now and I often wish I'd shaken their hand just one more time.

Men like Harold Steele, JC's athletic director in my day, who found me a job I really needed when I started here; or women like Miss Anderson—we never called her anything else because she seemed so formidable—but who spent extra (and probably frustrating) hours sharpening my excessive English prose; or Harry Hart, who somehow convinced me that my fluency in Spanish didn't guarantee I could ever understand the Spanish soul, and force-fed me Hispanic literature; or the heroic souls in botany and zoology who, by the sheer enthusiasm for their subjects, finally commanded some attention from an indifferent freshman who had to get to work a half hour later.

There must be such heroes and heroines in your own academic lives. Please spare some thoughts for them today as you celebrate your commencement. You probably have no idea today of the impact their dedication to your learning has made on your lives, but I can promise you that many years hence you will remember them with admiration and respect.

Thank you for the kindness of your attention and let me wish you all good fortune.

Good night.

A TRIBUTE TO MERCER COUNTY LEGAL SECRETARIES

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1988

Mr. TRAFICANT. Mr. Speaker, today I rise in order to pay tribute to the Mercer County Legal Secretaries Association, a very special organization located in Sharon, PA—which is adjacent to my Ohio 17th Congressional District. I had the great honor of being the keynote speaker at their 1988 Bosses Night, which was one of the best events I have attended all year. I believe it is very important that my fellow Members of the U.S. House of Representatives become aware of this outstanding organization.

The 1988 Bosses Night was held at the Sharon Country Club. At this event, Sharon attorney Stephen Mirizio was named Boss of the Year, and Deborah Slovesko—a legal secretary for Sharon attorney William Madden—was named Secretary of the Year. Carol Branca and Kathy Zolnier served as cochairpersons of the boss and secretary of the year committee.

The Legal Secretaries Association assists countless individuals in their educational pursuit, including Shenango Valley School of Business student Tammy Green. The funds are raised through the tireless work of the organization by holding submarine sandwich sales and participating in the Wendell August Forge Christmas ornament sale.

Deborah Slovesko is the new president of the Legal Secretaries Association, and the other new officers are: Vice President Judy Kukol, Secretary Gina Rapovy, Treasurer Gaynell Papay, and Parliamentarian Sharon Ference. La Verne Hofius retired as president at the 1988 Bosses Night after a term of inspiring leadership and slavish devotion to her position. I am absolutely certain that Deborah will be an equally excellent president.

The Legal Secretaries Association performs many necessary services for the citizens of Mercer County, and it is my strongest desire that this organization's membership and influence grows significantly in the years ahead. Thus, it is with thanks and special pleasure that I join with the people of Pennsylvania in saluting the great contributions of that outstanding organization—the Mercer County Legal Secretaries Association.

ESCALATE THE FIGHT AGAINST AIDS

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1988

Mr. BONKER. Mr. Speaker, I rise to inform our colleagues about some extremely troubling projections being made by the Public Health Service. Federal health officials now estimate that at least 450,000 persons in this country will have been diagnosed with AIDS by 1993. And we now know that unless an effective treatment for this terrible disease is found, all of those people will die.

Federal health officials estimate that 95,000 new AIDS cases will be reported in 1992 alone, and that the figure could exceed 100,000 new cases the following year. Clearly, identifying a cure for AIDS is our ultimate goal. Currently, however, there is only one way to combat the spread of AIDS, and that is through prevention—educating people about the disease and how it is transmitted.

Part of the tragedy of this epidemic is that most of the victims are young, and that we are robbed of their potential just as it is being realized. We must insure that efforts to develop drugs which help the body fight this terrible disease are not slowed by even a day for lack of resources. Furthermore, I believe that Congress is long overdue in setting forth in any comprehensive manner a national policy dealing with AIDS testing and counseling.

Public health officials agree that in all but a few circumstances, mandatory testing for the AIDS virus is bad public health policy. First, mandatory testing programs would tend to drive the disease underground because people who fear they might have the disease would be wary of coming forward to be tested. Also, there is also widespread agreement that across-the-board testing of certain subgroups is not the most cost-effective use of the limited resources we have to fight AIDS.

Mr. WAXMAN has introduced the Federal AIDS Policy Act, which I encourage everyone in this body to support. The Federal AIDS Policy Act approaches the problems associated with this deadly disease in a thoughtful and compassionate manner. The legislation would establish Federal guidelines for voluntary testing and counseling, provide assurances for confidentiality in testing and counseling so those at greatest risk will be encouraged to seek assistance, and authorize $400 million in each of the next 3 years for AIDS research. When it was introduced, the bill would also have prohibited discrimination against persons testing positive for the AIDS antibody in employment, housing, public accommodations, and Government services. Regrettably, however, this provision was dropped several days ago in subcommittee.

Mr. Speaker, if we are going to effectively fight this disease, it is imperative that Congress acts to insure the confidentiality of AIDS test results, and, more importantly, that we prohibit discrimination against persons who carry the virus. Without such protections, the effectiveness of testing programs will be undermined greatly, because few people will be willing to come forward to be tested if doing so could cost their home or job. A comprehensive approach to the AIDS issue will require enlightened social policy as well as intensive research. Therefore, Mr. Speaker, I urge my colleagues to support this desperately needed legislation, and to restore the antidiscrimination provisions when the Federal AIDS Policy Act is considered by the full House.

DANISH INDEPENDENCE DAY

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1988

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, I would like to take this opportunity to congratulate the Danish people on their 139th Constitution Day, officially celebrated each year on June 5.

Until June 5, 1849, the Danish were under the rule of a monarchy. Public pressure and protest mandated that he accept a democratic constitution and a representative government that would operate under the separation of powers. This division of governmental powers would lead to a diminution of power of the king. It demonstrates the love for freedom and democracy that the Danes still hold today.

It is easy to see why this day should be recognized and celebrated not only by the Danish people but by all people who cherish and realize the importance of democracy. The Danes have proven to have a strong and living constitution by amending it and granting even greater freedoms to their people.

June 5 is an important date not only to our Danish friends, but also to the future freedom of the world. I congratulate the Danes, their descendants in Ohio's Eighth District and throughout our Nation on their national holiday.

VITO MICELE RETIRES

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1988

Mr. SMITH of New Jersey. Mr. Speaker, this weekend on June 12, 1988, friends and relatives of a good friend of mine, Vito Micele, will be honoring him and celebrating his retirement from the Cosmetology and Hairstyling Board of New Jersey.

Mr. Speaker, Vito's retirement this year marks the end of 20 years of his honorable service and dedication to the State of New Jersey. And I feel confident in saying, Mr. Speaker, that while Vito may be officially retiring, I know that this in no way marks the end of his commitment to his community and to the world around him.

Mr. Speaker, Vito Micele is the type of activist and organizer that every community likes to turn to for leadership. A lifetime resident of Mercer County and long-term resident of the city of Trenton, Vito remains an energetic and key player in good civic organizations like the Trenton Elks; the Knights of Columbus; the American Legion; the Veterans of Foreign Wars, the Baron A.A. and the Trenton Boxing Hall of Fame.

In addition, Mr. Speaker, over the years, Vito Micele has held numerous posts and positions in other organizations which have undoubtedly benefitted from his work and contributions. For instance, Vito served as the president for the Colonial Sportsmens Club; he was the treasurer for the Lawrence Civic Association; the secretary-treasurer for the Ionian Civic Association; president and treasurer for the New Jersey Barbers Federal Credit Union; Voted Man of the Year by the New Jersey State Barbers and Beauticians Association; chairman for Cerebral Palsy Week for the Barbers and Beauticians of New Jersey; and a trustee for the Slackwood Volunteer Fire Company. Beyond all this, Mr. Speaker, Vito Micele has also been a member of the Fermi Federation, the Italian-American Sportsman's Club, the Master Barbers Association and the Lawrence Township Traffic Safety Advisory Commission. Vito Micele also served 2 years of a 3-year duty overseas for the U.S. Army.

Needless to say Mr. Speaker, Vito Micele, has developed an extensive and impressive record of community activity throughout his life. His appointment to the N.J. Cosmetology and Hairstyling Board may have been his most visible position of service, however it is only part of a comprehensive record of commitment. I join our many mutual friends in wishing Vito and his wife Rose the best for a long and happy retirement. However, I hope and I suspect that through his memberships in so many civic clubs, Vito will continue to make significant contributions to our community.

GLOBAL CLIMATE CHANGE

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1988

Mr. OBEY. Mr. Speaker, recently, the Washington Post carried an excellent article describing a major international environmental problem: the so-called greenhouse effect and its future impact on the world climate.

According to a recent U.N. report, the continued release of greenhouse gasses could lead to climatic changes such as increases in global temperatures and a rise in sea level.

The report shows that this is a problem which will dwarf other pressing environmental problems in the world. We simply cannot afford to continue to add to the carbon loadings in the atmosphere without the understanding that we are causing global temperature increases and exacerbating the rise in sea level, a rise which, if left unchecked, will inundate our coastal areas and disrupt worldwide agricultural production.

This year, the Appropriations Subcommittee on Foreign Operations, Export Financing and Related Programs, which I chair, attempted to deal with this global warming trend by urging the multilateral development banks to adopt lending strategies which foster the use of small scale renewable energy resources in developing countries. We also directed the Agency for International Development to make renewable energy and energy efficiency the core of their energy efforts in developing nations. We need to do more.

I commend the Washington Post article to my colleagues.

[From the Washington Post, June 7, 1988]

AFRICA, ASIA TO SUFFER MOST FROM "GREENHOUSE EFFECT," STUDY SAYS

(By Michael Weisskopf)

Global temperatures would rise one-half degree and sea levels increase more than two inches every decade if "greenhouse gases" that trap heat are released at current levels, according to a scientific report released by the United Nations yesterday.

The projected increases dwarf those of the last century, and their impact is expected to be greatest in three general areas:

Semi-arid regions of Africa, where hotter days would aggravate famine and drought.

Humid, tropical parts of Asia, where higher sea levels would increase risk of flooding.

High latitudes of Alaska, Canada and Scandinavia, where more extensive ice thaws would complicate everything from marine transportation to construction practices.

A more moderate outcome is expected in mid-latitude regions, including the United States and central Europe, where the report predicted thinning of forests and local disruption in agricultural productivity.

"We're leaving a period in which the Earth and the human enterprise have passed through substantial climatic stability over centuries into a period of very rapid change," said George Woodwell, director of the Woods Hole Research Center and contributor to the report published by the U.N. Environmental Programme and World Meteorological Organization.

The report grew out of two international workshops attended last year by top scientists and government officials asked to refine projections of the "greenhouse effect" and to recommend policy steps to curb it.

Scientists have long warned that carbon dioxide released from coal and other fossil fuels burned for energy accumulate in the atmosphere with such man-made pollutants as nitrous oxides, methane and chlorofluorocarbons (CFCs), trapping incoming sunlight much like a greenhouse and warming the temperature.

Although scientific bodies have predicted that doubling emissions of greenhouse gases would increase the world's temperature 6 degrees and raise sea levels, yesterday's report is the first to estimate how fast and where changes would occur.

The study projects different climatic outcomes for different levels of pollution. The half-degree increase per decade is based on current emission trends and implementation of an international agreement to halve CFCs over the next decade. Temperatures rose at one-sixth of that level in the last century.

With a significant increase in emissions of greenhouse gases, such as a five-fold increase in coal use by 2025, temperatures would increase about 1.5 degrees per decade, according to the report.

Stringent global pollution controls, such as halving carbon-dioxide emissions by 2075, would result in a slight temperature increase.

"Without exception, you see that all of those are rising trends," said William C. Clark, a Harvard University ecologist and study participant. He said rapid growth of greenhouse gases would result by 2040 in temperatures warmer than "anything we've seen on Earth since human societies were developed. . . ."

Warming trends vary regionally, with upper latitudes of the Northern Hemisphere facing the most extreme temperature increases in the winter, as much as 2½ times greater and faster than the global average.

Temperature increases in the mid-latitudes, including the United States, would be close to average in summer while somewhat higher than average in winter.

While sea levels would rise 2.2 inches per decade at current levels of pollution, the increase would be 9.4 inches every 10 years with rapid growth of the gases, strong controls would result in slight decreases.

Any rise in sea levels would aggravate the erosion of beaches, reduce available land for such activities as salt making, decrease wetlands, and increase flooding and damage to port facilities the report said. Woodwell said the impact would be most severe in the deltas of Louisiana and along the Florida coastline.

Michael Oppenheimer, an atmospheric physicist at the Environmental Defense Fund who participated in the study, said a solution must be implemented as soon as possible including cutting by nearly one-third the amount of fossil fuels burned yearly.

A TRIBUTE TO SAINT NICHOLAS ORTHODOX CHURCH

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1988

Mr. TRAFICANT. Mr. Speaker, today I rise in order to pay tribute to Saint Nicholas Orthodox Church of Warren, OH, a very special church in my 17th Congressional District. It is with great joy and deep humility that I inform my fellow members of the U.S. House of Representatives that St. Nicholas Church will be celebrating its 50th Anniversary on Sunday, June 26, 1988. This anniversary will be doubly joyous because on June 26 a striking, lovely, and graceful new church will be consecrated.

The founding members of the parish worked slavishly and zealously to establish this church in 1938. Although it was a difficult struggle at first, their deep devotion to God drove them to successfully build St. Nicholas. Through the years, members of St. Nicholas have noted for their deep patriotism, works of charity for the underprivileged, and active involvement in the community affairs of Warren. Father Kenneth Bachofsky, pastor of St. Nicholas, is continuing that proud and grand tradition, and his inspiring leadership is lifting the church to glorious new heights.

Their new church is one of the most beautiful in all of Ohio. It should be noted that Bishop Nicholas, the Diocesan Bishop, will say the very first Mass in the new church. This will be followed by an afternoon of great happiness and celebration at the Saint Nicholas Golden Anniversary Banquet, which I have every intention of attending.

It is my deepest hope that the parishoners of St. Nicholas will enjoy another 50 years as outstanding as their first 50. Thus, it is with thanks and special pleasure that I join with the people of the 17th Congressional District in paying tribute to Saint Nicholas Orthodox Church on their Golden Anniversary.

EDUCATION IN AMERICA HAS LOST ITS COMPETITIVE EDGE

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1988

Mr. BONKER. Mr. Speaker, today's Washington Post featured an article decrying the poor performance of our Nation's students in the field of mathematics. The article states that nearly half of American 17 year olds cannot perform math problems normally taught in junior high school and admit that they usually do not understand what their math teachers are talking about in class.

The article goes on to describe that a report recently released by the National Assessment of Educational Progress cited comparisons showing that the average Japanese student outperforms the top 5 percent of American students enrolled in college-preparatory classes.

Mr. Speaker, how in the world can we hope to compete in high technology fields in the international marketplace when our students, the future adults of this country, are so ill-prepared? And we can't blame our students for this predicament, the responsibility for our education system rests upon the shoulders of each and every Member of Congress and the next administration to provide the programs and the funding necessary to improve our students' educational opportunities.

It is unfortunate that this administration has not been more responsive to the need to improve our educational institutions and to provide for a better education for all of our students. A close examination of 8 years of education budget requests reveals that the President has never failed to cut the budget during nonelection years and increase funding during election years. On balance, this administration has exhibited an incredible lack of commitment to education funding and I believe that we are just beginning to see the negative results of this neglect.

Those that oppose spending Federal dollars for education argue that an increase in the education budget will result in simply increasing our taxes without improving our education. I believe that we can substantially increase the quality of education in this country without raising taxes.

The real problem with the current education budget is that it is a shameful 1.8 percent of our total budget. This year, we will spend $21 billion for education programs compared to $298 billion for defense. Defense spending for the country's weapon systems alone is double that which we spend for education. I do not believe that we can feel assured that our Nation is truly safeguarded unless our citizens are well-educated.

The decline in the performance of our students in the fields of mathematics and science is particularly disturbing in light of efforts to maintain America's competitiveness. For this reason a great emphasis was placed on improving our educational instruction in these areas in the omnibus trade bill now being considered in Congress.

The comprehensive trade legislation authorizes $550 million for educational programs designed to increase our ability to compete in world markets. These programs include literacy training for adults in the workplace, grants to States to upgrade instruction in mathematics, science, and foreign languages, demonstration partnerships between private business and higher education institutions and educational assistance programs for high school dropouts.

In addition, the trade bill contains an authorization for vocational education programs emphasizing adult training in order to respond to the need to retain workers as modern technology advances. Higher education grants for students are included in the bill as an incentive for them to pursue careers in business and international studies.

More than ever we need to provide assistance to our Nation's university and college research facilities to enable them to upgrade their equipment and continue the research that keeps our country at the forefront of sophisticated technological advancements. The trade bill would authorize $85 million for research equipment and $1 million annually to acquire and process foreign technical and scientific periodicals.

Mr. Speaker, I cannot overemphasize the need for this Congress to make a firm commitment to invest in education, particularly in the fields of science and mathematics. Articles such as the one appearing in the Washington Post today should fill us with a grave sense of responsibility to our Nation's students and the economic future that they will inherit. America's trade position could be greatly enhanced by strengthening our commitment to education.

THE JAMESTOWN FOUNDATION FREEDOM AWARD

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1988

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, I rise today to commend the recent Jamestown Foundation awards recipients, my colleagues and friends, Congressmen RICHARD CHENEY and FRANK WOLF and Senator SAM NUNN.

The Jamestown Foundation was established as a nonprofit organization in order to provide a more accurate understanding of the Soviet-bloc nations.

This year the Jamestown Freedom Award was presented to Representative CHENEY in recognition of his efforts in defense of the principles of freedom. His work toward the recent release of a Soviet defector exemplifies his continued commitment. This award was presented to Senator SAM NUNN last year for his exemplary foreign policy activities in the area of human rights.

Representative WOLF of Virginia was the recipient of this year's Jamestown Distinguished Service Award. This award recognized Representative WOLF for his outstanding service toward a Jamestown client, a Romanian girl seeking her freedom. Although WOLF was not successful in his attempt, his actions nevertheless showed his courageous and principled nature.

The actions taken by Congressmen CHENEY and WOLF and Senator NUNN serve as an inspiration to all who are struggling to attain their own freedom and to those seeking to assist others in obtaining freedom. I commend my colleagues and congratulate them on their awards.

MILITARY WOMEN'S MEMORIAL? ABOUT TIME

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1988

Mr. LUJAN. Mr. Speaker, Memorial Day has long been a time for us to remember those who have died in their effort to protect the freedoms we all enjoy. We tend, however, to overlook the contributions made by a major segment of our population, America's women military personnel. And while Memorial Day 1988 saw for the first time ever, a national commemoration of this component of our military effort, 1988 is still another commemoration of these protectors during times of conflict and war, without any sort of national monument to remind Americans of the sacrifice made by this segment of our population. Mr. Speaker, this is despite the fact that in 1986 our President signed into law legislation calling for just such a monument.

The reason for this delay in creating a monument to our women veterans is complicated. For this reason, Mr. Speaker, I would like to bring to your attention a recent article by Carol Randolph, that appeared in the May 27, 1988 Washington Times, entitled "Military Women's Memorial? About time!" I ask, Mr. Speaker, that this newspaper article be inserted in the RECORD at this point.

MILITARY WOMEN'S MEMORIAL? ABOUT TIME!

(By Carol Randolph)

It is, as they say, an idea long overdue, a memorial tribute to women in military service. After all, they've been a part of our nation's history since the beginning.

During the Revolutionary War, there was Deborah Sampson posing as Robert Shirtliffe from a Massachusetts regiment. She was wounded three times before they discovered she was a woman. I suppose that says a lot about medical care at that time.

Dr. Mary Walker made history during the Civil War. She, along with several male colleagues, was awarded the Congressional Medal of Honor. The honor was later rescinded and all were requested to return their medals. Everyone except Mary complied. She refused, and at her death, that beloved medal was buried with her. In 1976, Congress finally restored the full rights and entitlements of that honor.

The Women in Military Service Memorial Foundation sent me a very brief synopsis of women's military contributions. But even in its brevity, the information was full of facts on war heroines who were both black and white, women who were suppliers, saboteurs, spies, nurses, pilots, truck drivers, gunner's mates and, yes, also soldiers.

Today, there are more than 400,000 women on active duty and at least 1.2 million living women veterans. Impressive! So why has it taken us so long to acknowledge the obvious?

Retired Air Force Brig. Gen. Wilma L. Vaught, president of the foundation, didn't have a specific answer to that question, but she conceded that this nation has a tendency to shunt aside women's contributions, military or otherwise.

If this memorial becomes a reality, it will be because several individuals, while expressing their approval for the construction of the Vietnam Veterans Memorial, also began to ask why this country was overlooking the military efforts and contributions made by women.

Democratic Rep. Mary Rose Oakar responded to these inquires and sponsored legislation in support of a memorial. She also contacted the American Veterans Committee, an organization that works on issues of this nature, and requested they supply the staff necessary to get this project off the ground. They did, and things progressed, but it wasn't easy. At one point, Ms. Oakar testified on behalf of the bill in order to assure passage. In November 1986, President Reagan signed the bill into law.

But the work continues.

The foundation must now raise at least $5 million. And besides money, there is the question of where this memorial should be constructed. The foundation must submit to Congress at least seven suitable memorial sites, which they intend to do. But their preference is a location at the Memorial Gate area in Arlington National Cemetery Gen. Vaught said: "This site affords us visibility, linkage, prominence, access to Metro stops and tourists. This is the place where everybody goes to pay homage. Women don't want to be shoved aside to a second-rate place. This, they believe, is what has happened to women throughout their lives and careers."

Consider some of the other suggested sites: the Wild Fowl Sanctuary near Washington National Airport; a park near Harbour Place, a spot near the golf course around Hains Point. Do any of these places strike you as being appropirate locations to memorialize the contributions of women who have served this country with valor and distinction?

This Monday, for the first time, women's military contributions will be included in the program at Arlington's Memorial Day ceremony. When asked what she hoped the public would ultimately receive from a memorial, Gen Vaught said: "This is a great story that shows the dedication, commitment and sacrifice women are willing to make for a cause in which they believe. The memorial also illustrates the constructive ways women can be partners with men in activities of great value to our nation."

"The person who says it cannot be done should not interrupt the person doing it"—Chinese proverb

SALUTE TO THE CROSSING GUARDS OF BALTIMORE CITY

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1988

Mr. MFUME. Mr. Speaker, on Friday, June 17, 1988, the city of Baltimore will pay its annual tribute to a group of employees who are dedicated to ensuring the safety of thousands of children—school crossing guards.

Every Member of the House who represents an urban district knows how dangerous it can be for elementary school-age children to make their way through busy, crowded streets in pursuit of an education. Dodging cars with constantly trumpeting horns can be traumatizing for 5 and 6 year olds who may have to travel alone during morning rush-hour traffic. It is also frightening for parents who—due to illness or employment schedules—are forced to send their young children to school unescorted.

Since the early 1950's, Baltimore City crossing guards have been giving children, parents, and educators a much-needed sense of security regarding journeys to and from school. Initially hired under the auspices of the police department, and later transferred to the department of education, crossing guards are currently employed by the department of transportation.

Today, there are approximately 350 full-time crossing guards stationed at intersections near all of Baltimore's public, private, and Catholic elementary schools. In addition, a number of substitute crossing guards help lighten the load of area police officers who would otherwise have to devote more of their time to traffic control.

While most crossing guards are women, the opportunity to serve the community in this manner is available to all qualified citizens, regardless of age or gender. As proof, in September of last year, a 77-year-old gentleman joined the ranks.

Mr. Speaker, the cliche that begins with the phrase, "Neither rain, sleet, nor snow * * *," is usually applied to the men and women of the U.S. Postal Service. I'm sure my colleagues and the citizens of Baltimore will agree that this adage is also appropriate for crossing guards. When our schools are open in inclement weather, we can rest assured that crossing guards will be on duty. Their bright orange and yellow uniforms will signal safe passage across city streets.

As we come to the close of another school year, I salute the Baltimore City Department of Transportation for recognizing the contributions of crossing guards. I ask that all join me in congratulating the crossing guards for their selfless commitment to making our Nation's intersections safer and less threatening to our children.

A TRIBUTE TO GENEVIEVE POLDER

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1988

Mr. TRAFICANT. Mr. Speaker, today I rise to note with great sorrow the recent death of Mrs. Genevieve Polder, a very close friend of mine and a very special resident of my 17th Congressional District.

Mrs. Polder led an active and fulfilling life. She was born on December 21, 1913, a daughter of John and Mary Agnes O'Brien McGowan. After graduating from Youngstown South High School, she married Michael McGowan on September 2, 1939. She gave birth to three wonderful children—Michael, Karen Joseph, Joan Smrek, and Marian Ewing. She served as president of the Naim Club, and was a member of the Infant of Prague Guild, the Altar and Rosary Society, various senior citizens organizations, and the Argus Widows Club. She was a devout member of Saint Joseph Church, and enjoyed working with the Nutrition Program.

Mrs. Polder was a strong supporter of the Democratic Party, and was elected Democratic precinct committeeperson in both Youngstown and Austintown. She was heavily involved in both my campaigns and those of former Congressman Charles Carney. Her numerous political activities were rewarded with an invitation to President Lyndon Johnson's Inaugural Ball in 1965.

I want to let my fellow Members of the U.S. House of Representatives know that the memories of Mrs. Polder's warmth and friendship will burn deep inside me for the rest of my life. She will always remain alive as long as her friends and family remember this outstanding human being. Thus, it is with thanks and special pleasure that I join with the people of the 17th Congressional District in paying tribute to the inspirational life and truly admirable character of Mrs. Genevieve Polder.

TRIBUTE TO ROBERT F. KENNEDY

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. CONTE. Mr. Speaker, I rise today to join my many colleagues in paying tribute to the late Senator Robert F. Kennedy. As a Congressman representing the western part of Massachusetts for the past 30 years, I have had many opportunities to deal with Bobby and so many of the Kennedy clan.

Bobby was a rare breed, Mr. Speaker. He came from a family of great affluence. He lived in an expansive mansion, and led what by all accounts would have to be called the good life.

But Bobby Kennedy, perhaps more than any other politician in the 1960's, typified the common man. To this day, no political scientist can really explain that phenomenon. Here was a white man from a wealthy family reaching out and being welcomed with open arms into the low income, minority community. Blacks, Hispanics, minorities of all origins saw in Bobby Kennedy hope. Hope for their individual future, and hope for the future of this country.

I started serving in the Massachusetts State Senate in 1950. I remember well the Kennedy clan and its impact on the politics of Massachusetts. And I remember when Bobby went to New York State, later to become perhaps that State's most popular politician. And I remember the loss that so many of us felt when he moved west to the Empire State, because we knew the impact of his ability to lead at whatever level—local, State or Federal. And it was clear that New York's gain was Massachusetts' loss.

But even back then, I knew that the Commonwealth of Massachusetts had not heard the last of Robert Fitzgerald Kennedy. He may never have been "Massachusetts' Senator," but he would be back. That, I knew.

I think that prophecy was on its way to being realized when he was taken from us so abruptly that June day in 1968. I know it has been told so many times, but Bobby Kennedy's sincerity, his love of life and his fellow man, was made crystal clear by his words immediately after being shot by Sirhan Sirhan. After the bullets pierced his chest, his next words to those around him were, "Is everyone all right?"

I think we could fill an entire CONGRESSIONAL RECORD with some of the quotes, the thoughts and the theories that Robert Fitzgerald Kennedy espoused. His ability to bring out the best in people and in the system made him almost unique. His timeless approach of selflessness and love truly made him a legend in his own time.

Mr. Speaker, I have been honored to be a close, family friend of the Kennedys through the years. My friendship continues today with Rose, with Bobby's brother TED, and with one of this body's newer Members, Bobby's son JOE, The well-known Kennedy magic that has enthralled this Nation for decades continues as strong in the Kennedys of the eighties as it was in the Kennedys of earlier years.

I attended Bobby Kennedy's funeral 20 years ago at St. Patrick's Catherdral in New York. It was truly one of the most touching experiences of my life. The mixed emotions of love and loss created a powerful setting, one not fogotten by the hundreds who attended. In addition, I delivered a eulogy on the House floor for Robert Fitzgerald Kennedy 20 years ago. The loss that I felt personally was a loss shared by literally hundreds of millions of people that Bobby Kennedy had touched, not just in these United States but around the world. And that was what made Bobby Kennedy so very special—he touched people. He touched me in the fifties and sixties, and his memories and his friendship remain with me to this day.

Mr. Speaker, in this world that has become also most devoid of heroes, devoid of people that our youth can really look up to, Bobby Kennedy, his life and his causes, remain as clear today as they were during those days more than two decades ago.

I know that everyone who has spoken on this floor and in convention halls and churches and auditoriums throughout this country feels much of the loss that I feel. But even though Bobby's life was cut tragically short by an assassin's bullet, his contribution to this country is truly incalculable. We owe him far more than simple words could ever express. As a friend, as a colleague, as a man, I will always remember Robert Fitzgerald Kennedy with deep respect and love.

Mr. Speaker, I would like to include an editorial which appeared on June 6, 1968, in the Holyoke, MA, Transcript-Telegram. This editorial summarizes what so many of us around the Nation felt on that black day of Robert Kennedy's death.

[From the Holyoke (MA) Daily Telegram Transcript, June 6, 1968]

HE DARED

Robert F. Kennedy died at the hands of an assassin before he had a chance to prove his ability to win the presidency, and his ability to govern a nation. But he did not die before he had proven his ability as a man.

We can never know how this dynamic young man would have influenced his world. We do know he would have tried to change things as they are. And perhaps that is why he is dead.

Those who would challenge the sickness of society, the darkness of the status quo must always be targets of those whose undeserved prerogatives are threatened.

Senator Kennedy, as his brother before him, was willing to make the challenge, and accepted the risk. Must it be ever thus? Must it always be that the gallant and daring die young before they can achieve their goals? Perhaps not. Hopefully not, because there must always be those with the courage to lead us out of the darkness into light. There must always be Kennedys. Lincolns, Kings and others who have suffered martyrdom for the sake of mankind.

Senator Kennedy will not witness the changes he had dared urge, but many will come about because others will continue to challenge; continue to dare. He has left us a legacy of courage which we as a nation are honor bound to carry on.

LONG-TERM HEALTH CARE

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1988

Mr. MARLENEE. Mr. Speaker, I agree with many of my colleagues that health care is a priority issue facing our country and I believe it is essential that proper health care be made available to every citizen. It has often been said that votes before this body on catastrophic health care is not an up or down vote on a Federal role in this area, but a measurement of the extent of involvement.

Unfortunately, the policy of health care for our Nation's elderly has turned into a hotly debated political issue. Somehow it has snowballed into the argument that if you are against H.R. 2470 or H.R. 3436, you are against the elderly. Few have taken the time to analyze the contents of these bills and their long-term implications. Let me tell you why I voted against these ill-conceived measures.

First, H.R. 2470 is financed by increasing the taxes of senior citizens and the costs of their monthly Medicare premium. By 1993, all beneficiaries will pay a monthly Medicare premium of $42.60, which is close to double this year's rate. In addition, close to half of the Medicare beneficiaries who earn enough income to pay Federal taxes will pay a supplemental premium in the form of a surtax. In 1993, a single elderly person could pay as much as $1,050 per year, and couple as much as $2,100, on top of the higher monthly Medicare premium.

What do the elderly get for this hefty tax increase? Not much. Of the Nation's 32 million Medicare beneficiaries, the Department of Health and Human Services [HHS] has estimated that only 125,000—0.004 percent of the elderly population—will benefit from the provision allowing for hospital stays in excess of 60 days per year. H.R. 2470 does not deal with nursing home care, and senior citizens would still have to impoverish themselves to 150 percent of poverty level to become eligible for Medicaid assistance.

The Democrat-sponsored bill also provides new drug benefits. Beginning in 1991, Medicare will pay 50 percent of the cost of most outpatient drugs after paying a $600 deductible. By 1993, this percentage will increase to 80 percent. However, the conferees did not restrict these drug benefits to patients 65 years of age or older. As a result, AIDS victims will be covered by this clause. In other words, the senior citizens of our Nation who have spent a lifetime contributing to our society will be asked to foot the bill for young homosexuals and IV drug users who choose to engage in high risk behavior and contract the AIDS virus.

I was pleased to join a majority of my colleagues in voting down H.R. 3436 for content and procedural reasons. I especially salute the courage of the 99 Democrat Members of Congress who voted against special interest pressure by allowing logic to prevail in the Halls of Congress.

First, from its title, H.R. 3436 had nothing to do with the most economically and emotionally devastating aspect of catastrophic illness—nursing home care. Home health care is a new field because it is mostly done by family members. Because no income cap was attached to H.R. 3436, the Federal Government would be paying for services that families already do for themselves.

Plus, the bill did not establish the essential elements of home health care. Does bathing, feeding, and dressing an elderly relative count as a refundable service? Would the bill require families to hire a $40 per hour nurse to perform this basic service? How much State control would emerge over families caring for elderly relatives at home? These types of questions were left unanswered by supporters of H.R. 3436.

In addition, the cost of H.R. 3436 is grossly underestimated. Proponents claim that these new benefits will not cost anything to the taxpayer. Yet, the Health Care Financing Administration has estimated the annual cost could reach $21 billion, reaching to a $63 billion boondoggle by 1992. Who will pay for this in an era of high budget deficits?

A final problem I had with H.R. 3436 was that this legislation had not been through the usual legislative process. No hearings were held on H.R. 3436 and no debate was allowed in the committees of jurisdiction. It went straight from Senator PEPPER's office to the Rules Committee, and then directly to the House floor. In short, there was no opportunity to have input on the legislation.

Mr. Speaker, the issue of catastrophic health care appears to be a question of when. I am willing to work with Members who will use private sector sources of health care as a first resort. We shouldn't substitute the intrusive arm of the Federal Government before we've exhausted all private sources.

I also support a safety net approach to ensure that all Americans have access to necessary health care. Let the Government empower the creative hand of the marketplace rather than raise our taxes for relatively less medical care. Finally, I simply ask that politics be removed from devising our Nation's health care policy, and put people first before special interests and poll results.

WORK OR WELFARE

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1988

Mr. DORGAN of North Dakota. Mr. Speaker, the 100th Congress has been addressing the issue of welfare reform. Last December, the House of Representatives approved H.R. 1720, the Welfare Reform Act, which provides for a major overhaul of our Nation's welfare system. The important aspect about this legislation is that it would help to break the institutionalization of welfare that has overcome the existing system. It would accomplish this by providing resources dedicated to education, training, job preparation, and child care.

I have heard from a constituent, Ms. Debra Bergman of Grand Forks, ND, who is a single parent and who is desperately trying to get off the welfare cycle. Her efforts to become self-sufficient were chronicled in an article that appeared in the Grand Forks Herald. H.R. 1720 is designed to help people in the same situation in which Ms. Bergman finds herself, and her experiences are an important reminder to all of us that this legislation needs to be enacted.

WORK OR WELFARE

(By Gail Stewart Hand)

What hurts Debra Bergman the most is how her daughter, Nikki, is teased about being poor. About not having the cool clothes that other kids wear.

Bergman has been on and off welfare—mostly on—nearly a dozen years. She first drew a welfare check when her husband left her 11 years ago, when Nikki was a baby.

She has a full-time job now, developing photographs. She earns $3.50 an hour.

And she thinks she may have been better off on welfare. She's come to realize she did better financially on welfare, because she received medical benefits with Aid to Families with Dependent Children.

Now, she's off welfare and onto a crusade. Her mission: to educate people about welfare and suggest better alternatives.

She has a job she loves, but figures she needs at least $4.75 an hour to get by. The budget she's on now doesn't allow for some basics, like change for the laundromat. Instead, for weeks, she's been washing clothes in the bathtub.

So why doesn't she just quit her job? "I had no self-esteem then. Now, I feel like the world is mine to have. And I like to show Nikki that I can work."

Nikki needs that. "She has no friends. Kids make fun of her just because we're poor. I tell her that probably it makes us better people. At least we aren't cruel."

Bergman has some luxuries. She has cable TV, she subscribes to the newspaper, smokes cigarettes and keeps a dog. She justifies them. TV is cheap entertainment for her daughter, who is often left alone while she works nights. She uses the newspaper to educate herself. And then there's "Baby," the dog. Her daughter's counselor suggested Nikki could use a loyal friend. And the friendly mutt gives the pair something to do together. They take her for walks, go to the park.

She knows it's important to spend time with her daughter. They go window shopping. "But that gets so depressing." They both like to play games, such as backgammon. "I give her love and attention, but few material things," Bergman said. "That's the reality of it." Bergman says she gets $75 a month in child support payments from her ex-husband.

She decided to speak out about welfare and its debilitating effects on self-esteem after the death of her brother. He had plenty of problems, Bergman said, economics being a big one. He worked three part-time jobs to support himself and his family.

THE SYSTEM

Welfare is set up to reward those who stay on it, Bergman concluded. Welfare is a combination of benefits: fuel assistance, food stamps and health care, besides the monthly check.

Some of her living expenses actually are determined by the welfare system. Her rent on welfare was $38 a month. In July, when she got a job, it jumped to $144 a month. (The rent on this 2-bedroom apartment would be $390 a month, she said, if a person not on welfare lived here.)

She got a full welfare check for both June and July, but that was a shock to her budget, since she'd only gotten one paycheck by August. She was $3 over the allowable income in August and welfare cut her off. "After I'd paid the rent, I'd use up three quarters of my first paycheck."

She has a hard time figuring how much she'll get in food stamps. Her first month of employment, they totaled $68. "One month they're $20, one month they're $50." And you can't buy toilet paper or toothpaste or other necessities with food stamps.

HEALTH CARE

She did not realize that she'd lose her medical benefits by taking a job, she said. Her daughter has been diagnosed as hyperactive and asthmatic. She's on medication, which is prohibitively expensive by Bergman's new standards. If she made only $400 a month, she'd get the medicine free, as she did when she was on welfare. But since she gets paid $460 a month, she has no health coverage, she said. Holy Family and Sacred Heart churches have helped with gifts of $75 for Nikki's medicine.

When she was on welfare, medical care was available, and so were occasional treats. Once a month, she and Nikki, would go to McDonald's. Bergman would save money to pay her way on hunting trips. Now, they don't go out. "We can pay the bills and sit here and watch TV. That's it. . . . My God, when Nikki asks me for a can of pop and I have to say no, it just kills me."

They don't have a car. "When I was on AFDC, I could afford to take the bus. Now, I walk everywhere." Nikki has a Big Sister, a program that matches young women and girls for companionship, so she gets to do things that Bergman can't afford.

Her life isn't completely depressing. "It's not that we're unhappy all the time. It's more like we want the American Dream. Having a job. Having your own place. I was closer to the American Dream on welfare," Bergman said.

PAST JOBS, FUTURE DREAMS

A graduate of Red River High School, Bergman has been a waitress and bartender. The late night hours were bad. "I really missed Nikki. I thought it was more important that I be with her. But the tips helped. Then, I always had $5 in my pocket. But I don't drink, and I can't handle people who do. I can't stand being around it."

When Bergman was on welfare, she expected to be trained for work, She went to Job Services daily—for months—for help. "There was never anything. They said I needed training." She took classes at UND, majoring in therapeutic recreation with a minor in gerontology. Four years ago, she got a job for $4.75 an hour with the Grand Forks Park District. She coordinated a program involving senior citizens and disabled children. "That was the best we'd ever lived," she remembered. But the job was partially funded with federal money. And when that money ran out, so did her job.

She found herself back on welfare, but she is happier with her job. Now that she is employed, she proposes a "training allowance" to ease the transition from welfare to the workplace. She suggests a $2-an-hour government grant for each hour in the paid labor force. "They say they want to get us into the work force. So why don't they change things so it'd pay to do that?"

SELF-WORTH

She's been on her job for nine months. "After I'd been working for two weeks, Nikki said: 'Mommy, you're always in such a good mood now.' I don't want to give up that feeling of self-confidence. I'm learning so much. But I want more. I want someday to have a trailer house."

She loves her job. It takes concentration and skill. "They said I'm a natural." After a year, she'll get one week's paid vacation. "After years of pouring booze and hating it and serving food and hating it, I've found something I love and I'm good at it. They even used me in a commercial around Christmas. It was a blast."

When they saw the commercial on TV Nikki exlaimed: "Mom, you look good!"

"Of course, what was I going to look like?" She worked overtime.

GOING IN DEBT

"When I was on AFDC, I never had to borrow money. Now, I'm getting deeper and deeper into a hole." She's borrowed money from her parents. "I hate to do that. I want to support myself and Nikki. I'm 33 years old, the last thing I want to do is run to my parents. When it gets really bad, when we've had rice three times a day, I've called my parents and said I've got to have money for groceries. I couldn't stand it when Nikki'd say: 'If this is all there is, then I'm not eating.' I feel terrible when she gets discouraged.

"I want to live like everybody else does. But the reality is, I lived better on welfare. . . . I want people to understand that the minimum wage of this country doesn't meet the standard of living in this country."

Bergman excuses herself to answer the phone. "Oh, that's my daughter's ad," she says into the receiver.

She returns, explaining: "Nikki put an ad up in Piggly Wiggly to do shoveling or mowing, I told her, you're 11 years old, It's not your responsibility to feed us. It's Mommy's."

OUST PANAMA AND CUBA FROM THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1988

Mr. SMITH of Florida. Mr. Speaker, today along with Chairman PEPPER, I am introducing legislation which calls on Secretary General Peres de Cuellar to take the necessary measures to remove Cuba and Panama from the United Nations Commission on Human Rights. On the Senate side, Senator BOB GRAHAM will introduce identical legislation.

Last month, an egregious event took place at the United Nations. Fidel Castro's Cuba and General Manuel Noriega's Panama, two nations infamous for their human rights violations, were elected to the United Nations Commission on Human Rights.

Under article 68 of the U.N. charter, the Commission was established to promote, protect, investigate and make recommendations concerning the violations of human rights and civil liberties around the world. The election of Cuba and Panama to the Commission flies in the face of the specific mandate of the United Nations Rights Commission. Just a few weeks before this election, the same human rights commission voted in Geneva to investigate Cuba for its human rights abuses and violations. What kind of message is the United Nations trying to send?

This action by the United Nations is a moral outrage not only to the good people of Cuba and Panama, but to all people concerned with the issue of respect for fundamental human rights and civil liberties.

This is an issue upon which true defenders of human rights cannot remain silent. As a public official who has long been involved in the battle to expose the abuses perpetrated by Castro and other dictators, I know that to remain silent is tantamount to abandoning the oppressed people of these countries.

Mr. Speaker, I am hopeful that my colleagues will not remain silent when this resolution is brought before them. The Congress now has the opportunity to speak out in favor of those who cannot speak out for themselves. I request that a copy of the resolution be printed in the RECORD.

H. CON. RES. 313

Whereas the United Nations Human Rights Commission (UNHRC) was created under Article 68 of the United Nations Charter and has a specific mandate to promote, protect, investigate, and make recommendations concerning the violation of human rights and civil liberties;

Whereas the Commission's first responsibility was to create the Universal Declaration of Human Rights, which serves as the internationally-recognized standard of freedoms and liberties;

Whereas on May 26, 1988, the United Nations Economic and Social Council elected Cuba and Panama to represent the Latin American Group on the United Nations Human Rights Commission;

Whereas the Castro and Noriega regimes fail to adhere to the requirements of the Universal Declaration of Human Rights by continuing to authorize arbitrary arrests and imprisonments, secret trials, and murder;

Whereas after four years of intensive lobbying, the United States has succeeded in convincing the United Nations Human Rights Commission to investigate human rights violations in Cuba;

Whereas the election of Cuba to the United Nations Human Rights Commission has occurred before the commencement of the Commission's investigation into human rights violations perpetrated by Fidel Castro's government;

Whereas it is unprecedented that a nation which is being investigated or scheduled to be investigated by the United Nations Human Rights Commission has been allowed to become a member of the Commission before the completion of the investigation;

Whereas the Cuban government is charging political opponents with criminal offenses to create the impression that there has been an improvement in human rights conditions;

Whereas within days of the election of Cuba to the United Nations Human Rights Commission, long-term Cuban political prisoners suffered brutal beatings, solitary confinement, and harsh interrogations;

Whereas the recent political turmoil in Panama has demonstrated the total lack of concern of the Panamanian Defense Forces for the public welfare; and

Whereas the election of Cuba and Panama to the United Nations Human Rights Commission is a moral outrage to the good people of Cuba, Panama, and all who are concerned with respect for human rights: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the United Nations Human Rights Commission has suffered a set back by the election of Cuba and Panama to the Commission;

(2) the Secretary General of the United Nations should undertake all necessary measures to remove Cuba and Panama from the United Nations Human Rights Commission;

(3) the Secretary General of the United Nations should closely monitor all future actions of the Commission, particularly its investigation of Cuban human rights to ensure the Commission's independence and objectivity; and

(4) the United States should be mindful of this recent election in the United Nations in evaluating United States financial support for the United Nations, including contributions to the United Nations Human Rights Commission.

TRIBUTE TO MARGARET REEDER

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1988

Mr. GOODLING. Mr. Speaker, I want to take this opportunity to recognize a woman who, on June 14, 1988, will celebrate a century of happiness, good health and distinguished heritage.

Mrs. Margaret Hummel Reeder, born June 14, 1888 in Steelton, PA, is a direct descendant of the founders of Hummelstown, PA.

Her great-great-great-grandfather, Frederick Hummel, born April 14, 1726, in Wurtemburg, Germany, arrived in Pennsylvania—the exact date is unknown—purchased land, and founded the town of Fredericktown, later known as Hummelstown. Not only did he establish the town, providing land for two churches, a graveyard and a school, but he was also the chairman of the convention of 1774 which passed "Resolves" in reply to the British Intolerable Acts. Many of Mrs. Reeder's ancestors served our country in the French and Indian Wars, the Revolutionary War, and the War of 1812.

One of five children, four girls and one boy, she is the daughter of Joseph Abner and Anna Mary Shoop Hummel. Her father worked for Bethleham Steel, but died at age 41, leaving his wife with five children. Margaret and her brother were sent to live with their grandparents who owned a 54-acre farm in Hoernerstown. As a child, she worked on the farm and went to a nearby one-room school house. She was also a member of the Hoernerstown Lutheran Church and attended morning services and Sunday School. Most Sunday evenings were spent with friends or relatives enjoying a family meal.

When Margaret became older she went to work in a blouse factory in Harrisburg. Here, in River Front Park, she met her future husband; they were married in 1916. Her husband, Jacob Harry Reeder, worked for Bethlehem Steel. The couple had one son, William Henry. When her husband died in 1952, Margaret went to live with her son and his family. After her son's death in 1972, she moved into the Susquehanna View Apartments, where she presently resides. She loves her home, and enjoys walking and cooking. Margaret has two grandchildren, one great grandson, and three great granddaughters, all of whom she is very proud. A member of the United Brethren Church, Margaret attends services three times on Sunday, and Wednesday night.

Margaret is to be admired for continuing in the path of her ancestors and for serving her community for 100 years. As she celebrates her 100th birthday June 14, 1988, may she be an inspiration to all of us to live a long, healthy and happy life.

THE 10TH ANNUAL HISPANIC WEEK IN LAWRENCE, MA

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1988

Mr. ATKINS. Mr. Speaker, I wish to take this opportunity to congratulate the Hispanic community of Lawrence, MA, on celebrating the 10th annual Hispanic Week in Lawrence.

The Latin American community is one of the fastest growing ethnic communities in Lawrence today. Lawrence can now proudly boast of being home to people of over 21 different Hispanic nations. Upon emigrating to this country, Latin Americans have had to overcome many difficulties such as language barriers, housing discrimination, and prejudice. However, they have endured such hardships in order to provide their families with better educational, employment, and economic opportunities. This ethnic community has demonstrated its commitment to hard work as a means of achieving prosperity.

Hispanics have turned the vision of America as the land of opportunity into a reality. Hispanic Week in Lawrence is a celebration of this achievement. It celebrates a rich and distinct heritage while at the same time emphasizing the contributions this ethnic community has made to the development of the Lawrence area. The aromas of Latino food, the beauty of Latino art, the sounds of Latino music and the overall friendliness of the Latin American people have continually drawn large crowds to the Campagnone Common. Scheduled events throughout the week have provided a unique forum through which the community has become aware of the history and culture of Latin American nations.

Hispanic Week in Lawrence grew out of a desire to bring Hispanics and non-Hispanics together in peace. In 1979, this hope grew into reality as the Lawrence community celebrated its first Hispanic Week. The organizing committee adopted the motto "Together in Harmony" which appropriately described the admirable purpose of this event. The event has given Latin Americans the opportunity to come together and show others the uniqueness and virtues of their cultures.

Mr. Speaker, by espousing the virtues of community cooperation, mutual understanding, family life, hard work, and happiness, the Hispanic population has become a vital asset to the Lawrence community. These virtues serve as exemplary guides to all American citizens. The Hispanic community can look back proudly at the feelings of cooperation and brotherhood that have emerged out of this celebration throughout the past 10 years. Yet, even more importantly, the celebration's success has insured that an atmosphere of community understanding will grow and expand in the future. Hispanic Week in Lawrence has truly been a successful means of enriching the American society. Let us, together in harmony, congratulate these people on celebrating their 10th annual Hispanic Week in Lawrence.

IMPROVED INTERNATIONAL ENVIRONMENTAL PROTECTION MECHANISMS NEEDED

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1988

Mr. GREEN. Mr. Speaker, we increasingly find to our dismay that one or another human activity is having surprising global environmental consequences. For instance, scientists say they have evidence that chloroflurocarbons—used in refrigerators, air conditioners, foam products, and as cleaning solvents by the electronics industry—are a cause of the ozone "hole" that now appears annually over the Antarctic.

Even more alarming, scientists believe fossil fuel burning—an activity at the very foundation of our global economy—is the major cause of what could be the greatest global mean temperature rise ever experienced in human history.

The United States led last year's successful international negotiations for a protocol to regulate chlorofluorocarbon use. Since agreement was reached last September on the Montreal Protocol on Substances that Deplete the Ozone Layer, the United States has been active in urging other nations to ratify the agreement. EPA Administrator Lee Thomas has written to all of the world's environment ministers urging ratification. U.S. embassies have raised the issue and provided information. USIA has broadcast satellite television programs featuring NASA scientist Bob Watson explaining the latest scientific developments.

Yet international action seems slower in coming than the climatic changes it is designed to allay. So far, the protocol has been ratified only by the United States and Mexico, though the Japanese have voted to ratify and must simply file their documents with the United Nations. The protocol must be ratified by 11 nations representing two-thirds of world consumption of CFC's for it to enter into force next January 1.

The June 7 Washington Post op-ed page contained a piece by Dr. Jessica Tuchman Mathews of the World Resources Institute exhorting the international community to improve its mechanisms for global environmental protection. I commend her article to my colleagues' attention. It seems clear that our international environmental protection structures have increasing testing. We must make them equal to their tasks.

[From the Washington Post, June 7, 1988]

ARE THINGS GETTING OUT OF HAND? NATIONS MUST FIND A WAY TO MOVE FASTER ON THE ENVIRONMENT

(By Jessica Tuchman Mathews)

By the end of the 1990s there will be a billion more people in the world than there are today. It took 130 years for the world's population to grow from 1 billion to 2 billion. It will take 12 years to go from today's 5 billion to 6 billion. More than 90 percent of this added billion will live in the developing world, with the result that the developed countries will house only about 20 percent of world population, down by almost half since the end of World War II. Sheer numbers do not translate into power, but a demographic change of such speed and scope cannot fail to affect North-South relations.

Meanwhile, global environmental changes will be gathering force. While we cannot yet regulate force. While we cannot yet regulate acid rain, which may travel hundreds of miles from its source, new and newly discovered forms of air pollution that can travel thousands of miles, or circle the globe are becoming more important.

If it seems hard to reconcile the interests of Ohio and Vermont, consider the problems in Western and Central Europe, where more than a dozen nations share a thriving exchange, in all directions, of various forms of air pollution. And consider the challenge to international relations of coping with the global changes of stratospheric ozone depletion and greenhouse-induced warming. The latter will make the General Agreement on Tariffs and Trade look like child's play.

These impending changes share two salient characteristics: solutions demand the cooperation of all nations, and no country can protect itself from the acts of others. Add to this the high degree of scientific uncertainty (we do not know enough about the planet to predict the outcome of what we are doing to it), and the fact that whatever the consequences are they are likely to be irreversible, and you have a solid basis for joint action. However, the barriers to agreement are also very high. Natural systems are often unfair. Ozone depletion is a good example. Because ultraviolet radiation is strongest near the equator, the effects of depletion may well be worst in the tropics, in countries that have contributed not at all to its causation.

Mexico was the first country to ratify the recent ozone treaty, and there are encouraging signs from China and a few other developing countries. But there are worrisome signs as well. Representatives of the Indian government have said, in so many words, that since the developed countries caused the problem, they are the ones that should solve it. The echoes of India's position on the Nuclear Nonproliferation Treaty ("we will not consider it until the nuclear nations control their arms") are loud and clear. In that case, India ended up facing a covert nuclear weapons program in Pakistan and the prospect of a South Asian nuclear weapons race. Perhaps this time a clearer view of self-interest will prevail. If not, and if other newly industrializing nations follow India's lead, a highly promising precedent for a new era in multilateral cooperation could turn into a setback.

A boost from the ozone treaty is badly needed. Greenhouse climate change will be much more difficult to solve, and we do not know what other thresholds may be approaching. The oceans remain an almost total mystery, and there is much about the basic functioning of the biosphere, as well as the atmosphere, we do not understand. We do know that world economic activity is growing at an unprecedented rate—having quadrupled since 1950—and must continue to do so, if only to meet basic human needs. Economic growth means more energy use, more emissions and wastes, more land converted from its natural state and more need for the products of natural systems. At some point these systems may become saturated or exhausted, or quietly cross an important chemical of biological threshold. We hardly know where to expect trouble first, or when. We lack early warning systems.

The presented modes of international cooperation are unequal to the monumental task ahead. For one thing, they are much too slow for the pace of change we must expect. It typically takes 10 to 15 years to negotiate global treaty and years more before significant change actually occurs. New ideas and new institutions will be needed—maybe quite soon.

Eventually nations may even have to learn to deal with each other as partners in a joint business venture on whose success they all depend.

THE CHAPARRAL GAZETTE

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1988

Mr. HUNTER, Mr. Speaker, I wish to praise and congratulate a group of students at Chaparral High School in El Cajon, CA.

These students are remarkable because in an age when high school students nationwide are unduly criticized, Chaparral students have intentionally made more work for themselves. They've gotten together on their own and founded a school newspaper, the Chaparral Gazette. The newspaper is not as voluminous as the Los Angeles Times, but it contains more than just school affairs.

The Chaparral Gazette prints school news, of course, but it goes further than that. It also prints movie reviews, interviews, health news, poetry, fashion notes, and stories of personal courage. Chaparral High School students have been through a lot and have experienced more personal challenges than the average high school student. The Gazette symbolizes their taking charge of their futures and meeting life's challenges head on.

The staff and faculty advisers of the Gazette demonstrate what can be done if people work together and individuals grasp for more than just what is expected of them. These are the men and women who will be working, building, and leading America into the next century. They have a heavy burden to carry and it won't be easy. By carrying on life with the dedication, purpose, and hard work that they've shown in the Chaparral Gazette, these students provide us with hope for the future.

FISHKILL CELEBRATES ITS BICENTENNIAL

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1988

Mr. FISH. Mr. Speaker, it is with great pride that I rise to speak about the bicentennial of the town of Fishkill, in my home district of New York.

Fishkill has an interesting and colorful history. It got its name for Dutch sailors, who called the local stream "vis kill," which means "fish creek." Henry Hudson and the crew of the *Half Moon* fished in the waters where the stream empties into the Hudson. This is where salt and fresh water meet, and the waters have an abundant variety of fish. Native Americans, who also fished in the stream, called it "matteawan," which means "fresh waters."

The earliest settlers called the region, including its scenic mountains and plains, the Fishkills.

Fishkill was founded on March 7, 1788. It was one of the original nine towns in Dutchess County. From August 1776 to February 1777 it served as the center of government for the State of New York. The historic district of the village and town is on the State and national registers.

America's first veterans organization, the Society of Cincinnati, was formed in Fishkill in May 1783.

Throughout this year, townspeople have been holding a series of events to celebrate the bicentennial. Festivities began on the first of the year with a town-wide bell ringing. On March 6, a musical revue, "Two Hundred Years in Story and Song," was performed by combined choirs of area churches. A tour of historic homes was held on May 28.

This Friday, June 10, there will be a bicentennial ball. The theme of the evening will be 1788 America, and formal attire or period costume are encouraged. I am looking forward to attending the ball, which is expected to draw 300 residents of Dutchess County.

Other events will include a community day on August 27, at Geering Park, Fishkill, followed by a local parade and fireworks.

Mr. Speaker, I am proud of the people of Fishkill and wish them the best in their continuing bicentennial celebration.

ROBERT F. KENNEDY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. RANGEL. Mr. Speaker, I would like to join my colleagues in paying tribute to the late Robert F. Kennedy. June 6, 1988, will be the 20th anniversary of his death. Even though two decades have passed, we still remember him vividly as John F. Kennedy's brother, as Attorney General of the United States, as Senator of New York, and as Presidential hopeful. Robert F. Kennedy, as written recently in Time, is a lasting presence: appealing to those who yearn for passion.

I am fortunate enough to have known Bobby personally. In 1964, he was offered the second spot on the Democratic ticket. Instead, he decided to turn it down so that he could run for the Senate. RFK won the election and set to work representing the State of New York in Washington. During this time, I was first in the New York Attorney's Office and later, in the New York Assembly. Though my contact with him was infrequent, I did have the opportunity to work with him on the Bedford-Stuyvesant project. He was only 39 and his fervor and optimism in working to help both his State and his country were truly exceptional.

During his period as Senator he worked hard for IBM to open offices in the Bedford-Stuyvesant area of Brooklyn. Though a difficult effort, IBM moved in, creating desperately needed jobs and housing. The Bedford-Stuyvesant project now stands as a symbol of effective private sector planning. RFK showed that the poor, with the help of unions, banks, and corporations could bring a slum back to life. His passion to help the working poor was sincere and he worked undauntingly to accomplish his goals.

Robert Kennedy's Presidential campaign lasted only 80 days. He traveled in open cars, with minimal staff, speaking to any crowd which wished to hear him. It was the only way he knew how to campaign. Some labeled him a rebel candidate. He wanted an end to the Vietnam war, to further civil rights, and believed that the Government should be geared more toward people. The excitement and passion of his campaign was affectious, and he was slowly winning over the voting public. Robert Kennedy brought excitement back to politics. He was a champion of the working family. He was larger than life. At a time when the public craved passion and change, RFK was there to deliver.

On June 6, Robert Kennedy was just about to claim an early victory in the California primary when he was shot by Sirhan Sirhan. His historic campaign ended, but his struggles and memories will continue indefinitely.

REMEMBERING ROBERT KENNEDY

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. GARCIA. Mr. Speaker, 20 years ago this past week, Robert Kennedy was assassinated, and the fact that there has been so much written about that event is a testimony to the impact that Bobby Kennedy had on a generation of Americans.

That a former Attorney General, and a U.S. Senator who served for only a few short years could have such a profound effect on this Nation reveals a great deal about Bobby Kennedy. He embodied our ideals, our aspirations. He had a sense of humor; he rolled up his sleeves and talked with you not at you. He talked about the crusade for civil rights not in terms of protests—although protests did and do serve a useful and necessary purpose—but in terms of votes. His counsel to minorities was to register to vote and use that vote to back candidates who would work for our communities. That may not have been unique, even back then, but it was still good to hear it from a man who wanted to be President.

Sadly, he did not have the opportunity to leave an extensive legislative legacy. He died too soon, far too soon. But what he did leave us was the belief that this is a good nation, as well as a nation capable of doing good. As a minority, he left me and my community a sense that not only do we belong, but that this country is really a better place because there are brown, black and Asian people living here. He did not condescend, he welcomed.

My community is a better community because of Bobby Kennedy. This Nation is a better Nation because he and his brothers chose to serve it. Now his son is a Member of this fine body, just like his uncle before him. I know that as long as there is a Kennedy in Congress, there will be a conscience alive and well working for the rights and ideals of all Americans.

I have a bust of Bobby Kennedy in my office. I look at it from time to time when I get discouraged. I find comfort in this. I also find some inspiration.

PERSONAL EXPLANATION

HON. BOB WHITTAKER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1988

Mr. WHITTAKER. Mr. Speaker, I rise today to correct my vote on rollcall No. 172, the vote on H.R. 3966, the Children's Television Practices Act, as amended. I inadvertently voted "nay" while I intend to vote "yea."

I supported the amended version of H.R. 3966 when it was before the Energy and Commerce Committee because it represents a bipartisan compromise that recognizes and effectively deals with a problem facing one of the most vital factions of the television audience—children—and I support the bill as it was approved by the House of Representatives.

CODIFICATION OF TITLE 49, UNITED STATES CODE, "TRANSPORTATION"

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1988

Mr. RODINO. Mr. Speaker, I am today introducing a bill to revise, codify, and enact without substantive change certain general and permanent laws, related to transportation, as subtitles II, III, and V to IX of title 49, United States Code. This bill has been prepared by the Office of the Law Revision Counsel as a part of the program of the office to prepare and submit to the Committee on the Judiciary of the House of Representatives, for enactment into positive law, all titles of the United States Code.

This bill makes no change in the substance of existing law. It is the final phase in the codification of title 49 and, on its enactment, will complete the codification of that title.

Anyone interested in obtaining a copy of the bill and a copy of the proposed draft report to accompany the bill should contact:

Edward F. Willett, Jr., Law Revision Counsel, U.S. House of Representatives, H2-304, House Annex No. 2, Washington, DC 20515.

Persons wishing to comment on the bill should submit those comments to the Office of the Law Revision Counsel not later than August 31, 1988.

HOUSE RESOLUTION 468

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1988

Mr. YOUNG of Alaska. Mr. Speaker, much attention has recently been focused on the controversial United States-Canada Free Trade Agreement. The FTA is an attempt to promote trade between the United States and Canada—its effectiveness remains to be seen. Today I would like to bring to the attention of the House an arrangement between United States and Canadian companies that succeeded without the actions of our governments. And I would like to honor the man who was primarily responsible.

In 1982, the Cyprus Anvil Mine located in the Yukon territory of Canada closed due to the depressed zinc markets. The closure hurt the Alaskan economy as well as that of the Yukon territories because mine operators had traditionally utilized the port in Skagway as the link between the Yukon and the world.

In 1985 Clifford Hugh Frame founded Curragh Resources, Inc. and announced that he intended to reopen the Cyprus Anvil Mine. The announcement was met with considerable skepticism due to the historically high cost of operating the mine and the continuation of the depressed zinc prices. But Cliff Frame succeeded in his endeavor despite the odds. He cut operational costs per ton of ore by almost 50 percent and found a way to market it internationally at a profit.

The Cyprus Anvil Mine is now healthy and operating at full capacity. Almost 30,000 tons of ore concentrate are moving over the Skagway docks on an annual basis, and Curragh Resources is relying on U.S. vessels to supply the needs of the mine through Skagway. Frame's achievement was so dramatic that the Canadian Mining Association has named him Canadian Mining Man of the Year.

I, too, would like to honor Cliff Frame for the successful rebirth of the Cyprus Anvil Mine, and am introducing this resolution in recognition of his leadership and achievement.

TRIBUTE TO RALPH E. RAGETTE

HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1988

Mr. DIOGUARDI. Mr. Speaker, I rise today to pay tribute to Mr. Ralph E. Ragette, a dedicated businessman in my district, and loyal American. On June 13, 1988, Mr. Ragette will celebrate his 50th year of service to the people of Westchester in the real estate business. He is deserving of the highest credit for his dedication to his work as well as his efforts within our community.

Mr. Ragette's professional and civic accomplishments bear testimony to the value of his contributions to the community. In 1938, he received his real estate license on his 18th birthday and embarked upon his successful career. Mr. Ragette's commitment to industry in Westchester County includes positions on the Mount Vernon Chamber of Commerce, the Westchester County Board of Realtors, and the New York State Association of Realtors. One of his most prestigious recognitions was in 1977 when he was honored as Realtor of the Year by the Westchester County Board of Realtors.

Mr. Ragette has also been a trusted public servant. He was elected to the board of aldermen by the people of the city of Mount Vernon. Serving for 12 years in this capacity, Mr. Ragette was also called to serve as acting mayor of Mount Vernon. In 1968, he was elected to the county board of supervisors as well.

This impressive list of achievements draws recognition to a man who has coupled successful business career with a genuine concern for his fellow citizens.

I would like the Members of House of Representatives to join me in congratulating Mr. Ragette for his commitment to the real estate industry and his dedication to his fellow man. I wish him continued success in his endeavors.

WELCOME TO IGOR OGURTSOV

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1988

Mr. BROOMFIELD. Mr. Speaker, yesterday afternoon, many of us from the House and the Senate had the opportunity of meeting and welcoming to the United States, a truly heroic person and a renowned Russian dissident, Igor Ogurtsov.

Mr. Ogurtsov was released in February 1987 after serving a 20-year sentence in Soviet prisons and internal exile. In 1967, Mr. Ogurtsov was a founding member of a religious-political group known as the All-Russian Social Christian Alliance for the Liberation of the People [VSKhSON]. Because of his association with this group and his efforts to encourage the Soviet Union to follow Christian principles in its relations with its people and with other nations, Mr. Ogurtsov was arrested, found guilty of treason in a closed hearing, and incarcerated.

During the years of his incarceration, there was a great deal of concern for the unjust treatment he received, for the state of his health, and whether or not he would really be released at the end of his sentence.

This concern led to a bipartisan effort in the Congress and cooperation with the administration in working for Mr. Ogurtsov's release. In the Congress, three separate resolutions in either the House or the Senate were passed, and many congressional letters were written urging the Soviet Union to release Mr. Ogurtsov. Senator DON RIEGLE of Michigan led that effort in the Senate. The administration also worked extremely hard on Mr. Ogurtsov's behalf through its many high level representations to Soviet officials.

A great deal of credit must also be given to an American of Russian descent, Vera Politis of Ann Arbor, MI, who was so instrumental in keeping us informed about Mr. Ogurtsov's welfare. Mrs. Politis, who has personally experienced the harshness of Soviet persecution, has been active in the human rights area throughout her life. In many ways, she helped to focus the attention of the various parts of the U.S. Government on the plight of Mr. Ogurtsov.

Mr. Speaker, Igor Ogurtsov's experiences have many lessons for all of us about the Soviet Union's system of justice and its concepts about human rights. Even with the accomplishments of General Secretary Gorbachev, Mr. Ogurtsov's case clearly shows the great distance the Soviet system of government needs to go to even conform to basic standards of decency. Over those 20 years, Mr. Ogurtsov's incarceration belied any claims that the Soviet Union ever made to abiding by the international human rights agreements that they had signed.

It was a privilege to be able to welcome Mr. Ogurtsov to the United States. For my colleagues who were not able to meet with him, I have included Mr. Ogurtsov's statement below.

The statement follows:

STATEMENT OF IGOR V. OGURTSOV, DELIVERED BEFORE MEMBERS OF THE U.S. CONGRESS ON JUNE 8, 1988

Senator Riegle, Congessman Broomfield, Members of Congress, Dr. and Mrs. Politis, Ladies and Gentlemen.

Today I have the honor to make a brief statement in the U.S. Senate, where on two occasions, in 1985 and in 1987, Senate Resolutions, introduced by Senator Riegle, were unanimously passed in my defense.

I would like to express my deep appreciation to the U.S. Senate as well as the House of Representatives which has adopted a similar Resolution introduced by Congressman Broomfield.

I cannot consider this act only as a humane gesture toward a man unjustly charged by the party court with treason to the homeland, conspiring to seize power, and sentenced with a judicially unfounded 20 year term of deprivation of freedom, but as a consistent execution of your country's policies in defense of human rights where ever they are violated.

I would like to note with great satisfaction that the problem of human rights in your great country is not only understood in its deep correlation to the problems of war and peace, but it became an integral element of the United States foreign policy. The very fact that human rights in the contemporary world became one of the principles determining policies of the country, which today carries the major burden in defense of freedom, has an immensely important significance.

25 years ago together with a group of like-minded persons I founded the All-Russian Social-Christian Union, whose program was saturated with enthusiastic support for the inalienable personal rights, having its source in the Christian concept of man and society. We opposed the inhuman system, which regards man simply as the aggregate of social relations, with the spiritual concept of the human being, as it is reflected in its likeliness and image to the Creator.

When we discuss the violations of human rights, one ought not disregard the fact that totalitarian communism in its classic form does not simply violate, to a lesser or greater degree, the human rights as it occurs in individual cases during the dictatorial political regimes, but negates in its very essence the right to life, to freedom of conscience, freedom of creativity, labor, education, upbringing of children, freedom of movement, creation of independent civic, political, labor and cultural associations, and the most significant right to independent, unbiased and just judicial processes.

Such a system deprives the human being of all precious rights in all the basic areas of his life's pursuit: spiritual, the civic, and the economic. It deprives man of all that contributes to the meaning and value of life, hence it destroys the organic and social relations as well, creating in its stead pseudo-collectivistic structures. This is why the resistance to such a godless and inhuman system is an essential necessity and the absolute duty of each and every man, and of all nations, both those in captivity and those that are yet free.

In the late sixties The All-Russian Social-Christian Union for the Liberation of the Peoples, after several years of existence underground, during which ideas were formulated that could benefit the fundamental transformations based on the spiritual and democratic principles, suffered a number of heavy blows.

Sentenced by the party courts, many members and supporters of the organization in the USSR, as well as our friends in Poland, were subjected to reprisals, as ideological and political opponents to totalitarianism. Yet, despite these blows, the fundamental Christian values and ideas which for a quarter of a century were selflessly carried through by the VSKhSON members underground, in prisons, in concentration camps and exile, today present the most consistent alternative to totalitarian communism and are molding the social movement not only in the USSR, but in the East-European countries as well.

In the present sharply changing conditions of perestroika, the need for a conspiratorial organization structure, both social-Christian and liberal-democratic, is being replaced by the necessity of creating a wide, open and patriotic movement, striving for its legal recognition with relevant corrections in organizational form and program position.

The present situation in the USSR in all its complexity is an outgrowth not only of the exhausted internal potential of marxist utopia with its universal and manysided crisis from China to Poland, but it is also a consequence of the heroic struggle of all captive nations, social groups and selfless and noble individuals.

The moral, ideological, social, economic and political crisis which arose immediately after "the real socialism" was built, now after a 20-year period of stagnation, assumed such deep and ominous forms, that this threat was recognized by the Communist party leadership, the result of which was the announcement of the revolutionary perestroika.

The very near future will demonstrate whether the party leadership and its general Secretary Gorbachev are clearly aware of the fact that there is no way out of this crisis within the framework of the totalitarian system and whether they are prepared to overcome this system. Democratization and glasnost are at their very roots contrary to the existing system and have their own internal logic. One can surmise, and with reason, that certain party and state leaders have at this time acquired, or are ready to acquire this logic, instead of resisting the historic movement by continuing to adhere to the old ways.

Great nations do not take themselves voluntarily to the grave together with a dead dogma. The thinking intelligentsia of the country in the short period of relative glasnost expressed their support for the rejection of marxist ideology declaring through the official publications and in the Samizdat that perestroika is understood by them as an overcoming of the system in full, and not as a partial measure which will extend the existence of the system.

Nevertheless, the situation is controversial and dangerous in the atmost. The supporters of perestroika have many opponents and the wide masses at the present are not sufficiently active. The threat of a desparate attempt to stop the development of glasnost and democratization, and thus the disintegration of the system, is extremely great.

But irregardless of how the events will evolve, whether through an organized revolution from above, or development of glasnost and democracy which they undermine the system from within, or even of an attempt to return to the old ways for a short period, the totalitarian system is doomed.

What position should the West take under these conditions, that we feel to be desirable? We are convinced that the most essential element is the correct understanding of the events in their full depth and a simultaneously courageous but cautious reaction.

There is no question that the destiny of Russia rests in her own hands. But the position of the rest of the world is of a great essence. In the contemporary world, everything is interrelated. The new course needs a political recognition, as well as moral and economic support. This support should be offered gradually, step by step, and conditioned upon the measures within the Soviet Union which permit the reestablishment of a civically conscious society in the USSR and the Eastern Europe, since precisely such social resurrection would act both as a test of the Soviet leaders' sincerity and the guarantee of the irreversibility of reforms. Such social resurrection is possible only along the road of national, religious and cultural renaissance.

It would be a tragic mistake to just drift along, by yielding to the temptation of immediate ephemeral gains, or counteracting the patriotic enthusiasm and religious resurrection of the nations, the Russian nation in particular.

Voices are even heard that a free Russia is more dangerous than the totalitarian communist Soviet Union. The conclusion that may be drawn from such theories is suicidal. Only the return of a democratic free Russia and Eastern Europe of the family of free nations can help resolve the virtually important problems of the contemporary world: to remove the threat of the nuclear holocaust, reestablish the dangerously precarious ecological balance, and resolve the social, economic and spiritual problems.

The hour is ripe for hopes, but not void of danger. It is important to make the correct and decisive choice.

A TRIBUTE TO CHARLES A. BOYLAN

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1988

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to a good friend, Mr. Charles A. Boylan of Reading, PA. Mr. Boylan is known throughout our area as the founder of Berks Packing Co.

Last November, Mr. Boylan retired after over 50 years as president of Berks Packing Co. In recognition of his many achievements with the company, he will be honored with a special dinner on June 17, 1988. Born in 1904, Mr. Boylan started in the meat packing business at the early age of 17. After several years of hard work, he was able to establish Berks Packing Co., in 1933. Between 1933 and 1987, he developed Berks Packing Co. into a national leader in the business. The firm is known throughout the region for its delicious Berks hot dogs, hams and other products. The company is now operated by Charles' son, Pat. Berks Packing's success over the years is attributable to the dedication and commitment for which the Boylans are widely recognized.

Mr. Boylan is enjoying his retirement, but his skill and talent are sorely missed. He is an outstanding businessman and dedicated community leader who has made many invaluable contributions to the Reading area. Mr. Speaker, I know that my colleagues will join me in honoring Charles A. Boylan and in wishing him and his family continued success and good fortune in the years to come.

UNIVERSAL CHILDHOOD IMMUNIZATION/EXPANDED CHILD SURVIVAL REVOLUTION ENDORSED AT MOSCOW SUMMIT

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1988

Mr. LELAND. Mr. Speaker, today I rise to welcome the call by President Ronald Reagan and Soviet General Secretary Mikhail Gorbachev to enhance and expand worldwide action to reduce easily preventable childhood deaths through various effective and inexpensive child survival inititatives. This joint appeal was included as an important component of the recent Moscow summit communique. As chairman of the House Select Committee on Hunger, I am greatly encouraged by the attention given to child survival opportunities at the summit. The inclusion of child survival language in the communique is an additional indication of the worldwide acceptance of the laudable goals of the child survival revolution—a revolution certain to be successful.

Indeed, the inclusion of child survival concerns at the summit reflects a growing recognition of the potential of the child survival revolution to dramatically alter the currently distressing child mortality rates in the developing world. It further reflects the outstanding work being performed every day by UNICEF and the World Health Organization, as well as the Agency for International Development, scores of private development organizations, and many others to provide basic health care to all of the children of the world. Specifically, the communique indicates recognition of the potential of the universal childhood immunization campaign to prevent the unnecessary blinding, crippling, and death of millions of infants and children. The communique indicates recognition that we have the means and we have the will to end the current tragedy of millions of children being denied the opportunity to fully participate in the development of their societies because of disease and malnutrition easily preventable. The goals of the universal childhood immunization campaign are achievable. The momentum given to the campaign by this recognition in Moscow will help assure its success.

The endorsement of the child survival initiative by the American and Soviet leaders should come as no surprise. We have seen in the Congress over the past few years a growing bipartisan coalition willing to—indeed insisting upon—increasing the support for child survival activities despite our budgetary constraints. U.S. Government financial support for UNICEF and the World Health Organization has grown and is likely to increase further. Why is this? It is because these organizations are leading the way in helping us achieve the goal of extending primary health care to all by the end of the next decade. It is because they are doing so much good for so many children around the globe. It is because they are demonstrating that the eradication of disease, malnutrition, hunger, and unnecessary suffering can be accomplished.

ILL-CONCEIVED ANTIDRUG POLICY

HON. JOHN MILLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1988

Mr. MILLER of Washington. Mr. Speaker, in the House of Representatives, the estimable anti-drug policy of "zero tolerance" is in danger of becoming "zero thought."

In the last few weeks, the House has approved amendments prohibiting Federal legislative branch and energy and water projects funding from going to any workplace that is not drug-free; prohibiting U.S. foreign aid to any government or military force that is not drug free; and prohibiting Federal funds or contracts to any workplace that is known not to be free of graft, bribery, tax evasion, price fixing, and forms of corruption.

Members who supported the meritorious proposal to use Armed Forces surveillance equipment to help detect illegal drug smuggling had to swallow along with it, impractical language requiring the Armed Forces to close our borders to illegal drugs within 45 days.

And consider: Under these amendments if a worker in a Boeing plant in Witcheta is caught with a marijuana cigarette, the jobs of thousands of innocent workers in Washington State could be jeopardized.

If one University of Washington student is caught with a gram of cocaine, the educational aspirations of thousands of innocent students and the jobs of hundreds of faculty members could be endangered.

If one Washington State official is caught accepting a bribe, State transportation, welfare, education, job training and unemployment insurance programs could lose vital Federal funding.

Mr. Speaker, these amendments are almost as farfetched as some of the antidrug measures I've heard proposed in congressional committees by administration officials who should know better.

For example, under these ill-conceived proposals, a multimillion-dollar fishing vessel, the Seattle based *Arctic Storm* was recently stopped, boarded, and searched for illegal drugs by representatives of five different Federal agencies. During this 6-hour search, all fishing activities were stopped and the vessel was virtually seized by Federal agents—all without an ounce of probable cause—and not an ounce of illegal drugs were found.

We have to do more than pass "wish away" amendments. We have to do better than trample the constitutional rights of our citizens. We have to support programs that work; programs with a proven track record of success.

This type of legislation could include a requirement that all workplaces receiving Federal funds have in place a strictly enforced, antidrug program that includes management and worker education, prominently posted rules, and harsh penalties for infractions. It could include drug testing in certain carefully prescribed circumstances where public safety and national security are clearly at stake.

But the virtually unenforceable amendments we have seen here recently go far beyond requiring a strictly enforced, good faith effort by Federal contractors.

Mr. Speaker, it is time to "just say no" to frivolous, feel-good legislation. It is time to "just say no" to schemes of dubious constitutionality that simply won't work. It is time, Mr. Speaker, for us to understand that no matter how politically attractive, we cannot legislate away our drug problem. It is time, Mr. Speaker, for us to roll up our sleeves, get to work, and enact legislation that will actually help our law enforcement organizations and citizenry combat this complex and insidious problem.

HONORING BILL NUCHOW

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1988

Mr. WEISS. Mr. Speaker, it is a privilege for me to join with the many others who will pay tribute to Bill Nuchow in honor of his 60th birthday. Bill Nuchow is a prominent Democratic district leader on Manhattan's Upper West Side whose life's work has improved the quality of life for the people of his community and brought honor to the organizations with which he has been associated. His leadership in forming a series of labor committees to defend human rights in Central America, South Africa, and Northen Ireland is extremely impressive. Equally praiseworthy has been his consistent dedication to the growth of educational programs both here and in Israel. As acting Jewish chaplain in the U.S. Army and currently an officer of B'nai B'rith Lodge 2201, Bill Nuchow has been a supporter of the kibbutz movement since the founding of the State of Israel in May 1948.

As a worker on the waterfront, in auto plants, and as a driver in the streets of New York City, Bill Nuchow's contributions helped the labor movement to grow and to flourish. He came to the International Brotherhood of Teamsters in 1953 and rose to become the head of local 840, IBT, AFL-CIO, where he continues his outstanding record of accomplishments as a champion of the working people.

For his years of dedicated and humanitarian service, for his distinguished contribution to the trade union movement, for his selflessness in the cause of peace and justice, we take great pride in honoring Bill Nuchow.

GUADALUPE MOUNTAINS NATIONAL PARK

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1988

Mr. COLEMAN of Texas. Mr. Speaker, today I am introducing legislation which would modify the existing boundary of the Guadalupe Mountains National Park in west Texas.

The White and Red Sand Dunes, located adjacent to the park's western boundary, have long been recognized as having outstanding scenic, cultural, and scientific values.

Guadalupe Mountains National Park was authorized in 1966 (Public Law 89-667) to "preserve in public ownership an area in the State of Texas possessing outstanding geological values together with scenic and natural values of great significance." The 76,293-acre park is in a remote, sparsely populated area of west Texas, adjacent to the New Mexico State line. The park is located approximately 115 miles east of El Paso, TX, and 60 miles southwest of Carlsbad, NM.

The Guadalupe Mountains are significant for a combination of outstanding scientific and scenic resources. The primary feature is a portion of the Capitan Reef, one of the most extensive and significant fossil reefs in the world. The reef formed in the seas of the Permian period and was then uplifted to form a huge V-shaped plateau. The reef is especially unusual in that it was formed by algae rather than coral.

Adjacent to the west boundary of the park is an area of white gypsum and red quartzose dunes. The National Park Service and various private organizations and individuals have long been interested in preservation of these dunes. The State of Texas has identified them as a Texas natural landmark. The dunes contain unusual plant associations and rare species, including at least one eligible for Federal endangered species status. There are also numerous archeological sites. The dunes are of geologic interest and are being studied to show dune origins and migration patterns. With the sheer cliffs of the Guadalupe's as a background the dunes are often photographed for their scenic beauty.

Generally, the diversity of substrates in a comparatively small area—salt flats and grasslands to the west of the dunes, the gypsum dunes themselves, the Quartzose Dunes, and the Bajadas to the east—make the west side of the Guadalupe Mountains an excellent place to study transition zones, or edge effects, especially gypsum and nongypsum communities of plants and animals. Of these diverse habitats, only the Salt Flats are not represented within the park or the proposed addition.

The diverse geology and natural resources of the proposed addition are also of interest in regards to use of land and natural resources by prehistoric man. At least 20 archeological sites are known to occur within this area and a comprehensive survey is expected to reveal many more. The largest number and the most complex sites are similar in age to sites in the park and could be seasonal or functional activity areas of the same people. The period of largest population and greatest use was from about 2500 B.C. to about 1500 A.D.

Mr. Speaker, I commend this legislation to my colleagues and I urge their support for this initiative. The protection of these fragile and scenic acres is deserving of our attention.

EDUCATION IMPORTANT TO NATION'S FUTURE

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1988

Mr. COLEMAN of Missouri. Mr. Speaker, if the first task of our earliest communities was to establish the farms that would feed and support their people, the second task was very often the education of their children. It is remarkable that even in the poorest and most remote settlements of early America, the first public building after the church was usually a school house.

There is no more important element in achieving what we call the American dream than quality education. Now, more than at any time in our history, we must insure that all Americans have the opportunity to pursue and achieve their educational goals. We must insure that our educational system is not just accessible to all our citizens, but we must also insure that once in the system our citizens receive the best education in the world. We cannot be content with a system that permits us merely to survive with the mediocre if we expect to maintain the political and economic leadership of the free world and maintain our high standard of living.

Americans have always believed in the worth and ability of each American and in a form of government that encourages and promotes the best an individual can be.

We will best demonstrate that our country is the Nation of hope by seizing the initiative in the battle for educational excellence in America.

We can win that battle by expanding educational opportunity for thousands of youngsters from middle-income families, by emphasizing science in our classrooms, and by identifying and addressing areas of national educational need.

MAKING HIGHER EDUCATION MORE AFFORDABLE FOR MIDDLE-INCOME FAMILIES

In the years since 1980, the cost of attending a public college increased by 66 percent and now averages $4,500 a year. The average cost of attending a private school has grown by 63 percent to $11,000 annually.

Meanwhile, median family incomes increased by just 32 percent during the same time period. Middle-income families sending children to school are being squeezed. They are unable to meet rapidly escalating college costs.

The Family Educational Opportunity Act of 1988 is an effort to make Federal education loans and grants more accessible to the children of homeowners, small business owners, and farm families.

Today's financial aid formulas used to determine how much a family can contribute to a child's education include nonliquid assets—the family home, the family farm, and small business assets—in establishing need for assistance. Obviously, a farm family cannot sell a tractor or fertilizer to finance a child's education. Hence, what is happening is many middle-income families are excluded from receiving Federal financial aid.

My bill excludes the family home, farm, and business when determining eligibility for Pell Grants, student loan programs, and other Federal assistance.

Under the Family Educational Opportunity Act of 1988, an estimated 200,000 dependent students would be eligible for Pell Grants, the major Federal grant program for qualified students. Over 80 percent of the students benefited will have a family income of less than $40,000 annually; one-third will come from families with less than $20,000 in annual income.

Another 200,000 students could become eligible for guaranteed student loans. The majority of these would be families earning between $20,000 and $40,000 annually. It is this group of students which historically shown the greatest tendency to benefit from and repay college loans.

This legislation brings the financial aid program back into line with what Congress intended a generation ago when the loan and grant programs were first enacted.

SCIENCE EDUCATION IN OUR CLASSROOMS

According to the National Science Teachers Association, Soviet and Chinese students devote up to three times as many classroom hours to science as their American counterparts. At the time of graduation from high school the typical Soviet student will have taken 321 hours of biology, 323 hours of chemistry, and 492 hours of physics. The Chinese high school graduate will have 256 hours of biology, 372 hours of chemistry, and 500 hours of physics.

The typical American high school graduate will have had only 180 hours of classroom or laboratory work in each subject. Nearly all Soviet high school students take advanced science classes; just 21 percent of our high school students are enrolled in advanced biology, chemistry, or physics.

In an era when high technology plays an increasingly important role in virtually every aspect of our lives and when the work force must adjust rapidly to technological innovations and changes, America is increasingly in danger of becoming scientifically illiterate.

U.S. scientific research and development remains strong as does our engineering know-how, but we clearly cannot take our preeminence for granted. In addition to unprecedented international competition, severe internal stresses are eroding our scientific and engineering infrastructure. Additionally, science faculties in our universities are aging and retiring from the classroom and research lab. We need more teachers and professors, and we need them in numbers far above our current rates of replacement.

Our proposals should:

Develop a program to attract young people to teaching careers within the scientific and engineering communities.

Without teachers everything else fails. We cannot increase the number of hours a student spends in a classroom if there are no teachers available to guide studies.

Upgrade research facilities at our major universities. While States and their universities continue to invest in facilities, the best estimates show us that institutions are able to meet only half of their facilities needs.

Coupled with the burden of maintaining scientific research facilities is the increased cost of doing state-of-the-art research at the frontiers of science and education. As the nature of research has been revolutionized, costs have increased dramatically. Microelectronics research, which is key to our information and communications systems, for example, requires clean rooms with air 100,000 times as pure as the room we are in today. It requires floors that are virtually free from vibration. Modern chemistry and biology require special ventilation and waste disposal facilities. Research faculty and graduate students cannot do large-scale computations unless they have powerful "super computers" housed in climate-controlled rooms.

Today's universities need to modernize if they are to remain the hub of our Nation's research and development efforts.

Attract more people into careers as scientists and engineers.

By modernizing research physical plants, by placing more science teachers in classrooms, by working with local and State educational systems to increase the number of hours a child spends in science classrooms and laboratories, we will trigger the natural curiosity and hundreds of thousands of students, and start them on careers in science and engineering.

In 1957, a complacent United States was stunned by the announcement that the Soviet Union had launched what by modern standards was a crude, beeping satellite. The word *"Sputnik"* quickly worked its way into our vocabulary.

This Soviet success triggered a rethinking of the American educational system. "New math" landed in the classrooms; science classes were redesigned; and the Federal Government launched programs that enabled thousands of young Americans to pursue studies in science and technology-related fields. In little more than a decade, we had landed men on the Moon, completely overshadowing the initial Soviet advances in space.

Since then, we have become complacent again, taking for granted American leadership in science, engineering, and mathematics. After the 1969 landing on the Moon, we seem to have lost interest in technology while our competitors gained interest.

In 1986, for the first time in our history, the United States imported more high technology items than it exported. We have seen the number of patents awarded to foreign applicants grow from 19 percent of the 1963 total to 45 percent in 1986.

Unless we direct attention to our scientific and engineering communities, we can expect another surprise of far greater magnitude than Sputnik.

IDENTIFYING OUR EDUCATIONAL NEEDS

The deficiencies in our scientific and engineering communities can be corrected through the steps outlined above; however, the broader challenge facing this country and the Republican Party is to ensure that similar deficiencies do not develop in other areas.

Unless addressed now, we can expect to see a growing shortage of advanced degrees—Ph.D.'s—in key areas of science, engineering, mathematics, and other important fields.

Enrollment trends in our graduate programs, which form the backbone of our national research and development efforts, are alarming. In the last decade, foreign students have accounted for nearly 85 percent of the growth in full-time graduate enrollment in our doctorate-granting institutions.

As disturbing as this statistic is, more disturbing is that this trend is due primarily to the decrease in number of the bright, talented Americans pursuing graduate degrees in science, engineering, and other fields.

To encourage more American students to enter teaching and research careers, we must support fellowships in specific disciplines critical to our national interest. This program, "Graduate Assistance in Areas of National Need," provides grants to academic departments to encourage and support increased enrollment in critical sciences and other areas. These grants will, in turn, provide fellowships for up to 5 years of study for graduate students of superior ability who have financial need.

By focusing energies on specific academic areas critical to basic research, technological innovation and other areas of shortages, we take important steps in encouraging our students to become the scientists and engineers America will need in the 21st century.

The United States faces stiff competition for its longstanding first place status in the areas of political and economic leadership, and the competition will only increase as we approach the next century. Our current status was achieved through a commitment to access to and excellence in education. We must now seize the opportunity to look to the future needs of our country and shape our educational system so we may meet those needs for the remainder of this century and on into the 21st century.

HOUSE OF REPRESENTATIVES—*Friday, June 10, 1988*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious God, whose majesty is known in heavens above, whose power is seen in the whole created world, we pray that Your abiding spirit also will be real in our lives. May Your presence, which has been known from the foundation of the world, be experienced in each individual heart and soul. And may Your ever present spirit which nurtures us, forgives us, strengthens and empowers us, continue to give us that peace that is greater than all human understanding. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. INHOFE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. INHOFE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 223, nays 102, not voting 106, as follows:

[Roll No. 178]

YEAS—223

Akaka
Anderson
Andrews
Annunzio
Applegate
Archer
Aspin
Atkins
AuCoin
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boggs
Boland
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brown (CA)
Bruce
Bryant
Byron
Campbell
Cardin
Carper
Carr
Chapman
Clarke
Clement
Clinger
Coats
Coelho
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dorgan (ND)
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Fish
Flippo
Foglietta
Foley
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gilman
Glickman
Gonzalez
Gordon
Gradison
Grandy
Gray (IL)
Green
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harris
Hawkins
Hayes (IL)
Hayes (LA)
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kostmayer
LaFalce
Lancaster
Lehman (FL)
Lent
Levine (CA)
Lewis (GA)
Livingston
Lloyd
Lowry (WA)
Luken, Thomas
Manton
Markey
Martin (NY)
Martinez
Mavroules
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McEwen
McHugh
McMillen (MD)
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Nagle
Natcher
Nelson
Nichols
Nowak
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Packard
Patterson
Pease
Pelosi
Pepper
Perkins
Petri
Pickett
Rahall
Rangel
Ravenel
Rinaldo
Roe
Rowland (GA)
Roybal
Sabo
Savage
Scheuer
Sharp
Shumway
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (IA)
Smith (NE)
Smith (NJ)
Snowe
Spratt
St Germain
Staggers
Stenholm
Stokes
Stratton
Studds
Sweeney
Synar
Tallon
Tauzin
Thomas (GA)
Torricelli
Traficant
Udall
Valentine
Vento
Visclosky
Volkmer
Weiss
Weldon
Whitten
Wise
Wolpe
Wyden
Wylie
Yates
Yatron

NAYS—102

Armey
Baker
Ballenger
Barton
Bentley
Bilirakis
Bliley
Boehlert
Brown (CO)
Buechner
Burton
Callahan
Chandler
Coble
Coleman (MO)
Coughlin
Courter
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Edwards (OK)
Emerson
Fields
Frenzel
Gallegly
Gallo
Gekas
Goodling
Hastert
Hefley
Henry
Herger
Hunter
Hyde
Inhofe
Ireland
Kolbe
Lagomarsino
Latta
Lewis (FL)
Lightfoot
Lujan
Lukens, Donald
Madigan
Martin (IL)
McCandless
McDade
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Moorhead
Oxley
Pashayan
Penny
Porter
Pursell
Regula
Rhodes
Ridge
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Saxton
Schaefer
Schroeder
Schuette
Sensenbrenner
Shays
Sikorski
Skeen
Slaughter (VA)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stangeland
Stump
Sundquist
Swindall
Tauke
Upton
Vucanovich
Walker
Weber
Wheat
Whittaker
Wolf
Young (AK)

NOT VOTING—106

Ackerman
Alexander
Anthony
Badham
Bereuter
Biaggi
Bonker
Boulter
Brooks
Broomfield
Bunning
Bustamante
Chappell
Cheney
Clay
Dingell
Dixon
Donnelly
Dowdy
Downey
Duncan
Feighan
Flake
Florio
Ford (MI)
Gejdenson
Gephardt
Gibbons
Gingrich
Grant
Gray (PA)
Gregg
Guarini
Hammerschmidt
Hatcher
Hefner
Jacobs
Jeffords
Jones (TN)
Kemp
Kleczka
Kolter
Konnyu
Kyl
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Leland
Levin (MI)
Lewis (CA)
Lipinski
Lott
Lowery (CA)
Lungren
Mack
MacKay
Marlenee
Matsui
Mica
Moody
Morella
Murphy
Myers
Neal
Nielson
Oakar
Ortiz
Panetta
Parris
Pickle
Price
Quillen
Ray
Richardson
Ritter
Robinson
Rodino
Rose
Rostenkowski
Russo
Saiki
Sawyer
Schneider
Schulze
Schumer
Shaw
Smith (FL)
Solarz
Spence
Stallings
Stark
Swift
Taylor
Thomas (CA)
Torres
Towns
Traxler
Vander Jagt
Walgren
Watkins
Waxman
Williams
Wilson
Wortley
Young (FL)

☐ 1023

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1223. An act entitled the "Indian Self-Determination Amendments of 1987."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1212) "An act to prevent the denial of employment opportunities by prohibiting the use of lie detectors by employers involved in or affecting interstate commerce."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1539) "An act to amend the

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☐ **This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.**

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Federal Railroad Safety Act of 1970 and for other purposes."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 844. An act to exempt certain activities from provisions of the antitrust laws; and

S. 2057. An act to provide for the establishment of the Coastal Heritage Trail in the State of New Jersey, and for other purposes.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON RURAL DEVELOPMENT, AGRICULTURE, AND RELATED AGENCIES APPROPRIATIONS BILL, 1989

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for Rural Development, Agriculture, and related agencies programs for the fiscal year ending September 30, 1989, and for other purposes.

Mr. MILLER of Ohio reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 1989

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1989, and for other purposes.

Mr. MILLER of Ohio reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1989

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies, for the fiscal year ending September 30, 1989, and for other purposes.

Mr. MILLER of Ohio reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL, 1989

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for the Department of Transportation and related agencies, for the fiscal year ending September 30, 1989, and for other purposes.

Mr. MILLER of Ohio reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

REPORT ON H.R. 4781, DEPARTMENT OF DEFENSE APPROPRIATIONS, FISCAL YEAR 1989

Mr. MURTHA, from the Committee on Appropriations, submitted a privileged report (Rept. No. 100-681) on the bill (H.R. 4781) making appropriations for the Department of Defense for the fiscal year ending September 30, 1989, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. MILLER of Ohio reserved all points of order on the bill.

□ 1025

APPOINTMENT OF CONFEREES ON H.R. 4264, NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1989

Mr. ASPIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4264) to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

MOTION OFFERED BY MR. DICKINSON

Mr. DICKINSON. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

> Mr. DICKINSON moves that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill H.R. 4264, be instructed to expedite resolution of pending provisions for the realignment and closure of military installations to be recommended by the Secretary of Defense's Commission on Base Realignment and Closure similar to those provisions contained in the House Committee on Armed Services version of the bill ordered to be reported by the committee on June 8, 1988.

The SPEAKER pro tempore (Mr. HUGHES). The gentleman from Alabama [Mr. DICKINSON] is recognized for 1 hour.

Mr. DICKINSON. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, my motion to instruct I think is relatively simple. If I could have the attention of the Members I think they would probably agree.

If I might recount and put this in some perspective, there was last year an effort to pass legislation on the floor, introduced by the gentleman from Texas [Mr. ARMEY] that would give an expedited procedure to allow the Department of Defense to close certain bases. The bill narrowly failed to pass, and since that time the Department of Defense has come on board and decided to support it, and we on the Armed Services Committee have decided that it is a good idea and we too will support it.

Last week, as a matter of fact, on the date named on the motion to instruct, the Armed Services Committee did meet and did pass out a resolution to allow for expedited procedure for closing of military bases and consolidation of some bases. Prior to that, we had had a meeting some 6 weeks ago, as I recall, with other committees that were involved and interested in and had some part of the jurisdiction of the subject matter.

Mr. Speaker, a few weeks ago those who on other committees had a part of the jurisdiction of this matter came together with the members of the House Armed Services Committee and we met with the leadership of the House and the Speaker's representative was there, and we met with the chairman of the Rules Committee. We met with the chairman and ranking member of the Government Operations Committee and the chairman and ranking member of the Merchant Marine and Fisheries Committee and with the Rules Committee, and our committee and a representative from the Speaker's office, and we were assured that each of the subcommittees would be given an opportunity if we did not include this in our initial bill, each of the committees would be given an opportunity to have a hearing and that the bill would be reported out on the floor in time to go to conference with the Senate. We were told that it would not be a sequential referral, that it would be a simultaneous referral, and this has happened.

We met and we reported out a bill. I understand that the Government Operations Committee and the Merchant Marine and Fisheries Committee have also met and reported out their version, which is fine. There are some discrepancies or variances between the two, but these matters can be resolved.

But the important point, Mr. Speaker, is that the leadership represented, and we all agreed, that the bills would be reported out and we would have an opportunity to debate.

We are presently, at this moment, in conference with the Senate, and if we are to have any portion of this bill that would provide for the expedited closing of bases and consolidation thereof included in our conference, it is imperative that the leadership live up to our agreement and give us a day on the floor this coming week to debate and pass whatever form of legislation, or turn it down, if that may be the case, before we conclude conference with the Senate. We only have a matter of a few days for everybody to act in good faith and live up to the agreement.

My motion to instruct conferees is not binding. It simply says that we, the House, instruct the Armed Services conferees to support an expedited procedure similar to, without going into any detail, similar to that bill that we reported out of our committee just a few days ago. It is common sense. We are going by the agreement that we made. We do not want to be bound by what is in the Senate bill. The Senate has it in their bill, and it is a conferenceable item.

What we would like to do is be able to take our version of the bill into conference and not be bound by just what is in the Senate bill, because if we have a version and they have a version, it is all open for negotiation and conferencing. If we do not, then only the Senate version would be in conference and we would be bound by it, and I rather doubt that we could pass the conference report if all we had to consider when we came back was a version of what the Senate handed us.

For that reason, it is more of a gesture than anything else, but I would like for the House to instruct our conferees to go forward with the expedited procedure and to support in principle at least what we did in the Armed Services Committee so that we could at least have a day on the floor next week, get a bill to go to conference with before we finish with the Senate, because let me point out, Mr. Speaker, and this is very important, the clock is running, and it is going to take some time for this all to occur.

We have the July 4 break, then we have the Democratic Convention and then we have the Republican Convention. These all take time out of our schedule.

The bill as it is set up would require the commissions that are set up to report back in December. If we do not get on with the early disposal of this business before July 4, if we have to wait until after July 4 to do what I am urging us to do now, there is no way that we can do it without the administration and the leadership of both sides just preempting all legislative tracks and saying we will take this up expeditiously. I do not think that is going to happen, so the purpose of my motion to instruct is to urge on the leadership to live up to the agreement we had. Let us bring our bill to the floor next week, debate it, take our product to the conference before we finish next Friday with the Senate. Then we will have something that is conferenceable. It might not be the final shape of the House or Senate bill, and it probably will not be, but at least we will have done the best that we could do to get an expedited procedure according to the agreement.

So I would urge the Members to support this.

Mr. ASPIN. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Speaker, if I could respond to the gentleman in the well, I am in total accord with what the gentleman in the well is trying to do, and indeed I am in support of his motion here and I intend to vote for his motion.

I think the gentleman in the well is absolutely correct. We do need to pass base closing legislation this year, and I think that the bill that we have worked out and voted out of the House Armed Services Committee is exactly the way we ought to do it.

We would like to be able to deal with this issue in a conference with the Senate. In order to do that and have it in a conference with the Senate we need to vote on it on the House floor. I know that is going to be a matter of some concern, and the ability to schedule that is going to be difficult. But I think the gentleman in the well is right. I think the substance of what we are trying to do in this base closing legislation is right. I think the gentleman's motion to instruct here is right and I intend to support the motion to instruct.

Mr. DICKINSON. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas [Mr. ARMEY], the principal architect of this amendment, to explain his support of this motion.

Mr. ARMEY. Mr. Speaker, I would like to thank the distinguished ranking member of the Armed Services Committee, Mr. DICKINSON, for yielding me this time, and I would like to support his motion to instruct. I would like to also express my appreciation.

Mr. Speaker, this work product that we call base closing has been a long time in making. I have studied on this process for some time, and of course it is no secret that it is a difficult problem that we have here to solve, and because of the difficulty of this problem many, many good people have worked on the problem.

Mr. Speaker, it is a rather curious circumstance that makes it necessary for us to have a motion to instruct our conferees at this time, and in particular what I refer to is the rather rare circumstance where Members of the other body completed their work on a bill prior to this body. That does not happen very often. But because it did happen, it was impossible really for the Armed Services Committee as they did in fact consider the Armed Services authorization, the DOD bill, earlier this year to go forward at that time with an amendment that was proposed, and still afford everybody in this body that did have a legitimate jurisdictional concern and a right to be involved their full involvement.

□ 1040

I would suggest now that we have had four hearings on this bill, not only in the Committee on Armed Services but also in Committee on Government Operations. There are now two, what should I say, revised work products from 4481, that with which we began the process, one coming out of the Committee on Armed Services and another coming out of the Committee on Government Operations. Both of these work products reflect a great deal of hard work by members of both of these committees and both, I think, can be a clear message to our conferees regarding what is the House's role with respect to base closing.

In both cases the essential concept of the base closing commission, coupled with the authority to recommend bases for realignment and waiver of certain legislation within a certain constrained time period; in both cases the Committee on Armed Services and the Committee on Government Operations have reported out bills that are essentially an endorsement of that fundamental concept. Certainly there are refinements and differences, not all of which do I agree with, but much of which I can find fully acceptable.

What I think we have here with this motion to instruct offered by the distinguished gentleman from Alabama and supported by the distinguished chairman, the gentleman from Wisconsin, is a message to our conferees that the House has a will to go forward with this process and they ought to go into the conference and resolve the legislation.

I might say that it is possible, I think probably improbable and certainly very difficult for us to move the legislation reported out of either the Committee on Armed Services last week or the Committee on Government Operations within the context of all we have to do. I would like to believe that if we get a good vote on this motion today that we in the House can arm our conferees in the Department of Defense authorization conference with the message that we do want to go forward, we do want them to join with our colleagues in the other body, resolve the differences between these two provisions of the bill and work out a final work product that will allow us to move forward and eliminate waste and inefficiency in military spending.

I think this is our opportunity today on this resolution on this movement; we have our opportunity to make a singularly outstanding vote for good government, the elimination of inefficiency, the elimination of waste and movement of a process of legislation that involves those key people in both bodies with good input and ample opportunity for input of all the Members of this body.

Mr. Speaker, I would encourage all my colleagues to vote "yes" with enthusiasm, on this motion.

Mr. DICKINSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in conclusion just let me say that this is really a part of a two-part step. We are instructing the conferees now and we are urging on the leadership to live up to the agreement that we had to give us a vote next week so that we will have a product for us to take to the conference to follow the direction and dictates of the House to support this legislation.

So we are asking first an affirmative vote here and hopefully we will schedule a time next week for deliberation and debate of the bill itself, taking into account the Government Operation objections, the Merchant Marine and Fisheries version, to come together with a unified agreement and opinion within the House.

That will be taken to conference in the Senate next week and I think we will come up with a good bill.

Mr. Speaker, I have no more requests for time, I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The **SPEAKER** pro tempore. (Mr. HUGHES). The question is on the motion to instruct offered by the gentleman from Alabama [Mr. DICKINSON].

The motion to instruct was agreed to.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The **SPEAKER** pro tempore. The Chair will delay the appointment of conferees until the Speaker returns to the Chair.

MOTION OFFERED BY MR. ASPIN

Mr. ASPIN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ASPIN moves that pursuant to rule XXVIII 6(a) of the House rules, the conference committee meetings between the House and the Senate on H.R. 4264, the fiscal year 1989 Department of Defense authorization bill, be closed to the public at such times as classified national security information is under consideration: *Provided, however,* That any sitting Member of Congress shall have the right to attend any closed or open meeting.

The **SPEAKER** pro tempore. The gentleman from Wisconsin [Mr. ASPIN] is recognized for 1 hour.

Mr. ASPIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have no requests for time on this issue. It is the standard requirement that we do have a vote on this matter. The House rules require that we have a recorded vote on the issue of whether the House shall be allowed to go into a closed session on the authorization conference bill, and it is important that we be able to meet in closed session because we do discuss classified information in that conference.

So, Mr. Speaker, I request an "aye" vote on this issue.

Mr. Speaker, I yield back the balance of my time.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from Wisconsin [Mr. ASPIN].

Under the rule, the vote must be taken by the yeas and nays.

The vote will be taken by electronic device.

The vote was taken by electronic device and there were—yeas 330, nays 0, not voting 101, as follows:

[Roll No. 179]

YEAS—330

Akaka
Anderson
Andrews
Annunzio
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Burton
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
DioGuardi
Dornan (CA)
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Fields
Fish
Flippo
Foglietta
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gekas
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Gray (IL)
Green
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harris
Hastert
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kolbe
Kostmayer
LaFalce
Lagomarsino
Lancaster
Latta
Lehman (FL)
Lent
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Livingston
Lloyd
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Madigan
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Oxley
Packard
Pashayan
Patterson
Pease
Pelosi
Pepper
Perkins
Petri
Pickett
Porter
Pursell
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Ridge
Rinaldo
Roberts
Rodino
Roe
Rogers
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Sabo
Saiki
Savage
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Sensenbrenner
Sharp
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stangeland
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swindall
Synar
Tallon
Tauke
Tauzin
Thomas (GA)
Torricelli
Towns
Traficant
Udall
Upton
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)

NAYS—0

NOT VOTING—101

Ackerman
Alexander
Anthony
Badham
Barton
Bereuter
Biaggi
Bonker
Boulter
Brooks
Broomfield
Bunning
Bustamante
Chappell
Cheney
Clay
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy

Duncan
Feighan
Flake
Florio
Foley
Ford (MI)
Gejdenson
Gephardt
Gibbons
Grant
Gray (PA)
Gregg
Guarini
Hammerschmidt
Hatcher
Hefner
Jacobs
Jeffords
Jones (TN)
Kemp
Kleczka
Kolter
Konnyu
Kyl
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Leland
Levin (MI)
Lewis (CA)
Lipinski
Lott
Lowery (CA)
Lungren
Mack
MacKay
Marlenee
Matsui
Mavroules
Mica
Michel
Moody
Murphy
Myers
Nielson
Oakar
Ortiz
Panetta
Parris
Penny
Pickle
Price
Quillen
Richardson
Ritter
Robinson
Rose
Rostenkowski
Russo
Sawyer
Schulze
Schumer
Shaw
Smith (FL)
Spence
Stallings
Stark
Swift
Taylor
Thomas (CA)
Torres
Traxler
Vander Jagt
Watkins
Waxman
Williams
Wilson
Wortley
Young (FL)

□ 1117

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SURGEON GENERAL'S WARNING: NICOTINE IN CIGARETTES IS AN ADDICTIVE DRUG

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, today I am introducing legislation to require a new, permanent warning label on cigarette packages and advertising.

This label would read:

Surgeon General's warning: nicotine in cigarettes is an addictive drug.

The new, permanent warning label would be in addition to the current four rotating labels.

Surgeon General Koop's most recent report verifies the scientific evidence that nicotine in cigarettes is addictive.

Cigarette smoking is responsible for more than 300,000 deaths each year. It is the main avoidable cause of death in our society.

Congress has the responsibility to warn both smokers and potential smokers that before becoming a statistic, they'll become an addict.

I hope my colleagues will join me in battling one of the most commonly used drugs in America—nicotine.

This legislation has the support of the American Heart Association, the American Cancer Society, and the American Lung Association.

LEGISLATIVE SCHEDULE

(Mrs. MARTIN of Illinois asked and was given permission to address the House for 1 minute.)

Mrs. MARTIN of Illinois. Mr. Speaker, I have asked for this time for the purpose of learning what the schedule will be for next week.

Mr. Speaker, for that purpose I yield to the gentleman from California [Mr. Coelho], the majority whip.

Mr. COELHO. Mr. Speaker, I thank the gentlewoman from Illinois [Mrs. Martin].

On Monday next we will meet at noon, and we have 12 bills on the Suspension Calendar. They are as follows:

H.R. 2701, Natural Gas Policy Act amendments;

H.R. 2884, Uniform Regulatory Jurisdiction Act;

H.R. 4065, Federal Energy Management Improvement Act;

H.R. 4158, National Appliance Energy Conservation Act amendments;

H.R. 2794, Geothermal Steam Act amendments;

H.R. 3070, PCB Regulatory Improvement Act;

H. Res. 464, to commend the President for his efforts on behalf of human rights while at the Moscow summit;

H.R. 1841, Fishing Vessel Compensation Safety Act amendments;

H.R. 3617, Coushatta Tribe of Louisiana Judgement Distribution Act;

H.R. 4731, to extend the Work Incentive Demonstration Program;

H. Res. 224, to express the sense of the House regarding the importance of working women to our economy; and

H. Res. 261, to express the sense of the House regarding Hispanics in the labor market.

Mrs. MARTIN of Illinois. Mr. Speaker, reclaiming my time briefly, the Members should look closely at the schedule. Members should be aware that some of them may or may not be to a Member's liking.

Mr. COELHO. If the gentlewoman will continue to yield, that is correct.

The recorded votes on suspensions will be postponed until Tuesday.

On Tuesday we will meet at noon and we will consider H.R. 4775, the Treasury, Postal Service, General Government appropriations. Then we will do the recorded votes on the suspensions from Monday.

On Wednesday, June 15, we will meet at 10 a.m. and do the Labor-HHS appropriations.

On Thursday we will meet at 10 a.m. and do the Agriculture appropriations.

On Friday we will not be in session. Of course we need to alert the Members that conference reports could be brought up at any time during the week as well.

Mrs. MARTIN of Illinois. Mr. Speaker, if we were to reprise for the Members, we have finished voting for today, there will be no recorded votes on Monday, although there will be debate on suspensions.

Mr. COELHO. We cannot guarantee there will be no recorded votes on Monday because somebody could ask for approval of the Journal or something like that. It is not anticipated.

Mrs. MARTIN of Illinois. They are not anticipated nor should Members anticipate votes on Friday if they wish to make their schedules.

Mr. COELHO. On Friday we will not be in session, so there will not be any votes on Friday next.

Mr. CRANE. Mr. Speaker, will the gentlewoman from Illinois yield to me?

Mrs. MARTIN of Illinois. I am happy to yield to the gentleman from Illinois [Mr. Crane].

Mr. CRANE. Mr. Speaker, I thank my distinguished colleague the gentlewoman from Illinois for yielding and I want to make one point, and I am not sure that I am by any means the only one, but I had made a commitment that goes back over a year and because we were told about this heavy voting schedule on Thursday and Friday of this week I had to cancel it.

The fact of the matter is we had an inconsequential bill that came up yesterday in terms of controversy, and why we could not have scheduled that for Wednesday night, and why this drill we just went through this morning could not have been scheduled for Wednesday night as well eludes me.

The fact of the matter is this one vote we had was unanimous. Then earlier today we had our attendance vote.

Why could we not have made these determinations in advance? The fact of the matter is I know we had to vote today because there was promised a vote today, but the truth of the matter is it creates hardship. Fully one-fourth of our Members had the good sense not to stick around today and they fulfilled the commitments that they had made. For goodness sake, I would appreciate it, and I know everybody on both sides of the aisle would, if we could have a little bit more good old-fashioned horse sense incorporated into the way we are running our affairs and make our plans accordingly, and not have to rearrange schedules when long-term commitments have been made.

Mr. Speaker, I appreciate the gentlewoman from Illinois [Mrs. Martin] yielding.

Mrs. MARTIN of Illinois. Mr. Speaker, I appreciate the remarks of the gentleman from Illinois [Mr. Crane]. Regrettably I am not in charge of the schedule, but I would be happy to yield to the gentleman from California [Mr. Coelho] whose party is.

Mr. COELHO. Mr. Speaker, I would be happy to answer the gentleman from Illinois [Mr. Crane].

As the gentleman from Illinois knows, there were appropriations bills scheduled for this week, but because of the budget problems we could not bring them up this week, and we have resolved that problem and they will come up next week.

Second, we have had the House on notice that there would be votes on last Friday and this Friday. We have also put the House on notice for the months of May and June just exactly when we would be here, and I do not think we are asking too much of Members to be here on only two Fridays in a 2-month period.

Obviously, when we put together a schedule we cannot always know whether or not the budget process is going to be completed or not, and we made decisions accordingly. We have given advance notice and I think most Members appreciate that. That is what we need to have.

Mr. CRANE. Mr. Speaker, will the gentlewoman yield further?

Mrs. MARTIN of Illinois. I am happy to yield to the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. I have a question of my good friend, the gentleman from California [Mr. COELHO]. The truth is we were notified last week that we would be in session and we would be voting on Wednesday, Thursday, and Friday of this week. My only point is on a day like this had the membership had a warning, I would have been with one-fourth of this body that did not stick around here today foolishly to go through this drill and I would have made my longstanding commitment that I changed and altered at the 11th hour to the chagrin of myself and to the injury of a lot of people, because they had programs printed up. If the leadership could simply let us know that it is going to be a frivolous schedule and things that were only sitting around would be voted on simply because a promise was made that we would be voting on Friday, and that we better be here, this kind of consideration is what I think all of us would appreciate and that includes both sides of the aisle.

Mr. COELHO. Mr. Speaker, will the gentlewoman from Illinois [Mrs. MARTIN] yield?

Mrs. MARTIN of Illinois. I yield to the majority whip.

Mr. COELHO. The gentleman from Illinois [Mr. CRANE] knows it is difficult to always anticipate these things and as the gentleman from Illinois knows, when we have changes in the schedule, and we have not had votes, there have been individuals in the House who have gotten up and gotten upset because we had votes scheduled for a particular day, and because there was no business that we then did not have any votes.

It seems to me that it is difficult to please Members on your side of the aisle, if I can be so blunt and honest, because when we do say there are votes and then there are not and we do not, Members on your side of the aisle get upset. When we say that there are and we do have votes, Members on your side of the aisle say they are not important enough.

I think that if the gentleman were to look at the schedule of yesterday, we had warned Members what would be up today and some Members decided that the votes were just not that important. That decision could have been made anytime yesterday morning starting at 10 a.m. and Members could have made decisions including the gentleman from Illinois. But I understand. It is unfortunate that we have conflicts and other pressures but we are elected to be here in this body and I think we do a decent job of trying to accommodate Members when we are only here 3 days a week.

Mr. CRANE. If the gentlewoman from Illinois will continue to yield for one final observation, once the leadership made the determination that Thursday and Friday were washouts and the only reason we were going to have the one vote we had yesterday was to fulfill a promise, and the only reason we had the one vote, outside of the attendance vote today, was to fulfill a promise and we are out by 11 a.m. on Friday, we were out by noon on Thursday, if the leadership could have just let us know some of us could have caught a plane out of here on Wednesday night and obviously some did. I am not blaming the gentleman from California [Mr. COELHO] because I know he did not control this, but I really wish that we could try and get a little better organization in making these determinations.

Mrs. MARTIN of Illinois. Mr. Speaker, reclaiming my time, I assure the gentleman from California [Mr. COELHO] that we would not cause him distress, so if he has such difficulty with the schedule, I guarantee that we would be happy to do the scheduling from this side of the aisle to try and meet the objections of the Members on both sides.

Mr. COELHO. Mr. Speaker, will the gentlewoman from Illinois yield?

Mrs. MARTIN of Illinois. I yield to the gentleman from California [Mr. COELHO].

Mr. COELHO. Of course, you would like to do everything that the majority does, but unfortunately for you every 2 years the general public does not decide that you should do that.

Mr. Speaker, I would like to clear the record, the gentleman from Illinois [Mr. CRANE] said that we just arbitrarily scheduled a vote for today. The facts are that we are required to do a public vote if we are going to go into closed session. So the vote today is not something that was arbitrarily done. We are required to do it.

Mrs. MARTIN of Illinois. Although certainly the gentleman from California is not suggesting that that vote could not have been made yesterday. I just want to be clear, on behalf of the gentleman from Illinois [Mr. CRANE] and from my side of the aisle. The gentleman from Illinois [Mr. CRANE] was not in any way regretting being here to vote. He was merely suggesting that votes could be accumulated in one time and that we have gotten ourselves, we in this case being you, into a bit of a muddle. Certainly our side understands and we try to be as patient as we can with the difficulties that the gentleman from California [Mr. COELHO] so often may find himself.

Mr. BARTLETT. Mr. Speaker, will the gentlewoman from Illinois yield?

Mrs. MARTIN of Illinois. Mr. Speaker, I yield to the gentleman from Texas [Mr. BARTLETT].

□ 1130

Mr. BARTLETT. Mr. Speaker, I thank the gentlewoman for yielding.

My question is on a very, very substantive issue, that in which the process for consideration of that issue, the issue is the consideration of the minimum wage bill, H.R. 1834 is most unclear to Members of both sides of the aisle. There have been some informal indications now for several weeks that the following week, the week following next week, the week of June 20, only 10 days from today, would be the week in which H.R. 1834, the minimum wage bill, will be considered. That legislation has been reported out of the Committee on Education and Labor for several months, and it does seem to me, and in fact there seems to be a great deal of change in what the legislation may look like when it comes to the House floor. It does seem to me, since the Committee on Rules sent a rather extraordinary letter to the House membership requesting, on April 12, that Members submit their amendments in advance to the Committee on Rules, a procedure which on this kind of legislation had never before been done, Members then did do that, and it seems to me the thing to do is to notify Members at this point whether minimum wage will be up on the House floor the week after next, if, in fact, that is the intention of the leadership. I think it would be of a great deal of help to Members on both sides of the aisle, particularly the gentleman from California's side of the aisle, and I wonder if the gentleman could enlighten us on the prospects for minimum wage legislation the week of June 20.

Mr. COELHO. Mr. Speaker, will the gentlewoman yield?

Mrs. MARTIN of Illinois. I am happy to yield to the gentleman.

Mr. COELHO. The gentleman from Texas, we at this point have not made a decision as to whether or not it will be brought up week after next. It will not be brought up next week. It is under consideration, but no decision has been made.

Mrs. MARTIN of Illinois. Reclaiming my time, we have had another request from a Member of our side of the aisle who has asked if the gentleman from California, the majority whip, could comment about whether next week would also have on the schedule, or at least anticipate, the base-closure legislation.

Mr. COELHO. Will the gentlewoman yield?

Mrs. MARTIN of Illinois. I am happy to yield to the gentleman.

Mr. COELHO. I am informed that we have not heard from the committee yet as to when they will be ready to go. Of course, when they alert us that they are ready to go, we would bring it up, but there is nothing anticipated at this point. We cannot say until the committee comes back to us.

Mrs. MARTIN of Illinois. Reclaiming my time, so we could tell a Member that that schedule could change right now, that no Member of leadership has a precise schedule for that?

Mr. COELHO. Mr. Speaker, will the gentlewoman yield?

Mrs. MARTIN of Illinois. I am happy to yield to the gentleman from California.

Mr. COELHO. We will give you advance notice obviously when we know that, so we are not trying to——

Mrs. MARTIN of Illinois. Reclaiming my time, thank you, and I am sure the Members appreciate it.

Mr. BARTLETT. Will the gentlewoman yield?

Mrs. MARTIN of Illinois. I am happy to yield to the gentleman from Texas.

Mr. BARTLETT. I want to make sure I understand. Did the gentleman from California say that the minimum wage legislation may or may not be up week after next? I think that the leadership should give the House some kind of notice on more than a week in advance when legislation of that magnitude will be on the floor. Will it be up week after next or not?

Mr. COELHO. Will the gentlewoman yield?

Mrs. MARTIN of Illinois. I am happy to yield to the gentleman.

Mr. COELHO. The gentleman heard me correctly.

Mr. BARTLETT. Will the gentlewoman yield?

Mrs. MARTIN of Illinois. I am happy to yield to the gentleman.

Mr. BARTLETT. Will the gentleman from California tell us, if he will not tell us when minimum wage would be on the House floor, will he tell us when he will tell us when minimum wage will be on the House floor?

Mr. COELHO. Will the gentlewoman yield?

Mrs. MARTIN of Illinois. I am happy to yield to the gentleman.

Mr. COELHO. Generally, what we do is we announce the schedule a week in advance. That is what I am doing, announcing the schedule next week. We will announce the schedule for the following week next week, and we will, as soon as the decision is made, alert the other side of the aisle, and we will be happy to alert you prior to the formal notification that we do here on the floor, but the decision to proceed or not to proceed has not been made. Until then, we do not announce it. We get criticized, as the gentleman who was standing at the microphone, when we announced that we are going to do something and then we do not. We get criticized when we do not announce something and we do. It seems to me that it is best to be prudent and only announce what one knows they are going to do when they are going to do it. That is what we are doing.

Mr. BARTLETT. Will the gentlewoman yield?

Mrs. MARTIN of Illinois. I am happy to yield to the gentleman.

Mr. BARTLETT. I have a related question then: If the House then will perhaps only have a week's notice on the consideration of the legislation, additional informal information has it that the minimum wage bill may for the first time in the history of minimum wage, may well be brought to the House floor under a closed rule. It has been considered by this Congress seven times since 1938; six of those seven it has been an entirely open rule. The seventh time was in 1955 in which the rule did permit any amendment on rate. Related to that is whether the minimum wage legislation that comes to the House floor, whether the final legislation will look like the way it came out of committee or whether it will be changed. If it is changed, when would the House membership know what the legislation looks like, and what amendments would be in order? It seems to me to be a fair question as to what the rule will look like.

Mrs. MARTIN of Illinois. I am happy to yield to the gentleman from California to give an answer if he can to the excellent question of the gentleman from Texas.

Mr. COELHO. The gentleman from Texas knows that a decision has not been made on when to bring the legislation up, and obviously the matter has not been referred to the Committee on Rules for a decision, which would make that decision, and I would highly doubt that the Committee on Rules would give this bill a closed rule as the gentleman seems to imply.

Mrs. MARTIN of Illinois. Reclaiming my time, I thank the gentleman from California. Again, we offer our help in scheduling these important bills so that Members would have notification, and we thank him for his input to the schedule.

Mr. COELHO. Will the gentlewoman yield?

Mrs. MARTIN of Illinois. I am happy to yield to the gentleman.

Mr. COELHO. We will make that decision in November 1988.

Mrs. MARTIN of Illinois. Reclaiming my time, we hope the American people will respond.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. COELHO. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. KOSTMAYER). Is there objection to the request of the gentleman from California?

There was no objection.

ADJOURNMENT TO MONDAY, JUNE 13, 1988

Mr. COELHO. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday, June 13, 1988.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PEACE WITHOUT DEMOCRACY IN NICARAGUA

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, the goal of the Sapoa agreement of March 23 of this year was to bring peace and democracy to Nicaragua. However, after months of negotiation, the agreement is in shambles because of Sandinista intransigence.

Last week in a meeting with congressional leaders, Alfredo Cesar stated the negotiators had reached agreement on six items, but had failed to agree on three additional points. Without agreement on all nine points, they would not sign a final settlement.

The Sapoa agreement called for unrestricted freedom of the press, a 60-day truce beginning April 1, and negotiations between the Sandinistas and the opposition. It mandated the isolation of Contra forces into zones within 2 weeks, conditional upon an agreement on a humanitarian aid resupply system.

Although the resistance force zones were agreed to in late March, political prisoners are not being released. In fact, the number is increasing with Sandinista crackdowns on labor and internal political leaders.

The Sapoa agreements have been further violated by the suspension of news broadcasts by the Sandinista government.

Mr. Speaker, I urge this House to wake up and take notice of Sandinista lies and broken promises. Continuing on the current course will destroy the resistance and cement totalitarian rule in Nicaragua. And, we have only ourselves to blame.

CONGRESS CANNOT TOLERATE MURDER IN AMERICA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Arthur Gary Bishop was executed last week in Draper, UT. Bishop was convicted of murdering five boys ranging in age from 4 to 13 years.

Bishop was the 99th murderer executed since the Supreme Court lifted the moratorium on the death penalty.

Bishop said, and I quote that he was willing and anxious to die; he was guilty. His last words were, in fact, to send his regrets to the families of his victims.

Words are not enough. No words will bring back those five boys nor soften the pain and the blow to their families. That execution was appropriate. It was right.

Congress cannot tolerate murder in America. Anyone who murders another in cold blood should be put to death and Congress should pass an omnibus capital punishment law. Failing that, we will continue to watch our world war III, murder in America, on the 6 o'clock news.

Mr. Bishop met a fitting end.

TIME TO LEARN A LESSON, MR. SPEAKER

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, you are responsible for how the House works or doesn't work. It's not working, at least not very well.

Today we had a floor session, with two votes, that 99 percent of the Members know was unnecessary.

We could easily have considered yesterday what we considered today and finished all our floor work by 2 o'clock yesterday afternoon. In fact we could have done the entire week's floor work on Wednesday and completed everything by dinner time.

Members have many more responsibilities than coming to the floor—responsibilities here in Washington and responsibilities back home. We would appreciate a little better management of the floor schedule with some understanding by the floor leader that we have other responsibilities and we have families that deserve some of our time as well.

Why can't you and your leadership team get things together, Mr. Speaker?

If I had to give you a grade for floor management for the 100th Congress, Mr. Speaker, I'd have to give you a D minus and assign you to remedial leadership training.

□ 1140

BANKING REFORM AND COMMUNITY BENEFITS ACT OF 1988

(Mr. RIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIDGE. Mr. Speaker, earlier this week I introduced legislation that I believe is a reasonable approach to granting banks new securities and insurance powers and, at the same time, assuring that middle- and low-income segments of the community will reap additional benefits.

You may ask, "Why another banking bill?" Since more than a dozen banking bills—including an earlier one of mine—have been introduced in this 100th Congress addressing the issues of new bank powers and consumer benefits, that is certainly a valid question.

It is precisely because not one of these earlier bills has gained broad support, that I introduced yesterday the Banking Reform and Community Benefits Act of 1988.

I believe that my bill follows our original goal of reclaiming for Congress control over the securities activities of banks while keeping in mind the current competitive environment in the financial services industry. In light of these concerns, I am proposing that banks immediately be allowed to conduct several new securities activities, but leave to some later date the underwriting of corporate equities.

Because of the longstanding and widespread concern about banks offering a variety of insurance products and services, I have also included an insurance provision that would let the individual States decide what insurance activities are appropriate for State banks. I believe that this decision is properly left to the States.

Although consumers are bound to benefit from the added competition provided by banks in the securities and insurance markets, I think that banks with the capacity to expand into the securities business should also provide additional community benefits. Furthermore, these benefits should meet established standards and be subject to periodic review.

I believe my bill provides a reasonable approach to breaking down the barriers of Glass-Steagall, allowing States to take the lead in banks' insurance activities, and providing consumers with meaningful new benefits. Therefore, I look forward to widespread support from the House in taking responsibility for the future of our Nation's banks. Let's not leave to the courts and the regulators critical decisions about new bank powers.

REFORMING THE FEDERAL FINANCIAL MANAGEMENT

(Mr. HOUGHTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOUGHTON. Mr. Speaker, I rise in support of the House Republican Research Committee report on reforming the Federal financial management.

Seeking to reform a process is not the most exciting thing in the world. But there is hardly anyone out there in this country who does not feel that our financial management is out of control. Some say it is not the process. Some say it is the will of the individual.

But when we look at an institution in which the national debt has increased 3 times in 10 years and we are running a deficit of approximately $150 billion, I repeat billion a year, and foreign investors may be in a position soon to force interest rates up again, something is clearly wrong. I personally do not think it is too bright to have a system which has over 300 separate, incompatible accounting systems and permits surprises such as the $11 billion bailout of the Federal Savings and Loan Insurance Corporation.

Keeping sloppy books is not a good way to run this country.

LAKERS AND PISTONS—CALIFORNIA GRAPES AND MICHIGAN CHERRIES

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, today I would like to call attention to a soon to be realized athletic achievement par excellence. The achievement of which I speak is the pending back-to-back NBA Championships of the Los Angeles Lakers, something which no other team since 1969 has accomplished. Not since the days of the old Celtic dynasties has the world witnessed such an occurrence.

While most of the country considers another Laker championship a foregone conclusion, my good friend and colleague from Michigan DENNIS HERTEL, has made a noble, yet futile, gesture of loyalty to the outclassed and undermanned squad from his home State, the Detroit Pistons. Mr. HERTEL and I have a bet—probably the only sure bet of my life. In the unlikely event that the Pistons win the championship, I will present Mr. HERTEL with a case of red flame seedless California grapes. In the more likely event that the Lakers win, Mr. HERTEL will present me with a case of Michigan cherries. In some ways, I feel as if I will be taking candy from a child.

The Pistons are no match for the Lakers, who are poised, talented and experienced. At the end of the series, I invite my colleague over for cherries jubilee.

THE SANDINISTAS CONTINUE TO FAIL TO LIVE UP TO THEIR PROMISES

(Mr. INHOFE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INHOFE. Mr. Speaker, cease-fire talks between the Sandinistas and the Nicaraguan resistance broke off yesterday as a result of the Sandinistas' continued refusal to democratize.

Three times in the last 10 months the Sandinistas have promised to make democratic reforms. Yet the sticking point at the cease-fire talks this week was a timetable for implementing their promises.

The Sandinistas have shown time and again since 1979 that they break promises as easily as they make them. They will promise anything that they think will serve their purpose, but refuse to commit themselves to a timetable that would force them to live up to their promises. They have stalled long enough.

It is time for this Congress to wake up and realize that the Sandinistas are not interested in democratic reforms that might weaken their control over the levers of power. They are not democrats. They are dictators. The only way they are going to democratize is if their only alternative is total loss of power. Without an armed resistance, that alternative will not exist, and the Sandinistas will never make more than cosmetic democratic reforms. It is time for this Congress to vote to resume military aid to the Nicaraguan resistance.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MACKAY] is recognized for 5 minutes.

Mr. MACKAY. Mr. Speaker, due to a previous commitment I missed several votes. Had I been able to vote, I would have voted for approval of the Journal and for the motion to instruct conferees on H.R. 4264.

I appreciate having this opportunity to state my position on these measures.

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise to continue the subject matter under discussion as of June 3 last week, and it has to do with probably the most pressing, acute, and serious issue ever to confront the American Republic and its people.

I have been entitling these discussions in a general way as "My Advice to the Privileged Orders," and that caption to those who will be examining the CONGRESSIONAL RECORD after it is printed tonight may arouse some curiosity. In order to bring some relationship, or semblance of coherency and explanation, I will repeat what I have since originally entitled my discussion quite a number of years ago by that descriptive phrase "My Advice to the Privileged Orders." It is based on the exact title of a great Revolutionary hero who was both chaplain to Gen. George Washington during the Revolutionary War as well as a very distinguished man of letters and pamphleteer. He was in my opinion not only a coequal but in many respects a far more profound thinker of the day, and certainly equal to and could equal his contemporary, Tom Paine, whom history has dealt with a lot more generously and of whom we read in American history a lot more compared to Joel Barlow, who was also quite a poet, a literary intellect of the first order.

His essays he entitled "My Advice to the Privileged Orders of Europe," because we must remember that our country was founded in revolution. This is a word that frightens everybody today, and it is the reason why as we have metamorphosed from a revolutionary society leading in the vanguard of liberty we have retrogressed into one of the most conservative, in fact reactionary forces in the world, so many times attempting in disregard to our own history to uphold rotten, imposed, tyrannical regimes and have forgotten the source of and the fountainhead and the origins of our own history and our own Republic.

I constantly remind all who bother to listen, particularly in my district, that the most revolutionary words are still the most revolutionary, and they are encapsuled in the first seven words of the Preamble to our Constitution where we say, "We the people of the United States, in order to form a more perfect Union, ensure domestic tranquility," and the like. We the people of the United States, it says, it does not say "We the Congress" or "I the President," and that was a really revolutionary concept at the time our country was coming to birth.

Here was a world ruled by divine rights, by kings or potentates or oligarchs, and here were these upstart Americans saying no power, and sovereignty comes only from the people. That still is the most revolutionary word, but we get very, very exercised, and we want to try to prohibit not only within our own borders but anywhere else such thoughts as revolution or any attempt on the part of peoples to overthrow the very tyrannies that have been imposed and have victimized, tyrannized an oppressed people, and particularly in the New World for 300 years.

□ 1155

Now Joel Barlow, in that world, noticing that we had the contemporary great French Revolution, and which soon after the establishment of our Government under the Constitution in the early nineties, the French Revolution became, in the old mother country, in England, the great symbol of fright. The Jacobins were the communists of our day in that day. Oh, these were dangerous, terribly dangerous folks known as the Jacobins of France. But surely there were excesses and, of course, it was violent and of course it was bloody and of course it frightened this established hierarchy, the established order, the privileged of not only England but every other country in Europe as well as everywhere else in the world.

Now what was it that was a source of power? Well, the King said, "My power comes from God." Well, you know, you cannot go any higher than that.

So when we said, "No, all power comes from the people," and today when you use that word "people" fellow Americans tend to look at one as if one is a Socialist or a Communist. These are the code words that the Tories would love to use and have had and continue to use in England. So that when we use these words in a time and at a point in our development where the abuse of words is so great that we no longer even shrink or even protest the abuse of such words, words become relative.

Democracy, elections, suffrage, it is all relative.

So while this is going on, the most critical issues confronting the very continuance and the very sustaining of our democratic participatory form of government and society is at great peril because if we have political freedom to a certain extent and we like to say we have it to the greatest extent known anywhere. Certainly I am one of the most grateful beneficiaries because, with this exception, had I in the beginning sought election under the conditions prevailing today, the chances are that I would not be here today as an elected Representative of the U.S. House of Representatives because with the advent of the great vested interest PAC's and their ability to put into congressional races, as of 2 years ago, over 130 million dollars' worth, and it becomes now impossible to shrug off such things as $1 million, $1.5 million for campaigns for the House of Representatives, though in all truthfulness this is also true even on a local scale.

For example, in my city of San Antonio the victorious mayor in the past three elections has reported expenditures in excess of half a million dollars for a position that pays about $50 a week under the city council manager form of government.

Now this may be necessary in today's world of political office or seat jobbers; the jobbers being these public relations firms or consultants, that in order to retain their services you must raise no less than $100,000.

Now we can say that it is open, but just a few years ago in Texas, to file in any one of the 40 primaries a filing fee of $6,000 was required. This year it was $2,500 even though the State treasury pays, or at least reimburses, if not all, certainly a substantial part of the expenses of the party primaries.

So that we have a long way to go before we can pridefully boast and look down on what we consider to be inferior nations as to democratic participation.

So with that caveat let me say that the use of the word "democracy" as we describe various and sundry countries who, for political reasons, we will define as democratic, is not the way that word is understood or accustomed to in these very same countries. So that when Joel Barlow was telling the rulers of Europe, "Look, my advice to you privileged is that a day has been born in which you will have to reckon with the rightful aspirations of your peoples," Joel Barlow was also the one who wrote an epic poem known as the "Columbiad," in which he more or less prophesied what turned out to be our Civil War, based on his imaginative allegory in which he described the god Hesper, being the protective god of the black, or African, as he called it.

The fact is that I have spoken out under this rubric of my advice to the privileged orders, having defined ourselves as members of the privileged orders because both through the privilege of being a select group, ostensibly to represent our constituents we are also, as a matter of economic position, that is pay, in a highly selected upper 12 percent.

So that my advice is that, as it has been every one of the 27 years, almost, that I have had the honor and privilege of serving this House; now, of course, with the advent of televised covering of the proceedings some of which extend to such part of the proceedings as these that we call special orders, there is some comment. But my appeal is to, under the rules, and as I think I properly have always, to my colleagues because I am speaking for the record. And I might advise for the record that I began the use and the asking for unanimous consent to use this privilege the very first week after I was sworn in as a Member of the House. Of course, the reason being even though at that time we could have submitted the speech and have had it printed in the Record as if it had been uttered on the floor, but I never have considered that sufficient. I feel that having studied the history of the rulemaking and procedures of the House, have been most interested and very grateful for the fact that at one point in our past the membership and the leadership decided that because of the limitations of debate in a very numerous body of 435 now, though considerably less then, that there should be an opportunity afforded as a part of the processes of debate and discussion and considered an integral part of the processes, not as something as a sort of a P.S., they would then allow a Member to enlarge on a subject matter that he would not have been allowed to do so in adequate form under the limited rules of debate during regular debate and consideration in the full House sessions.

So with deep respect for that I feel that then a Member should give an opportunity for those present or in this case today watching on our closed circuit the utterances we make during these special orders so that a Member will have an opportunity to either join or debate or challenge and not have to wait until he reads it in cold print the next day in the Record of proceedings.

Also, it is the reason why in all of the nearly 27 years and the multiple times that I have made use of this privilege, can anyone say that I have attempted to use this sacrosanct floor of the House and forum as a political stump. I have always felt that that was insulting not only to the House but to myself and that if I am going to make a political address I will reserve it for back home in my district at the proper occasion on the political stump.

So with that explanation explaining why these talks, no matter what the diverse subject might or may be from time to time, are entitled "My Advice to the Privileged Orders."

Now, Mr. Barlow was attempting to forewarn and was in good faith saying, "Here are the facts." For instance, in England as well as France where finally you had the eruption of a violent movement, you have conditions where you have obstructed the conduits of justice. It is impossible to go to court in England for an ordinary plain English citizen. Now this happened to such an extent in France that that, plus other obstructed avenues of seeking redress, have led to violent eruptions because, as it is true today, in those societies where change is obstructed there is one immutable law in our human existence and that is the law of change. Everything changes. So that in that effort to change for the better or seeking a higher level of quality of life and participation in governing processes, those processes are obstructed artificially, it is like water building up in an earthen dam, does it build up far enough and exert pressure enough that it is going to knock over that dam.

□ 1210

Mr. Speaker, on June 3d I mentioned the fact that financially and monetarily—and these are fancy words; "fiscally" and "monetarily," meaning simply the arithmetic of accounting as to the state of our economy and the balance sheet of our Government, "monetarily," having to do with what the high priests of banking would like to keep as an esoteric science like our modern meritocracy of sophisticated scientists creating a priesthood to which the ordinary citizen is not supposed to approach except in great awe and except no matter how important to his welfare the dictums and decisions are without question. I have never been of that kind, and ever since my coming to the Congress and being assigned to the Banking Committee, I have not hesitated, in plain view and in consideration of the matters presented to the committee, to ask questions, to seek answers, and, in the absence of answers, I have been raising issues and pursuing them through suggested legislative remedies.

When I first came to the Congress, if one were to reach into his pocket and pull out a dollar bill, he would have been that it would have said, "U.S. Treasury Note." Today every dollar bill you reach into your pocket and pull out says "Federal Reserve Note." Now, how many of my colleagues and how many of my constituents realize the significance of that difference? I ask the question because in it is a history of how the economic well-being—which means the much-vaunted American standard of living—is in jeopardy and has already been assaulted and reduced.

These things do not happen in a spectacular, dramatic fashion as a crisis. When we read about the stock market, the so-called crash or dilemma of last October, as well as the one in October of 1929, we look upon those things as being something that happened that brought immediate, tremendous, and dramatic changes somewhere. The truth is that other than those directly involved in paper losses, they involved the modern day pirates and predators who took advantage of every single element that some of us at least—and I can truly point to this—warned against as long ago as 25 years ago. And what I am saying now is on the record. So it has happened to no avail.

But in 1929 I was then no more than some 13 years of age, and I had been working since I was 10 for a German druggist. And when I say, "German druggist," he was German. He was a man who had served as a ship captain on a North German Lloyd Liner for 29 years off the coast of Japan in the China Seas. He could speak Japanese and one Chinese dialect, and he could speak Spanish and Italian. Through fate, when he was attempting, after the outbreak of war in 1914, to bring his ship back to Hamburg and going through the Cape, he was cornered by a British and a French warship in the Caribbean, and he fled, and they were in hot pursuit. So rather than get captured, he interned in Baltimore Harbor, some 35 miles from here. While interned, he studied pharmacy. But also the United States entered the war. After the war, he ended up in Texas in my neighborhood, at the corner drug store known as the Old Reliable Pharmacy, Ernst Von Helms, pharmacist.

He was a difficult individual. I began working for him at the age of 10, and there has not been one day of my life up to my 72d birthday that I have not worked at something every single year. But I stayed with Mr. Von Helms. I was the only one that lasted more than a month with him, because he was a hard man to work for.

□ 1220

He was irascible. If someone were ordered to mop, the chances were like so many of the less fortunate playmates of mine who worked also for a while. He would get terribly upset, push them away and say, "Dummkopf, you're not mopping."

What he wanted us to do was swab the deck, not mop a drugstore floor, but I learned to work.

I also learned that the reason he was so nice to me was he said, "Enrico," because my name is Enrique, not Henry, and he would say, "Enrico," which is Italian: He would say, "Enrico is honest," and, of course, I never would touch anything that was not mine. And that seemed to have ingratiated me to him.

And he would always say, "Honesty is the best policy." Well, that is true, but the main thing I learned was that, if someone is going to do anything, even mopping or sweeping, they do it the right way, and as best as could be done and better than anybody else.

So, Mr. Speaker, I lasted with Mr. Von Helms until he went broke in 1932, in October, when he was foreclosed upon by the San Antonio Drug Co.

But I remember as if it were today that about a week or so after the big news about the stock market crash standing in the doorway with a broom was Mr. Von Helms in his white slacks and his white shoes, open collar, saying, "Ah," he said, "I just made $1,500 on the stock market." So he did not think there was any big crisis until the results of that openly dramatic news finally filtered down in 1932 when the real Depression hit and the banking system was going under.

Then we read about the first hundred days of Franklin Roosevelt, the bank moratorium, how he closed them down so he could insure. And then there were safeguards, and the Congress came in and, out of emergency, enacted the Banking Act and finally, in 1935, tailored the fundamental Banking Act of 1935.

The concomitant actions because, as Franklin Roosevelt said, one-third of Americans are ill-housed, ill-fed, ill-clothed," and he was going to do something about it.

The Congress then did. They did not hesitate to create the Homeowners Loan Corporation at a time when there was no such thing as generalized homeownership in America. But the idea was to prevent the homelessness of families in that day by giving a little helping hand in the way of enabling that family facing foreclosure a little help until such time as it could get on its feet.

The proof is that the Congress had faith at that day and time in the American people. Mind you, the Treasury was broke. The country was broke. The world was broke. But they passed that program, and they had to appropriate monies to guarantee those loans they were going to make to the good old wonderful American people, the basic stock of American people, the homeowners, the ones that pay their taxes, go to church on Sunday, bring up their children, educate them responsibly.

But, when I introduced, after observing since December 1982 that the rate of foreclosure on homes, single-family dwelling residences, had mathematically outpeaked the depression point; I then came into a new Congress in 1983, submitted the Emergency Homeowners Mortgage Assistance Act.

Oh, I was hard-put in my own committee to get enough Democrats to get it out of the subcommittee, but we did against solid Republican opposition. We got it out of the full committee, and I look back, and it was a real miracle because here was an administration saying, "This kind is the very kind of legislation we are opposed to lock, stock, and barrel. These are budget busters. They will be abused. They won't work, even though the track record of the HOLA, the Home Owners Loan Association was this:

That when this was closed out, it was right about the time before World War I; that is, by 1941. It brought to the Treasury close to $400 million.

Well, Mr. Speaker, $400 million then is like $3 billion today.

In other words, the Congresses that expressed their faith in these solid Americans had their faith confirmed and repaid. It did not waste the taxpayers' money to have faith in themselves and enabled them to have the most and only precious thing that we identify an American family with, a little house to call their own.

Well, there have been a lot of changes. Our country has grown. So I realize that we could not extrapolate and say that this percentage of foreclosures has outpeaked the Depression because in 1940 alone Franklin Roosevelt was more than right. It was more than 130 housed.

Over 60 percent of the housing stock was substandard in 1940. Then the Congresses enacted the legislation that President Reagan, as he took office and power, said, "All the 30 years had been wrong"; 30 years of congressional programs were wrong, from FHA to everything else.

And here I have become chairman of the Housing and Community Development Subcommittee as of 1981 coinciding with the Reagan administration's assumption of power.

And do my colleagues know that it has been one of the most frustrating, bitter fights to maintain even a shadow of a lifeline to the basic, what we call subsidized, housing programs for the poor and the moderate income, but particularly the poor because there is nothing now? Should we be surprised if there is homelessness? We were the first to notice it. December 4, 1982, we held a hearing. Who cared?

We also studied the foreclosures, as I said and repeated, so I introduced my Emergency Room Mortgage Assistance Act right the moment we got organized in February of 1983.

And finally, on May 15, we brought it up to the House floor, and the House approved it on a strictly partisan vote by some 20 votes.

It went to the Senate. Republicans in control. It languished and died without a whimper or an utterance from anybody in the Senate, either Republican or Democratic Member.

Mr. Speaker, I have reintroduced that bill, except I have refined it, tried to make it meaningful.

I had to compromise in 1983. I never wanted to have the rate of interest that we were permitting in this loan portfolio, if ever it had been formed.

Mr. Speaker, I am a sworn enemy of usury, of extortion at interest rates, and to my great disappointment and despite the great shouting I have been carrying on for, not 3 years, not 5 years; 25 years, and particularly 22 years ago, in June of 1966, when we had the first what became known as a credit crunch and when on June 19, 1966, the prime interest rate was jacked up 1 whole percentage point overnight. As I pointed out then, that has not happened even during the Civil War.

□ 1230

So the handwriting was on the wall. I began to study other factors. I began to scrutinize the Federal Reserve annual report.

I wrote a letter to the President, then a great friend, a fellow Texan, a neighbor.

I said, "Mr. President, the Federal Reserve report indicates that the procurement level obviously because of Vietnam has reached such proportions that we are creating an inflationary force, and what is more important, we are beginning to adversely impact the soft underbelly of our economy."

"Well, what is that?"

That is materials, construction.

I pointed out the experience in my hometown where the school board had voted a bond issue the year before, only to find that it was inadequate because of the increased cost in materials and labor.

All you had to do was pick up a California paper and see the want ads where they were advertising premium, double premium, for skilled workers, carpenters, and other workers. And for what? Well, for the construction of Cam Ranh Bay Base, which today is being used by the Russian Navy.

What more proof do we want that we have through straying away from our constitutional premises, in deep trouble, and ironically at a time when we had not even reached the 200th anniversary of the actual operation of our Government under the Constitution, are challenged with the task of trying to reaffirm, and we are not.

We have eroded the constitutional separation of powers. The basic premise of our Government is article I, the Congress, the policymaking body formed by the Representatives of the people; article II, the executive branch, the President and all the accouterments of the administration and the third branch, the judiciary; each to be—mind you, and I repeat—each to be coequal, separate, and independent.

This is why even at the height of the Presidency and the popularity in 1965 of President Johnson, my voice was heard on the floor saying, "Since when do we give a President the right to conscript an unwilling American, send him out of the territorial United States, into an encounter, or war, if you please, that has not been declared by the Congress."

This was an integral part and that is what it took before the first peacetime draft was approved by one vote, and that one vote was finally persuaded only when this paragraph saying, "Notwithstanding any of the hereinabove, no person subject to the terms of this act shall be compelled to serve against his will, unless in a declaration of war or explicitly provided for by the Congress." That is still an issue we have not wanted to confirm.

We have allowed our President to make a cavalier dismissal without even so much as the courtesy of consultation with the Congress or its leaders, involving such things as an assault and an attempt to assassinate an unpopular and hated figure in another country.

We have lost over 25 of our active duty servicemen in Central America alone. What is their mission?

We lost 241 Marines in Beirut, where the Joint Chiefs of Staff had unanimously advised the President for 14 months against that deployment. Some of us spoke out on that constantly here on the House floor. Not that I am saying, "I told you so." That is no satisfaction.

The point today is this, that we have lost the money markets of the world. Our financial and related centers have shifted from New York to Tokyo. We have become a debtor nation for the first time since 1914, just a matter of 3 years ago.

We are confronted with a continuing and sustained constant threat of a horrible imbalance or deficit of over $160 billion on our trade account, internationally speaking.

Who has discussed this, and I say this with no particular pride, other than myself, the emergence of the European monetary system, the European currency unit which is now in place in the European community?

By 1992 the Treaty of Rome is completed insofar as economic integration of Europe is concerned. What does that mean to the United States? It means that we will be thoroughly displaced as far as the American dollar is concerned as the reserve unit in the world.

Now, these things cannot happen unless you have some precursor events.

Let us look at what is happening to us now domestically. It did not happen last October 19. That was just a symptom of what has been happening in other fundamental financial institutional transactions in our country, based on what in other times and other climes would have been considered fraudulent and subject to prosecution.

In my home State of Texas in its present travail, with over half its savings and loan financial institutions dead, bankrupt, and the banks, thus far since January 1 we have had a record number of bank failures.

What do we get for that? It has been plain to anybody sitting on the Banking Committee particularly, that the regulatory system set up by the Congress was defunct. The regulators, at least I know that as far as the regulators in Texas are concerned and the regional bank in Texas, were so cozily in bed with the people they are supposed to be regulating that they never woke up from their snooze to try to advise anybody of the terrible speculative bubble that was building up.

Well, all bubbles burst and we have this monstrous debt bubble.

There is only one thing can happen to it and that is it is going to burst. If we are lucky, it had been my hope that through some anticipatory action we could deflate easily instead of having it burst, but I am afraid this is the bubble that not only breaks our country, but is going to be the bubble that breaks the world.

I believe in anticipatory action. I have introduced specific measures. I am trying now to get even the facts and the truth as to the extent and the size and dimensions and parameters of the problem in Texas.

I have had to do what I think is wrong for one individual Member to have to do, and that is ask for GAO review, and hopefully it can be done fairly rapidly, but they have not.

So nobody is saying, "Well, how big is it?"

The regulators in the meanwhile are saying, "If we can hold this contraption together until the election, let what will happen happen."

Well, that is wrong, because in the meanwhile you have institutions that because they have been taken over by FSLIC, that is the insurance arm of the savings and loans. But is this what we want, I ask my colleagues?

FSLIC now has 50-percent ownership competing with private institutions, and at least some who are trying to stay normal.

But with this illusion that if they hold until November, then after that let the storm burst and taxpayer bailout will be the problem of the next Congress and administration.

Well, that is wrong, because in the meanwhile these dead institutions managed by FSLIC, to whom have been appointed individuals at astronomical salaries, all they have done is say they have solved the problem or attempting to is to get these dead corpses, stitch them together, they call that the Southwest plan in Texas, and all that does is make a giant corpse that stinks that much more, but it is dead.

But it is advertising, those individual institutions are advertising high yields of interest for depositors to come in with their money. But what is going to happen to them?

Now, by all accounts, even though the chairman of the Home Loan Banking Board says, "we have enough money," everybody knows they do not.

Now, what do we do here in the Congress, sit by idly? Well, I am not going to permit that. I am not only the ranking member of the Banking Committee, I come from Texas. I have been trying to do something to protect the average little citizen who has a little bit of money to deposit. You cannot blame him if he says, "Hey, these guys are paying 10 percent. Why should I fool around with my institution that is only paying me 5 percent at the most?"

Of course. But that is what got us into trouble to begin with, and it comes back to Congress, because Congress when it drafted laws in 1982, to which I did not adhere, in all justice to myself I must report that I did not go along with the 1982 act or conference report, because it created this illusion that you could have jiggery-pokery in accounting by saying, "You, the S&L's, are authorized to use regulatory accounting methods."

Well, what do you mean? Generally accepted accounting methods or procedures is a standard everybody recognizes; that is, your regular standards of accounting where 2 plus 2 adds to 4. Now you have regulatory standards of conduct.

What does that mean? It means that, well, if you do not have cash, you can consider part of the capitalization structure good will. So in the last announcements of the consolidation, or whatever you want to call it in Texas under the Southwest plan, there was not one cent of cash put into these defunct institutions.

And you look, if you had a bar graph, such as I have perfected, you see that when you say, "What is your liquidity?" Nothing.

"But what is this big bar?"

"Oh, that is good will."

But good will to whom? To the very guys that created the problem.

Once we opened up through the 1982 act that kind of jiggery-pokery in accounting and we in effect allowed the insurance fund to be used for speculative purposes, we knew, I did not have to be told and I do not presume to be a big expert, I just look at the facts, and I said so. It is on record in 1982.

Now, that does not resolve the current dilemma, but I think that we will not resolve it unless we get the truth, and then I am sure that my colleagues are not about to let our insurance funds integrity be jeopardized. So we are going to be called upon to do something about it. What is that going to be?

Some say, "Where are you going to get the money?" Well, there have been times here when there has been no hesitancy. For instance, where do you get the money that we are spending now, $1½ million in El Salvador alone? Where is that money coming from?

□ 1245

Yesterday we had a discussion on the so-called National Science Foundation appropriation and they were talking about the state of affairs being so terrible, our engineering, our research are down, but still look what we did with that appropriation. We approved more than the President asked for. It had already been cut, but we thought we better cut it back to what the President had asked for. That is what we did yesterday with no debate. Yet the committee report accompanying the bill talks about the sorry state of affairs. That technology is at the basis of our ability, at the same time our educational opportunities to create the sophisticated mathematicians and engineers and economists that we need are being sacrificed.

Forget about what I am mostly concerned and that is the housing crisis. We barely have been able to succeed in keeping just a meager lifeline for housing which, of course, is the result that speaks for itself. For the first time since the Depression we have hundreds of thousands of Americans, not the ne'er-do-well, not the hobo, not the alcoholic, but families who are homeless wandering as refugees in our own homeland.

I intend to continue the specific discussion bringing in how it is we now can no longer control our own fate domestically. Such powerful institutions that have no accountability to anybody that the Congress created are involved such as the Federal Reserve Board. Yet, it is supposed to be like an institution sent from heaven. It does not account to the President. It does not account to the Congress. It has arrogated to itself total and complete power and, therefore, determines whether we want to accept it or not, determines the ultimate decisions all the way from budget making to allocation of the Nation's resources and the priorities we should give them.

I believe the top priority is the most precious sector of all and that is our people, the old, and the young. I intend to continue this fight.

Mr. Speaker, I yield back whatever time I may have.

APPOINTMENT OF CONFEREES ON H.R. 4264, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1989

The SPEAKER. The Chair appoints the following conferees on the bill (H.R. 4264) to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces and for other purposes:

From the Committee on Armed Services, for consideration of the entire House bill (except sections 4101 through 4110), and the entire Senate amendment (except sections 938 and 949), and as exclusive conferees with respect to any proposal to report in total disagreement: Messrs. ASPIN, BENNETT, STRATTON, NICHOLS, MONTGOMERY, DELLUMS, Mrs. SCHROEDER, Mrs. BYRON, Messrs. MAVROULES, SKELTON, MCCURDY, FOGLIETTA, Mrs. LLOYD, Messrs. SISISKY, RAY, SPRATT, MCCLOSKEY, ORTIZ, DARDEN, ROBINSON, BUSTAMANTE, Mrs. BOXER, Messrs. DICKINSON, BADHAM, STUMP, HOPKINS, DAVIS of Michigan, HUNTER, MARTIN of New York, KASICH, Mrs. MARTIN of Illinois, Messrs. BATEMAN, SWEENEY, BLAZ, IRELAND, and HANSEN.

As exclusive conferees from the Committee on Armed Services, solely for consideration of sections 209, 212, 935, and 936 of the House bill, and section 223 of the Senate amendment, and modifications committed to conference: Messrs. ASPIN, BENNETT, DELLUMS, Mrs. SCHROEDER, Messrs. MAVROULES, MCCURDY, FOGLIETTA, SPRATT, MCCLOSKEY, Mrs. BOXER, Messrs. DICKINSON, BADHAM, KASICH, BATEMAN, SWEENEY, and HANSEN.

As additional conferees from the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of rule XLVIII: Messrs. STOKES, KASTENMEIER, ROE, HYDE, and CHENEY.

As additional conferees from the Committee on Education and Labor, solely for consideration of sections 4101 through 4110 of the House bill, and modifications committed to conference: Messrs. HAWKINS, FORD of Michigan, GAYDOS, CLAY, MURPHY, WILLIAMS, JEFFORDS, PETRI, and BARTLETT.

As additional conferees from the Committee on Armed Services, solely for consideration of sections 4101 through 4110 of the House bill, and modifications committed to conference: Messrs. ASPIN, MCCLOSKEY, and DICKINSON.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 3141 through 3150 of the House bill, and sections 3141 through 3144 of the Senate amendment, and modifications committed to conference: Messrs. DINGELL, SHARP, and LENT.

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 234, 303, 304, 318, 354, 937, 940, 944, 946, 947, 948, 950, 952, 953, and 959 of the House bill, and sections 232, 233, 234, 237, 303, 806, 807, 809, 911, 912, 913, 914, 915, 922, 924, 926, 928, 930, 931, 932, 933, 934, 937, 939, 941, 943, 948, 949, 950, and 952 of the Senate amendment, and modifications committed to conference: Messrs. FASCELL, HAMILTON, YATRON, SOLARZ, BROOMFIELD, and GILMAN.

As additional conferees from the Committee on Government Operations, for consideration of section 921 of the Senate amendment, and modifications committed to conference: Mr. Brooks, Mr. Conyers, Mrs. Collins, and Messrs. English, Waxman, Horton, Walker, and Clinger.

As additional conferees from the Committee on the Judiciary, for consideration of sections 304, 954, and 1103 of the House bill, and sections 918, 940, 941, and 951 of the Senate amendment, and modifications committed to conference: Messrs. Rodino, Hughes, Kastenmeier, Moorhead, and McCollum.

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of section 921 of the Senate amendment, and modifications committed to conference: Messrs. Jones of North Carolina, Studds, Hertel, Young of Alaska, and Lent.

As additional conferees from the Committee on Post Office and Civil Service, for consideration of section 917 of the Senate amendment, and modifications committed to conference: Messrs. Ford of Michigan, Clay, Ackerman, Taylor, and Gilman.

As additional conferees from the Committee on Rules, for consideration of section 921 of the Senate amendment, and modifications committed to conference: Messrs. Pepper, Moakley, Derrick, Beilenson, Frost, Quillen, and Taylor.

As additional conferees from the Committee on Small Business, for consideration of sections 820 and 821 of the Senate amendment, and modifications committed to conference: Mr. LaFalce and Mr. McDade.

As additional conferees from the Committee on Ways and Means, for consideration of sections 938 and 949 of the Senate amendment, and modifications committed to conference: Messrs. Rostenkowski, Gibbons, Jenkins, Downey of New York, Crane, and Frenzel.

As additional conferees from the Committee on Armed Services, for consideration of sections 938 and 949 of the Senate amendment, and modifications committed to conference: Messrs. Aspin, Darden, and Rowland of Connecticut.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 4775, TREASURY DEPARTMENT APPROPRIATIONS, 1989

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 100-686) on the resolution (H. Res. 469) waiving certain points or order against consideration of the bill (H.R. 4775) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1989, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Bereuter (at the request of Mr. Michel), for today, on account of official business.

Mr. Kleczka (at the request of Mr. Foley), for today, on account of official business.

Mr. Parris (at the request of Mr. Michel), for today, on account of official business.

Mr. Pickle (at the request of Mr. Foley), for today, on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Dreier of California) to revise and extend their remarks and include extraneous material:)

Mr. Coleman of Missouri, for 5 minutes, today.

Mrs. Bentley, for 5 minutes, today.

(The following Members (at the request of Mr. Gonzalez) to revise and extend their remarks and include extraneous material:)

Mr. MacKay, for 5 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Dymally, for 5 minutes, on June 14 and 60 minutes on June 15.

Mr. Frank, for 5 minutes, on June 14.

Mr. Gonzalez, for 60 minutes, on June 16.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Dreier of California) and to include extraneous matter:)

Mr. Solomon.

Mr. Denny Smith.

Mr. Crane in two instances.

Mr. Lowery of California.

Mr. Donald E. "Buz" Lukens in two instances.

Mr. Duncan.

(The following Members (at the request of Mr. Gonzalez) and to include extraneous matter:)

Mr. Rangel in two instances.

Mr. Traficant.

Mr. Dymally.

Mr. Rodino.

Mr. Bates.

Mr. Dorgan of North Dakota.

Mr. Kostmayer.

Mr. Downey of New York.

Mr. Dellums.

Mr. Vento.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 844. An act to exempt certain activities from provisions of the antitrust laws; to the Committee on the Judiciary.

S. 2057. An act to provide for the establishment of the Coastal Heritage Trail in the State of New Jersey, and for other purposes; to the Committee on Interior and Insular Affairs.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1539. An act to amend the Federal Railroad Safety Act of 1970 and for other purposes; and

S. 2304. An act to amend the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1986, to extend the life of the Commission on the Ukraine Famine.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 48 minutes p.m.), under its previous order, the House adjourned until Monday, June 13, 1988, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3784. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of June 1, 1988, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 100-205); to the Committee on Appropriations and ordered to be printed.

3785. A letter from the Secretary of Health and Human Services, transmitting a report entitled "Implementation of the Child Abuse Amendments of 1984 Relating to Disabled Infants with Life-Threatening Conditions," pursuant to 42 U.S.C. 5103 note; to the Committee on Education and Labor.

3786. A letter from the Acting General Counsel, Department of Energy, transmitting a notice of meeting related to the International Energy Program to be held on June 13 through 16, 1988 in Paris, France; to the Committee on Energy and Commerce.

3787. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to provide for the collection of fees to fund appropriations for the U.S. Travel and Tourism Administration, and for other purposes; to the Committee on Energy and Commerce.

3788. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3789. A letter from the Secretary of Housing and Urban Development, transmitting the semiannual report on the activities of the Office of Inspector General October 1, 1987, through March 31, 1988, pursuant to 5 U.S.C. app. (Inspector General Act of 1978) 5(b); to the Committee on Government Operations.

3790. A letter from the Acting Administrator, General Service Administration, transmitting the semiannual report of the inspector general for the period October 1, 1987 through March 31, 1988, pursuant to 5 U.S.C. app. (Inspector General Act of 1978) 5(b); to the Committee on Government Operations.

3791. A letter from the Administrator, Health Care Financing Administration, transmitting notification of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3792. A letter from the Administrator, Environmental Protection Agency, transmitting an annual report on the administration of the Marine Protection, Research, and Sanctuaries Act of 1972 (1984-86, pursuant to 33 U.S.C. 1421; to the Committee on Merchant Marine and Fisheries.

3793. A letter from the Secretary of Energy, transmitting the seventh annual revised comprehensive program management plan which presents the current strategy of the Federal Wind Energy Program, related progress in the private sector, and management structure and major elements of the Federal program, including milestones for fiscal years 1988 and 1989, pursuant to 42 U.S.C. 9203(c); to the Committee on Science, Space, and Technology.

3794. A letter from the U.S. Trade Representative, transmitting the second annual report identifying foreign export subsidies and opportunities where U.S. export subsidies can be used most effectively, pursuant to 7 U.S.C. 1736x(c)(3); jointly, to the Committees on Ways and Means and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CHAPPELL: Committee on Appropriations. H.R. 4781. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1989, and for other purposes (Rept. 100-681). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2701. A bill to amend the Natural Gas Policy Act of 1978 to remove certain contract duration and right of first refusal requirements (Rept. 100-682). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2884. A bill to assure uniformity in the exercise of regulatory jurisdiction pertaining to the transportation of natural gas and to clarify that the local transportation of natural gas by a distribution company is a matter within State jurisdiction and subject to regulation by State commissions, and for other purposes; with an amendment (Rept. 100-683). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4065. A bill to amend the National Energy Conservation Policy Act with respect to the energy policy of the United States. (Rept. 100-684). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4158. A bill to amend the Energy Policy and Conservation Act to provide for Federal energy conservation standards for fluorescent lamp ballasts; with amendments (Rept. 100-685). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHEAT: Committee on Rules. House Resolution 469. A resolution waiving certain points of order against consideration of H.R. 4775, a bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1989, and for other purposes (Rept. 100-686). Referred to the House Calendar.

Mr. WHITTEN: Committee on Appropriations. Report on subdivision of the allocation of budget totals for fiscal year 1989 pursuant to section 302(b) of the Congressional Budget Act of 1974, as amended (Rept. 100-687). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Iowa: Committee on Appropriations. H.R. 4782. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1989, and for other purposes. (Rept. 100-688). Referred to the Committee of the Whole House on the State of the Union.

Mr. NATCHER: Committee on Appropriations. H.R. 4783. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1989, and for other purposes (Rept. 100-689). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITTEN: Committee on Appropriations. H.R. 4784. A bill making appropriations for Rural Development, Agriculture, and Related Agencies programs for the fiscal year ending September 30, 1989, and for other purposes (Rept. 100-690). Referred to the Committee of the Whole House on the State of the Union.

Mr. LEHMAN of Florida: Committee on Appropriations. H.R. 4794. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1989, and for other purposes (Rept. 100-691). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of Rule X the following action was taken by the Speaker:

H.R. 1580. Referred to the Committee on Interior and Insular Affairs, for a period ending not later than 3 legislative days after the final committee receiving joint referral of the bill reports it, for consideration of that portion of section 3 of the amendment reported from the Committee on Foreign Affairs which adds a new section 304(b) to the Comprehensive Anti-Apartheid Act of 1986 and falls within the jurisdiction of that committee pursuant to clause 1(l), rule X.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of Rule X the following action was taken by the Speaker:

The Committee on Agriculture discharged from further consideration of H.R. 1516; H.R. 1516 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CHAPPELL:

H.R. 4781. A bill making appropriations for the Department of Defense for the fiscal year ending September 1989, and for other purposes;

By Mr. SMITH of Iowa:

H.R. 4782. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 1989, and for other purposes;

By Mr. NATCHER:

H.R. 4783. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 1989, and for other purposes;

By Mr. WHITTEN:

H.R. 4784. A bill making appropriations for Rural Development, Agriculture, and related agencies programs for the fiscal year ending September 1989, and for other purposes;

By Mr. CRANE:

H.R. 4785. A bill to repeal South African sanctions; jointly, to the Committee on Banking, Finance and Urban Affairs; Foreign Affairs; Public Works and Transportation; and Ways and Means.

By Mr. de LUGO (for himself, Mr. Sunia, Mr. Fuster, and Mr. Blaz):

H.R. 4786. A bill to amend the U.S. Insular Areas Drug Abuse Act of 1986, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DeFAZIO:

H.R. 4787: A bill to provide for restoration of the Federal trust relationship with, and assistance to the Coquille Tribe of Indians and the individual members consisting of the Coquille Tribe of Indians, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DeLAY (for himself, Mr. Archer, Mr. Armey, Mr. Ballenger, Mrs. Bentley, Mr. Boulter, Mr. Bunning, Mr. Dannemeyer, Mr. Fawell, Mr. Fields, Mr. Hiler, Mr. Donald E. Lukens, Mrs. Martin of Illinois, Mr. Oxley, Mr. Schulze, Mr. Stump, and Mr. Swindall):

H.R. 4788. A bill to declare a national competitiveness policy, to establish the Council on Competitiveness, and for other purposes; jointly, to the Committee on

Rules and Banking, Finance and Urban Affairs.

By Mr. DORGAN of North Dakota (for himself, Mr. Penny, and Mr. Johnson of South Dakota):

H.R. 4789. A bill to amend the Temporary Emergency Food Assistance Act of 1983 to require the Secretary of Agriculture to solicit applications for unprocessed agricultural commodities available for distribution under such act; to the Committee on Agriculture.

By Mr. DUNCAN (for himself, Mr. Archer, Mr. Vander Jagt, Mr. Crane, Mr. McGrath, Mr. Daub, Mr. Brown of Colorado, Mr. Michel, Mr. Henry, Mr. Buechner, Mr. Wylie, Mr. Stangeland, Mr. Ballenger, Mr. Solomon, Mr. Bartlett, Mr. DeWine, Mr. Upton, Mr. Davis of Michigan, Mrs. Morella, Mr. Combest, Mr. Ritter, Mrs. Johnson of Connecticut, Mrs. Bentley, Mr. Callahan, Mr. Fields, Mr. Mack, Mr. Dannemeyer, Mr. Lagomarsino, Mr. Packard, Mr. Marlenee, Mr. Smith of New Jersey, Mr. Coats, Mr. Kolbe, Mrs. Martin of Illinois, Mr. Holloway, Mr. Smith of Texas, Mr. Shumway, Mr. Conte, Mr. Swindall, Mr. Lott, Mr. Grandy, Mr. Kemp, Mr. Clinger, Mr. Lewis of California, Mr. Coughlin, Mr. Dreier of California, Mr. Robert F. Smith, Mr. Hunter, Mr. Livingston, Mr. Pashayan, Mr. McEwen, Mr. Walker, Mr. Denny Smith, Mr. Schaefer, Mr. DioGuardi, Mr. Bliley, and Mr. Coleman of Missouri):

H.R. 4790. A bill to establish a College Savings Bond Program and to amend the Internal Revenue Code of 1986 to provide that gross income of an individual shall not include income from certain savings bonds the proceeds of which are used to pay certain postsecondary educational expenses, and for other purposes; to the Committee on Ways and Means.

By Mr. FAZIO:

H.R. 4791. A bill to authorize the Secretary of the Interior to provide for prepayment of indebtedness representing the remaining repayment balance of the Solano project and to execute an agreement with an organization composed of the users of water from the Solano project, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LANTOS (for himself, Mr. Stark, Mr. Edwards of California, Mr. Konnyu, Mr. Wyden, and Mr. Kennedy):

H.R. 4792. A bill to provide that ocean dumping of dredged material from San Francisco Bay take place at a site which is beyond the edge of the Continental Shelf; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

By Mr. SLATTERY (for himself, Mr. Waxman, Mr. Markey, Mr. Synar, Mr. Tauke, Mr. Whittaker, Mr. Hyde, Mr. Frank, Mr. Pepper, Mr. Brennan, Mr. Fauntroy, Mr. Thomas A. Luken, Mr. Berman, Mr. Glickman, Mr. Vento, Mr. Miller of California, Mrs. Boxer, Mr. Hawkins, Mr. Wyden, Mr. Traficant, Mr. Beilenson, Mr. Wheat, Mr. Carper, Mr. Shays, Mr. Johnson of South Dakota, Mr. Evans, Mr. Owens of Utah, Mr. Garcia, Mr. Andrews, Mr. Annunzio, Mr. Scheuer, Mr. DeFazio, Mr. Oberstar, Mr. Pease, Mr. McCurdy, Mr. Hayes of Illinois, Mr. Gingrich, Mr. Penny, Mr. Huckaby, Mr. Wolpe, Mr. Dellums, Mr. Torricelli, Mr. Atkins, Mr. Fascell, Mr. Mfume, Mr. Studds, Mrs. Collins, Mr. Hughes, Mr. Hoyer, Mr. Solarz, Mr. Downey of New York, and Mr. Walgren):

H.R. 4793. A bill to amend the Federal Cigarette Labeling and Advertising Act to require that cigarettes and cigarette advertising bear a label stating the addictive quality of nicotine; to the Committee on Energy and Commerce.

By Mr. LEHMAN of Florida:

H.R. 4794. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1989, and for other purposes.

By Mr. TAUZIN (for himself, Mr. Baker, Mrs. Boggs, Mr. Hayes of Louisiana, Mr. Holloway, Mr. Huckaby, Mr. Livingston, and Mr. McCrery):

H.J. Res. 591. Joint resolution to designate August, 1988 as "Cajun Music Month"; to the Committee on Post Office and Civil Service.

By Mrs. BENTLEY (for herself, Mr. DioGuardi, Mr. Kasich, Mrs. Vucanovich, Mr. Lagomarsino, Mr. Hoyer, Mr. Anderson, Mr. Blaz, Mr. Burton of Indiana, Mr. Emerson, Mr. McDade, Mr. Ritter, and Mr. Bilirakis):

H. Con. Res. 314. Concurrent resolution expressing the sense of the Congress regarding commemorating the last voyage of the *Pride of Baltimore* and the christening of the *Pride of Baltimore II*: to the Committee on Post Office and Civil Service.

By Mr. MACK:

H. Con. Res. 315. Concurrent resolution expressing the sense of the Congress with respect to the membership of Cuba on the U.N. Commission on Human Rights; to the Committee on Foreign Affairs.

By Mr. SOLOMON:

H. Res. 470. Resolution approving the continuing dialog between the Governments of Angola, Cuba, South Africa, and the United States, intended to promote agreement on the withdrawal of all foreign forces from Angola and the independence of Namibia; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 817: Mr. Denny Smith.

H.R. 958: Mr. Coleman of Missouri, Mr. Udall, Mr. Kolter, Mr. Green, Mr. Rose, Mr. Flippo, Mrs. Collins, Mr. Brown of California, Mr. Dixon, and Mr. Myers of Indiana.

H.R. 1095: Mr. Morrison of Washington and Mr. Shuster.

H.R. 1885: Mr. Marlenee.

H.R. 2883: Mrs. Bentley.

H.R. 2999: Mr. DeFazio, Mr. Weber, Mr. Bonior of Michigan, Mr. Bonker, Mr. Smith of New Hampshire, Mr. Roybal, Mr. Stark, and Mr. Rahall.

H.R. 3133: Mr. Towns and Mr. Edwards of California.

H.R. 3241: Mr. Towns.

H.R. 3314: Mr. Edwards of California, Mr. Berman, Mr. Houghton, Mr. Vander Jagt, Mr. Lewis of California, Mr. Lowery of California, Mr. Saxton, and Mr. Mica.

H.R. 3392: Mr. Owens of Utah.

H.R. 3703: Mr. Fish and Mr. Towns.

H.R. 3892: Mr. Aspin and Mr. Durbin.

H.R. 4037: Mr. Roe.

H.R. 4119: Mr. Swindall.

H.R. 4250: Mr. Fish and Mrs. Saiki.

H.R. 4258: Mr. Chapman, Mr. Leath of Texas, Mr. Boulter, and Mr. Armey.

H.R. 4270: Mr. Cardin and Mr. Towns.

H.R. 4277: Mr. Frenzel, Mr. Miller of California, and Mr. Flippo.

H.R. 4481: Mrs. Martin of Illinois and Mr. Sharp.

H.R. 4501: Mr. Lancaster.

H.R. 4652: Mr. Solomon.

H.R. 4743: Mr. Brown of California, Mr. Lowry of Washington, Mr. Bryant, and Mr. Towns.

H.J. Res. 2: Mr. Hawkins.

H.J. Res. 454: Mr. Kanjorski.

H.J. Res. 458: Mr. Kolter, Mr. Gallo, Mr. Parris, Mr. Solomon, Mr. Murtha, Mr. Rowland of Connecticut, Mr. Guarini, Mr. Ritter, Mr. Bruce, Mr. Carper, and Mr. Flippo.

H.J. Res. 524: Mr. Carper, Mr. Jeffords, Mr. McDade, and Mr. Russo.

H.J. Res. 543: Mr. Akaka, Mr. Edwards of Oklahoma, Mr. Bosco, Mr. McDade, Mr. Lowry of Washington, and Mr. Clement.

H.J. Res. 553: Mr. Hubbard and Mr. Rowland of Georgia.

H.J. Res. 559: Mr. Pepper.

H.J. Res. 571: Ms. Kaptur, Mr. Bonior, of Michigan, Mrs. Meyers of Kansas, Mr. Weldon, Mr. Hughes, Mr. Mavroules, Mr. Lancaster, Mr. Volkmer, Mr. Gejdenson, Mr. Towns, and Mr. Chapman.

H.J. Res. 584: Mr. Henry, Mr. Annunzio, Mr. Fuster, Mr. Horton, Mr. Hayes of Illinois, Mr. Lantos, Mrs. Lloyd, Mr. Dornan of California, Mr. Frost, Mr. de la Garza, Mr. Spence, Mr. Wolf, Mr. Solomon, Mr. Roybal, Mr. Wortley, and Ms. Kaptur.

H. Con. Res. 298: Mr. Tauke and Mr. Donald E. Lukens.

H. Res. 467: Mr. Dannemeyer, Mr. Jeffords, Mr. Jontz, Mr. Burton of Indiana, and Mr. Leath of Texas.

SENATE—*Friday, June 10, 1988*

(Legislative day of Wednesday, June 8, 1988)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the Honorable TERRY SANFORD, a Senator from the State of North Carolina.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*Thus saith the Lord * * * call unto me and I will answer thee and shew thee great and mighty things which thou knowest not.*—Jeremiah 33:1, 3.

Lord of Heaven and Earth, thank Thee for this exciting word from the prophet Jeremiah. Yesterday the first two speeches in this Chamber dealt with war and drugs—two imponderable threats to survival. Billions of dollars spent on weapons of war—billions of dollars to fight the drug traffic. Yet, Lord, the threat increases exponentially. As we listened, we felt the frustration—the futility—the helplessness—of the most and best that can be done to solve these two of many problems. We felt the powerlessness of all the power of the United States politically, militarily, financially, to solve these two incorrigible threats.

Gracious Father, help us to see that armaments do not cause war—people do. Drugs are not the threat but those who use them—who traffic in them and exploit the user. Almighty Lord, we call upon Thee to do great and mighty things as You promised. By Thy Spirit visit us in cleansing, purifying, renewing power. Deliver us from the passions that make war and drive us to drugs. Do what only You can do, Almighty God of infinite power, justice, and love. We pray in the name of the Prince of Peace. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 10, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TERRY SANFORD, a Senator from the State of North Carolina, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. SANFORD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

RESERVATION OF LEADERS' TIME

Mr. BYRD. Mr. President, I ask unanimous consent that the time of both leaders be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 9:40, with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. PROXMIRE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized.

TIME TO END S&L GOVERNMENT GUARANTEED SPECULATION

Mr. PROXMIRE. Mr. President, recently, the Federal Savings and Loan Insurance Corporation [FSLIC] closed two California savings and loan institutions. The cost to the Government insurance fund of closing those two institutions was $1.35 billion. FSLIC took precisely the right action in closing these institutions. They had been losing millions of dollars every week they were in operation. In hindsight, FSLIC would have been better served if they had closed these institutions many months earlier. This episode dramatized the enormous problem that confronts FSLIC and Congress today and the far greater problem that will face the new Congress and the new President next year if we fail to act decisively now. The two California institutions that cost the Government $1.35 billion to close down are not among the largest savings and loans that are in trouble. There are literally hundreds of similar institutions—some much larger—which will certainly require the same kind of action in the future. The longer FSLIC waits to act, the more costly will be the problem. This poses a very serious dilemma for FSLIC and eventually for the Congress. Here is why:

The $1.35 billion cost of closing these two S&L's constitutes 40 percent of all the funds currently in the FSLIC coffers. FSLIC now has a little over $2 billion in reserve. In recent hearings held by the Banking Committee, expert witnesses estimated that the cost of liquidating insolvent S&L's today would be between $20 and $60 billion. Last year, Congress enacted legislation to provide $10.8 billion in additional borrowing authority for FSLIC. FSLIC was authorized to borrow the $10.8 billion over a 3-year period and repay the borrowing by raising the insurance premium it imposed on S&L's from one-twelfth of 1 percent to one-eighth of 1 percent of deposits. Some of that $10.8 billion has already been raised and spent. Obviously, the liquidation of less than a dozen of the hundreds of failed S&L's will exhaust these FSLIC resources.

Could Congress simply authorize a further increase in S&L premiums to raise whatever additional funds are required? We could do so. But what would be the consequences for the 90 percent of the S&L industry that is still healthy? Those higher premiums would persuade many—particularly the strongest S&L's—to leave the home-lending business. They could convert to commercial banks where the insurance premiums are already substantially less. Could we impose higher exit fees—say, one-fourth of 1 percent of deposits—to stop such an exodus of S&L's? We could. If we did, that could become a heavier burden than S&L's could tolerate. One quarter of 1 percent of deposits may not sound like an excessive premium. But with a typical S&L earning only 1 percent on its assets, a one-fourth of 1 percent premium would mean a 25-percent hit against their profits. Many S&L's would simply liquidate. The burden on the remainder would have to be raised even more.

A second option would stop the kind of action the Home Loan Bank Board has taken in liquidating the California S&L's. The Board could forbear on the S&L's just as the S&L's are for-bearing on their borrowing customers. Meanwhile, we could pray that an even more rapidly expanding economy would permit the S&L's in difficulty to recover. What's wrong with this option? Everything. It is the worst possible option. It is precisely what has pushed the S&L's into their present difficulty. It would mean that the $20 to $60 billion headache that now confronts Congress will become bigger with each passing month. This option would be specially cruel for the next Congress and the next President. They could enter office to find a $100 billion problem as their welcome mat. This option also will mean continued erosion of healthy S&L's. The shaky S&L's that are in trouble can only stay in business and compete by offering substantially higher interest rates to depositors than healthy S&L's. This hurts the healthy S&L's. It is worse. In order to earn enough to cover the high interest rates paid to depositors, the troubled S&L's move away from home lending and into speculative real estate and other ventures. This is the status quo option. It is do nothing before the next election, so it has far and away the strongest political appeal. It is the option we will almost certainly follow. The option of doing nothing will be specially painful when a recession hits. Think of it. Virtually all of the difficulty of this industry has occurred during the longest peacetime economic recovery in the history of our country. We are due and overdue for recession. Recession is the price we pay for free economy. In past recessions, since the advent of deposit insurance from the 1930's up until 6 or 7 years ago, S&L's had done well. But with the many S&L's that have recently engaged in speculative excesses, a recession in the next year or two would put the S&L industry through the kind of grim experience the industry has suffered in Texas, with a potential national bailout in the hundreds of billions of dollars.

This brings us to the third option—a Government bailout now. This Senator cannot recall a year in the 30 years he has served in the Senate when a taxpayer bailout in the tens of billions for any purpose is so politically unrealistic. The law and the explicit pledge of Congress to place the full faith and credit of the U.S. Government behind every penny of insured deposits will almost certainly force such a bailout eventually. But Congress will delay that action one way or another just as long as possible. This raises the most painful problem of all. The longer the delay in providing the funds necessary to fulfill the promise of the Federal Government's to insure every deposit of less than $100,000, the more costly the Government rescue becomes.

So what should we do? We should recognize that S&L's are operating with an unqualified, full Government guarantee of typically 98 percent of their liabilities—their deposits. The Government that provides such insurance cannot tolerate high flying speculation that plays a heads-I-win, tails-the-Government-loses game, and that means the taxpayers lose. This means Congress should provide the legal restrictions against risky, speculative investments by S&L's and the manpower to provide strict enforcement that confine this Government insurance business to safe investments.

Mr. President, I expect to speak further on this matter next week. It is a matter of great importance which those of us on the Committee on Banking, Housing, and Urban Affairs, and Senators generally, have not given adequate attention.

* * *

OMNIBUS TRADE LEGISLATION

Mr. ROTH. Mr. President, yesterday I wrote the majority leader, Senator BYRD, and the chairman of the Finance Committee, Senator BENTSEN, as well as the Speaker and the chairman of the House Ways and Means Committee to urge them to do everything they can to enable the Congress to act quickly on a second trade bill, following the vote on Wednesday here in the Senate to sustain the President's veto of H.R. 3 in its current form. I rise now to urge my colleagues on both sides of the aisle as well to unite together to quickly pass a second trade bill.

As Senators may know, I fully supported the efforts of those on both sides of the aisle seeking to override the President's veto of the omnibus trade bill. This legislation has been a major bipartisan effort to enact constructive trade legislation, and I believe that the bill we put together, while not perfect, met that standard. This trade legislation is important to the continuation of American economic prosperity. In fact, I think this legislation is vital if we want to assure that Americans get their fair share of the benefits of the emerging global economy.

The bill includes provisions that are important for America—for its industries producing goods and services, its workers, its farmers and its consumers. These include provisions on which I was pleased to play a leadership role to put the United States in a strong position to promote both equitable and expanding trade in international trade negotiations, and to help workers who are put out of work because of imports rejoin the work force with the help of the Trade Adjustment Assistance Program. I have also pressed for changes in our laws to better protect American patents, trademarks, and copyrights against imports which infringe these intellectual property rights and for changes to our law to better assure that our President will take action if imports of a particular product are threatening an industry which is critical to our national security.

As I see it the prospects are good for a second bill, if we continue to work together on both sides of the aisle to enact a trade bill this year. The override lost here in the Senate by only a few votes. While there is continual speculation about whether the administration would support a second trade bill, I think this speculation is unwarranted. The President's veto message speaks for itself. The President has said that he will "work vigorously to secure sound legislation this year," that he is "committed to a responsible trade bill this year," and he wants "to sign a trade bill this year." His veto message is very narrowly drafted, and I share his view that if we set partisanship aside, there is time enough in 1988 to finish a trade bill.

The substance of a new trade bill that we could expect the President to support could be put together very quickly. I have read in press reports that Chairman ROSTENKOWSKI would like to prepare legislation for consideration that is precisely the same as the bill we just voted on, but without the plant-closing provisions opposed by the President and the restrictions on the sale of Alaskan oil which seemed to slip into the bill from nowhere and which nearly everyone agrees are unconstitutional. I think the chairman is correct.

The fact is that without these provisions, the trade bill represents a long-sought consensus on the future direction of U.S. trade policy—not just a consensus here on Capitol Hill, but also a delicately and painstakingly developed consensus between the Congress and the administration. The administration played a key role in guiding the very precise drafting of the sections of this bill dealing with trade itself. For this reason, and the nature of the President's veto message, we should expect the administration to stand by the compromise language it helped develop on provisions other than those mentioned in the veto message itself.

I want to make it clear again that I support this trade legislation with the plant-closing provision. Giving workers notification of a plant-closing is a compassionate and decent thing to do. Given the President's position, however, I think the right thing to do now is to provide for separate consideration of the plant-closing issue this session and move ahead now to put the trade provisions in this bill, on which we have labored so long, into law as quickly as possible.

It is my expectation, hopefully later today, to introduce separate legislation on plant closing, along the lines of what was contained in the trade legislation.

For at least the last 15 years, I have often expressed my concerns about the fact that trade is not dealt with in this country as a top national priority. Many others in the Congress as well have expressed concern when other issues—foreign policy, defense—always seem to eclipse trade. If we allow the trade bill, which helps make trade a No. 1 priority in this country and which demonstrates that we can develop a coherent, constructive consensus on trade, to fall by the wayside because of disputes outside trade itself, we are demonstrating that trade is not a leading national priority. We would be fostering the very view that we are trying to reverse with this bill. Instead of having an affirmative trade policy, our trade policy would again be the passive results of what happens on other national issues.

As is clear from these remarks, I stand ready to work with the leadership to move a second trade bill. In my view, the best possible time to move a second bill is right away. The longer consideration of a second bill is delayed, the more likely it will be that the responsible trade package we have put together through the joint efforts of the House and Senate and the administration will unravel. The sooner we act, the better our prospects for support by the President. In his narrow veto message, the President urged "prompt action on a second bill immediately after the Congress sustains my veto."

Let us take him up on his offer.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Thank you, Mr. President.

DRUNK DRIVERS

Mr. REID. Mr. President, this past Tuesday in my office I received a phone call from a longtime friend of mine, someone I had known for many years and who when I practiced law I represented this individual and his family. I was happy, of course, to hear from him.

After we had talked about some pleasantries of the day and how things were going at home, he proceeded to tell me why he had called.

He told me that his sister, also a client of mine, somebody who had been close to my family, had a problem. She had been arrested for driving under the influence.

The sad part about this conversation, though, is that he explained to me that this was not her first but her third offense, the third time driving under the influence.

It took but a moment for me to explain to him that I could not help, and that I did not want to help because her problem is indicative of a sickness that is sweeping this Nation, that we have if we look just around us tragedies that occur it seems on a daily basis as a result of people driving while under the influence.

In Kentucky, 27 children were killed as a result of a drunk driver. Here in Virginia just about a week ago two young women driving in a pickup carefully obeying all the laws were hit head-on by a drunk driver and were both killed.

So even though my friend's incident did not result in any property or personal damage or in fact any loss of life, it is indicative of a problem we have in the country today.

Drunk drivers are a cancer on our society. They are appalling.

According to the National Highway Safety Administration, traffic crashes are the greatest single cause of death for people between the ages of 5 and 34; the greatest cause of death and more than half of these deaths are alcohol related.

In 1986, 46,056 people died in traffic crashes. In 1 year almost 50,000 people died of traffic-related deaths. Almost 25,000 of those, 23,987 to be exact, were alcohol related.

More than half of the traffic accidents in this country that result in death are caused by alcohol. This works out that every 22 minutes of the day a person is killed as a result of alcohol-related driving.

The National Highway Safety Administration estimates that 2 out of every 5 Americans will be involved in an alcohol-related crash at some time in their lives.

We seem with great pleasure to acknowledge the unpleasantness of the Soviet Union that has a tremendous drinking problem, too much vodka. We should not approach that with too much glee because we have our own problem in this country. It is magnified because we have so many automobiles. We should look here at home and do something about it.

Mr. President, this is a sobering statistic, that 2 out of every 5 Americans will be involved in an alcohol-related crash at some time in their lives. I have five children, and statistics indicate unless something is done two of my children will be involved in a traffic accident caused by a drunk driver.

I cannot sit back and watch this senseless destruction continue. I feel it is my obligation as a parent and as a legislator to do something about it, and I am going to do what I can to stop this.

I am going to introduce legislation to require States to step up their efforts to protect American citizens from drunk drivers, and this legislation is going to require the involvement of the Federal Government. We no longer have the pleasure to sit back and say it is the States' problem. It is a national problem. We are a national legislature, and we should do something about it, and I urge my colleagues to join me in this effort.

I yield the remainder of my time.

ORDER OF PROCEDURE

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. SIMON. Mr. President, I believe we are ready to move on my amendment according to the agreement, but I do not see Senator D'AMATO.

The ACTING PRESIDENT pro tempore. We have about 2 minutes still under the previous order.

Mr. SIMON. Mr. President, I understand that the schedule has been changed and we have another matter up first.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BICENTENNIAL MINUTE

JUNE 11, 1948: VANDENBERG RESOLUTION PASSES

Mr. DOLE. Mr. President, 40 years ago tomorrow, on June 11, 1948, the U.S. Senate passed the Vandenberg resolution, thereby paving the way for American participation in the North Atlantic Treaty Organization.

NATO has become such an integral part of our international defense network that we might forget what a controversial issue it had once been. Immediately after World War II, Western European nations formed an economic alliance to rebuild their continent, but by 1948 Soviet activities in Poland, Czechoslovakia, and Berlin raised the need for a military alliance. The Truman administration believed that no such Western alliance could succeed without American participation, but in Congress there were still those who disapproved of "entangling alliances." Some worried that joining NATO would violate the spirit of the United Nations, that it would be seen as a provocative act against the Soviet Union, and would stimulate an arms race. Others argued that the United States was dangerously overextending its resources.

The pivotal person in forming a bipartisan foreign policy between the Republican-controlled Congress and the Democratic administration was Michigan's Arthur H. Vandenberg, chairman of the Senate Foreign Relations Committee. Working closely with Under Secretary of State Robert

Lovett, Vandenberg drafted a resolution calling for a security pact between the United States and Western Europe that would be consistent with American participation in the United Nations—since the U.N. Charter permitted regional alliances—but outside the reach of the Soviet veto in the United Nations.

Vandenberg successfully steered his resolution through the Foreign Relations Committee and onto the Senate floor, where it was approved by a vote of 64 to 6. The width of its approval put the Senate on record. One year later, by an equally wide margin, the Senate consented to ratify the NATO Treaty.

AIPAC POLICY CONFERENCE

Mr. HARKIN. Hubert Humphrey once said, "The right to be heard does not automatically include the right to be taken seriously."

The American Israel Public Affairs Committee [AIPAC] is taken seriously on Capitol Hill, and that is a real tribute to Thomas Dine, who as its executive director has helped make AIPAC a respected and powerful voice in our Nation's Capital.

I commend to my colleagues' attention Tom Dine's address before AIPAC's 29th Annual Policy Conference held in May. These remarks offer a thorough review of United States-Israel relations, which, despite the ongoing crisis in the Middle East, are as strong now as ever before. I was especially impressed by Mr. Dine's strong support for U.S. involvement in the peace process in the region, and particularly, for the efforts of Secretary Shultz.

Despite differences over particular points of the Shultz initiative, Dine emphasizes that there is a strong consensus in the United States and in Israel in support of a peaceful resolution to crisis in the occupied territories. "Without a political settlement," Dine states, "there can be no enduring solution to Israel's security. And it is Israel's security that is our goal." The link between peace and security makes success of the Shultz initiative vital to Israel's security and long-term peace in the Middle East.

This year, the 40th anniversary of the founding of Israel, we not only celebrate Israel's past but commit ourselves to ensuring its future—as a homeland which suffered centuries of oppression, and as a nation founded on freedom and a respect for justice. We must strengthen our efforts to maintain Israel's security, and to help Israel remain true to the ideals and goals which have always given it its identity and which has been the reason for the overwhelming support it enjoys in our country. AIPAC, under Mr. Dine, has played a vital role in strengthening that partnership between the United States and Israel.

I ask unanimous consent that the remarks of Tom Dine be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE FUTURE OF U.S.-ISRAEL RELATIONS: A SECURE PEACE

(By Thomas A. Dine)

Thank you very much Ed Levy, for that warm and generous introduction. I congratulate you on your election as AIPAC's president, and I commit myself and AIPAC's eager and effective staff to help you carry out your leadership mission into the next decade. As an AIPAC officer these last six years, you have taken on the tough tasks of spearheading AIPAC fundraising in Detroit, chairing this organization's Management Committee, providing political leadership in your own community and across the nation, and building close relationships with so many Senators and Congressmen. You have undertaken many assignments and performed them exceedingly well. By your speech this afternoon, you publicly revealed what your peers and I already know: your optimism, your faith in freedom, and your commitment to strengthening the U.S.-Israel relationship from friendship to alliance. I look forward to working with you closely and forming an inseparable bond during your years of highest responsibility on behalf of our community.

Ed, you are AIPAC's eighth president. We are blessed to have on this platform your two immediate predecessors—Bob Asher and Larry Weinberg. Ed has already raised Bob. Let me just add a personal note. When you assumed the presidency in March 1984, Bob, you told me your goal and your strategy. I made a note. You said you wanted to gain for the American pro-Israel community more political punch. You said you wanted to activate more of our lay leadership into the political process. The result is obvious for everyone to see: AIPAC is far stronger in electoral and legislative political at both the local and national levels than when you began your service. In the parlance of politics, you delivered. You are an important person—and a dear, personal friend.

And to past president and chairman of the board Larry Weinberg, I again express my gratitude and respect for the wisdom and strength of character you bring to our work. Not only are you the man who hired me—and for that I am eternally grateful—but you bring such seasoned judgment that I am reassured knowing that you are part of our inner councils.

In terms of institutional infrastructure, AIPAC has experienced, caring, and committed men and women at the top—among its officer corps, its Executive Committee and National Council. But AIPAC today also has experienced, caring and committed men and women throughout our nation's grassroots, in all 435 congressional districts, nurturing America's continuing commitment to democracy in action and strengthening the special relationship America has with Israel.

But as important as our pro-Israel political activists are today, I want to acknowledge the man who towered above all of us. AIPAC's founder and patriarch, Si Kenen, died seven weeks ago at the age of 83. He was our friend and confidante, he was our teacher. Most important, he was our leader and mentor.

Si knew what he wanted: Israel's restoration and survival. He knew how to channel his commitment to that cause: the establishment and running of the American Israel Public Affairs Committee.

This organization is Si's greatest achievement. A political organization was created where no political infrastructure had existed before. A Jewish organization was created in a cold world, a world where Jews had been abandoned. An organization was put together by one person, aided only by a few. This organization is, along with AIPAC's Kenen Forest near Jerusalem, a living memorial to Si.

Today AIPAC is broadly based, ever growing, as witnessed by the fact that 1,200 delegates are assembled here, representing 47 states of the Union, and every young, as witnessed by the fact that over 300 college students are present. This, the 29th Policy Conference, AIPAC's largest in history, is dedicated to the memory of Si Kenen.

Over the past eight years, I have come before this Policy Conference to review with you our challenges and achievements of the past 12 months, and to discuss where we need to go in legislation, foreign policy, and our grassroots efforts.

But this year is different. We meet at a time of great change, uncertainty, and possible danger. Much of what we have achieved over the last several years is being challenged. Our community is seized with the question of how to come to grips with a new threat. I have, therefore, decided to put aside the normal practice of reviewing the state of AIPAC and accounting for our results. Instead I want to devote this time to analyze the situation and present a battle plan, an agenda of action, for all of us to execute here in Washington and back home at state and local levels.

This is a large task. The core issues involve six different questions.

First, there is the Arab uprising, its meaning, and how it is understood in the United States.

Second, is the peace process and the search for a political solution.

Third, there is the bilateral U.S.-Israel relationship in light of the uprising and the peace process.

Fourth, is the election in Israel and especially, the impact on our work when the main parties in Israel are so deeply divided, and how we deal with this.

Fifth, is the election in the United States, particularly the Presidential election, and how we prepare for the next Administration.

Finally, there is our own role in this changing and challenging situation, and what we need to do to preserve and enhance the U.S.-Israel relationship.

To begin with the first issue—the Arab uprising. It is clear that, for better or worse, this has brought about a permanent change in the Middle East. The Palestinians in the territories have emerged as a distinct force, they are pursuing very radical demands. Jordan's influence has been dramatically reduced, and Israel is confronted with the reality that it now administers a much more hostile population. The status quo that existed before December 9, 1987, cannot be restored, and a new political solution will have to be found.

The pro-Israel community in America knows that no permanent solution can be achieved between Israelis and Arabs without a political settlement. But we also recognize that, in this extreme situation, there is no quick fix to achieve that settlement. The political process is not some magic hat out of which we can pull a rabbit with the blink of an eye. Today Israel is faced with the stark choice of surrendering to chaos or restoring order through security measures by the army and police.

For this reason, Israel's cabinet, in spite of all the divisions on other matters splitting Labour and Likud, is united on the need to end this wave of violence by talking and by taking strong measures.

Perhaps it would be different if the uprising had a realistic program and a responsible leadership prepared to enter into negotiations toward the achievement of practical goals. This is not the case. What we have instead is a wave of Arab nationalist euphoria, intoxicated with Islamic fundamentalist themes, engaged in violence, with illusions of omnipotence and, most tragically, renewed dreams of driving Israel into the sea.

Listen to the words of Mahmoud Darwish, the Palestinian poet and someone internationally described as a "moderate." His recent poem "Passing between the Passing Words" catches the maximalist mood:

. . . The time has come for you to go away
And dwell where you wish but do not dwell among us
. . . So leave our land, our wheat, our salt, our wound,
Everything and quit.

Rage and hatred aimed at Jews are not a political program. The goals of the rioters as expressed by the Uprising Committees, the outside PLO, and such poetry as I just read, can be summed up easily: They want it all, they want it now, and they think they can get it.

Insofar as there are defined political demands, they boil down to two core objectives: What the leaders of the uprising call the "right of repatriation." In other words, (1) returning the Palestinian refugees to the cities and villages in Israel from which they departed in 1948, that is Haifa, Ashkelon, Beersheba, and Jaffa, and (2) the immediate creation of a Palestinian state under the control of the PLO with Jerusalem as its capital.

I want to emphasize a point here. I put the "right of repatriation" first, because the PLO and the uprising statements themselves put it first and enunciate that it is their leading demand.

These are not demands that any realistic person could expect Israel to meet, because they would mean, in plain language, the elimination of the Jewish state. The PLO and the rioters seek to bring one million Palestinian refugees and resettle them within Israel's pre-1967 borders where they will continue their struggle. One million Palestinians who have been kept in camps as refugees by the Arab states over these past 40 years. One million refugees who were tutored in hatred and violence by the Mufti, Shukeiry, and Arafat for the final struggle against Israel. Their plan is not a political program. Their plan is a demand for Israel's suicide. Even the most dovish voices in Israel have been saying to the Palestinians, as was seen on Ted Koppel's "Nightline" series from Israel two weeks ago, "Please drop this demand, because it means in reality total war against Israel, and even we cannot accept it."

The second major demand is equally unrealistic: an instant Palestinian state headed by Arafat, with its capital plunked down right in Jerusalem. No duly elected Israeli Government would entertain the relinquishing of Jerusalem. No duly elected Israeli Government would agree to the coronation of Yassir Arafat. The PLO has repeatedly said and reaffirmed that such a state would be used as a platform to move to the second step—which is the destruction of Israel. Let me read from the official PLO program: "After its establishment, the Palestinian national authority will struggle to unite the confrontation countries to pave the way for the completion of the liberation of all the Palestinian territory." In this so-called "Strategy of Stages," the Palestinian state will be the transitional arrangement and the "final status" will be Israel's elimination.

In sum, the political program of the uprising is the "right of repatriation," the instant establishment of a PLO state, and ultimately the swallowing up the Jewish state. These demands offer Israel nothing to negotiate about.

My point to you today, friends, is that this is a continuation of a war that is at least 60 years old, a war that has long been pursued by two kinds of extremists—Arab nationalists and Islamic fundamentalists—for the destruction of the Jewish state. This war is being misrepresented on network television as some sort of children's crusade, or an act of civil disobedience, or a modern-day version of the Palestinian David fighting the Israeli Goliath. This war is being sugarcoated in the United States, by professors and Mahatma Gandhi impersonators who go on television to depict that all they want is an end to the occupation and the beginning of co-existence. Let me stress this is not the reality of the rioter's demands.

If all the uprising wants is ending the occupation and commencing a process of co-existence, why do its leaders continue to vilify the name of Sadat? Why do they describe George Shultz as Satan and his initiative as an "imperialist plot?" Why do they describe the United States as their "arch enemy?" Why do they reject both territorial compromise and autonomy, and express hatred for both Yitzhak Shamir and Shimon Peres?

No, the radicalism of the leaders of the uprising is no accident. It is rooted in the radicalism of the Palestinian residents of the territories themselves. A public opinion poll taken in the area, under the sponsorship of the pro-PLO newspaper Al Fajr, found that less than 20 percent of the Arabs of the West Bank and Gaza are prepared to live in peace with Israel after the establishment of a Palestinian state, while 80 percent are committed to a Palestinian state in all of Palestine, that is, instead of, not along side Israel. And, as to the nature of this state, only 10 percent have in mind the so-called "democratic, secular state," while over 60 percent want an Islamic state. Three-quarters of the Palestinian respondents saw no possibility of a peaceful solution through political means, regardless of which Israeli party was in power.

That poll was taken two years ago, before the uprising and its contemporary delusions of omnipotence.

No, there is no Palestinian movement seeking a compromise. It is a war against Israel—a "liberation" movement seeking to liberate Israel from the Jews.

Many Americans, however, are confused by this new stage of the war against Israel. On television each night, Americans are reminded of the occupation. They do not like it. What is harder for them to understand is that the people of Israel do not like it either. Israel did not seek to become an occupying power; this was thrust upon her by the Arab attack in 1967. Successive governments of Israel have proposed numerous formulas to end the occupation; all of these political solutions have been rejected by the Arab side. The only offer that has been made to Israel by the Palestinians is if you wish to cease being an occupying power, you must agree to terms that will put us in a position to destroy you. In Israel, then, the question is not whether to end the occupation of Palestinians, but how. To the Palestinians, the question is not whether to make peace with Israel, but how to destroy her.

A leading Israeli dove recently said to me, "What makes me heartsick is that the only option the Arabs are offering me to end the occupation is suicide. Forced to choose between occupation and suicide, I have to choose occupation."

It is Israel that is striving, more than anyone else, to find a realistic way to give the Palestinians control over their own lives.

The Israeli Government has two main objectives. The first is to restore order. On this, what is needed from the United States is understanding. The second is to pursue a political solution that will make true co-existence possible. Here, what is needed from the United States is active involvement guided by a sound strategy.

This brings me to my second topic—the peace process. Without a political settlement, there can be no enduring solution to Israel's security. And it is Israel's security that is our goal.

We have directly, indeed, repeatedly communicated to the Administration and to Members of Congress that AIPAC and our community back the Administration's active involvement in a peace process. We support Secretary of State Shultz's efforts, knowing that Ronald Reagan and George Shultz are stalwart friends of Israel.

Of course, it is not necessary or possible for our community to support every element of an initiative. There are often legitimate differences of opinion among people, all of whom are concerned with peace and Israel's security. For instance, George Shultz and Shimon Peres support the idea of a non-authoritative international conference as a means to bring about direct negotiations. Henry Kissinger and Yitzhak Shamir do not think it is a good idea. It is not as if people on one side of the issue want peace and security and those on the other side do not. AIPAC, as an organization, does not take a position on the non-authoritative international conference as such. That is a decision for the people and Government of Israel. We do, however, have a stake in conducting this debate over reasonable differences in a civilized manner. We oppose any assertion that anyone who does or does not go along with this idea is against peace or the security of Israel.

Another example of an honest difference of views is the debate between those who favor territorial compromise as a way to end the occupation, and those who think autonomy is a better approach. Both seek a means to reconcile an end to the occupation, with the requirements of Israeli security. Both are serious ideas, and each has advantages and disadvantages. The issues are quite complex, and I do not propose to go into the whole logic here. My point is that both major political blocs in Israel are trying to come to grips with the challenge of fashioning a political solution, as they must, with appropriate safeguards for Israeli security. Which path is the best is a decision the people of Israel must make for themselves, because it is they who will have to live with the consequences.

The United States cannot make these decisions for Israel, nor is the Reagan Administration trying to do so. The most important role for the United States is to bring to the table an Arab partner prepared to discuss in a serious manner alternative ideas for realistic political solutions.

King Hussein has for a decade been playing the tease, saying "Maybe I will, and maybe I won't." He is forever posing challenges to the United States to meet his conditions, giving us litmus tests, and sending us letters full of questions. But, after all the diversionary tactics, he has continued to refuse to sit down in face-to-face, public negotiations with Israel.

The foremost obstacle to the commencement of a peace is the veto power being exercised by the rejectionists, particularly Syria and the PLO. Their solution is to bring Israel before a tribunal of unfriendly parties organized as an authoritative international conference—not the kind Shultz or Peres is proposing. Under this formula, Israel would be put on trial and sentenced to its fate. This is, of course, unacceptable to everyone in Israel, and it is certainly unacceptable to us. As President Harry Truman stated before the Liberty Bell in Philadelphia on the 10th anniversary of Israel's independence: "Our government must make it clear that Israel is at the bargaining table . . . not on the bargaining table." This must be, and must remain so, United States Government policy.

The Arab rejectionists also demand a Palestinian state controlled by the PLO with Jerusalem as its capital. This is rejected by all major parties in Israel because it would constitute a mortal threat to Israel's very existence. Governor Mario Cuomo of New York said just last week, the United States must not "demand that Israel become a co-conspirator in her own suicide, that she acquiesce in the establishment of a state within the occupied territories under a leadership not only hostile to Israel, but officially dedicated to her annihilation."

The same is true for the Hashemite Kingdom. Henry Kissinger pointed out in his memoirs that such a state would also very quickly become a threat to the security of Jordan. An independent Palestinian state would thus boost the worst Palestinian elements, create new obstacles to peace, and possibly destabilize the East Bank.

For all these reasons, the idea of a Palestinian state has been rejected by the past four U.S. Administrations. President Reagan specifically rejected this idea in his September 1982 initiative. Secretary Shultz has restated opposition to it on many occasions, notably including his recent interview with Jordanian journalists which the Jordanian government did not allow to be published or broadcast.

Our job in the peace process is two-fold: To support an activist American approach in the search for a political solution, but also to keep U.S. policy from drifting in directions hostile to Israel's security and the U.S.-Israel relationship. We must work to educate the next Administration to stay on a sound course, avoiding some of the naive and destructive ideas that are put forward from time to time by parts of the federal bureaucracy.

One item in particular, however, that we must oppose is the use of confrontational tactics by either the United States or Israeli governments in dealing with each other when differences arise, as inevitably they do in international affairs. We must especially oppose ad hominem criticism of officials of either government by officials of the other.

A consistently strong and close relationship between the United States and Israel serves the higher interests of both countries, is essential to Israel's security, and is a bedrock of the peace process itself.

Conversely, U.S.-Israel tensions, whatever their motives may be, reduce the incentives for the Arabs to negotiate with Israel. Such tensions contribute to the Arab illusion that they can instead negotiate with the United States and expect the United States to force Israel to accept their terms.

I know this point is fundamental, but I make it tonight because there are major voices in the bureaucracy these days, who are trying to sell George Shultz on the misguided idea that the way to move the peace process forward is by singling out Israeli leaders for public criticism. I see no sign that the Secretary of State is taking this bad advice, but we have to be ever vigilant. Equally, it is part of our job to emphasize to Israeli leaders that the United States is their vital ally, and that when differences of opinion arise, as is bound to happen from time to time, they must be expressed in a way that does not contribute to tensions that will be exploited by Israel's enemies.

This analysis leads me to my third topic, which is keeping the U.S.-Israel bilateral relationship on track. This is a core principle for us. The peace process is a major priority, but it is not the only issue of the U.S.-Israel partnership. Israel is also an important ally of the United States in regional and global affairs, in the search for stability on the southern flank of NATO and in the Eastern Mediterranean, in the war against terrorism, and in many other ways. In addition, Israel needs America's support to help maintain a stable military balance in the region and deter the threat of war. If the Arabs succeeded in driving a wedge between the United States and Israel, this would hurt the search for a political settlement of the Arab-Israeli conflict and the many other vital interests the United States and Israel mutually share. Even an Arab perception of a split between the U.S. and Israel would weaken Israel, make war more likely, and erode the overall position of the United States and its allies in that part of the world. The only winner would be the Soviet Union.

The current situation is made more difficult by the fourth topic I want to discuss, which is the split between the two major parties in Israel. As the Israeli election approaches, the two camps in Israel are more divided than ever before, and have taken to describing each other in increasingly harsh and abusive language. There is an ever-present danger that internal arguments will spill over to the United States, and split apart the unity of our community that is the foundation of our effectiveness here. We cannot afford disunity because there are terrible costs to disunity.

As we approach the Israeli elections scheduled for November 1st, Labour and Likud naturally focus on their differences with each other. This leads to a false impression in the United States that "these guys don't agree about anything" and makes people forget the fundamentals of Israel's situation on which the two parties do very much agree.

Let me mention the fundamentals of the Israeli national consensus, lest they be forgotten in the days ahead.

First, Israel must retain its military superiority. Most of the Arab world, regrettably including the leaders of the uprising in the territories, are completely unreconciled to Israel's existence as a Jewish state, and would seize the moment to destroy her if the opportunity arose. Israel's very survival as a nation therefore depends on her military strength, and her ability to deter all-out war by convincing the Arabs that such a war could not succceed. On the issue of national survival, there is absolute agreement between Labour and Likud—and in the Diaspora—to maintain military superiority.

Second, Jerusalem is the eternal capital of Israel. This city is the heart of the nation. It is my soul and yours. It cannot be redivided—this very day, by the Hebrew calendar is the 21st anniversary of Jerusalem being reunited—and its surrender cannot be the subject of negotiation. On this, too, there is profound agreement between all parties in Israel—and in the Diaspora.

Third, due to the physical geography of the region, the Jordan River and the Golan Heights must be Israel's defense line for security against both the military threat and terrorism. Israel's defense perimeter could not return to the pre-1967 frontiers—without a severe and unacceptable reduction in the security of the state. All agree on this.

Fourth, this does not mean that the status quo and the military occupation of Arab communities within this defense line must or should continue. Indeed, both Labour and Likud agree that the military occupation should end. Both have put forward serious ideas for new political arrangements to bring it to an end: In the case of Labour, through a territorial compromise that would retain for Israel the Jordan River defense line but cede to the Arabs much of the territory within it, and in the case of the Likud, an arrangement for Palestinian self-rule in an autonomous authority associated with Jordan. Both Israeli parties are committed to a political solution to reconcile Israeli security with political self-government by the Palestinians and an end to the occupation.

Neither party will accept a Palestinian state in the West Bank and Gaza, and neither will negotiate with the PLO.

On these and many other issues there is, in fact, agreement among the Israeli parties. On some of the sub-issues, on the other hand, there are important differences. The people of Israel are coming to grips with a terrible dilemma. Many of the lands of their forefathers, to which they have yearned to return for thousands of years, are not inhabited by another people. Under these circumstances, there are no good choices, only less bad ones.

Is the best solution for the Jews to remain in these areas, in a political co-existence with the Arab inhabitants, each under their own authorities, as the Likud proposes? Or is the best solution for the Jews to withdraw from the territories to establish an international co-existence between the Jewish State and an Arab neighbor, as Labour proposes? This is not a question we can answer. It is not a question the United States Government can answer, nor Western Europeans, nor the Soviet Union, or China. It is a question for the people of Israel, and it is a question to be answered in direct and meaningful negotiations between Israel and her Arab neighbors and the residents of the territories.

We all have our opinions, but our job is to see to it that, while the debate rages in Israel, it does not spill over into the United States. We must create more understanding here at home for the difficult choices that democratic Israel is making.

This is made still more challenging by the fact that we in the United States are having our own election, which is my fifth topic. For the first time in eight years, we are going to have a change of Administration. This means not just a new President, but also a new Secretary of State, a new Secretary of Defense, a new National Security Adviser, and so on throughout the many Cabinet and sub-Cabinet posts that the President must fill. It will be a very new situation.

Let me add a personal note here. The term of public office for Ronald Reagan and George Shultz will soon be over. These last eight years have clearly witnessed the coming of age of the American-Israeli alliance. At the direction of President Reagan, the bilateral relationship has risen to heights beyond the highest hopes any of us had in 1980. The bilateral relationship today is strong and stable and unshakable. The architect of this essential evolution from close friend to strategic partner to de facto ally is Secretary of State George Shultz. He is the man that has ensured that Washington and Jerusalem today cooperate on a vast number of issues more intimately than at any time in history. He leaves an incredible legacy. As the years ahead come and go, let this community always remember George Shultz, honorable man, statesman, a caring and good friend, in the same way we revere Harry S. Truman.

One way a new Administration will not change is the army of civil servants, foreign service officers, and military officials who staff the various agencies and constitute what is sometimes called the permanent government. These the new President will inherit. He will try to control them, and they will try to control him.

Some members of this permanent government in the bureaucracy are committed friends of Israel. Others are individuals who have long believed that the United States is too close to Israel and should tilt toward the Arabs. Washington will soon witness a new round of combat between these two camps for the mind of the new President and his closest advisers.

There is an obvious and great need for us to be involved with the two candidates for the presidency, be we Democrats or Republicans. There is a need for involvement with likely members of the Cabinet, key advisers, and candidates for the significant sub-Cabinet positions at every level. We have dedicated ourselves in recent years to developing a new relationship with the Executive branch, and the challenge in the Administration is never greater than at a time when the whole Administration will turn over at once.

Even more so, we must re-dedicate ourselves to strengthening support for Israel in the Congress.

There is a great unfinished agenda in the U.S.-Israel relationship—in the strategic, diplomatic, and economic spheres. It is our goal to build on the remarkable achievements of the past several years.

This cannot happen unless we maintain and further strengthen the pro-Israel consensus in the Congress. Even with a friendly Administration, the budget axe that is coming under the pressure of the deficit and Gramm-Rudman, and the diplomatic challenges that lie ahead, under the pressure of the peace process, mean that support for Israel in both houses of Congress will be more vital than ever.

This brings me to my sixth and final topic—ourselves. We know who we are—America's pro-Israel community, the domestic base to our policy and programs toward Israel, people who actively practice spectacularly our political citizenship. What are we to do in these difficult and potentially dangerous days ahead to fulfill our responsibilities in enhancing the U.S.-Israel partnership in all its dimensions?

Despite what is going on in Israel and what is perceived to be going on, support for Israel on Capitol Hill remains strong. That is a tribute to your active involvement in the policy-making process at all levels, but particularly in your local communities and in personal relationships with Senators, Representatives, and candidates. I applaud you for your deeds. Day after day a Member of Congress will say to me, "I just spoke to so and so, and he/she made a good point about the Israeli situation."

In the last two weeks in Congress, a major step was taken toward providing Israel $3 billion in military and economic grant assistance when the House Appropriations Subcommittee on Foreign Operations, led by Chairman David Obey of Wisconsin, voted out the FY 1989 foreign aid bill without controversy. In addition, that Subcommittee provided funding for resettling Soviet and other refugees in Israel; for joint U.S.-Israel development projects in the third world; for cooperative programs between Israel and Eygpt; and many other measures affecting Israel in the political, economic, diplomatic, and security spheres.

The FY 1989 Defense Authorization bill passed the House last week and will pass sometime this week in the Senate. This measure further strengthens and deepens the U.S.-Israel strategic relationship begun in November 1983. Israel's status as a major non-NATO ally is now assured. A U.S. Defense Department procurement officer is directed by the legislation to be stationed in Israel to help facilitate Israeli military sales to the Pentagon. And the bill provides for continued funding for the Popeye air-to-ground missile and the Arrow anti-ballistic missile, two critical weapons projects that Israel is developing for its and NATO's use.

The Senate on Friday passed two amendments which are of particular interest to all of us. The first, sponsored by Senators Phil Gramm, Carl Levin, and Sam Nunn, prohibits the President from making any future arms sales to Saudi Arabia unless he certifies that the Saudis have not acquired chemical, biological, or nuclear warheads for their new Chinese intermediate-range missiles. In the second amendment, sponsored by our good friend, Senator Howard Metzenbaum of Ohio, restrictions are put on the number and types of F-15 fighter jets the Saudis can possess. Both amendments passed unanimously in the full Senate.

These essential legislative developments could not have happened without your persistent lobbying efforts in personal meetings and on the telephone. You will have a chance this week to meet face-to-face your Members of Congress when they participate in our Conference events and when you go up to Capitol Hill on Tuesday. Nothing impresses elected officials more than to see pro-Israel citizen lobbyists from back home throughout the halls of Congress and in their Washington offices.

The messages you will be carrying will be covered in detail in the various workshops tomorrow. But in brief here is our essential legislative agenda for this calendar year:

1. The first issue is our support for the peace process. We want to convey the message that the debate in Israel is over how best to make peace, while the Arab world has not decided whether to make peace.

In Israel's 1948 Declaration of Independence there is the following statement: "We extend our hand to all neighboring states and their people in an offer of peace and unity and appeal to them to cooperate with the independent Jewish nation for the good of all."

It is one of the great tragedies of our time that the neighboring states rejected this offer and reacted instead with hostilities. Thank God, Israel weathered the war for independence, and has weathered additional wars since then, and every conceivable form of terrorist outrage as well.

Members of Congress, like all of us, need to be repeatedly reminded that the goal of the Palestinian uprising is to swallow up the Jewish state. Along these lines, it is worth noting that the only peace movement in the Middle East is in Israel, America's close and democratic ally.

2. The second issue is foreign aid. We support $3 billion to be appropriated to Israel; we also support the full foreign aid bill. You are here at a critical time for the full House Appropriations Committee will consider aid to Israel and the total bill this Thursday. If your Representative is a member of that Committee, please urge him or her to support the Subcommittee bill before it. And by the end of next week, the House of Representatives is scheduled to take up the first free-standing foreign aid appropriations bill since 1982. Please ask your Representative, therefore, to:

Support the Committee bill, including $3 billion to Israel;

To oppose all cutting or anti-Israel amendments that may be offered on the floor;

Support final passage.

3. The third issue is to thank your Senators and Representatives for supporting the pro-Israel measures in the Defense Authorization bill and ask them to continue that support in the Defense Appropriations bill which will be considered in June and July by both Houses.

Your work does not end when the Policy Conference is finished and you depart from Washington. The reason the U.S.-Israel relationship remains strong and unshakable, especially in time of crisis, is that you and I never end our efforts. When you return home, not only send a personal letter to Members expressing your appreciation for meeting with them, but also be in contact on a regular basis to educate, providing accurate information, perspective, back-up articles, and other supportive commentary. You are the best source your Member has on the U.S.-Israel partnership.

Continue the relationship. Meet with your Members when they are back home. Bring together a group of active pro-Israel supporters to form Congressional Caucuses that will in turn meet Congressman and constituents on a regular basis.

It is also important to meet face-to-face with candidates running for office. They, too, need education and your support. No matter who is in the White House in January 1989, the first year of any Administration has been frequently marked by tension between Washington and Jerusalem. Congress is, as Si Kenen always told us, Israel's first-line of defense.

The coming election on November 8th is crucial for all friends of Israel. Join up with a pro-Israel candidate running for election or reelection. Your participation is as crucial or more so than ever before.

This year we are seeing how state and local politics affects the U.S.-Israel relationship. For example, as the Democratic Party writes its 1988 platform, at least six state parties have had to wrestle or are wrestling and anti-Israel resolutions.

Two and a half weeks ago, just such a resolution came before the California state party, calling for an independent Palestinian state. The resolution was stopped only at the last moment. When we talk about pro-Israel political activism, we cannot afford to concentrate on the Federal and ignore state and local political developments. Not only is that where today's party platforms originate, that is where tomorrow's candidates and political leaders develop their perspective on issues.

So these are the challenges before us—dealing with the fall-out of turmoil now facing Israel, a hardening of Palestinian and Arab opposition to compromise with Israel, the inspiring but sometimes difficult election processes in the two democracies, and fighting off attempts to weaken the U.S.-Israel relationship.

In actively defining and defending and advocating the U.S.-Israel relationship, we always come back to the bonds that tie the two countries together: our shared Judeo-Christian tradition, our shared democratic values, our shared devotion to liberty and justice, our shared strategic interests.

But, in making these comparisons, we should not just compare Israel to the United States today. Let us compare Israel in its 40th year of nation-building to the American historical experience 40 years after the Declaration of Independence. This period was called "The Era of Good Feeling." Historians insist, however, that the period should have been called, "The Era of Inflamed Feelings." Let us recall the United States had just emerged from an unpopular and devisive war. Strong nationalist pressures were being exerted on the government in Washington by pioneers—settlers, if you will—in the territories, the wilderness beyond the original colonies. Some of those settlers felt they were carrying out a Divine Will that they called "Manifest Destiny."

Internationally, the United States in its 40th year stood alone and isolated. In a world composed of entrenched dictatorships and autocracies, the new United States was suspected, even feared, by the great monarchs of Europe. It was feared not because of its military might—for we had none. It was feared because of the force of democratic ideas which impelled its creation.

The comparisons of Israel today and the United States then are striking. Democratic Israel today represents a powerful force of ideas that threatens the despotic states around her. And what powerful ideas! Free elections, a free press, freedom to assemble and petition, full rights for women, protection of minorities, a system of checks and balances.

Against powerful ideas, the Arabs mass powerful armies, divisions of tanks, squadrons of jet fighters, and now batteries of ballistic missiles mobilized to destroy the only democracy in the Middle East and the only Jewish state in the world.

There are striking similarities between the two countries in their turbulent 40 years. Perhaps there is a historical crisis point for 40-year-old nations, a point when they feel the stresses of nation-building and when the democratic institutions undergo a catharsis.

For those of us who passionately support Israel, witnessing the process may be frustrating and troubling. It should not be. Israel, you see, in many ways is not just a 40-years-young nation. It is a nation with an educational and university system which competes with the most advanced in the United States, Europe, and Japan. It is a nation with agricultural advances that help feed the world. It is a nation with advanced medical facilities which treat American servicemen and Arabs from the surrounding area. It is a high-tech nation. It is a nation in a hurry and with a commitment to correct those stresses evident in young nations. It is a nation dealing with its problems openly, democratically, and humanely.

I cannot help but remember another line of Harry Truman's when he was asked why he supported the establishment of Israel. He said, "I had faith in Israel even before it was established. I knew it was based on the love of freedom, which has been the guiding star of the Jewish people since the days of Moses." Thank you, Mr. Truman. We share your faith. Israel's love of freedom was true then; it is true today. Like Brahms' third symphony, Israel is a heroic work, engulfed by great contrasts, engaged by great struggles, jarred by storms, hopefully achieving serenity when that prayed for day of a secured peace is at hand.

I have faith in today's Israel, so do you.

I have faith in tomorrow's Israel, so do you.

I have faith in the fruitful and enduring partnership between the United States and Israel. All of us do and all of us are here to work in the American political arena to make the American—and Israeli—dream into reality.

Thank you and shalom.

TRIBUTE TO SENATOR ROBERT C. BYRD

Mr. HECHT. Mr. President, my able colleague from the State of West Virginia has served this body with honor and distinction. Senator ROBERT C. BYRD is not only a student of history, he is destined to become part of it.

There are few Members of the Senate with the energy and dedication of the majority leader. Senator BYRD has earned the respect and admiration of his colleagues, from both sides of the aisle. It gives me great pleasure to rise in tribute to Senator BYRD and the leadership he has provided as majority leader.

RETIREMENT OF BILL HEALY

Mr. HATFIELD. Mr. President, more than 30 years ago Bill Healy moved to Bend, OR, to take over a family furniture store. Nobody knew then that Bill Healy would singlehandedly change the entire community. Although many individuals have left indelible impressions on their communities, few have so successfully built the coalitions necessary to keep the momentum going as has Bill Healy.

Several months ago, after a relapse in his fight against Lou Gehrig's disease, Bill Healy handed the presidency of Mt. Bachelor, Inc. over to Dave Marsh, long time friend and executive vice president. Since founding the ski area in 1957, Bill's accomplishments have proven wrong those who doubted in the beginning and the attraction of central Oregon has been shared with people throughout the country. He created one of the largest ski areas in the region and transformed a quiet lumber town into a premium resort location.

In the 1958-59 ski season, Mt. Bachelor's first, the area logged 29,000 skier days. Last season, the area logged close to 600,000 skier days. Skiers spent more than $30 million in the Bend area this year, which translates into a more than $80 million economic impact on the region.

Bill Healy's guidance as president will be missed, but his contributions to Mt. Bachelor and to central Oregon will continue to be enjoyed by the thousands of skiers and recreation enthusiasts that might not have made it to central Oregon were it not for his vision.

Mr. President, I ask unanimous consent that two articles from the Bend Bulletin be printed in the CONGRESSIONAL RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

HEALY HAS GIVEN HIS ALL TO MOUNT BACHELOR

(By Rick Attig)

While the Mount Bachelor Ski Area muscled its way to the forefront of Northwest ski areas, a nerve disease slowly sapped the strength of the man most responsible for the success of the Central Oregon resort.

Bill Healy, who stepped down as president and general manager of Mount Bachelor Inc. earlier this month, must take satisfaction from the knowledge that he has given his all to the ski area he and a small group of investors founded 30 years ago.

Today he is 63 years old and suffering from a neuromuscular disease that makes it nearly impossible for him to walk or talk. Mount Bachelor, meanwhile, matured into one of the best-known ski areas in the West and a powerful force in the Central Oregon economy.

Healy, however, insists that neither he nor his work at Mount Bachelor is finished.

In response to written questions submitted to him last week, Healy made it clear that he has no intention of retiring or giving up his perch atop the mountain even though he no longer is president of the ski area.

"Let me explain one thing right now: I plan to be as active as I have been," he said at the top of his written response.

The Mount Bachelor board of directors on March 30 named long-time company executive Dave Marsh as the new company president.

Healy will serve as co-chairman of the board of directors with Dean Pape, a Eugene businessman who has been board chairman since 1985. In typical Healy fashion, the announcement was made in a brief one-page news release.

Although the title change is little more than a formality since Healy for some time has been unable to manage the day-to-day activities on the mountain, it is significant that someone else has taken the reins of the ski area Healy has run from its beginning.

It started back in the 1950s when Healy and a few of his friends in the Skyliners Ski Club in Bend began to dream about the possibility of building a ski area on what was then called Bachelor Butte.

Healy, a Portland native who moved to Bend after he served in the famed 10th Mountain Division of the U.S. Army during World War II, was already an accomplished skier.

He was something of a newcomer to the business world, however, even though he was managing his father's chain of furniture stores in Central Oregon.

Healy and a small group of other believers, including a U.S. Forest Service employee named Don Peters, set out to convince the community and government leaders that Bachelor Butte could be made into a ski area and an economic boon to Central Oregon.

Peters, who is retired after a 40-year career with the Forest Service recalled this week that skeptical government officials did not believe that Willamette Valley skiers would drive past Mount Hood or Hoodoo Ski Bowl to go skiing in Bend. There also were concerns that it would be too costly to keep the Cascade Lakes Highway open to the mountain during the winter months.

"I was a dreamer in my own right," Peters recalled. "But Bill was the real dreamer. He was so full of enthusiasm and so determined that he won a lot of people over."

Even so, Peters remembered that he and Healy were brushed off by many members of the Bend business community, including the owners of the several dozen motels in the city.

"There wasn't one motel owner who put in any money," Peters recalled. "None of them seemed to think it would ever be more than a local ski hill."

Bill Healy had other ideas. He and four other investors put in a total of $75,000, and with Peters' help convinced the Forest Service in August 1958 to permit a ski operation at the butte. Healy became president of the corporation formed to sell public stock and operate the ski area.

A total of 822 skiers showed up during the first full weekend of operation at the ski area in late December 1958, and a story in the *Bend Bulletin* the following Monday noted that skiers had come from as far away as Seattle.

Healy and other early proponents of the ski area were proven right in the 1960's and '70s as skiers from throughout the Northwest flocked to Bachelor's slopes.

The first chairlift, later known as the Black Chair, was installed in 1962. The Cascade Lakes Highway underwent a major expansion in 1966 to accommodate the expanded winter traffic.

More new facilities came on line in the '70s, including the Blue Lodge and several more chairlifts. The mountain's most severe test to date was the drought winter of 1977-78 when the ski season could not get under way until January.

Healy's dream survived, however, and the incredible growth of the ski area continued into the 1980's. The Sunrise area was developed in 1981 and 1982, and the long awaited Summit Lift came on line three years later.

Healy himself refuses to talk about the early years of Mount Bachelor because, he said in his written statement, "we did so many things wrong that I am ashamed."

But the truth is that he is more comfortable looking forward than backward because his greatest joy is in making daring plans for the ski area's future.

Today, Mount Bachelor has three high-speed detachable ski lifts and is an innovative leader in what Healy calls the "arms race" among ski areas determined to have the latest in lifts and other equipment in the ski industry.

Healy and the rest of the Mount Bachelor Inc. board members currently are mulling over a new turnstyle ticketing plan in use in several areas of Europe, but would, if adopted by Mount Bachelor, become the first of its kind at U.S. ski areas.

Healy's "vision" and determination to lead and not follow are common themes raised when friends and co-workers describe his contribution to Mount Bachelor and the rest of Central Oregon.

"He is a man of deep vision and a man capable of persuading others to see things his way," said Pape, who has been a board member of Mount Bachelor Inc. for 16 years. "There isn't a member of the board who doesn't love and respect him."

"He has the most marvelous enthusiasm for everything that he does and just a tremendous ability to work with people," said U.S. District Judge Owen Panner, who served as Mount Bachelor's lawyer for a number of years.

"It is very difficult to imagine Mount Bachelor without Bill Healy as president," Panner added.

The neuromuscular disease has robbed him of his speech and his mobility but Healy's enthusiasm and love for his work have not been dampened. He still is determined to play a key role in guiding Mount Bachelor, and those who know him well are certain that he will.

"He will until the day he dies be 100 percent involved in the planning of the future of Mount Bachelor," said Kathy DeGree, vice president of marketing for the ski corporation.

Healy rarely speaks of his health, but he emphasized in the written statement that there is much more he would like to accomplish at Mount Bachelor.

"Nobody seems to want to speculate on when I will die," Healy said. "(What) appears to keep me alive is that I am far too busy and don't have the time to die.

"There still is much to do."

NEW PRESIDENT HAS EARNED HIS WAY UP THE LINE

(By Gene Barton)

As the new president of Mount Bachelor Inc., Dave Marsh will no longer be able to count on anonymity as a cover when he makes his frequent checks of operations at the ski area.

"I'll go out on a lift with my gloves and goggles and not be recognized until they check my ticket," said Marsh, 44, who last week was named to succeed Mount Bachelor founder Bill Healy as president.

"It's an important way of getting feedback. It's important to meet the public, go through the lines, hear what their comments are. . . . It's an interesting perspective. You get a lot of the good and a lot of the bad."

Marsh consciously has kept a low profile since he joined Mount Bachelor as a part-time rope tow operator almost 21 years ago.

"I feel that's going to be difficult to do in the future, either in the community or wherever," he said. "It's important to be available."

Filling the shoes of Healy, who finally was forced to step down after years of battling a crippling nerve disease, will be Marsh's toughest job and one that he has no pretensions about.

"I feel that Bill is a very unique individual," Marsh said. "I don't pretend to be Bill Healy. To expect to replace him would be folly. In the past, I thought that in order to do the job, one had to be just like Bill Healy. Now, I think everybody just has to be their own person, myself included."

Although Marsh can't replace the man, he feels he can maintain the spirit.

"I consider Bill my mentor and someone who has created a lot of enthusiasm in myself for the work I do," Marsh said.

"Certainly, he's the mentor of many of us. He's given us a lot of opportunities and room to move. The philosophy at the mountain has always been to delegate responsibility and the authority that goes along with it. The next step behind that is to follow up and support the decision-making process each manager goes through."

It's that management style that Marsh credits with allowing him to move up through the ranks and which may allow one of today's part-time workers to rise to the presidency 20 years from now, perhaps even his 16-year-old daughter, Anne, who's in her third season at the ski shop.

"I don't think you're going to see that (in the business world) too often anymore," Marsh said.

"I think the commitment of the board of directors and Bill Healy was to bring people up from within. It breeds a very devoted and loyal group of management people with a lot of opportunity for lower management."

Marsh, always an avid skier, moved to Bend from the coast where he had a partnership in a grocery, but tired of the fog and wind. He went to work for Safeway when he arrived in Bend and mixed that with his part-time job at Bachelor.

"The real inspiration was an opportunity to become a part of what I believe to be one of the best recreational entities in the Northwest," said Marsh, who used to spend about 90 percent of his time on the mountain.

At the time, the mountain had two lifts, a Poma Lift and a rope tow. In his second season, Marsh joined the ski patrol, whose duties included lift operation and maintenance and grooming the runs.

"You'd stay up two nights a week and do those chores and the other nights you'd go home to Bend like a normal person," Marsh recalled. "It was a small area and we used to do just about everything."

The next summer he worked on the lifts and helped clear new runs using Caterpillars and chain saws. That winter saw him in charge of the food and beverage operation in the lodge.

"That's really where the progression (to president) began," he said.

"I had a lot of opportunities in the base operation which developed into vice president for operation about seven years ago. . . . The opportunities at Bachelor have always been there if you worked hard. The opportunity was always there as long as you were willing to fulfill your end of the task."

It's not just by accident, however, that Marsh has risen to the top.

"I guess 20 years ago when I went to work at the mountain I felt that it (an executive position) was the course that I wanted to choose," he said.

Although it was generally considered that Marsh was being groomed to eventually take over from Healy, Marsh didn't see it that way.

"It wasn't exactly that case that I would be taking over in my mind," he said.

"I've had the inside track, but I don't think it was a given. Bill saw to it that everyone earned their way up the line."

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

SYMPATHY AND BEST WISHES OF THE CONGRESS TO PRESIDENT JOSE NAPOLEON DUARTE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of House Concurrent Resolution 312, which the clerk will report.

The legislative clerk read as follows:

A House concurrent resolution (H. Con. Res. 312) extending the sympathy and best wishes of the Congress to President Jose Napoleon Duarte during his battle with cancer.

The ACTING PRESIDENT pro tempore. Time for debate on this concurrent resolution is limited to 20 minutes to be equally divided and controlled.

The Senator from Connecticut.

Mr. DODD. Thank you, Mr. President.

First of all, let me thank the leadership, both the majority leader, Senator BYRD, and the minority leader, Senator DOLE, for being so gracious as to provide this time this morning, and also my dear friend and distinguished colleague from Kansas, Senator KASSEBAUM. We almost simultaneously raised the idea, I guess, of offering this concurrent resolution.

Mr. President, normally we offer resolutions either to condemn some action or to raise a point of consciousness about a particular foreign policy matter or domestic issue of one kind or another.

This morning, this concurrent resolution is an expression of affection, of deep care and affection for a remarkable individual, Jose Napoleon Duarte, for his lovely wife, Ines, and for his family because, at this particular moment, Mr. President, as we sit here and gather today on this Friday, Jose Napoleon Duarte is struggling for his life. Only a few short miles from where we gather this morning, he is in Walter Reed Hospital undergoing recuperation from a significant operation the other day in his battle against cancer.

Mr. President, it is a difficult thing, in many ways, to talk about Jose Napoleon Duarte in dispassionate terms. There are a lot of political leaders that Members of this body—in fact, all of us—have a great deal of respect for. But I dare say there are very few around the world today that enjoy the deep, almost unanimous, affection that Jose Napoleon Duarte has engendered over his years and career, those of us who have come to know him.

It is difficult, in a real sense, to honor this man today because of his struggle—particularly from one of us, who is a politician—who has consistently spoken for moderation and reason, and who has repeatedly rejected the political extremes of both right and left.

How do you honor a man, Mr. President, who, after bitter political battles, gained the Presidency of his country only to be forcefully deprived of it, brutally tortured in the process, and then was driven into exile?

How do we honor a man who has gathered up his courage and determination, who has put his life on the line, and who has returned to his country to confront one political crisis after another?

How do we honor a man who, against all odds, was willing to pursue political reconciliation through dialog and negotiation, and who journeyed to the little village of La Palma to prove it?

How do we honor a man who has suffered the agony of having his daughter kidnaped by political terrorists and opponents, and of having one of his closest personal friends assassinated by political extremists?

How do we honor a man who at great political risk has pledged his full support to a regional peace effort that is strongly opposed by the warring factions in the region?

And how do we honor a man who again and again, who time after time, has cast aside his personal safety in an effort to improve the lot of the humble people of El Salvador?

In a very real sense, I do not know how to honor such a man completely. But I do know this modest concurrent resolution is a sincere and genuine effort to do just that.

Mr. President, last evening, I was trying to find some appropriate words at this particular time that might reflect on how I feel, as one Member of this body, about Jose Napoleon Duarte. And ultimately I came, in the last instance, to his own book, his own story. He has written "Duarte, My Story." Let me, if I can, just quote the last two paragraphs of that book, because I think it sums up how, certainly, I feel about this individual. In his last two paragraphs, Jose Napoleon Duarte said:

> Sometimes when I see the mountain in front of me I feel that my shovel is useless but I force myself to keep digging because we will level that mountain. The daily struggle cannot defeat me, because I look so far ahead and I have faith. I can see the democratic revolution, the changes in structures and values.
>
> Although I realize the process may not be completed in my Presidency, I know what I must try to accomplish. The only certainty I have is my Christian faith. Christ taught us to love the poor. I have dedicated my life to serving my people as I believe God wishes. I have found comfort in His Word the 41st Psalm, which begins, "Blessed is he who considers the poor."

Mr. President, let us say to President Duarte that your shovel is not useless—it is not at this moment and never has been—and all of us in this body, regardless of political persuasion, wish a speedy recovery to you and peace and tranquility to your family.

I thank you, Mr. President. I yield the floor.

Mrs. KASSEBAUM. Mr. President, in rising in support of this concurrent resolution, we are doing so not only on behalf of myself and Senator DODD from Connecticut, but for all Senators in the U.S. Senate and also on behalf of the people of the United States in expressing our support and recognition of the contributions that Jose Napoleon Duarte has made and also expressing, of course, our support through a difficult time for him and his family.

He has been an important ally and friend of the United States and we have all been saddened to learn of his serious illness, which has led him to seek care at the Walter Reed Army Medical Center.

I first met President Duarte in 1982 when President Reagan asked me to head the observer group for the elections in El Salvador that year. I have since them come to greatly respect and admire the dedication and judgment of President Duarte through extremely difficult times. I have benefited from the perspective he has lent to issues facing both his country and the entire Central American region.

During his time in office, President Durate has worked long and hard to benefit the well-being of the people of El Salvador and to promote the principles of democracy, often through extremely difficult times.

President Duarte is no stranger to obstacles and adversity. He has faced many in his rise to leadership in El Salvador and in his efforts to provide a better life for his fellow countrymen.

Now this staunch ally of the United States faces an entirely new and much more personal challenge. I know that there is no one in the U.S. Senate who does not at this time express the best wishes to him in his challenge ahead and to his family, as well.

I yield back my time, Mr. President. I know there are other statements that will be made during the course of the day in support of this concurrent resolution.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I wish to take this opportunity to state my strong support for this concurrent resolution.

I want to thank Senators DODD and KASSEBAUM for the leadership that they have provided in developing this concurrent resolution and the thoughts behind it and behind its construction. And express my most sincere appreciation and admiration for President Jose Napoleon Duarte's many years of devoted and tireless work in behalf of democracy for El Salvador and throughout Central America.

President Duarte has been a staunch friend and ally of the United States and a stalwart leader of his country and his party. His long battle for democratic ideals and principles has often been at great personal cost to himself and his family. But despite these risks he has persevered in his leadership in behalf of peace and freedom.

In October 1984, President Duarte boldly and courageously went to the small Salvadoran town of La Palma where he met with representatives of the armed opposition in face-to-face talks that opened a dialog in search of peace for the people of El Salvador. Today that bold and imaginative opening of a dialog toward reconciliation and peace in El Salvador languishes in an impasse. But the initiative of talking to seek to end the fighting that President Duarte had the daring and vision to begin, remains as the best way to find an end to the cruel killing that continues in El Salvador. For it is through such a dialog that the valiant people of that torn nation may ultimately achieve the reconciliation and peace that thousands of Salvadorans so desperately desire.

Mr. President, we owe President Duarte a debt of lasting gratitude for his leadership in support of that democratic processes that we all cherish. It deeply saddens me to know that he is now fighting a final battle with cancer. I pray that the courage he has so often displayed and his abiding faith in God, will fortify him and his family in the coming weeks and months of his continuing leadership of the people of El Salvador.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BEST WISHES AND PRAYERS FOR PRESIDENT DUARTE

Mr. DOLE. Mr. President, all of us have heard with the deepest regret and concern of the illness of President Duarte of El Salvador.

The resolution which the majority leader and I offer today expresses what is in the heart of every Senator: our best wishes and prayers as President Duarte faces this difficult personal struggle.

Contemporary world politics features many leaders; a lesser number of statesmen; but only a few true heroes. President Duarte is truly a hero, to the people of El Salvador, and to all who seek peace, democracy and justice in Central America.

Again, to President Duarte, to his family, and to his countrymen: we offer the best wishes of the Senate, and the prayers of every Senator.

Mr. ARMSTRONG. Mr. President, I support the resolution giving tribute and expressing our support for the President of El Salvador, José Napoleon Duarte. Since his election in 1984, he has wisely and capably guided his nation along the path of democratic development, while under constant attack from violent antidemocratic forces. His personal stature as a democratic leader, respected throughout the democratic world and by all Americans, Republican and Democrat alike, has furthered the cause of freedom and democracy not only in El Salvador but has been a lesson in courage for the entire world. President Duarte has bequeathed to his country a brighter and more confident future and the hope for a better life. Under the leadership of President Duarte, El Salvador has been a steadfast friend and ally of the United States, a bulwark of freedom in Central America and throughout the hemisphere.

Today, President Duarte is now facing a grave personal crisis, and is undergoing treatment at the Walter Reed Medical Center here in Bethesda. He is facing this with the same determination and faith that he has always demonstrated in the service of his country. I am sure all my colleagues and all Americans join me in praying for his full recovery and lending him our moral support in his struggle.

Finally, in expressing our solidarity with President Duarte and giving him due honor for his many achievements, let us not lose sight of what we have been able to accomplish in our close cooperation with him over these past few years. Today we see in El Salvador a lively political process and competition taking hold and supplanting the violence and bloodshed of yesteryear. To be sure, the civil war and political violence have not disappeared, and there is no guarantee that they will not be stepped up in the future. But at the same time, we must continue to have faith—as President Duarte had faith—in the courage and democratic aspirations of the Salvadoran people, who time and again have braved the threat of reprisal to go to the polls and speak their voice in favor of democracy. The effort to build a democracy in El Salvador, and increasingly all over Latin America, has been a difficult one, and there have been setbacks—but in this imperfect world we have to expect that. All we can do is keep trying, keep moving forward, and have confidence in ourselves and in our friends. For the truth is that the triumph of democracy in El Salvador is not President Duarte's alone—it belongs to all the people of his country. We must all trust, as I am sure he does, that his people will keep to the democratic path with the same commitment and fortitude that he has exemplified. And we in America are ready to stand by the people of El Salvador, just as we have stood by President Duarte.

In closing, I join my colleagues in recognizing President Duarte for his many achievements in the service of democracy and the people of his country, and for his strong friendship for the United States of America. President Duarte has the heartfelt support and affection of the Senate of the United States and of all the American people. He has the prayers of all of us in this time of tribulation.

A TRIBUTE TO JOSÉ NAPOLEON DUARTE, PRESIDENT OF EL SALVADOR

Mr. PELL. Mr. President, in response to the resolution before us, we are honoring President José Napoleon Duarte, a brave and dedicated man who has strived to bring real democracy to El Salvador. His rise to the Presidency was marked by years of fierce struggle against the then entrenched oligarchy and rightist military forces that reigned. He became El Salvador's first freely elected President in over 50 years in 1984, and he continued to work vigorously to establish a democratic system. Duarte's job was made especially difficult as he tried to balance the demands of the various political and economic sectors of the country in his attempt to respond to his country's problems.

It is truly unfortunate that he faces a hard battle with a life-threatening cancer before he has been able to finish his noble task. It would be a tremendous legacy to his Presidency if he would be able to finish his term with a negotiated political settlement with the guerrilla opposition, ending years of civil war; with a reformed system of justice that would be able to deal with and act against human rights abuse; and with a strong economy to improve the standard of living of the Salvadoran people.

He has brought the principles of democratic government to El Salvador and the American people strongly supported him in that effort. The government that will come to power in the election of 1989 must understand that United States policy toward El Salvador will be predicated upon its dedication to moving forward with these democratic principles.

The heartfelt sympathy and prayers of the Congress and the American people are extended to José Napoleon Duarte as he courageously fights yet another battle.

PRESIDENT JOSE NAPOLEON DUARTE

Mr. SANFORD. Mr. President, I am proud to join the others who have sung the praises of a remarkable leader and human being, President Jose Napoleon Duarte.

Those of us who have had the benefit of meeting him, have immediately presumed to count him as a warm and personal friend. His openness, his style, his genuineness, make this kind of immediate embrace inevitable.

I recall seeing him on a recent visit as a talented and sensitive man, capable of absorbing himself as the accomplished painter he is in restoring personally some of the master paintings of the President's residence damaged in the earthquake; all the while he was facing turmoil and revolution and military conflict around about him.

His record is one of courage and determination. His performance is one of vision and perseverance. He has stood firm amidst conflict, under assault from both sides of the center position where he has planted himself, in defense of freedom and human dignity and the integrity of his nation.

That kind of public servant is a blessing, not only for his people, but for all in his region for whom he has set such a stalwart example, and for all of us everywhere who count on such defenders to keep the faith of freedom-loving people. Mr. President, I offer my warm hand of friendship, my hope and prayers to President Duarte and his family.

Mr. DURENBERGER. Mr. President, I rise in strong support of this resolution honoring one of the great men of the modern era: Jose Napoleon Duarte.

Mr. President, my colleagues are aware of the tragic illness of El Salvador's President Duarte. Currently in Walter Reed Hospital, President Duarte is fighting yet another battle—this time against cancer. Few modern leaders can match the courage and commitment of President Duarte—a true democratic revolutionary who has labored against incredible odds to move El Salvador away from extremist violence and toward democracy.

The recent political history of El Salvador is the story of Jose Napoleon Duarte's struggle against killers of the left and the right, and his deep commitment to the vision of democracy.

In 1972, Duarte won election to the Presidency but the Army prevented Duarte from taking office. That stolen election marked El Salvador's long descent into bloodshed and civil war. Duarte was arrested, jailed, tortured, and ultimately forced into exile.

As I recall, it was in the period of this election and its defrauding, and the subsequent imprisonment of Duarte and his Vice President Guillermo Ungo that I made the first of several visits to the Central American countries which had become a part of our H.B. Fuller Co., family, headquartered in St. Paul, MN.

Our relationships with our friends in El Salvador grew. My oldest son Charlie spent his 12th summer in San Salvador at the time when the city was host to the Miss Universe Pageant. My wife and I visited the region in January 1976, immediately after one of Somoza's cabinet ministers had been kidnaped for ransom and murdered. All the time I was unaware that languishing in exile was a person who would make such a difference in my political life. I had no idea what lay ahead of me.

Duarte and I shared similar backgrounds: U.S. Catholic college graduates, Jaycee presidents, and political drives in the tradition of the international Christian Democrat movement.

Former Minnesota Senator and perennial Presidential candidate Eugene McCarthy once defended his penchant for always driving on the "political shoulder" of public policy by observing that "most accidents happen in the middle of the road." Accident and opportunity I should add.

After the overthrow of General Romero in 1979—which occurred in the immediate aftermath of the revolution which drove Somoza from Nicaragua—it was Duarte's opportunity to hold a junta of right and left together through its difficult period of democratization. Duarte returned in 1980 determined to move El Salvador forward.

Duarte led the junta during the difficult years of the early 1980's. During a period of successful elections, Duarte suffered continued attacks from right and left which continue to plague his country to this date. As head of the temporary junta, his visit to the United States was marred by leftwing and media attacks on him with regard to the murder of American nuns in El Salvador and rightwing atrocities. At the same time efforts by the Reagan administration to insure opportunity for the political middle in the electoral process were attacked—and are still being attacked—by the political far right in the United States.

While the United States was deeply polarized about providing assistance to his nation, Duarte patiently sought to build the democratic center. Death squads marauded and guerrillas slaughtered but Duarte led the junta, convinced that ballots—not bullets—should determine the future of El Salvador.

Assembly elections in 1982—held in an atmosphere of fear and intimidation—resulted in a legislative majority for the rightwing ARENA Party. In El Salvador's first free Presidential election in more than half a century—on May 6, 1984—Jose Napoleon Duarte won and assumed office. Duarte's inaugural address conveys his unswerving belief in democracy and his unshakeable commitment to moving El Salvador away from war:

> Why did we vote? . . . . Not only because of profound faith in the democratic system and in freedom. Each Salvadoran also expressed, in voting, his profound desire to achieve peace and to create the necessary conditions for all of us to have work, the means for a decent life, and access to products in accordance with the potentials of each of us.

Duarte closed his inaugural address with a hope: "In five years, when I turn the Presidency over to my successor, I aspire to have him receive a different country." The capacity for hope—coupled with the ability, energy and dedication to turn hopes into reality—is what makes Jose Napoleon Duarte so unique.

El Salvador is different today. No one would claim that problems 50 or more years in the making are solved. Rightwing violence has not been eradicated; in fact it seems to be on the rise. The hardcore of the FMLN refuses to wage peace—despite Duarte's courageous first step at La Palma in 1984. The economy faces serious problems—despite large-scale U.S. aid. ARENA won the May assembly elections by a strong margin. And the Christian Democrats are deeply divided between two contending factions.

While the problems facing El Salvador are severe, the progress made since 1984 is striking. All observers agree that human rights violations by rightwing death squads have decreased since Duarte assumed the Presidency. Guillermo Ungo and Ruben Zamora returned to El Salvador as politicians. The war continues—and the FMLN seems determined to continue the armed struggle, but few observers deny their human rights abuses. In debates over United States aid to El Salvador, earlier claims comparing El Salvador to Vietnam ring hollow. Now we properly focus on how much aid for what purposes—not whether to provide aid.

Jose Napoleon Duarte's long campaign for the total democratization of El Salvador will be successful. Not in his lifetime, apparently, but successful it will be in large part because he is his country. And it will be successful because he understands his wonderful people so well—even though he may not always be understood by them.

Duarte should comfort himself in knowing that many of us who have been and continue to be his supporters through these tumultuous times believe that his policy—and the United States policy toward El Salvador in the Reagan years—has been appropriate. If it has not been successful in our time it is only because of the failure of United States policy in El Salvador's neighbor, Nicaragua.

The failure in the 1980's of everyone involved to democratize the revolution in Nicaragua the way it had been in El Salvador is gradually sinking the Central Americas. Duarte has been forced to support a Nicaraguan counterrevolution which has always lacked what he calls fire in the belly—the most important ingredient for a successful national guerrilla movement. The economic destabilization of Nicaragua, the continued war sponsored legally and illegally by the United States, and the size and interdependence of the Central American countries has made the immediate success of Duarte's revolution unachievable. But time, political change, and the groundwork which his party has laid will expose the anti-Salvadoran, anti-democratic FMLN guerrilla movement for what it is.

Those of us who initiated this revolution want President Duarte to know how grateful we, particularly those of us who have been in the middle of the road in congressional policy on the Central Americas during the 1980's, appreciate his commitment to our shared ideal. And we want him to know that we appreciate his willingness to be a friend, a counselor, and a critic at all times of the day and night of congressional policymaking and of administration policy waging in El Salvador and in Central America.

As I speak, President Duarte lies in the hospital fighting for his life. It is a tragic irony that a statesman who risked so much fighting the great political disease of our time—extremist violence—now faces his most difficult challenge fighting the great medical disease of our time: cancer. It is an honor to commend him today. I am sure I speak for many of my colleagues when I offer my prayers and my hopes for a speedy and complete recovery.

Mr. BYRD. Mr. President, I ask unanimous consent that all Senators may have the opportunity and privilege throughout the day until 5 o'clock p.m. to include statements in the RECORD as though read in full in relation to the pending resolution.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 312) was agreed to.

The preamble was agreed to.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEATH PENALTY IN CASE OF DRUG-RELATED KILLINGS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 2455, which the clerk will report.

The bill clerk read as follows:

A bill (S. 2455) entitled "Death Penalty in Case of Drug-Related Killings."

The Senate resumed consideration of the bill.

Pending:

Hatfield Amendment No. 2340, to require that executions be carried out in public and to provide employees of State and Federal correctional institutions charged with carrying out Federal death sentences under the amendment made by this bill with a right to refuse participation in executions when such participation would violate the moral or religious convictions of the individual.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Illinois is recognized to offer an amendment.

AMENDMENT NO. 2341

(Purpose: To eliminate the death penalty for killing an individual while engaging in a continuing criminal drug enterprise)

Mr. SIMON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 2341.

Mr. SIMON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 2, lines 10 and 11, strike ", or may be sentenced to death".

Mr. SIMON. Mr. President, I do not happen to believe that the death penalty is a deterrent. That is kind of the basic question, I suppose, we all face. We have heard the evidence here on the floor about Canada.

In talking to my colleague, Senator HARKIN, yesterday on the floor, I asked: "How are you going to vote on the death penalty?" He said Iowa repealed the death penalty and since it was repealed, the rate of murder in Iowa has gone down.

But if there is justification for the death penalty, then we ought to be asking the very basic question: Who are we protecting?

What my amendment does is a very simple thing. My amendment says this should apply to the killing of law enforcement officials.

A survey of 15 metropolitan areas shows that there are two groups killed by the drug dealers. Over 90 percent of the people killed by drug dealers are other drug dealers. The second group is law enforcement officials.

The question is: Who are we trying to protect? If we pass this bill, as it is right now, we make it a Federal offense to kill drug dealers. It is the drug dealers' protection act without my amendment.

We are saying if some woman is innocently raped and murdered, there is no Federal crime involved. You can go through a whole list of the things where there is no death penalty and Federal crime involved, but if drug dealers kill, then capital punishment is there.

The question again goes back to: Who do drug dealers kill? It is other drug dealers, and it is police officers.

My amendment says: Let us protect police officers; let us protect law enforcement officials; let us not use this as a means simply to protect drug dealers in this Nation.

Mr. President, I reserve the remainder of my time.

Mr. D'AMATO addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. D'AMATO. Mr. President, may I inquire how much time I have?

The ACTING PRESIDENT pro tempore. Fifteen minutes.

Mr. D'AMATO. Mr. President, first of all, let me suggest that to characterize the bill as the drug dealers' protection act is absolutely wrong; it is misleading; it is incorrect. The fact of the matter is, while my good friend from Illinois offers an amendment, there is nothing to protect or to bring to the bar of justice with the possibility of holding people accountable for the most heinous of these crimes.

I am going to tell you what we have taking place today with increasing frequency on the streets of America. We have these gangs, these posses of drug dealers, and they are basically young toughs.

They are given orders as it relates to their territorial disputes. When they come in, we hear about them spraying machinegun fire indiscriminately across playgrounds, into buildings where innocent people, who have nothing to do with their drug dealing, are killed.

Notwithstanding the contention that 90 percent of the people who are killed are drug dealers themselves, that simply is not sufficient. We need to talk about the 10 percent, and I do not buy that figure, by the way, but the 10 percent who are children, who are husbands and wives, who are innocent civilians, who are victimized as well.

We went through a litany of what is taking place in community after community in America: Upper West Side of Manhattan, 500 drug slayings in 5 years; a story of the restaurateur, 64 years old, murdered because he called the police.

Do you mean to tell me that that person who was murdered in cold blood, where the assassin walked up to him, took his pistol, shot him in the head, that that assassin should not be held liable for the death penalty? This amendment would simply strip away any ability to say in those cases where they recklessly disregard, where they come into a dancehall, which took place last week in Brooklyn, and sprayed that dancehall with automatic weapons fire, killed a 16-year-old girl, and the person who did that should not face the possibility of the death penalty?

Oh, no; this amendment, my friends, would be the drug dealers' protection act against the possibility of the death penalty being imposed, and it would say only if there was a law enforcement officer involved would the death penalty be applied.

I suggest that would open up a whole new area of constitutional challenges as it relates to equal protection.

Do you mean to say to me that if it is a law enforcement officer who is killed, execute the murderer, the death penalty is possible, but if there is an innocent civilian who has reported the drug dealers and becomes a target, as we have repeatedly, that if he or she is killed, there is no possibility of the death penalty?

For that reason, Mr. President, I will ask for the yeas and nays now, if I might.

The PRESIDING OFFICER (Mr. DIXON). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. D'AMATO. Mr. President, at the appropriate time, I will make a motion to table my good friend's amendment because I think he is serious in attempting to deal with this problem, but I think this amendment would just leave open that whole area, as it relates to innocent women and children and citizens, people who attempted to do their job and report the drug dealers, who become targets, as well.

Let us deal with the aspect of this drug dealers' protection act. This is no drug dealers' protection act. Let me tell you something: The best way to crack the code of silence is to have the ability to prosecute one of these killers and hold over their head the possibility of the death penalty. The fact that they kill another drug dealer does not mean we should not be concerned in terms of attempting to bridge that criminal enterprise, that organization. Who gave the orders? Today, if you ask someone who gave the orders he figures, "Look, I got a pretty good chance. I will be in jail for who knows how many years and I will be back out on the street." The prisoners are overcrowded, in city after city, State after State and even Federal penitentiaries have that problem. It is an honor badge to go to prison with the code of silence.

If there is the possibility of the death penalty, as I said yesterday, you will see how quickly those rats will run. When they are facing the ultimate test, there is not so much in the way of courage, and there is opportunity to get the successful prosecutions with them turning over their colleagues in crime. It becomes much better for our prosecutors, and much better for the criminal justice system.

So I do not say this bill is the panacea and is going to win the streets back for America. It is an important tool. It is society's way of saying that we have had enough, and if you are going to kill and plunder, then be prepared to face the ultimate which is the death penalty.

I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized. He has 2 minutes and 9 seconds.

Mr. SIMON. Mr. President, I recognize the sincerity of my friend, the Senator from New York, and I join him in wanting to do something about this drug problem. We have to do everything we possibly can. But this is not going to do anything. I will remind you without amendment this is a drug dealers' protection act. Over 90 percent of the people killed by drug dealers are other drug dealers. And the balance is almost all law-enforcement officials. And I say if there is a deterrent effect, and I do not believe there is a deterrent effect, but if there is, using the theory of this let us protect law-enforcement officials—not drug dealers.

That is what the amendment says very simply. Obviously, we are concerned about the murder wherever it occurs but most murders are not Federal offenses. If we want to make it a Federal offense, let us make it when drug dealers kill law-enforcement officials. That is what my amendment says. I think it makes sense, and I hope it gains the support of this body.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, may I make inquiry as to how much time I have?

The PRESIDING OFFICER. The Senator from New York has 7 minutes.

Mr. D'AMATO. Mr. President, I have to take issue with my good friend and colleague from Illinois on a number of counts. The statistics that I have seen do not indicate that 90 percent of those who are killed are people themselves dealing in drugs. But again, even if there were a substantial number—and I believe there are a substantial number—who are killed by the drug dealers with their own turf battles, you do not offer them protection when you say we are going to take your life as a result of the cold-blooded killing of another human being. As I said before, there are some who would say let them kill each other. I might join them and say yes, I agree, provided that could guarantee that they do not kill the innocent kids in the playground when they open fire, or like just several days ago in Brooklyn where they came in and killed the nightclub owner who was the target of the attack, and then sprayed the hall with the bullets killing others.

Like the famous Palm Sunday massacre, and these are real people, let me share with you. About 8 in the evening on April 13, 1984, Palm Sunday, 10 persons from the same family, two women and eight children were shot to death at a house in Brooklyn. Some were watching television. All of them were shot in the head. That was a retaliation—innocent women and children, babies, slaughtered. If this amendment were to be passed the person who came in or people who came in and carried out this execution could not be charged with the death penalty. I say it is appropriate.

I suggest that society has a right to demand the death penalty in these kinds of outrageous cases. That is why I would have to oppose this amendment, the Simon amendment. It does not provide the death penalty for the killing of innocent women and children, and it is taking place with increasing frequency. I suggest if you check the statistics, those are statistics that are compiled over a period of years.

If you begin to look at what is taking place in 1987 and 1988 with increasing frequency, we find that these mindless attacks which totally disregard the rights of others are taking place on police officers, and intentionally and unintentionally other citizens who have nothing to do with the drug trafficking but in some cases have stood up to the drug dealers, have reported things, have had three homes firebombed while themselves became then the targets of the drug gangs. We find that increasingly today.

I think not only police officers need the protection that this bill affords, but society. Society has to say that we are not going to sit back and tolerate this. You cannot come in and kill innocent women, children, and babies. You cannot target law enforcement officers, and you cannot be so reckless in your conduct that you are going to jeopardize the lives of others.

Mr. President, I do not know if it is appropriate at this time, but I move to table the——

The PRESIDING OFFICER. May I say to my distinguished friend from New York that motion is not appropriate at this time. After the Kennedy amendment is debated the distinguished Senator from Illinois is allowed another 10 minutes in closing debate at which time it would be appropriate for the Senator from New York to make that motion. The Senator from New York has 2 minutes and 40 seconds.

Mr. D'AMATO. I thank the Chair for that advise. I am prepared to yield back the remainder of my time at this time.

The PRESIDING OFFICER. May I advise the Senator from New York we have 2 minutes and 20 seconds before the Senator from Massachusetts is to begin his debate on his motion so that I believe the suggestion of the absence of a quorum would be in order.

Mr. D'AMATO. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. I thank the Senator. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New York.

Mr. D'AMATO. Mr. President, inasmuch as we do have a time of 40 minutes, I ask that the time begin to run on the Kennedy amendment, if he has no objection, and have it equally divided.

The PRESIDING OFFICER. Under the previous order, we go to the amendment by the Senator from Massachusetts. Without objection, the time will begin to run, divided equally between the two sides. The time is 40 minutes.

Mr. D'AMATO. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

KENNEDY AMENDMENT

Mr. McCLURE. Mr. President, shortly, the Senate will consider the Kennedy amendment to S. 2455. A vote for the Kennedy amendment is a vote in opposition to the death penalty. A vote for the Kennedy amendment is a vote to allow drug kingpins to kill innocent victims without any fear of capital punishment. The adoption of the Kennedy amendment would ensure that the death penalty could not be lawfully imposed on the Federal level.

These are strong charges, but it is absolutely crucial that the Senate understand what it is being asked to do: It is being asked to effectively outlaw the death penalty on the Federal level.

Let me explain: The guts of the Kennedy amendment is subparagraph (o)(2)(A), which states:

> It is unlawful to impose or execute sentences of death under this section in a racially disproportionate pattern.

It is explicitly stated in the Kennedy amendment that it is "not * * * necessary to show discriminatory motive, intent, or purpose on the part of any individual or institution." It is, rather, enough under the Kennedy amendment to show that death sentences are being imposed "upon persons of one race with a frequency that is disproportioned (sic) to their representation among the numbers of persons arrested for, charged with, or convicted of, death-eligible crimes under this section." It is also sufficient to overturn the imposition of the death penalty if it is imposed "as punishment for crimes against persons of one race with a frequency that is disproportioned (sic) to their representation among the numbers of persons against whom death-eligible crimes under this section have been the subject of arrest, charges, or convictions."

What does this all mean?

It means that if a greater percentage of white defendants get the death penalty, death penalty opponents will argue that the Kennedy amendment is violated, and that the death penalty is illegal.

If a greater percentage of black defendants get the death penalty, death penalty opponents will argue that the Kennedy amendment is violated, and the death penalty is illegal.

If the juries—through some miracle—turn out to impose the death penalty in the exact racial ratio as the racial makeup of the defendants, then the death penalty opponents will come into court and argue that it is not imposed in accordance with the racial makeup of the victims.

The exercise then becomes a shell game in which it is impossible for the death penalty to survive.

The Senate does not control the juries. The judges cannot constitutionally tell the juries who should receive the death penalty and who should not. We can require them to sign affidavits that they have not discriminated in their sentencing. We can overturn any conviction in which discrimination can be demonstrated. But we simply cannot ensure a statistically exact proportion of black and white defendants receiving the death penalty, because we cannot control the juries.

In fairness, it is true that the Kennedy amendment allows the death penalty to continue if the Government can reach into the jury rooms and demonstrate, by "clear and convincing evidence," that "identifiable and pertinent nonracial factors pervasively explain the observable racial disparities comprising the disproportion." In practice, there is no chance that the Government can ever meet that level of proof with respect to questions as secret and intangible as what a jury did or did not consider.

The particular irony of the Kennedy amendment is that the way to solve problems of racial disparity among victims is to impose the death penalty more often. It is odd that death penalty advocates complain that killers of black victims do not receive the death penalty as often as killers of white victims. Is their solution to step up the death penalty for killers of blacks in order to vindicate these black victims? No. What they argue is that black murder victims have a right to have killers of white murder victims treated as leniently as their own killers. This can hardly be much consolation to either the black victims or their families and friends.

There is one final problem with the Kennedy amendment: It is unconstitutional. Assume that the courts set a 5-percent margin of error for statistical disparities under the Kennedy amendment. Assume, further that whites have been executed under the D'Amato bill at a rate 4.9 percent in excess of their representation in the population of defendants. What we will have, under these circumstances, is a case in which the jury can impose the death penalty on a black without triggering the Kennedy amendment, but not on a white. The race of the particular defendant would determine whether he could legally be sentenced to death under the Kennedy amendment. This is clearly unconstitutional, both under the 8th and the 14th amendments.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. I understand we have probably about 3 or 4 minutes left?

The PRESIDING OFFICER. Without objection, it is so ordered. There are 3 minutes left.

Mr. KENNEDY. I would yield myself just a minute-and-a-half.

The PRESIDING OFFICER. Has the Senator offered his amendment?

Mr. KENNEDY. No. But I think I am permitted to speak on it; am I?

The PRESIDING OFFICER. Unanimous consent would be required.

Mr. KENNEDY. Mr. President, I ask unanimous consent that I be able to speak for a minute-and-a-half and the Senator from New York be able to speak for a minute-and-a-half.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2342

Mr. KENNEDY. I will send the amendment to the desk. I want to indicate to the membership that we have been working with the Senator from New York on an amendment to be submitted. It is, in form and substance, somewhat different from the one that was described yesterday, but I think it makes very important, significant progress in terms of the experience which I described yesterday regarding race discrimination in capital sentencing.

I would ask consent to be able to extend my remarks, and I will submit that amendment to the desk.

The amendment will make it clear that juries are not to consider either the race of the defendant or the race of the victim in deciding whether or not to recommend the death penalty under the D'Amato bill. It will require that each jury be instructed that it shall not recommend the death penalty for the crime in question, unless it has concluded that it would recommend the death penalty no matter what race the defendant, or the victim, may be. Any doubts in a juror's mind on this question must be resolved against recommending the death penalty.

My amendment will also require the General Accounting Office to study the capital sentencing procedures used by the various States, and to report to the Congress within 1 year on whether or not any or all of the various procedures create a significant risk that the race of a defendant, or the race of a victim against when a crime was committed, influence the likelihood that defendants in those States will be sentenced to death. In conducting the study, the General Accounting Office must use ordinary methods of statistical analysis, including those used in determining race discrimination cases under title VII of the Civil Rights Act of 1964. These statistical analyses will be enormously helpful to the Congress in studying the problem of race discrimination in capital sentencing, and in fashioning appropriate responses to this very troubling problem.

I want to thank the Senator from New York for his willingness to work on this measure. I think we have made important progress. I am still opposed to the death penalty and I will oppose the final bill, but I want to express a very deep sense of appreciation for the willingness of the Senator from New York to accommodate a number of my concerns.

I thank you very much.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, Senator KENNEDY has indicated concerns during the process of dealing with several technical points, but basically we are ready to accept an amendment that says very clearly that the jury will be instructed by the judge that the race of the defendant or the victim shall not enter into the deliberations. Indeed, the bill contains a provision which indicates that there will be a certification which will be signed by each juror, that race, color, creed will not enter in; two, the national origin, sex of the defendant or the victim were not involved in reaching his or her individual decision.

None of us have any problem with that. We are working out some language as it relates to another study that will be conducted thereafter.

I thank the Senator for attempting to deal with this in a manner which will allow the bill to go forward, a bill that certainly guarantees everyone's constitutional rights. That is what we seek to do here.

The PRESIDING OFFICER. The Senator from Massachusetts.

(Purpose: To reduce race discrimination in capital sentencing)

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration. This is the amendment that has been worked out with the Senator from New York.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 2342.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 11, strike beginning with line 19 through line 3 on page 12, and insert the following:

"RIGHT OF THE DEFENDANT TO JUSTICE WITHOUT DISCRIMINATION

"(o)(1) In any hearing held before a jury under this section, the court shall instruct the jury that in its consideration of whether the sentence of death is justified it shall not consider the race, color, national origin, or sex of the defendant or the victim, and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what race the defendant, or the victim, may be. The jury shall return to the court a certificate signed by each juror that consideration of race, color, national origin, creed, or sex of the defendant or the victim was not involved in reaching his or her individual decision, and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what race the defendant, or the victim, may be.

"(2) Not later than one year from the date of enactment of this section, the Comptroller General shall conduct a study of the various procedures used by the several States for determining whether or not to impose the death penalty in particular cases, shall report to the Congress on whether or not any or all of the various procedures create a significant risk that the race of a defendant, or the race of a victim against whom a crime was committed, influence the likelihood that defendants in those States will be sentenced to death shall study only crimes occurring after January 1, 1976, and should determine what, if any, other factors including any relation between any aggravating or mitigating factors and the race of the victim or the defendant, may account for any evidence that the race of the defendant, or the race of the victim, influence the likelihood that defendants will be sentenced to death. In conducting the study required by this paragraph, the General Accounting Office shall use ordinary methods of statistical analysis, including methods comparable to those ruled admissible by the courts in race discrimination cases under Title VII of the Civil Rights Act of 1964.".

Mr. KENNEDY. Mr. President, this conforms with the agreements made with the Senator from New York and myself and I understand it is acceptable in this form to the Senator from New York.

Mr. D'AMATO. The Senator from Massachusetts is correct. We have no objection.

Mr. McCLURE. Will the Senator yield?

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. I thank the Senator for yielding. I just take this time to indicate the remarks I made earlier were with respect to the Kennedy amendment as discussed yesterday and not to this latest form of the amendment.

Mr. President, I also want to make it perfectly clear that, with respect to the negotiated version of the Kennedy amendment, no defendant in any State proceeding can use the findings of the Comptroller General in a way that would have a legal effect above and beyond any other study conducted by the General Accounting Office.

The Comptroller General's findings will represent the opinion of the General Accounting Office, but will have no special legal effect in any judicial proceeding, beyond the status of any other GAO study.

Mr. KENNEDY. The Senator is correct.

CONSTITUTIONALITY

Mr. HATCH. Mr. President, we have heard assertions that the death penalty is unconstitutional. This assertion is very difficult to harmonize with the Constitution itself. The Constitution itself refers on four different occasions to the death penalty. For example, the 5th and 14th amendments note that no persons shall be deprived of life without due process of law. With due process, the Constitution permits deprivation of life. The fifth amendment requires a grand jury whenever a person is "held to answer for a capital crime." The fifth amendment also states that a person should not be "twice put in jeopardy of life." The point is clear. The Constitution itself acknowledges the role of the death penalty in a society of order.

The need to establish a constitutional procedure for the imposition of the death penalty is required by a series of Supreme Court cases starting with Furman versus Georgia in 1972. It is important to note that these cases never held that the death penalty itself is unconstitutional; they merely found that the penalty was not accompanied by sufficient constitutional safeguards. These decisions require legislative guidance before the penalty can be imposed. These amendments meet the challenge of Furman of guided discretion based on rational criteria.

The key cases relating to the constitutionality of the death penalty are *Gregg* v. *Georgia,* 428 U.S. 153 (1976), and *Coker* v. *Georgia,* 433 U.S. 584 (1978). In the Gregg opinion, Justice Stewart stated "In part, capital punishment is an expression of the society's moral outrage at particularly offensive conduct. This function may be unappealing to many, but it is essential in an orderly society that asks its citizens to rely on legal processes rather than self-help to vindicate their wrongs." 428 U.S. at 183.

Earlier today, we disposed of an amendment concerning racial bias and the death penalty.

The gist of this amendment is that capital criminals are not receiving adequate civil rights protection in the sentencing process.

I think we ought to examine that premise. I cannot begin to chronicle all the protections given to an individual accused of capital crime, but here is a short list:

Guarantee of a fair and open trial by a jury of his peers.

This jury must find the defendant guilty beyond a reasonable doubt.

This jury must not be tainted with inadmissible outside evidence of hearsay or anything else banned by the rules of evidence.

This jury must not see any evidence—even evidence of the body of the slain—if that evidence was not properly obtained.

This jury must be selected from a racially balanced pool and even a prosecutor may not object to a juror for reasons of race.

The accused is guaranteed appointed counsel throughout the trial and appeal process.

The accused may appeal in State courts and then in Federal courts and then may file habeas corpus petitions time without limitation; most capital cases are heard by dozens of judges and courts and last more than 7 years of appeal after appeal; every line of the trail is scrutinized; every bit of evidence is examined.

All defenses, like the insanity defense or self defense claims or alibi defenses or whatever, are available to the defendant.

The trial that determines guilt must be separated from the trial which sets the sentence with a jury making each determination.

A suspect must be accorded all fairness in the arrest, indictment, and other procedural steps.

A suspect must not be coerced to confess with any pressure and must not be compelled to testify against himself and must be given any exculpatory evidence acquired by the prosecutor and must be confronted with the witnesses against him and must receive all other protections for fairness in trials.

Only a narrow class of particularly heinous crimes qualify for the death penalty.

A sentencing jury must find aggravating factors beyond merely commission of murder in order to impose death.

The murderer can present as many mitigating factors as possible to escape a death penalty.

The sentencing jury must be allowed to hear any reason that might cause it to decline to impose death.

Like the guilty verdict itself, the sentence can be appealed and appealed and appealed.

A mandatory death sentence is illegal.

A criminal may not be sentenced to death for a crime found to be disproportionate to the sentence, like rape.

No insane murderer may be executed.

The death penalty must not be imposed with any form of arbitrary or capricious procedure.

This list could go on and on. My point is that it is hard to say that the death penalty is ever imposed without full and ample protections for the civil and constitutional rights of the accused. If, as the Supreme Court has said, any evidence of actual racial prejudice on the part of any juror, prosecutor, or judge creeps into the process at any stage, the accused will prevail in his appeals and will not be subject to an arbitrary death penalty.

As I have stated, the Senate did not adopt the amendment concerning racial bias statistics. That focused on the victims of crime, rather than the perpetrators of crime. The proponents of this amendment argued that statistics are evidence of arbitrary and capricious implementation of the penalty.

The reason that crimes involving white victims result in more death sentences than crimes involving black victims is not the result of racial animus in the criminal justice system. Murders involving white victims, according to studies conducted by the Stanford Law Review and the State of Florida, are more often premeditated crimes linked to rape and robbery. Murders involving black victims are more often "crimes of passion" committed in domestic setting without aggravating factors such as rape or robbery. Because whites are simply more often the victims of murders involving aggravated circumstances and premeditation, these crimes more often result in death sentences.

1984 DOJ studies show that whites are 77 percent of the victims in rape cases and 89 percent of the victims of robbery cases. Therefore, it is only to be expected that a higher number of whites would be the victims in aggravated murders associated with other felonies—the particular form of murder that leads to the death penalty.

FAULTINESS OF THE STATISTICS

In the McCleskey case, the Supreme Court assumed that the statistics were valid. By no means did the Court decide the statistics were valid, but it assumed that hypothesis and rejected them as a matter of law. That assumption, however, is far from established. The amendment before the Senate states that certain forms of statistical evidence "shall suffice" to show a "disproportionate pattern." Yet these very forms of evidence are flawed. An excellent case can be made that the statistical evidence "blessed" by this amendment does not explain at all why "black victim" murders receive lighter sentences than "white victim" murders.

In the fifth circuit Spinkellink case, the Court took a closer look at the statistics. Spinkellink's statistical "expert" was wholly unable to explain away other pertinent variables which explained the difference between "black victim" and "white victim" crimes. The State of Florida demonstrated that most "black victim" murders involved unpremeditated domestic quarrels and "hot blood" crimes. These unpremeditated crimes, of course, do not generally draw a death penalty. Thus, most "black victim" murders are simply not appropriate to be included in the same count with most "white victim" murders. The State of Florida also demonstrated that "white victim" murders generally involve premeditated crimes which were linked to robbery and rape—additional aggravating factors that call for the death penalty. The point is that murders involving black victims were qualitatively different from murders involving white victims; accordingly it is no surprise that "white victim" murders more often produced a death penalty.

Florida demonstrated that the statistics lied. Racial animus in the jury was not the reason for the difference, but the reason for the difference was the difference in the types of crimes committed against blacks and whites.

To confirm this conclusion, the Stanford Law Review did a detailed study of all the murders in Dade County, FL. This study confirmed that—

> An examination of murder cases in Dade County, Florida, reveals no conclusive evidence of racial discrimination when the difference between felony murders and nonfelony murders is taken into account. The significantly greater proportion of felony murders in interracial killings and the predominance of white victims in these killings explains apparent disparities in capital sentencing. 33 Stanford Law Review 75 at 100-101 (1980).

The point here is evident. Statistics are not justice. The statistics which appear to show a difference based on race are actually explained by differences in the types of crimes committed against whites as opposed to the types of crimes committed against blacks. Authoritative studies simply do not support the conclusion drawn by some of the sponsors of this amendment; namely, that racial animus is distorting the capital sentencing system. If such animus exists, however, adequate safeguards exist to prevent and eliminate it.

The McCleskey case presented the most detailed attempt to show some racial bias was infecting the criminal justice system. The statistical study in that case covered over 1,000 murder cases in Georgia. The raw numbers showed that defendants who murdered a white person received the death penalty 11 percent of the time, while defendants who murdered a black person received the death penalty only 1 percent of the time. Once again, this might seem to be a disparity based on race. In fact, this discrepancy might well be expected in light of the nonracial factors discussed by the Stanford Law Review. White persons are more often killed in crimes involving rape and robbery. These aggravating factors would be expected to produce more capital sentences.

The Baldus study in the McCleskey case, in its own terms, is far from conclusive. The raw numbers in that study also showed that only 4 percent of black defendants received the death penalty, while 7 percent of white defendants received the death penalty. These numbers indicate that white defendants are more likely to get the death penalty over all. In other words, on the basis of this detailed study, a white defendant might well argue that the system is racially biased against him! This is not farfetched. This is precisely what happened in the Spinkellink case. This only demonstrates again the silliness of relying on inconclusive statistics.

In light of these flaws in statistical justice, the conclusion of the 11th Circuit sounds even more authoritative:

> The lesson from these and other cases must be that generalized statistical studies are of little use in deciding whether a particular defendant has been unconstitutionally sentenced to death. 753 F. 2d 877 at 893 (1985).

As long as the proponents of this amendment have such confidence in statistical justice, let's look at another study. The 1985 Department of Justice study entitled "Capital Punishment" established that, rather than discriminating against blacks, capital punishment has been disproportionately inflicted upon white defendants:

While only 12 blacks were sent to death row for every 1,000 blacks arrested for murder and manslaughter, 16 out of every 1,000 whites arrested in similar situations were sent to death row. A white killer, according to the DOJ study, has a 33 percent greater likelihood of winding up on death row than a black murderer.

While only 1.1 percent of black inmates on death row actually received the death sentence, 1.7 percent of whites were executed. Once again, whites are more often executed.

While 37 percent of black inmates were released from death row by court rulings, a lower percentage—35 percent—of whites escaped the ultimate sanction.

According to the DOJ statistics, whites are more likely to be sentenced to death, more likely to be actually executed, and less likely to be released from death row. In fact, seven of the first eight prisoners executed after Gregg versus Georgia reestablished the death penalty were white.

Because statistics about the race of defendants are not helpful to eliminate the death penalty, the opponents of capital punishment now concentrate more on the race of the victims. Yet as indicated by the Stanford Law Review analysis, this approach too is flawed. Whites are simply more often the victims of aggravated murders that result in death sentences. The 1984 DOJ crime studies show that whites are 77 percent and 89 percent respectively of rape and robbery victims. Therefore, it is only to be expected that a higher number of whites would be killed during a rape or robbery.

The point remains, however, that if racial animus exists in the criminal justice system it would appear most directly in prejudice against a black defendant. In truth, however, the statistics—faulty as they my be—show that whites more than blacks suffer a disparate impact under the application of the death penalty.

In fact, this demonstrates nothing more than that statistics have no place in the criminal justice equation. Murderers must be judged and sentenced without regard to statistics. Murderers must be sentenced according to the facts of their own particular case—both aggravating and mitigating factors must be fully weighed by an impartial jury. This is what juries now do. Statistical justice, however, would take the determination out of the hands of juries and leave it in the hands of a battery of "experts." These experts will labor in vain to untangle the web of statistics.

This is entirely futile because the statistics do not measure the culpability of the defendant. Statistics do not measure the suffering of the victims. Statistics do not even measure racial bias, as shown by the evidence that whites more often than blacks suffer the death penalty. Statistics have no place in the sentencing courtroom.

In conclusion, I would like to ask my colleagues again to come with me to Ogden, UT, and explain this amendment to the mother of Michelle Ainsley. I would be interested to hear why Pierre Selby should receive a more lenient sentence based on statistics from crimes separated by years and miles from Selby's atrocities. I would be interested to hear why inconclusive statistics should outweigh a jury's determination that the animal who dragged Michelle into the back room deserves the full measure of the law. I would be interested to hear why nearly 14 years of trials and appeals, with no evidence of purposeful bias on the part of any juror or judge, is not sufficient to protect the animal who gunned down Michelle's friends and strangled Mr. Walker. I would be interested to hear how statistics which show more whites than blacks subject to capital punishment are supposed to demonstrate racial animus in the criminal justice system. Before voting, I hope every Senator will prepare to make that argument to Michelle's mother and the countless other mothers who will wonder what these statistics have to do with their fallen loved one.

Statistics are not justice. Our justice system provides layer after layer of protections against all forms of racial bias in jurors, judges, and prosecutors. Even assuming their validity, the statistics prove little or nothing. Yet when these statistics are examined, they reveal no racial bias in the criminal justice system which are not explained by other factors. Introducing statistics into the criminal justice system can only, in the words of the Supreme Court:

> Throw into serious question the principles that underlie our entire criminal justice system.

I urge my colleagues to oppose this amendment. Statistical justice is no justice at all.

STATISTICAL CORRECTION

Earlier in the debate I heard it mentioned by the sponsor of the race bias amendment that blacks are more often sentenced to death than whites. Once again, we ought to clarify the actual statistics on this point. I do not think statistics are valid in the criminal justice process, but we should at least understand what the statistics say.

In 1985, the Department of Justice found that 12 out of every 1,000 blacks arrested for murder offenses ended up on death row; 16 out of 1,000 whites fit the same category. Whites were 33 percent more likely to be sentenced to death.

Moreover, only 1.1 percent of blacks on death row were executed; 1.7 percent of whites were actually executed.

Nationwide statistics demonstrate that whites are more likely to be sentenced to death than blacks and that whites are more likely to actually be executed than blacks. The statistics simply do not support the conclusions that some have assumed.

No studies have established why a greater proportion of whites than blacks are sentenced to death and executed. The reason, however, is likely to be linked again to the reason more whites than blacks are victims of murders. It is likely that whites are more often involved in premeditated robberies and rapes which result in death. Blacks, on the other hand, are likely to be more often involved in crimes of passion that result in death. The former variety of premeditated killings linked to other felonies are qualitatively different from crimes of passion. These premeditated crimes contain the aggravating factors that are likely to cause a jury to recommend death.

Statistics measure quantities, but the real differences in this area are qualitative. It is the type of murder that is different and causes the harsher penalty. Once again, juries can take these qualitative factors into account. Statistics cannot.

SANCTITY OF HUMAN LIFE

Mr. President, capital punishment is our society's ultimate recognition of the sanctity of human life. The Declaration of Independence clarified that governments are instituted to protect inalienable rights to life and liberty. Capital punishment is our Government's ultimate sanction and may be the only way to make some heinous crimes unthinkable. As Walter Berns, a leading student on this matter, has observed, criminal law makes a moral statement when it punishes. Ironically, it is only through application of the sanction of capital punishment that civilized society is able to express the deep reverence that it places upon human life.

Mr. D'AMATO. I thank the Senator from Idaho for his help as it relates to coming to this conclusion.

The PRESIDING OFFICER. Is there any further debate on this amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2342) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. D'AMATO. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, we have stated that jurors must certify that they have not taken into account a defendant's creed. The jurors, however, must take into account "creed" if that creed includes murder. For instance, a terrorist may have a creed to kill in pursuit of a higher goal. A Nazi may have a creed to commit genocide. We certainly do not wish to preclude consideration of creed if that is relevant to the criminal case in any way. We only wish to preclude irrelevant questions of religion or creed.

Mr. D'AMATO. That is my understanding.

AMENDMENT NO. 2341

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the Simon amendment on which there will be 10 minutes of debate under the control of the Senator from Illinois [Mr. Simon]. The Senator from Illinois.

Mr. SIMON. Mr. President, we are now back on the amendment that I have proposed. I remind my colleagues, what this amendment does is simply say the death penalty applies when law enforcement officials are slain.

Drug dealers basically kill two types of persons: One, other drug dealers, and that is 90 percent of the deaths caused by drug dealers. And the second is police officers.

There is no reason the Federal Government should step in and be protecting drug dealers.

We, in general, do not get involved in the crime of murders that, unfortunately, takes place every day in our society.

I do not happen to agree with the basic theory of this bill. The assumption is that the death penalty is a deterrent. It is very interesting back many years ago when ancient England had a problem with pickpockets, they decided they would have the death penalty for pickpockets and public executions for pickpockets in order to discourage pickpockets. And the crowds gathered. Do you know what was happening as the crowds gathered? People were picking the pockets of the crowds that gathered.

There is no evidence that capital punishment is a deterrent, but if there is validity to the deterrent theory, then we ought to be protecting police officers and not drug dealers. That is the basis of my amendment, and I believe it is sound.

I reserve the remainder of my time, but I yield 3 minutes to the distinguished Senator from Connecticut, Senator Dodd.

Mr. DODD. I thank my colleague from Illinois for yielding. Let me apologize to the Chair as well because at this very moment, I should be sitting where he is presiding. I will try to make this brief and to, first of all, compliment my colleague, Senator Simon, from Illinois for this amendment.

I am going to support this amendment, Mr. President. I have generally supported the Senator from New York on this entire question. I also have the highest regard, for Senator Levin of Michigan and others who philosophically are opposed to the implementation of capital punishment.

I do not subscribe to that pure philosophical view. I happen to believe in certain limited situations that the application of capital punishment is justified. I think what the Senator from Illinois has offered is just one of those fact situations.

Let me say that none of us can be happy, nor feel comfortable, about the decision we must make today.

On the one hand, we are searching for a solution to the insidious problem of drug abuse and related criminal activity which threatens our children, our families, our cities and, indeed, the social fabric of this country.

At the same time, we are struggling with the wrenching moral decision of when, and under what circumstances, the taking of a human life can be justified.

I think all of us in this body recognize that the war against drugs will be long, costly, and painful, and that it must be fought on many fronts—from those nations where drugs are produced, to the streets in this country where they are consumed. But nowhere is it as important to join battle than with the army of drug profiteers, who make obscene profits preying upon the weaknesses and misery of others. Because of the enormous amounts of money involved, they will stop at nothing—including coldblooded, premeditated murders designed to intimidate the law enforcement officers we ask to go into the streets to do battle each day. If the drug czars are successful in this effort, our war is lost, and any other efforts we make will be futile.

These murders of law enforcement officers are not accidental; they are not in the heat of passion; they are premeditated, coldblooded efforts to kill and intimidate. Under these circumstances, I believe, capital punishment is warranted. Our law enforcement officers should receive all the help and protection we can give them.

I happen to believe that today we are seeing elements that are specifically going after law enforcement people through the process of trying to intimidate. We have seen this in Colombia and Latin America. They specifically went after government officials, and editors of newspapers who were waging the war against the business of drug trafficking. Those people were specifically selected by the drug cartel for assassination.

I believe that is not an impossible occurrence in this country in some of our cities and communities. I think we must send a message to that crowd that, if they are going to engage in that particular process of intimidation, this Congress, this institution is prepared to say we will respond in kind, provided they are provided the necessary protections under the law.

Mr. President, I support this amendment. I know that my colleague from Illinois and I differ to some degree on the underlying question, but I happen to think he has selected an amendment here which deserves support. I hope this amendment could be adopted. If it is, I think you will find overwhelming support, even broader support for the legislation than presently exists. I am pleased to stand in support of the amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois has 4 minutes and 25 seconds remaining.

Mr. SIMON. I understand that my colleague from New York wishes to make a unanimous-consent request to have an additional 2 minutes. I will not object to that.

Mr. D'AMATO. Mr. President, I ask unanimous consent that I might have an additional 2 minutes to comment on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, what this amendment would do is it would preclude the death penalty from being applied to cases where there is absolute reckless indifference to human life. Innocent women and children are cut down when these gangs are fighting.

New York Daily News, October 25, 1986, talks about "* * * at least 100 murders in New York City since 1980, including the slaying of a cop, officials say."

They go on to say:

> "They're shooters," said an agent of the Bureau of Alcohol, Tobacco and Firearms. "They'll shoot each other and they'll shoot innocent bystanders. They scare the hell out of us."

It went on the say:

> August 4, 1986, posse members opened fire at a crowded park in Oakland, New Jersey, killing two and wounding 19. Four days later, Christina Ayala, 7 years old, was killed by a stray bullet in the gang warfare.

Mr. President, there should be the possibility of the death penalty when innocent people are killed. What about that valued restaurateur in Harlem who had the courage to stand up, Thomas Wilson, in his 60's, and complain about the gangs that were terrorizing and bring complaints about drug trafficking, who was assassinated by these gangs. Why should not his murderer who assassinated him have the possibility of the death penalty?

That is why, Mr. President, I am going to move to table the amendment of the Senator from Illinois. It leaves a gaping hole as it relates to protecting innocent women and children and civilians.

Yes, you kill another gangster and we can get the goods on you and use it to get you to cooperate with us, maybe you will be cooperative if the death penalty is staring you in the face, and that is what we are looking at. Thank you, Mr. President.

The PRESIDING OFFICER (Mr. DODD). Who yields time?

Mr. SIMON. Mr. President, I yield myself the remainder of the time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. I have great respect for my colleague from New York. I join in wanting to see that we do everything possible to reduce this drug problem in this Nation. I have voted for Coast Guard interdiction and other things. Let us face it, without my amendment, this bill becomes the drug dealers' protection act because the principal group who are killed by drug dealers are other drug dealers.

The survey of 15 police chiefs in the metropolitan areas of this Nation showed that over 90 percent of the deaths caused by drug dealers are of other drug dealers and then the next major group is law enforcement officials.

Now, there are occasionally these innocent people killed, but unfortunately there are innocent people every day, dozens of them, killed in this Nation. We do not make this a Federal crime. If there is validity to this being a deterrent, as the distinguished Presiding Officer said just a few minutes ago and as the Senator from New York believes, then let the Federal Government protect law enforcement officials, not drug dealers. That is what the whole thing is all about. Do we offer greater protection for drug dealers than we do for innocent women and children and men killed all over this Nation?

I do not think we should. I do believe you can make a strong case in the case of law enforcement officials, many of whom have to go undercover, many of whom really put themselves in jeopardy.

I am willing to say let us protect them. But I do not think this Congress and this Senate ought to go on record saying we are going to protect the drug dealers of this Nation.

I reserve the remainder of my time. How much time do I have remaining?

The PRESIDING OFFICER. The distinguished Senator from Illinois has 1 minute, 41 seconds remaining. The distinguished Senator from New York has 14 seconds remaining.

Mr. LEAHY. Mr. President, every Member of this body recognizes that drug abuse is an extraordinary problem. Drugs damage every level of our society by infecting the home, school, and workplace. Illegal drugs impose an incalculable hardship on America.

Unfortunately, we have wasted a great part of the last several days on a measure that some believe will help in our war on drugs. Rather than discussing educational programs and other methods that have proven effective in battling drug abuse, we are talking about a measure that simply helps vent frustration.

This legislation requires the Senate to deal once again with the intractable question of who may live and who may die. Yet, the only sure result of enacting the Federal death penalty would be to add Government-sanctioned deaths to the grim statistics of drug-related murder and violence. I oppose this bill.

As a former prosecutor in Vermont with wide experience in handling murder cases, I have seen first-hand the human suffering caused by criminals in our society. I nevertheless oppose capital punishment under any circumstances.

My principal objection to the death penalty is a moral one. The moral issue overrides all others because officially authorized killing, even of those who have taken human life, offends the deepest of our shared spiritual values. Whatever feelings of retribution or enhanced personal security we may enjoy because of the use of death as a penalty, we enjoy at a high price. What we say by condoning the death penalty, however carefully and judiciously we say it, is that we, too, are killers. We lose much of what makes us a civilized society when we assert the power to kill.

Yet, this body has voted to invoke cloture on S. 2455 and made it clear that it is prepared to restore the Federal death penalty in certain circumstances.

Senator Simon's amendment would limit this bill's death penalty provision to drug-related killings of law enforcement officers. This amendment aims to lessen the number of individuals subject to the death penalty and deserve support for that.

However, I must oppose it—not because I agree with the underlying D'Amato bill. Quite the contrary. I oppose the amendment for the same reasons I oppose the bill.

I cannot support legislation that in any way condones Government-sanctioned murder. Because I believe that capital punishment is wrong, I will vote to table the Simon amendment and vote against S. 2455.

Mr. D'AMATO. Mr. President, I intend to offer a tabling motion when the Senator concludes his remarks. I can do it now. I think everything has been said.

Mr. SIMON. If the Senator from New York is going to yield back the remainder of his time, I am willing to do so.

Mr. D'AMATO. I yield back the remainder of my time.

Mr. SIMON. I am willing to proceed to a vote.

Mr. D'AMATO. Mr. President, I move to table the amendment.

Mr. SIMON. Ask for the yeas and nays.

Mr. D'AMATO. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Illinois. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Washington [Mr. Adams], the Senator from Florida, [Mr. Chiles] and the Senator from Maryland [Ms. Mikulski] are necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Maine [Mr. Cohen] and the Senator from Texas [Mr. Gramm] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 66, nays 28, as follows:

[Rollcall Vote No. 174 Leg.]

YEAS—66

Armstrong
Baucus
Bentsen
Bingaman
Bond
Boschwitz
Bradley
Breaux
Bumpers
Byrd
Cochran
D'Amato
Daschle
DeConcini
Dixon
Dole
Domenici
Durenberger
Exon
Ford
Garn
Graham
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Karnes
Kassebaum
Kasten
Leahy
Lugar
McCain
McClure
McConnell
Metzenbaum
Murkowski
Nickles
Nunn
Packwood
Pressler
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sarbanes
Shelby
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson

NAYS—28

Boren
Burdick
Chafee
Conrad
Cranston
Danforth
Dodd
Evans
Fowler
Glenn
Gore
Inouye
Johnston
Kennedy
Kerry
Lautenberg
Levin
Matsunaga
Melcher
Mitchell
Moynihan
Pell
Proxmire
Sanford
Sasser
Simon
Weicker
Wirth

NOT VOTING—6

Adams
Biden
Chiles
Cohen
Gramm
Mikulski

So the motion to lay on the table the amendment (No. 2341) was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote by which the motion to table the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2340

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the Hatfield amendment, on which there shall be 10 minutes of debate, equally divided and controlled by the Senator from Oregon [Mr. Hatfield] and the Senator from New York [Mr. D'Amato].

Who yields time?

Mr. HATFIELD. Mr. President, I will be brief.

My amendment proposes two things: It grants the right of conscientious objection to anyone on the staff of a State or Federal prison who, because of either moral or religious conviction, does not want to participate in an execution mandated under this bill. All too often, the one thing we forget about are those who are called upon to perform this heinous act that the State has sanctioned.

The other part of my amendment would seek to maximize the so-called deterrence factor, which I reject as a valid reason for reestablishing capital punishment. But for those who believe in illusion of a deterrence factor in capital punishment, then let us maximize the deterrence.

Last night, I shared my experience of having gone through an execution and the macabre way in which it is carried out—midnight, darkness of night, in secret, and so forth. I say to my colleagues that if you believe there is a deterrent effect in capital punishment, then it should be televised to the broad public. We ought to maximize the deterrence factor. Take it out of cloak-and-dagger secrecy. Take it out of a mere reporter's analysis or evaluation of what happened.

My amendment would require such executions be carried live by television or by radio, then we would get the full impact of this whole thing.

Mr. President, this is a repulsive amendment, but it is a repulsive amendment to a repulsive proposal. I am trying to make the point that there really is no deterrence factor. But if you believe it—and there seems to be a majority who do—then I see nothing wrong with trying to maximize the impact; let's bolster this theory that seems to justify the introduction of this bill and the expectation of its passage.

Mr. President, I will rest my case. This is not a pleasant matter to even discuss, but I want to make a point. I am persuaded that if the American people had access to the detail of this kind of sanctioned killing by the State, they would be so repulsed that there would be a demand for a repeal of the death penalty.

That is precisely what happened in my State of Oregon. In 1958, both the incumbent Democratic Governor and I co-chaired an effort to repeal capital punishment in Oregon. We failed. Then, after my election, the first of six death row convicts which I inherited was executed. There was a reporter who reported the execution in the press. The citizens of Oregon were so repulsed by that kind of activity, sanctioned by the State, that they repealed the death penalty in the next election.

I am convinced that it is by press accounts and media coverage of executions that we make everybody face up to the real consequences of reestablishing the death penalty.

I reserve the remainder of my time.

Mr. D'AMATO. Mr. President, I yield 3 minutes to the Senator from Alaska.

Mr. STEVENS. Mr. President, I am in support of this legislation which would impose the death penalty for drug-related murder. Enactment of this bill would send a strong message to drug dealers that we will no longer tolerate their behavior. Drug kingpins and their henchmen must know that if they are going to kill law enforcement officers and other innocent victims, there will be a high price to pay.

The legislation we consider today would impose the death penalty on drug kingpins and their hitmen when they intentionally, or with reckless disregard for human life, kill or participate in the killing of a human being. This provision applies to those engaged in a continuing criminal enterprise in violation of the drug kingpin statute involving five or more persons and a series of three or more crimes.

The amendment also provides for the death penalty for anyone who, in the course of engaging in an ongoing organized drug crime, intentionally kills a Federal, State, or local law enforcement officer while he is acting in the line of duty.

Americans nationwide strongly support the death penalty. A national AP poll revealed that 85 percent of all Americans endorse the death penalty for killing a law enforcement officer. In my home State of Alaska, a recent Dittman poll mirrored those results. Well over 80 percent of all Alaskans support the death penalty for drug-related murders and for killing peace officers. As Representatives of the people in our States, each of us must carefully consider this strong public mandate.

Mr. President, I am particularly concerned about the growing number of law enforcement officers killed in the line of duty each year. In 1986, the most recent year for which complete statistics are available, 66 men and women lost their lives in the line of duty. Two policemen were gunned down in Alaska in 1986. Another 239 were assaulted, and 65 of those officers sustained serious injuries.

Peace officers were also murdered in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Mississippi, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Texas, Virginia, and Washington.

I find it perplexing that the Congress has enacted legislation to impose the death penalty for the retalitory murder of a member of the immediate family of a law enforcement officer, yet we have not provided the same penalty for killing the officer himself.

Likewise, while we impose the death penalty for killing lawmakers—Members of Congress—we do not impose the same penalty for the murder of the men and women who enforce those laws. And while we impose the death penalty for the killing of judges who rule on the law—law enforcement officers are not accorded the same treatment. It is time to place law enforcement officers on the same level as members of their families, Members of Congress, and judges.

An article appearing in the February 19 edition of the Los Angeles Times recounted the slaying of a San Diego policeman by a drug-crazed maniac who shot the officer in a drug-induced moment of panic. Prior to the shooting, the killer had told an acquaintance, "I wouldn't hesitate to shoot a cop."

Mr. President, it is time for the Congress of the United States to take action to change that attitude. Perhaps if drug dealers and their henchmen knew that the consequences of killing a law enforcement officer would be death, they would think twice before squeezing the trigger. The bill we consider today would go a long way toward changing this arrogant attitude about the men and women who put their lives on the line every day to uphold the laws against drugs that the Congress and our State legislatures enact.

The measure has been carefully crafted to withstand constitutional scrutiny under recent Supreme Court rulings on capital punishment, specifically Enmund versus Florida (1982) and Tison versus Arizona (1987). In those cases, the high court held that for the death penalty to be applied, the killer must have had a specific intent to kill, or else must have acted with reckless indifference to human life, and he must have been a substantial participant in the activity leading to the killing.

Procedural safeguards are also built into the amendment. Specific mitigating and aggravating factors would be considered and the defendant would receive advance notice of the Government's intention to seek the death penalty. The death penalty could only be imposed upon a unanimous vote of the jury.

Last month, the Nation joined together to remember the peace officers who were killed in the line of duty last year. The best way to honor these fallen heroes is to enact legislation that would severely punish those who kill those charged with upholding and enforcing our laws. I intend to vote for this amendment to honor the memory of the Alaskans who have fallen in the war against drugs, and I urge my colleagues to do the same.

I commend the Senator from New York for his persistence, and my good friend from West Virginia for carrying out his commitment to make available time to vote on this legislation, because I think it is extremely important.

I am a former prosecuting attorney. My wife is a former prosecuting attorney. I believe that those of us who spend our time prosecuting people who become involved in this kind of activity support this kind of legislation, almost uniformly.

The PRESIDING OFFICER. Who yields time?

Mr. D'AMATO. Mr. President, no good purpose could be served by televising the executions or holding them in large public arenas, as suggested by this amendment. Making executions public will only serve to glamorize or sensationalize the process. It may even turn the defendants into martyrs.

That is not the purpose of this legislation. Its purpose is to protect society, to deter future killers and drug traffickers.

The pending amendment only serves to distract our attention from what we should be focusing on, and that is the people's right to protection from the depravity and utter contempt for human life being shown every day by the drug kingpins and their paid assassins.

Mr. President, I hope the Senator from Oregon will withdraw this amendment, lest it send the wrong signal. I do think it trivializes this important debate and this issue.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Oregon has 4 minutes and 46 seconds. The Senator from New York has 2 minutes and 12 seconds.

Mr. HATFIELD. Mr. President, I respond to the Senator from New York by saying that in no way do I feel that this is a trivialization of the issue he has brought before this body.

In fact, I might even view this bill as a trivialization of the Senate by raising this issue, but that is all from a matter of personal perspective.

Mr. President, if I thought for a moment that executing a person for a heinous crime really had some impact on raising the moral standard of our country I might have a different perspective. But to me capital punishment is but an extension of the same kind of brutalization originally perpetrated by the criminal.

We justify these executions because it is the State that does it. And yet, there is no valid evidence that shows that capital punishment has been a deterrent to murder and other heinous crimes.

I also want to say that in connection with the part of my amendment that grants the rights of conscientious objection to prison employees who are responsible for performance of the execution, I feel very strongly that those people have to be considered as well in this bill.

We assume that people on the prison staffs are anxious or willing to pull the lever. Most prisons have an anonymous system whereby not any one of the men or women who are employees of the prison know precisely which was the one that either pulled the lever for the electrical charge or dropped the gas pellets in the chamber.

Nevertheless, I think we ought to be concerned. We grant conscientious objection rights to those who have moral and religious conviction against killing in the matter of warfare.

So I fear we have forgotten this group of people and there should be no retaliation against prison employees who have refused to participate in executions.

Mr. President, I originally thought I would ask for a rollcall vote. However, I know Senators are anxious to leave, and I am a realist. I am fully aware of the tremendous support that I have for this amendment and that it will pass overwhelmingly. But I am also aware of the votes that are against it, and I think they far outnumber those votes in support.

So I am only going to ask for a voice vote on my amendment. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. D'AMATO. I yield back my time.

Mr. BYRD. Mr. President, I ask for a division of the amendment.

The PRESIDING OFFICER. All time having been yielded back, will the distinguished majority leader specify as to where the division would occur?

Mr. BYRD. Yes.

Mr. President, as I understand it, there are probably more than two divisions technically, but I would like the two divisions that I am thinking about to be the one that allows the conscientious objectors who are employed by the prison to refuse or to decline to participate in whatever work activities are required to carry out the execution. I would like to recognize the rights of those conscientious objectors not to have to participate.

I have viewed an execution and yet I am for capital punishment. But I am against having the public exposure of the execution. That is my honest position. I am for the execution. After all due process has been given I am for it. I do not think it should be public exposure. But I do think that the conscientious objector should be allowed to decline to participate. There are such people and I respect their constitutional right. That is my position.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent for 1 minute to ask the distinguished Senator from Oregon a question about this amendment?

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is so recognized.

Mr. HELMS. Would he be willing to accept an amendment providing that if an execution is to be televised that also such film footage as may be available about the commission of the murder or the other crime be televised at the same time?

Mr. HATFIELD. Mr. President, I would seek in no way to censor the press. I stand foursquare on the right of the press to publish news and information, regardless of how gory it may be.

I want to say to the Senator, because of the implication of his question that somehow I am perhaps less concerned about the victim of the crime than I am about the criminal, that if you believe in deterrence, perhaps publishing such film would help deter further. Frankly, I do not believe televising any of this is going to deter anybody. I think most of our criminals who commit these acts commit them in moments of passion or have mental problems and, therefore, we are not dealing with rationality. I think we are dealing with irrationality.

I make no effort to try to justify the crime or coddle the criminal.

The PRESIDING OFFICER. The Senator from Maryland.

ANNOUNCEMENT OF POSITION ON A VOTE

Ms. MIKULSKI. Mr. President, I inform the Senate why I was absent on the last vote and to inform the Senate how I should have voted if I had been here.

Mr. President, I was in a cubbyhole in the Capitol and did not hear the bells, and inadvertently missed this most auspicious vote. I apologize to the Senate.

Second, had I been here, I would have voted not to table.

The PRESIDING OFFICER. The majority leader has requested a division.

Mr. BYRD. Mr. President, I only seek a division on the two parts that I have described.

The first division is a technical one which would strike the quotation marks and a period, and I do not seek a division nor a vote on that division, the technical provision, and I would ask unanimous consent that that part be deleted from the division.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

Mr. BYRD. So as to the first division, let me then read. The first vote would begin on line 3 and be on this provision: On page 13, after line 17, insert the following: "EXECUTIONS SHALL BE CARRIED OUT IN PUBLIC." That would be the first vote.

The second one would begin on page 2, line 12, "REFUSAL TO PARTICIPATE BY STATE AND FEDERAL CORRECTIONAL EMPLOYEES."

I would like a separate vote on those two.

The PRESIDING OFFICER. The Senator has the right to make such a division.

Mr. SIMON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SIMON. My understanding is the first vote then will be on the question of the conscience of the officials, and the second vote will be——

Mr. BYRD. No, the first one is public television.

Mr. SIMON. The other way around. The first vote is on public television; the second vote on the matter of conscience of those who have to carry out the execution.

The PRESIDING OFFICER. The Chair will state that, without objection, the technical corrections as posed by the majority leader are agreed to.

The question then occurs on division I.

Mr. HATFIELD. Mr. President, will the Chair repeat what that one is?

The PRESIDING OFFICER. Division I would include the language "EXECUTION SHALL BE CARRIED OUT IN PUBLIC."

Mr. HATFIELD. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to Division I of the amendment.

Division I of amendment No. 2340 was rejected.

The PRESIDING OFFICER. The question then occurs on agreeing to the Division II of the amendment.

Division II of amendment No. 2340 was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that the motion to reconsider en bloc be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The only amendment to be offered at this time is a technical amendment to be offered by the sponsors.

Mr. BUMPERS. Mr. President, is there any time remaining on the bill?

The PRESIDING OFFICER. The Senator from Arkansas will withhold for 1 second.

The Chair would further inform the Senator from Arkansas that the Senator from New York [Mr. D'AMATO] controls 4 minutes and 34 seconds and the Senator from Michigan controls 3 minutes of the debate time.

Mr. D'AMATO. Mr. President, I ask the Chair whether or not my amendment for technical corrections is in order.

The PRESIDING OFFICER. The Chair would inform the Senator from New York that that is the only amendment that is in order.

AMENDMENT NO. 2343

Mr. D'AMATO. Mr. President, I send that amendment to the desk and ask for its immediate consideration.

Mr. President, this amendment brings us into conformity with the Tuesday Supreme Court decision in Maryland versus Mills. Basically, it says that you must have a unanimous decision by a jury as it relates to the imposition of the death penalty. Even if one juror says there was mitigating circumstances of any sort, the death penalty cannot be imposed. It makes this very clear. That is what this language does. It brings us in conformance with that decision. I hope we can accept it without the necessity of going through a debate and rollcall vote.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from New York [Mr. D'AMATO] proposes an amendment numbered 2343.

Mr. D'AMATO. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 17, strike "pleas" and insert "plea".

On page 6, lines 20 and 21, strike "mitigating factors, and any".

On page 6, lines 21 and 22, strike "(m) cr".

On page 6, line 24, strike "(7)" and insert "(12)".

On page 7, lines 1 and 2, strike "A finding of such a factor by a jury shall be made by unanimous vote." and insert "A finding with respect to a mitigating factor may be made by one or more of the members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such a factor established for purposes of this subsection, regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous.".

On page 8, strike lines 7 and 8.

On page 8, line 9, strike "(2)" and insert "(1)".

On page 8, line 14, strike "(3)" and insert "(2)".

On page 8, line 17, strike "(4)" and insert "(3)".

On page 8, line 23, strike "(5)" and insert "(4)".

On page 11, line 24, after "national origin" insert ", creed,".

The PRESIDING OFFICER. Without objection, the amendment may be considered.

The Senator from New York.

Mr. D'AMATO. Mr. President, I ask that the Senate agree to the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2343) was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, we should not adopt the bill for a number of reasons. First, this bill is advertised by some as being the ultimate penalty to drug traffickers committing drug-related murders but, in reality, it could let them out of prison after serving only 17 years. Murders by drug traffickers of policemen and innocent bystanders are crimes for which there should be no release. Persons convicted should spend every remaining day of their lives in prison and not have the possibility of release, as this bill provides.

The 20-year minimum in this bill is too weak a response for those crimes. The fact that release is permitted after only 17 years, if there is time off for good behavior makes it doubly weak in that regard.

Second, this bill would enact into law the same penalty for the killing of a policeman and an innocent bystander as it would for the killing of one drug trafficker of another drug trafficker. The law is supposed to embody the values of our society and it should be clear to anyone that our society does not view the killing of a policeman or an innocent bystander in the same light as it views the killing of a drug dealer by another drug dealer. The penalties should be different. This bill provides the same penalty.

Third, the debate yesterday clearly indicated that there are a number of significant unanswered questions about the drafting of this bill.

There was no committee consideration of this bill, and it differs significantly from the Judiciary Committee's death penalty bill of 2 years ago. In fact, with respect to this bill's aggravating factor relating to the depravity of the crime, we have been asked to accept as legislative history for this bill, the committee report on the Judiciary Committee's death penalty bill of 2 years ago. That committee report could not have taken into account a Supreme Court decision issued earlier this week which struck down as unconstitutional virtually the same language which appears in the bill we are voting on today.

At another time during yesterday's debate as to whether unconstitutionally obtained evidence could be introduced during the sentencing hearing, the Senator from New York indicated that under certain conditions such evidence could be introduced. However, he went on to admit that it was "an open question." In fact, the Supreme Court case of Estelle versus Smith, decided in 1980, appears to state that unconstitutionally obtained evidence is not admissible at a capital sentencing proceeding.

Mr. President, those of us who oppose the death penalty have other generic reasons for opposing and voting no on this bill. But whether you support or oppose the death penalty, there are significant reasons to oppose a bill which provides the same penalty for the killing of a policeman or of an innocent bystander as it does for the killing of a drug trafficker, and to oppose a bill which permits release after 17 years for the kind of a murder that this bill involves.

Mr. President, I ask unanimous consent that the results of an informal survey, along with a letter from Covington & Burling be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INFORMAL SURVEY RESULTS

According to a survey conducted by my staff and the House Select Committee on Narcotics, chiefs of police in fifteen cities report that in the past 18 months, 99 percent of the drug related murders in their city were as a result of drug turf disputes or disputes in drug dealer transactions. These cities also report that no police officer has been killed by drug dealers or during the course of drug raids, and that few, if any, homicides involved innocent persons. The cities are as follows:

(1) Dallas, TX.
(2) Nashville, TN.
(3) San Diego, CA.
(4) Portland, OR.
(5) Gary, IN.
(6) St. Louis, MO.
(7) Newark, NJ.
(8) Los Angeles, CA.
(9) San Francisco, CA.
(10) Atlanta, GA.
(11) Baltimore, MD.
(12) Chicago, IL.
(13) Philadelphia, PA.
(14) Miami, FL (Metro Dade).
(15) Detroit, MI.
(16) New York City.

COVINGTON & BURLING,
Washington, DC, June 7, 1988.

Re S. 2455.

Hon. DANIEL J. EVANS,
U.S. Senator, Hart Senate Office Building, Washington, DC.
Hon. CARL M. LEVIN,
U.S. Senator, Russell Senate Office Building, Washington, DC.

DEAR SENATORS EVANS AND LEVIN: On behalf of the American Civil Liberties Union, we are conveying to you our comments on S. 2455, a bill entitled "Death Penalty in Case of Drug Related Killings." As we understand it, this bill is to be considered by the Senate on Wednesday, June 8. We are advised that there have been no hearings on the bill, and that a proposal has been made to limit debate and bring the bill to a prompt vote on the Senate floor.

S. 2455 was introduced on May 27, and we have had only a few days to review it. Because of this time constraint, our comments are necessarily preliminary and non-comprehensive. Nonetheless, even in the limited period of time that was available to us, we have identified many very serious problems with the bill, and it is our view that, even if the policy decision is made that certain drug-related killings should be punishable by death, this bill should not be enacted without further careful consideration and extensive revision.

We wish to stress that we express no opinion on the constitutionality or advisability of the death penalty itself. Regardless of how those ultimate, highly controversial questions are resolved, the issues we have identified raise fundamental legal problems that, in our judgment, cause the bill to be fatally flawed.

Based on our review of S. 2455, we conclude as follows:

First, as discussed in Section I below, it is our opinion that S. 2455 poses a number of significant constitutional problems that could well lead the courts to strike down one or more central provisions of the bill, and perhaps the entire statute, as unconstitutional.

Second, as discussed in Section II below, there are a large number of serious drafting problems—*i.e.*, ambiguities, inconsistencies and gaps—that afflict the language of the bill. These problems appear to reflect hasty drafting and the absence of a careful process of consideration of this legislation in committee and by the legal community. These drafting defects would make it extremely difficult for the bill, if enacted, to be interpreted and applied by prosecutors, defense counsel and courts. In addition, these drafting defects raise serious problems of fairness to criminal defendants, and in a number of instances, depending on how the courts resolved unclear portions of the bill, might themselves give rise to constitutional problems.

Finally, S. 2455 raises many legal policy issues of extraordinary importance that, in our view, are not adequately addressed in the bill and require much more extensive consideration and debate than is presently planned in connection with this legislation. In our opinion, such landmark legislation, if enacted at all, ought to be adopted only after full consideration and resolution of the basic legal policy issues raised by Federal death penalty legislation. These issues, which are detailed in Section III below, include (a) whether it is desirable, in our system of federalism, to establish a Federal death penalty for the sorts of crimes covered by S. 2455, which are also punishable under State law and arguably do not involve matters of uniquely Federal interest; (b) whether the scope of the criminal conduct made subject to the death penalty by S. 2455—which includes criminal conduct raising relatively minor Federal policy concerns, yet excludes such very serious Federal crimes as killings in connection with kidnapping and terrorism—is sensible; (c) whether Congress should—or even must, as a result of a duty independently to interpret and apply the Cruel and Unusual Punishment Clause of the Eighth Amendment—specify, after full and informed debate, the particular method of execution to be employed in carrying out Federal death penalties; and (d) whether a Federal death penalty statute, which is likely to function as a model for other death penalty legislation, should address and resolve the myriad difficult and controversial issues of substance and procedure that have emerged at the State level in the fifteen years of experience with death penalty legislation since the Supreme Court revolutionized this area of the law in *Furman* v. *Georgia*, 408 U.S. 238 (1972), and subsequent cases.

A preliminary note is appropriate before beginning our analysis of the bill. We were surprised to notice that significant portions of S. 2455 are drawn verbatim from a 1974 Federal criminal law providing the death penalty for air piracy. 49 U.S.C. §1473(c). Since *Furman* was decided in 1972, death penalty legislation at the State level has repeatedly been revised and improved to reflect the continuous development of Supreme Court jurisprudence on capital punishment. The 1974 Federal air piracy statute is a very early post-*Furman* statute that has not been amended, or, to our knowledge, applied, since it was enacted, and thus does not reflect this intensive process of testing and evolution. This is a further strong indication that additional, careful consideration of this legislation is justified.

I. CONSTITUTIONAL PROBLEMS

S. 2455 poses a number of major constitutional problems. The most serious arise from: (1) the bill's limiting and inhibiting the jury's consideration of mitigating evidence; (2) the bill's treatment as an aggravating factor of certain information regarding the victim; and (3) the bill's limitations on the scope of appellate review of death sentences. Each of these issues is discussed below.

A. Restrictions on consideration of mitigating evidence

S. 2455 may unconstitutionally limit the jury's right and duty to give effect to all mitigating evidence and considerations in the record. The Supreme Court has repeatedly emphasized that the defendant is entitled to introduce any mitigating evidence, and to stress any mitigating considerations, that might be relevant to whether a sentence of death should be imposed, including "any aspect of a defendant's character or record and any of the circumstances of the offense," and the sentencer, if a jury, must be allowed to consider (and, if a judge, *must* consider) any relevant mitigating evidence. *See, e.g., Skipper* v. *South Carolina*, 462 U.S. 1, 4 (1986); *Eddings* v. *Oklahoma*, 455 U.S. 104, 110 (1982).

In a number of ways, S. 2455 appears to interfere unconstitutionally with the jury's consideration of mitigating evidence. Subsection (k)[1] requires that the jury (or judge) "return special findings identifying any mitigating factors," including, apparently, mitigating "factors" not listed in the statute. Thus, the bill seems clearly to require that the jury report in writing each of the mitigating "factors" that it finds to exist by a preponderance of the evidence. Mitigating evidence, however, cannot always be so readily categorized into particular "factors." As the Supreme Court has observed, information or considerations appropriately considered mitigating may be "too intangible to write into a statute." *Lockett* v. *Ohio*, 438 U.S. 586, 606 n.14 (1977) (quoting *Gregg* v. *Georgia*, 428 U.S. 153, 222 (1976) (White, J., concurring)). But if the jury is instructed that such information or consideration must be expressed in "special findings" and designated as particular mitigating "factors," it may well overlook relevant mitigating evidence and considerations, or conclude that they cannot properly be considered.

The requirement that mitigating factors be proven by a "preponderance of the evidence" also raises constitutional problems. The Supreme Court has held that the sentencing jury is entitled to determine the weight to be given mitigating evidence, and cannot, consistent with the Constitution, be precluded from giving such weight as it considers appropriate to any item of mitigating evidence. *Eddings* v. *Oklahoma*, 455 U.S. at 114-15. Indeed, although the Supreme Court apparently has not yet directly decided the issue, Justice Marshall has stated that requiring proof of mitigating factors by a preponderance of the evidence is unconstitutional because it forces the jury to give no weight to mitigating evidence that, though supported by competent evidence, does not meet the evidentiary burden imposed by the statute. *Stebbing* v. *Maryland*, 469 U.S. 900, 902-03 (1984) (Marshall, J., dissenting from denial of certiorari).

Yet a further constitutional problem is raised by the requirement that the jury enter *written* findings with respect to mitigating "factors." Federl courts have rejected attempts to require juries to explain the basis for their reasoning in criminal cases. A jury is entitled to reject the prosecution's position, and this "general veto power . . . should not be attenuated by requiring the jury to . . . explain its reasons." *United States* v. *Wilson*, 629 F.2d 439, 443 (6th Cir. 1980); *United States* v. *Spock*, 416 F.2d 165, 180-81 (1st Cir. 1969). The interference with the jury's discretion that is caused by requiring the jury to articulate the basis of its decision may well violate the Due Process Clause. *United States* v. *Spock*, 416 F.2d at 182. Moreover, forcing a jury to *agree* on each mitigating "factor" might very well lead to a breakdown of a jury consensus against death, thus unconstitutionally constraining the free consideration of mitigating evidence and erecting an improper barrier to the jury's returning a verdict rejecting the death penalty. Just yesterday, the Supreme Court reversed a death sentence in which it appeared that the jury could consider only those mitigating factors that it unanimously agreed had been proven by a preponderance of the evidence. *Mills* v. *Maryland*, No. 87-5367 (June 6, 1988).[2]

B. Vulnerability of the victim as an aggravating factor

Subsection (n)(9), which permits the jury to treat the "vulnerability of the victim" as an aggravating factor, raises substantial constitutional questions. In *Booth* v. *Maryland*, 107 S. Ct. 2529 (1987), the Supreme Court held that the Constitution prohibited a jury from considering a "victim impact statement," focused on the mental and physical condition of the victim, during a capital sentencing proceeding. The Court emphasized that information concerning the character of the victim bears a high risk of being prejudicial, and ought not to be relevant to a sentencing determination that is intended to focus principally on the blameworthiness of the particular defendant. *Id.* at 2534. Subsection (n)(9) appears to inject similar unconstitutional considerations into the jury's sentencing determination.

C. Limitations on scope of appellate review

The extremely limited appellate review of death sentences permitted by subsection (q) may well render the bill unconstitutional. The Supreme Court has upheld only capital sentencing schemes that "provide some form of meaningful appellate review." *Andrews* v. *Shulsen*, 802 F.2d 1256, 1261 (10th Cir. 1986). Justice Stevens has observed that "in each of the statutory schemes approved in our prior cases . . ., meaningful appellate review is an indispensable component of the Court's determination that the State's capital sentencing procedure is valid." *Pulley* v. *Harris*, 465 U.S. 37, 59 (1984) (Stevens, J., concurring). In several instances, the Supreme Court, in upholding death penalty statutes, has relied in significant part on the availability of meaninful appellate review of the sentencing decisions. *See, e.g., Jurek* v. *Texas*, 428 U.S. 262, 276 (1976) (plurality opinion); *Gregg* v. *Georgia*, 428 U.S. at 206-07; *see also Zant* v. *Stephens*, 462 U.S. 862, 870 (1983).

In contrast to the capital sentencing schemes the Supreme Court has approved, S. 2455 provides for extremely limited appellate review of a death sentence. If the reviewing court determines (1) that the sentence of death was not imposed under the influence of passion, prejudice or any other

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Footnotes at end of article.

arbitrary factor and (2) that the evidence supports the findings of aggravating (and possibly mitigating) factors, it is required to affirm the death sentence. The defendant apparently would not be permitted on direct appeal to raise many constitutional and other challenges that are typically made to sentencing proceedings, often successfully, including, for example, claims of ineffective assistance of counsel, wrongful exclusion of mitigating evidence, and prejudicial prosecutorial argument to the jury. To exclude matters such as these from appellate review raises grave constitutional questions.

For these reasons, it is our opinion that a court could well find significant provisions of S. 2455, and perhaps the entire statute, unconstitutional.

II. DRAFTING DEFICIENCIES IN THE BILL

Our analysis of S. 2455 reveals numerous flaws in the drafting of the bill. Several provisions are ambiguous, and, depending on how they were interpreted and applied, could present serious questions of unfairness and issues of constitutional significance. Other sections of the bill are internally inconsistent. Finally, the bill leaves unanswered several issues of fundamental importance to the application of this legislation. Some of the most important of these drafting problems are discussed below.

A. Crimes made subject to the death penalty

The threshold question is to whom S. 2455 applies. Subsection (e)(1)(a) indicates that the bill applies not only to so-called drug "kingpins," *i.e.*, those who have "engaged" in a "continuing criminal enterprise," but also to anyone who kills and who was "working in furtherance of a continuing criminal enterprise." This provision could be interpreted to apply to an individual who is tangentially or incidentally involved in a continuing criminal enterprise and who kills for reasons having nothing to do with his drug-related activities. In our opinion, since S. 2455 apparently is intended to address drug-related killings, it should clearly and precisely state that there must be some essential relationship between a killing and the defendant's drug-related activities before the death penalty can be considered.

Similarly, S. 2455 does not adequately describe when an individual who did not actually perform a killing would nevertheless be subject to the death penalty. Subsection (e)(1)(a) simply provides that an individual is subject to the death penalty if he "participates substantially in the killing of any individual." Although it is still unclear under the Constitution how active a role an individual must play in a killing before he can be eligible for the death penalty,[3] we believe that this bill should clearly define the level of participation that Congress considers necessary. The bill should state, for example, whether the defendant must have been present at the time of the killing in order for the "substantial participation" test to be satisfied.

B. Aggravating factors

There are numerous drafting problems with respect to the bill's treatment of aggravating factors. These problems are particularly significant in light of the crucial part that aggravating factors have played in determining the constitutionality of death penalty statutes, and the central role that they play in the administration of such statutes.

S. 2455 establishes three distinct classes of aggravating factors: (1) the factors listed in subsection (n)(1); (2) the factors listed in subsections (n)(2) through (n)(12); and (3) non-statutory aggravating factors. The aggravating factors listed in subsection (n)(1) serve no discernible purpose. They appear to be nothing more than a restatement of the states of mind that were already necessary in order for the defendant to have been convicted of the underlying offenses defined in subsection (e)(1). For example, subsections (e)(1)(a) and (e)(1)(b) state that a defendant will be eligible for the death penalty if he or she killed intentionally. Subsection (n)(1)(A) merely repeats this, stating that an aggravating factor exists if the defendant "intentionally killed the victim." This same duplication occurs with respect to the factors in subsections (n)(1)(B) through (n)(1)(D), which appear to do nothing more than define what constitutes "reckless indifference to human life," the state of mind other than intentional killing that is necessary under subsection (e)(1) in order for a defendant to be eligible for the death penalty.

Though perhaps not unconstitutional,[4] this duplication between the aggravating factors and the elements of the crime could be substantially prejudicial to the defendant. In determining whether to impose the death sentence, the bill, in subsection (k), requires the sentencer to "weigh" the aggravating factors against the mitigating factors. The duplication between the elements of the crime and the aggravating factors ensures that in every case the jury will find aggravating factors. Although under the bill it is clear that the finding of a subsection (n)(1) aggravating factor is not alone sufficient to sustain the death penalty, and although the weighing process may not be intended to be quantitative, this artificial ballooning of the number of aggravating factors seems likely to increase the chance that the jury will impose the death penalty.

S. 2455 also suffers from a second duplication problem—several of the aggravating factors significantly overlap. One major example of this concerns drug-related offenses. In addition to the requirement that the underlying offense itself must be drug-related, three aggravating factors, those in subsections (n)(4, (n)(10), and (n)(11), relate to the commission of drug-related offenses. As a result, in many cases several aggravating factors will be found based on the same underlying conduct. In a more carefully drafted statute, the defendant's involvement in drug-related activities would at most constitute a single aggravating factor.

Still another problem with the bill's treatment of aggravating factors is that it is unclear whether a statutory aggravating factor must be found by a unanimous vote of the jury. The bill clearly states, in subsection (k), that a non-statutory aggravating factor can only be found by a unanimous vote. However, the bill does not specify whether a unanimous vote is necessary, or if some lesser vote suffices, to allow the jury to find the existence of a statutory aggravating factor.

There is also a potentially serious problem with respect to the nature of the evidence that the government is entitled to introduce to prove the existence of aggravating factors. Subsection (j) provides that the government may introduce information regarding aggravating factors "regardless of the admissibility of that evidence under the rules governing admission of evidence at criminal trials." This provision might be read as permitting the prosecution to introduce at sentencing evidence that was obtained unconstitutionally, including, for example, coerced confessions or statements obtained in violation of the *Miranda* rule. We question whether this was in fact intended. Some states have recognized this potential problem and have included provisions in their death penalty statutes explicitly stating that evidence secured in violation of the Constitution is inadmissible. *E.g.*, Alabama Code §13A-5-45(d).

C. Mitigating factors

The bill's treatment of mitigating factors also suffers from several drafting flaws. Subsection (m)(1) identifies as a mitigating factor the fact that the defendant was less than 18 years of age at the time of the offense. Yet, subsection (1) provides that no defendant shall be executed if he was under 18 years of age at the time of the offense. This renders the first mitigating factor a nullity.

An additional problem is raised by the mitigating factor listed in subsection (m)(5), that the defendant "could not reasonably have foreseen that his conduct in the course of the commission of murder, or other offense resulting in death for which the defendant was convicted, would cause, or would create a grave risk of causing, death to any person." There do not appear to be any circumstances in which a jury, having convicted the defendant of killing intentionally or with reckless indifference to human life, or of having participated substantially in a killing with those same states of mind, could then find that he or she was unable reasonably to foresee that a death would result from his conduct. Thus, subsection (m)(5) also appears to be a nullity.

A similar problem arises with respect to subsection (m)(4), which identifies as a mitigating factor the fact that, although the defendant is punishable as a principal in the offense, the offense was committed by another and the defendant's participation was relatively minor. Under subsection (e)(1), an individual who did not himself or herself commit the killing can be convicted only if he or she "participated substantially" in the killing. Thus, as was the case with subsection (m)(5), it appears that a defendant could never be convinced under this statute and come within this mitigating factor.

In sum, it appears that three of the five supposed mitigating factors listed in the bill are nullities that would have no relevance at sentencing.

D. Procedural matters

S. 2455 also suffers from drafting problems with respect to a variety of procedural matters. For example, subsection (h)(1) provides that the government must notify the defendant a "reasonable" period of time before trial of its intention to seek the death penalty. The term "reasonable" is unclear. There appears to be no reason why the bill could not specify the amount of notice to which the defendant is entitled, and thereby ensure that the defendant is not unfairly surprised by the prosecution's decision to seek the death penalty.

It is also unclear whether a jury must unanimously find that the death sentence is not "justified." Subsection (k) of the bill provides that "the jury by unanimous vote, . . . shall return a finding as to whether a sentence of death is justified." While this subsection makes clear that a death sentence can be imposed only by unanimous vote of the jury, it is not clear whether a unanimous vote is also required for the jury to find that a sentence other than death is warranted. Such a requirement of unanimity for a non-death sentence would be of dubious constitutionality; moreover, as a practical matter, it could lead to hung juries and costly repetition of sentencing hearings.

The use of the term "justified" also raises questions. The drafters of the statute may have intended to use this word as synonymous with a determination by the jury that the defendant shall be sentenced to death. But this is far from clear. The term "justified" is ill-chosen if this is the intent. A jury might interpret the word "justified" according to its normal usage, and conclude that it was obligated to sentence a defendant to death whenever a death sentence could be "justified" in some abstract sense, even though a sentence of imprisonment would, in their own view, be preferable. This is almost surely not what the drafters intended, and would almost certainly be unconstitutional, but a jury might well misinterpret the language in this way, and its error might never be detected.

Another procedural problem arises from the statement in subsection (k) that the jury must determine whether aggravating factors "sufficiently outweigh" any mitigating factors found to exist. This provision suggests that the jury's task is a quantitative rather than a deliberative or qualitative one based on the record as a whole, and creates a risk that the jury will simply "tally" or "balance" the factors in some mechanistic way, thereby imposing a death sentence simply based on a formulaic process devoid of judgment. To avoid this problem, State statutes that call for a comparison or weighing of aggravating and mitigating factors have ordinarily included a provision emphasizing that the jury is not to engage in a numerical comparison of the factors, but rather must consider all relevant circumstances. *E.g.*, Alabama Code §13A-5-48.

A final procedural problem is posed by subsection (q)(3), which instructs the appellate court to remand for reconsideration all cases in which a death sentence is not affirmed. The Supreme Court has held that if the reviewing court determines that the prosecution failed to prove that the death penalty was warranted, double jeopardy attaches and the defendant cannot be sentenced to death in a subsequent proceeding. *Poland* v. *Arizona*, 462 U.S. 146, 154 (1986). Accordingly, this provision should be clarified to ensure that defendants whose death sentences are vacated based on the reviewing court's finding that the evidence did not support the death sentence cannot be resentenced to death on remand.

In conclusion, S. 2455 is plagued by ambiguities, inconsistencies and gaps. These drafting flaws are likely to cause serious problems with interpretation and application of the law, threaten to lead to significant unfairness, and may well result in constitutional problems.

III. LEGAL POLICY ISSUES

The proposed statute raises many legal policy issues of the first importance. In our view, these issues ought to receive full consideration and debate before Congress enacts a landmark Federal death penalty statute that is likely to become a nationwide model. Several of these issues are discussed below.

A. Intrustion on State criminal law

There is, first of all, the fundamental policy issue whether the Federal government should establish a Federal death penalty for a broad category of offenses that are also crimes under State law and arguably do not involve matters of uniquely Federal interest. The death penalty is a divisive, highly emotional issue on which different States have reached dramatically different judgments through the democratic process. This statute would disregard the differing approaches of different States toward the death penalty and would impose a single nationwide standard governing the appropriate punishment for certain killings. As a result, the death penalty could be imposed under Federal law in a State that has rejected the death penalty as an appropriate punishment for any crime, or for some or all of the crimes covered by S. 2455. The Federal government would thus intrude into a question that arguably should be left to the individual legislative determinations of different States. Absent a unique Federal interest, respect for principles of federalism would appear to counsel against imposing a single nationwide standard for the imposition of the death penalty in a broad class of cases.

It bears emphasis that the murders for which the death penalty could be imposed under this statute are already eligible for the death penalty in those States that have death penalty statutes. For instance, a "drug-related" killing in California, Florida or Texas already could be subject to the death penalty under State law. This statute would thus impose a duplicative Federal death penalty provision in those many States that already have death penalty statutes on the books. And it would impose on other States that have rejected the death penalty a new Federal standard on a vital question that has historically been entrusted to the judgments of State legislatures. Careful consideration should be given to whether there are Federal policy interests that would justify this sort of intrustion into State criminal law.

B. Scope of coverage

The proposed statute is entitled a "Death Penalty in Case of Drug Related Killings," and its proponents have spoken of the statute as being directed at murders committed by drug "kingpins." However, these characteristics are not accurate. The statute as written has a broad coverage that would reach a variety of killings that have no relationship to drug "kingpins," or even to drugs.

For example, the statute would permit the execution of any person "working in furtherance of a continuing criminal enterprise" who kills or participates substantially in the killing of another person, either intentionally or with "reckless indifference" to life. This permits the death penalty for a killing that has no relationship to the drug enterprise. Moreover, since the proposed statute applies to any person working "in furtherance" of the drug enterprise, it would reach well beyond "kingpins" to include any person involved in the enterprise. In essence, therefore, the death penalty would be available for any intentional or reckless killing committed, or participated substantially in, by a person who has any involvement, however, remote, with a drug enterprise. Under this provision, it would be possible for a person who has worked as a lookout or messenger for a drug operation to receive the death penalty for a killing committed during a dispute that has no relationship whatsoever to drugs. This reaches far beyond killings by "kingpins" that further a drug conspiracy.

The bill would also permit, among other things, the execution of any person who kills, or participates substantially in the killing of, a law enforcement officer, either intentionally or recklessly, "during the commission of" a felony violation of the Controlled Substances Act. Again, there is no requirement that the killing have any connection whatsoever to the violation of the Controlled Substances Act, provided that the killing takes place during a violation of that Act. Nor is this statutory provision limited to killings by drug dealers or "kingpins." As an example, assume a killing of a law enforcement officer in a family quarrel having nothing to do with drugs, and assume that the person committing the crime is in possession of a small amount of marijuana and has previously been convicted of a misdemeanor for possession of marijuana. Since a second offense for possession establishes a felony violation of the Controlled Substances Act (21 U.S.C. §844), that person would be eligible for the death sentence, even though his or her act of domestic violence had no relation to drugs at all.

The breadth of the proposed statute emphasizes the difficult question of policy that it raises with regard to the appropriate scope of a Federal death penalty. Even assuming that the Federal Government should become involved in administering a death penalty statute, there is substantial question whether the broad range of crimes that the proposed statute would reach are sufficiently egregious—and sufficiently distinct from other Federal crimes not subject to the death penalty—to warrant the extreme penalty. Inclusion under a Federal death penalty of the crimes discussed above, which raise relatively minor Federal policy interests, while excluding much more serious Federal crimes such as killings in connection with kidnapping or terrorism, seems questionable. Serious policy questions arise about the wisdom of focusing on this broad category of supposedly (and, in fact, not necessarily) "drug-related" killings as peculiarly appropriate for the imposition of a Federal death penalty.

C. Mode of execution

The proposed statute does not specify a particular mode of execution by which this new Federal death penalty is to be carried out.[5] Ignoring that issue in formulating a Federal death penalty statute raises another policy issue.

A fundamental requirement before a death penalty procedure can be constitutional is that the mode of execution itself must not be cruel and unusual punishment proscribed by the Eighth Amendment. Arguably, Congress must bear the initial responsibility for determining whether any particular mode of execution to be used in effectuating Federal death sentences would comport with constitutional requirements. Many scholars consider that Congress itself has an independent duty, separate from the courts, to evaluate the constitutionality of the statute at the time of enactment. In the case of a Federal death penalty law, part of that evaluation must include consideration of the mode of punishment.

Thus, the question posed is whether Congress should make its own assessment of the constitutionality of the mode of execution by which the contemplated death sentences would be carried out. This would entail careful consideration of specific methods of execution and the suffering they impose. Until Congress has engaged in such a thorough examination of execution techniques, it arguably cannot fully satisfy its obligation to reach its own conclusions about the constitutionality of the proposed death penalty procedures.

D. Substantive and procedural issues that have arisen in the administration of State death penalty statutes

The last fifteen years of legal ferment regarding State death penalty statutes have generated a long list of important substantive and procedural issues that in our opinion ought to be addressed before the passage of landmark Federal death penalty legislation. Many of these involve reforms that have been adopted in some States and not in others. A Federal statute is likely to become a national model, and its silence on these reforms could well stifle the evolutionary reform process that is underway in the States. Some of the most important of these issues are the following:

1. *The aggravating and mitigating factors that should be listed in the statute.* The listings of aggravating and mitigating factors in a death penalty statute are of the utmost importance to whether the statute is fair and whether it attains what the Supreme Court has described as the fundamental goal for constitutionally acceptable death penalty legislation, *i.e.*, adequately limiting and channeling the discretion of the sentencer, while leaving the sentencer free to exercise genuine discretion and, in particular, to consider all relevant mitigating evidence and considerations. States have adopted numerous different statutory aggravating and mitigating factors, and the courts now have extensive experience in reviewing them in actual application. As discussed above, S. 2455 contains a long and overlapping list of aggravating factors, and permits non-statutory aggravating factors to be considered as well. By contrast, its list of mitigating factors is short—much shorter than in most State statutes—and even then, as discussed above, three of the five listed factors (subsections (m)(1), (m)(4), and (m)(5)) in fact appear to have no applicability.

We believe that, before adopting a bill such as S. 2455, the Congress should study the actual experience with the various aggravating and mitigating factors in State statutes. In listing aggravating factors, the objective ought to be to avoid factors that, individually or in combination, are so vague and all-encompassing as to permit virtually any capital defendant to be sentenced to death. Fundamental to proper death penalty legislation is that only a minority of those committing capital crimes—those whose crimes are clearly the most egregious—should be executed. Broad aggravating factors, such as the factor in subsection (n)(12), that the offense was committed "in an especially heinous, cruel, or depraved manner," may perhaps be constitutional on their face,[6] but in practice are almost certainly so vague as to permit most if not all capital defendants to be executed.[7] Further, Congress should very carefully consider whether allowing non-statutory aggravating factors to be considered by the jury, though probably constitutional,[8] is desirable policy, since it greatly widens the subjective discretion of juries in imposing death penalties and therefore greatly increases the risk of arbitrariness in the selection of those to be executed.

In listing mitigating factors, the objective ought to be to include a comprehensive and express catalogue of the matters that can properly be considered as mitigating, so as to assist the jury (or judge) in a disciplined review of the case. S. 2455 is clearly deficient in this respect. It omits a number of mitigating factors that are listed in many State statutes and that have repeatedly been recognized as proper by the courts—including what the defendant's age was at the time of the crime;[9] what the defendant's age would be after a term of imprisonment; the defendant's lack of a significant criminal record; the unlikelihood that the defendant would pose a danger to others in the future; the defendant's commission of the crime under severe mental or emotional disturbance (S. 2455 refers only to diminished capacity); participation by the victim in the crime; consent by the victim to the criminal conduct; commission of the crime under the domination of another (S. 2455 refers only to duress); lingering doubts as to the defendant's guilt; the defendant's value and usefulness to others and to society; the defendant's character; and deprivations or cruelties suffered by the defendant in the course of his or her life. *See, e.g.*, Alabama Code §13A-5-51; Fla. Stat. Ann. §921.141(6); Mass. Law Ann. ch. 279, §69(b); N.J. Stat. Ann. §2C:11-3(5). The mitigating factors listed in S. 2455 are drawn verbatim from the 1974 Federal law providing for the death penalty for air piracy, 49 U.S.C. §1473(c)(6), and none of the extensive State law developments of the past fifteen years have been reflected in that listing.

2. *Whether the statute should specify in substantial detail the jury instructions to be given in the guilt and sentencing phases.* S. 2455 has a single provision, subsection (o), regarding jury instructions. That provision calls for an instruction to the jury at sentencing on non-discrimination on grounds of race, color, national origin or sex. Arguably, if there are to be statutorily prescribed instructions on nondiscrimination, there should also be statutorily prescribed instructions on other important matters. Particularly crucial is how the jury is to consider and apply the aggravating and mitigating factors. It would be helpful to specify in the statute itself that the jury is to be instructed that arriving at a sentencing determination is not a matter of counting up or tallying "factors," but rather is to be done on the basis of a careful consideration of the record as a whole, and that this consideration is to include any and all mitigating considerations, whether or not they fall within the mitigating factors specifically listed in the statute. *See, e.g.*, Alabama Code §13A-5-48.

3. *Whether persons strongly in favor of or against the death penalty should be permitted to sit on juries in capital cases.* The Supreme Court has determined that it is not unconstitutional to exclude from juries in capital cases persons opposed to the death penalty. *Lockhart* v. *McCree*, 476 U.S. 162, 184 (1986); *Wainwright* v. *Witt*, 469 U.S. 412 (1985). But this still leaves, as a matter of policy to be addressed by Congress, the question whether it is fair and just to exclude such persons. An argument can be made that a cross-section of all views in the community, including opposition to the death penalty, ought to be represented on capital juries. Alternatively, it can be argued that if persons opposed to the death penalty are excluded, those strongly favoring the death penalty should be excluded as well. Moreover, persuasive arguments can be made that persons opposed to the death penalty should at least not be barred from the jury that determines guilt, even if such persons are stricken from the sentencing jury. Congress should, we believe, give careful consideration to these difficult questions of policy before enacting S. 2455 or any other death penalty legislation. These are matters that have been the subject of extensive debate in recent years, and that arguably are best resolved by Congress.

4. *Whether the prosecutor should be required to disclose to the defendant in advance of the sentencing hearing potentially mitigating evidence in the prosecution's possession.* The discovery rights of criminal defendants are more limited than those of civil litigants, in part because the Fifth Amendment restricts the prosecutor's ability to secure corresponding discovery from the defendant. Certain limited rights to pretrial discovery of evidence in the possession of the prosecutor have been established as a matter of constitutional law and also by statute and rules of procedure. The courts have generally tended to apply these same rules at the sentencing phase. However, a strong argument can be made that the purpose of the sentencing hearing—to conduct an unrestricted inquiry into all facts and considerations that might bear on the choice of sentence—is very different from the purpose of the guilt phase of the trial, and that once a capital defendant has been convicted and faces the ultimate decision between death and imprisonment the prosecutor has no legitimate interest in withholding any mitigating evidence that might save the defendant's life. A number of State statutes in fact provide for broad discovery of mitigating evidence at the sentencing stage.

5. *Whether there should be a statutory codification of the evidentiary standards to be followed at the sentencing phase of trial.* In many States, though not all, the rules of evidence are relaxed at the sentencing phase of trial. This reflects, in part, a view that the defendant should not be restricted in the mitigating evidence he or she can present. However, this relaxation of the rules of evidence also often permits the prosecution wide latitude to present harmful evidence that would otherwise be legally inadmissible. Judges have generally been left to decide whether particular evidence is too prejudicial to be admitted. The results have been inconsistent, with some judges admitting virtually any evidence and others carefully balancing the potential for prejudice against probative weight. This in turn has led to a great deal of litigation, as defendants sentenced to death have challenged the admission of evidence against them at the sentencing hearing. Clear statutory standards governing what evidence can be offered at the sentencing phase by the prosecutor—including, for example, a ban on evidence secured in violation of the Constitution; a ban on categories of evidence that tend to have a prejudicial effect exceeding their probative value, such as evidence of past non-violent crimes and domestic difficulties; and a ban on hearsay and other normally inadmissible evidence except where the prosecutor makes a strong showing that the evidence must be considered if a fair sentencing determination is to be made—could reduce litigation and increase fairness. Alternatively, the ordinary criminal rules of evidence could be applied to prosecutorial evidence at the sentencing phase, as is the case under the 1974 air piracy statute on which S. 2544 is largely modeled. *See* 49 U.S.C. §1473(c)(3).

6. *Whether to empower the judge to override the jury's sentencing determination.* S. 2455 does not permit the judge to override the jury's decision for or against the death sentence. In some States, however, the judge can override a jury determination in favor of the death sentence if the judge finds that the sentence is not justified. Such

a provision promotes uniformity and fundamental fairness in sentencing. Moreover, it tends to eliminate the cost and delay of appeals regarding the adequacy of the evidentiary basis for death sentences. Conversely, a very few States allow the opposite form of override—imposition by the judge of a death sentence where the jury has recommended against it. *See, e.g.,* Fla. Stat. Ann. §921.141(3). Such provisions arguably impinge undesirably on the jury's freedom to consider all mitigating evidence and considerations, however subjective. Moreover, experience with such provisions, which have bred extensive litigation, suggests that they have not enhanced uniformity or fairness. *See, e.g.,* Mello & Robson, *Judge Over Jury: Florida's Practice of Imposing Death Over Life in Capital Cases,* 13 Fla. St. L. Rev. 31 (1985). We believe that detailed study of both forms of override provisions would be desirable before any enactment of a new Federal death penalty statute.

7. *Whether the sentencing determination should follow immediately after the guilt phase.* A major source of constitutional challenges to death sentences is the inadequate preparation of court-appointed defense counsel for the sentencing hearing. Often it appears that, in cases with a strong prospect of acquittal, counsel focused his or her energies on the guilt phase and was unprepared for an immediate sentencing hearing. Defendants are also sometimes understandably reluctant to cooperate in assembling a case against the death penalty for presentation at a sentencing hearing while they still entertain hopes of being found innocent. S. 2455 is vague regarding whether the sentencing determination will follow promptly after the guilt phase. Arguably, fairness would be served by giving a convicted capital defendant the option of securing a reasonable adjournment after conviction to prepare for the sentencing hearing.

8. *Whether a Federal death penalty statute should reform the processes for appellate and collateral review in capital cases.* Review on direct appeal and through post-conviction petitions is a vital and integral part of the capital punishment process. The Supreme Court has emphasized the importance of judicial review in protecting against arbitrary and capricious imposition of the death penalty.[10] Society ought to be least willing to tolerate error when life and death hang in the balance. In our opinion, serious consideration should be given to a number of reforms in the area of judicial review.

First, we believe that the bill should follow the vast majority of State death penalty statutes in providing for "proportionality" review—that is, appellate review of whether the imposition of the death sentence in each particular case is excessive or disproportionate in comparison to the sentences in other, similar cases. *See, e.g.,* Alabama Code §13A-5-53; Conn. Gen. Stat. §53a-46(b); Mass. Law Ann. ch. 279, §71; N.J. Stat. Ann. §2C:11-3(e). S. 2455 provides, in subsection (q)(3), that appellate review of the death sentence shall be limited to only two questions—whether the sentence was imposed under the influence of passion, prejudice or any other arbitrary factor, and whether the record evidence supported the finding of aggravating factors.[11] Thus, it is apparently intended that there be no proportionality review. We believe this raises grave questions of fairness.

Second, consideration should be given, again in line with many State statutes, to making appeal automatic, and to specifying that the appellate court must consider, in all events, whether any error was committed at the guilt and sentencing phases and whether a death sentence was justified on the record viewed as a whole. *See, e.g.,* Alabama Code §13A-5-53; Conn. Gen. Stat. §53a-46b; Fla. Stat. Ann. §921.141(4); Mont. Code Ann. 46-18-308, -310.

Finally, because of the critical importance of preventing error in dealth penalty cases, consideration should be given to reforming the collateral review process to provide that, with respect to death penalty cases (a) the courts shall not be precluded from considering the merits of a constitutional claim because of failure to comply with procedural requirements, absent proof of an abuse by the defendant, (b) successive post-conviction petitions shall not be dismissed unless they constitute an abuse of the writ, (c) post-conviction petitions shall not be denied if denial would violate the ends of justice, (d) there shall be full findings of fact and conclusions of law in decisions on collateral review, and (e) reasonable time shall be provided for the briefing and decision of post-conviction petitions and emergency motions, absent proof of an abuse by the defendant.

9. *Whether there should be statutory standards for counsel for capital defendants.* The revival of the death penalty in recent years has given rise to a tremendous amount of litigation regarding the competence of court-appointed attorneys for those sentenced to death. *See, e.g., Strickland* v. *Washington,* 466 U.S. 668 (1984). Capital punishment cases involve a complex and highly specialized body of law and procedures, and inexperienced court-appointed attorneys have often had difficulty coping with such cases. Some States have responded to this problem by establishing statutory standards for the minimum experience required of such attorneys. *See, e.g.,* Alabama Code §13A-5-54. Federal legislative standards would provide an important protection for individuals faced with the risk of execution, and would help reduce litigation in this area.

These legal policy issues warrant further careful consideration in connection with this legislation.

This letter was prepared by Jonathan A. Olsoff, Timothy C. Hester and the undersigned, with the assistance of Edward B. Margarian, a law student summer associate.

If you have any questions concerning the substance of this letter or require additional analysis of S. 2455, please to not hestitate to contact us.

Sincerely,

ARVID E. ROACH II.

FOOTNOTES

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[1] Subsection references are to the subsections of Section 408 of the Controlled Substances Act, 21 U.S.C. §848, that would be added by S. 2455.

[2] The statute at issue in *Mills* suffered from many of the defects that we have discussed. Those defects, however, were not at issue in the *Mills* decision.

[3] *See Tison* v. *Arizona,* 107 S. Ct. 1676 (1987).

[4] *See Lowenfield* v. *Phelps,* 108 S. Ct. 546, 554-55 (1988).

[5] Under 18 U.S.C. §3566 (Act of June 25, 1948, ch. 648, 62 Stat. 837), executions pursuant to the bill would be carried out using the method of the particular State in which the sentence is imposed, or, if that State does not have a death penalty, of another State designated by the sentencing judge as a site for the execution.

[6] *See, e.g., Gregg* v. *Georgia,* 428 U.S. 153, 201 (1976).

[7] *See, e.g., Maynard* v. *Cartwright,* No. 87-519 (June 6, 1988); *Godfrey* v. *Georgia,* 446 U.S. 420, 428-29 (1980).

[8] *See, e.g., Barclay* v. *Florida,* 463 U.S. 939 (1983).

[9] S. 2455 lists as a mitigating factor only that the defendant was under 18 at the time of the crime, which, as already noted, is meaningless in light of subsection (1)'s exclusion of such persons from the death sentence.

[10] *See, e.g., Gregg* v. *Georgia,* 428 U.S. at 195 (Stewart, J., plurality opinion).

[11] Subsection (q)(3)(B) also calls for some sort of appellate consideration of mitigating factors, but the language is so unclear as to be virtually incomprehensible.

I yield the remainder of my time to the Senator from Washington.

Mr. EVANS. Mr. President, we are dealing not only with the death penalty, but with our own ideas of the nature of our civilization. Kings, emperors, moguls, Stalinists, czars, and others could kill over the centuries without compunction, kill their own citizens in the name of the state.

The attributes of a civilized society have been carefully nurtured since the revolutionary days in America when we brought free societies and freedom of the people to this world. The idea was to build protection in society for its own citizens against the passions of society and to support the safety of its citizens.

It is tough to balance these sometimes conflicting goals. But, Mr. President, murder is murder, whether legal or illegal. In our understandable efforts to protect society, I believe, through this act, we are reducing the civility and the compassion of our society. Mr. President, I believe that is a significant and unwarranted loss for all of us.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from New York has the remaining time.

Mr. D'AMATO. Mr. President, I yield 2 minutes to the Senator from Arkansas.

Mr. BUMPERS. Mr. President, I intend to vote for the D'Amato bill. But I just want to say that I trust everybody in this body has agonized greatly over this proposition. Certainly, I have.

It is very, very difficult to claim to be a civilized society and for the State to take lives in what obviously is an arbitrary and discriminatory manner.

Governor Rockefeller, my immediate predecessor when I was Governor of my State, did a great service to me when he commuted 13 people who were on death row the night before I was inaugurated. So I never really had to face that as Governor of my State. And yet, I have never been able to make myself say categorically that I was opposed to the death penalty in every case. But it is arbitrary and it is discriminatory.

When I was a freshman at Northwestern University Law School, one Sunday evening I received a phone call telling me my parents had been in a wreck. To shorten the time period, my wife's uncle and my mother and father had all three been killed in an automobile wreck at the hands of a man who was raging drunk and being chased by the police at the time. At that time, I favored the death penalty very strongly for him. We were a great, close family. A drunk who got behind the wheel of a vehicle, two tons of steel underneath him, is just as lethal—maybe more so—than if he had a .38. So why should he go free?

I point that out hoping maybe to prick the conscience of some people around here, including my own, as I talk about it, and to say the real tragedy of this is the death penalty is necessarily arbitrary and sometimes very discriminatory between people who are poor and people who are rich.

I thank the Senator from New York for yielding.

The **PRESIDING OFFICER**. The Senator from New York has the remaining time.

Mr. **D'AMATO**. Mr. President, how much time do I have?

The **PRESIDING OFFICER**. Two minutes and 31 seconds.

Mr. **D'AMATO**. I yield a minute of that time to the Senator from Connecticut.

The **PRESIDING OFFICER**. The Senator from Connecticut has one minute.

Mr. **WEICKER**. I thank my distinguished colleague from New York. I want to point out to this body that what we are about to vote on has nothing to do with waging an effective war on drugs. We can talk about capital punishment, we can talk about drug czars, we can talk about calling out the Marines. There is nothing very mysterious about what needs to be done and what has yet to be done, which is to call for those resources necessary to give to our law enforcement agencies; the Coast Guard, DEA, the FBI, U.S. attorneys and local and State law enforcement agencies, the wherewithal to wage this battle; to give to the drug addition programs the wherewithal to wage this battle; to give to drug education program the wherewithal to wage this battle.

If anybody wants to be tough on drugs, let them stand up on the Senate floor and say: We are for taxes, which are the only bullets that we can manufacture to give the money to drug education, to drug addiction programs, and to law enforcement. That is tough. At least that is tough for us, because that cuts on our political skins.

But, instead, we use these thoughts and phrases to give the illusion that we are voting on today does something in the war on drugs. That is why this bill is mischievous. It does not do anything in that war.

Mr. **HARKIN**. Mr. President, I rise in strong opposition to the legislation offered by the Senator form New York.

I am opposed to the D'Amato bill for several reasons. Some of these reasons are analytical in nature, addressing the practical matter of our judicial system. But overriding all these pragmatic reasons is the fundamental conviction I have that the State does not have the right to choose who shall live and who shall die.

Regardless of how one views the moral issue invoked by any consideration of the death penalty, it is clear that this particular legislation, S. 2455, is poor public policy. It does nothing to address the terrible drug problem facing our Nation today.

First, the death penalty is not a deterrent to crime. It simply does not work. Further, its imposition ties up legal resources that could be better used to preserve life by fighting drug abuse and crime instead of taking lives. And finally, a bill as significant as this should not be enacted without going through the normal process of committee consideration.

The primary argument in support of this bill is that the imposition of the death penalty is a deterrent to crime. Deterrence rests on the idea that the fear of being killed will keep people from breaking the law. There is no statistical basis for this—in fact, just the opposite.

First, we need to examine more closely just who this legislation will affect. The proponents of the bill argue that it is targeted at the drug kingpins who order murders. But we have extraordinary difficulty in just convicting these individuals for drug running. What reason is there to believe that we could convict, let alone sentence to death, these drug lords? As we've seen far too often, these men who have made millions off the illegal drug trade can simply hire the best lawyers and get off scot-free. Look at the DeLorean case as an example.

In the real world implementation of this legislation, the only people who will run any risk of capital punishment are the drug dealers. Now, I have no sympathy for these pushers and junkies, but let us not kid ourselves. Just look at the current drug crisis here in the District of Columbia. In 1988 alone, there have been 73 drug-related homicides in only 160 days—an average of 1 every other day. It is clear that drug dealers already have a much higher risk of immediate execution than they could ever face from our current legal system. If the death penalty were a real deterrent, we would see a drastic decrease in drug use today. But as we all know too well, that's not the case.

Even if the death penalty were an effective deterrent, it still raises fundamental constitutional questions. The eighth amendment to the Constitution holds that "cruel and unusual punishment shall not be inflicted." In the 1976 Supreme Court ruling Gregg versus Georgia, Justice William Brennan held that:

> Death for whatever crime and under all circumstances is truly an awesome punishment. The calculated killing of a human being by the State involves, by its very nature, a denial of the executed person's humanity. . . . an executed person has indeed 'lost the right to have rights' . . . . Death is not only an unusually severe punishment, unusual in its pain, in its finality, and in its enormity but it serves no penal purpose more effectively than a less severe punishment.

The death penalty goes back to the early days of our history when branding, slavery and other crude forms of corporal punishment were commonplace. But like these other barbaric customs, the death penalty has no place in today's society.

Obviously, the imposition of the death penalty is irrevocable. Mistakes cannot be corrected. If an individual is convicted and executed, he or she is deprived of the benefits from new evidence. In my mind, the risk of executing even one innocent individual far outweighs any benefits which can be claimed from capital punishment. And as several of my colleagues have pointed out, our judicial systems track record in capital crimes is far from perfect.

Perhaps the most vexing constitutional question is raised by the apparent racial discrimination in the implementation of the death penalty. The fact that the judicial system discriminates on the basis of the race of the victim as well as the race of the defendant seems to fit with the many other areas of segregation that currently exist in America. David Baldus, a professor of law at the University of Iowa, is one of a number of experts who have extensively studied discrimination and the death penalty. Mr. President, I will ask unanimous consent that a review of studies of racial bias and the death penalty, including Professor Baldus' work, compiled by the NAACP's Legal Defense Fund be inserted in the RECORD. And while the Kennedy amendment which we adopted is an improvement over the original language in the bill, I am not convinced it is possible to prevent racial bias in the implementation of capital punishment as long as racial bias persists in our society.

Not only is the death penalty ineffective and ethically suspect, but it is also wasteful of resources. Disproportionate amounts of time and energy are wasted when the death penalty is instituted. Prosecuting attorneys, defense attorneys and juries must be employed at great cost. Estimates show that the cost of prosecuting one individual for the death penalty ranges from $1 to $4 million. Throughout an extended appeals process, imposition of the death penalty places more grievances on an already overburdened criminal system, stockpiling court costs and courtroom time. These financial and human resources could be better used for fighting the problem of drug abuse instead of a symptom of that problem.

All these practical and constitutional arguments are more than enough reason to oppose this legislation. Yet as I stated earlier, my opposition to the bill stems primarily from my fundamental conviction that the death penalty is immoral and unjust. During the course of this debate, the Senator from New York has repeatedly said that deterrence need not be proven to justify passage of these bills—that these drug and death dealers deserve to die. While no one in this body would defend the morality of these heinous criminals, why should we stoop to their level? Why do we have to kill people who kill people to show that killing people is wrong?

I do not believe that we, as imperfect humans bonded together in an imperfect state, have the moral right to decide who shall live and who shall die. To decide that one type of murderer deserves to die, while another murderer does not is, at best, a very subjective decision. This week, we may decide that drug related killings are the worst. Next year, maybe it will be terrorist killings. And the following year, maybe manufacturers who knowingly sell dangerous products which result in death will be subject to capital punishment. The crime—knowingly taking another human life—is the same. And under capital punishment, the state is equally guilty of that crime.

Mr. President, the D'Amato bill is obviously a politically popular bill. When it passes the Senate, as it clearly will, many will go home and tell their constituents that we've gotten tough on drugs, even though we've done nothing to really help the situation. No decent citizen can have any sympathy for the drug lords who wantonly take human life simply to make a buck. My sympathies, instead, are for the rest of our society. In fighting violent crime, we have fallen to the level of the violent criminals.

Mr. President, I urge my colleagues to oppose the D'Amato bill.

Mr. President, I ask unanimous consent that the material to which I earlier referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHERE IS THERE EVIDENCE OF RACIAL BIAS IN THE DEATH PENALTY?

A growing body of research conducted by social scientists since capital punishment was reinstated in 1976 confirms the existence of racial bias in deciding who dies in American death chambers. Nearly all of these studies have used multiple-regression analysis to discount for legitimate factors that influence sentencing—like the defendant's criminal history, seriousness of the crime, number of victims, killing of a police officer, etc.

Alabama—A 1983 study of 128 capital murder cases by Prof. Bernard Bray of Taladega College found that killers of whites are 10 times more likely to be tried for the death penalty and eight times more likely to receive it than killers of blacks.

Arkansas—A 1984 study by Prof. Samuel Gross of Stanford University found that white victim homicides were 3.56 times more likely to get death. Gross & Mauro, "Patterns of Death: An Analysis of Racial Disparities in Capital Sentencing and Homicide Victimization," Stanford Law Review, Vol. 37, No. 1 (November 1984).

California—An exhaustive investigative report by the Dallas Times Herald in 1985 found that 6.3% of those convicted of killing whites were condemned to die, compared with 2.6 of those convicted of killing blacks. Dallas Times Herald (Nov. 17, 1985).

Colorado—The results of a study of capital murder prosecutions since 1979 by Prof. David Baldus of the University of Iowa revealed that the killer of a white is 20 times more likely to get death than one who has killed a black.

Florida—A 1981 study by Prof. Michael Radelet of the University of Florida concludes that a black on white homicide is 37.7 times more likely to get death. The 1984 Gross and Mauro study reported that 13% of the black on white crimes got the death penalty versus 5.2% of the white on white and 4.3% of the white on black murders.

Georgia—A landmark 1986 study by Prof. David Baldus which examined over 2,000 Georgia homicides between 1973 and 1980, and which controlled for over 230 possible sentencing factors still found that: 22% of the blacks who killed whites got death, versus 3% of the whites who killed blacks. Overall, killers of whites are 4.3 percent more likely to get the death penalty. Baldus, Pulaski and Woodworth, "Arbitrariness and Discrimination in the Administration of the Death Penalty," 15 Stetson Law Review 353 (Spring, 1986). Gross and Mauro in 1984 reported a death odds multiplier of between 4 and 7 times for white victim cases.

Illinois—Gross and Mauro found that, after controlling for 14 different sentencing variables, killers of whites are 4.0 times more likely to be put to death than killers of blacks.

Kentucky—An April, 1988 study by the University of Louisville reveals that between 1976 and 1986, prosecutors sought a death penalty for 45 percent of the eligible blacks who killed whites, but for only 23 percent of the whites who killed whites, and in none of the 14 cases of whites who killed blacks. T. Keil & G. Vito, "Race and the Death Penalty in Kentucky Murder Trials," Journal of Criminal Law and Criminology, forthcoming.

Louisiana—A paper presented at the American Society of Criminology Conference by Prof. Dwayne Smith states that while whites constituted 61.5 percent of all murder victims in Louisiana, 85 percent of the cases on death row involved white victims. Margaret Klemm, in a 1985 article on the same topic wrote, ". . . Louisiana does not appear to be that different from other southern states with capital punishment . . . blacks are undervalued as victims."

Maryland—The Dallas Times Herald in its 1985 investigative report found that only 1 percent of the killers of blacks get the death penalty, compared with 7.3 percent of the killers of whites. Dallas Times Herald (Nov. 17, 1985).

Mississippi—A 1984 study by a consultant to the National Academy of Sciences found that white victim homicides are six times more likely than black victim cases to get death. "White victim cases are treated far more harshly, keeping a number of variables constant . . ." R. Berk and J. Lowery, "Sentencing Determinants in Mississippi: A Study of Factors Affecting Penalties for Murder and Manslaughter," (1984) (unpublished manuscript, UC Santa Barbara).

New Jersey—A 1987 study produced by the University of Pennsylvania and Princeton reveals that the death penalty is sought by prosecutors in 50 percent of the black defendant/white victim cases but only 28 percent of the black on black and 10 percent of the hispanic on hispanic cases. L. Bienen, N. Weiner, D. Mills, "The Reimposition of Capital Punishment in New Jersey: The Role of Prosecutorial Discretion," Rutgers Law Review, vol. 41, Spring, 1988.

North Carolina—Gross and Mauro conclude that killers of whites are 4.35 times more likely to receive the death penalty than killers of blacks. A new book corroborates their findings. B. Nakell & K. Hardy, The Arbitrariness of the Death Penalty, Philadelphia: Temple University Press (1987).

Oklahoma—Gross and Mauro's 1984 study of 554 murder cases revealed that after discounting for major sentencing factors, killers of whites are 4.31 times more likely to get death.

South Carolina—A 1982 study found that since 1977, prosecutors sought the death penalty three times as frequently when the victim was white. R. Paternoster, "Sentencing Disparity and Jury Packing: Further Challenges to the Death Penalty," 73 J. Crim L. & Criminology 379 (1982).

Texas—A September, 1987 study by University of Texas sociologist Sheldon Eckland-Olsen of death sentences since 1977 concludes that "it is clear that cases involving white victims are more likely to result in death sentences that we would expect . . . This is consistent with research in other states . . ."

Virginia—Gross and Mauro conclude that killers of whites are 2.41 times more likely to receive a death sentence than killers of blacks. By comparison, the proven correlation between smoking and heart disease is only 1.7.

Mr. CHAFEE. Mr. President, I rise today in opposition to S. 2455, a bill proposed by my colleague from New York, to impose the death penalty in drug-related cases. This bill, in its simplest terms, would require the prosecuting attorney in any State, to request the death penalty for anyone convicted of a drug-related murder or a murder of a law enforcement officer committed simultaneously with a drug offense.

I base my opposition, first, on my belief that we should not resort to the death penalty. Furthermore, S. 2455 is flawed legislation that would set a dangerous precedent of Federal intrusion in specific aspects of criminal punishment. For these reasons, I urge my colleagues, no matter what their view of the death penalty, to oppose this bill.

Mr. President, the last time we executed anyone in my home State of Rhode Island was on Valentine's Day, 1845. For 143 years since that day we have shunned capital punishment as an option in sentencing. There's a myriad of reasons why we do not have the death penalty in Rhode Island. But one of the most compelling is that on that cold February morning in 1845, we hung a man who was innocent.

Seven years later, in 1852, the Rhode Island General Assembly abolished the death penalty. By that time, it was pretty clear that John Gordon, a 20-year-old Irish immigrant, had been the convenient scapegoat for a community enraged at the death of a powerful, rich businessman named Amasa Sprague. Several years ago an excellent article appeared in the Providence Journal about the Gordon case, and I ask unanimous consent that the article be printed in the RECORD at the conclusion of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

[See exhibit 1.]

Mr. **CHAFEE**. Mr. President, it is pretty clear that no matter how careful we are with the judicial process in our Nation, and no matter how sure we are when we convict someone of a crime that he or she is actually guilty of that crime, there is always a chance that we're wrong. And I say "we" for a reason. It is "the people" who bring the charges in criminal cases, it is "the people" who make a finding of guilt, and it is "the people" who must take responsibility for the sentence imposed. That is the problem with the death penalty: If we are wrong, and, like in the case of John Gordon, 7 years later the truth comes out—there is not much we can do about it if the death penalty was imposed.

Some may argue that even in light of the innocent who may lose their lives, the death penalty is an acceptable form of punishment because of the crime it will prevent, the criminals who will think twice before claiming another victim—in other words, the deterrent effect of the death penalty.

The truth is: the death penalty is not an effective deterrent of crime. Studies conducted over the past 10 years have shown quite clearly that imposition of the death penalty does not result in a decrease of the rate of homicide. Similarly, abolition of the death penalty has not resulted in an increased rate of homicide.

Drug-related crimes are often committed by people in an admittedly stressful situation, with cloudy thinking, most often impaired by the drugs themselves. Surely no one actually believes that an individual who is under the influence of PCP will stop in the midst of committing a violent act and reason to himself that if he commits this crime, and he is caught, and there is enough evidence to convict him, that he may fit the defintiion of drug-related offender in this bill and the death penalty may be imposed.

Some have insisted that this bill will protect law enforcement officers. There is nothing I would like to do more than protect those heroic men and women who put their lives on the line for us everyday. But this bill simply will not help. The facts are that police officers on duty do not suffer a higher rate of criminal assault or homicide in States that have abolished the death penalty than they do in States that have the death penalty. A 20-year study comparing crime rates in Chicago and Detroit found that despite 55 executions in Chicago during those 20 years, the rate of violent crime on police was half again greater in Chicago than in Detroit. Even the most recent studies indicate that neither the provision for capital punishment nor its actual level of use is an effective deterrent to police killing.

Now, Mr. President, notwithstanding any of the arguments I have just made against the death penalty in general, I urge my colleagues to oppose this bill specifically because of its numerous flaws, its dangerous precedent, and its intrusive nature.

We have committees in the Senate for many purposes, one of which is to make sure that bills are thoroughly scrutinized before they come before the Senate for consideration. Unfortunately, this bill did not get the benefit of a committee perusal, and it lays here before us riddled with defects that will, if S. 2455 is passed, tie up our already flooded courts and increase our already skyrocketing criminal justice expenses.

This bill does not clearly spell out who is subject to the death penalty, under what mitigating circumstances the penalty should not be used, or under which aggravating factors death can be imposed. This bill instructs the State prosecutor to notify the defendant in a reasonable period of time before trial of his or her intention to seek the death penalty. What does reasonable mean, and why couldn't the bill have spelled out exactly how much notice a defendant is due?

This bill also sets a dangerous precedent. In an area of law that has for years been left to the judgment of the legislative and judicial branches of the individual States, this bill imposes the death penalty on those States which have already rejected the death penalty—like mine. Now, many argue that with a unique issue, of great Federal interest, such intrusion may be warranted, but why is this unique? Why are drug kingpins so much more compelling than child molesters or pornographers?

This intrusion on the good judgment of State legislatures around the country is much broader than just requiring capital punishments in those States that have decided against it. Even those States that have crafted their own laws concerning the death penalty will be affected. For instance, California, Florida, and Texas already have laws that could subject a person convicted of a drug-related killing to the death penalty. Our rules as to how, when and why the death penalty should be chosen will be imposed upon those States. After years of refinement and debate and consideration on the State level, the Federal Government is going to come in, in a 6 hour debate and with no committee consideration, and say, "Alright, we have decided to impose the death penalty in these specific situations. Go to it."

Certainly, the people in my home State of Rhode Island do not want Congress making that decision for them. They have already thought about it for 143 years.

I urge my colleagues to oppose this legislation.

EXHIBIT 1

[From the Providence Journal, July 19, 1981]

THEY DID NOT KNOW WHAT THEY WERE DOING

(By Bob Wyss)

Twilight was falling when the man neared the bridge. The chill from the late December wind was deepening, but the tranquility of the scene made him pause.

A lazy swirl of smoke drifted from the chimneys of the snow-capped cottages in the distance, beyond the bridge. The new-fallen snow had placed a peaceful blanket over the land. Only the ragged edges of the frozen bog to his right interrupted the sweeping line of the landscape. Reluctantly he began moving again and crossed the bridge.

The single shot split the crystal air.

It hit him in the right arm. The force of the blow drove him to the ground. But he was only down for a second. Then he was up and running back towards the bridge, the blood staining the snow.

Suddenly other men were in front of him. They struggled with him and fell. The violent fight ended quickly.

Then they were up and gone, leaving behind a crumpled form in the snow.

It would take another two hours before the body of Amasa Sprague was discovered. But the mystery behind who killed the powerful Rhode Island industrialist on the banks of the Pocasset River in Johnston on New Year's Eve, 1843, would spark a controversy that has never ended.

A 20-year-old Irish immigrant, John Gordon, was eventually convicted. He was hanged on February 14, 1845, for the murder.

But the public was so concerned that the wrong man may have been executed that seven years later Rhode Island became one of the first states to outlaw capital punishment.

No one has been executed in 136 years in Rhode Island, an unusual legacy at a time when nationally there have been four executions in the last four years. Thirty-three states in the nation have capital punishment laws and more than 700 men and women are on death rows.

Gary Gilmore's death by firing squad in Utah on January 17, 1977—the first execution in 10 years in the United States—raised new public attention concerning capital punishment. serious attempts to bring the death penalty back to Rhode Island were made as recently as two years ago in the General Assembly, with no success.

Many of Gordon's defenders argued against the death penalty in the 1840s because they believed he was the convenient scapegoat for the powerful Sprague family. Gordon was convicted entirely on circumstantial evidence.

Gordon's supporters argued that the Spragues were bent on revenge at any cost.

And the Spragues could afford it. During the 19th Century the Sprague family became one of the richest and most powerful families in Rhode Island.

The empire was founded on cotton. Amasa's grandfather was only a country farmer, but his descendants capitalized on the growth of the Industrial Revolution in America. They built a series of mills that by 1860 had become one of the biggest textile empires in the country.

Amasa was responsible for much of that growth while directing the family's business from his large Cranston mansion. The handsome Colonial-style home was conveniently built adjacent to the largest of the family's mills, the Sprague Print Works. (The mansion still stands on Cranston Street, operated by the Cranston Historical Soceity, as does the mill, now known as the Cranston Print Works.)

The family had just completed Sunday dinner on the last day of 1843 when Amasa left his mansion headed for Johnston. There have been several reasons given for why Sprague took a walk that Sunday afternoon. Some have suggested he was looking for lost sheep, others that he wanted to inspect cattle at the Carpenter place in Johnston, and others have suggested that he planned to visit a comely mistress.

The route Sprague took that day was a well-used foot path that went west from the Print Works through what is now St. Ann's Cemetery in Cranston. It passed down into a gully, over a brook and then through a field before reaching the Pocasset River. Much of this land today is open space.

The path was deserted when Sprague crossed the small footbridge over the river into Johnston and was hit by the single shot. Experts believed he made a fatal mistake in running back towards the bridge at this point. They felt that if he had run the other way he might have been able to escape his attackers.

Although he had been wounded, Sprague at 45 years of age was still a strong man. At 190 pounts and 5-feet, 9-inches he was able to fight back against his attackers. But the shot had put him at a disadvantage, especially when his attackers began repeatedly striking him with the blunt end of a gun. Sprague eventually was bludgeoned to death.

A young Print Works employee, returning to his Johnston home, was the first to find Sprague, and the news spread quickly of the murder. Even before the search began for the murderers, suspicion began falling on a Cranston family named Gordon.

Sprague had had several clashes with Nicholas S. Gordon, John's brother. Nicholas had emigrated from Ireland in the mid-1830s, settling in Cranston and opening a store. He saved his money and in July, 1843, had enough to send for his three brothers, William, Robert and John, a sister, Margaret, his mother, Ellen, and William's 10-year-old daughter.

Among the wares in Gordon's store, which was located near the Sprague Print Works, was liquor. Sprague noticed after awhile that production at his mill was beginning to fall off, often for several days, right after his workers received their monthly paychecks.

It became clear that many of his employees were going to Gordon's and drinking. In July, 1843, Sprague successfully convinced Cranston officials to rescind Gordon's liquor license.

In some accounts of the murder, Gordon is accused of having threatened Sprague, vowing that he "would see him again before the year was out." It is, however, a story most historians believe has no substantiation.

Others have said that Sprague threatened Gordon. According to one story, Amasa on one occasion, shortly before his death, grabbed Nicholas Gordon by the scruff of his neck and threw him to one side, exclaiming, "Get out of my way, you damn Irishman."

Stories such as these were recalled as groups gathered on New Year's Day in Cranston to investigate the murder, their appetites whetted by the $1,000 reward offered that day by the Sprague family.

Search parties fanned out but found very little that day. But as the afternoon moved on, public indignation grew and at 6 p.m. Nicholas Gordon and his brother John, who had only arrived in this country a few months before, were arrested and charged with suspicion of murdering Sprague.

The next day the search parties were more successful. Tracks in the snow which had been found the day before leading away from the scene of the crime were pursued, and the searchers found a coat with blood stains on its front hidden in heavy underbrush. A few minutes later they found a gun, its stock separated from the barrel, with blood and hair sticking to the stock.

Meanwhile, a second group had found a new track nearby, which they followed until it ended near Nicholas Gordon's home in Cranston. Officers searched the nearby Gordon store and found a shirt with red stains on it and a pair of wet boots, the heels of which matched the tracks found in the snow outside Gordon's house.

Authorities decided to arrest the two other brothers, William and Robert, as well as their mother. Robert was quickly released, however, when he supplied an alibi for the time of the murder. A dog owned by Nicholas Gordon was also locked up because the search parties had reported that the tracks in the snow showed a dog had accompanied their suspect.

By Wednesday the Providence Journal proudly reported that the case appeared solved. The evidence against the Gordons was so strong, the newspaper reported, that "it is now the settled opinion that they are the guilty parties."

One reason for certainty on the part of authorities was that the coat found by the searchers had a hole in the elbow. A shirt taken from the Gordon home had a stain on one elbow corresponding to the hole in the coat.

But not everyone was convinced that the right men had been caught. Many people, particularly the growing Irish immigrant population, were convinced that the Gordons were being made scapegoats.

Subsequent writers have reported that Rhode Island in the 1840s faced intense partisanship and struggle between the established, landed gentry and the new Irish immigrants, and that the murder and trial only provoked those feelings.

While the controversy grew, the Gordons sat in their cold, dank cells in the old state prison, located at the base of the hill where the State House stands today. On March 27 a Providence County grand jury indicted John and William Gordon for the murder, with Nicholas being charged as an accessory before the fact.

Two weeks later, on April 8, the trial of John and William, probably one of the most sensational in the state's history, began.

It was of such interest to Rhode Islanders that an enterprising court reporter published an account of the trial in book form after it was over, and the book was quickly sold out. Copies became so hard to get that another publisher reprinted the book 40 years later.

One reason for the demand may have been that while newspaper reporters were allowed to attend the trial, they had to promise that nothing would be printed until after it ended.

The prosecution sought to link both the coat and the gun found in the woods, as well as the tracks, to the Gordon brothers.

One of their key witnesses was Benjamin Waterman, also called Ben Kit, who in some accounts is identified as "a shiftless and dim-witted individual." Waterman, who had often worked for the Sprague family, testified during the trial that the ramrod of the gun found in the woods appeared to be one that had been owned by Nicholas Gordon.

The defense argued that the gun was not owned by Nicholas, the tracks could have been made by anyone and the red stains on the jacket were made while one of the men was working in the print works.

A witness late in the case established that William had been elsewhere at the time of the killing.

But the testimony from the only witness that could give John an alibi, his mother, was both confusing and contradictory. During the trial she testified he had eaten dinner at 4 p.m. and then gone to a tavern, returning at 7 p.m. But her testimony at a pre-trial hearing reported that he was out until 4 p.m., when he returned for only a few minutes. The two sides put up 102 witnesses in the six-day trial, but the jury deliberated for less than two hours. They found William innocent and John guilty.

John sat calmly as the verdict was read. It was only later, when he had to part with William and return to jail, that he began to lose his composure.

Shortly afterwards, John Gordon was sentenced to hang on February 14, 1845.

The Gordons soon produced new evidence, a gun and a pistol, which they said belonged to Nicholas Gordon. But the court was not convinced there was a need to reopen the case and subsequent appeals to the General Assembly and the governor to stop the execution failed.

Despite ever growing protests the execution was carried out at 11 a.m. on Valentine's Day from a gallows built in the prison yard. About 50 persons were present, although thousands more were reported to be outside the prison, most of them in opposition to the hanging.

A priest walked with Gordon from his cell and urged him to have courage and to forgive his enemies, "I forgive all my persecutors, because they did not know what they were doing. I hope all good Christians pray for me."

A handkerchief, given to him by his mother, was tied over his eyes. Gordon then stepped to the trapdoor, appeared to falter, and the trap was sprung. the rope snapped his neck, killing him instantly.

Two days later, Gordon's casket was carried in a massive funeral procession which began at his Cranston home, wound up Broad Street to Benefit Street and on to the North Burial Ground. The family was joined by thousands of mourners and there were reports that on Broad Street it stretched a mile long and took 30 minutes to pass.

"It was more than a funeral procession; it was a protest by those who thought John Gordon innocent of the Sprague slaying," wrote Garrett D. Byrnes in his 1933 account of the Sprague killing.

Nicholas Gordon was eventually acquitted of the accessory charge and died a few years later. There is no record of what happened to the other brothers.

At the time John and William were charged with the murder of Sprague, the indictment also stipulated that a third person "unknown" was present and involved in the murder.

After the hanging, suspicion continued to rest on the other Gordon brothers. There were also suggestions that another Irishman, who had some unknown grudge against Sprague, may have been involved in some way. That man disappeared shortly after the murder and was never found. No one else was ever charged or directly connected to the murder.

Public sentiment against capital punishment had been growing in Rhode Island even before the Gordon hanging, but it quickly intensified. The General Assembly in 1838 had limited the crimes punishable by death to murder and arson.

At the time of Gordon's death, only three other men had been executed in the state. In 1852 the General Assembly agreed Gordon should be the last, enacting a law abolishing the death penalty.

A new capital punishment law was passed in 1872 relating only to prisoners under sentence, but no one was ever executed under the law. The law was revised and strengthened by the General Assembly in 1973, shortly after prisoners murdered a prison guard at the Adult Correctional Institutions. Four men were convicted and awaiting execution in 1979 when the Rhode Island Supreme Court declared that law unconstitutional.

Attempts have been made to pass a new capital punishment law with no success. Steven Brown, executive director of the Rhode Island American Civil Liberties Union, believes there is a major reason why Rhode Island has gone so long without executing someone.

"We have one of the most compelling reasons for not having a death penalty here," he said. "The possiblity is always there that we could make a mistake and execute the wrong man."

Mr. CONRAD. Mr. President, I rise in opposition to S. 2455.

I share the widespread belief that drug abuse has devastating effects on our national life. But neither the flow of drugs nor the crime and destruction caused by drugs will be halted by this proposal to impose the death penalty.

There are many arguments against this bill, including the death penalty's failure as a deterrent, its discriminatory application and its questionable constitutionality. But I wish to briefly comment on one overriding consideration: The risk of executing the innocent.

Mr. President, I recommend to my colleagues a 1987 Stanford Law Review article entitled "Miscarriages of Justice in Potentially Capital Cases." Prof. Hugh Bedau compiles an astounding catalog of 350 cases in which defendants convicted of capital or potentially capital crimes in this century, have later been found to be innocent. Only in five cases was the error discovered prior to sentencing. In 40 percent of the cases an innocent person was sentenced to death. Let me share a few case histories taken from the study:

Anderson, William Henry (black). 1945. Florida. Anderson was convicted of the rape of a white woman, sentenced to death, and executed in 1945. No appeal was taken. He was executed only five months after his arrest, perhaps in part because the sheriff wrote to the governor, "I would appreciate special attention in this case before some sympathizing organization gets hold of it." The victim did not resist, scream, or use a pistol that was available to her in resisting Anderson's advances. Anderson's sister and one of his coworkers presented affidavits to the governor claiming that Anderson and the victim had been consensually intimate for several months before rape charges were filed. Anderson's attorney also wrote to the governor that "There exists well founded belief . . . that William Henry Anderson and the prosecutrix were intimate since August 1944. This belief is widespread among Negroes, but white people have been heard to express opinions likewise."

Collins, Roosevelt (black). 1937. Alabama. Collins was convicted of rape, sentenced to death, and executed in 1937. The conviction was affirmed on appeal. Collins testified that the "victim" (white) had consented, which caused a near-riot in the courtroom and led the woman's husband to pull out a gun and fire it at Collins. Collins was almost lynched and received only a perfunctory defense. The all-white jury deliberated for only four minutes. Subsequent interviews with several jurors revealed that although they believed the act was consensual, they also thought that Wilson deserved death simply for "messin' around" with a white woman. Even the judge, off the record, admitted his belief that Collins was telling the truth. "An innocent man went to his death."

Bambrick, Thomas (white). 1915. New York. Bambrick was convicted of murder, sentenced to death, and executed in 1916. The conviction was affirmed on appeal. Evidence was later discovered that convinced Warden Thomas Mott Osborne and the prison chaplain that another man committed the crime. Although Bambrick knew the identity of this man, he refused to "squeal" on him. Osborne commented. "It is almost as certain that Bambrick is innocent as that the sun will rise tomorrow."

Shumway, R. Mead (white). 1907. Nebraska. Shumway was convicted of first-degree murder, sentenced to death, and executed in 1909. He was convicted on circumstantial evidence of murdering the wife of his employer. One juror, leaving a note in which he expressed "great worry at the trial," killed himself before Shumway's hanging. This juror, the only one to hold out against the death penalty for Shumway, told his friends, he "had not slept well any night since the trial." Shumway's last words were: "I am an innocent victim. May God forgive everyone who has said anything against me." In 1910, the victim's husband confessed on his deathbed that he had murdered his wife.

McGee, Willie (black). 1945. Mississippi. McGee was convicted of the rape of a white woman, sentenced to death, and executed in 1951. The all-white jury deliberated for only two and a half minutes. The conviction was reversed on appeal because a request to change venue was not granted. After a change of venue. McGee was retried, reconvicted, and resentenced to death by another all-white jury. This conviction was also reversed because of the exclusion of blacks from juries in the indicting county. In 1948, McGee was reindicted, retried, reconvicted, and again resentenced to death; three blacks were on the jury but there was no change of venue. On appeal the conviction was affirmed, and the United States Supreme Court declined to intervene. An attempt to win a retrial on the basis of newly discovered evidence failed. The chief evidence against McGee was a coerced confession that he gave after being held incommunicado for thirty-two days after his arrest; the victim's husband and her two children, asleep in the next room, never heard any commotion from the alleged attack. Investigation by journalist Carl Rowan revealed that the victim had been consorting with McGee for four years and was angry at his efforts to terminate their relationship. Nonetheless, local blacks were too intimidated to give this evidence in court, and local whites felt the woman's consent was impossible or irrelevant.

The methodology of the study might be questioned, and there are those who argue that these examples are old. We should remember that for many years the Supreme Court stayed the executions of hundreds of accused, because of various constitutional reservations. But in recent years, in the wake of the Supreme Court's decisions, death row has reappeared. We can only hope that no innocents are among the condemned.

Some would argue that procedural safeguards now in place make it extremely unlikely that an innocent person might be executed. But I cannot be so confident that our legal institutions will always eliminate the occasional errors of human judgment or be immune from the passions of the day.

The catalog of miscarriages of justice, Mr. President, is a catalog of human error and human weakness, which no carefully crafted law can change. The errors of conviction are caused by mistaken eyewitness identification, prosecutorial zeal, suppression of evidence, revenge, racial prejudice, ethnic bias and perjury. Judges and juries have, and will be subject to the passions of the hour. Human judgment is fallible; execution is irrevocable.

I am disturbed by the righteousness pervading the proponents' arguments—which imply that those who are opponents of the death penalty are somehow soft on drug crimes. In North Dakota, our judges and juries are well known to be tough on drug crimes, and we have among the lowest crime rates in the Nation. North Dakota long ago abandoned the death penalty, and has experienced no increase in crime.

Similarly, it's untrue that unless drug dealers and their accomplices are put to death, they'll be set free to continue their crimes against society. This black or white view of our judicial system is surely false. I can only speak with knowledge of North Dakota's experience, and I can assure my colleagues: Drug offenders are given long, hard sentences in both the State and Federal courts.

Enactment of the death penalty for drug-related offenses is really a futile act. Let us be candid. The death penalty creates the facade of having done something serious about drugs; but really, it is not a deterrent—it will merely allow Congress to make a flamboyant statement on the issue of drugs. Common sense and experience prove that the death penalty is not a deterrent to crime. States which permit the death penalty do not have lower crime rates. And it is foolish to think that the threat of a death sentence will deter drug dealers who face execution on a daily basis from rival dealers, customers, and law enforcement officials.

I understand the impulse and desire to do something dramatic about drugs and the havoc they wreak on our society. But the death penalty satisfies only our thirst for retribution and vengeance; it does not reduce the demand for drugs. The elimination of some miserable unknown malefactor is not going to have any deterrent effect on some other vulnerable person who sees the drug business as the ticket to the big time.

I share the desire to rid our society of dangerous, immoral and ruthless drug dealers. But, Mr. President, the problem is that history tells us that society has occasionally erred in making judgments about innocence and guilt. It doesn't happen often, but it has happened and will happen again: If we institute the death penalty, we will wrongfully execute an innocent victim.

Finally, passage of a death penalty will have created the illusion that Congress has courageously dealt with the drug issue. On the contrary, this measure will only obscure the real problem of drug abuse in our Nation.

Mr. President, there is only one way to avoid the horror of the Government executing a person wrongly convicted of a capital crime. We should not resort to the use of the death penalty, and we should oppose this bill.

Mr. KARNES. Mr. President, I would like to thank my distinguished colleague from New York for introducing this measure because I believe it provides an added deterrent element that our justice and law enforcement systems need to be effective in controlling violent crime in our country.

Several of my colleagues have already pointed out the very legitimate reasons for providing this additional criminal penalty to Federal prosecutors. I fully support this bill because we need stronger penalties in the fight to eradicate the drug epidemic which is sweeping our country. Mr. President, few, if any Members of this Senate would deny that the degree of drug-related crimes in the United States is at an intolerable level. To look past this dangerous condition, indeed, to ignore it by not empowering law enforcement officials every legal tool, is only contributing to the encouragement of this illegal drug epidemic.

The cases of the cold-blooded killings of law enforcement officials in California and New York that my colleagues have pointed out during this debate are only a few examples of the dangers that the citizens of this country have to live with because of the lack of the most severe penalties for drug-related violence. It saddens me to have to tell my colleagues that similar tragedies also occur in my State of Nebraska. A recent example concerns the murder of a woman earlier this year who worked in a candy store in Omaha, NE. This woman was shot in the back of the head after three men came into the candy store with the intention of robbing the store. This woman lost her life, in a brutal fashion, so that these men could walk away with the $12 that were in the cash register. Local police officials indicate that this incident was motivated by these criminals' drug usage.

Mr. President, I cannot assure my constituents that such crimes will not continue because I cannot assure them that the consequences which such violent criminals must suffer are severe enough to deter their savage actions.

I think it is important to note that my State currently has, and has had for some time, the option of imposing the death penalty for certain crimes involving homicide. But in cases where people are murdered in the process of drug dealing, and where such activity relates to a criminal drug enterprise and would be prosecuted under Federal, not State law, this is exactly where we need to see our Federal laws brought into line with the majority of State statutes.

Mr. President, while I believe that crime is essentially a local problem that should be addressed by local law enforcement officials, it has become unquestionably clear that the influx of illegal drugs into our country has triggered the need for some degree of Federal involvement in crimes related to drug trafficking. This measure would help local law enforcement officials in their fight against violent crimes, and would help Federal law enforcement officials in their fight against the spread of drugs in our society.

The issue here is not in which cases the death penalty should be applied, the issue is in which this punishment could be applied. My distinguished colleague from Utah, Senator HATCH, put it very eloquently this afternoon when he stated that "capital punishment is the ultimate recognition of the sanctity of human life." To fail to recognize this is to turn our backs on the victims of violent crime and to give criminals the tacit approval of society.

Mr. President, I am a cosponsor of the measures that were originally introduced by Senator D'AMATO and by Senator WILSON which were combined to create this strong measure. For the reasons which I have mentioned today, I would like to add my name as a cosponsor to this measure.

Mr. GRASSLEY. Mr. President, one of the primary responsibilities of the Federal Government is to protect the American citizen. As long as there is a substantial reason for believing that capital punishment—which manifests society's belief in the sanctity of human life—serves this function, then it should be retained. The citizens of America deserve maximum protection from injury to both their person and their property.

In view of its irrevocable nature, I have attempted to explore every aspect of the capital punishment sanction. My study has strengthened my belief that certain offenses, such as drug-related killings, are so abominable that the only just punishment is death. To attach any lesser penalty is to undermine our system of justice.

It is for these reasons that I have joined my distinguished colleague from New York, Senator D'AMATO, as an original cosponsor and supporter of S. 2455, imposing the death penalty in the case of drug-related killings.

The debate over the propriety of the imposition of the death penalty has been an ongoing one since the early days of our Republic.

In 1972, the Supreme Court, in the case of Furman against Georgia (408 U.S. 238), invalidated the statutes that authorized the death penalty in all of the States and the Federal Government. In Furman, the Court held that the unlimited discretion afforded to judges and juries to impose the death sentence was arbitrary, capricious, and constituted cruel and unusual punishment, which is prohibited by the eighth amendment.

During the intervening years, many of the States have reinstituted the death sentence, with appropriate safeguards for due process. Generally, they provide for the consideration of both mitigating and aggravating circumstances that are taken into account during the decision on whether or not to impose the death sentence.

Most of these States have undergone very close and strict scrutiny. The Supreme Court has held that the procedure for the imposition of the death penalty is a constitutionally permitted sanction if carried out under certain procedures and criteria that guard against the unfettered discretion that was struck down in Furman.

I commend the States for the responsible manner in which they have reformulated these capital punishment statutes. Their work is indicative of the support of the citizenry for capital punishment.

The public supports the imposition of capital punishment in those circumstances that are necessary and appropriate, while also providing for due process safeguards during any procedures that will determine whether or not the death penalty will be imposed.

I believe that S. 2455 is a responsible, measured response to the threat posed by drug kingpins and other thugs involved in such crimes against individuals and society. I believe that S. 2455 is also in keeping with the mandate of the Supreme Court because it provides due process safeguards before there can be any imposition of the death penalty.

The public understands that it has a right, affirmed by the Supreme Court, to exact a just punishment on those individuals who deliberately flout its laws in a particularly harmful and dangerous way. For some offenses the death sentence is the only just punishment. A civilized society has a right, if not a duty, to rid itself of those who have committed certain carefully described—but especially harmful—offenses in an especially aggravated manner.

I believe that most who seek to abolish the death penalty would retain it if they could be satisfied that innocent American lives would be saved. It must be up to those who oppose capital punishment to prove that the death penalty is ineffective as a deterrent before abolition can be considered seriously. As an elected representative of the people of the State of Iowa, I do not feel justified in jeopardizing the lives of innocent citizens who are the victims of atrocious crimes.

While this is not the sole solution to our country's drug problem, it is a major step in the right direction and I urge my colleagues to adopt S. 2455.

Mr. DOLE. Mr. President, I want to endorse strongly the effort to impose the death penalty for drug-related murders. The D'Amato bill is vitally important, and I believe it will send a strong signal to those involved in the drug trade. The bill imposes the death penalty on any person who intentionally, or with reckless indifference to human life, kills—or participates substantially in the killing of—any individual during the course of a drug-related activity. It is my firm belief that we must take these strong steps so that drug dealers and drug suppliers know that we are very serious about the drug problem.

Mr. President, I really cannot believe that we are serious as it relates to this drug war if we are not willing to take this step by imposing the death penalty.

During the debate on the D'Amato bill, there have been serious and legitimate concerns raised about the impact this significant and final new authority might have on the individual—concerns about age, race, and mental illness. However, I believe that all these valid issues have been addressed and resolved in the final version of the bill, so that more than adequate protections are provided against the misguided, or inappropriate use of the death penalty.

Let me suggest we have been fairly successful in dealing with the defense of this country, dealing with the Communists. We have not been nearly so successful in terms of dealing with the problem of domestic tranquility and the violence that has taken place in our neighborhoods and that besets our communities, the ravages of the drug epidemic. I am not suggesting, Mr. President, that the death penalty is going to win the war on drugs. I am suggesting to you that it is an appropriate punishment for those who deliberately execute police officers, for those who deliberately use that violent method to enforce their terror in neighborhoods or on their drug gangs.

Finally, Mr. President, I, and I believe the entire country, owe a debt of gratitude to Senators D'AMATO and WILSON. Without their persistence, dedication, and skill, this legislation would not be before us today, and this new weapon in the war against drugs would not even be a possibility.

The PRESIDING OFFICER. The Senator from New York has 50 seconds remaining.

Mr. D'AMATO. I wonder how that happened.

Mr. President, I would ask at this time that technical corrections with respect to Senator KENNEDY's amendment be accepted. I send them to the desk and ask unanimous consent they be accepted. They are of a technical nature.

The PRESIDING OFFICER. Without objection, it is so ordered.

The corrections are as follows

On page 11, strike beginning with line 19 through line 3 on page 12, and insert the following:

"RIGHT OF THE DEFENDANT TO JUSTICE WITHOUT DISCRIMINATION

"(o)(1) In any hearing held before a jury under this section, the court shall instruct the jury that in its consideration of whether the sentence of death is justified it shall not consider the race, color, national origin, or sex of the defendant or the victim, and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what race the defendant, or the victim, may be. The jury shall return to the court a certificate signed by each juror that consideration of race, color, national origin, creed, or sex of the defendant or the victim was not involved in reaching his or her individual decision, and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what race the defendant, or the victim, may be.

"(3) Not later than one year from the date of enactment of this section, the Comptroller General shall conduct a study of the various procedures used by the several States for determining whether or not to impose the death penalty in particular cases, and shall report to the Congress on whether or not any or all of the various procedures create a significant risk that the race of a defendant, or the race of a victim against whom a crime was committed, influence the likelihood that defendants in those States will be sentenced to death. In conducting the study required by this paragraph, the General Accounting Office shall—(1) use ordinary methods of statistical analysis, including methods comparable to those ruled admissible by the courts in race discrimination cases under Title VII of the Civil Rights Act of 1964,

(a) study only crimes occurring after January 1, 1976; and (3) determine what, if any, other factors, including any relation between any aggravating or mitigating factors and the race of the victim or the defendant, may account for any evidence that the race of the defendant, or the race of the victim, influences the likelihood that defendants will be sentenced to death. In addition, the General Accounting Office shall examine separately, and include in the report, death penalty cases involving crimes similar to those covered under this section."

Mr. D'AMATO. Mr. President, Professor Walter Berns stated: "If human life is to be held in awe, the law forbidding the taking of it must be held in awe. And the only way it can be made to be awful or awe-inspiring, is to entitle it to inflict the penalty of death."

Mr. President, I believe that society has a right to say we are outraged at certain acts and that the death penalty is the appropriate punishment in these cases.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I ask unanimous consent I may be allowed to proceed for 2 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. GARN. I hate to, but we agreed to time agreements and planes are waiting and I must object.

The PRESIDING OFFICER. Objection is heard.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is shall the bill pass? The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from West Virginia [Mr. Adams] and the Senator from Florida [Mr. Chiles], are necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Maine [Mr. Cohen], the Senator from Texas [Mr. Gramm], and the Senator from New Hampshire [Mr. Humphrey], are necessarily absent.

I further announce that, if present and voting, the Senator from Texas [Mr. Gramm], would vote yea.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 29, as follows:

[Rollcall Vote No. 175 Leg.]

YEAS—65

Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Byrd
Cochran
D'Amato
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Exon
Ford
Garn
Graham
Grassley
Hatch
Hecht
Heflin
Heinz
Helms
Hollings
Johnston
Karnes
Kassebaum
Kasten
Lugar
McCain
McClure
McConnell
Metzenbaum
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sarbanes
Sasser
Shelby
Simpson
Specter
Stafford
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson

NAYS—29

Burdick
Chafee
Conrad
Cranston
Danforth
Durenberger
Evans
Fowler
Glenn
Gore
Harkin
Hatfield
Inouye
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Mikulski
Mitchell
Pell
Proxmire
Sanford
Simon
Stennis
Weicker
Wirth

NOT VOTING—6

Adams
Biden
Chiles
Cohen
Gramm
Humphrey

So the bill (S. 2455), as amended, was passed, as follows:

S. 2455

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEATH PENALTY FOR DRUG-RELATED KILLINGS.

(a) Elements of Offense.—Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by adding a new subsection (e) as follows:

"Death Penalty

"(e)(1) In addition to the other penalties set forth in this section—

"(a) Any person engaging in a continuing criminal enterprise, or anyone working in furtherance of a continuing criminal enterprise who intentionally, or with reckless indifference to human life, kills or participates substantially in the killing of any individual, shall be sentenced to any term of imprisonment, which shall not be less than 20 years, and which may be up to life imprisonment, or may be sentenced to death; and

"(b) Any person, during the commission of, in furtherance of, or while attempting to avoid apprehension, prosecution or service of a prison sentence for, a felony violation of the Controlled Substances Act (21 U.S.C. 801 et seq.) who intentionally, or with reckless indifference to human life, kills or participates substantially in the killing of any federal, state, or local law enforcement officer engaged in, or on account of, the performance of such officer's official duties, shall be sentenced to any term of imprisonment, which shall not be less than 20 years, and which may be up to life imprisonment, or may be sentenced to death.

"(2) As used in paragraph (1)(b), a 'law enforcement officer' is a public servant authorized by law or by a Government agency or Congress to conduct or engage in the prevention, investigation, prosecution or adjudication of an offense, and includes those engaged in corrections, probation, or parole functions.".

(b) Procedure Applicable With Respect to the Death Penalty.—Section 408 of the Controlled Substances (21 U.S.C. 848) is amended by adding at the end the following:

"Hearing Required with Respect to the Death Penalty

"(g) A person shall be subjected to the penalty of death for any offense under this section only if a hearing is held in accordance with this section.

"Notice by the Government in Death Penalty Cases

"(h)(1) Whenever the Government intends to seek the death penalty for an offense under this section for which one of the sentences provided is death, the attorney for the Government, a reasonable time before trial or acceptance by the court of a plea of guilty, shall sign and file with the court, and serve upon the defendant, a notice—

"(A) that the Government in the event of conviction will seek the sentence of death; and

"(B) setting forth the aggravating factors enumerated in subsection (n) and any other aggravating factors which the Government will seek to prove as the basis for the death penalty.

"(2) The court may permit the attorney for the Government to amend this notice for good cause shown.

"Hearing Before Court or Jury

"(i)(1) When the attorney for the Government has filed a notice as required under subsection (h) and the defendant is found guilty of or pleads guilty to an offense under subsection (e), the judge who presided at the trial or before whom the guilty plea was entered, or any other judge if the judge who presided at the trial or before whom the guilty plea was entered is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. The hearing shall be conducted—

"(A) before the jury which determined the defendant's guilt;

"(B) before a jury impaneled for the purpose of the hearing if—

"(i) the defendant was convicted upon a plea of guilty;

"(ii) the defendant was convicted after a trial before the court sitting without a jury;

"(iii) the jury which determined the defendant's guilt has been discharged for good cause; or

"(iv) after initial imposition of a sentence under this section, redetermination of the sentence under this section is necessary; or

"(C) before the court alone, upon the motion of the defendant and with the approval of the Government.

"(2) A jury impaneled pursuant to paragraph (i)(B) shall consist of 12 members, unless, at any time before the conclusion of the hearing, the parties stipulate with the approval of the court that it shall consist of any number less than 12.

"Proof of Aggravating and Mitigating Factors

"(j) Notwithstanding rule 32(c) of the Federal Rules of Criminal Procedure, when a defendant is found guilty of or pleads guilty to an offense under subsection (e), no presentence report shall be prepared. In the sentencing hearing, information may be presented as to any matter relevant to the sentence and shall include matters relating to any of the aggravating or mitigating factors set forth in subsections (m) and (n), or any other mitigating factor. Where information is presented relating to any of the aggravating factors set forth in subsection (n), information may be presented relating to any other aggravating factor. Information presented may include the trial transcript and exhibits if the hearing is held before a jury or judge not present during the trial. Any other information relevant to such mitigating or aggravating factors may be presented by either the Government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury. The Government and the defendant shall be permitted to rebut any information received at the hearing and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any of the aggravating or mitigating factors and as to appropriateness in that case of imposing a sentence of death. The government shall open the argument. The defendant shall be permitted to reply. The Government shall then be permitted to reply in rebuttal. The burden of establishing the existence of any aggravating factor is on the Government, and is not satisfied unless established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless established by a preponderance of the evidence.

"Return of Findings

"(k) The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factors set forth in subsection (n), found to exist. If one of the aggravating factors set forth in subsection (n)(1) and another of the aggravating factors set forth in paragraphs (2) through (12) of subsection (n) is found to exist, a special finding identifying any other aggravating factor may be returned. A finding with respect to a mitigating factor may be made by one or more of the members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such a factor established for purposes of this subsection, regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If an aggravating factor set forth in subsection (n)(1) is not found to exist or an aggravating factor set forth in subsection (n)(1) is found to exist but no other aggravating factor set forth in subsection (n) is found to exist, the court shall impose a sentence, other than death, authorized by law. If an aggravating factor set forth in subsection (n)(1) and one or more of the other aggravating factors set forth in subsection (n) are found to exist, the jury, or if there is no jury, the court, shall then consider whether the aggravating factor or factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or in the absence of mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death. Based upon this consideration, the jury by unanimous vote, or if there is no jury, the court, shall return a finding as to whether a sentence of death is justified.

"Imposition of Sentence

"(l) Upon a finding that a sentence of death is justified, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law. A sentence of death shall not be carried out upon a person who is under 18 years of age at the time the crime was committed. A sentence of death shall not be carried out upon a person who, by reason of a mental disease or defect, is unable to understand his impending death or the reasons for it.

"Mitigating Factors

"(m) In determining whether a sentence of death is to be imposed on a defendant, the following mitigating factors shall be considered but are not exclusive:

"(1) The defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired, but not so impaired as to constitute a defense to the charge.

"(2) The defendant was under unusual and substantial duress, although not such duress as constitutes a defense to the charge.

"(3) The defendant is punishable as a principal (as defined in section 2(a) of title 18 of the United States Code) in the offense, which was committed by another, but the defendant's participation was relatively minor, although not so minor as to constitute a defense to the charge.

"(4) The defendant could not reasonably have foreseen that his conduct in the course of the commission of murder, or other offense resulting in death for which the defendant was convicted, would cause, or would create a grave risk of causing, death to any person.

"Aggravating Factors for Homicide

"(n) If the defendant is found guilty of or pleads guilty to an offense under subsection (e), the following aggravating factors shall be considered but are not exclusive:

"(1) The defendant—

"(A) intentionally killed the victim;

"(B) intentionally inflicted serious bodily injury which resulted in the death of the victim;

"(C) intentionally engaged in conduct intending that the victim be killed or that lethal force be employed against the victim, which resulted in the death of the victim.

"(D) intentionally engaged in conduct which—

"(i) the defendant knew would create a grave risk of death to a person, other than one of the participants in the offense; and

"(ii) resulted in the death of the victim.

"(2) The defendant has been convicted of another Federal offense, or a State offense resulting in the death of a person, for which a sentence of life imprisonment or a sentence of death was authorized by statute.

"(3) The defendant has previously been convicted of two or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury upon another person.

"(4) The defendant has previously been convicted of two or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the distribution of a controlled substance.

"(5) In the commission of the offense or in escaping apprehension for a violation of subsection (e), the defendant knowingly created a grave risk of death to one or more persons in addition to the victims of the offense.

"(6) PROCUREMENT OF THE OFFENSE BY PAYMENT.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(7) COMMISSION OF THE OFFENSE FOR PAYMENT.—The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

"(8) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation.

"(9) VULNERABILITY OF VICTIM.—The victim was particularly vulnerable due to old age, youth, or infirmity.

"(10) The defendant had previously been convicted of violating a provision of the Controlled Substances Act for which a sentence of five or more years may be imposed or was engaged in a continuing criminal enterprise.

"(11) The violation of this chapter in relation to which the conduct described in subsection (e) occurred was a violation of section 405.

"(12) The defendant committed the offense in an especially heinous, cruel, or depraved manner.

"RIGHT OF THE DEFENDANT TO JUSTICE WITHOUT DISCRIMINATION

"(o)(1) In any hearing held before a jury under this section, the court shall instruct the jury that in its consideration of whether the sentence of death is justified it shall not consider the race, color, national origin, or sex of the defendant or the victim, and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what race the defendant, or the victim, may be. The jury shall return to the court a certificate signed by each juror that consideration of race, color, national origin, creed, or sex of the defendant or the victim was not involved in reaching his or her individual decision, and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what race the defendant, or the victim, may be.

"(2) Not later than one year from the date of enactment of this section, the Comptroller General shall conduct a study of the various procedures used by the several States for determining whether or not to impose the death penalty in particular cases, and shall report to the Congress on whether or not any or all of the various procedures create a significant risk that the race of a defendant, or the race of a victim against whom a crime was committed, influence the likelihood that defendants in those States will be sentenced to death. In conducting the study required by this paragraph, the General Accounting Office shall—

(A) use ordinary methods of statistical analysis, including methods comparable to those ruled admissible by the courts in race discrimination cases under Title VII of the Civil Rights Act of 1964;

(B) study only crimes occurring after January 1, 1976; and

(C) determine what, if any, other factors, including any relation between any aggravating or mitigating factors and the race of the victim or the defendant, may account for any evidence that the race of the defendant, or the race of the victim, influences the likelihood that defendants will be sentenced to death. In addition, the General Accounting Office shall examine separately, and include in the report, death penalty cases involving crimes similar to those covered under this section.

"Sentencing in Capital Cases in Which Death Penalty is not Sought or Imposed

"(p) If a person is convicted for an offense under subsection (e) and the court does not impose the penalty of death, the court may impose a sentence of life imprisonment without the possibility of parole.

"Appeal in Capital Cases

"(q)(1) In any case in which the sentence of death is imposed under this section, the sentence of death shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal must be filed within the time prescribed for appeal of judgment in section 2107 of title 28 of the United States Code. An appeal under this section may be consolidated with an appeal of the judgment of conviction. Such review shall have priority over all other cases.

"(2) On review of the sentence, the court of appeals shall consider the record, the evidence submitted during the trial, the information submitted during the sentencing hearing, the procedures employed in the sentencing hearing, and the special findings returned under this section.

"(3) The court shall affirm the sentence if it determines that—

"(A) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor; and

"(B) the information supports the special finding of the existence of every aggravating factor upon which the sentence was based, together with or the failure to find any mitigating factors as set forth or allowed in this section.

In all other cases the court shall remand the case for reconsideration under this section. The court of appeals shall state in writing the reasons for its disposition of the review of the sentence.

"(4) In any post-conviction proceeding under section 2254 or 2255 of title 28, United States Code seeking to vacate or set aside a death sentence, the court shall appoint counsel to represent any defendant who is or becomes financially unable to obtain adequate representation.

"Refusal to Participate by State and
Federal Correctional Employees

"(r) No employee of any State department of corrections or the Federal Bureau of Prisons and no employee providing services to that department or bureau under contract shall be required, as a condition of that employment, or contractual obligation to be in attendance at or to participate in any execution carried out under this section if such participation is contrary to the moral or religious convictiions of the employee. For purposes of this subsection, the term 'participation in executions' includes personal preparation of the condemned individual and the apparatus used for execution and supervision of the activities of other personnel in carrying out such activities.".

Mr. D'AMATO. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I take this opportunity to thank my colleagues for their support of this bill and more particularly to say thank you to our majority leader for having made this vote possible, for having taken into consideration the very difficult problems of other bills and schedules, rights and prerogatives of Senators and having cleared the way to make this an opportunity where people could have their say, offer their amendments, and we could act on this bill.

I thank the Senate majority leader. I thank the minority leader. Without their dual cooperative efforts, we never would have had this opportunity, we never would have passed this bill in the manner in which it was and maintain the kind of relationship that is so important to doing the business of the people in this Chamber.

So once again, Mr. President, a particular word of thanks to the majority leader.

Mr. HELMS. Will the Senator yield just one moment?

I think it is high time that we paid our respects to Senator D'AMATO for a job well done. He has really hung in there. Whether this year is divisible by four or not, he has addressed the issue that needed addressing, and I want the Senator to know that I am very proud of him.

Mr. D'AMATO. I thank the Senator.

Mr. THURMOND. Mr. President, I also commend the able Senator from New York for sponsoring this death penalty bill in connection with drugs. It is a very important piece of legislation and no one has been more effective in getting a piece of legislation through than he. We not only need the death penalty in connection with drugs but we need it generally at the Federal level. The only death penalty we have now is for plane hijacking. Certainly we need it for murder; we need it for espionage; we need it for treason; we need it for attempts to kill the President. Those are other facets that should be acted upon.

Four years ago I offered a capital punishment bill that passed in the Senate and went to the House but no steps were ever taken over there. We now have such bills pending in the Judiciary Committee. I hope we can get that legislation out and give the Senate a chance to pass it again.

The PRESIDING OFFICER. The majority leader. If the majority leader will suspend, the Senate is not in order. If Senators would take their seats in the Chamber, the majority leader is entitled to be heard.

ORDER TO PROCEED TO THE CONSIDERATION OF S. 1511—WELFARE REFORM

Mr. BYRD. Mr. President, I ask unanimous consent that on Monday, at the hour of 1 p.m., the Senate proceed to the consideration of Calendar Order No. 711, S. 1511, the welfare reform bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the distinguished Republican leader.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for morning business, that Senators be permitted to speak therein for not to exceed 10 minutes each, and that the period not extend beyond the hour of 2 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORGAN DONOR PROGRAMS

Mr. THURMOND. Mr. President, new Federal regulations published in the March 1, 1988, Federal Register require all hospitals that receive Federal funds to identify potential organ donors and assure that the family of each potential donor knows of its options either to donate organs or tissues or to decline to donate. The regulations encourage discretion and sensitivity with respect to the family's circumstances, views, and beliefs. But they also require that an organ procurement organization be notified of potential organ donors.

According to some regional donor programs, not all hospitals are in compliance with the new regulations. The need for organ donors becomes even more acute when you consider recent advances in medical technology. Organ transplants for children and adults have become increasingly common, which means the need for potential organ donors grows each day.

Nothing is more precious than human life, especially when it involves the life of a newborn. The problems associated with a shortage of available donors have been brought to my attention in the last 3 weeks. On May 21, Carley Hunter was born to her parents, Lisa and Jimmy Hunter, of Greenville, SC.

Carley was born with a defective heart and immediately airlifted to Kosair Children's Hospital in Louisville, KY, to await a transplant. Should a suitable heart donor be found soon, Carley's doctors say she has a very good chance of a complete recovery. However, each day that passes without finding a compatible donor makes it less likely that Carley will survive much longer.

Mr. President, I encourage all Americans to become familiar with organ donor programs and the opportunity you or one of your loved ones may have to save a life. This problem is especially painful when it involves a newborn such as Carley, who is now awaiting a heart transplant. I further encourage all hospitals to implement policies that would ensure potential donors are identified and their families made aware of the options they have. Medical science has brought us far, but the caring and compassion of all Americans is needed to help the likes of Carley Hunter.

Mr. President, again, this child is at the Kosair Children's Hospital in Louisville, KY. If anyone knows of a possible donor, it will save this little girl's life, I encourage them to get in touch with Kosair Children's Hospital in Louisville, KY, if they learn of any information that will assist in obtaining a heart for this little Hunter girl. I thank the Chair.

LEAVE OF ABSENCE

Mr. MURKOWSKI. Mr. President, I ask unanimous consent, pursuant to paragraph 2, rule VI, of the Standing Rules of the Senate, I be relieved from attending the sessions of the Senate on Monday and a portion of Tuesday, June 13 and 14.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI, Mr. President, I make this request because on those days, I will be participating in a freedom flight between Nome, AK, and Provideniya, in Siberia.

Mr. President, the Nome-to-Provideniya good will flight is a historic event in the history of Soviet-American relations.

Not because of the distance. It is only a flight of just over 200 miles from Nome to Provideniya—not much to talk about in today's modern transportation era.

Yet, this flight of a mere 200 miles is the end of a long jouney which has involved Alaskans of all walks of life; the people of Nome and Provideniya, Government officials in Alaska, Washington, Moscow, and Siberia, business officials in Alaska, and the leaders of both the Soviet Union and the United States in their summit conferences.

Mr. President, the ice wall that separated Alaskans from their family members, friends and neighbors across the Bering Strait was as solid as any Iron Curtain half a world away.

Many people shared the vision of seeing this ice wall in the Arctic melt. Men and women of perseverance and determination—those ingredients that make Alaskans a special brand of people—held fast to this dream and brought us to where we are now.

Today, dreams of reuniting Eskimo families, sharing advancements in science and medicine, and expanding knowledge about the Arctic have moved much closer to reality. The possibility of opening new doors for tourism, trade, and regular communications between Alaska and the Soviet Union is real.

Mr. President, it was barely 3 years ago, at the first Reagan-Gorbachev summit in Geneva in November 1985, when our President called for new initiatives to make it possible for the people of America and the Soviet Union to get to know each other better. He said:

> Enduring peace requires openness, honest communications, and opportunities for our peoples to get to know one another directly.

Alaskans were among the first Americans to rise to his call and we came forward with proposals. One of the initial ice breakers was an agreement in August 1986 establishing a joint medical research program, bringing together Alaska and Siberian scientists to share information on such medical matters as arctic nutrition, alcoholism, and adaptability to living in the north.

Two years later, just prior to last December's Washington summit, I took a request to the President, on behalf of residents of Nome and a number of other Alaskans, that the talks include our proposal to liberalize restrictions on travel, communication, and trade between Alaska and Siberia.

After all, Alaska had a lot in common with our neighbors across the Bering Strait. America purchased Alaska from the Russians. Churches, cemeteries, and other reminders of the Russian heritage are still prevalent in our State. During World War II, we flew aircraft and supplies to Russia via Alaska. And over the centuries, our Eskimo peoples used to visit one another freely, until the doors were closed in 1948.

President Reagan, his national security adviser, and key State Department personnel concurred with our request and indeed, made it a part of last year's summit. The joint communique issued by President Reagan and General Secretary Gorbachev after that meeting specifically called for expanded contacts, and regional cooperation on issues relating to the Arctic.

For Alaskans, that message amounted to our marching orders. On the advice of the State Department, we set out to identify specific proposals to implement the objective identified by the two nations' leaders. I directed my office to assist as liaison with the State Department for the numerous proposals submitted from Alaskans to open that back door over the Bering Sea.

Mr. President, the Nome-to-Provideniya Friendship Flight was the brainstorm of several residents of Nome, who expanded on a written invitation from the mayor of Provideniya to build ties between the two communities. There are a number of families in northwest Alaska with relatives over in Russia, and the Friendship Flight was seen as a good way to reunite those people.

Along with that development, Alaska Airlines, filed with the Department of Transportation for authority to establish a Nome-Provideniya route. The carrier 15 years ago flew a seasonal Anchorage-Tokyo-Siberia route, and wanted to reestablish its service.

Other proposals from Alsaka ranged from a joint "Peace Park" over the remains of the land bridge that once joined the two continents, to cruise ship tours, to shared telecommunications ventures.

We took all the specific requests to the appropriate government offices for action. Some of the agencies we worked with were perplexed at the intensity of our effort.

Mr. President, a lot of people couldn't understand why we were putting so much significance on establishing ties between two remote areas of the world.

That scepticism wasn't limited to the bureaucrats on this side of the border.

When I was in Moscow a few months ago, I met with a number of key officials—including representatives of the Ministry of Foreign Affairs, Civil Aviation, Posts and Telecommunications, and Intourist—about Alaska's initiatives to open the door to Siberia. Like some of the U.S. officials in Washington, the Soviets found it difficult to believe that Americans really wanted to visit Siberia.

Staying out of Siberia, is, Mr. President, an important objective of every Soviet bureaucrat.

For one thing, they considered a few hundred tourists traveling between Alaska and Siberia to be only a drop in the bucket, and hardly worth looking at. I countered that a drop here, and a drop there, before you know it your bucket is overflowing.

A week before the latest summit in Moscow, I met with President Reagan and made one more pitch on behalf of making the Alaska-Siberia link an item for the summit discussions. I followed up that meeting with detailed specifics to the national security adviser, General Powell, including the Friendship Flight itself, a preflight to check out the runway, a satellite telecommunications link from Provideniya, the establishment of a Soviet consular office in Anchorage.

When the word came from Moscow at the end of May that the Nome-Provideniya requests were approved, Mr. President, Alaskans had cause to cheer. We had accomplished a significant goal.

Our work, though, is far from over. The Friendship Flight is the precursor to what we hope will become a routine air route between Alaska and Siberia, facilitating communications and people-to-people contact, and eventually opening the way for expanded trade and tourism.

Mr. President, the opening of a Soviet honorary consulate in Anchorage is another key element in opening the back doors of the United States and the Soviet Union to each other. These efforts will require extensive intergovernment coordination, visa services, and communications. These problems can best be dealt with by having a point of contact in Alaska through which contacts can be made directly with the Soviet Government.

I was very encouraged by the communique issued after the Moscow summit, in which the President and General Secretary specifically expressed their "support for increased people-to-people contacts between the native peoples of Alaska and the Soviet North." They emphasized the importance of United States-Soviet scientific and environmental cooperation in the Arctic.

Mr. President, that joint communique verifies that the two nations' leaders have indeed listened to the message of Alaskans and all citizens of both countries. When neighbors communicate, the cause of peace is advanced.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, before I talk about another matter, I wish to recognize the hard work done by my friend from Alaska on the matter to which he has just alluded. We were in the Soviet Union together for 9 days, and I watched firsthand as he worked diligently to arrange the flights to the

Soviet Union. I commend him publicly for the effort that he made to see that this would come to pass.

It is not always easy to get things done in the Soviet Union. Never have I seen somebody more persistent at trying to get a job accomplished.

So, I wanted to publicly commend the Senator from Alaska for the efforts that he made.

Mr. MURKOWSKI. I certainly acknowledge the kind remarks of my friend, who was also on the trip to the Soviet Union. I think we both will agree it was certainly an eye opener.

I thank my friend from North Dakota.

THE DROUGHT IN NORTH DAKOTA

Mr. CONRAD. Mr. President, the drought in my home State of North Dakota, and in much of the Nation's heartland, is worsening steadily with no relief in sight. The fields are seared, and the wind is blowing the topsoil away, and there is hardly a cloud in the sky.

Mr. President, yesterday the Washington Post ran a lengthy article entitled "Crops Endangered as Drought Sweeps Across Much of Nation."

Mr. President, let me just quote briefly from that article.

> Less rain has fallen in North Dakota during the last nine months than in any nine-month period since the 1930s.

To further quote from the article, Mr. President:

> Tons of topsoil have blown away in the region. Ditches four feet deep and eight feet wide have filled with finely pulverized topsoil in the Red River Valley along the Minnesota-North Dakota border. In places, dirt has piled up like a snowdrift beside a fence. One Red River Valley farmer reportedly ran his snow blower through ditches trying to blow dirt back into his field.

Mr. President, my farmers are suffering through the worst drought in decades. When they plant, the seeds will not sprout. If they sprout, the seedlings will not grow. The pastures are bare, and many producers are running out of feed for their livestock. Even if the rain came today, many farmers would be unable to recover from the damage already caused. The story is the same for farmers from North Dakota to Texas.

In short, we have an agricultural disaster on our hands, and we need help. The farm recession of the early 1980's is just now showing signs of improvement, and farmers do not have the financial resources to withstand another blow. There is no time to waste. And there are some things we can do right now.

I have asked Agriculture Secretary Lyng to open Conservation Reserve Program acres to haying and grazing, and to do the same for waterbank acres.

I have asked him to allow farmers to retain their farmer-held grain reserves. This would allow them to be the recipients of the price improvement the drought has brought. Further, it could provide a source of feed for cattle, rather than shipping grain back to drought-stricken areas later in the season.

And I have asked the Secretary to work with Congress to see that farmers will not have to pay back advance deficiency payments, if their counties are declared disaster areas. This would require a change in existing law.

Many farmers are deeply concerned about evaportating deficiency payments, since prices will rise at a time when they have no bushels to sell in the marketplace and take advantage of those prices.

I would urge my colleagues to join me in asking for these measures.

It is critical that those who live outside the areas affected by the drought understand the nature of this crisis. As I indicated earlier, the Washington Post ran an article yesterday that demonstrates the devastation farmers are experiencing, and outlines their fears for the future. Mr. President, I ask unanimous consent that this article, entitled "Crops Endangered as Drought Sweeps Much of Nation" be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 9, 1988]

CROPS ENDANGERED AS DROUGHT SWEEPS ACROSS MUCH OF NATION

(By Bill Peterson)

RUGBY, N.D.—A nasty cloud of dust surrounded the pickup truck as it bounced to a stop on Lookout Point, high above Edmund Hager's 2,700-acre farm. "There isn't enough grass on this hill to feed a family of gophers," Hager muttered.

Hager and his son, Wayne, do not raise gophers. They are farmers and cattlemen. In a normal year, their hilly pastures would be a deep, lush green by early June; new wheat and oats would be growing six to eight inches high.

This year, the Hagers have not planted a single seed because there has not been enough rain to make them grow. And their pastures are so barren that they say they will have to start selling off part of their 250-head cattle herd unless it rains by Wednesday.

Drought has swept the northern Great Plains and parts of the Midwest, West and Southeast, drawing down water reserves, creating fire hazards and endangering crops. Agriculture experts say it is too early to estimate the eventual loss, and they are still watching the sky.

"We need a good drink. But the concern is what might happen, far more than what has happened so far," said Fred Barrett, Illinois' chief agriculture statistician. In the South, the rain, though scant, has fallen at critical times in the growing season, containing the damage.

For the time being, the Drought of '88 is a series of acute local crises. Eighty-four of Indiana's 92 countries have been declared farm-disaster areas. Tennessee Valley Authority reservoirs are as much as 40 feet below normal. Louisiana's cotton crop, normally knee-high by now, is half that. In Atlanta, outdoor water use has been restricted—and the public works department reported a weekend rash of callers tattling on their neighbors for watering lawns or washing cars.

In the West, the October-to-April "rainy season" was unusually dry—20 to 40 inches below normal in the traditionally wetter areas—and San Francisco plans summer water rationing. In northern Minnesota, nearly 2,000 fires have burned more than 150,000 acres of forest and grassland since Jan. 1, and many resort lakes are down a foot or more.

Less rain has fallen in North Dakota during the last nine months than in any nine-month period since the 1930s. Particularly hard hit is the area south of Rugby, a town of 3,335 best known as "the geographic center of North America" and birthplace of "the tallest salesman in the world," 8-foot-7 inche, 460-pound Cliff Thompson, who wore size 22 shoes.

After an almost snowless winter and a spring of light, scattered showers, 50 percent to 70 percent of Pierce County's early small-grain crop and pastureland has been destroyed, and the Board of Commissioners has declared "a state of disaster."

Sloughs, potholes and some wells have dried up. Alkaline lakes are white and dry. County agent Darell Denich reports that heat canker is damaging early wheat and corn, and a disturbing number of grasshoppers are appearing in fields.

"It's awful dry. Everything is drying up and burning up. Weeds won't even grow in the ditch," complained John Roerich, who farms 700 acres of land. "It's been tough on all of us. You just want to pack your bags and run away."

Across the Dakotas and north-western Minnesota, hot temperatures and high winds have produced dust storms reminiscent of the 1930s. "There've been days when you couldn't see where you were plowing," Roerich said. "You just had to guess where you were going."

Tons of topsoil have blown away in the region. Ditches four feet deep and eight feet wide have filled with finely pulverized topsoil in the Red River Valley along the Minnesota-North Dakota border. In places, dirt has piled up like a snow-drift beside a fence. One Red River Valley farmer reportedly ran his snow blower through ditches trying to blow dirt back into his field.

Even when showers came in mid to late May, hot winds evaporated the moisture far more rapidly than usual. "We've had near normal precipitation in much of the state in May," state climatologist John Enz said. "The question now isn't only how much precipitation. It is the quality of the precipitation. And it hasn't been good."

The showers enabled most farmers in North Dakota and the rest of the nation to plant. Norton Strommen, chief meteorologist for the U.S. Agriculture Department, said that although large areas of the country are extremely dry, "there basically has been no damage to crops."

"The real critical point comes later," he said. Hay and pasture land have time to recover. The crucial time for spring corn to receive moisture here is early July; for soybeans, late July or early August. In 1986, regional damage figures from a prolonged southern drought were lowered after increased rain in August.

Rugby, about 45 miles from the Canadian border, has received 1.85 inches of rain since Oct. 1, about one-fourth the normal amount. Hay and pasture are so sparse here that county agent Denich has urged farmers to start feeding their cattle Russian Thistle, a spikey tumbleweed, and Kochia, another nuisance weed.

Veteran farmers like Edmund Hager and John Duchscher wake up every morning hoping for rain. "I'm still optimistic," Hager said, surveying his rolling pasture. "This all could change in two hours with a good rain."

"You have to have faith. You always have to think it will rain tomorrow or you can't keep going," said Duchscher, a Pierce County commissioner. Unlike Hager, he and many other farmers were in their fields last week—but not because they thought anything would grow.

"You do it because the government says if you don't plant, you don't get your deficiency payments," he said. "If it rains, it will grow. If it doesn't rain, it won't grow. But . . . you have to go through the motions." A deficiency payment is roughly the difference between the federal crop-support price and the farmer's production costs.

Rugby is no stranger to dryness or hardship. Founded as a stop on the Great Northern Railroad, it was named after Rugby, England, as part of an effort by railway mogul James J. Hill to attract British investors. Nearby towns were named York and Leeds.

In 1888, only two years after Hill's railroad opened this part of the northern Great Plains to settlement, a disastrous prairie fire ravaged crops. "The crops of 1889 and 1890 were still worse," wrote local historian O.T. Tofsrud. "The drought killed nearly everything that was green."

The early Norwegian settlers persisted. By 1909, there were so many bachelor farmers in the area that the New York Sun reported the imminent arrival of "a trainload of maidens from Kokomo, Indiana," who planned to invade Rugby "for the purpose of securing husbands," Tofsrud wrote. The maiders never showed up.

Farmers worry that the rain may not show up either, or that it will show up too late to do them much good. They figure they have two or three weeks to save their crops.

Meanwhile, "you're starting to see the spinoff in town," said Norman LaPole, president of the First American Bank of Rugby. Sales of farm implements, cars, clothing and jewelry have fallen off, and some cattlemen have started selling their herds.

What worries LaPole and Duchscher is what a prolonged drought will do the next generation of farmers. Duchscher said the county's population dropped from 6,120 in 1980 to 5,314 in 1987, and he fears the drought will force more people to leave.

"This will take a lot of younger farmers with it," he said solemnly, sipping coffee in his kitchen. "It takes you four or five years to recover from a drought. I know. I've gone through them before. These guys don't have that much time. They've been getting by by the skin of their teeth. I don't know what they'll do. Just pack up their suitcases and leave, I guess."

Mr. CONRAD. Mr. President, I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I commend my distinguished friend from North Dakota for the diligence and dedication with which he has represented the concerns of agriculture in North Dakota and throughout this country. The drought is a very serious problem throughout much of the Midwest, and we appreciate the very good work that our good friend from North Dakota has performed on that very serious problem.

Mr. CONRAD. If the Senator will yield for one moment, I would like to thank him very much for the comment. I also say to my friend and colleague from the State of Missouri that the partnership that we have been able to form on agricultural issues on the Agriculture Committee and with cosponsorship of the bill that I have offered, which now apparently is going to be part of the overall appropriations bill, I think is a real step forward.

Again I very much appreciate his remarks as we have been able to make progress.

Mr. BOND. I thank the Senator.

DARK VICTORY FOR U.S. GYPSUM

Mr. PROXMIRE. Mr. President, I am delighted to see that Senator RICHARD C. SHELBY, from Alabama, a distinguished and valued member of our Senator Banking Committee, is in the chair when I deliver this speech, because I am going to talk about an issue that is close to his heart. It is the attempted takeover, the failed takeover, of the U.S. Gypsum Co.

Mr. President, it is with mixed emotions that I report what is surely one of the few corporate raids where the bidder is leaving without making a huge profit.

It is a dark victory—dark because USG has been extremely productive and now will be forced to shoulder huge new debt; dark because the raiders are second generation, meaning that these predators are proliferating; and dark because the raiding party included Merrill Lynch which had recently been USG's own adviser.

After a protracted seige by Desert Partners, subsequently joined by Merrill Lynch, the bidders have decided to pack the weapons and retreat.

The reason? USG has proposed a capitalization plan that offers stockholders a heftier payout than the bid from Desert Partners. That plan will pay about $48 a share. The tender bid was for about $42 a share. Desert simply could not attract enough shareholders to tender. And because Desert's own pre-tender stake cost it about $45 a share, it's $20 million-plus in legal and investment advice expenses will eat up its payout from the USG recapitalization.

But the cost to USG of that recapitalization is enormous. USG will load up on $2.3 billion in debt. To finance this debt, it will cut research and development in half. Jobs will be lost. This Illinois-based building materials manufacturer will be forced to lay off some of its 22,000 workers in Illinois, Wisconsin, Michigan, California, Virginia, New York, and other States. Instead of hiring 150 college graduates a year, it will now be only 35. Two major divisions will be sold, an annual loss of some $500 million in revenue. USG Foundation, which has supported hospitals, schools, symphonies, and civic projects will begin to evaporate.

To be sure, it is a dark victory.

There are many familiar elements in the attack. The raid was aimed at a well-run firm, not one ailing or poorly managed. The raid on USG was a textbook case of how hostile takeovers corrode our industrial base. USG is a leader in the building products industry. According to the judge presiding over a lawsuit brought by Desert Partners against USG:

> USG has enjoyed a relatively prosperous existence over the past decade. Its growth rate in earnings per share ranks 14th among all Fortune 500 companies . . . (and) 7th among Fortune 500 companies in return on stockholder equity . . . Over the past 5 years, the price of the company's shares on the New York Stock exchange appreciated approximately 191 percent. In contrast, the S&P 500 average increased only 50 percent.

From the beginning, though, this takeover story was not the same old story. The raiders here were second generation. Texas oil men Jack E. Brown and Cyril Wanger, Jr., are the progeny of the likes of T. Boone Pickens and Asher Edelman. As partners in previous raids, they have drained off a collective $179 million from parasitical attacks on Gulf Oil, Midcon, Lear Siegler and GenCorp.

And one member of the USG raiding party—Merrill Lynch—worked for USG as recently as 7 months ago.

It is the latter that raises policy concerns. not only was Merrill a major lender in the attempt by Desert Partners to forcibly take USG, but held warrants for an equity stake in the deal. Is this a conflict of interest? I've written to the Securities and Exchange Commission to ask about this policy. And the courts will decide as USG is suing Merrill.

But what was new if not original threatens every company that has ever shared sensitive financial material with a consultant. What is new is an innovative financing twist.

Merrill Lynch joined as an active, participating financing partner in the quest for USG. As a recent financial adviser to USG, Merrill Lynch has inside knowledge of the firm, including its cash flow and asset valuations, as well as information on the corporate culture and how the company makes decisions.

We cannot silently allow good, well-run companies—no matter what State they call home—to fall victim to ever-more ingenious schemes of financial manipulation. It is unacceptable that our country should suffer the loss of an industrial base for the sake of profits for firms that produce nothing for the market, only for themselves.

The investment banking industry likes to talk about its role in helping productive companies meet their long-term capital needs. That benign image is becoming increasingly challenged by reality. Securities firms are receiving a growing share of their profits from short-term speculative trading, often in direct conflict with their customers. Similarly, securities firms are becoming participants as well as advisers in corporate mergers and acquisitions. The rapidly changing nature of investment banking has greatly expanded the potential conflicts of interest that are not covered under our current securities laws. A thorough and searching congressional review of the conflicts of interest in the securities industry is urgently needed.

The practice of serving as financial counsel for a company and then, soon thereafter, switching roles to that of a predatory raider must be strictly policed.

The Senate Banking Committee has already acted on a takeover reform measure which I hope will be before the full Senate shortly. In fact, we reported it out by a 14-to-6 vote, we reported it out last September. It has been on the calendar since December. It has very strong support on both sides of the aisle of the Senate as it had in the committee, and I am hopeful that this action which can do a great deal to preserve, enhance and increase the competitiveness of our corporations is adopted and can also, incidentally, Mr. President, prevent the devastating effect this has had on employment in my State of Wisconsin, I am sure in Alabama and in virtually every other State in the Union.

I noticed I finally got the attention of my good friend, the Presiding Officer. Mr. President, I said the magic word "Alabama."

Mr. President, I anticipate proposals regarding successive representation. The 100th Congress will be responsible if it does not address this abusive treatment of our industrial base.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

DRUG-RELATED KILLINGS

Mr. PRESSLER. Mr. President, I think this Chamber acted correctly in voting for the death penalty in certain instances when a drug-related killing has occurred.

This piece of legislation that passed the Senate was carefully crafted so the death penalty only would be used in very rare cases. It would only apply to drug kingpins and those who have profited substantially from selling drugs. There would have to be a pattern of drug dealings.

I believe we must get very tough about drugs in this country. We must take a whole new approach in terms of ending this sickness which is spreading across our land. Drug dealers are making huge profits and are engaging in killings on a large scale.

This piece of legislation may sound harsh, but the things that are happening in our society are very harsh. There are some who say that the death penalty does not serve as a deterrent. There is great debate about that. I happen to believe that it is, and there are some university studies that show that it is. That will remain a debate in some people's minds.

I voted for this legislation because I feel strongly that if the threat of the death penalty stops the killing of one innocent child or law enforcement officer, this will be a step forward to winning the war against drugs.

What are its chances of passage? I suppose very realistically the composition of the other body is such that it will not pass, but I hope it will. I also hope that the American people hear about this piece of legislation and it is an issue in the upcoming Presidential campaign because this country is at a crossroads regarding drugs. Either we allow them to engulf us or we take drastic measures to put a stop to these senseless killings.

This legislation is the first step. I was happy to be a cosponsor of this legislation.

I would conclude by saying that it is time that our country comes to grips and gets very serious about the drug problem. We must get very tough with the drug dealers, the people who have an established pattern of selling drugs. Where there are murders related to drugs, we should have the death penalty for drug dealers.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRADE LEGISLATION

Mr. DOLE. We have had a number of inquiries about the status of trade legislation and I cannot speak for any Senator other than myself but I would indicate, as I said when the President's veto was sustained, it would be my hope that we could work out a bipartisan trade bill that would include the six items that the President had in his veto message, but that I do know there are a number of Senators on this side of the aisle and I think on the other side of the aisle that have now been made aware of this ethanol provision and will insist that that be made a part of any compromise if there is an effort to put together a compromise trade bill.

Most of us who voted to sustain the President took him at his word in the veto message. We have believed that plant closing itself was the only reason there should have been a veto. So the President listed six items and I would hope that when those were listed, and I assume they were listed, they were seriously considered and that those six provisions would be eliminated from any new provision.

I have talked to a number of Members on this side who are particularly concered about the ethanol provision. It is a loophole in the law that is permitting more and more—well, in fact, surplus wine and molasses to go into the Caribbean Basin to be converted into ethanol and it does not help anybody in the Caribbean Basin. It does not create any jobs there. It enriches some producers and takes the money away from the American farmer, particularly those who live in the Corn Belt.

I think, as Senator GRASSLEY said, it is a matter of about $800 million. So it is a matter of some substance and I would hope that the White House, the Treasury, and the USTR will consult with Senate Republicans and Democrats before they make any arrangement within anyone on either side of the Hill.

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 12:10 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1539. An act to amend the Federal Railroad Safety Act of 1970, and for other purposes; and

S. 2304. An act to amend the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1986, to extend the life of the Commission on the Ukraine Famine.

The enrolled bills were subsequently signed by the President pro tempore [Mr. STENNIS].

MEASURES READ THE FIRST TIME

The following bill, previously received from the House of Representatives for concurrence, was read the first and second times by unanimous consent:

H.R. 1801. An act to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1989 through 1992.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 10, 1988, he had presented to the President of the United States the following enrolled bills:

S. 1539. An act to amend the Federal Railroad Safety Act of 1970, and for other purposes; and

S. 2304. An act to amend the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1986, to extend the life of the Commission on the Ukraine Famine.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3346. A communication from the Deputy Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report that an appropriation of the Department of Justice has been reapportioned on a basis that indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

EC-3347. A communication from Comptroller General of the United States, transmitting, pursuant to law, an assessment of the Commerce Department's reports on controls on certain exports to Iran; to the Committee on Banking, Housing, and Urban Affairs.

EC-3348. A communication from the Architect of the Capitol, transmitting, pursuant to law, a report on all expenditures during the period October 1, 1987 through March 31, 1988; to the Committee on Appropriations.

EC-3349. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, notice that the Department intends to implement the systematic alien verification for entitlements [SAVE] system; to the Committee on Banking, Housing, and Urban Affairs.

EC-3350. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, copies of letters involving transactions of United States exports to Columbia; to the Committee on Banking, Housing, and Urban Affairs.

EC-3351. A communication from the Comptroller General of the United States, transmitting, pursuant to law, an assessment of the Commerce Department's report on missile technology controls; to the Committee on Banking, Housing, and Urban Affairs.

EC-3352. A communication from the Chairman of the Interstate Commerce Commission, transmitting, pursuant to law, a copy of the Commission's annual report for the fiscal year 1987; to the Committee on Commerce, Science, and Transportation.

EC-3353. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, an addendum to the fiscal year 1989 NASA authorization bill; to the Committee on Commerce, Science, and Transportation.

EC-3354. A communication from the Secretary of Transportation, transmitting, pursuant to law, reports concerning "Potential for Application of Ignition Interlock Devices to Prohibit Operation of Motor Vehicles by Intoxicated Individuals" and "Potential for Application of Corneal Retinal Potential Measurements to Detect Alcohol and Drug Abuse"; to the Committee on Commerce, Science, and Transportation.

EC-3355. A communication from the Assistant Vice President (Government and Public Affairs) of the National Railroad Passenger Corporation, transmitting, pursuant to law, an annual review of each route in the basic Amtrak system; to the Committee on Commerce, Science, and Transportation.

EC-3356. A communication from the Secretary of Transportation, transmitting, pursuant to law, information concerning significant health hazards to which employees engaged in the operation of commercial motor vehicles are exposed; to the Committee on Commerce, Science, and Transportation.

EC-3357. A communication from the Administrtor of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, the Annual Energy Review for 1987; to the Committee on Energy and Natural Resources.

EC-3358. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3359. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3360. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3361. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3362. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Services, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3363. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3364. A communication from the Federal inspector of the Alaska Natural Gas Transportation System, transmitting, pursuant to law, a report on project activity from June through December 1987; to the Committee on Energy and Natural Resources.

EC-3365. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual report outlining activities under the Youth Conservation Corps Act; to the Committee on Energy and Natural Resources.

EC-3366. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, copies of proposed lease prospectuses; to the Committee on Environment and Pubic Works.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

Kenneth P. Bergquist, of Virginia, to be an Assistant Secretary of the Navy.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of April 22, April 26, April 28, May 11, May 16, May 24, May 25, and June 6, 1988, at the end of the Senate proceedings.)

*_Michael E. Rich_, U.S. Marine Corps, to be brigadier general (REF. 832)

*Major General Keithe E. Nelson, U.S. Air Force, to be Judge Advocate General, USAF (REF. 923)

*Brigadier General David C. Morehouse, U.S. Air Force, to be Deputy Judge Advocate General, USAF and major general (REF. 924)

**In the U.S. Navy there are 49 appointments to the grade of commander and below (list begins with Kurt B. Adams) (REF. 1024)

*Lieutenant General Robert D. Springer, U.S. Air Force, to be placed on the retired list in the grade of lieutenant general (REF. 1030)

*Lieutenant General Crosbie E. Saint, U.S. Army, to be lieutenant general (REF. 1031)

*Lieutenant General Gerald T. Bartlett, U.S. Army, to be placed on the retired list in the grade of lieutenant general (REF. 1032)

*Lieutenant General Charles W. Dyke, U.S. Army, to be placed on the retired list in the grade of lieutenant general (REF. 1033)

**In the Air National Guard there are 33 promotions to the grade of lieutenant colonel (list begins with Donald L. Boatright) (REF. 1034)

**In the Air National Guard there are 19 promotions to the grade of lieutenant colonel (list begins with Richard L. Ayers) (REF. 1035)

**In the Army Reserve there are 14 appointments to the grade of colonel and below (list begins with Leslie M. Hovey) (REF. 1037)

**In the Army there are 4 promotions to the grade of lieutenant colonel and below (list begins with Robert E. Freeman) (REF. 1038)

**In the Army there are 2 promotions to the grade of lieutenant colonel and below (list begins with Leland E. Hyslop) (REF. 1039)

**In the Navy there are 686 promotions to the grade of commander (list begins with Michael Clifford Aaby) (REF. 1040)

*Vice Admiral Glenwood Clark, Jr., U.S. Navy, to be placed on the retired list in the grade of vice admiral (REF. 1047)

**In the Navy there are 160 promotions to the grade of captain (list begins with Michael L. Adams) (REF. 1048)

*Lieutenant General Burton D. Patrick, U.S. Army, to be placed on the retired list in the grade of lieutenant general (REF. 1063)

*Major General Henry J. Hatch, U.S. Army, to be lieutenant general (REF. 1064)

*Vice Admiral William H. Rowden, U.S. Navy, to be placed on the retired list in the grade of vice admiral (REF. 1068)

*William R. Etnyre, U.S. Marine Corps, to be lieutenant general (REF. 1079)

*Charles H. Pitman, U.S. Marine Corps, to be lieutenant general (REF. 1080)

**In the Army National Guard there are 67 promotions to the grade of colonel and below (list begins with Charles L. Attaway) (REF. 1082)

**In the Army Reserve there are 649 promotions to the grade of colonel and below (list begins with Ronald M. Abe) (REF. 1084)

**In the Air Force Reserve there are 2 appointments to the grade of lieutenant colonel) (list begins with Vianmar G. Pascual) (REF. 1091)

**In the Air National Guard there are 24 promotions to the grade of lieutenant colonel (list begins with John C. Barber) (REF. 1092)

**In the Navy Reserve there are 7 appointments to the grade of commander (list begins with Andrew B. Carlsen) (REF. 1093)

**In the Navy Reserve there are 34 appointments to the grade of commander and below (list begins with Robert R. Ingram) (REF. 1094)

**In the Air Force there are 275 appointments to the grade of second lieutenant (list begins with Kevin T. Abraham) (REF. 1096)

**In the Marine Corps there are 322 appointments to the grade of major (list begins with David J. Abbott) (REF. 1097)

*Lieutenant General John F. Wall, U.S. Army, to be placed on the retired list in the grade of lieutenant general (REF. 1100)

*In the Army Reserve there are 34 appointments to the grade of major general and below (list begins with James E. Haught) (REF. 1101)

*In the Air Force Reserve there are 17 appointments to the grade of major general and below (list begins with John Anderson, Jr.) (REF. 1106)

*In the Army National Guard there are 4 appointments to the grade of major general and below (list begins with Phillip B. Finley) (REF. 1107)

**In the Air Force there are 10 promotions to the grade of colonel and below (list begins with Richard E. Coe) (REF. 1108)

**In the Air National Guard there are 30 promotions to the grade of lieutenant colonel (list begins with Norman F. August) (REF. 1109)

**In the Air Force Reserve there are 7 appointments to the grade of colonel and below (list begins with Gilbert Westreich) (REF. 1110)

**In the Air Force there are 2 appointments to a grade no higher than capacity (list begins with William F. Gadberry, Jr.) (REF. 1111)

**In the Army Reserve there are 19 appointments to the grade of colonel and below (list begins with Merlin G. Anderson, Jr.) (REF. 1112)

**In the Naval Reserve there are 43 appointments to the grade of commander and below (list begins with Randy P. Amato) (REF. 1113)

**In the Army National Guard there are 52 promotions to the grade of colonel and below (list begins with Leslie W. Barham) (REF. 1114)

**In the Marine Corps there are 175 appointments to the grade of lieutenant colonel (list begins with Michael J. Aguilar) (REF. 1115)

*In the Army there are 7 appointments to the grade of major general and below (list begins with Alcide M. Lanoue) (REF. 1125)

*In the Army there are 36 appointments to the grade of major general (list begins with William B. McGrath) (REF. 1126)

**In the Naval Reserve there are 2 appointments to the grade of commander (list begins with Jerry A. Cook) (REF. 1129)

**In the Navy there are 33 appointments to the grade of lieutenant (junior grade) and below (list begins with Howard W. Jones) (REF. 1130)

**In the Army National Guard there are 80 promotions to the grade of colonel and below (list begins with John K. Atkinson) (REF. 1131)

*In the Air Force there are 2 appointments to the grade of major general and below (list begins with John P. McDonough) (REF. 1133)

*Colonel Barbara A. Goodwin, U.S. Air Force, to be brigadier general (REF. 1134)

*Major General Harry E. Soyster, U.S. Army, to be lieutenant general (REF. 1135)

**In the Air Force Reserve there are 69 promotions to the grade of colonel (list begins with William L. Atkinson) (REF. 1137)

**In the Navy there are 324 promotions to the grade of commander (list begins with Robert Jefferson Adams) (REF. 1138)

**In the Navy Reserve there are 586 promotions to the grade of commander (list begins with Mark Sheldon Abramovitz) (REF. 1139)

Grand total: 3,895.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COCHRAN (for himself and Mr. Stennis):

S. 2492. A bill to establish the Mississippi River National Park in the State of Mississippi; to the Committee on Energy and Natural Resources.

By Mr. HOLLINGS:

S. 2493. A bill to authorize a certificate of documentation for the vessel *Compass Rose III*; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY:

S. 2494. A bill for the relief of Patricia Newman; to the Committee on the Judiciary.

By Mr. BOND (for himself, Mr. Conrad, and Mr. Nickles):

S. 2495. A bill to amend the Agricultural Act of 1949 to permit producers to plant supplemental and alternative income-producing crops on acreage considered to be planted to a program crop; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. STAFFORD (for himself and Mr. Moynihan):

S. 2496. A bill to provide for the leasing of certain real property to the American National Red Cross, District of Columbia Chapter, for the construction and maintenance of certain buildings and improvements; to the Committee on Environment and Public Works.

By Mr. HATCH:

S. 2497. A bill to amend the act of July 23, 1955 (30 U.S.C. 601, 612); to allow disposal of mineral materials from unpatented mineral claims; to the Committee on Energy and Natural Resources.

By Mr. DANFORTH (for himself, Mr. Leahy, Mr. Simon, Mr. Reid, Mr. Boren, Mr. Heflin, Mr. Kerry, Mr. Mitchell, Mr. Chiles, Mr. Levin, Mr. Gore, Mr. DeConcini, Mr. Sarbanes, Mr. Conrad, Mr. Matsunaga, Mr. Sanford, Mr. Hollings, Mr. Cranston, Mr. Moynihan, Mr. Glenn, Mr. Bradley, Ms. Mikulski, Mr. Riegle, Mr. Adams, Mr. Pell, Mr. Dixon, Mr. Daschle, Mr. Bentsen, Mr. Kennedy, Mr. Dole, Mr. Chafee, Mr. Hatch, Mr. Durenberger, Mr. Stafford, Mr. Karnes, Mr. Bond, Mr. D'Amato, Mr. Hatfield, Mr. Lugar, Mr. Kasten, Mr. McClure, Mr. Simpson, Mr. Evans, Mr. McCain, Mr. Wilson, Mr. Domenici, Mr. Cochran, Mr. Heinz, Mr. Quayle, Mr. Boschwitz, and Mr. Trible):

S.J. Res. 336. A joint resolution designating October 16, 1988, as "World Food Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. STEVENS (for himself and Mr. Murkowski):

S. Res. 441. Resolution to express the sense of the Senate on the need to commend Clifford Hugh Frame for his leadership and achievement in the operation of the Cyprus Anvil Mine; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COCHRAN (for himself and Mr. Stennis):

S. 2492. A bill to establish the Mississippi River National Park in the State of Mississippi; to the Committee on Energy and Natural Resources.

MISSISSIPPI RIVER NATIONAL PARK

Mr. COCHRAN. Mr. President, today I am introducing for myself and for my distinguished senior colleague from Mississippi, Mr. STENNIS, a bill to establish the Mississippi River National Park at Natchez, MS.

As Senators know, about 50 years ago the Federal Government entered upon a partnership with three States, the States of Mississippi, Alabama, and Tennessee, to survey and construct the Natchez Trace Parkway. This is a very scenic parkway that traverses lands in those three States. It is nearing completion. We can see the light at the end of the tunnel, as they say.

We hope very much to see final completion of the Natchez Trace Parkway within a few years.

When the parkway is completed there will be a wonderful opportunity for a terminus park to be located at Natchez under the auspices of the National Park Service to provide those who have traversed the parkway to Natchez an opportunity to see some of the history that is in Natchez, preserved as the National Park Service does so well, and available to tourists in a way that I think will enhance the beauty, the appreciation, and the history of that area of our country.

In 1710 the settlement of Natchez was begun. Fort Rosalie was constructed. It became the westernmost American establishment in the Revolutionary War and, as a matter of fact, it was the scene in 1778 of a battle which was the most western battle of the Revolutionary War.

There is a lot of history in that part of our State.

When I was a new Member of Congress, the first bill I introduced was to complete the Natchez Trace Parkway. We have seen a lot of progress made in the construction of that parkway, and this would be a wonderful way to celebrate the completion of it.

Just last May 18 in Tupelo where there is a visitors' center for parkway visitors, we celebrated the 50th anniversary of the construction of the parkway.

This is a wonderful time, in my judgment, for us to recognize this area of the country and make it a part of our National Park System.

Senator STENNIS and I are suggesting that this bill be approved and that funds be made available in this year's interior appropriations bill, if we can do that, for planning and other uses so we can begin the work to establish this important new park for our National Park System.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of a report prepared by the Mississippi Department of Archives and History and the Historic Natchez Foundation, which describes the proposed park and the sites to be included in it, and a copy of a series of articles entitled "Discovering the Natchez Trace," which were published in the Northeast Mississippi Daily Journal on Wednesday, May 25.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROPOSED NATCHEZ NATIONAL PARK

The proposed Natchez National Park is a four-mile strip of 1,000 acres of scenic and historic sites along the two-hundred foot high Mississippi River bluffs at Natchez, Mississippi.

Natchez is one of America's most important historic cities and is noted for its wealth of architecturally significant buildings, preserved as evidence of the opulent life of the city's planting society during the first two-thirds of the nineteenth century.

The Natchez park site is the same site which the U.S. Congress has, for fifty years, intended as a park commemorating the entrance of the historic 455-mile Natchez Trace Parkway. Recent historical research on Fort Rosalie at Natchez proves the Congress' intent to be more significant and justifiable than previously appreciated.

Fort Rosalie was the first fort on the Mississippi River, and its establishment in 1716 makes Natchez the oldest settlement on the Mississippi River. At this site occurred the 1729 massacre of 268 French colonists by the Natchez Indians. Fort Rosalie was the actual site of French, Spanish, British, and American regional governments and military garrisons.

The 1776 trooping of the American flag and the 1778 battle fought at Fort Rosalie mark the westernmost such events in our Revolutionary War for Independence. Fort Rosalie is the most significant and unprotected, nationally important site on the entire Mississippi River.

The park includes antebellum mansions listed on the National Register of Historic Places: Melrose (1845) a National Historic Landmark, The Briars (1818), and Weymouth Hall (1855). The park will also include the antebellum estate of Magnolia Vale, whose gardens were a popular stopping place for steamboat travellers in the nineteenth century, the infamous Natchez Under-the-Hill and the legendary Devil's Punch Bowl wilderness region.

The proposed park is supported by the Director of the National Park Service and has been studied in detail by a twelve-member professional site team from the National Park Service. Local government and citizen support strongly favors the proposal, which is also supported by the Governor of Mississippi, the Honorable Ray Mabus.

SIGNIFICANT PROPERTIES AND HISTORIC SITES

Melrose was built in 1845 and is a meticulously preserved and restored National Historical Landmark located on eighty acres of wooded and landscaped grounds adjacent to the proposed Natchez Trace Parkway extension. Melrose is considered to be one of the nation's most significant historic house complexes based on the high quality of its architecture, its integrity of setting, the survival of its original outbuildings and interior furnishings, and the richness of its documented history. Melrose is listed for sale with Sotheby's International Realty and has been declared an "endangered National Historic Landmark" by the National Park Service.

The Fort Rosalie site has been the focus of recent studies by the Mississippi Department of Archives and History who have recommended that the site be declared a National Historic Landmark. The establishment of the fort in 1716 by the French makes Natchez the oldest settlement on the Mississippi River. Fort Rosalie was the site of the famous 1729 massacre of the French colonists by the Natchez Indians. The fort actually served as the seat of government during the colonial period when the region was successively governed by the French, British, Spanish, and Americans. The Fort Rosalie site also represents the westernmost trooping in 1776 of the American flag and the westernmost conflict in 1778 of the Revolutionary War. The 20-acre site is privately owned and slated for condo-resort development intended to capitalize upon the site's historic significance and scenic views of the Mississippi River.

The Briars was built in 1818 and is located on a 17-acre crest of a promontory which is the highest point above the Mississippi River and commands the best view of the river and the proposed Natchez National Park. The house is the quintessential example of the planter's cottage of the Lower Mississippi Valley and was the site of the 1845 marriage of Jefferson Davis to Varina Howell. The Briars is listed on the National Register of Historic Places, and its beautifully landscaped grounds and scenic overlook contribute to the significance of the property. Foreign commercial interests are currently interested in the Briars and adjacent property for resort development.

Natchez Under-the-Hill is the historical river port area for Natchez. The commercial town of Natchez began at Under-the-Hill, under the protection of Fort Rosalie atop the bluff, and remained there until the Spanish laid out the town on top of the hill in the early 1790's. Natchez Under-the-Hill became infamous during the eighteenth and early nineteenth centuries, when it was the favorite stopping place of boatmen. Today, as in the nineteenth century, steamboats dock at the historic landing and visitors enjoy scenic bluffs, specialty shopping, and restaurants in restored buildings. The integrity of Natchez Under-the-Hill is threatened by unsympathetic development plans and the proposed condo-resort plans for the adjacent Fort Rosalie site.

Magnolia Vale is the only pre-Civil War estate below the Natchez bluffs and is protected from flooding by a scenic natural ridge. Magnolia Vale was the residence of lumber entrepreneur Andrew Brown, whose gardens were pictured in nineteenth-century periodicals and were a popular stopping point for steamboat travellers. The sixty-acre estate offers extensive opportunities for diversity of use by visitors, and its main residence (1948–50) and antebellum outbuildings can support extensive park facilities.

Weymouth Hall is situated on a high bluff stop Magnolia Vale and enjoys a spectacular view of the picturesque Natchez City Cemetery to the east and the Mississippi River to the West. A National Register property, the 1855 house has been recently restored and is open to the public on a daily basis. Extensive bluff stabilization efforts have been important in protecting this significant Greek Revival house and its ten-acre site.

The Wilderness Area encompassing the Devil's Punch Bowl is a natural landscape on the bluffs north of Magnolia Vale and Weymouth Hall and offers scenic footpaths for appreciation of the natural ecology of the bluff environment. Inclusion of property in the vicinity of the Devil's Punch Bowl offers scenic and buffer protection against future riverside developments which could infringe upon the park and its currently uncompromised panoramic views. The Devil's Punch Bowl is a curious, circular erosional feature on the bluff face, which in the 18th and 19th centuries was the hideout of river pirates and Natchez Trace highwaymen.

JUSTIFICATION

Several factors combine to create the current favorable opportunity to achieve a Natchez National Park, but the one overriding factor which necessitates action at this time is the combination of the "endangered" status of the National Historic Landmark Melrose and the threatened commercial development of The Briars, Fort Rosalie, Natchez Under-the-Hill, and Magnolia Vale.

Since the creation of the Natchez Trace Parkway in 1938, the Congress of the United States has maintained its pledge to bring the Natchez Trace Parkway to the point of its historical origin on the bluffs at Natchez. The Trace is still not complete. Its southern end lies ten miles from the bluffs at Natchez.

Today, fifty years after Congress' original pledge, real estate developers and foreign commercial interests threaten to take the land and its historic sites for their own purposes.

Today, and for the first time in the history of Natchez, all the major properties along the bluffs are available for creation of the park—or, for real estate developers who would pre-empt the Congress and its intent.

In the 50th anniversary year of the Natchez Trace Parkway, new historical research has proven the locale of the Congress' intended park to be more nationally important than was previously thought.

Fortunately, several factors unite to justify creating a park at this particular time. First, in this period of a troubled Mississippi economy, property values are lower and personal attitudes are more cooperative in anticipation of what a park might do for the area's economy. Second, the leadership advocating the park have articulated a reasonable, achievable proposal. Third, that proposal has been reviewed by the federal government's park professionals, the Director of the National Park Service, the Director of the Southeast Regional Office, and a professional site team from the Southeast Regional Office of the National Park Service—all of whom support the park as proposed by local park leadership.

In further support, the City of Natchez is prepared to contribute all city-owned property and rights-of-way toward creation of a park. The Adams County Board of Supervisors is prepared to assist in additions of rights-of-way necessary to complete the ten-mile loop and relocation of the railroad tracks.

The Natchez-Adams Chamber of Commerce and Industrial Foundation is prepared to assist the creation of the park in relocating the railway and in providing visitor services.

The State of Mississippi, through its Governor, the Honorable Ray Mabus, has instructed the Department of Economic Development and the Institute for Technology Development to assist in the creation of the park and in assessing sociologic, demographic, and various planning aspects.

At the Beginning: Southern Indians Were First To Use the Forest Trails

(By Marty Russell)

("All life used this Trace, and he liked to see the animals move along it in direct, oblivious journeys, for they had begun it and made it, the buffalo and deer and the small running creatures before man ever knew where he wanted to . . ."—From A Still Moment by Eudora Welty)

No one knows how long animals had followed the ridges that snaked out of the Appalachian Mountains down through the Tennessee Valley and into the Mississippi River delta before man stumbled upon the abundant food supply and dry trails that would later become the Natchez Trace and began to exploit them for his own purposes.

Still more time passed before primeval man began to flourish and band together for protection and mutual hunting benefits. Those early tribes eventually evolved from the hunter-gatherers of their ancestry to more settled, agrarian societies still dependent on the old animal trails for trade.

The earliest known settlement along the hundreds of trails that made up what we now call the Natchez Trace was pinpointed in 1965 by archeologists working near the Mississippi-Alabama state line in Tishomingo County. Excavations showed the Bear Creek Mound site had been occupied off and on for a period of about 8,000 years, beginning as early as 7000 B.C.

Centuries before Columbus set out to find a new passage to India, the Tennessee Valley was already heavily populated by the Chickasaw, Choctaw, Creek and, farther south, the Natchez Indian nations. Estimates of Indian populations around 1700 placed their numbers at about 25,000 in Tennessee, Alabama and Mississippi, with the Choctaws outnumbering their neighbors by a large margin.

However, by that time, large numbers of Indians had already been massacred by European settlers. "The Natchez were never a very large tribe," Ray Claycomb, Parkway interpreter, said. "By 1730, they were all but eliminated by the French."

The European invasion began in 1540 when French explorer Hernando DeSoto became the first white man to enter the region and, more than likely, the first to ever walk the Natchez Trace. Ironically, from the first encounter, the Indians and the Europeans were at war.

DeSoto's party took refuge with the Chickasaws of North Mississippi during the winter of 1540-41 but, when the time came to move on, he demanded much of his hosts. "They got into a heck of a fight," Claycomb said. "DeSoto was demanding so much from them, not just food but porters, that his whole outfit was pretty much wiped out by the Chickasaws."

About 100 years passed after DeSoto's visit before trade began between the Chickasaws and colonists in South Carolina. In the meantime, another French explorer, Sieur de LaSalle, had made contact with the Natchez Indians to the south, an event that led to the eventual extinction of the Natchez nation.

It wasn't until the early 18th century that a permanent European presence was established in the region. In 1710, an unknown French trader established a trading post at French Lick, the site of the present-day Nashville. Three years later, the LaLoire brothers set up a trading post at the opposite end of the trail in Natchez.

By 1716, the French had established a fort, Fort Rosalie, at Natchez that opened up the territory to European settlers. About 13 years later, however, the Natchez Indians rebelled and burned the fort, killing most of its occupants.

"The French, like most conquering armies, were very dominant over their conquered people," Claycomb said. "They treated them very nasty and the Natchez finally rebelled thinking if they killed enough of them they would leave and they would be done with them. That just didn't happen."

The very next year, the French retaliated and retook Natchez with the help of Choctaw allies. The movement of those Choctaw warriors from North Mississippi to Natchez is the first recorded trip along the Natchez Trace.

"You could buy friends easily," Claycomb said. "The chiefs were the voting majority for the whole tribe and, for a pittance, you could talk the chiefs into doing just about anything."

Around 1736, the French began moving up the Trace to confront the Chickasaws who had taken in those Natchez who had managed to escape. The Chickasaws proved to be more formidable enemies. In present-day Lee County, D'Artaguette was defeated at the Battle of Ogoula Tchetoka and burned alive. In the same year, Bienville was defeated at the Battle of Ackia.

By 1763, French domination of the region was coming to a close. France ceded all its possessions east of the Mississippi to Great Britain and Natchez became a British colony.

Seven years later, John MacIntosh, the British agent to the Choctaws and Chickasaws, established an agency 10 miles south of Pontotoc on the Trace, opening up the interior region between Natchez and Nashville. A short time later, however, the American Revolution once again changed the political landscape.

In 1779, Spanish forces occupied Natchez and remained in control even after the Treaty of Paris ended the Revolutionary War.

It was during the Spanish occupation that the Natchez Trace became a vital link between the new territories in the Southwest and the newly-formed United States in the East.

In 1785, the first cargo of American goods arrived in Natchez via the Ohio and Mississippi Rivers. However, it would be 25 years before the first steamboats plied the Mississippi. The flatboats that carried the mostly human cargo were unable to make the journey back upstream so boatmen were forced to walk the distance back to their homes in the Ohio Valley by way of the Trace.

Their journeys opened up the Trace to commerce and ended the Indian and Colonial domination of the route.

During Its Heyday: Settlers, Soldiers, and Traders Gave the Trace Fame

(By Marty Russell)

("Bands of travelers moved closer together, with intenser caution, through the glassy tunnels of the Trace, for all proportion went away, and they followed one another like insects going at dawn through the heavy grass . . ."—From First Love by Eudora Welty)

Around the end of the 18th century, following the American Revolution when a young nation was expanding westward, the Natchez Trace became a vital link between the established settlements in the east and the newly-opened western territories.

Thousands of new Americans made the trip by flatboat down the Ohio and Missouri Rivers to the Mississippi, jumping off in exotic places like St. Louis, New Orleans and Natchez to begin their westward treks over trails such as the Wilderness Road, the Santa Fe Trail, the Old National Road, and the Oregon Trail.

The Trace, in the late 1700s, was used primarily by the boatmen who ferried the new settlers down the Mississippi. Because steam power was still decades away, the flatboats had to be abandoned or dismantled for their wood at the end of the journey, forcing their crews to walk the distance back to their homes in the Ohio and Tennessee valleys.

The trek from Natchez to Nashville on foot generally took about a month. For those fortunate enough to have horses, the trip could be made in about 10 days.

Enterprising businessmen were quick to capitalize on the steady traffic along the old Indian trails and trading posts and inns sprang up in the wilderness.

But the trip was not without peril. Indians still controlled much of the interior region and highwaymen preyed on the boatmen returning home with their wages.

Between the years 1796 and 1798, two important events occurred that changed the nature of the Trace. Tennessee became a state and the Mississippi Territory was organized with Natchez as the capital after Spain agreed to withdraw from the region.

To serve the new state and territory, Congress established a postal route on the Trace in 1800 between Natchez and Nashville and appropriated $6,000 to clear the trail.

"The army was ordered to do the job," said Ray Claycomb, interpreter for the parkway, "but you have to think back. The army was very small and the tools were still very primitive. To go out and clear an eight-to-ten-foot wide path 400 miles through the wilderness was an enormous task. They did do parts of it but there is no indication that much was actually done."

The project did, however, establish a primary route between the two cities where before there had been literally hundreds of parallel and intersecting paths. Early maps of the post road were later used in a questionably successful attempt to pinpoint the route of *The* Natchez Trace since the Trace was never actually one single road.

But use of the Trace as a post road was short-lived. By 1802, the section from Nashville to Duck River Ridge had been abandoned, followed by the section between Duck River Ridge and the Buffalo River in 1808. In 1820, the section between the Buffalo River and Buzzard Roost Stand was abandoned and, in 1822, the section between Brashears and Red Bluff Stands.

The War of 1812, however, brought new life to the old trail when it became an important route between Washington and New Orleans. The first steamboats arrived in Natchez in 1811 from Pittsburg but were insufficient for moving large numbers of troops.

Again, American entreprenuers rose to the occasion and began exploiting the needs of large armies on the march up and down the Trace. Claycomb said one of his favorite stories about the old Trace involves George Colbert, a former negotiator between the Indians and the United States government who established a ferry service on the Tennessee River in north Alabama.

"Andrew Jackson was returning from the Battle of New Orleans with his Tennessee regiment in May of 1815 when he asked Colbert to ferry his troops across the river," Claycomb said. "Colbert agreed but charged him $75,000."

There is no proof that Jackson paid the enormous sum to get his 1,500 men across the river. In fact, the only record of the event indicates Colbert only received $199.12½ for the trip, still a large sum for the time.

Shortly after Mississippi became the 20th state in the Union in 1817, the decline of the Natchez Trace as a vital thoroughfare between the north and the south began. Between 1820-30, treks up the old Trace became unnecessary with the continued increase in steamboat traffic along the nation's rivers.

About that same time, in 1832, the last of the original inhabitants of the region, the Chickasaws, signed the Treaty of Pontotoc giving all lands east of the Mississippi River to the United States. As a condition of the treaty, the Chickasaws agreed to move to what is now Oklahoma.

Although portions of the old Trace served both armies during the Civil War, particularly in the battles of Brice's Crossroads, Nashville, Tupelo and Franklin, Tenn., the road was virtually abandoned and largely forgotten after 1864.

"By the 1820s, use had fallen to practically nothing," Claycomb said, "except where it had been incorporated into local road systems. By the Civil War, there weren't too many sections of it left, although Grant made good use of some of the southern sections during the war. You have to remember that this was not a paved road. Left alone, it doesn't take nature long to reclaim a 10-foot-wide path through the woods."

And so the ancient trail flourished, then died and was forgotten with the advance of civilization until interest in its historical aspects was rekindled in the 20th century.

LOST AND FOUND: IN 1934, THE INTEREST WAS THERE, BUT THE ROAD WAS LOST

(By Marty Russell)

"It requires no stretch of the imagination to look back upon a time when the Natchez Trace was practically unknown to the people of Mississippi . . . But with pardonable pride, we claim for the Mississippi Society of the (Daughters of the American Revolution) the credit for awakening general public interest."—Mrs. A.F. Fox of West Point, 1910.

After the Civil War, the Natchez Trace disappeared both from the map and from the minds of all but a few historians. Other trails that had served the westward expansion of the nation—the Sante Fe, Oregon and others—were glorified in literature and later in motion pictures as the western genre became increasingly popular.

But the Trace, despite its important role in the development of the lower Mississippi Valley, was forgotten and abandoned until 1905 when Mrs. Egbert Jones of Holly Springs, according to the accepted history, suggested at the first statewide conference of the Mississippi Daughters of the American Revolution that granite markers commemorating the road be placed in each county through which it had run.

However, it wasn't until 1908, when Egbert took over as state regent of the society, that any real action was taken. Even then, progress was slow and it took a great deal of effort for the ladies to raise the $230 required to place the first marker at Natchez in 1909.

It took more than 20 years to complete the project. In 1933, the final marker was erected in Leake County near Thomastown.

During that same period, the DAR went to the state Legislature for help but was turned down. The society then decided on a different approach and called a statewide meeting to form a Natchez Trace Association for the stated purpose of reconstructing the old trail.

"Last November, a movement was inaugurated by the Natchez Chamber of Commerce to reconstruct the Natchez Trace and make it a great highway from Nashville, Tenn., to Natchez and then on to New Orleans," Mrs. A.F. Fox of West Point said in 1916. "We were invited . . . to join in a convention, Jan. 19, 1916, at Kosciusko to organize the Natchez Trace Association . . . a Highway Association was organized and a charter adopted."

A drive, featuring stickers that read "Pave the Natchez Trace" was started but soon forgotten after the United States' entry into World War I.

It wasn't until 1933, at the dedication of a marker in Webster County near Mathiston, that interest in paving the Trace was renewed. According to historians, Ned Lee, editor of the Webster Progress, became interested in the project after hearing soon-to-be Gov. Thomas A. Bailey speak at the marker dedication ceremony.

Lee passed on his interest to Jim Walton, a colorful figure described as "an itinerent piano tuner, amatuer journalist, self-styled colonel and international hobo."

Later that same year, Walton suggested to 4th District U.S. Cong. Jeff Busby that he should introduce a bill calling for a survey of the old Trace. The timing was right. Coming out of the Great Depression, Congress had authorized the National Recovery Act, a public works program specifically designed to put as many people to work as possible building roads, bridges and parks.

Before introducing the bill, Busby warned Walton that grassroots support for the project would be required so Walton appointed himself director of an imaginary "Natchez Trace Military Highway Association" and called a meeting of "patriotic" societies, boards of supervisors and state legislators for Jan. 10-11, 1934, in Jackson.

To draw a crowd, Walton promised a banquet and ball with Sen. Pat Harrison and actress Tullulah Bankhead as grand marshalls. Bankhead didn't show up but Walton's ploy had worked and a large crowd did. The next day, the state Legislature passed a resolution asking Congress to pave the old Trace.

On Valentine's Day, 1934, Busby introduced two bills into the U.S. House of Representatives. The first would authorize appropriation of ". . . a sum not exceeding $50,000 to be used by the Dept. of the Interior through the National Park Service with which to make a survey of the Old Natchez Trace."

The second would authorize $25 million to construct the Natchez Trace Parkway.

At Busby's urging, Sen. Hubert D. Stephens introduced identical bills five days later in the Senate.

Although the bills were approved in both chambers of Congress, there was opposition from the Department of the Interior. Secretary of the Interior Harold Ickes termed the project "not in accord" with the president's recovery program and recommended a presidential veto.

Busby called on Sen. Pat. Harrison, then chairman of the Senate Finance Committee, for help. Harrison was a loyal and powerful supporter of President Franklin Roosevelt and Roosevelt agreed not to veto the measure in return for Harrison's continued support.

Thus, on May 21, 1934, the survey was authorized but carried with it no commitment that funds for construction would be granted.

A CHRONOLOGY: WHEN DID IT HAPPEN, ON OR NEAR THE TRACE?

1541—DeSoto spends part of winter 1540-41 in Chickasaw villages.

1682—March 23-26. LaSalle visits village of the Natchez tribe.

1700—Spring. Iberville, Governor of Louisiana, visits Natchez Indians.

1710—Unkown French trader sets up business at French Lick, future site of Nashville.

1713—French trading post at Natchez established by LaLoire brothers.

1716—August. Fort Rosalie built at Natchez by Bienville.

1729—Nov. 28. Natchez Massacre; French colony destroyed.

1730-31—Natchez tribe defeated and scattered. Choctaw go to help the French at Natchez. First recorded trip over any part of Natchez Trace.

1736—May 25. Great French effort to destroy Chickasaw. D'Artaguette defeated at Ogoula Tchetoka and Bienville at Ackia.

1739-40—June 1739-March 1740. French expedition against the Chickasaw. One hundred French Canadians with Indian allies travel from Montreal to Tupelo.

1763—Feb. 10. France cedes North American possessions east of the Mississippi River, except New Orleans, but including the Natchez District, to Great Britain. Spain cedes Florida to Great Britain.

1764—Feb. 16. Natchez becomes a part of the British Colony of West Florida.

1770—Tockshish or McIntoshville, established when John McIntosh, British agent to Chickasaw and Choctaw Indians, established his agency 10 miles south of Pontotoc.

1775-83—American Revolution.

1779—Sept. 21. Spanish Colonial forces occupy Natchez.

1780—April 24. Nashville established by Richard Henderson, John Donelson and James Robertson, and North Carolina settlers.

1781—April 22. English-speaking settlers in Natchez revolt against Spain.

1783—Sept. 3. Treaty of Paris ends American Revolution. The Mississippi River becomes the western boundary of the United States. East and West Florida ceded to Spain. Beginning of Spanish American boundary quarrel.

1785—First cargo of American goods reaches Natchez via the Ohio and Mississippi rivers. The first of thousands of boatmen begin their journey over the Natchez Trace to Nashville, and other places in the Ohio Valley.

1785—Chachare, a French officer in Spanish service, makes trip, Natchez to Nashville, on the Natchez Trace. The first written report of a journey over the Trace.

1795—First cotton gin in Natchez.

1796—June 1. Tennessee admitted to the Union.

1798—April 7. Mississippi territory organized, with Natchez as capital.

1800—April 23. Congress establishes post route between Nashville and Natchez.

1801—Dec. 12. Capital of Mississippi Territory moved from Natchez to Washington, Miss.

1801—Dec. 17. Treaty of Fort Adams officially opens Old Natchez District to settlement and Choctaw agree that U.S. may open a road, the Natchez Trace, through their lands.

1802—Dec. 27. Ferry across Tennessee River established by George Colbert.

1803—Feb. 8. Wiley "Little" Harpe, notorious outlaw, executed.

1806—April 21. First Congressional appropriation for the improvement of the Natchez Trace.

1807—Jan. 17. Aaron Burr arrested near Natchez.

1809—Oct. 11. Meriwether Lewis died and was buried at Grinders Inn along the Old Trace in Tennessee.

1811—First Mississippi River steamboat reached Natchez from Pittsburg.

1812—May 14. West Florida added to the Mississippi territory.

c. 1812—French Camp, Miss., or LeFleur's Stand, established by Louis LeFleur.

1813—Feb. 16. General John Coffee marches a brigade of calvary over the Trace from Nashville to Natchez.

1814-156—The Natchez Trace was a vitally important link between Washington and New Orleans when the latter was threatened by a British army and fleet.

1815—Spring. Andrew Jackson's army returns to Tennessee via the Old Trace after the Battle of New Orleans.

1817—Dec. 10. Mississippi becomes the 20th state.

1819—Dec. 14. Alabama becomes the 22nd state.

1820—Oct. 18. Treaty of Doaks Stand. Choctaw cede 5½ million acres of land to the United States.

1820-30—Steamboat becomes usual method of travel from Natchez to northeast.

1830—Sept. 27-28. Treaty of Dancing Rabbit Creek. Choctaw cede all lands east of the Mississippi River to the United States and agree to move to Oklahoma.

1832—Oct. 20. Treaty of Pontotoc. Chickasaw cede all lands east of the Mississippi River to the United States and agree to move to Oklahoma.

1861-65—Civil War.

1863—Grant's army marches over Natches Trace, Port Gibson to Raymond.

1864—June 10. Battle of Brices Cross Road.

1864—July 14. Battle of Tupelo.

1864—Parts of Hood's army march over Natchez Trace from Tennessee-Alabama line to Nashville. After the Battles of Nashville and Franklin, remainder of Hood's army retreats over the Old Trace to Tupelo.

1931—Commemorative monuments erected at Brices Cross Roads and Tupelo National Battlefield.

1934—May 21. Congress authorized survey of Old Natchez Trace for possible construction of a Natchez Trace Parkway.

1937—June 30. Initial construction began with award of three grading projects in Mississippi.

1938—May 18. Natchez Trace Parkway created as a unit of the National Park, System by Act of Congress.

1961—Aug. 10. Ackia Battleground National Monument, Mississippi, and Meriwether Lewis National Monument, Tennessee, included in Natchez Trace Parkway by Act of Congress.

THEN THE SEARCH: FINDING ONE ROAD AMONG MANY WAS A CHALLENGE

(By Marty Russell)

("The three inexperienced men who were assigned the job of locating the Natchez Trace on a map and then flagging this location on the ground worked under a misconception that proved to be a serious, but not fatal, handicap. They were seeking a road that never was; which had acquired a name, retrospectively, many years after it and its component parts had lost those characteristics assigned to it . . ."—John Mohlhenrich's 1975 rewrite of Dr. Dawson Phelps' 1965 Administrative History of the Natchez Trace)

The original surveyors of the Natchez Trace must have felt frustration after President Franklin Roosevelt in 1934 ordered them to "locate the Natchez Trace as near as practicable to its original route" because the Trace was never a single road leading from Natchez to Nashville and because what road there was had been devoured by wilderness after the Civil War, locating The Natchez Trace was, in a sense, an exercise in futility.

But, in 1934, Congress appropriated $50,000 to locate the route, mark it and work up an estimate on the cost of paving the 450 miles.

Historians were the first to tackle the job. Utilizing records from the Library of Congress, the U.S. Geological Survey, the Postal Service, the War Department and the General Land Office, they tentatively mapped out the route through Mississippi, Alabama and Tennessee.

"Cursory investigation revealed the existance of at least three old trails or roads, each of which might with some validity be regarded as the road," Mohlhenrich wrote. "Later investigation revealed several others."

Most of the information came from township plats drawn up during the original surveys of Mississippi and Alabama but no such maps existed for Tennessee. There, the route had to be determined by physical remains and local histories.

Still, the township plats did not provide enough specific detail to allow engineers to pinpoint the lcoation of the old road on the actual ground. General locations, however, could be determined and by using road and stream crossings, historic sites and towns, the engineers arrived at a probable route.

"Where roads had been abandoned, it was frequently possible to identify the route by existing remains," Phelps wrote in 1965. "Where all evidence had disappeared, the exact route, in a relatively few places, had to be guessed at."

Finally, after a year of research and guesswork, a map was made and, on March 14-21, 1935, an inspection team looked over the sites and presented their recommendation to Washington.

"The basic idea underlying the recommendation of the group was this:," Phelps wrote. "The major aim was not to preserve or restore the Old Trace, but to memorialize it by a 'new Parkway.'"

Indeed, when construction was eventually authorized, the route contained little of the historic Trace. "There are 115 sections within the parkway amount to only 32 miles of the original Trace ranging from several hundred feet to just short sections included in the park boundaries," said Ray Claycomb, parkway interpreter. "They are very spread out with 40 in Mississippi, seven in Alabama and the majority, 68, in Tennessee."

The portions of the Old Trace contained within the parkway amount to only 32 miles of its total length of 445 miles.

Claycomb said the stretch of the parkway through Tennessee contains more of the

Old Trace because the counties through which it runs were less developed during the years of the park's construction and were, therefore, more available to the National Park Service.

Other parts of the original Trace were marked but never developed. "Some sections were plowed up in fields by people who didn't realize its significance," Claycomb said. "A lot of it has been destroyed but we do know where it ran."

In December, 1935, Congress authorized $1.5 million to begin construction of the parkway based on the engineers' estimate that only $50 million would be required to pave the entire 445 miles.

At that time, a mile of roadway cost only $50,000 to construct compared to the 1988 cost of about $2 million per mile.

INTO THE FUTURE: THE FUNDING FATE OF THE FINAL 30 MILES IS UNCERTAIN

(By Marty Russell)

("(In) 1962, when (Dr. Dawson Phelps) presented himself at the Great Smokies information desk, to the inquiry, 'Where are you from?' he confessed with some pride to being a (Park) Service man stationed at the Natchez Trace. To his astonishment, the Ranger replied. 'I certainly feel sorry for you!' To Dr. Phelps' 'Why?' the Ranger replied, 'Because you have nothing for visitors to see.'"—John Mohlhenrich's 1975 rewrite of Phelps 1965 Administrative History of the Natchez Trace)

Anyone who has traveled the Natchez Trace Parkway for any distance realizes there is plenty to see and do along its length but, from its beginning, its existence has been a topic of controversy.

Despite an on-going debate in Washington over whether parkways deserved a place in the National Park Service, the first bulldozers began to roll in 1937 on three short sections of the Natchez Trace near Natchez after congressmen from Mississippi, Alabama and Tennessee succeeded in getting an appropriation passed for the work. The exact amount of the appropriation is disputed and ranges from $1.5 million to only $18,823.

About 11 miles of the road had already been completed before President Franklin Roosevelt, on May 18, 1938, signed the act creating the Natchez Trace Parkway. The state of Mississippi had already acquired about 40 miles of right-of-way between Natchez and Jackson and donated the land to the Park Service.

The fact that work began on the project before it was even authorized was due mainly to the efforts of congressional members from the three states through which it ran. To do so required some political maneuvering to bypass Secretary of the Interior Harold Ickes, who had asked President Franklin Roosevelt to veto the project. Ickes only learned after the first appropriation that his department had the funds to begin construction.

"The backdoor approach had succeeded in getting the law onto the statute books but the doubt still persisted," Mohlhenrich wrote. "Did the Natchez Trace Parkway, or indeed any parkway, properly belong in the National Park System?"

Apparently, both the Roosevelt and Truman administrations were convinced that it did and, between the years 1935 to 1953, with the exception of the war years from 1943-49 when no construction money was approved, more than $17.2 million was granted for construction.

By 1953, 135 miles, primarily in Mississippi, was either paved and open for traffic or already under construction. That year marked the first year the Park Service began counting the number of visitors to the Trace and, in 1953, 1.4 million people had visited the Parkway.

After 1953, interest in completing the project began to wane. From 1953-55, no money was authorized for new construction even though visitation on the Trace had risen to over 2.1 million tourists a year.

Beginning in 1956, small sections of the road gained Congressional approval until 1960 when the largest section ever completed in one year, 30 miles between Mantee and just south of Tupelo, was funded. That project brought the total number of miles completed to 216 and visits by tourists rose to 3.4 million per year.

Since 1960, no section over 16 miles in length has been undertaken in a single year and federal funding became more unreliable. Part of the problem, according to Superintendent Jim Bainbridge, was the change in 1961 to a limited access-type of parkway where before, country roads and other highways had been allowed to cross the parkway.

After 1961, construction became more expensive as the Park Service tried, whereever possible, to bridge over all intersecting roads and highways. Where a mile of construction in 1938 had cost only $50,000, the cost, with the necessary bridgework, had risen to almost $2 million per mile by the 1980s.

Despite continuing pressure from the Natchez Trace Association and state congressional leaders, Congress was slow to appropriate funds for completion of the parkway. No funds for construction were appropriated in the years 1963, 1969-70, 1972-76, 1978, 1980, 1982-83 and 1985.

President Ronald Reagan also has recommended no funding for construction for 1989.

To date, a total of $300 million has been spent on construction, including a $22.7 million appropriation in 1988 for 6.9 miles of new construction and resurfacing of 28 miles of the parkway.

Despite annual visitation of over 14.9 million tourists (in 1987) and 51,150 acres of right-of-way acquired, 30 miles of the 445-mile parkway remains to be completed. Bainbridge, in his budget request for fiscal year 1989, estimates it will cost $101 million to complete the remaining portions over a five-year period.

That period of time could be extended by efforts to create a National Park at the southern terminus of the Trace at Natchez. The estimated $50 million park would form a 10-mile loop through the historic districts of the city and include the point where the modern history of the Natchez Trace began—Fort Rosalie.

By Mr. HOLLINGS:

S. 2493. A bill to authorize a certificate of documentation for the vessel *Compass Rose III*; to the Committee on Commerce, Science, and Transportation.

DOCUMENTATION OF VESSEL COMPASS ROSE III

● Mr. HOLLINGS. Mr. President, today I am introducing legislation that would authorize a waiver for a vessel located in South Carolina and operated by residents of my State.

Section 27 of the Merchant Marine Act of 1920, commonly referred to as the Jones Act, requires that vessels transporting passengers between points in the United States be constructed in the United States, be continuously owned by U.S. citizens, and be continuously operated under the U.S-flag. The Jones Act applies to all vessels, irrespective of size or intended use.

When the facts applicable to a particular vessel suggest that the U.S.-built or the U.S.-owned requirements have not been satisfied, the Coast Guard may not issue a document granting coastwise trading privileges for that vessel unless the requirements are statutory waived.

The legislation I am introducing today would provide such a waiver to the vessel *Compass Rose III*, official number 559647. This vessel is a 43-foot yacht and was built in 1973 by the Cheoy Lee Shipyard of Kowloun, Hong Kong. Mr. Charles Fraser, a resident of Hilton Head Island, SC, purchased the *Compass Rose III* in 1975. Mr. Fraser wishes to make the vessel available for charter by tourists visiting Hilton Head. The typical charter arrangement would be in the nature of an afternoon sightseeing excursion of the islands in that area. Because this vessel was constructed in a foreign shipyard, a Jones Act waiver must be obtained before the vessel may engage in the coastwise trades. Mr. Fraser has always used the vessel for recreational purposes only and therefore, coastwise trading privileges were never necessary.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2493

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12105, 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of the Department in which the Coast Guard is operating may issue a certificate of documentation for the vessel Compass Rose III, United States official number 559647.●

By Mr. BOND (for himself, Mr. CONRAD, and Mr. NICKLES):

S. 2495. A bill to amend the Agricultural Act of 1949 to permit producers to plant supplemental and alternative income-producing crops on an acreage considered to be planted to a program crop; to the Committee on Agriculture, Nutrition, and Forestry.

DEVELOPMENT OF NONTRADITIONAL CROPS

Mr. BOND. Mr. President, today I am introducing—with Senator CONRAD—legislation which is an important step in the development of nontraditional crops. New crops have played a vital role in our Nation dating back to the colonial period. In fact, it has been said that crop plants are the Nation's most important annually renewable source of wealth. However, we must realize that 90 percent of the world's food supply is provided by fewer than 20 crop species. History has shown that long-term commitments to the development of new crops have been tremendously successful. For example, 200 years ago both wheat and soybeans were new crops—in 1987 the estimated value of their combined production was some $15 billion.

Today's farmers are experiencing a lack of alternatives to traditional crops and production systems. Unfortunately, these problems are magnified by Federal Government programs which, in many cases, lock a farmer into planting decisions. This inability to diversify makes farmers and their communities on the one hand sensitive to changes in both domestic and foreign governmental policies—but on the other hand unable to respond.

The benefits which result from the establishment of new crops are clear. We have the ability to make marginal and forested lands more productive, decrease vulnerability to adverse or changing environments and afford farmers alternatives to avoid the cyclical price fluctuations experienced by established crops. Also, because these new crops could be planted instead of established crops there should be a decrease in the total production of certain established crops.

As the production of new crops increases, we reduce our dependence on imports. For example, guayule may displace our imports of natural rubber. In essence, we could have the best of both worlds—reduce our domestic surpluses while at the same time improving our balance of trade.

Over the past few months, the Senate Agriculture Committee and specifically the Research and General Legislation Subcommittee, chaired by the distinguished Senator from North Dakota, have closely examined the issues surrounding new crops and new uses for existing crops. During this time, I have seen clearly a common theme—any attempts to expand our efforts in this area must be supported by the U.S. Department of Agriculture. They must play the lead role—from emphasizing targeted research to eliminating any existing barriers which preclude farmers from diversifying their operations.

Mr. President, the legislation which we are introducing today is an important step in refocusing our efforts to encourage—rather than discourage—the production of new crops. Our bill, by eliminating an existing Federal disincentive for producers to plant new crops, will continue the transition toward the production of nontraditional agricultural crops.

Under current law, a farmer's crop acreage base is determined by a formula which averages the 3 median of the previous 5 years acreage devoted to the crop. Since the limited cross compliance provisions have been enacted by the Secretary, a farmer cannot plant more acres than permitted under the base formula. This makes it very difficult for a farmer to grow new crops on any acreage which has a base.

Specifically, this legislation would allow a farmer to grow certain new crops without foregoing their crop acreage base. In short it is base protection.

It is important to note that farmers who take advantage of this provision will not be eligible for any Federal farm program payments on production foregone as a result of producing the new crop. Also, they would receive no Federal payments with regard to the new crop.

As we began researching this issue, it became apparent that there are several new industrial crops with significant potential. After working with representatives from the academic community, industry and USDA, we developed a list of five initial industrial crops for which base protection would be given. However, there is a provision in the bill which gives the Secretary of Agriculture the authority to provide base protection to additional new industrial crops. The five crops which are specified in the bill are crambe, high erucic rapeseed, meadowfoam, Kenaf, and Guayule.

Crambe and high erucic rapeseed are annual crops which produce seeds with raw oils which contain high levels of erucic acid, an industrial raw material used to manufacture nylon, plastics, and lubricants. The United States imports millions of pounds of vegetable oils such as coconut, palm, castor, and rapeseed whose properties meet specifications for important industrial applications. Increased production of these two crops would eliminate our current dependence upon imported sources of high erucic acid rapeseed.

Meadowfoam is an annual crop which produces a unique high quality oil which can be used in a wide variety of industrial applications. It can be produced with equipment used for grain crops and has the potential for a geographically diverse and reliable production base. Research has indicated that major markets could develop for both personal care items and specialty lubricant additives.

Kenaf is a woody fiber plant used in manufacturing newsprint. Having a very rapid growth cycle, Kenaf can be transformed from seed to morning newspaper in less than 6 months. Grown in the Southern tier of the United States, products from Kenaf include cordage for carpet pads, twine, rope, fiber bags, and a wide variety of papers.

Guayule is a shrub, native to northern Mexico and southwestern Texas, which has both strategic and industrial importance as a domestic source of natural rubber. Although some 2,000 species of plants contain rubber, only a few produce quantities sufficient for commercial use. Throughout the period 1900-40, guayule provided about 10 percent of the world's natural rubber. However, after World War II, interest decreased as attention shifted to the introduction of manmade elastomers.

In recent years, the emphasis has once again shifted to natural rubber as it is indispensable for bus, truck, and airplane tires. As a result, a great deal of research is being performed regarding the commercialization of guayule. In 1978, Congress passed the Native Latex Commercialization and Economic Development Act to promote the development of guayule due to its importance to the defense, economy, and well being of the Nation. Finally, a domestic source of natural rubber would improve our balance of trade as imports amounted to $655 million in 1983.

Mr. President, in Missouri there is an adage which may sound familiar—don't put all your soybeans in one basket. I'm afraid that without a renewed commitment to new crops, the United States may do just that. Diversifying agricultural production will help reduce the surplus of established crops, create new markets, decrease our agricultural sector's vulnerability to adverse or changing environments, and improve our balance of trade.

I believe this bill will remove a barrier which now exists to expanding the production base of new industrial crops. I encourage my colleagues to support this much needed legislation and would hope we could pass it expeditiously.

By Mr. STAFFORD (for himself and Mr. MOYNIHAN):

S. 2496. A bill to provide for the leasing of certain real property to the American National Red Cross, District of Columbia Chapter, for the construction and maintenance of certain buildings and improvements; referred to the Committee on Environment and Public Works.

LEGISLATION TO LEASE CERTAIN REAL PROPERTY TO THE AMERICAN NATIONAL RED CROSS, DISTRICT OF COLUMBIA

● Mr. STAFFORD. Mr. President, I am introducing a bill to enable the D.C. Chapter of the American National Red Cross to replace the building it currently occupies with a new, larger, and more efficient one on the same site. I am glad that the senior Senator from New York, Senator MOYNIHAN, is a cosponsor of the legislation.

In 1947, the Congress passed a joint resolution, providing authority for this

Red Cross chapter to erect a permanent building for its use on Government-owned land, under the supervision of the Federal Works Administration—the precursor of the General Services Administration. For more than 40 years now, this site has been dedicated to the permanent use of the Red Cross.

After more than 40 years, the Red Cross has outgrown the facility and would like to construct a new building on the same site. The bill would amend the joint resolution to authorize the Red Cross to demolish the existing building and construct a new one at its own expense. The bill also would provide a ground lease to the Red Cross—for 99 years—in order to enable the Red Cross to secure mortgage financing for the project. At the end of the lease, the building would become the property of the United States.

The measure explicitly requires that the construction project be approved by the Fine Arts Commission and the National Capital Planning Commission, and that all costs—including taxes, insurance, and operating and maintenance expenses—would be borne by the Red Cross.

The bill has several advantages. Presently, the site is underutilized. The bill enables the Red Cross to obtain a larger, modern facility with room for future expansion. Space not immediately needed by the Red Cross could be made available to Federal Government agencies at reduced rental charges below commercial rates that reflect the value of the land.

Mr. President, I ask that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2496

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint Resolution to grant authority for the erection of a permanent building for the American National Red Cross, District of Columbia Chapter, Washington, District of Columbia", approved July 1, 1947 is amended by adding at the end thereof the following new section:

"Sec. 11. (a) Notwithstanding any other provision of law, the Administrator of the General Services Administration shall enter into a lease of the real property described in the first section of this Act with the American National Red Cross, District of Columbia Chapter. Such lease shall provide that such property shall be used as an office, medical and scientific facility by such Red Cross Chapter and the tenants of such Chapter on such terms and conditions as shall be customary and necessary, including that-

"(1) the lease shall be triple net to the United States and such Red Cross Chapter shall pay all taxes, insurance, and operating costs, and a rent of $1.00 for the term of the lease;

"(2) the lease term shall be for 99 years, and all improvements on such property shall revert to the ownership of the United States at the conclusion of the term;

"(3) such Red Cross Chapter may (at the expense of such Chapter) demolish the improvements on such property or any improvements constructed on such property after the date of enactment of this section, build, own, operate, and maintain new improvements, enter ino leases, finance improvements (and mortgage any improvements and the leasehold estate), and in all manner deal with the property subject only to the condition that the ownership interest of the United States in the land shall not be adversely affected;

"(4) any space not needed for the operations of such Red Cross Chapter or the American National Red Cross in any building or improvement constructed on such property shall be first made available for use by Federal agencies at rental rates and other related expenses that are less than fair market value and reflect the value of the property provided to such Red Cross Chapter under the provisions of this Act;

"(5) the United States shall cooperate with such Red Cross Chapter with respect to any zoning or other matters relating to the development or improvement of such property; and

"(6) the plans of any proposed building or improvement for construction after the date of the enactment of this section shall first be approved by the American National Red Cross, the Commission of Fine Arts, and the National Capital Planning Commission.

"(b) The enactment of this section may not be construed as establishing a policy of the United States Government to furnish building sites for Red Cross chapters or any eleemosynary institution at any other place.".●

By Mr. DANFORTH (for himself, Mr. Leahy, Mr. Simon, Mr. Reid, Mr. Boren, Mr. Heflin, Mr. Kerry, Mr. Mitchell, Mr. Chiles, Mr. Levin, Mr. Gore, Mr. DeConcini, Mr. Sarbanes, Mr. Conrad, Mr. Matsunaga, Mr. Sanford, Mr. Hollings, Mr. Cranston, Mr. Moynihan, Mr. Glenn, Mr. Bradley, Ms. Mikulski, Mr. Riegle, Mr. Adams, Mr. Pell, Mr. Dixon, Mr. Daschle, Mr. Bentsen, Mr. Kennedy, Mr. Dole, Mr. Chafee, Mr. Hatch, Mr. Durenberger, Mr. Stafford, Mr. Karnes, Mr. Bond, Mr. D'Amato, Mr. Hatfield, Mr. Lugar, Mr. Kasten, Mr. McClure, Mr. Simpson, Mr. Evans, Mr. McCain, Mr. Wilson, Mr. Domenici, Mr. Cochran, Mr. Heinz, Mr. Quayle, Mr. Boschwitz, and Mr. Trible):

S.J. Res. 336. Joint resolution designating October 16, 1988, as "World Food Day"; referred to the Committee on the Judiciary.

WORLD FOOD DAY

● Mr. DANFORTH. Mr. President, today I am joining with a number of my colleagues in a bipartisan effort to designate October 16, 1988, as "World Food Day." This legislation would encourage citizens across the country to explore ways in which the United States can further contribute to the elimination of world hunger.

The children of the world suffer the most serious effects of hunger and malnutrition, with millions of them dying each year from hunger-related illness and disease. In addition, hunger, malnutrition, and food policy remain problems in the United States, despite our Nation's vast resources and agricultural productivity. Continuing steps must be taken to confront the cruel paradox of world hunger despite the enormous surplus production capacity in the United States. The search for solutions to world hunger must address the problems both at home and abroad.

October 16, 1988, will mark the eighth international observance of World Food Day. Support for this observance has grown steadily since its inception in 1981, with Congress adopting a joint resolution each year. More than 400 voluntary organizations are supporting this year's observance of World Food Day, which will be highlighted by thousands of community activities nationwide.●

ADDITIONAL COSPONSORS

S. 1851

At the request of Mr. Chafee, his name was added as a consponsor of S. 1851, a bill to implement the International Convention on the Prevention and Punishment of Genocide.

S. 1961

At the request of Mr. Grassley, the name of the Senator from North Carolina [Mr. Helms] was added as a cosponsor of S. 1961, a bill to amend title 28, United States Code, to provide Federal debt collection procedures.

S. 1987

At the request of Mr. Inouye, the name of the Senator from New Mexico [Mr. Domenici] was added as a cosponsor of S. 1987, a bill to amend the United States Housing Act of 1937 to establish a separate program to provide housing assistance for Indians and Alaska Natives.

S. 2010

At the request of Mr. Levin, the name of the Senator from Kansas [Mr. Dole] was withdrawn as a cosponsor of S. 2010, a bill to establish a National Voluntary Reunion Registry Demonstration Program.

S. 2174

At the request of Mr. Burdick, the name of the Senator from South Dakota [Mr. Pressler] was added as a cosponsor of S. 2174, a bill to amend the Department of Transportation Act so as to reauthorize local rail service assistance.

S. 2176

At the request of Mr. Dixon, the name of the Senator from Idaho [Mr. McClure] was added as a cosponsor of

S. 2176, a bill to amend the Internal Revenue Code of 1986 to permit the tax-free purchase of motor fuels by individuals who are exempt from paying the motor fuels excise tax, and for other purposes.

S. 2234

At the request of Mr. DURENBERGER, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 2234, a bill to provide special rules for health insurance costs of self-employed individuals.

S. 2351

At the request of Mr. DOMENICI, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2351, a bill to amend the Internal Revenue Code of 1986 to repeal the capitalization rules for freelance writers, artists, and photographers.

S. 2379

At the request of Mr. SASSER, the names of the Senator from Tennessee [Mr. GORE], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 2379, a bill to authorize the insurance of certain mortgages for first-time homebuyers, and for other purposes.

S. 2478

At the request of Mr. FORD, the names of the Senator from Georgia [Mr. NUNN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Louisiana [Mr. BREAUX], the Senator from Utah [Mr. GARN], the Senator from Arizona [Mr. DECONCINI], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 2478, a bill to provide for a 2-year Federal budget cycle, and for other purposes.

S. 2490

At the request of Mr. SASSER, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 2490, a bill to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care provided during peacetime.

SENATE JOINT RESOLUTION 230

At the request of Mr. HELMS, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Alaska [Mr. MURKOWSKI], the Senator from South Dakota [Mr. PRESSLER], the Senator from New Mexico [Mr. DOMENICI], the Senator from Oklahoma [Mr. BOREN], the Senator from Arkansas [Mr. PRYOR], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of Senate Joint Resolution 230, a joint resolution to designate the third week of June 1988 as "National Dairy Goat Awareness Week."

SENATE JOINT RESOLUTION 272

At the request of Mr. DURENBERGER, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Senate Joint Resolution 272, a joint resolution to designate November 1988, as "National Diabetes Month."

SENATE JOINT RESOLUTION 288

At the request of Mr. BOREN, the names of the Senator from Indiana [Mr. QUAYLE] and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of Senate Joint Resolution 288, a joint resolution to designate the week of June 5, 1988, through June 11, 1988, as "National Intelligence Community Week."

SENATE JOINT RESOLUTION 307

At the request of Mr. RIEGLE, the names of the Senator from Minnesota [Mr. DURENBERGER] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 307, a joint resolution to designate the decade beginning January 1, 1988, as the "Decade of the Brain."

SENATE JOINT RESOLUTION 312

At the request of Mr. D'AMATO, the names of the Senator from Missouri [Mr. DANFORTH] and the Senator from Indiana [Mr. QUAYLE] were added as cosponsors of Senate Joint Resolution 312, a joint resolution designating the week beginning September 18, 1988, as "Emergency Medical Services Week."

SENATE JOINT RESOLUTION 314

At the request of Mr. BOSCHWITZ, the names of the Senator from Nebraska [Mr. KARNES], the Senator from Wyoming [Mr. SIMPSON], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Idaho [Mr. MCCLURE], the Senator from Alaska [Mr. STEVENS], the Senator from Wisconsin [Mr. KASTEN], the Senator from Colorado [Mr. WIRTH], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 314, a joint resolution designating October 1988 as "Pregnancy and Infant Loss Awareness Month."

SENATE JOINT RESOLUTION 324

At the request of Mr. DURENBERGER, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Joint Resolution 324, a joint resolution to designate February 1989 as "America Loves Its Kids Month."

SENATE JOINT RESOLUTION 325

At the request of Mr. ROCKEFELLER, the names of the Senator from Kansas [Mr. DOLE], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Joint Resolution 325, a joint resolution designating the third week in May 1989 as "National Tourism Week."

SENATE JOINT RESOLUTION 331

At the request of Mr. SHELBY, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of Senate Joint Resolution 331, a joint resolution to designate the week of June 19-25, 1988, as the "National Recognition of the Accomplishments of Women in the Workforce Week."

SENATE RESOLUTION 441—COMMENDING CLIFFORD HUGH FRAME FOR HIS LEADERSHIP AND ACHIEVEMENT

Mr. STEVENS (for himself and Mr. MURKOWSKI) submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 441

Whereas, Clifford Hugh Frame, as founder of Curragh Resources, Incorporated, has been primarily responsible for the resurgence of the Cyprus Anvil Mine in Canada's Yukon Territory;

Whereas, over 530,000 tons of lead and zinc concentrate are being shipped from Cyprus Anvil Mine to the Pacific Rim annually through Skagway, Alaska;

Whereas, the operation of the Mine has not only benefitted the Yukon economy, but also provided a valuable infusion of capital into Alaska's economy because of the reliance on the Skagway port and U.S. vessels; and

Whereas, the Canadian Mining Association has recently selected him as "Canadian Mining Man of the Year:" Now, therefore, be it

Resolved, That it is the sense of the Senate that Clifford Hugh Frame is to be commended for his leadership and achievement in the operation of the Cyprus Anvil Mine.

● Mr. STEVENS. Mr. President, the economy of southeast Alaska has suffered many setbacks in the past due to its heavy dependence on resource related issues. One such setback occurred in 1982 when the Cyprus Anvil Mine closed its doors as a result of a crash in the international zinc market. The mine is located in the Yukon Territory in Canada, but it also provided economic benefits to Alaska because our ports acted as the gateway to the world. All of the supplies to the mine and the ores produced were shuttled through Alaska. This ripple effect on the Alaskan economy ended when the mine shut down.

Curragh Resources, Inc., assumed control of the mine in 1985. The founder of Curragh, Clifford Hugh Frame, began operations in spite of the low international zinc prices. He succeeded in cutting costs dramatically, and has made the Cyprus Anvil Mine a profitable venture. This in turn has created opportunities for U.S. vessel operators who supply southeast Alaska, and for the port in Skagway which handles over 530,000 tons of ore concentrate each year.

The Canadian Mining Association has recently named Cliff Frame the Canadian Mining Man of the Year for his leadership. Today I am introducing the following resolution which also honors him for the successful rebirth of the mine and its positive economic effects on my State.●

AMENDMENTS SUBMITTED

DEATH PENALTY IN CASE OF DRUG RELATED KILLINGS

SIMON AMENDMENT NO. 2341

Mr. SIMON proposed an amendment to the bill (S. 2455) entitled "Death Penalty in Case of Drug Related Killings"; as follows:

On page 2, lines 10 and 11, strike ", or may be sentenced to death".

KENNEDY (AND OTHERS) AMENDMENT NO. 2342

Mr. KENNEDY (for himself, Mr. RIEGLE, and Mr. BRADLEY) proposed an amendment to the bill S. 2455, supra; as follows:

On page 11, strike beginning with line 19 through line 3 on page 12, and insert the following:

"RIGHT OF THE DEFENDANT TO JUSTICE WITHOUT DISCRIMINATION

"(o)(1) In any hearing held before a jury under this section, the court shall instruct the jury that in its consideration of whether the sentence of death is justified it shall not consider the race, color, national origin, or sex of the defendant or the victim, and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what race the defendant, or the victim, may be. The jury shall return to the court a certificate signed by each juror that consideration of race, color, national origin, creed, or sex of the defendant or the victim was not involved in reaching his or her individual decision, and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what race the defendant, or the victim, may be.

"(3) Not later than one year from the date of enactment of this section, the Comptroller General shall conduct a study of the various procedures used by the several States for determining whether or not to impose the death penalty in particular cases, and shall report to the Congress on whether or not any or all of the various procedures create a significant risk that the race of a defendant, or the race of a victim against whom a crime was committed, influence the likelihood that defendants in those States will be sentenced to death. In conducting the study required by this paragraph, the General Accounting Office shall—(1) use ordinary methods of statistical analysis, including methods comparable to those ruled admissible by the courts in race discrimination cases under Title VII of the Civil Rights Act of 1964;

(2) study only crimes occurring after January 1, 1976; and (3) determine what, if any, other factors, including any relation between any aggravating or mitigating factors and the race of the victim or the defendant, may account for any evidence that the race of the defendant, or the race of the victim, influences the likelihood that defendants will be sentenced to death. In addition, the General Accounting Office shall examine separately, and include in the report, death penalty cases involving crimes similar to those covered under this section."

D'AMATO AMENDMENT NO. 2343

Mr. D'AMATO proposed an amendment to the bill S. 2455, supra; as follows:

On page 3, line 17, strike "pleas" and insert "plea".

On page 6, lines 20 and 21, strike "mitigating factors, and any".

On page 6, lines 21 and 22, strike "(m) or".

On page 6, line 24 strike "(7)" and insert "(12)".

On page 7, lines 1 and 2, strike "A finding of such a factor by a jury shall be made by unanimous vote." and insert "A finding with respect to a mitigating factor may be made by one or more of the members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such a factor established for purposes of this subsection, regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous.".

On page 8, strike lines 7 and 8.

On page 8, line 9, strike "(2)" and insert "(1)".

On page 8, line 14, strike "(3)" and insert "(2)".

On page 8, line 17, strike "(4)" and insert "(3)".

On page 8, line 23, strike "(5)" and insert "(4)".

On page 11, line 24, after "national origin" insert ", creed,".

CONTINENTAL SCIENTIFIC DRILLING AND EXPLORATION ACT

JOHNSTON AMENDMENT NO. 2344

Mr. BYRD (for Mr. JOHNSTON) proposed an amendment to the amendment of the House to the bill (S. 52) to direct the cooperation of certain Federal entities in the implementation of the Continental Scientific Drilling Program; as follows:

S. 52 as passed by the House of Representatives is amended as follows:

On page 6, line 8, add "a report" after "paragraph (5),".

WITHDRAWAL AND RESERVATION OF CERTAIN FEDERAL LANDS

JOHNSTON AMENDMENT NO. 2345

Mr. BYRD (for Mr. JOHNSTON) proposed an amendment to the amendment of the House to the bill (S. 1508) to withdraw and reserve for the Department of the Air Force certain Federal lands within Lincoln County, NV, and for other purposes; as follows:

In the amendment of the House to the bill S. 1508, strike Titles II and III in their entirety, and insert the following new Title II:

TITLE II—LAND TRANSFERS

SEC. 201. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the public lands transferred by this title contain valuable natural resources (such as watershed, range, outdoor recreation and wildlife habitat) which will be enhanced by the professional, multiple-use management of the Forest Service; and that certain national forest lands would be enhanced by the professional multiple-use management of the Bureau of Land Management;

(2) the public which uses these natural resources will be benefited by such adjustments in management;

(3) the public lands transferred by this title to the jurisdiction of the Forest Service are adjacent to existing national forests and, in many cases, are part of the same watersheds and mountain ranges, and placing the management of these lands under the administration of one agency, the Forest Service, will improve efficiency and be cost effective; that simiar efficiency and cost effectiveness will result from transferring jurisdiction of certain national forest lands to the Bureau of Land Management and;

(4) there is a consensus in Nevada that certain lands should be added to the national forest system and that certain national forest system lands should be transferred to the Bureau of Land Management for management.

(b) PURPOSES.—The purposes of this title are—

(1) to transfer to the jurisdiction of the Forest Service, United States Department of Agriculture, certain public lands in Nevada currently administered by the Bureau of Land Management, United States Department of the Interior. These public lands are contiguous to the Toiyabe and Inyo National Forests and will become National Forest System lands; and

(2) to transfer to the jurisdiction of the Bureau of Land Management, United States Department of the Interior, certain lands in Nevada currently administered by the Forest Service, United States Department of Agriculture. These lands are contiguous to other public lands and will be managed as such.

SEC. 202. DEFINITIONS AS USED IN THIS TITLE.

(a) the term "public lands" means the lands administered by the Bureau of Land Management, United States Department of the Interior, as defined in Section 103(3) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701(e)); and

(b) the term "National Forest lands" or "National Forest System lands" means the lands administered by the Forest Service, United States Department of Agriculture, as defined in section 11 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

SEC. 203. TRANSFER OF LANDS.

(a) TRANSFER OF PUBLIC LANDS TO THE FOREST SERVICE—Effective one hundred and eighty days after the enactment of this title, the approximately five hundred twenty-two thousand acres of public lands designated for inclusion in the National Forest System on two maps entitled "Nevada Interchange-A", dated January 1987, and "Nevada Interchange-B", dated February 1988, are hereby withdrawn from the public domain, transferred to the jurisdiction of the Secretary of Agriculture, and shall become part of the Toiyabe National Forest or the Inyo National Forest, as appropriate.

(b) BOUNDARIES OF TOIYABE AND INYO NATIONAL FORESTS.—

(1) The boundaries of the Toiyabe National Forest and the Inyo National Forest are hereby modified to reflect the transfer of lands under subsection (a).

(2) For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Toiyabe National Forest and the Inyo National Forest, as modified by this subsection, shall be treated as if they were the boundaries of those National Forests as of January 1, 1965.

(c) TRANSFER OF FOREST SERVICE LANDS TO THE BUREAU OF LAND MANAGEMENT.—Effective 180 days after the enactment of this title, the approximately 23,000 acres of national forest lands identified for management by the Bureau of Land Management on a map entitled "Nevada Interchange-A" and dated January 1987, are hereby transferred to the Secretary of the Interior.

(d) MAPS.—The maps referred to in subsection (a) and subsection (c) shall be on file and available for public inspection in the offices of the Governor of Nevada, the Supervisors of the Toiyabe and Inyo National Forests, and the Nevada State Director of the Bureau of Land Management. The Secretaries of Agriculture and the Interior may make minor changes to the maps to correct technical errors.

(e) Effective 180 days after enactment of this title, lands transferred by subsection (a) of this section to the jurisdiction of the Secretary of Agriculture shall be subject to the planning requirements of section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, and lands transferred by subsection (c) of this section to the jurisdiction of the Secretary of the Interior shall be subject to the planning requirements of the Federal Land Policy and Management Act of 1976. All transferred lands shall continue to be managed in accordance with plans in effect on the date of enactment of this Act until considered in plans developed under applicable provisions of law. If no plans are in effect on the date of enactment of this title, the respective transferred lands shall be managed in a manner consistent with other national forest or public lands, as the case may be, in the vicinity until a plan is developed under applicable provisions of law. Nothing in this title shall of itself require the amendment or revision of the existing plans governing public lands or national forest lands affected by the addition of or deletion of lands transferred by this title.

SEC. 204. WILDERNESS SUITABILITY.

(a) BLM WILDERNESS STUDY AREAS.—Any area or portion thereof designated as a Bureau of Land Management Wilderness Study Area, which is made a part of the National Forest System by this title, shall be managed by the Secretary of Agriculture in accordance with the provisions of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), to protect its wilderness character until Congress designates it as wilderness or releases it from further wilderness consideration. At the same time that the Secretary of the Interior submits wilderness recommendations to the Congress with regard to public lands in the State of Nevada, he shall also recommend to the Congress whether any wilderness study area or portion thereof transferred to the jurisdiction of the Forest Service by this Act should be included in the National Wilderness Preservation System.

(b) ROADLESS AREAS NOT RECOMMENDED AS WILDERNESS.—Any roadless area or portion thereof which is made a part of the National Forest System by this title and which has been considered but not recommended for designation as wilderness pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) shall be deemed to have been adequately considered for wilderness for the purposes of the initial land management plans hereafter required for such lands by section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604). The Secretary of Agriculture shall not be required to review the wilderness option for such area prior to the next regular revision of such plans for the national forest in question, but the Secretary of Agriculture shall review the wilderness option for such area when such plans are revised.

(c) If the Secretary of the Interior does not recommend for wilderness designation all or any portion of the one hundred and sixty acres of land described in this subsection, the Secretary of Agriculture is authorized to sell such land not recommended for wilderness at fair market value to Sky Mountain Resort, its successors or assigns. At such time as the Secretary of Agriculture decides to sell such land, he shall notify Sky Mountain Resort, its successors or assigns, and proceed with the sale, provided that the prospective purchaser indicates an interest in such purchase within six months of the date of the Secretary of Agriculture's offer to sell such land. The land is described as follows:

Mount Diablo Meridian
Township 20 South, Range 57 East,
Section 28
Southeast ¼ of Southeast ¼
Northwest ¼ of Southeast ¼
Northeast ¼ of Northeast ¼
Section 34, Southwest ¼ of Northwest ¼

(d) NO ADDITION TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM.—Nothing in the title shall be construed to add lands to the National Wilderness Preservation System.

SEC. 205. MANAGEMENT OF MINERAL RESOURCES.

Nothing in this title shall be construed to change the laws governing the management of mineral resources.

SEC. 206. ADMINISTRATION OF RECEIPTS.

The acreage added to the Toiyabe and Inyo National Forests in the State of Nevada by this title shall not be counted in determining the distribution of the Twenty-Five Percent Fund between the States of California and Nevada under the Act of May 23, 1908, as amended: Provided, however, That the acreage added to these forests shall be counted in the distribution of the Twenty-Five Percent Fund among the affected counties in Nevada.

SEC. 207. WATER RIGHTS.

(a) Congress hereby expressly reserves the minimum quantity of water necessary to achieve the primary purposes for which the lands transferred pursuant to section 203(a) are withdrawn. Those purposes are hereby declared to be solely and exclusively the primary purposes for which the National Forests within which the lands are to be included were established. The priority date for such reserved rights shall be the date of transfer pursuant to this Act and such rights shall be perfected pursuant to the procedural requirements of the laws of the State of Nevada.

(b) Congress hereby expressly relinquishes all Federal reserved water rights created by the initial withdrawal from the public domain of the lands transferred pursuant to section 203(c) effective on the date of such transfer.

(c) Nothing in this title shall create an implied reservation of water.

(d) Nothing in this title shall affect the right of the United States or of any person to acquire or dispose of water or water rights pursuant to the substantive and procedural requirements of the laws of the State of Nevada.

SEC. 208. VALID EXISTING RIGHTS.

(a) Nothing in this title shall affect valid existing rights of any person under any authority of law.

(b) Authorizations to use lands tranferred by this title which were issued prior to the date of tranfer shall remain subject to the laws and regulations under which they were issued. Such authorization shall be administered by the Secretary to whom jurisdiction over affected lands has been transferred by this title: Any renewal or extension of such authorization shall be subject to the laws and regulations pertaining to the agency which has jurisdiction over the land at the time the renewal or extension is requested. The change of administrative jurisdiction resulting from the enactment of this title shall not in itself constitute a basis for denying or approving the renewal or reissuance of any such authorization.

SEC. 209. ADMINISTRATIVE APPEALS.

With respect to the lands transferred by section 4, any formal administrative appeal, adjudication, or review pending on the date of transfer of jurisdiction under this Act shall be completed by the Secretary, or his designee, of the Department in which it was initiated.

SEC. 210. CONTINUATION OF EXPERIMENTAL STEWARDSHIP PROGRAMS.

The Secretary of Agriculture and the Secretary of the Interior are strongly encouraged to continue any Experimental Stewardship Programs involving Federal lands transferred to the jurisdiction of their respective agencies pursuant to this title.

SEC. 211. TRANSFER OF BUREAU OF RECLAMATION'S WILBUR SQUARE RESPONSIBILITIES TO THE CITY OF BOULDER CITY

(a) Notwithstanding any other provision of law, the Secretary of the Interior is authorized and directed to enter into an agreement with the City of Boulder City, Nevada (hereinafter referred to as the "City"), which will provide that, upon acceptance by the City of title to and financial responsibility for continued maintenance of the parcel of land described in this subsection, all remaining repayment obligations owing to the United States, pursuant to contract No. 14-06-300-978, dated January 4, 1960, between the United States and the City, as of the date of enactment of this title, shall be discharged. The land shall be maintained as a public park by the City at its own cost and expense, and shall be conveyed to the City, without consideration, by Quit Claim Deed subject to the conditions, restrictions, and protective covenants as established in the Guidelines of the Advisory Council on Historic Preservation (36 Code of Federal Regulations, part 800). Title shall revert to the United States if the land ceases to be used for park purposes. The agreement shall also stipulate that the City shall provide, without cost to the United States, the water supply required to water the Federal grounds surrounding the Bureau of Reclamation's administration building in the City, for as long as Federal ownership is retained, or through the year 2010, which ever occurs first.

The land to be conveyed to the City is described as follows: approximately 3.25 acres, comprising all of Block Six, according to Sheet 1 of 20, Block Plats of Boulder City, Nevada, Drawing No. X-300-460, dated July 15, 1959, and known as Wilbur Square or Government Park.

(b) The Secretary of the Interior is authorized to enter into an agreement for the City to provide gardening services on Bureau of Reclamation land within the City; and in partial payment for this gardening service to transfer to the City any or all lawn and garden equipment owned and used by the Bureau of Reclamation as of the date of enactment of this Act, which is used to maintain the Bureau's grounds within the City; and

(c) The Secretary of the Interior is authorized to transfer title to the City to all or any portion of the City water supply system which remains in Federal ownership and is located outside of the Hoover Dam Security Area, and to provide the City with a permanent easement across all Federal lands necessary to properly operate and maintain any facilities so transferred. The agreement referred to in this Section shall also provide that all obligations to make payments to the United States for operation, maintenance, and replacement for works transferred to the City shall be discharged as of the date or dates of said transfer of title or operations and maintenance responsibility to the City.

NOTICES OF HEARINGS

SPECIAL COMMITTEE ON AGING

Mr. MELCHER. Mr. President, I would like to announce for the public that the Special Committee on Aging has scheduled a 2-day hearing on the EEOC's Performance in Enforcing the Age Discrimination in Employment Act.

The hearings will take place on Thursday, June 23 and Friday, June 24, 1988, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building in Washington, DC.

For further information, please contact Max Richtman, staff director, at (202) 224-5364.

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION AND STABILIZATION OF PRICES

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Agricultural Production and Stabilization of Prices of the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on the barley and oats situation on June 23, 1988, at 10 a.m. in room 332, Russell Senate Office Building.

Senator JOHN MELCHER will preside. For further information please contact George Paul of the subcommittee staff at 224-5207.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on June 10, 1988, to review the results of the meetings between the Committee on Finance and the Committee on Ways and Means on recommendations to the Administration on Legislation to implement the Canada Free Trade Area Agreement, and to consider the nominations of Jill E. Kent to be Assistant Secretary of the Treasury for Management, W. Allen Moore to be Under Secretary of Commerce for International Trade and Jan W. Mares to be Assistant Secretary of Commerce for Import Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BYRD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Friday, June 10, to conduct a hearing on issues concerning the environmental impacts of pesticides and related products.

The PRESIDING OFFICER. Without objection, it is ordered.

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative Practice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on June 10, 1988, to hold a hearing on S. 1358, to clarify the transfer provisions of the Bankruptcy Code, S. 1626, intellectual property bankruptcy protection, S. 1863, municipal bankruptcy, S. 2279, regarding interest swap agreements of the Bankruptcy Code.

The PRESIDING OFFICER. Without objection, it is ordered.

SUBCOMMITTEE ON INTERNATIONAL TRADE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on International Trade of the Committee on Finance be authorized to meet during the session of the Senate on June 10, 1988, to hold a hearing on S. 2252, a bill to encourage economic development in Central America.

The PRESIDING OFFICER. Without objection, it is ordered.

ADDITIONAL STATEMENTS

CONGRATULATIONS TO DARRYL BORDELON, JR., FOR HIS AWARD-WINNING SDI PROJECT AT THE LOUISIANA STATE SOCIAL STUDIES FAIR

● Mr. JOHNSTON. Mr. President, I am delighted to recognize an outstanding young student, Darryl Bordelon, Jr., of Kenner, LA, for his ingenuity and creativity which resulted in his social studies project on the strategic defensive initiative winning three separate awards. He won a first place award at his school and advanced to the regional fair where he won first place and this enabled him to enter the Louisiana State Social Studies Fair, where Darryl won the third place award.

Darryl is a sixth grade student at Bissonet Plaza Elementary School at Metarie, LA.

It gives me even further great pleasure to know that my New Orleans office was of some small help in furnishing Darryl information on the strategic defense initiative.

Mr. President, in paying tribute to Darryl, I congratulate him for taking the time to research and construct his prize-winning project, and extend every good wish for much success in the future.●

LAWRENCE E. WEATHERFORD

● Mr. CHILES. Mr. President, it is a pleasure for me to join with the many friends and associates of Lawrence E. Weatherford in wishing him well on the occasion of his retirement from the Department of Labor. His has been a long and distinguished career starting with 4 years with the Georgia Department of Labor from 1954 to 1958 and followed by 30 years of service with the U.S. Department of Labor.

Most recently Mr. Weatherford has been the regional administrator of the Employment and Training Administration in Atlanta, GA. In that capacity, he administers the Federal responsibilities of the Job Training Partnership Act [JTPA], the Federal/State employment service and unemployment insurance system, and related support programs in the eight-State region.

One of the States under his jurisdiction, of course, is my home State of Florida. As regional administrator, Larry Weatherford has done an outstanding job to help improve Florida's job training services.

Announcement of Mr. Weatherford's retirement was made recently by Robert T. Jones, Acting Assistant Secretary of Labor, who worked both with and for Mr. Weatherford over a period of 17 years. Mr. Jones called him "one of the most respected civil servants in the country, the heart and soul of what public service is all about, because he cares about people and believes in the job training system and the professionals who work in it."

Later this month Mr. Weatherford will become associate vice president for development and university relations at the University of Georgia in Athens, GA. I am sure that he will bring the same selfless dedication to this post that he has demonstrated throughout his Government service, and it is a pleasure for me to wish him well as he takes up his new career.●

HENRY ALTOBELLO

● Mr. DODD. Mr. President, I rise to honor the memory of a great leader and a dear friend, Henry D. Altobello, who rose to well-deserved eminence in the Connecticut Democratic Party, and who died this week at the age of 80. He is sorely missed by his family and his large circle of friends, of which I am one.

Mr. Altobello was a close personal friend of mine. He served as Meriden mayor and State senator, was chairman of the State commission on youth services, and for the past 26 years, was secretary of the State central committee. He earned the unique distinction of having both Interstate 691 and the new Department of Children and Youth Services Center in Meriden named after him. The respect that Connecticut residents felt for Henry Altobello was so deep that he was the only Connecticut resident to have an institution named after him prior to his death. He was a good friend of Governors John Dempsey, Ella Grasso, and William O'Neill. But most of all, during a lifetime of service, he was a good friend to the people of Connecticut.

It is rare for a civil servant to work in the public eye for a whole lifetime without losing his ambition to serve, or without the public losing their enthusiasm for him. Henry Altobello never failed in either respect. He was loved by the residents of Meriden. He treated everyone as a neighbor.

Henry Altobello was a great man that I will miss tremendously. Along with many other Connecticut residents, I mourn this loss. My family and I are truly indebted to him, and we wish to extend our deepest condolences to his widow, Josephina, and the rest of his family.●

FRED WEISHER DAY

● Mr. DODD. Mr. President, I rise to pay tribute to Fred Weisher, a civic-minded member of my home State of Connecticut who has devoted countless hours to community youth and who currently serves as the top vote winning first selectman of the town of Windsor.

Weisher's big-hearted devotion to his community makes him a modern-day hero. In fact, the Windsor Town Council has designated June 10 as "Fred Weisher Day." A committee of his friends have worked tirelessly to raise the thousands of dollars he needs, as a double amputee, to install ramps and convert his house to make it easier for him to get around. Clearly, he is a man rich in friends and rich in personal achievement. Few can claim to be richer.

But a list of his accomplishments is only half the story. Fred Weisher has done something that the most carefully crafted programs from Washington often fail to achieve: he has gotten countless kids off the street and away from drugs and television sets. Many Windsor kids can trace their best friend, or some of their happiest afternoons to participation in a youth program that he organized. Those kids are better people, and Windsor is a better place, because of Fred Weisher's devotion.

Today, on Fred Weisher Day, we give thanks to a man who has spent much of his own time helping others. So far, the friends of Fred Weisher have raised over $30,000 in their campaign to revamp his home, and he has received a $17,400 van, equipped for the handicapped. But the most important gift he has received is the appreciation of his friends and neighbors. They respect his leadership so much that they have reelected him again and again to the Windsor Democratic Town Committee, and they respect his service as first selectman. He is truly a model citizen. Today we honor and thank Fred Weisher, who, in giving his time and patience to others, has taught us something about giving of ourselves.●

NATIONAL LIBRARY CARD SIGNUP MONTH

● Mr. KERRY. I support Senate Joint Resolution 298, a joint resolution sponsored by Senator D'AMATO to designate September 1988 as "National Library Card Signup Month." I believe that our children can keep America economically competitive only if they have ready access to the information resources which libraries offer. But it is not enough to simply issue library cards to every child in the Nation. We must make sure that the libraries our children visit are first-rate information centers, fully funded and second to none in the world. Without full and proper library funding, we run the risk of depriving our children of the resources they will need to keep our Nation economically competitive and our citizenry educationally competent.

Unfortunately, President Reagan's budget submission this year cuts library funding by nearly 25 percent. The following items funded in fiscal year 1988 are "zero funded," given no funding at all, in the fiscal year 1989 DOE budget request: Public library services, public library construction, interlibrary cooperation, library literacy programs, training and demonstration, research libraries, and college library technology. As Congress continues work on appropriations this year, it is my hope that the reductions proposed by Secretary of Education William Bennett will be reversed.

Secretary Bennett has recently taken a posture of high visibility regarding the American Library Association library card campaign. Commenting on ALA's campaign, Bennett said "Let's have a national campaign: every child should obtain a library card—and use it." I concur and hope that the Secretary's support for this program is an indication that the administration is ready to join in providing vital financial support to this Nation's libraries.●

ENERGY POLICY

● Mr. LEVIN. Mr. President, I recently asked the Congressional Research Service [CRS], to produce a chart of the amounts that have been spent on energy research and development for fiscal years 1981 and 1988, and the budget request for fiscal year 1989. The table they produced is illuminating.

The table shows that, with few exceptions, funding for these programs has been dramatically reduced since fiscal year 1981. The table also shows tax expenditures for conservation and renewable energy tax credits. Again, with few exceptions, the tax expenditures have been almost totally eliminated.

Meanwhile, from 1982 to 1987 our consumption of oil has increased by almost 10 percent, and our dependence on foreign sources of energy has increased by 34 percent. What is worse is that over the same period our dependence on Persian Gulf oil has increased 47 percent.

This trend is continuing at an even more rapid rate in 1988. Department of Energy figures for January and February show that imports of oil from the Persian Gulf have increased 30 percent and 50 percent over the already higher 1987 levels for those months. The numbers show that now more than 10 percent of the oil we consume comes from the Persian Gulf.

To say that these all of these figures are alarming would be an understatement. These numbers are warning signals, and they are blaring loudly. They are warning us to adopt a rational energy policy before it is too late, before we are at OPEC's mercy again, once they get their act together, and before we repeat the long waiting lines at gas stations of a few years back.

I ask that the tables appear in the RECORD.

The tables follow:

TABLE 1.—ENERGY APPROPRIATIONS

[By fiscal years; in millions of dollars]

	1981	1988	1989 request
Solar energy	552	97	80
Geothermal energy	156	21	16
Electric energy	112	20	26
Nuclear reactor R&D	818	347	352
Magnetic fusion	394	335	360
Coal R&D	730	234	102
Clean coal demonstrations	0	50	525
Gas production R&D	31	11	2
Energy conservation R&D	292	156	86
Energy conservation grants R&D	402	121	9

TABLE 2.—ENERGY TAX EXPENDITURES

[By fiscal years; in millions of dollars]

	1981	1988	1989 projected
Synthetic fuels credit	25	20	20
Alcohol fuel credit	>2.5	200	300
Energy industrial development bonds	>5	200	200
Residential renewable energy credits	115	0	0
Residential energy conservation credit	425	0	0
Business renewable energy credits	225	100	0
Business energy conservation credit	295	0	0
Intercity buses credit	5	0	0●

CAMPAIGN FINANCE REFORM

● Mr. BOREN. Mr. President, on Tuesday, the people of California voted on very important initiatives dealing with campaign finance reform, propositions 68 and 73. Both, called for campaign contribution limits on individuals and PAC's as well as new disclosure requirements.

Proposition 68 was more comprehensive by calling for aggregate limits on the amount of PAC money which may be accepted by candidates, and setting up a system of voluntary spending limits tied to partial public financing, similar to the original S. 2 as introduced by myself and the majority leader, Senator BYRD, in January of last year.

Even though both initiatives passed, as proposition 73 received a larger number of actual votes, only certain provisions of both bills will now have the effect of law. Clearly, however, two things can be learned from the election.

First, people are growing more and more concerned and upset by the high costs of campaigns and by the influence of special interest money in politics. Second, the use of negative campaigning tools and distortions continue to dominate the airwaves.

Even though the spending limits of proposition 68 will not be implemented into law due to the language in the other initiative, the aggregate PAC limits and other reforms will take effect. Had a well-financed campaign by opponents of real reform not distorted the provisions of prop 68, perhaps the spending limits provisions would also have become effective. However, the well-organized, well-financed opposition was not only able to have prop 73 put on the ballot to divert attention from the real reforms of prop 68, but their last minute, negative television campaign kept prop 68 from receiving a larger majority.

What this shows, Mr. President, is the voters for the most part will not be fooled. A clear majority in the largest state in the Nation want major campaign reform. It should serve as a clear signal to all of us that given a clear choice, free from distortions, the people are fed up with politicians being full time fundraisers and part-time legislators.

Mr. President, I would ask that two particularly compelling opinion pieces on the issue of reform—one by Joseph Califano, Jr., from the New York Times and the other by Ron Brownstein in the Los Angeles Times—be printed in the RECORD at this point for review by my colleagues.

The articles follow:

[From the New York Times, May 27, 1988]

PAC'S REMAIN A POX

(By Joseph A. Califano, Jr.)

WASHINGTON.—The most pernicious corruption of government today stems not from bribery, graft and sleazy deals that scream from tabloid headlines, but from conduct we as a people have blessed as lawful: the aggressive solicitation of campaign contributions from private interests who are subject to the laws and regulations made by the aggressive solicitors.

Despite the Reagan "revolution", government regulation is more pervasive than ever. The size and variety of our nation and economy, as well as our scientific genius, compel Federal, state and local governments to get more and more involved in every aspect of our lives—from licenses to the cleanliness of restaurants; from footnotes on corporate financial reports to words describing possible side effects of new drugs; from qualifications of pilots, doctors and nuclear engineers to the safety of drinking water and toys.

Each day more people have something to gain or lose from government actions. Understandably, they want access to protect themselves and enhance their position.

With politicians dotting more i's and crossing more t's than ever before, the intricacy of today's legislative process provides deep cover for special interests to win victories without unwanted publicity. Each Federal legislative session features at least one piece of legislation, usually a tax or budget bill, virtually indecipherable by the uninitiated and rife with opportunity for special interests. Most state legislatures mark their final hours by passing hundreds of pages of laws only special interests and their legislative allies read and understand.

The astronomical cost of winning and keeping office has legislators persistently craving cash—for broadcast time, mail, travel, staff and other campaign expenses. In 1986, almost half a billion dollars was spent on Congressional elections, a 100 percent increase since 1980. The average Senate race in 1986 cost $3 million, with some approaching $10 million; House races averaged nearly $350,000, with many topping $1 million.

Enter the political action committees—PAC's—the money changers in the temple of politics. If there is any doubt that they have taken over the temple, reflect on these facts: Today, there are more than 4,000 PAC's, up sixfold since the late 1970's. In the 1986 election, PAC's gave Congressional candidates nearly a third of their campaign funds. Every major corporation, interest group or union has a PAC to serve their quest for (at the very least) an attentive ear.

PAC money is aimed from a rifle, not a shotgun. In 1986, 90 percent of all PAC money went to incumbents, most to members who regulate business, allocate federal funds for big contracts and write tax laws. It's no coincidence that of the 469 seats at stake in 1986 House and Senate elections, only 12 challengers succeeded in defeating incumbents. In 1988, 27 Senate incumbents up for re-election had amassed $63 million by March 31.

The chicken-and-egg effect is especially troubling. PAC's give most of their money to incumbents because they are more likely to win; incumbents win largely because PAC's heavily finance them. Indeed, incumbents routinely flaunt huge war chests to scare off potential challengers. Election to Congress or a state legislature is therefore like getting life tenure at a university.

The combination of complex legislation, a big appetite for campaign money, and the ready availability of PAC funds creates an open invitation to corrupt government. Increasingly, members are less responsive to people who elect them than to special interests their committees and subcommittees regulate. This combination yields a bitter political harvest. We get bad laws that unashamedly promote a narrow interest over the public good.

Sometimes we get no laws at all, particularly when a legislative battle engages irresistible forces and immovable objects—opponents with very deep PAC pockets. So it's not surprising that Congress has made little headway on critically important banking issues that pit the banks against the securities industry, or has refused to tackle pressing telecommunications issues, ceding oversight of this critical national industry to a single Federal judge.

Raising money is a depressing distraction for those who wish to serve. Reuben Askew, the sure Democratic Senate nominee in Florida, withdrew because he was spending 80 percent of his time raising money. Several Senators have told me that during their campaign seasons for at least one, and often for three, of their six years—they spend half their time raising money.

The solution is as clear as it is difficult to achieve: Eliminate most of the demand for private money from politics. This means public funding and expenditure caps for Congressional, state and city elections, such as we have for Presidential races. Unfortunately, most incumbents have long opposed public funding because they know that private financing is tantamount to tenure. Public financing would almost certainly provide competing candidates for the 150 or so House members who run for re-election with little or no opposition.

President Lyndon B. Johnson used to tell me that the most demeaning task of the President was to go, hat in hand, to the rich to beg for political money. He knew the power of political money but he also sensed its threat to our democratic system. That's why he presssed for public financing of Presidential campaigns.

We are in our fourth Presidential campaign using public funding and expenditure caps. The system works; Challengers can run and win, spending caps help slow inflation in campaign costs; matching fund requirements encourage wide public participation; PAC money plays a much smaller role in Presidential campaigns than in House and Senate contests and PAC's therefore have less room to pry premature, narrow commitments out of candidates.

I have been privileged to watch Federal and state governments at intimate range for 30 years. I know that virtually everyone who enters public service, Republican or Democrat, liberal or conservative, does so to serve, to make our nation and communities better.

It's too easy to condemn the corrupt or pandering politician. We must ask ourselves just what kind of an arena we the people provide for those who give all or part of their lives to public service, particularly elective office.

It's time to extend public financing to all election campaigns. We can no longer afford the best government private money can buy. That kind of government is losing the broad citizen support essential to fulfill its basic obligations to help the vulnerable among us, maintain law and order, dispense justice and provide for our national defense.

[From the Los Angeles Times, May 29, 1988]

WHY INCUMBENTS HOLD THEIR PLACES

(By Ronald Brownstein)

This has been a frustrating year for campaign reformers. Hopes of passing federal legislation to limit spending and establish public financing for congressional elections were dashed this spring when Senate Democrats were unable to crack a Republican filibuster, despite a record eight cloture votes.

Now campaign finance experts from around the country are watching California—where voters will consider an initiative establishing a similar expenditure-limiting, public-financing system for state legislative races on the June 7 ballot. Proposition 68 is backed by a diverse coalition including Common Cause and the California Business Roundtable; it is opposed, with uncharacteristic unanimity, by the bipartisan leadership of the state legislature and Gov. George Deukmejian—a group that usually couldn't agree on the weather. A competing initiative to ban spending limits, Proposition 73, shows no signs of getting off the ground.

On both the federal and state level, the drive to limit campaign spending has been energized by public concern about inexorably rising costs. In California, spending in state legislative races jumped 30% from 1984 through 1986.

Total spending, though, isn't the most dangerous trend in campaigns. More frightening is the rapidly advancing extermination of electoral competition in legislative and congressional races, insulating legislators against effective review by their constituents. Barring a scandal, it has become virtually impossible to unseat an incumbent. "Right now we reelect House members at a rate equal to that of Kremlin elections," said Mark Green, president of the Democracy Project, a progressive think tank in New York.

In 1986, only six members of the House of Representatives were defeated in the general election. Nationally, the percentage of incumbent state legislators reelected has climbed into the high 90s. In California, no one seeking reelection to the state Assembly, the state Senate or Congress was defeated in 1986. In the 1984 election, only one incumbent representative and one state legislator lost their seats.

The real scandal in campaign spending is the way money insulates incumbents from competitive races. The spending gap between incumbents and challengers has exploded over the past decade. In 1974, the average U.S. representative outspent the challenger by 46%. By 1986, the gap had widened to 174%, according to the Center for Responsive Politics. In the Senate, over that same period, the spending gap between incumbents and challengers expanded from 38% to 93%.

In the state, the gap is at insurmountable levels. In 1976, California Assembly incumbents outspent opponents by 3-1; a decade later, they had widened their advantage to 30-1. In recent state Senate races, incumbents overwhelmed challengers with a 62-1 spending advantage.

Why the growing chasm? A reason is the increasing tendency of Political Action Committees (PACs) to buy into, rather than challenge, the legislative status quo. Liberals often look at PACs as mortal enemies—the pernicious tools of conservative business interests dedicated to uprooting progressives. But, in practice, PACs care less about ideology than incumbency; they are the ultimate pragmatists. Instead of funding longshot challengers, PACs increasingly prefer to invest in incumbents—even those they disagree with—so they can guarantee access to entrenched legislative powers. "This is a self-fulfilling prophecy: Incumbents have a tremendous advantage so people and groups are only willing to bet on challengers in extraordinary circumstances," said Rep. David E. Price (D-N.C.), one of the last campaign's six successful challengers.

In the 1985-86 election cycle, PACs gave almost five times more money to congressional incumbents than challengers. In this campaign, according to Ed Zuckerman, editor of a newsletter on PACs, the committees have given almost 14 times as much money to incumbents as challengers. Because so many congressional incumbents are Democrats, PACs, ironically, have become a bulwark of the Democrats' liberal Capitol Hill majority. The same trends govern dispersal of special-interest money in Sacramento, with the vast majority of funds going to incumbents, no matter their ideological persuasion.

With so much of the big money showered on incumbents, challengers haven't been able to keep up. Most reformers believe the only way to narrow the incumbents' financial advantage is to place limits on overall spending, as Proposition 68 would do. "Incumbents can always raise more money than challengers, so if you are placing your spending limits at a point the challengers can reach, you are improving their chances," said Robert M. Stern, co-director of the California Commission on Campaign Financing that wrote the proposal the initiative is based on.

But not all analysts agree. Some, such as Herbert E. Alexander, a campaign finance expert at USC, argue that expenditure limits help sitting legislators because challengers often must outspend them to overcome the advantages of incumbency. That's true—but more at a theoretical than practical level, since challengers almost never outspend incumbents anymore. Only one challenger for a U.S. Senate seat has raised more money than his opponent in this campaign. Of the seven challengers who unseated Senate incumbents in 1986, only one (Sen. Tom Daschle, D-S.D.) outspent his opponent. Even four of the six successful House challengers in 1986 were outspent.

Given the bias toward incumbents in political giving, it's hard to see how the proposition's expenditure limits would make state races less competitive. The measure's ban on fund-raising before the election year would certainly prevent incumbents from scaring off challengers by amassing huge war chests. And incumbents wouldn't be so opposed to spending limits if they believed restrictions would make it tougher for challengers.

But an expenditure limit isn't enough to increase healthy competition. In Wisconsin, where a similar public-financing, spending-limit system is in place, the reelection rate for state legislators remains above 95%.

Part of the problem is that public financing doesn't necessarily level the financial playing field. Many California state legislative candidates raise so little money they wouldn't meet the threshold set by the initiative ($20,000 in Assembly and $30,000 in state Senate races) to qualify for public dollars.

And spending limits address only one of the advantages incumbents enjoy. An incumbent's other assets include subsidized mailings to constituents, years of cultivating contacts and full-time staffs delivering favors in the district. Most daunting, legislative incumbents often represent gerrymandered districts so heavily stocked with party partisans that challenges become impractical, if not impossible.

Challengers for U.S. Senate seats can overcome these disadvantages because they attract enough money, and media, to make themselves known to the voters—even if they are outspent. That's largely why challengers were able to topple one-fourth of the Senate incumbents seeking reelection in 1986.

But most House and state legislative challengers find it impossible to cross that visibility threshold. Val Marmillion, a former congressional aide challenging Westside Democratic Rep. Anthony C. Beilenson in the June primary, has received no local TV coverage and his campaign cannot afford advertising in the expensive Los Angeles media market. Under those circumstances, even alerting voters to the existence of a challenger "is a hell of a problem," Marmillion said.

To enhance competition, Green and others have proposed requiring TV stations to make time available to all qualified federal candidates at low or no-cost, and mailing government-funded brochures to voters in which candidates could explain their positions. Both ideas would make challengers more viable—as would expenditure limitations. But the key in many states, particularly California, remains redistricting. After the last census, Democrats so artfully redistricted the Statehouse and congressional districts that most campaigns are little more than formalities.

That hard fact doesn't diminish the importance of campaign finance reform. Many Washington reformers are hoping that a California vote to limit campaign spending will revive the issue of federal expenditure limits, although prospects in the next Congress currently appear bleak. But in California the fight over campaign spending is only half the battle. Without a major reform of redistricting in time for the next reapportionment (after the 1990 census), a victory for the spending limitation on June 7 could be a hollow one.●

INFORMED CONSENT: IOWA

● Mr. HUMPHREY. Mr. President, today I would like to insert three letters into the RECORD from women in the State of Iowa urging support for my informed consent legislation, S. 272 and S. 273. Unfortunately, the experiences of these women are far more common than we are led to believe. The deep emotional trauma suffered by these women could have been prevented. If they had been given factual information on the risks and alternatives to the abortion procedure these women would have had the ability to make a fully informed choice. Perhaps they would still have procured the abortion, perhaps not. But the fact remains that they were victimized in a most serious way by someone who, deliberately or negligently, withheld valid, factual medical information.

I ask that these letters be printed in the RECORD.

The letters follow:

NOVEMBER 2, 1987.

DEAR SENATOR HUMPHREY: I had an abortion in 1981 basically because I was scared of parenthood and didn't really know what I was doing. It took about three and a half years before I could face what I had done.

My life was in much disarray at the time (1984): I was unemployed and my intended husband had died of cancer only four months earlier. I remember sitting in the dark in my apartment just crying because of my situation. And all of the sudden the memory of my abortion was brought to mind and I realized that I wasn't dealing with one death but two. In the minutes that followed I knew that I had willingly allowed my child, my own baby to be killed. The truth of that really hit my heart hard and I knew I could not keep on living if I had had an abortion without thinking about the truth of what I wanted to do and did. I considered I wasn't worthy of life for taking the life of my child without so much as a second thought. I wanted to die right there and then so I decided to make what should have been a permanent decision, to end my life as soon as possible. The next day I told a dear and trusted friend of my intents and he didn't hesitate to make sure I was put in the psychiatric unit of a local hospital. I was only there for a week but it was such an intense week. . . I felt so broken and hopeless and in such emotional pain that I didn't know what to do about it.

I told my psychiatrist what the problem was—the abortion was literally driving me to suicide. He didn't seem to think I should have a problem anymore, after all it had been three and a half years. I was supposed to have dealt with the abortion (and any problems) within that time period. But I had denied for so long what I had done that I didn't even know where to start or how to deal with it without being totally overwhelmed for the rest of my life. I got out of the hospital being on anti-depressants and under psychiatric care for several months to follow.

I can only attribute any (and all) healing that I've gotten to live with this situation as coming from God. God has been the only source to which I could turn to in the most painful times and in a miracle, find forgiveness from Him, from my baby and from myself. God really used a great bunch of people for my benefit to bring healing to my heart. There are still tender spots (and times) but I can live with that.

I am so encouraged by the recognition of post-abortion syndrome as something that's real and viable. That greatly helps to know that I really wasn't going crazy for words. I believe that as people recognize PAS that women will be willing to seek healing from their abortion experiences. I know that the sharing of testimonies from women who have gone through abortions has really made people see that abortion is killing and for women who are in crisis pregnancy situations to really think about their decision before it's too late. I have been able to share my experience with many women who have considered abortion as the solution while volunteering at a crisis pregnancy center here in town. To see those women think about options is good. To see them change their minds and have their child is great! It makes my sharing worthwhile.

Thank you for allowing me to share my experiences with PAS. I hope it will help.

Sincerely,

MARY TROXEL.

FEBRUARY 7, 1987.

Mr. HUMPHREY: I had an abortion in 1971 in New York. At that time NY was the only liberal state performing abortions. I was a young girl of 19 and single, caught up in the sexual revolution.

I didn't know the Lord at that time so I wanted to believe the lies that Planned Parenthood told me. They (PP) referred me to this women's clinic in NY told me how much it would cost, set up the scene for me. I live in Iowa so this was quite an ordeal for me.

The NY clinic had the system down pat. I would fly in, meet at a specific spot in the airport, taken by van to the clinic. At the clinic, everyone there went thru a private counseling session where we were instructed in how this "mass of mucas" would be removed. I don't ever recall being told from the time I was pregnant until way after my abortion that there was an alternative.

The procedure was very painful and I truly feel sorry for the young doctor who tore this little person to bits; could see it was human and try to convince himself it was not. I forgive him and I pray he has found the Lord and learned to forgive himself.

I still wonder about that baby and regret my lack of courage to give it life. But I had been indoctrinated somewhere, somehow. I really don't know how I knew about abortions but I received this knowledge no doubt from the public schools.

In closing I would like to relate to you something curious I've observed.

When I tell liberals I'm dead set against abortion because I've had one and know first hand what it is really all about. They will look at me with a look that says "How could you do such a barbaric act." Isn't it strange when they meet someone who has actually done what they believe is all right, it turns out not being all right?

Sincerely,

SHIRLEY DALBY.

MARCH 1, 1988.

DEAR SENATOR HUMPHREY: I am a 32 year old married woman with two living children. My life now is fairly peaceful but fourteen years ago it wasn't so.

When I was eighteen I met a man I was very interested in. We saw each other every day and very soon I became curious about sex. In late May, I became pregnant. The doctor was not sure for awhile because each time I took a pregnancy test the answer was different.

The most I can remember of my own feelings about that time was I was sick to my stomach all the time and I just wanted it all to stop (my being sick).

I remember telling my boyfriend about being pregnant and he told me he was leaving the state soon. The next day my boyfriend moved to Idaho.

My parents are divorced so I turned to my mother for guidance and support. She felt that we should look into an abortion and I agreed.

I was very embarrassed at being pregnant and just wanted this crisis behind me. Never did I acknowledge that I was with child for this meant giving this crisis situation a human quality.

My mother went to the doctor with me and the doctor confirmed that I was pregnant. My mother asked if he had ever handled an abortion. He said that yes he did and she asked if he would do an abortion on me. He said yes he would. My mom looked at the doctor and said, "It's not a baby yet is it?" He replied, "No, not yet, it's just a blob of tissue."

A few days later I was admitted to Iowa Methodist Hospital. I never once thought that this was a decision I would later regret for the rest of my life. It never occurred to me to even be curious about the development of this baby. I only knew my boyfriend had left me, he wouldn't marry me, I was tired of being sick and crying all the time. I just wanted this over so I could get on with my life.

I don't remember anything about my abortion because they gave me sodium pentothal. I was released from the hospital a few days later.

On July 19th I was walking down a hospital corridor (I worked in another hospital) and I collapsed. The doctor said I had gotten a germ called staph in the operating room and it had gone all the way into my respiratory system. I was in bad shape. I was hospitalized for two weeks.

Since that time, I have had two little girls, but I will never forget the little one I could have had. I was only able to carry my two girls for seven months. We believe that's because of my abortion.

The torment of knowing you destroyed your child is indescribable. I only realized when I was pregnant with our older children that this was actually a living breathing human being I was carrying around. And it really wasn't until her birth that this full realization came about.

Emotionally I would put this on a shelf and refuse to deal with it fully. Finally with my husband's support we began talking to each other about this and then to other close friends and finally I have now spoken about my experience publicly to others.

Although I know I could never bring my baby back I do wish I had known all the facts in the very beginning. I am sure I would have handled things very differently.

Thank you for this opportunity to tell my story.

Sincerely,

CANDY L. GILCHRIST.●

SALEM MARITIME NATIONAL HISTORIC SITE

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 686.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 2652) to revise the boundaries of Salem Maritime National Historic Site in the Commonwealth of Massachusetts, and for other purposes.

The bill was considered, ordered to a third reading, read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BILL INDEFINITELY POSTPONED—S. RES. 438

Mr. BYRD. Mr. President, I ask unanimous consent that Calendar Order 718 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTINENTAL SCIENTIFIC DRILLING AND EXPLORATION ACT

Mr. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 52.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 52) entitled "An Act to direct the cooperation of certain Federal entities in the implementation of the Continental Scientific Drilling Program", do pass with the following amendment:

Strike out all after the enacting clause and insert: *That this Act may be cited as the "Continental Scientific Drilling and Exploration Act".*

SEC. 2. PURPOSES.

The purpose of this Act is to—

(1) implement section 323 of the joint resolution entitled "Joint Resolution making continuing appropriations for the fiscal year 1985, and for other purposes", approved October 12, 1984 (Public Law 98-473; 98 Stat. 1875) which supports and encourages the development of a national Continental Scientific Drilling Program;

(2) enhance fundamental understanding of the composition structure, dynamics, and evolution of the continental crust, and how such processes affect natural phenomena such as earthquakes, volcanic eruptions, transfer of geothermal energy, distribution of mineral deposits, the occurrence of fossil fuels, and that nature and extent of aquifers;

(3) advance basic earth sciences research and technological development;

(4) obtain critical data regarding the earth's crust relating to isolation of hazardous wastes; and

(5) develop a long-range plan for implementation of the Continental Scientific Drilling Program.

SEC. 3. FINDINGS.

Congress finds that—

(1) because the earth provides energy, minerals, and water, and is used as a storage medium for municipal, chemical, and nuclear waste, and understanding of the processes and structures in the earth's crust is essential to the well being of the United States;

(2) there is a need for developing long-range plans for a United States Continental Scientific Drilling Program; and

(3) the Continental Scientific Drilling Program would enhance—

(A) understanding of the crustal evolution of the earth and the mountain building processes;

(B) understanding of the mechanisms of earthquakes and volcanic eruptions and the deveopment of improved techniques for prediction;

(C) understanding of the development and utilization of geothermal and other energy sources and the formation of and occurrence of mineral deposits;

(D) understanding of the migration of fluids in the earth's crust for evaluation of waste contamination and the development of more effective techniques for the safe subsurface disposal of hazardous wastes;

(E) understanding and definition of the size, source, and more effective use of aquifers and other water resources; and

(F) evaluation and verification of surface geophysical techniques needed for exploring and monitoring the earth's crust.

SEC. 4. IMPLEMENTATION OF CONTINENTAL SCIENTIFIC DRILLING PROGRAM.

The Secretary of the Department of Energy, the Secretary of the Department of the Interior through the United States Geological Survey, and the Director of the National Science Foundation shall implement the policies of section 323 of the joint resolution entitled "Joint Resolution making continuing appropriations for the fiscal year 1985, and for other purposes", approved October 12, 1984 (Public Law 98-473; 98 Stat. 1875) by—

(1) taking such action as necessary to assure an effective, cooperative effort in furtherance of the Continental Scientific Drilling Program of the United States;

(2) taking all reasonable administrative and financial measures to assure that the Interagency Accord on Continental Scientific Drilling continues to function effectively in support of such program;

(3) assuring the continuing effective operation of the Interagency Coordinating Group to further the objectives of such program;

(4) taking such action to assure that the Interagency Coordinating Group receives appropriate cooperation from any Federal agency that can contribute to the objectives of such program, without adversely affecting any program or activity of such agency;

(5) acting through the Interagency Coordinating Group, preparing and submitting to the Congress, within one hundred and eighty days after the enactment of this Act a report describing—

(A) long and short-term policy objections and goals of the United States Continental Scientific Drilling Program;

(B) projected schedules of desirable scientific and engineering events that would advance United States objectives in the Continental Scientific Drilling Program;

(C) the levels of resources and funding for fiscal year 1989 that would be required by each participating Federal agency to carry out events pursuant to subparagraphs (A) and (B);

(D) the scientific, economic, technological, and social benefits expected to be realized through the implementation of such program at each level described in subparagraph (C);

(E) a recommended course for interaction with the international community in a cooperative effort to achieve the goals and purposes of this Act;

(F) the extent of participation or interest shown to date in the Continental Scientific Drilling Program—

(i) any other governmental agency;

(ii) any academic institution;

(iii) any organization in the private sector; and

(iv) any governmental or other entity in the international community;

(G) a plan to develop beneficial cooperative relationships among the entities mentioned in subparagraph (F), to the extent that the Interagency Coordinating Group deems practicable; and

(H) any other information or recommendations that the Interagency Coordinating Group deems appropriate; and

(6) submitting to the Congress annually, beginning one year after the submission of a report under paragraph (5), describing the levels of resources and funding that would be required by each participating Federal agency for the next fiscal year to carry out events pursuant to paragraph (5) (A) and (B).

CONTINENTAL SCIENTIFIC DRILLING AND EXPLORATION ACT

Mr. PRESSLER. Mr. President, I am very pleased to reiterate my support for S. 52, the Continental Scientific Drilling and Exploration Act, legislation I introduced at the beginning of this Congress. This important legislation will move us closer toward developing a national Continental Scientific Drilling Program [CSDP].

This program was first brought to my attention 4 years ago, when Dr. Jim Papike of the South Dakota School of Mines and Technology came to me to explain the great potential behind continental scientific drilling. He explained the benefits of deep drilling to our base of scientific knowledge and the immediate practical benefits for energy and mineral exploration and earthquake research. He also drew analogies to the space program in terms of beneficial technological spinoffs. Jim has truly been the motivating force behind this legislation.

The importance of this program cannot be overstated. It will retrieve vital information to help in predicting earthquakes, locating deposits of strategic minerals, improving drilling technology, and advancing scientific knowledge of the Earth's crust. It will enhance our understanding of the formation and migration of petroleum and natural gas, and the dynamics behind the geothermal systems that provide energy for the generation of electrical power. The discovery and development of these and other potential energy sources will become more and more important to the economic and security interests of the United States over the coming decades.

In addition, understanding how liquids flow deep within the Earth's crust would help scientists ensure the safe disposal of hazardous wastes and toxic substances. Deep drilling is also the only way to obtain accurate measurements of the stresses and temperature changes associated with geological faults. Such information could one day enable scientists to predict potentially devastating earthquakes with greater accuracy.

This important research will not be limited to any one area or State, and will have a very positive impact in the areas affected, both scientifically and economically. In my home State of South Dakota, for example, there are a number of specific targets for CSDP research. One is a large, relatively low temperature geothermal anomaly located in the central portion of the State, which could tell us much about the flow and temperatures of aquifers and lead to a better understanding of a large source of geothermal energy. CSDP research could also produce much information about the mineral potential of areas such as the Black Hills of South Dakota. The South Dakota School of Mines and Technology, located in Rapid City, SD, is superbly suited to play a major role in these efforts, both inside South Dakota and nationwide.

The United States is behind the Europeans and the Soviet Union in the exploration of the Earth's crust. This legislation will help our efforts by coordinating the drilling programs of the Department of Energy, the U.S. Geological Survey, the National Science Foundation, and involved universities, thus providing a national commitment to continental drilling and avoiding duplication of effort. It calls for a progress report 180 days after enactment. This report will include the policy objectives of the Continental Scientific Drilling Program, a schedule of events for implementation of the program, and plans for international cooperation.

I introduced S. 52 at the beginning of this Congress. It passed the Senate last summer, and the House 3 weeks ago, with one change in reporting procedures. S. 52 has no budgetary impact. It has strong support in the scientific and academic communities. Mr. President, I strongly urge the adoption of this legislation.

AMENDMENT NO. 2344

Mr. BYRD. Mr. President, on behalf of Mr. JOHNSTON, I move that the Senate concur in the amendment of the House with a further amendment which I send to the desk on behalf of Mr. JOHNSTON.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

S. 52 as passed by the House of Representatives is amended as follows:

On page 6, line 8, add "a report" after "paragraph (5),".

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

WITHDRAWAL AND RESERVATION OF CERTAIN FEDERAL LANDS

Mr. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1508.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1508) entitled "An Act to withdraw and reserve for the Department of the Air Force certain Federal lands within Lincoln County, Nevada, and for other purposes", do pass with the following amendment:

Strike all after the enacting clause, and insert:

TITLE I—WITHDRAWAL OF GROOM MOUNTAIN AREA

SEC. 101. AMENDMENT.

Section 1(b) of the Military Lands Withdrawal Act of 1986 (100 Stat. 3457) is amended by striking the period at the end of paragraph (2) and by inserting in lieu thereof the following: "and lands comprising approximately 89,600 acres of land in Lincoln County, Nevada, as generally depicted on the map entitled 'Groom Mountain Addition to Nellis Air Force Range' dated September 1984 and filed in accordance with section 2.".

SEC. 102. CONFORMING AMENDMENT.

Section 5(b)(2) of the Military Lands Withdrawal Act of 1986 (100 Stat. 3463) is hereby amended by striking out subparagraph (B) and by striking out "(A)" after "(2)".

TITLE II—WILDERNESS DESIGNATION

SEC. 201. PURPOSES.

The purposes of this title are:

(1) To designate certain National Forest System lands in the State of Nevada as components of the National Wilderness Preservation System, in furtherance of the purposes of the Wilderness Act of 1964 (78 Stat. 890), in order to preserve the wilderness character of the land and to protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude and physical and mental challenge.

(2) To ensure that certain other National Forest System lands in the State of Nevada be available for nonwilderness uses.

SEC. 202. ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM.

In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131-1136), the following lands are hereby designated wilderness, and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Toiyabe National Forest, which comprise approximately 38,000 acres, are generally depicted on a map entitled "Alta Toquima Wilderness—Proposed", dated April 1987, and which shall be known as the Alta Toquima Wilderness.

(2) Certain lands in the Toiyabe National Forest, which comprise approximately 113,000 acres, as generally depicted on a map entitled "Arc Dome Wilderness—Proposed", dated April 1987, and which shall be known as the Arc Dome Wilderness.

(3) Certain lands in the Inyo National Forest, which comprise approximately 10,000 acres, as generally depicted on a map entitled "Boundary Peak Wilderness—Proposed", dated April 1987, and which shall be known as the Boundary Peak Wilderness.

(4) Certain lands in the Humboldt National Forest, which comprise approximately 32,000 acres, as generally depicted on a map entitled "Currant Mountain Wilderness—Proposed", dated April 1987, and which shall be known as the Currant Mountain Wilderness.

(5) Certain lands in the Humboldt National Forest, which comprise approximately 31,000 acres, as generally depicted on a map entitled "East Humboldt Wilderness—Proposed", dated April 1987, and which shall be known as the East Humboldt Wilderness.

(6) Certain lands in the Humboldt National Forest, which comprise approximately 28,000 acres, as generally depicted on a map entitled "Grant Range Wilderness—Proposed", dated April 1987, and which shall be known as the Grant Range Wilderness.

(7) Certain lands in the Humboldt National Forest, which comprise approximately 48,500 acres, as generally depicted on a map entitled "Jarbidge Wilderness Additions—Proposed", dated April 1987, and which shall be deemed to be a part of the Jarbidge Wilderness as designated by Public Law 88-577.

(8) Certain lands in the Toiyabe National Forest, which comprise approximately 43,000 acres, as generally depicted on a map entitled "Mt. Charleston Wilderness—Proposed", dated April 1987, and which shall be known as the Mount Charleston Wilderness.

(9) Certain lands in the Humboldt National Forest, which comprise approximately 81,500 acres, as generally depicted on a map entitled "Mt. Moriah Wilderness—Proposed", dated April 1987, and which shall be known as the Mount Moriah Wilderness. Any lands depicted on such map as being within the boundaries of the Mount Moriah Wilderness and which are under the jurisdiction of the Secretary of the Interior shall, upon enactment of this Act, be transferred to the administrative jurisdiction of the Secretary of Agriculture to be administered as components of the national forest system and the National Wilderness Preservation System. The national forest boundary shall be adjusted accordingly.

(10) Certain lands in the Humboldt National Forest, which comprise approximately 19,000 acres, as generally depicted on a map entitled "Quinn Canyon Wilderness—Proposed", dated April 1987, and which shall be known as the Quinn Canyon Wilderness.

(11) Certain lands in the Humboldt National Forest, which comprise approximately 77,000 acres, as generally depicted on a map entitled "Ruby Mountains Wilderness—Proposed", dated April 1987, and which shall be known as the Ruby Mountains Wilderness.

(12) Certain lands in the Humboldt National Forest, which comprise approximately 31,000 acres, as generally depicted on a map entitled "Santa Rosa Wilderness—Proposed", dated April 1987, and which shall be known as the Santa Rosa Wilderness.

(13) Certain lands in the Humboldt National Forest, which comprise approximate-

ly 83,000 acres, as generally depicted on a map entitled "Schell Peaks Wilderness—Proposed", dated November 1987, and which shall be known as the Schell Peaks Wilderness.

(14) Certain lands in the Toiyabe National Forest, which comprise approximately 96,000 acres, as generally depicted on a map entitled "Table Mountain Wilderness—Proposed", dated April 1987, and which shall be known as the Table Mountain Wilderness.

SEC. 203. MAPS AND DESCRIPTIONS.

As soon as practicable after enactment of this Act, the Secretary of Agriculture shall file a map and a legal description of each wilderness area designated by this Act with the Committee on Interior and Insular Affairs of the United States House of Representatives and with the Committee on Energy and Natural Resources of the United States Senate. Each such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in each such map and description may be made by the Secretary. Each such map and description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

SEC. 204. ADMINISTRATION OF WILDERNESS.

Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

SEC. 205. WILDERNESS REVIEW CONCERNS.

(a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) the Congress has made its own review and examination of National Forest System roadless areas in the State of Nevada and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to National Forest System lands in the State of Nevada; such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Nevada;

(2) with respect to the National Forest System lands in the State of Nevada which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II) and those lands referred to in subsection (d), that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time, the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(3) areas in the State of Nevada reviewed in such final environmental statement or referenced in subsection (d) and not designated wilderness upon enactment of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: Provided, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of Nevada are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Nevada for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an "amendment" to a plan.

(d) The provisions of this section shall also apply to:

(1) National Forest System roadless lands in the State of Nevada which are less than five thousand acres in size.

(2) Those National Forest System roadless areas, or portions thereof in the State of Nevada, which were identified by unit plans listed at the end of this subparagraph, which are not designated as wilderness by this Act:

National Forest	Unit Plan
Humboldt	Santa Rosa
Humboldt	Ruby Mtn./E. Humboldt
Toiyabe	Mt. Charleston
Toiyabe	Central Nevada.

SEC. 206. GRAZING IN WILDERNESS AREAS.

(a) Grazing of livestock in wilderness areas established by this Act, where established prior to the enactment of this Act, shall be administered in accordance with section 4(d)(4) of the Wilderness Act and section 108 of Public Law 96-560 (94 Stat. 3265).

(b) The Secretary of Agriculture is directed to review all policies, practices, and regulations of the Department of Agriculture regarding livestock grazing in national forest wilderness areas in Nevada in order to insure that such policies, practices, and regulations fully conform with and implement the intent of Congress regarding grazing in such areas, as such intent is expressed in this Act.

SEC. 207. STATE FISH AND WILDLIFE AUTHORITY.

As provided in section 4(d)(7) of the Wilderness Act, nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Nevada with respect to wildlife and fish in the national forests in Nevada.

SEC. 208. ADJACENT MANAGEMENT.

Congress does not intend that the designation of wilderness areas in the State of Nevada lead to the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from within any wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

SEC. 209. MOUNT ROSE NATIONAL RECREATION AREA.

(a) DESIGNATION.—For purposes of conserving and protecting scenic, wildlife, biological, educational, and recreational values, certain lands in the Toiyabe National Forest and the Lake Tahoe Basin Management Unit which comprise approximately 29,000 acres, as generally depicted on a map entitled "Mount Rose National Recreation Area—Proposed", dated November 1987, are hereby designated the Mount Rose National Recreation Area (hereinafter in this section referred to as "the area").

(b) MAP.—The Secretary of Agriculture (hereinafter in this section referred to as the "Secretary") shall file the map referred to in subsection (a) with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. Such map shall have the same force and effect as if included in this Act; except that correction of clerical and typographical errors in such map may be made. The map shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(c) ADMINISTRATION.—(1) The Secretary shall administer the area so as to achieve the purposes of its designation as a national recreation area in accordance with the laws and regulations applicable to the National Forest System.

(2) Subject to valid existing rights, all federally owned lands within the area are hereby withdrawn from all forms of entry, appropriation and disposal under the mining and public land laws, and disposition under the geothermal and mineral leasing laws.

(3) The area shall be closed to the harvesting of timber, except that the Secretary may take measures to reduce the effects of fire, insects and disease, and to enhance wildlife populations.

(4) The lands within the area designated as "roadless, nonmotorized" on the map referred to in subsection (a) shall remain roadless and be closed to motorized use, except that the Secretary may authorize the use of motorized equipment and transportation for fire suppression, search and rescue operations and other emergencies.

(5) Off road vehicle use on lands in the area not designated as "roadless, nonmotorized" on the map referred to in subsection (a) shall be confined to trails and areas designated by the Secretary, but such trails and areas shall not exceed those for which off road vehicle use was authorized as of the enactment of this Act.

TITLE III—LAND TRANSFERS

SEC. 301. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) The public lands transferred by this title contain valuable natural resources (such as watershed, range, outdoor recreation and wildlife habitat) which will be enhanced by the professional, multiple-use management of the Forest Service; and that certain national forest lands would be enhanced by the professional multiple-use management of the Bureau of Land Management.

(2) The public which uses these natural resources will be benefited by such adjustments in management.

(3) The public lands transferred by this title to the Forest Service are adjacent to existing national forests and, in many cases, are part of the same watersheds and mountain ranges, and placing the management of these lands under the administration of one agency, the Forest Service, will improve efficiency and be cost effective; that simillar efficiency and cost effectiveness will result from transfer of certain National Forest lands to the Bureau of Land Management.

(4) There is a consensus in Nevada that these lands should be added to the National Forests and that some National Forest lands should be transferred to the Bureau of Land Management for management.

(b) PURPOSE.—The purpose of this title is to promote the national interest through changes in the management of Federal lands in Nevada, including the addition of certain public lands to the National Forests in Nevada and the transfer of certain lands now managed by the Forest Service to management by the Bureau of Land Management, Department of the Interior.

SEC. 302. DEFINITIONS.

As used in this title—

(1) The term "public lands" means the lands administered by the Bureau of Land Management, United States Department of the Interior, as defined in section 103(3) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701(e)).

(2) The term "National Forest lands" or "National Forest System lands" means the lands administered by the Forest Service, United States Department of Agriculture, as defined in section 11 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

SEC. 303. TRANSFER OF LANDS.

(a) TRANSFER OF PUBLIC LANDS TO THE FOREST SERVICE.—Effective 180 days after enactment of this Act, the approximately 895,000 acres of public lands designated for inclusion in the National Forest System on 3 maps entitled "Sierra Front Additions", "Spring Mountain Additions", and "Hot Creek Additions" and dated November 1987, are hereby transferred to the administrative jurisdiction of the Secretary of Agriculture and shall become part of the Toiyabe National Forest or the Inyo National Forest.

(b) BOUNDARIES OF TOIYABE AND INYO NATIONAL FORESTS.—

(1) The boundaries of the Toiyabe National Forest and the Inyo National Forest are hereby modified to reflect the transfer of lands under subsection (a).

(2) For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Toiyabe National Forest and the Inyo National Forest, as modified by this subsection, shall be treated as if they were the boundaries of those National Forests as of January 1, 1965.

(c) TRANSFER OF FOREST SERVICE LANDS TO THE BUREAU OF LAND MANAGEMENT.—Effective 180 days after the enactment of this Act, the approximately 23,000 acres of National Forest lands identified for management by the Bureau of Land Management on a map entitled "Sierra Front Additions" and dated November 1987, are hereby transferred to the administrative jurisdiction of the Secretary of the Interior.

(d) MAPS.—The maps referred to in subsection (a) and subsection (c) shall be on file and available for public inspection in the offices of the Chief, Forest Service, Department of Agriculture, and the Director, Bureau of Land Management, Department of the Interior. The Secretaries of Agriculture and the Interior may make changes to the maps to correct technical errors.

(e) PLANS.—Effective 180 days after enactment of this Act, lands transferred by subsection (a) of this section to the jurisdiction of the Secretary of Agriculture shall be subject to the planning requirements of section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, and lands transferred by subsection (c) of this section to the jurisdiction of the Secretary of the Interior shall be subject to the planning requirements of the Federal Land Policy and Management Act of 1976. All transferred lands shall continue to be managed in accordance with plans and designations in effect on the date of enactment of this Act until considered in plans developed under applicable provisions of law. If no plans are in effect on the date of enactment of this Act, the respective transferred lands shall be managed in a manner consistent with other National Forest or public lands, as the case may be, in the vicinity until a plan is developed under applicable provisions of law. Nothing in this title shall of itself require the amendment or revision of the existing plans governing public lands or National Forests affected by the addition of or deletion of lands transferred by this Act.

SEC. 304. WILDERNESS SUITABILITY.

(a) MANAGEMENT OF WILDERNESS STUDY AREAS.—(1) Any portion of the public lands which as of January 1, 1987, was being managed pursuant to section 603(c) of the Federal Land Policy and Management Act of 1976 and which is made a part of the National Forest System by this title shall be managed by the Secretary of Agriculture pursuant to such section of such Act until Congress determines otherwise.

(2) At any time after the date of enactment of this Act, but no later than 60 days after the date on which the President submits to the Congress recommendations pursuant to section 603 of the Federal Land Policy and Management Act with respect to public lands in the State of Nevada, the Secretary of Agriculture shall submit to the President and to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate recommendations as to whether any of the lands described in paragraph (1) should be designated as wilderness. Upon receipt of such recommendations, the President shall submit recommendations with respect to such areas in the same manner as provided in section 3(d) of the Wilderness Act.

(b) OTHER BUREAU OF LAND MANAGEMENT ROADLESS AREAS.—Any roadless portion of the public lands which as of January 1, 1987, was not being managed pursuant to section 603(c) of the Federal Land Policy and Management Act of 1976 and which is made a part of the National Forest System by this title shall be deemed to have been adequately considered for wilderness for the purposes of the initial land management plans required for such lands by section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604). The Secretary of Agriculture shall not be required to manage any such area to preserve wilderness values or to review the wilderness option before any revision of such plans, but the Secretary shall review the wilderness option for such area when such plans are revised.

(c) ROADLESS AREAS RECOMMENDED FOR WILDERNESS.—Any roadless area, or portion thereof, on national forest lands recommended by the Secretary of Agriculture for wilderness which will be transferred to the jurisdiction of the Secretary of the Interior pursuant to section 203(c) of this title, shall be managed by the Secretary of the Interior in accordance with the provisions of section 603(c) of Federal Land Policy and Management Act, or other specific statutory direction.

SEC. 305. MISCELLANEOUS PROVISIONS.

(a) MANAGEMENT OF MINERAL RESOURCES.—Nothing in this title shall be construed to change the laws governing the management of mineral resources.

(b) ADMINISTRATION OF RECEIPTS.—The acreage added to the Toiyabe and Inyo National Forests in the State of Nevada by this title shall not be counted in determining the distribution of the Twenty-Five Percent Fund between the States of California and Nevada under the Act of May 23, 1908 (16 U.S.C. 500), except that the acreage added to these forests shall be counted in the distribution of the Twenty-Five Percent Fund among the affected counties in Nevada.

(c) VALID EXISTING RIGHTS.—Nothing in this title shall abrogate valid existing rights of any person under any authority of law as of the date of enactment of this Act.

(d) EXISTING LAND-USE AUTHORIZATIONS.—Authorizations to use lands transferred by this title which were issued prior to the date of transfer shall remain subject to the laws and regulations under which they were issued, except that such laws and regulations shall be administered by the Secretary to whom jurisdiction over the affected lands has been transferred by this title. However, renewals and extensions shall be subject to the laws and regulations pertaining to the agency which has jurisdiction over the land at the time of renewal or extension. The change of administrative jurisdiction resulting from the enactment of this title shall not in itself constitute a basis for denying or approving the renewal or reissuance of any such authorization.

(e) ADMINISTRATIVE APPEALS.—With respect to the lands transferred by section 203, any formal administrative appeal, adjudication, or review pending on the date of transfer of jurisdiction under this title shall be completed by the Secretary of the Department in which it was initiated except that the Secretary of the Department having jurisdiction over the land pursuant to this title may exercise final administrative review.

TITLE IV—GENERAL PROVISIONS

SEC. 401. ACREAGE.

The acreage cited in this Act is approximate and in the event of discrepancies between cited acreage and the lands depicted on reference maps, the maps shall control.

SEC. 402. AUTHORIZATION.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

Mr. HECHT. Mr. President, I am very pleased that the Senate is about to pass the National Forests and Public Lands of Nevada Enhancement Act of 1988, a bill to transfer approximately 500,000 acres of land from the Bureau of Land Management to the Forest Service in Nevada. The bill is associated with another measure to withdraw some public land in Nevada for Air Force use.

The Enhancement Act is very popular in my State. It enjoys the support of the entire Nevada congressional delegation. We have worked very hard to develop the legislative language and draw the boundaries in a manner that the entire delegation can support, and so I hope the House of Representatives can accept this legislation, and pass it promptly.

The bill will make for better and more efficient management of Nevada's Federal lands. It will be good for watershed, good for wildlife, and good for recreation. I am pleased that the Enhancement Act is the first bill that I introduced as Nevada's senior Senator. I strongly support this legislation, and I look forward to its being enacted into law in the very near future.

Thank you, Mr. President.

AMENDMENT NO. 2345

Mr. BYRD. Mr. President, I move that the Senate concur in the amendment of the House with a further amendment which I send to the desk on behalf of Mr. JOHNSTON.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. JOHNSTON, proposes an amendment numbered 2345.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the amendment of the House to the bill S. 1508, strike Titles II and III in their entirety, and insert the following new Title II:

TITLE II—LAND TRANSFERS

SEC. 201. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the public lands transferred by this title contain valuable natural resources (such as watershed, range, outdoor recreation and wildlife habitat) which will be enhanced by the professional, multiple-use management of the Forest Service; and that certain national forest lands would be enhanced by the professional multiple-use management of the Bureau of Land Management;

(2) the public which uses these natural resources will be benefited by such adjustments in management;

(3) the public lands transferred by this title to the jurisdiction of the Forest Service are adjacent to existing national forests and, in many cases, are part of the same watersheds and mountain ranges, and placing the management of these lands under the administration of one agency, the Forest Service, will improve efficiency and be cost effective; that similar efficiency and cost effectiveness will result from transferring jurisdiction of certain national forest lands to the Bureau of Land Management and;

(4) there is a consensus in Nevada that certain lands should be added to the national forest system and that certain national forest system lands should be transferred to the Bureau of Land Management for management.

(b) PURPOSES.—The purposes of this title are—

(1) to transfer to the jurisdiction of the Forest Service, United States Department of Agriculture, certain public lands in Nevada currently administered by the Bureau of Land Management, United States Department of the Interior. These public lands are contiguous to the Toiyabe and Inyo National Forests and will become National Forest System lands; and

(2) to transfer to the jurisdiction of the Bureau of Land Management, United States Department of the Interior, certain lands in Nevada currently administered by the Forest Service, United States Department of Agriculture. These lands are contiguous to other public lands and will be managed as such.

SEC. 202. DEFINITIONS AS USED IN THIS TITLE.

(a) the term "public lands" means the lands administered by the Bureau of Land Management, United States Department of the Interior, as defined in Section 103(3) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701(e)); and

(b) the term "National Forest lands" or "National Forest System lands" means the lands administered by the Forest Service, United States Department of Agriculture, as defined in section 11 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

SEC. 203. TRANSFER OF LANDS.

(a) TRANSFER OF PUBLIC LANDS TO THE FOREST SERVICE.—Effective one hundred and eighty days after the enactment of this title, the approximately five hundred twenty-two thousand acres of public lands designated for inclusion in the National Forest System on two maps entitled "Nevada Interchange-A", dated January 1987, and "Nevada Interchange-B", dated February 1988, are hereby withdrawn from the public domain, transferred to the jurisdiction of the Secretary of Agriculture, and shall become part of the Toiyabe National Forest or the Inyo National Forest, as appropriate.

(b) BOUNDARIES OF TOIYABE AND INYO NATIONAL FORESTS.—

(1) the boundaries of the Toiyabe National Forest and the Inyo National Forest are hereby modified to reflect the transfer of lands under subsection (a).

(2) For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Toiyabe National Forest and the Inyo National Forest, as modified by this subsection, shall be treated as if they were the boundaries of those National Forests as of January 1, 1965.

(c) TRANSFER OF FOREST SERVICE LANDS TO THE BUREAU OF LAND MANAGEMENT.—Effective 180 days after the enactment of this title, the approximately 23,000 acres of national forest lands identified for management by the Bureau of Land Management on a map entitled "Nevada Interchange-A" and dated January 1987, are hereby transferred to the Secretary of the Interior.

(d) MAPS.—The maps referred to in subsection (a) and subsection (c) shall be on file and available for public inspection in the offices of the Governor of Nevada, the Supervisors of the Toiyabe and Inyo National Forests, and the Nevada State Director of the Bureau of Land Management. The Secretaries of Agriculture and the Interior may make minor changes to the maps to correct technical errors.

(e) Effective 180 days after enactment of this title, lands transferred by subsection (a) of this section to the jurisdiction of the Secretary of Agriculture shall be subject to the planning requirements of section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, and lands transferred by subsection (c) of this section to the jurisdiction of the Secretary of the Interior shall be subject to the planning requirements of the Federal Land Policy and Management Act of 1976. All transferred lands shall continue to be managed in accordance with plans in effect on the date of enactment of this Act until considered in plans developed under applicable provisions of law. If no plans are in effect on the date of enactment of this title, the respective transferred lands shall be managed in a manner consistent with other national forest or public lands, as the case may be, in the vicinity until a plan is developed under applicable provisions of law. Nothing in this title shall of itself require the amendment or revision of the existing plans governing public lands or national forest lands affected by the addition of or deletion of lands transferred by this title.

SEC. 204. WILDERNESS SUITABILITY.

(a) BLM WILDERNESS STUDY AREAS.—Any area or portion thereof designated as a Bureau of Land Management Wilderness Study Area, which is made a part of the National Forest System by this title, shall be managed by the Secretary of Agriculture in accordance with the provisions of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), to protect its wilderness character until Congress designates it as wilderness or releases it from further wilderness consideration. At the same time that the Secretary of the Interior submits wilderness recommendations to the Congress with regard to public lands in the State of Nevada, he shall also recommend to the Congress whether any wilderness study area or portion thereof transferred to the jurisdiction of the Forest Service by this Act should be included in the National Wilderness Preservation System.

(b) ROADLESS AREAS NOT RECOMMENDED AS WILDERNESS.—Any roadless area or portion thereof which is made a part of the National Forest System by this title and which has been considered but not recommended for designation as wilderness pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) shall be deemed to have been adequately considered for wilderness for the purposes of the initial land management plans hereafter required for such lands by section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604). The Secretary of Agriculture shall not be required to review the wilderness option for such area prior to the next regular revision of such plans for the national forest in question, but the Secretary of Agriculture shall review the wilderness option for such area when such plans are revised.

(c) If the Secretary of the Interior does not recommend for wilderness designation all or any portion of the one hundred and sixty acres of land described in this subsection, the Secretary of Agriculture is authorized to sell such land not recommended for wilderness at fair market value to Sky Mountain Resort, its successors or assigns. At such time as the Secretary of Agriculture decides to sell such land, he shall notify Sky Mountain Resort, its successors or assigns, and proceed with the sale, provided that the prospective purchaser indicates an interest in such purchase within six months of the date of the Secretary of Agriculture's offer to sell such land. The land is described as follows:

Mount Diablo Meridian
Township 20 South, Range 57 East,
Section 28
Southeast ¼ of Southeast ¼
Northwest ¼ of Southeast ¼
Northeast ¼ of Northeast ¼
Section 34, Southwest ¼ of Northwest ¼

(d) No Addition to the National Wilderness Preservation System.—Nothing in the title shall be construed to add lands to the National Wilderness Preservation System.

SEC. 205. MANAGEMENT OF MINERAL RESOURCES.

Nothing in this title shall be construed to change the laws governing the management of mineral resources.

SEC. 206. ADMINISTRATION OF RECEIPTS.

The acreage added to the Toiyabe and Inyo National Forests in the State of Nevada by this title shall not be counted in determining the distribution of the Twenty-Five Percent Fund between the States of California and Nevada under the Act of May 23, 1908, as amended: Provided, however, That the acreage added to these forests shall be counted in the distribution of the Twenty-Five Percent Fund among the affected counties in Nevada.

SEC. 207. WATER RIGHTS.

(a) Congress hereby expressly reserves the minimum quantity of water necessary to achieve the primary purposes for which the lands transferred pursuant to section 203(a) are withdrawn. Those purposes are hereby declared to be solely and exclusively the primary purposes for which the National Forests within which the lands are to be included were established. The priority date for such reserved rights shall be the date of transfer pursuant to this Act and such rights shall be perfected pursuant to the procedural requirements of the laws of the State of Nevada.

(b) Congress hereby expressly relinquishes all Federal reserved water rights created by the initial withdrawal from the public domain of the lands transferred pursuant to section 203(c) effective on the date of such transfer.

(c) Nothing in this title shall create an implied reservation of water.

(d) Nothing in this title shall affect the right of the United States or of any person to acquire or dispose of water or water rights pursuant to the substantive and procedural requirements of the laws of the State of Nevada.

SEC. 208. VALID EXISTING RIGHTS.

(a) Nothing in this title shall affect valid existing rights of any person under any authority of law.

(b) Authorizations to use lands transferred by this title which were issued prior to the date of transfer shall remain subject to the laws and regulations under which they were issued. Such authorization shall be administered by the Secretary to whom jurisdiction over affected lands has been transferred by this title: Any renewal or extension of such authorization shall be subject to the laws and regulations pertaining to the agency which has jurisdiction over the land at the time the renewal or extension is requested. The change of administrative jurisdiction resulting from the enactment of this title shall not in itself constitute a basis for denying or approving the renewal or reissuance of any such authorization.

SEC. 209. ADMINISTRATIVE APPEALS.

With respect to the lands transferred by section 4, any formal administrative appeal, adjudication, or review pending on the date of transfer of jurisdiction under this Act shall be completed by the Secretary, or his designee, of the Department in which it was initiated.

SEC. 210. CONTINUATION OF EXPERIMENTAL STEWARDSHIP PROGRAMS.

The Secretary of Agriculture and the Secretary of the Interior are strongly encouraged to continue any Experimental Stewardship Programs involving Federal lands transferred to the jurisdiction of their respective agencies pursuant to this title.

SEC. 211. TRANSFER OF BUREAU OF RECLAMATION'S WILBUR SQUARE RESPONSIBILITIES TO THE CITY OF BOULDER CITY

(a) Notwithstanding any other provision of law, the Secretary of the Interior is authorized and directed to enter into an agreement with the City of Boulder City, Nevada (hereinafter referred to as the "City"), which will provide that, upon acceptance by the City of title to and financial responsibility for continued maintenance of the parcel of land described in this subsection, all remaining repayment obligations owing to the United States, pursuant to contract No. 14-06-300-978, dated January 4, 1960, between the United States and the City, as of the date of enactment of this title, shall be discharged. The land shall be maintained as a public park by the City at its own cost and expense, and shall be conveyed to the City, without consideration, by Quit Claim Deed subject to the conditions, restrictions, and protective covenants as established in the Guidelines of the Advisory Council on Historic Preservation (36 Code of Federal Regulations, part 800). Title shall revert to the United States if the land ceases to be used for park purposes. The agreement shall also stipulate that the City shall provide, without cost to the United States, the water supply required to water the Federal grounds surrounding the Bureau of Reclamation's administration building in the City, for as long as Federal ownership is retained, or through the year 2010, which ever occurs first.

The land to be conveyed to the City is described as follows: approximately 3.25 acres, comprising all of Block Six, according to Sheet 1 of 20, Block Plats of Boulder City, Nevada, Drawing No. X-300-460, dated July 15, 1959, and known as Wilbur Square or Government Park.

(b) The Secretary of the Interior is authorized to enter into an agreement for the City to provide gardening services on Bureau of Reclamation land within the City; and in partial payment for this gardening service to transfer to the City any or all lawn and garden equipment owned and used by the Bureau of Reclamation as of the date of enactment of this Act, which is used to maintain the Bureau's grounds within the City; and

(c) The Secretary of the Interior is authorized to transfer title to the City to all or any portion of the City water supply system which remains in Federal ownership and is located outside of the Hoover Dam Security Area, and to provide the City with a permanent easement across all Federal lands necessary to properly operate and maintain any facilities so transferred. The agreement referred to in this Section shall also provide that all obligations to make payments to the United States for operation, maintenance, and replacement for works transferred to the City shall be discharged as of the date or dates of said transfer of title or operations and maintenance responsibility to the City.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INDIAN HOUSING ACT OF 1988

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be discharged from further consideration of H.R. 3927.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3927.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3927) to amend the United States Housing Act of 1937 to establish a separate program to provide housing assistance for Indians and Alaska Natives.

There being no objection, the Senate proceeded to consider the bill.

Mr. CRANSTON. Mr. President, I strongly support the Indian Housing Act of 1988, H.R. 3927. The act is virtually identical to legislation approved by the Senate Committee on Banking, Housing, and Urban Affairs and the Senate Select Committee on Indian Affairs.

The act would establish a separate title under the Housing Act of 1937 to govern housing assistance for Indians and Alaskan Natives. Under current law, Indian housing assistance is authorized under provisions related to public housing. Needless difficulty has been created when housing provisions designed for dense urban areas were applied to geographically remote Indian areas with distinctive cultural, religious, and political traditions. The act would ensure that future amendments to the 1937 act only apply to the Indian housing programs if Congress examines such amendments thoroughly and determines that they are appropriate for such programs.

The act would also provide long-overdue statutory authority for the Mutual Help Homeownership Opportunity Program. This program has been operating since 1962 on the basis of regulatory authority alone, although it is the principle form of Indian housing assistance.

This act, of course, cannot do all that is needed to solve the serious housing problems faced by native Americans on and off reservations. An astonishing 23.3. percent of the total Indian population of 1.4 million people continue to live in substandard housing compared with 6.4 percent for the total American population. On some reservations, over 75 percent of Indian families live in substandard housing.

Yet, native American leaders feel strongly, and I agree, that this legislation marks an important step toward enabling native Americans to work with the Federal Government to obtain decent and affordable housing.

The provisions of this act reaffirm the Federal Government's commitment to provide housing in Indian areas and recognize the unique relationship between the U.S. Government and the Indian tribes.

Mr. President, the Indian Housing Act is the product of close cooperation between the Senate Banking Committee and Senate Select Committee on Indian Affairs. I am grateful for the unanimous support that it has received from this Chamber.

Mr. MURKOWSKI. Mr. President, the Senate Select Committee on Indian Affairs reported an amendment in the nature of a substitute to S. 1987 on May 13. The committee's amended bill is virtually identical to the House bill now under consideration. Both require that Federal housing assistance be provided to Indian and Alaska Native families through Indian housing authorities. Both stipulate that, for purposes of the act, an Indian housing authority may be established by operation of State law, including specifically Alaska Regional Housing Authorities, or by operation of an Indian tribe's power of self-government. Both bills define the term "Indian" to include Alaska Native peoples, and define the term "Indian tribe" to include groupings of Alaska Natives. Both bills thus ensure that Alaska Natives, who suffer a severe shortage of adequate and decent housing, will be covered by the provisions of the act. The committee's amended bill, however, clarifies two matters of importance in Alaska.

First, while everyone agrees that Alaska Natives should be covered by this act, there are legal disputes pending in my State on the question of whether and to what extent any Alaska tribes have governmental powers. As I understand it, no one has ever intended this legislation to resolve or affect these legal questions. The committee's substitute clarified the bill's neutrality on this point, by expressly stating that:

> References to Alaska Indians, Aleuts, and Eskimos in this act or any amendment made by this act shall not grant or defer any status or powers other than those enumerated in this act or any amendment made by this act. Nothing in this act or any amendment made by this act shall validate or invalidate any claim by Alaska Natives or sovereign authority over lands or people.

In other words, the act should not be construed to confer tribal status on, or deny it to, any group of Alaska Natives. Should any Alaska Native group establish its own Indian housing authority other than those expressly enumerated in the bill.

Second, the committee's report on S. 1987 clarifies that Alaska Regional Housing Authorities may act as Indian housing authorities under this legislation even though, under other State and Federal programs, they provide housing assistance to nonnatives as well as natives.

In order to expedite passage of an Indian housing bill, the committee chairman has agreed to support passage of the House bill in lieu of the committee's substitute for S. 1987. I have concluded that the intent of the House bill on the Alaska issues described above is the same as the committee's intent in its bill, and I am therefore prepared to support the House bill.

Mr. INOUYE. Mr. President, the Senator from Alaska has correctly stated the committee's intent in its bill. I agree that the intent of the House on these issues is also consistent with the committee's intent and submit a letter from Chairman GONZALEZ of the Subcommittee on Housing and Community Development to that effect. Based on this, the concerns of my colleague from Alaska have been addressed and, therefore, it is not necessary that the Senate insist on its bill.

I ask unanimous consent that a letter to me from Congressman HENRY GONZALEZ be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SUBCOMMITTEE ON HOUSING
AND COMMUNITY DEVELOPMENT,
Washington, DC, June 10, 1988.

Hon. DANIEL K. INOUYE,
Chairman, Select Committee on Indian Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR INOUYE: I am very pleased to learn that you will be acting on S. 1987, the Indian Housing Act of 1988. I understand that it is virtually identical to H.R. 3927 as passed by the House on May 10, 1988. This is to make clear to you and to the Members from Alaska that H.R. 3927 was neutral with respect to the sovereign status of Alaskan Natives and Native Villages. The references made to Native Americans in the bill are strictly for the purpose of providing housing assistance and in no way are directed at the sovereign status of such persons or the places in which they reside.

This matter was of concern to the Subcommittee and it carefully pursued this issue over the past year during which H.R. 3927 was developed. We had extensive consultations with representatives of Alaskan Regional Housing Authorities, as well as the State of Alaska. I repeat these provisions are sovereign neutral.

I thank you for your prompt action and look forward to early enactment of the Indian Housing Act of 1988. I stand ready to provide any further assistance you require of me.

Sincerely,

HENRY B. GONZALEZ,
Chairman.

Mr. DOMENICI. Mr. President, I am most pleased to be a cosponsor of S. 1987, the Senate companion to this bill. Passage of this bill will provide much needed separate legal authority to improve Indian housing programs.

In the 1960's, the U.S. Department of Housing and Urban Development [HUD] recognized Indian tribes as eligible to participate in the Nation's public housing programs. Since that time, the HUD programs have been a major source of housing assistance on Indian reservations.

Many problems have arisen on Indian reservations because HUD's Public Housing Program is designed primarily as an urban program. Many of the requirements, therefore, do not translate easily into reservations needs. For example, the availability of skilled labor and acceptable materials is commonly a problem of reservation life. The need for related roads, water, sewer, and electricity can also prevent timely construction.

In 1983, the Secretary of HUD appointed the Advisory Committee on Indian and Alaska Native Programs. This Advisory Committee was made up of Indian housing authority administrators, board members, and tribal leaders. This act is basically the product of their fine efforts.

The recommendations of the Advisory Committee have been fully discussed in committee hearings in the House of Representatives and in the Senate. Our bill essentially releases Indian housing authorities from labor, materials, and utility restrictions not applicable on remote reservation lands. It establishes Indian housing as a separate legal entity that will no longer be directly affected by changes in public housing policy, unless specific references are made to Indian housing. This bill makes the needed legal and administrative improvements for the use of public housing resources on Indian reservations.

If, for example, funds are recaptured from an Indian housing program, current law allows these funds to go to non-Indian housing projects. Our bill requires that Indian housing money that is not committed on time to an Indian project must be transferred to another Indian housing program, rather than, say, the city of Chicago.

In short, H.R. 3927 creates a separate title under the Housing Act of 1937 for the Indian Housing Program. It also codifies the existing Mutual Help Homeownership Program, currently operated from a mix of regulation and the HUD Indian Housing Program handbook. H.R. 3927 also improves the coordination between the Bureau of Indian Affairs, the Indian Health Service, and HUD.

This codification of the Mutual Help Homeownership Program, responsible for about 65 percent of Indian reservation housing, will provide the necessary legal consistency and the local flexibility we are seeking for the development of Indian housing projects.

I believe, Mr. President, that passage of H.R. 3927 will improve the Indian housing programs of this Nation. These programs are often the only source of reservation housing, and they need to be free of urban biases in their planning, management, and construction.

Mr. President, I commend the fine work of Senators Inouye, Evans, Cranston, and D'Amato in moving this legislation smoothly through the Committees on Indian Affairs and Banking. Their cooperation has been exemplary. Through their leadership, we have been able to remove statutory obstacles that were hindering our Indian Housing Program. I look forward to seeing these improvements signed into law.

I urge my colleagues to support this bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 3927) was ordered to a third reading, was read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate companion bill, S. 1987, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

EUROPEAN ETHANOL

Mr. KARNES. Mr. President, I rise at this time to comment and make it very clear to the President and the people in the White House a concern raised with me this morning as a result of an article in the Washington Post addressing the trade bill.

As the President considers putting together and making suggestions on provisions in the trade bill, the provision which I find most troubling and provided the basis, significant basis, for me to vote to sustain the President's veto is the provision dealing with ethanol—allowing large amounts of European ethanol to come into our country duty free to compete directly with a fledgling ethanol-gasohol industry which is so important not only to my State of Nebraska and its agricultural producers but also to the country as a whole in developing alternative energy sources.

In the article this morning, it cites White House aides saying that the President's objections to the ethanol provision as stated in his veto message provided, as they characterized it, "Cover for Republicans who feared political damage from supporting a veto on the plant-closing provision alone."

I would like to make it very clear that this Senator has great concern about the ethanol provision. I will not stand idly by and allow this ethanol provision to be cast as not being a critical provision if and when we have a new trade bill proposed. This ethanol provision must be eliminated from the trade bill.

I am drafting today and will be circulating to a number of my colleagues who share my concern about this ethanol provision a letter directed to the President advising him very clearly that this matter should not be taken lightly. It is critically important for those of us who would like to see this type of ethanol industry develop in our country to not have the unfair competition from duty-free wine-based ethanol coming into our country, particularly from Europe.

One of the reasons I am so concerned about this and why I felt it was important today to make this statement relates to my most recent trip to Geneva, Switzerland, for the ministerial session of the GATT negotiations, where we were talking about agriculture and agriculture subsidies. At that meeting we had a chance to talk to representatives of the European Economic Community. We were sharing with them our great interest in having their markets opened up and having the subsidies that they provide to their agriculturalists eliminated hopefully or, if not, significantly reduced because then we will be able to compete on a level playing field. If we have a level playing field, American agriculture will be able to secure new markets particularly in Europe.

As we were stating our case to the Europeans, they made it very clear they felt they had done a great deal and that they did not need to open their markets. We then commented that there was a great attitude in this country that we needed to retaliate or possibly at a point in time consider protectionist trade legislation.

The point I am making about my discussions in Geneva with the Europeans is that if they can secure access to our American markets through the subterfuge of transshipments of surplus products like wine-based ethanol through the Caribbean, what recourse will we have at the negotiating table except to state very clearly to them that we will be responding in kind to their restrictionist trade policies if they can get these ethanol surplus commodities into our country duty free.

Nebraska's fledgling ethanol industry stands a much better chance for growth as a result of the President's veto of the trade bill and this Senate's sustaining that veto. I voted to uphold that veto largely because of the negative impact this provision of the trade bill would have on all American agriculture but particularly my State's gasohol industry. This provision was largely ignored not only by the politicians but also by the national media because the trade bill did contain this ethanol provision which would allow up to 200 million gallons of heavily-subsidized wine-based ethanol to come through the Caribbean into the United States. In other words, America would become a dumping ground for this cheap wine-based ethanol after a very minimal amount of reprocessing at the Caribbean.

Also, I would like to make it very clear that under the Caribbean Basin Initiative we were attempting to encourage agriculture production in the Caribbean. I would have no objections to this provision if, indeed, the feed stocks which provide the ethanol that would come into the United States are grown and produced in the Caribbean, but let us not make any mistake. We are allowing under the guise of the provision in the trade bill the import of cheap sources outside of the Caribbean, through the Caribbean into our country, and that is not what the Caribbean Basin Initiative was designed to do.

These duty-free imports would have unfairly competed against America's farmers to the tune of $150 million annually; 80 million bushels of corn would be displaced annually by these products.

Nebraska is the home to gasohol and to the ethanol industry. The very word gasohol originated in Nebraska.

We even have a State ethanol-gasohol development board, and the Federal Government exempts gasohol purchases at the pump from 6 cents of the highway tax.

Thirty-seven percent of Nebraska's motorists buy ethanol and gasohol. We have an ethanol plant, a very important ethanol plant, in our State, in Hastings, NE, which consumes 4 million bushels of corn annually and produces 10 million gallons of ethanol. As many as 50 persons are employed there, and the trade bill, had it been enacted with the ethanol provision, would have threatened their jobs.

The trade bill with this ethanol provision would have seriously undercut our efforts to promote ethanol and gasohol, which burns cleaner than gasoline and is a renewable source for fuel.

The provision in the trade bill would have allowed five major international companies to ship this cheap wine, ethanol, into the United States through the Caribbean, at a purchase price from Europe of about 40 cents a gallon. There would have been a significant profit on each of these gallons. When this wine-based ethanol came to the Caribbean there would be a minimal amount of processing to put it in shape to come into the United States.

Mr. President, my point in making these comments today is in response to the comment this morning, as reflected in the Washington Post, by an aide in the White House. Let no one in the White House be mistaken. The ethanol provision is a critically important provision not only to myself but also to a number of my colleagues from Farm State America.

This must be given serious consideration to be eliminated, as they put together their proposals on a new trade bill. I want a trade bill passed this year in the Senate. I want a trade bill passed this year in the House. I want our country to have an effective trade policy. But we are picking the pockets of the American taxpayers and doing a great disservice to the American farmer, and we are creating a fraud on those people who believe that we should be allowing transshipments from Europe.

I will be communicating directly today with the White House and to the President about my concern, and the concern of a number of my colleagues, that this provision must be eliminated. I consider the statement of the President, when he included this in his veto message, to be a sincere statement. I believe he should seriously consider in his new proposal in the trade bill to eliminate this provision. It would be in the best interests of trade and in the best interests of our country, and I think it would speak very strongly to our Caribbean agricultural competitors that America will stand up and not allow America to be a dumping ground for surplus commodities from across the seas.

WELLNESS IN NATIONAL HEALTH CARE

Mr. GRAHAM. Mr. President, something little-noted but very significant happened to American health care when Congress this week passed the catastrophic health care bill. Included in the legislation was a provision to reimburse Medicare patients for mammography—a simple but effective screening for breast cancer. With the inclusion of that single provision, Federal health care shifted its preoccupation with illness, just slightly, to wellness.

Preventive health screenings are among the most important things Americans can do for their health. Screenings can minimize the risk of incapacitating catastrophic illness, long periods of hospitalization, confinement to long-term care institutions.

More than 130,000 cases of breast cancer are diagnosed each year in this country, about 40,000 American women die of breast cancer each year. Fifty percent of those diagnosed cases are women over the age of 65, older women have the highest mortality rate from breast cancer. But older women who have regular mammograms have a survival rate from breast cancer nearly a third better than their counterparts whose cancer is not detected in its earliest stages.

The mammography option to Medicare, by encouraging women to get annual screenings, could dramatically save lives and decrease the high cost of treating cancer in an advanced stage.

Passage of the mammography provision in the catastrophic health care bill signals our intent to create a healthier, more productive, more independent America. It will have the effect of encouraging older Americans to actively work to maintain their own health and will alert them to major health problems while they can be treated successfully.

America is growing older. By the year 2000—13 percent of our population will be over 65. Preventive care targeted at older Americans can obviate the need for our overemphasis on catastrophic and long-term care. Our attitude about health in this Nation should focus on wellness and the extension of our productive years, including mammography as an optional Medicare benefit is a first step toward a comprehensive wellness plan.

We would like to see glaucoma screenings, colorectal cancer screenings, high cholesterol and tuberculosis screenings, PAP tests and immunizations for tetanus, influenza, and bacterial pneumonia, all included in a preventive screening health benefit under Medicare. The mammography benefit is a confirmation that health and not sickness will be our focus in the future.

Mr. President, we have an obligation to work for a well and vigorous America.

We cannot shortchange our older citizens—whose resources are limited—by limiting their health care to the catastrophic or to permanent confinement. I am proud, along with my colleagues, Senator DODD, Senator DURENBERGER, and Senator SASSER, to have urged that the mammography benefit be included in the catastrophic health care bill. I hope we will continue to emphasize preventive care as a critical element in our future national health care legislation.

TRADE BARRIERS

Mr. SASSER. Mr. President, I bring to the attention of my colleagues yet another disturbing case of trade barriers facing United States firms in Japan.

We are all acquainted with Federal Express, based in Memphis, TN. Federal Express is truly a modern day success story. Revenues for Federal Express' last fiscal year totaled nearly $4 billion. A key component of Federal Express' success has been its ability to expand overseas. International revenues account for roughly 10 percent of the firm's total revenues. And that figure is expected to grow.

A key step in Federal Express' international growth is securing a foothold in the Japanese market. Federal Express has been operating its on-ground services in Japan for a number of years. But it has not been able to use its own fleet of airplanes for shipments and deliveries within Japan.

In 1985, however, after years of negotiation, the United States and Japan finally signed a memorandum of understanding to allow a small package carrier to fly between the two countries. Federal Express won the competition to provide this new through small package air service.

Federal Express entered into an agreement with the Japanese Government and prepared for entry into this new market. New airplanes were purchased. New air crews were brought on board and trained in the Federal Express method of operation. Service was scheduled to begin on May 11, 1988.

And then an all-too familiar pattern emerged. In late April, a mere 2 weeks before service was to begin, the Japanese Government notified Federal Express that it could no longer use its multiple-piece shipping airway bill. It should be noted that this is exactly the same documentation which has been acceptable to the Japanese Government in Federal Express' existing limited service in that country. Indeed, more than 25,000 packages have been moved in and out of Japan under the multiple-piece airway bill system.

Suddenly, Federal Express is told to scrap this system which has worked wonders worldwide. Instead, the Japanese are requiring Federal Express to issue an airway bill for every 70 pounds of packages that are shipped. This requirement flies in the face of customary practice controlling multiple-piece shipments through air express carriers.

Federal Express notes that the unreasonable documentation demands made at the last minute by the Japanese would increase costs, decrease efficiencies, and generally delay shipments. As a result, Federal Express suspended direct flight service to Japan until this controversy can be resolved.

What is particularly troubling about this case is that a similar "per-consignment" restriction was discussed during negotiations leading up to the memorandum of understanding between the Government of Japan and Federal Express. The Japanese suggested a similar aggregate weight restriction at that time. Our negotiating team rejected that proposal as completely out of hand. The concept was simply alien to air express service.

What is even more galling about this obstructionism on the part of the Japanese is the mockery it makes of both countries' commitment to promote free trade. Indeed, the memorandum of understanding contains language where both parties agree to minimize restrictions to doing business. As Federal Express' attorneys have argued, the introduction of a novel, hybrid limitation is wholly inconsistent with this obligation.

Sadly we have seen this pattern of conduct emerge before. Japanese officials are simply imposing last-minute regulations in a desperate attempt to give Japanese firms more breathing room to become more competitive. The Wall Street Journal reported on May 12 of this year that a foreign airline executive based in Tokyo saw this pattern in the Federal Express case. According to the Journal:

> The executive says Japanese Government and industry are particularly concerned about Federal Express because it has a unique product, and the Japanese don't have any competitive response to it.

That is also the view of Clyde McAvoy, vice president for Asian affairs of Continental Airlines. According to Mr. McAvoy:

> it seems apparent that Japan would like to hold up Federal Express until Japanese companies can get an even start . . . however you cut it, what the Japanese argument comes down to is a curtailment of competition. They're afraid of it.

While such barriers to free trade are troubling in any case, they are especially bothersome to a Senator from the State of Tennessee. Tennessee has established an international reputation as a welcome home for foreign firms. Tennessee has openly embraced Japanese firms wanting to do business in America. A recent cover story in a well-known national periodical, U.S. News & World Report, focused on the growing partnership between Japan and the State of Tennessee. It is a partnership that has benefited both.

But any Tennessean will tell you that we also believe in fair play in our State. So we are outraged when a Tennessee-based firm is treated so poorly when it tries to set up shop in Japan. What is good for the goose ought to be good for the gander.

The Federal Express case clearly calls out for remedial action. It also underscores the folly of the President's veto of the trade bill. Without the tools to fight such unfair trade practices, we can expect the pattern evident in the Federal Express case to continue. Until we show the Japanese and our other trading partners that we have an effective trade policy, they will continue to deny United States firms business opportunities that they ought to have.

Sadly, the President's veto all but guarantees that we have not seen the last of these tactics of obstruction. But I can assure my colleagues that we have not heard the last about the Federal Express case either. We must continue to fight such blatant trade barriers until they are broken down.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Daschle). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY

ADJOURNMENT

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 12 o'clock noon on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that following the recognition of the two leaders on Monday there be a period for morning business not to extend beyond the hour of 1 p.m. and that Senators may speak during that period for morning business for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALL OF CALENDAR WAIVED

Mr. BYRD. Mr. President, I ask unanimous consent that the call of the calendar under rule VIII be waived on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTIONS AND MOTIONS OVER, UNDER THE RULE

Mr. BYRD. Mr. President, I ask unanimous consent that no motions and resolutions over, under the rule come over on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUVENILE JUSTICE

Mr. BYRD. Mr. President, I understand that the Senate has received from the House H.R. 1801, a bill dealing with juvenile justice. On behalf of Mr. Biden, I ask the bill be read for the first time.

The clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 1801) to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1989 through 1992.

Mr. BYRD. Mr. President, I now ask for the second reading.

Mr. DOLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The bill will lay over 1 legislative day.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, the order has already been entered to proceed at 1 p.m. on Monday next to the consideration of the welfare reform bill. I would anticipate there will be opening statements and possibly rollcall votes that afternoon and there may be votes on other matters on which the distinguished Republican leader and others in the leadership would agree to take up, if there be such.

I suggest that Senators be prepared at least for rollcall votes on Monday.

RECORD TO REMAIN OPEN UNTIL 3 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Record remain open until 3 o'clock this afternoon for the submission of statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE REPORTS

Mr. BYRD. Mr. President, I ask unanimous consent that committee reports may be received up until 5 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION ON THE CALENDAR

Mr. BYRD. Mr. President, does the distinguished Republican leader wish to transact any other business or does he wish to make any statements?

Mr. DOLE. I have no further business. As was discussed earlier, there is one State Department nomination on the calendar. I indicate to the majority leader the State Department at this time and the White House, I think, are attempting to work out some resolution of the problem with the distinguished Senator from New Hampshire, Senator HUMPHREY.

I hope we can resolve that early next week, but it is holding up several nominations. I will be able to report back to the majority leader early next week. As I understand, the majority leader has indicated a willingness to try to move that nomination if we cannot work it out.

Mr. BYRD. Mr. President, may I say to the distinguished Republican leader that the first nomination, Calendar Order No. 520, Charles Franklin Dunbar has been on the calendar since February 17 of this year. There are other nominations that are being held up because of that nomination as I understand it, and because of the hold on that nomination. And several of the other nominations as I understand it have also been on the calendar since February 17.

It will be my intention to move to these nominations within the next few days at the first opportunity unless the matters can be resolved in a reasonable amount of time. These nominations have already been on the calendar overly long, and I think in the interest of trying to clean up the calendar I should state at this point that it will be the intention of the joint leadership to try to move these nominations.

I urge those who have holds to try to work out the problems as soon as possible so that we can avoid having to move to the nominations.

Does the distinguished Republican leader have anything else?

Mr. DOLE. I thank the distinguished majority leader. I will be visiting with the Secretary of State next week on the nomination. I hope we can resolve the problem.

Mr. BYRD. Yes. I thank the Republican leader. May I state that in fact he is going to be leaving to go out west, farther west than West Virginia; that there will not be any more business transacted today. I plan to leave morning business to continue for a few minutes, and then the Senate will be over until Monday.

I hope the distinguished leader has a good weekend, safe journey, and I look forward to seeing him the beginning of next week.

PROGRAM

Mr. BYRD. Mr. President, on Monday the Senate will convene at the hour of 12 noon. Following the recognition of the two leaders under the standing order, there will be a period for the transaction of morning business not to extend beyond 1 p.m. Senators will be permitted to speak during that period for morning business for not to exceed 10 minutes each.

At 1 p.m., the Senate will proceed to the consideration of S. 1511, a bill to amend title IV of the Social Security Act to replace the AFDC program with a comprehensive program of mandatory child support and work training which provides for transitional child care and medical assistance, benefit improvement, and mandatory extension of coverage to two-parent families, and which reflects a general emphasis on shared and reciprocal obligation, program innovation, and organizational renewal.

There will be opening statements and, very likely, rollcall votes on amendments. I hope that the Senate will be able to make some progress on that bill on Monday because it is quite possible that the Senate could complete action on it Tuesday if that occurs.

Mr. President, it would be my hope that following the disposition of the welfare reform bill that the Senate then could proceed to the consideration of the energy-water appropriation bill, the military construction appropriation bill, the legislative appropriation bill; not necessarily in that order, but it will be well if the Senate could complete action on the welfare reform bill and those several appropriations bills plus other pieces of legislation next week.

I would suggest that Senators not stay away on Monday, thinking there will not be rollcall votes.

ADJOURNMENT UNTIL MONDAY, JUNE 13, 1988

Mr. BYRD. Mr. President, there being no further business to come before the Senate, I move in accordance with the order previously entered that the Senate stand in adjournment until the hour of 12 noon on Monday next.

The motion was agreed to; and at 2:23 p.m., the Senate adjourned until Monday, June 13, 1988.

EXTENSIONS OF REMARKS

REPRESENTATIVE GEORGE E. BROWN ADDRESSES BERKELEY GRADUATING CLASS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. DELLUMS. Mr. Speaker, our esteemed colleague, the Honorable GEORGE BROWN, recently addressed the 1988 graduating class of the College of Natural Resources at the University of California, Berkeley, which is located in my district. Almost 400 graduates attended the ceremonies, held outdoors on the afternoon of Saturday, May 21. Mr. BROWN pointed out the need for interdisciplinary research and a whole systems approach to earth sciences if we are to understand global environmental problems, such as climate change. He also noted that efforts at the local level, including changes in human behavior, will be needed to solve global problems. Although the message was a sobering one, the graduating class responded to the address with a standing ovation. I would like to take this opportunity to share his outstanding remarks with my colleagues in the House of Representatives:

A NEW ERA FOR EARTH SCIENCE AND HUMAN BEHAVIOR

Good afternoon, and congratulations. You have made it through one of the finest and most rigorous educational institutions in the world. You worked hard, and those of you who didn't are such geniuses that you deserve to be here anyway.

I feel deeply honored to be with you on this felicitous occasion. As one who speaks mostly to other Members of Congress, I am not accustomed to addressing such a bright and talented group of people as we have here today.

I have a confession to make to you. Although many members of my family, including my late wife and I, are graduates of the University of California, this is actually the first graduation exercise of the University that I can recall attending. As an undergraduate student in those hectic days immediately preceding World War II, I did not pay much attention to graduation requirements. But I recall very well that after nearly five years away from the University, and beginning to see the possibility of a return to civilian life in late 1945, I wrote a nostalgic letter to the Registrar saying, "I expect to be discharged from the military in the next few months and would like to enter graduate school at that time. Did I ever get a degree?" In a surprisingly short time, probably due to the lack of any significant number of males on campus, I received a nice note saying in effect, "The University has approved your petition for a degree. Please come back." I have never experienced such prompt action from the University since. Despite such a warm welcome, I still missed the graduation exercise.

To be a successful legislator is to be, above all, a generalist, and a good one at that. We are called upon to make decisions that span a multitude of topics. In the midst of a virtual explosion of information and technological innovation, the choices to be made seem to increase in complexity every year. To guide my thinking, I must depend on the advice of experts. That is where you come in. It is clear to me that one of the most important and challenging problems of our day concerns the interaction of the human species with the environment. As the pressure to solve environmental and natural resource problems mounts, the demand from legislators and from society for the knowledge and expertise you have gained here will continue to grow.

Many of the experts I rely on for guidance are telling me that our current, global pattern of energy and natural resource use is unsustainable. A number of organizations periodically check and report on the earth's vital signs. Every year, for example, the Worldwatch Institute in Washington publishes its report on the *State of the World*. As in past years, this year's outlook is grim. European forests are damaged and dying from the effects of acid rain and air pollution. Children the world over are starving. Thousands of plant and animal species are disappearing from the face of the earth each year. Tropical rainforests are burned and bulldozed at alarming rates. Hazardous and toxic chemicals threaten our surface and ground water supplies. The protective ozone layer is thinning, allowing dangerous ultraviolet radiation to reach the earth's surface. And scientists believe that the average temperature of the earth may be rising to levels never before experienced in human history. We seem to be on a collision course with disaster.

Whether or not you accept this pessimistic view of the health of our planet, one truth is evident. We are entering an era of global change. Remarkable worldwide economic expansion characterized the years between 1950 and 1980. During this short time, world population and food production doubled, fossil fuel use worldwide quadrupled, and electrical generation multiplied eightfold. Meanwhile, the ability of natural systems to absorb the effects of these technological and economic activities is being heavily taxed. We are altering the delicate balances among the chemical, physical, and biological processes that sustain life. For example, within just the past few generations, we have modified the composition of the atmosphere, with tremendous climate change implications. Indeed, the human species today has assumed the role of an active participant in earth's evolution, and some scientists argue that life forms have always had that role.

Over the past several decades, our understanding of the earth has advanced very rapidly, relying upon the traditional and specialized disciplines. Geologists, chemists, and biologists have concerned themselves primarily with one component of the earth's changing systems. Subdivisions of these fields of expertise created even more specialized and narrow views of the earth system.

We seem to be entering a new era in the earth sciences. Recently, researchers have begun to show a renewed interest in studying the earth as an integrated whole. The traditional, disciplinary approach to the earth sciences is being displaced by an interdisciplinary one. Cooperation and communication between earth science specialists occurs more frequently. Increased interest in the whole systems approach has also been spurred on by technological developments such as satellite imagery and supercomputers, which have permitted unprecedented data collection and analysis. Reminded again that "everything is connected to everything else, " we acknowledge that the processes governing the dynamics of the earth do not act separately, nor does it make sense to study them exclusively in that way.

I do not want to appear to discount the value of disciplinary research. A complete understanding of natural processes requires knowledge of a highly specialized nature. However, making sense of the highly complex and dynamic interactions between all components of the earth system will also require an integrated and interdisciplinary approach that includes the capability for increasingly accurate modeling of the entire system.

The College of Natural Resources at Berkeley is a perfect example of the trend toward interdisciplinary research in our universities. Almost every program of study here combines the talent of those with varied expertise to form an integrated study approach. Unfortunately, many colleges and universities are still locked into the traditional, "pigeon-hole" method of teaching and are reluctant to change. A deeply ingrained reward system is much to blame: the research of the specialist is much more likely to be funded, published, or lead to tenure than that of the generalist.

Clearly, if interdisciplinary research is to compete successfully in our educational system, the definition of quality with respect to research must be modified. Understanding how various chemical, biological, and physical processes interact is a very difficult endeavor and requires a great deal of training and intellectual stamina. Understandably, many highly qualified scientists are reluctant to stray from their specific area of expertise. Steven Schneider, a leading climatologist, has called for and educational environment conducive to interdisciplinary research in order to help us confront the major environmental problems that loom before us. In his words, "In order to create the necessary pool of talent, we must remove the institutional barriers to interdisciplinary research and encourage our young scientists to broaden their horizons. And those of us already well established in our fields will have to lead the way by expanding our own horizons."

At this point, you may be asking yourselves, why is a U.S. Congressman so concerned about our approach to earth science research? Simply stated, I believe our national and international future may depend on it. The single, most important global change facing us could be a global warming,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

or the "greenhouse effect." By releasing tremendous quantities of carbon dioxide, methane, and other gases to the atmosphere, we have initiated a vast planetary experiment that may have unforeseen and potentially disastrous consequences. Our success in dealing with this problem will depend largely on our ability to understand earth system processes and mechanisms involved in the warming.

Imagine the following scenario sometime in the distant future. Sea levels have risen, flooding thousands of square miles of prime coastal property and urban settlements; the grain belt has shifted to the north and left behind a dust bowl; the frequency of temperature extremes, floods, and droughts has increased, and our ability to predict them has decreased. The fishing industry has been severely affected. Altered growing seasons and rainfall patterns have forced relocation of other crop-producing regions. The economic balance among nations has been drastically changed. Perhaps worst of all, ocean circulation patterns have begun to change, wreaking havoc on our climate system. And if that scenario is not unsettling enough, some well-known climatologists predict that, instead of experiencing a gradual warming, future climate changes could occur in sharp steps with complicated and unpredictable geographic patterns.

The moderating effect of the oceans on climate produces a lag time between greenhouse gas emissions and higher temperatures. Thus, greenhouse gases emitted today commit us to a certain amount of global warming decades from now. As early as 2030, a doubling of the preindustrial level of carbon dioxide (or the equivalent when the effect of trace gases is taken into account) could commit the earth to a global temperature rise from 1.5 to 4.5 degree Celsius. The most recent projections approach the high end of this range. A three degree average global temperature rise would place the earth's climate conditions outside the realm of human experience. We know the planet will get warmer. We just don't know when, or by how much, or what the precise consequences will be.

The threat of a global warming has attracted the attention of scientists and policymakers worldwide. The issue is very much alive in Washington, where a half dozen conferences on the topic have been held during the past few months. The predictions of a warming have also helped to boost interdisciplinary earth sciences in the international arena, and has created a recent surge in cooperative scientific activities with the Soviets.

Preparations for an exciting, new earth sciences research program are underway. The International Geosphere-Biosphere Program, or the IGBP, was unanimously and enthusiastically endorsed in 1987 at the 21st General Assembly of the International Council of Scientific Unions in Berne, Switzerland. The operational phase of the IGBP will begin in 1992 and last at least a decade. The official objective of the program is:

"To describe and understand the interactive physical, chemical, and biological processes that regulate the total Earth system; the unique environment it provides for life; the changes that are occurring in that system; and the manner by which these changes are influenced by human activities."

A fundamental component of the IGBP is an ambitious climate research program that will bring together a vast array of earth science specialists. Thomas Malone, president of Sigma Xi, has written that the hallmark of the IGBP "is integration—breaking down the barriers that have traditionally compartmentalized the study of the atmosphere, oceans, solid part of the earth, solar-terrestrial interaction, fauna and flora, and humankind."

The International Geosphere-Biosphere Program offers an exciting opportunity to increase our understanding of complex biogeochemical cycles of carbon, nitrogren, sulfur, and other elements essential to life. Moreover, the program will encourage technological innovation, producing new observational and analytical tools for studying the earth system. For example, advancing capabilities in remote sensing from satellites are making possible global, synoptic measurements of important climate parameters, such as cloud distribution, atmospheric temperature profiles, agricultural patterns, and forest cover. Supercomputers are being developed capable of processing the enormous amount of data collected from satellites as well as ground stations.

In conjunction with scientific research, a thorough policy analysis that incorporates human responses to global climate change is badly needed. We cannot afford to wait for conclusive proof of the warming trend—the proof itself would bring disaster. A close look at a complex matrix of both preventive and adaptive strategies, with an eye toward the social and economic costs of each, should begin now.

Such a policy analysis will not be an easy endeavor. The sources of greenhouse gases are diffuse, difficult to quantify, and firmly woven in the social fabric. Energy production through the burning of fossil fuels, agriculture, and industrial processes all contribute heavily to the problem. There is no single technological fix, no easy solution. Clearly, this could be the most challenging environmental, economic and political issue we have ever faced.

However, we can begin to do some things now to slow the warming trend. Increasing energy efficiency is one of them. The oil embargo of the early 1970's taught us the enormous potential energy savings to be had in energy efficient technologies. Since that time, the nation's economic output has grown by 30 percent, yet the amount of energy we consume has remained essentially constant. The remaining potential for increasing energy efficiency is even more impressive. For example, one energy expert claims that 40 large U.S. power plants could be given early retirement simply by installing energy efficient lighting in private and commercial buildings nationwide. Moreover, we would enjoy other environmental benefits such as reduced acid rain. Another relatively simple strategy we could employ is fuel switching, primarily from coal to natural gas. And we need to step up our research and funding for the development of renewable energy technologies such as solar and wind power. Moreover, it is imperative that we slow the rate of deforestation, and stop removing this most important carbon sink.

Since some amount of global warming is inevitable, we need to begin to devise effective adaptive strategies. Because agriculture could be so severely affected, much thought should be devoted to developing crops resistant to temperature extremes and other climate effects. Genetic engineering could be employed to achieve this end. Another strategy might be to enhance and enlarge our germ plasm reserves to preserve biological diversity. Natural seed migration will not be fast enough to respond to abrupt changes in climate; human intervention may be required.

I am convinced that our survival will depend on our ability to delay, reduce the rate of, and adapt to global warming. I am also convinced that major modifications in human behavior will be required to do so. As we study the earth system at the global level, we should be mindful that many of the preventive and adaptive strategies for dealing with a warming must be carried out at the local level. Most of us just don't realize that the way that each of us lives—spending money, using energy, consuming material products, and disposing of wastes—cumulatively affects the health and stability of the planet. Environmental education in this country throughout all grade levels is severely lacking. Tremendous environmental benefits could be gained if each person conserved more energy; recycled more products; and used his or her purchasing power to demand more durable, high quality goods that require less replacement. Since some modification of human behavior will be an essential component of the solution to climate change, an analysis of policy options should include the expertise of social scientists.

Any comprehensive policy analysis must also include the economist's perspective. The solid link between environment and economic development is made clear in a new report by the World Commission on Environment and Development, *Our Common Future.* The report addresses the issue of sustainable development on a global scale. Although economics and ecology have traditionally clashed, according to the Commission, we are now recognizing that "ecology and economy are interwoven—locally, regionally, nationally and globally—into a seamless net of causes and effects." For example, ecological stress, manifested in degraded soils, contaminated water, and dying forests, threatens economic prospects. And depressed economies result in environmental degradation because of unavailable resources for environmental protection.

We must also remember that global warming is not just a problem for the industrialized nations. Developing nations struggling to raise the standard of living for their people should be encouraged not to make the same mistakes we made on the path to development. Recognizing the global nature of the environment and the economy, and that poverty itself is a form of environmental degradation, we must work with governments of developing countries to find less energy-intensive and less wasteful strategies for development. Raising living standards in these countries is not incompatible with but rather essential for environmental protection.

We must also be ready to follow our own advice. We Americans are setting a very poor example for the rest of the human race. Although we comprise only five percent of the world population, we consume 25 percent of the energy and use over 30 percent of the world's natural resources. The United States accounts for one-fifth of the worldwide carbon emissions from fossil fuel use. This inequitable distribution of energy and resources is clearly unsustainable from a global point of view.

I realize that the message I am leaving with you on this happy occasion is a sobering one. The delicate machine we live on is in danger of breaking down, and we're not even sure how it works, let alone how to maintain or fix it. But I also want to leave you with the prospect of an exciting challenge. You have acquired an important set of intellectual tools to understand the earth's intricate web of processes and reactions, and to formulate effective solutions to complex problems such as global warming. And you understand the importance of promoting stewardship of the earth rather than exploitation. It is an exciting time for the earth sciences. The opportunities for international and multidiscilplinary cooperation are endless. And there is enough work to do for hundreds of Berkeley graduating classes for decades to come.

TRIBUTE TO DAVID COURSON

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, the enthusiasm of David Courson, president of the Christian Emergency Relief Team, is contagious. Mr. Courson has been leading teams of volunteers to Honduras and Nicaragua since 1974 when he drove a converted school bus loaded with volunteers from Seattle, WA, to the village of Olanchito, Honduras, when Hurricane Fifi took the lives of 10,000 people there and left northern Honduras village in shambles.

Ever since the Communist Sandinista dictatorship seized power in Nicaragua in 1979 the Christian Emergency Relief Team has been faced with another disaster, this time man made. Mr. Courson and his volunteers are challenged with the task of helping more than 50,000 Nicaraguan refugees who have fled their homeland for the safety of the jungles in Honduras along the Coco River.

Mr. Courson recently returned from his 23d mission to the Honduras-Nicaragua border. More than 230 American volunteers on CERT missions have been eyewitnesses to the scars of anti-Christian religious persecution and torture, the genocide campaign against the Miskito Indians, and the complete destruction of Nicaraguan villages. All this and more was done by the Communist Sandinista dictatorship of Nicaragua with the advice and assistance of the Soviet Union, Cuba, the PLO, and Libya.

In face of all of the misery which David Courson has seen you may wonder what he is enthusiastic about.

Let me ask you, have you ever sat down to eat dinner across from a dozen starving children who are staring at you and hoping that you will drop a crumb so that they will have something to eat? These are the conditions under which the volunteers of the Christian Emergency Relief Team operate.

David Courson is enthusiastic about saving the lives of men, women, and children who are dying in the jungles of Honduras and Nicaragua. He is enthusiastic about being an ambassador of friendship from the people of the United States to the victims of Communist repression who are living in poverty in makeshift refugee camps.

The Christian Emergency Relief Team gives medical, humanitarian and spiritual aid to the poorest of the poor. They travel to areas where no other groups dare to tread. Most of the people who are served by Mr. Courson's organization never even saw a Norte Americano until they felt the healing hands of the volunteers of the Christian Emergency Relief Team.

Mr. Courson is enthusiastic about the doctors like Dean Rust of Lancaster, PA; Dr. Richard Gladden of San Diego, and Dr. Andy Anderson of Lansing, MI, who volunteer their time and money to travel to these remote villages by dugout canoes, motor boats and by hiking through jungles with 70 pounds of medical supplies on their backs.

After just a few moments talking with Mr. Courson you begin to feel his burning desire to help these poor people regain their freedom to worship God, and their right to live in their homeland without being terrorized by Communist Sandinista soldiers and their Cuban advisers.

Why do doctors, nurses, paramedics, firemen, housewives, beauticians, teachers, and even Las Vegas blackjack dealers sacrifice their time, money and comfort to participate on a 2-week mission? Perhaps it is because of children like Roberto.

The Christian Emergency Relief Team volunteers found Roberto living in agony in a jungle camp. Roberto had parasites in his belly probably 8 to 10 feet long. They were robbing him of all nutrition. He was in danger of his intestines being blocked completely. If the volunteers had arrived a week later, Roberto would have died.

But because of the compassion of David Courson and his volunteers who arrived in time, and because of 25 cents worth of medicine paid for by generous American contributors to Mr. Courson's organization, Roberto's life was saved.

The Communist Sandinista dictatorship had driven Roberto out of his home and burned his village to the ground. They had made orphans out of his friends. And the miserable conditions which Roberto was forced to escape to—no safe water supply, no reliable source of food, no doctors, no medicine—was about to rob Roberto of his young life. Instead, Mr. Courson's angels of mercy returned Roberto to health.

Mr. Speaker, the Christian Emergency Relief Team and Mr. Courson do not wear their religion on their sleeves. They do not debate and wring their hands over what should be done. Instead, they put their religion into action relying upon their Creator for guidance, strength, and protection.

I am proud to associate myself with the Christian Emergency Relief Team. It is my honor to support the heroic efforts of David Courson and his Christian Emergency Relief Team. What a different world we would live in if only we had a few hundred more people such as David Courson.

SUPPLY-SIDE ECONOMICS: IT'S STILL WORKING!

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. CRANE. Mr. Speaker, well, President Reagan was right. He ran on the platform of supply-side economics and its ability to control inflation, create capital which in turn creates jobs and lower-interest rates. Eight years later we have 4 percent inflation, more people in jobs than ever before, and interest rates near 9 percent. We have had 60-plus months of continued economic growth. The only problem with overbounding success is that opposition to economic prosperity always talk of gloom, crashes and recession. The media continue to detract from the successes and are leading the post-Reagan era of gloom. There is no reason for the people of this country to accept this doomsday forecast. We must continue to follow the path of prosperity and economic soundness. Dr. Paul Craig Roberts comments on the media and their role to down play the success of the President's economic policies. The article follows:

[From the Washington Times, Mar. 25, 1988]

SUPPLY-SIDE TIDE SWEEPS ON AND ON

(By Paul Craig Roberts)

"The reason for the worldwide trend toward lower top rates of tax is clear," British Chancellor of the Exchequer Nigel Lawson declared last week. "Excessive rates on income tax destroy enterprise, encourage avoidance and drive talent to more hospitable shores overseas. As a result, far from raising additional revenue, over time they actually raise less. By contrast, a reduction in the top rates of income tax can, over time, result in a higher, not lower, yield to the Exchequer."

With that, he announced that Maggie Thatcher's Britain was slashing the top tax rate by 33 percent and moving to a two-bracket system of 25 percent and 40 percent.

What The Wall Street Journal called "the tax-troglodyte editors of the [London] Financial Times" could hardly stand it. After years of public hand-wringing over the Reagan tax cuts and ignored calls for higher U.S. taxes, it is galling indeed for the Financial Times to find that it has no influence on the British government either.

The United Kingdom's decision to end its long-standing policy of punishing its success should have been front-page news in the United States. But American journalists, now into their eighth year of ideological set-to against President Reagan's supply-side economic policy, are embarrassed by the British development and buried the story in the back pages.

If our "watchdog press" has its way, no one will ever know that Mrs. Thatcher's Britain has cut the top tax rate from 98 percent to 40 percent.

Two days before Mr. Lawson announced Britain's sweeping tax cuts, the left-wing Washington Post carried a story by Paul Blustein trumpeting the demise of supply-side economics. "Little Demand Seen for Supply-Side Ideas," "Supply-Side, Survival at Stake," said the headlines.

Robert Solomon of the Brookings Institution and Alan Blinder of Princeton brashly predicted that supply-side economics was about to "disappear from the face of the earth," which goes to show what wonderful forecasters economists are.

The Washington Post "story" was a rewrite of a Wall Street Journal tract by Alan Murray. A pupil of Joseph Minarik, a soak-the-successful advocate at the Urban Institute in Washington, D.C.

Mr. Murray did his best to bury supply-side, but the body would not lie still. While he shoveling, the supply-side sprang up in France, where the government adopted the policy and elevated a top Reagan taxcutter to the Legion of Honor "for the renewal of economic science and policy after a half century of state interventionism."

Equally determined to embarrass itself, Newsweek magazine assigned its normally objective columnist Robert Samuelson to write a supply-side diatribe just in time for the British tax cuts. The magazine further hurt its credibility by refusing to publish a letter correcting factual misstatements.

American journalists can hardly bear it that none of the Democrats running for their party's presidential nomination will call for the repeal of the Reagan-Kemp tax cuts. Both The New York Times and The Washington Post have offered their editorial protection to any candidate who will campaign against the tax cuts, but they have had no takers.

English-speaking journalists are alone in the world in their preference for high taxes. The explanation for this peculiarity is that they learn economies in journalism schools.

There they are taught that the proper way to run an economy is to fix wages and salaries while pumping up demand with government spending. In this view, taxation has no economic role. Rather, it is a social mechanism for giving back to the poor the money stolen from them by the rich. To such simple-minded folk, the supply-side, with its emphasis on low tax rates, is an abomination.

American journalists are drowning in their own spite. Throughout Mr. Reagan's two terms they have predicted the imminent demise of the U.S. economy. Meanwhile, the economy recovered from the Keynesian stagnation of the 1970s and has gone on from victory to victory.

Abroad, socialist India, France, Labor New Zealand and Australia, and now staid conservative England have cut taxes, privatized and decontrolled. While journalists and professors rant, the supply-side revolution sweeps on.

Germany will be the next to succumb. Its anti/growth, high tax policies are untenable in the face of the restructuring of incentives in the United States, France and the United Kingdom.

Germany is already experiencing difficulty in attracting its own investment capital, and its partners in the European Monetary System are rebelling against the leadership that has produced zero employment growth during the 1980s. Germany can go supply-side or wither on the vine.

The Germans have been held back by the heady stream of disinformation pumped out by American journalists about the "crisis of the Reagan economy."

Once the growth miracle of Europe, Germany was tricked into believing that Mr. Reagan has an inflationary policy that threatened Germany with a new round of imported inflation.

Mistaking a journalistic anti-Reagan political campaign for fact, Germany protected itself with deflationary policies against an American inflation that never materialized.

American journalists did not succeed in wrecking the Reagan economy, but their propaganda has prevented any employment growth in Europe during this decade. The American liberal wears his anti-Reaganism as a badge of his morality, but his real accomplishment is to have denied opportunity to a generation of Europeans.

A TRIBUTE TO THE NEWTON-TRUMBULL DEMOCRAT CLUB

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. TRAFICANT. Mr. Speaker, today I rise in order to pay tribute to the Newton-Trumbull Democrat Club, a very special organization in my 17th Congressional District. I had the supreme honor of being the main speaker at their appreciation dinner. Please allow me a few moments to inform you about this outstanding group.

Their appreciation dinner was held at Newton Falls Community Center in Newton Falls, OH, on Saturday, April 16, 1988. At this dinner, I had the great privilege of giving congressional certificates to three very close friends of mine who are active members of the Newton-Trumbull Democrat Club—Martha Hulvey Marshall, Alva Beard Bash, and Katarina Kokat Luketic. All three have been loyal and dedicated Democrats for over 50 years, and Martha and Alva served as Democratic precinct committeepersons for over 30 years.

In addition, each of these women exemplify the American dream. Martha was born in Czechoslovakia and Katarina was born in Yugoslavia, and each have been extremely successful in this Nation. Alva prospered for many years as the owner of her own dress design business in Newton Falls. It was indeed a moment of great pride for me when I presented the certificates to these three wonderful individuals.

The officers of the Newton-Trumbull Democrat Club are President Edward Monroe, Vice President Frank Pliska, Secretary Barry Baer, and Treasurer Edwin Ballas. Each of these persons are doing a great job in making their organization a powerful and influential force in both Trumbull County Democratic politics and Ohio Democratic affairs. The dinner committee—composed of Chairperson Frank Pliska, Rosemary Greathouse, Betty Atkin, Dale Martin, President Monroe, and Treasurer Ballas—deserves great praise, for they were responsible for the excellence of the appreciation dinner.

Thus, it is with thanks and special pleasure that I join with the people of the 17th Congressional District in saluting the strongly patriotic individuals who compose the Newton-Trumbull Democrat Club.

WIDE SEIZURE NET SNAGS WAR ON DRUGS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. RANGEL. Mr. Speaker, I recently read an article from the Wall Street Journal of May 27, 1988, on the Coast Guard's controversial zero tolerance policy. The article entitled, "Wide Seizure Net Snags War on Drugs" was written by Mr. Mark Thompson. I ask that Mr. Thompson's article be printed in the CONGRESSIONAL RECORD for the information of Members and the public.

The article follows:

[From the Wall Street Journal, May 27, 1988]

WIDE SEIZURE NET SNAGS WAR ON DRUGS

(By Mark Thompson)

After the Coast Guard conducted some well-publicized seizures of yachts and other craft this spring when minute quantities of drugs were found on board, the Customs Service quickly released most of the boats when their owners paid modest fines. The Coast Guard now says it will not seize boats outside the U.S. 12-mile territorial limit unless it finds a quantity of drugs that indicates an intent to smuggle them into the country. It has hedged a bit on its policy within U.S. waters.

The Coast Guard's retreat from its "zero tolerance" crackdown on drugs apparently stems from a concern that the federal government's forfeiture laws, if applied to the property of casual drug users, would suffer a series of damaging setbacks in court.

The policy generated a lot of heat both in the press and within the Coast Guard, which recently suffered a 50% cut in funds for the interdiction of drug supplies. Some federal prosecutors had hinted that they wouldn't back up the forfeiture of yachts and other conveyances found with minute quantities of drugs if large numbers of dispossessed owners sought judicial review. If the cases were to get to that stage, judges would have good excuses to put limits on the tough statutes. And if taken to a jury, cases involving seizures of valuable property from casual drug users most likely would be shot down.

SUPREME COURT DECISION

Forfeiture laws, fortified by a 1984 congressional act that allowed forfeitures to be carried out in conjunction with criminal proceedings, have been a major boom to law-enforcement agencies' efforts against drug dealers. While federal courts have ruled—following several court challenges—that real-estate seizures must be proportionate to the drug offense perpetrated, there is no such limit on forfeitures of other property.

According to a 1974 Supreme Court decision, *Calero-Toledo v. Pearson Yacht Leasing Co.*, any conveyance, no matter how valuable, can be seized by the government even if it is carrying just a trace of an illicit drug. An owner can escape the sanction only by demonstrating that he neither knew nor had reason to know that any drugs were on the conveyance. Civil forfeiture statutes, which were the only such statutes at the time of the court decision, permit federal law-enforcement agencies to process the seizures in quick administrative hearings, with the property owner bearing most of the burden of proof on appeal.

In Los Angeles, the city with the most drug-related forfeitures, U.S. Attorney Robert Bonner says his office has 300 forfeiture cases—both civil and criminal, involving both real estate and other property—pending against traffickers. He hauled in $45 million in assets last year, and expects to take in $50 million this year.

The laws haven't been applied only against big-time dealers. In some cases, even small-time buyers have felt their sting. Local authorities in New York, for example, in conjunction with the Drug Enforcement Administration, recently completed their 1,000th seizure of an automobile driven by someone observed purchasing drugs. In Los Angeles, Police Chief Daryl Gates has set a 5,000-car target for a similar joint local-federal forfeiture drive that began last October.

But these programs work only because they have been implemented in such a way as to keep most cases out of the courts. Authorities have returned cars quickly to owners whose guilt wouldn't be easy to prove in court. People who have lost their cars have been so clearly guilty that few have bothered to appeal the seizures. In New York, only three cases have come under judicial review, says Pam Dempsey, an assistant U.S. attorney in Manhattan, and prosecutors have won each time. None of the dozens of auto forfeitures carried out in Los Angeles have been appealed, says Mr. Bonner.

Largely satisfied with the successes they've achieved, many prosecutors don't want to press their luck with the forfeiture laws. Yet the Coast Guard's zero-tolerance drive would have forced them to do just that.

Peter Nunez, the U.S. attorney in San Diego—where the oceanographic-research ship Atlantis II and other expensive vessels were seized over tiny quantities of marijuana—is bluntest in his criticism of the policy. He was "hit cold" with the Coast Guard seizures, he says, adding that he made it clear that his office "will not be able to follow through on a large volume of such cases if they reach the court stage." Some of the cases, he says, wouldn't stand up in court.

Ron Sinoway, a California defense attorney who specializes in defending marijuana-cultivation cases, almost wishes the government would push the zero-tolerance policy to the limits. "I think if they keep it up," he explains, "they'll find some judges who won't go along with them." If judges decide to extend to the seizure of conveyances the rule that a forfeituree must be proportionate to the offense, "zero tolerance would be meaningless," Mr. Sinoway says. He adds that the 1974 Supreme Court decision, because of peculiarities of the facts of that case, could be interpreted to apply only where the conveyance apparently had been used in a smuggling operation.

"The government is scurrying to take reasonable positions. [Prosecutors] don't want to face a judge with one of these cases," says Peter Robinson, a Santa Rosa, Calif., defense lawyer, referring to the recent spate of yacht seizures. "They go to such an extreme that they will offend most law-abiding citizens."

Mr. Robinson learned first-hand how low many citizens' threshold of tolerance for government seizures of property can be. For 1981 through 1987, he was an assistant U.S. attorney who specialized in attempting to seize the buildings and land of Northern California's industrious marijuana growers. In a drive to destroy the region's $1 billion annual crop, the joint federal-state Campaign Against Marijuana Planting has rooted out nearly 3,000 gardens since 1983.

Though federal authorities still talk tough about seizing entire land holdings if a pot patch is found anywhere on the property, in practice such efforts have never fared well. Only a dozen or so farms have been taken over by the government, and those have involved sophisticated commercial plantations with hundreds of $5,000-plus plants. In these cases, proportionality was met.

Mr. Robinson says that in the one land-seizure case in Northern California that headed into a jury trial, in 1986, prospective jurors were openly hostile to the prosecution when told the case would involve an attempted government grab of a local resident's land. The government accepted a fine and returned the land in a plea bargain. Since then, prosecutors have returned dozens of tracts upon payment of fines.

Prosecutors might well run even greater risks in taking zero-tolerance cases to a jury. Even in a civil forfeiture proceeding, an owner could seek a jury trial on grounds that the loss of valuable property over a tiny quantity of drugs is a "quasi-criminal" penalty, explains Donald Re, a Los Angeles criminal defense lawyer. "When the government oversteps the bounds of reasonableness, [prosecutors] have to be concerned about whether jurors will go along," he says.

A BACKLASH

While polls indicate that many people are concerned about drug abuse, Mr. Re believes the seizures have been taken to such an extreme that they will provoke a backlash. As he sees it, many jurors will view as unreasonable any seizure of valuable property from a recreational drug user. "When you impose that kind of sanction for conduct that most people don't consider all that horrendous," explains Mr. Re, "it shows that the government has lost touch with its own people."

U.S. Attorney Bonner has broader criteria in considering whether to pursue a forfeiture case against a drug user. "We are definitely going to pay attention to the maximum sentences that Congress has set," even for those caught with user-quantities of drugs, he says. "But there are limits to what we can do." He says that there is "an enormous backlog" of forfeiture cases against traffickers. In forfeiture cases against drug users, he adds, "You can definitely get into something that's a question of being so disproportionate that you'd have to think of a sanction short of forfeiture."

INTRODUCTION OF THE SOLANO PROJECT INDEBTEDNESS PREPAYMENT ACT

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. FAZIO. Mr. Speaker, today I am introducing a bill to authorize and direct the Bureau of Reclamation to sell the facilities of the Solano project, a water project in northern California. The sale would be made to Solano County, CA, and the Solano Water Authority [SWA], a joint-powers entity comprised of all the public entities responsible for delivering urban and agricultural water in Solano County.

I am pleased that the terms of sale implicit in this bill would benefit both the Federal taxpayer and the citizens of Solano County. The Government would benefit because SWA and the county are proposing to pay a price almost twice what the project is actually worth to the Government. SWA and the county would gain because the purchase will allow savings and efficiencies in water use, as well as other benefits attributable to an owner's control over water supply.

This bill only calls for the sale of Monticello Dam and other Solano project water delivery facilities downstream. It does not propose that the Bureau sell Lake Berryessa, the reservoir behind Monticello Dam.

This legislation will not affect Napa County, which lies northeast of Solano County and in which Lake Berryessa is located. Ownership of the lake will remain the same. Use of the water will remain the same.

This bill will not alter water rights. The California Water Resources Control Board has jurisdiction over water rights in my State. Under State law and practice, water users in Solano County will continue to receive 201,000 acre-feet of water from the Solano project. Napa County will continue to have rights to 33,000 acre-feet of water the water resources control board has reserved for it in the upstream watershed. The University of California, Davis, will continue to receive the 4,000 acre-feet of water it now receives through the Solano project. By buying the dam and downstream facilities, Solano County water users would not be buying any water, or getting any new water, or taking any water now used by somebody else.

Similarly, this bill provides that all other benefits currently being enjoyed by any entity from the project will continue to be provided. Flood and other protections for Winters, CA, are in this category.

Finally, this bill should not be viewed as a precedent for the sale of Federal facilities. The Solano project stands by itself; it does not have physical or financial links with any other water project. There are no commingled debts to disentangle, no water supplies to divide or reapportion. Solano County water users pay for the project, operate the project, use water from the project and utterly depend on the Solano project. All these factors make the sale of the Solano project unique. This proposal, in my judgment, need not and should not be looked upon in the context of the privatization issue. It simply a local issue.

Sale of the Solano project would not really involve any other uses—such as hydroelectricity—which might conflict with Solano's ownership. One of Solano County's water delivery entities, the Solano Irrigation District, already owns the powerplant at the base of Monticello Dam, and will continue to own it whether or not the Government sells it, regardless of whom the Government might sell it to. Because of Solano's water allocation and its ownership of the powerplant, there can be no other buyer for the project. If this sale takes place, both parties—Federal and local—will be better off. If this sale does not take place, both parties will be worse off.

Mr. Speaker, the price being offered to the Bureau of Reclamation by the Solano water users is fair and no other interests would be affected by its sale. I urge my colleagues to support this legislation.

MEDICARE CATASTROPHIC COVERAGE ACT OF 1988

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1988

Mr. SCHUETTE. Mr. Speaker, I rise today in support of this conference agreement to provide protection against catastrophic illness for our Nation's 31 million elderly and disabled. The centerpiece of this important measure—the cap on out-of-pocket hospital and Medicare-covered physician expenses—will offer protection to senior citizens who might otherwise be financially devastated by unexpected illness requiring extended hospitalization or physician care. This legislation will provide many new benefits resulting in a much-needed sense of security and peace of mind not previously afforded to our Nation's elderly.

The conference agreement before us today has significantly improved the earlier House-passed catastrophic health care bill. I voted against that measure for several reasons, most importantly because of my concern over the increased costs it would have imposed on middle-income senior citizens. The lack of cost controls which would have threatened the solvency of the Medicare trust funds also caused me much concern, as did the lack of coverage for nursing home care. Although this conference agreement does not address nursing home care, I believe the changes to the original House measure have resulted in a good bill that will provide much needed protection to our Nation's seniors.

The bill extends hospital coverage under Medicare to 365 days from the current limit of 90 days—plus the lifetime reserve of 60 days. Hospital costs are limited to payment of one deductible per year, which will be $564 in 1989. Annual out-of-pocket costs for Medicare-covered physician expenses will be capped, limiting these costs to $1,370 in 1990.

A new benefit provided in the bill phases in coverage for prescription drugs. After the phase-in is complete, Medicare will pay 80 percent of most prescription drugs after payment of an annual deductible—$600 in 1991.

A provision I was particularly pleased to see included in the conference agreement is the protection against spousal impoverishment. We have all heard the stories of an elderly spouse taken ill and in need of long-term care. The healthy spouse must spend down the couples assets and income before they can qualify for Government assistance. This is a disheartening situation, and one which I am very pleased to see addressed. Under the bill, the income that may be retained while continuing to qualify for Medicaid, will gradually be raised. In addition, the spouse at home will be permitted to keep at least $12,000 worth of the couple's combined assets, as well as the couple's house.

Other important benefits contained in this conference report include expanded home health benefits, respite care services, extended hospice care and skilled nursing facility care, mammography screening, and additional benefits for the elderly and disabled with incomes below the poverty level.

Although this bill is not perfect, it does contain many good provisions which will help millions of our Nation's elderly. Mr. Speaker, I urge my colleagues to support this conference agreement. It is a much-needed and positive step forward toward alleviating the devastating impact of unexpected and extended illness.

IN HONOR OF THE CAPITOL BALLET COMPANY'S 27TH ANNIVERSARY

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. DELLUMS. Mr. Speaker, on Friday, May 13, 1988, the Capitol Ballet Company, the Nation's oldest predominantly black ballet company, celebrated its first concert in 5 years at the University of the District of Columbia Auditorium. The Capitol Ballet Company, founded in 1961 by Doris Jones and the late Claire Haywood, was forced to close in 1983 due to financial setbacks.

During the Capitol Ballet's 22 years in existence, it provided the first performing outlet for the professional development of the too often neglected talented black ballet dancers. Included in its enormous list of alumni are Sandra Fortune-Green, first black American ballerina to compete in international dance competitions in Moscow, Soviet Union, and Varna, Bulgaria; Sylvester Campbell, former premiere danseur with several international ballet companies including the Royal Ballet of London, Royal Netherlands Ballet, and Maurice Bejart's Ballet of the Twentieth Century in Belguim; Hinton Battle, two-time Tony award winner and star of "The Tap Dance Kid," and "Dreamgirls"; Chita Rivera, Tony award winner and star of "West Side Story"; and Louis Johnson, choreographer of the movie version of "The Wiz."

The new 12-member company is under the artistic direction of founder Doris Jones and eminent choreographer/director/producer Billy Wilson with Dance Threatre of Harlem and Alvin Ailey alumnus Nathaniel Orr and former Capitol Ballet prima ballerina Sandra Fortune-Green serving as ballet master and ballet mistress respectively. The highlight of the company's inaugural concert was the courageous act of defiance on the Montgomery bus which prompted the civil rights movement of the 1960's. "Rosa," as well as the remainder of the performance, received numerous ovations from the enthusiastic audience present.

The artistic excellence and creative genius that the new Capitol Ballet Company displayed makes me hopeful that the new company will be able to continue the tradition of providing a professional training ground for talented dancers of all races while remaining a living legacy of black artistic expression through classical dance.

NORWEGIAN CONSTITUTION DAY

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, I would like to pay tribute today to "Syttende Mai," or Norwegian Constitution Day.

One hundred and seventy-four years ago, in 1814, Crown Prince Christian Frederick and the determined citizens of Norway joined forces to gain independence from Sweden. They did this by calling a constitutional assembly. On April 10, 1814, this group came together in Eidsvoll and by May of that year they had drafted the new Norwegian Constitution. On May 17, the document was signed and Christian Frederick was chosen as king of the new, independent nation, Norway.

In many ways, this new Norwegian Constitution resembled the American Constitution. It provided for three separate branches of government: executive, legislative, and judicial. Most of importantly, this document guaranteed several basic civil and human rights to the citizens of Norway.

Although it has been altered several times since its original adoption, the Norwegian Constitution still provides for the basic structure of government and is highly respected by the people of Norway.

On May 17, Norwegians the world over show their respect and love for this document and the ideals that it encompasses through parades and celebrations. The most impressive festivities are held in the capital city of Oslo. Each year, thousands of children gather in the streets, carrying flags, and parade before the royal palace to pay tribute to the monarch. This activity is accompanied by other parades, wreath laying ceremonies, the decorating of buildings, and, the flying of the national banner.

On this special day, I would like to pay tribute to Norwegians everywhere for their strong sense of patriotism and determination which brought them independence over a century ago.

RUINING PANAMA BY FLOUNDERING IN A SEA OF IGNORANCE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. CRANE. Mr. Speaker, by now we are all aware of the debacle that U.S. foreign policy has flung itself into with regards to Panama. It is without a doubt that we have backed ourselves into a corner. James P. Gallagher, a foreign affairs policy analyst with the Republican Study Committee, has provided some current points that all Members of Congress should be made aware of:

In 1988, 18 percent of U.S. exports and 10 percent of imports will transit the canal.

The Panama Canal is considered by military observers to be a strategic choke point. If closed, ships would have to make a 13,000 mile journey around the southern cone to either U.S. coast.

There are close to 13,000 American troops deployed in Panama to preserve the security of the canal zone.

The current crisis in Panama began in June 1987, when General Manuel Noriega's second in command accused him of political murders, corruption, and drug trafficking.

Noriega has been accused by his former chief political adviser in Senate testimony of amassing a fortune of $300 million, while receiving a salary of under $50,000.

Noriega was indicted by two Federal grand juries of drug trafficking, money laundering, and racketeering.

Since the beginning of the crisis, the United States has supported the opposition National Civic Crusade to peacefully oust Noriega.

It is clear to me that we have been unsuccessful in our attempts peacefully to return Panama to a self-governing state. Noriega has a firm grasp on his country and is admired by many of the country's citizens. We have broken ties with Panama. We have frozen $48 million in Panamanian Government funds and established escrow accounts for canal payments that prevent Noriega from receiving them. U.S. corporations have won approval to withhold tax payments to the Panamanian Government. Still, like a bad stench, Noriega lingers.

In fact, Noriega has done so well that the press community in this country has hailed him a victor over U.S. foreign policy. In this day and age of "say no to drugs," we have unfortunately said yes to Noriega, a vote for the evergrowing drug trade. The time has come for the President to take the initiative and forget about Noriega. He is not important. What the President needs to do is liberate the Panama Canal from the hands of this dictator. We need to reestablish complete and total control of the canal and the zone and preserve it for world use. The security of this country should not hinge on the needs and desires of a druglord and his cronies.

A TRIBUTE TO JOHN AND SHIRLEY DiPRESTA

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. TRAFICANT. Mr. Speaker, today I rise in order to pay tribute to John and Shirley DiPresta, two very special residents of my 17th Congressional District. John and Shirley exemplify deep humanitarian concern for little children of all races. It is one of my proudest and most humbling moments as a Member of Congress to have the great honor of informing my fellow Members of the U.S. House of Representatives about these two outstanding human beings.

John and Shirley DiPresta have five children of their own, and have deprived themselves of every possible luxury in order to make sure their children received the best education possible. For this, Mr. and Mrs. DiPresta are to be highly commended. However, the heart-warming story of this family does not end there.

One cold evening, John found a young black child living and sleeping in an abandoned car. Without hesitation, he took the little boy into his home and made him part of his family. He later did the same for a white boy he found living in the streets. John and Shirley raised these two children as their very own, without a second's thought about the additional financial burden.

I also must note that John and Shirley did an outstanding job raising them. Their black son is now enrolled with Jobs Corp in Pittsburgh and the white child is studying at the New Castle School of Trades.

I salute John and Shirley DiPresta for their great sacrifices and prejudice-free concern for humanity. It is with abounding pride that I recognize their achievements. Thus, it is with thanks and special pleasure that I join the people of the 17th Congressional District in paying tribute to the outstanding accomplishments and extremely admirable characters of John and Shirley DiPresta.

THE COLOR OF CRIME

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. RANGEL. Mr. Speaker, a recent article published in the Wall Street Journal painted for us a bleak picture of crime in America. Most other articles, reports, and studies that we see on crime and violence in America tend to tell us what we already know—that crime is on the rise or something of that sort. But in the May 10, 1988 Wall Street Journal article, "Do Black Crime Victims Matter?," we are told about the color of crime in America. And this too is a tragedy.

The point of this article, Mr. Speaker, is that many disparities exist today in the way black crime victims and defendants are treated by the system as compared to those who are white.

For example, according to this very insightful article, the FBI's uniform crime report for 1986 tells us that blacks accounted for 44.2 percent of all murder victims in the country. So often we are led to believe that blacks only commit crime and are not the victims. But as this figure indicates, we are a major portion of those who are victims of America's most violent offense.

Further, Mr. Speaker, this article points out that in a 1983 study of the South Carolina penal system, requests for the death penalty were made in cases in which a black killed a white a total of 49 percent of the time. In cases where one black killed another black, the death penalty was sought only 11 percent of the time. The inevitable question becomes, is a black life worth less than a white life in America?

In a 1980 analysis, two social scientists discovered that homicides are often described and classified according to the race of both the victim and the defendant. In a study of Florida homicides, from 1972 to 1977, these men discovered that homicides not committed in the course of another felony were upgraded to felony status in 69 percent of the cases where a black was charged with killing a white. But when a black was charged with killing another black, only 13.3 percent of the cases were upgraded to felony status.

These are just a number of studies and reports cited in this Wall Street Journal article, Mr. Speaker. What is important to note here is that this information all points to one thing—that race is a very important factor in determining the way that crimes are classified and in the way that defendants involved in these crimes are sentenced.

In 1988, Mr. Speaker, I say to my colleagues, that we can ill afford as a Nation to continue to facilitate these horrible and unjust trends in our justice system. The United States is the greatest country in the world, and we have grown together and come through a lot together as one. Unfortunately, our justice system, which promises justice for all, still has a way to go to catch up with the rest of America in terms of battling back the racism that once characterized and dominated our Nation's history.

For the purposes of information of all my colleagues in this distinguished body, Mr. Speaker, I ask that the Wall Street Journal article be placed in the RECORD on this date.

[From the Wall Street Journal, May 10, 1988]

DO BLACK CRIME VICTIMS MATTER?

(By Christopher Muldor)

In Washington, followers of Louis Farrakhan, frustrated by policy inaction, turned violent while attempting to rid a housing project of drug dealers. In Brooklyn, another Black Muslim sect has used patrols to make a square block safe for woman, children and storeowners. In Los Angeles, minority leaders claim that gang crime was ignored until a young woman was murdered in well-off Westwood.

These are spot indicators of growing impatience among blacks with a criminal-justice system that gives them short shrift as victims. Certainly, they bear a disproportionate share of the burden of crime. For example, the FBI's Uniform Crime Reports says blacks constituted 44.2% of all murder victims in 1986, the latest year for which figures are available.

Are crimes involving black victims treated with unjustifiable leniency? Are there significant racial disparities in sentencing?

SUBSTANTIAL DISPARITIES

One of the few studies of noncaptial sentencing suggests so. Gary LaFree in an October 1980 study in American Sociological Review examined the processing of 881 men charged with forcible sex offenses from 1970 through 1975 in an unidentified, large Midwestern city. He found that assaults by blacks on other blacks were treated the most leniently, while assaults by blacks on whites met with the most punitive response. Assaults by whites on whites fell somewhere in between. (Because assaults by whites on black constituted only 1.2% of the sample, they were excluded from the study.)

Mr. LaFree noted that the sentencing disparities were substantial: "Black men accused of assaulting black women accounted for 45% of all reported cases, but for only 26% of all men sentenced to the state penitentiary and for only 17% of all men who received sentences of six or more years. By contrast, black men accused of assaulting white women accounted for 23% of all reported rapes, but for 45% of all men sent to the State penitentiary and for 50% of all men who received sentences of six or more years."

Unfortunately, data on victim-based racial disparities in noncapital cases are very limited. To further pursue the question of sentencing fairness in crimes with black victims, it is necessary to focus on the extensive research done on dealth-penalty cases, primarily in the South. Most of this research has been done on cases from the 1970s that followed the passage of new capital-punishment statutes.

Several aspects of the criminal-justice process have been examined. One is prosecutorial behavior: Will the prosecutor, in a case that qualifies for the death penalty, actually seek it?

When Raymond Paternoster, in a study published in the fall 1983 Journal of Criminal Law and Criminology, examined the activities of prosecutors in South Carolina over several years, he found evidence that race was a major factor in the prosecutor's decision to seek capital punishment. Death requests were made in 49% of the 111 cases of capital murder (a homicide with at least one statutory aggravating circumstance, usually an accompanying felony) in which a black killed a white. Death requests were made in only 11% of the 76 cases of capital murder in which a black killed a black. A 1984 study by Mr. Paternoster in Law and Society Review showed similar results.

Mr. Paternoster noted that "prosecutors seek the death penalty in over 70% of multiple felony, interracial homicides and where whites kill whites. However, they request a death sentence in less than 40% of the multiple felony homicides in which blacks kill blacks."

Another way to gauge racial disparities in capital sentencing is to examine the degree to which police descriptions of a homicide are changed in court data by the prosecutors. William Bowers and Glenn Pierce, in their October 1980 analysis in Crime and Delinquency of homicide cases, found startling racial disparities. In Florida (December 1972-December 1977), when the police reported no felony circumstances—i.e., the homicide was not committed in the course of another felony—nearly 69% of the cases were upgrade to felony status in the court data when a black killed a white; by contrast, only 13.3% of these case were upgraded when a black killed a black. When the police reported a suspected felony circumstance, all cases in which a black killed a white were upgrade to felony status by the court, but only 16.7% were so upgrade when a black killed another black.

Michael Radelet, in the December 1981 American Sociological Review, examined 1976-77 homicide cases in Florida and found that while the probability of a first-degree murder indictment (required for imposition of the death penalty under Florida law) was higher for white than for black defendants (80% vs. 69%), this occurred only because most homicide victims were slain by members of their own race. The probability of a first-degree murder indictment against a black who killed a white was 92.1%, but for blacks who killed other blacks, that probability dropped to 54.4%. (These figures excluded homicides occurring among family members, friends, ex-lovers, etc.)

Samuel Gross and Robert Mauro, who conducted an unusually exhaustive analysis of capital sentencing patterns in several states (1976 through 1980), published their results in 1984 in the Stanford Law Review. They found consistent and sustained evidence of racial disparities based on the race of the victim, and these disparities did not disappear when they controlled for other relevant variables. An advantage of their study is that it covered a Northern industrial state, Illinois, as well as several Southern states.

Major disparities were apparent in each state examined. For those homicides committed in the course of another felony, death sentences were roughly five times as likely in Georgia when the victim was white as when the victim was black. In Florida, white-victim cases were about four times as likely to draw the death penalty; in Illinois, three times as likely.

Several conclusions can be drawn from the data of these and other studies:

First, the prime racial disparity in capital sentencing centers on the race of the victim, not the race of the defendant.

Second, the great majority of these studies attempt to rule out competing explanations for the sentencing disparity, such as a difference in the relationship between murderer and victim.

Third, the finding of the same basic pattern again and again, by a variety of researchers controlling for a host of other variables, lends credence to the view that the disparities reflect a real and robust phenomenon.

Various explanations of victim-based racial disparity are possible. Some researchers and commentators blame overt racism of Southern white judges and juries. Messrs. Gross and Mauro, however, have provided the more cogent and troubling explanation. Members of a particular race, they note, will identify with victims who belong to their own group more readily than with those who do not, even in the absence of any conscious prejudice. The makeup of the jury in capital cases is significant: Blacks, already a minority, are disproportionately excluded from capital cases since they are more likely than whites to oppose the death penalty.

If Messrs. Gross and Mauro are correct—and both common observation and much work in psychology and sociology suggests that they are—the resulting conundrum for criminal-justice policy may prove exceedingly difficult to resolve.

CONSTITUTIONALLY INTOLERABLE

Former Justice Lewis Powell, in *McCleskey* v. *Kemp* (1987), stated that the court would not interfere with a state's capital sentencing system unless evidence of discriminatory purpose in specific cases could be demonstrated. Jack Boger, an attorney who represented Warren McCleskey in his appeal of a Georgia death sentence, remarked that direct evidence could come only by "breaking the sanctity of the jury room." But breaking that sanctity, as extreme as that would be, probably still would not produce any direct evidence if, as Messrs. Gross and Mauro suggest, the tendency to have greater sympathy for victims more like oneself operates on an unconscious level.

At the same time, the results of that tendency are found in the marked race-of-victim sentencing disparities that exist, even when the legal circumstances of the crime in question are similar. These disparities, convincingly demonstrated in a variety of studies, would appear to be "constitutionally intolerable," to quote Justice John Paul Stevens in his McCleskey dissent. Sentencing decisions, particularly those that involve a choice of life or death, should not hinge on the circumstances of the victim's race.

The problem of sentencing disparity must be viewed in the context of the enormous costs of crime to the black community. Although it is impossible to gauge these costs exactly—the noneconomic factors are extremely difficult to quantify—there can be little doubt that they are enormous. The FBI revealed a few years ago that one out of every 28 blacks males in the U.S. dies as the result of a homicide. The time has come to give much more serious thought to how crimes against blacks can receive the attention and punishment they deserve.

NATIONAL NHS—NEIGHBORWORKS WEEK

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1988

Ms. KAPTUR. Mr. Speaker, it is with great pleasure today that I congratulate the Neighborhood Reinvestment Corporation and the local Neighborhood Housing Services organizations in 138 cities across the country during this National NHS—NeighborWorks Week. Since its inception in the early 1970's, the NHS approach to the housing problems of urban America has been to bolster homeownership and support substantial moderate-income neighborhoods by funneling funds into home purchases and repairs. It is a wonderful partnership at the national and local level that joins community organizations, lending institutions and public officials to save and strengthen urban neighborhoods.

I especially want to recognize the accomplishments of Neighborhood Housing Services of Toledo which has two active programs—one in the old West End, the other in the historic South Side. Through these two groups, 157 residential properties have been rehabilitated, $1.8 million has been committed from the local NHS revolving loan fund and local lending institutions have invested $28 million in first mortgage and home improvement loans. The city has spent $200,000 in community development block grant funds for capital improvements in the two NHS areas. Over 40 vacant and vandalized properties have been rehabilitated for new owner-occupants.

The Toledo NHS has an active home weatherization program to help low-income families, the elderly, and handicapped to reduce their energy costs. Over 4,500 energy audits have been performed by the Toledo NHS with the support of Federal, State and private funds. Working with a special program of Columbia Gas of Ohio, the HNS has replaced old and deficient furnaces in 40 properties for low-income families or the elderly who otherwise could not have afforded to improve or replace their heating systems.

The Neighborhood Housing Services approach illustrates that self-help and initiative works and that homeownership is the key to stabilizing and strengthening neighborhoods. I am proud to be a longtime supporter of the Neighborhood Reinvestment Corporation and wish it and its local NHS organizations continued success.

LET'S USE SURPLUS CROPS TO FEED THE HUNGRY

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. DORGAN of North Dakota. Mr. Speaker, I am introducing a bill today that will help us better utilize the extraordinary food-producing capacity of our farmers to feed America's hungry.

As my colleagues are aware, we are trying to work our way out of a period of large agricultural surpluses. But even though we're making headway, the government's Commodity Credit Corporation [CCC] still holds very substantial amounts of wheat and corn, this country's most important food crops.

HUNGER IN AMERICA CONTINUES

At the same time, in the land of extraordinary agricultural productivity, poverty and hunger persist, and our current food assistance programs are only meeting part of the need.

Of the rural American households whose income is below the poverty level, only 16 percent are receiving Aid to Families with Dependent Children [AFDC]; of the urban households whose income is below the poverty level, only 35 percent receive AFDC. Of these poor rural households, only 40 percent are participating in the Food Stamp Program; and only 46 percent of the poor urban households are participating.

In addition, 41 percent of all households receiving food from the Temporary Emergency Food Assistance Program [TEFAP] consider that program their regular source of food.

TEFAP USES SURPLUSES TO COMBAT HUNGER

TEFAP was established in 1983 precisely to meet this need by using the surplus agricultural commodities being accumulated by the U.S. Department of Agriculture. Over the past 5 years, the program has distributed cheese, evaporated milk, honey, and rice to needy individuals through food banks, school lunch, and school breakfast programs, programs for the elderly, and other programs. As I've just indicated, this food has been extremely important in helping those people whose needs are not fully met by other Government programs.

But now, in 1988, surpluses of dairy products, honey, and rice have been diminishing, and the Department of Agriculture has announced that it will reduce its TEFAP distribution of these commodities to various recipient agencies. Understandably, this has provoked concern among many groups who wonder how we will fill the gap that will result when TEFAP distributions are reduced.

The bill I am introducing today will encourage one creative solution to this dilemma. TEFAP has focused on dairy, honey, and rice because these products are almost ready-to-use when the Government acquires them, and, therefore, neither the Government nor the recipient agency incurs much additional expense in processing the food for final distribution. But, as I noted earlier, we still have large stockpiles of wheat and corn.

It is costing the Federal Government a lot of money to store these surplus commodities. For instance, in the fall of 1986, over half a million bushels of corn were trucked to Grand Forks, ND, from Iowa, where there was no more room to store it. About 325,000 bushels of corn are still sitting in Grand Forks, at a total cost to date of over $3 per bushel. The current market price for corn is only about $2 per bushel. Wouldn't it make more sense to process surplus grain to feed the hungry of this country, rather than storing it for years and paying costs well beyond what the commodity is worth?

TURNING SURPLUS DURUM INTO PASTA FOR NEEDY

A nonprofit organization in Minnesota has done just that. Tri-Valley Opportunity Council has obtained 27,500 bushels of durum wheat from the CCC, and arranged for it to be processed into pasta products at reduced cost at the Noodles by Leonardo Co. in Cando, ND. Local farmers agreed to haul the grain to Cando for free, and now Burlington Northern Railroad has agreed to transport the finished product for no charge. Tri-Valley is now distributing the pasta to needy people through food bank networks in North Dakota and Minnesota, and has had requests from as far away as Texas and Ohio.

The total cost to Tri-Valley is about 20 cents per pound of pasta, compared to 40 cents per pound wholesale, and 50 cents per pound retail. Thus, with monetary contributions Tri-Valley has raised for this project, the organization has been able to deliver at least twice as much food to those in need as if the organization had to buy the food at the wholesale or retail level.

Changing durum wheat into pasta is only one way of many possibilities. Tri-Valley Opportunity Council is considering making pancake mix, peanut butter, and other products under similar arrangements. For those who are creative and energetic, the list is almost endless.

BILL WOULD USE SURPLUS INSTEAD OF STORING IT AT HIGH COST

My bill is very simple. It would require USDA to encourage this type of creative solution to our current hunger problems. Under this legislation, USDA would solicit applications at least once per year from organizations which would arrange for processing and distribution of surplus commodities. The basic idea is further promote the use of our surplus agricultural production to solve the continuing hunger problem in this country.

Once the USDA approves an application and provides the commodities, the distributing organization does the rest. It pays to have the food processed into end-use products, and arranged for transportation to the final distribution points. All it requires is for the Department of Agriculture to make the commodities available.

SURPLUS IS A BLESSING

Our bountiful production should be seen as a blessing, yet recently it has been more often seen as a curse, due to the large surpluses our farmers have generated. If we could make better use of those surpluses, more people would realize this country's agricultural productivity for what it is, a true blessing and one of the most basic foundations upon which this country is built. I invite my colleagues to cosponsor this legislation.

TRIBUTE TO BILL KINNEY

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. DARDEN. Mr. Speaker, Bill Kinney, who is senior editor of the Marietta Daily Journal, my hometown newspaper, has been a leader in the life of our community for many years. That reputation for leadership and involvement was acknowledged again recently when Bill was named the 1988 distinguished alumnus of Marietta High School.

The school's students and faculty paid tribute to Bill for the 47 years of contributions he has made to the community life of Cobb County and Marietta since his graduation from Marietta High in 1941. I am especially pleased that he received this award; Bill and I have been friends for many years, and he is among the most respected members of metropolitan Atlanta's journalism community.

Mr. Speaker, I invite my colleagues to join me in congratulating Bill on his many years of service to his hometown. I would like to submit for inclusion in the CONGRESSIONAL RECORD a feature, from the June 4, 1988, edition of the Marietta Daily Journal, about Bill and his career.

The following article from the Marietta Daily Journal of June 4, 1988, further describes Bill's outstanding contribution to our community.

NEWSPAPER SENIOR EDITOR IS DISTINGUISHED ALUMNUS

(By Peggie R. Elgin)

Bill Kinney, a senior editor for The Marietta Daily Journal, was named 1988 Distinguished Alumnus at Marietta High School at graduation ceremonies Friday.

The award program was established in 1984 by the Endowment for Educational Excellence in Marietta City Schools to recognize alumni from the city high school who have contributed to the community.

Kinney was singled out for this year's honor because of his contributions to Cobb County and Marietta over the 47 years since his graduation from Marietta High School, said Dr. Roy D. Nichols, Marietta superintendent.

"Bill has served actively in countless civic and community activities," said Dr. Nichols. "And we particularly recognize the significant role he played as a chairman of the City/County steering committee, which was responsible for locating the Southern College of Technology in Marietta."

A graduate of the class of 1941, Kinney later earned degrees in journalism and business administration from the University of Georgia.

Co-owner and publisher of the Smyrna Herald, now the Smyrna Neighbor, for nearly 10 years, Kinney has been employed at The Marietta Daily Journal for 40 years as an editor. He now is a associate editor and writes editorials, personal columns and the "Around Town," column, published every Saturday.

A member of the Cobb Development Authority, he serves as a trustee at the Southern College of Technology. He also is a member of the Cobb Federal Savings Bank and has been a member of the Kiwanis Club for 36 years.

In 1957 Kinney was named as one of the state's five Outstanding Young Men by the Georgia Jaycees.

Other alumni honored as distinguished alumni in previous years are:

Lucille Suhr, editor of the first Marietta High School Yearbook and one of the first women to serve as a delegate to the National Democratic Convention; Jasper Dorsey, journalist and syndicated columnist; Dr. Fred C. Davison, former president of the University of Georgia; and Joe Mack Wilson, state representative.

Kinney and his wife, Alberta, live in Marietta. Their two children, Dr. Bill Kinney III, a veterinarian who lives in Kennesaw; and Pat, who teaches freshman journalism and English at Elon College in North Carolina, also are graduates of Marietta High School.

REPEAL THE ANTI-APARTHEID ACT OF 1986

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. CRANE. Mr. Speaker, I have been a longtime critic of apartheid because it limits the political and economic freedom of black South Africans. The United States must pursue a policy vis-a-vis South Africa which will help create the environment necessary to aid blacks in their quest to achieve freedom. Many legislators argue that sanctions will serve this end by isolating the South African economy from the world community and thereby forcing the whites to share power. While these legislators are certainly interested in helping black South Africans, I am concerned that their support for sanctions is founded more on good will than well reasoned analysis. In opposition to the arguments of my colleagues, I agree with Zulu leader Nangosuthu Buthelezi's contention that sanctions undermine the growth of black economic and political power while making the Government even more recalcitrant.

It has now been 18 months since Congress passed the Comprehensive Anti-Apartheid Act of 1986, and the results have not lived up to the expectations of its supporters. Far from making whites more willing to negotiate, sanctions have given the most reactionary parties ammunition to argue that South Africa's security is threatened. In their view, the Government must respond to this threat by curtailing any thought of allowing further liberalization.

The far rightwing parties have gained a significant number of seats in Parliament at the expense of the liberal Progressive Federal Party [PFP]. It is instructive to note that the current Government is considered moderate within the South Africa political system. Should this Government be defeated by its more reactionary opponents, black South Africans could well conclude that overthrowing the Government is their remaining alternative.

Sanctions have also increased the economic might of whites while undercutting the economic power of blacks. Since the imposition of sanctions, over one-half of all American firms have decided to sell their subsidiaries to white South Africans at fire-sale prices. The new owners have all too often responded by laying off blacks and abolishing the many progressive work rules, educational programs, and fair pay which blacks have come to expect from their American employers.

So far, trade sanctions have had their most profound impact on the coal and agriculture industries, both of which have experienced sharp falloffs of exports and rising unemployment. An estimated 10,000 mine workers, mostly blacks, have been laid off since sanctions were imposed on coal imports. If sanctions continue, it is a foregone conclusion that blacks in other sectors of the economy will also lose their jobs. Such a development would be particularly disturbing at a time when economists estimate that the South African economy will need to create 300,000 new jobs every year to absorb new black entrants into the job market. To achieve this goal, South Africa will need to more than double the growth rate of its gross national product from 2 percent to 5 percent, to prevent the existing unemployment rate for blacks from rising dramatically. Without foreign investment, South Africa cannot hope to increase its economic growth rate by even 1 percent.

I question the wisdom of diminishing the economic power of blacks when the recent history of South Africa has shown the clear correlation between increasing levels of economic grrowth and black freedom. As the economy has grown—most significantly during the 1970's—white-owned firms have recognized that apartheid in the workplace constrains their ability to expand because of labor shortages in the skilled, white community. White firms have thus promoted an ever increasing number of their black employees to white collar and supervisory positions out of sheer economic need. The Government has also responded to the pressures of an expanding economy by repealing apartheid in the workplace, legalizing black trade unions, abolishing the pass laws, and sanctioning interracial marriage. Some would argue that these are merely obstructionist reforms, designed to quell the anger of blacks without giving them any real political power. I would argue that these reforms represent significant advances given the realities of South African politics.

History has shown that once an oppressed people gain economic power, they are able to negotiate with their adversaries from a position of power for additional rights. Let us not forget, for example, that Chinese immigrants were treated poorly in California during the gold rush. Through hard work, they gained economic might and eventually established enough power to destroy discrimination in such areas as housing and education. American Jews once pursued a similar strategy to combat discrimination. Sound policy toward South Africa requires us to reevaluate the wisdom of sanctions and consider other policy alternatives which will further increase the ability of black South Africans to negotiate with the Government from a position of economic power.

Hence, I have introduced a bill which will repeal the Anti-Apartheid Act of 1986. This bill will allow the United States and the Republic of South Africa to once again establish normal economic relations. Hopefully, American firms will be encouraged to do business with South Africa and continue their outstanding record of abiding by the Sullivan Principles, a code of fair labor practices to which most American firms adhere. American firms will thus have the opportunity to play a vital role in advancing the economic and social position of black South Africans.

By increasing the economic contracts between our two countries, we will increase our ability to support the reformers within the South African Government who seek to moderate and eventually dismantle apartheid. Americans tend to forget that the vast majority of South Africans, regardless of color, admire the United States and wish to be considered as part of the Western community. There is every reason to believe that our presence in South Africa and our adherence to the Sullivan Principles will indeed influence South African policy in a favorable manner. Such a gradual evolution toward a just society is far better than continuing a policy of sanctions which will only help fan the fire of revolution.

Few Americans understand the ramifications of a total civil war in South Africa. Many white South Africans, particularly those of Dutch descent, come from families that settled in South Africa over three centuries ago. They believe it is their land. To protect their country from both foreign and domestic attack, the Government has made the South African army into the largest and best equipped one on the continent. Many defense experts believe that South Africa possesses nuclear weapons. Should a civil war break out, white South Africans will use all the force at their disposal to ensure victory because they believe that defeat would leave them homeless. And their assessment would be correct, because unlike the white Rhodesians who were able to flee to South Africa after the Ian Smith government was defeated, no African country would welcome white South African refugees.

Let us move away from well intended but misdirected efforts which could well further incite violence in South Africa. We must adopt a policy which will enable South Africa to evolve into a more just society. We must not forget that it took us decades to resolve the many racial tensions which have plagued our own communities for years. Similar evolution toward complete democracy in South Africa will also take time. I am confident that South Africa will eventually create the type of society which will protect the fundamental rights of all of its citizens. Let us take a step forward and allow American firms to have a positive impact on South Africa. Let us repeal the Anti-Apartheid Act of 1986 now.

TAR HEEL WINNER IN PROPELLER CLUB MARITIME DAY ESSAY CONTEST

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. JONES of North Carolina. Mr. Speaker, on May 24, 1988, the Propeller Club of the United States, Port of Wilmington, NC, commemorated National Maritime Day with a memorial service and other appropriate ceremonies at the Wilmington waterfront on the banks of Cape Fear River.

The Propeller Club's mission includes making Americans more aware of our country's need for the U.S. merchant marine and its associated industries. To promote this awareness, the club conducts a nationwide essay contest for high school students. At the Wilmington meeting one of the features was an introduction of a national and local winner, John Cumming Leete.

John is a 10th grader at E.A. Laney Senior High School in Wilmington. His teacher is Mrs. Peggy Price. John received as a national winner, a round trip cruise on a Keystone Shipping Co. vessel; as the local winner, he received $150.

John's essay is an instructive one. I would like to submit it to the House for the consideration of my colleagues.

REMARKS OF JOHN CUMMING LEETE BEFORE THE PROPELLER CLUB OF WILMINGTON, WILMINGTON, NC

Americans are accustomed to having all of the necessities and basic needs of life; however, many people do not realize the vital role that the American Merchant Marine plays in bringing them these goods. U.S. merchant ships bring us raw materials, manufactured products, liquids and solids. Among these goods are food, clothing materials, steel, grain, crude oil and electrical appliances. Because the United States depends so strongly on the Merchant Marine, it is essential that we have a strong American Maritime Industry.

Among other reasons for needing a strong Merchant Marine is for military purposes. Without a Merchant Marine, America would be completely dependent on foreign merchant shipping industries to transport our trade. In the event of a war, foreign trade ships could cut off our supply of goods.

Although the United States Merchant Marine is so very important, it has been steadily declining as the maritime industries of other nations have been growing. The United States is the chief trading country in the world, yet only about 5 and one-half percent of its foreign trade is carried by American flag ships. One explanation for this may be that all ships registering under the United States flag must be American made and manned by American crews. But because building and operating ships manned by American crews costs about 50 percent more in the United States than in other countries, many American shipping companies purchase and register their ships in foreign countries. These ships are known to the shipping industry as convenience flag ships. But registering their ships in a foreign country, ship operators avoid using costly American crews, avoid strict U.S. safety regulations, pay no income tax to the country of registry and have little U.S. tax liability. About 70 million deadweight tons of foreign registered ships are owned by American companies. This is about three times the tonnage of American registered ships. Crews of foreign registered ships are sometimes overworked and underpaid. The working conditions are often very dangerous as most of these ships do not conform to U.S. safety regulations. Many of the convenience flag ships do not meet international safety regulations designed to prevent collisions and disasters at sea.

Many American registered ships accept subsidies from the government. The government grants subsidies to U.S. registered shipping lines because of their great importance to the United States. These subsidies help American flag ships compete with foreign vessels. Subsidized shipping lines are controlled by the Maritime Administration. The Administration requires that the subsidized shipping lines provide regular service on trade routes that are essential to U.S. trade and defense. The subsidized lines are also required to pay half of all their profits over a specific amount. The Administration also requires that subsidized shipping lines replace ships that are considered too old for service. Because of all these restrictions and requirements, many American shipping companies buy and register their ships in foreign countries. As a result, only about two percent of the total gross tonnage of ships produced each year are manufactured by United States ship yards.

Tankers and bulk carriers make up the majority of American-owned foreign flag ships. These American-owned foreign flag ships carry about ninety-eight percent of U.S. bulk cargo, leaving room for only a few U.S. flag ships to carry low revenue bulk cargo. Most American-owned flag ships sail only the Great Lakes; however, a few of them are ocean-going vessels.

There are different types of United States Merchant Marine ships that all perform important tasks. The Great Lakes bulk carriers have greatly aided in the industrial development of the United States. The carriers transport goods such as steel, ore, coal, cement, and chemical products. They also transport the huge wheat crops of western Canada and the northern United States to milling centers in New York state and eastern Canada. The Great Lakes bulk carriers do not usually operate in the heavy winter months due to the icing up of lake harbors and straits.

Another important type of cargo transportation is by the towboats and barges of the inland waterway. More than 95 percent of all the cargo transported on the inland waterway travels aboard barges pulled by towboats. Most towboats are from about 65 to 100 feet long and can produce as much as 6,600 horepower. The towboats are used to push a line of barges loaded with grain, salt, coal, or other bulk. Each barge is loaded with as much as 3,000 metric tons of goods. Because a large barge can hold as much freight as 50 or more freight cars, towboat and barge transport is more economical for bulky goods than railroads or trucks. Without these towboats, it would cost the United States a lot more to transport bulk goods.

Tankers, the largest classification of ships in the world today, carry liquids such as crude oil, petroleum, asphalt, bitumen, molasses, palm oil and wine. Some tankers are even equipped to carry dry-bulk goods such as bauxite, coal, grain and iron. There are three major classifications of tankers—oil tankers, ore-bulk-oil carriers, and liquefied natural gas carriers. All three types of tankers play a major role in bringing the United States important goods such as gasoline and steel.

Oil tankers carry crude oil and petroleum products. The hull of the oil tanker serves as the outside wall of the tanks contained in the tanker. Bulkheads, or walls, run from the bow to the stern and from port to starboard to divide the tanks into compartments. This structure strengthens the hull and allows the ship to carry several different products at the same time, thus providing Americans with the many different goods needed for every day life. Another type of oil tanker, the supertankers, is used to transport large amounts of oil. The largest supertanker is over 1,300 feet long and 200 feet wide. It can carry over 500,000 metric tons of oil. Supertankers travel at speeds of about 15 knots. Supertankers are unloaded by underwater pipes provided by offshore ports. This efficient method of unloading saves the U.S. time and money.

The second major classification of oil tankers are the Ore-Bulk-Oil carriers. These carriers transport cargos such as bauxite, coal, grain, and iron as well as oil. These tankers are equipped to carry dry liquid cargos. Ore-Bulk-Oil tankers can carry oil in one direction and dry bulk cargo on the return trip. This versatile feature allows the ship to do the job of two ships, which saves time and money.

The last major classification of tankers are the Liquified Natural Gas carriers. These ships carry natural gas that has been chilled to −260° Fahrenheit. The chilling of natural gas to temperatures of −260° F and below causes it to shrink to about 1/600 of its natural volume and to become a liquid. The liquid is pumped aboard the tanker into aluminum tanks. Natural Gas carriers provide America with the gas that is used by many for cooking and heating.

All three kinds of tankers are very important to the Untied States as they help supply America with gasoline for automobiles, fuel oils for power and heating, lubricants, jet fuels, kerosene and asphalt for road surfaces.

Because the American maritime industry is so vital to American commerce, world trade and national defense, I think that America should proudly stand behind and support its Merchant Marine. I also believe that America needs to wake up and realize what a great job its Merchant Marine is performing. The American Maritime industry is truly the heartbeat of commerce and world trade.

TELECOMMUNICATIONS AND RURAL COMPETITIVENESS

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. COOPER. Mr. Speaker, I was pleased to hear that the keynote speaker at a recent telecommunications convention in Atlanta highlighted the importance of telecommunications to rural economic development. I'm glad that an industry leader has begun to talk in those terms, and I'm especially proud that he's from my region.

BellSouth Chairman John Clendenin told several thousand telecommunications professionals that without access to advanced networks, rural communities would not be competitive in the coming decades. He hinted that his company might owe its rural customers access to advanced technologies for their future economic health.

I can only hope that this is the beginning of an even deeper commitment at BellSouth to include rural areas in its vision for fiber optic cable deployment and advanced technologies. BellSouth has a rich history of high-quality service to rural communities in my State, and I hope that tradition continues with advanced technologies.

Mr. Speaker, Chairman Clendenin is on target. I'm including his remarks here so that others will take note: one of our primary national communications policies should be ensuring that competitive telecommunications advantages develop equally in cities and in the country. As we in Congress consider the role of the Bell Operating Cos. in advancing our Nation into the Information Age, I will be looking to promote the cause of economic development in rural America.

I'm sure my colleagues from rural areas will be interested in Chairman Clendenin's words. I hope the other Bell Operating Cos. and industry leaders will take his ideas as a beginning and follow his lead in desiring to bring the best in telecommunications to rural America.

Remarks by John L. Clendenin, Chairman and Chief Executive Officer, BellSouth Corp., as Delivered to SUPERCOMM, Atlanta, GA, May 25, 1988

Thank you for that kind introduction, and welcome to Atlanta and the first-ever SUPERCOMM!

This impressive gathering—the world's largest annual assembly of telecommunications professionals—represents the combined efforts of the United States Telephone Association and the U.S. Telecommunications Suppliers Association. A tremendous amount of effort from both these organizations has brought SUPERCOMM to reality, and we're all indebted to USTA and USTSA for their hard work and vision.

SUPERCOMM represents something else, too: Commonality. Since divestitute—when our rather tidy world was fragmented overnight—and since the telephone married the computer—when the services the dial tone could deliver multiplied exponentially—this industry has been thrust headlong into a bewildering swirl of ever-changing regulation and technology. Whatever common visions we share—and I happen to think we share quite a few—we've been too busy to define them, and I think SUPERCOMM might be a good time to pause and assess that situation.

We happen to have a profound responsibility to do so, and not only because we have a long heritage of public service. We have profound responsibility because we have profound potential.

Telecommunications—the industry born of that marriage between the telephone and the computer—is going to change the world. No two ways about it. Like the wheel and the wing, the artful science of telecommunicating shrinks space and time, and collapses the social structures supporting them. It's like a vortex, and its absorbing effect touches virtually every eddy of modern life in this country and this world. And we're seeing only the first hints of its long-term sculptural effects on society.

Such a powerful force begs more than one simple vision. In fact, the implications of where massive-scale interactive voice, image, and data-transfer technology can take us are staggering.

So today, I'd like to carve out just one area of concern and lay it as a cornerstone for us to keep in mind as we build a future, piece by piece, with this marvelous technology we're developing.

What I'd like to talk about is telecommunications as an economic development tool and then briefly discuss obstacles blocking its potential to revolutionize commerce in this country.

Most of you here today reached Atlanta via Hartsfield International Airport, a patch of land south of town to which Atlanta—a railroad town at birth—owes much of its current prosperity. Hartsfield's the brainchild of city elders a generation ago, who had a vision of what air travel could be, and went out of their way to make it a part of their city's future. In no small part, such companies as RJR/Nabisco and Georgia-Pacific have moved their corporate headquarters to Atlanta because of the economic verve brought to our doorstep by the crossroad of the world's busiest airport—a distinction, by the way, which Atlanta and Chicago seem to trade on alternate months.

In the twenty-first century—a scant dozen years away—the economic edge will go to communities and nations not just with the best interstates and airports, vital as those are, but with the best communications infrastructures. One fond vision I have for this industry is for it to some day—and the sooner the better—offer the most rural community in this nation the opportunity, via the network, to be a viable player in the global information marketplace.

It's been done before in a limited way. As you know, a few years ago, South Dakota reshaped its local laws and regulations to attract the credit industry. The state's leaders realized that if their economic and regulatory climates were specifically friendly to the needs of that business, South Dakota could handle credit information via telecommunications and computers just as easily as anyone else could. So they went to work and created a new crossroad.

It wasn't a cattle crossing or a river ford. Nor was it a bridgeport, a railroad depot nor an airport. But it was a crossroad nonetheless, and as viable a crux for economic development as any of its more primitive precedents. Today, South Dakota does a brisk business in credit-related finance . . . all in the realm of the abstract. No physical customers. No bustling metropolitan sidewalks, No storefronts. But a lot of revenue singing its way over telephone lines.

Creating critical mass was step two in making it happen: Attracting enough users and making it worth everyone's while to get the whole enterprise off the ground.

And reshaping regulation to conflow with technology was step one. To attract the necessary critical mass, South Dakota revised its laws to accommodate its vision.

These same two steps face us today.

Imagine this: A nation whose rural areas—Malvern, Arkansas, for example, or Orange City, Iowa—are equipped with cutting-edge information services delivered via state-of-the-art network hardware and software. Especially as our economy gears toward information as a primary product and service, an enterprise in Orange City, with an inventory of specialized information to sell, could compete with a similar enterprise based in Manhattan—and, with much lower overhead, would have a good chance for success. Inventory, shipping, receiving, billing and a variety of other basic commercial activities, including even some types of manufacturing, could conceivably be dispatched electronically, making even the most remote outpost into a viable commercial hub by placing it at an information-age crossroad of advanced telecommunications lines.

A pretty invigorating scenario. However, several factors currently prohibit it from being a more universal reality.

First, as you well know, distributing such technology far and wide is expensive. From my company's point of view, we couldn't justify to our shareholders, our ratepayers and probably the public service commissions the high cost of stringing fiber optic cable to a community the size of Malvern, Arkansas purely "on the come."

What would justify that expense is demand sufficient to support the service: Critical mass. And where does that come from? South Dakota went after a very specialized financial-service niche; that's one way. But to attract a widespread base of consumer demand for information services would require grassroots acceptance of the notion of electronic information services. In other words, make sure there are customers for what you intend to offer.

Electronic yellow pages might be a good place to start. Non-threatening, familiar, a natural data base, likely to be accepted by the public—provided it's exhaustive, easy to use and widely available. Now, I'm certainly not saying electronic yellow pages is the only possible tool. But I am saying that, whatever the tool we use, those of us in this industry must work together, in intelligent tandem with potential service providers, if we're to create enough interest in the concept of a nation blanketed with high-tech tele-transactions—to actually make it happen. And any one company isn't big enough to pull the whole wagon. It will require a matrix of support from all players, big and small, because the telecommunications industry is going to be larger by several magnitudes than any game any of us has ever played, or even seen before.

Step one to make step two happen is working together on the regulatory front, because current regulation does hinder development of that critical mass. You probably could guess that as chairman of BellSouth, I'm particularly concerned about the Modification of Final Judgment, but at the same time I don't believe it should be irresponsibly disassembled overnight. I'm for fair competition that's healthy for the marketplace, and frankly, the chaos we'd see if the MFJ went out the window tomorrow might cause more harm than good.

But I strongly support the orderly, progressive dismantling of the MFJ as Open Network Architecture, and the level playing field it represents, is assembled in its stead . . . kind of like removing the scaffolding as a building goes up within its graces. And I know that's a tremendous oversimplification, because ONA represents some risk and the process I'm describing will involve enormous foundational pricing changes.

But despite the enormity of the process, we at BellSouth are cautiously optimistic about it because we saw a step in the right direction last March, when the Court allowed the RBOCs, in a limited way, to participate in information services. We're taking that opportunity very seriously by aggressively pursuing the gateway concept, and we're seeking joint ventures with independent service providers to offer the public an electronic menu sufficiently varied, simple and functional to encourage a core of consumers to actually use it. In other words, we're going for that critical mass.

I believe we all want a consumer base hungry for the finest in current technology, and the ability to deliver, to the broadest public, those services that kind of technology can offer. Because as the public appetite for information services swells, we all . . . especially the public . . . benefit.

And I believe that scenario is best brought to reality through systematic relief from policy which restricts the natural growth of our industry. Install ONA, remove the restrictions, and the information age will begin to take root and flourish in this country.

But there's one more big "if."

And that's simply this: If we're sensitive to the consumer. It's all well and good to hatch a theory about the public clamoring for the glories of the information age. And it's all well and good to pave the regulatory road for it to happen. But what if the consumer doesn't like what he sees for sale? It's a real danger, and those of us close to, and enthusiastic about, gee-whiz technology are particularly susceptible to it.

Recently the The Wall Street Journal published an article about how complicated high-tech consumer goods have gotten—cars whose locking mechanisms are too sophisticated to operate, for example, or telephones with a hundred buttons and a deviant mind of their own. One particularly funny revelation in the story was that when a dozen leading technical wizards of the personal-computer industry went bowling at a recent software conference, none of them—not even Bill Joy, the software genius at Sun Microsystems, nor Steve Ballmer, the Microsoft execuitve responsible for its complex operating system—could figure out how to use the automatic scoring system. The woman who ran the bowling lanes had to show them how to program it.

Closer to home in that same article was a story about Alice Kahn, the syndicated columnist, who tried to send information from her computer over the phone line to a colleague. When she failed, her husband told her to give up. And when she persisted, an argument ensued that she says, quote, "called into question our whole marriage." The next day, the colleague called Mr. Kahn and said, "Well, you didn't access my modem, but you did access my phone-answering machine, and I have an hour of you and your wife arguing."

What a nightmare!

But underlying that funny and awful story is a serious, fundamental note of discord, a message from the public we'd best heed. Technology is a nightmare for a growing number of consumers. According to that article, more and more of them are saying to us high-tech suppliers: We may not buy your widgits. You'd better make them usable. We've been burned before, and we're getting tired of it. Before you make too many of them—better make sure we can use those widgits, and that we want them, and that we'll buy them.

No, it won't do to say, "Here, Mr. Consumer. Here's a thing that's three times faster than that last thing you bought—and didn't use."

So, a word to the wise: Heed the end user.

All these factors—nurturing a critical mass of consumer support . . . readying policy to expedite that support . . . and testing and responding to the market—all these factors are going to have to coalesce, over time, in a very careful brew. As primary caretakers of that brew, we in the industry will have to work together in an atmosphere of trust . . . perhaps in a complementary venture on one project and in health competition on the next . . . but always seeking imaginative solutions to the challenges our industry as a whole will face ahead.

To me, that's what SUPERCOMM is all about. In this first-ever nationwide USTA-USTSA exposition, let's grasp the opportunity to show a true spirit of cooperation, of working together, of building this industry's cohesion and strength. After all, most of us are linked together through a network. And we should take that "network" image as a metaphor for our interdependence. If we build an industry friendly to fair and healthy competition, we'll also build an industry strong enough to hold together and grow together, through the challenges of whatever new horizons may lie ahead.

So my vision for SUPERCOMM in ultimately quite simple. Let's use this gathering to not only learn about the technology which fuels our industry, but also to get to know the people who make it work. Let's lay a bedrock of mutual understanding and make that spirit of understanding the foundation of this, the most exciting of industries, as we enter the next century—a century we've been tapped by destiny to shape.

CITATION OF CLAUDE PEPPER

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. MOAKLEY. Mr. Speaker, on Wednesday, May 25, 1988, the able chairman of the Committee on Rules, the gentleman from Florida [Mr. PEPPER], attended the graduation of the Gerontology Program at the University of Massachusetts at Boston.

At that time the gentleman was invested with the degree of doctor of laws, honoris causa, by the university chancellor, Robert A. Corrigan.

Mr. Speaker, at this point in the RECORD I am pleased to enter the university's citation:

CITATION FOR CLAUDE D. PEPPER, MEMBER OF THE UNITED STATES HOUSE OF REPRESENTATIVES, STATE OF FLORIDA, DOCTOR OF LAWS, HONORIS CAUSA, UNIVERSITY OF MASSACHUSETTS AT BOSTON

(Read by Chancellor Robert A. Corrigan, University of Massachusetts at Boston, upon conferral of the degree, Wednesday, May 25, 1988, Gerontology Program Graduation, John F. Kennedy Library, Boston, Massachusetts.)

You, Claude Denison Pepper, are a true and venerable son of the south, born in Alabama in 1900, and exactly as old as the twentieth century—perhaps the century that has witnessed the most change in human history, change that you have helped shape and direct.

You were educated with distinction at your own public University of Alabama, and at New England's premier private institution, receiving your Bachelor of Laws from the Harvard University Law School in 1924. We are proud that you can return to New England some sixty-four years later to receive an honorary Doctor of Laws from the University of Massachusetts, one of New England's premier public universities.

After serving your adopted state of Florida in the state legislature, you were elected in 1936 to serve in the United States Senate—a seat to which you were reelected in 1938 and 1944. During your years in the Senate you discharged your duties on the Foreign Relations Committee, the Military Affairs Committee, and the Labor and Public Welfare Committee with singular distinction.

In 1962, at an age when many are thinking of retirement, you began a second—even more honorable—career in the national legislature as a United States Congressman from the state of Florida, and you have been reelected to every subsequent Congress.

In the House you have served on a number of important committees and made yourself one of the most significant national voices on aging, by virtue of your role as Chairman of the Select Committee on Aging. Moreover, you have directly and practically addressed the problems of older Americans as Chairman of the Subcommittee on Health and Long-term Care.

Your fellow citizens have recognized your achievements and honored your commitment to their welfare with awards too numerous to mention here. And you have received honorary degrees from many fine institutions, including the one most dear to your heart, your *alma mater*, the University of Alabama.

We are proud to join those institutions, in honoring, you, Claude D. Pepper. By so doing, we show our appreciation for a lifetime of public service. It is no exaggeration to say that you are the very model of the energetic, active, and effective person we all wish to be and become.

KILDEE HONORS BURTON NEIGHBORHOOD HOUSING SERVICES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1988

Mr. KILDEE. Mr. Speaker, I rise today to recognize the accomplishments of the Burton Neighborhood Housing Services [BNHS]. BNHS began in 1982 and is a unique partnership of residents, bankers, corporations, and government representatives working to improve neighborhoods in Burton, MI.

The involvement of both public and private partners has enabled BNHS to have significant impact on the creation and rehabilitation of low-income housing units in Burton. These partners have given both time and money to make BNHS a success. BNHS has diligently worked to help those with limited incomes improve their homes or obtain affordable housing through low-interest loans.

BNHS provides needed services in four basic areas: Home health and safety inspections, home rehabilitation assistance, financial counseling, and home recycling. Each of these services are a vital part of the goal of BNHS to provide quality, affordable housing for the disadvantaged of Burton.

I would like to take this opportunity to publicly recognize the fine achievements of this innovative housing organization and commend them on their work. I am proud to serve as their Congressman in the U.S. House of Representatives.

VOTING RECORD OF HON. DON J. PEASE

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. PEASE. Mr. Speaker, it has become my practice to insert periodically in the CONGRESSIONAL RECORD a list of key votes that I have cast in the U.S. House of Representatives.

The list is arranged in this manner: Each item begins with the rollcall vote number of the bill or resolution that the House was considering, followed by the bill number and a summary of the issue. This is followed by my own vote on the issue and the vote outcome.

This list of votes covers the period of December 2, 1987, through June 8, 1988:

KEY VOTES OF CONGRESSMAN DON J. PEASE

(450) H.R. 2939. Independent Counsel. Reauthorizing for five years the law under which the U.S. Attorney General can request the appointment of a special prosecutor when misconduct by executive-branch officials is alleged. Yes. Passed 322-90.

(454) H.J. Res. 395 FY 1988 Continuing Appropriations. Amendment extending the ozone and carbon monoxide attainment deadline under the Clean Air Act to postpone sanctions by the EPA or courts on areas of nonattainment. No. Failed 162-257.

(455) H.J. Res. 395. FY 1988 Continuing Appropriations. Amendment codifying the "fairness doctrine" of the Communications Act of 1934 which requires radio and television broadcasters to present various sides of controversial issues. Yes. Passed 259-157.

(456) H.J. Res. 395. FY 1988 Continuing Appropriations. Amendment prohibiting Japanese firms from working on U.S. public works projects during FY 1988. Yes. Passed 399-17.

(459) H.R. 3100. FY 1988-89 Foreign Aid Authorization. Amendment restricting International Military and Education Training program funding for El Salvador, Guatemala and Honduras. Yes. Failed 193-214.

(465) H.R. 3100. FY 1988-89 Foreign Aid Authorization. Amendment eliminating language which prohibits countries receiving U.S. military or economic aid from assisting the Nicaraguan contras. No. Failed 200-215.

(471) H.R. 3100. FY 1988-89 Foreign Aid Authorization. Amendment deleting provisions which urge the president to reschedule the debt of low-income African countries. No. Failed 125-259.

(475) H.R. 3100. FY 1988-89 Foreign Aid Authorization. Authorizing $11.4 billion in FY 1988 and $11.5 billion in FY 1989 in aid to foreign countries. No. Passed 286-122.

(478) H.R. 3399. Alternative Motor Fuels. Encouraging the development of a national alternative motor fuels policy. Yes. Passed 327-29.

(481) H.R. 1777. FY 1988-89 State Department Authorization. Authorizing $4.12 billion in FY 1988 and $4.22 billion in FY 1989 for the State Department and related agencies. No. Passed 366-49.

(485) H.R. 1720. Welfare Reform. Amendment requiring states to implement immediate wage withholding for child support payments, expanding child day-care transition rules, and other provisions. Yes. Passed 336-87.

(487) H.R. 1720. Welfare Reform. Transforming the Aid to Families with Dependent Children program into a Family Support Program, requiring recipients to work or enter training or education to qualify for welfare benefits, among other revisions. Yes. Passed 230-194.

(492) H.R. 1467. Endangered Species Act. Reauthorizing the Endangered Species Act and authorizing $307 million in funding for fiscal years 1988-92. Yes. Passed 399-16.

(495) H. Res. 335. Murphy Reprimand. Reprimanding Rep. Austin J. Murphy (D-Pa.) for official misconduct. Yes. Passed 324-68.

(499) H.R. 3030. Farm Credit Act. Providing credit assistance to farmers, strengthening the Farm Credit System, and other purposes. Yes. Passed 365-18.

(508) H.R. 3545. FY 1988 Budget Resolution. Adopting the final version of a budget for fiscal year 1988 that meets the budget targets agreed upon at the November "budget summit" between the White House and Congress. Yes. Passed 237-181.

(510) H.J. Res. 395. FY 1988 Continuing Resolution. Providing $603.9 billion in FY 1988 for programs for which appropriations bills had not been approved. No. Passed 209-208.

(4) H.R. 3884. Overseas School Construction Recission. Deleting $8 million provided in the FY 1988 Continuing Resolution for the construction of schools in France for North African Jews. Yes. Passed 384-1.

(7) H.J. Res. 444. Contra Aid. Approving President Reagan's request for $36.25 million for further military and non-military assistance for the Nicaraguan contras. No. Failed 211-219.

(9) H.R. 5. Elementary and Secondary Education Reauthorization. Instructing House and Senate conferees to agree on language offering a solution to the "dial-a-porn" problem. Yes. Passed 382-0.

(10) H.R. 1054. Military Medical Malpractice Suits. Allowing active service military personnel to sue the federal government for medical and dental malpractice occurring in military hospitals within the U.S. Yes. Passed 312-61.

(20) S. 557. Civil Rights Restoration Act. Restoring coverage of four civil rights laws by clarifying that if one entity of an institution receives federal funds, the entire institution must abide by anti-discrimination laws. The bill ensures that no hospital would be forced to perform abortions, and that schools and colleges can choose not to provide insurance coverage or other benefits related to abortion to their students or employees. Yes. Passed 315-98.

(25) H.J. Res. 484. Contra Aid. Providing $30.8 million in unspent Pentagon funds for humanitarian aid to the Nicaraguan contras Yes. Failed 208-216.

(28) H. Res. 399. Expressing concern over the dictatorship of General Antonio Norgiega, recognizing Eric Arturo Delvalle as president of Panama and urging President Reagan to consider additional economic and political sanctions in Panama. Yes. Passed 367-2.

(31) S.J. Res. 225. Korean War Memorial. Approving the location of a Korean War Memorial. Yes. Passed 404-0.

(32) S. 2151. Agricultural Act Amendments. Establishing aid and trade missions to 16 countries and improving the use of food donated under the Food for Peace Program. Yes. Passed 360-39.

(36) H.R. 2707. Disaster Relief. Revising the federal disaster-relief program, extending a debris-removal program for New York harbor, and creating a new assistance program to combat shoreline erosion in the Great Lakes region. Yes. Passed 368-13.

(40) H.R. 3459. Orphan Drug Amendments. Reauthorizing a law providing tax credits and grants to pharmaceutical companies to encourage them to develop drugs needed by small numbers of people to combat rare diseases. Yes. Passed 409-1.

(41) S. 557. Civil Rights Restoration Act. Overriding President Reagan's veto of the bill. Yes. Passed 292-133.

(45) H. Con. Res. 268. FY 1989 Budget Resolution. Establishing a budget for the U.S. government for fiscal years 1989, 1990, and 1991. The resolution meets the deficit target of $134.1 billion agreed to in the November "budget summit" between the White House and Congress. No. Passed 319-102.

(46) S. 858. Abandoned Shipwreck Act. Giving states ownership of certain abandoned historic shipwrecks that are buried in state lands. Yes. Failed 263-139 (two-thirds vote required for passage).

(48) H.R. 3396. Rehiring of Former Air Traffic Controllers. Providing for the rehiring of 1,000 former air traffic controllers who were fired in 1981 after a strike against the FAA. Yes. Passed 234-180.

(49) H.J. Res. 523. Central American Peace and Contra Aid. Providing $47.9 million for non-lethal programs relating to Nicaragua. Yes. Passed 345-70.

(54) S. 858. Abandoned Shipwreck Act. Giving states ownership of certain abandoned historic shipwrecks that are buried in state lands. Yes. Passed 340-64.

(55) H. Res. 422. Intermediate Nuclear Force Treaty Support. Stating the House of Representatives' support for the INF Treaty. Yes. Passed 393-7.

(56) H.R. 4401. "Dial-a-Porn" Ban. Banning "dial-a-porn" telephone services. Present. Passed 380-22.

(58) H.R. 5. Elementary and Secondary Education Reauthorization. Adopting a substitute bill that includes conference agreements on educational issues and a ban on "dial-a-porn telephone services. Yes. Passed 397-1.

(59) H. Con. Res. 268. FY 1989 Budget Resolution. Instructing conferees to provide more funding for anti-drug programs but meet the discretionary spending caps and revenue levels agreed to in the November "budget summit". Yes. Passed 412-0.

(61) H.R. 4222. Extension of Immigration Legalization Program. Extending from May 4, 1988, to Nov. 30, 1988, the program which grants legal status to illegal aliens who arrived in the U.S. before Jan. 1, 1982, speak English and meet other requirements of the 1986 law. Yes. Passed 213-201.

(65) H.R. 3. Omnibus Trade Bill. Instructing conferees to eliminate the provision requiring some employers to give workers 60 days notice prior to a plant closing or layoff. No. Failed 167-253.

(66) H.R. 3. Omnibus Trade Bill. Revising laws for dealing with unfair trade practices and import injury U.S. indistries, requiring some employers to give workers 60 days notice prior to a plant closing or layoff, and other purposes. Yes. Passed 312-107.

(70) H.R. 4264. FY 1989 Defense Authorization Bill. Amendment prohibiting use of federal funds for activities not permitted under traditional interpretation of the 1972 anti-ballistic missile (ABM) treaty, which rules out the testing in space of strategic defense initiative (SDI) weapons and components. Yes. Passed 252-159.

(71) H.R. 4264. FY 1989 Defense Authorization Bill. Amendment putting a limit on the number of U.S. multiple-warhead ballistic missile- and cruise missile-carrying bombers to the numbers specified in the unratified 1979 strategic arms limitation (SALT II) treaty, unless the president certifies that the Soviet Union has exceeded those limits after enactment of the bill. Yes. Passed 240-174.

(72) S. 999. Veterans' Employment, Training and Counseling. Improving veterans' employment, job-training and counseling services and programs. Yes. Passed 417-0.

(73) H.R. 2616. Veterans' Health Care. Improving health-care programs of the Veterans' Administration. Yes. Passed 416-0.

(76) H.R. 4264. FY 1989 Defense Authorization Bill. Amendment earmarking $100 million to develop a ground-based anti-satellite (ASAT) weapon. No. Failed 195-212.

(77) H.R. 4264. FY 1989 Defense Authorization Bill. Amendment banning ASAT weapons tests against targets in space unless the president certifies to Congress that the Soviet Union has conducted such a test. Yes. Failed 197-205.

(82) H.R. 4264. FY 1989 Defense Authorization Bill. Amendment prohibiting contracting out base-supported functions at Air Force Reserve bases to private contractors. No. Failed 131-229.

(83) H.R. 4264. FY 1989 Defense Authorization Bill. Amendment reducing the number of U.S. troops in Europe by 30,000 in fiscal years 1991-93 and reducing the number in Japan by 7,000 unless other NATO nations and Japan increase their defense spending at a specified rate and take other actions to take on a larger share of their defense. No. Failed 120-240.

(85) H.R. 4264. FY 1989 Defense Authorization Bill. Amendment expressing the sense of Congress that the U.S. should enter into defense burden sharing negotiations with its allies. Yes. Passed 350-0.

(86) H.R. 1811. Veterans' Compensation. Providing compensation to veterans or survivors of veterans who took part in U.S. atmospheric nuclear tests or in the occupation of Hiroshima or Nagasaki and who suffer from diseases that could be attributable to radiation exposure. Yes. Passed 326-2.

(88) H.R. 4264. FY 1989 Defense Authorization Bill. Amendment barring the deployment of U.S. forces in Nicaragua except under specified circumstances. Yes. Passed 276-92.

(89) H.R. 4264. FY 1989 Defense Authorization Bill. Amendment cutting the authorization for additional U.S. military construction projects in Honduras by $3.05 million. Yes. Failed 111-267.

(90) H.R. 4264. FY 1989 Defense Authorization Bill. Amendment barring the deployment of U.S. personnel on training missions in Honduras within 20 miles of the Nicaraguan border. Yes. Failed 147-238.

(93) H.R. 4264. FY 1989 Defense Authorization Bill. Amendment raising the threshold of the Davis-Bacon labor law provisions from $2,000 to $50,000 for all federal construction projects and from $2,000 to $15,000 for all federal renovation, repair and alteration projects. Yes. Passed 213-195.

(95) H.R. 4264. FY 1989 Defense Authorization Bill. Amendment barring the Department of Defense from awarding contracts to foreign defense contractors who discriminate on the basis of race, color, religion, sex or national origin. Yes. Passed 365-50.

(96) H.R. 4264. FY 1989 Defense Authorization Bill. Amendment stating that a lack of registration information in Selective Service System records is prima facie evidence of an individual's failure to register unless the defendant states the time and place of registration and the individual's record is corrected. No. Passed 262-140.

(99) H.R. 4264. FY 1989 Defense Authorization Bill. Amendment eliminating the strategic defense initiative (SDI) and authorizing $1.3 billion to establish a Strategic Technology Research Office. Yes. Failed 118-299.

(101) H.R. 4264. FY 1989 Defense Authorization Bill. Amendment reducing the authorization for the Strategic Defense Initiative (SDI). Yes. Passed 223-195.

(105) H.R. 4264. FY 1989 Defense Authorization Bill. Amendment increasing authorizations for drug interdiction equipment by $475 million and directing the President to use the Armed Forces to stop the entry into the U.S. of aircraft and vessels carrying narcotics. No. Passed 385-23.

(107) H.R. 4264. FY 1989 Defense Authorization Bill. Amendment cutting Air Force funding by $500 million and barring the use of Air Force funds for the MX intercontinental ballistic missile. Yes. Failed 143-265.

(109) H.R. 4264. FY 1989 Defense Authorization Bill. Amendment cutting by $400 million the authorization for the MX intercontinental ballistic missile and increasing by $100 million the authorization for the small ICBM Midgetman. Yes. Passed 233-171.

(110) H.R. 4264. FY 1989 Defense Authorization Bill. Amendment limiting the authorization for the Trident I missile and prohibiting the use of Navy funds for the Trident II missile. No. Failed 79-307.

(115) H.R. 3146. Lottery Advertising. Allowing broadcast and mail advertising of legal private lottery and gambling enterprises. Yes. Failed 259-159 (two-thirds vote required for passage).

(118) H.R. 4445. Terrorist Firearms Detection. Prohibiting the production and importation of any firearm that does not contain at least 3.7 ounces of detectable metal. Yes. Passed 413-4.

(126) H.R. 4264. FY 1989 Defense Authorization Bill. Authorizing FY 1989 funding for the Department of Defense and nuclear weapons programs run by the Department of Energy. Yes. Passed 252-172.

(130) H.R. 4471. FY 1988-89 Foreign Aid Authorization. Authorizing through 1992 the Overseas Private Investment Corporation and the Board for International Broadcasting. Yes. Passed 267-112.

(133) H.R. 4567. FY 1989 Energy and Water Appropriations Bill. Appropriating $17.8 billion for energy and water development programs. Yes. Passed 384-20.

(136) H.R. 4586. FY 1989 Military Construction Appropriations. Appropriating $8.8 billion for defense-related construction projects. Yes. Passed 382-26.

(138) H.R. 3193. Hate Crime Statistics. Requiring the Justice Department to collect and report information on crimes committed against individuals on the basis of race, religion, ethnicity, homosexuality or heterosexuality. Yes. Passed 383-29.

(148) H.R. 4587. FY 1989 Legislative Branch Appropriations. Appropriating $1.4 billion for the legislative branch, except for the Senate, which will set its budget when it considers the bill. Yes. Passed 277-104.

(150) H.R. 3. Omnibus Trade Bill. Overriding the President's veto of the bill. Yes. Passed 308-113.

(154) H.R. 4637. FY 1989 Foreign Aid Appropriations. Appropriating $14.3 billion for foreign aid and export-promotion programs. No. Passed 328-90.

(158) H. Con. Res. 268. FY 1989 Budget Resolution. Approving the final version of the government's fiscal year 1989 budget. Yes. Passed 201-181.

(159) H.R. 1212. Employee Polygraph Protection. Agreeing to the conference report on the bill prohibiting most uses of lie detectors by employers invovled in or affecting interstate commerce. Yes. Passed 251-120.

(164) H.R. 2470. Medicare Catastrophic Protection. Agreeing to the conference report on the bill providing protection against catastrophic medical expenses under the Medicare program. Yes. Passed 328-72.

(165) H.R. 4561. NASA Authorization. Authorizing appropriations of $11.5 billion in FY 1989, $14.4 billion in FY 1990, and $15.7 billion in FY 1991 for the NASA programs including research and development, space flight, control and data communications, construction of facilities, and research and program management. Yes. Passed 360-26.

(167) H.R. 4505. Department of Energy Authorization. Authorizing $3.3 billion in appropriations for civilian research and development programs, including the superconducting super collider, for FY 1989. No. Passed 290-27.

(172) H.R. 3966. Children's Television Practices. Requiring the Federal Communications Commission to reinstate restrictions on advertising during children's television, and to enforce the obligation of broadcasters to meet the educational and informational needs of the child audience. Yes. Passed 328-78.

(176) H. Res. 466. Long-Term Home Care. Providing for the consideration by the House of Representatives of H.R. 3436, a bill establishing a program to provide home health care for the elderly, children, and the disabled. No. Failed 143-269.

TRIBUTE TO DAVID PEARSON, EAGLE SCOUT

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. COELHO. Mr. Speaker, while I was in my district last weekend, I read a story in the local newspaper about an outstanding young constituent of mine, David Pearson of Riverbank, CA. David was recently awarded the rank of Eagle Scout in the Boy Scouts, which by itself is a significant achievement worthy of special recognition. But what makes it all the more noteworthy is that David is afflicted with a gradual, incapacitating type of muscular dystrophy, and he is confined to a wheelchair.

Some people, I think, would be surprised at how normal a life David leads. He is a sophomore at Beyer High School in Modesto, where he plays saxophone with the school band and serves as statistician for the sophomore football team. The only thing that differentiates David from his classmates at Beyer High is the wheelchair that he sits in and the faithful service dog, Cameo, who accompanies him wherever he goes.

Any Boy Scout can tell you how difficult it is to achieve the rank of Eagle Scout—only a small percentage of Scouts have the dedication and commitment to fulfill the stringent requirements for the 21 merit badges necessary to attain this prestigious rank. Most young men take 6 years to fulfill these requirements, but David did it in only 5. I had the great privilege of speaking with David on the telephone over the weekend to congratulate him on this important accomplishment. I was impressed with his enthusiasm about life and all the opportunities it holds, and especially with his belief that a person should concentrate on all he can do rather than on the few things he cannot.

Unfortunately, our society places innumerable barriers in the paths of disabled persons that often prevent them from carrying out normal lives and reaching their full potential. David has had to work harder than the average young man to achieve all that he has, but because of his positive attitude and his perseverance he has overcome the odds and has been able to succeed. I know what David has had to go through, because I, too, am disabled and have suffered firsthand the discrimination that all too often prevents disabled persons from leading normal lives.

Earlier this year I introduced H.R. 4498, the Americans with Disability Act of 1988, which seeks to eliminate discrimination against persons with handicaps in areas such as employment, housing, public accommodations, travel, communications, and the activities of State and local governments. This landmark legislation would ensure David's right to lead a normal and productive life, and the similar right of millions of disabled Americans like him across this great country. I urge all of my colleagues here in the Congress to cosponsor this bill, in support of the disabled persons who—unlike David—have not been able to overcome the barriers before them and the discrimination they face.

Mr. Speaker, David Pearson is a shining example of the capabilities of disabled persons everywhere, and an inspiration to all of us who are disabled. I would like to take this opportunity to salute this outstanding young man, and in recognition of the lessons his courageous story holds for all of us, I ask that the article about him that recently appeared in the Modesto Bee be reprinted here in the RECORD.

The article follows:

[From the Modesto Bee, June 2, 1988]

HANDICAP CAN'T STOP EAGLE SCOUT

(By Fred Herman)

The road to Eagle Scout is paved with 21 merit badges—11 mandatory ones, including swimming.

David Pearson needed—and was granted—an exemption from that one, enabling the 16 year-old Modesto boy to achieve his goal.

On Saturday, David will become the first ever wheelchair-bound Eagle Scout in the four county 1,900-scout Yosemite Area Boy Scout Council.

"It took a while," said the Beyer High School sophomore. "I got frustrated but I stuck with it. It was well worth it."

Blond, blue-eyed and articulate, the former muscular dystrophy poster boy joined Modesto's Troop 76 in his last few months of walking.

"I try to do what I can," said David, "not dwell too much on what I can't."

For instance, he needed help at Troop 76's summer camp, which is reached by fording a stream. Wheelchairs can't make the trip.

So David's fellow scouts carried him during that session, and later helped him with personal toilet functions.

Using a stretcher chair "like they used to carry emperors around on," they ran him into a tree once. Pearson was scratched but carried on.

"Summer camp is the big test," he said, "in which we lose the wimps who can't stand it."

David has shown he wasn't a wimp, not only making it through camp, but providing an inspiration to others in the troop.

"What's outstanding about David," said Scoutmaster Richard DeWolf, "is that he hasn't let his disability handicap him. He doesn't expect to be treated as handicapped. The kids do what he requires, that's all. He doesn't seek sympathy, or extra treatments and he definitely contributes, as a leader."

David serves as troop advancement director, keeping tabs on his peers' progress.

"He contributed more to scouts than scouts contributed to him," DeWolf continues. "It's been a tremendous experience for all of us. We're delighted to have him."

District scout executive Mitch Preus added praise for Pearson's community service project, another Eagle requirement.

"Despite the obvious handicaps," he managed to supervise painting and repainting of a building at Howard Training Center."

"It's sad," he said, "to hear David talk of what he wants to do this summer, 'Because I may not be alive next summer.'"

Pearson's muscular dystrophy, a non-contagious, chronic wasting of muscles, was diagnosed at age 6. As poster boy, he visited with President Carter in 1980.

Two years ago, Life magazine did a spread on him and his faithful black Labrador, Cameo, now 4 years old and his constant companion.

Trained by Canine Companions of Santa Rosa, Cameo carries Pearson's books in Pony Express-style saddlebags.

Cameo tags along to band practice and football games—Pearson plays alto sax and serves as soph team statistician—and even pulls the wheelchair.

Joining the scout troop at Centenary United Methodist Church and working toward his Eagle was a natural thing for the younger of Alysa and Dan Pearson's two children. David's father, a dentist, was an Eagle Scout himself.

His performance has made his parents proud.

"He doesn't like to toot his own horn," said his mother.

And he's the last one to mention that he achieved the Eagle rank in his fifth year of scouting—a year less than average.

It will take five more badges to qualify for a "silver palm," the next award toward which an Eagle Scout strives.

And David plans to give it a go.

ALLENTOWN NEIGHBORHOOD HOUSING PROGRAM PROVIDES A VARIETY OF SERVICES

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1988

Mr. RITTER. Mr. Speaker, the Allentown Neighborhood Housing Services, Inc., was established in Allentown in May 1981. Allentown is presently one of the five communities that has a Neighborhood Housing Services [NHS] Program in Pennsylvania. The other cities are Pittsburgh, where this service was initiated in 1968, Philadelphia, Reading, and Scranton.

As a resident of adjacent Coopersburg I have had a close view of the benifits of the Allentown NHS. I would like to take this opportunity to thank Ernest H. Josar the president of NHS, and his staff for their productive work. I point with pride to the leading institutions of the Lehigh Valley. Their financial assistance, along with the many other local contributors from the private sector, has aided the Allentown NHS in the last 7 years with such services as material discounts, roof inspections, and lock distribution.

The NHS provides rehabilitation counseling, construction monitoring, financial services, and community outreach. It takes what already exists—homes in a neighborhood—and remodels them into safe, clean housing at a fraction of the cost of building new low- and moderate-income housing. With assistance from the Allentown Code Enforcement Office, NHS helps transform neighborhoods by stimulating homeowners to upgrade their homes.

NHS helps the individuals who are "unbankable" in terms of getting loans to make necessary repairs to their homes. The program helps retired individuals, living on fixed incomes, who do not have the extra dollars to keep up their homes, and working families with children who do not have the extra dollars to bring their homes into compliance. In 1987 NHS served 640 clients in the Lehigh Valley neighborhood; of this number, 510 received 1 or more of the technical or financial services that NHS offers.

NHS includes a revolving loan fund which consists of $50,000 repayable to neighborhood reinvestment; $145,000 is earmarked in CDBG funds from the city of Allentown; and a grant from the Pennsylvania Department of Community Affairs for $50,000. By selling loan packages to NHS of America, they are able to replenish our loan fund. All loan funds are kept separate and distinct from operating funds, and are solely for housing rehabilitation needs.

The impact of this service is more than dollars and cents. Allentown NHS provided good safe housing, maintains neighborhoods, keeps individuals from relocating, and helps eliminate city blight and deterioration. The programs provide a cost-effective alternative to expensive Federal and local developments. They help keep a sense of neighborhood, promote neighborhood living and safety, and improve the quality of life for those individuals with limited incomes.

I am a strong supporter of these programs. It is a pleasure to walk through the neighborhood and see the many changes: homes being repaired and brought into compliance with safety codes. With the aid of NHS many elderly people are able to stay in their homes, and many young families are able to secure housing without turning to welfare or other government programs.

The NHS Program is a realistic program. It is a program that saves the community and Federal taxpayers money, helps the city eliminate its blight and upgrade its neighborhoods, and helps individuals and families live in safe, comfortable homes. Mr. Speaker, I am pleased to join my colleagues today in paying tribute to the work done in our communities by the NHS of America.

STOP LAWAAIKAMP EVICTIONS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. VENTO. Mr. Speaker, yesterday the South African apartheid government extended the so-called ordinary law, which is anything but ordinary by democratic principles. The extension of the 2-year-old "state of emergency," in spite of a 75-percent reduction in public violence, is unjustified. Over 3,000 deaths have occurred since 1984 when violence erupted in South Africa. The continuing forced evictions aimed at majority black communities and the arbitrary loss of what little property blacks own continues to spur on this conflict.

Minnesotans are making their concerns known about this issue. Recently, the 2,000 remaining residents of Lawaaikamp were ordered to leave their homes and move to Sandkrall, South Africa. The Government plans to forcibly remove those who resist eviction and to demolish the remaining homes. Many of my constituents as well as the St. Paul City Council and other public officials in St. Paul, including some schoolchildren, have taken note of events in South Africa and are deeply upset by this news since St. Paul and Lawaaikamp are "sister cities."

On May 19, a delegation of Minnesotans met with South African Ambassador Piet Koornhof to present petitions and letters requesting that the eviction of Lawaaikamp be canceled. I also wrote to the Ambassador urging that the evictions be stopped and permitting the people of Lawaaikamp to determine for themselves whether to move or not. The Ambassador has indicated that my letter as well as the petitions which were presented have been forwarded to the appropriate officials in South Africa.

While the mass eviction originally set for May 31 did not take place, it is my understanding that the South African authorities may attempt to proceed with these evictions on an individual basis over a longer period of time. Such a strategy does not in any way diminish the cruelty or indifference of the authorities to the wishes of the people of Lawaaikamp. While the officials have said that Lawaaikamp is uninhabitable because it is poor and has limited water and sanitation and while the Government refuses to improve these services for the black residents of Lawaaikamp, the Government has also indicated that after the blacks are displaced other South Africans may be permitted to move in.

Mr. Speaker, I had the privilege ot traveling with members of the Banking Committee in 1983 to Cape Town, Crossroads, and other parts of South Africa. I vividly recall seeing the camps where black South Africans were forced to live, often after being evicted from towns and areas where they and their families had lived for many years. I saw empty, leveled communities where only the silent church buildings remain standing.

As long as the South African Government and its abhorrent apartheid policy remain in place, the United States must speak out and condemn this inhumane and unjust system. In this regard, the passage of H.R. 1580, the Anti-Apartheid Act amendments, must be an important legislative priority for this Congress. We should not continue to permit United States investment in South Africa and the export of South African products to the United States while the basic human and civil rights of a majority of the people of South Africa are violated. Certainly, one of the hallmarks of democratic government is the protection of individual citizens against arbitrary actions by the government. The South African Government has an opportunity in Lawaaikamp to demonstrate a new commitment to democratic reform and justice. I hope that the South African authorities will act soon to stop the forced eviction of the people of Lawaaikamp and the demolition of their homes.

[From the St. Paul Pioneer Press Dispatch, June 1, 1988]

TELEPHONE LINKS SOUTH AFRICAN, ST. PAUL TEENS

(By Ben Chanco)

The South African voices that echoed through overhead speakers in Town Square Park on Tuesday morning were somtimes difficult to understand, but their message came across loud and clear to the St. Paul teen-agers listening.

"We are prepared to be killed," said a voice from South Africa identified only by the first name of Churchill. "We will stay in Lawaaikamp."

The comment was applauded loudly by 60 students from Highland Park Junior High School and 19 students from Hazel Park Junior High School who were in downtown St. Paul to participate in a long-distance telephone question and answer session with about 20 of their counterparts in Lawaaikamp.

Churchill's comment was in response to Denni Foster, 13, an eighth-grader at Highland who wanted to know where the people of Lawaaikamp would go if forced out, and what they would do.

Lawaaikamp, near the white city of George on the southern tip of South Africa, has been in the news lately because of government plans to clear out its remaining 2,000 black residents. As part of the apartheid—or racial separation—policy, the government wants to expand into Lawaaikamp a segregated community for "coloreds," the South African term for Asian Indians and people of mixed race.

The telephone link-up Tuesday was part of the efforts of St. Paul city officials who have declared Lawaaikamp a sister city and have been lobbying national leaders in the United States and South Africa to allow the residents of Lawaaikamp to continue living in their community.

"What are you doing to show your support?" Churchill asked the St. Paul students.

"We can't vote yet," said Brian Fruke, 14, an eighth-grader at Highland. "But we've written letters to President Reagan and to your government."

"What kind of education are you getting?" another voice from Lawaaikamp asked.

"I go to school with whites, Asians and blacks," answered Shyana Walker, an eighth-grader at Highland.

The students from Highland and Hazel Park became interested in Lawaaikamp through the efforts of St. Paul City Council member Bill Wilson, who pushed in February for the sister city relationship. The students have been conducting a letter-writing campaign.

Esther M. Graham, the teacher of the Hazel Park students, said her youngsters wrote letters to Reagan, Sens. Rudy Boschwitz and Dave Durenberger, and Rep. Bruce Vento.

"They want to stop the removal of the people of Lawaaikamp," Graham said, "but they didn't get one response. Here we have 13-year-old kids who want to get involved, but politicians don't want to touch it because it's a political hot potato."

Wilson believes the efforts of the students have not been wasted. He said that a preschool in Lawaaikamp was supposed to be closed permanently and all the residents were supposed to be evicted from the city on Tuesday.

"But the school in not going to close and they didn't move the people out yet," Wilson said. "I've got to believe some of what the kids have done has had an effect."

Derek Patrin, 13, an eighth-grader at Highland, said that he was one of those who wrote letters of support to students in Lawaaikamp.

"I encouraged them to fight it," Patrin said of the proposed removal of blacks from the town. "I told them to tell 13-year-olds who are white how they feel. Two kids can understand each other better than an adult can understand a kid."

Matthew Dunkel, 13, a seventh-grader at Hazel Park, said he believes children who get involved can make a difference. Dunkel, in fact, accompanied a St. Paul delegation that met on May 20 with Piet Koornhof, South African ambassador to the United States.

Dunkel said he told Koornhof there is no place in the civilized world for the policy of apartheid.

"He was a little jumpy, and I could see he wanted to get out of the meeting quickly," Dunkel said. "I think it hit him hard that I was talking to him. He was probably wondering, 'What's this little kid doing here?'"

INTRODUCTION OF THE COQUILLE RESTORATION ACT

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. DEFAZIO. Mr. Speaker, today I am introducing the Coquille Restoration Act, a bill to correct a 34-year-old mistake by restoring to Federal recognition the Coquille Tribe of Indians. The Coquilles originally lived along the southern Oregon coast and many of their descendants remain in the area to this day.

The Coquilles are among the western Oregon Indian tribes which were terminated by Congress in 1954. Termination was a misguided approach meant to "assimilate" Oregon's Indians into the dominant white culture. The result was a deterioration of the tribes' cultural identity and economic disaster.

Beginning in 1977 Congress began the process of restoring the western Oregon tribes by restoring the Confederated Tribes of Siletz Indians. This act was followed by the restoration of the Cow Creek Band of Umpqua

Indians in 1982, the Confederated Tribes of the Grand Ronde Community of Oregon in 1983, the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians in 1984, and the Klamath Tribe in 1986. The Coquilles are the remaining tribe eligible for restoration.

Restoration of these tribes resulted in improved services, increased economic opportunity and recognition and strengthening of tribal culture and awareness of their heritage as American Indians.

Mr. Speaker, passage of this bill would correct a 34-year-old mistake and conclude Congress' efforts to restore the terminated western Oregon Indians tribes.

H.R. 4787

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This act may be cited as the Coquille Restoration Act.

DEFINITIONS

SEC. 2. For the purposes of this act;

(1) "Tribe" means the Upper Coquille and the Lower Coquille Tribes of Indians;

(2) "Secretary" means the Secretary of the Interior or his designated representative;

(3) "Interim Council" means the Tribal Council of the Coquille Tribe which serves pursuant to section 8 of this Act; and

(4) "Member" means a person enrolled on the Tribe's membership roll of August 29, 1960, compiled by the Bureau of Indian Affairs, or entitled to be so enrolled as provided for in subsection 7(b) of this Act;

(5) "Service area" means the area composed of Coos, Curry, Douglas, and Land Counties in the State of Oregon.

(6) "State" means the State of Oregon.

SEC. 3. RESTORATION OF FEDERAL RECOGNITION, RIGHTS, AND PRIVILEGES.—

(a) FEDERAL RECOGNITION.—Notwithstanding any provision of law, Federal recognition is extended to the Coquille Tribe of Indians and to members of the tribe. Except as otherwise provided herein, all laws and regulations of general application to Indians or nations, tribes, or bands of Indians that are not inconsistent with any specific provision of this Act shall be applicable to the tribe and its members.

(b) RESTORATION OF RIGHTS AND PRIVILEGES.—Except as provided in subsection (d) of this section all rights and privileges of this Tribe and of members of the Tribe under any Federal treaty, Executive Order, agreement or statute or under any other authority, which were diminished or lost under the Act of August 12, 1954 (25 U.S.C. 691, et seq.), are hereby restored and provisions of said Act shall be inapplicable to the Tribe and to members of the Tribe, after the date of enactment.

(c) FEDERAL SERVICES AND BENEFITS.—Notwithstanding any other provision of law, the tribe and its members shall be eligible, on and after the date of the enactment of this Act, for all Federal services and benefits furnished to federally recognized Indian tribes or their members without regard to the existence of a reservation for the tribe. In the case of Federal services available to members of federally recognized Indian tribes residing on a reservation, members of the tribe in Coos, Curry, Douglas, and Lane Counties in the State of Oregon shall be deemed to be residing on a reservation. Any members residing in said counties shall continue to be eligible to receive any such Federal service notwithstanding the establishment of a reservation for the tribe in the future. Notwithstanding any other provision of law, the tribe shall be considered an Indian tribe for the purpose of the "Indian Tribal Government Tax Status Act" (Sec. 7871, I.R.C. 1954).

(d) HUNTING, FISHING, TRAPPING AND WATER RIGHTS.—Nothing in this Act shall expand, reduce, or affect in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and its members.

(e) INDIAN REORGANIZATION ACT ELECTION.—Notwithstanding the tribe's previous rejection of sections 461, 462, 463, 464, 465, 466 to 470, 471 to 473, 474, 475, 476 to 478, and 479 of United States Code Title 25, upon written request of the General Council, as defined in the constitution provided for in section 9 of this Act, the Secretary of the Interior shall conduct a special election pursuant to section 478 of this title to determine if such sections should be applicable to the tribe.

(f) CERTAIN RIGHTS NOT ALTERED.—Except as specifically provided in this Act, nothing in this Act shall alter any property right or obligation, any contractual right or obligation, or any obligation for taxes already levied.

SEC. 4. ECONOMIC DEVELOPMENT.—

(a) PLAN FOR ECONOMIC SELF-SUFFICIENCY.—The Secretary shall:

(1) enter into negotiations with the Tribal Council with respect to establishing a plan for economic development for this tribe; and

(2) in accordance with this section and not later than two years after the date of the enactment of this Act, develop such a plan.

(3) upon the approval of such plan by the Tribal Council the Secretary shall submit such plan to the Congress.

(b) RESTRICTIONS TO BE CONTAINED IN PLAN.—Any plan developed by the Secretary under subsection (a) shall provide that:

(1) any real property transferred by the tribe or any members to the Secretary shall be taken and held in the name of the United States for the benefit of the tribe;

(2) any real property taken in trust by the Secretary pursuant to such plan shall be subject to:

(A) all legal rights and interests in such land existing at the time of the acquisition of such land by the Secretary, including any lien, mortgage, or previously levied and outstanding State or local tax; and

(B) foreclosure or sale in accordance with the laws of the State pursuant to the terms of any valid obligation in existence at the time of the acquisition of such land by the Secretary; and

(3) any real property transferred pursuant to such plan shall be exempt from Federal, State, and local taxation of any kind.

SEC. 5. TRANSFER OF LAND TO BE HELD IN TRUST.—The Secretary shall accept real property within the service area for the benefit of the tribe if conveyed or otherwise transferred to the Secretary. Such property shall be subject to all valid existing rights including liens, outstanding taxes (local and State), and mortgages. Subject to the conditions imposed by this section, the land transferred shall be taken in the name of the United States in trust for the tribe and shall be part of its reservation. The transfer of real property authorized by this section shall be exempt from all local, State, and Federal taxation as of the date of transfer.

SEC. 6. CRIMINAL AND CIVIL JURISDICTION.—The State shall exercise criminal and civil jurisdiction within the boundaries of the reservation, in accordance with section 1162 of title 18, United States Code, and section 1360 of title 25, United States Code, respectively. Upon the request of the State for partial or complete retrocession of jurisdiction pursuant to section 1323, title 25 United States Code, the Secretary shall accept such retrocession.

SEC. 7. MEMBERSHIP ROLLS.—

(a) OPENING; DUTY OF INTERIM COUNCIL.—The membership roll of August 29, 1960, compiled by the Bureau of Indian Affairs is declared open. The Interim Council under the Tribe's governing documents in effect on the date of passage of this Act shall take such measures as will insure the continuing accuracy of the membership roll.

(b) CRITERIA FOR ENROLLMENT.—

(1) Until a tribal constitution is adopted a person shall be placed on the membership roll if the individual is living and is not an enrolled member of another federally recognized tribe, and if;

(a) That individual's name was listed on the tribal membership roll of August 29, 1960, compiled by the Bureau of Indian Affairs;

(b) that individual was entitled to be listed on the Tribe's membership roll of August 29, 1960, compiled by the Bureau of Indian Affairs, but was not listed, or,

(c) that individual is a lineal descendent of an individual, living or dead, identified by subparagraphs (a) or (b) above.

(2) After adoption of a tribal constitution, said constitution shall govern membership in the Tribe.

(c) Verification of Eligibility for Enrollment; Appeal.—

(1) Prior to any election pursuant to section 9 of this Act, the Interim Council shall verify by Tribal resolution the eligibility for enrollment and the age of each member listed on the Tribe's membership roll, which resolution shall be forwarded to the Secretary.

(2) With regard to the exclusion of any name from the tribal membership roll, any individual alleging eligibility for membership may appeal to the Secretary in accordance with the regulations at Title 25, Code of Federal Regulations Part 2. The tribe must place on said roll any such individual that the Secretary determines is eligible for membership.

SEC. 8. INTERIM GOVERNMENT.—Until such time as a new tribal constitution and bylaws are adopted in accordance with section 9 of this Act, the tribe shall be governed by an Interim Council. The initial membership of the Council shall consist of members of the tribal council of the Coquille Tribe of Indians at the date of enactment of this Act. Any new members shall be elected according to the Tribal Bylaws adopted on April 23, 1979, *Provided,* That said members must meet the criteria for enrollment set forth in subsection 7(b) of this Act.

SEC. 9. TRIBAL CONSTITUTION.—

(a) ELECTION; TIME AND PROCEDURE.—Upon the written request of the Interim Council or within twelve (12) months of the date of enactment of this Act, whichever is sooner, the Secretary shall conduct, by secret ballot, an election for the purpose of adopting a constitution for the Tribe. The election shall be held after such written request and within sixty days after the Tribe provides certified copy of the Tribe's membership roll and notice of said election to the members. Absentee balloting shall be permitted regardless of voter residence. In every other regard, the election shall be held according to section 16 of the Indian Reorganization Act of 1934, and accompanying regulations.

(b) ELECTION OF TRIBAL OFFICIALS; PROCEDURES.—Not later than One Hundred and Twenty Days after the tribe adopts a constitution and bylaws, the Bureau of Indian Affairs shall conduct an election by secret ballot for the purpose of electing tribal officials as provided in the tribal constitution. Said election shall be conducted according to the procedures stated in paragraph (a) of this section except to the extent that said procedures conflict with the tribal Constitution.

SEC. 10. The Secretary may promulgate such regulations as may be necessary to carry out the provisions of this Act.

SOVIET JEWRY: AN OPPORTUNE TIME TO ACT

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. LIGHTFOOT. Mr. Speaker, today I would like to bring to your attention a timely issue about which we should all be concerned. This is the plight of the Soviet Jews. Much time was spent at the recent Moscow summit discussing human rights in the Soviet Union. While progress is being made in this area, there is still a tremendous amount of progress to be made.

Massive emigration from the Soviet Union began in 1975 after the signing of the Helsinki accords. In 1979, 51,320 Jews emigrated from the Soviet Union, an all-time high. The number of Jewish emigrants dropped drastically in the 1980's despite the fact that the Soviet Union is a signatory to the Helsinki accords. While the Soviet Government has been more lenient in allowing emigration for the reunification of families and marriage, it has been adamantly opposed to religious particularily Jewish, emigration.

In 1987, 8,155 Jews were allowed to emigrate out of the Soviet Union. As of May 1988, 4,695 Soviet Jews have been allowed to leave. It is obvious that both figures are well below the levels in the late 1970's. The Soviets do not recognize the universal right to emigrate in practice although they are signatories to international documents recognizing that right. Simply applying for an exit visa has resulted in harrassment, intimidation, punishment, and has often labled the emigrant as a suspicious threat to the state. Teaching Hebrew in the Soviet Union is illegal. Hebrew and Yiddish schools, Yiddish publications, and Yiddish language instruction are extremely limited. Currently there are fewer than 60 synagogues in the Soviet Union to serve an estimated 2.5 to 3 million Jews. It is obvious that the Soviet Government is seriously limiting the growth of the Jewish religion if not trying to eliminate it altogether.

The recent increase of Jewish emigrants leaving the Soviet Union can partially be traced to Gorbachev's broadening domestic reform and policy of openness. While this increase is encouraging, there is much we can do as an institution to improve and speed the emigration process.

In that regard, I want to urge all of my colleagues to join the Soviet Jews in their struggle for basic human rights. This can be accomplished by continuing to support and encourage the upholding of the Jackson-Vanik amendment to the Trade Act of 1974 which links most-favored-nation status to emigration policies; by stressing the ratified INF Treaty which contains an amendment of reaffirmation sponsored by Senator DENNIS DECONCINI; by raising the issue at all contact points between the United States and the Soviet Government as fundamental to their relationship with the United States; by participating in efforts sponsored by congressional caucuses; and by supporting congressional resolutions and letters on behalf of oppressed Jewry. Subjecting these issues to widespread public attention not only helps individuals who wish to emigrate, it also causes the Soviet Government to act humanely with those wishing to emigrate.

Mr. Speaker, while progress has been made for the emigrants, we must let the Soviets know that this legislative body will not be satisfied until all refusniks are free.

SUMMIT STATEMENT IN SUPPORT OF GLOBAL CHILD SURVIVAL EFFORTS

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. HALL of Ohio. Mr. Speaker, I would like to call my colleagues' attention to the statement of support for global child survival efforts which was issued at the conclusion of the Moscow summit meeting. The joint communique issued by President Ronald Reagan and Soviet General Secretary Mikhail Gorbachev stated in this regard:

> Both leaders reaffirmed their support for the WHO/UNICEF goal of reducing the scale of preventable childhood death through the most effective methods of saving children. They urged other countries and the international community to intensify efforts to achieve this goal.

This joint statement from the Moscow summit was warmly received by UNICEF Executive Director James P. Grant and WHO Director-General Halfdan Mahler. As they observed in reaction to this communique:

> The attainment of the goals of Health for All by the year 2000 and child survival and development, including the eradication of polio, would represent an extraordinary gift from the 20th century to the 21st century.

It is most encouraging that the leaders of the two superpowers acknowledged the work and the goals set by UNICEF and WHO with respect to saving the children of the world from the ravages of preventable diseases. Indeed, it is a tribute to the efforts of both UNICEF and WHO that the issue of child survival is becoming a more visible priority on the world's agenda. Both organizations had urged the summit leaders to issue a statement in support of the principles of primary health care, universal child immunization by 1990, and the eradication of polio by the year 2000.

Following the leadership of UNICEF and WHO, many private voluntary organizations around the world are working diligently in the field to implement these goals. In addition, many governments have committed resources toward their attainment.

In the United States, global child survival is developing an increasingly larger constituency. The support of the American people for international child survival initiatives has been reflected in encouraging bipartisan actions taken by the Congress and the administration in recent years.

Child survival has been one of the top priorities of the House Select Committee on Hunger, on which I serve, and of that committee's international task force, of which I am chairman. Our committee has been pressing for several years for the legislation necessary to make the UNICEF/WHO goals a reality. Both the House Foreign Affairs Committee and the House Appropriations Committee's Subcommittee on Foreign Operations have provided solid and consistent support for child survival, immunization, and primary health care funding.

My colleagues and I who have been working to achieve the reachable targets established by UNICEF and WHO are heartened by the summit statement in support of worldwide child survival efforts. Let us hope that these words will give life to a renewed commitment to direct global resources to reducing childhood deaths from readily preventable diseases.

PORTUGAL DAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. RODINO. Mr. Speaker, this Sunday, we will celebrate Portugal Day. This special occasion is a time to recognize the accomplishments, in all fields, of Americans of Portuguese heritage. It is an opportunity to express our gratitude and appreciation to Portuguese Americans for their many contributions which have enriched the social fabric of life in our Nation. On this day, all Americans—regardless of their ethnic background—salute the Portuguese community and celebrate its rich cultural heritage.

Portugal Day marks the date in 1580 when the great poet and patriot Luis Vaz de Camoes died. His epic poem Lusiads—"Os Lusiadas"—recounts a golden age in Portugal's history when heroic Portuguese explorers brought their flag and their faith to the New World. With little more than 1 million inhabitants, Portugal's influence spread throughout the world and the horizons of mankind were forever changed. This courage and determination remains an important part of Portuguese heritage.

I am proud that my own city of Newark, NJ, boasts one of the most vibrant Portuguese communities in the United States. Centered around the East Ward of Newark and known as the Ironbound section, it is a prosperous and tightly knit neighborhood of close to 50,000 Portuguese Americans who have contributed to the rebirth of Newark with their strong sense of civic pride. It is an area renowned for its many restaurants and specialty stores which give it a unique ethnic flavor.

The Ironbound section is also the site of Newark's eighth annual Portugal Day celebration. This year's festivities are once again sponsored by the Portuguese American Federation of New Jersey. This exemplary organization has planned a celebration that will salute Portuguese heritage by commemorating both the richness of the past and the promise of the future. I want to salute the outstanding leadership of federation directors Bernardino Coutinho, Antonio Pinho, Jose Borges, and Fernando Martins. Their dedication and sense of commitment has enriched the entire community.

Mr. Speaker, I look upon the ethnic diversity of America as I do upon a beautiful tapestry—made up of so many different strands and a multitude of colors—all woven together to make a rich fabric that glows with its brilliance. On Portugal Day, we recognize and celebrate the vibrant strand of Portuguese heritage. Portuguese Americans have added greatly to the beauty and the enrichment of our American tapestry.

H.R. 3822—48-HOUR NOTIFICATION JEOPARDIZES U.S. INTELLIGENCE CAPABILITY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. SOLOMON. Mr. Speaker, at the end of the successful intelligence operation to extract U.S. citizens hiding in the Canadian Embassy, one of the Americans was quizzed at the airport by an Iranian Customs Inspector, "I noticed your middle initial is H, and you are on a West German passport, and I have never seen a West German passport in which the middle name was not spelled out." At this point the American citizen said, "Yes, you will notice I was born in 1935. I am ashamed of my middle name—Hitler."

This story is true and this American intelligence operation was a success. However, if the Congress approves legislation—H.R. 3822—it is currently considering, it is unlikely America will be able to conduct this type of operation in the future. This bill, if approved, will have a detrimental effect on the intelligence capability of the United States.

The House of Representatives will soon vote on H.R. 3822, which requires the President to notify Congress, within 48 hours, of any covert operation.

Placing an absolute limit of 48 hours for the President to notify Congress, no matter how important to national security, is totally unreasonable and will seriously damage American intelligence capability.

Sensitive covert operations conducted by American intelligence agents require the tightest secrecy for the success of the mission and the safety of American lives. In the name of intelligence reform, H.R. 3822 would weaken our ability to conduct successful covert operations. Let me explain why. If the President must report to the Congress within 48 hours of approving a mission, and knows that there is a chance of information being leaked and the mission compromised, he will likely determine not to conduct the operation.

In testifying before the Senate Select Committee on Intelligence, William Webster, Director of the Central Intelligence Agency, expressed his strong opposition to the bill,

My first concern is with the provision of the bill that requires notification of a special activity to Congress, without exception, within 48 hours after the signing of a finding. I believe that some allowance must be made for that rare case where a limited delay in congressional notification is critical to preserve the absolute security of an operation when, for example, lives are at stake.

The Iranian rescue operation is a perfect example of how the 48-hour notification provision would hurt America's intelligence capability. The covert operation which rescued the American citizens hiding in the Canadian Embassy in Iran took 3 months to set up and 6 months to carry out. It was a success.

Yet, what if the President had been required to tell Congress about the operation within 48 hours. In all likelihood the operation would not have been conducted for fear it would be leaked. Leaked information would have doomed the operation, with untold consequences for both American and Canadian citizens. Additionally, it is unlikely the Canadian intelligence community would have cooperated if the 48-hour restriction had been in place at that time.

This 48-hour restriction also means that Members of Congress who oppose certain covert actions could abort the operation simply by leaking details of it to the news media with little or no fear of facing legal consequences. I am not saying that Congress always leaks information. What I am saying is that it is unrealistic to believe that Congress never leaks information. Why needlessly place lives and important American intelligence operations at further risk?

Mr. Speaker, I agree with CIA Director Webster; the 48-hour notification provision contained in H.R. 3822 will seriously undermine America's ability to conduct effective intelligence operations.

THATCHER CAPTURES MORAL INITIATIVE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. KEMP. Mr. Speaker, in yesterday's Wall Street Journal the noted British historian and journalist, Paul Johnson, wrote about the effort British Prime Minister Margaret Thatcher is making to set a moral base for the actions of her government. He notes that Mrs. Thatcher reminds us that it is deeply immoral to promise what we cannot deliver. Instead, she has worked successfully to create a revival of the British economy which will allow the Government to help those less fortunate. We should all take note of Mrs. Thatcher's wise counsel. I commend the article to my colleagues.

[From the Wall Street Journal, June 9, 1988]

THATCHER CAPTURES MORAL INITIATIVE

(By Paul Johnson)

Not content with inflicting three successive defeats on Britain's Labor Party and forcing it to scrap its commitment to full-blooded socialism, Margaret Thatcher has now embarked on a long-term campaign to swing the country's church leaders behind her efforts to establish democratic capitalism as the national ideology.

Mrs. Thatcher has always, by instinct and conviction, related political aims to moral purpose and insisted that her beliefs about the way the country should be run are firmly rooted in Christian teaching. In this respect she is not a typical leader of the Conservative Party, but more in the evangelizing tradition of the great 19th-century Liberal statesman, William Ewart Gladstone. It is true that British Conservatives are traditionally the "Church and King" party, and most of their leaders, including the Jewish-born Benjamin Disraeli, have been Anglicans. But in modern times Conservative prime ministers have tended to keep their religious views strictly for private life and to base their appeal to the public entirely on their practical governing skills. As one of them put it to me, "We leave moralizing to those Labor fellows."

But Margaret Thatcher is not prepared to leave moral issues to her opponents. Brought up in a God-fearing Methodist household, converting to Anglicanism as a student at Oxford, she has never been able, or wished, to separate her strong religious convictions from her equally strong political ones. In her mind they are indivisible, springing as they do from the teachings of her father, a storekeeper and local councilor in the small town of Grantham, whose maxims constitute the bedrock both of her spiritual beliefs and her public conduct.

THE PROTESTANT ETHIC

Her father's code was simplicity itself: There are real and absolute distinctions between good and evil. Everyone has a personal responsibility to choose the good. This applies equally to private and public life. Choosing the good means working hard to better ourselves and our families and to serve the community. Deal honestly and keep the spirit as well as the letter of the law. Borrow only when absolutely necessary, and repay promptly. Save systematically for the future. Give generously. In public life, apply exactly the same high standards as in your private dealings. Remember at all times that you are accountable not merely to the voter in this life, but to Almighty God in the next—and God sees into our secret hearts and judges our motives as well as our actions.

There was never any question of Mrs. Thatcher keeping morals out of politics. When she first became leader of the Conservatives, in 1975, she brooded furiously on the way the Labor Party, with its cults of welfare socialism and its image of the "Three Cs"—caring, compassionate and concerned—had been allowed to occupy the moral high ground of politics.

To her, Labor was a party of moral fraudulence: It was compassionate with other people's money and it bribed its way into office by expensive schemes of public provision which, once installed, it was obliged to abandon since it could not generate the wealth to pay for them. Even in those days she reiterated the point: "The Good Samaritan first has to earn the means to be generous." I remember her saying to me: "I am determined to capture the moral initiative from Labor—and keep it."

She certainly achieved this objective. She had no difficulty in turning trade-union reform into a moral issue, for everyone could see that the destructive and selfish way British unions behaved in the 1970s constituted a national scandal. But she gave her campaign an additional ethical dimension by insisting that in curbing the power of union leaders she was "giving the unions back to their members" and, in 1982-83, she dramatized her moral crusade by fighting a successful battle against Arthur Scargill, the hard-left leader of the militant coal miners.

She gave the Falklands War a moral purpose too: the need to reverse an unprovoked and brutal aggression by a military dictatorship against a defenseless, pastoral people. She turned the campaign against terrorism, dramatized by her sensational escape from the Irish Republican Army's attempt to blow up a Brighton hotel where she was staying, into a national moral duty. She even presented her highly successful privatization campaign as a righteous effort to transform grotesquely inefficient public corporations, run by bureaucrats in the interests of the work force and its union bosses, into real national assets, owned by millions of small shareholders. And she successfully argued that the property-owning democracy she was creating, where the percentage of families owning their own homes has risen to 65% and where the number of individual shareowners has jumped from 2.5 million to more than nine million, is a huge moral advance on the traditional industrial society, with its majority proletariat owning nothing but its labor.

The difficulty Mrs. Thatcher found herself in, after three electoral victories, was that her very success undermined her position of moral advantage. In 1988 there is no doubt that the economic policies she has pursued with such obstinacy since 1979 are bearing fruit. The economy is booming, unemployment is falling rapidly, inflation is low, productivity and real wages are rising. In this year's budget, Chancellor Nigel Lawson was able to cut taxes on all incomes, raise welfare spending modestly and still achieve a balance. It was the most triumphant budget of modern times.

But was it too triumphant? It cut the top tax rate to 40% from 60%, a move that will almost certainly increase the yield from higher incomes. But it is seen as a huge concession to the well-off at a time when there is still much visable poverty in Britain and when the country's sacred cow, the National Health Service, the one institution Mrs. Thatcher has not yet dared to reform, is clamoring for more cash.

The budget brought to the surface a feeling, irrational but powerful and pervasive, that Thatcherite prosperity, widely spread as it is, threatens to turn Britain into a nation of materialist—greedy, selfish and heartless. This feeling has been eagerly fanned by radical churchmen of all denominations.

The ecclesiastical criticism has been vociferously echoed by the Labor Party, which has pounced on what it sees as the perfect opportunity to regain the moral initiative it lost to Mrs. Thatcher in the years after 1979. The result has been Mrs Thatcher's moral counteroffensive, in which she has deliberately and systematically described the religious principles on which her political beliefs rest and her government acts. She began it with a powerful meeting of the Presbyterian clergy in Scotland last month. She hammered home her belief in the essential moral need to work and produce: "It is not the creation of wealth that is wrong, but the love of money for its own sake. The spiritual dimension comes in when deciding what one does with the wealth." She also repeatedly stressed the moral centrality of personal responsibility: "Intervention by the state must never become so great that it effectively removes personal responsibility."

She followed this address by another hard-hitting statement of her ethics at the Conservative Women's Conference. She quoted John Wesley, founder of Methodism: "Gain all you can. Save all you can. Give all you can." She stressed the moral theme in magazine and newspaper interviews. There are more "moral issue" speeches on the way. Her counteroffensive has received enormous publicity and aroused much critical comments from her clerical opponents.

THE MORAL MAJORITY

But starting a public debate on the moral issues of politics is exactly what Mrs. Thatcher wants. She believes she can win it by reiterating a simple proposition that everyone can grasp: It is deeply immoral to promise benefits without taking positive steps to create the wealth to pay for them—and that means an effective capitalist system. Capitalist efficiency and public morality go hand in hand. That is the message at the heart of her campaign. There is an uneasy feeling in the Labor Party that she is beginning to get it across.

The moral majority in Britain is less vocal than in America. The established churches, all of which are dominated by left-liberal oligarchies, have an absolute stranglehold on religious discussion on British TV; new or dissident church groups are not allowed to own TV or cable stations or even to buy air time. But a moral majority exists nonetheless, and Mrs Thatcher speaks for it. Frank Field, one of the shrewder and more independentminded Labor politicians, told his colleagues last week not to underestimate Mrs. Thatcher's ability to win the moral argument: "She has a wonderful nose for gathering votes in the middle ground of England," he said. "There is a fundamentalism sweeping the world—and Mrs. Thatcher will strike a chord."

A TRIBUTE TO IVAN JONES

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. DYMALLY. Mr. Speaker, I rise today in order to invite my colleagues to pay special tribute to a very unique individual, Mr. Ivan Jones, who is celebrating his 108th birthday and will be honored at a birthday party this Sunday, June 12, in Los Angeles.

Mr. Jones was born on a farm in Weimar, TX, on June 7, 1880. He is the third of 11 children and the last member of his immediate family.

At the turn of the century, Mr. Jones left his father's farm and decided to venture across the State of Texas. After working in a cafe in Rosebud, TX, he decided to visit California and seek employment. With great endurance and stamina, he worked as a freight elevator operator—with no pay—at an electric fixture company on Spring Street.

Later, Mr. Jones traveled to San Antonio where he worked as a bellhop. When the telephone company made a line available to Mexico City, he decided to go there and get a job as a pullman porter. From there he traveled to Vera Cruz where he remained for 8 months. The high incidence of yellow fever influenced his decision to return to San Antonio where he worked in an ice cream parlor. He decided to return to California and pursue various types of employment opportunities. He worked at a country club in Pasadena for several years prior to his employment with the Alexandria Hotel which lasted for 26 years.

Although he remained devoted to the family farm, he developed an interest in real estate and decided to pursue several business ventures. As a self-starter with great drive and ambition, he secured ownership of a service station. At Grand Central Market, he owned a concession and health stand. With continued vigor and persistence, he left there and went on to own another concession stand on Hill Street where he retired at the ripe old age of 95.

Thirteen years later, Mr. Jones continues to enjoy his retirement and maintains a vivacious and energetic outlook on life. Indeed, he is a role model for all of us who seek happiness and longevity in life. I call on my colleagues to join me in wishing Mr. Jones best wishes for the special celebration of his 108th birthday.

SOCKERS SWEEP INDOOR SOCCER CHAMPIONSHIP

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. LOWERY of California. Mr. Speaker, it is with great pride and admiration that I rise today to commend a true group of champions. For the sixth time during the last 7 years, the San Diego Sockers of the Major Indoor Soccer League have clinched the championship. With a four-game sweep over the Cleveland Force, they have prevailed as the best indoor soccer team of all time.

The Sockers have come to San Diego from all over the world and represent a diversity of cultures and personalities who have combined to create a championship era for this city.

This year the Sockers have set records in numerous league categories. They captured 23 home victories and 19 on the road; the best in the MISL. Coach Ron Newman was named, "Coach of the Year." Player Kevin Crow earned the "Defender of the Year" award. Zoltan Toth was chosen "Goalkeeper of the Year."

During the playoffs, the "Most Valuable Player of the Championship" was midfielder Hugo Perez and defender George Fernandez was given the first "Championship Series Unsung Hero Award" for the player showing the most improvement from the regular season through the playoffs.

There were some rough times for the Sockers this year, but they worked hard for this success. Player Kevin Crow told fans, "* * * the character of this team doesn't accept mediocrity and seems to feed on adversity."

As the only professional team in this city to win the top prize in any sport in over 20 years, the San Diego Sockers have demonstrated an enthusiasm that sets an incomparable example of pride and team spirit for this Nation to acknowledge and honor.

Mr. Speaker, I invite my colleagues to join me in a salute to the proud blue and gold of the 1988 Major Indoor Soccer League champions, the San Diego Sockers.

A TRIBUTE TO ROBERT F. KENNEDY

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. BATES. Mr. Speaker, I extend my deepest sympathies to the entire Kennedy family on this 20th anniversary of the assassination of Robert F. Kennedy.

I admired Senator Kennedy's unfailing concern for the hungry in our land and for those who suffered for reasons beyond their control, such as color and race. Especially I admired his positive questioning of the course of violence adopted by our Nation in Southeast Asia and his expressed desire for a reduction of that violence. It is all too ironic that he became a victim of violence himself.

He believed that the essence of our democracy was that each person could contribute, look beyond their several concerns, could dream, and could make a difference. In each of the areas that he chose to make a contribution he spoke the truth and opened up the process of participation.

As we look back, we remember him as a man of compassion and strength, a friend of the poor, the enemy of poverty. He was a champion of justice, the inveterate foe of special privilege. He fought for the ideals to which he was devoted. In an address at the University of Capetown on June 6, 1966, he stated:

> Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring those ripples build a current which can sweep down the mightiest walls of oppression and resistance.

Robert Kennedy's life itself was a statement of the ideals and beliefs held in reverence by all Americans.

We want to remember Robert F. Kennedy because he touched something deep and enduring in each of us. His death was a loss to our Nation, but his life was an inspiration to all.

VINITALY: THE AMERICAN WINE INDUSTRY TAKES ON THE COMPETITION IN ITS OWN BACKYARD

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. DE LA GARZA. Mr. Speaker, this past spring I had the privilege of sharing with our Secretary of Agriculture and the U.S. Ambassador to Italy the honor of opening the first official U.S. pavilion at Vinitaly, the world's oldest and largest wine fair, held each year in Verona, Italy.

I must confess, Mr. Speaker, that the idea of selling American wines to the Italians initially met with a certain amount of skepticism. As you might expect, some likened the effort to "carrying coals to Newcastle." But I think that the story of how we came to participate in Vinitaly tells much about the new opportunities that exist for expanding agricultural trade and diversifying our agricultural economy—if government and the private sector work together, and provided that we are willing to challenge conventional thinking. In the process, I suggest we make believers out of the doubters, and as a result, our wine industry will likely never be the same.

It all started when I attended Vinitaly in April 1987. As I was shown the various wine displays, I asked to visit the U.S. exhibitors. At first, I was merely surprised to find that no U.S. wines were represented at Verona. But when Dr. Lucio Caputo, the fair's representative to the United States, informed me that he had made a special effort to invite American wineries, but that they had declined, I was shocked. How could the United States hope to compete in the international marketplace if it ignored major events such as Vinitaly? I decided then and there that the United States would be represented at Vinitaly in 1988, and that we would do everything possible to ensure that our wineries made a favorable impression on the Italians.

From the outset we knew that, to be a success, the first official U.S. participation in Vinitaly would require a great deal of planning and enthusiastic support not only from American wineries but also from the U.S. Department of Agriculture. It is never easy to challenge the competition on its own turf, particularly when an industry as established as the Italian wine industry is challenged by the upstart newcomers now filling the ranks of U.S. wine producers.

But the time for mounting such a challenge appeared ideal. A much more competitive U.S. dollar, and the seemingly universal demand for things foreign and unique—the legacy of "Yuppies" even in Europe—offered a tremendous opportunity. We knew we couldn't expect to compete with the inexpensive table wines that the Italians produce so well, but we did think that U.S. wineries could find their niche in the upscale market where demand is fueled by a desire for wines that offer both premium quality and a certain distinctiveness.

At this point I must explain, Mr. Speaker, that the U.S. wines we hoped to send to Vinitaly would be truly distinctive. We planned to send not only many fine California wines with which we are all familiar, but also wines from promising young wineries across the country, including those in New York, Washington State, New Jersey, Pennsylvania, New Mexico, and my own State of Texas.

If I may digress for a moment, Mr. Speaker, the notion of taking Texas wine to Italy is rather remarkable, especially when one considers that our State's industry, while growing robustly, is still in its infancy. As recently as 1975, for example, Texas had just one bonded winery and 25 acres of grapes. Today there are nearly two dozen wineries producing about 800,000 gallons of wine on almost 3,500 acres scattered across the State. Moreover, the amount of Texas land planted to wine grapes is expected to double by the year 1995. Wine production promises to contribute significantly to economic growth and agricultural diversity across the State. The industry holds the potential for increasing employment well beyond the additional resources needed to grow and process grapes and market the wine. Already, for example, plans are being made to develop a tourist industry around the emerging wine producing regions.

Perhaps the most revealing measure of the State's determination to support the industry was the recent establishment at Texas Tech University of the Texas Wine Research Marketing Institute, located in a "dry" county.

Critical to ensuring the success of our Vinitaly effort was winning the full support and backing of the U.S. Department of Agriculture [USDA] and its Foreign Agriculture Service [FAS]. I am pleased to report that USDA-FAS was enthusiastic about the idea from the beginning and Secretary Lyng and FAS Administrator Tom Kay pledged their complete cooperation.

The key to making sure that U.S. wineries were well received, however, rested in the special arrangements and added attention that Vinitaly officials extended to the U.S. participants.

From the beginning, fair officials made clear that they would make the American exhibitors the honored guests at this year's event. Thus they provided free space for the U.S. pavilion at the choicest location in the center of the fair's activities. They promised a concerted effort to draw press attention to the U.S. display, reduced rates for lodging and related expenses for U.S. exhibitors, and in general they offered their total support throughout the months of preparation that would be required to pull the exhibit together.

Even with the official support of the U.S. Department of Agriculture and the Vinitaly Fair, a successful U.S. exhibit would not have been possible without the enthusiastic involvement of those U.S. wineries who agreed to participate.

To give an example of the effort expended to draw attention to our participation at Vinitaly, let me cite one event sponsored by Texas Tech University. On November 6 and 7, 1987, Texas Tech hosted a "Texas Vintage and Vittles Symposium" to call attention to the growth of the Texas wine industry and to encourage wineries in the State to exhibit at the fair in Verona. Participants in the symposium heard Vinitaly's representative to the United

States, Dr. Caputo, and various officials from USDA, outline the activities planned for Vinitaly '88 and the special resources offered to encourage U.S. involvement. The USDA officials, for example, informed participants that the Government would pay for the cost of sending wine samples to Italy and waive the exhibition fee usually charged for such events.

The dinner held in conjunction with the symposium featured not only outstanding Texas wines, but also such Texas specialties as Hill County quail, gulf coast snapper, panhandle potatoes, and rattlesnake pate. The event received extensive press coverage throughout the State and five Texas wineries subsequently agreed to send their product to Verona with Texas Tech Wine Marketing Research Institute officials serving as their representatives.

As one might expect, Mr. Speaker, the planning and related events associated with the U.S. role in Vinitaly also received the active support and involvement of the members and staff of the Committee on Agriculture. We participated not only in events such as the Texas Vintage and Vittles Symposium, but we also joined Vinitaly President D. Giuseppe Ceni on January 28, 1988, at a press conference in New York announcing U.S. participation in this year's fair. Later, committee staff also met with fair officials for the press event associated with the U.S. wine's shipment from New York to Italy.

An event of this magnitude also required extensive committee involvement in the actual design of the U.S. pavilion. In February of this year the then-staff director of the committee and another committee aide traveled to Italy to meet with the architect who was to design and build the United States exhibit and with fair officials to finalize details for the pavilion, which the committee staff had been involved with for months. They also developed plans for a welcoming reception and related events that the U.S. delegation would be sponsoring for the press, government and fair officials, and wine merchants.

The committee staff also took the opportunity while in Verona to arrange for an official permanent U.S. exhibit at the 90th International Agricultural Fair to be held in Verona that March. In addition to planning the details for the U.S. exhibit, a congratulatory message to the fair from President Reagan was secured as was a crop production specialist from Texas A&M who agreed to come, as the fair's guest, to speak at one of its technical symposia.

In view of the many months of detailed activity and added resources that were expended to prepare for the U.S. participation at Vinitaly, I am very pleased to report that the entire event proved to be an unqualified success.

In early April, in the days just before Vinitaly, I met with Secretary Lyng in Brussels, where we both spoke at the World Food Conference that week. I must say that any lingering doubts I had at that moment about the advisability of taking American wines to Italy were dispelled in the course of a meeting that I attended in Brussels between Secretary Lyng and the FAS attachés assigned to various European capitals. As Secretary Lyng asked each attaché for a brief report in the state of affairs in their assigned country, I was struck by the frequent comment from the attachés that wine imports from the United States currently are among the brightest prospects for U.S. trade development.

On the morning of April 8 Secretary Lyng and I traveled together from Brussels to Verona where we were met by fair officials and joined by the U.S. Ambassador to Italy, Maxwell Rabb.

Mr. Speaker, I would be remiss if at this point I did not call attention to the exemplary job that Ambassador Rabb is doing for our country in Italy. His affection for the Italian people, and their equally warm feelings for him, were apparent throughout our visit. We are truly fortunate to have him as our representative to such an important country, and I must say I am not surprised that relations between our two countries have never been better. He was very helpful to us during our stay, and I want to take this opportunity again to thank him for his kindness and his service to our country.

After our arrival, our delegation, including the Secretary, the Ambassador, Congressman STENHOLM, and myself, was taken directly to the fair's opening ceremonies where we were seated as the honored guests. From there we were taken on an extended tour of the fairgrounds that included an invitation to me from the Association of Italian Sommeliers to join them at their pavilion for a special "toast of friendship." The tour concluded with the official opening of the U.S. pavilion followed by a press conference and reception within the U.S. exhibit area that was well attended by press and wine enthusiasts.

At the official opening of the U.S. pavilion, our delegation was joined by President Ceni and other dignitaries for a ribbon-cutting ceremony. In formal remarks at the start of the press conference, President Ceni welcomed the delegation and the U.S. exhibitors to Verona, Ambassador Rabb greeted our visitors, and Secretary Lyng spoke on behalf of the U.S. participants. I then reminded our hosts, in Italian, of my pledge to them 1 year ago to return to Italy with American wines, and that I was not only pleased to keep my promise, but proud to be bringing some really outstanding wines.

I wish that all Americans could have seen the U.S. pavilion. It occupied, as I mentioned, a prime location in the center of the largest building on the fairgrounds. The bold but graceful pavilion, with its red, white, and blue colors drew visitors like no other exhibit. The display booths for the various U.S. wineries were arranged along the pavilion's rectangular exterior.

The wines from Texas were provided a prominent corner over which flew a large Texas flag. Under the flag was a map of the State showing where each winery is located, and next to the map was a huge color mural showing a cowboy on horseback, wearing a tuxedo and carrying a glass of wine, with a windmill and the Texas landscape in the background. But if images of "J.R." and "Dallas" attracted people to the Texas exhibit, I can assure you that it was the quality of the wines that kept them there and left them shaking their heads in pleased astonishment.

The Texas exhibitors expressed their gratitude by presenting me with a cowboy hat. As I tried it on, I was of course obliged to join Ambassador Rabb and Mr. STENHOLM in a rendition of "The Eyes of Texas."

The interior of the U.S. pavilion included a seating area where buyers and sellers could transact their business, as well as, a bar for serving wine, snacks, and other refreshments. On the interior walls were the American flag, pictures of famous U.S. landmarks such as the Statue of Liberty, and portraits of President Reagan and Secretary Lyng. The Department of Agriculture, in recognition of my efforts to ensure the U.S. presence at Vinitaly, was kind enough to include my picture along with that of the President and the Secretary.

To give some idea of the wines that greeted the Italian press and public, the following is a listing of those States and the wineries—nearly 35 in all—that exhibited their product:

California: Beringer Vineyards, St. Helena; Buena Vista Winery, Sonoma; Ernest & Julio Gallo Winery, Modesto; Roberty Mondavi Winery, Oakville; the Christian Brothers, St. Helena; Alexander Valley Vineyard, Healdsburg; Murphy-Goode Winery, Geyserville; J. Pedroncelli, Geyserville; Preston Vineyards, Healdsburg; Dry Creek Vineyard, Healdsburg;

New Jersey: Alba Vineyards, Milford; Amaltea Cellars, Atco; Amwell Valley Vineyards, Ringoes; Burkes County Vineyards, Bordenton; La Folette Vineyards, Delle Mead; Tewksbury Wine Cellars, Lebanon; Kings Road Vineyards, Milford; Sylvin Farms Vineyards, Cologne; Tomasello Winery, Hammontown; Del Vista Vineyards, Frenchtown;

New Mexico: St. Clair Vineyards, Deming;

New York: Bridgehampton, Bridgehampton; Casa Larga, Fairport; Cascade Mountain, Amenia; Chateau Georges, New Palts; Great Western Winery, Hammondsport; Palmer Vineyards, Aqueboque; Woodbury Vineyards, Dunkirk;

Pennsylvania: Nissley Vineyards, Bainbridge;

Texas: Bluebonnet Hill Winery, Ballinger; Fall Creek Vineyards, Tow; Llano Estacado Winery, Lubbock; Messina Hof Wine Cellars, Bryan; Pheasant Ridge, Lubbock; and

Washington State: Arbor Crest Winery, Spokane.

Later that evening the official U.S. delegation was invited to a splendid dinner hosted by President Ceni and other fair officials. The next evening we reciprocated with a dinner in honor of our Italian hosts.

While we could not hope to match the spectacular evening our Italian friends had sponsored, we attempted to ensure that it was equally warm and gracious. At the conclusion of the evening we presented them with mementoes of the occasion and on behalf of our delegation I expressed, in our hosts' language, our deepest appreciation for their hospitality and close friendship.

Looking back on an undertaking of this sort one must ask if the heavy investment of time and resources was justified. I must conclude, Mr. Speaker, that it was.

Even at a glance it is easy to declare U.S. participation at Vinitaly '88 a success. Over 85,000 people attended the fair this year, and the American wines proved a special draw. Media attention associated with the presence of our wines was widespread

But there is harder evidence that our role in Vinitaly paid substantial and immediate dividends. The Association of Italian Sommeliers, for example, during a special tasting of U.S. wines, gave its highest award—"Molto Fine"—to a cabernet sauvignon from Llano Estacado and a Sauvignon Blanc from Pheasant Ridge. Both wineries are located near Lubbock, TX. More importantly, numerous commercial orders for U.S. wine were reportedly placed by Italian merchants in the course of Vinitaly and since the end of the fair.

By any measure, Mr. Speaker, it is clear that U.S. wineries have taken on the competition in their own backyard and demonstrated that they can compete with the best that established producers have to offer. According to a Wall Street Journal article published the day after Vinitaly concluded, exports of American wine jumped 64 percent in 1987 and are up 300 percent since the first of the year. The article also states:

> Canada, Japan, and the United Kingdom are the major export markets, yet even shipments to wine-producing countries such as France and Italy are on the rise.

The article predicts that within 10 years wine exports could leap from the current 3 percent of all U.S. wine sales to a full one-third.

Finally, Mr. Speaker, the article quotes an industry spokesman on the difficulties domestic wineries are having meeting demand both at home and abroad, sometimes being forced to allocate limited supplies between the two markets. That, Mr. Speaker, is the kind of problem that we in agriculture welcome.

SALUTE TO LITERACY LINE

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. DENNY SMITH. Mr. Speaker, I just wanted to take a minute to call attention to an outstanding program in Oregon dedicated to conquering illiteracy.

Studies have shown that an estimated 150,000 Oregonians are functionally illiterate and cannot read a newspaper, an election ballot or a warning label on a medicine bottle. Nationwide, an estimated 23 to 27 millon Americans are thought to be functionally illiterate.

Oregon Literacy Line offers toll-free numbers for Oregonians wanting to be matched with reading tutors. This is an outstanding project that has won the support of citizens and businesses in Oregon.

Recently, the Oregonian newspaper sponsored a corporate spelling bee. The event was organized by Fred Stickel, president and publisher of the Oregonian. Representatives from Oregon corporations and local media personalities subjected themselves to a tough competition and raised $6,300 for Literacy Line.

As one of the participants said, "You can survive in life if you can't spell, but it's awfully hard to survive if you can't read."

This private sector support of an outstanding project is in the Oregon tradition of citizens helping one another, and the Oregonian and Fred Stickel deserve our appreciation.

CAJUN MUSIC MONTH

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. TAUZIN. Mr. Speaker, today, my Louisiana friends and colleagues are introducing a joint resolution to designate the month of August 1988 as "Cajun Music Month."

Mr. Speaker, music is an integral part of the Cajun way of life. This is evidenced by the many festivals held in the State of Louisiana.

While Cajun music at one time was confined to south Louisiana, today it has gained recognition not only in the United States and Canada, but also in several countries throughout the world.

The French-speaking Cajuns, Creoles, and blacks of Louisiana are presently in the midst of a major cultural and linguistic renaissance.

Mr. Speaker after their exile from Acadia—Nova Scotia—in 1755, many Acadians arrived in Louisiana and began the enormous task of resettlement in the virgin land west of the Mississippi River.

After resettling in Louisiana, the Cajuns established a cohesive new society, much like that which was enjoyed in their former homeland.

Other ethnic groups who came to Louisiana were easily acculturated into Acadian society. These groups included Spanish and German immigrants.

It was in this new Cajun society that Cajun music was born, bearing signs of strong black influence and often making heavy use of the newly borrowed German accordion in addition to the familiar fiddle. This essentially French music developed its own distinct identity as the Cajuns were developing a distinct identity as a social group.

Mr. Speaker, the rich heritage of Louisiana is largely preserved through its music. It is important for us to encourage appreciation of Cajun music because it not only helps to preserve the Cajun language and culture, but it also unites people from many diverse backgrounds and cultures.

Mr. Speaker, my Louisiana colleagues and I believe that designating August as "Cajun Music Month" will be a positive step toward encouraging and preserving this Nation's musical heritage as well as Louisiana history.

Finally, Mr. Speaker, I would like to encourage my colleagues to join us in cosponsoring August 1988 as "Cajun Music Month."

QUALITY DEALER AWARD TO VIC BAILEY

HON. ELIZABETH J. PATTERSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mrs. PATTERSON. Mr. Speaker, at a time when automobile dealers rate lower in public opinion polls than politicians, it is appropriate to recognize the efforts of those dealers who are striving to provide their customers with exceptional service.

Each year, Time magazine awards its Quality Dealer Award to car dealers for exceptional performance in their dealerships, combined with distinguished community service.

I am pleased that one of the dealers receiving the 1988 Time Magazine Quality Dealer Award, Vollie C. "Vic" Bailey, Jr., lives in my district.

Vic is president and general manager of Vic Bailey Ford, Inc., in Spartanburg, SC, and numerous other dealerships. He was recognized for the quality of his dealerships and his extensive community service.

Vic is vice chairman of the Board of Governors of the Shriners Hospital for Crippled Children, serves on the Board of Directors of the Spartanburg Chamber of Commerce and is a former trustee of the Spartanburg Regional Medical Center.

In political and educational affairs, Vic is a former member of the Spartanburg County Council and the Appalachia Council of Governments. He is a former advisory board member of the University of South Carolina at Spartanburg and the Business and Professional Men's Committee of Wofford College.

His memberships include the Lions Club, the Sertoma Club, Mason and Shriners.

Vic was nominated for the Time award by the South Carolina Automobile and Truck Dealers Association of which he is an immediate past president. A member of the National Automobile Dealers Association and a past president of the Spartanburg New Car Automobile Dealers Association, Vic has served on several dealer councils.

I offer my congratulations to Vic Bailey for his high achievement.

MASSACHUSETTS TEACHER HONORED FOR EXCELLENCE

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. MAVROULES. Mr. Speaker, I would like to take this opportunity to extend my heartfelt congratulations for and express great pride in the achievement of a Sixth District high school teacher. While I am always pleased to hear about scholastic accomplishment, I am particularly delighted to compliment a teacher from my district on her achievements.

On behalf of the Student Loan Marketing Association (Sallie Mae), Wendy N. Laverty of Lynnfield was named 1 of 100 teachers nationwide to receive a 1988 Sallie Mae Teacher Award for outstanding first-year teaching performance.

As a teacher, Ms. Laverty has taken the responsibility of liberally devoting her time and energies to encourage her students to explore the boundless possibilities of education. It is often the case that a teacher must awaken the student to the value and importance of education. The ability to convey this knowledge is as crucial as absorbing it, for without the proper, coherent transmission of ideas, the student is inhibited in the thought process. This award not only demonstrates that Ms. Laverty has not only complied with the educational standard, but, in fact, has exceeded this standard. Thus, she stands as a tribute to her community and a role model to her colleagues.

I am quite proud of this special teacher and am sure Ms. Laverty will continue to make us proud. I challenge her to continue to accept the responsibility to further educate herself in addition to her students and to be a purveyor of knowledge wherever the opportunity exists.

CONGRATULATIONS TO MARION VA MEDICAL CENTER

HON. JIM JONTZ

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. JONTZ. Mr. Speaker, I want to congratulate the employees and volunteers at the Marion, IN, Veterans' Administration Medical Center for their generous participation in the Great American Care and Share Food Drive.

Responding to a challenge by Marion VA Medical Center Director Jon Crisman to "force him out of his office" by filling it with food, the employees and volunteers donated 4,049 pounds of food—that's over 2 tons of food. It took two trucks and a station wagon to transport the food from Mr. Crisman's office to the Family Service Society.

The employees and volunteers at the Marion VA Medical Center can be proud of their efforts to help those less fortunate through the Great American Care and Share Food Drive.

CYRIL MAGNIN, "MR. SAN FRANCISCO"

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Ms. PELOSI. Mr. Speaker, the death of Cyril Magnin is a great loss to the city and people of San Francisco. Civic leader, philanthropist, businessman, Cyril Magnin was one of San Francisco's most beloved natives.

Cyril Magnin, often called "Mr. San Francisco," was unselfish in his service to his native city. He was San Francisco's chief of protocol for 24 years. He gave generously to charities such as the March of Dimes and the American Cancer Society and he influenced the establishment of San Francisco's distinctive cosmopolitan personality in the last half of the 20th century.

Although he was a successful businessman, his activism for the public good is one of his greatest legacies. He fought for racial equality decades before it was a popular cause. He worked to open trade and improve relations with the Soviet Union and China and never ceased in his efforts to enrich the quality of life for San Franciscans.

A man of business, diplomacy, and art, Cyril Magnin was a true renaissance man. His memory is forever etched in the character of the city of San Francisco, the city to which he gave so much. We will not forget "Mr. San Francisco."

RAIL SAFETY PROVISION CLARIFIED

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. DINGELL. Mr. Speaker, on Thursday evening, June 9, the Senate passed and cleared for the President's signature the conference report on S. 1539, the Rail Safety Improvement Act of 1988. The House approved the conference report on May 19. I want to congratulate my colleagues in the Senate, as well as on the House Energy and Commerce Committee, for their successful work on this legislation.

Unfortunately, there appears to be some confusion over the conferees' intent with respect to one particular provision of the bill. I believe the conferees' intent should be made clear.

I am referring specifically to the conferees' agreement to retain the word "shall" in section 209(c) of the Federal Railroad Safety Act of 1970, which provides: "Any railroad violating any rule, regulation, order, or standard * * * shall be assessed by the Secretary the civil penalty applicable to the standard violated." The Senate bill would have changed the word "shall" to "may." When the conference report is signed into law, section 209(c) will cover individuals as well as railroads, but the word "shall" will continue to appear.

The Federal Railroad Administration [FRA] has long maintained that it has discretion under current law to determine whether a particular situation merits civil penalties. It sought to ensure this result by substitution of the word "may" in the statute. While several courts have thus far upheld FRA's position, it is questionable whether this is in fact the correct interpretation of the law. In any event, the answer to the question turns on the intent of an earlier Congress, on which the 100th Congress is not in a position to opine.

As a result, the conferees simply agreed to state that by retaining the word "shall" they "intend to affirm current law with respect to the question of the Secretary's discretion"—without attempting to explicate what current law is. In fact, the conferees explicitly stated, "No other inference should be drawn from the conferees' action." I hope this explanation will clarify any lingering uncertainty about the meaning of the conferees' action.

THE 40TH BIRTHDAY OF ISRAEL

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. CARDIN. Mr. Speaker, almost a century ago, Theodor Herzl wrote the following about his aspirations for a Jewish homeland, "If you will it, it is no dream." On May 14, 1948, the dream became a reality. The importance of that reality is that even though Israel grew out of a dream, it has and continues to be a real place, with real people. with real hopes and real problems.

In an effort to build settlements, reclaim over 50,000 acres of wasteland, plant acres of forests, build miles of new roads, offer a Jewish refuge to more than 1.8 million immigrants; Israel has encountered in just 40 years every possible obstacle and success that we in this country have experienced in over 200 years in building a democracy. And, our borders have not been flanked by hostile nations.

The American settlers and immigrants who crowded our shores had a dream emblazoned in hope, so did the builders of Israel. In fact, the Israeli national anthem, "Hatikvah" was taken from the poem and song "Tikvatenu" meaning "Our Hope." And, as the words clearly express, "as long as the Jewish heart beats true, as long as the Jew looks toward the East, to Zion, the hopes that the Jews have cherished for 2,000 years to live in freedom in the land of Zion and Jerusalem, will prevail."

These words continue to guide the Jewish people in the struggle to build a Jewish nation. Today, we congratulate this young country on its 40th birthday, and we join Jews around the world in offering a blessing, that as Israel sets its sight on the future, it can realize its greatness as a democracy while confronting with wisdom, compassion and strength the trials and tribulations that come with the growth of a young nation: and we, her friends, can never minimize that struggle.

A TRIBUTE TO CORWIN M. NIXON, AN OHIO LEADER

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. McEWEN. Mr. Speaker, it has been my great privilege and honor over the past two decades not only to have served with, but to have been befriended by one of my State's great leaders. Corwin M. Nixon, minority leader of the Ohio House of Representatives, has served Ohio with a brand of leadership, compassion, and legislative skill never before witnessed in our State.

Corwin Nixon's career—spanning five decades of Ohio and American history—has touched each and every corner of our State. His able leadership and guiding hand have shown the way through numerous crises that would have gotten the best of lesser men. Corwin Nixon has never been known to shy away from a challenge. He sees "opportunities" where others see "problems" and "solutions" where others see "no way out."

Mr. Speaker, I commend to the attention of my colleagues, a recent article in the Cleveland Plain Dealer about this distinguished and respected Ohio leader:

FOLKSY GOP LEGISLATIVE LEADER HELPS DISTRICT AND HIMSELF

(By Joseph D. Rice)

LEBANON, OH.—Corwin M. Nixon is the epitome of the folksy but shrewd country politician.

Unopposed this year for re-election to his 14th term in the Ohio House, the Republican minority leader is also a study in power and how to keep it.

He holds court in the Village Ice Cream Parlor in Lebanon, a small rural community where the 73-year-old farmer and horse track operator made his money and his mark from a business regulated by the state.

He can provide small favors, like landing a job as a Senate page for the son of the manager of a local restaurant, or helping the police chief's daughter get a scholarship to a nursing school.

He sends turkeys at Thanksgiving and Christmas to Lebanon's clergy, a dollar bill and congratulatory card to the parents of each new baby born in his 84th District (about 1,200 a year and more than 23,000 so far) and plaques to couples celebrating 50 years of marriage.

There are also big favors. Nixon's daughter, Karen Heaberlin, persuaded him seven years ago to block a bill to allow hunters to shoot mourning doves. Nixon has many hunters in his district, and he was neutral until his daughter, treasurer of the Warren County Humane Association, told him on a drive home from church that she didn't think doves should be shot.

Nixon persuaded House Speaker Vern Riffe, a powerful Democrat and a close friend of Nixon's, to schedule the vote for the opening day of the Cincinnati Reds' baseball season. Five legislators went to the opener. The bill lost by one vote.

"How do you say no to your daughter?" Nixon asked.

And he has accomplished things for his district. He once persuaded former Gov. James A. Rhodes to build an overpass on Interstate 71 near Kings Island Amusement Park. A city park in Mason and a covered bridge near Caesar Creek State Park were paid for by the state—and named after Nixon.

While Nixon has taken care of his constituents, some say he has also helped himself, particularly with the Lebanon Raceway, which provides him with a six-figure income.

Few local officials are willing to criticize Nixon publicly. Former Lebanon Mayor Ed Patterson clashed with Nixon when the powerful legislator opposed Lebanon's attempt to annex the race track.

"There are a lot of people out there who don't like Corwin Nixon, but won't say so publicly because he's a powerful man," Patterson said.

Nixon smiled at the remark. "There's only one person I know of in the county who doesn't like me." He coyly refused to give a name.

"Corwin Nixon has benefited himself greatly—personally—but at the same time he's helped his constitutents in Warren County," said Warren County Commissioner C. Michael Kilburn.

Nixon's closeness to Riffe gives him influence in the House beyond the 39 GOP members. "A lot of young Democrats will go to Corwin and ask him to get Riffe to move their bills," said one GOP legislator.

Riffe and Nixon have been friends for 25 years. "He's the greatest guy on the Earth," Nixon said of Riffe. "He'd do almost any thing for me. But I'm very reasonable in what I ask for."

Riffe, who once sponsored a dinner for Nixon, said, "I don't have a brother, and Corwin Nixon is as close to me as any brother you could have. When his wife died, I was the first one he called.

"If Corwin Nixon asks me to do something, I don't even think about politics."

Nixon was born on a farm near here, one of seven children of Morris and Blanche Nixon. He was raised by his grandfather, Edmund Stewart, from whom he inherited his love for harness racing. Stewart, a 50-year member of the Warren County Agricultural Society, raced until he was 90. Nixon started racing 20 years ago and competes about a dozen times a year at Scioto Downs, near Columbus.

Nixon is a hard worker who stoked the fires at school for $1 a week and worked in a canning factory after high school. He managed a Kroger store, where he learned how to please people, even opening on Sundays to let them buy a carton of milk.

"He's the only Kroger store manager I've ever met who would deliver groceries and give credit," said Harry Cornett, Warren County treasurer and Nixon's longtime friend.

Nixon, then a county commissioner, quit Kroger in 1955 to become the manager of Lebanon Raceway. Lebanon is the only one of Ohio's seven commercial race tracks on a fairground. The county owns the fairground, and the agricultural society operates it and leases it to the raceway.

Nixon, a charter member of the society, is paid $2,000 a year by the society to run the fair. Nixon sees no conflict in working for the raceway and the society. "I don't vote on the lease," he said.

William Kaufman, lawyer for the society and Nixon's lawyer, also sees no conflict. But Patterson called Nixon's arrangement a "cozy deal."

Nixon is president and 56% owner of Miami Valley Trotting Inc., one of two groups that operate racing at Lebanon Raceway. He also manages Lebanon Trotting Club Inc., the other group.

Miami Valley and Lebanon Trotting paid combined rent to the agricultural society in 1987 of $213,384. In 1986, they paid $214,287.

Lebanon Raceway has a substantially better lease than Mid-American Racing Association, which races at Scioto Downs. If Lebanon's leases were identical to Mid-American's Miami Valley and Lebanon Trotting would have paid combined rent of $444,888 in 1987 and $391,761 in 1986. The calculations are based on Lebanon's betting and percentages in Scioto Downs' lease.

"It's a good deal," Edward Horvath, Lebanon Raceway's accountant, said.

Robert Jeffery, president of the agricultural society, said the group was "very, very happy" with the lease because it pays for capital improvements.

Nixon said the lower rent was offset by improvements the raceway made and because it paid utility bills and the county's $50,000 share of fair costs. Nixon estimated that in the past 20 years Lebanon Raceway invested $5 million in improvements like horse barns.

Some improvements were subsidized by taxpayers. The raceway received $260,652 in tax abatements from the state in 1985-1986.

Though Nixon has told friends the track wasn't very profitable, racing commission records show his 560 shares in Miami Valley paid him $173,600 last year and $207,060 in 1986. He also gets $42,000 a year as general manager of the raceway.

Nixon said his dividends were reinvested in the track. He estimated he's worth $500,000.

One expense Lebanon Raceway doesn't have is property taxes. The fairgrounds are exempt from property taxes under a 1982 act sponsored by former State Rep. Thomas J. Gilmartin of Youngstown. The taxes would have been included in the lease.

Nixon said he discussed the bill with Gilmartin but didn't lobby for it. He doesn't vote on racing bills.

Another tax the raceway escapes is Lebanon's 1% city income tax. An amendment by State Rep. Dean Conley, D-32, of Columbus, to another bill stalled Lebanon's attempt in 1986 to annex the fairgrounds, which would have subjected the raceway to the tax. Former City Manager Tim Hansley estimated annexation would have cost the raceway $100,000 a year.

Nixon said he did not talk to Conley about the amendment, but Riffe said, "I'm sure (Nixon) talked to me about the amendment." Riffe said he urged Conley to sponor the amendment because of Nixon.

Nixon has clout in the racing industry. "Corwin's power runs wide and deep," said George Jones, general manager of Thistledown and president of the Ohio Thoroughbred Breeders and Owners, which represents the three nonharness tracks.

Nixon is president of the American Horse Council in Washington, D.C., which oversees the industry, and the Columbus-based United States Trotting Association.

One area that harness tracks protect is night racing, where they have almost no competition. A 1985 study for the breeders and owners by Columbus lobbyist Paul Tipps said, "The current statutes governing day/night racing were designed to protect the standardbred (harness) from competition by the thoroughbreds."

Jones said that when former Cincinnati financier Marvin L. Warner, a horse breeder, wanted night racing for thorougbreds, he told Warner that he'd promised Nixon the breeders and owners would not seek night racing.

Nixon said his influence was exaggerated. He said he opposed thoroughbred night racing because it would compete with harness tracks. But many legislators believe Riffe would not pass a racing bill if Nixon opposed it.

Nixon, a behind-the-scenes player, hasn't sponsored a bill for years. "He's someone who knows how to get something done but would prefer having someone else do it," one legislator said.

COLLEGE SAVINGS BOND ACT OF 1988

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1988

Mr. DUNCAN. Mr. Speaker, I have had a longstanding interest in finding solutions to the problems experienced by individuals and families in funding the ever-increasing costs of a college education. Consequently, following the President's announcement last February indicating his intention to send a plan to Congress creating savings incentives for higher education, I have been working with the administration to develop such a plan. Today, I am pleased to introduce the specifics of the administration's proposal to establish a college savings bond program.

Essentially, the bill contains two parts. The first would direct the Secretary of the Treasury to implement a college savings bond program whereby a new variety of savings bonds would be issued. The second part would provide an exclusion from gross income for interest income earned on these bonds, to the extent the proceeds are used for postsecondary education expenses. Under the program, college savings bonds could be purchased beginning January 1, 1989, by any taxpayer to pay for qualified educational expenses or those of a spouse, child, or dependent. However, the interest is tax exempt only if the taxpayer's income is less than a phaseout limit at the time of redemption. As introduced, the interest exclusion is available in full only to family incomes of less than $60,000, phasing out completely after $80,000—for joint returns. Personally, I feel this is one area where major modifications must be made so that the benefits of college savings bonds will reach more families. My fear is that the limitations in the proposed bill give rise to complexity, paperwork, and uncertainties, which in turn diminish the attractiveness of college savings bonds, and thus the very incentive we are trying to create.

Notwithstanding, the approach taken by the administration's bill deserves serious consideration. Many of us have seen or experienced already the ballooning costs of education. Over the past 10 years, the cost of college education has risen 80 percent, well above the rate of inflation. In his latest budget message, the President cited a recent study which projected that the cost of attending a 4-year public college will rise from $18,000 to $60,000 in year 2007. Over that same period private university expenses will grow from $50,000 to over $200,000. These numbers are appalling, and yet a 1984 Roper poll revealed that only half of the families with college-eligible children save for this purpose. And for those prudent parents, the rate of annual savings averages only $500.

A natural question to ask is what direct assistance currently is available to students seeking postsecondary education? It is my understanding that close to 50 percent of all college students receive financial aid. This includes Federal, State, and local assistance, as well as private sector funds. Two major programs, Pell grants and guaranteed student loans, make up the lion's share of Federal assistance. During this fiscal year, $4.3 billion will be spent on Pell grants, a program designed to assist children from low- and moderate-income families. Although program outlays have nearly doubled since fiscal year 1978, the grant covers only 29 percent of the costs of college. The guaranteed student loan programs, which provides low-interest loans to any student showing need, often is used to bridge the financial gap. The student loan bond volume has swelled from $2 billion in 1980 to over $9 billion. Unfortunately, the $1.6 billion in defaulted loans signals a major shortcoming of the program.

From these statistics, it is safe to say that our Government has not ignored the importance of and access to, higher education, but more needs to be done. This legislation represents a good beginning, particularly in light of current budgetary constraints. The Department of the Treasury has estimated the cost of the bill to be $11 million in fiscal year 1989, rising to $284 million by fiscal year 1994. Based upon the number of bills already introduced, I know there is significant interest in new tax incentives for long-term savings for education. I commend this legislation to my House colleagues and hope that our schedule will permit expeditious consideration by the House Committee on Ways and Means. The text of the bill and a section-by-section explanation follows:

H.R. 4790

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

SECTION 1. SHORT TITLE; STATEMENT OF PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the "College Savings Bond Act of 1988".

(b) PURPOSE.—The purpose of this Act is to encourage long-term savings for postsecondary education through the establishment of a College Savings Bond Program.

SEC. 2. COLLEGE SAVINGS BONDS.

The Secretary of the Treasury is authorized to issue College Savings Bonds and to prescribe by regulations or otherwise such terms, conditions, and procedures with respect thereto as the Secretary deems necessary to implement the College Savings Bond Program.

SEC. 3. EXCLUSION FROM GROSS INCOME OF INCOME FROM COLLEGE SAVINGS BONDS USED TO PAY QUALIFIED EDUCATIONAL EXPENSES.

(a) IN GENERAL.—Part III of Subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by redesignating section 135 as section 136 and by inserting after section 134 the following new section:

"§ 135. Income From College Savings Bonds Used to pay qualified educational expenses

"(a) GENERAL RULE.—Except as otherwise provided in this section, gross income shall not include any amount received by the taxpayer during the taxable year as interest on a College Savings Bond to the extent the proceeds of such bond are used in such taxable year to pay for the qualified educational expenses of the taxpayer or the taxpayer's spouse, child, or dependent.

"(b) PHASE-OUT OF EXCLUSION.—

"(1) IN GENERAL.—In the case of a taxpayer whose adjusted gross income for the taxable year during which interest on a College Savings Bond is received exceeds $60,000 for the taxable year, the amount excludable under subsection (a) shall be reduced by one-tenth of a percentage point for each $20 by which adjusted gross income exceeds $60,000. In the case of a taxpayer whose adjusted gross income for the taxable year during which interest on a College Savings Bond is received exceeds $80,000, the amount excludable under subsection (a) shall be zero.

"(2) INDEXATION OF AMOUNTS.—In the case of taxable years beginning after December 31, 1989, each dollar amount under paragraph (1) shall be adjusted to take into account the cost-of-living adjustment under section 1(f)(3) for the calendar year in which such taxable year begins.

"(3) UNMARRIED INDIVIDUALS AND MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of an unmarried individual or a married individual filing separately (other than an individual to whom paragraph (4) of this subsection applies), paragraph (1) shall be applied by taking into account only one-half of each dollar amount contained therein.

"(4) TAXPAYERS CLAIMED AS DEPENDENTS.—In the case of an individual with respect to whom a deduction under section 151 was allowable to another taxpayer for any of the two taxable years preceding the individual's taxable year, this subsection shall be applied to such individual by taking into account the adjusted gross income of such other taxpayer.

"(c) COLLEGE SAVINGS BOND.—For purposes of this section, the term 'College Savings Bond' means a United States savings bond—

"(1) which is issued under section 3105 of title 31, United States Code, after December 31, 1988; and

"(2) which is designated by the Secretary as eligible for the College Savings Bond Program.

"(d) OTHER DEFINITIONS.—For purposes of this section—

"(1) ADJUSTED GROSS INCOME.—The term adjusted gross income of any taxpayer shall be determined—

"(A) after application of sections 86, 469, and 219, and

"(B) without regard to section 911 or the exclusion allowable under this section.

"(2) QUALIFIED EDUCATIONAL EXPENSES.—The term 'qualified educational expenses' means—

"(A) tuition and fees required for the enrollment or attendance at an eligible educational institution,

"(B) fees, books, supplies, and equipment required for courses of instruction at such an educational institution, and

"(C) reasonable living expenses to the extent provided in regulations.

"(3) ELIGIBLE EDUCATIONAL INSTITUTION.—The term 'eligible educational institution' means an institution described in section 481(a) of the Higher Education Act of 1965, as amended (20 U.S.C. 1088(a)).

"(e) REGULATIONS.—The Secretary may prescribe such regulations as the Secretary deems necessary to carry out the purposes of this section, including regulations—

"(1) which, in appropriate circumstances, treat married persons filing separate returns as having filed a joint return for purposes of applying the phase-out provisions of this section.

"(2) imposing such reporting and recordkeeping requirements as may be required upon individuals participating in the College Savings Bond Program and eligible educational institutions, and

"(3) prescribing information required to be included in the taxpayer's income tax return for the taxable year in which (but for this section) income with respect to a College Savings Bond would be includible in gross income.".

(b) CONFORMING AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking out the item relating to section 135 and by inserting after the item relating to section 134 the following new items:

"Section 135. Income from College Savings Bonds Used to Pay Qualified Educational Expenses.

"Section 136. Cross References to Other Acts."

COLLEGE SAVINGS BOND ACT OF 1988

SECTION-BY-SECTION ANALYSIS

The College Savings Bond Act of 1988 would establish a College Savings Bond Program and amend the Internal Revenue Code of 1986 (Code) to provide an exclusion from income for interest earned on College Savings Bonds to the extent the proceeds from the bonds are used to pay certain postsecondary educational expenses.

Section 1. Short Title: Statement of Purpose

Section 1 provides a short title for the bill—the "College Savings Bond Act of 1988." The stated purpose is to encourage long-term savings for postsecondary education through the establishment of a College Savings Bond Program.

Section 2. College Savings Bonds

The Department of the Treasury has sufficient statutory authority to issue College Savings Bonds under section 3105 of title 31, United States Code, section 2, however, would make it explicit in the legislation that the Secretary of the Treasury is authorized to issue College Savings Bonds and prescribe such terms, conditions and procedures with respect thereto as the Secretary deems necessary to implement the College Savings Bond Program.

Section 3. Exclusion From Gross Income of Income From College Savings Bonds Used to Pay Qualified Educational Expenses

Section 3(a) of the bill adds a new section 135 to the Internal Revenue Code of 1986 and redesignates current section 135 as section 136.

Section 135(a) provides the general rule that gross income does not include interest earned from a College Savings Bond to the extent that the proceeds of the bond are used to pay qualified educational expenses of the taxpayer or the taxpayer's spouse, child or dependent. It is anticipated that Treasury rules concerning College Savings Bonds will permit partial redemptions. Under such rules, a taxpayer could choose to redeem bond amounts that do not exceed qualified educational expenses for the taxable year. The exclusion would not be disallowed in its entirety, however, merely because a taxpayer uses a portion of the proceeds of a College Savings Bond for purposes other than qualified educational expenses. In such cases, the exclusion from income would be available in proportion to the amount of proceeds used for qualified education expenses; the remaining income would be subject to tax.

Section 135(b) establishes a formula that "phases out" the exclusion of College Savings Bond income from tax. The formula begins to phase out the exclusion for taxpayers whose adjusted gross income, at the time of redemption of a College Savings Bond, exceeds $60,000 for the taxable year. No exclusion is available to taxpayers whose adjusted gross income, at the time of redemption, exceeds $80,000. The phase-out range will be indexed for inflation. The phase-out formula reduces the exclusion by one-tenth of a percentage point (.001) for each $20 by which adjusted gross income exceeds $60,000.

In the case of a child who could have been claimed as a dependent in any of the two taxable years prior to redemption, the formula is applied to the parents' income.

The $60,000 and $80,000 amounts used in the formula are for married persons who file joint returns or for heads-of-households. These dollar amounts are reduced by 50 percent in the case of unmarried persons and married persons who file separate returns (other than those to whom the dependent rule described above applies). There is explicit regulatory authority in section 135(e) to prevent married persons from circumventing the intent of the phaseout by filing separate returns.

Section 135(c) generally defines College Savings Bond as a United States savings bond that is issued after December 31, 1988, and that is designated by the Secretary as eligible for the College Savings Bond Program.

Section 135(d) defines the terms "adjusted gross income," "qualified educational expenses," and "eligible educational institution."

Adjusted gross income, which is used in applying the phase-out formula, is determined after application of certain other Code provisions, but without regard to Code section 911 (which generally excludes certain income earned abroad) or the exclusion allowable under this section. Thus, a taxpayer could not avoid the intent of the phaseout by arranging to have $40,000 in College Savings Bond interest income and $59,000 in other income.

The exclusion allowed under section 911 is also properly disregarded since the intent of the phaseout is to target the provision to low and moderate income persons.

Qualified educational expenses means (1) tuition and fees required for the enrollment or attendance of a student at "an eligible educational institution"; (2) fees, books, supplies, and equipment required for courses of instruction at such an educational institution; and (3) to the extent provided in regulations, reasonable living expenses. The language used in the definition, except for the inclusion of reasonable living expenses, corresponds to the definition of qualified educational expenses for purposes of Code section 117, relating to the exclusion from income for certain scholarships.

"Eligible educational institution" includes most postsecondary institutions, as described in section 481 of the Higher Education Act of 1965. The term is defined by reference to a definition included in the Higher Education Act of 1965.

Section 135(e) supplements the general regulatory authority of the Secretary of the Treasury with explicit authority to treat separate filers as joint filers to the extent necessary to prevent avoidance of the phaseout, and to impose the reporting and recordkeeping requirements necessary for compliance upon individuals and eligible educational institutions.

Section 3(b) of the bill is a conforming amendment that adds the new section 135 (and prior section 135, as redesignated) to the table of sections for part III of subchapter B of chapter 1 of the Code.

HOUSE OF REPRESENTATIVES—*Monday, June 13, 1988*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, in this sacred moment of prayer, our hearts reach out to all people who look to You for the strength and peace that Your Word can give. Grant to every person the vision of a world where justice and fairness and mercy prevail and people live with each other in respect and dignity. Fill our hearts with Your good spirit that right will triumph over wrong and love overcome hatred, and all people will live together in unity of spirit and of purpose. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills and a concurrent resolution of the House of the following titles:

H.R. 2652. An act to revise the boundaries of Salem Maritime National Historic Site in the Commonwealth of Massachusetts, and for other purposes;

H.R. 3927. An act to amend the United States Housing Act of 1937 to establish a separate program to provide housing assistance for Indians and Alaska Natives; and

H. Con. Res. 312. Concurrent resolution extending the sympathy and best wishes of the Congress to President Jose Napoleon Duarte during his battle with cancer.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1508) "An act to withdraw and reserve for the Department of the Air Force certain Federal lands within Lincoln County, NV, and for other purposes," with amendments.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, June 14, 1988.

PCB REGULATORY IMPROVEMENTS ACT OF 1988

Mr. THOMAS A. LUKEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3070) to amend the Toxic Substances Control Act to require persons handling polychlorinated biphenyls to comply with the manifest and financial responsibility requirements of the Solid Waste Disposal Act and to require persons carrying out certain intermediate activities with respect to polychlorinated biphenyls to obtain approval from the Environmental Protection Agency, as amended.

The Clerk read as follows:

H.R. 3070

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "PCB Regulatory Improvements Act of 1988".

SEC. 2. ADDITIONAL REQUIREMENTS FOR PCBS UNDER TOXIC SUBSTANCES CONTROL ACT.

Section 6(e) of the Toxic Substances Control Act (15 U.S.C. 2605(e)) is amended by adding after paragraph (5) the following new paragraphs:

"(6) NOTIFICATION AND IDENTIFICATION NUMBER REQUIREMENT.—

"(A) GENERAL REQUIREMENT.—Beginning 120 days after the date of the enactment of this paragraph, a person may not—

"(i) by contract, agreement, or otherwise arrange for transport, storage, or disposal of polychlorinated biphenyl waste generated by such person;

"(ii) transport polychlorinated biphenyl waste for storage or disposal; or

"(iii) store or dispose of polychlorinated biphenyl waste;

unless the person submits a notification to the Administrator and receives an identification number from the Administrator.

"(B) NOTIFICATION.—(i) In the case of a person carrying out an activity described in subparagraph (A) on the date of the enactment of this paragraph, the person shall notify the Administrator in writing not later than 90 days after such date of the intent to continue carrying out the activity. Such person may continue to carry out the activity (without an identification number) until the date which is 120 days after the date of the enactment of this paragraph, but only if the person has filed a timely notification.

"(ii) Each person who desires to begin carrying out an activity described in subparagraph (A) after the date of the enactment of this paragraph may notify the Administrator in writing of the intent to begin to carry out such activity at any time after the promulgation of rules under subparagraph (D), but such person may not begin to carry out such activity until the person receives an identification number from the Administrator.

"(C) IDENTIFICATION NUMBER.—Not later than 30 days after the date of receipt of a notification from a person under this paragraph, the Administrator shall, in writing, either issue an identification number to the person or recognize a previously issued EPA identification number as valid for purposes of this paragraph. Any person who has an identification number previously issued by the Administrator under the Solid Waste Disposal Act shall include such number in the notification submitted to the Administrator and shall use that number for purposes of this paragraph unless the Administrator notifies the person that the person must use another identification number for purposes of this paragraph.

"(D) RULES.—Not later than 60 days after the date of the enactment of this paragraph, the Administrator shall promulgate rules to implement this paragraph. Such rules may exempt any person or class of persons from the requirement in subparagraph (A) to notify the Administrator and may provide for assignment of identification numbers which are different from those issued under rules promulgated under the Solid Waste Disposal Act and for assignment of identical numbers to classes of persons. Such rules shall be final and shall take effect on the date of publication in the Federal Register. The Administrator shall provide an opportunity for comment on such rules after their promulgation (unless the Administrator has proposed such rules for public comment before the date of the enactment of this paragraph) and, after considering such comment, shall make any amendments that the Administrator considers appropriate.

"(7) MANIFEST REQUIREMENT.—

"(A) GENERAL REQUIREMENT.—Any person who—

"(i) by contract, agreement or otherwise arranges for transport, storage, or disposal of polychlorinated biphenyl waste generated by such person;

"(ii) transports polychlorinated biphenyl waste for storage or disposal; or

"(iii) stores or disposes of polychlorinated biphenyl waste;

shall comply with the requirements of the manifest system set forth in rules promulgated by the Administrator under subparagraph (C). If such rules are not promulgated by the effective date of this paragraph, such a person shall comply with the requirements of the manifest system set forth in rules promulgated under section 3002 of the Solid Waste Disposal Act (42 U.S.C. 6922) until such rules (under subparagraph (C)) are promulgated.

"(B) INITIATION.—A manifest required under this paragraph shall be initiated when either of the following occurs:

"(i) Polychlorinated biphenyl waste leaves a storage facility at which the waste may be stored until such time as it is required to be disposed of, and such storage facility is owned and operated by the same person who owned and operated the equipment in which the polychlorinated biphenyls were

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

used or generated immediately before becoming a waste material.

"(ii) Polychlorinated biphenyl waste leaves the site at which it is generated, and (I) ownership or control of the polychlorinated biphenyl waste is vested in a person other than the person who owned and operated the equipment in which the polychlorinated biphenyls were used or generated immediately before becoming a waste material, or (II) the polychlorinated biphenyl waste is taken to a storage facility owned by a person other than the person with ownership or control of the polychlorinated biphenyl waste when it leaves such site.

"(C) Rules.—Not later than 60 days after the date of the enactment of this paragraph, the Administrator shall promulgate rules to implement a manifest system for polychlorinated biphenyl waste. Such rules may exempt a person or class of persons from the requirements of this paragraph. Such rules shall be final and shall take effect on the date of publication in the Federal Register. The Administrator shall provide an opportunity for comment on such rules after their promulgation (unless the Administrator has proposed such rules for public comment before the date of the enactment of this paragraph) and, after considering such comment, shall make any amendments that the Administrator considers appropriate.

"(D) Effective date.—This paragraph shall apply with respect to polychlorinated biphenyl waste that, after the effective date of the rules under subparagraph (C) or after the end of the 120-day period beginning on the date of the enactment of this paragraph (whichever is later), leaves the site at which it is stored for disposal by the person who generated the waste.

"(8) Transportation requirement.—

"(A) General requirement.—Any person who transports polychlorinated biphenyl waste for storage or disposal shall comply with the requirements for transportation set forth in rules promulgated by the Administrator under subparagraph (C). If such rules are not promulgated by the effective date of this paragraph, such a person shall comply with the requirements for persons who transport hazardous waste set forth in rules promulgated under section 3003 of the Solid Waste Disposal Act (42 U.S.C. 6923) until such rules (under subparagraph (C)) are promulgated.

"(B) Initiation.—The transportation requirements under this paragraph shall apply when either of the following occurs:

"(i) Polychlorinated biphenyl waste leaves a storage for disposal facility at which the waste may be stored until such time as it is required to be disposed of, and such storage facility is owned and operated by the same person who owned and operated the equipment in which the polychlorinated biphenyls were used or generated immediately before becoming a waste material.

"(ii) Polychlorinated biphenyl waste leaves the site at which it is generated, and (I) ownership or control of the polychlorinated biphenyl waste is vested in a person other than the person who owned and operated the equipment in which the polychlorinated biphenyls were used or generated immediately before becoming a waste material, or (II) the polychlorinated biphenyl waste is taken to a storage facility owned by a person other than the person with ownership or control of the polychlorinated biphenyl waste when it leaves such site.

"(C) Rules.—Not later than 60 days after the date of the enactment of this paragraph, the Administrator shall promulgate rules regarding transportation of polychlorinated biphenyl waste. Such rules shall be final and shall take effect on the date of publication in the Federal Register. The Administrator shall provide an opportunity for comment on such rules after their promulgation (unless the Administrator has proposed such rules for public comment before the date of the enactment of this paragraph) and, after considering such comment, shall make any amendments that the Administrator considers appropriate.

"(D) Effective date.—This paragraph shall apply with respect to polychlorinated biphenyl waste accepted for transport after the end of the 90-day period beginning on the date of the enactment of this paragraph.

"(9) Storage approval requirement.—

"(A) General requirement.—Beginning 270 days after the date of the enactment of this paragraph, a person may not store polychlorinated biphenyl waste (except as provided in subparagraph (E)) unless the person has approval under this paragraph from the Administrator.

"(B) Determinations by administrator.—The Administrator shall grant approval under this paragraph if the Administrator determines that—

"(i) the person is qualified to engage in the activity of storage of polychlorinated biphenyl waste;

"(ii) the person has certified compliance with the requirements for facilities storing polychlorinated biphenyl waste;

"(iii) the person has submitted an acceptable closure plan for the person's storage facility;

"(iv) the person has demonstrated financial responsibility in accordance with rules promulgated under paragraph (10); and

"(v) the person has met any other requirements that the Administrator considers appropriate.

"(C) Requests for approval.—(i) In the case of a person storing polychlorinated biphenyl waste on the date of the enactment of this paragraph, the person shall file a request for approval under this paragraph not later than 90 days after such date. Such person may continue to store polychlorinated biphenyl waste (without approval from the Administrator) until the date which is 270 days after the date of the enactment of this paragraph, but only if the person has filed a timely request for approval.

"(ii) Each person who desires to begin storing polychlorinated biphenyl waste after the date of the enactment of this paragraph may file a request for approval of such storage at any time after promulgation of rules under this paragraph, but such person may not begin such storage until the person receives approval from the Administrator.

"(D) Response to requests.—Not later than 180 days after the receipt of a request for approval under this paragraph, the Administrator shall approve or disapprove, in writing, the request.

"(E) Exclusions.—(i) Subparagraph (A) does not apply to any person storing polychlorinated biphenyl waste that consists solely of polychlorinated biphenyl waste generated by—

"(I) that person;

"(II) a corporate parent to that person;

"(III) a corporate subsidiary of that person;

"(IV) a corporate subsidiary of the same corporate parent as the corporate parent of that person; or

"(V) any combination of persons listed in subclauses (I) through (IV).

"(ii) The exclusion in clause (i) does not apply to a person who generated the polychlorinated biphenyl waste in rebuilding, repairing, or recycling electrical equipment that the person did not use, or will not use, in an electrical system owned by such person.

"(iii) A person with approval from the Administrator to dispose of polychlorinated biphenyl waste may continue to carry out the activities associated with such disposal (including storage) without having to obtain additional approval under this paragraph. However, nothing in this clause prevents the Administrator from modifying or revoking approvals under paragraph (11).

"(F) Rules.—Not later than 60 days after the date of the enactment of this paragraph, the Administrator shall promulgate rules to implement this paragraph. Such rules shall contain information requirements for persons filing requests for approval and criteria to be applied by the Administrator in granting or denying such approvals. Such rules shall be final and shall take effect on the date of publication in the Federal Register. The Administrator shall provide an opportunity for comment on such rules after their promulgation (unless the Administrator has proposed such rules for public comment before the date of the enactment of this paragraph) and, after considering such comment, shall make any amendments that the Administrator considers appropriate.

"(10) Financial responsibility, contingency plan, and closure and post-closure requirements.—

"(A) General requirement.—Any person who—

"(i) requires approval from the Administrator under paragraph (9) to store polychlorinated biphenyl waste; or

"(ii) requires approval from the Administrator under rules promulgated under paragraph (1) to dispose of polychlorinated biphenyl waste;

shall comply with the financial responsibility, contingency plan, and closure and post-closure requirements set forth in rules promulgated under subparagraph (B). If such rules are not promulgated by the effective date of this paragraph, such a person shall comply with the financial responsibility, contingency plan, and closure and post-closure requirements set forth in rules promulgated under section 3004 of the Solid Waste Disposal Act (42 U.S.C. 6924) until such rules (under subparagraph (B)) are promulgated.

"(B) Rules.—Not later than 60 days after the date of the enactment of this paragraph, the Administrator shall promulgate rules regarding financial responsibility, contingency plan, and closure and post-closure requirements for persons who store or dispose of polychlorinated biphenyl waste. Such rules shall be final and shall take effect on the date of publication in the Federal Register. The Administrator shall provide an opportunity for comment on such rules after their promulgation (unless the Administrator has proposed such rules for public comment before the date of the enactment of this paragraph) and, after considering such comment, shall make any amendments that the Administrator considers appropriate.

"(C) Effective date.—This paragraph shall apply with respect to persons who store or dispose of polychlorinated biphenyl waste after the end of the 180-day period beginning on the date of the enactment of this paragraph.

"(11) MODIFICATION AND REVOCATION OF APPROVALS.—

"(A) MODIFICATION.—Each approval for storage or disposal under this subsection shall be reviewed no later than five years after the date of issuance or reissuance of the approval and shall be modified as necesssary to assure that the person with approval continues to comply with the currently applicable requirements of this subsection. Nothing in this paragraph shall preclude the Administrator from reviewing and modifying an approval at any time during the term for which the approval was given to assure such continued compliance. Each approval under this subsection issued after the date of the enactment of this paragraph shall be for a fixed term.

"(B) REVOCATION.—Upon a determination by the Administrator of noncompliance by a person having approval for storage or disposal under this subsection with the requirements of this subsection, the Administrator may revoke such approval.

"(C) RULES.—The Administrator may promulgate rules to implement this paragraph.

"(12) MANDATORY INSPECTIONS.—At least once every two years, beginning with the two-year period that begins on the date of the enactment of this paragraph, the Administrator shall thoroughly inspect the facilities at which each person with approval under this subsection to store or to dispose of polychlorinated biphenyl waste carries out such storage or disposal.

"(13) NOTICE OF ENFORCEMENT ACTIONS.—Notwithstanding the limitations of section 14, not later than June 30 of each year the Administrator shall publish in the Federal Register a notice of the identity of, and the amount of civil penalty assessed from, each person against who the Administrator has concluded an enforcement action for violations of this subsection during the previous calendar year. Subject to the limitations of section 14, the notice shall also include such other information as the Administrator considers appropriate. For purposes of this paragraph, the Administrator has concluded an enforcement action against a person for a violation of this subsection when one of the following occurs:

"(i) An order by the Administrator assessing a civil penalty from such person has become a final order (or, if such order is appealed, a final judgment has been entered by the court reviewing such order).

"(ii) A court has entered a final judgment with respect to any civil action described in section 17 against such person.

"(iii) The Administrator and such person have entered into an agreement which has been entered into the appropriate district court of the United States as a consent decree.

"(14) DEFINITIONS.—For purposes of paragraphs (6) through (13)—

"(A) The term 'generate' means to produce polychlorinated biphenyl waste by causing it to come into existence or causing it to become a polycholorinated biphenyl waste as described in rules promulgated under paragraph (1) of this subsection.

"(B) The term 'polychlorinated biphenyl waste' means all polychlorinated biphenyls and items containing polychlorinated biphenyls the disposal of which is regulated by the Administrator pursuant to rules promulgated under paragraph (1) of this subsection.

"(C) The term 'storage' means storage (for disposal of polychlorinated biphenyls) that is regulated by the Administrator pursuant to rules promulgated under paragraph (1) of this subsection.

"(D) The terms used in such paragraphs that are defined in the rules promulgated under paragraph (1) of this subsection shall have the meanings given such terms by such rules.".

The SPEAKER. Is a second demanded?

Mr. MOORHEAD. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Ohio [Mr. THOMAS A LUKEN] will be recognized for 20 minutes, and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. THOMAS A. LUKEN].

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge the adoption of H.R. 3070, legislation that would tighten Federal controls on the toxic chemical polychlorinated biphenyls, or PCB's. The bill, H.R. 3070, was introduced by my colleagues, Messrs. MIKE SYNAR, IKE SKELTON, WILLIAM CLINGER, and ALAN WHEAT, to close loopholes in the current regulations administered by the U.S. Environmental Protection Agency governing handling and disposal of PCB's.

We take up this legislation more than 10 years after Congress banned the manufacture of PCB's and directed EPA to require the eventual phaseout of the estimated 750 million pounds of PCB's still in use in this country, more than 10 years after Congress instructed EPA to ensure the safe disposal of these PCB's in order to protect the health of the American people.

After more than a decade this problem should have been adequately addressed by EPA, but we are here today because this is compelling evidence that EPA has failed to do so.

The threats to public health from PCB's are real and serious. PCB's are known carcinogens, and have been linked to reproductive, gastric, and nervous system disorders as well. In my own State of Ohio, public health officials had to warn the public not to eat fish caught in the Great Miami River because the fish have shown dangerously high levels of PCB contamination. This contamination is attributed to a release of PCB containing substances from a site in the city of Dayton. While PCB's threaten our food supply EPA can't tell us where these toxic chemicals are stored.

The legislation we are considering today would prevent similar situations from happening in the future by closing significant loopholes in existing PCB regulations.

The bill reported by the subcommittee requires all handlers of PCB's to notify EPA and obtain an EPA identification number, similar to the notification and ID requirements under RCRA. This should allow EPA for the first time to identify the universe of handlers of PCB's.

The bill adopts RCRA transporter requirements for PCB transporters and RCRA contingency plan, facility closure, and post-closure-care requirements, in addition to the financial responsibility requirements, for PCB storers and disposers. These transporter and facility requirements have been tested over time under RCRA and should apply as well to PCB transportation, storage, and disposal.

The bill significantly strengthens EPA's storage and disposal approval authority, requiring EPA to review and modify permits within 5 years of issuance, requiring EPA to grant approvals for a fixed term, authorizing EPA to review and modify an approval at any time during the term, and, finally, authorizing EPA to revoke approvals for noncompliance with TSCA requirements. These provisions should strengthen EPA's hand in exercising control over PCB storage and disposal.

To strengthen EPA's oversight and enforcement with respect to PCB handlers, the bill requires EPA to make thorough inspections of all PCB storage and disposal facilities at least once every 2 years. Furthermore, the substitute requires EPA to publish notice identifying persons against whom EPA has concluded enforcement actions under the PCB provisions of TSCA.

Finally, the bill requires EPA to promulgate regulations implementing these new requirements within 60 days of enactment of the legislation. By this means EPA can best inform all PCB handlers of their new responsibilities under TSCA and ensure that the regulated community understands exactly what is expected of them with respect to PCB generation, transportation, storage, and disposal.

I am pleased with the bipartisan support this bill received in the subcommittee and want to thank my colleagues for working with me to improve environmental regulation of the Nation's PCB's.

GAO testified before the subcommittee that this legislation would close the loopholes in existing law. This bill is also supported by a concensus group of the natural resource defense fund, hazardous waste treatment council and industry groups.

GAO has examined the EPA record on implementing and enforcing PCB regulations since 1980. And, GAO was among the first to point out the deficiencies in the current regulatory scheme with respect to identifying, permitting and inspecting intermediate PCB handlers. EPA testified that it is committed to improving Federal regulatory controls over PCB's. But, given the record GAO has documented, Congress cannot solely rely on EPA to remedy the deficiencies in the regulations in a timely manner, Congress must act to direct EPA to accomplish this task.

Many of GAO's recommendations for improving Federal regulation of PCB's are included in H.R. 3070.

The hearing on this bill was in December. At that time we made it clear that moving this bill was a high priority. Subcommittee staff has worked since then with the sponsors of the bill and the minority to develop an improved consensus bill.

Under several existing provisions of TSCA, States can enforce the Federal PCB requirements:

First, section 20, Citizens' Civil Actions, authorizes any person to bring an action for violation of any rule promulgated under TSCA. This provision allows citizens, environmental groups, industry, and States to enforce the PCB regulations against violators. Thus, even without adopting PCB requirements of their own, States can enforce the Federal PCB regulations. No States, either before or after the hearing, have come forward to say that the TSCA enforcement authorities are a problem or in any way limit their ability to ensure compliance with the regulations.

On the subject of preemption, current law identifies several means by which States can develop PCB disposal requirements more stringent than the Federal requirements.

First, section 18(a) provides an exception to Federal preemption under TSCA for State requirements developed under other Federal law like RCRA. Most States that have regulatory programs for PCB's have chosen to include them in their hazardous waste programs under RCRA.

Second, section 18(b) allows States to develop different or more stringent standards for PCB's with the approval of EPA, provided that such requirements do not violate any Federal requirements, provide a higher degree of protection, and do not unduly burden interstate commerce.

Also, corrective action cleanup of PCB releases can already be compelled under existing authorities:

All existing PCB landfills are interim status facilities under RCRA and thus are already subject to RCRA corrective action requirements.

Under existing law, corrective action could be required administratively by EPA in all permits granted PCB treatment and disposal facilities. This is how corrective action developed in the RCRA program.

Finally, while current law has the key provisions for regulation we need to put into effect a regulatory program that ensures the adequacy of protections against PCB's.

This legislation is needed to ensure that EPA has monitoring, permitting and financial responsibility requirements for the next several years, which will be peak years for PCB disposals.

We believe this legislation does just that and it is therefore vital.

My thanks as ever to BOB WHITTAKER, and the minority for their leadership in moving the bill.

I am pleased with the bipartisan support this bill has received in the subcommittee, and I want to add, Mr. Speaker, that the GAO testified before the subcommittee that this legislation closed these loopholes in existing law.

It is supported by a consensus group of the national resource defense fund, the Hazardous Waste Treatment Council, and industry groups. GAO has examined the EPA record on enforcing PCB regulations since 1980, and GAO was the first to point out the deficiencies in the current regulatory scheme.

Mr. Speaker, I want to pay special tribute to the gentleman from Oklahoma [Mr. SYNAR], who has really been the inspiration behind this legislation working with the GAO. I think this is a very important environmental step forward in our legislative history.

Mr. Speaker, I reserve the balance of my time.

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Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are considering legislation designed to improve PCB transport, storage, and disposal. We gave the Environmental Protection Agency a tough assignment back in 1976 when we banned the further production of PCB's and directed the Agency to ensure the safe disposal of PCB's still in service. EPA responded by creating a program that has just about cut in half the amount of PCB's in service.

The next several years, however, will be the peak years for PCB disposal. It is important, therefore, that we do what is necessary now to ensure the adequacy of our regulatory program for PCB's.

During the subcommittee hearing last year on H.R. 3070, we heard testimony from the witnesses—including EPA—identifying changes that would improve the current PCB regulatory program. Since the hearing, the committee worked hard—through bipartisan discussions—to incorporate those suggestions into the legislation before us today.

The approach taken in H.R. 3070 keeps the management of PCB's under the Toxic Substances Control Act, which is where responsibility should lie. Also of particular importance are two key provisions suggested by my colleague Mr. WHITTAKER, the ranking minority member of the Subcommittee on Transportation, Tourism, and Hazardous Materials. First, the bill directs EPA to develop new PCB requirements, and it also gives the Agency flexibility in how those regulations are fashioned. Second, we require that EPA inspect PCB storage and disposal facilities at least once every 2 years, and that EPA publish the results of its enforcement activities once a year. It is important that EPA give PCB generators more information with which to evaluate the quality of companies engaged in the business of PCB disposal.

In closing, Mr. LUKEN, Mr. WHITTAKER, Mr. SYNAR, and the others who worked on this bill should be pleased with their efforts, which should improve the management of PCB disposal and our environment. It is good legislation which enjoys broad support form environmental groups and industry.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey [Mr. FLORIO], a member of the subcommittee.

Mr. FLORIO. Mr. Speaker, I appreciate the gentleman's yielding time to me, and I rise unfortunately in reluctant opposition to this bill.

Mr. Speaker, this bill is described as a good one because it applies some of the requirements of the hazardous waste law, RCRA, to PCB's. What we have not heard about is all the provisions that apply to other hazardous wastes that this bill would not apply to PCB's.

There is no explanation of this omission other than the fact that the industry would not accept such changes. The passage of this bill is a threat to people's health because it pretends to do something about PCB's but does too little.

This is not a proenvironmental bill; it is definitely antienvironment. It is what the PCB industry is willing to accept, and what EPA is going to do anyway.

I had intended to offer three amendments to this bill, amendments which would have made it worth passing. These amendments have support from the environmental groups, from States and the enforcement officers of States.

You have probably heard that environmental groups support this legislation, but what you have not heard is that they believe amendments I intended to offer are essential to this legislation.

Let me describe briefly what this bill fails to do. First, it fails to allow the States to pass their own laws for dealing with PCB's, as the States are allowed to do with all other hazardous wastes.

Second, it fails to allow the States to enforce the Federal law, as the States are allowed to do with all other hazardous wastes.

Third, it does not even allow EPA to order corrective action when they discover a problem with PCB disposal.

This bill is a sham. It is a bailout for the utility industry, an attempt to stop necessary and effective regulation of PCB's with the appearance of regulation.

PCB's are dangerous and deadly. If you represent any of the 36 congressional districts where deadly PCB's were disposed of by Texas Eastern, and now find out that your State law imposing strict requirements on PCB disposal is preempted by a weaker Federal law, you will not think this is such a good bill.

This bill should not have been brought up on suspension. PCB's are a significant problem, and one that should be discussed and addressed thoroughly. This bill is the opposite of that. It is an inadequate, hurried response just so we can claim credit for dealing with PCB's.

It is simply wrong in the face of a crisis in the disposal of PCB's to pretend we are addressing the problem, and claim credit for that. We are doing too little and claiming too much, when in fact all this bill does is what the utility industry has granted us permission to do.

This is a bad bill and one that should not fool anyone. When Members find out that their States are unable to pass tougher laws on PCB disposal, and this bill does nothing about it, I trust they will share my view that this bill is a fraud.

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma [Mr. SYNAR], the author of the legislation, and again I congratulate him for his excellent contribution.

Mr. SYNAR. Mr. Speaker, H.R. 3070 represents the combined efforts of a great many people, and I would like to especially thank the Transportation Subcommittee chairman, Mr. LUKEN, the ranking minority member, Mr. WHITTAKER, and Energy Committee chairman, Mr. DINGELL, and ranking minority member, Mr. LENT, for their enormous contributions. The bill as reported by the committee incorporates several improvements which have strengthened the legislation. Let me also note from the start, the tremendous effort of several key original cosponsors—Mr. SKELTON, Mr. CLINGER, and Mr. WHEAT—who have all been very involved in this effort from day one.

Mr. Speaker, over the past several years the Government Operations Subcommittee on Environment, Energy and Natural Resources, which I have the honor to chair and on which Mr. CLINGER serves as ranking minority member, has held several hearings to review the PCB Disposal Program at EPA. We held hearings in August 1986 and again in April 1987. During the course of these hearings we focused at great length on the adequacy of current PCB regulations to protect the public and the environment. Our investigations evidenced a number of major shortcomings in these regulations. There is no Federal manifesting requirement to adequately track PCB's from the original owner through final disposal. PCB brokers, the middlemen in the disposal chain, are not required to have permits or approval from EPA. Literally, anybody with a truck can get into the PCB brokerage business. And, there are no requirements that PCB brokers or disposers have the financial capability to ensure that the large volumes of PCB material they collect are adequately disposed. Unfortunately, Mr. Speaker, the consequences of these shortcomings have been dramatically clear.

Our subcommittee investigations found that in Holden, MO, the Martha Rose Co., collected 13½ million pounds of PCB material. Rose also collected millions of dollars from hundreds of other companies which expected their PCB wastes to be disposed of properly. Rose took the money, but they left the PCB's. Finally, more than 2 years after Rose walked away from the Holden community, cleanup of the site is underway. But who is paying for the cleanup? The very companies—ranging from the large utilities to small rural cooperatives and independent businessmen—who had already paid once to have their PCB's disposed of properly. Cleanup of the Rose site in Holden could cost over $30 million.

Mr. Speaker, the Rose sham in Holden, MO, is unfortunately not a unique or isolated incident. In Hillsboro, OH, 700,000 pounds of PCB material were abandoned—the cost of cleanup, $650,000. In Greensboro, NC, 6 million pounds were abandoned—the cost of cleanup, $6.5 million. More recently, an Amway distributor and part-time PCB broker in Missouri walked away from 2,500 barrels of PCB oil—the cost of cleanup is estimated at $1 million. These are only the economic costs of shortcomings in the PCB program. The environmental and social costs to communities left holding the bag can't possibly be quantified.

Mr. Speaker, our legislation will correct the major regulatory deficiencies we have identified. The bill will not only help protect the environment and the public from unnecessary hazards of improperly disposed PCB's, it will also protect the pocketbooks of electric ratepayers that may ultimately face higher utility bills associated with PCB cleanup costs. It's time to put sham PCB operators out of business. It's time to improve the protection of our environment. And it's time to protect electric ratepayers from unscrupulous businessmen who have too often run with the money and away from the PCB's. Our legislation—which has consensus support from environmentalists and industry—will help protect communities across the country from the kinds of recurring nightmares we have seen thus far.

Mr. Speaker, I note that time is of the essence. Each year hundreds of millions of pounds of PCB's require proper disposal. Because utilities must comply with EPA requirements that large volumes of PCB-containing electrical equipment be taken out of service over the next 2 years, we are literally on the verge of a massive disposal crunch. EPA estimates that PCB disposal demand will peak over the next several years. Clearly we cannot afford to allow these regulatory loopholes to remain unplugged. We must act now. And so I urge my colleagues to focus our efforts on resolving these problems; problems that we should and can correct with timely enactment of this bill.

Mr. Speaker, I want to address just a couple of the comments the gentleman from New Jersey [Mr. FLORIO] made during his remarks, and I want to commend him for his efforts. We have worked so closely with him over the last 4 months to try to iron out some of his concerns, but the committee did review the concerns of the gentleman from New Jersey and the committee understood very clearly what we were trying to do.

The committee did understand that the bill will not preempt State authorities. The bill does allow States to regulate PCB's.

The committee quite understood that EPA has gone to court to try to protect some of the States' authorities, and that is why we included these vital functions within the bill. In fact, 18 States have already gone into the business of regulating PCB's.

Finally, I want to point out, and I think this is the important element, that no States have asked for any of the authority which the gentleman from New Jersey presented to us today.

We think we have brought a bill today which is balanced between the environment and industry, and we think this addresses it in many ways. Time is of the essence because a lot of the PCB's are going to come on line here in the next couple of months, and again I think this legislation is timely and needed.

Mr. THOMAS A. LUKEN. Mr. Speaker, will the gentleman yield?

Mr. SYNAR. I yield to the gentleman from Ohio.

Mr. THOMAS A. LUKEN. Mr. Speaker, I would like to ask the gentleman if he does not agree, as I think he already indicated, that the problems the gentleman from New Jersey [Mr. FLORIO] has with this bill are more with existing laws and broader problems that he has with the existing law rather than with this bill? As the gentleman says, this bill does not preempt existing laws and does not do any of the things the gentleman from New Jersey really complained about.

Mr. SYNAR. The gentleman from Ohio makes a very good point. The fact is we are not stampeding over existing law. What we are trying to do is to solve a problem which is upon us, and it has the support of the environmentalists and the industry, and in no way have we tried to violate any of the States' rights. We are trying to solve a problem that can be done this year.

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri [Mr. WHEAT].

Mr. WHEAT. Mr. Speaker, I would like to thank the gentleman from Ohio [Mr. THOMAS A. LUKEN] and the gentleman from Oklahoma [Mr. SYNAR] for their leadership in this issue and their expeditious handling of this measure.

Mr. Speaker, I rise in strong support of H.R. 3070, a measure which is extremely important to the health and safety of the people of my district and the Nation.

The need for this legislation first came to my attention as a result of events in my district. My awareness of the problems associated with brokers, transporters, and disposers of PCB's was heightened by a series of incidents in Missouri. Within my district, two companies which had been operating as PCB disposers under EPA permits were shut down last April after repeatedly violating the regulations under which PCB disposers do business.

The process of removing PCB's from our environment is complex. First PCB laden material must be located and transported to a permitted disposer. It may then be stored for up to a year prior to undergoing a licensed removal process. The refuse must then be removed from the site of the disposer to landfills for burial or to recycling firms for further use.

Clearly, with all of these steps and processes, the PCB business can be expensive. However, it must also be safe. And, under current law, only those companies licensed to actually detoxify the PCB's are under any form of governmental supervision.

Under current law, permitted disposers may transport, store, and dispose of PCB's, and finally, recycle the detoxified wastes. If they do so, these disposers are subject to some of the strictest regulations found in the Environmental Protection Agency. All records are subject to review and audit by EPA, storage facilities and transport equipment may be inspected without warning and disposal methods will be checked for effectiveness on a frequent basis.

Licensed disposers must dispose of PCB's using one of several approved methods. They must dispose of the material within a 1-year period. The incineration or other approved disposal method under which they were licensed is subject to periodic testing for effectiveness. The facility is tested regularly to ensure that storage, labelling and operation of disposal equipment complies with the guidelines established by the EPA.

However, H.R. 3070, now under your consideration, closes a loophole big enough to drive a truck full of PCB's through. There are no guidelines in the Code of Federal Regulations which pertain to the thousands of businesses involved in the brokering or transporting of PCB's. There are no permits required to become a PCB broker, to operate storage facility, or to transport PCB-laden materials from generator to disposer.

A PCB broker does business by locating generators of PCB's, making arrangements to pick up the contaminated items, usually capacitors or transponders, and storing the items for as long necessary until arrangements can be made to transport the items to a permitted disposer.

Once the items are detoxified, a broker may then act as an intermediary, finding a landfill for the refuse and transporting the material to that landfill. The broker also has the option of recycling the material or finding a recycler and selling the material to that party. In other words, PCB intermediaries may actively participate in all aspects of the disposal business with the exception of actually detoxifying PCB laden products.

During a hearing on PCB disposal in the Kansas City area, Assistant Administrator for Pesticides and Toxic Substances, John A. Moore stated that—

> Our ability to track the activities of smaller and less frequent generators and the brokers and other intermediaries with whom they deal is poor. We need to improve our means of tracking the movement of PCB wastes systematically as well as to identify the whole universe of generators, storers, brokers and others who are handling the waste.

As I said, my awareness of the problems associated with brokers, transporters and disposers of PCB's was heightened by a series of incidents in Missouri. I have attached a summary of the permitting and enforcement actions taken by the EPA during the 5 years these companies participated in PCB disposal activities.

These companies, operated by the same owner, applied for their first permit to dispose of PCB's in 1982. Even before EPA issued the permits for disposal, these companies had been fined for improper storage of PCB's.

EPA investigators stated that the companies were, based on their own corporate reports, generating records for work not done at the time noted. Capacitors were shown as having been processed before manifested deliveries were actually received. EPA went on to note that not only was the dating of receipts inaccurate, but that large discrepancies appeared between the amount of PCB-laden material received and processed.

Since the first notice of irregularities, EPA found it necessary to impose fines of $4.3 million. In addition to the discrepancies already noted, these fines were imposed for other serious violations of TSCA regulations: improper disposal of PCB-laden products, poor storage standards on site, and inaccurate recordkeeping.

After 5 years of citing violations that were not corrected and imposing fines that were not paid, EPA took action to shut down the disposal businesses of the companies in my district. On April 1, 1987, EPA entered into a consent agreement with these companies which revoked their permits to dispose of PCB's, set a timetable for cleanup of the facilities and required the payment of $546,250 in unpaid fines.

While this may be an extreme example of corporate mismanagement, the laws enacted by Congress and the regulations promulgated by EPA did the job. They have been used effectively to force these companies to cease disposing of PCB's.

Again, there is a gap in the law. These companies, under the very same laws and regulations which revoked their permits to dispose of PCB's can continue to engage in the PCB business. The companies in my district are, under current regulations, continuing to operate as PCB brokers.

As I stated earlier, there are only two real differences between brokers and disposers. The first difference is that brokers do not perform the actual process which renders the PCB's safe to the environment. The other difference? Brokers are not licensed or monitored and require no Federal, State, or local permit to operate a PCB business.

EPA Administrator Moore recognized this gap and testified that new regulations are being drafted by EPA to resolve the problems we are facing in Kansas City. But, EPA has not yet acted and we no longer have the luxury of time with which to deal with these problems. Current estimates suggest that we are rapidly reaching the peak PCB disposal period. By the 1990's, the bulk of PCB's will be out of service and awaiting safe disposal.

Ironically, unless we act today to pass this measure, there are no Federal laws, no EPA regulations, no way we can be sure that any future PCB business done by these firms follow the carefully drawn safety guidelines established by EPA for disposers.

Clearly, time is of the essence if EPA is to take the responsibility for the safe operation of all aspects of the PCB disposal industry—transport, storage, and disposal. Enactment of H.R. 3070 would give EPA the statutory mandate to oversee the operations of all business firms involved in the transportation, storage or brokerage of PCB's.

H.R. 3070 does not create unreasonable burdens. It does not set unreachable standards. In fact, the language of this bill is almost identical to language in RCRA, under which thousands of companies have been successfully removing other hazardous materials from our environment for the past several years. I urge my colleagues to act decisively on this important issue.

BRIEF SUMMARY OF BUSINESS HISTORY OF PCB, INC.

February, 1982: PCB, Inc. begins PCB transport and storage business. (No permits necessary.)

July, 1982: EPA found storage violations. Fined company $18,000.

November, 1982: PCB, Inc. received its first disposal permit.

April, 1983: EPA inspection found no violations.

May, 1983: 6 month permit issued for disposal procedure.

June, 1983: 6 month permit was issued for Wyandotte facility.

October, 1983: 3 year disposal permit was issued for dismantling.

December, 1983: PCB, Inc. was denied 60 day extension for disposal of PCBs held over one year. Company fined $10,000.

January, 1984: 3 year dismantling permit was issued.

October, 1984: At PCB, Inc's request, permit was transferred to ERMI, Inc.

November, 1984: EPA found storage violations at PCB, Inc. $70,000 fine was imposed.

August, 1985 and March, 1986: Six separate EPA inspections found 36 violations Inspections found old violations unresolved.

August, 1986: Administrative Complaint was filled.

April, 1987: PCB, Inc. closed. Consent agreement reached with August 1 clean-up mandated.

December, 1987: Clean up proceeding behind schedule.

Total fines imposed at PCB, Inc.—$2,436,000.

BRIEF SUMMARY OF BUSINESS HISTORY OF ENVIRONMENTAL RESOURCES MANAGEMENT, INC. (ERMI)

September, 1984: Owner of PCB, Inc. transferred permit to ERMI which he also owned.

September, 1984: EPA inspection found 2 storage violations and fined ERMI $18,750.

October, 1984, 1985: EPA approved transfer and extended permit to 1986. ERMI was denied a permit to process for salvage.

September, 1985-March, 1986; August, 1986: Four EPA inspections found 12 separate violations. EPA advised ERMI permit not renewable; site is in a 100 year flood plain

September, 1986: EPA inspections found 31 possible violations.

September, 1986: Administrative compliant filed.

October, 1986: ERMI moved facility; no EPA permit was issued pending cleanup of old site.

April, 1987: Consent agreement reached. August 1 clean-up mandated.

December, 1987: Clean up proceeding behind schedule

Total fines imposed at ERMI—$1,561,875.

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Mr. MOORHEAD. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

Mr. THOMAS A. LUKEN. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

Mr. SKELTON. Mr. Speaker, I take this opportunity to commend our colleague MIKE SYNAR for his hard work and fortitude in getting this much-needed legislation, which strengthens the regulation of polychlorinated biphenyls [PCB's], to the floor of the House. Mr. SYNAR has worked diligently to bring all the parties affected into the discussion and drafting process of this bill. H.R. 3070, to reach a compromise. Having worked on this bill with Congressmen SYNAR, CLINGER, WHEAT, LUKEN, and WHITTAKER, it is of personal satisfaction to me to have been a part of this effort. If this bill had been in place 2 years ago or if the Environmetal Protection Agency [EPA] had done what they had promised in 1984, the tragedy that befell the 2,000 residents of Holden, MO, which is located in my district, would have been prevented. The 13.5 million pounds of contaminated PCB's which were abandoned in the middle of that small, rural community is not an isolated incident. There have been others. I am confident our bill will work to prevent another Holden, MO, or Hillsboro, OH, or Greensboro, NC, from happening.

The nightmare that the residents of Holden experienced exemplifies why this legislation is needed. The chemical company which operated the facility at Holden and thereafter abandoned the PCB's is in bankruptcy. The company does not have the estimated $35 million needed to clean up their closed facility. Therefore, the original companies who sent their waste to Holden, who have paid once for its disposal, must now pay again. The citizens of Holden lived with the fear of leakage and exposure to this carcinogen for more than 1 year while investigators attempted to track down who sent how much waste to that facility. The investigators were hampered by a missing link; no system was available to track the waste from owner to disposer.

As a result of the investigations by Congressman SYNAR'S Subcommittee on Government Operations, problems with the current law and regulations of the handling and disposal of PCB's were identified. This led to a cooperative effort involving many Members of Congress and Representatives of both industry and environmental organizations that has produced a straightforward, logical solution to the problems uncovered by SYNAR'S subcommittee. Our bill closes many of the loopholes in the current law and regulations.

Specifically, our bill addresses these problems in the following ways: It will require financial responsibility of those storage and/or disposal facilities handling the toxic materials. This would ensure that funds are available for the closure and postclosure of a facility or for the cleanup should a spill occur. The bill also provides the missing link in tracking the waste. It requires a uniform manifesting system to account for all regulated PBC material once it leaves the owner's storage site. For future communities like Holden, records of the quanity, location and origination of the contaminated like Holden, records of the quantity, location and origination of the contaminated waste will facilitate oversight and let cleanup begin immediately.

Inspections and enforcement were two other areas we addressed in H.R. 3070. If there had been more routine inspections followed by timely enforcement on the part of the EPA at the Martha C. Rose facility in Holden, the abandonment may have been prevented. The bill calls for the EPA to inspect all PCB storage and disposal facilities at a minimum of once every 2 years and explicitly states that the EPA has the authority to revoke any PCB permit. Also, along this line, it is important to note that this bill does not diminish the authority of the States to regulate PCB's. In fact, we hope it will encourage States to develop and manage their own regulatory programs for PCB's, such as my home State of Missouri has done.

As a result of other examples of mismanagement of PCB's uncovered by the Government Operations Subcommittee, our bill requires commercial storers of PCB's—operators that provide intermediate services between the owners and final disposers—to obtain EPA approval. This is to ensure that the EPA knows who is handling the toxic material and is able to locate these companies and enforce storage requirements to protect human health and the environment. Also, so the EPA will know who handles PCB's and ensure proper handling, our bill requires that generators, transporters, storers and disposers notify the EPA of their PCB handling activity and obtain an identification number from the EPA. And finally, because PCB's are being transported daily throughout the United States, our bill calls for the EPA to regulate the transportation of these wastes.

I must point out that the timeliness of this bill is critical. With 540 million pounds of PCB's being disposed of in the next 3 years, the peak years of disposal demand, it is imperative that we know who is handling the toxic material, how much they are handling and where it is going. It is also crucial we require financial assurance so that funds are available for cleanup and closure of the facilities which handle the waste. Again, I thank those who have made this bill possible for their time and efforts. Let's support this bill today and prevent another Holden.

Mr. WHITTAKER. Mr. Speaker, I rise in support of H.R. 3070, which is intended to improve the management and disposal of polychlorinated biphynal [PCB] waste. Hearings last year indicated that the regulation of PCB waste transport, storage, and disposal could be strengthened if certain additional requirements were incorporated into the Toxic Substances Control Act [TSCA].

The instances of PCB mismanagement cited at the hearings may not be representative of how most entities subject to the TSCA PCB regulations have complied with the law. I believe that industry has generally taken these regulations seriously and compliance has been the norm rather than the exception. Nonetheless, I share the concerns raised by my colleagues that certain aspects of PCB waste handling which are not currently regulated should be regulated.

I worked hard to improve the bill while it was before the Subcommittee on Transportation, Tourism, and Hazardous Materials—where I am the ranking Republican member. For example, I sought a provision which would require that EPA inspect PCB storage and disposal facilities at least once every 2 years, and that EPA publish the results of its enforcement activities once a year. It is very important that EPA give PCB generators more information with which to evaluate the quality of companies engaged in the business of PCB disposal.

H.R. 3070 keeps the management of PCB's under TSCA. It incorporates concepts relating to manifesting and transport of PCB waste and to EPA approval for commercial storage facilities, and it imposes conditions on those facilities relating to financial responsibility, closure and postclosure and other matters. While regulations addressing these issues for other types of waste have been issued under the Resource Conservation and Recovery Act [RCRA], it is our intent under these TSCA amendments to provide the Environmental Protection Agency with flexibility in developing the implementing regulations in light of the special characteristics of the PCB Program that has been carefully crafted over the last 10 years.

The bill being considered today includes a requirement to manifest waste containing PCB's in concentrations of 50 ppm or more after it leaves the control of the generator of such waste. The manifest would be initiated, for example, when PCB waste from authorized uses or excluded manufacturing processes leaves a storage for disposal site owned by the generator of the waste. These facilities now comply with requirements contained in 40 CFR 761.65(b), and often are referred to as "annex III" facilities. A manifest also would be required if the generator presented PCB waste to a third party, such as a disposal facility or someone transporting the waste to a disposal facility, without first placing the waste in an annex III facility. Thus, the overall concept is that a manifest would be required at the point where the PCB waste leaves the control of the original owner of the PCB's. This same approach is contemplated with regard to the initiation of the transportation requirements contained in the bill.

The bill being considered today defines PCB waste as PCB's and items containing PCB's, the disposal of which is regulated by the Administrator under rules promulgated pursuant to section 6(e)(1) of TSCA. Currently, those rules apply to waste from materials in which the PCB concentration was 50 ppm or higher, so this level would trigger the application of the rules implementing the provisions of this bill.

My colleague from New Jersey [Mr. FLORIO], has indicated in separate remarks that the amendments contained in the bill do not go far enough. I do not share that view. For example, the gentleman claims that "everyone" agreed, during the RCRA reauthorization in 1984, that PCB waste should be treated as hazardous waste under RCRA. That claim is incorrect. My understanding is that a number of members of the conference committee on the issue believed that regulation of PCB waste disposal should remain under TSCA. In addition, as the committee's report on H.R. 3070 points out, the rules governing the disposal of PCB waste, as well as all of the rules governing PCB's, have been developed over the last decade based on a specific statutory directive that differs from RCRA and that addresses a diminishing amount of a chemical, also unlike RCRA. Because of these differences, among others, there are important reasons why the regulation of the disposal of PCB waste should be considered independently of regulatory approaches to other chemical wastes. EPA has seriously considered the question and has correctly concluded to continue to proceed under TSCA. The committee report on H.R. 3070 expresses the committee's agreement with EPA's decision.

In closing, Mr. Speaker, I want to commend the gentleman from Oklahoma [Mr. SYNAR] for initiating this legislation, and for his willingness to support my changes to the bill. Everyone involved in developing this legislation should be pleased with the final product, which will improve the management of PCB waste and our environment.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Ohio [Mr. THOMAS A. LUKEN] that the House suspend the rules and pass the bill, H.R. 3070, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3070 PCB REGULATORY IMPROVEMENTS ACT OF 1988

Mr. THOMAS A. LUKEN. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3070, the Clerk be authorized to correct section numbers, punctuation, and cross references, and to make sure other technical and conforming changes as may be necessary to reflect the actions of the House in passing this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

GENERAL LEAVE

Mr. THOMAS A. LUKEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on H.R. 3070, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

NATURAL GAS POLICY ACT OF 1978 AMENDMENTS

Mr. SHARP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2701) to amend the Natural Gas Policy Act of 1978 to remove certain contract duration and right of first refusal requirements.

The Clerk read as follows:

H.R. 2701

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONTRACT DURATION.

Section 315(a) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3375(a)) is amended by striking the last sentence of paragraph (1) and by striking paragraph (3).

SEC. 2. OFFERS; RIGHT OF FIRST REFUSAL.

(a) AMENDMENT.—Section 315(b) of such Act (15 U.S.C. 3375(b)) is repealed, and subsection (c) of such section is redesignated as subsection (b).

(b) CONFORMING AMENDMENTS.—(1) The title of such section 315 is amended by striking "RIGHT OF FIRST REFUSAL;".

(2) The item relating to section 315 in the table of contents in section 1(b) of such Act is amended by striking "right of first refusal;".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Indiana [Mr. SHARP] will be recognized for 20 minutes and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2701 repeals two marketing restrictions on certain supplies of new decontrolled natural gas.

The first restriction is the 15-year contract duration requirement for new, deregulated Outer Continental Shelf or OCS gas.

The second restriction is the right of first refusal requirement for new, deregulated gas from fields committed or dedicated to interstate pipelines and markets 10 years ago, in 1978.

Mr. Speaker, great changes in our Nation's gas markets were touched off by the Natural Gas Policy Act 10 years ago.

These changes—especially wellhead decontrol and the rise of a national open pipeline network that lets all buyers and sellers trade with each other—have eased the concerns over continuity and security of supply that originally justified these restrictions.

Now, these two provisions only prevent willing buyers and sellers of some decontrolled gas from making more flexible, rapid arrangement with each other—like they have long done with all the other decontrolled gas.

The first restriction, on new OCS gas, mandated long-term 15-year contracts in order to protect interstate buyers from running out of gas after a few years.

But now we have a world where most gas is decontrolled, and buyers gain supply security simply by paying the market price.

Many buyers who wanted secure supplies under this provision have gotten secure take-or-pay problems instead.

No one can make accurate long-term energy price predictions, so forcing the use of long-term deals may make it riskier to drill, market, and buy this new OCS gas—a poor policy.

The second restriction lets original interstate buyers of some new gas get a second shot at that supply, after their original contract on it runs out and a new buyer bids for it.

This right of first refusal makes the new buyer wait a few months while the old buyer decides whether to match the new bid, and thereby hang on to that specific gas supply.

But Mr. Speaker, the interstate buyer gains no price shield from the restriction: He has to pay a decontrolled price.

He isn't shielded from a bidding war, since he must still match the best offer in the rest of the United States.

Marketing opportunities that open up and disappear in a few days cannot be seized by producers of this gas, because of the wait, so they shut in the gas because it's harder to sell, raising prices.

The new buyers—often interstate industrials and utilities that have become experts in buying spot gas—also lose, and must go to costlier alternate supplies.

The committee reported the bill unanimously.

Finally, I want to commend the two gentlemen from Texas, Mr. HALL and Mr. BARTON, who have worked so diligently to end these restrictions.

Mr. Speaker, I reserve the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to speak in favor of H.R. 2701, a bill that is intended to make a small but important reform to the Natural Gas Policy Act of 1978.

The requirements of section 315 of the NGPA concerning minimum contract length for new gas produced from the Outer Continental Shelf, and rights of first refusal for purchasers of other kinds of decontrolled gas upon the expiration of the original contract term are, quite simply, anachronistic. Today's natural gas market is increasingly subject to free competitive forces, and is less under the control of government regulation. It is fair to say that this development has been beneficial for consumers. A glance at the price trends for this commodity clearly shows a downward movement since deregulation began taking hold.

Section 315 cuts against the policy of substituting market forces for regulation. It is designed to restrict rather than expand the freedom of buyers and sellers of natural gas to respond to prevailing, and immediately foreseeable, market conditions. It is this ability to act quickly in the market place that has enabled prices to reflect more accurately the balance between supply and demand.

I wish to commend my colleagues JOE BARTON of Texas and RALPH HALL of Texas for their efforts in introducing and perfecting this legislation.

The Committee on Energy and Commerce approved this bill by unanimous voice vote. I believe that it is a wise and appropriate reform to the NGPA. It is not often that this House has an opportunity to enact legislation reforming the natural gas statutes. I urge my colleagues to take advantage of the opportunity to do so by voting for H.R. 2071.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker and Members of the House, this is a great day for consumers of America, it is a great day for producers of America, it is a great day for transporters of natural gas in America because on this day the House is expected to pass H.R. 2701, a bill to amend certain sections of the Natural Gas Policy Act. What this bill does, as subcommittee Chairman SHARP just pointed out, is amend two provisions that are insignificant in length but have been very significant in their impact on the gas markets in the Outer Continental Shelf in the last 2 years.

The first provision is a provision that would repeal the 15-year requirement for any contract signed for new gas in Federal leases in the Outer Continental Shelf. The second provision would repeal the current provision in the law that requires that as these 15-year contracts expire, the seller of the gas on that contract has to offer it to the original purchaser once he gets another offer for sale.

We need to go back and talk a little bit about the history of the NGPA and the history of the gas markets so that all Members will understand the need for this legislation.

In the late sixties and early seventies, there were two natural gas markets in the United States; one was the intrastate market, that is gas sold within the State in which it is produced. Intrastate sales were unregulated as to price, were not under the jurisdiction of the Federal Energy Regulatory Commission. As a consequence prices were higher because there was less supply and more demand at that point in time.

Interstate market sales were regulated under the Federal Energy Regulatory Commission. There was a shortage of gas in interstate markets because the price was lower than the market price. So most producers sold their gas in the intrastate market except in one case and that was the Outer Continental Shelf gas because the courts had ruled that since the gas was in the Federal domain and it did cross a State line, that it was an interstate market.

As a consequence, one of the very few places that interstate pipelines could get new gas was in the Outer Continental Shelf. So in 1978 when we passed the Natural Gas Policy Act, they put these two provisions in supposedly to protect the interstate pipelines and protect the interstate consumers to make sure they had a supply of gas. That is when they had the 15-year contract requirement and also the right of first refusal once that contract expires, the original purchaser could bid on it again.

So the purpose of these two provisions was to protect interstate transporters of gas and interstate consumers of gas.

What has the result been? The result has been exactly the opposite because under NGPA as new gas was decontrolled in 1985 there came much more competition into the market, gas prices declined so that today the average price of gas is about $1.35 per Mcf. But these contracts entered into for 15 years were entered into at prices that in today's market are three to four times higher than the gas is being sold.

The right of first refusal has turned out to be a moot point because there are no offers being made. The gas is too expensive, nobody is bidding on it.

Consequently, the result of these two provisions has been to do exactly the opposite of what the authors provided in the Natural Gas Policy Act in 1978. Thus, the need for this legislation, the need to change, the need to repeal.

What is going to be the result if the House passes H.R. 2701 and the Senate follows suit and the President signs the bill? No. 1, you are going to have lower prices for consumers. I would like to read from the Energy Information Agency their response to whether the prices would be higher or lower if this bill becomes law.

It says:

> We would expect this bill to most likely provide a cost reduction to consumers. This is deregulated gas, the price of which averaged over $2 per thousand btu in 1987. Some of this gas is simply not flowing because of high prices. Compare this with the average spot price for gas in the general area of Texas, Louisiana, and the Gulf Coast in

1987 which was in the range of $1.37 to $1.44 per Mcf, and that of new long-term contract gas in the range of $1.53 to $1.68.

So prices are going to be lower, the market is going to be more flexible and we are going to have more deals between willing sellers and willing purchasers, as Congressman SHARP talked about. The end result is going to be more flexibility, lower prices and more competition for the American consumer.

Because this is one of those rare bills in which there is almost no controversy and everybody agrees that it is a good thing; it has been supported by the producers, it has been supported by the consumers, it has been supported by the transporters, it has been actively supported by the administration, the Department of Energy, the Federal Energy Regulatory Commission, the Vice President's Task Force of Regulatory Relief and such groups as INGA representing the pipelines, AGA representing consumers, IPAA and NTSA representing the producers.

So, Mr. Speaker, I would urge that we pass this legislation to repeal these two provisions and provide lower prices for consumers and more flexibility in our gas markets.

Mr. Speaker, I would like to thank the gentleman from California [Mr. MOORHEAD], for his work, and the gentleman from Indiana, the chairman of the subcommittee, Mr. SHARP, for his work, the chairman of the full committee, the gentleman from Michigan [Mr. DINGELL], and the ranking Republican member on the full committee, the gentleman from New York [Mr. LENT], for their help and most of all I would like to thank my colleague, the gentleman from Texas [Mr. RALPH HALL], my original cosponsor, who is not here today. He has pressing business in Texas. But he is very supportive of this bill and has worked hard for its passage.

Mr. Speaker, I submit letters from the previously mentioned groups:

INTERSTATE NATURAL GAS
ASSOCIATION OF AMERICA,
Washington, DC, October 14, 1987.

Hon. JOSEPH BARTON,
House of Representatives,
Washington, DC.

DEAR JOE: Thank you for giving us the opportunity to express our views on H.R. 2701. The Interstate Natural Gas Association of America (INGAA), on behalf of the interstate pipeline industry, does not oppose the bill.

As you know, however, opening up the NGPA to amendment is never an easy proposition and we would oppose any attempt to expand the debate.

Sincerely,

JEROME J. MCGRATH,
President.

AMERICAN GAS ASSOCIATION,
Arlington, VA, June 4, 1987.

Hon. JOE BARTON,
Longworth Building, House of Representatives, Washington, DC.

DEAR REPRESENTATIVE BARTON: I just wanted to follow-up on our recent conversation. After careful examination of your legislative proposal, A.G.A. has confirmed your bill would not present any problems for the gas industry. In fact, the contract duration provision in your proposal may benefit the natural gas industry. However, as I clarified in our conversation, A.G.A. might have serious problems with any attempts to attach other gas legislation to your bill, such as mandatory carriage. We appreciate your assurance that your proposal would remain a stand-alone bill.

Again, thank you for giving us the opportunity to comment on your proposed bill. We certainly appreciate your interest in A.G.A.'s opinion. Thanks again for all your help in Fuel Use Act and incremental pricing repeal. We look forward to working with you on other important issues in the future.

Respectfully,

MICHAEL BALY III.

ENRON CORP.,
Washington, DC., September 17, 1987.

Hon. JOE BARTON,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN BARTON: You have solicited our views on H.R. 2701, legislation to amend the Natural Gas Policy Act of 1978, to remove certain contract duration and right of first refusal requirements.

We do not oppose Section 1 and Section 2 which constitute the language of H.R. 2701.

Section 1 changes could be helpful to our transmission and exploration and production subsidiaries, although the exception to this provision have been broadly applied and the provision itself is infrequently invoked.

Section 2 changes are helpful to our exploration and production subsidiary, but eliminate a right which could in the future prove valuable to pipelines.

Although Enron believes in the competitive market and does not oppose the elimination of artificial market restrictions such as these covered by your proposed legislation, the real impediment to rationalizing the natural gas industry remains the take-or-pay problem whose resolution would cause dramatic improvement.

We applaud the effort you and Congressman Hall are exerting to develop a competitive market and would ask you to consider a further effort to resolve the take-or-pay problems.

Thank you for seeking our views.

Sincerely,

E. JOSEPH HILLINGS.

THE VICE PRESIDENT,
Washington, July 16, 1987.

Hon. JOSEPH BARTON,
House of Representatives,
Washington, DC.

DEAR JOE: Thank you for your recent letter. I appreciate your generous comments about the deregulatory accomplishments of the Administration and the Task Force on Regulatory Relief. I believe we have made substantial progress in reducing Federal regulatory burdens; however, much remains to be done and a continuing effort will be required from all of us.

In your letter, you asked that the Task Force endorse your proposed legislation to repeal certain parts of Section 315 of the Natural Gas Policy Act (NGPA). I agree that there is no reason to mandate a fifteen-year contract term for new gas and high cost gas given the current surplus in the market. Furthermore, it is equally pointless to require that an offer be made, or if rejected, that right of first refusal be given to the pipeline for such gas. As you probably know, the bill proposed by the Task Force would completely deregulate natural gas, and would repeal all of Section 315 of the NGPA. Needless to say, since each step toward the goal of total deregulation is worthwhile, I believe the Task Force would support your proposal.

Thank you again for your support.

Sincerely,

GEORGE BUSH.

FEDERAL ENERGY COMMISSION

QUESTION 80.—Right of first refusal: Please comment on the enclosed bill, H.R. 2701 which amends section 315 of the NGPA. Would it affect interstate gas prices? Would it decrease competition? What action has the Commission taken to date under provisions of section 315 which the enclosed bill proposes to amend or repeal?

ANSWER.—The provision in NGPA section 315(a)(3) that no contract for the purchase of new natural gas produced from the Outer Continental Shelf (OCS) shall be for a term of less than 15 years (or the producible life of the reservoir if less) would be removed from the Act by the bill you have enclosed. The Commission believes that removal of regulatory obstacles which impede the flexibility of producers and purchasers to enter into agreements that reflect changing market realities at the wellhead will be beneficial to all segments of the natural gas industry. Indeed, the Commission in Order No. 436-A, issued December 23, 1985, held that a contract providing for termination by mutual agreement within the 15 year term of the contract does not violate NGPA section 315(a)(3). The Commission stated that its policy on exactly what contract termination provisions do not violate NGPA section 315 would be developed on a case by case basis. The removal of NGPA section 315(a)(3) would increase flexibility in contracting for otherwise deregulated gas supplies in the OCS. Thus, producers and pipelines would be free to sign contracts for any term and to include any terms providing for mutual or even unilateral termination of the contract.

The enclosed bill would also repeal NGPA section 315(b) which provides existing purchasers with certain rights upon expiration or termination of a contract covering certain categories of deregulated gas. Order Nos. 95 and 95-A established Part 277 of the Commission regulations which require a first seller of gas sold under NGPA sections 102(c), 103(c), and 107(c)(1)-(4) to make a bona fide offer to the original purchaser for the continued sale of gas upon expiration or termination of the contract covering the gas. The existing purchaser may then accept or reject the offer. If the purchaser rejects the offer, the Commission's regulations require the first seller to extend to the original purchaser a right of first refusal before the seller may accept a third party's offer.

The requirement that sellers make a bona fide offer and then offer a right of first refusal to an existing purchaser prior to making sales of otherwise deregulated gas subject to an expired or terminated contract is cumbersome and unnecessary. Today's wellhead markets are workably competitive, permitting purchasers to acquire needed gas supplies at market prices. Removal of NGPA section 315(b) would benefit consumers by eliminating complicated regulatory impediments to the operation of this competitive segment of the natural gas industry.

The effect on interstate gas prices of adoption of the enclosed bill would be to make them more market responsive by increasing competition in a less regulated wellhead environment.

SUN EXPLORATION AND
PRODUCTION CO.,
Dallas TX, June 18, 1987.

Hon. JOE BARTON,
Longworth House Office Building, House of Representatives, Washington DC.

DEAR CONGRESSMAN BARTON: Sun supports the repeal of Section 315(b) and 315(a)(3) of the Natural Gas Policy Act (NGPA). In today's marketplace, the restrictive nature of these rules operates as an impediment to the marketing of competitively priced natural gas.

Section 315(b) requires that when a contract for the sale of NGPA Section 102(c), 103(c) or 107(c)(1)-(4) gas which was subject to the Commission's Natural Gas Act (NGA) jurisdiction on the day before enactment of the NGPA expires or is terminated, the seller must give the existing purchaser a bona fide offer and right of first refusal before selling that gas to a third party. The original purchaser has 20 days from receipt of the bona fide offer to exercise its right of first refusal.

Section 315(b) impedes serious negotiations between Sun and third party purchasers because any potential buyer is aware that the time and effort expended may only benefit the original purchaser. Even if the third party purchaser is willing to enter into a bona fide offer of purchase, consummation of the deal is subjected to an additional twenty day delay while awaiting the original purchaser's decision. The time delay created by Section 315(b) as well as the uncertainty of the transaction's consummation creates a noncompetitive situation for gas sold under Section 315(b).

Sun supports the repeal of Section 315(a)(3) of the NGPA which requires any new contract for the first sale of high cost natural gas produced from the Outer Continental Shelf be for a duration of not less than fifteen years or the commercially producible life of the reservoir. Fifteen year terms are no longer appropriate in a market utilizing best efforts contracts, price reopeners, and various other pricing structures. Contract previsions, especially length of term, must be flexible to compete in this free open market.

We appreciate your interest and efforts to repeal Section 315(a)(3) and 315(b).

Sincerely,

DONALD E. BURNS,
Vice President of Marketing.

ARCO OIL AND GAS CO.
Dallas, TX, June 11, 1987.

Hon. JOE BARTON,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN BARTON: ARCO Oil and Gas Company, Division of Atlantic Richfield (ARCO), supports the proposal which would amend Section 315 of the Natural Gas Policy, Act of 1978 (NGPA) to remove the term restriction in contracts for the sale of natural gas from the Outer Continental Shelf (OCS) and the additional restrictions placed upon gas removed from the Federal Energy Regulatory Commission (FERC) jurisdiction under the Natural Gas Act (NGA). These provisions are no longer necessary in the current market-oriented natural gas industry and, in fact, hinder the free marketability of natural gas.

Section 315(a)(3) of the NGPA requires a minimum contract term of fifteen years, or the commercially producible life of the reservoir, if less, for the sale of natural gas from the OCS for gas which qualifies for new natural gas (Section 102(c)) or high cost gas (Section 107(c)(1)-(4)). The fifteen-year requirement has proved to be cumbersome in today's market environment and serves no useful purpose.

Section 315(b) of the NGPA pertains to new natural gas which is removed from the FERC jurisdiction under NGA through operation of Section 601(a)(1)(B). Since certain new natural gas was removed from the "permanent" dedication aspects of the NGA, Congress wanted to insure that interstate pipelines had continued leverage in maintaining gas supply and thus provided for a bona fide offer and right of first refusal in Section 315. In today's market environment these restrictions are no longer necessary and are in fact restrictive to marketing flexibility and free trade and should be removed.

Since this proposal would amend Section 315 of the NGPA to repeal these provisions, and such repeal will provide fewer regulatory impediments to free trade, ARCO strongly supports this bill and is very appreciative of your efforts to affect enactment.

Yours very truly,

E.J. (GENE) CERNY,
Manager, Natural Gas Marketing Regulations.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. SHARP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2701, the legislation presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SHARP. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. SHARP] that the House suspend the rules and pass the bill, H.R. 2701.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1240

GEOTHERMAL STEAM ACT AMENDMENTS OF 1988

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2794) to amend the Geothermal Steam Act of 1970 with respect to requirements relating to leases, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2794

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be known as the "Geothermal Steam Act Amendments of 1988".

SEC. 2. DEFINITION.

Section 6(d) of the Geothermal Steam Act of 1970 (30 U.S.C. 1005(d)) is amended to read as follows:

"(d) For purposes of this section, the term 'produced or utilized in commercial quantities' means the completion of a well producing geothermal steam in commercial quantities. Such term shall also include the completion of a well capable of producing geothermal steam in commercial quantities so long as the Secretary determines that diligent efforts are being made toward the utilization of the geothermal steam.".

SEC. 3. LEASE EXTENSIONS.

Section 6 of the Geothermal Steam Act of 1970 (30 U.S.C. 1005) is amended by adding the following new subsections:

"(g)(1) Any geothermal lease issued pursuant to this Act for land from which, or under an approved cooperative or unit plan of development or operation, geothermal steam has not been produced or utilized in commercial quantities by the end of its primary term, or by the end of any extension provided by subsection (c), may be extended for successive 5-year periods, but totaling not more than 10 years, if the Secretary determines that the lessee has met the bona fide effort requirement of subsection (h), and either of the following:

"(A) The payment in lieu of commercial quantities production requirement of subsection (i).

"(B) The significant expenditure requirement of subsection (j).

"(2) A lease extended pursuant to paragraph (1) shall continue so long thereafter as geothermal steam is produced or utilized in commercial quantities, but such continuation shall not exceed an additional 25 years if such lease was also the subject of an extension under subsection (c) or an additional 30 years if such lease is only extended pursuant to paragraph (1).

"(h) To meet the bona fide effort requirement referred to in subsection (g)(1) the lessee must submit a report to the Secretary demonstrating bona fide efforts (as determined by the Secretary) to produce or utilize geothermal steam in commercial quantities from such lease, given the then current economic conditions.

"(i)(1) To meet the payments in lieu of commercial quantities production requirement referred to in subsection (g)(1)(A) the lessee must agree to the modification of the terms and conditions of the lease to require annual payments to the Secretary in accordance with this subsection.

"(2) Payments under this subsection shall commence with the first year of the extension. Payments shall be equal to the following:

"(A) In each of the first through the fifth payment years, at least $3.00 per acre or fraction thereof, of lands under lease.

"(B) In each of the sixth through the tenth payment years, at least $6.00 per acre or fraction thereof, of lands under lease.

"(3) Failure to make the payments required by this subsection shall subject the lease to cancellation.

"(4) No payments made pursuant to this subsection shall be required after the earlier of the following:

"(A) The date of termination of the lease.

"(B) The date of relinquishment of the lease.

"(C) The date geothermal steam is produced or utilized in commercial quantities from the lease.

"(5) No payments made pursuant to this subsection shall be used to reduce rentals or future production royalties.

"(j)(1) To meet the significant expenditure requirement referred to in subsection (g)(1)(B) the lessee must demonstrate to the Secretary on an annual basis that a significant expenditure of funds is being made on the lease. Only expenditures made to conduct actual drilling operations on the lease, such as for exploratory and development wells, shall qualify as meeting the requirement of this subsection. Expenditures made relating to any types of surveys, studies and the procurement or interpretation of data shall not qualify as significant expenditures under this subsection. Expenditures shall be equal to the following:

"(A) In each of the first through the fifth years, at least $15.00 per acre or fraction thereof, of lands under lease.

"(B) In each of the sixth through the tenth years, at least $18.00 per acre or fraction thereof, of lands under lease.

"(2) Failure to make the expenditures required by this subsection shall subject the lease to cancellation.

"(3) No expenditures made pursuant to this subsection shall be required after the date geothermal steam is produced or utilized in commercial quantities from the lease.

"(4) Expenditures made pursuant to this subsection shall be in lieu of any minimum per acre diligent exploration expenditure requirement in effect for the lease at the end of its primary term, or at the end of any extension provided by subsection (c), as the case may be.".

SEC. 4. REVIEW OF COOPERATIVE OR UNIT PLAN OF DEVELOPMENT.

Section 18 of the Geothermal Steam Act of 1970 (30 U.S.C. 1017) is amended by inserting the following new paragraph after the first full paragraph of that section:

"Five years after the approval of any cooperative or unit plan of development or operation, and every 5 years thereafter, the Secretary shall review each such plan and may, after notice and opportunity for comment, eliminate from inclusion in such plan any lease or part of a lease not regarded as reasonably necessary to cooperative or unit operations under the plan. In the case of a cooperative or unit plan approved before the enactment of the Geothermal Steam Act Amendments of 1988, the Secretary shall complete such review and elimination within 5 years after the enactment of such Act. Such elimination shall be based on scientific evidence and shall occur only when it is determined by the Secretary to be for the purpose of conserving and properly managing the geothermal resource. Any lease or part of a lease so eliminated may be eligible for an extension under subsections (c) or (g) of section 6, as the case may be, if it separately meets the requirements for such an extension.".

SEC. 5. CONFORMING AMENDMENTS.

(a) Section 20 of the Geothermal Steam Act of 1970 (30 U.S.C. 1019) is amended to read as follows:

"SEC. 20. All moneys received from the sales, bonuses, royalties and rentals under the provisions of this Act, including the payments referred to in section 6(i), shall be disposed of in the same manner as such moneys received pursuant to section 35 of the Mineral Leasing Act or pursuant to section 6 of the Mineral Leasing Act for Acquired Lands, as the case may be.".

(b) Section 35 of the Mineral Leasing Act (30 U.S.C. 191) is amended by striking "notwithstanding the provisions of section 20 thereof,".

(c) Section 43 of the Mineral Leasing Act (30 U.S.C. 226-3) is amended as follows:

(1) In subsection (a) strike out "oil and gas", and after "this Act" insert "or under the Geothermal Steam Act of 1970".

(2) In subsection (b) after "oil and gas" insert ", coal, oil shale, phosphate, potassium, sulphur, gilsonite or geothermal resources".

SEC. 6. SIGNIFICANT THERMAL FEATURES.

The Geothermal Steam Act of 1970 (30 U.S.C. 1001 and following) is amended by adding the following new section:

"SEC. 28. (a)(1) The Secretary shall maintain a list of units of the National Park System with significant thermal features. Such list shall include the following units:

"(A) Mount Rainier National Park.

"(B) Crater Lake National Park.

"(C) Yellowstone National Park.

"(D) John D. Rockefeller, Jr. Memorial Parkway.

"(E) Bering Land Bridge National Preserve.

"(F) Gates of the Arctic National Park and Preserve.

"(G) Katmai National Park.

"(H) Aniakchak National Monument and Preserve.

"(I) Wrangell-St. Elias National Park and Preserve.

"(J) Lake Clark National Park and Preserve.

"(K) Hot Springs National Park.

"(L) Big Bend National Park (including the Rio Grande National Wild and Scenic River).

"(M) Lassen Volcanic National Park.

"(N) Hawaii Volcanoes National Park.

"(O) Haleakala National Park.

"(P) Lake Mead National Recreation Area.

"(2) The Secretary may add other significant thermal features list, after notice and public comment, significant thermal features within units of the National Park System not specified in paragraph (1).

"(3) The Secretary shall consider the followinag criteria in determining the significance of thermal features:

"(A) Size, extent and uniqueness.

"(B) Scientific and geologic significance.

"(C) The extent to which such features remain in a natural, undisturbed condition.

"(D) Significance of thermal features to the authorized purposes for which the National Park System unit was established.

"(b)(1) The Secretary shall maintain a monitoring program for significant thermal features within units of the National Park System.

"(2) As part of the monitoring program required by paragraph (1), the Secretary shall establish a research program to collect and assess data on the geothermal resources within units of the National Park System with signficant thermal features. Such program shall be carried out by the National Park Service in cooperation with the U.S. Geological Survey and shall begin with the collection and assessment of data for significant thermal features near current or proposed geothermal development and shall also include such features near areas of potential geothermal development.

"(c)(1) Upon receipt of an application for a lease under this Act, the Secretary shall determine on the basis of scientific evidence if exploration, development or utilization of the land subject to the lease application is reasonably likely to result in a signifciant adverse effect on significant thermal features within units of the National Park System. Such determination shall be subject to notice and public comment.

"(2) If the Secretary determines that the exploration, development or utilization of the land subject to the lease application is reasonably likely to result in a significant adverse effect on significant thermal features within units of the National Park System, the Secretary shall not issue the lease.

"(3) The Secretary shall withdraw from leasing under this Act those lands, or portions thereof, which are the subject of a determination made pursuant to paragraph (2).

"(d) With respect to leases or drilling permits issued, extended, renewed or modified under this Act, the Secretary shall include stipulations in such leases and permits necessary to protect significant thermal features within units of the National Park System when the Secretary determines that, based on scientific evidence, the exploration, development or utilization of the land subject to the lease or drilling permit is reasonably likely to adversely affect any such significant thermal feature. Stipulations shall include, but not be limited to:

"(1) Requiring the lessee to reinject geothermal fluids into the rock formations from which they originate.

"(2) Requiring the lessee to report annually to the Secretary on activities taken on the lease.

"(3) Requiring the lessee to continuously monitor geothermal steam and associated geothermal resources production and injection wells.

"(4) Requiring the lessee to suspend activity on the lease if the Secretary determines that ongoing exploration, development or utilization activities are having a significant adverse effect on significant thermal features within units of the National Park System until such time as the significant adverse effect is eliminated. The stipulation shall provide for the relinquishment of the lease to the Secretary if the significant adverse effect cannot be eliminated within a reasonable period of time.

"(e) The Secretary of Agriculture shall consider the effects on significant thermal features within units of the National Park System in determining whether to consent to leasing under this Act on national forest lands or other lands administered by such Secretary that are available for leasing under this Act.

"(f) For purposes of this section, the term 'significant thermal features within units of the National Park System' means any such thermal feature within any unit of the National Park System listed in subsection (a)(1) or added to the significant thermal features list pursuant to subsection (a)(2).

"(g) The Secretary shall not issue a lease under this Act for land within the Island Park Geothermal Area, as designated by the map in the 'Final Environmental Impact Statement of the Island Park Geothermal Area' (January 15, 1980, p. XI).

"(h) On March 1, 1989, or 6 months after the date of enactment of this section (which-

ever is later), the Secretary shall submit to Congress a report on the presence or absence of significant thermal features within Crater Lake National Park together with a recommendation as to whether Crater Lake National Park should be retained on the list of National Park System units in subsection (a)(1). The Secretary's report shall include an analysis by the United States Geological Survey of available information regarding the presence or absence of significant thermal features within Crater Lake National Park.".

SEC. 7. RELATIONSHIP WITH PRIOR LAW.

To the extent that any provision in this Act is inconsistent with the provisions of section 115(2) of section 101(h) of Public Law 99-591 (100 Stat. 3341-264 through 100 Stat. 3341-266), this Act shall be deemed to supersede the provisions of such section.

SEC. 8. CORWIN SPRINGS.

(a) The United States Geological Survey, in cooperation with the National Park Service, shall conduct a study on the impact of present and potential geothermal and associated geothermal resources development in the vicinity of Yellowstone National Park on the thermal features within the park. The area to be studied shall be the lands within the Corwin Springs Known Geothermal Resources Area as designated in the July 22, 1975, Federal Register (Fed. Reg. vol. 40, No. 141). The study shall be transmitted to Congress no later than December 1, 1990.

(b) Any production from existing geothermal wells or other facilities related to geothermal and associated geothermal resources production shall be prohibited in the Corwin Springs Known Geothermal Resources Area until 180 days after the receipt by Congress of the study provided for in subsection (a).

(c) The Secretary may not issue, extend, renew or modify any geothermal lease or drilling permit pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001 and following) in the Corwin Springs Known Geothermal Resources Area until 180 days after the receipt by Congress of the study provided for in subsection (a). Nothing in this section shall be construed to require leasing activities subsequent to the 180 day period after study submittal.

(d) If the Secretary determines that geothermal and associated geothermal resources exploration, development or utilization within the area studied pursuant to subsection (a) may adversely affect the thermal features of Yellowstone National Park, the Secretary shall include in the study recommendations regarding the acquisition of lands and geothermal rights necessary to protect such thermal features.

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the rule, a second is not required on this motion.

The gentleman from West Virginia [Mr. RAHALL] will be recognized for 20 minutes and the gentleman from Arizona [Mr. RHODES] will be recognized for 20 minutes.

The Chair recognizes the gentleman from West Virginia [Mr. RAHALL].

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the pending bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 2794 as reported by the Committee on Interior and Insular Affairs is to provide for the orderly development of Federal geothermal resources, and to protect significant thermal features within units of the National Park System from incompatible geothermal development activities.

The Geothermal Steam Act Amendments of 1988 represents a dovetailing of the concerns expressed by both the geothermal industry and the environmental community with the public interest.

Many geothermal developers who have made good faith efforts to produce geothermal steam by the end of the 10-year primary term of their leases are now faced with the cancelation of their leases because they have been unable to obtain sales contracts due to weak market conditions.

Current law requires both the competion of a well capable of, or producing, geothermal steam in commercial quantities and the sales of geothermal steam as part of the diligent development requirement.

As such, even if a lessee has done everything possible to comply with the 10-year requirement, geothermal developers are in effect captive to the inclinations of the utility industry. Unlike other fuels, geothermal steam is not something that can be transported over distances. The generating facility must be constructed in very close proximity to the well sites.

This legislation would allow lease term extensions of up to 10 years only if the lessee meets certain requirements.

In order to qualify for an extension, the lessee would have to first demonstrate that bona fide efforts are being made to produce or utilize geothermal steam from the lease.

If successful, in order to obtain and maintain an extension the lessee must elect to either make annual payments to the Secretary or meet a significant expenditure requirement during the extension period.

In this regard, I would note that not just any expenditure would qualify as being significant. The legislation stipulates that only amounts spent on actual drilling operations are acceptable.

The legislation also seeks to protect significant thermal features within our National Park System. While section 6 of H.R. 2794 closely tracks language enacted as part of the fiscal year 1987 continuing appropriation, several changes in the implementation of the applicable appropriation provision will be required under this bill.

The most substantive changes are the addition of Big Bend National Park, Lake Mead National Recreation Area, and Crater Lake National Park as units of the National Park System having significant thermal features. Furthermore, H.R. 2794 requires protective stipulations to be included in leases and drilling permits issued, extended, renewed or modified when the Secretary finds that geothermal exploration, development or utilization is reasonably likely to adversely affect a significant thermal feature.

In this regard, for the purpose of establishing some additional congressional intent above and beyond that which is expressed in the committee report, 100-664, it should be noted that the significant thermal features within the 16 units of the National Park System listed by H.R. 2794 are those thermal features identified as significant by the Secretary of the Interior in the Federal Register notice of August 3, 1987 (Vol. 52, No. 148) with the exception of Crater Lake National Park, Big Bend National Park, and Lake Mead National Recreation Area. For these three units, the thermal features are those originally proposed as being significant in the Federal Register notice of February 13, 1987 (Vol. 52, No. 30).

I would at this time also like to note two issues in particular which were the subject of some discussion during committee consideration of this measure.

As previously mentioned, this legislation in no uncertain terms lists Crater Lake National Park as a unit of the National Park System having significant thermal features and at this time, the Secretary of the Interior has imposed a moratorium on the issuance of new leases on lands surrounding the unit pending the completion of ongoing studies. Under H.R. 2794, the Secretary is required to submit a report to the Congress on the thermal feature situation at Crater Lake National Park. The bill is clear in that the park protections it affords apply to Crater Lake National Park during and after the completion of this report and continue to apply unless Congress revisits this issue. These park protection provisions not only concern new lease issuance, in the event the Secretary lifts the moratorium, but the issuance of drilling permits and all other development related activities as well. It should be further noted that this legislation in no way should be construed as affecting the Secretary's discretionary authority to maintain the current leasing moratorium for the Crater Lake area.

Another matter which deserves some amplification involves section 8 of the bill. This section seeks to address valid concerns which have been expressed that geothermal development activities within the Corwin Springs Known Geothermal Resources Area may adversely impact thermal features within Yellowstone National Park.

Frankly, I do not believe that any geothermal resource development should be allowed to take place when the potential exists for this type of activity to affect such significant thermal resources as those which exist in Yellowstone National Park. The study and prohibitions contained in section 8 are intended to examine this situation and provide the Congress with credible information for any future deliberations on this matter.

In closing I want to express my appreciation to the gentleman from Idaho, LARRY CRAIG, for his efforts on behalf of this bill. I also want to recognize the great contribution made by my colleague BRUCE VENTO, the chairman of the Subcommittee on National Parks and Public Lands. I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. RHODES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2794 a bill to provide for the orderly development of Federal geothermal steam resources and to protect significant thermal features in the vicinity of certain units of the National Park System.

As my colleague on the other side of the aisle stated, this legislation has addressed concerns of both the geothermal industry and the environmental community.

This legislation represents a consensus that allows for the orderly development of geothermal steam resources. The development of these natural resources will aid in satisfying the energy needs of our country through the development of an environmentally safe resource, that of geothermal steam.

The bill requires that stipulations be included in leases to assure the geothermal resources that are within a park are not affected by geothermal steam development outside of a park.

I want to thank Chairman RAHALL for his leadership on the bill and for clarifying the intent of this legislation.

I urge the passage of H.R. 2794.

Mr. RAHALL. Mr. Speaker, I yield back the balance of my time.

Mr. RHODES. Mr. Speaker, I yield back the balance of my time.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from West Virginia [Mr. RAHALL] that the House suspend the rules and pass the bill, H.R. 2794, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of the Senate bill (S. 1889) to amend the Geothermal Steam Act of 1970 to provide for lease extensions, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1889

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Geothermal Steam Act Amendments".

SEC. 2. The following subsections are inserted at the end of section 2 of the Geothermal Steam Act of 1970 as amended (30 U.S.C. 1001):

"(f) 'Substantial investment' means expenditures at an amount per acre as specified by the Secretary. Such expenditures shall be made on one or more of the following: drilling exploratory, development, or temperature gradient wells; geological, geochemical, or geophysical surveys; environmental studies; architectural and engineering services procured in connection with design of generating facilities; or other expenditures approved by the Secretary.

"(g) 'Significant thermal features within units of the National Park System' shall include, but not be limited to, the following: (1) thermal features within units of the National Park System designated as significant in the Federal Register notice of August 3, 1987 (Vol. 52, No. 148 Fed. Reg. 28790); and (2) Crater Lake National Park.".

SEC. 3. Section 6 of the Geothermal Steam Act of 1970 as amended (30 U.S.C. 1005) is amended by striking subsection (a), and inserting in lieu thereof, the following:

"(a) Geothermal leases shall be for a primary term of ten years. If geothermal steam is produced or utilized in commercial quantities within this term, or any administrative extension thereof as provided under subsection (c), such lease shall continue for so long thereafter as geothermal steam is produced or utilized in commercial quantities, but such continuation shall not exceed an additional forty years.".

SEC. 4. Subsection 6(c) of the Geothermal Steam Act of 1970 as amended (30 U.S.C. 1005(c)) is amended by designating the current language as paragraph 6(c)(1), and by inserting the following as a new paragraph 6(c)(2):

"(c)(2) Any geothermal lease issued pursuant to this Act and in effect on or after the date of enactment of the Geothermal Steam Act Amendments shall be extended for successive five-year periods, but totaling not more than fifteen years, if—

"(i) the lessee has submitted a report to the Secretary detailing bona fide efforts to bring such lease or approved cooperative or unit plan of development into commercial production, given the then current economic conditions, and either;

"(ii) actual drilling operations, to a depth specified by the Secretary, were commenced prior to the end of its primary term and prior to the end of each successive five-year extension period and such drilling operations have not been used in obtaining a prior extension on any other lease and are being actively pursued on the lease to be extended or on another lease where, at the time application for extension is made and such drilling occurs, such leases are included in the same approved cooperative or unit plan of development or operation; or

"(iii) in the opinion of the Secretary, substantial investment has been made during the primary term and during each successive five-year extension on such lease or on another lease where, at the time the substantial investment is made, such leases are included in the same approved cooperative or unit plan of development or operation and such expenditures have not been used to obtain an extension on any other lease.".

SEC. 5. Section 6(d) of the Geothermal Steam Act of 1970 as amended (30 U.S.C. 1005(d)) is amended by striking subsection 6(d), and inserting in lieu thereof the following:

"(d) For purposes of subsection (a) of this section, the term 'produced or utilized in commercial quantities' includes the completion of a well capable of producing geothermal steam in commercial quantities.".

SEC. 6. Section 18 of the Geothermal Steam Act of 1970 as amended (30 U.S.C. 1017) is amended by inserting the following new paragraph after the first full paragraph of that section:

"No more than five years after approval of any cooperative or unit plan of development or operation, and at least every five years thereafter, the Secretary shall review each such plan and, after notice and opportunity for comment, eliminate from inclusion in such plan any lease or part of a lease not regarded as reasonably necessary to cooperative or unit operations under the plan: *Provided,* That such elimination is based on scientific evidence, and occurs only when it is determined by the Secretary to be for the purpose of conserving and properly managing the geothermal resource. Any lease or part of a lease so eliminated would be eligible for an extension under section 6(c) of this title within two years if it separately meets the requirements for such an extension.".

SEC. 7. The Geothermal Steam Act of 1970, as amended (30 U.S.C. 1001-1025) is amended by adding the following new section 28:

"SEC. 28. (a) The Secretary shall maintain a monitoring program for significant thermal features within units of the National Park System.

"(b) As part of the monitoring program required by subsection (a) of this section, the Secretary shall establish a research program to collect and assess data on the geothermal resources within units of the National Park System with significant thermal features. Such program shall begin with the collection and assessment of data for significant features near current or proposed geothermal development.

"(c) Upon receipt of an application for a geothermal lease the Secretary shall determine on the basis of scientific evidence if exploration, development, or utilization of the lands subject to the geothermal lease application is reasonably likely to result in a significant adverse effect on a significant thermal feature within units of the National Park System. Such determination shall be subject to notice and public comment. If the Secretary determines on the basis of scientific evidence that the exploration, development or utilization of the land subject to the geothermal lease application is reasonably likely to result in a significant adverse effect on a significant thermal feature within units of the National Park System, the Secretary shall not issue such geothermal lease. In addition, the Secretary shall withdraw from leasing under this Act those lands, or portion thereof, subject to the application for geothermal lease, the exploration, development, or utilization of which is reasonably likely to result, based on the Secretary's determination, in a significant adverse effect on a significant thermal feature within units of the National Park System.

"(d) With respect to all geothermal leases and drilling permits issued, extended, renewed or modified, the Secretary shall include stipulations in leases and in drilling permits necessary to protest significant thermal features within units of the National Park System where a determination is made based on scientific evidence that the exploration, development, or utilization of the lands subject to the lease or drilling permit is reasonably likely to adversely affect such significant features. Such stipulations shall include, but are not limited to—

"(1) requiring the lessee to reinject geothermal fluids into the rock formations from which they originate;

"(2) requiring the lessee to report annually to the Secretary on its activities;

"(3) requiring the lessee to continuously monitor geothermal production and injection wells; and

"(4) requiring the lessee to suspend activity, temporarily or permanently on the lease if the Secretary determines that ongoing exploration, development, or utilization activities are having a significant adverse effect on significant thermal features within units of the National Park System until such time as the significant adverse effect is eliminated.

"(e) The Secretary of Agriculture shall consider the effects on significant thermal features within units of the National Park System in determining whether to consent to leasing under this Act on national forest or other lands administered by the Department of Agriculture available for leasing under this Act, including public, withdrawn, and acquired lands.".

Sec. 8. (a) The United States Geological Survey, in consultation with the National Park Service, shall conduct a study of the impact of present and potential geothermal development in the vicinity of Yellowstone National Park on the thermal features within Yellowstone National Park. The area to be studied shall be the lands within the Corwin Springs Known Geothermal Resource Area as designated in the July 22, 1975, Federal Register (Fed. Reg. vol. 40 No. 141). The study shall be transmitted to Congress no later than December 1, 1990.

(b) Any production from existing geothermal wells or any development of new geothermal wells or other facilities related to geothermal production is prohibited in the Corwin Springs Known Geothermal Resource Area until one hundred and eighty days after the receipt by Congress of the study provided for in subsection (a) of this section.

(c) If the Secretary determines that geothermal drilling and related activities within the area studied pursuant to subsecton (a) of this section may adversely affect the thermal features of Yellowstone National Park, the Secretary shall include in the report required under subsection (a) of this section recommendations regarding the acquisition of the geothermal rights necessary to protect such thermal resources and features.

(d) The Secretary may not issue, extend, renew, or modify any geothermal lease or drilling permit pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001-1025) in the Corwin Springs Known Geothermal Resource Area until one hundred and eighty days after the receipt by Congress of the study provided for in section 8(a) of this Act. This section shall not be construed as requiring leasing subsequent to the one hundred and eighty days after study submittal.

Sec. 9. The Geothermal Steam Act of 1970, as amended (30 U.S.C. 1001-1025), is amended by adding the following new section 29:

"Sec. 29. Nothing contained in this Act shall affect the ban on leasing under this Act with respect to the Island Park Geothermal Area, as designated by the map in the 'Final Environmental Impact Statement of the Island Park Geothermal Area' (January 15, 1980, p. XI), and provided for in Public Law 98-473.".

Sec. 10. To the extent that any provision in this Act is inconsistent with the provisions of section 115(2) of title I of section 101(h) of the Act Making Continuing Appropriations for fiscal year 1987, Public Law 99-591 (100 Stat. 4431-264 through 100 Stat. 4431-266), this Act shall be deemed to supercede the provisions of section 115(2) of title I of section 101(h) of the Act Making Continuing Appropriations for fiscal year 1987, Public Law 99-591 (100 Stat. 3341-264 through 100 Stat. 3341-266).

MOTION OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Rahall moves to strike all after the enacting clause of the Senate bill, S. 1889, and to insert in lieu thereof the provisions of H.R. 2794 as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An act to amend the Geothermal Steam Act of 1970 with respect to requirements relating to leases, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 2794) was laid on the table.

UNIFORM REGULATORY JURISDICTION ACT OF 1987

Mr. SHARP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2884) to assure uniformity in the exercise of regulatory jurisdiction pertaining to the transportation of natural gas and to clarify that the local transportation of natural gas by a distribution company is a matter within State jurisdiction and subject to regulation by State commissions, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2884

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Uniform Regulatory Jurisdiction Act of 1987".

SEC. 2. JURISDICTION OVER TRANSPORTATION OF GAS.

To the extent any person for whom the Federal Energy Regulatory Commission has determined a service area under section 7(f) of the Natural Gas Act, or any person who received authorization for transportation service under Federal Energy Regulatory Commission Docket No. CP86-679, transports natural gas to ultimate consumers, such transportation, even if across State lines, shall, effective 120 days after the date of the enactment of this Act, be subject to the exclusive jurisdiction of the State commission in the State in which the gas is consumed. This section shall not apply to the transportation of natural gas to another natural gas company.

The SPEAKER pro tempore. Is a second demanded?

Mr. MOORHEAD. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman for Indiana [Mr. Sharp] will be recognized for 20 minutes and the gentleman from California [Mr. Moorhead] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. Sharp].

□ 1250

Mr. SHARP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill restores State Commission control over eight of the Nation's local gas utilities that have multistate operations.

Examples are Washington Gas Light, here in the District, and two utilities in the home State of our colleague, Mr. Tauke.

Up until the last few years, these eight had been exempt from FERC rate regulation—even though they have interstate operations.

Congress has heretofore exempted them for "home rule" reasons: We didn't want to make a Federal rate case out of the charges on 2-inch pipes under Wisconsin Avenue.

The move to carriage gas in recent years has knocked out this exemption. This bill puts it back in.

I want to stress that we aren't touching the other 1,000 local gas utilities, and we aren't changing any laws for interstate pipelines.

Mr. Speaker, we made modest changes to the bill as introduced and unanimously reported by the committee, in order to:

Prevent a needless double layer of State and Federal FERC regulation over one unique local utility in Iowa; and

Prevent these eight companies from using this exemption to ship gas interstate to other companies or pipelines, instead of merely locally in their own company system.

These minimal changes have been widely circulated, and we know of no objections to them.

Mr. Speaker, finally I want to commend the diligent efforts of the gentleman from Iowa [Mr. TAUKE] and the gentleman from West Virginia [Mr. STAGGERS].

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2884 and wish to commend my colleagues, the gentleman from Indiana [Mr. SHARP] and the gentleman from Iowa [Mr. TAUKE] for bringing this legislation to the attention of the Congress.

Mr. Speaker, H.R. 2884 was approved by the unanimous voice vote of the Subcommittee on Energy and Power and the Committee on Energy and Commerce. The scope of this bill is very specific and limited. It is solely intended to ensure State jurisdiction of the entire local gas activities of local distribution companies—even if these companies happen to serve customers in more than one State. There is no reason why local gas distribution should be subject to regulation by both the State and the Federal Governments. Thus, this bill establishes no new substantive gas policy. It is merely jurisdictional in nature.

My understanding is that there are no more than perhaps seven gas companies that would be affected by this bill. To put this in perspective, there are more than 1,000 local gas companies in the United States. Under this bill, these few local gas utilities who happen to serve customers in two or more States will be treated the same as all other local gas utilities.

Speedy adoption of this bill is appropriate.

GENERAL LEAVE

Mr. SHARP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2884, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the requests of the gentleman from Indiana?

There was no objection.

Mr. SHARP. Mr. Speaker, I have no further request for time, and I yield back the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. SHARP] that the House suspend the rules and pass the bill, H.R. 2884, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NATIONAL APPLIANCE ENERGY CONSERVATION AMENDMENTS OF 1988

Mr. SHARP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4158) to amend the Energy Policy and Conservation Act to provide for Federal energy conservation standards for fluorescent lamp ballasts, as amended.

The Clerk read as follows:

H.R. 4158

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "National Appliance Energy Conservation Amendments of 1988".

SEC. 2. AMENDMENTS FOR FLUORESCENT LAMP BALLASTS.

(a) DEFINITION.—(1) Section 321(a) of the Energy Policy and Conservation Act (42 U.S.C. 6291(a)) is amended by adding the following new paragraph at the end:

"(29)(A) The term 'fluorescent lamp ballast' means a device which is used to start and operate fluorescent lamps by providing a starting voltage and current and limiting the current during normal operation.

"(B) The term 'ANSI standard' means a standard developed by a committee accredited by the American National Standards Institute.

"(C) The term 'ballast efficacy factor' means the relative light output divided by the power input of a fluorescent lamp ballast, as measured under test conditions specified in ANSI standard C82.2-1984, or as may be prescribed by the Secretary.

"(D)(i) The term 'F40T12 lamp' means a nominal 40 watt tubular fluorescent lamp which is 48 inches in length and one-and-a-half inches in diameter, and conforms to ANSI standard C78.1-1978(R1984).

"(ii) The term 'F96T12 lamp' means a nominal 75 watt tubular fluorescent lamp which is 96 inches in length and one-and-a-half inches in diameter, and conforms to ANSI standard C78.-1978(R1984).

"(iii) The term 'F96T12HO lamp' means a nominal 110 watt tubular fluorescent lamp which is 96 inches in length and one-and-a-half inches in diameter, and conforms to ANSI standard C78.1-1978(R1984).

"(E) The term "input current' means the root-mean-square (RMS) current in amperes delivered to a fluorescent lamp ballast.

"(F) The term 'luminaire' means a complete lighting unit consisting of a fluorescent lamp or lamps, together with parts designed to distribute the light, to position and protect such lamps, and to connect such lamps to the power supply through the ballast.

"(G) The term 'ballast input voltage' means the rated input voltage of a fluorescent lamp ballast.

"(H) The term 'nominal lamp watts' means the wattage at which a fluorescent lamp is designed to operate.

"(I) The term 'power factor' means the power input divided by the product of ballast input voltage and input current of a fluorescent lamp ballast, as measured under test conditions specified in ANSI standard C82.2-1984, or as may be prescribed by the Secretary.

"(J) The term 'power input' means the power consumption in watts of a ballast and fluorescent lamp or lamps, as determined in accordance with the test procedures specified in ANSI standard C82.2-1984, or as may be prescribed by the Secretary.

"(K) The term 'relative light output' means the light output delivered through the use of a ballast divided by the light output delivered through the use of a reference ballast, expressed as a percent, as determined in accordance with the test procedures specified in ANSI standard C82.2-1984, or as may be prescribed by the Secretary.

"(L) The term 'residential building' means a structure or portion of a structure which provides facilities or shelter for human residency, except that such term does not include any multifamily residential structure of more than three stories above grade.".

(2) Section 321(a)(1) of such Act (42 U.S.C. 6291(a)(1)) is amended by inserting the following before the period at the end thereof: ", except that such term includes fluorescent lamp ballasts distributed in commerce for personal or commercial use or consumption".

(3) Section 321(a)(6)(B) of such Act (42 U.S.C. 629(a)(6)(B)) is amended by striking out "(13)" and inserting in lieu thereof "(14)".

(b) COVERAGE.—Section 322(a) of such Act (42 U.S.C. 6292(a)) is amended—

(1) by redesignating paragraph (13) as paragraph (14); and

(2) by inserting after paragraph (12) the following:

"(13) Fluorescent lamp ballasts.".

(c) TEST PROCEDURES.—Section 323(b) of such Act (42 U.S.C. 6293(b)) is amended by adding at the end the following:

"(5) With respect to fluorescent lamp ballasts manufactured on or after January 1, 1990, and to which standards are applicable under section 325, the Secretary shall prescribe test procedures that are in accord with ANSI standard C82.2-1984, or other test procedures determined appropriate by the Secretary.".

(d) LABELING.—Section 324 of such Act (42 U.S.C. 6294) is amended—

(1) in subsection (a)(2)—

(A) by striking out "(2) The" and inserting in lieu thereof "(2)(A) The"; and

(B) by adding at the end the following:

"(B) The Commission shall prescribe labeling rules under this section applicable to the covered product specified in paragraph (13) of section 322(a) and to which standards are appliable under section 325. Such rules shall provide that the labeling of any fluorescent lamp ballast manufactured on or after January 1, 1990, will indicate conspicuously, in a manner prescribed by the Commission under subsection (b) by July 1, 1989, a capital letter 'E' printed within a circle on the ballast and on the packaging of the ballast or of the luminaire into which the ballast has been incorporated.".

(2) by striking out "(13)" and inserting in lieu thereof "(14)" in subsection (a)(3) and in paragraphs (1)(B),(3), and (5) of subsection (b); and

(3) by adding at the end of subsection (c) the following:

"(7) Paragraphs (1), (2), (3), (5), and (6) of this subsection shall not apply to the covered product specified in paragraph (13) of section 322.".

(e) Standards.—(1) Subsection (g) of section 325 of such Act (42 U.S.C. 6295(g)) is amended—

(A) by inserting "; Fluorescent Lamp Ballasts" after "Dryers" in the heading; and

(B) by adding at the end the following:

"(5) Except as provided in paragraph (6), each fluorescent lamp ballast—

"(A)(i) manufactured on or after January 1, 1990;

"(ii) sold by the manufacturer on or after April 1, 1990; or

"(iii) incorporated into a luminaire by a luminaire manufacturer on or after April 1, 1991; and

"(B) designed—

"(i) to operate at nominal input volages of 120 or 277 volts;

"(ii) to operate with an input current frequency of 60 Hertz; and

"(iii) for use in connection with an F40T12, F96T12, or F96T12HO lamps;

shall have a power factor of 0.90 or greater and shall have a ballast efficacy factor not less than the following:

Application for Operation of	Ballast Input Voltage	Total Nominal Lamp Watts	Ballast Efficacy Factor
1 F40T12 lamp	120	40	1.805
	277	40	1.805
2 F40T12 lamps	120	80	1.060
	277	80	1.050
2 F96T12 lamps	120	150	0.570
	277	150	0.570
2 F96T12HO lamps	120	220	0.390
	277	220	0.390

"(6) The standards described in paragraph (5) do not apply to (A) a ballast which is designed for dimming or for use in ambient temperatures of 0° F or less, or (B) a ballast which has a power factor of less than 0.90 and is designed for use only in residential building applications.

"(7)(A) The Secretary shall publish a final rule no later than January 1, 1992, to determine if the standards established under paragraph (5) should be amended, including whether such standards should be amended so that they would be applicable to ballasts described in paragraph (6) and other fluorescent lamp ballasts. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 1995.

"(B) After January 1, 1992, the Secretary shall publish a final rule no later than five years after the date of publication of a previous final rule. The Secretary shall determine in such rule whether to amend the standards in effect for fluorescent lamp ballasts, including whether such standards should be amended so that they would be applicable to additional fluorescent lamp ballasts.

"(C) Any amendment prescribed under subparagraph (B) shall apply to products manufactured after a date which is five years after—

"(i) the effective date of the previous amendment; or

"(ii) if the previous final rule did not amend the standards, the earliest date by which a previous amendment could have been effective;

except that in no case may any amended standard apply to products manufactured within three years after publication of the final rule establishing such amended standard.".

(2) Subsection (i) of section 325 of such Act (42 U.S.C. 6295(i)) is amended by striking out "(13)" in paragraphs (1) and (2) and inserting in lieu thereof "(14)".

(3) Subsection (e)(1)(C) of section 325 of such Act (42 U.S.C. 6295(e)(91)(C) is amended by inserting "Volume" after "Rated Storage".

(4) Section 325 of such Act (42 U.S.C. 6295) is amended—

(A) in subsection (j)(B)—

(i) by inserting "fluorescent lamp ballasts," after "clothes dryers,"; and

(ii) by striking out "hearing" and inserting in lieu thereof "heating"; and

(B) in subsection (k)—

(i) by inserting "and in paragraph (13)" after "(11)" in paragraph (1); and

(ii) by inserting "fluorescent lamp ballasts," after "clothes dryers," in paragraph (3)(B).

(f) Effect on Other Law.—(1) Section 327(b)(1) of such Act (42 U.S.C. 6297(b)(1)) is amended by inserting before the semicolon at the end the following: ", or in the case of any portion of any regulation which established requirements for fluorescent lamp ballasts, was prescribed or enacted before the date of the enactment of the National Appliance Energy Conservation Amendments of 1988".

(2) Section 327(b)(4) of such Act (42 U.S.C. 6297(b)(4)) is amended by inserting before the semicolon at the end the following: ", or is a regulation (or portion thereof) regulating fluorescent lamp ballasts other than those to which paragraph (5) of section 325(g) is applicable".

(3) Section 327(c)(1) of such Act (42 U.S.C. 6297(c)(1)) is amended by inserting before the semicolon at the end the following: ", except that a State regulation (or portion thereof) regulating fluorescent lamp ballasts other than those to which paragraph (5) of section 325(g) is applicable shall be effective only until the effective date of a standard that is prescribed by the Secretary under paragraph (7) of such section and is applicable to such ballasts".

The SPEAKER pro tempore. Is a second demanded?

Mr. MOORHEAD. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. Sharp] will be recognized for 20 minutes and the gentleman from California [Mr. Moorhead] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. Sharp].

Mr. SHARP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill sets minimum energy efficiency standards for the manufacture of fluorescent lamp ballasts by adding such ballasts to the products covered under the National Appliance Energy Conservation Act of 1987.

The standards would cover the majority of the approximately 50 million fluorescent lamp ballasts sold each year in the United States.

This legislation is supported by a wide ranging coalition including consumer groups, environmental groups and lighting manufacturers for the following reasons.

This bill is expected to save consumers $10 billion cumulatively by the year 2000.

These savings occur because the reduced energy used by higher ballasts pays for the slightly higher initial cost. The typical payback is about 2 years, and the ballasts last 12 to 15 years. Other savings occur because of the reduced cooling load in buildings and the reduced need to build new powerplants.

In fact, this bill is expected to displace the need for 7,100 megawatts of generating capacity, an amount equal to seven very large powerplants.

By reducing electricity consumption, this legislation will also lead directly to reductions in pollution emissions.

Manufacturers see this bill as regulatory relief because it replaces a patchwork of State ballast standards with one uniform national standard.

In addition, this bill will help the trade deficit and our energy security by reducing the need for energy imports.

The standards in this bill are virtually identical to standards already in effect in several States. States would be preempted from setting different standards for the types of ballasts regulated here, but could still set standards for other types of fluorescent ballasts.

The bill was amended in committee and there is one technical amendment that is available at the desk that was made to bring the bill into conformance with the committee report.

The bill in no way changes the requirements for appliances covered under last year's Appliance Act.

The Senate has passed an identical bill, S. 2167, which has been sent to the House and referred to the Committee on Energy and Commerce. After the vote on H.R. 4158, it is my intention to ask for unanimous consent to have the Senate bill discharged from committee and taken up immediately by the House.

Mr. Speaker, I would like to take this opportunity to thank my colleague from California, Mr. Moorhead, for his active support of this legislation.

In summary, H.R. 4158 is a "win-win" situation for consumers, business and the environment. I urge its speedy passage.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I consume.

Mr. Speaker, as my colleagues know, I am dedicated to pursuing ways of reducing our Nation's dependence on fossil fuels from insecure foreign sources. Our national economy remains vulnerable so long as we must import oil from suppliers who are not completely within our control.

Enhancing our energy security must involve both the production and consumption sides of the energy market. H.R. 4158 addresses the consumption side, and does so in a wise and appropriate fashion.

The gradual substitution of higher efficiency fluorescent lamp ballasts will reduce the need to use more electricity as our economy grows, and this will be accomplished with no concessions to the quality of lighting performance.

Although the impact of this savings is not huge, neither is it insignificant. The important fact is that H.R. 4158 repesents a positive step forward in energy conservation that can be made while actually reducing costs for consumers. This is the kind of "win-win" situation we all like, but too rarely occurs. It is also important to note that this legislation may save the manufacturers of fluorescent ballasts from incurring additional expenditures which would be passed on to consumers. Many States are beginning to promulgate their own efficiency standards and, absent legislation establishing a single nationwide standard, there is a real possibilty of several different standards burdening manufacturers.

I would like to close by urging my colleagues to approve this bill. I would also urge the President to sign the legislation when it reaches his desk, as I am sure it will, with overwheliming and bipartisan support.

Mr. GEJDENSON. Mr. Speaker, I am very pleased to rise today in support of H.R. 4158 the National Appliance Energy Conservation Amendment Act of 1988. I would also like to commend my colleagues, Mr. SHARP, Mr. MOORHEAD, and the members of the Energy and Power Subcommittee for the speed and thoroughness with which this bill was reported out of committee and brought to the floor.

As you may know the National Appliance Energy Conservation Amendment of 1988, would add fluorescent ballasts, the electrical devices that start and operate fluorescent lamps, to the list of products covered by the appliance efficiency law passed last year. It also gives us the opportunity to help consumers save money on their utility bills, save energy and, like the Appliance Energy Conservation Act, will reduce the need for the construction of expensive new powerplants.

I have been interested in energy issues since I began in the Connecticut State Legislature in 1974. At that time there was widespread interest in energy conservation because of the Arab oil embargo and because of the high price of oil. However, with the oil glut of the 1980's, interest in energy conservation went out of fashion. But the days of $17 a barrel oil are numbered. It is increasingly important that we consider energy alternatives. Energy conservation must be recognized as our greatest energy resource.

Fluorescent lighting represents about 14 percent of total electricity use in the United States or about 22 billion kilowatt hours per year. Experts estimate that the enactment of H.R. 4158 will result in a nationwide reduction in peak demand of 7,000 megawatts by the year 2000 which translates into over $11 billion in savings for consumers. The energy saved by these standards is equivalent to the energy produced by 15 large coal powerplants or 7 nuclear powerplants.

Assuming that each nuclear powerplant costs $3 billion to build, over $21 billion in powerplant construction costs will be avoided. As a result, the rate shock that can occur when new powerplant come on line could be avoided and the consumer's energy costs are further reduced.

The State of Connecticut recently adopted fluorescent lighting energy efficiency standards similar to the ones in this legislation. The Connecticut Office of Policy and Management estimates a cumulative savings to Connecticut residents of between $223 to $496 million between 1988 and year 2000.

Another benefit of this bill is that it will bring uniformity to the fluorescent lighting industry. Currently five States—California, Massachusetts, New York, Connecticut, and Florida—representing approximately 25 percent of Nation's fluorescent lighting market, have initiated slightly different lighting efficiency standards covering different types of ballasts and having slightly different exemptions. Consequently, manufacturers must keep abreast of which ballasts meet which standards and which ballasts can be sold in which States. This has created an administrative nightmare for lighting manufacturers.

Though the initial purchase price of the energy efficient ballast is higher than the standard ballast, the more energy efficient ones, which are currently available on the market, have more than twice the operating life of the standard ballasts. The increase in energy savings that the efficient ballasts offer provides a net cost savings of more than four times the amount of its initial purchase cost.

With the amount of energy savings available, there are no losers with this bill. Facilitating consumers to use more energy efficient lighting while saving them money is the cheapest way to increase America's energy supply. In addition, as a domestic energy source, improving lighting efficiency reduces our dependence on unstable foreign energy supplies. Finally, energy efficiency is the most environmentally sound energy source because it reduces emissions from fossil fuel plants and it reduces the generation of nuclear waste from nuclear powerplants.

Mr. MARKEY. Mr. Speaker, I would like to commend Chairman PHIL SHARP and ranking minority member CARLOS MOORHEAD for moving forward so expeditiously National Appliance Energy Conservation Amendment of 1988, legislation which creates Federal energy efficiency standards for fluorescent lighting. Few issues are as arcane and obscure in today's energy debate and I suspect that this bill will not attract much attention in the national media. Therefore, it will surprise many observers to learn that this bill will save consumers $11 billion by the end of the century and $16 billion by the year 2010 through energy efficiency achievements.

This amendment sets Federal standards that are virtually identical to those adopted by the Commonwealth of Massachusetts last year. By adding fluorescent light ballasts to the products already covered under the appliance standards in 1987, we gain an additional savings of 7,000 megawatts, or the equivalent of seven nuclear powerplants.

With this bill everyone is a winner. We not only demonstrate again that energy efficiency is an energy source, but also realize a reduction in imported energy and a gain in improving the evironment. The legislation enjoys the support of the manufacturing industry, natural resource and energy conservation groups, and State energy agencies.

As the sponsor of the original National Appliance Energy Conservation Act and an original cosponsor of H.R. 4158, I am proud to see this bill on the floor of the House. I hope that my colleagues will also support this move toward a safer, saner, and less costly energy policy.

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Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHARP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. SHARP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4158, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. SHARP] that the House suspend the rules and pass the bill, H.R. 4158, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. SHARP. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the Senate bill (S. 2167) to amend the Energy Policy and Conservation Act to provide for Federal energy conservation standards for fluorescent lamp ballasts, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "National Appliance Energy Conservation Amendments of 1988".

SEC. 2. AMENDMENTS FOR FLUORESCENT LAMP BALLASTS.

(a) DEFINITION.—(1) Section 321(a) of the Energy Policy and Conservation Act (42 U.S.C. 6291(a)) is amended by adding the following new paragraph at the end:

"(29)(A) The term 'fluorescent lamp ballast' means a device which is used to start and operate fluorescent lamps by providing a starting voltage and current and limiting the current during normal operation.

"(B) The term 'ANSI standard' means a standard developed by a committee accredited by the American National Standards Institute.

"(C) The term 'ballast efficacy factor' means the relative light output divided by the power input of a fluorescent lamp ballast, as measured under test conditions specified in ANSI standard C82.2-1984, or as may be prescribed by the Secretary.

"(D)(i) The term 'F40T12 lamp' means a nominal 40 watt tubular fluorescent lamp which is 48 inches in length and one-and-a-half inches in diameter, and conforms to ANSI standard C78.1-1978(R1984).

"(ii) The term 'F96T12 lamp' means a nominal 75 watt tubular fluorescent lamp which is 96 inches in length and one-and-a-half inches in diameter, and conforms to ANSI standard C78.3-1978(R1984).

"(iii) The term 'F96T12HO lamp' means a nominal 110 watt tubular fluorescent lamp which is 96 inches in length and one-and-a-half inches in diameter, and conforms to ANSI standard C78.1-1978(R1984).

"(E) The term 'input current' means the root-mean-square (RMS) current in amperes delivered to a fluorescent lamp ballast.

"(F) The term 'luminaire' means a complete lighting unit consisting of a fluorescent lamp or lamps, together with parts designed to distribute the light, to position and protect such lamps, and to connect such lamps to the power supply through the ballast.

"(G) The term 'ballast input voltage' means the rated input voltage of a fluorescent lamp ballast.

"(H) The term 'nominal lamp watts' means the wattage at which a fluorescent lamp is designed to operate.

"(I) The term 'power factor' means the power input divided by the product of ballast input voltage and input current of a fluorescent lamp ballast, as measured under test conditions specified in ANSI standard C82.2-1984, or as may be prescribed by the Secretary.

"(J) The term 'power input' means the power consumption in watts of a ballast and fluorescent lamp or lamps, as determined in accordance with the test procedures specified in ANSI standard C82.2-1984, or as may be prescribed by the Secretary.

"(K) The term 'relative light output' means the light output delivered through the use of a ballast divided by the light output delivered through the use of a reference ballast, expressed as a percent, as determined in accordance with the test procedures specified in ANSI standard C82.2-1984, or as may be prescribed by the Secretary.

"(L) The term 'residential building' means a structure or portion of a structure which provides facilities or shelter for human residency, except that such term does not include any multifamily residential structure of more than three stories above grade.".

(2) Section 321(a)(1) of such Act (42 U.S.C. 6291(a)(1)) is amended by inserting the following before the period at the end thereof: ", except that such term includes fluorescent lamp ballasts distributed in commerce for personal or commercial use or consumption.".

(3) Section 321(a)(6)(B) of such Act (42 U.S.C. 6291(a)(6)(B)) is amended by striking out "(13)" and inserting in lieu thereof "(14)".

(b) COVERAGE.—Section 322(a) of such Act (42 U.S.C. 6292(a)) is amended—

(1) by redesignating paragraph (13) as paragraph (14); and

(2) by inserting after paragraph (12) the following:

"(13) Fluorescent lamp ballasts.".

(c) TEST PROCEDURES.—Section 323(b) of such Act (42 U.S.C. 6293(b)) is amended by adding at the end the following:

"(5) With respect to fluorescent lamp ballasts manufactured on or after January 1, 1990, and to which standards are applicable under section 325, the Secretary shall prescribe test procedures that are in accord with ANSI standard C82.2-1984 or other test procedures determined appropriate by the Secretary.".

(d) LABELING.—Section 324 of such Act (42 U.S.C. 6294) is amended—

(1) in subsection (a)(2)—

(A) by striking out "(2) The" and inserting in lieu thereof "(2)(A) The"; and

(B) by adding at the end the following:

"(B) The Commission shall prescribe labeling rules under this section applicable to the covered product specified in paragraph (13) of section 322(a) and to which standards are applicable under section 325. Such rules shall provide that the labeling of any fluorescent lamp ballast manufactured on or after January 1, 1990, will indicate conspicuously, in a manner prescribed by the Commission under subsection (b) by July 1, 1989, a capital letter 'E' printed within a circle on the ballast and on the packaging of the ballast or of the luminaire into which the ballast has been incorporated.".

(2) by striking out "(13)" and inserting in lieu thereof "(14)" in subsection (a)(3) and in paragraphs (1)(B), (3), and (5) of subsection (b); and

(3) by adding at the end of subsection (c) the following;

"(7) Paragraphs (1), (2), (3), (5), and (6) of this subsection shall not apply to the covered product specified in paragraph (13) of section 322.".

(e) STANDARDS.—(1) Subsection (g) of section 325 of such Act (42 U.S.C. 6295(g)) is amended—

(A) by inserting; FLUORESCENT LAMP BALLASTS; after "DRYERS" in the heading; and

(B) by adding at the end the following:

"(5) Except as provided in paragraph (6), each fluorescent lamp ballast—

"(A)(i) manufactured on or after January 1, 1990;

"(ii) sold by the manufacturer on or after April 1, 1990; or

"(iii) incorporated into a luminaire by a luminaire manufacturer on or after April 1, 1991; and

"(B) designed—

"(i) to operate at nominal input voltages of 120 or 277 volts;

"(ii) to operate with an input current frequency of 60 Hertz; and

"(iii) for use in connection with an F40T12, F96T12, or F96T12HO lamps;

shall have a power factor of 0.90 or greater and shall have a ballast efficacy factor not less than the following:

Application for Operation of	Ballast Input Voltage	Total Nominal Lamp Watts	Ballast Efficacy Factor
one F40T12 lamp	120	40	1.805
	277	40	1.805
two F40T12 lamps	120	80	1.060
	277	80	1.050
two F96T12 lamps	120	150	0.570
	277	150	0.570
two F96T12HO lamps	120	220	0.390
	277	220	0.390

"(6) The standards described in paragraph (5) do not apply to (A) a ballast which is designed for dimming or for use in ambient temperatures of 0° F or less, or (B) a ballast which has a power factor of less than 0.90 and is designed for use only in residential building applications.

"(7)(A) The Secretary shall publish a final rule no later than January 1, 1992, to determine if the standards established under paragraph (5) should be amended, including whether such standards should be amended so that they would be applicable to ballasts described in paragraph (6) and other fluorescent lamp ballasts. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 1995.

"(B) After January 1, 1992, the Secretary shall publish a final rule no later than five years after the date of publication of a previous final rule. The Secretary shall determine in such rule whether to amend the standards in effect for fluorescent lamp ballasts, including whether such standards should be amended so that they would be applicable to additional fluorescent lamp ballasts.

"(C) Any amendment prescribed under subparagraph (B) shall apply to products manufactured after a date which is five years after—

"(i) the effective date of the previous amendment; or

"(ii) if the previous final rule did not amend the standards, the earliest date by which a previous amendment could have been effective;

except that in no case may any amended standard apply to products manufactured within three years after publication of the final rule establishing such amended standard.".

(2) Subsection (i) of section 325 of such Act (42 U.S.C. 6295(i)) is amended by striking out "(13)" in paragraphs (1) and (2) and inserting in lieu thereof "(14)".

(3) Subsection (e)(1)(C) of section 325 of such Act (42 U.S.C. 6295(e)(1)(C)) is amended by inserting "Volume" after "Rated Storage".

(4) Section 325 of such Act (42 U.S.C. 6295) is amended—

(A) in subsection (j)(B)—

(i) by inserting "fluorescent lamp ballasts," after "clothes dryers,"; and

(ii) by striking out "hearing" and inserting in lieu thereof "heating"; and

(B) in subsection (k)—

(i) by inserting "and in paragraph (13)" after "(11)" in paragraph (1); and

(ii) by inserting "fluorescent lamp ballasts," after "clothes dryers," in paragraph (3)(B).

(f) EFFECT ON OTHER LAW.—(1) Section 327(b)(1) of such Act (42 U.S.C. 6297(b)(1)) is amended by inserting before the semicolon at the end the following: ", or in the case of any portion of any regulation which establishes requirements for fluorescent lamp ballasts, was prescribed or enacted before the date of the enactment of the National Appliance Energy Conservation Amendments of 1988".

(2) Section 327(b)(4) of such Act (42 U.S.C. 6297(b)(4)) is amended by inserting before the semicolon at the end the following: ", or is a regulation (or portion thereof) regulating fluorescent lamp ballasts other than those to which paragraph (5) of section 325(g) is applicable".

(3) Section 327(c)(1) of such Act (42 U.S.C. 6297(c)(1)) is amended by inserting before the semicolon at the end the following: ", except that a State regulation (or portion thereof) regulating fluorescent lamp ballasts other than those to which paragraph (5) of section 325(g) is applicable shall be effective only until the effective date of a standard that is prescribed by the Secretary under paragraph (7) of such section and is applicable to such ballasts".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar house bill (H.R. 4158) was laid on the table.

WIN DEMONSTRATION PROGRAM EXTENSION ACT OF 1988

Mr. HAWKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4731) to extend the authority for the Work Incentive Demonstration Program

The Clerk read as follows:

H.R. 4731

To be enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "WIN Demonstration Program Extension Act of 1988".

SEC. 2 DEMONSTRATION AUTHORITY EXTENDED.

(a) Section 445(b)(1) of the Social Security Act is amended by striking out "June 30, 1987" and inserting in lieu thereof "September 30, 1989".

(b) Section 445(d) of such Act is amended by striking out "June 30, 1987" and inserting in lieu thereof "September 30, 1989", and by striking out 'June 30, 1988" and inserting in lieu thereof "September 30, 1990".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. HAWKINS] will be recognized for 20 minutes and the gentleman from Wisconsin [Mr. GUNDERSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. HAWKINS].

GENERAL LEAVE

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4731, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HAWKINS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4731 which would extend, for 2 additional years, the Work Incentive [WIN] Demonstration programs. These WIN demonstration activities were originally authorized in 1981. A simple statutory amendment changing the dates in section 445 of the Social Security Act would avoid the premature termination of these significant welfare-work demonstration activities. Many projects are now being carried out under this legislative authority in 29 States. This 2-year extension will provide a crucial transition to comprehensive welfare reform.

A recurring theme in today's welfare reform debate focuses on incentives to make work more attractive than persistent welfare dependency and poverty. There is a renewed interest in these State demonstration programs which more effectively link welfare with work.

In exchange for public aid, welfare recipients considered employable have been required to register for work, education, and training services since the Work Incentive [WIN] Program was established in 1967. In theory, WIN imposed a participation obligation, but inadequate funding levels resulted in "unassigned slots" for many able-bodies AFDC recipients. Unfortunately, funding for the welfare work programs was reduced by some 70 percent from 1981 to 1987, undermining the real work test under these initiatives.

In 1981, Congress passed the Omnibus Budget Reconciliation Act, which included authority for the WIN Demonstration Program under title IV-C of the Social Security Act. Under the WIN demonstration authority, the States were given more flexibility to experiment with new designs of employment and training programs for those individuals on public assistance. Instead of the dual-agency administration under the regular WIN Program, the WIN demonstration programs are operated solely by the State welfare agencies. States tailored their programs to match their local needs. This increased autonomy and centralized administration provided States new momentum in the area of welfare employment programs. Subsequently, all WIN Demonstration programs offered job search assistance and over two-thirds offered more intensive activities such as work experience, education, and training. Today, more than half the States operate a WIN Demonstration Program. According to the latest figures, there were over 4.5 million onboard participants in the WIN demonstration programs across the country since 1981. Over 1,077,000 individuals entered employment as a result of their participation in the WIN Program.

The lessons learned from some of these WIN demonstration programs are best documented by evaluations completed by the Manpower Demonstration Research Corp. [MDRC], a research firm in New York City. To date, MDRC has issued final reports on 6 of the 11 targeted evaluations. These reports, for the first time, provide rigorous answers on the effectiveness of the WIN Program under the new demonstration authority. Generally, these State initiatives under the WIN demos suggest that work programs for welfare recipients have modest, but encouraging, results.

For example, the State of Maryland's Options Program provides a wide variety of employability services for program enrollees including group and individual job search, employability preparation workshops, work experience, GED preparation, and skills training. The Options Program is effective in helping enrollees to improve their employment levels. Moreover, this WIN Demonstration Program proves that less employable individuals have greater employment gains from the efforts of a more intensive program.

Another successful WIN demonstration model is San Diego's Job Search and Work Experience Demonstration in California. The results from San Diego are favorable particularly for individuals often ignored by employment and training programs: Those hard-to-serve individuals with no recent employment experience or with some prior welfare dependency. For these individuals, there were substantial increases in employment and earnings, and modest welfare savings. This demonstration program proves that job search, followed by a short-time work requirement, is an effective program sequence for welfare-work activities.

The State of Massachusetts has operated one of the most encouraging WIN demonstrations through its Employment and Training [ET] Choices Program begun in 1983. Massachusetts' favorable economic conditions, as well as its commitment to adequate education, training, and quality jobs for its welfare recipients, help to provide a realistic route out of poverty for these needy individuals. Since 1983, about 50,000 public assistance recipients have been placed in jobs as a result of the ET Program. According to State officials, over 75 percent of these individuals are still off welfare today. All of the ET placements have been in unsubsidized jobs and 75 percent are full-time jobs. In addition, the average annual salary for a full-time placement is $13,500—nearly twice the maximum grant in AFDC benefits. Finally, this successful WIN Demonstration Program in Massachusetts has meant that the average length of stay on AFDC and the number of families on AFDC has dramatically decreased over the 5 years that the program has been in operation.

Despite the modest positive outcomes in a wide range of environments, these State demonstration initiatives offer interesting alternative approaches to reforming welfare with work. The meaningful improvements under the WIN Demonstration programs deserve attention and support. Certainly, MDRC's findings indicate that gains from State WIN demonstration initiatives do not necessarily have to be dramatic to be worthwhile.

H.R. 4731, which we are considering today, would extend the authority for the WIN Demonstration Program, which is due to expire at the end of this month, through September 30, 1990. In addition, non-WIN demonstration States would be given sufficient time to opt into the program.

This proposal would be consistent with the intent of the welfare reform initiatives in both the House and the Senate which support the current WIN Program until the new work programs for welfare recipients become fully operational on October 1, 1990. To allow the WIN demonstration authority to expire prior to enactment of a replacement program would be unwise and counterproductive to the attack on welfare dependency.

In addition, WIN demonstration States now have in place administrative structures for welfare work activities solely in the State welfare agencies. To revert back to the regular WIN Program, States would have to dismantle and recreate administrative structures under a dual system administered jointly by the State welfare agency and the State employment services agency.

Finally, this WIN extension legislation has been endorsed by the National Governors Association, the American Public Welfare Association, and the National Alliance of Business. These organizations have been extremely supportive of education, training, and employment initiatives for welfare recipients and other hard-to-serve individuals in need of these services.

I urge my colleagues to continue providing the opportunities to the thousands of individuals who look to this program as a way out of poverty and to vote in support of this WIN demonstration extension legislation.

Mr. GUNDERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4731, which simply extends the WIN Demonstration Program for 2 additional years, and I support its consideration under suspension of the rules.

In 1981, under the Omnibus Budget Reconciliation Act of that year, Congress provided States with the ability to operate their own more flexible demonstration programs under the Work Incentive Program, and since that time over one-half of the States have opted to run such demonstrations, gearing their training and work-related programs to fit the needs of their individual States and localities.

Through these demos, we have gained important knowledge on what does and what does not work to encourage independence among public assistance recipients. We have gained insight on how to assist welfare recipients to move into productive employment.

Now this important demonstration authority will expire this year if we do not extend its life. To let the WIN Demonstration Program expire would be radically inconsistent with the intent of Congress as we approach comprehensive welfare reform. Until such time as we can enact some form of welfare reform legislation, the Work Incentive Program is the only vehicle we have to move public assistance recipients into training programs and permanent employment, and on to independence.

In fact, much of the training and work-related components of the different welfare reform proposals under consideration in this Congress have been based on findings from these demonstration programs.

In States, such as my own State of Wisconsin, to let this authority expire would be disastrous, as our State has been successfully operating an innovative program with the goal of developing a sense of mutual obligation between the Government and welfare recipients. The Government's obligation being to see that welfare recipients are able to acquire skills necessary to become self-sufficient, the recipients' obligation being to contribute to their own support by working or by participation in training to make them job-ready; in other words, a program where recipients are always better off by working than they would be on welfare.

Therefore, Mr. Speaker, I strongly support the extension of this program through 1990, until such time as a newly restructured welfare system with a significantly increased work and training component is in place, which will be built in large part on the knowledge gained from these very demonstration programs.

One final point I do want to make is that the expiration of the WIN Demonstration Program does not mean the expiration of the overall WIN Program itself. If the demonstration program is allowed to expire, States would be forced to revert back to the less flexible Federal WIN Program, which is permanently authorized, abandoning their successful efforts established under their demonstrations.

Therefore, the administration does not object to the extension of the WIN demonstration authority, and I reiterate my strong support for its extension. I urge my colleagues to join with me in this support, and I commend the chairman for his action in this regard.

Mr. JEFFORDS. Mr. Speaker, I speak in support of H.R. 4731, a bill to extend the Work Incentive [WIN] Demonstration Program for 2 additional years. Earlier in this Congress we considered a welfare reform proposal that, if enacted, would become fully operational in October 1990. This bill allows for a transition between the employment and training programs under a revised welfare system and the current WIN Demonstration Program.

As we are well aware, the statistics about children and poverty are staggering. One child in four is born into poverty. Single-parent, female-headed households living in poverty in this country have increased dramatically, from 2.4 to 3.4 million between 1975 and 1985. Nearly 40 percent of all such households live in poverty in 1986. Of households with children under 6 years old, 2.8 million were headed by women and 1.7 million of these families were poor. Being supportive of a child's development under these circumstances is difficult at best. To permit large numbers of citizens to grow up uneducated, ill-housed and underfed not only limits future productivity, but undermines the integrity of our strength as a nation.

Public policy debates regarding the welfare and future of our children cannot ignore the interrelationship of the family structure, our system of education and training and the work place environment. The education and training individuals receive influence and often determine the type of job they can hold. Their jobs in turn contribute heavily to the standard of living enjoyed by their families. Public policy changes made to revamp or retool the workplace will also have a major impact on the home. The stakes in this debate are particularly high for children.

One program that has been part of the public policy debate in this area over the past 20 years is the Work Incentive Program [WIN]. It was established in 1967 with the purpose of providing skill assessments, job training and employment placement to help AFDC recipients become self-supporting. Unfortunately, the program has not achieved its potential. It has however, managed to weather criticism and serious efforts to eliminate its funding.

Recently though, new support has surfaced for the WIN Program. This support is due to the great strides made in recent years under the WIN Demonstration Program authority. As part of the provisions of the 1981 Omnibus Budget Reconciliation Act, States could for the first time, as part of their regular programs, require AFDC recipients to work in public or nonprofit agencies in return for their welfare benefits. In addition, greater flexibility was given to the WIN Program to fund on-the-job training programs by diverting recipients' welfare grants into wage subsidies for private employers.

The intent of these innovative programs has been to provide the means by which welfare recipients can be moved into gainful employment. With the flexibility permitted under WIN demonstration programs, States have begun to offer a mix of services ranging from basic skills education to sophisticated tranining, as well as more traditional community work experience and what is now known as workfare in which clients undertake public service for a period of time in exchange for their grants.

More than half of the States currently carry out work welfare projects under the WIN demonstration authority. To allow this authority to lapse would be counterproductive to our efforts to improve the incentive to work rather than continued dependency on welfare. This bill also extends the option to establish WIN demonstration programs in those States that have not already done so. Again, allowing for a smooth transition to a revised welfare system.

My own State of Vermont has a program called REACH UP which is designed to consolidate at the State level many existing employment and training programs, including WIN. Registration for the program is required of all AFDC recipients who do not have federally defined exemptions; it is voluntary for all other recipients. Training, education, career planning, support services, and job seeking opportunities are provided to program participants. There is close interaction with potential employers so that meaningful jobs are available for program participants upon completion. Vermont, as other States, uses WIN as the core for its employment and training programs, and therefore relies heavily on the continuation of its authority.

It is reasonable to expect that able-bodied individuals seek employment, and that Federal policy should encourage individuals to choose a life of self-sufficiency. For many, inadequate education and lack of training and work experience constitute major barriers to obtaining productive employment.

Unless we address in a comprehensive manner the education, training, and support needs of this significant segment of our population, the long-term results could jeopardize our productivity, competitiveness and standing as a world leader. Not only do we lose the contribution of the adults already dependent on Government subsidy, but we increase the chances that their children will be at even greater risk of continuing this dependency. As a nation we cannot afford this loss.

I commend the chairman, Mr. HAWKINS, for introducing this bill and bringing it to the House floor for quick consideration. Without our positive action, WIN demonstration authority will terminate on June 30. In order to achieve the long-term goal of the welfare reform initiatives in both the House and the Senate, and to assure that this program can be utilized until the new work programs for welfare recipients become fully operational, I strongly encourage my colleagues to support this bill.

Mr. HAWKINS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GUNDERSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. HAWKINS] that the House suspend the rules and pass the bill, H.R. 4731.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF THE HOUSE REGARDING IMPORTANCE OF WORKING WOMEN TO OUR ECONOMY

Mr. MARTINEZ. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 224) expressing the sense of the House of Representatives regarding the importance of working women to our economy and our Nation as a whole.

The Clerk read as follows:

H. RES. 224

Whereas women now comprise 44 percent of the labor force.

Whereas women's earnings are still on the average only 64 percent of men's earnings, a ratio women first attained in the mid-1960's;

Whereas women's average annual income in 1985 dollars only rose from $11,000 in 1955 to $16,000 in 1986;

Whereas many women are now compelled by economic necessity to enter the workforce and face serious work-related family problems, including inadequate childcare and parential leave policies, health plans, and retirement plans;

Whereas working women have made great progress in all professional fields, have suceeded at non-traditional jobs, and are becoming leaders in the workforce and the Nation as a whole;

Whereas occupational hazards, such as exposure to radiation and toxic organic matter, affect both working men and women:

Whereas most single-parent families are headed by women in poverty, and this increasing incidence of poverty among women and their families is an alarming feature of American society;

Whereas according to a 1984 Census Statistics Report, close to three-fourths of all persons in poverty are women and children, and the study also projected that by the year 2000 nearly all the adults on welfare will be women; and

Whereas working women of every race continue to play an important economic and social role in every sphere of our Nation's life: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) women's pay scales should be reexamined by employers to provide job and pay equality in the workplace, and to help end the cycle of poverty for working women; and

(2) employers should reexamine their health plans, childcare systems, retirement plans, affirmative action plans, job training programs, and parental leave plans in order to insure that working women are not being discriminated against and do not face a greater burden of work and personal responsibilities than men.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. MARTINEZ] will be recognized for 20 minutes and the gentleman from Wisconsin [Mr. GUNDERSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 224 recognizing the importance of working women to our national economy.

As we know, by economic necessity, more and more families now have both spouses, and often teenagers in the family working to make ends meet. As a result, women are entering the work force in greater and greater numbers each year, to the point where they now comprise over 44 percent of the American labor force.

While women are becoming a critical part of our work force, we must remain mindful of the work-related problems which many of these women face. Perhaps the most glaring problem lies with the existing male-female pay gap; women's earnings still average only 64 percent of men's earnings, a ratio women attained in the mid-1960's and have not been able to better. Over a period of 30 years, the average annual income for women has risen by only $5,000, from $11,000 in 1955 to $16,000 in 1986.

In addition, a number of job-related problems, including inadequate child care and parental leave policies combine to affect American working families. For female-headed households this problem is further compounded. A 1984 Government study found that female-headed households have a higher rate of poverty than any other population group in the country. The study projects that by the year 2000, nearly all adults on welfare will be women. The "feminization of poverty," it appears, is well on its way.

Therefore, Mr. Speaker, I have offered this resolution today to both pay tribute to the American working woman and draw attention to the special barriers that our working women face.

I urge my colleagues to join me in supporting House Resolution 224.

Mr. GUNDERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the resolution, which expresses the sense of the House regarding the importance of working women to the economy and to the Nation as a whole.

At a time when today's work force is comprised of 44 percent women, and we anticipate that by the year 2000 approximately 47 percent of the work force will be women, with 61 percent of all women employed, we must take into account the very special and unique needs of this population, particularly for those who have the double role of worker and mother.

Current projections estimate that women will comprise 60 percent of the new entrants into the labor force between 1985 and the year 2000, with much of this increase coming from increased participation by women with children.

Statistics show that of the 14.6 million married women who joined the labor force between 1960 and 1984, 8 million came from families with children, with the proportion of married mothers at work growing from 28 to 61 percent, and the share of all children under 6 whose mothers are employed grew from 19 to 52 percent.

Mr. Speaker, we can no longer shut our eyes to the real concerns and needs of this population, both from an economic and human vantage point. Unfortunately, many of the policies governing the workplace which were designed during an era of male breadwinners and female homemakers continue to be practiced today. Many of these practices, lack of child care and family leave policies, inequitable retirement plans, lower pay for equal work, while improving, continue to exist in some areas, and they are simply unrealistic in today's workplace.

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Therefore, this resolution expresses the sense of the House of Representatives that employers should do all they can to reexamine women's pay scales to provide job and pay equality in the workplace, that they should reexamine their health plans, child care systems, retirement plans, affirmatiove action plans, job training programs and their parental leave policies to ensure that working women are not discriminated against.

It is very important that as we see increased numbers of working women, whether as a result of societal or economic changes, we must find ways to accommodate their families' special needs. They are a vital, contributing part of America's work force that must not be overlooked.

Mr. Speaker, I would be remiss if I, as the Subcommittee on Employment Opportunities ranking member, did not personally congratulate the gentleman from California [Mr. MARTINEZ], the chairman of our subcommittee, for introducing what I think has to be a very Republican oriented resolution, because this calls for the private sector to solve their own problems, and we want the gentleman to know that we heartily share his philosophy in this regard.

Mr. Speaker, I yield back the balance of my time.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

I will take a moment to thank my colleague, the gentleman from Wisconsin [Mr. GUNDERSON], for those kind words and also for his support of the bill.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. MARTINEZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on House Resolution 224.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MARTINEZ] that the House suspend the rules and agree to the resolution (H. Res. 224).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF THE HOUSE REGARDING HISPANICS IN THE LABOR MARKET

Mr. MARTINEZ. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 261) expressing the sense of the House of Representatives regarding Hispanics in the labor market.

The Clerk read as follows:

H. RES. 261

Whereas the Hispanic community is a growing and thriving community that makes an enormous financial, cultural, political, and employment contribution to our Nation;

Whereas by the year 2000, Hispanics will be the largest minority group in the United States;

Whereas 11 percent of Hispanic adults and 25 percent of Hispanic youths are unemployed;

Whereas Hispanics are occupationally segregated in the lowest-paying jobs;

Whereas participation in the labor force is lower and the unemployment rate is higher for Hispanics than for non-Hispanics;

Whereas more than 50 percent of all Hispanic adults are functionally illiterate;

Whereas Hispanics as a group lag behind all other groups in the number of years of school completed;

Whereas 22 percent of Hispanic women workers have completed 8 years or less of school;

Whereas Hispanic men earn only 71 cents for every dollar earned by white males and Hispanic women earn only 54 cents;

Whereas 72 percent of Hispanic female-headed households live in poverty; and

Whereas there has been a rapid growth in the number of Hispanics living in the United States, and many of the newer arrivals do not have the education needed for success in the labor market: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) it is not acceptable for one group to be at a greater disadvantage than others as they pursue the goals common to all families, which are to be educated and economically secure;

(2) Hispanic educational and employment opportunities should be improved through the combined efforts of public and private sector programs and assistance, targeted at helping Hispanics become proficient in the English language so they may participate in our mainstream economy; and

(3) Federal, State and local governments must make affirmative efforts toward hiring, recruiting, training, promoting, and rewarding more Hispanic workers.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. MARTINEZ] will be recognized for 20 minutes and the gentleman from Wisconsin [Mr. GUNDERSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution reaffirms the House's commitment to recognize that all Americans have an equal opportunity to earn a living in this country.

Those of us in Government, commerce, and branches of the service, stand as an example that Hispanic Americans have a vital stake in this country's growth and achievement. We all must recognize that Hispanic and other minorities have made a valuable contribution in the labor market. In fact, by the year 2000 it is estimated that Hispanics will be the largest minority group in the United States.

For this reason, Congress has a responsiblity to recognize that a disproportionate number of Hispanics are unemployed, and those that are employed are occupationally segregated in the lowest paying jobs. Hispanic men earn only 71 cents, and Hispanic women only 54 cents, to every dollar earned by white males. Much of this has been attributed to the fact that more than 50 percent of all Hispanic adults in the United States are functionally illiterate and as a group lag behind all other groups in the number of years completed. This problem reaffirms the need for educational assistance and the opportunity for equal employment for all Americans.

I urge my colleagues to join me in supporting this resolution which brings attention to the fact that Hispanics comprise a vital asset to America's future, the need to remove the barriers they face in education, and the labor market.

Mr. GUNDERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 261 expressing the sense of the House regarding Hispanics in the American labor force. It is an important resolution in that by the year 2000, it is estimated that the Hispanic population will be the largest minority group in the United States.

I would like to take a little bit different direction in my support for this particular resolution. I would like to point out that in order for our country to be competitive in the year 2000 and in the 21st century, we must recognize the increasing needs of the Hispanic population that will comprise the fastest growing segment of the entry-level work force. Employers are going to become ever more dependent upon Hispanic workers and other minority workers to fill entry-level jobs in the future that have traditionally been held by the white working population. However, Hispanics along with blacks and other minorities have suffered greater disadvantages than whites by almost every measure of employment, labor force participation, earnings, and education. Therefore, it is not only in the interests of the Hispanic population, but it is also in the interests of American competitiveness that we do all in our power to see that, first, Hispanics not be placed at a greater disadvantage than others as they pursue education and economic security; second, that Hispanic education and employment opportunities be improved through combined public and private sector efforts; and, third, that Federal, State, and local governments make affirmative efforts toward hiring, recruiting, training, promoting, and rewarding more Hispanic workers.

I support this resolution not because it singles out just the Hispanic community but, rather, because it is yet another part of a continuous effort to bring all minority groups into full participation of the American dream as we see and define it, and I hope it will instill in all of us a recognition of the importance of the Hispanic population and the role of this group in making America what we want it to be in the years ahead.

I commend the gentleman from California [Mr. MARTINEZ], the chairman of our subcommittee, for his introduction and support of this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. MARTINEZ. Mr. Speaker, I commend my colleague, the gentleman from Wisconsin, for his support of this resolution, and I thank him for his words.

I join in supporting him in the idea that if America is to be more competitive in the year 2000 and in the future, it needs to make sure all Americans have the advantages through education and equal opportunities in the work force.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. MARTINEZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on House Resolution 261, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MARTINEZ] that the House suspend the rules and agree to the resolution (H.R. 261).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

COUSHATTA TRIBE OF LOUISIANA JUDGMENT DISTRIBUTION ACT

Mr. GLICKMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 3617) for the relief of the Coushatta Tribe of Louisiana, as amended.

The Clerk read as follows:

H.R. 3617

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SETTLEMENT PAYMENT.

(a)(1) The Secretary of the Treasury is authorized and directed to pay to the Secretary of the Interior (hereinafter referred to as the "Secretary") for the benefit of the Coushatta Tribe of Louisiana (hereinafter referred to as the "Tribe"), out of any money in the Treasury not otherwise appropriated, the sum of $1,300,000.

(2) Such sum represents the value of a settlement reached between the Tribe and the United States in a dispute over the uncompensated taking by the United States of land owned or occupied by the Tribe or its historical predecessor-in-interest in the 19th Century.

(b) The payment of such sum shall be in full settlement of, and shall finally dispose of, all rights, claims or demands which the Tribe has asserted, or could have asserted, against the United States under the provisions of the Act of August 14, 1946 (60 Stat. 1049).

(c) Upon payment of the funds as provided in subsection (a), the Secretary shall hold, manage and invest such funds, less—

(1) the amount paid to the Tribe pursuant to section 2(b), and

(2) any amount paid as attorney fees or expenses pursuant to section 4, as tribal trust funds until disposed of as provided by section 2 of this Act.

SEC. 2. USE AND DISTRIBUTION OF FUNDS.

(a) All available funds invested by the Secretary pursuant to section 1 plus all accrued interest or income, less the amount reserved for tribal organization pursuant to section 4, shall be distributed as provided in this section.

(b)(1) The Tribe, with the assistance and approval of the Secretary, shall develop a plan for the use and distribution of the funds held by the Secretary pursuant to section 1.

(2) Upon payment by the Secretary of the Treasury of the amount provided in section 1, the Secretary shall, prior to investing such funds, immediately make available to the Tribe 3 per centum of such funds to assist the Tribe in developing such plan and shall render such other advice and assistance as the Tribe may require.

(c) Prior to approving a plan submitted pursuant to subsection (b), the Secretary shall be assured that—

(1) tribal members were reasonably consulted during the development of the plan; and

(2) the plan complies with paragraphs (3), (5), and (6) of section 3(b) of the Act of October 19, 1973 (25 U.S.C. 1403).

(d)(1) In the event that the plan provides for the per capita distribution of any portion of the funds to the members of the Tribe, such per capita payments shall be made as provided in this subsection.

(2)(A) Within one hundred and eighty days after the approval, by the Secretary, of a plan for the use and distribution of funds as provided in subsection (c), the Secretary shall prepare a roll of all persons who—

(i) were born on or prior to and living on the date of enactment of this Act,

(ii) are persons—

(I) on the roll prepared by the Tribe which is on file with the Office of the Assistant Secretary of the Interior for Indian Affairs, or

(II) who can show, by evidence satisfactory to the Secretary, that such person is at least one-fourth degree of Cousthatta Tribe of Louisiana blood, and

(iii) are not enrolled with any other Indian tribe.

(B)(i) Within thirty days after the date of the Secretarial approval of a plan, the Secretary shall publish in the Federal Register a notice of the right of persons to apply for enrollment under subparagraph (A)(I)(II) of this paragraph and shall, contemporaneously, publish such notice in an appropriate newspaper or newspapers of general circulation, including those in the parish within which the Tribe is located.

(ii) Applications submitted for enrollment pursuant to subparagraph (A)(i)(II) must be submitted within ninety days after the publication of the notice in the Federal Register as required by this subparagraph.

(C) The determination of the Secretary of the eligibility of an applicant under subparagraph (A)(i)(II) of this paragraph for enrollment under this subsection shall be final.

(3)(A) Upon final approval of the roll by the Secretary, the funds provided for per capita payments under the plan adopted pursuant to this section shall be paid in equal shares to persons on such roll.

(B) Payments made pursuant to this paragraph shall be subject to the provisions of section 7 of the Act of October 19, 1973 (25 U.S.C. 1407).

SEC. 3. ATTORNEY FEES.

Not more than 10 per centum of the payment specified in section 1(a) shall be paid to, or received by, any agent or attorney as consideration for any services rendered in connection with such payment, any contract to the contrary notwithstanding. Violation of this section shall be deemed a misdemeanor punishable by a fine of not more than $1,000.

SEC. 4. TRIBAL ORGANIZATION.

(a) The provisions of the Act of June 18, 1934 (25 U.S.C. 461 et seq.) are made applicable to the Coushatta Tribe of Louisiana and the Tribe is authorized to organize under section 16 of such Act.

(b) For the purpose of such organization, the base roll of the Tribe shall be the roll established pursuant to section 2(d) of this Act.

(c)(1) The Secretary shall reserve, for a period of three years, from the funds authorized to be distributed pursuant to section 2 an amount equal to 5 per centum of such funds.

(2) Upon notification by the Tribe of its intent to organize under this section and upon the request of the Tribe, the Secretary shall disburse to the Tribe the amount reserved pursuant to this subsection, plus any accrued interest or income, for purposes of assisting the Tribe in its organizational efforts.

(3) If the Tribe has not requested such funds for organizational purposes by the end of such three year period, the Secretary shall disburse the funds to the Tribe for such purposes as it may desire.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Kansas [Mr. Glickman] will be recognized for 20 minutes and the gentleman from Arizona [Mr. Rhodes] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kansas [Mr. Glickman].

Mr. GLICKMAN. Mr. Speaker, this bill was amended by the Committee on Interior and Insular Affairs, and I wanted to make sure that my request refers to "as amended by the Committee on Interior and Insular Affairs."

Today the House is considering the bill, H.R. 3617, for the relief of the Coushatta Tribe of Louisiana.

H.R. 3617 was introduced by Representative Hayes of Louisiana to carry out the recommendations of the report of the Chief Judge of the U.S. Claims Court and the agreement of the tribe and the United States. The bill was referred to the Committee on the Judiciary as a private bill and was reported by the committee on April 12, 1988. The bill was inappropriately categorized as a private bill rather than a public bill. Chairman Udall of the Interior and Insular Affairs Committee requested a sequential referral of H.R. 3617 until June 3, 1988.

The Interior Committee has reported an amendment in the nature of a substitute. The amendment does not change the substance of the bill reported by the Committee on the Judiciary. For these reasons the committee endorses the amendment.

Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. Huckaby].

Mr. HUCKABY. Mr. Speaker, on behalf of the Interior Committee, I am pleased to speak in support of the passage of H.R. 3617 by the gentleman from Louisiana [Mr. Hayes]. I want to commend the gentleman for his strong and understanding support of this small tribe of Indians in his district.

At the request of Chairman Udall, this bill was sequentially referred to the Interior Committee because of its jurisdiction over matters relating to Indians and Indian tribes. Our committee reported the bill with an amendment in the nature of a substitute which is now before the House.

H.R. 3617, as reported by both committees, settles the land claims of the Coushatta Tribe of Louisiana against the United States for $1,300,000 and authorizes the distribution of these funds to the tribe and its members.

The Interior substitute was developed after consultation with Mr. Frank's staff, Mr. Hayes' office, the tribal attorney, and the administration. While the Interior bill is substantially similar to the Judiciary bill, it does go into somewhat more detail with respect to the distribution of the funds and is in conformance with our committee's longstanding policy in that regard. It also ties up some loose ends and more clearly responds to certain modifications requested by the administration.

Mr. Speaker, I want to extend my appreciation and the appreciation of Chairman Udall to Mr. Frank and his staff for their cooperation and understanding during the consideration of this legislation. The bill, as amended by the Interior Committee, is supported by the administration and all other parties and I urge passage of the bill.

Mr. GLICKMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. Hayes], the author of this legislation.

Mr. HAYES of Louisiana. Mr. Speaker, I want to thank the gentleman from Kansas, even though the pronunciation was a problem, I thought since all of those parties are descended from tribes, he would have less difficulty with it.

In the course of this legislation, we have the opportunity to deal with both staff from the Committee on Interior and Insular Affairs and staff from the Committee on the Judiciary. On too infrequent an occasion, those people whose names appear on legislation, as mine does on this, forget that without a great many hours of work, by two different staffs on this occasion, the end product could not exist.

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While my colleague, the gentleman from Louisiana [Mr. Huckaby] has appropriately commented and thanked all of those with the legislative responsibility who serve in this body, I would like to amplify that by saying that those people whose names are very seldom recognized and those people whose work goes mostly unappreciated certainly hold everlasting appreciation from both my office, myself and those several hundred Indians in Allen Parish, LA, who will be most benefited by this legislation.

Finally, this is the culmination of over a decade of effort to have reimbursement by the U.S. Government for lands that were taken, that went through the appropriate judiciary process, that went through the administrative procedures and resulted in a fair and impartial judgment against the United States and in favor of the tribe of Coushatta Indians. With a great deal of patience and sometimes frustration, they have worked toward this goal and this afternoon. Thanks again for all of your help and most importantly the bipartisan effort that was undertaken to do the right thing.

Mr. RHODES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3617 and would like to take this opportunity to congratulate the gentleman from Louisiana [Mr. Hayes] for his recent status as an honorary chief of that tribe, and the gentleman from Louisiana [Mr. Huckaby] for his recent elevation to the position of honorary councilman of the tribe. I certainly would observe and hope that this honorary status does not permit those two gentlemen from Louisiana [Mr. Hayes and Mr. Huckaby] to share in the settlement we are discussing here this afternoon.

But I do rise in support of the bill.

As has already been stated here today, this legislation is the product of a congressional reference bill which has been heard by the U.S. Claims Court pursuant to a reference of that issue by this body. In accordance with the decision of the U.S. Claims Court, the Department of Justice, and the Coushatta Indians agreed upon a settlement of the claims surrounding certain properties that were taken from the tribe by the U.S. Government and the settlement is in the sum of $1.3 million. The administration supports the settlement contained in this legislation and I believe this bill represents a fair and equitable disposition of this longstanding dispute.

As has been stated, at the request of Chairman UDALL, H.R. 3617 was sequentially referred to the Interior Committee. The committee amended H.R. 3617 so that the distribution of the $1.3 million would be in accord with the general provisions of the Judgment Distribution Act. This will require the tribe to formulate a distribution plan which retains at least 20 percent for tribal programming. Additionally, the bill would establish a base roll and make the Indian Reorganization Act of 1934 available to the tribe. The administration had originally objected to H.R. 3617, however it now supports the bill as amended by the Interior Committee; and I urge my colleagues to support the bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GLICKMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Kansas [Mr. GLICKMAN] that the House suspend the rules and pass the bill, H.R. 3617, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to settle certain land claims of the Coushatta Tribe of Louisiana against the United States, to authorize the use and distribution of the settlement funds, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GLICKMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3617, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 475

Mr. GLICKMAN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponser of House Joint Resolution 475.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas,

There was no objection.

ELIGIBILITY FOR FREE LUNCHES UNDER NATIONAL SCHOOL LUNCH ACT

Mr. MARTINEZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2156) to amend the National School Lunch Act to require eligibility for free lunches to be based on the nonfarm income poverty guidelines prescribed by the Office of Management and Budget, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. GUNDERSON. Mr. Speaker, reserving the right to object, I do not object, but would ask the gentleman from California to explain the legislation before us.

Mr. MARTINEZ. Mr. Speaker, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from California.

Mr. MARTINEZ. Mr. Speaker, S. 2156 is nearly identical to H.R. 4306 which the House passed by a vote of 389 to 27 on May 10, 1988. The principal purpose of both bills is to retain July 1 as the date for determining the income guidelines for free and reduced-price meals in the school lunch program.

S. 2156 differs from the House-passed bill in two regards. First, the other body added two technical amendments affecting the WIC Program. These amendments are needed to reconcile the effects of certain regulatory changes on the States' administrative allocations with the provisions of the new commodity reform legislation enacted last year.

The second change is that the other body deleted a new WIC Demonstration Program the House adopted as part of H.R. 4306. That demonstration authority would have permitted several States to promote the purchase of farm produce by WIC recipients.

The other body deleted that amendment because Senator LEAHY and others would like to attach it to the Hunger Relief Act the Agriculture Committee is now drafting. We have checked with the sponsors of that provision in the House, principally Mr. ATKINS, and we will agree to delete that program from this bill with the understanding that it will be considered as part of the Hunger Relief Act.

We have no objection to the WIC technical amendments, and no objection to deleting the WIC produce demonstration program since we have this understanding with Senator LEAHY.

Therefore, I urge the House to accept S. 2156 and to send it to the President.

Mr. GUNDERSON. Mr. Speaker, we on this side of the aisle support the legislation before us.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FREE LUNCH PROGRAM ELIGIBILITY.

Section 9(b)(1)(A) of the National School Lunch Act (42 U.S.C. 1758(b)(1)(A)) is amended—

(1) in the second sentence, by striking out "For the school years ending June 30, 1982, and June 30, 1983, the" and inserting in lieu thereof "The"; and

(2) by striking out the third sentence.

SEC. 2. COMPUTATION OF CASH COMPENSATION TO DISTRICTS UNDER SECTION 14(g)(3) OF THE NATIONAL SCHOOL LUNCH ACT.

(a) IN GENERAL.—Section 14(g)(3)(A)) of the National School Lunch Act (42 U.S.C. 1762a(g)(3)(A)) is amended by adding at the end thereof the following new sentences: "The Secretary, in computing losses sustained by any school district under the preceding sentence, shall base such computation on the actual amount of assistance received by such school district under this Act for the school year ending June 30, 1982, including—

"(i) the value of assistance in the form of commodities provided in addition to those provided pursuant to section 6(e) of this Act; and

"(ii) the value of assistance provided in the form of either cash or commodity letters of credit.

The Secretary may provide cash compensation under this subparagraph only to eligible school districts that submit applications for such compensation not later than May 1, 1988.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 14(g)(3)(B) of the National School Lunch Act (42 U.S.C. 1762a(g)(3)(B)) is amended by striking out "$50,000" and inserting in lieu thereof "such sums as may be necessary".

(c) TIME FOR PAYMENT OF CLAIMS.—Section 14(g)(3)(A) of the National School Lunch Act (42 U.S.C. 1762a(g)(3)(A)) is amended by striking at the end thereof the following new sentence: "The Secretary shall complete action on any claim submitted under this subparagraph not later than 45 days after the date of the enactment of this sentence.".

SEC. 3. FUNDS FOR NUTRITION SERVICES AND ADMINISTRATION.

(a) CONVERSION OF FUNDS.—Section 17(h)(5) of the Child Nutrition Act of 1966 (42 U.S.C. 1786a(h)(5)) is amended by adding at the end thereof the following new subparagraphs:

"(D) Following the implementation of an approved costsaving strategy identified in subsection (h)(5)(A), a State agency may convert, in addition to funds otherwise converted to nutrition services and administration funds under subparagraphs (A), (B), and (C) of subsection (h)(5), food funds initially allocated to the State agency for program food purchases to nutrition services and administration funds. The amount of funds converted shall be limited to an amount sufficient to ensure that there is no more than a 2 percent annual decrease in the State agency's administrative grant per person if a larger decrease would otherwise result from increased program participation due to the cost-saving system of the State.

"(E) For each such State agency, the total amount of funds transferred from any fiscal year shall not exceed the amounts set forth in section 17(i)(3)(D).".

(b) Cost-Savings Systems.——Section 17(i)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(i)(3)) is amended by adding at the end thereof the following new subparagraph:

"(D) For State agencies implementing approved cost-savings strategies as identified in subsection (h)(5)(A), not more than 5 percent of the amount of funds allocated under this section to such a State agency for supplemental foods for the fiscal year in which the system is implemented, and at the discretion of the Secretary, up to 5 percent of the amount of funds allocated to such a State agency for the fiscal year following the fiscal year in which the system is implemented, may be expended by the State agency for expenses incurred under this section for supplemental foods during the succeeding fiscal year.".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MARTINEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 2156, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Glickman) to revise and extend their remarks and include extraneous material:)

Mr. Owens of New York, for 5 minutes, today.

Mr. Annuzio, for 5 minutes, today.

Mr. Owens of New York, for 5 minutes, on June 14, 15 and 16.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Gunderson) and to include extraneous matter:)

Mr. McEwen.

Mr. Mack.

Mr. Dornan of California.

Mr. Clinger.

(The following Members (at the request of Mr. Glickman) and to include extraneous matter:)

Mr. Anderson in 10 instances.

Mr. Gonzalez in 10 instances.

Mr. Brown of California in 10 instances.

Mr. Annunzio in six instances.

Mr. Jones of Tennessee in 10 instances.

Mr. Traficant in two instances.

Mr. Cardin.

Mr. Williams.

Mr. Roe.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1842. An act for the relief of Mr. Wilhelm Jahn Schlechter, Mrs. Monica Pino Schlechter, Ingrid Daniela Schlechter, and Arturo David Schlechter; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1212. An act to prevent the denial of employment opportunities by prohibiting the use of lie detectors by employers involved in or affecting interstate commerce; and

H.R. 4448. An act to designate the Cleveland, Ohio General Mail Facility and Main Office in Cleveland, OH, as the "John O. Holly Building of the United States Postal Service".

ADJOURNMENT

Mr. GLICKMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 34 minutes p.m.) the House adjourned until tomorrow, Tuesday, June 14, 1988, at 12 noon.

EXECUTIVE COMMUNICATIONS, ET CETERA

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3795. A letter from the Administrator, Environmental Protection Agency, transmitting a report on the asbestos loan and grant program for calendar years 1986 and 1987, pursuant to 20 U.S.C. 4016, 4020(7); to the Committee on Education and Labor.

3796. A letter from the Deputy Secretary of Defense, transmitting the semiannual report of the inspector general for the period October 1, 1987 through March 31, 1988, pursuant to 5 U.S.C. app. (Inspector General Act of 1978) and 5(b); to the Committee on Government Operations.

3797. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the administration's intent to sell Stinger missiles to the Federal Republic of Germany, pursuant to Public Law 100-202, section 573(d)(101 statute 1329-177); jointly, to the Committees on Foreign Affairs and Appropriations.

3798. A letter from the Assistant Secretary, Department of the Interior, transmitting a draft of proposed legislation to amend titles II, V, and VII of the Surface Mining Reclamation Act of 1977 to make the mining of coal without a permit a criminal offense, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3070. A bill to amend the Toxic Substances Control Act to require persons handling polychlorinated biphenyls to comply with the manifest and financial responsibility requirements of the Solid Waste Disposal Act and to require persons carrying out certain intermediate activities with respect to polychlorinated biphenyls to obtain approval from the Environmental Protection Agency; with amendments (Rept. 100-692). Referred to the Committee of the Whole House on the State of the Union.

Mr. YATRON: Committee on Foreign Affairs. H.R. 1417. A bill to amend the United Nations Participation Act of 1945 to carry out obligations of the United States under the U.N. Charter and other international agreements pertaining to the protection of human rights by providing a civil action for recovery from persons engaging in torture, and for other purposes; with amendments; (Rept. 100-693, Pt. 1). Ordered to be printed.

Mr. LaFALCE: Committee on Small Business. H.R. 4174. A bill to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; with amendments (Rept. 100-694). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DOWNEY of New York (for himself and Mr. Pickle):

H.R. 4795. A bill to amend the Internal Revenue Code of 1986 to make the research credit available to certain start-up ventures; to the Committee on Ways and Means.

By Mr. HERGER:

H.R. 4796. A bill to amend the Controlled Substances Act to provide a death penalty for certain drug offenses; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. TOWNS (for himself and Mr. McMillen of Maryland):

H.R. 4797. A bill to require institutions of higher education receiving Federal financial assistance to provide certain information with respect to the graduation rates of student athletes at such institutions; to the Committee on Education and Labor.

By Mr. WILLIAMS (for himself, Mr. Hawkins, Mr. Ford of Michigan Mr. Perkins, Mr. Martinez, Mr. Atkins, Mr. Jontz, Mr. Robinson, and Mr. Hayes of Illinois):

H.R. 4798. A bill to amend the Higher Education Act of 1965 to reduce the default rate on student loans under that act, and for other purposes; to the Committee on Education and Labor.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

410. By the SPEAKER: Memorial of the Legislature of the State of Michigan, relative to establishing a memorial for women of the Armed Forces who served in Vietnam; to the Committee on House Administration.

411. Also, memorial of the Legislature of the State of Hawaii, relative to the Federal Aviation Administration; to the Committee on Public Works and Transportation.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1213: Mr. McMillan of North Carolina, Mrs. Morella, Mr. Clement, and Mr. Solomon.

H.R. 1656: Ms. Pelosi.

H.R. 1721: Mr. Herger.

H.R. 1769: Ms. Pelosi and Mr. Neal.

H.R. 2454: Mr. Owens of Utah.

H.R. 2934: Mr. Lagomarsino.

H.R. 3010: Mr. Gilman.

H.R. 3182: Mrs. Bentley, Mr. Carper, Mr. Cheney, Mr. Conyers, Mr. Dreier of California, Mr. Fish, Mr. Flake, Mr. Foley, Mr. Guarini, Ms. Kaptur, Mr. Kennedy, Mr. Kildee, Mr. Levine of California, Mr. Lowery of California, Mr. Mavroules, Mr. McMillen of Maryland, Mr. Morrison of Washington, Mr. Nowak, Mr. Sabo, Mr. Schumer, Mr. Solarz, Mr. Vander Jagt, Mr. Waxman, Mr. Wolpe, Mr. Rowland of Connecticut, Mr. Mack, Mr. Hyde, Mr. Buechner, Mr. Ray, Mr. Stark, Mr. Gray of Illinois, Mr. Burton of Indiana, Mr. Mfume, Mr. Bosco, Mr. Hutto, Mr. Torricelli, Mr. Akaka, Mr. Scheuer, Mr. Gilman, Mr. Wolf, Mr. Espy, Mr. Savage, Mr. Stokes, Mr. Pickle, Mr. Sikorski, Mr. Jacobs, and Mr. Gonzalez.

H.R. 3719: Mr. Hoyer, Mr. Akaka, Mr. Harris, Mr. Robinson, Mr. Gallegly, Mr. Jones of North Carolina, Mr. Russo, and Mrs. Saiki.

H.R. 3842: Mr. Davis of Michigan.

H.R. 3883: Mr. Bonker, Mr. Hughes, and Mr. Coelho.

H.R. 4036: Mrs. Morella.

H.R. 4180: Mr. Craig.

H.R. 4279: Mr. Hawkins.

H.R. 4402: Ms. Pelosi.

H.R. 4454: Mr. Hawkins.

H.R. 4482: Mr. Dorgan of North Dakota, Mr. Lagomarsino, Mrs. Martin of Illinois, Mr. Fuster, Mr. Towns, Mr. Petri, and Mr. Lancaster.

H.R. 4546: Mr. Gray of Illinois, Mr. Clay, Mr. Owens of New York, Mr. Horton, Mr. Upton, and Mr. Roe.

H.R. 4549: Mr. Dornan of California, Mr. Oxley, Mr. Smith of Florida, and Mr. Traficant.

H.R. 4752: Mr. Tauzin and Mr. Bates.

H.J. Res. 474: Mr. Boulter, Mr. Gunderson, Mr. Lehman of California, Mr. Stratton, Mr. Weldon, Mr. Cooper, Mr. Hayes of Louisiana, Mr. McMillen of Maryland, Mr. Bartlett, Mr. Gregg, Mr. Fascell, Mr. Panetta, and Mr. Bruce.

H.J. Res. 565: Mr. Bruce, Mr. Bryant, Mr. Lancaster, Mr. Fauntroy, Mrs. Johnson of Connecticut, Mr. Bartlett, and Mrs. Meyers of Kansas.

H.J. Res. 583: Mrs. Bentley, Mr. Horton, Mr. Roe, Mr. Lagomarsino, Mr. Espy, Mr. Frost, and Mr. Quillen.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 475: Mr. Glickman.

SENATE—*Monday, June 13, 1988*

The Senate met at 12 noon, and was called to order by the Honorable Richard C. Shelby, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Blessed are the poor in spirit: for theirs is the kingdom of heaven.—Matthew 5:3.

Eternal God, infinite in wisdom, may the truth of this simple declaration taught by Jesus be allowed to penetrate and illuminate our thoughts. In our sophisticated, enlightened culture, the word seems incongruous and irrelevant. No one admires the pauper in spirit. Yet Jesus, who has been followed by millions of every race and language, tribe and nation, for 2,000 years, declares poverty of spirit to be an asset. We know "blessed" is a synonym for "happy." As hunger is made happy by food, thirst by water, weakness by strength, weariness by rest, guilt by forgiveness, so poverty in spirit is enriched by blessing or happiness. Save us, Lord, from false pride which causes us to reduce to absurdity this treasured wisdom. Help us not to allow position, power, and prestige to deceive us and deprive us of the blessing and happiness in such profound wisdom. Lead us, Living Lord, in the wise ways of Jesus in whose name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. Stennis].

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, DC, June 13, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Richard C. Shelby, a Senator from the State of Alabama, to perform the duties of the Chair.

John C. Stennis,
President pro tempore.

Mr. SHELBY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF THE LEADERS' TIME

Mr. BYRD. Mr. President, I ask unanimous consent that my time may be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I make the same request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 1 p.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. PROXMIRE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

A REMARKABLE REPORT ON SDI

Mr. PROXMIRE. Mr. President, the strategic defense initiative, SDI, report by James Bruce, Bruce MacDonald, and Ronald Tammen provides invaluable information and analysis for the Congress on the most controversial and costly research project our country faces. James Bruce works on the staff of Senator Bennett Johnston. Bruce MacDonald works with Senator Dale Bumpers, and Ron Tammen is my administrative assistant.

No matter what the feelings Congressmen have on SDI, Members will find this report a Tammen trove of factual analysis. If there is a more thorough or painstaking or revealing analysis of the SDI Program, I challenge any Member of the Congress to reveal it.

Bruce, MacDonald, and Tammen interviewed more than 120 managers, scientists, engineers, industry representatives and ballistic missile defense experts. They were briefed by the top manager of the Strategic Defense Initiative Office, SDIO, General Abrahamson. They were also briefed by the SDI's top program managers in charge of directed energy weapons, kinetic energy weapons, sensors, SDI systems, survivability lethality, and key technologies and battle management, command, control and communications.

That is not all. They visited all of the important SDI facilities including the Los Alamos National Lab, the Sandia National Lab, the Lawrence Livermore National Lab, the U.S. Air Force Space Division at Los Angeles, the Lockheed Missile & Space Corp. at Sunnyvale, the Martin Marietta Corp. at Denver, TRW and Rockwell at Los Angeles and Hughes Aircraft at El Segundo. Bruce, MacDonald, and Tammen were also briefed by the Central Intelligence Agency, the Defense Intelligence Agency, the Navy, the Air Force, the Congressional Research Service and the Stanford Center for International Security and Arms Control.

They have prepared a 107-page report that is certainly the most thorough and comprehensive study of a research project that this Senator has seen in the more than 30 years I have served in the Senate.

Most of the information on which this analysis is based came from experts who are directly working on the strategic defense initiative. These experts are, in fact, on the SDI payroll. The Bruce, Tammen, MacDonald study is based overwhelmingly on the data and interpretation of the data supplied by the top SDI professionals who have worked on it in most cases for several years.

Mr. President, this report is very critical of SDI. The Bruce, Tammen, MacDonald report has been met with emphatic denunciation by the champions of SDI, as might be expected of any criticism of the strategic defense initiative and especially of criticism that is based on such meticulous study and therefore carries such credibility.

Every Member of the Congress has had to decide over the past 4 or 5 years how many billions of dollars he will support each year for the research for this program. Since President Reagan announced his proposal for a defense against Soviet intercontinental ballistic missiles in 1983, the Congress has provided $13 billion for SDI.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

If the Congress follows through with this program as the President has described it, the cost according to the study will rise to more than $170 billion by the end of the next decade. A second phase that would end 15 years later is expected by the study to cost an additional $540 billion. Obviously, with excessive Federal Government spending our most serious problem, Congress must decide: "Is SDI on this hundreds of billions of dollars scale really worth it?"

Keep in mind that while the expenditure in dollars is the most visible cost of SDI the diversion of a hundred thousand or more scientists, engineers, and top technicians from other fields of American scientific research, including other military research is also a cost and a very big one. The scientific research forgone for our other military research needs and for our economy in order to move SDI ahead is sure to be very great if the Congress decides to move sled-length ahead. In fact, already in the relatively embryonic present stage of SDI, the study tells us that they found "a team of engineers, scientists, and strategic planners unexcelled in breadth and depth of expertise. For sheer magnitude of effort SDI dwarfs any other scientific research and development program in history." The study is talking about a $4 billion a year present project. What happens when it swells to a $15 billion or $20 billion a year operation?

And what do we get for this enormous expenditure of our country's scientific genius and the taxpayers' tens of billions? Consider these finds of the report:

First. Phase I is the first roughly 10-year project largely designed to protect the American nuclear deterrent. The study finds: "Phase I will be obsolete the day it is deployed. The likely Soviet use of innovative tactics, offensive proliferation, and other active and passive countermeasures will reduce phase I effectiveness dramatically."

Second. The START agreement now being negotiated would reduce the Soviet ballistic missile threat substantially more than phase I.

Third. Phase I would be "unlikely to meet the legal tests of being cost effective at the margin and survivable."

Fourth. Phase II is the second half of the SDI objective. Unlike phase I which is based on space based kinetic kill vehicles, phase II would rely on directed energy weapons such as lasers and particle beams. These are, indeed, the weapons of the future. But they are the very weapons that a highly respected panel of military and scientific experts a few months ago called many, many years away from achievement. In fact, the scientific panel found that these weapons varied from requiring an improvement of a hundredfold to an improvement of a millionfold before they would be effective. The panel also found some of the proposed directed energy weapons "not in accordance with generally accepted scientific principles." In 1986 a survey conducted by Cornell University asked every member of the National Academy of Science who was a physicist, an engineer, or a mathematician how they would judge the prospects that SDI would provide an effective defense of our country in the next 25 years. By an overwhelming 20-to-1 vote these scientists representing the country's most celebrated experts found such prospects as varying from "poor" to "very poor."

Mr. President, I ask unanimous consent that articles on SDI in the Milwaukee Journal and the Boston Globe headlines: "Star Wars, First Phase Won't Work, Study Says" and "Senate Study Contributes to Avalanche of Doubts on SDI," be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Milwaukee Journal, June 12, 1988]

STAR WARS FIRST PHASE WON'T WORK, STUDY SAYS

(By Frank A. Aukofer)

WASHINGTON, D.C.—The first phase of President Reagan's proposed missile-defense system cannot be deployed until 1998, and even then it will be obsolete because more than four out of five nuclear warheads from the Soviet Union would be able to penetrate it, a new US Senate report concluded Saturday.

The report also estimates that the first phase of the Strategic Defense Initiative, or "Star Wars" as it is popularly known, will cost the taxpayers $171 billion. A second-generation defense shield, it said, would carry a price tag of at least another $541 billion, for a total of nearly three-quarters of a trillion dollars.

"The SDI program is embarked on a schedule it cannot achieve, with assumptions of funding that will not be forthcoming," the report says. "When coupled with significant underestimates of Soviet responses, this is a prescription for financial and military disaster, unless Congress or the next administration takes remedial action."

The 110-page report was prepared by staff aides to three Democratic senators, including William Proxmire of Wisconsin. It is the most up-to-date assessment of the 5-year-old SDI program.

The authors, all of whom have top security clearances, had virtually unlimited access to Star Wars officials and contractors.

The authors are Proxmire's chief of staff, Ronald I. Tammen, a former missile and space analyst with the CIA who has co-authored two previous Star Wars reports; James T. Bruce III, senior counsel to the Senate Energy and Natural Resources Committee, which is chaired by Sen. J. Bennett Johnston (D-La.); and Bruce W. MacDonald, legislative assistant for defense and foreign policy to Sen. Dale Bumpers (D-Ark.).

During the first three months of this year, the three authors visited nine SDI laboratories and research facilities and interviewed or received briefings from more than 120 SDI managers, scientists, engineers, industry representatives and ballistic missile defense experts. They also were briefed by the SDI director, Lt. Gen. James Abrahamson, as well as managers in charge of all the major Star Wars programs.

In a five-page response to the report, the Strategic Defense Initiative Organization (SDIO), which runs the program, said the new report "contains more misleading assertions than facts."

The SDIO said cost estimates for the first phase ranged from $75 billion to $150 billion, not $171 billion as the report said. However, Tammen said the report included operations and maintenace costs, which the SDIO did not.

Proxmire said the report had great credibility because it used only the facts and figures presented by SDI officials themselves.

He said he spoke to Abrahamson about a week ago and that the general told him the report was unfair and he was quite concerned about it. "I think that kind of reaction indicates it really hit home," Proxmire said.

The published report, which has substantial numbers of blank spaces because of Defense Department deletions of classified materials, focuses on the first phase of Star Wars, in which interceptors would be deployed in space to knock down Soviet nuclear missiles before they re-entered the atmosphere to strike targets in the US. These interceptors, so-called kinetic kill missiles, would not carry nuclear warheads.

About a year ago, then-Defense Secretary Caspar Weinberger and other administration officials spoke optimistically of "early deployment" of the first phase, perhaps by the early or mid-1990s.

But the report said that both contractors and SDI officials had privately reported that early deployment had stalled, quoting them as saying they were no longer pursuing it.

The report said the authors believed the phase one defense shield could not be deployed until 1998 at the earliest, with full operational capability three years later.

Even so, the report says, "Phase one will be obsolete the day it is deployed in our opinion. The likely Soviet use of innovative tactics, offensive proliferation and other active and passive countermeasures will reduce phase one effectiveness dramatically."

Pentagon censors deleted the number of Soviet missiles the phase one interceptors would be likely to knock down, but left intact a statement that the current estimate predicted them to be even less effective than an estimate last year.

At that time, a report by aides to Proxmire and Johnston estimated that no more than 16% of the Soviet nuclear missiles could be stopped by the phase one defenses. That means that under the current estimate, more than 84% of the Soviet missiles—more than four out of five—could be expected to get through.

"That's extraordinarily significant," Proxmire said, 'because it means it's worthless. To be effective it would have to intercept more than 99%. We are told that if 1% of the Soviet strategic warheads get through, we would have between 35 million and 50 million dead Americans."

In its official response, the SDIO challenged the report's statement that phase one defenses would stop fewer than 16% of Soviet missiles. Though it said the level was classified, the SDIO said it was "considerably greater than 16%."

The report says that, at best phase one would provide limited protection for some military targets, but virtually no direct protection for the American population in a nuclear war.

That lends credence to a Washington Post story in March that said the Pentagon was sharply scaling back its SDI effort, setting on an immediate goal of protecting only vital military installations, because of technology and money problems.

"The once grand dream of a world protected by defensive weapons has evaporated in the sunlight of technological reality," the new report concludes. "Ridding the world of the threat of nuclear weapons is now a fading vision."

The report says that because of the high leakage rates in even the most optimistic assessments of the phase one defenses, SDI officials are pushing hard to incorporate a spacebased chemical laser into the program as soon as possible.

It reveals that a space-based laser called Zenith Star is the major forms of a reallocation of funds that will cause all other lesser and particle-beams programs to be delayed by one year. A single test of Zenith Star, the report says is already scheduled and will cost $1 billion to $1.5 billion.

The report also says that even with congressional cuts of the Reagan administration's requests, Star Wars funding has increased each year, and has provided 92% of the $14.3 billion in funding originally estimated as adequate for that time period.

Yet even with $13.1 billion spent in the first five years the report says that unless Congress is prepared to substantially increase SDI funding every year, there will not be enough money to carry out a phase case research program while simultaneously funding an energetic effort for promising new technologies.

The SDIO challenged the assertion that Congress had provided 92% of the funds originally estimated as required for SDI. It said the total was closer to 65%. But Tammen said the SDIO used figures for the first six years, while the report used a five-year figure.

The SDIO did not challenge the report's conclusion that phase one deployment could not take place before 1998. But it blamed the delay on congressional budget cuts.

[From the Milwaukee Journal, June 12, 1988]

REPORT CRITICAL OF SDI OFFICIALS

(By Richard Foster)

WASHINGTON, D.C.—Officials of the Strategic Defense Initiative have ignored fundamental arms-control issues raised by the missile-defense program, according to the staff report prepared for Wisconsin Sen. William Proxmire and two of his Democratic colleagues.

When he announced his intention to develop an anti-missile shield in March 1983, President Reagan said he hoped it would render US and Soviet nuclear weapons "impotent and obsolete." And in a report to Congress last January, the SDI Organization said it hoped the prospect of a US missile defense would "induce the soviets to agree to deep reductions in offensive nuclear missiles."

But the report for Proxmire says the SDI program has instead been "a stumbling block to progress" on the US-Soviet strategic-arms reduction talks.

The possibility that SDI will escalate, not ease, the arms race has been ignored, said the three authors of the report, James Bruce, Bruce MacDonald and Ronald Tammen. Indeed, "the administration has dodged the question repeatedly," they charged.

The suggestion that the deployment of US missiles defenses might be met with corresponding missile defenses by Moscow—a suggestion made by SDI leaders—"ignores the history of the arms race," said the authors.

Instead, they raised "the possibility that the Soviets might respond to SDI by substantially increasing the number of their offensive warheads," noting that the US increased its missile deployment several years ago when the Soviets beefed up a rudimentary defense against US bomber attack around Tallinn, the capital of Estonia.

The authors conclude, "Unless there is a fundamental change in the national security objectives of both sides, deploying SDI would restore a dangerously destabilizing dimension to the arms race that would stimulate offensive reponses that would not be needed in the absence of SDI."

Some arms-control specialists also charge that development, testing and deployment of SDI violate the 1972 Anti-Ballistic Missile Treaty. The administration asserts that the proper interpretation of the treaty would allow SDI to proceed, but Congress has been unwilling to accept that interpretation.

OTHER REPORTS WERE CRITICAL

[From the Journal Washington Bureau]

The new report on the Strategic Defense Initiative prepared for Sen. William Proxmire and two other Senate Democrats is only the most recent of several reports harshly critical of SDI, popularly known as "Star Wars." Among the others:

Just last week, the congressional Office of Technology Assessment said deployment of SDI in the mid-1990s would commit the US to a costly struggle for control of space with little assurance of technical or military victory over the Kremlin.

The most authoritative independent assessment of "Star Wars" was made in April 1987 by the American Physical Society, the nation's premier society of physicists. The society said so many technical breakthroughs were required to develop space-based weapons that it would take a decade or more of research just to see whether the job could be done.

And last August, Proxmire released a report by the Congressional Research Service that SDI would be so expensive that it threatened to bankrupt the Pentagon.

[From the Baltimore Sun, June 12, 1988]

LACK OF ROCKETS WILL DELAY SDI, NEW STUDY FINDS

WASHINGTON.—The first deployment of "star wars" anti-missile defenses in space cannot occur before 1998 at the earliest because of a lack of heavy-duty rockets to put weapons into orbit, says a congressional staff study published yesterday.

That would mean that the earliest operational date for a preliminary shield against Soviet nuclear missiles would give the Soviet Union additional time to develop countermeasures, the study said.

The study, written by aides to three senators who oppose the Reagan administration's policy of fielding a limited anti-missile defense as soon as possible, was based on interviews with officials from the Strategic Defense Initiative, as the "star wars" program is officially known. The Pentagon has said that it wants to decide in the mid-1990s whether to deploy the first phase of SDI, but that budget cuts will mean delays in making the decision.

Earlier this week, in a report on SDI, the congressional Office of Technology Assessment reached a similar conclusion to the senators' aides about launching components for a missile shield.

"A limited-effectiveness, Phase 1 ballistic missile defense system begun in the mid-1990s could not be fully deployed in fewer than eight years," on the basis of launching considerations alone, the technology office concluded.

The two reports were published as Congress is considering financing levels for SDI, and as a top-level Pentagon committee, the Defense Resources Board, is about to review proposals for restructuring the program in ways that might delay the deployment of weapons in space.

While the Pentagon criticized the Senate staff study, saying it "contains more misleading assertions than facts," its criticisms were directed at other conclusions of the report, not at the argument that the lack of launching systems will cause delays.

The new study contends that the initial set of defenses will block less than 16 percent of Soviet warheads from penetrating to their targets, and that the costs of the initial system, including expenses for its operation, will be as high as $171 billion.

The Pentagon says it might have to launch 2 million to 5 million pounds of material into space for the first phase.

[From the Boston Globe, June 12, 1988]

SENATE STUDY CONTRIBUTES TO AVALANCHE OF DOUBTS ON SDI

(By Fred Kaplan)

WASHINGTON.—After five years and $13 billion, President Reagan's Strategic Defense Initiative, widely known as "star wars," finds itself beseiged as never before.

An avalanche of scientific panels and studies, including one released just today, conclude that the SDI program faces near-insuperable technical and financial difficulties and that even if an antimissile system could be built and launched into space, the Soviets could muster much simpler ways to destroy or maneuver around its barriers.

Nevertheless, the program, at least for now, is very much alive. Congress continues to grant it handsome awards—probably around $4 billion for next year. This is not as much as the administration would like, but is more than it got last year.

And even though most Democrats and a few Republicans criticize SDI—and, in some cases, privately say the notion is dubious, to say the least—almost nobody publicly advocated doing away with it.

Today's study, a staff report for Democratic Sens. Bennett Johnston of Florida, Dale Bumpers of Arkansas and William Proxmire of Wisconsin—three leading congressional SDI skeptics—calls the program a "financial and military disaster."

Based on classified briefings and interviews with 120 scientists and technicians involved in SDI, the report finds the program "in trouble, built on shifting sands. . . . The once-clear vision of its purpose has been clouded, even distorted, by new missions and roles," and it is "embarked on a schedule it cannot achieve, with assumptions of funding that will not be forthcoming."

Reagan established the SDI program in March 1983, with a televised address that called upon the nation's scientists to devise new technologies that could render nuclear weapons "impotent and obsolete."

Once he declared SDI a high priority program, any inclination toward debate within the administration was smothered, several officials say. The question became not whether the program should commence, but how.

Since then, Congress has approved $13 billion for the effort. When translated into today's dollars, this matches the amount spent from 1942 to 1946 by the Manhattan Project, the supersecret enterprise that built the atomic bomb during World War II.

The Senate staff report concludes that the SDI project is led by "a team of engineers, scientists and strategic planners unexcelled in breadth and depth of expertise. . . . For sheer magnitude of effort, SDI dwarfs any other scientific research and development progam in history."

Yet according to this and other reports, there are serious, perhaps fatal problems down the line:

The Soviets could develop relatively simple ways to deceive or destroy any space-based antimissile system.

The problem is the extreme vulnerability of a small number of satellites carrying the sensors—the eyes and ears—of an SDI system. A study released this week by the Office of Technology Assessment, the scientific arm of Congress, concludes that a Soviet antisatellite weapons could easily destroy these crucial and concentrated targets.

The Senate staff study quotes an SDI scientist who calculates that only two Soviet satellites could electronically jam all SDI communications for five minutes, rendering the entire system "completely worthless."

Several studies over recent years have outlined other ways the Soviets might defeat an SDI system, among them: launching decoys that look like warheads and warheads that look like decoys, shooting out chaff that confuses radar, using new fuels that burn up more quickly, thereby giving an SDI system less time to track, and shooting at missiles as they ascend into outer space.

The reports by the Office of Technology Assessment and the Senate staffers both say it is "disturbing" that the Pentagon's SDI office has spent so little time and money on research into these countermeasures, especially since other studies have emphasized the need to assure that an SDI system could survive an attack on itself.

President Reagan has theorized—and SDI analysts usually assume—that once presented with a US space-based missile defense, the Soviets will agree to substantial reductions in their own offensive nuclear arsenal.

The Senate staff report says the SDI office "seems to ignore the possibility that the Soviets might respond by escalating the arms race" instead.

As an example, the report notes that when the Soviets spent enormous amounts of money improving their antiaircraft systems, the United States responded not by giving up on its bomber program but rather by improving it with cruise missiles, electronic jammers, new flying tactics, radar-absorbing stealth technology and so forth. The Soviets would probably engage in the same sorts of improvements in their missiles if faced with a US antimissile system, the study states.

The SDI program seems preoccupied with technical demonstrations of gadgetry, almost to the exclusion of questions involving strategy, according to critics.

The Senate report notes that a Pentagon review panel recently asked which situation would make the United States more secure: one in which both superpowers had an SDI system or one in which neither did. "The panel discovered that no satisfactory analysis has even been conducted on the issue," the staff report says. Just three months ago, when the staffers asked SDI officials whether such an analysis was under way, the officials responded that they were "just in the process of kicking off a study on that now."

Financial and technical shortfalls and uncertainties have delayed the program significantly, with the result that by the time SDI might be ready to go, the Soviets would already have the tools to defeat it.

The Senate staff study says the first phase of an SDI system, which might be deployed by the late 1990s at the earliest, "will be obsolete the day it is deployed."

Part of this delay is due to serious shortages of rocket-launchers and rocket fuel, especially since the space shuttle folded shop, at least temporarily, after the disastrous explosion of the Challenger.

Even in 1985, before the Challenger incident, the United States launched 350,000 pounds of payload into orbit. For a full-scale SDI system, the Pentagon envisions a need to launch 5 million pounds into orbit each year.

Cost estimates, even for "limited" versions of an SDI system, are "spiraling upward at a dizzying rate," in the words of the Senate staff report.

In March 1987, Lt. Gen. James Abrahamson, the SDI director, estimated that a "Phase 1" system would cost $40 billion to $60 billion. Six months later, this rose to $70 billion to $100 billion. By February 1988, the figure had reached $75 billion to $150 billion.

Even this figure does not include the $28 billion needed for further research into more advanced SDI programs, nor does it include the $2 billion to $4.2 billion a year for the Phase 1 system's operations and maintenance, according to the Senate study.

Still, few in Congress, even those who are aware of these shortcomings, want to kill the program outright, or even lower its budget below $3.5 billion or so.

The reason is the politics of arms control. President Reagan has said many times, and few have challenged him, that SDI is what brought the Soviets back to the bargaining table in Geneva, and it is what keeps them there. He has said the Intermediate Range Nuclear Forces Treaty, signed in December and ratified late last month, would never have been reached without SDI.

This is what lures many of even the most diehard SDI skeptics from the temptation simply to savage the program. Partly, they believe Reagan might be right. Partly they do not want to be blamed for wrecking the arms talks if a treaty never emerges.

Even Sen. John Kerry, one of the prominent critics of the program, thinks this argument is probably valid. "SDI is a great bargaining chip, and I've always thought so," Kerry said. "The problem is that this President shows no inclination to bargaining it away."

THE MULTIBILLION-DOLLAR S&L BAILOUT CONFRONTING CONGRESS

Mr. PROXMIRE. Mr. President, Nathaniel Nash has written an excellent analysis in the New York Times of Sunday, June 12, of the multibillion-dollar disaster that is happening in the savings and loan industry. That disaster could force the Congress to provide a bailout that experts have told our Banking Committee could range from $20 billion to $70 billion, and it is growing.

Mr. Nash discusses in detail how the Congress, the industry, and the regulators pushed us into this mess. The article is a must reading for Members of this body who would help us get out of it. I ask unanimous consent that the Nash article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, June 12, 1988]

The Industry Owes Its Troubles to Congress Regulators—and Itself

(By Nathaniel C. Nash)

Washington.—However you look at them, the numbers are staggering. Last week, the Federal Home Loan Bank Board said it would pay $1.35 billion to liquidate two California savings and loan associations that had gone bankrupt, producing the most expensive liquidations on record. It will devour more than 40 percent of the cash on hand at the Government's deposit insurance fund, whose paper losses already total almost $14 billion according to the General Accounting Office.

The bleeding does not stop there.

Almost one-third of the nation's 3,120 savings and loan institutions lost money last year—a staggering total of $13.4 billion—and analysts expect losses to be just as big this year. More than 500 savings and loans are bankrupt and another 300 to 500 are nearly insolvent. In all, experts estimate that it will cost anywhere from $20 billion to $70 billion—and maybe more—to shut institutions that have already been found insolvent and to cover their losses.

This is shaping up to be the biggest financial disaster of the post-war era. It is a crisis that could produce the largest Government bailout in history and the possibility that the thrift industry, born in the Depression to bolster home ownership, will not survive the turbulent, deregulated 1980's as an independent industry.

As the scope of the disaster becomes increasingly clear, so does a picture of how the situation managed to get so out of control.

Fingers point in different directions, and many take aim straight at the depressed Texas economy, whose plummeting oil prices brought down the real estate industry to which savings and loans had lent heavily. But there was not just one culprit, nor a single big mistake. Rather, from the late 1970's on, there was a confluence of error and ineptitude, at times compounded by fraud. Congress, regulators and the industry, all failed. Together, they produced a maelstrom of legislation, regulatory measures and lending practices that were too lenient, shortsighted, poorly conceived, politically compromised or inadequate.

"There's an awful lot of blame to go around," said M. Danny Wall, chairman of the Federal Home Loan Bank Board.

"No one can really escape culpability here," said R. Dan Brumbaugh Jr., a former economist at the Bank Board. "Just about everything has gone wrong that could go wrong."

Federal legislators, who frequently bowed to political pressure from an industry known for its powerful grass-roots lobbying, have come under fire for deregulating the thrift industry piecemeal and granting too much leeway in accounting practices. The Bank Board, the industry's primary regulator, is criticized for being too close to the thrift units it regulated, and for responding with inadequate resources and ill-trained examiners when the situation began to unravel.

And the industry, for its part, was unable to cope with the high interest rates that sprang from the late 1970's and spurred deregulation. Many executives lacked expertise to compete in the new world of finance. More troubling were the aggressive entrepreneurs, wheeler-dealers and gamblers who saw an opportunity to make a bundle at the expense of the Federal Government.

Now, in sorting through the rubble, several questions emerge. One is the scope of the problem; how many billions of dollars will be needed to resolve it depends partly on how much the government can salvage from real estate loans gone bad. Another is whether the policies pursued by the Federal Home Loan Bank Board will be enough to halt the industry's deterioration. But what worries people most is this: In the last five and a half years, despite troubles in Texas, the United States economy has experienced a record economic boom. If the thrift industry bleeds profusely in good times, what will happen in the bad—when, say, interest rates spike up or the next recession hits?

"Over the next two or three years, the industry is going to face either a high-interest-rate problem or another credit problem brought on by a recession, and it could face them both in sequence," said Henry J. Gailliot, chief economist for the Federated Research Corporation, a mutual fund investment company in Pittsburgh.

HOW CONGRESS FAILED

Senator William Proxmire minces no words when he speaks of how Congress handled industry problems in the last 10 years.

"Repeatedly, Congress moved too late or failed to produce legislation" to halt the industry's demise, said the Wisconsin Democrat who is chairman of the Senate Banking Committee. "We created a whole new ball game in 1980," he said, referring to Congressional deregulation of interest rates. But, he added, the Federal Government was unwilling "to appropriate funds to adequately police the new systems."

Although some candid lawmakers, blame themselves for insufficient action in the late 1970's and 80's, some analysts believe the roots of the crisis lie deep in the structure of the industry, established by Congress in 1932. The savings and loans—or building and loans, as others were called—were intended to take short-term deposits and use them to make 15-, 20- and 30-year mortgages.

"The whole thrift financial structure was fundamentally flawed from the beginning," said Bert Ely, a banking and thrift consultant based in Alexandria, Va. "It is borrowing short to lend long. Sooner or later you are going to have a disaster."

While interest rates held steady over the next few decades, the system worked. Congress had established an interest-rate ceiling for deposits and the business developed essentially risk-free. But when the Federal Reserve Board, to tame inflation, dramatically pushed up interest rates in the late 1970's and early 1980's, the system's fatal flaw was revealed: savings and loans were forced to pay more for deposits than their mortgage portfolios were yielding.

The interest-rate ceiling that had long provided the industry with handsome profits began to suffocate it. Depositors, knowing that they could earn higher rates from money-market mutual funds, began massive withdrawals of their money. To finance that, the industry began selling assets at a loss. The result: Almost 500 institutions failed between 1980 and 1983, and the underlying net worth—the capital cushion used in times of stress to absorb losses—plummeted from $32.4 billion in 1980 to $20.3 billion by 1982.

As losses mounted, Congress was urged to rescue the system it had created. But the steps it took had the unanticipated effect of making matters worse.

"I don't think that most of us really understood just how serious the problem was," said Senator Jake Garn, Republican of Utah. "When we began to realize how big it was, we did not have the resources to handle it."

First, in 1980, Congress deregulated interest rates that depository institutions could pay on deposits. It also allowed the industry to offer adjustable-rate mortgages to help protect itself from interest-rate fluctuations. Then, in 1982, Congress passed the Depository Institutions Act, permitting the industry to enter new businesses, such as commercial loans like those from banks. The idea was to let the industry to diversify its asset portfolio and to shore up its finances.

Deregulation was not confined to Washington. Several states—particularly Florida, Texas and California, trying to protect the interests of their state-chartered savings and loans—passed their own, even more sweeping, deregulatory provisions. Those measures essentially enabled institutions to engage in any lending practice they wanted.

The new powers allowed institutions with skilled managers to benefit. But Congress and the state legislatures failed to take into account the existence of more than 1,000 severely weakened institutions. With diminishing resources, they began commiting funds to new, risky ventures: horse and fish farms, racetracks and building projects that made no economic sense. Many of these projects carried no proper documentation and had no valid appraisals. And state regulators proved particularly lax in supervising such transactions.

"Texas and California had laws that said you could do anything you want with essentially no supervision," said Richard Pratt, then chairman of the Federal Home Loan Bank Board and now chairman of Merrill Lynch Mortgage Assets Inc. "And the results are obvious. I know of only two or three Federally chartered institutions that are in trouble; 95 percent are all state-charters."

A disaster was in the works because the industry's deposits were insured by the full faith and credit of the United States Government. In 1960, when Congress deregulated interest rates, it increased deposit insurance for thrift institutions, banks and credit unions to $100,000 per account, from $40,000. but the mechanism, intended to protect depositors, enabled thrift executives to attract funds, even while they took big risks with large amounts of money. If they lost, the Government would pay the tab.

Congress then made matters worse by inaction, Senator Proxmire said. It ignored pleas from some regulators to come down hard on thrift units in California and Texas, which were taking particularly large risks.

In 1984, it failed to support the Bank Board and the Federal Deposit Insurance Corporation in attempting to stop money brokers from placing large sums of insured deposits at risk-taking thrifts and banks. It initially opposed a Bank Board bid to limit savings and loans from placing more than 10 percent of their assets in risky real estates ventures.

In general, Congress failed to support policies—other than those that provided regulatory leniency, or forbearance—for an industry taking greater and greater lending risks at the Government's expenses.

"The theory of forbearance is all right," Mr. Proxmire said. "But it allowed poorly managed institutions to dig themselves into deeper difficulty at an ultimately higher cost to the Government."

Congress's continued insistence on forbearance is developing into an ethical issue that Republicans are raising in the Presidential campaign. The Democratic Speaker of the House, Jim Wright, is under fire for trying to intervene with Bank Board enforcement actions against two insolvent Texas thrifts, whose owners were later charged with lending irregularities and fraud. In an almost unprecedented action, he called Edwin J. Gray, the Bank Board chairman, to get him to reconsider legal actions taken against the institutions.

Other Congressional actions are under scrutiny, too. Last year, Congress was still pushing policies aimed at keeping sick thrifts open. Senator Garn noted that it took Congress almost two years to approve legislation to permit the F.S.L.I.C. to borrow up to $10.8 billion over the next three years to close down thrifts, at a time when losses were mounting. "Quicker action would not have totally solved the problem, but would have made it less," he said.

LENIENT REGULATORS

While Congress carries its share of responsibility for the industry's crisis, experts place almost equal blame on Federal and state regulators who were overwhelmed by the disaster and did not move fast enough to contain it.

As the Bank Board tried, in the 1980's, to give sick institutions enough time to recover, it approved new regulations that most experts, in hindsight, call accounting gimmickry. Those measures hid real losses, delayed big write-downs on bad loans and permitted thrift institutions to lend at levels that far exceeded prudent lending practices.

"In retrospect, the relaxation of controls caused, or at least facilitated, the current crisis," stated R. Dan Brumbaugh Jr., a former economist at the Bank Board, and Andrew S. Carron, an analyst for the First Boston Corporation, in a report for the Brookings Institution last year.

"In retrospect, the relaxation of controls caused, or at least facilitated, the current crisis," stated R. Dan Brumbaugh Jr., a former economist at the Bank Board, and Andrew S. Carron, an analyst for the First Boston Corporation, in a report for the Brookings Institution last year.

In 1980, for example, the Bank Board lowered the minimum capital requirements for thrifts to 4 percent of total assets, from 5 percent. Then in 1982, they were lowered again, to 3 percent. This was done to permit savings and loans to operate in a time of stress without disciplinary intervention, but lower capital ratios permitted institutions to lend at riskier levels. Instead of having a safety cushion of capital equal to $1 for every $20 of loans, they could make $33 in loans for every dollar in capital.

But the Bank Board then decided that was not enough to keep weakened institutions above water until a general economic recovery. Starting in 1982, it began liberalizing the industry's accounting rules, among other things permitting savings and loans to delay, sometimes for years, the reporting of losses from bad loans, and enabling them to overstate the value of their assets.

The rationale, once again, was to enable scores of savings and loans, at least on paper, to keep their net worths up so that the Bank Board would not have to shut them down.

But as Mr. Brumbaugh noted in his most recent book, "Thrifts Under Seige," the accounting techniques merely papered over weaknesses in the real market value of the industry.

Finally, the Bank Board refused to halt the most egregious accounting practice of all, a system by which an institution's minimum capital requirement could be calculated as 3 percent of the five-year average of its assets. This had been a common practice during the 1950's and 60's, when the growth of thrift institutions was incremental. But by the 1980's, as asset growth exploded, five-year averaging meant that an institution could maintain capital levels at only a fraction of the 3 percent minimum.

Eric I. Hemel, former chief economist for the Bank Board and now an analyst at First Boston, said the five-year average permitted savings and loans to leverage their capital at a 150-to-1 rate. He also said longstanding practices allowed savings and loans to record large origination fees when they made risky loans and show very healthy profits, despite having almost no net worth.

"Of the 25 thrifts showing the largest accounting profits in 1984, a majority were bankrupt by 1987," Mr. Hemel said.

Once the industry discovered the magic of growth in the early 1980's, it solicited high-priced deposits, and then poured them into the booming Texas economy. The American Diversified Savings Bank of Costa Mesa, Calif., which was shut down last week by the Bank Board, was a prime example. Begun in June 1983 by Ranbir S. Sahni, a former Indian Air Force and commercial pilot, the institution grew to $1 billion in two years, investing depositor funds in such high-risk ventures as wind-mill farms, ethnol plants, restaurants and a venture that collected manure for a cogeneration plant in Chino, Calif.

Almost no one argues that the Federal and state regulators failed in duties to oversee the industry's explosive and permissive growth. Morever, regulators failed to recognize a crucial lesson about deregulation: When an industry is permitted new powers and less Government control over its activities, the Government must step up its policing mechanism.

Facing explosive growth in lending, thrift examiners—from the Bank Board and the state agencies—were underpaid and undertrained; there were underpaid and undertrained; there were also not enough of them. The annual starting pay of Bank Board examiners in the early 1980's averaged about $14,000. And Reagan Administration budget cuts trimmed the staff just when the Bank Board needed skilled personnel the most.

"When the Bank Board went to the Office of Management and Budget for additional personnel, or to the Office of Personnel Management for permission to increase salary scales, they ran into strenuous opposition," said William B. O'Connell, president of the United States League of Savings Institutions, the industry's largest trade group.

By 1984, the Bank Board began to realize how large the problem was. But by then, the assets of the Federal Savings and Loan Insurance Corporation, used to shut thrifts and pay depositors, had began to dwindle to finance the closures of almost 500 institutions in the previous five years.

Beginning in 1985, the Bank Board—finally recognizing that leniency would only deepen the problem—began trying to institute regulatory changes to reverse the loose accounting measures and to restore credibility to the industry's balance sheets. It approved regulations that limited the amount of direct investment that savings and loans could make in building projects; limited the amount that they could grow each year; phased in increases in minimum capital requirements to 6 percent, and phased out regulatory accounting principles and ushered in a return to generally accepted accounting practices.

But many argue that the measures were too few—and too late. Failure. to recognize the problems sooner meant the insolvent insitutions were piling losses higher.

"The losses in Texas are averaging $500 million a month, and they get bigger with time until you finally do something about it," said William K. Black, senior associate general counsel at the Federal Home Loan Bank of San Francisco. "That is the magic of compound interest, and the blood letting will continue. You get very scary numbers."

THE INDUSTRY'S ROLE

In Jimmy Stewart's movie, It's a Wonderful Life," the local building and loan society brought joy and prosperity to the middle-class town of Bedford Falls. Residents were prudent savers, homes were built—and the ending couldn't have been happier.

Hollywood would be hard-pressed to make such a movie today. Instead it would have to show a crippled industry whose members include thrift owners wooing members of Congress, building huge, high-risk projects and, not infrequently, engaging in kickbacks, land-flips and other fraudulent acts.

Unlike bankers, executives in the thrift industry are permitted to run their institutions as funding operations for their personal businesses and investments. Banking regulators place severe restrictions on the extent that a bank can lend to its executives. But such stringent rules have not traditionally existed for savings and loan associations.

In the case of the North American Savings and Loan Association of Costa Mesa, Calif., closed last week, the Bank Board has filed a lawsuit against the estate of its late owner, Duayne D. Christensen, who died last year in a car accident, and his business associate and companion, Janet F. McKinzie, charging them with funneling $40 million out of the institution for their personal use.

Bank Board officials say that 75 percent of the thrift insolvencies include fraud or criminal conduct. "That does not mean 75 percent of the failures are caused by fraud, but in 75 percent, fraud is a contributing factor," said Mr. Black.

Fraud has cropped up all over the country, but Bank Board officials say it has been most apparent in Texas, California and Florida, which have the most liberal investment regulations for their state-chartered thrifts, and the weakest state regulators.

In Texas, although obtaining permission to open a new thrift institution was next to impossible, it was "particularly easy" to buy an existing one, with little interference from regulators, Mr. Wall said. Kenneth Littlefield, the state's banking commissioner, said this created a hot market for insolvent thrifts among speculators, "who could buy them for a song, and immediately use brokered deposits and high rates to raise a lot of money that they would loan to their buddies."

Critics say that some industry executives urged Congress and regulators to go easy on the entire industry, and thus jeopardized the industry's safety and soundness. "This industry has been constantly fighting for weakness in regulation and supervision," said Mr. Black. "They got it and now they are finding that the sins of the crazies are visited on the strong."

"At each and every step along the process, the industry argued for forbearance," added Mr. Brumbaugh, now an independent consultant. "It's been steadfast in opposing acknowledgement of how deep the problem is and that a large part of the problem will have to be remedied by closing many institutions."

Since 1985, the industry frequently opposed Bank Board policies it considered too punative or costly. That conflict came to a head last year, in the debate over the rescue of the F.S.L.I.C. The Bank Board and the Treasury Department supported a $15 billion rescue package for the F.S.L.I.C., while the industry—which would pay for the borrowing authority—sought a $5 billion rescue. In the end, a compromise $10.8 billion was reached. "A lot of pressure came from the industry and in many instances the Congress went along," said Sen. Proxmire. "The industry makes big contributions and they know how to concentrate on the right people of the right committee."

During the 1940's, 50's and 60's, the interests of the regulators and the industry were essentially identical. Since the Bank Board's mandate was to promote homebuilding, whatever promoted it was considered good regulatory policy. But many analysts say the close relationship that developed between regulatory and the industry ultimately proved too close—and expensive.

In the early 1980's, as hundreds of savings and loans neared disaster, it was hard for the industry to endorse policies that would have closed many weak institutions. "Remember that the U.S. League represents the strongest and the weakest, and they have to try to be everything to everybody," said Mr. Wall of the Bank Board.

It proved to be a recipe for disaster.

Mr. PROXMIRE. I yield the floor.

Mr. PRESSLER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

SAFE OLYMPIC GAMES

Mr. PRESSLER. Mr. President, I would like to call the Senate's attention to a very serious matter in Korea. We see daily news reports showing student protests and other violence in Korea. We are sending some of our finest young athletes to that country soon, and I think we should assess that decision.

Questions have been raised regarding the safety of the participants and spectators during the Seoul Olympics to be held this September. These questions are legitimate. Can the Government of South Korea guarantee safe Olympic games when they have had to contend with violent protests in Seoul and the ever present possibility of a North Korean terrorist intervention?

My first impulse was to advocate moving the games from Seoul to a safer site. Unfortunately, at this late date, this may not be logistically possible. The summer Olympics are so large in scope, that years are required to prepare the facilities to handle the events and house the participants.

Nevertheless, I urge the International Olympic Committee to consider moving this year's Olympic games to another location, possibly a recent host city, such as Los Angeles, if this can still be done.

If we learned anything from recent Olympic history, it should be that a permanent site is preferable to the current system. This is true for two overriding reasons. First, the cost of setting up the facilities every 4 years in a different city is staggering. With the prominent exception of Los Angeles, most recent host sites have lost money hosting the Olympics. It would be much more economical to have permanent facilities. Second, recent Olympic games have been marked by political actions, boycotts, and even terrorism. Most recent boycotts have been held to protest the site of the Olympics. The result has been a devaluation of the spirit of the games.

The most logical place to permanently locate the summer Olympics is Greece. Greece is the birthplace of both the ancient and modern Olympics. Such a location would have a high symbolic value, thus reducing the likelihood of any future boycotts.

The 1992 Olympics already have been given to Albertville, France, but I strongly urge the establishment of a permanent site as soon as possible. Politics must be removed from the Olympics.

The North Koreans are likely to try to disrupt the Seoul Olympic games. The South Korean student protesters seem prepared to use this event as a showcase to demonstrate their political views.

Violence is almost certain to happen at the Olympics in September. This is the hard reality. It is hard to say this about a good ally. The Korean Government has tried its best, but I think it is time that the United States delegation to the International Olympic Committee recognize their responsibilities in what is going to occur this September. There is time to move the Olympics. Some of the events could be moved to Los Angeles, and others to other cities that have fine facilities for particular Olympic sporting events. If action is taken now, we could have safe Olympic games so those who have trained so hard will not be forced to lose 4 years of preparation. If we send all those international athletes to Seoul this September, they may end up hostages to North Korean terrorists or South Korean extremists. Also, the audiences in attendance could be endangered. We may be heading for a big problem.

Mr. PROXMIRE. Mr. President, will the Senator from South Dakota yield?

Mr. PRESSLER. Yes, I yield.

Mr. PROXMIRE. Mr. President, I am shocked and surprised to hear my good friend, for whom I have great admiration and respect, speak this way about the Olympics in South Korea. As the Senator knows—he is a member of the Foreign Relations Committee, I am not—this is very important to South Korea. It seems to me that if we back down and move out, we are turning our back because we are afraid of terrorists; we are intimidated by terrorists. I do not see where this can end. Terrorism can take place anyplace. It could happen in Los Angeles. It could happen in Athens if they have the Olympics there.

I think the Senator has raised a very interesting point and it should certainly be considered, but I would hope that we have the courage to stand up to the North Korean Communists. They obviously are trying to do exactly this. If we withdraw from the Olympic games, saying we are not going to send our athletes, and we persuade other countries to do the same, move to another country, it seems to me we are buckling under to terrorism just as we are if we paid a ransom to free hostages that were taken by terrorists. I am very concerned about that. I wish the Senator would give me a response.

Mr. PRESSLER. I thank my colleague, for whom I have the greatest regard. I thank him very much for his remarks. Indeed, I agree that Korea is a close ally of ours. Indeed, I have been a supporter of Korea, on the Foreign Relations Committee and elsewhere. But we are heading into a situation where it is my judgment adequate security cannot be provided. We are heading into a situation that is tailor made for the terrorists just a few miles away in North Korea to take advantage of.

Also, we are heading into a situation in which the demonstrators in South Korea have made it clear that they are going to use the occasion to conduct protests.

It is nice to say that we are going to go bravely forward, but if we are going forward into a no-win situation, it would be better to alter our path. Perhaps a portion of the games could be left there, but if we leave the entire games there, we could be left in a situation that might be embarrassing.

Also, I hope the Government of South Korea would be cooperative in this effort. It is my strongest feeling that we should disperse the games to different cities; Los Angeles could take some of them, other cities could take other portions of the games. In spite of the bravado of saying we will not back down, let us keep in mind that we are sending world-class athletes into a very dangerous situation. It will be viewed on television throughout the world. I think Korea will be the worse off for it. I think we are merely playing into some of our enemies' hands.

Mr. President, I yield back the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

NOMINATING PROCESS REFORM

Mr. DIXON. Mr. President, on Sunday, the New York Times published an editorial entitled, "Overprotecting Underdogs." The Times editorial stresses the importance of reforming the nominating process now. They point out that "the—nominating—system trashes time and wastes money. There are sensible reform ideas in the air. The only sensible time to debate them, before attention turns to the fall campaign and the new President, is now." As a sponsor of one of these sensible reform ideas, I wholeheartedly applaud and welcome "the Times" call for reform.

Currently, my measure, the Regional Presidential Primaries Reform Act, is awaiting consideration by the Senate Rules Committee. Earlier, the chairman, Senator WENDELL FORD, and the ranking minority member, Senator TED STEVENS, were kind enough to hold a hearing on my bill. Former Vice-President Walter F. Mondale, making his first appearance before the Congress in 8 years, was among the witnesses speaking in favor of the bill.

I would like to point out, Mr. President, that endorsements of my regional primary approach have also appeared in several other papers in addition to the New York Times. These publications include the Hour, based in Norwalk, CT, the Chicago Sun-Times, the Denver Post, the St. Louis Post-Dispatch, and the Pantagraph based in Bloomington, IL. The support for establishing regional primaries is widespread. A recent Gallup poll indicated that 51 percent of the public favors establishing a regional primary system.

I urge my colleagues to seriously consider the need for reforming our present nominating system. The system, and the public agrees, needs to be changed. We should move now to reform it before, as "the Times" says, "the window of concern closes again and everybody's back, in January 1992, traversing Iowa's ice."

Mr. President, I ask unanimous consent that the New York Times and other articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, June 12, 1988]

OVERPROTECTING UNDERDOGS

Even the timetable is zany. It starts by sending everyone to the ice of Iowa in January. It ends, this year, in airless August, in New Orleans. And that's not half of what's wrong with the way America nominates Presidential candidates.

It's no knock on Vice President Bush or Governor Dukakis to think about some course corrections. They won by the present rules and now await only their ritual convention coronations. But the system trashes time and wastes money. There are sensible reform ideas in the air. The only sensible time to debate them, before attention turns to the fall campaign and the new President, is now.

A romantic idea underlies some of the defects—that an underfinanced unknown like Jimmy Carter, garment bag slung over his shoulder, can invent his own candidacy by stumping through Iowa and New Hampshire. But the romance is costly.

One cost is courage. The public wants candidates who take bold positions on tough questions. But it's hard for unknowns thus to spend political capital; they don't have any yet. Bruce Babbitt tried anyway in Iowa, speaking up bravely on taxes and other issues, to no avail. "We were in it," he grinned, "right up to the beginning."

The very thought of tramping endlessly around Iowa also discourages better-known candidates. Governor Cuomo once winced at the idea of trying to administer New York State from a phone booth in Iowa. What's the remedy? The goal should not be to eliminate the long-shot route but to balance the system better.

Continue, but rotate early contests.

There is virtue in early single-state events. Iowans, for instance, have shown repeatedly that they are not hicks but well-educated, reflective citizens. But Iowa nevertheless remains a farm state; Iowans know little about youth gangs in Los Angeles or boarder babies in New York. The remedy would be for many small- and medium-size states to take turns going first. Considering local jealousies, that's a reform that can come only from Congress.

Consolidate the other contests by region.

A good way to encourage stronger candidacies is to tilt toward bigger events. Senator Alan Dixon, Illinois Democrat, offers a promising bill to create six regional primaries, at two-week intervals from late March to mid-June. To compete in such multistate contests would take stature and money. But these regional primaries would be much more manageable than this year's huge Super Tuesday, which encompassed 150 TV markets in 20 states.

Let primaries be primaries.

It enlarges democracy when nominees are chosen by the people instead of by bosses. But it parodies democracy when caucuses—like those among Michigan Democrats this year—reflect a highly unrepresentative electorate.

Set realistic limits on campaign contributions. The most important reform is also the simplest. Individual campaign contributions were limited by 1974 law to $1,000—a limit now mocked by inflation and increased campaign costs. Former Vice President Walter Mondale would raise it to $5,000, others prefer $2,000 or $3,000. A big increase, in any case, is needed, indexed for inflation.

"Today at least 50 percent of a candidate's time is spent raising money. It's a far bigger waste than the present nominating system," Mr. Mondale told Senators last week.

They know what he's talking about; they run for office, too. Now they have a chance to do something about these defects. But they'll have to move promptly, before the window of concern closes again and everybody's back, in January 1992, traversing Iowa's ice.

[From the Denver Post, Feb. 14, 1988]

(By David Ethan Greenberg)

A REGIONAL PRIMARY/CAUCUS PLAN

There's nothing intrinscally wrong with the Iowa caucuses, except that they're held in Iowa.

There's nothing objectionable in a relative handful of unrepresentative citizens playing a disproportionate role in the selection of our next president. I just think we're the ones who should be doing it.

Colorado, not Iowa, should be the beneficiary of a nice little $30 million jolt in campaign-related spending, half of which is federal money, while each of us, at our leisure, gets to force every candidate to grovel at our collective feet.

I, of course, am not alone in this belief. Every entrepreneurial-minded politico, in every state of the Union, is silently swearing that the next time he's not going to let a bunch of bumpkins from Iowa ride the gravy train. Next time, the politico's state is going to be at the head of the list.

The predictable consequence of all this is that, come 1992, we're going to have every state jockeying to be the first to hold a presidential campaign beauty contest.

We could end up with a de facto national primary, as every state tries to move to the front of the line. That, of course, would be disaster. The campaign process today may be ludicrously long, but a one-day, winner-take-all selection event would have its own dangers. The candidates need to be under media scrutiny for a while, to see how they hold up under pressure.

What's the alternative? Well, the most rational and equitable proposal is to hold a series of regional primaries, phased over a period of months. The major benefit, especially for those of us in the Rocky Mountain West, is that the candidates would be forced to spend some time in the region, and to learn about the unique issues that affect us.

This is not a new idea, and it has generally been received with a distinct lack of interest by the national leaders of the two political parties. However, given the awesome success of the Southern Regional Primary concept, it may be the wave of the future.

The real question is how the rest of the states can coordinate themselves to develop a rationally structured regional primary/caucus process. Being a free-market type, my hope is that the GOP and Democratic Party leadership would be able to structure such a system on their own. However, the phrase "party leadership" is an oxymoron, and they probably can't get anything accomplished.

That, unfortunately, leaves the federal government to play the role of referee. Already, there are three bills introduced in Congress to reform various aspects of the election process, and Sen. Alan Dixon of Illinois is making noises about holding hearings in the Senate Rules Committee after Super Tuesday.

Dixon favors a formula, originally developed by Walter Mondale back in 1975, that has six separate regional primaries taking place two weeks apart with the sequence determined by lot. The only problem is that the states were selected to even out the number of electoral votes at stake each week. Under Dixon's formulation, Colorado and Louisiana would hold their selection process the same week, while Utah and Wyoming would be lumped together with Hawaii and Alaska.

Good idea, bad execution. If we are going to go the regional primary/caucus route, then the states should be grouped according to commonality of interest. That means the Pacific Rim states should act together, as should the Rocky Mountain states and the northwestern Plains.

These are minor quibbles, however. As far as Colorado is concerned, any system has got to be better than what we've got now. Maybe Tim Wirth and Bill Armstrong ought to give Senator Dixon a call.

[From the Hour, May 14, 1988]

REGIONAL—WITH A TWIST

The primaries—honest!—will wind up in June as the contract specifies; it is guaranteed. However endless the process may seem, tempus does fugit. There's light at the tunnel's end.

As always at about this stage in the proceedings, though, many a mind is infiltrated by a seductive thought, to wit: There must be a better way of conducting these preliminaries for the main bout. One way, as has often been proposed, would be to have a succession of regional primaries.

Sen. Alan J. Dixon of Illinois suggests a version of this recurrent idea which sounds promising. Under this plan—on which the Senate Rules Committee will conduct hearings—there would be six regional primaries over a period of about 10 weeks.

The states would be divided into six geographical groups, each group having roughly the same total of electorial votes. Every second Tuesday—from the last one in March to the second one in June—balloting would be held in one of the six groups of states.

At this point, enter the innovative part of Senator Dixon's proposal: in each presidential year, the Federal Elections Commission would determine by lot the groups' order of voting. This would end the present juvenile rivalry for precedence by any one state—or group of states.

The regional primary concept is a sound one. The Dixon plan gives it an interesting twist.

[From Chicago Sun-Times, Apr. 23, 1988]

REGIONAL PRIMARIES MAKE GREAT SENSE

Isn't it nice how the presidential nominating process has saved millions of people the trouble of having to make up their minds about who should be their parties' candidates?

Consider where we now stand after the New York primary: The number of viable contenders for the Democratic nomination has shrunk to two—Gov. Michael Dukakis and the Rev. Jesse Jackson. On the Republican side, the choice is but one—Vice President George Bush.

We don't have problems with the survivors; we've endorsed Mr. Bush and Gov. Dukakis. Our problem is with the fact that voters in the 15 remaining primaries and caucuses have been virtually disenfranchised by the process. They really have only two options:

Ratify choices already made in previous primaries and caucuses, or

Stay home.

An important test of the reasonableness of any presidential nominating process in a democratic society is the degree that each citizen voting in a primary or caucus has an equal shot at selecting his party's candidate. That's why we find legislation sponsored by Sen. Alan Dixon for regional primaries to be so appealing.

As Sen. Dixon outlined in a Personal View in these pages last Wednesday, the Regional Presidential Primaries Act would establish six regional primaries of about equal electoral size, grouped by geography. The primaries would be held at two-week intervals from the last Tuesday in March to the second Tuesday in June. The Federal Election Commission would decide by lot the actual order of the regional primaries.

The proposal not only would bring some fairness to the process, it would also encourage candidates to address the concerns of an entire nation, not just those of the voters in Iowa, New Hampshire and the other early states.

For too long, the nominating process has been driven by the interests of states that see it primarily as a tool of economic development and self-promotion. It's time for it to be taken from the hands of the promoters and placed in the hands of the voters.

[From the St. Louis Post-Dispatch, May 6, 1988]

Reform the Primary System

For all practical purposes, the presidential nominees of both major parties have already been chosen, making the remaining primaries more pro forma events than real contests. For that matter, that has been the case for the Republicans since Super Tuesday March 8 and for the Democrats since New York's primary April 19. This means a lot of voters will have been dealt out of the decision-making process by the time the primary season ends on June 7. There has to be a better way.

Actually, the Democrats tried to invent one this year by encouraging the development of Super Tuesday, one primary date for most Southern and border states. The Republicans followed suit, in effect establishing a one-shot regional primary.

But this merely increased the distortion that early contests usually work on the later ones. The losers of the early primaries in small, unrepresentative states have historically been unable to continue. When faced with a 20-state race on one day, doing so became all but impossible.

It arguably would have been better not to have invented Super Tuesday at all. That way, the losers might have had a better chance to catch up in the next round. But not a good one, as history shows. Very few candidates in modern political history have won their party's presidential nomination without winning the New Hampshire primary. So abolishing Super Tuesday isn't the answer. But one fact is clear: single-state and regional primaries don't mix; they make things worse.

It is thus essential to try something else. Democratic Sen. Alan Dixon of Illinois has a plan worth considering: regional primaries for the whole pre-convention system. His bill, introduced last fall, would establish six regional primaries, one to be held every other week from the last Tuesday in March to the first Tuesday in June. The order in which they occur would be chosen by lot three months in advance of the first, preventing candidates from concentrating on only one geographic area of the country for several years before the election and giving every region a chance to be first.

The regional primary concept has flaws, of course. It doesn't solve the problem of money. The best-financed candidates usually win the early contests, as they did this year, making it hard for the rest to go on raising money to have a chance to win later. To be sure, money didn't entirely determine the Iowa and New Hampshire results in 1988, but it was certainly decisive on Super Tuesday and thereafter.

A regional primary system would still give the advantage to candidates who could raise the most money. Victory in the first couple of regions to vote might well establish the momentum to win the rest.

But without small, unrepresentative contests before the first regional contest, the less-well-heeled contenders would have a fairer shot in the first truly meaningful arena than under the present system, or under the old single primary arrangement. That is reason enough to give regional primaries a try in 1992.

Dixon Primary Bill Offers Better Plan

A bill introduced by Sen. Alan Dixon to bring order and a dose of logic to our presidential primary system will undergo hearings in the Senate Rules Committee today.

The Regional Presidential Primaries Act would set up six regional primaries to take place every two weeks from the last Tuesday in March to the second Tuesday in June. The order would be determined by lot by the Federal Elections Commission.

The Illinois Democrat's proposal would limit the undue influence that small states with early primaries and caucuses have had on presidential races, especially this year. Candidates will not be prematurely labeled "loser," and will have to appeal to a broader segment of the public.

The regional system would be an improvement that could lead to better candidates. Dixon's plan deserves support.

Among those who are scheduled to testify in support of the bill is former Vice President Walter Mondale. He proposed a similar measure when he was in the Senate.

Opponents may argue that such a system interferes with the rights of states to set up their own election rules. Generally, we support states' right to be free from unwarranted federal interference.

However, the selection of candidates for president is clearly a national issue. Just as clear is the fact that the existing system is in need of reform. That can only be effectively accomplished on the federal level.

A single, national primary has been suggested at times. However, that would result in less-populous states being overlooked, as they often are in the general elections.

Among the good things about the current system is the grassroots campaigning in small communities. That should be preserved. The influence of small states should be limited—not eliminated.

Though not essential, it would be preferable to approve reforms this year while the primary mess is fresh in everyone's mind.

The longer action is delayed, the more memories will fade. The closer the 1992 election comes, the more reform may appear to be aimed at a particular potential candidate.

LINE ITEM VETO

Mr. DIXON. Mr. President, today, I came across an article in one of the Nation's finest newspapers, the Wall Street Journal, entitled "Item-Reduction Veto's Wallop." Mr. Mark Crain—an economics professor—and James C. Miller III—the President's Director of the Office of Management and Budget—authored this article together. Mr. Crain and Mr. Miller respond to recent questions posed by academics about the line-item veto.

I am a long-time supporter of the line-item veto. Since coming to Congress, I have introduced several bills and spoken countless times on the topic. In fact, I have again offered such legislation in this, the 100th Congress.

Now, I am not an economist like Mr. Crain, But, I have been involved in government for close to 40 years and, according to my experience, the line-item veto works. In my home State of Illinois, the Governor has been granted this power and the State government, as a result, does save money.

Most other States agree with Illinois about the line-item veto. It has been included in the constitutions of 43 of the 50 States. The States gave their Governors this authority because it was needed, because it strengthens their budget processes, and because it works. No State that has adopted the item veto has ever repealed it.

I think it is time for the Federal Government to follow the lead of the States and adopt a line item veto. Those who oppose this idea have pointed to recent studies which bring into question whether or not a line-item veto would actually save the Government money. I think Mr. Crain and Mr. Miller successfully respond to these questions. Consequently, I hope those opposed to the idea would take the time to read "Item-Reduction Veto's Wallop."

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, June 8, 1988]

Item-Reduction Veto's Wallop

(By Mark Crain and James C. Miller III)

Recently, the opposition to the presidential line-item veto and other fiscal reform has been buttressed by academic research into state budget processes. The studies concluded that institutional arrangements of that sort tend to have no effect on spending behavior. Analysis purporting to show the fight is not worth a candle has weakened the resolve of the reformers and emboldened the opponents.

Our initial review, focusing on the line-item veto, uncovered two major shortcomings in the existing literature. First, the state studies tend to treat all item vetoes the same, when in fact they differ a great deal. Of the 43 states that have an item veto, in 10 states the governors have authority to write in a lower spending level as well as veto the entire item. This is the so-called "item-reduction veto," the kind that Ronald Reagan had as governor of California and

Michael Dukakis has as governor of Massachusetts. There is no reason to believe that all forms of the item veto will have the same effect. Second, state budgetary institutions vary in other ways, yet practically none of these institutional differences have been controlled for in the quantitative analyses.

When these technical features are incorporated in conventional multivariant analysis, far different results emerge. While the conventional (binary) line-item veto has little effect, the item-reduction veto packs quite a wallop. For example, across all states the average increase in real per-capita state spending between 1979 and 1986 was 3.3% in each two-year budget cycle. In the absence of institutional restraints on spending, the projected spending increase would be 4%. But holding other things constant, the item-reduction veto cuts the spending increase from 4% to 1.3%—a full 2.7 percentage point reduction.

Other state budgetary requirements also make a difference. For example, requiring a supermajority to pass a tax increase reduces real per-capita spending by 1.5% (per two-year cycle). And a requirement that all funds be appropriated (i.e., no entitlements or "backdoor" spending programs) cuts spending by 1.1%.

On the basis of these state results, we can extrapolate the effects budget reforms might have had at the federal level. Of course, we realize there are differences between budgeting at the national level and budgeting at the state level—the mere size of budgets and the absence of a defense/international function at the state level to mention only two. But such an extrapolation can serve to reveal what is at stake.

Federal spending in fiscal 1988 will be $1.056 trillion vs. $678 billion in fiscal 1981—an increase of $378 billion in nominal terms. Suppose an item-reduction veto had been enacted in 1980. Annual federal spending in fiscal 1988 would be about $98 billion less—$397 per person; total savings over the period would have been $377 billion—about $1,566 per person. If, in addition, the two other measures mentioned above had been put in place in 1980, federal outlays in fiscal 1988 would be $192 billion less and the budget would be in surplus. Total savings over the period would be $730 billion, and thus the national debt would be a third less.

One of the most important lessons of the science known as public choice is that institutions do matter. Our analysis reveals not only that the budget process matters but that it matters a great deal. Quite possibly this is the real reason some members of Congress oppose reform with such vigor. It is also the reason taxpayers should demand reform at the earliest possible date.

PROBE OF STOCK MARKET CRASH HAS FOCUSED TOO NARROWLY

Mr. DIXON. Mr. President, as I have stated on a number of previous occasions, I am convinced that we need to look at much more than operational issues if we really want to understand the causes of volatility in our financial markets. We need to examine the fundamental changes that have been occurring in our markets, and we need to understand the macroeconomic factors that led to last October's crash.

As the Chair knows, as a distinguished member of the Banking Committee, I have urged upon my colleagues from time to time that we should proceed cautiously. I suggested we should support the working group that I think has made a final contribution, and I have strongly suggested that there should be no legislation this year while we continue to review this question. The marketplace and the free enterprise system in America is working. We ought to leave it alone. We ought not to tinker with it. We ought to let the working group continue on its course, and I think they have done a fine job.

There are those who seem to believe that some sort of "quick-fix" solution focusing on the activities of the futures and options markets will end the volatility problem. They could not be more wrong.

Instead, the result of such a solution will be to force futures and options business overseas. The Japanese, for example, do not seem to be concerned that a strong vibrant futures business will contribute to stock market volatility. The Japanese are rapidly moving forward in creating markets in financial futures. Just a short time ago, according to a recent article in the Chicago Sun-Times, the Japanese diet passed a financial futures transactions bill and a securities and exchange law revision bill. The legislation, according to the Sun-Times "liberalizes that nation's restrictions on financial futures and approves the organization of a new futures exchange for the trading of currency and interest rate products."

Trading in Japanese stock-index futures products will begin by late summer. The Japanese will trade products equivalent to the major market index contract now traded on the Chicago Board of Trade and the S&P 500 Index contract now traded on the Chicago Mercantile Exchange. Japan will be ready, therefore, to take away business that now occurs in the United States if we act in ways that make our markets uncompetitive internationally.

The quick-fix approach is therefore fundamentally wrong, Mr. President, and, as another recent newspaper story makes clear, focusing the quick-fix on the operations of futures and options exchanges is equally wrong-headed. The stock exchanges deserve equal attention. A recent Wall Street Journal article points out that the specialists on the New York Stock Exchange—their marketmakers—were highly profitable last year. In fact, while stockholders lost billions of dollars, the specialists earned a 38-percent return on equity. Frankly, I would like to be in a business where, even when the market collapses, a 38-percent return on equity is possible.

I do not want to make too much of that figure; I do not believe that even the elimination of specialist profits would have any significant impact on market volatility. However, it does indicate that any examination of market operational issues should focus not just on the options and futures markets, but also on the stock markets.

Some operational reforms are needed, and the President's working group is moving to implement a number of important changes that will better coordinate markets and improve their ability to cope with large trading volume. I will conclude, however, by restating the basic point—while some operational reforms can be helpful if we take care to see that they do not damage the competitive position of our markets, they cannot and will not reduce volatility. The market mechanism reforms now being implemented by the President's working group and the exchanges give us the time to look at the underlying changes in the markets. That kind of lengthy, comprehensive review, not any 60-day report, no matter how qualified its authors, provides the only real prospect for finding the package of reforms that will reduce market volatility.

I thank the Chair. I thank the leader and my colleagues.

Mr. McCONNELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

THE "SUE FOR A MILLION" AWARD

Mr. McCONNELL. Mr. President, I listened with great interest to the comments of my friend from Iowa with regard to the further invitation regarding the litigation crisis in this country. Ironically, it is about that subject that I rise today.

Mr. President, it gives me dubious pleasure to announce today the founding of a new award, which I shall present from time to time to one of those unsung—but well-compensated—attorneys in the lawsuit war that continues to ravage our country.

I call this special congressional citation the "Sue for a Million" award, after a unique game, which I will present to each winner, that perfectly captures the spirit and substance of America's liability lottery.

Here, Mr. President, is the game. It is designed by a lawyer who is no longer practicing in New York that can be played by teenagers on up to adults. It is called appropriately enough "Sue For a Million." It is a game, as I indicated, that the whole family can play. You can sue your family, your friends, your neighbors, you can take them to the cleaners while running the risk of losing your shirt in lawyer's fees. You can bully the other party and settle it, or you can countersue. The player with the most money at the end, of course, is the winner. In other words, it is as American as apple pie.

Let me read you the rules of the game:

OBJECT OF THE GAME

> The object of the game is to successfully sue other players and defend against their lawsuits. Players sue in one of four torts: assault, fraud, libel, and negligence. * * *. They are dealt a hand of evidence cards, which are used to determine who wins the trial. The winner is the player who has the most money when the game ends.

Now, let us suppose you are sued while playing "Sue for a Million." What are your choices? The rules let you do one of three things:

First, end the suit right away with a settlement, which you might do to avoid the loss of even more money—see "Trial Payoffs";

Second, refuse to settle and ask for a trial; or

Third, countersue. Then both players are suing each other for double the original suit amount.

If you win the liability lottery in "Sue for a Million," you win big-unlimited amounts, plus a trial expense bonus of $200,000. If the player you are suing runs out of money to defend himself or pay off a judgment, just turn to the "Player Out of Money" rules: "A player who runs out of money can continue by borrowing more chips." In other words, they will not let you go bankrupt.

PRESENTING THE AWARD

Last week I presented the first "Sue for a Million" award to a personal injury lawyer who has been credited by the Wall Street Journal as one of the major forces behind Florida's medical malpractice crisis—while making about $2.5 million last year personally at it. This man is J.B. Spence, who has $25 million verdicts to his name, eight of them in 1986 alone. As his fee, Mr. Spence collects 40 percent of each award, and almost half of it goes to appeal.

I selected Spence from hundreds of excellent candidates not only for his "sue for a million" gusto, but also for his consummate skill at using the tort lawsuit system to his clients' and his own greatest benefit. Foremost among Mr. Spence's abilities by his own admission is his knack at selecting sympathetic, generous juries. As he puts it, "When you pick a good jury, the case is 90 percent won."

Spence also plays the heartstrings like a virtuoso. Some say there has never been a case when Mr. Spence did not put the widow on the stand. In one notable performance he had a little girl read a poem to the jury about her lost sister. Often Spence cries right along with the jury, which then awards him another multimillion verdict.

Putting it simply, Mr. Spence says, "I deal with a very raw slice of life."

Of course, Mr. Spence is to be commended and not criticized for pursuing his clients' interests with all his lawyerly skills, within the bounds of the current law. The point of this award is not to pass judgment on Mr. Spence or any other lawyer, but to focus attention on the lack of restraint and balance within the legal system itself.

Meanwhile, Floridians in search of affordable health care are facing "a crisis of immense proportions." The State's largest medical malpractice insurer is pulling out, and there are charges of injured patients being refused treatment for fear of lawsuits. Some physicians, particularly obstetricians—and I know this is happening in my State of Kentucky as well—are leaving the State or retiring from practice altogether, because of the high cost of insurance and the unbearable stress of malpractice litigation.

Because of spiraling malpractice claims, payouts on malpractice claims are higher in Florida than anywhere else in the country: the average take is a huge $141,000, dwarfing New York's $105,000 average take and the national average of $57,000. Surprisingly, most of these claims are not even decided in court insurers often force physicians to pay a humiliating settlement rather than risk the tremendous expense and effort of a full jury trial. [All figures: U.S. General Accounting Office (1984).]

Therefore, I give this award today partially in memoriam of the mounting list of casualties among medical professionals and health care consumers in Florida, who are being denied the right to adequate, affordable medical services as a result of Florida's malpractice liability explosion.

But the "sue-for-a-million" award is given also in recognition of Mr. Spence's consummate skill as a personal injury lawyer. I am sure that most of us regard his $2.5 million salary last year with a twinge of envy and wonder, "How does he do it?" Well, if you are interested in following the same gilded path, Mr. Spence gives us some pointers:

At the top of Mr. Spence's list is not sound knowledge of the law or a compelling set of facts, although these certainly are very important. But the first and most essential point in winning personal injury lawsuits is a good jury. Mr. Spence says:

> When you pick a good jury, the case is 90 percent won. I can just look at a person and tell if I want him as a juror. If he has Gucci loafers, a Rolex, and a Kiwanis pin, then he has his. He doesn't like lawyers, and he's afraid of being sued. He may be the backbone of America, but he's not going to sit on my jury.

Mr. Spence loves to have warmhearted grandmothers on his juries. He also goes for heart-rending testimony. As one of his most frequent opponents in court observes, "I never tried a case with [Mr. Spence] when he didn't put the widow on the stand."

Mr. Spence has used videotapes of dying parents to illustrate the effects on children who witnessed the event. Often, Mr. Spence will cry right along with the jury, which then awards him a multimillion-dollar verdict. After all, when you are a warm-hearted grandmother who has just heard a little girl read a poem on the stand about her lost sister, you are not going to worry about whether the defendant acted within the standard of care customary in the profession. You just sign the check.

Mr. Spence explains, "I deal with a very raw slice of life." Of course, he is entirely within his rights to stir the emotions of the jury; he would not be doing his job if he didn't try. And juries are only human; they should be expected to blur fine legal distinctions when daubing their eyes with handkerchiefs. But that is what the law is for: to maintain a sense of fairness, of reason, of balance, in an emotionally charged atmosphere where excellent lawyers like Mr. Spence zealously pursue their clients' interests.

In that regard, our tort laws have lost their backbone. Anytime someone gets hurt in our society today, someone else must pay. It does not matter whether the defendant was at fault; it does not matter whether someone else was mostly to blame. The injured person just hires a tremendously skilled lawyer and files suit. Often, the cost and strain of a lawsuit—and the fear of a multimillion-dollar jury verdict—will force the defendant to settle right away, whether or not it is a worthwhile claim.

That is not what our civil justice system was intended to be. It is supposed to provide justice, and instead it just continues to generate more litigation—expensive, time-consuming, manifestly unjust litigation.

It should provide not just litigation. It should compensate those who are wrongfully injured not just those who know how to use the system.

Some of us in the Senate are committed to changing that system by reinstating fault as the basic determiner of liability, making responsibility for damages proportional with responsibility for the injury, and punishing lawyers who use procedural tactics to delay and force settlement. I have introduced legislation this Congress, S. 554, which would accomplish these basic, essentially noncontroversial reforms of our civil justice system.

We are committed to trying to change the system in four basic ways at least: Reinstating the fault as a basic determiner of liability; second, cutting back the unjust joint and severally liability doctrine under which some defendants have been held responsible for 100 percent of the damages when they were only 1 or 2 percent involved in the occurrence; third, punishing lawyers who file frivolous lawsuits and cause unnecessary procedural delays, and also encouraging what lawyers call alternative dispute resolution, that is, trying to settle the disputes outside the court system rather than litigating every single matter.

The bill I introduced in Congress would accomplish these essentially noncontroversial reforms.

Mr. President, support for tort reform is growing all across the country.

The 1986 Lou Harris poll found that 70 percent of all Americans feel it is too easy to sue for damages. This represents people from every walk of life, small business men, medical professionals, Boy Scouts, chiefs of police, local sheriffs, officials, social work volunteers.

Liability reform is an extremely important issue for many, many Americans: Not only doctors and nurses, but also mom-and-pop grocery stores, the Boy Scouts, the little leagues, directors of nonprofit organizations, and local governments—all of whom have to cut back operations or raise prices just to keep their heads above the rising tide of liability.

In fact, the White House conference on Small Business in 1986 chose tort reform as its No. 1 priority—not taxes, or less Government regulation, or product liability which is a part of the tort reform problem but meaningful reform of our civil justice system.

I have long said that Congress owes the American people a vote on tort reform. Finally, on March 24, 1988, I was able to get the first vote in Senate history on a tort reform measure. During the Senate's consideration of S. 79, the Occupational Disease Risk Notification Act, I offered a version of my bill as an amendment. Since S. 79 would have opened up new vistas of tort liability, it seemed to me the perfect vehicle for an amendment putting reasonable limits on liability.

After a rather brief debate on the floor, Senator HOWARD METZENBAUM, Democrat from Ohio, moved to table my tort reform amendment to S. 79. The amendment was tabled by a vote of 53 to 39. Nevertheless, this fairly close margin was achieved without any prior lobbying on the issue by grassroots organizations or any coalition-building among interested Senators. Thus, my commitment to tort reform has grown, and I sense a strong possibility of victory.

Until then, I shall continue to point out the intolerable state of our liability system through this "sue-for-a-million" award. I do not mean to disparage ingenious, hard-working lawyers like J.B. Spence; he is only doing his job, and he is very good at it. But we need to do something about the system itself, so that the often unjust and wasteful sport of litigation will be only a game—without real money, real reputations, and real lives on the line.

As I said, we had a vote on tort reform recently in the Senate, a vote to strip a tort reform amendment off another bill. We lost by 39 to 53, but that was without any advance notice and outside lobbying, and, by the way, was the first significant vote in either House on the tort reform issue in history.

So, Mr. President, we will press on with this issue and continue fighting for reform in the House, in committee, on the floor of the Senate, and hopefully some day achieve some genuine results. Ultimately, I believe that Congress will listen to the American people on this most important issue.

In the meantime, I will be sending out copies of "Sue-for-a-Million" to those plaintiffs' attorneys who generally have earned this award.

I yield the floor.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BICENTENNIAL MINUTE

JUNE 12, 1920: WARREN G. HARDING NOMINATED FOR PRESIDENT

Mr. DOLE. Mr. President, 68 years ago yesterday, on June 12, 1920, Senator Warren G. Harding of Ohio won the Republican Presidential nomination. He went on to become the first sitting Senator in the Nation's history to be elected President. The second was John F. Kennedy in 1960.

I am not certain there will ever be a third but we will keep working on that.

Warren Harding was born in Ohio in 1865. Until the close of the century, the tall, handsome young man devoted himself wholly to his newspaper, the Marion Star. As that paper's circulation increased, however, so did Harding's influence, and he soon found his way into Republican politics. He served in the Ohio State Senate from 1899 to 1903 and as Lieutenant Governor in 1904 and 1905. In 1910, he unsuccessfully ran for Governor.

Four years later, Harding won a seat in the U.S. Senate. His dramatic victory by 102,000 votes attracted national attention. During his 6 years in the Senate, which he characterized as a "very pleasant place," Harding became known as a safe and conservative Member.

In 1920, as the Nation sought release from the tensions and hardships of World War I, Harding's limited range of ideas and amiable temperament made him an attractive Presidential candidate. When the Republicans met in Chicago in June, Harding was on the minds of Senators Henry Cabot Lodge, Boies Penrose, and others of the senatorial oligarchy that dominated the gathering. He received the nomination on June 12, on the 10th ballot.

The Republican victory in November was stagging: 404 electoral votes for Harding compared to 127 for Democrat James M. Cox. Harding resigned from his Senate seat, effective January 13, and, on March 4, 1921, was inaugurated as the 29th President of the United States. Two and a half years later, on August 2, 1923, President Harding died in office.

A TRADE BILL

Mr. DOLE. Mr. President, hoping the administration may be tuned in, there are many of us on both sides of the aisle who would still like to come together on the trade bill. The majority leader expressed that it is not quite as easy as it seems to put another one in and pass it in a couple of days. It does not happen that way.

It seems to me that if there is, as I know there is on the part of the President, the interest of the administration to move ahead, then it might be well for them to come together with Members of both parties. It is going to have to be bipartisan or there will not be a trade bill.

I would hope that the President would keep in mind his veto message which outlined more than plant closings as reasons for vetoing the trade bill. There is a provision relating to Alaska which is very important. There is a provision relating to ethanol production and imports of surplus wine and molasses from certain parts of the world which is going to displace income that could go to the American farmer, and I would hope that the President would insist on that provision being deleted in the bill that has been vetoed. There are at least three other provisions, and maybe other areas.

In any event, if we are going to do it, it seems to me that the administration should take the initiative, and I hope that something will transpire this week.

In the meantime, I have suggested that I will introduce a bill and will do that something this week, the same bill we voted on, with the exception of the six provisions the President outlined in his veto message. That veto having been sustained, I hope Congress will use that bill as a starting place for another trade bill.

Mr. President, I suggest the absence of a quorum, and I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IN JAE KEUN ACCEPTS 1987 ROBERT F. KENNEDY HUMAN RIGHTS AWARD

Mr. KENNEDY. Mr. President, I would like to call to the attention of my colleagues an insightful speech by a courageous South Korean woman, In Jae Keun.

Last November, the Robert F. Kennedy Memorial awarded its 1987 Human Rights Award to In Jae Keun and her husband, Kim Keun Tae, for their dedicated struggle to promote democracy and human rights in South Korea. Kim was imprisoned in 1985 for his work as a leader in the youth and labor movements. In is also active in those movements and founded the Association of Families of Prisoners of Conscience.

Despite the repeated urgings of our Government—including those of Secretary of State George Shultz—that Kim and In be allowed to visit the United States to receive the award, the South Korean Government refused to issue In a passport or to release Kim from prison. To date, Kim remains behind bars along with hundreds of other political prisoners.

Last May, a delegation from the Robert F. Kennedy Memorial Center for Human Rights traveled to South Korea to present both awards to In. Her speech accepting those awards is a moving testimony to the failings of South Korean democracy. It should also serve as a warning to the United States of the dangers of looking the other way when our allies torture their own citizens and deny them the most basic of human rights. As In says, "We dislike an American Government which works in collusion with dictatorial regimes; but we love those American people who love true democracy."

I urge my colleagues to read and consider In Jae Keun's words and ask unanimous consent that it may be printed in the RECORD.

Their being no objection, the remarks were orderd to be printed in the RECORD, as follows:

ROBERT F. KENNEDY HUMAN RIGHTS AWARD CEREMONEY—ACCEPTANCE SPEECH

(By Ms. Jae-Keun In)

The way from Washington to Seoul is a very long road indeed. So first of all, to you who have come to Seoul from such a distant place I would like to express my thanks for your deep concern and encouragement for the Korean democratic movement.

It is my hope that this occasion today will help to strengthen the solidarity between the Korean democratic movement and the forward-looking American people's movement of conscience. I also sincerely hope that the ideals shown by the late Senator Robert F. Kennedy during his lifetime through his efforts for the restoration of the humanity of the oppressed might become united as one with our dreams.

The way to this "2.5th award ceremony" has been beset with many difficulties. The first award ceremony took place in Washington last year on November 20th, and I had applied for a passport with the intention of attending, but without any reason the Chun Doo Hwan regime refused to allow me to go. The second award ceremony was the one planned to take place here last April 6th. At that time the Roh Tae Woo government refused entry to those of you who were to come from Washington to attend. Today's ceremony has been prepared to recognize both Kim Keun Tae and In Jae Keun. I, In Jae Keun, however, am the only one standing here today. This award ceremony thus has been reduced to half, making a total of just 2.5 in the attempts to succeed. All of the devices used by the military dictatorship lead us to feel today a deep sense of frustration and anger. I feel as though our names have been exploited in this process of becoming known, and I offer all of you my apologies for this.

We can thus see clearly that this half-ceremony today reveals the emptiness of the promises made last June 29th by Roh Tae-Woo, and is clear evidence that at this very moment military dictatorship continues unabated in this land. At this very moment over 1,000 Korean prisoners of conscience are separated from their families confined within concrete walls, while hundreds of wanted persons wander the streets in uncertainty. At the same time there are still more persons subjected to torture in the underground chambers of the National Security Planning Agency and the police stations.

I can still hear clearly ringing in my ears the horrible screams of my husband coming from Room 515 of the Anti-communist section of the South Youngdong police headquarters in September of 1985. I can remember how I trembled with shock as I verified the facts of his torture when we miraculously managed to meet on September 26th. Today it is too difficult even to try to remember, let alone describe the process that followed as the military dictatorship tried to conceal the torture. There were such things as denial of family visits at the prison, rejection of requests for preserving evidences of torture, seizing of the evidences of injury from torture, refusal to allow outside attention from outside doctors, restriction of attendance at trials, the seizing of petitions to the court, and then interference with the holding of this award ceremony. Even at this moment, two years and eight months after suffering his torture, my husband lies ill with torture-inflicted symptoms in a prison cell in Kimchon.

Yet we live in an upside-down world where those who were party to inflicting such torture still swagger abroad in the full light of day. And because those responsible for the inflicting of torture were not dealt with earlier, our friend Pak Jong-chol suffered death by torture in the cursed Room 514 of that same police station.

All the prisoners of conscience in Korea have suffered these kinds of difficulties. There have been differences of degree, but all those present here today who have been a part of the democratic movement have had to undergo the process that begins with illegal arrest and confinement, continues with investigation by torture in secret chambers, detention, trials which brand the accused as anti-state criminals, and ends with incarceration in penitentiaries which serve as places of political retribution.

All political prisoners of conscience, so long separated from their families and suffering in prison, must be released at once, including the Korean residents from Japan, those from the Namminjon case, Tae-Bok Lee from the Minnoryon case, Hyon-Chang Kim and Pu-shik Mun from the Pusan Cultural Center Arson case; others still confined and facing the death sentence such as Tong-Wha Yang and Song-Man Kim of the Overseas Student case; and Sung-Son Yang, who lost his eyesight due to the torture he suffered.

Even worse, beginning with Tae-Il Chun in 1970, there have been more than fifty persons who have sacrificed their lives upon the altar of democratization for our land. When we think of all those before us who have suffered so much my husband and I feel unworthy to accept this award today.

My husband and I have mixed feelings about receiving this award not only from this sense of unworthiness, but also because of our position about the United States since the Kwangju People's Struggle of 1980. Was the United States, source of Korea's political strength, truly impartial in the recent presidential elections? We have serious doubts about whether or not the United States has responded to the genuine yearning for the realization of democracy in Korea or to the will of the world's people for true democracy.

Just after the recent presidential election in Korea, the message of congratulation from President Reagan to President-elect Roh Tae-Woo was printed in the pages of the Tong-A Ilbo right under an article reporting United States demands for the opening of the Korean market to American oranges, tobacco, insurance, and other products. And since the more recent victory of the opposition parties in the National Assembly elections, many say that the American position on trade will become even more difficult and awkward in Korea. Furthermore, the changed forms of support given by the United States to military rule in Korea as seen during the recent presidential election give us cause for deep concern.

Yet I think these Americans here today, representing the just forces of conscience which are maintaining America, are the real friends of all those in the world community pursuing true world peace. We dislike an American government which works in collusion with dictorial regimes; but we love those American people who love true democracy. I can identify with the democratic desires of persons such as these, and it is to express our appreciation and support that I accept the award.

If I thought that this award was for our personal glory I would never be able to stand here and accept it today. I accept it in behalf of all those who have struggled for the realization of true democratization and reunification in our nation. Whatever glory derives from this award should go not to me, In Jae-Keun, but to the mothers whom I love and respect so much in our Minkahyop group. It is my hope that through these praiseworthy mothers I too can one day become one of the mothers of a better society for Korea.

We would like the stipend from this award to be used for two purposes: first, for research into reclarifying the national independence movement during the important period of the American Occupation of 1945-1949; and second, for the work in behalf of human rights and people's enablement in which the Minkahyop is involved. To that end my husband and I request that a joint committee be established by those three groups which have taken the organizational lead in the movement for Korean democratization, the Minongryon, Minchongryon and Minkahyop.

It is now time for us to put the discouragement of the presidential election behind us and rise again, tending each other's wounds and wiping away each other's tears, joining hands in broad solidarity as we advance toward true democratization and national reunification.

Finally I would like to express my sincere thanks to the two daughters of the late Senator Robert F. Kennedy and the others here today who have been willing to come such a long distance to show your continuing support for my husband and me, our families, and the others who have been a part of the democratic movement in Korea. I earnestly appeal to you to join us in praying that there will be an early end to all forms of war upon this earth, an early end to all forms of deprivation of human rights, and that the world's prison doors may be thrown open wide so that all prisoners of conscience may freely contribute their sweat in the work for peace for all humanity.

Thank you.

JAE-KEUN IN.

ABRAHAM D. SOFAER AND THE SIXTH ANNUAL ASIAN-INDIAN AMERICAN NATIONAL CONFERENCE

Mr. PRESSLER. Mr. President, on May 28, 1988, I enjoyed the honor and privilege of attending the sixth annual banquet of the Asian-Indian American National Conference in Philadelphia. The banquet and conference were sponsored by the Indian American Forum for Political Education.

Judge Abraham D. Sofaer, legal advisor at the Department of State, gave a most thoughtful address. His message was substantive is something that all of us should consider. As a young lawyer several years ago, I worked in the legal adviser's office and thus have followed matters there over the years. Judge Sofaer has provided great leadership to that office, and he gave an excellent message to the Asian-Indian gathering in Philadelphia.

There is a wealth of talent in the Asian-Indian ethnic community. Coming from a cultural tradition that emphasizes toleration for differing religious and philosophic viewpoints, Indo-Americans have much to offer the American political system. Most are fairly recent immigrants to America. As a result, not many have sought public office. They should be encouraged to participate more actively in the political process. Such participation would benefit all Americans.

I ask unanimous consent that the prepared text of Judge Sofaer's address appear at this point in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

ADDRESS OF ABRAHAM D. SOFAER TO THE ASIAN-INDIAN AMERICAN NATIONAL CONFERENCE

I am honored and delighted to be here, representing the Administration. Vice President Bush conveys his warmest good wishes to you. He could not be here tonight, but a meeting between him and Indian American leaders in Washington is in the works.

During my three years in Washington, I have been involved in several issues concerning India. These would have provided an ample justification for me to be here tonight. But I won't pretent to treat this appearance as a routine assignment. It is a special, personal pleasure to be with you in light of my own Indian background, for which I am grateful and proud.

My story should sound familiar. My family—and the Iraqi Jewish community in Bombay of which we were a part—suffered no prejudice or discrimination in India for the three generations we lived there. India has historically been a sanctuary for all peoples, all races, all religions. We also were free politially to work and vote for our beliefs. We lived comfortably, and my siblings and I were getting fine educations.

My parents felt, however, that the U.S. provided special opportunities for work and material progress, along with broad political and religious freedoms. So, they moved here, not to get away from India, but to become part of the miracle that is the United States. We have all done well. Of course, not all our dreams have come true. But we feel blessed. We are grateful for the opportunities this country has given us, and for the security those opportunites provide for our families.

My family's story is typical of that of many Indian Americans. We were not persecuted in India, or denied fundamental rights, and many of us lived well. But we reached out for even greater opportunities. And we have been successful, as successful as any immigrant group in U.S. history. We still have complaints—we are Indians after all. Some of us even have legitimate complaints concerning, for example, discrimination and barriers to free competition in our chosen fields. But, I believe I can safely say, Indian Americans are grateful to America: grateful for its basic goodness, its fairness, the justice it affords people under its laws and the opportunity it gives to all on the basis of a free market place for talent in all fields and forms. And, while we retain our emotional and cultural ties to India—as all immigrants do to their countries of origin—we are becoming Americans in every sense and in ever increasing numbers.

Indians Americans are already making substantial contributions to our adopted country. We are active in medicine, business, engineering, the sciences, the law, the media, and many other fields that require industry and skill. Two have recently won Nobel Prizes in their fields.

All these are good developments, good for Indians and good for the U.S. They are also good for India, because the increasing number and success of Indian Americans in this country will enhance its ties to India through increased interest, involvement, and understanding. In this regard, Indian Americans are following a familiar pattern, in which their success in this nation is combined with greater involvement in its political process for the purpose of advancing their interests. This also is a welcome development, and I intend to address tonight several issues which I believe concern the Indian American community.

The U.S.-Indian relationship is fundamentally sound, and getting stronger. We have moved away from the swings of warmth and coolness, to a policy of stressing areas of agreement while working to manage areas of discord. The U.S.-Indian Joint Commission has been in place since 1974, through which we deal with bilateral issues in a variety of areas. Trade has increased steadily. America is now India's largest trading partner. Cultural exchange is at an all-time high. Festival India was an enormous success. We have over 18,000 Indian students in our universities. Nothing more tangibly illustrates our ties than direct dialing, initiated in 1986, and now totalling thousands of calls per day. Technology transfer is steadily expanding under our new MOU. Approval of the transfer of a super computer is a milestone in a relationship that has other milestones ahead.

We have moved from a period in which the U.S. helped India through famine and turmoil, to one in which direct aid is down to virtually nothing and we are working with India to enhance her ability to help herself. Military cooperation is a case in point; we are not merely selling weapons to India, but are helping India to develop its own weapons and hence its self-sufficiency. Our new Program for Advanced Technology (PACT) has put this trend into a formal, bilateral channel. George Bush predicted in 1985: "surely India will do with the technological revolution what [it] did with the green revolution.' Continued liberalization of the Indian economy will lead to increased U.S. investment, which is presently far too low. Meanwhile, Indian investment in U.S. industry and business is a welcome development.

The Vice President has recognized that the key, ongoing issue in the Subcontinent "is to do all we can to improve relations between two of our close friends—India and Pakistan—an effort in which we have been involved over the past seven years." He recognized in a speech on April 15, 1988, that "the stability of the Subcontinent is threatened by nuclear competition between these two nations. India has exploded a nuclear device, and Pakistan is not far behind." He said: "I believe it is in the interest of neither country to move further in this direction." Our policy has been to bring about "a bilateral agreement that would verifiably constrain any further development of nuclear weapons . . ." and the Vice President is committed to achieving that goal.

As one who fully shares this goal, I believe those who claim we should cut off aid to Pakistan over this concern are wrong, however well intended they may be. The President has certified that Pakistan does not possess a nuclear device, and also that the aid we provide is a material factor that deters Pakistan from possessing one. To cut off aid would be self-defeating, as it would eliminate an important incentive to keep

Pakistan from reaching the point of possession of a device. We must go the bilateral route, and India has an indispensable role to play in solving this problem.

In fact, the U.S. must not arrogantly and simple mindedly press for an abrupt end, on the basis of its own ideas, to the deep and complex India-Pakistan rivalry, or to the tension between India and China. India's aspirations as a major power, on the world stage, make India itself the most likely source of creative and constructive solutions to its distracting regional problems. Our task is to show good will, while maintaining policies that serve our own interests, and to continue laying down the building blocks of a relationship that is already strong enough to sustain substantial differences of view.

Indian Americans have a number of particular concerns, beyond the U.S.-India relationship. First, U.S. immigration policy is a major issue. The Vice President strongly shares your values, and believes that family reunification must remain an important goal of U.S. immigration laws. No one is more attached than Vice President Bush to the institution of the family. He will oppose narrowing eligibility under the 2nd, 4th and 5th preferences. Children do not leave the Indian family unit just because they turn 26; and brothers and sisters remain family after they marry. The Vice President will also support increasing the available visa numbers to absorb some of the huge and growing backlog of eligibles and it will only exacerbate that backlog to include immediate relatives in the overall quota limitations.

Consistent with his strong belief in extended families, the Vice President will give serious consideration to expanding the 2nd preference to include parents. Second, we favor reducing from five to three years the period of permanent residence required for citizenship eligibility. This will be an important achievement for the Indian community. Third, the independent immigrant category should remain a separate concept, and professionals with bachelor degrees should be treated as professionals. Individuals who can make needed contributions should continue to qualify for permanent residence and the million dollar investment requirement is just too high. Precertification in needed labor categories will cut delays and red tape; but the law should not deprive employers of low skilled labor if in fact no Americans are available for the jobs involved. Finally, while our borders must be made more secure, and fraud reduced, this must not be at the price of allowing employers unlawfully to discriminate against any ethnic or racial group.

The Bhopal disaster continues to be an open wound, and a potential source of misunderstanding. As a lawyer and a former judge I have nothing against the legal system. Trials are an essential tool for finding the facts and bringing about finality in disputes. But the legal system has had that case for long enough. All sides ought to know enough about the evidence and law to be able to form sensible judgments as to a proper settlement. The U.S. Government has played no role in this matter, because it has not been asked to play a role. The parties must try to end the dispute so that the victims can obtain the assistance they deserve.

Terrorism is a problem which both India and the U.S. have faced, and on which we have common policies. We both agree, for example, that terror has no place as a method for change in democracies. We historically supported an exception to extradition for "political offenses," which grew out of the need to bring freedom to nations ruled by kings or tyrants. Where the ballot box is available, however, the bullet and the bomb are nothing more than instruments of crime. In the Punjab, 1,100 Indians were killed last year; and over 1,200 have already lost their lives this year. We unreservedly support India's unity and territorial integrity, while at the same time urging India to continue to act with restraint and to deal with legitimate grievances.

We have dealt with two major terrorist matters concerning India. In 1985, we uncovered a plot to kill Bhajan Lal, Chief Minister of Haryana, in New Orleans. We arrested four consipirators, who have all been convicted and sentenced to terms of imprisonment ranging from 5 to 10 years. This group of Sikhs also planned to kill the PM. When Rajiv Gandhi heard of this, he showed his coolness by simply saying in the course of a toast he made in Houston on June 15, 1985: "I think a special hand of thanks is also due to the Secret Service and all the security arrangements that they made." We prosecuted the group leader, convicting him for planning a military expedition against India, and for conspiring to obtain explosives illegally; regrettably, he was acquited of plotting to kill Rajiv. But we would rather have a weak case because we stopped a conspiracy before it was consummated than a strong case based on a corpus delicti.

We have supported India's effort to extradite two other persons, for crimes committed in India, including the assassination of the former Chief of Staff of the Indian Army. We encountered an unexpected problem when the special prosecutor assigned to the case had what was apparently an emotional breakdown under the pressure this case created. We have started the process anew, nonetheless, and are determined to do everything possible to enable India to try these individuals on the charges involved. Bilateral cooperation in this area has hardly begun. We should be able to help each other in achieving our shared objective of controlling terrorism.

While Indian Americans are properly concerned about their particular interests, our ultimate objective as Americans who have benefitted from the opportunities and security this nation affords is to preserve those qualities. To do so requires, not only moral conviction, but also intellectual discipline. In domestic affairs this nation is committed, on a bipartisan basis, to a range of social welfare programs that provide a protective net for the poor, the elderly, and the ill. We will work to improve those programs. The Vice President has made clear how strongly he feels, for example, that our educational opportunities must be improved. The most effective domestic social program, however, is a strong economy, one with both low unemployment and low inflation. That's what we have. Our great economic engine, under the Reagan/Bush Administration, has produced 16 million new jobs in the last seven years. Unemployment is down to 5% nationally, an outstanding accomplishment.

These achievements cannot be treated as mere luck. They were the predicted results of our tax and trade policies. They will be maintained only if the same policies are maintained. The Vice President is committed to expanding economic opportunity by holding taxes and spending down, and by facing up to the challenge of increasing free trade rather than starting a cycle of sanctions that reduce it. We cannot tolerate unfair competition, and must continue to fight against it through law and diplomacy. But we must keep our eye on the proper objective—more freedom, not less. We must not give in to easy but destructive fixes. Furthermore, we oppose unjustified price controls and overregulation, especially of particular professions such as medicine. If you want to get a sense of the difference between the policies of Vice President Bush and his likely opponent, just ask the doctors of Massachusetts about their billing caps and the regulations under which they have been placed. Ask foreign medical personnel what they think of the artificial limits that have been imposed in some places on their ability to practice their professions. We oppose overregulation and unjustified barriers to competition.

The conventional criticism of Republican social policy is that it lacks sufficient attention to human needs; it lacks "compassion", or "kindness", or "concern" for the needy. This is where intellectual discipline is imperative if you are to avoid being led astray by appeals to emotion. What is more compassionate or kind than a program that results in massive employment opportunities? Or one that protects the value of the money Americans earn? Working to help individuals is important and rewarding. It must be done in any humane society. But social justice is even more significantly served in helping millions, here and abroad, by giving them the opportunity to help themselves.

The Republican Party loves Americans of all ethnic persuasions just as much as any other party. What counts is not who does more for Americans, as individuals, but who makes the American system work so all the American people can help themselves; so they can succeed on their own strength, not just survive on the charity of others. Our philosophy may be less personally gratifying, but it is more effective in increasing the wellbeing of all Americans. The most important thing we can do for others is to let them compete freely, in a strong and growing economy, and thereby gain a success for which they will have only themselves to thank.

In the area of foreign affairs, Indian Americans have a great interest in continuing the policies that have restored America's strength and stature in the world. The U.S. cannot succeed economically at home for very long without staying engaged and maintaining its influence abroad. The Gulf is a case in point. This Administration's determination to keep it open, to keep the oil flowing, to assist our friends there, and to hold Soviet influence to a minimum, has led to profound change in the area. We refused to be bullied by a madman whose star is waning as a result. Will the opposition do the same thing in some future situation, and in the face of strong legislative resistance? Would the opposition have stood firm against Communist tyranny in Afghanistan? Would they have delivered the Stingers to strike the blow that finally forced Soviet withdrawal? Will they help the next El Salvador, and thereby save a nation and a region from left-wing tyranny and right-wing terror?

U.S. strength in this world does not threaten peace, it is an essential basis for peace. The firm stand this Administration took on intermediate range nuclear missiles in Europe led to the INF Treaty, which will be ratified on Monday. Vice President Bush was very much part of that policy. He went to Europe in 1983 to convince leaders to hold firm on the deployment of our Pershing II missiles. We faced protests in

Europe and at home. If we had given in to them, the Soviets would today have a monopoly on these particularly threatening weapons. Instead, we have the first absolute elimination of a class of nuclear weapons in human history, and the basis on which to build massive reductions in strategic weapons and conventional forces.

Strength, realism, and honesty have led in part to an extraordinarily stable and productive relationship with our principal adversary in the world. The Vice President will continue these policies. He most emphatically rejects the naive notion that progress with the Soviets is due to the present Soviet leadership. The President only yesterday praised Secretary Gorbachev for his contributions in bringing about the present situation. In crediting Gorbachev today, however, one must not forget the Gorbachev of yesterday and the many positions that he changed or modified in the face of our firm resolve on key issues. He will modify many more positions if we remain determined to make him do so.

Indian Americans have gained a lot from this country in the material sense. Our very success, however, is a measure of how much we are giving back. The same must now become true in the areas of social and political life. One of my Indian friends likes to say that the world would be perfect if it married the U.S. standard of living with the Indian way of life. Of course, the U.S. offers much more than a high standard of living. It gives us a secure physical environment, a system relatively free of corruption and poverty, a dynamic and diverse culture, and unparalleled tolerance. The overall picture will inevitably be affected, and improved, however, as a result of Indian contributions across the range of American life.

This will be true as well in political life. You must become more and more engaged. You must make the same, realistic and enlightened judgments in this area that have led to success in other areas. Help to preserve and expand on the progress of recent years, to continue the process of economic expansion at home and increased freedom abroad. Work, in short, to advance your most fundamental interest—preserving the conditions which have provided all Americans unparalleled economic opportunity along with strategic stability and steady progress toward real peace.

ALTERNATIVE CROPS

Mr. **BOND**. Mr. President, I rise today to ask unanimous consent that the name of Senator DAVID KARNES be added as an original cosponsor to S. 2495, a measure which I introduced on Friday. The Senator from Nebraska's name was inadvertently omitted when the bill was submitted to the Senate on Friday.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **BOND**. Senator KARNES shares my concern that Federal programs are currently too inflexible in denying farmers who wish to plant supplemental and alternative income-producing crops on acreage considered to be planted to a program crop. Farmers would like to try alternative production. They express a willingness to try alternative crops but the penalty of losing future Federal price and income support benefits effectively closes out this option for most farmers.

Crops that do not displace commercial markets for existing crops are what are included in this legislation. This includes kenaf, crambe, guayule, high erucic rapeseed, meadowfoam, and milkweed. There is a provision in the bill for the Secretary of Agriculture to add other crops as needed.

In Senator KARNES' State of Nebraska, farmers are working to develop these alternative crops such as milkweed which can be used as an alternative to expensive imported goose down as an insulator. The test products that have been developed from milkweed samples indicate a greater insulating and water repellancy than goose down.

START

Mr. **DOLE**. Mr. President, every American wants the current START talks for a 50-percent cut in strategic weapons to succeed.

But let us not forget that the object of START is not just to cut, but to enhance the stability of deterrence. And greater stability requires properly structured deterrent forces in the post-START era.

Such a stabilizing force structure will no doubt depend on force modernizations which will have to be authorized and appropriated for by Congress. This is why the Byrd-Dole-Wilson amendment to the defense authorization bill requires the administration to share its post-START force analysis with us sooner, rather than later.

In an op-ed which appeared yesterday, former Secretary of State Henry Kissinger writes that START must be underpinned by a wide domestic consensus, and that Congress must be committed to buy the forces needed to make START work.

Neither condition exists today, but a serious response to the Byrd-Dole-Wilson amendment would form the cornerstone upon which to build that consensus.

Dr. Kissinger makes a number of other important observations on START which I urge my colleagues and the administration to consider carefully. I ask unanimous consent that the Kissinger article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REAGAN'S FINAL CHALLENGE

That the fourth summit between Mikhail Gorbachev and Ronald Reagan ended without major agreements is a sign of a new maturity in East-West relations. Highly technical negotiations do not mature on artificial deadlines, and heads of government are dangerous negotiators. They lack the requisite expertise for the complexities of arms control. And their disagreements permit no appeal.

Annual summits provide above all an opportunity for the two leaders to understand each other's point of view so that they know how to react in crises and to set realistic goals. Reagan's fourth East-West summit achieved what was possible, which is, after all, the art of foreign policy.

Nevertheless, the president must face the painful fact that the opportunities for serious negotiation, which exist and which his policy has made possible, will come to fruition in the next administration. His place in history rests not on his conclusion of yet another agreement under the pressure of an artificial deadline but on his restoration of America's self-confidence and strength and navigation of the transition from a bellicose rhetoric to a recognition of the special responsibility for peace of the two superpowers. The president's final challenge is psychologically the most difficult: Will he be able to disassociate his personality from the process he started? His challenge is to give peace a concrete content, to supply criteria for progress to a public all too eager to believe that there exists a magic shortcut.

This is why it would be a grave mistake to seek to complete the START agreement in what remains of President Reagan's term. Such a treaty would bind the United States with respect to precisely the weapons on which the defense of free peoples has depended for the postwar period. Such a solemn commitment should be undertaken in the last days of an administration only if the issues being negotiated are largely settled and if a wide domestic consensus exists. Neither condition obtains today.

If an agreement were signed in such circumstances, the beginning of the new president's term would be heavily mortgaged. During the election campaign, neither candidate would be able to give day-to-day negotiations serious attention; afterward the winner will or should be occupied with forming his administration. If he were presented with a completed agreement, he would have to fight for the ratification of a document he had no hand in shaping. He would have to ask for funds to restructure strategic forces in the face of certain opposition from the Soviets as well as domestic groups arguing that such an effort violated the spirit, if not the letter, of the agreement. He would be under simultaneous pressure to maintain the momentum of arms control set by his predecessor.

This would be a heavy burden to leave to a successor, when many START issues are so controversial. The issue of cruise missiles is unresolved. The issue of the Strategic Defense Initiative, involving the key strategic innovation of the Reagan years, is being obfuscated. The issue of mobile intercontinental ballistic missiles is unsettled. In short, these problems are too complex to be negotiated responsibly in a few weeks and during a presidential election campaign.

It seems inconceivable that even verification can be solved in the time available to the president. To give but two examples: Under the protocol signed at the Washington summit in December of last year, the Soviet SS-25 mobile missile is assumed to carry only one warhead. However, the SS-25 is essentially the SS-20 (banned under the INF Treaty) with one additional fuel stage. The SS-20 had three warheads, which did not have to be destroyed under the INF Treaty. Since only 700 SS-20 launchers will have to be dismantled, there are approximately 2,100 SS-20 warheads available for deployment on SS-25s in a crisis, or more than 40 percent of the 4,900 warheads permitted by the START agreement. What happens to these warheads under START? How, if at all, would they be counted?

Or take the issue of verification of mobile missiles. The official U.S. position is to ban mobiles even while it is known that two new Soviet long-range missiles—the SS-25 and the SS-24—are mobile. The official U.S. position is therefore nearly certain to be abandoned; the decision has in fact been foreshadowed by preliminary discussions with the Soviets about the verification of limitation of mobiles.

Almost all experts agree that mobile missiles are to all practical purposes unverifiable in the vast expanse of the Soviet Union. To get around this dilemma an ingenious scheme has been devised according to which mobile missiles are to be confined to specified locations where they can be counted. They are to be permitted to leave these "parking areas" only in times of crisis.

This scheme sacrifices invulnerability to verification. Mobile missiles in parks are essentially unprotected and, therefore, even more vulnerable than stationary missiles in silos. They therefore almost invite surprise attack, and a decision to move the missiles from their parking areas could escalate a crisis into a conflagration.

Since the Reagan administration has yet to decide whether it wants mobile missiles and, if so, what kind, it cannot possibly know where to establish the "parking areas." Congress favors mobiles, but the House of Representatives supports the so-called Midgetman, while the Senate prefers the mobile Minuteman III. As a result, funds have been voted for research on both. But deployment is paralyzed.

In such circumstances the administration is in no position to complete a START treaty. Before it binds itself for the indefinite future with the Soviets, it must come to terms with itself and with Congress.

This applies not only to the special case of mobiles but to the entire structure of U.S. strategic forces. All experts agree that if existing U.S. strategic forces are cut by 50 percent, the vulnerability of the land-based and submarine-based strategic forces will increase immediately and mount progressively as the accuracy of Soviet missiles and the effectiveness of Soviet antisubmarine forces grow. Hence the concern with mobility, with designing a new silo-based missile with fewer warheads and reducing the number of missiles per submarine from 24 to 16. These measures would enable the United States to distribute the permitted number of missiles among more silos and submarines, thus making a Soviet first strike more difficult. And there is, of course, also the option of some kind of strategic defense. All this would cost tens of billions of dollars. Is Congress prepared to spend that money? Is the administration prepared to request it?

Finally, the withdrawal of strategic forces from Europe and the reduction of the U.S.-based forces by 50 percent must inevitably affect NATO strategy by reducing the weapons available for flexible response. START should therefore be linked to conventional force discussions, or else NATO should build up its own conventional strength. If we do neither, a long-term vulnerability is inevitable.

This is not to suggest that all efforts in the direction of START should be abandoned for the rest of the president's term. On the contrary, the president can take three steps to perpetuate his legacy.

1. The START negotiators can clear up ambiguities in the already existing text and complete nearly concluded sections.

2. The White House can press the various agencies to come up with a plan to restructure U.S. strategic forces under START conditions. This could be put before the relevant congressional committees as the condition for arms control.

3. The administration could leave a clear statement of its concept of strategic defense to help frame a debate of its most original initiative, which must be completed in the next administration.

These steps would constitute a more durable legacy than an agreement concluded under such pressure that it would be unlikely to stand the test of time.

PHILIPPINES INDEPENDENCE

Mr. HECHT. Mr. President, the Philippines, a nation with a colorful and elaborate history, celebrated its independence on June 12. The people of this nation celebrated their freedom with joyous festivities; much like the people of our great country will do on the Fourth of July.

The United States has always been an integral part of the history of the Philippines, and continues to be so even today. Thus, the independence of the Philippines is of great importance to the United States.

The United States relieved the Philippines from a long reign of uprisings under Spanish rule in 1898, and then encouraged a free and democratic government. Although there was some conflict between the American occupants and the Filipinos, in 1935 the Philippines became a self-governing commonwealth. World War II intervened, and in May 1942 the last American stronghold fell; the Japanese then occupied the islands. As a result of Japanese occupation the country suffered great damage and a complete organizational breakdown. Our two great nations then worked together to end this tyrannical reign. On July 4, 1946, the Philippines became the independent Republic of the Philippines. In 1962, the official Independence Day was changed from July 4 to June 12, commemorating the date independence from Spain was declared.

Mr. President the early years of reconstruction were spent rebuilding the economy and bringing back national pride. The United States played a major role in the reconstruction process by helping implement domestic reform programs, thus, developing the shattered economy. From independence to 1972, the Philippines was a constitutional democracy. In 1972, President Ferdinand E. Marcos declared martial law. In mid-1981 the United States supported the Filipinos' replacement of Marcos with their new President, Corazon Aquino. Philippine-Americans in Nevada can take special pride in knowing that their Senator Paul Laxalt helped bring peace to the Philippines by helping persuade Marcos to step down.

The Philippine nation has lived through a diverse and turbulent storm of ups and downs. The United States has remained through the storm a tremendous influence. English is the most important nonnative language, the United States is the Philippines leading trading partner, and every June 4 the Philippines celebrates a declared American-Philippine day of friendship.

The mountainous islands of the Philippines rang with bells of celebration and the laughter of independent Filipinos this June 12. Filipinos and all Americans also felt the spirit in Nevada and in the United States.

TRIBUTE TO LOUIS L'AMOUR

Mr. BURDICK. Mr. President, the Nation has lost a prolific writer and and spinner of tales about the West. Louis L'Amour, originally from Jamestown, ND, died last Friday, leaving behind a legacy of more than 100 novels.

My father, Usher Burdick, knew the pioneers and the Plains Indians, and wrote several books on the West. Although he served in the House of Representatives for many years, my father's work never received the broad acclaim and readership achieved by Louis L'Amour. L'Amour's books were entertaining.

To read a Louis L'Amour novel is to be taken back in time. His research was meticulous and his characters realistic. His cowboys weren't all heroes and his Indians weren't all villains. His stories included the struggles of those who settled the country West of the Mississippi, but they also told of the pleasures. This Western novelist portrayed the West in a way everyone could understand. Let it suffice to say that I was a fan.

Mr. President, I ask unanimous consent that two stories from the Grand Forks Herald about Louis L'Amour be printed in the RECORD following my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

WESTERN NOVELIST L'AMOUR IS DEAD—NORTH DAKOTA NATIVE WAS 80

(By Ric Leyva)

LOS ANGELES.—Louis L'Amour, a North Dakota native whose scores of Old West novels about gunfighters, lawmen and drifters drew on his colorful past as a gold prospector, roustabout and jack-of-all-trades, has died of lung cancer. He was 80.

L'Amour died Friday night at his home, his wife, Kathy, said Sunday.

He wrote 101 books, nearly all of them Westerns, including "Hondo," "How the West Was Won," "The Iron Marshal," "The Quick and the Dead," "Sackett" "Down the Long Hills" and "Ride the Dark Trail."

L'Amour received the National Gold Medal in 1983 when President Reagan hosted a barbecue for the Professional Rodeo Cowboy Association at the White House.

Reagan said then that L'Amour was the only novelist so honored by Congress. The president praised the writer for having "brought the West to the people of the East and to people everywhere."

In 1984, Reagan presented L'Amour with the Presidential Medal of Freedom.

North Dakota gave him its highest honor, the Theodore Roosevelt Rough Rider Award, in 1972, and his portrait hangs in the state Capitol.

A few hours before his death he was proofreading the manuscript of his latest work, the autobiography. "Education of a Wandering Man," according to Bantam Books, his publisher of 33 years.

Two L'Amour books are scheduled for release this fall: "Lonigan," a short story collection, and "The Sackett Companion," a non-fiction account of his research for his 17 novels devoted to the fictional Sackett clan.

Nearly 200 million copies of L'Amour's books were printed; his works were translated into 20 languages, Bantam said.

"For millions of readers around the world, Louis was the embodiment of the North American frontier," said his editor at Bantam, Stuart Applebaum. "They were able to relieve our American history and heritage. His books gave pleasure to truck drivers and truck stop waitresses, financiers and presidents of the United States. His work far transcends the Western novel genre."

L'Amour, a meticulous researcher, dispelled myths about life in the Old West, such as townfolk fleeing the bad guys. Many of the actual settlers, he noted, were Civil War veterans not deterred by gunplay.

L'Amour left his home in Jamestown, N.D., when he was 15 for what he later called his "yondering" years, picking up such odd jobs as prize fighter, tugboat deckhand, longshoreman, lumberjack, gold prospector, coal miner, circus roustabout, fruit picker, elephant handler and amateur archaelogist.

As a result, he was largely self-educated. In later years, however, he lectured on such campuses as the University of Southern California, the University of Oklahoma and Baylor University.

He said that he "wanted to write almost from the time I could walk." He became a prolific contributor in the 1940s and 1950s to pulp magazines.

His first novel, "Hondo," was published in 1953. It was followed by 85 more, along with 14 short story collections and one non-fiction book.

More than 45 of his novels and short stories were made into movies, including "Hondo," "Burning Hills," "Heller in Pink Tights." "How the West Was Won" and "Stranger on Horseback." Stars cast in L'Amour Westerns included John Wayne, Tab Hunter, Natalie Wood and Alan Ladd.

Among his readers were Presidents Dwight Eisenhower, Jimmy Carter and Reagan, who read "Jubal Sackett" while recovering from surgery in 1985. Other fans included Daniel Boorstin, a historian and former Librarian of Congress, and Walter Wriston, former chief executive officer of Citibank.

L'Amour never smoked, Applebaum, said, "His doctor believed that maybe (his lung cancer) was caused from his days as coal miner," he said. "But Louis, ever the historian, said he mined hard rock coal and it should not have given off the kind of dust that would cause cancer."

L'Amour is survived by his wife of 32 years and their two children, Beau and Angelique.

Funeral plans were incomplete on Sunday.

AUTHOR REMEMBERED HIS JAMESTOWN ROOTS

(By Gail Stewart Hand and Tim Fought)

Herald

"I come from a family of writers and we began in Jamestown, N.D."

Thus, Louis L'Amour credited his love of the west to his roots.

For National Library Week in 1969, he also recalled:

"There's no comment I could make about Jamestown, which I remember with affection, without expressing my appreciation for its library.

"The greatest part of my education came from libraries, and it started in Jamestown. The best university can give one only the barest outline of an education. One must fill in the blank spaces afterward and they can be filled only with reading . . .

"A former schoolmate commented not long ago that I must have read every book in the library. Of course, that was an exaggeration, but I tried."

He first wrote poetry, according to Kathie Anderson of Grand Forks, a scholar of North Dakota writers. He published his own first book in 1939, a collection of poetry called "Smoke From This Altar." A poetry anthology published in 1936, "North Dakota Singing," contains one of his poems.

His parents, Emily Dearborn and Louis Charles LaMoore, married in Jamestown, in her family home. Louis, born March 22, 1908, was the youngest of seven children. He changed his surname back to its original French spelling.

L'Amour and his sister Edna built the L'Amour Collection in the Jamestown Library. Eventually, he hoped it would contain several hundred volumes in various languages, and films from his biggest hits, Anderson said.

In what may have been his last visit to the state, L'Amour returned to Jamestown for its centennial in 1983. In 1976, he was the main speaker for the groundbreaking of the North Dakota Heritage Center.

L'Amour's first books were published under the pen name Tex Burns, according to Norton Kinghorn, a professor in UND's English Department.

Kinghorn gave a lecture on L'Amour this year for his department.

Kinghorn complained that despite L'Amour's famous research, the West he wrote about isn't accurate. "Black people don't exist there. Any historian worth his salt knows that if it weren't for black soldiers, Texas wouldn't exist. The same for black cowboys. The list goes on and on," Kinghorn said. This matters because of the power of such popular writers.

But he said L'Amour's vivid descriptions, strong action and believable dialogue are admirable.

John Little, UND English Department associate professor and organizer of the annual UND Writers Conference, tried hard to get him to the 1986 conference. He promised him the governor would declare "Louis L'Amour Day" in North Dakota on his birthday, which fell the Saturday after the conference. He promised him help with research on a book about western North Dakota and the Sibley Trail.

"None of it worked," Little said.

"He felt like he had four or five books in him, and he just didn't want to take the time to come back."

Little noted that L'Amour wasn't afraid to have larger-than-life romantic heroes. "You don't get heroes in modern fiction anymore. They're all anti-heroes."

He once taught a L'Amour short story in a course, but only read one of his books all the way through. "I found them formulaic. You could find things in them from book to book that were the same."

Anderson wrote in her forthcoming book, "Dakota: The Literary Heritage of North Dakota," that L'Amour formed an identity as "intriguing and romantic as the fictional characters" that established his career. "Oh, I wish he would've written his North Dakota book," she said.

IN HONOR OF THE RETIRING MAJORITY LEADER, SENATOR ROBERT C. BYRD

Mr. KASTEN. Mr. President, next January we will observe the passing of an epoch of the history of the U.S. Senate. At that time, we will lose the services of ROBERT C. BYRD of West Virginia as this body's majority leader.

When the art of politics is practiced with an excellence combining realism and idealism, it becomes statesmanship. The statesmanship of ROBERT BYRD proves beyond all doubt that a public man can—and should—be both a true representative of his electors and an independent, individualistic personality.

In short, he must be a leader. And Senator BYRD was a leader long before the title of majority leader was first conferred upon him in January 1977.

Most people consider their natural gifts an unchangeable given. The journey of ROBERT BYRD has been a seven-decade voyage in search of the God-given gifts deep within himself.

As a 17-year-old valedictorian at Mark Twain High School in Stotesbury, WV, BYRD was already a skilled violinist. He learned the butcher's trade from books, and soon rose to be chief butcher in a grocery store. He took a welding job in Baltimore to help our World War II effort, and soon after the war he returned to West Virginia to open his own grocery store.

But Senator BYRD was not satisfied with being a succesful small businessman. Running a grocery store, he was well aware that man does not live by bread alone. He taught an adult Bible class which attracted overflow crowds and ended up being broadcast over a local radio station.

Even then, Senator BYRD combined depth of conviction with the compelling eloquence for which we still recognize him today. And the success of his radio addresses pointed him toward his crowning career by making him a natural candidate for public office. His first race for the West Virginia House of Delegates followed in 1946.

ROBERT BYRD had become an elected official. But his quest for self-improvement and discovery of his gifts and talents was only beginning. For the next two decades, he would continue his formal education in stolen moments, attending numerous night classes and finally earning a juris doctor degree after over 4 years in the U.S. Senate. When some of us complain about our workload today, we might want to remember Senator BYRD's achievement.

Senator BYRD's perseverance in achieving a formal education does not even come close to telling the full story of his love of learning. Throughout his life, he has immersed himself in the classic literature of our civilization. Senator BYRD has consistently shown that he recognizes the true worth of our classics—by using them not as source material for displays of dusty erudition, but as living documents that speak to the deepest hopes and concerns of all people.

The Bible and Plutarch's Lives were a good start, but ROBERT BYRD knew at the outset of his political career that he would have to study as well the book of experience—the experience of his constituents, and the combined experience of generations of legislators as they struggled to create lawmaking procedures.

After two terms in the House of Delegates and one in the State Senate, BYRD ran successfully for the U.S. House of Representatives. An easy victory in November 1952 made him a Congressman—and he hit the ground running. Hours after being sworn in on January 3, 1953, he introduced an ambitious piece of labor legislation supported by his constituents.

From that very first day in the House, BYRD established himself as a dedicated servant of the people who elected him. He established a relationship of trust with his constituents that paved the way to reelection in 1954 and 1956—and to election to the Senate.

A landslide victory in 1958 brought ROBERT BYRD to the Chamber he now leads. To understand ROBERT BYRD's love of this Chamber's history, it might help to try and relive the day he became a Senator.

On January 7, 1959, Senator Lyndon Johnson of Texas presented ROBERT BYRD to the presiding officer of this body. The President of the Senate, Vice President Richard Nixon, administered his oath of office. A young yet senior colleague, Senator John Kennedy of Massachusetts, applauded from his desk.

In that ceremony, three future Presidents honored the continuity of our free institutions, the continuity that lives in the heart of ROBERT BYRD today.

In his maiden speech on January 23, 1959, he called for the distribution of supplemental foods to needy Americans. From that day to this, ROBERT BYRD has never ceased to represent the human needs of his constituents and the American people with skill and dedication.

The details of ROBERT BYRD's Senate career are well known to all of us. I would like only to mention that his dedication to providing vocational education for America's young people remains an inspiration to those of us who recognize vocational education as a major national priority.

It is essential that we prepare Americans for the jobs of today and the careers of the future, and keep America growing toward a prosperous 21st century. It has been a great help having ROBERT BYRD on the side of vocational education—and I know we can continue to count on his leadership on this issue even after he leaves the office of majority leader.

We are all proud of ROBERT BYRD, and I am sure we all look forward to working with him in the future. I wish my colleague from West Virginia the warmest congratulations on this special occasion.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask that morning business be closed, and I believe there are two rule XIV items on the calendar.

The ACTING PRESIDENT pro tempore. Morning business is now closed.

RELIEF OF GAGIK BARSEGHIAN

The ACTING PRESIDENT pro tempore. The clerk will read H.R. 3925 for the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 3925) for the relief of Gagik Barseghian.

Mr. BYRD. Mr. President, I ask that no further proceedings occur in relation to H.R. 3925.

JUVENILE JUSTICE AND DELINQUENCY ACT AMENDMENTS

The ACTING PRESIDENT pro tempore. The clerk will now read H.R. 1801 for the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 1801) to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1989 through 1992.

Mr. DOLE. Mr. President, I object to further consideration of this bill.

The ACTING PRESIDENT pro tempore. Objection is heard. Both bills will be placed on the calendar.

RECESS UNTIL 1 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 1 p.m. today.

There being no objection, at 12:44 p.m. the Senate recessed until 1 p.m.; whereupon, the Senate reassembled when called to order by the Acting President pro tempore [Mr. SHELBY].

FAMILY SECURITY ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of S. 1511. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1511) to amend title IV of the Social Security Act to replace the AFDC program with a comprehensive program of mandatory child support and work training which provides for transitional child care and medical assistance, benefit improvement, and mandatory extension of coverage to two-parent families, and which reflects a general emphasis on shared and reciprocal obligation program.

The Senate proceeded to consider the bill which has been reported from the Committee on Finance, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Family Security Act of 1988".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Section 1. Short title; table of contents.
Sec. 2. Statement of purpose.
Sec. 3. AFDC replaced by the child support supplement program.
Sec. 4. Reorganization and redesignation of title IV.

TITLE I—CHILD SUPPORT AND ESTABLISHMENT OF PATERNITY

SUBTITLE A—CHILD SUPPORT

Sec. 101. Immediate income withholding.
Sec. 102. Disregard applicable to timely child support payments.
Sec. 103. State guidelines for child support award amounts.
Sec. 104. Timing of notice of support payment collections.

SUBTITLE B—ESTABLISHMENT OF PATERNITY

Sec. 111. Performance standards for State paternity establishment programs.
Sec. 112. Increased Federal assistance for paternity establishment.

SUBTITLE C—IMPROVED PROCEDURES FOR CHILD SUPPORT ENFORCEMENT AND ESTABLISHMENT OF PATERNITY

Sec. 121. Requirement of prompt State response to requests for child support assistance.
Sec. 122. Automated tracking and monitoring systems made mandatory.
Sec. 123. Additional information source for parent locator service.
Sec. 124. Use of social security number to establish identity of parents.
Sec. 125. Commission on interstate child support.

TITLE II—JOB OPPORTUNITIES AND BASIC SKILLS TRAINING PROGRAM

Sec. 201. Establishment of program.
Sec. 202. Related substantive amendments.
Sec. 203. Technical and conforming amendments.
Sec. 204. Regulations; performance standards; studies.
Sec. 205. Effective date.

TITLE III—TRANSITIONAL ASSISTANCE FOR FAMILIES AFTER LOSS OF CSS ELIGIBILITY

Sec. 301. Extended eligibility for child care.
Sec. 302. Extended eligibility for medical assistance.
Sec. 303. Effective date.

TITLE IV—CHILD SUPPORT SUPPLEMENT AMENDMENTS

Sec. 401. Households headed by minor parents.
Sec. 402. Child support supplement program in two-parent families.
Sec. 403. Periodic reevaluation of need and payment standards.

TITLE V—DEMONSTRATION PROJECTS

Sec. 501. Demonstration program of grants to provide permanent housing for families that would otherwise require emergency assistance.
Sec. 502. Demonstration projects for developing innovative education and training programs for children receiving child support supplements.
Sec. 503. Demonstration projects to encourage States to employ parents receiving child support supplements as paid child care providers.
Sec. 504. Demonstration projects to test alternative definitions of unemployment.
Sec. 505. Demonstration projects to address child access problems.
Sec. 506. Demonstration projects to expand the number of child care facilities and the availability of child care, with emphasis on increasing child care in rural areas.
Sec. 507. Demonstration projects to expand the number of job opportunities available to certain low-income individuals.
Sec. 508. Demonstration projects to provide counseling and services to high-risk teenagers.

TITLE VI—PAYMENTS TO AMERICAN SAMOA, THE COMMONWEALTH OF PUERTO RICO, GUAM, AND THE VIRGIN ISLANDS

Sec. 601. Inclusion of American Samoa as a State under title IV.
Sec. 602. Increase in the amount available for payment to Puerto Rico, the Virgin Islands, and Guam.

TITLE VII—WAIVER AUTHORITY

Sec. 701. Waiver authority under part F of title IV.

TITLE VIII—ADMINISTRATION OF PROGRAMS UNDER PARTS A AND D

Sec. 801. Assistant Secretary for Family Support.
Sec. 802. Responsibilities of the State.
Sec. 803. Establishment of preeligibility fraud detection measures.

TITLE IX—TAX PROVISIONS

Sec. 901. Permanent extension of provisions relating to collection of nontax debts owed to Federal agencies.
Sec. 902. Dependent care credit phased out for adjusted gross incomes above $93,750.
Sec. 903. TINS requirement extended to dependents claimed on tax returns who attain 2 years of age.

TITLE X—TECHNICAL AND CONFORMING AMENDMENTS RELATING TO REPLACEMENT OF AFDC PROGRAM BY CHILD SUPPORT SUPPLEMENT PROGRAM

Sec. 1001. Amendment to heading of title IV.
Sec. 1002. Amendments to part A of title IV.
Sec. 1003. Amendments to other provisions of the Social Security Act.
Sec. 1004. General conforming amendment.

TITLE XI—REORGANIZATION AND REDESIGNATION OF TITLE IV; GENERAL CONFORMING AMENDMENT RELATING TO SUCH REORGANIZATION AND REDESIGNATION

Sec. 1101. Table of contents in title IV.
Sec. 1102. Reorganization of parts.
Sec. 1103. Redesignation of sections.
Sec. 1104. General conforming amendment.

SEC. 2. STATEMENT OF PURPOSE.

It is the purpose of this Act to replace the original program of aid to families with dependent children with new provisions for child support that—

(1) stress family responsibility and community obligation in the context of the vastly changed family arrangements of the intervening half century;

(2) enforce the principle that child support must in the first instance come from parents, and only thereafter from the community, which however has the deepest obligation to enable parents to fulfill their responsibilities through expanded opportunities in education and training; and

(3) reflect the need for benefit improvement, program innovation, and organizational renewal at every level in the Federal system.

SEC. 3. AFDC REPLACED BY THE CHILD SUPPORT SUPPLEMENT PROGRAM.

The program under part A of title IV of the Social Security Act, heretofore known as the program of aid to families with dependent children, shall hereafter be known as the child support supplement program, and the aid paid to needy families with dependent children in accordance with State plans approved under part A of title IV of such Act shall hereafter be called child support supplements, as more specifically provided in the amendments made by this Act.

SEC. 4. REORGANIZATION AND REDESIGNATION OF TITLE IV.

Title IV of the Social Security Act, as otherwise amended by this Act, is reorganized and redesignated in title XI of this Act to conform with the purpose of this Act to emphasize child support enforcement and job training as the primary means of avoiding long-term welfare dependence.

TITLE I—CHILD SUPPORT AND ESTABLISHMENT OF PATERNITY

Subtitle A—Child Support

SEC. 101. IMMEDIATE INCOME WITHHOLDING.

(a) In General.—Section 466(b)(3) of the Social Security Act (42 U.S.C. 666(b)(3)) is amended to read as follows:

"(3)(A) The wages of an absent parent shall be subject to such withholding, regardless of whether support payments by such parent are in arrears, in the case of a support order issued or modified on or after the first day of the twenty-fifth month beginning after the date of enactment of the Family Security Act of 1988, on the effective date of the order; except that such wages shall not be subject to such withholding under this subparagraph if the State finds good cause not to require such withholding, or (in the case of an order that is not an order with respect to an individual with respect to whom an assignment under section 402(a)(26) is in effect) both parents have agreed to an alternative arrangement.

"(B) The wages of an absent parent shall become subject to such withholding, in the case of wages not subject to withholding under subparagraph (A), on the date on which the payments which the absent parent has failed to make under a support order are at least equal to the support payable for one month or, if earlier, and without regard to whether there is an arrearage, the earliest of—

"(i) the date as of which the absent parent requests that such withholding begin,

"(ii) the date as of which the custodial parent requests that such withholding begin, if the State determines, in accordance with such procedures and standards as it may establish, that the request should be approved, or

"(iii) such earlier date as the State may select.".

(c) Study on Making Immediate Income Withholding Mandatory in All Cases.—The Secretary of Health and Human Services shall conduct a study of the administrative feasibility, cost implications, and other effects of requiring immediate income withholding under part D of title IV of the Social Security Act with respect to all child support awards in a State and shall report on the results of such study not later than three years after the date of enactment of this Act.

(d) Effective Date.—

(1) The amendments made by this section shall become effective on the first day of the twenty-fifth month beginning after the date of enactment of this Act.

(2) Subsection (c) shall become effective on the date of enactment of this Act.

SEC. 102. DISREGARD APPLICABLE TO TIMELY CHILD SUPPORT PAYMENTS.

(a) In General.—Section 402(a)(8)(A)(vi) of the Social Security Act (42 U.S.C. 602(a)(8)(A)(vi)) is amended by striking "of any child support payments received in such month" and inserting in lieu thereof "of any child support payments for such month received in that month, and the first $50 of child support payments for each prior month received in that month if such payments were made by the absent parent in the month when due,".

(b) Conforming Amendment.—Section 457(b)(1) of such Act (42 U.S.C. 657(b)(1)) is amended by striking "the first $50 of amounts as are collected periodically which represent monthly support payments" and inserting in lieu thereof "of such amounts as are collected periodically which represent monthly support payments, the first $50 of any payments for a month received in such month, and the first $50 of payments for each prior month received in that month which were made by the absent parent in the month when due".

(c) Effective Date.—The amendments made by this section shall become effective on the first day of the first calendar quarter beginning after the date of enactment of this Act.

SEC. 103. STATE GUIDELINES FOR CHILD SUPPORT AWARD AMOUNTS.

(a) Periodic Review of Guidelines.—Section 467(a) of the Social Security Act (42 U.S.C. 667(a)) is amended by inserting ", and shall be reviewed at least once every five years to ensure that their application results in the determination of appropriate child support award amounts" after "action".

(b) Application of Guidelines.—Section 467(b) of such Act (42 U.S.C. 667(b)) is amended by striking ", but need not be binding upon such judges or other officials" and inserting in lieu thereof "and shall be applied by such judges and other officials in determining the amount of any such award unless the judge or official, pursuant to criteria established by the State, makes a finding that there is good cause for not applying the guidelines".

(c) Periodic Review and Adjustment of Award Amounts.—Section 466(a) of such Act (42 U.S.C. 666(a)) is amended by inserting immediately after paragraph (9) the following new paragraph:

"(10)(A) Procedures to ensure review, and adjustment as appropriate in accordance with the guidelines established pursuant to section 467(a), of child support orders in effect in the State—

"(i) beginning five years after the date of enactment of the Family Security Act of 1988 or such earlier date as the State may select, not later than 24 months after the establishment of the order or the most recent review—

"(I) in the case of an order with respect to an individual with respect to whom an assignment under section 402(a)(26) is in effect, unless the State has determined, in accordance with regulations of the Secretary, that such a review would not be in the best interests of the child and neither parent has requested review, or

"(II) in the case of any other order being enforced under this part, upon the request of either parent; and

"(ii) during the period (if any) before clause (i) applies—

"(I) in the case of an order with respect to an individual with respect to whom an assignment under section 402(a)(26) is in effect, pursuant to a plan of the State (to be submitted to the Secretary not later than one year after the date of enactment of the Family Security Act of 1988) indicating how and when a periodic review and adjustment of such cases will be performed, or

"(II) in the case of any other order being enforced under this part, not later than 24 months after the establishment of the order or the most recent review where either parent has requested such review and the State has determined (under such criteria as it may establish) that such review and adjustment would be appropriate.

"(B) Procedures to ensure that, with respect to the review and adjustment under subparagraph (A)—

"(i) each parent is notified at least 30 days prior to the commencement of a review under subparagraph (A);

"(ii) each parent to whom clause (i)(II) of such subparagraph applies is notified of his or her right to request a review; and

"(iii) each parent is notified of a proposed adjustment (or determination that there should be no change) in the child support award amount, and is afforded not less than 30 days after such notification to initiate proceedings to challenge such adjustment (or determination).".

(d) Demonstration Projects for Evaluating Model Procedures for Reviewing Child Support Awards.—

(1) Not later than April 1, 1989, the Secretary of Health and Human Services (in this subsection referred to as the "Secretary") shall enter into an agreement with each of four States submitting applications under this subsection for the purpose of conducting a demonstration project under part D of title IV of the Social Security Act in the State to test and evaluate model procedures for reviewing child support award amounts.

(2) Notwithstanding section 454(1) of the Social Security Act, a demonstration project conducted under this subsection may be conducted in one or more political subdivisions of the State.

(3) An agreement under this subsection shall be entered into between the Secretary and the State agency designated by the Governor of the State involved. Under such agreement, the Secretary shall pay to the State, as an additional payment under part D of title IV of the Social Security Act, an amount equal to 90 percent of the reasonable costs incurred by the State in conducting a demonstration project under this subsection. Such costs shall not be taken into account for purposes of computing the incentive payment under section 458 of the Social Security Act.

(4) A demonstration project under this subsection shall be commenced not later than September 30, 1989, and shall be conducted for a two-year period unless the Secretary determines that the State conducting the project is not in substantial compliance with the terms of the agreement entered into with the State under paragraph (1).

(5)(A) Any State with an agreement under this subsection shall furnish the Secretary with such information as the Secretary determines to be necessary to evaluate the results of the project conducted by the State.

(B) The Secretary shall report the results of the demonstration projects conducted under this subsection to Congress not later than six months after all such projects are completed.

(e) Effective Date.—

(1) The amendments made by this section shall become effective one year after the date of enactment of this Act.

(2) Subsection (d) shall become effective on the date of enactment of this Act.

SEC. 104. TIMING OF NOTICE OF SUPPORT PAYMENT COLLECTIONS.

(a) In General.—Section 454(5) of the Social Security Act (42 U.S.C. 654(5)) is amended by striking "at least annually" and inserting in lieu thereof "on a monthly basis (or on a quarterly basis for so long as the Secretary determines with respect to a State that requiring such notice on a monthly basis would impose an unreasonable administrative burden)".

(b) Effective Date.—The amendment made by subsection (a) shall become effective on the first day of the first calendar quarter beginning four years after the date of enactment of this Act.

Subtitle B—Establishment of Paternity

SEC. 111. PERFORMANCE STANDARDS FOR STATE PATERNITY ESTABLISHMENT PROGRAMS.

(a) Standards for State Programs.—Section 452 of the Social Security Act (42 U.S.C. 652) is further amended by adding at the end thereof the following new subsection:

"(g)(1) A State's program under this part shall be found, for purposes of section 403(h), not to have complied substantially with the requirements of this part unless, for any fiscal year beginning on or after October 1, 1991, its paternity establishment percentage for such fiscal year equals or exceeds—

"(A) 50 percent;

"(B) the paternity establishment percentage of the State for fiscal year 1988, increased by the applicable number of percentage points; or

"(C) the paternity establishment percentage determined with respect to all States for such fiscal year.

"(2) For purposes of this section—

"(A) the term 'paternity establishment percentage' means, with respect to a State (or all States, as the case may be) for a fiscal year, the ratio (expressed as a percentage) that the total number of children—

"(i) who have been born out of wedlock,

"(ii)(I) except as provided in the last sentence of this paragraph, with respect to whom child support supplements are being paid under the State's plan approved under part A (or under all such plans) for such fiscal year or (II) with respect to whom services are being provided under the State's plan approved under this part (or under all such plans) for the fiscal year pursuant to an application submitted under section 454(6), and

"(iii) the paternity of whom has been established,

bears to the total number of children who have been born out of wedlock and (except as provided in such last sentence) with respect to whom child support supplements are being paid under the State's plan approved under part A (or under all such plans) for such fiscal year or with respect to whom services are being provided under the State's plan approved under this part (or under all such plans) for the fiscal year pursuant to an application submitted under section 454(6); and

"(B) the applicable number of percentage points means, with respect to a fiscal year (beginning with fiscal year 1991), 3 percentage points multiplied by the number of fiscal years after fiscal year 1989 and before the beginning of such fiscal year.

For purposes of subparagraph (A), the total number of children shall not include any child who is a dependent child by reason of the death of a parent or any child with respect to whom an applicant or recipient is found to have good cause for refusing to cooperate under section 402(a)(26).

"(3)(A) The requirements of this subsection are in addition to and shall not supplant any other requirement (that is not inconsistent with such requirements) established in regulations by the Secretary for the purpose of determining (for purposes of section 403(h)) whether the program of a State operated under this part shall be treated as complying substantially with the requirements of this part.

"(B) The Secretary may modify the requirements of this subsection to take into account such additional variables as the Secretary identifies (including the percentage of children born out-of-wedlock in a State) that affect the ability of a State to meet the requirements of this subsection.

"(C) The Secretary shall submit an annual report to the Congress that sets forth the data upon which the paternity establishment percentages for States for a fiscal year are based, lists any additional variables the Secretary has identified under subparagraph (A), and describes State performance in establishing paternity.".

(b) Effective Date; Implementation.—

(1) The amendments made by this section shall become effective on the date of enactment of this Act.

(2) The Secretary of Health and Human Services shall collect the data necessary to implement the requirements of subsection (g) of section 452 (as added by this section) and may, in carrying out the requirement of determining a State's paternity establishment percentage for fiscal year 1988, compute such percentage on the basis of data collected with respect to the last quarter of

such fiscal year if the Secretary determines that data for the full year are not available.

SEC. 112. INCREASED FEDERAL ASSISTANCE FOR PATERNITY ESTABLISHMENT.

(a) INCREASED PAYMENTS TO STATES.—Section 455(a)(1) of such Act (42 U.S.C. 655(a)(1)) is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by striking the semicolon at the end of subparagraph (B) and inserting in lieu thereof ", and"; and

(3) by adding at the end thereof the following new subparagraph:

"(C) equal to 90 percent (rather than the percent specified in subparagraph (A)) of so much of the sums expended during such quarter as are attributable to laboratory costs incurred in determining paternity;".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to laboratory costs incurred on or after October 1, 1988.

SUBTITLE C—IMPROVED PROCEDURES FOR CHILD SUPPORT ENFORCEMENT AND ESTABLISHMENT OF PATERNITY

SEC. 121. REQUIREMENT OF PROMPT STATE RESPONSE TO REQUESTS FOR CHILD SUPPORT ASSISTANCE.

(a) IN GENERAL.—Section 452 of the Social Security Act, as amended by section 111 of this Act, is further amended by adding at the end thereof the following new subsection:

"(h) The standards required by subsection (a)(1) shall include standards establishing time limits governing the period or periods within which a State must accept and respond to requests (from States, jurisdictions thereof, or individuals who apply for services furnished by the State agency under this part or with respect to whom an assignment under section 402(a)(26) is in effect) for assistance in establishing and enforcing support orders, including requests to locate absent parents, establish paternity, and initiate proceedings to establish and collect child support awards.".

(b) ADVISORY COMMITTEE; REGULATIONS.—

(1) Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall establish an advisory committee. The committee shall include representatives of organizations representing State governors, State welfare administrators, and State directors of programs under part D of title IV of the Social Security Act. The Secretary shall consult with the advisory committee before issuing any regulations with respect to the standards required by the amendment made by subsection (a) (including regulations regarding what constitutes an adequate response on the part of a State to the request of an individual, State, or jurisdiction).

(2) Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue a notice of proposed rulemaking with respect to the standards required by the amendment made by subsection (a), and after allowing not less than 60 days for public comment, shall issue final regulations not later than the first day of the tenth month to begin after such date of enactment.

SEC. 122. AUTOMATED TRACKING AND MONITORING SYSTEMS MADE MANDATORY.

(a) STATE REQUIREMENT.—Section 454(16) of the Social Security Act (42 U.S.C. 654(16)) is amended—

(1) by striking ", at the option of the State,"; and

(2) by striking "an automatic" and inserting in lieu thereof "a statewide automated".

(b) APPROVAL OF ADVANCE AUTOMATED DATA PROCESSING PLANNING DOCUMENT.—Section 452(d) of such Act (42 U.S.C. 652(d)) is amended—

(1) by striking "The" in paragraph (1) and inserting in lieu thereof "Except as provided in paragraph (3), the"; and

(2) by adding at the end thereof the following new paragraph:

"(3) The Secretary may waive any requirement of paragraph (1) or any condition specified under section 454(16) if a State demonstrates to the satisfaction of the Secretary that the State has an alternative system or systems that enable the State, for purposes of section 403(h), to be in substantial compliance with other requirements of this part.".

(c) IMPLEMENTATION.—Section 454 of such Act, as amended by subsection (a) of this section, is further amended—

(1) in paragraph (16), by inserting "(subject to the last sentence of this section)" after "provide" the first place it appears; and

(2) by adding at the end thereof the following new sentence: "A State shall be required to provide the automated data processing and information retrieval system required under paragraph (16) not later than a date specified in the initial advance automated data processing planning document submitted under such paragraph (but in no event later than 10 years after the date such document is submitted to the Secretary).".

(d) PAYMENT TO STATES FOR ESTABLISHMENT OF SYSTEM.—Section 455(a)(1)(B) of such Act (42 U.S.C. 655(a)(1)(B)) is amended to read as follows:

"(B) in the case of a State that submits the initial advance automated data processing planning document required under section 454(16) not later than October 1, 1990, equal to 90 percent (rather than the percent specified in subparagraph (A)) of so much of the sums expended during any quarter beginning after the date on which such document is submitted and before the date on which the State is required (in accordance with the last sentence of section 454) to provide the automated data processing and information retrieval system as are attributable to the planning, design, development, or enhancement of such system (including in such sums the full cost of the hardware components of such system) if the Secretary finds that the system meets the requirements specified in section 454(16);".

(e) CONFORMING AMENDMENTS.—

(1) Section 452(d)(2) of such Act (42 U.S.C. 652(d)(2)) is amended—

(A) in subparagraph (A), by striking "(A)"; and

(B) by striking subparagraph (B).

(2) Sections 402(e) (42 U.S.C. 602(e)), 452(d)(1) (42 U.S.C. 652(d)(1)), and 454(16) (42 U.S.C. 654(16)) of such Act are each amended by striking "automatic" each place it appears and inserting in lieu thereof "automated".

(f) EFFECTIVE DATE.—The amendments made by this section shall become effective on the date of enactment of this Act.

SEC. 123. ADDITIONAL INFORMATION SOURCE FOR PARENT LOCATOR SERVICE.

(a) IN GENERAL.—Section 453(e) of the Social Security Act (42 U.S.C. 653(e)) is amended by adding at the end thereof the following new paragraph:

"(3) The Secretary of Labor shall enter into an agreement with the Secretary to provide prompt access for the Secretary (in accordance with this subsection) to the wage and unemployment compensation claims information and data maintained by or for the Department of Labor or State employment security agencies.".

(b) STATE REQUIREMENT TO ASSIST SECRETARY IN OBTAINING INFORMATION.—

(1) Section 303 of the Social Security Act (42 U.S.C. 503) is amended by adding at the end thereof the following new subsection:

"(h)(1) The State agency charged with the administration of the State law shall take such actions (in such manner as may be provided in the agreement between the Secretary of Health and Human Services and the Secretary of Labor under section 453(e)(3)) as may be necessary to enable the Secretary of Health and Human Services to obtain prompt access to any wage and unemployment compensation claims information (including any information that might be useful in locating an absent parent or such parent's employer) for use by the Secretary of Health and Human Services, for purposes of section 453, in carrying out the child support enforcement program under title IV.

"(2) Whenever the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency charged with the administration of the State law, finds that there is a failure to comply substantially with the requirement of paragraph (1), the Secretary of Labor shall notify such State agency that further payments will not be made to the State until such Secretary is satisfied that there is no longer any such failure. Until the Secretary of Labor is so satisfied, such Secretary shall make no further certification to the Secretary of the Treasury with respect to such State.".

(2) Section 304(a)(2) of such Act (42 U.S.C. 504(a)(2)) is amended by striking "or (e)" and inserting in lieu thereof "(e), or (h)".

(c) EFFECTIVE DATE; IMPLEMENTATION.—

(1) The amendments made by this section shall become effective on the date of enactment of this Act.

(2) The Secretary of Health and Human Service and the Secretary of Labor shall enter into the agreement required by the amendment made by subsection (a) not later than 90 days after the date of enactment of this Act.

SEC. 124. USE OF SOCIAL SECURITY NUMBER TO ESTABLISH IDENTITY OF PARENTS.

(a) DISCLOSURE OF SOCIAL SECURITY NUMBER AT TIME OF CHILD'S BIRTH.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended—

(1) in clause (i)—

(A) by inserting "(I)" after "(i)"; and

(B) by adding at the end thereof the following new subclause:

"(II) In the administration of any law involving the issuance of a birth certificate, each State shall, for the purpose of establishing the identity of the parents of the child for which a certificate is issued, require each such parent to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for the law involved, the social security account number (or numbers, if the parent has more than one such number) issued to the parent unless the State (in accordance with regulations prescribed by the Secretary) finds good cause for not requiring the furnishing of such number. The State shall make numbers furnished under this subclause available to the agency administering the State's plan under part D of title IV in accordance with federal or state law and regulation. Such numbers need not be recorded on the birth certificate."; and

(2) in clause (ii)—

(A) by striking "clause (i) of this subparagraph" and inserting in lieu thereof "subclause (I) of clause (i)", and

(B) by adding at the end thereof the following new sentence: "If and to the extent that any such provision is inconsistent with the requirement set forth in subclause (II) of clause (i), such provision shall, on and after the date of the enactment of such subclause, be null, void, and of no effect.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective on the first day of the twenty-fifth month to begin on or after the date of enactment of this Act.

SEC. 125. COMMISSION ON INTERSTATE CHILD SUPPORT.

(a) ESTABLISHMENT OF COMMISSION.—There is hereby established a Commission to be known as the Commission on Interstate Child Support (in this section referred to as the "Commission") to be composed of 15 members appointed in accordance with subsection (b)(1).

(b) APPOINTMENT AND TERM OF MEMBERS; VACANCIES; TRANSACTION OF BUSINESS.—

(1) Members of the Commission shall be appointed as follows from among individuals knowledgeable in matters involving interstate child support:

(A) Four members shall be appointed jointly by the Majority and Minority Leaders of the Senate, in consultation with the chairman and ranking minority member of the Committee on Finance of the Senate.

(B) Four members shall be appointed jointly by the Speaker of the House and the Minority Leader of the House, in consultation with the chairman and ranking minority member of the Committee on Ways and Means of the House of Representatives.

(C) Seven members shall be appointed by the Secretary of Health and Human Services (in this section referred to as the "Secretary").

(2) Members of the Commission shall serve for the life of the Commission. A vacancy on the Commission shall be filled in the manner in which the original appointment was made and shall not affect the powers or duties of the Commission.

(3) A majority of the members of the Commission shall constitute a quorum for the transaction of business. Decisions of the Commission shall be according to the vote of a simple majority of those present and voting at a properly called meeting.

(4) The initial 15 members of the Commission shall be appointed not later than 90 days after the date of enactment of this Act. The first meeting of the Commission shall be called by the Secretary as promptly as possible after all such members are appointed. At such meeting, the members of the Commission shall select a chairman from among such members and shall meet thereafter at the call of the chairman or of a majority of the members.

(c) BASIC PAY.—

(1) Members of the Commission shall serve without pay.

(2) Members of the Commission shall be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the same manner as persons serving intermittently in the government service are allowed travel expenses under section 5703 of title 5 of the United States Code.

(d) DUTIES OF THE COMMISSION.—

(1) Not later than October 1, 1989, the Commission shall hold one or more national conferences on interstate child support reform for the purpose of assisting the Commission in preparing the report required under paragraph (2).

(2) Not later than October 1, 1990, the Commission shall submit a report to the Congress that contains recommendations for—

(A) improving the interstate establishment and enforcement of child support awards, and

(B) revising the Uniform Reciprocal Enforcement of Support Act.

(e) POWERS OF THE COMMISSION.—

(1) The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States Government.

(2) The Commission may accept, use, and dispose of donations of money and property and may accept such volunteer services of individuals as it deems appropriate.

(3) The Commission may procure supplies, services, and property, and make contracts (but only to the extent or in such amounts as are provided in appropriation Acts).

(4) For purposes of carrying out its duties under subsection (d), the Commission may adopt such rules for its organization and procedures as it deems appropriate.

(f) TERMINATION OF THE COMMISSION.—

(1) The Commission shall terminate on November 1, 1990.

(2) Any funds held by the Commission on the date of termination of the Commission shall be deposited in the general fund of the Treasury of the United States and credited as miscellaneous receipts. Any property (other than funds) held by the Commission on such date shall be disposed of as excess or surplus property.

(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $2,000,000.

TITLE II—JOB OPPORTUNITIES AND BASIC SKILLS TRAINING PROGRAM

SEC. 201. ESTABLISHMENT OF PROGRAM.

(a) STATE PLAN REQUIREMENT.—Section 402(a)(19) of the Social Security Act (42 U.S.C. 602(a)(19)) is amended to read as follows:

"(19) provide that the State has in effect and operation a job opportunities and basic skills training program that meets the requirements of section 417;".

(b) ESTABLISHMENT AND OPERATION OF STATE PROGRAMS.—Part A of title IV of such Act is amended by adding at the end thereof the following new section:

"JOB OPPORTUNITIES AND BASIC SKILLS TRAINING PROGRAM

"SEC. 417. (a) It is the purpose of this section to assure that needy families with children obtain the education, training, and employment that will help them avoid long-term welfare dependence.

"(b)(1) As a condition of its participation in the child support supplement program under this part, each State shall establish and operate a job opportunities and basic skills training program (in this section referred to as the "program") under a plan approved by the Secretary as meeting all of the requirements of this section and (not later than three years after the date of enactment of this section) shall make the program available in each political subdivision of the State (unless the State demonstrates to the satisfaction of the Secretary that it is not feasible to make the program available in each such subdivision because of the needs and circumstances of local economies, the number of prospective participants, and other relevant variables). The State shall, in accordance with regulations prescribed by the Secretary, periodically review and update its plan and submit the updated plan for approval by the Secretary.

"(2) Each State program shall include private sector involvement in planning and program design to assure that participants are prepared for jobs that will be available in the community.

"(3) The State agency that administers or supervises the administration of the State's plan approved under section 402 shall be responsible for the administration or supervision of the administration of the State's program.

"(4) Federal funds made available to a State for purposes of the program shall not be used to supplant non-Federal funds for existing services and activities which promote the purpose of this section. State or local funds expended for such purposes shall be maintained at least at the level of such expenditures for fiscal year 1987.

"(c)(1)(A) Except as otherwise provided in this subsection, each State shall to the extent that the program is available in the applicable political subdivision and State resources otherwise permit—

"(i) require every recipient of child support supplements in the State with respect to whom the State guarantees child care in accordance with section 402(g) to participate in such program; and

"(ii) allow applicants for and recipients of child support supplements (and individuals who would be recipients of such supplements if the State had not exercised the option under section 407(b)(2)(B)(i)) who are not required under clause (i) to participate in the program to do so on a voluntary basis.

"(B) A State may require or allow absent parents who are unemployed and unable to meet their child support obligations to participate in the program under this section.

"(C) In determining the priority of participation by individuals from among those groups described in clauses (i), (ii), and (iii) of section 403(k)(2)(B), the State shall give first consideration to applicants for or recipients of child support supplements within any such group who volunteer to participate in the program.

"(D) No State shall be required to require or allow participation of an individual in the program if as a result of such participation the amount payable to the State for quarters in a fiscal year with respect to the program would be reduced pursuant to section 403(k)(2).

"(2)(A) An individual may not be required to participate in the program if such individual—

"(i) is ill, incapacitated, or of advanced age;

"(ii) is needed in the home because of the illness or incapacity of another member of the household;

"(iii) subject to subparagraph (B) and subsection (e)(1)(B), is the parent or other relative of a child under the age of three (or, at the option of the State, any age that is less than three but not less than one), who is personally providing care for the child with only very brief and infrequent absences from the child;

"(iv) works 30 or more hours a week;

"(v) is a child who is under age 16 or attends, full-time, an elementary, secondary, or vocational (or technical) school;

"(vi) is pregnant if it has been medically verified that the child is expected to be born in the month in which such participation would otherwise be required or within the three-month period immediately following such month; or

"(vii) resides in an area of the State where the program is not available.

"(B) In the case of a family eligible for child support supplements by reason of the unemployment of the parent who is the principal earner, subparagraph (A)(iii) shall apply only to one parent; except that, in the case of such family, the State may at its option make such subparagraph inapplicable to both of the parents (and require their participation in the program) if child care is guaranteed with respect to the family.

"(3) Any individual who is required or allowed to participate in the program and who is—

"(A) the parent or relative of a child under the age of six who is providing care for such child, and

"(B) not the principal earner (in the case of a family that is eligible for child support supplements by reason of the unemployment of the parent who is the principal earner); shall not be required (but may be encouraged) to participate in the program for more than a total of 24 hours a week; except that the State may require an individual to participate on a full-time basis (in excess of 24 hours a week) in any of the educational activities described in subclause (I), (II), or (III) of subsection (e)(1)(A)(ii).

"(4) If an individual who is required or allowed to participate in the program is already attending (in good standing) a school or a course of vocational or technical training designed to lead to employment at the time he or she would otherwise commence participation in the program, such attendance may constitute satisfactory participation in the program so long as such individual continues to participate in good standing. The costs of such school or course of training (whether or not paid by the State) may not be included as expenditures under the State plan for purposes of section 403 (but expenditures by the State for providing, or making reimbursement for the cost of, such child care as is necessary (as determined by the State) for attending such school or course of training may be included).

"(d)(1)(A) The State agency shall make an initial assessment of the education and employment skills of each participant in the program and shall conduct a review of such participant's family circumstances. On the basis of such assessment and review, such agency may develop an employability plan for each such participant which, to the maximum extent possible, reflects the preferences of the participant.

"(B) In making the initial assessment and developing (if at all) the employability plan under subparagraph (A) with respect to any participant in the program who has attained the age of 22 and does not have a high-school diploma, the State agency shall place emphasis on meeting the educational needs of the participant.

"(2) Following the initial assessment and review and the development of the employability plan with respect to any participant in the program, the State agency may require each participant (or the adult caretaker in the family of which the participant is a member) to negotiate and enter into a contract with the State agency that specifies such matters as the participant's obligations, the duration of participation in the program, and the activities to be conducted and the services to be provided in the course of such participation. If the State agency exercises the option under the preceding sentence, each participant shall be given such assistance as he or she may require in reviewing and understanding the contract.

"(3) The State agency may require the assignment of a case manager to each participant and the participant's family. The case manager so assigned shall be responsible for assisting the family to obtain any services which may be needed to assure effective participation in the program.

"(e)(1)(A) In carrying out the program, each State may make available a broad range of services and activities to aid in carrying out the purpose of this section. Such services and activities—

"(i) shall include basic education and skills training; and

"(ii) may include—

"(I) high school or equivalent education (combined with training when appropriate);

"(II) remedial education to achieve a basic literacy level;

"(III) instruction in English as a second language;

"(IV) post-secondary education (as appropriate);

"(V) on-the-job training;

"(VI) work supplementation programs as provided in subsection (f);

"(VII) community work experience programs as provided in subsection (g);

"(VIII) group and individual job search as provided in subsection (h);

"(IX) job readiness activities to help prepare participants for work;

"(X) job development, job placement, and follow-up services, as needed, to assist participants in securing and retaining employment and advancement; and

"(XI) other employment, education, and training activities as determined by the State and allowed by regulations of the Secretary.

"(B)(i) Subject to clause (ii), in the case of a custodial parent who has not attained 22 years of age, has not successfully completed a high-school education (or its equivalent), and is required to participate in the program (including an individual who would otherwise not be required to participate in the program solely by reason of subsection (c)(2)(A)(iii)), the State agency shall require such parent to participate in the activities described in subclause (I) or (where appropriate) subclause (II) or (III) of subparagraph (A)(ii).

"(ii) The State agency may require a custodial parent described in clause (i) to participate in training or work activities (in lieu of the educational activities under such clause) if such parent fails to make good progress in successfully completing such educational activities or if it is determined (prior to any assignment of the individual to such educational activities) pursuant to an educational assessment that participation in such educational activities is inappropriate for such parent.

"(2) In assigning a participant to any program activity, the State agency—

"(A) shall assure that—

"(i) the assignment takes into account the physical capacity, skills, experience, health and safety, family responsibilities, and place of residence of such participant, and

"(ii) the participant will not be required, without his or her consent, to travel an unreasonable distance from his or her home or remain away from such home overnight; and

"(B) may base the assignment on available resources, the participant's circumstances, and local employment opportunities.

"(3) Wage rates for jobs to which participants are assigned under this section shall be not less than the greater of the Federal minimum wage or applicable State minimum wage. Appropriate workers' compensation and tort claims protection shall be provided to all participants on the same basis as such compensation and protection are provided to other individuals in the State in similar employment (as determined under regulations issued by the Secretary).

"(4)(A) No work assignment under this section (including any assignment made under subsection (f) or (g)) shall result in—

"(i) the displacement of any currently employed worker or position (including partial displacement such as a reduction in the hours of nonovertime work, wages, or employment benefits),

"(ii) the filling of established unfilled position vacancies,

"(iii) any infringement of the promotional opportunities of any currently employed individual, or

"(iv) the impairment of existing contracts for services or collective bargaining agreements.

"(B) No participant shall be assigned to fill a job opening under this section when—

"(i) any individual is on layoff from the same or any substantially equivalent job, or

"(ii) the employer has terminated the employment of any regular employee or otherwise reduced its workforce.

"(C) The State shall establish and maintain (pursuant to regulations jointly issued by the Secretary and the Secretary of Labor) a grievance procedure for resolving complaints by regular employees or their representatives that the work assignment of an individual under the program violates any of the prohibitions described in subparagraph (A) or (B). A decision of the State under such procedure may be appealed to the Secretary of Labor for investigation and such action as such Secretary may find necessary.

"(5)(A) Except as provided in subparagraph (B), the State agency may not require a participant in the program to accept a job under the program (as work supplementation or otherwise) if accepting the job would result in a net loss of income (including the value of any food stamp benefits and the insurance value of any health benefits) to the family of the participant.

"(B) The State agency may require a participant to accept a job described in subparagraph (A) if the State agency makes a supplementary payment in an amount that is sufficient to maintain the income of the family at a level no less than what would be the level of income in the absence of earnings received from such job. For purposes of sections 403 and 1902(a)(10)(A)(i)(I), a supplementary payment made under this subparagraph shall be treated as a child support supplement.

"(6)(A) The Governor shall assure that program activities are coordinated in each State with programs operated under the Job Training Partnership Act and with any other relevant employment, training, and education programs available in the State.

"(B) The Secretary shall on a continuing basis consult with the Secretaries of Education and Labor for the purpose of assuring the maximum coordination of education and training services in the development and implementation of the program under this section.

"(C) The State agency shall consult with the State education agency and the agency responsible for administering job training programs in the State in order to promote coordination of the planning and delivery of services under the program with programs operated under the Job Training Partnership Act and with education programs available in the State (including any pro-

gram under the Adult Education Act or Carl D. Perkins Vocational Education Act).

"(7) In carrying out the program under this section, the State agency may enter into appropriate contracts and other arrangements with public and private agencies and organizations for the provision or conduct of any services or activities under the program.

"(f)(1) Any State may institute a work supplementation program under which such State, to the extent it considers appropriate, may reserve the sums that would otherwise be payable to participants in the program as child support supplements and use such sums instead for the purpose of providing and subsidizing jobs for such participants (as described in paragraph (3)(C)(i) and (ii)), as an alternative to the child support supplements which would otherwise be so payable to them.

"(2)(A) Notwithstanding the provisions of section 406 or any other provision of law, Federal funds may be paid to a State under this part, subject to the provisions of this subsection, with respect to expenditures incurred in operating a work supplementation program under this subsection.

"(B) Nothing in this part, or in any State plan approved under this part, shall be construed to prevent a State from operating (on such terms and conditions and in such cases as the State may find to be necessary or appropriate) a work supplementation program in accordance with this subsection and subsection (e).

"(C) Notwithstanding section 402(a)(23) or any other provision of law, a State may adjust the levels of the standards of need under the State plan as the State determines to be necessary and appropriate for carrying out a work supplementation program under this subsection.

"(D) Notwithstanding section 402(a)(1) or any other provision of law, a State operating a work supplementation program under this subsection may provide that the need standards in effect in those areas of the State in which such program is in operation may be different from the need standards in effect in the areas in which such program is not in operation, and such State may provide that the need standards for categories of recipients may vary among such categories to the extent the State determines to be appropriate on the basis of ability to participate in the work supplementation program.

"(E) Notwithstanding any other provision of law, a State may make such further adjustments in the amounts of the child support supplements paid under the plan to different categories of recipients (as determined under subparagraph (D)) in order to offset increases in benefits from needs-related programs (other than the State plan approved under this part) as the State determines to be necessary and appropriate to further the purposes of the work supplementation program.

"(F) In determining the amounts to be reserved and used for providing and subsidizing jobs under this subsection as described in paragraph (1), the State may use a sampling methodology.

"(G) Notwithstanding section 402(a)(8) or any other provision of law, a State operating a work supplementation program under this subsection (i) may reduce or eliminate the amount of earned income to be disregarded under the State plan as the State determines to be necessary and appropriate to further the purposes of the work supplementation program, and (ii) during one or more of the first nine months of an individual's employment pursuant to a program under this section, may apply to the wages of the individual the provisions of section 402(a)(8)(A)(iv) without regard to the provisions of (B)(ii)(II) of such section.

"(3)(A) A work supplementation program operated by a State under this subsection may provide that any individual who is an eligible individual (as determined under subparagraph (B)) shall take a supplemented job (as defined in subparagraph (C)) to the extent that supplemented jobs are available under the program. Payments by the State to individuals or to employers under the work supplementation program shall be treated as expenditures incurred by the State for child support supplements except as limited by paragraph (4).

"(B) For purposes of this subsection, an eligible individual is an individual who is in a category which the State determines should be eligible to participate in the work supplementation program, and who would, at the time of placement in the job involved, be eligible for child support supplements under the State plan if such State did not have a work supplementation program in effect.

"(C) For purposes of this section, a supplemented job is—

"(i) a job provided to an eligible individual by the State or local agency administering the State plan under this part; or

"(ii) a job provided to an eligible individual by any other employer for which all or part of the wages are paid by such State or local agency.

A State may provide or subsidize any job under the program which such State determines to be appropriate.

"(4) The amount of the Federal payment to a State under section 403 for expenditures incurred in making payments to individuals and employers under a work supplementation program under this subsection shall not exceed an amount equal to the amount which would otherwise be payable under such section if the family of each individual employed in the program established in such State under this subsection had received the maximum amount of child support supplements payable under the State plan to such a family with no income (without regard to adjustments under paragraph (2) of this subsection) for a period of months equal to the lesser of (A) nine months, or (B) the number of months in which such individual was employed in such program.

"(5)(A) Nothing in this subsection shall be construed as requiring the State or local agency administering the State plan to provide employee status to an eligible individual to whom it provides a job under the work supplementation program (or with respect to whom it provides all or part of the wages paid to the individual by another entity under such program), or as requiring any State or local agency to provide that an eligible individual filling a job position provided by another entity under such program be provided employee status by such entity during the first 13 weeks such individual fills that position.

"(B) Wages paid under a work supplementation program shall be considered to be earned income for purposes of any provision of law.

"(6) Any State that chooses to operate a work supplementation program under this subsection shall provide that any individual who participates in such program, and any child or relative of such individual (or other individual living in the same household as such individual) who would be eligible for child support supplements under the State plan approved under this part if such State did not have a work supplementation program, shall be considered individuals receiving child support supplements under the State plan approve under this part for purposes of eligibility for medical assistance under the State plan approved under title XIX.

"(7) No individual receiving child support supplements under the State plan shall be excused by reason of the fact that such State has a work supplementation program from any requirement of this part relating to work requirements, except during periods in which such individual is employed under such work supplementation program.

"(g)(1)(A) Any State may establish a community work experience program in accordance with this subsection. The purpose of the community work experience program is to provide experience and training for individuals not otherwise able to obtain employment, in order to assist them to move into regular employment. Community work experience programs shall be designed to improve the employability of participants through actual work experience and training and to enable individuals employed under community work experience programs to move promptly into regular public or private employment. The facilities of the State public employment offices may be utilized to find employment opportunities for recipients under this program. Community work experience programs shall be limited to projects which serve a useful public purpose in fields such as health, social service, environmental protection, education, urban and rural development and redevelopment, welfare, recreation, public facilities, public safety, and day care. To the extent possible, the prior training, experience, and skills of a recipient shall be used in making appropriate work experience assignments.

"(B) A State that elects to establish a community work experience program under this subsection shall operate such program so that each participant (as determined by the State) either works or undergoes training (or both) with the maximum number of hours that any such individual may be required to work in any month being a number equal to the amount of the child support supplements payable with respect to the family of which such individual is a member under the State plan approved under this part, divided by the greater of the Federal minimum wage or the applicable State minimum wage (and the portion of a recipient's child support supplements for which the State is reimbursed by a child support collection shall not be taken into account in determining the number of hours that such individual may be required to work).

"(C) Nothing contained in this subsection shall be construed as authorizing the payment of child support supplements under this part as compensation for work performed, nor shall a participant be entitled to a salary or to any other work or training expense provided under any other provision of law by reason of his participation in a program under this subsection.

"(D) Nothing in this part or in any State plan approved under this part shall be construed to prevent a State from operating (on such terms and conditions and in such cases as the State may find to be necessary or appropriate) a community work experience program in accordance with this subsection and subsection (e).

"(E) Participants in community work experience programs under this subsection may perform work in the public interest (which otherwise meets the requirements of this subsection) for a Federal office or agency with its consent, and, notwithstanding section 1342 of title 31, United States Code, or any other provision of law, such agency may accept such services, but such participants shall not be considered to be Federal employees for any purpose.

"(2) The State agency shall provide coordination among a community work experience program operated pursuant to this subsection, any program of job search under subsection (h), and the other employment-related activities under the program established by this section so as to insure that job placement will have priority over participation in the community work experience program, and that individuals eligible to participate in more than one such program are not denied child support supplements on the grounds of failure to participate in one such program if they are actively and satisfactorily participating in another. The State agency may provide that part-time participation in more than one such program may be required where appropriate.

"(3) In the case of any State that makes expenditures in the form described in paragraph (1) under its State plan approved under section 402, expenditures for the operation and administration of the program under this section may not include, for purposes of section 403, the cost of making or acquiring materials or equipment in connection with the work performed under a program referred to in paragraph (1) or the cost of supervision of work under such program, and may include only such other costs attributable to such programs as are permitted by the Secretary.

"(h)(1) The State agency may establish and carry out a program of job search for individuals participating in the program under this section.

"(2) The State agency may require job search by an individual applying for or receiving child support supplements (other than an individual described in subsection (c)(2)(A) who is not an individual with respect to whom subsection (c)(2)(B) applies)—

"(A) subject to the last sentence of this paragraph, beginning at the time such individual applies for child support supplements and continuing for a period (prescribed by the State) of not more than eight weeks (but this requirement may not be used as a reason for any delay in making a determination of an individual's eligibility for such supplements or in issuing a payment to or on behalf of any individual who is otherwise eligible for such supplements); and

"(B) at such time or times after the close of the period prescribed under subparagraph (A) as the State agency may determine but not to exceed a total of eight weeks in any period of 12 consecutive months.

In no event may an individual be required to participate in job search for more than three weeks before the State agency conducts the assessment and review with respect to such individual under subsection (d)(1)(A).

"(i)(1) If an individual who is required by the provisions of this section to participate in the program or who is so required by reason of the State's having exercised the option under subsection (c)(2)(B) fails without good cause to participate in such program or refuses without good cause to accept employment in which such individual is able to engage which is offered through the public employment offices of the State, or is otherwise offered by an employer if the offer of such employer is determined to be a bona fide offer of employment—

"(A) in the case of a relative who so fails (or refuses), such relative's needs shall not be taken into account in making the determination under section 402(a)(7), and child support supplements for any dependent child in the family (other than a family eligible by reason of the unemployment of the parent who is the principal earner) in the form of payments of the type described in section 406(b)(2) (which in such a case shall be without regard to clauses (A) and (D) thereof) or section 472 will be made unless the State agency, after making reasonable efforts, is unable to locate an appropriate individual to whom such payments can be made;

"(B) in the case of an individual who is the principal earner in a family that is eligible for child support supplements by reason of the unemployment of such principal earner who so fails (or refuses), child support supplements shall be denied to all members of the family;

"(C) in the case of a child who is the only child in the family receiving child support supplements who so fails (or refuses), child support supplements with respect to such family shall be denied;

"(D) in the case of a child who is not the only child in the family receiving child support supplements who so fails (or refuses), child support supplements with respect to such child shall be denied and such child's needs shall not be taken into account in making the determination under section 402(a)(7); and

"(E) in the case of an individual (living in the same household as a child or relative) who so fails (or refuses), such individual's needs shall not be taken into account in making the determination under section 402(a)(7)).

In the case of an individual described in subsection (c)(3), no sanction shall be imposed under this section on the basis of refusal to accept employment if the employment would require such individual to work more than 24 hours a week. For purposes of this subsection, in any situation where child care (or day care for any incapacitated individual living in the same home as a dependent child) is necessary for an individual's participation in the program or acceptance of employment, the lack of such care shall be considered good cause for refusing to participate in such program or accept such employment.

"(2)(A) Any sanction described in paragraph (1) shall continue—

"(i) in the case of the individual's first failure to comply, until the failure to comply ceases;

"(ii) in the case of the individual's second failure to comply, until the failure to comply ceases or three months (whichever is longer); and

"(iii) in the case of any subsequent failure to comply, until the failure to comply ceases or six months (whichever is longer).

"(B) The State agency shall notify a recipient of any failure to comply under this subsection and shall indicate (as part of such notice) what action or actions must be taken to terminate the sanction.

"(j) Each State shall establish a conciliation procedure for the resolution of disputes involving an individual's participation in the program and (if any such dispute is not resolved through conciliation) shall provide an opportunity for a hearing with respect to any such dispute, which hearing may be provided through a hearing process established for purposes of resolving disputes with respect to the program or through the provision of a hearing pursuant to section 402(a)(4), but in no event shall child support supplements be suspended, reduced, discontinued, or terminated as a result of a dispute involving an individual's participation in the program until such individual has an opportunity for a hearing that meets the standards set forth by the United States Supreme Court in Goldberg v. Kelly, 397 U.S. 254 (1970).".

SEC. 202. RELATED SUBSTANTIVE AMENDMENTS.

(a) SEPARATE FUNDING FOR JOBS PROGRAM; FEDERAL FINANCIAL PARTICIPATION.—

(1) Section 417 of the Social Security Act, as added by the amendment made by section 201(b) of this Act, is amended by adding at the end thereof the following new subsections:

"(k)(1) Each State with a plan approved under this section shall be entitled to payments under section 403(k) for any fiscal year in an amount equal to the sum of the applicable percentages (specified in section 403(k)) of its expenditures to carry out the program (subject to limitations prescribed by or pursuant to this section on expenditures that may be included for purposes of determining payment under section 403(k)), but such payments for any fiscal year in the case of any State may not exceed the limitation determined under paragraph (2) with respect to the State.

"(2) The limitation determined under this paragraph with respect to a State for any fiscal year is—

"(A) the amount allotted to the State for fiscal year 1987 under part C of this title as then in effect, plus

"(B) the amount that bears the same ratio to the amount specified in paragraph (3) for such fiscal year as the average monthly number of adult recipients (as defined in paragraph (4)) in the State in the preceding fiscal year bears to the average monthly number of such recipients in all the States for such preceding year.

"(3) The amount specified in this paragraph is—

"(A) $500,000,000 in the case of fiscal year 1989,

"(B) $650,000,000 in the case of fiscal year 1990,

"(C) $800,000,000 in the case of fiscal year 1991, and

"(D) $1,000,000,000 in the case of fiscal year 1992 and each fiscal year thereafter;

reduced by the aggregate amount allotted to all the States for fiscal year 1987 pursuant to part C of this title as then in effect.

"(4) For purposes of this subsection, the term 'adult recipient' in the case of any State means an individual other than a dependent child (unless such child is the custodial parent of another dependent child) whose needs are met (in whole or in part) with child support supplements.

"(l)(1) If, within six months after the date of enactment of the Family Security Act of 1988, an Indian tribe applies to the Secretary to conduct a work, training, and education program to carry out the purpose of this section, and the Secretary approves such tribe's application, the maximum amount that may be paid under section 403(k) to the State in which such tribe is located shall be reduced by the Secretary in accordance with paragraph (2) and an amount equal to the amount of such reduction shall be paid directly to such Indian

tribe (without the requirement of any non-federal share) for the operation of its work, training, and education program.

"(2) The amount of the reduction under paragraph (1) with respect to any State in which is located an Indian tribe with an application approved under such paragraph shall be an amount equal to the amount that bears the same ratio to the maximum amount that could be paid under section 403(k) to the State as the number of the adult members of such Indian tribe receiving child support supplements under this part bears to the number of all adult individuals in the State receiving such supplements.

"(3) The work, training, and education program set forth in the application of an Indian tribe under paragraph (1) need not meet any requirement of the program under this section that the Secretary determines is inappropriate with respect to such work, training, and education program.

"(4) The work, education, and training program of any Indian tribe may be terminated voluntarily by such tribe or may be terminated by the Secretary upon a finding that the tribe is not conducting such program in substantial conformity with the terms of the application approved by the Secretary, and the maximum amount that may be paid under section 403(k) to the State within which the tribe is located (as reduced pursuant to paragraph (1)) shall be increased by any portion of the amount retained by the Secretary with respect to such program (and not payable to such tribe for obligations already incurred). The reduction under paragraph (1) shall in no event apply to a State for any fiscal year beginning after such program is terminated if no other such program remains in operation in the State.

"(5)(A) Subject to subparagraph (B), for purposes of this subsection, an Indian tribe is any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act), that—

"(i) is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; and

"(ii) for which a reservation (as defined in section 3(d) of the Indian Financing Act of 1974) exists.

"(B) The references to 'Alaska Native village' and 'regional or village corporation' in subparagraph (A) shall not be construed to grant or defer any status or powers other than those expressly granted in this subsection. Nothing in subparagraph (A) shall be construed to validate or invalidate any claim by Alaska Natives of sovereign authority over lands or people.".

(2) Section 403 of such Act (42 U.S.C. 603) is amended by adding at the end thereof the following new subsection:

"(k)(1)(A) In lieu of any payment under subsection (a), the Secretary shall pay to each State with a plan approved under section 417 (subject to the limitation determined under subsection (k)(2) of such section) with respect to expenditures by the State to carry out the program under such section (including expenditures for child care under section 402(g)(1)(A), but only in the case of any State with respect to which section 1108 applies), an amount equal to—

"(i) 90 percent, with respect to so much of such expenditures in a fiscal year as do not exceed the State's expenditures in fiscal year 1987 with respect to which payments were made to such State from its allotment for such fiscal year pursuant to part C of this title as then in effect; and

"(ii) with respect to so much of such expenditures in a fiscal year as exceed the amount described in clause (i)—

"(I) 50 percent, in the case of expenditures for administrative costs made by a State in operating such a program for such fiscal year (other than the personnel costs for staff employed full-time in the operation of such program) and the costs of transportation and other work-related supportive services under section 402(g)(2), and

"(II) the greater of 60 percent or the Federal medical assistance percentage (as defined in section 1118 in the case of any State to which section 1108 applies, or as defined in section 1905(b) in the case of any other State), in the case of expenditures made by a State in operating such a program for such fiscal year (other than for costs described in subclause (I)).

"(B) With respect to the amount for which payment is made to a State under subparagraph (A)(i), the State expenditures for the costs of operating a program established under section 417 may be in cash or in kind, fairly evaluated.

"(2)(A) Notwithstanding paragraph (1), the Secretary shall pay to a State an amount equal to 50 percent of the expenditures made by such State in operating its program established under section 417 (in lieu of any different percentage specified in paragraph (1)(A)) if more than 50 percent of such expenditures are made with respect to individuals who are not described in subparagraph (B).

"(B) An individual is described in this paragraph if the individual—

"(i)(I) is receiving child support supplements, and

"(II) has received such supplements for any 30 of the preceding 60 months;

"(ii)(I) makes application for child support supplements, and

"(II) has received such supplements for any 30 of the 60 months immediately preceding the most recent month for which application has been made; or

"(iii) is a custodial parent under the age of 24 who (I) has not completed a high school education and, at the time of application for child support supplements, is not enrolled in high school (or a high school equivalency course of instruction), or (II) had little or no work experience in the preceding year.".

"(C) The Secretary shall biennially submit to the Congress any recommendations for modifications or additions to the groups of individuals described in subparagraph (B) that the Secretary determines would further the goal of assisting long-term or potential long-term recipients of child support supplements under this part to achieve self-sufficiency, which recommendations shall take into account the particular characteristics of the populations of individual States.".

(b) Payment of Child Care, Transportation, and Other Work-Related Expenses.—Section 402 of such Act (42 U.S.C. 602) is amended by adding at the end thereof the following new subsection:

"(g)(1)(A) Each State agency shall guarantee child care in accordance with subparagraph (B) for each family with a dependent child requiring such care, to the extent that such care is determined by the State agency to be necessary for an individual's participation in employment, education, and training activities under the program under section 417. For purposes of this subsection, the term 'child care' shall be deemed to include day care for each incapacitated individual living in the same home as a dependent child.

"(B) The State agency may guarantee child care by—

"(i) providing such care itself,

"(ii) arranging the care through providers by use of purchase of service contracts, or vouchers,

"(iii) providing cash or vouchers in advance to the caretaker relative in the family,

"(iv) reimbursing the caretaker relative in the family, or

"(v) adopting such other arrangements as the State deems appropriate.

"(C) The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for the care) under this paragraph—

"(i) shall not be treated as income for purposes of any other Federal or federally-assisted program that bases eligibility for or the amount of benefits upon need, and

"(ii) may not be claimed as an employment-related expense for purposes of the credit under section 21 of the Internal Revenue Code of 1986.

"(2) In the case of any individual participating in the program under section 417, each State agency (in addition to guaranteeing child care under paragraph (1)) shall provide payment or reimbursement for such transportation and other work-related supportive services as the State determines are necessary to enable such individual to participate in such program.

"(3)(A) In the case of amounts expended for child care pursuant to paragraph (1)(A) by any State to which section 1108 does not apply, the applicable rate for purposes of section 403(a) shall be the Federal medical assistance percentage (as defined in section 1905(b)).

"(B) In the case of any amounts expended by the State agency for child care under this subsection, only such amounts as are within such limits as the State may prescribe shall be treated as amounts for which payment may be made to a State under this part and only to the extent that—

"(i) such amounts do not exceed the applicable local market rate (as determined by the State in accordance with regulations issued by the Secretary),

"(ii) such amounts are not expended for the construction or rehabilitation of child care facilities, and

"(iii) the child care involved meets applicable standards of State and local law.".

(c) Extension of Demonstration Authority Under WIN Program.—Section 445 of such Act (42 U.S.C. 645) is amended—

(1) in subsection (b)(1), by striking "June 30, 1987" in the matter preceding subparagraph (A) and inserting in lieu thereof "December 31, 1989"; and

(2) in subsection (d)—

(A) by striking "June 30, 1987" and inserting in lieu thereof "December 31, 1989"; and

(B) by striking "June 30, 1988" and inserting in lieu thereof "September 30, 1990".

SEC. 203. TECHNICAL AND CONFORMING AMENDMENTS.

(a) In Part A of Title IV.—

(1) Section 402(a)(8)(A)(iv) of the Social Security Act (42 U.S.C. 602(a)(8)(A)(iv)) is amended by striking "(but excluding" and all that follows and inserting in lieu thereof a semicolon.

(2) Section 402(a)(9)(A) of such Act (42 U.S.C. 602(a)(9)(A)) is amended by striking

"B, C, or D" and inserting in lieu thereof "B or D".

(3) Section 402(a)(35) of such Act (42 U.S.C. 602(a)(35)) is repealed.

(4) Section 403(a)(3) of such Act (42 U.S.C. 603(a)(3)) is amended—

(A) by striking all of subparagraph (C) that follows "such expenditures" and inserting in lieu thereof "; and"; and

(B) in the matter immediately following subparagraph (C), by striking "services furnished" and all that follows through the semicolon and inserting in lieu thereof "services furnished pursuant to section 402(g);".

(5) Section 403(c) of such Act (42 U.S.C. 603(c)) is repealed.

(6) Section 403(d) of such Act (42 U.S.C. 603(d)) is repealed.

(7) Section 407(b)(2)(A) of such Act (42 U.S.C. 607(b)(2)(A)) is amended by striking "will be certified" and all that follows through "within 30 days" and inserting in lieu thereof "will participate or apply for participation in the program under section 417 within 30 days (unless the program is not available in the area where the parent is living)".

(8) Section 407(b)(2)(C)(i) of such Act (42 U.S.C. 607(b)(2)(C)(i)) is amended by striking ", "section 402(a)(19)(A)" and all that follows through "432(a)," and inserting in lieu thereof "section 417(c),".

(9) Section 407(c) of such Act (42 U.S.C. 607(c)) is amended by striking "to certify such parent" and all that follows and inserting in lieu thereof "to undertake appropriate steps directed towards the participation of such parent in the program under section 417.".

(10) Section 409 of such Act (42 U.S.C. 609) is repealed.

(11) Section 414 of such Act (42 U.S.C. 614) is repealed.

(b) IN OTHER PROVISIONS.—

(1) Part C of title IV of such Act is repealed.

(2) Section 471(a)(8)(A) of such Act (42 U.S.C. 671(a)(8)(A)) is amended by striking "A, B, C, or D" and inserting in lieu thereof "A, B, or D".

(3) Section 1108(a) of such Act (42 U.S.C. 1308(a)) is amended in the matter preceding paragraph (1) by inserting "or, in the case of part A of title IV, section 403(k)" before "applies".

(4) Section 1108(b) of such Act (42 U.S.C. 1308(b)) is amended by striking "and services provided under section 402(a)(19)".

(5) Section 1902(a)(10)(A)(i)(I) of such Act (42 U.S.C. 1396a(a)(10)(A)(i)(I)) is amended by striking "414(g)" and inserting in lieu thereof "417(f)(6)".

(6) Section 1923(a)(1)(D) of such Act (42 U.S.C. 1396s(a)(1)(D)) is amended by striking "414(g)" and inserting in lieu thereof "417(f)(6)".

SEC. 204. REGULATIONS; PERFORMANCE STANDARDS; STUDIES.

(a) REGULATIONS.—Not later than six months after the date of the enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall issue proposed regulations for the purpose of implementing the amendments made by this title, including regulations establishing uniform data collection requirements. The Secretary shall publish final regulations for such purpose not later than one year after the date of enactment of this Act.

(b) PERFORMANCE STANDARDS.—Not later than five years after the date of enactment of this Act, the Secretary shall—

(1) in consultation with representatives of organizations representing Governors, State and local program administrators, educators, and other interested persons, develop performance standards with respect to the programs established pursuant to section 417 of the Social Security Act that are based, in part, on the results of the studies conducted under subsection (c); and

(2) submit his recommendations for performance standards developed under paragraph (1) to the Congress, which recommendations shall be made with respect to specific measurements of outcomes such as participation rates, income gains, and placement rates.

(c) IMPLEMENTATION AND EFFECTIVENESS STUDIES.—

(1)(A) The Secretary shall conduct an implementation study in accordance with subparagraph (B).

(B) The implementation study conducted under subparagraph (A) shall be based on a representative sample of States and localities and shall document with respect to the programs established pursuant to section 417 of the Social Security Act—

(i) the types, mix, and costs of services offered,

(ii) participation rates or activity levels,

(iii) the characteristics of the individuals in the different type of activities,

(iv) the provisions made for child and day care and the extent to which limitations exist with respect to the availability of such care,

(v) the institutional arrangements and operating procedures under which activities are offered in the different locations, and

(vi) such other factors as the Secretary deems appropriate.

(C) There are authorized to be appropriated $500,000 for each of the fiscal years 1989, 1990, and 1991 for the purpose of conducting the implementation study under this paragraph.

(2)(A) The Secretary shall conduct a study in accordance with this paragraph to determine the relative effectiveness of the different approaches for assisting long-term and potentially long-term recipients developed by States pursuant to the program established under section 417 of the Social Security Act.

(B)(i) The study required under subparagraph (A) shall be based on data gathered from demonstration projects conducted in five States chosen by the Secretary from among applications submitted by interested States. Such projecis shall be conducted for a period of not less than three years upon such terms and conditions (including those involving payments to the participating States) as the Secretary may provide.

(ii) A demonstration project conducted under this subparagraph shall use specific outcome measures to test the effectiveness of particular programs. Such measures shall include educational status, employment status, earnings, receipt of child support supplements, receipt of other transfer payments, and to the extent possible, poverty status of participating families.

(iii) A demonstration project conducted under this subparagraph shall use experimental and control groups that are composed of a random sample of participants in the program established under section 417 of the Social Security Act. The Secretary shall assure that the experimental design is comparable among localities.

(C) Participating States shall provide to the Secretary in such form and with such frequency as he requires interim data from the demonstration projects conducted under this paragraph. The Secretary shall report to the Congress annually on the progress of such projects and shall, not later than one year after the date of final data collection, submit to the Congress the study required under subparagraph (A).

(D) There are authorized to be appropriated $10,000,000 for each of the fiscal years 1989 through 1993 for the purpose of making payments to States conducting demonstration projects under this section.

(3) The Secretary shall establish such uniform reporting requirements as the Secretary determines are appropriate for the purpose of conducting the demonstration projects required under this section.

(d) STUDY ON APPLICATION OF JOBS PROGRAMS TO INDIANS.—The Secretary of Health and Human Services, in cooperation with the Secretary of the Interior, shall conduct a study of—

(1) the effectiveness of such employment, training, and education programs for low-income individuals as are specifically directed toward Indians in responding to the needs of Indians on reservations;

(2) the effectiveness of such programs as are not specifically directed toward Indians in responding to such needs;

(3) the extent to which such needs are not met by such programs;

(4) how such programs could be better coordinated in responding to such needs;

(5) how such programs could be improved or restructured to more effectively meet such needs;

(6) what sustainable job markets exist in Indian communities (assessed by tribe and region); and

(7) the availability of such support services (as transportation and child care) as are necessary to assist Indians on reservations in participating in such programs and obtaining permanent employment.

The Secretary of Health and Human Services and the Secretary of the Interior shall report to the Congress on the results of the study under this subsection not later than October 1, 1989 (or, if later, one year after the date of enactment of this Act).

SEC. 205. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title shall become effective on October 1, 1990.

(b) SPECIAL RULES.—

(1)(A) If any State makes the changes in its State plan approved under section 402 of the Social Security Act that are required in order to carry out the amendments made by this title and formally notifies the Secretary of Health and Human Services of its desire to become subject to such amendments as of the first day of any calendar quarter beginning on or after the date on which the proposed regulations of the Secretary of Health and Human Services are published under section 204(a) (or, if earlier, the date on which such regulations are required to be published under such section) and before October 1, 1990, such amendments shall become effective with respect to that State as of such first day.

(B) In the case of any State in which the amendments made by this title become effective (in accordance with subparagraph (A)) with respect to any quarter of a fiscal year beginning before October 1, 1990, the limitation applicable to the State for the fiscal year under section 417(k)(2) of the Social Security Act (as added by the amendment made by section 202(a)(1) of this title) shall

be an amount that bears the same ratio to such limitation (as otherwise determined with respect to the State for the fiscal year) as the number of quarters in the fiscal year throughout which such amendments apply to the State bears to four.

(2) The amendments made by section 202(c) shall become effective on June 30, 1988.

TITLE III—TRANSITIONAL ASSISTANCE FOR FAMILIES AFTER LOSS OF CSS ELIGIBILITY

SEC. 301. EXTENDED ELIGIBILITY FOR CHILD CARE.

(a) IN GENERAL.—Section 402(g)(1)(A) of such Act, as added by section 202(b) of this Act, is amended—

(1) by inserting "(i)" before "to the extent"; and

(2) by inserting before the period the following: ", and (ii) subject to the limitations described in section 418, to the extent that such care is determined by the State agency to be necessary for an individual's employment in any case where a family has ceased to receive child support supplements under this part as a result of increased hours of, or increased income from, such employment or as a result of subsection (a)(8)(B)(ii)(II)".

(b) PAYMENT.—

(1) Section 402(g)(3)(A) of such Act, as added by section 202(b) of this Act, is amended—

(A) by inserting "(i)" after "(A)"; and

(B) by adding at the end thereof the following new clause:

"(ii) In the case of amounts expended for child care pursuant to paragraph (1)(A)(ii) (relating to the provision of child care for certain families which cease to receive child support supplements under this part) by any State to which section 1108 applies, the applicable rate for purposes of section 403(a) shall be the Federal medical assistance percentage (as defined in section 1118).".

(2) Section 403(k)(1)(A) of such Act, as added by the amendment made by section 202(a)(2) of this Act, is amended by striking "402(g)(1)(A)" in the matter preceding clause (i) and inserting in lieu thereof "402(g)(1)(A)(i)".

(c) LIMITATIONS ON CONTINUED ELIGIBILITY.—Part A of title IV of the Social Security Act, as amended by section 201(b) of this Act, is further amended by inserting after section 417 the following new section:

"LIMITATIONS ON CHILD CARE FOR FAMILIES AFTER LOSS OF ELIGIBILITY.

"SEC. 418. The limitations described in this section with respect to child care provided under section 402(g)(1)(A)(ii) are as follows:

"(1) A family shall only be eligible for such care—

"(A) if such family was receiving child support supplements under this part in at least three of the six months immediately preceding the month in which the family becomes ineligible for such supplements;

"(B)(i) for a period of nine months after the last month for which the family received child support supplements under this part, and

"(ii) for a total of nine months in any 36-month period (regardless of whether such months are consecutive); and

"(C) for a month in which the family includes a child who is (or would if needy be) a dependent child.

"(2) A family shall not be eligible for such care for any month beginning after the parent or other caretaker relative who is a member of the family has—

"(A) submitted false or misleading information in order to obtain child support supplements under this part;

"(B) been subject to a sanction under section 417(i) (but only if such parent or caretaker relative has been subject to the sanction within the preceding 12 months);

"(C) without good cause, terminated his or her employment, refused to accept employment, or reduced his or her hours of employment; or

"(D) failed to cooperate with the State as required under subparagraph (B) or (C) of section 402(a)(26).

"(3) A family shall contribute to the costs of such care in accordance with a sliding scale based on ability to pay that is established by the State and approved by the Secretary.".

SEC. 302. EXTENDED ELIGIBILITY FOR MEDICAL ASSISTANCE.

(a) IN GENERAL.—Title XIX of the Social Security Act is amended—

(1) by redesignating section 1923 as section 1924, and

(2) by inserting after section 1922 the following new section:

"EXTENDED ELIGIBILITY FOR MEDICAL ASSISTANCE

"SEC. 1923. (a)(1) Notwithstanding any other provision of this title, each State plan approved under this title must provide that each family which was receiving child support supplements pursuant to the plan of the State approved under part A of title IV in at least three of the six months immediately preceding the month in which such family becomes ineligible for such supplements as a result of increased hours of, or increased income from, employment or as a result of section 402(a)(8)(B)(ii)(II) shall, subject to paragraph (3), and without any reapplication for benefits under the plan, remain eligible for assistance under the plan approved under this title during the immediately succeeding six-month period in accordance with this subsection.

"(2) Each State, in the notice of termination of supplements under part A of title IV sent to a family meeting the requirements of paragraph (1)—

"(A) shall notify the family of its right to extended medical assistance under this subsection and include in the notice a description of the circumstances (described in paragraph (3)) under which such extension may be terminated; and

"(B) shall include a card or other evidence of the family's entitlement to assistance under this title for the period provided in this subsection.

"(3)(A) Subject to subparagraph (B), extension of assistance for the six-month period described in paragraph (1) shall be denied to a family for any month—

"(i) in which the family does not include a child who is (or would if needy be) a dependent child under part A of title IV (except that, with respect to a child who is an individual described in clause (i) or (v) of section 1905(a), who would cease to receive medical assistance because of clause (i) of this subparagraph, but who may be eligible for assistance under the State plan because of section 1902(a)(10)(A)(ii), the State may not discontinue such assistance under this subparagraph until the State has determined that the child is not eligible for assistance under the plan);

"(ii) beginning after a month during which the caretaker relative has—

"(I) submitted false or misleading information in order to obtain child support supplements under part A of title IV,

"(II) been subject to a sanction under section 417(i) (but only if the caretaker relative has been subject to the sanction within the preceding 12 months),

"(III) without good cause, terminated his or her employment, refused to accept employment, or reduced his or her hours of employment, or

"(IV) failed to cooperate with the State as required under subparagraph (B) or (C) of section 402(a)(26); and

"(iii) beginning after the twelfth month out of the preceding 36 months for which the individual has received assistance under this subsection or subsection (b).

"(B) No denial of assistance shall become effective under subparagraph (A) until the State has provided the family with notice of the grounds for the denial, which notice shall include, in the case of denial under subparagraph (A)(ii)(III), a description of how the family may reestablish eligibility for medical assistance under the State plan.

"(4)(A) Subject to subparagraph (B), during the six-month extension period under this subsection, the amount, duration, and scope of medical assistance made available with respect to a family shall be the same as if the family were still receiving child support supplements under the plan approved under part A of title IV.

"(B) A State, at its option, may pay a family's expenses for premiums, deductibles, coinsurance, or similar costs for health insurance or other health coverage offered by an employer of the caretaker relative (and, if the health insurance or coverage provides more cost-effective coverage, by an employer of the absent parent who is paying child support for a dependent child). In the case of such coverage offered by an employer of the caretaker relative—

"(i) the State may require the caretaker relative, as a condition of extension of coverage under this subsection, to make application for such employer coverage (but only if the State provides, directly or otherwise, for payment of any of the premium amount, deductible, coinsurance, or similar expense that the caretaker relative is otherwise required to pay); and

"(ii) the State shall treat the coverage under such an employer plan as a third party liability (under section 1902(a)(25)).

Payments for coverage under this subparagraph shall be considered, for purposes of section 1903(a), to be payments for medical assistance.

"(b)(1) Notwithstanding any other provision of this title, each State plan approved under this title shall provide that the State shall offer to each family, which has received assistance during the entire six-month period under subsection (a) and which meets the requirement of paragraph (2)(B), in the last month of the period, the option of extending coverage under this subsection for the succeeding six-month period.

"(2)(A) Each State, during the second and fourth month of any extended assistance furnished to a family under subsection (a), shall notify the family of the family's option for subsequent extended assistance under this subsection. Each such notice shall include (i) a statement of monthly reporting requirements, (ii) a statement as to the premiums required for such extended assistance, and (iii) a description of other out-of-pocket expenses, benefits, reporting and payment procedures, and any pre-existing condition limitations, waiting periods, or other coverage limitations imposed under any alternative coverage options offered under paragraph (4)(D).

"(B) Each State shall require that a family receiving extended assistance under subsection (a) report the family's gross monthly

earnings (and monthly costs of child care incurred by reason of the employment of the caretaker relative) to the State on such date or dates (as chosen by the State) after the second month of extended assistance under subsection (a).

"(3)(A) Subject to subparagraph (B), extension of assistance for the six-month period described in paragraph (1) shall be denied to a family for any month—

"(i) in which the family does not include a child who is (or would if needy be) a dependent child under part of title IV (except that, with respect to a child who is an individual described in clause (i) or (v) of section 1905(a), who would cease to receive medical assistance because of clause (i) of this subparagraph, but who may be eligible for assistance under the State plan because of section 1902(a)(10)(A)(ii), the State may not discontinue such assistance under this subparagraph until the State has determined that the child is not eligible for assistance under the plan);

"(ii) beginning after a month during which the caretaker relative has—

"(I) submitted false or misleading information in order to obtain child support supplements under part A of title IV,

"(II) been subject to a sanction under section 417(i), (but only if the caretaker relative has been subject to the sanction in the preceding 12 months),

"(III) without good cause, terminated his or her employment, refused to accept employment, or reduced his or her hours of employment, or

"(IV) failed to cooperate with the State as required under subparagraph (B) or (C) of section 402(a)(26);

"(iii) beginning after the twelfth month out of the preceding 36 months for which the individual has received assistance under this section or subsection (a);

"(iv) beginning after a month with respect to which the family fails to pay any monthly premium required under this subsection in accordance with regulations prescribed by the Secretary (unless the individual establishes, to the satisfaction of the State, good cause for the failure to pay such premium on a timely basis); or

"(v) beginning after a month with respect to which—

"(I) subject to the last sentence of this subparagraph, the family fails to meet the reporting requirement of paragraph (2)(B) (unless the family establishes, to the satisfaction of the State, good cause for such failure), or

"(II) the State determines that the family's average gross monthly earnings (less the costs of such child care as is necessary for the employment of the caretaker relative) during the preceding month exceeds 185 percent of the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

Information described in clause (v)(I) shall be subject to the restrictions on use and disclosure of information provided under section 402(a)(9). The State shall make determinations under clause (v)(II) for a family each time a report described in clause (v)(I) for the family is received. Instead of terminating a family's extension under clause (v)(I), a State, at its option, may provide for suspension of the extension until the month after the month in which the family's extension would otherwise be terminated to allow the family additional time to meet the reporting requirement of paragraph (2)(B) (but only if the family's extension has not otherwise been terminated under clause (v)(II)).

"(B) No denial of assistance shall become effective under subparagraph (A) until the State has provided the family with notice of the grounds for the denial, which notice shall include, in the case of denial under subparagraph (A)(ii)(III), a description of how the family may reestablish eligibility for medical assistance under the State plan.

"(4)(A) During the extension period under this subsection—

"(i) the State plan shall offer to each family medical assistance which (subject to subparagraphs (B) and (C)) is the same amount, duration, and scope as would be made available to the family if it were still receiving aid under the plan approved under part A of title IV; and

"(ii) the State plan may offer alternative coverage described in subparagraph (D).

"(B) At a State's option, notwithstanding any other provision of this title, a State may choose not to provide medical assistance under this subsection with respect to any (or all) of the items and services described in paragraphs (4)(A), (6), (7), (8), (11), (13), (14), (15), (16), (18), (20), and (21) of section 1905(a).

"(C) At a State's option, the State may elect to apply the option described in subsection (a)(4)(B) for families electing medical assistance under this subsection in the same manner as such option applies to families provided extended medical assistance under subsection (a).

"(D) At a State's option, instead of the medical assistance otherwise made available under this subsection, the State may offer families a choice of health care coverage under one or more of the following:

"(i) Enrollment of the caretaker relative and dependent child in a family option of the group health plan offered to the caretaker relative.

"(ii) Enrollment of the caretaker relative and dependent children in a family option within the options of the group health plan or plans offered by the State to State employees.

"(iii) Enrollment of the caretaker relative and dependent children in a basic State health plan offered by the State to individuals in the State (or areas of the State) otherwise unable to obtain health insurance coverage.

"(iv) Enrollment of the caretaker relative and dependent children in a health maintenance organization (as defined in section 1903(m)(1)(A)) less than 50 percent of the membership (enrolled in a prepaid basis) of which consists of individuals who are eligible to receive benefits under this title (other than because of the option offered under this clause).

If a State elects to offer under an option to enroll a family under this subparagraph, the State shall pay any premiums, deductibles, coinsurance, and other costs for such enrollment imposed on the family. A State's payment of premiums for the enrollment of families under this subparagraph (not including any premiums otherwise payable by an employer and less the amount of premiums collected from such families under paragraph (5)) shall be considered, for purposes of section 1903(a)(1), to be payments for medical assistance.

"(5)(A) Notwithstanding any other provision of this title (including section 1916), a State shall impose a premium for a family for extended coverage under this subsection, but only if the family's gross monthly earnings (less the monthly costs for such child care as is necessary for the employment of the caretaker relative) exceeds 100 percent of the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

"(B) The level of such premium may vary, for the same family, for each option offered by a State under paragraph (4).

"(C) In no case may the amount of any premium under this paragraph for a family for any month exceed three percent of the family's gross monthly earnings.

"(c) In this section, the term 'caretaker relative' has the meaning of such term as used in part A of title IV.".

(b) CONFORMING CHANGES.—

(1) Section 1902(e)(1) of such Act (42 U.S.C. 1396a(e)(1)) is amended by striking "Notwithstanding" and all that follows through the period and inserting in lieu thereof the following: "For provisions relating to extension of coverage for certain families which have received child support supplements pursuant to a State plan approved under part A of title IV and which have earned income, see section 1923".

(2) Section 1905(a) of such Act (42 U.S.C. 1396d(a)) is amended by striking "or" at the end of clause (vii), by inserting "or" at the end of clause (viii), and by inserting after clause (viii) the following new clause:

"(ix) individuals provided extended benefits under section 1923,".

(3) Section 402(a)(37) of such Act (42 U.S.C. 602(a)(37)) is repealed.

(c) STUDY AND REPORT.—

(1) The Secretary of Health and Human Services shall conduct a study of the impact of the medicaid extension provisions added by the amendments made by this section and shall report on the results of such study not later than January 1, 1993.

(2) The study under paragraph (1) shall include an examination of the extent to which the availability of extended medicaid benefits affects access to and use of medical services, the relative effectiveness of different types of coverage provided by States, and the effect of requiring families to pay premiums or incur any other expenses with respect to such extended benefits.

SEC. 303. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this title shall become effective on October 1, 1989.

(b) SPECIAL TRANSITIONAL RULE.—For any period after this title becomes effective in which the amendments made by title II of this Act are not yet in effect with respect to a State, any reference in sections 418 and 1923 of the Social Security Act (as added by the amendments made by sections 301(c) and 302(a) of this Act, respectively) to section 417(i) (of the Social Security Act) shall be deemed a reference to section 402(a)(19) (of such Act).

TITLE IV—CHILD SUPPORT SUPPLEMENT AMENDMENTS

SEC. 401. HOUSEHOLDS HEADED BY MINOR PARENTS.

(a) IN GENERAL.—Section 402(a) of the Social Security Act (42 U.S.C. 602(a)) is amended—

(1) by striking "and" at the end of paragraph (39);

(2) by striking the period at the end of paragraph (40) and inserting in lieu thereof "; and"; and

(3) by inserting immediately after paragraph (40) the following new paragraph:

"(41) provide that—

"(A) subject to subparagraph (B), in the case of any individual who is under the age of 18 and has never married, and who has a dependent child in his or her care (or is pregnant and is eligible for child support supplements under the State plan), (i) such individual may receive child support supplements under the plan for the individual and such child (or for herself in the case of a pregnant woman) only if such individual and child (or such pregnant woman) reside in a place of residence maintained by a parent, legal guardian, or other adult relative of such individual as such parent's, guardian's, or adult relative's own home, or reside in a foster home, maternity home, or other adult-supervised supportive living arrangement, and (ii) such supplements (where possible) shall be paid to the parent, legal guardian, or adult relative on behalf of such individual and child; and

"(B) subparagraph (A) does not apply in the case where—

"(i) such individual has no parent or legal guardian of his or her own who is living and whose whereabouts are known;

"(ii) no living parent or legal guardian of such individual allows the individual to live in the home of such parent or guardian;

"(iii) the State agency determines that the physical or emotional health or safety of such individual or such dependent child would be jeopardized if such individual and such dependent child lived in the same residence with such individual's own parent or legal guardian;

"(iv) such individual lived apart from his or her own parent or legal guardian for a period of at least one year prior to either the birth of any such dependent child or the individual having made application for child support supplements under the plan; or

"(v) the State agency otherwise determines (in accordance with regulations issued by the Secretary) there is good cause for waiving such subparagraph.".

(b) EFFECTIVE DATE.—The amendments made by this section shall become effective on the first day of the first quarter to begin one year after the date of enactment of this Act.

SEC. 402. CHILD SUPPORT SUPPLEMENT PROGRAM IN TWO-PARENT FAMILIES.

(a) MANDATORY EXPANSION OF COVERAGE.—

(1) Section 402(a) of the Social Security Act, as amended by section 401(a) of this Act, is further amended—

(A) by striking "and" after the semicolon at the end of paragraph (40);

(B) by striking the period at the end of paragraph (41) and inserting in lieu thereof "; and"; and

(C) by inserting immediately after paragraph (41) the following new paragraph:

"(42) provide that payments of child support supplements will be made under the plan with respect to dependent children of unemployed parents in accordance with section 407.".

(2)(A) Section 402(a)(38)(B) of such Act (42 U.S.C. 602(a)(38)(B)) is amended by striking "(if such section is applicable to the State)".

(B) Section 407(b) of such Act (42 U.S.C. 607(b)) is amended by striking "(b) The provisions" and all that follows through "(1) requires" and inserting in lieu thereof the following:

"(b) In providing for the payment of child support supplements under the State's plan approved under section 402 in the case of families that include dependent children within the meaning of subsection (a) of this section, as required by section 402(a)(42), the State's plan—

"(1) shall require".

(C) Section 407(b)(2) of such Act is amended by striking "provides—" and inserting in lieu thereof "shall provide—".

(b) STATE FLEXIBILITY IN STRUCTURING TWO-PARENT FAMILY PROGRAM.—

(1) Section 407(b) of such Act, as amended by subsection (a) of this section, is further amended—

(A)(i) by inserting "(1) after "(b)",

(ii) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(ii) by redesignating subparagraphs (A), (B), and (C) of such paragraph (1) as clauses (i), (ii), and (iii), respectively,

(iii) by redesignating subparagraphs (A), (B), (C), and (D) of such paragraph (2) as clauses (i), (ii), (iii), and (iv), respectively, and

(iv) by redesignating clauses (i) and (ii) of subparagraph (C) of both such paragraphs (1) and (2) as subclauses (I) and (II), respectively;

(B) in subparagraph (A) (as redesignated by subparagraph (A)(ii)), by striking "shall require" and inserting in lieu thereof "subject to paragraph (2), shall require"; and

(C) by adding at the end thereof the following new paragraph:

"(2)(A) In carrying out the program under this section, a State may design its program to reflect the individual needs of the State and to emphasize education, training, and employment services for unemployed parents and their spouses who are eligible for child support supplements by reason of this section, to the extent provided under this paragraph.

"(B)(i) Subject to clause (ii), with respect to the requirement under section 402(a)(42), a State may, at its option, limit the number of months with respect to which a family receives child support supplements to the extent determined appropriate by the State for the operation of its program under this section.

"(ii)(I) A State may not limit the number of months under clause (i) for which a family may receive child support supplements unless it provides in its plan assurances to the Secretary that it has a program (that meets such requirements as the Secretary may in regulation prescribe) for providing education, training, and employment services (including any activity authorized under section 417) in order to assist parents of children described in subsection (a) in preparing for and obtaining employment.

"(II) In exercising the option under clause (i), a State plan may not provide for the denial of child support supplements to a family otherwise eligible for such supplements for any month unless the family has received such supplements (on the basis of the unemployment of the parent who is the principal earner) in at least six out of the preceding 12 months.

"(C) With respect to the participation in the program under section 417 of a family eligible for child support supplements by reason of this section, a State may, at its option—

"(i) except as otherwise provided in section 417, require that any parent participating in such program engage in program activities for up to 40 hours per week; and

"(ii) provide for the payment of child support supplements at regular intervals of no greater than one month but after the performance of assigned program activities.".

(2)(A) Section 407(b)(1)(B) of such Act (as redesignated by paragraph (1)(A)) is amended by striking "paragraph (1)(A)" each place it appears and inserting in lieu thereof "subparagraph (A)(i)".

(B) Section 407(c) of such Act (42 U.S.C. 607(c)) is amended—

(i) by striking "subparagraph (A) of subsection (b)(1)" and inserting in lieu thereof "subsection (b)(1)(A)(i)";

(ii) by striking "subparagraph (B) of such subsection" and inserting in lieu thereof "subsection (b)(1)(A)(ii)"; and

(iii) by striking "subparagraph (A) of subsection (b)(2)" and inserting in lieu thereof "subsection (b)(1)(B)(i)".

(C) Section 407(d)(3) of such Act (42 U.S.C. 607(d)(3)) is amended by striking "section 407(b)(1)(C)" and inserting in lieu thereof "subsection (b)(1)(A)(iii)".

(c) PARTICIPATION IN TRAINING AND EDUCATION PROGRAMS AS A QUARTER OF WORK.—

(1) Section 407(d)(1) of such Act (42 U.S.C. 607(d)(1)) is amended—

(A) by inserting "(A)" after "means a calendar quarter"; and

(B) by inserting before the semicolon at the end thereof the following: ", or (B) at the option of the State, a calendar quarter in which such individual attended, full-time, an elementary school, a secondary school, or a vocational or technical training course (approved by the Secretary) that is designed to prepare the individual for gainful employment, or in which such individual participated in an education or training program established under the Job Training Partnership Act".

(2) Section 407(d) of such Act (42 U.S.C. 607(d)) is amended by adding at the end thereof the following new sentence:

"Notwithstanding section 402(a)(1), a State that chooses to exercise the option provided under paragraph (1)(B) may provide that the definition of calendar quarter under such option apply in one or more political subdivisions of the State.".

(3) Section 407(b)(1)(A)(iii)(I) of such Act, as redesignated by subsection (b)(1)(A), is amended by inserting ", no more than four of which may be quarters of work defined in subsection (d)(1)(B)," after "(d)(1)".

(4)(A) Section 407(b)(2)(B)(ii) of such Act, as added by the amendment made by subsection (b)(1)(C), is amended by adding at the end thereof the following new subclause:

"(III) Any family that is otherwise eligible for child support supplements that does not receive such supplements in any month solely by reason of the State exercising the option under clause (i) shall be deemed, for purposes of determining the period under paragraph (1)(A)(iii)(I), to be receiving such supplements in such month.".

(B) Section 407(d)(1) of such Act is further amended by striking "a community work experience" and all that follows through the semicolon and inserting in lieu thereof "the program under section 417;".

(d) EXPANSION OF MEDICAID COVERAGE FOR TWO-PARENT FAMILIES.—

(1) Section 1902(a)(10)(A)(i)(III) of such Act (42 U.S.C. 1396a(a)(10)(A)(i)(III)) is amended by striking "pregnant women or children" and inserting in lieu thereof "family members".

(2) Section 1905(n) of such Act (42 U.S.C. 1396d(n)) is amended—

(A) in the matter preceding paragraph (1), by striking "pregnant woman or child" and inserting in lieu thereof "family member";

(B) in paragraph (1)—

(i) by amending subparagraph (B) to read as follows:

"(B) is a member of a family that would be receiving child support supplements under the State plan under part A of title IV pursuant to section 407 if the State had not exercised the option under section 407(b)(2)(B)(i); or", and

(ii) by striking "and" at the end of subparagraph (C);

(C) in paragraph (2)—

(i) by inserting "(A)" after "(2)",

(ii) by striking the period and inserting in lieu thereof "; and", and

(iii) by adding at the end thereof the following new subparagraph:

"(B) a child who is under 18 years of age and who is a member of a family described in paragraph (1)(B); and"; and

(D) by adding at the end thereof the following new paragraph:

"(3) at the option of the State, any individual who is a member of a family described in paragraph (1)(B).".

(e) EVALUATION AND REPORT.—The Secretary of Health and Human Services shall conduct an evaluation of the program under section 407 of the Social Security Act, as amended by this section (which evaluation shall include a comparison of the effects on families and on governments of the individual State approaches in implementing such program), and shall, not later than October 1, 1993, submit a report to the Congress containing the findings of such evaluation together with recommendations for any changes in such program.

(f) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 1990.

SEC. 403. PERIODIC REEVALUATION OF NEED AND PAYMENT STANDARDS.

(a) IN GENERAL.—Section 402 of the Social Security Act, as amended by section 202(b) of this Act, is further amended by adding at the end thereof the following new subsection:

"(h)(1) Each State shall reevaluate the need standard and payment standard under its plan at least once every five years, in accordance with a schedule established by the Secretary, and report the results of the reevaluation to the Secretary at such time and in such form and manner as the Secretary may require.

"(2) The report required by paragraph (1) shall include a statement of—

"(A) the manner in which the need standard of the State is determined,

"(B) the relationship between the need standard and the payment standard (expressed as a percentage or in any other manner determined by the Secretary to be appropriate), and

"(C) any changes in the need standard or the payment standard in the preceding five-year period.

"(3) The Secretary shall report promptly to the Congress the results of the reevaluations required by paragraph (1).".

(b) EFFECTIVE DATE.—The amendment made by this section shall become effective on the date of enactment of this Act.

TITLE V—DEMONSTRATION PROJECTS

SEC. 501. DEMONSTRATION PROGRAM OF GRANTS TO PROVIDE PERMANENT HOUSING FOR FAMILIES THAT WOULD OTHERWISE REQUIRE EMERGENCY ASSISTANCE.

(a) IN GENERAL.—Part A of title IV of the Social Security Act is amended by inserting immediately after section 407 the following new section:

"DEMONSTRATION PROGRAM OF GRANTS TO PROVIDE PERMANENT HOUSING FOR FAMILIES THAT WOULD OTHERWISE REQUIRE EMERGENCY ASSISTANCE

"SEC. 408. (a) In order to ensure that States which incur particularly high costs in providing emergency assistance for temporary housing to homeless families receiving child support supplements may have an adequate opportunity to test whether such costs could be effectively reduced by the construction or rehabilitation of permanent housing that such families can afford with their child support supplements, there is hereby established a demonstration program under which the Secretary shall make grants to those States, selected in accordance with subsection (b), which conduct demonstration projects in accordance with this section.

"(b)(1) Any State which desires to participate in the demonstration program established by subsection (a) may submit an application therefor to the Secretary.

"(2) To be eligible for selection to conduct a demonstration project under such program, a State—

"(A) must be currently providing emergency assistance (as defined in subsection (f)(1)) in the form of housing, including transitional housing;

"(B) must have a particularly acute need for assistance in dealing with the problems of homeless families who receive child support supplements by virtue of the large number of such families and the existence of shortages in the supply of low-income housing in the political subdivision or subdivisions where such project would be conducted; and

"(C) must submit a plan to achieve significant cost savings over a 10-year period through the conduct of such project with assistance under this section.

"(3) The Secretary shall select up to two States, from among those which submit applications under paragraph (1), and are determined to be eligible under paragraph (2), to conduct demonstration projects in accordance with this section. In the event that more than two States are determined to be eligible, the two States selected shall be those with respect to which cost savings (as described in subparagraph (C) of such paragraph) will be the greatest.

"(4) Grants for each demonstration project under this section shall be awarded within six months after the date of the appropriation of funds (pursuant to subsection (h)) for the purposes prescribed in this section.

"(c) For each year during which a State is conducting a demonstration project under this section, the Secretary shall make a grant to such State, in an amount determined under subsection (h)(2), for the construction or rehabilitation of permanent housing to serve families who would otherwise require emergency assistance in the form of temporary housing.

"(d) A grant may be made to a State under subsection (b) only if such State (along with or as a part of its application) furnishes the Secretary with satisfactory assurances that—

"(1) the proceeds of the grant will be used exclusively for the construction or rehabilitation of permanent housing to be owned by the State, a political subdivision of the State, an agency or instrumentality of the State or of a political subdivision of the State, or a nonprofit organization;

"(2) all units assisted with funds from the proceeds of the grant will be used exclusively for rental to families which—

"(A) are eligible, at the time of the rental, for assistance under the State's plan approved under section 402 (and a family with one or more members who meet this requirement shall not be deemed ineligible because one or more other members receive benefits under title XVI),

"(B) have been unable to obtain non-emergency housing at rents that can be paid with the portion of such assistance allocated for shelter, and

"(C) if such units were not available to them, would be compelled to live in a shelter for the homeless or in a hotel or motel, or other temporary accommodations, paid for with emergency assistance, or would be homeless;

"(3) the local jurisdiction in which such housing will be located is experiencing a critical shortage of housing units that are available to families eligible for assistance under the State plan at rents that can be paid with the amount of such assistance allocated for shelter; and

"(4) whenever units assisted with grants under the project become available for occupancy, the State will discontinue the use of an equivalent number of units of the most costly accommodations it has been using as temporary housing paid for with emergency assistance, except to the extent that such accommodations are demonstrably needed—

"(A) in addition to the units so assisted, to take account of the emergency assistance caseload, or

"(B) because, due to the condition or location of such accommodations, or other factors, discontinuing the use of such units would not be in the best interests of needy families, provided that the State discontinues the use of an equivalent number of other units it has been using as temporary housing paid for with emergency assistance.

"(e)(1) The average cost to the Federal government per unit of housing constructed or rehabilitated with a grant under a project under this section shall be an amount no greater than the yearly Federal payment of emergency assistance that would be required to provide housing for a family in a shelter for the homeless, a hotel or motel, or other temporary quarters for one year, in the jurisdiction or jurisdictions where the project is located.

"(2) The total amount of Federal payments to a State under this part over the 10-year period beginning at the time construction or rehabilitation commences under the State's project under this section, with respect to the families who will live in housing assisted by a grant under such project (the 'total grant cost' as more particularly defined in subsection (f)(3)), must be lower as a result of the construction or rehabilitation of permanent housing with the grant than the total amount of Federal payments under this part that would have been made if the State made emergency assistance payments with respect to the families involved at the level of the standard yearly payment (as defined in subsection (f)(2)) during such 10-year period. If the 'total grant cost' is not lower than such total amount of Federal payments, the State shall be responsible for paying the difference between such cost and such total amount.

"(3) Any grant to a State under subsection (a) shall be made only on condition (A) that the non-Federal share of the total cost of the construction or rehabilitation of the housing involved is equal to at least the percentage of the current non-Federal share of assistance under the State's plan approved under section 402 (as determined under sec-

tion 403(a) or 1118), increased by 10 percentage points, and (B) that such State not require any of its political subdivisions to pay a higher percentage of the total costs of the construction or rehabilitation of such housing than it would pay with respect to assistance pursuant to such State plan.

"(f) For purposes of this section—

"(1) the term 'emergency assistance' means emergency assistance to needy families with children as described in section 406(e), and regular payments for the costs of temporary housing authorized as a special needs item under the State plan;

"(2) the term 'standard yearly payment', with respect to emergency assistance used to provide housing for a family in a shelter for the homeless, a hotel or motel, or other temporary quarters during any year in any jurisdiction, means an amount equal to the total amount of such assistance which was needed to provide all housing in temporary accommodations in that jurisdiction (with emergency assistance), in the most recently completed calendar year, at the 75th percentile in the range of all payments of emergency assistance for temporary accommodations, based on the State's actual experience with emergency assistance in such jurisdiction; and

"(3) the term 'total grant cost', with respect to housing constructed or rehabilitated under a demonstration project under this section, means the sum of (A) the Federal share of payments attributable to the construction or rehabilitation of such housing during the 10-year period beginning on the date on which its construction or rehabilitation begins, (B) the Federal share of payments of emergency assistance for temporary housing to the families involved during that part of the 10-year period in which such housing is undergoing construction or rehabilitation (at a level equal to the standard yearly payment), and (C) the Federal share of regular payments of child support supplements under the State plan to such families during the remainder of such 10-year period.

"(g) Whenever a grant is made to a State under this section, the assurances required of the State under paragraphs (1) through (4) of subsection (d) and any other requirements imposed by the Secretary as a condition of such grant shall be considered, for purposes of section 404, as requirements imposed by or in the administration of the State's plan approved under section 402.

"(h)(1) There are authorized to be appropriated for grants under this section the sum of $8,000,000 for each of the first 5 fiscal years beginning on or after October 1, 1988.

"(2)(A) The amount appropriated for any fiscal year pursuant to paragraph (1) shall be divided between the States conducting demonstration projects under this section according to their respective need for assistance of the type involved and their respective numbers of homeless families receiving child support supplements, as determined by the Secretary.

"(B) If any State to which a grant is made under this paragraph finds that it does not require the full amount of such grant to conduct its demonstration project under this section in the fiscal year involved, the unused portion of such grant shall be reallocated to the other State conducting such projects in amounts based on need for assistance of the type involved, as determined by the Secretary.

"(C) Amounts appropriated pursuant to paragraph (1), and grants made from such amounts, shall remain available until expended.

"(i) The Secretary shall prescribe and publish regulations (including such requirements for data and documentation as he may find necessary) to implement the provisions of this section no later than six months after the date of its enactment.".

(b) Effective Date; Repeal.—The amendment made by subsection (a) shall become effective on October 1, 1988, and is repealed effective September 30, 1998.

SEC. 502. DEMONSTRATION PROJECTS FOR DEVELOPING INNOVATIVE EDUCATION AND TRAINING PROGRAMS FOR CHILDREN RECEIVING CHILD SUPPORT SUPPLEMENTS.

(a) In General.—Section 1115 of the Social Security Act (42 U.S.C. 1315) is amended by adding at the end thereof the following new subsection:

"(d)(1) In order to encourage States to develop innovative education and training programs for children receiving child support supplements under State plans approved under section 402(a), any State may establish and conduct one or more demonstration projects, targeted to such children, designed to test financial incentives and alternative approaches to reducing the number of school dropouts, encouraging skill development, and avoiding welfare dependence.

"(2) The Secretary may make grants to States to assist in financing demonstration projects under this subsection.

"(3) Demonstration projects under this subsection shall meet such conditions and requirements as the Secretary shall prescribe, and each such project shall be conducted for at least one year but for no longer than 5 years.

"(4) There are authorized to be appropriated $500,000 for each of the fiscal years 1989, 1990, 1991, 1992, and 1993 for the purpose of making grants to States to conduct demonstration projects under this subsection.".

(b) Effective Date.—The amendment by subsection (a) shall become effective on October 1, 1988.

SEC. 503. DEMONSTRATION PROJECTS TO ENCOURAGE STATES TO EMPLOY PARENTS RECEIVING CHILD SUPPORT SUPPLEMENTS AS PAID CHILD CARE PROVIDERS.

(a) In General.—Section 1115 of the Social Security Act, as amended by section 502 of this Act, is further amended by adding at the end thereof the following new subsection:

"(e)(1) In order to encourage States to employ or arrange for the employment of parents of dependent children receiving child support supplements under State plans approved under section 402(a) as providers of child care for other children receiving such supplements, up to five States may undertake and carry out demonstration projects designed to test whether such employment will effectively facilitate the conduct of the education, training, and work program under section 417 by making additional child care services available to meet the requirements of section 402(g)(1)(A) while affording significant numbers of families receiving such supplements a realistic opportunity to avoid welfare dependence.

"(2) The Secretary shall consider all applications received from States desiring to conduct demonstration projects under this subsection, shall approve up to five applications involving projects which appear likely to contribute significantly to the achievement of the purpose of this subsection, and shall make grants to those States the applications of which are approved to assist them in carrying out such projects. Each project conducted under this subsection shall meet such conditions and requirements as the Secretary shall prescribe.

"(3) There are authorized to be appropriated $1,000,000 for each of the fiscal years 1989, 1990, 1991, 1992, and 1993 for the purpose of making grants to States to carry out demonstration projects under this subsection.".

(b) Effective Date.—The amendment made by subsection (a) shall become effective on October 1, 1988.

SEC. 504. DEMONSTRATION PROJECTS TO TEST ALTERNATIVE DEFINITIONS OF UNEMPLOYMENT.

(a) In General.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall enter into agreements with up to 10 States submitting applications under this section for the purpose of conducting demonstration projects in such States to test and evaluate the use, with respect to individuals who received child support supplements under part A of title IV of the Social Security Act (on the basis of the unemployment of the parent who is the principal earner) in the preceding month, of a number greater than 100 for the number of hours per month that such individuals may work and still be considered to be unemployed for purposes of section 407 of such Act.

(b) Inapplicability of Requirement of Statewideness.—Notwithstanding section 402(a)(1) of the Social Security Act, a demonstration project conducted under this section may be conducted in one or more political subdivisions of the State.

(c) Payments.—An agreement under this section shall be entered into between the Secretary and the State agency designated under section 402(a)(3) of the Social Security Act. Such agreement shall provide for the payment of child support supplements under the applicable State plan under part A of title IV of such Act as though section 407 of such Act had been modified to reflect the definition of unemployment used in the demonstration project but shall also provide that such project shall otherwise be carried out in accordance with all of the requirements and conditions of section 407 of such Act (and, except as provided in subsection (b), any related requirements and conditions under part A of such title).

(d) Duration.—A demonstration project under this section may be commenced any time after September 30, 1990, and shall be conducted for such period of time as the agreement with the Secretary may provide; except that, in no event may a demonstration project under this section be conducted after September 30, 1995.

(e) Information and Reports.—

(1) Any State with an agreement under this section shall evaluate the comparative cost and employment effects of the use of the definition of unemployment in its demonstration project under this section by use of experimental and control groups comprised of a random sample of individuals receiving child support supplements under section 407 and shall furnish the Secretary with such information as the Secretary determines to be necessary to evaluate the results of the project conducted by the State.

(2) The Secretary shall report the results of the demonstration projects conducted under this section to the Congress not later than six months after all such projects are completed.

SEC. 505. DEMONSTRATION PROJECTS TO ADDRESS CHILD ACCESS PROBLEMS.

(a) IN GENERAL.—Any State may establish and conduct one or more demonstration projects (in accordance with such terms, conditions, and requirements as the Secretary of Health and Human Services shall prescribe) to develop, improve, or expand activities designed to increase compliance with child access provisions of court orders.

(b) ACTIVITIES UNDER PROJECT.—Activities that may be funded by a grant under this section include (whether conducted through the executive, legislative, or judicial branches of the State) the development of systematic procedures for enforcing access provisions of court orders, the establishment of special staffs to deal with and mediate disputes involving access (both before and after a court order has been issued), and the dissemination of information to parents.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for each of the fiscal years 1989 and 1990 for the purpose of making grants to States to assist in financing the project or projects established under this section.

(d) REPORT.—Not later than July 1991, the Secretary of Health and Human Services shall submit to the Congress a report on the effectiveness of the demonstration projects established under this section in—

(1) decreasing the time required for the resolution of disputes related to child access,

(2) reducing litigation relating to access disputes, and

(3) improving compliance with court-ordered child support payments.

SEC. 506. DEMONSTRATION PROJECTS TO EXPAND THE NUMBER OF CHILD CARE FACILITIES AND THE AVAILABILITY OF CHILD CARE, WITH EMPHASIS ON INCREASING CHILD CARE IN RURAL AREAS.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall enter into agreements with not less than five nor more than 10 States submitting applications under this section for the purpose of conducting demonstration projects in accordance with subsection (b) to increase opportunities for child care for those eligible for child support supplements under title IV of the Social Security Act.

(b) MANNER OF CONDUCTING PROJECT.—

(1) Each State conducting a demonstration project under this section shall contract with one or more nonprofit organizations to carry out such project. A nonprofit organization contracting with a State shall furnish technical and financial assistance to child care providers which meet applicable State or local standards to assist such providers in increasing the availability of child care in a community through such methods as the acquisition, expansion, or rehabilitation of child care facilities and (if the contract with the State provides) through the provision of transportation to assure access to such facilities.

(2) For purposes of paragraph (1), a nonprofit organization is any organization exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 by reason of paragraph (3) or (4) of section 501(c) of such code.

(c) CONTENT OF APPLICATIONS; SELECTION CRITERIA.—

(1) Each State submitting an application under this section shall, as part of such application, describe—

(A) the technical and financial assistance that will be made available under the project conducted under this section;

(B) the geographic area that will be primarily served by such project; and

(C) with respect to such area, the number of households receiving public assistance, the number of children eligible for child support supplements under title IV of the Social Security Act, and existing child care opportunities (including the number of available positions for children and the average monthly cost per child).

(2) In selecting States to conduct demonstration projects under this section, the Secretary shall give priority to States—

(A) that propose to conduct the project primarily in communities with a population of less than 50,000; and

(B) with the severest shortage of affordable child care for children eligible for child support supplements under title IV of the Social Security Act.

(d) DURATION.—A demonstration project conducted under this section shall be commenced not later than September 30, 1988, and shall be conducted for a three-year period unless the Secretary determines that the State conducting the project is not in substantial compliance with the terms of the agreement entered into with the State under subsection (a).

(e) INFORMATION AND REPORT.—

(1) Each State with an agreement under this section shall furnish the Secretary with such information as the Secretary determines to be necessary to evaluate the results of the demonstration project conducted by the State.

(2) Not later than October 1, 1991, the Secretary shall submit a report to Congress that describes the results of the demonstration projects conducted under this section and contains such recommendations as the Secretary determines are appropriate.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for each of the fiscal years 1989, 1990, and 1991 for the purpose of making grants to States to conduct demonstration projects under this section.

SEC. 507. DEMONSTRATION PROJECTS TO EXPAND THE NUMBER OF JOB OPPORTUNITIES AVAILABLE TO CERTAIN LOW-INCOME INDIVIDUALS.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall enter into agreements with not less than five nor more than 10 nonprofit organizations (including community development corporations) submitting applications under this section for the purpose of conducting demonstration projects in accordance with subsection (b) to create employment opportunities for certain low-income individuals.

(b) NATURE OF PROJECT.—

(1) Each nonprofit organization conducting a demonstration project under this section shall provide technical and financial assistance to private employers in the community to assist them in creating employment and business opportunities for those individuals eligible to participate in the projects as described in this subsection.

(2) For purposes of this section, a nonprofit organization is any organization (including a community development corporation) exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 by reason of paragraph (3) or (4) of section 501(c) of such code.

(3) A low-income individual eligible to participate in a project conducted under this section is any individual eligible to receive child support supplements under title IV of the Social Security Act and other individuals whose income level does not exceed 100 percent of the official poverty line as defined by the Office of Management and Budget and revised in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

(c) CONTENT OF APPLICATIONS; SELECTION PRIORITY.—

(1) Each nonprofit organization submitting an application under this section shall, as part of such application, describe—

(A) the technical and financial assistance that will be made available under the project conducted under this section;

(B) the geographic area to be served by the project;

(C) the percentage of low-income individuals (as described in subsection (b)) and individuals receiving child support supplements under title IV in the area to be served by the project; and

(D) unemployment rates in the geographic areas to be served and (to the extent practicable) the jobs available and skills necessary to fill those vacancies in such areas.

(2) In approving applications under this section, the Secretary shall give priority to applications proposing to serve those areas containing the highest percentage of individuals receiving child care supplements under title IV of the Social Security Act.

(d) ADMINISTRATION.—Each nonprofit organization participating in a demonstration project conducted under this section shall provide assurances in its agreement with the Secretary that it has or will have a cooperative relationship with the agency responsible for administering the job opportunities and basic skills training program (as provided for under title IV of the Social Security Act) in the area served by the project.

(e) DURATION.—Each demonstration project conducted under this section shall be commenced not later than September 30, 1988, and shall be conducted for a three-year period; except that, the Secretary may terminate a project before the end of such period if he determines that the nonprofit organization conducting the project is not in substantial compliance with the terms of the agreement entered into with the Secretary under this section.

(f) EVALUATION AND REPORT.—

(1) The Secretary shall conduct an evaluation of the success of each demonstration project conducted under this section in creating job opportunities and may require each nonprofit organization conducting such a project to provide the Secretary with such information as the Secretary determines is necessary to prepare the report described in paragraph (2).

(2) Not later than October 1, 1991, the Secretary shall submit to the Congress a report containing a summary of the evaluations conducted under paragraph (1), together with such recommendations as the Secretary determines are appropriate.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $7,500,000 for each of fiscal years 1989, 1990, and 1991 for the purpose of making grants to conduct demonstration projects under this section.

SEC. 508. DEMONSTRATION PROJECTS TO PROVIDE COUNSELING AND SERVICES TO HIGH-RISK TEENAGERS.

(a) FINDINGS AND PURPOSE.—

(1) The Congress finds that—

(A) the incidences of teenage pregnancy, suicide, substance abuse, and school dropout are increasing;

(B) research to date has established a link between low self-esteem, perceived limited life options and the risk of teenage pregnancy, suicide, substance abuse, and school dropout;

(C) little data currently exists on how to improve the self image of and expand the life options available to high-risk teenagers; and

(D) there currently is no Federal program in place to address the unique and significant problems faced by today's teenagers.

(2) It is the purpose of the demonstration projects conducted under this section to provide programs in which a range of non-academic services (sports, recreation, the arts) and self-image counseling are provided to high-risk teenagers in order to reduce the rates of pregnancy, suicide, substance abuse, and school dropout among such teenagers.

(b) In General.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall enter into an agreement with each of four States submitting applications under this section for the purpose of conducting demonstration projects in accordance with this section to provide counseling and services to certain high-risk teenagers.

(c) Nature of Project.—Under each demonstration project conducted under this section—

(1) States shall establish a "Teen Care Plan" that shall consist of the following:

(A) A clearing house where high-risk teenagers will be referred to and encouraged to participate in non-academic activities (arts, recreation, sports) which are already in place in the community.

(B) A survey of the area to be targeted by the project to determine the need to fund and create new non-academic activities in the area.

(C) Counseling services utilizing qualified, locally licensed, psychologists, social psychologists, or other mental health professionals or related experts to provide individual and group counseling to participating high-risk teenagers.

(D) A program to provide participants in the project (to the extent practicable) with transportation, child care, and equipment as is necessary to carry out the purposes of the project.

(2) Each State conducting a demonstration project under this section shall designate two geographical areas within the State to be targeted by the project. One area will serve as the "home base" for the project, where services will be concentrated and in which a local school system will be selected to receive services and provide facilities for resource referral and counseling. The second geographical area will serve as a "peripheral" participant, receiving assistance and services from the home base.

(3) For purposes of this section a high-risk teenager is any male or female who has reached the age of 10 years and whose age does not exceed 20 years, and who—

(A) has a history of academic problems;

(B) has a history of behavioral problems both in and out of school;

(C) comes from a one-parent household; or

(D) is pregnant or is a mother of a child.

(d) Applications; Selection Criteria.—

(1) In selecting States to conduct demonstration projects under this section, the Secretary—

(A) shall consult with the Consortium on Adolescent Pregnancy;

(B) shall consider—

(i) the rate of teenage pregnancy in each State,

(ii) the teenage school dropout rate in each State,

(iii) the incidence of teenage substance abuse in each State, and

(iv) the incidence of teenage suicide in each State; and

(C) shall give priority to States whose applications—

(i) demonstrate a current strong State commitment aimed at reducing teenage pregnancy, suicide, drug abuse, and school dropout;

(ii) contain a "State support agreement" signed by the Governor, the State School Commissioner, the State Department of Human Services, and the State Department of Education, pledging their commitment to the project;

(iii) describe facilities and services to be made available by the State to assist in carrying out the project; and

(iv) indicate a demonstrably high rate of alcoholism among its residents.

(2) Of the States selected to participate in the demonstration projects conducted under this section—

(A) one shall be a geographically small State with a population of less than 1,250,000;

(B) one shall be a State with a population of over 20,000,000; and

(C) two shall be States with populations of more than 1,000,000 but less than 20,000,000.

(e) Evaluation and Report.—

(1) Each State conducting a demonstration project under this section shall submit to the Secretary for his approval an evaluation plan that provides for examining the effectiveness of the project in both the home base and peripheral area of the State.

(2) Not later than October 1, 1991, the Secretary shall submit to the Congress a report containing a summary of the evaluations conducted by States pursuant to the plans described in paragraph (1).

(f) Funding.—

(1) Three-fifths of the total amounts appropriated under this section for each State participating in the projects shall be expended by such State for the provision of services and facilities within the State's designated project home base, and five percent of the three-fifths appropriated for the provision of services within the home base shall be set aside to conduct an evaluation plan as provided for in subsection (e).

(2) Two-fifths of the total amounts appropriated under this section for each State participating in the project shall be expended by such State for the provision of services and facilities within the State's designated peripheral area, and five percent of the two-fifths appropriated for the provision of services within such areas shall be set aside to conduct an evaluation plan as provided for in subsection (e).

(g) Duration.—A demonstration project conducted under this section shall be commenced not later than September 30, 1988, and shall be conducted for a three-year period; except that, the Secretary may terminate a project before the end of such period if he determines that the State conducting the project is not in substantial compliance with the terms of the agreement entered into with the Secretary under this section.

(h) Authorization of Appropriations.—There are authorized to be appropriated $2,000,000 for each of fiscal years 1989, 1990, and 1991 for the purpose of funding in equal amounts each State teen care demonstration project conducted under this section.

TITLE VI—PAYMENTS TO AMERICAN SAMOA, THE COMMONWEALTH OF PUERTO RICO, GUAM, AND THE VIRGIN ISLANDS

SEC. 601. INCLUSION OF AMERICAN SAMOA AS A STATE UNDER TITLE IV.

(a) In General.—Section 1101(a)(1) of the Social Security Act (42 U.S.C. 1301(a)(1)) is amended by adding at the end thereof the following new sentence: "Such term when used in title IV also includes American Samoa.".

(b) Limitation on Payments to American Samoa.—Section 1108 of such Act (42 U.S.C. 1308) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d) The total amount certified by the Secretary under parts A and E of title IV (exclusive of any amounts on account of services and items to which, in the case of part A of such title, section 403(k) applies) with respect to a fiscal year for payment to American Samoa shall not exceed $1,000,000.".

(c) Conforming Changes.—

(1) Section 403 of such Act (42 U.S.C. 603) is amended—

(A) in paragraphs (1) and (2) of subsection (a) by striking "and Guam," each place it appears and inserting in lieu thereof "Guam, and American Samoa,"; and

(B) in subsections (i)(4) and (j) by striking "or the Virgin Islands" each place it appears and inserting in lieu thereof "the Virgin Islands, or American Samoa".

(2) Section 421(b) of such Act (42 U.S.C. 621(b)) is amended by striking "and Guam" and inserting in lieu thereof "Guam, and American Samoa".

(3) The heading of section 1108 of such Act (42 U.S.C. 1308) is amended to read as follows:

"LIMITATION ON PAYMENTS TO PUERTO RICO, THE VIRGIN ISLANDS, GUAM, AND AMERICAN SAMOA".

(4) The last sentence of section 1118 of such Act (42 U.S.C. 1318) is amended by adding before the period the following: "and shall, in the case of American Samoa, mean 75 percentum with respect to part A of title IV".

(d) Effective Date.—The amendments made by this section shall become effective on October 1, 1988.

SEC. 602. INCREASE IN THE AMOUNT AVAILABLE FOR PAYMENT TO PUERTO RICO, THE VIRGIN ISLANDS, AND GUAM.

(a) In General.—Section 1108(a) of the Social Security Act (42 U.S.C. 1308(a)) is amended—

(1) in paragraph (1)—

(A) by striking "or" at the end of subparagraph (E); and

(B) by striking subparagraph (F) and inserting in lieu thereof the following:

"(F) $72,000,000 with respect to each of the fiscal years 1979 through 1988, or

"(G) $82,000,000 with respect to fiscal year 1989 and each fiscal year thereafter;";

(2) in paragraph (2)—

(A) by striking "or" at the end of subparagraph (E); and

(B) by striking subparagraph (F) and inserting in lieu thereof the following:

"(F) $2,400,000 with respect to each of the fiscal years 1979 through 1988, or

"(G) $2,800,000 with respect to fiscal year 1989 and each fiscal year thereafter;"; and

(3) in paragraph (3)—

(A) by striking "or" at the end of subparagraph (E); and

(B) by striking subparagraph (F) and inserting in lieu thereof the following:

"(F) $3,300,000 with respect to each of the fiscal years 1979 through 1988, or

"(G) $3,800,000 with respect to fiscal year 1989 and each fiscal year thereafter.".

(b) Effective Date.—The amendments made by subsection (a) shall become effective on October 1, 1988.

TITLE VII—WAIVER AUTHORITY

SEC. 701. WAIVER AUTHORITY UNDER PART F OF TITLE IV.

(a) IN GENERAL.—Title IV of the Social Security Act is amended by adding at the end thereof the following new part:

"PART F—WAIVER AUTHORITY

"PURPOSE

"SEC. 491. The purpose of this part is—

"(1) to find and test new ways to use Federal and State funds to assist families and individuals in achieving financial independence through education, training, and work experience; and

"(2) to allow States maximum flexibility in using funds that now support low-income families and individuals in order to relieve poverty and its effects.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 492. There are authorized to be appropriated for fiscal year 1989 and each fiscal year thereafter such sums as may be necessary to carry out the provisions of this part.

"SUBMISSION OF APPLICATIONS

"SEC. 493. (a) In order to conduct a demonstration in accordance with the provisions of this part, a State shall submit an application for approval, consistent with the requirements of this part, to the Secretary.

"(b) The Secretary shall have continuing responsibility for the approval of each application submitted by a State under this part and for conducting evaluations (in accordance with the principles of experimental design) of each demonstration conducted under this part. In exercising his responsibility to approve applications under this part, the Secretary shall assure that not more than 50 demonstrations are conducted under this part at any time.

"(c)(1) The Secretary, in exercising his responsibility with respect to the approval of each application submitted by a State under this part, shall consider the following general policy goals:

"(A) To insure that public assistance is an adequate supplement for other resources in meeting essential needs.

"(B) To focus public assistance resources on efforts to reduce future dependency on public assistance.

"(C) To insure that adequate support is provided for children.

"(D) To make work more rewarding than welfare.

"(E) To place greater emphasis on education, training, and work-related activities as an integral part of public assistance programs.

"(F) To encourage the formation and maintenance of economically self-reliant families.

"(G) To encourage public assistance recipients to assume greater responsibility for managing their resources.

"(H) To create opportunities for self-reliance through education and enterprise.

"(I) To promote the most efficient and effective operation of public assistance programs.

"(2) Demonstrations conducted under this part may address any of the general policy goals specified in paragraph (1), but the Secretary shall give special consideration to demonstrations designed—

"(A) to provide effective means for assisting the Nation's citizens to avoid poverty;

"(B) to improve methods of helping public assistance recipients achieve economic independence;

"(C) to improve methods of providing more adequate support for low-income children;

"(D) to provide coordination of employment and training programs currently supported by Federal or State funds, including programs under the Job Training Partnership Act, United States Employment Service programs, adult education programs, vocational education programs, and the various employment, training, and work programs established under title IV;

"(E) to provide transitional assistance (including health-care coverage and child care) to individuals who become ineligible for child support supplements under part A of title IV as a result (wholly or partly) of the collection or increased collection of child or spousal support under part D of such title, or, as a result of increased hours of, or increased income from, employment;

"(F) to increase the number of determinations of paternity and improve the collection of child support awards for individuals with respect to whom child support supplements are paid under the State's plan approved under part A of title IV;

"(G) to provide child care to the children of participants in work, training, or education programs;

"(H) to increase efforts by nongovernmental organizations to help public assistance recipients achieve economic independence; and

"(I) to address and promote the needs of rural areas.

"(d)(1) An application to conduct a demonstration under this part may include (as a program to be included in the demonstration)—

"(A) the child support supplement program under part A of title IV;

"(B) the job opportunities and basic skills training program under part A of title IV;

"(C) the child support enforcement program under part D of title IV;

"(D) emergency assistance to needy families under part A of title IV;

"(E) social services block grant under title XX; and

"(F) any non-Federal public program operated within the State which is designed to alleviate poverty.

"(2) An application under this part shall be submitted by the Governor or his designee to the Secretary and shall describe in detail the demonstration to be conducted with particular reference to—

"(A) the program or programs to be included in the demonstration;

"(B) the classes of individuals and families who will be eligible to participate;

"(C)(i) the principles for determining eligibility for and maximum total benefits under the programs included in the demonstration, including income and asset limits to be applied, the form or forms in which benefits are to be provided (such as cash, in kind, vouchers, insurance, or services), and the dollar value to be assigned to benefits to be provided in a form other than cash, and

"(ii) information sufficient to demonstrate that (I) except in accordance with paragraph (4)(C), benefit levels (including the value of in-kind benefits) with respect to any individual and family are not reduced as a result of participation in the demonstration below the level at which such benefits would be in the absence of such demonstration, or (II) if such benefits are reduced, the State makes payments to the individual or family in an amount sufficient to maintain benefits at such level; and

"(D) the way in which the demonstration is expected to improve (i) the opportunities and abilities of low-income individuals and families to achieve economic independence through employment, (ii) the functioning of low-income communities in support of the efforts of such individuals and families to attain independence, and (iii) the efficiency and effectiveness of the programs included in the demonstration.

"(3) The application shall specify the employment-related activities, such as job search, education, and work and training activities designed to improve directly employability, that will be required of individuals receiving assistance under the demonstration, and the circumstances in which such individuals will not be required to participate in such activities.

"(4) The application shall, with respect to any demonstration that includes a work, education, or training activity—

"(A) describe plans for providing child care for individuals required to participate in such activity;

"(B) contain assurances that—

"(i) no individual shall be required to participate in any such activity if such individual does not have child care,

"(ii) work assignments performed for benefits shall be assigned an hourly value of not less than the applicable Federal or State minimum wage,

"(iii) participants shall not be required to accept work assignments that pose health or safety hazards, require the participant to travel an unreasonable distance from home, or require the participant to spend the night away from home,

"(iv) work assignments shall not be used to displace current employees or result in the impairment of existing contracts for services or collective bargaining agreements,

"(v) appropriate workers' compensation shall be provided to all participants on the same basis as such compensation is provided to other individuals in the State in similar employment, and

"(vi) participants shall be provided with an opportunity for a fair hearing in the event of a dispute involving an assignment to any such activity;

"(C) describe what (if any) sanctions will be employed if a participant fails, without good cause, to cooperate with work-related provisions in the demonstration and what provision shall be made to care for dependent children in the event such sanctions are imposed; and

"(D) describe the circumstances under which individuals will not be required to participate in any such activity.

"(5) The application shall also—

"(A) specify the geographic area or the political subdivisions within which the demonstration will be conducted and designate the agency responsible for the day-to-day conduct of the demonstration;

"(B) describe steps that will be taken to make the information required by paragraphs (2) and (3) readily available to the public in the geographic areas or political subdivisions affected;

"(C) specify the time period during which the demonstration will be conducted and the reasons that such period was selected;

"(D)(i) specify the laws or parts thereof, and the regulations thereunder or parts thereof, applicable to any Federal or federally assisted program to be included in the demonstration for which waiver is requested, and

"(ii) contain assurances that any such waiver granted with respect to a demonstration does not (I) hinder interstate child support collection and paternity establishment

efforts, or (II) reduce the level of child support collections;

"(E) contain a budget setting forth the amounts and sources of funding for the demonstration (derived in accordance with section 494(a));

"(F) provide for the conduct of audits in accordance with the provisions of chapter 75 of title 31, United States Code; and

"(G) contain an agreement to submit an annual report and such interim data and reports as are considered necessary by the Secretary.

The agency designated in subparagraph (A) may conduct the demonstration directly, or may do so, in whole or in part, through grants to or contracts with public or private agencies, or individuals, but the Governor must in any case retain final responsibilities for compliance with all requirements imposed by or pursuant to this title, and with actions agreed to by the State in its approved application.

"(6)(A) The application shall describe the procedures for determining the initial and continuing eligibility of, and benefits for, individuals and families, and all administrative and fiscal procedures to be applied in the conduct of the demonstration. Such procedures must insure that all eligibility and benefit amount standards will be accurately applied and that funds under the demonstration will be expended consistent with principles of sound fiscal management. Such procedures shall provide the same safeguards to which individuals and families would be entitled in the absence of the demonstration.

"(B)(i) The procedures described under subparagraph (A) must provide that benefits from any cash or in-kind program that are excluded under Federal law from being regarded as income or resources with respect to determining eligibility under any other Federal, State, or local program shall continue to be so excluded under a demonstration conducted under this part.

"(ii) For purposes of determining the amount to be excluded under clause (i), subject to subsection (d)(2)(C)(ii), the Secretary may allow States operating demonstrations under this part to specify average amounts (reflecting various categories of households) with respect to the value of any benefits to be paid under such demonstrations. Such amounts shall be readily accessible to any governmental agency that administers programs with respect to which clause (i) applies.

"FUNDING AND BUDGET

"SEC. 494. (a)(1) Subject to subsection (i), prior to approval by the Secretary of an application under this part, the head of each Federal department or agency with responsibility for a program to be included in the demonstration shall, with respect to each such program (or part of a program), estimate the amount of Federal funds that would, but for the demonstration, be provided to the State, or an entity within the State eligible to receive such funds, to operate such program (or part of a program) during each fiscal year that the demonstration is in effect and the amount of non-Federal funds that would be required in order that the State be eligible for such Federal funds. Each Federal department or agency head shall provide a statement of the principles and assumptions to be employed in making such estimates, including, in the case of any program with respect to which the department or agency head has discretion in the provision of funds, the recent experience of such State (or grantees or contractors within the State) with respect to fund awards under such program. The principles and assumptions shall be consistent with all Federal laws and regulations applicable to the program, and the funding of the program, as in effect at the time the estimates are made.

"(2) A State shall provide the Secretary with a statement of the principles and assumptions it employed in developing its funding levels and budget (as set forth in its application pursuant to section 493(d)(5)(e)).

"(b) The Secretary shall determine whether the funding determined by the Federal agency heads referred to in subsection (a)(1), and the budget and underlying principles and assumptions described in subsection (a)(2) as submitted by the State, are consistent and are adequate to carry out the demonstration.

"(c) If, during any fiscal year that the demonstration is in operation, the Federal laws or regulations under which such funding is authorized or provided are amended, or new Federal law applicable to any such program is enacted (or new regulations adopted), the Secretary shall adjust the amounts reflected in the budget set forth in the application under this part in accordance with applicable Federal law and regulations and the principles and assumptions referred to in subsection (a). In any event such budget shall be reviewed and revised, in accordance with such principles and assumptions and all currently applicable Federal law and regulations, not less frequently than annually.

"(d) The amount determined pursuant to subsection (b), or the adjusted amount adopted pursuant to subsection (c), shall be the amount of Federal funds available for carrying out the demonstration in any fiscal year.

"(e) The Secretary shall establish a schedule pursuant to which payments will be made by each agency responsible for the administration of a program included in the demonstration from the funds appropriated to carry out such program.

"(f) Notwithstanding the preceding provisions of this section, if it is determined at any time that the State received, prior to the commencement of the demonstration, an amount of Federal funds under any program included in the demonstration in excess of the amount to which it was entitled, or which it should have received, by reason of the application of any provision regarding erroneous expenditures under the program or because of overpayment by the Federal government to the State for any other reason, the amount which the State would otherwise receive to carry out the demonstration shall be reduced (subject to any moratorium in effect with respect to adjustments for such expenditures or overpayment) to the same extent and in accordance with the same procedures (including any administrative or judicial appeals) as would have been applied had the State continued to operate, apart from the demonstration, the program in which the overpayment is determined to have been made.

"(g)(1) The Secretary shall establish a single non-Federal share requirement for each year. Under such requirement, the percentage of non-Federal funds expended under the demonstration shall be no less than the percentage of non-Federal funds that would have been expended in the absence of the demonstration under the programs (or parts of programs) included in the demonstration.

"(2) The Secretary shall establish a single set of technical grant or contract requirements applicable to the conduct of the demonstration.

"(h) Notwithstanding any other provision of law, to the extent that the amount of Federal funds necessary to carry out the demonstration, either for assistance to individuals or families or for the costs of administration, is less than the amount contained in the budget set forth in the application under this part by reason of the effectiveness of the demonstration in achieving the objectives of this title, no adjustment shall be made in amounts payable to the State for such demonstration, and the State may treat such Federal funds as reimbursement for expenditures properly made by the State under the programs concerned, to the extent that such funds are used by the State to improve the demonstration or otherwise benefit individuals and families included in the demonstration.

"(i)(1) Notwithstanding any other provision of this section, with respect to any program included in the application for which benefits are provided on an entitlement basis, a State may propose in its application that expenditures under such program (including the Federal and non-Federal shares of such expenditures) be continued as an entitlement in accordance with such terms and conditions as the State proposes in the application. In the event a State makes such proposal, the head of each Federal department or agency with responsibility for the program with respect to which the proposal is made shall estimate the amount of funds that would be expended under the proposed demonstration and the difference between such amount and the amount of funds that would, but for the demonstration, be expended. Such department or agency head shall report the results of such estimate to the Secretary along with a statement of the principles and assumptions it employed in making such estimate, including, in the case of any program with respect to which the department or agency head has discretion in the provision of funds, the recent experience of such State (or grantees or contractors within the State) with respect to fund awards under such program. The principles and assumptions shall be consistent with all Federal laws and regulations applicable to the program, and the funding of the program, as in effect at the time the estimates are made.

"(2) The Secretary shall reject any proposal made under paragraph (1) that, as estimated under such paragraph, would result in a large decrease or increase in the amount of Federal funds expended for the program with respect to which the proposal is made. If the Secretary approves the proposal, such program shall not be treated as part of the application for purposes of subsection (a) and the amount of Federal funds available for carrying out such program shall be the amount determined in accordance with this subsection.

"APPROVAL OF APPLICATION

"SEC. 495. (a)(1) The Secretary shall only approve an application under this part if—

"(A) the rights of individuals and families under title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1973, title IX of the Education Amendments of 1972, title VIII of the Civil Rights Act of 1968, and all other applicable law prohibiting discrimination are protected; and

"(B) all requirements of this part, including the budget, are met.

"(2) The Secretary shall not approve an application under this part if approving such application would result in more than 50 demonstrations being conducted under this part at any one time.

"(b)(1) The Secretary shall notify a State of his decision whether to approve an application submitted under this part not later than four months after the date such application is submitted.

"(2)(A) If an application is approved under this part, the Secretary shall promptly notify the Governor of the provisions of law and regulation that are waived for the period of the demonstration, the amount of Federal funding that will be available for all programs included in the application, and the schedule of payments.

"(B) If the Secretary decides not to approve an application under this part, the Secretary shall promptly notify the Governor of the basis for such decision.

"(c) In the case of an application that meets the requirements of this part, the Secretary may, at the request of the State, waive any provision of law or regulation (other than one imposed by or pursuant to this section) applicable to a program included in an application under this part to the extent the Secretary determines that such waiver is appropriate.

"EXCLUSIVITY OF ELIGIBILITY UNDER DEMONSTRATION

"Sec. 496. (a) Notwithstanding any other provision of law, once an application has been approved by the Secretary, if an individual or family is within a class eligible to participate in a demonstration under such application, then such individual or family shall only be eligible for benefits (whether provided in cash, in kind, in the form of services, or in any other form or manner) under a program included in the demonstration under the terms and as part of the demonstration (including individuals or families who are ineligible for benefits under the demonstration solely by reason of their income or assets or their failure to comply with a condition of eligibility for benefits under the demonstration).

"(b) An individual or family participating in a demonstration under this part shall be eligible for any program that is not included in the demonstration if such individual or family would be eligible for the program in the absence of the demonstration.

"REPORTS TO THE CONGRESS; CHANGES IN DEMONSTRATION

"Sec. 497. (a)(1) Not later than one year after the date on which a demonstration is terminated in accordance with section 498, the Secretary shall submit to Congress a final report regarding the evaluations conducted under this part.

"(2) The Secretary shall submit an annual progress report to Congress describing the demonstrations being conducted during a year and their effectiveness in achieving the objectives of this part. Such report shall be based on the interim reports submitted by States pursuant to section 493(d)(5)(G).

"(b)(1) If a State determines that an amendment to the demonstration, as described in its application as originally submitted, would improve the likelihood of its accomplishing the objectives of this part, the State may submit such amendment to the Secretary.

"(2) The Secretary shall approve the amendment submitted under paragraph (1) if—

"(A) the amendment meets all the requirements for submission under this part that applied to the application as originally submitted to and approved by the Secretary, and

"(B) the cash, in-kind benefits, and services to which individuals are entitled under the demonstration are not substantially altered.

"(3) The Secretary shall notify the Governor of the effective date of the amendment, the increased Federal and non-Federal funding (if any) that will be made available, and any other matters necessary to implement the amendment without adversely affecting the conduct of the demonstration.

"TERMINATION OF PROJECTS

"Sec. 498. (a) Except as provided in subsection (b), a demonstration under this part shall be conducted for a period of not more than five years.

"(b)(1)(A) If the Governor of a State conducting a demonstration under this part determines that the demonstration is not (or is not likely to be) effective and that the interests of the Federal government, the State, or the participating individuals and families would be better served by returning to the separate conduct of the programs included in the application, the Governor may terminate the demonstration in accordance with subparagraph (B).

"(B) The Governor shall notify the Secretary of his decision to terminate the demonstration under subparagraph (A) not later than three months before the date of termination (or not later than such other date as the Governor and Secretary may select).

"(2) If the Secretary determines that a demonstration is not meeting any condition of approval described in section 495, the Secretary may terminate the demonstration in accordance with the schedule of termination described in paragraph (1)(B).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective on October 1, 1988.

TITLE VIII—ADMINISTRATION OF PROGRAMS UNDER PARTS A AND D

SEC. 801. ASSISTANT SECRETARY FOR FAMILY SUPPORT.

(a) IN GENERAL.—Part A of title IV of the Social Security Act, as amended by sections 201(b) and 301(b) of this Act, is further amended by adding at the end thereof the following new section:

"ASSISTANT SECRETARY FOR FAMILY SUPPORT

"Sec. 419. The programs under this part and part D shall be administered by an Assistant Secretary for Family Support within the Department of Health and Human Services, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be in addition to any other Assistant Secretary of Health and Human Services provided by law.".

(b) COMPENSATION.—Section 5315 of title 5, United States Code, is amended by striking "(4)" at the end of the item relating to Assistant Secretaries of Health and Human Services and inserting in lieu thereof "(5)".

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective on January 1, 1989.

SEC. 802. RESPONSIBILITIES OF THE STATE.

(a) IN GENERAL.—Section 402(a) of the Social Security Act, as amended by sections 401(a) and 402(a) of this Act, is further amended—

(1) by striking "and" at the end of paragraph (41);

(2) by striking the period at the end of paragraph (42) and inserting in lieu thereof "; and"; and

(3) by inserting immediately after paragraph (42) the following new paragraph:

"(43) provide that the State agency shall—

"(A)(i) be responsible for assuring that the benefits and services under the programs under this part and part D are furnished in an integrated manner, and

"(ii) to the maximum extent possible (as is otherwise consistent with the provisions of this title), assure that all parents applying for or receiving child support supplements under this part are encouraged, assisted, and required to fulfill their responsibilities to support their children by (I) preparing for, seeking, accepting, and retaining such employment as they are capable of performing, and (II) cooperating in the establishment of paternity and the enforcement of child support obligations; and

"(B) notify each applicant for child support supplements under this part and (at such times as required under regulations of the Secretary) each recipient of such supplements of—

"(i) the education, employment, and training services (including supportive services with respect to such services), and paternity establishment and child support services for which the applicant or recipient (as the case may be) is eligible; and

"(ii) the requirements that must be met in order to be eligible for any such services.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall become effective on July 1, 1989.

SEC. 803. ESTABLISHMENT OF PREELIGIBILITY FRAUD DETECTION MEASURES.

(a) IN GENERAL.—Section 402 of such Act, as amended by sections 401(a), 402(a), and 802(a) of this Act, is further amended—

(1) by striking "and" at the end of paragraph (42);

(2) by striking the period at the end of paragraph (43) and inserting in lieu thereof "; and"; and

(3) by inserting immediately after paragraph (43) the following new paragraph:

"(44) provide (in accordance with regulations issued by the Secretary) for appropriate measures to detect fraudulent applications for child support supplements prior to the establishment of eligibility for such supplements.".

(b) EFFECTIVE DATE; REGULATIONS.—

(1) The amendments made by subsection (a) shall become effective on October 1, 1989.

(2) The Secretary shall issue final regulations with respect to the requirement added by the amendment made by subsection (a)(3) not later than six months after the date of enactment of this Act.

TITLE IX—TAX PROVISIONS

SEC. 901. PERMANENT EXTENSION OF PROVISIONS RELATING TO COLLECTION OF NONTAX DEBTS OWED TO FEDERAL AGENCIES.

Subsection (c) of section 2653 of the Deficit Reduction Act of 1984 is amended by striking ", and before July 1, 1988".

SEC. 902. DEPENDENT CARE CREDIT PHASED OUT FOR ADJUSTED GROSS INCOMES ABOVE $93,750.

(a) IN GENERAL.—Paragraph (2) of section 21(a) of the Internal Revenue Code of 1986 (relating to expenses for household and dependent care services necessary for gainful employment) is amended to read as follows:

"(2) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (1), the term 'applicable percentage' means 30 percent reduced (but not below 0) by the sum of—

"(A) 1 percentage point (but no more than a total of 10 percentage points) for each $2,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds $10,000, plus

"(B) 1 percentage point for each $1,250 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds $70,000.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1988.

SEC. 903. TINS REQUIREMENT EXTENDED TO DEPENDENTS CLAIMED ON TAX RETURNS WHO ATTAIN 2 YEARS OF AGE.

(a) IN GENERAL.—Paragraph (2) of section 6109(e) of the Internal Revenue Code of 1986 (relating to furnishing number for certain dependents) is amended by striking "5 years" and inserting "2 years".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns the due date for which (determined without regard to extensions) is after December 31, 1988.

TITLE X—TECHNICAL AND CONFORMING AMENDMENTS RELATING TO REPLACEMENT OF AFDC PROGRAM BY CHILD SUPPORT SUPPLEMENT PROGRAM

SEC. 1001. AMENDMENT TO HEADING OF TITLE IV.

The heading of title IV of the Social Security Act is amended by striking "**AID AND SERVICES TO NEEDY FAMILIES WITH CHILDREN**" and inserting in lieu thereof "**AID AND SERVICES UNDER THE CHILD SUPPORT SUPPLEMENT PROGRAM**".

SEC. 1002. AMENDMENTS TO PART A OF TITLE IV.

Part A of title IV of the Social Security Act is amended—

(1) by striking "AID TO FAMILIES WITH DEPENDENT CHILDREN" and inserting in lieu thereof "CHILD SUPPORT SUPPLEMENT PROGRAM";

(2) in section 401, by striking "State plans for aid and services to needy families with children" and inserting in lieu thereof "State child support supplement plans";

(3) in section 402, by striking "STATE PLANS FOR AID AND SERVICES TO NEEDY FAMILIES WITH CHILDREN" and inserting in lieu thereof "STATE CHILD SUPPORT SUPPLEMENT PLANS";

(4) in section 407(b)(1)(B) by striking out "aid to families with dependent children" both times it appears and inserting in lieu thereof "child support supplements";

(5) in section 406(b), by striking "aid to families with dependent children" the first place it appears and inserting in lieu thereof "child support supplements";

(6) in paragraphs (4), (7), (10), (11), (14), (17), and (21), of section 402(a), subsections (a), (b), and (f) of section 403, section 405, subsections (b) (the second place it appears), (f), and (g) of section 406, and subsection (b)(1)(A) of section 407, by striking "aid to families with dependent children" wherever it appears and inserting in lieu thereof "aid in the form of child support supplements"; and

(7) in section 402(a) (in the matter preceding paragraph (1)), paragraph (30) of section 402(a), section 403(a) (in the matter preceding paragraph (1)), section 404(a), section 410(a), and section 412, by striking "plan for aid and services to needy families with children" wherever it appears and inserting in lieu thereof "child support supplement plan".

SEC. 1003. AMENDMENTS TO OTHER PROVISIONS OF THE SOCIAL SECURITY ACT.

The Social Security Act is amended—

(1) in sections 452(a)(10), 454(4), 457(d)(3), 472(h), 473(b), and 1115(b) by striking "aid to families with dependent children" wherever it appears and inserting in lieu thereof "aid in the form of child support supplements";

(2) in section 454(16), by striking "aid to families with dependent children program" and inserting in lieu thereof "child support supplement program"; and

(3) in subsections (b) and (c) of section 458, by striking "AFDC" and "non-AFDC" wherever those terms appear and inserting in lieu thereof "CSS" and "non-CSS", respectively.

SEC. 1004. GENERAL CONFORMING AMENDMENT.

Any reference to aid to families with dependent children in any provision of law other than those specified in the preceding provisions of this section shall be deemed to be a reference to child support supplements, or to aid in the form of child support supplements, consistent with the amendments made by the preceding provisions of this Act.

TITLE XI—REORGANIZATION AND REDESIGNATION OF TITLE IV; GENERAL CONFORMING AMENDMENT RELATING TO SUCH REORGANIZATION AND REDESIGNATION

SEC. 1101. TABLE OF CONTENTS IN TITLE IV.

Title IV of the Social Security Act is amended by inserting after the heading of such title and before the heading of Part A of the title the following table of contents:

"TABLE OF CONTENTS OF TITLE

"PART A—CHILD SUPPORT ENFORCEMENT

"Page

"Sec. 401. Appropriation....................
"Sec. 402. Duties of the Secretary......
"Sec. 403. Parent Locator Service......
"Sec. 404. State plan for child and spousal support..............................
"Sec. 405. Payments to States............
"Sec. 406. Support Obligations..........
"Sec. 407. Distribution of proceeds....
"Sec. 408. Incentive payments to States..
"Sec. 409. Consent by the United States to garnishment and similar proceedings for enforcement of child support and alimony obligations...
"Sec. 410. Civil actions to enforce support obligations.........................
"Sec. 411. Regulations pertaining to garnishments..................................
"Sec. 412. Definitions..........................
"Sec. 413. Use of Federal Parent Locator Service in connection with the enforcement or determination of child custody and in cases of parental kidnapping of a child...
"Sec. 414. Collection of past-due support from Federal tax funds....
"Sec. 415. Allotments from pay for child and spousal support owed by members of the uniformed services on active duty..................
"Sec. 416. Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement..........................
"Sec. 417. State guidelines for child support awards..............................

"PART B—JOB OPPORTUNITIES AND BASIC SKILLS TRAINING PROGRAM

"Sec. 421. Job opportunities and basic skills training program.......

"PART C—CHILD SUPPORT SUPPLEMENT PROGRAM

"Sec. 431. Appropriation....................
"Sec. 432. State child support supplement plans......................................
"Sec. 433. Payment to States.............
"Sec. 434. Operation of State plans...
"Sec. 435. Use of payments for benefit of child..
"Sec. 436. Definitions..........................
"Sec. 437. Dependent children of unemployed parents..........................
"Sec. 438. Food stamp distribution...
"Sec. 439. Prorating shelter allowance of CSS family living with another household..........................
"Sec. 440. Technical assistance for developing management information systems.............................
"Sec. 441. Attribution of sponsor's income and resources to alien......
"Sec. 442. Fraud control.....................
"Sec. 443. Demonstration program of grants to provide permanent housing for families that would otherwise require emergency assistance..
"Sec. 444. Limitations on child care and medical assistance for families after loss of eligibility............
"Sec. 445. Assistant Secretary for Family Support..............................

"PART D—CHILD WELFARE SERVICES

"Sec. 450. Appropriation....................
"Sec. 451. Allotments to States..........
"Sec. 452. State plans for child welfare services....................................
"Sec. 453. Payment to States.............
"Sec. 454. Reallotment........................
"Sec. 455. Definitions..........................
"Sec. 456. Research, training, or demonstration projects.................
"Sec. 457. Foster care protection required for additional Federal payments...
"Sec. 458. Payments to Indian tribal organizations......................................

"PART E—FOSTER CARE AND ADOPTION ASSISTANCE

"Sec. 470. Purpose: appropriation.....
"Sec. 471. State plan for foster care and adoption assistance...............
"Sec. 472. Foster care maintenance payments program.........................
"Sec. 473. Adoption assistance program..
"Sec. 474. Payments to States; allotments to States...........................
"Sec. 475. Definitions..........................
"Sec. 476. Technical assistance; data collection and evaluation.............
"Sec. 477. Independent living initiatives..
"Sec. 478. Exclusion from CSS unit of child for whom foster maintenance payments are made............
"Sec. 479. Collection of data relating to adoption and foster care..........

"PART F—WAIVER AUTHORITY

"Sec. 491. Purpose...............................
"Sec. 492. Authorization of appropriations.......................................
"Sec. 493. Submission of applications..
"Sec. 494. Funding and budget..........
"Sec. 495. Approval of application....
"Sec. 496. Exclusivity of eligibility under demonstration.....................
"Sec. 497. Reports to the Congress; changes in demonstration............
"Sec. 498. Termination of projects .... ".

SEC. 1102. REORGANIZATION OF PARTS.

(1) The heading of part A of title IV of the Social Security Act is amended to read as follows:

"PART A—CHILD SUPPORT ENFORCEMENT".

(2) The heading of part B of such title is amended to read as follows:

"PART B—JOB OPPORTUNITIES AND BASIC SKILLS TRAINING PROGRAM".

(3) The heading of part C of such title is amended to read as follows:

"PART C—CHILD SUPPORT SUPPLEMENT PROGRAM".

(4) The heading of part D of such title is amended to read as follows:

"PART D—CHILD WELFARE SERVICES".

(5) The heading of part E of such title is amended to read as follows:

"PART E—FOSTER CARE AND ADOPTION ASSISTANCE".

SEC. 1103. REDESIGNATION OF SECTIONS.

(1) Sections 451 through 467 of title IV of the Social Security Act are redesignated as sections 401 through 417 respectively and are transferred and inserted in part A of such Act.

(2) Section 417 of such Act, as added by the amendment made by section 201(b) of this Act, is redesignated as section 421 and is transferred and inserted in part B of the Act.

(3)(A) Sections 401 through 407, 410, 412, 413, 415, and 416 of such Act are redesignated as sections 431 through 442 respectively and are transferred and inserted in part C of the Act.

(B) Section 408 of such Act, as added by the amendment made by section 501 of this Act, is redesignated as section 443 and is transferred and inserted in part C of the Act after section 442 (as redesignated).

(C) Section 418 of such Act, as added by the amendment made by section 301(b) of this Act, is redesignated as section 444 and is transferred and inserted in part C of the Act after section 443 (as redesignated).

(D) Section 419 of such Act, as added by the amendment made by section 801(a) of this Act, is redesignated as section 445 and is transferred and inserted in part C of the Act after section 444 (as redesignated).

(4) Sections 420 through 428 of such Act are redesignated as sections 450 through 458 respectively and are transferred and inserted in part D of the Act.

SEC. 1104. GENERAL CONFORMING AMENDMENT.

Any reference in title IV of the Social Security Act (as amended by this Act) or any other provision of law to any provision of such title shall be deemed to be a reference to such title as redesignated and reorganized by sections 1101, 1102, and 1103 of this Act.

PRIVILEGES OF THE FLOOR

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. BYRD. Mr. President, I ask unanimous consent that Elaine Neenan, of my staff, be granted privileges of the floor during consideration of and votes on S. 1511, the Family Security Act of 1988.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Texas.

Mr. BENTSEN. Mr. President, I ask unanimous consent that Margaret Malone, Joseph Humphreys, Dr. Marina Weis, be granted privileges of the floor for debates and votes on this bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BENTSEN. Mr. President, today the Finance Committee brings before the Senate a historic bill on welfare reform. In recent months, we have heard this body debate major issues like national defense, trade, catastrophic illness. But today we will be talking about the need to have a whole new look at welfare policies and priorities and set a new direction for the welfare system. All of us know that if we are going to compete in a global economy, that America needs the most modern and most efficient tools and equipment to do that job. We have to stay ahead of the competition. And a critical part of that is people; talented, educated, motivated people working to build a better life for their children.

America has been blessed with rich resources throughout its history, but of all of those resources, the most important of all has been the people of the country. You can have the best robotics, the fastest computers, but what good are they without educated, trained, motivated people to operate them?

Recently our productivity has been increasing and that is encouraging. But to maintain that trend, America has to invest more in human capital, and welfare reform is an good place to start. What we have before us today is a bill that my great friend, the distinguished Senator from New York, Senator MOYNIHAN, has been involved in for almost a lifetime. This is the culmination of those specific efforts, and I congratulate him for it. Because what we are talking about is something that is terribly important to the welfare of our Nation. I am not talking about just empty abstractions of social justice. I am addressing the realities of the nineties and beyond.

The numbers and the trends are going to have an enormous impact on the future of our country, and here are just a few of them.

Manufacturing is going to be a smaller and smaller component of our economy. Service industries requiring higher skills and education will create all the new jobs and almost all of the wealth over the next 12 years. Our work force is rapidly changing and it is inevitable that it will do so. It is becoming older, more female, and, unfortunately more disadvantaged.

Between now and the year 2000 only 15 percent of the new entrants into the work force are going to be white male natives, compared to about 47 percent today.

By the year 2000, for the first time in our history, the majority of new jobs will require postsecondary education. We will be talking about a labor shortage in the years ahead and two-thirds of the new entrants into that work force are going to be women. Nonwhites, women and immigrants will make up more than 80 percent of the new members of the work force between now and the year 2000.

You do not need to be an economist or a demographer to understand that a dramatic change is taking place. Millions of children who are living in poverty and receiving welfare today have to become the trained, motivated workers of tomorrow, and we do not have any time to lose.

I have stated that as the new chairman of the Finance Committee that 1988 would be a year dedicated to children, in that committee, and this bill helps meet that objective.

Mr. President, on the catastrophic illness bill of last week, we worked together to develop and include in that conference report improved Medicare prenatal and neonatal health care coverage, because we have to do all we can to try to ensure sound minds and bodies in our children being born.

This bill is going to go a long way to help those children and their families break out of the cycle of poverty. If we want America to remain competitive, if we want to remain the most progressive Nation in the world, then I think welfare reform is a urgent national priority.

I do not care if you are a liberal or a conservative, Republican or a Democrat; anyone who cares about America's future must also be concerned about a welfare system that fails to come to grips with some of the most serious problems in our country today—whether we are talking about teenage pregnancy, school dropouts, escape to drugs, chronic dependency—America needs welfare reform because this modern, compassionate, cost-conscious Nation of ours is trying to make do with a Rube Goldberg welfare system that was developed for the depression and to meet the needs of a society that no longer exists.

Senator MOYNIHAN, who has spent decades studying this subject, points out that America's welfare system was created 53 years ago to take care of the widow of a miner who was lost in a mine in West Virginia leaving her with an inadequate pension, children to rear and years before she could claim survivor's benefits. And that woman was not supposed to be working outside the home.

A good many of us remember the thirties. Most children lived with two-parent families. Dad went to work. Mom stayed home and reared the kids. But today America's society has changed dramatically. Many people think it has changed for the better. But for better or worse, we are fighting the battle of the eighties with the tools of the depression and we are losing badly. We are wasting money and we are condemning millions of children and young people to a future of despair.

What are the realities of 1988? Fewer than half of the American children reaching age 18 will have lived continuously with their natural parents. Six out of 10 children born this year will spend part of their childhood in a single-parent family. And today near three-quarters of women with children between the ages of 6 and 17, nearly 60 percent of women with children under the age of 6, are in the work force. And that is the reality, like it or not.

But statistics for mothers receiving aid for children that are dependent do not fit that norm. Only 6 percent are employed. Only one-fifth leave welfare because of some future increase in their earnings. Numbers tell us most families stay on welfare only briefly but the numbers also demonstrate that for far too many, for one family in four, welfare dependency lasts for 10 years or longer and the families that are most likely to have that long-term dependency on welfare are usually headed by a young mother who has never finished high school or never held a productive job. Welfare reform means bringing these people, those young women, into the economic mainstream and getting them off of welfare and into a decent job.

Our current welfare policies don't even point in that direction.

As a result, one American child in four is born into poverty and one child in five under the age of 18 lives in poverty. Today children are by far the poorest people in America. They are seven times more likely to live in poverty than older Americans.

Is that the America we like to brag about? Is that the kind of society we want to live in? What does it say about our future—about our ability to meet the test of competition—when one-fifth of our children live in poverty? Unless we take action—and take it soon—there is a good chance that one-third of American children born today will be welfare recipients before they reach maturity.

Why do we have so many children living in poverty? One reason is because such a high percentage of them live with a single parent. In many cases, paternity has never been established, or the absent parent refuses to pay child support that has been ordered by the court. The result is millions of poor children tied to welfare.

If we want to reform the welfare system, let us start with an all-out effort to collect child support. The Congress enacted strong legislation in 1975 and in 1984, but despite that legislation only a small fraction of children who live with single parents receive the full credit as awarded to them by the courts. Many receive nothing at all.

The welfare reform bill before the Senate will help to remedy that situation. It will require States to do a better job of establishing paternity. Child support collections will be increased as the result of immediate wage withholding requirements; and support levels will be improved as the result of periodic review and updating of child support orders.

The legislation also builds a vastly improved program of education, employment, and training for adult welfare recipients. It says to welfare recipients: "Okay, if your children are over 3 years of age, you must go into an education or training program, or you must take a job. We'll see that you don't lose money going to work. We will provide transitional child care; we'll continue your Medicaid for a while to try to bridge over" because a lot of people on welfare, single mothers in particular, are deeply concerned about the health care of their child. They want to be sure they have it during that period of time.

Our program is to try to help break the cycle of dependency and get off welfare.

That is the gist, the heart, of welfare reform. We will provide generous Federal matching funds that will enable the States to develop education, employment, and training programs. It will provide up to $1 billion a year by 1992.

An interesting thing, too, about this, this is a revenue-neutral bill. In fact, there are a couple hundred million dollars of surplus, and we are just not letting bills out of that committee of ours that are not revenue-neutral because we are doing everything we can in that committee, too, to try to cut back on this budget deficit.

But as we provide up to that $1 billion to those States by 1992, one of the things we do is give them some real flexibility to design programs that are going to mesh with the local economic conditions and to let them be creative, innovative in what they bring about.

In the conferring of the 50 Governors or the Governors who support this particular bill, one of the things we have done is try to glean the best from each of their innovative programs in their States and try to be sure this system works.

Senator MOYNIHAN, the distinguished Senator from New York, has put in an incredible number of hours, days, and months in checking out the various programs in the various States and working with these Governors in this regard.

The other thing we want is we want the private sector involved in this every step of the way. They know the jobs that are available; they know what kind of training and what kind of education that they want for the people to fill those work slots.

The underlying concept of this welfare reform bill is to break the cycle of dependency and to get parents into jobs where they can become productive, independent wage earners and help build a better future for their children.

That is one of the most difficult, important challenges facing America today.

Many people do not want to hear about it and turn their backs on it. They would like to just wish it away.

That is not going to happen. It is really kind of a putdown when you see some of these manufacturers come in from abroad and then find that some of our people who try to fill those roles to go to work there are functionally illiterate. The manufacturers then have to start training them and raise them to the level of education that they had in their own country that they came from.

If we want to have America a secure America and a force for freedom around the world, we are going to have to meet this challenge.

How do you measure strength for a country? Do you do it with their GNP? With their net productivity? In trade numbers? In Nobel Prizes? All of those things are important, but the real strength, the real leadership involves a very important element of character.

There is an old saying that goes: "Sow a thought, and reap an act; sow an act and reap a habit; sow a habit and reap a character; sow a character, and reap a destiny."

I happen to believe that the destiny of America is greatness, but to realize that destiny we must work together to think and to act together to address issues and solve problems that stand in the path of our future.

One child in five living in poverty, one child in nine dependent on welfare is a threat to America's destiny of greatness. It is an affront to everything we stand for as a Nation, and it is a menace to the economic well being of our country.

I hope that we in the Congress with the President can work together to bring about change and to reach out and achieve America's destiny in the 21st century.

I say to my colleagues, let us not lose this opportunity to move our country forward for a better future for America's children.

I yield to my distinguished friend.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. MOYNIHAN. Mr. President, we have heard a magnificent overview of the purposes and the content of this measure, the Family Security Act of 1988, which comes to the floor with the support of 64 bipartisan cosponsors. I am happy to see the distinguished Republican leader who is with us in this matter, and before this day is out, I think we will hear from many persons on both sides of the aisle who are in support of this measure.

As our distinguished chairman has said, this bill was reported out of his Committee on Finance by a vote of 17 to 3. It is increasingly the quality of the Finance Committee and the chairman that produces a document which, after considerable inquiry, produces a consensus.

We have worked a year and a half on this matter, and we have worked with some considerable attention to detail and with much guidance, Mr. President.

I would like to make a point that what we bring to this floor is essentially the measure asked of us by the National Governors Association.

In 1987, the NGA made welfare its highest legislative priority. Governor Clinton, Democrat of Arkansas, asked Governor Castle, Republican, of Delaware, to head up the committee which would develop their reform proposal. Governors of every region have been involved—Governor Kean, of New Jersey; Governor Bellmon, a former colleague, of Oklahoma; Governor Dukakis, of Massachusetts; and so on down a very distinguished list. This legislation is also supported by the American Public Welfare Association, the National Association of Counties, the National Alliance of Business, the Association of Junior Leagues, and the United Way of America.

It is tempting, Mr. President, to say that this is a historic moment in our long effort to deal with the growing problem of dependency and yet events will decide whether that was in fact the case. What can be said is that never since the enactment of the Social Security Act has the Senate considered so fundamental a redirection of what we have come to call welfare. Typically, past events have been described as attempts at welfare reform. But as Senators of our committee know, our distinguished chairman knows, our committee tried to avoid that term, that usage, in our recent debate. The dictionary definition of reform is, and I quote Webster's Third, "To restore to a former good state."

Well, as our chairman has made so clear, there never was a former good state of the present AFDC program. Title IV of the Social Security Act was enacted to provide for widow's pension until the time when widows and their children would be covered by the Survivors Insurance [SI] Program. Under SI, enacted in 1939, 6 quarters of coverage—in the last 12 quarters—were required to establish currently insured status.

That was a time, again as the chairman so carefully pointed out, where mothers typically did not work outside the home. With the death of the breadwinner, the male, the family was bereft. As was described by Francis F. Perkins, the typical recipient of AFDC would be a West Virginia miner's widow. The question of child support did not arise; the absent parent was dead. The question of work did not arise; women did not work in coal mines.

In the meantime, however, a huge and wholly new population has grown up dependent on this program for which it was not designed and for which it does not work.

May I make the point, Mr. President, that we are talking about an enormous number of young people. The chairman made that so clear.

We have some charts at the rear of the Chamber, and I would ask if I might refer to them with the Chair's indulgence.

The ACTING PRESIDENT pro tempore. The Senator may proceed.

Mr. MOYNIHAN. I thank the Chair. Let us begin with chart I.

One of every six American children is a ward of the Senate Committee on Finance—dependent upon either the Survivors Insurance or AFDC programs.

Over time, one in every three children will be dependent on SI or AFDC benefits.

It helps so much in this debate to be clear that what we call "welfare" is title IV of the Social Security Act of 1935.

The next thing, again stated so explicitly by the chairman, the Senator from Texas, Mr. BENTSEN, is something that we really have to think about. Somehow, for reasons that no one I think fully understands and not many fully appreciate, the United States has become the first country in the world in which the poorest age group in the population are the children, and not just a few children. Nearly one in four children are born into poverty today; one in five children under 18 live below poverty.

We can estimate that approximately a third of all children will be dependent on welfare, certainly between a quarter and a third, before adulthood. Then there is survivor's insurance.

The disparity between these two programs is astounding. If I may refer to our second chart, Mr. President.

U.S. POVERTY RATES, BY AGE (1966–86)

[In percent]

	1966	1986
Age group:		
Under 18	17	20
18 to 64	11	11
65 plus	9	12

In 1986, we had a pattern of poverty—the Johnson administration had begun the anti-poverty programs—in which already there were more children poor than you might expect but even so the largest group of poor persons were the aged.

The typical poor of the 19th century and the early part of this century were people who were old; they did not have work, did not have wages, and they were ill. We have done very well since then. If we have not done enough, we have moved in the right direction. From 29 percent of the persons 65 and older being poor, we have dropped to 12 percent, more than cut it in half, and of those aged poor many are what we call the old old. I think we can look to see that number decline yet further with the Medicare catastrophic insurance which just passed this Congress, also reported by the Committee on Finance. We are getting hold of those questions. In the next decade, I hope we will see poverty among the aged reduced to a marginal level. In the meantime the number of poor children goes up and up and up. As I've said, the United States has become the first nation in history in which children are the poorest group in the population. Of 63 million children under 18 in the United States, 12.3 million are poor, 7.2 million receive welfare, 3.3 million receive SI.

Dependent Children in the U.S. (1986): 63 Million Children Under 18; 12.3 Million Are Poor (20%); 7.2 Million Receive AFDC (11%); 3.3 Million Receive SI (5%).

One out of six American children receives assistance under the Social Security Act's Survivors Insurance and AFDC Programs.

In our great cities, Mr. President, the impact of welfare, the incidence of dependency is just not understood. Fifty-eight percent of the children in the Hartford, CT, school system are on welfare; 58 percent of Newark, NJ; 45 percent of New York City; 45 percent of Chicago: 43 percent of Oakland; 42 percent of Gary, IN; 42 percent of Philadelphia; 40 percent of Jackson, MS; 33 percent of Minneapolis; 31 percent of Seattle; and 31 percent of New Orleans.

Percentage of children enrolled in public schools receiving public assistance[1]

	Percent
Hartford	58
Newark	58
New York	45
Detroit	45
Chicago	44
Oakland	43
Gary, Indiana	42
Philadelphia	42
Jackson, MS	40
Minneapolis	33
New Orleans	31
Seattle	31

[1] The data in this table were provided by city and county officials.

Surely this should give us no great wonder that our schools are in trouble.

Mr. President, we come to the most sensitive thing I will say today, and I very much appreciate that the Chairman and the distinguished Republican Leader are here. We have these two programs I have talked about, one AFDC and the other Survivors Insurance.

This is chart No. 5.

AFDC AND SURVIVORS INSURANCE BENEFIT PAYMENTS

[Average monthly per recipient payment, in constant dollars]

	AFDC	SI
1970	$140	$222
1986	122	339
Percent change	—13	+53

Since 1970, the average payment for a child receiving Survivors Insurance has increased 53 percent in real numbers. We have indexed this payment as we did for national payments of Old-Age Insurance as well. Up 53 percent—quite a performance. Median family income has not increased anything like that amount.

Simultaneously, the benefit for children under welfare, AFDC, has been cut. In my city of New York the real value of AFDC benefits has decreased 35 percent since 1970. We do not have the best numbers on this. But the average monthly payment per recipient is down 13 percent, nationwide and some places higher than that.

Children in single-parent families, by reason

	Percent
Divorce	62
Out-of-wedlock birth	25
Long-term separation	8
Death of parent	5

Mr. President, these are identically situated children. They are children living in a single-parent, female-headed household. Twenty years ago the payments—New York is where I can speak with more confidence—were about equal. Today the child on survivors insurance gets twice the payment as the child on welfare. What is the difference? I will give these numbers precisely, if I may. The child on AFDC—this is 1986—received $122 per month; the child on survivors insurance received $339. I said twice. I could have said almost three times: $122 as against $339.

What is the difference between these 6-year-old children? Does one need less food, less clothing, or less living expenses? No. There is no way you can distinguish these children excepting one brutual reality: The majority of the children receiving Survivors Insurance are white, and the majority of the children receiving AFDC are nonwhite. Right there in our social insurance system. I do not know how we can explain it to the rest of the world.

AFDC AND SURVIVORS INSURANCE CASELOADS, BY ETHNICITY

	Percent—	
	AFDC	SI
White	40	66
Nonwhite	58	30
Other	1	4

Yet why did we have this situation? How did it come about? Very simply it came about because the welfare program has become stigmatized as a program for people who did not work in a world where others did. And do not—anyone—think that our committee is not concerned with the level of benefits. It is. But in order to do something about that we have to do something in our view, and the Governors' view, about the perception and the reality of this program, to get rid of that stigma which unfairly has been attached to it, but which also reflects a certain reality.

This is what the Governors came to us and asked us to do. In 1987, the Governors' Association drew up a proposal. Then they brought it to the Congress with this simple, essential proposition. They proposed, and I quote: "To turn what is now primarily a payment system with a minor component into a system that is first and foremost a jobs system, backed up by an income assistance component."

If I could say that just one more time. The Governors asked us to ". . . turn what is now primarily a payment system with a minor work component"—that is the old widow's pension—"into a system that is first and foremost a jobs system backed up by an income assistance component."

But first comes parental support. It is a scandal what happens to abandoned women with children in this country, and not just welfare women. My city of New York, for example, does not even collect Social Security numbers for purposes of locating absent fathers who owe child support. No effort at all is made for them to carry out what is presently the legal responsibility to contribute to their child's care if that child has been put on public assistance.

Charts 8, 9, and 10 give you a sense of the problem.

In chart 8, out of 8.8 million women raising children alone, 4.4 million—50 percent—have court orders enforcing child support and are due payments. Another 3.4 million—39 percent—do not have court orders. One million—11 percent—have court orders, but are not due payment.

Of the 4.4 million women with court orders and who are also owed support, 2.1 million—48 percent—received full payment. Another 1.15 million—26 percent—received partial payment, while an equal number—1.15 million—26 percent—received no payment at all.

Child support payment gap

In 1985:	*Billion*
Owed	$10.9
Paid	7.2
Gap	3.7

CHILD SUPPORT PAYMENTS BY YOUNG, UNWED, ABSENT FATHERS

	Percent who report paying child support—		Amount paid by those—	
	In poor families	Not in poor families	In poor families	Not in poor families
Unwed fathers, aged 19 to 26:				
All young men	25.8	58.0	$925	$2,492
Hispanic	16.1	62.1	1,052	1,496
Black	30.7	47.7	751	1,464
White	19.1	64.5	1,358	3,176

The gap just in money is such that we could pay for this program just by collecting what under law now is owed. And we will do it. We will withhold it from wages, and we will send the right moral signal that you cannot have children in this country and not support them.

But next is the question of providing work for the custodial parent as we call them. The chairman, Mr. BENTSEN, has been very clear. Seventy-two percent of women with children age 6 to 17 years are in the work force—married women; 53 percent of married women with children under 3 are in the work force, and not full time necessarily. Thirty-one percent of that 53 percent are full time, and 17 are part time.

WORKING MOTHERS

[All figures in percent]

	Labor force participation rate	Working	
		Full-time	Part-time
Age of children:			
6 to 17 years	72	50	17
Under 6 years	57	34	17
Under 3 years	53	31	17

WORKING MOTHERS—Continued

[All figures in percent]

	Labor force participation rate	Working	
		Full-time	Part-time
All AFDC mothers		2	4

AFDC mothers, however, are unemployed. Think of them as unemployed as compared to their contemporaries, their neighbors. We want to train them, and we want to target those we train. It is an easy task if you look around for people who really are not in any great trouble in their lives. People who have just had a marriage breakup or something, who mainly need just a little income maintenance while they put things back together.

In our bill, however, we say you go after the people who need it most, who are the hardest to help. But do you get something out of that? You do; the States have shown that you do—you have a permanent change for that teenaged mother. In New York City—again I speak to my own State—we have a welfare population that is equal to twice the population of the State of Delaware, or just about twice. Of the adult recipients, half of them have never known one day's work, never in their life—never had a day's work. They do not know how to do it, and getting them to that is not easy but, Lord, is it necessary.

The demographics are working in our favor. According to the U.S. Bureau of the Census, young people aged 18 to 24 will decline as a proportion of the population by 23 percent by the year 2000.

Gov. Tom Kean, of New Jersey, came before our Finance Committee on February 23 of last year when we began hearings, on the Family Security Act. A year and a half we have been at this. He said to us not only ought we to do this because it is right, saving these women and their children, but we should do it because we have other interests just as well. He put it this way. I am quoting the Governor of New Jersey. "We haven't got any spare people any more in our society"—just what Senator BENTSEN said. "We haven't got any spare people any more in our Society, if we ever did. In my State we are going to create 600,000 jobs in the next decade * * * Who is going to fill them? Many are going to have to be filled by the women and children who are today on the welfare rolls."

A majority of the families in the capital of New Jersey are on welfare right now.

He said, "If these people aren't qualified, then the jobs are going to go elsewhere," and they are not going to go to New York or Philadelphia, where you have the same conditions.

In other words, if compassion doesn't motivate us, then economic necessity ought to motivate us.

Mr. President, we need all our children now, as never before in this century. Thus indeed does necessity reinforce compassion.

Mr. President, I ask unanimous consent to have printed in the RECORD a summary of the key provisions of the Family Security Act.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF KEY PROVISIONS OF THE FAMILY SECURITY ACT

TITLE I: CHILD SUPPORT ENFORCEMENT

Establishing Paternity—The bill provides 90 percent Federal matching for laboratory testing involved in establishing paternity, and requires States to meet minimum paternity establishment standards.

Use of guidelines in setting child support award amounts—States must establish guidelines that are binding on judges and other officials unless there is good cause. The bill requires the States to develop programs for periodic review of child support awards within one year after enactment. Effective five years after enactment, States must provide biennial review of all child support awards that are being enforced by the child support agency upon request of either parent. The bill authorizes demonstration projects to see and evaluate model procedures for reviewing awards.

Wage withholding—States must have procedures for immediate wage withholding (without waiting for an arrearage) with respect to all new or modified orders that are being enforced by the child support enforcement agency unless: (1) the State finds good cause, or (2) both parties agree to an alternative arrangement. Immediate wage withholding will apply to old orders if the custodial parent requests it, and the State determines that it is appropriate to grant the request. The Secretary must conduct a study on the feasibility and effects of requiring immediate wage withholding for orders that are not being enforced by State child support enforcement agencies.

Commission on interstate enforcement—The bill establishes a Commission on Interstate Child Support to make recommendations to improve interstate enforcement and to make recommendations concerning the Uniform Reciprocal Enforcement of Support Act.

Automated tracking and monitoring system—States must develop a Federally-approved statewide system to monitor child support cases that are being enforced by the child support enforcement agency.

Use of social security numbers—States must require parents to furnish their social security numbers upon birth of a child (but they need not be recorded on the birth certificate.)

Visitation and custody—The bill authorizes $5 million for each of 2 years to fund demonstration projects to develop or improve activities designed to increase compliance with child access provisions of court orders.

Employment and training for non-custodial parents—States may allow or require absent parents who owe but cannot pay court-ordered child support because of unemployment to participate in the new education and training programs (JOBS).

Requirements for prompt response—The Secretary of HHS must establish standards specifying time limits in which a State must respond to requests for services. He must consult with an advisory commitee.

INTERNET system—The bill gives the Secretary of HHS prompt access to wage and unemployment compensation information, maintained through an arrangement sometimes referred to as "INTERNET", for purposes of enforcing child support.

Notification of support collected—Beginning four years after enactment, States must provide families receiving welfare with monthly notice of the amount of support collected on their behalf by the child support enforcement agency. Notice may be quarterly if it is determined that more frequent notice imposes an unreasonable administrative burden on the State.

$50 disregard—The bill clarifies the provision in current law requiring that the first $50 in monthly support collected be passed on to the family by providing that payments due for a prior month must be disregarded if made by the absent parent in the month when due.

TITLE II: EDUCATION, EMPLOYMENT, AND TRAINING

New JOBS program—S. 1511 replaces the Work Incentive (WIN) program with an entirely new Job Opportunities and Basic Skills Training Program (JOBS) to help welfare recipients attain the ability to enter or reenter gainful employment.

Program activities—State JOBS programs may include a wide variety of work and training activities including education, on the job training, skills training, work supplementation, community work experience, job search, and other activities related to education, training and employment. States will be free to design the content of their JOBS program except that all States will be required to include basic education and skills training among the program components offered.

Participation requirements—Participation is generally mandatory for able-bodied, adult welfare recipients except those caring for young children under age 3. (States may lower the age of the child from 3 to as low as 1. Except for school attendance, mandatory participation is limited to part-time for parents caring for children under age 6.) School attendance is required for parents under age 22 who have not graduated from high school, regardless of the age of their children. Child care is guaranteed for those needing such care in order to participate in the JOBS program.

Program funding—Education, employment, and training costs under the JOBS program are eligible for Federal funding as an entitlement. The Federal matching rate is generally 60 to 80 percent (depending on State per capita income) subject to an overall national limit of $500 million for fiscal year 1989, $650 million in 1990, $800 million in 1991, and $1 billion in 1992 and thereafter. The first $126 million of funding will be allocated among the States in the same way as the fiscal 1987 allocation of funding under the WIN program (and qualifies for the 90 percent WIN matching rate.) Additional funds will be allocated among the States in proportion to their adult welfare population. Child care costs will be funded on an open-ended basis at a matching rate of 50 to 80 percent depending on State per capita income (the Medicaid matching rate.) Indian tribes are authorized to claim funding from within each State's allocation.

Target populations—States are required to devote at least half of the JOBS program funds to individuals who are, or are likely to be, long-term welfare recipients, as follows: (1) recipients who have received assistance for 30 of the preceding 60 months; (2) applicants who have received assistance for 30 of the 60 months preceding application; or (3) custodial parents under age 24 who have little or no work experience in the previous year or have not completed high school. Within the target groups, volunteers will be given first consideration for participation.

Other—The bill includes several other provisions detailing the operation of the new JOBS program including provisions assuring fair hearings before the imposition of any sanctions and prohibiting the use of subsidized employment to displace regular employees.

TITLE III: WORK TRANSITION PROVISIONS

In order to assist families in making the transition from welfare to work, the bill requires States to provide time-limited child care and Medicaid benefits as follows:

Child care—States must provide child care determined by the State agency to be necessary for a parent's employment for a period of nine months in any case where the parent has lost assistance because of increased income from, or increased hours of, employment, or because of the loss of earnings disregards. Families must contribute to the cost, according to a State-established fee schedule. Federal matching funds are available to the States at the Medicaid matching rate (50-80 percent open-ended entitlement.) Matching is available for costs up to amounts established by the State, but not in excess of local market rates.

Medicaid—States must continue Medicaid benefits for a period of six months for all families that lose eligibility for cash assistance because of increased income from, or increased hours of, employment, or because of the loss of earnings disregards. They must offer these families the option of continuing their Medicaid coverage for an additional six months (total of 12 months.) During the second 6-month period, States must charge a premium not to exceed 3 percent of income for those families with income above the poverty level. The Secretary of HHS must conduct a study of the effect of the Medicaid transition provisions.

TITLE IV: CASH BENEFITS PROVISIONS

Name of program—the bill renames the basic welfare program for families, the Aid to Families with Dependent Children (AFDC) program. Effective upon enactment, the program will be called the Child Support Supplement (CSS) program.

Benefits for families with unemployed parents—All States will be required to have a program providing cash assistance to two parent (intact) families in which the principal earner is unemployed. States will have the flexibility to design programs to meet individual State needs and to emphasize education, training and employment services for unemployed parents and spouses. Specifically, State programs may: (1) require participation in one or more education, employment and training activities approved under the JOBS program (not to exceed a combined total of 40 hours a week); (2) provide for payment after performance; (3) provide for the participation of both spouses (subject to the requirements with respect to child care under the JOBS program); and (4) limit cash assistance to a period of no less than 6 months in any 12-month period. States will have the option of providing benefits for any period longer than 6 months.

A State that chooses to provide assistance for a limited period of time will be required to provide Medicaid for all children up to age 18 for as long as the family is otherwise eligible for assistance, and may provide Medicaid for the entire family. (Pregnant women are already covered.) In addition, the State must provide assurances to the Secretary that if it elects to provide assistance for a limited period of time, it will have a program of active assistance to parents to help them prepare for and find employment.

The Secretary of HHS must provide for the evaluation of unemployed parent programs (both time-limited and other.)

The Secretary is required to approve demonstration projects in up to 10 States using a definition of unemployment that is more liberal than the definition in present law (working fewer than 100 hours a month.)

Minor parents—Under the bill, a minor parent under age 18 who has never married and who has a child may receive assistance only if she resides with a parent, legal guardian, or other adult relative, or in a foster home, maternity home, or other adult-supervised supportive living arrangement. This requirement will not apply in certain specified situations.

Evaluation of need and payment standards—Each State is required to reevaluate its need and payment standards at least once every 5 years and to report the results to the Secretary.

TITLE V: DEMONSTRATION PROJECTS

The bill authorizes several specific demonstration projects related to housing for families receiving emergency assistance; innovative education and training for children; expanding the availability of child care, particularly in rural areas; employing welfare recipients as child care providers; funding non-profit organizations to work with private employers to create new jobs for welfare recipients; and reducing the rates of pregnancy, suicide, substance abuse and school dropout among high-risk teenagers.

TITLE VI: PUERTO RICO, VIRGIN ISLANDS, GUAM AND AMERICAN SAMOA

The annual limits on Federal funds payable to Puerto Rico, the Virgin Islands and Guam for their public assistance programs are increased to the following amounts: Puerto Rico—$82 million; Virgin Islands—$2.8 million; and Guam—$3.8 million.

American Samoa will be eligible to receive $1 million a year for the costs of welfare assistance to families and for the foster care and adoption assistance programs. Federal matching will be 75 percent. The child support and JOBS programs will also be extended to American Samoa.

TITLE VII: WAIVERS

The bill also authorizes the Secretary of HHS to approve up to 50 demonstration projects under special new waiver authority. Under these demonstration projects, benefit levels for families and individuals must be maintained at levels they would be in the absence of the demonstrations. The Secretary is authorized to waive requirements of the cash assistance, child support, JOBS, emergency assistance, and social services programs as necessary to operate these demonstration projects. (Waivers may not be made with respect to the child support program if the waivers would impair interstate child support enforcement or paternity determination action or if they would otherwise reduce child support collections.) Consideration will be given to waivers designed to address the needs of rural areas.

TITLE VIII: ADMINISTRATION OF PROGRAMS (PARTS A AND D)

General program administration—At the Federal level, responsibility for administration of welfare programs (including cash assistance, child support, and JOBS) will be vested in a new Assistant Secretary of the Department of Health and Human Services. At the State level, responsibility for administration and coordination will lie with the State welfare agency. The Secretary of HHS is also directed by the legislation to provide for an evaluation of the effectiveness of the new JOBS program and to develop and recommend to the Congress a set of performance standards for that program. The Committee on Finance also expects to undertake careful and thorough oversight of the implementation of the new program.

Fraud prevention initiative—The Secretary of HHS is directed to issue regulations requiring States to institute pre-eligibility screening procedures designed to provide early detection of fraudulent applications for assistance.

TITLE IX: REVENUE PROVISIONS

Refund offset program—Under the Refund Offset Program, the IRS collects delinquent debts owed to the government by withholding the debt's tax refunds. The Omnibus Budget Reconciliation Act of 1987 extended the program's authority to June 30, 1988. The bill would make the program permanent. The bulk of revenue raised by refund offsets comes from taxpayers who are delinquent in repaying student loans.

Child care credit—Under current law, taxpayers may take a tax credit for certain child care expenses up to $2,400 per child, and up to $4,800 for more than one child. The credit is equal to 30 percent of these expenses at levels of adjust gross income below $10,000. At the $10,000 income level, the credit is phased down until it reaches 20 percent at income levels over $28,000.

Under current law, the credit remains at 20 percent for all income levels over $28,000. The bill would change this by phasing out the credit at income levels beginning over $70,000. The credit percentage would be gradually reduced until it is zero at income levels over $93,750.

Taxpayer identification numbers (TINs)—A taxpayer's TIN generally is that taxpayer's social security number. The Tax Reform Act of 1986 established the rule that a taxpayer claiming a dependent who is at least 5 years old must report the TIN of that dependent on that tax return. The purpose of the provision is to ensure the validity of claims for dependents on tax returns, especially in the case of divorced parents. The bill would modify the rule to require that TINs of dependents at least 2 years old be reported on the tax return.

TITLE X: TECHNICAL AND CONFORMING AMENDMENTS

TITLE XI: REORGANIZATION AND REDESIGNATION OF TITLE IV

Title IV of the Social Security Act is reorganized as follows:

Part A—Child Support Enforcement,

Part B—Job Opportunities and Basic Skills Training Program,

Part C—Child Support Supplement Program,

Part D—Child Welfare Services,

Part E—Foster Care and Adoption Assistance,

Part F—Waiver Authority.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the names of the 64 cosponsors be printed in the RECORD.

There being no objection, the names were ordered to be printed in the RECORD, as follows:

THE FAMILY SECURITY ACT OF 1988 (S. 1511)
COSPONSORS, AS OF JUNE 13, 1988

Total—64; Democrats—51; Republicans—13:

Senators Brock Adams, Max Baucus, Lloyd Bentsen, Joseph Biden, Jr., Jeff Bingaman, Christopher Bond, David Boren, Rudy Boschwitz, Bill Bradley, John Breaux, Dale Bumpers, Quentin Burdick, Robert Byrd, John Chafee, Lawton Chiles, Thad Cochran, William Cohen, Kent Conrad, Alan Cranston, Alfonse D'Amato, John Danforth.

Thomas Daschle, Dennis DeConcini, Alan Dixon, Christopher Dodd, Dave Durenberger, Daniel J. Evans, James Exon, Wyche Fowler, John Glenn, Jr., Albert Gore, Jr., Bob Graham, Tom Harkin, Mark Hatfield, Ernest F. Hollings, Daniel Inouye, J. Bennett Johnston, Edward Kennedy, John Kerry, Frank Lautenberg, Patrick Leahy, Carl Levin.

Spark Matsunaga, John Melcher, Howard Metzenbaum, Barbara Mikulski, George Mitchell, Daniel P. Moynihan, Frank H. Murkowski, Sam Nunn, Bob Packwood, Claiborne Pell, David Pryor, Harry Reid, Donald Riegle, Jr., John Rockefeller, IV, Terry Sanford, Paul Sarbanes, James Sasser, Richard Shelby, Paul Simon, Robert Stafford, John Stennis, and Tim Wirth.

Mr. DOLE. Mr. President, I commend the distinguished Senator from New York for his effort on this legislation, not only this legislation, but also for the past 20 years, trying to find some solution to a problem that seems to increase. Every time we do something, it seems to get worse. Hopefully, what we do in the Senate in the next few days will be a step in the right direction, for once.

I know that the administration has some objections in a couple of areas. There will be a meeting at 2:30 with key members of the Senate Finance Committee and others, as well as representatives of the administration, to see if we can resolve a couple of areas on participation and waiver authority, and maybe others I am not aware of.

In any event, if that can be done, if there is some way to reach an agreement, then I could guess this bill would move along rather quickly. If not—I am not suggesting what will happen—it will take somewhat longer. There may be more amendments.

So I hope we may have some way to bring everybody together at the 2:30 meeting.

Second, Senator PACKWOOD will be managing the bill on this side. He is engaged in a meeting and will not be here until about 2 or 2:15 p.m.

I commend the chairman and the subcommittee chairman for their efforts.

I think the one area we can all agree on is child support enforcement, which started back in the days of former Senator Russell Long, in 1975. It has been strengthened.

This would be an additional effort to make certain that errant fathers support their children. I know that no one will disagree with that, nor will anyone disagree with the fact that this bill, in effect, pays for itself and, as I understand it, may have a little surplus if everything goes as planned.

There are some who suggest that we did not go far enough in extending Medicaid, for example—not enough time; and, of course, it would be extended longer. Is it 9 months?

Mr. MOYNIHAN. It is 12 months.

Mr. DOLE. Of course, it will cost additional money.

In any event, I think the committee did the right thing in reporting to the Senate a bill about which we can stand up and say, honestly, that this is not going to cost money if it works as it should.

So I commend the members of the Finance Committee.

Until Senator PACKWOOD arrives, there are no requests by speakers on this side, so I yield the floor.

Mr. BENTSEN. Mr. President, I say to the distinguished minority leader that, as he knows, we have worked very hard to develop a consensus in support of this bill in the Finance Committee. The distinguished Republican leader was a major contributor to this bill. I could list the things that the administration said they wanted in this bill that we were able to do. We talked about maximum flexibility for States so that they would have a chance to do creative and innovative programming, and we did that. We talked about demonstration projects in the 50 States, and we added an amendment to allow such demonstrations.

What we have brought to the Senate is an effort by the Committee to work with Republican members of the committee, Democratic members and the administration to develop provisions that we thought would turn this welfare system around. Ours has been an effort by many individuals to develop this consensus. And I will be happy to meet with the Republican leader at 2:30 this afternoon to see what else we might work out to obtain the administration's endorsement.

I must say that many of the things the Republican leader had in his bill have also been put into the committee bill.

Mr. DOLE. I am advised that the administration may be suggesting things now that were not in the earlier bill.

Mr. BENTSEN. That is correct.

Mr. DOLE. When that happens, it makes it a bit more difficult. I understand that one thinks of good provisions later, and maybe these are good provisions; but I also understand that the workfare provision might cost about $900 million. I do not know how we would finance that. Maybe they can tell us at 2:30—if that change was agreed upon. I do not have all the details.

Mr. BENTSEN. The initial numbers from CBO suggest that this bill is a deficit reducer. It contains a $200 million cushion. As I understand it, mandatory participation standards would be extremely expensive.

Another issue under discussion with the administration is a guaranteed level of participation by the States. While I think that is a meaningful and good objective, we do not want to crowd these States into making too many changes prematurely, until we have a chance to study the effects of such mandates. Because if we require a level such as 15 percent in the beginning, there may be very substantial increases in costs and for some States it may mean that they must move into areas where they are not ready to make that many changes that quickly. However, in the interest of being responsive to the administration, perhaps we can find some acceptable accommodation.

I do favor the final objective, if we give the States some transitional time to achieve it.

Mr. DOLE. I have been working with the help of my expert staff, including Sheila Burke, on a compromise. I do believe that the Governor of my State and the Governors of all States would like to get the Federal Government to assume some of the States' responsibilities. I think that is why some level of participation should be reached at this time. We will discuss that later this afternoon.

Mr. BENTSEN. I am sure we will.

Mr. President, if no one seeks time at the moment, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I rise to commend my distinguished colleague from New York for his skillful effort in bringing this legislation to the floor of the Senate.

Senator MOYNIHAN is known in Washington, New York, and across the Nation as a brilliant scholar of formidable accomplishments in social welfare policy. Few can challenge his knowledge of these critical issues or his leadership on them.

I know I speak for many of my colleagues when I say how much I admire his expertise and commitment on these sensitive and important challenges.

The task that the distinguished Senator set for himself—the overhaul of the entire system of public assistance—is difficult and controversial. I commend him for the improvements he has accomplished.

Any bipartisan effort to reform the welfare system is filled with pitfalls, but Senator MOYNIHAN and the distinguished chairman of the Finance Committee have created a package with broad bipartisan support, and they are to be commended.

While I have reservations about certain provisions of this legislation, I am impressed and pleased by many others. The child support enforcement section is welcome and long overdue. We can no longer permit absent fathers to relinquish their responsibility to care for their children, and dump it on the Government.

The statistics in the committee report reveal the dimensions of the crisis. Of 9 million mothers raising children alone in the spring of 1986, 40 percent were never awarded support. Of the mothers who had been awarded support, almost 50 percent did not receive full payment. Finally, the overwhelming majority of mothers who were never married received no support at all. It is time that the Federal Government became as tough on child support cheats as it is on welfare cheats, and this bill accomplishes that purpose.

Many noncustodial fathers do provide support and are good and active parents. However, the number of parents who do not pay support in full, or who pay no support at all, is large enough to warrant the large-scale payroll deduction system provided in this bill. The welfare system has become a child-support system, but the first responsibility for America's children must rest with America's parents—not the Government.

I am also encouraged by the emphasis of this legislation on education and training, and the increased funding for improving the employability of long-term welfare recipients. Jobs and education are the only real antidotes to poverty. Responsibly and compassionately administered, this bill will provide more education and better access to jobs to those who need them most.

Another positive aspect of the legislation is its recognition that no large-scale movement from welfare to work will take place unless certain transitional benefits are available. I strongly support child care and health insurance for welfare recipients during the time when they are trying to become self-sufficient.

In my own State, Massachusetts, we have a higher minimum wage than the minimum set by the Federal Government. It is extremely difficult to expect people that will go out and work for the Federal minimum wage, although millions of Americans today receive it. The fact is that the minimum wage is just too low; it is not a living wage. But another critical component that has been missing for parents who wish to move off from welfare into jobs is the essential elements of child care and some kind of health insurance. When these benefits are provided, parents know that their young children will not be left without some kind of coverage. In my own State it is virtualy impossible for a single head of household, for a woman who wants to get off welfare and wants to go into employment, to be able to obtain any kind of health insurance for less than $1,200 or $1,400 a year. It just does not exist.

When you consider the financial burdens of health insurance and day care, it seems the deck is stacked against a person that really wants to work and move away from dependency.

I think this legislation recognizes this important concept and addresses it in a very responsible way.

We cannot, and should not, expect responsible parents to leave their children in substandard child care, or jeopardize their children's health by giving up Medicaid for a job that provides no health benefits at all.

Every American worker deserves health insurance coverage. At the very least, they must have transitional coverage while they are making the jump from welfare to work.

As the manager, the Senator from New York, understands, we have moved from about 30 million Americans up to 38 million Americans who have virtually no health coverage whatsoever. Of the 38 million more Americans who have no coverage, the great majority of those are women, single heads of household, and children. I believe, that this legislation will make progress toward better health coverage for American workers.

All of these benefits have been essential—the education and training, the child care and health benefits—to the success of the ET Program in Massachusetts, and they are critical to any serious effort to decrease welfare dependency. In Massachusetts, we have moved about 45,000 welfare-dependent people into jobs who might have remained on welfare for as long as 10 years. That is about the best estimate that we can make. About one in four welfare recipients have a 90-percent chance of remaining on welfare for a period of 10 years. But, with some education and training, health insurance, and child care, they can be moved off the welfare rolls and onto the payrolls.

Finally, I am pleased that the legislation has taken at least tentative steps toward the universal application of the unemployed parent benefit program. While Massachusetts already has an AFDC-UP Program, 23 States do not.

I am hopeful that we will move beyond the time-limited UP Program in the Family Security Act to an unlimited program which helps families stay together instead of tearing them apart.

I will say more about that in a moment.

No father should have to endure the agony of being forced to desert his family so that they can become eligible to collect public assistance, no welfare program is worthy of its name if it is antifamily.

While I support the Family Security Act of 1988 and I intend to vote in favor of it, I urge the Senate to make certain improvements in the bill before it is sent to the President.

If I could have the attention of the members of the Finance Committee, and those that will be in the conference with the House, I would just like to mention a few of these potential improvements.

First, the unemployed parent provisions of the bill should be mandated without the time limitation included in the legislation before us. The precedent set by the time-limit is unwise.

This administration has talked a great deal about the need to protect the family—and yet they have consistently stood in the way of the universal application of the AFDC-UP Program.

It is time to get serious about keeping families together. We should institute AFDC-UP, without exceptions and without time limits.

I think that is important. We are addressing AFDC-UP for the first time in a number of years. I commend the committee for making the adjustment in that program. But establishing the time limits, I believe, is troublesome. I think that those who have supported AFDC-UP clearly understand the importance of seeing a dramatic change in our current policy.

I hope that the Members will address this issue in the course of the conference.

Second, I am concerned about the open-ended nature of the Community Work Experience Program established by this bill. Massachusetts has had a great deal of experience with workfare. The lesson is that workfare is make work and, in most cases, it does not work.

Certain States with very high rates of unemployment and other critical economic conditions may desire the option to operate highly controlled workfare programs with periodic reassessment and effective antidisplacement provisions. But these types of programs should be time-limited pilot or demonstration projects with the approval of the Secretary of Labor.

I have had the opportunity of talking with members of the Finance Committee that represent States that do have high unemployment, and high unemployment in certain concentrated areas. We understand that some programs in the past have been shaped in a responsible way and had the support of the Members of the Senate.

But my concern involves the broader aspect of the provisions that are included in the legislation and the potential for some type of abuse.

I know many Governors—and I am sure the other members of the Finance Committee—hope that, the flexibility in this legislation will ideally be used constructively and positively.

But it does seem to me that some type of a time-limited pilot program or demonstration program with the approval of Secretary of Labor could do a great deal to lessen any potential of the development of an exploitive program. I know this type of abuse is certainly not the desire or the will of the Senator from New York or the other members of the committee, but I am concerned that it could occur given the way the legislation has been fashioned.

Other aspects of the new jobs program also cause me concern. First and foremost, the jobs provision ought to be funded as a State program with an open-ended Federal match, as it was in S. 1511 as introduced. If we are serious about reducing welfare dependency, we must invest in quality job training and education. We cannot solve poverty on the cheap.

In addition, the initiative ought to have provisions for equal pay and stronger labor protections, and the Department of Labor should have a larger role in administering it. I think it ill-advised to create a large-scale job training program with few formal ties to the Department of Labor or the State employment service, both of which are better equipped to develop and administer job training programs. Certainly, the Department of Labor should have complete control over displacement, wage, and other labor protection issues arising from the jobs program.

Mr. President, we have seen instances in the past where there has not been coordinated activity with the Job Training Partnership Act that we might desire. That has been a source of frustration for those who have wanted to fashion a more coordinated, and effective program.

I think that provisions of this legislation speak to that frustration. But on the other hand, there is expertise, and knowledge in the Department of Labor that could be useful in making current programs more responsive to the needs of welfare recipients. We do not want to have that experience lost in the development of this program.

I believe the Department of Labor is better equipped to deal with the displacement, wage, and other labor issues arising from the jobs program. Abuses in these areas have been alleged in the past.

I am also concerned about the minor parent provisions of the legislation. Obviously, teenage mothers are better off at home if they have loving, responsive parents of their own.

Nevertheless, we must be realistic about the situations they may face. We must provide strict protections for young parents who fear physical or emotional abuse at home.

If a minor parent does not want to return home, the State should have to prove that the home is a positive environment to which the minor parent should return.

A teenage mother may be unwilling or even afraid to discuss the abuse she fears at home and she should not have the burden of proving that the home is not a positive environment.

If we are not sensitive to these delicate matters, we may be providing incentives for young parents to leave home and take to the streets, without the benefit of public assistance payments. This could well increase the already large number of homeless children and teens, an outcome we must avoid.

I know the Senator from New York is concerned about how we work out these situations. This is not an uncomplicated question or issue, and how this issue is resolved can have a very important impact on scores of young people's lives. I know the Senator from New York has thought about that a great deal and is similarly concerned.

Finally, I am concerned abut the waiver authority, the new part F of the Social Security Act.

Any time carefully constructed Federal regulations and guidelines are ignored, there is the potential for abuse. Current law allows for demonstration authority under section 1115, and there is no need to broaden that authority.

These important entitlement programs were never intended to be block grants—and States should not be allowed to ignore the important recipient protections they contain.

All of the concerns I have outlined here are issues, that I have discussed with the Senator from New York over a long period of time. I understand, as he has explained, that there have to be adjustments and compromises so that the total legislative effort can move forward.

As I say, I commend the Senator from New York for fashioning this compromise. This debate has moved this whole aspect of public policy forward in a very significant and, I think, in a very dramatic, responsible and hopeful way for millions of children and adults who are facing some of the most difficult challenges in our society.

The package clearly enjoys the bipartisan support out of the Finance Committee which is impressive given the enormous complexity of these issues.

We should expect that men and women of very sound and compassionate judgment may differ. I respect that and I am pleased to have had an opportunity at the outset to express my admiration for the work of the Senator from New York and to reiterate here on the Senate floor what I have stated to him in prior conferences and meetings. In his usual gracious manner he has always been willing to exchange ideas and consider my concerns.

I commend him for a job well done. I would hope that there will be adjustments that will be made in the conference, as the final legislation evolves. I believe that there will be.

But on the first day that we are debating this, I want to say that this bill has been a long time in coming and the real credit is rightfully due to the Senator from New York. I am sure, my colleagues join me in commending him for the work he has done.

The PRESIDING OFFICER (Mr. ADAMS). The Senator from New York.

Mr. MOYNIHAN. Mr. President, the Senator from Massachusetts, the chairman of the Committee on Labor and Human Resources, is too generous; typically so. It is very deeply appreciated by this Senator.

May I say to him a point he of course knows, but needs to be recorded in his presence, which is so much of what we are trying to do here is modeled on what is being done in Massachusetts, in the ET Program which the distinguished chairman mentioned.

We are turning to the Governors, their experiences; we have learned from them. We hope to expand that effort.

He has raised some very specific questions. We most certainly are sensitive and sensible of the concerns. We try to do what we can on the floor and then there is a future. I thank the Senator for his generous remarks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I would join in the words of my distinguished colleague from Massachusetts about the fine work that our distinguished friend from New York has put in on this measure. As a former Governor, I look forward to working with them on this bill, which can be very important.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I join in the accolades that have been given to the Senator from New York, Senator MOYNIHAN, on this bill. I can speak from personal experience. He has been in my office at least twice, perhaps three times personally, calling to talk about this bill.

I know he has talked with every member on the Finance Committee about the bill. I do not know how many other Members of the Senate he may have personally talked with about the bill. But those of us who have been in this body any length of time realize that that is the principal way you lay the groundwork to get passed an idea that you have. It is seldom done with oratory on the Senate floor. It is much more done one-on-one, 5, 10, 15 minutes, an hour if necessary, convincing individual Senators, most of whom probably are not skeptics so much as unknowing and willing to be convinced. The Senator has attempted to convince everybody.

There are only two groups he has not convinced and this is why I feel sorry for him. About 10 percent of those on one extreme for whom this bill does not go far enough, nor is there any bill that could go far enough. Assuming there are directions in this bill, it would not matter if he moved 90 percent to the left; it still would not be far enough.

And there is, perhaps, 10 percent, maybe 15 percent in the extreme, who want no bill. They do not even like the present law. So anything the Senator from New York does would be unavailing. But for the remainder in the middle, and this is where I feel sorry for him, they do not say much. All he gets is criticism. I know he has received it from groups on both sides who say he has done too much or has not done enough.

What is it he has tried to do? There is going to be a meeting a little later this afternoon and I hope we might be able to reach a harmonious conclusion because this bill is not far off of what I find most people want. What is in it?

Child support enforcement. I do not know anybody who is opposed to tougher child support enforcement. Even the group that I spoke of on the right, I think, would go along with making sure that errant parents pay what they owe to take care of their children. I do not find any serious objection to that.

In the education and training section, I have no objection to the new JOBS program. I understand the opposition, from all sides, but the opposition wants a guarantee. They want certainty. They want proof ahead of time that this will work 100 percent.

We have been trying welfare or public assistance—call it what you want—for the better part of 50 years. We have not yet hit upon the system that works. We know we have a system that has not worked. If the original purpose of public assistance/welfare was to get people off of public assistance/welfare, it did not work.

So the Senator from New York has now come up with an idea on education and training in an effort to get people off welfare. I think he has wisely said, let us start where the problem is worst, not where it is best. Let us start with those who have been on welfare the longest.

The evidence shows that about 50 percent of the people who are on welfare get off on their own with no help from anybody else. That 50 percent does not need much help. They do not like to be on welfare. In fact, most of the studies show most people do not like to be on welfare.

There is a myth in this country that people revel in being on welfare. I have yet to see a poll that would show that to be a significant portion of those who are on it. But if half of the people are going to get off it anyway, without any help from the State, local, or Federal Governments, other than that they receive welfare when they are making personal adjustments they have to make, that is not the group we have to aim at. That is not the first generation, second generation welfare dependent.

The bill has wisely attempted to aim at the other half. The Senator from New York says we ought to aim at those who have been on the rolls at least 30 out of 60 months. They are the hard-core group. They are the ones who are likely to be on welfare the longest.

Can we guarantee it will work? Can we guarantee that substituting some form of education and training for the current WIN program is going to work? No, we cannot guarantee it. But the current WIN program has not worked very well, and we have spent a lot of money over the years on it.

Why not take a chance, and at least at the same time we are taking a chance on emphasizing working and training, emphasize it for those who are most likely to be on welfare for the longest period of time? They are the ones on welfare who cost the Government the most money.

The child care transitions and the Medicaid transitions: here it would seem to me people of goodwill are going to be able to make an accommodation. The present law allows transitions for both child care and Medicaid.

Currently, the Federal Government mandates a month on child care when you leave the welfare rolls to go to work. The States have the option for paying up to 3 months. This bill provides 9 months. Medicaid is extended for 4 or 9 months under current law, depending upon the circumstances. The bill would extend Medicaid for a year.

Mr. President, that is not: Here is night, here is day; here is black and here is white. If those are not issues that rational people can compromise, I will be surprised.

The provision on two-parent families is one I am well familiar with in Oregon. For a number of years, this has been left up to the States. Oregon had it, then they did not have it; they had it and then did not have it, and now they have it. They made it permanent. We do have it again.

I think the Senator from New York has attempted to make a happy compromise on the two-parent family issue—requiring 6 months, rather than all a year. I could make an argument on either side of the two-parent family issue. Does it drive one parent out so the unemployed parent stays there by themself? I think it probably does. If you want to keep families together, if we really believe in the family and everybody says they are in favor of the family, I am inclined to think we ought to be encouraging them to try to stay together even if they happen to have to be recipients of welfare.

The waiver issue: It is a fair issue, but we are a long ways past the argument that States and local governments are unresponsive. Whether or not this was true in the thirties, I do not think is an argument in the eighties. I find States quite imaginative. Many of them have some good ideas.

We can talk about the Massachusetts idea. My State of Oregon was the first State to get a Medicaid waiver and to be able to use their Medicaid money to put people in foster care homes or take care of them at home instead of nursing homes. It worked out amazingly well.

Here we have pretty good evidence of how it worked out. We have a cap on the amount of money that can be spent. With the same amount of money we are able to take care of about twice as many people at home or in foster care homes than in nursing homes.

Has it worked out well? Yes. Has it worked out to the benefit of the patients, the Medicaid recipients? Yes.

Are there other things the States might be innovating and experimenting with? Yes. The Senator's bill says fine, here are some things, at least within the limited jurisdiction of our committee, that we think the States ought to be able to experiment with and lump them together in a fair compromise.

This bill, by any stretch of the imagination, Mr. President, is not a radical bill. It is a modest effort to attempt to solve a problem that liberals and conservatives and Republicans and Democrats have not been able to solve for the better part of 60 years. I hope it works. I hope we can reach a satisfactory accommodation with the administration when we have a meeting this afternoon, but I go into this with my eyes open.

A good-faith effort is being made by the Senator from New York to attempt to solve a problem that we have failed. I am not as sanguine as he is that this will necessarily and absolutely be a guarantee to work, but I do know that what we have tried has not. I think this is as good an effort as we are going to get out of this Congress, or perhaps any future Congress, in the foreseeable future to shift what we have been trying that has failed to something else that has a chance of working.

So I hope before the day is out, or perhaps tomorrow is out, we will have reached some kind of satisfactory settlement with the administration to alleviate many of the slight concerns—they are not overwhelming concerns—but slight concerns that they have. I want to join with all the others who have given accolades to the Senator from New York because he has tried and tried, and he has compromised and compromised, in an effort to get consensus. I hope he is successful. I thank the Chair.

Mr. MOYNIHAN addressed the Chair.

The **PRESIDING OFFICER.** The Senator from New York.

Mr. MOYNIHAN. May I thank my revered colleague and friend for his remarks. I could not improve, I would not dream upon expanding, and I would not want to miss a word he said.

I make the point: The vitality of this Federal system of ours, I think the Senator would not disagree if I said that in 1981, words sort of came out of Washington that there was not much going to happen here in the way of social policy in this decade. It brought forth energies at the State government levels we have not seen in many years; indeed, the notion what may have been true in the thirties is surely not true of the 1980's.

I think perhaps a symbol, if the two best-known epics change this system—the one is a liberal Democratic Governor in a liberal Democratic State of Massachusetts, Mr. Dukakis, and there is a conservative Republican Governor in a relatively conservative State like California, opposite ends, across the continent, two different political spectrums—visions moved in coherent and convergent modes, of which California is the most developed, I think, and the Senate should know this, the notion of there is a mutual obligation.

That original AFDC was a widow's pension; it was a maintenance program. Frances Perkins would describe the typical recipient as a West Virginia miner's widow. There was no child support involved. There was no work component. Women did not work in mines. That maintenace system is with us in effect today. We are trying to redefine it. We are also trying to bring to bear an idea, and this developed generally but it is most specifically placed in California, of mutual obligation, that society owes a person a hand, help and a person, an individual is required to help get out of the circumstance they are in.

In California, this is reduced to a written contract into which the State undertakes certain measures, and the individual undertakes corresponding measures. If it is maybe too elaborate, they have a cooling-off period. If you say: "I am going to learn French, English, Greek, and Latin this summer," you might say, "Well, maybe I will do Latin," or something.

They have arbitrators, if there is a question.

And that is what we want to get in here. People will have responsibilities. If we get no more than that and if we were working with the demography for the first time, as Senator PACKWOOD, the Senator from Oregon, and I have talked about frequently, for the first time we are not being overwhelmed by numbers that had just been the bane of all these efforts in recent years.

Between now and the year 2000 the number of children 14 to 24 drops by 21 percent. The Senator from Texas made the point earlier that between now and the year 2000, native-born white males will constitute 15 percent of the entries into the work force.

Here is a passage, if I could just detain the Senator for one moment, from a man I know he admires greatly, and that is Governor Kean, of New Jersey. He came before us in February a year ago when we began the hearings. And, of course, the Governors' Conference put this together. It was Governor Castle who was chairman of the group. Governor Kean was part of the committee. He said:

> We haven't got any spare people any more in our society, if we ever did. In my State we are going to create 600,000 jobs in the next decade. Who is going to fill them? Many are going to have to be filled by the women and children who today are on the welfare rolls. If these people aren't qualified, then the jobs are going to go elsewhere. In other words, if compassion doesn't motivate us, then economic necessity ought to motivate us.

I think we are at a bit of a moment of looking up on these things. We can get so discouraged as we see so many things run contrary to our hopes; some of the basic ecology of this system is changing as well as I want to say—and I hope the Senator agrees—I happen to think there is something called social learning in this democracy of ours. I think we stumble through for a while and after a bit of trial and error, we learn some things. I think we see it out there and we are going to make this better. It has been a long time coming. I thank the Senator for his generous remarks.

Mr. President, I see no other Senator seeking recognition. The majority leader may be on the floor shortly. I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

RECESS

Mr. BYRD. Mr. President, various conversations will be underway with respect to the pending measure for the next 30 to 45 minutes I would say at the least, and rather than have the Senate in a quorum call, I shall suggest that there be a recess. I ask unanimous consent that the Senate stand in recess for 45 minutes.

There being no objection, the Senate, at 2:35 p.m., recessed until 3:20 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. REID).

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 15 minutes.

There being no objection, the Senate, at 3:21 p.m., recessed until 3:36 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. REID).

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that Senators may speak out of order as in a period for morning business for not to extend beyond 4 p.m.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I am a cosponsor of the Family Security Act because I believe we must improve our welfare system. That system has failed those in need in our society. The time has come to reform our welfare system.

I am a cosponsor because I believe that this bill moves in the right direction. I am concerned that there are those who would push it even beyond the point where it presently is. It is not everything that I might want in a piece of legislation in its present form, but if it goes much further, I think it will make it that much more difficult for many of us to stay with the bill.

I want to commend my distinguished colleague, the Senator from New York. It is rare when the preeminent scholar on a subject and the leading legislator on that subject agree. But in the case of welfare reform, the scholar and legislator are the same person. Senator MOYNIHAN has been tireless in his efforts to improve our welfare system. I applaud his leadership on the Family Security Act.

As predicted two decades ago by the Senator from New York, the current welfare system has led to the breakdown of families and permanent dependency on Government assistance for many people.

There is a consensus that we need a new direction for the Nation's welfare system. The Senator from New York has tried to capture that consensus by advancing the concept of shared family responsibility, as well as flexible and innovative programming.

The Family Security Act will help those on welfare move into lives of independence and dignity. Improved enforcement of child support obligations will protect single parents and their children. Expanded opportunities for education and training will hasten the escape from the welfare trap. Extension of benefits to intact families with dependent children will encourage the development of healthy and lasting families.

I am particularly pleased that the Family Security Act recognizes that welfare recipients need transitional benefits to move from welfare to employment. The bill mandates guaranteed child care for 9 months after a parent leaves welfare to take a job. Working mothers need at least 9 months of transitional child care services to have any hope of getting off and staying off welfare.

More important, the bill requires continuation of Medicaid benefits for a full year to families that lose eligibility for cash assistance because of increased income from employment. These transitional health benefits will not extend to those families eligible for an employer-sponsored health insurance plan. In our current system, the lack of health coverage has been the most powerful disincentive to work, especially for parents of young children. Therefore, it is critical that, at a minimum, we retain this full year Medicaid transitional benefit.

This bill makes a dramatic step forward to encourage the stability of the family. Since 1961, States have had the option to provide assistance to intact poor families where the principal earner is unemployed. Twenty-seven States, including my State of Ohio, have exercised this option. The Family Security Act mandates that all States must provide assistance to intact families with dependent children. Desperately poor children should not be denied assistance solely because their unemployed parents want to remain together as a family.

But one detail of this extension of benefits to unemployed parents is particularly troubling. The Finance Committee amended the Family Security Act to allow States to limit benefits to unemployed parents to 6 out of every 12 months.

It is unprecedented to place arbitrary time limits on a means-tested entitlement. The 27 States currently providing benefits to unemployed parents are not allowed to place time limits on such benefits. The Finance Committee amendment sends the wrong message to those States. An arbitrary time limit undermines this bill's efforts to encourage family stability. It is a confusing and inequitable requirement. In developing a new welfare system, I believe it is important to have strong national standards. At the same time we need to allow some flexibility and carefully-planned innovation for State administrators.

As originally drafted, the Family Security Act balanced the need for standards with flexibility by allowing 10 waivers from those standards. But the Finance Committee increased the number of waivers to 50. This increase is unnecessary. Current waiver authority provides adequate flexibility for State programs. For example, my State of Ohio recently received a waiver to coordinate and expand services.

Increasing waivers to 50 could lead to a breakdown of national programs carefully crafted to meet special needs. It could also undermine the whole concept of national standards. Those standards have been an important guarantee of uniformity, fairness and accountability in State programs. The increased waiver authority is inconsistent with the goals of this bill.

The Jobs Program is the heart of this bill. It is essential that we provide the education and training necessary to get people off welfare rolls and onto payrolls.

This bill creates a new job training program run by State welfare agencies. It is imperative that States run effective, cost-efficient programs. Therefore, we must coordinate this new jobs program with existing job training efforts or we will waste money reinventing the wheel. The welfare system should tap the expertise developed under the Job Training Partnership Act and the Job Corps.

But education and training are not ends in themselves. They must lead to jobs—decent jobs with benefits and the chance for career development.

That is why I have some concern about the details of the Community Work Experience Program in the bill. Under this workfare program, a welfare recipient gains valuable work experience in a public service job. But there are no limits on the length of this assignment. There is no requirement of an employability plan on how to place an individual in an unsubsidized private job. We should build these requirements into the community work experience program to insure a successful transition into the workforce.

The Finance Committee stated in its report on the Family Security Act that welfare reform is an evolving process. The Senate debate of Family Security Act is a major step in that process.

The time has come to reform our welfare system. I intend to pay close attention to the debate on this very important national issue and I urge my colleagues to do likewise.

Mr. MOYNIHAN. Mr. President, I simply would like to report to the Senate that we have had a very promising meeting in the Republican leader's office in which interested Senators have talked about some of the issues that have been raised either on their part or on the part of the executive branch. A representative of the President was at the meeting. And we have been attempting to find some solutions, and we clearly are making progress at least in some very specific regards.

These meetings will go on all evening and into tomorrow. I do not know how much, if any, business on the bill will be transacted this evening or yet this afternoon or into the evening. But as events take place, I will report to the Chair, and to the Senate.

I thank the Presiding Officer, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FOWLER). Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, may I, if the Senator will allow me, apologize. I did not see him on the floor. It is my mistake. I, of course, recognize his presence.

Mr. SIMON. I thank the distinguished Senator from New York.

Let me in part address some questions to the Senator from New York. Let me first of all commend my colleague. I am pleased with each and every one of my colleagues. But there are a few people in public office who step back, reflect, and say, "Where are we going, what are we doing?" And the Senator from New York is one of those very few people. And he has contributed in this area of helping people who really need help.

The Senator bears some scars for doing that some years back. I commend him for this legislation which I am cosponsoring, which I shall vote for. There are a few problem areas. Let me just discuss these with him very briefly.

Senator QUAYLE from Indiana and I the other day were discussing how we can coordinate this mechanism with the JTPA Program. Maybe some kind of an amendment can be worked out between our three staffs. I am not sure. Does the Senator from New York have some thoughts here?

Mr. MOYNIHAN. First let me thank the Senator from Illinois, whose own record in a generation of public services has no equal in this body or in the other body, as we say, and say I am honored that he is a cosponsor.

The question is a specific one. This Senator is open to any suggestions. I have a generalized view which is subject to correction if we have some facts. The first point is to say that what we are trying to do here, as the Senator well knows, and what we are doing, is redefine the whole concept of welfare, what was called welfare, and what should not be called welfare any longer.

We are taking a 1935 widow's pension, put in as a temporary measure in the Social Security Act, which Frances Perkins described a typical recipient as a "West Virginia miner's widow." It was an income maintenance program with a very slight job component over the years. When this group of people turned out not to be widows any longer, or whatever, widows were looked after by survivors' insurance under Social Security, and they were rather a divorced or never married person.

We never in fact did anything real about job training. What we are now trying to do is say what we have is a jobs program with an income component.

We put aside the question of child support in the first instance and we go to title II. We are trying to concentrate our efforts. We create for the first time in history an entitlement to educate, to train, to job search—an entitlement. It is capped at $1 billion, but if it needs more we will get more. As much as you want, you get it.

We are requiring that 50 percent of the effort be directed to the persons who are hardest to train, most likely going to be the longest in the present system. As the distinguished Senator from Illinois well knows, this population divides almost exactly in half. Half of the women going on AFDC are there 4 years or less. Then, one-quarter, 2 years or less. Look at their age profiles, and these are mature women who have a family crisis and they get their lives back together.

The other half are there for 8 years more. Many young women have a baby in their teens. As many as they are, their children will be in this program, in our country, before they are 13.

We feel that there is not much interface between the populations that the JPTA deals with and this population.

If I am wrong, the Senator will tell me, because he knows.

Mr. SIMON. The Senator from New York is absolutely correct.

It is one of the things we are trying to correct with some legislation. The JPTA Program has too much of the cream. The Senator is talking about a population that is not part of the cream in the sense. But we are trying to change that, to the extent that it is possible to work out some kind of mechanism—I am not talking about setting up another agency—some kind of mandated cooperation.

Mr. MOYNIHAN. Will the Senator from Illinois sit down at his typewriter—he being an author, an editor, a publisher, and all those things—and think of something? We will take a hard look at it.

Mr. SIMON. I will do that, and I will consult with Senator QUAYLE on that, also.

A second question: When the bill was originally introduced, there was the possibility of 10 waivers. There now is the possibility of 50 waivers. In theory, you could have 50 States asking for waivers, and I guess the financial ceiling would prohibit doing that. I am not sure. But are we asking for chaos with 50 waivers? That is kind of a blunt question.

Mr. MOYNIHAN. A very fair question.

I should report that in our most recent discussions, the idea has come up that maybe we should have no waivers, because waivers are available under existing law. States come in with plans and they say they would like to try this out and they would like to try that out.

One of the things we are dealing with here is an old attitude, just as we are dealing with an old program, a 1930's program.

The question is, how much can you trust the State governments? In the 1930's, maybe not a lot; some maybe more than others. But I would say that after the experience of the 1980's, this decade—and the Senator might agree with me—the question is whether you can trust Washington.

What did happen was that when the word came out from Washingtion in 1981 that in the area of social policy there would be no initiatives of Washington, you began to get that old principle of federalism showing some life. The Governors looked down and said they know that this is the first society in history where the poorest group in the population were children. They knew. Without knowing the numbers, they know that at any given moment, one in three is a ward of the Senate Committee on Finance.

We begin an experiment, and they would get waivers, and demonstration projects made it easy to do. It was they who came to us in 1987 and said, "We think we know how to do some of these things."

Frankly, I am not fearful of that. They all have to be approved by the Secretary of Health and Human Services, and we have oversight. In no circumstances can any individuals be given less benefits under an experimental program than they would get under an existing one. Again, I ask the Senator's thoughts on this: Everyone is going on with such, at times, exquisite concern not to see benefits reduced in some bureaucratic way, but the fact is that since 1970 we have seen the real benefits for children under AFDC cut by 35 percent.

All the States had to do was to say, "We want to maintain it." California and Maine have indexed their benefits, so that has not happened.

The thing that I know concerns the Senator from Illinois, and it should, is the different way we treat otherwise identical children in our social insurance system, the survivors insurance and AFDC.

In 1970, in my State, and I think probably in Illinois, a child in either of those programs received about the same amount. Since 1970, the survivors insurance child benefits were brought up 53 percent, and AFDC has gone down, down,—a third in my State. So that nationally, today, in the Nation, a child living with a mother receives twice the amount of money as an abandoned child living with a mother, as if there were something different between the children. It is a shameful condition.

The Senator knows the difference between those two groups of children—not their circumstances, not the diets they need, not the education they need. The difference is race. It is as plain as that.

Can you imagine if our neighbors in Canada provided twice as much money for an Anglophone child as a Francophone child, or vice versa? They could not imagine it. That is all we are doing now.

So, while the Senator is proper to be concerned, my concern is, how have we let benefits decline? Nobody else's benefits have declined, nobody else's wages.

Mr. SIMON. I thank my colleague from New York.

On that note, let me add a few more comments, because that is another concern I have.

Obviously, this bill. It is a step to provide further opportunity and in some cases, I think, greater stability. But the point the Senator has just made is absolutely correct.

I was reading the statistics. The top one-fifth of our population now receives 43 percent of the income of this Nation. The bottom one-fifth receives 4.7 percent of the income of this Nation, the lowest point it has been in 25 years.

With respect to the point the Senator from New York makes about the decline in welfare assistance, in the State of Illinois, the average family on AFDC receives $315 a month.

The average family in Alabama on AFDC receives $113.70 a month. And it should not surprise anyone that the State of Alabama has the lowest on average family welfare assistance, and I do not know how any family can live on $113.70.

Mr. **MOYNIHAN**. It cannot.

Mr. **SIMON**. That is also a State with a high infant mortality rate.

What we are going to have to do is to devise mechanisms to lift the people at the bottom, and this is a small part of lifting them. We are going to have to do a lot more.

We have basically not recognized that there is an underclass in our society. It is real.

The book by Willim Julius Wilson, "The Truly Disadvantaged," zeroes in on that.

Mr. **MOYNIHAN**. Yes. He is a constituent of the Senator from Illinois, I believe.

Mr. **SIMON**. Yes.

It is very, very precise in talking about that.

The jobs bill that I have introduced would lift people who are at the very bottom. I am pleased to have Senator MOYNIHAN as a cosponsor of that bill.

What the Senator has offered here is a step in the direction that we have to go to offer opportunity and open the door of opportunity for people, and let us move on this.

I hope we are not going to move any further away from seeing that there are opportunities here and, as we work in the conference with the House, some improvements can be made as we move along.

Mr. **MOYNIHAN**. I thank my friend.

I say I am honored to be a cosponsor of his jobs legislation. If we can train them, we can hire them.

Mr. **SIMON**. I thank the Senator from New York.

Mr. President, if no one else seeks the floor, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **MOYNIHAN**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **MOYNIHAN**. Mr. President, moments ago I was engaged in a colloquy with the learned Senator from Illinois, Mr. SIMON, about the question of the adequacy of benefits under our social insurance systems and the possibility that under waiver arrangements that we hope to have on this litigation or might have there might be some reduction in benefits.

I made the point that the astounding thing that very few Americans perhaps appreciate is that over the last 18 years or so for the first time in our history we have seen benefits provided to children under our Social Security System cut, only children, but not all children, just some children.

I have a number of charts which I would like to ask that might be shown at this point. The first is a simple statement of fact which is that at any given moment one child in six in our country is a ward of the Senate Committee on Finance, which is a way of saying that they are supported by the Survivor's Insurance Program or the AFDC. That is aid to families with dependent children, which is what we normally call welfare, and it is in fact title IV of the Social Security Act.

Over time, probably one child in three will be supported by one or the other of these programs. At any given moment, one in six; over 18 years, about one in three.

The next chart will show you something quite dramatic. The numbers are not as large as I would wish them to be.

But in 1970, as recently as 1970, the benefit payments under AFDC and survivors' insurance were quite similar. Welfare, as we say, was less, but not dramatically so.

Let me, if I can, move over here and speak to them quite specifically.

As the Chair can possibly see from this distance and, if not, I would like to read it, in 1970, AFDC payments were $140 a month per child and survivors' insurance, $222. One was less, but in Northern States they were about equal; my State of New York, about equal.

Now, these children are identically situated children. They live in a single-parent family. Their parents are almost always the mother. And they have siblings or they do not; brothers and sisters, or they do not. They are 9-year-old girls and they need about the same amount of vitamins, one as does the other. They need the same amount of pairs of shoes.

In the last 17 years, in an event that has no precedent in the social insurance systems of any democratic nation on Earth, save ours, that benefit for the welfare child has dropped—in real, constant dollars, it is down—and the benefit for the survivors' insurance, the normal old age survivors' insurance, has gone up very handsomely. It is indexed. It has gone up 53 percent. Only California and Maine index their welfare, their aid to families with dependent children.

So that today, Mr. President, the benefit level for a child receiving what we call welfare is one-third, not quite one-third the benefit level for a child receiving survivors' insurance. Those two 8-year-old girls, living with their mothers, one is a widow, the other is divorced, and that is how differently we treat children.

And I have to say, Mr. President—I do not like to say—but this is the U.S. Senate and there have been larger issues than this fought out and harder trruths told, but not many are more poignant truths.

May I ask that this next chart be put up?

We say, what is the difference between these two 8-year-old children, Mr. President, otherwise identical situations in life? They live with their mother and they have no income.

Well, in one group, two-thirds of the children are white and in the other group 58 percent of the children are nonwhite. I cannot define any other regional, religious, denominational, no other difference. That fissure goes through our society and it has widened and worsened since 1970.

I think this must command us to attention to what we have done. And one of the reasons is the welfare system is stigmatized. On the one hand, you see people who are, you know, the deserving children of a deserving widow, breadwinner, who I am sure was insured—Social Security, after all—the other somehow seen as undeserving. It is unfair.

Our effort is to turn that welfare program into an income maintenance system with a small jobs component into a jobs program with an income component so over time we might hope that this stigma will disappear.

Mr. President, I thank you for your kind attention. I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **MOYNIHAN**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **MOYNIHAN**. Mr. President, I have just received here on the floor of the Senate a letter from the executive director of the American Public Welfare Association, Mr. A. Sidney Johnson, and from the Honorable Stephen Heintz, who is Commissioner of the Connecticut Department of Income Maintenance and chairman of the steering committee, on the matter of commitment of the American Public Welfare Association.

I take the liberty to read this letter to the Senate. The APWA, as its friends know it, is the oldest organization of its kind in our country which represents the men and women who run our public welfare, public assistance programs in every State and legal territories.

It is addressed to me as the chairman of the Subcommittee on Social Security and Family Policy.

DEAR SENATOR MOYNIHAN: We urge you to give your full support to the Family Security Act, S. 1511. Comprehensive welfare reform is critical to the future of America's poor children and families and the bill before you is a good starting point.

We urge you to oppose efforts to narrow the focus of the legislation:

Limiting state flexibility to design a comprehensive JOBS program will limit state ability to provide in-depth education and training long-term dependent clients need.

Help should be based on need, not family composition. Children should not be penalized if they are fortunate enough to have two parents in the home.

Transitional child care and medical assistance are necessary for clients to attain self-sufficiency.

Please bear in mind this fact: one American child in four is born into poverty today. Policies reflect values. If you value children and our country's heritage of individual opportunity, you will take positive action on this legislation.

It is legislation, which I am happy to say, is cosponsored by the distinguished Presiding Officer.

I thought the Senate would want to have this letter from the American Public Welfare Association just arrived, and I thank the Chair for the courteous attention.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of February 3, 1988, the Secretary of the Senate, on June 10, 1988, during the adjournment of the Senate, received a message from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received on June 10, 1988, are printed in today's RECORD at the end of the Senate proceedings.)

COMMENTS WITH RESPECT TO SENATE POSITIONS ON THE INF TREATY—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 141

Under the authority of the order of the Senate of February 3, 1988, the Secretary of the Senate, on June 10, 1988, during the adjournment of the Senate, received the following message from the President of the United States; which was referred to the Committee on Foreign Relations:

To the Senate of the United States:

I was gratified the United States Senate gave its advice and consent to the ratification of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate- and Shorter-Range Missiles (INF Treaty). It was my honor to exchange instruments of ratification on June 1 in Moscow, and the Treaty has now enterd into force.

During the past 4 months, the Senate has performed its constitutional duties with respect to the advice and consent to this Treaty in an exceptionally serious and diligent manner. On the Administration's part, we spared no effort to respond to the Senate's needs, and to do our best to ensure that the Senate had all the information it needed to carry out its constitutional responsibilities. Administration witnesses appeared in more than 70 formal hearings and many more informal briefings; we provided detailed written answers to over 1,300 questions for the record from the Committees and individual Senators; and we provided access to the negotiating record of the Treaty, comprising 31 bound volumes.

In short, I believe the Executive branch and the Senate took their responsibilities very seriously and made every effort to work together to fulfill them in the common interest of advancing the national security of the United States and our Allies and friends. The Treaty will bear witness to the sincerity and diligence of those in the Executive branch and the Senate who have taken part in this effort.

As noted in my statement issued on May 27, the date of final Senate action, one provision of the Resolution to Ratification adopted by the Senate causes me serious concern.

The Senate condition relating to the Treaty Clauses of the Constitution apparently seeks to alter the law of treaty interpretation. The accompanying report of the Committee on Foreign Relations accords primacy, second only to the Treaty text, to all Executive branch statements to the Senate above all other sources which international forums or even U.S. courts would consider in interpreting treaties. It subordinates fundamental and essential treaty interpretative sources such as the treaty parties' intent, the treaty negotiating record and the parties' subsequent practices.

Treaties are agreements between sovereign states and must be interpreted in accordance with accepted principles of international law and United States Supreme Court jurisprudence. As a practical matter, the Senate condition only can work against the interests of the United States by creating situations in which a treaty has one meaning under international law and another under domestic law. Unilateral restrictions on the United States should be avoided, especially in a treaty affecting vital national security interests. With respect to U.S. law, the President must respect the mutual understandings reached with the Senate during the advice and consent process. But Executive statements should be given binding weight only when they were authoritatively communicated to the Senate by the Executive and were part of the basis on which the Senate granted its advice and consent to ratification. This is in accordance with the legal standards applied by our courts in determining legislative intent. I commend the thoughtful statements made during the Senate debate by Senators Specter, Roth, Wilson, and others which amplify these concerns.

This Administration does not take the position that the Executive branch can disregard authoritative Executive statements to the Senate, and we have no intention of changing the interpretation of the INF Treaty which was presented to the Senate. On the contrary, this administration has made it clear that it will consider all such authoritative statements as having been made in good faith. Nonetheless the principles to treaty interpretation recognized and repeatedly invoked by the courts may not be limited or changed by the Senate alone, and those principles will govern any future disputes over interpretation of this Treaty. As Senator Lugar pointed out during the debate, the Supreme Court may well have the final judgment, which would be binding on the President and Senate alike. Accordingly, I am compelled to state that I cannot accept the proposition that a condition in a resolution to ratification can alter the allocation of rights and duties under the Constitution; nor could I, consistent with my oath of office, accept any diminution claimed to be effected by such a condition in the constitutional powers and responsibilities of the Presidency.

I do not believe that any difference of views about the Senate condition will have any practical effect on the implementation of the Treaty. I believe the Executive branch and the Senate have a very good common understanding of the terms of the Treaty, and I believe that we will handle any question of interpretation that may arise in a spirit of mutual accommodation and respect. In this spirit I welcome the entry into force of the Treaty and express my hope that it will lead to even more important advances in arms reduction and the preservation of world peace and security.

RONALD REAGAN.

THE WHITE HOUSE, *June 10, 1988.*

AGREEMENT WITH PORTUGUESE REPUBLIC ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT—PM 142

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to Section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (P.L. 95-216, 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement between the United States of America and the Portuguese Republic on Social Security that consists of two separate instruments: a principal agreement and an administrative arrangement. The Agreement was signed at Lisbon on March 30, 1988.

The U.S.-Portugal Agreement is similar in objective to the social security agreements already in force with Belgium, Canada, the Federal Republic of German, Italy, Norway, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to overcome the problems of gaps in protection and of dual coverage and taxation for workers who move from one country to the other.

I also transmit for the information of the Congress a comprehensive report prepared by the Department of Health and Human Services, which explains the provisions of the Agreement and provides data on the number of persons affected by the Agreement and the effect on social security financing as required by the same provision of the Social Security Act.

The Department of State and the Department of Health and Human Services join with me in commending the U.S.-Portugal Social Security Agreement and related documents.

RONALD REAGAN.

THE WHITE HOUSE *June 13, 1988.*

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 1:41 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1212. An act to prevent the denial of employment opportunities by prohibiting the use of lie detectors by employees involved in or affecting interstate commerce; and

H.R. 4448. An act to designate the Cleveland Ohio General Mail Facility and Main Office in Cleveland, Ohio as the "John O Holly Building of the United States Postal Service".

The enrolled bills were subsequently signed by the Acting President pro tempore [Mr. SHELBY].

At 3:39 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4264) to authorize appropriations for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

From the Committee on Armed Services, for consideration of the entire House Bill (except sections 4101-4110), and the entire Senate amendment (except sections 938 and 949), and as exclusive conferees with respect to any proposal to report in total disagreement: Mr. Aspin, Mr. Bennett, Mr. Stratton, Mr. Nichols, Mr. Montgomery, Mr. Dellums, Mrs. Schroeder, Mrs. Byron, Mr. Marvroules, Mr. Skelton, Mr. McCurdy, Mr. Foglietta, Mrs. Lloyd, Mr. Sisisky, Mr. Ray, Mr. Spratt, Mr. McCloskey, Mr. Ortiz, Mr. Darden, Mr. Robinson, Mr. Bustamante, Mrs. Boxer, Mr. Dickinson, Mr. Badham, Mr. Stump, Mr. Hopkins, Mr. Davis of Michigan, Mr. Hunter, Mr. Martin of New York, Mr. Kasich, Mrs. Martin of Illinois, Mr. Bateman, Mr. Sweeney, Mr. Blaz, Mr. Ireland, and Mr. Hansen.

From the Committee on Armed Services, as exclusive conferees solely for consideration of sections 209, 212, 935, and 936 of the House bill, and section 223 of the Senate amendment, and modifications committed to conference: Mr. Aspin, Mr. Bennett, Mr. Dellums, Mrs. Schroeder, Mr. Mavroules, Mr. McCurdy, Mr. Foglietta, Mr. Spratt, Mr. McCloskey, Mrs. Boxer, Mr. Dickinson, Mr. Badham, Mr. Kasich, Mr. Bateman, Mr. Sweeney, and Mr. Hansen.

From the Permanent Select Committee on Intelligence, as additional conferees for consideration of matters within the jurisdiction of that committee under clause 2 of Rule XLVIII: Mr. Stokes, Mr. Kastenmeier, Mr. Roe, Mr. Hyde, and Mr. Cheney.

From the Committee on Education and Labor, as additional conferees solely for consideration of sections 4101-4110 of the House bill, and modifications committed to conference: Mr. Hawkins, Mr. Ford of Michigan, Mr. Gaydos, Mr. Clay, Mr. Murphy, Mr. Williams, Mr. Jeffords, Mr. Petri, and Mr. Bartlett.

From the Committee on Armed Services, as additional conferees solely for consideration of sections 4101-4110 of the House bill, and modifications committed to conference: Mr. Aspin, Mr. McCloskey, and Mr. Dickinson.

From the Committee on Energy and Commerce, as additional conferees for consideration of sections 3141-3150 of the House bill, and sections 3141-3144 of the Senate amendment, and modifications committed to conference: Mr. Dingell, Mr. Sharp, and Mr. Lent.

From the Committee on Foreign Affairs, as additional conferees for consideration of sections 234, 303, 304, 318, 354, 937, 940, 944, 946-948, 950, 952, 953, and 959 of the House bill, and sections 232-234, 237, 303, 806, 807, 809, 911-915, 922, 924, 926, 928, 930-934, 937, 939, 941, 943, 948-950, and 952 of the Senate amendment, and modifications committed to conference: Mr. Fascell, Mr. Hamilton, Mr. Yatron, Mr. Solarz, Mr. Broomfield, and Mr. Gilman.

From the Committee on Government Operations, as additional conferees for consideration of section 921 of the Senate amendment, and modifications committed to conference: Mr. Brooks, Mr. Conyers, Mrs. Collins, Mr. English, Mr. Waxman, Mr. Horton, Mr. Walker, and Mr. Clinger.

From the Committee on the Judiciary, as additional conferees for consideration of sections 304, 954, and 1103 of the House bill, and sections 918, 940, 941, and 951 of the Senate amendment, and modifications committed to conference: Mr. Rodino, Mr. Hughes, Mr. Kastenmeier, Mr. Moorhead, and Mr. McCollum.

From the Committee on Merchant Marine and Fisheries, as additional conferees for consideration of section 921 of the Senate amendment, and modifications committed to conference: Mr. Jones of North Carolina, Mr. Studds, Mr. Hertel, Mr. Young of Alaska, and Mr. Lent.

From the Committee on Post Office and Civil Service, as additional conferees for consideration of section 917 of the Senate amendment, and modifications committed to conference: Mr. Ford of Michigan, Mr. Clay, Mr. Ackerman, Mr. Taylor, and Mr. Gilman.

From the Committee on Rules, as additional conferees for consideration of section 921 of the Senate amendment, and modifications committed to conference: Mr. Pepper, Mr. Moakley, Mr. Derrick, Mr. Beilenson, Mr. Frost, Mr. Quillen, and Mr. Taylor.

From the Committee on Small Business, as additional conferees for consideration of sections 820 and 821 of the Senate amendment, and modifications committed to conference: Mr. LaFalce and Mr. McDade.

From the Committee on Ways and Means, as additional conferees for consideration of sections 938 and 949 of the Senate amendment, and modifications committed to conference: Mr. Rostenkowski, Mr. Gibbons, Mr. Jenkins, Mr. Downey of New York, Mr. Crane, and Mr. Frenzel.

From the Committee on Armed Services, as additional conferees for consideration of sections 938 and 949 of the Senate amendment, and modifications committed to conference: Mr. Aspin, Mr. Darden, and Mr. Rowland of Connecticut.

MEASURES PLACED ON CALENDAR

The following bills were read the second time and placed on the calendar:

S. 1801. An act to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1989 through 1992; and

H.R. 3925. An act for the relief of Gagik Barseghian.

MEASURES ORDERED HELD AT THE DESK

Pursuant to the order of the Senate of today, June 13, 1988, the following bill was ordered held at the desk pending further disposition:

H.R. 3966. An act to require the Federal Communications Commission to reinstate restrictions on advertising during children's television, to enforce the obligation of broadcasters to meet the educational and informational needs of the child audience, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3367. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law; certified copies of documents related to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles; to the Committee on Foreign Relations.

EC-3368. A communication from the Chairman of the United States Trade Commission, transmitting a draft of proposed legislation to provide authorization of appropriations for the United States International Trade Commission for the fiscal year 1990; to the Committee on Finance.

EC-3369. A communication from the Executive Director, Health and Human Resources, transmitting pursuant to law, a report on alternatives to institutional care for technology-dependent children; to the Committee on Finance.

EC-3370. A communication from the Secretary of the Treasury, transmitting, pursuant to law, net receipts from the windfall profit tax and their disposition for the fiscal year 1986; to the Committee on Finance.

EC-3371. A communication from the Acting Secretary of Commerce, transmitting, pursuant to law, monthly reports on imports during October, November, and December, 1987; to the Committee on Foreign Relations.

EC-3372. A communication from the Assistant Secretary of Legislative Affairs of State, transmitting, pursuant to law, a report on the Government of Mozambique and the status of Soviet and Eastern Bloc military and security personnel in the area; to the Committee on Foreign Relations.

EC-3373. A communication from the Acting Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to May 26, 1988; to the Committee on Foreign Relations.

EC-3374. A communication from the Executive Director of the Federal Labor Relations Authority, transmitting, pursuant to law, a report concerning the implementation of the Sunshine Act during calendar year 1987; to the Committee on Governmental Affairs.

EC-3375. A communication from the Special Counsel of the United States Merit Systems Protection Board, transmitting, pursuant to law, a copy of a report of the Secretary of the Army relative to an investigation; to the Committee on Governmental Affairs.

EC-3376. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a semiannual report of the Inspector General of the National Aeronautics and Space Administration for the period ending March 31, 1988; to the Committee on Governmental Affairs.

EC-3377. A communication from the Inspector General of the Department of Energy, transmitting, pursuant to law, a copy of the Semiannual Report for the Office of Inspector General, Department of Energy for the period ending March 31, 1988; to the Committee on Governmental Affairs.

EC-3378. A communication from the Secretary of Commerce, transmitting, pursuant to law, the semiannual report on the activities of the Office of Inspector General, Department of Commerce, for the period October 1, 1987, through March 31, 1988; to the Committee on Governmental Affairs.

EC-3379. A communication from the Director of Human Resources, United States Army Community and Family Support Center of the Department of the Army, transmitting, pursuant to law, the 1985 Annual Report for the Army Nonappropriated Fund Employee Retirement Plan; to the Committee on Governmental Affairs.

EC-3380. A communication from the Inspector General of the Department of Health and Human Services, transmitting, pursuant to law, a Semiannual Report for the Office of Inspector General of Health and Human Services for the period October 1, 1987, through March 31, 1988; to the Committee on Governmental Affairs.

EC-3381. A communication from the Secretary of Labor, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the period October 1, 1987 through March 31, 1988; to the Committee on Governmental Affairs.

EC-3382. A communication from the Chief Judge of the United States Tax Court, transmitting, pursuant to law, the actuarial reports for the United States Tax Court Judges' Retirement and Survivor Annuity Plans for the year ending December 31, 1986; to the Committee on Governmental Affairs.

EC-3383. A communication from the Secretary of Education, transmitting, pursuant to law, a copy of the Semiannual Report of the Office of the Inspector General for the Department of Education, covering the period October 1, 1987 through March 31, 1988; to the Committee on Governmental Affairs.

EC-3384. A communication from the Administrator of Veterans' Affairs, transmitting, pursuant to law, a report regarding a computer matching program to be conducted by the Department of Medicine and Surgery; to the Committee on Governmental Affairs.

EC-3385. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-185 adopted by the Council on May 3, 1988; to the Committee on Governmental Affairs.

EC-3386. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-184 adopted by the Council on May 3, 1988; to the Committee on Governmental Affairs.

EC-3387. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-183 adopted by the Council on May 3, 1988; to the Committee on Governmental Affairs.

EC-3388. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the annual report regarding the implementation of the Government in the Sunshine Act for the calendar year 1986; to the Committee on Governmental Affairs.

EC-3389. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the annual report regarding the implementation of the Government in the Sunshine Act for the calendar year 1987; to the Committee on Governmental Affairs.

EC-3390. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General covering the six month period ending March 31, 1988; to the Committee on Governmental Affairs.

EC-3391. A communication from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3392. A communication from the Chief Immigration Judge, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, a report on the suspension of deportation of certain aliens under Section 244(a)(1) and 244(a)(2) of the Immigration and Nationality Act; to the Committee on the Judiciary.

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under the authority of the order of the Senate of June 10, 1988, the following reports of committees were submitted on June 10, 1988, during the adjournment of the Senate.

By Mr. PROXMIRE, from the Committee on Banking, Housing, and Urban Affairs, with amendments:

H.R. 3251. An act to require the Secretary of the Treasury to mint coins in commemoration of the Bicentennial of the United States Congress (Rept. No. 100-383).

By Mr. STENNIS, from the Committee on Appropriations:

Special Report entitled "Budget Allocations of the Committee on Appropriations" (Rept. No. 100-384).

EXECUTIVE REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under the authority of the order of the Senate of June 10, 1988, the following executive reports of committees were submitted on June 10, 1988, during the adjournment of the Senate:

By Mr. BENTSEN, from the Committee on Finance:

Jan W. Mares, of Connecticut, to be an Assistant Secretary of Commerce;

W. Alan Moore, of Virginia, to be Under Secretary of Commerce for International Trade; and

Jill E. Kent, of the District of Columbia, to be an Assistant Secretary of the Treasury.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BRADLEY (for himself and Mr. KENNEDY):

S. 2498. A bill to require institutions of higher education receiving Federal financial assistance to provide certain information with respect to the graduation rates of student athletes at such institutions; to the Committee on Labor and Human Resources.

By Mr. REID:

S. 2499. A bill to amend title 13, United States Code, to improve the administration of decennial censuses of population, and for other purposes; to the Committee on Government Affairs.

By Mr. GRASSLEY (for himself, Mr. HEFLIN, Mr. TRIBLE, Mr. HUMPHREY and Mr. STEVENS):

S. 2500. A bill to amend title 28, United States Code, to provide for an exclusive remedy against the United States for suits based upon certain negligent or wrongful acts of omissions of U.S. employees committed within the scope of their employment, and for other purposes; to the Committee on the Judiciary.

By Mr. WILSON:

S. 2501. A bill to amend the Internal Revenue Code of 1986 to allow periods of out-of-residence care to qualify for the principal residence use requirements of the one-time capital gain exclusion for taxpayers who have attained age 55; to the Committee on Finance.

By Mr. McCAIN:

S. 2502. A bill to establish a task force to conduct a study relating to the reduction in use of chlorofluocarbons and halons; to the Committee on Environment and Public Works.

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 2503. A bill to suspend for a 3-year period the duty on diphenolic acid; to the Committee on Finance.

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 2504. A bill to provide for the temporary suspension of duty on tamoxifen citrate for a 3-year period; to the Committee on Finance.

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 2505. A bill to temporarily reduce the duty on certain fabrics used in making fire-protective garments for firefighters; to the Committee on Finance.

By Mr. THURMOND (by request):

S. 2506. A bill to extend the authorization of appropriations under the Runaway and Homeless Youth Act; to the Committee on the Judiciary.

By Mr. ROTH:

S. 2507. A bill to provide advance notification of plant closings and mass layoffs; to the Committee on Labor and Human Resources.

By Mr. MOYNIHAN:

S. 2508. A bill to require that the United States Embassy in Israel be located in the city of Jerusalem; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BREAUX (for himself and Mr. JOHNSTON):

S. Con. Res. 125. A concurrent resolution expressing the sense of the Congress that project impact of the combined accident reduction effort should receive the support of every State in the Nation and should be recognized as model project for education of the Nation's youth; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BRADLEY (for himself and Mr. KENNEDY):

S. 2498. A bill to require institutions of higher education receiving Federal financial assistance to provide certain information with respect to the graduation rates of student-athletes at such institutions; to the Committee on Labor and Human Resources.

STUDENT-ATHLETES RIGHT TO KNOW ACT

● Mr. BRADLEY. Mr. President, the purity of experience and the immediate gratification of an athletic contest are rarely matched outside the sporting arena. Sports create overnight national stars who will capture the limelight for a day, a week, a season, or even a career. Some players become metaphors for the meaning of excellence.

Amateur athletics also understandably encourage the dream of a professional sports career and with it, fame and wealth. But for most amateur athletes that dream will never be realized. Too many student-athletes sacrifice academic achievement to the fantasy of professional sports. It is a national shame. Only one in 10,000 high school athletes who want a career in professional sports ever realize that aspiration. Those who do "make-it" can look forward to a career which averages only 4 years. Having forfeited their education, even the most successful college athletes often face a life of uncertainty before their 30th birthday.

Bad habits often begin early. Too many high school athletes' dream more than they study. Coaches and schools get caught up in the press hype and excitement and put education on the back burner when it comes to student-athletes. The result is academic irresponsibility. An estimated 25 percent of the Nation's high school senior football and basketball players are functionally illiterate. What will they do when the glory of the last-second shot becomes only a memory?

Only 1 out of every 100 high school athletes will receive a scholarship to play at a Division I college. Most of those lucky few can expect a pressure-packed environment where academics and athletics collide in a world with heavy demands and little time.

Single-minded devotion to athletics among our Nation's schools and colleges can lead to exploitation and abuse of our young athletes. Coaches sometimes discourage particular majors and courses because their demands might detract from the student-athlete's commitment to sports. Less challenging classes and schedules make it easier to obtain the grades required for continued athletic eligibility.

Too often the result after 4 years is tragic for the young athlete. With eligibility exhausted and the dream of a professional career shattered, the athlete is unable to graduate.

With the athletic scholarship gone, the player can not afford to continue in school. The future that beckons is full of dissapointment.

It should not end this way. With the proper balance between academics and athletics, sports can provide the means to an education that might otherwise be unattainable. Many athletes have applied the discipline of the arena to the classroom and have gone on to useful and satisfying careers. We need more success stories built on good habits and opportunities seized.

Within the proper framework of a school program, sports can foster and enhance the qualities of confidence, cooperation, integrity, and maturity. Parents, community leaders, coaches, and school officials must work together to create an environment where a young person can have a realistic opportunity to be both a student and an athlete. Then the roar of the crowd can be a pleasant memory, not a bitter reminder of opportunity lost.

That is why I am introducing, today, the Student-Athlete Right to Know Act. This act requires colleges and universities receiving Federal financial assistance to make public detailed information with respect to the graduation rates of student-athletes.

The act requires these institutions to report annually to the Secretary of Education graduation rates, including the graduation rates of student-athletes broken down by sport, race, and sex. Among other information the act also calls for reporting of the average time needed to earn a degree, reported by sport, race, and sex.

The information is then to be made available to high school student-athletes and their families to aid them as they choose the school the student-athletes will attend.

Given the pressure on the high school athlete to "sign" with a particular school this information will serve them in making an informed judgment about the general character of the education they may expect to receive at the schools under consideration.

I ask my colleagues to join me in supporting this Student-Athlete Right to Know Act. This straight forward effort will aid our Nation's student-athletes as they make this complex decision. Hopefully, an informed choice will lead to a real education and a college degree. For most students that is a much more realistic and valuable reward than dreams of a professional sports career.●

By Mr. REID:

S. 2499. A bill to amend title 13, United States Code, to improve the administration of decennial censuses of population, and for other purposes; to the Committee on Governmental Affairs.

IMPROVEMENTS IN ADMINISTRATION OF DECENNIAL CENSUSES

Mr. REID. Mr. President, I rise today to introduce legislation requiring the addition of three key questions concerning housing to the 1990 decennial census. My bill is a companion to the one introduced in the House, H.R. 4550.

Last summer, I held 2 days of hearings in Nevada on the state of housing for low-income individuals. The testimony I received at these hearings was informative: explaining how national housing policy looks from the State and discussing the unique special needs of Nevada. But I also heard some unique testimony about the census. Nearly every local official told me how important the census information is to their ability to adequately assess the need for Federal assistance. Before these hearings, I assumed the census was merely a head count. I learned, however, that housing authorities rely heavily on published and unpublished census data when applying for housing assistance. Complete and accurate housing statistics are crucial to the activities of not just Public Housing Authorities, but of State and local governments, utility companies, developers, health officials, builders, mortgage bankers, realtors, and many, many other groups. Yet despite the demonstrated importance and need for accurate census information, the Office of Management and Budget had several key questions struck from the proposed census questionnaire for 1990. OMB ordered questions concerning plumbing facilities and condominium status struck from the long and short forms and the question regarding heating struck from the long form. My bill requires the inclusion of these questions on the 1990 census forms.

Let me emphasize for the record that these questions were not made up by Congress. They were not pulled out of thin air to be added to the census in order to make it more complicated or longer. These are all questions that were on previous census and that were included on the Department of Commerce's original draft of the 1990 census. Even with the addition of these three questions, the 1990 census will be shorter than the 1980 census.

Without these three questions, all key indicators of housing quality, the census will provide only estimates of the quality of housing in this country. Already this year, several Members of the Senate are beginning to establish the foundation for a new national housing policy. Next year, passage of this carefully crafted policy will be high on the Congress' agenda. Are we to base the implementation of this comprehensive policy on estimates? With the retention of these three questions on the census questionnaires, an accurate block-by-block, tract-by-tract analysis of housing standards is possible. This type of accurate information, Congress—the Government's policymaking body—can develop a responsive housing policy. And those groups actually providing housing services will be able to accurately assess the need for assistance in a particular jurisdiction.

Mr. President, this legislation is urgently needed. Printing of the census questionnaire will begin in January 1989. The Constitution requires a decennial census be conducted in the manner that Congress chooses. This Congress must choose to make the 1990 census an accurate and relevant count of the population and their living conditions. My legislation is supported by the National Association of Realtors, the National Council of Savings Institutions, and the National Association of Housing and Redevelopment Officials to name just a few supporters. I urge my colleagues to cosponsor this legislation and hope the Senate Committee on Governmental Affairs will quickly move to mark up this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. QUESTIONS RELATING TO HOUSING.

(a) DEFINITIONS.—For the purpose of this section—

(1) the term "Secretary" means the Secretary of Commerce; and

(2) the term "census of population" has the meaning given such term under section 141 of title 13, United States Code.

(b) QUESTIONS FOR INCLUSION.—The Secretary shall take appropriate measures to ensure that—

(1) each short form and each long form used in the 1990 decennial census of population shall include—

(A) all of the respective questions proposed to be included on each such form, as set forth in the report submitted by the Secretary to Congress under section 141(f)(2) of title 13, United States Code, on or about March 31, 1988;

(B) 1 or more questions relating to plumbing facilities in the respondent's housing unit; and

(C) 1 or more questions relating to whether the respondent's housing unit is part of a condominium; and

(2) each long form used in the 1990 decennial census of population shall include (and each short form used in such census may include) 1 or more questions relating to the heating of the respondent's housing unit, including at least 1 question relating to the type of equipment used in such heating.

(c) CONSTRUCTION.—Nothing in this section shall, with respect to the forms used in the 1990 decennial census of population, be considered to limit the Secretary's discretion to include questions in addition to any questions permitted or required to be included under the preceding provisions of this section.

SEC. 2. PROCEDURES RELATING TO DECENNIAL CENSUSES OF POPULATION.

Section 141 of title 13, United States Code, is amended by redesignating subsection (g) as subsection (h), and by inserting after subsection (f) the following:

"(g) Notwithstanding any other provision of law, no form, questionnaire, methodology, procedure, or other matter relating to a census of population (excluding a request for appropriations or any other matter relating to funding for any such census) shall be subject to the clearance or approval of any individual or agency in the executive branch outside of the Department of Commerce.".

By Mr. GRASSLEY (for himself, Mr. HUMPHREY, Mr. HEFLIN, Mr. TRIBLE, and Mr. STEVENS):

S. 2500. A bill to amend title 28, United States Code, to provide for an exclusive remedy against the United States for suits based upon certain negligent or wrongful acts or omissions of United States employees committed within the scope of their employment, and for other purposes; to the Committee on the Judiciary.

FEDERAL EMPLOYEES LIABILITY REFORM AND TORT COMPENSATION ACT

● Mr. GRASSLEY. Mr. President, earlier this year the Supreme Court dramatically changed the law governing the personal tort liability of Federal employees.

By its January 13, 1988, decision on Westfall versus Ervin, the court held that Federal employees may be sued in their personal capacities for common law torts unless the actions giving rise to the suit were both within the scope of their employment and involved an exercise of governmental discretion.

The Court thus severely restricted the scope of traditional common law immunity from tort suits, available to federal employees.

As a result of Westfall, we are now faced with an immediate crisis of personal liability exposure for the entire Federal work force—more than 3 million persons in all three branches of Government. Virtually every one of these employees—and particularly rank-and-file civil servants—now face the possiblity of being required to defend a lawsuit in which his or her personal fortune is a stake—even when the actions complained of were clearly official duties.

This has created a new climate of uncertainty. Federal employees now have no way of knowing whether even the most routine of their official duties will expose them to a lawsuit jeopardizing their personal assets.

The prospects of personal liability lawsuits against the Federal Workforce not only has a devastating impact on individual civil servants morale, but will serverely inhibit the ability of many agencies to carry out their mission.

Ironically, the Westfall decision is of little help to most injured plaintiffs, since it is rare that a civil servant will have the resources to pay a substantial tort judgment. Rather, it's more likely that Westfall-type suits will be employed simply to harass and intimidate Federal employees who are only trying to do their jobs.

I suspect that the Supreme Court realized that its decision dramatically changed existing law and would result in substantial personal liability exposure for Federal employees.

Indeed, Justice Marshall's opinion in Westfall expressly invited Congress to consider the issue and fashion a more appropriate legislative solution.

Mr. President, the bill that I introduce today is an even-handed and response to the Court's invitation. This bill amends the Federal Tort Claims Act to make a lawsuit against the United States under the Federal Tort Claims Act, the exclusive remedy for anyone injured by governmental negligence.

As my colleagues know, the FTCA has generally worked well over the past four decades in providing fair and expeditious compensation to persons injured by the common law torts of Federal employees. This bill, by covering Westfall-type cases under the FTCA assures that victims of common law torts of Federal employees will be fairly compensated. At the same time, it provides a needed measure of employee protection from personal liability.

Mr. President, I would like to emphasize that this bill does not have any effect on the so-called Bivens cases of constitutional tort claims. Although this too is an area of concern to me—and I have introduced corrective legislation in the past—the bill I sponsor today has no impact on these cases, which can continue to be brought against individual Government officials.

Mr. President, this legislation is supported by both the administration and the public employee unions, and has earned bi-partisan support in the other body. The Judiciary Committee in the other body has favorably considered it.

I look forward to its swift and favorable consideration here in the Senate.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2500

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employees Liability Reform and Tort Compensation Act of 1988".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds and declares that—

(1) for more than 40 years the Federal Tort Claims Act has been the legal mechanism for compensating persons injured by negligent or wrongful acts of Federal employees committed within the scope of their employment;

(2) the United States, through the Federal Tort Claims Act, is responsible to injured persons for the common law torts of its employees in the same manner in which the common law historically has recognized the responsibility of an employer for torts committed by its employees within the scope of their employment;

(3) because Federal employees for many years have been protected from personal common law tort liability by a broad based immunity, the Federal Tort Claims Act has served as the sole means for compensating persons injured by the tortious conduct of Federal employees;

(4) recent judicial decisions, and particularly the decision of the United States Supreme Court in *Westfall* v. *Erwin*, have seriously eroded the common law tort immunity previously available to Federal employees;

(5) such erosion of immunity of Federal employees from common law tort liability has created an immediate crisis involving the prospect of personal liability and the threat of protracted personal tort litigation for the entire Federal workforce;

(6) the prospect of such liability will seriously undermine the morale and well being of Federal employees, impede the ability of agencies to carry out their missions, and diminish the vitality of the Federal Tort Claims Act as the proper remedy for Federal employee torts; and

(7) in its opinion in *Westfall* v. *Erwin*, the Supreme Court indicated that the Congress is in the best position to determine the extent to which Federal employees should be personally liable for common law torts, and that legislative consideration of this matter would be useful.

(b) PURPOSE.—It is the purpose of this Act to protect Federal employees from personal liability for common law torts committed within the scope of their employment, while providing persons injured by the common law torts of Federal employees with an appropriate remedy against the United States.

SEC. 3. JUDICIAL AND LEGISLATIVE BRANCH EMPLOYEES.

Section 2671 of title 28, United States Code, is amended in the paragraph defining "Federal agency" by inserting after "executive departments," the following: "the judicial and legislative branches,".

SEC. 4. RETENTION OF DEFENSES.

Section 2674 of title 28, United States Code, is amended by adding at the end thereof the following new paragraph:

With respect to any claim under this chapter "The United States shall be entitled to assert any defense which otherwise would have been available to the employee based upon judicial or legislative immunity, which otherwise would have been available to the employee of the U.S. whose act or omission gave rise to the claim as well as any other defenses to which the United States is entitled under this chapter.".

SEC. 5. EXCLUSIVENESS OF REMEDY.

Section 2679(b) of title 28, United States Code, is amended to read as follows:

"(b)(1) The remedy against the United States provided by sections 1346(b) and 2672 of this title for injury or loss of property, or personal injury or death arising or resulting from the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment is exclusive of any other civil action or proceeding by reason of the same subject matter against the employee or his estate whose act or omission gave rise to the claim. Any other civil action or proceeding arising out of or relating to the same subject matter against the employee or his estate is precluded without regard to when the act or omission occurred.

"(2) Paragraph (1) does not extend or apply to a cognizable action against an employee of the Government for money damages for a violation of the Constitution of the United States.".

SEC. 6. REPRESENTATION AND REMOVAL.

Section 2679(d) of title 28, United States Code, is amended to read as follows:

"(d)(1) Upon certification by the Attorney General that the defendant employee was acting within the scope of his office or employment at the time of the incident out of which the claim arose, any civil action or proceeding heretofore or hereafter commenced upon such claim in a United States district court shall be deemed an action against the United States under the provisions of this title and all references thereto, and the United States shall be substituted as the party defendant.

"(2) Upon certification by the Attorney General that the defendant employee was acting within the scope of his office or employment at the time of the incident out of which the claim arose, any civil action or proceeding commenced upon such claim in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States for the district and division embracing the place wherein it is pending. Such action shall be deemed an action brought against the United States under the provisions of this title and all references thereto, and the United States shall be substituted as the party defendant. This certification of the Attorney General shall conclusively establish scope of office or employment for purposes of removal.

"(3) In the event that the Attorney General has refused to certify scope of office or employment under this section, the employee may at any time before trial petition the court to find and certify that the employee was acting within the scope of his office or employment. Upon such certification by the court, such action shall be deemed an action brought against the United States under the provisions of this title and all references thereto, and the United States shall be substituted as the party defendant. A copy of the petition shall be served upon the United States in accordance with the provisions of rule 4(d)(4) of the Federal Rules of Civil Procedure. In the event the petition is filed in a civil action or proceeding pending in a State court, the action or proceeding may be removed without bond by the Attorney General to the district court of the United States for the district and division embracing the place in which it is pending. If, in considering the petition, the district court determines that the employee was not acting within the scope of his office or employment, the action or proceeding shall be remanded to the State court.

"(4) Upon certification, any actions subject to paragraph (1), (2), or (3) shall proceed in the same manner as any action against the United States filed pursuant to section 1346(b) of this title and shall be subject to the limitations and exceptions applicable to those actions.

"(5) Whenever an action in which the United States is substituted as the party defendant under this subsection is dismissed for failure first to present a claim pursuant to section 2675(a) of this title, such a claim shall be deemed to be timely presented under section 2401(b) of this title if (A) the claim would have been timely had it been filed on the date the underlying civil action was commenced, and (B) the claim is presented to the appropriate Federal agency within 60 days after dismissal of the civil action.".

SEC. 7. SEVERABILITY.

If any provision of this Act or the amendments made by this Act or the application of any such provision to any person or circumstance is held invalid, the remainder of this Act and such amendments and the application of such provision to any other person or circumstance shall not be affected by that invalidation.

SEC. 8. EFFECTIVE DATE.

(a) GENERAL RULE.—This Act shall be effective on the date of the enactment of this Act.

(b) APPLICABILITY TO PROCEEDINGS.—The amendments made by this Act shall apply to all claims, civil actions, and proceedings pending on, or filed on or after, the date of the enactment of this Act.

(c) PENDING STATE PROCEEDINGS.—With respect to any civil action or proceeding pending in a State court to which the amendments made by this Act apply, and as to which the period for removal under section 2679(d) of title 28, United States Code, has expired, the Attorney General shall have 60 days after the date of the enactment of this Act during which to seek removal under section 2679(d) of title 28, United States Code, as amended by section 6 of this Act.

(d) CLAIMS ACCRUING BEFORE ENACTMENT.—With respect to any civil action or proceeding to which the amendments made by this Act apply in which the claim accrued before the date of the enactment of this Act, the period during which the claim shall be deemed to be timely presented pursuant to section 2679(d)(4) of title 28, United States Code (as amended by section 6 of this Act) shall be that period within which the claim could have been timely filed under applicable State law, but in no event shall such period exceed two years after the date of the enactment of this Act.●

By Mr. WILSON:

S. 2501. A bill to amend the Internal Revenue Code of 1986 to allow periods of out-of-residence care to qualify for the principal residence use requirements of the one-time capital gain exclusion for taxpayers who have attained age 55; to the Committee on Finance.

USE OF PROPERTY AS PRINCIPAL RESIDENCE DURING PERIODS OF OUT-OF-RESIDENCE CARE.

● Mr. WILSON. Mr. President, there is a small glitch in our tax system that places a very significant financial penalty on some older Americans. While I cannot believe that it is an intended consequence, it is a very real one that is unfair and needs to be changed.

We are all aware that there is a provision in the Federal Tax Code that allows those over 55 years of age to claim a one-time capital gains exclusion on the sale of a personal residence. This provision, contained in section 121 of the code, includes a test for residency: In order to claim the exclusion, the taxpayer must have lived in the residence for 3 of the prior 5 years. While this test is reasonably designed to prevent abuse, it unfairly harms certain older Americans who become ill or injured, or are otherwise unable to take care of themselves.

Mr. Edward Bosely of Santa Ana Heights, CA, brought this matter to my attention. Mr. Bosely's mother is suffering from Alzheimer's disease—a problem desperately in need of a cure.

When Mr. Bosely became aware of his mother's condition, he and his wife took his mother into their home. After a short while, they realized that she would need to be placed in a nursing home in order that she receive the necessary full-time care.

For the first few years she was in the nursing home, they rented out her house and used the income to help defray some of her expenses. This ultimately became impractical, so they decided to sell her home. However, as a result of the time Mr. Bosely's mother has spent in the nursing home, her house no longer qualifies as her principal residence as required by section 121. This means that if the house is sold, Mr. Bosely's mother cannot claim her one-time capital gains exclusion. The financial impact is devastating. For example, assuming the capital gain on her home is $50,000, the added tax burden could exceed $10,000.

This is not simply unfair; It is tragic.

Furthermore, Mr. President, there is a sad irony to this. If Mr. Bosely did not sell his mother's house until after her death, no taxes would ever be paid on the capital gain. Yet, because of the 3-out-of-5-year rule, if he sells the house now, she must pay taxes on the gain.

As Mr. Bosely has said, what purpose is served by a tax law that discourages the sale of an older American's house at the very time that the proceeds are needed to pay for long-term care?

The answer is that the effect of the law serves no legitimate purpose and should be changed.

Mr. President, I am today introducing a bill that will rectify this problem. The bill will allow a taxpayer to count as time spent in his or her principal residence the time actually spent in a hospital, a licensed nursing home, or a relative's home because of a physical or mental incapacity. A showing of incapacity under this provision would be similar to the showing that must be made under section 21 of the code allowing a taxpayer to claim a dependency care services tax credit.

Mr. President, when an older parent suffers a stroke, a broken hip, a heart attack, or some other debilitating mental or physical incapacity, the children are often at a loss as to what to do. There are arrangements to be made—sometimes in a medical facility or sometimes in the home of the child or a relative. There is the emotional trauma of seeing a loved one in distress. And there is always hope that the problem will be overcome.

With this hope, the children look forward to their parent returning home.

Unfortunately, this hope is often not realized. Sometimes, the parent does not get better and cannot return home.

But, we are not clairvoyant. Sometimes, it may take more than 2 years to know what will happen. And sometimes, even if the inevitability of long-term care is realized, there is reluctance to sell a parent's home at first because of the psychological harm that it could inflict on the parent. Ultimately, though, selling the house may be the only prudent course, especially as the bills for long-term care continue to come in.

We must not penalize a lack of clairvoyance. We must not penalize the compassion of children for their parents. Yet, that is exactly the effect of our present tax law.

Mr. President, the bill I am introducing will remedy this problem, and I urge my colleagues to support its passage.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2501

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. USE OF PROPERTY AS PRINCIPAL RESIDENCE DURING PERIODS OF OUT-OF-RESIDENCE CARE.

(a) IN GENERAL.—Subsection (d) of section 121 of the Internal Revenue Code of 1986 (relating to one-time exclusion of gain from sale of principal residence by individual who has attained age 55) is amended by adding at the end thereof the following new paragraph:

"(9) DETERMINATION OF USE DURING PERIODS OF OUT-OF-RESIDENCE CARE.—If a taxpayer owns and uses any property as the taxpayer's principal residence immediately before a period during which the taxpayer becomes physically or mentally incapable of self-care in such residence, then the taxpayer shall be treated as using such property as the taxpayer's principal residence during such period and while the taxpayer is residing in—

"(A) any facility (including a nursing home) licensed by a State or political subdivision to care for an individual in the taxpayer's condition, or

"(B) the principal residence of a relative other than a spouse of the taxpayer.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any sale or exchange after December 31, 1987, in taxable years ending after such date.●

By Mr. McCAIN:

S. 2502. A bill to establish a task force to conduct a study relating to the reduction in use of chlorofluorocarbons and halons; referred to the Committee on Environment and Public Works.

OZONE LAYER PROTECTION ACT

Mr. McCAIN. Mr. President, the family of nations may disagree on many topics, but we must never forget the many, and most important, things we hold in common—including an intense responsibility for the health of spaceship earth as Buckminster Fuller once called it. Mankind and our biosphere is now confronted by an environmental danger of enormous scope and with far-reaching implications. I am speaking about the depletion of the stratospheric ozone layer which screens the Earth from the most dangerous solar ultraviolet rays.

Scientists have discovered that chlorine from manmade industrial compounds known as chlorofluorocarbons and halons is responsible for the depletion of the stratospheric ozone layer.

The Earth's increased exposure to ultraviolet radiation portends a variety of harmful consequences—including a higher incidence of skin cancer and cataracts, suppresion of the human body's immune system, and reduced crop growth and yield. EPA estimates that if zone depletion trends were to continue, we could expect 40 million excess skin cancers and an additional 800,000 deaths within the next 80 years. A number of other harmful effects on the terrestrial and aquatic ecosystems could also result from climatic changes which further depletion of the ozone layer could contribute to. Furthermore, ozone-depleting CFC's are included among the greenhouse gases which have been implicated in global warming.

The urgency of this situation has not been lost on the world community, Mr. President. Last year the United States, along with 24 nations and the European Economic Community signed the Montreal Protocol on Substances that Deplete the Ozone Layer.

The parties to that treaty pledged to reduce the 1986 world production levels of CFC's 50 percent by the year 1998, and to freeze halon production at 1986 levels. A short time ago, this body voted unanimously to ratify the treaty.

While the ink was drying on the Protocol, Mr. President, the latest scientific data indicated that the situation may be more serious than previously supposed. The information came from the second of two expeditions to Antarctica and a study conducted by the International Ozone Trends Panel. The panel was made up of representatives from NASA, the National Oceanic and Atmospheric Agency, the Federal Aviation Administration, the World Meteorological Organization and the United Nations Environment Program. One hundred scientists spent 1 year peer reviewing ozone measurement data, including information gathered by NASA's Nimbus 7 satellite. The panel confirmed the seasonal hole which occurs in the ozone layer over Antarctica and estimated that between the period 1969 and 1986, depletion in the ozone layer averaged between 1 and 3 percent over the entire Northern Hemisphere.

In response to the latest scientific data, a short time ago the DuPont Corp.—which accounts for nearly half of our domestic CFC industry—announced that it will be phasing out CFC production over an unspecified period of time. I find this commitment to be an impressive testimony to the convincing nature of the scientific evidence which has established the link between CFC's and halons to ozone depletion. CFC manufacturers including DuPont, Allied Signal and Dow; and the user industries, have demonstrated a sensitivity and concern regarding ozone depletion and should be commended and encouraged for their willingness to cooperate in the effort to address it.

Clearly, Mr. President, protecting the ozone layer by reducing CFC's and halons is a pressing national and international imperative and meeting this responsibility will be no simple task. We are dealing with industrial substances which are widely used and phasing them down—or out, should science find that step necessary—will have an enormous impact upon many industries and consumers.

CFC's are used as refrigerants in air conditioners and refrigerators. They are employed as foam blowing agents in such items as insulation and packaging materials. And they are used extensively as solvents. This Nation has 130 billion dollars' worth of installed equipment using CFC and halon compounds—many of which we do not yet have safe substitutes for.

Clearly, Mr. President, to protect the ozone layer as we must, and to avoid potential widespread economic and industrial disruption, we must commit ourselves to the development of and transition to safe and suitable alternatives to ozone-depleting CFC's and halons. I do not believe enough attention has been paid by public policy makers to this critical aspect of the ozone layer problem. Today I am introducing legislation to help fill this gap by creating a public/private sector task force which will be responsible for developing and recommending initiatives we should undertake to facilitate this effort.

The task force will be comprised of representatives from the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, The General Services Administration, the U.S. Trade Representative, the National Science Foundation and representatives from the CFC and halon manufacturing and user industries.

They will examine ways we can promote the rapid development of suitable replacement compounds and new technologies through appropriate intergovernmental, international and commercial technology transfer; and will seek other initiatives to strengthen public/private cooperation in achieving our goals.

The bill calls upon the task force to conduct a comprehensive review to identify any Federal laws and regulations which might impede the reduction of ozone-depleting CFC's and halons, or which might inadvertantly hinder the transition to safe substitutes.

Mr. President, this legislation also addresses several other areas we must emphasize in order to reduce the need for production. I am referring to recycling and conservation. The task force will seek ways we can promote recycling and remove barriers which may exist to the recycling industry.

Furthermore, the bill would require the task force to examine ways we can develop, encourage, and share proper handling, processing procedures and field practices to limit ozone-depleting emissions as much as possible. This will ensure that we are doing everything we can to suppress emissions which would otherwise migrate to the stratosphere.

It should come as no surprise, Mr. President, that the Federal Government is one of the largest buyers of products containing CFC's and halons.

This legislation will require us to look at Federal procurement, policies, practices and governmental uses of ozone-depleting substances and develop measures to promote the earliest possible transition to safe substitutes where they are available. I believe the Federal Government has this responsibility.

Because some of these governmental uses involve defense. The task force will also be required to assess the assorted defense related applications and report upon the national security impact, if any, of reduced production, as well as the effect of a complete phase out.

Finally, the task force will seek to identify the potential for unfair trade practices which could impact the United States during the early implementation of the protocol when an immediate decrease in production will be required.

Mr. President, I believe this legislation will play a vital role in helping us to find safe industrial substitutes and to take the affirmative actions necessary to protect the ozone layer in an efficient, effective and cooperative fashion.

Clearly, the depletion of the ozone layer is a global problem requiring a global solution. We have august environmental responsibilities as the privileged stewards of this Earth. With our leadership and through continued international cooperation the world community can meet its obligations—and it must.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2502

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Ozone Layer Protection Act of 1988".

FINDINGS

SEC. 2. The Congress finds that—

(1) protection of the stratospheric ozone layer which shields the earth from dangerous ultraviolet radiation should be an international priority;

(2) the United States is a party to the Montreal Protocol on Substances that Deplete the Ozone Layer, which calls for a 50 percent reduction in 1986 worldwide production levels of ozone depleting chlorofluorocarbons by 1998 and a freeze at 1986 production levels of ozone-depleting halons, and the United States is implementing this protocol;

(3) the NASA Ozone Trends Panel Report presents new and disturbing information that should intensify efforts to develop safe alternatives to the existing chlorofluorocarbon and halon compounds;

(4) further reductions in the production and use of chlorofluorocarbons may be necessary in light of this new information, and, if so, should be made within the framework of the Protocol;

(5) ozone depleting chlorofluorocarbons and halons are pervasive industrial components and the United States should be commercially and industrially prepared should further reductions be required;

(6) the Federal Government is one of the largest purchasers of products containing chlorofluorocarbons and halons;

(7) the rapid development of and transition to safe substitutes for ozone-depleting chlorofluorocarbons are vital to the protection of the ozone layer and is in the national and international interest; and

(8) the Federal Government should: identify initiatives to facilitate the development of safe substitutes for ozone-depleting chlorofluorocarbons and halons; identify statutory and regulatory impediments to chlorofluorocarbon reduction and recycling; cooperate with the private sector to identify opportunities for additional recycling and conservation initiatives; identify governmental procurement and use of chlorofluorocarbons and halons, and undertake initiatives to effect a transition to safe substitutes when they are reasonably available.

CHLOROFLUOROCARBONS STUDY

SEC. 3. (a)(1) The President of the United States shall establish a task force to conduct a comprehensive study for the purpose of identifying steps which can be taken to reduce the emission of ozone-depleting chlorofluorocarbons and halons and to promote and prepare for a smooth transition from ozone-depleting chlorofluorocarbons and halons to safe substitutes for the purpose of protecting the stratospheric ozone layer.

(2) In carrying out such study, the task force shall (A) conduct a review of Federal laws and regulations to identify whether any such laws and regulations are impeding the reduction of ozone-depleting chlorofluorocarbons and halons and the transition to safe substitutes and new technology; (B) identify steps to promote chlorofluorocarbon and halon recycling and conservation; (C) study Federal procurement practices and recommend measures to promote the earliest possible transition to safe substitutes where they are available; (D) identify initiatives, including appropriate intergovernmental, international, and commercial information and technology transfers to promote the development and use of chlorofluorocarbon and halon substitutes, and new technology; (E) identify steps and initiatives to promote proper handling processes and field practices involving chlorofluorocarbons and halons to reduce ozone-depleting emissions; (F) identify the potential for unfair trade practices which could impact the United States as a result of the Montreal Protocol; (G) consider the national security implications, if any, in connection with the reduction of ozone-depleting chlorofluorocarbons and halons; and (H) take other such steps as necessary to fulfill the purpose of the task force as set forth in paragraph (1) of this subsection.

(b) The task force shall consist of 15 people appointed by the President and shall include not less than one representative each from: the Environmental Protection Agency, National Oceanic and Atmospheric Administration, Department of Commerce, Department of Defense, General Services Administration, U.S. Trade Representative, National Science Foundation and other Federal agencies as appropriate. The task force shall include four industry representatives, including two from chlorofluorocarbon and halon manufacturers and two from chlorofluorocarbon and halon users. The chairman shall authorize all expenditures of the task force.

(c)(1) The President shall designate one of the members to serve as chairman.

(2) The President shall call the first meeting of the task force prior to the expiration of the 120-day period following the date of the enactment of this Act.

(d) Any vacancy in the task force shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

(e) Each department agency and instrumentality of the United States, including independent agencies, shall furnish to the task force, upon request made by the chairman, such data, reports, and other information as the task force considers necessary to carry out its function.

(f) At the request of the chairman, the Administrator of General Services shall make available to the task force such staff, personnel, and administrative services as may reasonably be required to carry out the purposes of the task force.

(g) Members of the task force shall serve without compensation in addition to compensation they may otherwise be entitled to receive, but all members shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the task force.

REPORT

SEC. 4. The results of the study required by section 3 shall be reported to the President and Congress on or before the expiration of the 360-day period following the date of the enactment of this Act. Such report shall include the findings of the task force and its recommendations for such statutory and regulatory changes and other initiatives as the task force determines necessary in order to assist in the effort to reduce the use of chlorofluorocarbons and halons in the United States, to assure a smooth transition to the use of safe substitutes, and to meet the goals and other purposes referred to in section 1 of this Act.

AUTHORIZATION

SEC. 5. There is authorized to be appropriated such sum as may be necessary to carry out the provisions of this Act.

By Mr. THURMOND (by request):

S. 2506. A bill to extend the authorization of appropriations under the Runaway and Homeless Youth Act; referred to the Committee on the Judiciary.

THE RUNAWAY AND HOMELESS YOUTH ACT

Mr. THURMOND. Mr. President, today, at the request of the administration, I am introducing legislation to reauthorize the Runaway and Homeless Youth Act. The current authorization expires at the end of fiscal year 1988. This bill reauthorizes the act of 3 years through fiscal year 1991.

The Runaway and Homeless Youth Act was first authorized in 1974. At that time, the act addressed only the needs of runaway children. The scope of the program was further expanded in 1977 to include homeless youth. As the name suggests, the purpose of this act is to provide for the needs of runaway and homeless youth outside of the law enforcement and juvenile justice system.

Under this act, the Department of Health and Human Services provides grants, technical assistance and training to States, localities, and private entities for the purpose of developing local facilities to deal with the immediate needs of runaway and otherwise homeless youth and their families.

Specifically, through grants provided by the act the following programs have been possible: First, the runaway hotline is a 24-hour toll free number which children in need can call for assistance. In addition, this hotline also serves as the national youth suicide hotline. Second, a resource guide on combating juvenile prostitution was recently published. Third, in an effort to prevent children from running away, a project has been undertaken in cooperation with the private sector to go into the workplace and inform parents as to the warning signs of runaway behavior. Fourth, Operation Safeplace has been instituted in several communities. Through this project, local businesses are encouraged to display a safeguard sign and serve as a link to a local runaway youth center.

This bill reauthorizes a program designed to protect our Nation's most precious resource—our children. A proposal similar to this measure is contained in S. 1250, an omnibus reauthorization bill introduced by Senator

Biden. I am sure that the Judiciary Committee will give both of these proposals careful consideration. I ask unanimous consent that a copy of the bill be printed in the Congressional Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2506

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 331(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751(a)) is amended by striking all that follows "there is authorized to be appropriated" and inserting "$26,089,000 for fiscal year 1989, $26,611,000 for fiscal year 1990, and $27,050,000 for fiscal year 1991.".

By Mr. ROTH:

S. 2507. A bill to provide advance notification of plant closings and mass layoffs; referred to the Committee on Labor and Human Resources.

WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT

● Mr. ROTH. Mr. President, I rise this afternoon to introduce legislation requiring that workers be provided advance notice of the closing of the plant in which they are employed. The provisions of this legislation are identical to those of the plant closing section of the omnibus trade bill, H.R. 3.

As I stated on the Senate floor on Friday, giving workers notification of the intention to close the plant where they are employed is compassionate and decent. The procedure called for in this proposal is also the correct policy. Concerns over the rights of employers are mitigated by the relatively modest length of the notice period. For responsible employers this plant closing provision should not create a hardship.

Moreover, this proposal is proper because of its positive impact on the families of displaced workers and on the communities in which these fellow citizens work and reside. The notice procedure will cushion the financial and psychological blow of job loss, and it will help these individuals to make the transition to another form of productive, rewarding employment.

Mr. President, the plant closing bill I introduce today relates directly to the trade adjustment assistance [TAA] provisions of the trade bill; a program my colleagues know I care about very deeply. The Trade Adjustment Assistance Program [TAA] is the only Federal program specifically designed to help workers who are out of work as a result of imported goods and services. This program has helped approximately 11,150 Delawareans since 1974 and many more nationwide. I am pleased that my improvements to the existing TAA Program were included in the omnibus trade bill.

The effectiveness of TAA will be further enhanced by the plant closing notice provision I am introducing this afternoon. With the 60-day notice in place, workers about to lose their jobs will be better able to select the type of training they wish to undertake and will thereby be able to limit the impact of their job loss. Again, the negative impact upon the families and the communities touched by the plant closing will be moderated by successful training efforts. This undeniable linkage between plant closing and adjustment assistance presents another clear reason for action on this freestanding plant closing bill.

Mr. President, by now all should be familiar with the provisions of the plant closing proposal. My bill requires that companies with at least 100 workers give 60 days' advance notice of:

First, a plant closing that results in an employment loss for at least 50 employees at the employment site, and

Second, a layoff of more than 6 months that results in employment loss for 50 or more employees, if 33 percent of the work force at an employment site are affected, or that results in an employment loss for 500 employees, whether or not 33 percent of the work force is affected. The bill exempts employers with fewer than 100 fulltime employees and specifies that in calculating the number of employees who have experienced an employment loss, only employees working 20 hours or more a week and have worked for the employer for at least 6 months be included.

The bill provides exceptions to the notice requirement for unforseeable business circumstances and places limits on remedies for violation of the notice requirement.

Mr. President, the veto override failed by a very slim margin and it failed principally because of the inclusion of the plant closing language in the omnibus bill. The importance of this hard fought trade package, a bill that has been 3 years in the making, dictates that we move on quickly to consider a trade bill alternative. The President has expressed his willingness to do so. Elements of the leadership of Congress are ready to act. For us the path is clear if the will is present to enact a revised trade package.

I implore my colleagues to look beyond their partisan differences, to focus on the greater good for the economic future of the Nation and to move expeditiously to consider a second trade bill and a freestanding plant closing bill. My hope is that the bill I introduce today will represent a point of departure for development of a broadly accepted plant closing proposal; one that will receive administration and bipartisan congressional backing or will be enacted following a veto override.

By taking this approach we can all come away from the table winners and important trade policy legislation will have been put in place. The plant closing legislation I introduce today is an important step toward this end.●

By Mr. MOYNIHAN:

S. 2508. A bill to require that the United States Embassy in Israel be located in the city of Jerusalem; to the Committee on Foreign Relations.

LOCATION OF U.S. EMBASSY IN JERUSALEM

● Mr. MOYNIHAN. Mr. President, I was surprised to learn that the Secretary of State has challenged a position on the status of Jerusalem formally endorsed by a bipartisan majority of both Houses of Congress.

When I introduced S. 2031 on October 31, 1983, I was asked not to press for a vote but to leave the matter to quiet diplomacy by the Department of State. Quiet diplomacy has achieved nothing. I regret that it now appears to have been abandoned.

The view of the Senate on this issue having previously been made clear, I therefore reintroduce the bill.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2508

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Notwithstanding any other Act, the United States Embassy in Israel and the residence of the American Ambassador to Israel shall hereafter be located in the city of Jerusalem.●

ADDITIONAL COSPONSORS

S. 1393

At the request of Mr. Heinz, the name of the Senator from Maine [Mr. Cohen] was added as a cosponsor of S. 1393, a bill to amend title 39, United States Code, to designate as nonmailable matter any private solicitation which is offered in terms expressing or implying that the offeror of the solicitation is, or is affiliated with, certain Federal agencies, unless such solicitation contains conspicuous notice that the Government is not making such solicitation, and for other purposes.

S. 1817

At the request of Mr. Kennedy, the names of the Senator from Arkansas [Mr. Bumpers] and the Senator from New Jersey [Mr. Lautenberg] were added as cosponsors of S. 1817, a bill to amend the Internal Revenue Code of 1986 to provide that gross income of an individual shall not include income from U.S. savings bonds which are transferred to an educational institution as payment for tuition and fees.

At the request of Mr. Kennedy, the name of the Senator from Utah [Mr. Garn] was withdrawn as a cosponsor of S. 1817, supra.

S. 1897

At the request of Mr. Thurmond, the name of the Senator from Kansas

[Mr. Dole] was added as a cosponsor of S. 1897, a bill to recognize the organization known as the National Association of State Directors of Veterans' Affairs, Inc.

S. 2083

At the request of Mr. Heinz the name of the Senator from Vermont [Mr. Stafford] was added as a cosponsor of S. 2083, a bill to ensure that certain railroad retirement benefits paid out of the dual benefits payments account are not reduced, and for other purposes.

S. 2098

At the request of Mr. Hollings, the name of the Senator from Tennessee [Mr. Gore] was added as a cosponsor of S. 2098, a bill to amend the Federal Aviation Act of 1958 to prohibit discrimination against blind individuals in air travel.

S. 2136

At the request of Mr. Grassley, the name of the Senator from Arkansas [Mr. Bumpers] was added as a cosponsor of S. 2136, a bill to deny discretionary project funds to States that voluntarily reduce the period of availability of interstate highway construction funds for any fiscal year.

S. 2189

At the request of Mr. Adams, the name of the Senator from Nevada [Mr. Reid] was added as a cosponsor of S. 2189, a bill to create a Federal facility nuclear cleanup trust fund, to require the Secretary of Energy and the Administrator of the Environmental Protection Agency to enter into compliance agreements for environmental cleanup of Federal nuclear facilities, to create a special environmental counsel, to provide for research and development for Federal nuclear facilities, and for other purposes.

S. 2299

At the request of Mr. Leahy, the name of the Senator from Ohio [Mr. Metzenbaum] was added as a cosponsor of S. 2299, a bill to eliminate the exemption for Congress from the application of certain provisions of Federal law relating to employment, and for other purposes.

S. 2337

At the request of Mr. Lugar, the name of the Senator from North Dakota [Mr. Conrad] was added as a cosponsor of S. 2337, a bill to amend the U.S. Grain Standards Act to extend through September 30, 1993, the authority contained in section 155 of the Omnibus Budget Reconciliation Act of 1981 and Public Law 98-469 to charge and collect inspection and weighing fees, and for other purposes.

S. 2367

At the request of Mr. Lautenberg, the name of the Senator from Maryland [Ms. Mikulski] was added as a cosponsor of S. 2367, a bill to promote highway traffic safety by encouraging the States to establish measures for more effective enforcement of laws to prevent drunk driving, and for other purposes.

S. 2382

At the request of Mr. Melcher, the names of the Senator from South Dakota [Mr. Daschle], the Senator from Arizona [Mr. DeConcini], the Senator from Nevada [Mr. Reid], and the Senator from North Carolina [Mr. Sanford] were added as cosponsors of S. 2382, a bill to delay the implementation of a certain rule affecting the provision of health services by the Indian Health Service.

S. 2450

At the request of Mr. Chiles, the names of the Senator from Hawaii [Mr. Inouye], the Senator from New York [Mr. Moynihan], the Senator from North Carolina [Mr. Sanford], and the Senator from Oklahoma [Mr. Nickles] were added as cosponsors of S. 2450, a bill to provide Federal financial assistance to facilitate the establishment of volunteer programs in American schools.

S. 2495

At the request of Mr. Bond, the name of the Senator from Nebraska [Mr. Karnes], was added as a cosponsor of S. 2495, a bill to amend the Agricultural Act of 1949 to permit producers to plant supplemental and alternative income-producing crops on acreage considered to be planted to a program crop.

SENATE JOINT RESOLUTION 270

At the request of Mr. Riegle, the names of the Senator from Maryland [Mr. Sarbanes], the Senator from Maryland [Ms. Mikulski], the Senator from West Virginia [Mr. Rockefeller], the Senator from Wyoming [Mr. Wallop], the Senator from Minnesota [Mr. Durenberger], the Senator from Idaho [Mr. Symms], the Senator from Indiana [Mr. Lugar], the Senator from Michigan [Mr. Levin], the Senator from Texas [Mr. Bentsen], the Senator from Vermont [Mr. Leahy], the Senator from Alabama [Mr. Shelby], the Senator from Alabama [Mr. Heflin], the Senator from Arizona [Mr. McCain], the Senator from Colorado [Mr. Armstrong], and the Senator from Arizona [Mr. DeConcini] were added as cosponsors of Senate Joint Resolution 270, a joint resolution designating June 26 through July 2, 1988, as "National Safety Belt Use Week."

SENATE JOINT RESOLUTION 288

At the request of Mr. Boren, the names of the Senator from Idaho [Mr. McClure] and the Senator from Maine [Mr. Mitchell] were added as cosponsors of Senate Joint Resolution 288, a joint resolution to designate the week of June 5, 1988, through June 11, 1988, as "National Intelligence Community Week."

SENATE JOINT RESOLUTION 298

At the request of Mr. D'Amato, the names of the Senator from Michigan [Mr. Riegle], the Senator from Maine [Mr. Mitchell], the Senator from Missouri [Mr. Danforth], the Senator from Vermont [Mr. Stafford], the Senator from California [Mr. Wilson], the Senator from Delaware [Mr. Roth], the Senator from Oklahoma [Mr. Boren], the Senator from Louisiana [Mr. Breaux], the Senator from Arizona [Mr. DeConcini], the Senator from Massachusetts [Mr. Kennedy], the Senator from Rhode Island [Mr. Pell], and the Senator from Arkansas [Mr. Pryor] were added as cosponsors of Senate Joint Resolution 298, a joint resolution designating September 1988 as "National Library Card Sign-Up Month."

SENATE JOINT RESOLUTION 303

At the request of Mr. Shelby, the names of the Senator from Florida [Mr. Chiles], the Senator from North Dakota [Mr. Burdick], the Senator from Texas [Mr. Bentsen], the Senator from Alaska [Mr. Stevens], the Senator from Missouri [Mr. Bond], the Senator from Minnesota [Mr. Boschwitz], the Senator from Connecticut [Mr. Dodd], the Senator from Massachusetts [Mr. Kerry], the Senator from Oregon [Mr. Hatfield], the Senator from California [Mr. Wilson], the Senator from Maine [Mr. Mitchell], the Senator from Tennessee [Mr. Sasser], the Senator from Hawaii [Mr. Inouye], the Senator from Missouri [Mr. Danforth], the Senator from Wyoming [Mr. Wallop], the Senator from South Carolina [Mr. Hollings], the Senator from Connecticut [Mr. Weicker], the Senator from Michigan [Mr. Levin], the Senator from South Dakota [Mr. Pressler], the Senator from North Carolina [Mr. Helms], the Senator from Virginia [Mr. Trible], the Senator from Michigan [Mr. Riegle], the Senator from New Jersey [Mr. Lautenberg], the Senator from Pennsylvania [Mr. Heinz], the Senator from New York [Mr. D'Amato], and the Senator from Utah [Mr. Garn] were added as cosponsors of Senate Joint Resolution 303, a joint resolution to designate the month of October, 1988 as "National Lupus Awareness Month."

SENATE JOINT RESOLUTION 321

At the request of Mr. Bradley, the names of the Senator from Minnesota [Mr. Durenberger], the Senator from Missouri [Mr. Danforth], the Senator from Florida [Mr. Graham], the Senator from Mississippi [Mr. Cochran], the Senator from New York [Mr. Moynihan], the Senator from Maryland [Ms. Mikulski], the Senator from Rhode Island [Mr. Chafee], the Senator from Alabama [Mr. Shelby], and the Senator from Arkansas [Mr. Pryor] were added as cosponsors of Senate Joint Resolution 321, a joint resolution to designate the period commencing February 19, 1989, and ending February 25, 1989, as "National Visiting Nurse Associations Week."

SENATE JOINT RESOLUTION 324

At the request of Mr. DURENBERGER, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from North Carolina [Mr. SANFORD], the Senator from Massachusetts [Mr. KERRY], and the Senator from Virginia [Mr. TRIBLE] were added as cosponsors of Senate Joint Resolution 324, a joint resolution to designate February 1989 as "America Loves Its Kids Month."

SENATE JOINT RESOLUTION 326

At the request of Mr. MOYNIHAN, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Alabama [Mr. SHELBY], the Senator from California [Mr. WILSON], the Senator from Missouri [Mr. BOND], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Joint Resolution 326, a joint resolution designating June 12 through 18, 1988, as "Lyme Disease Awareness Week."

SENATE JOINT RESOLUTION 328

At the request of Mr. WEICKER, the names of the Senator from Florida [Mr. GRAHAM], the Senator from Wyoming [Mr. SIMPSON], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Iowa [Mr. GRASSLEY], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Missouri [Mr. BOND], the Senator from Arizona [Mr. DECONCINI], the Senator from Maryland [Ms. MIKULSKI], the Senator from Arizona [Mr. MCCAIN], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of Senate Joint Resolution 328, a joint resolution to designate the day of September 14, 1988, as "National Medical Research Day."

SENATE JOINT RESOLUTION 333

At the request of Mr. GORE, the names of the Senator from Vermont [Mr. STAFFORD], the Senator from New York [Mr. MOYNIHAN], the Senator from Arizona [Mr. MCCAIN], the Senator from Wisconsin [Mr. KASTEN], the Senator from Montana [Mr. BAUCUS], the Senator from Washington [Mr. ADAMS], the Senator from Arizona [Mr. DECONCINI], the Senator from Rhode Island [Mr. CHAFEE], the Senator from North Dakota [Mr. CONRAD], the Senator from Utah [Mr. HATCH], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Joint Resolution 333, a joint resolution to designate the week of October 9, 1988, through October 15, 1988, as "National Job Skills Week."

SENATE CONCURRENT RESOLUTION 97

At the request of Mr. ADAMS, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of Senate Concurrent Resolution 97, a concurrent resolution to commend the President, the Secretary of State, and the Administrator of the Agency for International Development on relief efforts that have been undertaken by the United States Government for the people in Ethiopia and other affected nations of sub-Saharan Africa, and encourage these officials to continue to extend all efforts deemed appropriate to preclude the onset of famine in these nations, and for other purposes.

SENATE RESOLUTION 394

At the request of Mr. HEINZ, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of Senate Resolution 394, a bill expressing the sense of the Senate that funding in fiscal year 1989 for the Federal-aid highway and mass transit programs should be at the levels enacted in the Surface Transportation and Uniform Relocation Assistance Act of 1987.

SENATE RESOLUTION 408

At the request of Mr. MITCHELL, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of Senate Resolution 408, a resolution to condemn the use of chemical weapons by Iraq and urge the President to continue applying diplomatic pressure to prevent their further use, and urge the administration to step up efforts to achieve an international ban on chemical weapons.

SENATE RESOLUTION 409

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of Senate Resolution 409, a resolution to express the sense of the Senate regarding the Community Development Block Grant and Urban Development Action Grant Programs.

SENATE CONCURRENT RESOLUTION 125—RELATIVE TO PROJECT IMPACT OF THE COMBINED ACCIDENT REDUCTION EFFORT

Mr. BREAUX (for himself and Mr. JOHNSTON) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 125

Whereas the Combined Accident Reduction Effort was established to reduce the number of tragic accidents that occur on the Nation's highways;

Whereas the agencies participating in the Combined Accident Reduction Effort are indirectly involved in narcotics enforcement;

Whereas the Combined Accident Reduction Effort recognizes the ever-increasing problem of intoxicated drivers' involvement in the carnage that occurs on the Nation's highways;

Whereas, at its 1987 national conference, the Combined Accident Reduction Effort resolved to initiate Project Impact, a united effort in drug education;

Whereas Project Impact will prepare an informational booklet to teach adults about the problems of drug abuse, with the hope that adults who read the booklet will in turn teach their children about the subject;

Whereas Project Impact's informational booklet will be distributed by State police departments and highway patrol agencies throughout the Nation; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that Project Impact of the Combined Accident Reduction Effort should receive the support of every State in the Nation and should be recognized as a model project for education of the Nation's youth.

● Mr. BREAUX. Mr. President, today I rise to submit a concurrent resolution endorsing a valuable drug education program, known as Project Impact, that has been undertaken in my home State of Louisiana.

As a nation, we are continuing to grow in our recognition that the United States is suffering from an epidemic of drug abuse. The country's attention was captured in 1986 by the deaths of two of America's most talented young athletes and has been held ever since by the horrifying increase we are seeing in the abuse and distribution of crack. The war on drugs is finally beginning to be taken seriously, as it should be, and we must maintain a focus of attention on this issue.

The Louisiana State Police Department is moving aggressively in this fight. Part of their response has been to undertake an initiative, known as Project Impact, to help put a stop to the demand for illegal drugs by the most vulnerable members of society, our young. This is a model program of drug education based on the publication and distribution of a straightforward, frank and comprehensive publication to be used by individuals, schools, churches and youth groups to educate Louisiana's young people.

Unfortunately, the laws of supply and demand apply to the illegal drug market, just as they do nearly everywhere else. We need to work on shutting down the demand for drugs within our own borders just as we need to cut off the supply of drugs coming into this country from outside. The way to do this is through education. If we teach our children what can happen to them if they take drugs, and if we learn to recognize the signs that go along with drugs abuse and dependency, we will have gone a long way toward preventing the exposure of a whole new generation of Americans to the plague of drug abuse that we are seeing now.

Mr. President, the resolution that I am submitting today would endorse the efforts of the Louisiana State Police in the Project Impact initiative and encourage all of the 50 States to adopt this educational approach themselves. I urge my colleagues to join me in this effort by cosponsoring this resolution and by continuing to promote the role of education in the war against drugs.

Mr. President, I ask unanimous consent that a report entitled "Impact, Action Against Drug Abuse" be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

IMPACT—ACTION AGAINST ABUSE

The unlawful use of drugs continues to be one of the most serious problems facing our society. We live in a permissive society where the illicit use of drugs is often accepted, glamorized, and even encouraged through the media. It is not unusual to hear that our role models or heroes, such as major motion picture stars, professional athletes, legislators, etc., have been arrested for drug violations.

Research conducted by Law Enforcement across the United States estimates from 60 to 80 percent of all crimes committed are in some way connected to illegal drugs.

During a 20 month period ending January 31, 1987, over $130,000,000 worth of illegal drugs were seized by Lousiana State Police narcotics agents. In this same time period troopers arrested 1,065 persons for narcotics violations. The tremendous ongoing activities of our State's narcotics agents have been supplemented by the "Criminal Patrol" program, responsible for an additional seizure of $21,000,000 worth of illegal drugs. In fact, their able assistance has insured the success of this Program.

CRIMINAL PATROL TECHNIQUES

Early 1985 found the Lousiana State Police conducting an indepth analysis of our State's crime problem. We found during this study, that like the rest of the United States, the crime rates in our State were escalating. We identified two characteristics of this crime trend. First, that the modern criminal was mobile. With the advantage of express highways a crime could be committed in the morning in one end of the state, then within a very short time span, the criminal would be hundreds of miles from the scene. Second, illegal drugs were both cause and result of a large percent of the crimes.

Our Governor said it very clearly, "In Louisiana, illegal drug trafficking is our number one crime problem." Realizing these facts, an intensive effort was launched to train our troopers to "look beyond" routine traffic offenses. As the result of this effort in the first twenty months of the program significant progress has been made in identifying the criminal activity in our state.

We need your help!!

As successful as our Criminal Patrol program has been, we know that to have a long range effort on crime in our State we must look towards involvement by all citizens. We know that "an ounce of prevention is worth a pound of cure."

We are launching a Statewide Education/Prevention program. The Program is titled "PROJECT IMPACT." We implore all citizens of Louisiana to join us in an intensive effort of education and prevention.

Help us preserve our greatest national resource—our children.

Sincerely,

Col. WILEY D. MCCORMICK,
Deputy Secretary.

RECOGNIZING THE DRUG EPIDEMIC!

Today is no different than any other day. You got up, turned on the morning news or opened the newspaper. Like most mornings, there was another drug-related death, a fatal accident involving a drunk driver and a teenage suicide . . . Pass the orange juice.

Wait! Today can be different! Today you can join the war against substance abuse. It is a war with casualties. You have been reading about them for years. It's a war that has reached every nook and cranny of this great country. It has crossed religious, political, racial, educational and economical boundaries. It's a war we must win, or suffer irrevocable damage to this country's most valuable resource—our people—your family and mine, our children and our children's children.

What happened? How did we get here? Why drugs?

1. Medicine cabinet mentality—We have been led to believe by media advertisements that whatever ails us can be solved by opening the "medicine" cabinet. From headaches to toe aches, there is a pill, a powder or elixer to fix it.

2. Ignorance—While we were searching for ways to "feel" good in our medicine cabinets, unscrupulous people began to take advantage of this mentality by introducing the euphoria of alcohol, heroin, cocaine, marijuana and a whole cluster of "feel good" drugs.

3. Economics—The illicit drug market represents millions, no, billions, of dollars—"Because of the money involved, greed is a real factor."

4. Escapist Mentality—Since it was discovered that drugs could help escape reality, if only for a little while, people have jumped at the chance, only too late to discover the price of dependence or addiction.

5. "What? Me worry?" Some people have long held, either there was no drug abuse problem, or that it did not affect them directly. These people are quickly finding it affects us all.

These are just a few of the more obvious excuses and reasons.

What is a drug?

A drug is "any chemical substance that brings about physical, emotional or mental changes in people."

What is substance (drug) abuse?

Substance (drug) abuse is the "use of a chemical substance, legal or illegal, to the point of causing physical, mental or emotional harm to a person. There are four (4) basic types of substance abusers:

1. Experimenters who try one or more drugs out of curiosity.

2. Recreational users who "get high" on special occasions or at parties.

3. Regular users who use drugs constantly to achieve or maintain a desired "state", yet who attempt normal activity at home, work, or school.

4. Dependent users—those who have become "hooked" physically or emotionally to a drug or drugs. Their existence centers on obtaining and using drugs.

What can I do? What can we do?

Project Impact came about because of people like you. People who are frustrated with the devastating toll substance abuse is taking on our families, friends, and neighbors.

Project Impact is a comprehensive program of substance abuse education aimed at informing, then mobilizing—individuals to join in a team effort to stamp out substance abuse.

This book is part of a comprehensive program consisting of written materials, video tapes and seminars conducted by the Project Impact Staff. These materials have been developed and formulated for different age groups. For more information on these programs, please fill out the enclosed form and mail today.

IT'S YOUR CHOICE!—IT'S YOUR LIFE

A few years ago there was a popular program called "This Is Your Life." The show featured a person whose life story was told. Did you ever stop and think what it would be like if your life story unfolded before your eyes? Would it be a series of excuses? The largest single problem we are faced with today is substance abuse. Hardly a day goes by we don't hear a tragic story of someone ruining or losing their life because of drugs.

Did you know you have a choice? You can decide not to do drugs * * * WHY?

Accidents—With loss of control of your normal body functions, the chances of accidents increase ten fold.

Illness and health problems—Drug users tend to ignore good health habits. Many of the methods used to consume drugs encourage infection, disease, long term illness, and even death.

Fear is not an effective deterrent to teen drug use. Kids who turn down drugs base their choice on self image.

Loss of friends—Users are losers! The only "friends" drug users have are drugs!

Getting hooked—Call it dependency or not * * * when your whole existence is centered around drugs—you lose.

Against the law—Are you prepared to throw away your life's dream and goals to sit in a jail cell?

Financial burden—Drugs are expensive! So are the related health and legal problems that, more often than not, accompany illicit drug use.

Crime—Drug users commit crimes to support habits.

It's Your Choice

The choice to NOT do drugs or to STOP doing drugs and to be able to "stick to" the decision, can be one of the most difficult and most important of your life. It will determine the quality of your life, and possibly life itself. Most parents realize that drugs are everywhere, and almost every teen knows where and how to get them. Drugs will continue to be around as long as there are people who want to use them. Making the decision not to drugs once will not be enough, unfortunately. The choice will appear again and again, in different circumstances and in different guises. Saying "NO" will probably not be any easier the hundredth time than it was the first time.

It's Scary!

It's OKAY to be scared. Who do you believe? What do you believe? There is all kinds of information going around. There are some people who apparently seem to be able to "get away" with doing drugs. They don't seem to suffer any terrible effects. They are the ones who promote drugs as being "great." They are the ones who will point out to anyone that will listen, how harmless drugs are, and try to persuade you to "get with it." They are filled with lots of information based on hearsay or facts which are normally one-sided, twisted or misquoted, to condone their own use. If you choose NOT to do drugs, you may be scared of losing your friends, being lonely or rejected. The urge to conform is a strong motivator. The acceptance of your "friends" can be a stronger factor than the approval of your parents, who often take a "backseat" in your opinions.

Gain Courage Through Facts and Support

Before you have to make a choice, get the facts. Talk to your parents about drugs. Read information such as that included in this publication. Ask your teacher, counselor, or physician. Share the facts with friends, and form your own support group against drugs. Get involved with activities that are non-drug oriented, such as sports, the arts, and school activities. IF A FRIEND GETS STUCK, HELP THEM SAY NO!

HOW TO SAY NO!—IT'S YOUR BODY, YOUR MIND—YOUR CHOICE

You have made a decision. You are not going to use drugs; but, sometimes getting the word out can be tough. It just gets stuck even with strong convictions. Here are some ways other teens have found to say NO to drugs. One way may be easier than another for you; maybe you can come up with your own.

Learn To Say NO

We are many times faced with circumstances and situations which make us feel uncomfortable. We want to say NO, but how do we?

You should understand some basics:

1. You have a right to say NO to anything that could put you in jeopardy—especially illicit drugs.
2. You do not have to explain your reason for saying NO!
3. The most effective way to deal with a situation is up front—face to face—then get on with other activities.

Working Together To Say NO

People helping people has proven to be the most effective weapon in the war against substance abuse. There are groups of all ages forming everyday. The focus ranges from education to positive support for peer group members recovering from some form of substance abuse. "Positive peer pressure works * * *" is what we hear from many such groups. It's no secret any more that the "sickness" of drug abuse has crept into every element of society, even our elementary schools.

We know that the ultimate decision whether to experiment and/or use "drugs" rests with each individual's support groups. Positive peer groups have a significant effect!!!

In the end, though, the beginning is with YOU. You say NO. You gather together others whether it's one or one hundred, and say NO.

SO JUST SAY NO!

Here are some "NO" helpers, but remember, you are not alone! There are thousands, no millions, saying NO. (See address in later part of this book for support names and numbers.)

NO!
I DON'T DO DRUGS!
SORRY, IT'S AGAINST MY RELIGION
DRUGS? ARE YOU CRAZY?
WHAT'S YOUR PROBLEM?
NO THANKS * * * IT WOULD RUIN MY IMAGE
NOT MY STYLE
NOT MY THING
ARE YOU NUTS?
SORRY, I QUIT!
NO THANKS, NOW LET'S TALK ABOUT SOMETHING INTELLIGENT
DOPE IS FOR DOPES
DRUGS ARE FOR DUMMIES—THAT'S WHY
THEY CALL IT DOPE!
I GOTTA WASH MY SOCKS
CHILL OUT!

Don't say anything, just walk away! Remember a real friend helps a friend say NO to drugs.

"I AM A CONCERNED PARENT . . . WHAT CAN I DO?—PARENTAL INVOLVEMENT

Substance abuse and its ugly realities have come out of the closet. Everyday we are faced with the realities of substance abuse. We see it through the media, or even worse, through personal experiences. Family, friends, neighbors, co-workers—the list goes on. The point is that we can no longer wait for the "other guy" to solve the problem. We must become involved.

Consider surveys across the country showing fourth graders using alcohol, experimenting with marijuana and pills. Fifth and sixth graders dealing, not just using, but dealing. No longer is it high school kids just being kids. Drugs have infiltrated our grade schools.

Scare tactics don't work—youngsters can relate a hundred instances where a drug didn't harm anyone. Education alone is not enough. Parents have assumed that once young people know about the potential dangers, they will make appropriate, rational decisions about drug use. Unfortunately, this approach isn't enough. Humans are not exclusively rational creatures and even though factual information enters into decisions, specialists feel the most effective approach to the prevention of chemical abuse is to combine factual information with the development of good skills in decision making, communications, and saying "NO" effectively.

An effective prevention program needs to affect the individual on all levels—how the person thinks, feels and acts.

Children at risk tendencies of children most likely to abuse drugs:

1. Family history of drug or alcohol abuse
2. Family history of criminality
3. Poor parental child raising practices
4. Parental permissiveness towards drug use or are drug abusers themselves
5. Early antisocial behavior or aggressiveness in school—lack of commitment in getting an education
6. Academic failure in school, especially late elementary
7. Socializing with known drug users
8. First use of drugs before age 15

I . . . YOU . . . WE!

Here are some suggestions designed to help parents communicate with their children without fear, doubt, or embarrassment, but with information, understanding and concern:

1. Remember your feelings and experiences when you were their age.
2. Be informed! Read information, such as included in this book, attend seminars and workshops, discuss the information with friends and neighbors. Use the media to bring up discussions with your children about the effects and consequences of drug use.
3. Be a role model. Examine your attitudes toward drug and alcohol use honestly. Devise rules regarding drug use, state them clearly, as well as the means of discipline that will be administered for infraction of the rules.
4. Communication. Probably the best weapon you have to prevent drug abuse is communication. Good communication skills take practice, and it's never too late to start. Make it a point to set aside time every day to talk with your children. Listen actively and respond honestly, clearly and nonjudgementally, encouraging your children to talk about their feelings and thoughts.
5. Respect. Treat your child with respect and expect the same from them. Keep negative criticism and sarcasm out of your conversations. Be consistent with rules and consequences. Tell your children the reasons for making decisions that will affect them. Above all . . . retain your sense of humor.
6. Do not let yourself be intimidated by the subject of drugs. Don't let the reluctance or hestitation of your children to discuss drugs deter you. Be firmly persistent. It is a subject that needs to be discussed openly, honestly, and frequently.
7. If there is experimentation or the possibility of usage, it is important to carry through with disciplinary action and constructive discussion. Do not make assumptions or accusations. Do not make them feel guilty. Discuss the problems and the solutions. Confront the issue, not each other.

Alternatives Do Work! Prevention programs work when choices are provided; a choice that is more inviting than turning to drugs and alcohol. Prevention programs will instill self-worth in people who have lost those good feelings about themselves.

8. Recognize you can make a difference. The way a problem is handled can deter further drug use. Do not blame yourself for something you had no control over, your child's decisions and actions.
9. Get involved with other teen groups. A community that works together can be a lot more effective than a single parent. Meet your children's friends and their parents. Talk with them about drug free activities, curfews and school projects. Have some fun with your kids and their friends.
10. Be alert! Early intervention can make the difference.

ACTIVITY VS BOREDOM VS DRUGS "NOTHING TO DO!"

All of us have said it, or heard it hundreds of times! The fact is children who are bored are easily led into situations where drug experimentation and use is inevitable. Look around your town and neighborhood and ask yourself and your children some questions.

1. What kind of entertainment facilities are available in your area?
2. What are the conditions of those facilities? Are they clean? Are they supervised? Do you know the kids that use the facilities? What age group? Would you allow your children to frequent all or part of the existing facilities?

3. If there are too few or inadequate facilities available in your area, what can you do to improve the situation?

4. Are there alternative activities offered in your town or neighborhood to keep young people interested and occupied?

5. Are there any undesirable places such as streets or questionable entertainment places, where young people gather, that you feel should be improved? What efforts have you or other parents made to better the situation?

6. Discuss with your children and their friends what type of activities and entertainment they would enjoy. What do they like to do? Stay in touch with today's current trends for amusements.

7. Get young people involved in planning and participating in groups such as "S.A.D.D.", Junior Achievement, Scouts, 4-H Club, etc.

The media and drug abuse.

The media sits in a unique position. On one hand, much of the "Entertainment" offered glorifies, through exciting plots, substance abuse situations. On the other hand, news and news specialists tell of the tragedies surrounding substance abuse and abusers.

It seems inconsistent! Good old supply and demand. As long as we tell the media we want "Entertainment" that dramatizes, glorifies . . . as long as the so-called "Beautiful People" of the soaps and other flashy programs entertain us, the media will produce and show us what we want.

Can we afford it? Do we really want our children to receive the mixed messages? Do our children see the entertainment and not the real world through the news?

Did your kids watch the news tonight? Did you?

COCAINE

Classification: Narcotic (Possession and Distribution is illegal) The most potent stimulant of natural origin. Pure Cocaine, the principal psychoactive ingredient was first isolated in the 1800's. It was used as an anesthetic in eye surgery in which no previous known drug had been suitable. Because of its ability to numb tissue while simultaneously constricting blood vessels and limiting bleeding, it became particularly useful in nose and throat surgery. Its therapeutic applications are now almost obsolete since the development of safer drugs as local anesthetics.

Source: Coca bush leaves. Cultivated in the Andean Highlands of South America.

Slang Terms: Coke, toot, tootski, blow, snow, candy, Bolivian marching powder, C, happy dust, go dust, magic dust, powder.

Did you know?

Cocaine is "the great reinforcer." The thing to fear is cocaine itself—it stimulates its own use and makes you feel good.

Appearance: After harvesting, coca leaves are first processed into a paste. The paste is made into a white crystalline powder, often diluted by a variety of other ingredients. The most common dilutents are sugars, such as lactose, inositol. Also local anesthetics, such as lidocaine and mannitol are used. The cocaine powder may have a yellow or pink tint.

Because of the cost of the illicit cocaine, that is a tendency to adulterate, or "cut", the product at each level of distribution.

"CRACK"

"Crack or Rock": Cocaine processed into what looks like tiny chips—having the appearance of pieces or slivers of soap with the pure look of porcelain. They are usually packaged in small plastic vials. Crack is cocaine in a purer form.

Effects:

Acts as a stimulant to the Central Nervous System.

A *"rush"* of pleasurable sensation, a feeling of well-being, sharpened or heightened psychic and body energies.

Generates *"thrill"* of renewed confidence, strength and endurance.

Quickened pulse and circulation.

Generates *"feeling"* of increased and intensified sexuality.

Hallucinations.

The euphoric *"high"* tends to last for approximately 30 minutes, depending on the purity of the cocaine. As the user comes down it leaves him with the feeling of wanting more to obtain that same level of sensation.

True story:

Five people, four young adults and a 2 year-old baby girl went out to the lake to continue their party. They had been "partying" for several hours and a midnight swim suddenly sounded like fun. The "party" had started with some beer and marijuana. Then someone decided they needed a little "coke."

The driver had driven that road hundreds of times. It was a favorite spot on a hot summer night. But this night he didn't make the second curve—probably didn't even see it.

The car was found upside down in the ravine about 12 hours later. Because of the density of the foliage and trees, it couldn't be seen from the highway. They found the baby girl thrown clear from the wreckage, probably dead on impact. The other four, one hanging out the windshield, had not been so lucky.

When the car was searched, sheriff's officers found a large quantity of marijuana, some cocaine, and a partially consumed case of beer. It was estimated the car had been traveling in excess of 100 miles per hour.

DANGERS:

Addiction—psychological and physical.

Escalation of seemingly pleasant senations leads to excessive use and dependency.

Over-excitability, anxiety.

Paranoia, depression—suicidal tendencies.

Increased pulse rate, rapid heartbeat, increased body temperature.

Headaches.

Nausea, vomiting.

Lung damage and respiratory problems.

Distorted thinking.

Irreversible brain damage.

Inability to operate machinery that requires motor skills and coordination.

Inability to drive motor vehicles.

Overdose can cause convulsions, respiratory paralysis or DEATH.

Chronic use can destroy nasal tissues.

Ways cocaine is used:

Cocaine, powder form: Sniffed or snorted, usually on a smooth surface such as a mirror or glass table and cut (divided) with a razor blade to fluff up the powder while separating it into smaller amounts—"lines". These are sniffed into one nostril with the aid of a straw or makeshift straw.

Freebasing: Consists of mixing the powdered cocaine with ether or sodium hydroxide (baking soda) which separates the active drug from its salt base. Cocaine Hydrochloride (powder form) is not a highly volatile or burnable substance. Conversion of the powder to the "freebase" yields a substance which will become volatile when heated. The salt base dissolves leaving the pure "coke" granules. A gram of "street coke" yields approximately ½ gram of "freebase." the coke is then smoked in a pipe, usually made of glass, filled with water or rum. To keep the cocaine from draining into the large bowl where the vapor or smoke is collected, the smaller bowl above is lined with several layers of wire mesh. Heat is applied steadily to the upper bowl which vaporizes the "freebase." Lighters, matches, or butane torches are used for heating.

Inhalation of the cocaine fumes produces effects which are very fast on the onset, very intense—and quickly over. Because of the intensity of its pleasurable effects, freebasing has the potential for extraordinary pyschic and physical dependency and addiction.

Another hazard is the possibility of fire. Users have been severely burned or died when the open flame has been placed too near the rum or the ether causing it to ignite.

Crack: Also known as "rock," it is a purer form of cocaine. "Crack" has become the new drug of choice.

Special paraphernalia is not necessary. It can be smoked in an ordinary pipe with no preparation unlike freebasing, since it is bought and sold in the processed form. The low cost ($5 to $10 a "hit") and the extremely potent high contribute to the popularity of this new form of cocaine.

Did you know?

Cocaine is an addictive drug leading to physical and psychological dependence. Researchers have found that an addicted animal will prefer cocaine to food, even if starved.

The "high" is of short duration. The coke reaches the brain in 10 seconds or less, lasts from five to twenty minutes, followed by a crashing, devastating low. This contributes to the need to smoke again to maintain the desired level of sensation. The cycle of highs and lows reinforces and increases the dependency. Addiction quickly follows.

"COCAINE BABIES"—THE EFFECTS ON THE UNBORN CHILD

Cocaine . . . and the unborn child: An estimated six million people are now using cocaine on a regular basis. The question arises: What will happen to the children of parents who use drugs? Physicians are concerned. They urge expectant mothers not to use any drugs, alcohol or even smoke commercial cigarettes while pregnant. Because of the pattern of abnormalities, researchers and physicians are placing the blame on the growing rise of illicit drug abuse, particularly cocaine.

The use of cocaine has been found to contribute to premature birth and the higher risk of miscarriage. The research of cocaine babies and the effects of the drugs on unborn children has barely begun. Indications suggest cocaine contributes to physical and mental defects such as visual problems, severe learning disabilities or retardation, deformity, respiratory problems, paralysis, severe difficulties in motor movements, and kidney failure.

Many infants begin life in a horrible, agonizing state of withdrawal from cocaine addiction, a suffering that can last as long as three weeks.

Only long range studies can determine if genetic disorders or other problems result from drug use.

Did you know? At a street value of $100 per gram, cocaine is more than six times the price of gold! So buy some gold dust instead . . . It's no good for snorting and it's Legal!!

Did you know? Withdrawal symptoms do occur when the usage is stopped. The effects are not as easy to see as heroin withdrawal symptoms, but are just as real. The most profound symptom is an intense craving for more cocaine. If this craving is satisfied, then the user has only delayed and intensified the inevitable symptoms of exhaustion, irritability, loss of energy and depression.

Indications of cocaine abuse:

Extreme and uncommon excitability, anxiety, uncontrolled talkativeness

Difficulty in focusing the eyes

Sniffles-runny nose

Teeth-grinding

Distorted thinking

Paraphernalia, such as small spoons, razor blades, smooth surface such as a mirror, straws, lightly rolled money or paper, unexplained items such as ether, small torch, pipes, bowls, or small vials

Paranoia

Sleeplessness, chronic fatigue

Possibility of use of alcohol or sedative-hypnotic drugs to reduce "come down jitters"

MARIJUANA

Classification: Narcotic (illegal possession or distribution).

Cannabis Satavia L. There are over 421 chemicals in marijuana. These increase to over 2,000 when smoked. One of the psychoactive cannabinoids that causes the "high" is Delta-9-Tetrahydrocannabinol (THC) the higher the content, the more intoxicating and the more harmful it becomes. Marijuana has been used on an experimental basis in the treatment of glaucoma. The most recent active area of research is for the control of nausea and vomiting, both side effects of cancer chemotherapy.

Source: Hemp plant, which grows wild in most of the tropic and temperate areas of the world. Most wild U.S. marijuana is considered inferior because of a low concentration of THC. However, the domestic marijuana crop is up to ten times stronger than that growing wild ten years ago. Marijuana is being cultivated in scarcely populated areas. It is often mixed with underbrush and trees making it difficult to detect. State and National "Seek and Destroy" Agencies are working together to eliminate wild and cultivated growth.

Did you know? Research shows that driving skills are impaired for at least 4 to 6 hours after smoking one marijuana cigarette.

Slang terms: Pot, grass, weed, reefer, lid, smoke, joint, roach.

Appearance: Marijuana plants have an odd number of leaflets (5, 7, 9 etc). The plant can grow up to 20 feet high. Manicured marijuana is a finely ground green substance which looks like coursely ground oregano or thyme. In loose form it is generally packaged in small plastic sandwich bags.

In brick form—Large pieces of Marijuana twigs, leaves, stalks, and seeds are compassed into blocks, called "kilobricks" measuring 5″ X 2½″ X 12″.

Cigarettes—generally hand rolled smaller than commercial type and crimped at both ends to keep the fine ground marijuana from falling out.

Hashish: Also derived from the Hemp plant is a light green-brown, dark brown or black oblong cake from ¼″ to ¾″ thick broken into irregular cubes or chunks and sold by the gram. Hashish is more concentrated than marijuana and the effects are intensified.

Hashish oil: The name comes from the drug culture. It is misleading in suggesting any resemblance to hashish other than its objective of further concentration. It is produced by a process of repeated extraction of marijuana plant materials which yields a dark brown liquid. Current samples test about 20% THC. In effect a drop of two or this liquid on a commercial cigarette is equal to one "joint" of marijuana.

Did you know? Urine tests can detect THC metabolites for up to a week after someone has smoked marijuana. Marijuana stays in the body for up to 28 days.

Research shows that one of the major concerns about the effects of marijuana in young people is that the younger the marijuana user, the more likely he or she will experiment with other drugs. Young people who begin to use marijuana on a regular basis tend to lose interest and motivation in school, attendance usually drops off, attention wanders. The effects of marijuana can interfere with learning by impairing thinking processes, lowering reading comprehension, and affecting verbal communication. Students do not remember what they have learned when they are "high".

Did you know? Marijuana use can reduce or cause temporary loss of fertility. Research indicates the use of marijuana during pregnancy may result in premature birth and low birth weights.

Effects: The effects are felt within minutes, reach their height in 10-30 minutes and may linger for 2 to 3 hours.

A condensed description of these effects is apt to be inadequate or misleading as so much depends on the potency of the drug, the expectations and experience of the user. The stronger the dose, the amount ingested, the more intense the effects and reactions.

Did you know? While alcohol does dissipate in a matter of hours, marijuana stays in the body for 28 days.

Changes of sensory perception—heightened sense of sight, smell, taste, touch and hearing.

Restlessness and an increased sense of well-being followed by a dreamy state of relaxation.

Flight of fragmentary thoughts—inability to concentrate.

Dulling of attention, despite illusion of heightened insight.

Feeling of intoxication.

Ways marijuana is used: The most popular form is smoked in the form of loosely rolled cigarettes called "joints" or in a pipe. Marijuana paraphernalia is a big business. Marijuana is also ingested in foods such as brownies, cakes, and brewed into a "tea".

Dangers:

Rapidly changing emotions—reckless or erratic behavior.

Distortion of time and images.

Reduces motor skills coordination.

Altered sense of identity.

Impaired memory.

Hallucinations, fantasies, and paranoia.

Lung damage—5 marijuana cigarettes is equal to 125 commercial cigarettes and contains many more cancer-causing chemicals than regular tobacco.

Continued use leads to increased tolerance levels, requiring more and more marijuana to achieve same "high" sensations. Prolonged use leads to physical and mental dependence and addiction.

Indications of abuse:

Paraphernalia such as roach clips, rolling papers, pipes. Other physical evidence such as seeds or leaves in pockets, or plastic sandwich bags, small butt ends of a marijuana cigarette (roach).

Eating binges (munchies).

Excessive laughter.

Eyes look glassy, white's become red (bloodshot).

Excessive use of room fresheners, incense, breath mints.

An odor similar to burnt rope.

An appearance of intoxication.

Did you know? In a survey of 17,500 11th graders, it was found that 70% had been high on either alcohol or drugs by age 16. 45% has used marijuana and 65% had been drunk.

DEPRESSANTS

Classification: Taken as prescribed by a physician, depressants are beneficial for the relief of anxiety, irritability, stress and tension. In excessive amounts they produce a state of intoxication similar to that of alcohol. There is a broad range of legally prescribed depressants.

Barbiturates, prescribed to induce sedation and sleep such as Nebutal, Seconal, and Amytal. These are the most sought after by abusers.

Librium and Valium are among the most widely prescribed depressants in this country. When taken to obtain a "high" they are usually taken in conjunction with another drug such as alcohol.

Source: Synthetically produced drugs—Regulated and controlled substances.

Slang terms: Downers, red devils, barbs, goofballs.

Appearance: Pills or capsules in varying shapes, sizes and colors.

Ways of abuse: Generally taken orally, but sometimes injected directly in the bloodstream.

Effect: As in the case of alcohol, effects vary from person to person and the strength and potency of the drug used.

Symptoms: Mild to heavy sedation; temporary sense of well being; can produce mood depression; impaired and slowed thought processes and judgment; loss of motor control; disorientation.

Indications of use of depressants: Drowsiness; confusion; slurred speech; lack of coordination.

Detoxification and treatment must be under close medical supervision.

Did you know: Babies born to mothers who abuse depressants during pregnancy may be physically dependent on drugs. Withdrawal symptoms may include breathing problems, feeding difficulties, disturbed sleep, sweating, irritability and fever.

Dangers: Tolerance develops rapidly leading to a progressive narrowing of safety and lethal dose. Increasing dosage to maintain sensation.

Addiction follows

Impaired judgment

Loss of motor control and coordination

Use with alcohol increases intensity of drug

Common means of suicide among women

These are some symptoms of severe depressant poisoning: Coma; cold, clammy skin; weak rapid pulse; death can follow if not counteracted by proper medical treatment

Did you know? Depressants also serve as a means of suicide by overdose, particularly among women.

Withdrawal syndrome: a medical emergency more serious than that of any other drugs abused

Detoxification—within 24 hours;

Anxiety and agitation begin; loss of appetite; nausea and vomiting; increased heart rate and excessive sweating; trembling; abdominal cramps; convulsions

The symptoms peak during second or third day of abstinence on short acting barbiturates—but may not peak until seventh or eighth day of abstinence from long acting drugs. It is during the peak that the withdrawal symptoms are intensified.

STIMULANTS

Classification: (Synthetics) Amphetamines, Phenmetrazine, Methylphenidate, Anoretic drugs

Source: Controlled substances are available as prescriptions for medical purposes, however, they are also illegally manufactured in hidden laboratories for distribution on the illicit market (Speed Labs)

Appearance: Pills, capsules in varying shapes, sizes, colors

Slang terms: Pep pills, meth, speed, bennies, uppers, wake-ups, sky-rockets.

Ways of abuse: Generally taken orally, but sometimes injected directly into the bloodstream—called a "rush" or "flash". Also can be inhaled.

Effects: Feeling of strength—super abundance of energy, hyperactivity; temporary sense of exhilaration; extended sleeplessness; loss of appetite; irritability, anxiety and apprehension.

Withdrawal syndrome; Disturbed sleep for up to 20 hours.

Dangers: Because of the cumulative effects of the drugs, chronic users often develop a pattern of taking "uppers" in the morning and "downers" (depressants) at night. This interferes with normal body processes and can lead to mental and physical illness.

The use of stimulants is followed by a period of depression—"crashing". This depression can be counteracted by taking stimulants. This creates a pattern increasingly difficult to break.

Paranoia—Hallucinations

Tolerance creates need for more and larger doses to maintain level of sensation

Indications of use of stimulants: Teeth grinding; performing same tasks over and over; suspiciousness—paranoia; hyperactivity; extended sleeplessness; loss of appetite; extreme irritability and anxiety; dryness of mucous membranes

Overdose symptoms: Continued high dosage can result in convulsions, high fever, cardiovascular collapse and possibly death. Other symptoms include: Dizziness; tremors; hostility; panic; headaches; excessive sweating; chest pains; abdominal cramps; vomiting

Many experts now believe these symptoms indicate that stimulant drugs are capable of producing physical dependency. Whether the withdrawal syndrome is physical or psychological is academic since stimulants are recognized among the most potent agents of reward and reinforcement that underlie the problem of dependence and addiction.

Did you know? Long term heavy use of amphetamines can lead to malnutrition, skin disorders, ulcers and various diseases that come from vitamin deficiencies.

ALCOHOL—PHYSICAL DANGERS OF ABUSE

Heart: Weakens and decreases the pumping action of the heart—leading cause of hypertension and high blood pressure.

Stomach: Alcohol is the most common cause of inflammation of the stomach—gastritis and ulcers.

Pancreas: Alcohol is poisonous to the pancreas and 40% of all pancreatitis patients are alcoholics.

Brain: Alcohol permanently destroys brain cells.

Esophagus: Alcoholics have a greater chance of developing cancer of the esophagus.

Liver: Alcohol Hepatitis is inflammation of the liver—can result in death. Cirrhosis is the 7th leading cause of death in America.

Did you know? Drinking of alcoholic beverages increases the risk of miscarriage or premature birth.

Classification: Legal! The number one abused drug in the U.S.A. As a depressant it slows the activity in the brain and spinal cord.

Source: Alcohol (C_2H_5OH) is the ingredient in alcoholic beverages, wine, beer and hard liquors, that intoxicates.

Additional effects: Because the consumption of alcoholic beverages lowers inhibitions and relieves anxieties, many people feel that alcohol enhances sexual desire or acts as an aphrodisiac. However, it actually depresses genital reflexes. In some cases impotency can be the result of excessive drinking. Excessive use of alcohol can also lead to *"black outs"*—a temporary form of amnesia that lasts for as little as a few minutes up to days.

Death and violence: Alcohol is a contributing factor in over 60% of all suicide attempts—70% of all murders and violent crimes—60% of all drownings and boating accidents—45% of all falling accidents and 27% of all fire deaths. Of the 4 leading causes of death in men in the 20 to 40 age group—murder, suicide, cirrhosis and auto accidents—alcohol plays a decidedly major role. Alcohol is classified as a progressive disease and addiction. The body becomes dependent. This leads to uncontrollable drinking habits that interfere with normal life patterns. Even though symptoms and patterns of the alcoholic all vary, there are basic states through which the progression can lead to insanity and death unless intervention is successful.

Did you know? In a survey of high school Seniors—92.6% state they have tried alcohol at least once.

Stages of alcohol use:

Relaxed feeling, carefree, stimulated.

Inhibitions relaxed, marathon and sometimes loud talking or unusual quietness.

Impaired judgement, depressive effect.

Dizziness.

Sleepiness.

Extreme mood changes, violent and/or extreme depression.

Nausea and vomiting.

Blackouts.

"Hangovers"—After effects of overindulgence can include headaches, unsettled digestion, nausea, unclear thinking, aching muscles and dehydration.

DRINKING, DRUGS, DRIVING, AND DEATH

Sober up!

Each ½ oz. of alcohol takes the body about one hour to process and eliminate.

Coffee makes you a wide-awake drunk.

A cold shower makes you a cold, wet drunk.

Walking makes you a tired drunk.

Only time will make a difference!

Mixing alcohol and driving:

In the United States there are approximately 150 million drivers. Of these about 70 percent drink alcoholic beverages at least occasionally. Alcohol is a major factor in at least 50 percent of all traffic fatalities. Approximately 50,000 people die in highway accidents each year. Thousands more are injured, sometimes for life. Traffic accidents are so commonly heard and read about, that unless the persons involved are known to us, the item becomes "just another statistic" and barely registers in our conscious mind.

Traffic accidents do not always happen to the other person!

Anyone can be a victim. Thousands of innocent people, many of them children, passengers, nondrinking drivers are senselessly crippled or killed by a thoughtless drinking driver, who said, "I can drive okay".

Anyone can contribute to the "drunk driver problem"—social drinkers, occasional drinkers, as well as the chronic alcohol abuser. There is no social, economic, sexual or racial distinction or classification. A drinking driver . . . is exactly that!

As drug and alcohol consumption and abuse has reached epidemic proportions, it is important to realize and understand that all drugs chemically alter the mind, body functions and motor skills, hindering judgements and reaction time, and skills necessary to be a competent driver.

As more and more people experiment with drugs, statistics show that users are combining drugs with alcohol and other drugs, multiplying the problem, and the effects, and behind the wheel . . . an even deadlier combination.

It is important to know how the drugs impair a driver's ability . . . used alone or in combination with alcohol.

If you choose to drink:

1. Eat before drinking. Food in the stomach will slow down the rate of absorption.

2. Drink slowly. Sip, don't gulp. Pace and space your drinks.

3. Set your limit . . . and stick to it.

4. Stop in time while you are in control. Before you drive, give your body time to reduce alcohol to a safe level.

5. Be a friend! Don't let your friends drive drunk! Don't drive when you have had too much to drink. Take turns being a designated driver. Your friendship can last a long lifetime.

Don't be misled by "I only drink beer"

A 12 oz. can of beer

A 5 oz. glass of wine

A 1½ oz. shot of hard liquor

All contain ½ oz. of alcohol.

Alcohol: The most commonly abused drug; a depressant—

Slow down of Central Nervous System and brain functions.

Reduced coordination and reflex action.

Impaired vision and perspective judgement.

Emotions can be distorted and intensified leading to over or under reactions—loss of control.

Depressants: Produces a calming effect and slows down the Central Nervous System—

Slowed reactions and motor skills.

Lack of coordination.

Confusion, distortion of reality.

Drowsiness—Can lead to falling asleep at the wheel.

Hallucinogens: Use totally alters and distorts concept of reality. Accidents occur because a user cannot depend on what appears to be reality, in what he sees, feels or thinks, resulting in complete disorientation to surroundings.

Marijuana: A study indicates that 60 to 80% of marijuana users drive while *"high"* and a large percentage of them are combining marijuana with alcohol, intensifying the effects.

Unable to distinguish between important and irrelevant messages such as sight, sound and time passage due to impaired brain suppressors; faulty judgement.

One to two marijuana cigarettes decreases motor skills and reaction times by as much as 63%

Impaired peripheral vision, especially night driving when lights become distorted and out of place

Hours after the "high" has worn off, the influence of the drug remains and may continue to impair driving abilities. Unlike alcohol, which dissipates in hours, marijuana stays in the body for days.

Stimulants: Many drivers use stimulants to *"help them stay awake"* during long trips. The stimulant *"masks"* natural fatigue, and the user will have a tendency to push his body beyond its physical capabilities.

Over-reactions

False feeling of alertness and self confidence

Impatient and impulsive behavior influencing judgement—unnecessary risks

Occasionally accompanied by hallucinations

ALCOHOL AND PREGNANCY

Alcohol is a drug that may cause serious problems and consequences when used during pregnancy. It travels directly through the bloodstream into the placenta—when the mother is drunk—so is the baby!

Research shows that children born to women who are heavy drinkers may be born with *Fetal Alcohol Syndrome.* Babies born with this condition are often underweight, malnourished, and have characteristic facial features. They may also have slowed development, impaired motor skills, and may be considered mentally retarded. Heart or limb abnormalities are also possible.

There are no exact figures on how much alcohol is harmful to the fetus and how much is required to produce Fetal Alcohol Syndrome.

Doctors repeat *"No Amount of Alcohol is Safe"* during pregnancy.

TRUE STORY

As usual, John stopped at the local bar for a "couple" of drinks before going home. It had been a bad day, in fact things had not been going well for weeks. He hadn't gotten the promotion and raise he'd wanted—George, a junior executive had turned out to be the "fair-haired" boy. John was still angry and things hadn't been going well at home either. All Judith did was nag, especially about his drinking. "I'll show her," he said as he ordered another drink.

It wasn't late, only about 10:30 or so when he parked the car in the garage. He really didn't remember driving home, he was pretty, "blitzed". But John did remember flashes of anger and high speed and . . . who cares . . . besides, Judith wasn't talking to him. The next morning John overslept, and woke up with another hangover. Judith's nagging about the night before refueled his anger and he slammed out of the house, got into his car and backed out of the garage. Looking up he noticed Judith coming out the front door with his forgotten briefcase. Suddenly, she fainted . . . out of the car, he saw what she had seen. An eight year old child embedded in the front grill of his car!

Did you know? 1 out of 10 Americans who drink will eventually become addicted to alcohol.

Indications of alcohol abuse:

Frequent smell of alcohol on breath or excessive use of mouthwash or mints to cover odor.

Change of interests—towards alcohol-oriented activities

Hidden drinking or evidence of concealed supplies

Change of drinking patterns—gulping drinks, drinking before parties, drinking in the morning.

Blackouts, not remembering the night before

Problems with school or employer

Substituting alcohol for food leading to malnutrition

Interrupted or changed sleep patterns

Irritability, extreme changes of personality, impatience

Did you know? ⅔ of all adults *regularly* have a drink before dinner, sometime during the evening, or on a night out.

HALLUCINOGENS

Classification: Natural and Synthetic (possession and distribution is illegal) Hallucinogenic drugs are substances that distort the perception of objective reality.

Source: Peyote—The primary active ingredient of the peyote cactus is the hallucinogen mescaline. It is derived from the fleshy parts or "buttons" of this plant. Usually ground into a powder, peyote is taken orally. A dose of 350 to 500 mg of mescaline produces illusions and hallucinations lasting 5 to 12 hours. Mescaline can also be produced synthetically.

Psilocybin and Psilocyn mushrooms—Taken orally, the effects to the mood and perception are similar to LSD and Mescaline. The active ingredients are chemically related to LSD and can now be synthetically produced.

LSD (LSD-25, lysergic acid diethylamide) It is produced from lysergic acid, a substance derived from the ergot fungus which grows on rye or from lysergic acid amide, a chemical found in morning glory seeds. Because of the high potency of LSD, it was used to study the mechanism of mental illness. Later it was adopted by the drug culture—although its popularity declined after the 1960's. It appears that its illicit use is once again increasing. LSD is usually sold in the form of tablets, thin squares of gelatin (*window panes*) or *"blotter acid."* The effects can last for 6 to 12 hours and tolerance develops rapidly.

Indications of use of hallucinogens:

A blank stare or rapid and involuntary eye movements.

Slurred or blocked speech.

Anxiety, restlessness and sleeplessness are common.

PCP (Phencyclidine) and Related Drugs—Phencyclidine was investigated in the 1950's as a human anesthetic, but because of the side effects, the development was abandoned. Used in Veterinary medicine since the 60's until 1978, when the manufacturer stopped production. Almost all PCP in the U.S. market is produced in hidden laboratories. PCP is also known as *Angel Dust, Crystal and Rocket Fuel.* In its pure form it is a white crystalline powder that dissolves easily in water. But most PCP contains contaminants from its "makeshift" manufacture ranging in color from tan to brown. It is sold in tablets and capsules as well as powder and liquid. It is commonly applied to a leafy material such as parsley or marijuana and smoked.

Persons in hallucinogenic states should be closely supervised and upset as little as possible to keep them from harming themselves and others.

Effects:

Sense of detachment from surroundings.

Delusions and visual hallucinations.

Numbness.

Distortion of reality—a user may speak of "seeing sounds" and "hearing colors."

Dangers:

"Flashbacks"—recurrence of psychedelic effects even long after the drug has been eliminated from the body.

Psychic dependence.

Severe mood disorders and paranoia.

Loss of coordination.

Impaired judgment leading to rash decisions and accidents.

Occasionally, depersonalization and depression is so severe that suicide is possible.

NARCOTICS

Classification: Opium and Opium derivatives or synthetically produced substitutes. Indispensable as the most effective pain relief in the practice of medicine.

Source: The poppy (Papaver somniferum) is the main source of natural narcotics. The milky fluid is extracted from the unripe seed pod and dried to produce opium. It has been used since 300 BC in the Mediterranean area and has since been cultivated in countries around the world.

Slang terms: Horse, H, Smack, Boy, White stuff, Harry, Junk, Hard stuff, Morpho, M, Cotics, Dope.

Appearance: The extract can be found in a fine brownish or white powder, liquid or solid. It is sold on the street in tablets which are dissolved and injected. Street popular derivatives include Opium, Morphine, Codeine, Heroin, Demerol, Delaudid, Percodan, or Methadone, Cocaine, Ecgonine and coca leaves are also listed as narcotics.

Ways of Abuse: Snorted, smoked, intravenous injection (mainlining) or skin popping (injecting under the skin).

Paraphernalia includes syringe and needles and bent spoons used for cooking.

Withdrawal Syndrome: Physical dependence or addiction refers to the altering of the body that necessitates the continued presence of the drug in order to prevent the withdrawal syndrome. The intensity of the withdrawal is in direct proportion to the amount and type of narcotic used each day. Signs of the withdrawal syndrome usually start shortly before the time of the next scheduled dose. Symptoms such as watery eyes, runny nose, yawning and perspiration appear about 8 to 12 hours after the last dose. This is followed by restlessness, irritability, insomnia, loss of appetite, tremors, yawning, and sneezing. These symptoms will peak in about 48 to 72 hours. Stomach cramps, diarrhea, heart rate and blood pressure increase. Chills alternating with excessive sweating, pains in muscles and muscle spasms are characteristic symptoms. At this point a person may become suicidal. Withdrawal can last from 7 to 10 days.

Effects:

Short-lived state of euphoria;

Reduced vision;

Drowsiness followed by sleep;

Decreased physical activities;

Constipation;

Nausea and vomiting;

Physical and mental addiction;

Decreased physical activity;

Marks or scars (tracks) from injections;

Sleeping habits change; and

DEATH.

Dangers: Because of the addiction, the user's whole life centers around obtaining and taking the drug. They neglect themselves and often suffer from malnutrition, infection and unattended injuries or diseases. Reactions to contaminates such as quinine, sugars and talcum powder, as well as unsterile needles and injection techniques, result in blood poisoning, hepatitis, absesses and the risk of AIDS!

Because of the diluting process—"cutting" of "on the street sales," the purity of the drug is hard to determine. *Overdoses* resulting in *DEATH* are common.

SYNTHETIC

Look Alikes

Look alike drugs, or "mimic drugs," sometimes referred to as "kiddie dope" they are inexpensively produced, and enormously profitable. They can be very potent as well as dangerous. These drugs usually contain nothing more than caffeine, ephedrine, aspirin, aspirin substitute or other non-controlled ingredients. They are made to closely resemble controlled amphetamines and barbituates.

Look alikes come in powders, tablets, capsules . . . the same forms as "real dope." They can produce a "high"; however, it usually takes a greater quantity to achieve any effect. Here lie some of the real problems:

Look alike drugs so accurately resemble their prescription counterparts that an unsuspecting user could inadvertently ingest five or six legitimate capsules, thinking they are look alikes. The resulting overdose could be fatal.

The unscrupulousness of drug dealers has led to every kind of scam imaginable, with no control over what is what, when it comes to the "drugs" that are changing hands. There are cases where dealers of look alikes "salt" the mimic drugs with some of the real thing, or use poisons to give them an extra kick.

Recorded deaths from overdose could be accidental in the sense that the user knew they were ingesting particular drugs but not poison. Arsenic and strychnine are favorites!

Another danger: The "real thing" can mistakenly be taken for the look alikes intended.

China White

China White has traditionally been heroin processed from China, or at least that part of the world. It is snow white, as opposed to so-called Mexican heroin, which is brown. Recently, Fentanyl analogues have been used as China White.

Problems occur when users, thinking they have heroin and not the stronger Fentanyl. Results are an increasing number of deaths.

What You See May Not Be What You Get

As if look alikes do not cause enough problems, there is an area called "Designer Drugs." Chemists, in secret labs, alter molecular structure of both legal and illegal drugs, creating drugs that may not be controlled by Federal Law.

Fentanyl, numerous variants have been developed, these variants are called analogues. Thus far, seven have been identified. Fentanyl has the same effect as heroin. The main problem is, in the same quantity, it is many times stronger, a range of ten to hundreds of times stronger.

Without regulation of any kind, drug dealers sell everything imaginable from horse manure mixed with alfalfa for marijuana to tooth powder and powdered sugar as cocaine. Most users do not have a sophisticated knowledge of what they are buying. In cases where cleaning powder gets "shot up", injury and then death ensues. In cases where buyers find out they are getting "ripped off", violence ensues. Survival of the fittest or best armed?

PRESCRIPTION

Prescription Drugs: Made from natural or synthetic chemical substances used to affect or alter the body and its processes, the mind and nervous system, the behavior and mood patterns. Properly used, drugs can save or extend lives, protect against disease, relieve pain, tension, fatigue, or correct bodily dysfunctions and imbalances.

PRESCRIBED DRUGS:

(1) Always take as the physician has directed. The dosage and the total number of units are controlled to correct a particular problem. Follow the instructions carefully to eliminate or discourage unnecessary side effects. If any adverse side effects should develop, notify your physician immediately.

(2) Always learn as much as you can about the drug prescribed. Often your physician or pharmacist has pamphlets describing the drug and its possible side effects, or other necessary information. It is up to you to ask your physician or pharmacist these important questions:

What is the name of the drug?

How will it work? What will it do?

Should it be taken before or after meal?

How often should it be taken?

What are the possible side effects and what should I do if they develop?

Are there any activities I should avoid?

Will it react with any medications now being taken?

How long must I take it?

(3) Never share prescription drugs. The prescription should only be used by the person to whom it was given.

(4) Discard any unused portions or prescription drugs that are no longer needed. Flushing them down the toilet is the recommended method.

OVER-THE-COUNTER

Advertising is used to promote hundreds of preparations and remedies guaranteed to relieve all sorts of minor aches and pains, cold symptoms, irregularities, sleeplessness, indigestion, stress and diet problems. Our children are being programmed, through the media, that any pain, physical, mental or emotional is not necessary. The shelves of supermarkets, convenience stores and even gas stations are loaded with over-the-counter relief.

It's time to STOP AND THINK and ask ourselves some questions before we stock up the medicine cabinet and reach for that pain reliever!

Do we treat Over-the-Counter drugs as "Drugs" to ourselves or our children?

Do we represent the drugs as "candy" or as medicine to get our children to take it?

Do we reward our children for "taking" their medicine?

Do I really need it? Is there an alternative to "taking a pill," perhaps a few minutes of rest?

BEWARE!!

Many children begin their lifetime of drugs abuse in the home. Prescription drugs are a favorite to "take" from the medicine cabinet. Stimulants, depressants, codeine cough medicines, and caffeine pills are easily available for experimentation. Examine your own reasons for taking medication. Talk with your child intelligently and keep medications under your control and limited to reasonable use.

LOOK-A-LIKE

Classification: Look-alike drugs are made to look just like the "real thing" such as cocaine amphetamines and methaqualone.

Source: Chemicals such as caffeine ephedrine and phenylpropanolamine (PPA); ingredients which are found in over-the-counter drugs such as diet, cold, asthma and sleeping pills.

Dangers: Caffeine, one of the main chemicals found in look-alikes, is relatively harmless in small doses as found in coffee—50-100 mg. However, 10,000 mg. of caffeine can be lethal. Since look-alike drugs are milder than the "real" drugs they imitate, more of these pills are needed to reach similar sensations. Most of the look-alikes contain 200-500 mg. of caffeine and the users often take 10-20 pills at a time—resulting in OVERDOSE.

Another danger is mistaking the "real" thing for a look-alike resulting in a fatal overdose. Amphetamine look-alikes containing caffeine, ephedrine and PPA can cause seizures, severe headaches, heart irregularities, and psychosis. Cocaine look-alikes contain PPA, caffeine and an anesthetic such as lidocaine, tetracine or benzocaine. Heart irregularities, high blood pressure, anxiety and psychosis result from use. Methaqualone look-alikes consist of acetaminophen, salicylamide and an antihistamine which can cause stomach pain, nausea, drowsiness, liver damage, convulsions, and comas.

Symptoms:

Loss of muscular coordination;

Confusion—disorientation;

Nerve injury—loss of sensation in extremities;

Liver and kidney disorder;

Limb weakness;

Genetic changes

Susceptibility to cancer.

INHALANTS

Classification: Solvents, paints, glues, hair sprays, glass chillers, gasoline, and other shelf products readily available in the home, office, school or shop.

Effects: Inhaling solvents, like injections, provides a fast way to the bloodstream. The "high" varies, depending on the chemical, person and quantity inhaled. Most effects are similar to anesthetics which slow down body and brain functions.

Dangers: Death!! Suffocation by blocking the oxygen in the lungs and depressing the central nervous system to the point of increasingly slowed breathing until it stops. As tolerance develops, a user must "sniff" more and more often increasing the strength of the products inhaled. Organic Brain Syndrome results from prolonged usage.

Inhalant use is a cheap, easy way to get "high." Because of the availability this is often a child's first attempt at "getting high." Studies have proven however, that dependency is almost impossible to eliminate—even users that go on to harder drugs continue to use inhalants.

Indications of inhalant use:

Sneezing, coughing similar to the common cold;

Nausea; vomiting;

Irritability, disorientation;

Nosebleeds;

Bad breath;

Lack of coordination;

Loss of appetite; and

Chronic tired appearance.

THE WORKPLACE—NO PLACE FOR DRUGS!

Substance Abuse and Industry

Each year millions of dollars are lost as the result of employee substance abuse.

Accidents caused by substance abuse result in minor or major, even debilitating, injuries.

Loss in production time.

Damage to company equipment.

Tardiness.

Absenteeism.

These are just a few of the setbacks drug abuse is causing in business and industry.

Until recently, employers have largely ignored the need for revised policies regarding drug problems. Due to increasing pressure from government and media impact, employees are realizing they too, are involved in a costly battle and are now reassessing their positions and responding with action.

Drug testing has become standard procedure for some companies before a new employee is hired. Polygraph exams and urinalysis are methods of screening. However, there is still much controversy and animosity regarding these procedures. They can be very expensive, especially in industries which have a large turnover of employees.

Some employers have begun to institute new policies and procedures:

(1) Establishing consistent policies regarding the discovery of drug usage in the workplace.

(2) Awareness and education of supervisory personnel to be alert to the symptoms and indications of drug usage or trafficking.

(3) Emphasis on physical fitness—some companies are installing fitness equipment and jogging tracks for use by their employees to encourage physical well-being. Incentive programs are also being developed.

(4) Keeping in touch with employees. Supervisory staff can maintain open, direct lines of communication with their employees and respond to their personal and professional needs.

(5) Making drug education materials readily available to all employees. Promoting seminars, literatures and visual aids to educate employees on all facets of substance abuse.

(6) Challenging employees to advance within the system by offering educational incentive programs, and promotional potential. Studies show that employees with boring and tedious, repetitive tasks are the most susceptible to drug addiction in the workplace.

(7) Establishing rehabilitative programs for employees. Recognizing the problems, offering assistance and alternatives have proven to enlist loyal, productive, long term employees.

True story: That's all it was. Just one of those games that all of us have played at some point in our lives. It is known as "peer pressure" and the intent is not to harm yourself or another person, it is simply one of those "I dare you" statements. To begin . . . that is all it was.

Twelve teenagers had plans for a great party on Friday night. There were whispered conversations, notes passed back and forth at school. One of the boys had gotten a key made for his parent's weekend cabin. His folks had to go out of town but knew their son was staying over with his best friend. All the kids had cover stories for their parents concerning their whereabouts that Friday night.

An older brother and another boy had gone to the liquor store and purchased four bottles of whiskey for the party. He only charged the teenager five dollars for the favor. All twelve of the teenagers had pitched in money for the bottles. Several of the kids were able to steal a bottle or partial bottle of alcohol out of their parents liquor cabinets.

Two of the girls had managed to save enough babysitting money to go in together on buying an ounce of "really good" grass. It was a well planned party. Everyone was to bring chips, pretzels, paper plates and enough trash bags to dispose of all signs that a party ever took place. If they didn't get caught this time, maybe it would be possible to have one a couple of times a month.

They had all planned to arrive at different intervals between 7:00 and 8:00 p.m. At 8:05 p.m., everyone was present. Those who had arrived first had already consumed a couple of drinks, and the others hurried to catch up.

One of the girls started rolling joints, and everyone was in the mood to get the party into full swing. Someone lit one of the joints, and it was passed from one to the other. No one turned down a hit. They "shotgunned" the next joint, trying to see how many people the smoke could be passed to from mouth to mouth before it ran out.

All the kids were high on pot and feeling the effects of the alcohol. They were giggly and trying to hold some kind of conversation. Nothing made much sense. The bottle was being passed back and forth with each one taking a swallow.

Someone thought it was a good time to play a game. "Let's divide up into two teams and see which team can chug a bottle first. The team that wins gets the next two joints by themselves. Drink as much as you can without stopping, then pass it on to the next one behind you."

Editor's note: You write the end of this story. Realize that 6,000 teenagers die from overdose each year. Thousands are crippled physically or psychologically. The leading cause of teenage death each year is motor vehicle accidents with over 60% involving drug-impaired drivers.

Did you know? The particular horror of those who commit private violence stems from its violations of the trust upon which all intimate human relations depend. The prey is most vulnerable, least able to defend themselves. People who know and even profess to love and care for each other commit violence.

THE "SILENT" CRIME CHILD ABUSE

Family violence: Child abuse is an injury or a pattern of injuries to a child that is non-accidental.

Facts about child abuse: Child abuse, contrary to popular belief, occurs in all cultural, ethnic, occupational, and socioeconomic groups.

Over one million children are abused or neglected each year, as reported by the National Center on Child Abuse and Neglect.

Abuse is usually passed on from generation to generation and becomes a vicious circle.

More than 2,000 children die from child abuse and neglect each year.

Friends, neighbors, and relatives can be abusers.

Parents are the most frequent child abusers.

Child abuse is the most common cause of death in children under 5 years of age.

1 out of 4 children will experience some form of sexual abuse before the age of 18.

Offenders will continue to abuse without intervention or treatment.

Most abusive parents are "normal". Relatively few are "criminal" or mentally unbalanced.

Types of child abuse: Physical—shaking, beating, burning, failure to provide the necessities of life (e.g., adequate food).

Emotional—failure to provide warmth, attention, supervision, normal living experiences.

Verbal—abuse characterized by constant verbal harassment and belittlement of a child. Excessive yelling, put-downs, teasing.

Sexual—child abuse which results in any act of a sexual nature upon or with a child, Incest or other indecent sexual activity in the family.

Indications of child abuse: Habitual truant or late from school.

Loss of appetite.

Unexplainable fears.

Appear to be different from other children either in physical or emotional makeup.

These children may often have welts, bruises, burns, or other skin injuries.

Some are wary of physical contact.

Some children exhibit learning problems that cannot be diagnosed.

Preventive measures against child abuse:

1. Be a helpful listener and encourage your child to tell you what seems embarrassing or fearful.

2. Discuss sexual issues with your children in an open and straightforward manner.

3. Teach your children early that their bodies are special and private.

4. Teach them that they have the right to say no if they don't want to be touched, even by relatives.

5. Be careful and check whom you employ as a babysitter for your children.

Discuss dangerous situations with your children and find out how they would handle those situations with acquaintances, child care people and people they love.

Always believe your child and never blame the child for what happened when they tell you about some type of sexual abuse.

Remember—detecting and reporting a case of suspected abuse is the first and most important step. Immediate treatment must be given. There are support services available and there is extended counseling for children and parents.

We must protect our innocent children . . .

"PRIVATE" VIOLENCE—THERE IS NO PLACE SO VIOLENT AS THE HOME

There is one murder in the United States every 28 minutes! More than 1/5 of the murders are between people who profess to love one another.

There is one violent crime every 28 seconds in the United States!

How many children, women and even men are abused in their own homes by their own family members is difficult, if not impossible to calculate. Professionals in the human behavior fields can't agree whether 30 percent, 40 percent, or 50 percent of all acts of violence occur in the home.

They do agree that drug abuse, alcohol, legal and illegal drugs are involved in many such abuses.

Crime clock:

One motor vehicle theft every 29 seconds.
One forcible rape every 6 minutes.
One burglary every 10 seconds.
One aggravated assault every 44 seconds.
One crime index offense every 3 seconds.
One larceny-theft every 5 seconds.
One robbery every 63 seconds.
One murder every 28 minutes.
One property crime every 3 seconds.

They do agree that we do not know how many cases of physical, mental and sexual abuse take place because of a variety of reasons. Law enforcement or other authorities don't get the reports. Why? Fear of further violence; fear of humiliation; shame; frustration; doesn't know where to find help; personal guilt; fear of ridicule.

The reasons are many and varied.

Over 6,000,000 wives will be abused by their husbands this year.

Between 2,000 and 4,000 women are beaten to death every year.

Battery (beating) is the single major cause of injury to women.

Forty percent of the women killed are murdered by their partners.

Ten percent of the men killed are murdered by women.

Of the known cases of abuse, well over 55 percent involve some type of substance abuse.

Drugs kill in more than one way! Have you joined the war against substance abuse?

TEEN YEARS

TEEN YEARS: Adolescence—What a glorious time. A time of change, growth, exploration and discovery. A time when a child ventures from the nest to a more active role in the world. All of this can be a positive or negative experience. Reality is a little of both.

Throughout history the teen years have been cited as a time of painful discovery, a time of application of childhood foundations on the real world. Writers and philosophers of old wrote of the trials and tribulations of youth. It has been suggested that the youth of today have an even greater burden than those of not so long ago. With instant, worldwide communications and mobility that allows us to be literally around the world in a day; affluence of today's society; and the highly technological world we live in . . . it is easy to accept that teens of today are facing increased challenges and pressures.

We see that these challenges and pressures have also brought teen problems—

Did you know? In a survey of 17,500 11th graders, it was found that 70% had been high on either alcohol or drugs by age 16. 45% had used marijuana and 65% had been drunk.

Did you know? As a parent, would you be misled by—I've only tried it one time—it's only beer—I'm not doing it anymore, I've quit—Everybody else is doing it—Well, it could be worse, I could have done—Would you be concerned?

Did you know? The number of teen alcoholics has grown every year for the past 10 years.

Teen drug abuse is higher than any other time in history.

Runaways are a problem that plagues our nation.

Motor vehicle accidents are the leading cause of teen deaths.

Homicide is the second leading cause of teen death.

Suicide is the third leading cause of death among teens.

For every completed teen suicide, 50 or more attempt to kill themselves.

Teens, in ever increasing numbers are victims of crimes. Some experts suggest 33% to 40% of all victims are in their teen years.

PATTERNS OF TROUBLED TEENS

Suicidal tendencies:

Studies of troubled youth who have committed suicide have indicated a pattern that leads to the unseemly end:

1. Rebellion to all authority
2. Withdrawal
3. Truancy, shoplifting, drug use
4. Runaways
5. Attempted suicide (threats and actions)

The studies give no definite answers of why this path is followed, but some suggested causes are: Family breakdowns and problems, pressures to succeed, increased availability of drugs and alcohol, lack of structure in life, isolation in an increasingly mobile society, and intense emotional responses to situations can lead to crisis which they are unable to deal with.

Danger Signals that warn of suicide:

Depression.

Lack of energy.

Marked decrease in school performance.

A recent personal loss.

Talking directly or indirectly about dying or suicide.

An increase in drug or alcohol use.

Withdrawal, loss of interest, seemingly bored.

Extreme mood alterations.

Lack of communication, isolation.

A previous suicide attempt.

Rebellion to all authority.

What can I do?

Listen—non-judgmentally.

Do not promise secrecy.

Offer interest and support.

Get help from professionals.

Take it seriously, don't be glib or joke around, most suicides committed were talked about before.

What can be done?

Experts in all fields dealing with human behavior have no problem in agreeing with where the answers lie. At the same time, they are quick to point out there is no quick fix or will it necessarily be easy. The solutions are found in our abilities to:

1. Communicate—we must understand communication is a two way street; that problems or situations need to be attacked, not individuals.

2. Educate—we must develop then use education programs which help us all learn of the dangers of substance abuse. How to avoid it and how to rehabilitate and reclaim our most valuable resource—our people.

3. Support—there is no question that peer association can be negative or positive. There is no question that united in purpose and efforts, we can move mountains or in this case, save humanity from "man's inhumanity to man."

DRUGS AND THE LAW—CAN YOU AFFORD TO PAY THE PRICE?

Last year in the United States, according to data collected by the Federal Agency who administers the Uniform Crime Report, there was one burglary every 10 seconds, one theft every 5 seconds . . . the list goes on.

The sad fact is the thief-drug user does not care if he only gets 5 or 10 cents on the dollar for what they steal, only that they get drugs!

What about laws and law enforcement? At the federal, state and local levels there are numerous laws which regulate the manufacture, sale and use of drugs. There are even laws that regulate paraphernalia.

The fact is that all the laws and law enforcement officers in this country cannot stop abuse. It takes YOU getting involved.

Who pays for the drugs?

You pay for them by:

Lost property from damage and theft.

Higher prices for retail products to cover theft from stores.

Higher insurance rates on property.

Higher insurance rates of automobiles.

Higher insurance rates for medical coverage.

Higher taxes to cover rehabilitation programs, jails and prisons, increased law enforcment needs.

The cost of all goods and services from toothpaste to cars to houses are higher because of accidents in industry, theft of supplies, and shoddy workmanship of substance abusers. What price do you pay for peace of mind? What ultimate price do you pay? Will it be your life or that of a loved one?

You, drugs, crime and money:

Let's talk bottom line, the business manager says . . . "I mean dollars and cents".

According to surveys that have been conducted of drug addicts, a habit can cost anywhere from $40 to over $100 a day to support. That means every day, 365 days a year. Down the throat, up the nose, or even in a vein, dope is consumed.

Forget the $40 to $100 per day. Stop and think about $25 a day every day of the year. You are right . . . $9,125.00 for drugs. In addition, there is food and shelter to be bought. How do the addicts pay for even a modest habit of $25 per day?

The answer is *they* don't. *You* do!

What can you do?

Find out about the laws as they apply to your particular community.

Find out if your local law enforcement needs your help in strengthening laws and/or penalties as related to drug abuse.

Identify agencies and organizations in your community who are working with the drug problems. Offer your support by becoming involved.

We must understand that directly or indirectly all of our lives are affected by this sickness which is plagueing our society. We can no longer be the silent majority. We *MUST* become the *involved* majority.

A TEST FOR THOSE WHO CARE

The following questions may help you determine if there could be any substance abuse among your family or friend:

1. Have you noticed recent sudden changes in behavior patterns? For example, someone who normally takes great pride in their appearance, suddenly not caring how they look? Yes No

2. Does there seem to be a dramatic change in appetite or eating habits, sudden weight gain or loss? Yes No

3. Is this person having difficulty sleeping, or a desire to sleep all the time? Yes No

4. Is this person showing poor perforcmance in school or on the job site? Yes No

5. Is this person having difficulty concentrating, or appear nervous or agitated? Yes No

6. Have you noticed a loss of energy or excessive fatigue? Yes No

7. Does this person express constant feelings of worthlessness or self-hatred? Yes No

8. Does this person seem to be taking risks unnecessarily on a regular basis? Yes No

9. Has this person suddenly changed the type of friends he runs around with? Yes No

10. Have you noticed any drugs or alcohol missing from your home? Yes No

11. Have you missed any item of value from your home or office. Yes No

12. Is this person constantly sneaking or trying to conceal something from those around him? Yes No

13. Does this person suddenly seem to always have a significant amount of money available to him? Yes No

You have taken the "test for those who care". The YES answers outnumber the NO's? This is not scientific proof that the person you care about is a substance abuser but the more YES answers, the greater the odds that your friend or loved one is in some kind of trouble, physical, emotional, substance abuse, suicidal, something . . . don't just bury your head in the sand. We are our brother's and sister's keeper. There are "HELP" resources, some are listed in this book. It's up to you, so . . .

What to do?

We know the problem—Let's look at some solutions.

1. Make a commitment to yourself not to abuse.
2. Share your commitment with your family unit.
3. Join other families in an effort to educate, communicate and rehabilitate.
4. Join civic groups in your community which provide positive alternatives to abuse situations. Help sponsor youth activities. Help your children experience positive peer pressure.
5. Support professional organizations that are working to find solutions.

Remember—education, communication, prevention.

STATE OF LOUISIANA,
OFFICE OF THE GOVERNOR,
Baton Rouge, LA

Few things in our society today affect us as deeply and as comprehensively as illegal drugs. In Louisiana, illegal drug trafficking is our number one crime problem. Many of our violent crimes are directly related to drugs and drug abuse. Additionally, many of our non-violent crimes are directly related to drugs—the proceeds from most burglaries and thefts finance drug use. Yet, the real impact of drug trafficking extends far beyond the street crime level. State budgets strain to absorb the costs of law enforcement, prosecution, rehabilitation programs, and an ever-increasing prison population. The drug commodities market is an untaxed one, leaving the previously mentioned financial burden to be shouldered by legitimate corporate and personal taxation. Literally millions of dollars leave our country and our economy daily.

Major drug traffickers have access to unlimited financial resources to purchase the ultimate in sophisticated electronic equipment and other items necessary to aid them in escaping detection. Their presence devastates the local economy by inflating the legal market. Persons involved in drug trafficking deal in cash up-front and will pay inflated prices with no questions asked to get the property or equipment they want. Legitimate purchasers cannot compete with this type of market. Likewise, our state and local law enforcement agencies cannot compete because of limited budget.

Everyone has a theory on what to do about drugs and drug abuse—legalize, decriminalize, educate, stronger enforcement, crop substitution, foreign aid, blockade, etc.—and for every theory there are hundreds of opinions of how to accomplish them. Many of these theories have been and are being implemented with varying degrees of succcess. Good common sense dictates that we must strengthen those ideas and programs that are productive and redirect the resources being spent on those that are not working.

In the 1960's and 1970's we found ourselves ill-prepared to deal with an epidemic of drug abuse affecting our state. For the first time in American history we had a large segment of our society abusing drugs. The general approach to the problem was through increased law enforcement efforts and substance abuse programs. These substance abuse programs were largely structured toward treatment and rehabilitation after a drug abuser had serious problems.

Now, in the late 1980's we have a new problem we've never experienced. Drug abuse is no longer a problem affecting just our youth and "counter-culture." The problem of drug abuse has entered the mainstream of our society. There are no age, sex, race, or economic barriers. Thousands of Louisiana homes have been devastated as the direct result of drug abuse. Almost every family in Louisiana has had a friend, loved one, or family member devastated by drugs.

We will continue and even enhance our law enforcement efforts geared toward drug interdiction and the arrest and prosecution of drug traffickers, the "Merchants of Misery." We will continue to treat drug abusers and work toward their successful reentry into our society. We must make an additional commitment to prevent drug abuse through education and prevention of the drug problem.

So long as there is a market for illicit drugs, there will be those who will accept the risks in order to supply drugs.

Let us take a stand and work together to reduce the market for illicit drugs through Education and Prevention programs.

Let us work toward the removal of an attitude that drug abuse is socially acceptable as well as reduce supplies of illicit drugs to the point that they are no longer readily available.

Please join with me and the State Police of Louisiana in a statewide program of family education and prevention. Join us in Project Impact. Make a positive impact on the quality of life in your family and the families of all people in our great State.

Sincerely,

EDWIN W. EDWARDS,
Governor.

AMENDMENTS SUBMITTED

NATIONAL HISTORICAL PUBLICATIONS AND RECORD COMMISSION AMENDMENTS

SASSER (AND HEINZ) AMENDMENT NO. 2346

Mr. BYRD (for Mr. SASSER, for himself, and Mr. HEINZ) proposed an amendment to the bill (S. 1856) to amend chapter 25 of title 44, United States Code, to provide an authorization for the National Historical Publications and Records Commission programs, and for other purposes; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Historical Publications and Records Commission Amendments of 1988".

SEC. 2. MEMBERSHIPS AND TERMS OF MEMBERS OF COMMISSION.

(a) MEMBERSHIP.—Section 2501 of title 44, United States Code, is amended to read as follows:

"§2501. Creation; composition; appointment and tenure; meetings

"(a) The National Historical Publications and Records Commission shall consist of 15 members as follows:

"(1) the following ex officio members:

"(A) the Archivist of the United States, who shall be chairman;

"(B) the Librarian of Congress (or an alternate designated by the Librarian);

"(C) one Senator, appointed by the President of the Senate;

"(D) one Representative, appointed by the Speaker of the House of Representatives;

"(E) one member of the judicial branch of the Government, appointed by the Chief Justice of the United States;

"(F) one representative of the Department of State to be appointed by the Secretary of State; and

"(G) one representative of the Department of Defense to be appointed by the Secretary of Defense;

"(2) one member from each of the following organizations, appointed by the governing council or board of the respective organization:

"(A) the American Historical Association;

"(B) the Organization of American Historians;

"(C) the Society of American Archivists;

"(D) the American Association for State and Local History;

"(E) the Association for Documentary Editing; and

"(F) the National Association for Government Archives and Records Administrators; and

"(3) two other members, outstanding in the fields of the social or physical sciences, the arts, or archival or library science, appointed by the President of the United States.

"(b)(1) The members appointed under subsection (a) shall be appointed for terms of 4 years, except that—

"(A) a member appointed under subsection (a)(1)(D) shall be appointed for a term of 2 years; and

"(B) the Archivist and the Librarian of Congress are permanent ex officio members.

"(2) A member may continue to serve after the expiration of a term until a successor has been appointed, but not to exceed one year.

"(c) The Commission shall meet at least annually and at call of the Chairman.".

(b) EFFECTIVE DATE AND IMPLEMENTATION OF STAGGERING OF TERMS.—The amendment made by this section shall be effective on January 1, 1989, and shall apply to the appointment of any member on the expiration of a predecessor's term as follows:

(1) The next two members appointed to such Commission after such date shall be appointed pursuant to section 2501(a)(2) (E) and (F) of title 44, United States Code, as amended by this section.

(2) Notwithstanding section 2501(b)(1), the first members appointed pursuant to section 2501(a)(2) (B) and (C) after January 1, 1991, shall be appointed for terms of one year.

SEC. 3. EXECUTIVE DIRECTOR, STAFF, TRANSPORTATION EXPENSES.

Section 2503 of title 44, United States Code, is amended to read as follows:

"§2503. Executive director, staff, transportation expenses

"(a) The Commission may appoint, without reference to chapter 51 of title 5, an executive director. The Chairman may appoint such other employees as may be necessary to carry out the purposes of this chapter.

"(b) Members of the Commission shall be allowed travel expenses (including per diem allowance in lieu of subsistence) in the same amount and to the same extent as persons serving intermittently in the Government service are allowed travel expenses under section 5703 of title 5, United States Code.".

SEC. 4. DUTIES AND FUNCTIONS.

Section 2504 of title 44, United States Code, is amended to read as follows:

"§2504. Duties; authorization of grants for historical publications and records programs; authorization for appropriations

"(a) The Commission shall make plans, estimates, and recommendations for historical works and collections of sources it considers appropriate for preserving, publishing or otherwise recording at the public expense. The Chairman of the Commission shall transmit to the President and the Congress from time to time, and at least biennially, the plans, estimates, and recommendations developed and approved by the Commission.

"(b) The Commission shall cooperate with, assist and encourage appropriate Federal, State, and local agencies and nongovernmental institutions, societies, and individuals in collecting and preserving and, when it considers it desirable, in editing and publishing papers of outstanding citizens of the United States, and other documents as may be important for an understanding and appreciation of the history of the United States.

"(c) The Commission may conduct institutes, training and educational programs, and recommend candidates for fellowships related to the activities of the Commission and may disseminate information about documentary sources through guides, directories, and other technical publications.

"(d) The Commission may recommend the expenditure of appropriated or donated funds for the collecting, describing, preserving, compiling and publishing (including microfilming and other forms of reproduction) of documentary sources significant to the history of the United States and for the activities described in subsection (c).

"(e) The Archivist of the United States may, within the limits of available appropriated and donated funds, make grants to State and local agencies and to nonprofit organizations, institutions, and individuals, for those activities in subsection (d) after considering the advice and recommendations of the Commission.

"(f)(1) For the purposes specified in this section, there is hereby authorized to be appropriated to the National Historical Publications and Records Commission—

"(A) $6,000,000 for fiscal year 1989;

"(B) $8,000,000 for fiscal year 1990; and

"(C) $10,000,000 for each of the fiscal years 1991, 1992, and 1993.

"(2) Amounts appropriated under this subsection shall be available until expended when so provided in appropriation Acts.".

SEC. 5. CONFORMING AMENDMENT.

The table of contents for chapter 25 of title 44, United States Code, is amended to read as follows:

"Sec.
"2501. Creation; composition; appointment and tenure; vacancies; meetings.
"2502. Vacancies.
"2503. Executive director; staff; transportation expenses.
"2504. Duties; authorization of grants for historical publications and records programs; authorization for appropriations.
"2505. Special advisory committees; membership; reimbursement.
"2506. Records to be kept by grantees.".

PROGRAMS OF ASSISTANCE FOR PRIMARY HEALTH CARE AND HEALTH CARE FOR THE HOMELESS

KENNEDY AMENDMENT NO. 2347

Mr. BYRD (for Mr. KENNEDY) proposed an amendment to the bill (S. 2385) to amend title III of the Public Health Service Act to revise and extend the programs of assistance for primary health care, the program of health services for the homeless, and the program for the prevention and control of sexually transmitted diseases, and for other purposes; as follows:

On Page 2, between lines 2 and 3, strike out the items relating to title III.

Beginning on page 17, strike out line 1 and all that follows through page 18, line 4.

Amend the title of the bill to read as follows: "To amend title III of the Public Health Service Act to revise and extend the programs of assistance for primary health care and the program of health services for the homeless, and for other purposes.".

FEDERAL LAND EXCHANGE FACILITATION ACT

JOHNSTON AMENDMENT NO. 2348

Mr. BYRD (for Mr. JOHNSTON) proposed an amendment to the bill (H.R. 1860) entitled the "Federal Land Exchange Facilitation Act of 1987"; as follows:

The Committee amendment is further amended as follows:

On page 32, line 5, delete the phrase "the Secretary and where".

On page 32, after line 9, insert the following:

"The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), as amended, is further amended by adding the following new section:".

On page 32, line 10, strike "(a)" and insert, "SEC. 215.(a)".

NOTICE OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on Tuesday, June 21, 1988, at 10 a.m. in SR332 to receive testimony on the extent of the problem caused by the drought in much of the United States and policy options available to help farmers in this situation.

For further information, please contact Bob Young of the committee staff at 224-2035.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Monday, June 13, 1988, to hold a hearing on judicial nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. BYRD. Mr. President, I ask unanimous consent that the Special Committee on Aging, be authorized to meet during the session of the Senate on Monday, June 13, 1988, to hold a hearing on the Rural Health Care Challenge: Part I: Rural Hospitals.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Federal Services, Post Office, and Civil Service, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Monday, June 13, 1988, to review the Federal Government's use of consultants.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

VIETNAM VETERANS AND PTSD

●Mr. KERRY. Mr. President, recently CBS News broadcast a remarkable television documentary entitled "The Wall Within," which focused on Vietnam veterans in Washington State who are victims of post-traumatic stress disorder, or PTSD. These veterans only represent a small minority of all Vietnam veterans, yet their problems are real. This powerful and hard-hitting documentary was followed up by a report on "60 Minutes" which detailed the lack of responsiveness of the Veterans' Administration to Vietnam veterans, especially those who are still suffering from the after-effects of the Vietnam combat experience.

No one should draw the conclusion from these programs that all Vietnam veterans are maladjusted or suffering from emotional problems. This is far from the truth. Most Vietnam veterans are successful, productive members of society. But there is a significant number of Vietnam veterans, although small, who do suffer from emotional and other health problems caused by their Vietnam experience. Post-traumatic stress disorder [PTSD] is the clinical term used to describe the psychological aftershocks of the Vietnam war which affect these veterans.

The Vietnam experience study, which was recently released by the Centers for Disease Control, showed that Vietnam veterans suffer from significantly higher than normal rates of emotional and psychological problems, including alcohol and drug abuse and addiction, nervous disorders, depression, anxiety, and other psychological dysfunctions. These problems are clearly linked to their Vietnam service. Yet the Veterans' Administration has been unresponsive to the needs of these veterans.

The VA has made continual attempts to downplay and deny that Vietnam veterans suffer from problems resulting from their Vietnam service, whether from cancers caused by exposure to agent orange in Vietnam, or emotional problems due to PTSD. The VA has consistently tried to kill off the vet center program, which has been the most successful method of outreach to Vietnam veterans. The vet centers have provided a place for Vietnam veterans to go where they can feel comfortable, and where they can openly and honestly discuss their problems and receive appropriate counseling. For reasons best known to this administration, the VA has conducted a kind of "search and destroy" mission against the vet centers. Last year, the Senate had to pass legislation to prevent the VA from closing down eight vet centers, including one in Avon, MA, which has been highly successful.

I know that there have been concerns raised that, by showing these documentaries, CBS has perpetuated old stereotypes about Vietnam veterans. I believe that these charges are unwarranted. I am very concerned by some of the stereotypes about maladjusted and emotionally disturbed Vietnam veterans which have been portrayed in some films and TV shows. But there are some veterans who do have continuing problems and continuing needs which the VA has failed to address. These CBS programs have done a service by calling attention to the needs of Vietnam veterans, and the continuing lack of response by their Government.

I ask that the transcripts of "The Wall Within" and the "60 Minutes" segment be printed in the RECORD.

The transcripts follow:

[CBS Reports, June 2, 1988]

THE WALL WITHIN

(With CBS News Correspondent Dan Rather; Executive Producer, Perry Wolff)

TEASE

Dan Rather (narration). Twenty years ago the United States military trained young Americans for combat operations in Vietnam. Since then a number of these men, haunted by their deeds, became seriously ill. He asked us to call him only Steve.

Steve. I think I was one of the highest trained, underpaid, 18 cent an hour assassins ever put together by a team of people who knew exactly what they were looking for. And who used to the maximum. And then dumped it back on society to take care of.

Guy Iredale. In Vietnam I saw and did the most violent, cruel things. After a while you get where, uh, it's almost a rush, it's almost a high, uh, to be hurting people over there like that. Then you come home and you're told stop. No more.

Narration. Washington State has more Vietnam veterans than could be statistically expected . . . about 200,000. A number came here because they wanted to live in isolation . . . hidden in the wilderness. We came to find them—sufferers of a psychological disease called Post Traumatic Stress Disorder—PTSD. In one degree or another, this illness affects perhaps a million Vietnam veterans. One of the results of the illness can be suicide.

Mike Rice. During the second marriage, things got bad, and I had my pistol, and I, I picked it up, and it was always loaded. Always loaded. I picked that thing up and I put that right up here and I go, and I thought, just for that second, I thought of my two boys, and the more I thought about them, I couldn't do it.

Narration. There have been between 26,000 and 100,000 suicides, depending on what reputable source you believe. In Vietnam, some 58,000 men were killed. The men who told us their stories all have symptoms of PTSD—a disorder, which, fourteen years after the war, still affects about a third of the veterans.

John pathologically distrusts society.

John Michaelson. I ain't coming down off that hill. And there ain't nobody coming up there, you know. If I said that down there at the Spokane Mental Health, where, where my boy's been worked with, I'd never get him back. (cough) I'd never get him back. Well, no wonder this kid's violent in school and packs a knife and sleeps with a knife under, his old man's crazy, you know, got the . . . One of the guys at work asked me if I had the Vietnam crazy syndrome. I had to walk off. I'd a killed that sucker.

Narration. These men say they are patriots who love their land, their country. When they came back they were outcasts. Broken spirits learning to heal themselves from the wounds of war. The Vietnam conflict was unlike any other American war—so their illness is different from that suffered by other veterans. Recently, the Vietnam veteran has become recognized and now the tributes have begun. For some, it may be too little, too late.

Dan Rather (on camera). Well, what happened to flag, country, duty, honor?

George Greul. No matter how you tried to hold those values, it was compromised. Totally compromised at times.

Rather. When they have Veterans Day parades do you go?

Terry Bradley. No.

Rather. Take part in them?

Bradley. I'm afraid to go to people because I been institutionalized all these years. See, I, if I go to the community now . . . nah. If this is the way these people have to be, these humans have to be in America, they can, I should, I guess I lost the country I fought for, I just, I don't want them to have my stress and my burden so I, I'll stay up here and hide.

Narration. They came out of hiding to talk to us, and talking sometimes takes more bravery than fighting. After the killing stopped the illnesses surfaced. PTSD is a syndrome that ranges from nightmares to suicide. This illness is not confined to the State of Washington; it's all over America. We tell you a story of hidden illness; perhaps your own story of The Wall Within.

ACT ONE

Steve. (Poem) I take the weapon and raise it above my head and strike with the force of my being, blow after blow, until no more stand in my path. My breath comes fast and short, gulp after gulp.

Narration. At age 16 Steve was a Navy Seal, trained to assassinate. For almost two years he operated behind enemy lines. Then he broke. He came home in a straitjacket, addicted to alcohol and drugs. He had PTSD. He was neither deprogrammed nor helped. When he moved back home, his mother became a victim.

Steve. Well, I drank myself into a stupor so I could sleep. And, uh, she came down, in the morning, grabbed a hold of my toe. I came off the bed, grabbed a hold of her blouse, uh, cut her carotid arteries off. If you grab like that, and come around like this, the blood supply to the brain's cut off. And it's permanent brain damage, and then death. And, I had her down on the floor, and all I was seeing was VC. That's all that was in my mind. And then I saw her face, and I let go. By the time she recuperated enough to try to say it was okay, she understood, I had packed again and was on my way out the door.

Narration. At age 19 he fled to the mountains.

Steve. It was safe. I understand animals. Animals are not like human beings. Animals will not gobble their own.

You can go up in there and sit down and nobody knows you're here forever. It was tough up there. I hunted. I used, I used trip wires, and I'd live in logs, I'd live in stumps.

It'd be real easy to camouflage yourself in here.

Narration. The mountains were no cure. The anger remained. He tried to drown rage in alcohol and drugs, but the hate continued. So he turned his anger on himself and punished himself with 23 car accidents—he's permanently crippled. He says the distortion started at the hands of military trainers who twisted his character.

This rare true film shows soldiers learning what to expect when captured by the enemy.

Steve. You're slapped a few times and asked who you are and Ho Chi Minh addresses are going on, Mao's doctrine is going on, they're beating you for days, and, and they'll come in, line you up against the wall, and use kalish, kalishnakovs, AK 47s, and fire blanks at you. You don't know they're blanks. (sound of gunfire)

Then you're beaten.

Had to crawl through a 28 foot trench full of human excrement. Then they drop you into a barrel full of ice water. And the whole time they're hitting you. They're pounding you. And then they show you pictures of a nice, American family. Pictures of Mom, pictures of Pop, pictures of the little kid, another picture of a VC, picture of a little kid, mom, pop, little kid, bang—slaughtered family. (pause)

And you start believing you're really captured. I went through four camps. And it's hammered, hammered, hammered, hammered, hammered, hammered into you. Until when you—when I got there, it was: Kill VC. And I was good at what I did.

Rather. How good?

Steve. I'm alive.

Rather. You say there were special missions in the villages sometimes.

Steve. Oh, oh that's Phoenix program. We would go into villages and we would hit 'em. We would leave Chinese and North Vietnamese literature all over. On the corpses, tacked to the corpses. Burn part of the village. Do all of the things that the VC were doing. The generals, they'd fly in, and we left, there wasn't a trace of us. And, they'd land with the press corps and they'd go: this is what we're fighting, this is what the VC do. This is what you're seeing back in the United States. I was the one doing a bunch of that.

Rather. You're telling me that you went into villages, killed people, burned part of the village, and made it appear that the other side had done this.

Steve. Yeah.

Rather. For propaganda purposes at home.

Steve. That's correct.

Rather. This is not something you made up.

Steve. No.

Rather. This is not a hallucination.

Steve. Oh, no.

Rather. This program of selected assassination and the village wiping-out.

Steve. That's right.

Rather. You stayed a long time, you did your job and you survived.

Steve. Umm hmm.

Rather. But then something happened.

Steve. I couldn't kill anymore. And I said: that's it. I can't do it anymore. I cannot do this. I can't justify this, I can't do it.

I turn slowly, I see only a field growing, arms and hands. Reaching for the end of this madness, this thing that grips people, nations, tearing them down from within. Can you see fear now?

Narration. Twenty years later he's not totally repaired. Steve's found help in writing. He's written 50 poems. He's kept a journal. He's had one disastrous marriage. One family destroyed because his wife and child were terrified by his rages. A second wife and psychological therapy which he paid for himself finally dampened down the fires of anger.

Narration. As best he can, he's remaking himself.

Steve. I came to the realization that I was not going to have a family. I wasn't going to have anything unless I could change me, unless I could get over the anger and get over the suicidal fits of depression. I started seriously working myself. It's been a hard road. Facing your own shadows is a tough one. I'm still working on it. You know, I'm going to be working on it the rest of my life.

Narration. The day he came out of action Steve knew he was sick. He knew combat had made him different. He asked for help. That's unusual. Many vets don't. They hold back until they expode. What to do?

Port Angeles, Washington, on a Wednesday night. A simple treatment. Outreach. Find the vets, bring them together. Have them talk about it, if they can.

Veteran. When we were get, when we went on this one mission, we were getting out of the helicopter and, uh, all of a sudden there was a bunch of rockets going off . . .

Narration. Some talk some listen. This is the beginning of professional counseling. Half a million Vietnam veterans have sought help for PTSD. What they can't say to the men who didn't go, what they can't say to their families, sometimes they can say to each other.

Veteran. Have a cigarette and just have some milk, just to calm my stomach down and my nerves.

Narration. Not all join in. Some can't speak out yet.

Greul. Over a period of time, it seems an entire world was watching me.

Dan Rather (on camera). Is that why you're spending so much time in this room, small room, shades drawn?

Greul. Sometimes the pressure of a typical household, doing its typical thing . . .

Narration. He's over-tense, excessively alert.

Greul. The pressure of where you feel like you're gonna blow up. . . .

Narration. He sleeps at most two hours a night.

Greul. I've learned to leave the situation alone.

Narration. George's symptom is called hyper-vigilance.

Greul. I come to this room. If I can't take it in this room, I leave here to anywhere I can be left alone.

Rather. Is that why you drive around at night?

Greul. Yeah.

Narration. At the beginning, he drove through city streets. But now he drives aimlessly for hours through these Washington hills. His family sleeps.

During Vietnam he did three tours on an aircraft carrier. A lot of night duty.

Greul. On the Ticonderoga, accidents did happen. You're constantly facing the danger of being sucked in the aircraft. In one minute, and I caught myself doing this too, it's like: Oh my God, in one minute I almost died seven times. A couple of seconds I've been in the wrong place at the wrong time, and was blown off the flight deck. Just like a rag doll through the air. I knew I was cut up, I knew I was hurting, I just simply got up, and I went right back out there on the flight deck, more out of anger than anything else.

Rather. Did you lose any friends in Vietnam?

Greul. Yes. I'm on the flight deck. Night operations, recovered aircraft, prop job. He was directing it, or waiting for it to be directed, I can't recall exactly.

Rather. And what happened?

Greul. He just simply walked into the prop. Right next to me.

Rather. Somebody for one nano-second made a mistake.

Greul. My attempt was too late, my attempt wasn't executed like I'd done before and before. I made the mistake of thinking what he thought. And that's what caused it.

Rather. Did you reach out and try to stop him? Or did you call out to him?

Greul. I just reached out half-thinkingly. And because I thought that he was aware when he wasn't aware.

Narration. George feels a man died because he was not alert enough.

He'll never leave his guard down again. Always vigilant. That was the trauma. George tells us the aftermath.

Greul. You become and feel very outcast. I felt that very strong. And you look anywhere, really where you fit, and it doesn't happen. It does not happen. I've found that I'm leaning real heavily of not really having anything to do with society than is absolutely necessary.

Narration. At first most psychiatrists thought men like George had weaknesses that came out of their childhood and that they would have had psychological problems even if they had not gone to Vietnam. Now the American Psychological Association says that PTSD is a disorder brought on by the war. Had George not served, George would not be ill. That's what the people in town told us too.

Rather. Did you, do you feel angry?

Gruel. Angry? I still feel angry. It, it was as if it was a big joke over there.

Rather. You didn't feel it was worthwhile?

Gruel. No. Definitely not.

Rather. You didn't feel it was a contribution?

Gruel. I felt that my contribution, for what I did, was a total waste. Absolute, total waste. And I, what I did contribute, I gave my soul, my heart, and effort, to where my life didn't matter over there. To that degree. Three hours.

Narration. He told more than he wanted to. Those who treat the experience say he's got to get it all out before he'll start healing. Meantime he drives.

Gruel. I, I got to cool the feeling that, uh, not to explode. And do something that, uh, I'll just be guilty for again.

Rather. You're saying when you leave here and you drive out, you can put the guilt behind you? Or you just don't care anymore?

Gruel. I quit caring completely. I get the feeling that I might not come back. Or I just may say the hell with it and end it.

Narration. Port Angeles is a lumber town, a blue collar town. One of the hardest workers at the James River Mill is Guy Iredale. Iredale is a respected name in the community, and Guy works, acts and talks like the middle of middle America. But there's one thing he never discusses at work . . . his tour of duty in Vietnam. He only talks about Vietnam at home. Guy has PTSD.

Iredale. The hardest part of it . . . is, uh, is, uh, nightmares. Nightmares.

Narration. That's his symptom. At first he tried to wash them away with alcohol. That's common. To their neighbors the Iredales are a warm, loving family. But when Guy was drunk, the repressed anger, rage, and fear were turned on his wife and two boys.

Iredale. I've done some damage, in, in this house. Things I've had to fix, replace.

And then you just take it out on everybody, the people who are closest to you, people who are in your house. And you, uh, do things to 'em that they don't deserve.

Rather. Can you give me an example?

Iredale. I'd get violent. I'd get damn violent. And I've, I have scared every one of them. Scared 'em right out of their wits. Chased them out of the house. . . .

Rather. Your wife, your children?

Iredale. My wife, my children, I have done that.

Rather. What's the worse thing you did to your wife?

Iredale. I don't want to tell you that.

Rather. Does that scare you? It must.

Iredale. Sure. A side of me that I don't like. The scary side. I'm not proud of it.

Narration. He's sober now. The family is safe from attack. The loving, caring husband and father is back from the war.

He found a way to tame the nightmares without alcohol.

Iredale. Somebody told me once that if you have a nightmare, you write it down or you draw it. That way it'll stay away from you.

Narration. Behind the house is a garage. In the back of the garage, in a corner, is a very private place. The family doesn't go there because it's all his. There's a dark that leads to some burlap curtains, and behind the burlap there's no electricity. That's where Guy took us. He's drawn Vietnam. Here's his PTSD.

Iredale. That's gunnery sergeant Robinson. He got his face blown off. So I put it there. That's my man Hamlet. I carried him down off this mountain. Kept telling him, "you'll be alright, Bob." Was shot, through the heart.

Rather. What about this?

Iredale. That? That's a nightmare. It is the ambush. See, we come in here, and these men got out in front of this big boulder, and they got cut down. Real fast. And we come in, and there's a man here, been shot through both elbows. Another guy had been shot through the shoulder. And the guy who's been shot through both elbows is screaming, crying. And we're stuck right there all day. Everybody pinned down and everybody dead. Lieutenant come to me and he told me you got to go up and get Hamlet. The gunny got his face blowed off, trying to go up and get Hamlet. And I seen it happen. Seen that happen, that was terrible. That was terrible. I couldn't get myself to go up there and do that. I tried. I got within about twenty yards of him. Twenty yards. Yeah, just behind this rock. And he sat there, leaning up against the bank, and he looked at me. Waiting for me to come and get him. I couldn't do it. And I live with that. I live with that. Damn, I swear, Bob, if I could go back I'd do it, man. I would. I sure would.

Rather. These are the kind of experiences that it's almost impossible to get anybody to listen to, much less understand.

Iredale. Well it's real. It's what we live with. That's what, that's what, that's what this does. That's what this is all about. That's what this is all about. That's why I'm sitting here telling you this and showing you this. Cause it's real. And people gotta know it. You gotta realize it. I don't, don't take this down to work. Guys down at work are gonna be shocked when they see this. But it's real. And there are guys out there who live this every day.

ACT TWO

Narration. The Vietnam war was a war with a difference. We fought an unseen enemy in a small, hot country, and we lost. A different aftermath than any other war meant a different kind of healing. Colville, Washington, Wednesday evening. Family counseling center.

J. Michaelson. John Michaelson. 36 Rifle Company. Qui Nhon '66–'67.

Narration. No use saying these veterans should act like World War II veterans. They came back to silence while their fathers came back to cheers.

Rice. Mike Rice. 981st. MP Group. Sentry Dogs '69–'70.

Narration. If they resemble any veterans, they are most like the ex-soldiers of the Civil War, the Confederacy, mourners of a lost cause.

Bradley. Terry Bradley, Germany '66–'67, Vietnam '67–'68. Ku Chi 127 Wolfhounds.

Narration. They tell their buddies their war stories. Sad and colorful tales. Telling becomes healing. It's called group therapy.

Bradley. Seventeen miserable years, restraints, my wife's seen me in restraints, and stuff, because I said I'm not nuts, I don't have this stuff. And then they give me these, these letters and all. I got many a letter saying I have organic brain damage, progressed dementia, psychosis. And I want to upchuck. I'm starting, ready to cry. Why don't I cry now. I cried, I wined, I cried again. I cried for seventeen years. The only thing in this man's heart is hate.

Narration. Terry's symptom is psychic numbing.

Bradley. When we came back to stateside, we had all this in us. We didn't have feelings, we didn't have emotions. We could kill; we were murderers. We freaky. We was freaky. You know, we was.

Narration. When he came back home, Terry couldn't control his violence. He couldn't adjust to a life without combat. Stateside he struck an officer, lost his command, went to the stockade, and was discharged without honor. In Vietnam, he was a success, a fighting sergeant who led men in battle. Back home, he was nothing; because nobody needed the skills of a combat soldier. He felt stripped of honors. Terry says he can't figure out how his country could make him such a failure as a civilian when it has made him such a success as a fighter. He spent 10 years in and out of mental hospitals.

Bradley. I see the elevator. I see you, I say, I see the TV. I see the window. And everything was into your sight pattern, and then it's gone and then something else imaged in your brain, hitting that all together. And I was rocking, dizzy, and I looked at this unpopular nurse, you know, and she said, Terry you going through drug withdrawal.

Rather. You didn't really believe it.

Bradley. No, because I didn't take drugs. I said, 'I don't take drugs,' and she said, no, doc, the medicine you're on. Why, hell, they had me on four, 10 milligrams of valium a day, you know. I take one of those, uh, thorazine, meladryl, stelazine. Can I get you a list of medicine I take, and show it to you right now?

Rather. I'd like to see it.

Narration. In the '70s, PTSD was not recognized by the medical profession. Like thousands of others, Terry was diagnosed as a paranoid schizophrenic and treated with drugs.

Bradley. Dan, I'll tell you something. You take this medicine. And this ain't, this ain't all the list in one day. And you take it home and you take this three times a day.

Rather. Do you still have any of these medicines around?

Bradley. I got a lot. You want some?

Rather. No, I don't want any, but . . .

Bradley. Want me to show you that box?

Rather. If you've got a box, let's take a look at it.

Terry. I'll get you a box.

Narration. In 1980 Terry's discharge was changed to honorable. That gave him access to the VA hospitals, where they continued to treat him with drugs. That same year PTSD was recognized as a mental disorder, and the treatment of choice for Terry should have been counseling.

Rather. Who gave you all this?

Bradley. The VA. All this is VA medicine. Every bit of it.

Rather. Doctors gave you this? And the psychologists, the psychiatrists?

Bradley. This is what I was on before I came to my senses.

Rather. It's hard for me to believe that. I know that you're a truth-teller, but it's hard for me to believe that.

Bradley. You don't need to worry about me telling the truth. My name is on the bottle. All of them, you know.

Rather. It's true. Nearly every one of these.

Bradley. Oh yeah, you won't find one ain't my name on it. I mean, after you're on this stuff as many years I was on it. It turns out, you can't hold your emotion worth a crap, you know. And, I was on the floor, crawling around on the floor, and they saying I was dying. Then they came up with brain shock treatments. And, then I talked to that fat nurse again. I shouldn't say it, she was beautiful.

Rather. Because she told you the truth.

Bradley. Yeah.

Rather. And you wouldn't let them give you the shock treatments.

Bradley. No, we ran. We ran. We ran up here.

Narration. In 1985, Terry and his family moved to Colville and started over. Using all their savings, they began this house. The money ran out; the house stands unfinished.

Terry earns no money. The government sends him checks. He gets $931 a month from Social Security and employment disability. Another $400 comes from VA compensation for PTSD. Terry doesn't work. Massive drug therapy medication has left him with organic brain damage. He's legally incompetent.

Bradley. They call me incompetent. I can't sign a check. I'm a adolescent. They say I can't do nothing. I'm ashamed, don't think I'm not.

Narration. Terry still takes medication: antabuse to control his alcoholism; synaquon to curb the depression.

Bradley. My son understand, I think.

Narration. The drugs can't calm his mind. Terry hides in his bedroom sometimes for hours.

Bradley. I cage myself up, is what I do. And I get secure when I go to bed. I lay in my bed, and nobody bothers me in this bed. And I get secure, and I can hide all my problems away when I put up the blanket over my head. And that's what I do, I, I sit in here and I just don't want nobody to know who I am. I don't like myself.

You wouldn't want to have this awful stuff inside us.

Rather. That awful stuff being, being trained to kill.

Bradley. Yeah.

Rather. But that's what a soldier's supposed to do.

Bradley. Not the way we did it. It was sickening.

Rather. Tell me about that.

Bradley. Let's say could you go up to 50 people in an hour, in an hour, let's say. And go out and get a knife and skin them. Get babies, arms, eyeballs, guts, and hold their heart in your hand. And throw them in piles. Could you do this for one hour of your life, just stack up every way a body could be mangled, up into a body, a arm, a tit, an eyeball, a soldier that turned over that don't have no face, uh, guts, maggots if they been there more than a day, whatever, and the stink and the smell, and stuff like this. And pile them up. And do this just an hour, let's say, and not, not have this inside you all your life. Okay, imagine us over there for a year doing it continuously. Whew, that is sick. No, and not be debriefed when we got back. Not to be debriefed and learn this bloom, this water, this good. We came back there was nothing good.

Rather. You've got to be angry about it.

Bradley. I'm suicidal about it. I don't want to live. But I told my boy I would not cry. And I'm at a point of it now, and I'm correcting myself. I will not cry. I don't want to have to be nobody all my life. But I want to be able to come home with some dignity.

Narration. Meantime, Terry depends on the trees and earth to protect him. At night he retreats to the woods behind his house and calls out his pain.

Bradley. And I go up there and I lay in seclusion, and then nightfall comes, and after nights, and I howl. It brings out the pain, the hurt, the sadness that happened throughout these twenty years.

Narration. Terry, like other vets, feels that the larger community doesn't accept him. He's afraid of them, they're afraid of him.

J. Michaelson. The water doesn't do anything, the person administering the baptism doesn't do anything. It's already been done. The spirit of God has visited Terry.

Narration. He feels most at ease with other vets. At his baptism, he was surrounded by members of his rap group and their families.

J. Michaelson. I baptize you in the name of the Father, the Son, and the Holy Ghost, Amen.

Narration. The administering preacher is also a Vietnam veteran.

J. Michaelson. As I started working with vets here, while I was in ministry, I started to realize that some of the guys that were really hurting weren't really any different from me.

Narration. Preacher John did one tour of duty as a combat marine. His war experience resulted in PTSD, and his dominant symptom is alienation: that means hostility and distrust.

J. Michaelson. The ground makes me feel safe. It's my ground. I got the reach on anybody; I can see or hear anybody long before they can see or hear me. And it's a comfort to me.

Narration. For fourteen years, he's guarded the mountain he lives on. His wife, Kendra, gave birth to three of their four children in this house.

J. Michaelson. The first thing I built was the basement. That basement was just like a bunker. It really was, just like a command bunker. It's got good cover.

Cover isn't just hiding, cover is something that will soak up lead, you know. Only thing that can get in here is mortars, and you don't see too many people packing mortars around this country.

Kendra Michaelson. In the early days of our relationship, he would make a reference to Vietnam, and I would say I can't deal with that, I don't want to talk about it. I very definitely shut him out. I could not only deal with the fact that is happened, I couldn't deal with the fact that he was a part of it.

Narration. He hunts. He learned about guns before 'Nam. His father was a marine too.

So he learned to be strong and expect victory. Fortune favors the brave.

J. Michaelson. I lost a whole bunch of my illusions in a hurry. We weren't gods, and we could get our ass kicked. I was really angry, because I felt like it was all just a big crock. We'd been lied to and used . . .

Narration. The soldier joined the anti-war movement. When he returned home, he demonstrated against the Vietnam War. He harbored deserters and was hunted by the FBI. Life on the run gave John an adrenaline rush, just as it did in Vietnam.

J. Michaelson. Sometimes I think about walking point. You know, I get a similar feeling. Have that feeling of expectancy, you know. Just feeling on, listening. I'm probably a better grunt now that I was 20 years ago. More practice.

K. Michaelson. He's never hit, hit out in a really destructive fashion with either me or the children, and I've been very grateful for that. Because that's, uh, something that vets have a real problem with.

J. Michaelson. When I'm in my corner, I've got all my books there, my back's against the wall. I got all my pieces up above me, and they remind me that I'm safe. I can lose myself in that little tiny piece of that little tiny room. Nobody wants to reach in there. You've put up no trespassing signs all over the place. You've made it very plain, "Don't mess with me, man, or I'll bite your head off."

Narration. He and Kendra have always paid their taxes. He's always had a good job and taken care of his family. He decided to become a minister, graduated from Divinity School with honors, but lost his parish because of family problems.

He had worked in the sawmill before, and he went back to it. One thing causes trouble. John can't tolerate authority. Above all, he doesn't trust his government. He knows he needs counseling, and so he'll accept that help. But although the VA might also pay him benefits for his illness, he won't even apply.

J. Michaelson. No, piss on those people. They don't know what's happening. You know, you can go in there missing one leg and they'll tell you you got both of them. Why talk to those people; I don't want to deal with them.

Narration. Saturday mornings John and Kendra drive a hundred miles to Spokane to be with their two older children.

J. Michaelson. I think PTSD is catching. My wife had a nervous breakdown. She doesn't tolerate hostility well, and she'd been living with it for too many years. She finally lost it. And it's like a disease that spread to my family. I have two kids right now in treatment centers 'cuz their old man messed 'em up so bad.

Narration. Twelve-year-old Elijah lives in an institution because he's so violent. He threatened to kill his school principal. Fourteen-year-old Kachina lives in a juvenile center because she ran away and drank heavily. The children are second generation casualties of war.

K. Michaelson. Everytime we come down for a visit, it just is, it just eats your heart out. It's really hard to see them.

J. Michaelson. It seems like I take too much responsibility, at times, for where the kids are at. But I feel like maybe I haven't taken enough.

We try so hard to look normal. But kids are real honest. They don't hide anything. I guess that's one reason it's been so hard for me to see them coming apart, to see them not coping well, to see especially Elijah, with his uncontrollable rage, violence and deep depression. He's left suicide notes since he was able to write. You know, I look at that and it's looking in a mirror and I don't like what I see. I don't mind living with all that stuff in me, but I don't like to look at it in my kids 'cuz I know where they got it from.

Narration. Early this year, Kendra took the children and left John alone with his rage and anger.

J. Michaelson. When you were in 'Nam you had something you could do. You could rip it all out, 30 rounds at a whack, man, I mean, I, make your barrel of your 60 translucent, just orange, you can just see the rounds coming out of that sucker. You got something you can do with it. You got nothing you can do with it here. Nothing you can do with it here. You don't do it at home, that's for sure.

Rice. Oh, I was watching a movie last night and there was a part in there, a small shoot-out, but one of the guys, instead of just dying, let's out this long, long, shrilling scream, and it just . . .

Narration. Flashback is the clinical name of the PTSD symptom that Mike suffers from. He's about to relive the emotions he felt at the time the trauma happened. Not just remembering the incident but breaking under it.

Lloyd Humphries. You heard that scream before, Mike.

Rice. Yeah.

Humphries. Where'd you hear it?

Rice. As we drove out the gate they hit us.

Humphries. The Vietnamese were firing.

Rice. Yeah, they threw grenades first, that's what got Moody and Dozier. After I got Moody and Dozier to the hospital, I came back. I noticed, uh, sergeant kinda laying over some of the pipes over there, and, uh, I knew he was hurt. And, he'd always kinda come around, and he'd show us the picture of his family: his wife, his little boy, and little girl. He was just laying over there. (sobs) And, I thought, God, no one's helping this guy, you know. So I ran over there (sobs) to help him, and I reached out and grabbed him and he was blown in half (sobs), he was physically blown in half. There was just his top half. There was just his top half left. (sobs) And I just backed away from him because I just had to. (crying)

Narration. He's healing. He's healing because until recently he couldn't tell his story to anyone. He had his flashbacks alone. They'd be triggered by a car backfire—or today's thundercap could send him back to 1970.

At that time he did sentry patrolling with a dog. He guarded his buddies by night. Mike still lives by night.

Rice. I'm finding out a lot of things I did in 'Nam I still do now. I work graveyard. I've been on dayshift. I could still be there, but I gotta sleep at night and I can't sleep at night. So it's easier to work at night. I have to be there for my boys. And so I stay on the job I'm at. If it wasn't for them, I'd take off. It's easy to go someplace new where you're not known, because you can leave a lot of things behind for awhile. It's someplace new, it's a new start.

Narration. Mike is the first to admit he ran away. He's had three short-term marriages, and two sons he rarely saw until recently when Morgan came to live with him. So long as he was ruled by his flashbacks, the past meant more than the present. He moved in and out of places and events as a runaway. Now that his son is here, Mike is more stable; another sign of healing. He wanted us to see the empty apartment where he used to live alone. We found that when Mike returns here it's as if he never left.

Rice. Uh, I just, uh, I come up here to forget a lot. I can get in here and I can draw the blinds and I don't have to worry about whether to get permission to fire or not. I don't have to worry about anything, I can just get in here and listen to music or turn the TV on and and try to fill my head with anything but what I don't want to remember.

Rather. You served your tour, you came back. Do you remember the day you came back?

Rice. Uh, yeah. Yeah, I remember that day. And I'm waiting for my flight. And, uh, off down the corridor, I notice this—he was a soldier, and this one lady, she walked up to him and she spit in his face. And, uh, I thought, "Jesus Christ, man, I need a hole to hide in." I didn't want no one to look at me in this uniform. I wasn't gonna, I couldn't have handled that.

Rather. If you could see her now, unlikely, what would you say to here now?

Rice. Lady, you're wrong. You may have feelings and you got your opinions and your right to 'em. But we did what we were told to do and we did it for our country. And we did it for our government. And we did what was right. And we survived. You ain't got no right to treat us like dirt.

Narration. Later Wednesday night. The rap group is winding down. One symptom they all talk about is survivor's guilt. Why am I here alive while so many men better than I are there and dead. The inequality of sacrifice calls for consolation.

These men contracted the disease in their late teens, and they still suffer from it in their forties. PTSD will not go away with time . . . . left untreated, it is a burden to be added to the burdens of age.

CLOSE

Narration. Just before dawn on a windy night, three men you've met in this report came to see the Vietnam Memorial in Washington, D.C. . . . at our invitation. They stopped first at a statue built for veterans who asked recognition for the deeds of American military.

They found the comradeship of solidering.

Rice. You would swear they was alive almost.

Narration. This book lists the location on the wall of the names of the men who perished. John wants to find the placement of Ralph Knudsen who died in his arms. The name Terry is looking for is Ventline, a solider who was torn to pieces in front of him. He found him.

Park Ranger. Can you see the names there, sir?

J. Michaelson. It was late enough at night. I might have been the twenty-fifth instead of the twenty-fourth.

Ranger. Okay.

Narration. The Computer is there to help memory.

Ranger. Knutesen, Earl, PFC, Marine Crops.

J. Michaelson. Nah, uh, Ralph, that's corporal, Marine Corps.

Ranger. This gentleman died on the 26th.

J. Michaelson. I guess we missed one, huh. He was killed by friendly fire, you know. Ah, I mean, one of our own guys got him, and maybe they didn't put them down, huh.

Ranger. I don't know, sir. We're up to the 27th of December now.

J. Michaelson. No, no, it was Christmas Eve. I was, I was there.

Narration. When memory is blocked, it's not always simple forgetfulness. One of Mike's sergeants was killed before his eyes in June of 1970. He's been haunted by the fact that he's forgotten the man's name.

Ranger. Matthews. June 3, 1970. Edgar Donald.

Narration. Forgetting, he killed him more.

Rice. That was him. That's him.

Ranger. June 3, 1970.

Rice. Yeah, that would have been it.

J. Michaelson. 37, 8, 9. That's another one of them tall ones.

Narration. For years America shut out the Vietnam experience. During the war, Vietnam was a national obsession. Afterwards, amnesia struck. Amnesia—total forgetfulness—happens when the pain caused by memory is so great that life itself is threatened. For Americans, Vietnam was an unspoken word. Now the national memory has come back. Meanwhile, Mike, John and Terry, and the others who bore memory while we forgot, live in the past we overlooked.

Bradley. Fifteen . . .

J. Michaelson. There his is, there he is. Right there.

Bradley. Yeah. Okay.

J. Michaelson. You want to rub that one?

Bradley. Yeah.

J. Michaelson. Here.

Bradley. I'm ashamed. I work on this problem. I'm coming out five minutes a week, maybe ten minutes. And hopefully, throughout another five to ten years I can regain my respect for myself as a soldier and a human being. Messed up pretty bad.

J. Michaelson. My God, what a scar. I was thinking I belong up there on that wall, not standing in front of it. Nothing happens overnight. I'm gonna be chewing on that wall for a long time, and every little bite of it that I take is gonna be more growth, more healing. I wanna come back.

Narration. We have shown the symptoms of PTSD so that you might recognize them in friend and neighbor and self. But it has struck us that this disease and its cure have an eerie parallel in the national experience. If these soldiers must get it all out and recognize what they did before they can be cured, well the same might be said of the nation. If at first they obsess about violence and death and evil, years later the country has come to the same obsession . . . evidenced by today's war movies. If afterwards, they learn to live with what they did and fold it into their normal lives, the same healing process may lead the way for the nation. These wounded men who were left behind foretell the future. I'm Dan Rather.

REPORT FROM "60 MINUTES"

(Camp—Dan and Shad walking.)

Shad Sync. This is it * * *

Narr. Treatment began here, in the hills of Malibu, California. His name is Shad Meshad, and he took us to a place where twenty years ago he found a group of veterans sick with PTSD. They mistrusted society, their government, and especially the Veterans Administration.

(Camp details.)

They hid out here, and rebuilt Vietnam. Guard posts * * * barbed wire.

(Dan and Shad O/C.)

Dan Vo. As they gazed out over this, they could—

Sync.—Imagine that they were back in Vietnam.

Shad Sync. Oh, exactly. (under) I was in I-Corps most of my tour. This is I-Corps.

Narr. Meshad, both a veteran and a therapist, tried to help. At the time the only thing he could do was to get them to talk it out. Talking might keep them from self-destruction.

Shad Sync. One guy, one guy was just bashing his head and his hands, he was all bloodied, and he was just trying to kill himself and he wanted to do it manly; he wasn't gonna cut his wrists or whatever. He just wanted to go out violently.

(Vet Center.)

Narr. Twenty years later this is the result of Meshad's work. Small storefront meeting places throughout the country called Vet Centers. Congress insisted that the reluctant Veterans Administration get out of Washington and do something local and innovative. Give them places to talk it out * * * outside of V.A. hospitals.

Terry Sync. I came out and they threw me out of the Army. They tore off my stripes, tore off my medals, and branded me to be a nut.

Anderson Sync. I was drinking a lot * * * I was, jumping on my wife all the time, jumping on my kids all the time.

Narr. Their symptoms range from violence to suicide.

Vet Sync. I don't think there's a man here, including myself, that ain't thought about snuffin' it.

Michaelson Sync. I'm in there all by myself; except right here. This is the only place where I'm not by myself. And I don't know if anybody else feels that way or not * * *

Narr. This group counseling has been wildly successful.

Michaelson Sync. Hang in there, doc. Hang in there.

Narr. There are 189 centers in all. In eight years more than half-a-million vets have come in for help.

(Steve in mall.)

Steve has just found a Vet Center. He's poised, well-educated—but hear him well. Part of his mind is still patrolling Vietnam.

Steve Vo. I don't want to be around a lot of strangers. I go to a shopping mall, and it's make a beeline in, hit the store, get what you want, and get out. You have to look in every eye that goes by you, and you have to scan the entire environment, from left to right, up and down.

(Steven driving home.)

Narr. He's excessively alert, always on guard. To the casual eye, he looks like the ideal American veteran. Good neighbor, family man. But for 20 years he brought his rage and anger home each night. He won't talk about his first marriage. His second was in trouble until he found the Vet Center. Now things are better at home.

(Comes home, kisses daughter.)

Steve Vo. And I wish that there had been someone, anyone, that could have done something to help me a long time ago. I wouldn't have hurt myself, and I wouldn't have hurt the ones that are around me as much as I have.

(TRW Board meeting.)

Narr. At work, Steven's a success—always in control. He suppresses thoughts about the day an enemy rocket blew up his firebase. That trauma left him with P.T.S.D.

(Steven walks down hallway and office stairs.)

Steve Vo. I remember looking at the pile of men that had been alive an hour before and were dead now. * * * I was one of the couple of guys that picked them up and put them on the medivac choppers as they went out . . . you know, parts of the bodies were coming off in my hands, and it was really very * * * But I know I went numb. I was just totally numb. And I felt aged when I came back. I knew I was only 20 that day, but I might as well have been 80.

(Computer room.)

Narr. There are professionals all over America like Steve. They're suffering from delayed stress. They don't know what's wrong with them. That includes doctors, lawyers, bankers, literate people who surprisingly have never heard of the disorder. Steve's upset that he learned about himself so late. He blames the V.A. for failing to spread the word.

(Steven driving.)

Steve Vo. I resent it. I had no idea that there was anyting called P.T.S.D. I didn't hear anything about it on the radio, newspaper, T.V.

(Night—Caspar driving.)

Narr. You can have untreated P.T.S.D. and live in suburbia. But it's more likely you'll be living in the streets. One out of three homeless men is a Vietnam veteran. One-third of the men without shelter served their country in wartime.

Caspar Vo. When I came back from the 'Nam, I had quite a habit. Johnny come marching home again hurrah, hurrah. Only thing, the gun I was carrying when I came back was a little syringe.

Narr. Caspar's home is his car. He stopped using heroin, but he shows other P.T.S.D symptoms: a wandering lifestyle, nightmares, isolation.

(Caspar sleeping in car.)

He sleeps in whatever Seattle parking lot is empty.

Caspar Vo. You find out at the end of the day, after praying, saying thank you, made it another day—look at the realities. I'm alone. Alone.

(WS Seattle skyline and homeless street shots.)

Narr. P.T.S.D. is a disease that doesn't discriminate. It reaches from the veterans who work in the board rooms to the veterans who sleep in the streets.

Caspar Vo. A lot of my brothers, veterans, are on the street because they can't put the 'Nam away. To them, their body's here, but their mind and actions are still there. To me, the streets are, shall we say, my hideaway.

(EXT. Caspar in soupline.)

Narr. Caspar has never been to a Vet Center. Experts say there could be as many as 500,000 Vietnam veterans still in need of counseling. That so many have been left behind is often attributed to a lack of zeal on the part of the Veterans Administration.

Shad Vo. Well, one thing you have to understand is the V.A. as an entity.

(O/C.)

Sync. has never liked the Vet Center Program. It's an insult, basically an embarrassment.

Narr. The V.A.'s established routines and procedures couldn't include the new therapies required to treat P.T.S.D., Meshad explains.

Shad Sync. The V.A. administrator liked me and brought me in to do this program, and it was jammed down the V.A.'s throat. I mean, literally, it was stated that it would have been better to put the Vet Center Program under Forestry or Agriculture, as funny as that may sound, for the logistical support that we needed to get started. And we were a little 20-million-dollar-plus program that took care of all the Vietnam vets, and here they got a $24 billion program that couldn't address Vietnam vets.

(EXT. Vet Centers.)

Narr. Despite the V.A.'s reluctance, Congress was determined to make the program more effective. It expanded the scope of the Vet Centers * * * but at the same time, fixed a date when the centers had to be closed down. The V.A. didn't object. It had its own plan for treating P.T.S.D. Physically move the centers.

(EXT. Hospital.)

In short, the program that worked so well outside hospital walls was to be pushed inside, brought into V.A. mental hygiene clinics.

(INT. Hospital, Psych Ward.)

Acutely ill vets would be treated in psychiatric wards. The V.A. admits no money would be saved nor would treatment be better. Many vets are suspicious. They don't want to mingle with people who are a lot sicker than they are. One veteran fears drugs.

(Pill distribution.)

Steve Vo. I don't trust V.A. hospitals. People go into V.A. hospitals and end up on Thorazine, shuffling along the halls. Most of the vets that I know won't go anywhere near a V.A. hospital unless they're dying.

Shad Vo. The Vietnam vets don't trust the Veterans Administration. They trust the Vet Center Program and the counselors. They don't see it as a V.A. program.

(Shad O/C.)

Sync. Their trust is with the centers, and you tear that home down, it's like burning the villages down as we did in Vietnam, and that's home. And that's, that was the pain. You can't just go somewhere else and say, this is home.

(Over memo.)

Narr. Early last year, even before the date Congress had established, the V.A. in uncharacteristic haste listed nine local centers it intended to close.

Dan Vo. You say that the Vet Centers are doing a good job.

Blank Vo. Mm hmm.

Dan Vo. You think they're necessary.

Blank Vo. Mm hmm.

Dan Vo. Then why did the Veterans Administration attempt to begin closing some of the Vet Centers?

(Blank O/C.) Narr. Dr. Arthur Blank is the V.A.'s man in charge. He directs the Vet Center Program from Washington.

Blank Sync. The law requires—as it is presently stated—that a number of Vet Centers move to medical facilities. And a judgment was made that since that was going to have to be done on a large scale, it ought to be done on a small scale to see how it goes.

Dan Sync. Did you agree with that decision?

Blank Sync. Uh, it's a reasonable management decision.

Dan Sync. The question was whether you agree with it.

Blank Sync. Well, it's a little hard to uh, uh, again, this is a policy matter and I really can't, uh, I can't make a judgment as such about a policy matter.

Dan Sync. What are you doing to have the law changed?

Blank Sync. That's not my job. My job's not to have the law changed. My job is for us to provide the services, and that's what we're doing.

Dan Sync. And if you believe that it should be done one way.

Blank Sync. Mm hmm.

Dan Sync. You say it isn't your job.

Blank Sync. Mm hmm.

Dan Sync. Isn't it your responsibility to try to influence Congress and have them provide what you believe is necessary?

Blank Sync. No, it's certainly not my responsibility to try and influence Congress.

Dan Sync. I want to make sure I have the picture.

Blank Sync. Mm hmm.

Dan Sync. Unless Congress changes its mind.

Blank Sync. Mm hmm.

Dan Sync. Changes the legislation.

Blank Sync. Mm hmm.

Dan Sync. You are going to be closing Vet Centers in whose work you believe.

Blank Sync. That's my understanding, yes.

(Guy O/C.) Dan Sync. Now, you've lived it. What do you think of that?

Guy Sync. It's rude.

Narr. Guy Iredale has been in P.T.S.D. treatment for over a year.

Guy Sync. We are different. And for someone to try to take away what a lot of us need to help us get over this, it's thoughtless and it's rude.

(Blank O/C.) Dan Sync. If I were able to tell you, overwhelmingly the veterans say, no, don't do it.

Blank Sync. Mm.

Dan Sync. Then would you favor leaving it pretty much as it is?

Blank Sync. Well, I'd want to look at the evidence, I'd want to look at the documentation.

(INT. Vet Center, room and walls, mix of posters.)

Secretary Sync. Vet Center, Debbie, may I help you?

Narr. A lot of evidence gets turned out in Vet Centers * * * Reports the V.A. says it needs. But there's one basic unanswered question: how many men out there are suffering for P.T.S.D.? The answer to this question is buried in a report that cost taxpayers six million dollars and it's now two-and-a-half years late.

(Blank O/C.)

Blank Sync. The reason it's late is because it's so good, I think.

Dan Sync. But Doctor, if I run a year later in my work, I'm likely not to have my job.

Blank Sync. Yes, yes.

Dan Sync. These people (under) are running two years late.

Blank Sync. Well, that's the way it goes with research.

Dan Sync. Doctor, you're the commander on point here. Do you have enough money to do what you need to do?

Blank Sync. I think that we could be doing more, I think there are veterans that, that we're not reaching at this point in time. Uh, I guess the best I can do about that is to hope that they'll be able to wait until we get to them.

(Drive thru American Lake.)

Narr. Obviously some veterans can't wait. They hurt too much. Tacoma, Washington. The director and staff psychologist of this medical center cut through the red tape. They developed a treatment program beyond vet centers . . . and they don't do it where the V.A. would like to place the veteran—in psych wards or in mental hygiene clinics. It's a building standing apart; it is here that men who have already had exposure to simple therapy spend 11 weeks in advanced treatment.

(O/C PTSD Unit, Dennis in wheelchair.)

For the veteran the hardest part is called "Vietnam Focus," where each man must tell his most troubling story.

(Wheeling Dennis in.)

Dennis lost his leg after the war. To him, that crippling is minor compared to what he'd seen and done in Vietnam, where he was a medical corpsman. Took care of wounded in the field. This is his day to talk.

(O/C.)

Dennis Sync. I went through five weeks of training, in which they showed us these ideal wounds. I never saw an ideal wound. He was tapping on the trees, as he walked down, trying to draw fire. When he seen what the machine gun was doing, he cut loose. Then it hit the fan. When it was over, I'd lost four good friends. Then they got to an area called the Valley of Death. They got hit hard. And it took us about three days to get in there. And all the way all you saw was bodies. And when he fired it just went across their legs and just hit the one guy's nose. So they was still alive, and he says, uh, I said what do you want me to do with them, and he says kill 'em. God, Buckles, he had his face shot off, had a round in his shoulder, round through his wrist, round through his thigh. I said, you die, I'll kill you (pause). He couldn't talk. He grabbed hold of my arm * * * (sobs).

(Cutaways of men in unit.)

Narr. Dennis has been carrying this guilt for twenty years. What's at stake here are the lives and sanity of these men. The urgency of this treatment comes from a simple fact: the rate of suicide among Vietnam veterans is abnormally high. We tell you now that unless treated P.T.S.D. gets worse with time, not better. The longer the V.A. waits, the more difficult it will be to bring them back in—from way out there.

Ray Sync. What is a true statement about how much you deserve or earned the right to survive?

Voice Sync. Corpsman!

Ray Sync. What are you doing, Dennis?

Anne Sync. Are you gonna shut us out? Is that what you're doing?

Dennis Sync. Yeah.

Ray Sync. Is that what this is—give me your whole, give us the whole message, if that's the whole message. Don't just give us part of it. What's the whole message?

Dennis Sync. If they died, I should've died with 'em.

Ray Sync. This is a very big issue that a lot of guys come in here and have to deal with is do I deserve, do I have the right to survive?

Vet Sync. I think you had a right to survive. Even if I don't believe it for myself, I can believe it for you. I respect you. I think you deserve to live. I know you do.

Ray Sync. Do I have a right to a decent life? To some peace? I hope you all come to some resolution about that for yourselves. 'Cuz I don't know if you guys don't deserve to live, who does? That's my question.●

INFORMED CONSENT: KANSAS

● Mr. HUMPHREY. Mr. President, regret is an all too common emotion in the world of abortion. Women are often told only the bare minimum when they are considering abortion. Fear and embarrassment can often push them into quick decisions that they will regret later. Women need facts about the risks and alternatives to the abortion procedure. No matter what decision they come to, they must be able to make an informed decision. I urge my colleagues to join me in support of S. 272 and S. 273 so that problems like the ones expressed in this letter can be avoided. I ask that this letter be inserted in the RECORD. The letter follows:

DEAR SENATOR HUMPHREY: I aborted my first child ten years ago at eighteen years of age. I was undergoing inpatient hospital psychiatric treatment for an emotional disorder, and I was counselled to the effect that "in my condition," that "due to the severity of your illness" and "in my professional opinion" (my psychiatrist) that I should undergo an abortion. After my parents were convinced they "really had no choice" by the professionals whose care I was under, arrangements were made for me to have an abortion. I was told, in consultation, that my baby would probably be deformed as a result of the medication I was taking.

I was taken to a private clinic to be aborted (the hospital where I was a patient was Catholic and did not perform abortions). There I received a brief explanation of the procedure, signed a waiver, and was aborted. I was dismissed about fifteen minutes later to be driven 100 miles back to the hospital (with no medical facilities en route, had I needed assistance).

I cannot begin to express how helpless and terrible I felt about the whole thing. The depression I had been having prior to the abortion worsened. I was released from the hospital a week later. Not long after that, I took 30-plus downers. I didn't tell anyone, and I fully expected to die. I didn't and at the time I wasn't sure whether to be sad or glad or what.

In 1979, I embraced the Christian faith. Christ's perfect love destroyed the incapacitating emotional illness that had only worsened after aborting the child. Several years back, I spent some time at a medical library looking up what information was available in 1976 to support the assumption that medications I was taking would deform my baby. The literature suggested that the baby's growth might be slowed, jaundice was common, and there was an increased frequency of miscarriage. I spoke with a neonatologist who supported this.

I believe that everyone genuinely felt that my best interest was held in aborting my baby. The fact remains that they were not wholly truthful or equally supportive of options other than abortion. I'm certain many decisions to abort are eased by lack of truth, half-truths, and bold-faced lies.

Sincerely,

SHANNON BARNES, RN.[1]

DEATH PENALTY IN DRUG-RELATED KILLINGS

● Mr. KERRY. Mr. President, I oppose S. 2455, which would provide for the death penalty in drug-related killings. I believe that this bill is overly broad, that it will not provide a deterrent to criminals, and that it is not the appropriate weapon in the war on drugs. For these reasons, I have voted against final passage of this legislation.

I am pleased that the Senate adopted an amendment by Senator KENNEDY which would strengthen this bill with respect to racial discrimination. One of the most severe problems with the death penalty as it is currently implemented in the United States is that it is applied in a discriminatory fashion against black people and poor people. Statistical studies have clearly shown that black people and poor people are much more likely to receive the death penalty than those who are white and/or from more affluent backgrounds.

I am also pleased that the Hatfield amendment which would allow conscientious objectors to refrain from taking part in capital punishment was adopted. This is a welcome addition to the legislation.

I regret that the Levin amendment which would substitute life imprisonment without possibility of release for the death penalty for drug-related offenses in which an officer or bystander is killed was not adopted. I also regret that the Simon amendment which would have eliminated one category of people to whom the death penalty would apply, and restrict its application to the drug-related killing of a law enforcement officer, was not adopted. These amendments would have improved this legislation.

Mr. President, I have opposed the death penalty for many years—as a prosecutor, as a defense attorney, as Lieutenant Governor of Massachusetts, and as a U.S. Senator. When I was in the private practice of law, I personally represented a man who had been wrongly convicted and imprisoned for first-degree murder. The idea that an innocent man might be wrongly convicted and executed is one of the most troubling aspects of the death penalty.

I understand and even have some sympathy for the views and emotions of those who support the death penalty. While I do not believe that the death penalty acts as a deterrent, I understand that there are those who believe that there are times when society is justified in seeking retribution for grievous moral offenses against society.

When one reads about the rape and murder of innocent people, or the cold-blooded killings of children, one cannot help but feel that some form of extreme punishment is justified. And in the case of the assassination of public figures such as John Kennedy, Robert Kennedy, or Martin Luther King, I can understand the emotional feeling of some that society is justified in considering the imposition of death as a punishment.

It is also troubling to me that, in too many cases, a person may be convicted of a very serious offense, even a murder, and yet he may be released and back out on the street within a relatively few years. While this may be in accordance with our legal procedures, it is clearly unacceptable on a moral level, and shocks the conscience of many of our citizens. These imbalances in our legal system must be rectified. But I continue to be deeply disturbed by the possibility of mistakes and discrimination in the process of imposition of the death penalty. I will continue to try to resolve these issues within the constitutional restrictions of the eighth amendment, which forbids cruel and unusual punishment.

Mr. President, no one has been a stronger advocate of action against drug traffickers than this Senator. The hearings that my subcommittee has held have brought to light the extent to which drug trafficking has penetrated this country and this hemisphere, and subverted the moral standing of our own foreign policy. I believe that there is absolutely no problem more serious in Massachusetts and throughout this country than the drug epidemic. We must take every possible step both to curtail the demand for drugs, and to cut off the supply. But I do not believe that this bill will aid in that effort. For these reasons, I oppose this legislation.●

CALIFORNIA SCHOOL LANDS ACT OF 1988—S. 2359

● Mr. WILSON. Mr. President, several weeks ago, I was joined by my senior colleague from California, the distinguished majority whip, in introducing legislation, S. 2359, that would return to the State of California lands that were promised to it over 130 years ago by Congress through the School Lands Act. The land in question is in the Elk Hills Naval Petroleum Reserve near Bakersfield, CA. I would like to take this opportunity to say a few words about this bill and would also like to note that similar legislation has been introduced in the other body by Representatives Lagomarsino and Thomas.

The school lands grants began in 1785 in an ordinance relating to the Northwest Territory. Since then, all but five of the States admitted to the Union have had a school grant of one or more sections per township. The idea was to give Federal lands to the States and allow the revenues generated from these lands to be used for the public school system.

The school grants constitute what the Supreme Court has called a solemn agreement between the States and the Federal Government, under which the public land States agreed to refrain from objecting to the retention of large tracts of land by the United States in return for a representative portion of the public lands. These lands were to be held in trust, and administered for the support of the public school system, to compensate for tax revenues which the States would otherwise have collected. The State has fully lived up to its part of the bargain.

So long as the Naval Petroleum Reserve was in fact operated as a reserve, and State did not object. However, in 1977 President Carter authorized full production of oil at the Elk Hills Reserve in order to provide revenues to help balance the budget. The reserve has been operating at maximum production capacity ever since, but has continued to be classified as a naval petroleum reserve. This old production has generated over $12 billion in general revenues to the U.S. Treasury since 1977.

In short, Elk Hills has been treated like any other tract of public land held by the Bureau of Land Management with two very discriminatory exceptions: First, title to the school lands sections is still denied to the State; and second, the oil and gas revenues from the operation of the reserve are not shared with the State.

More recently, the Reagan administration proposed a complete sale of the Elk Hills Reserve as part of its asset divestiture program. It is increasingly apparent that the reserve is no longer considered a vital part of the Naval Petroleum Reserve Program. If production continues at the current rate, the reserve will be empty in 20 years. If the Federal Government continues to rely on Elk Hills as a revenue producer rather than a petroleum reserve, title to the disputed lands should return to the State of California.

This legislation is designed to correct an inequity that has gone uncorrected for too long. It would recognize the State's rights in the two school land sections within Elk Hills; land that, but for the existence of the reserve, would long ago have passed to the State and been used for the benefit of the public school system. In as much as Elk Hills has been operated for profit as an oil field since 1976, this bill subjects Elk Hills revenues to the same revenue disbursement requirements of the Mineral Leasing Act to which all other operating oil fields on Federal lands are subject.

Congress' recognition of the State's rights to the lands in question—approximately 6 percent of the total producing reserve—will not, however, affect its operation. It would merely confirm the State of California's title to the disputed lands. This would allow needed revenues to begin flowing back into the public school system. California State law has declared that revenues from this land shall be used to help fund the State teachers' retirement system, thus allowing the State to reward its retired teachers and encourage quality educators to teach in the State schools.

No effort is made in this legislation to reap a cash bonanza from past defaults of the Federal administration. If the metamorphosis of Elk Hills into a commercial field had been honestly recognized in 1977, California would have received over $6 billion of the $12 billion in Federal revenues from sales since then. I am not suggesting, however, that these funds be repaid. This legislation is prospective only. It directs that title to the school lands be transferred, and that the remaining lands be administered under the Mineral Leasing Act just as all other public lands are.

I urge my colleagues to support this bill and ask that it be printed in the Record at this time.

S. 2359 follows:

S. 2359

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "California School Lands Act of 1988".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the United States, by virtue of the Act of March 3, 1853, granted to the State of California the 16th and 36th sections in every township surveyed on the public lands within that State, on the condition that such lands or their proceeds would be devoted to public education;

(2) this grant was similar to that given to the other public land States and to compensate them for lost tax revenues that would otherwise have been available for the public schools, as they were in the original thirteen States;

(3) the State of California has met an obligation to provide a system of public education but was denied the granted rights to sections 16 and 36 of township 30 south, range 23 east, Mount Diablo Principal Meridian, because of the reservation of those lands for military purpose, to wit, the formation of a reserve of petroleum resources for the exclusive use or benefit of the United States Navy; Naval Petroleum Reserve Numbered 1, despite the fact that the fulfillment of the grant was not incompatible with the defense purpose for which the land was reserved;

(4) the State of California has received none of the proceeds of the value of the minerals produced on the public lands within the reserved area, although such payment would not have interfered with the military purpose for which the land was reserved; and

(5) the refusal by the United States to carry out the purposes of the original grant of these school lands, will unfairly discriminate against the State of California and its support of education.

SEC. 3. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW OR REGULATIONS.

(1) The title of the State of California to those school land sections located within the boundaries of Naval Petroleum Reserve Numbered 1 (Elk Hills), more particularly described as sections 16 and 36, township 30 south, range 23 east, Mount Diablo Principal Meridian, is hereby fully recognized and conveyed to the State of California, to be held subject to all existing unit agreements for the operation and development of the mineral resources therein, and to all restrictions imposed on any owner of land within that Reserve for the purposes for which such Reserve is maintained.

(2) All money received by the United States from Naval Petroleum Reserve Numbered 1 (Elk Hills), shall be paid into the Treasury of the United States for disbursement as provided in the Mineral Leasing Act (41 Stat. 450, 18 U.S.C. 191) and shall be treated as money received from sales, bonuses, royalties, and rentals of the public lands.●

ONE-THIRD OF A NATION

● Mr. SIMON. Mr. President, recently the Commission on Minority Participation in Education and American Life, which included former Presidents Jimmy Carter and Gerald Ford among its members, issued its report "One-Third of a Nation." This report, like so many others, could simply gather dust on someone's bookshelf. I hope it will not.

The report calls attention to something we have tried to hide as a nation. "America is moving backward—not forward—in its efforts to achieve full participation of minority citizens in the life and prosperity of the Nation." The demographic indicators are very clear. Notwithstanding abundance and prosperity in the majority community, and upward mobility among middle-class minorities—the poor among us are growing in numbers and getting poorer.

Mayor Henry Cisneros of San Antonio, writing in the May 23, 1988, Hispanic Link, makes a similar point:

> (T)he egalitarian ideals of the Nation itself are at risk. We can ill afford to lose the lubricant that makes the engine of our democratic society work because the margins of success in global competition are too narrow as it is.
>
> Without individuals believing that by staying on less than desirable jobs in order to send children to school, we lose.
>
> Without individuals feeling that it is possible for them to break out of hopelessness, no government can provide them education.

Henry Cisneros is right. I urge all of my colleagues to read and think about what he has to say.

Mr. President, I ask that the guest column "Looking Ahead" be inserted in the CONGRESSIONAL RECORD at this point.

The column follows:

LOOKING AHEAD

If the United States makes a decision to leave an entire sector of its population undereducated, underproductive and living in permanent "underclass" status, as is implicitly being made in national policy every day, this country cannot continue to prosper.

The egalitarian ideals of the nation itself are at risk. We can ill afford to lose the very lubricant that makes the engine of our democratic society work because the margins of success in global competition are too narrow as it is.

Without individuals believing that by staying on less than desirable jobs in order to send children to school, we lose.

Without individuals feeling that it is possible for them to break out of hopelessness, no government can provide them education.

Unless members of the news business become advocates for change in one of the most fundamental issues confronting us today, matters are going to get a lot worse.

WHITE BASTIONS CHANGING

President Reagan says there is no danger of our nation losing its middle class. Nevertheless, last year the top one-fifth of the country's residents earned 43% of the national income—the greatest percentage since the end of World War II. By contrast, the bottom one-fifth earned 4.7%—the smallest percentage in 25 years. This suggests a polarization along income lines which, when complicated by race, will create an impossible circumstance, or chasm, that cannot be bridged.

We listen to the palaver from the presidential candidates about their economic programs on trade, but who is making the linkage between trade and this problem—the loss of jobs and a growing economic underclass?

The United States is witnessing the growth of minority populations. One recent study found that California, which was 80% white in 1940, will have no definable ethnic majority by the year 2006. It projects the ethnic mix will be equal percentages of Anglo, black, Asian and Hispanic.

And we are starting to see changes in places we think of as the bastions of traditional white governance—such as Dallas, where today the majority of the school system's students under the third grade are Hispanic and black.

As traditional white populations grow older and minority populations swell, we must prepare for change in our educational systems, in the newsrooms, in our governments, and in our attitudes toward how we govern ourselves, through cooperation and consensus.

MEDIA LEADERSHIP NEEDED

The newspaper in the community is the keeper of the cultural ethos. It must work to keep egalitarian ideals before the community daily. Those who are in the news business must become advocates not just in print and over the air, but working in the community itself. They must hold not only minority officials and other governmental officials accountable on these issues, but also business and civic organizations.

The resolutions to our problems are going to be fashioned at the local level well into the next century—or they just are not going to happen. We cannot wait for federal dollars.

Who better to lead on some of these initiatives, not only in their editorial commentaries, but also by heading the committees and by sharing expertise, than those in the news media?

Education and crime are not minority issues. They are America's issues in the most fundamental way. Never before have we been willing to surrender to the idea of a permanent underclass. But unfortunately it is increasingly becoming a reality.

Unless we treat these problems, not as part of a sideshow, but as an issue central to our survival as a nation, we will not progress.●

REVEREND BOB KARLE

● Mr. HECHT. Mr. President, I rise today to pay tribute to a man who has made significant contributions to society. On the occasion of the birthday of Rev. Bob Karle, I would like to recognize him and share with you his accomplishments. I think you will enjoy hearing about the multitalented fashion of his life.

Bob was born June 20, 1918, in Cleveland, OH, of Irish and German descent. He was a construction engineer by profession and an innovator of new ideas by talent. During World War II he worked for Lord Manufacturing Co. in Erie, PA. During this time he introduced a revolutionary new process for bonding rubber to steel. He became general foreman of the company, supervising 450 people who produced motor mounts for airplane parts. At that time Lord's of Erie had all the patent rights for vibration mountings. Thus Bob had direct involvement with every airplane made and used in America during the war years.

Following the war, Reverend Karle owned and operated a popular restaurant in Erie and hosted a radio show, "Breakfast at Karle's." He later reentered the field of construction and formed his own company which built schools, municipal and private buildings, businesses, malls, high-rises, restaurants, et cetera.

When he moved to the Washington, DC area, his company was general contractor for the Seven Bridges on Route 66, the Clarendon Metro Station, and the Radiation and Ecology Building at the National Institutes of Health. His company also built many private homes and mountain chalets in the Washington metropolitan area.

If this is not a fascinating enough career, Bob became interested in philosophy at the young age of 19. Throughout his varied career he studied philosophy, specifically metaphysical philosophy. He eventually became an ordained minister. He established the first metaphysical church in the District; it is still in use today. Bob later founded his own ministerial school, the first new age minister in this area to do so. He graduated 10 ministerial students from a rigorous 5-year program of study. He also pioneered an "out-reach" cassette tape program featuring nationally known metaphysical ministers that has expanded into 29 States.

Bob is presently working on a book. He is also drafting plans for a mountain retreat—teaching and educational center—for metaphysical students and others who are interested in the study of metaphysics. He is a frequent speaker on the lecture circuit. He has also established several programs in prisons to teach metaphysics to inmates. One former inmate is now an ordained minister and has a very active congregation.

He has done a tremendous amount of work in just a few short years and it is anybody's guess what channels that work will take in the future. I commend Bob Karle. Today is his 70th birthday and his contributions to society are everlasting.●

A TRIBUTE TO MR. LYLE McKINLEY

● Mr. RIEGLE. Mr. President, I rise today to pay a special tribute to Mr. Lyle McKinley—a man who has served both his home city of Sheboygan, MI and Michigan's banking community with tremendous energy and distinction. Following a career which has seen him rise from assistant cashier to bank president, Mr. McKinley will soon be retiring from Citizens National Bank in Sheboygan. Athough we will miss his tireless efforts on behalf of Michigan's banking community, I am honored to recall the legacy of achievement and service which Mr. McKinley has built over the course of his career.

Lyle McKinley joined Citizens National Bank in 1953 and, only 8 years later, in 1961, was named chief executive officer of the bank and was elected to its board of directors. He was named executive vice president in 1963 and president in 1968. In 1985, the bank holding company, CNB Corp. was formed and Mr. McKinley was named its first president and CEO. During this time, the bank experienced impressive growth and fostered economic vitality in the communities it serves. Under Mr. McKinley's steady leadership, the assets of Citizens National Bank have grown by over $107 million, and offices have been established in four additional Michigan communities.

Mr. McKinley did not hesitate to share his professional expertise with his banking colleagues on both a national and State level. He served on the community banks committee of the American Bankers Association. He was also an original director of the Northern Michigan School of Banking where he served as a faculty member for more than 15 years. He has been active in the Michigan Bankers Association [MBA] for over 20 years. He served on the MBA executive and legislative councils and was chairman of the MBA community banking committee. In 1986, he was named president of the Michigan Bankers Association.

Despite this impressive professional record, Mr. McKinley has always found time to devote to his community. He served two terms on the board of Community Memorial Hospital in Sheboygan and subsequently cochaired a fundraising effort which generated more than $1 million for a new hospital wing. Mr. McKinley also served as chairman of the sheboygan Industrial Development Corp. and is a past grand knight of the Knights of Columbus, Council 791 in Sheboygan. In recognition of his many contributions, he has twice been honored as "Citizen of the Year"—once, by the Sheboygan Area Chamber of Commerce in 1965, and again in 1975 by the Sheboygan Jaycees.

I am certain that the strength of Mr. McKinley's contributions will not decrease after his retirement later this month. We in Michigan are extremely fortunate to have such an outstanding citizen and I am sure that my colleagues join me in wishing Mr. McKinley the best in all of his future endeavors.●

DEATH PENALTY IN CERTAIN DRUG-RELATED KILLINGS

● Mr. BOSCHWITZ. Mr. President, last Friday the Senate voted to authorize the death penalty in certain drug-related killings. I did not approach this vote lightly. It is a very serious matter to authorize the death penalty; indeed, I opposed a death penalty amendment to the 1986 drug bill. I did not think it was restricted enough, nor did the Senate have adequate time to debate the issue thoroughly.

However, I did support S. 2455, which authorizes the death penalty in the case of certain drug-related killings. It is a narrowly drawn and carefully crafted measure. The Senate had this legislation before it for weeks, and, given the threat drugs now pose to our country, it is a necessary step.

For our law enforcement officers, the war on drugs is not a figure of speech. They are in a shooting war, facing an armed and deadly enemy every day. It is a particularly brutal enemy, one that will carry out cold, calculating murders to protect its lucrative trade. Those fighting this enemy deserve to be backed up by tough and reliable laws.

This bill authorizes the death penalty in specific circumstances: For the leaders—or kingpins—of the drug cartel who commit or order murders, and for those involved in drug trafficking who kill a police officer.

This provision is needed. I support measures to block drugs at our borders and reduce demand in our city streets. But we will never achieve a drug-free America if we do not also take on the masterminds of the drug cartel. Weak penalties yield weak results, and brutal criminals aren't deterred by light and inconsistent sanctions. The death penalty is the ultimate sanction. It is justified for those who commit or order murders as part of an enterprise that caused 37,000 deaths in 1986 alone.

The penalty is harsh, but the scope of this bill is restricted. It only applies in murder cases. It only applies to drug traffickers who kill police officers; or drug leaders who commit or order murders. It is a measured response to the threat we face.

In addition, this bill recognizes the gravity of the penalty and the need to prevent its reckless use.

First, the sentence is not mandatory. The Government would have to give written notification to the court and the defendant in any case in which the death penalty would be sought. A separate hearing on the penalty would be held after the defendant had been found guilty.

Second, there are exceptions. The death penalty could not be imposed on those who committed the crime while they were under the age of 18 or those who, by reason of mental disease or defect, are unable to understand the impending punishment or the reasons for it.

Third, mitigating factors must be considered. The defendant's age, mental condition, and degree of participation in the capital crime must all be taken into account.

Fourth, safeguards are taken to prevent any discrimination in the use of the penalty. If the penalty were ordered, each juror would be polled and have to certify that the decision was reached without regard to the race, color, national origin, creed, or sex of the defendant.

This bill provides clear guidelines for imposing the death penalty, as required by the Supreme Court. It is carefully crafted, limited to very specific crimes, and a necessary response to one of the most serious threats facing our society. It protects the rights of the accused, but it also recognizes the rights of victims and potential victims, which are all too often ignored. For those reasons, I supported S. 2455 when the Senate voted on it.●

CONGRESSIONAL AND JUDICIAL EQUAL EMPLOYMENT OPPORTUNITY ACT

● Mr. BOSCHWITZ. Mr. President, on May 24 I introduced the Congressional and Judicial Equal Employment Opportunity Act of 1988. This bill will corrrect a longstanding omission by finally applying civil rights laws to Congress.

Earlier this year, a large majority in both Houses of Congress voted to pass—over the President's veto—the Civil Rights Restoration Act of 1988. However, we continued to leave one glaring omission in our civil rights statutes; we continued to exempt ourselves.

To most Americans, Congress looks hypocritical when it extends coverage of these laws to others, but not to itself. Frankly, I agree. There is no legitimate reason for Congress to remain exempt. Some concerns have been raised, especially regarding the separation of powers. This bill addresses those concerns. In addition, it takes the long-needed step of applying to Congress the simple requirement that it not discriminate in hiring and firing practices.

My bill amends title VII of the Civil Rights Act of 1964. Members of Congress could not discriminate on the basis of race, color, religion, national origin, sex, age or handicap. The bill also makes clear that Members could continue to hire staff based upon political affiliation or residence in the Member's district or State.

Cases would be handled by an Employment Review Board, a separate body appointed by the Congress and the judicial branch. This would address problems involving the separation of powers. The Board would have 12 hearing offices, selected from retired Supreme Court and circuit court judges. The party leaders in both Houses would each appoint three to the panel. In a particular case, the leadership of the opposing party would choose the hearing officer for that case.

The bill also authorizes the Chief Justice of the Supreme Court to appoint those who would hear judicial cases. The legislative and judicial branches would therefore appoint independent boards, which would have the power to adjudicate claims of discrimination and award appropriate relief.

Complaints could be handled in a simple, straightforward way. Within 15 days after the complaint has been filed and received by the Board, an individual will be appointed to serve as the investigating counsel. He or she will conduct a thorough investigation of each unresolved claim and determine if there is reasonable cause to bring the case to the Board. It goes without saying that cases involving personality conflicts or personal vendettas would not be considered by the Board.

The provisions of this bill are simple and needed. It's time to ensure that Congress does not discriminate against its employees or live outside the standards it sets for other employers. It is critical that Congress take action this year on legislation to extend our civil rights laws to the Hill. I intend to push for prompt Senate consideration of this bill.●

INCOME DISTRIBUTION

● Mr. KASTEN. Mr. President, as we begin to debate the economic policy alternatives for the post-Reagan era, it is essential that we bear in mind the key economic facts of that period.

One of the most often repeated falsehoods about the Reagan economic policies is that they were unfairly tilted toward wealthy Americans. The facts to the contrary are well known, but it is always useful to see them expressed clearly and concisely—as they are in a recent article in National Review by Ed Rubenstein.

I ask that this important article be included in the RECORD, and I recommend it highly to all my colleagues.

The article follows:

THE DISTRIBUTION OF INCOME

(By Ed Rubenstein)

A few months ago the Treasury Department released two typewritten pages showing that the share of income taxes paid by the wealthiest 1 percent of taxpayers had risen from 18.1 per cent to 26.1 per cent between 1981 and 1986, while that of the bottom half had fallen to 6.4 per cent from 7.5 per cent.

The Op-Ed-page response was predictable: Sure, the rich are paying a larger percentage of all taxes, but their income grew considerably faster than their taxes, not to mention faster than that of the bottom half of taxpayers.

Both assertions happen to be correct. The share of total income going to the top 1 per cent rose 45.7 per cent over the period, a point or so higher than the 44.2 per cent rise in their tax share. Thus, the average tax rate (taxes as a percentage of income) of the top group fell 9.1 per cent. Over the same period, however, the average tax rate of the lower half of taxpayers fell by 15.2 per cent, a fact largely ignored in the press.

Income earned by the bottom half of taxpayers rose 10.9 per cent, in constant dollars, between 1981 and 1986, but this didn't keep pace with the top half; the bottom half's share of total income fell 6.7 per cent.

An increase in income disparity is exactly what one would expect given the pattern of tax reductions over this period: marginal tax rates on the highest incomes were cut by twenty percentage points, compared to a cut of three percentage points for the bottom bracket.

It's clear that work incentives have increased more for the upper incomes. This trend, however, has resulted in increased economic mobility in this country. More than ever before, wealthier taxpayers are likely to have gotten that way by virtue of their own work rather than via inheritance or income from capital.

In 1960, for example, the wealthiest 2 per cent of taxpayers derived more than two-thirds (69.3 per cent) of their income from dividends, interest, and capital gains, only 30.7 per cent from wages and salaries. The top marginal tax rate that year was 91 per cent. By 1975 the top rate on wages had been cut to 50 per cent, and the share of this group's income derived from wages and salaries had risen to 48.3 per cent. In 1988, with the top rate down to 28 per cent, 60.7 per cent of the income of the wealthiest 5 per cent of families will be derived from wages and salaries, according to the Congressional Budget Office.

The public debate on income distribution still proceeds from the assumption that "the rich" and "the poor" are fixed groups over time. But a University of Michigan study that tracked the year-to-year economic vicissitudes of five thousand representative American families found that only 48.5 per cent of the families who were among the wealthiest 20 per cent in 1971 were still there in 1978; 3.5 per cent of them had fallen into the lowest 20 per cent bracket. Conversely, 44.5 per cent of the families in the poorest fifth in 1971 were no longer there seven years later; 6 per cent had actually risen all the way to the highest fifth—suggesting that economic inequality is a good deal less pronounced than the commonly used statistics indicate.●

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION AUTHORIZATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 651.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1856) to amend chapter 25 of title 44, United States Code, to provide an authorization for the National Historical Publications and Records Commission programs, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Governmental Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

S. 1856

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Historical Publications and Records Commission Amendment Act of 1987."

SEC. 2. Section 2501 of title 44, United States Code, is amended to read as follows:

"§2501. Creation; composition; appointment and tenure; [vacancies;] meetings

"(a) The National Historical Publications and Records Commission shall consist of the Archivist of the United States, who shall be Chairman; the Librarian of Congress (or an alternate designated by the Librarian); one Senator to be appointed, for a term of 4 years, by the President of the Senate; one Representative to be appointed, for a term of 2 years, by the Speaker of the House of Representatives; one member of the judicial branch of the Government to be appointed, for a term of 4 years, by the Chief Justice of the United States; one representative of the Department of State to be appointed, for a term of 4 years, by the Secretary of State; one representative of the Department of Defense to be appointed, for a term of 4 years, by the Secretary of Defense; two members each of the American Historical Association, the Organization of American Historians, the Society of American Archivists, and the American Association for State and Local History, each to be appointed for a term of 4 years (subject to the provisions of subsection (b)) by the governing council or board of the respective organization; and two other members, outstanding in the fields of the social or physical sciences, the arts, or archival or library science, to be appointed, for terms of 4 years (subject to the provisions of subsection (b)) by the President of the United States. All terms shall begin on July 1, and the terms of members appointed by the President and the specified associations shall be maintained on staggered appointment cycles to promote continuity in accordance with the provisions of subsection (b). A member may continue to serve after the expiration of a term until a successor has been appointed, but not to exceed 1 year. Membership on the Commission is not an office within the meaning of the Statutes of the United States.

"(b)(1) The Appointments made by the specified associations and the President of the United States under the provisions of subsection (a) shall be staggered beginning on the first July 1 following the date of the enactment of the National Historical Publications and Records Commission Amendment Act of 1987, on which the terms of all such appointments expire, as follows:

"(A) For a term of 1 year beginning on such July 1, the President, the American Historical Association, and the American Association for State and Local History shall each make 1 appointment.

"(B) For a term of 2 years beginning on such July 1, the Organization of American Historians and the Society of American Archivists shall each make 1 appointment.

"(C) For a term of 3 years beginning on such July 1, the President, the Organization of American Historians, and the Society of American Archivists shall each make 1 appointment.

"(D) For a term of 4 years, the American Historical Association and the American Association for State and Local History shall each make 1 appointment.

"(2) All subsequent appointments to any appointment made under paragraph (1) shall be a term of 4 years.

"(c) The Commission shall meet at least annually and on call of the Chairman.".

Sec. 3. Section 2502 of title 44, United States Code, is amended to read as follows:

"§2502. Vacancies

"A person appointed to fill a vacancy in the membership of the Commission shall be appointed only for the unexpired term of the member whom he succeeds, and his appointment shall be made in the same manner as the appointment of his predecessor.".

[Sec. 3.] *Sec. 4.* Section 2503 of title 44, United States Code, is amended to read as follows:

"§2503. Executive director, staff, transportation expenses

"(a) The Commission may appoint, without reference to chapter 51 of title 5, an executive director and such other employees as may be necessary to carry out the purposes of this chapter.

"(b) Members of the Commission shall be entitled to transportation expenses and per diem in lieu of subsistence in accordance with section 5703 of title 5, United States Code, for each day they are engaged in Commission activities while on travel status.".

[Sec. 4.] *Sec. 5.* Section 2504 of title 44, United States Code, is amended to read as follows:

"§2504. Duties; authorization of grants for historical publications and records programs; authorization for appropriations.

"(a) The Commission shall make plans, estimates, and recommendations for historical works and collections of sources it considers appropriate for preserving, publishing or otherwise recording at the public expense. The Chairman of the Commission shall transmit to the President and the Congress from time to time, and at least biennially, the plans, estimates, and recommendations developed and approved by the Commission.

"(b) The Commission shall cooperate with, assist and encourage appropriate Federal, State, and local agencies and nongovernmental institutions, societies, and individuals in collecting and preserving and, when it considers it desirable, in editing and publishing papers of outstanding citizens of the United States, and other documents as may be important for an understanding and appreciation of the history of the United States.

"(c) The Commission may conduct institutes, training and educational programs, and sponsor fellowships related to the activities of the Commission and may disseminate information about documentary sources through guides, directories, and other technical publications.

"(d) The Commission may recommend the expenditure of appropriated or donated funds for the collecting, describing, preserving, compiling and publishing (including microfilming and other forms of reproduction) of documentary sources significant to the history of the United States and for the activities described in subsection (c).

"(e) The Archivist of the United States may, within the limits of available appropriated and donated funds, make allocations to Federal agencies, and grants to State and local agencies and to nonprofit organizations and institutions, for those activities in subsection (d) after considering the advice and recommendations of the Commission.

"(f) For the purposes specified in this section, there is hereby authorized to be appropriated to the National Historical Publications and Records Commission for the fiscal year ending September 30, 1989, and for each of the 4 succeeding fiscal years an amount not to exceed $10,000,000. Amounts appropriated under this subsection shall be available until expended when so provided in appropriation Acts.".

[Sec. 5.] *Sec. 6.* The table of contents for chapter 25 of title 44, United States Code, is amended to read as follows:

["Sec.

["2501. Creation; composition; appointment and tenure; vacancies; meetings.

["2502. Vacancies. (repealed)

["2503. Executive director; staff; transportation expenses.

["2504. Duties; authorization of grants for historical publications and records programs; authorization for appropriations.

["2505. Special advisory committee; membership; reimbursement.

["2506. Records to be kept by grantees.".]

"Sec.

"2501. Creation; composition; appointment and tenure; meetings.

"2502. Vacancies.

"2503. Executive director; staff; transportation expenses.

"250. Duties; authorization of grants for historical publications and records programs; authorization for appropriations.

"2505. Special advisory committes; membership; reimbursement.

"2506. Records to be kept by grantees.".

The amendments were agreed to.

AMENDMENT NO. 2346

(Purpose: To amend chapter 25 of title 44, United States Code, to provide an authorization for the National Historical Publications and Records Commission programs, and for other purposes)

Mr. BYRD. Mr. President, I send an amendment in the nature of a substitute to the desk, on behalf of Mr. SASSER.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. SASSER, proposes an amendment numbered 2346.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Historical Publications and Records Commission Amendments of 1988".

SEC. 2. MEMBERSHIPS AND TERMS OF MEMBERS OF COMMISSION.

(a) MEMBERSHIP.—Section 2501 of title 44, United States Code, is amended to read as follows:

"§2501. Creation; composition; appointment and tenure; meetings

"(a) The National Historical Publications and Records Commission shall consist of 15 members as follows:

"(1) the following ex officio members:

"(A) the Archivist of the United States, who shall be chairman;

"(B) the Librarian of Congress (or an alternate designated by the Librarian);

"(C) one Senator, appointed by the President of the Senate;

"(D) one Representative, appointed by the Speaker of the House of Representatives;

"(E) one member of the judicial branch of the Government, appointed by the Chief Justice of the United States;

"(F) one representative of the Department of State to be appointed by the Secretary of State; and

"(G) one representative of the Department of Defense to be appointed by the Secretary of Defense;

"(2) one member from each of the following organizations, appointed by the governing council or board of the respective organization:

"(A) the American Historical Association;

"(B) the Organization of American Historians;

"(C) the Society of American Archivists;

"(D) the American Association for State and Local History;

"(E) the Association for Documentary Editing; and

"(F) the National Association for Government Archives and Records Administrators; and

"(3) two other members, outstanding in the fields of the social or physical sciences, the arts, or archival or library science, appointed by the President of the United States.

"(b)(1) The members appointed under subsection (a) shall be appointed for terms of 4 years, except that—

"(A) a member appointed under subsection (a)(1)(D) shall be appointed for a term of 2 years; and

"(B) the Archivist and the Librarian of Congress are permanent ex officio members.

"(2) A member may continue to serve after the expiration of a term until a successor has been appointed, but not to exceed one year.

"(c) The Commission shall meet at least annually and at call of the Chairman.".

(b) EFFECTIVE DATE AND IMPLEMENTATION OF STAGGERING OF TERMS.—The amendment made by this section shall be effective on January 1, 1989, and shall apply to the appointment of any member on the expiration of a predecessor's term as follows:

(1) The next two members appointed to such Commission after such date shall be appointed pursuant to section 2501(a)(2) (E) and (F) of title 44, United States Code, as amended by this section.

(2) Notwithstanding section 2501(b)(1), the first members appointed pursuant to section 2501(a)(2) (B) and (C) after January 1, 1991, shall be appointed for terms of one year.

SEC. 3. EXECUTIVE DIRECTOR, STAFF, TRANSPORTATION EXPENSES.

Section 2503 of title 44, United States Code, is amended to read as follows:

"§2503. Executive director, staff, transportation expenses

"(a) The Commission may appoint, without reference to chapter 51 of title 5, an executive director. The Chairman may appoint such other employees as may be necessary to carry out the purposes of this chapter.

"(b) Members of the Commission shall be allowed travel expenses (including per diem allowance in lieu of subsistence) in the same amount and to the same extent as persons serving intermittently in the Government service are allowed travel expenses under section 5703 of title 5, United States Code.".

SEC. 4. DUTIES AND FUNCTIONS.

Section 2504 of title 44, United States Code, is amended to read as follows:

"§2504. Duties; authorization of grants for historical publications and records programs; authorization for appropriations

"(a) The Commission shall make plans, estimates, and recommendations for historical works and collections of sources it considers appropriate for preserving, publishing or otherwise recording at the public expense. The Chairman of the Commission shall transmit to the President and the Congress from time to time, and at least biennially, the plans, estimates, and recommendations developed and approved by the Commission.

"(b) The Commission shall cooperate with, assist and encourage appropriate Federal, State, and local agencies and nongovernmental institutions, societies, and individuals in collecting and preserving and, when it considers it desirable, in editing and publishing papers of outstanding citizens of the United States, and other documents as may be important for an understanding and appreciation of the history of the United States.

"(c) The Commission may conduct institutes, training and educational programs, and recommend candidates for fellowships related to the activities of the Commission and may disseminate information about documentary sources through guides, directories, and other technical publications.

"(d) The Commission may recommend the expenditure of appropriated or donated funds for the collecting, describing, preserving, compiling and publishing (including microfilming and other forms of reproduction) of documentary sources significant to the history of the United States and for the activities described in subsection (c).

"(e) The Archivist of the United States may, within the limits of available appropriated and donated funds, make grants to State and local agencies and to nonprofit organizations, institutions, and individuals, for those activities in subsection (d) after considering the advice and recommendations of the Commission.

"(f)(1) For the purposes specified in this section, there is hereby authorized to be appropriated to the National Historical Publications and Records Commission—

"(A) $6,000,000 for fiscal year 1989;

"(B) $8,000,000 for fiscal year 1990; and

"(C) $10,000,000 for each of the fiscal years 1991, 1992, and 1993.

"(2) Amounts appropriated under this subsection shall be available until expended when so provided in appropriation Acts.".

SEC. 5. CONFORMING AMENDMENT.

The table of contents for chapter 25 of title 44, United States Code, is amended to read as follows:

"Sec.
"2501. Creation; composition; appointment and tenure; vacancies; meetings.
"2502. Vacancies.
"2503. Executive director; staff; transportation expenses.
"2504. Duties; authorization of grants for historical publications and records programs; authorization for appropriations.
"2505. Special advisory committees; membership; reimbursement.
"2506. Records to be kept by grantees.".

Mr. SASSER. Mr. President, it is my pleasure to be joined by Senator JOHN HEINZ today in urging Senate passage of S. 1856, a bill to reauthorize the National Historical Publication and Records Commission [NHPRC] for fiscal years 1989 through 1993.

Noteworthy, is the fact S. 1856 enjoys broad bipartisan support. Among its 17 cosponsors are Senator JOHN GLENN, chairman of the Committee on Governmental Affairs, Senator JOHN HEINZ, Senator PAUL SARBANES, the appointed Senate member to the Commission, two previous Commission members, Senator MARK HATFIELD and Senator CLAIBORNE PELL, as well as the distinguished ranking member of the Judiciary Committee, Senator STROM THURMOND.

I would like to also take a moment to thank members of the House Governmental Affairs Committee—namely Chairman JACK BROOKS—for their attention and leadership provided in reauthorizing this important legislation.

The National Historical Publication and Records Commission, a part of the National Archives, plays a vital role in preservation, documentation and publication of our Nation's important historical papers.

Through its publications program, the Commission provides to the American public documentary editions, free from partisan interpretation, concerning the Founding Fathers and the creation of the government: Such as the papers of Thomas Jefferson, the First Federal Congress, and the early years of the Supreme Court.

The NHPRC records program provides support to State and local historical societies, archives libraries and associations to insure the discovery and preservation of valuable historical documents, especially those in imminent danger of destruction.

In Tennessee, as in other States, the NHPRC has funded valuable publications programs, such as grants to the University of Tennessee for the "Papers of Andrew Jackson" and the "Papers of Andrew Johnson," as well as to Vanderbilt University for the "Correspondence of James K. Polk."

In hearings held before the Governmental Affairs Subcommittee on Government Efficiency, Federalism and the District of Columbia last December 15, 1987, we heard from a distinguished panel of guests who outlined the necessity and urgency in reauthorizing this vital program.

Dr. Frank Burke, executive director of the National Publications and Records Commission, spoke of the past achievements, ongoing duties and future responsibilities of this program. Dr. Leroy Graf, publications editor at the University of Tennessee, poignantly reflected upon the past struggles to fund and support projects such as the Andrew Johnson papers, in which Dr. Graf played such a central role.

Lewis Purnell, records editor of the Delaware Historical Records Advisory Board, highlighted the need for full funding of this program and emphasized the importance of planning, preservation, the promotion of sound record programs. And, finally, Dr. Page Putnam Miller, director of the National Coordinating Committee for the Promotion of History, stressed the importance of editorial projects, namely the documentary editing projects.

On April 14, 1988, the Governmental Affairs Committee unanimously approved S. 1856, with a technical amendment pertaining to vacancies on the National Historical Publications and Records Commission.

Mr. President, today, there has been offered an amendment to S. 1856, in the nature of a substitute.

Allow me to briefly outline this amendment. This language effectively reduces the size of the Commission from 17 members to 15, while adding new membership groups to the body.

Since the National Historical Publications and Records Commission was established as the National Historical Publications Commission in 1934 [NHPC], Congress has taken notice of the development of the historical and archival communities and how they are represented on the NHPRC. In 1934, the American Historical Association [AHA] stood alone as the representative of the historical, archival and editing professions in this country.

In 1968 legislation, Congress then recognized the growth of the Organization of American Historians [OAH], formerly a regional organization known as the Mississippi Valley Historical Association, and gave it representation on the NHPC equal to that of the AHA.

Moreover, in 1974, Congress further recognized the fact that the archival community had established two substantial organizations as the field of archives, manuscripts and museum grew. Thus, it added representation of the Society of American Archivists [SAA] and the American Association for State and Local History [AASLH] on the Commission, which by then had developed an archival program as well as a documentary editing program.

As we approach this, another reauthorization of the NHPRC, we are aware that archivists in the National Association of Government Archives and Record Administrators and documentary editors in the Association for Documentary Editing have both recently formed viable membership organizations which are professionally atuned to the programs and goals of the NHPRC. It seems appropriate, therefore, to follow precedent and add their voices to the NHPRC counsel to the Archivist of the United States.

However, the addition of two members from each of the two new organizations would begin to overburden the Commission with members, likely adding to the costs of operating the Commission and perhaps complicating the flow of business at Commission meetings. It is believed, namely by the National Archives, that the advice and recommendations of the constituent organizations can be effective if each group has one representative, thus reducing the total membership to 15 while providing for membership of two additional organizations.

The two new members will be in a position to provide technical advice on the grant applications which come to the Commission, which will buttress the broader professional concerns of the members from umbrella historical and archival organizations.

Furthermore, this substitute provides for the total authorization of appropriations of $44 million for the Commission for fiscal years 1989 through 1993.

Mr. President, I urge the unanimous consent of S. 1856 and this substitute in the form of an amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2346) was agreed to.

Mr. GLENN. Mr. President, I rise in support of S. 1856, the National Historical Publications and Records Commission Amendments of 1988. As an original cosponsor of this bill, and as chairman of the Governmental Affairs Committee, I am pleased that this legislation is now ready for Senate passage. I also want to acknowledge the efforts of my distinguished colleague, Senator SASSER, who, as chairman of the Subcommittee on Government Efficiency, Federalism, and the District of Columbia, helped guide this measure to the floor.

This bill provides a 5-year reauthorization for a program administered under the auspices of the National Archives—the National Historical Publications and Records Commission [NHPRC]. The NHPRC is responsible for the preservation and publication of historically significant works that document our Nation's heritage.

Through the NHPRC's assistance, both professional and arm-chair historians alike can read a wide selection of publications representing a cross-section of America's past. Last year, the NHPRC helped to produce a documentary history, based on original records, of the ratification of the Constitution. The papers of Thomas Jefferson, Henry Clay, Andrew Jackson, James K. Polk, and John C. Calhoun have also been published with the help of NHPRC grants. Some of the reformers such as Jane Addams, Frederick Douglass, Susan B. Anthony, and Martin Luther King, Jr.

The records program of the NHPRC also plays an integral role in expanding our Nation's archival collection by identifying, cataloging, and preserving valuable historical documents. This program assists academic institutions, historical societies, libraries, and State and local governments in organizing and maintaining these important papers.

Through a records grant, Antioch University in my home State of Ohio, a leader in coeducational and interracial education, is developing a comprehensive archival system. Other such programs include an oral history of the Rosebud Sioux Tribe in South Dakota and a project to microfilm the papers of Mary Lyon, a leading 19th century educator, at Mount Holyoke College in Massachusetts.

Since 1974, this vital program has been authorized at $4 million per year. I am pleased that S. 1856 augments this level to account for the inflationary effects over the past 14 years. In fact, a Congressional Research Service [CRS] study has calculated that for fiscal year 1989, a $9.7 million appropriation would be required in order to match what $4 million bought in 1974.

Adlai Stevenson once said:

> We can chart our future clearly and wisely only when we know the path which has led us to the present.

And how can we know the path, let alone understand it, without the benefit of the documents from men and women who made that history? Through its publications and records program, the Commission ensures that those important documents are preserved for future generations.

Mr. SARBANES. Mr. President, as a member of the National Historical Publications and Records Commission, I want to express my strong support of S. 1856, the bill reauthorizing the Commission and its activities. In this year of continuing celebration of the bicentennial of the Constitution, the reauthorization of the Commission is one of the most important ways we can honor those who played such a vital role in the formulation of our governing documents and aid in preserving the papers of the Founding Fathers.

At the first meeting of the Commission since I was appointed by the President of the Senate, I was greatly impressed with the scope of the Commission's activities and the serious and scholarly approach of its members and staff. The National Historical Publications and Records Commission is responsible for three major programs: First. The Publications Grant Program. Second. The Records Program. Third. The Publication Subvention Program. The Publications Grant Program awards grants for numerous documentary works in American history. To date, 553 volumes, 7,927 reels of microfilm, and 1,855 microfiches have been published under grants from the Commission. The Records Program was a new responsibility added in 1974 allowing the Commission to fund programs for the collection and preservation of papers of historical significance. The Publication Subvention Program provides small grants to university or nonprofit presses to encourage the publication of the NHPRC's documentary editions.

The bill before us today recognizes the important work carried out by the National Historical Publications and Records Commission by reauthorizing its programs at a funding level of $44 million over the next 5 fiscal years. with this authorization, the NHPRC can carry out its basic mandate of promoting the preservation of this Nation's documentary heritage. We cannot as a society allow this heritage to be lost either at the local or the national level.

In his testimony to the Senate Governmental Affairs Committee, Dr. Frank G. Burke, Executive Director of NHPRC, said NHPRC "has remained committed to making available those documents which are central to understanding many facets of American history—from the life of a common soldier in the ditches of a Civil War battlefield, to the fears and hopes of ex-slaves charting new lives, to the genius of artists, architects, and scientists, to the work of reformers and business leaders, to the burdens and challenges facing America's Presidents and statesmen." I strongly believe that a thorough knowledge of our past is essential to understanding our society and to seeking solutions to the problems of the present.

Mr. President, I urge my colleagues in the Senate to pass S. 1856.

Mr. HATFIELD. Mr. President, for 4 years I had the privilege of serving on the National Historical Records and Publications Commission. So I have some firsthand experience dealing with the issues before this organization which we are proposing to reauthorize in Senate bill 1856.

This little known organization, closely associated with the National Archives and Records Administration, has been performing some of the most significant archival preservation work in the country. It is doing so by means of a thoroughly professional staff administering seed money which encourages, or makes possible the publication of important historical papers and the archiving of nationally significant records. The loss of these materials, which would be inevitable apart from the work of the Commission, would be irreparable, senseless and detrimental to our national interests.

The Commission is a lean organization with 100 percent of its funding going to its approved project recipients. Administrative costs of the Commission have been borne by the National Archives. The public can be sure that its investment is well spent by the NHPRC.

It was with this knowledge that I worked to ensure that the Commission was fully funded during the years when the administration sought to "zero-out" this program in the name of reduced spending. It gives me great satisfaction that the Congress has not been misled in this matter and that in S. 1856 the authorized level of funding for the Commission is increased in steps over the next 5 years.

The most visible products of the Commission's programs, the published volumes of former Presidents, Founding Fathers and key individuals in our history, are clearly a rich treasure to be mined by historians for years to come. But we also have been made aware in this process that it is impossible to publish all of the hundreds and thousands of collections of records held in private and public hands. There is a growing awareness that we must learn to preserve these records in a manner that protects them while making them accessible for research.

The increased funding authorized in S. 1856 should continue to be used for the dual purposes of the Commission: publication and records preservation.

I am proud to be a cosponsor of S. 1856 and confident in urging my colleagues to give their support to this legislation.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1856

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Historical Publications and Records Commission Amendments of 1988".

SEC. 2. MEMBERSHIPS AND TERMS OF MEMBERS OF COMMISSION.

(a) MEMBERSHIP.—Section 2501 of title 44, United States Code, is amended to read as follows:

"§2501. Creation; composition; appointment and tenure; meetings

"(a) The National Historical Publications and Records Commission shall consist of 15 members as follows:

"(1) the following ex officio members:

"(A) the Archivist of the United States, who shall be chairman;

"(B) the Librarian of Congress (or an alternate designated by the Librarian);

"(C) one Senator, appointed by the President of the Senate;

"(D) one Representative, appointed by the Speaker of the House of Representatives;

"(E) one member of the judicial branch of the Government, appointed by the Chief Justice of the United States;

"(F) one representative of the Department of State to be appointed by the Secretary of State; and

"(G) one representative of the Department of Defense to be appointed by the Secretary of Defense;

"(2) one member from each of the following organizations, appointed by the governing council or board of the respective organization:

"(A) the American Historical Association;

"(B) the Organization of American Historians;

"(C) the Society of American Archivists;

"(D) the American Association for State and Local History;

"(E) the Association for Documentary Editing; and

"(F) the National Association for Government Archives and Records Administrators; and

"(3) two other members, outstanding in the fields of the social or physical sciences, the arts, or archival or library science, appointed by the President of the United States.

"(b)(1) The members appointed under subsection (a) shall be appointed for terms of 4 years, except that—

"(A) a member appointed under subsection (a)(1)(D) shall be appointed for a term of 2 years; and

"(B) the Archivist and the Librarian of Congress are permanent ex officio members.

"(2) A member may continue to serve after the expiration of a term until a successor has been appointed, but not to exceed one year.

"(c) The Commission shall meet at least annually and at call of the Chairman.".

(b) EFFECTIVE DATE AND IMPLEMENTATION OF STAGGERING OF TERMS.—The amendment made by this section shall be effective on January 1, 1989, and shall apply to the appointment of any member on the expiration of a predecessor's term as follows:

(1) The next two members appointed to such Commission after such date shall be appointed pursuant to section 2501(a)(2) (E) and (F) of title 44, United States Code, as amended by this section.

(2) Notwithstanding section 2501(b)(1), the first members appointed pursuant to section 2501(a)(2) (B) and (C) after January 1, 1991, shall be appointed for terms of one year.

SEC. 3. EXECUTIVE DIRECTOR, STAFF, TRANSPORTATION EXPENSES.

Section 2503 of title 44, United States Code, is amended to read as follows:

"§2503. Executive director, staff, transportation expenses

"(a) The Commission may appoint, without reference to chapter 51 of title 5, an executive director. The Chairman may appoint such other employees as may be necessary to carry out the purposes of this chapter.

"(b) Members of the Commission shall be allowed travel expenses (including per diem allowance in lieu of subsistence) in the same amount and to the same extent as persons serving intermittently in the Government service are allowed travel expenses under section 5703 of title 5, United States Code.".

SEC. 4. DUTIES AND FUNCTIONS.

Section 2504 of title 44, United States Code, is amended to read as follows:

"§2504. Duties; authorization of grants for historical publications and records programs; authorization for appropriations

"(a) The Commission shall make plans, estimates, and recommendations for historical works and collections of sources it considers appropriate for preserving, publishing or otherwise recording at the public expense. The Chairman of the Commission shall transmit to the President and the Congress from time to time, and at least biennially, the plans, estimates, and recommendations developed and approved by the Commission.

"(b) The Commission shall cooperate with, assist and encourage appropriate Federal, State, and local agencies and nongovernmental institutions, societies, and individuals in collecting and preserving and, when it considers it desirable, in editing and publishing papers of outstanding citizens of the United States, and other documents as may be important for an understanding and appreciation of the history of the United States.

"(c) The Commission may conduct institutes, training and educational programs, and recommend candidates for fellowships related to the activities of the Commission and may disseminate information about documentary sources through guides, directories, and other technical publications.

"(d) The Commission may recommend the expenditure of appropriated or donated funds for the collecting, describing, preserving, compiling and publishing (including microfilming and other forms of reproduction) of documentary sources significant to the history of the United States and for the activities described in subsection (c).

"(e) The Archivist of the United States may, within the limits of available appropriated and donated funds, make grants to State and local agencies and to nonprofit organizations, institutions, and individuals, for those activities in subsection (d) after considering the advice and recommendations of the Commission.

"(f)(1) For the purposes specified in this section, there is hereby authorized to be appropriated to the National Historical Publications and Records Commission—

"(A) $6,000,000 for fiscal year 1989;

"(B) $8,000,000 for fiscal year 1990; and

"(C) $10,000,000 for each of the fiscal years 1991, 1992, and 1993.

"(2) Amounts appropriated under this subsection shall be available until expended when so provided in appropriation Acts.".

SEC. 5. CONFORMING AMENDMENT.

The table of contents for chapter 25 of title 44, United States Code, is amended to read as follows:

"Sec.
"2501. Creation; composition; appointment and tenure; vacancies; meetings.
"2502. Vacancies.
"2503. Executive director; staff; transportation expenses.
"2504. Duties; authorization of grants for historical publications and records programs; authorization for appropriations.
"2505. Special advisory committees; membership; reimbursement.
"2506. Records to be kept by grantees.".

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ARMSTRONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FAMILY HEALTH SERVICES AMENDMENTS ACT

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 669.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2385) to amend title III of the Public Health Service Act to revise and extend the programs of assistance for primary health care, the program of health services for the homeless, and the program for the prevention and control of sexually transmitted diseases, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2347

(Purpose: To remove the title of the bill relating to prevention and control of sexually transmitted diseases)

Mr. BYRD. Mr. President, on behalf of Mr. KENNEDY, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. KENNEDY, proposes an amendment numbered 2347.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, between lines 2 and 3, strike out the items relating to title III.

Beginning on page 17, strike out line 1 and all that follows through page 18, line 4.

Amend the title of the bill to read as follows: "To amend title III of the Public Health Service Act to revise and extend the programs of assistance for primary health care and the program of health services for the homeless, and for other purposes.".

Mr. BYRD. Mr. President, I ask unanimous consent that the following Senators be added as original cosponsors; Senators PELL, METZENBAUM, DASCHLE, HATCH, and Mr. WEICKER.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 2347) was agreed to.

Mr. KENNEDY. Mr. President, I rise to speak on behalf of S. 2385, The Family Health Services Amendments of 1988. This legislation reauthorizes the Community and Migrant Health Centers Program, and the health services section of the Steward B. McKinney Homeless Assistance Act. This legislation is of critical importance in providing access to necessary medical care for many of our Nation's poor and homeless, and deserves the support of all my colleagues in the Senate and House of Representatives.

Few programs have made as significant a contribution to the health status of low-income families in a high quality and cost effective manner, as the community and migrant health centers. Begun in 1965 as a small demonstration project of neighborhood health centers, the program has grown over the past 20 years into a network of 800 comprehensive primary care health centers, serving nearly 6 million poor and underserved Americans in all 50 States, Puerto Rico and the District of Columbia. There are 120 community health centers in the six-State New England area that have been successful in reducing the rate of hospitalization by up to 50 percent in some cases, while also decreasing their average cost per medical encounter by 14 percent. These centers receive their primary funding under the Migrant and Community Health Centers Program, and also receive support from the National Health Service Corps, Black Lung Disease Program, Maternal and Child Health Block Grant Program, and urban Indian health programs.

Despite an impressive track record of achievements though, migrant and community health centers still serve less than one-fourth of your Nation's 25 million medically underserved residents. At a time when these centers are being asked to provide more services to pregnant women at high risk of delivering premature or low birthweight babies, to individuals infected with the AIDS virus, to a growing number of homeless individuals and families, Federal support has diminished. As an example, in fiscal year 1987, community health centers received $420 million in funding, but in fiscal year 1988, support was cut to $395 million. The need to strengthen the capacity of health centers has grown more urgent in the decade of the 1980's, as the number of families living in poverty or without health insurance has grown steadily and the number of elderly who cannot afford the high costs of medical care has increased. For millions of our most vulnerable citizens, migrant and community health centers are increasingly becoming their only potential source of affordable health care.

S. 2385 will provide authorization for $52.4 million for migrant health centers and $500 million for community health centers in fiscal year 1989. All amounts appropriated above $47.4 million for migrant health centers and $435 million for community health centers in fiscal year 1989 shall be used by these centers for the provision of services for the reduction of the incidence of infant mortality. I urge my colleagues on the Committee on Appropriations to provide these full amounts for these important programs, restoring some of the cuts suffered over the past 7 years.

S. 2385 also includes a 3-year reauthorization of the health care for the homeless section of the Stewart B. McKinney Homeless Assistance Act. I am sure that most of my colleagues recognize that the number of homeless individuals and families in this country is growing. And the great majority of them are without access to health care. The McKinney Act has provided funds to support much needed health care services for this population, perhaps the most needy of all in the United States. For fiscal year 1988, $14.4 million was appropriated even though $30 million was authorized. Recognizing the great need for primary care health services for the homeless, S. 2385 authorizes $61.2 million for fiscal year 1989. Along with providing greater funding for low-cost housing and mental health services, we in Congress have a responsibility to assure access to needed health care services for the homeless.

In conclusion, I wish to express my appreciation to Senator HATCH and the other members of the Committee on Labor and Human Resources for their hard work on this legislation. S. 2385 continues Federal support for public health programs of proven effectiveness that are directed to needy populations. I urge favorable consideration of this important legislation.

Mr. HATCH. Mr. President, I am pleased to join Senator KENNEDY in supporting S. 2385, the Family Health Services Amendments. This measure reauthorizes some of the most important programs in the Public Health Service for providing access to health care services to the medically underserved. In addition to providing for significant increases in the authorization levels for community health centers, migrant health centers and other programs, this legislation makes several important changes to increase our efforts to combat infant mortality and to improve access to health care in frontier areas.

Sadly, infant mortality continues to be a serious problem in this country, but it is one that can be prevented if we do a better job of coordinating services as well as providing prenatal and perinatal care to women. The good news is that the United States is first in the world in birth weight specific infant survival rates. Yet, at the same time, our Nation ranks behind other Western countries in infant mortality rates.

So how can we explain those two conflicting facts? First, we have the best health care system in the world. An infant born in a hospital in this country has a better chance of survival than it would if born anywhere else in the world. But, we also have too many babies born prematurely and at low birth weights. The simple fact is that a baby born at a low birth weight is not as likely to survive as one born at a normal weight.

Low birth weights can be corrected, however, by providing proper nutrition and prenatal care and, at the same time, decreasing alcohol abuse, drug use, tobacco use, and the number of teenage pregnancies.

The Family Health Services Amendments of 1988, S. 2385, addresses several of these issues. It establishes a new program to coordinate with other prevention efforts—prevention efforts which can reduce the number of low birth weight babies in this country.

It also provides increased funding for community health centers and migrant health centers which provide prenatal and perinatal care to women. This provision is similar to legislation introduced by Senators KENNEDY, QUAYLE, and myself which passed the Senate earlier in this Congress.

S. 2385 is especially important to my home State of Utah, which has witnessed an increase in its infant mortality rate. The legislation specifically targets resources for those States which have suffered recent increases.

In addition, this bill recognizes that some areas of our country—frontier areas—have health care problems which are different from urban or rural areas. This bill will increase the availability of health care provided through community health centers for these areas of the United States which have fewer than six people per square mile, areas where many health needs are currently being left unaddressed.

It has been a pleasure to work with Senator KENNEDY and Senator QUAYLE on this legislation and I look forward to its expeditious enactment. Infant mortality is a health problem that affects our entire Nation, but it is one problem for which the cure already exists.

It is my hope that S. 2385 will help us achieve an objective we all share—the health birth of babies who will be the next generation of Americans. In addition, by continuing our support for the community health centers and migrant health centers in this country, I hope we can continue to improve access to the medically underserved of our Nation.

I urge my colleagues to support this important health legislation.

The PRESIDING OFFICER. If there be no futher amendment to the proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2385

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE: TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Family Health Services Amendments Act of 1988".

(b) TABLE OF CONTENTS.—This table of contents is as follows:

Sec. 1. Short title: Table of contents.
Sec. 2. References to the Public Health Service Act.
TITLE I—PRIMARY HEALTH CENTERS
Sec. 101. Migrant health centers.
Sec. 102. Community health centers.
Sec. 103. Requirement with respect to frontier areas.
Sec. 104. Administration of programs.
TITLE II—HEALTH SERVICES FOR THE HOMELESS
Sec. 201. Increase in required amount of matching funds and modification in eligibility for waiver with respect to matching funds.
Sec. 202. Temporary continued provision of services to certain former homeless individuals.
Sec. 203. Clarification of certain provisions.
Sec. 204. Authorizations of appropriations.

SEC. 2. REFERENCES TO THE PUBLIC HEALTH SERVICE ACT.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201n et seq.).

TITLE I—PRIMARY HEALTH CENTERS

SEC. 101. MIGRANT HEALTH CENTERS.

(a) DEFINITION.—Section 329(a)(1) (42 U.S.C. 254b(a)(1)) is amended—

(1) in subparagraph (F), by striking out "and";

(2) in subparagraph (G), by adding "and" after the comma at the end thereof; and

(3) by adding at the end thereof the following new subparagraph:

"(H) patient case management services (including outreach, counseling, referral, and follow-up),".

(b) HIGH IMPACT AREA DEFINITION.—Section 329(a)(5) (42 U.S.C. 254b(a)(5)) is amended by adding at the end thereof the following new sentence: "The Secretary may not remove a project or program's 'high impact area' designation unless and until the project or program is afforded reasonable notice and an opportunity to provide data and information in support of continuing such designation.".

(c) SUPPLEMENTAL HEALTH SERVICES DEFINITION.—Section 329(a)(7) (42 U.S.C. 254b(a)(7)) is amended—

(1) in subparagraph (K), by striking out "and";

(2) in subparagraph (L), by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new subparagraph:

"(M) other services appropriate to meet the health needs of the service area population.".

(d) GRANTS FOR EXPANSION AND CONSTRUCTION.—The second sentence of section 329(c)(1)(A) (42 U.S.C. 254b(c)(1)(A)) is amended by striking out "acquisition and modernization of existing buildings" and inserting in lieu thereof "acquisition, expansion, and modernization of existing buildings, and construction of new facilities".

(e) COSTS OF OPERATION.—Section 329(d)(2) (42 U.S.C. 254b(d)(2)) is amended by striking out "acquiring and modernizing existing buildings" and inserting in lieu thereof "acquiring, expanding, and modernizing existing buildings, and construction of new facilities".

(f) AMOUNT OF GRANTS FOR COSTS OF OPERATION.—Section 329(d)(4) (42 U.S.C. 254b(d)(4)) is amended—

(1) by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph:

"(4)(A) The amount of any grant made in any fiscal year under subparagraph (A) of paragraph (1) to a health center shall be determined by the Secretary, but may not exceed the amount by which the costs of operation of the center in such fiscal year exceed the total of the fees, premiums, and third party reimbursements (as well as State, local, and other operational funding), which the center may reasonably be expected to receive for its operations in such fiscal year. In determining the amount of such grant for a center, if the application for the grant requests funds for a service described in subparagraph (D) or (E) of subsection (a)(1) (other than to the extent the funds would be used for the improvement of private property) or a supplemental health service described in subsection (a)(7), the Secretary shall include, in an amount determined by the Secretary and to the extent funds are available under appropriation Acts, funds for such service unless the Secretary makes a written finding that such service is not needed and provides the applicant with a copy of such findings."; and

(2) in subparagraph (B)—

(A) by striking out "clauses (i) and (ii) of" in clause (i); and

(B) by striking out "may retain such an amount (equal to not less than one-half of the amount by which such sum exceeded such costs) as the center can demonstrate to the satisfaction of the Secretary will be used to enable the center" in the matter immediately following clause (ii), and inserting in lieu thereof "shall be entitled to retain the additional amount of fees, premiums, and other third party reimbursements as the center will use".

(g) APPLICATION.—Section 329(f)(3)(F)(i) (42 U.S.C. 254b(f)(3)(F)(i)) is amended by inserting "which is consistent with locally prevailing rates or charges and which is" after "of its services".

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 329(h) (42 U.S.C. 254b(h)) is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

"(h)(1) For the purposes of subsections (c), (d), and (e), there are authorized to be appropriated $52,400,000 for fiscal year 1989, and such sums as are necessary in each of the fiscal years 1990 and 1991. The Secretary may not obligate for grants and contracts under subsection (c)(1) in any fiscal year an amount which exceeds 2 per centum of the funds appropriated under this paragraph for that fiscal year, the Secretary may not obligate for grants under subsection (d)(1)(C) in any fiscal year an amount which exceeds 5 per centum of such funds, and the Secretary may not obligate for contracts under subsection (e) in any fiscal year an amount which exceeds 10 per centum of such funds."; and

(2) by adding at the end thereof the following new paragraphs:

"(3)(A) In any case in which the amounts appropriated under paragraph (1) exceed $47,400,000 for fiscal year 1989, $51,400,000 for fiscal year 1990, or $55,000,000 for fiscal year 1991, the Secretary shall make the total amount of such excess available for grants to migrant health centers for—

"(i) the provision of services for the reduction of the incidence of infant mortality; and

"(ii) the development and coordination of referral arrangements between migrant health centers and entities for the health management of infants and pregnant women.

"(B) In making grants described in subparagraph (A) from amounts made available pursuant to such subparagraph, the Secretary shall give priority to migrant health centers providing services in any catchment area in which there is a substantial incidence of infant mortality or in which there is a significant increase in the incidence of infant mortality.

"(4) The Secretary shall prescribe procedures to assure that—

"(A) Grants under subsection (d) of this section to a program or project shall not be terminated in whole or in part unless there is cause and the program or project has first been afforded reasonable notice and opportunity for a hearing on the record.

"(B) No application for a grant under subsection (d) of this section from a program or project that received such a grant in the prior year shall be denied in whole or in part unless there is cause and the program or project has first been afforded reasonable notice and opportunity for a hearing on the record before the Administrator of the Health Resources and Services Administration.".

SEC. 102. COMMUNITY HEALTH CENTERS.

(a) DEFINITION.—Section 330(a) (42 U.S.C. 254c(a)) is amended—

(1) in paragraph (4), by striking out "related to health, and" and inserting in lieu thereof "related to health";

(2) in paragraph (5), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(6) patient case management services (including outreach, counseling, referral, and follow-up).".

(b) SUPPLEMENTAL HEALTH SERVICES DEFINITION.—Section 330(b)(2) (42 U.S.C. 254c(b)(2)) is amended—

(1) in subparagraph (L), by striking out "and";

(2) in subparagraph (M), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new subparagraph:

"(N) other services appropriate to meet the health needs of the service area population.".

(c) NOTICE OF PROPOSED REGULATIONS.—Section 330(b) (42 U.S.C. 254c(b)) is amended by adding at the end thereof the following new paragraph:

"(7) The Secretary may not change the criteria established under paragraph (4) without affording public notice and an opportunity for comment on any such proposed changes in accordance with section 553 of title 5, United States Code.".

(d) GRANTS FOR EXPANSION AND CONSTRUCTION.—Section 330(c)(1) (42 U.S.C. 254c(c)(1)) is amended in the second sentence by striking out "acquisition and modernization of existing buildings" and inserting in lieu thereof "acquisition, expansion, and modernization of existing buildings, and construction of new facilities".

(e) COSTS OF OPERATION.—Section 330(d)(2) (42 U.S.C. 254c(d)(2)) is amended by striking out "acquiring and modernizing existing buildings" and inserting in lieu thereof "acquiring, expanding, and modernizing existing buildings, and construction of new facilities".

(f) AMOUNT OF GRANTS FOR COSTS OF OPERATION.—Section 330(d)(4) (42 U.S.C. 254c(d)(4)) is amended—

(1) by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph:

"(4)(A) The amount of any grant made in any fiscal year under paragraph (1) (other than subparagraph (C)) to a community health center shall be determined by the Secretary, but may not exceed the amount by which the costs of operation of the center in such fiscal year exceed the total of the fees, premiums, and third party reimbursements (as well as State, local, and other operational funding), which the center may reasonably be expected to receive for its operations in such fiscal year. In determining the amount of such a grant for a center, if the application for the grant requests funds for a service described in subsection (a)(4) (other than to the extent the funds would be used for the improvement of private property) or a supplemental health service described in subsection (b)(2), the Secretary shall include, in an amount determined by the Secretary and to the extent funds are available under appropriation Acts, funds for such service unless the Secretary makes a written finding that such service is not needed and provides the applicant with a copy of such finding."; and

(2) in subparagraph (B)—

(A) by striking out "clauses (i) and (ii) of" in clause (i); and

(B) by striking out "may retain such an amount (equal to not less than one-half of the amount by which such sum exceeded such costs) as the center can demonstrate to the satisfaction of the Secretary will be used to enable the center" in the matter immediately following clause (ii), and inserting in lieu thereof "shall be entitled to retain the additional amount of fees, premiums, and third party reimbursements as the center will use".

(g) APPLICATION.—Section 330(e)(3)(F)(i) (42 U.S.C. 254c(e)(3)(F)(i)) is amended by inserting "which is consistent with locally prevailing rates or charges and which is" after "of its services".

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 330(g) (42 U.S.C. 254c(g)) is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

"(g)(1) There are authorized to be appropriated for payments pursuant to grants under this section $500,000,000 for fiscal year 1989, and such sums as may be necessary in each of the fiscal years 1990 and 1991."; and

(2) by adding at the end thereof the following new paragraphs:

"(4)(A) In any case in which the amounts appropriated under paragraph (1) exceed $435,000,000 for fiscal year 1989, $465,000,000 for fiscal year 1990, or $495,000,000 for fiscal year 1991, the Secretary shall make the total amount of such excess available for grants to community health centers for—

"(i) the provision of services for the reduction of the incidence of infant mortality; and

"(ii) the development and coordination of referral arrangements between community health centers and entities for the medical management of infants and pregnant women.

"(B) In making grants described in subparagraph (A) from amounts made available pursuant to such subparagraph, the Secretary shall give priority to community health centers providing services to any medically underserved population among which there is substantial incidence of infant mortality or among which there is a significant increase in the incidence of infant mortality.

"(5) The Secretary shall prescribe procedures to assure that—

"(A) Grants under subsection (d) of this section to a center or project shall not be terminated in whole or in part unless there is cause and the center or project has first been afforded reasonable notice and opportunity for a hearing on the record; and

"(B) No applicant for a grant under subsection (d) on this section from a center or project that received such a grant in the prior year shall be denied in whole or in part unless there is cause and the center or project has first been afforded reasonable notice and opportunity for a hearing on the record before the Administrator of the Health Resources and Services Administration.".

SEC. 103. REQUIREMENT WITH RESPECT TO FRONTIER AREAS.

Section 330 (42 U.S.C. 254c) is amended by adding at the end thereof the following new subsection:

"(j) In making grants under this section, the Secretary shall give special consideration to the unique needs of frontier areas.".

SEC. 104. ADMINISTRATION OF PROGRAMS.

Subpart I of part D of title III (42 U.S.C. 254B et seq.) is amended by adding at the end thereof the following new section:

"SEC. 330A. ADMINISTRATION OF PROGRAMS.

"The Secretary may delegate the authority to administer the programs authorized under section 329 and section 330 to any office within the Public Health Service, except that the authority to enter into, modify, or issue approvals with respect to grants or contracts, may be delegated only within the central office of the Health Resources and Services Administration.".

TITLE II—HEALTH SERVICES FOR THE HOMELESS

SEC. 201. INCREASE IN REQUIRED AMOUNT OF MATCHING FUNDS AND MODIFICATION IN ELIGIBILITY FOR WAIVER WITH RESPECT TO MATCHING FUNDS.

(a) INCREASE IN REQUIRED AMOUNT.—Section 340(e)(1)(A)(ii) (42 U.S.C. 256(e)(1)(A)(ii) is amended by striking out "Federal funds provided in such grant" and inserting in lieu thereof the following: "Federal funds provided for the first fiscal year of payments under the grant and not less than $1 (in cash or in kind under such subparagraph) for each $3 of Federal funds provided for any subsequent fiscal year of payments under the grant".

(b) EFFECTIVE DATE FOR INCREASE.—The amendments made by subsection (a) shall take effect October 1, 1989.

(c) MODIFICATION IN ELIGIBILITY FOR WAIVER.—Section 340(e)(2) (42 U.S.C. 256(e)(2)) is amended to read as follows:

"(2) The Secretary may waive the requirement established in paragraph (1)(A) if the applicant involved is a nonprofit private entity and the Secretary determines that it is not feasible for the applicant to comply with such requirement.".

SEC. 202. TEMPORARY CONTINUED PROVISION OF SERVICES TO CERTAIN FORMER HOMELESS INDIVIDUALS.

(a) In General.—Section 340 (42 U.S.C. 256) is amended—

(1) by redesignating subsections (h) through (q) as subsections (i) through (r), respectively; and

(2) by adding after subsection (g) the following new subsection:

"(h) Temporary Continued Provision of Services to Certain Former Homeless Individuals.—If any grantee under subsection (a) has provided services described in subsection (f) or (g) to a homeless individual, any such grantee may, notwithstanding that the individual is no longer homeless as a result of becoming a resident in permanent housing, expend the grant to continue to provide such services to the individual for not more than 12 months.".

(b) Conforming Amendments.—

(1) Section 340(d)(1) (42 U.S.C. 256(d)(1)) is amended—

(A) in subparagraph (C), by striking out "(h)" and inserting in lieu thereof "(i)";

(B) in subparagraph (D), by striking out "(i)" and inserting in lieu thereof "(j)";

(C) in subparagraph (E), by striking out "(j)" and inserting in lieu thereof "(k)"; and

(D) in subparagraph (F), by striking out "(k)" and inserting in lieu thereof "(l)".

(2) Section 332(a)(3) (42 U.S.C. 254e(a)(3)) is amended by striking out "340(q)(2)" and inserting in lieu thereof "340(r)".

(3) Section 536(1) (42 U.S.C. 290cc-36(1)) is amended by striking out "340(q)(2)" and inserting in lieu thereof "340(r)".

SEC. 203. CLARIFICATION OF CERTAIN PROVISIONS.

(a) Provision of Technical Assistance.—Section 340(o)(2) (as redesignated in section 202(a)(1) of this Act) is amended by striking out "(p)(1)," and inserting in lieu thereof "(q)(1) for a fiscal year,".

(b) Definition of Homeless Individual.—Section 340(r)(2) (as redesignated in section 202(a)(1) of this Act) is amended by striking out "living accommodations." and inserting in lieu thereof "living accommodations and an individual who is a resident in transitional housing.".

SEC. 204. AUTHORIZATIONS OF APPROPRIATIONS.

Paragraph (1) of section 340(q) (as redesignated in section 202(a)(1) of this Act) is amended to read as follows:

"(q)(1) There are authorized to be appropriated to carry out this section $61,200,000 for fiscal year 1989, $63,600,000 for fiscal year 1990, and $66,200,000 for fiscal year 1991.".

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ARMSTRONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FEDERAL LAND EXCHANGE FACILITATION ACT

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 708.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 1860) entitled the Federal Land Exchange Facilitation Act of 1987.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Land Exchange Facilitation Act of 1988".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—The Congress finds and declares that—

(1) land exchanges are a very important tool for Federal and State land managers and private landowners to consolidate Federal, State, and private holdings of land or interests in land for purposes of more efficient management and to secure important objectives including the protection of fish and wildlife habitat and aesthetic values; the enhancement of recreation opportunities; the consolidation of mineral and timber holdings for more logical and efficient development; the expansion of communities; the promotion of multiple-use values; and fulfillment of public needs;

(2) needs for land ownership adjustments and consolidation consistently outpace available funding for land purchases by the Federal Government and thereby make land exchanges an increasingly important method of land acquisition and consolidation for both Federal and State land managers and private landowners;

(3) the Federal Land Policy and Management Act of 1976 and other laws provide a basic framework and authority for land exchanges involving lands under the jurisdiction of the Secretary of the Interior and the Secretary of Agriculture; and

(4) such existing laws are in need of certain revisions to streamline and facilitate land exchange procedures and expedite exchanges.

(b) Purposes.—The purposes of this Act are:

(1) to facilitate and expedite land exchanges pursuant to the Federal Land Policy and Management Act of 1976 and other laws applicable to exchanges involving lands managed by the Departments of the Interior and Agriculture by—

(A) providing more uniform rules and regulations pertaining to land appraisals which reflect nationally recognized appraisal standards; and

(B) establishing procedures and guidelines for the resolution of appraisal disputes.

(2) to provide sufficient resources to the Secretaries of the Interior and Agriculture to ensure that land exchange activities can proceed consistent with the public interest; and

(3) to require a study and report concerning improvements in the handling of certain information related to Federal and other lands.

SEC. 3. LAND EXCHANGES AND APPRAISALS.

(a) FLPMA Amendments.—Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) is hereby amended by adding the following new subsections:

"(d)(1) No later than ninety days after entering into an agreement to initiate an exchange of land or interests therein pursuant to this Act or other applicable law, the Secretary concerned and other party or parties involved in the exchange shall arrange for appraisal (to be completed within a time frame and under such terms as are negotiated by the parties) of the lands or interests therein involved in the exchange in accordance with subsection (f) of this section.

"(2) If within one hundred and eighty days after the submission of an appraisal or appraisals for review and approval by the Secretary concerned, the Secretary concerned and the other party or parties involved cannot agree to accept the findings of an appraisal or appraisals, the appraisal or appraisals shall be submitted to an arbitrator appointed by the Secretary from a list of arbitrators submitted to him by the American Arbitration Association for arbitration to be conducted in accordance with the real estate valuation arbitration rules of the American Arbitration Association. Such arbitration shall be binding for a period of not to exceed two years on the Secretary concerned and the other party or parties involved in the exchange insofar as concerns the value of the lands which were the subject of the appraisal or appraisals.

"(3) Within thirty days after the completion of the arbitration, the Secretary concerned and the other party or parties involved in the exchange shall determine whether to proceed with the exchange, modify the exchange to reflect the findings of the arbitration or any other factors, or to withdraw from the exchange. A decision to withdraw from the exchange may be made by either the Secretary concerned or the other party or parties involved.

"(4) Instead of submitting the appraisal to an arbitrator, as provided in paragraph (2) of this section, the Secretary concerned and the other party or parties involved in an exchange may mutually agree to employ a process of bargaining or some other process to determine the values of the properties involved in the exchange.

"(5) The Secretary concerned and the other party or parties involved in an exchange may mutually agree to suspend or modify any of the deadlines contained in this subsection.

"(e) Unless mutually agreed otherwise by the Secretary concerned and the other party or parties involved in an exchange pursuant to this Act or other applicable law, all patents or titles to be issued for land or interests therein to be acquired by the Federal Government and lands or interests therein to be transferred out of Federal ownership shall be issued simultaneously after the Secretary concerned has taken any necessary steps to assure that the United States will receive acceptable title.

"(f)(1) Within one year after the enactment of subsections (d) through (i) of this section, the Secretaries of the Interior and Agriculture shall promulgate new and comprehensive rules and regulations governing exchanges of land and interests therein pursuant to this Act and other applicable law. Such rules and regulations shall fully reflect the changes in law made by subsections (d) through (i) of this section and shall include provisions pertaining to appraisals of lands and interests therein involved in such exchanges.

"(2) The provisions of the rules and regulations issued pursuant to paragraph (1) of this subsection governing appraisals shall reflect nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Appraisal Standards for Federal Land Acquisitions: Provided, however, That the provisions of such rules and regulations shall—

"(A) ensure that the same nationally approved appraisal standards are used in appraising lands or interests therein being acquired by the Federal Government and ap-

praising lands or interests therein being transferred out of Federal ownership; and

"(B) with respect to costs or other responsibilities or requirements associated with land exchanges—

"(i) recognize that the parties involved in an exchange may mutually agree that one party (or parties) will assume, without compensation, all or part of certain costs or other responsibilities or requirements ordinarily borne by the other party or parties; and

"(ii) also permit the Secretary concerned, where such Secretary determines it is in the public interest and it is in the best interest of consummating an exchange pursuant to this Act or other applicable law, and upon mutual agreement of the parties, to make adjustments to the relative values involved in an exchange transaction in order to compensate a party or parties to the exchange for assuming costs or other responsibilities or requirements which would ordinarily be borne by the other party or parties.

"As used in this subparagraph, the term 'costs or other responsibilities or requirements' shall include, but not be limited to, costs or other requirements associated with land surveys and appraisals, mineral examinations, title searches, archeological surveys and salvage, removal of encumbrances, arbitration pursuant to subsection (d) of this section, curing deficiencies preventing highest and best use, and other costs to comply with laws, regulations and policies applicable to exchange transactions, or which are necessary to bring the Federal or non-Federal lands or interests involved in the exchange to their highest and best use for the appraisal and exchange purposes. Prior to making any adjustments pursuant to this subparagraph, the Secretary concerned shall be satisfied that the amount of such adjustment is reasonable and accurately reflects the approximate value of any costs or services provided or any responsibilities or requirements assumed.

"(g) Until such time as new and comprehensive rules and regulations governing exchange of land and interests therein are promulgated pursuant to subsection (f) of this section, land exchanges may proceed in accordance with existing laws and regulations, and nothing in the Act shall be construed to require any delay in, or otherwise hinder, the processing and consummation of land exchanges pending the promulgation of such new and comprehensive rules and regulations. Where the Secretary concerned and the party or parties involved in an exchange have agreed to initiate an exchange of land or interests therein prior to the day of enactment of such subsections, subsections (d) through (i) of this section shall not apply to such exchanges unless the Secretary concerned and the party or parties involved in the exchange mutually agree otherwise.

"(h)(1) Notwithstanding the provisions of this Act and other applicable laws which require that exchanges of land or interests therein be of equal value, where the Secretary concerned determines it is in the public interest and that the consummation of a particular exchange will be expedited thereby, the Secretary concerned may exchange lands or interests therein which are of approximately equal value in cases where—

"(A) the combined value of the lands or interests therein to be transferred from Federal ownership by the Secretary concerned in such exchange is not more than $150,000; and

"(B) the Secretary concerned finds in accordance with the regulations to be promulgated pursuant to subsection (f) of this section that a determination of approximately equal value can be made without formal appraisals, as based on a statement of value made by a qualified appraiser and approved by an authorized officer; and

"(C) the definition of and procedure for determining 'approximately equal value' has been set forth in regulations by the Secretary concerned and the Secretary concerned documents how such determination was made in the case of the particular exchange involved.

"(2) As used in this subsection, the term 'approximately equal value' shall have the same meaning with respect to lands managed by the Secretary of Agriculture as it does in the Act of January 22, 1983 (commonly known as the 'Small Tracts Act').

"(i)(1) Upon receipt of an offer to exchange lands or interests in lands pursuant to this Act or other applicable laws, at the request of the head of the department or agency having jurisdiction over the lands involved, the Secretary of the Interior may temporarily segregate the Federal lands under consideration for exchange from appropriation under the mining laws. Such temporary segregation may only be made for a period of not to exceed five years. Upon a decision not to proceed with the exchange or upon deletion of any particular parcel from the exchange offer, the Federal lands involved or deleted shall be promptly restored to their former status under the mining laws. Any segregation pursuant to this paragraph shall be subject to valid existing rights as of the date of such segregation.

"(2) All non-Federal lands which are acquired by the United States through exchange pursuant to this Act or pursuant to other law applicable to lands managed by the Secretary of Agriculture shall be automatically segregated from appropriation under the public land law, including the mining laws, for ninety days after acceptance of title by the United States. Such segregation shall be subject to valid existing rights as of the date of such acceptance of title. At the end of such ninety day period, such segregation shall end and such lands shall be open to operation of the public land laws and to entry, location, and patent under the mining laws except to the extent otherwise provided by this Act or other applicable law, or appropriate actions pursuant thereto.".

(b) C*ONFORMING* A*MENDMENT.—The first sentence of section 206(b) (43 U.S.C. 1716(b)) of the Federal Land Policy and Management Act of 1976 is hereby amended by inserting the word "concerned" after the words "the Secretary".*

(c) A*DDITIONAL* A*MENDMENT.—Section 206(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(c)) is hereby amended to read as follows:*

"(c) Lands acquired by the Secretary by exchange under this section which are within the boundaries of any unit of the National Forest System, National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, or any other system established by Act of Congress, or the boundaries of the California Desert Conservation Area, or the boundaries of any national conservation area or national recreation area established by Act of Congress, upon acceptance of title by the United States shall immediately be reserved for and become a part of the unit or area within which they are located, without further action by the Secretary, and shall thereafter by managed in accordance with all laws, rules, and regulations applicable to such unit or area.".

SEC. 4. LAND EXCHANGE FUNDING AUTHORIZATION.

In order to ensure that there are increased funds and personnel available to the Secretaries of the Interior and Agriculture to consider, process, and consummate land exchanges pursuant to the Federal Land Policy and Management Act of 1976 and other applicable law, there are hereby authorized to be appropriated for fiscal years 1989 through 1998 an annual amount not to exceed $4,000,000 which shall be used jointly or divided among the Secretaries as they determine appropriate for the consideration, processing, and consummation of land exchanges pursuant to the Federal Land Policy and Management Act of 1976, as amended, and other applicable law. Such moneys are expressly intended by Congress to be in addition to, and not offset against, moneys otherwise annually requested by the Secretaries, and appropriated by Congress for land exchange purposes.

SEC. 5. SAVING CLAUSE.

Nothing in this Act shall be construed as amending the Alaska Native Claims Settlement Act (Public Law 92-203, as amended) or the Alaska National Interest Lands Conservation Act (Public Law 96-487, as amended) or as enlarging or diminishing the authority with regard to exchanges conferred upon either the Secretary of the Interior or the Secretary of Agriculture by either such Acts. If any provision of this Act or the application thereof is held invalid, the remainder of the Act and the application thereof shall not be affected thereby. Nothing in this Act shall be construed to change the discretionary nature of land exchanges or to prohibit the Secretary concerned or any other party or parties involved in a land exchange from withdrawing from the exchange at any time, unless the Secretary concerned and the other party or parties specifically commit otherwise by written agreement.

SEC. 6. NFMA AMENDMENTS.

Section 17(b) of the National Forest Management Act of 1976 is hereby amended—

(1) by striking out "$25,000" and inserting in lieu thereof "$150,000";

(2) by striking out "and" at the end of paragraph (3);

(3) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and"; and

(4) by adding after paragraph (4) the following:

"(5) any adjustment made by the Secretary of relative value pursuant to section 206(f)(2)(B)(ii) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).".

SEC. 7. ADDITIONAL AMENDMENTS.

The Act of July 26, 1956 (70 Stat. 656, 16 U.S.C. 505a, 505b) is hereby amended as follows:

(a) The words "national forest lands" are hereby deleted wherever they occur, and the words "National Forest System lands" are inserted in lieu thereof.

(b) The words "a national forest" are hereby deleted in the first paragraph, and the words "a unit of the National Forest System" are inserted in lieu thereof.

(c) The following sentence is hereby added at the end of the second paragraph: "Lands interchanged under the authority of this Act shall be deemed to include interests in lands.".

SEC. 8. LAND INFORMATION STUDY.

(a) Study.—The Secretary of the Interior shall conduct an assessment of the need for and cost and benefits associated with improvements in the existing methods of land surveying and mapping and of collecting, storing, retrieving, disseminating, and using information about Federal and other lands.

(b) Consultation.—In conducting the assessment required by this section, the Secretary of the Interior shall consult with the following—

(1) the Secretary of Agriculture;

(2) the Secretary of Commerce;

(3) the Director of the National Science Foundation;

(4) representatives of State and local governments;

(5) representatives of private sector surveying and mapping science.

(c) Report.—No later than one year after the day of enactment of this Act, the Secretary of the Interior shall report to the Congress concerning the results of the assessment required by this section.

(d) Topics.—In the report required by subsection (c), the Secretary of the Interior shall include a discussion and evaluation of the following:

(1) relevant recommendations made by the National Academy of Sciences (National Research Council) on the concept of a multipurpose cadastre from time to time prior to the date of enactment of this Act;

(2) ongoing activities concerning development of an overall reference frame for land and resource information, including but not limited to a geodetic network, a series of current and accurate large-scale maps, cadastral overlay maps, unique identifying numbers linking specific land parcels to a common index of all land records in United States cadastral systems, and a series of land data files;

(3) ways to achieve better definition of the roles of Federal and other governmental agencies and the private sector in dealing with land information systems;

(4) ways to improve the coordination of Federal land information activities; and

(5) model standards developed by the Secretary for compatible multipurpose land information systems for use by Federal, State and local governmental agencies, the public, and the private sector.

(e) Recommendations.—The report required by subsection (c) may also include such recommendations for legislation as the Secretary of the Interior considers necessary or desirable.

SEC. 9. CASH EQUALIZATION WAIVER.

Subsection 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)) is hereby amended by adding the following at the end of the third sentence thereof:

"The Secretary concerned and the other party or parties involved in the exchange may mutually agree to waive the requirement for the payment of money to equalize values where the Secretary concerned determines that the exchange will be expedited thereby and that the public interest will be better served by such a waiver of cash equalization payments and where the Secretary and where the amount to be waived is no more than 3 per centum of the value of the lands being transferred out of Federal ownership or $15,000, whichever is less.".

SEC. 10. TEMPORARY REVOCATION AUTHORITY.

(a) When the sole impediment to consummation of an exchange of lands or interests therein (hereinafter referred to as an exchange) determined to be in the public interest, is the inability of the Secretary of the Interior to revoke, modify, or terminate part or all of a withdrawal or classification because of the order (or subsequent modification or continuance thereof) of the United States District Court for the District of Columbia dated February 10, 1986, in Civil Action No. 85-2238 (National Wildlife Federation v. Robert E. Burford, et al.), the Secretary of the Interior is hereby authorized, notwithstanding such order (or subsequent modification or continuance thereof), to use the authority contained herein, in lieu of other authority provided in this Act including section 204, to revoke, modify, or terminate in whole or in part, withdrawals or classifications to the extent deemed necessary by the Secretary to enable the United States to transfer land or interests therein out of Federal ownership pursuant to an exchange.

(b) Requirements.—The authority specified in subsection (a) of this section may be exercised only in cases where—

(1) a particular exchange is proposed to be carried out pursuant to this Act, as amended, or other applicable law authorizing such an exchange;

(2) the proposed exchange has been prepared in compliance with all laws applicable to such exchange;

(3) the head of each Federal agency managing the lands proposed for such transfer has submitted to the Secretary of the Interior a statement of concurrence with the proposed revocation, modification, or termination;

(4) at least sixty days have elapsed since the Secretary of the Interior has published in the Federal Register a notice of the proposed revocation, modification, or termination; and

(5) at least sixty days have elapsed since the Secretary of the Interior has transmitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a report which includes—

(A) a justification for the necessity of exercising such authority in order to complete an exchange;

(B) an explanation of the reasons why the continuation of the withdrawal or a classification or portion thereof proposed for revocation, modification, or termination is no longer necessary for the purposes of the statutory or other program or programs for which the withdrawal or classification was made or other relevant programs;

(C) assurances that all relevant documents concerning the proposed exchange or purchase for which such authority is proposed to be exercised (including documents related to compliance with the National Environmental Policy Act of 1969 and all other applicable provisions of law) are available for public inspection in the office of the Secretary concerned located nearest to the lands proposed for transfer out of Federal ownership in furtherance of such exchange and that the relevant portions of such documents are also available in the offices of the Secretary concerned in Washington, District of Columbia; and

(D) an explanation of the effect of the revocation, modification, or termination of a withdrawal or classification or portion thereof and the transfer of lands out of Federal ownership pursuant to the particular proposed exchange, on the objectives of the land management plan which is applicable at the time of such transfer to the land to be transferred out of Federal ownership.

(c) Limitations.—(1) Nothing in this section shall be construed as affirming or denying any of the allegations made by any party in the civil action specified in subsection (a), or as constituting an expression of congressional opinion with respect to the merits of any allegation, contention, or argument made or issue raised by any party in such action, or as expanding or diminishing the jurisdiction of the United States District Court for the District of Columbia.

(2) Except as specifically provided in this section, nothing in this section shall be construed as modifying, terminating, revoking, or otherwise affecting any provision of law applicable to land exchanges, withdrawals, or classifications.

(3) The availability or exercise of the authority granted in subsection (a) may not be considered by the Secretary of the Interior in making a determination pursuant to this Act or other applicable law as to whether or not any proposed exchange is in the public interest.

(d) Termination.—The authority specified in subsection (a) shall expire either (1) on December 31, 1990, or (2) when the Court order (or subsequent modification or continuation thereof) specified in subsection (a) is no longer in effect, whichever occurs first.

AMENDMENT NO. 2348

Mr. BYRD. Mr. President, I send to the desk a technical amendment on behalf of Mr. Johnston.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. Byrd], for Mr. Johnston, proposes an amendment numbered 2348.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

The Committee amendment is further amended as follows:

1. On page 32, line 5, delete the phrase "the Secretary and where".

2. On page 32, after line 9, insert the following:

"The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), as amended, is further amended by adding the following new section:".

On page 32, line 10, strike "(a)" and insert, "Sec. 215. (a)".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2348) was agreed to.

Mr. WIRTH. Mr. President, this legislation is especially important for my State, since the bill gives the U.S. Forest Service and the Department of the Army the administrative flexibility these agencies need to complete a land exchange involving approximately 16,700 acres of Army land at the Pinon Canyon maneuver site in southeastern Colorado.

Specifically, this legislation will enable the Forest Service to acquire 16,707 acres of "uneconomic remnant" lands the Army has under its jurisdiction at the Pinon Canyon maneuver site. These lands are unique in many respects. A portion of these remnant lands lies along a scenic part of the Purgatoire River and serve as a repository for a very rich collection of Indian rock art, and other cultural remains that span the ages from prehistoric times to the modern era. One of the world's longest dinosaur trackways can be found in this area. In short, this acreage is a unique part of our national heritage and is worthy of special attention as a natural resource.

I have visited this area and have seen first hand the variety of resources it represents. Many people from Colorado are working together to effect a land exchange between the Forest Service and the Army so that this acreage—which may represent only a small portion of the paleontological, archeological, cultural, wildlife, and scenic values of the Purgatoire River Canyon—will be protected and managed by an agency that has more experience in natural resource management and preservation than the Department of Defense.

The Department of the Army has had jurisdiction over this 16,700 acre area since 1983, having acquired it as part of the Pinon Canyon maneuver site. Since that time the Army has done a good job of protecting the area from vandalism and over use. The Army recognizes, however, that a comprehensive management plan for the remnant lands is best vested in an agency like the Forest Service. The Army has initiated discussions with the Forest Service and representatives from the Colorado congressional delegation to implement a land exchange.

Without this legislation, the Department of the Army would not be able to effect an immediate transfer of the remnant acreage to the Forest Service. Under current law, to qualify for an exchange with the Forest Service, land under the control of the Defense Department must lie within or adjacent to the exterior boundary of a national forest. In this case, the nearest national forest is 100 miles away. However, the Commanche National Grassland borders the remnant acreage, and is part of the U.S. Forest Service lands inventory. This legislation will enable the Defense Department to transfer the remnant acreage to the Forest Service, since this legislation treats the national grasslands as part of the National Forest System.

It is my further understanding that when the Pinon Canyon remnant acreage land exchange takes place following passage of this legislation, the U.S. Forest Service will work closely with the Department of the Army to ensure that management of these newly acquired lands will not conflict with the Army's mission at the Pinon Canyon maneuver site. The proximity of the Pinon Canyon maneuver site to the Commanche National Grassland, and the Army's past experience managing the remnant lands will, in my opinion, require a high degree of interagency cooperation. Since nature does not respect the artificial boundaries established by Government agencies, it is important for the Forest Service to solicit the advice and input of officials in State government, the National Park Service, the Department of the Army, and the public in managing these unique lands.

Although this legislation will allow the Forest Service to acquire the Pinon Canyon remnant acreage and manage it as part of the Commanche National Grassland, it is important that the unique character and rich diversity of resources found in much of the remnant acreage be managed in a special way that emphasizes preservation and protection. These lands ought to be carefully inventoried and a restrictive use designation should govern management activities wherever significant cultural, paleontological and wildlife values are present. Oil and gas exploration and mineral entry ought to be restricted. Failure to provide strong protection for the area would undermine the value that today's legislation promises for the area.

Mr. President, I would like to ask the distinguished chairman of the Public Lands Subcommittee, and the sponsor of this legislation in the Senate, if he shares my view that this bill authorizes the Defense Department to carry out this land exchange, which would protect a very important cultural, archeological, and natural resource in the State of Colorado.

Mr. BUMPERS. I agree with the Senator's reading of this legislation. The Federal Land Exchange Facilitation Act was designed to authorize and facilitate exchange of this kind, to preserve and protect the Nation's natural resources. From the description of the Senator of Colorado, the Pinon Canyon area certainly seems to be worthy of careful management, and I am pleased this legislation will expedite the arrangements that the Department of Defense and the Forest Service are working to complete.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment, as amended, in the nature of a substitute.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment, as amended, and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is: Shall it pass?

So the bill (H.R. 1860) was passed.

The title was amended so as to read: "A bill entitled the Federal Land Exchange Facilitation Act of 1988."

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ARMSTRONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

IMMIGRATION TECHNICAL CORRECTIONS

Mr. BYRD. Mr. President, I ask unanimous consent that in the engrossment of S. 2479, the Immigration Technical Corrections bill, the secretary of the Senate be authorized to make the following corrections which I send to the desk.

The corrections clarify that previously stricken language is being restored and deletes other language that has already been passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The corrections are as follows:

(1) In section 8(b), insert "and the language stricken by such section is revived as of November 14, 1986" after "repealed".

(2) In section 8(j)—

(A) in paragraph (1), strike "(a)" before "The first",

(B) in paragraph (1), insert "and" after the comma at the end,

(C) in paragraphs (2), strike, "and" and insert a period, and

(D) strike paragraph (3) (including the matter added by such paragraph).

MEASURE HELD AT THE DESK—H.R. 3966

Mr. BYRD. Mr. President, I ask unanimous consent that H.R. 3966, a bill dealing with reinstating restrictions on advertising during children's television, be held at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of Senate Joint Resolution 331, Senate Joint Resolution 230, and House Joint Resolution 423.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL RECOGNITION OF THE ACCOMPLISHMENTS OF WOMEN IN THE WORKFORCE WEEK

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Joint Resolution 331.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 331) to designate the week of June 19-25, 1988, as "National Recognition of the Accomplishments of Women in the Workforce Week.”

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?.

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. Res. 331

Whereas women are becoming increasingly successful in the business community;

Whereas many women, through creative initiative and individual sacrifice, have created an environment for continued achievement;

Whereas an unprecedented number of women currently sit on corporate boards of directors, own and operate their own businesses, and manage corporations;

Whereas the commitment to and recognition of the advancements of women in the workforce should be continued: Now, therefore, be it;

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of June 19-25, 1988, is designated as the “National Recognition of the Accomplishments of Women in the Workforce Week”, and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ARMSTRONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL DAIRY GOAT WEEK

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 423.

The PRESIDING OFFICER. The joint resolution will be stated by title. The legislative clerk read as follows:

A joint resolution (H.J. Res. 423) to designate the third week in June 1988 as “National Dairy Goat Awareness Week.”

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment.

If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 423) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. ARMSTRONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATE JOINT RESOLUTION 230 INDEFINITELY POSTPONED

Mr. BYRD. Mr. President, I ask unanimous consent that Senate Joint Resolution 230 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JUNE 14, 1988

RECESS UNTIL 9:15 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:15 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that, following the two leaders or their designees under the standing order on tomorrow, there be a period for morning business to extend until the hour of 10 a.m. and that Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESUME CONSIDERATION OF THE WELFARE REFORM BILL AT 10 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that, at the hour of 10 tomorrow morning, the Senate resume consideration of the welfare reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, does the distinguished Senator from Colorado, Mr. Armstrong, the acting Republican leader, have anything further he would like to say or any business he would like to transact?

Mr. ARMSTRONG. Mr. President, I thank the leader for his courtesy. We have nothing further at this time on our side.

Mr. BYRD. Mr. President, I thank the Senator.

RECESS UNTIL 9:15 A.M. TOMORROW

Mr. BYRD. Mr. President, there being no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 9:15 tomorrow morning.

The motion was agreed to; and, at 5:22 p.m., the Senate recessed until Tuesday, June 14, 1988, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate after the adjournment of the Senate on June 10, 1988, under authority of the order of the Senate of February 3, 1987:

DEPARTMENT OF STATE

KEITH LAPHAM BROWN, OF COLORADO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO DENMARK.

UNITED NATIONS AND INTERNATIONAL ATOMIC ENERGY AGENCY

MICHAEL H. NEWLIN, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE VIENNA OFFICE OF THE UNITED NATIONS AND DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE INTERNATIONAL ATOMIC ENERGY AGENCY, WITH THE RANK OF AMBASSADOR.

NATIONAL SCIENCE FOUNDATION

ROLAND W. SCHMITT, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 1994 (REAPPOINTMENT).

NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT

WILLIAM G. GOETZ, OF NORTH DAKOTA, TO BE A MEMBER OF THE NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT FOR A TERM EXPIRING SEPTEMBER 30, 1990, VICE ONALEE MCGRAW, TERM EXPIRED.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

THE FOLLOWING-NAMED PERSONS TO BE MEMBERS OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR TERMS EXPIRING JULY 19, 1993:

WANDA L. FORBES, OF SOUTH CAROLINA (REAPPOINTMENT).

MARGARET PHELAN, OF KANSAS (REAPPOINTMENT).

CHARLES E. REID, OF NEW JERSEY, VICE BESSIE BOEHM MOORE, TERM EXPIRING.

NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

JAMES B. WERSON, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS FOR THE TERM EXPIRING OCTOBER 27, 1991, VICE ALFRED J. FLEISCHER, SR., TERM EXPIRING.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JOHNNIE H. CORNS, [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. ROBERT D. HAMMOND, [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. LEONARD P. WISHART III, [redacted], U.S. ARMY.

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE OF LIEUTENANT GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

FRANK E. PETERSON, [redacted] U.S. MARINE CORPS.

EXTENSIONS OF REMARKS

RADIO NEWS PROGRAM IGLESIA CANCELED

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1988

Mr. McEWEN. Mr. Speaker, Nicaragua is no closer today to democracy than it was when Oscar Arias won the Nobel Peace Prize. Nor is that country any nearer the democratic reforms the Communist Sandinista government agreed to initiate when it signed the cease-fire agreement at Sapoa 2 months ago, or for that matter Esquipulas II.

This week the same Marxist government the Democrats said would be nice people if we just trusted them and suspended military aid to the democratic resistance, showed their true color once again. Fifteen opposition leaders were arrested the other day as they walked to the national assembly. The reason given by the Ministry of Interior security police was that they did not possess a permit to march in the street. The irony of this absurd incident was that the group was in fact walking to the assembly to deliver a document demanding freedom of expression in Nicaragua. Although a relatively small episode—the leaders were later released after a short time in jail—I think it shows once again that the Sandinistas cannot be trusted nor are they serious about democratization. The evidence against Commandante Ortega and his brother is overwhelming. It always has been. Why isn't anyone listening?

Mr. Speaker, at this point I would like to insert into the RECORD an editorial from the opposition newspaper La Prensa calling on the Sandinista government to lift censorship of radio news programs:

[Translation of "Cierran Noticiero Iglesia," Editorial From La Prensa, May 21, 1988]

RADIO NEWS PROGRAM IGLESIA CANCELED

Representatives of 14 opposition groups and political parties and directors of radio news programs met yesterday to analyze the censoring of radio news programs, just a few hours before the sword of Damocles fell down upon them, cancelling four daily broadcasts of the "Noticiero Iglesia" program.

The censors of the Ministry of the Interior, temporarily left without a job by Esquipulas II, have again come out of their caves to carry out their threat to apply vigorously the General Law on Means of Communication, passed only a week ago.

The Ministry of the Interior arbitrarily cancelled the "Noticiero Iglesia" program, accusing it of having broadcast news about the Nicaraguan Resistance, which declared that contra commander "Tigrillo" had sustained fierce battles with Sandinista troops and occupied a village.

The Inquisitors of the Ministry of the Interior allege that "Iglesia" should have consulted it, or the Ministry of Defense, about the information, in accordance with Decree No. 511.

It is one thing to invent what happened and quite another to relay the facts as reported by bona fide sources, such as those cited by the Catholic Church's radio station. It would have been sufficient for the Sandinista government, making use of the free exercise of democracy that allegedly exists in Nicaragua, to have challenged the story broadcast by "Iglesia" and issued a communique through its propaganda organs.

But things did not happen that way. Once again, the opinion of the censor, who has no special ability to distinguish truth from lies, prevailed over reason and the right of Nicaraguans to be freely informed.

Decree 511 was imposed by the Sandinistas in 1979, with the intention of utilizing the print and electronic media to enslave Nicaraguan society and turn it into the voice of the State. All of this under the guise of forcing journalists to "be responsible in their reporting," a Sandinista phrase whose intention is to prevent citizens from expressing and informing themselves through the independent media.

Once again, we raise our voices in protest against Decree 511 and the Law on Means of Communication, which only serve to institutionalize totalitarianism in Nicaragua. While this threat of freedom of thought exists in Nicaragua, there will be no possibility of a true democratic opening, and even less will anyone believe that the Sandinistas have the will to negotiate a definitive cease-fire.

At La Prensa, we have always maintained, and we repeat today, that the best press law is no press law. Laws and decrees meant to regulate information are typical of totalitarian regimes, since these make use of criminal legislation to protect their own ideologies and interests, excluding the voice of the majority and thus the true opinions of the people.

To bring down the sword of Damocles on the head of a journalist, to threaten him or censor him, is tantamount to dictatorial discrimination which we Nicaraguans, who aspire to democracy, will continue to resist, whatever the cost.

As long as the totalitarian voice of the Sandinista State, which claims to be the voice of "the truth," continues giving dollars to radio stations about what they can and cannot broadcast, no one will believe in the Sandinista government, which claims that it is willing to sacrifice its "historical project" to achieve peace, reconciliation and democratization.

A TRIBUTE TO THE BROWN COUNTY DEMOCRAT CLUB

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1988

Mr. TRAFICANT. Mr. Speaker, today I rise in order to pay tribute to the Brown County Democrat Club, a very special organization in the State of Ohio. One of my proudest moments as a Member of Congress was being the guest speaker at the Brown County Democrat Club's annual dinner on Friday, April 15, 1988, at the Southern Hills Vocational School. I would like to spend a few moments informing my fellow Members of the U.S. House of Representatives about this wonderful group.

The officers of the Brown County Democrat Club are working exhaustively and slavishly to make their club one of the best in the State of Ohio. These outstanding officers are: president Greg Pfeffer, vice president Dorothy Ernst, secretary/treasurer Jo Ann Kattine, and reporter/corresponding secretary Dorothy Gaskin. I want to give a special salute to Brown County Democratic Party Chairman Jay West for his superlative abilities and excellent leadership in this position.

A Brown County Democratic institution is State Representative Harry Malott. Representative Malott, who serves as chairman of the house reference committee, has not missed one single vote in all of his countless years as a member of the Ohio House of Representatives.

I strongly hope with all of my heart that the Brown County Democrat Club truly prospers in the years to come. Thus, it is with thanks and special pleasure that I join the people of the State of Ohio in paying tribute to the great individuals and admirable officials who comprise the Brown County Democrat Club.

HONORING ROBERT KENNEDY

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mrs. COLLINS. Mr. Speaker, 20 years ago, Robert Kennedy was struck down. He did not live the long life we all strive for. Robert Kennedy's untimely death lay in the cold steel of an assassin's bullet. The man who was, for many, the salvation of our country and embodied many of our hopes and dreams died because Sirhan Sirhan was able to purchase a handgun without hindrance.

How many more of our national heroes and ordinary citizens must die, Mr. Speaker, before we apply some control to this deadly force? A rational human being does not give his potential enemy a hand grenade which can be used against him simply because it is his enemy's right to have it. Neither does a peaceful society provide those who would disrupt that peace with the means to do so. Similarly, it is foolhardy that we allow potential criminals to purchase and carry firearms without verifying their eligibility.

Last year my distinguished colleague from Ohio, Mr. FEIGHAN, introduced H.R. 975, which would establish a 7-day waiting period for allowing local law enforcement officials to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

conduct background checks on handgun purchasers. This proposal is common sense—even though current law prohibits criminals, the mentally ill, minors, drug addicts, and illegal aliens from acquiring handguns, there is at present no available means to verify the identity or background of handgun buyers. In addition, any member of a prohibited group may purchase a handgun simply by misrepresenting him or herself; again, no check is required.

In 1985, the Department of Justice released a study entitled "The Armed Criminal in America," which found that at least 21 percent of criminals in the United States obtain their handguns through gun dealers. Law enforcement officials from across the Nation report that where waiting periods and/or background checks are required, thousands of criminals and others prohibited from buying handguns have been caught.

When John Hinckley decided to assassinate President Reagan, he obtained his gun by walking into a Dallas pawnshop and giving a false address. Had a waiting period been in effect and a background check undertaken, it could have been determined that Hinckley committed a felony by lying about his address on the Federal form and he would have been stopped.

As we remember Robert Kennedy's assassination, we cannot be comforted by knowing that our society has learned from the mistakes which caused his death and the thousands of handgun deaths that occur every year. The threat of violent crime looms over us like a dark cloud, largely because criminals are allowed to obtain handguns as easily as we pay for groceries at the checkout counter. It is long past time that we wipe out this cancer in our society, and help those who work to keep the peace. As the sponsor of H.R. 464, which would use a tax on handguns to compensate victims of handgun crimes, and a cosponsor of H.R. 975, I ask you to remember Robert Kennedy, and support effective handgun verification.

SALUTE TO MARY MISTRETTE OF CLIFTON, NJ, ON OUTSTANDING SERVICE TO THE INS

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1988

Mr. ROE. Mr. Speaker, it is with the greatest pride that I rise today to salute a constituent in my Eight District of New Jersey who, for more than three decades has provided our Nation with outstanding service through her work at the Immigration and Naturalization Service.

I speak of Mary Mistrette of Clifton, NJ, who is retiring after 34 years of dedicated service to the INS. Mrs. Mistrette's outstanding career will be honored by friends, family, and colleagues this Friday, June 17, with a dinner at the Portuguese Pavilion in Newark, NJ.

Mr. Speaker, I know this event will be special not only for Mary Mistrette herself, but for her fine family as well, including her husband, Samuel, who recently retired at 39 years with the Garden State Parkway; her sons, Samuel, Jr., and Paul, and her daughter, Mrs. Christine Wolf; her mother-in-law, Grace Mistrette, who will be 95 this July 4; her sisters, Rosina Van Bodegon, Vera Lenik, Angelina Gylling, and JoAnn Housos, and her brothers, Nicholas DiNicola and Joseph DiNicola. I know Mary will also be thinking of her late brother, John DiNicola.

Mary Mistrette began her career in 1954 as a clerk-stenographer and for the next 14 years worked her way up in the INS until 1968 when she passed the Federal service entrance exam. That year she became an immigration inspector trainee and a year later Mary Mistrette rose to the title of full immigration inspector for travel control.

During the following years, Mary Mistrette's responsibilities and duties increased. She moved from being an immigration inspector to an examiner in 1971 and, 7 years later was promoted to supervisory immigration examiner for travel control. Because of her continued excellence and dedication, in April 1981, Mrs. Mistrette was promoted to assistant district director for examinations in the Newark INS office.

Her outstanding career culminated last year when Mary Mistrette was appointed chief legalization officer for the INS' Amnesty Program. I might point out, Mr. Speaker, that the Amnesty Program was one of the cornerstones of the Immigration Reform Act that became law in November 1986, and Mary Mistrette's work as chief legalization officer was vital in helping to implement the act in the northern New Jersey metropolitan area, an area serving hundreds of thousands of people.

And so, Mr. Speaker, I invite you and our colleagues to join me and the friends, family, and colleagues of Mary Mistrette of Clifton, NJ, in saluting her for 34 years of devoted service, not just to the INS, but to her community, her State, and to our Nation, as well.

SYNOD OF THE NORTHEAST

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1988

Mr. RANGEL. Mr. Speaker, the greatest reward for our job is the knowledge that we are satisfying the needs of our constituents. Their enthusiastic support is something on which we, as a legislative body, must thrive.

I am thriving now. The people of my district overwhelmingly approve of extending the legalization provision of the Immigration Reform and Control Act of 1986, giving undocumented aliens a fair opportunity to apply for U.S. citizenship.

With that in mind, I am pleased to introduce a resolution in support of H.R. 3816 by the Synod of the Northeast.

RESOLUTION ON EXTENDING IMMIGRATION ACT OF 1986

Whereas the Synod has supported the legalization provision of the Immigration Reform and Control Act of 1986, and;

Whereas through February 6, 1988, only 970,000 of the potential 3.5 million persons qualifying for legalization have made formal application, and;

Whereas key legalization provisions of the law will expire on May 4, 1988, foreclosing the opportunity for additional undocumented persons to apply for legalization, and;

Whereas bills have been introduced in the House of Representatives (H.R. 3816) and the Senate (S. 2015) to extend the legalization provisions of the law for one year: be it therefore

Resolved, That the Synod Mission Council of the Synod of the Northeast, meeting on March 17-19, 1988, at Stony Point, New York—

Expresses its support for the one-year extension of the legalization provision of the Immigration Reform and Control Act of 1986 and calls upon the House and Senate Judicial Committees to report out H.R. 3816 and S. 2015 respectively for congressional action, prior to May 1, 1988;

Directs the Stated Clerk to send a copy of this resolution to the members of the House and Senate Judiciary Committees and to the members of Congress from the states within the bounds of The Synod, and the President of the United States;

Also directs the Stated Clerk to send a copy of the resolution to the Stated Clerks and Executive Presbyters of the 21 Northeast Presbyteries requesting that they communicate the Synod Mission Council's urging that their presbyteries take similar action.

A TRIBUTE TO JEFF BURNETT AND MARY PUGLISI

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1988

Mr. TRAFICANT. Mr. Speaker, today I rise in order to pay tribute to Mr. Jeff Burnett and Ms. Mary Puglisi, two very special residents of the State of Ohio. Mr. Burnett and Ms. Puglisi were jointly named Democrats of the Year by the Ashland County Democratic Party. This great honor was bestowed upon them at the 67th Annual Jefferson-Jackson Banquet in Ashland County, OH, on March 19, 1988. I had the esteemed privilege of being the keynote speaker at this glorious banquet in the Myers Convention Center.

Mr. Burnett and Ms. Puglisi are richly deserving of this award, for they have worked diligently and tirelessly over the past year to bring the Ashland County Democratic Party to grand new heights. I must also note the efforts of Mr. James Ginty, who has done an outstanding job as the chairman of the Ashland County Democratic Party. The other officers of the Ashland County Democratic Party, who are doing equally superlative work, include: vice chairman Lila Zappone, secretary Janet Walker, and treasurer Jeff Burnett.

It is my most sincere and heartfelt desire that Jeff Burnett, Mary Puglisi, and the rest of the Ashland County Democrats have an extremely successful year in 1988. Thus, it is with thanks and special pleasure that I join with the residents of the State of Ohio in saluting the excellent contributions to society and truly admirable characters of Mr. Jeff Burnett and Ms. Mary Puglisi.

MESSAGE FROM THE TAXPAYERS: REDUCE SPENDING NOW

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1988

Mr. MACK. Mr. Speaker, there is no problem we face as a nation today which requires more serious attention than our massive Federal budget deficit. Time and time again, Congress has shown that it is unwilling to make the tough choices to reduce the deficit.

I would just like to point out that the taxpayers of this Nation are aware of congressional irresponsibility when it comes to the budget. I would like to share with my colleagues a letter that I have received from one of my constituents, Mr. James F. Welborn from Fort Myers, FL. His letter expresses some of the anger that thousands of Americans feel about the budget process. I include Jim Welborn's letter in the Record that my colleagues may take a moment to read it:

March 18, 1988.

Re "The Budget—America's Billion Dollar Shame"

The Honorable Members of Congress:

Dear Sirs: I have just read the "Reader's Digest" article quoted above. You cannot spend $1.58 for $1.00 of increased income and cure your deficit. Your spendthrift ways are bankrupting the United States. Your devious schemes to circumvent the Constitution of the United States, so that you may spend, spend, and spend, while telling the taxpayers you are cutting the budget, is now exposed to the world.

I cannot understand members of Congress who seem to have never heard of the Monroe Doctrine, and who have such little sense of responsibility to the taxpayers that they would scheme to deceive the public in such a deliberate manner. "If I believe that mountains are low, valleys high, and that crocodiles sting and elephants fly, then I would believe in the deficit." It looks as if Congress is running the biggest con game in the world.

Why not try a little honesty? Repeal the "Congressional Budget and Impoundment Control Act" of 1974, and quit lumping everything together into one thousand page bills, and stop your damn spending!

"For want of a nail, the shoe was lost." For want of a return to constitutional procedures, the Country will be lost.

We stand at our crossroads of our civilization. If we do not cure our deficit, we risk our future of leading the world to a brighter and better tomorrow.

Sincerely,

James F. Welborn.

TRIBUTE TO MR. JOHN L. SNAPP

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1988

Mr. DORNAN of California. Mr. Speaker, there is little doubt that the free market renaissance engineered by Ronald Reagan in the United States has evolved into a worldwide free market revolution. And if there is one accomplishment of the Reagan presidency that stands out it is this worldwide movement to free market principles.

I rise today, Mr. Speaker, to praise one of the free market foot soldiers who has helped spread the free market gospel overseas. One of my constituents, Mr. John L. Snapp, is among the many American men and women who have volunteered to carry the business principles of free enterprise to developing countries. Mr. Snapp, who is retired, was on assignment from the International Executive Service Corps [IESC]. IESC is backed by the U.S. Government through the Bureau for Private Enterprise at AID and by the U.S. Business community.

Mr. Snapp was in Morocco for 2 months earlier this year assisting a manufacturer of gas cylinders, the Metaghreb Corp. of Mohammedia, increase productivity and improve profits and efficiency. As a former senior vice president of a tank manufacturing company, Mr. Snapp brought an abundance of experience to his task. After working closely with the Moroccan company, many of the problems experienced on the assembly line were solved.

Mr. Speaker, I believe that the best type of aid we can send to other countries is the expertise and experience of our people. And Mr. Snapp typifies the best America has to offer. Let me therefore close by congratulating Mr. Snapp on a job well done and thanking him for his contribution to the free enterprise system.

TRIBUTE TO GEORGIA RUNKLE

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1988

Mr. CLINGER. Mr. Speaker, a part of the strength of America is the drive and dedication of our people to excel in their chosen endeavors. I stand before you to pay tribute to a woman and her remarkable achievements. It is with pride that I recognize Georgia Runkle, chosen as commander of the 4,400-member cadet wing of the U.S. Air Force Academy, the second women in Academy history to gain the top leadership position.

After graduating with an outstanding academic record balanced with involved extracurricular activities from Bald Eagle-Nittany High School, Georgia decided to dedicate her life to America through military service. In her 4 years at the academy, Georgia was a member of the "Commandant's List," awarded for excellence in military leadership.

In her senior year at the Academy, Georgia was chosen commander of the cadet wing of the U.S. Air Force. Of 4,000 cadets, Georgia most exemplified the Air Force Academy's high ideal of academic and leadership ability. The honor has only been awarded to one other woman in the history of the Academy.

We from Pennsylvania are very proud of this woman from Mackeyville, and will always admire Georgia Runkle for her accomplishments. As Georgia continues to serve her country, I wish her utmost success in all her present and future endeavors.

THE STUDENT-ATHLETE RIGHT-TO-KNOW ACT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1988

Mr. TOWNS. Speaker, today, my colleague, Congressman Tom McMillen from Maryland and I introduced the Student-Athlete Right-To-Know Act which will require an annual reporting of the graduation rates of student-athletes. I am very pleased that Senator Bill Bradley from New Jersey has joined us in sponsoring this legislation in the Senate.

The purpose of this bill is to provide consumers, in this case student-athletes and their parents, with information about the quality of education provided to athletes at a given institution. Colleges and universities would be required to report graduation rates broken down by race, sex, sport and field of study, on an annual basis to the Department of Education. So that a fair comparison can be made with the achievements of the general student body, schools are also required to report similar statistics for nonathletes. The legislation also mandates that this information be made available to prospective students, as well as being included in the "letter of intent."

Having outlined what the legislation requires, I am certain that you're wondering why we introduced it. For me, there were two basic concerns in drafting this legislation. First, while proposition 48 tightened the entrance requirements for college freshmen, we still have a problem with what happens to the education of that student-athlete once he or she gets to college. For example, some student-athletes are considered academically eligible with only a 1.5 GPA! Yet, few colleges will allow a student to graduate after 4 years with a D+ average. Or, you have the case of the student-athlete whose field of study is so limited that their degree is almost meaningless.

My second concern is that students and their families are entitled to basic information about the quality of education that an institution provides. If we can have reporting as to the "on time arrivals" of airlines, surely we can let student-athletes know whether they are likely to receive a useful college degree if they sign a letter of intent at "X" University. Some may argue a paperwork burden has been created here; my response is that it's well worth the cost, if we improve the educational achievements of student-athletes.

Finally, it is our belief that the Student-Athlete Right-to-Know Act will result in a consumer selection process the bill will support the efforts of those campuses that are doing a good job of graduating their athletes and it will force those who are not, to do a better job if they want to compete effectively for the best athletes.

A TRIBUTE TO MR. ROBERT M. CREMEN

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1988

Mr. CARDIN. Mr. Speaker, today I would like to recognize the achievements of Mr. Robert M. Cremen.

Mr. Cremen retired on June 1, 1988. Bob has been a teamster for 48 years, and for the past 27 has been an officer.

Bob's career as an officer began in 1961 when he became an organizer/agent for his local, union No. 311. He worked his way up the ranks, and when he retired held the positions of president of the Maryland Teamsters Joint Council No. 62 and secretary treasurer/principal officer of local union No. 311.

During those years Bob held many other positions, including trustee, president of the council, and as a member of the rules and credentials committees at International Brotherhood of Teamsters conventions in 1981 and 1986.

In addition to his professional achievements, Bob is a family man who, with his wife Jennie, raised two lovely children and now has four grandchildren.

Bob's friends will be honoring him with a testimonial dinner on Saturday, June 25, 1988. I know that this will be a very happy occasion for Bob, and am proud to honor him now. I urge my colleagues to join me in saluting Bob, an outstanding member of labor, a devoted family man, and an exceptional American.

IN MEMORIAM: FRANK DROZAK

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1988

Mr. MANTON. Mr. Speaker, it is with a deep sense of sadness that I rise today to mark the death of one of America's greatest labor leaders, Frank Drozak. The working men and women of America have lost one of their strongest advocates, and I have lost a dear friend.

Frank Drozak was one of the most active and influential officials ion the American labor movement. As president of the Seafarers International Union, Frank was on the forefront of the fight to revitalize our Nation's domestic maritime industry. Frank fought long and hard to make certain the maritime laws Congress authored a generation ago remained in place during his terms as S.I.U. president. These laws are the backbone of the domestic maritime industry. Many foreign nations and large corporations sought to repeal these laws in order to take over the domestic maritime industry and to fatten their profits. Frank Drozak denied them their goal, and the hundreds of thousands of maritime laborers in the United States have a better life because of that.

Mr. Speaker, during the past three decades the domestic maritime industry has been crippled by unfair competition from foreign-flag carriers. The result of these actions by our trading partners has been to seriously jeopardize our Nation's defense and security. No one has made a more eloquent case for the need to beef up our merchant marine than Frank Drozak. In his role as president of the Maritime Trades Department, AFL-CIO, Frank Drozak worked tirelessly to craft legislation to restore our domestic maritime industry to the strength it enjoyed a generation ago. Although the current administration successfully defeated most of these proposals, those of us in Congress to focus on maritime policy know full well that without Frank's leadership, our domestic maritime industry would be in far worse shape than it finds itself today.

Mr. Speaker, Frank Drozak was born in Coy, AL, 60 years ago. He began his maritime career in a mobile shipyard. From that modest beginning, Frank Drozak rose to become president of the 100,000-member Seafarers International Union, president of the AFL-CIO's Maritime Trades Department and a member of the AFL-CIO's executive council. Frank Drozak's story in an American success story. It is a story of hard work and dedication to bettering the lives of those working men and women who built America into the prosperous nation it is today.

Mr. Speaker, we should not grieve about Frank's passing. Rather we should give thanks that God blessed us with his life and his work. I know my colleagues join me in sending condolences to his wife, Marianne Rogers Drozak, at this time.

LEGISLATION TO MAKE THE RESEARCH AND DEVELOPMENT TAX CREDIT AVAILABLE TO STARTUP VENTURES

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1988

Mr. DOWNEY of New York. Mr. Speaker, I am introducing legislation today with my friend and Ways and Means Committee colleague JAKE PICKLE to make startup ventures eligible for the research and development tax credit.

Since the R&D credit was enacted in 1981, only research performed "in carrying on" a trade or business has been eligible for the credit. This requirement limits the credit to those companies which are actively marketing products in the year in which they perform research. Startup ventures cannot meet this "in carrying on" test because by definition they are doing research that will lead to the marketing of products in future years.

However, many businesses are started in this country every year with dreams that creative research and hard work will lead to new products that can be successfully marketed. The individuals who take the substantial risks involved in starting these ventures should at least have the opportunity for their company to earn the R&D credit in the same way that major companies can.

Of course, startup ventures by definition have no current income and pay no tax as a result. But the Internal Revenue Code allows all taxpayers to carry the R&D credit forward for 15 years. There is no reason why new businesses should not earn credits as startups to be available when and if they are ultimately successful and begin paying taxes.

The "in carrying on" test was originally included as part of the R&D credit to help ensure the R&D tax shelter partnerships, which were fairly widespread in the early 1980's, could not use the credit. Since then, circumstances have changed greatly. First, few, if any, R&D tax shelter partnerships exist today. Second, Congress has enacted other rules, such as the passive loss rules and the new minimum tax, that severely limit the extent that losses and credits can be utilized to create a tax shelter. Third, the R&D credit provision itself contains a limitation—under section 41(g)—which permits the credit to offset only tax from the activity or entity that gave rise to the credit. Thus, for example, partners in a partnership can utilize the credit only against income from that partnership.

For all these reasons, I believe the credit should not be made available to startup ventures. My legislation would accomplish that result. The bill extends the credit to startups by permitting research to qualify if the principal purpose of the taxpayer is to use the results in the active conduct of a present or future business. The research must still be undertaken for use in a business, not for investment purposes. Thus, for example, research which if successful is intended solely to be licensed to unrelated parties for use in their businesses would not be eligible for the credit under this provision. Moreover, it only applies to in-house research and not to research contracted out to unrelated parties.

The revenue impact of the bill is minimal. The Joint Committee on Taxation estimates that the revenue cost of the bill is less than $20 million in fiscal year 1989 and remains less than $50 million by fiscal year 1992.

At this minimal cost, the bill will permit virtually all startups to be eligible for the credit. It will encourage these ventures to undertake the kinds of research that are important to the longrun vitality of American industry in the world economy.

The text of the legislation follows:

H.R. 4795

A bill to amend the Internal Revenue Code of 1986 to make the research credit available to certain start-up ventures

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESEARCH CREDIT FOR START-UP VENTURES.

(a) IN GENERAL.—Subsection (b) of section 41 of the Internal Revenue Code of 1986 (defining qualified research expenses) is amended by adding at the end thereof the following new paragraph:

"(4) TRADE OR BUSINESS REQUIREMENT DISREGARDED FOR IN-HOUSE RESEARCH EXPENSES OF CERTAIN START-UP VENTURES.—In the case of in-house research expenses, a taxpayer shall be treated as meeting the trade or business requirement of paragraph (1) if, at the time such in-house research expenses are paid or incurred, the principal purpose of the taxpayer in making such expenditures is to use the results of the research in the active conduct of a future trade or business—

"(A) of the taxpayer, or

"(B) of 1 or more other persons who with the taxpayer are treated as a single taxpayer under subsection (f)(1)."

(b) EFFECTIVE DATE.—The amendments made by this Act shall apply to taxable years beginning after December 31, 1987.

TRIBUTE TO JOSEPH DELGATTO

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1988

Mr. MOORHEAD. Mr. Speaker, I would like to take a moment to recognize before my colleagues in the U.S. House of Representatives the many outstanding contributions of Joseph Delgatto of Sierra Madre, CA

Mr. Delgatto moved to California from Lake Geneva, WI in 1954. He was a successful businessman in the community of Sierra Madre for more than 20 years but while his business provided constant challenges, it wasn't enough for Joe. So in 1972, he entered local politics, which each of us knows can be a very challenging environment.

In the local political arena, Joe demonstrated great skill. He served for 8 years on the City Council being the mayor of Sierra Madre from 1975-76. While he was mayor and city council member, the city built a new city hall and fire department without increasing local property taxes. This is just one example of the efficiency of local government while Joe was involved.

Since leaving the city council, Mr. Delgatto has focused his talents and great energy on senior citizen issues, serving for 2 years as president of the local seniors organization. He is also a past chairman and current board member of the Commission on Aging.

He has been at the forefront of Meals on Wheels, which provides nutritious meals to seniors. He has been involved with the Government's efforts to distribute surplus Government dairy products to needy seniors and he has worked tirelessly on the transportation needs of all the residents of Sierra Madre including the placement of needed benches throughout town.

Because of his efforts, the health van from the City of Hope has made repeated trips into the community to provide free medical checkups and flu shots for seniors. And at Christmastime, it is Joe Delgatto who plays Santa Claus. It is no wonder that he was named Citizen of the Year in 1984.

Mr. Speaker, Joe Delgatto could be named Citizen of the Year every year without doing any disservice to that great honor for he has given to his fellow residents without limit year after year.

I consider him a good friend and supporter and a longtime community benefactor. We have all benefitted from his generous and giving spirit and from his stability and constancy.

On behalf of all the residents of the 22d Congressional District, I am pleased to take this moment to thank Joseph Delgatto for his many contributions to the community and the Nation.

JOHN (CHICK) DONOHUE, A TRUE PUBLIC SERVANT

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1988

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to an outstanding example of human determination, John (Chick) Donohue. On Thursday, June 9, 1988, Chick Donohue received a degree in public administration from Harvard University's John F. Kennedy School of Government. What makes Chick's graduation from that world-renowned school unique is that he never finished high school.

Years ago Chick dropped out of Rice High School in Harlem and began work as a sandhog. In that demanding and dangerous job he works in water tunnels in New York City. As a sandhog he became an ardent union member and supporter. He is legislative director and political action committee director for Local 147, the Laborers International Union of North America. His commitment and belief in the labor movement have been unflagging, and he has worked tirelessly to improve the life of the working men and women of America.

Chick felt that a degree from the Kennedy School of Government would help him in his fight to improve the quality of life of his fellow union members. Although returning to school was a huge financial and personal sacrifice, Chick, with the support of his wife, Terri, and his children, Audra and Brian, decided that it was the right thing to do.

Mr. Speaker, John (Chick) Donohue has impressed and touched everyone who has met him. One of his classmates at Harvard said it well when he stated that, "Chick to me is an example of a true public servant."

So that my colleagues may learn more about this special man, I ask that an article about his graduation from the Kennedy School of Government by Dennis Duggan of Newsday be entered into the CONGRESSIONAL RECORD.

A SANDHOG AMID THE IVY

(By Dennis Duggan)

CAMBRIDGE, MA.—John (Chick) Donohue lifted a glass of champagne amid the tears of joy and gales of laughter in the yellow-and white striped tent at Harvard yesterday, then the Bronx sandhog just quipped, "I finally snuck under the tent."

"God Bless America," said Donohue tossing down the bubbly. "It's a great country."

The 46-year-old sandhog, who works in water tunnels, wore his brown hardhat, to which he had attached an orange pro-union balloon, and passed out union pins before being graduated with 413 classmates from the John F. Kennedy School of Government.

"Hiya brother," Donohue shouted cheerily to his admirers as he marched onto the rain-splattered JFK Memorial Park alongside the Charles River to receive his diploma.

His classmates smiled, his friends cheered, and his family, including his wife, Terri, and their two children, Audra, 12, and Brian, 14, cried and tried hard to take the event in stride.

Donohue's diploma states he is a master in public administration. But what it doesn't say is even more interesting.

It didn't say, for instance that Donohue was a high school dropout from Rice High School in Harlem or that he worked long tough hours hundreds of feet below the earth's surface or that he was an ex-Marine.

Nor did it say how his family endured financial hardship and the absence of a father during the past year to help Donohue's dream of going to Harvard come true.

But as proud as Donohue was of his newly minted diploma he was not about to forget that he is an ardent unionist and a member of the sandhogs union in New York.

"I am always going to be a sandhog. Just like George Meany who said that he was always going to be a plumber." He said he doubts he will go back to working as a sandhog and is hoping to bring his academic learning out to the frontlines of trade unionism.

And even though he is proud of his Harvard diploma, he couldn't resist taking a shot at what he can now call his alma mater.

"This university is antiunion," he said referring to the school's efforts to overturn the results of a vote last month to allow the unionization of the school's 3,700 clerical and technical workers.

In a close election, the workers voted for a union, and Donohue, studying into the wee hours every night, still found time to help organize and win the election for the Harvard Union of Clerical and Technical Workers.

On his graduation gown he had pasted a sticker that read "It's not Anti-Harvard to be Pro-Union." And though he shunned the spotlight, ("I don't want credit for the new union," he said) Kevin Callwood, a fellow classmate said "Don't believe that for a minute. He worked damn hard for that union."

Callwood, from Washington, looked admiringly at Donohue and said: "He took this place by storm. I really admire him. I know how hard he struggled just to get here but he never once complained. Chick to me is an example of a true public servant."

His wife, Terri, said there was no question about Donohue's taking time off to go to Harvard. It cost us at least $50,000 including $20,000 for his tuition and books," she said. "We took a second mortgage on our house on 235th Street, the kids did without some things.

But I knew Chickie could do this, and we stood behind him all the way even though it took more money and more effort than we ever dreamed it would."

His daughter, Audra, a seventh-grade student at Ft. Barnabas in the Bronx, clapped her hands with glee when Donohue arrived at the family table in the tent he said he had "snuck under."

"I got that line from a book about Tip O'Neill, (former U.S. House Speaker Thomas P. O'Neill Jr.] he said. When Tip worked here cleaning the yard he used to see the students drinking champagne at these exercises, and he said that someday he was going to sneak under one of those tents."

At Harvard, Donohue got a lot of help from Mary Naus and Betty Miele who typed his papers. "Chick was a breath of fresh air around here," said Miele who is also secretary to the school's academic dean.

"Around here, if you don't have a lot of degrees people tend to look down on you. But Donohue was not one of those or an elitist. He is a very smart guy who also happens to have street smarts and boy, are we going to miss him."

INTRODUCTION OF THE STUDENT DEFAULT INITIATIVE ACT

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1988

Mr. WILLIAMS. Mr. Speaker, today I am introducing the Student Default Initiative Act of 1988. This is a comprehensive piece of legislation aimed at addressing two major problems confronting our student aid system; the growing cost of student loan defaults and the increasing imbalance between grant and loan assistance.

During the past few months the cost of loan defaults in the Guaranteed Student Loan Program has gained a great deal of attention. A number of legislative proposals addressing this issue have been developed. The Secretary of Education has his own solution. Some of my colleagues in the House have introduced legislation and some of these have considerable merit.

I have become increasingly concerned not so much with the contents of these proposals as with the environment in which these proposals have been developed. This environment has become increasingly contentious and acrimonious, where words like "deadbeats" and "rip-offs" are being used to shape the debate. Sectors of the higher education community are being pitted against one another in a them against us scenario. And the Federal taxpayers are being told that all participants in the debate are natural enemies. This is not the best environment in which to shape public policy.

We do have to develop public policy, because we do have a problem. Yet the problem has to be put into its proper perspective. We definitely do have a loan default cost problem. These default costs have increased dramatically during the past few years to the point where they now represent almost half of the Federal appropriations for the GSL Program. Out of a fiscal year 1988 budget of $3.4 billion for the GSL Program, about $1.6 billion will represent default costs.

Such a cost is cause for concern, but it has to be looked at in the context of what has been happening to our student aid programs during the past decade. What has happened is that those students who should be the least reliant on loans have become the most reliant. Students for whom we have developed grant programs for to assure access to higher education have had to rely to ever greater degrees on loans, because grant funding has not been sufficient to meet their needs.

A short review of the Pell Grant Program provides us with a quick understanding of the grants versus loans problem. Created in 1972, the Pell Grant Program has seen annual budget pressures keep the maximum grant award down. Rarely in that program's 15-year history has the authorized maximum award level been funded. This year, the authorized level is $2,500; the appropriated maximum is $2,200. Since 1980, the Pell grant maximum has increased only 26 percent while the CPI has increased over 40 percent. A $2,200 Pell grant maximum, which goes to only the lowest income students, will cover only 29 percent of the average college cost. As a result, these low income students have been forced to borrow larger amounts in ever greater numbers.

It is this increased borrowing that has lead to increased default costs. With a growing loan volume in general, more loans enter repayment status and thus represent potential default costs. It is important to note that the default rate has not increased in the past few years. In fact, just the opposite has occurred.

The task force members met for 3 days, and they made 40 specific recommendations. Some of these were legislative suggestions, and most are contained in the bill I am introducing today. The task force answered the questions I asked them to address, and I want to share those answers with you today.

First, the purpose of the Guaranteed Student Loan Program, originally established as a loan of convenience for middle-income students, has changed significantly in the last decade, becoming the primary Federal program for access to postsecondary education by low-income students.

Second, contrary to popular belief, the typical defaulter is not a deadbeat who refuses to pay, but appears to be a dropout who is unable to pay. Defaulters tend to be first year students, from low income and minority backgrounds, with a small loan balance—90 percent less than $5,000—who did not complete much more than the first year, have borrowed only once, receive no or little assistance from parents in repaying, are likely to be unemployed when the loan comes due, and never make a first payment. The present default problem is thus predominantly structural. These—GSL default—costs are not likely to be recovered under the current terms of the program.

Finally, the only way to accomplish a major reduction in the default rate is to restrict access to high-risk students until they have had a chance to demonstrate their ability to make satisfactory academic progress. However, this would result in a denial of educational access for such students, unless substantially higher appropriations for Pell grants and SEOG's are assured, as well as increased funding for special service programs which encourage their retention.

The Belmont report is the most straightforward assessment of where we stand on the default issue. It lays out the bare facts for us to review, and the bill I am introducing today uses the Belmont report as its basic blueprint. Before I get into the highlights of this bill, I would like to detail the process we went through in developing it.

During the past few months I have received numerous suggestions on how to correct the default problem. I asked my Postsecondary Education Subcommittee staff to go through each and every one of those suggestions, analyze them, and discuss them with the staff of all of the subcommittee members. In the past month the staff have been meeting twice a week to develop a bill that contains the best of all of the suggestions that have been presented to us. Today's legislation is the result of those efforts.

I believe this legislation is truly a consensus bill. It includes some items that the Department of Education has requested. It includes items suggested by my subcommittee colleagues on both sides of the aisle. And it is consistent with the blueprint set forth by the Belmont task force report.

This will be a controversial bill, because it has some teeth in it. Representatives of the higher education community will have some problems with it, since it contains tough measures. But even though it is a tough bill, it is a reasonable bill, one that tries to approach a very real problem with concern and caution rather than with a sledgehammer. It addresses the loan default issue from the point of view of what can be done to encourage the Federal Government and schools to work together to solve a very real problem. It is based on the premise that there are some positive steps that can be taken to bring default costs down.

The bill forces all the participants in the loan program—borrowers, schools, lenders, State guaranty agencies, and the Department of Education—to do more than they are doing now. For it is my belief that if all these participants accept this additional responsibility, we can make a dent in the Federal default picture. It also tries to do something in the area of grants, so that low income students will have someplace else to look other than to loans to use as the principle way of financing their postsecondary education.

At this time I would like to point out several of the highlights of the SDI.

First, the bill develops a procedure to get the Department of Education more involved in the review of schools that might have potential student loan default problems. I am very concerned that the Department of Education has been reducing the number of program reviews it undertakes. In 1981, the Department conducted over 1,000 program reviews of schools. Those reviews resulted in over $16 million in savings to the Government. Last year the Department conducted only 372 program reviews, resulting in only $3.7 million in savings. I believe the Department has a role to play in default reduction efforts. I think there are things the Department could do with schools to help keep default costs down. SDI would require the Department to do these things.

Under SDI, the Department would have to conduct about 700 program reviews annually. And those reviews would be of schools that the bill identifies as having a potential problem. We identify those schools by looking at their default rate and the amount of dollars they have in default. Schools that are in the top 5 percent of the Nation according to these calculations will be reviewed by the Secretary. The school and the Secretary will then be responsible for working out a plan by which the school will try to reduce the number of students who default on their loans. This plan would last no longer than 3 years, and if the school complied with the plan, in effect doing all that it possibly could, and still had not changed its default situation, that school could not be penalized. I think this is a very positive approach to take. I have been concerned with some proposals that would eliminate schools from student aid eligibility simply on the basis of a school's default rate. The SDI approach will take a default rate into consideration, and use that rate to direct attention to some positive initiatives that a school might undertake, such as training and technical assistance, to reduce defaults. But if a school undertakes those initiatives and still has a problem, SDI would not punish that school.

Second, SDI proposes several legislative changes aimed at assuring the integrity of our student aid system. It would prohibit the use of commissioned employees in the recruitment and admission of students. It would strengthen the authority of the Secretary of Education to impose civil penalties and fines on participants in the student aid programs who engage in unscrupulous practices. It would prevent the growing practice of accreditation shopping, whereby an institution that loses its accreditation from one accrediting body, shops around for a more favorable body to grant it accreditation.

Third, SDI has several provisions aimed at making sure that student don't receive more loan assistance than they are capable of handling. First, the initial disbursement of loans will be delayed for some students, until they have demonstrated that they are capable of continuing in school. First time borrowers will have to be counseled by schools concerning loans and potential debt responsibilities. And schools will be required to give back to students, and to the Federal Government if it is the provider of assistance, a refund of tuition that reflects the portion of the school year that the student does not complete.

Finally, SDI makes adjustments in the Pell Grant Program to make sure that grant aid will be avallable for low-income students. Hopefully, certainty over grant asistance will cut down on the necessity of high risk students to over rely too heavily on loans.

These are just a few of the bill's highlights. There are many other provisions contained in it that individually might not seem significant. But taken together, all of these provisions will have a positive impact on the reduction of student loan default costs.

Mr. Speaker, I believe SDI represents the most comprehensive approach to the issue of default costs presented to this Congress to date. It looks at the whole problem, not just one element of the problem. It is a bill that my subcommittee will review over the next few weeks. On Tuesday and Thursday we will conduct hearings on this legislation. And we would like to bring this legislation to the floor as quickly as possible.

In closing, I would like to thank all of the members of the Postsecondary Education Subcommittee and their staffs for the time and effort they have expended in the development of this bill. I would like to especially thank my colleagues Mr. HAWKINS, Mr. FORD, Mr. JEFFORDS, and Mr. COLEMAN, and their respective staffs, for all of their suggestions and help. This bill reflects many of their suggestions, and without them we would not have been able to develop as comprehensive a bill as we have.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, June 14, 1988, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 15

9:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to resume consideration of S. 1729, to establish within the Department of Agriculture a Rural Development Financing Authority, headed by an Assistant Secretary, to provide for loans and grants for development projects in rural communities, and to establish within the Treasury a Rural Development Loan Fund, and proposed legislation to provide additional assistance for the Food Stamp program, Temporary Emergency Food Assistance program, child nutrition programs, work training program, and childcare for working families.
SR-332

10:00 a.m.
Armed Services
To hold joint hearings with the House Committee on Armed Services' Subcommittee on Investigations and the Defense Policy Panel on the military's role in the national anti-drug strategy.
SH-216

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Select on Intelligence
To hold closed meetings on intelligence matters.
SH-219

JUNE 16

9:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for foreign assistance programs.
SD-192

9:30 a.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on H.R. 1173, to provide for certain restrictions on the use of lands within boundaries of national parks and monuments, and S. 927 and H.R. 1975, bills to protect caves resources on Federal lands.
SD-366

Environment and Public Works
Hazardous Wastes and Toxic Substances Subcommittee
To hold hearings on applying the National Environment Policy Act to U.S. activities involving international financial institutions.
SD-406

Governmental Affairs
To resume hearings on issues relative to alcoholism.
SD-342

Veterans' Affairs
To hold hearings on S. 2207, to authorize the Administrator of Veterans Affairs to provide specially-trained simians and dogs to veterans entitled to veterans' disability compensation due to quadriplegia, S. 2294, to extend the authority of the Veterans Administration to continue major health-care programs, to revise and clarify VA authority to furnish certain health-care benefits, and to enhance VA authority to recruit and retain certain health-care personnel, S. 2396, to expand the period considered as the Vietnam era in the case of veterans who served in the Republic of Vietnam, S. 2419, to repeal provisions relating to setting the interest rate on guaranteed or insured housing loans to veterans and inspecting manufactured homes purchased by veterans, and to modify the procedures for the sale of loans by the VA Administrator, and S. 2464, to provide authority for payment of interest in insurance settlements, and to permit increased discount rates for insurance premiums paid in advance.
SR-418

Joint Economic
Education and Health Subcommittee
To resume hearings to review the future of health care in America.
2318 Rayburn Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Credit Subcommittee
To resume oversight hearings on the implementation of the Agricultural Credit Act (P.L. 100-233).
SR-332

Finance
To hold hearings on proposed authorizations for the U.S. Customs Service.
SD-215

Labor and Human Resources
To hold hearings on prevention, education, and treatment of drug abuse.
SD-430

JUNE 17

9:00 a.m.
Judiciary
Courts and Administrative Practice Subcommittee
To hold hearings on H.R. 1054, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care.
SD-226

9:30 a.m.
Finance
Health Subcommittee
To resume hearings on S. 2305, to provide long-term respite care, adult day

care, home care, and nursing home care for the elderly.

SD-215

Governmental Affairs

Federal Services, Post Office, and Civil Service Subcommittee

To hold hearings to review the planning for the 1990 census.

SD-342

Select on Intelligence

To hold closed hearings on intelligence matters.

SH-219

JUNE 21

9:00 a.m.

Office of Technology Assessment

The board, to meet to consider pending business.

EF-100, Capitol

9:30 a.m.

Appropriations

Transportation and Related Agencies Subcommittee

Business meeting, to mark up proposed legislation appropriating funds for fiscal year 1989 for the Department of Transportation and related agencies.

SD-116

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 2055, to designate certain National Forest System lands in Idaho for inclusion in the National Wilderness Preservation System, to prescribe certain management formulae for certain National Forest System lands, and to release other forest lands for multiple-use management.

SD-366

10:00 a.m.

Foreign Relations

To hold hearings on S. Con. Res. 109, to express the sense of the Congress that the President should negotiate with the Government of Vietnam to establish interest sections in the capitals of both countries for the purpose of resolving specific issues between the countries.

SD-419

JUNE 22

9:30 a.m.

Commerce, Science, and Transportation

Consumer Subcommittee

To hold hearings on proposed legislation authorizing funds for the U.S. Fire Administration of the Federal Emergency Management Agency.

SR-253

Governmental Affairs

Federal Services, Post Office, and Civil Service Subcommittee

To hold hearings on S. 1393, Deceptive Mailings Prevention Act.

SD-342

10:00 a.m.

Foreign Relations

To hold hearings on U.S. policy options toward South Africa.

SD-419

2:00 p.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on the Federal Employers' Liability Act in relation to Amtrak.

SR-253

JUNE 23

9:30 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on S. 2221, to expand national telecommunications system for the benefit of the hearing impaired.

SR-253

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 1643, to establish the Mississippi River National Heritage Corridor, S. 2018, to expand the boundaries of the Congaree Swamp National Monument, and to designate wilderness therein, and S. 2058, to authorize the establishment of the Charles Pinckney National Historic Site in South Carolina.

SD-366

Governmental Affairs

To resume hearings on S. 1504, to facilitate regulatory negotiation and other procedures to enhance the quality of regulations and foster communications between agencies and those affected by regulations.

SD-342

Special on Aging

To hold hearings on the Equal Employment Opportunity Commission's enforcement of the Age Discrimination in Employment Act of 1967.

SD-628

10:00 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Production and Stabilization of Prices Subcommittee

To resume hearings to review the barley and oats supply situation, focusing on the current stocks and production estimates for the upcoming harvest season.

SR-332

Foreign Relations

To continue hearings on U.S. policy options toward South Africa.

SD-419

JUNE 24

9:30 a.m.

Commerce, Science, and Transportation

Foreign Commerce and Tourism Subcommittee

To hold hearings on Japanese patent policy.

SR-253

Special on Aging

To continue hearings on the Equal Employment Opportunity Commission's enforcement of the Age Discrimination in Employment Act of 1967.

SD-628

JUNE 27

2:00 p.m.

Governmental Affairs

To resume hearings on issues relative to alcoholism.

SD-342

JUNE 28

9:30 a.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 2165, to designate wilderness within Olympic National Park, Mount Rainier National Park, and North Cascades National Park Complex in the State of Washington.

SD-366

10:00 a.m.

Commerce, Science, and Transportation

Business meeting, to consider pending calendar business.

SR-253

JUNE 29

9:30 a.m.

Small Business

Rural Economy and Family Farming Subcommittee

To hold hearings to identify prospects for economic development in rural America.

SR-428A

10:00 a.m.

Governmental Affairs

To resume hearings on issues relative to alcoholism.

SD-342

JULY 11

9:30 a.m.

Special on Aging

To resume hearings to examine certain problems and challenges surrounding the provision of health care to rural communities, and to review recommendations and innovative strategies to deal with these problems.

SD-628

JULY 14

9:30 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Credit Subcommittee

To resume oversight hearings on the implementation of the Agricultural Credit Act (P.L. 100-233).

SR-332

CANCELLATIONS

JUNE 15

10:00 a.m.

Governmental Affairs

To hold hearings on drug interdiction.

SD-342

HOUSE OF REPRESENTATIVES—*Tuesday, June 14, 1988*

The House met at 12 noon.

Rabbi Laszlo Berkowits, Temple Rodef Shalom, Falls Church, VA, offered the following prayer:

O Lord of the Universe, Author of Freedom, our hearts are filled with thanksgiving on this day dedicated to honor the Stars and Stripes, the flag of our beloved country. This flag has been, ever since its creation, a symbol of hope for the oppressed, a banner of liberty for the enslaved yearning to be free.

To this very day this precious symbol of free men and women stirs the hearts of our countrymen to deeds of valor and sacrifice as it did for the generations who came before us.

For it is the banner of freedom, the proud flag of the liberators.

Wherever it is raised and unfurled, it heralds the sacred message: "Proclaim liberty throughout the land to all the inhabitants thereof."

O, may it long wave to the joy of our country and for freedom everywhere. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 423. Joint resolution to designate the third week in June 1988 as "National Dairy Goat Awareness Week."

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 52) entitled "An act to direct the cooperation of certain Federal entities in the implementation of the Continental Scientific Drilling Program," with an amendment.

The message also announced that the Senate had passed a bill and joint resolution of the following titles, in which the concurrence of the House is requested:

S. 2455. An act entitled, "Death Penalty in Case of Drug Related Killings"; and

S.J. Res. 331. Joint resolution to designate the week of June 19-25, 1988, as the "National Recognition of the Accomplishments of Women in the Workforce Week."

TRIBUTE TO RABBI LASZLO BERKOWITS

(Mr. WOLF asked and was given permission to address the House for 1 minute.)

Mr. WOLF. Mr. Speaker, I am pleased to welcome to the House of Representatives Rabbi Laszlo Berkowits, who offered our prayer today. Rabbi Berkowits lives in the 10th District of Virginia in Arlington and is Rabbi at Temple Rodef Shalom in Falls Church, VA. Rabbi Berkowits is celebrating his 25th year in the pulpit of Temple Rodef Shalom and I am pleased that he can share his thoughts with us today in our opening prayer.

Twenty-five years is an admirable accomplishment. It has come to my attention that Rabbi Berkowits has celebrated over 1,000 bar-bat mitzvahs, 500 brisses and baby namings, 200 weddings, 25 confirmations, and 25 years of leading his congregation through both happy and trying times. This would be a lifetime of activities to rest on, however, Rabbi Berkowits continues to be an active part of his community partially spurred by his experiences in Europe as a survivor of the Holocaust.

As a concentration camp prisoner at the end of the war Rabbi Berkowits was moved from Budapest to the infamous Auschwitz camp, then as the allies advanced on Hitler's army he was moved to Ravensburg and finally to Wobbelin where he was liberated by United States 82d Airborne troops. Rabbi Berkowits' journey to northern Virginia is a truly remarkable story and is an example of the perseverance and unity the Jewish people have exhibited in pulling themselves from under the repressions and atrocities of World War II.

I celebrate with Rabbi Berkowits and his congregation in his 25th year in northern Virginia, I welcome him to the House of Representatives and I thank him for opening our session today in prayer.

In the prayer, this being Flag Day, Rabbi Berkowits mentioned the American flag. Rabbi Berkowits says that when he was liberated by the 82d Airborne, the first thing that he saw was the American flag, and that is what is specially meaningful, that the rabbi is giving the prayer here today on Flag Day.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-INDEPENDENT AGENCIES APPROPRIATIONS BILL, 1989

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight, June 14, 1988, to file a privileged report on a bill making appropriations for Department of Housing and Urban Development-Independent Agencies, for the fiscal year 1989 and for other purposes.

Mr. GREEN reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DECISION UPHOLDS RAILROAD WORKERS' SAFETY CONCERNS

(Mr. BRENNAN asked and was given permission to address the House for 1 minute.)

Mr. BRENNAN. Mr. Speaker, today I would like to extend my congratulations to the railroad employees in my State of Maine and throughout New England, who stood up for railroad safety. I applaud their dedication and determination.

On November 12 of last year, members of the UTU struck Guilford Transportation over allegations of unsafe working conditions.

Yesterday, a federally appointed arbitrator found that the workers had valid reason to be concerned for their safety, and that the strike was therefore legal, and the workers must be reinstated with back pay.

These railroad employees risked careers and their future in order to bring about improved safety.

All of us—workers, businesses which ship by rail, and the general public—have a stake in knowing that the trains that run through our neighborhoods are safe and well run.

We need safe and efficient rail service in New England. We need a carrier who will provide such service. It is my hope that Guilford Transportation will accept this decision, work to improve safety, and begin to treat its workers with the respect they deserve.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

DEMOCRATIC CONGRESSIONAL CAMPAIGN COMMITTEE LETTER INSULTING

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GINGRICH. Mr. Speaker, every Member of the House should be offended by a June 10 letter sent to Members by the Democratic Congressional Campaign Committee. That letter says, "You were apparently duped by Newt." It goes on to suggest, "It has become obvious his actions are generated by self-serving partisan political motives."

That letter from the Democratic Congressional Campaign Committee insults the Committee on Ethics which voted unanimously to investigate the Speaker. It insults Common Cause, the Wall Street Journal, the Washington Post, the New York Times, and 35 other newspapers which have called for an investigation.

Frankly, this House is rapidly dividing up between those who favor openness, honesty and ethics and those who delay, obscure and defend unethical behavior.

The Democratic Congressional Campaign Committee has apparently chosen to cover up rather than clean up.

JUNE 10, 1988.

Enclosed you'll find an informative account by The New York Times regarding the ethics charges brought by Newt Gingrich against Speaker Jim Wright.

As one who signed a letter endorsing the complaint filed by Gingrich, I thought you might be interested to know he has now admitted there were "errors and gaps" in the complaint he filed.

Gingrich is quoted as admitting two of the charges were filed "out of curiosity" and that "I don't expect them to be actionable items."

On another charge, even the attorney who drafted the legal document has admitted the excessive-payments rule cited in the complaint doesn't apply to the book royalties they question.

You were apparently duped by Newt. With further consideration of the matter you might want to distance yourself from his actions. Once again, it has become obvious his actions are generated by self-serving partisan political motives.

I am outraged that Gingrich would knowingly present frivolous charges to the Committee on Standards of Official Conduct. His action demeans the integrity of the committee and deliberately wastes the time of the House and wastes taxpayer's money.

Now that the motives of Gingrich have been revealed I think you should consider removing your name from the petition endorsing Gingrich's ethics committee complaint.

Instead of allowing Gingrich to lead you down some dubious political warpath, I urge you to follow the direction of your distinguished and respected leader, Bob Michel, who has consistently refused to endorse Gingrich's troublemaking crusades.

I am not suggesting in any way that the ethics committee investigation be halted. The Speaker himself has endorsed an investigation to address the issues. What I strongly object to is any attempt to politicize the ethics committee which is expected to operate in an impartial and judicious manner.

Once again, Gingrich has shown a venomous contempt for the integrity of the U.S. House of Representatives. An attitude I don't believe you share.

Respectfully,

BERYL ANTHONY, Jr.,
Chairman.

GINGRICH ALLEGATIONS PARTISAN ATTACK

(Mr. FROST asked and was given permission to address the House for 1 minute.)

Mr. FROST. Mr. Speaker, I just listened to the gentleman from Georgia. I find his remarks interesting and sometimes entertaining.

I find it curious that the gentleman from Georgia several months ago boasted that he intended to orchestrate his whole activities in a partisan way to coincide with the beginning of the Democratic National Convention. The gentleman from Georgia is within his rights to raise whatever questions that he wishes to raise at whatever time, but it is very curious that he has chosen to do this in the most partisan possible way to coincide with the beginning of our convention in July and that he makes no secret of the fact that this is a partisan attack that he has undertaken.

WE OUGHT TO CHANGE THE RULES

(Mr. THOMAS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of California. Mr. Speaker, I really do not understand what all the controversy is over the book, if we were talking about the book itself, the book, of course, being "Reflections of a Public Man." It only costs $6. I mean, what can one buy for $6 today? Not much. That is what it is—not much.

In terms of the pages, it works out to about a nickel a page, and the 55-percent royalty produces something in the vicinity of 2 cents a page, and what you get on the page is about 2 cents.

On page 103, for example, the entire page is covered with this:

> What people really mean when they say, "The system isn't working," is simply that they are not getting their way. The system assures that each of us may have his say. It does not guarantee that any of us will get his way.

That is it. That is your 2 cents' worth.

The question is not over the book. It is over the procedures involved with the book. On that point, I totally agree with the Washington Post editorial this morning that said that if the procedures surrounding the book are not against the rules of the House of Representatives, then we ought to change the rules.

□ 1210

THE AMERICAN FLAG FIDELITY ACT

(Mr. STAGGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STAGGERS. Mr. Speaker, today, Flag Day, I find it appropriate to elaborate upon the details of a national disgrace. For, indeed, our flag has been disgraced. It has come to my attention that many of the old glories flying atop the homes and buildings of our Nation are not the quality products of the proud American worker.

Have we no pride left in this Nation of ours? An American flag that is manufactured abroad should not be allowed to enter this country. For, then, our flag ceases to be American. A foreign company, with its near slave wages and its repeated violations of the flag code, should not be allowed to undermine the competition among American manufacturers of U.S. flags. Here is an example of the kind of shocking product one foreign flag company produces. The label reads: "Made in Taiwan."

We are in dire straits if we cannot protect our own flag from the exploitation of a few profiteering companies abroad. Long may she wave, but long may she wave bearing a "Made in the USA" tag upon her. For this reason, I am introducing a bill today called the American Flag Fidelity Act to prohibit the importation of foreign-made American flags. I urge my colleagues to cosponsor this bill.

LEGISLATION TO ENCOURAGE THE REMINING AND RECLAMATION OF ABANDONED MINED LANDS

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLINGER. Mr. Speaker, I am pleased to announce today the introduction of legislation that will not only address the significant environmental and public safety problem of abandoned mine lands, but will do so in a manner that will mutually benefit our Nation's coal industry. This bill is designed to encourage the safe and responsible reclamation of abandoned mine lands by active coal mine operators.

It is estimated that only 10 percent of the Nation's abandoned mine land sites will be corrected over the life of the AML Reclamation Program established under title IV of the Surface Mining Control and Reclamation Act [SMCRA]. At the same time, it is becoming apparent that some of the SMCRA requirements actually discourage active industry from reclaiming abandoned mine lands. Studies have shown that in many areas coal production is now being shifted from previously affected coal with abandoned mine lands to virgin lands with undeveloped coal reserves.

The AML fund is authorized until 1992 and it is estimated that fee collections will approach $3 billion by that time. As Representative NICK RAHALL, chairman of Interior's Subcommittee on Mining and Natural Resources pointed out during an oversight hearing last year, this amount will make only a dent in the total amount of abandoned coal mine acreage in the United States. This fact is confirmed by the finding that the current inventory of priority 1 and 2 projects alone exceeds $5.8 billion in reclamation costs.

Witnesses have testified that under current statute, Pennsylvania will have received AML funding sufficient to address fewer than 35 percent of its high hazard, priority 1 and 2 problems.

In the interest of conserving natural resources and promoting reclamation, it is absolutely imperative that the necessary authorities be granted to encourage coal operators to achieve through remining what the AML Program is unable to address. We must approve legislation that allows the mutual interests of environmentalists, industry, States and local communities to be realized through reclamation and remining.

The bill I am introducing today attempts to provide incentives in a number of ways:

First. The bill sets forth a congressional directive that "surface coal mining operations can be effective in the reclamation of abandoned mine land and should be encouraged to remine and reclaim such areas to maximize reclamation of abandoned mine lands concurrently with coal production."

Second, to encourage reclamation through remining, the bill provides the Secretary of the Interior with the authority to waive or reduce the reclamation fee for remining projects.

Third, the measure amends SMCRA to establish a new title X remining section, allowing the Secretary or approved State program to enter into reclamation agreements with coal mine operators for the reclamation of unreclaimed mine lands and to compensate the operators based on the value of the reclamation performed. The bill allows for the proposal of reclamation projects that can be completed in conjunction with active surface mining operations. A key provision is the exemption for the use of excess spoil for reclamation purposes.

Fourth, abandoned mine land recovery zones are authorized in an effort to define those areas within a State where unreclaimed mine lands have significant potential to be reclaimed by surface mining operations. Certain incentives are authorized in an effort to target reclamation efforts in these designated areas.

Fifth, the Secretary is authorized to furnish reclamation bond guarantees to operators in return for reclamation work performed. This will allow more actual reclamation work value for the dollar than other mechanisms in use.

Sixth, the bill establishes new authorities to provide additional incentives for the safe and effective removal of existing coal mine waste piles, slurry ponds, and other waste materials.

Seventh, section 210(e) benefits of the Public Utilities Regulatory Policies Act are extended to qualified waste coal fired small production facilities.

During the 99th Congress, I joined with Representative NICK RAHALL in introducing remining legislation to address existing disincentives which held remining operators liable for previous operator's effluent pollution. We were successful in getting our language included as part of the Clean Water Act, enacted into law last year. We must now build upon that success to ensure that reclamation activities continue to move forward.

In numerous meetings with State officials, Federal surface mining authorities, constituents, conservation groups and environmental organizations, support has repeatedly been expressed for increased remining and reclamation activities. In introducing this remining package today, it is my intention that these groups and individuals have an opportunity to evaluate its provisions and offer their comments. Only through the input and support of all interested parties, can we succeed in establishing a remining program that will effectively and safely reclaim America's abandoned mine lands.

I certainly appreciate the valuable work performed by numerous individuals and organizations in developing this legislation. Their advice and expertise has been invaluable in identifying ways to responsibly encourage remining. While only limited time remains in the current congressional session, I look forward to working with my House colleagues and all other interested parties in considering this legislation and furthering the cause of reclamation and remining.

GINGRICH ALLEGATIONS AGAINST THE SPEAKER

(Mr. DYMALLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DYMALLY. Mr. Speaker, I believe it was last Friday that the New York Times carried a story on the so-called Gingrich charges against the Speaker. In that article the gentleman from Georgia [Mr. GINGRICH] openly admits that some of the charges were not founded, but he "just threw them in there for curiosity," recognizing very well that it would make partisan news.

It is a shame that a Member of this House would use false and inaccurate information to generate partisan public publicity at a time when the Democrats will be meeting in Atlanta.

About the book, I have read the book. I found it very delightful, very soothing, very pleasant.

There are two ways one gets reimbursed for a book, and I have had the privilege of coauthoring two, one either gets the money upfront, a large chunk of money, or gets the money after the book has been sold. There is nothing unusual in that. It is an ordinary, everyday occurrence, and I do not know what the big issue is about this book. It is a very good book in my judgment.

The politics involved in these charges, in my judgment, are shameful.

CORRECTING INEQUITIES IN THE 1987 FEDERAL HIGHWAY ACT

(Mr. BUECHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUECHNER. Mr. Speaker, yesterday I held a press conference in St. Charles, MO, announcing the introduction of legislation that will correct an inequity in the 1987 Federal Highway Act which has caused many States to lose millions of dollars in valuable highway funds.

This inequity resulted from the practice known as double dipping—a practice which 48 of my colleagues are standing with me to strongly oppose. Double dipping was such a subtle change in the highway bill that the Federal Highway Administration refused to believe it possible. But as many of my colleagues know, it was possible and very costly to our States.

The effect of this double-dipping practice was to increase for some States the amount of obligational authority for spending of Federal funds. But if obligational authority is increased for some States it must be decreased for the other States. And that's exactly what happened. My

State of Missouri lost approximately $20 million and 35 other States were penalized as well.

All our States need to improve their roads and bridges as well as maintain their Interstate Highway System. But as long as such double-dipping provisions remain on the books, the majority of the States will be shortchanged at the expense of a few.

I urge my colleagues to take a good look at this legislation because even if your State benefited this year from double dipping, it could be a loser next year.

My legislation will make sure there are no winners and losers and put the States on a more equitable footing in the disbursement of Federal funds.

SANCTIONS AGAINST SOUTH AFRICA

(Mr. FOGLIETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOGLIETTA. Mr. Speaker, today the Members of the House Armed Services Committee will markup those aspects of H.R. 1580—South Africa sanctions—which are within our jurisdiction. These include amendments regarding strategic minerals, military cooperation and intelligence cooperation. I will give full support to those amendments as a means to dismantle the South African apartheid system.

The executive branch's policy of constructive engagement has failed. The South African Government has not met any of the criteria for significant progress toward ending apartheid. Furthermore, the country has increased its destabilization of the entire area with its illegal occupation of Namibia, its support for insurgencies in Mozambique and Zimbabwe and Angola, and its raids into Botswana, Swaziland, and Zambia. The United States Government can no longer cast a passing glance at South Africa while its Government continues its systematic suppression of blacks and minorities. The South African Government believes American opposition to its brutal system of apartheid is weak. Let's prove them wrong.

DISCRIMINATORY TREATMENT OF FEDERAL EXPRESS BY JAPAN

(Mr. SUNDQUIST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SUNDQUIST. Mr. Speaker, today my colleague, the gentleman from Tennessee, Mr. Harold Ford, and I join together in introducing a concurrent resolution regarding air cargo shipments.

In April, our country and the Japanese Government entered into an agreement to exchange new air cargo services between the two countries. All of the new service opportunities granted to Japanese carriers have been fully implemented.

Federal Express, which was selected by the United States to provide new small package service to Japan, has encountered serious obstacles in implementing its authority as a result of actions by the Japanese Government. So what we find, Mr. Speaker, is that as we open up trade and continue to be a free trading country, too often other countries do not join us. We enter into an agreement that is quickly broken, as in this case by the Japanese Government, who have enjoined full benefit of unrestricted rights granted under the 1985 memorandum of understanding.

Reciprocity has to rule in our trade policy, and I hope my colleagues will join in being critical of the Japanese Government for violating the agreement by restricting our cargo shipments to their country.

DEPORTATION OF MUBARAK AWAD

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, I agree with the President. Israel should not have deported Mubarak Awad.

In light of the ongoing uprising in the Gaza Strip and West Bank in which over 200 Palestinians have been killed and hundreds more have been wounded, it just does not make sense to deport Awad, who founded the Palestinian Center for the Study of Nonviolence.

With this action, it makes Mr. Awad the symbol of the plight of the occupied Palestinian people. Deporting Mubarak Awad will not lessen the tension nor the violence in these occupied territories. In fact, it could worsen them by eliminating one of the few voices who sought communication and dialog with Israel, and without dialog and communication there is no other option but bloodshed, and too many Palestinians have already been killed.

REINSTITUTING FLAG DAY CEREMONIES IN U.S. HOUSE OF REPRESENTATIVES

(Mr. McEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McEWEN. Mr. Speaker, today is a very special day. It is a day in which we honor the symbol of our country: Our flag.

All across America today people are pausing to acknowledge what the guest chaplain today referred to as the symbol of hope, a symbol of liberty, a symbol for free men and women everywhere.

Mr. Speaker, throughout the many years history of this Nation, the Congress of the United States led in the celebration of Flag Day. Some of the most moving ceremonies in the history of our Nation were held right here on this floor on Flag Day.

I would suggest, Mr. Speaker, that it would be good if we reinstituted that tradition and if the House is going to be in session on Flag Day that we, too, take a moment to acknowledge our flag.

A TRIBUTE TO FRANK DROZAK

(Mr. YOUNG of Alaska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, I want to take this brief opportunity to mourn the passing of Frank Drozak, one of the best labor leaders that this country has known. Frank left us this past weekend after devoting his life to the welfare of our Nation's workers, and we all will miss him.

Frank had a long and illustrious career with the American labor movement and most recently served as the president of the Maritime Trades Department of the AFL-CIO. In this capacity, he spent his time protecting the rights of merchant seamen in U.S. waters and the high seas. Whenever the Committee on Merchant Marine and Fisheries considered legislation involving our important merchant fleet, we could count on good counsel and guidance from Frank. While there were times when we disagreed, we did so honorably as colleagues, not spitefully as enemies. Frank was always ready to do battle for what he believed in, but more often his thoughtful insight and good nature won the day for those he so capably represented.

Just to give you an example, Frank and I had opposing views on the issue of export of Alaskan oil, and I know from experience that he was a worthy opponent. At the same time, we worked closely together on legislation which would allow the development of oil and gas resources in ANWR. There was never any animosity or hard feelings; just a desire on Frank's part to get the job done right.

Mr. Speaker, if I ever get the chance to make it to the Pearly Gates, I know what I will find—St. Peter facing Frank Drozak and a well-organized band of angels who are working to see that their rights are protected.

Bless you Frank, we will miss you.

TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1989

Mr. WHEAT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 469, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 469

Resolved, That during the consideration of the bill (H.R. 4775) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies for the fiscal year ending September 30, 1989, and for other purposes, all points of order against the following provisions in the bill for failure to comply with the provisions of clause 2 of rule XXI are hereby waived: beginning on page 6, line 3 through page 8, line 11; beginning on page 9, lines 3 through 7; beginning on page 23, lines 7 through 11; beginning on page 24, line 17 through page 25, line 18; beginning on page 26, line 19 through page 32, line 17; beginning on page 39, lines 7 through 22; beginning on page 41, line 24 through page 44, line 9; beginning with *"Provided,"* on page 44, line 23 through page 45, line 17; and beginning on page 76, line 23 through page 78, line 8. In any case where this resolution waives points of order against only a portion of a paragraph, a point of order against any other provision in such paragraph may be made only against such provision and not against the entire paragraph. It shall be in order to consider the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Walker of Pennsylvania, and all points of order against said amendment for failure to comply with the provisions of clause 2(c) of rule XXI are hereby waived, if the motion to rise and report under clause 2(d) of rule XXI is rejected or not offered.

The SPEAKER pro tempore (Mr. HOYER). The gentleman from Missouri [Mr. WHEAT] is recognized for one hour.

Mr. WHEAT. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Ohio [Mr. LATTA], pending which I yield myself such time as I may consume.

□ 1225

Mr. Speaker, House Resolution 469 waives points of order against several provisions in H.R. 4775, the Treasury, Postal Service, and General Government appropriations bill for the fiscal year ending 1989. The rule does not provide for the bill's consideration since general appropriations bills are privileged under the rules of the House. Provisions relating to time for general debate are also excluded from the rule. Customarily, general debate is limited by a unanimous-consent request by the chairman of the Appropriations Subcommittee prior to consideration of the bill.

House Resolution 469 waives points of order against specified provisions in the bill for failure to comply with clause 2 of rule XXI. Clause 2, rule XXI prohibits unauthorized appropriations and legislative provisions in general appropriations bills. The precise provisions of H.R. 4775 for which these waivers are provided are detailed in the rule by reference to page and line in the bill.

Title I of the bill contains provisions appropriating funds to the U.S. Customs Service and the U.S. Mint. Since the authorizing committees have not reported a bill authorizing appropriations for the Customs Service or the U.S. Mint, a waiver of clause 2, rule XXI is necessary.

Title IV of the bill contains provisions appropriating funds for the Federal Election Commission and making available funds for certain projects in the Federal buildings fund. Title IV also contains provisions which appropriate funds to the national defense stockpile transaction funds and which authorize the acquisition of a new building for the National Archives. Since authorizing legislation for the FEC and the building projects has not been completed, a waiver of clause 2 of rule XXI is necessary.

In instances where the rule waives points of order against only a portion of a paragraph, a point of order against any other provision in such paragraph may be made only against such provision and not against the entire paragraph.

Finally Mr. Speaker, the rule provides that it shall be in order to consider an amendment by, and if offered by, Representative ROBERT WALKER of Pennsylvania, if the motion to rise and report the bill under clause 2(d) of rule XXI is rejected or not offered. In the event that the motion to rise is rejected or not offered, then points of order against the gentleman's amendment for failure to comply with clause 2(c) of rule XXI are waived.

Mr. Speaker, H.R. 4775 is an important measure providing appropriations for a number of agencies including, the Treasury Department, the U.S. Postal Service, the Executive Office and certain independent agencies.

The rule provides for expeditious consideration of the bill. Therefore, I urge that we adopt the rule.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 3 weeks ago the House Republican leadership took a special order to point out the pattern of increasing procedural abuses in the House and its committees.

The Rules Committee has been a particular problem in this area. We have seen the increasing use of gag rules which restrict Members' ability to offer amendments and resolutions waiving all the standing rules of the House.

However, there are some other problems affecting the Rules Committee which have received far less attention. Under its own committee rules members of the Rules Committee are entitled to 48 hours' notice of a meeting. In case of an emergency the chairman may dispense with the 48-hour notice. This sounds like a reasonable rule. And it would be if it were not abused. For years, the current chairman and his predecessors used the emergency meeting procedure only for legitimate emergencies. But recently, we have seen a trend toward abuse in this area as well. For example, the routine bill before us today, the Treasury, Postal appropriation bill was declared to be an emergency last Thursday afternoon so that the 48-hour notice could be dispensed with. The committee met on Friday morning with no final printed copy of the committee report available. Mr. Speaker, it didn't even have to be this way. This bill could have been considered tomorrow. And tomorrow's appropriation bill, for which a rule has not been requested, could have been considered today.

Last week we saw the same thing with the National Science Foundation bill. That bill was declared to be an emergency in the Rules Committee so that it could be rushed through without the required 48 hours' notice on May 25. Once again there was no printed committee report available and little opportunity for Members to learn about the provisions of the bill. Then, after all the rush, the rule was not even called up until 2 weeks later on June 9.

Mr. Speaker, we all understand the need to move quickly in case of a real emergency, but the abuse of the concept is the problem. By repeatedly dispensing with the normal 48-hour notice requirement, it means that Members are forced to vote before they have had an opportunity to properly review the legislation. Mr. Speaker, I hope that in the future, the call of emergency meetings will be restricted to real emergencies.

Mr. Speaker, aside from its emergency designation, there is nothing unusual about the provisions of this rule. It waives points of order against the bill for lack of authorization and because there are legislative provisions in this appropriation bill.

It also waives points of order to protect an amendment to be offered by the gentleman from Pennsylvania [Mr. WALKER] providing for a drug-free workplace. This is a longer version of the Walker amendment which is technically legislation on an appropriation bill.

Mr. Speaker, there has been particular interest in a legislative paragraph in this bill which provides for a 4-percent pay increase for all Federal employees including Members of Congress. That language is legislation on an appropriation bill, but it is protected from a point of order by the provisions of this rule.

However, there is nothing in this rule which restricts the normal open amending process for general appropriation bills.

There are several provisions in the bill to which the administration strongly objects. If these provisions are in the bill when it reaches the President's desk, it will be vetoed.

Mr. Speaker, I have no requests for time.

The SPEAKER pro tempore (Mr. Hoyer). Without objection, the previous question is ordered on the resolution.

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. ROYBAL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4775) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1989, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from New Mexico [Mr. Skeen] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. Roybal].

The motion was agreed to.

The SPEAKER. pro tempore. The Chair designates the gentleman from Massachusetts [Mr. Donnelly] as Chairman of the Committee of the Whole and requests the gentleman from Missouri [Mr. Wheat] to assume the chair temporarily.

□ 1232

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4775, with Mr. Wheat (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Without objection, the bill is considered as having been read the first time.

There was no objection.

The CHAIRMAN pro tempore. Under the unanimous-consent agreement, the gentleman from California [Mr. Roybal] will be recognized for 30 minutes and the gentleman from New Mexico [Mr. Skeen] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. Roybal].

Mr. ROYBAL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is a very great pleasure and a privilege for me to present this bill to the House. I want to take this opportunity to express my appreciation and thanks to those who helped make this presentation possible. We have been working on this bill since last January and have held many hours of committee hearings and it has been only due to the diligence, effectiveness, efficiency and dedication of the committee members that we are able to be here today. I especially appreciate the assistance of the gentleman from New Mexico [Mr. Skeen]. He has been of invaluable assistance, participating in all of our hearings and I want him and all the other members of the committee to know how much I appreciate their help.

The Appropriations Committee presents a bill for your consideration today that provides $16.1 billion in recommended appropriations for 1989. The bill before you is: $50 million below the President's budget; $998 million over fiscal year 1988; and conforms exactly to the 302(b) allocations for discretionary budget authority and outlays.

The departmental amounts for new budget authority are as follows:

For the Treasury Department, $7.7 billion, an increase of $55 million over the budget and $330 million over 1988;

For the U.S. Postal Service, $436 million, a decrease of $91 below the budget and a reduction of $93 million below 1988;

For the Executive Office of the President, $107.5 million, a reduction of $5.9 million below the amount of the budget request and a reduction of 1 million below 1988;

For independent agencies covered by this bill—such as GSA, the Office of Personnel Management, the Tax Court, and others—$7.8 billion, a decrease of $7.9 million below the budget, and an increase of $749 million over 1988.

Now, may I call your attention to certain specific agencies:

First. For the U.S. Customs Service, the committee recommends $28 million above the budget in order to bring U.S. Customs staffing up to a level adequate to prevent the influx of massive amounts of drugs and other contraband into this country. The committee added 500 new positions.

The committee believes that the high level of drug abuse and related crime in this country requires a strong law enforcement effort to stem the tide of illicit drugs coming into the United States. The recommended increase would also expedite the processing of visitors to this country and of our citizens returning from abroad. Further, this increase would also expedite the processing of commercial goods being imported, and help prevent the illegal importation of high technology items to unfriendly countries.

I might also point out that the U.S. Customs Service is the second largest producer of revenue for the Government—over $15 billion per year in customs duties.

Second. For the Internal Revenue Service, the committee recommends the exact amount requested in the President's budget to provide an additional $241 million and 1,650 positions above fiscal year 1988. For the past several years the committee has been concerned about inadequate funding for the Internal Revenue Service. It now appears that the administration has finally realized the serious shortfalls in IRS funding and has requested adequate funds for that agency for fiscal year 1989.

Third. For the U.S. Postal Service I am particularly pleased today to inform you that this bill provides an appropriation to the Postal Service of $436.4 million for revenue forgone. This appropriation will permit the Postal Service to maintain current postal rates for preferred rate mailers until the end of fiscal year 1989. Qualified preferrred rate mailers are defined as religious, educational, scientific, philanthropic, agricultural, labor, veterans and fraternal organizations, and include such groups as the American Cancer Society, the American Heart Association, the National Easter Seal Society, the March of Dimes, Birth Defects Foundation, the American Association of Retired Persons, National Wildlife Federation, the Salvation Army, as well as many, many others.

These nonprofit groups have long played a vital role in American life, supplying a considerable share of the social services, health care, education, research, arts, culture, community improvement, international relief, conservation, environmental protection, and public advocacy occurring in the United States.

The committee has funded most other agencies, including those within the Executive Office of the President at approximately the budget level.

I again commend the ranking minority member, Mr. Skeen, for the outstanding job that he has done, and I appreciate the conscientious and faithful service of all the members of the subcommittee. Mr. Akaka, Mr. Hoyer, Mr. Coleman, Mr. Boland, Mr. Yates, Mr. Skeen, Mr. Lowery, and Mr. Wolf have all been highly supportive of the bill now before you.

Mr. Chairman, this is a good bill and a fair bill. I urge the support of all Members.

□ 1240

Mr. Chairman, I reserve the balance of my time.

Mr. SKEEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to begin by thanking the chairman of our subcommittee, the gentleman from California [Mr. Roybal], for his kind remarks, and also I want to commend him for the expeditious way in which he handled this committee's hearing and the progress that was made, along with members of the subcommittee.

This, I think, has been one of the most unique instances in my experience, that is, that most of the appropriation bills are coming out way ahead of schedule. In this case we have a subcommittee that has jurisdiction over a wide variety of agencies crucial to the smooth operation of the Federal Government.

Principal among these is the Treasury Department, which includes revenue-producing entities such as the Internal Revenue Service, Customs, and the Bureau of Alcohol, Tobacco and Firearms. These entities are also critically involved in the Nation's war against drugs, as is the Federal Law Enforcement Training Center, which is playing a critical role in the training of Federal law enforcement officers for this effort.

Also, included within the Treasury appropriation are such entities as the Secret Service, the Bureau of the Mint, and the Financial Management Service. The subcommittee, of course, has recommended an appropriation to the Secret Service which is adequate and necessary for the Service to meet its critical objectives.

Additionally, the bill contains appropriations for the U.S. Postal Service—and this part of the appropriation is known as revenue forgone; it is the only area of appropriation that is made to the U.S. Postal Service from the Federal Treasury—the Executive Office of the President, and 11 independent agencies.

Included in this bill are appropriations necessary to effect the transition between administrations, and that is a very crucial recommendation and consideration that is made at this particular time in our history. Every election year generates a tremendous amount of transitional funding that is necessary, and that appropriation has to be made. These are included within the appropriations for the General Services Administration, the Archives, and the Executive Office of the President. In addition, we have worked hard with the General Services Administration in an effort to provide a safe and comfortable workplace for Federal employees.

In summary, Mr. Chairman, the subcommittee has worked very hard, within a tight budgetary constraint, and with new 302(b) allocations and even tighter appropriations or allocation, and under these budgetary constraints, I think an admirable product has been arrived at. It is crafted in a well-balanced and equitable manner, and I thank the subcommittee chairman, the gentleman from California [Mr. Roybal], and commend him and all the subcommittee members and its staff for the fine work they have done on this bill.

As stated before, this bill, as amended, is $50 million less than the budget request. It is important to remember that the agencies covered by this bill are labor-intensive and small changes have significant effects. This is a responsible bill, one which I wholeheartedly support, and I urge the adoption of our recommendations.

Mr. Chairman, I reserve the balance of my time.

Mr. ROYBAL. Mr. Chairman, I yield 5 minutes to the gentleman from Hawaii [Mr. Akaka].

Mr. AKAKA. Mr. Chairman, I rise in strong support of the Treasury-Postal Service appropriations bill for fiscal year 1989 and ask unanimous consent to revise and extend my remarks.

Before proceeding, I want to commend my colleagues on the Treasury Subcommittee for their hard work. In particular, I want to thank our fine chairman, Ed Roybal, and our ranking member, Joe Skeen, for their leadership in formulating this bill.

Let me also offer warm words of appreciation to our subcommittee staff, Tex Gunnels, and Bill Smith, for their countless hours of work on this bill.

As anyone who has attended our subcommittee meetings can tell you, we operate in an open and almost nonpartisan manner. The bill before you today was forged through consensus, and the overwhelming majority its provisions are matters on which we unanimously agree.

I don't have to tell anyone in this Chamber how difficult this year has been for the Appropriations Committee. There simply is not enough money for the work that needs to be done, and many hard choices had to be made in the process of formulating this bill.

Nonetheless, the legislation before you is a fair and responsible bill that deserves every Member's support. The administration's primary objection to the bill is that it exceeds the President's request on two items: appropriations for Postal Service revenue forgone and funding for the Customs Service.

With regard to revenue forgone, according to OMB's "Statement of Administration Policy," and I quote, "The committee failed to recognize the administration's proposal to eliminate inappropriate postal subsidies." Presumably, OMB is speaking of legislation requested by Director Miller which would eliminate revenue forgone's preferential mail rates for all but a few categories such as free mailing for the blind. Unfortunately, OMB addressed its letter to the wrong committee. Modifications to the revenue forgone program are within the jurisdiction of the authorization committee and not the Appropriations Committee. When and if the modification committee modifies this program, we will then be in a position to comply with the administration's request. Until that time, however, the administration's protest about funding for Postal Service revenue forgone are somewhat hollow.

The second area of administration objection relates to funding for the Customs Service. At a time when the level of drug trafficking has never been higher, I frankly am appalled at the administration's attitude on this issue. Drugs are streaming through our borders and polluting the minds of millions of Americans—from addicts on city street corners, to employees in the workplace and even children in our schools. The amount in this bill is barely adequate for the Customs Service to perform its responsibilities. If funds were available to do so, we would have given the Customs Service more money to fight the war on drugs. Unfortunately, this bill faces the same constraints as every other appropriations bill this year, and all we could muster was $37 million more than the amount provided in the current year, for an additional 500 Customs inspectors.

I believe that the administration has also attempted to make the issue that some of the additional staff for the Customs Service would be dedicated to commercial operations rather than drug interdiction. I remind my colleagues that every Customs officer is on the front line when it comes to fighting drugs, whether their job assignment is tactical interdiction or inspection and control. Given the cunning ingenuity of drug runners, all Customs personnel are required to maintain constant vigil in an effort to halt the flow of illegal narcotics. Experience has shown that some of the largest drug seizures have occurred during otherwise routine inspections of commercial cargo.

I also remind my colleagues that the Customs Service has been given lead status among Federal law enforcement agencies for drug interdiction. This bill contains the necessary funds to carry out this enhanced responsibility.

It is a tragic fact that illicit drugs are destroying the youth of our Nation. The illegal drug trade is an insidious plague that infects our society and causes pain and auguish in every city and town throughout America.

Only if we are prepared to give the Customs Service the manpower and resources they need can we stop drugs at our borders. Drug runners do not fire pop guns and do not ride bicycles. They carry uzis and other advanced weapons. They move their illicit cargo in high performance cigarette boats and in advanced jet aircraft which have the most sophisticated radar systems money can buy. Unless we provide the Customs Service with the funds necessary to compete with their opponents on an equal footing, we should not expect them to succeed.

Mr. Chairman, as I said earlier, this is a good bill and I urge every Member to support it.

□ 1250

Mr. SKEEN. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Chairman, at the outset I want to commend the chairman of the subcommittee, my good friend, the gentleman from California, ED ROYBAL, the ranking member, the gentleman from New Mexico, JOE SKEEN, for their leadership during the consideration of the bill and, of course, my good friend, Tex Gunnels, who was here when I first started many years ago on this committee with Chairman Vaughan Gary. Tex was the counsel of that committee then. It says a lot that we have been here a long time, and Tex has always done a good job.

I sat through the subcommittee and the full committee markups on this bill, and believe me, it wasn't easy to make ends meet. Tough decisions were required. The Drug Interdiction Program and revenue enhancement efforts require enormous resources and at every point the committee was faced with cutbacks and limited funds.

ED ROYBAL and JOE SKEEN responded to this challenge. On behalf of the committee, they have presented the House with a responsible bill. It's within the budget allocation for both outlays and budget authority. For discretionary programs, this bill is about $263 million or 3 percent over the fiscal year 1988 enacted level. That increase is due primarily to enhancements in two important areas. First, the committee increased funding for drug related programs; $32 million was added for the Customs Service; $13.5 million for the BATF and $4.5 million for the Law Enforcement Training Center. Second, the committee complied with the budget summit agreement and approved a significant increase for revenue collection by the IRS; $240 million was added for enhanced IRS enforcement, as the President requested. These two areas account for most of the increase over fiscal year 1988 enacted levels.

This slimmed down, bare bones recommendation is recognized by the administration as fiscally responsible. The statement of administration policy on H.R. 4775 says:

> The funding provisions in the bill are generally consistent with the President's request.

Even with some disagreement about the scoring of the revenue forgone subsidy, this statement is the closest comment that I have seen to an endorsement of the spending provided in this bill. I can safely say that the administration has no major funding problems with this appropriations bill.

However, despite the committee's hard work to bring a responsible bill to the floor, Director Miller has made his intentions clear. He says that,

> If this bill were presented to the President in its present form, I would recommend that he veto the bill.

I think this veto recommendation is misguided, but as I understand it, he objects for basically two reasons.

First, the most objectionable language provision, which would alone be grounds for a veto of this bill, requires OMB to follow the intent of Congress as expressed in the House and Senate Appropriations Committee reports. Mr. Miller calls this provision "totally unacceptable." Well, I find OMB's position equally unacceptable, but without elaborating further, I will include for the RECORD a copy of a letter signed by Chairman WHITTEN, myself, Chairman STENNIS and Senator HATFIELD opposing this executive usurpation of congressional power.

The second objection by the administration concerns the 4-percent pay raise for civilian and military personnel. OMB says "this provision can be interpreted to violate the bipartisan budget agreement by necessitating pay supplementals." This is a contorted reading of the language. As I understand it, this provision says that no more than 50 percent of the cost can be appropriated to make up the pay raise shortfall. With or without this language, the Congress can appropriate nothing to supplement pay costs, or we can rearrange existing priorities to meet the shortfall for particular agencies.

And as far as this Member is concerned there should be no supplementals for pay raise unless the appropriations are offset by corresponding reductions. The budget summit agreement provides for supplementals only when there is a dire emergency. I can understand the administration's concerns about this language, but no where does this provision mandate a supplemental, or does it by itself break the budget summit agreement.

Mr. Chairman, despite these objections, this bill is balanced recommendation. It responds to the important drug related and revenue producing needs funded in this bill, and at the same time it is generally consistent with the President's request. A "yes" vote on this bill is a vote to continue the war on drugs and to maintain the revenue targets assumed in the budget summit agreement.

I urge all my colleagues to support this bill.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, March 23, 1988.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We have become aware of Mr. Miller's memorandum dated March 15, 1988, to heads of Cabinet departments and agencies, which states that Congressional reports accompanying the individual appropriations bills and conference report on P.L. 100-202, the Fiscal Year 1988 Continuing Resolution, do not have the force of law and are not approved by the President. Further, he would require each agency head to justify any intended compliance with the Congressional reports.

We would direct your attention to Section 107 of P.L. 100-202, which contains the following language:

"Amounts and authorities provided by this resolution shall be in accordance with the reports accompanying the bills as passed by or reported to the House and the Senate and in the Joint Explanatory Statement of the Conference accompanying this Joint Resolution."

This section of the Continuing Resolution was reported in the House, passed by the House, reported in the Senate, passed by the Senate, and signed by you.

In view of Section 107 and in light of the fact that departments and agencies of the Government which choose to ignore Congressional expressions of intent regarding the use of appropriated funds do so at the peril of strained relations with the Congress, we would recommend that this memorandum of March 15 be withdrawn.

It is hereby requested that the Appropriations Committees of the Senate and the House be provided with a report by March 30, 1988, which outlines Administration intentions regarding the March 15 memorandum and the funds for each program, project, or activity contained in the list attached to that memorandum as may have been updated.

Thank you for your attention to this matter.

Sincerely,

JOHN C. STENNIS.
MARK O. HATFIELD.
JAMIE L. WHITTEN.
SILVIO O. CONTE.

STATEMENT OF ADMINISTRATION POLICY

H.R. 4775—TREASURY/POSTAL APPROPRIATIONS BILL, FISCAL YEAR 1989 (SPONSORS: MR. WHITTEN AND MR. ROYBAL)

The Treasury/Postal Service Appropriations Bill for FY 1989 provides funding levels that are generally consistent with the President's request. The Committee, however, failed to recognize the Administration's proposal to eliminate inappropriate postal subsidies resulting in budget authority that exceeds the President's request by $458 million.

The bill also includes many objectionable language provisions as well as other provisions restricting the Administration from exercising necessary managerial discretion in fulfilling its executive responsibilities. If this bill were presented to the President in its present form, I would recommend that he veto the bill.

The language provision most objectionable to the Administration and which alone would be grounds for vetoing this bill, requires that the Office of Management and Budget make appropriated funds available for use in strict accordance with otherwise non-binding directives and earmarks included in committee reports. This provision constitutes a totally unacceptable restriction on the Executive Branch's ability to execute appropriations statutes.

The Administration objects to the provision that provides a 4-percent pay raise for Federal civilian personnel and that allows additional appropriations to fund up to 50 percent of the cost of the increase in total pay. We believe that this provision can be interpreted to violate the Bipartisan Budget Agreement by necessitating pay supplementals. The Bipartisan Budget Agreement explicitly prohibited all supplemental appropriations except in "dire emergency". It is, therefore, the Administration's position that all costs of pay increases must be fully absorbed. No supplementals will be transmitted.

Several other language provisions are unacceptable. Of particular concern to the Administration is the language the House has included which waives the budgetary constraints established by the Anti-deficiency Act and directs the lease/purchase of four buildings to be constructed. The Anti-deficiency Act requires that the current Administration and the Congress not commit future Administrations and Congresses to payments without recognizing the full cost of such projects by properly obligating funds to cover these payments. Together, these four projects commit the government to future obligations of over $800 million in construction costs which are not properly reflected in the bill due to the waiver of the Anti-deficiency Act. The Administration opposes the hiding of budget costs in this manner.

A similar objection exists for the provision which authorizes the lease/purchase of a building for the Internal Revenue Service in Memphis, Tennessee, a new building for the Center for Disease Control, Atlanta, Georgia as well as the provision authorizing the Archivist to acquire a new facility in Maryland.

Additional language provisions attempt to remove the flexibility necessary to the Administration to perform its executive responsibilities. Most objectionable are:

Failure to adopt a limitation on program expenses for the Federal Retirement Thrift Investment Board.

Prohibition against closure or consolidation of executive seminar centers in the OPM appropriation.

Imposition of an FTE floor limiting management's ability to adjust staffing to workload and productivity shifts in the Customs and Alcohol, Tobacco and Firearms appropriations.

This bill also excludes language to ensure that all blue-collar workers including those under negotiated agreements receive the same pay raise as white-collar employees in the Federal Government.

While the funding provisions in the bill are generally consistent with the President's request, the House Committee on Appropriations did not anticipate the enactment of the proposal submitted to Congress that would reduce the level of subsidies provided to the Postal Service. The bill provides for a "revenue foregone" appropriation that is $417 million in budget authority above the President's budget proposal. The Committee did not support the Administration's proposal to reduce this subsidy to $19 million. Failure to approve this proposal will continue the use of inappropriate subsidies for certain classes of mailers (e.g., prestigious professional trade organizations, profitable business seminar companies, "piggy back" advertisers, political advocacy groups, etc.).

If during subsequent consideration of this bill the Administration's "revenue foregone" proposal is not adopted, we urge you to oppose any increase in the level of subsidy beyond that provided in the FY 1987 "revenue foregone" appropriations. This would provide 80 percent of the current law level ($350 million) or $86.4 million less than the level provided by the House Committee on Appropriations.

The House Committee on Appropriations also failed to recognize the importance of the Administration's request for funds for a significant management improvement initiative when it did not provide any of the $5.9 million which was to be used for the development of a comprehensive planning, budgeting, and financial management system. Although none of the funds will be made available before January, 1989, this system is badly needed and will serve as a management information system for key decisionmakers in Congress and the Executive Branch for years to come. The Congressional Budget Office and the General Accounting Office have endorsed this modernization effort because of its government-wide application in facilitating the exchange of information between the Congress, OMB, and the agencies.

TREASURY/POSTAL APPROPRIATIONS BILL, 1989—OBJECTIONABLE PROVISIONS

I. FUNDING LEVELS

Payment to the Postal Service Fund. The bill provides for a revenue foregone subsidy that is $417 million above the President's budget proposal. The bill does not reflect the Administration's proposal that reduced the budget request to $19 million by eliminating inappropriate use of these subsidies (e.g. political advocacy mail, prestigious professional trade organizations, profitable business seminar companies, etc.) while continuing federal support for free-for-the-blind and overseas voter mail and shifting most residual costs to unsubsidized mailers.

Bureau of Alcohol, Tobacco, and Firearms, Salaries and Expenses. The House Committee on Appropriation's bill provided $12,500,000 and 216 FTE more than the President's request. The FTE level proposed in the President's budget is sufficient to enable ATF to carry out all of its assigned missions and still increase the number of trained enforcement personnel in operational units.

Federal Law Enforcement Training Center. The House Committee on Appropriations provided an additional $4,493,000 which was not requested by the President and conflicts with the Administration's policy of financing discretionary services from user charges.

U.S. Secret Service, Salaries and Expenses. The bill provides $10 million more than the President's request including $2.5 million for continued construction at the Rowley Training Center which was not requested by Treasury. This increased funding is not needed to maintain Secret Service operations in light of the reduced activity level following completion of the 1988 Presidential campaign.

Executive Office of the President, Expenses of Management Improvement. The bill does not include $5.9 million to support a comprehensive planning, budgeting, and financial management system. The proposed improvements are badly needed. The new system will aid key decisionmakers in both the Congress and the Executive Branch as well as assist in exchanging information between Congress, OMB and the agencies for years to come. The Congressional Budget Office and General Accounting Office have endorsed this modernization effort.

U.S. Customs Service. The House Committee on Appropriations provides $37,918,000 and 500 FTE more than the President's request for wage and price inflation and for an additional 500 FTE for commercial services. Automation of Customs' operations has enhanced productivity and supplanted the need for additional FTE to meet workload growth.

National Defense Stockpile Transaction Fund. The House Committee on Appropriations recommended an appropriation of $18 million in grants for the University of Hawaii and the University of Texas at El Paso. These monies are for non-competitive research grants that were not requested by the President and do not directly benefit the purposes of national defense stockpile. These funds are not essential and would be more appropriately provided by private financing.

National Archives and Records Administration. The Administration opposes the provision of $4 million for grants for historic publications and records and $4.1 million for additional construction of the Kennedy Library. Neither of these funding levels were included in the President's budget and would be more appropriately provided by the private sector.

II. LANGUAGE PROVISIONS

Office of Management and Budget. The bill provides that no funds may be used by OMB to prevent or delay the obligation or expenditure of funds identified in either an appropriations bill or in accompanying reports, with the sole exception of rescission proposals permitted by law. This provision restricts the President's ability to execute appropriations statutes and is apparently intended to make report language accompanying this and other appropriations bills—even if written after this provision is enacted—binding on the Executive Branch as if enacted into law. Thus, committee reports reflecting less than full legislative actions (consideration and passage by both Houses and presentment for Presidential signature) could restrict the President's execution of appropriations statutes. These concerns clearly raise fundamental constitutional issues under the "take care" and "presentment" clauses.

Further, this broad language creates ambiguities as to the President's authority to implement and enforce other laws, such as Gramm-Rudman-Hollings, which requires him to withhold and sequester funds if specified deficit targets are exceeded. This provision may inadvertently affect other substantive statutory authorities of the President.

U.S. Customs Service, Salaries and Expenses. The bill imposes an FTE floor limiting management's ability to adjust staffing to respond to workload shifts, investments in labor-saving capital equipment and other productivity improvements.

Bureau of Alcohol, Tobacco, and Firearms, Salaries and Expenses. The House Committee on Appropriations imposes a FTE floor limiting management's ability to adjust to workload shifts and to choose the efficient mix of labor and capital resources.

Bureau of Engraving and Printing. General provision 527 provides that no funds may be used to contract out or downgrade the positions of the BEP police force. We have directed BEP to study contracting out their police force. This provision limits the President's authority to conduct and review A-76 studies and to minimize the cost of BEP security functions.

Federal Retirement Thrift Investment Board. The House Committee on Appropriations did not adopt the proposed language limiting the program expenses of the Board. The obligation limitation language is important because it caps the amount of Thrift Saving Fund monies that the Board can use for administrative expenses. The cap is equal to the Board's own budget estimate for those expenses. The language is also important because it provides a mechanism for oversight of an agency in the Executive Branch.

General Services Administration, Federal Buildings Fund. The language exempts four construction projects from 31 U.S.C. 1341(a)(1)(B)—the requirement for full-funding of contracts or obligations. By dictating a less than full-funding approach for accounting of these projects, the effect will be to hide the true costs of obligations of the Government. These four projects obligate the government to over $800 million in total construction costs, yet the bill reflects none of those costs. The Administration opposes the hiding of budget costs in this manner. A similar objection exists for the provision which authorizes the lease/purchase of a building for the International Revenue Service in Memphis, Tennessee and for the provision which authorizes the lease/purchase of a new building for the Centers for Disease Control in Atlanta, Georgia.

The bill further provides for a $1 million grant to renovate the Senior Citizens' Health Center, County of Los Angeles, and a $800,000 grant to establish a Senior Citizens' Health Center at California State University at East Los Angeles. The Administration strongly opposes these grants from the Federal Building fund. The fund is not authorized to spend federal dollars on state and local facilities.

Lastly, the Administration opposes the proposed expenditures for border station improvements for those facilities cited on line 16, page 31 through line 14, page 32.

General Services Administration, General Provisions. The bill proposes to require agencies to have their long-distance telecommunications requirements, subject to P.L. 89-306, approved by the Administrator of GSA, prior to seeking alternative procurement options. This language is unnecessary as the Administration already has adequate authority under the Brooks Act to oversee agency telecommunications procurements. If the Congress finds that additional authority is necessary, we suggest that economic efficiency criterion contained in the bill be clarified by requiring that no services be acquired under FTS2000 separatively without a net decrease in costs to the government as a whole.

National Archives and Records Administration. The Administration opposes the provision authorizing the Archivist to acquire a new facility in Maryland (beginning line 6, page 43 through line 13, page 44).

General and Administrative Provisions. The Administration objects to the omission of language that would ensure that all blue-collar workers including 9(b) employees would receive the same pay raise as their white-collar counterparts. (Section 613(b) page 67) Language should read "Notwithstanding section 9(b) of P.L. 92-393 or section 704(b) of P.L. 95-434, subsection (a) of this section shall apply in such manner as the Office of Personnel Management shall prescribe to any prevailing rate employee to whom such section 9(b) applies.

Section 510, 522, and 614. This section prohibits the GSA, OPM, and the Customs Service from closing or consolidating an information center, executive seminar centers, or other sites used to carry out programs of these agencies. The Administration objects to this provision since it prevents GSA, OPN, or Customs Service from exercising its managerial discretion over how best to use its training and facility resources.

Section 611. The Administration objects to this provision. To the extent the resolution referred to in this section is a joint resolution, this provision would not present a constitutional issue.

Mr. ROYBAL. Mr. Chairman, I have no further requests for time.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, this bill is somewhat of a mixed blessing so far as I am concerned.

First of all, I appreciate the fact that the committee has cooperated with me in terms of the drug-free workplace amendment, and I think that when we get to the point in the bill that we are going to be able to accept the language which I have offered, which is longer language and which I think clarifies that issue better.

But, Mr. Chairman, I must say that I have some problems with the bill as a whole, and I think that the Members ought to recognize why some of us would have some problems with details of the bill.

We should not allow the debate to go on without discussing the fact that there is a $1.5 million provision in the bill that raises pay for Members of Congress. That would amount to something in the vicinity of $3,000 a year additional for Members of Congress that is nicely contained within this bill. In the same bill, and you may find this rather an interesting juxtaposition; in the same bill there is a $10 million cut in the Air Interdiction Program of the Customs Service in terms of fighting drugs.

Now, the American people may have a hard time understanding that we are serious about the war on drugs when they see us in one bill raising our own pay, but cutting the funds for the program that does the air interdiction of drugs.

Mr. Chairman, most of us understand that the drugs that are now coming into the country, particularly across the southern border, are largely coming in here by air. When you cut the funding for the air interdiction program, you are in fact impacting on our ability to deal with that portion of the drug crisis, and yet that is what this bill does, and at the the same time it raises the pay to Members of Congress.

I would suggest for a couple thousand reasons that Members may want to be very cautious about this bill. I would suggest that there is good reason for voting for it, and, when all is said and done, it will have the drug-free workplace language in it.

But for me personally, Mr. Chairman, despite the fact that it is my amendment, that is not enough for me to vote for the bill. I will be voting "no."

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. FRENZEL].

□ 1300

Mr. FRENZEL. Mr. Chairman, like the previous speaker, I am not going to be able to support this bill. It is a little rich for my blood yet.

I congratulate the subcommittee and its chairman and the ranking member for doing the good work and staying below their 302(b) allocation; however, I note that the bill totally increases appropriations from last year by nearly 7 percent, 6.6 something. That is a big increase when we are wrestling with a very large fiscal deficit.

It is one thing to appropriate a current services budget. It is quite another to appropriate at a level of increase that is 50 percent over the deflationary rate, or the CPI rate.

Now, I am told there are very good reasons for the large increases. Some of them relate to the new retirement system of the U.S. Government. Nevertheless, it seems to me that the appropriators when they are obliged to encounter large increases ought to be looking for some balancing items so that they would be able to bring to us a bill that does not exceed the cost-of-living increases. Obviously, they have other goals and other targets. To me those other goals and other targets are not as important as the fact that we continue to run a recurrent deficit that is unaffordable and is, in fact, financed by investors outside the United States.

Finally, I would say with respect to the independent agencies, they also have an unrealistic, unnecessary rate of increase. Of course, they make up a very small percentage of this bill, but if we are simply to take what is given to us by the OMB or by the agency in every case, we are going to wind up overappropriating and we are going to wind up in the hole.

For those reasons, Mr. Chairman, I think the bill should be defeated.

Mr. ROYBAL. Mr. Chairman, I yield such time as he may require to the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Chairman, I rise in support of the bill and to express my appreciation to Chairman ROYBAL, Chairman WHITTEN, and the members of the committee for the fine job they have done in allocating scarce resources among a number of very worthy programs.

I am particularly pleased the bill contains full funding for revenue forgone—$436 million. Failure to fund this appropriation would result in substantial rate increases for various preferred mailers. These increases would occur October 1 of this year.

There is often confusion as to the purpose of the revenue forgone appropriation, and perhaps some background would be helpful to Members. The term itself—"revenue forgone"—derives from the policy set by Congress long ago that certain types of "preferred mailers" are not to be charged the regular postal rates that most mailers are charged. The Postal Service "forgoes" collecting this revenue from the "preferred" mailers. The Congress then provides this forgone revenue by means of an annual appropriation to the Postal Service.

It is important to note that this appropriation is not an operating subsidy for the Postal Service. Rather, it is necessary to further congressional policy that certain mailers should not pay the full rate.

If Congress does not provide a sufficient appropriation in any particular year, the Postal Service is empowered by law (39 U.S.C. 3627) to raise the preferred rates to the level necessary to make up the difference. This has happened in the past. Because of appropriation shortfalls in fiscal year 1986, the Postal Service raised preferred rates in January 1986 by an average of about 30 percent. Still another rate increase became effective on March 9, 1986.

The overwhelming majority of "revenue forgone" dollars each year goes to the benefit of nonprofit organizations, many of which are still struggling to recover from the financial blows of the calendar year 1986 rate increases.

I would be remiss if I did not advise members that the administration has proposed legislation which it claims would eliminate the need for the revenue forgone appropriation while at the same time holding down rates for certain preferred mailers. This proposal involves "separate subclass pricing" for preferred mailers. In essence, nonpreferred mailers would be required to pay higher rates in order that the preferred mailers could continue to mail at reduced rates.

This proposal is extremely controversial and complex. However, even if this proposal were enacted today, it could only be implemented in the context of a general rate proceeding before the Postal Rate Commission and the Postal Service Board of Governors. The rate case filed in 1987 was decided just last March. We hope there will not be another for several years. So we are looking several years into the future before the administration's proposal could have any effect. And this assumes the Congress agrees with the administration that the proposal has merit.

In closing, I repeat I am very pleased the revenue forgone funds are contained in this bill. I support the bill, and I urge my colleagues to do likewise.

Mr. LOWERY of California. Mr. Chairman, I want to express my strong support for the Treasury-Postal appropriations bill for fiscal year 1989. As a member of the Treasury-Postal Subcommittee, I am well aware of the important tasks performed by the agencies funded through this legislation. The committee carefully evaluated these issues and some tough decisions had to be made to meet the spending limitations dictated by the budget summit agreement. I want to express my thanks to Chairman ROYBAL and Mr. SKEEN, the ranking minority member, for their leadership and hard work on the bill.

This is a responsible funding measure that totals less than the President's request but provides an adequate increase of 6 percent over last year's levels. Funding increases have been provided for important revenue producing agencies such as the U.S. Customs Service, the Internal Revenue Service, and the Bureau of Alcohol, Tobacco and Firearms. In addition to producing funds for the Treasury, these agencies are critically involved in our Nation's war against drugs.

Mr. Chairman, as a representative from San Diego, CA, I am acutely aware of the constantly increasing flow of traffic across our border with Mexico. The interaction between the United States and our neighbor to the south is necessary and will continue to grow. The U.S. Customs Service is the agency that must manage this process. The legislation before us today attempts to provide the Customs Service with the resources needed to meet its complex mission of interdicting drugs while monitoring and processing passenger and commercial traffic into the United States.

The Treasury-Postal appropriations bill provides funding for essential duties of the Federal Government; duties that cannot be carried out by the States. The Appropriations Committee has set adequate funding levels for these fundamental Federal duties and these levels meet the deficit reduction requirements set by the budget summit agreement. I urge the passage of this legislation.

Mrs. MORELLA. Mr. Chairman, as a member of the Subcommittee on Compensation and Employee Benefits of the Committee on the Post Office and Civil Service, I am deeply concerned about the compensation which we provide to Federal employees. A vital part of that compensation package is health insurance coverage for Federal employees and their families.

As we near the vote on the Treasury, Postal Service, and General Government appropriations bill for fiscal year 1989, I would like to remind my colleagues that the legislation we are being asked to approve would not permit a Federal employee or the dependent of a Federal employee to receive health insurance coverage for all medical options in the event she is raped or is the victim of incest. The legislation permits coverage of abortion services only if the life of the woman would be endangered if the pregnancy is carried to term. Since we have not debated this language in several years, I would like to submit for the RECORD a letter concerning this provision written in 1981 by the representatives of 2 million Federal and Postal employees.

JULY 20, 1981.

DEAR REPRESENTATIVE: On behalf of the two million Federal and postal employees who are represented by the undersigned, we are writing to ask that you oppose any attempts to restrict Federal and postal workers health benefits coverage when the Fiscal Year 1982 Treasury, Postal Service and General Government Appropriations bill is considered on the House Floor within the next two weeks.

Twice in the past year, the Federal Employees' Health Benefits Program (FEHB) has come under attack through an amendment sponsored by Representative John Ashbrook (R-Ohio) which would have prohibited the payment of administrative expenses of any Federal employee health insurance plan which provides coverage for abortions and related medical conditions. We believe that the Ashbrook restriction constitutes an unwarranted attempt by the Congress to inject itself into the collective-bargaining process by eliminating a medical benefit which Federal employees have negotiated as part of their total compensation package.

Presently, the government has little involvement in the Federal Employees' Health Benefits (FEHB) program; it merely negotiates the level of benefits and administers the program and the Plan's funds. The government does not decide what kind of medical program or procedures will be covered. This is done through negotiation with the carriers. Federal workers may choose from a variety of health insurance plans, some of which do not provide coverage for even medically necessary abortions. We believe that this freedom of choice in medical plan selection must be preserved.

Further, in 1972, Congress passed Section 717, Title VII of the Civil Rights Act to provide that the Federal government may not discriminate against its employees on the basis of race, sex, religion, national origin or age. In 1978, Congress enacted the Pregnancy Discrimination Act, which redefined and clarified the definition of sex discrimination under Title VII to include discrimination on the basis of pregnancy, childbirth and related medical conditions.

The Ashbrook amendment, as adopted by the House, on two occasions would deny medical benefits to females, solely on the basis of their sex, by mandating the elimination of health insurance coverage for conditions related to pregnancy. This could reverse the effect of Congressionally mandated bans on discrimination as reflected in the 1972 and 1978 Acts.

In addition, when on April 20, 1979, the Equal Employment Opportunity Commission published its "Guidelines on the Pregnancy Discrimination Act," it stated that no employer would be in compliance with Title VII if it reduced benefits prior to the expiration of a collective bargaining agreement. If Congress adopts the Ashbrook amendment, it will affect all collective-bargaining agreements in the Federal sector immediately by requiring the renegotiation of health benefits contracts prior to the expiration of current collective-bargaining agreements.

The Commission further stated that, if an employer (in this case, the Federal government) reduces benefits for one class of employees, it must effect a concommitant reduction in benefits FOR ALL OTHER CLASSES OF EMPLOYEES. This would necessitate the total reconstruction of all Federal employee health insurance contracts—contracts which are statutorily included in the Federal employees' total compensation package.

Twice in the past year, the Senate Appropriations Committee has recognized the potentially devastating impact of the Ashbrook restriction and has wisely voted to delete the amendment. We urge you to likewise vote to maintain the current standards in the FEHB program when this legislation reaches the Floor of the House.

Sincerely,

Kenneth T. Blaylock, President, American Federation of Government Employees (AFL-CIO); Moe Biller, General President, American Postal Workers Union (AFL-CIO); Vincent R. Sombrotto, President, National Association of Letter Carriers (AFL-CIO); Jerry Wurf, President, American Federation of State, County and Municipal Employees (AFL-CIO); Kenneth Lyons, President, National Association of Government Employees (IBPO); James Peirce, President, National Federation of Federal Employees; Vincent L. Connery, President, National Treasury Employees Union.

Mr. GILMAN. Mr. Chairman, I rise in support of H.R. 4775, the 1989 appropriations bill for the Treasury Department, Postal Service, Executive Office of the President, and various independent agencies.

H.R. 4775 contains $436.4 million for revenue foregone.

Presently, without revenue foregone, many nonprofit organizations could not continue to make their vital contribution to our Nation's educational, social, and cultural strength. Such valuable organizations as public libraries and countless other important nonprofit entities would find it considerably difficult to continue their programs without financial help with their mailings; $436.4 million is $91.1 below the request and $80.6 million below the fiscal year 1988 level. The disparity between the request and the committee recommendation is attributable to the rate increase which took effect on April 3, 1988.

Accordingly, I urge my colleagues to support H.R. 4775.

Mr. PICKLE. Mr. Chairman, I want to commend subcommittee Chairman ROYBAL and the Committee on Appropriations for their hard work in developing the fiscal year 1988 appropriations bill for the Internal Revenue Service. The Appropriations Committee and the administration are today recommending a level of funding which is essential if the IRS is going to successfully meet its responsibility to administer the tax laws.

Frankly, it has been my hope that additional funding could be made available to the IRS, to improve the assistance given to taxpayers and to better enforce our existing tax laws. After holding a series of hearings earlier this year, the Ways and Means Subcommittee on Oversight identified a number of areas where the performance of the IRS could be improved and additional revenues raised. Based on these findings, Chairman ROSTENKOWSKI and I joined in calling for additional funding for the IRS. I am disappointed that it has not been possible to include this additional funding in this appropriation, however, I recognize that it was not possible under the budget resolution and the budget summit agreement reached last year.

Be that as it may, I am disturbed to hear reports that the other body is considering reducing the IRS budget below what the administration has requested in order to provide additional funding for other agencies. As useful and desirable as the activities of these other agencies may be, the role of the IRS is critical in funding the entirety of the Federal budget. Commissioner Gibbs has pointed out that any cuts in the IRS budget will inevitably result in a much greater revenue loss. If the other body wants money for other agencies and programs, I would suggest that they consider increasing the IRS budget and thereby increase the revenue available to the Treasury.

Mr. Chairman, in conclusion, I would urge my colleagues to support this appropriation. The IRS budget has strong bipartisan support, it represents the administration's request, it does not bust the budget, and I would hope that by our vote today we would send a strong message to our House conferees that we should not allow any reduction in IRS funding.

Mr. RAHALL. Mr. Chairman, I rise in support of H.R. 4775, the Treasury-Postal appropriations for fiscal year 1989. I am happy to see that the $54.9 million appropriated for the Treasury Department will help to create many new jobs in the U.S. Customs Service and the Internal Revenue Service, as well as continuing funding for new jobs authorized in fiscal year 1988 in the Bureau of Alcohol, Tobacco, and Firearms. The promise of new jobs is always music to my ears, and especially to the ears of my fellow West Virginians.

I must also say, Mr. Chairman, that I am very pleased that H.R. 4775 provides a 4-percent pay increase for all Federal civilian and military personnel. With the cost of living ever on the rise, it has become increasingly difficult to make ends meet. This is no less true for our military and civil service. A 4-percent salary increase will allow those who serve our country the compensation they need and so much deserve.

Finally, the $436.4 million appropriated for the U.S. Postal Service for revenue foregone on free and reduced rate mail for certain preferred mailers will go a long way in subsidizing the mailing privileges of nonprofit organizations. Often we take our postal system for granted and fail to realize how vital a role the free flow of mail is to businesses of all sorts. This is especially true for nonprofit organizations operating on a tight budget who cannot afford a price hike to one of their most important communication lines: their postal service. I urge my colleagues to support H.R. 4775.

Mr. DYMALLY. Mr. Chairman, I would like to express my support of H.R. 4775, the Treasury and Postal Service appropriations for fiscal year 1989.

I am particularly pleased with the provisions of this measure which continue funding for revenue foregone and stipulate a 4-percent pay raise for Federal government employees.

Maintaining funds to support reduced mailing rates for nonprofit and charitable organizations, such as hospitals and schools; rural newspapers, libraries, and other qualified preferred-rate mailers, is particularly critical at this point, given the difficult budget decisions facing the Postal Service.

Also, the revenue foregone appropriation allows organizations serving our blind and handicapped citizens to mail materials at no cost.

Finally, a respectable pay increase for Federal government employees is long overdue. The Federal work force has been unfairly hindered with the efforts to reduce the deficit.

Although 4 percent may appear to be a large increase, it would hardly upgrade civil service pay levels to that of their private-sector counterparts. In fact, I am not certain that past increases have even kept up with the level of inflation.

We recently commemorated the invaluable work and dedication of our civil servants to the operations of our Government. Rewarding them with this increase in compensation is only proper and deserving.

I urge my colleagues in the Congress to support H.R. 4775, the Treasury and Postal Service appropriations bill.

Mr. SKEEN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. ROYBAL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1989, and for other purposes, namely:

TITLE I

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; not to exceed $22,000 for official reception and representation expenses; not to exceed $200,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate; not to exceed $573,000, to remain available until expended, for repairs and improvements to the Main Treasury Building and Annex; $59,618,000.

INTERNATIONAL AFFAIRS

For necessary expenses of the international affairs function of the Office of the Secretary; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed

$2,000,000 for official travel expenses; and not to exceed $73,000 for official reception and representation expenses; $24,063,000.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

Salaries and Expenses

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including purchase (not to exceed fifteen for police-type use) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for community relations in support of law enforcement training; not to exceed $3,000,000 for major maintenance and facility improvements, and related equipment for the Federal Law Enforcement Training Center to remain available until expended; not to exceed $5,000 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109: *Provided*, That funds appropriated in this account shall be available for State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation; acceptance of gifts; training of private sector security officials on a space available basis with reimbursement of actual costs to this appropriation; travel expenses of non-Federal personnel to attend State and local course development meetings at the Center: *Provided further*, That the Federal Law Enforcement Training Center shall hire and maintain an average of not less than 325 direct full-time equivalent positions for fiscal year 1989; $31,018,000.

FINANCIAL MANAGEMENT SERVICE

Salaries and Expenses

For necessary expenses of the Financial Management Service, $280,461,000, of which not to exceed $11,737,000, shall remain available until expended for systems modernization initiatives.

Payment of Government Losses in Shipment

For payment of Government losses in shipment, in accordance with section 2 of the Act approved July 8, 1937 (40 U.S.C. 722) $960,000, to remain available until expended.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

Salaries and Expenses

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed five hundred vehicles for police-type use for replacement only; and hire of passenger motor vehicles; hire of aircraft; and services of expert witnesses at such rates as may be determined by the Director; not to exceed $5,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement; provision of laboratory assistance to State and local agencies, with or without reimbursement; $231,003,000, of which $15,000,000 shall be available solely for the enforcement of the Federal Alcohol Administration Act during fiscal year 1989, and of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2): *Provided*, That no funds appropriated herein shall be available for administrative expenses in connection with consolidating or centralizing within the Department of the Treasury the records of receipts and disposition of firearms maintained by Federal firearms licensees or for issuing or carrying out any provisions of the proposed rules of the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, on Firearms Regulations, as published in the Federal Register, volume 43, number 55, of March 21, 1978: *Provided further*, That none of the funds appropriated herein shall be available for explosive identification or detection tagging research, development, or implementation: *Provided further*, That not to exceed $300,000 shall be available for research and development of an explosive identification and detection device: *Provided further*, That funds made available under this Act shall be used to maintain a base level of 3,451 full-time equivalent positions for fiscal year 1989.

UNITED STATES CUSTOMS SERVICE

Salaries and Expenses

For necessary expenses of the United States Customs Service, including purchase of up to one thousand motor vehicles for replacement only, including nine hundred and ninety for police-type use and commercial operations; hire of passenger motor vehicles; not to exceed $110,000 for official reception and representation expenses, including $100,000 to be available only for the Customs Cooperation Council meeting; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service; $1,004,821,000; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations, and not to exceed $4,000,000, to remain available until expended, for research: *Provided*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That none of the funds made available by this Act shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000: *Provided further*, That the Commissioner or his designee may waive this limitation in individual cases in order to prevent excessive costs or to meet emergency requirements of the Service: *Provided further*, That none of the funds made available by this Act may be used for administrative expenses in connection with the proposed redirection of the Equal Employment Opportunity Program: *Provided further*, That none of the funds made available by this Act shall be available for administrative expenses to reduce the number of Customs Service regions below seven during fiscal year 1989: *Provided further*, That the United States Customs Service shall hire and maintain an average of not less than 16,599 full-time equivalent positions in fiscal year 1989: *Provided further*, That none of the funds made available in this or any other Act may be used to fund more than nine hundred positions in the Headquarters staff of the United States Customs Service in the fiscal year ending September 30, 1989: *Provided further*, That no funds appropriated by this Act may be used to reduce to single eight hour shifts at airports and that all current services as provided by the Customs Service shall continue through September 30, 1989: *Provided further*, That not less than $300,000 shall be expended for additional part-time and temporary positions in the Honolulu Customs District.

Operation and Maintenance, Air Interdiction Program

For expenses, not otherwise provided for, necessary for the hire, lease, acquisition (transfer or acquisition from any other agency), operation and maintenance of aircraft, and other related equipment of the Air Program; $132,262,000, to remain available until expended: *Provided*, That no aircraft or other related equipment, shall be transferred on a permanent basis to any other Federal agency, Department, or office outside of the Department of the Treasury during fiscal year 1989.

Customs Forfeiture Fund

(LIMITATION ON AVAILABILITY OF DEPOSITS)

For necessary expenses of the Customs Forfeiture Fund, not to exceed $10,000,000, as authorized by Public Law 98-573, to be derived from deposits in the Fund.

Customs Services at Small Airports

(TO BE DERIVED FROM FEES COLLECTED)

Such sums as may be necessary, not to exceed $1,588,000, for expenses for the provision of Customs services at certain small airports designated by the Secretary of the Treasury, including expenditures for the salaries and expenses of individuals employed to provide such services, to be derived from fees collected by the Secretary of the Treasury pursuant to section 236 of Public Law 98-573 for each of these airports, and to remain available until expended.

UNITED STATES MINT

Salaries and Expenses

For necessary expenses of the United States Mint; $47,869,000, of which $665,000 shall remain available until expended for research and development projects.

BUREAU OF THE PUBLIC DEBT

Administering the Public Debt

For necessary expenses connected with any public-debt issues of the United States; $242,840,000, of which not to exceed $700,000 for expenses of the National Economic Commission.

INTERNAL REVENUE SERVICE

Salaries and Expenses

For necessary expenses of the Internal Revenue Service, not otherwise provided; for executive direction and management services, and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $94,547,000, of which not to exceed $25,000 for official reception and representation expenses and of which not to exceed $500,000 shall remain available until expended, for research.

Processing Tax Returns

For necessary expenses of the Internal Revenue Service not otherwise provided for; including processing tax returns; revenue accounting; computer services; and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $1,850,134,000, of which not to exceed $80,000,000 shall remain available until expended for systems modernization initiatives: *Provided*, That, of the total amount appropriated under this heading, $22,900,000 shall be available for the Statistics of Income Program in fiscal year 1989.

EXAMINATIONS AND APPEALS

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; employee plans and exempt organizations; tax litigation; hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $1,864,819,000.

INVESTIGATION, COLLECTION, AND TAXPAYER SERVICE

For necessary expenses of the Internal Revenue Service for investigation and enforcement activities; including purchase (not to exceed four hundred and fifty-one for replacement only, for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); securing unfiled tax returns; collecting unpaid accounts; examining selected employment and excise tax returns; technical rulings; enforcement litigation; providing assistance to taxpayers; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner: *Provided*, That notwithstanding any other provision of the Act, none of the funds made available by this Act shall be used to reduce the number of positions allocated to taxpayer service activities below fiscal year 1984 levels, or to reduce the number of positions allocated to any other direct taxpayer assistance functions below fiscal year 1984 levels, including, but not limited to Internal Revenue Service toll-free telephone tax law assistance and walk-in assistance available at Internal Revenue Service field offices: *Provided further*, That the Internal Revenue Service shall fund the Tax Counseling for the Elderly Program at $2,650,000. The Internal Revenue Service shall absorb within existing funds the administrative costs of the program in order that the full $2,650,000 can be devoted to program requirements; $1,490,225,000.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SECTION 1. Not to exceed 4 per centum of any appropriation made available to the Internal Revenue Service for the current fiscal year by this Act may be transferred to any other Internal Revenue Service appropriation.

SEC. 2. Not to exceed 15 per centum, or $15,000,000, whichever is greater, of any appropriation made available to the Internal Revenue Service for document matching for the current fiscal year by this Act may be transferred to any other Internal Revenue Service appropriation for document matching.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase (not to exceed three hundred and forty-three vehicles for police-type use for replacement only) and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; the conducting of and participating in firearms matches and presentation of awards and for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act: *Provided*, That approval is obtained in advance from the House and Senate Committees on Appropriations; for repairs, alterations, and minor construction at the James J. Rowley Secret Service Training Center; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $12,500 for official reception and representation expenses; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year; $362,000,000, of which $2,500,000 shall remain available until expended for continued construction at the James J. Rowley Secret Service Training Center, and of which $7,126,000 shall be available for Presidential candidate protective activities pursuant to 18 U.S.C. 3056(a)(7).

DEPARTMENT OF THE TREASURY—GENERAL PROVISIONS

SECTION 101. Appropriations to the Treasury Department in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services as authorized by 5 U.S.C. 3109.

SEC. 102. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1954 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection complies with subsection (a) of section 805 (relating to communications in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).

SEC. 103. Not to exceed 2 per centum of any appropriations in this Act for the Department of the Treasury may be transferred between such appropriations. However, no such appropriation shall be increased or decreased by more than 1 per centum and any such proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 104. None of the funds made available by this Act may be used to place the United States Secret Service, the United States Customs Service, or the Bureau of Alcohol, Tobacco and Firearms under the operation, oversight, or jurisdiction of the Inspector General of the Department of the Treasury.

This title may be cited as the "Treasury Department Appropriations Act, 1989".

TITLE II

POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsection (c) of section 2401 of title 39, United States Code; $436,417,000: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That six-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in the fiscal year ending on September 30, 1989.

UNITED STATES POSTAL SERVICE—ADMINISTRATIVE PROVISION

SECTION 1. Funds made available to the United States Postal Service pursuant to section 2401(a) of title 39, United States Code, shall be used hereafter to continue full postal service to the people of Holly Springs proper, including upgrading, remodeling, and improving the United States Post Office building located at 110 North Memphis Street, Holly Springs, Mississippi.

This title may be cited as the "Postal Service Appropriation Act, 1989".

TITLE III

EXECUTIVE OFFICE OF THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102; $250,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31 of the United States Code: *Provided further*, That none of the funds made available for official expenses shall be considered as taxable to the President.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration; $16,900,000, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles.

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; including subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); not to exceed $20,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; $27,950,000.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President; $5,698,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109-110, 112-114.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

Operating Expenses

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, the hire of passenger motor vehicles, and not to exceed $75,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate; $258,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

SPECIAL ASSISTANCE TO THE PRESIDENT

Salaries and Expenses

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles; $2,199,000.

COUNCIL OF ECONOMIC ADVISERS

Salaries and Expenses

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021); $2,787,000.

OFFICE OF POLICY DEVELOPMENT

Salaries and Expenses

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109, and 3 U.S.C. 107; $3,000,000.

NATIONAL CRITICAL MATERIALS COUNCIL

Salaries and Expenses

For necessary expenses of the National Critical Materials Council, including activities as authorized by Public Law 98-373; $178,000.

NATIONAL SECURITY COUNCIL

Salaries and Expenses

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109; $5,100,000.

OFFICE OF MANAGEMENT AND BUDGET

Salaries and Expenses

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109; $39,780,000, of which not to exceed $4,500,000 shall be available to carry out the provisions of 44 U.S.C., chapter 35: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the review of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committee on Appropriations or the Committee on Veterans' Affairs or their subcommittees: *Provided further*, That this proviso shall not apply to printed hearings released by the Committee on Appropriations or the Committee on Veterans' Affairs: *Provided further*, That none of the funds made available by this Act or any other Act shall be used to reduce the scope or publication frequency of statistical data relative to the operations and production of the alcoholic beverage and tobacco industries below fiscal year 1985 levels: *Provided further*, That none of the funds appropriated by this Act shall be available to the Office of Management and Budget for revising, curtailing or otherwise amending the administrative and/or regulatory methodology employed by the Bureau of Alcohol, Tobacco and Firearms to assure compliance with section 205, title 27 of the United States Code (Federal Alcohol Administration Act) or with regulations, rulings or forms promulgated thereunder: *Provided further*, That none of the funds appropriated by this Act for the Office of Management and Budget shall be used by the Director or other official or employee of the Office of Management and Budget to prevent or delay the obligation or expenditure of funds identified in either an appropriations bill or in the accompanying reports except for proposed rescissions as permitted by title X of Public Law 93-344, as amended.

OFFICE OF FEDERAL PROCUREMENT POLICY

Salaries and Expenses

For expenses of the Office of Federal Procurement Policy, including services as authorized by 5 U.S.C. 3109; $2,353,000.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year; $1,000,000.

This title may be cited as the "Executive Office Appropriations Act, 1989".

Mr. ROYBAL (during the reading). Mr. Chairman, I ask unanimous consent that the bill through and including title III be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there any points of order against title III?

Mr. CRAIG. Mr. Chairman, I move to strike the last word.

Mr. Chairman, for purposes of clarification, I would like to engage in a brief colloquy with my colleague, the gentleman from Massachusetts [Mr. Conte], and I yield to the gentleman.

Mr. CONTE. I am happy to engage in a colloquy with the gentleman from Idaho.

Mr. CRAIG. Mr. Chairman, could the gentleman clarify the intent of the committee as to sections 623 through 627 of H.R. 4775, regarding the sale of silver from the Federal stockpile?

Mr. CONTE. Mr. Chairman, I would like to assure my good friend, the gentleman from Idaho, that the committee shares his concern about the silver industry in the United States and, of course, the great State of Idaho, in which I had the pleasure of visiting during my career in the Navy. At the gentleman's urging, we attempted to avoid any disruption to the market by spreading the sales over a period of several years.

Mr. CRAIG. It is my understanding that section 626 of the bill also allows the Secretary of the Treasury to limit sales, is that correct?

Mr. CONTE. The gentleman is absolutely correct. The bill expressly provides that the Secretary may reduce the sale amount for any given year if he makes a written determination to Congress that such a sale will severely disrupt the domestic market for silver. It was the intent of the committee to provide the Secretary with this discretion in order—and I emphasize in order—to avoid a severe disruption to the market.

Mr. CRAIG. And is it the committee's understanding that the Secretary would have to review the likelihood of disruption before a sale is made in order to be able to make such a determination?

Mr. CONTE. The committee assumes that the Secretary would make such a determination in advance of each sale. A determination made after the market is severely disrupted certainly would not conform to the committee's intent to avoid disruption to the market; however, as the committee report provides, any part of the amount authorized for disposal that does not severely disrupt the market should be sold.

Mr. CRAIG. Well, Mr. Chairman, I would certainly like to thank my colleague, the gentleman from Massachusetts [Mr. Conte] for this clarification.

Mr. Chairman, the gentleman made reference to the great State of Idaho and his presence there. Now, it is not everybody who has the privilege of serving in the armed services of this country, but also has the privilege of being in service at Sun Valley, a major national resort in Idaho, and I understand, of course, that was for the purposes of recuperation and hospitalization.

Mr. CONTE. It certainly was, and I met some of the finest people I think I have ever met in my life up there in Idaho in Twin Falls, in Ketchum, in Saw Tooth, and especially near the Snake River, where there's a great run of salmon.

Mr. CRAIG. Mr. Chairman, I thank the gentleman.

Mr. Chairman, for some time the silver producing industry of this Nation has been concerned about the stockpile and the method by which it might be sold down or used, and its greatest concern was that it would be done in such a way that it would create a cloud over the market or create some degree of market disturbance.

It is not that the industry disagrees with the sale of or the reduction in the amount of silver that is currently within the stockpile, but clearly the method by which that would be reduced.

I believe this legislation and the sections that I and my colleague, the gentleman from Massachusetts, have referred to spell out with some degree of clarity the intent of reduction on an ounce-by-ounce basis and how that would be handled, and most importantly, that the Secretary would be charged with the responsibility of making a determination as to market disturbance, if that were to occur as the result of sale.

I thank my colleague for engaging in this colloquy.

The CHAIRMAN. Are there amendments to title III?

Mr. DORGAN of North Dakota. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to compliment the chairman of the subcommittee and the ranking member and discuss for just a couple of minutes funding for the Internal Revenue Service.

There has been some debate around town and around the country about what resources IRS needs to accomplish its goals. Some people say that because there is a tax gap there ought to be stronger enforcement to make sure that we collect the revenue that is owed, but not now paid to the Federal Government, by people who do not pay their full share of taxes.

Others say that not only should we invest in more enforcement capability so that we make sure everybody is paying their fair share of taxes, but we should also substantially strengthen the ability of the Internal Revenue Service to assist people, that is, put the service back in the Internal Revenue Service.

I have worked with the chairman of the subcommittee and I know the subcommittee has made a very diligent effort to attempt to identify where investments are necessary to improve enforcement and taxpayer assistance.

What I want to do today is to ask the subcommittee, and ask the Internal Revenue Service, in the days and months and years ahead to consider a plan that we included in the Dorgan Tax Gap Task Force Report last year. That task force included some of the best minds in this town, a former Republican Internal Revenue Service Commissioner, a former Democratic administration Revenue Service Commissioner, a Treasury official, former head of the Joint Tax Committee, and other distinguished tax experts.

The task force analyzed what should be done to close the tax gap.

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They put together a set of bipartisan recommendations. They decided that we needed a two-pronged approach. First, they suggested that we strengthen enforcement in the right areas to make sure everybody is paying their fair share, and second, and no less important in my judgment, make certain that the Internal Revenue Service when enforcing tax laws extends a helping hand to the taxpayers.

What we have seen is centralization of the Service over the years. I want to see during tax season decentralization. I want the Internal Revenue Service to move out into the country, out into the shopping centers, out into the neighborhoods and help taxpayers prepare their tax returns.

Frankly, our tax system is too complicated. It is more fair than it was, but it is still complex. I want the "service" to be put back into the Internal Revenue Service. That is why the Dorgan Task Force developed a program called "IRS Assistance Across America Program." We want the Internal Revenue Service to help people cope with the tax laws in this country.

The subcommittee has taken a long look at taxpayer assistance at the IRS. I want to compliment the chairman for doing so.

Let me just mention several brief items in the "IRS Assistance Across America" recommendations: expand tax-preparation assistance; increase the number of temporary offices across the country during the tax season; expand taxpayer education programs; start a pilot program of tax fairs and taxmobiles with special emphasis on rural areas; improve telephone information assistance; improve the accuracy of tax assistance furnished by the IRS people over the telephone; improve IRS computer capabilities. With this enhancement of taxpayer assistance the American people will understand the Internal Revenue also includes a "service," the Internal Revenue "Service."

Mr. Chairman, I appreciate the work that you have done in this area and hope that we can continue working to make the tax laws more fair and more enforceable, and have the Internal Revenue Service provide more efficient and higher quality taxpayer assistance.

Mr. ROYBAL. Mr. Chairman, will the gentleman yield?

Mr. DORGAN of North Dakota. I am happy to yield to the gentleman.

Mr. ROYBAL. Mr. Chairman, I would like to commend the gentleman for his recommendations and assure him that the committee is wholeheartedly in favor of the recommendations that have been made by the task force. We will continue to do anything we possibly can to see to it that the word "service" does in fact come back into place and full operation of a very important department, the Internal Revenue Service of the United States.

Mr. DORGAN of North Dakota. Mr. Chairman, I thank the gentleman, the chairman, and let me just reemphasize that we need enforcement when nearly $90 billion is owed but is not paid to the IRS. It makes a lot more sense to get the money from the freeloaders before you increase taxes on the rest of the American people. You also need to give honest taxpayers quality assistance.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. DORGAN of North Dakota. I am happy to yield to the gentleman.

Mr. SKEEN. Mr. Chairman, I want to commend the gentleman for the work that he has done and his task force has done. I think it is reflected in the attitude now when the IRS comes before our committee that they are very sensitive to the very points the gentleman has outlined. I think the gentleman has emphasized this kind of response, and particularly the word "service" and it is one of the things that they are now stressing. I think Larry Gibbs and that group from Internal Revenue Service has heard the gentleman's message, and the gentleman's work has been well done. I do also want to commend him and the task force for the work they have done.

Mr. DORGAN of North Dakota. Let me emphasize that I think Commissioner Gibbs has turned the corner at IRS. He is an awfully good administrator trying to do the right thing at the IRS. I compliment him. He has been willing to work with us and with the subcommittee, and is making real progress.

The CHAIRMAN. Are there additional amendments to title III?

If not, the Clerk will read.

The Clerk read as follows:

TITLE IV—INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, established by the Administrative Conference Act, as amended (5 U.S.C. 571 et seq.), including not to exceed $1,000 for official reception and representation expenses; $1,865,000.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Advisory Commission on Intergovernmental Relations Act of 1959, as amended (42 U.S.C. 4271-79); $1,275,000, and additional amounts not to exceed $200,000, collected from the sale of publications shall be credited to and used for the purposes of this appropriation.

ADVISORY COMMITTEE ON FEDERAL PAY

Salaries and Expenses

For necessary expenses of the Advisory Committee on Federal Pay, established by 5 U.S.C. 5306; $205,000.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Salaries and Expenses

For necessary expenses of the Committee for Purchase From the Blind and Other Severely Handicapped established by the Act of June 23, 1971, Public Law 92-28, $862,000.

FEDERAL ELECTION COMMISSION

Salaries and Expenses

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended; $15,433,000.

GENERAL SERVICES ADMINISTRATION

Federal Buildings Fund

LIMITATIONS ON AVAILABILITY OF REVENUE

The revenues and collections deposited into the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving Government agencies (including space adjustments) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings and moving; repair and alteration of federally owned buildings, including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by purchase contract, in the aggregate amount of $3,053,403,000, of which (1) not to exceed $92,139,000 shall remain available until expended for construction of additional projects at locations and at maximum construction improvement costs (including funds for sites and expenses) as follows:

New Construction:

Connecticut:

Bridgeport, Federal Building, Courthouse Annex, $4,138,000

Hartford, Federal Building Courthouse Annex, $6,612,000

Illinois:

Champaign-Urbana, Federal Building, Courthouse, $8,316,000

Michigan:

Detroit, Ambassador Bridge Cargo Inspection Facility, $10,197,000

Minnesota:

International Falls, Border Station, Site, $260,000

New Jersey:

Camden, U.S. Post Office, Courthouse Annex, $18,728,000

Paterson, Federal Building, $6,552,000

Trenton, Federal Building, Courthouse Annex, $25,939,000

South Carolina:

Columbia, Federal Building and Courthouse Claim, $100,000

Virgin Islands:

St. Croix, Federal Building, Courthouse, $8,827,000

Construction Projects, less than $500,000, $2,470,000:

Provided, That each of the immediately foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but by not to exceed 10 per centum: *Provided further*, That all funds for direct construction projects shall expire on September 30, 1990, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That claims against the Government of less than $100,000 arising from direct construction projects, acquisitions of buildings and purchase contract projects pursuant to Public Law 92-313, be liquidated with prior notification to the Committees on Appropriations of the House and Senate to the extent savings are effected in other such projects; (2) not to exceed $550,673,000 which shall remain available until expended, for repairs and alterations: *Provided further*, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 per centum unless advance approval is obtained from the Committees on Appropriations of the House and Senate for a greater amount:

Repairs and Alterations:

Alaska:

Juneau, Federal Building, Post Office, Courthouse, $24,700,000

Alabama:

Montgomery, Federal Building, Courthouse, $515,000

Arkansas:

Pine Bluff, Federal Building, Post Office, Courthouse, $2,084,000

California:

County of Los Angeles, for a grant for Senior Citizens Health Center renovation, $1,000,000

California State University at East Los Angeles for a grant to establish a center, $800,000

Santa Ana, Federal Building, $1,406,000

San Diego, Federal Building, $1,742,000

District of Columbia:

Mary Switzer Federal Building, $502,000

Commerce Building, $2,457,000

Interstate Commerce Building, $526,000

Health and Human Services, $1,395,000

U.S. Customs Building, $754,000

Internal Revenue Service, $2,179,000

Housing and Urban Development, $1,221,000

Hubert H. Humphrey Federal Building, $606,000

Ariel Rios Federal Building, New Post Office, $29,000,000

General Accounting Office, $12,000,000

GSA Headquarters, $23,000,000

James V. Forrestal Building, $19,970,000

Florida:

Jacksonville, Federal Building, $6,889,000

Miami, Federal Building, $1,415,000

Hawaii:

Honolulu, Kalanianole Federal Building, $5,680,000

Kentucky:

Louisville, Post Office, Courthouse, Customhouse, $9,435,000

Louisiana:

New Orleans, Boggs Federal Building, Courthouse, $10,245,000

New Orleans, Customhouse, $1,672,000

Maryland:

Avondale, Interior (Bureau of Mines), $6,000,000

Woodlawn, SSA Complex $7,030,000

Baltimore, Garmatz Federal Building, Courthouse, $800,000

Suitland, Federal Building, #3, $1,926,000

Suitland, Federal Building, #4, $817,000

Baltimore, Fallon Federal Building, $6,901,000

Massachusetts:

Boston, John F. Kennedy Federal Building, $10,000,000

Boston, McCormack Federal Building, Courthouse, $3,000,000

Missouri:

Overland, Federal Archives and Records Center, $3,059,000

Mississippi:

Jackson, Eastland Post Office, Courthouse, $2,143,000

New Jersey:

Newark, Rodino Federal Building, $5,201,000

Trenton, Federal Building, Courthouse $1,417,000

New Mexico:

Albuquerque, Chavez Federal Building, Courthouse, $3,207,000

Albuquerque, Federal Building, $1,967,000

New York:

Brooklyn, Cellar Federal Building, $16,000,000

Rochester, Keating Federal Building, $6,800,000

New York, United States Mission to the United Nations, $4,300,000

Ohio:

Cleveland, Celebrezze Federal Building, $5,836,000

Pennsylvania:

Philadelphia, Green Federal Building, $1,200,000

Philadelphia, SSA Computer Center, $950,000

South Carolina:

Charleston, Rivers Federal Building, $1,275,000

Tennessee:

Memphis, Davis Federal Building, $9,466,000

Texas:

Austin, Federal Building, $3,241,000

Austin, Internal Revenue Service Center, $3,282,000

Austin, Post Office, Courthouse, $7,995,000

Houston, Casey Federal Building, Courthouse, $8,008,000

Lubbock, Federal Building, Courthouse, $3,674,000

Utah:

Salt Lake City, Post Office, Courthouse, $2,543,000

Virginia:

McLean, Central Intelligence Agency, Headquarters, $2,336,000

McLean, Central Intelligence Agency Printing Plant, $746,000

Reston, J.W. Powell Federal Building, $1,336,000

Arlington, Heating Plant, $593,000

Richmond, Annex, $3,287,000

Vermont:

Burlington, Federal Building Post Office, Courthouse, $4,100,000

Wisconsin:

Milwaukee, Federal Building, Courthouse, $7,586,000

Capital Improvements of United States-Mexico Border Facilities, $28,678,000, as follows:

Nogales, AZ
Mariposa, $102,500
Calexico, CA
R & A, $6,202,305
San Ysidro, CA
Signs/security, $1,043,855
Columbus, NM, $325,000
Brownsville, TX
Gateway Bridge
Security, $218,000
Expand Lanes, $1,253,865
R & A, $3,870,065
B & M Bridge, $3,227,000
Del Rio, TX
Expand Lanes, $1,075,000
Eagle Pass, TX $4,050,000
El Paso, TX
Ysleta, $2,700,000
Bridge of the Americas, $1,000,000
Hidalgo, TX, $1,110,410
Laredo, TX
Convent Street, $2,500,000

Minor Repairs and Alterations, $212,780,000: *Provided,* That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further,* That all funds for repairs and alterations prospectus projects shall expire on September 30, 1990, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (3) not to exceed $142,450,000 for payment on purchase contracts entered into prior to July 1, 1975; (4) not to exceed $1,200,000,000 for rental of space; (5) not to exceed $881,703,000 for real property operations; (6) not to exceed $49,740,000 for program direction and centralized services; and (7) not to exceed $136,698,000 for design and construction services which shall remain available until expended: *Provided further,* That obligations of funds for lease, lease purchase, or installment purchase public buildings projects authorized in the fiscal year 1988 Continuing Resolution for the General Services Administration at Oakland, California and San Francisco, California, and for the Environmental Protection Agency and Department of Transportation shall be limited to the current fiscal year for which payments are due without regard to 31 U.S.C. 1341(a)(1)(B): *Provided further,* That for the purposes of this authorization, buildings constructed pursuant to the Public Buildings Purchase Contract Act of 1954 (40 U.S.C. 356), the Public Buildings Amendments of 1972 (40 U.S.C. 490), and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings: *Provided further,* That none of the funds available to the General Services Administration with the exception of those for Capital Improvements for United States-Mexico Border Facilities; Memphis, Tennessee, Internal Revenue Service Center; Avondale, Maryland, Interior Department (Bureau of Mines), shall be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: *Provided further,* That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further,* That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections: *Provided further,* That revenues and collections and any other sums accruing to this fund during fiscal year 1989 excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $3,053,403,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriation Acts.

FEDERAL SUPPLY SERVICE

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, necessary for property management activities, utilization of excess and disposal of surplus personal property, rehabilitation of personal property, transportation management activities, transportation audits by in-house personnel, procurement, and other related supply management activities, including services as authorized by 5 U.S.C. 3109; $47,829,000.

FEDERAL PROPERTY RESOURCES SERVICE

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for carrying out the functions of the Administrator with respect to utilization of excess real property; the disposal of surplus real property, the utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; $12,109,000 to be derived from proceeds from transfers of excess real property and disposal of surplus real property and related personal property, subject to the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-5).

REAL PROPERTY RELOCATION

For expenses not otherwise provided for, $16,000,000 to remain available until expended, necessary for carrying out the functions of the Administrator with respect to relocation of Federal agencies from property which has been determined by the Administrator to be other than optimally utilized under the provisions of section 210(e) of the Federal Property and Administrative Services Act of 1949, as amended: *Provided,* That such relocations shall only be undertaken when the estimated proceeds from the disposition of the original facilities approximate the appraised fair market value of such new facilities and exceed the estimated costs of relocation. Relocation costs include expenses for and associated with acquisition of sites and facilities, and expenses of moving or repurchasing equipment and personal property. These funds may be used for payments to other Federal entities to accomplish the relocation functions: *Provided further,* That nothing in this paragraph shall be construed as relieving the Administrator of General Services or the head of any other Federal agency from any obligation or restriction under the Public Buildings Act of 1959 (including any obligation concerning submission and approval of a prospectus), the Federal Property and Administrative Services Act of 1949, as amended, or any other Federal law, or as authorizing the Administrator of General Services or the head of any other Federal agency to take actions inconsistent with statutory obligations or restrictions placed upon the Administrator of General Services or such agency head with respect to authority to acquire or dispose of real property.

GENERAL MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of agency management of activities under the control of the General Services Administration, and general administrative and staff support services not otherwise provided for; for providing accounting, records management, and other support incident to adjudication of Indian Tribal Claims by the United States Court of Claims, and services authorized by 5 U.S.C. 3109; $122,774,000, of which $800,000 shall be available only for, and is hereby specifically earmarked for personnel and associated costs in support of Congressional District and Senate State offices: *Provided,* That this appropriation shall be available, subject to reimbursement by the applicable agency, for services performed for other agencies pursuant to subsections (a) and (b) of section 1535 of title 31, United States Code.

INFORMATION RESOURCES MANAGEMENT SERVICE

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, necessary for carrying out Government-wide and internal responsibilities relating to automated data management, telecommunications, information resources management, and related activities, including services as authorized by 5 U.S.C. 3109; and for the Information Security Oversight Office established pursuant to Executive Order 12356; $36,835,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General; $25,400,000: *Provided,* That not to exceed $10,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95-138; $1,431,000: *Provided,* That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

EXPENSES, PRESIDENTIAL TRANSITION

For expenses necessary to carry out the provisions of the Presidential Transition Act of 1963, as amended (3 U.S.C. 102, note), $3,000,000: *Provided,* That the availability of these funds shall be in accordance with sections 3(b) and 4 of the Act.

National Defense Stockpile Transaction Fund

For the fiscal year ending September 30, 1989, in addition to the funds previously appropriated to the National Defense Stockpile Transaction Fund, notwithstanding the provisions of 50 U.S.C. 98h, there is hereby appropriated $18,000,000 to the Fund, to remain available until expended, the amounts to be allocated for the following projects:

University of Hawaii at Manoa pursuant to 50 U.S.C. 98a and 98g(a), for a grant to construct and equip a strategic materials research facility; $15,000,000;

University of Texas at El Paso pursuant to 50 U.S.C. 98a and g for a grant to study and facilitate the development, transfer, and installation of strategic materials technologies among American industries; $3,000,000.

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

Section 1. The appropriate appropriation or funds available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

Sec. 2. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

Sec. 3. Not to exceed 1 per centum of funds made available in appropriations for operating expenses and salaries and expenses, during the current fiscal year, may be transferred between such appropriations for mandatory program requirements. Any transfers proposed shall be submitted promptly to the Committees on Appropriations of the House and Senate for approval.

Sec. 4. Funds in the Federal Buildings Fund made available for fiscal year 1989 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary for mandatory program requirements. Any transfers proposed shall be submitted promptly to the Committees on Appropriations of the House and Senate for approval.

Sec. 5. Funds hereafter made available to the General Services Administration for the payment of rent shall be available for the purpose of leasing, for periods not to exceed thirty years, space in buildings erected on land owned by the United States.

Sec. 6. The Administrator of General Services shall proceed with the site selection and design for construction of a facility of not less than 182,000 usable square feet for the Social Security Administration in Wilkes-Barre, Pennsylvania, pursuant to section 115 of the joint resolution entitled, "A Joint Resolution making continuing appropriations for the fiscal year 1987 and for other purposes", approved October 30, 1986 (100 Stat. 3341-49; Public Law 99-591).

Sec. 7. Notwithstanding any provisions of this Act or any other Act in any fiscal year, the Administrator of General Services is authorized and directed to charge the Department of the Interior for alterations to the Avondale, Maryland property at rates so as to recover the approximate applicable cost incurred by General Services Administration in providing such alterations, and the Department of the Interior is authorized to repay such charges out of any appropriation available to the department and the payments shall be deposited in the fund established by 40 USC 490(f).

Sec. 8. (a) Lease-Purchase Agreement.—The Administrator of General Services shall acquire from the State of Tennessee or a political subdivision thereof by lease-purchase of a building to house the Internal Revenue Service Center in Memphis, Tennessee, and such other Federal agencies as may be appropriate.

(b) Limitations.—

(1) Size.—The building to be acquired under subsection (a) may not exceed 600,000 gross square feet in size plus such additional space as may be necessary for parking.

(2) Cost.—The total cost of the lease-purchase agreement under this section to the United States may not exceed $36,000,000, plus reasonable interest thereon, as well as operating costs, if applicable.

(3) Term.—The term of the lease-purchase agreement under this section may not exceed thirty years. The agreement shall provide that ownership of the building will vest in the United States on or before the end of such term.

(4) Obligation of funds.—Obligations of funds under this section shall be limited to the current fiscal year for which payments are due without regard to section 1341(a)(1)(B) of title 31, United States Code.

(c) Sale of Leasehold Interest.—The Administrator of General Services shall sell any leasehold or other interest which the United States has in the building which is providing office space for Internal Revenue Service Center in Memphis, Tennessee, and shall deposit the proceeds from such sale in the Federal Buildings Fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949.

Sec. 9. The General Services Administration is directed to construct under their lease-purchase authority, a 40,000 net square foot office building at the CDC campus in Chamblee, Georgia, designed with funds which Congress provided the Center for Disease Control in the fiscal year 1987 Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations, and shall be acquired without regard to the provisions of the Public Buildings Act of 1959 regarding prospectus approval by lease-purchase contracts entered into by the General Services Administration prior to their construction using funds appropriated annually to the General Services Administration from the Federal Buildings Fund for the rental of space which shall hereafter be available for this purpose. The contracts shall provide for the payment of the purchase price and reasonable interest thereon by lease or installment payments over a period not to exceed thirty years. The contracts shall further provide that title to the buildings shall vest in the United States at or before expiration of the contract term upon fulfillment of the terms and conditions of the contracts. The Federal Buildings Fund shall be reimbursed from the annual appropriation to the Centers for Disease Control—Disease Control, Research, and Training (or any other appropriation hereafter made available to the CDC for construction of research facilities) and such appropriations shall hereafter be available for the purpose of reimbursing the Federal Buildings Fund. Obligations of funds under these transactions shall be limited to the current fiscal year for which payments are due without regard to 31 U.S.C. 1502 and 1341(a)(1)(B).

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with National Archives and Records Administration and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $125,962,000 of which $4,000,000 for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, shall remain available until expended, and of which $4,100,000 shall remain available until expended for continuation of construction at the John F. Kennedy Library in Boston Massachusetts: *Provided*, That notwithstanding the provisions of 31 U.S.C. 1341(a)(1) or any other provisions of law, the Archivist of the United States is authorized, pursuant to 44 U.S.C. 2903, to enter into a contract for construction and related services for a new National Archives facility in Prince George's County, Maryland, on a site provided, without charge, to the United States by the University of Maryland or the State of Maryland, which site may be transferred to the United States by less than fee simple estate, but shall remain available to the United States so long as it shall be used as a National Archives facility. The contract shall provide, by lease or installment payments payable out of annual appropriations over a period not to exceed thirty years, for the payment of the purchase price and associated costs, which shall not exceed $205,000,000 plus escalation to the midpoint of construction, and reasonable interest thereon. The contract shall further provide that title to the building shall vest in the United States at or before the expiration of the contract term upon fulfillment of the terms and conditions of the contract.

OFFICE OF PERSONNEL MANAGEMENT

Salaries and Expenses

(including transfer of trust funds)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, medical examinations performed for veterans by private physicians on a fee basis, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, not to exceed $2,500 for official reception and representation expenses, and advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended; $107,477,000, of which $170,000 shall be for the salaries, administrative support and for other expenses of the Commission on Executive, Legislative and Judicial Salaries; in addition to $77,017,000 for administrative expenses, including direct procurement of health benefits printing, for the retirement and insurance programs, of which $7,000,000 shall be for costs incurred in implementing the recordkeeping system of the Federal Employees Retirement System, to be transferred from the appropriate trust funds of the Office of Personnel Management in the amounts determined by the Office of Personnel Management without regard to other statutes: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by section 8348(a)(1)(B) of title 5, U.S.C.: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive

Order 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order 11183 of October 3, 1964, may, during the fiscal year ending September 30, 1989, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

REVOLVING FUND

Pursuant to section 4109(d)(1) of title 5, United States Code, costs for entertainment expenses of the President's Commission on Executive Exchange shall not exceed $12,000.

Government Payment for Annuitants, Employees Health Benefits

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, $2,374,414,000, to remain available until expended.

Payment to Civil Service Retirement and Disability Fund

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, $4,858,668,000: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended (22 U.S.C. 3682(e)), August 19, 1950, as amended (33 U.S.C. 771-75), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

MERIT SYSTEMS PROTECTION BOARD

Salaries and Expenses

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles; $20,488,000, together with not to exceed $1,400,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

Office of Special Counsel

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of the Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978 (Public Law 95-454), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $4,761,000.

FEDERAL LABOR RELATIONS AUTHORITY

Salaries and Expenses

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, rental of conference rooms in the District of Columbia and elsewhere; $17,540,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government Service, and compensation as authorized by 5 U.S.C. 3109.

UNITED STATES TAX COURT

Salaries and Expenses

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109; $29,345,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge; and in addition, $1,225,000 shall be available only for installation of a chiller/air conditioning system in the United States Tax Court Headquarters Building in the District of Columbia, to remain available until expended.

This title may be cited as the "Independent Agencies Appropriations Act, 1989".

Mr. ROYBAL (during the reading). Mr. Chairman, I ask unanimous consent that title IV of the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

POINT OF ORDER

Mr. FRENZEL. Mr. Chairman, I have a point of order in title IV.

Mr. Chairman, I have a point of order against the language on page 44 after the word "expended" on line 20, extending down, up to the word "provided" on line 23.

The CHAIRMAN. Does the gentleman from California wish to be heard on the point of order?

Mr. ROYBAL. Will the gentleman again please state his point of order?

Mr. FRENZEL. My point of order applies against the language on page 44, on line 20, beginning after the word "expended," and extending through line 23, up until the word "provided."

The CHAIRMAN. Does the gentleman from California wish to respond?

Mr. ROYBAL. Mr. Chairman, this deals with work that is in progress and is not included.

The CHAIRMAN. Do additional Members wish to be heard on the point of order?

Mr. FRENZEL. Mr. Chairman, may I make a point of order?

The CHAIRMAN. The gentleman may make his point of order.

Mr. FRENZEL. Mr. Chairman, I believe that here we are appropriating for an unauthorized project, and I believe the regular order should apply.

The rule is rule XXI, clause 2(a), I believe.

The CHAIRMAN (Mr. Donnelly). The Chair will rule the Kennedy Library is an unauthorized project, but is owned by the Federal Government and has been funded previously. It is the understanding of the Chair that the funds appropriated in the bill are for the continuation of project the construction of that for which funds were first appropriated in 1984, so the point of order does not lie under the work-in-progress exception in clause 2(a) rule XXI.

The Clerk will read.

The Clerk read as follows:

TITLE V—GENERAL PROVISIONS

This Act

Section 501. Where appropriations in this Act are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amount set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Veterans' Administration; to travel of the Office of Personnel Management in carrying out its observation responsibilities of the Voting Rights Act; or to payments to interagency motor pools where separately set forth in the budget schedules.

Sec. 502. No part of any appropriations contained in this Act shall be available to pay the salary of any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within ninety days after his release from such service or from hospitalization continuing after discharge for a period of not more than one year made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

Sec. 503. No part of any appropriation made available in this Act shall be used for the purchase or sale of real estate or for the purpose of establishing new offices inside or outside the District of Columbia: *Provided*, That this limitation shall not apply to programs which have been approved by the Congress and appropriations made therefor.

Sec. 504. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 505. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Sec. 506. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions, or except in accordance with procedures prescribed by section 6-104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970: *Provided*, That a factor of 75 per centum in lieu of 50 per centum shall be used for evaluating foreign source end products against a domestic source end product. This section shall be applicable to all solicitations for bids opened after its enactment.

SEC. 507. None of the funds made available to the General Services Administration pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949 shall be obligated or expended after the date of enactment of this Act for the procurement by contract of any service which, before such date, was performed by individuals in their capacity as employees of the General Services Administration in any position of guards, elevator operators, messengers, and custodians, except that such funds may be obligated or expended for the procurement by contract of the covered services with sheltered workshops employing the severely handicapped under Public Law 92-28.

SEC. 508. No funds appropriated in this Act shall be available for administrative expenses in connection with implementing or enforcing any provisions of the rule TD ATF-66 issued June 13, 1980, by the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms on labeling and advertising of wine, distilled spirits, and malt beverages, except if the expenditure of such funds, is necessary to comply with a final order of the Federal court system.

SEC. 509. None of the funds appropriated or made available by this Act shall be used to competitively procure electric utility service, except where such procurement is expressly authorized by the Federal Power Act or by State law or regulation.

SEC. 510. None of the funds appropriated in this Act may be used for administrative expenses to close the Federal Information Center of the General Services Administration located in Sacramento, California.

SEC. 511. None of the funds made available by this Act for the Department of the Treasury may be used for the purpose of eliminating any existing requirement for sureties on customs bonds.

SEC. 512. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the 1930 Tariff Act.

SEC. 513. None of the funds made available by this Act shall be available for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, out of the Treasury Department.

SEC. 514. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 515. No part of any appropriation contained in this Act shall be available for the payment of the salary of any officer or employee of the United States Postal Service, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any Member or committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the United States Postal Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of such Member or committee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or contact of such officer or employee with any Member or committee of Congress as described in paragraph (1) of this subsection.

SEC. 516. Except for vehicles provided to the President, Vice President and their families, or to the United States Secret Service, none of the funds provided in this Act to any Department or Agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than twenty-two miles per gallon. The requirements of this section may be waived by the Administrator of the General Services Administration for special purposes or special mission automobiles.

SEC. 517. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. 518. The provision of section 517 shall not apply where the life of the mother would be endangered if the fetus were carried to term.

SEC. 519. No later than October 1, 1989, the Administrator of General Services, or any Federal officer assuming the Administrator's responsibilities with respect to management of the stockpile, shall use all funds authorized and appropriated before January 1, 1985 from the National Defense Stockpile Transaction Fund to evaluate, test, relocate, upgrade or purchase stockpile materials to meet National Defense Stockpile goals and specifications in effect on October 1, 1984.

SEC. 520. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of stainless steel flatware not produced in the United States or its possessions, except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of stainless steel flatware produced in the United States or its possessions, cannot be procured as and when needed from sources in the United States or its possessions or except in accordance with procedures provided by section 6-104.4(b) of Armed Services Procurement Regulations, dated January 1, 1969. This section shall be applicable to all solicitations for bids issued after its enactment.

SEC. 521. None of the funds appropriated by this Act may be used to establish on a permanent basis any test or program of the "port of arrival immediate release and enforcement determination."

SEC. 522. None of the funds appropriated by this Act may be used to solicit bids, lease space, or enter into any contract to close or consolidate executive seminar centers for the Office of Personnel Management.

SEC. 523. Not later than October 1, 1989, of the amounts made available pursuant to section 519 of the Treasury, Postal Service and General Government Appropriations Act, 1987, as incorporated in section 101(m) of Public Laws 99-500 and 99-591, not less than $1,000,000 shall be obligated for a pilot project to upgrade technologically obsolete cobalt deposited in the National Defense Stockpile. The funds used in this section for upgrading shall not exceed $2,000,000.

SEC. 524. The Administrator of General Services, under section 210(h) of the Federal Property and Administrative Services Act of 1949, as amended, shall acquire, by means of a lease of up to 30 years duration, space for the United States Courts in Tacoma, Washington, at the site of Union Station, Tacoma, Washington.

SEC. 525. Funds under this Act shall be available as authorized by sections 4501-4506 of title 5, United States Code, when the achievement involved is certified, or when an award for such achievement is otherwise payable, in accordance with such sections. Such funds may not be used for any purpose with respect to which the preceding sentence relates beyond fiscal year 1989.

SEC. 526 (a) Notwithstanding any other provision of law, during fiscal year 1989, the authority to establish higher rates of pay under section 5303 of title 5, United States Code, may—

(1) in addition to positions paid under any of the pay systems referred to in subsection (a) of section 5303 of title 5, U.S.C., be exercised with respect to positions paid under any other pay system established by or under Federal statute for positions within the executive branch of the Government; and

(2) in addition to the circumstance described in the first sentence of subsection (a) of section 5303 of title 5, U.S.C., be exercised based on—

(A) pay rates for the positions involved being generally less than the rates payable for similar positions held—

(i) by individuals outside the Government; or

(ii) by other individuals within the executive branch of the Government;

(B) the remoteness of the area or location involved;

(C) the undesirability of the working conditions or the nature of the work involved, including exposure to toxic substances or other occupational hazards; or

(D) any other circumstances which the President (or an agency duly authorized or designated by the President in accordance with the last sentence of section 5303(a) of title 5, U.S.C., for purposes of this subparagraph) may identify.

Nothing in paragraph (2) shall be considered to permit the exercise of any authority based on any of the circumstances under such paragraph without an appropriate finding that such circumstances are significantly handicapping the Government's recruitment or retention efforts.

(b)(1) A rate of pay established during fiscal year 1989 through the exercise of any additional authority under subsection (a) of section 5303 of title 5, U.S.C.—

(A) shall be subject to revision or adjustment,

(B) shall be subject to reduction or termination (including pay retention), and

(C) shall otherwise be treated,

in the manner as generally applies with respect to any rate otherwise established under section 5303 of title 5, United States Code.

(2) The President (or an agency duly authorized or designated by the President in accordance with the last sentence of section 5303(a) of title 5, United States Code, for purposes of this subsection) may prescribe any regulations necessary to carry out this subsection.

(c) Any additional authority under this section may, during fiscal year 1989, be exercised only to the extent that amounts otherwise appropriated under this Act for purposes of section 5303 of title 5, United States Code, are available.

SEC. 527. None of the funds available in this Act may be used to contract out positions or downgrade the position classification of the Bureau of Engraving and Printing Police Force.

SEC. 528. The building located at 400 West Bay Street in Jacksonville, Florida, shall hereafter be known and designated as the "Charles E. Bennett Federal Building". Any references in any law, regulation, document, record, map, or other paper of the United States to this building is deemed to be a reference to the "Charles E. Bennett Federal Building".

Mr. ROYBAL (during the reading). Mr. Chairman, I ask unanimous consent that title V be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there any points of order on title V?

POINTS OF ORDER

Mr. CRANE. Mr. Chairman, I make a point of order against section 520 on page 56 of H.R. 4775 as constituting legislation on an appropriation bill and, therefore, in violation of rule XXI, clause 2.

Mr. ROYBAL. Mr. Chairman, is not the request of the gentleman from Illinois too late?

The CHAIRMAN. The Chair will protect the gentleman from Illinois. The gentleman has a right to make an objection or a point of order.

Mr. CRANE. Mr. Chairman, I thank the Chairman.

Rule XXI, clause 2, has been interpreted to mean that language in an appropriation bill may not impose on Federal officials additional duties not required by law or make the appropriation contingent upon the performance of such duties.

Section 520 prohibits appropriated funds from being used in the procurement of any stainless steel flatware not produced in the United States except to the extent the Administrator of GSA determines that a satisfactory quality and sufficient quantity of stainless steel flatware produced in the United States cannot be procured as and when needed from domestic sources.

Section 520 specifically imposes an additional duty on a Federal official to make a determination not otherwise required by law and establishes a procurement requirement not in existing laws.

Similar language in previous Treasury appropriation bills has been stricken on points of order, and for these reasons, Mr. Chairman, I hope that a point of order that section 520 violates rule XXI, clause 2, be sustained.

The CHAIRMAN. Does the gentleman from California wish to be heard on the point of order?

Mr. ROYBAL. Mr. Chairman, I concede the point of order.

The CHAIRMAN (Mr. DONNELLY). The gentleman from California concedes the point of order.

The Chair sustains the point of order of the gentleman from Illinois.

Mr. CRANE. Mr. Chairman, I have another point of order.

I make a point of order that section 506, on page 52, is in violation of clause 2 of rule XXI and, therefore, should be stricken from the bill.

Clause 2 of rule XXI states:

> No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, nor shall any provision in any such bill or amendment thereto changing existing law be in order.

Section 506 provides authority to the Administrator of GSA, or his designee, to make determinations as to the availability of a sufficient quantity and satisfactory quality of hand or measuring tools produced in the United States or its possessions. The Administrator also must make a determination as to whether purchases are made in accordance with the armed services procurement regulations and thereby exempt from the restrictions of this section.

The designation of such authority goes beyond the limitations of funds which are the subject of this appropriation. It imposes additional duties, not required by law, on the Administrator and thereby constitutes an effort to change existing law under the guise of a limitation.

Mr. Chairman, I make a point of order that section 506 is in violation of clause 2 of rule XXI.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. CRANE. Mr. Chairman, I am happy to yield to the gentleman.

The CHAIRMAN. The Chair will recognize the gentleman from Massachusetts on the point of order.

Mr. CONTE. Mr. Chairman, I did not ask the gentleman to yield on the flatware, but that was my amendment, too.

On this one here, we are really having a difficult time on these measuring tools here in the United States. There are not too many of them, and they are little companies. They are really getting knocked around by the Japanese, and I would appreciate it if the gentleman would reconsider on his point of order.

□ 1325

Mr. CRANE. I certainly respect the gentleman's concern and I have the greatest respect and admiration for my golfing partner, but with all due respect we have a lot of these hand tool manufacturers in my home area, the greater Chicago area. To mandate this is troublesome to me. If it were to make sure that there is an exhaustive search conducted to see if we cannot find comparable equipment available manufactured here in the United States, I would not be troubled. But I think the mandating provisions of this are indeed not in order.

The CHAIRMAN. Does the gentleman from California [Mr. ROYBAL] wish to be heard on the point of order?

Mr. ROYBAL. Mr. Chairman, if the gentleman will not reconsider his point of order, I have no other alternative but to concede the point of order.

The CHAIRMAN [Mr. DONNELLY]. The Chair sustains the point of order.

Are there any amendments to title V?

If not, the Clerk will read.

The Clerk read as follows:

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SECTION 601. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses and ambulances), is hereby fixed at $6,600 except station wagons for which the maximum shall be $7,600: *Provided,* That these limits may be exceeded by not to exceed $2,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further,* That the limits set forth in this section shall not apply to electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976.

SEC. 602. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–24.

SEC. 603. Unless otherwise specified during the current fiscal year no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental

United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act, who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, or the Baltic countries lawfully admitted to the United States for permanent residence, or (5) South Vietnamese, Cambodian, and Laotian refugees paroled in the United States after January 1, 1975: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

SEC. 604. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 605. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 606. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 607. Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662), foreign credits (including currencies) owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned: *Provided*, That such credits received as exchanged allowances or proceeds of sales of personal property may be used in whole or part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.

SEC. 608. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards, commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 609. Funds made available by this or any other Act to (1) the General Services Administration, including the fund created by the Public Building Amendments of 1972 (86 Stat. 216), and (2) the "Postal Service Fund" (39 U.S.C. 2003), shall be available for employment of guards for all buildings and areas owned or occupied by the United States or the Postal Service and under the charge and control of the General Services Administration or the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318), but shall not be restricted to certain Federal property as otherwise required by the proviso contained in said section and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318a, 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318c): *Provided*, That when the Administrator of General Services delegates responsibility to protect property under this charge and control to the head of another Federal agency, that agency may employ guards to protect the property who shall have the same powers of special policemen in same manner as the foregoing.

SEC. 610. None of the funds available under this or any other Act shall be available for administrative expenses in connection with the designation for construction, arranging for financing, or execution of contracts or agreements for financing or construction of any additional purchase contract projects pursuant to section 5 of the Public Building Amendments of 1972 (Public Law 92-313) during the period beginning October 1, 1976, and ending September 30, 1989.

SEC. 611. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 612. No part of any appropriation contained in, or funds made available by, this or any other Act shall be available for any agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental of space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per square foot established for the space and services by the General Services Administration for the fiscal year for which appropriations were granted.

SEC. 613. (a)(1) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for the fiscal years ending September 30, 1989, or September 30, 1990, by this Act or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code, or any employee covered by section 5348 of that title—

(1) during the period from the date of expiration of the limitation imposed by section 613 of the Treasury, Postal Service, and General Government Appropriations Act, 1988, until the first day of the first applicable pay period that begins not less than ninety days after that date, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 613; and

(2) during the period consisting of the remainder, if any, of fiscal year 1989, and that portion of fiscal year 1990, that precedes the normal effective date of the applicable wage survey adjustment that is to be effective in fiscal year 1990, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) of this subsection by more than the overall average percentage adjustment in the General Schedule during fiscal year 1989.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, may be paid during the periods for which subsection (a) of this section is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purpose of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule that was not in existence on September 30, 1988, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1988, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) The provisions of this section shall apply with respect to pay for services performed by any affected employee on or after October 1, 1988.

(f) For the purpose of administering any provision of law, including section 8431 of title 5, United States Code, or any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit, that requires any deduction or contribution, or that imposes any requirement or limitation, on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section may be construed to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 614. None of the funds made available in this Act may be used to plan, implement, or administer (1) any reduction in the number of regions, districts or entry processing locations of the United States Customs Service; or (2) any consolidation or centralization of duty assessment or appraisement functions of any offices in the United States Customs Service.

SEC. 615. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to renovate, remodel, furnish, or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such renovation, remodeling, furnishing, or redecoration is expressly approved by the Committees on Appropriations of the House and Senate.

SEC. 616. (a) If any individual or entity which provides or proposes to provide child care services for Federal employees during fiscal year 1989 or any fiscal year thereafter, applies to the officer or agency of the United States charged with the allotment of space in the Federal buildings in the community or district in which such individual or entity provides or proposes to provide such service, such officer or agency may allot space in such a building to such individual or entity if—

(1) such space is available;

(2) such officer or agency determines that such space will be used to provide child care services to a group of individuals of whom at least 50 percent are Federal employees; and

(3) such officer or agency determines that such individual or entity will give priority for available child care services in such space to Federal employees.

(b)(1) If an officer or agency allots space during fiscal year 1989 or any fiscal year thereafter, to an individual or entity under subsection (a), such space may be provided to such individual or entity without charge for rent or services.

(2) If there is an agreement for the payment of costs associated with the provision of space allotted under subsection (a) or services provided in connection with such space, nothing in title 31, United States Code, or any other provision of law, shall be construed to prohibit or restrict payment by reimbursement to the miscellaneous receipts or other appropriate account of the Treasury.

(3) For the purpose of this section, the term "services" includes the providing of lighting, heating, cooling, electricity, office furniture, office machines and equipment, telephone service (including installation of lines and equipment and other expenses associated with telephone service), and security systems (including installation and other expenses associated with security systems).

SEC. 617. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 618. (a) Notwithstanding the provisions of sections 112 and 113 of title 3, United States Code, each Executive agency detailing any personnel shall submit a report on an annual basis in each fiscal year to the Senate and House Committees on Appropriations on all employees or members of the armed services detailed to Executive agencies, listing the grade, position, and offices of each person detailed and the agency to which each such person is detailed.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

(c) The exemptions in part (b) of this section are not intended to apply to information on the use of personnel detailed to or from the intelligence agencies which is currently being supplied to the Senate and House Intelligence and Appropriations Committees by the executive branch through budget justification materials and other reports.

(d) For the purposes of this section, the term "Executive agency" has the same meaning as defined under section 105 of title 5, United States Code (except that the provisions of section 104(2) of title 5, United States Code shall not apply) and includes the White House Office, the Executive Residence, and any office, council, or organizational unit of the Executive Office of the President.

SEC. 619. (a) None of the funds made available by this or any other Act with respect to any fiscal year may be used to make a contract for the manufacture of distinctive paper for United States currency and securities pursuant to section 5114 of title 31, United States Code, with any corporation or other entity owned or controlled by persons not citizens of the United States, or for the manufacture of such distinctive paper outside of the United States or its possessions. This subsection shall not apply if the Secretary of the Treasury determines that no domestic manufacturer of distinctive paper for United States currency or securities exists with which to make a contract and if the Secretary of the Treasury publishes in the Federal Register a written finding stating the basis for the determination.

(b) None of the funds made available by this or any other Act with respect to any fiscal year may be used to procure paper for passports granted or issued pursuant to the first section of the Act entitled "An Act to regulate the issue and validity of passports, and for other purposes", approved July 3, 1926 (22 U.S.C. 211a), if such paper is manufactured outside of the United States or its possessions or is procured from any corporation or other entity owned or controlled by persons not citizens of the United States. This subsection shall not apply if no domestic manufacturer for passport paper exists.

SEC. 620. TEMPORARY AUTHORITY TO TRANSFER LEAVE.—In order to ensure that the experimental use of voluntary leave transfers established under Public Laws 99-500, 99-591, and 100-202 may continue and may cover additional employees in fiscal year 1989, the Office of Personnel Management may continue to operate by regulation, notwithstanding chapter 63 of title 5, United States Code, a program under which the unused accrued annual leave of officers or employees of the Federal Government may be transferred for use by other officers or employees who need such leave due to a personal emergency as defined in the regulations. The Office may provide by regulation for such exceptions from the provisions of section 7351 of title 5 as the Office may determine appropriate for the transfer of leave under this section. The Veterans' Administration may operate a similar program for employees subject to section 4108 of title 38, United States Code. The programs operated under this section shall expire at the end of fiscal year 1989, but any leave that has been transferred to an officer or employee under the programs shall remain available for use until the personal emergency has ended, and any remaining unused transferred leave shall, to the extent administratively feasible, be restored to the leave accounts of the officers or employees from whose accounts it was originally transferred.

EMPLOYEE DISCLOSURE AGREEMENTS

SEC. 621. No funds appropriated in this or any other Act for fiscal year 1989 may be used to implement or enforce the agreements in Standard Forms 189 and 4193 of the Government or any other nondisclosure policy, form or agreement if such policy, form or agreement:

(1) concerns information other than that specifically marked as classified; or, unmarked but known by the employee to be classified; or, unclassified but known by the employee to be in the process of a classification determination;

(2) contains the term classifiable;

(3) directly or indirectly obstructs, by requirement of prior written authorization, limitation of authorized disclosure, or otherwise, the right of any individual to petition or communicate with Members of Congress in a secure manner as provided by the rules and procedures of the Congress;

(4) interferes with the right of the Congress to obtain executive branch information in a secure manner as provided by the rules and procedures of the Congress;

(5) imposes any obligations or invokes any remedies inconsistent with statutory law:

Provided, That nothing in this section shall affect the enforcement of those aspects of such nondisclosure policy, form or agreement that do not fall within subsection (1)-(5) of this section.

SEC. 622. (a)(1)(A) Notwithstanding any other provision of law, in the case of fiscal year 1989, the overall percentage of the adjustment under section 5305 of title 5, United States Code, in the rates of pay under the General Schedule, and in the rates of pay under the other statutory pay systems, shall be an increase of 4 percent.

(B) Each increase in a pay rate or schedule which takes effect pursuant to subparagraph (A) shall, to the maximum extent practicable, be of the same percentage, and shall take effect as of the first day of the first applicable pay period commencing on or after January 1, 1989.

(2) Notwithstanding any other provision of law, amounts appropriated in order to provide for the adjustment under paragraph

(1) shall cover not to exceed 50 percent of the increase in total pay for fiscal year 1989.

(3) For the purpose of this subsection—

(A) the term "total pay" means, with respect to a fiscal year, the total amount of basic pay which will be payable to employees covered by the statutory pay systems for service performed during such year;

(B) the term "increase in total pay" means, with respect to a fiscal year, that part of total pay for such year which is attributable to the adjustment taking effect under this subsection during such year; and

(C) the term "statutory pay system" has the meaning given such term by section 5301(c) of title 5, United States Code.

(b)(1) Any adjustment required by section 1009 of title 37, United States Code, in elements of the compensation of members of the uniformed services to become effective during fiscal year 1989 shall not be made.

(2) The rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 4 percent effective on January 1, 1989.

SEC. 623. Effective September 1, 1989, none of the funds made available to the Department of the Treasury by this Act shall be used to store, protect, maintain, own, hold or otherwise control more than 35,000,000 fine troy ounces of silver.

SEC. 624. Effective September 1, 1990, none of the funds made available to the Department of the Treasury by this or any other Act with respect to any fiscal year shall be used to store, protect, maintain, own, hold or otherwise control more than 30,000,000 fine troy ounces of silver.

SEC. 625. Effective September 1, 1991, none of the funds made available to the Department of the Treasury by this or any other Act with respect to any fiscal year shall be used to store, protect, maintain, own, hold or otherwise control more than 25,000,000 fine troy ounces of silver.

SEC. 626. The Secretary of the Treasury may reduce the amount of silver required to be sold pursuant to this Act if he makes a written determination to the Congress that such a sale will severely disrupt the domestic market for silver.

SEC. 627. None of the funds appropriated by this or any other Act may be expended by any Federal agency to procure any product or service that is subject to the provisions of Public Law 89-306 and that will be available under the procurement by the Administrator of General Services known as "FTS2000" unless—

(1) such product or service is procured by the Administrator of General Services as part of the procurement known as "FTS2000"; or

(2) that agency establishes to the satisfaction of the Administrator of General Services that—

(A) the agency's requirements for such procurement are unique and can not be satisfied by property and services procured by the Administrator of General Services as part of the procurement known as "FTS2000"; and

(B) the agency procurement, pursuant to such delegation, would be cost-effective and would not adversely affect the cost-effectiveness of the FTS2000 procurement.

Mr. ROYBAL (during the reading). Mr. Chairman, I ask unanimous consent that title VI of the bill, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there any points of order to title VI?

AMENDMENT OFFERED BY MR. CRANE

Mr. CRANE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. CRANE: Page 77, line 3, insert ", except that this subparagraph shall not apply to positions paid at or above the rate payable for level V of the Executive Schedule under title 5, United States Code" before the period.

Mr. ROYBAL. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from California reserves a point of order on the amendment.

Mr. CRANE. Mr. Chairman, I would like to be heard on the point of order, but I have discussed with my distinguished colleague, the gentleman from California, the language of my amendment. The other side had preferable language that they felt was more definitive on this subject.

Mr. Chairman, could we have the Clerk read that and then go to the point of order?

The CHAIRMAN. Is the gentleman from Illinois asking unanimous consent to withdraw his amendment?

Mr. CRANE. Mr. Chairman, I ask unanimous consent to substitute the language of the majority side for my language and to withdraw this amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. CRANE

Mr. CRANE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. CRANE: On line 3, page 77, strike the period and add the following: ", except for any office or position in the legislative, executive, or judicial branch or in the government of the District of Columbia if the rate of salary or basic pay payable for that office or position as of September 30, 1988, was equal to or greater than that rate of basic pay then payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.".

Mr. CONTE. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Massachusetts reserves a point of order.

Mr. CRANE. Mr. Chairman, the arguments that I would advance toward including everybody at level 5 Executive position or above from enjoying a 4-percent pay raise is that if we review the actions that this body has taken over the course of this term, and go back to 1987 at the level 1 level, Cabinet secretaries, they got a 12-percent raise at that time. They went from $88,800 to $99,500.

Level 2, which includes Members of Congress, got a 16-percent raise, going from $77,400 to $89,500. Level 3 went from $75,800 to $82,500, a 9-percent increase. Level 4 enjoyed a 4-percent increase, and level 5 enjoyed a 3-percent increase.

I think, Mr. Chairman, given the fairly healthy pay raises that in these categories we have enjoyed over the course of this term of Congress that it is inappropriate at this time, when we will be enjoying a cost of living increase, to contemplate another increase in our salary schedule.

I think in addition to that, Mr. Chairman, that based upon performance that we should not be contemplating such pay raises until we demonstrate that we are indeed capable of exercising the fiscal responsibility that would help bring our books into better balance.

I frankly would like to see us enjoy working on a commission basis in this body where if we managed to effect reductions to get our books in balance, then we might be paid a percentage. But in the absence of that, for the present time, Mr. Chairman, it seems to me that these scheduled pay increases are inappropriate, and for that reason I would urge my colleagues on both sides of the aisle wholeheartedly to embrace this fiscally responsible measure.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Massachusetts [Mr. CONTE] wish to be heard on the point of order?

Mr. ROYBAL. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman from Massachusetts [Mr. CONTE] withdraws his point of order.

The gentleman from California [Mr. ROYBAL] will state his point of order.

Mr. ROYBAL. Mr. Chairman, the amendment is a nonlegislative limitation to a general appropriation bill. Under the revised clause 2, rule XXI, such amendments are not in order during the reading of a general appropriation bill.

The revised rule states in part:

> Except as provided in paragraph (d), no amendment shall be in order during consideration of a general appropriation bill proposing a limitation not specifically contained or authorized in existing law for the period of the limitation.

Mr. Chairman, the gentleman's amendment is not specifically contained or authorized in existing law and therefore is in violation of rule XXI, clause 2(c).

Mr. CRANE. Mr. Chairman, may I speak in opposition to the point of order?

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. CRANE. Mr. Chairman, since the Rules Committee chairman has allowed the section of the bill which deals with pay incrases to remain, and it exempted this section from points of order to allow this appropriations bill to contain authorizing language, it is in order to perfect this bill if the amendment does not add any further legislation.

I would urge the Chair to consider overruling the point of order.

The CHAIRMAN (Mr. DONNELLY). The gentleman from Illinois [Mr. CRANE] has stated the situation and the rule correctly and, therefore, the Chair overrules the point of order.

Mr. FAZIO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first of all I would indicate that I am not sure that this language would obviate the President, in the normal statutory manner under title 5, to submit in September a proposed increase for Federal workers, including the members of the executive, judiciary and legislative branches who are exempted by this amendment.

If the President proposes some percentage increase other than 4 percent, under the statute that increase will go into effect. So we are merely separating the Members of Congress and others covered by the amendment from the 4 percent. Some other percentage will apply if the President exercises his statutory authority.

I think I should put that on the record. I do not think that question is resolved.

But, more importantly, I would like to simply make a point that by not accepting for level five employees and above of the Federal Government in all 3 branches a 4-percent increase, along with all other Federal workers, we simply are creating an atmosphere in which once again in the future it will be proposed that we take a larger increase than others and create once again the atmosphere that implies at least that we are asking ourselves to be treated differently than others when in fact that is not the case.

We are, like many other people in the judicial branch and top level appointees of the President, far behind where we would be in terms of income based on any reasonable economic or financial indices applied. Social Security recipients, General Schedule Federal workers, military retirees you can name the group, they have received far more in terms of cost-of-living adjustments since 1970 than those of us in these top level positions.

For example, if we had attained the increases that other General Schedule Federal workers had attained since 1970, we would be making $98,800 at this point, not the $89,500 we are currently making.

I understand the gentleman's concern about performance, and I think we can all be self-critical in terms of what any legislative body or any administration or any court in this land provides in terms of public service. But it seems to me that it is shortsighted for us to regularly exempt ourselves from what is required to provide employees of the Federal Government with the modest increase that simply allows them to keep up with the cost of living.

In real terms, Federal workers have lost a great deal of income and so have Members of Congress and members of the judiciary and senior officials in the executive branch. Today in real terms, our curent salaries provide us with about $30,000 a year in 1970 dollars. That is the result of the erosion by inflation and the result of the unwillingness on the part of the Congress to face up to these responsibilities when we have the opportunity to accept no more than we are providing other employees. We failed most instances, and today we are short of what is a proper amount of compensation for that reason.

So I regret that the gentleman from Illinois has offered the amendment.

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I am happy to yield to the gentleman from Illinois.

Mr. CRANE. Mr. Chairman, the fact is when I first came to Congress in 1969 the Congress had just previously enacted a pay raise, just before I got here, and my recollection is that the pay schedule at that time was in the neighborhood of $42,500.

Mr. FAZIO. The gentleman is correct.

Mr. CRANE. Had that been indexed, to be sure we would be making $150,000 a year today as Members. That is not to say that the $42,500 figure was correct, although I would observe that in terms of performance, 1969 was the last year we had a balanced budget. So maybe it was in order for Members to reward themselves with a pay raise that was a degree of appreciation and compensation for the outstanding performance of Congress in living within its means.

But if Members look at recent performance and the extravagances that have been going on, I would argue that this is an inappropriate time for this kind of an adjustment, and I thank the gentleman for yielding.

Mr. ROYBAL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this matter has been under discussion for a very long time, but I believe that the amendment is somewhat unjust. We may take the position that Members of Congress should not be included in any increase at all. I take the opposite position.

I think the Members of Congress should be paid whatever the prevailing salary should be. I do not think that this has been the case over a period of years.

But then as one excludes the Members of Congress, and use that as an excuse, we also do damage to hundreds of other people who work for the Federal Government and have made a career out of that service. For example, this will include all judges and all persons above level V which includes a multitude of individuals and positions. That not only includes the House of Representatives, but all Federal employees who earn more than $72,500. It also includes the Delegates to the House, the Resident Commissioner of Puerto Rico, the President pro tempore of the Senate, which is an important position, a position of leadership in the Senate. It includes the majority leader and the minority leader of the Senate and of the House. Again, these are individuals who are not only elected to represent their specific districts, but once they get here they have additional duties that make it necessary for them to work not just the regular schedule, but to go beyond that, to actually assume a position of leadership that makes it possible for this House and this legislative body to function.

□ 1340

Now as we look at the entire list we find that it does also include the Chief Justice of the United States, the circuit judges, the judges of the Court of International Trade, the judges of the U.S. Claims Court and it also includes bankruptcy judges that, incidentally, at the present time earn less than Members of Congress.

In taking this position one may take the position again that they are in favor of Members of Congress receiving an additional increase even though they deserve it, but you take the position also that anyone that has reached the level of importance in the hierarchy of the various departments, that they too are restricted to an inadequate salary not based on recommendations made by experts in the Government itself.

So I oppose this amendment because I believe that fairness must prevail, Mr. Chairman. I do not believe, again, that the amendment is fair.

It is for that reason that I must rise to oppose it.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, first of all let me say that on behalf of the literally over 2 million employees who the Pay Advisory Commission, appointed by this President, has said is 24 percent behind private sector counterparts in comparable positions, I want to thank the gentleman for limiting his amendment and providing for the opportunity for those employees to receive a cost-of-living adjustment. It is not that, it is a comparability adjustment, but effectively that is what it is.

However, let me also strongly oppose the amendment.

First, if I may, let me deal with the tough political issue and the tough political issue is for STENY HOYER or for any other Member of this House to stand up and say, "I and my family are entitled to and ought to get a cost-of-living adjustment."

If in fact this amendment is defeated, Members of Congress will receive, and the American public ought to know out front, in the open, Members of Congress will have received a 2-percent adjustment in January 1 of this year and then a 2-percent adjustment in January 1989.

I want to tell every Member of the House, I want to tell the 525,000 people who give me the privilege and honor of serving in this House, if they do not believe that STENY HOYER is worth a 2-percent adjustment they ought not to send me back to this House.

I do not come hat in hand. I do not come apologetic for the fact that I believe that I ought to be compensated and my family ought to be in a position to be supported well by their father and their husband who could earn three or four times as much.

I like serving in this House, but I am not embarrassed, not one whit, nor do I have to do it under the table or behind back doors, to say that I believe Members of Congress ought to be kept current with inflation.

I hope the American public believes that. I hope they believe that each Member that represents them in each one of the districts is worth that.

I would suggest further, if they do not, replace that Member; send a new Member that you believe is worth that kind of consideration for the 50, 60, 70 hours a week that they perform.

Now the gentleman from Illinois mentioned the fact that in 1970, Members of Congress made $42,500. Effectively, Members of Congress today in terms of 1970 dollars earn $29,300. In other words, Mr. Chairman, we have backed up, backed up approximately 25 percent.

I do not think the American public expect that. The American public does not expect us to enrich ourselves as Members of Congress; I do not either. No Member serves in this body to enrich themselves.

The gentleman from Illinois also made the following observation that I think the American public needs to understand: From 1970 to 1988, 19 years, 12 of those years Congress received zero adjustment, just as the gentleman from Illinois' amendment would affect.

Now what happened as a result of that? Well, we may have felt good politically for 9 years, that we could beat our chests and pull out our hair and say, "We did not take a raise." But what happened? Members have families, Members have housing costs, just like everybody else; they have kids going to school. So there was a pent-up frustration and a request, "We need some adjustment in our salary because we cannot afford to live on $29,000."

Two houses, most of you—I do not have two houses—families to support. So there were adjustments. There were adjustments in nine of those years, big adjustments. Why? Because we did not do what I think we ought to do and that is take the same thing that our Federal employees get, no more, no less.

The gentleman from Connecticut during the course of this debate 2 years ago said, "Ah-ha, people are going to vote against this amendment and who would we allow to pay our salary? The American Bankers Association?"

The CHAIRMAN. The time of the gentleman from Maryland [Mr. HOYER] has expired.

(On request of Mr. FAZIO and by unanimous consent, Mr. HOYER was allowed to proceed for 2 additional minutes.)

Mr. HOYER. The American Bankers Association, the American Federation of Government Employees, other organizations of that type? Now let me talk about other employees, and my problem, really, unfortunately is with the scope of this amendment: The Pay Advisory Committee has said there is a 24-percent gap between what civilians in the Government make and civilians in the private sector make. What does that mean? That means we have a brain drain in the Federal Government. It means that we are not able to recruit and retain the best possible people to run NASA, the FBI, Drug Enforcement Administration. All of those agencies, I could go on—the National Institutes of Health; we are going to cap those people and tell them, "No adjustment."

Those people are not slave labor in the United States, they are not trapped in Government service. They can look to the private sector that is getting 5- or 10- or 15- or 25-percent adjustments. And they leave.

What does that do? It diminishes the quality of service to the American public that we on this floor promised.

Now the gentleman from Illinois said that maybe we ought to have a system that would cut the budget. Now the gentleman from Illinois and I may have a disagreement on what a good expenditure is. That is not the test. The test is not how much we cut out. That is a test of how people on this floor vote. A majority might vote for the cut or a majority might vote against the cut. That is a policy determination. It is not a determination that ought to decide whether a Member of Congress is earning his or her money; it is an issue of disagreement on where the policy is.

I may agree with the gentleman from time to time that we do not operate as effectively as we might collectively. I think sometimes this body is less than the sum of its parts.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. HOYER] has again expired.

(On request of Mr. CRANE and by unanimous consent, Mr. HOYER was allowed to proceed for 2 additional minutes.)

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I am glad to yield to the gentleman from Illinois.

Mr. CRANE. I thank the gentleman for yielding.

Mr. Chairman, the gentleman cited going back to 1968, the pay increase that occurred at that time. My recollection, and I will stand corrected, is that we went from $30,000 to $42,500 in that increase. If you index the $30,000 then what we are making today is totally consistent with what Members were making prior to the 1968 increase.

Mr. HOYER. I am sure if the gentleman says that was the adjustment in 1968 I am not going to deny that because I do not have that figure. I started with 1970, the last 18 years.

If you start in 1970 when we were making $42,500—I was not here, but the gentleman was.

Mr. CRANE. I came in 1969 if the gentleman will yield further, in an off year. But my recollection was that we had a pay increase just before I came here.

Can the chairman enlighten me? My point is there was a jump there as I recall that went from $30,000 to $42,500.

My point is if the gentleman will yield further, that if you index $30,000, we are at the mark with our current pay schedule.

Now if you take the $42,500, to be sure, as I mentioned earlier, we would be way beyond that. But you look at the performance of this body and it is pretty hard to rationalize giving us the kinds of offsets that occurred when we went from $30,000 to $42,500 because in 1969 as I noted, was the last year we had a balanced budget.

Mr. HOYER. The gentleman got the time for me and I want to be generous in yielding to him, but reclaiming my time, let me state to the gentleman I am not sure of his figure; he may or may not be correct in terms of indexing from 1968, but in terms of your salary, 1968 when you started, I think it is appropriate to note that if we had just had the cost-of-living adjustment, not a comparability adjustment which would have been greater, but the cost-of-living adjustment, we would now be making right today $129,400.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. Hoyer] has again expired.

(On request of Mr. Fazio and by unanimous consent, Mr. Hoyer was allowed to proceed for 3 additional minutes.)

Mr. HOYER. We are making $89,500, $30,000 less than that. Nobody in America is going to cry about us making $89,500. That is not the issue.

I wanted to get, in the short time I have available to me, to the Pay Advisory Committee, Presidentially appointed, has pointed out that we are at great risk in losing our capable people and not being able to recruit them.

In point of fact, the gentleman's amendment precludes that segment of the Federal work force that has the greatest disparity in pay, that is top managers, because the Federal Pay Advisory Committee and the Bureau of Labor Statistics when they do their analysis will point out to you that the greatest discrepancy is upper level management, who, when compared to the private sector, that is comparable responsibility, comparable numbers of employees supervised, et cetera, et cetera, will show clearly that they are at the greatest disadvantage and therefore the most difficult to retain and to recruit.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I am glad to yield to the gentleman from California.

Mr. FAZIO. I thank the gentleman for yielding.

Mr. Chairman, I want to congratulate the gentleman on his statement and on the candor with which he has confronted this very sensitive issue and not only in front of his own constituents but the American people in general. Particularly, I want to congratulate him for pointing out that in our own unwillingness to deal with our own financial needs, we have roped in a whole group of Federal, judicial, and executive branch employees who must be given some relief. I will tell the gentleman that when the President's Quadrennial Commission recommendations is reported next January, if this Congress is not sufficiently courageous to deal with their own problems up front, I will join the gentleman in doing something that is very unpopular in this institution and that is breaking the executive and judicial branches stranglehold that we have placed on them and allowing them to get the kind of increases that the Quadrennial Commission—which is appointed to represent a whole range of political points of view to recommend to the President—recommend an appropriate level to compensate Cabinet officials, members of the judiciary and other senior level and general schedule employees, particularly the Senior Executive Service who have never been adequately compensated since the Civil Service Reform Act created them in the first place.

Mr. HOYER. I thank the gentleman for his comments. In closing, Mr. Chairman, let me read the following. This is from a civilian employee of 16 years in the Department of Defense. I know the gentleman from Illinois is concerned with the defense posture in the United States and I share that concern.

□ 1355

He says: "If the pay for technical work is not raised by about"—not 4 percent, which is this amendment—"is not raised by about 50 percent, we will have the bottom 10 percent of university technical grads evaluating and authorizing the spending of billions of dollars of tax money based on proposals developed by the top 10 percent of the university grads—a horrifying prospect."

The CHAIRMAN. The time of the gentleman from Maryland [Mr. Hoyer] has expired.

(By unanimous consent, Mr. Hoyer was allowed to proceed for 30 additional seconds.)

Mr. HOYER. Mr. Chairman, in closing, let me say to my colleagues that if they are concerned about congressional salaries, this is a flavor stand, if you will, not substantive, because the congressional aspect of this pay raise is less than one two-hundredths of a percent. So it is not money we are talking about; it is image. It is political posturing.

Let us not damage the ability of our Federal Government to act effectively, domestically and internationally. We are the leaders of the free world. We need the best possible people we can get in public service.

Mr. Chairman, I ask that this amendment be rejected for the welfare of the American people and indeed all the world.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was not going to speak today until I heard my colleague, the gentleman from Maryland, Mr. Hoyer, speak.

I would ask the author of the amendment to consider this: That is he wants to do this for Members of Congress, fine, but to do it to the FBI agents that all of us would call on if we were to find out today that a loved one had been kidnaped is really a mistake. To do it to the DEA agents and to Mr. Kamerina, who was killed, as you recall, down in Mexico by the drug runners, to do it to people like that, to do it to the people at NIH who are working on cancer research, to do it to someone like Timothy McCarthy at the Secret Service division who stopped the bullet that would have killed the President of the United States is really a mistake, and I would hope that we could separate them out.

If the Congress in its wisdom, or lack of wisdom, wants to do this to itself, then it ought to have the right to do that to itself, but I would hope that for these senior career Federal employees who do not run every 2 years, who have dedicated their lives and who are at the Naval Research Lab working on high technology equipment, with so many other needs we have in the United States, that we could separate this, because this bill would cover all the bankruptcy judges and circuit court executives, senior executive services, U.S. claims court judges, the deputy director of the administrative courts, the deputy administrator and offices of the court, the Deputy Public Printer, and on and on.

Mr. Chairman, I want to salute the gentleman from Maryland [Mr. Hoyer]. Let me say that I do not have two homes, I have one. I have three kids in college, and I thank the Lord that we have been blessed and have been able to educate them. So I am not going to be impacted by this.

I say to the Members, if you want to do this to yourselves, then I think you have the right to do it, but I would hope there would be an amendment to correct it.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, I appreciate the fervor with which the gentleman speaks. I would simply point out that during this debate that has ensued after the offering of this amendment, not one Member has spoken in favor of the amendment other than the author. There may be others in the body who will insert remarks in the Record, in order to be on the right side politically as we enter into the elections in November. But I think that speaks louder than words in terms of where the sentiment of this body really is, not only in terms of the people the gentleman speaks of, his constituents, these Federal employees, but also in terms of our own compensation. I think that really ought to be where the media which covers this debate so carefully would find public opinion in this body.

Mr. Chairman, there really is no desire to effect this amendment today. It probably will pass because ultimately Members cannot afford to vote no, but that is where the people really are.

Mr. PARRIS. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Virginia.

Mr. ROYBAL. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the chairman of the subcommittee.

Mr. ROYBAL. Mr. Chairman, I would like to commend the gentleman from Virginia for the position he has taken.

First of all, I think we all realize that if there are those who want to keep the status quo with regard to congressional salaries, the only thing they have to do is return that money to the Treasury.

The other thing is that I am concerned about those individuals who head important departments and who earn $72,500. In other words, under this amendment no one who earns that amount of money will get an increase. This includes Customs agents who are in charge of the interdiction of narcotics, Secret Service, and all the law enforcement agencies of the Federal Government. These agencies, as we know, have a tremendous responsibility, first of all, and those responsibilities deal with the interdiction of narcotics that come into our schools and universities on a daily basis. So we are telling these individuals, "Regardless of the job you do, you are frozen at that level, and you are not entitled to an increase regardless of increases in the cost of living."

Mr. Chairman, I think that is a mistake, and I commend the gentleman for the position he has taken.

Mr. WOLF Mr. Chairman, I thank the subcommittee chairman.

Mr. Chairman, let me tell the Members what one of the biggest problems is. The Members ought to know this, they should be listening in their offices, and the American people ought to be listening. One of the biggest problems we have is that we do not have the ability to recruit good and decent people to come into the Federal work force to work on AIDS research and cancer research. Both my mother and father died of cancer. If we are to find a cure for cancer, it is going to be at NIH. We are losing the best people.

Mr. Chairman, this amendment is really not going to help improve the situation.

Mr. ALEXANDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am out of breath because I ran from my office over here to speak on this subject. Like the gentleman before me, I had not intended to speak on this subject either, because it is a subject that is very difficult for Members of Congress to address. Like virtually every one of the Members of this great institution of which we are privileged to be Members, I ran for Congress and was elected for the privilege of public service not for the pay, accordingly, I do not believe that Members of Congress should vote for their own pay. I support the law that was enacted in 1969, I believe, to establish a Presidential commission that makes recommendations on matters of remuneration to the President, after which the President decides what Members of Congress should receive for compensation. I think that is the way it should remain, and because I support the policy of not voting on my own pay, I will oppose this amendment today.

I think it is wrong to increase our own salaries, and I think likewise, it is wrong to decrease our own salaries.

But I am deeply concerned about short changing the civil servants that make our country work. I think it is wrong to short change senior members of the executive. It is becoming increasingly more difficult to attract capable, competent, dedicated people who are educated to the field of public service.

Recent studies show that during the last 20 years a smaller percentage of college graduates are entering Government service. While public service was attractive 20 years ago, Harvard Law School reports that the percentage of graduates going into public interest and legal aid has dropped to less than 2 percent while the percentage of graduates entering Government service has drifted downward over the last 10 years by as much as 50 percent. The 50-percent decline in college graduates entering public service is partly because of the real decline in compensation and partly because some politicians have used public servants as whipping boys. It is so easy to criticize the faceless bureaucrats and, frankly, the charge, in most cases, is unfounded and unfair. Most public servants work hard every day at the jobs putting in overtime for which they are not compensated and it is a gross injustice to disparage public service by characterizing civil servants in bad light which is so common by Members of Congress.

□ 1405

Mr. Chairman, it is unfair to pick on public servants who cannot defend themselves against these unfair charges. It is a cheap shot. It does a great injustice to our country to discourage competent people from entering public service. I know from personal experience in my own office that staff associates work far beyond the average work day of most Americans and this is time for which they are not justly compensated.

It is a shameful performance when Congressmen and Presidents misrepresent these facts. It is wrong and I personally believe any Member of Congress who takes unfair advantage of a public servant for a political gain ought to be ashamed of themselves.

Mr. Chairman, I urge my colleagues to vote against this amendment.

Mrs. MORELLA. Mr. Chairman, I oppose the amendment proposed by the gentleman from Illinois. While I agree that Members of Congress should be barred from the 4-percent pay raise, I am distressed that senior members of the Federal Government would also be prevented from receiving the increase.

The pay raise is a matter of parity. Federal sarlaries are on average 24 percent below those paid to employees in the private sector. It is imperative that we be able to recruit and retain the best minds that our country has to offer, for it is Federal personnel that run the business of our country.

Mr. Chairman, the Crane amendment would affect the morale of those individuals at the highest levels of Government—professionals and career Federal employees. We should not penalize those Federal employees with the longest periods of service. A failure to provide the pay raise to them would represent still another attack on the Federal work force, thereby further eroding the prestige of a civil service career. I urge my colleagues to oppose this amendment.

Mr. DREIER of California. Mr. Chairman, today I rise to offer my wholehearted support for the Crane amendment to H.R. 4775, the Treasury, Postal Service, and general appropriations bill, which would specifically exempt Members of Congress from the 4-percent cost-of-living increase. Congressional salaries have skyrocketed over the last several years in comparison with those of the American work force. For myself, and my constituents who have witnessed this alarming trend, I urge the House to adopt this amendment.

Given the need to make significant reductions in Federal spending, it would be ludicrous and irresponsible to even consider granting Members of Congress what would amount to three raises over the course of 2 years. In fact, I would like to see this amendment go farther by repealing the 12-percent raise Congress received in February 1987.

Mr. Chairman, as I have publicly stated many times before, I believe any congressional pay raise proposal should be considered and voted on separately. The Congress has used questionable tactics in the past to secure pay raises by attaching them to important appropriations bills. But, the American people are fed up with these highly unethical tactics. They have made their objections perfectly clear and will vehemently protest a continuation of the recently used underhanded parliamentary techniques.

While I oppose H.R. 4775, Mr. Chairman, I strongly urge my colleagues to support the Crane amendment. Let's make completely clear the sentiment of the Congress that we believe it is wrong to slip these unwarranted raises into congressional appropriations bills.

Mr. BRENNAN. Mr. Chairman, I support Representative CRANE's amendment exempting Members of Congress from receiving the 4-percent pay increase called for in this bill.

I was troubled to learn that a pay increase for Members of Congress was included in this measure. While I support a cost-of-living adjustment for our Federal workers and U.S. Postal workers, I cannot support a 4-percent increase for Members of Congress. This provision simply sends the wrong signal to our constituents.

My constituents support an adequate level of compensation for their elected representatives. Mainers also recognize the need to address the serious deficit confronting our

Nation. To ask our constituents to tighten their belts and at the same time grant a pay increase to the Congress only serves to undermine efforts to achieve a national consensus on deficit reduction.

The inclusion of a pay increase for Congress in this measure clouds a bill which deserves support. There are many worthwhile provisions contained in H.R. 4775, particularly relating to assisting our tax collection and curbing drug smuggling through the Customs Service.

This amendment will rid the bill of the one serious reservation I have about its contents. I urge my colleagues to join me in support of this amendment and continue sending a signal to our constituents and the financial community that we are serious about achieving deficit reduction.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. CRANE].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. CRANE. Mr. Chairman, on that, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

☐ 1439

[Roll No. 180]

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nichols
Nielson
Nowak
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Panetta
Parris
Pashayan
Patterson
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

The CHAIRMAN. Four hundred Members have answered to their names, a quorum is present, and the Committee will resume its business.

The pending business is the demand of the gentleman from Illinois [Mr. CRANE] for a recorded vote.

A recorded vote was refused.

So the amendment was agreed to.

The CHAIRMAN. Are there additional amendments to title VI?

☐ 1430

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, pursuant to the rule, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 79, after line 23 insert the following new section:

SEC. 628. No funds appropriated under this Act shall be expended in any workplace that is not free of illegal use or possession of controlled substances which is made known to the federal entity or official to which funds are appropriated under this Act. Pursuant to this section an applicant for funds to be appropriated under this Act shall be ineligible to receive such funds if such applicant fails to include in its application an assurance that it has, and will administer in good faith, a policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances by its employees.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PARLIAMENTARY INQUIRIES

Mr. ROYBAL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. WALKER] yield to the gentleman from California [Mr. ROYBAL] for that purpose?

Mr. WALKER. Mr. Chairman, I will be glad to yield to the gentleman from California [Mr. ROYBAL] for a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ROYBAL. Mr. Chairman, I asked for a parliamentary inquiry for the purpose of clarifying the action that has just taken place. It is my understanding that the noes prevailed on a voice vote with regard to the amendment before the House.

Mr. WALKER. No, that is not right.

Mr. ROYBAL. Is that correct?

The CHAIRMAN. The gentleman is incorrect. On the voice vote, the Chair announced that the ayes have it.

The gentleman from Illinois [Mr. CRANE] then asked for a recorded vote and a recorded vote did not proceed because not enough Members stood to order a recorded vote.

Mr. ROYBAL. Mr. Chairman, further under my parliamentary inquiry, then the Chair ruled that the amendment was adopted.

The CHAIRMAN. The gentleman is correct.

Mr. ROYBAL. And the situation at the present time then is a state of confusion.

The CHAIRMAN. The Chair will state that there is no confusion at all. The amendment is adopted.

Mr. ROYBAL. The amendment is adopted, then the next order of business would be the order of the House.

Mr. DONNELLY. The pending amendment is an amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

Mr. MADIGAN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. WALKER] yield to the gentleman from Illinois [Mr. MADIGAN] for that purpose?

Mr. WALKER. Mr. Chairman, I am glad to yield to the gentleman from Illinois [Mr. MADIGAN] for a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. MADIGAN. Mr. Chairman, under the circumstances just described by the Chair, is a motion to reconsider the vote by which the amendment was agreed to in order?

The CHAIRMAN. A motion to reconsider is not in order in the Committee of the Whole.

Mr. MADIGAN. Mr. Chairman, further under my parliamentary inquiry, when will such a motion be in order?

The CHAIRMAN. The amendment will be reported back to the House and then if the gentleman from Illinois [Mr. MADIGAN] wishes, the gentleman could ask for a separate vote on that amendment.

Mr. MADIGAN. I thank the Chair.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, the amendment that is before us is an amendment that was made in order under the rule. It is an amendment that includes language beyond the language that had been previously adopted on the subject of the drug-free workplace. Previously, we had a no-funds standard. Under this particular amendment what we are now doing is we are adding in the language that we adopted the other day in the House that was authored by the gentleman from Michigan [Mr. KILDEE]. What that language does is basically clarify the matter so that we have the applicant in his application answer a provision that will guarantee a drug-free workplace and then administering that particular program and policy in good faith.

Mr. Chairman, I would like to focus on the drug war that we also talk so much about and simply tell the Members that what we are attempting to do in this amendment is provide more clarity than we have been able to provide in some of the appropriation amendments in the past.

I think the gentleman from California [Mr. ROYBAL] and the gentleman from New Mexico [Mr. SKEEN] are prepared to accept this amendment and if that is the case, I do not see the need to spend a lot of time on it.

Mr. SKEEN. Will the gentleman yield?

Mr. WALKER. Mr. Chairman, I yield to the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Chairman, this side has no opposition at all to this amendment being offered by the gentleman from Pennsylvania [Mr. WALKER] and we accept it.

Mr. ROYBAL. Mr. Chairman, will the gentleman yield?

Mr. WALKER. Mr. Chairman, I yield to the gentleman from California [Mr. ROYBAL].

Mr. ROYBAL. Mr. Chairman, I believe the gentleman from Pennsylvania [Mr. WALKER] is making a very persuasive argument with respect to his amendment. I am happy to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CHAPPELL: Page 61, strike out line 1 and all that follows through the end of line 6.

Mr. CHAPPELL. Mr. Chairman, I will simply state that there is a provision in the bill which provided for naming a building in Jacksonville, FL, for our good colleague, Mr. CHARLIE BENNETT. He prefers that this not be done and, therefore, I ask by this amendment that the matter be considered at this point and that we vote aye on the amendment to withdraw that from the bill.

Mr. ROYBAL. Mr. Chairman, will the gentleman yield?

Mr. CHAPPELL. I yield to the gentleman from California.

Mr. ROYBAL. Mr. Chairman, the committee will also yield to the wishes of the gentleman from Florida [Mr. BENNETT] and agree with the amendment as presented.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. CHAPPELL. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, this side has no objection to this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. CHAPPELL].

The amendment was agreed to.

The CHAIRMAN. Are there other amendments to title VI?

If not, the Clerk will read.

The Clerk read as follows:

This Act maybe cited as the "Treasury, Postal Service and General Government Appropriations Act, 1989".

☐ 1445

The CHAIRMAN. Are there any further amendments?

Mr. ROYBAL. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore, Mr. PANETTA, having assumed the chairman Mr. DONNELLY, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 4775) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1989, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment?

Mr. MURTHA. Mr. Speaker, I demand a separate vote on the so-called Crane amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: On line 3, page 77, strike the period and add the following: ", except for any office or position in the legislative, executive, or judicial branch or in the government of the District of Columbia if the rate of salary or basic pay payable for that office or position as of September 30, 1988, was equal to greater than the rate of basic pay then payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.".

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BROWN of Colorado. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 230, nays 170, not voting 31, as follows:

[Roll No. 181]

YEAS—230

Anderson
Andrews
Applegate
Archer
Armey
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Boucher
Brennan
Broomfield
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Byron
Callahan
Campbell
Carr
Chapman
Cheney
Clarke
Clinger
Coats
Coble
Coleman (MO)
Combest
Coughlin
Courter
Craig
Crane
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
DeFazio
DeLay
Derrick
DeWine
Dickinson
DioGuardi
Dorgan (ND)
Dornan (CA)
Dowdy
Dreier
Dwyer
Dyson
Eckart
Edwards (OK)
Emerson
English
Erdreich
Evans
Fawell
Fields
Flippo
Florio
Gallegly
Gallo
Gekas
Gilman
Gingrich
Glickman
Goodling
Grandy
Grant
Gregg
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Houghton
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ireland
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jontz
Kaptur
Kasich
Kastenmeier
Kildee
Kolbe
Konnyu
Kyl
Lagomarsino
Lantos
Leach (IA)
Lewis (FL)
Lightfoot
Lloyd
Lott
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Marlenee
Martin (IL)
Mavroules
McCandless
McCloskey
McCollum
McCrery
McCurdy
McEwen
McMillan (NC)
McMillen (MD)
Meyers
Miller (OH)
Miller (WA)
Mollohan
Montgomery
Moorhead
Morrison (WA)
Murphy
Nagle
Neal
Nichols
Nielson
Olin
Owens (UT)
Oxley
Patterson
Penny
Petri
Pickett
Price
Pursell
Quillen
Ravenel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Rowland (GA)
Saiki
Saxton
Schaefer
Schneider
Schroeder
Schuette
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Skaggs
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spratt
Staggers
Stallings
Stangeland
Stump
Sundquist
Sweeney
Swindall
Synar
Tauke
Tauzin
Thomas (GA)
Traficant
Traxler
Upton
Valentine
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walker
Watkins
Weber
Weldon
Whittaker
Whitten
Wise
Wolpe
Wyden
Wylie
Yatron
Young (FL)

NAYS—170

Ackerman
Akaka
Alexander
Annunzio
Aspin
Atkins
Badham
Bateman
Bates
Beilenson
Berman
Bliley
Boehlert
Boland
Bonior
Borski
Bosco
Boxer
Brooks
Brown (CA)
Bustamante
Cardin
Carper
Chandler
Chappell
Clay
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coyne
Crockett
de la Garza
Dellums
Dicks
Dingell
Dixon
Donnelly
Downey
Durbin
Dymally
Early
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Foley
Ford (MI)
Frank
Frenzel
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Gradison
Gray (IL)
Green
Guarini
Hall (OH)
Hawkins
Hefner
Horton
Hoyer
Hunter
Jones (NC)
Jones (TN)
Kanjorski
Kennedy
Kennelly
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Latta
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
Lowery (CA)
Madigan
Manton
Markey
Martin (NY)
Martinez
Matsui
Mazzoli
McDade
McGrath
McHugh
Mfume
Miller (CA)
Mineta
Moakley
Molinari
Morella
Morrison (CT)
Mrazek
Murtha
Myers
Natcher
Nowak
Oberstar
Obey
Ortiz
Owens (NY)
Panetta
Parris
Pashayan
Pelosi
Pepper
Perkins
Pickle
Porter
Rahall
Rangel
Robinson
Rodino
Roe
Rose
Rostenkowski
Roybal
Sabo
Savage
Sawyer
Scheuer
Schulze
Schumer
Sisisky
Skeen
Smith (FL)
Smith (IA)
Solarz
St Germain
Stark
Stenholm
Stokes
Stratton
Swift
Taylor
Thomas (CA)
Torres
Torricelli
Towns
Udall
Vento
Walgren
Waxman
Weiss
Wheat
Williams
Wilson
Wolf
Wortley
Yates
Young (AK)

NOT VOTING—31

Anthony
Biaggi
Boggs
Bonker
Boulter
Clement
Duncan
Edwards (CA)
Espy
Ford (TN)
Gray (PA)
Hayes (IL)
Inhofe
Jacobs
Kemp
Leland
Lungren
Mack
MacKay
Mica
Michel
Moody
Nelson
Oakar
Packard
Pease
Ray
Russo
Spence
Studds
Tallon

□ 1506

The Clerk announced the following pairs:

On this vote:

Mr. Jacobs for, with Mr. Leland against.

Mr. Nelson for, with Mr. Hayes of Illinois against.

Mr. Boulter for, with Mr. Anthony against.

Mr. WALGREN and Mr. YOUNG of Alaska changed their votes from "yea" to "nay."

Mr. TRAXLER, Mr. BAKER, Ms. KAPTUR, Messrs. COLEMAN of Missouri, McMILLEN of Maryland, DWYER of New Jersey, BUECHNER, JENKINS, BEVILL, and BARNARD, and Mrs. BYRON changed their votes from "nay" to "yea."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. STRATTON. Mr. Speaker, on rollcall No. 181, I am recorded as voting "no." I intended to vote "aye."

Mr. Speaker, I ask unanimous consent that this statement appear in the permanent RECORD immediately after the vote.

The SPEAKER pro tempore (Mr. COOPER). Is there objection to the request of the gentleman from New York?

There was no objection.

TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1989.

The SPEAKER pro tempore (Mr. PANETTA). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRENZEL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 301, noes 96, not voting 34, as follows:

[Roll No. 182]

AYES—301

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bateman
Bates
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Boehlert
Boland
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clay
Clinger
Coble
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Crockett
Darden
Daub
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Emerson
English
Erdreich
Evans
Fascell
Fazio
Feighan
Fish
Flake
Florio
Foglietta
Foley
Ford (MI)
Frank
Frost
Gallo

Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Goodling
Gordon
Grandy
Grant
Gray (IL)
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hochbrueckner
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hutto
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
LaFalce
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lott
Lowery (CA)
Lowry (WA)
Manton
Markey

Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McGrath
McHugh
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Nagle
Natcher
Nichols
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens (NY)
Owens (UT)
Panetta
Parris
Pashayan
Patterson
Pelosi
Pepper
Perkins
Pickett
Pickle
Porter
Price
Quillen
Rahall
Rangel
Ravenel
Regula
Richardson
Ridge
Rinaldo
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Sabo

Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sharp
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stokes
Stratton
Sundquist
Swift
Synar
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Yates
Yatron
Young (AK)

NOES—96

Archer
Armey
Badham
Baker
Ballenger
Bartlett
Barton
Bereuter
Bilirakis
Bliley
Brown (CO)
Buechner
Bunning
Burton
Cheney
Coats
Coleman (MO)
Combest
Craig
Crane
Dannemeyer
Davis (IL)
DeLay
Dickinson

Dornan (CA)
Dreier
Edwards (OK)
Fawell
Fields
Frenzel
Gallegly
Gekas
Gingrich
Glickman
Gradison
Gregg
Hiler
Holloway
Hughes
Hunter
Hyde
Ireland
Kasich
Kyl
Lagomarsino
Latta
Leach (IA)
Lewis (FL)

Lightfoot
Lipinski
Lloyd
Lujan
Luken, Thomas
Lukens, Donald
Madigan
Marlenee
Martin (IL)
McCandless
McCollum
McEwen
McMillan (NC)
Miller (WA)
Moorhead
Myers
Neal
Nielson
Olin
Oxley
Penny
Petri
Pursell
Rhodes

Roberts
Sensenbrenner
Shaw
Shays
Shumway
Shuster
Slattery
Slaughter (VA)
Smith (TX)

Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Stenholm
Stump
Sweeney

Swindall
Tauke
Thomas (CA)
Upton
Vucanovich
Walker
Whittaker
Wylie
Young (FL)

NOT VOTING—34

Biaggi
Boggs
Bonker
Boulter
Clement
Duncan
Espy
Flippo
Ford (TN)
Gray (PA)
Hayes (IL)
Inhofe

Jacobs
Kemp
Konnyu
Lancaster
Leland
Lewis (CA)
Livingston
Lungren
Mack
MacKay
Mica
Moody

Nelson
Packard
Pease
Ray
Ritter
Russo
Saiki
Spence
Studds
Tallon

□ 1525

The Clerk announced the following pair:

On this vote:

Mr. Nelson for, with Mr. Jacobs against.

Mr. HUGHES and BEREUTER changed their vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROYBAL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL EXPLANATION

Mr. NIELSON of Utah. Mr. Speaker, last week I was not available because of district business, and I missed rollcall votes 168 through 179.

Had I been present, I would have voted yes on rollcall Nos. 168, 170, 171, 173, 174, 177, 178, and 179.

Had I been present, I would have voted no on rollcall Nos. 169, 172, and 176.

PERSONAL EXPLANATION

(Mr. BEREUTER asked and was given permission to address the House for 1 minute.)

Mr. BEREUTER. Mr. Speaker, I take this time to present my explanation of missed votes. On Thursday and Friday of last week I was absent and excused from the proceedings of the House for reasons of official business. Three recorded votes occurred during my absence. I wish to include for the RECORD at this point my statement of how I would have voted had I been present for these votes. I would have voted as follows:

"Aye" on final passage of H.R. 4418, the National Science Foundation authorization;

"Nay" on the motion to approve the Journal; and

"Aye" on the motion to close the conference on the authorization for the Department of Defense.

LEGISLATIVE PROGRAM

(Mr. FOLEY asked and was given permission to address the House for 1 minute.)

Mr. FOLEY. Mr. Speaker, I take this time to inform the House that tomorrow the House is scheduled to meet at 10 a.m., but I will state that I intend to ask unanimous consent that when the House adjourns today, it will adjourn to meet at 11 a.m. tomorrow.

Mr. Speaker, tomorrow the House is scheduled to consider the Labor-HHS appropriations for fiscal year 1989 under the leadership of the distinguished gentleman from Kentucky [Mr. NATCHER].

There is a possibility that that appropriation bill may be concluded before the end of what normally would be the legislative day, and I would like to inform the Members that in the event the HHS bill is concluded early, we will begin consideration of the Commerce, State, Justice appropriation bill for fiscal year 1989.

On Thursday the House will meet at 10 a.m. and consider the Agriculture appropriations bill for fiscal year 1989.

HOUR OF MEETING ON TOMORROW

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 a.m. on tomorrow, Wednesday, June 15, 1988.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

IMPOSING CRIMINAL PENALTIES FOR DAMAGE TO RELIGIOUS PROPERTY AND OBSTRUCTION OF PERSONS IN FREE EXERCISE OF RELIGIOUS BELIEFS

Mr. CONYERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 794) to amend chapter 13 of title 18, United States Code, to impose criminal penalties for damage to religious property and for obstruction of persons in the free exercise of religious beliefs, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. **GEKAS.** Mr. Speaker, reserving the right to object, I would ask the chairman of the Subcommittee on Criminal Justice, the gentleman from Michigan [Mr. CONYERS], to review and to explain the bill at hand.

Mr. **CONYERS.** Mr. Speaker, will the gentleman yield?

Mr. **GEKAS.** I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I thank my colleague, the ranking Member of the Subcommittee on Criminal Justice, for yielding.

Mr. Speaker, the bill that we have before us today, S. 794, expands current law to make it a Federal crime to travel in or use an instrumentality of interstate or foreign commerce to damage religious real property or obstruct persons engaged in the free exercise of their religious beliefs. It is virtually identical to H.R. 3258 which passed the House with strong bipartisan support on October 5, 1987. There are only three minor differences between S. 794 and the House passed bill, each of which are acceptable to Members on both sides of the aisle. First, this bill adds a scienter element by inserting the word "intentionally" before each of the two provisions setting forth the prohibited conduct in section (1)(a). Second, a provision has been added which requires written notification by the Attorney General that a prosecution under this act is in the public interest and necessary to secure substantial justice. This appears as section (1)(d). And finally, the word "mosque" is specifically included within the definition of real religious property set forth in section (1)(e).

Mr. Speaker, acts of vandalism, harassment and violence targeted at people and property solely because of their race, religion, sexual orientation, or ethnic origin threaten to tear apart the fabric of our society. This type of conduct demands a strong governmental response, one designed to discourage the perpetrators, provide support to the victims, and educate members of the affected communities. I believe that this legislation, S. 794, represents an important first step toward addressing these needs.

Religiously motivated violence and vandalism appears to be on the rise in our society. Although precise statistics on the number of these incidents are not yet compiled by the Federal law enforcement community, data from those States and localities which do collect such information does show an increase.

One month ago, on May 18, the House overwhelmingly passed a bill I introduced, H.R. 3193, the Hate Crime Statistics Act. That legislation requires the Attorney General to collect and publish statistics on crimes which manifest prejudice based on race, religion, homosexuality, or heterosexuality, or ethnic origin. Once it is enacted into law, we will have accurate nationwide statistics on the overall hate crime problem to guide police and legislators in their efforts to curtail them.

The Anti-Defamation League of B'nai B'rith regulatory compiles data on anti-Semitic incidents. In January of this year, the ADL reported that it had received information on 1,018 incidents in 1987, an increase of 12 percent over the previous year—694 of these involved acts of vandalism ranging from swastika daubings to arson and pipe bombings. There were 324 acts of harassment, threats, and assaults.

The American-Arab Anti-Discrimination Committee has also reported incidents of religiously motivated violence and vandalism. At a hearing held in June 1986, by the Subcommittee on Criminal Justice, which examined hate violence directed at Americans of Arab descent, testimony was received about the Dar as-Salaam Mosque in Houston which in June 1985, was damaged by two bombs thrown through the window. A dinner which had been scheduled there the previous day to celebrate a religious holiday had been canceled due to a series of threats received over the phone.

An important factor in eliminating religiously motivated crimes is the concern and support shown by members of one religious group or community toward another. At the hearing I have described on anti-Arab violence, we heard testimony from Hyman Bookbinder of the American Jewish Committee. He came to express his organization's view that violence against any social or ethnic group is intolerable. This type of compassion and understanding helps build bridges that can overcome differences and disagreements. Arabs and Jews sitting at the same table, denouncing violence and searching for peace was a welcome sight for me and my colleagues on the subcommittee to see.

I want to commend my colleague from Kansas, Mr. GLICKMAN, who authored H.R. 3258, for his commitment and leadership on this matter. The enactment of this legislation will help increase public awareness of this and other types of hate crimes. It will do much to stem the tide of violence which threatens to drown religious freedom in this country.

A hate crime injures more than just the immediate victim; it threatens the free exercise of civil and constitutional rights by each of us. By criminalizing acts of religious violence and vandalism and devoting Federal resources to the collection of information about hate crimes, we will be demonstrating a strong national commitment to their ultimate elimination.

Mr. GEKAS. Mr. Speaker, I thank the gentleman from Michigan [Mr. CONYERS].

Further reserving the right to object, Mr. Speaker, I simply want to state that although there are many of us who continue to fear the overexpansion of Federal jurisdiction in matters that are best handled by law enforcement on the local level and although we made that point clear in many different ways, even in this legislation, we recognize that this legislation is a good compromise between that concern or that worry and the need to focus on the vandalism that now knows no boundaries and crosses State lines with respect to the intent to conduct such vandalism. Therefore, in the limited way the Federal Government has to involve itself, it does so through this legislation, and we approve the concept.

For those purposes, Mr. Speaker, I will withdraw any objection I might have.

Mr. GLICKMAN. Mr. Speaker, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Speaker, I thank my colleague for yielding, and I thank the gentleman from Michigan [Mr. CONYERS] and the gentleman from Pennsylvania [Mr. GEKAS] for their help on this bill.

Mr. Speaker, I was the principal sponsor of the religious violence bill that passed the House last year. The Senate bill, S. 794, differs from the House bill in a few minor respects: it includes a provision that requires certification by the Attorney General or his designee that prosecution of a specific incident under the law would be in the public interest. The Justice Department assures us that this is not a cumbersome procedure. The bill also makes it clear that only "intentional" attacks are subject to the penalties enumerated in the law, and the loss caused by the destruction or defacement of religious property must be in excess of $10,000. I believe that none of these changes substantially affect or weakens the bill.

I support this bill because the incidence of religious violence and other hate motivated crimes is increasing in this country. Even more ominous is the increase of racist organizations, such as the Skinheads and the Aryan Youth Movement, which profess broad hatred toward blacks and Jews. Frightening stories of churches, synagogues, mosques being defaced and vandalized appear in the press almost weekly, and there is great concern that these attacks could continue in the future. We in Congress must send out the message that violence against religious institutions will not be tolerated, and that those who act upon religious and ethnic hatred will be severely punished. I request my colleagues support in approving these changes and sending S. 794 to the President, who I expect to sign it.

Mr. FISH. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, S. 794 is very similar to H.R. 3258 introduced by my colleague from Kansas, Mr. GLICKMAN, which I supported and which passed the House October 5, 1987, under suspension. S. 794 differs only in that three minor amendments were added during consideration in the other body in repsonse to suggestions of the Justice Department. These amendments are of a noncontroversial nature and represent, I think an improvement of the bill. S. 794 is similar to legislation I introduced several years ago.

Mr. Speaker, crimes against religious property and those which interfere with the free exercise of one's religion are hateful and cannot be tolerated in our democracy. These crimes undermine a basic and cherished right. While the primary responsibility to prevent such crimes should be upon States and localities, sometimes these crimes are of such a nature that Federal law enforcement can serve as an important supplementary tool. This is particularly so when those destroying religious property or interfering with the free exercise of religion travel across State lines.

Mr. Speaker, I urge support of this bill.

□ 1535

Mr. DYMALLY. Mr. Speaker, will the gentleman yield?

Mr. GEKAS. Mr. Speaker, I yield to the gentleman from California.

Mr. DYMALLY. Mr. Speaker, I would like to pose a question to the chairman through the gentleman from Pennsylvania [Mr. GEKAS].

Does the bill cover religious shrines such as temples; for example, a Hindu temple or other religious buildings which are not included specifically in the bill?

Mr. GEKAS. Mr. Speaker, I would have to answer affirmatively to the gentleman from California [Mr. DYMALLY] that the language that is already included in the bill is contemplated to cover institutions of religious leaning of all stripes.

Mr. DYMALLY. Mr. Speaker, I thank the gentleman from Pennsylvania.

Mr. CONYERS. Mr. Speaker, will the gentleman yield to me?

Mr. GEKAS. I yield to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, I absolutely concur in his response to the gentleman from California [Mr. DYMALLY].

Mr. GEKAS. Mr. Speaker, I withdraw my reservation of objection and urge passage of the bill.

Mr. DYMALLY. Mr. Speaker, I rise today in support of S. 794, a bill which makes it a Federal crime to interfere forcibly with the free exercise of religion.

I would like to extend my compliments to both sponsors, the distinguished Representative from Kansas, Mr. GLICKMAN and the honorable Senator from Ohio, Mr. METZENBAUM for their diligence and commitment to ensuring that our laws impose criminal penalties for damage to religious property and for obstruction of persons in the free exercise of religious beliefs.

On December 22, 1987, I expressed my support for H.R. 3258, a companion bill to S. 794, which the House passed on June 14, 1988. Our forefathers long ago came to our shores seeking refuge from religious persecution. Ever since, our Constitution has guaranteed religious freedom for all our citizens. This bill extends these protections by ensuring that those who do not abide by our Constitution are dealt with appropriately by our law enforcement system.

Mr. Speaker, when I addressed the House last regarding this bill, I expressed my concern that the bill was not clear in that it did not specifically include the protection of mosques. At that time, I cited as an example of violence against the Islamic community nationwide one incident, when two homemade pipe bombs were thrown from a truck through the window of a mosque in Houston, TX causing $50,000 in damage. Other mosques throughout the country were vandalized or threatened, and some even received threats stating: "You people are dead."

There has never been a greater need to protect the American Islamic community. According to a recent study published in Time magazine, the American Islamic population is rapidly approaching 5 million strong, and is estimated to become the second largest religious community in this country in 30 years.

I am glad to say, today, that Senator METZENBAUM has amended his bill to remove all ambiguity, and specifically to include the term mosques under its protection. I am grateful to the Senator for his amendment which demonstrates clearly that this is a truly comprehensive bill, one which affords protection to all religious segments of our society.

Mr. Speaker, I believe that this is an important legislation, one which reaffirms our heritage of religious tolerance as guaranteed by our Constitution, and I urge my colleagues to support its passage.

The SPEAKER pro tempore (Mr. RAHALL). Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 794

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CRIMINAL PENALTIES FOR DAMAGE TO RELIGIOUS PROPERTY AND FOR OBSTRUCTION OF PERSONS IN THE FREE EXERCISE OF RELIGIOUS BELIEFS.

Chapter 13 of title 18, United States Code, is amended by adding at the end the following new section:

"§247. Damage to religious property; obstruction of persons in the free exercise of religious beliefs

"(a) Whoever, in any of the circumstances referred to in subsection (b) of this section—

"(1) intentionally defaces, damages, or destroys any religious real property, because of the religious character of that property, or attempts to do so; or

"(2) intentionally obstructs, by force or threat of force, any person in the enjoyment of that person's free exercise of religious beliefs, or attempts to do so;

shall be punished as provided in subsection (c) of this section.

"(b) The circumstances referred to in subsection (a) are that—

"(1) in committing the offense, the defendant travels in interstate or foreign commerce, or uses a facility or instrumentality of interstate or foreign commerce in interstate or foreign commerce; and

"(2) in the case of an offense under subsection (a)(1), the loss resulting from the defacement, damage, or destruction is more than $10,000.

"(c) The punishment for a violation of subsection (a) of this section shall be—

"(1) if death results, a fine in accordance with this title and imprisonment for any term of years or for life, or both;

"(2) if serious bodily injury results, a fine in accordance with this title and imprisonment for not more than ten years, or both; and

"(3) in any other case, a fine in accordance with this title and imprisonment for not more than one year, or both.

"(d) No prosecution of any offense described in this section shall be undertaken by the United States except upon the notification in writing of the Attorney General or his designee that in his judgment a prosecution by the United States is in the public interest and necessary to secure substantial justice.

"(e) As used in this section—

"(1) the term 'religious real property' means any church, synagogue, mosque, religious cemetery, or other religious real property; and

"(2) the term 'serious bodily injury' means bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.".

SEC. 3. TECHNICAL AMENDMENT.

The table of sections for chapter 13 of title 18, United States Code, is amended by adding at the end the following new item:

"247. Damage to religious property; obstruction of persons in the free exercise of religious beliefs.".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 794, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CORRECTING ENROLLMENT OF S. 952, PROVIDING GREATER DISCRETION FOR SUPREME COURT SELECTION OF CASES FOR REVIEW

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 123) to correct the enrollment of the bill (S. 952) to improve the administration of justice by providing greater discretion to the Supreme Court in cases it will review, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. GEKAS. Mr. Speaker, reserving the right to object, I yield to the gentleman from Wisconsin [Mr. KASTENMEIER] to explain the contents of the legislation.

Mr. KASTENMEIER. Mr. Speaker, I thank the gentleman for yielding, and I would be pleased to explain the Senate Concurrent Resolution 123.

Mr. Speaker, it corrects a technical error in the enrollment of the bill S. 952, a bill passed by the House on June 7, 1988, under suspension of the rules. The correction cures an erroneous amendment to section 25 to the Federal Insecticide, Fungicide and Rodenticide Act. The amendment has been cleared by both the minority and also the Committee on Agriculture, and once this enrolling change is made by the Secretary of the Senate, the bill will proceed forthwith to the White House for the signature of President Reagan.

Mr. GEKAS. Mr. Speaker, I thank the gentleman from Wisconsin.

Mr. Speaker, I withdraw my reservation of objection and urge adoption of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 123

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 952), an Act to improve the administration of justice by providing greater discretion to the Supreme Court in cases it will review, and for other purposes, the Secretary of the Senate shall make the following change:

Strike out subsection (i) of Section 6 and insert in lieu thereof the following:

(i) Section 25(a)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w(a)(4) is amended by—

(1) repealing clause (ii) of subparagraph (E): and

(2) striking out the following:

"(E) JUDICIAL REVIEW.—

"(i) Any", and inserting in lieu thereof the following:

"(E) JUDICIAL REVIEW.—Any".

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

INCREASING AUTHORIZATION FOR THE SEWALL-BELMONT HOUSE NATIONAL HISTORIC SITE

Mr. VENTO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2203) to increase the amount authorized to be appropriated with respect to the Sewall-Belmont House National Historic Site, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Page 2, after line 19, insert:

SEC. 2. EXPANSION OF THE DELTA REGION PRESERVATION COMMISSION.

Section 907(a) of Public Law 95-625, as amended, is further amended as follows:

(1) In clause (6), strike "region; and" and insert "region;".

(2) In clause (7), strike "Arts." and insert "Arts; and".

(3) Add the following new clause:

"(8) one member who shall have experience as a folklorist and who is familiar with the cultures of the Mississippi Delta Region appointed by the Secretary of the Smithsonian Institution.".

SEC. 3. SAIPAN HARBOR AND SAN JOSE HARBOR PROJECTS.

(a) There is authorized to be appropriated to the Secretary of the Interior such sums as are necessary for construction of the Saipan harbor project in the Northern Mariana Islands, in accordance with the May 1987 draft feasibility report of the Honolulu District Engineer.

(b) There is authorized to be appropriated such sums as are necessary for project planning, design, and construction for replacement of the main breakwater and for necessary dredging of the San Jose harbor on the Island of Tinian for in the Northern Mariana Islands. The cost-sharing provisions of Public Law 99-662 shall apply to the project, and particular consideration shall be given to possible defense uses of the harbor in determining the benefits of this project.

Mr. VENTO (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

Mrs. VUCANOVICH. Mr. Speaker, reserving the right to object, will the gentleman from Minnesota explain what is involved in this request?

Mr. VENTO. Mr. Speaker, will the gentlewoman yield?

Mrs. VUCANOVICH. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, on May 16, the House passed H.R. 2203, a bill introduced by our colleague Congresswoman LINDY BOGGS that increases the amount authorized to be appropriated for the Sewall-Belmont House National Historic Site. That site, home of Alice Paul, founder of the National Woman's Party and author of the Equal Rights Amendment, preserves and interprets an important aspect of American political and social history.

The Senate has amended this bill and sent it back to us. Their amendment expands the membership of the Delta Region Preservation Commission by adding a folklorist appointed by the Secretary of the Smithsonian and authorizes appropriations for the construction of the Saipan Harbor project in the Northern Mariana Islands. The Delta Region Preservation Commission, charged with assisting the Jean Lafitte National Historical Park in New Orleans, has long proved its value to that park and the addition of a folklorist will no doubt assist it further. The Saipan project will allow the economic development of Tinian Harbor and provide this country with a more useful harbor facility in that part of the world for military purposes. I recognize the significance of this project, and recommend that the House accept this amendment to H.R. 2203.

Mr. Speaker, I would ask the gentlewoman from Nevada [Mrs. VUCANOVICH] to yield to the gentleman from the Virgin Islands [Mr. DE LUGO] for further comment with regard to the Saipan project as this is part of the gentleman's responsibility.

Mrs. VUCANOVICH. Mr. Speaker, I am happy to yield to the gentleman from the Virgin Islands.

Mr. DE LUGO. Mr. Speaker, I thank the gentlewoman from Nevada for yielding, and I thank the chairman of the subcommittee for his consideration of this matter.

Mr. Speaker, I support the request of the gentleman from Minnesota, Chairman VENTO, not only because of the bill's park provisions but also because of a insular provision added by the Senate.

This provision would effectively technically amend the authorization for the Saipan, Northern Mariana Islands Harbor project which I sponsored. It would also authorize the Tinian Harbor project in that Commonwealth.

This part of the amendment was worked out between the Insular and International Affairs Subcommittee, which I chair, and the Senate Energy and Natural Resources Committee, chaired by BENNETT JOHNSTON.

The Insular areas can always count on Senator JOHNSTON to lead the response in the other body to their needs. His work on this matter, including a recent visit to the Commonwealth, proves that this case is no exception.

Members of the Committee on Interior and Insular Affairs have been working with Senator JOHNSTON on the need for port facilities in the Northern Mariana Islands for some time. The 1980 Omnibus Territories Act required a study of the need for improvements.

The study was conducted by the Corps of Engineers in 1981 and then Interior Under Secretary Donald Paul Hodel said it concluded the Commonwealth's ports "are generally in a state of disrepair and that improvements are necessary." In particular, the report noted that the Commonwealth's primary port in Saipan could not accommodate even commonsized vessels.

The inadequacy of the facilities has restricted the economic and social development of the Commonwealth. It also has implications for the vital role of the islands in our Nation's Pacific defense, as is shown by the current inability of a military preposition vessel homeported in the islands to actually dock there.

The 1986 Omnibus Water Projects Act included an authorization for $14 million for the offshore improvements to the Saipan Harbor. The Commonwealth would fund the other third of the cost of this phase of the project, about $7 million, as well as the onshore phase of the project, estimated to cost some $35 million.

The Senate amendment would require that the project be developed as planned in a 1987 study by the Corps of Engineers. It is supported by Gov. Pedro P. Tenorio.

The Committee on Interior and Insular Affairs has recommended funding of the Federal share of the project in fiscal year 1989. I hope that at least a portion of these funds can be provided.

The Senate amendment would also authorize planning, design, and construction of the offshore phase of improvements to the Tinian Harbor. I understand that this phase of the Tinian project should cost about the same as the offshore phase of the Saipan project. The same Federal-Commonwealth cost-sharing is also intended to apply.

Tinian has the potential to be an important fishing port and much of the island is leased to the Federal Government for military purposes. These potential uses are limited by its inadequate dock and seriously deteriorated breakwater, which was built in World War II, however.

It had been our intent to include the authorization for this project in the omnibus insular areas legislation that the gentleman from California, Representative LAGOMARSINO, and I have been working on with Senators JOHNSTON and MCCLURE and other Members of this House and the other body. However, I am pleased that we have this earlier means of addressing this need.

I urge the acceptance of the amendment and final passage of the bill.

Mrs. VUCANOVICH. Mr. Speaker, I thank the gentleman from the Virgin Islands, and I appreciate the explanation by the gentleman from Minnesota [Mr. VENTO], as well as the comments of the gentleman from the Virgin Islands [Mr. DE LUGO].

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Minnesota?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the Senate amendment just concurred in.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

ESTABLISHING SAN FRANCISCO MARITIME NATIONAL HISTORICAL PARK IN CALIFORNIA

Mr. VENTO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1044) to establish the San Francisco Maritime National Historical Park in the State of California, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 1, line 5, strike out "1987" and insert "1988".

Page 3, line 4, strike out "but".

Page 4, line 12, strike out "administered" and insert "credited".

Page 4, line 12, after "with" insert "subsection 4(f) of".

Page 4, line 18, strike out "administered" and insert "credited".

Page 4, line 19, after "with" insert "subsection 4(f) of".

Page 4, strike out all after line 20, over to and including line 14, on page 6 and insert:

(e) GENERAL MANAGEMENT PLAN.—Within 2 years after establishment of the park, the Secretary shall prepare and transmit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a general management plan for the park. The plan shall include, but not be limited to:

(1) a description of the resources of the park including, but not limited to, maritime and associated artifacts, documents, the following historic vessels: the sailing ship Balclutha; the steam schooner Wapama; the steamship SS Jeremiah O'Brien; the ferry Eureka; the schooner C.A. Thayer; the tug Ellpleton Hall; the tug Hercules; and the scow schooner Alma, and other real and personal property comprising the park collections such as written and illustrative material, objects, wrecks, small watercraft, and vessels;

(2) plans for the preservation of each historic vessel, including docking facilities, maintenance and ship repair facilities, and estimates for the costs thereof; a determination of the need for permanent docking facilities in a location best suited to the preservation of the historic vessels and for visitor access to the historic vessels; methods of accommodating visitors while protecting the historic vessels; and methods for providing for the proper care, exhibition, and storage of the park collections;

(3) plans for the location, preliminary design, and estimated cost of public facilities to be developed for the park, including a museum building, visitor parking, and public transit access; and

(4) plans for the interpretation of the historic vessels and park collections.

Page 7, line 8, after "donation" insert: Notwithstanding any other provision of law, the Secretary is authorized to enter into an agreement with the State of California or any political subdivision thereof under which the Secretary may improve and may use appropriated funds for the improvement of berthing facilities if the State or any political subdivision thereof makes available to the Secretary, in accordance with terms and conditions acceptable to the Secretary, lands and interests in land for the purpose of berthing the ships and providing visitor access to the historic ships.

Page 7, line 9, strike out "(d)" and insert "(d)(1)".

Page 7, after line 21, insert:

(2) ACQUISITION LIMITATION.—The Secretary shall not acquire any historic vessel pursuant to this subsection until the Secretary has notified the Committees in writing that sufficient funds have been made available to preserve and maintain those vessels listed in paragraph 3(e)(1) of this Act.

Page 8, strike out lines 10, 11, and 12, and insert:

(3) 4 members appointed for terms of 5 years from recommendations submitted by the Mayor of San Francisco with special consideration given to individuals with knowledge of museum and/or maritime issues and who represent the local fishing industry, recreational users, the business community, and neighborhood groups.

Page 8, strike out lines 20 and 21.

Page 10, line 18, after "Act" insert "but not to exceed $200,000 for planning".

Mr. VENTO (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

Mrs. VUCANOVICH. Mr. Speaker, reserving the right to object, will the gentleman from Minnesota [Mr. VENTO] explain what is involved, please?

Mr. VENTO. Mr. Speaker, will the gentlewoman yield?

Mrs. VUCANOVICH. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, in the past few years we have increasingly come to recognize the importance of this Nation's maritime heritage. The early history of this Nation is closely tied to its maritime history. The maritime industry fed us, provided us with key trading commodities, with defense, with travel routes and even with light sources.

Although there are many units of the National Park System located on its coasts, lakes, bays, and rivers, only the Salem Maritime National Historic Site in Massachusetts has specifically focused on the preservation and interpretation of our maritime heritage. At the same time, out in San Francisco, under the National Park Service's care is a unique and impressive collection of maritime vessels, as well as maritime documents and artifacts ranging from small schooners to large sailing ships. These have been part of the Golden Gate National Recreational Area.

H.R. 1044 by establishing the San Francisco Maritime National Historical Park will provide these historical resources with increased recognition, and protection. The House passed this legislation a year ago. The Senate just passed it. The Senate amended H.R. 1044 in several ways, most of them minor and technical. The date of the act has changed to "1988," and the decription of the general management plan was changed slightly, a limitation on acquisition of other historic vessels unless sufficient funds are available for the preservation and maintenance of those vessels currently in the park was added and two additional members of the advisory commission, to be named by the mayor of San Francisco, were added. Finally, a cap of $200,000 on planning for the park was specified in the authorization of appropriations. These changes are minor and helpful, and I ask that H.R. 1044, as amended by the Senate, be passed by the House.

Ms. PELOSI. Mr. Speaker, I want to express my strong support for H.R. 1044, a bill to establish the San Francisco Maritime National Historical Park.

This legislation was intended to be introduced by former Congresswoman Sala Burton last year but her early death made it impossible for her to fulfill this dream. Chairman UDALL responded by introducing H.R. 1044, and with the able leadership of Chairman VENTO, shepherded it through the legislative process. Their work has been essential to the success of this bill and I commend them both for their extraordinary efforts in support of this important legislation to preserve the historic ship collection of the National Maritime Museum.

H.R. 1044 establishes the San Francisco Maritime National Historical Park as a new unit of the National Park System. This would allow the fleet of historic ships, five of which are designated National Historic Landmarks, to be preserved along with the museum artifacts now in the possession of the National Park Service.

These vessels have survived the ravages of the sea and now stand as monuments of our rich maritime history. it is only fitting that their contribution to California commerce and our Nation's maritime industry be so recognized.

The success of H.R. 1044 is due, in no small measure, to the significant contribution Congresswoman Sala Burton made to this endeavor. Her role will be appropriately acknowledged by designating the museum building for this collection the "Sala Burton Building." The people of San Francisco are pleased to know that this landmark will stand in her memory.

□ 1545

Mrs. VUCANOVICH. Mr. Speaker, I appreciate the explanation of the gentleman from Minnesota, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Minnesota?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate amendments to H.R. 1044, just concurred in.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

EXTENDING WITHDRAWAL OF CERTAIN PUBLIC LANDS IN LINCOLN COUNTY, NV

Mr. VENTO. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs and the Committee on Armed Services be discharged from further consideration of the bill (H.R. 4799) to extend the withdrawal of certain public lands in Lincoln County, NV.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

Mrs. VUCANOVICH. Reserving the right to object, Mr. Speaker, this is a bill that I have worked on and am well aware of.

I would appreciate the gentleman from Minnesota [Mr. VENTO] explaining the bill.

Mr. VENTO. Mr. Speaker, will the gentlewoman yield?

Mrs. VUCANOVICH. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, at the outset, let me give my thanks to the gentleman from California [Mr. DELLUMS], the subcommittee chairman on the Armed Services Committee, who has a responsibility and interest in this matter and has been very cooperative as we have tried to work out an agreement on the withdrawal of the Groom Range area to meet the concerns of the Nellis Air Force Range and the Air Force.

Mr. Speaker, this bill would extend the present withdrawal of the Groom Mountain area in Lincoln County, NE.

This area of public lands adjoins the Nellis Air Force Range, which is one of the Air Force's most important areas for training and for highly sensitive activities with a direct bearing on the national defense. However, not being part of that military area, it has not been covered by the restrictions on public access or other activities applicable to the Nellis complex.

In 1981, the Air Force became concerned that public access to the Groom Mountain area presented a threat to the security of activities within the Nellis Range complex. They later acted to block public access to the Groom Mountain lands, even though they had no authority to take such steps. In 1984, Congress authorized continued closure of the Groom Mountain area through enactment of Public Law 98-485. That law provided that the withdrawal of these lands would end on December 31, 1987.

In 1986, through enactment of an Omnibus Military Lands Withdrawal Act, Congress renewed the withdrawal of the Nellis Range complex for continued military use until November 6, 2001.

Last year, as the end of the withdrawal period for the Groom Mountain area neared, the administration requested that it be extended by incorporating the area within the Nellis range complex. On December 1, 1987, the House approved this as part of H.R. 2142, which also included designation of wilderness areas in Nevada's National Forests and adjustments of land in Nevada managed by the Forest Service and the Bureau of Land Management. Because that was so close to the December 31 deadline, the House and Senate then joined in extending the Groom Mountain withdrawal until March 31 of this year. It was our hope that this would give the Senate sufficient time to complete action on the overall Nevada lands bill passed by the House.

For the same reason, the gentleman from California [Mr. DELLUMS] and I later sought and obtained approval of additional legislation that extended the Groom Mountain withdrawal until June 15.

Now, the Senate has acted on Nevada lands legislation finally. And the way is clear for the Interior Committee and the House to seek a conference to attempt to resolve the differences between the House and Senate versions of that legislation.

Meanwhile, however, the June 15 deadline for withdrawal of the Groom Mountain area is hard upon us. I believe that we should act so as to avoid any chance that the Air Force's important activities at Nellis might suffer from problems that could arise if the withdrawal cf the Groom Mountain area should expire. Therefore, I have joined with the gentleman from California, Mr. DELLUMS, who chairs the Military Installations Subcommittee of the Committee on Armed Services. To introduce this separate legislation which would give the Air Force the long-term withdrawal they are seeking and which the House approved last December.

Mr. Speaker, it is my hope that we could proceed to pass this bill without delay. I expect that the Senate would act likewise, and that then we will proceed to conference with the Senate with respect to the other Nevada land matters dealt with in H.R. 2142, without further involving the Air Force.

Mrs. VUCANOVICH. Mr. Speaker, I thank the gentleman from Minnesota for his explanation. As the gentleman has well pointed out, the deadline, of course, is June 15 as far as solving the withdrawal of these lands that will benefit Nellis and, of course, the defense of our country.

I am just sorry that the Lands Exchange bill was not a part of this, but I understand the pressures that the chairman of the subcommittee feels, so I certainly am not going to object to this. I am glad to see this coming to the floor. I appreciate the gentleman from Minnesota [Mr. VENTO] and the gentleman from California [Mr. DELLUMS] dealing with this problem. It will certainly be helpful for my State.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4799

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 1(b) of the Military Lands Withdrawal Act of 1986 (100 Stat. 3457) is amended by striking out the period at the end of paragraph (2) and by inserting in lieu thereof the following: "and lands comprising approximately 89,600 acres of land in Lincoln County, Nevada, as generally depicted on the map entitled 'Groom Mountain Addition to Nellis Air Force Range' dated September 1984 and filed in accordance with section 2."

SEC. 2. CONFORMING AMENDMENT.—Section 5(b)(2) of the Military Lands Withdrawal Act of 1986 (100 Stat. 3463) is hereby amended by striking out subparagraph (B) and by striking out "(A)" after "(2)".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4799, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

AWARDING PRESIDENTIAL MEDAL OF FREEDOM TO THREE U.S. CITIZENS KILLED IN AFGHANISTAN

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the concurrent resolution (H. Con. Res. 260) expressing the sense of the Congress that the President should award the Presidential Medal of Freedom to Charles E. Thornton, Lee Shapiro, and Jim Lindelof, citizens of the United States who were killed in Afghanistan and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to this legislation.

Mr. Speaker, I yield to the gentleman from New Jersey [Mr. COURTER] who is the chief sponsor of House Concurrent Resolution 260, to authorize the award of the Presidential Medal of Freedom to three United States citizens killed in Afghanistan.

Mr. COURTER. Mr. Speaker, I rise today to pay tribute to three men who paid the ultimate price of freedom. These men were on the front line in what has been called a twilight struggle, which they sought to illuminate by bringing the desperate realities of the struggle for liberty in Afghanistan to the attention of the world.

Jim Lindelof. Lee Shapiro. Charles Thornton. These are the names of Americans who died in Afghanistan at the hands of Soviet troops. It is well worth remembering the circumstances of their deaths. The first American to die was Charles Thornton, a medical reporter for the Arizona Republic. On September 19, 1985, Thornton was murdered in an ambush by Soviet troops while preparing a story on volunteer doctors in Afghanistan. Two years later, on October 9, 1987, Lee Shapiro and Jim Lindelof were ambushed and murdered while making a documentary. Returning to Pakistan after 5 months of filming, they were strafed by helicopter gunships. Lindelof was killed instantly, but Shapiro, despite his wounds, attempted to save their film. The Soviets responded by landing their helicopters in order to shoot Shapiro several more times, ensuring his death.

Their sacrifice must not be in vain. Today, there is hope for an independent Afghanistan, free of foreign invaders, due to our persistent efforts and especially to the valiant struggle of the Afghan freedom fighters. Yet these efforts would not have had a chance for success without the increased international awareness of the Soviet invasion and its brutal war against the Afghan people. This was made possible by brave journalists who refused to be deterred by threats made by Soviet "diplomats," like Vitaly Smirnoff, the Soviet Ambassador to Pakistan, who warned journalists, "do not try to enter Afghanistan with the so-called Mujaheddin any longer * * * in the future, the bandits and so-called journalists will be killed."

It is fitting and proper then that these journalists, who gave their lives, should be honored for their courage and determination. On March 9 I introduced House Concurrent Resolution 260, cosponsored by the distinguished gentleman from California, Mr. MATSUI, and Arizona, Mr. STUMP, which expressed the sense of the Congress that the President should award the Presidential Medal of Freedom to Charles Thornton, Lee Shapiro, and Jim Lindelof, citizens of the United States who were killed in Afghanistan. I am pleased that this measure has received a great deal of bipartisan support from my colleagues. I believe that with passage of this legislation, we can bestow recognition upon three Americans who paid the price of freedom in Afghanistan's brutal and senseless war.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for his comments, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 260

Whereas the armed forces of the Soviet Union have waged a brutal war of conquest against the people of Afghanistan for 8 years;

Whereas foreign correspondents attempting to cover the war in Afghanistan have always been subject to extreme danger;

Whereas the danger to foreign correspondents became even greater in 1984 when the Soviet Ambassador to Pakistan explicitly threatened foreign journalists entering Afghanistan in the company of the Afghan resistance, known as the mujaheddin;

Whereas, on September 19, 1985, Charles E. Thornton, a medical reporter for the Arizona Republic, was killed by Soviet troops while preparing a story about volunteer doctors in Afghanistan;

Whereas, on October 9, 1987, Lee Shapiro, of North Bergen, New Jersey, and Jim Lindelof, of California, were ambushed and murdered by Soviet troops while filming a documentary on the war in Afghanistan;

Whereas the statements of Abdul Malik, the Afghan interpreter and guide who accompanied Lee Shapiro and Jim Lindelof and who witnessed their deaths, demonstrate that the 2 Americans were strafed by helicopter gunships of the Soviet Union and shot by Soviet soldiers who then confiscated their equipment and film; and

Whereas Charles E. Thornton, Lee Shapiro, and Jim Lindelof displayed great courage by facing the perils of war and the lethal threat directed against correspondents and ultimately gave their lives to inform the world of the struggle for liberty taking place in Afghanistan: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the President should posthumously award the Presidential Medal of Freedom to Charles E. Thornton, Lee Shapiro, and Jim Lindelof in honor of their brave efforts to document the Afghan struggle for freedom; and

(2) the President should present the award to the families of Charles E. Thornton, Lee Shapiro, and Jim Lindelof at the White House on March 21, 1988, which the people of Afghanistan celebrate as the start of the new year and which date in 1987 was designated as Afghanistan Day in the United States.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

BALTIC FREEDOM DAY

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service and the Committee on Foreign Affairs be discharged from further consideration of the Senate joint resolution (S.J. Res. 249) designating June 14, 1988, as "Baltic Freedom Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Reserving the right to object, Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. RITTER], who is the chief sponsor of House Joint Resolution 474, designating June 14, 1988, that is today, as "Baltic Freedom Day."

Mr. RITTER. Mr. Speaker, I am pleased to be this year's sponsor of Baltic Freedom Day, June 14, 1988. Today's passage of Senate Joint Resolution 249 in the House, demonstrates congressional resolve to recognize the continuing desire and right of the people of Lithuania, Latvia and Estonia for freedom and independence from the Soviet Union.

As a member of the Helsinki Commission and as cochairman of the Ad Hoc Committee on the Baltic States and Ukraine, I want to thank the Baltic-American communities for their continued support of freedom for the Baltic nations. Without their work and encouragement, the voices in support of the Baltic people would not be heard as loudly as they are heard in the Soviet Union and around the world.

This resolution is particularly appropriate this year in light of the positive changes taking place in the Soviet Union. It is my hope that Gorbachev's openness and restructuring campaign will be broadened and expanded to include greater autonomy and rights for the Baltic people.

The Baltic nations of Latvia, Lithuania and Estonia have individual and separate cultures, with national traditions and languages distinctively different from Russian. It is unreasonable to expect these people to abandon their hopes for self-determination. There is no reason for the United States to abandon its policy of nonrecognition of the illegal forced incorporation of the Baltic States into the Soviet Union. The Baltic people want no more than the opportunity to determine their own economic destiny while preserving their values and the distinctiveness of their culture. Such self-determination should, in no way, serve to threaten the Soviets.

A review of history shows the Baltic people have both deep roots and a resolute spirit. The Lithuanian Kingdom was established in 1251 and Lithuania enjoyed self-determination for over 500 years. Lithuanians were able to keep the hope of freedom alive during 123 years of occupation by Russians and Germans until they regained their freedom in 1918. The shores of the Baltic Sea have been home to Estonians since 2000 B.C. Free until the 13th century, Estonia as well, was not to regain its freedom until the close of World War I. And, Latvia enjoys a rich and independent heritage that dates back over 4000 years. With such deep and independent roots, we cannot, after only 43 years of Soviet rule, discount the ability of these people to regain their freedom. And, the Baltic people have not given up on themselves.

1987 and 1988 mark two historic years of Baltic activism.

I call upon the Soviets to fully guarantee the rights expressed in their constitution; doing so, will strengthen, not weaken, the Soviet Union. Our two nations can make advances toward one another, but we will not grow close as long as freedom and self-determination is denied, as long as the Helsinki accords do not remain fully implemented. I look forward to the day when the Baltic nations and peoples enjoy freedom and self-determination. My hope is that this resolution, commemorating June 14, 1988, as Baltic Freedom Day, will hasten the coming of that day.

MARCH 1987

Latvian human rights group Helsinki 86 calls for demonstrations in Riga on June 14, to honor Baltic victims of Stalinist deportations in 1941.

JUNE 1987

Over 5,000 Latvians are joined by Estonians and Lithuanians on June 14 for flower laying ceremony at the Monument of Freedom in Riga. Soviets begin to harass demonstration leaders, forcing some to emigrate to the West.

AUGUST 1987

The Estonian Group for Full Publication of the Molotov-Ribbentrop Pact (MRP-AEG) is formed in Tallinn, and joins Lithuanians in calling for a public demonstration on August 23, the anniversary of the pact. Latvians also call for a similar rally in their capital.

Successful mass demonstrations are held in Baltic capitals on August 23: 2,000 in Vilnius, 5,000 in Tallinn and 10,000 in Riga. As a result, many Baltic activists are harassed, put under house arrest or detained by KGB.

Representatives of the Joint Baltic American National Committee JBANC and other Baltic-American groups confront Soviet spokesman during a week of debates at the Conference on US-USSR Relations in Chautauqua, NY.

OCTOBER 1987

Baltic freedom fighters Tilt Madison (Estonian), Rolands Silaraups (Latvian) and Vytautas Skuodis (Lithuanian) testify before the Commission on Security and Cooperation in Europe, Washington, DC.

3,000 Estonians gather in Voru to honor the dead from Estonia's War of Liberation (1918–1920).

NOVEMBER 1987

3,000 Estonians gather at a war cemetery in Parnu to commemorate victims of the War of Liberation.

On November 18, thousands of armed Soviet militia block off streets in Riga to prevent nationalist demonstrations. An officially sponsored anti-American rally is held by the Soviets. In Liepaja, Latvia, 800 peaceful marchers are attacked by Soviet riot police; many are hospitalized.

JANUARY 1988

The formation of the Estonian National Independence Party is announced at a press conference in Moscow. The Party will act as an opposition group to the Communist Party of Estonia.

A Latvian Communist Party member, Dr. Juris Vidins, joins the Latvian human rights group Helsinki 86 and is subsequently expelled from the Party.

FEBRUARY 1988

In Tartu, security forces with dogs and tear gas prevent Estonians from holding a rally to commemorate signing of Estonian-Soviet Russian Peace Treaty of 1920. 800 demonstrators are re-routed to an auditorium.

Estonian and Lithuanian activists call for public demonstrations to commemorate their nation's respective independence days. The Soviets begin a public campaign to halt the rallies and invite Western journalists to Tallinn to discuss "nationalities" issues at a Soviet press conference.

An estimated 100,000 Lithuanian Catholics attend church services two days prior to the anniversary of Lithuanian Independence Day, Feb. 16. On Feb. 15, Soviet authorities hold an official rally to protest President Reagan's resolution on Lithuania. On Feb. 16, 10-15 thousand Lithuanians gather for a rally in Gediminas Square in Vilnius.

Despite massive police presence between 10-15 thousand Estonians gather in Tallinn to observe Estonian Independence Day.

The Soviet Foreign Ministry accuses Voice of America (VOA) of misrepresenting nationalist sentiment in the Baltic States. VOA's Director Richard Carlson denies the charges.

Mrs. MORELLA. Further reserving the right to object, Mr. Speaker, I am a cosponsor of this very important resolution.

I associate myself with the remarks of the gentleman from Pennsylvania [Mr. RITTER] who spoke so eloquently on it.

Mr. LIPINSKI. Mr. Speaker, more than 40 years ago, the people of the independent Republics of Latvia, Lithuania, and Estonia, were overrun by invading armies of the Soviet Union with the cooperation of the Nazi regime.

On June 14, 1988, "Baltic Freedom Day," we remember that illegal action which signaled the end of freedom and liberty, and the beginning of injustice and persecution of the Baltic peoples. At the same time, we also salute the courage and determination of the Baltic peoples who continue to this day their peaceful struggle for freedom.

Just last year, the voices declaring the right to live as free men and women have grown much stronger in the Baltic States. Courageous people have risked serious punishment to protest conditions that are unacceptable. Here in the United States, meanwhile, Americans with strong ties to family and friends in the Baltic States have championed their noble cause.

Thanks to their tireless efforts, increased attention has been paid here in the United States to the serious problems that now exist in Latvia, Lithuania, and Estonia, as well as other formally independent states now under Soviet domination.

More and more Americans are now aware that the Baltic peoples do not enjoy self-government; they do not enjoy religious freedom; they do not have the opportunity to celebrate their culture. Indeed, it is remarkable how successful they have been in preserving their cultural identity despite the intense russification conducted by the Soviet Union. When the U.S. Government judges the U.S.S.R's record on human rights, their actions in the Baltic States must be taken into consideration.

Today, on Baltic Freedom Day, we renew our pledge never to recognize the incorporation of the Baltic States into the Soviet Union. Even more, we pay tribute to the spirit and determination of a people who will never back down in the cause of freedom. We stand with them on this important day, and will continue to so that the men, women, and children of Latvia, Lithuania, and Estonia, can be free once again.

Mr. BROOMFIELD. Mr. Speaker, I wish to join my colleagues in supporting House Joint Resolution 474, to proclaim this day as "Baltic Freedom Day," and to send a clear message to the Soviet Union that the United States continues to protest the occupation of the sovereign Baltic nations of Estonia, Latvia, and Lithuania.

These three Baltic nations were forcibly brought into the Soviet sphere in the early days of World War II, when, after a deal between Stalin and Hitler, Soviet troops invaded these nations and took control from their legitimate, internationally recognized governments. Over the close to five decades that the Soviet occupation has lasted, the Soviet Government has attempted to solidify its control by trying to destroy the cultural identity of these nations, and eliminate their leaders.

However, desipte the best efforts of Moscow, it is clear that they have failed, and that the hope of freedom and the dream of once again regaining their independence burns deeply in the hearts of the people of these three nations.

The mass demonstrations we have seen take place in these nations recently, and the other efforts to assert their identity as Estonians, Latvians, or Lithuanians clearly show that the people continue to view themselves as living in an occupied nation.

Mr. Speaker, the United States has continued to demonstrate its opposition to the Soviet attempts to incorporate these nations into the U.S.S.R., through such resolutions as House Joint Resolution 474, and by continuing to recognize their governments in exile, and we must continue to do so. Despite the nearly five decades that have passed, we must not become callous to the Soviet conquest of the Baltic nations, and abandon the people of these countries.

As a cosponsor of this resolution, I wish to congratulate Congressman RITTER for his leadership and hard work on this issue. I also wish to urge my colleagues to vote in support of House Joint Resolution 474, and designate today as "Baltic Freedom Day."

Mr. HOYER. Mr. Speaker, today, June 14 is Baltic Freedom Day, the day on which Baltic peoples all over the world commemorate the tragic 1941 deportation, by Soviet dictator Josef Stalin, of thousands of citizens from Estonia, Latvia, and Lithuania to Siberia. Without trial, without advance notice, and for many, without the hope of returning, these people were herded onto trains and shipped off to exile and death.

Last year on this date, about 5,000 Latvians in Soviet-occupied Latvia commemorated the deportations by peacefully marching to the Monument to Freedom in the center of Riga where they laid flowers in memory of Stalin's victims. Since that time, thousands of Estonians and Lithuanians have joined with their Latvian neighbors in peaceful protests to demand the cultural and national freedoms to which they are entitled under the Helsinki accords.

In October of last year, the Helsinki Commission held hearings on the Baltic situation. We heard testimony from three former Estonian, Latvian, and Lithuanian dissidents who had recently arrived in the West after having been released from labor camp. They reported extensively on the continued violation of human rights in the Baltic States, and emphasized the continuing spirit of resistance in their countries against the Soviet occupation, the spirit that even four decades of Soviet occupation had been unable to quell.

Nevertheless, it would be untrue to say that there have been no changes in the Baltic States under Soviet General Secretary Gorbachev. The fact that the demonstrations to which I have referred have been allowed to take place is an indication of change. The press in the Baltic States has also been able to more openly address the "blank spots" in Soviet history concerning the Stalinist era and the period of independence prior to the Soviet takeover. Even the central press in Moscow has admitted that the Baltic peoples do have legitimate grievances against immigrants who wish to live in the Baltics but refuse to learn the native language.

I am informed that there will be demonstrations today in each of the Baltic capitals, and at least in Riga, Communist Party officials have given their approval for the demonstrations to take place. We hope that these demonstrations will be allowed to take place peacefully. The police chief of Moscow was quoted recently as saying that as long as demonstrations in that city are peaceful, the police do not interfere. We hope that his counterparts in Tallinn, Riga, and Vilnius share the same counsel.

The legitimate demands of the Baltic peoples provide General Secretary Gorbachev with an excellent opportunity to demonstrate his good faith in the area of nationality relations. As Chairman of the Helsinki Commission, which is mandated by law to monitor the Helsinki accords, it is my hope that the legitimate grievances of the Baltic peoples will be heeded and remedied in Moscow. There are still Baltic political prisoners in Soviet labor camps and exile. No effective steps have been taken to stem the flow of non-Russian emigrants into the Baltics. The major blank spot in Soviet history, the text of the Molotov-Ribbentrop pact with its secret protocols, has yet to be published in the Soviet Union. And little has been done to address the growing environmental crisis caused by Moscow's exploitation of natural resources in the Baltic region.

On this Baltic Freedom Day, Mr. Speaker, I encourage Mr. Gorbachev to make full use of the opportunity to begin to alleviate the problems of the Baltic peoples.

Mr. HYDE. Mr. Speaker, in this era of glasnost, perestroika and the generally improved relations between the U.S. and the U.S.S.R., we commemorate today an anniversary that we, as standard bearers of free people everywhere, ought not forget.

To some of this generation the names Lithuania, Latvia, and Estonia strike no responsive chord. The U.S.S.R. is delighted. It has spent more than 45 years trying to erase our collective memory the fact that these Baltic republics ever existed, and if it could, it would rip references to them from every history book and map in the world.

Why?

Because in 1940, during the chaos of World War II, the Soviet Union seized these three republics and forcibly incorporated them into the U.S.S.R. Freedoms were abolished, and Soviet oppression was inflicted upon these proud and courageous peoples. Then on June 14, 1941, the U.S.S.R. began mass deportations of hundreds of thousands of Lithuanians, Latvians, and Estonians to Siberia in an attempt to further break their national will.

These three republics, free and proud members of the League of Nations, and recognized by the world as sovereign governments, were swallowed overnight by the U.S.S.R. which continues to occupy them and deny their peoples basic rights, religious freedoms, and self-determination.

It can be said to the credit of the United States that our Government has refused to recognize their inclusion in the U.S.S.R. and continues to recognize the Baltic republics as sovereign states entitled to stand independently among the other nations of the world. And the people of the Baltic republics, likewise, have refused to let the light of hope go out as they have struggled and suffered for 40 years under Soviet domination and oppression.

The Soviet Union must know that time will not erase their shame and that the injustices of today will only recall more vividly their crimes of yesterday.

The people of the Baltic republics must know and draw strength from the fact that Americans share their desire for freedom and national independence and have resolved to keep their plight vividly before all the people of the world, including their captors.

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, 48 years ago the free states of Lithuania, Latvia, and Estonia become subjected to the brutal and unscrupulous suppression by the Soviet Union. The Soviet occupation of these Baltic States stripped the people of their political and religious freedoms.

In recognizing Baltic Freedom Day, we sadly remember the Soviet Union's illegal annexation of the free Baltic States. Although the Baltic States have been taken physically by the Soviets, they still have in them the dreams of peace and freedom. Even under the cruelest of circumstances, the Baltic people maintain their courageous spirit for independence.

In the senseless massacre of a proud people, the Soviets have used the process of "Russification" in which Baltic culture has been taken and replaced by communist ways.

Mr. Speaker, we must all pay homage to the Baltic people who fought and died in defense of freedom against Soviet forces over 40 years ago. We must never forget this tragedy and remember that the Baltic spirit is still alive today.

Mrs. MORELLA. Mr. Speaker, today we celebrate Flag Day, the 211th anniversary of the Stars and Stripes as adopted by the Second Continental Congress at Philadelphia in 1777. We also have before us today a bill which designates June 14, 1988, as "Baltic Freedom Day".

Mr. Speaker, whereas we in America have enjoyed our freedom for over two centuries, the Baltic Republics of Lithuania, Latvia, and Estonia have been subjugated by a repressive government which illegally seized and occupied their territory in 1940. We in the United States of America take our two centuries of freedom for granted; the Baltic nations of Latvia, Estonia, and Lithuania are pleading for their independence from the Union of Soviet Socialist Republics after 48 years of domination.

Our Government has never recognized the takeover of these lands by the Soviet Union; we recognize the right of these people to govern themselves. They are a people with a separate culture and language from the people of Russia—their national traditions differ from their captors. This Nation has always championed the rights of other countries to govern themselves.

The U.S.S.R. subjected the Baltic people to a mass deportation in 1941. Many of these people took refuge on the shores of the United States. These American citizens of Latvian, Estonian, and Lithuanian origin still yearn for freedom for those they left behind.

Mr. Speaker, I believe that the passage of this bill, Senate Joint Resolution 249, will give hope to the enslaved people of the Baltic Republics and send a clear message to Russia, in the spirit of glasnost, that the ability of people to govern themselves under political and religious freedom is far more effective than repressive foreign domination.

I hope that the flags of independent Latvia, Estonia, and Lithuania will fly high and proud, the way we fly Old Glory. Mr. Speaker, I urge all our colleagues to support Senate Joint Resolution 249 and commend the gentleman from Pennsylvania [Mr. RITTER] for his sponsorship of the House counterpart, House Joint Resolution 474.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 249

Whereas the people of the Baltic Republics of Lithuania, Latvia, and Estonia have cherished the principles of religious and political freedom and independence;

Whereas the Baltic Republics have existed as independent, sovereign nations belonging to and fully recognized by the League of Nations;

Whereas the Union of the Soviet Socialist Republics (U.S.S.R.) in collusion with Nazi Germany signed the Molotov-Ribbentrop pact which allowed the U.S.S.R. in 1940 to illegally seize and occupy the Baltic States and by force incorporated them against their national will and contrary to their desire for independence and sovereignty into the U.S.S.R.;

Whereas due to Soviet and Nazi tyranny, by the end of World War II, the Baltic nations had lost 29 per centum of their total population;

Whereas the people of the Baltic Republics have individual and separate culture, national traditions, and languages distinctively foreign to those of Russia;

Whereas the U.S.S.R. since 1940 has systematically implemented its Baltic genocide by deporting native Baltic peoples from their homelands to forced labor and concentration camps in Siberia and elsewhere, and by relocating masses of Russians to the Baltic Republics, thus threatening the Baltic Cultures with extinction through russification;

Whereas the U.S.S.R. has imposed upon the captive people of the Baltic Republics an oppressive political system which has destroyed every vestige of democracy, civil liberties, and religious freedom;

Whereas the people of Lithuania, Latvia and Estonia find themselves today subjugated by the U.S.S.R., locked into a union they deplore, denied basic human rights, and persecuted for daring to protest;

Whereas the U.S.S.R. refuses to abide by the Helsinki accords which the U.S.S.R. voluntarily signed;

Whereas the United States stands as a champion of liberty, dedicated to the principles of national self-determination, human rights, and religious freedom, and opposed to oppression and imperialism;

Whereas the United States as a member of the United Nations has repeatedly voted with a majority of that international body to uphold the right of other countries of the world to determine their fates and be free of foreign domination;

Whereas the U.S.S.R. has steadfastly refused to return to the people of the Baltic States of Lithuania, Latvia, and Estonia the right to exist as independent republics separate and apart from the U.S.S.R. or permit a return of personal, political and religious freedoms; and

Whereas 1988 marks the forty-eighth anniversary of the United States continued policy of nonrecognition of the illegal forcible occupation of Lithuania, Latvia and Estonia by the U.S.S.R.: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the Congress recognizes the continuing desire and right of the people of Lithuania, Latvia and Estonia for freedom and independence from the domination of the U.S.S.R.;

(2) the Congress deplores the refusal of the U.S.S.R. to recognize the sovereignty of the Baltic Republics and to yield to their rightful demands for independence from foreign domination and oppression;

(3) the fourteenth day of June 1988, the anniversary of the mass deportation of Baltic peoples from their homelands in 1941, be designated "Baltic Freedom Day" as a symbol of the solidarity of the American people with the aspirations of the enslaved Baltic people; and

(4) the President of the United States be authorized and requested to issue a proclamation for the observance of Baltic Freedom Day with appropriate ceremonies and activities and to submit the issue of the Baltic Republics to the United Nations so that the issue of Baltic self-determination will be brought to the attention of the United Nations General Assembly.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RECOGNIZING CIVILIAN CONSTRUCTION WORKERS IN DEFENSE OF WAKE ISLAND, 1941

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the concurrent resolution (H. Con. Res. 301) recognizing the heroic acts of civilian construction workers who participated in the defense of Wake

Island during its invasion by Japan during December 8 through 23, 1941, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Reserving the right to object, Mr. Speaker, the chief sponsor of this resolution is the gentleman from California [Mr. PACKARD].

Mr. Speaker, the minority has no objection to this legislation, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 301

Whereas following the attack on Pearl Harbor on December 7, 1941, Japanese armed forces assaulted the South Pacific islands of Wake, Guam, and Cavite on December 8, 1941;

Whereas civilian construction workers on Wake Island assisted in building a base for the defense of the Pacific under the direction of United States Naval Air Base contractors;

Whereas until they were overpowered and forced to surrender, these civilian construction workers, using meager weapons and equipment, fought alongside members of the Marines in defense of Wake Island for 16 days against continuous attacks by Japan;

Whereas a monument commemorating the heroic actions of these civilian construction workers has recently been erected on Wake Island and will be dedicated on June 15, 1988; and

Whereas these civilian workers have never been recognized by Congress for their display of patriotism against overwhelming odds: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress recognizes the heroic acts of civilian construction workers who participated in the defense of Wake Island during its invasion by Japan during December 8 through 23, 1941.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL ADULT DAY CARE CENTER WEEK

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 147) designating the week beginning on the third Sunday of September in 1988 as "National Adult Day Care Center Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

□ 1600

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I think that every day should be adult day care center day.

Mr. Speaker, the minority has no objection to this joint resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. HOCHBRUECKNER). Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 147

Whereas more than 1,200 adult day care centers are in operation nationwide, providing safe and positive environments to functionally disabled adults and senior citizens who are in need of daytime assistance or supervision;

Whereas adult day care centers have comprehensive programs providing a variety of services related to health, including medical therapy, medication monitoring, counseling, and health education;

Whereas adult day care centers are operated by professional staffs which identify individual health needs and give appropriate advice;

Whereas adult day care centers assist functionally disabled adults and senior citizens in maintaining a maximum level of independence;

Whereas adult day care centers provide opportunities for social interaction to individuals who otherwise may be socially isolated; and

Whereas adult day care centers offer relief to families who otherwise must provide constant care to functionally disabled adults and senior citizens, including victims of Alzheimer's disease and other forms of dementia; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning on the third Sunday of September in 1988 is designated as "National Adult Day Care Center Week". The President is requested to issue a proclamation calling on the people of the United States to observe such week with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

UNITED STATES-CANADA DAYS OF PEACE AND FRIENDSHIP

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 587) designating July 2 and 3, 1988, as "United States-Canada Days of Peace and Friendship," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to this legislation.

Mr. BONIOR. Mr. Speaker, I am pleased today to express my support for House Joint Resolution 587, the United States-Canada Days of Peace and Friendship, which I have the privilege of sponsoring. The United States-Canada Days of Peace and Friendship were first approved by the 99th Congress and celebrated for the first time in 1987. Many communities in the United States and Canada held events to celebrate the uniqueness of the American-Canadian friendship.

This year, the United States and Canada Days of Peace and Friendship again has bipartisan support in the House. I am pleased that we were able to introduce the bill with 218 cosponsors including both Democrats and Republicans. The large number of cosponsors indicates, I think, that Americans value our Nation's friendship with Canada.

I believe that, considering the many border wars and other problems in the world today, we are very lucky to have such a stable working relationship with our longest bordering country, Canada. Few nations have learned, as we have, how to air differences and yet maintain a strong alliance. Perhaps we have had so few problems because both nations are democracies committed to peace and equality in our countries, on our continent, and in the world.

The United States and Canada share the greatest common ties of any two nations. This fact is particularly important considering the cultural diversity that both of our nations share. My commemorative recognizes the similarities between the people who settled our two countries and the cultural diversity that both countries have maintained despite the growth of their population and boundaries.

Canadians are our relatives and friends. Many Americans have relatives in Canada or can trace their ancestry back to Canada; many Canadians have American relatives or can trace their ancestry back to the United States. Certainly, with the brisk business and tourist trade between the two countries, many Americans and Canadians claim each other as friends.

Let's make official a celebration of the peace and friendship that exists between two great nations. I urge my colleagues to join me in passing House Joint Resolution 587, the United States-Canada Days of Peace and Friendship.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 587

Whereas Congress passed a joint resolution designating July 2 and 3, 1987, as "United States-Canada Days of Peace and Friendship" to symbolize the Nation's commitment to improving relations with Canada;

Whereas the Canadian Parliament passed a similar resolution commemorating the continued peace and friendship between the United States and Canada;

Whereas although the democratic systems of government of the United States and Canada are quite different from each other, both systems embody the same ideals of freedom, democracy, human rights, and justice;

Whereas the American Bar Association, the Canadian Bar Association, and the International Rotary are joining with universities in 5 States and 5 Canadian Provinces in a United States-Canada Days of Peace and Friendship project to provide outstanding high school and college students from the United States and Canada with an opportunity to study the constitutions and systems of law and government of the United States and Canada;

Whereas many other international educational projects are also associated with United States-Canada Days of Peace and Friendship;

Whereas the Premier of each of the 10 Canadian Provinces, the Governor of each State that borders Canada, and leaders of education, industry, culture, and other branches of government in the United States and Canada have become honorary sponsors of United States-Canada Days of Peace and Friendship; and

Whereas Congress is deeply interested in the governmental, military, and cultural relations of the United States and Canada: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 2 and 3, 1988, are designated as "United States-Canada Days of Peace and Friendship", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such days with appropriate programs, ceremonies, and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

POLISH AMERICAN HERITAGE MONTH

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 475) to designate October 1988 as "Polish American Heritage Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to this legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 475

Whereas the first Polish immigrants to North America were among the settlers of Jamestown, Virginia, in the 17th century;

Whereas Kazimierz Pulaski, Tadeusz Kosciuszko, and other Poles came to the British colonies in America to fight in the Revolutionary War and to risk their lives and fortunes for the creation of the United States;

Whereas Poles and Americans of Polish descent have distinguished themselves by contributing to the development of arts, sciences, government, military service, athletics, and education in the United States;

Whereas the Polish Constitution of May 3, 1791, was directly modeled on the Constitution of the United States, is recognized as the second written constitution in history, and is revered by Poles and Americans of Polish descent;

Whereas Americans of Polish descent and Americans sympathetic to the struggle of the Polish people to regain their freedom remain committed to a free and independent Polish nation;

Whereas Poles and Americans of Polish descent take great pride in and honor the achievements of the greatest son of Poland, His Holiness Pope John Paul II;

Whereas Poles and Americans of Polish descent take great pride in and honor the achievements of Nobel Peace Prize laureate Lech Walesa, the founder of the Solidarity Labor Federation;

Whereas the Solidarity Labor Federation was founded in August 1980 and is continuing its struggle against oppression by the Government of Poland; and

Whereas the Polish American Congress is observing its 44th anniversary this year and is celebrating October 1988 as Polish American Heritage Month; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1988 is designed as "Polish American Heritage Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a moton to reconsider was laid on the table.

GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on joint and concurrent resolutions just passed and agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

COMMUNICATIONS FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
June 13, 1988.

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 3:10 p.m. on Monday, June 13, 1988 and said to contain a message from the President whereby he transmits the Agreement between the U.S.A. and the Portuguese Republic on Social Security and a report that explains the provisions of the Agreement and provides other information.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

UNITED STATES-PORTUGAL AGREE●MENT ON SOCIAL SECURITY —MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-206)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means, and ordered to be printed:

(For message, see proceedings of the Senate of Monday, June 13, 1988, at page S 7664.)

TRIBUTE TO DR. DAISAKU IKEDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DYMALLY] is recognized for 5 minutes.

Mr. DYMALLY. Mr. Speaker, I call to the attention of my colleagues, a man known the world over for his relentless pursuit of peace, harmony, and understanding between people and the nations of the world.

Dr. Daisaku Ikeda, president of the 17 million member Soka Gakkai International, has devoted his life to the teachings of Nichiren Sosha and the promotion of youth participation in achieving peace throughout the world. I would like to pay tribute to Dr. Ikeda today on the occasion of being awarded the first Congressional Peace Through Youth International Award from the 31st District Congressional Advisory Commission.

This is a fitting honor to a man whose life has been completely devoted to youth and world peace through the activities of Soka Gakkai—whose motto is to promote peace, culture and education, based on Buddhism and activities to support and strengthen the functions of the United Nations on a global scale.

Dr. Ikeda was born on January 2, 1928 in Japan. In 1947, he became a member of the Nichiren Shoshu Buddhist religion and began studying under the direction of Josei Toda, the Soka Gakkai lay organization's second president. In 1948 he graduated from the Toyo Business School and entered the Taisei Institute where he studied economics.

The 1960's proved to be a time of blossoming productivity for Dr. Ikeda. In 1960, he was inaugurated as the President of the Soka Gakkai lay organization. He held this position for 20 years, providing the leadership for the movement as it grew from fewer than 1 million, to its present total of 8.5 million households.

In January 1962, Dr. Ikeda founded the Institute of Oriental Philosophy. This was just the beginning of an illustrious career of laying the groundwork and eventually establishing institutions which are critical components in Japanese society today.

His commitment to youth education and participation in society is evident in his unprecendented record of starting seven institutions of learning: Tokyo Soka Gakuen Junior and Senior High School; Soka University; Kansai Soka Gakuen Junior and Senior High School; Sapporo Soka Elementary School; Kansai Soka Elementary School; and the Soka Women's Junior College.

Dr. Ikeda's interest in fostering understanding and a sense of history to the youth of today has proven to be a tireless effort, and his creation of the Fuji Art Museum in May 1973, and the Tokyo Fuji Art Museum in November 1983, are just additional measures which demonstrate his commitment to maintaining the generational links in society. In October of 1963, Dr. Ikeda founded the Min-On Concert Association. The following year, he founded Komeito, which is currently Japan's third largest political party.

A prominent author in Japan with numerous publications, Dr. Ikeda is the recipient of honorary doctorate degrees from Moscow University (May 1975), University of Sofia, Bulgaria (May 1981) and Soka University (November 1983). He holds honorary professorships at National University of San Marcos, Lima; Beijing University; Fudan University and the University of Santo Domingo. His dialogue with the late, renowned world historian, Arnold Toynbee produced for joint publication entitled: "Toynbee-Ikeda Dialogue", published by Oxford University Press. He has authored over forty books and numerous essays and shorter works.

The awarding of the Thirty-first District Congressional Peace Through Youth International Award is just the latest recognition of his dedication to international peace and harmony. In August of 1981, he was awarded the United Nations Peace award; in December 1981, the Poet Laureate; in February, 1984, the Order of the Sun of Peru with Grand Cross; in September, 1986, the Kenya Oral Literature Association Award; in February 1986, China's Peace and Friendship Cup; in February 1987, the Order of Vasco Nunes de Balboa, Panama; and the G. Ramachandran Award for International Understanding.

With all of the war and conflict in the world today, it is an honor to recognize the work and life achievements of someone so dedicated and committed to peace and harmony. This effort becomes particularly attractive when the endeavor incorporates the youth of the world. Dr. Ikeda has demonstrated that his efforts toward the education of the youth of the world is a life long endeavor. For his relentless struggle toward the finer aspects of human existence, Dr. Ikeda should be an inspiration to us all.

I call on my colleagues to join me in recognizing the activities of this dedicated and committed human being who has shown throughout his life that peace, harmony and understanding are achievable in this world, and the youth of our world are not to be excluded in the pursuit of that goal.

TRIBUTE TO ADM. JAMES WATKINS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 5 minutes.

Mr. FRANK. Mr. Speaker, I want to pay tribute today to Adm. James Watkins who was appointed by President Reagan to head the Commission on AIDS. When President Reagan first appointed this Commission there was among a lot of people, myself included, a great deal of skepticism, and the early days of the Commission seemed to many of us to justify that skepticism.

Under somewhat adverse circumstances, Admiral Watkins took the chairmanship of that Commission. Admiral Watkins has given great service to his country already in his naval career, but he still took over this chairmanship and has turned in what I believe to be one of the most impressive performances we have seen from a public official acting in a position of great pressure.

Mr. Speaker, AIDS is a subject on which because there is so much understandable fear that a lot of nonsense gets spoken, much of it here. People have out of their understandable fear acted in ways that are not sensible.

The public health community, the medical profession, the nursing profession, have all generally argued for a reasonable and sensible and thoughtful approach to AIDS but there are people inside and outside this body who have not been willing to follow the lead of the public health officials who have in fact, whatever their motives, exaggerated the fears of people and argued and proposed things that would have made things worse.

Mr. Speaker, into that set of conflicting pressures stepped Admiral Watkins.

Mr. Speaker, he recently put out the second part of his report. It is a document with which I suspect no Member of this House agrees entirely, but which on the whole I regard as one of the most thoughtful, sensible, and courageous public documents that has been put forward.

I want to pay tribute to Admiral Watkins. He did not need, with that distinguished military career behind him, to step into this very difficult situation. People tend to be remembered for the last controversial thing that they did. In Admiral Watkins' case he put potentially in jeopardy his very distinguished reputation by getting into a situation of great controversy. Not everyone would have done that. Not only did he apparently not worry at all about that, and being a man of considerable commitment to public service, but he proceeded to become expert, well informed, and courageous not just in accepting the job but in carrying it out.

□ 1615

His most recent recommendations, for instance, begin with a recommendation that we enact policies at the Federal level as we have begun to do in some areas over the objections of some to protect people who are infected with the AIDS virus from discrimination as a matter of public health. Admiral Watkins made the point that we have heard from others in the public health field that protecting people against unfair discrimination—and no one is suggesting that anyone put himself at any significant risk by exposure to this terrible illness—but when consistent with medical knowledge, does not present the risk, and that is the case for most of these people most of the time.

Admiral Watkins said they ought not to be vulnerable to discrimination based on a lack of knowledge, based on prejudice, based in some cases on an ignorance that is almost malign, because he said if one does that, one discourages people from coming forward, from participating in the kinds of experimentation we need and participating in the studies. Again, that is a point public health people have been making for some time, and Admiral Watkins coming from his military background, coming to it with no preconceptions, coming to it with a somewhat conservative reputation, appointed by Ronald Reagan, and when he said this, he gives a point about antidiscrimination that it had not had. He joins others in the administration in taking a courageous position on how to deal with AIDS in a sensible and humane way.

These other people like him have been exposed to some unfair and uninformed criticism, and I am talking about Dr. Koop, the Surgeon General, Constance Horner, the head of the Office of Personnel Management, who promulgated for the Federal Government a nondiscriminatory policy, a model that others ought to follow.

When Admiral Watkins, Dr. Koop, Constance Horner, three Reagan appointees with primary jurisdictions in these areas for personnel policy, for public health, specifically for AIDS, when they endorse these policies of nondiscrimination, when they talk about the importance of confidentiality not simply as a matter of someone's rights but as a matter of good public health, I hope it will be noted within this body that the rest of the Commission on AIDS—and the indications are that this will happen—will follow the lead that Admiral Watkins has given. He has given this country the lead many times before. He has very notably done so most recently.

BALTIC STATES FREEDOM DAY

The SPEAKER pro tempore. Under a pervious order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, June 14 is the 48th anniversary of the illegal Soviet occupation of Latvia, Estonia, and Lithuania. In 1940, these three Baltic States were overrun and forced into annexation by the Communists, who were committed to the systematic destruction of these nations.

Since 1940, Soviet historians have been persistant in their attempts to rewrite history to prove that these three nations voluntarily accepted Communist rule. However, in truth, many brave men, women, and children of Latvia, Estonia, and Lithuania risked their lives in their fight against this Soviet domination, and they continue in their efforts today to preserve their own national, cultural, and religious heritage.

June 14 marked the sad beginning of years of terror and massive deportation of the Baltic peoples at the hands of the Communists. First the intellectuals and political activists were executed, and then, the peasants and others whose only desire was to live in peace, were uprooted from their native lands and driven savagely to Siberian labor camps. Many perished of starvation, disease, and exposure. The Soviets imposed harsh restrictions on the religious practices, customs, and use of native languages on the remaining citizens.

Although the Nazi invasion interrupted these russification efforts, when the Communists regained control in 1944, they reoccupied the Baltic States, and the deportations continued. Almost 10 percent of the Baltic population was deported between 1948 and 1949.

The United States has never recognized this illegal annexation of the Baltic States by the Soviet Union, and I was privileged to add my name as a cosponsor to House Joint Resolution 474, a bill to designate June 14, 1988, as "Baltic Freedom Day," to recognize the cherished principles of religious and political freedom held by the brave peoples of Latvia, Estonia, and Lithuania. A copy of this legislation follows:

H.J. RES. 474

Whereas the people of the Baltic Republics of Lithuania, Latvia, and Estonia have cherished the principles of religious and political freedom and independence;

Whereas the Baltic Republics have existed as independent, sovereign nations belonging to and fully recognized by the League of Nations;

Whereas the Union of the Soviet Socialist Republics (U.S.S.R.) in collusion with Nazi Germany signed the Molotov-Ribbentrop Pact, which allowed the U.S.S.R. in 1940 to illegally seize and occupy the Baltic States, and by force incorporated them against their national will and contrary to their desire for independence and sovereignty into the U.S.S.R.;

Whereas, due to Soviet and Nazi tyranny, by the end of World War II, the Baltic nations had lost 20 per centum of their total population;

Whereas the people of the Baltic Republics have individual and separate culture, national traditions, and languages distinctively foreign to those of Russia;

Whereas the U.S.S.R., since 1940, has systematically implemented its Baltic genocide by deporting native Baltic peoples from their homelands to forced labor and concentration camps in Siberia and elsewhere, and by relocating masses of Russians to the Baltic Republics, thus threatening the Baltic cultures with extinction through russification;

Whereas the U.S.S.R. has imposed upon the captive people of the Baltic Republics an oppressive political system which has destroyed every vestige of democracy, civil liberties, and religious freedom;

Whereas the people of Lithuania, Latvia, and Estonia find themselves today subjugated by the U.S.S.R., locked into a union they deplore, denied basic human rights, and persecuted for daring to protest;

Whereas the U.S.S.R. refused to abide by the Helsinki accords, which the U.S.S.R. voluntarily signed;

Whereas the United States stands as a champion of liberty, dedicated to the principles of national self-determination, human rights, and religious freedom, and opposed to oppression and imperialism;

Whereas the United States, as a member of the United Nations, has repeatedly voted with a majority of that international body to uphold the right of other countries of the world to determine their fates and be free of foreign domination;

Whereas the U.S.S.R. has steadfastly refused to return to the people of the Baltic States of Lithuania, Latvia, and Estonia the right to exist as independent republics separate and apart from the U.S.S.R. or permit a return of personal, political, and religious freedoms; and

Whereas 1988 marks the forty-eighth anniversary of the United States continued policy of nonrecognition of the illegal forcible occupation of Lithuania, Latvia, and Estonia by the U.S.S.R.; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the Congress recognizes the continuing desire and right of the people of Lithuania, Latvia, and Estonia for freedom and independence from the domination of the U.S.S.R.;

(2) the Congress deplores the refusal of the U.S.S.R. to recognize the sovereignty of the Baltic Republics and to yield to their rightful demands for independence from foreign domination and oppression;

(3) the fourteenth day of June 1988, the anniversary of the mass deportation of Baltic peoples from their homelands in 1941, is designated "Baltic Freedom Day" as a symbol of the solidarity of the American people with the aspirations of the enslaved Baltic people; and

(4) the President of the United States is authorized and requested to issue a proclamation for the observance of Baltic Freedom Day with appropriate ceremonies and activities and to submit the issue of the Baltic Republics to the United Nations so that the issue of Baltic self-determination will be brought to the attention of the United Nations General Assembly.

Today, the Baltic citizens struggle within the Soviet Union to obtain their basic freedoms, and we in Congress must continue to demonstrate support for the people of Latvia, Estonia, and Lithuania in their efforts to achieve self-determination. Before President Reagan met with General Secretary Gorbachev in their recent Moscow summit meeting, I was proud to join with a number of my colleagues in the House of Representatives signing a letter to the President to urge him to include a group of Baltic Americans in his Moscow delegation and to meet privately with a group of prominent Baltic religious and human rights activists during his visit to the Soviet Union. A copy of that letter follows:

MAY 17, 1988.

President RONALD REAGAN,
The White House, 1600 Pennsylvania Avenue, Washington, DC.

DEAR PRESIDENT REAGAN: We, the undersigned Members of the United States House of Representatives, strongly urge you to include a group of Baltic Americans in your Moscow delegation and to meet privately with a group of leading Baltic religious and human rights activists during your visit to the Soviet Union.

We encourage you to meet with the following Estonians, Latvians and Lithuanians during your trip to Moscow:

Estonians: Mati Kiirend, Eve Parnaste, Juri Mikk, Lagle Parek, Endel Ratas, Kalju Matik, Erik Udam.

Latvians: Dr. Juris Vidins, Rev. Juris Rubenis, Rev. Modris Plate, Ivars Zulovskis.

Lithuanians: Nijole Sadunaite, Vytautas Bogusis, Father Jonas Kastytis Matulionis, Antanas Terleckas, Mr. Petras Cidzikas, Bishop Julijonas Steponavicius, Mrs. Jadvyga Bieliauskiene.

A personal meeting with these Baltic activists would provide them, the leaders of the broadly-based religious and human right movement in the Baltic States, with a strong base of moral support.

A private meeting between the President of the United States and Baltic dissidents would serve as an unmistakable reaffirmation of the United States' stand regarding the Soviet-occupied Baltic States. It would also provide you with a clear insight into the situation within the Baltic States, which, due to our non-recognition policy, maintain a distinctive position in the United States' relationship with the Soviet Union.

Mr. Speaker, on this occasion of the 48th anniversary of Baltic Freedom Day, I am proud to join with Americans of Latvian, Estonian, and Lithuanian descent in the 11th Congressional District of Illinois which I am honored to represent, and all over this Nation, as we commemorate the sad fate and memory of the victims of communist persecution. We hope and pray that the independent governments of Latvia, Estonia, and Lithuania will one day be restored so that these three nations will once again be able to determine the course of their own destinies in their own free homeland.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MacKay] is recognized for 5 minutes.

Mr. MacKAY. Mr. Speaker, due to a previous commitment I missed several votes. Had I been able to vote, I would have voted for the Crane amendment to H.R. 4775.

I appreciate having this opportunity to state my position on this measure.

TRIBUTE TO FRANK DROZAK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. Bentley] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, over the weekend, the U.S. merchant marine—actually the U.S. maritime industry—lost one of its own, one of its staunchest supporters, one of its strongest leaders, Frank Drozak, president of the Seafarers International Union and president of the AFL-CIO's maritime trades department.

This is truly a sad period for the SIU and for the entire maritime industry. I have also lost a dear friend.

Mr. Drozak was a true union leader. A union official who has labored his entire life with only one goal—the welfare and benefit of his fellow deep water seamen.

But, Mr. Drozak's leadership and support of labor unions extended beyond the SIU. He was an ardent supporter of all unions and all workers. He fought for the working man, regardless of the issue.

Like all great union leaders, Mr. Drozak started at the bottom, learned his trade, rose through the ranks to eventually attain the highest office within the union.

A native of Coy, AL, Mr. Drozak left his home town at the age of 16 and went to Mobile where he obtained his first job in a local shipyard.

Helping to build ships obviously instilled the lure of sea in Mr. Drozak. During World War II, he served his country in the U.S. merchant marine, shipping in many capacities on deck. At the height of his seagoing career, he acquired his bo'sun license, the top unlicensed rating on a merchant vessel.

At the close of war, the Seafarers International Union prevailed upon the young Frank Drozak to come ashore to channel his energies as an organizer in the port of Mobile.

His hard work and success as an organizer was quickly recognized and Mr. Drozak moved up through the ranks rapidly from organizer to port agent in Philadelphia in 1964.

I remember the first time I met Frank Drozak—together with his late brother Paul—an identical twin—when they were brought into the international office circle by Paul Hall, to help in the continuing battle to stem the erosion of the maritime base of this country. The two of them made such an imposing picture as they assumed their roles to help in that battle.

He also represented the union on the west coast, with San Francisco serving as his base and where he was elected as a vice president of the international union in 1965.

During that period of time, Mr. Drozak insured the proper crewing of U.S. vessels which served as the important material pipeline between the United States and troops fighting in Vietnam.

In 1972, Mr. Drozak shifted to the SIU's headquarters, where he became vice president in charge of contracts.

He served in that capacity until 1980, when he succeeded the late Paul Hall, his long-time friend and confidant, as president of the Seafarers International Union and as president of Maritime Trades Department, AFL-CIO. The MTD embraces 43 unions and 8 million members which are linked directly and indirectly to the ports and ships of this great Nation.

In late 1981, Frank Drozak was elected to the AFL-CIO executive council, where he served as vice-president.

As I mentioned, Frank Drozak was a tireless worker on behalf of union activities. He also understood and fought in behalf of the Nation's industrial base. He was concerned about its erosion, about its transfer overseas—particularly at a time when the maritime fleet was declining—no ships, no manufacturing was his worry.

In addition to his direct union responsibilities, he actively participated through his membership on these committees:

Public Advisory Committee on the Law of the Sea, Labor Subcommittee Chairman.

New York State Coastal Management Citizens Advisory Committee.

AFL-CIO Ad Hoc Maritime Committee.

Board of Governors, National Maritime Council.

United Way of Tri-State-New York.

National Coordinating Committee on Multiemployer Plans.

Private Sector Advisory Committee to the United States Trade Representative.

Union Label and Service Trades Department of the State of New York.

ILA Joint Maritime Council.

Labor Advisory Committee for Trade Negotiations and Trade Policy, Service Subcommittee Chairman.

Honorary Chairman, American, Trade Union Council for Histadrut.

Board of Trustees, Human Resources Development Institute.

National Board of the A. Philip Randolph Institute.

Services Policy Advisory Committee (SPAC), Office of the United States Trade Representatives.

American Income Life Insurance Company, Member, Labor Advisory Board.

Member, AFL-CIO Executive Council Ad Hoc Committee on Legislative Priorities.

Member, AFL-CIO Standard Committee on Economic Policy.

Member, AFL-CIO Standing Committee on International Affairs.

Member, AFL-CIO Standing Committee on Organization and Field Services.

Member of the Board, Free Trade Union Institute.

I might note, Mr. Speaker, that the Seafarers Union have had as its policy for decades—help for all labor unions, in their battles with the hope that those unions in turn would support the embattled maritime industry. The SIU has always endeavored to broaden the base and Frank Drozak worked continuously at it.

Mr. Speaker, as the record clearly and graphically illustrates Frank Dorzak was a caring man—a man who dedicated himself to helping to improve the life of America's working men and women.

Just as he fought for so long for this industry, he fought for 1 year with the same determination to defeat the cancer that was overtaking him. He lost the earthly battle in the end, but he now rests with the Lord.

I want to extend my personal condolences to his wife, Marianne Rogers Drozak, of Alexandria; his daughter, Sarah Frankie Bell, of Winston-Salem, NC, and to the other members of his family.

I also want to extend my condolences to all of the members of the Seafarers International Union on the passing of their president.

□ 1625

Mr. GAYDOS. Mr. Speaker, will the gentlewoman yield?

Mrs. BENTLEY. I am happy to yield to the gentleman from Pennsylvania.

Mr. GAYDOS. Mr. Speaker, I thank the gentlewoman from Maryland for yielding and wish to commend her for having the foresight and the persistence to take these special orders. I know there are an awful lot of Members who will make their prepared remarks a part of the official RECORD, but this came so suddenly that I know a lot of them could not be here. Therefore, I am going to make my prepared remarks a part of the RECORD at this point and then proceed to make some personal observations.

Mr. Speaker, when I first met Frank Drozak he was president of the Seafarers Union, and I have my colleague here from Pennsylvania with me today, Mr. JOHN MURTHA, a member of the Steel Caucus, and the gentlewoman in the well herself has been a very, very valuable member of the Steel Caucus, as well as myself, and in this official capacity I was exposed to his magnetism and his sincere desire to want to work with the Steel Caucus as a group and to help in our problem and to help his problem. The gentlewoman from Maryland in her prepared remarks I think very properly pointed out that Frank Drozek was the moving element when it came to recognizing the fact on a projected plane that the Seafarers were in trouble in this country and the Merchant Marine was in trouble, serious trouble. He very unselfishly said you need our help, the Seafarers International, and you have it, and for want of a better descriptive term, he put his muscle where his mouth was.

Frank Drozak did not hesitate to make available to us statistics gathered through a lot of effort and work and cost to the Seafarers Union and he made them available to us in the Steel Caucus, which we incorporated into the materials and the items that we had researched. We did use the Seafarers because they had power and they had influence, and they had position, and at every turn he was there to help us. For that I will always be eternally grateful to him as an individual.

Then he even carried it further than that. He would make no excuse when we had a hearing, when we asked him to appear before the Steel Caucus he was there, and he was there with significant statistics, and he was there himself, personally, with his staff, and he was there to open himself up to unlimited interrogation, and he helped us immeasurably on so many occasions. I do not think it would be gilding the lily, nor would I be making an improper statement if I said that in an immeasurable part what we have accomplished over the last 12 to 15 years in the Steel Caucus, in a large, measurable part can be sincerely attributable to Mr. Drozak in his leadership position, and also the International Union that he led so capably.

So I feel the Steel Caucus has suffered a great loss today. I am going to miss him personally, and I am going to miss what he stood for. I am going to miss sincerely the assistance he gave us, and I very reluctantly conclude at this time that we are probably going to suffer as far as our accomplishments in the future with the Steel Caucus, at least for a while, because we do not have our good friend, Frank Drozak there to call upon, to help us in our hour of need.

So at this time I would, probably very clumsily, like to spread upon the record on behalf of the Steel Caucus, thanks, Frank, for what you have done for us. I hope your successor is just half as sensitive to our needs, and the record speaks for itself. He was a gentleman, a dedicated leader, and he was an absolute assist and a helper, and I almost considered him a member of the Steel Caucus.

So in concluding, I am sure that the gentlewoman from Maryland, who has done so much work with the Steel Caucus, shares my sincere feelings for Frank Drozak, that man of all men, and such a dedicated man, he has helped us in so many places that my heart is very heavy in this particular day under these circumstances. I had the pleasure yesterday to extend my condolences to his widow and to his family.

I would like to thank the gentlelady from Maryland for yielding.

Mr. Speaker, I join my colleagues today in paying tribute to the late Frank Drozak, president of the Seafarers International Union.

When Frank Drozak started his lifelong career in the American maritime industry, he was only 16. At that young age he took a shipyard job at the port of Mobile, AL.

Soon afterward he served the Nation in the merchant marine during the Second World War. When the war ended, he returned to Mobile and earned a position on the staff of the Seafarers Union.

For the rest of his life, Frank worked for the Seafarers and moved through the ranks. In 1980, he received the highest post in that organization when he became president.

While president, he was also a member of the AFL-CIO's executive council, and president of the AFL-CIO's Maritime Trades Department.

As head of the Maritime Trades Department, he had responsibility for managing 43 national and international unions with a combined membership of 8.5 million workers.

These millions of workers could not have had a more able spokesman. Frank used his broad knowledge of trade and maritime issues to work effectively for the interests of men and women working in the shipping industry.

Frank has also been concerned for years about the decline of our maritime industry and the threat of this decline to our national defense.

When the President's Commission on Merchant Marine and Defense issued its ominous report on the dangerously inadequate state of our sealift capacity, Frank made the issue a personal crusade and contacted Members of Congress.

Frank also worked to save the jobs of our Seafarers. Right now, only half of our 14,000 active seamen trained in deep sea shipping are employed.

Unemployment has deeply wounded our sailing labor pool and unfair foreign shipping competition and restrictions have hurt their employers.

In spite of these challenges, Frank Drozak never gave up. He fought for both the jobs of American sailors and the vitality of our shipping industry.

We will all miss Frank's friendly manner, his outstanding leadership, and his ability to run one of this Nation's most important unions.

His successor will have a tough job ahead. The maritime industry will face more rough waters before we are able to even out the trade balance and rebuild out shipping strength.

But, the job will be far easier because of the outstanding work Frank Drozak has done.

I join Frank's family and friends in both mourning his death and celebrating his life. Frank Drozak was a leader, friend, and great American, and I am very glad I had the opportunity to know him.

Mr. GEJDENSON. Mr. Speaker, will the gentlewoman yield?

Mrs. BENTLEY. I am happy to yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Speaker, I would just like to join my two colleagues and friends here on the floor in commending especially the gentlewoman from Maryland for taking this time for someone who has been a good friend to many of us here, who has fought for the people within his union and the interests of this Nation, and in maintaining our maritime abilities, and I would just take this one moment to express my condolences to his wife and family.

Mrs. BENTLEY. I am sure they will appreciate it, and I thank the gentleman from Connecticut for participating.

Mr. GONZALEZ. Mr. Speaker, will the gentlewoman yield?

Mrs. BENTLEY. I am happy to yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, I thank the distinguished gentlewoman from Maryland for yielding, and also thank her for this special order in which we are memorializing indeed a real leader and one who, strangely enough, since I have no ocean or port or any kind of marine activity, I got to know very well, because studying my voting record they discovered that I had a consistent pattern of support for those aims and objectives of not only his Seafarers Union but the related activities. So on getting to know him I used to kid him by saying I have an ulterior purpose, Mr. Drozak. It has been my hope and my desire and my intention to try to bring naval activity to the San Antonio River in San Antonio, TX, which, of course, as my colleagues may know, San Antonio is completely landlocked.

So I was really very much saddened to hear of his passing I believe yesterday, and wish to join the gentlewoman from Maryland in expressing my condolences and sincere regrets, and wishing some surcease from sorrow for the relatives.

Mrs. BENTLEY. I am sure his family will appreciate that from the gentleman from Texas.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mrs. BENTLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order this evening.

The SPEAKER pro tempore (Mr. HOCHBRUECKNER). Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

NATIONAL APPLIANCE ENERGY CONSERVATION AMENDMENT ACT OF 1988

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. GEDJDENSON] is recognized for 30 minutes.

Mr. GEJDENSON. Mr. Speaker, I rise today to encourage the President to sign the National Appliance Energy Conservation Amendment Act of 1988, passed by this House yesterday. This bill will add fluorescent light ballasts to the list of products covered by the Appliance Energy Conservation Act passed by the Congress last year and signed into law by the President. With the addition of ballasts, these ballasts alone, which are more energy efficient than the existing ballasts, will provide a savings to consumers over the next dozen years of $11 billion and save as much as $35 billion in construction costs of new facilities to generate the electricity that would have been needed had we not passed this law and if the President signs it into law.

One of our hopes is that the President will sign the law, and I hope that Members and the people in this country will contact the President, write to the President, and ask him to sign this piece of legislation. It is a small step to regain an energy policy for this Nation.

In 1973 the Arab oil embargo, the long gas lines and the skyrocketing prices of home heating oil, petroleum, and electricity shocked this Nation into action. In 1979, the Government of the United States spent close to $1 billion in support of new energy programs. Today we find ourselves a nation adrift when it comes to new energy legislation.

The 1980's have brought us a temporary oil glut. Prices have become depressed, dropping to $10, $12, or $15 a barrel, and the Federal Government has more than cut in half its commitment to energy conservation. This administration and this country need to take the advantage of depressed oil prices at a time when there is a glut on the international oil market to move forward with a new energy policy that combines energy efficiency and new technology to make this Nation less dependent on foreign and unstable sources of energy.

Becoming energy self-sufficient is something that will give us a greater defense than some of the commitments we have made to star wars and other defense systems that are not serving this Nation like the B-1 bomber today and the MX missile. The pennies that we spend on energy independence will make this Nation strong and make us capable of economic greatness for future generations.

In 1973 the United States imported 6.2 million barrels per day. We have imported 40 trillion barrels of oil since 1973, and once again are on the increase, importing close to 7 million barrels per day. The days of $17 a barrel oil are numbered, and to ensure energy stability and security we must reduce that dependence on foreign oil. Alternative energy sources, which not only make us more independent, but help us with environmental impacts of acid rain, of the greenhouse effect and which give our industries an opportunity to be more competitive, must be pursued, for a nation that is dependent on expensive petroleum and expensive energy is a nation that will find it difficult to export, difficult to compete in an international marketplace where other countries can produce the same product for roughly half of the amount of energy. We need to look at ethanol from corn and grain. We need to look at natural gas and methanol, which are cleaner burning, and we need to look at solar, wind, and geothermal, and when we look at energy conservation we find they are the cleanest and often the cheapest methods of saving energy and of keeping our environment clean and making American industry economically competitive.

One of the greatest damages to our economy during the increase in energy prices of the 1970's was not only that it depleted us of many of our resources by sending these to the oil exporting nations, but as individual families we had to shift our spending from buying the kinds of consumer items that kept this economy rolling and deprived Americans of the steam, the engine for this economy. What happened was instead of buying American made automobiles or other products made in this country, we took those dollars and we sent them to Saudi Arabia and other exporting nations. It slowed down the economy in this country, it hurt our Nation, and we ought not let ourselves get in that situation again.

Fluorescent ballasts and the efficiency they bring will save consumers, as I said earlier, $11 billion in the next dozen years. It will reduce peak demand by 7,000 megawatts by the year 2000, reducing the need for 7 new generating plants, 1,000-megawatt generating plants, with a potential savings of $35 billion, and the associated rate shock to consumers who are suddenly confronted with a $4 billion or $5 billion increase in their rate base, and find that their weekly wages simply go less far to buy the consumer goods that they need.

The Appliance Efficiency Standards Act which we passed last year will save consumers $28 billion by the year 2000 and eliminate the need for 22 1,000-megawatt plants. Assuming a plant would cost between $4 billion and $5 billion a year, this could save American consumers as much as $110 billion in avoided construction costs, not to mention the interest on that construction.

□ 1640

We have looked at issues like international competitiveness, and not only is this a message for industry in this country that manufactures the normal kind of industrial goods, but in many consumer appliances the efficiency standards will give American manufacturers an opportunity to compete. Today many of Japan's refrigerators are as much as twice as efficient as American refrigerators. That efficiency, if the price of electricity was suddenly to skyrocket again, would give them an advantage in the marketplace.

With this new ballast legislation it would put American manufacturers in the forefront of energy efficient ballast for fluorescent lights and will save American consumers a significant amount of money.

But it is more than money we talk about; the reduction of nuclear waste, the waste from coal and oil fired plants is significant. A nuclear plant generates approximately 30 tons of nuclear waste per year. Reducing the need for 7 to 29 reactors, as expected by the 2 efficiency bills, would reduce anticipated nuclear waste by 210 to 870 tons of high level nuclear waste, nuclear waste that we have yet to come up with a hard solution for burying over the long-term—although we are presently looking at sites.

Reduced emissions that cause acid rain and contribute to ozone problems will benefit all of us, those reduced emissions that are presently contributing to the global warming of our greenhouse and give us the potential of horrendous economic impact as grain States and others go through catastrophic weather changes that may prevent them from being the breadbasket of the world they are today. The President has an opportunity in signing this bill for more efficient ballast for the fluorescent lights in taking a small step. The small step is important. But we must do more than that one step with fluorescent lighting standards, added to the efficiency appliance legislation we passed last year; we must move forward with the kind of research in energy in a new energy policy that will tie together economic and scientific research, proper exploration in the marketplace, not in a distorted marketplace, but in a real marketplace.

If our colleagues from States in the South, oil-producing States are having economic trouble, we ought to help them through that economic trouble but not by placing an additional burden on the New England States and the Northeast States. If we believe in the marketplace, if we want to make energy decisions that are market-oriented, we need to make sure that we do that not just when oil prices are at $40 per barrel, but to make sure we do that at $17 per barrel. The solution is not to add additional cost to the States in the Northeast in their production and in their living in their homes; the solution is to make sure this opportunity of reduced energy prices to develop a real energy policy for this Nation for decades to come.

Mr. Speaker, I would ask my colleagues and friends to join with me in asking the President to sign this important legislation.

UNDERSTANDING AIDS; CENTRAL AMERICA; AND OTHER MATTERS OF INTEREST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I would like to talk briefly this evening on a number of subjects. In addition to that, I would like to have unanimous consent to enter into the RECORD some newspaper articles that deal with some very important issues.

Mr. Speaker, today is the Latvian day of mourning which deals with the Soviet occupation and the mass extermination and deportation of Latvians in 1941 on this date.

I would like to enter that into the RECORD.

The article referred to is as follows:

LATVIAN DAY OF MOURNING

The Latvian human rights group, Helsinki '86, has declared June 14 a national day of mourning in Soviet-occupied Latvia.

On this day in 1941, the Soviet Union began the mass extermination and deportation of Latvians, Estonians and Lithuanians from their historic homelands.

Last year, thanks to the courageous efforts of Helsinki '86, 5,000 Latvians defied Soviet authorities by gathering at the Monument of Freedom in Riga to honor publicly their martyred family members and friends.

Reluctantly, the Soviets have begun to admit that these terrible deportations did take place. However, the Soviet spirit of glasnost has its limits.

What the Soviets do not admit is that the 1941 deportations followed the illegal 1940 invasion and the occupation and annexation of the Baltic states into the Soviet Union. The deportations were not an accident but a part of Soviet policy designed to destroy the Baltic states.

Although the mass deportations have stopped, the oppression of the Baltic people in their occupied lands continues. As long as Latvia, Estonia and Lithuania remain under Soviet rule, not only June 14 but every other day of the year will continue to be a national day of mourning.

ERIKA VITOLINS.

INDIANAPOLIS.

47 YEARS OF INFAMY

Last year on June 14 thousands of Latvians defied the Soviet rulers of their country to publicly commemorate the victims of the Stalinist deportations of 1941.

On this day 47 years ago over 16,000 Latvians were taken from their homes and sent to die in Siberia. The deportations followed the illegal Soviet invasion and annexation of Latvia, and were designed to destroy the independent Latvian nation.

This year the Latvian human rights group Helsinki 86 has again called for a national day of mourning. Although the Soviets reluctantly tolerated last year's demonstration, they have cracked down on such expressions of "glasnost" since then, and have expelled many of the leading members of Helsinki 86.

Although 47 years have passed, the oppression of Latvian people by the Soviets continues. While Soviet methods have changed, their purpose is the same.

I urge my fellow Americans to join the Latvian people in observing this day of mourning, not only to honor those who died, but to express support for those who are still struggling to regain their freedom and independence.

DACE ABELTINS.

INDIANAPOLIS.

Also, Mr. Speaker, there is an article here which deals with Zola Budd, a great woman's distance runner who has been put in some very difficult situations because she came from South Africa. I would like to enter that into the RECORD, as follows:

DRIVING A GREAT ATHLETE FROM COMPETITION

(By Jeffrey Hart)

Zola Budd is a great athlete, quite possibly the fastest woman in the world. If she were a tennis player, she would be right up there with Martina Navratilova and Steffi Graf.

Budd is a kind of nature child. She began running almost as soon as she could walk, usually with one or two of her dogs. She ran barefoot, mile after mile, faster and faster. She is a solitary spirit, not talkative, apparently more at home with animals than with other human beings.

But she won't compete in this year's Olympics in Seoul, South Korea, and she may well have been driven out of competition forever. Her problem is that she was born in South Africa.

When South Africa was banned from world competition because of apartheid, Budd, in order to keep competing, moved to England in 1984 and became a British subject. The whole incredible and tragic story is recounted in a recent Sports Illustrated. It is enough to make the very stones weep.

In England, Budd became a prime target for the British left. She was picketed, jeered, insulted. When she ran for practice, she would be ambushed, pushed into the bushes, tripped up. "I am just a runner," she would say, eyes down, voice barely audible. "I am not a politician." Or, "I have been made to feel like a criminal. I have been continuously hounded and can't take it anymore. I still don't know what I'm supposed to have done—who am I supposed to have hurt?"

For a moral education in the spirit of our age, study one of the pictures in Sports Illustrated. In the foreground is Budd, running a cross-country race. Immediately behind her is a mob, their faces twisted with hatred, jeering and screaming and waving anti-apartheid placards. One placard says that "Zola Represents Apartheid Not Britain." Budd's running shirt has "England" written across her chest. I cannot remember a more hateful, evil, dispicable scene.

In accordance with the ban on South Africa, Budd has not competed in her homeland. However, she found her life in England so unsettling that she did visit South Africa occasionally. The International Amateur Athletic Committee decided that her visits home violated the "spirit" if not the letter of the ban on South Africa, a decision made under a threat from black African countries not to compete in Seoul if Budd were allowed in.

In England, Budd was on the edge of "nervous exhaustion," i.e., a breakdown. She was kept away from prescription drugs as a suicide prevention measure. Her companion of 19 years, a gray parrot, suddenly died in South Africa. "I have lost my love for athletics," she said. "I don't want anything to do with (running) or any other sport."

She has gone home to South Africa, where she is very popular among blacks. In 1984, she was voted sports star of the year by Bona, a sports magazine with mostly black readers.

The self-righteous fury of the left has probably destroyed a great athlete, the joyful barefoot runner of the veldt. (And where were you, feminists, where were you, Gloria Steinem, when this rare human being's independence was being smashed?)

"I am just a runner," Budd says. The philosopher Henri Bergson once remarked that "God plays." It was a wise observation. He meant that God's activity occurs for its own sake, for the sheer joy of it, and not for any further end. The activity is the end in itself. In the pure joy of running, hitting a ball or swimming, we touch that realm of doing a thing for its own sake. Following that line of thought, you can see why it is so reprehensible for the left to have hurt Budd so badly.

You can argue that Budd should have been tougher, hired body guards and a public relations firm, told the left to shove it. But apparently she isn't made that way. She went home when the gray parrot died.

Come back, Zola Budd. Don't let them do it to you, and to all of us. There are people out here who don't hate you in the name of "tolerance," and want to see you run like the wind. Become an American, maybe. Navratilova did, and Ivan Lendl is moving toward U.S. citizenship. There are a lot of people in America who would be willing to be very tough on your behalf.

Mr. Speaker, I also have an article which deals with Flag Day which I think is one of the best articles I have ever read on why we should be flying our flag, as follows:

TRIBUTE TO THE GOOD THAT OLD GLORY REPRESENTS

(By Shirley Vogler Meister)

Last summer I cared for my preschool grandson during his mother's recovery from a leg injury. The first morning I sat on the patio while David whirled around on his two-wheel bicycle, the backyard driveway turnaround being perfect pavement for him. After a while, he said. "Grandma, you're supposed to do this . . . ." and he placed his hand over his heart. He wanted to ride his bicycle while I stood in pledge-of-allegiance position. And he wanted me to sing.

"What should I sing? I asked.

"You know, Grandma: . . . by the dawn's early light . . ."

"You mean this?" And I sang a few lines of the Star Spangled Banner, "Oh, say can you see, by the dawn's early light . . ."

That was it. So David circled the turnaround over and over, and I sang the national anthem over and over.

Neighbors must've wondered at this strange sight: me at song-filled, hand-over-heart attention and my grandson beaming happily on his bike. What I didn't know until my daughter explained was that David was mimicking the opening ceremonies at stock car races to which his mother had taken him. Before the races began, drivers waived American flags from their windows as they lapped the racetrack: and the crowd stood respectfully to sing The Star Spangled Banner.

A couple of months later when I watched a parade with David. I noticed he was always one of the first to stand at attention when the American flag passed by.

David is learning early what most Americans are proud to do: show respect for the Stars and Stripes. Despite the negative attitudes of disgruntled citizens who demean the U.S. flag, the majority believe the flag is symbolic of the freedoms we enjoy. Ours is a nation that even gives others the right not to stand in respect if they so choose. The freedom to dissent in an appropriate manner is no less important than the freedom to enjoy the blessings of liberty.

Today is Flag Day. Citizens will display Old Glory in tribute to the good that the flag represents. To honor those who respect our flag (and my grandson who loves the song), the first stanza of the Star Spangled Banner follows. The original poem, titled The Defense of Fort M'Henry, was written in 1814 by lawyer Francis Scott Key. His inspiration came from watching an American flag survive an all-night bomb barrage. The tune to which the words are sung is generally credited to British composer John Stafford Smith.

Oh, say can you see by the dawn's early light
What so proudly we hail'd at the twilight's last gleaming.
Whose broad stripes and bright stars through the perilous fight
O'er the ramparts we watch'd were so gallantly streaming?
And the rockets' red glare, the bombs bursting in air,
Gave proof through the night that our flag was still there.
Oh, say does that star-spangled banner yet wave
O'er the land of the free and the home of the brave?

David might not know this song verbatim but he understands the courtesy due Old Glory. He was proud of the three flags we attached to his bicycle for his fourth birthday.

What he doesn't understand is why someone stole his bike not long after that. Ironically, the thief's action twists the true meaning of "land of the free" and demonstrates through the cowardice of stealing from a child that, unfortunately, not everyone in our "home" is "brave."

UNDERSTANDING AIDS

Mr. Speaker, not too long ago, the Surgeon General of the United States along with the Centers for Disease Control and the Department of Health and Human Services sent out to every household in America a flyer, a brochure which said that we should learn as much about AIDS as possible. The title of the brochure is "Understanding AIDS."

On the front page there was a message from the Surgeon General.

While a lot of the brochure was very important and I think it is something that every American ought to read and take to heart, particularly if they have younger children, it made some categorical statements that are of great concern to me and I wanted to talk to those today.

I would like to, during the course of my presentation, make a case for routine or mandatory testing for all Americans for the AIDS virus and I want to tell you why.

Dr. Alan Salzberg of Miles City, MT, has done a very comprehensive computerized analysis of the AIDS pandemic using every cohort study that he could get his hands on.

According to his projections, by the year 1989 we will have cumulative cases in the United States of around 197,000 people who have active AIDS.

Today according to CDC, and they are 6 months behind in their reporting, they have approximately 50,000 to 60,000 people who are dead or dying of the AIDS virus.

Dr. Salzberg's projections which were started some time ago showed a figure of some 63,000 which is not really too far out of line with what CDC has come up with. He projects that by 1989 we will have 197,000 dead or dying; 1995, 2.1 million dead or dying; and by the year 2005, unless we get on with a routine or mandatory testing program, as many as 12 million Americans dead or dying from the AIDS virus with another 35 million people becoming carriers.

When you look at the study that he extrapolated his information from, it sure causes a great deal of concern among anyone who has read this study. But because of that I think we need to know how AIDS is being transmitted, where it is being transmitted most rapidly, who is transmitting it and all the ways that it is being transmitted so that we can get a handle on dealing with it.

Now in the brochure that was put out by the Surgeon General and CDC and HHS, they made some categorical statements which really concerned me.

I would like to read a little bit from the brochure.

It says that the AIDS virus is transmitted through sexual intercourse, the sharing of drug needles or to babies of infected mothers before or during birth.

Now this week in Stockholm, Sweden, they are having an international conference on AIDS. During that conference in Stockholm, Sweden, it has been found that several mothers who obtained AIDS after they had their children then subsequently transmitted the disease through breast-feeding to their children. In fact, there have been six cases of the lethal AIDS virus called HIV being spread through breast milk which were reported Monday at the Fourth International Conference on AIDS.

It appears to be substantially higher, if the woman catches a virus while she is breast-feeding because she is likely to produce high levels of virus in her breast milk early in the infection.

One typical case was presented by Dr. Pierre Weinberg of France where a 28-year-old woman received a transfusion of AIDS-tainted blood after giving birth. She then breast-fed her baby for a month. Two years later she developed AIDS and her child did also.

Now if you read the brochure put out by CDC and HHS, you will not get the impression that it can be transmitted through any way except through sexual intercourse, sharing of needles or childbirth.

The fact of the matter is that the AIDS virus is in every single bodily fluid that a human being has who is infected with the AIDS virus. It is in the saliva, the urine, the blood, in the sweat, in every bodily fluid.

So there is concern about other ways it might be transmitted outside the normally accepted channels of transmission.

In the brochure the Surgeon General said you will not get AIDS from a mosquito bite. He goes on to say the AIDS virus is not transmitted through the mosquito's salivary glands like other diseases such as malaria or yellow fever. Well, Dr. MacLeod and Dr. Whiteside of the Center for Tropical Diseases in Miami, FL, who deal with tropical diseases in Little Haiti and Little Havana where there are a lot of immigrants are absolutely convinced that in some cases the AIDS virus has been transmitted through mosquito bites.

Now when they came up here and I talked to them about it and they testified they told me that it is not transmitted through the salivary glands of the mosquito but if a mosquito bites somebody who has the AIDS virus and goes over and bites someone else and you hit that mosquito, the blood in the mosquito would be going into the wound not unlike a needle injection.

So there is a concern about that. So a categorical statement saying you cannot get it that way is something I think we ought to look into. I do not know if it is communicated that way. I am not a scientist. But I do know there is a question about it.

They said you will not get AIDS from saliva, sweat, tears, urine and so forth. Well, the fact of the matter is that when you brush your teeth sometimes your gums bleed and sometimes there is a little lesion in your mouth and if you kiss somebody with the AIDS virus, knowing that 230 million of the AIDS virus can fit on the period at the end of a sentence you would have to say that there might be some risk. As a matter of fact, I asked some of the so-called experts whether or not they would be willing to have an intimate kiss with a person who has the AIDS virus if they had a lesion in their mouth? And of course they said "well, of course not, because there might be a risk factor."

And there is a risk factor.

Yet in this brochure it says that you cannot get AIDS from saliva, sweat, tears, urine and so forth.

Then it goes on to say specifically that you cannot get AIDS from a kiss. Well, since it is in every bodily fluid I think there is some question.

So what I am trying to get across to my colleagues and to the people across this country is that we ought to find out the answers about the AIDS virus, we ought to find out what parts of the country it is spreading most rapidly in, we ought to find out if it is being spread through insect vectors, we ought to find out if it is being spread through kissing, we ought to find out if it is being spread in other ways that we do not know about and the only way we are going to be able to come to any valid conclusions is to have a large-scale testing program.

You cannot do it on a voluntary basis because you would get spotty results. It has to be on a large-scale basis.

So I once again plead with my colleagues, with the health officials of this country who are very concerned about AIDS as we all are, because it may be the No. 1 health problem that mankind has ever faced, we need to get on with a routine or mandatory testing program so that we could come to some valid conclusions; so that we will not be making categorical statements or coming to conclusions that might be in error, because if you make an error, even if only one person is put at risk or one person gets the AIDS virus as a result of that error, it is a horrible, horrible mistake, particularly if it is somebody in your own family.

I would just say to my colleagues we have a bill before us in the Congress that would mandate routine testing or mandatory testing for everyone in the country. The cost, compared to the cost of taking care of people in hospitals who come down with the AIDS virus, is very small indeed.

I think it is the prudent thing to do, to come up with some logical conclusions on how to deal with this very, very difficult problem.

I am not criticizing my colleagues who are disagreeing with us.

We had a gentleman, a colleague earlier who talked about some of us being irresponsible because we believe that we should do some more in-depth studying of the disease. I believe that the more knowledge we have the better off we are going to be. The projections by Dr. Salzberg are that we will have 35 million people infected with the virus by the year 2005 and 12.3 million people dead or dying.

Now 2005 may seem like a long way off, but it is only 17 years. If you look at your children or your grandchildren, you start to realize that they are not going to be very old when this bomb really explodes, if his projections are correct.

I might add his projections are parallel, almost exactly, with what the CDC has come up with to date. So if his projections are correct from here on out as they have been correct so far, we are in for a long, long hard ugly ride. I think we had better find out what we are dealing with and that would require routine or mandatory testings so that everybody will be tested on a regular basis.

I would like to talk about one other subject briefly this evening, Mr. Speaker, because I think it is very, very important.

In 1932, 33, 34, 35 in Geneva, Switzerland, the allied powers, United States, France, Britain, and others were having what they called a disarmament conference. They felt like after World War I, the best way to make sure there would be no more wars would be for all the countries in the world to take apart their weapons so there would be no mechanism for countries to go to war with one another.

While these countries were unilaterally disarming and talking about total disarmament as far as all the countries in the world were concerned, a man named Adolf Hitler was building up the biggest military machine in the history of mankind in violation of the Treaty of Versailles.

While Great Britain was disarming unilaterally, not increasing its military output one bit, they were selling airplane engines to Hitler. It seems kind of funny when we look back in retrospect at what was going on at that time that anybody would be so naive, and yet that really happened, and that took us to not only the brink of war but to the greatest war, the greatest disaster, that man had ever faced up to this time.

I was in Normandy, France, a week ago to help dedicate a museum. It is a $6 million museum that is trying to educate the people of the world, particularly the young people, about how to stay out of war, what it takes to make sure that another Hitler does not evolve out of some country and take us to the brink of another world war. The thing that came across the most to the people who visited that museum and listened to the great speeches of Winston Churchill and the haranguing by Adolf Hitler was that the best way to stay out of war is for the free countries of the world to make sure they are so strong that no one would dare to attack them.

Had Britain, France, the United States and other countries been that far-sighted in 1935, 1936, 1937, and 1938, World War II would have been avoided. In fact, Winston Churchill said, "Had the allied powers had the common sense found in most English households, World War II would never been taken place."

The reason I bring this up is that on Sunday, 2 days ago, there was a huge disarmament march in front of the United Nations in New York, on New York's Avenue of the Americas, and thousands of people there were marching in favor of disarmament, and while they were marching, the Soviet Union was continuing the biggest military buildup in history, even surpassing what Hitler did. The Soviet Union today is spending 17 percent of its gross national product on military armament.

I wish that everybody in the Congress would read this book. It is put out every year by the Department of Defense. I wish every American could read this book. It is called "Soviet Military Power: An Assessment of the Threat." While we are marching in the streets of America, talking about disarming the world, like they did in the 1930's, the Soviet Union continues its insatiable desire for military power with a huge buildup. Let me read what Frank Carlucci, our Secretary of Defense, had to say in the preface of this publication.

He said, "Military output has not been reduced nor has military spending been decreased in the Soviet Union. On the contrary, the Soviet military budget under Secretary Gorbachev continues to grow at the rate of 3 percent a year."

Not only have they been building the greatest military machine in history but they are continuing to grow at 3 percent a year, and at that level it represents 15 to 17 percent of their gross national product.

Do the Members know how much we spend of our GNP on defense? It is about 5 to 6 percent. So they are spending 3 times that much.

"Most important, the Soviet force, posture and military capabilities detailed in this book are not consistent with a defensive military posture."

They are not building a defensive military posture; they are building an offensive military machine.

So while our friends are marching for disarmament in New York, like they did in Paris, in London, and in the United States in the 1930's when Hitler was building his huge military machine, the same thing is going on today. It is very sad that we do not learn from history.

The best way to make sure the United States of America remains strong and free, that Great Britain remains strong and free, and France and all the other allied powers in NATO remain strong and free today is for us to be so strong that the Soviet Union will not dare attack. But let us look at the things they are building. Let me give the Members a couple of examples.

In this body Members have talked about this, and I believe Presidential candidate Dukakis has talked about the necessity to cut spending for the rail garrison mobile ICBM. The Soviet Union already has one. They already have an SS-18, what they call a rail garrison or a mobile transported missile system.

They have said that we do not need the Midgetman, a single warhead ICBM as a deterrent force that we could drive any place in the country so they cannot hit it and knock it out from the other side of the world. The Soviet Union already has and is deploying today the SS-25, which is a single warhead mobile launch ICBM.

I could go on and on and on. The Soviet Union has been building a tremendous nuclear arsenal as well as a conventional force structure. Most people in this country think that we have an army that is equivalent to that of the Soviet Union's. The Soviet Union has 211 divisions; we have 29. They have 211 and we have 29. That does not include the Warsaw Pact forces that they control. Compared to NATO, when you consider the Warsaw Pact countries, the Warsaw Pact countries have twice as many military personnel and 5 times as many tanks and military field equipment. Yet we continue to see people walking across this country and in the free countries of the world demonstrating for disarmament.

The quickest way to get into a military conflict, I say to my friends, is for us to unilaterally disarm while the Soviets continue to build their strength. I am for cutting fat and waste out of the Defense Department, like any other agency of Government, but we must not cut into the muscle and bone of our defense lest we create the threat of war, or worse.

I would like to conclude by reading an article that was in the Indianapolis Star today about what is going on in Central America, because as we demonstrate for disarmament, as we talk about peace, and as Mr. Gorbachev talks about glasnost, they continue to build and they continue to export war materials throughout the world. The Soviet Union has sent over $2 billion of war materials into Nicaragua, over $2 billion of war materials into Angola, and over 2 billion dollars' worth of war materials into Mozambique in just recent years, as well as sending war materials to other countries like Ethiopia, Zimbabwe, and elsewhere. And while they are doing that, there is a movement in this country for us to pull in our horns and have an isolationist attitude.

So this article, I think, has a great deal of relevance. The article in entitled "A Secret War," and it says this:

> Democracy made advances in Latin America during the Reagan years, but they could be wiped out by communist bloc forces encouraged by wavering, inconsistent U.S. policies.
>
> In El Salvador, the elective democracy led by President Jose Napoleon Duarte, under the pressures of a prolonged civil war, is threatened by his removal from the scene because of his personal battle with cancer.
>
> The threat to El Salvador is heightened by the congressional policy, formulated by the Democratic majority, of cutting off aid to the Nicaraguan freedom fighters, whose military capabilities were a main factor in inducing the Sandinistas to sign the peace accords.

The article then quotes Jeane Kirkpatrick, former U.N. Ambassador:

> As Jeane Kirkpatrick said in her June 5 column in the Indianapolis Star, "El Salvador's economic prospects depend on an end to its civil war and that, in turn, depends on cutting off the flow of arms from Nicaragua (into El Salvador). But U.S. intelligence officials know arms are flowing despite Sandinista commitments to the contrary" in the peace accords.

I was in Chalatenango Province in El Salvador last year, and I talked to a captured Communist guerrilla. This is in El Salvador, in the mountains outside San Salvador. I asked him where he received his training and his weapons, and he told me that his men and his weapons were trained and the weapons received from Nicaragua. He was trained in a training camp for Communist guerrillas outside Managua, and yet he was in El Salvador fighting the democracy, the democratic government of José Napoleon Duarte. Yet many of my colleagues do not believe they are sending weapons and men into these fledgling democracies to undermine them.

We must remember that the Communists in Nicaragua have said in no uncertain terms that their revolution is international, that their revolution is without borders, and that they intend to spread that revolution into El Salvador, Guatemala, and Honduras, and up into Mexico. And the Soviet Union is anxious for them to succeed because our border is 2,000 miles long. That is why I call it the soft underbelly of America.

We are getting illegal aliens by the millions coming across that border. If that revolution spreads throughout all of Central America, we will get a tidal wave of humanity fleeing oppression in that part of the world just south of the Mexican-American border.

So we have a lot at stake. We certainly do not want our boys down there. As I said before in special orders, President Escona of Honduras told me in a private conversation that if things get out of control and the peace process does not work down there, he is going to ask for 50,000 United States troops in his country alone. So there is a lot at stake in Central America, especially for those of us who have children or grandchildren we are concerned about.

"Sandinista forces," the article goes on, "are saying, 'We will win in Nicaragua, and El Salvador will follow'," reported Kirkpatrick.

□ 1705

If El Salvador does fall, that will free the Communist Sandinista forces to turn their attention to the three remaining Central American democracies, Costa Rica, Honduras, and Guatemala, and just above Guatemala is Mexico.

"Presumably there are a few Democrats in the House who would actually welcome the consolidation of power by the Communist government of Nicaragua. It is easy enough to understand why they are mobilized to prevent assistance to the Contras. But why many other Democrats have agreed to make this issue a litmus test of party loyalty surpasses understanding," Ambassador Kirkpatrick wrote, and she is right.

While Communist forces are being consolidated in Nicaragua, the Nicaraguans and Cubans continue their conspiring with the military dictator of Panama, Gen. Manuel Noriega, who has transformed his country into a worrisome new locus of Communist infection.

As the plot thickens in Central America, the prospective outcome of Mexico's general elections on July 6 is clouded by a severe economic crisis, wild inflation, grinding poverty, and a terrific crime wave.

George Byram Lake, an expert on Mexican affairs, writing in the June 10 National Review says the current situation strikingly resembles that of 1910 when the people rebelled, the ruling party was overthrown and Mexico exploded into a decade of civil war in which more than 1 million Mexicans perished of wounds, disease, and starvation.

The elements that could make the most of another such human explosion are ready. If the opportunity arises, they will go into action with a unified strategy. We are talking about the Communists right now. They are conducting a secret war whose political fronts reach across the United States, even into Congress.

The United States has no unified strategy for coping with them, and it needs one. We most certainly do, my colleagues. We need to have a strategy to deal with the Communists in Central America.

Mr. Speaker, the Freedom Fighters are on their last legs. If they do not get any aid, they will become history in a short period of time, and with them goes any hope of containing the Communist menace in Central America without direct intervention by the United States.

That is why it is so important that we pay attention to the freedom fighters before they go out of existence, before they flee Nicaragua and come into Honduras, Costa Rica, El Salvador, and then, when they realize that is going to be hopeless as well, come flooding across the Mexican-American border into the United States of America along with people from the other countries.

Mr. Speaker, we have a lot at stake, but most of all we have at stake our young boys who will have to fight and defend that soft underbelly of America, the Mexican-American border.

Mr. Speaker, I do not want that to happen, and I have said this many times before. I have a son, Danny Lee Burton II, and he is 13 years old, and I do not want him down there fighting in 5 or 6 years, nor do I believe any other Americans want that to happen. But, if we continue to take this head-in-the-sand approach hoping this Communist menace is going to go away while the Soviet Union continues to pour millions and millions of dollars and thousands of tons of war supplies into Nicaragua, we are going to reap the whirlwind, and we are going to reap it severely.

So, Mr. Speaker, I would just like to end by saying to my colleagues: Do not take my word for it. Read "Soviet Military Power." It is in your office. Every Member got at least one copy of this. So, you will see how the Soviets are expanding their military power. Read how they are sending their military equipment and war materials into the trouble spots of the world, the strategic pressure points of the world, and then come to some conclusions about what we should be doing as a nation to be sure that we remain strong and free.

Mr. Speaker, we must be resolute if we are to remain free. I think it was Thomas Jefferson who said that the price of freedom is eternal vigilance, and Winston Churchill said time and time again, "Does arming mean it is a call to war?" He said, "I declare it to be quite to the contrary. I declare it to be the sole guarantee of peace."

Think about that, being strong, the sole guarantee of peace.

RESTRICTIVE RULES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. LOTT] is recognized for 15 minutes.

Mr. LOTT. Mr. Speaker, some of our colleagues on the other side of the aisle took a special order last Thursday, June 9, to respond to the charges made in our Republican special order of May 24 on the breakdown of the legislative process in the House.

The Democratic response was purportedly designed to "set the record straight." However, I am afraid the result of that hour-long exercise by the status quo defenders was to muddy the waters and muddle the record more than ever.

A case in point is their lame defense of restrictive rules which limit the number of amendments which may be offered to legislation. Our colleagues took offense at the use of the word "restrictive" in describing such rules, and decided to counter with a quiver full of euphemisms. So, restrictive rules have been redesignated as "modified," "structured," and "not entirely open." That's a little like calling a dead person "not entirely alive."

But, just in case the viewing public was not sufficiently persuaded by this dazzling display of rhetorical archery, our friends decided to play a Florida version of William Tell by mixing apples and oranges for plinking off the top of their heads. Thus, 44 percent of restrictive rules in this Congress that our research unveiled as of May 23 of this year was magically shrunk to 36 percent.

How did they arrive at this figure? It was easy, actually. For their base figure they counted all rules reported instead of just those which provide for the initial consideration of legislation, even though the restrictive rules they counted come only from the latter category.

Thus, while our Democratic friends have the same number of restrictive rules for this Congress as we do, 44, they have not used the same common denominator which should be, at this time, 102 instead of 122. While one might assume from their presentation that the extra 20 rules they count are open as opposed to restrictive, that is not the case.

Instead, there are rules for such things as conference reports, which are anything but open. But, since conference reports cannot be amended under our rules, they cannot and should not, in all fairness, be categorized as restrictive. And we do not do so in our documentation. But, to leave the impression that they are somehow not restrictive is a complete fraud. The apples and oranges mixers have served us a rotten fruit salad.

But, even more important in all this is that our colleagues completely ignore the alarming increase in such rules over the last five Congresses. In the 95th Congress, 1977-78, such rules comprised only 12 percent of the total. But that has steadily increased in each Congress since to 19, 20, 28, and 36 percent in the 96th to 99th Congresses, respectively. And, as of today, they comprise 43 percent of all rules granted for the initial consideration of legislation. That's a 258-percent increase in the percentage of restrictive rules over just 12 years: nothing to sneeze at.

Yes, Republicans have supported some of those restrictive rules when there has either been no controversy or there have been good-faith, bipartisan efforts to accommodate the concerns and amendments of most of our Members. But, the fact that this has become such a source of protest and controversy in recent times is precisely because there is less and less of this kind of accommodation, and more and more political hardball shutouts being played.

For Democrats to cavalierly dismiss such differences in kind and number as just business as usual is to miss a very significant alteration in the nature of this institution. When even we hear complaints from Democratic Party members in the House about being shut out of the process on such important bills as welfare reform, and for the Democratic leadership to be deaf to such complaints, is a disturbing confirmation that the arrogance of power does breed a callous insensitivity and disregard for the festering problems which infect the body politic.

Let us hope that both parties will come to recognize this for the problem that it is and put an end to the abusive use of such restrictive rules to the detriment of Members' rights and democratic values in this, the people's House.

At this point in the RECORD, Mr. Speaker, I insert the most recent tables on open versus restrictive rules, including a specific listing of such rules in this 100th Congress. The materials follow:

OPEN AND RESTRICTIVE RULES, 95TH–100TH CONGRESS

Congress	Total rules granted[1]	Open rules[2]		Restrictive rules[3]	
		Number	Percent	Number	Percent
95th	241	213	88	28	12
96th	198	161	81	37	19
97th	112	90	80	22	20
98th	145	105	72	40	28
99th	101	65	64	36	36
100th	102	58	57	44	43

[1] Total rules counted are all those providing for the initial consideration of legislation (as opposed to special rules on conference reports, etc.).

[2] Open rules are those which permit any Member to offer any amendment to a measure which is otherwise in compliance with House rules.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules as well as completely closed rules.

Sources: Survey of Activities, Committee on Rules, 95th-99th Congresses; "Notices of Action Taken," Committee on Rules, 100th Congress (as of June 10, 1988). Prepared by minority counsel, Subcommittee on the Legislative Process, Committee on Rules.

RULES REPORTED IN THE 100TH CONGRESS

[Providing for the initial consideration of legislation in House]

Rule No. H. Res.	Date granted	Rule type[1]	Bill number and title
26	Jan. 7, 1987	C	Establishing three select committees.
27	do	C	H.R. 1: Water Quality Act.
38	Jan. 8, 1987	C	H.R. 2: Surface transportation.
109	Mar. 4, 1987	O	H.R. 558: Homeless Relief Act.
116	Mar. 10, 1987	C	H.J. Res. 175: Contra aid moratorium.
135	Mar. 31, 1987	MC	H.R. 1320: Land and Water Conservation Fund Act amendments.
139	Apr. 7, 1987	MC	H. Res. 139: Budget resolution.
148	Apr. 22, 1987	MO	H.R. 1827: Supplemental appropriations.
151	Apr. 27, 1987	MC	H.R. 3: Omnibus trade bill.
152	Apr. 28, 1987	MO	H.R. 1748: DOD authorization.
156	Apr. 5, 1987		
160	May 6, 1987		
154	May 4, 1987	MO	H.R. 27: F.S.L.I.C.
155	May 5, 1987	O	H.R. 1039: Mineral Lands Leasing Act.
165	May 12, 1987	MC	H.R. 2360: Public debt limit.
172	May 19, 1987	O	H.R. 5: School Improvement Act.
171	do	O	H.R. 1451: Older Americans Act.
178	May 28, 1987	O	H.R. 953: Maritime authorization.
179	do	O	H.R. 1934: Fairness doctrine.
182	June 2, 1987	O	H.R. 2355: EPA authorization.
183	do	O	H.R. 2330: NSF authorization.
184	do	O	H.R. 2160: Bureau of Standards.
186	June 4, 1987	O	H.R. 157: Constitution Day.
187	do	O	H.R. 2112: Intelligence authorization.
190	June 9, 1987	MO	H.R. 1777: State Department authorization.
191	do	O	H.R. 4: Omnibus Housing Act.
196	June 16, 1987	MO	H.R. 281: Double-breasting.
197	June 17, 1987	C	Special budget procedures.
206	June 22, 1987	O	H.R. 2712: Interior appropriations.
207	June 23, 1987	O	H.R. 2700: Energy-Water appropriations.
215	June 29, 1987	O	H.R. 2763: Commerce-Justice State appropriations.
219	July 1, 1987	MO	H.R. 2342: Coast Guard authorization.
220	July 8, 1987	O	H.R. 2782: NASA authorization
221	July 9, 1987	O	H.R. 2890: DOT appropriations.
222	July 13, 1987	O	H.R. 2906: MilCon appropriations.
223	do	O	H.R. 2907: Treasury-Postal appropriations.
227	July 21, 1987	MC	H.R. 2470: Catastrophic health.
230	July 23, 1987	O	H.R. 618: Nicaragua-Salvadoran deportation stay.
233	July 28, 1987	C	H.R. 3022: Debt limit extension.
234	do	O	H.R. 1414: Price-Anderson Act.
237	Aug. 3, 1987	O	H.R. 1315: NRC authorization.
238	do	MO	H.J. Res. 132: Armenian genocide.
241	Aug. 4, 1987	O	H.R. 2686: Public Works/Economic Development.
253	Aug. 7, 1987	O	H.R. 1327: Public Health Service.
256	Sept. 9, 1987	MC	H.R. 1154: Textile Trade Act.
257	do	O	H.R. 2600: SEC authorization.
263	Sept. 15, 1987	O	H.R. 442: Civil Liberties Act.
265	Sept. 17, 1987	MO	H.R. 3030: Ag Credit Act.
267	Sept. 21, 1987	O	H.R. 2783: HUD appropriations.
270	Sept. 22, 1987	C	H.J. Res. 362: continuing appropriations.
273	Sept. 23, 1987	O	H.R. 2939: Independent counsel.
275	Sept. 29, 1987	MO	H.R. 2310: Airport improvement.
278	Sept. 30, 1987	MO	H.R. 2310: Airport improvement.
279	Oct. 1, 1987	O	H.R. 2897: FTC amendments.
280	Oct. 6, 1987	O	H.R. 162: Risk notification.
281	Oct. 8, 1987	O	H.R. 3025: Radioactive waste compact.
282	do	O	S. 640: Water-Power authorization.
291	Oct. 22, 1987	O	H.R. 2224: Panama Canal Commission.
292	Oct. 27, 1987	O	H.R. 515: Fair credit disclosure.
293	do	MO	H.R. 3100: Foreign aid authorization.
295	Oct. 28, 1987	O	H.R. 1212: Polygraph protection.
296	do	MC	H.R. 3545: Reconciliation.
298	Oct. 29, 1987	MC	H.R. 3645: Reconciliation II.
299	do	O	H.R. 3479: Gas Royalty Act.
302	Nov. 4, 1987	MC	H.J. Res. 394: Continuing resolution.
303	do	O	H.R. 435: Uniform poll closing.
305	Nov. 5, 1987	O	H.R. 1326: Infant Mortality Amendments.
307	Nov. 10, 1987	O	S. 1667: NOAA authorization.
310	Nov. 17, 1987	MC	H.R. 1720: Welfare reform.
314	Nov. 18, 1987	MC	H.R. 3436: Long-term health care.
316	Nov. 19, 1987	C	H.R. : Sequester extender.
318	Dec. 1, 1987	O	H.R. 791: Ground water research.
321	Dec. 2, 1987	MC	H.J. Res. 395: Continuing appropriations resolution.
328	Dec. 9, 1987	O	H.R. 1467: Endangered species.
329	do	MC	H. Res. 327: Iran-Contra records.
331	do	MC	H.R. 1720: Welfare reform.
337	Dec. 17, 1987	O	H.R. 3674: Fishery agreement.
340	Dec. 20, 1987	C	H.J. Res. 431: Short-Term CR.
360	Feb. 2, 1988	O	H.R. 3396: Rehire air controllers.
375	Feb. 16, 1988	O	H.R. 1054: Military medical malpractice suits.
390	Mar. 1, 1988	MC	H.J. Res. 484: Contra aid.
391	do	MC	S. 557: Civil rights restoration.
403	Mar. 16, 1988	O	H.R. 2707: Disaster Relief Act.
410	Mar. 22, 1988	MC	H. Con. Res. 268: Budget resolution.
415	Mar. 29, 1988	O	H.R. 3932: Presidential transition.
416	do	O	H.R. 3933: Historical Records Commission.
417	do	C	H.J. Res. 523: Contra aid.
421	Mar. 30, 1988	O	S. 858: Abandoned Shipwreck Act.
428	Apr. 18, 1988	MC	H.R. 4222: Immigration amnesty.
435	Apr. 25, 1988	MO	H.R. 4264: DOD authorization.
436	Apr. 27, 1988	MO	Do.
438	May 3, 1988	C	H. Con. Res. 293: Trade corrections.
441	May 10, 1988	MC	H.R. 4471: Miscellaneous international affairs.
442	do	O	H.R. 1801: Juvenile Justice.
443	do	O	H.R. 3193: Hate crime statistics.
447	May 12, 1988	O	H.R. 4567: Energy-Water appropriations.
448	May 17, 1988	O	H.R. 3146: Lottery advertising.
449	do	O	H.R. 4586: MilCon appropriations.
456	May 23, 1988	O	H.R. 4387: Intelligence authorization.
457	do	MC	H.R. 4637: Foreign Operations appropriations.
458	May 25, 1988	O	H.R. 4561: NASA authorization.
459	do	O	H.R. 4418: NSF authorization.
460	do	O	H.R. 4505: DOE authorization.
466	June 2, 1988	MC	H.R. 3436: Older Americans tech. corrections amendments.
469	June 10, 1988	O	H.R. 4775: Treasury-Postal appropriations.

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[1] Code: A completely open amendment process is provided for by an open rule (O). Restrictive rules are those which provide for less than a completely open amendment process and include: closed rules (C); modified closed rules (MC); and modified open rules (MO).

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CLEMENT (at the request of Mr. FOLEY), for today and June 15, on account of illness.

Mr. LELAND (at the request of Mr. FOLEY), for today, on account of official business.

Mr. RUSSO (at the request of Mr. FOLEY), for today, on account of illness.

Mr. PACKARD (at the request of Mr. MICHEL), for today and the balance of the week, on account of official business.

Mr. RAY (at the request of Mr. FOLEY), for today and the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mr. EMERSON, for 5 minutes, on June 15.

Mr. LOTT, for 15 minutes, today.

Mr. DREIER of California, for 5 minutes, today.

(The following Members (at the request of Mr. FRANK) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MACKAY, for 5 minutes, today.

Mr. GEJDENSEN, for 30 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. GONZALEZ, for 60 minutes, on June 15.

Mr. GONZALEZ, for 60 minutes, on June 16.

Mr. GONZALEZ, for 60 minutes, on June 20.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mr. DANNEMEYER.

Mr. CLINGER.

Mr. HEFLEY.

Mr. HASTERT.

Mrs. MORELLA.

Mr. DORNAN of California in three instances.

Mr. GINGRICH in two instances.

Mr. MICHEL.

Mr. PURSELL.

Mr. CHANDLER.

Mr. BALLENGER.

Mrs. MEYERS of Kansas.

Mr. SWINDALL.

Mr. PORTER.

Mr. SMITH of New Jersey.

Mr. HENRY.

Mr. GILMAN.

(The following Members (at the request of Mr. FRANK) to revise and extend their remarks and include extraneous material:)

Mr. FAUNTROY.

Mr. CLARKE.

Mr. BERMAN.

Mr. DOWNEY of New York.

Mr. LEHMAN of Florida.

Mr. RANGEL.

Mr. TORRES.

Mr. SOLARZ.

Mr. LAFALCE in two instances.

Mr. HOYER.

Mr. MAVROULES.

Mr. SMITH of Florida in five instances.

Mr. HALL of Ohio.

Mr. LANTOS.

Mr. PEPPER.

Mr. PICKETT.

Mr. ROE.

Mr. HERTEL.

Mr. FAZIO.

Mr. GARCIA in two instances.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 331. Joint resolution to designate the week of June 19-25, 1988, as the "National Recognition of the Accomplishments of Women in the Workforce Week"; to the Committee on Post Office and Civil Service.

ADJOURNMENT

Mr. BURTON of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, June 15, 1988, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3799. A letter from the Chairman, Securities and Exchange commission, transmitting a draft of proposed legislation to amend the Securities Exchange Act of 1934 to require that members of exchanges, brokers, dealers, banks, associations, or other entities that exercise fiduciary powers holding securities as nominees provide proxy and other shareholder communications to investment company beneficial security holders; to require these same entities, holding securities as nominees, to provide information statements to investment company and noninvestment company beneficial security holders; and to require investment companies to provide information statements to record holders prior to any security holder vote when proxies, consents, or authorizations are not solicited; to the Committee on Energy and Commerce.

3800. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of reports of political contributions by Michael H. Newlin, of Maryland, and Keith Lapham Brown, of Colorado, Ambassador-designate and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3801. A letter from the Chairman, Board of Foreign Scholarships, transmitting the Board's 24th annual report on the Fulbright Program, pursuant to 22 U.S.C. 2457; to the Committee on Foreign Affairs.

3802. A letter from the Acting Administrator, General Services Administration, transmitting the agency's fifth biennial report on excess and surplus personal property programs for the period October 17, 1985 through October 16, 1987, pursuant to 40 U.S.C. 493; to the Committee on Government Operations.

3803. A letter from the Records Officer, U.S. Postal Service, transmitting notice of a computer matching program between the Postal Service and the State of Utah, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3804. A letter from the Executive Director, U.S. Olympic Committee, transmitting the annual audit and activities report for calendar year 1987, pursuant to 36 U.S.C. 382a(a); to the Committee on the Judiciary.

3805. A letter from the Director, Office of Personnel Management, transmitting the agency's annual report on drug and alcohol abuse prevention, treatment, and rehabilitation programs and services for Federal civilian employees covering fiscal year 1987, pursuant to 5 U.S.C. 7363; to the Committee on Post Office and Civil Service.

3806. A letter from the Secretary, Board of Governors, U.S. Postal Service, transmitting the semiannual report on the civil misrepresentation investigative activities of the Service covering the period October 1, 1987-March 31, 1988, pursuant to 39 U.S.C. 3013 (97 Stat. 1317); to the Committee on Post Office and Civil Service.

3807. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, on Grays Harbor, WA., together with other pertinent reports; to the Committee on Public Works and Transportation.

3808. A letter from the Secretary of Commerce, Department of Commerce, transmitting a report on barriers to the commercialization of Federal computer software and the feasibility and cost of compiling an inventory of federally funded training software, pursuant to 15 U.S.C. 3710; to the Committee on Science, Space, and Technology.

3809. A letter from the Chairman, Prospective Payment Assessment Commission, transmitting an evaluation of the Department of Health and Human Service's report on studies of urban-rural and related geographical adjustments in the Medicare prospective payment system, pursuant to Public Law 100-203, section 4009(h)(1); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3559. A bill to authorize the acquisition of 25 acres to be used for an administrative headquarters for Canaveral National Seashore; with amendments (Rept. 100-695). Referred to the Committee of the Whole House on the State of the Union.

Mr. ASPIN: Committee on Armed Services. H.R. 4229. A bill to amend title 10, United States Code, to codify in that title certain defense-related permanent freestanding provisions of law; with amendments (Rept. 100-696). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3880. A bill to extend the authorization of the Upper Delaware Citizens Advisory Council for an additional 10 years. (Rept. 100-697). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3960. A bill to authorize the establishment of the Charles Pinckney National Historic Site in the State of South Carolina, and for other purposes; with an amendment (Rept. 100-698). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4212. A bill to amend the joint resolution of April 27, 1962, to permit the Secretary of the Interior to establish the former home of Alexander Hamilton as a national memorial at its present location in New York, NY; with an amendment (Rept. 100-699). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK: Committee on the Judiciary. H.R. 4612. A bill to amend title 28, United States Code, to provide for an exclusive remedy against the United States for suits based upon certain negligent or wrongful acts or omissions of U.S. employees committed within the scope of their employment, and for other purposes; with amendments (Rept. 100-700). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLAND: Committee on Appropriations. H.R. 4800. A bill making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1989, and for other purposes (Rept. 100-701). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. VENTO (for himself and Mr. DELLUMS):

H.R. 4799. A bill to extend the withdrawal of certain public lands in Lincoln County, NV; jointly, to the Committees on Armed Services and Interior and Insular Affairs.

By Mr. BOLAND:

H.R. 4800. A bill making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1989, and for other purposes.

By Mr. BROWN of Colorado (for himself and Mr. Schaefer):

H.R. 4801. A bill to amend the Clean Air Act to provide for the testing of motor vehicles at high altitudes; to the Committee on Energy and Commerce.

By Mr. BUECHNER (for himself, Mr. Baker, Mr. Barnard, Mr. Bevill, Mr. Boehlert, Mr. Coleman of Missouri, Mr. Daub, Mr. Durbin, Mr. Eckart, Mr. Emerson, Mr. Evans, Mr. Fawell, Mr. Fuster, Mr. Gingrich, Mr. Grandy, Mr. Gray of Illinois, Mr. Gregg, Mr. Hatcher, Mr. Hayes of Illinois, Mr. Hayes of Louisiana, Mr. Houghton, Mr. Johnson of South Dakota, Ms. Kaptur, Mr. Lancaster, Mr. Leach of Iowa, Mr. Lent, Mr. Lewis of Georgia, Mr. Lipinski, Mr. Madigan, Mr. McCurdy, Mr. Montgomery, Mr. Nagle, Mr. Penny, Mr. Petri, Mr. Roberts, Mr. Robinson, Mr. Rowland of Georgia, Mr. Russo, Mr. Skelton, Mr. Slattery, Mr. Smith of New Hampshire, Mr. Tallon, Mr. Tauke, Mr. Volkmer, Mrs. Vucanovich, Mr. Whittaker, and Mr. Williams):

H.R. 4802. A bill to deny discretionary project funds to States that voluntarily reduced the period of availability of interstate highway construction funds for any fiscal year; to the Committee on Public Works and Transportation.

By Mr. CHANDLER (for himself, Mr. Bonker, and Mr. Frenzel):

H.R. 4803. A bill to provide for the continuation of parallel imports under section 526 of the Tariff Act of 1930; to the Committee on Ways and Means.

By Mr. CLINGER:

H.R. 4804. A bill to amend titles I, II, IV, and V of the Surface Mining Control and Reclamation Act of 1977, and to add a new title X, to encourage the remining and reclamation of abandoned mined lands by active mining operations, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DOWNEY of New York (for himself and Mr. Pickle):

H.R. 4805. A bill to amend the Internal Revenue Code of 1986 to make the research credit available to certain start-up ventures; to the Committee on Ways and Means.

By Mr. HANSEN (for himself and Mr. Nielson of Utah):

H.R. 4806. A bill establishing a system of compensation for individuals harmed by nuclear testing, and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. KASTENMEIER:

H.R. 4807. A bill to amend title 28, United States Code, to make certain improvements with respect to the Federal judiciary, and for other purposes; to the Committee on the Judiciary.

By Mr. LaFALCE:

H.R. 4808: A bill to amend the National Housing Act to authorize the Federal Savings and Loan Insurance Corporation to assess the special assessment on the basis of risk criteria which the Corporation may develop; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LEACH of Iowa:

H.R. 4809: A bill to require the Federal Home Loan Bank Board to prescribe regulations to limit the direct investment authority of thrift institutions, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. MEYERS of Kansas:

H.R. 4810: A bill to amend the Public Health Service Act to require that individuals convicted of crimes relating to sexual misconduct be tested with respect to acquired immune deficiency syndrome, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RANGEL:

H.R. 4811: A bill to amend part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for direct grants to units of local government to enforce State and local laws that establish offenses similar to offenses established in the Controlled Substances Act; and to authorize appropriations for fiscal years 1990, 1991, and 1992 to carry out such part; to the Committee on the Judiciary.

By Mr. ROWLAND of Georgia (for himself, Mr. Jenkins, and Mr. Flippo):

H.R. 4812: A bill to amend the Internal Revenue Code of 1986 to provide that a waiver under an interest rate adjustment clause on a small issue bond shall not be treated as resulting in a new issue for purposes of determining deductibility of interest by a financial institution; to the Committee on Ways and Means.

By Mr. SHAW:

H.R. 4813. A bill to amend the National Forest System Drug Control Act of 1986, and for other purposes; jointly, to the Committee on Agriculture, Interior and Insular Affairs, and the Judiciary.

H.R. 4814. A bill to amend title 39, United States Code, and the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide certain authorities to the Postal Service, and for other purposes; jointly, to the Committees on Eerngy and Commerce, the Judiciary, and Post Office and Civil Service.

By Mr. SMITH of New Hampshire:

H.R. 4815. A bill to amend the Atomic Energy Act of 1954 to provide for State and local participation in the emergency planning process, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SOLOMON:

H.R. 4816. A bill to amend the Export Administration Act of 1979 to prohibit United States corporations from entering into commercial ventures using the Soviet space station and to prohibit United States satellites from being launched from launch vehicles owned by certain countries; jointly, to the Committees on Foreign Affairs and Science, Space, and Technology.

By Mr. STAGGERS:

H.R. 4817. A bill to prohibit the importation of foreign-made flags of the United States of America; to the Committee on Ways and Means.

By Mr. VENTO (for himself, Mr. Udall, Mr. Lagomarsino, Mr. Akaka, Mr. de Lugo, Mr. Sunia, Mr. Fuster, and Mr. Blaz):

H.R. 4818. A bill to establish the National Park of Samoa; to the Committee on Interior and Insular Affairs.

By Mr. SUNDQUIST (for himself and Mr. Ford of Tennessee):

H. Con. Res. 316. Concurrent resolution to express deep concern that the Japanese Ministry of Transport has imposed unreasonable and unjustifiable obstacles which have precluded Federal Express from implementing its small-package express service between the United States and Japan pursuant to the 1985 Memorandum of Understanding between the United States and Japan; to the Committee on Ways and Means.

By Mr. DORNAN of California (for himself and Mrs. Johnson of Connecticut):

H. Con. Res. 317. Concurrent resolution to express the sense of the Congress concerning support for amateur radio and amateur radio frequency allocations vital for public safety purposes; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

412. By the SPEAKER: Memorial of the Legislature of the State of Oklahoma, relative to the Soviet armed forces; to the Committee on Foreign Affairs.

413. Also, memorial of the Legislature of the State of Hawaii, relative to Americans and resident aliens of Japanese ancestry and Alaskan Aleuts; to the Committee on the Judiciary.

414. Also, memorial of the House of Representatives of the State of Hawaii, relative to satellite technology in the fishing industry; restoration of Federal funds to the Regional Aquaculture Center Program; to the Committee on Merchant Marine and Fisheries.

415. Also, memorial of the Legislature of the State of Hawaii, relative to U.S. Coast Guard services in Hawaii; to the Committee on Merchant Marine and Fisheries.

416. Also, memorial of the Legislature of the State of Hawaii, relative to a veterans hospital in Hawaii; to the Committee on Veterans' Affairs.

417. Also, memorial of the Legislature of the State of Oklahoma, relative to exempting certain interest income from taxation; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BONKER:

H.R. 4819. A bill to authorize the Secretary of Transportation to issue a certificate of documentation which authorizes the vessel *Suva* to engage in the coastwise trade; to the Committee on Merchant Marine and Fisheries.

By Mr. BORSKI:

H.R. 4820. A bill to authorize the Secretary of Transportation to issue a certificate of documentation which authorizes the vessel *Albert* to engage in the coastwise trade; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. Annunzio.

H.R. 303: Mr. Nelson of Florida and Mr. McCrery.

H.R. 901: Mr. Owens of Utah.

H.R. 1049: Mr. Clay.

H.R. 1358: Mr. Solarz.

H.R. 1531: Mr. Blaz, Ms. Slaughter of New York, Mr. Rowland of Connecticut, Mr. Walgren, and Mr. Bosco.

H.R. 1632: Mr. Mineta.

H.R. 1897: Mr. Lancaster, Mr. Bilbray, Mr. Conte, Mr. Mazzoli, Mr. Torres, Mr. Hatcher, Mr. DeFazio, Mr. Eckart, Mr. Mfume, and Mr. Dreier of California.

H.R. 1938: Mrs. Morella.

H.R. 2168: Mr. Dorgan of North Dakota and Mr. Gingrich.

H.R. 2514: Mrs. Lloyd.

H.R. 2726: Mr. Eckart and Mr. Bonior of Michigan.

H.R. 3044: Mrs. Martin of Illinois, Mr. Leach of Iowa, Mr. Clinger, and Mr. Vander Jagt.

H.R. 3132: Mr. Ravenel.

H.R. 3178: Mr. Lewis of Georgia.

H.R. 3250: Mr. Denny Smith.

H.R. 3418: Mr. AuCoin, Mr. Petri, Mr. Rowland of Connecticut, Mr. Borski, Mr. Biaggi, Mr. Mineta, Mr. Gilman, Mr. Ravenel, Mr. Bryant, Mr. Hall of Texas, Mr. Slattery, Mr. Kostmayer, Mr. Lowry of Washington, Mr. Hiler, Mr. Clarke, Mrs. Byron, Mr. Moody, and Mr. Tauzin.

H.R. 3455: Mr. Savage, Mr. Hochbrueckner, Mr. Fish, and Mrs. Saiki.

H.R. 3503: Mr. Garcia.

H.R. 3663: Mr. Towns.

H.R. 3788: Mr. Donald E. Lukens, Mr. Grant, Mr. McDade, and Mrs. Patterson.

H.R. 3891: Mr. McMillen of Maryland, Mr. Sabo, Mr. Beilenson, Mr. Wheat, Mr. Neal, Ms. Kaptur, Mr. Martinez, Mr. Lantos, Mr. Staggers, Mr. Slattery, Mr. Ford of Michigan, Mr. Clay, Mr. Stokes, Mr. Gordon, Mr. Leland, and Mr. Crockett.

H.R. 3907: Mr. Anthony, Mr. Bosco, and Mr. Hayes of Louisiana.

H.R. 3978: Mr. Bates, Mr. Bonior of Michigan, Mr. Downey of New York, Mr. Fascell, Mr. Foglietta, Mr. Green, Mr. Levin of Michigan, Mr. Markey, Mr. Morrison of Connecticut, Mr. Pepper, and Mr. Towns.

H.R. 4012: Mr. Sabo, Mr. Kolter, Mr. Towns, and Mr. Solarz.

H.R. 4038: Mr. Wortley, Mr. Schuette, Mr. Lagomarsino, Mr. Donald E. Lukens, and Mr. Hyde.

H.R. 4060: Mr. Owens of Utah, Mr. Borski, Mr. Bruce, Mr. Manton, and Mr. Neal.

H.R. 4127: Mr. Lent, Mr. Towns, Mr. Savage, Mr. Hayes of Illinois, Mr. Skaggs, Mr. Lancaster, Mr. Ridge, Mr. Dyson, Mr. Murtha, Mr. Jenkins, Mr. Cooper, Mr. Brown of California, Mr. Weldon, Mr. Gallo, Mr. Rowland of Georgia, Mrs. Lloyd, and Mr. Wyden.

H.R. 4150: Mr. Glickman, Mr. Coble, and Mrs. Boggs.

H.R. 4221: Mr. Gallo, Mr. McHugh, Mr. Oxley, Mr. Barton of Texas, Mr. Daub, Mr. Erdreich, Mr. DeWine, Mr. Ackerman, Mr. Garcia, Mr. Bustamante, and Mr. Lagomarsino.

H.R. 4257: Mr. McEwen, Mr. McDade, Mr. Smith of Texas, Mr. Clement, Mr. Stratton, Mr. Porter, Mr. Traficant, Mr. Espy, Mr. Sundquist, Mr. Weber, Mr. Vander Jagt, Mr. Ballenger, Mr. Henry, Ms. Slaughter of New York, Mr. Bonior of Michigan, Mr. Lantos, and Mr. Pepper.

H.R. 4260: Mr. Ridge, Mr. Dwyer of New Jersey, and Mrs. Meyers of Kansas.

H.R. 4297: Mr. McCurdy.

H.R. 4325: Mr. Towns, Mr. Chapman, and Mr. DeFazio.

H.R. 4352: Mr. Gordon, Mr. de Lugo, and Mr. Tallon.

H.R. 4410: Mr. Kasich, Mr. DeWine, Mr. Feighan, Mr. Gradison, Mr. Hall of Ohio, Ms. Kaptur, Mr. Latta, Mr. Thomas A. Luken, Mr. Donald E. Lukens, Mr. Miller of Ohio, Ms. Oakar, Mr. Oxley, Mr. Regula, Mr. Traficant, and Mr. Wylie.

H.R. 4428: Mr. Towns, Mr. Gilman, Mr. Hayes of Illinois, Mr. Rangel, and Mr. Horton.

H.R. 4438: Mr. Gray of Illinois, Mr. Bustamante, Mr. Kostmayer, Mr. Flippo, Mr. Hammerschmidt, Mr. Davis of Illinois, Mr. McDade, Mr. Olin, Mr. Johnson of South Dakota, and Mr. Vander Jagt.

H.R. 4444: Mrs. Bentley and Mr. Donald E. Lukens.

H.R. 4450: Mr. Frost.

H.R. 4463: Mr. Erdreich, Mr. Ireland, Mr. McEwen, Mr. McGrath, and Mr. Clinger.

H.R. 4514: Mr. Campbell, Mr. Jenkins, Mr. Davis of Michigan, Mr. Skeen, and Mr. Marlenee.

H.R. 4542: Mr. Robert F. Smith, Mr. Whitten, Mr. Morrison of Washington, and Mr. Combest.

H.R. 4548: Mr. English and Mr. Fauntroy.

H.R. 4554: Mr. Stark, Mr. Ravenel, Mr. Andrews, Mr. Leach of Iowa, Mr. Kastenmeier, Mrs. Lloyd, Mr. Kolter, Mrs. Boggs, Mr. Rahall, Mr. Roe, Mr. DeFazio, Mr. Skelton, Ms. Pelosi, Mr. Walgren, Mr. Lancaster, Mr. Solomon, and Mr. Bevill.

H.R. 4570: Mr. Levine of California.

H.R. 4576: Mr. Glickman, Mr. McEwen, Mr. Dannemeyer, Mr. Slattery, and Mr. Price of North Carolina.

H.R. 4635: Mr. Donald E. Lukens.

H.R. 4651: Mr. Skaggs.

H.R. 4655: Mr. Pursell, Mr. Dowdy of Mississippi, and Mr. Boucher.

H.R. 4758: Mr. Gekas, Mr. Fish, Mr. Edwards of Oklahoma, Mr. Synar, Mr. Bryant, Mr. Traxler, Mr. Lott, Mr. Manton, Mr. Feighan, Mr. Biaggi, Mr. Boucher Mr. Kildee, Mr. Rodino, Ms. Oakar, and Mr. Swindall.

H.R. 4760: Mr. Chapman, Mr. Neal, Mr. Jacobs, Mr. DeFazio, Mrs. Boxer, and Mr. Fazio.

H.J. Res. 330: Mr. Martinez, Mr. Roe, Mr. Hyde, Mr. Fawell, Mr. Leland, Mr. Tallon, Mr. Lowry of Washington, Mr. Walgren, Mr. Levin of Michigan, and Mr. Ackerman.

H.J. Res. 453: Mr. Vento, Mr. Broomfield, Mr. Dicks, Mr. Tauzin, and Mr. Martinez.

H.J. Res. 463: Mr. Bryant, Mr. DeFazio, Mrs. Johnson of Connecticut, Mr. Lancaster, Mrs. Martin of Illinois, Mr. Berman, Mr. Bosco, Mr. Hochbrueckner, Mr. Hunter, Mr. Inhofe, Mr. Kemp, Mr. Thomas A. Luken, Mr. Donnelly, Mr. McCollum, Mr. Richardson, Mr. Mfume, Mr. Savage, Mr. Sikorski, Mr. LaFalce, Mr. Duncan, Mr. Nielson of Utah, Mr. Spence, Mr. DeWine, Mr. Kennedy, Mr. Applegate, Mr. Markey, Mr. Courter, Mr. Hayes of Louisiana, and Mr. Bennett.

H.J. Res. 464: Mr. Rinaldo, Mr. Hochbrueckner, Mr. Shays, Mr. Craig, Mr. Lent, Mr. Ridge, and Mr. Mineta.

H.J. Res. 485: Mr. Bartlett, Mr. Torricelli, and Mr. Boulter.

H.J. Res. 488: Mr. AuCoin, Mr. St Germain, Mr. Craig, Mr. Bruce, Mr. Mrazek, Mr. Clarke, Mr. Hayes of Louisiana, Mr. Hiler, Mr. Gunderson, Mr. Hayes of Illinois, Mr. Hefner, Mr. Hyde, Mr. Hertel, Mr. Mineta, Mr. Akaka, Mr. Weldon, Mr. Lehman of California, Ms. Kaptur, Mrs. Kennelly, Mr. Latta, Mr. Lewis of Georgia, Mr. McEwen, Mr. McGrath, Mr. McMillen of Maryland, Mr. MacKay, Mr. Martin of New York, Mr. Miller of Washington, Mr. Ireland, Mr. Neal, Mr. Rangel, Mr. Ravenel, Mr. Saxton, Mr. Sabo, Mr. Denny Smith, Mr. Stokes, Mr. Sunia, Mr. Kennedy, Mr. Tallon, Mr. Traficant, Mr. Wise, Mr. LaFalce, Mr. Towns, and Mrs. Vucanovich.

H.J. Res. 509: Mr. Hayes of Illinois, Mr. Frenzel, Mr. Henry, Mr. Dowdy of Mississippi, Mr. Espy, and Mr. Foglietta.

H.J. Res. 555: Mr. Dreier of California and Mr. Gallo.

H.J. Res. 557: Mr. Bennett, Mr. Russo, Mr. Owens of New York, Mr. Ackerman, Mr. Lipinski, Mr. Dowdy of Mississippi, Mr. Barnard, Mr. Shumway, Ms. Kaptur, Mr. Garcia, Mr. Buechner, Mr. Madigan, Mr. Smith of New Jersey, Mr. Walgren, Mr. Kastenmeier, Mr. Moakley, Mr. Kasich, Mr. Leach of Iowa, Mr. Dymally, Mr. Tauke, and Mrs. Lloyd.

H. Con. Res. 28: Mr. Lipinski and Mr. Broomfield.

H. Con. Res. 232: Mr. Shuster, Mr. Kostmayer, and Mr. Walgren.

H. Con. Res. 260: Mr. Morrison of Washington, Mr. Gephardt, Mr. Hopkins, Mr. Slaughter of Virginia, Mr. Panetta, Mr. Mineta, Mr. Clement, Mr. Pickett, Mr. Wise, and Mr. Morrison of Connecticut.

H. Con. Res. 265: Mr. Shays and Mr. Hochbrueckner.

H. Con. Res. 277: Mr. Gejdenson, Mr. Brown of California, Mr. Berman, Mr. Towns, Mr. Atkins, Mr. Borski, Mr. Weiss, and Mr. AuCoin.

H. Con. Res. 303: Mr. Fuster, Mr. Neal, Mr. Owens of New York, Mr. Inhofe, Mr. Wortley, Mr. Jeffords, Mr. Borski, Mr. Waxman, and Mrs. Collins.

H. Con. Res. 305: Mr. Beilenson, Mr. Borski, Mr. Boucher, Mr. Brown of California, Mr. Dorgan of North Dakota, Mr. Frank, Mr. Gejdenson, Mr. Gilman, Mr. Glickman, Mr. Hughes, Mr. Levin of Michigan, Mr. McHugh, Mrs. Morella, and Mr. Mrazek.

H. Res. 286: Mr. Garcia.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

182. By the SPEAKER: Petition of the city clerk, Buffalo, NY, relative to the trade bill; to the Committee on Ways and Means.

183. Also, petition of the city clerk, Buffalo, NY, relative to revenue bonds; to the Committee on Ways and Means.

184. Also, petition of the city clerk, Buffalo, NY, relative to tax exempt bonds; to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4783,

By Mr. DORNAN of California:

—At the end of the bill, before the short title, insert the following new section:

Sec. . No funds under this Act may be used by the Secretary of Health and Human Services—

(1) to continue an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act for the drug RU-486 when used as a drug to cause an abortion or as an abortifacient; or

(2) to consider any application under section 505 of such Act for the approval of a new drug application for such drug when used for such purpose.

SENATE—*Tuesday, June 14, 1988*

(Legislative day of Monday, June 13, 1988)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the Honorable TIMOTHY E. WIRTH, a Senator from the State of Colorado.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*The Lord is my shepherd; I shall not want * * * he leadeth me. * * **—Psalm 23:1-2.

Gracious God, what a profoundly simple truth—the promise of being infallibly led by the Lord our Shepherd. Help us to appreciate the desirability and fulfilled reality in following as You lead—"beside still waters"—"in the paths of righteousness"—even through "the valley of the shadow of death. * * *" Mighty God, help the busy, powerful people in the Senate to take seriously this incredible guarantee of impeccable, unfailing exquisite, leadership in all our ways—even through death. In the name of the Good Shepherd we pray.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 14, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TIMOTHY WIRTH, a Senator from the State of Colorado, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. WIRTH thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE CHAPLAIN'S PRAYER

Mr. BYRD. Mr. President, I thank the Chaplain for his great prayer this morning. Not for its length, for it was brief; but for its clarity and for the richness of the Scripture behind it and because the Lord can be our Shepherd. Blessed is the nation whose God is the Lord.

THE FLAG GOES BY

Mr. BYRD. Mr. President, from our Nation's beginning, flags have been important elements of patriotic and ceremonial expression. The mythical origin of flags is recorded in Genesis. After the flood, God made a covenant with man, promising that never again would He send the waters to cover the face of the Earth and destroy it.

He unfurled the first flag, the multihued banner of the rainbow, which He set in the clouds as a symbol of security and an assurance to all future generations of His watchful care. Since that day, man has employed his earthly banners as emblems of faith and hope and high resolve.

On June 14, 1777, the Continental Congress adopted the standardized 13-star 13-stripe red, white, and blue motif from which our current flag has descended. As generations passed, the Stars and Stripes, Old Glory as our flag has come to be called, assumed a place in our national life far more extensive than that played by the flags of most other nations.

Some have compared Old Glory to the function served in British life by the monarch herself. Never, perhaps, in history has a national emblem commanded the love and veneration accorded to our flag by patriotic Americans.

Recognizing the enormous emotional significance that the Stars and Stripes enjoy for our people, Congress, in 1949, set aside June 14 as Flag Day. On this Flag Day, I know that all of our colleagues join me in, again, revering our flag and rededicating ourselves with all of our citizens to the ideals for which the Stars and Stripes stand, here and around the world.

Hats off!
Along the street there comes
A blare of bugles, a ruffle of drums,
A flash of color beneath the sky:
Hats off!
The flag is passing by!

Blue and crimson and white it shines,
Over the steel-tipped, ordered lines,
Hats off!
The colors before us fly;
But more than the flag is passing by:

Sea-fights and land-fights, grim and great,
Fought to make and to save the State:
Weary marches and sinking ships;
Cheers of victory on dying lips;

Days of plenty and years of peace:
March of a strong land's swift increase;
Equal justice, right and law,
Stately honor and reverend awe;

Sign of a nation, great and strong
To ward her people from foreign wrong:
Pride and glory and honor, all
Live in the colors to stand or fall.

Hats off!
Along the street there comes
A blare of bugles, a ruffle of drums,
And loyal hearts are beating high:
Hats off!
The flag is passing by!

Mr. President, I ask unanimous consent to insert in the RECORD the "Pledge of Allegiance to the Flag," and also the flag laws and regulations that are to be found in a publication entitled "Our Flag" and published by the U.S. Government Printing Office.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PLEDGE OF ALLEGIANCE TO THE FLAG

"I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all."

This wording of the pledge varies slightly from the original, which was drawn up in 1892 in the office of The Youth's Companion magazine in Boston. It was first used in the public schools in celebration of Columbus Day, 12 October 1892.

The pledge received official recognition by Congress in an Act approved 22 June 1942. The phrase "under God" was added to the pledge by a Congressional Act of 14 June 1954. At that time, President Eisenhower said that "in this way we are reaffirming the transcendence of religious faith in America's heritage and future; in this way we shall constantly strengthen those spiritual weapons which forever will be our country's most powerful resource in peace and war.'

FLAG LAWS AND REGULATIONS

The following codification of existing rules and customs pertaining to the display and use of the flag of the United States of America be, and it is hereby, established for the use of such civilians or civilian groups or organizations as may not be required to conform with regulations promulgated by one or more executive departments of the Government of the United States. The flag of the United States for the purpose of this chapter shall be defined according to title 4, United States Code, chapter 1, section 1 and section 2 and Executive Order 10834 issued pursuant thereto.

SEC. 2. (a) It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstaffs in the open. However, when a patriotic effect is desired, the flag may be displayed twenty-four hours a day if properly illuminated during the hours of darkness.

(b) The flag should be hoisted briskly and lowered ceremoniously.

● **This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.**

(c) The flag should not be displayed on days when the weather is inclement, except when an all weather flag is displayed.

(d) The flag should be displayed on all days, especially on New Year's Day, January 1; Inauguration Day, January 20; Lincoln's Birthday, February 12; Washington's Birthday, third Monday in February; Easter Sunday (variable); Mother's Day, second Sunday in May; Armed Forces Day, third Saturday in May; Memorial Day (half-staff until noon), the last Monday in May; Flag Day, June 14; Independence Day, July 4; Labor Day, first Monday in September; Constitution Day, September 17; Columbus Day, second Monday in October; Navy Day, October 27; Veterans Day, November 11; Thanksgiving Day, fourth Thursday in November; Christmas Day, December 25; and such other days as may be proclaimed by the President of the United States; the birthdays of States (date of admission); and on State holidays.

(e) The flag should be displayed daily on or near the main administration building of every public institution.

(f) The flag should be displayed in or near every polling place on election days.

(g) The flag should be displayed during school days in or near every schoolhouse.

SEC. 3. That the flag, when carried in a procession with another flag or flags, should be either on the marching right; that is, the flag's own right, or, if there is a line of other flags, in front of the center of that line.

(a) The flag should not be displayed on a float in a parade except from a staff, or as provided in subsection (i).

(b) The flag should not be draped over the hood, top, sides, or back of a vehicle or of a railroad train or a boat. When the flag is displayed on a motorcar, the staff shall be fixed firmly to the chassis or clamped to the right fender.

(c) No other flag or pennant should be placed above or, if on the same level, to the right of the flag of the United States of America, except during church services conducted by naval chaplains at sea, when the church pennant may be flown above the flag during church services for the personnel of the Navy.

(d) The flag of the United States of America, when it is displayed with another flag against a wall from crossed staffs, should be on the right, the flag's own right, and its staff should be in front of the staff of the other flag.

(e) The flag of the United States of America should be at the center and at the highest point of the group when a number of flags of States or localities or pennants of societies are grouped and displayed from staffs.

(f) When flags of States, cities, or localities, or pennants of societies are flown on the same halyard with the flag of the United States, the latter should always be at the peak. When the flags are flown from adjacent staffs, the flag of the United States should be hoisted first and lowered last. No such flag or pennant may be placed above the flag of the United States or to the United States flag's right.

(g) When flags of two or more nations are displayed, they are to be flown from separate staffs of the same height. The flags should be of approximately equal size. International usage forbids the display of the flag of one nation above that of another nation in time of peace.

(h) When the flag of the United States is displayed from a staff projecting horizontally or at an angle from the window sill, balcony, or front of a building, the union of the flag should be placed at the peak of the staff unless the flag is at half-staff. When the flag is suspended over a sidewalk from a rope extending from a house to a pole at the edge of the sidewalk, the flag should be hoisted out, union first, from the building.

(i) When displayed either horizontally or vertically against a wall, the union should be uppermost and to the flag's own right, that is, to the observer's left. When displayed in a window, the flag should be displayed in the same way, with the union or blue field to the left of the observer in the street.

(j) When the flag is displayed over the middle of the street, it should be suspended vertically with the union to the north in an east and west street or to the east in a north and south street.

(k) When used on a speaker's platform, the flag, if displayed flat, should be displayed above and behind the speaker. When displayed from a staff in a church or public auditorium, the flag of the United States of America should hold the position of superior prominence, in advance of the audience, and in the position of honor at the clergyman's or speaker's right as he faces the audience. Any other flag so displayed should be placed on the left of the clergyman or speaker or to the right of the audience.

(l) The flag should form a distinctive feature of the ceremony of unveiling a statue or monument, but it should never be used as the covering for the statue or monument.

(m) The flag, when flown at half-staff, should be first hoisted to the peak for an instant and then lowered to the half-staff position. The flag should be again raised to the peak before it is lowered for the day. On Memorial Day the flag should be displayed at half-staff until noon only, then raised to the top of the staff. By order of the President, the flag shall be flown at half-staff upon the death of principal figures of the United States Government and the Governor of a State, territory, or possession, as a mark of respect to their memory. In the event of the death of other officials or foreign dignitaries, the flag is to be displayed at half-staff according to Presidential instructions or orders, or in accordance with recognized customs or practices not inconsistent with law. In the event of the death of a present or former official of the government of any State, territory, or possession of the United States, the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff. The flag shall be flown at half-staff thirty days from the death of the President or a former President; ten days from the day of death of the Vice President, the Chief Justice or a retired Chief Justice of the United States, or the Speaker of the House of Representatives; from the day of death until interment of an Associate Justice of the Supreme Court, a Secretary of an executive or military department, a former Vice President, or the Govenror of a State, territory, or possession; and on the day of death and the following day for a Member of Congress. As used in this subsection—

(1) the term "half-staff" means the position of the flag when it is one-half the distance between the top and bottom of the staff;

(2) the term "executive or military department" means any agency listed under sections 101 and 102 of title 5, United States Code; and

(3) the term "Member of Congress" means a Senator, a Representative, a Delegate, or the Resident Commissioner from Puerto Rico.

(n) When the flag is used to cover a casket, it should be so placed that the union is at the head and over the left shoulder. The flag should not be lowered into the grave or allowed to touch the ground.

(o) When the flag is suspended across a corridor or lobby in a building with only one main entrance, it should be suspended vertically with the union of the flag to the observer's left upon entering. If the building has more than one main entrance, the flag should be suspended vertically near the center of the corridor or lobby with the union to the north, when entrances are to the east and west or to the east when entrances are to the north and south. If there are entrances in more than two directions, the union should be to the east.

SEC. 4. That no disrespect should be shown to the flag of the United States of America; the flag should not be dipped to any person or thing. Regimental colors, State flags, and organization or institutional flags are to be dipped as a mark of honor.

(a) The flag should never be displayed with the union down, except as a signal of dire distress or in instances of extreme danger to life or property.

(b) The flag should never touch anything beneath it, such as the ground, the floor, water, or merchandise.

(c) The flag should never be carried flat or horizontally, but always aloft and free.

(d) The flag should never be used as wearing apparel, bedding, or drapery. It should never be festooned, drawn back, nor up, in folds, but always allowed to fall free. Bunting of blue, white, and red, always arranged with the blue above, the white in the middle, and the red below, should be used for covering a speaker's desk, draping the front of the platform, and for decoration in general.

(e) The flag should never be fastened, displayed, used, or stored in such a manner as to permit it to be easily torn, soiled, or damaged in any way.

(f) The flag should never be used as a covering for a ceiling.

(g) The flag should never have placed upon it, nor on any part of it, nor attached to it any mark, insignia, letter, word, figure, design, picture, or drawing of any nature.

(h) The flag should never be used as a receptacle for receiving, holding, carrying, or delivering anything.

(i) The flag should never be used for advertising purposes in any manner whatsoever. It should not be embroidered on such articles as cushions or handkerchiefs and the like, printed or otherwise impressed on paper napkins or boxes or anything that is designed for temporary use and discarded. Advertising signs should not be fastened to a staff or halyard from which the flag is flown.

(j) No part of the flag should ever be used as a costume or athletic uniform. However, a flag patch may be affixed to the uniform of military organizations. The flag represents a living country and is itself considered a living thing. Therefore, the lapel flag pin, being a replica, should be worn on the left lapel near the heart.

(k) The flag, when it is in such condition that it is no longer a fitting emblem for display, should be destroyed in a dignified way, preferably by burning.

SEC. 5. During the ceremony of hoisting or lowering the flag or when the flag is passing in a parade or in review, all persons present except those in uniform should face the flag and stand at attention with the right hand over the heart. Those present in uniform should render the military salute. When not in uniform, men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Aliens should stand at attention. The salute to the flag in a moving column should be rendered at the moment the flag passes.

SEC. 6. During rendition of the national anthem when the flag is displayed, all present except those in uniform should stand at attention facing the flag with the right hand over the heart. Men not in uniform should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should render the military salute at the first note of the anthem and retain this position until the last note. When the flag is not displayed, those present should face toward the music and act in the same manner they would if the flag were displayed there.

SEC. 7. The Pledge of Allegiance to the Flag, "I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all", should be rendered by standing at attention facing the flag with the right hand over the heart. When not in uniform men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should remain silent, face the flag, and render the military salute.

SEC. 8. Any rule or custom pertaining to the display of the flag of the United States of America, set forth herein, may be altered, modified, or repealed, or additional rules with respect thereto may be prescribed, by the Commander in Chief of the Armed Forces of the United States, whenever he deems it to be appropriate or desirable; and any such alteration or additional rule shall be set forth in a proclamation.

No person shall display the flag of the United Nations or any other national or international flag equal, above, or in a position of superior prominence or honor to, or in place of, the flag of the United States at any place within the United States or any Territory or possession thereof: Provided, That nothing in this section shall make unlawful the continuance of the practice heretofore followed of displaying the flag of the United Nations in a position of superior prominence or honor, and other national flags in positions of equal prominence or honor, with that of the flag of the United States at the headquarters of the United Nations.

HOW TO DISPLAY THE FLAG

1. When the flag is displayed over the middle of the street, it should be suspended vertically with the union to the north in an east and west street or to the east in a north and south street.

2. The flag of the United States of America, when it is displayed with another flag against a wall from crossed staffs, should be on the right, the flag's own right, and its staff should be in front of the staff of the other flag.

3. The flag, when flown at half-staff, should be first hoisted to the peak for an instant and then lowered to the half-staff position. The flag should be again raised to the peak before it is lowered for the day. By "half-staff" is meant lowering the flag to one-half the distance between the top and bottom of the staff. Crepe streamers may be affixed to spear heads or flagstaffs in a parade only by order of the President of the United States.

4. When flags of States, cities, or localities, or pennants of societies are flown on the same halyard with the flag of the United States, the latter should always be at the peak. When the flags are flown from adjacent staffs, the flag of the United States should be hoisted first and lowered last. No such flag or pennant may be placed above the flag of the United States or to the right of the flag of the United States.

5. When the flag is suspended over a sidewalk from a rope extending from a house to a pole at the edge of the sidewalk, the flag should be hoisted out, union first, from the building.

6. When the flag of the United States is displayed from a staff projecting horizontally or at an angle from the window sill, balcony, or front of a building, the union of the flag should be placed at the peak of the staff unless the flag is at half-staff.

7. When the flag is used to cover a casket, it should be so placed that the union is at the head and over the left shoulder. The flag should not be lowered into the grave or allowed to touch the ground.

8. When the flag is displayed in a manner other than by being flown from a staff, it should be displayed flat, whether indoors or out. When displayed either horizontally or vertically against a wall, the union should be uppermost and to the flag's own right, that is, to the observer's left. When displayed in a window it should be displayed in the same way, that is, with the union or blue field to the left of the observer in the street. When festoons, rosettes or drapings are desired, bunting of blue, white and red should be used, but never the flag.

9. That the flag, when carried in a procession with another flag or flags, should be either on the marching right; that is, the flag's own right, or, if there is a line of other flags, in front of the center of that line.

10. The flag of the United States of America should be at the center and at the highest point of the group when a number of flags of States or localities or pennants of societies are grouped and displayed from staffs.

11. When flags of two or more nations are displayed, they are to be flown from separate staffs of the same height. The flags should be of approximately equal size. International usage forbids the display of the flag of one nation above that of another nation in time of peace.

Mr. BYRD. Mr. President, I yield the floor.

FLAG DAY

Mr. DOLE. Mr. President, this is a red, white, and blue day for America. It's Flag Day 1988.

It's a time to honor Old Glory and everything that it represents: freedom, hope, opportunity, strength, and compassion.

It is a day to reflect on history's greatest democracy and the brave Americans who gave their lives to preserve it.

And it is a date when every American should renew their pledge to the flag; to once again recite the Pledge of Allegiance, proudly and openly.

Mr. President, the pictures on the evening news remind us that Old Glory is still under attack and in flames on foreign soil; and once again we recall with horror the campus unrest of the late 1960's when we saw the Stars and Stripes in flames on American soil, too.

So let us pledge today that we truly are "one nation, under God" and "indivisible". Let us make a renewed Pledge of Allegiance to our flag: in the classroom, in the home, in the meeting hall or wherever else Americans choose to honor their country. After all, the red, white, and blue is the heart and soul of everything we stand for.

RESERVATION ON THE REPUBLICAN LEADER'S TIME

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the distinguished Republican leader be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 10 o'clock, with Senators permitted to speak therein for not to exceed 5 minutes each.

The Chair recognizes the Senator from Wisconsin.

FLAG DAY

Mr. PROXMIRE. Mr. President, first, I would like to congratulate the leader, Senator BYRD, for his speech on Flag Day. Too many people just forgot the fact we have had Flag Day in the last day or so. As a matter of fact, on Saturday, we have probably the biggest Flag Day parade in the entire country in Appleton, WI.

I marched in that parade. Thirty thousand people turned out. It was a great occasion. People are very proud of our country and of our flag.

I am delighted the leader called attention to that.

WHAT THE CONGRESS SHOULD DO TO MEET THE THRIFT CRISIS

Mr. PROXMIRE. Mr. President, this morning I will follow up my speech of last week on the serious troubles of the savings and loan industry. At a time of the worst Federal Government deficits in our Nation's history, expert witnesses have told our Senate Banking Committee this industry may load an additional tens of billions of dollars in bailout cost on our Federal Government. Here is why: The Government has insured more than a trillion dollars of S&L deposits at the Nation's savings and loans.

Until the 1980's, there were very few savings and loan failures. In the 8 years between 1972 and 1979, inclusive, there were only 21 savings and loans that failed. That is an average of less than three S&L failures in the entire country per year. But in the 8 years beginning in 1980 through 1987, there have been 329 failures, or an average of more than 40 failures per year.

This year it is even worse. At the current rate of failures through today, there will be more than 100 S&L failures this year. This year appears almost certain to see by far the largest, number of savings and loan failures in the past 60 years. Until the 1980's, failures cost only a modest fraction of the annual funds raised by the Federal Savings and Loan Insurance Corporation through premiums of one-twelfth of 1 percent on the deposits of insured S&L's. But, as the number of failures increased, the FSLIC reserve has been steadily depleted.

In 1987, the Congress authorized FSLIC to borrow an additional $10.8 billion over 3 years and to raise the S&L premiums to one-eighth of 1 percent to pay for that additional $10.8 billion. The aforementioned expert testimony documents the certainty that these additional funds and the higher premiums to pay for them will not be nearly enough.

WHAT WENT WRONG?

Until 1987, the country's thrifts earned a substantial but fluctuating net income. In 1984, the industry netted a profit of about $1.5 billion. In 1985, that rose to $4.4 billion. In 1986, it declined to about $1 billion. But in 1987 the industry suffered some catastophic individual losses and overall aggregate losses of $6.3 billion. At the end of 1987, 507 thrifts constituting 16 percent of the industry and 11 percent of the assets of the industry were insolvent. That is applying generally accepted accounting principles, these institutions had negative capital. The capital deficit of these technically insolvent institutions has increased every year since 1984 and their net operating losses have gone up each year.

Every year these thrifts continue in operation, the liability to the FSLIC insurance fund grows. Of course, with huge losses suffered in 1987, the potential FSLIC liability skyrocketed. In order to continue to function, these institutions must pay higher interest rates. To cover these interest rates or reduce their losses, the thrifts must seek out higher yielding—which means riskier investment. This means that FSLIC could have best reduced future hits against their insurance fund by closing down these thrifts, and paying off the insured depositors. Why did FSLIC not do this? Because such sensible action would have taken far more resources than FSLIC could command.

Why did an industry that had enjoyed a long record of stability and moderate profitability even in recessions during the last 40 years go into such a disastrous nosedive? Part of the answer relates to economic forces over which the regulatory system has no control. The troubles of the savings and loans have been heavily concentrated in the oil States. The drop in oil prices torpedoed the economy in the Southwestern part of the country, especially in Texas. The sudden, swift decline in inflation sharply reduced real estate values. That meant that both the collateral behind thrift loans and the income to pay interest on those loans fell dramatically.

Congress and the regulators also made serious mistakes. Some States, especially Texas and California, dropped all restraints on the investment powers of the State-chartered thrifts. The States told the thrifts "speculate and be my guest." Of course, many of them rushed to accept the invitation. Nonetheless, deposits at these institutions were given full FSLIC deposit insurance and at the same rate charged federally chartered institutions, despite the much higher risk.

And then there was the expansion of brokered deposits. Both the Bank Board and the FDIC recommended legislation to remove deposit insurance from brokered deposits. Congress refused to take any effective action to stem this rush to giddy levels of risk and potential profit. Many thrifts greatly and imprudently expanded their deposits through brokers.

That was not all. The Bank Board failed for several years to curtail direct investments into equity and real estate by State-chartered thrifts. To the Board's credit, it finally decided to act. To the Congress' discredit, it pressed the Board not to curtail such investments.

It gets worse. For a number of years, the Bank Board permitted capital requirements to be based on the average of assets over the preceding 5 years instead of in the current year. This meant a high-flying thrift could swiftly expand its deposits and loans without providing the additional capital. The Bank Board finally closed this loophole.

There is more. The Board failed to move promptly to require thrifts to comply with capital requirements. It also liberalized requirements by a broader redefinition of capital and by applying a forbearance policy to poorly managed as well as well managed thrifts.

Also, the Congress permitted sharply increased thrift investment when it changed the law to give thrifts new powers and phased out deposit rate ceilings. But Congress refused to appropriate the funds needed for the new examiners and supervisory staff necessary to restrain thrift investment in the new risk environment.

Some critics argue the Congress should have provided the full $15 billion borrowing authority recommended by the administration in 1986. The $15 billion authorization might have generated more confidence but FSLIC has been limited by the market in how much it can raise as a practical matter, and the new authority would not have provided more resources in the 3-year period for FSLIC borrowing.

WHAT CAN WE DO?

In the short term, congressional action is probably limited by a lack of consensus between the administration, the industry and the Congress. Congress can and should extend the exit moratorium on thrifts departing from FSLIC for a year in order to keep the great majority of healthy thrifts in place. The Congress also can and should commission a group of experts to recommend options to permit the next President and the next Congress to act promptly.

In the long term, the Congress should do the following: It should deny deposit insurance to State-chartered institutions whose investment powers substantially exceed those Congress has given to federally chartered institutions. It should require tougher capital requirements. It should also mandate stricter accounting to require thrifts to mark their assets to market prices on a timely basis. It should provide the full complement of enforcement personnel requested by the Home Loan Bank Board.

Mr. President, I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

BRING BACK EXPERIENCED AIR TRAFFIC CONTROLLERS

Mr. SIMON. Mr. President, I have joined our distinguished junior Senator from New Jersey, Senator LAUTENBERG, in cosponsoring legislation that says let us bring back after careful screening some of the experienced air controllers. We have a major problem in this country, and I applaud Senator LAUTENBERG who has done the kind of solid and dramatic work in this Senate that is so important to the country and has been willing to tackle the tough things that really are important to our people.

The Better Government Association did a 6-month study of air traffic in the Chicago area and their conclusion, after the 6-month study, there is a severe lack of fully qualified experienced air traffic controllers.

About 2 years ago, I stopped by what is called the Chicago center at Aurora, IL, that handles air traffic for the Midwest States.

I asked air controllers; I asked the people in charge; I asked everyone. The unanimous opinion was we ought to bring back some experienced air traffic controllers. I do not think there is any question on the part of anyone who has seriously looked at this thing that we have a problem.

I note that the Presiding Officer is from Colorado. He has to travel through O'Hare in Chicago ordinarily to get to Colorado. So far this year, there have been 19 near collisions in the Chicago-O'Hare area. That compares to 12 for all of 1987. There just is no question we have a problem. At O'Hare we today have fewer than 30 fully qualified, experienced air traffic controllers in contrast to 75 prior to the 1981 strike, and we have a lot more air traffic today.

I was one who supported President Reagan in firing the air traffic controllers. I do not think we can tolerate strikes against the Federal Government. I do not think it was handled very well by the President, but there is no question we cannot today or tomorrow or yesterday tolerate strikes against the Federal Government. But the question today is air safety, and there can be no question in the mind of anyone that if we are interested in air safety we better get back some experienced air traffic controllers. I hope we will do that.

Are we sending a message that it does not make any difference if you strike against the Federal Government? Not at all. The reality is many of these people are working in other positions and would not come back anyway, but for those who would come back they have lost whatever improvements they would get in their salaries. They have lost 7 years of pensions. It has been a very severe penalty. No one should misunderstand. If you strike against the Federal Government, there is going to be a penalty. They have suffered a penalty. The question for us today is whether we want to have air travel as safe as possible. The answer ought to be clear. We ought to have it. And we are not going to have it unless we bring back some more experienced air traffic controllers. So I am pleased today to cosponsor the legislation offered by Senator LAUTENBERG. I hope we move in that direction.

Mr. President, I question the presence of a quorum.

Mr. President, I have, on two recent occasions, conveyed to my colleagues in the Senate my concern for the safety of the airspace in the vicinity of Chicago's O'Hare International Airport. The Better Government Association of Chicago [BGA] recently completed a 6-month study of the air traffic control system in the Chicago region and found many serious problems, the most serious of which is the severe lack of fully qualified, experienced air traffic controllers.

As a cosponsor of a bill offered by my good friend, the Senator from New Jersey, Senator LAUTENBERG, authorizing the rehiring of those former air traffic controllers fired in 1981, I underscored my concern for the safety of the Chicago area air space by again citing the BGA study in support of the rehiring of those former air controllers still available and qualified. I supported the dismissal of the controllers who participated in the Patco strike. The penalties levied upon them in these intervening years—in terms of lost income, lost pensions and other considerations—are larger than if they had been assessed court fines. It's time to recognize that the overriding concern today is air safety. We simply cannot afford to overlook this pool of competent, experienced professional air controllers in light of the situation which now confronts the high traffic airports in this country.

On Tuesday, June 7, the Washington Post in its lead editorial said:

> It's that sweaty-palm time of year inside airports and up in the clouds when all the frequent fliers and not-so-frequent seasonal travelers converge into one big summer-long version of rush hour in the skies. How dangerous is it? So far, nobody has reported sighting an actual gridlock aloft; but last year at this time, there was intense public as well as official concern about air safety and about delayed or nonexistent flights.

The editorial concludes by mentioning the continuing concern of the National Transportation Safety Board that the Federal Aviation Administration still lacks both the manpower and equipment to meet its workload.

The Post's concern is certainly appropriate and, as it relates to the situation in Chicago, very well timed.

On Wednesday, June 8, the Post carried a story that affirms BGA's study and its findings by disclosing that the NTSB has launched an investigation of air traffic control operations at fact, avoid assessing the consequences of the Patco strike and its aftermath by stating:

> Another concern is that safety has been reduced because of increased pressures on the air traffic control system from the combination of changes in routes and schedules in the wake of deregulation coupled with the aftermath of the 1981 dismissal of the striking Patco controllers. The rates for accidents caused by air traffic control error have never been high and actually declined from 0.26 accidents per million aircraft departures prior to deregulation to 0.11 accidents per million aircraft departures in 1979 to 1985. Thus, in terms of accidents, there is no evidence that the air traffic control system has functioned less safely after deregulation than before.

I think it is fair to say that deregulation, by itself, would have imposed serious burdens on the air traffic control system. To say that there is no relationship at all between near misses at O'Hare and other major centers and the termination of 11,000 experienced air controllers simply because there has yet to be a major accident avoids addressing the issue.

Mr. President, when you add these incidents and earlier incidents to the investigative evidence we already have, at Chicago's O'Hare; three pairs of airplanes, two of which nearly collided, were misdirected by air traffic controllers. These are not the only errors made. So far this year 19 errors have been recorded in contrast to a total of 12 errors made in all of 1987.

Clearly, the problem in Chicago is one of too few competent, experienced, fully qualified air traffic controllers. Fred Gilbert, head of local unit of the National Air Traffic Controllers Association, is cited in the Post story as saying that O'Hare is so short handed that air controllers are working a mandatory 6-day work week and that the FAA is considering going to a 10-hour day, 5-day work week. Gilbert further stated that the radar control room at O'Hare has fewer than 30 fully qualified controllers in contrast to 75 prior to the 1981 strike.

Mr. President, nearly 2 years ago I joined with the majority leader in cosponsoring his bill creating the Aviation Safety Commission. That bill was proposed in the light of the circumstances that prevailed then, as now, in the hope that is would lead to an objective, authoritative assessment of the Nation's commercial aviation system in the postderegulation era. Unfortunately, the Commission did not review the components of the air traffic control system in detail. It does, it could not be any more obvious than that the shortage of fully qualified air traffic controllers is a clear and present danger to the traveling public. We should act to remove that danger.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IN HONOR AND MEMORY OF HORACE THOMAS HOLMES, FORMER DIRECTOR OF THE NATIONAL PEACH COUNCIL

Mr. THURMOND. Mr. President, the Nation, as well as the State of South Carolina, suffered a great loss with the death of Mr. Horace Thomas Holmes, Jr., who died on Wednesday, April 6, 1988, at age 44.

Mr. Holmes was an outstanding agriculturist and fine citizen. He served as president of the South Carolina Peach Council, vice president of the South Carolina Peach Board, director of the National Peach Council, and a member of the South Carolina Migrant Workers Commission.

In addition to his active involvement in the peach industry, Mr. Holmes served as president of the Johnson Sertoma Club and was a member of the South Carolina National Guard and Civil Air Patrol. Mr. Holmes was also a member of our Savior Episcopal Church in Trenton, SC.

Mr. Holmes was active in the community and devoted to his family. He served his community, State, and Nation well and should be greatly admired for his accomplishments. His outstanding contributions in these different areas showed the depth of his concern for others and the extent of his fine character.

We were deeply saddened by the death of Mr. Horace Thomas Holmes, Jr. Mrs. Thurmond joins me in extending our deepest sympathy to his wife, Betts, his son, Horace Thomas, and his three daughters, Miss Allie Elizabeth, Miss Ryan Walker, and Miss Hunter Emerson.

Mr. President, I ask unanimous consent that an editorial from the National Peach Council's Newsletter and an article from the Edgefield Citizen newspaper on Mr. Horace Thomas Holmes, Jr., be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the National Peach Council's Newsletter, May 1988]

PEACH INDUSTRY LOSES A FRIEND

In the untimely death of Horace Thomas (Tommy) Holmes Jr., South Carolina and the National Peach Council lost an outstanding agriculturist and a fine citizen.

Mr. Holmes died April 6 at University Hospital in Augusta after suffering a heart attack the previous Saturday.

He was a member of a family long associated with the peach industry in South Caroilina. The Holmes orchards and packing shed are on the Edgefield County Line in Carolina.

It was natural that, as a boy, Tommy Holmes was interested in agriculture. He won a national award given by the Future Farmers of America while in high school. He graduated from Gordon Military and attended Georgia Southern before returning to Edgefield County to become a farmer and orchardist.

As a young man, he was a Jaycee and a recipient of the Jaycees' Outstanding Young Farmer Award.

He had served as president of the South Carolina Peach Council, vice president of the South Carolina Board, director of the National Peach Council, and a member of the South Carolina Migrant Workers Commission.

He was also vice president for legislative affairs of the South Carolina Peach Marketing Board, served as president of the Johnston Sertoma Club, was a past member of the South Carolina National Guard and Civil Air Patrol, and was a member of Our Savior Episcopal Church at Trenton.

Mr. Holmes was stricken while performing volunteer work at the Francis Hugh Wardlaw Academy, where his four children attended school. He underwent successful heart by-pass surgery at University Hospital, but died of complications.

Harry S. Bell, president of the South Carolina Farm Bureau and vice president of the American Farm Bureau Federation, spoke of Mr. Holmes as "a very fine young man who was fully devoted to agriculture. He was extremely active in the South Carolina peach industry. He was a devoted family man, a great asset to the community."

Edgefield businessman Bettis Rainsford described Mr. Holmes as "truly one of Edgefield County's outstanding leaders. He contributed in many ways to our institutions, particularly the peach industry and Wardlaw Academy."

The National Peach Council extends its sincere sympathies to Mr. Holmes' family members, relatives, and friends in the loss they have sustained.

(The biographical information of Mr. Holmes was provided by The Aiken Standard newspaper in South Carolina.)

HORACE THOMAS HOLMES JR., ON PEACH BOARD, FARMER DIES AT 44

South Carolina farm official Horace Thomas "Tommy" Holmes, Jr., Route 2, Trenton, died Wednesday, April 6, 1988, at University Hospital in Augusta. He was 44.

Holmes was a native of Edgefield County and a peach grower. He was past president of the S.C. Peach Council, post vice president of S.C. Peach Board, past director of the National Peach Council and a member of the S.C. Migrant Labor Commission. He also was vice president of S.C. Legislative Affairs of the Peach Marketing Board, past president of the Johnston Sertoma Club and a past member of the S.C. National Guard and the Civil Air Patrol.

Holmes was a past S.C. Jaycee recipient of the Outstanding Young Farmer of the Year award and was a past member of the S.C. Jaycees. He was a member of Our Savior Episcopal Church of Trenton.

Survivors include his wife, Mrs. Betts Browne Holmes; three daughters, Misses Allie Elizabeth Holmes, Ryan Walker Holmes, and Hunter Emerson Holmes, all of Trenton; a son, Horace Thomas Holmes III, Trenton; his mother, Mrs. Horace T. (Mary Etrulia Walker "Trudy") Holmes, Trenton, a sister, Ms. Mary Elizabeth Holmes, Trenton; two brothers, Calvin Walker Holmes and Joseph Lee Holmes, both of Trenton.

Graveside services were held at 10 a.m. Friday, April 8, in Sunset Gardens Memorial Park, with the Rev. Marshall James officiating

Pallbearers were Ronny Yonce, Sonny Yonce, Larry Yonce, Boyd Stribling, Billy Miller, Ronny Wright, and Jimmy Luquire.

Memorials may be made to the Horace T. Holmes Jr., Scholarship Fund in care of the NCNB of Johnston, 29832.

Edgefield Mercantile Funeral Home was in charge.

DRUNK DRIVERS

Mr. REID. Mr. President, on the front page of this morning's Washington Post is a story with the headline, "Va. Girl Fatally Struck Awaiting School Bus." It reads:

A 10-year-old Prince William County girl, holding hands with her mother as she waited for a school bus, was killed yesterday morning when she was struck by a car driven by a man later charged with driving while intoxicated.

Police spokesman Sam Walker said the driver of the car that struck Katrina M. Ferguson fell asleep at the wheel. Katrina, a fourth grader at Nokesville Elementary School, incurred massive internal injuries and was pronounced dead at Prince William Hospital in Manassas at 9:51 a.m., Walker said.

"We were standing there waiting for the school bus," the girl's mother, Carole Ferguson, said yesterday in a tearful interview.

"He just came toward us. . . . I screamed, 'Oh my God!' but before I could grab her away, the car picked her up and . . . dragged her. . . . I started to look for her and there she was, lying on the ground."

"I ran over to her and grabbed her in my arms. It [the collision] knocked the little ribbons out of her hair."

The driver of the car, Timothy Martin Cardwell, whose address was listed as Rte. 4 in Warrenton, was charged with driving while intoxicated and involuntary manslaughter.

Mr. President, not only does this newspaper have this as a front-page story, but also, there is a picture of this beautiful little girl who was killed yesterday morning.

This is not unique. Last year, approximately 25,000 human beings were killed as a result of drunk drivers.

As the school principal said in this case, "She was an adorable child. It's just devastating. Everybody who has a child out there waiting for a bus feels it especially."

Mr. President, that is a fair statement. But more should feel the impact of drunken drivers before it gets worse. Indeed, everyone feels the tragedy of the devastating loss of this little girl, but Katrina is not alone. As I indicated a few minutes ago, 25,000 people died in alcohol-related accidents last year.

Katrina's father, Glenn, who said he heard the accident happen, called for help, saying of the driver, "I hope they don't let him go." He has already been let go. He is out on relatively small bail.

Mr. President, I ask my colleagues to respond to the cry of Katrina's father. We need to do something because this is a national problem. This is not an Alabama problem, a West Virginia problem, a Pennsylvania problem, a New York problem, or a Nevada problem. This is a national problem. Therefore, it is incumbent upon us to do everything we can to take drunk drivers off the road. Let us do everything we can to prevent accidents like the one that took the life of Katrina and take the lives of thousands of people in this country every year.

The day after tomorrow, on Thursday, I am going to introduce legislation to enact responsible efforts to combat the problem of drunk drivers.

This is a national problem, and we must approach it on a national basis.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire story in the Washington Post.

There being no objection, the Washington Post article was ordered to be printed in the RECORD, as follows:

VIRGINIA GIRL FATALLY STRUCK AWAITING SCHOOLBUS—MOTHER HELPLESS AS ALLEGEDLY DRUNK DRIVER HITS 10-YEAR OLD

(By Pierre Thomas)

A 10-year-old Prince William County girl, holding hands with her mother as she waited for a school bus, was killed yesterday morning when she was struck by a car driven by a man later charged with driving while intoxicated.

Police spokesman Sam Walker said the driver of the car that struck Katrina M. Ferguson fell asleep at the wheel. Katrina, a fourth grader at Nokesville Elementary School, incurred massive internal injuries and was pronounced dead at Prince William Hospital in Manassas at 9:51 a.m., Walker said.

"We were standing there waiting for the school bus," the girl's mother, Carole Ferguson, said yesterday in a tearful interview in her home at 12209 Vint Hill Rd.

"He just came toward us. . . . I screamed, 'Oh my God!' but before I could grab her away, the car picked her up and . . . dragged her. . . . I started to look for her and there she was, lying on the ground.

"I ran over to her and grabbed her in my arms. It [the collision] knocked the little ribbons out of her hair."

The driver of the car, Timothy Martin Cardwell, whose address was listed as Rte. 4 in Warrenton, was charged with driving while intoxicated and involuntary manslaughter.

He was released last night on bonds totaling $26,000.

If convicted, Cardwell, 21, faces up to 10 years in prison on the manslaughter charge and one year on the drunken-driving charge. A preliminary hearing has been scheduled for July 26.

According to Walker, Cardwell was driving north on Vint Hill Road in western Prince William County when he fell asleep and his car crossed the two-lane road, striking Katrina, who was standing with her mother in their driveway.

The accident occurred at 8:27 a.m., which Katrina's father said was three minutes before her school bus usually arrived.

Police waved the bus past the accident site, said James Bettis, director of transportation for Prince William County Public Schools, who added he was not sure the bus driver was aware of what had happened. Bettis said the driver, who had transported Katrina to and from school for five years, was too upset last night to talk about the accident.

Rescue personnel called to the scene administered cardiopulmonary resuscitation, but Katrina did not respond, Walker said.

The accident, which Walker said is the 12th fatality on county roads this year, comes at a time when arrest figures for drunk drivers are rising rapidly in Virginia. Last year, more than 45,000 drivers with blood-alcohol content levels of at least 0:10 percent—the level of legal intoxication in Virginia—were arrested in the state, compared with 25,129 in 1976.

Prince William police would not make public what Cardwell's blood-alcohol level was at the time of the accident.

At Nokesville Elementary School yesterday afternoon, a school psychologist and a social worker were helping teachers deal with the news, said Principal Ken Pettit, who held a faculty meeting after school to make the announcement. Pettit said the counselors also would be on hand today for students who want to talk about Katrina's death.

"She was an adorable child," said Pettit. "It's just devastating. Everybody who has a child out there waiting for the bus feels it especially."

Yesterday afternoon, friends and relatives filed into the Fergusons' small, blue wooden frame house to console the family.

"I don't know what the guy was doing drinking at 8:30 in the morning," said Katrina's father, Glenn, who said he heard the accident happen. "I hope they don't let him go."

"He ought to get life," added Carole Ferguson, wiping away tears.

JAPANESE-AMERICAN TRADE RELATIONS

Mr. KERRY. Mr. President, I rise to call my colleagues' attention to recent Japanese actions which, if not reconsidered, can seriously threaten Japanese-American trade relations.

Our efforts to persuade Japan to liberalize its telecommunications market have been extensive, and it appeared, recently, that we were making progress. Last year, for example, as part of the MOSS talks, the United States and Japan reached an understanding under which for the first time United States companies were to be allowed to provide their sophisticated value added networks [VAN's] between our two countries. These networks, which enable different computers to exchange and combine data, are the result of considerable research and development by U.S. companies, and they often involve proprietary operating characteristics.

This trade understanding was heralded as a triumph for American trade negotiations and as a signal of the Japanese good faith resolve to eliminate their trade barriers.

Now it seems that our expectations may have been unfounded and Japanese protectionism may be considerably more difficult to remove. Specifically, in implementing this understanding, the Japanese Ministry of Post and Telecommunications [MPT] proposed a standard set of regulations—protocols—governing the interconnection and operation of the value added networks.

I hope we will not allow the technical jargon to obscure the consequences of this MPT proposal. U.S. companies are the leaders in developing value added networks, and the essence of their worth is in the innovative use of a variety of protocols. The Japanese proposal limits the ability of United States companies to take advantage of their superior technology while saddling United States companies with significant additional costs and delaying their entry into the market while they conform to these requirements.

The Japanese MPT proposal is a blatant nontariff trade barrier. It serves no public purpose except to penalize U.S. competitiveness. Japanese officials seek a defense for their actions by pointing to other countries which, through ITU, have sought to protect their own markets by proposing this standard. But this rationale does not change the plain fact that this requirement penalizes those who have developed the most innovative and economical services, namely U.S. companies, while protecting the lessor quality but constituent, services.

The VAN experience is not an anomaly. Rather, it seems to be part of a disappointing trend.

Indeed, there are suspicious parallels between the issues raised by the negotiations on international value added services and the negotiations on international express package services.

My distinguished colleague, the senior Senator from Tennessee, discussed this situation on the Senate floor last Friday, and I share his concern. The situation concerning Federal Express dates back to 1985. At that time talks between Japan and the United States began to plan for international cargo and delivery services. Each and every issue had been discussed and compromises reached. But after extensive planning and investment by Federal Express, suddenly the Japanese imposed a whole new set of unnecessary demands and controls which impose unacceptable burdens on the American side.

I will not belabor the issue, but I do agree with the United States aviation executive who said "it seems apparent that Japan would like to hold up Federal Express until Japanese companies can get an even start * * * however you cut it, what the Japanese argument comes down to is a curtailment of competition. They're afraid of it."

That, Mr. President, is exactly the same thing they are trying to do in the case of international value added networks.

Mr. President, this Japanese play of offering and talking but not delivering is a dangerous, short sighted strategy. Many experts predict that these Japanese restrictions will divert business to other countries. In addition to their economic self-interest, I am surprised the Japanese seem so unaware of, or unconcerned with, the real possibility that their restrictive conduct will rekindle reciprocity efforts in the United States. We had moved away from the strident debate over sanctions and reciprocity largely due to the improved dialog between our countries and the belief that Japanese barriers were being removed. That retaliatory attitude, however, can quickly reappear if the American public begins to suspect that Japan is not acting in good faith. The eve of national elections and the retirement of a Chief Executive who resisted tough trade legislation is not the time for Japan, or any other trade partner, to signal retrenchment and protectionism.

As a member of the Commerce Committee, we are becoming increasingly aware of the high definition television [HDTV] standards issue. No one knows now which HDTV standard or standards will best serve the American consumer, but Congress will surely play a major role in the HDTV issue. Japanese business has invested significantly in its MUSE systems and hence has a strong stake in this matter. The MUSE systems are reported to be high quality but likely to cause serious technical transition problems for our broadcast industry while disadvantaging the U.S. electronics industry. Consideration of the HDTV matter is bound to be more constructive if it occurs in an environment of positive United States-Japanese trade relations. The VAN restrictions work against this constructive environment.

Mr. President, I ask unanimous consent that relevant correspondence on this matter be inserted at this point in the RECORD, as well as several Japanese press accounts of the VAN issue.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MINISTRY OF POSTS
AND TELECOMMUNICATIONS,
Tokyo, Japan, August 6, 1987.

Mr. RICHARD C. BEAIRD,
National Telecommunications and Information Administration, Department of Commerce, Washington, DC.

DEAR MR. BEAIRD: In accordance with the discussions we had in Tokyo from July 28 through August 1, I have the pleasure to make a clarification on your raised keypoints of the new legal framework introduced by the recent revisions to the Telecommunications Business Law of 1985. They are as follows;

1. Non-tariff based services have been introduced in Article 38 (2) of the Telecommunications Business Law with a view to developing VAN businesses in domestic and international.

At present, NTT's tariff prohibits Type II businesses from connecting their leased circuits with public telephone network for voice communications, so, non-tariff based domestic services by General Type II businesses will permit more flexible use of underlying facilities provided by Type I carriers.

2. Originally, international VAN business was classified as Special Type II telecommunications business in Article 21(3) of the Telecommunications Business Law of 1985.

In introducing international VAN business, it was agreed that the concept "many and unspecific" for domestic purpose in Article 21(3) not be applied to international VAN business.

In accordance with the Japan-US agreement, neither revision nor addition to the original Article 21(3) has been made and the concept "many and unspecific" will not be applied to Special Type II businesses that provide international VAN services.

3. In the revised Telecommunications Business Law, direct international VAN business would be carried only by Special Type II businesses. However, Article 38 has been amended for General Type II businesses to provide international VAN services through interconnection with any appropriate Type I carrier network or international gateways of Special Type II providing international VAN services.

I am looking forward to seeing you very soon for further discussions on international VAN in Washington D.C.

Please accept my best regards.

AKIYOSI TAKADA,
Director, Data Communications Division, Telecommunications Bureau, Ministry of Posts and Telecommunications.

U.S. DEPARTMENT OF COMMERCE,
Washington, DC, January 19, 1988.

Mr. AKIYOSHI TAKADA,
Director, Data Communications Division, Telecommunications Bureau, Ministry of Posts and Telecommunications.

DEAR TAKADA-SAN: First, I would like to wish you and your family the very best for the New Year. This year will see many of the changes you and your colleagues at MPT began in 1984 reach fruition. One of the most significant accomplishments has been the creation of international value-added network services between the United States and Japan.

On the occasion of the initiation of IVAN services by two U.S. affiliated companies in December, Under Secretary Smart wrote a congratulatory note to Vice-Minister Sawada in which he referred to the close working relationship between MPT and the Department of Commerce which "has yielded such positive results over the past few years." Mr. Smart also underscored the importance of a close working relationship in solving any problem that may arise in the implementation of IVAN services.

We now have such a problem that threatens to severely block the success I believed we had achieved over the last year. Namely, the requirement by MPT for U.S. affiliated companies to phase out their proprietary protocols over 2 to 3 years. These protocols have been developed with great expense and considerable research. They are an integral part of many value-added service businesses. To deny their use imposes severe restrictions on market entry and our companies' ability to compete.

In recent weeks, my government colleagues and I have met with representatives of companies interested in entering the market for value-added network services between our two countries. These companies are united in their opposition to the government's intervening in the marketplace to impose mandatory interconnection standards on users of the network providing value-added services domestically and internationally. Flexibility and innovation will be significantly reduced if MPT requires the use of CCITT interconnection and message handling. Recommendations such as X.75 and X.400 for users of non-tariff based contract circuits. The results of this policy by MPT is to create network inefficiencies and burdensome costs which ultimately will disadvantage consumers in Japan.

We addressed the question of protocols and interconnection requirements from the very beginning of the MOSS negotiations. In the April 1, 1985, letter from then Vice-Minister Koyama to then Under Secretary Lionel Olmer, Mr. Koyama stated that "I am committed that the technical standards and requirements adopted by Japan as from today should be expeditiously examined so that the present items of technical standards and requirements would be further reduced. This will be done with an aim of making the regulatory process equitable between Japan and the U.S., and will be based on the principle that the choice of terminal equipment and telecommunications protocols should be left to the users."

In addition, in your letter to me dated March 10, 1987, you referenced the list of principles attached to Mr. Sawada's March 10, 1987 letter to Mr. Smart and you stated that "interconnection of data networks . . . is not to be interpreted as an obligation to serve." I can offer other examples of MPT's position on this issue which had led me to believe that interconnection standards and choice of operating protocols would be voluntary. Therefore, you can understand my great surprise when I was informed that MPT would propose to require the implementation of X.75 and X.400 protocols.

As we have with many other issues over the last four years, I am sure we can find a solution for this problem. However, I must tell you that there is concern on our side that MPT's policy on interconnection standards represents a barrier to entry to the IVAN service market which is counter to the framework of agreements which our two countries have established during the MOSS negotiations. We need to move as quickly as possible to solve this problem.

I look forward to talking with you once I return from Germany.

Sincerely,

RICHARD C. BEAIRD.

FEBRUARY 12, 1988.

Mr. RICHARD C. BEAIRD,
Associate Administrator, U.S. Department of Commerce, National Telecommunications and Information Administration, Washington, DC.

DEAR MR. BEAIRD: The Ministry of Posts and Telecommunications (MPT) has proposed the elimination of proprietary protocols used by U.S. companies operating international value-added networks (VANs) from Japan. It was the understanding of those companies concerned with entry into the international VANs marketplace that there would be no such restrictions.

We believe this proposal violates the international VANs understanding with respect to the specific terms reached between the two governments. Further, we believe this requirement violates the understanding with respect to the Telecommunications Business Law reached between the two governments three years ago regarding the degree of regulation to be applied to Type II classified companies. The current MPT procedures for international VANs constitutes an anti-competitive approval process, not an open market registration process.

The members of the associations listed below are extremely concerned with this turn of events. The imposition of mandatory interconnection requirements would create inefficiencies, increase costs and be counterproductive with respect to making the widest variety of services available to users in Japan and the United States. The imposition of mandatory interconnection requirements would clearly disadvantage competition in the international VANs market and be a barrier to the successful entry of U.S. industry in the international VANs market in Japan.

We ask the U.S. Government to express its strong concern about any unilateral changes in the application of the understanding on international VANs between the U.S. and Japan.

Very truly yours,

Mr. Richard C. Beaird,
National Telecommunications and Information Administration, Department of Commerce.

Dear Mr. Beaird: First, I would like to offer my sincere congratulations on your recent promotion and I am sure we could develop our cooperation for the enlargement of international telecommunications market more than ever.

Related to your letter of January 19 on IVAN, it is true that, from the initial stage of our talks on IVAN, you insisted CCITT Recommendations are not legally binding and, as far as the legal nature of CCITT Recommendations are concerned, I agreed with you. On this matter, I would like to take this opportunity to give an additional explanation on our position.

MPT understands that the MOSS talks held these several years between the US and Japan have never been aimed at undermining the ITU legal framework to which both the US and Japan have committed ourselves.

ITU Regulations clearly say that "Administrations (or RPOA) should comply with the CCITT Recommendations" and CCITT makes effort to develop technical standardization with a view to securing international interconnectivity in telecommunications.

I know only the Report and Order on International Communications Policies, which was released by FCC in May 1987, as official document of the US Government concerning IVAN. In that Report and Order, FCC justified its decision relating to D1 Recommendation not because CCITT Recommendations are voluntary or not legally binding but because "whenever an enhanced-service provider has entered into an operating agreement with a PTT, the enhanced-service provider's use of a leased channel to offer third-party (public-correspondence) services does not constitute a prohibited resale (of D1 Recommendation)". In the light of the above, MPT assumes that the US Government does not interpret the CCITT Recommendations, to which the U.S. Government has committed itself, as voluntary although not legally binding.

As you mentioned, technical developments of protocols always incur considerable time and expenses not only in the US and Japan but also anywhere in the world. But that fact can not be a justification not to comply with CCITT Recommendations formulated by a consensus of member countries, because technical standardization can be always achieved only through such efforts with time and expenses by public and private sectors. Other protocols developed by private sector than those adopted as CCITT Recommendations, if appropriate, should be presented to CCITT to get an international consensus. It will contribute to expanding international standardization and to promoting user's benefits in world-wide.

As stated above, MPT has no intention to build a barrier to the US companies' entry into the IVAN market by imposing its own protocols or interconnection requirements. I hope you and your colleagues understand our position and we could have an mutual understanding at an early date.

Sincerely,

Akiyoshi Takada,
Director, Data Communications Division, Telecommunications Bureau, Ministry of Posts and Telecommunications.

U.S. Senate,
Washington, DC, April 19, 1988.

Hon. W. Allen Moore,
Acting Undersecretary for International Trade, U.S. Department of Commerce, Washington, DC.

Dear Mr. Secretary: I wish to bring to your attention the enclosed statement, prepared for the oversight hearings held today concerning international telecommunications. I urge you to convey to Vice Minister Sawada my concern as a member of the Subcommittee on Telecommunications with the position taken by the Ministry of Posts and Telecommunications regarding interconnection of and protocols for international value-added networks (IVANS).

I trust that you will give this issue highest priority in your discussions while in Tokyo. I believe that the Ministry's proposal constitutes a serious barrier to the implementation of the U.S./Japan understanding concerning IVANS. This proposal would seriously impede a growth of value-added services in both countries and would unfairly deny important trade opportunities to American service providers.

Sincerely,

John Kerry,
U.S. Senator.

His Excellency, Masaaki Nakayama,
Minister of Posts and Telecommunications, Tokyo 100, Japan

Dear Mr. Minister: I am writing to express my deep concern following reports I have received from Acting Under Secretary Allen Moore regarding his meetings with Vice Minister Sawada and other Ministry of Posts and Telecommunications (MPT) officials last week on the subject of proteocols for international value-added network services.

MPT has indicated that it will require companies offering international value-added network services to replace their proprietary protocols with protocols recommended by the International Telecommunication Union. This position ignores the extensive scientific and financial resources invested by telecommunications firms in developing proprietary protocols, and it would present a significant barrier to the ability of U.S. firms to offer competitive services to the Japanese market.

Mr. Moore tells me that, despite his explanation of the adverse effect that MPT's aciton would have on both Japanese consumers and the competitive position of U.S. firms, your Ministry has given no official indication of a change in your position.

MPT has proposed referring this issue to the World Administrative Telegraph and Telephone Conference for its consideration. I think that we should try to resolve this issue bilaterally. Any other approach would cause unnecessary delays and lead to increased tensions.

I am advised that a delegation from MPT is coming to the United States next week to discuss this issue. I fervently hope that you will intervene personally to make sure that the exemplary record of cooperation which our two agencies have established in the MOSS process is not adversely affected by this issue.

Sincerely,

C. William Verity,
Secretary of Commerce.

U.S. INDUSTRY EXPRESSES DISSATISFACTION OVER INTERNATIONAL VAN PROTOCOLS TO MINISTRY OF POSTS AND TELECOMMUNICATIONS

The American information communication industry has transmitted to the Ministry of Posts and Telecommunications dissatisfaction with Japan's regulations on international VAN (value added network) business, which was liberalized last year, on the grounds that they are anti-competitive. For some time, IBM Corp., leader of the American industry, has been telling the Japanese that it wants its own protocols or communication control procedures to be recognized for international VAN, too. However, the MPT claims "This issue has already been settled between Japan and the U.S."

The Americans are questioning the scope of the protocols used for international VAN. Protocols fix the procedures for data exchange between computers. For international VAN, it has been decided to use the international standard set by the CCITT (International Telegraph and Telephone Consultative Committee). However, IBM and other American companies have communication architectures of their own and insist that they want these recognized.

The MPT explains, "The conditions under which protocols conforming to international standards were decided when the agreement on liberalization of international VAN was reached between the governments of the two countries in March last year. We have the American government's okay."

MPT LEANS TOWARD APPROVAL OF IBM'S SNA AND OTHER INDEPENDENT PROTOCOLS

Since international VAN services began last fall, there has been American complaints that the protocols for linking networks should include IBM's SNA and other independent protocols, in addition to the X75 that has already been approved by the Ministry of Posts and Telecommunications, and the lack of authorization is a de facto trade barrier. Pressure is also being aplied to the ministry to approve individual protocols.

In response to this move, Director Takada of the Computer Communications Division of the Telecommunications Bureau indicated that the Ministry is taking a positive stance toward that demand. "We are not saying that we will not approve SNA. We are presently holding discussions," Takada commented.

It thus seems increasingly likely that the way will be cleared for the use of SNA and other protocols in addition to the X75.

The anti-Japanese movement in the United States opposing the Ministry of Posts and Telecommunications policy concerning protocols for linking international VAN networks—that is, its support of the use of the X75 as a CCITT recommendation—has recently been gaining momentum.

In February, five U.S. industry groups sent a letter stating its demands to the National Telecommunications and Information Administration of the U.S. Department of Commerce. The five groups consist of the U.S. International Business Council, the Board of Trade, the International Communications Association, the Information Industry Association and the American Electronics Association (AEA). The letter said, "The decision by the Ministry of Posts and Telecommunications to exclude the use of individual protocols by U.S. companies in international VAN businesses violates the agreement concluded by the U.S. and Japanese governments. It also violates the telecommunications clause reached three years ago. Given the need to diversify services, this ruling is highly counterproductive. It will be a barrier to the entry of U.S. firms into the Japanese market. We request that U.S. government have interest in such Japanese action."

These U.S. industry groups claim that forbidding the use of IBM's SNA and other individual protocols in Japan's international VAN services is nothing but a trade barrier.

IBM is reportedly moving to bring this problem before the U.S. Congress. Its actions cannot help but affect the package trade legislation presently under deliberation. Pressure to approve the use of IBM's SNA for linking networks is already being applied to the Ministry of Posts and Telecommunications.

In response to this pressure, the Ministry is taking an cautious stance. Director Takada adds: "Bringing up discussions concerning a mutual agreement that took place last March will clarify nothing. We are presently listening to and considering demands being made by the U.S. side. We are not saying that we will only approve the X75." Thus even though the Ministry regards the X75 by CCITT as the best alternative, it seems to be leaning in the direction of approving other network links.

MPT To Propose "International Type 2" Hopes New Category Will Lessen Regulation

Dissatisfaction is mounting within the U.S. communications industry concerning the existing system of control over the communications protocols for international VAN. The Ministry of Posts and Telecommunications (MPT) plans to virtually abolish the controls, if other countries agree to the creation of a new category in the industry, to be called the "international type 1 operator." Besides the existing international type 2 operators, who are obliged to observe the recommendations issued by the Consultative Committee of International Telegraph and Telephone (CCITT), MPT will propose to set up international type 2 operators, who will be required to observe CCITT's rules but will not be bound by its recommendations. The ministry will propose the new category at the World Administrative Telegraph and Telephone Conference (WATTC), scheduled for this November in Melbourne, Australia, for official consideration of the plan among the member countries. It will give a sudden spur to international debate over classification of international VAN operators, as well as remove control of communications protocols.

Currently, international VAN operators in all countries follow the CCITT's recommendation and use "X75" as the communications protocol when they link their networks' interconnecting host computers. But there is a difference of opinion on a number of issues between the countries which have already removed controlled communications, such as the U.S. and Japan, and the others, including the European countries which still do not. Japan is in an intermediate position, since it demands, as the European countries do, that international VAN operators observe CCITT's recommendations.

For this reason, those operators in the U.S. who are already in business using their own protocols have to make additional investments to come up with new protocols that conform to the international standards.

The U.S. communications industry is dissatisfied with the situation and has been lobbying the U.S. government. In fact, Richard Bearid, deputy associate administrator, National Telecommunications and Information Administration Office of International Affairs, Department of Commerce, conveyed the U.S. attitude to MPT during his visit to Japan in February this year.

MPT's position is that "operators should naturally observe CCITT's recommendations." The ministry, however, has started to examine the new proposal for fear that if the WATTC this fall fails to work out a consensus due to the differences of opinion among the member countries, it may impede the development of international telecommunications.

The ministry's plan will propose setting up a new category, the international type 2 operators, who will have freedom of choice regarding protocols. This is the same idea that has been adopted in Japan to distinguish Special Type II operators from Type I operators. MPT hopes that other countries will agree to this proposal. If they do, MPT will allow Japanese VAN operators to use non-standard protocols if they register as international type 2 operators. This will lead to mitigating the friction with the U.S.

JICOA to Work on MPT for Flexible Application of Protocols Regulation

JICOA (President Kitokuro Shiba) is intending to work upon MPT for more flexible application of the protocols regulation on IVAN which has become an international issue. JICOA, affiliated with IIA, is of opinion that such an unnecessary friction should be settled before it becomes too serious.

The point raised by the U.S. industrial circles is adoption of X. 75 and X. 400 to comply with CCITT recommendations as a substantial requirement for approval for IVAN. This will hinder IBM and some others from entry.

MPT says it is what has been agreed between Japan and the U.S., but the American Government's view is that there should be difference between the RPOA's and the IVAN's on requirements.

The major business organizations in the United States sent a letter on February 12 to the U.S. Dept. of Commerce to the effect that MPT's measure is the elimination of proprietary protocols and is against the governmental agreement. A letter was also sent to JICOA by IIA, one of the outstanding organizations, to inquire JICOA's view.

"American argument is understandable", says JICOA, "since the two nations agreed to liberalize the IVAN business". JICOA will take some action toward MPT and will dare to be a communications channel to and for the American business circles.

[From Business Week, June 13, 1988]

Japan Sends Out a Disconnect Notice

(By Neil Gross)

One step forward, two steps back. That's how American executives in Tokyo describe the long battle to liberalize Japan's huge telecommunications market. Three years ago, American trade pressure helped pry the market open to foreign equipment and services. Now, the U.S. charges, Japan's Ministry of Posts & Telecommunications is trying to softly shut the door.

The current controversy is over networks that enable companies using different computers to exchange and combine data over international telephone lines. These "value-added networks," known as VANs, could become a $400 million-a-year business in Japan by the early 1990s. So far, 11 companies have registered as international VAN suppliers. Many of them are joint ventures between Japaneses companies and such U.S. corporations as IBM, AT&T, Tymnet, and Telenet.

But the postal ministry wants to rein in the competition, in part to boost its standing among government agencies. In 1985, when telephone monopoly Nippon Telegraph & Telephone Corp. (NTT) was privatized, Japan promised to deregulate. It said it would allow companies such as IBM to contract with businesses to set up communications systems over public telephone wires, as long as there was no harm to users or the public network. Then, last fall, the government backtracked on services: The postal ministry said all VAN providers would have to bring their equipment into line with a standard set of regulations governing electronic communication.

SURPRISE, SURPRISE

In some cases, that would require companies to attach costly adapters at both ends of the network. It would also render worthless years of research and investment in proprietary systems by private companies such as IBM. Critics also say the standard Japan wants to use is unwieldy for the quickly evolving VAN business, even though it is recommended by the International Telecommunications Union in Geneva. "The result will be data transmission that is slower, less efficient, and more expensive," complains an executive at one U.S. computer house.

Japanese officials admit the standard is imperfect for VANs. But they consider the Geneva agency's recommendations to be binding, and they maintain they said as much in talks with the U.S. last May. "I don't understand why the American side is surprised," says Akiyoshi Takada, a director for data communications at Japan's postal ministry. Japan argues that the Geneva system was conceived by the world's major communications carriers and government ministries as an international standard. If universally adopted, it would simplify communications worldwide.

But the U.S. has no plan to relinquish hard-won turf in Japan's telecom market. Last month, Commerce Secretary C. William Verity Jr. formally complained that the new rule "would present a significant barrier" to U.S. companies' ability to compete. There is cause to be wary. Prior to Privatization, NTT purchased equipment only from a select family of Japanese vendors. In 1984, Japan's telecom exports to the U.S. outweighed imports 11 to 1. And although telecom laws implemented in 1985 eliminate tariffs and much red tape, Japan continues to export to America more than seven times what it imports—or $2 billion in telecom exports to the U.S. vs. $278 million in imports in the year ended Mar. 31.

What's more, critics wonder if the VAN flap isn't intended as a test of U.S. resolve. Once the VAN business is under lock and key, the government could move to regulate more profitable sectors. Some companies, including EDS Technologies, Inc., worry that such services as private corporate networks, which hook businesses up to branches overseas via special leased circuits, could be the next target.

How far this move toward reregulation goes will be up for debate at an international telecommunications conference next November in Melbourne, Australia. In the meantime, U.S. companies, along with U.S. trade officials, are talking fast to keep Japan from turning back the clock.

LEGAL IMMIGRATION REFORM

Mr. KENNEDY. Mr. President, after nearly a decade of controversy and debate, the Senate recently completed action on a measure to achieve long overdue reform of our immigration laws as they apply to legal immigrants.

I cosponsored this legislation with my colleague, the ranking member on the Judiciary Subcommittee on Immigration and Refugee Affairs, Senator AL SIMPSON, because we have worked together on this issue for many years—since our shared responsibilities as members of the Select Commission on Immigration and Refugee Policy, chaired by Father Ted Hesburgh, now president emeritus of the University of Notre Dame.

In the current issue of the San Diego Law Review, Senator SIMPSON outlines the purposes of the legislation we moved through the Senate this session—by an overwhelming vote of 88 to 4. The measure is now pending in the House of Representatives, and I am hopeful the House will take this last step toward immigration reform recommended by the bipartisan Select Commission and which has been reviewed by both Houses in countless hearings and floor debates in recent years.

Mr. President, there is an urgent need to act—and not to delay.

Current law places no limit on visas for parents, spouses, and children of American citizens, and the pending bill continues that protection. In 1987, 220,000 immigrants came to the United States under this provision. But current law does, however, place an overall annual limit of 216,000 on the number of visas available to relatives in other categories, with sublimits based on the closeness of the relationship. There is also a yearly limit of 20,000 such visas for any country.

As a result of these limits, the backlog of applications in these categories is extremely high; for some families in some countries, the waiting period can be 10 years or even longer. The pending bill makes significant reforms here; based on current immigration flows, the per country limit is raised to 23,800, and the overall number of visas in the various family reunification categories is increased from 216,000 to 250,000 to help reduce the backlog.

Within these categories, Mr. President, the numerical ceilings are adjusted to give higher priority to spouses and children of persons in the United States as "legal permanent residents," even though they are not yet citizens. This change will be beneficial to Hispanic residents, who often face years of delay in bringing their families to the United States because of the low number of visas allotted under current law. It will be especially helpful to those who are becoming legal residents under the recent amnesty law.

In the bill's other major reform, a new category of 55,000 visas a year will be created for immigrants who do not have close relatives in the United States, but who do have skills and work experience needed in this country.

This category will be of special benefit to applicants from countries that sent large numbers of immigrants to the United States in the past. Those nations continue to have close ethnic ties to this country, but their peoples do not qualify for immigration visas under the current restrictive family reunification system, because their relationships are too distant.

Congress inadvertently closed the gates too tightly on these immigrants in 1965, and it has taken over 20 years to see the unfair consequences. In 1986, for example, India, Korea, the Philippines, and the People's Republic of China came close to their 20,000 annual visa limit because of the large number of applicants with family ties to the United States; but Ireland received only 734 visas under that system.

The new category of independent visas will be open to people of all nationalities. Eligibility will be determined by a point system based on level of education, past employment, ability to speak English, and other qualities keyed to the needs of the U.S. work force. Proficiency in English is not required, but is one of several factors to be considered; it applies only to the new visa category, not the family reunification categories.

Mr. President, one of the most significant features of the independent category is that it is being established by adding additional visas, without reducing the visas currently available for family reunification. Some assert that any additional visas ought to be used to reduce the family backlogs for countries with long waiting lists, but that view ignores the real discrimination inflicted by current law on many other countries. Approximately 90 percent of the visas are now used for family reunification, and the change will still leave the figure at 80 percent.

The Kennedy-Simpson bill essentially tracks the bipartisan recommendations submitted in 1981 by the Select Commission on Immigration and Refugee Policy. Congressional action on these recommendations was deferred until the Senate and the House completed action on the complex and controversial recommendations of the Commission for limiting illegal immigration. After a 6-year effort, omnibus legislation on that subject was signed into law by President Reagan in 1986; Congress finally turned its attention to legal immigration, and the pending measure is the result.

From the earliest days, the United States has been a beacon of hope and opportunity to peoples in other lands. Americans are proud of their immigrant heritage. These new reforms will help to preserve it and strengthen it for the future.

Mr. President, I would like to share with my colleagues the thoughtful essay Senator SIMPSON has contributed to the San Diego Law Review on "Legal Immigration Reform," and I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

LEGAL IMMIGRATION REFORM

(Alan K. Simpson*)

INTRODUCTION

Congress recently passed sweeping legislation in order to control illegal immigration. That new law has been administered in a careful, deliberate manner and its provisions are now nearly fully in effect. While some observers predict that further significant immigration legislation is unlikely, an important issue was still left unresolved upon completion of the Immigration Reform and Control Act of 1986; the reform of legal immigration. This Essay will discuss the need for legal immigration reform and some of the major issues that Congress should consider when addressing it.

I. PROBLEMS WITH LEGAL IMMIGRATION

Many might ask, "Is there some problem with legal immigration?" In broadest terms, the answer is "No." Legal immigration has been of historic benefit to this country and it is clearly part of our nation's heritage. The United States accepts more foreign-born persons for permanent resettlement than the rest of the world combined. I am proud of this generous policy, I wish it to continue, and indeed part of the motivation for the Immigration Reform and Control Act of 1986[1] was to control illegal immigration in order that legal immigration might be preserved.

However, while our present generous policy should continue, this policy is not always serving the national interest as well as it could. There are three main problems with legal immigration today: (1) there is no overall level set on legal immigration and an inherent growth has resulted; (2) ninety percent of all legal immigrants are *not* selected based on their skills or potential contributions to our country; and (3) the system unintentionally discriminates against nationals from certian parts of the world.

Overall level of immigration

Legal immigration to the United States has three components: (1) an unrestricted number of "special immigrants"[2] and immediate relatives (spouses, parents and children) of U.S. citizens;[3] (2) a flexible number of refugees (levels set each year in consultations between the Executive Branch and Congress);[4] and (3) a numerically restricted group of 270,000 immigrants per year who are chosen based on family connections in the United States (216,000) and needed labor market skills (54,000).[5] Because of the

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Footnotes at end of article.

lack of numerical restriction on immediate relatives and because of recent trends in the refugee consultation process, the level of immigration to the United States has grown significantly in the last decade.

Immigration of immediate relatives has been growing at a rate of seven percent per year in recent years.[6] Approximately 114,000 immediate relatives entered in 1976, and 223,000 immediate relatives were admitted in 1986.[7] Thus, numerically unrestricted immigration of immediate relatives increased by 109,000 persons—nearly doubling during the last ten years. The structure of our present immigration system permits this inherent growth: no specific executive or legislative action was needed to approve of it.

Nearly every industrialized country in the world sets a national level of immigration. The United States is unique in not knowing how many immigrants will enter in a given year until that year is ended. As Malcolm Lovell, former Deputy Secretary of Labor, recently testified in the Senate, a specific national level of immigration, "in the same way as a household budget, can be an important disciplining device in policymaking, forcing us to determine our priorities thoughtfully and to make our choices consistent with the nation's overall highest interest within agreed limits."[8]

No level should be rigid. The national level of immigration should be set and adjusted based on current labor market and other information. However, our country should be able to firmly determine how many immigrants will enter in a given year. I favor a system that will include immediate relatives in the calculation for annual immigration levels, but which will not limit that category specifically. I support a mechanism that would review and adjust annual immigration levels every few years.

Refugee admissions are an important component of overall legal immigration. In the late 1970s and early 1980s, refugee admissions often equalled or exceeded 100,000 persons per year.[9] Many of the refugees admitted during that time were from Southeast Asia, and a large portion were resettled in the United States because of their legitimate fears about returning home and their inability to find resettlement elsewhere.[10] However, while the refugee crisis in Southeast Asia abated in the mid-1980s, the level of admissions to the United States has remained fairly high. The Refugee Act of 1980 set the "normal flow" of refugees (for periods during which no crisis or serious refugee situation existed) at 50,000 per year.[11] We have always exceeded that level and admissions have averaged between 60,000 and 70,000 per year during the previous four years.[12] In addition, there is evidence that these refugees do not always fulfill the definition of "refugee" under U.S. law.[13] This policy is neither honest nor helpful in our quest to ensure strong public support for generous refugee admissions in time of true refugee crises.

Noted immigration scholar Michael Teitelbaum suggested that the United States must "recognize that the demand for immigrant visas to the U.S. far exceeds any conceivable supply. As in all cases of scarcity, hard choices will have to be made, tradeoffs will have to be adopted between worthy categories such as refugees, family members, independent immigrants, etc. . . ."[14] Teitelbaum correctly states the reality which the U.S. refugee program has so far failed to recognize.

Dominance of family connection immigration

Our present legal immigration system is dominated by persons immigrating solely because of a family connection in the United States. Only ten percent of all immigrants are chose because they possess certain skills or characteristics that would benefit particular U.S. employers or because they would otherwise serve the national interest.[15] Ninety percent of all immigrants are admitted because of their family connections in the United States, or because of their family relationships to persons already immigrating to the United States (on either family or labor-related grounds).[16]

Immediate family members (spouses and unmarried children under age 26 of permanent residents, spouses, unmarried children and parents of citizens) should be given automatic eligibility to apply for immigration benefits, but an increased proportion of our immigrants should be selected because of their education, training, age, job skills, language skills, or other qualities that would benefit the nation as a whole. In distributing the available visas to legal immigrants, we have concentrated on the wants and desires of the individual alien and his family to such an extent that we have neglected to consider how well each immigrant serves our nation's interest. It is important, and a part of the American ethic, to maintain the nuclear family unit. However, there should not be automatic recognition of more distant ties—such as those of adult siblings or those of adult sons and daughters who have married and are raising their own families. We should allow aliens who immigrate to bring their immediate families with them. We should not guarantee them the right to bring their extended family, if that extended family would not serve the national interest as well as would another group of immigrants.

Other immigrant-receiving countries do not focus so exclusively on family connected immigration. As one scholar has noted, "I know of no nation roughly comparable to ours that places such an emphasis on family connections. Australia, Canada and New Zealand, for example, all welcome some foreign-born as immigrants, not as guestworkers. Each of these nations is interested in securing talented people and investors, in addition to family members. Each has a system designed to meet these goals—as we do not now. Each is better positioned, frankly, than we are to attract the restless talent of the world."[17]

There is no question that some of today's family-connected immigrants display "restless talents" and contribute to the nation's economy. However, it is also clear that some are less talented than others (or have talents less needed than others), and that given the tremendous worldwide interest in immigrating to the United States, our legal immigration system could do a more responsible job of selecting immigrants who serve the national interest.

Unintentional discrimination

When the U.S. immigration system was revised in 1965 to emphasize family conections,[18] Congress intended to abolish past discriminatory practices and to ensure equal treatment of potential immigrants from all countries of the world.[19] These intentions were proper and necessary. However, there have been two unintended consequences of this revision: a few countries of the world have come to dominate the legal immigration system, and the level of immigration has risen dramatically.[20] Neither result was intended, and both have occurred because of the emphasis on family connections. Since the most recent immigrants tend to have the greatest number of family members abroad, they have the greatest opportunity to apply for relatives under our system. Thus, the relatives of most recent immigrant groups, from the countries of Latin America and Asia, now represent eighty-five percent of all legal immigrants.[21] Under the current system they will continue to do so. In addition, the numerical exemption given to immediate relatives of U.S. citizens in 1965 has been responsible for a significant increase in legal immigration, with the level of immediate relative immigration increasing from 43,677 in 1968 (the first effective year of the 1965 reforms) to over 223,000 in 1986.[22]

Although neither of these two results was anticipated by those who drafted the 1965 amendments and neither of the effects developed immediately, the consequences have become clear and stark over the past twenty-three years, and the time is now ripe for change.

II. DIRECTIONS FOR THE LEGAL IMMIGRATION REFORM

The basic direction for reform should be ensure that legal immigration to the United States best serves the national interest. The two essential methods to achieve this are: (1) set a national level of immigration which will be periodically reviewed by Congress and the Executive branch, and (2) increase the number and proportion of visas granted to immigrants based on their skills or U.S. labor market needs.

National level of immigration

I firmly believe that the United States should know how many immigrants will be permitted to enter the country permanently each year. This is merely good public policy. Immigration is now a significant component of U.S. population growth, and it is becoming increasingly important to other government programs and policies. No matter what the level is, we should know at least one year in advance the exact level.

The best practical system to set a national level of immigration would be to: (1) determine which types of immigration should be numerically unrestricted and what that level is now; (2) estimate the number of visas needed for numerically restricted immigration; (3) add the two numbers together to establish a national level; and (4) subtract from the numerically limited immigration any excess immigration from the unrestricted categories. This system would set a clear national level while ensuring that immigration of our citizens' closest family members remains unrestricted.

There is legitimate debate over what types of immigration should be "unrestricted" but still counted in the overall level calculations. Certainly immediate relatives of U.S. citizens should be in this category, since immediate relatives have been responsible for the unchecked growth in legal immigration during the past twenty-three years. The more difficult question is whether refugees also should be included.

In previous years, I have argued that refutees should not be included in such a formula because they were admitted under a "consultation" system that allowed congressional participation in the setting of each year's admission level and because refugee admissions depend on foreign policy and humanitarian factors that are less influential in immigration procedures for family or labor purposes.[23] In 1982, I argued on the floor of the U.S. Senate that the refugee consulation mechanism was working and that amendments to the Immigration Reform and Control Act to include refugees when setting a national level of immigration were inappropriate.[24]

However, conditions have changed since the late 1970s and early 1980s, when the refugee flow—particularly from Southeast Asia—was of a different nature, and when the Executive branch was more receptive to congressional preferences concerning refugee admissions. The original refugee flow from Southwest Asia consisted of a large number of persons who truly risked persecution if they were to return to their homeland and who did not have other permanent resettlement opportunities.[25] In addition, the Executive branch was quite responsive to congressional concerns over large (and to some, unreachable) refugee admission ceilings proposed by the administration. Initial requests for admissions of 173,000 in fiscal year 1982 and 98,000 in fiscal year 1983 were reduced to 140,000 and 90,000, respectively, in response to suggestions from members of Congress.[26]

Today, the character of the refugee flow from Southeast Asia is different. Many refugees come now for economic reasons, or to be with family members already admitted to the United States, rather than out of a well founded fear of persecution if returned to Vietnam, Cambodia, or Laos.[27] While they have understandable reasons for migrating, these reasons are not sufficient to satisfy the definition of "refugee" in the Immigration and Nationality Act.[28] In addition, despite congressional guidance in the refugee statute that the "normal flow" of refugees should be 50,000 per year, the Administration has consistently proposed higher levels, and it has largely resisted congressional interests in reducing actual admissions to this "normal flow."[29]

Because many recent refugees are being admitted who fit the definition of "immigrant" more closely than "refugee," and because of a diminution in cooperation between executive and legislative players in the refugee consultation process, refugee should be considered when setting a national level of immigration. I am not adamant about any one particular method of acheiving this, but there are at least two options which I find satisfactory: (1) including refugee admissions within the national level of immigration calculation at the "normal flow" level, and treating them as immediate relatives (any excess over the normal flow is not restricted, but subtracted from the numerically restricted categories), and an exception to the normal flow level would be available if the President were to certify (under the Refugee Act) that an "unforeseen emergency refugee" exists,[30] or (2) establishing a separate mechanism, outside the national level calculation, where Congress may revise or reject—in special, expedited procedures—any refugee admission level proposed by the Executive branch which exceeds the normal flow.

Both approaches would provide greater stability and predictability in overall immigration admissions while preserving the United States' ability to accept its fair share of the world's refugees and to respond generously to true refugee emergencies.

Finally, there is much legitimate debate about what the national level of immigration should be. Many businesses, ethnic, and religious groups argue that immigration should be increased for both economic and historical reasons. Conversely, population and environmental groups believe immigration should be decreased because of immigration's increasing role in population growth and natural resource depletion. Organized labor appears to have concerns about the number of new labor force entrants and yet they have a real interest in attracting new members.[31]

The American public, in a wide range of polls taken over the past decades, has shown a great reluctance to increase immigration over present levels. Today, only a small percentage favor increasing immigration at current levels, and an equally large plurality favor reducing immigration.[32] While I have never believed in legislating based on public opinion polls, it is uncommonly clear in this instance that the public does not favor increasing legal immigration.

Therefore, legal immigration should not be significantly increased unless clear evidence emerges that an increase is necessary or otherwise justified. The United States already accepts more immigrants and refugees for permanent resettlement than the rest of the world combined. We should not doubt our generosity. In addition, no convincing evidence yet exists that immigration should be substantially increased or decreased.[33]

The wisest policy is to retain overall immigration at approximately current levels, to require studies on the effects of legal immigration on our economy, labor market, population, environment, infrastructure and other important factors, and then to review the overall level every few years to determine whether a change in immigration rates is necessary. We have not consciously altered the legal immigration system for twenty-two years. Regular review of the system is essential.

Independent immigration

We should increase the proportion and absolute number of immigrants who are admitted to the United States because of their labor market skills or other qualities which would best serve the national interest. In addition, we should reduce our fixation on admitting immigrants merely because they have a family connection in the United States.

Public support is necessary for any immigration policy. Therefore, immigration policy should serve the general public's interest first, before it serves the interests of particular groups in society or particular individuals in society. Our present policy, where only ten percent of all immigrants are chosen for their particular skills, and where ninety percent of all immigrants are not screened for their labor market impact, is not in the national interest. I propose instead that a significantly larger number and proportion of immigrants should be chosen either because a U.S. employer requests them (and qualified U.S. workers are not available), or because they possess skill that we determine would benefit the country as a whole.

Many members of Congress are now interested in the immigrant selection system that Australia and Canada use: a number of "points" are given to immigrant applicants for each skill or attribute they possess that the country has determined to be beneficial. The primary categories that might receive "points" are: age, education, language ability, citizenship skills, occupations where labor demand is high and labor supply is low, and specific training or experience in those occupations. When an applicant displays enough of the skills to attain a threshold level of "points," he or she becomes eligible for immigration.[34] Such a system would help our country choose a caliber of immigrant that would much better serve the nation.

Immigration based on one's family connections is certainly not objectionable. Indeed, we should continue to recognize automatic petitioning rights for all "immediate family" members; that is, the spouses, children and parents of U.S. citizens, and the spouses and children (under age twenty-six, unmarried) of permanent resident aliens.[35] However, we currently recognize much more distant family ties, and give such family members automatic petitioning rights. Examples include: (1) a U.S. citizen's adult, married sons or daughters are given automatic immigration rights (along with their spouses and children), even though they have established a home and family separate from their parents in the United States;[36] and (2) a U.S. citizen's adult brother or sister is given automatic immigration rights, along with that citizen's brother-in-law or sister-in-law, nieces, and nephews.[37]

By granting such derivative benefits to the spouses and children and the more distant family connected immigrants, we establish a method by which these persons may petition for their immediate and more distant relatives. This creates the phenomenon of "chain migration," whereby demand for family-connection visas increases geometrically. In addition, the migration of extended families forces our immigration system to concentrate disproportionately on the most recent immigrant groups, since it is these groups that have both the family connection and the largest number of relatives living abroad. The focus of our system on family connections has effectively eliminated the opportunity of immigration from countries of "older" immigration—such as Europe, and for countries that have not significantly utilized our immigration system at all—such as Africa. Presently, nearly eighty-five percent of all legal immigrants come from either Latin America or Asia.[38] While I am not in any way opposed to immigration at substantial levels from these countries, I also do not think any countries should have a "lock" on our legal immigration system—no matter what their race, religion, or system of government, and no matter what their past immigration relationship with our country.

We should not reduce the number of visas that presently are available to the family connection categories that I favor retaining. Since independent immigrant visas should be increased in number, I suggest that a proper ratio of family to independent visas is approximately seven to three.

CONCLUSION

The problems I have outlined warrant changes in the legal immigration system so that the system would better serve the national interest. I am confident that the cause I espouse in Part II of this Essay would substantially increase our legal immigration system's ability to accomplish this objective.

The U.S. Senate recently completed action on legislation that addresses many of the problems that I have described. On March 15, 1988, the Senate voted 88-4 to approve Senate Bill 2104, compromise legislation jointly sponsored by Senator Kennedy and myself to reform the legal immigration system. This legislation would set a national level of immigration, revise the "family connections" preference system, and establish an expanded "independent" preference system. While prospects for action in the House of Representatives are not quite certain, I do believe that the strong bipartisan vote in the Senate ensures that a serious national debate will be held during this legislative year on the issue of legal immigration reform.

FOOTNOTES

[*] United States Senator from Wyoming. B.S. 1954; J.D. 1958, University of Wyoming. Senator Simpson serves as the ranking minority member on the Senate Subcommittee on Immigration and Refugee Affairs. Senator Simpson wishes to acknowledge the assistance of Carl W. Hampe, Minority Counsel to the Senate Subcommittee on Immigration and Refugee Affairs, in the research, footnoting and outlining required for the preparation of this Article.

[1] Pub. L. No. 99-603, 100 Stat. 3359 (1986) (codified in scattered titles and sections) [hereinafter IRCA].

[2] *See* Immigration and Nationality Act §201(a), 8 U.S.C. §1151(a) (1982) [hereinafter INA].

[3] *See id.* §201(b), 8 U.S.C. §1151(b).

[4] *See id.* 207, 8 U.S.C. §1157.

[5] *See id.* 203(a), 8 U.S.C. §1153(a).

[6] *Immigration Act of 1987: Hearings on S. 1611 Before the Subcomm. on Immigration and Refugee Affairs of the Senate Comm. on the Judiciary*, 100th Cong., 1st Sess. (1987) (response by Jerome C. Ogden to question from Senator Kennedy) (document not yet printed or paginated) [hereinafter *Hearings on S. 1611*].

[7] Immigration and Naturalization Service, 1986 Statistical Yearbook (1987) [hereinafter INS Yearbook].

[8] *Hearings on S. 1611, supra note (prepared statement of Malcolm Lovell, Jr.).*

[9] INS Yearbook, *supra* note 7, at xxii, 42.

[10] U.S. Dep't of State, Country Reports on the World Refugee Situation, Report to the Congress for Fiscal Year 1983, 34, 45-50, 59-62 (1982).

[11] Refugee Act of 1980, Pub. L. No. 96-212, 94 Stat. 102 (codified as Congressional Declaration of Policies and objectives, INS §§411-414, 8 U.S.C. §§1521-24).

[12] INS Yearbook, *supra* note 7, at 42.

[13] *See Infra* note 28.

[14] *Hearings on S. 1611, supra* note 6 (prepared statement of Michael S. Teitelbaum.

[15] This is based on the number of approximate admissions under the immediate relative and "family preference" categories (INS §201(a), 8 U.S.C. §1151(a) and INA §203(a)(1), (2), (4) and (5), 8 U.S.C. §1153(a)(1), (2), (4) and (5)) compared to the approximate "principle beneficiary" admissions under the "labor preference" categories. INA §203(a)(3) and (6), 8 U.S.C. §1153(a)(3) and (6). *See* INS Yearbook, *supra* note 7, at 8-9.

[16] INS Yearbook, *supra* note 7, at 8-9.

[17] *Hearings on S. 1611, supra* note 6 (prepared statement of David S. North).

[18] Immigration and Nationality Act Amendments of 1965, Pub. L. No. 89-236, 79 Stat. 911 (1965) (codified in various sections of 8 U.S.C. §§1101-1503 (1982)).

[19] "The new selection system . . . is based upon first come, first served, without regard to place of birth, within the preference categories and subject to specified limitations designed to prevent an unreasonable allocation of numbers to any one foreign state." H.R. Rep. No. 745, 89th Cong., 1st Sess. 12 (1965).

[20] "The basic objective of the bill [is] to choose fairly among the applicants for admission to this country without proposing any substantial change in the number of authorized immigration." *Id.* at 13. In 1965, annual immigration was 296,697; in 1986, that level was 601,708. INS Yearbook, *supra* note 7, at 1.

[21] INS Yearbook, *supra* note 7, at 14-15.

[22] Immigration and Naturalization Service, 1968 Annual Report 34 (1969); INS Yearbook, *supra* note 7, at 9.

[23] J. Vialet, Numerical Limits and the Preference System for Immigrants in the Simpson-Mazzoli Bills, 97th and 98th Congresses: Summary and Debate 8 (1987) (Congressional Research Service, Library of Congress).

[24] 128 Cong. Rec. 10,450 (daily ed. Aug. 13, 1982).

[25] *See Supra* note 10.

[26] S. Rep. No. 154, 99th Cong., 1st Sess. 4-5 (1985).

[27] "The persons fleeing today are no longer predominantly persons who were associated with the United States, nor does it appear that the majority have been singled out for harsher treatment than that generally suffered by the rest of the population. Far more appear to be taking this perilous journey in search of economic and political freedom or to be reunited with family members. . . ." United States Department of State, Report of the Indochinese Refugee Panel 7 (1986).

[28] "Refugee" is defined as "any person who is outside any country of such person's nationality . . . and who is unable or unwilling to return to . . . that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion . . . ." INA §101(a)(42)(A), 8 U.S.C. §1101(a)(42)(A).

[29] *See* S. Rep. No. 154, *supra* note 26, for administration admissions requests in excess of 50,000. For congressional requests to lower the level of admissions, see the letter of Hon. Romano L. Mazzoli, Chairman, Subcommittee on Immigration, Refugees and International law, Committee on the Judiciary, suggesting that fiscal year 1986 admissions be reduced from the 70,000 proposed by the administration to 53,000. 132 Cong. Rec. 5675 (daily ed. Jan. 30, 1986).

[30] Refugee Act of 1980, supra note 11, 8 U.S.C. §1157(b)(1982).

[31] *See generally Hearings on S. 1161, supra* note 6.

[32] *See New Restrictions on Immigration Gain Public Support, Poll Shows,* N.Y. Times, July 1, 1986, at A1, col. 4; *What Our Readers Have to Say,* U.S. News & World Report, Feb. 17, 1986, at 71; Simon, *Immigration and American Attitudes,* Public Opinion, July-Aug. 1987, at 47.

[33] It is difficult to document the lack of information. Nonetheless, most assertions that changing demographics imply a future shortage in the U.S. workforce fail to note that the productivity of the U.S. workforce should increase, and that the labor demands of labor-intensive industries today might not exist in twenty years. For a response to the argument that there will likely be a U.S. labor shortage by the year 2000, see *Hearings on S. 1611, supra* note 6 (prepared statement and response to questions for the record of Christopher Hankin).

[34] Senate Bill 2104, as passed by the U.S. Senate on March 15, 1988, would require a minimum score of 50 points (out of a possible 95) for a person to be considered for a visa under new INA Section 203(b)(5).

[35] *See* INA §201, 8 U.S.C. §1151.

[36] INA §203(a)(4), 8 U.S.C. §1153(a)(4).

[37] *Id.* §203(a)(5), 8 U.S.C. §1153(a)(5).

[38] INS Yearbook, *supra* note 7, at 14-15.

TEMPORARY HAVEN FOR CENTRAL AMERICANS

Mr. KENNEDY. Mr. President, El Salvador once again is in the headlines as the country faces a startling resurgence of death squad activity and general violence. The New York Times, in a shocking front page article last week, reported that the "killing of civilians by the rebels and the army is rising sharply."

And there is renewed uncertainty in neighboring Nicaragua as well. Peace talks between the Sandinista government and the Contras have collapsed. The administration is currently scouring the Central American region in search of ways to revitalize the peace process.

Fortunately, the Senate has before it already a response to the victims of these dire developments—a bill sponsored by my colleague Senator DENNIS DECONCINI. His bill, S. 332, would simply temporarily suspend deportations to El Salvador and Nicaragua until security conditions improve in those countries. It was passed by a 9 to 3 vote of the Senate Judiciary Committee almost a year ago.

Mr. President, I believe it is urgent that the Senate proceed on this bill within the next several days. The House already passed a similar bill last summer which was sponsored by Congressman JOE MOAKLEY. But with the reports out of Central America over the last several weeks, it is clear that the stakes are even higher now than they were when either the House of Representatives or the Senate Judiciary Committee acted.

Granted, there are differences of opinion in the Senate about this measure. But we should have an opportunity to debate those differences and decide on this bill. The Salvadoran and Nicaraguan people simply cannot afford further delay.

Mr. President, I ask unanimous consent that a series of recent articles be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, June 7, 1988]

AMID DEATH AND DARKNESS, A TURNING POINT IN SALVADOR

(By James LeMoyne)

SAN SALVADOR, June 6.—In the lobby salon of the Camino Real Hotel, several survivors of the democratic left in El Salvador gathered here over the weekend to discuss the prospects for peace and increased democracy in their country.

They met in the eighth year of a civil war that has killed 70,000 Salvadorans. In the evening, as their discussion came to a close, the lights flickered out from rebel sabotage, bombs thudded in the distance and army helicopters equipped with night-vision scopes coughed past in the dark, scanning city streets for rebel saboteurs.

The Government here is struggling. President José Napoleón Duarte is suffering from stomach cancer that has also affected his liver, and he is to undergo exploratory surgery in Washington on Tuesday. Mr. Duarte's Christian Democratic Party is split into two factions, the rightist opposition is strengthening, political killings are rising and the civil war waged by Marxist rebels remains in full swing.

Mr. Duarte's illness is only the most dramatic sign that El Salvador may again be entering a period of transition. Its course will be affected by a new American President, a new Salvadoran leader, and the political participation of some leftist parties. The key question will be whether the Government and the rebels decide to negotiate or to keep fighting.

"I sense that all the actors feel this is a period of definition," said Rubén Zamora, a civilian rebel official who has returned here. "We will find out what is possible and what is not."

The war here is a 15-year-old social struggle that the Reagan Administration has addressed by heavily backing the army and the Government, while contending that the future of El Salvador is vital to the future of the United States.

With more than $3 billion of American aid already spent here, El Salvador today is one of the few places in the world where the United States still is actively trying to create a particular model of society, a kind of third-world capitalist democracy closely allied to American interests.

But there is no certainty that model will work here, where there seems to be a vacuum of political power and little vision for new programs to lead the country into the future.

Some of the speakers at last weekend's conference had returned home for the first time after eight years of exile. All appeared uncertain of the political meaning of their presence.

That they were able to return and organize a public forum to sharply attack the Government and American policy was a sign of change, several acknowledged. But no one was sure what that change means.

RIVER FULL OF CROCODILES

"Working in politics again in El Salvador is like swimming in a river full of crocodiles," said Héctor Oqueli, a senior rebel civilian official who spoke at the meeting. "Since there's water, you're able to swim, but you never know when one of the crocodiles is going to come and chop you up."

Such fear is part of the ambiguity and mortal risk of political life here. El Salvador has the formal trappings of democracy, but is far less advanced in its practice. The vast majority of Salvadorans have little say in the political decisions that affect their lives. Fear and poverty are part of daily life for many, if not most, Salvadorans.

The cause is not hard to find. Killing of civilians by the rebels and the army is rising sharply. The rebels have shot to death two mayors and at least 15 other civilians in recent months.

DEATH SQUADS ACTIVE

They have also placed car bombs in the capital, machine-gunned civilian vehicles and indiscriminately used land mines that are believed to have killed most of the 28 other recent victims of bombs and explosive devices.

The army and perhaps private rightist killers are also newly active. As the returning leftist politicians debated the prospects for peace over the weekend, the families and friends of the three latest victims of a death squad mourned in the grimy suburb of Apopa.

Their bodies were found last Wednesday, some of the more than 40 civilians whose bullet-riddled bodies have suddenly begun turning up once again.

In one incident in Morazán Province, witnesses say, soldiers forced two men to run through a burning field, then chopped off their noses, fingers and ears before shooting them.

FAILURE OF RULING PARTY

That such official and semi-official brutality is on the rise is one of the strongest indications that political tension is growing in El Salvador and that homicide remains a favored method to treat differences that would be debated and peacefully resolved in a less broken, less violent society.

After winning control of the Government four years ago, the Christian Democratic Party is widely seen as having failed to live up to its reformist promise. The party is accused of being a perhaps well-meaning, but corrupt and inefficient group incapable of changing the status quo.

Mr. Duarte's opponents, the rightist Nationalist Republican Alliance Party, is newly ascendant and might well win the presidency next year, having defeated the Christian Democrats to take control of the legislature in elections two months ago.

The rightist group, known as Arena, may be a party in transition from an extreme anti-Communist group, with close ties to the death squads, to a more moderate party with strong backing from conservative peasants and slum dwellers. But it is divided and extremists still remain influential.

Arena promises to form a more efficient and honest goverment. But it may be difficult for a party founded by businessmen and retired army officers with a legacy of political killing to offer programs that will attract the active support of the majority of Salvadorans.

The army, buoyed by its importance in the war and by American aid, is bigger, more politically sophisticated and more influential than ever.

Senior army officers seem unsure of what to do. They acknowledge privately that the war is stalemated and that the Government is paralyzed. But they say they do not want to take power directly in a coup.

American officials are divided. The optimists say this is a testing, but unavoidable, passage in a decade-long transition to a more democratic society in a country that has previously known only dictatorship.

DEPENDENTS ON U.S. AID

The pessimists say the American effort to defeat the rebels while backing a working pact between the army and the Christian Democrats is failing.

Totally dependent on American aid, El Salvador's future will be deeply affected by any policy change made by the next American President. This year, the United States is giving $391 million in economic and military aid, most of the national budget.

The guerrillas have shown a remarkable capacity to survive everything that more than 100 American military advisers and a large Central Intelligence Agency operation have devised for the army to defeat them.

Leftist civilian politicians in contact with the Marxist Farábundo Marti National Liberation Front say the group will make a crucial choice in the months ahead that will help determine the direction of the war.

REBELS FAIL TO ATTRACT SUPPORT

For the last year and a half the rebels have been reorganizing political fronts in the cities while also pressing the war and extensive sabotage.

Despite their efforts, the rebels have shown little capacity to attract new widespread support and there is scant prospect of a mass insurrection. Because of that, the rebels may decide to moderate their proposals to negotiate an end to the war. Or they may decide to press for an all-out military campaign at a time of perceived weakness.

Diplomats and army officers say it is possible that the rebels will offer to negotiate while mounting big attacks to demonstrate strength.

There is little doubt the pressure of the guerrillas has been the chief stimulus for positive political change here and for American interests in El Salvador. But so long as the war goes on, economic recovery and a lasting political consensus appear unlikely.

Some American officials refer to the war as a "low-intensity conflict," to distinguish it from the heavy firepower of a major war.

"It's not low-intensity for Salvadorans," one American official said. "It's a high-intensity conflict and they're suffering."

[From the Christian Science Monitor, June 3, 1988]

DUARTE ABSENCE DEEPENS SALVADOR CRISIS—COUNTRY IS MIRED IN WAR, SPLIT POLITICALLY

(By Chris Norton)

SAN SALVADOR.—President José Napoléon Duarte's departure this week to seek medical treatment in the United States comes at a time of deepening turmoil for the country.

A series of problems on the political, military, and economic fronts await the attention of the man now in charge, Vice-President Rodolfo Castillo Claremont.

Many Salvadorans say he seems unlikely to have any more success in addressing the country's complex problems than Mr. Duarte, who initially raised great hopes.

Politically, the ruling Christian Democratic Party is in a shambles. Soundly rejected by voters in the March 20 assembly elections, the party is split over who will succeed Duarte as President next year.

The far-right Arena Party is gaining power. And many consider it likely that Arena will win the 1989 presidential elections. While it has moderated its image, Arena remains the vehicle of the wealthy elite that, along with the military, have traditionally ruled El Salvador and who critics say bear much of the responsibility for creating the conditions of poverty and inequality that have spawned an insurgency war by leftist guerrillas of the Farabundo Martí National Liberation Front (FMLN).

Castillo, also secretary general of the ruling party and a former foreign minister, is considered unlikely to unite the badly divided party or the highly polarized country.

As foreign minister, Castillo commanded little respect among diplomats, who considered him abrasive and volatile.

A former close ally of Julio Rey Prendes—one of two contenders for the party's nomination for presidency—Castillo withdrew his support. He now heads a wing of the party that was just officially recognized as legitimate by the Central Elections Council. This wing, although opposed to Mr. Rey Prendes, hasn't come out in support of the other main contender, Fidel Chavez Mena.

The political deadlock is matched by similar problems on the military front.

The guerrillas have stepped up their sabotage of the electrical system in recent months, forcing the government to cut power in the capital for up to five hours daily. This has taken an economic toll, causing serious losses to businesses. Increased guerrilla ambushes are also inflicting a heavy toll of casualties on the Army.

There is increasing frustration among soldiers with the war and Army-linked killings are on the rise again. And bodies, some with torture marks, are beginning to be found by roadsides, in scenes reminiscent of the death squad killings of the early 1980s.

The Roman Catholic Church's human rights office, Tutela Legal, reports that death squad killings in the first four months of 1988 tripled over last year's number. Archbishop Arturo Rivera y Damas warned in his Sunday homily that things appeared to be returning "to the law of the jungle."

Captured guerrilla documents seem to indicate that they viewed this year and the next as years of particular government vulnerability because of the back-to-back elections in El Salvador and the presidential race in the United States.

Duarte's departure poses a challenge to the US Congress, which has authorized aid of close to $3 billion to El Salvador since 1980, largely because of its personal respect for the Notre Dame-educated Duarte.

In an era of increasing budgetary constraints, with US policy in Central America appearing increasingly rudderless, many observers question whether the Congress will be willing to continue indefinitely the levels of funding to El Salvador that made the tiny country the third largest recipient of US aid in the world in fiscal year 1987.

[From the Charleston (WV) Gazette, June 7, 1988]

Salvadoran Tragedy

The tiny Central American nation of El Salvador is a tragic contradiction: Its name means "the savior," but it is the murder capital of the world.

Since civil war erupted a decade ago, around 50,000 civilians have been killed—most of them tortured and murdered by right-wing death squads or massacred in army raids on villages in rebel territory. Some have been assassinated by leftist terrorists.

One-fourth of El Salvador's people have been displaced. Many villagers moved into squalid refugee camps. Thousands of Salvadorans fled through Mexico into the United States. Many of them ran after death squads had come to their homes, seeking them.

The Reagan administration is playing a cruel political game with the latter refugees. Because El Salvador is a "democratic" U.S. ally, the White House pooh-poohs claims by these refugees that they're afraid to return home. Their applications for political asylums are overwhelmingly rejected; only 2.7 percent have been approved in the past four years.

In contrast, the administration approved 84 percent of such applications by Nicaraguan refugees last year. It suits the president's political purposes to make it seem that Nicaraguans are fleeing persecution in the little Marxist nation that Reagan has branded a nearby "evil empire."

What a cynical and cold-blooded policy—to try to send 97.3 percent of Salvadoran refugees back to the land of death squads, while granting asylum to Nicaraguans because it makes good propaganda.

To halt this injustice, at least for a while, Congress is working on a "temporary safe haven" bill that would delay deportations of both Salvadorans and Nicaraguans. Most major religious faiths back this legislation, the Moakley-DeConcini bill. It passed the House and was approved by the Senate Judiciary Committee.

The American Civil Liberties Union, another supporter of the safe haven plan, says Senate Majority Leader Robert C. Byrd, D-W.Va., holds the bill's fate in his hands.

Therefore we implore Byrd to let the whole Senate vote on the Moakley-DeConcini bill—and perhaps save thousands of lives.

During the past few years, with middle-of-the-road President Napoleon Duarte nominally in command, El Salvador's bloodshed decreased. But now Duarte is stricken with cancer, his moderate party lost the congressional election in March, hard-right leaders are regaining control—and the murder pace is rising again.

Under these circumstances, the safe haven bill takes on greater urgency. It should be rushed through the Senate to halt hundreds of deportations now in progress.

[From the Arkansas Gazette, June 6, 1988]

Coming to the Aid of Endangered Refugees

Both El Salvador and Nicaragua have known brutal civil wars and human rights violations. Not surprisingly, both have also seen thousands of other citizens flee. Many came to the United States, entering illegally.

Congress is now considering legislation that would at least temporarily protect Salvadoran and Nicaraguan refugees from deportation to the strife of their homelands. Supporters, including many human rights, religious, and labor organizations, believe that the refugees face serious danger if they are forcibly deported to conditions of civil war and the threat of persecution.

The legislation would provide a temporary suspension of detention and deportation for most Salvadoran and Nicaraguan nationals in the U.S., pending a General Accounting Office study to determine a safe time for the refugees to be returned to their countries of origin.

The legislation also contains certain safeguards for the American taxpayer. It would generally exclude from public assistance programs those persons whose deportation is stayed. And it would apply only to Salvadorans and Nicaraguans in the U.S. prior to the legislation's enactment, so as not to invite a subsequent wave of new refugees. In other words, it recognizes that a line must be drawn.

The Senate version of the legislation, sponsored by Senator Dennis DeConcini of Arizona, will come to a vote in a few days. Passage of the legislation, though creating an exception in the U.S. immigration laws, will be consistent with this country's noble traditions of succoring the oppressed.

[From the Atlanta Journal, June 4, 1988]

A Respite for Central American Refugees

That a seriously ill President Jose Napoleon Duarte can consider an indefinite stay in the United States for cancer treatment is hardly a measure of his confidence in his regime's stability while he is away.

A better guage of Duarte's own gloomy assessment of El Salvador's turmoil is his support of a bill before the U.S. Senate to protect Salvadoran refugees in this country from hasty deportations back to an uncertain and maybe menacing future in his land.

Violence from the left and from the right, sad to say, is much on the increase. Catholic church sources say nearly as many Salvadoran civilians were murdered by death squads during the first three months of this year, 21, as in all of 1987.

With Duarte's government coming unstuck, it is mystifying how its Washington ally can hope to nurture El Salvador's political center, especially with his party's rival factions engaged in mindless fratricidal strife. But at least the United States can take one major step to relieve the suffering of innocents by extending asylum indefinitely to the nearly half-million Salvadorans who have sought refuge in this country from harassment, torture and murder.

A bill sponsored by Sen. Dennis DeConcini (D-Ariz.) recognizes as genuine the threat to Salvadorans here to the more than 100,000 Nicraraguan refugees, as well. Persons covered by the legislation could stay until the Government Accounting Office devised a timetable for safe returns. Refugees would not be entitled to public assistance, but they could seek employment. Like a companion measure already passed in the House, it offers limited and temporary relief. That's all the refugees ask.

The bill's supporters are certain it has the votes for passage if and when it reaches the Senate floor later this month, but they worry about the possibility of a filibuster. The votes of Georgia's senators, Sam Nunn and Wyche Fowler, both uncommitted, are needed for resounding approval. The two of them should see the measure as a humane remedy fully in keeping with the government's policies on immigration and asylum.

[From the Washington Post, May 31, 1988]

The Mistreated Refugees From El Salvador

(By Bill Frelick)

The new "immigration reform" law included an amnesty for illegal aliens who have lived here since before 1982, and it gave them a year to sign up to legalize their status, a year in which some 2 million persons have registered.

Now the carrot is put away and the stick comes out—the employer sanctions in that same legislation go into full effect. Employers will face fines, even imprisonment, if they hire undocumented aliens. The idea is to force those who are not legally allowed to be here to go home. It seems simple straightforward, fair.

It's not.

The immigration law assumes that all undocumented aliens sneaked into the United States illegally in order to get jobs. If the jobs dry up, they will go home. Jobs, henceforth, will be reserved for our own or for those who abide by our laws.

But the "pull" of economic opportunity only tells part of the story for that subcategory of migrants known as "refugees." Refugees, too, have felt a "push" out of their homelands, often a violent, wrenching push that leaves them fearful of returning.

Many Salvadoran refugees in the United States have fled horrors most Americans can hardly imagine. That country's civil war has left between 40,000 and 50,000 civilians dead, many the victims of death-squad torture and terror. It has caused the displacement of one-quarter of that country's population. And death-squad killings, which had been on the decline, are now on the upswing.

Most Salvadorans fled to the United States after the civil war in their country began to heat up in the early 1980s, so that many arrived after the immigration law's cutoff date of Jan. 1, 1982. It is estimated that less than 20 percent of the half-million or more undocumented Salvadorans in this country were eligible to register for the amnesty.

So why don't they apply for political asylum? The United States recognizes that refugees who fear persecution should not be forced to return home. Last year, for example, the United States approved 84 percent of Nicaraguan asylum applicants who said they feared going home. Again, the U.S. stance seems eminently fair and reasonable.

But the approval rate for Salvadoran asylum applicants over the past four years has been only 2.7 percent. This paltry approval rate stands in stark contrast to the recent finding of a federal judge in California that "a substantial number of Salvadorans who flee El Salvador possess a well-founded fear of persecution pursuant to U.S. asylum laws."

Ruling in a class action suit, *Orantes-Hernandes v. Meese,* Judge David Kenyon found that the U.S. Immigration and Naturalization Service "engages in a persistent pattern and practice of misconduct" specifically geared toward Salvadorans in its custody, which has the effect of depriving them of "their constitutional right to due process and the statutory right to apply for political asylum."

Kenyon noted that the methods the INS uses to coerce and intimidate Salvadorans into abandoning their asylum claims and "voluntarily" going home range "from subtle persuasion to outright threats and misrepresentations." He said that this "is not the result of isolated transgressions by a few overzealous officers," but rather "results from INS policies, and forms a pattern and practice of illegal conduct which is approved, authorized and/or ratified by INS personnel at all levels."

Salvadoran refugees have not been treated fairly by the United States. The basis of their mistreatment is a pervasive predisposition at all levels of the U.S. government to view their claims to refugee status as illegitimate. As Kenyon observed, "This pattern of misconduct flows directly from the attitudes and misconceptions of INS officers and their superiors as to the merits of Salvadoran asylum claims and the motives of . . . [those] who flee El Salvador and enter this country."

The immigration law was not intended to protect refugees; it was meant to rid the United States of illegal aliens who came seeking economic opportunity and who would freely return home if jobs were not available. Many of those in Congress who voted for immigration reform assumed that other laws they had earlier passed—most notably the Refugee Act of 1980—would protect any who feared for their lives and liberty upon return.

But the asylum laws have not been faithfully executed; in their implementation they have discriminated against certain nationalities—most notably Haitians and Guatemalans, in addition to Salvadorans—and have not provided a safety net for those who fear the abuses of their own governments.

Now, many Salvadoran refugees, as well as other refugees whose claims the United States is reluctant to acknowledge, are left in an extremely vulnerable position. They are increasingly subject to exploitation by those employers who are willing to weigh the risks of employer sanctions against the profits to be made by hiring a docile work force willing to work long hours at below the minimum wage. They are afraid to ask even for basic health and safety standards in the work place. Landlords know that illegal aliens living in squalid, overcrowded tenements will not protest; criminals know that this prey will not report to the police.

Those Salvadorans who remain undocumented are indeed being squeezed further and further into the margins of American society. But as much as they are squeezed, the refugees in this group will not go home. What we will be left with is "a fearful, easily exploitable subclass"—the words Sen. Alan Simpson, the author of the Immigration Reform and Control Act, used to describe the group he thought this law would eliminate from American society. They are still here, however, and will remain so.

A remedy for Salvadorans is on the horizon. A bill calling for temporary safe haven for Salvadorans and Nicaraguans has passed the House and been approved by the Senate Judiciary Committee. The Moakley-DeConcini bill would not grant asylum to Salvadorans and Nicaraguans, but would accord them temporary legal protection against deportation pending a study on the conditions of people returned to those countries. Although there is already, in effect, a nondeportation policy for Nicaraguans, and Nicaraguans here are authorized to work while their asylum claims are pending, hundreds of Salvadorans are returned to El Salvador every month.

The temporary safe haven bill is not an attempt to change the rules midway through the game. It is not to say, "Now that employer sanctions are here, we want more amnesty." But it does recognize that immigration reform does not exist in a vaccum. It is part of a fabric of laws and regulations—many quite well intentioned—that should protect both U.S. interests and the human rights of refugees and immigrants.

[From the San Francisco Examiner, Mar. 31, 1988]

LATINO REFUGEES

(By Robert Rubin)

Most Central American refugees arrived in the United States after 1982—when the civil war in El Salvador escalated and death squad activity, ultimately claiming more than 40,000 deaths, became commonplace. As persons not present in this country on Jan. 1, 1982, these individuals are disqualified from seeking legal status under the Immigration Reform and Control Act of 1986 (IRCA).

While the media focuses on various success stories of immigrants who qualify, little attention has been paid to the "have-nots" under IRCA—those who continue to live a shadow existence without the protection of legal status.

Catalina Ayala (not her real name), for example, fled El Salvador in 1982 shortly after her brother "disappeared." Earlier that year, two cousins, members of the Red Cross, were kidnapped and murdered. Other relatives were members of the guerrillas and Catalina was therefore suspected by the military of sympathizing with the guerrillas. She was stopped and detained by the military on numerous occasions.

Catalina also suffered persecution at the hands of the guerrillas. Immediately prior to leaving, her father's life was threatened by guerrillas who demanded that the family provide them with food and supplies. When her father refused, the guerrillas took over the family land and house. In her political asylum application, she states: "I never knew when I went out in public if I would return alive or not."

Catalina arrived in the United States in June 1982, six months after the cutoff date under the new immigration law. She applied for political asylum but her claim was denied by the Immigration and Naturalization Service. She has appealed but cannot be optimistic knowing that less than 3% of all Salvadoran asylum requests are granted.

In the meantime, she also has been refused the right to work and support herself and her two-year-old son because the INS claims that her asylum application not only failed to establish a "well-founded fear of persecution" but that it was "frivolus." (Those asylum applications with "non frivolous" claims are allowed to work during the pendency of the asylum request).

The dire predicament confronting Catalina is all too familiar within the Salvadoran community here. She barely survived the horrors of her homeland only to find that safe haven in the United States was illusory. She discovered that persons fleeing countries like El Salvador, that have friendly relations with the United States, stand little chance of being granted asylum. By contrast, grants of asylum are used by this administration to highlight human rights abuses in countries it considers to be adversaries. Last year, for example, Romanians were granted asylum in 60% of the cases.

Ironically, when Congress enacted the Refugee Act of 1980, it intended to remove the ideological preference that allowed only persons from Communist and certain Middle Eastern countries to establish refugee status. In its arbitrary application of the law, however, the INS has reintroduced ideological bias. Because the asylum process has so little to do with the merits of one's claim and so much to do with foreign policy objectives, Salvadoran refugees have been forced to turn to Congress for relief.

The Senate will soon vote on a bill, introduced by Sen. Dennis DeConcini, that would grant a temporary stay of deportation to Salvadorans and Nicaraguans present in this country. The bill, which has passed the House and enjoys bipartisan sponsorship in the Senate, would allow these persons to remain here for a two-year period.

The need for this legislation is heightened by the elections in El Salvador which place the ARENA party in a dominant position in the legislature. ARENA's founder is Roberto D'Aubuisson, who has been linked by the U.S. government to right-wing death squad activity, including the 1980 assassination of Archbishop Oscar Arnulfo Romero.

It is imperative that we not allow ideologically biased asylum policies to so cloud our tradition of extending a safe haven to the oppressed that we are unable to provide even temporary protection to persons like Catalina Ayala.

If the DeConcini bill is defeated, Catalina and others who are ineligible for legalization under IRCA and denied political asylum will be forced to return to the violent conditions from which they fled. Especially during these early, volatile stages of implementing the Central American peace plan, the DeConcini bill would not only provide critical temporary protection but would allow the peace process to proceed without injecting a potentially explosive variable of the return of approximately 500,000 Salvadorans and 100,000 Nicaraguans to the region. The political and economic consequences of their return would likely jeopardize any hopes for peace.

IRCA attempts to address the needs of immigrants largely motivated by "pull" factors, i.e., the allure of American jobs. But what about those who are here due to "push" factors, i.e., war-torn conditions and persecution in one's homeland? DeConcini's bill would meet this concern and thereby fulfill this country's promise of freedom for the oppressed.

UPDATING THE AIDS EPIDEMIC

Mr. CRANSTON. Mr. President, according to the June 6, 1988, AIDS Weekly Surveillance Report:

That 64,506 Americans have been diagnosed with AIDS; 36,255 Americans have died from AIDS; and 28,251 Americans are currently living with AIDS.

Mr. President, 2,306 more Americans have developed AIDS and 1,204 Americans have died from this horrible disease since I last noted these statistics on May 25—less than 3 weeks ago.

KILPATRICK ARTICLE

Mr. President, I do not understand how any American cannot be moved by those statistics. That's why I was so very surprised and deeply saddened to read the op-ed article in the June 9 Washington Post by James J. Kilpatrick, suggesting that the AIDS epidemic is no big deal. Mr. Kilpatrick asserts emphatically that AIDS is not an epidemic, even though the Surgeon General, the Secretary of Health and Human Services, and every public health expert throughout the world has stated otherwise.

Mr. Kilpatrick uses misleading data on the total number of AIDS cases. Instead of reporting the CDC's then-latest figures—64,506 cases of AIDS as of June 6—he cites a total of 37,481 cases of AIDS as having been reported through 1987.

Moreover, Federal health officials estimate that nearly half a million Americans will have developed AIDS by the end of 1993—a projection Mr. Kilpatrick seems to acknowledge but finds no cause for concern.

I understand that at the Fourth Annual Conference on AIDS taking place this week in Stockholm, experts are reporting that the official worldwide AIDS count is more than 100,000, and that, unofficially, more than 200,000 individuals likely already have developed this fatal disease.

With so much death and dying, I cannot fathom how Mr. Kilpatrick can ask "What's the big deal?"

More than that, Mr. President, I was appalled at the callousness and insensitivity expressed in the article. Mr. Kilpatrick makes compassion for fellow human beings who are suffering and in pain conditional upon approval of the behavior. That is contrary to every moral and ethical code that we as Americans aspired to. Although Mr. Kilpatrick also believes that smokers who develop lung cancer do not deserve more than "a fairly modest degree of compassion", fortunately the majority of Americans feel otherwise. We have spent billions of dollars on a "War on Cancer" trying to find better treatments and a cure for that disease while at the same time educating Americans not to smoke.

Finally, I would say to Mr. Kilpatrick that AIDS is not a "disease that mortally afflicts a tiny fraction of the population" but rather a disease that affects all of us. Any individual is vulnerable, and we must all take the responsibility of educating ourselves about AIDS in order to prevent its further spread and to help care for those already infected.

THE PRESIDENTIAL COMMISSION ON THE HIV INFECTION AND THE NATIONAL ACADEMY OF SCIENCES

Mr. President, I do not believe that the opinions of Mr. Kilpatrick are shared by the majority of Americans. They are certainly not shared by the public health community. Earlier this month, two outstanding reports were released on AIDS, and I would like to congratulate the authors on their excellent works. Both the chairman of the Presidential Commission on the HIV Infection and the National Academy of Sciences [NAS] conclude clearly that AIDS is an epidemic and a national emergency and make numerous specific recommendations to meet that challenge.

The NAS report updated and built on its 1986 landmark report "Confronting AIDS," reemphasizing the need for accurate, effective education programs, a greater commitment to the rapid large-scale expansion of drug abuse treatment slots, the development of comprehensive systems of health care for people with AIDS, and expanded availability of clinical trials for experimental therapies.

Mr. President, I want especially to applaud Adm. James Watkins, the chairman of the Presidential Commission. He took over the chairmanship of that panel after a very turbulent and unfortunate beginning. I was skeptical, as were many others, about the ability of the Commission to listen with an open mind to the public health experts and to people with AIDS about the impact the epidemic is having on our country and how to alter its course. Yet, Admiral Watkins has done just that.

Mr. President, the admiral did not come into the job with preconceived ideas based on a particular political or ideological point of view. He listened to as many people with differing opinions and differing vantage points as he could. And he came to some very profound conclusions.

Central to the chairman's recommendations is that the Federal Government should pass strong antidiscrimination laws to protect individuals with the HIV infection from losing their jobs, educational opportunities, and homes. Although this recommendation has been made previously by many other distinguished leaders in the AIDS field, it now comes from a chairman selected by President Reagan.

Mr. President, I am also pleased that the chairman concluded that, although HIV education programs should not "encourage promiscuous sexual activity * * *, they need to be explicit in nature so that there is no confusion about how to avoid acquiring or transmitting the virus." The report further states, "It is not the role of the Federal Government to dictate to local communities their values, and too much time has been wasted on this debate when educational materials are needed which clearly present the facts about AIDS and HIV transmission."

Mr. President, I urge all my colleagues to read the chairman's report. It is forceful and forthright. It is the result of objective and intensive study and outlines plainly important steps that can be taken to stop this terrible disease.

SOUTH AFRICAN INJUSTICE

Mr. SIMON. Mr. President, I rise to join leaders of many nations, including President Reagan, and the Secretary General of the United Nations, in appealing to the leadership of South Africa not to execute six people who clearly should not be executed, and it is up to the President of South Africa. Six people, ages 24 to 32, were part of a crowd, a mob, that did kill someone. No one has suggested that any of these six were involved in the slaying. But the court ruled that since they were part of the mob, and that there had to be some kind of representative punishment meted out that these six would be slain, should be executed by hanging.

Clearly an injustice will be done. I do not for a moment, obviously, defend the mob action. But just to pick six people at random and execute them, six blacks I hasten to add, just is not right. And I add it comes on top of action taken just recently by the President of South Africa in excusing, or just wiping off the books, a trial where some South African troops were accused of killing a black. And they simply took administrative action to see that the trial was suspended, and they were not brought to justice.

Mr. President, it just seems to me that simple justice would require that if people in South Africa find anyone who was responsible for these murders, those people should be brought to trial. But just to pick six people at random from a mob that perpetrated this deed is not justice, and it will simply aggravate our relationship with South Africa.

I applaud President Reagan, and the Secretary General of the United Nations for taking the action that they have taken. I hope that the President of South Africa will not further aggravate the situation in that country.

TRIBUTE TO FRANK DROZAK

Mr. BURDICK. Mr. President, I was saddened yesterday to hear of the death of a fine man and a good friend, Frank Drozak. I would like to take a moment now to pay my respects to Frank, and to offer my condolences to his family and friends.

Mr. Drozak served the people of this country and the members of his union long and well. Born in Coy, AL, he moved to Mobile at the age of 16 to work in a shipyard. He joined the merchant marine during World War II, returning to Mobile at the end of the war when the Seafarers International Union asked him to work as an organizer in that city. He remained faithful to the Seafarers Union to the end of his life, working his way up in the old-fashioned American way. From organizer, he became a union post agent in Philadelphia, and then vice president in San Francisco. In 1980 he became the president of the organization, a post which he held until his death.

In addition to his many union responsibilities, Mr. Drozak served on a long list of public and private advisory and executive councils. Just to name a few, he was an elected member of the AFL-CIO Executive Council, a labor adviser to the Congressional Maritime Caucus, subcommittee chairman of the Public Advisory Committee on the Law of the Sea, member of the board of governors of the National Maritime Council, and adviser to the office of the U.S. Trade Representative. His skillful leadership on maritime issues will be sorely missed.

Through his many activities, Frank Drozak made his life a model of dedication to our country. He worked tirelessly throughout his life to stand up for working men and women, and make the United States a better place for us all to live.

Once again, I offer my deepest sympathies to Mr. Drozak's wife Marianne, his daughter Sarah Frankie Bell, his siblings Mary Alice Walraven and David Drozak, and his three grandchildren.

BICENTENNIAL MINUTE

JUNE 18, 1789: SENATE ESTABLISHED VOTING METHOD FOR EXECUTIVE BUSINESS

Mr. DOLE. Mr. President, 199 years ago this week, on June 18, 1789, the Senate established a rule governing the manner in which it would vote on executive business, related to treaties and nominations.

Like so many of those first decisions, this one was reached only after much wrangling. President Washington had asked the Senate's advice and consent in appointing a minister to France. The question seemed only to require a simple yea or nay vote, but a controversy arose as to whether the decision should be made by voice vote or secret written ballot. Vice President John Adams supported a voice vote, claiming that written ballots encouraged intrigue and bargaining. Senator Oliver Ellsworth of Connecticut agreed, observing that voting by ballot might suit bashful men, a category he thought fit few of his colleagues, and that it favored unprincipled men, who would not have to account for their actions.

Senator William Maclay, the prickly Pennsylvanian, vehemently objected. Secret ballot voting, he argued, was in fact the antidote to cabals: Men made bargains for sure things, but it was in vain to bargain for a vote one could not verify. Maclay was also concerned about other ramifications of a voice vote: A Senator who openly voted against the Chief Executive might lose the President's favor or, conversely, he might vote against his conscience to win the President's nod.

Maclay's arguments triumphed on June 18, 1789, and, by secret written ballot the Senate declared its advice and consent to the minister's nomination. Maclay's victory, however, was shortlived. Two weeks later, when the Senate adopted rules concerning communications with the President, Members reversed themselves and included a clause providing for a voice vote on nominations.

AMERICAN ASSOCIATION OF AIRPORT EXECUTIVES ENDORSES MEMBERSHIP RESOLUTIONS

Mr. FORD. Mr. President, the American Association of Airport Executives [AAAE], is a nonprofit professional organization representing 1,300 airport executives who are responsible for the planning, management, and operation of airports throughout the United States and abroad. AAAE at its recent 60th annual conference in Las Vegas, NV, endorsed the following membership resolutions.

I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESOLUTION IN HONOR OF THE U.S. SENATE AND HOUSE AVIATION SUBCOMMITTEE LEADERSHIP

Whereas, under the leadership of Senate Commerce Committee Chairman Ernest Hollings; Senate Aviation Subcommittee Chairman Wendell Ford; Ranking Minority Members John Danforth and Nancy Kassebaum; House Public Works Ranking Member John Paul Hammerschmidt; House Aviation Subcommittee Chairman Norman Mineta, and Ranking Minority Member Newt Gingrich, the Congress passed the Airport and Airway Safety and Capacity Act of 1987 reauthorizing the Airport Improvement Program for five years; and

Whereas, this legislation expands and revitalizes our national aviation system and provides more than $20 billion of multiyear funding authorization for our airports; and

Whereas, the dedication and devotion of the Senate and House aviation leadership to the airport and airway infrastructure is appreciated by the 1,300 airport executive members of the American Association of Airport Executives (AAAE);

Now, therefore, be it resolved, that AAAE hereby declares its appreciation to Senators Ernest Hollings, John Danforth, Wendell Ford and Nancy Kassebaum, Representatives John Paul Hammerschmidt, Norman Mineta and Newt Gingrich and to their staffs for their dedication and devotion to America's national air transportation system.

RESOLUTION SUPPORTING THE ESTABLISHMENT OF AN INDEPENDENT FEDERAL AVIATION ADMINISTRATION

Whereas, the 100th Congress is considering legislation (S. 1600) making the Federal Aviation Administration (FAA) independent of the Department of Transportation (DOT).

Whereas, the FAA is unique, operating 24 hours a day, seven days a week in hundreds of places for civil and military operations, nationwide and abroad; and

Whereas, the FAA must regulate with respect to airmen, airways and airports, while building and maintaining a system with state-of-the-art technology; and

Whereas, the FAA must maximize aviation safety, and minimize delays to millions of passengers and cargo users who pay directly in aviation user taxes for the FAA's services; and

Whereas, the shared authority of DOT and FAA over the nation's aviation system has not been conducive to either clear accountability or effective leadership, and DOT has in certain instances micro-managed FAA; and

Whereas, the technical capabilities of the FAA have been hampered by federal procurement regulations, resulting in the agency's inability to cope with the airport and airway system modernization plan;

Now, therefore, be it resolved, that the American Association of Airport Executives requests the following:

1. That the Congress and the President adopt legislation creating an independent FAA; and
2. That the legislation provide a continuous stream of the user-fee revenues enabling FAA to maintain progress toward airport and airway modernization; and
3. That the FAA's procurement procedures and process be simplified; and
4. That the personnel component of the FAA be reorganized so that the agency can more easily fulfill crucial staffing needs; and
5. That the Senate Aviation Subcommittee Chairman, Wendell Ford, and his staff, be commended for their dedication to revitalizing the FAA and dealing with the many problems confronting the agency and the aviation system.

RESOLUTION IN SUPPORT OF SPENDING THE AVIATION TRUST FUND REVENUES FOR THE AIRPORT IMPROVEMENT PROGRAM

Whereas, airline passengers and cargo users have registered a consistent and growing demand for air travel during the past decade, a demand that has created record passenger and cargo revenue contributing to our nation's economy; and

Whereas, the unprecedented growth in air travel has resulted in enormous needs for airport capacity, safety and security improvements and that $30 billion for these critical improvements is forecast in the next ten years; and

Whereas, the Aviation Trust Fund, designed by Congress to support the development or our nation's air transportation system, is funded entirely by taxes from aviation users and maintains an uncommitted Trust Fund surplus of some $6 billion; and

Whereas, the Congress passed the Airport and Airway Safety and Capacity Expansion Act of 1987 and in doing so, recognized that a safe and efficient air transportation system depends largely upon the continued investment in airport capital development; and

Whereas, the Congress authorized that $1.7 billion be expended from the Aviation Trust Fund for the Fiscal Year 1989 Airport Improvement Program; and

Whereas, the Department of Transportation requested only $1.2 billion for the Fiscal Year 1989 Airport Improvement Program;

Now, therefore, be it resolved, that the American Association of Airport Executives requests the following:

1. That the Congress provide for obligations of $1.7 billion for the Fiscal Year 1989 Airport Improvement Program;

2. That the Congress maintain the Operations and Maintenance (O&M) penalty clause so that O&M funding from the Aviation Trust Fund not exceed funding for the Trust Fund capital programs;

3. That the Congress maintain the trigger tax provision so that user taxes will be reduced in 1990 should the Congress fail to appropriate the authorized levels for the Airport Improvement Program and other Trust Fund capital programs; and

4. That the Congress remove the Aviation Trust Fund from the unified Federal budget and exempt the Trust Fund from budgetary constraints and limitations.

Resolution in Support of Increased Federal Government Commitment and Funding for Airport Capacity Research and Development

Whereas, it is clear that the most crucial issue facing American aviation today is the future capacity of the airport and airway system; and

Whereas, the aviation industry for years has forecast a serious airport capacity shortage and has called upon Congress to recognize the vital importance of airport capacity research and development; and

Whereas, the Federal Aviation Administration (FAA) created the Office of Airport Capacity Research and Development in 1985 resulting in increased priority and commitment to airport capacity research and development activities; and

Whereas, the Congress authorized $210 million, but only appropriated $153 million for Fiscal Year 1988 FAA research and development efforts, of which only 10 percent was actually allocated for airport capacity research and development; and

Whereas, the Aviation Trust, Fund, designed to pay for FAA's research and development activities, is funded entirely by user taxes and has an unobligated surplus of $6 billion;

Now, therefore, be it Resolved, that the American Association of Airport Executives requests the following:

1. That the Congress fund at least $25 million in FAA's Fiscal Year 1989 Research and Development budget for technological initiatives that can directly increase airport capacity; and

2. That the FAA maintain the present Office of Airport Capacity Research and Development and continue its commitment and priority to those airport capacity research and development projects that will have the most immediate and beneficial capability for increasing capacity.

Resolution Calling for Congress To Oppose Legislation Restricting Airport Capacity

Whereas, the 100th U.S. Congress is considering as part of the airline passenger protection bill (H.R. 3051), a provision requiring the Federal Aviation Administration (FAA) to set capacity limits on all airports enplaning more than two million passengers annually; and

Whereas, this provision, affecting approximately 50 airports, would require the FAA to restrict takeoffs and landings and force air carriers to adjust their schedules accordingly; and

Whereas, airport capacity restrictions are an ill-advised step toward re-regulation and would result in the reduction in airline service between the major hubs and small communities, would further reduce airline competition and new entrant opportunities, and would result in higher air fares;

Now therefore, be it Resolved, that the American Association of Airport Executives:

1. Opposes federally-imposed airport capacity restrictions as they are not a viable solution to airport congestion and airline delay problems, and requests that Congress reject this type of legislative effort; and

2. Requests that Congress provide increased funding for airport capacity projects and research and development initiatives, and support local governments' efforts to relieve congestion.

Resolution Expressing Opposition to Federal Government's Intervention on the Regulation of Off-Airport Operators and Landing Fees

Whereas, the 100th Congress is considering (1) legislation (H.R. 3764 and S. 1834) restricting an airport's ability to classify and charge off-airport businesses for their use of airport facilities for revenue producing purposes; and (2) legislation (H.R. 4074 and S. 2177) giving the Department of Transportation (DOT) veto power over proposed landing fees; and

Whereas, the Federal government has never regulated the fees airports charge off-airport businesses for the use of airport facilities, nor has it proposed that individual landing fees assessed by local airport operators be subject to the Federal government's approval; and

Whereas, Federal legislation restricting airports' ability to classify and charge off-airport car rental companies would seriously jeopardize current airport revenues, and disadvantage the traveling public by forcing on-airport car rental companies to go off-airport; and

Whereas, legislation requiring Federal government approval of local airport landing fees and other comparable charges intrudes upon airport proprietary rights unnecessarily since existing law provides remedies for unduly discriminatory charges or those which interfere with interstate commerce; and

Whereas, the Federal government presently requires, as a condition of eligibility for Federal airport grants, that airports maintain a fee and rental structure which will make the airport as self-sustaining as possible;

Now, therefore, be it resolved, that the American Association of Airport Executives requests the following:

1. That the Congress oppose legislation which would restrict airports' ability to classify and charge off-airport businesses, and that would subject local government's decisions regarding landing fees and pricing to Federal review and approval; and

2. That all businesses that derive revenue from their access to the use of airport facilities should contribute to making the airport self-sustaining, and that such firms, both on and off airport, should be subject to charges which help cover the costs of the airport's public use areas; and

3. No legislation should be enacted which permits Federal interference with landing fees and other similar charges

Resolution Supporting the Obligation of Airports To Charge Businesses That Access the Airport

Whereas, U.S. air carrier airports are owned and operated by state and local governments and are dedicated to serving their constituents without profit; and

Whereas, airports across the nation, many of which operate at a deficit, face ever-increasing costs for both landside and airside facilities to meet growing demands by airport passengers and commercial users; and

Whereas, a comprehensive survey of airports nation-wide indicates capital needs of more than $30 billion for improvements over the next five years; and

Whereas, local governments have an obligation to insure a competitive marketplace where all competitors fairly share in the costs of public facilities;

Now, therefore, be it Resolved, that the American Association of Airport Executives adopts the following:

1. That it is incumbent upon public airports to see that all businesses that derive income from their use of the airport contribute to making the airport self-sustaining; and

2. Airport sponsors should assure the equitable treatment of competitive businesses by assessing rational and comparable charges for economic benefits derived by access to the airport passenger market, as well as for facilities used.

A Resolution Calling for Flexibility in Enforcing the New FAR Part 139 Regulation

Whereas, on November 18, 1987 the Federal Aviation Administration (FAA) revised 14 CFR Part 139 "Airport Certification" to be effective January 1, 1988; and

Whereas, FAA took approximately two years promulgating this regulation but originally only gave airports 44 days to comply with the complex changes;

Whereas, the changes to FAR Part 139 have wide implications for all certificated airports; and

Whereas, the FAA extended the time period to February 29, 1988 for airports to file requests for exemptions from the new rule;

Now, therefore, be it resolved, that the American Association of Airport Executives commends the FAA's Associate Administrator for Airports, Robert L. Donahue, for his granting the extension to file exemptions to the new rule, and requests the FAA not to hold airports accountable for accomplishing or making changes required by the new airport certification regulation until their updated certification manuals are on file with FAA on January 1, 1989.

A Resolution Calling on the FAA To Review the New Vehicular Perimeter Gate Requirements

Whereas, the Federal Aviation Administration (FAA) mandated in December, 1987 that all vehicular gates permitting access to Aircraft Movement Areas (MOA) at FAR Part 107 airports be adjusted or modified so as to permit only one vehicle at a time to have access to an MOA; and

Whereas, airport operators have reported inconsistencies in the interpretation of this rule from FAA region to region; and

Whereas, the FAA should recognize that each individual airport has circumstances and needs that affect security and that these needs should be presented by the airport operator to FAA on an individual basis;

Now, therefore, be it resolved, that the American Association of Airport Executives (AAAE) encourages the FAA to review these control requirements with airport operators on vehicular gates permitting access to an MOA at FAR Part 107 airports, and adopt revised requirements that permit flexibility in implementing said controls on a site specific basis.

RESOLUTION TO OPPOSE NPRM ON ACCESS TO SECURE AREAS OF AIRPORTS

Whereas, the Department of Transportation (DOT) issued a Notice of Proposed Rulemaking (NPRM) on March 18, 1988, entitled "Access to Secure Areas of Airports" (No. 88-6); and

Whereas, the airport operators of the U.S. and the American Association of Airport Executives (AAAE) have been dedicated to improving security measures at our nation's airports; and

Whereas, a thorough review of the NPRM has been conducted by the AAAE Safety/Security Committee comprised of individuals representing a cross section of all sizes of U.S. airports; and

Whereas, this review has clearly indicated that the NPRM contains numerous inaccuracies in its intent of improving airport security; and

Whereas, the time frame proposed for the implementation of the NPRM and the costs associated with said implementation are unrealistic and inaccurate;.

Now, therefore, be it resolved, that the American Assocation of Airport Executives (AAAE) opposes the NPRM as written and calls for a complete review of its contents to bring forward the complexity of the issues that were neglected in the NPRM;

Be it further resolved, that AAAE calls for a complete cost/benefit study of the NPRM under the provisions of Executive Order 12291 to determine its full impact on the nation's airport and airway system; and

Be it further resolved, that AAAE joins with the Airport Operators Council International (AOCI) and the Air Transport Association (ATA) to propose a pilot program to involve several different sizes of airports to determine how a system could be implemented that would attain the overall goal of improving security on a nationwide basis.

TRADE BARRIERS

Mrs. KASSEBAUM. Mr. President, in the last week Senators have been expressing serious concern regarding yet another trade dispute with Japan. I want to associate myself with this effort to focus attention on what appears to be an unwarranted interference with American rights under the 1985 United States-Japanese memorandum of understanding governing express air cargo service.

Under the terms of this agreement, both nations committed to facilitate direct service and to minimize obstacles to doing such business. The Japanese have been enjoying unrestricted access under the agreement which was finally to be fully reciprocated last month. At the 11th hour, however, the Japanese Ministry of Transportation changed the requirement for shipping documentation. The result is that service has been suspended.

This behavior is not in Japan's long-term, self-interest. Japan is an important ally. Despite its success in many fields, however, Japan does not seem to fully recognize its position as a world economic power—and the responsibilities that entails. One responsibility is to afford mutual, nondiscriminatory access to its markets.

Federal Express won the competition to provide direct service. For some time now, if you wished to use Federal Express to deliver a package to Japan, the package would be carried to Japan by another air carrier, either Japanese or American. The package would be documented using Federal Express' multiple package system format for the airway bill. Federal Express has handled over 25,000 packages in and out of Japan using the MPS format.

Now, however, as the time has come under the memorandum of understanding for direct service in Federal Express' own planes, the Japanese Government informs it that the MPS format is unacceptable. The day before service was to commence, suddenly the Japanese unilaterally blocked the United States interests under the agreement.

Mr. President, this is the kind of case that inevitably feeds indignation over unfairness in the international marketplace. My only hope is that our Japanese friends will recognize how shortsighted this policy is before the United States is forced to escalate the dispute.

TRIBUTE TO SENATOR ROBERT C. BYRD, WEST VIRGINIA

Mr. JOHNSTON. Mr. President, we celebrate this year the 200th anniversary of the Senate of the United States, and the 30th anniverary of the year ROBERT C. BYRD came to Washington. By the end of this Congress, he will have served longer than all but 27 Senators elected in those 200 years. Since it is clear that West Virginia wants him here as long as he wants to be here—he is the only West Virginian to serve in both chambers of the State legislature, as well as both Houses of the U.S. Congress, to carry all 55 West Virginia counties in a contested general election, and to run unopposed for the Senate—I think it is safe to predict that he will finish higher than 28th.

The proud, God-fearing, hard-working citizens of West Virginia want him here because he reflects both what they are and what they want to be. He grew up in the shadow of hardship and adversity that has fallen over many of the beautiful valleys of his State, losing his mother in the terrible influenza epidemic of 1918, watching his foster father work long hours in the mines and rocky fields, graduating from high school at 16, valedictorian of his class and the best violinist in Stotesbury only to find that there were, literally, no jobs to be had. In the depths of the Depression, it took 6 months to find a job as a gas station attendant in Helen, Raleigh County, 4 miles from home. He walked both ways. It's the kind of story you used to hear all the time in West Virginia. Thanks to ROBERT BYRD, you don't hear it as much anymore.

He has fought for Federal projects to ensure the health and safety of the citizens of his State: The National Mine Safety and Health Academy in Beckley, the Appalachian Laboratory for Occupational Safety and Health in Morgantown, the Princeton Forestry Sciences Laboratory, the Appalachian Fruit Research Station, the Tug Fork flood control project. He has looked for ways to encourage jobs and industry: The $1 billion Clean Coal Technology Program and Software Valley to promote high-tech development. Above all, he has encouraged education; the Robert C. Byrd Honors Scholarship Program provides college scholarships to eligible students in every State.

These students will not have to, as he did, postpone college; they will not have to spend long years earning their degrees while working to support their families. BOB BYRD got his law degree cum laude from American University in 1963, 29 years after he graduated from high school. President Kennedy spoke at the commencement that day and the university gave him an honorary degree. JFK quipped that it took him 10 minutes to receive what it had taken his friend Senator BOB BYRD 10 years to earn. What he knew, what we all know, is that in those 10 years BOB BYRD perfected the legal and legislative skills that have made him a masterful majority leader, one of the ablest and most successful political figures of our generation.

It is typical of ROBERT BYRD that he is not going home to Crab Orchard to rest on his abundance of well-earned laurels. Once again, he has put the needs of his electorate first. Or maybe it's just that he can't resist the temptation to take on another challenge, surmount another obstacle, demonstrate once more that for brains, courage, faith, dedication, and sheer hard work, you can't beat a man from West Virginia.

A GOOD MAN STEPS DOWN

Mr. PELL. Mr. President, this month a New Englander of remarkable talent and goodwill will give up the reins of leadership in student financial assistance in Rhode Island and retire to a small village in Maine. His departure will mark the end of a decade of dedicated service to our State and its citizens. Thus, it is with a combined sense of regret at his leaving and pride in his accomplishments that I rise to salute John Madigan.

In the 10 years he has been in Rhode Island, John has compiled an enviable record of accomplishment. As executive director of the Rhode Island Higher Education Assistance Authority, he has supervised an agency in which the amount of money going to deserving Rhode Islanders in the form of State scholarships and grants has increased more than 275 percent, from just over $3 million in 1978-79 to almost $8.6 million last year.

As executive director of the Rhode Island Student Loan Authority, John has managed an agency in which the amount of guaranteed loans has grown more than 225 percent, from just under $14 million in 1978-79 to almost $32 million last year. John's leadership has been crucial in this period, and his retirement will leave a void that will be hard to fill.

Born and reared in Massachusetts, with a college education from Boston College, and work experience in student aid in Massachusetts, Maine, and Rhode Island, John is a New Englander through and through.

His professional career has been one of dedication and commitment to the education of the young people of our State and our region. He is both respected and admired by his peers. He is known for his remarkable intelligence and the warmth of his friendship. But most of all, anyone and everyone who knows John immediately knows also his unique and sparkling sense of humor.

Mr. President, I join my fellow Rhode Islanders in saluting John Madigan and in wishing him the best that life may offer in the years ahead. And, I know also that my fellow Rhode Islanders join me in saying to John—for your heart, your humor and your humanity, thank you for a job well done.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is now closed.

FAMILY SECURITY ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1511 which the clerk will state by title.

The bill clerk read as follows:

> A bill (S. 1511) to amend IV of the Social Security Act to replace the AFDC program with a comprehensive program of mandatory child support and work training which provides for transitional child care and medical assistance, benefit improvement, and mandatory extension of coverage to two-parent families, and which reflects a general emphasis on shared and reciprocal obligation program.

The Senate resumed consideration of the bill.

Mr. BYRD. Mr. President, I wish to take note of the presence on the floor of our distinguished friend and colleague, the able Senator from Pennsylvania [Mr. SPECTER]. We have missed him during these last few days. I understand that he has had a slight operation, but he appears to be convalescing well. He has every appearance of being very hale and hearty. I welcome him back and tell him again that we missed him and are glad that he is back with us.

Mr. SPECTER. I thank the distinguished majority leader for these very generous comments.

I would say that rather than convalescing, I am ready for action. It is hard to be away from the Senate at any time, but especially when there are so many important and interesting activities.

I was absent for the vote on the trade bill, but I might say to the distinguished majority leader that I had it worked out to come if it were indispensable if it were a determative vote. I did not want to come and create a ruckus if it were not.

I persuaded my doctors on Friday to release me long enough with a little extra injection to come and vote Friday morning and go back to the hospital. They had to get a little cumulative level on blood thinner to make sure that my tough blood was going to be able to keep going.

But I am back and in good spirits, and I hope in good form. I am very grateful to the distinguished majority leader for his acknowledgement this morning, and I am ready to proceed on the bill.

I thank the Chair and I thank the distinguished majority leader.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BREAUX). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

Mr. President, the subject of welfare reform that the Senate is considering at the moment is one of enormous importance, both in terms of human costs and in terms of dollar costs.

This Senator believes that it is imperative that Congress move ahead as expeditiously as possible to deal with this issue in a realistic way, which will move people from the welfare rolls with a legislative enactment which will enable us to give people a handup and not a handout.

The dollar costs of welfare are enormous. The human costs of welfare in the poverty cycle are enormous and it is a matter of great importance that the Congress tackle this issue in an effective way.

At the outset, I compliment the distinguished Senator from New York, my colleague, Senator MOYNIHAN, for his prodigious work and for the enormous accomplishments which the legislation which he has authored and brought to the floor today bring to this juncture. This Senator has some concerns about whether there is a correct approach on certain of the critical issues, and Senator MOYNIHAN and I have had numerous discussions, and these are issues which I seek to address this morning in this opening statement and most probably will address during the course of the debate on the bill with an amendment or two.

But I acknowledge the enormous contribution that the distinguished Senator from New York has made over the years, over decades, from his famous pronouncement on benign neglect, to his careful, studious, detailed analysis of the issue in hearings, on the floor and off the floor, to the point where the matter has been brought today.

Mr. President, at the outset, I think it is very important to note that the welfare problem is not predominantly a black problem, with the statistics showing that welfare rolls include 41.9 percent black, 41.3 percent white, and the balance Hispanics, Asians, and native Americans.

It need not be relayed in great detail on the Senate floor, Mr. President, the human costs involved in the poverty cycle which intimately involves welfare. But some sharp focus should be directed at the outset to the enormous economic costs of welfare, because many will say, "Let us look at what a welfare reform plan is going to cost the U.S. Government." And that is a fair question.

This Senator fervently believes that a carefully crafted welfare reform program would be cost effective and would, in the relatively short run, save money rather than cost money. Let us look at some of the basic costs of welfare in this country today.

The direct costs of AFDC for fiscal year 1987 was $16.6 billion. The annual costs of Medicaid, $12.8 billion. The annual cost of Federal, State, and local housing exceeds $10 billion. The annual lost earnings from 4 million adult recipients of AFDC, who could contribute to the U.S. economy if they could find work, approximates $40 billion, assuming a relatively modest salary of $10,000 per year. The cost of truancy, dropouts, and remedial education are estimated at $20 billion per year.

Mr. President, one other major cost should be considered, although it is hard to calculate and candidly raises questions of fairness, and that is the related costs of crime. To raise this issue is neither to assess blame nor to provide excuses for antisocial conduct. Broken homes, one-parent families, slum housing, and exposure to the drug subculture spawns truants and juvenile delinquents, many of whom become youthful offenders and some of whom become career criminals.

The factors relating to poverty as they bear on the welfare cycle constitute a realistic consideration in assessing the total cost of crime. From a pragmatic point of view, many will be motivated to act on the underlying problems of poverty and welfare if they see the value of reducing the large, direct economic cost of crime and the even larger, indirect pain, suffering, and psychological stress of the victims of crime. Adding crime into the calculus is important to the poor, not only as a strong reason to break the welfare cycle, but because the poor are so frequently the victims of that crime.

Like the cost of welfare, the economic losses due to crime are hard to assess. While not documented in a comprehensive form, the Bureau of Justice Statistics tabulates losses from robbery, burglary, arson, auto theft, and drug abuse at $112.1 billion from reported offenses. The real cost is obviously much higher, depending on the calculation from losses from unreported crimes. The price for the Nation's criminal justice system, including police, criminal courts, and corrections totals $45.6 billion and private security systems costs an additional $22 billion.

Without further research and study, it is not advisable to try to quantify the costs of crime relating to poverty in the welfare cycle. However, given the tabulation of other costs, it is safe to conclude that the total economic costs of the welfare cycle significantly exceed $10 billion. That dollar is multiplied many times over when we add the human costs for millions of people on welfare who are victims of broken homes, crushed lives, and shattered dreams.

Mr. President, at the outset, I make some extensive reference to the cost factor because I think, in a significant measure, the success of our welfare reform bill will be viewed by many in terms of dollars and cents. But I believe a strong case can be made that not only in the long run but in the relatively short run it would be cost effective to have a welfare system which moved men and women from the welfare rolls to the payrolls and, instead of a handout, gave them a hand up.

But, in order to achieve this result, the Welfare Reform Program is going to have to be carefully calculated to provide an appropriate transition, a transition where two-parent families are not taken off of AFDC for a time sufficient for job training to enable one of both of those parents to be able to move into the job cycle.

This Senator is very concerned about the provision in the pending legislation which allows a State to take a two-parent family off of AFDC in only 6 months, because this Senator believes, supported by the statistics and the experts, that that is a totally insufficient period of time to enable the man or the woman to undertake job training and to be able to enter the work force. And unless there is a bridge and a transition from the welfare roll to the payroll, this welfare plan is not going to succeed.

This Senator is further concerned about the critical issue of whether Medicaid will be extended long enough to enable the welfare family to move on to the payroll. There has to be a sufficient bridge so that job training can be undertaken and that the person will be able to cover his expenses, including his medical coverage, until there is an adequate transition to the payroll and a company sponsored health plan. Mr. President, this Senator conceives this to be the central issue on a Welfare Reform Program which will work.

This Senator is further concerned that there is not sufficient targeting of specific services under the current legislation to those welfare recipients who have been on welfare for a long period of time; for example, those who have been there 2 years or more. This Senator is concerned that if the vast discretion lodged in the Governor and the States—and I understand the reasons behind having great discretion with the State government and I agree with the principles of federalism—but this Senator is concerned that there may be an incentive for so-called creaming; that is, to deal with those who are least disadvantaged, less problemsome, taking those out of the welfare cycle, show some good statistics but not deal with the really tough people on welfare.

I will introduce for purposes of the record the statistical studies which show creaming in this country today, where there is discretion at State governmental levels or other governmental levels. They take the cream of the crop, give them training, but the hardcore unemployed, those who have been on the system 2 years or longer, are not so accommodated.

Mr. President, another concern which this Senator has involves the issue of participation of community-based feeder programs. This Senator has worked hard to get recognition of such programs included in the job training provisions. I may do it again by amendment. I am delighted to have this opportunity to discuss the matter and I thank the distinguished Senator from New York for his attention and his consideration. Not that we have not talked about these issues before, but one more time is always helpful.

But there are many community-based feeder organizations which have demonstrated their capability to succeed. I refer now to OIC, Opportunities Industrialization Centers; the National Urban League; SER; Jobs for Progress; the United Way of America; 70,001; the National Puerto Rican Forum; and the National Council of La Raza.

These groups, I believe, should receive attention in the legislation. The precise crafting I am prepared to discuss and negotiate. I want to see to it that these organizations which have had experience in job training and have a very strong core understanding of this problem are a part of the service delivery system.

This is an issue which this Senator pressed in amendments to Senator KENNEDY's JEDI legislation which was passed on this floor. My amendments and proposals brought programs like those of Dr. Sullivan and OIC into the service delivery mix.

I believe such an inclusion is necessary in this legislation as well. The ability of these community-based feeder organizations has been recognized in legislation amending the Carl Perkins Act, which was started back in 1983, after this Senator had discussed with Dr. Sullivan, the need to provide prevocational literacy training to severely educationally disadvantaged youth Dr. Sullivan brought to my attention the fact that many youngsters could not get job training because they did not know how to read and write. There was not sufficient literacy as a background for job training.

At the time, in the mid-eighties, 1983 and 1984, when very few new programs were coming out of this Congress because of budget constraints, we were able to move that one through with Congressman NATCHER, chairman of the House Labor and Health and Human Services Appropriations Subcommittee and with those of us working on the Senate side. We provided a recognition of these community-based feeder organizations which have had a tremendous amount of experience training disadvantaged populations.

So it is the very strong view of this Senator that S. 1511 be crafted in a way which utilizes that tremendous experience and which makes it a part of this legislation.

Mr. President, this is a good point to make a part of the record, legislation which this Senator has introduced in the past. But I might say, Mr. President, by way of a brief reference, my own personal longstanding commitment to the problems of welfare and the problems of poverty. I received vast educational experience at the age of 18 when I moved from Russell, KS, to Philadelphia, PA. I learned more about sociology by taking the subway to the Penn campus than I did in the sociology class.

I was not without some background and experience in some of the problems of welfare in Russell, KS. My distinguished colleague, Senator DOLE, spoke often about this subject both on and off this Senate floor, of his own experiences with welfare when he was county attorney in Russell County, KS. So you can learn something about the welfare problems whether you live in the rural areas, or in a small agricultural-oil community.

But the move to Philadelphia was a very different sort of an awakening, when as a teenager, I went to college at Penn and saw the problems of a city like Philadelphia.

A decade later, in the late 1950's, when I was an assistant district attorney, I learned a great deal more about the problems of poverty and the interrelation of jobs and housing and education and welfare and the interrelations of crime. It was at that time, in the early 1960's, as an assistant district attorney that I met Dr. Leon Sullivan. His story is a success story known around the world. So I shall do little more than a parenthetical reference to it this morning.

Dr. Sullivan moved into a police station at 19th and Oxford. I recall the police station very well, having been an assistant district attorney. We had hearings in the police district every morning at 9 o'clock, a hearing for people who had been arrested in the previous 24 hours. If you wanted a real experience in sociology and jurisprudence and plain living, you should have gone there. It is not quite like that anymore because now you have 3 to 10 days for an arraignment and it is a very difficult setting.

But to see people on Sunday morning who were arrested on the preceding Saturday night, people with enormous scars, people livid with anger over their television sets being stolen; people livid in anger over being the victims of armed robbery at gunpoint; and homicide cases coming into that magistrate's court in Philadelphia at 19th and Oxford was quite an experience.

In January 1964 that scene was very sharply changed because the city built a new precinct at 17th and Montgomery and Dr. Sullivan took over that building and started OIC. It was only 24 years ago, but that was the start of Opportunities Industrialization Centers.

Later, as district attorney I had considerable responsibilities beyond the prosecution of crime and I got to deal with some of the welfare issues. In the late sixties, almost 20 years ago, I brought prosecutions on welfare fraud. I am not sure how many such prosecutions there had been in the country but these were among the first. Welfare fraud was just then being investigated and we had enormous computer printouts from the Commonwealth of Pennsylvania. It was a very important matter, and we had to be very careful to make sure the prosecutions were very well founded. It was important to conserve the public money.

So my concern about welfare reform goes back a long way.

When I tackled these issues in the Senate and conferred with Senator MOYNIHAN and talked with John Jacob and Dr. Sullivan and others who were very knowledgeable in this field I decided to press for some of these issues, which had represented the experience of those who had been in the field. On June 18, 1986, Senator MOYNIHAN and I introduced welfare reform legislation denominated S. 2578 and S. 2579. My statements, Mr. President, and the bills, are relatively brief. I think it worthwhile to include them in the Record at this point, which will give some greater detail as to my thinking on the subject and perhaps some insights as to the evolution as to how the legislation has come today.

I ask unanimous consent that this be printed in the RECORD.

Mr. President, in the 100th Congress, I introduced the legislation with Senator DODD as the cosponsor because Senator MOYNIHAN moved ahead on a more expansive bill which has reached the floor today, but I would ask unanimous consent that the text of my statements and bills be printed again in the RECORD.

And, Mr. President, while including background for the RECORD, I would like to have printed in the RECORD a speech which I made last year before the National Urban League in Houston, TX; which includes statistics and some of the facts and figures to which I have already referred. I think it worthwhile to put the full text and my thinking into the RECORD, which will abbreviate and shorten my remarks on the floor at the moment.

Mr. President, it is against this background of my own involvement in the problem in a number of dimensions: as resident of a rural community, as a resident of a big city, as a student in a major metropolitan area, as an assistant prosecutor, later as a district attorney, always as a citizen and now as a Member of the U.S. Senate, that I am seeking to work with the distinguished Senator from New York and others in fashioning this legislation.

I have been concerned, Mr. President, with the caveats expressed by the National Urban League in terms of their concerns about S. 1511 on targeting long-term AFDC recipients as priority people for the program.

I think it may be useful for my colleagues who may not have seen it to have advantage of it in the CONGRESSIONAL RECORD. It is relatively short.

I ask unanimous consent that it be printed in the RECORD at the conclusion of my statement.

Mr. President, I similarly ask unanimous consent to print in the RECORD a two-page letter from the American Jewish Committee, again, raising questions about S. 1511.

Similarly, I ask unanimous consent to print in the RECORD a one-page letter from the National Council of La Raza, requesting opposition to S. 1511 for the reasons, some of which I have mentioned, and others specified herein. I think it important to put these comments on the record so we can deal with them and try to solve them because that is our objective at this juncture.

Mr. President, I ask unanimous consent to print a three-page letter from the Coalition on Human Needs, again, raising concerns and urging opposition to S. 1511.

Finally, Mr. President, a two-page memorandum from the League of Women Voters along the same line.

Mr. SPECTER. Mr. President, my objective is not to oppose S. 1511. My objective is to support S. 1511, notwithstanding the very extensive work that Senator MOYNIHAN and I have done in the past. I was flattered when he came to see me one day. We Senators do not often go to see other Senators. I do from time to time. I think Senator MOYNIHAN probably went to see more than 90 Senators. He has 61 cosponsors at this point. Perhaps more. I do not know.

Mr. MOYNIHAN. Sixty-four.

Mr. SPECTER. I suspected there might have been more than 61. I am surprised there are not 98 or 99 at this juncture. I hope to be one of the cosponsors of this bill by the time it is finished, but I candidly desisted from joining as a cosponsor.

It is not too hard to be a cosponsor. Sometimes when a Senator knows less, he or she is more apt to be a cosponsor—I say that respectfully—than when there has been greater participation and interest getting into the debate on the Senate floor and getting into the details and trying to work the matter out.

I believe this bill has come a long way, and it is due to the leadership of Senator MOYNIHAN, who is our acknowledged dean on this subject and knows in greater detail more than I believe any of us here.

Others have contributions to make, but I am concerned about the waiver provisions that could leave within the hands of Governors the ability to give less to welfare recipients than they receive now. That would be possible. I am sure it is not intended by the bill, but we know that not all State administrations, have the Moynihan perspective or the Specter perspective.

So this Senator believes it is necessary to maintain certain minimum standards and certain requirements by way of categorical requirements from Washington.

Observant as I am of the interest in federalism, leaving as much as possible to local control, I have expressed concerns to avoid creaming, to see we are targeting not only those who are at the top, and I think they should be attended to, but similarly to those at the bottom; and that we make it possible for two-parent families to move off the welfare rolls and on to the payrolls.

Candidly, I say 6 months is not long enough to maintain AFDC and to complete job training and provide Medicaid. It is not a long enough period of time to be able to structure the transition from the welfare rolls to the payrolls.

I believe, again, with slight repetition—I do not want to overdo it—we should bring the community-based feeder programs into the program.

Those are my opening comments. As I say, I look forward to working with the distinguished Senator from New York and others to craft a bill which will meet America's needs. I believe it will save us money, not only in the long run, but pretty much in the short run. I believe it will take many people out of human misery. The human interests are overwhelming; the economic interests are overwhelming. I look forward to working with the Senator from New York to craft that legislation.

Various organizations who have lobbied against this bill will be brought on board and together we can craft a bill of great importance to the country.

I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

By Mr. SPECTER (for himself and Mr. MOYNIHAN):

S. 2578. A bill to provide, through greater targeting, coordination, and structuring of services, assistance to strengthen severely economically disadvantaged individuals and families by providing greater opportunities for employment preparation, which can assist in promoting family economic stability; to the Committee on Labor and Human Resources.

S. 2579. A bill to amend part A of title IV of the Social Security Act to promote the transition of severely economically disadvantaged individuals to unsubsidized employment; to the Committee on Finance.

EMPLOYMENT ASSISTANCE LEGISLATION

Mr. SPECTER. Mr. President, today, my distinguished colleague Senator MOYNIHAN and I are introducing major welfare reform legislation to help get people off the welfare rolls, and place them on the pay rolls. This legislation is geared to turning existing government policy away from breaking up the family, and will implement policies which will help strengthen the family unit: Our bills, the Opportunities for Employment Preparation Act and the Aid to Families and Employment Transition Act will give poor people a needed "hand up" instead of the traditional "handout."

This legislation targets severely economically disadvantaged families, and assists them in obtaining employment preparation and support services which would promote family economic stability. The priority population for this initiative is Aid to Families with Dependent Children [AFDC] beneficiaries, and unemployed two-parent families where the principal wage earner has not had steady employment for over 2 years.

Recently, particular concerns have been raised about the plight of the black family in America. On February 4, 1986, at a press conference in my Washington office, my good friend, Rev. Leon H. Sullivan, founder and chairman of OIC of America, discussed his concern about the decline of the black family, and the increasingly negative impact of unemployment, teenage pregnancy, female headed households, poverty, and existing Government policies on this problem. I offered my assistance in helping promote pro-family policies by developing legislation which would enable poor black, Hispanic, and other needy families to gain greater access to employment preparation opportunities. Subsequently, my office worked with OIC and the National Urban League to develop the legislation which Senator MOYNIHAN and I are offering today.

I unveiled the concept of this package at the OIC 22d Annual Convocation in San Antonio, TX, on Monday, May 26, 1986, at a joint press conference with Rev. Sullivan and John E. Jacob, president of the National Urban League, both of whom endorsed the concept. Mr. Jacob views my legislation as an initiative which addresses the gross misapplication of the Nation's resources, both financially and humanwise. He expressed the view that my initiative would help the United States take advantage of the Human resources that we have in the Nation.

Rev. Sullivan, who has long been the Nation's foremost expert in job training, hails this initiative as an important step in helping to strengthen needy families and aiding them in becoming financially independent.

Today, more than ever before, poor black, Hispanic, and white families are in need of a hand up. As chairman of the Senate Juvenile Justice Subcommittee, and cochair of the Senate children's caucus and I know what growing up in poverty does to our children—our next generation—our future leaders:

First. Twenty percent of the children growing up in America—over 14 million children, are growing up in poverty.

Second. In female-headed households, more than 50 percent of all children are poor.

Third. Female-headed households rose from 4.5 million in 1960 to 10.1 million in 1985.

Fourth. Female-headed households are likely to remain poor for longer periods than two-parent families.

Fifth. Almost half of all black families are headed by women; the poverty rate of black female headed households is 67 percent.

Sixth. Although black female headed families constitute only 4 percent of the population, they constitute 33 percent of all poor households that remain in poverty for more than 8 consecutive years.

Poverty has special disadvantages for children because its effects are cumulative. A child born into poverty will have difficulty acquiring the skills that could enable him or her to eventually break out of the cycle of poverty.

If these children—our children are to have a chance to break out of this cycle of poverty, their parents must be given the opportunity to earn their own way with skills and jobs.

Encouraging strong and stable families has long been regarded as an important Federal policy goal. In reality, however, Federal policy has been passive, if not downright destructive in the face of some problems currently affecting the family unit. Despite a social policy which favors economic self-sufficiency for most persons, no serious large scale effort has been made to help long-term Aid to Families with Dependent Children [AFDC] adults benefit from mainstream employment training and education programs which would help them to qualify and compete for jobs that would enable them to support their families.

AFDC was established as part of the Social Security program during the Depression to provide cash benefits to impoverished mothers, most of whom were widows raising children in the absence of a male breadwinner. The program is a Federal/State initiative with the Federal Government paying about 55 percent of the costs.

Contrary to popular myths, many welfare mothers are highly motivated and want to support themselves, but work programs and employment training initiatives must provide adequate support services such as child care, transportation to work or to training, and remedial education in basic skills. Essentially what is needed is a combination of counseling, training, social support services, and work experience which meet the needs of the trainee, and which prepares her for employment. And this program must reach down further than the cream of the crop to help long-term welfare and long-term unemployed families. To be effective, we must reach those families who remain untouched by the employment training activities taking place in this country, and who are therefore at a very high risk for long-term dependence on government assistance.

In addition, as we seek to help families become independent, we must remove barriers created by government, which require that families be broken apart before the government will provide income assistance. Currently, 24 States deny AFDC benefits to families with an able-bodied father in the household. Such regulations have a devastating effect on black and other minority families where high unemployment rates, and the decline of industry make it extremely difficult for unskilled and semiskilled males to provide adequate support. My legislation addresses these issues.

These bills, the Opportunities for Employment Preparation Act and the Aid to Families and Employment Transition Act, are a three-part initiative. The opportunities for Employment Preparation Act amends the Job Training Partnership Act to establish a "feeder" system utilizing community-based employment training programs like OIC, the National Urban League, SER-Jobs for Progress, United Way of America, 70,001, the National Puerto Rican Forum, and the National Council of LaRaza, to conduct outreach and provide preemployment services which will enable long-term AFDC recipients and long-term unemployed participants from two parent families to have greater access to, and benefit more fully from, employment preparation opportunities available through the Job Training Partnership Act [JTPA], adult and vocational education programs, or other educational preparation which can lead to employment.

The outreach and feeder system is based on the OIC model, and will offer a range of services which include:

Skills assessments for participants.

Registration with the Bureau of Employment Security.

An 8-week internship for participants with no work experience, or who wish to try a different type of work setting. The internship is preceded by a structured search and interview process.

Educational preparation and basic skills development to increase literacy and computational skills.

Programs to strengthen the attitude and motivation of youth toward the world of work.

Parenting, home and family living skills and nutrition and health education targeted to teenage parents.

Guidance and counseling to assist participants with occupational choices and with the selection of employment preparation programs.

Counseling and information and referral to assist participants experiencing personal or family problems, which may cause severe stress, and lead to poor performance, or dropping out of training.

Following the preemployment program, participants will be able to go on to employment training, including vocational and adult education, community college programs, or other postsecondary programs. Another skills assessment will be conducted, and the participant can then participate in on the job training [OTJ] and other appropriate services available under the Job Training Partnership Act.

The Aid to Families and Employment Transition Act amends title IV of the Social Security Act to provide that AFDC beneficiaries making the transition to unsubsidized employment shall have the first year of salary excluded from determination of AFDC eligibility. Further, AFDC benefits will not be forfeited in a family where a second parent returns to the household, if at least one parent participates in an employment preparation program.

In addition, it provides that persons making a transition to unsubsidized employment shall maintain medicaid coverage until eligible for an employer health plan, or for a period not to exceed 15 months.

Mr. President, this legislation seeks to assist AFDC and long-term unemployed families off the welfare rolls, and place them on the pay rolls. This package is geared to turning the effect of existing government policy away from breaking up the family, and provide a means to implement policies which help strengthen the family unit.

Mr. President, in fiscal year 1985 the Federal share of the AFDC program was approximately $9 billion dollars. The Department of Health and Human Services projects that the Federal tab will total $9.3 billion in fiscal year 1986. According to the National Conference of State Legislatures combined spending for welfare totals approximately $63 billion. This plan will use existing funds and will be cost neutral.

Our Nation cannot afford the long-term costs of failing to create training and employment opportunities for the poor. The only way America will be able to continue to compete in the world's markets if it makes maximum use of a productive, trained work force. A better trained, more highly skilled work force would mean spending fewer Federal dollars on welfare programs while returning higher tax revenues.

Mr. President, the task before us is clear. We must provide greater opportunities for training, embrace policies which help create employment, and strengthen efforts to equalize opportunities so that poor families can get a hand up instead of being forced into receiving a hand out. This legislation which Senator MOYNIHAN and I are introducing today is a vital first step in that process.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD at this point.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2578

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Opportunities for Employment Preparation Act of 1986".

SEC. 2. It is the purpose of the amendments made by this Act to provide, through greater targeting, coordination, and structuring of services, assistance to strengthen severely economically disadvantaged individuals by providing greater opportunities for employment preparation, which can assist in promoting economic family stability.

SEC. 3. Section 4 of the Job Training Partnership Act (hereafter referred to in this Act as the "Act") is amended by adding at the end thereof the following new paragraph:

"(29) The term "severely economically disadvantaged" means individuals—

"(A) who receive benefits under a State plan approved under part A of title IV of the Social Security Act, relating to aid to families with dependent children, for a period of 2 years prior to the date on which the determination is made and includes individuals who are parents of young children who have left the household of the family, lived separately from the family, and returned to the family unit; and

"(B) who have been unemployed or who have been without city employment for a period of 2 years prior to the date on which the determination is made.

SEC. 4. (a) Section 104(b) of the Act is amended—

(1) by redesignating clauses (7) (8), (9), and (10) as clauses (8), (9), (10), and (11), respectively; and

(2) by adding after clause (6) the following new clause:

"(7) a description of the procedures and methods of carrying out the outreach and training activities for severely economically disadvantaged individuals required by section 109;".

(b) Part A of title I of the Act is amended by adding at the end thereof the following new section:

"TARGETED ASSISTANCE FOR SEVERELY ECONOMICALLY DISADVANTAGED INDIVIDUALS

"SEC. 109. (a) The job training program in each service delivery area shall establish a feeder system utilizing community based organizations such as OIC, the National Urban League, the National Council of La Raza; and 70,001 to conduct outreach and provide preemployment services to severely economically disadvantaged individuals in order to provide such individuals greater access to and benefit more fully from employment opportunities available under this Act and to prepare such individuals for gainful employment.

"(b) The outreach and feeder system established by subsection (a) of this subsection shall include—

"(1) skills assessment for participants;

"(2) registration with the Bureau of Employment Security;

"(3) preemployment training including an eight week internship;

"(4) employment training including vocational, adult, and community college and other postsecondary programs;

"(5) on-the-job training and other employment preparation activities available under this Act.

"(c)(1) Preemployment training required by clause (3) of subsection (b) shall include structured search for an eight week internship with a private or public agency. Each participant must search and interview for placement from a list of options provided by community based organizations. The internship shall be designed for program participants with no previous work experience, or who need or wish to try a different type of work setting. Preemployment services provided shall include—

"(A) educational preparation and basic skills development to increase literacy and computational skills;

"(B) Program developed to strengthen the attitude and motivation of youth to achieve and succeed in the world of work;

"(C) guidance and counseling to assist participants with occupational choices and with the selection of employment preparation programs;

"(D) counseling and information and referral to assist participants experiencing personal or family problems, which may cause severe stress, and lead to poor performance or dropping out of the program; and

"(E) parenting, and home and family living skills, including nutrition and health education, targeted to teenage parents.

"(2) Participants in training activities under this section shall receive supportive services, including child care and transportation assistance, notwithstanding any other provision of this Act relating to cost limitations or expenses.

"(d) The performance standards for the program authorized by this section shall be the performance standards prescribed for youth under section 106(b)(2) of this Act.

"(e) Notwithstanding any other provision of law, unless enacted in the express limitation of this subsection, the amount of any benefits received under this Act (including scholarships and educational assistance) participants in the program authorized by this section shall not result in the loss of or the decrease in any other benefits (including AFDC and food stamps) to which the recipient is entitled under any provision of Federal law.".

(c) Section 121(b) of the Act is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by adding after paragraph (2) the following new paragraph:

"(3) The plan shall include a description of the agreement between the private industry council, the public welfare or public assistance agency of the State, and the designated community based organizations involved in the targeted assistance required by section 108, together with the manner in which the State will coordinate vocational education, adult education, other training programs authorized by Federal law, and employment preparation programs to benefit the participants of the program authorized by section 109.".

S. 2579

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Aid to Families and Employment Transition Act of 1986.".

SEC. 2. AFDC EARNED INCOME DISREGARD FOR SEVERELY ECONOMICALLY DISADVANTAGED INDIVIDUALS.

Section 402(a)(8)(A) of the Social Security Act is amended—

(1) by striking "and" at the end of clause (vi); and

(2) by inserting after clause (vii) the following:

"(vii) notwithstanding clause (v), shall disregard—

"(I) the income of any child, relative, or individual specified in clause (ii) that is derived from a program established pursuant to the amendments made by the Opportunities for Employment Preparation Act of 1986, and

"(II) the income of an individual specified in subclause (I) that is derived from unsubsidized employment obtained pursuant to the program specified in such subclause, for the 12-month period following the initial placement of the individual; and".

SEC. 3. MEDICAID COVERAGE FOR SEVERELY ECONOMICALLY DISADVANTAGED INDIVIDUALS.

Section 402(a)(37) of the Social Security Act is amended—

(1) by inserting "(A)" after "(37)"; and

(2) by adding at the end the following:

"(B) provide that, in any case where a family would cease to receive aid under the plan but for subclause (II) of paragraph (8)(A)(viii), such family shall continue to be eligible for medical assistance under title XIX for the period beginning with the first day of the 12-month period specified in such subclause and ending with the earlier of (i) the date on which the family becomes eligible to participate in a group health plan maintained by an employer, or (ii) the last day of the 3-month period immediately following such 12-month period.".

SEC. 4. AFDC COVERAGE FOR CERTAIN 2-PARENT FAMILIES.

Section 402 of the Social Security Act is amended by adding at the end the following:

"(i) The term 'dependent child' shall, notwithstanding section 406(a), include a needy child who meets the requirements of section 406(a)(2), who lives with both parents, and at least one of the parents is a participant in a program established pursuant to the amendments made by the Opportunities for Employment Preparation Act of 1986 or is in the 12-month period specified in subsection (a)(8)(A)(viii)(II).".

SEC. 5. EFFECTIVE DATE.

(a) In General.—Except as provided in subsection (b), the amendments made by this title shall become effective on the date of the enactment of this Act.

(b) Exception.—If a State agency administering a plan approved under part A of title IV of the Social Security Act or under title XIX of such Act demonstrates, to the satisfaction of the Secretary of Health and Human Services, that it cannot, by reason of State law, comply with the requirements of an amendment made by this Act to which the effective date specified in subsection (a) applies, the Secretary may prescribe that, in the case of such State, the amendment will become effective beginning with the first month beginning after the close of the first session of such State's legislature ending more than 30 days after the date of the enactment of this Act. For purposes of the preceding sentence, the term "session of a State's legislature" includes any regular, special, budget, or other session of a State legislature.

By Mr. SPECTER (for himself and Mr. Dodd):

S. 280. A bill to provide, through greater targeting, coordination, and structuring of services, assistance to strengthen severely economically disadvantaged individuals and families by providing greater opportunities for employment preparation which can assist in promoting family economic stability; to the Committee on Labor and Human Resources.

By Mr. SPECTER (for himself and Mr. Dodd):

S. 281. A bill to amend part A of title IV of the Social Security Act to promote the transition of severely economically disadvantaged individuals to unsubsidized employment; to the Committee on Finance.

WELFARE REFORM LEGISLATION

Mr. SPECTER. Mr. President, today, my distinguished colleague Senator Dodd and I are reintroducing major welfare reform legislation which will help severely disadvantaged families get off the welfare rolls and place them on the payrolls. The two-part initiative, the "Opportunities For Employment Preparation Act" and the "Aid to Families and Employment Transition Act" better utilizes existing Job Training Partnership Act [JTPA] funds and Aid to Families With Dependent Children [AFDC] and Medicaid benefits to provide an employment preparation and supportive service package to enable long-term welfare recipients to obtain jobs and support their families.

These bills were first introduced on June 19, 1986, as S. 2579, the "Opportunities for Employment Preparation Act" and S. 2579, the "Aid to Families and Employment Transition Act." Congressman Jack Kemp introduced companion legislation (H.R. 5064 and H.R. 5065) in the House on the same day.

These bills are an outgrowth of work which Rev. Leon H. Sullivan, founder and chairman of Opportunities Industrialization Centers of America [OIC], and I began in the 97th Congress when I introduced and gained passage of legislation to help provide literacy and job training for severely disadvantaged youth. That legislation is now title IIIA of the Carl Perkins Vocational Education Act, and represents the first time in history that community based training organizations were given a specific title in vocational education legislation.

Following the success of title IIIA. Reverand Sullivan and I discussed his concerns about the need for welfare families to receive job training during a meeting in my office on February 4, 1986. I offered my assistance in addressing this problem, and together with Reverend Sullivan and Mr. John E. Jacob, president and chief executive officer of the National Urban League, developed the legislation which Senator Dodd and I are reintroducing today.

Mr. President, although the Job Training Partnership Act has had notable success in providing job training, it is an acknowledged fact that programs often train and place those who are easiest to serve, and who often would have obtained jobs without Government intervention. Thus, those most in need, those most at risk for long-term Government dependency, often are left untouched by the job training opportunities that exist.

While the most severely economically and educationally disadvantaged remain unserved, millions of Federal Job Training Partnership Act funds remain unspent. As of June 30, 1986, $750 million in JTPA title IIA funds and $220 million for training dislocated workers had not been spent. Already some of my colleagues are viewing the job training carryover as a means of helping to reduce the deficit. Some of us would like to believe that these unspent funds are not needed for job training purposes. I vehemently disagree. What is needed is an outreach and feeder mechanism to enable us to better reach the hard-core disadvantaged. This is the purpose of the "Opportunities for Employment Preparation Act."

Under this legislation, the Job Training Partnership Act would be amended to allow community-based training organizations such as Opportunities Industrialization Centers of America [OIC], the National Urban League, 70,001, National Puerto Rican Forum, National Council of La Raza, Ser-Jobs for Progress, and the United Way of America, to conduct outreach efforts targeted to AFDC recipients of longer than 2 years and to two parent families where the principal breadwinner has not had steady employment for over 2 years. Potential trainees who need it would participate in a pretraining program to provide them with the basic skills and orientation necessary to enable them to obtain maximum benefit from the education or training program they will enter. The pretraining services offered will include:

Skills assessments for participants.

Registration with the Bureau of Employment Security.

An 8-week internship for participants with no work experience, or who wish to try a different type of work setting. The internship is preceded by a structured job search and interview process.

Educational preparation and basic skills development to increase literacy and computational skills.

Programs to strengthen the attitude and motivation of youth toward the world of work.

Parenting, home and family living skills and nutrition and health education targeted to teenage parents.

Guidance and counseling to assist participants with occupational choices and with the selection of employment preparation programs.

Counseling and information and referral to assist participants experiencing personal or family problems, which may cause severe stress, and lead to poor performance, or dropping out of training.

Following the pretraining program, participants will be able to go on to employment training, including vocational and adult education, or community college programs. Another skills assessment will be conducted, and the participant can then participate in on-the-job-training [OJT] and other appropriate services available under the Job Training Partnership Act.

The Aid to Families and Employment Transition Act amends title IV of the Social Security Act to provide that AFDC beneficiaries making the transition to unsubsidized employment shall have the first year of salary excluded from determination of AFDC eligibility. Further, AFDC benefits will not be forfeited in a family where a second parent returns to the household, if at least one parent participates in an employment preparation program.

In addition, it provides that persons making a transition to unsubsidized employment shall maintain Medicaid coverage until eligible for an employer health plan, or for a period not to exceed 15 months.

Mr. President, our country is engaged in a vigorous debate about the future of Federal welfare policy. Many solutions are being offered to help better the lives of long-term Government dependents. I submit that, in the short and long run, the most meaningful way to help the poor is to provide them with the education, training and transition support services that will enable them to embrace the work ethic, earn their way with jobs and skills, and live in dignity as full members of our society.

In 1987, an estimated 4 million families will receive AFDC. Many of these families will be on our welfare rolls for 8 or more years unless they are given the opportunity to receive the training they need to compete for jobs. Easing the transition from welfare to the workplace will help us move more families off the rolls more quickly and, I am convinced, ultimately more than make up for any initial expense of these changes.

It is concern for our most serverely disadvantaged families which has prompted me to develop and introduce this legislation. Together with Reverend Sullivan, Mr. John Jacob, and Dr. Douglas Glasgow, vice president of the National Urban League, a package has been developed which can serve as a cornerstone of Federal efforts to prepare the poor for jobs and self-reliance.

Our Nation cannot afford the long-term costs of failing to create training and employment opportunities for the poor. The only way America will be able to continue to compete in the world's markets is if it makes maximum use of a productive, well-trained work force. A better trained, more highly skilled work force would mean spending fewer Federal dollars on welfare programs while returning higher tax revenues.

Mr. President, the task before us is clear. We must provide greater opportunities for training, embrace policies which help create employment, and strengthen efforts to equalize opportunities so that poor families can get a hand up instead of being forced into receiving the traditional handout. This legislation which Senator Dodd and I are introducing today is a vital first step in that process.

Mr. President, I ask unanimous consent that my statement, a letter summarizing the legislation, a news release indicating private sector support, a newspaper article discussing the legislation, and the text of the bills be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 280

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Opportunities for Employment Preparation Act of 1987".

STATEMENT OF PURPOSE

Sec. 2. It is the purpose of the amendments made by this Act to provide, through greater targeting, coordination, and structuring of services, assistance to strengthen severely economically disadvantaged individuals by providing greater opportunities for employment preparation which can assist in promoting family economic stability.

DEFINITION

Sec. 3. Section 4 of the Job Training Partnership Act hereafter referred to in this Act as the "Act") is amended by adding at the end thereof the following new paragraph:

"(29) The term 'severely economically disadvantaged' means individuals—

"(A) who receive benefits under a State plan approved under part A of title IV of the Social Security Act, relating to aid to families with dependent children, for a period of 2 years or more prior to the date on which the determination is made and includes individuals who are parents of young children who have left the household of the family, lived separately from the family, and returned to the family unit;

"(B) who have been unemployed or who have been without steady employment for a period of 2 years or more prior to the date on which the determination is made; and

"(C) who are not eligible under title III of this Act."

TARGETED ASSISTANCE FOR SEVERELY ECONOMICALLY DISADVANTAGED INDIVIDUALS AUTHORIZED

Sec. 4. (a) Section 104(b) of the Act is amended—

(1) by redesignating clauses (7), (8), (9), and (10) as clauses (8), (9), (10), and (11), respectively; and

(2) by adding after clause (6) the following new clause:

"(7) a description of the procedures and methods of carrying out the outreach and training activities for severely economically disadvantaged individuals required by section 109;".

(b) Part A of title I of the Act is amended by adding at the end thereof the following new section:

"TARGETED ASSISTANCE FOR SEVERELY ECONOMICALLY DISADVANTAGED INDIVIDUALS

"Sec. 109. (a) The job training program in each service delivery area shall establish a feeder system utilizing community based organizations such as OIC, the National Urban League, the National Council of La Raza, 70,001, National Puerto Rican Forum, Ser-Jobs for Progress, the United Way of America, and other community-based organizations of demonstrated effectiveness to conduct outreach and provide preemployment services to severely economically disadvantaged individuals in order to provide such individuals greater access to and benefit more fully from employment opportunities and placement available under this Act and to prepare such individuals for gainful employment.

"(b) The outreach and feeder system established by subsection (8) of this subsection shall include—

"(1) skills assessment for participants and assistance to participants with respect to the selection and referral for education and training;

"(2) registration with the Bureau of Employment Security;

"(3) preemployment training including an internship not to exceed 8 weeks;

"(4) employment training including vocational adult, and community college and other postsecondary programs; and

"(5) on-the-job training and other employment preparation activities available under this Act.

"(c)(1) Preemployment training required by clause (3) of subsection (b) shall include structured search for an internship with a private organization or public agency. Each participant must search and interview for placement from a list of options provided by community-based organizations. The internship shall be designed for program participants with no previous work experience, or who need or wish to try a different type of work setting.

"(2) preemployment services under subsection (b) provided may include—

"(A) educational preparation and basic skills development to increase literacy and computational skills:

"(B) programs designed to strengthen the attitude and motivation of youth to achieve and succeed in the world of work;

"(C) guidance and counseling to assist participants with occupational choices and with the selection of employment preparation programs;

"(D) counseling and information, referral, and follow-up to assist participants experiencing personal or family problems, which may cause severe stress, and lead to poor performance or dropping out of the program; and

"(E) parenting, and home and family living skills, including nutrition and health education, targeted to teenage parents.

"(3) The outreach and preemployment services required by this section may be offered in any service delivery area pursuant to an arrangement that includes one or more community based organizations and appropriate State and local public agencies.

"(d) Participants in training activities under this section shall receive supportive services, including child care and transportation assistance, notwithstanding any other provision of this Act relating to cost limitations or expenses.

"(c) The performance standards for the program authorized by this section shall be the performance standards prescribed for youth under section 106(b)(2) of this Act.

"(f) Notwithstanding any other provision of law, unless enacted in the express limitation of this subsection, the amount of any benefits received under this Act (including scholarships and educational assistance) by a participant in the program authorized by this section shall not result in the loss of or the decrease in any other benefits (including AFDC and food stamps) to which the participant is entitled under any other provision of Federal law.".

"(c) Section 121(b) of the Act is amended—

"(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

"(2) by adding after paragraph (2) the following new paragraph:

"(3) The plan shall include a description of the agreement between the private industry council, the public welfare or public assistance agency of the State, and the designated community based organizations involved in the targeted assistance required by section 109, together with the manner in which the State will coordinate vocational education, adult education, other training programs authorized by Federal law, and employment preparation programs to benefit the participants of the program authorized by section 109.".

S. 281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aid to Families and Employment Transition Act of 1987".

SEC. 2. AFDC EARNED INCOME DISREGARD FOR SEVERELY ECONOMICALLY DISADVANTAGED INDIVIDUALS.

Section 402(a)(8)(A) of the Social Security Act is amended.

(1) by striking "and" at the end of clause (vi); and

(2) by inserting after clause (vii) the following:

"(viii) notwithstanding clause (v), shall disregard—

"(I) the income of any child, relative, or individual specified in clause (ii) that is derived from a program established pursuant to the amendments made by the Opportunities for Employment Preparation Act of 1987, and

"(II) the income of an individual specified in subclause (I) that is derived from unsubsidized employment obtained pursuant to the program specified in such subclause, for the 12-month period following the initial placement of the individual, and".

SEC. 3. MEDICAID COVERAGE FOR SEVERELY ECONOMICALLY DISADVANTAGED INDIVIDUALS.

Section 402(a)(37) of the Social Security Act is amended—

(1) by inserting "(A)" after "(37"; and

(2) by adding at the end the following:

"(B) provide that, in any case where a family would cease to receive aid under the plan but for subclause (II) of paragraph (8)(A)(viii), such family shall continue to be eligible for medical assistance under title XIX for the period beginning with the first day of the 12-month period specified in such subclause and ending with the earlier of (i) the date on which the family becomes eligible to participate in a group health plan maintained by an employer, or (ii) the last day of the 3-month period immediately following such 12-month period.".

SEC. 4. AFDC COVERAGE FOR CERTAIN 2-PARENT FAMILIES.

Section 402 of the Social Security Act is amended by adding at the end the following:

"(i) The term 'dependent child' shall, notwithstanding section 406(a), include a needy child who meets the requirements of section 406(a)(2), who lives with both parents, and at least one of the parents is a participant in a program established pursuant to the amendments made by the Opportunities for Employment Preparation Act of 1987 or is in the 12-month period specified in subsection (a)(8)(A)(viii)(II).".

SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title shall become effective on the date of the enactment of this Act.

(b) EXCEPTION.—If a State agency administering a plan approved under part A of title IV of the Social Security Act or under title XIX of such Act demonstrates, to the satisfaction of the Secretary of Health and Human Services, that it cannot, by reason of State law, comply with the requirements of an amendment made by this Act to which the effective date specified in subsection (a) applies, the Secretary may prescribe that, in the case of such State, the amendment will become effective beginning with the first month beginning after the close of the first session of such State's legislature ending more than 30 days after the date of the enactment of this Act. For purposes of the preceding sentence, the term "session of a State's legislature" includes any regular, special, budget, or other session of a State legislature.

NATIONAL URBAN LEAGUE, INC.,
New York, NY, July 14, 1986.

DEAR COLLEAGUE: At the invitation of Senator Arlen Specter (R-PA), the National Urban League (NUL) and the Opportunities Industrialization Center of America (OIC) became primary authors to a new legislative initiative designed to better target and coordinate needed employment related services to the long term employed and long term AFDC (Aid to Families with Dependent Children) recipients. On June 19, 1986, this welfare reform initiative was introduced as a package of two bills in both the Senate and House. The bills are entitled: the Opportunities for Employment Preparation Act of 1986 (S. 2578)/(H.R. 5064), and the Aid to Families and Employment Transition Act of 1986 (S. 2579/(H.R. 5065). Senator Specter was joined by Senator Moynihan (D-NY) in introducing the two bills in the Senate, and Congressman Kemp (R-NY) was joined by Congressman Gray (D-PA) in introducing the companion bills on the House side.

REFORM FROM A COMMUNITY BASED PERSPECTIVE

As community based service organizations, the National Urban League and the Opportunities Industrialization Centers of America are well acquainted with the types of barriers (such as lack of education, training, support services) that can prevent individuals and families from establishing a solid base in our country's economic infrastructure. Our organizations share the belief that families and individuals who face multiple roadblocks to economic self sufficiency should benefit from programs that are aimed at reducing barriers to labor market entry. We believe this new legislative initiative will improve the existing capability of the Job Training Partnership Act (JTPA) and the AFDC program in reaching those families and individuals most in need of services, and accelerate their entry into employment.

WHAT YOU CAN DO

The NUL and OIC urge your support of the Opportunities for Employment Preparation Act of 1986 (S. 2578) (H.R. 5064) which has been referred to the Senate Committee on Labor and Human Resources and the House Committee on Education and Labor, and the Aid to Families and Employment Transition Act of 1986 (S. 2579) (H.R. 5065) which has been referred to the Senate Committee on Finance and the House Committee on Ways and Means, respectively. Please contact Senators and Representatives from these committees and inform them of your support.

Activate your national network by contacting your members and urging them to let their respective Senators and Represenatives know of their support for these bills.

Attached, please find a comprehensive information packet on the two bills. For further assistance, please contact Bob McAlpine, Congressional Liaison for the National Urban League at (202) 898-1604, or Maurice Dawkins, Director of OIC Government Relations at (202) 775-8405.

Sincerely,

JOHN E. JACOB,
President and Chief Executive Officer, National Urban League.

Rev. LEON H. SULLIVAN,
Chairman, OIC of America.

CHESEBROUGH-POND'S URGES PRIVATE SECTOR SUPPORT FOR WELFARE REFORM LEGISLATION

WASHINGTON, DC, September 25.—Chesebrough-Pond's Inc. today called upon major corporations and business groups to lend their support to federal legislation that would reform the nation's welfare program.

At a breakfast briefing here, Chesebrough executives outlined the objective of legislation introduced by Senators Arlen Specter and Patrick Moynihan and Congressmen Bill Gray and Jack Kemp. The bills target the severely economically disadvantaged and set up a training program supported by welfare benefits to get these people into productive jobs.

In appealing for private sector support, Kenneth R. Lightcap, Vice President of Public Affairs and Investor Relations for Chesebrough, said, "This proposed legislation establishes a plan to put people on payrolls and take them off the welfare roll. To succeed, it will need backing from the business community and that is what we're trying to bring about. Community-based organizations such as the National Urban League and Opportunities Industrialization Centers will play a key role in the program as well," he added.

"It is significant and highly important," Lightcap said, "that these proposals will not cost taxpayers more. The program will not be putting more people on welfare; instead, we will be dealing more effectively in moving current recipients to unsubsidized employment."

A major feature of the legislation removes the disincentive for welfare recipients to take employment. Current benefits, such as food stamps, would be continued for recipients. In addition, aid to families with dependent children would be continued even with an unemployed able-bodied male in the household as long as one parent is involved in the training program.

"To the contrary, current policies promote the disintegration of the family unit by denying these benefits," Lightcap said.

Senators Specter and Moynihan introduced S.2578 and S.2579 on June 19 and companion bills were introduced in the House of Representatives by congressmen Kemp and Gray the same day. The bills were referred to committee and are awaiting action.

Chesebrough-Pond's, headquartered in Westport, Connecticut, is a diversified manufacturer and marketer of products for the health an well-being of families throughout the world. Chesebrough's Consumer Products Group includes such popular brand names as Ragu, Prince, Bass, Vaseline, Pond's, Intensive Care, Cutex, Cachet, Wind Song, Aviance, Q-Tips, Aziza and Rave. Chesebrough's Chemical Products Group (Stauffer Chemical Company) manufactures and markets a wide range of agricultural and food products, as well as chemical products and services. Worldwide sales for 1985 were approximately $2.7 billion.

[From the Pittsburgh Post Gazette June 17, 1986]

INCENTIVES—SPECTER'S PLAN OFFERS HAND TO WELFARE RECIPIENTS

(By Daniel Weiss)

WASHINGTON.—Sen. Arlen Specter announced yesterday he will introduce legislation that would offer welfare recipients basic education courses and economic incentives to join job training programs.

The legislation, to be introduced today, targets recipients of Aid to Families with Dependent Children, who the Philadelphia Republican said are discouraged by present regulations from seeking work.

Costs of the bill would be paid by unused funds in the Job Training Partnership Act, the senator said.

The Rev. Leon Sullivan, founder of the Opportunities Industrialization Centers in Philadelphia, an urban assistance group, joined Specter in unveiling the bill, calling it an "ominous program for welfare reform in the country."

The measure would allow AFDC recipients to receive payments through their first year of new employment and would continue Medicaid payments for up to 15 months—until the worker was covered by his employer's health plan.

Pennsylvania's welfare system would change slightly under the bill. The state already offers medical payments for up to nine months to former welfare recipients, said Joe Kintz spokesman for the Pennsylvania Department of Public Welfare.

Also, Pennsylvania requires that welfare recipients who start work lose their payments when their combined incomes and resources exceed the state's economic eligibility criterion. Specter's bill would continue payments for one year regardless of the recipient's income.

Specter also said the measure would strengthen two-parent households in allowing parents to live together and continue receiving AFDC, as long as one parent is in a job training program or working.

Under current law, only households with one parent qualify for AFDC. Pennsylvania and 25 other states already allow the parents to live together and receive payments, as long as their combined earnings and resources are still below the state's poverty level.

In Pennsylvania, a family of four earning $1,339 a month or less qualifies for welfare, Kintz said. In March 1986, there were 193,435 households—590,514 individuals—on AFDC in the state.

AFDC, a cost-sharing program between the federal government and the states, costs Pennsylvania more than $29 million a year, while the federal government's share is more than $37 million a year, according to Welfare Department figures.

In addition to providing economic incentives, Specter's bill directs community groups to teach basic skills like reading, writing and mathematics to people before they go into job training programs. The measure also directs the groups to offer child care for working mothers.

SPEECH BY SENATOR ARLEN SPECTER BEFORE THE NATIONAL URBAN LEAGUE ON JULY 20, 1987

The economic and human costs of welfare rival the budget deficit and the foreign trade imbalance, but few understand the need for welfare reform and even fewer care about it. The direct and indirect cost of welfare exceed $100 billion annually. And, contrary to the public perception, it is not a dominantly Black problem with the statistics showing welfare rolls to include 41.9% Black, 41.3% White and the balance Hispanics, Asian and native Americans.

The Congress focuses on highly-publicized, glamour hearings and the Administration's principal concerns are foreign policy and the economy. Meanwhile, not back at the ranch, but in the streets of America's big cities, one generation after another fights to break out of the welfare cycle—the victims of a policy of "benign neglect" articulated as the national policy many years ago.

It is a policy which discourages two-parent families—which significantly ignores job training—which highlights disincentives to take transitional jobs because the pay is lower than AFDC and medicaid benefits.

Reform may be attainable only when public pressure from groups like the National Urban League mount and public policy makers understand the tremendous dollar savings to be gained from moving people from the welfare rolls to the payrolls.

The human costs may motivate some for reform, but the dollar savings are more likely to motivate more in the Congress to change the system. High dollar figures frequently turn indifference into attention.

Let's consider for a moment the enormity of the dollar costs of welfare.

As I began to prepare these remarks, I contacted the various federal departments and supposed experts and asked them about the real cost of our current welfare system. The overt response to my inquiry was "who knows?"; the much more disturbing undercurrent was "who cares?"

While our calculations necessarily involve certain extrapolations and judgment calls, I think our assumptions are sound and that our conclusions, if anything, err on the side of caution.

The direct cost of AFDC is $16.6 billion in Fiscal Year 1987.[1]

The annual cost of medicaid is $12.8 billion.[2]

The annual cost of federal, state and local housing exceeds $10 billion.[3]

The annual lost earnings from the 4 million adult recipients of AFDC, who could contribute to the U.S. economy if they could find work, approximate $40 billion assuming a relatively modest salary of $10,000 per year.

The cost of truancy, dropouts and remedial education are estimated at $20 billion per year.[4]

One other major cost should be considered although it is hard to calculate and—candidly—raises questions of fairness—and that is the related cost of crime. To raise this issue is neither to assess blame nor to provide excuses for anti-social conduct. Broken homes, one-parent families, slum housing, exposure to the drug subculture spawn truants and juvenile delinquents many of whom become youthful offenders and some of whom become career criminals. The factors relating to poverty as they bear on the welfare cycle constitute a realistic consideration in assessing the total cost of crime.

From a pragmatic point of view, many will be motivated to act on the underlying problems of poverty and welfare if they see the value of reducing the large direct economic costs of crime and the even larger indirect pain, suffering and psychological stress of the victims of crime. Adding crime into the calculus is important to the poor—not only as a strong reason to break the poverty cycle but because the poor are so frequently the victims of that crime.

Like the cost of welfare, the economic losses due to crime are hard to assess. While not documented in a comprehensive form, the Bureau of Justice Statistics tabulates losses from robbery, burglary, arson, auto theft and drug abuse at $112.1 billion from reported offenses.[5] The real cost is obviously much higher depending on the calculation from losses from unreported crimes. The price of the nation's criminal justice system including police, criminal courts and corrections totals $45.6 billion and private security systems cost $22 billion.

Without further research and study, it is not advisable to try to quantify the cost of crime related to poverty and the welfare cycle. However, given the tabulation of other costs, it is safe to conclude that the total economic costs of the welfare cycle significantly exceed $100 billion. That dollar figure is multiplied many times over when we add the human costs for millions of people on welfare who are victims of broken homes, crushed lives and shattered dreams.

In a society which should encourage the solidity of the family, AFDC discourages the family unit by allowing 22 states to discontinue AFDC payments to two-parent households. Those states have virtually forced fathers to abandon officially their families, by enacting regulations making two-parent households ineligible for AFDC. In 1983, the most recent year for which information is available, 87 percent of AFDC children had a living—but absent—father.

Current law also discourages welfare recipients from taking transitional jobs because the pay is less than the AFDC and medicaid benefits.

With the assistance of the Urban League and others, my staff and I have developed a specific proposal for welfare reform. We approach the National Urban League and OIC of America to ask for their assistance in developing a legislative initiative which would remove current government-created barriers to self-reliance. Together, we developed "The Opportunities for Employment Preparation Act" (S. 2578) and the "Aid to Families and Employment Transition Act" (S. 2579), which were introduced on June 19, 1986, by Senator Moynihan and myself. On January 6, 1987, the first day of the 100th Congress, Senator Dodd and I reintroduced this package as S. 280 and S. 281.

These bills focus on long-term welfare recipients in the following ways:

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[1] "Background Material and Date on Programs Within the Jurisdiction of the Committee on Ways and Means," Ways and Means Committee print: 100-4, March 6, 1987 p. 422.

[2] "Making America Work," National Governor's Association, (To be printed in August, 1987).

[3] Welfare Reform, U.S. Senate Republican Policy Committee, June 1987, p. 1.

[4] Catterall, James S., "On the Social Costs of Dropping Out of School," Institute for Research on Educational Finance and Governance, Stanford University, Dec. 1985, p. 17.

[5] The Bureau of Justice Statistics itemizes those costs as follows: bank robberies and burglaries—$37 million; commercial robberies and burglaries—$1.1 billion; personal losses due to theft (includes auto, burglaries and crimes of violence)—$13 billion; drug abuse $59.7 billion. Some overlap is present on the figure from drug abuse which includes drug related crime treatment, welfare expenditures and lost productivity. These figures exclude IRS fraud—$81.5 billion; drunk driving—$13 billion; credit card fraud—$500 million; automatic teller fraud—$100 million; counterfeiting—$72 million.

First, education and training would be provided to long-term welfare recipients to provide the basic skills for employment;

Second, welfare policy would aid in maintaining families intact, rather than causing them to break up in order to obtain assistance;

Third, medicaid would be provided for a transition period when a participant moves from the welfare rolls to employment, and is not covered by an employer sponsored health plan;

Fourth, full AFDC benefits would continue for a transition period during the first year of unsubsidized employment, since participants initially will gain employment in relatively low-salary entry level positions; and

Fifth, community-based training organizations would be an integral part of the system to provide outreach and pre-employment preparation targeted to this group.

This initiative is highly targeted, aiding the group that most education and training initiatives do not reach. One quarter of the AFDC families will end up receiving benefits for nine years or more. It is this subpopulation which accounts for 60 percent of the costs of the program.

One would think that this acutely needy group would be the first group targeted for federal job training efforts. Against all logic, however, this neediest group remains among the most underserved.

Government requirements, particularly performance standards, have encouraged training programs to "skim the cream," recruiting and serving only the most able, least costly, and most likely to succeed. The truly needy go unserved.

In developing our legislation, we also recognized that literacy and basic skills training, and the opportunity to obtain a postsecondary education, are important if long-term welfare recipients and the long-term unemployed are to have a chance to become wage earners and more productive members of society.

Earlier this year, I had the opportunity to include basic principles of the "Opportunities for Employment Preparation Act" in a Senate job training initiative, when Senator Kennedy and I introduced and gained passage of S. 514, the Jobs for Employable Dependent Individuals (JEDI) Act. This legislation, which was introduced on February 5, 1987, passed the Senate on April 2.

Another welfare initiative will hopefully soon be introduced in the Senate entitled the "Family Security Act." This bill focuses on poor children, renaming AFDC payments "child support supplements" and would make it easier for states to use federal funds to operate demonstration programs aimed at moving welfare recipients into jobs. The House of Representatives just last week took important action on welfare reform.

Final enactment of such legislation is essential if we, as a caring, compassionate and concerned society, are to break the welfare chain. Success will result only from commitment and pressure by groups like the Urban League and an awareness by others that it makes good dollars and cents as well as good common sense to move millions of Americans from the welfare rolls to the payrolls.

NATIONAL URBAN LEAGUE, INC.

PROVISIONS FOR INCLUSION IN THE FAMILY SECURITY ACT (S. 1511): TITLES II AND III

Any education, training, and employment programs for AFDC recipients must:

Provide that long term AFDC recipients and/or recipients at risk of becoming long term be targeted as priority populations for AFDC education and work programs. Primary emphasis should be placed on voluntary participants.

Provide each recipient the opportunity to seek education: high school or equivalent, basic and remedial, and/or specialized advanced education when warranted. Provide for various job skills training and employment placement services, family counseling when needed, outreach and follow up.

Provide that unsubsidized job placement be a priority over community work experience (CWEP) and that CWEP be implemented only as part of a planned sequence of activities designed to place a recipient in unsubsidized employment.

Provide that community-based organizations (CBOs) (as defined in section 4(5) of the Job Training Partnership Act) be involved in both planning and program design, and in the delivery of services (meeting the conditions set forth in section 107(a) of JTPA).

Provide for the guarantee of safe child care appropriate for the age and individual needs of children whose parents are participating in AFDC education and work programs.

Provide services for an effective transition period that reflects the realities of a permanent transition from AFDC to unsubsidized employment through the provision of at least twelve months of post employment child care, twenty-four months of post employment medical coverage, and transportation services.

Provide for an effective coordination of AFDC work programs with JTPA, Vocational Education, Adult Education, early childhood, and other education and employment programs.

Provide that existing federal statutory and regulatory requirements for antipoverty and social service programs remain intact. The expanded state waiver authority under TITLE VIII of S. 1511 must therefore be deleted.

Provide states with a fiscal incentive (bonus), as conceptualized in the Jobs for Employable Dependent Individuals Act (S. 514), to mitigate against "creaming" of the most job ready recipients.

THE AMERICAN JEWISH COMMITTEE,
New York, NY, May 25, 1988.

Hon. ARLEN SPECTER,
U.S. Senate, Hart Senate Office Bldg., Rm. 303, Washington, DC.

DEAR SENATOR SPECTER: The American Jewish Committee has been actively involved in advocating a number of principles that should guide welfare reform. We have supported H.R. 1720, the House-passed Family Welfare Reform Act, because we believe that it represents substantial movement toward alleviating inadequacies in the current welfare reform program.

We are gratified that the Senate is giving serious attention to this critical issue, and were pleased to have the opportunity to testify before the Subcommittee on Social Security and Family Policy of the Finance Committee last year. Since you will soon be considering S. 1511, the Bentsen-Moynihan welfare reform bill which has been approved by the Finance Committee, we want to call your attention to several concerns:

The AFDC-UP Program: Currently S. 1511 allows for an optional six-month limit on two-parent AFDC coverage. The AJC supports elimination of this optional time-limit and strongly opposes any further erosion of S. 1511's UP provisions. Adequate coverage of families with two unemployed parents is a critical step toward removing current disincentives to maintaining families.

Support Service: The AJC believes that mandated transitional support services are the key to making welfare-to-work programs viable. We are especially concerned that payment for child care services be mandated, in order to make paticipation of single mothers in employment and training programs possible. Therefore, we urge maintenance of statutory language that clearly makes child care services mandatory rather than optional.

Waiver Authority: The original version of S. 1511 provided for ten demonstration programs under the waiver authority. However, the Committee version would increase the authority to 50 such programs. While we believe in the worth of demonstration projects and recognize that the states have done much to create innovative welfare reform programs, we are concerned that excessively broad waiver authority would allow states to evade important federal standards, thereby seriously diluting the intent of the legislation.

Participation Standards: We believe that welfare-to-work programs will only be effective if they target long-term recipients, who will be the most difficult participants to place into jobs. Therefore, we are concerned that mandating states to achieve certain labor participation standards, which are not currently required under S. 1511, would encourage providers to dilute their efforts and focus on those recipients who would be most likely to quickly move out of dependency on their own.

These problems would be exacerbated now that S. 1511 is a capped program rather than an open-ended entitlement. AJC supports the latter approach.

We hope you will consider these issues when S. 1511 comes before you. Thank you for your attention to our concerns.

Sincerely,

THEODORE ELLENOFF,
President.

NATIONAL COUNCIL OF LA RAZA,
Washington, DC, June 10, 1988.

DEAR SENATOR: I am writing to urgently request that you oppose S. 1511, the Family Security Act. As you know, the Senate Finance Committee passed the bill on April 20, and it now awaits Senate floor action. I believe that this bill represents a significant step backwards from current law, and may do serious harm to the nation's poor people. As President of the National Council of La Raza, a private, nonprofit organization representing over 80 local and community-based groups serving 32 states, Puerto Rico and the District of Columbia, I am particularly concerned about the possible harmful effects of this bill on low-income Hispanics.

The bill, as passed out of Committee, contains several serious flaws. Most serious among them is the provision which allows for 50 waivers to states—potentially *all* states—to operate programs with few or no federal guidelines. Any waiver provision undermines efforts to reform the welfare system by removing the mandate to states to operate meaningful education and training programs, or to provide the basic support that welfare recipients need to get back on their feet.

Also problematic are the limitations placed on the Unemployed Parent (UP) program. By permitting states to operate the program for only 6 out of 12 months, this bill places two-parent families whose principal earner is unemployed at serious risk of losing benefits or being forced to separate in order to be eligible for benefits.

The education and training portion of the bill is of particular importance to the Hispanic community. Perhaps the most critical determinant of employment opportunities, and of the incidence of poverty, is educational attainment. Hispanics are the most undereducated population group in the United States. Without programs which effectively address the basic skills training and education needs of this group, the number of Hispanic families in poverty will keep escalating, and the cycle of dependence will continue.

Though language has been added to the JOBS program which places emphasis on basic education and skills training, the program remains weak without a broad range of required services to low-income people, particularly those who are most at risk of remaining unemployed due to language deficiencies, low educational attainment or poor basic skill levels. Financial constraints imposed by the funding cap, and the emphasis on broad scale, as opposed to targeted participation, could lead states to focus on low-cost, short-term, and ultimately ineffective programs. Finally, the entire JOBS program, which is at the heart of the bill, is rendered almost meaningless by a waiver authority which would erase all of the mandates for education and training.

For these reasons, I urge you to oppose S. 1511.

Respectfully,

RAUL YZAGUIRRE,
President.

COALITION ON HUMAN NEEDS,
Washington, DC, June 9, 1988.

DEAR SENATOR, the Coalition on Human Needs and the undersigned organizations urge you to oppose passage of S. 1511, the Family Security Act, as reported by the Senate Finance Committee.

While we strongly support increasing poor families' opportunities to secure employment at decent wages through expansion of education and training opportunities and subsidized child care, we are equally convinced that real progress cannot be achieved by coupling the possibility of some forward steps in these areas with changes that could harm significant numbers of these parents and their children.

It is imperative that the bill not be further eroded on the floor by inclusion of such proposals as participation quotas for the JOBS program and expansion of the federal programs included in Title VII. Even if this erosion is avoided, however, we urge you to vote no on S. 1511 unless the bill is amended to:

Eliminate title VII (waivers).—As expanded in Committee, Title VII would allow each state to use any or all of the federal funds appropriated for AFDC, JOBS, Child Support Enforcement, Emergency Assistance to Families, and Title XX Social Services to underwrite whatever program it decided to establish as "means of relieving the poverty" of low-income families and individuals. It is hard to believe that any state would not avail itself of this opportunity to substitute its judgement for that of Congress in determining what types of activities should be federally funded and at what levels. Title VII makes debate over the rest of the bill a waste of time.

Maintain full entitlement under the AFDC-UP program.—The commitment to assure nationwide coverage of needy children in two parent families if the family's wage earner is unemployed has been derailed. Provisions allowing all states, including those currently providing AFDC-UP, to limit coverage of a family to 6 out of any 12 months, to turn the program into workfare, providing "benefits" only after performance of unpaid work assignments are extremely harmful. States that have not felt free to forego federal funding to aid such children might well choose to limit state costs by denying benefits for two, three or more months a year when they can point to federal endorsement of the wisdom of such approach.

Assure that volunteers receive first priority for participation in JOBS.—Rather than expanding opportunities, S. 1511's JOBS program is based on major expansion of mandatory participation in employment related activities supported by compulsory placement of children in third party care. While current law allows caretakers of children under six to choose not to participate in WIN, S. 1511 would mandate participation of caretakers of all children age three and over and allow states to also require participation of caretakers of one- and two-year-olds. States could give some priority to volunteers but are free not to do so.

Modify the Community Work Experience Program and assure that all work is fairly compensated.—The bill fails to eliminate unpaid work in the guise of work experience and fails to provide pay for all employment at a rate equal to that of other employees doing similar work. We do not object to short-term, non-repetitive work experience that meets documented training needs.

Eliminate expansion of nonproductive and intimidating verification procedures.—States would be required to increase investigations of applications for aid and would be authorized to use unscheduled home visits and other prosecutorial techniques whenever a worker questioned the completeness or accuracy of information supplied. In the California prototype for this program an applicant is targeted for investigation, for example, if she has high rent and utilities, has a recent employment history, does not know the whereabouts of her children's father or has not had a continuous place of residence.

Assure that the JOBS program provides meaningful education and training services to all participants through establishment of core services.—Although S. 1511 includes many useful activities among those that could be encompassed in a JOBS program, there is nothing to assure concentration on those activities. At the same time, the financial constraints imposed by the funding cap and the emphasis on broad scale participation could lead states to focus on low cost per person at the expense of meaningful change.

Some of the undersigned organizations have additional concerns, and individually we may place relatively greater emphasis on one issue over another. However, we are united on one thing—our opposition to S. 1511 as written.

In the next few days, many of us will be talking with you to further explain the points discussed above and address other concerns. If in the meantime you have any questions, please feel free to call Susan Rees or Debby Freedman at 342-0726.

ACORN.
Bread for the World.
Center for Community Change.
Displaced Homemakers Network.
Epilepsy Foundation.
Evangelical Lutheran Church in America, Office for Governmental Affairs.
Food Research and Action Center.
Full Employment Action Council.
League of Women Voters.
National Coalition for the Homeless.
National Council of La Raza.
National Low Income Housing Coalition.
National Women's Law Center.
National Puerto Rican Coalition.
NETWORK: a Catholic Social Justice Lobby.
Wider Opportunities for Women.
Women's Equity Action League.
YWCA of the USA.

LEAGUE OF WOMEN VOTERS
OF THE UNITED STATES,
Washington, DC, May 24, 1988.

To: Members of the U.S. Senate.
From: Nancy M. Neuman, President.
Re: S. 1511, The Family Security Act.

The League of Women Voters urges you to oppose S. 1511, the Family Security Act, as passed by the Finance Committee. We believe that this legislation is a step back from current law.

The League's position on income assistance is based on the belief of our members that the federal government bears a major responsibility for providing income assistance to meet the basic needs of persons who are unable to work, whose earnings are inadequate or for whom jobs are not available.

In a recent survey conducted by League members throughout the country, reported in the League of Women Voters Education Fund publication Unmet Needs: The Growing Crisis in America, 77% of state officials and social service providers were opposed to any federal move to deregulate social programs and let the states administer them as they see fit.

From this perspective, we are deeply troubled by the Finance Committee bill. We are strongly opposed to the waiver authority granted to as many as fifty state and local governments under the bill.

Federal standards have always been an important guarantee of uniformity, fairness, and accountability in state programs. We are concerned that these standards could be eliminated, either directly or indirectly, through the Finance Committee's waiver approach to welfare reform. The potential for discrimination and differential benefits based on inappropriate standards is apparent. In addition, this approach would make it very difficult for the federal government to evaluate how federal funds are expended.

The waiver authority would also allow programs to be combined that serve low-income Americans, including the child support supplement program, the JOBS program, the Title XX Social Services Block Grant, the emergency assistance program, and the child support enforcement program. These programs were designed to serve the needs of certain families and children, and waivers will allow state or local governments the opportunity to target funds to a limited number of programs or, theoretically, to only one program. We are concerned that, even with the protections in the committee bill, a state or local government could, for instance, receive full funding for child support enforcement without having to operate a child support enforcement system, or follow federal regulations for the operation of that system.

The League is also concerned that the legislation, while mandating that states provide AFDC coverage to families where both parents are unemployed, places serious limitations on the program by allowing states to limit the program to six out of twelve months and to force recipients to participate in "workfare" type programs before assistance is provided.

We are not opposed to welfare reform. The League of Women Voters supports H.R. 1720, the House-passed welfare reform bill. However, we believe that welfare reform is part of the larger issue of poverty. According to the League of Women Voters Education Fund report, "Time and time again public and private social service providers and community officials around the country reported that the demand for assistance had increased over the past few years, but that their communities lacked the resources to provide for such basic needs as food, shelter, health care and an adequate income." Eighty-one percent of local officials and social service providers pointed to cutbacks in federal funds as contributing a "great deal" to the decrease in available assistance.

The League of Women Voters believes that welfare reform must be crafted so that it will not place recipients in an even worse situation than their current one. We do not believe that S. 1511, as currently written, meets this test. Therefore we urge you to oppose the Finance Committee's version of the Family Security Act.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise with a great sense of gratitude, which I can express on behalf of the Committee on Finance, to the distinguished Senator from Pennsylvania, who has been my colleague in these matters for some years now in the Senate; he has been my teacher from his very explicit experiences; a son of Kansas, which I did not know arriving in the great metropolis of Philadelphia.

He has seen this problem from the precinct house, from the courtrooms, from the subways, and from the streets as a law enforcement officer of the city.

I would like, if I could, to detain him for just a brief moment to go over the specifics that he mentioned, and then make a general observation.

On the specifics, I think there have been changes in the legislation, and all these matters do evolve even as we are speaking. We are talking about some of the things the Senator mentioned, but first on the AFDC-UP Program, the unemployed parents, as the distinguished Senator knows, the Congress authorized that in 1961 as a State option. Twenty-seven States have exercised the option; 23 have not.

One State in the West has said: "We will exercise the option, but we will only give families 6 months out of 1 year."

In order to win acceptance, for the first time, we have mandated this provision under AFDC. That has been the besetting difficulty of this program since 1935, whereas retirement insurance benefits are nationwide, where survivors insurance for children of widowed families are nationwide, uniform. AFDC has never been, and it ranges from $580 in one State to $130 for a family in another, as if children were different in one country.

We did accept this provision that we were going to mandate AFDC, the unemployed parent, but States may exercise their option to limit it to 6 months per year per family. At least everybody will have 6 months and most will now, I think, find a uniform standard.

Mr. SPECTER. Will the Senator yield for a question?

Mr. MOYNIHAN. I will be happy to yield.

Mr. SPECTER. What can be done to deal with the problem where there is a two-parent family and they will be taken off AFDC in 6 months, so there is no opportunity for one of those two to engage in job training.

It seems to this Senator that the real critical aspect of welfare reform is to provide a bridge to see to it that the family on welfare will have at least as much AFDC, Medicaid, and other services while they are in a job training program and Medicaid so that they will be encouraged to undertake job training to get a job.

Mr. MOYNIHAN. My answer would be twofold. First of all, when this passes, every State will have at least 6 months AFDCU. Twenty-three now have none. Most of those 23 will operate for the whole 12 months, and it is a continuous process. I would have to say because of what little we know—and that is something that is just baleful in this regard. There is no center, no place in the executive branch where anybody is responsible for knowing anything about this subject—we do create in HHS an Assistant Secretary for family support programs. Mostly, we find it is not job training that these families need. It is jobs. They are just in a situation where they suddenly have no work and for odd reason have run out of unemployment insurance.

Well, everybody can use some training these days at any given time, but these are employable people who have been employed and who are out of work basically.

Mr. SPECTER. Those are the short-term people. I agree with the Senator that that is a different category, but there are so many who have been unemployed longer than 2 years—and Dr. Sullivan and I were talking about this in my office yesterday. He speaks with such great passion and such great emotion about bringing the minority men back to the family.

Mr. MOYNIHAN. Yes.

Mr. SPECTER. It is critical to help minority men go out and get job training and get a job. I am reluctant to stress that too much because the minority women want to have equal status so it is men and women as well. That is Dr. Sullivan's focus.

So where the Senator says—and I agree with him—there are many people who need help on a short-term basis and who cannot find a job, it is only an emergency. There are so many that have been unemployed for protracted periods of time, in excess of 2 years and how do we structure the system, perhaps we could give incentives to these States, extra incentives.

Mr. MOYNIHAN. Well, we do. If there is one important central fact about this program, which Dr. Sullivan would be and is supportive of, for the first time ever we make job training, basic education, job training, job placement an entitlement. It is a capped entitlement at $1 billion, but if it is ever used that much, it will go higher.

We have seen our WIN moneys go down all through this decade. Now, if a State wants to put people into that kind of program, it has a right to its Federal share. It just sends a letter and gets it back. Now, under the AFDCU Program, we provide one or both those parents, one at least, must take part in our jobs program. And when they leave it, they get Medicaid for 12 months, they get child training. There is more directed to males in this legislation than any welfare legislation we have ever had. Remember, what we are trying to do is make this old widow's pension, which we set up in 1935, an income maintenance program with a very mild job component in the end. Two percent of AFDC mothers have full-time jobs; 73 percent of married women with children are in the work force. The only people not in the work force are these women. We are taking it and turning it on its head and saying this is a jobs program with an income supplement.

Now, two other things if I might. One, the Senator asked about the question of Federal and State, working with the organizations such as OIC that Leon Sullivan has put together, and we specifically provide that this should be done. We leave it to State option but indicate we expect it, and any State trying will reach out for it. Not every State has a Leon Sullivan. There are not many. Mind you, he has taken his program around the country. But there are not many Leon Sullivans at any given time. But it is right there on page 29 of the report.

On the question of targeting, if I could just add, the Senator should know that there has been some research on this. We have learned something. And we now find out that the AFDC population divides about in half, almost exactly in half. Half are in the program fewer than 4 years, a quarter fewer than 2 years. If you look at their age profile, and so forth, you know exactly what happened. These are marriages broke up. That is all. People have to put their lives back together. It is like a plant closed and you have to find new income sources and you do. The others are typically children who have had a child as a teenager and they are candidates for life. We require that 50 percent of the resources—take any State—be directed to the persons who are the long-term candidates who have been on welfare 30 months in the past 60 months.

If I may say, and the Senator from Pennsylvania would be interested to learn this, when we have done controlled experiments and have given job training to this group of people who are on the rolls briefly, it makes no difference whatever to their getting jobs and getting off as against people who do not get it in the same condition. They do not need it. Whereas the other group, it is very hard, the success rates are very low, but when you succeed you have saved a life. It is that kind of thing.

Does that help the Senator?

Mr. SPECTER. Well, it does help, perhaps not quite enough but it is a starting point.

By way of continuing our discussion, where you talk about 15 percent of the resources being devoted to the long-term problem——

Mr. MOYNIHAN. Fifty, five zero.

Mr. SPECTER. Fifty percent?

Mr. MOYNIHAN. Yes. And that includes people under 24 who have dropped out of school and those who have little or no work experience in the previous year. We say if you have been on 30 of the last 60 months, if you are under 24 and you dropped out of school or you really have not had any work—if I may make a point, I will tell you who they are in my city of New York where we have an enormous welfare population, twice the size of the population of Delaware. One-half of the adult women on welfare in New York City have never had 1 day's work. It is a world they have never been in, they do not know how to get to, and the others are like you and me; we could lose a job, be short for awhile, and find a job.

Mr. SPECTER. Lose an election and find a job.

Well, what the Senator said is helpful. The concerns which I have persist to the extent of looking for, as perhaps in the Senator's illustration of the women in New York, so many have never held a job, targeting or directing the legislation in a way which will make even a greater effort to put that person on to the payroll, to save a life, as the Senator so eloquently expressed it. When you talk in terms of the job training and you have extended AFDC, and I think in a very good way mandating it for at least a period of 6 months, there is still an ingredient which I submit is missing when the man or woman in the two-parent family will be taken off of AFDC. I think we need to find a way to keep them on if they are in job training.

The incentive for job training ought to be at the highest level. We ought to find a way to get the people to undertake job training, and so long as we are there I would hope we could find a way to keep them on AFDC.

Let me ask this as a question. What would be the problem of a requirement that so long as you have a person in a two-parent family or otherwise and they are undertaking job training, they maintain their AFDC and perhaps Medicaid benefits?

Mr. MOYNIHAN. I think this is entirely the State option. All I can say to my friend in this regard is that for 17 years on this floor we have talked about making this a mandated program, and we finally have gotten to the point. The one compromise we made is to say if you want to do it in the way it is done in Utah, that is acceptable. I do not reveal any confidences, if I can say to my learned friend who has had much experience as a prosecutor, when I say we have any number of Governors from States who do not have the program who have said, "Please mandate it so I can tell my legislature we have got to have it."

Mr. SPECTER. Perhaps they would like to hear it mandated in a way beyond the 6-month option. Perhaps they would like to see it mandated to say that so long as one of the parents is in the job training, AFDC goes on totally.

Mr. MOYNIHAN. I will say to my dear friend that if this bill passes and we get a law, and I come back to this Senate next year, and we have had just a little bit more experience in this subject, I would be very much open to that. Have the Governors Association come to us. After all, the Governors came to us with this legislation.

Can I make a point in terms that I know this concerns the Senator from Pennsylvania? As we talk about how better we might make the program, I think some of the organizations he has mentioned—and they are friends of mine, they are certainly friends of his—there is a certain unreal quality to these suggestions about how we are going to make this program better. Whatever else AFDC is, the minimum fact is that it provides money to keep families alive. And there are a lot of such families.

In my city of New York, 45 percent of the school children are on welfare in the school system. In the Senator's city of Philadelphia, 42 percent of the children in school are on welfare. I believe the schools of the Senator from Pennsylvania are having some trouble. I know our schools are having some trouble. That is not perhaps so surprising. Since 1970, when many of these organizations found that a proposal to have a guaranteed income and a uniform payment across the country was not good enough, this country has proceeded to cut benefits for dependent children nationwide by one-third.

If you ever actually proposed doing it in 1970, you would have been thought a monster. That is what we did. In my city of New York, the cut has been 35 percent in constant dollars. In the State of Pennsylvania it has been 39 percent.

Mr. SPECTER. I understand what the distinguished Senator from New York is saying in terms of trying to get a bill which we can get this year, perhaps working on the next year, and what has happened by way of what the Senator has specified. This is also a quality. We are at this point in the form of a crescendo. It is a judgment call as to how far we go this morning, and as to how far we can structure it and deal with certain basic requirements which the Senator from New York and I might agree upon sitting across coffee. But a majority of our Senate collegues might not be willing to accede to that.

But the concerns that I have raised, and I do not approach it as the various organizations have where they are friends of the Senator from New York, and they are friends of mine. I have put their comments in the RECORD. I do not approach this matter as they have. I say let us consider their objections. Let us try to meet them to do as much as we can. But there is a crescendo at the moment, and to the extent that we can make this bridge a firm one to bridge from welfare, especially the long-term core from the welfare rolls to the payrolls, the iron is hot and we want to strike while the iron is hot. I think the Senator from New York is striking, I again commend him for it.

Mr. MOYNIHAN. If I can, I would like to detain my friend for 2 more minutes to tell him about something which with his sense of justice and concern I think he should hear.

Mr. SPECTER. Of course.

Mr. MOYNIHAN. I want more Senators to hear it. That is what has happened in our social insurance system, Social Security, to two groups of really identically situated children, on the one hand children being supported by survivors insurance and on the other hand AFDC. At any given moment one child in six is a ward of the Finance Committee. They are being supported by one or the other.

Back in 1970 the payments for an AFDC child were $140 a month, and payments for survivors insurance was $222. AFDC was lower. In New York it was almost identical. I think it was too in Philadelphia. Since 1970 benefits for the AFDC child nationwide have gone down 13 percent, and benefits for the SI child, the survivors insurance child, has gone up 53 percent. They are nationwide. They are indexed, and a standard. So that today our country pays a child receiving survivors insurance almost three times as much as the child on "welfare", both titles of Social Security.

It is true the statistics of the Senator from Pennsylvania are exact correct about one who is predominantly or who is in the program but it is the fact the inexorable, painful and shameful fact—that the majority of the children in the survivors insurance are white and the majority of the children in AFDC are nonwhite. And we treat them right here in the middle of our insurance program. One gets three times the other as if an 8-year-old girl could eat one-third as the other eats.

Mr. SPECTER. I thank my distinguished colleague from New York for the discussion. I think progress has been made. Certainly it has been made in my mind, and others have joined us on the floor. So I do not wish to take up any more time at this point. I will return at a later time, having thought through some of our discussion, and perhaps defining the amendments which I have already mentioned.

I will ask only one more final question, if I may, and that is on this issue that the waiver latitude would enable some States to give less to welfare recipients than they receive at the present time.

Mr. MOYNIHAN. No.

Mr. SPECTER. Is the Senator's denial that categorical?

Mr. MOYNIHAN. Categorical; under no circumstance can you receive less than you otherwise would do.

Mr. SPECTER. Why is the Senator equivocating?

Mr. MOYNIHAN. I would say one other thing. The Senator from Pennsylvania need not agree. But there is an attitude that hangs over from the 1930's that says you cannot trust the States. After living through most of this decade in Washington I am not sure you can trust Washington.

Mr. SPECTER. What does the Senator from New York mean; he is not sure? Of course, he is not sure, but it is not that he can be, necessarily.

Mr. MOYNIHAN. Tom Kean of New Jersey, Mike Dukakis in Massachusetts, Governor Deukmejian in California, Henry Bellmon in Oklahoma, I like those people.

Mr. SPECTER. I do, too. The Senator is saying he is not sure whom he can trust. He sees himself quoted in Newsweek on the matter between Washington and New York. Did he see himself quoted?

Mr. MOYNIHAN. I did not.

Mr. SPECTER. They say it on a cover story, Washington, DC, versus New York City, the big battle. They said Senator MOYNIHAN has a foot in both camps. They quote him extensively. He had better check that out.

Mr. MOYNIHAN. I will do that. I thank my learned friend who reads the New York Press.

Mr. SPECTER. Newsweek.

Mr. MOYNIHAN. New York; Newsweek is on Madison Avenue.

Mr. SPECTER. I read the New York Press.

Mr. MOYNIHAN. As a matter of fact, Newsweek is on Madison Avenue, and it is owned in Washington, DC.

Mr. SPECTER. As usual, the Senator has his foot in both camps.

Mr. MOYNIHAN. Mr. President, I should like to extend my thanks to the Senator from Pennsylvania. He has come before us with a thoughtful, intelligent, caring set of concerns and cited organizations that are deeply committed to this subject. A few are. There is little reward.

As we commence the second day of debate on this matter, we have had nothing but a series of Senators coming to the floor approving our objectives, endorsing our methods, stating their support for the bill. Now there are 64 cosponsors. We just heard from the distinguished Senator from Pennsylvania, who said that, although not a cosponsor, he supports the legislation, so we might say that we have 65.

I hope that at this point—because it has happened before—we do not let the good become the enemy of the best; that we do not say that because we cannot get everything, we will settle for nothing. Those people who have insisted on that position—Senator PACKWOOD described it very well yesterday—it is at their behest, in many ways, that the real and true value of our provision for children under AFDC has been cut by one-third since 1970. That is something close to cruelty. No one intended it, but it did happen; and it came about in such large numbers when those persons said, "That is good, but it is not good enough, and therefore nothing."

That is not the way of democracy. It is not the way of this body, under the leadership of ROBERT BYRD, and I hope it will not be our judgment at the end of this debate. There is no indication that it is, but it always lurks on the edges of these debates—those who want everything or they insist on nothing—and, in the end, it is the children who are hurt.

I may say in this regard that they are saying around the criminal courts in Brooklyn that the lawyer always goes home; and when someone decides that there are not enough children, it is not the children who are making that decision.

The PRESIDING OFFICER (Mr. SHELBY). The Republican leader is recognized.

HOWARD BAKER

Mr. DOLE. Mr. President, it has just been called to my attention—in fact it was on the wire when I came back from the White House—that the good friend of all of us, Howard Baker, will be leaving the White House as chief of staff on July 1.

I called Senator Baker and indicated had I known that while I was at the White House I would have certainly thanked him publicly in every way, and I am doing so now, for his efforts not just on behalf of the President but for all of us in the Senate, for all those in Government and those outside Government. He certainly has done a superb job as chief of staff for the President of the United States.

As a former colleague and a colleague that we all loved and respected, Howard Baker leaves with our best wishes.

I understand that he is going to rejoin his law firm.

I do know that his wife, Joy, has not been well. I think that is another reason.

But he indicated before his leaving, and he had indicated to the President some months ago, that following the summit he thought most things were in pretty good order and he would be going back to the private sector.

So I would just say to my good friend, Howard Baker, Godspeed, best wishes, and good luck.

Mr. BYRD. Mr. President, will the distinguished Republican leader yield?

Mr. DOLE. I am happy to yield.

Mr. BYRD. Mr. President, I wish to associate myself with the remarks that have just been made by the distinguished Republican leader.

We all have not only a very fine relationship with Howard Baker and have had for many years when he was a Member of the Senate—our relationships during those years when we shared the leadership of the Senate were very warm—but we also have a deep understanding and appreciation for the good work that he has done for the President during Mr. Baker's somewhat brief tenure at the White House.

He came to the White House when things were stormy and there were rough seas. I think he did much to help to calm, quiet, and make things more serene there. He has performed a great service not only for the President but also for his country.

I join with the distinguished Republican leader in wishing Howard well as he returns to his former work. I also want to share my concerns and, I am sure, my wife Erma's with respect to Joy, the wife of Senator Baker. We wish her well. We will remember her in our meditations, thoughts, and prayers.

Mr. DOLE. I thank the distinguished majority leader.

I know that when Howard leaves he will be replaced by Ken Duberstein who had a lot of experience not as a Member of Congress but working with the House and Senate and I have just conveyed my congratulations to Mr. Duberstein whom we look forward to working with, not for him, with him, and I express the sentiments of everyone, and he will do a good job.

Mr. MOYNIHAN. Mr. President, I associate myself with the remarks and I think it would not be inappropriate to say the sentiments of the Republican leader and our distinguished majority leader.

I learned just a moment ago on this floor that Howard Baker will be leaving his position as Chief of Staff, a newly created position only in this administration, and he surely has filled it to the extraordinary debt owed him now.

What he has done is he took a shattered institution and he restored stability to that most precious of democratic institutions. Only perhaps a man as sensitive to the prospects of instability could be as effective in restoring it in a moment of genuine crisis. The Presidency was tottering when he took hold, and it is sufficiently restored that he feels able to leave. If he is prepared to leave, it is in that sense, in my view, to be taken as a good sign. His sense of duty and his realistic understanding of what is involved is such that he would never leave were it not possible to continue without him and that, in a sense, is a measure of his success.

We wish Howard Baker and his wife Joy, who is our friend, enormous good fortune.

I speak as the person who wrote the introduction to his campaign biography for the 1980 elections, and I have only one regret, that I did not write better so that he might have been the candidate and whoever had won would have been much to my liking in either event on that occasion.

FAMILY SECURITY ACT

The Senate continued with consideration of S. 1511.

Mr. MOYNIHAN. Mr. President, I see the distinguished Senator from West Virginia who is our former Governor on the floor who wishes to address as I understand S. 1511, and I yield the floor and await with great anticipation.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKFELLER. Mr. President, I rise to offer my strong support for the Family Security Act of 1988. It is my fervent hope that this body will not only pass this legislation but will do so by a strong vote of approval.

It is time to move forward and to actually enact into law these measures that are so desperately needed to assist the very poorest of Americans.

I know that many tributes have already been paid to Senator Moynihan in regard to this bill, but I surely am not going to say anything about the bill without starting with him myself because he is clearly and obviously the father of this bill.

As his friend, as his admirer, and as a fellow member of the Finance Committee, I know in recent years what Senator Moynihan has done for his bill and for the truly poor in our country.

I have been inspired by Senator Moynihan personally and professionally not just in terms of the need for welfare reform but in general through the scope and sweep of his knowledge on so many matters. He combines a wisdom, a wit, and a sense of the jugular for the truth of our social problems. He looks backward with clarity and forward with clarity better than any one else in this body.

We are considering this bill because of the years of work that he has done and the attention that he has paid to the plight of children in poverty. He has made the point loudly that our welfare system has broken down, that it is not working. He has been saying that for years and now we have a bill. And this bill has to pass.

I should also mention that Senator Bentsen, as chairman of the Finance Committee, who has undertaken an incredible amount of legislation in the past year and a half also deserves the highest of praise. Here once again is an example of Senator Bentsen moving forward on something that is in part controversial, very complex, and yet absolutely crucial.

Many of us who played a role in this legislation were guided by certain principles. We heard from Governors who testified before our committee wisely, calmly, and knowledgeably, saying that States want to change the emphasis on welfare from cash subsistence only to more comprehensive assistance that eventually enables recipients to get trained for jobs, to get jobs, and ultimately be able to support themselves and their families. That is what this bill is about.

We have learned from researchers and experienced experts in the field, that programs along these lines in a number of States have already proven that education, job training, and related services can successfully prepare welfare recipients for employment.

Some worry that welfare recipients are forever to be that way. States have proven and are proving that that is not the case. In our deliberations, we were told over and over again that these mothers and these fathers want to work. They want to support their children. They want a life of dignity. They do not want to be on welfare.

Mr. President, it is time to change the system throughout the entire country—in every State and on behalf of every one of the 7.3 million children growing up in dismal poverty.

In order for this to happen, we are simply going to have to pass this bill and invest more money in the necessary programs. There is no short cut. And I say "invest" because there have been signs of hope from pilot projects that the money spent up front on education, on job training, on work experience for AFDC recipients can be more than offset by longer term gains when they become employed, earn wages, and pay taxes.

I represent a State, Mr. President that is not a wealthy one. We have a great need for this bill. West Virginia continues to have high rates of poverty and unemployment. I am not happy about that, but it certainly motivates me in terms of trying to do something about this problem.

One out of three of our children are being raised in poverty in West Virginia.

This year, in an average month, over 36,000 households in West Virginia received AFDC benefits. They receive through AFDC an average of $223 a month. I do not possibly know how anyone in this body can imagine what it would be like to live on $223 a month. AFDC households try to in West Virginia and they have to under the current law.

The Family Security Act will significantly increase the funds available to West Virginia and to the rest of the States to help these children and their parents escape this grinding poverty.

The bill begins, quite logically, in my judgment, with provisions to insist that fathers who can financially support their children, whether or not they live in a different household, a different State, will do so. They will support their children according to the law. Where pertinent, that support will be deducted from their wages wherever they live.

The statistics on child support collection in most parts of the country are very depressing. This legislation makes it clear that men and women who bring children into this world must accept responsibility for raising and caring for them.

A crucial section of the bill is the JOBS Program with provisions that direct all States to design comprehensive work-oriented services—that must include basic education and training—for AFDC recipients. For States such as my own, West Virginia, it provides the first opportunity—because of the funding levels proposed—for extending this kind of constructive, positive assistance to citizens who are likely to be without a high-school education, without a high school degree, without perhaps even the most basic math and science knowledge, and with little or any work experience.

Mr. President, during the markup of this bill, I was able to gain approval of two amendments to strengthen these provisions even further. One added language to emphasize to States that their programs should place the highest priority on offering remedial and basic education to any participant who lacks a high school diploma, no matter what age. We know what barriers illiteracy puts in front of men and women who want a job in today's work force.

I am sure many of our colleagues have sat and talked with those who work on illiteracy problems in their respective States. In fact, I very recently visited a local literacy project in West Virginia. I talked to the director, and she introduced me to one particular man who did not want his name to be known to me and would only talk to me about his situation—being illiterate—confidentialy.

He and I sat and talked for about a half an hour about what it was to be a man in his 40's and feel the frustration, hurt, humilation and lack of opportunity because of being unable to read or write.

You must ask the question: Is that his fault or is that our fault? If you are brought up in poverty, if your parents have not had the chance or have not been able to go to school, I am not sure you can conclude that it is the individual's fault.

I know one thing. My West Virginia friend was determined to persist in the literacy program to learn to read and write, and he was firm in fulfilling his intention.

We must knock down those barriers and give low-income citizens a real shot at getting work in America, getting ahead with life.

My other amendment addresses the need for serious, ongoing cooperation between all levels of agencies that deal with the JOBS Program. Quite frankly, agencies often do not cooperate with each other. State agencies often do not communicate with one other.

It is essential, in my judgment, that the Federal and State agencies responsible for education and for job training are fully involved in designing administering, and evaluating all aspects of the JOBS Program that will spring from this bill. Each participant's needs must be carefully assessed, case by case, person by person, so that he or she enters into classes or programs that makes sense for that individual, that suit real job prospects and offer hope for financial independence.

One final point, Mr. President, about this part of our legislation. I represent a State that has chosen under the WIN Program to operate a Community Work Experience Program, which we call CWEP, but has been dubbed by many as "workfare." As the Governor of West Virginia, I launched the CWEP program—in fact, we were the first State in the Nation to begin a CWEP program.

I want to comment on the debate about this method of assisting welfare recipients. A lot of people say that CWEP takes jobs from other people and must pay a certain level of wages. I listened to opponents of CWEP very, very carefully. We debated whether or not CWEP should continue to be an option for which States can require participation.

Mr. President, I disagree. CWEP provides an opportunity for welfare recipients to acquire work experience—in a library, in a government office, at a municipal park, and in other situations. CWEP is not punitive or make work by nature. It can be thought of, in fact, in the same vein as on-the-job training and job preparation.

Finally, it has already been made more than clear under the WIN Program, that States are not exactly racing to place all of their AFDC recipients into CWEP jobs. It is simply an option and the fact of the matter is that very few numbers of AFDC recipients are required to participate in CWEP, even though the option has existed for years.

Nationwide, CWEP is and will surely continue to be one of a whole range of activities that AFDC recipients are assigned to as part of an effort to help them ultimately leave welfare for good.

Mr. President, there are other important provisions in this legislation. I'm strongly in favor of retaining the full work transition coverage authorized by this bill, as the absolute key to making it possible for mothers in particular to seek and accept work. Who can blame any mother who declines a job on the basis that her children would no longer be able to get health care or that they literally would have to be left at home alone in order for her to go to work?

I also am proud of the amendment that I helped to offer with Senator MITCHELL and Senator DANFORTH, which earmarks $7.5 million in grants for local projects aimed specifically at generating new jobs for those on welfare.

We have waited more than months for this bill. We have waited years and even decades for the opportunity to redesign and reform assistance to our poorest citizens. Though I fully recognize that far, far more must be done to truly bring an end to poverty, I think this legislation should be recognized as a historic step toward that ultimate objective.

I know there are some who say "let's wait." I respect those who strongly believe that a welfare reform bill must increase direct cash benefits to AFDC households. However, waiting or making the bill politically or fiscally unrealistic are not acceptable choices in my view. What good is a bill that won't pass the Senate or have a chance of escaping a veto, or perhaps won't even be able to override a veto? What will that do for America's 7.3 million children who right now are growing up in poverty?

I say let's do what we can now, and turn to doing more next year and the year after until we give all children a real chance at growing up with an opportunity for a decent life. No matter what its deficiencies, flaws or disappointments, we have the obligation to act.

Finally, I urge the administration and my colleagues who continue to criticize this bill for "doing or spending too much" to reconsider. It's deeply disappointing that the President can't see the merits of this legislation.

This is another example, quite frankly, where we in Congress have worked with the administration, made compromise after compromise to accommodate their views and involved them every step of the way. And after all that, now we find a veto threat at the end of the process.

Once again, Senator MOYNIHAN, I congratulate you, sir, and others who have contributed to this important legislation. Legislation will not do any good unless we have the votes to pass it in this Chamber and then, if there is to be a veto—which I hope will not occur we have to have enough votes from both sides of the aisle to override that veto. This legislation cannot wait. America's poor children cannot wait. It is time to pass this bill.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, the distinguished and accomplished Senator from West Virginia will not, I think, mind if I use this occasion for personal reminiscence. I think, sir, it is just now a quarter century since we first met in West Virginia. I was then an Assistant Secretary of Labor in the Kennedy administration. I was working on the Appalachian Regional Commission, which we had established.

It was one of the events of the third quarter of our century that, in the 1960 Presidential election, at a time when, you know, America had declared victory on all the social questions that were raised in the Depression prior to that, of the raw industrialism of our Nation.

John F. Kennedy had to run in primary elections. If we sustain those enterprises, let us remember some of the things that can happen. He got to West Virginia and he did not believe what he saw. He could scarcely believe what he saw. And he came back to Washington, after winning the election, and said, "Something has to be done." And the word went out that something would. And we began the efforts that in time led to the general effort about poverty in this country. And one of the first young men to respond, put his career in that cause, was JAY ROCKEFELLER.

I met him. I think he was just as tall then as he is now, which is tall enough, heaven knows. A young man there working up those hollows with the people he has described today. And he has done it ever since.

He stayed with the State government. He has become Governor. He is now Senator. I dare not know what will come in time, but what is already there is a record of personal commitment that I do not know any equivalent of in this body and I want to testify to it. Anybody can get enthusiastic for a summer. But to put your whole life into it, that is commitment. And the people of West Virginia know it.

Yet, for all he has done—you see what he set out to do—he can stand on this floor today and say one child in three in West Virginia is poor. But, of course, the extraordinary thing is that in the interval we have seen this problem metastasized—is that too hard a word? I do not want to use, perhaps, that image. But we are the first society in history in which children are the poorest group of the population.

The great efforts that began with social insurance in the 1930's, to provide for the elderly, have worked. The elderly—there is poverty, surely, but it tends to be when they are very old, old elderly, is the phrase we now use. People tend to retire with a private pension system, some savings, and Social Security, absolutely solid thanks to the work we have done in the Finance Committee.

What we have not been able to deal with is the children. The rate of poverty is greater than it was previously. And it is horribly divided as between some groups of children and others.

I see the distinguished Senator has risen.

Mr. ROCKEFELLER. Will the Senator yield?

Mr. MOYNIHAN. Yes.

Mr. ROCKEFELLER. You made this Senator recall an instance which I think will buttress what you are saying. This Senator went to West Virginia as a VISTA worker 24 years ago. I vividly remember the community in which I was working for 2 years as a VISTA worker—Emmons, a tiny community with 56 families, 256 people, 50 of those families were on welfare and only 6 families had someone working.

Talking about children, I remember one particular young boy about 16 years old who was meant to be in high school. But at that time there was a law that the school bus did not have to pick a child up if he or she were more than a mile and a half beyond the end of a hard road. We in Emmons, were many miles more than that beyond the end of a hard road. So, the boy did not go to school. We worked on that problem. We got a bus, and he began to go to school.

He did not have an easy time. As a boy from a poor town, attending a school in a better-off section of Charleston, he wore clothes and talked in a way that caused fellow students to make fun of him.

This boy dropped out but I convinced him to return. Ultimately, however, he dropped out for good. It was too hard on him to be made fun of. I could not blame him.

The question is: Whose fault was that? Do I blame that boy for dropping out of school, or do I blame our society, our system of laws, our system of allocating resources? I think the Senator would judge, as I would, that one does not blame the boy.

Mr. MOYNIHAN. Mr. President, I would ask, given the attention of the Senator from West Virginia, in respect to the AFDC family, after all he has done, after all others have tried, would you have believed it when you went to that little town up the hollow, little village, hamlet up the creek, if someone had said to you: "Sir, in the next 20 years, we are going to take that family, that AFDC family, the kid whose teeth were not very good and had one pair of trousers and finally did drop out of school, we are going to cut the benefits in West Virginia by 27 percent," would you not have said: "Nonsense"?

That is what we did. In Virginia, your neighbor, we cut 47 percent. Across the Nation, what have we done to our children? We have cut on constant dollars. They will receive less than in 1970. There is this one specific, which I know the distinguished Senator form West Virginia cares about, right in the middle of our social insurance system. In 1970, the tables are over there, AFDC benefits, what we call benefits, a title of Social Security have nationwide maximum been cut 13 percent.

Simultaneously, survivors insurance, which is also Social Security, children, have gone up 53 percent, so that today the child receiving survivors insurance receives almost three times the amount of the child receiving AFDC. The AFDC recipients, as the Senator from West Virginia well knows, were first described as a West Virginia miner's widow. That is how Frances Perkins described this person.

How well have we taken care of those widows and their children? Talk of a widow's might, it was barely enough to live on, and we have cut it. I say you have cut in West Virginia 27 percent. I am reading from the Committee on Ways and Means background material data on programs within the jurisdiction of the Committee on Ways and Means. You are down 27 percent.

I was just saying to the Senator from Pennsylvania, they cut 49 percent. We in New York City have cut 35 percent. Can you imagine in 1970, standing up and saying that child is eating too much; we will cut their benefits 35 percent?

Why is it? Because it is a stigmatized program that is why. This program is a program that will give them the opportunity to learn. We know the first thing they have to have is basic education.

In New York City, it would not be very different from some of those hollows in West Virginia. Half the adult women on welfare in New York City, total population is twice the population of Delaware, half of them have never had 1 day's work.

Like that young man you had to take back to school and back to school and hand labor, but if we target those people, not the people who are 30 years old and their marriage broke up, whatever, it is that teenage mother who never worked, does not know how, does not want to find out. Either we are going to do this or lose another generation of American children.

How are we going to look to the rest of the world? How are we going to explain it to the Canadians. It is not a problem of West Virginia. What is the difference between a child living in a single-parent female-headed household on survivors insurance and AFDC?

Mr. ROCKEFELLER. Will the Senator yield?

Mr. MOYNIHAN. I will be happy to yield.

Mr. ROCKEFELLER. The Senator's discourse has reminded me that people do label or criticize people who are on AFDC as not wanting to work. I know many, many mothers and fathers on AFDC who do indeed want to work, but can't and won't without the assistance provided by this bill. That is why it is so important to me.

Mr. MOYNIHAN. If I may say, Mr. President, there speaks a Senator who has been there and speaks with compassion and concern. I would like particularly to thank him for the provisions about the cost sharing in the new entitlement which we created for job training and education. We do not worry about what the Appropriations Committee did this year. You are going to get it automatically.

Thanks to the Senator's amendment, States such as West Virginia which have a WIN Program in which they will have a 90-percent Federal sharing will continue that 90-percent sharing up to the point they are now and thereafter commence the 80-percent sharing. This will be the first time since the sixties that money will really be available in West Virginia for those young men and women, those young girls. Let us hope and, for heaven's sake, let us not make the good the enemy of the best. We have done that before.

I thank the Senator from West Virginia. I thank him for who he is, has been and for his help in this legislation. He is a member of the Finance Committee, of course, and he is as much an author of this as any of us. I particularly appreciate his observation that it is our committee and our chairman, Senator BENTSEN, carrying the weight in the Senate so far, and this is just the most recent of our bills which I hope we will be done with by the end of tomorrow afternoon.

I thank the distinguished Presiding Officer.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent to speak out of order notwithstanding that the Pastore rule has not yet run its course.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIPPING AGAIN ON TRADE

Mr. BYRD. Mr. President, the Commerce Department brought us the monthly dose of bad trade news. The April figures show us mired in $9.9 billion of red ink, on a seasonally adjusted basis.

The good news is that the April figure is not as high as most economists feared. The bad news is that any monthly trade deficit approaching $10 billion can be greeted with a sigh of relief.

Buried in the figures is a more complicated picture of the world economy. The more than $2 billion drop in imports in April may be a sign that higher import prices are beginning to persuade some consumers to buy American. Much of the drop, however, is in a wide variety of capital equipment. It may simply mean that American business is slowing the pace of investments in America's future. Exports also fell, but, when seasonally adjusted, the decline was slight. Again, exports were artificially boosted by $600 million in gold purchases by Taiwan. It was a case of all that is gold adding little real glitter to the trade account.

This is the first monthly trade figure that is adjusted for seasonal changes. When looked at through the lens of seasonal adjustment the March $9.7 billion merchandise trade deficit turns into the more realistic $11.7 billion.

Mr. President, this river of red ink is creating a sea of external debt. By the end of last year, we were about $420 billion in debt to the rest of the world. At the current pace, we are on our way to reaching the $600 billion level by the end of next year. There seems to be no way, that we can avoid being the first country in history to join the trillion dollar debt club.

Next week, Mr. President, the leaders of seven industrial democracies will gather in Toronto for the annual economic summit. Yesterday, President Reagan's address to the Atlantic Council looked forward to a celebration of his own policies. He now touts an era of unprecedented economic cooperation and coordination—policies that, in fact, were pushed by the Congress on a reluctant President.

I am afraid that we may have a replay of the 1984 campaign—the prewritten communique will celebrate "morning in the industrial world." When it comes to trade imbalances, Third World debt, and the stability of the international financial system, there will be seven-part harmony instead of hard thinking about hard questions. When it comes to the real problems, Mr. President, there will be an attempt to tiptoe through not the tulips but Toronto.

Month by month, the trade figures provide a clear warning. But instead of marshaling our many strengths, we prefer to ignore our weaknesses. It is time for another course.

ORDER FOR RECESS FROM 12:45 TO 2 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess today at the hour of 12:45 p.m. to the hour of 2 o'clock p.m. to accommodate the two party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield the floor.

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 12:39 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 15 minutes.

There being no objection, the Senate, at 12:24 p.m., recessed until 12:39 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. KERRY).

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that at the hour of 2 o'clock p.m. today the Senate proceed to the consideration of Calendar Order No. 704, S. 2042, the bill by Mr. DURENBERGER and Mr. CRANSTON to authorize the Vietnam Women's Memorial project; that there be a time limitation thereon of 20 minutes to be equally divided between the majority and minority leaders or their designees, and that no amendments to the bill other than the shown committee amendments be in order.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. BYRD. Mr. President, I understand that a rollcall will be requested on that bill. When the Senate takes up the bill a time for a vote will be arranged by the leaders and the managers of the bill which will accommodate Senators, some of whom will not be here until later in the afternoon because they are engaged downtown in speaking to the European Council.

RECESS UNTIL 2 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the recess now begin which was scheduled to begin at 12:45.

There being no objection, the Senate, at 12:41 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SANFORD).

VIETNAM WOMEN'S MEMORIAL PROJECT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 2042. The clerk will report.

The bill clerk read as follows:

A bill (S. 2042) to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict.

The Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

S. 2042

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY FOR CONSTRUCTION OF A STATUE HONORING WOMEN WHO SERVED IN THE VIETNAM CONFLICT.—(a) Subject to subsections (b) and (c), the Vietnam Women's Memorial Project, Inc., a nonprofit corporation authorized to operate in the District of Columbia, is authorized to construct a statue of a woman Vietnam veteran on public grounds within the 2.2 acre Vietnam Veterans Memorial site in the District of Columbia in honor and recognition of the women of the United States who served in the Vietnam conflict.

(b)(1) The Secretary of the [Interior,] *Interior (hereinafter referred to as the "Secretary")*, in consultation with the Vietnam Women's Memorial Project, Inc., and the Veterans' Memorial Fund, Inc., is authorized and directed to select, with the approval of the Commission of Fine Arts and the National Capital Planning Commission, a suitable site for the statue within the 2.2 acre Vietnam Veterans Memorial site in the District of Columbia.

(2) The design and plans for the statue shall be subject to the approval of the [Secretary of the Interior,] *Secretary*, the Commission of fine Arts, and the National Capital Planning Commission. Not later than thirty days after the [date of the enactment of this section, the Secretary of the Interior] *submission of the design and plans to the Secretary, the Secretary* shall decide whether or not to approve the design and plans and, if the Secretary approves them or takes no action to approve or disapprove them (in which case his approval shall be deemed to have been given), shall submit the design and plans to each of the Commissions forthwith. If either Commission fails to report its approval of or specific objection to such design and plans within ninety days after the submission of the plans, the approval of the Commission in question shall be deemed to be given.

(3) Neither the United States nor the District of Columbia shall be put to any expense in the construction of the statue.

(c) The authority conferred pursuant to this section shall lapse unless (1) the construction of the statue is commenced within five years from the date of the enactment of this section, and (2) prior to groundbreaking for actual construction on the site, funds are certified available in an amount sufficient in the judgment of the [Secretary of the Interior,] *Secretary* based upon the approved design and plans for the statue, to ensure completion of the construction of the statue.

(d) The maintenance and care of the statue constructed under the provisions of this section shall be the responsibility of the [Secretary of the Interior.] *Secretary.*

SEC. 2. It is the sense of the Congress that—

(1) it is most fitting and appropriate that this statue in honor and recognition of the women of the United States who served in the Vietnam conflict be constructed at the site of the Vietnam Veterans Memorial to help complete the process of recognition and healing, for the men and women of the Armed Forces of the United States who served in the Vietnam conflict, that was undertaken with the establishment of the Memorial;

[(2) the addition of the statue is well within the scope, purpose, and intent of the law, Public Law 96-297, authorizing the Vietnam Veterans Memorial Fund, Inc., to establish the Memorial and could and should be undertaken pursuant to that law without the need for the enactment of this Act;]

(3) *(2)* the Secretary and each of the Commissions should, in evaluating the plan and design for the statue, give weighty consideration to the sense of the Congress expressed in this section that a statue of a woman Vietnam veteran should be constructed at the Vietnam Veterans Memorial site; and

(4) *(3)* after the addition of a statue of a woman Vietnam veteran, the Vietnam Veterans Memorial will be complete, and no further [additions to the site should be] *additions or alterations to the site shall be* authorized or undertaken.

SEC. 3. (a) Not later than ninety days after the date of enactment of this Act, the Secretary and the Administrator of the General Services Administration shall jointly prepare and transmit to the Energy and Natural Resources Committee of the Senate and the Committees on Interior and Insular Affairs and House Administration of the House of Representatives, a list and a description of those commemorative works which have been completed and are located in the District of Columbia and its environs. The Secretary and the Administrator shall update the list from time to time as new commemorative works are completed and transmit such an updated list to the Committees.

(b) No significant modification to any completed commemorative work located in the District of Columbia and its environs may be undertaken unless specifically authorized by Act of Congress.

(c) As used in this section, the terms "commemorative work" and "District of Columbia and its environs" have the same meanings as provided in the Act of November 14, 1986 (40 USC 1002).

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I do not see on the floor at this time members of the Energy and Natural Resources Committee who may or may not be managing the bill, but I ask unanimous consent that I might proceed for 5 minutes of the 10 minutes allocated to the proponents of the bill to make a brief statement on behalf of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, I rise today as the Senate considers S. 2042, authorizing the construction of a memorial to the women who served in the Armed Forces in the Vietnam war.

S. 2042 comes to the floor of the Senate with 75 cosponsors—testimony to the massive bipartisan support for the completion of our Nation's Vietnam Veterans' Memorial. The bill itself is simple: Authorization for the Vietnam Women's Memorial project, Inc. to erect a statue honoring the role of women in the Vietnam war. This legislation will complete the mandate of Public Law 96-297: To honor and recognize "The men and women of the Armed Forces of the United States who served in the Vietnam war."

Senator CRANSTON and I introduced S. 2042 on February 4 of this year. The Energy and Natural Resources Subcommittee on Public Lands, National Parks held hearings and reported the bill last month. Today, this body will take a giant leap forward in honoring the women—and men—who served in Vietnam by passing this legislation.

I support the amendments which will be offered by the committee, as adopted in committee, particularly their strengthening the language in section 2, making it clear that this bill does not open the floodgates for more "additions or alterations" to the Vietnam Veterans Memorial.

The struggle to recognize Americans who served in Vietnam is almost over. And it will be over when we complete the honor to the men and women who served in Vietnam.

Donna Marie Boulay, Diane Evans and Jerry Bender formed the Vietnam Women's Memorial project in 1984 with the goal of educating America about the contributions of women and honoring those contributions by erecting a statue of a female veteran at the Vietnam Veterans Memorial.

Passing this legislation today, S. 2042, is a major step toward fulfillment of those goals.

S. 2042 lays out an approval process fully consistent with Public Law 99-652—the Commemorative Works Act. It follows the procedure followed for the original Vietnam Memorial.

It is my hope that the Commission of Fine Arts will see how deeply Americans feel about this proposal and play a constructive role in making the Vietnam Women's Memorial project a reality.

I am heartened by the testimony of the Commission's chair, J. Carter Brown, during the hearing on S. 2042 where he said, "I look forward to the opportunity of continuing, objectively and open-mindedly, to serve this Congress in any way it asks."

We, as lawmakers, must consider the fine points of a statutory approval process.

But S. 2042 is not simply about laying out timetables and approval process. It is really about recognition and honor, about grief and pain, about reconciliation and hope. A representational work of art honoring female Vietnam veterans is an appropriate and long-overdue symbol of this Nation's gratitude for the sacrifices and contributions of the more than 10,000 women who served in Vietnam.

After I became involved in supporting this project, I began to receive mail from Vietnam veterans across the country supporting this proposal. Many who wrote expressed a theme that I find particularly compelling: They said that they would not be here today if it were not for the women who served so ably in Vietnam.

I think we all know the wall, the famous wall, would have many more names if not for the heroism, commitment and bravery of American women in Vietnam.

I will close by thanking my 74 colleagues who have expressed their support by cosponsoring this bill. In particular, I would like to express my gratitude to the distinguished chairman of the veterans affairs, Senator

CRANSTON, for his diligent work on this issue, work that preceded mine as a member of the honorary committee for the memorial. We would not be here today without his strong support in this effort.

I also wish to thank our colleague from Arkansas, Senator BUMPERS, for his careful consideration in the subcommittee and the committee of S. 2042 and the amendments proposed to be added at his initiative are certainly designed to strengthen the bill.

Finally, I thank the majority and minority leaders for their cosponsorship and their willingness to accommodate this bill in a very busy legislative schedule.

Mr. President, I ask unanimous consent that an article by William Kennedy be included in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 22, 1987]

DUSTY'S PAIN: THE NURSES TOO, WERE SCARRED BY THE WASTE OF VIETNAM

It's like a bad dream. After all the supposed progress toward equality, we are being told that the existing all-male statue of infantrymen at the Vietnam memorial adequately represents all who served, regardless of sex.

"We have heard some rhetoric," says J. Carter Brown, chairman of the U.S. Commission of Fine Arts, in a letter to the editor Nov. 11, about there being no memorial to the nurses who served in Vietnam and in the hospitals elsewhere that cared for the Vietnam wounded. He says there is a memorial somewhere over in Arlington honoring the nurses of all wars. Further, he says, a memorial to the Vietnam nurses would be "transcended" by something planned to honor the women who served in all of our wars.

Transcended, indeed. It has still not sunk in with Brown, and he is by no means alone, that there is a depth of tragedy and sorrow to the Vietnam War that is unique in our history, the dimensions of which we have only recently begun to comprehend, and that we have scarcely begun to address.

On the same day Brown's letter appeared, his and any other objections that might be raised to the statue were devastated by a poem read on National Public Radio's "Morning Edition." The poem, by a former Army nurse who permits herself to be identified only as "Dusty," was found at the foot of the wall carrying the names of the dead and is included by Laura Palmer in her recently published book, "Shrapnel in the Heart." The poem is so powerful that the NPR news people found it difficult to find anyone who could read it on the air and retain composure:

Hello, David—my name is Dusty.
I'm your night nurse.
I will stay with you.
I will check your vitals every 15 minutes.
I will document inevitability.

I will hang more blood.
And give you something for your pain.
I will stay with you and I will touch your face.

Yes, of course, I will write your mother and tell her you were brave.
I will write your mother and tell her how much you loved her.
I will write your mother and tell her to give your bratty kid sister a big kiss and hug.
What I will not tell her is that you were wasted.

I will stay with you and hold your hand.
I will stay with you and watch your life flow through my fingers into my soul.
I will stay with you until you stay with me.

Goodbye, David—my name is Dusty.
I am the last person you will see.
I am the last person you will touch.
I am the last person who will love you.

So long, David—my name is Dusty.
David, who will give me something for my pain?

That word, "wasted," is what the Vietnam memorial is all about. It is why, unlike ceremonies over the decades at memorials to the dead of World Wars I and II, the human reaction is uniformly one of grief. Nowhere is this more apparent than in the deep psychological scars borne by the military nurses who dealt directly with the Vietnam casualties.

My wife served as an Air Force flight nurse during the Korean War. Through her and through my work, I have met many military nurses from that conflict and from World War II. Although the physical and emotional trauma in both of those conflicts was on the same scale of horror for anyone who dealt directly with the wounded, I have never seen the hurt so close to the surface as it is with the Vietnam nurses. None of the Korea or World War II nurses would have said that the individual or collective sacrifice was "wasted."

The sense that World War II was a triumph over evil, that even Korea was a justified response to aggression, seems to have been a powerful balm. I think that even if Vietnam had been a military defeat for the United States, in the sense that the Confederacy was overwhelmed and defeated in the Civil War, the wounds, emotional as well as physical, would have been borne with the defiant pride the Confederate veterans evidenced to the end of their lives. It is the feeling—no, the knowledge—of purposelessness borne of incompetence in the highest levels of government, an incompetence that has never been examined by official inquiry, that has left the Vietnam wounds raw and will keep them open and bleeding until the people and the institutional defects that brought about the waste are brought to account.

The poem by Dusty says it all.

Granted, it is not only nurses who should be honored. Female medical technicians surely suffered as severely as the commissioned nurses. But in a symbolic sense, it is the nurse who seems best to represent the women who served in Vietnam, for she above all—whether professional feminists like it or not—best represented the motherhood that young soldiers have called upon in the hour of death since time immemorial.

So let's get on with it. Put up a statue of an Army nurse and inscribe on its base Dusty's poem. Let that word "wasted" and the 58,000 names it repesents everlastingly confront everyone in Washington, high or low, military or civilian, who has anything to do with sending men and women into danger. That, at least, we can do for Dusty's pain.—William V. Kennedy

Mr. BOSCHWITZ. Mr. President, I rise today as a strong supporter and original cosponsor of S. 2042.

Mr. President, S. 2042 authorizes the Vietnam Women's Memorial Project [VCWMP] to construct a statue at the Vietnam Veterans Memorial to honor and recognize American women who served in Vietnam. I am very proud to be an original cosponsor of this legislation.

A group of volunteers from around the country, led by Minnesotans, started a campaign in 1984 to erect a statue of a women soldier near the Vietnam Veterans Memorial. Many of these volunteers had served as Army nurses in Vietnam, tending bravely to untold numbers of wounded and suffering soldiers.

The project organizers envision a bronze statue depicting a nurse in fatigues, with boots on her feet and a helmet in her hand. Around her neck is a stethoscope. And her sad eyes are staring at "the Wall" where the names of those who died in the war are listed.

I have supported efforts of the Vietnam Women's Memorial Project's since 1984, and I am proud that I was named to the group's Congressional Advisory Council in 1986. Its proposals to erect this memorial is an overdue recognition of women veterans.

Mr. President, after visiting Washington, many Minnesotans tell me how moved they were by the stark memorial to the soldiers killed in Vietnam. I cannot think of a better place to honor the women who served alongside our soldiers in that war. More than 10,000 women served in Vietnam. Eight women were killed in the war, and their names are inscribed on the black wall. But there is no monument to the perseverance and strength of those women who helped the wounded.

When Congress approved the Vietnam Veterans Memorial, it required that the statue honor both men and women who served there, but the Commission of Fine Arts rejected the proposed statue honoring women who served in Vietnam. Many here in Congress joined me in urging the Fine Arts chairman to reconsider this decisions. However, when that outcome did not appear likely, I joined my friend and colleague from Minnesota, DAVE DURENBERGER, in acting to provide a legislation solution.

When the bill passes, the Commission of Fine Arts will have to review its decision to leave the memorial incomplete, against the intent of Congress and the administration. Rodger Brodin, a fellow Minnesotan, has designed a very fitting statue and its construction will be entirely funded from private sources. I look forward to the day when we will see the woman veteran statue at the Vietnam Veterans Memorial—where she belongs. The time has surely come for the American women who served during the Vietnam war to be recognized, to be honored, and to be welcomed home.

Mr. DURENBERGER. Mr. President, on behalf of the Energy Committee, I ask unaninous consent that the committee amendments be considered and agreed to en bloc. As I understand it, this agreement has been cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The committee amendments were considered and agreed to en bloc.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator has 3 minutes 17 seconds.

Mr. DURENBERGER. Mr. President, I yield a minute to my colleague.

Mr. PRESSLER. Mr. President, I join in the remarks regarding recognition for the women of the United States who served in the Vietnam conflict. Having served in Vietnam myself—I suffered a case of hepatitis and was in a U.S. Army hospital in Cam Ranh Bay—I recall the Army nurses and other women of the United States, not only in the medical area, but elsewhere, who assisted me. I think this recognition of their service is overdue. I am proud to be an original cosponsor of the measure.

There were women of the United States who served in several other capacities in Vietnam besides medical, but I was particularly aware of that since I spend 6 weeks at the Sixth Convalescent Center at Cam Ranh Bay which was staffed in large part by women who served in Vietnam in one capacity or another.

I think the proposed statue is an important recognition of the contribution that these women made. There is general assumption that most Vietnam veterans are men. That is true, but some of the most stalwart service was given by women, and I think it is time that they are properly recognized for that service.

I might also add that the President of the major Vietnam veterans' organizations—the Vietnam Veterans of America—is a woman—Ms. Mary R. Stout. This is a very appropriate effort by my colleague from Minnesota, and I commend him for it.

Mr. BUMPERS. Mr. President, who controls the time?

The PRESIDING OFFICER. The leaders on each side.

The Senator from Arkansas.

Mr. BUMPERS. Mr. President, how much time is remaining?

The PRESIDING OFFICER. Ten minutes on the majority side.

Mr. BUMPERS. Mr. President, I simply want to say this bill by the Senator form Minnesota was heard in my Subcommittee on Public Lands and Natural Resources. We had and extensive hearing, and there was some opposition. But I want to say that there is a broader issue, and that is: Who has the authority for significantly altering existing memorials?

Mr. President, in the summer of 1980, after a great deal of controversy, Congress passed legislation which authorized the building of a memorial to commemorate Vietnam veterans. Public Law 96-297 provided that the memorial be built "in honor and recognition of the men and women of the Armed Forces of the United States who served in the Vietnam war."

Late that same year, a competition for the design of the memorial was won by a young architectural student, Maya Lin. Her design called for the names of the 58,000 men and women who were killed in the war to be etched into two 250-feet slabs of polished black granite which would intersect at an obtuse angle. The 10-feet "walls" of the memorial would be embedded beneath the ground.

In the fall of 1982, the original walls of the Vietnam Veterans Memorial were completed and dedicated. Two years later, Frederick Hart's statue of three soldiers and the flag pole were added nearby.

However, there are those who argue that the Vietnam Memorial is still incomplete without more directly recognizing the significant role that women played in the Vietnam war. Approximately 10,000 women served in Vietnam. The names of the eight who died are included on the memorial walls.

After careful consideration of the many calls and letters I have received on this legislation, as well as testimony received before the Subcommittee on Public Lands, National Parks and Forests, I am supporting this important piece of legislation and urge my colleagues to do likewise.

This legislation has also raised the broader issue of who has authority for significantly altering existing memorials. The Commemorative Works Act, passed in the last Congress, is clear in its intent that only Congress can authorize new commemorative works on Federal lands in the District of Columbia and its environs. The act carefully defines a process for design approval that includes the Fine Arts Commission and the National Capital Planning Commission.

The legislation before us today, as amended by the Energy and Natural Resources Committee, clearly states that significant modifications to existing memorials, should also be authorized by Congress. There is no more important land in this nation than the Mall and the "monument core" of the District of Columbia. The construction of statues and other changes to existing commemorative works, or the removal of such works, should always be subject to congressional action.

Mr. President, I want to say that the Vietnam Memorial is the most compelling, poignant memorial in the District insofar as visitation is concerned. And this addition to the memorial honoring the women who not only fought there but who died there is altogether appropriate. I was honored to chair the hearings. I am very pleased that this bill is now before us.

Incidentally, unless there is somebody else who wishes to speak, I am prepared to yield back the remainder of time on this side.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that any other of our colleagues who might have statements may have them printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I support the enactment of S. 2042, a bill to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans Memorial in honor of the women of the United States who served in the Vietnam conflict.

As my colleagues will recall, the idea of the statue was presented to Secretary of the Interior Hodel late last year as a proposed modification to the existing Vietnam Memorial. While Secretary Hodel agreed with the proponents of the project and recommended that the existing memorial be modified, the Commission on Fine Arts and the National Capital Planning Commission rejected the proposal arguing that the memorial was complete and that no further additions should be made. Without the approval of these two entities, the proposed addition could not go forward.

In response to this action, Senators DURENBERGER, CRANSTON, and others introduced S. 2042 which would provide congressional authorization and direction for the modification of the existing memorial. This legislation was the subject of a hearing before the Public Lands, National Parks and Forests Subcommittee and was ordered reported favorably from the full Energy and Natural Resources Committee on May 11, 1988.

During the Committee's deliberations, several amendments offered by Senator BUMPERS, chairman of the subcommittee, were adopted. These amendments improve the legislation and, I ask unanimous consent that the portion of the committee's report explaining these amendments appear in the RECORD at this point.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

COMMITTEE AMENDMENTS

During the consideration of S. 2042, the Committee adopted a number of technical, conforming, and substantive amendments. A discussion of those substantive changes follows.

REFERENCES TO VIETNAM MEMORIAL AUTHORIZING LEGISLATION

The Committee adopted an amendment to delete paragraph (2) of section 2 of the bill, as introduced, which provided that the addition of a statue honoring women who served in the war is well within the scope, purpose and intent of Public Law 96-297, which originally authorized the construction of the Vietnam Veterans Memorial, and that the statue could and should be undertaken pursuant to that law without need for further legislation.

In authorizing the establishment of the Vietnam Memorial, Public Law 96-297 does specifically state that the memorial was to be built "in honor and recognition of men and women of the Armed Forces of the United States who served in the Vietnam War". While the Committee agrees that the primary intent of S. 2042 is certainly consistent with that objective, the Committee does not feel that such a significant change in the existing Vietnam Memorial should be undertaken without further legislation and consideration by the Congress.

MODIFICATIONS TO COMPLETED COMMEMORATIVE WORKS

The Committee also added section 3 to the bill which directs that significant modifications to completed commemorative works in the District of Columbia and its environs may only be authorized by Act of Congress. The amendment is designed to clear up any ambiguity which might exist regarding authority over such modifications.

Consistent with that objective, the amendment directs the Secretary of the Interior and the Administrator of the General Services Administration to jointly prepare and transmit a list of those commemorative works in the District of Columbia and its environs which are completed to the appropriate Congressional committees within 90 days after the enactment of this Act. The Secretary and the Administrator are also directed to update the list from time to time as new commemorative works are completed.

Mr. JOHNSTON. I believe it is especially important to note that the committee amended this legislation to make clear that, in the future, any significant modifications to existing commemorative works in the District of Columbia, such as the proposal to add this statue to the Vietnam Memorial, must be authorized by the Congress.

Mr. President, I am pleased that the Senate is taking this action today to honor those women who served their country in the Vietnam war and urge my colleagues to join with me in approving this legislation.

Ms. MIKULSKI. Mr. President, I am delighted that the Senate is taking action on this legislation creating a memorial to the women who served in Vietnam.

Mr. President, women have served with distinction in World War II, Korea, and Vietnam. They have served under fire as medical personnel, and they have trained male combat pilots. Yet they have never received the recognition they deserve.

In Vietnam, women served during the Tet offensive, women were wounded, women were the targets of snipers, women lived and worked under artillery fire, women were exposed to the special stresses of guerrilla warfare, and women helped save the lives of other soldiers.

Today women play a far greater role in our armed services than ever before. They have increased in number and have finally been permitted to apply their skills in "nontraditional" roles.

This memorial will serve as a monument to the contributions of the women who served in the last war and should also inspire the women who are prepared to serve in future conflicts.

Mr. WARNER. Mr. President, I thank the distinguished minority leader and distinguished majority leader for providing this time.

Mr. President, I am pleased to be a cosponsor of this legislation which authorizes the addition of a statue of a woman veteran at the Vietnam Veterans Memorial.

Our goal is to enhance the message of the memorial by more fully recognizing the valuable contributions of the more than 10,000 women who served in the Vietnam theater of operation. At the same time, this legislation preserves the integrity of the role of the Commission on Fine Arts, the National Capital Planning Commission and the Secretary of Interior in approving the design and the location of the statute within the Vietnam Memorial site.

Mr. President, I was proud to be associated with the original efforts to erect a memorial by the Vietnam Veterans Memorial Fund under the leadership of Jan Scruggs, Bob Doubek, and Jack Wheeler.

Despite some of the objections to the design, the Vietnam Memorial has surpassed all of our expectations to commemorate the thousands of men and women who gave their lives during this conflict and to pay our overdue respects to returning veterans.

Certainly everyone, veterans and civilians alike, have been touched by the memorial's mystique and its majesty. It is that mystique and majesty which must be preserved as this future addition is finally decided upon, for no single act of remembrance of the Vietnam conflict conveys a stronger message of peace and reconciliation than this particular, magnificent memorial.

The Senate's action today to include the women's veterans statute at the memorial site must be compatible with the artistic integrity of the granite that is there now and the message it so poignantly conveys not only to Americans but to the whole world.

I trust the decisions of the Commission on Fine Arts, the National Capital Planning Commission, and the Secretary of the Interior will accomplish that goal. I am so hopeful that members of the Women's Coalition, and the many coalitions which brought about this legislation today, indeed, the sponsors of this legislation, notably the Senator from Minnesota, will help counsel these groups, again, to preserve the mystique and the majesty of the existing memorial.

I thank the Chair.

Mr. BINGAMAN. Mr. President, today the Senate will vote on S. 2042, legislation to authorize the construction of a statue at the Vietnam Veterans' Memorial in honor of the women who served in the Vietnam war. I would like to urge my colleagues to support this bill to recognize these women who sacrificed so much to serve their country.

The need to commemorate our women Vietnam veterans was brought home to me in a very personal way by Margery Vaughan Barol, a New Mexican who served with the Army Nurse Corps from 1966-67. Margery recently wrote to me, telling of her experience of the Vietnam Veterans' Memorial. I would like to share her words with you today because they convey so well the spirit of this legislation. She wrote:

> During my visit to Washington I made a profound connection with the Vietnam Memorial. At the same time, my frustration at not knowing any of the names engraved there left me feeling isolated and terribly sad. I realized that even though I had wrapped up many of those boys, I didn't remember their names. I had touched them, washed them, and sent them home in a bag. And though I searched The Wall for even one familiar name, not one appeared. Just that endless blur of sacrifice. The Wall is a healing place, but in order for it to be my place of healing, I need to see the statue of an American woman standing with her fighting comrades. I need to feel that I belong there too; that the little I gave of myself will rest with the ones who gave their all.

Ten thousand women served in Vietnam. Each one giving of themselves to serve this country. I am proud to be a cosponsor of this legislation to give these women the long overdue tribute they deserve. S. 2042 directs the Secretary of the Interior to work with the Vietnam Women's Memorial project, the Vietnam Veterans Memorial Fund, and the Secretaries of the Fine Arts and National Capitol Planning Commission to select a suitable site for the statue of a woman Vietnam veteran at the memorial site. This legislation was also carefully designed to protect the approval process that govern the establishment of this type of memorial.

I have been contacted by hundreds of New Mexicans who support this important project. New Mexicans have supported the project not only with their words, but also with their actions. On May 13 a group of New Mexicans began a 350-mile march from Truth or Consequences to Angel Fire, NM, which is the location of the DAV's National Vietnam Veterans' Memorial. This march was cosponsored by the Vietnam Veterans of America Chapter 358 of Truth or Consequences to generate funds for the Vietnam Women's Memorial. I would like to commend and congratulate the individuals who participated in and supported the march. I would also like to commend Susie Knutson, the New Mexico Coordinator of the Vietnam Womens' Memorial Project for her dedicated work.

This project is clearly important to the people of New Mexico and the Nation. I hope that my colleagues in the Senate will join me in support of this legislation to recognize the courageous women who served in Vietnam.

Mr. MURKOWSKI. Mr. President, I rise in support of S. 2042, legislation authorizing the construction of a statue at the Vietnam Veterans' Memorial in honor and recognition of the women of the United States who served in uniform during the Vietnam war. I urge my colleagues to vote in favor of this important initiative.

Mr. President, women in uniform are an integral part of our armed forces. During the Vietnam war, over 10,000 women served in the combat theatre of operations. They endured the many hardships and experienced the many tragedies borne by our military forces who served during that conflict. From the Mekong Delta in the South to the DMZ in the North, women were in the forefront caring for the wounded, providing much-needed logistical and administrative support and lifting the moral of our combat troops. Their commitment, professionalism, and dedication to service and country were unequaled in the annals of American history.

Mr. President, I support this legislation because I can think of no more fitting a tribute to women veterans of the Vietnam era than to place a statue of a woman in uniform at the Vietnam Veterans' Memorial. This memorial has done much to heal the wounds of that bitter and divisive conflict and to help us pay tribute to those who, as Lincoln once wrote, "have borne the battle." The statue of a woman nurse would do much to complete this beautiful and touching memorial. It is a way in which we can fully recognize the service and sacrifices that these women gave so unselfishly to their country.

Mr. DURENBERGER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BUMPERS. Mr. President, I yield back the remainder of my time on this side.

Mr. DURENBERGER. Mr. President, I yield back time on the side of the proponents.

The PRESIDING OFFICER. The bill will be read a third time.

The bill was read a third time.

Mr. CRANSTON and Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. I would like to speak very briefly in behalf of this measure before we go to the vote. Is ther time left?

The PRESIDING OFFICER. Time is all gone.

Mr. CRANSTON. I ask unanimous consent that we may have 5 minutes.

Mr. BUMPERS. Mr. President, I have no objection to the unanimous-consent request of the Senator.

Mr. CRANSTON. I ask for 5 more minutes, and Senator KERRY wishes to speak.

I rise to urge my colleagues to vote for this legislation which I coauthored with Senator DURENBERGER—and I thank him for his remarks about our common efforts on this—to authorize the Vietnam Women's Memorial Project to establish a statue of a woman Vietnam veteran at the Vietnam Veterans Memorial in Washington, DC.

Mr. President, the cosponsorship of this measure by 75 of my colleagues demonstrates the overwhelming support S. 2042 enjoys in this Chamber.

Before I discuss the merits of the project, I would like to express my outrage and dismay at the recent defacement of the Vietnam Veterans Memorial. This eloquent monument has served for 5½ years as a symbol of the Nation's recognition and honoring of the men and women who served in Vietnam and those who made the ultimate sacrifice on behalf of our country. I was relieved to learn that the damage to the memorial can, and will, be promptly repaired.

Mr. President, the goal of the VWMP is to recognize the sacrifices and contributions made by women who served in the Vietnam conflict and to educate the public about the role of these women. As a charter member of the VWMP Congressional Advisory Panel, I have great admiration and respect for the commitment, effort, and fine work of the individuals associated with the VWMP in working to attain their goal.

As the chairman of the Veterans' Affairs Committee, I know that the women who served in and with our Armed Forces with honor, strength, and commitment are often overlooked when our Nation recognizes its veterans. And women veterans are still much less likely than their male counterparts to use veterans' benefits such as home loan guaranties and VA health care—in part because they are not aware that such benefits are available. Many women veterans do not realize that some of their stress-related symptoms may have been caused by their service in Vietnam. This situation takes on further significance in light of the determination by the Research Triangle Institute in a recent preliminary draft of its National Vietnam veterans readjustment study that there is some evidence that women veterans who served in Vietnam have experienced higher levels of readjustment problems than have women veterans of the same era, similar age, and military occupation.

I believe that the placement of the statue at the Vietnam Veterans Memorial would, by acknowledging the sacrifices made by women during the Vietnam conflict, accelerate the healing process for the women who served their country during this very difficult time.

Unfortunately, the efforts of supporters of the project to complete the VVM with a statue of a woman veteran have been stymied. Last year, Secretary of the Interior Donald P. Hodel endorsed the VWMP proposal and concluded that it was authorized by Public Law 96-297, the law providing for construction of the VVM. With the support of Secretary Hodel, every major veterans' organization, and many Members of Congress, the VWMP proposal was presented to the Commission of Fine Arts [CFA] for consideration. Despite the very strong support for the project, on October 22, 1987, the CFA rejected it.

CFA Chairman J. Carter Brown, in a letter to Secretary Hodel explaining the CFA's rejection of the VWMP's proposal, said "the Commission believes that any added elements such as the proposed statue will have the appearance of an afterthough." I disagree.

Since I began working with the VWMP, I have been impressed by the project's dedication to ensuring, through careful planning, that the addition of the proposed statue would complement the existing memorial. The bronze statue proposed by the VWMP is similar in appearance and demeanor to the statue of the three combat soldiers already in place at the memorial. The proposed placement of the statue at the end of the wall opposite to the end where the existing statue is placed, would, as Secretary Hodel has pointed out, provide a sense of completion and balance to the memorial, allowing visitors to walk in a full circle as they visit the different elements at the memorial site.

Mr. Brown has further said that women are recognized through the symbolism in the statue of the combat soldiers and by the inscription on the wall of the names of the eight women who died in Vietnam. Again, I disagree. The "Three Fighting Men" statue eloquently captured the emotions felt by many who served in Vietnam. However, because women were and are legally barred from combat, this statue does not represent the contributions made by women veterans. In addition, few visitors to the wall have the opportunity to note the 8 women's names among the 58,146 names inscribed there. A statuary representation of the 10,000 women who served would provide a vivid reminder of the sacrifices and contributions made by these women during the Vietnam conflict.

I was deeply disappointed by the CFA's shortsighted decision. It prompted the introduction of separate bills last November by Senator DURENBERGER and me—Senate Joint Resolution 215 and S. 1896—with the common goal of authorizing construction of the VWMP proposed statue but providing for different approval processes for the proposal. We subsequently merged our viewpoints and developed the new proposal embodied in S. 2042. As I proposed in S. 1896, S. 2042 includes the CFA, as well as the National Capital Planning Commission, in the approval process. I believe that at this juncture bypassing the CFA, which has advised the President, Members of Congress, and various governmental agencies on matters pertaining to the appearance of Washington since the Commission was established by Congress in 1919, or bypassing the National Capital Planning Commission, would send the wrong signal as to the value and merit of the proposed statue.

I hope that the members of the CFA and the Planning Commission will open their minds on this question and not force the issue back before Congress for ultimate resolution.

S. 2042 would also provide a timetable for the approval process. Under this measure, the Secretary of the Interior would be required within 30 days after submission of the design and plans for the project to decide whether or not to approve them. Should the Secretary fail either to approve or reject the plans within that 30 days, secretarial approval would be considered, by operation of law, to have been given, and the VWMP proposal would be forwarded to the Fine Arts and National Capital Planning Commissions. Then, under the bill, if either Commission failed to report to the Secretary their approval or rejection of the proposal within 90 days after the plan is submitted to them, the approval of one or both of the Commissions, as appropriate, would be deemed, by operation of law, to be given.

Our bill would further express the sense of the Congress that establishment of the VWMP is a fitting and appropriate way to help complete the process of recognition and healing for the men and women who served in the Vietnam conflict. In addition, the bill expresses the sense of the Congress that the Secretary of the Interior and the Commissions should give weighty consideration to the sense of the Congress that a statue of a women Vietnam veteran should be constructed at the Vietnam Veterans Memorial site.

S. 2042 also expresses the sense of the Congress that with the addition of the VWMP statue the Vietnam Veterans Memorial would be complete and that no further additions or alterations to the site should be authorized or undertaken. This provision should help alleviate concerns expressed by CFA Chairman Brown that the VWMP's statue would become the first in a long string of additions to the VVM. I believe that with the addition of the servicewomen the VVM would fulfill the original intent of the authorizing legislation enacted to honor the dedication and sacrifices of the women as well as the men who served on behalf of this Nation during the Vietnam conflict.

Finally, I would like to note that I am very concerned about the commercialization of memorials and will be raising this issue with the distinguished floor manager, Mr. BUMPERS, at the conclusion of my remarks.

Mr. President, S. 2042 has served as a rallying point for our effort to establish a woman Vietnam veteran statue. Proponents of the project must now work together to convince the Commission of Fine Arts and the National Capital Planning Commission of the desirability and merit of this project. I recognize that that may not be easy. But with the strong support of Congress, a greater coalescing of support at the grassroots level, the existing support of every major veterans' organization, and the endorsement of the Secretary of the Interior, I believe agreement can be reached with the two Commissions on the site and plans for this most fitting and appropriate addition in much the same way as the original proponents of the Vietnam Veterans Memorial had to overcome and take into account similar opposition over the fundamental design of the memorial.

Mr. President, I again urge the Senate to give its overwhelming approval to S. 2942. I am confident it will.

Mr. President, I would like to engage the distinguished chairman of the Subcommittee on Public Lands, National Parks, and Forests of the Energy and Natural Resources Committee, Mr. BUMPERS, in a colloquy.

I have strongly supported the Vietnam Women's Memorial project's [VWMP] goal to erect a statue of a woman Vietnam veteran at the Vietnam Veterans Memorial [VVM] site ever since the project began in 1984. During my efforts on behalf of the project, I learned of an issue that I have become very concerned about—the commercialization of memorials.

According to a November 11, 1987, Washington Post article, the sculptor of the "Three Fighting Men" statue—the statue that now accompanies the wall—holds a copyright agreement that has, as of that date, allowed him to collect $85,000 in royalties from the sale of souvenir reproductions of his combat soldier statue. In contrast, the designer of the wall receives no royalties and holds no copyright for that exquisite design.

According to that same article, the sculptor of the "Lone Sailor" statue which is now part of the Navy memorial cited the "Three Fighting Men" copyright agreement when he negotiated the royalty arrangement for his sculpture and has received over $100,000 in royalties from the sale of small reproductions sold to raise money for that monument. In advertisements promoting the sale of the replicas, the impression is given that all the money collected are for the U.S. Navy Memorial Foundation and the U.S. Historical Society and there is no reference to a commercial venture on the part of the sculptor.

I ask unanimous consent, Mr. President, that the text of such an ad, which appeared in the February 1988 Veterans of Foreign Wars magazine, be printed in the RECORD at this point.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

THE LONE SAILOR

The elegant and beautifully decorated Lone Sailor Porcelain Plate is being issued by the United States Navy Memorial Foundation in cooperation with the United States Historical Society. Based on the original sculpture by Stanley Bleifeld, The Lone Sailor Porcelain Plate honors all Navy personnel—past, present, and future.

Bleifeld's Lone Sailor represents all American seamen. He protects our shores, keeping them safe for commerce and trade and keeping vital shipping lanes open. Noted historical artist Jack Woodson has created a stunning painting exclusively for The Lone Sailor Porcelain Plate.

OLD IRONSIDES

Behind him is "Old Ironsides," officially christened "USS Constitution," in full sail. This, the oldest commissioned ship in the United States Navy, symbolizes the proud heritage of the Navy.

Artisans of Pickard, one of the world's great porcelain houses, create each Lone Sailor Plate from the original art by Jack Woodson. Pickard produces the dinner service for the State Department and the U.S. embassies. A band of gold surrounds each Lone Sailor scene. Scrolls of gold adorn the band and the deep cobalt blue rim. On the back, a legend is applied in 24-karat gold, attesting to the quality and authenticity of the plate and including the Registry Number within the edition of 7,500.

YOU CAN BE A SPONSOR

When you acquire this valuable Lone Sailor Porcelain Plate, you become an official sponsor of the Navy Memorial that is being built in our nation's Capital. The United States Navy Memorial was authorized by Congress to honor the men and women of the United States Navy who have served their country in war and peace.

Phase I of the Memorial, the Plaza, was dedicated on October 13, 1987. Phase II, the Visitors Center, will be completed in late 1989.

The Navy Memorial will include the bronze Lone Sailor Statue, a performance amphitheater, a granite globe projection of the planet earth, fountains, waterfalls, pools, bronze; bas-relief sculpture of historical naval scenes, and a Visitors Center which will include a 250-seat theater, the Navy Memorial Log, a multi-function room. "The Ship's Store," and exhibits, paintings, and sculpture.

Mr. CRANSTON. Mr. President, I am deeply concerned that sculptors of other national memorials will also seek royalties and commercialize memorials designed to honor individuals who have served our country. Our memorials should not be a source of individual profit.

To prevent commercialization of the VWMP statue, I ask that the chairman give serious consideration to adding a provision to S. 2042 in conference that would specify that any copyright agreement for the VWMP statue must provide that all royalties from the sale of reproductions of the statue be paid to the U.S. Government. I also urge that serious consideration be given to adding a similar generic provision to the Commemorative Works on Certain Federal Lands in the District of Columbia Act, Public Law 99-652.

Mr. President, I have spoken with the distinguished chairman, and I know he shares my concern about this issue.

Mr. BUMPERS. Mr. President, I do, indeed, appreciate and share the concerns about this disturbing trend expressed by my good friend from California who chairs the Committee on Veterans' Affairs and has been the principal proponent, along with the Senator from Minnesota (Mr. DURENBERGER), of this memorialization of women Vietnam veterans. I must note, however, that the question of commercial rights is a complex issue that needs thorough consideration before any action is taken. I assure my colleague that the subcommittee will expeditiously and thoroughly look into his proposals regarding S. 2042 and Public Law 99-652, and I will let the Senator know what the outcome of that inquiry is. I do think that a generic approach would be preferable. I appreciate the opportunity to engage in this colloquy with the Senator from California.

Mr. CRANSTON. Mr. President, I thank the chairman for his consideration of this matter and look forward to learning about the subcommittee's findings and legislative intentions.

I yield the floor. I believe the Senator from Massachusetts wishes to speak.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank you very much.

I rise to speak in support of this bill. I think there are now 75 cosponsors. So obviously the question is not in doubt. But I did want to make a statement on the floor, publicly as a Vietnam veteran, and as someone who has been involved with many of those who have been struggling to see this statute enacted. There is now a very moving statue there of three fighting men. I think the entire memorial, as the distinguished Senator from Arkansas has said, is one of the most eloquent statements that there is existing in the country today as a vehicle for healing and for bringing people together in the aftermath of the war, but the basic reality that an ingredient is missing is unavoidable.

There are names of nurses, there are names of women on the wall. As a veteran I can tell you that there were many different ways in which women in uniform and out of uniform contributed to the ability of our troops to be able to not only survive but to fight that war.

It is totally appropriate that that be memorialized in a statue. I can understand the decision of the Commission on Fine Arts, but I think it is an incorrect decision. I think it is totally appropriate that Congress move now to guarantee that both the healing process and the recognition process come back together as one, and that we complete both of those with the action that we take here.

I congratulate the Senator for moving forward on it.

Mr. DURENBERGER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Is it necessary to yield back time to proceed to the vote?

The PRESIDING OFFICER. Time has expired.

Mr. CRANSTON. I suggest the absence of a quorum. I gather the vote will come shortly.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I yield to the distinguished majority leader.

Mr. BYRD. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The question before the Senate is the vote on S. 2042. The time has expired for debate, and the question now occurs.

Mr. BYRD. Mr. President, I ask unanimous consent that the vote occur on this measure at 4 p.m. today and that paragraph 4 of rule XII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Have the yeas and nays been ordered?

The PRESIDING OFFICER. Yes.

Mr. WARNER. Mr. President, I ask the majority leader if there could be some additional time to speak with respect to the bill.

Mr. BYRD. How much time does the Senator desire?

Mr. WARNER. Two minutes.

Mr. BYRD. Mr. President, I ask unanimous consent that at 3:55 p.m., the distinguished Senator from Virginia [Mr. WARNER] be recognized to speak on the bill dealing with the Vietnam Memorial.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the majority leader.

ORDER OF BUSINESS

Mr. BYRD. Mr. President, what I am trying to do—before I make this request—is to put the Senate on a multiple-track working system for the moment.

The welfare reform bill is before the Senate, and various discussions and negotiations have been going on between the Republicans and the Democrats and, in some instances, I understand, between White House people and Members of the Senate, in an effort to smooth out the approach on that bill. So I think progress is being made.

Nevertheless, I would not want today to pass, as did yesterday, without some progress being made, likewise, in some other areas.

There are three appropriations bills that have been reported, and they have been qualified under the 1-day rule. As we all know, last year and the year before, omnibus appropriations bills were sent to the President; and as the distinguished Republican leader, the distinguished Speaker, and I have said repeatedly, we hope we will not do that again. We would much prefer to send to the President separate appropriations bills, so that he can make a judgment on each, as to whether to sign them or not. Besides, we think it is better to do that. That is doing it the old-time way.

There are three of these measures on the Calendar: energy and water, military construction, and legislative.

In addition, in our efforts to advance the program as expeditiously as we can, in the hope that we can adjourn sine die this year by—or, hopefully, before—October 8, it would seem to be in our best overall interest to proceed this afternoon with one or more of the appropriations bills, while the discussions in connection with the welfare reform bill are underway elsewhere.

So I would hope that we could go on another track and take up the legislative appropriation bill this afternoon, and then, upon the disposition of that, go back to the welfare reform legislation or to another appropriation bill, or whatever. The distinguished Republican leader and I have discussed this.

I am going to make the request, Mr. President, that the Senate proceed to the consideration of the legislative appropriation bill at this time—that is, H.R. 4587. I understand that Mr. GARN will have some comments. I will yield for the purpose of entertaining the comments of Mr. GARN and whatever actions he would wish to propose. I shall make the request shortly. I will not make it right now.

I will be happy to hear from Mr. GARN at this point, or the minority leader.

Mr. DOLE. Mr. President, will the majority leader yield?

Mr. BYRD. I yield.

Mr. DOLE. Mr. President, I did indicate at the policy luncheon the hope of the majority leader, and I think of most Senators, that we expedite the business where we can. I went over some of the matters we talked about this morning, including the appropriation bills that were given to me, which we might be able to take care of between now and the July 4 recess period.

Senator GARN has indicated—he will speak for himself—that he does have a problem, not with this specific appropriation bill, but with another one about which he feels strongly.

He also indicated that he is not trying to stall the work of the Senate, but he feels very strongly about one particular function, which he can explain.

I still believe that we might make some progress; and perhaps if the leader moves to proceed to the bill, we can do it that way, and take them up in that fashion. We are prepared. Senator GARN has a legitimate request to make.

Mr. GARN. Mr. President, I realize that the request is not yet before us, and I want to explain my position, out of courtesy to the majority leader.

As he knows, in all the years we have served together, I have never surprised him or this body. I do not work in that fashion. I have not delayed the Senate since the fall of 1975. I was a freshman Senator at that time, and the distinguished majority leader was very kind to me.

His knowledge of the rules is much greater than mine, but that gap was even much larger 13 years ago. I will never forget, as I was filibustering the Clean Air Act extensions in the closing days of that session, that the majority leader was kind enough to warn me to be very careful, in view of his knowledge of the rules, and he let me know to be on my toes so that he would not catch me too easily. I appreciate that.

The only reason I bring that up is that I am not a Senator who runs out on the floor and stalls bills for a narrow, parochial interest, or stalls them at all. I do not speak much on the floor anymore. I used to. I was cured of that and decided that if I did not have my work done in committee before I reached the floor, I had failed.

I work hard in the committee process and take very little time on the floor, except when I am managing a bill or something coming out of the Banking Committee.

What has happened the last couple of years is that the HUD-Independent Agencies budget, which particularly includes function 250, or Space, Science, and Technology, which includes NASA, also includes the National Science Foundation, includes the very technological base of this country, which has been the major reason we are the great country we are and the advantages we have over the Soviet Union. We cannot keep up with them in the number of tanks, airplanes, tactical weapons, and artillery pieces, but we have had superior technology. We have had better engineering. And what we have done in the Appropriations Committee is to literally savage this budget in the 302(b) allocations. The President's request was adequate to continue a moderate science technology budget, including the space station and recovery and getting the shuttle back flying again.

I emphasize what we are talking about is not just a space station or a space shuttle, but the entire technology base, research and development of this country and where we are going to be 15 or 20 years down the road.

Not only have we undercut the President's request by $1.3 billion, just in a $11.5 billion budget, an incredible percentage decrease. We had a budget out of the Senate Budget Committee, the House Budget Committee, the Senate and the House in conference, and we have cut over $400 million under what the Budget Committee agreed to in the 302(b) allocations to be transferred to other subcommittees.

The space station is at risk. Whether we have one or not is really in question. Also in question are whether we fly the space shuttle again soon, whether or not we have an advanced solid rocket motor and science education training of engineers, training of math and science teachers, which everybody in this body is for. Yet the budget has been so gutted in a process where only the Appropriations Committee deals with it; the Senate has not dealt with 302(b) allocations.

I could go on. I do not intend to take the majority leader's time or the Senate's time further.

That is the reason I am here. I do not object to what the majority leader has said. As much as anyone I would like to meet his goal of finishing by October 8.

No one in this body is more irritated with giant continuing resolutions than the Senator from Utah. We ought to get on with our business. We ought to pass individual appropriations bills.

But I also do not intend to give up on the future of this country. I do contend that something must be done with that function 250 before this process is completed and that may be that I will have to actually come out and filibuster appropriations bills that I am for. I am not prepared to do that yet.

What I am trying to do is draw the attention of this body to an extremely serious problem for the future of this country.

So, while I am not prepared at this point to start filibustering appropriations bills, I do want to send a message. The majority leader is perfectly within his rights to ask to displace the welfare bill by unanimous consent and go to any of the appropriations bills that have been reported out. But I will at the time he makes that request object to doing it by unanimous consent. Then he is certainly fully within his rights to move to that, and I will ask for the yeas and nays. I will not obstruct further or delay. It will take 15 minutes or so to have a vote.

But I do want to highlight the problem at this time and see if I can get the Appropriations Committee to come to their senses and avoid the Senator who has not delayed anything for 13 years finding himself giving long, long speeches about the future of technology in this country.

That explains my position. I understand the majority leader's position and agree with it, but I feel I must do something about this particular area.

Mr. BYRD. Mr. President, I appreciate and respect the viewpoint of the distinguished Senator, and it is certainly true that he has not proved to be any problem to me as majority leader. He has not sought to obstruct and he has always indicated what his problems are if he has problems and we try to resolve those, and he has always been most cooperative and courteous in those matters.

So I respect his viewpoint today, and he is sending a message.

I shall ask unanimous consent. I do ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 727, an act making appropriations for the legislative branch.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. GARN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. Mr. President, I will move to proceed to take up this measure, and I so move.

Mr. GARN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. BYRD. Mr. President, I suggest to our distinguished managers for the appropriations bill that they proceed with their opening statements on the bill and if we could agree to have the vote on the motion to proceed immediately following the vote on the other matter which has just been scheduled to take place at 4 o'clock today, we could then have the rollcall vote on the motion to proceed at that time.

Mr. GARN. I have no objection to that.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—S. 2042 AND H.R. 4587

Mr. BYRD. Mr. President, I ask unanimous consent that the vote on the motion to proceed to the consideration of the legislative appropriation bill, which has been ordered to be a rollcall vote, occur immediately back to back following the vote on the passage of S. 2042, a bill to authorize the Vietnam Women's Memorial project, which has been set for 4 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, that means there will be two rollcall votes, one beginning at 4 o'clock on S. 2042, a bill to authorize the Vietnam Women's Memorial project. That will be a 15-minute rollcall vote. Immediately following that, a vote on the motion to proceed to the consideration of the legislative appropriation bill will occur. That, at the moment, is also a 15-minute rollcall vote. It could very well be reduced to 10 by unanimous consent, but I do not have that yet.

In the meantime, I hope that the managers of the legislative appropriation bill will be prepared to proceed with discussions of the bill even prior to the motion to take it up so that, once the motion is agreed to, if it is agreed to, progress will have been made in discussing the legislation and any amendments thereto.

Mr. President, I thank all Senators. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(By unanimous consent, all colloquy and debate pertaining to H.R. 4587, Legislative Branch Appropriations Act, fiscal year 1989, appear in today's RECORD after the vote on the motion to proceed to the consideration of the bill.)

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOVERNMENT CONSULTING CONTRACTS

Mr. PRYOR. Mr. President, today I should like to revisit an issue with which I have been involved for some 8 or 9 years—at least a decade, in fact. When I first came to the Senate, I chaired hearings looking into the use of consulting services—that is, private firms being paid for by the taxpayer to advise our Government how to conduct its business.

I had great hopes over the last several years, Mr. President, that something was being done to monitor these thousands of private contracts, but I have found that the situation today is not any better, in fact, it is a great deal worse.

Yesterday morning, I chaired a 2-hour hearing of the Federal Services Subcommittee of the Governmental Affairs Committee. We had as our witnesses before the committee the Office of Personnel Management, the Office of Management and Budget, and the General Accounting Office.

I should like to summarize what the finding of our subcommittee was yesterday and the revelations that were introduced into evidence at that 2-hour hearing. I do this with all respect to the members of the appropriations committees and the subcommittees which are today beginning the appropriations cycle in bringing three appropriations bills to the floor of the U.S. Senate.

Further, I am serving notice on my colleagues in the Senate that, after these three relatively minor appropriation bills are disposed of, I, acting not only as chairman of the Subcommittee on Federal Services but also in my own right, will offer amendments to each and every appropriation bill that comes before this body, seeking to identify the number of consulting contracts and the number of dollars we are spending on consulting services. In addition, I am going to try to limit and cap those dollars we are spending on consultants.

Our subcommittee has estimated, and the Office of Management and Budget yesterday confirmed the fact—and I hope my colleagues will pay special attention to this figure—that, as of yesterday, our Government, the taxpayers of the United States of America, expended some $26 billion—not million—in fiscal year 1987 in private contracts for consultants.

Yesterday, the Office of Management and Budget, after serious prodding, admitted that at least one-half of these contracts are being entered into on a sole-source basis. In other words, there is inadequate competition, of these contracts.

In fact, we also found out yesterday that approximately 68 percent of all those contracts, are being added onto or modified on a year-by-year basis. We found that many of these contracts are sole source, with no competition, and are never ending, never sunsetted, and today, $26 billion of the taxpayers' money is being expended for private advice.

I think this is an intolerable situation. I am serving notice on my colleagues that in 1988, I will attempt to put amendments on bills, not only to ascertain the extent of each department's use of consultants, but also, to attempt to limit substantially the amount we are spending.

We are not talking about simple expenditures of just a few dollars. We are not talking about overpriced stepladders or ash trays or toilet seats. We are talking about what this Government pays for advice from the private consultants, who are today making a very good living off Government agencies.

We are talking about a lot of cozy relationships and sole-source contracts in the world's most profitable buddy system. We are talking about buying in cheap on a contract; then we are talking about add-ons for years and years being granted, by whims and friendships, on the original contract.

We are talking about duplication of studies, unnecessary reports, and unneeded advice, at a time when we are scratching the bottom of the barrel to fund research for cancer, child nutrition, and the war on drugs.

What we are talking about is greed, absence of checks and balances and oversight, and, in the end, what I term the great taxpayer ripoff.

Mr. President, some have referred to consultants as so-called beltway bandits.

Several years ago a book was written by a very fine young attorney by the name of Mr. Dan Guttman—along with another author—entitled "The Shadow Government," dealing with the overwhelming dependence of the Federal Government in contracting with private consultants.

Another very splendid book that I have with me was written by John D. Hanrahan. It is entitled, Government by Contract.

> The shocking facts on the hidden contracting and consulting costs of government—costs that are spiraling upwards even in the face of Federal "budget cuts."

Let me also read from page 21 of John Hanrahan's recent book on this "Invisible Government." He states in the last paragraph of this page:

> More than 130,000 Government employees—about one in every 20 on the Federal payroll—were needed to administer the vast array of contracts. In some agencies or units within agencies, the major parts of their budgets were being spent on private contractors.

Mr. President, I do not think we can let this go on without congressional attention. I have referred in the past to the consulting industry as the unelected government. The General Accounting Office, because of its depth of research and knowledge on this issue and also its willingness to save taxpayers' dollars has been more than helpful in supplying us with the facts and figures for the hearing yesterday and also giving us the necessary information to pursue in the coming appropriations bills two goals; one, to cap and, two, to define the use of consultants within our Federal budget system.

Every Monday morning the Washington Post has a very interesting little section. Yesterday I was just reading about an interesting Air Force contract.

I would like to ask which of our colleagues thinks that this is a vital security function when the U.S. Department of the Air Force last week awarded to the TEM Associates, Inc. in Washington, a $154,000 contract from the Air Force—now listen to this, Mr. President—"to provide for the development of an Air Force accomplishments book."

I do not know TEM Associates, but I bet you anything that TEM Associates probably walked into the Department of Air Force one day and said, "You fellows don't have a very good reputation. You need to improve your image. What you need to have is a symbol, an Air Force accomplishments book, and we are just the consulting firm to do it, and we will do it; as a matter of fact, we will do it for oh, let us say $154,000."

The Air Force probably said "That is the greatest idea since sliced bread, and we are going to take you up on that. When can you get this book compiled?"

We do not know when it is going to be compiled. My guess is sometime after the year 2000. After this $154,000 original contract has been modified for the next decade or two, it will probably end up costing $5 million to $6 million.

I also looked at the Department of Education last week. Once again, here we are scratching the bottom of the barrel for education funding, for the Child Nutrition Program, for drug abuse, you name it. Here Pelavin Associates, Washington, DC, just won a $149,000 contract from the Department of Education to provide special technical and support analysis on postsecondary education.

Mr. President, does anyone in this body think that with all the thousands of employees in the Department of Education this study has not already been done about 300 times?

Yesterday the Office of Personnel Management [OPM] came before our committee and said: "Everything is just hunky-dory, everything is beautiful. We do not really have any problems with consultants in our Government."

Then I asked them this question. I said, "It looks like your office, the Office of Personnel Management, has just issued a contract for $316,681 to the American Management Systems, Inc., over in Arlington, VA, to provide 'consulting services.' "

Mr. President, we are all in the wrong business around here. We ought to become consultants. One, you do not need any specific training; two, what you need is a very good, close friend who is in that decisionmaking strata of these departments and agencies of Government.

Talking about the American Management Systems, Mr. President, it reminds me of something else once again to show the flaw in the way that we have attempted to monitor these contracts in the last 5 to 8 years.

Just look at this. We wrote to EPA, the Environmental Protection Agency. We said: "Dear EPA, Please send us a list of all the consulting contracts that you signed and awarded in the year 1987?"

Mr. President, there is the list. It looks like probably—I do not know—$50,000 or $60,000, or maybe a few million. What is the difference? It does not matter when they are awarding these contracts. There are about nine items on this list.

We found that this list was not quite accurate as to the number of EPA awards that they gave in contracts last year. In fact, Mr. President, look. Here are just a few of the awards that the Environmental Protection Agency awarded last year, 1987, probably totaling I do not imagine a billion dollars but certainly a hundred million dollars, when they had admitted that they had only signed about 17 million dollars' worth.

What is wrong with the system? How did we get from there to here? Why can we not monitor these particular contracts?

Once in the early 1980's, Congress mandated each inspector general in 31 U.S.C. section 1114 to monitor all of these contracts and report to the Congress each year as to the status of the consulting contracts and awards for private advice within their own agency of Government.

We wrote to the Department of Interior to ask their inspector general where their report was.

Dated June 6, here is their letter:

Hon. DAVID PRYOR,
Washington, DC.

DEAR MR. CHAIRMAN: The Department of the Interior's Office of Inspector General has not performed an audit of Interior's use of consultants in the last 5 years; therefore, we have not assessed the Interior's management of consulting services. However, we do plan to begin a limited scope review of the Department's use of consulting services on or about July 6, 1988, and when this audit is published, we will be happy to provide you with a copy.

Mr. President, I was curious about what was happening in the U.S. Department of Agriculture, what they are doing in the area of consultants. We just drew them out of the bag. Here is Mr. Robert Beuley, who is the Inspector General, U.S. Department of Agriculture, paragraph 2:

> To my knowledge, no Governmentwide study, audit, survey or report on this subject has ever been conducted or published by the President's Council of Efficiency and Integrity. In addition, the Audit Committee does not presently have any projects in process.

In other words, the majority of Inspector Generals who have been mandated under 31 U.S.C. section 1114 are not performing their job.

Mr. President, on Sunday morning, I was reading the Washington Post, and I just happened to be thumbing through the want ads. President Reagan reads the want ads and he does pretty good, so I decided I would read a few. Here is a little advertisement that appeared in the Washington Post on Sunday. It says, "How to Become a Consultant."

On June 18, 1988, between 9 a.m. and 5 p.m. across the river at the Key Bridge Marriott Hotel, anyone who wants to learn how to be a consultant and to take a lot of the taxpayers' money can go over there and learn how to do it.

Here are some of the various seminars. Successful telephone prospect-ing. How to find your client's "hot buttons,"

They found the hot buttons with the Air Force. They told them they needed an accomplishments book, so they went in there and got $154,000.

Listen to this one, Mr. President. "When Not to Use a Résumé." In other words, do not tell your prospective client how dumb or how smart you are because if you do not put very much down, you may be able to get a better figure.

They say that the average consultant gets $903 a day for his services and, Mr. President, I think that is a pretty good sum of money, especially in a time when we find such a very serious deficit situation.

Mr. President, it has been some years since I have looked at this issue. Once again I have stated that I think this whole situation is unthinkable. I want to very respectfully serve notice upon my colleagues that, during the remainder of these 55 or 56 or 57 days of legislative session that we have in the 100th Congress, I am going to propose on each appropriation bill or the authorization bill an amendment, one, to identify and, two, to cap the number of consulting dollars that we expend.

In addition to this, I am also going to ask our colleagues to vote on a line item, a line item appropriation for consulting services. This is something we do not have today within the Federal system. This is a proposal that I made in 1981. And guess who opposed this proposal to have a line item appropriation for consulting services? It was none other than the Office of Management and Budget who yesterday testified, as we have seen today in the morning press, that, yes, they in fact must admit they have not done a very good job, in the area of consultant markets.

The Office of Management and Budget, Mr. President—and I am about to rest my case momentarily—has now issued a new circular. It is called the OMB A-120 circular. That is going out to all the agencies of Government. That was done in January of this year after 8 years of delay in getting a handle on where these billions and billions of dollars were being spent for consulting services.

I am going to take this A-120 circular, OMB's own circular, and I am going to ask each agency that brings its appropriation bills to this body asking for taxpayers' money to define the use of consultants that they are spending at the present time, the contracts that they are anticipating awards for in the next fiscal year, and I am going to use the very definition, Mr. President, that the Office of Management and Budget has used. And when we do this, we are going to finally see how many dollars our Government is being ripped off agency by agency, consultant by consultant.

So, Mr. President, let me say, I think that this is going to be interesting. It will be a fascinating exercise we are about to embark upon.

On the personal side, we are also going to look at those agencies of Government are using consultants. One HHS consultant, and we asked OPM about this, and they did not know anything about it, was paid $148,000 in expenses and salary for 18 months. He may have had a good friend at HHS. Between his appointments he also secured a contract with Health and Human Services to write speeches for the Secretary of Health and Human Services.

My question is this: With all the thousands of people at HHS, do not we have at least one person there who is on the Federal payroll already, drawing a good salary, capable of writing speeches for the Secretary of HHS? I am not just picking on HHS. I am also picking on the Congress and all of us who have been so negligent in policing and monitoring these taxpayers' dollars.

So, finally, Mr. President, let me say I deeply appreciate your recognizing me. This is going to be an interesting adventure into the unknown. First, we are going to define what a consultant is, we are going to define what consultant services are, and ultimately I hope we are going to see how much money we have wasted in the past and adopt legislation to prevent further waste in the future.

Mr. President, I yield the floor.

UNANIMOUS-CONSENT AGREEMENT—S. 1511

Mr. BYRD. Mr. President, I ask unanimous consent that the status of S. 1511 as the pending business not be prejudiced by any actions on any motions to proceed to other business for the remainder of this week.

Mr. President, I withhold the request.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I renew the request that the legislative status of S. 1511 as the pending business not be prejudiced by any actions on any motions to proceed to other business during the remainder of this week.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

Mr. BYRD. Mr. President, a rollcall vote will begin at 4 o'clock. In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, a vote will occur at 4 o'clock on the Vietnam Memorial bill. That will be followed by a vote on a motion to proceed to take up the legislative appropriation bill.

What I want to do now is ask consent that upon the disposition of the legislative appropriations bill, the Senate proceed to the consideration of the energy-water appropriations bill. The distinguished Senator from Utah, Mr. GARN, is here. Now I will proceed to make that request.

Mr. President, I ask unanimous consent that upon the disposition of the legislative appropriations bill the Senate proceed to the consideration of the energy-water appropriations bill, H.R. 4567.

The PRESIDING OFFICER. Is there objection?

Mr. GARN. Mr. President, I object.

The PRESIDING OFFICER. The Senator from Utah objects.

Mr. BYRD. Mr. President, I ask unanimous consent that it be in order to move at this time to proceed to the consideration of the energy-water appropriations bill; such motion not to be voted on until following the disposition of the legislative appropriations bill.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. BYRD. Mr. President, I shall move to proceed to the consideration of the energy-water appropriations bill with the understanding that the vote will not occur on that motion until the legislative appropriations bill has been disposed of.

I ask unanimous consent that the 2-day rule be waived on the energy-water appropriations bill, which 2-day rule would be cured tomorrow if the Senate were not to proceed to the bill until tomorrow.

The PRESIDING OFFICER. Is there objection to that request?

Hearing none, it is so ordered.

Mr. BYRD. Now, Mr. President, I move that the Senate proceed to the consideration of H.R. 4567.

Mr. GARN. Mr. President, I ask for the yeas and nays.

The **PRESIDING OFFICER.** Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. **BYRD.** Mr. President, I thank all Senators. I thank Senator GARN.

There will be two rollcall votes in succession; one on the Vietnam Memorial bill, passage of that bill, and then that would be immediately followed by the vote on the motion to proceed to take up the legislative appropriation bill.

If that vote is in the affirmative, upon the disposition of the legislative appropriations bill the Senate will then vote on the motion to procced to the consideration of the energy and water appropriations bill yet today and, hopefully, action can occur on that bill and amendments thereto before the day is over.

Meanwhile, the welfare reform bill retains its pending business status and discussions and negotiations are going forward with respect to that bill. The distinguished Republican leader is involved in those negotiations. I understand that they are progressing and so the Senate may be making headway on that bill off the floor while it is proceeding with other matters on the floor.

Mr. President, I thank the Republican leader.

VIETNAM WOMEN'S MEMORIAL PROJECT

The Senate continued with the consideration of the bill.

The **PRESIDING OFFICER** (Ms. MIKULSKI). The question now occurs on passage of S. 2042, as amended. The yeas and nays have been ordered.

The clerk will now call the roll.

The bill clerk called the roll.

Mr. **CRANSTON.** I announce that the Senator from Florida [Mr. CHILES] and the Senator from Georgia [Mr. NUNN] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

The **PRESIDING OFFICER.** Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—96

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Wirth

NAYS—1

Evans

NOT VOTING—3

Biden
Chiles
Nunn

So the bill (S. 2042), as amended, was passed, as follows:

S. 2042

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY FOR CONSTRUCTION OF A STATUE HONORING WOMEN WHO SERVED IN THE VIETNAM CONFLICT.—(a) Subject to subsections (b) and (c), the Vietnam Women's Memorial Project, Inc., a nonprofit corporation authorized to operate in the District of Columbia, is authorized to construct a statue of a woman Vietnam veteran on public grounds within the 2.2 acre Vietnam Veterans Memorial site in the District of Columbia in honor and recognition of the women of the United States who served in the Vietnam conflict.

(b)(1) The Secretary of the Interior (hereinafter referred to as the "Secretary"), in consultation with the Vietnam Women's Memorial Project, Inc., and the Veterans' Memorial Fund, Inc., is authorized and directed to select, with the approval of the Commission of Fine Arts and the National Capital Planning Commission, a suitable site for the statue within the 2.2 acre Vietnam Veterans Memorial site in the District of Columbia.

(2) The design and plans for the statue shall be subject to the approval of the Secretary, the Commission of Fine Arts, and the National Capital Planning Commission. Not later than thirty days after the submission of the design and plans to the Secretary, the Secretary shall decide whether or not to approve the design and plans and, if the Secretary approves them or takes no action to approve or disapprove them (in which case his approval shall be deemed to have been given), shall submit the design and plans to each of the Commissions forthwith. If either Commission fails to report its approval of or specific objection to such design and plans within ninety days after the submission of the plans, the approval of the Commission in question shall be deemed to be given.

(3) Neither the United States nor the District of Columbia shall be put to any expense in the construction of the statue.

(c) The authority conferred pursuant to this section shall lapse unless (1) the construction of the statue is commenced within five years from the date of the enactment of this section, and (2) prior to groundbreaking for actual construction on the site, funds are certified available in an amount sufficient in the judgment of the Secretary based upon the approved design and plans for the statue, to ensure completion of the construction of the statue.

(d) The maintenance and care of the statue constructed under the provisions of this section shall be the responsibility of the Secretary.

SEC. 2. It is the sense of the Congress that—

(1) it is most fitting and appropriate that this statue in honor and recognition of the women of the United States who served in the Vietnam conflict be constructed at the site of the Vietnam Veterans Memorial to help complete the process of recognition and healing, for the men and women of the Armed Forces of the United States who served in the Vietnam conflict, that was undertaken with the establishment of the memorial;

(2) the Secretary and each of the Commissions should, in evaluating the plan and design for the statue, give weighty consideration to the sense of the Congress expressed in this section that a statue of a woman Vietnam veteran should be constructed at the Vietnam Veterans Memorial site; and

(3) after the addition of a statue of a woman Vietnam veteran, the Vietnam Veterans Memorial will be complete, and no further additions or alterations to the site shall be authorized or undertaken.

SEC. 3. (a) Not later than ninety days after the date of enactment of this Act, the Secretary and the Administrator of the General Services Administration shall jointly prepare and transmit to the Energy and Natural Resources Committee of the Senate and the Committees on Interior and Insular Affairs and House Administration of the House of Representatives, a list and a description of those commemorative works which have been completed and are located in the District of Columbia and its environs. The Secretary and the Administrator shall update the list from time to time as new commemorative works are completed and transmit such an updated list to the Committees.

(b) No significant modification to any completed commemorative work located in the District of Columbia and its environs may be undertaken unless specifically authorized by Act of Congress.

(c) As used in this section, the terms "commemorative work" and "District of Columbia and its environs" have the same meanings as provided in the Act of November 14, 1986 (40 USC 1002).

Mr. **EVANS.** Madam President, the stark beauty of the Vietnam memorial deeply affects each visitor. This memorial, controversial in its simplicity, was designed by a young woman, Maya Ying Lin, who understood the trouble and tragedy of the Vietnam war.

On this wall, without discrimination or rank, are the names of all those who gave their lives in Vietnam: young and old, officer and enlisted, men and women, black, white, red, or Asian. There is personal recognition for each who died in their name inscribed on the wall. Collectively there is dramatic proof of the cost of that war in American lives.

While I fully understand the desire of those who seek statuary recognition, I believe it was wrong to add the three statues which are now there, that it is wrong to add a statue of a woman veteran and that it would be wrong to add future statues representing other categories of veterans. I did not have an opportunity to vote against the first three statues or I would have done so. This vote is simply a protest against what I view as a diminution of the original concept of the Vietnam Memorial and the stark reminder it gave to all of us. In no way does this diminish my respect for those women veterans who gave their lives for their country nor for the important and equal role I believe women do and should play in our society.

Mr. DURENBERGER. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON MOTION TO PROCEED TO THE CONSIDERATION OF H.R. 4587

The PRESIDING OFFICER. The question now occurs on agreeing to the motion to proceed to the consideration of H.R. 4587, the legislative appropriations bill. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Florida [Mr. CHILES] and the Senator from Georgia [Mr. NUNN] are necessarily absent.

I further announce that the Senator from Delaware [Mr. BIDEN], is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 89, nays 8, as follows:

[Rollcall Vote No 177 Leg.]

YEAS—89

Adams
Baucus
Bentsen
Bingaman
Bond
Boren
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Hollings
Humphrey
Inouye
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nickles
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stennis
Stevens
Thurmond
Trible
Warner
Weicker
Wirth

NAYS—8

Armstrong
Boschwitz
Garn
Helms
Murkowski
Symms
Wallop
Wilson

NOT VOTING—3

Biden
Chiles
Nunn

So the motion was agreed to.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, FISCAL YEAR 1989

The PRESIDING OFFICER. The clerk will now report the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 4587) making appropriations for the legislative branch for the fiscal year ending September 30, 1989, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

H.R. 4587

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 1989, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

SENATE

MILEAGE OF THE VICE PRESIDENT AND SENATORS AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS, MAJORITY AND MINORITY WHIPS, AND CHAIRMEN OF THE MAJORITY AND MINORITY CONFERENCE COMMITTEES

MILEAGE OF THE VICE PRESIDENT AND SENATORS

For mileage of the Vice President and Senators of the United States, $60,000.

EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS, MAJORITY AND MINORITY WHIPS, AND CHAIRMEN OF THE MAJORITY AND MINORITY CONFERENCE COMMITTEES

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; Minority Whip of the Senate, $5,000; and Chairmen of the Majority and Minority Conference Committees, $3,000 for each Chairman; in all, $56,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $10,000 for each such Leader; in all, $20,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $49,255,000 which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,168,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $156,000.

OFFICE OF THE DEPUTY PRESIDENT PRO TEMPORE

For the Office of the Deputy President Pro Tempore, $23,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $1,416,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $440,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $567,500 for each such committee; in all, $1,135,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $279,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $117,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $8,165,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $24,987,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $944,000.

AGENCY CONTRIBUTIONS

For agency contributions for employee benefits, as authorized by law, $10,425,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $1,799,000: Provided, That the amounts appropriated to the Office of the Legislative Counsel of the Senate for fiscal year 1988 shall remain available until September 30, 1989.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $646,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, $1,101,500 for each such committee; in all, $2,203,000.

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96-304 and Senate Resolution 281, agreed to March 11, 1980, $62,673,000.

EXPENSES OF UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $325,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $727,200.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $65,643,000.

MISCELLANEOUS ITEMS

For miscellaneous items, $6,180,000.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $151,065,000.

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, $4,500, for officers of the Senate and the Conference of the Majority and Conference of the Minority of the Senate, $8,500; in all, $13,000.

ADMINISTRATIVE PROVISIONS

SECTION 1. The Chairman of the Majority or Minority Conference Committee of the Senate may, during the fiscal year ending September 30, 1989, at his election, transfer not more than $50,000 from the appropriation account for salaries for the Conference of the Majority and the Conference of the Minority of the Senate, to the account, within the contingent fund of the Senate, from which expenses are payable under section 120 of Public Law 97-51 (2 U.S.C. 61g-6). Any transfer of funds under authority of the preceding sentence shall be made at such time or times as such chairman shall specify in writing to the Senate Disbursing Office. Any funds so transferred by the chairman of the Majority or Minority Conference Committee shall be available for expenditure by such committee in like manner and for the same purposes as are other moneys which are available for expenditure by such committee from the account, within the contingent fund of the Senate, from which expenses are payable under section 120 of Public Law 97-51 (2 U.S.C. 61g-6).

SEC. 2. Funds appropriated to the Conference of the Majority and funds appropriated to the Conference of the Minority for the fiscal year ending September 30, 1989, may be utilized in such amounts as the Chairman of each Conference deems appropriate for the specialized training of professional staff, subject to such limitations, insofar as they are applicable, as are imposed by the Committee on Rules and Administration with respect to such training when provided to professional staff of standing committees of the Senate.

SEC. 3. (a) The Secretary of the Senate is authorized, with the approval of the Senate Committee on Appropriations, to transfer, during any fiscal year, from the appropriations account, within the contingent fund of the Senate, for expenses of the Office of the Secretary of the Senate, such sums as he shall specify to the Senate appropriations account, appropriated under the headings "Salaries, Officers and Employees" and "Office of the Secretary"; and any funds so transferred shall be available in like manner and for the same purposes as are other funds in the account to which the funds are transferred.

(b) The Sergeant at Arms and Doorkeeper of the Senate is authorized, with the approval of the Senate Committee on Appropriations, to transfer, during any fiscal year, from the appropriations account, within the contingent fund of the Senate, for expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, such sums as he shall specify to the appropriations account, appropriated under the headings "Salaries, Officers and Employees" and "Office of the Sergeant at Arms and Doorkeeper"; and any funds so transferred shall be available in like manner and for the same purposes as are other funds in the account to which the funds are transferred.

SEC. 4. Section 101 of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h-6) is amended by inserting "President Pro Tempore," immediately before "Majority Leader" each place it appears therein.

SEC. 5. The Committee on Rules and Administration of the Senate may provide for the distribution of unused food from the Senate cafeterias under the jurisdiction of the committee to the needy of the District of Columbia through an appropriate private distribution organization selected by the committee.

SEC. 6. Effective with the fiscal year ending September 30, 1988, section 117 of the Second Supplemental Appropriations Act, 1976 (2 U.S.C. 61f-1a), is amended by striking out "not to exceed $167,000 during any fiscal year" and inserting in lieu thereof "not to exceed $250,000 during any fiscal year".

SEC. 7. Section 117 of Public Law 97-51 (2 U.S.C. 61f-8) is amended by striking out "from the contingent fund of the Senate an amount not to exceed $210,000 for:" and inserting in lieu thereof "from the account for the Sergeant at Arms and Doorkeeper of the Senate, within the contingent fund of the Senate, an amount not to exceed $300,000:".

HOUSE OF REPRESENTATIVES

MILEAGE OF MEMBERS

For mileage of Members, as authorized by law, $210,000.

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $505,500,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $4,024,000, including: Office of the Speaker, $902,000, including $18,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $828,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $926,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, $733,000, including $5,000 for official expenses of the Majority Whip and not to exceed $162,950, for the Chief Deputy Majority Whip; Office of the Minority Whip, $635,000, including $5,000 for official expenses of the Minority Whip and not to exceed $80,740, for the Chief Deputy Minority Whip.

MEMBERS' CLERK HIRE

For staff employed by each Member in the discharge of his official and representative duties, $178,828,000.

COMMITTEE EMPLOYEES

For professional and clerical employees of standing committees, including the Committee on Appropriations and the Committee on the Budget, $51,067,000.

COMMITTEE ON THE BUDGET (STUDIES)

For salaries, expenses, and studies by the Committee on the Budget, and temporary personal services for such committee to be expended in accordance with sections 101(c), 606, 703, and 901(e) of the Congressional Budget Act of 1974, and to be available for reimbursement to agencies for services performed, $336,000.

CONTINGENT EXPENSES OF THE HOUSE

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by the House, $54,092,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $177,163,000, including: Official Expenses of Members, $82,068,000; supplies, materials, administrative costs and Federal tort claims, $21,193,000; furniture and furnishings, $1,265,000; stenographic reporting of committee hearings, $800,000; reemployed annuitants reimbursements, $1,380,000; Government contributions to employees' life insurance fund, retirement funds, Social Security fund, Medicare fund, health benefits fund, and worker's and unemployment compensation, $69,835,000; and miscellaneous items including, but not limited to, purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions and gratuities to heirs of deceased employees of the House, $622,000.

Such amounts as are deemed necessary for the payment of allowances and expenses under this heading may be transferred among the various categories of allowances and expenses under this heading, upon the approval of the Committee on Appropriations of the House of Representatives.

COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)

For salaries and expenses, studies and examinations of executive agencies, by the Committee on Appropriations, and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act, 1946, and to be available for reimbursement to agencies for services performed, $4,429,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $35,561,000, including: Office of the Clerk, $15,905,000; Office of the Sergeant at Arms, $951,000; Office of the Doorkeeper, including overtime, as authorized by law, $7,525,000; Office of the Postmaster, $2,610,000, including $49,570 for employment of substitute messengers and extra services of regular employees when required at the salary rate of not to exceed $17,101 per annum each; Office of the Chaplain, $78,000; Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $746,000; for salaries and expenses of the Office for the Bicentennial of the House of Representatives, $261,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $954,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $3,222,000; six minority employees, $521,000; the House Democratic Steering Committee and Caucus, $803,000; the House Republican Conference, $803,000; and other authorized employees, $1,182,000.

Such amounts as are deemed necessary for the payment of salaries of officers and employees under this heading may be transferred among the various offices and activities under this heading, upon the approval of the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. Of the amounts appropriated for fiscal year 1989 for salaries and expenses of the House of Representatives, such amounts as may be necessary may be transferred among the headings "HOUSE LEADERSHIP OFFICES", "MEMBERS' CLERK HIRE", "COMMITTEE EMPLOYEES", "CONTINGENT EXPENSES OF THE HOUSE (STANDING COMMITTEES, SPECIAL AND SELECT)", "CONTINGENT EXPENSES OF THE HOUSE (ALLOWANCES AND EXPENSES)", and "SALARIES, OFFICERS AND EMPLOYEES", upon approval of the Committee on Appropriations of the House of Representatives.

SEC. 102. Effective for fiscal years beginning with fiscal year 1989, the additional amount appropriated as a joint item for the Capitol Police Board in chapter IX of title I of the Urgent Supplemental Appropriations Act, 1986, shall be transferred from the Clerk of the House to the Architect of the Capitol and disbursed by the Architect of the Capitol, subject to the review, approval, and other procedures specified with respect to such appropriation.

SEC. 103. Effective for fiscal years beginning with fiscal year 1989, the annual rate of pay for the positions established by section 103(a) of the Legislative Branch Appropriations Act, 1986, and the positions established by section 102(a) of the Legislative Branch Appropriations Act, 1988, shall not exceed the annual rate of pay payable from time to time for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

JOINT ITEMS

For joint committees, as follows:

CONTINGENT EXPENSES OF THE SENATE

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $3,330,000.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, $1,143,000.

JOINT COMMITTEE ON INAUGURAL CEREMONIES OF 1989

For construction of platform and seating stands and for salaries and expenses of conducting the inaugural ceremonies of the President and Vice President of the United States, January 20, 1989, in accordance with such program as may be adopted by the joint committee authorized by Senate Concurrent Resolution 105, One Hundredth Congress, agreed to March 18, 1988, $700,000, to remain available until September 30, 1989. Such funds shall be available for such salaries (when paid on a reimbursable basis) and expenses, whether incurred on, before, or after, October 1, 1988.

CONTINGENT EXPENSES OF THE HOUSE

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $4,346,000, to be disbursed by the Clerk of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including (1) an allowance of $1,000 per month to the Attending Physician; (2) an allowance of $600 per month to one Senior Medical Officer while on duty in the Attending Physician's office; (3) an allowance of $200 per month each to two medical officers while on duty in the Attending Physician's office; (4) an allowance of $200 per month each to not to exceed twelve assistants on the basis heretofore provided for such assistance; and (5) $998,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, such amount shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,414,000, to be disbursed by the Clerk of the House.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries, including overtime, and Government contributions to employees' benefits funds, as authorized by law, of officers, members, and employees of the Capitol Police, [$25,673,000] *$52,922,000,* to be disbursed by the Architect of the Capitol.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including purchasing and supplying uniforms; the purchase, maintenance, and repair of police motor vehicles, including two-way police radio equipment; contingent expenses, including advance payment for travel for training or other purposes, and expenses associated with the relocation of instructor personnel to and from the Federal Law Enforcement Training Center as approved by the Chairman of the Capitol Police Board, and including $85 per month for extra services performed for the Capitol Police Board by such member of the staff of the Sergeant at Arms of the Senate or the House as may be designated by the Chairman of the Board, $1,887,000, to be disbursed by the Architect of the Capitol: *Provided,* That the funds used to maintain the petty cash fund referred to as "Petty Cash II" which is to provide for the prevention and detection of crime shall not exceed $4,000: *Provided further,* That the funds used to maintain the petty cash fund referred to as "Petty Cash III" which is to provide for the advance of travel expenses attendant to protective assignments shall not exceed $4,000: *Provided further,* That, notwithstanding any other provision of law, the cost involved in providing basic training for members of the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 1989 shall be paid by the Secretary of the Treasury from funds available to the Treasury Department.

TECHNICAL SECURITY COUNTERMEASURES OFFICE

There is established an office of the Congress to be known as the "Technical Security Countermeasures Office" (referred to hereinafter under this heading as the "Office").

The Office shall be headed by a Director who shall be appointed by, and shall serve at the pleasure of, the Capitol Police Board. The Director shall receive compensation in an amount established by the Capitol Police Board.

With the approval of the Capitol Police Board, the Director may appoint and fix the compensation of a senior technician, and such other personnel as may be necessary.

The Capitol Police Board shall assign to the Office, on a temporary basis, such personnel of the United States Capitol Police as are necessary to carry out the functions of the Office pending the permanent staffing of such Office.

In addition to the authority under the preceding paragraph, the Capitol Police Board is authorized, from time to time, to assign personnel of the United States Capitol Police to assist in carrying out the functions of the Office.

There is established in the Treasury of the United States the "Technical Security Countermeasures Office Fund" (referred to hereinafter under this heading as the "Fund").

The Architect of the Capitol is authorized to disburse moneys in the Technical Security Countermeasures Office Fund on behalf of, and provide financial management support to, the Office. The Architect of the Capitol shall compute and disburse the pay of all personnel of the Office pursuant to the provisions of section 5504 of title 5, United States Code.

All vouchers certified for payment by duly authorized certifying officers of the Architect of the Capitol shall be supported with a certification by an officer or employee of the Office duly authorized in writing by the Capitol Police Board to certify payments from the Fund. Each certifying officer of the Office shall (A) be held responsible for the existence and correctness of the facts recited in the certificate or otherwise stated on the voucher or its supporting paper and the legality of the proposed payment under the Fund, (B) be held responsible and accountable for the correctness of the computations of certifications made, and (C) be held accountable for, and required to make good to the United States the amount of, any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate made by him, as well as for any payment prohibited by law which did not represent a legal obligation payable from the Fund. The Comptroller General of the United States may, at his discretion, relieve such certifying officer or employee of liability for any payment otherwise proper whenever he finds that (i) the certification was based on official records and that such certifying officer or employee did not know, and by reasonable diligence and inquiry could not have ascertained the actual facts, or (ii) the obligation was incurred in good faith, that the payment was not contrary to any statutory provision specifically prohibiting payments of the character involved, and the United States has received value for such payment.

The Architect of the Capitol shall not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate, the responsibility for which is imposed upon a certifying officer or employee of the Office.

Disbursements from the Fund shall be made upon vouchers signed by the Chairman of the Capitol Police Board.

Moneys in the Fund shall be available only for the fiscal year in which appropriated, unless otherwise provided, for obligation and disbursement by the Architect of the Capitol for salaries and expenses of the Office in carrying out its duties and functions.

The Capitol Police Board is authorized, by regulation to provide for lump-sum payments for leave accumulated by any officer or member of the Capitol Police, if such officer or member is separated from the Capitol Police, for the purpose of employment by the Office on a permanent basis.

The Capitol Police Board is authorized to prescribe such regulations as may be necessary to carry out the provisions of this Office.

There is transferred to the Fund, from the Account for the Secretary of the Senate within the contingent fund of the Senate from funds available for the fiscal year ending September 30, 1988, $50,000, which shall become available upon enactment of this Act, and shall remain available for obli-

gation and expenditure until September 30, 1989.

From moneys appropriated by this Act under the heading "Capitol Police Board", for salaries for the United States Capitol Police for fiscal year 1989, there is transferred to the Fund the amount of $100,000.

From moneys available, without fiscal year limitation, to the Architect of the Capitol for the Senate Office Buildings, the Architect is authorized to transfer to the Fund an amount not to exceed $50,000.

From moneys available under the heading "Salaries, Officers and Employees", and the subheading "Office of the Sergeant at Arms and Doorkeeper", for the fiscal year ending September 30, 1988, not to exceed $450,000 may be transferred, which shall remain available until September 30, 1989. Of the total funds available to the Office for the fiscal year ending September 30, 1989, $100,000 shall remain available until expended.

Any amounts appropriated by the Congress for fiscal year 1989 to the Architect of the Capitol for purposes of technical security countermeasures, in addition to amounts provided by or pursuant to this section or appropriated by this Act to the Fund, may, at the request of the Capitol Police Board, be transferred to the Fund.

It is the function of the Office to design, plan, administer, and operate such technical security countermeasure services as the Capitol Police Board may direct.

All duties and functions of the Office are subject to the oversight, control and direction of the Capitol Police Board.

There are authorized to be appropriated to the Fund such amounts as may be necessary to enable the Office to carry out its functions and obligations.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs, [$53,926,000] *$26,000,000*, to be disbursed by the Clerk of the House, to be available immediately upon enactment of this Act: *Provided*, That funds appropriated for such purpose for the fiscal year ending September 30, 1988, shall remain available until expended.

CAPITOL GUIDE SERVICE

For salaries and expenses of the Capitol Guide Service, $1,220,000, to be disbursed by the Secretary of the Senate: *Provided*, That none of these funds shall be used to employ more than thirty-three individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements for the second session of the One Hundredth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $20,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public Law 92-484), including reception and representation expenses (not to exceed $3,500 from the Trust Fund), and rental of space in the District of Columbia, and those necessary to carry out the duties of the Director of the Office of Technology Assessment under 42 U.S.C. 1395ww and 42 U.S.C. 1395w-1, [$17,505,000] *$18,203,000*: *Provided*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Office of Technology Assessment in excess of 143 staff employees: *Provided further*, That no part of this appropriation shall be available for assessments or activities not initiated and approved in accordance with section 3(d) of Public Law 92-484, except that funds shall be available for the assessment required by Public Law 96-151: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of employees of the Office of Technology Assessment in connection with any reimbursable study for which funds are provided from sources other than appropriations made under this Act, or be available for any other administrative expenses incurred by the Office of Technology Assessment in carrying out such a study.

BIOMEDICAL ETHICS BOARD

SALARIES AND EXPENSES

For the Biomedical Ethics Board and the Biomedical Ethics Advisory Committee, as authorized by section 381 of the Public Health Service Act (Public Law 99-158), the amounts appropriated under this head in the Legislative Branch Appropriations Act, 1988 (as enacted by Public Law 100-202), shall remain available for obligation until September 30, 1989.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93-344), $18,361,000: *Provided*, That none of these funds shall be available for the purchase or hire of a passenger motor vehicle: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Congressional Budget Office in excess of 226 staff employees: *Provided further*, That any sale or lease of property, supplies, or services to the Congressional Budget Office shall be deemed to be a sale or lease of such property, supplies, or services to the Congress subject to section 903 of Public Law 98-63.

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

SALARIES

For the Architect of the Capitol; the Assistant Architect of the Capitol; the Executive Assistant; and other personal services; at rates of pay provided by law, $6,532,000.

TRAVEL

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of $20,000.

CONTINGENT EXPENSES

To enable the Architect of the Capitol to make surveys and studies, and to meet unforeseen expenses in connection with activities under his care, $100,000, which shall remain available until expended.

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

For all necessary expenses for the maintenance, care and operation of the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment; not to exceed $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; purchase or exchange, maintenance and operation of a passenger motor vehicle; security installations, which are approved by the Capitol Police Board, authorized by House Concurrent Resolution 550, Ninety-second Congress, agreed to September 19, 1972, the cost limitation of which is hereby further increased by $445,000; for expenses of attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $15,471,000 of which $1,100,000 shall remain available until expended: *Provided*, That of the funds to remain available until expended, $500,000 shall be available for obligation without regard to section 3709 of the Revised Statutes, as amended.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House Office Buildings, and the Capitol Power Plant, $3,771,000, of which $160,000 shall remain available until expended.

SENATE OFFICE BUILDINGS

For all necessary expenses for maintenance, care and operation of Senate Office Buildings; and furniture and furnishings, to be expended under the control and supervision of the Architect of the Capitol, $24,086,000, of which $2,896,000 shall remain available until expended.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House Office Buildings, including the position of Superintendent of Garages as authorized by law, $28,895,000, of which $4,453,000 shall remain available until expended: *Provided*, That upon enactment of this Act, the pay for the position of Superintendent of Garages shall be equivalent to the pay payable for positions at step 1 of level 12 of the House Employees Schedule, subject to the further increases authorized under 5 U.S.C. 5307(a)(1)(B) relating to the implementation of salary comparability policy.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; for lighting, heating, and power (including the purchase of electrical energy) for the Capitol, Senate and House Office Buildings, Congressional Library Buildings, and the grounds about the same, Botanic Garden, Senate garage, and for air conditioning refrigeration not supplied from plants in any of such buildings; for heating the Government Printing Office and Washington City Post Office and heating and chilled water for air conditioning for the Supreme Court Building, Union Station complex and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation; $24,785,000: *Provided*, That not to exceed $1,950,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1989: *Provided further*, That appropriations under this head shall hereafter be available for maintenance, alterations, personal and other services, and for all other necessary expenses of the Government owned property, buildings and facilities located in Lot 803, Square 695, formerly known as the General Services Administration Coal Yard at 42 I Street, S.E., in the District of Columbia.

ADMINISTRATIVE PROVISIONS

SEC. 104. Notwithstanding any other provisions of law, the Architect of the Capitol is hereby authorized to (1) develop a pilot program to determine the economic feasibility and efficiency of centralizing certain maintenance functions, to assign and reassign, without increase or decrease in basic salary or wages, any person on the employment rolls of the Office of the Architect of the Capitol, for personal services in any buildings, facilities, or grounds under his jurisdiction for which appropriations have been made and are available; (2) maintain appropriate cost and productivity records for the program; and (3) report to appropriate authorities, including the Committees on Appropriations, on the results of the program, together with recommendations for continuation or expansion of the program.

SEC. 105. The Architect of the Capitol, under the direction of the Joint Committee on the Library, is authorized to accept donations to restore and display the Statue of Freedom model.

SEC. 106. The Architect of the Capitol shall give the highest priority to expediting the installation of an alarm system to alert individuals occupying the Longworth House Office Building, the Cannon House Office Building, *the Russell Senate Office Building, the Dirksen Senate Office Building,* and the Capitol, of a fire or other emergency. The installation of such alarm system shall be completed not later than October 1, 1989, and the Architect of the Capitol shall submit a report to the appropriate committees of the Congress concerning such installation on October 1, 1989.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946, as amended by section 321 of the Legislative Reorganization Act of 1970 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $44,684,000: *Provided,* That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration or the Senate Committee on Rules and Administration: *Provided further,* That, notwithstanding any other provisions of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

For authorized printing and binding for the Congress; for printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and for printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $72,000,000: *Provided,* That funds remaining from the unexpended balances from obligations made under prior year appropriations for this account shall be available for the purposes of the printing and binding account for the same fiscal year: *Provided further,* That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture) nor for copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further,* That, to the extent that funds remain from the unexpended balance of fiscal year 1984 funds obligated for the printing and binding costs of publications produced for the Bicentennial of the Congress, such remaining funds shall be available for the current year printing and binding cost of publications produced for the Bicentennial: *Provided further,* That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

This title may be cited as the "Congressional Operations Appropriations Act, 1989".

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $2,521,000.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress, not otherwise provided for, including the [Speaker's Civic Achievement Awards Program] *Civic Achievement Award Program in Honor of the Office of Speaker of the House of Representatives,* development and maintenance of the Union Catalogs; custody and custodial care of the Library Buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog cards and other publications of the Library; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, [$152,647,000] *$153,042,000,* of which not more than $5,000,000 shall be derived from collections credited to this appropriation during fiscal year 1989 under the Act of June 28, 1902, as amended (2 U.S.C. 150): *Provided,* That the total amount available for obligation shall be reduced by the amount by which collections are less than the $5,000,000: *Provided further,* That, of the total amount appropriated, $5,784,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided further,* That the balance remaining from the $11,500,000 appropriation in Public Law 98-396, dated August 22, 1984, shall be used to purchase equipment, supplies and services as needed to deacidify books and other materials from the collections of the Library of Congress.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, $19,697,000, of which not more than $7,000,000 shall be derived from collections credited to this appropriation during fiscal year 1989 under 17 U.S.C. 708(c), and not more than $1,034,000 shall be derived from collections during fiscal year 1989 under 17 U.S.C. 111(d)(3) and 116(c)(1): *Provided,* That the total amount available for obligation shall be reduced by the amount by which collections are less than the $8,034,000: *Provided further,* That $100,000 of the amount appropriated is available for the creation and maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the provisions of the Act approved March 3, 1931, as amended (2 U.S.C. 135a), $36,474,000.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase and repair of furniture, furnishings, office and library equipment, $3,381,000, of which $1,000,000 shall be available until expended only for the purchase and supply of furniture, shelving, furnishings, and related costs necessary for the renovation and restoration of the Thomas Jefferson and John Adams Library Buildings.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount not to exceed $128,790, of which $41,100 is for the Congressional Research Service, when specifically authorized by the Librarian, for expenses of attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15; and

(2) grants the manager or supervisor the right not to be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a) (10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees.

SEC. 204. Notwithstanding any provision of law to the contrary, the Librarian of Congress shall have the option of electing retirement and related benefits either under the Federal Employees' Retirement System or under retirement programs comparable to those available to employees of fully accredited colleges and universities within the vicinity of the District of Columbia, and appropriations in this Act shall be available for this purpose. Any annuity contract purchased pursuant to the exercise of such option by the Librarian of Congress shall for purposes of 26 U.S.C. 403(b) be treated as an annuity contract purchased for an employee by an employer described in 26 U.S.C. 501(c)(3) and exempt from tax under 26 U.S.C. 501(a).

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $7,500,000, of which $500,000 shall remain available until expended.

COPYRIGHT ROYALTY TRIBUNAL

SALARIES AND EXPENSES

For necessary expenses of the Copyright Royalty Tribunal, $633,000, of which $510,000 shall be derived by collections from the appropriation "Payments to Copyright Owners" for the reasonable costs incurred in proceedings involving distribution of royalty fees as provided by 17 U.S.C. 807.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For necessary expenses of the Office of Superintendent of Documents, including compensation of all employees in accordance with the provisions of 44 U.S.C. 305; travel expenses (not to exceed $117,000); price lists and bibliographies; repairs to buildings, elevators, and machinery; and supplying publications to the Depository Library and Inter-national Exchange Programs, $25,155,000, of which $11,424,000 representing excess receipts from the sale of publications shall be derived from the Government Printing Office revolving fund: *Provided,* That $300,000 of this appropriation shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 1512), with the approval of the Public Printer, only to the extent necessary to provide for expenses (excluding permanent personal services) for workload increases not anticipated in the budget estimates and which cannot be provided for by normal budgetary adjustments.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the "Government Printing Office revolving fund": *Provided,* That not to exceed $5,000 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further,* That during the current fiscal year the revolving fund shall be available for the hire of twelve passenger motor vehicles: *Provided further,* That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further,* That the revolving fund shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for grade GS-18: *Provided further,* That the revolving fund shall be available to acquire needed land, located in Northwest D.C., which is adjacent to the present Government Printing Office, and is bounded by Massachusetts Avenue and the southern property line of the Government Printing Office, between North Capitol Street and First Street. The land to be purchased is identified as Parcels 45-D, 45-E, 45-F, and 47-A in Square 625, and includes the alleys adjacent to these parcels, and G Street, N.W. from North Capitol Street to First Street: *Provided further,* That the revolving fund and the funds provided under the paragraph entitled "Office of Superintendent of Documents, Salaries and Expenses" together may not be available for the full-time equivalent employment of more than [5,117] *5,177* workyears: *Provided further,* That the revolving fund shall be available for expenses not to exceed $500,000 for the development of plans and design of a multi-purpose facility: *Provided further,* That notwithstanding the limitations of 5 U.S.C. 5901(a), as amended, the cost of uniforms furnished or allowances paid for uniforms to each uniformed special policeman appointed under the authority of 44 U.S.C. 317, shall not exceed $400 during the first year in which the employee is required to wear a prescribed uniform*: Provided further, That section 6121(1) of title 5, United States Code, is amended by inserting "the Government Printing Office," after "military department,". Also, section 6133(c) of such title is amended by inserting "(1)" after "(c)"; and by adding at the end thereof the following new paragraph:*

"(2) With respect to employees in the Government Printing Office, the authority granted to the Office of Personnel Management under this subchapter shall be exercised by the Public Printer.".

ADMINISTRATIVE PROVISIONS

SEC. [204] *205.* Funds authorized to be expended by the Government Printing Office for fiscal year 1989, not to exceed $282,000, shall be available without regard to the 25 per centum limitation of section 322 of the Economy Act of June 30, 1932, as amended, for the repair, alteration, and improvement of rented premises.

SEC. [205] *206.* Subject to the approval of the Joint Committee on Printing, and without regard to any other provision of law, the Public Printer is authorized to dispose of the parcel of land identified as Lot 884, Square 677, in Northeast D.C., in such manner and on such terms and conditions as he determines to be in the best interests of the Government. The proceeds from this transaction shall be deposited and separately held in the Government Printing Office revolving fund pending authorization in an appropriation Act as to their disposition.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not to exceed $7,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for grade GS-18; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8), respectively); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to A.I.D. projects, by the Administrator of the Agency for International Development—or his designee—under the authority of section 636(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(b)); [$346,339,000] *$348,139,000*: *Provided,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including but not limited to the salary of the Executive Director and secretarial support: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of Forum costs as determined by the Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences: *Provided further,* That this appropriation shall be available to finance a portion, not to exceed $50,000, of the costs of the Governmental Accounting Standards Board: *Provided further,* That $100,000 of this appropriation shall be available for the expenses of planning the triennial Congress of the International Organization of Supreme Audit Institutions (INTOSAI) to be hosted by the United States General Accounting Office in Washington, D.C., in 1992, to the extent that such expenses cannot be met from the trust authorized below: *Provided further,* That the General Accounting Office is authorized to solicit and accept contributions (including contributions from INTOSAI), to be held in trust, which shall be available without fiscal year limitation for the planning, administration, and such other expenses as the Comptroller General deems necessary to act as the sponsor of the aforementioned triennial Congress of INTOSAI. Monies in the trust not to exceed $10,000 shall be available upon the request of the

Comptroller General to be expended for the purposes of the trust.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration.

SEC. 302. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 303. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided herein, shall be the permanent law with respect thereto: *Provided*, That the provisions herein for the various items of official expenses of Members, officers, and committees of the Senate and House, and clerk hire for Senators and Members shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) The Architect of the Capitol, in consultation with the heads of the agencies of the legislative branch, shall develop an overall plan for satisfying the telecommunications requirements of such agencies, using a common system architecture for maximum interconnection capability and engineering compatibility. The plan shall be subject to joint approval by the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, and, upon approval, shall be communicated to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate. No part of any appropriation in this Act or any other Act shall be used for acquisition of any new or expanded telecommunications system for an agency of the legislative branch, unless, as determined by the Architect of the Capitol, the acquisition is in conformance with the plan, as approved.

(b) As used in this section—

(1) the term "agency of the legislative branch" means, the Office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, and the Congressional Budget Office; and

(2) the term "telecommunications system" means an electronic system for voice, data, or image communication, including any associated cable and switching equipment.

SEC. 306. (a) Effective upon enactment of this Act, the Clerk of the House of Representatives is authorized to receive commissions for providing public telephone service in space occupied by the United States House of Representatives.

(b) The Clerk is authorized to receive for deposit, amounts charged to any legislative branch entity, including but not limited to Legislative Service Organizations, the Congressional Budget Office and the Architect of the Capitol, for the provision of telephone or telecommunications services: *Provided*, That no amounts charged to the official expense allowances of Members of the House shall be deposited in accordance with this section.

(c) Receipts from the commissions and charges set forth in subsections (a) and (b) of this section shall be deposited in the United States Treasury for credit to the appropriation for "Salaries and Expenses of the United States House of Representatives", and shall be available for expenditure upon the approval of the Committee on Appropriations of the House of Representatives.

[SEC. 307. (a) The annual and sick leave balances of the individuals described in subsection (b) shall be transferred to the leave system of the Architect of the Capitol. The transfer shall be carried out in the manner provided in section 6308 of title 5, United States Code, notwithstanding the exception under section 6301(2)(vi) of such title referred to in such section 6308. The leave balance transferred shall be the balance as of September 30, 1988, and the transfer shall be effective October 1, 1988.

[(b) The individuals referred to in subsection (a) are the officers, members, and employees of the Capitol Police with respect to whom responsibility for administration of pay and benefits is transferred from the Clerk of the House of Representatives to the Architect of the Capitol effective October 1, 1988.]

SEC. 307. (a) Section 1821 of the Revised Statutes of the United States (40 U.S.C. 206) is amended to read as follows:

"SEC. 1821. (a) There is established a United States Capitol Police Force (hereinafter referred to as the 'Capitol Police').

"(b)(1) There is established a Capitol Police Board (hereinafter referred to in this section as the 'Board'). The Board is comprised of the Sergeant at Arms and Doorkeeper of the Senate, the Sergeant at Arms of the House of Representatives, and the Architect of the Capitol.

"(2) All powers, functions, and duties conferred on the Capitol Police by this section or any other law, except to the extent otherwise specifically provided therein, are subject to the oversight and direction of the Capitol Police Board. The Board is authorized to establish procedures and regulations (not inconsistent with the laws of the United States) for carrying out such powers, functions, duties, oversight and direction.

"(3) Decisions of the Capitol Police Board shall be by majority vote of the members of the Board.

"(c) Officers and members of the Capitol Police shall be appointed by the Board, at such rank and in such number, as the Board determines necessary.

"(d) The Capitol Police shall be headed by a Chief of the Capitol Police, who shall be appointed by the Capitol Police Board.

"(e) The Chief, Assistant Chief, Deputy Chiefs, and Inspectors of the Capitol Police shall serve at the pleasure of the Board.

"(f) Officers and members of the Capitol Police shall be trained in accordance with procedures and regulations established by the Capitol Police Board.

"(g) The Chief of the Capitol Police is authorized to promote officers and members of the Capitol Police. Each such promotion shall be subject to the approval of, and made in accordance with procedures established by, the Board.

"(h)(1) As used in this subsection, the term—

"(A) 'officer or member of the Capitol Police' means an individual in the United States Capitol Police Force (other than an individual in a civilian capacity); and

"(B) 'suspended' or 'suspension' means the placing of an officer or member of the Capitol Police in a temporary status without duties and pay for disciplinary purposes.

"(2)(A) An officer or member of the Capitol Police may be suspended for 14 days or less by the Chief of Police. Any such suspension shall be subject to the approval of the Capitol Police Board and shall be in accordance with procedures established by the Board.

"(B) Upon the recommendation of the Chief of Police, or upon its own initiative, the Capitol Police Board may suspend for more than 14 days, reduce in rank or pay, or dismiss an officer or member of the Capitol Police. Any such suspension, reduction in rank or pay, or dismissal shall be in accordance with procedures established by the Board.

"(i)(1) There is established within the Capitol Police a Civilian Administration Office (hereinafter referred to in this section as the 'Office').

"(2) The Capitol Police Board is authorized to appoint and compensate civilian employees necessary to carry out the functions and duties of the Office.

"(3) Civilian employees appointed pursuant to this subsection shall serve at the pleasure of the Capitol Police Board.

"(4) It shall be the purpose of the Office to provide administrative services to the Capitol Police in accordance with procedures established by the Capitol Police Board.

"(5) At the order and under the direction of the Capitol Police Board, it shall be the functions of the Office to—

"(A) assist in the formulation of, and to administer, the budget of the Capitol Police Board, including the Capitol Police;

"(B) establish accounting procedures and administer all accounting for the Capitol Police Board, including the Capitol Police;

"(C) administer the overtime and leave system for the Capitol Police;

"(D) administer the retirement system for the Capitol Police;

"(E) administer and carry out the procurement requirements of the Capitol Police; and

"(F) carry out such other functions as the Capitol Police Board may prescribe.

"(j)(1) On and after the effective date of this section, the Capitol Police Board may designate, in writing, a member of the Capitol Police Board, to discharge the duties of disbursing officer for the Capitol Police.

"(2) Appropriated funds for the compensation, expenses, and other costs incident to the operation of the Capitol Police shall be paid at the Treasury of the United States, on requisition drawn by the Capitol Police Board designee pursuant to paragraph (1), and such funds shall be kept, disbursed, and accounted for by the Board according to law.

"(k) Each officer or member of the Capitol Police force who performs duty in addition to the number of hours of his regularly scheduled tour of duty for any day is entitled to be paid compensation (when ordered to perform such duty by proper authority) or receive compensatory time off for each such additional hour of duty, except that an officer shall be entitled to such compensation

only upon a determination made by the Capitol Police Board with respect to any additional hours. Compensation of an officer or member for each additional hour of duty shall be paid at a rate equal to his hourly rate of compensation in the case of an officer, and at a rate equal to one and one-half times his hourly rate of compensation for a member of such force. The hourly rate of compensation of such officer or member shall be determined by dividing his annual rate of compensation by 2,080. Any officer or member entitled to be paid compensation for such additional hours shall make a written election whether he desires to be paid that compensation or to receive compensatory time off instead for each such hour. Compensation due officers and members under this paragraph shall be paid by the Capitol Police Board, upon certification by the Chief of the Capitol Police at the end of each calendar quarter. Any accumulated compensatory time of an officer or member of the Capitol Police at the time such officer or member is separated from service on the Capitol Police force may not be transferred to any other department, agency, or establishment of the United States Government or the government of the District of Columbia, but the Capitol Police Board may, by regulation, provide for the payment of a lump-sum amount for such accrued time. The Capitol Police Board is authorized to prescribe regulations to carry out this section.

"(l) For purposes of this section, the term—

"(1) 'officer' includes all personnel of the rank of lieutenant or higher, including inspector; and

"(2) 'member' includes all personnel below the rank of lieutenant, including detective.

"(m)(1) The Capitol Police Board is authorized to establish a leave program for the officers and members of the Capitol Police. Such leave program shall provide—

"(A) that all leave shall be approved by the Chief of the Capitol Police or the designee of the Chief;

"(B) for a system of accrual of annual leave based upon years of service, but shall provide that no accrual of such leave shall be credited during periods of leave without pay or leave with reduced pay;

"(C) a limitation on the carryover of leave accrued in any year for use in any succeeding year;

"(D) for a system for compensatory leave which shall be administered in accordance with the provisions of subsection (k) of this section;

"(E) a policy for the accrual and use of leave without pay and leave with reduced pay, including provisions relating to—

"(i) the order in which annual, compensatory, and sick leave may be used; and

"(ii) contribution to benefits of any officer or member during periods of leave without pay and leave with reduced pay;

"(F) a policy for the accrual and use, and carryover limitations for service by any officer or member in the United States military reserve;

"(G) a policy for administrative leave in cases of psychological trauma to any officer or member during the performance of duty as an officer or member of the Capitol Police;

"(H) for a system for advancing annual or sick leave after an officer or member has used all such accrued leave;

"(I) a policy permitting an officer or member who sustains an injury in the performance of duty to make monetary payments to buy back annual or sick leave used during an extended recovery period;

"(J) a system for the accrual and use of sick leave, including a provision prohibiting the accrual of such leave during periods where an officer or member is on leave without pay or on leave with reduced pay; and

"(K) a policy for the use of accrued leave of any officer or member before the date of termination of the employment of such officer or member with the Capitol Police, including a provision whereby the Chief of the Capitol Police may pay a monetary lump sum payment for unused annual leave on or after such date of termination.

"(2) The Capitol Police Board, in consultation with the Chief of the Capitol Police, shall prescribe regulations to carry out the provisions of this subsection.

"(n) For the fiscal year commencing October 1, 1989, and each fiscal year thereafter, there are authorized to be appropriated to the Capitol Police Board such sums as may be necessary to enable the Capitol Police Board and the Capitol Police to carry out all duties, functions, and obligations imposed on such Board and Police by law.".

(b) Section 1824 of the Revised Statutes of the United States (40 U.S.C. 210) is amended to read as follows:

"SEC. 1824. (a) The Capitol Police Board shall select and furnish officers and members of the Capitol Police with uniforms, belts, arms, and other items of equipment deemed necessary by the Board for the performance by the officer or member in carrying out his or her duty.

"(b) Arms furnished under subsection (a) shall be carried by each officer and member of the Capitol Police while in the Capitol Buildings (as defined in section 16(a)(1) of the Act of July 31, 1946 (40 U.S.C. 193m(1)), and while within or outside of the boundaries of the United States Capitol Grounds (as defined in section 1 of the Act of July 31, 1946 (40 U.S.C. 193a), in such manner and at such times as the Capitol Police Board may, by regulation, prescribe.

"(c) The issuance, wear, care, and surrender of uniforms and equipment shall be in accordance with procedures established by the Capitol Police Board.".

(c) Section 8336(c) of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(3) An employee who is separated from the service after becoming 50 years of age and completing 20 years of service as a member of the Capitol Police Force, or any employee who is separated from the service after completing 25 years of such service as a member of the Capitol Police Force, is entitled to an annuity.".

(d) Section 8339(d) of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(7) Notwithstanding the provisions of subsection (b) of this section and paragraph (1) of this subsection, the annuity of an employee retiring under section 8336(c)(3) of this title is 2½ percent of such employee's average pay multiplied by the years of service.".

(e) Section 8401(17) of title 5, United States Code, is amended—

(1) in subparagraph (C) by striking out "and" at the end thereof;

(2) in subparagraph (D) by adding "and" at the end thereof; and

(3) by inserting at the end thereof the following new subparagraph:

"(E) a member of the Capitol Police Force;".

(f) the first sentence of the last full paragraph under the heading "ADMINISTRATIVE PROVISIONS" in the appropriations for the Senate in the Legislative Branch Appropriation Act, 1972 (40 U.S.C. 206c) is amended by deleting "Secretary of the Senate" and inserting in lieu thereof "Capitol Police Board".

(g) Section 1822 of the Revised Statutes of the United States (40 U.S.C. 207) is amended by deleting "Sergeant at Arms of the Senate and the Sergeant at Arms of the House, or of either of them" and inserting in lieu thereof "Capitol Police Board".

(h) The following provisions of law are repealed:

(1) that part of the first section of the Act of March 3, 1875 (40 U.S.C. 209) under the heading "LEGISLATIVE" and the subheading "CAPITOL POLICE", which reads as follows: ": Provided, That hereafter, whenever a member of the Capitol police or watch force is suspended from duty for cause, said policeman or watchman shall receive no compensation for the time of such suspension if he shall not be reinstated";

(2) section 1822 of the Revised Statutes of the United States (40 U.S.C. 207);

(3) section 1823 of the Revised Statutes of the United States (40 U.S.C. 208);

(4) the material relating to overtime pay for Capitol Police from funds disbursed by the Clerk of the House of Representatives, based on sections 3 and 5 of House Resolution No. 449, June 2, 1971, which was enacted into permanent law by the Act of December 15, 1971 (40 U.S.C. 206b), as amended by House Resolution No. 398, June 4, 1973, enacted into permanent law by the Act of January 3, 1974;

(5) section 1825 of the Revised Statutes of the United States (40 U.S.C. 211); and

(6) that material under the heading "LEGISLATIVE" and subheading "CAPITOL POLICE" in the first section of the Act of March 18, 1904 (40 U.S.C. 212), and which reads as follows: "and hereafter the officers, privates, and watchmen of the Capitol police shall, when on duty, wear the regulation uniform.".

(i) The provisions of subsection (l) of section 1821 of the Revised Statutes of the United States (40 U.S.C. 206) is repealed effective upon the effective date of a compensatory leave system established by the Capitol Police Board pursuant to subsection (n)(1)(D) of such section 1821.

(j) Section 1821(i)(5) and section 1821(j) of the Revised Statutes of the United States shall take effect on October 1, 1990.

(k) The Act of July 31, 1946 (40 U.S.C. 193a) is amended—

(1) in section 8(b) (40 U.S.C. 193h), by deleting "6(b) or 7" and inserting in lieu thereof "or 6(b)";

(2) in section 9 (40 U.S.C. 212a), by deleting "14" and inserting in lieu thereof "14 and 17";

(3) in section 11 (40 U.S.C. 193j), by deleting "2 to 7, both inclusive," and inserting in lieu thereof "2 to 6, both inclusive, or contained in regulations pursuant to section 17,";

(4) by repealing section 7 (40 U.S.C. 193g); and

(5) by adding at the end thereof the following new section:

"SEC. 17. (a) Subject to the provisions of section 1820 of the Revised Statutes of the United States, the Capitol Police Board is authorized to make, revise, repeal, and enforce such usual and reasonable regulations concerning activities within the United States Capitol Grounds as the Capitol Police Board determines necessary for the security of the United States Congress, and *the Members, officers, and employees thereof, and for the protection of life, public health, safety, and welfare, and for the protection of all buildings, grounds, and property within the United States Capitol Grounds; and to prescribe penalties for the violation of such regulations, such penalties not to exceed a fine of $300 or imprisonment for 90 days, or both.*

"(b) Any regulation made pursuant to subsection (a) of this section shall, when adopted, be printed in the Congressional Record and shall not take effect until after the expiration of the 10-day period following the date of such publication; except that whenever the Capitol Police Board reasonably deems it advisable to make effective immediately any regulation relating to access to, or egress from, any building within the United States Capitol Grounds, or relating to the placement of any object, item, or thing on the steps, sidewalks, and appurtenances of any building within the United States Capitol Grounds, the regulation shall be effective immediately upon placing at the point where it is to be in force, conspicuous signs containing a notice of the regulation. Any expenses incurred for the placement of such signs shall be payable from the appropriation, 'GENERAL EXPENSES', under the heading 'CAPITOL POLICE BOARD', and the subheading 'CAPITOL POLICE'.

"(c) Notwithstanding any other provision of this Act, prosecutions for violations of any regulations of the Capitol Police Board made pursuant to subsection (a) of this section shall be in the Superior Court of the District of Columbia, upon information by the United States Attorney or any of his assistants in the name of the United States.".

SEC. 308. The pay for the positions described in section 308(b) of the Legislative Branch Appropriations Act, 1988, as contained in section 101(i) of Public Law 100-202—

(1) shall be subject to any applicable adjustment during fiscal year 1989 under, or by reference to any applicable adjustment during fiscal year 1989 under, subchapter I of chapter 53 of title 5, United States Code; and

(2) with respect to the positions of Assistant Architect of the Capitol and Executive Assistant, shall be subject to any recommendation of the President that, pursuant to section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351 et seq.), takes effect during fiscal year 1989.

SEC. 309. (a) None of the funds appropriated for fiscal year 1989 by this Act or any other law may be obligated or expended by any entity of the executive branch for the procurement from commercial sources of any printing related to the production of Government publications (including forms), unless such procurement is by or through the Government Printing Office.

(b) Subsection (a) does not apply to (1) individual printing orders costing not more than $1,000, if the work is not of a continuing or repetitive nature, (2) printing for the Central Intelligence Agency, the Defense Intelligence Agency, or the National Security Agency, or (3) printing from commercial sources that is specifically authorized by law or is of a kind that has not been routinely procured by or through the Government Printing Office.

(c) As used in this section, the term "printing" means the process of composition, platemaking, presswork, binding, and microform, and the end items of such processes.

SEC. 310. (a) The first sentence of section 309(a) of title 44, United States Code, is amended by striking ", except the Office of Superintendent of Documents," after "Government Printing Office" and inserting "(except for those programs of the Superintendent of Documents which are funded by specific appropriations),".

(b) Section 309(c) of such title is amended by striking the last two sentences and inserting "This budget program shall be considered and enacted as prescribed by section 9104 of title 31.".

(c) Section 309(d) of such title is amended to read as follows:

"(d) The Comptroller General shall audit the activities of the Government Printing Office at least once every 3 years and shall furnish reports of such audits to the Congress and the Public Printer. For these purposes the Comptroller General shall have such access to the records, files, personnel, and facilities of the Government Printing Office as he considers necessary.".

[SEC. 311. No funds appropriated under this Act shall be expended in any workplace that is not free of illegal use or possession of controlled substances which is made known to the Federal entity or official to which funds are appropriated under this Act.]

SEC. [312] *311.* None of the funds appropriated or otherwise made available by this Act shall be used by the Congressional Budget Office to add to, delete, or alter any information such Office has provided to any Member or committee of the House of Representatives or the Senate or any joint committee of the Congress, except to correct factual errors or to provide new or updated information pursuant to a subsequent request similar or identical to the earlier request.

SEC. 312. (a) Paragraph (1) of section 225(i) of the Federal Salary Act of 1967 (2 U.S.C. 359) is amended to read as follows:

"(1) Each recommendation of the President which—

"(A) is transmitted to the Congress pursuant to subsection (h) of this section; and

"(B) is approved by a joint resolution agreed to by the Congress,

shall be effective as provided in paragraph (2) of this subsection.".

(b) Paragraph (2) of section 225(i) of the Federal Salary Act of 1967 (2 U.S.C. 359) is amended by striking out "end of the 30-day period" and inserting in lieu thereof "date of enactment of such joint resolution".

SEC. 313. Section 202(i)(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)(1)) is amended by inserting immediately before the period following: "or with respect to the administration of the affairs of the committee".

This Act may be cited as the "Legislative Branch Appropriations Act, 1989".

Mr. BUMPERS. Madam President, the bill which is presented today includes a total of $1.77 billion and represents an overall increase of 1 percent above the fiscal year 1988 level, while providing for all essential services to the Congress and for modest increases in the various support agency budgets. The bill is within our budget allocations for both budget authority and outlays.

For congressional operations, title I of the bill, the total increase over fiscal year 1988 is only 1 percent. For title II, other support agencies, we were slightly more generous and are recommending increases totaling 4 percent. In a comparison with the House bill on jointly considered items we are recommending a bill that is $25 million below the House allowance.

For the Senate, we are recommending $341 million which is an increase of 1 percent above last year and a reduction of $36 million below the requested amounts.

Madam President, the bill includes a significant change in the way we handle the appropriation for the salaries of the Capitol Police.

In the past, the Senate has appropriated only enough through its Sergeant at Arms for the so-called Senate contingent, and the House did likewise on their side. This year for the first time we are recommending combining these two separate accounts into one single joint appropriations account. This only makes sense, the Capitol Police Force is not large enough, professional enough, and is becoming complicated enough that the Congress cannot afford to retain the vestiges of a patronage system that served another era well, but is out of date now.

The bill includes a total of $53 million for the salaries of the 1,340 positions in the U.S. Capitol Police.

For the Congressional Research Service, we are recommending $44 million, an overall increase of 4 percent, that will allow CRS to continue its current level of work with small increases for books and library materials.

Madam President, for the Architect of the Capitol, we are recommending $103 million which is a 3-percent increase. As part of this amount we are including $24 million for Senate Office Buildings.

Within this appropriation we have included $632,000 to make needed modifications and repairs to the elevators in the Russell Building. These elevators have become a safety problem, and I am afraid someone is going to be killed if something isn't done, and we want to make sure that they are put in good working order, and maintained that way.

We are requiring a report from the Architect by October 1, 1988, that will detail the steps that will be taken to improve the maintenance of all elevators in the Senate Office Buildings.

The Architect is also about to commence work on the elevators in the Dirksen Building with previously appropriated funds. We have directed that these projects receive the highest priority in the Architect's Office and that the Architect report to us by August 1 on the work to be done and the final cost estimates of both projects.

Madam President, the committee is recommending deferring the request for improvements to the Capitol-Dirksen-Hart subway. We have done so because the Rules Committee has asked the Architect to solicit bids on two different systems before they make a final decision on which system to choose. We have deferred appropriations until such time as they have made a determination on the system to be used and obtained the final cost estimate.

I might just digress by saying on the subway system, Madam President, that I do not know how it happened, but as you know we now have two subways serving the Russell Building and about 25 Senators, and we have one subway serving the Dirksen Building with about 25 Senators, and one serving the Hart Building with 50 Senators. This makes all of us want to move to the Russell Building, because there is always a subway there waiting for you. But the committee, as I say, has deferred that until the Architect can complete his studies and then, also, not only recommend what kind of system to install, but what the projected cost would be.

For the Library of Congress we have included $199 million, which represents a 4-percent increase over fiscal year 1988. Within this recommendation we have included funds which will allow the Library to double its ability to microfilm books in order to preserve them for future generations. We received testimony from the Librarian that there are 77,000 volumes per year that are becoming brittle, and they are losing ground in preserving these books.

For the General Accounting Office we are recommending a 6-percent increase to $348 million. This increase, which is $1.8 million more than the House will permit them to fund needed staff travel so that they can respond to our requests in a more timely way; and to continue with their purchase of microcomputers to make their job of analysis more efficient and precise.

Before closing Madam President, I want to express my appreciation to the other members of the subcommittee, Senators Mikulski, Reid, and Hatfield for their support and contributions to this bill. Also to the distinguished chairman of the Committee on Appropriations, the Senator from Mississippi, Senator Stennis, for all of his help and guidance in bringing this bill before the Senate today. And finally, Senator Grassley, our ranking member, who has been at the hearings and has made significant contributions to the presentation of this bill to the Senate.

Madam President, I yield the floor.

The **PRESIDING OFFICER.** The Senator from Iowa.

Mr. **GRASSLEY.** I thank the Chair, and I also want to express my appreciation to the chairman of the subcommittee, Senator Bumpers, for his fine cooperation and leadership in this area as we work through this bill.

Since Chairman Bumpers has summarized the provisions of the bill, I am not going to go into the detail that he did. What I want to do is offer a few remarks of my own.

The fiscal year 1989 legislative branch appropriations bill brought to the Senate today provides a grand total of $1,768,331,200 in new budget authority. Of that amount, $1,196,757,200 is recognized in title I for the operations of Congress and its direct support agencies, such as the Office of Technology Assessment, the Congressional Budget Office and the Congressional Research Service. The balance of $571,574,000 is recommended in title II, and that is for the other agencies covered under this bill which provides services to the general public, as well as to the Congress.

Compensation of Members of Congress in the amount of $63,627,000 is provided separately under the terms of a permanent, indefinite appropriation.

I want to emphasize, Madam President, that the amount recommended in title I for the operations of Congress and its direct support agencies is only $1,503,700 above the amount enacted for fiscal year 1988. That is an increase of only slightly more than one-tenth of 1 percent. The increase for fiscal year 1988 of $22,829,700, and that is for the entire bill, is only $1\frac{3}{10}$ percent over the current year. We are well within the 2 percent overall increase contemplated by last year's budget summit agreement.

Clearly, Congress is holding itself to the terms of that agreement and doing our part to restrain spending.

The spending restraint demonstrated in this bill is the main point that I want to make in my remarks, Madam President, for we all know that Congress is often criticized, and sometimes justly, for being too free with the taxpayers' money. I hope the care with which we have exercised our responsibilities in this measure will receive equal attention. In other words, Madam President, I believe that we, through our own agency, have set a pattern that we will be following with other agencies but one in which if we do not follow, then, obviously, we cannot really expect other programs to stick by the budget summit.

CONGRESSIONAL PAY

The committee has included language, incorporated in last year's bill, to require a vote before any congressional pay raise pursuant to the Federal Salary Act can go into effect. If such pay raises are to occur, we ought to be on record.

OTHER ADMINISTRATIVE PROVISIONS

The committee has also recommended several routine administrative provisions, including one to allow the chairmen of the conference committees to transfer funds from salaries to expenses; a provision allowing funds appropriated for the conference committees to be used for the training of professional staff, subject to the usual procedures of the Rules Committee; and provisions allowing the Sergeant at Arms and the Secretary of the Senate to transfer funds from expenses to salaries.

The committee has also included language from last year's bill allowing for the distribution of surplus food from the Senate's cafeterias through an appropriate private distribution organization selected by the Rules Committee. And we have recommended two provisions relative to the travel and consultant limitations within the budget of the Sergeant at Arms.

I understand there is yet another administrative provision relative to the so-called "10 percent money" within official office expense allowances that was sent to GPO for printing but was omitted from the document before us. I expect the chairman will offer that as a technical amendment.

INAUGURAL CEREMONIES

Under "Joint Items", the committee has recommended $700,000 for the Joint Committee on Inaugural Ceremonies in January of next year. This is customary in the year of a Presidential election and is a recommendation made at the request of the Rules Committee. It is based on a preliminary estimate, and may be subject to an upward revision.

SENATE OFFICE BUILDINGS

Two aspects of the committee's recommendation on the Senate Office Buildings account deserve mention. One is that we have not recommended any funds for a new subway system. As much as we need one, the Rules Committee has not yet selected a design, and an appropriation at this time would be premature. The second is our report language concerning the utilization of the space to be created by the demolition of the Plaza Hotel. We are directing the Architect to prepare that space for additional parking, which will be used for vehicles displaced as we remove cars from the Capitol Plaza.

LIBRARY OF CONGRESS

The committee recommends an increase over the House allowance for the Library of Congress. Specifically, the increase of $395,000 is to provide additional resources for preservation of books which the Librarian of Congress has identified as a major priority.

We are also including a provision, with the clearance of the Rules Committee, allowing the Librarian of Congress to opt for a retirement plan outside the federal system, similar to those available to employees of academic institutions in the area.

DRUGS IN THE WORKPLACE

The committee has elected to recommend deletion of section 311, relative to drugs in the workplace. We do so at the request of Chairman STENNIS and Senator HATFIELD, who have raised serious legal and procedural questions about this particular approach. We hope to pursue this in conference and gain a more effective and comprehensive solution.

That concludes my remarks, Madam President. All other matters are addressed in the committee's report.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HEINZ. Madam President, I ask unanimous consent to proceed for not to exceed 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOWARD BAKER

Mr. HEINZ. Madam President, our colleagues and I were all surprised and a bit stunned to learn this morning that a dear friend, a former colleague, Howard Baker, had resigned as the President's Chief of Staff.

I think most of us know that he is a remarkable human being, that due to, in part, his wife's illness, he was under a tremendous amount of pressure choosing between serving our President as well as he could and maintaining his responsibilities to those he loved and in particular his dear wife, Joy.

I simply want to say that in this Senator's judgment Howard Baker has served this President extremely well since February 27 of last year when he became the President's Chief of Staff.

I think he set out to achieve three goals.

Goal No. 1 was to make sure that the Iran-Contra affair was gotten behind this President so that President Reagan could go on to other and most importantly the Nation's and the world's business.

Second, I think he felt it important, indeed vital to reestablish the President's priorities, and he did so in the budget that we received earlier this year.

Finally, I have no doubt that he wanted the President to succeed in the negotiations that the President had undertaken with the Soviet Union on the INF agreement and that Senator Baker was determined to serve his President by ensuring that that treaty once negotiated was ratified by this, the United States Senate.

Madam President, there is no doubt that Senator Baker, serving as the President's Chief of Staff, more than fulfilled all of his aspirations and the President's goals. But more than that, it is this Senator's view that in addition to revitalizing what was by all accounts a very demoralized White House staff, more importantly still, he restored momentum to what at that point had been a stalled Presidency and in doing so not only helped Ronald Reagan personally but in his capacity as President of the United State and leader of the free world, helped to reaffirm the absolutely vital role that the President of this country both enjoys and bears the responsibility for as a voice not only for his own account but for America, for freedom and democracy throughout the world.

Madam President, we have all known Howard Baker in many roles, bearing many responsibilities. In 1977 I came to know him when he became Republican leader. He became responsible to all of us as the leader of this Senate in 1981 for 4 years through 1984.

And if there are just two or three qualities that I could name that have allowed him not only to work with us, to serve with us, to lead us, and to help our President and excell in all those capacities, it would be his simple decency and honesty. In a town where sometimes people neglect the importance of those two virtues, to simply see a man of decency, honesty, and I would add one more, common sense, do all that could ever be asked on behalf of his President and his country, do it so well, I think is heartening and a great reminder that honesty, decency, and common sense are still valued and are still alive and well in this our Nation's Capital.

So I rise to commend Howard Baker for his service to our President, his service with us in the Senate, to his constituents, the people of Tennessee, and most of all to this our country.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, FISCAL YEAR 1989

The Senate continued with consideration of H.R. 4587.

Mr. BYRD. Madam President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business before the Senate is H.R. 4587, the legislative appropriations.

Mr. BYRD. I thank the Chair.

I believe that debate has transpired on this measure, has it not?

Mr. GRASSLEY. Yes.

Mr. BYRD. Both managers, I think, indicate that it has.

Mr. BUMPERS. Madam President, in response to the leader's statement, I have said all in a way of prefacing remarks on this bill I choose to make, and I believe the Senator from Iowa, the ranking member, has as well.

Mr. GRASSLEY. Yes, I have.

Mr. BUMPERS. The bill is open to amendment.

We have two or three amendments here we are prepared to offer and accept, and I do not know of any other major amendments.

With that, Madam President, I was going to offer an amendment on behalf of the Senator from New Mexico and the Senator from Florida, who cannot be here this afternoon.

So I will just go ahead and do that. The Senator from New Mexico might wish to speak on it.

I am sending the two amendments to the desk and will ask unanimous consent they be considered en bloc.

The PRESIDING OFFICER. The Chair will inquire, are these committee amendments to the committee amendment?

Mr. BUMPERS. They are not.

Madam President, I ask unanimous consent those two amendments be withheld, and I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as thus amended be considered for purposes of further amendment as original text and that no point of order under rule XVI be considered waived if the request is agreed to.

The PRESIDING OFFICER. Is there objection to the Senator's request?

Without objection, it is so ordered.

AMENDMENT NOS. 2350 AND 2351

Mr. BUMPERS. Madam President, I have two amendments at the desk and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendments.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for Mr. CHILES and Mr. DOMENICI, proposes amendments numbered 2350 and 2351, en bloc.

Mr. BUMPERS. Madam President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT No. 2350

On page 62: Strike line 19 thru line 2 page 63.

AMENDMENT No. 2351

(Purpose: to clarify the budgetary treatment of pay increases)

At the appropriate place in the bill, insert the following: (p. 63 after line 20).

PAY RAISES

SEC. . Such sums as may be necessary for fiscal year 1989 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

Mr. BUMPERS. Madam President, the first amendment that I have offered is offered on behalf of Senators

CHILES and DOMENICI, who are the chairman and ranking member of the Senate Budget Committee. They have asked that I offer this amendment. It simply strikes a provision from the House bill that would prohibit CBO from altering information provided to Members of Congress or committees once the information has been submitted.

That simply means that if we adopt this, the House and Senate will have to take this to conference and reconcile their differences at that time.

The second amendment is one that I think certainly would meet with the approval of the Senator from Iowa. It simply states that all pay raises in fiscal year 1989 must be absorbed within funds provided.

I ask that those two amendments be agreed to en bloc.

The PRESIDING OFFICER. Is there further debate?

The Senator from New Mexico.

Mr. DOMENICI. Madam President, I understand the chairman of the Budget Committee is not present on the floor. I thank the chairman and ranking member of the subcommittee for what they are going to do with reference to limiting CBO's evaluation of what we do around here. I believe they need the latitude from time to time, since time intervenes, to readjust estimates. If we do not do this, they could give one estimate to anyone and they are bound regardless of how much time passes or what change of circumstances occur.

So I thank them for the amendment. I think it is a necessary tool to permit the Congressional Budget Office to do their job in a reasonably efficient manner.

I thank the chairman and ranking member for it.

Mr. BUMPERS. Madam President, I ask unanimous consent that I be permitted to withdraw the second amendment dealing with pay raises.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 2351 WAS WITHDRAWN.

Mr. BUMPERS. Madam President, I ask that the first amendment be adopted.

The PRESIDING OFFICER. Is there further debate?

Mr. GRASSLEY. Madam President, we accept the amendment that is before the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2350) was agreed to.

Mr. BUMPERS. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2352

(Purpose: To provide for the establishment of the John C. Stennis Center for Public Service Training and Development.)

Mr. INOUYE. Madam President, I send an amendment to the desk on behalf of the senior Senator from West Virginia, our distinguished leader, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Hawaii (Mr. INOUYE) for Mr. BYRD, (for himself and Mr. INOUYE) proposed an amendment numbered 2352.

Mr. INOUYE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 31, after line 17, insert the following.

TITLE ____—JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

SEC. ____. SHORT TITLE

This title may be cited as the "John C. Stennis Center for Public Service Training and Development Act".

SEC. ____. CONGRESSIONAL FINDINGS

The Congress makes the following findings:

(1) Senator John C. Stennis of the State of Mississippi has served his State and country with distinction for more than 60 years as a public servant, including service in the United States Senate for a period of 41 years.

(2) Senator Stennis has a distinguished record as a United States Senator, including service as the first Chairman of the Select Committee on Ethics, Chairman of the Committee on Armed Services, Chairman of the Committee on Appropriations, and President pro tempore of the Senate.

(3) Senator Stennis has long maintained a special interest in and devotion to the development of leadership and excellence in public service.

(4) There is a compelling need to encourage outstanding young people to pursue public service on a career basis and to provide public service leadership training opportunities for individuals serving in State and local governments and for individuals serving as employees of Members of Congress.

(5) It would be a fitting tribute to Senator Stennis and to his leadership, integrity, and years of devoted public service to establish in his name a center for the training and development of leadership and excellence in public service.

SEC. ____. DEFINITIONS

In this title:

(1) The term "Center" means the John C. Stennis Center for Public Service Training and Development established under section ____(a).

(2) The term "Board" means the Board of Trustees of the John C. Stennis Center for Public Service Training and Development established under section ____(b).

(3) The term "fund" means the John C. Stennis Center for Public Service Training and Development Trust Fund provided for under section ____.

SEC. ____. ESTABLISHMENT OF THE JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

(a) ESTABLISHMENT.—There is established in the legislative branch of the Government a center to be known as the "John C. Stennis Center for Public Service Training and Development".

(b) BOARD OF TRUSTEES.—The Center shall be subject to the supervision and direction of a Board of Trustees. The Board shall be composed of seven members, as follows:

(1) Two members to be appointed by the majority leader of the Senate.

(2) One member to be appointed by the minority leader of the Senate.

(3) Two members to be appointed by the Speaker of the House of Representatives.

(4) One member to be appointed by the minority leader of the House of Representatives.

(5) The Executive Director of the Center, who shall serve as an ex officio member of the Board.

(c) TERM OF OFFICE.—The term of office of each member of the Board appointed under paragraphs (1), (2), (3), and (4) of subsection (b) shall be six years, except that—

(1) the members first appointed under paragraphs (1) and (2) shall serve, as designated by the majority leader of the Senate, one for a term of two years, one for a term of four years, and one for a term of six years;

(2) the members first appointed under paragraphs (3) and (4) shall serve, as designated by the Speaker of the House of Representatives, one for a term of two years, one for a term of four years, and one for a term of six years; and

(3) a member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed and shall be appointed in the same manner as the original appointment for that vacancy was made.

(d) TRAVEL AND SUBSISTENCE PAY.—Members of the Board (other than the Executive Director) shall serve without pay, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties.

(e) LOCATION OF CENTER.—The Center shall be located at or near Starkville, Mississippi, the location of Mississippi State University.

SEC. ____. PURPOSES AND AUTHORITY OF THE CENTER

(a) PURPOSES OF CENTER.—The purposes of the Center shall be—

(1) to increase awareness of the importance of public service, to foster among the youth of the United States greater recognition and understanding of the role of public service in the development of the United States, and to promote public service as a career choice;

(2) to provide training and development opportunities for State and local elected government officials and employees of State and local governments in order to assist such officials and employees to become more effective and more efficient in performing their public duties and develop their potential for accepting increased public service opportunities; and

(3) to provide training and development opportunities for those employees of Members of the Congress who perform key roles in helping Members of Congress serve the people of the United States.

(b) AUTHORITY OF CENTER.—The Center is authorized, consistent with this title, to develop such programs, activities, and services as it considers appropriate to carry out the purpose of this title. Such authority shall include the following:

(1) The development and implementation of educational programs for secondary and post-secondary schools and colleges designed—

(A) to improve the attitude of students toward public service;

(B) to encourage students to consider public service as a career goal;

(C) to create a better understanding of the important role that people in public service have played in the growth and development of the United States; and

(D) to foster a sense of civic responsibility among the youth of the United States.

(2) The development and implementation of programs designed—

(A) to enhance skills and abilities of public service employees and elected officials at the State and local levels of government;

(B) to make such officials more productive and effective in the performance of their duties; and

(C) to help prepare such employees and officials to assume greater responsibilities in the field of public service.

(3) The development and implementation of congressional staff training programs designed to equip congressional staff personnel to perform their duties more effectively and efficiently.

(4) The development and implementation of media and telecommunications production capabilities to assist the Center in expanding the reach of its programs throughout the United States.

(5) The establishment of library and research facilities for the collection and compilation of research materials for use in carrying out the programs of the Center.

(c) Program Priorities.—The Board of Trustees shall determine the priority of the programs to be carried out under this title and the amount of funds to be allocated for such programs.

SEC. ____. JOHN C. STENNIS CENTER FOR PUBLIC SERVICE DEVELOPMENT TRUST FUND

(a) Establishment of Fund.—There is established in the Treasury of the United States a trust fund to be known as the "John C. Stennis Center for Public Service Development Trust Fund". The fund shall consist of amounts appropriated to it pursuant to section ____ and amounts credited to it under subsection (d).

(b) Investment of Fund Assets.—(1) It shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated to the fund. Such investments may be made only in interest bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired on original issue at the issue price or by purchase of outstanding obligations at the market place.

(2) The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act are hereby extended to authorize the issuance at par of special obligations exclusively to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt, except that when such average rate is not a multiple of one-eighth of one percent, the rate of interest of such special obligations shall be the multiple of one-eighth of one percent next lower than such average rate. Such special obligations shall be issued only if the Secretary determines that the purchase of other interest bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States or original issue or at the market price, is not in the public interest.

(c) Authority to Sell Obligations.—Any obligation acquired by the fund (except special obligations issued exclusively to the fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

(d) Proceeds from Certain Transactions Credited to Fund.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the fund shall be credited to and form a part of the fund.

SEC. ____. EXPENDITURES AND AUDIT OF TRUST FUND

(a) In General.—The Secretary of the Treasury is authorized to pay to the Center from the interest and earnings of the fund such sums as the Board determines are necessary and appropriate to enable the Center to carry out the provisions of this title.

(b) Audit by GAO.—The activities of the Center under this title may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. Representatives of the General Accounting Office shall have access to all books, accounts, records, reports, and files and all other papers, things, or property belonging to or in use by the Center, pertaining to such activities and necessary to facilitate the audit.

SEC. ____. EXECUTIVE DIRECTOR OF CENTER

(a) Appointment by Board.—(1) There shall be an Executive Director of the Center who shall be appointed by the Board. The Executive Director shall be the chief executive officer of the Center and shall carry out the functions of the Center subject to the supervision and direction of the Board. The Executive Director shall carry out such other functions consistent with the provisions of this title as the Board shall prescribe.

(2) The Executive Director shall not be eligible to serve as Chairman of the Board.

(b) Compensation.—The Executive Director of the Center shall be compensated at the rate specified for employees in grade GS-18 of the General Schedule under section 5332 of title 5, United States Code.

SEC. ____. ADMINISTRATIVE PROVISIONS

(a) In General.—In order to carry out the provisions of this title, the Center may—

(1) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this title, except that in no case shall employees other than the Executive Director be compensated at a rate to exceed the maximum rate for employees in grade GS-15 of the General Schedule under section 5332 of title 5, United States Code;

(2) procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United State Code, but at rates not to exceed the rate specified at the time of such service for grade GS-18 under section 5332 of such title;

(3) prescribe such regulations as it considers necessary governing the manner in which its functions shall be carried out;

(4) solicit and receive money and other property donated, bequeathed, or devised, without condition or restriction other than it be used for the purposes of the Center, and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(5) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(6) enter into contracts, grants, or other arrangements, or modifications thereof, to carry out the provisions of this title, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the Board, be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5); and

(7) make other necessary expenditures.

(b) Annual Report.—The Center shall submit to Congress an annual report of its operations under this title.

SEC. ____. AUTHORIZATION FOR APPROPRIATIONS

There are authorized to be appropriated such sums as may be necessary to carry out this title.

SEC. ____. APPROPRIATIONS

There is appropriated to the fund the sum of $10,000,000 to carry out this title.

Mr. INOUYE. Madam President, this amendment will give appropriate recognition to the service of a great American, the Honorable John C. Stennis, the senior Senator from Mississippi. Senator Stennis is one of the best and most courageous Senators to have ever served in this body. His tireless dedication to the people and the laws of our Government is a guiding beacon of public service. He is truly a U.S. Senator.

This amendment will provide $10 million to create a national center for public service development and training at Mississippi State University. The center will place emphasis in three major areas:

First, enhancement of public service as a career alternative for students in high schools and colleges;

Second, training for local and State elected officials and local and State government employees aimed at helping them to reach their full potential for effectiveness, and;

Third, training for congressional staff aimed at improving their effectiveness and preparing them for greater responsibilities.

Madam President, Senator Stennis has devoted over 60 years of his life to public service, including 41 years in the U.S. Senate. His service as a Senator from Mississippi, as chairman of the first Senate Ethics Committee, as chairman of the Senate Armed Services Committee, and as chairman of the Senate Committee on Appropriations, as well as his service as President pro tempore of the Senate, is a record of exemplary service which I doubt will ever be equaled.

The center proposed in my amendment is similar to ones which have been established for the late Senator Henry Jackson and Senator Margaret Chase Smith.

The center will be governed by a board of trustees appointed as follows: Two by the majority leader of the Senate, one by the minority leader of the Senate, two by the Speaker of the House, and one by the minority leader of the House.

The amendment is enthusiastically supported by the leadership on both sides of the aisle, and I urge my colleagues to wholeheartedly support its adoption.

Mr. BUMPERS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Kansas, the minority leader.

Mr. DOLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Madam President, I ask that the distinguished Senator from Mississippi, Mr. COCHRAN, and the Senator from Kansas, be made cosponsors of amendment 2352.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Is there further debate?

There being no further debate, the question is on agreeing to the amendment of the Senator from Hawaii.

The amendment (No. 2352) was agreed to.

Mr. INOUYE. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Madam President, unless there are additional amendments, and I do not know of any other amendments, I know of no reason not to go to third reading.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Madam President, there has been a request for yeas and nays. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

● Mr. CHILES. Mr. President, each appropriations bill is subject to a spending limit known as a 302(b) allocation. As chairman of the Senate Committee on the Budget, I am pleased to report that the legislative branch appropriation bill, H.R. 2714, is under its 302(b) budget authority ceiling by $118 million and under its 302(b) outlay ceiling by $94 million. I commend the distinguished chairman of the subcommittee, Senator BUMPERS, and the ranking minority member, Senator GRASSLEY, for their success in crafting this bill.

Mr. President, I have a table from the Budget Committee showing the official scoring of the legislative branch appropriations bill and I ask that it be printed in the RECORD.

The table follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 4587—LEGISLATIVE BRANCH, SPENDING TOTALS (SENATE REPORTED)

[In billions of dollars]

	Fiscal year 1989	
	Budget authority	Outlays
302(b) bill summary:		
H.R. 4587, Senate reported (new budget authority and outlays)	1.8	1.6
Enacted to date	.1	.2
Adjustment to conform mandatory programs to resolution assumptions	0	0
Scorekeeping adjustments	0	0
Bill total	1.8	1.8
Subcommittee 302(b) allocation	2.0	1.9
Difference	−.1	−.1
Bill total above (+) or below (−):		
President's request	−.2	−.2
House-passed bill	−([1])	−([1])
Summit cap summary:		
Domestic discretionary spending in bill	1.8	1.8
Allocation under domestic cap	1.9	1.9
Difference	−.1	−.1

[1] Less than $50,000,000.

Note.—Details may not add to totals due to rounding. Note that the bill, as reported, does not include pay absorption language. Such language is necessary to indicate that the amounts provided in the bill are sufficient to cover the costs of the anticipated pay raise. Prepared by Senate Budget Committee staff.

The PRESIDING OFFICER. Is there further debate?

There being no further debate, the question is on agreeing to the bill as amended. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Florida [Mr. CHILES], the Senator from Georgia [Mr. NUNN], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

The PRESIDING OFFICER (Mr. SIMON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 78, nays 18, as follows:

[Rollcall Vote No. 178 Leg.]

YEAS—78

Adams
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Cochran
Cohen
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Glenn
Gore
Graham
Grassley
Harkin
Hatfield
Heinz
Hollings
Inouye
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Packwood
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Specter
Stafford
Stevens
Thurmond
Trible
Warner
Weicker
Wirth

NAYS—18

Armstrong
Baucus
Conrad
Garn
Gramm
Hatch
Hecht
Heflin
Helms
Humphrey
Nickles
Pressler
Quayle
Roth
Simpson
Symms
Wallop
Wilson

NOT VOTING—4

Biden
Chiles
Nunn
Stennis

So the bill (H.R. 4587) as amended, was passed.

Mr. BUMPERS. I move to reconsider the vote by which the bill was passed.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I also move that the Senate insist on its amendments and request a conference with the House of Representatives thereon and the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to and the Presiding Officer (Mr. SIMON) appointed Mr. BUMPERS, Ms. MIKULSKI, Mr. REID, Mr. STENNIS, Mr. GRASSLEY, Mr. HATFIELD, and Mr. STEVENS conferees on the part of the Senate.

VOTE ON MOTION TO PROCEED TO CONSIDERATION OF H.R. 4567

The PRESIDING OFFICER. The question now is on agreeing to the motion to proceed to the consideration of H.R. 4567.

Will Members please take their seats.

Mr. BUMPERS. Mr. President, the Chamber is still not in order.

The PRESIDING OFFICER. The point of the Senator from Arkansas is well taken.

Will Members please take their seats.

The question now is on agreeing to the motion to proceed to the consideration of H.R. 4567, the energy-water appropriations.

The yeas and nays have been ordered.

Is there any further discussion? If not, the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Florida [Mr. CHILES], is necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN], is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 179 Leg.]

YEAS—96

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Cochran
Cohen
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Wirth

NAYS—2

Boschwitz
Conrad

NOT VOTING—2

Biden
Chiles

So the motion to proceed was agreed to.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, FISCAL YEAR 1989

The PRESIDING OFFICER. The clerk will report H.R. 4567.

The legislative clerk read as follows:

A bill (H.R. 4567) making appropriations for energy and water development for the fiscal year ending September 30, 1989, and for other purposes.

The Senator proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 4567

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1989, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, **[**$142,405,000**]** *$140,411,000,* to remain available until expended: *Provided,* That **[**$300,000**]** *$175,000* of funds appropriated in this bill for section 22 planning assistance to the States shall be used to assist the State of Nebraska in seeking solutions to water problems, including investigating and resolving problems of streambank erosion and environmental concerns along the Platte and Missouri Rivers: *Provided further,* That $100,000 of funds appropriated in this bill shall be used by the Army Corps of Engineers to prepare plans and specifications to complete preconstruction activities of the Platte River bank stabilization demonstration project for a 46-mile reach of the Platte River between Hershey, Nebraska, and the boundary between Lincoln and Dawson Counties, Nebraska*: Provided further, That not to exceed $20,500,000 shall be available for obligation or research and development activities.*

[The Secretary of the Army is directed to proceed expeditiously with the study of the project authorized as a demonstration project at Sunset Harbor, California, and submit his report to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.**]**

[The Secretary of the Army is directed to complete the Arkansas River and Tributaries, South Central and Southeast Areas of Oklahoma, Comprehensive Study and the Red River Basin, Oklahoma, Arkansas, Louisiana, and Texas, Comprehensive Study by March 31, 1989, and to include in the final report data on the economic factors that affect the feasibility of each project, indicating on a sliding scale what levels of each economic factor could make each project feasible at a future date. The economic impact plans associated with the above studies shall be conducted without the requirement of meeting the completion date specified above.**]**

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), **[**$1,193,687,000**]** *$1,066,735,000,* of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, to remain available until expended: *Provided,* That no fully allocated funding policy shall apply and that all structural portions shall conform to the Standard Project Flood level with respect to the construction of Barbourville, Kentucky, and Harlan, Kentucky (Levisa/Tug Forks of Big Sandy River and Upper Cumberland River, West Virginia, Virginia, and Kentucky): *Provided further,* That $500,000 of the total sum herein appropriated for the Big South Fork National River and Recreation Area, Kentucky and Tennessee, shall be allocated to the construction of infrastructure, including, but not limited to, road and sewer development, associated with the Bear Creek, Kentucky, portion of the project, such funds to remain available until expended**[**: *Provided further,* That $200,000 of the funds appropriated in this bill shall be to carry out the provisions of section 847(b) of Public Law 99-662**]***: Provided further, That the Secretary of the Army acting through the Chief of Engineers is directed to use, immediately upon enactment of this Act $8,700,000 previously appropriated in Public Law 100-202, and $9,600,000 of the total sum appropriated for design, testing and construction in fiscal year 1989 of juvenile fish passage facilities at the Little Goose, Lower Granite, McNary, Lower Monumental, Ice Harbor, and The Dalles projects on the Columbia and Snake Rivers as described in the report accompanying this Act; and in addition, $118,000,000, to remain available until expended, is hereby appropriated for construction of the Red River Waterway, Mississippi River to Shreveport, Louisiana, project and for compliance with the directions given to the Secretary of the Army in the fiscal year 1988 Energy and Water Development Act, Public Law 100-202, regarding the construction of this project, and the Secretary is directed to continue the design of locks and dams 4 and 5 on the accelerated schedule in fiscal year 1989 in order to initiate the first phase of construction of locks and dams 4 and 5 by April 1990, and with funds provided in this title or previously appropriated to the Corps of Engineers, the Secretary further is directed to fund previously awarded and directed construction contracts and to award continuing contracts in fiscal year 1989 for construction and completion of each of the following features of the Red River Waterway: in pool 3, Fausse Revetment Downstream Extension; and in pool 4, Westdale Realignment, Hammell Revetment, Bull Revetment, and Williams Revetment Downstream Extension. None of these contracts are to be considered fully funded.*

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), $337,980,000, to remain available until expended: *Provided,* That not less than $250,000 shall be available for bank stabilization measures as determined by the Chief of Engineers to be advisable for the control of bank erosion of streams in the Yazoo Basin, including the foothill area, and where necessary such measures shall complement similar works planned and constructed by the Soil Conservation Service and be limited to the areas of responsibility mutually agreeable to the District Engineer and the State Conservationist.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, [$1,378,833,000] *$1,362,894,000*, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662, may be derived from that fund, and of which $15,000,000 shall be for construction, operation, and maintenance of outdoor recreation facilities, to be derived from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l): *Provided,* That $200,000 of funds appropriated in this bill shall be used by the Army Corps of Engineers for operation and maintenance of existing structures and facilities of the Missouri National Recreation River, Nebraska and South Dakota[: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, shall allow an entity of the State of Oklahoma that is responsible for the development of the water and natural resources of the Arkansas River and Red River basins in southeast Oklahoma to operate and occupy, at no expense to such entity of the State, the Visitors Center at Crowder Point on Lake Eufaula, Oklahoma]: *Provided further,* That not to exceed $8,000,000 shall be available for obligation for national emergency preparedness programs.

GENERAL REGULATORY FUNCTIONS

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $60,427,000, to remain available until expended.

REVOLVING FUND

For continued acquisition of the Corps of Engineers Automation Plan, $10,000,000, to remain available until expended (33 U.S.C. 576).

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act, approved August 18, 1941, as amended, [$25,000,000] *$20,000,000*, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the office of the Chief of Engineers and offices of the Division Engineers; activities of the Board of Engineers for Rivers and Harbors, the Coastal Engineering Research Board, the Engineer Automation Support Activity, and the Water Resources Support Center, $120,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for expenses of attendance by military personnel at meetings in the manner authorized by section 4110 of title 5, United States Code, uniforms, and allowances therefor, as authorized by law (5 U.S.C. 5901-5902), and for printing, either during a recess or session of Congress, of survey reports authorized by law, and such survey reports as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress; and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 200 for replacement only) and hire of passenger motor vehicles.

TITLE II

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, [$13,761,000] *$14,250,000*: *Provided,* That, of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further,* That all costs of an advance planning study of a proposed project shall be considered to be construction costs and to be reimbursable in accordance with the allocation of construction costs if the project is authorized for construction: *Provided further,* That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such amounts shall remain available until expended: *Provided further,* That $800,000 of funds herein appropriated shall be used for advanced planning for the Prairie Bend Project, Nebraska: *Provided further,* That [$175,000] *$75,000* of funds herein appropriated shall be for the South Platte Frenchman Valley Project study.

CONSTRUCTION PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For construction and rehabilitation of projects and parts thereof (including power transmission facilities for Bureau of Reclamation use) and for other related activities as authorized by law, to remain available until expended [$709,332,000] *$712,905,000*, of which $174,005,000 shall be available for transfers to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d), and $180,389,000 shall be available for transfers to the Lower Colorado River Basin Development Fund authorized by section 403 of the Act of September 30, 1968 (43 U.S.C. 1543), and such amounts as may be necessary shall be considered as though advanced to the Colorado River Dam Fund for the Boulder Canyon Project as authorized by the Act of December 21, 1928, as amended: *Provided,* That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further,* That transfers to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund may be increased or decreased by transfers within the overall appropriation under this heading: *Provided further,* That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such funds shall remain available until expended: *Provided further,* That the final point of discharge for the interceptor drain for the San Luis Unit shall not be determined until development by the Secretary of the Interior and the State of California of a plan, which shall conform with the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters: *Provided further,* That no part of the funds herein approved shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any national monument: *Provided further,* That of the amount herein appropriated, such amounts as may be necessary shall be available to enable the Secretary of the Interior to continue work on rehabilitating the Velarde Community Ditch Project, New Mexico, in accordance with the Federal Reclamation Laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) for the purposes of diverting and conveying water to irrigated project lands. The cost of the rehabilitation will be nonreimbursable and constructed features will be turned over to the appropriate entity for operation and maintenance: *Provided further,* That the funds contained in this Act for the Garrison Diversion Unit, North Dakota, shall be expended only in accordance with the provisions of the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 99-294): *Provided further,* That none of the funds appropriated in this Act shall be used to study or construct the Cliff Dam feature of the Central Arizona Project: *Provided further,* That Plan 6 features of the Central Arizona Project other than Cliff Dam, including (1) water rights and associated lands within the State of Arizona acquired by the Secretary of the Interior through purchase, lease, or exchange, for municipal and industrial purposes, not to exceed 30,000 acre feet; and, (2) such increments of flood control that may be found to be feasible by the Secretary of the Interior at Horseshoe and Bartlett Dams, in consultation and cooperation with the Secretary of the Army and using Corps of Engineers evaluation criteria, developed in conjunction with dam safety modifications and consistent with applicable environmental law, are hereby deemed to constitute a suitable alternative to Orme Dam within the meaning of the Colorado River Basin Project Act (82 Stat. 885; 43 U.S.C. 1501 et seq.): *Provided further,* That notwithstanding the provisions of the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 99-294), the James River Comprehensive Report on water resource development proposals may be submitted to Congress at a date after September 30, 1988, but not later than September 30, 1989: *Provided further,* That of the amount appropriated herein, $10,000,000 shall be available for right of way acquisition and construction of the Davis Creek Dam, North Loup Division, Nebraska (authorized by Public Law 92-514), and for preconstruction work on related facilities such as the Fullerton and Elbe canals and laterals and the Kent Diversion Dam, together with $1,000,000 appropriated in Public Law 100-202 but not allocated for the Davis Creek Dam, which shall be in addition to the amount requested by the Secretary of the Interior for continuing work on the North Loup Division, which funds shall remain available until expended, together with funds heretofore or hereafter appropriated, and with which the Secretary of the Interior is directed to award contracts for construction and completion of the Davis Creek Dam and related facilities: *Provided further,* That **[**$3,500,000**]** *$2,000,000* of funds appropriated in this bill shall be available for reconstruction and rehabilitation of failing dikes of the Glendo Reservoir, North Platte Project, Nebraska and Wyoming, to restore area flood protection.

OPERATION AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, to remain available until expended, **[**$192,331,000**]** *$183,231,000*: *Provided,* That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further,* That of the total appropriated, such amounts as may be required for replacement work on the Boulder Canyon Project which would require readvances to the Colorado River Dam Fund shall be readvanced to the Colorado River Dam Fund pursuant to section 5 of the Boulder Canyon Project Adjustment Act of July 19, 1940 (43 U.S.C. 618d), and such readvances since October 1, 1984, and in the future shall bear interest at the rate determined pursuant to section 104(a)(5) of Public Law 98-381: *Provided further,* That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same objects and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended: *Provided further,* That revenues in the Upper Colorado River Basin Fund shall be available for performing examination of existing structures on participating projects of the Colorado River Storage Project, the costs of which shall be nonreimbursable: *Provided further,* That none of the funds appropriated in this Act shall be used to execute new long-term contracts for water supply from the Central Valley project, California, prior to May 1, 1989.

LOAN PROGRAM

For loans to irrigation districts and other public agencies for construction of distribution systems on authorized Federal reclamation projects, and for loans and grants to non-Federal agencies for construction of projects, as authorized by the Acts of July 4, 1955, as amended (43 U.S.C. 421a-421d), and August 6, 1956, as amended (43 U.S.C. 422a-422l), including expenses necessary for carrying out the program, **[**$29,022,000**]** *$26,022,000,* to remain available until expended: *Provided,* That of the total sums appropriated, the amount of program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further,* That during fiscal year 1989 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed **[**$27,766,000**]** *$24,766,000*: *Provided further,* That any contract under the Act of July 4, 1955 (69 Stat. 244), as amended, not yet executed by the Secretary, which calls for the making of loans beyond the fiscal year in which the contract is entered into shall be made only on the same conditions as those prescribed in section 12 of the Act of August 4, 1939 (53 Stat. 1187, 1197).

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, $48,313,000, of which $1,639,000 shall remain available until expended, the total amount to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided,* That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

EMERGENCY FUND

For an additional amount for the "Emergency fund", as authorized by the Act of June 26, 1948 (43 U.S.C. 502), as amended, to remain available until expended for the purposes specified in said Act, $1,000,000, to be derived from the reclamation fund.

WORKING CAPITAL FUND

For acquisition of computer capacity for the Administrative Systems Modernization project, $7,900,000, to remain available until expended, as authorized in section 1472 of title 43, United States Code (99 Stat. 571).

SPECIAL FUNDS

(TRANSFER OF FUNDS)

Sums herein referred to as being derived from the reclamation fund are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391). Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the head "General Administrative Expenses" shall revert and be credited to the reclamation fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 26 passenger motor vehicles for replacement only; payment of claims for damages to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation; payment, except as otherwise provided for, of compensation and expenses of persons on the rolls of the Bureau of Reclamation appointed as authorized by law to represent the United States in the negotiations and administration of interstate compacts without reimbursement or return under the reclamation laws; for service as authorized by section 3109 of title 5, United States Code, in total not to exceed $500,000; rewards for information or evidence concerning violations of law involving property under the jurisdiction of the Bureau of Reclamation; performance of the functions specified under the head "Operation and Maintenance Administration", Bureau of Reclamation, in the Interior Department Appropriations Act 1945; preparation and dissemination of useful information including recordings, photographs, and photographic prints; and studies of recreational uses of reservoir areas, and investigation and recovery of archeological and paleontological remains in such areas in the same manner as provided for in the Acts of August 21, 1935 (16 U.S.C. 461-467) and June 27, 1960 (16 U.S.C. 469): *Provided,* That no part of any appropriation made herein shall be available pursuant to the Act of April 19, 1945 (43 U.S.C. 377), for expenses other than those incurred on behalf of specific reclamation projects except "General Administrative Expenses", amounts provided for plan formulation and advance planning investigations under the head "General Investigations", and amounts provided for applied engineering under the head "Construction Program".

Sums appropriated herein which are expended in the performance of reimbursable functions of the Bureau of Reclamation shall be returnable to the extent and in the manner provided by law.

No part of any appropriation for the Bureau of Reclamation, contained in this Act or in any prior Act, which represents amounts earned under the terms of a contract but remaining unpaid, shall be obligated for any other purpose, regardless of when such amounts are to be paid: *Provided,* That the incurring of any obligation prohibited by this paragraph shall be deemed a violation of section 3679 of the Revised Statutes, as amended (31 U.S.C. 1341).

No funds appropriated to the Bureau of Reclamation for operation and maintenance, except those derived from advances by water users, shall be used for the particular benefits of lands (a) within the boundaries of an irrigation district, (b) of any member of a water users' organization, or (c) of any individual when such district, organization, or individual is in arrears for more than twelve months in the payment of charges due under a contract entered into with the United States pursuant to laws administered by the Bureau of Reclamation.

None of the funds made available by this or any other Act shall be used by the Bureau of Reclamation for contracts for surveying and mapping services unless such contracts for which a solicitation is issued after the date of this Act are awarded in accordance with title IX of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 541 et seq.).

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. Appropriations in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided,* That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

SEC. 202. The Secretary may authorize the expenditure or transfer (within each bureau or office) of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior.

SEC. 203. Appropriations in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency, or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 1535 and 1536): *Provided*, That reimbursements for costs of supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 204. Appropriations in this title shall be available for hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchases of reprints; payment for telephone services in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 205. Of the appropriations for the Central Utah Project, in this or any other Act, not more than $17,000,000 of the total in any one fiscal year may be expended by the Secretary for all administrative expenses; except that this provision shall only become applicable after legislation to raise the authorization ceiling for the Colorado River Storage Project Act is approved by the Congress and signed by the President, otherwise the existing administrative expense limitation shall remain in effect: Provided, That the Inspector General of the Department of the Interior shall annually audit expenditures by the Bureau of Reclamation to determine compliance with this section: Provided further, That none of the Bureau of Reclamation's appropriations shall be used to fund the audit: Provided further, That the Bureau of Reclamation shall not delay or stop construction of the project due to this limitation and shall apply all the remaining appropriations to completion of this project, unless continuation of work on the Central Utah project would cause administrative expenses attributable to the Central Utah project to be paid from funds available for other Bureau of Reclamation projects and thereby delay their construction.

TITLE III

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for energy supply, research and development activities, and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 23 for replacement only), [$2,092,622,000] *$2,208,426,000*, to remain available until expended: *Provided*, [That such amount is hereby reduced by $20,000,000: *Provided further*,] That within 180 days after the date of enactment of this Act, the Secretary of Energy shall provide the Committee on Appropriations of the Senate and House of Representatives and the Energy and Natural Resources Committee of the Senate and the Science, Space, and Technology Committee of the House of Representatives a report which contains a program for the long-term utilization of the Fast Flux Test Facility at the Hanford, Washington site.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, and acquisition of plant and capital equipment and other expenses incidental thereto necessary for uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 21 for replacement only), [$1,133,080,000] *$1,181,600,000*, to remain available until expended: *Provided*, That revenues received by the Department for the enrichment of uranium and estimated to total $1,276,000,000 in fiscal year 1989, shall be retained and used for the specific purpose of offsetting costs incurred by the Department in providing uranium enrichment service activities as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302(b) of section 484, of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced as uranium enrichment revenues are received during fiscal year 1989 so as to result in a final fiscal year 1989 appropriation estimated at not more than $0.

GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 10, of which 5 are for replacement only and one is a police-type vehicle), and one replacement fixedwing aircraft to be acquired pursuant to the Federal Property and Administrative Services Act of 1949, as amended, [$929,116,000] *$934,616,000*, to remain available until expended.

NUCLEAR WASTE DISPOSAL FUND

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, $369,832,000, to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in the account, the Secretary shall exercise his authority pursuant to section 302(e)(5) to issue obligations to the Secretary of the Treasury: *Provided*, That any proceeds resulting from the sale of assets purchased from the Nuclear Waste Fund shall be returned to the Nuclear Waste Fund: *Provided further, That of the amount herein appropriated not to exceed $11,000,000, at an annualized rate, may be provided to the State of Nevada for the period July 1, 1988 through June 30, 1989, for the conduct of its oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended, of which not more than $1,500,000 may be expended for socio-economic studies and not more than $1,500,000 may be expended on transportation studies: Provided further, That not more than $5,000,000, at an annualized rate, may be provided to affected local governments, as defined in the Act, to conduct appropriate activities pursuant to the Act: Provided further, That none of the funds herein appropriated may be used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for any lobbying activity as provided in 18 U.S.C. 1913.*

ATOMIC ENERGY DEFENSE ACTIVITIES

For expenses of the Department of Energy activities, [$8,100,000,000] *$8,092,100,000*, to remain available until expended, including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for atomic energy defense activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 248, of which 247 are for replacement only including 6 police-type vehicles)*: Provided, That no funds appropriated for operating expenses or construction for new production reactor capacity may be obligated until 30 days after the Secretary of Energy has presented to Congress the acquisition strategy report for new production reactor capacity, as required by the Energy and Water Appropriations Act for Fiscal Year 1988—Public Law 100-202, and has certified, with appropriate documentation, that the preferred technology, design and site selected for new production reactor capacity, best satisfies the considerations required under Public Law 100-202.*

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for Departmental Administration and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000) $403,665,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $240,725,000 in fiscal year 1989 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1989 so as to result in a final fiscal year 1989 appropriation estimated at not more than $162,940,000.

POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, $3,159,000, to remain available until expended.

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for official reception and representation expenses in an amount not to exceed $2,500. *The Administrator is directed to amend his budget for fiscal years 1988 and 1989 to exercise borrowing authority for the construction of the Harold T. (Bizz) Johnson California-Pacific Northwest (Third A.C.) Intertie in amounts of $24,100,000 in fiscal year 1988 and $75,000,000 in fiscal year 1989 and to provide in future budgets such exercise of borrowing authority as the Administrator determines may be necessary to complete the project in a timely manner.*

During fiscal year 1989, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $36,267,000, to remain available until expended.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $15,389,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $4,411,000 in collections from the Department of Defense from power purchases, not to exceed $2,430,000 in collections from various Oklahoma companies from power purchases, and not to exceed $1,000,000 in collections from non-Federal entities for construction projects in fiscal year 1989, to remain available until expended.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (Public Law 95-91), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, the purchase of passenger motor vehicles (not to exceed 5 for replacement only), $270,928,000, to remain available until expended, of which $250,142,000, shall be derived from the Department of the Interior Reclamation fund; in addition, the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration $2,485,000, to carry out the power marketing and transmission activities of the Boulder Canyon project as provided in section 104(a)(4) of the Hoover Power Plant Act of 1984, to remain available until expended: *Provided,* That, concurrent with the enactment of Public Law 99-360, purchase, operation, and maintenance of 1 replacement helicopter is authorized from the Colorado River Basins Power Marketing Fund.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (Public Law 95-91), including services as authorized by 5 U.S.C. 3109, including the hire of passenger motor vehicles; official reception and representation expenses (not to exceed $2,000); $108,760,000, of which [$3,000,000] *$5,000,000* shall remain available until expended and be available only for contractual activities: *Provided,* That hereafter and notwithstanding any other provision of law, not to exceed $108,760,000 of revenues from licensing fees, inspection services, and other services and collections in fiscal year 1989, may be retained and used for necessary expenses in this account, and may remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1989, so as to result in a final fiscal year 1989 appropriation estimated at not more than $0.

GEOTHERMAL RESOURCES DEVELOPMENT FUND

For carrying out the Loan Guarantee and Interest Assistance Program as authorized by the Geothermal Energy Research, Development and Demonstration Act of 1974, as amended, $75,000, to remain available until expended: *Provided,* That the indebtedness guaranteed or committed to be guaranteed through funds provided by this or any other appropriation Act shall not exceed the aggregate of $500,000,000.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

SEC. 301. Appropriations for the Department of Energy under this title for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance and operation of aircraft; purchase, repair and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services. From these appropriations, transfers of sums may be made to other agencies of the United States Government for the performance of work for which this appropriation is made. None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriation Act. The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 302. Not to exceed 5 per centum of any appropriation made available for the current fiscal year for Department of Energy activities funded in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise provided, shall be increased or decreased by more than 5 per centum by any such transfers, and any such proposed transfers shall be submitted promptly to the Committees on Appropriations of the House and Senate.

SEC. 303. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 304. No funds appropriated or made available under this or any other Act shall be used by the executive branch for studies, reviews, to solicit proposals, to consider unsolicited proposals, undertake any initiatives or draft any proposals to transfer out of Federal ownership, management or control in whole or in part, the facilities, assets, and functions of the uranium supply and enrichment program, including inventories, until such activities have been specifically authorized in accordance with terms and conditions established by an Act of Congress hereafter enacted: *Provided,* That this provision shall not apply to the authority granted to the Department of Energy under section 161g of the Atomic Energy Act of 1954, as amended, under which it may sell, lease, grant, and dispose of property in furtherance of Atomic Energy Act activities or to the authority of the Administrator of the General Services Administration pursuant to the Federal Property and Administrative Service Act of 1944 to sell or otherwise dispose of surplus property.

SEC. 305. Funds received as restitution for petroleum pricing violations under section 209 of the Economic Stabilization Act of 1970, 12 U.S.C. section 1904 note, as incorporated into the Emergency Petroleum Allocation Act of 1973, as amended, 15 U.S.C. section 751 et seq. are, when appropriated or expended by States with unemployment in excess of 10 percent, deemed to be consistent with the restitutionary purposes for which they were received.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, except expenses authorized by section 105 of said Act, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, and for necessary expenses for the Federal Cochairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, to remain available until expended, [$107,000,000] *$110,700,000.* Amounts previously made available for Appalachian Regional Development programs shall be transferred to and made part of this appropriation.

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), $205,000.

CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), $263,000.

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), as amended by the Act of September 25, 1970 (Public Law 91-407), [$79,000] *$379,000.*

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed $20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, [$420,000,000] *$430,000,000,* to remain available until expended: *Provided,* That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further,* That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs including criminal history checks under section 149 of the Atomic Energy Act, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further,* That revenues from licensing fees, inspection services, and other services and collections estimated at [$189,000,000] *$193,500,000* in fiscal year 1989 shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1989 from licensing fees, inspection services and other services and collections, excluding those moneys received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1989 appropriation estimated at not more than [$231,000,000] *$236,500,000.*

SUSQUEHANNA RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission as authorized by law (84 Stat. 1541), $192,000.

CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expense of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1530, 1531), $262,000.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including purchase, hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, and for entering into contracts and making payments under section 11 of the National Trails System Act, as amended, $103,000,000, to remain available until expended: *Provided,* That this appropriation and other moneys available to the Tennessee Valley Authority may be used hereafter for payment of the allowances authorized by section 5948 of title 5, United States Code: *Provided further,* That the official of the Tennessee Valley Authority referred to as the "inspector general of the Tennessee Valley Authority" is authorized, during the fiscal year ending September 30, 1989, to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and other documentary evidence necessary in the performance of the audit and investigation functions of that official, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court: *Provided further,* That procedures other than subpoenas shall be used by the inspector general to obtain documents and evidence from Federal agencies.

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 503. None of the programs, projects or activities as defined in the report accompanying this Act, may be eliminated or disproportionately reduced due to the application of "Savings and Slippage", "general reduction", or the provision of Public Law 99-177 or Public Law 100-119.

SEC. 504. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 505. None of the funds appropriated in this Act shall be used to implement a program of retention contracts for senior employees of the Tennessee Valley Authority.

SEC. 506. Notwithstanding any other provision of this Act or any other provision of law, none of the funds made available under this Act or any other law shall be used for the purposes of conducting any studies relating or leading to the possibility of changing from the currently required "at cost" to a "market rate" or any other noncost-based method for the pricing of hydroelectric power by the six Federal public power authorities, or other agencies or authorities of the Federal Government, except as may be specifically authorized by Act of Congress hereafter enacted.

SEC. 507. None of the funds appropriated in this Act for Power Marketing Administrations or the Tennessee Valley Authority, and none of the funds authorized to be expended by this or any previous Act from the Bonneville Power Administration Fund or the Tennessee Valley Authority Fund, may be used to pay the costs of procuring extra high voltage (EHV) power equipment unless contract awards are made for EHV equipment manufactured in the United States when such agencies determine that there are one or more manufacturers of domestic end product offering a product that meets the technical requirements of such agencies at a price not exceeding 130 per centum of the bid or offering price of the most competitive foreign bidder: *Provided,* That such agencies shall determine the incremental costs associated with implementing this section and defer or offset such incremental costs against otherwise existing repayment obligations: *Provided further,* That this section shall not apply to any procurement initiated prior to October 1, 1985, or to the acquisition of spare parts or accessory equipment necessary for the efficient operation and maintenance of existing equipment and available only from the manufacturer of the original equipment: *Provided further,* That this section shall not apply to procurement of domestic end product as defined in 48 C.F.R. sec. 25.101: *Provided further,* That this section shall not apply to EHV power equipment produced or manufactured in a country whose government has completed negotiations with the United States to extend the GATT Government Procurement Code, or a bilateral equivalent, to EHV power equipment, or which otherwise offers fair competitive opportunities in public procurements to United States manufacturers of such equipment.

IMPLEMENTATION OF BUY AMERICAN ACT WITH RESPECT TO CERTAIN WATER RESOURCE PROJECTS

SEC. 508. (a) GENERAL RULE.—For purposes of title III of the Act of March 3, 1933 (47 Stat. 1520; 41 U.S.C. 10a-10c), commonly known as the Buy American Act, a cofferdam or any other temporary structure to be constructed by the Secretary of the Army, acting through the Chief of Engineers, shall be treated in the same manner as a permanent dam constructed by the Secretary of the Army.

(b) APPLICABILITY.—Subsection (a) shall only apply to contracts entered into after the date of the enactment of this Act.

[SEC. 509. No funds appropriated under this Act shall be expended in any workplace that is not free of any illegal possession or use of controlled substances which is made known to the Departments and Agencies under this Act.]

This Act may be cited as the "Energy and Water Development Appropriations Act, 1989."

● Mr. CHILES. Mr. President, the Senate Budget Committee has examined H.R. 4567, the energy and water development appropriations bill, and has found that the bill is over its 302(b) budget authority allocation by $23 million and under its 302(b) outlay allocation by $30 million. The bill scoring reflects an adjustment pertaining to Nuclear Regulatory Commission fee language. This adjustment was agreed upon in the budget conference and is consistent with the House treatment of this issue.

Mr. President, I have a table from the Budget Committee showing the official scoring of the energy and water development appropriations bill, as reported, and I ask that it be printed in the RECORD.

The table follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 4567, ENERGY AND WATER—SPENDING TOTALS (SENATE REPORTED) FISCAL YEAR 1989

[In billions of dollars]

	Budget authority	Outlays
302(b) bill summary:		
H.R. 4567, Senate reported (new BA and outlays)	16.7	10.3
Enacted to date		6.2
Adjustment to conform mandatory programs to resolution assumptions	0.1	0.1
Scorekeeping adjustments	0.1	0.1
Bill total	16.9	16.7
Subcommittee 302(b) allocation	16.8	16.7
Difference	+(*)	−(*)
Bill total above (+) or below (−):		
President's request	−0.2	−0.2
House-passed bill	+0.2	+0.1
Summit cap summary:		
Defense (050) spending in bill	8.1	7.9
Allocation under defense cap	8.1	7.9
Difference	−(*)	−(*)
Domestic discretionary spending in bill	10.0	10.0
Allocation under domestic cap	10.0	10.0
Difference	+(*)	−(*)

*Less than $50 million.

Note that the bill, as reported, does not include pay absorbtion language. Such language is necessary to indicate that the amounts provided in the bill are sufficient to cover the costs of the anticipated pay raise.

Details may not add to totals due to rounding.

Prepared by Senate Budget Committee staff.

Mr. JOHNSTON. Mr. President, we are pleased to present to the Senate the energy and water development appropriation bill for the fiscal year beginning on October 1, 1988 and ending on September 30, 1989. This bill, H.R. 4567 passed the House of Representatives on May 17, 1988. The Subcommittee on Energy and Water Development marked up this bill on June 7 and the full Committee on Appropriations marked up and reported this bill on June 9, 1988.

At the outset, I want to express our appreciation to the distinguished chairman of the Committee on Appropriations, Chairman STENNIS, for his fine cooperation in enabling us to bring this bill to the Senate today, and I especially thank and commend the distinguished Senator from Oregon, the ranking minority member of the Committee on Appropriations and of the Subcommittee on Energy and Development for his fine assistance and cooperation in the subcommittee and in the committee on this bill. He is a coworker and coproducer of this little drama each year. Sometimes I chair the committee and sometimes he does. We like it this way—me chairing and he being the ranking minority member. I understand that he has agreed to keep it that way, on a permanent basis, I think—at least, I would appreciate his assent to that.

In addition, I thank all members of the subcommittee for their work on this bill. We continue to enjoy active participation in a truly bipartisan fashion in arriving at our recommendations to present to the Senate as we have in the past.

Mr. President, we are right at the totals as set by the Budget Committee, and we have absolutely no room to budget. As a matter of fact, there is an ongoing argument with the Budget Committee as to whether or not we are exactly at our totals or whether we are $23 million above. It is not a matter for a point of order, but it is an illustration of the fact that we have used up every last bit of our 302(b) allocation under this bill.

Because of the limited budget restraints, we have no new starts in this bill. We were requesting to have about 35 new starts. All those new starts that I examined were worthy projects which would have been extremely meritorious for the country to be involved in, but we simply did not have the budgetary resources.

The House has the same policy, because the House has even less money, I believe, than we.

A new construction start is defined, generally, as a project of activity for which funding was actually provided for physical construction, site work, the breaking of ground—in other words, actually building, as opposed to planning, engineering, design, and other preliminary activities of this nature.

The grand total of the bill as reported to the Senate is $17,956,901,000. This is a reduction of $187,646,000 below the budget estimate considered by the committee and an increase of $169,401,000 above the bill as passed by the House.

The purpose of this bill is to provide appropriations for the fiscal year 1989 beginning October 1, 1988, and ending September 30, 1989, for energy and water development, and for other related purposes. It supplies funds for water resources development programs and related activities of the Department of the Army, civil functions—U.S. Army Corps of Engineers' Civil Works Program in title I; for the Department of the Interior's Bureau of Reclamation in title II; for the Department of Energy's energy research activities—except for fossil fuel programs and certain conservation and regulatory functions—including atomic energy defense activities in title III; and for related independent agencies and commissions, including the Appalachian Regional Commission and Appalachian regional development programs, the Nuclear Regulatory Commission, and the Tennessee Valley Authority in title IV.

In preparing this appropriation bill, Mr. President, the committee was faced with extremely limited budgetary resources for domestic and discretionary programs. When the House committee formulated its bill, the decision was made not to initiate new construction starts in this upcoming fiscal year. Our committee adopted the same policy of not having new construction starts in this measure. A new construction start is defined generally as a project or activity for which funding would actually provide for physical construction, site work, breaking of the ground—in other words, actually building as opposed to planning, engineering, design and other preliminary activities of this nature. So no funds are appropriated for fiscal year 1989 for new construction starts. Projects and activities for which construction appropriations have been previously enacted into law in prior years are considered as continuing projects. We do provide funds for continued preconstruction planning, research and development, engineering design and other preliminary activities leading up to the stage of construction. Regretfully, many, many meritorious and worthy projects both in water resources development and in energy research and development and general science could not be funded as a result of this policy.

For title I, Department of Defense, civil, Department of the Army, Corps of Engineers, civil, the committee is recommending a total of $3,236,447,000. This is a $10.6 million reduction under the fiscal year 1988 appropriation; $71.6 million under the President's budget, and $21.9 million under the House bill. Of this amount $1,184,000,000 is to continue construction of projects already under way or for which construction appropriations have been previously appropriated and $1,363 million is appropriated for operations and maintenance, general for the Army Corps of Engineers.

In title II, Department of the Interior, Bureau of Reclamation, the recommended appropriation totals $993.6 million—almost the same as passed by the House of Representatives. Of this amount, $713 million is for the continuing construction program and $183 million is for operation and maintenance.

For title III, Department of Energy, the committee recommendation provides a total of $13,275,000,000. This is a reduction of $309.7 million under the President's budget estimate and an increase over the House bill of $182 million.

Almost $8.1 million of the amount recommended for the Department of Energy is for atomic energy defense activities. The recommendation for this 050 national defense function includes $978.8 million for R&D, $2.24

billion for production and surveillance, $1.98 billion for nuclear materials production, and $976.5 million for defense waste management and environmental restoration.

For the energy, supply, research and development program and activities of the Department of Energy, the recommended amount total is $2,208,426,000. This is an increase of $135.5 million over the House bill. Among the major programs, the recommendations include $98.8 million for solar energy; $264 million for biological and environmental research, $369 million for nuclear fission R&D; $356 million for magnetic fusion, and $570 million for basic sciences.

The committee recommendation includes $1,181,000,000 for uranium supply enrichment activities offset by gross revenues of $1,276,000,000. The recommendation includes $127 million for the atomic vapor laser isotope separation program for fiscal year 1989.

For general science and research activities, the recommendation is for $934,616,000, an increase of $5.5 million over the House bill. Included within this amount is $657 million for high energy physics, of which $100 million is recommended for continued research and development and preliminary engineering and design activities on the superconducting super collider [SSC].

An amount of $369.8 million is recommended for the nuclear waste disposal fund to provide for the carrying out of the new amendment program as redirected by the Congress in the last session.

A new appropriation of $162.9 million is recommended for the departmental administration appropriation account; $325.7 million is included for the Power Marketing Administration, and $108.7 million is recommended for the Federal Energy Regulatory Commission.

In Title IV, independent agencies, a total of $451.5 million in new budget authority is approved. This includes $110.7 million for the Appalachian Regional Development Program; $430 million in new budget authority for the Nuclear Regulatory Commission with revenues of $193.5 million for a net appropriation of $236.5 million; and $103 million is for the Tennessee Valley Authority.

Mr. President, the report accompanying the bill has numerous tables and data explaining the committee's recommendations and shows the details for fiscal year 1989 appropriations. This is a good, balanced measure and I hope the Senate will carefully consider the recommendations we have presented with this bill today.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as thus amended be regarded for the purpose of amendment as original text, provided that no point of order under rule XVI shall have been considered to have been waived if my request is agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I yield to the distinguished ranking minority member.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, I join my colleague from Louisiana in bringing to the floor the fiscal year 1989 Energy and Water Development Appropriations Act.

It is a pleasure for me to return this measure to its historical setting as one of the very first of 13 separate appropriation bills we hope the Senate will consider this year.

I am equally pleased that, following the leadership of our House counterpart, as explained earlier by our distinguished subcommittee chairman, our bill satisfied all the necessary budgetary requirements and limitations as it was ordered reported by the Appropriations Committee last Thursday.

Having floor managed a number of these appropriation bills over the years, and recognizing the shortage of floor time remaining in this session for other nonappropriation legislation, I encourage all Members of the Senate who desire to make changes in the committee bill to bring forward their amendments in order that staff can review them for possible consideration.

Again, I express my appreciation for the expedited leadership provided by the Senator from Louisiana and our rather extraordinary staff. Mr. President, of all the 13 appropriation bills, I think the Senator from Louisiana and I have been in tandem longer than any other subcommittee ranking members and chairman, whether under Republican or Democratic administrations of the Senate. I started out as a ranking minority member, and to the ranks of the ranking minority I have returned. Initially, it was a great pleasure to be tutored under the chairmanship of Senator JOHNSTON. There is no great displeasure in continuing that under his leadership at all. But I cannot make any commitments after this election as to which way this team effort will function, except to say that it will function efficiently, as it has over the many years I have been privileged to be in harness with Senator JOHNSTON.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 2353

(Purpose: to provide funds to conduct a feasibility study of the Ute Lake Pipeline Project)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] for himself and Mr. DOMENICI, proposes an amendment numbered 2353.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On Page 3 line 7, insert the following before the period: "Provided further, that within available funds $250,000 shall be for updating the Eastern New Mexico Water Supply feasibility report."

Mr. BINGAMAN. Mr. President, I would like to first advise my colleagues that this amendment is being offered on behalf of myself and my colleague, Senator DOMENICI. It is a very simple amendment that earmarks a small amount, $250,000 for updating the Eastern New Mexico water supply feasibility report.

Mr. President, this is a report that focuses on an issue which is very important for the eastern part of our State. It would provide funding for the Bureau of Reclamation, to go forward and update the report that affects the water distribution system of several New Mexico communities in New Mexico. The communities of Clovis, Elida, Grady, Logan, Melrose, Portales, San Jon, Texico, Tucumcari, and Cannon Air Force Base would all be served by this important water project. The economic vitality of each of those areas are vitally dependent upon a completion of and the updating of this study.

This proposal will be funded from existing moneys. It simply involves the earmarking of funds that are already provided to the Bureau of Reclamation in order to take this action. This project has been previously authorized when the Bureau completed a feasibility report for the project in 1972 and revised it in 1979.

I believe this amendment has been agreed to by both sides.

I ask unanimous consent that a copy of a letter from the Eastern Plains Council of Governments which further explains the need and purpose of this project be inserted in the RECORD at this time.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EASTERN PLAINS
COUNCIL OF GOVERNMENTS,
Clovis, NM, April 18, 1988.

Re Ute Pipeline Project.

Senator JEFF BINGAMAN,
U.S. Senate, Washington, DC.

DEAR SENATOR BINGAMAN: On behalf of the Ute Reservoir Water Commission and the nine member communities and Cannon Air Force Base, I want to thank you for your interest and support in addressing the long-term water problems in Eastern New Mexico.

This packet of information is designed to provide additional background information on the need for the project and the actions taken to date. As you probably know, this project dates back more than 25 years when the New Mexico Legislature authorized funding for construction of Ute Reservoir near Logan. About two year ago, the City of Clovis and the City of Tucumcari took the lead in renewing interest in the project by signing reservation contracts for impounded surface water at Ute.

Recent reorganization of the Bureau of Reclamation has lead to the closing of the regional BOR office in Amarillo which has assisted with the evaluation of this project for several years. Vital records have been transferred to the Denver office and the Salt Lake City regional office which will now be responsible to any additional work on the project. Our problem now appears to be the current BOR policy which indicates they will not support additional work on any project which has not received full congressional authorization.

In light of current federal policy, we specifically need your assistance now in obtaining continued Bureau of Reclamation support for additional pre-construction planning assistance on the project.

We estimate that $500,000 in funding to the Bureau of Reclamation over the next two years will accomplish most of the required pre-construction planning including environmental (NEPA), and more detailed engineering. This work is needed by the communities and by Congress to justify full congressional authorization of the project. It could be accomplished through the assistance to states program administered by each regional BOR office if Congress provided specific appropriations for that purpose.

Specific language which would accomplish the objective could be very simple and straightforward: "Authorize the Bureau of Reclamation to prepare final design and specifications for an intercommunity water distribution system which will serve the New Mexico Communities of Clovis, Elida, Grady, Logan, Melrose, Portales, San Jon, Texico, Tucumcari, and Cannon Air Force Base. The project will deliver up to 18,400 acre-feet of treated water to the project area for municipal, industrial and other uses from existing Ute Reservoir in New Mexico. There is appropriated $250,000 for Fiscal Year 1989 and $250,000 for Fiscal Year 1990 to complete pre-construction work on the project."

As you know, the construction of this project is vital to the long-term economic vitality of communities in Quay, Curry and Roosevelt counties. We have also worked closely with officials from Cannon Air Force Base who are participating in this project. Upon completion, this project will provide more than 2,000 acre-feet of water annually to this important federal defense installation.

The availability of surface water for municipal and industrial use in Eastern New Mexico could turn our primary development constraint into one of our major assets. Without congressional action now, our current project planning cycle will be disrupted and we will lose valuable momentum in bringing this important project to fruition.

Included with this letter are several documents designed to provide supplemental information on the project. They include: A copy of the fully executed Joint Powers Agreement establishing the Ute Reservoir Water Commission; a copy of the July, 1987 Technical Memorandum on the project completed by the Amarillo BOR office; a summary of the City of Clovis' 1986 CDBG planning assistance grant which has assisted Clovis, the Ute Water Commission and the Eastern Plains Council of Governments to accomplish advance planning and coordination on the project; and the current membership roster for the Ute Commission.

We can provide additional detailed information as required. The Eastern Plains Council of Governments is currently staffing the Ute Water Commission which is chaired by Clovis Mayor James B. Moss. We are working with Mitch in your Washington office and David Vacker in New Mexico to keep key people informed.

I know you realize Senator how important this project is in addressing the inevitable water problems in Eastern New Mexico brought about by the continuing decline of the Ogallala aquifer. The involved communities and the Eastern Plains Council of Governments are prepared to provide formal resolutions and letters of support for this effort. If a delegation from the communities is needed at any time to support your efforts in Washington, we will be on the next flight out.

Thank you again for your efforts and support on this important undertaking.

Sincerely yours,

LELAND D. TILLMAN,
Executive Director.

The PRESIDING OFFICER. Is there further discussion of the amendment?

The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, this is actually in the nature of a technical amendment in that the Senator from New Mexico, Mr. BINGAMAN, brought this matter up to us some weeks ago. We approved it and frankly we thought it was a matter to be included within the interior appropriations bill. It relates to the Bureau of Reclamation, Department of the Interior. But, of course, we handled that part of the Department of Interior in this bill.

In any event, it is necessary now to put it in this bill and it was an oversight on our part; otherwise it would have been in the chairman's mark.

It is although a small matter a very proper and needed one. We approve it.

The PRESIDING OFFICER. Is there further discussion.

The question is on agreeing to the amendment of the Senator from New Mexico.

The amendment (No. 2353) was agreed to.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, In a few minutes, I am going to send an amendment to the desk for myself and Senator HECHT. In the meantime, however, I would like to offer a brief explanation of what this amendment is going to be. My amendment increases the amount of funds reserved from the nuclear waste fund for the State of Nevada from $11 million to $18 million.

The chairman of the Energy and Water Development Subcommittee, the senior Senator from Louisiana, has worked diligently to ensure Nevada receives just compensation for being recognized as the prime site for a nuclear waste repository.

Even though he has worked hard to accomplish this, from my standpoint and that of the people of the State of Nevada, his efforts have not been such that we can accept this compensation package. It has been a great pleasure to work with him and his staff to develop a way to compensate the people of my State. Despite all the cooperation extended to me, I must reluctantly conclude that $11 million is not enough.

Nevada is more than likely to be the Nation's nuclear waste repository. Site characterization is not being undertaken in any other State. Even should Yucca Mountain ultimately prove to be unsuitable, it will be many, many years before site characterization can commence in another State. Therefore, it is crucial that the State of Nevada be provided with sufficient means to carry out confirmatory testing. Not duplicative site characterization, but confirmatory testing. The State must have the ability to confirm the Department of Energy's testing methodologies and determine if they are valid and test results are reasonable.

The State of Nevada has been treated unfairly by the Department of Energy. They have set a pattern over many years that leads the State of Nevada to believe that they cannot act fairly. The people of the State of Nevada believe that the Department of Energy is so far down the road that they cannot backtrack even if it means that they place a nuclear waste repository in an area it should not be.

Nevada's allocation as it stands in this bill is inadequate to perform this task. It is $11 million. It is absurd to think that increasing the State allocation by $7 million, and that is what my amendment will do, will enable the State to perform dual characterization; $379 million is provided to DOE by this bill to perform site characterization studies.

We are asking for an additional $7 million, whereas DOE is going to have almost $400 million. The $7 million that I add by virtue of this amendment will increase the amount allocated to Nevada to $18 million. The $11 million the State is scheduled to get under this bill, represents a cutback of studies that are now in progress, studies of what the DOE is doing would be eliminated probably forever.

Mr. President, examples abound demonstrating the need for the State to perform adequate oversight. For instance, DOE has set up numerous roadblocks—and this is all we can call them—to the efforts of the State to drill at Yucca Mountain in order to evaluate the ground water flow.

This proposed nuclear waste repository is in an area where many people believe there is water.

DOE has a theory that the ground water flows are safe. All the State of Nevada wants to do is conduct a study to determine if the DOE study is correct and proper.

But DOE relied on inadequate drilling technology to support this theory. Nevada, on the other hand, has proposed a drilling technology that is particularly suited to detecting unsafe ground water conditions. This is not a duplicative study, but rather a method to monitor the work performed by DOE. $18 million is the minimum the State needs to perform these kinds of confirmatory tests which will ensure the public health and safety of the people of the State of Nevada.

The nuclear waste fund is huge, with over $1 billion. I am asking for only an additional $7 million, a total of $18 million out of the committee recommendation. Furthermore, this money is not tax money. it is a user fee paid by the nuclear industry. I think the State of Nevada should have some say as to how much it will cost the industry to use Nevada as a dumping ground, and that is what they want to use it for.

I remind my colleagues that Nevada does not produce nuclear waste. We have no nuclear generating plants. All nuclear waste proposed to come to the high-level waste depository will come from someplace else. Should we not be able to test to find out whether our ground water is safe?

The location of waste in Nevada is going to hurt my State. Nevada is one of the fastest growing States. This growth will be slowed. Nevada's economy is dependent upon tourism, that industry will be hurt. Nuclear waste and tourism are simply not compatible. I do not think $18 million for the State to monitor the DOE's work is asking too much. I do know for certain that $11 million is inadequate for the task, and the small increase I am asking is barely adequate. But we do not want to be greedy. We want to do just what is necessary.

Mr. President, I want to assure my colleagues that this earmark will not have any budgetary effect. The CBO indicates that outlays will be scored from the nuclear waste fund and not an individual line item within the fund.

AMENDMENT NO. 2354

Mr. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. HECHT proposes an amendment numbered 2354.

Mr. REID. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 26, line 4, strike: "$11,000,000, at an annualized rate, may be provided to the State of Nevada for the period July 1, 1988 through June 30, 1989, for the conduct of its oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended, of which not more than $1,500,000 may be expended for socioeconomic studies and not more than $1,500,000 may be expended on transportation studies:" and insert in lieu thereof: "$18,000,000, at an annualized rate, shall be provided to the State of Nevada for the period July 1, 1988 through June 30, 1989, for the conduct of its responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended, as deemed necessary by the State of Nevada to protect the public health and safety of the citizens of Nevada, of which not more than $1,500,000 may be expended for socioeconomic studies and not more than $1,500,000 may be expended on transportation studies:"

Mr. REID. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. JOHNSTON. Mr. President, the distinguished Senator from Nevada has certainly earned my continued respect and admiration for the fierce job and effective job he has done of representing the State of Nevada. As a matter of fact, in the subcommittee, the distinguished Senator from Nevada, Mr. REID, was successful in adding a million dollars from this fund for transportation studies to be performed at the University of Nevada at Reno, I believe; in any event, at Reno. So he has already increased this fund for the State of Nevada.

But, Mr. President, we simply cannot expand the fund in this manner, first because it vastly expands the purpose of the fund because not only is the State entitled under this to conduct its responsibilities pursuant to the Nuclear Waste Policy Act, but to the full extent as the State deems necessary to protect the public health and safety of the citizens. So it is a vast expansion of the purpose of the act.

Beyond that, Mr. President, the additional moneys are really not needed. This is not money for safety. The Department of Energy is already mandated to provide the highest levels of safety, the fullest amount of public participation, full oversight, public hearings, full procedures under the National Environmental Policy Act, and full licensing under the NRC laws. So, Mr. President, this is already provided for.

What this would mean would be additional funds that would simply duplicate that which the Department of Energy has already done.

So, with regret to my friend for having to say no, but, nevertheless, admiration for his efforts, I make the point of order, Mr. President, that this is legislation on an appropriations bill.

The PRESIDING OFFICER. Does the Senator from Nevada wish to be heard on a point of order?

Mr. REID. Mr. President, I have discussed this briefly in some of my opening statement when I offered the amendment. I do wish to speak on the point of order.

The PRESIDING OFFICER. The Chair was in error. Under the old House rules, we could discuss this point of order. That is not debatable. It would take unanimous consent for the Senator to speak. Is there a request by the Senator for unanimous consent?

Mr. REID. Yes, I would ask unanimous consent that I be allowed to speak.

Mr. JOHNSTON. Mr. President, this is a very unusual process to ask the Senator if he wants to speak and then ask if he wants unanimous consent. I think we ought to go by the rules, Mr. President.

The PRESIDING OFFICER. It was an error of the Chair. I recognized it is an unusual procedure.

There is objection.

The amendment does constitute a legislative proposal on an appropriation bill and the point of order is well-taken.

Mr. REID. Mr. President, I appeal the ruling of the Chair and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The appeal of the ruling of the Chair is debatable.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, my friend, the senior Senator from Louisiana, has raised a point of order relative to this amendment, which the Chair has ruled on.

But I urge my colleagues not to consider this parliamentary procedure when voting. I urge my colleagues to instead consider my amendment on the grounds of fairness. My amendment simply enables the State of Nevada to perform a minimum level of oversight, under the provisions of the Nuclear Waste Policy Act, over DOE's site characterization studies of Yucca Mountain.

The people of Nevada have a right to expect this characterization will be fair and technically accurate. The State of Nevada currently provides the only oversight of this entire process. It should be provided the means to perform this job well. This body cannot sacrifice the public health and safety of Nevadans to a parliamentary procedure. I hope my colleagues will join me in voting to overturn this point-of-order.

Mr. HECHT. Mr. President, I rise in support of the amendment offered by my junior colleague from Nevada, Senator Reid. While I realize that the Appropriations Committee has provided for a significant increase in the grant money being afforded to the State of Nevada and Nevada's local governments in connection with the Nuclear Waste Repository Program, the fact remains that this number should be higher.

I say this, Mr. President, because the $16 million figure in the bill was based on budget estimates prepared when it was assumed that sites in three States were to be characterized simultaneously for a repository, and the Energy Department's Nuclear Waste Program was a good deal simpler than is now the case.

Had the people who prepared the $16 million estimate been able to see into the future and know that the Nation was going to proceed full speed ahead, over my objection and that of my junior colleague, to characterize Yucca Mountain and only Yucca Mountain for a repository, then the budget estimate would have been a good deal higher. A lot more is happening a lot more quickly concerning Yucca Mountain than would otherwise have been the case, and so the affected State and local governments clearly have a corresponding need for more funding to participate and watch over what the Federal Government is doing.

In the long run, it makes a great deal of sense for other States to support Nevada's request for funding. If there is something wrong with the way the Energy Department is going about their work at Yucca Mountain, then it is in everyone's best interest for this to be found out sooner or later. The State is in the best position to keep an eye on the Energy Department in this regard.

If Nevada is not allowed ample funds to conduct this oversight activity, then the State will have to conserve its limited financial resources and wait to fight the Radioactive Waste Program years from now in the courts. At that point the stakes will be much higher for the nuclear powerplants running out of waste storage capability, and the risk of brownouts and blackouts will be much greater in those States that depend on nuclear energy should Nevada be successful in defeating the Yucca Mountain site in the courts, and thereby forcing the Nuclear Regulatory Commission to reexamine its waste confidence ruling.

Either the Federal Government provides Nevada with the resources to keep track of the Energy Department's activities now, or the Federal Government can wait and fight Nevada in the courts later.

I urge my colleagues to support this amendment, which I am pleased to cosponsor.

The PRESIDING OFFICER (Mr. Daschle). Is there further debate? If not, the question is, Shall the decision of the Chair stand as the judgment of the Senate? The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Washington [Mr. Adams] and the Senator from Florida [Mr. Chiles] are necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 29, as follows:

[Rollcall Vote No. 180 Leg.]

YEAS—68

Baucus
Bentsen
Bingaman
Bond
Boschwitz
Bradley
Breaux
Burdick
Byrd
Chafee
Cochran
Cohen
D'Amato
Danforth
Daschle
Dixon
Dole
Domenici
Durenberger
Evans
Ford
Fowler
Graham
Gramm
Harkin
Hatfield
Heinz
Helms
Hollings
Humphrey
Johnston
Karnes
Kassebaum
Kasten
Kerry
Lautenberg
Levin
Lugar
McCain
McClure
McConnell
Melcher
Metzenbaum
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Quayle
Rockefeller
Roth
Rudman
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Trible
Wallop
Warner
Weicker
Wirth

NAYS—29

Armstrong
Boren
Bumpers
Conrad
Cranston
DeConcini
Dodd
Exon
Garn
Glenn
Gore
Grassley
Hatch
Hecht
Heflin
Inouye
Kennedy
Leahy
Matsunaga
Mikulski
Mitchell
Proxmire
Pryor
Reid
Riegle
Sanford
Sarbanes
Thurmond
Wilson

NOT VOTING—3

Adams
Biden
Chiles

So the ruling of the Chair was sustained as the judgment of the Senate.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Lousiana.

Mr. JOHNSTON. Mr. President, I have had a number of questions from Senators about how long we will be here tonight. I thought we might ascertain from Senators if they have contested amendments which will require long debate.

Thus far, I have not been shown any additional amendments which would either take record votes or extended debate. I wonder if there are Senators who have such amendments which would require a long time?

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, Senator Bumpers, Senator Johnston, and I have been visiting about a matter relating to DeQueen, AR.

We hope there will not have to be an amendment, but there may be. We hope there will not. If we can get a successful, meaningful colloquy with the distinguished chairman, it might obviate an amendment being offered.

Mr. JOHNSTON. Mr. President, I am certain the answer is going to be yes if it involves DeQueen, AR.

Mr. PRYOR. I am going to hand you all the news clips from the DeQueen Bee today and the Texarkana Gazette. After you read their plight, I know you will be most sympathetic. I know Senator Bumpers will be joining me in it.

Mr. JOHNSTON. Mr. President, I do not think that will be the product of a long debate. It is an amendment that probably we can work out. So I hope we could finish up quickly.

It would be the intention of the managers to go to a final passage tonight. I understand there will be a request for a vote on final passage. I understand the Senator from North Carolina [Mr. Helms] desires such a vote.

We will proceed as quickly as possible, Mr. President, to get the matter passed tonight.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 2355

(Purpose: To allocate funds for providing low water access to Lake Koocanusa, Montana)

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. Baucus] proposes an amendment numbered 2355.

Mr. BAUCUS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8, line 4, before the period insert the following: ": *Provided further,* That of the funds appropriated under this heading, $500,000 shall be available only for providing low water access to Lake Koocanusa, Montana, as the Secretary of the Army determines is necessary to alleviate low water impact on existing access facilities at the Libby Dam Project administered by the Forest Service of the Department of Agriculture: *Provided further,* That funds unused for the project described in the preceding proviso shall be transferred to the Department of Agriculture for purposes of carrying out maintenance and the Department's other responsibilities with respect to that project."

Mr. BAUCUS. Mr. President, this is a very simple amendment. Essentially, it reprograms $500,000 from the O&M account to build various boat ramp facilities for Lake Koocanusa on the Kootenai River in Montana. The problem results from the drought and the resulting drawdown of Lake Koocanusa and the Kootenai River. Because of this, the lake's recreational facilities are inoperable. This is a reprogramming amendment to enable the Corps to extend those recreation facilities, particularly boat ramps, so that the people in that area might benefit from the fishing and recreational opportunities of Lake Koocanusa. I understand this has been cleared on both sides, and I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, this matter does involve a drought in Montana. It authorizes the Corps of Engineers to provide low-water access to Lake Koocanusa. It requires no money. It is within available funds, and we have no objection to the amendment.

The PRESIDING OFFICER. Is there further debate? If there is no further debate, the question is on agreeing to the amendment of the Senator from Montana.

The amendment (No. 2355) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I had intended to offer an amendment which would remove the navigational servitude from certain Philadelphia waterfront areas of the Delaware River in Philadelphia, PA, so that certain development could take place.

I shall not offer the amendment at this time because there are objections from the authorizing committee and, candidly stated, this would constitute authorization on an appropriations bill. It would not be the first time, Mr. President, if there were authorization on an appropriations bill; that is a practice which occurs with some frequency here. But after having consulted at some length with Senator BURDICK, the chairman of the authorization committee, and Senator STAFFORD, the ranking Republican, and then having consulted with Senator JOHNSTON, the chairman of the subcommittee here and the floor manager, and Senator HATFIELD, the ranking Republican, it is apparent to this Senator that it is not realistic or practical to have an amendment adopted in face of the very considerable opposition which is present.

It is my thought that on the merits this development ought to proceed, but that remains to be seen through what I propose as a hearing process. It is very important for this development that the hearing process take place very promptly. I have had discussions with the Senators whom I have just mentioned: Senator BURDICK, Senator STAFFORD, Senator JOHNSTON, and Senator HATFIELD. The issue of a hearing, of course, resides with the authorization committee. I asked Senator BURDICK for a commitment to have the hearing within 2 weeks from today or on or before June 28, and Senator BURDICK said he would make his best efforts to do so and would give a commitment subject to working out the scheduling which he did not have access to on the floor when I discussed the matter with him in the course of the past 15 minutes.

Senator BURDICK could not be here, but has authorized Senator STAFFORD, the ranking minority member, to continue this very brief colloquy with me on this issue.

Mr. STAFFORD. If the Senator will yield.

Mr. SPECTER. I am pleased to do so.

Mr. STAFFORD. What the distinguished Senator from Pennsylvania said is correct. The matter of the amendment which he described and would offer is within the jurisdiction of the Committee on Environment and Public Works. It is an important matter. The committee should have a hearing with respect to it so that the Members will understand it more fully. Senator BURDICK, the chairman of the committee, is agreeable to scheduling a hearing within the next 2 weeks, provided, of course, our schedule will permit us to do that. I personally believe it will, and I can assure the distinguished Senator from Pennsylvania on behalf of Senator BURDICK, the chairman, and myself that we will make a good-faith effort to schedule it by or before the 28th of this month.

Mr. SPECTER. I thank the distinguished Senator from Vermont for those comments.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. As the ranking member of the committee, I believe the chairman of the committee that would hold this hearing, I should like to endorse completely the view of our chairman emeritus and assure Senator SPECTER that we will make every effort that this will be done.

Mr. SPECTER. I am very appreciative of the comments from the distinguished Senator from New York. If I might attract the attention of the manager, Senator JOHNSTON, for just a moment. We have just had a brief colloquy, the import of which is that the authorizing committee will make best efforts to have a hearing by 2 weeks from today, June 28, so that we can address the subject on the merits.

This is not a cost item so far as the Appropriations Committee is concerned, but there is not likely to be an authorization vehicle which will be coming along in time to have the matter completed promptly, hopefully before the fall, so that this important matter can go forward.

I would like to have whatever assurances I can get that if there is a vehicle on the appropriations side, having cleared the substantive concerns of the authorizing committee, it would be entertained favorably for action on an appropriations bill. I know we do not know for sure what is going to happen in that context, but I would just like the assurances, to the extent it can be accommodated within the appropriations context, once the authorizing committee objection is removed, that every attempt will be made to do so.

Mr. JOHNSTON. Mr. President, action by the authorizing committee would certainly carry great weight; we would have at that point a hearing record on which to base action of the Appropriations Committee. While we cannot commit the Appropriations Committee to pass any particular matter, we do recognize the logic of the position of the Senator and that will be enhanced at a later date by the action of the authorizing committee.

So I can certainly say that we are sympathetic to the issues and the problems addressed in the colloquy and would hope to be able to respond to it in a satisfactory way.

Mr. SPECTER. I thank the distinguished Senator from Louisiana for those assurances. I appreciate the fact that this matter cannot be taken care of this afternoon on this appropriations bill. Being in a position to have this hearing and to establish the validity of the merits of this matter, I think will enable us to come back in a proper position on another appropriations bill and bring the matter to passage so that this development may be considered on the merits.

I thank my colleagues for their help. I thank the Chair and I yield the floor.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 2356

(Purpose: To allocate funds for the Morgan County Port Access Channel in Alabama)

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON] for Mr. HEFLIN, proposes an amendment numbered 2356.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, line 11, before the semicolon insert the following: ": *Provided further*, That within available funds $240,000 shall be available for the engineering and design of the Morgan County Port Access Channel, Morgan County, Alabama".

Mr. JOHNSTON. Mr. President, this is another amendment that relates to within available funds and does not cost money for the bill. It is submitted on behalf of Sentor HEFLIN. It provides for engineering and design money in the amount of $240,000 for the Morgan County Port Access and it has been cleared on both sides.

Mr. HEFLIN. Mr. President, I am delighted that the U.S. Senate has accepted my amendment to H.R. 4567, the energy and water development appropriations bill, regarding the Morgan County Port Access Channel project. This amendment will provide $240,000 for the engineering and design of the project in fiscal year 1989.

The funding which this amendment allows will demonstrate to the local sponsors of the project, the Decatur-Morgan County Port Authority, to the citizens of Decatur and Morgan County, and to businesses interested in locating in this area that the project has strong support and will continue in fiscal year 1989.

I have been told by the Corps of Engineers on many occasions that this is an excellent project which would greatly enhance the ability of Decatur, AL, and Morgan County to strengthen their economy and to attract business to the area. The corps verified in their studies that this new port facility at the Mallard-Fox Creek Industrial Park is necessary if the area is to meet the economic demands for the future of the citizens of the Tennessee Valley. The local sponsor requested years ago that the Corps of Engineers assist the citizens of Morgan County in this effort under the authority granted it under section 107 of the Rivers and Harbors Act of 1960, as amended. The result of the corps' final detail report and environmental assessment supplement 1 was that approval of the plan was recommended and the project should be funded.

I have been working with the Decatur-Morgan County Port Authority for some time to assist the citizens of Decatur and Morgan County in obtaining approval for this project. The mayor of Decatur, the chairman of the county commission, and the entire county commission have done an extraordinary job on behalf of this project. I was disappointed when I learned that the House of Representatives had not included funding for this project in their version of H.R. 4567, but with this Senate action the future of this important project is greatly strengthened.

Finally, I wish to thank my friend and colleague, the Senator from Louisiana, for his tremendous help in this matter, and I look forward to working with him in the future to obtain full funding for the quick completion of the Morgan County Port Access Channel.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment offered by the Senator from Louisiana.

The amendment (No. 2356) was agreed to.

Mr. JOHNSTON. I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WILSON. Mr. President, rather than sending an amendment to the desk, I wonder if I might engage my friend, the distinguished manager, in a brief colloquy.

As the distinguished chairman is aware, the request of the administration in the budget for the Santa Ana River mainstream project was for $15 million. The Senate, as did the House, pursuing a policy of no new starts, funded that at some $6 million. It is a concern that I express on behalf of my colleague, Senator CRANSTON, and myself. This project, as I am sure the members of the committee know well, has been rated by the Corps of Engineers as that to which they would attach the greatest justification, the greatest need. Some 2 million residents of San Bernardino, Riverside, and Orange Counties are in a floodplain affected by this project and the potential damage from the kind of flood which it is designed to contain and to prevent is estimated to be at least $12 million. Severe flooding and loss of life obviously is something that can only be estimated.

I respect and understand the policy of not funding new starts.

I would simply ask of my friend, the chairman, whether or not in the next fiscal year, fiscal year 1990, it is his expectation that we could see an adequate degree of funding and actual construction of that project in accordance with the expressed views of the Corps of Engineers as to the priority of that project.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, first of all, the Senator from California [Mr. WILSON] is correct in that the Santa Ana project is a very high priority project. The benefit-cost ratio is in excess of 2 to 1. It involves a large number of people and hundreds of millions of dollars' worth of property which would be protected from flooding, if it came, by this kind of project, and this really ought to be proceeded with without any delay.

I might add that we have some $6 million additional for engineering and design in this bill. The only problem I would see, Mr. President, is that this is a big project—$1.3 billion in total scope; $940 million of that is the Federal share. The $400 million State share has been forthcoming. The State is ready to put up its money. So it is a project that ought to be built, and we ought to start the next year.

I would simply point out, Mr. President, that this subcommittee needs more money for next year. I alert my colleagues to that because there are so many things that must be done that we have been putting off, and this Santa Ana project, some $940 million on the Federal side, is just one of those projects. It is one of the very highest priority project.

I assure the Senator from California that I am not only sympathetic with his views on this but I totally endorse his view that this project ought to be built. I hope he will help us get the kind of funds that we need not only for this project but for others within the jurisdiction of this committee.

Mr. WILSON. Mr. President, I thank my friend for his comments, and I thank the Chair.

I yield the floor.

AMENDMENT NO. 2357

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] proposes an amendment numbered 2357.

Mr. HATFIELD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following new section.

SEC. . No funds appropriated or made available under this or any other Act shall be used in this and all future years, to preclude the Bonneville Power Administration from creating obligations in excess of available cash plus borrowing authority for all authorized purposes, whether or not such obligations are mandated by prior law, unless such action has been specifically approved hereafter by an Act of Congress.

Mr. HATFIELD. Mr. President, in 1974 Congress enacted the Federal Columbia River Transmission Act which was intended to put the Bonneville Power Administration on a self-financing basis, to be operated in a businesslike manner, and with borrowing authority from the U.S. Treasury not with appropriated dollars.

In exchange for BPA financial flexibility, the ratepayers of the Pacific Northwest agreed to pay a higher rate of interest on their borrowed funds. However, over the past 4 years, and for a variety of legal, legislative, and budgetary reasons, BPA's flexibility has been slowly eroding.

Mr. President, I cannot emphasize enough the importance of having BPA continue to operate with the flexibility of a private business. Especially in light of the severe drought in the Columbia and Snake river drainages, and considering that hydrologists predict a similar occurrence about every 7 to 10 years, operating flexibility to balance the power and fishery resources is imperative.

To illustrate my point, Mr. President, I want to cite just two or three examples of recent limitations placed on PBA's operations. Recent legal interpretations have questioned Bonneville's ability to borrow against their projected revenues, leaving them to commit to long-term contracts only with the amount of actual cash they have on hand. No one can operate with this kind of limitation, and currently no other utility is asked to do so. As a matter of course, long-term contractual commitments should be permissible to the extent they are covered by future revenues. Another limitation involves restrictions placed on Bonneville's planning allowances as they are submitted to the Department of Energy. Finally, just this past year, a portion of BPA current operating year borrowing authority was retroactively withheld after it was approved by Congress and without the courtesy of a formal rescission request.

Notwithstanding these developments, Mr. President, I am happy to report that the Bonneville Power Administration and representatives of the executive branch, at my specific request, are meeting to resolve approximately a half dozen very technical, procedural issues involving Bonneville's budget and are near completion. I believe that these negotiations have been entered into in good faith and represent more than a symbolic gesture by this administration, but are a genuine attempt by both parties to resolve their differences.

Because I in no way want to jeopardize the ongoing negotiations and want them to continue. I need to make my intentions perfectly clear. It was my intent to offer an amendment that would cover all six items of disagreement between BPA and the executive branch, but I now ask that these points be entered into the record and that my amendment to simply clarify one remaining point be offered at this time. The other five remaining issues will be transmitted to the Congress with the next 48 hours indicating that an internal agreement has been reached on those points.

Mr. President, my amendment simply clarifies that BPA may enter into long-term contracts to the extent they are covered by future revenues and are not necessarily limited to the availability of cash on hand.

Mr. President, this is a matter merely to clarify the existing practice of the Bonneville Power Administration.

Mr. STENNIS. Mr. President, may we have quiet? We cannot hear.

Mr. HATFIELD. This battle has been raging for the last few years. The OMB, Senator JOHNSTON, and staff on both sides have seen this. It is merely a clarification with no money, no new authority, no new nothing, just a reclarification of the 1974 act.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, the Senator from Oregon has correctly described this amendment. We have no objection.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Oregon (Mr. HATFIELD).

The amendment (No. 2357) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. HATIFIELD. I thank the chairman of the committee for his cooperation.

Mr. EVANS addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. EVANS. Mr President, I wonder if I could engage in a colloquy with the chairman and the ranking member on several items which are related which in totality represent what I consider to be a very serious problem in relationship to the safe, continuing operations at Hanford with special reference to the current efforts engaging in the shutdown of the N-reactor.

If I might engage the chairman in several questions, first it is my understanding that the operating funds of the N-reactor for fiscal 1989 have been reduced by $21.5 million, that coming because the Senate-passed version of the DOD authorization bill was at a certain level. Is that correct?

Mr. JOHNSTON. The Senator is correct. That was in accordance with the defense authorization bill as passed by the Senate.

Mr. EVANS. Let me point out that in recognition of the shutdown of the N-reactor, and in conversations with the Department Secretary and with top leaders, an agreement was reached that the only appropriate, safe, and responsible way to shut down the N-reactor was in a gradual fashion that would allow for the appropriate defueling and which have the job losses of 6,000 employees occur over a year's period rather than essentially all at once. The $21.5 million cut will not allow this agreement to be carried out, at least as we understand it from the Department.

I understand that there is nothing we can do on this bill at this time to change that, but I would ask the chairman if the conference report of the DOD authorization raises the amount of money authorized, which I believe they are likely to do, and would be a high priority on the chairman's part to see to it that these funds could be restored in conference in parallel with the authorization of the Department of Defense.

Mr. JOHNSTON. The Senator is correct. It would be a high priority. We would want to adjust to whatever action the defense authorization bill provided for, and we would also entertain a reprogramming to that effect as well.

Mr. EVANS. Second, in terms of defense waste, it is my understanding that the Senate-passed authorization bill has $50 million extra added for environmental restoration, and $44.25 which was added under the Adams-Evans amendment seeking to reprogram to that extent for further speed-up of defense waste cleanup at Hanford.

Am I correct in those understandings of the authorization bill?

Mr. JOHNSTON. The Adams-Evans amendment, of course, was a 1988 action. The additional $40 million which we provided was over the President's budget and was in accordance with the Armed Services authorization action.

Mr. EVANS. I understand. The authorization act was for $50 million, and $40 million was provided through appropriation, but in a nonspecific way in terms of where it was to be allocated.

Mr. JOHNSTON. That is correct. The authorization bill did the same.

Mr. EVANS. I understand the difficulty of being specific in determining where the extra moneys of that nature would go. But will the chairman agree that since a very large majority of all the defense waste now resides at Hanford, it would be an appropriate conclusion to assume that at least some significant share of that money might find its way to Hanford?

Mr. JOHNSTON. I share with the Senator from Washington his concern with the Hanford problem and the great need to apply funds to that problem on a priority basis. There are, of course, a number of States impacted by defense waste, so Washington is not the only State involved. But certainly his State has a high priority in the question of needs for application of these funds.

Mr. EVANS. Going back to 1988 and reprogramming funds: It is my understanding that requests have been made from the Hanford area to the headquarters for two reprogrammings of 1988 money which has now been released because of the determination to shut down the N-reactor.

It was my understanding, in talking to the Department—and I think just in terms of pure fairness—that the money released from that amount should go to other extraordinarily high-priority needs on the Hanford reservation, many of them related to the large amounts of defense waste which, frankly, is not now being cared for in a safe and responsible manner. We simply have not put the resources in there to even provide for the safety of citizens who live in that area.

There are two requests, it is my understanding. One is from the money no longer needed for building additional tanks to store waste from the N-reactor because it will be shut down. That was a $24.3 million request to add to the other defense waste treatment needs on the Hanford reservation. The second came from a variety of other expenditures no longer needed on the N-reactor, which would be turned into sufficient moneys to ensure the continued operation of the Purex facility and the plutonium facility, both needed in order to adequately treat or handle the fuel which is being taken out of the N-reactor. If we do not have the opportunity to treat that fuel, we will simply add to the waste, put it in a place where it is not really safe for any extended period to store.

I think this has not come to Congress. It is simply between the local agency, which has recommended this reprogramming, and the Department of Energy, which must make a decision on that.

Does the chairman believe that it is at least a logical conclusion to assume that this money, released and no longer needed because of the shut down of the N-reactor, has a high priority of going to those requirements which will be placed on that same reservation for the treatment and ultimately the storage of the defense waste which will be created by the shutdown of the N-reactor?

Mr. JOHNSTON. I say to the Senator that it sounds logical to me.

As I understand it, Hanford has made a request to DOE to reprogram these funds, and certainly it sounds like a reasonable thing to do.

I do not know what other priorities we have, but I can attest to the fact that this problem that the Senator is describing at Hanford with nuclear waste is a high priority; and I would think it reasonable for them to send the programming down to us, in which event we would certainly view it with the same sympathy that the Senator from Washington does.

Mr. EVANS. I thank the Senator.

I ask a final question: I do understand that, typically, the reprogramming requests to various agencies, when sent to Congress, are, if not routinely approved, at least overwhelmingly and generally approved by the congressional committees and the chairmen to which they are sent.

I ask the chairman if particularly an acute study would be made of a reprogramming request of this sort on the moneys released from the N-reactor, if destined to any other location, would be looked at with deep and troubled view by the chairman and that this Senator might be notified before any action is taken on that.

Mr. JOHNSTON. Mr. President, I would see no deep trouble on the horizon on this matter. I would expect it to slip through as if greased with petroleum. If there is any problem with it, I will certainly let the Senator from Washington know.

Mr. HATFIED. Mr. President, I should like to associate myself with the remarks of the Senator from Washington.

I followed the Hanford rector issue over a number of years, and I am very conscious of the cleanup requirements there. I joined the Senator and his collegaue from Washington on the increase in the authorization bill for this purpose.

The State of Washington and my State of Oregon have a joint proposal on expediting the cleanup, I believe. So that there are participants here on both sides of the Columbia River to address this problem and to recognize the economic impact upon the people who for many years have depended upon the Hanford reactor for their livelihood.

I again say publicly, as I have on frequent occasions, that I will be happy to work with the Senator from Washington and any of the executive agencies on job retraining and on the economic impact of bank closures and all the other programs that are available.

As the ranking member of this subcommittee, I assure the Senator from Washington that I am anxious to work with him and the people of that area to fulfill our obligation to him and to the people of the whole region on the safety factor involved in the cleanup. So there are many factors—economic and safety—that do concern us as a region, and I am happy to associate myself with the expressions of concern by the Senator from Washington.

Mr. EVANS. I thank the Senator.

I have the greatest confidence in both the Senator from Louisiana and the Senator from Oregon. I hope they will remember this colloquy and use their best efforts at such times reprogramming comes to Congress for approval or a supplementary approriation act is delivered on this subject to Congress. To the degree it is positive in nature, I hope, as the chairman said, we would use all the petroleum and the grease necessary to slide it through. If it is not, I trust that my two colleagues will put a little sandpaper in the way of any alternative request.

With that, I thank the chairman and the ranking member, and I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I am not going to offer an amendment this evening. I have basically been involved in a discussion with the distinguished Senator from Louisiana, the manager of the bill and with the staff of the distinguished Senator from Oregon relative to a small city in southwest Arkansas, DeQueen, AR.

Some years ago, DeQueen, AR, began negotiating with the Corps of Engineers about becoming Lake DeQueen's only customer of the community to buy its water from Lake DeQueen.

Something funny happened on the way to finally signing the project, or finally signing off on the contract. Whether it was the Office of Management and Budget or a new policy directive that came out of somewhere, where we cannot ascertain, we do not know, but the bottom line is this: The Corps of Engineers is attempting to charge this small community 9 cents for every 1,000 gallons they pump from this lake.

Once again this is the only potential customer for this particular lake and once again this will not only break this small community, it will also be a burden for the next 50 years on the grandchildren and great-grandchildren of those who sign this contract.

Finally, it would perhaps be the highest contract in the United States of America for the use of water. It would certainly be the highest contract from any Corps of Engineers lake in Arkansas by a large margin and I think perhaps in the United States.

I know that my senior Senator, Senator Bumpers, will join me in this expression and in this hope that the distinguished managers will help us in this issue and make certain that the citizens of DeQueen and those customers of Lake DeQueen are not unfairly penalized in their desire to have clean water.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, the Senator from Louisiana, the distinguished floor manager, was extremely helpful in resolving a very similar situation to this in the Degray Lake and Reservoir, and I know that he will want to help again.

This is an egregious case. It is absolutely unfathomable that the Corps of Engineers, in exchange for 6 million gallons of water a day where there are somewhere between 18 million and 20 million gallons available, are trying to charge over 9 cents a thousand gallons of raw water which would amortize the cost of the project over 30 years. They cannot do that because this community cannot pay 9 cents a thousand gallons. But if they were to pay for it, what it would mean is that as to the next buyer of water who came down the pike they could let him have 6 million gallons absolutely free because the first user, which in this case is DeQueen, would be paying enough to amortize the cost of the entire project and then you would have another 6 million.

So you could accommodate two other cities the size of DeQueen at no cost because DeQueen would be paying the total cost.

My information is DeQueen has indicated that they can afford to pay 5 cents a thousand which seems exorbitant to me which if you run down the list of all the corps projects in Arkansas, indeed the corps projects in the United States, you find this is by far the highest amount anybody in Arkansas pays for water out of a Corps of Engineers lake.

We want the support of the manager of this bill and we would love to have some language in the conference committee report when it comes back to the floor to tell the Corps of Engineers to live with the do-right rule. And the do-right rule is not 9 cents for 1,000 gallons. They have to have the water. It is there. It is a good quality water. They need it. But there is not any point in trying to gouge one little city.

I hope the Senator will give the same kind of assurance and help that he gave us in the other project which was resolved within 6 or 8 months after we had a colloquy on this floor. Sometimes it just takes a little prodding the Corps of Engineers to get them to do right.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I will certainly endorse the do-right rule in general and specifically on the DeQueen Lake.

There is something peculiar in these facts and I do not blame it all on my friends from Arkansas for being very concerned about this. Frankly, I cannot account for what appears to be a policy change instituted by OMB.

It may be, I must say, one required by the recent law which we passed, but I can assure my friends from Arkansas, the two distinguished Senators, that we will look into the facts along with the junior and senior Senators from Arkansas and determine why it is that this change has been made and if it is not exactly and properly within the letter of the law we will certainly join them in asking the Corps of Engineers to do right, to abide by the law, and to reduce these charges to DeQueen, AR.

I hope that is what we find because it does suggest that there is something amiss in the way these charges are being promulgated by the corps. I will be glad to work with both Senators from Arkansas.

Mr. BUMPERS. I thank the Senator for his words of balm and that is good enough for me. I thank him very much.

Mr. PRYOR. Mr. President, I would like to reiterate the appeal that we go back and look at the Lake DeQueen precedent there in the State which worked out amicably for all factions and all parties concerned. I think if we could get the Corps of Engineers to come in good faith to the bargaining table, I have a real good sense we could actually work out something that would be favorable to the Corps and to the citizens of DeQueen, AR.

Mr. President, I thank once again the managers of the bill. I thank the Chair for recognizing me and I thank the distinguished Senator from Louisiana for his commitment.

The PRESIDING OFFICER. Are there further amendments?

Mr. JOHNSTON. Mr. President, shortly I will send an amendment to the desk which is another within-available-funds amendment providing $250,000 for engineering and design of the Charleston, WV, riverfront project. I say this does not cost any additional money. This has been cleared on both sides and is submitted on behalf of Senator Byrd.

AMENDMENT NO. 2358

(Purpose: To provide planning, engineering, and design funds for the Charleston Riverfront)

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask that it be reported.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. Johnston], for Mr. Byrd, proposes an amendment numbered 2358.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 7 insert the following before the period: ": Provided further, That within available funds, $250,000 shall be for engineering and design of the Charleston, West Virginia riverfront project"

Mr. BYRD. I have had, for some time, an interest in assisting the city of Charleston, WV, improve its riverfront area along the Kanawha River. Presently, the Kanawha River bustles with substantial quantities of waterborne commerce, amounting to some 18.8 million tons last year alone.

The Charleston Renaissance Corp. was founded by the city of Charleston to revitalize and promote economic development. Significant new construction has occurred near the river. A large shopping plaza, several international-class hotels, and new office buildings are but a few of the improvements to be noted; and there is much more that could be done. The development of the riverfront is an integral part of the economic development plan for the city.

The improvements envisioned on the Charleston riverfront can serve as a magnet for people and investment dollars in the area.

As I noted earlier, I have long been an advocate of this project. I did not offer an amendment on this matter when the energy and water development appropriation bill was before the committee because the details of the local cost-sharing agreement were still being finalized at the time that the chairman was putting his recommendations together. However, the city has not indicated to the U.S. Army Corps of Engineers its willingness to sponsor the local costs and responsibilities for such a project.

Consequently, I hope that the chairman is willing to accept my amendment to add $250,000 to the U.S. Army Corps of Engineers' budget for planning, engineering, and design of the Charleston riverfront project.

Mr. President, I thank the distinguished managers of the bill for their acceptance of this amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2358) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Idaho.

AMENDMENT NO. 2359

Mr. McCLURE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read as follows:

The Senator from Idaho [Mr. McCLURE] proposes an amendment numbered 2359.

At the appropriate place in the bill, insert the following section:

SEC. . In implementing the provisions of this Act, the Director of the Office of Management and Budget and the head of each Federal agency for which funds are appropriated under this Act shall comply with the instructions and the specific allocations and earmarking of funds contained in the joint statement of managers accompanying the conference report of this Act.

Mr. McCLURE. Mr. President, I offer this amendment simply to try to underscore a difficulty that has arisen this year in uncommon proportion, and that is the direction taken by the Office of Management and Budget in a specific directive to heads of agencies and departments of Government that the report language accompanying appropriations bills does not have the force of law and should be ignored.

We have had a constructive relationship between the legislative branch and executive branch for years in which we try to work with them in determining how the money which is appropriated by the Congress should be expended.

I think Director Miller's letter to the executive departments and agencies of Government was a direct assault on any kind of a constructive relationship which we have been able to develop.

Fortunately, that directive has not been followed in every detail throughout the balance of the year since he issued the directive. But we are still having difficulty.

I want to make it plain to the executive branch that when the legislative branch does exercise its authority to appropriate money in attempts to exercise the power of the purse, the executive branch is not free to ignore what was said by the legislative branch.

That is the purpose of this amendment. I have no illusions that it will solve all the problems between ourselves and the other end of Pennsylvania Avenue, but I think it can indeed help in that process of trying to maintain a constructive relationship so we do not get ourselves involved simply in a confrontation.

I have discussed the amendment with the managers on both sides of the aisle and I hope that they find it acceptable.

Mr. JOHNSTON. Mr. President, I regret that it is really necessary to send to the Office of Management and Budget such a strong signal and mandate as this amendment states. For decades in this body, Mr. President, the joint statements of managers and the accompanying conference report has been treated as the law of the land and has been abided by. The alternative to that, Mr. President, is to put everything within the four corners of the bill. We should not have to do that.

So what this amendment does is to point out that these joint statements and conference reports are in fact binding. Now, whether or not this is the best way to send this message and create this mandate, I am not sure. But I do know that the message needs to be sent and we will find a way to do it and make it binding, and I hope we can do it by working with OMB rather than by having a confrontation.

This amendment certainly sends a message, and I think it sends an appropriate message. Therefore, we would accept the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment offered by the Senator from Idaho [Mr. McCLURE].

The amendment (No. 2359) was agreed to.

Mr. McCLURE. I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Are there further amendments?

AMENDMENT NO. 2360

(Purpose: To clarify the budgetary treatment of pay increases)

Mr. JOHNSTON. Mr. President, I have an amendment on behalf of Senator CHILES which provides that pay raises for 1989 be fully absorbed within the levels appropriated in this act. That is necessary in order to comply with the Budget Act.

Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk reads as follows:

The Senator from Louisiana [Mr. JOHNSTON], for Mr. CHILES, proposes an amendment numbered 2360.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

PAY RAISES

Such sums as may be necessary for fiscal year 1989 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

Mr. JOHNSTON. Mr. President, the amendment has been explained and I ask for its adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2360) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table. The motion to lay on the table was agreed to.

AMENDMENT NO. 2361

(Purpose: To deny funds for construction projects that use the services of a contractor or subcontractor of a foreign country that denies fair and equitable access to United States products and services in construction projects in that foreign country)

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 2361.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

SEC. ____. (a)(1) None of the funds appropriated by this Act may be obligated or expended to enter into any contract for the construction, alteration, or repair of any public building or public work in the United States or any territory or possession of the United States with any contractor or subcontractor of a foreign country, or any supplier of products of a foreign country, during any period in which such foreign country is listed by the United States Trade Representative under subsection (c) of this section.

(2) The President or the head of a Federal agency administering the funds for the construction, alteration, or repair may waive the restrictions of paragraph (1) of this subsection with respect to an individual contract if the President or the head of such agency determines that such action is necessary for the public interest. The authority of the President or the head of a Federal agency under this paragraph may not be delegated. The President or the head of a

Federal agency waiving such restrictions shall, within 10 days, publish a notice thereof in the Federal Register describing in detail the contract involved and the reason for granting the waiver.

(b)(1) Not later than 30 days after the date of enactment of this Act, the United States Trade Representative shall make a determination with respect to each foreign country of whether such foreign country—

(A) denies fair and equitable market opportunities for products and services of the United States in procurement, or

(B) denies fair and equitable market opportunities for products and services of the United States in bidding,

for construction projects that cost more than $500,000 and are funded (in whole or in part) by the government of such foreign country or by an entity controlled directly or indirectly by such foreign country.

(2) In making determinations under paragraph (1), the United States Trade Representative shall take into account information obtained in preparing the report submitted under section 181(b) of the Trade Act of 1974 and such other information or evidence concerning discrimination in construction projects against United States products and services that are available.

(c)(1) The United States Trade Representative shall maintain a list of each foreign country which—

(A) denies fair and equitable market opportunities for products and services of the United States in procurement, or

(B) denies fair and equitable market opportunities for products and services of the United States in bidding,

for construction projects that cost more than $500,000 and are funded (in whole or in part) by the government of such foreign country or by an entity controlled directly or indirectly by such foreign country.

(2) Any foreign country that is initially listed or that is added to the list maintained under paragraph (1) shall remain on the list until—

(A) such country removes the barriers in construction projects to United States products and services;

(B) such country submits to the United States Trade Representative evidence demonstrating that such barriers have been removed; and

(C) the United States Trade Representative conducts an investigation to verify independently that such barriers have been removed and submits, at least 30 days before granting any such waiver, a report to each House of the Congress identifying the barriers and describing the actions taken to remove them.

(3) The United States Trade Representative shall publish in the Federal Register the entire list required under paragraph (1) and shall publish in the Federal Register any modifications to such list that are made after publication of the original list.

(d) For purposes of this section—

(1) The term "foreign country" includes any foreign instrumentality. Each territory or possession of a foreign country that is administered separately for customs purposes shall be treated as a separate foreign country.

(2) Any contractor or subcontractor that is a citizen or national of a foreign country, or is controlled directly or indirectly by citizens or nationals of a foreign country, shall be considered to be a contractor or subcontractor of such foreign country.

(3) Subject to paragraph (4), any product that is produced or manufactured (in whole or in substantial part) in a foreign country shall be considered to be a product of such foreign country.

(4) The restrictions of subsection (a)(1) shall not prohibit the use, in the construction, alteration, or repair of a public building or public work, of vehicles or construction equipment of a foreign country.

(5) The terms "contractor" and "subcontractor" includes any person performing any architectural, engineering, or other services directly related to the preparation for or performance of the construction, alteration, or repair.

(e) Paragraph (a)(1) of this section shall not apply to contracts entered into prior to the date of enactment of this Act.

(f) The provisions of this section are in addition to, and do not limit or supersede, any other restrictions contained in any other Federal law.

Mr. MURKOWSKI. Mr. President, this is a similar amendment that last year was accepted by the committee and became a part of the energy and water appropriation bill for fiscal year 1988. The basic issue covers the availability of market access on public works projects in other countries if that country does not allow U.S. firms reciprocal access to participate in their public works projects.

The amendment has been accepted on this side, and I believe that my good friend, the senior Senator from Louisiana, has had an opportunity to look at it at this time.

Mr. JOHNSTON. Mr. President, we do understand that this is the same amendment which we accepted last year on the continuing resolution, as well as other appropriation bills. As I say, we understand it is identical, except it does not name any country. On that basis, we would accept the amendment.

The PRESIDING OFFICER (Mr. GORE). The question is on agreeing to the amendment.

The amendment (No. 2361) was agreed to.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MURKOWSKI. I thank the Chair, and I thank my good friend from Louisiana.

Mr. STAFFORD. Mr. President, I note with some alarm language pertaining to the Yazoo backwater pumping station which was included in the committee report on H.R. 4567, the energy and water development appropriation bill.

That report states that it is the opinion of the Senate Committee on Appropriations that the cost-sharing requirements of Public Law 99-662, the Water Resources Development Act of 1986, do not apply to the construction of the Yazoo backwater pumping station.

Speaking as the ranking member of the Committee on Environment and Public Works and as the former chairman of that committee during the drafting of Public Law 99-662, I can say with some authority that it was explicitly intended that the costs of the Yazoo backwater pumping plant were to be shared under the new cost-sharing formulas implemented under that law.

Let me explain: As Members will recall, during the drafting of Public Law 99-662, a decision had to be made with respect to the applicability of cost sharing to the rather large backlog of previously authorized Corps of Engineers projects, or separable elements of those projects. To apply cost sharing to projects on which construction had already begun would have been unfair, while not applying cost sharing to this large backlog of projects would have significantly reduced the value of cost-sharing reforms and therefore reduced the acceptability of the bill to the administration and to those who for years fought for significant reform of the corps programs.

During the conference on the bill, the House and Senate conferees decided to adopt the Senate's approach to dealing with the question of previously authorized projects or their separable elements. This strategy was to essentially choose a cutoff date—in this case April 30, 1986—and to make the new cost-sharing formulas apply to all previously authorized projects or their separable elements on which physical construction had not begun by that date.

The language which implements this agreement between the conferees is found in section 103(e) of Public Law 99-662.

Essential to understanding whether or not the new cost-sharing policy rules would apply to the Yazoo backwater pumping project is the answer to the question of when actual physical construction was begun on the project. According to the Corps of Engineers, the log of the construction contractor performing this project shows that the earliest date any of their employees even arrived on the site was May 5, 1986—5 days after the cutoff date in Public Law 99-662.

Because the Yazoo backwater pumping plant was then, and is now, a very controversial project, much attention was given to the fact that the new cost-sharing rules would apply to it. In fact, during the House debate on the conference report on H.R. 6 which took place on October 17, 1986, one Member of the House voted against the conference report explicitly because the new cost-sharing policy would apply to the Yazoo backwater pumping project.

As it was clear then, it is equally clear today: the cost-sharing provisions of the Water Resources Development Act of 1986 do apply to the Yazoo backwater pumping plant.

Mr. President, the cost-sharing reforms contained in the Water Resources Development Act of 1986 have had a number of very positive and very important effects on the Water Resources Development Program of the Corps of Engineers. First, by requiring local project sponsors to put some money on the line, these reforms have had the effect of helping to prevent poorly conceived or economically questionable projects from being constructed.

Second, these cost-sharing reforms have the effect of making limited Federal dollars go further toward addressing the Nation's difficult water resources problems.

Finally, these reforms have eliminated much of the controversy surrounding the Civil Works Program of the Army Corps of Engineers and have allowed for a smoother execution of their work.

To try and turn back the clock on these reforms on a general or even a specific basis, which would be the effect of a waiver for the Yazoo backwater pumping plant, is to endanger the important and hard-won progress we have made with respect to the Corps of Engineers' programs.

Therefore, if H.R. 4567 goes to conference, I strongly urge the conferees to reject any attempt to give the Yazoo backwater pumping plant or any other project any special exemption to the cost-sharing requirements of Public Law 99-662, or any other special consideration with respect to cost sharing.

NEBRASKA FUNDING IN THE 1989 ENERGY AND WATER APPROPRIATIONS BILL

Mr. EXON. Mr. President, I rise to support this appropriations bill and commend my colleagues on the Energy and Water Appropriations Subcommittee for all the hard work it took to bring this bill along. The energy and water appropriations bill is always a difficult one to hammer out and the work of the subcommittee members and their staff should be acknowledged.

For many Nebraskans, this funding measure is very notable because it makes good on long-time commitments which, several months ago, were made shaky by the Reagan administration. By way of background, let me just say that the administration tried to pull the rug out from under an important portion of the North Loup project known as Davis Creek. I bitterly fought this attempt and the Reagan administration finally backed down. This bill should put a stop to that effort once and for all by sending a strong signal to this and future administrations. Included in this bill is $10 million for the Davis Creek Dam and associated structures which are part of the North Loup project.

I have long supported completion of the North Loup project in its entirety, including the Davis Creek Dam. I am very pleased that my colleagues on the subcommittee and on the full committee agree with me and look forward to completion of the entire North Loup project.

I also am pleased that funding for many other Nebraska projects is included, some also over the objections of the administration. Many Nebraskans work long and hard to bring much-needed projects to completion and they deserve the Federal support they are receiving today.

Mr. GRASSLEY. Mr. President, I wish to share with the chairman of the Energy and Water Development Appropriations Subcommittee some information and a proposal which I hope he will agree to adopt as part of the legislative history of the fiscal year 1989 appropriations for the Nuclear Regulatory Commission.

The Integrated Safety Assessment Program [ISAP] was a pilot program initiated in May 1985 by the Nuclear Regulatory Commission and Northeast Utilities for two nuclear plants: Millstone Unit 1 and Haddam Neck plant. The program methodology allows a comprehensive review of outstanding regulatory safety issues and plant specific improvements using state-of-the-art probablistic and deterministic techniques. ISAP results in an implementation schedule for these projects that is integrated and prioritized.

Specifically, under the ISAP approach, the licensee will analyze each proposed plant improvement project for potential impacts on all relevant factors. These include public safety impacts, plant performance impacts, and personnel safety impacts. As a result, each project studied in ISAP is numerically scored and then ranked in priority relative to all other pending proposed projects. This ranking allows the licensee to develop its integrated and prioritized implementation schedule as an alternative to arbitrary implementation dates.

ISAP has been recognized by the Commission, the NRC staff, the Advisory Committee on Reactor Safeguards, ACRS, and the pilot program participants to be a beneficial and effective means to address coordination and prioritization of plant improvements. In short, ISAP has proven to be a resource-efficient and cost-effective process for enhancing nuclear powerplant safety and performance.

On January 20, 1988, the NRC staff issued generic letter 88-02 regarding possible expansion of ISAP to make it available to all NRC licensees on a voluntary basis. This generic letter explained ISAP II, focusing on the ISAP methodology and the benefits realized by the pilot ISAP participants. The generic letter specifically invited other licensees to express interest, without making any commitment, in ISAP II.

To date, six licensees have responded to generic letter 88-02 and indicated an interest in participating in ISAP II, while 29 other licensees have indicated that they are still considering whether to participate. The NRC staff has offered to hold meetings with these noncommittal licensees to further explain the program.

Nevertheless, the NRC staff is preparing to send its recommendations to the Commission regarding ISAP II, based on the responses to the generic letter. The staff is recommending against implementing ISAP II, based on resource constraints and their perception that there may not be enough industry interest. However, the ACRS continues to support the program. Most recently, in a letter to Chairman Zech dated May 10, 1988, the Chairman of the ACRS stated their opinion that ISAP II should be made available and should in fact be expanded to incorporate outstanding severe accident issues.

Mr. President, I ask unanimous consent to insert at this point in my remarks a copy of the generic letter describing the NRC staff recommendations regarding the expansion of the Integrated Safety Assessment Program, as well as a copy of the ACRS letter urging that ISAP II be implemented.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NUCLEAR REGULATORY COMMISSION,
Washington, DC, January 20, 1988.

To: All power reactor licensees.

Subject: Integrated Safety Assessment Program II (ISAP II), (Generic Letter 88-02).

GENTLEMEN: The Integrated Safety Assessment Program (ISAP) was a pilot program initiated in May 1985 for Millstone Unit 1 and Haddam Neck. The program was designed to provide a comprehensive review for operating reactors to address all safety issues and to provide an integrated cost-effective implementation plan using deterministic and probabilistic techniques. ISAP also provided the technical bases to resolve all outstanding licensing actions, established overall plant improvement schedules, and served as a benchmark from which future regulatory actions could be judged on a plant-specific basis. ISAP is described in a policy statement published in the Federal Register on November 14, 1984 (49 FR 45112) and in Generic Letter 85-07.

On November 4, 1987, the staff briefed the Commission on the status and results of ISAP and made recommendations for future activities relating to that program. At that meeting the staff recommended that the benefits of the ISAP approach be made available to all licensees. Identified benefits of the ISAP program include (1) finding common elements in separate review areas and proposing a single integrated action to resolve the concerns, (2) addressing pending requirements on a plant-specific basis, and (3) dropping issues from further consideration because of low safety significance. The Commission deferred action on extending the ISAP concept beyond the pilot program and, among other things, asked the staff to determine the industry's interest in such a program. Accordingly, the staff is issuing this generic letter to describe ISAP II, a derivative of ISAP, and to ascertain utility interest in participating in this proposed program.

ISAP II is a disciplined program to address regulatory issues within an integrated schedule based on two analytical tools: probabilistic risk assessment (PRA) and operating experience review. The operating experience review will determine systematic weaknesses and trends as well as provide actual historical plant operating information against which to judge the reasonableness of PRA findings. An integrated assessment based on the two analytical tools will determine the ranking of issues from which the integrated schedule will be developed. The integrated schedule will allow regulatory issues and utility-initiated items to be prioritized and scheduled within the framework of all scheduled items.

ISAP II is designed to accomplish the same objectives as ISAP with certain programmatic differences. Unlike ISAP, ISAP II would not again review issues against current Standard Review Plan sections. Therefore, incorporating lessons learned from the Systematic Evaluation Program (SEP) would not be a requirement for participants in ISAP II as it was in ISAP. ISAP II would only include current and future items for a plant. In addition, ISAP II participants would not be expected to address unresolved generic issues ahead of the staff's generic resolution. Through the ISAP II process, it may be determined that certain issues can be combined and resolved concurrently or that certain issues have a low safety significance, which would make them candidates for a lower priority or for being dropped. Enclosure 1 provides additional details regarding ISAP II.

An important advantage of ISAP II is that its minimum-required Level 1 PRA combined with a containment vulnerability assessment (or a Level 2 or Level 3 PRA) constitutes an acceptable method for a utility to perform its Individual Plant Examination (IPE). This examination is the means of satisfying certain requirements of the Commission's Severe Accident Policy Statement, which was published in the Federal Register on August 9, 1985 (50 FR 32138). Therefore, by performing a PRA for ISAP II, the licensee would have made substantial progress toward completing its IPE.

Benefits to those licensees participating in ISAP II include:

The integrated schedules for the ISAP II implementation of issues will provide a predictable safety basis for the staff and licensee to manage current workloads and to estimate the resources necessary to meet future requirements. Required resources are expected to be reduced in the long run by combining issues and eliminating low safety significant issues.

Licensing and generic issues are treated on a plant-specific basis and are weighed against all other pending actions. Through the ISAP II process, the licensee will have an opportunity to demonstrate, by using its PRA, that various generic issues are not justified at its facility on the basis of the safety significance of the issue.

Safety will be enhanced and the safety value for each dollar spent will be increased because issues of highest safety significance will generally be worked on first.

ISAP II is a process that may form part of the basis to consider plant life extension requests and plant aging issues.

Bases for optimization of maintenance/surveillance intervals may be derived from ISAP II. For example, a PRA analysis provided a basis for increased surveillance intervals and out-of-service times for Westinghouse reactor trip system maintenance and surveillance frequencies.

The process will help improve outage planning by providing a longer term outlook of modifications for the upcoming outages. This could reduce outage delays.

Participation in ISAP II will involve the licensee in a detailed PRA leading to an enhanced understanding of plant capabilities for both it and the NRC. The ISAP II process will improve the interface between licensee engineering and plant operations by fostering communications in areas of mutual responsibility addressed in the performance of a plant-specific PRA.

The staff wants to identify participants for ISAP II starting in 1988. Potential interest will be assessed on the basis of utility response to the survey of Enclosure 2. We request your response, indicating positive or negative interest in participating, within 30 days of the date of this letter so that the staff may meet its commitment to the Commission to evaluate industry interest by March 1988. An expression of interest will not be construed as a licensee commitment to participate. Since the staff is not seeking a particular cross-section of plants or utilities, it will determine the participants through further communication with those utilities expressing interest.

If you have questions regarding the information discussed in this generic letter, contact Melanie Miller at (301) 492-1281.

This request is covered by Office of Management and Budget Clearance Number 3150-0011 which expires December 31, 1989. Comments on burden and duplication may be directed to the Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

FRANK J. MIRAGLIA,
Associate Director for Projects,
Office of Nuclear Reactor Regulation.

NUCLEAR REGULATORY COMMISSION,
Washington, DC, May 10, 1988.

Subject: Proposed generic letter on individual plant examinations and the Proposed Integrated Safety Assessment Program II

Hon. LANDO W. ZECH, Jr.
Chairman, Nuclear Regulatory Commission,
Washington, DC.

DEAR CHAIRMAN ZECH: During the 337th meeting of the Advisory Committee on Reactor Safeguards, May 5-7, 1988, we discussed a draft generic letter prepared by the NRC Staff as guidance for Individual Plant Examinations (IPEs) for severe accident vulnerabilities. We also discussed the proposed Integrated Safety Assessment Program II (ISAP II) and related information. Both of these topics have been considered during previous meetings of the ACRS, and we reported our preliminary views on the IPE generic letter in our report of June 9, 1987 and on the ISAP process in our report of July 15, 1987. The ACRS Subcommittee on Severe Accidents met on April 26, 1988 to discuss the latest version of the proposed generic letter on IPEs. The ACRS Subcommittee on Generic Items met on April 27, 1988 to discuss ISAP II. We also had the benefit of discussions on both topics with members of the NRC Staff and industry representatives, as appropriate, and the availability of the documents referenced.

These two programs developed by different NRC Staff groups have not been integrated, even though they deal with many of the same issues. It is for this reason that we are providing our comments on both programs in a single letter. The present Staff positions, as we understand them, are that the IPE generic letter should be issued in its present form and that implementation of the ISAP II should not be pursued at this time. We disagree with both of these positions. Instead, we believe that the IPE program should be expanded to incorporate all outstanding safety issues, not just those under the severe accident rubric. The generic letter should be revised accordingly. The ISAP II approach should then serve as the instrument by which changes in plant equipment or procedures identified by the IPE could be evaluated and assigned priority by the licensees and reviewed by the NRC Staff.

We consider the most recent draft of the IPE generic letter an improvement over that which we commented on in our report of June 9, 1987. However, in our report of March 15, 1988, we expressed our concern that there was a lack of coherence among the several principal regulatory programs of the Commission. We believe that IPE program offers an opportunity for providing improved coherence. In its present form, the generic letter will, instead, continue the current compartmentalization.

We believe that IPE and ISAP II can be recast in a reasonable time and with reasonable expenditure of resources. Radical changes are not necessary, but some modifications and improvements in focus are. We propose a program characterized as follows:

The purpose of IPEs would be acknowledged as broader than the original intent of "searching for outliers." Instead, it would call for a general risk reassessment of each plant using the body of information available from the TMI-2 accident experience, development of PRA, existing severe accident research, and the general experience of about 1100 reactor-years. All outstanding safety issues, USIs, GIs, etc., would be subsumed by the program. It would be made clear that the intent of the program would be for this to be the end of new requirements for licensees. This would be changed only by the advent of important new information or experience.

We note that the IPE program proposed by the NRC Staff already has been expended well beyond the "search for outliers" concept. In subsuming USI A-45, "Shutdown Decay Heat Removal Requirements," into the IPE, for example, the Staff has taken a major step in the direction we are suggesting. Our proposal extends this to a more logical conclusion.

Each licensee would be required to conduct a substantial and systematic risk analysis for their plant. We recommend that such an analysis would be a full scope PRA (at least Level 2) and include both external and internal initiators. We acknowledge the difficulties inherent in making this an immediate requirement. However, it should be possible to develop a phased approach with the intent that within several years each plant would have been analyzed by state-of-the-art methods.

Conclusions about results of the risk analysis and necessary changes in actual plant systems and procedures would be determined by the licensee and reviewed by the NRC Staff through the ISAP process. We believe the risk-based approach embodied in ISAP is the most logical means for resolving most safety issues. The risk analysis used in the IPE for each plant will be available for use by the licensee and NRC Staff in their ISAP evaluations.

We believe that the approach we have outlined above will provide the opportunity for a more integrated resolution of severe accident issues and other outstanding safety and licensing issues as well. We endorse current efforts on the part of the NRC Staff to formulate an intergrated program.

Sincerely,

W. Kerr,
Chairman.

REFERENCES

1. U.S. Nuclear Regulatory Commission, NRR Generic Letter 88-02, dated January 20, 1988, "Integrated Safety Assessment Program II (ISAP II)."

2. Memorandum dated March 1, 1988, from T. Speis (NRC) to D. Ross (NRC), et. al., "Commission Paper on Integrated Approach to Implementing the Commission's Policy on Severe Accidents" (Draft).

3. Memorandum dated April 1, 1988, from T. Speis (NRC) to W. Kerr (ACRS), "Documentation Necessary for the Initiation of the Severe Accident Policy Implementation" (Draft Predecisional Attachments).

4. Draft SECY Paper (undated), Integrated Safety Assessment Program II (Predecisional Document), received April 26, 1988.

Mr. GRASSLEY. ISAP is a licensee initiative that reflects management involvement and a commitment to excellence. The bulk of the work and costs of ISAP are borne by the participating licensee. Moreover, NRC review will be required for many of the ISAP issues regardless of whether the program is instituted. To the extent that the program does require a unique resource commitment from the NRC, many of these costs are recovered through existing NRC license and user fees. Therefore, in keeping with the past experience, the view of the ACRS, and interested licensees, the Commission should proceed with ISAP II, making it available to all licensees that choose to participate.

Mr. JOHNSTON. Mr. President, I appreciate the comments of the distinguished Senator from Iowa regarding expansion of the Integrated Safety Assessment Program by the NRC. I understand the Nuclear Regulatory Commission has been considering extending the Pilot Integrated Safety Assessment Program, ISAP, to make that program available on a voluntary basis to all operating licensees.

According to the NRC, the expanded program, ISAP II, would provide a basis for the licensees and the NRC to review all outstanding regulatory issues and plant improvement projects in an integrated fashion, using up to date deterministic and probablistic techniques. As demonstrated during the pilot ISAP, this comprehensive review allows plant modifications to be prioritized based on safety impacts and implemented cost-effectively.

I also believe ISAP has proven itself to be a beneficial program and the Commission should proceed with ISAP II for any licensees which choose to participate and we will discuss this during the upcoming conference on the energy and water development appropriations bill.

Mr. McCAIN. Mr. President, I would like to comment upon the energy and water appropriations bill currently before the Senate. This bill is of enormous importance to the central Arizona project and a number of other vital projects in my State.

Twenty years ago, Mr. President, the Congress passed the Lower Colorado River Basin Act authorizing the CAP. The dream was to transport water from a source of plenty across many miles for people so that they might live, for their municipalities and tribes so that they might prosper, and for their crops and industries so that they might flourish.

The blood, sweat and tears of the past 20 years have slowly and surely transformed the lofty vision into reality. Today, we are near the end of our journey. We expect completion of the main CAP aqueduct by 1991. This will provide for the delivery of vital water resources which have been so anxiously anticipated in and around the Tucson area. Mr. President, the $220 million recommended by the Appropriations Committee for central Arizona project, is critical to keeping us on track for the timely completion of this august and essential endeavor. I commend the committee for its hard work and commitment to the central Arizona project. I also wish to commend the committee for making the necessary funds available for vital safety of dams work at the Stewart Mountain, Horseshoe, and Bartlett structures in Arizona.

In addition, I wish to support the commitment reflected in this legislation to a variety of flood control work conducted by the Army Corps of Engineers, which is so essential to the safety and welfare of so many Arizonans.

Finally, Mr. President, I would like to comment on this Nation's commitment to the construction of the superconducting super collider. The need for this facility and its importance to technological advance in such fields as nuclear medicine, electronics and superconductivity is clear. I believe the $100 million recommended in this legislation will keep us on track toward our goal of making an American SSC a reality. The commitment we have made will further encourage the necessary foreign cooperation and investment while reasserting our intention to maintain the leadership role in high energy physics.

Mr. President, I thank the committee for their foresight and support passage of this important legislation.

The PRESIDING OFFICER. Are there further amendments?

Mr. JOHNSTON. Mr. President, we know of no further amendments.

The PRESIDING OFFICER. If there are no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

VOTE ON PASSAGE TO OCCUR AT 9:30 A.M. TOMORROW

Mr. BYRD. Mr. President, now that the bill has reached third reading and has had third reading, I ask unanimous consent that the vote on final passage of the bill occur tomorrow morning at 9:30; that there be no intervening debate, motion, or action of any kind; and that paragraph 4 of rule XII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I compliment the managers of the bill. There will be no more rollcall votes today.

Mr. President, the first rollcall vote on tomorrow will occur at 9:30 a.m. It will be on the passage of the energy and water appropriation bill. That will be followed by a motion to go to the military construction appropriation bill, in all likelihood.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:09 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 2156. An act to amend the National School Lunch Act to require eligibility for free lunches to be based on the nonfarm income poverty guidelines prescribed by the Office of Management and Budget; and

S. 2167. An act to amend the Energy Policy and Conservation Act to provide for Federal energy conservation standards for fluorescent lamp ballasts.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2701. An act to amend the Natural Gas Policy Act of 1978 to remove certain contract duration and right of first refusal requirements;

H.R. 2884. An act to assure uniformity in the exercise of regulatory jurisdiction pertaining to the transportation of natural gas and to clarify that local transportation of natural gas by a distribution company is a matter within State jurisdiction and subject to regulation by State commissions, and for other purposes;

H.R. 3617. An act for the relief of the Coushatta Tribe of Louisiana against the United States, to authorize the use and distribution of the settlement funds, and for other purposes;

H.R. 4418. An act to authorize appropriations for the National Science Foundation for fiscal years 1989 and 1990, and for other purposes; and

H.R. 4731. An act to extend the authority for the Work Incentive Demonstration Program.

At 5:28 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill and joint resolutions, without amendment:

S. 794. An act to amend chapter 13 of title 18, United States Code, to impose criminal penalties for damage to religious property and for obstruction of persons in the free exercise of religious beliefs;

S.J. Res. 147. Joint resolution designating the week beginning on the third Sunday of September in 1988 as "National Adult Day Care Center Week"; and

S.J. Res. 249. Joint resolution designating June 14, 1988, as "Baltic Freedom Day."

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 123. Concurrent resolution authorizing changes in the enrollment of S. 952.

The message further announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 1889. An act to amend the Geothermal Steam Act of 1970 to provide for lease extensions, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2203) to increase the amount authorized to be appropriated with respect to the Sewall-Belmont House National Historic Site.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 1044) to establish the San Francisco Maritime Historical Park in the State of California, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3070. An act to amend the Toxic Substances Control Act to require persons handling polychlorinated biphenyls to comply with the manifest and financial responsibility requirements of the Solid Waste Disposal Act and to require persons carrying out certain intermediate activities with respect to polychlorinated biphenyls to obtain approval from the Environmental Protection Agency.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2701. An act to amend the Natural Gas Policy Act of 1978 to remove certain contract duration and right of first refusal requirements; to the Committee on Energy and Natural Resources.

H.R. 2884. An act to assure uniformity in the exercise of regulatory jurisdiction pertaining to the transportation of natural gas and to clarify that local transportation of natural gas by a distribution company is a matter within State jurisdiction and subject to regulation by State commissions, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3070. An act to amend the Toxic Substances Control Act to require persons handling polychlorinated biphenyls to comply with the manifest and financial responsibility requirements of the Solid Waste Disposal Act and to require persons carrying out certain intermediate activities with respect to polychlorinated biphenyls to obtain approval from the Environmental Protection Agency; to the Committee on Environment and Public Works.

H.R. 3617. An act for the relief of the Coushatta Tribe of Louisiana against the United States, to authorize the use and distribution of the settlement funds, and for other purposes; to the Select Committee on Indian Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times and placed on the calendar:

H.R. 4418. An act to authorize appropriations for the National Science Foundation for fiscal years 1989 and 1990, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BENTSEN:

S. 2509. A bill for the relief of Dorris Miller; to the Committee on Armed Services.

By Mr. INOUYE (for himself and Mr. Stevens):

S. 2510. A bill to make certain United States-flag vessels eligible for operating-differential subsidies under the Merchant Marine Act, 1936; to the Committee on Commerce, Science, and Transportation.

By Mr. CRANSTON:

S. 2511. A bill to establish a pilot program for providing assistance to certain veterans who have service-connected disabilities and are quadriplegic, and for other purposes; to the Committee on Veterans Affairs.

By Mr. HUMPHREY:

S. 2512. A bill to amend the Fair Labor Standards Act of 1938 to repeal its minimum wage requirement; to the Committee on Labor and Human Resources.

By Mr. BENTSEN:

S. 2513. A bill to clarify the exemptive authority of the Securities and Exchange Commission; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. COCHRAN (for himself, Mr. Stennis, Mr. Hecht, Mr. Wilson, Mr. Gramm, Mr. Dole, Mr. McCain, Mr. Murkowski, Mr. Pressler, Mr. Wirth, Mr. Warner, Mr. Boren, Mr. Daschle, Mr. Metzenbaum, Mr. Lugar, Mr. Bentsen, Mr. Graham, Mr. Glenn, Mr. Pryor, Mr. Simpson, Mr. Domenici, Mr. Hollings, and Mr. Hatch):

S.J. Res. 337. A joint resolution acknowledging the sacrifices that military families have made on behalf of the Nation and designating November 21, 1988, as "National Military Families Recognition Day."; to the Committee on the Judiciary.

By Mr. DeCONCINI (for himself, Mr. Grassley, Mr. Lautenberg, Mr. D'Amato, Mr. Daschle, Mr. Dixon, Mr. Pressler, Mr. Specter, Mr. Fowler, Mr. Leahy, Mr. Moynihan, Mr. Glenn, Mr. Sarbanes, Mr. Wilson, Mr. Mitchell, Mr. Lugar, Mr. Bradley, Mr. Kennedy, Mr. Conrad, Mr. Cochran, Mr. Levin, Mr. Murkowski, Mr. Sasser, Mr. Pell, Mr. Armstrong, Mr. Wirth, Mr. Karnes, Mr. Simpson, Mr. Dole, Mr. Exon, Mr. Boren, Mr. Heflin, Mr. Riegle, Mr. Metzenbaum, Mr. Trible, Ms. Mikulski, Mr. Gore, Mr. Dodd, Mr. Sanford, Mr. Nunn, Mr. Graham, Mr. Baucus, Mr. Bingaman, Mr. Hollings, Mr. Ford, Mr. Bumpers, Mr. Breaux, Mr. Adams, Mr. Simon, Mr. McClure, Mr. Quayle, Mr. Humphrey, Mr. Hatch, Mr. McCain, Mr. Garn, Mr. Symms, Mr. Durenberger, Mr. Boschwitz, Mr. Johnston, Mr. Nickles, Mr. Evans, Mr. Reid, Mr. Burdick, Mr. Inouye, and Mr. Bentsen):

S.J. Res. 338. A joint resolution to designate August 1, 1988, as "Helsinki Human Rights Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. TRIBLE (for himself, Mr. Dole, Mr. D'Amato and Mr. DeConcini):

S. Res. 442. A resolution expressing the sense of the Senate that the President should convene an International Conference on Combatting Illegal Drug Production, Trafficking, and Use in the Western Hemisphere; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENTSEN:

S. 2509. A bill for the relief of Dorris Miller; to the Committee on Armed Services.

RELIEF OF DORRIS MILLER

● Mr. BENTSEN. Mr. President, I do not believe we should have a statute of limitations on honoring our heroes. Current law, however, forbids our Armed Forces from even considering the possible awarding of the Medal of Honor after 3 years following the act of valor. This legal technicality is now being used to prevent any review of the heroic conduct of a Texas seaman during the Japanese attack on Pearl Harbor.

Today I am introducing a bill to permit the review which could lead to the first Medal of Honor ever awarded to a black American in World War II. The bill would waive the statute of limitations for the Medal of Honor with respect to Dorris Miller of Waco, TX, who might otherwise be eligible to receive it. This bill does not mandate that the award be given; it simply provides the authority for the Navy to evaluate this veteran's military record to determine whether the facts justify award of the medal.

Dorris Miller, a Texas native, served as a mess steward in the Navy during World War II. According to Navy records, he was stationed on the U.S.S. *West Virginia* at Pearl Harbor when the Japanese attacked. In the face of the strong enemy attack, Seaman Miller helped to move his mortally wounded captain from the ship's bridge to a place of safety, and then he returned to a machinegun and did not abandon his position during the attack until ordered to do so. Seaman Miller was subsequently killed in a torpedo attack in 1943. For his gallantry at Pearl Harbor, he was awarded first a letter of commendation for this act of valor, which was later upgraded to the Navy Cross, the Navy's second highest award. A ship was also named in his honor. Obviously, the Navy recognized his exceptional performance under fire.

Mr. President, one should note that Dorris Miller was a black American. Despite his bravery, and that of others, not one of the 1.5 million blacks who fought during the two World Wars, received our Nation's highest military honor.

Mr. President, I understand that the Navy objects to a bill such as this on the grounds that the limitations provisions "protect the integrity, honor and prestige, of the Nation's highest award for valor." I support that goal. This bill does not alter the criteria to be used in making this award. Nor does it mandate the conferring the Medal of Honor. The Navy could still maintain its standards as it reconsiders Seaman Miller's heroism without the artificial constraint of the time limit—and also without the frame of mind toward blacks which existed in this Nation four decades ago.

If that review does result in a Medal of Honor for Dorris Miller, then we can look back on our action on this bill as permitting long overdue recognition for a genuine American hero.●

By Mr. INOUYE (for himself and Mr. STEVENS):

S. 2510. A bill to make certain U.S.-flag vessels eligible for operating differential subsidies under the Merchant Marine Act, 1936; to the Committee on Commerce, Science, and Transportation.

QUALIFICATION FOR OPERATING DIFFERENTIAL SUBSIDIES BY CERTAIN VESSELS

Mr. INOUYE. Mr. President, on behalf of myself and the senior Senator from Alaska I am introducing legislation which would make 12 existing U.S.-flag, foreign-built container ships eligible to participate in the operating-differential subsidy [ODS] program. Those vessels are now operating in the Pacific in the essential trades of the United States, and I understand current plans are to continue to operate them in those trades.

Mr. President, the Merchant Marine Act of 1936 authorizes the payment of ODS to U.S.-built, U.S.-flag vessels to meet foreign-flag competition in our essential trades by placing the operation of the U.S.-flag vessels on a cost parity with those of their foreign-flag competitors. The two-fold objective of the ODS Program is to promote the development of a U.S. merchant marine for national defense purposes, and to carry a substantial portion of our country's foreign commerce.

While the legislation we are introducing today would only make these 12 vessels eligible for ODS we would hope that if it is enacted, the Maritime Administration would enter into ODS contracts with the operator because:

These vessels have been and will continue to operate in essential trades of the United States;

ODS is necessary if they are to operate on a parity with their foreign-flag competitors in those essential trades. At present, these 12 vessels are competing against 30 foreign-flag companies operating about 150 foreign-flag vessels which all have substantially lower operating costs.

Mr. President, under the law ODS is only available to U.S.-built vessels. Nevertheless, in the last 8 years Congress has twice found it necessary to create exceptions to that law, and enable a limited number of foreign-built, U.S.-flag vessels to participate in the ODS Program, so that U.S.-flag operators could compete with their foreign-flag competitors for the essential trades of the United States. As a consequence of the first exception enacted in 1981, 39 vessels were constructed or reconstructed abroad by subsidized operators. The second exception, in the 98th Congress, was enacted for the benefit of two U.S.-flag liner companies, and enabled six foreign-built vessels to participate in the ODS Program.

Mr. President, the legislation we are introducing today has its precedent in those two exceptions enacted in 1981 and 1983. Like them, it is vitally necessary if the U.S. merchant marine is to be competitive for the essential trades of the United States. Unlike them, however, it merely makes 12 vessels eligible for ODS; whereas the 1981 and 1983 legislation in effect ensured that the foreign-built vessels would receive subsidy.

I wish to emphasize, that our proposal:

Does not require MarAd to enter into any ODS contracts. It merely makes 12 vessels eligible, should MarAd decide ODS is necessary to achieve the purposes and policies of the Merchant Marine Act.

Would not disadvantage any other U.S.-liner flag operator.

Is not a substitute for nor a detraction from the need for ODS reform legislation.

Does not affect existing cargo preference laws.

Finally, Mr. President, I should note that this measure will be referred to the appropriate legislative committee of the Senate, where all parties will have an opportunity to comment on its merits. Because the bill is very limited in its scope, essential to the purposes and policies of the Merchant Marine Act, and does not disadvantage any competing U.S.-flag liner operator, I would hope that the committee will be able to act expeditiously with the support of the U.S. maritime industry.

By Mr. CRANSTON:

S. 2511. A bill to establish a pilot program for providing assistive monkeys to certain veterans who have service-connected disabilities and are quadriplegic; and for other purposes; to the Committee on Veterans' Affairs.

ASSISTIVE MONKEYS PILOT PROGRAM

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs I am introducing S. 2511, a bill to establish a Veterans' Administration pilot program to provide assistive monkeys to certain quadriplegic veterans. Under the program, the VA would be required to provide such a monkey to not more than 20 veterans who are either entitled to compensation by reason of quadriplegia or have service-connected disabilities rated 50 percent or more disabling and are quadriplegic and to facilitate—through information and matching efforts—the provision of monkeys to not more than 20 other veterans with quadriplegia when funding for the purchase of the animals comes from a source other than the VA. Priority for the provision of the monkeys, and for the facilitation of their provision, would be required to be given to veterans with service-connected quadriplegia.

Additionally, this measure would require the Administrator of Veterans' Affairs to evaluate the pilot program and submit to the two Committees on Veterans' Affairs a report on the evaluation, including the benefits to veterans of being provided with monkeys under this program, the costs and cost effectiveness of providing monkeys to veterans who are quadriplegic, the views of the Administrator on the relationship between the provision of a monkey to a veteran and the payment to a veteran of an aid and attendance allowance in conjunction with the veterans service-connected disability compensation or nonservice-connected disability pension, and any recommendations that the Administrator considers appropriate regarding whether to extend the pilot program or to make the authority permanent.

The bill would also provide for the establishment of a similar pilot program for the provision of "signal dogs"—dogs specially trained to help deaf individuals overcome their hearing impairment by alerting them through nonaural means to sounds such as a telephone, fire alarm, doorbell or a child's cry—if the Administrator determines that there is no authority otherwise to provide them. Up to this point, very few veterans have applied for signal dogs, and the authority to provide them seems to be unclear.

BACKGROUND

Earlier, in a March 23, 1988, statement beginning on page S2904 of the RECORD, I stated that I planned to introduce legislation to authorize the VA to provide assistive animals where that is appropriate in terms of both the assistance they can provide to the veteran and our national priorities. I have now had an opportunity to study the situation. Although, as I discussed in my March 23 statement, for a veteran with high-level quadriplegia, who has lost the use of his or her legs and much or all of the use of his or her hands and arms, an assistive monkey could be of great value, the use of such monkeys is novel; a number of questions exist as to the extent to which and conditions under which they should be provided by the VA. Hence, I believe that it would be best to gain some experience with the use of assistive monkeys in the context of a pilot program before seeking to resolve them in permanent legislation. These issues include, but are not limited to: the actual benefits to be gained by the use of a monkey; the demand by veterans for monkeys; the ability of Helping Hands—the only organization which, under the dedicated guidance of Dr. M.J. Willard, trains and provides the monkeys—to provide the monkeys in the quantity needed to meet that demand; the effect, if any, that the provision of monkeys should have on aid and attendance allowances; the ability of Helping Hands to train the number of veterans interested in the program to handle the monkeys; the arrangements that need to be made for the care of the monkey when the veteran is hospitalized; and the best method for handling a situation in which the placement of the monkey did not work out, from either the veteran's or from Helping Hands' point of view.

In these times of severe budget constraints, I believe it is also very important to consider the cost effectiveness of any new benefit. Each monkey is estimated to cost between $11,700 and $21,000 from birth through training to placement. If the assistance provided by a monkey proves enriching to a veteran's life in the manner in which it is anticipated it will, the benefits could be well worth the cost. Before making an open-ended commitment of scarce resources to this innovative program, however, I believe further information is needed.

ASSISTIVE MONKEYS PILOT PROGRAM

In order to get an accurate evaluation of the program within the limits of the supply of monkeys—approximately 7 in the next 4 months with another 12 to 14 in the following year—and to assess the proper eligibility requirements for such a benefit, this pilot program would direct the VA, beginning on October 1, to provide monkeys to not more than 20 veterans whose quadriplegia is service connected or who have service-connected disabilities rated at 50 percent or more and who are quadriplegic. These criteria acknowledge the VA health-care system's special obligation—as recognized most recently in section 101 of Public Law 100-322 requiring the VA to furnish these veterans with comprehensive outpatient care—to veterans receiving care for service-connected disabilities and those with service-connected disabilities that are 50 percent or more disabling. In addition, the program would require the VA to facilitate the provision of assistive monkeys to not more than 20 nonservice-connected veterans with quadriplegia. This additional feature would provide the opportunity for a broader evaluation of the benefits and costs of these monkeys.

In my March 23 statement, I also discussed the puzzling, in terms of the lack of uniformity and consistency, array of variations in the circumstances in which the VA may provide veterans with various types of medical and assistive devices and related services. At that time, I was expecting to introduce legislation amending chapter 17 of title 38, United States Code, relating to VA health-care services, to authorize the provision of assistive monkeys and other assistive animals—and I anticipated the need for an effort to resolve those differences rather than choosing one of the existing formulations of eligibility or devising yet another.

To assist me in that effort, I asked the VA's general counsel, Don Ivers, for detailed information and analyses regarding the array of eligibility requirements for medical and other assistive devices. Mr. Ivers has just recently completed the enormous task of providing this analysis, and we are currently studying his May 24, 1988, submission. However, since my bill would provide for a pilot program rather than any revisions of chapter 17 of title 38, I no longer feel the same urgency to undertake, concurrently with legislation providing for the VA to enter into the new area, the chapter 17 revisions that seem clearly to be needed. Although I may still propose this year a few technical amendments arising out of my review of the materials provided by the general counsel, I plan to develop a more comprehensive proposal of chapter 17 revisions for introducing early in the 101st Congress.

SIGNAL DOGS PILOT PROGRAM

In my review of the general counsel's submission and through various discussions with the VA, it has become apparent that there is some conflict as to whether the VA currently has the authority to provide signal dogs to either service-connected or nonservice-connected hearing-impaired veterans. In August of 1967, the general counsel issued an opinion which seems to support the view that the VA has authority to provide signal dogs to both categories of hearing-impaired veterans. In more recent opinions, however, the general counsel has taken the position, specifically with regard to assistive monkeys and dogs which provide primarily companionship, that the VA does not currently have such authority to provide any assistance animals other than the authority in section 614(b) of title 38 to provide guide dogs for blind veterans entitled to service-connected disability compensation. The general counsel has assured me that a thorough review of this conflict is underway and that a consistent policy will be forthcoming. In the meantime, I have included in section 2 of this bill a provision to ensure that, if the general counsel determines that the VA does not have the authority to provide signal dogs to either service-connected or nonservice-connected hearing-impaired veterans, a pilot program, similar to the one for assistive monkeys, will be undertaken to study the benefits of providing signal dogs.

Mr. President, this Thursday, June 16, the Veterans' Affairs Committee will be conducting a hearing at which I will further explore the proposed design of the pilot program for providing assistive monkeys and the need for a pilot program in connection with the furnishing of signal dogs.

Mr. President, I ask unanimous consent that the text of the bill I am introducing be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2511

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ASSISTIVE MONKEYS PILOT PROGRAM.

(a) REQUIREMENT FOR PILOT PROGRAM.—During fiscal years 1989, 1990, and 1991, the Administrator shall conduct a pilot program under which the Administrator shall—

(1) provide monkeys specially trained to assist in the performance of the tasks of daily living for individuals who are quadriplegic to not more than 20 veterans who have service-connected disabilities rated 50-percent or more disabling and are quadriplegic; and

(2) facilitate the provision of such monkeys to not more than 20 other veterans who are quadriplegic.

(b) SELECTION OF VETERAN-PARTICIPANTS.—In making a determination whether to provide a veteran with a monkey, or facilitate the provision of a monkey to a veteran, under the pilot program, the Administrator shall (1) take into account the extent to which the veteran needs and can benefit from the assistance that the monkey would provide, and (2) provide a preference to veterans who have service-connected quadriplegia. The Administrator shall approve a veteran for participation in the pilot program only upon a determination by the Administrator that the veteran is well-suited to carrying out the responsibilities involved in the ownership, care, and effective use of the monkey for the purpose of assisting the veteran in the tasks of daily living.

(c) EVALUATION AND REPORT.—(1) The Administrator shall evaluate the conduct of the pilot program, the benefits to veterans of being provided with monkeys under the program (including any benefits related to employment), and the costs and cost-effectiveness of providing monkeys to veterans who are quadriplegic.

(2) Not later than February 1, 1991, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the experience under the pilot program. The report shall contain—

(A) the results of the evaluation carried out under paragraph (1), including descriptions of the procedures and criteria used to select veterans to be provided with monkeys, the nature and extent of the benefits to the veterans involved of being provided with monkeys, and the amounts and types of costs incurred by the Veterans' Administration in the conduct of the program;

(B) the Administrator's views on the relationship between the provision of a monkey to a veteran and the payment to a veteran of (i) an aid and attendance allowance under section 314(r) of title 38, United States Code, or (ii) an annual rate of pension under section 521 of such title based on the veteran's need of regular aid and attendance; and

(C) any recommendations that the Administrator considers appropriate with respect to continuation of the pilot program or whether the authority to provide such monkeys should be made permanent.

(d) DEFINITIONS.—For the purposes of this Act, the terms "veteran", "service-connected", and "compensation" have the meanings given those terms in paragraphs (2), (13), and (16) of title 38, United States Code.

SEC. 2. SIGNAL DOGS PILOT PROGRAM.

During fiscal years 1989, 1990, and 1991, the Administrator shall conduct a pilot program under which the Administrator shall provide dogs specially trained to provide hearing assistance to individuals who are deaf to not more than 20 veterans with service-connected hearing impairments who are in need of the assistance of such dogs if the Administrator determines that the provision of such dogs to such veterans by the Veterans' Administration is not currently authorized under chapter 17 of title 38. In conducting the pilot program under this section, the Administrator shall apply generally, to the extent that they can be appropriately applied, the provisions of section 1(a)(2), (b), (c), and (d).

By Mr. COCHRAN (for himself, Mr. STENNIS, Mr. HECHT, Mr. WILSON, Mr. GRAMM, Mr. DOLE, Mr. MCCAIN, Mr. MURKOWSKI, Mr. PRESSLER, Mr. WIRTH, Mr. WARNER, Mr. BOREN, Mr. DASCHLE, Mr. METZENBAUM, Mr. LUGAR, Mr. BENTSEN, Mr. GRAHAM, Mr. GLENN, Mr. PRYOR, Mr. SIMPSON, Mr. DOMENICI, Mr. HOLLINGS, and Mr. HATCH):

S.J. Res. 337. Joint resolution acknowledging the sacrifices that military families have made on behalf of the Nation and designating November 21, 1988, as "National Military Families Recognition Day;" to the Committee on the Judiciary.

NATIONAL MILITARY FAMILIES RECOGNITION DAY

Mr. COCHRAN. Mr. President, on behalf of 22 colleagues and myself, I am introducing legislation to designate November 21, 1988, as "National Military Families Recognition Day."

Military families deserve special recognition for the sacrifices and hardships which affect each family member. Periodic and extended separations from their military members, whether it be husband, wife, or child, is the norm. Military personnel are reassigned an average of once every 2 years. This means that the families are continually moving, thereby limiting job opportunities for spouses and limiting their ability to establish roots in any community. Military children must readjust to new school systems and new surroundings only to be uprooted once again.

It is estimated that there were nearly 3 million active duty families as of March 1987. In fact, 75 percent of all officers and 60 percent of all enlisted personnel are married.

This resolution would set aside one special day to pay tribute to these military families and the contributions that they make toward our Nation's defense. We owe a special debt of gratitude to these supportive military families and the role that they play in maintaining a happy, healthy environment for our service members at home and abroad. I applaud their dedication.

Mr. President, I urge my colleagues to join me in this effort and to cosponsor my joint resolution designating November 21, 1988, as "National Military Families Recognition Day."

By Mr. DECONCINI (for himself, Mr. GRASSLEY, Mr. LAUTENBERG, Mr. D'AMATO, Mr. DASCHLE, Mr. DIXON, Mr. PRESSLER, Mr. SPECTER, Mr. FOWLER, Mr. LEAHY, Mr. MOYNIHAN, Mr. GLENN, Mr. SARBANES, Mr. WILSON, Mr. MITCHELL, Mr. LUGAR, Mr. BRADLEY, Mr. KENNEDY, Mr. CONRAD, Mr. COCHRAN, Mr. LEVIN, Mr. MURKOWSKI, Mr. SASSER, Mr. PELL, Mr. ARMSTRONG, Mr. WIRTH, Mr. KARNES, Mr. SIMPSON, Mr. DOLE, Mr. EXON, Mr. BOREN, Mr. HEFLIN, Mr. RIEGLE, Mr. METZENBAUM, Mr. TRIBLE, Ms. MIKULSKI, Mr. GORE, Mr. DODD, Mr. SANFORD, Mr. NUNN, Mr. GRAHAM, Mr. BAUCUS, Mr. BINGAMAN, Mr. HOLLINGS, Mr. FORD, Mr. BUMPERS, Mr. BREAUX, Mr. ADAMS, Mr. SIMON, Mr. MCCLURE, Mr. QUAYLE, Mr. HUMPHREY, Mr. HATCH, Mr. MCCAIN, Mr. GARN, Mr. SYMMS, Mr. DURENBERGER, Mr. BOSCHWITZ, Mr. JOHNSTON, Mr. NICKLES, Mr. EVANS, Mr. REID, Mr. BURDICK, Mr. INOUYE, and Mr. BENTSEN):

S.J. Res. 338. Joint resolution to designate August 1, 1988, as "Helsinki Human Rights Day;" to the Committee on the Judiciary.

HELSINKI HUMAN RIGHTS DAY

● Mr. DECONCINI. Mr. President, I am pleased to introduce today, together with a majority of my colleagues, a joint resolution that authorizes and requests the President of the United States to designate August 1, 1988, as "Helsinki Human Rights Day."

Thirteen years ago, on August 1, 1975, representatives from 35 countries joined together in signing the final act of the conference on security and cooperation in Europe, commonly referred to as the Helsinki accords. This agreement covers every aspect of East-West relations, including military security, scientific and cultural exchanges, trade and economic cooperation, and human rights.

The principles contained in these accords require the participating states to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion, or belief, for all without distinction as to race, sex, language, or religion." They further address a principle which is central to the underlying purpose of the Helsinki agreement; the unrestrained movement of people, ideas, and information.

Unfortunately, Mr. President, despite limited improvements, several signatory nations continue not to honor these commitments. Basic freedoms which should be the right of every citizen such as the free expression of thought, unrestricted emigration, and family reunification continue to be abused and, in all too many cases, categorically denied.

This resolution requests the President to consistently raise the issue of noncompliance with the Helsinki accords with the Governments of the Soviet Union, Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, and Romania.

The President is further requested to continue to press specifically for the release of all Soviet political prisoners, including Helsinki monitors, a significant increase in Soviet emigration, the resolution of all family reunification cases, the cessation of all radio transmission jamming, and the repeal of laws, procedures, and practices which undermine human rights.

In November 1986, representatives from the signatory states convened in Vienna to review all aspects of the Helsinki accords. While the review process is demonstrating minor improvements in some areas, much still needs to be accomplished. This resolution expresses the importance of conveying to the other signatory states at the review meeting the need for a balanced result which ensures that military security concerns do not outweigh those relating to human rights.

By proclaiming August 1, 1988, as "Helsinki Human Rights Day," we reaffirm our commitment to the principles governing the Helsinki accords, principles that mirror those upon which our own constitution is based.

Transgressions against freedoms which are the inherent right of every individual must not be tolerated in any context. When these occur as a result of domestic policies by nations which have publicly agreed to protect and honor the fundamental human rights of their citizens, we must make an equally public statement that we expect them to live up to their international agreements.

I urge each Member of this body to support this resolution and I ask unanimous consent that the text be printed in the RECORD at this point.●

There being no objection, the joint resolution as ordered to be printed in the RECORD, as follows:

S.J. RES. 338

Whereas August 1, 1988, will be the thirteenth anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe (hereafter in this preamble referred to as the "Helsinki accords");

Whereas on August 1, 1975, the Helsinki accords were agreed to by the Governments of Austria, Belgium, Bulgaria, Canada, Cyprus, Czechoslovakia, Denmark, Finland, France, the German Democratic Republic, the Federal Republic of Germany, Greece, the Holy See, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, the Netherlands, Norway, Poland, Portugal, Romania, San Marino, Spain, Sweden, Switzerland, Turkey, the Union of Soviet Socialist Republics, the United Kingdom, the United States of America, and Yugoslavia;

Whereas the participating States have committed themselves to balanced progress in all areas of the Helsinki accords;

Whereas the Helsinki accords recognize the inherent relationship between respect for human rights and fundamental freedoms and the attainment of genuine security;

Whereas the Helsinki accords express the commitment of the participating States to "recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and cooperation among themselves as among all States";

Whereas the Helsinki accords also express the commitment of the participating States to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion";

Whereas the Helsinki accords also express the commitment of the participating States to "promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development";

Whereas the Helsinki accords also express the commitment of the participating States to "recognize and respect the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience";

Whereas the Helsinki accords also express the commitment of the participating States on whose territory national minorities exist to "respect the right of persons belonging to such minorities to equality before the law" and that such States "will afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms and will in this manner, protect their legitimate interests in this sphere";

Whereas the Helsinki accords also express the commitment of the participating States to "constantly respect these rights and freedoms in their mutual relations" and that such States "will endeavor jointly and separately, including in cooperation with the United Nations, to promote universal and effective respect for them";

Whereas the Helsinki accords also express the commitment of the participating States to "conform the right of the individual to know and act upon his rights and duties in this field";

Whereas the Helsinki accords also express the commitment of the participating States in the field of human rights and fundamental freedoms to "act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights" and to "fulfill their obligations as set forth in the international declarations and agreements in this field, including inter alia the International Covenants on Human Rights, by which they may be bound";

Whereas the Helsinki accords by incorporation also express the commitment of the participating States to guarantee the right of the individual to leave his own country and return to such country;

Whereas the Helsinki accords also express the commitment of the participating States to "facilitate freer movement and contacts, individually and collectively, whether privately or officially, among persons, institutions and organizations of the participating States, and to contribute to the solution of the humanitarian problems that arise in that connection";

Whereas the Helsinki accords also express the commitment of the participating States to "favorably consider applications for travel with the purpose of allowing persons to enter or leave their territory temporarily, and on a regular basis if desired, in order to visit members of their families";

Whereas the Helsinki accords also express the commitment of the participating States to "deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family" and "to deal with applications in this field as expeditiously as possible";

Whereas the Helsinki accords also express the commitments of the participating States to "examine favorably and on the basis of humanitarian considerations requests for exit or entry permits from persons who have decided to marry a citizen from another participating State";

Whereas the Helsinki accords also express the commitment of the participating States to "facilitate wider travel by their citizens for personal or professional reasons";

Whereas the Helsinki accords also express the commitment of the participating States to "facilitate the freer and wider dissemination of information of all kinds, to encourage cooperation in the field of information and the exchange of information with other countries";

Whereas the Governments of the Union of Soviet Socialist Republics, Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, and Romania, in agreeing to the Helsinki accords, have made a commitment to adhere to the principles of human rights and fundamental freedoms as embodied in the Helsinki accords;

Whereas, despite some limited improvements, the aforementioned Governments have failed to implement their obligations under Principle VII of the Helsinki accords to respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief;

Whereas, despite some limited improvements, the aforementioned Governments have failed to implement their obligations under Basket III of the Helsinki accords to promote free movement of people, ideas and information;

Whereas representatives from the signatory States are convened in Vienna to review implementation and address issues of compliance with the human rights and humanitarian provisions of the Helsinki accords: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) August 1, 1988, the thirteenth anniversary of the signing of the Helsinki accords is designated as "Helsinki Human Rights Day";

(2) the President is authorized and requested to issue a proclamation reasserting the American commitment to full implementation of the human rights and humanitarian provisions of the Helsinki accords, urging all signatory nations to abide by their obligations under the Helsinki accords, and encouraging the people of the United States to join the President and Congress in observance of the Helsinki Human Rights Day with appropriate programs, ceremonies, and activities;

(3) the President is further requested to continue his efforts to achieve full implementation of the human rights and humanitarian provisions of the Helsinki accords by raising, with the Governments of the Soviet Union, Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, and Romania, the issue of their noncompliance at every available opportunity;

(4) the President is further requested to convey to all signatories of the Helsinki accords that respect for human rights and fundamental freedoms is a vital element of further progress in the ongoing Helsinki process;

(5) the President is authorized to convey to allies and friends of the United States that unity on the question of respect for human rights and fundamental freedoms is an essential means of promoting the full implementation of the human rights and humanitarian provisions of the Helsinki accords;

(6) the President is requested to continue his efforts to achieve before the end of the Vienna meeting the release of all political prisoners of the Soviet Union, including Helsinki monitors, a significant increase in Soviet emigration, the resolution of all family reunification cases, the cessation of all radio transmission jamming, and the repeal of laws, procedures, and practices which undermine human rights;

(7) the President is further requested to seek the inclusion, in any concluding document agreed to in Vienna, of a mechanism to assure that human rights progress is sustained following the conclusion of the Vienna meeting; and

(8) the President is further requested to convey to signatory States the insistence of the United States for a balanced result at the Vienna meeting that will not favor military security at the expense of human rights.

SEC. 2. The Secretary of the Senate is directed to transmit copies of this joint resolution to the President, the Secretary of State, and the Ambassadors of the thirty-four Helsinki signatory nations.

●Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of the resolution to designate August 1, 1988, as Helsinki Human Rights Day. This resolution is introduced and adopted annually, marking our continued support for the Helsinki process and the human rights principles embodied in the Helsinki accords.

It is particularly important that this resolution is being introduced at this time. The Moscow summit, the INF treaty debate, the U.S. Presidential campaign, the approaching end of the Vienna CSCE review meeting, and General Secretary Gorbachev's campaign for glasnost and perestroika combine to focus attention on this aspect of United States-Soviet relations.

This year is the first time in the last decade in which there appears to be a real opportunity for improved Soviet compliance with their international human rights obligations. Many converging forces have combined to create this opportunity.

The Soviets appear to seek greater international stature and respect for something other than their massive military power alone. The prerequisite for attaining this goal is compliance with internationally accepted norms of civilized behavior for nations. We have never doubted that the Soviets could meet these standards if they chose to do so.

However, the history of the Soviet state is a long and bloody story. The Soviet state has been responsible for the deaths of many of its own people, in addition to those killed by foreign aggressors.

Literally millions of Soviet citizens faced execution, starvation, exile, or confinement to labor camps, with only a show trial at best to remind them of the rights they were denied. All of this happened under the leadership and control of the Communist Party of the Soviet Union.

Now, to free the enormous creative potential of the Soviet people, General Secretary Gorbachev is pursuing a program aimed at ending Stalin's terror. That's what glasnost is all about.

Stalin's terror did not die with the dictator. The Soviet secret police are no longer the NKVD. They were not abolished, they were merely renamed the KGB, the committee for state security.

Under glasnost, the KGB no longer kicks in doors in the middle of the night and takes people away without explanation. But this new-found restraint is purely administrative—the underlying constitutional and legal system remains as it was, allowing them to exercise total power whenever the Kremlin orders it.

A Wall Street Journal article, published in the April 26, 1988, edition, explained how this works:

> For all his railing against corruption though, Mr. Gorbachev won't easily repeal one time-honored legal precept. It's called "telephone law." The communist party invokes it by picking up the phone to tell a judge how to decide a case. "The danger was clear in the 1920's," says Arkady Vaksberg, who writes for Literaturnaya Gazeta. "It's a shame. All this time later, we still have it."
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> Telephone law means that Soviet justice, even in cases with scant political content, remains justice for not-quite all. "A lot depends," says Victor Kusin, a lawyer and a critic of the regime, "on the status of the person who brings the complaint." Not to mention the status of the person he complains against.

This is the key difference between our two systems. Ours is a government of limited powers, created to protect and serve its citizens. The Soviet state is all-powerful. Its citizens exist to serve it, in pursuit of the goals of the Communist Party of the Soviet Union.

The Soviet Union's international human rights commitments, to the extent that the Soviets abide by them, limit the power the Soviet state may exercise over its citizens. Any limitation of the power of the Soviet state is a significant advance for the cause of peace.

No less a person than Dr. Andrei Sakharov has cited Soviet respect for human rights and fundamental freedoms as essential for progress toward lasting world peace. But such respect must become irreversible, not simply a matter of administrative instructions to the organs of the state.

While approximately 345 of the known political prisoners in the Soviet Union have been released, another 380 remain confined. While promises of reform of the Soviet legal system have been made, article 70 and article 190 remain on the books, available for use should the administrative instructions to the KGB or the MVD change.

Indeed, the gulag remains open for business. We had hoped that, in connection with the 70th anniversary of the Bolshevik Revolution last year, the Soviets would throw open the gates of the camps, as has happened at least once in the past. Our hopes were dashed. Indeed, the Moscow summit failed to produce more than marginal movement in this area.

Glasnost, even for the intelligentsia, has its limits. We have taken Soviet authorities' nervous tolerance of independent publications and dissident political activities as a positive sign. Compared with past Soviet practices, it is, indeed, progress. But it would be a mistake to read too much into this strained tolerance.

In early May, a group of Soviet dissidents attempted to form an independent political party in the Soviet Union. They called their new party the democratic union. The reaction of Soviet authorities to this development helps put the current state of affairs in the Soviet Union into perspective.

A May 10, 1988, Washington Post article by Gary Lee, entitled "Soviets Crack Down on New Party," tells the story of the limits of glasnost:

> Soviet police today cracked down on organizers of a new political party, arresting 14 and searching offices where activists planned to hold a meeting, spokesmen for the party said today.
>
> About 70 members of the newly formed Democratic Union nonetheless managed to

> hold their third straight day of organizational parleys, the spokesman said.
>
> The Democratic Union, the first national independent political party to be formed in the Soviet Union in recent history, has called for a multiparty parliamentary system to replace the Communist Party's monopoly on the reins of Soviet power.
>
> The arrest of the 14 members deflated a buoyant mood among the party members. It also signaled that Soviet authorities had decided to block the professed plans to challenge the ruling Communist Party.
>
> Spokesmen for the group protested the arrests and the treatment of party members. Soviet leader Mikhail "Gorbachev must tolerate our activity if he wants to transform society," Yuri Mityunov, one of the founding members, said by telephone.
>
> The founding of the Democratic Union, one of the boldest moves Soviet political activists have made in recent years, apparently has overstepped the boundaries laid out by the Communist Party leadership in its calls for greater democratization of Soviet society.
>
> Gorbachev has advocated democratization, openness and broader participation in politics as part of his program of restructuring of Soviet society.
>
> But Gorbachev has also stressed that Soviet democratization must take place within a socialist context and cannot fundamentally change the position of the Communist Party, which has ruled the Soviet Union for 70 years and is the only party recognized by the constitution.
>
> During the first meetings of the Democratic Union over the weekend, Soviet authorities took a more ambivalent stance. Yesterday, for instance, up to 60 of the 150 founding members were detained and questioned by the police but later released.
>
> The party members planned to hold an organizational meeting at the offices of the independent journal Glasnost in a Moscow suburb today, but several members were arrested entering the building. Soviet police also took Glasnost editor Sergei Grigoryants for questioning, searched the journal's headquarters, and confiscated papers and copying equipment, a spokesman for Glasnost said.
>
> Following meetings held by the Democratic Union yesterday, Soviet police detained dozens of members, writing down their names and personal data. Starting this morning, further detentions were made and those who were not Moscow residents were arrested.
>
> The Democratic Union is composed of citizens from at least 20 cities, spokesmen have said.

The Washington Post published an interview with General Secretary Gorbachev on May 22, 1988. In the transcript of the interview, the following exchange took place between Bob Kaiser, a Washington Post senior editor, and Gorbachev:

> KAISER: One more, if possible. About these changes. To me, as an old resident of Moscow, some of the most startling changes are in the new freedom of expression. The newspapers are so interesting to read now. Television is so interesting to watch now. You have freed many political prisoners. You have allowed many of the old "refuseniks" to emigrate. On May 7, you said you wanted "to complete the creation of a socialist, legal state." In your very interesting written answers to us, you called freedom of speech "indispensable," yet some Soviet citizens still get into trouble with the authorities for what looks to us like attempts to exercise freedom of speech. Paruir Arikyan in Armenia and Sergei Grigoryants in Moscow [editors of a new unofficial magazine called Glasnost] are recent examples. Is this because some of your authorities don't get "the new thinking" or is this because that sort of, the things that those people have done is not something you consider expression of freedom of speech?
>
> GORBACHEV: Interesting question. I will give a short answer. The most interesting things that perestroika has demonstrated is that our people, while being firmly in favor of the renewal of society, and of change, have firmly expressed the view that changes could happen only within the boundaries of socialism, and on the basis of socialist values.
>
> Even advances in the economic sphere like cooperatives, cost accountability, leasing and individual enterprise, all of this is being discussed seriously, even scrupulously, in our society. People ask, "is this not a retreat from the principles of socialism?" Some ask if we are undermining the principles of socialism. And that is because 90 percent of the people living today in the Soviet Union were born and have been raised under socialism. And the present leadership only wants to try to develop this socialist system which opened the way for us in all spheres of life. We know socialism, we know its achievements and its problems. And we are going to work within the boundaries of the socialism we have chosen.
>
> That is why everything that evokes in people anxiety that someone has tossed up other values, including in the ideological sphere, this evokes a critical reaction. That is also the democratic process. Democracy is like that.
>
> People here know that the grigoryants "organization," in quotation marks, is tied not only organizationally but also financially to the west, that his constant visitors and guests are western correspondents. Therefore people think of him as some kind of alien phenomenon in our society sponging on the democratic process, sponging on the positive aspects of perestroika.
>
> This happens—it happens in nature, too. There are such parasites living off healthy organisms and attempting to harm them.
>
> But we are sure that our country is stong enough to overcome such a thing. I have said that perestroika is a kind of melting pot that will make our society stronger, that will reveal its democratic, human potential, all in the interest of man. And that which some suggest—that we look for our future in different values and liquidate socialist property, etc.—our people reject. This will not be accepted—it is an illusion. And you must know this.

The Post's news analysis piece on this interview, entitled "Gorbachev—master juggler, careful politician," by Robert G. Kaiser and David Remnick, analyzed the above exchange as follows:

> But Gorbachev revealed limits to his tolerance in the interview. Asked why, after he has promoted freedom of speech and the creation of "A socialist legal state," the authorities still harass and imprison dissidents who express unorthodox views, Gorbachev bridled.
>
> Dissident Sergei Grigoryants, about whom he has asked in particular, is "some kind of alien phenomenon in our society sponging on the democratic process," Gorbachev said. Grigoryants spent a week in jail earlier this month for his activities in publishing and independent journal of opinion and human rights reportage that he has cheekily named glosnost.
>
> Gorbachev said Soviet society is "strong enough to overcome such a thing" as Grigoryants, a revealing choice of language. He picked a word of power—"overcome"—rather than one of tolerance.

This insight into the thinking of the Soviet General Secretary is particularly significant as we consider this resolution. It clearly shows that the Soviets continue their historic policy of using the same language of political discourse we use, but applying distinctly Soviet definitions to its terms.

Human rights does not mean the same thing to them that it means to us. That is why we must pass this resolution, why we must continue to press them to abide by their international comments, and why our hopes for change in the Soviet Union must remain realistic and limited.

A Radio Liberty research report, "Policy Toward Unofficial Religious Groups Under Gorbachev," by Oxana Antic, dated March 31, 1988, summarized soviet religious policy as follows:

> The last year has seen little change for the better in the situation of unregistered religious groups in the Soviet Union. Although several religious 'prisoners of conscience' have been released from camps before completing their sentences, and the members of whole congregations have been promised exit visas, the process of glasnost' [SIC] and democratization has scarcely touched the lives of the majority of members of unofficial churches. The policy of harassment adopted by the Soviet state several decades ago has continued to be applied with full force.

While President Reagan's emphasis on religion in the Soviet Union at the Moscow summit was widely reported, the points made in the article I just quoted from remain true. The question is not what goes on when the President of the United States and the sizable contingent of the free world's press are present as witnesses, but what goes on after the glare of world publicity faces. That is the test to apply to reform in the Soviet Union.

One of the Soviet Union's serious shortcomings remains in the area of emigration. While 1,077 Soviet Jews were allowed to emigrate in April, the third straight month of rising emigration totals, this monthly rate still falls far short of the 1979 rate, which allowed 51,330 to emigrate. The May rate of 1,059 was lower than the April rate, showing no tendency to surge in anticipation of the Moscow summit.

A major barrier to progress in emigration and in family reunification cases is the Soviet practice of denying permission to emigrate to Soviet citizens with knowledge of "state secrets." This practice, which seems sensible and defensible at first glance, but is not permitted under international law, is also corrupt and pernicious in its application.

As I have noted before, denying permission to emigrate because a person has had access to "state secrets" has no basis in international law. But the Soviet definition of what is a state secret, and the process the Soviet Government follows in reviewing emigration applications, turns this rule into a tool of repression.

A Radio Liberty research report, dated March 16, 1988, entitled "State and Official Secrets in the Soviet Union," by Amy Knight, explains the situation as follows:

> More recently, in January 1984, the concept of "professional secrets" was introduced into Soviet law. A new article 13-1 was included in the law on crimes against the State that made it a crime punishable by up to three years' imprisonment, to pass to foreign countries, organizations, or agents information constituting a professional secret. Unlike articles 12 and 13, which make only those entrusted with official information by virtue of their professional positions liable to punishment, article 13-1 provides for the punishment of private individuals who have been privy to such information by indirect means. . . .
>
> State secrets also stand in the way of freedom to travel or emigrate. The new addenda to "regulations on entering and leaving the U.S.S.R.," which became effective in January, 1987, state that Soviet citizens shall not be permitted to leave the U.S.S.R. on private business "if they are privy to state secrets. . . ."
>
> What is the Soviet authorities' definition of state and official secrets? In April, 1956, the U.S.S.R. council of ministers published a list of types of information considered to be state secrets that is still valid today. It enumerates a wide range of military and economic data: any information relating to military mobilization and operational plans, locations and content of military supplies and weapons, defense installations, troop strength, civil defense plans, defense industry and technology, border protection, plans for relocation of industry during time of war, supply and production of rare and precious metals and radioactive materials, currency reserves and the Soviet balance of payments, state ciphers, and so on. In addition to the specifically cited categories, state secrets also include "other information declared by the USSR Council of Ministers to be a state secret."
>
> In accordance with this all-union list, ministries and departments can draw up their own lists of information considered to be secret. Their choice may depend on circumstances at the time, such as the international situation or economic conditions, and is thus flexible and subject to change. According to one Soviet source, state secrets encompass not only the realm of defense and external security, but also information that, if divulged, could harm the political and economic power of the Soviet Union. As far as 'official secrets' are concerned, there seem to be no legal criteria for determining what they are, except that they involve "economic, scientific, technical, or other information."
>
> In practice, these vague and sweeping definitions result in quite arbitrary decisions as to what information is secret. In theory, a private citizen could, for example, be charged under article 13-1 for discussing with a foreigner almost anything relating to the Soviet economy. . . .

It so happens that when a person applies for permission to emigrate from the Soviet Union, the authorities ask the person's supervisors where he or she worked whether the applicant had access to state secrets. Given the general scope of the law, the answer in many cases is "yes," when, in fact, material has been deemed to be a secret for the convenience of the bureaucrats in charge. Permission to leave is then denied.

I am gratified to note, however, that one case in particular that has been a focus of my activities for the past year has been resolved in the wake of the Moscow summit. I have been seeking Soviet permission for Grigory and Ninel Bravve to emigrate to the United States to join their children in Rochester, NY. Their son and daughter were allowed to emigrate.

Rima Bravve, their daughter-in-law, was allowed to leave. I escorted her and her husband to the United States from Vienna, Austria. Rimma suffered from cancer. Her departure was so delayed by Soviet authorities that treatment here failed to arrest its progress, and she passed away last year.

I have used every channel available to me to seek Grigory and Ninel's release. Now, word has come from Moscow that they have received a postcard from Ovir, the Soviet agency responsible for exit visas, telling them that they will be permitted to leave. I look forward to meeting them and welcoming them to the United States.

Unfortunately, their case is not unique. There are still unresolved family reunification cases between the United States and the Soviet Union, such as the Benjamin Charny case. I hope that the Moscow summit will result in their resolution, so that they too, can join their families here in the United States.

In closing, Mr. President, I urge my colleagues to adopt this resolution unanimously. We must continue to demonstrate our support for human rights, and insist that the Soviet Union keep its Helsinki commitments.●

ADDITIONAL COSPONSORS

S. 39

At the request of Mr. MOYNIHAN, the names of the Senator from Wyoming [Mr. SIMPSON] and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of S. 39, a bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee educational assistance permanent.

S. 182

At the request of Mr. RIEGLE, the name of the Senator from Idaho [Mr. MCCLURE] was added as a cosponsor of S. 182, a bill to amend title 3, United States Code, and the Uniform Time Act of 1966 to establish a single poll closing time in the continental United States for Presidential general elections.

S. 703

At the request of Mr. SPECTER, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 703, a bill to amend title 18, United States Code, including the Child Protection Act, to create remedies for children and other victims of pornography, and for other purposes.

S. 1340

At the request of Mr. PRYOR, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of S. 1340, a bill to provide for computing the amount of the deductions allowed to rural mail carriers for use of their automobiles.

S. 1426

At the request of Mr. PRYOR, the names of the Senator from Alabama [Mr. SHELBY], the Senator from New Mexico [Mr. DOMENICI], and the Senator from Mississippi [Mr. STENNIS] were added as cosponsors of S. 1426, a bill to amend the Internal Revenue Code of 1986 to encourage small businesses to extend retirement and fringe benefits to all employees, and for other purposes.

S. 1511

At the request of Mr. MOYNIHAN, the names of the Senator from Minnesota [Mr. BOSCHWITZ] and the Senator from Florida [Mr. CHILES] were added as cosponsors of S. 1511, a bill to amend title IV of the Social Security Act to replace the AFDC Program with a comprehensive program of mandatory child support and work training which provides for transitional child care and medical assistance, benefits improvement, and mandatory extension of coverage to two-parent families, and which reflects a general emphasis on shared and reciprocal obligation, program innovation, and organizational renewal.

S. 1522

At the request of Mr. RIEGLE, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 1522, a bill to amend the Internal Revenue Code of 1986 to extend through 1992 the period during which qualified mortgage bonds and mortgage certificates may be issued.

S. 1761

At the request of Mr. DURENBERGER, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1761, a bill to amend the Internal Revenue Code of 1986 to provide that a decedent's spouse may enter into a cash lease of farm and other real property with family members and still qualify for the special estate tax valuation of the property.

S. 1774

At the request of Mr. PRYOR, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 1774, a bill to promote and protect taxpayer rights, and for other purposes.

S. 1840

At the request of Mr. SASSER, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 1840, a bill to establish a program to assist fiscally distressed local governments in the provision of essential services, and for other purposes.

S. 1843

At the request of Mr. ROTH, the name of the Senator from Nevada [Mr. HECHT] was added as a cosponsor of S. 1843, a bill to provide for equality of State taxation of domestic and foreign corporations.

S. 1851

At the request of Mr. METZENBAUM, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KERRY], the Senator from Vermont [Mr. LEAHY], the Senator from Alabama [Mr. HEFLIN], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of S. 1851, a bill to implement the International Convention on the Prevention and Punishment of Genocide.

S. 2000

At the request of Mr. CRANSTON, the names of the Senator from Tennessee [Mr. GORE] and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of S. 2000, a bill to provide for the acquisition and publication of data about crimes that manifest prejudice based on race, religion, affectional or sexual orientation, or ethnicity.

S. 2032

At the request of Mr. BREAUX, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 2032, a bill to authorize expenditures for boating safety programs, and for other purposes.

S. 2042

At the request of Mr. DURENBERGER, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 2042, a bill to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict.

S. 2043

At the request of Mr. KERRY, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 2043, a bill to authorize demonstration projects that provide certain participants in the special supplemental food program with coupons for use at farmers markets.

S. 2098

At the request of Mr. HOLLINGS, the name of the Senator from Florida [Mr. CHILES] was added as a cosponsor of S. 2098, a bill to amend the Federal Aviation Act of 1958 to prohibit discrimination against blind individuals in air travel.

S. 2174

At the request of Mr. BURDICK, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 2174, a bill to amend the Department of Transportation Act so as to reauthorize local rail service assistance.

S. 2187

At the request of Mr. WALLOP, the names of the Senator from Wyoming [Mr. SIMPSON], the Senator from Nevada [Mr. HECHT], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 2187, a bill to amend the Internal Revenue Code of 1986 to allow refundable credit against tax to taxpayers for dependents who have not attained the age of compulsory school attendance as prescribed by the law of the State in which the taxpayer resides, and to repeal the credit for expenses for child care services necessary for gainful employment for expenses with respect to such dependents.

S. 2199

At the request of Mr. CHAFEE, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 2199, a bill to amend the Land and Water Conservation Act and the National Historic Preservation Act, to establish the American heritage trust, for purposes of enhancing the protection of the Nation's natural, historical, cultural, and recreational heritage, and for other purposes.

S. 2330

At the request of Ms. MIKULSKI, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Utah [Mr. HATCH], the Senator from Massachusetts [Mr. KERRY], the Senator from Maryland [Mr. SARBANES], the Senator from Vermont [Mr. LEAHY], the Senator from Iowa [Mr. HARKIN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Tennessee [Mr. SASSER], and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of S. 2330, a bill to promote the integration of women in the development process in developing countries.

S. 2351

At the request of Mr. DOMENICI, the name of the Senator from Montana [Mr. MELCHER] was added as a cosponsor of S. 2351, a bill to amend the Internal Revenue Code of 1986 to repeal the capitalization rules for freelance writers, artists, and photographers.

S. 2428

At the request of Mr. BOSCHWITZ, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 2428, a bill to amend title VII of the Civil Rights Act of 1964 to prohibit discrimination based on race, color, religion, sex, handicap, national origin, or age in employment in the legislative or judicial branches of the Federal Government; and to establish the Employment Review Board composed of senior Federal judges, which shall have authority to adjudicate claims regarding such discrimination.

S. 2449

At the request of Mr. PRYOR, the names of the Senator from Connecticut [Mr. WEICKER], the Senator from Iowa [Mr. HARKIN], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Oklahoma [Mr. BOREN], the Senator from Nevada [Mr. REID], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Illinois [Mr. SIMON], the Senator from Alabama [Mr. HEFLIN], the Senator from Virginia [Mr. WARNER], the Senator from Virginia [Mr. TRIBLE], the Senator from Connecticut [Mr. DODD], the Senator from Nebraska [Mr. EXON], the Senator from Maryland [Ms. MIKULSKI], the Senator from Maryland [Mr. SARBANES], the Senator from North Carolina [Mr. SANFORD], the Senator from Iowa [Mr. GRASSLEY], the Senator from Montana [Mr. MELCHER], the Senator from Idaho [Mr. McCLURE], the Senator from Rhode Island [Mr. PELL], the Senator from South Dakota [Mr. PRESSLER], the Senator from Ohio [Mr. METZENBAUM], the Senator from Hawaii [Mr. INOUYE], the Senator from South Dakota [Mr. DASCHLE], the Senator from Louisiana [Mr. BREAUX], the Senator from Texas [Mr. BENTSEN], the Senator from North Dakota [Mr. CONRAD], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Tennessee [Mr. GORE], the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 2449, a bill to amend title 39, United States Code, with respect to the budgetary treatment of the Postal Service, and for other purposes.

S. 2478

At the request of Mr. FORD, the names of the Senator from Texas [Mr. BENTSEN], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 2478, a bill to provide for a 2-year Federal budget cycle, and for other purposes.

S. 2487

At the request of Mr. METZENBAUM, the names of the Senator from Texas [Mr. BENTSEN], the Senator from Tennessee [Mr. GORE], the Senator from Michigan [Mr. LEVIN], the Senator from Massachusetts [Mr. Kerry], the Senator from South Dakota [Mr. Pressler], and the Senator from Hawaii [Mr. Matsunaga] were added as cosponsors of S. 2487, a bill to award a congressional gold medal to Mrs. Jesse Owens.

SENATE JOINT RESOLUTION 141

At the request of Mr. Nickles, the name of the Senator from Louisiana [Mr. Breaux] was added as a cosponsor of Senate Joint Resolution 141, a joint resolution designating August 29, 1988, as "National China-Burma-India Veterans Appreciation Day."

SENATE JOINT RESOLUTION 149

At the request of Mr. Helms, the names of the Senator from New Mexico [Mr. Bingaman] and the Senator from Idaho [Mr. Symms] were added as cosponsors of Senate Joint Resolution 149, a joint resolution to designate the period commencing on June 21, 1989, and ending on June 28, 1989, as "Food Science and Technology Week."

SENATE JOINT RESOLUTION 270

At the request of Mr. Riegle, the names of the Senator from Colorado [Mr. Wirth], the Senator from Minnesota [Mr. Boschwitz], the Senator from Nebraska [Mr. Exon], the Senator from New Mexico [Mr. Bingaman], the Senator from Vermont [Mr. Stafford], the Senator from New Mexico [Mr. Domenici], the Senator from New Jersey [Mr. Bradley], and the Senator from Nebraska [Mr. Karnes] were added as cosponsors of Senate Joint Resolution 270, a joint resolution designating June 26 through July 2, 1988, as "National Safety Belt Use Week."

SENATE JOINT RESOLUTION 294

At the request of Mr. Trible, the names of the Senator from North Dakota [Mr. Conrad] and the Senator from Indiana [Mr. Quayle] were added as cosponsors of Senate Joint Resolution 294, a joint resolution designating August 9, 1988, as "National Neighborhood Crime Watch Day."

SENATE JOINT RESOLUTION 296

At the request of Mr. Shelby, the names of the Senator from Alabama [Mr. Heflin] was added as a cosponsor of Senate Joint Resolution 296, a joint resolution designating April 1989 as "National Outdoor Equipment Safety Month."

SENATE JOINT RESOLUTION 298

At the request of Mr. D'Amato, the names of the Senator from Massachusetts [Mr. Kerry] and the Senator from Indiana [Mr. Lugar] were added as cosponsors of Senate Joint Resolution 298, a joint resolution designating September 1988 as "National Library Card Sign-Up Month."

SENATE JOINT RESOLUTION 304

At the request of Mr. Lautenberg, the names of the Senator from California [Mr. Wilson], the Senator from Virginia [Mr. Trible], the Senator from Florida [Mr. Chiles], the Senator from Michigan [Mr. Riegle], the Senator from Vermont [Mr. Stafford], the Senator from Virginia [Mr. Warner], the Senator from Rhode Island [Mr. Chafee], the Senator from Illinois [Mr. Dixon], the Senator from Minnesota [Mr. Boschwitz], the Senator from Maine [Mr. Mitchell], the Senator from Rhode Island [Mr. Pell], the Senator from Nebraska [Mr. Exon], the Senator from Kansas [Mr. Dole], the Senator from Wisconsin [Mr. Proxmire], the Senator from Arizona [Mr. McCain], the Senator from Utah [Mr. Garn], the Senator from Tennessee [Mr. Gore], the Senator from Arizona [Mr. DeConcini], the Senator from South Carolina [Mr. Hollings], the Senator from North Dakota [Mr. Burdick], the Senator from Maryland [Mr. Sarbanes], the Senator from Arkansas [Mr. Pryor], the Senator from Oklahoma [Mr. Boren], the Senator from West Virginia [Mr. Rockefeller], and the Senator from Kansas [Mrs. Kassebaum] were added as cosponsors of Senate Joint Resolution 304, a joint resolution designating July 2, 1988, as "National Literacy Day."

SENATE JOINT RESOLUTION 306

At the request of Mr. Chafee, the names of the Senator from Minnesota [Mr. Durenberger], the Senator from Virginia [Mr. Warner], the Senator from North Carolina [Mr. Helms], the Senator from Illinois [Mr. Simon], the Senator from Alabama [Mr. Shelby], the Senator from Washington [Mr. Evans], the Senator from Tennessee [Mr. Gore], the Senator from New York [Mr. D'Amato], and the Senator from Florida [Mr. Chiles] were added as cosponsors of Senate Joint Resolution 306, a joint resolution designating the day of August 7, 1989, as "National Lighthouse Day."

SENATE JOINT RESOLUTION 307

At the request of Mr. Riegle, the names of the Senator from Arizona [Mr. DeConcini] and the Senator from Alabama [Mr. Shelby] were added as cosponsors of Senate Joint Resolution 307, a joint resolution to designate the decade beginning January 1, 1988, as the "Decade of the Brain."

SENATE JOINT RESOLUTION 312

At the request of Mr. D'Amato, the names of the Senator from Maryland [Ms. Mikulski] and the Senator from Vermont [Mr. Stafford] were added as cosponsors of Senate Joint Resolution 312, a joint resolution designating the week beginning September 18, 1988, as "Emergency Medical Services Week."

SENATE JOINT RESOLUTION 318

At the request of Mr. Armstrong, the names of the Senator from Hawaii [Mr. Inouye] and the Senator from Virginia [Mr. Trible] were added as cosponsors of Senate Joint Resolution 318, a joint resolution to designate the week of July 25-31, 1988, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War."

SENATE JOINT RESOLUTION 319

At the request of Mr. Leahy, the name of the Senator from Georgia [Mr. Nunn] was added as a cosponsor of Senate Joint Resolution 319, a joint resolution to designate the period commencing November 6, 1988, and ending November 12, 1988, as "National Disabled Americans Week."

SENATE JOINT RESOLUTION 324

At the request of Mr. Durenberger, the names of the Senator from Utah [Mr. Hatch], the Senator from Ohio [Mr. Glenn], the Senator from Vermont [Mr. Stafford], the Senator from Arizona [Mr. McCain], and the Senator from New Hampshire [Mr. Humphrey] were added as cosponsors of Senate Joint Resolution 324, a joint resolution to designate February 1989 as "America Loves Its Kids Month."

SENATE JOINT RESOLUTION 325

At the request of Mr. Rockefeller, the name of the Senator from Arkansas [Mr. Pryor] was added as a cosponsor of Senate Joint Resolution 325, a joint resolution designating the third week in May 1989 as "National Tourism Week."

SENATE JOINT RESOLUTION 328

At the request of Mr. Weicker, the names of the Senator from Virginia [Mr. Trible], and the Senator from Alaska [Mr. Stevens] were added as cosponsors of Senate Joint Resolution 328, a joint resolution to designate the day of September 14, 1988, as "National Medical Research Day."

SENATE RESOLUTION 270

At the request of Mr. Lautenberg, the name of the Senator from Arizona [Mr. McCain] was added as a cosponsor of Senate Resolution 270, a resolution paying special tribute to Portuguese diplomat Dr. de Sousa Mendes for his extraordinary acts of mercy and justice during World War II.

SENATE RESOLUTION 394

At the request of Mr. Heinz, the name of the Senator from Wyoming [Mr. Simpson] was added as a cosponsor of Senate Resolution 394, a bill expressing the sense of the Senate that funding in fiscal year 1989 for the Federal-aid highway and mass transit programs should be at the levels enacted in the Surface Transportation and Uniform Relocation Assistance Act of 1987.

SENATE RESOLUTION 432

At the request of Mr. Moynihan, the names of the Senator from Rhode Island [Mr. Chafee], the Senator from Hawaii [Mr. Matsunaga], and the Senator from Idaho [Mr. McClure] were added as cosponsors of Senate Resolution 432, a resolution to honor Eugene O'Neill for his priceless contribution to the canon of American literature in this the hundredth anniversary year of his birth.

SENATE RESOLUTION 442—EXPRESSING THAT THE PRESIDENT SHOULD CONVENE AN INTERNATIONAL CONFERENCE ON COMBATING ILLEGAL DRUG PRODUCTION, TRAFFICKING, AND USE IN THE WESTERN HEMISPHERE

Mr. TRIBLE (for himself, Mr. Dole, Mr. D'Amato, and Mr. DeConcini) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 442

Whereas, despite increased enforcement and prevention efforts, the production, trafficking, and use of illicit drugs continues to be a serious problem throughout the Western Hemisphere;

Whereas the United States in particular continues to have a high demand for illicit drugs, and much of the supply of illegal drugs in the United States is imported from other countries in the Western Hemisphere;

Whereas many other countries in the Western Hemisphere are experiencing a substantial increase in drug abuse by their own citizens;

Whereas the drug trade in the Western Hemisphere is becoming increasingly violent, resulting in the murder by drug traffickers of law enforcement officials and other innocent people, and threatening the ability of governments to combat effectively the drug trade.

Whereas drug traffickers in the Western Hemisphere have increasingly sought to bribe or otherwise corrupt public officials, and such corruption impairs the ability of governments to combat the drug trade;

Whereas the laundering of drug-related profits through banks and other institutions in the Western Hemisphere remains a serious problem and continues to hamper efforts to crack down on drug trafficking;

Whereas the production, processing, trafficking, and use of illicit drugs form an integrated web of criminal activity which covers the entire Western Hemisphere cooperative efforts among all nations in the Western Hemisphere are essential to combat effectively the drug trade; and

Whereas such cooperative efforts will be most effective when they involve a strong commitment by heads of state and other high-ranking officials within each country in the Western Hemisphere that is willing to combat the drug trade, and whose cooperation the President deems essential to that goal; Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President should convene as soon as possible an international conference to be known as the "International Conference on Combating Illegal Drug Production, Trafficking, and Use in the Western Hemisphere";

(2) such conference should involve the heads of state, the highest-ranking law enforcement officers, and other appropriate officials from every government in the Western Hemisphere that is willing to combat the drug trade, and whose cooperation the President determines is essential to that goal; and

(3) such conference should focus exclusively on combatting the drug trade and, in particular, should emphasize enhancing cooperative efforts among the governments of the Western Hemisphere to—

(A) substantially reduce the production, cultivation, and processing of illicit drugs;

(B) eliminate the transhipment of such drugs through countries in the Western Hemisphere;

(C) curb the demand for and use of such drugs in every country in the Western Hemisphere;

(D) combat the problems of drug-related corruption and drug money laundering; and

(E) share intelligence information, extradite drug traffickers, and take other steps necessary to improve law enforcement efforts against the drug trade.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. TRIBLE. Mr. President, on behalf of myself and Senators Dole, D'Amato, and DeConcini, I am introducing a Senate resolution that calls on President Reagan to convene an antidrug summit of the heads of state of the nations of the Western Hemisphere.

Illegal drugs threaten the well-being of every nation in the Americas. Individually we cannot meet this challenge, but collectively we can—and must—take decisive action.

Drugs are a threat to all Americans—North and South. For example, the cocaine which becomes crack in our streets and neighborhoods is typically grown in the highlands of Bolivia and Peru. It is processed in Columbia and transhipped through Mexico and the Bahamas. It finally arrives in Virginia and California and New York. Along the way, it leaves a trail of illicit profits, corrupt officials, broken lives, and death.

Mr. President, neither the United States nor its neighbors can combat this problem alone. The drug trade now wields its corrupting influence in every nation in our hemisphere and we must join together to stop it.

To foster that cooperation, this resolution calls upon the President to convene a drug summit of Western Hemisphere nations to focus on one item—combating the international drug trade. Presidential leadership—only cooperation at the highest level of Government will yield positive results. This issue must be given first priority.

The summit should focus on finding ways to stop the production and processing of narcotics, their shipment from country to country, drug-related corruption, and the laundering of drug profits, and the demand for illicit drugs, especially in the United States.

Mr. President, it's time that the heads of state in the Western Hemisphere meet and talk and take decisive action to combat the deadly and dangerous drug traffic that has engulfed us. I hope that President Reagan will respond positively to this resolution and provide the leadership that is indispensable to our success.

I urge my colleagues to support this resolution.

Mr. DOLE. Mr. President, I am pleased to be an original cosponsor of this important resolution, submitted by the Senator from Virginia, Senator Trible.

I have made the point over and over again that the war on drugs can only be won through a comprehensive, multifaceted approach.

We must attack the consumption problem here at home—but that, alone, will not solve the drug problem.

We must attack the trafficking problem, both on and within our borders—but that, alone, will not solve the drug problem.

We must attack the supply problem, in countries around the globe—but that, alone, will not solve the drug problem.

We can only solve the drug problem if we attack all these problems—consumption, trafficking, and supply—and if we attack them hard.

During this 100th Congress, the Senate has already taken some important steps to fight drugs. We have passed a comprehensive drug bill and are now working on additional legislation. We have expressed ourselves strongly, and with effect, on the drug trade in some countries of this hemisphere; and in regard to some particular problems such as that posed by General Noriega. Just last Friday, we passed the D'Amato death penalty bill. We've done all these things, and more.

Now it is time to take another step: To pass the Trible resolution, calling for the convening of a hemispheric summit to combat the drug problem.

Drugs are an acute problem in the United States; but they are not just a problem of the United States. The problem has its roots—literally, its roots—in countries throughout this hemisphere. And the deadly trade in drugs, and the deadly stranglehold of drugs on people young and old, permeates the entire hemisphere.

We're not going to be able to solve the drug problem without a hemispheric, and in fact a global, approach. We have a Monroe Doctrine to defend our military and security interests in the hemisphere; now we need a drug doctrine to protect our men, women, and children from this equally grave threat.

I hope we can consider and pass this resolution promptly. And I hope that, in the very near future, its recommendation will be implemented, and the leaders of the hemisphere will sit down together, to deal with this very real hemispheric crisis.

Mr. President, I commend the Senator from Virginia for this excellent initiative, and I urge quick and overwhelming adoption of this resolution.

AMENDMENTS SUBMITTED

FAMILY SECURITY ACT

MIKULSKI AMENDMENT NO. 2349

(Ordered to lie on the table.)

Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill (S. 1511) to amend title IV of the Social Security Act to replace the AFDC Program with a comprehensive program of mandatory child support and work training which provides for transitional child care and medical assistance, benefit improvement, and mandatory extension of coverage to two-parent families, and which reflects a general emphasis on shared and reciprocal obligation, program innovation, and organizational renewal; as follows:

On page 216, line 24, strike "six" and insert "12".

On page 217, line 13, strike "six" and insert "12".

On page 218, line 16, strike "twelfth" and insert "eighteenth".

On page 219, line 1, strike "six" and insert "12".

On page 220, line 7, strike "six" and insert "12".

On page 220, line 12, strike "second and fourth" and insert "fourth and eighth".

On page 221, line 4, strike "second" and insert "fourth".

On page 222, line 11, strike "twelfth" and insert "eighteenth".

LEGISLATIVE BRANCH APPROPRIATIONS ACT, FISCAL YEAR 1989

CHILES (AND DOMENICI) AMENDMENT NO. 2350

Mr. BUMPERS (for Mr. CHILES, for himself and Mr. DOMENICI) proposed an amendment to the bill (H.R. 4587) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1989, and for other purposes; as follows:

On page 62: Strike line 19 thru line 2 page 63.

BUMPERS AMENDMENT NO. 2351

Mr. BUMPERS proposed an amendment to the bill H.R. 4587, supra; as follows:

At the appropriate place in the bill, insert the following: (P. 63 after line 20).

PAY RAISES

SEC. . Such sums as may be necessary for fiscal year 1989 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

BYRD (AND INOUYE) AMENDMENT NO. 2352

Mr. INOUYE (for Mr. BYRD, for himself, Mr. INOUYE, Mr. COCHRAN, and Mr. DOLE) proposed an amendment to the bill H.R. 4587, supra; as follows:

On page 31, after line 17, insert the following.

TITLE ____—JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

SEC. ____. SHORT TITLE

This title may be cited as the "John C. Stennis Center for Public Service Training and Development Act".

SEC. ____. CONGRESSIONAL FINDINGS

The Congress makes the following findings:

(1) Senator John C. Stennis of the State of Mississippi has served his State and country with distinction for more than 60 years as a public servant, including service in the United States Senate for a period of 41 years.

(2) Senator Stennis has a distinguished record as a United States Senator, including service as the first Chairman of the Select Committee on Ethics, Chairman of the Committee on Armed Services, Chairman of the Committee on Appropriations, and President pro tempore of the Senate.

(3) Senator Stennis has long maintained a special interest in and devotion to the development of leadership and excellence in public service.

(4) There is a compelling need to encourage outstanding young people to pursue public service on a career basis and to provide public service leadership training opportunities for individuals serving in State and local governments and for individuals serving as employees of Members of Congress.

(5) It would be a fitting tribute to Senator Stennis and to his leadership, integrity, and years of devoted public service to establish in his name a center for the training and development of leadership and excellence in public service.

SEC. ____. DEFINITIONS

In this title:

(1) The term "Center" means the John C. Stennis Center for Public Service Training and Development established under section ____(a).

(2) The term "Board" means the Board of Trustees of the John C. Stennis Center for Public Service Training and Development established under section ____(b).

(3) The term "fund" means the John C. Stennis Center for Public Service Training and Development Trust Fund provided for under section ____.

SEC. ____. ESTABLISHMENT OF THE JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

(a) ESTABLISHMENT.—There is established in the legislative branch of the Government a center to be known as the "John C. Stennis Center for Public Service Training and Development".

(b) BOARD OF TRUSTEES.—The Center shall be subject to the supervision and direction of a Board of Trustees. The Board shall be composed of seven members, as follows:

(1) Two members to be appointed by the majority leader of the Senate.

(2) One member to be appointed by the minority leader of the Senate.

(3) Two members to be appointed by the Speaker of the House of Representatives.

(4) One member to be appointed by the minority leader of the House of Representatives.

(5) The Executive Director of the Center, who shall serve as an ex officio member of the Board.

(c) TERM OF OFFICE.—The term of office of each member of the Board appointed under paragraphs (1), (2), (3), and (4) of subsection (b) shall be six years, except that—

(1) the members first appointed under paragraphs (1) and (2) shall serve, as designated by the majority leader of the Senate, one for a term of two years, one for a term of four years, and one for a term of six years;

(2) the members first appointed under paragraphs (3) and (4) shall serve, as designated by the Speaker of the House of Representatives, one for a term of two years, one for a term of four years, and one for a term of six years; and

(3) a member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed and shall be appointed in the same manner as the original appointment for that vacancy was made.

(d) TRAVEL AND SUBSISTENCE PAY.—Members of the Board (other than the Executive Director) shall serve without pay, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties.

(e) LOCATION OF CENTER.—The Center shall be located at or near Starkville, Mississippi, the location of Mississippi State University.

SEC. ____. PURPOSES AND AUTHORITY OF THE CENTER

(a) PURPOSES OF CENTER.—The purposes of the Center shall be—

(1) to increase awareness of the importance of public service, to foster among the youth of the United States greater recognition and understanding of the role of public service in the development of the United States, and to promote public service as a career choice;

(2) to provide training and development opportunities for State and local elected government officials and employees of State and local governments in order to assist such officials and employees to become more effective and more efficient in performing their public duties and develop their potential for accepting increased public service opportunities; and

(3) to provide training and development opportunities for those employees of Members of the Congress who perform key roles in helping Members of Congress serve the people of the United States.

(b) AUTHORITY OF CENTER.—The Center is authorized, consistent with this title, to develop such programs, activities, and services as it considers appropriate to carry out the purpose of this title. Such authority shall include the following:

(1) The development and implementation of educational programs for secondary and post-secondary schools and colleges designed—

(A) to improve the attitude of students toward public service;

(B) to encourage students to consider public service as a career goal;

(C) to create a better understanding of the important role that people in public service have played in the growth and development of the United States; and

(D) to foster a sense of civic responsibility among the youth of the United States.

(2) The development and implementation of programs designed—

(A) to enhance skills and abilities of public service employees and elected officials at the State and local levels of government;

(B) to make such officials more productive and effective in the performance of their duties; and

(C) to help prepare such employees and officials to assume greater responsibilities in the field of public service.

(3) The development and implementation of congressional staff training programs designed to equip congressional staff personnel to perform their duties more effectively and efficiently.

(4) The development and implementation of media and telecommunications production capabilities to assist the Center in expanding the reach of its programs throughout the United States.

(5) The establishment of library and research facilities for the collection and compilation of research materials for use in carrying out the programs of the Center.

(c) PROGRAM PRIORITIES.—The Board of Trustees shall determine the priority of the programs to be carried out under this title and the amount of funds to be allocated for such programs.

SEC. _____. JOHN C. STENNIS CENTER FOR PUBLIC SERVICE DEVELOPMENT TRUST FUND

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a trust fund to be known as the "John C. Stennis Center for Public Service Development Trust Fund". The fund shall consist of amounts appropriated to it pursuant to section _____ and amounts credited to it under subsection (d).

(b) INVESTMENT OF FUND ASSETS.—(1) It shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated to the fund. Such investments may be made only in interest bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired on original issue at the issue price or by purchase of outstanding obligations at the market place.

(2) The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act are hereby extended to authorize the issuance at par of special obligations exclusively to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt, except that when such average rate is not a multiple of one-eighth of one percent, the rate of interest of such special obligations shall be the multiple of one-eighth of one percent next lower than such average rate. Such special obligations shall be issued only if the Secretary determines that the purchase of other interest bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States or original issue or at the market price, is not in the public interest.

(c) AUTHORITY TO SELL OBLIGATIONS.—Any obligation acquired by the fund (except special obligations issued exclusively to the fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

(d) PROCEEDS FROM CERTAIN TRANSACTIONS CREDITED TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the fund shall be credited to and form a part of the fund.

SEC. _____. EXPENDITURES AND AUDIT OF TRUST FUND

(a) IN GENERAL.—The Secretary of the Treasury is authorized to pay to the Center from the interest and earnings of the fund such sums as the Board determines are necessary and appropriate to enable the Center to carry out the provisions of this title.

(b) AUDIT BY GAO.—The activities of the Center under this title may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. Representatives of the General Accounting Office shall have access to all books, accounts, records, reports, and files and all other papers, things, or property belonging to or in use by the Center, pertaining to such activities and necessary to facilitate the audit.

SEC. _____. EXECUTIVE DIRECTOR OF CENTER

(a) APPOINTMENT BY BOARD.—(1) There shall be an Executive Director of the Center who shall be appointed by the Board. The Executive Director shall be the chief executive officer of the Center and shall carry out the functions of the Center subject to the supervision and direction of the Board. The Executive Director shall carry out such other functions consistent with the provisions of this title as the Board shall prescribe.

(2) The Executive Director shall not be eligible to serve as Chairman of the Board.

(b) COMPENSATION.—The Executive Director of the Center shall be compensated at the rate specified for employees in grade GS-18 of the General Schedule under section 5332 of title 5, United States Code.

SEC. _____. ADMINISTRATIVE PROVISIONS

(a) IN GENERAL.—In order to carry out the provisions of this title, the Center may—

(1) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this title, except that in no case shall employees other than the Executive Director be compensated at a rate to exceed the maximum rate for employees in grade GS-15 of the General Schedule under section 5332 of title 5, United States Code;

(2) procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United State Code, but at rates not to exceed the rate specified at the time of such service for grade GS-18 under section 5332 of such title;

(3) prescribe such regulations as it considers necessary governing the manner in which its functions shall be carried out;

(4) solicit and receive money and other property donated, bequeathed, or devised, without condition or restriction other than it be used for the purposes of the Center, and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(5) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(6) enter into contracts, grants, or other arrangements, or modifications thereof, to carry out the provisions of this title, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the Board, be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5); and

(7) make other necessary expenditures.

(b) ANNUAL REPORT.—The Center shall submit to Congress an annual report of its operations under this title.

SEC. _____. AUTHORIZATION FOR APPROPRIATIONS

There are authorized to be appropriated such sums as may be necessary to carry out this title.

SEC. _____. APPROPRIATIONS

There is appropriated to the fund the sum of $10,000,000 to carry out this title.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, FISCAL YEAR 1989

BINGAMAN (AND DOMENICI) AMENDMENT NO. 2353

Mr. BINGAMAN (for himself and Mr. DOMENICI) proposed an amendment to the bill (H.R. 4567) making appropriations for energy and water development for the fiscal year ending June 30, 1989, and for other purposes; as follows:

On Page 3 line 7, insert the following before the period: "*Provided further*, that within available funds $250,000 shall be for updating the Eastern New Mexico Water Supply feasibility report."

REID (AND HECHT) AMENDMENT NO. 2354

Mr. REID (for himself and Mr. HECHT) proposed an amendment to the bill H.R. 4567, supra; as follows:

On page 26, line 4, strike: "$11,000,000, at an annualized rate, may be provided to the State of Nevada for the period July 1, 1988 through June 30, 1989, for the conduct of its oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended, of which not more than $1,500,000 may be expended for socioeconomic studies and not more than $1,500,000 may be expended on transportation studies:" and insert in lieu thereof: "$18,000,000, at an annualized rate, shall be provided to the State of Nevada for the period July 1, 1988 through June 30, 1989, for the conduct of its responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended, as deemed necessary by the State of Nevada to protect the public health and safety of the citizens of Nevada, of which not more than $1,500,000 may be expended for socioeconomic studies and not more than $1,500,000 may be expended on transportation studies.

BAUCUS AMENDMENT NO. 2355

Mr. BAUCUS proposed an amendment to the bill H.R. 4567, supra; as follows:

On page 8, line 4, before the period insert the following: ": *Provided further*, That of the funds appropriated under this heading, $500,000 shall be available only for providing low water access to Lake Koocanusa, Montana, as the Secretary of the Army determines is necessary to alleviate low water impact on existing access facilities at the Libby Dam Project administered by the Forest Service of the Department of Agriculture: *Provided further,* That funds unused for the project described in the preceding proviso shall be transferred to the Department of Agriculture for purposes of carrying out maintenance and the Department's other responsibilities with respect to that project".

HEFLIN AMENDMENT NO. 2356

Mr. JOHNSTON (for Mr. HEFLIN) proposed an amendment to the bill H.R. 4567, supra; as follows:

On page 5, line 11, before the semicolon insert the following: ": *Provided further,* That within available funds $240,000 shall be available for the engineering and design of the Morgan County Port Access Channel, Morgan County, Alabama"

HATFIELD AMENDMENT NO. 2357

Mr. HATFIELD proposed an amendment to the bill H.R. 4567, supra; as follows:

At the appropriate place in the bill insert the following new section.

SEC. " . No funds appropriated or made available under this or any other Act shall be used in this and all future years, to preclude the Bonneville Power Administration from creating obligations in excess of available cash plus borrowing authority for all authorized purposes, whether or not such obligations are mandated by prior law, unless such action has been specifically approved hereafter by an Act of Congress.

BYRD AMENDMENT NO. 2358

Mr. JOHNSTON (for Mr. BYRD) proposed an amendment to the bill H.R. 4567, supra; as follows:

On page 3, line 7 insert the following before the period: ": *Provided further,* That within available funds, $250,000 shall be for engineering and design of the Charleston, West Virginia riverfront project"

McCLURE AMENDMENT NO. 2359

Mr. McCLURE proposed an amendment to the bill H.R. 4567, supra; as follows:

At the appropriate place in the bill, insert the following section:

SEC. . In implementing the provisions of this Act, the Director of the Office of Management and Budget and the head of each Federal agency for which funds are appropriated under this Act shall comply with the instructions and the specific allocations and earmarking of funds contained in the joint statement of managers accompanying the conference report of this Act.

CHILES AMENDMENT NO. 2360

Mr. JOHNSTON (for Mr. CHILES) proposed an amendment to the bill H.R. 4567, supra; as follows:

At the appropriate place in the bill, insert the following:

PAY RAISES

Such sums as may be necessary for fiscal year 1989 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

MURKOWSKI AMENDMENT NO. 2361

Mr. MURKOWSKI proposed an amendment to the bill H.R. 4567, supra; as follows:

At the end of the bill, add the following:

SEC. ____. (a)(1) None of the funds appropriated by this Act may be obligated or expended to enter into any contract for the construction, alteration, or repair of any public building or public work in the United States or any territory or possession of the United States with any contractor or subcontractor of a foreign country, or any supplier of products of a foreign country, during any period in which such foreign country is listed by the United States Trade Representative under subsection (c) of this section.

(2) The President or the head of a Federal agency administering the funds for the construction, alteration, or repair may waive the restrictions of paragraph (1) of this subsection with respect to an individual contract if the President or the head of such agency determines that such action is necessary for the public interest. The authority of the President or the head of a Federal agency under this paragraph may not be delegated. The President or the head of a Federal agency waiving such restrictions shall, within 10 days, publish a notice thereof in the Federal Register describing in detail the contract involved and the reason for granting the waiver.

(b)(1) Not later than 30 days after the date of enactment of this Act, the United States Trade Representative shall make a determination with respect to each foreign country of whether such foreign country—

(A) denies fair and equitable market opportunities for products and services of the United States in procurement, or

(B) denies fair and equitable market opportunities for products and services of the United States in bidding,

for construction projects that cost more than $500,000 and are funded (in whole or in part) by the government of such foreign country or by an entity controlled directly or indirectly by such foreign country.

(2) In making determinations under paragraph (1), the United States Trade Representative shall take into account information obtained in preparing the report submitted under section 181(b) of the Trade Act of 1974 and such other information or evidence concerning discrimination in construction projects against United States products and services that are available.

(c)(1) The United States Trade Representative shall maintain a list of each foreign country which—

(A) denies fair and equitable market opportunities for products and services of the United States in procurement, or

(B) denies fair and equitable market opportunities for products and services of the United States in bidding,

for construction projects that cost more than $500,000 and are funded (in whole or in part) by the government of such foreign country or by an entity controlled directly or indirectly by such foreign country.

(2) Any foreign country that is initially listed or that is added to the list maintained under paragraph (1) shall remain on the list until—

(A) such country removes the barriers in construction projects to United States products and services;

(B) such country submits to the United States Trade Representative evidence demonstrating that such barriers have been removed; and

(C) the United States Trade Representative conducts an investigation to verify independently that such barriers have been removed and submits, at least 30 days before granting any such waiver, a report to each House of the Congress identifying the barriers and describing the actions taken to remove them.

(3) The United States Trade Representative shall publish in the Federal Register the entire list required under paragraph (1) and shall publish in the Federal Register any modifications to such list that are made after publication of the original list.

(d) For purposes of this section—

(1) The term "foreign country" includes any foreign instrumentality. Each territory or possession of a foreign country that is administered separately for customs purposes shall be treated as a separate foreign country.

(2) Any contractor or subcontractor that is a citizen or national of a foreign country, or is controlled directly or indirectly by citizens or nationals of a foreign country, shall be considered to be a contractor or subcontractor of such foreign country.

(3) Subject to paragraph (4), any product that is produced or manufactured (in whole or in substantial part) in a foreign country shall be considered to be a product of such foreign country.

(4) The restrictions of subsection (a)(1) shall not prohibit the use, in the construction, alteration, or repair of a public building or public work, of vehicles or construction equipment of a foreign country.

(5) The terms "contractor" and "subcontractor" includes any person performing any architectural, engineering, or other services directly related to the preparation for or performance of the construction, alteration, or repair.

(e) Paragraph (a)(1) of this section shall not apply to contracts entered into prior to the date of enactment of this Act.

(f) The provisions of this section are in addition to, and do not limit or supersede, any other restrictions contained in any other Federal law.

EFFECTIVE DATE OF AUGUSTUS F. HAWKINS-ROBERT T. STAFFORD ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT AMENDMENTS

HELMS AMENDMENT NO. 2362

Mr. KARNES (for Mr. HELMS) proposed an amendment to the bill (H.R. 4638) to amend the effective date provision of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988; as follows:

At the appropriate place insert the following:

SEC. . (a) This section may be cited as the "Voluntary School Prayer Act".

(b)(1) Chapter 81 of title 28, United States Code, is amended by adding at the end thereof the following new section.

§1260. Appellate jurisdiction: limitations

"(a) Notwithstanding the provisions of sections 1253, 1254, and 1257 of this chapter and in accordance with section 2 of Article

III of the Constitution, the Supreme Court shall not have jurisdiction to review, by appeal, writ of certiorari, or otherwise, any case arising out of any State statute, ordinance, rule, regulation, practice, or any part thereof, or arising out of any act interpreting, applying, enforcing, or effecting any State statue, ordinance, rule, regulation, or practice, which relates to voluntary prayer, Bible reading or religious meetings in public schools or public buildings.

"(b) For purposes of this section, the term 'voluntary' means an activity in which a student is not required to participate by school authorities.".

(2) The section analysis of chapter 81 of title 28 is amended by adding at the end thereof the following new item:

"1260. Appellate jurisdiction: limitations.".

(c)(1) Chapter 85 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§1367. Limitations on jurisdiction

"Notwithstanding any other provision of law and in accordance with section 2 of Article III of the Constitution, the district courts shall not have jurisdiction of any case or question which the Supreme Court does not have jurisdiction to review under section 1260 of this title.".

(2) The section analysis at the beginning of chapter 85 of title 28 is amended by adding at the end thereof the following new item:

"1367. Limitations on jurisdiction.".

(d) The amendments made by this section shall take effect on the date of enactment, except that such amendments shall not apply to any case which, on such date of enactment, was pending in any court of the United States.

NOTICES OF HEARINGS

SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

Mr. MELCHER. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Mineral Resources Development and Production of the Committee on Energy and Natural Resources on Monday, June 27 at 10 a.m., in room SD-366 of the Senate Dirksen Office Building in Washington, DC. The purpose of this hearing is to consider S. 2240, a bill to reauthorize the State Mining and Mineral Resources Research Institute Program.

Those wishing to submit written testimony should address it to the Committee on Energy and Natural Resources, room 364, Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Lisa Vehmas at (202) 224-7555 or Patricia Beneke at (202) 224-2383.

Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Mineral Resources Development and Production of the Committee on Energy and Natural Resources on Tuesday, July 12 at 10 a.m., in room SD-366 of the Senate Dirksen Office Building in Washington, DC. The purpose of this oversight hearing is to receive testimony concerning the Department of Interior's royalty management program.

Those wishing to submit written testimony should address it to the Committee on Energy and Natural Resources, room 364, Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Patricia Beneke at (202) 224-2383 or Lisa Vehmas at (202) 224-7555.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, June 14, 1988, to hold a hearing on drug enforcement.

The PRESIDING OFFICER. Without objection, it is ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, June 14, 1988, to hold a hearing on Intelligence Matters.

The PRESIDING OFFICER. Without objection, it is ordered.

SUBCOMMITTEE ON ENERGY REGULATION AND CONSERVATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Energy Regulation and Conservation of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday June 14, 1988 to receive testimony on S. 1717, a bill to assure uniformity in the exercise of regulatory jurisdiction pertaining to the transportation of natural gas and to clarify that the local transportation of natural gas by a distribution company is a matter within State jurisdiction and subject to regulation by State commissions, and for other purposes.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 14, to hold a hearing on mutual legal assistance treaties.

The PRESIDING OFFICER. Without objection, it is ordered.

SUBCOMMITTEE ON ANTITRUST, MONOPOLIES, AND BUSINESS RIGHTS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Monopolies, and Business Rights, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, June 14, 1988, to hold a hearing on the McCarran-Ferguson Act—State antitrust action against insurance companies.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on June 14, 1988, to hold a hearing on the nominations of Charles E. Cobb, Jr., of Florida, to be Under Secretary of Commerce for Travel and Tourism and Wendy Monson Democker, of Virginia, to be Assistant Secretary of Transportation for Public Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 14, 1988, in open session to receive testimony on the relationship between demand reduction and the role of the military in addressing the problem of drug abuse.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Tuesday, June 14, 1988, on the nomination of S. Jay Plager, for Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TAKING THE POSTAL SERVICE OFF-BUDGET

● Mr. EXON. Mr. President, I rise today to cosponsor legislation introduced by Senators PRYOR and STEVENS that will remove the U.S. Postal Service from the unified budget beginning fiscal year 1990.

I would dare to bet that most, if not all, of my colleagues here in the U.S. Senate have heard from disgruntled Americans concerning the shortened window hours at the local post office and the slow weekend service due to no Sunday collections or sorting.

Efficient, affordable postal operations are but one of a group of basic services all citizens should be able to expect from their Government. However, we know that there are those who would like to weaken the U.S.

Postal Service, by reducing its efficiency and reliability if necessary, in order to sell it off to the highest bidder.

During recent consideration on the fiscal year 1989 budget, the Senate discussed at length the merits and demerits of removing the Postal Service and other trust funds from the unified budget.

After much debate, the Senate adopted, by a vote of 85 to 8, a sense of the Senate resolution in support of moving the U.S. Postal Service to off-budget status. As I am sure all of my colleagues are aware, the Postal Service was off budget from 1973 until 1985 when the Postal Service was moved back into the unified budget. As we have seen, the result is a cosmetic reduction in the budget deficits only. This is another example of the smoke and mirrors approach to deficit reduction practiced so freely by the current administration.

Similar legislation, with over 340 cosponsors, was recently reported out of the House Committee on Post Office and Civil Service by a vote of 22 to 0.

Our dedicated postal workers all over America are being treated like pawns in a giant chess game over which they have no control. The budget summit agreement of last fall threw the operations and planning of the Postal Service into complete chaos because of the massive and disproportionate funding cuts which it imposed for 1988 and 1989.

The Reagan administration took great delight in whacking the Postal Service during the budget summit last fall. The President and OMB Director James Miller then fired another shot across the bow of the Postal Service earlier this year when they endorsed the report calling for privatization of some postal functions. President Reagan even accepted the report in a White House ceremony. We need a healthy Postal Service to fight off these attacks, not a decimated one. That is why we need this legislation.●

VICTIM REMEMBERED AS CARING, DETERMINED SENATOR DAVE DURENBERGER

Mr. DURENBERGER. Mr. President, on Sunday, Minnesota lost one of its many caring and compassionate people to a senseless crime.

I feel a deep sense of loss for the family and friends of Mary Foley. She was a visionary in the field of health care, but she was also a rare example of someone who carried her compassionate nature through her work and her personal life.

At Honeywell, Inc. where she was corporate manager for health services, she worked to expand the role of occupational health nurses with an emphasis on illness prevention, health promotion and case management. In her personal life she held a vision for a better world for women and nurses. But her dedication to both allowed no lines to be drawn around her commitment to helping people.

Her compassion touched my life with her ideas to hold a national forum on child care issues. That forum was held last month with my special interest group called the Foundation for Future Choices here in Washington, DC.

Her knowledge, enthusiasm, and vision will be missed.

Mr. President, I ask that a story from today's Minnesota Star Tribune which shows Mary's caring and determined nature be included in the RECORD at this point.

The article follows:

[From the Star Tribune, June 14, 1988]

VICTIM REMEMBERED AS CARING, DETERMINED

(By Mike Kaszuba)

For Mary Foley, Sunday was always an opportunity to get a jump on Monday. She was committed that way, part of a work ethic developed in the neighborhoods of Milwaukee.

That was the picture painted Monday of Foley, who was found slain in a parking garage minutes after she finished work Sunday afternoon at Honeywell headquarters in south Minneapolis. Foley, 34, lived in St. Paul.

"She was the most caring person that you could imagine," said Connie Steward, who had hired Foley at Control Data Corp. eight years ago.

Her résumé was that of a career woman on the way up: A master's degree in nursing from the University of Virginia; another master's degree in business administration from College of St. Thomas; by 1983, the manager of health programs at Control Data, and, in the past two years, corporate manager of health services at Honeywell.

A statement from Honeywell said that Foley "set standards for health service departments and audited company plants and divisions for compliance. In addition, she trained health service personnel in state-of-the-art approaches to health management."

But friends said that her résumé missed her best qualities. "Mary was the most wonderful person you could ever hope to meet," said Jean Bey, a Honeywell consultant who worked with Foley. "She was a real leader in occupational health nursing. She described her position to me last week as having a passion for what she was doing."

Bey and her husband had gone to a movie with Foley on Saturday evening. Afterward, Foley had asked them to escort her to her car. "Mary was always very cautious about that," Bey said. She said that Foley often cautioned female co-workers to ask for escorts when leaving work at odd hours.

She added, "Mary typically worked Sundays. I would have expected her to be there. She always felt she had a better grip on Monday if she was able to work on Sunday." Yesterday, Bey didn't park in the ramp where Foley was slain. "I just couldn't bear to go where Mary had been," she said.

Foley's work ethic came from Milwaukee, where she grew up in a family of seven children in a neighborhood of large, Irish Catholic families. Liz Petschel, a childhood friend, attended school with Foley.

"The most exciting thing in Mary's life was that she had successfully negotiated the MBA program at St. Thomas," Petschel said. "(I remember) Mary was told in high school that she was not college material. Mary was a fighter. . . . If she left a legacy, it was her determination."

Foley is survived by her brothers and sisters, including Ellen Foley of St. Paul, and her parents, Thomas and Joan Foley of Milwaukee. Her funeral will be there on Thursday.

BALTIC FREEDOM DAY—1988

● Mr. RIEGLE. Mr. President, for the fifth consecutive year, both the House and the Senate have passed resolutions designating June 14 as "Baltic Freedom Day." I was pleased to introduce Senate Joint Resolution 249 this year, along with Senator DOLE and 61 Senate cosponsors, and applaud my colleagues for giving this resolution their unanimous support.

Mr. President, Baltic Freedom Day is one of the most important dates in the history of the Baltic nations. Last year, at the invitation of the Latvian human rights group Helsinki '86, more than 5,000 Latvians gathered at the Freedom Monument in Riga, Latvia, to commemorate the victims of the Stalinist deportations of June 14, 1941. It was the first unofficial nationalist demonstration to take place in postwar Latvia, and was followed by even larger rallies on August 23—the anniversary of the signing of the Molotov-Ribbentrop Pact—and March 25—the anniversary of Stalinist deportations of 1949.

This year, Helsinki '86, has invited all Latvians to publicly commemorate June 14, 1988, as a day of "national mourning." Describing last year's June 14 rally as a "day of national awakening," the Helsinki '86 statement said that "June 14 must become a day of significance not only to several thousand people, but a symbol of national rebirth and daring for all the Latvian people."

The activism of the citizens of the Baltic States in publicly marking important dates in their history has sensitized the world to their unique history. The three Baltic republics have the distinction of being the only Soviet republics which experienced an independent national life and modernization which was not based on the Soviet model. This makes their story of subjugation all the more tragic and their ongoing occupation all the more intolerable.

Formed in the aftermath of the First World War, Lithuania, Latvia, and Estonia quickly became thriving sovereign nations. They were recognized as independent republics not only by the United States and the other democracies of the world, but also by the Soviet Union. In 1920, the U.S.S.R. concluded peace treaties with the Baltic States, renouncing forever all claims to their territory.

Baltic independence, a period which witnessed significant cultural and political progress, was to last only 22 years. Its fate was sealed by the conclusion of the infamous Molotov-Ribbentrop Pact on August 23, 1939, between Nazi Germany and the Soviet Union, which consigned the Baltic States to the Soviet Empire. In the fall of 1939, with thousands of Red Army troops on their borders, the Baltic governments were forced to accept Soviet garrisons in their countries. In June 1940, the Red Army streamed into Lithuania, Latvia, and Estonia, and, by August, Baltic independence was ended. These facts challenge the official Soviet version of events, as detailed in Soviet history books, that the Baltic States were incorporated into the U.S.S.R. at the free request of duly elected governments in those countries.

The loss of independence gave the Molotov-Ribbentrop partners a free hand to pursue a larger goal—the destruction of the Baltic people themselves. The Soviet genocidal horror of June 1941 was followed almost immediately by Nazi occupation. Many, in fact, survived Stalin's terror only to be murdered, imprisoned or deported by the Nazis, who occupied the Baltic States from 1941 till 1945.

Even the end of the war brought no relief, however, for, with the return of the Red Army, Stalin once again proceded with his decimation of the Baltic peoples. Sovietization of political life and collectivization of agriculture meant death or deportation for hundreds of thousands of Balts. Such genocidal terror was not to abate until the death of Stalin in 1952 when the first signs of normalization reached the Baltic republics.

Although no longer faced with such massive terror, the suffering of the Baltic peoples continues today. Extermination of individuals has been replaced by the extermination of culture, language, and tradition. A massive influx of Russian immigrants has decreased the percentage of native Balts in each of the three republics. With pressure to reduce instruction of the native Baltic languages, Russian is rapidly becoming the primary language in use in the republics. Conditions such as these could result in the extinction of the Baltic peoples' native tongues.

The "glasnost" policies of General Secretary Gorbachev have brought some positive changes to the Baltic republics. Reports testify to a slight loosening of media censorship, a widening of public debate, as well as other limited improvements. Since last year's Baltic Freedom Day demonstrations, Soviet authorities in Latvia have begun to publicly acknowledge the Stalinist deportations in Latvia. On March 25, 1988, over 10,000 Latvians participated in an officially approved memorial rally for Stalin's victims, sponsored by the Soviet Latvian Writers' Union.

These improvements, however, do not make any more acceptable the continued incarceration of political activists who promote the ideals of liberty and truth cherished by all Americans. The actions of "Helsinki '86" show that Baltic nationalists will try to take advantage of the opportunities presented by glasnost to pursue previously unthinkable social and cultural goals, and we must support them in those efforts.

At last month's summit in Moscow, President Reagan and General Secretary Gorbachev ratified the INF Treaty—an important arms control agreement, which, I believe, will make the world a safer place to live. As we make important progress in ridding the world of weapons of mass destruction, we must continue to do all we can to make it a more humane place to live for all people. As part of that effort, we reaffirm today our solidarity with the Baltic people and pledge to stand with them in their struggle to preserve their national culture and identity and to secure their right to basic human freedoms and self-determination.●

S. 1966, THE BIOTECHNOLOGY COMPETITIVENESS ACT OF 1987

●Mr. KENNEDY. Mr. President, I rise to speak on behalf of the Biotechnology Competitiveness Act of 1987. My colleagues Senator CHILES, Senator LEAHY, Senator DOMENICI, and Senator GRAHAM joined me earlier this year in support of this important legislation. This legislation will provide essential policy direction in the critical areas of biotechnology research and product development, and the mapping and sequencing of the human genome and products developed from this research.

In 1960, the structure of DNA, the source of genetic information for most organisms, was elucidated. In 1973, scientists for the first time successfully transferred DNA from one life form into another. Since that time, research in the areas of recombinant DNA and monoclonal antibodies has greatly expanded our knowledge of how animals and plants grow, reproduce, and protect themselves against disease. The impact of the diagnostic and therapeutic applications of this research are just now reaching a critical stage. This impact may be more important than any previous advance in biology and science, including the development of antibiotics. These new techniques may lead to vastly improved treatment of disease, and greatly improved efficiency and productivity in agriculture.

The biotechnology industry has grown tremendously during the past decade, with exciting innovations from large and small companies. In the Commonwealth of Massachusetts alone, more than 60 small biotechnology companies are working to bring many exciting diagnostic and therapeutic products to market. The close interaction of many of the world's leading universities and these innovative companies has led to the development of several human hormones and agents used to treat cancer. I am confident that in the near future, many of these companies will grow to become major pharmaceutical and scientific firms, providing employment to many and revolutionary products for us all.

To maintain the world leadership of the United States in biotechnology, many in the private sector, government and research community have called for improved policy direction and coordination. The Biotechnology Competitiveness Act of 1987 would provide for just such direction.

This legislation will initiate a National Biotechnology Policy Board to provide direction in terms of research and product development. The Board will assess current biotechnology research and product development, and recommend to the President and Congress policies that will enhance the advance of research and methods to improve the competitiveness of the United States in the development of commercial industries and products. Representatives will be drawn from relevant Government agencies, the biotechnology industry, research entities, and the biomedical ethics community.

An amendment to the bill requires that the Biotechnology Policy Board have two members who represent State biotechnology development programs. This addition was suggested by Senator SANFORD, and I agree with him that these State representatives will add to the expertise of the Biotechnology Policy Board.

In addition, a National Advisory Panel on the Human Genome will be established to guide resource allocation in an effort to determine the location and molecular composition of human genes. Safety and regulatory issues concerning products developed from this revolutionary research will also be addressed. To thoroughly address ethical issues, reports from both the Biotechnology Policy Board and the Advisory Panel on the Human Genome will be referred to the Congressional Biomedical Ethics Board for comment and review.

Finally, the National Center for Biotechnology Information will be established at the NIH National Library of Medicine. This center will serve as the focal point for coordination of all computer data and other information relating to the genetic composition of humans and other organisms.

To provide optimal policy direction in biotechnology, especially relating to human genetics, we should rely on experts within Government, the private sector, and the research community. This legislation will provide for the formulation of critically important policy recommendations which will benefit the United States and people around the world.

I would like to thank my colleagues for their hard work, and I urge the Members of the Senate to support this legislation.●

DEATH OF LOUIS L'AMOUR

● Mr. ARMSTRONG. Mr. President, it is with great sadness that I note the passing of one of the great writers of the West, Louis L'Amour, last Friday, June 10, 1988, at his home in Los Angeles. He was 80 years old. Louis L'Amour's scores of thrilling and historically accurate Old West novels portray the courage, ruggedness, and character of the early West and the pioneers who settled it.

Mr. L'Amour, a 10th-generation American, was born in Jamestown, ND, where his father was a veterinarian and farm machinery salesman. He was a self-educated man, but his literary accomplishments were outstanding. He authored 101 books; over 200 million copies were sold, nearly all of them Westerns, including "Hondo," "How the West Was Won," "The Iron Marshall," "The Quick and the Dead," and "Ride the Dark Trail."

Besides his vivid and robust tales of the brave cowboys and miners who settled the frontier over 100 years ago, Mr. L'Amour also wrote about the ancient civilization of the Fertile Crescent in the Middle East, and the trade routes that sent European civilization around the globe. His first book was not a Western, but a collection of poems published in 1939. More than 45 novels and short stories have been made into feature films and television movies. In addition to novels, short story collections, and works of nonfiction, Mr. L'Amour had published more than 400 magazine stories and articles.

His work over the years has been translated into 20 languages, including Serbo-Croatian and Chinese. Coloradans are proud that he was chosen by the United Nations Education, Science, and Cultural Organization to write a valuable and sympathetic report on the Ute Indian Tribe of southeastern Colorado.

Mr. L'Amour's books were burnished with a wealth of historical research. He mantained a working library of more than 8,000 volumes of western history as well as collections of frontier court records, old newspapers and letters. He conducted his own research and interviews. He once told the Associated Press: "I go to an area I'm interested in and I try to find a guy who knows it better than anyone else. Usually it's some broken down cowboy." In another interview, he said:

> "I'm actually writing history. I write about the man who was ranching, the man who was mining, the hard-shelled man who built with nerve and hand that which the soft-bellied latercomers call the "Western Myth."

In 1981 the Senate passed a bill I sponsored, authorizing the Bureau of the Mint to strike a gold medal suitable for presentation to Louis L'Amour by the President. Mr. L'Amour received this National Gold Medal in 1983 when President Reagan hosted a barbecue for the Professional Rodeo Cowboy Association at the White House. The President also presented Mr. L'Amour in 1984 with the Presidential Medal of Freedom.

Mr. L'Amour will be remembered much like a character in one of his books. The typical L'Amour hero was a spunky young man in his teens who believed that law triumphs over lawlessness and order over chaos. It is fitting in an age when the Western values of courage, self-reliance, and boldness are needed so desperately that we take time to reflect and appreciate the labor of this versatile American writer. His works inspire us to work diligently to preserve the land and culture that means so much to us today in the Rocky Mountain West.

The history of the West has been chronicled and preserved through the works of celebrated artists like Charles M. Russell, Frederick Remington, Zane Grey, and Will Rogers. Louis L'Amour now takes his place among these distinguished artists about whom it can truly be said that they belong to all of us, and to all future cowboys. Although he is now gone, his work insures that, in a larger sense, he will still be with us for many generations.●

FLAG DAY

● Mr. DOMENICI. Mr. President, Americans across our Nation today are proudly flying the colors of these United States in commemoration of Flag Day. I would like to stand in recognition of this great symbol of our heritage.

Many symbols serve as a tribute to this wonderful Nation and to our freedoms, none is greater than the flag, the magnificent "Star-Spangled Banner" that Francis Scott Key wrote about in the predawn hours of September 14, 1814. Key was inspired to write the words of our national anthem just down the highway in Baltimore Harbor as the British bombarded that city.

We are not today, as we were in 1814, a nation at war. Yet the same feeling of pride, felt by Key over 170 years ago, is experienced by each of us whenever we gaze upon those marvelous Stars and Stripes. Whether we see them in this Chamber, in a sports arena, or in our neighbor's front yard, it is always a sight that fills our hearts with pride.

Our flag stands as a constant reminder of the values that unite us as a nation. It keeps us focused on the challenge that our forefathers left us with, the challenge to preserve the freedoms that have been placed in our care.

I am glad to see the citizens of this country still proudly flying that "Star-Spangled Banner," and I want to commend all those who will make an extra effort to do so today in celebration of Flag Day.●

SOVIET OCCUPATION OF BALTIC STATES

● Mr. SIMON. Mr. President, today, June 14, 1988, I rise to mark the solemn anniversary of the Soviet occupation of the Baltic States. On this date in 1940, the Soviet Union seized and occupied the Baltic Republics of Lithuania, Latvia, and Estonia.

As a result of this annexation, the citizens of these nations were forcibly incorporated into the Soviet Union and denied their independence and sovereignty. Lithuania, Latvia, and Estonia also lost thousands of citizens through mass deportation by the Soviet Union. Throughout their 48-year struggle for independence, the Baltic people have courageously resisted the Russian culture forced on them and have maintained a strong devotion to freedom. This strength and resiliency has been shown time and again by the Baltic people who have settled here in the United States.

The United States, Canada, and Great Britain do not recognize the Soviet annexation of the Baltic States, and rightly so. We continue to recognize Lithuania, Latvia, and Estonia as independent states. I urge my colleagues in the Senate to join Baltic Americans and the Baltic people wherever they may be in commemorating "Baltic Freedom Day."●

ANNE FRANK DAY

● Mr. SIMON. Mr. President, Sunday, June 12, was designated as "Anne Frank Day" and I would like to take this opportunity to remember Anne Frank and the other 6 million victims of the Holocaust.

Anne Frank represents the suffering and the persecution that millions of Jews endured during the Second World War. As a member of the board of directors for the Anne Frank Institute in Philadelphia, I urge all citizens to take a moment to remember the innocent men, women, and children who were subjected to that pain and suffering.

The Anne Frank Institute was originally established as the Center for Holocaust Studies in 1977, renamed as the institute in 1985. Its purpose is to serve as a resource center where children and other visitors can come and learn in more detail about the Holocaust and its victims. Through education we can gain a greater understanding of anti-Semitism and other prejudices, and begin to combat current forms of discrimination and persecution.

I am hopeful that "Anne Frank Day" will continue to serve as a reminder of the danger and horrors of anti-Semitism. We must come to grips with the prejudices which still exist today, and work to bring about a better understanding of varying religions and cultures. I commend the Anne Frank Institute on all their fine work in an effort to educate our citizens in the fight against oppression and injustice.●

DISCLOSURE STATEMENT OF SENATOR PATRICK LEAHY

● Mr. LEAHY. Mr. President, my Senate public financial disclosure report is on file with the Secretary of the Senate's Office of Public Records. I am adding additional material relating to my net worth, beyond what is required by the U.S. Senate.

Senate salary	$87,483
Additional income (honoraria, interest, etc., as reported on Senate public financial disclosure report)	44,305
Total income	131,788
Taxes (Federal, State of Vermont, and local)	40,093
Charitable contributions	4,934
Equity in Middlesex, VT, residence	92,077
Equity in Washington, DC, area residence	258,551
Equity in Burlington, VT, apartment	(1)
Value of personal property (savings accounts, cars, furniture, books, etc.)	50,000

[1] None (rented monthly for family use).●

DRUG ABUSE IN THE WORKPLACE

● Mr. D'AMATO. Mr. President, drug abuse in our society has reached epidemic proportions. Winning the war on drugs demands a concerted effort by schools and universities, the Government and the business community aimed at education and prevention.

Drug abuse in the workplace is a plague threatening our Nation's productivity. The cost to employers and consumers is staggering.

In a recent speech Dr. Richard L. Lesher, president of the U.S. Chamber of Commerce, highlights the magnitude of this crisis and offers some real solutions to the problem. Most importantly, he challenges the employer to join in the fight against drug abuse.

I ask that the speech be printed in the RECORD.

The remarks follow:

THE TRAGEDY AND CHALLENGE OF DRUG ABUSE IN THE WORKPLACE

(By Dr. Richard L. Lesher, President, U.S. Chamber of Commerce)

Today—June 9, 1988—5,000 Americans will try cocaine for the first time; nearly 2,000 Americans will be arrested for drug-related crimes; and more than 2,700 boats and planes will smuggle illegal drugs into the country.

Can anyone doubt that American society faces a drug abuse epidemic?

Drug abuse has reached every state, every community, every school district, and virtually every workplace. Drug abuse has reached your workplace.

I. THE LEGITIMATE ROLE OF EMPLOYERS

America is losing the war on drugs. Law enforcement officials cannot win it alone . . . nor can the government * * * nor can the schools. It can only be won by a collective effort by all segments of our society—and that most assuredly includes employers.

Employers have the most effective deterrent to drug abuse—the paycheck. Contingency of employment is a powerful incentive for employees to stay or to become drug-free.

Not only do employers have the means to help decrease drug abuse, they also have the incentive.

Drug abuse cost the General Motors Corporation $1 billion last year * * * $1 billion! Let's put that in perspective. GM's net profits in 1987 were $3.6 billion. Therefore, GM's return on investment could have been enhanced by almost one-third if they had a drug-free work force. The price all of us pay to sustain and support and acquiesce to the drug abusers in our workplaces is staggering.

Let's take a specific corporate example. Some say employers should not test for "soft" drugs like marijuana. They say marijuana is relatively harmless and should not be the concern of employers. However, a major airline lost $19 million when a computer operator who was high on marijuana failed to load a crucial tape into the airline's main computered reservations system, causing eight hours of down time and erasures. Some would consider marijuana a "soft" drug; some would consider "computer programmer" to be a non-hazardous job for which drug testing would be inappropriate. Chances are the airline with the $19 million loss would disagree.

Drug abuse costs employers $60 billion a year in decreased productivity and increased absenteeism, accidents, medical claims, and employee theft. The human loss and suffering is incalculable.

But there are other substantial, but difficult to calculate, costs as well:

Lower employee morale,

Decreased quality of products or services,

Absenteeism for family members of drugs abusers,

Destruction of company property,

Higher insurance rates,

Stolen money or property from the company or co-workers, and

Impaired judgment regarding everyday decisions affecting the company.

The effects—negative effects—of drug abuse on the workplace are pervasive.

Consequently, employers have to address the drug abuse problem. You may not know it; you may not want to do it; but you have no choice.

To date, the business community has "gotten religion" on the drug abuse issue. In 1983, only three percent of the Fortune 500 companies performed any drug testing at all. By the end of 1987, more than 50 percent of the Fortune 500 were testing one or more classes of job applicants or employees.

And the business community will get more religion. In the future, drug testing is going to be used much more extensively by employers, particularly for job applicant screening.

II. OTHER REASONS FOR BUSINESS COMMITMENT

Beyond the financial incentive that employers have to prevent drug abuse, businesses have other reasons to try to assure that they have a drug-free work force:

A responsibility to the community. All segments of society must do their part in the war on drugs. Drug abuse is a community problem, a workplace problem, and a human resources problem.

A fiduciary responsibility to their shareholders. An employer has a responsibility to run the company as efficiently and profitably as possible. To give tacit approval to drug abusers' activities by ignoring their impact on productivity, accidents, and substandard service or defective products could be financial suicide for a business.

A responsibility to co-workers and the public based on safety and health concerns. Employer liability is a major concern in our increasingly litigious society. A policeman who fails to apprehend every drug dealer is not held accountable. A school teacher who fails to effectively educate each pupil to stay away from drugs is not held accountable. But an employer who fails to prevent the impact of drug abuse in the workplace is held accountable by the courts and its customers time after time for defective products, poor management decisions, workplace accidents, and employee crimes.

III. MAGNITUDE OF THE PROBLEM

65 percent of those entering the full-time work force for the first time have used drugs illegally.

23 million Americans use marijuana on a regular basis; six million use cocaine on a regular basis (at least four times a month).

60 percent of the world's production of illegal drugs is consumed in the U.S.—a fact that has major ramifications on U.S. business international competitiveness.

More than $110 billion is grossed annually from the illegal sale of drugs in the U.S.—more than double the total American farmers take in from all crops and more than double the combined profits of all Fortune 500 companies.

Illegal drugs are more potent, cheaper, more available, and, in some circles, more accepted than ever before in American society. The threat is greater because the drugs are more lethal. Compared to 1970, marijuana today contains five times more THC—the psychoactive ingredient in marijuana.

IV. THE OVERALL COSTS OF DRUG ABUSE

While business pays an exorbitant price for drug abuse by its employees, society at large pays an even higher price. For example, the federal government will spend more than $2.5 billion in 1988 on interdiction, investigation, prosecution, corrections, enforcement, and assistance to state and local governments. Local police departments will spend another $861 million. Drug abuse represents a massive hemorrage to American society.

Furthermore, drug abuse directly affects us all. Each of us as a consumer, a taxpayer, and a citizen pays a price. When our car insurance rates go up; our houses are burglarized; our taxes go up; and we pay more for products and services because of the increased security, theft, and defective products attributable to drug abuse, we are all paying the price.

Our personal safety and the safety of our families and homes are threatened by the drug abuse epidemic. A recent study of nearly 250 drug addicts found that, over an 11-year period, an average 1,946 crimes were committed by addicts. In one recent year alone, 708,400 suspects were arrested on drug charges . . . and this does not include robberies and burglaries to support drug addicts' habits where no nexus to drug use was found.

V. HOW DRUG ABUSE AFFECTS EMPLOYEES

Employees with drugs in their systems are:

2.5 x more likely to have absences of eight days or more,

3.6 x more likely to injure themselves or another person in a workplace accident,

5 x more likely to be involved in an accident off the job, which, in turn, affects attendance or performance on the job,

5 x more likely to file a workers' compensation claim,

One-third less productive, and

Incur 300 percent higher medical costs and benefits.

VI. THE RIGHT EMPLOYER RESPONSE

Time does not permit me to outline what we consider to be the most appropriate and effective employer response to the drug abuse problem. However, the Chamber has published a book entitled "Drug Abuse in the Workplace: An Employer's Guide for Prevention," a book that has been widely-circulated and well-received, and which I commend to your attention. This book includes a comprehensive model drug abuse prevention program for employers.

This 45-point program includes:

Commitment to a drug-free workplace * * * an absolutely essential first step,

Policy development * * * do your homework, do it first, and do it right,

Education, training, and communication * * * employees must know and understand the problem and your policy if they are going to cooperate with and believe in your program,

Enforcement * * * fair, consistent and even-handed enforcement is critical,

Drug testing * * * which I will talk about in greater detail in a few moments,

Rehabilitation * * * the ultimate and most humane goal of employer drug abuse prevention programs,

Disciplinary action * * * we need to lay down the law—and enforce it on the "demand" side of the drug equation, and

Follow-up * * * monitor legislative and legal developments, evaluate how well the company's objectives are being achieved, and make changes where necessary. The problem is dynamic; your response should be too.

VII. WHAT NOT TO DO

Also in our Chamber publication is a chapter for employers on "what not to do." What you don't do in your drug abuse prevention program can be as important as what you do. Among the recommendations are:

Don't misuse your drug abuse prevention program to discipline employees for other purposes, such as substandard performance.

Don't concentrate testing, searches, or other enforcement actions on any one class of employees.

Don't confront a suspected drug user one-on-one. This can be dangerous physically and can weaken management's position legally.

Don't assume supervisors and other management employees do not or cannot have a drug abuse problem.

Don't implement a verbal policy. A truly effective drug abuse prevention policy is set, in writing, and repeatedly communicated to employees.

Don't treat workers who test "positive" for drugs differently—discharging some workers, while only suspending or warning others. Similarly, don't provide rehabilitation services selectively.

Don't take employment action against job applicants or employees based on the results of a single drug test. Always perform a confirmatory assay using a different chemical process.

Don't address drug abuse in the workplace without also implementing a parallel program on alcohol abuse.

Don't lose sight of the ultimate goal of a drug abuse prevention program—rehabilitation.

VIII. DRUG TESTING

Drug abuse is a big problem. It requires a commensurate response. Part of an employer's program often is—or should be—drug testing of job applicants and/or employees. If done properly, drug testing is fair, accurate, and effective. Moreover, it is necessary.

But it is important that employers put employee drug testing in perspective.

First, drug testing is only one component of an overall drug abuse prevention program. Education and employee assistance programs, among other efforts, also are vital to a successful workplace drug abuse prevention program.

Second, the goals of drug testing in particular and employer drug abuse prevention programs overall are: (1) deterrence, (2) rehabilitation, and, ultimately, (3) a drug-free workplace.

Third, employers should do it "right"—or not at all (use of only professional testing services, accredited testers, confirmatory assays using a different chemical process, the preservation of confidentiality as appropriate and feasible).

Finally, even-handed administration and enforcement that is fair, consistent, and fully explained to workers also is essential.

IX. DOES DRUG TESTING WORK?

Critics of drug testing claim that it does not work. But drug testing does work. Within two years of instituting drug testing, the Southern Pacific Railroad decreased accidents by 72 percent. Similarly, Armco's National Supply Company plant in Houston undertook drug testing as part of its overall drug abuse prevention program and experienced a two-thirds reduction in its accident rate, a 15 percent increase in productivity, and an increase in product quality and decrease in turnover. The U.S. Navy reduced the rate of "positive" drug tests for its sailors from 47 percent to four percent in just three years, and reported significant improvement in battle readiness. Clearly, drug testing works and employers implement it because it does.

X. IS DRUG TESTING INSTRUSIVE?

Others criticize drug testing because they say it is intrusive and an invasion of privacy. I agree. Drug testing can be somewhat intrusive, even offensive. However, it is no more intrusive than the procedures we all are required to go through by our physicians when we take a physical. Furthermore, submitting to a drug test is far less intrusive than being injured by a co-worker on drugs or losing one's job because a company's productivity and competitive capacity is undermined by drug abusers. There are legitimate privacy and individual rights at stake. And employers should protect these rights as far as reasonably possible. But these rights must be balanced with the larger societal and individual rights at stake—including the rights of co-workers, and the public not to be endangered by or exposed to employees who are impaired.

XI. IS DRUG TESTING FAIR?

Others claim that it is unfair to employees and applicants to base an employment decision on the results of a single drug test. Years of schooling or career development can be compromised by a single instance of drug use.

That is exactly the point. It is time to make people more accountable for their actions, and thereby attack the "demand" side of the drug abuse equation. Individuals may jeopardize their careers by engaging in illegal drug use—but it is their decision and their decision alone to do so.

XII. THE ANSWER

It is time for all of us to pay back the drug abuser.

Drug abuse is not a victimless crime. And while our ultimate goal is rehabilitation of the drug abuser, the drug abuser is not the real victim. The real victim is the greater good of society.

What must we do? The answer to our society's drug abuse problems is greater commitment * * * greater commitment by all Americans. We need tougher laws to punish drug dealers. But we also need tougher penalties for drug abusers, so as to attack drug abuse on the "demand" side.

We need greater commitment from the federal government, state and local governments, our schools—especially our colleges and universities, religious institutions, organized labor, all workers, and the business community. We need more education, more and more effective employee assistance and rehabilitation programs, and more laws at the state level like Utah's and Nebraska's that encourage responsible employer use of drug testing, rather than restrict it.

One corporate executive recently said: "We don't assume that we have a greater drug problem than the nation as a whole." That is the whole point—"the nation as a whole" has an immense drug problem.

Many in the business community still are not aware that they have a problem, and the awful price we pay for drug abuse in the workplace. It is time for every employer to recognize the drug problem that plagues our country and our workplaces, and deal with the problem head on. We cannot wish it away.

Similarly, the labor movement also has to come to grips with drug abuse in the workplace. Some unions, such as the Transport Workers Union, the National Football League Players Association, and the transportation section of the Teamsters, have been very cooperative regarding employer efforts to implement drug testing as part of their drug abuse prevention programs. However, most unions are not doing their part to fight drug abuse. They need to reexamine their priorities, recognize that drug abuse threatens employees more than anyone in the workplace, and put their considerable resources and commitment into the war on drugs.

I issue a challenge to each and every one of you, to the organizations or companies you represent, and to all workers. The challenge is a call to arms in the war on drugs.

The business community faces many threats * * * threats from foreign competition, unwarranted government intrusion, a liability crisis, and labor instability . . . but the greatest danger to American employers if the escalating drug abuse problem that is poisoning our society.

You have no option. Join the front lines in the war on drugs.●

TAHOE RIM TRAIL

● Mr. **HECHT**. Mr. President, Lake Tahoe, the highest alpine lake in North America, is being made more enjoyable for Nevadans, Californians, and all Americans. A trial which will wind completely around this most spectacular lake is in the making. The Tahoe Rim Trail will be 150 miles long and will provide the opportunity for hikers, skiers, and equestrians to experience the lake's sights and be a part of her history. There will be rest areas, overlooks, picnic sites, campsites, and educational/interpretive centers along the trail. These conveniences will create an enjoyable atmosphere to view the lake and enjoy over 100 years of history; Washoe Indian hunting grounds and places where the first Nevada settlers obtained their supplies. In modern times interested Americans can enjoy the same peaceful and fragrant pine forests where the west's first Basque sheepherders tended their flocks.

Completion of the Tahoe Rim Trail is a highly desirable goal, there is a key to its completion: Volunteers. Volunteers from all over the United States become part of history while creating the trail through these two Western States. The board and the Tahoe Rim Trail Executive Committee are composed entirely of volunteers. They assist with trail planning, construction, maintenance, legal and administrative practices, publicity, fund raising and membership drives. They are given the opportunity to adopt programs, trail segments, or facilities. The volunteers have already laid 31 miles of trail through the basin's most rugged area. It is because of these volunteers that administrative and fund-raising costs are low and it is also because of them that the Tahoe Rim Trail is a bright vision in America's recreational future.

The Tahoe Rim Trail volunteers are not only performing a service for their Nation and making something for which they can be justly proud, they have saved valuable tax dollars. Throughout American history volunteerism had served as a particularly effective and cost efficient tool of accomplishment. They reflect the true spirit of America. The men who gave their lives in the War for Independence and those who worked to write the Constitution on which we founded a nation, were all volunteers.

Mr. President, I salute all these hardworking people. I congratulate them on the task they have chosen for themselves; which will be a source of pleasure and inspiration for all of us. I ask that an article from the Tahoe Tribune, June 1, 1988, which discusses this commendable volunteer program, be printed in the RECORD.

The article follows:

TAHOE RIM TRAIL'S FIFTH CONSTRUCTION SEASON BEGINS

(By Jim Dipeso)

Colorful images dissolve into and through each other—a vast expanse of blue water, a granite massif with time on its hands, lush green meadows, delicate spring flowers no human artist could hope to duplicate.

Many of the images include smiling people decked out in rugged shoes, comfortable shorts and hats, and manipulating digging tools on the roof of the Sierra. Enhancing the beauty shown in the elaborate slide presentation is a classy musical score.

"Doesn't it make you want to go out and work on the Tahoe Rim Trail?" enthused Vicki Raucci-Gonzales, heading into another building season as the trail's project director. The past weekend was the first of the summer on the trail's South Shore segment, while the Tahoe City work started a few days before. Work on the Spooner segment awaits a route review, she said.

The goal this year, the rim trail's fifth construction season, is to lay down another 15 miles, which would be a record. If that is accomplished, there would be 49 more miles to go, looking toward a day in 1992 when a 150-mile hiking, equestrian and cross-country skiing trail will circle the lake.

Ten miles were built last year, at a cost of $4,000 to $15,000 per mile, while over the last two years the rim trail's membership has ballooned by more than sixfold. A total of 31 miles have been laid down by volunteer trail builders.

The volunteers are getting into some of the Tahoe Basin's most rugged country. "We're at the base of Freel now," Raucci said. Freel Peak is Tahoe's highest, looking down on the lake from an elevation of 10,881 feet above sea level. Builders in the South Shore segment are moving north toward Star Lake.

Crews already face a 2½-mile hike via the Dangberg Camp Road, the "back door" as Raucci-Gonzales put it, before they can even start digging. In future years, that may necessitate expanding the number of weekend trail building camps, she said.

Two will be held this year, July 15–18 and Aug. 26–29. Trail builders camp out for four days, with food and supplies packed in by the Washoe County Posse. "We'll have a ball," she said.

The trail attracts an average of 350 volunteers annually, many of whom come from across the United States to work among the pine trees. "The phone is ringing off the hook. People are calling from New York, North Carolina, Pennsylvania for a volunteer vacation," she said.

Besides trail building, volunteers are used for route surveys, staking, membership drives, fund-raising and office work. "There's a phenomenal amount of stuff that needs to be done," she said.

For the first time, the trail builders will be guided by a U.S. Forest Service field person, David Alessio, which Raucci-Gonzales said has been needed because much of the trail is being built on national forest land. "It is his job to meet the crews, review the trail do's and don't's, just to provide that Forest Service presence that has been lacking," she said.

The rim trail is still waiting for the Forest Service to decide whether mountain bikes should be allowed on trail segments that traverse forest land. The rim trail organization has recommended a ban because of potential hazards to hikers and resource impacts. The bikers are banned from trail segments that go through Lake Tahoe-Nevada State Park.

Mountain bike riding, a fast growing outdoor sport, is an ongoing issue for the trail. Raucci-Gonzales said she continually receives "calls and letters from hikers who nearly got run off the trail."

The Pacific Crest Trail, which makes up a 55-mile segment of the rim trail, recently prohibited mountain bikes.

Another problem with the bikes is that "they are going around water bars and undermining the purpose of a water bar," which is to check erosion. The rim trail is striving to be a "low-impact" trail, she said.

If the Forest Service decides to allow them, the rim trail would have to be widened from two feet to three or possibly four, she said.

However wide the trail ends up, once the loop is completed, the rim trail organization will turn again to volunteers to keep it in shape. "The support from the community is fantastic," Raucci-Gonzales said. "Without it, we couldn't do anything."●

FIFTEEN MINUTE VOTE TOMORROW

Mr. **BYRD**. Mr. President, I should announce that the rollcall vote at 9:30 tomorrow morning will be a 15-minute rollcall vote.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **BYRD**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

EFFECTIVE DATE OF AUGUSTUS F. HAWKINS-ROBERT T. STAFFORD ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT AMENDMENTS OF 1988

Mr. **BYRD**. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 722, H.R. 4638.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 4638) to amend the effective date provision of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988.

The Senate proceeded to consider the bill.

AMENDMENT NO. 2362

(Purpose: To restore the right of voluntary prayer in public schools and to promote the separation of powers)

Mr. KARNES. Mr. President, I send an amendment to the desk on behalf of Senator HELMS and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. KARNES] for Mr. HELMS proposes an amendment numbered 2362.

Mr. KARNES. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . (a) This section may be cited as the "Voluntary School Prayer Act".

(b)(1) Chapter 81 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§1260. Appellate jurisdiction: limitations

"(a) Notwithstanding the provisions of sections 1253, 1254, and 1257 of this chapter and in accordance with section 2 of Article III of the Constitution, the Supreme Court shall not have jurisdiction to review, by appeal, writ of certiorari, or otherwise, any case arising out of any State statute, ordinance, rule, regulation, practice, or any part thereof, or arising out of any act interpreting, applying, enforcing, or effecting any State statute, ordinance, rule, regulation, or practice, which relates to voluntary prayer, Bible reading, or religious meetings in public schools or public buildings.

"(b) For purposes of this section, the term 'voluntary' means an activity in which a student is not required to participate by school authorities.".

(2) The section analysis of chapter 81 of title 28 is amended by adding at the end thereof the following new item:

"1260. Appellate jurisdiction: limitations.".

(c)(1) Chapter 85 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§1367. Limitations on jurisdiction

"Notwithstanding any other provision of law and in accordance with section 2 of Article III of the Constitution, the district courts shall not have jurisdiction of any case or question which the Supreme Court does not have jurisdiction to review under section 1260 of this title.".

(2) The section analysis at the beginning of chapter 85 of title 28 is amended by adding at the end thereof the following new item:

"1367. Limitations on jurisdiction.".

(d) The amendments made by this section shall take effect on the date of enactment, except that such amendments shall not apply to any case which, on such date of enactment, was pending in any court of the United States.

Mr. PELL. Mr. President, I would urge the distinguished Senator from North Carolina to withdraw his amendment to the bill before us, and offer it instead on H.R. 4585, the Taft Institute. We have had that legislation, which has passed the House, held at the desk. We took this action in order to expedite its consideration.

Mr. STAFFORD. I agree fully with Senator PELL's request to hold off consideration of the school prayer on the effective date technical amendment. It is critical that we pass the effective date technical amendment as sent over from the House without any change. We need to do this yet today so that it may be sent immediately to the President. The Department of Education yesterday sent a letter to school districts indicating that their payments under the major elementary and secondary education programs will be delayed indefinitely should Congress fail to act expeditiously to postpone the effective date. As Senator PELL has indicated, we have had the Taft Institute reauthorization placed on the calendar for consideration in order to expedite its consideration. I would therefore strongly urge the Senator from North Carolina to withdraw his school prayer amendment from H.R. 4368, and hold its consideration until we turn to the reauthorization of the Taft Institute.

Mr. HELMS. I appreciate the interest that the Senator from Rhode Island and the Senator from Vermont have in moving H.R. 4638. I never intended to impede passage of this legislation. I was—and am—simply exercising my rights as a Senator to offer amendments containing legislation which is considered important and which the people in my State elected me to pursue.

I intended to offer the amendment to H.R. 4368 because it would be obviously and totally germane to the bill. It makes corrections to the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 enacted earlier this year. Our children in our elementary and secondary schools are being denied the right to pray in schools, a right which I believe is far more important than any program Washington could ever create. In fact, I am convinced that the survival of our Republic hinges on our return to Judeo-Christian values. What better place to start than in America's classrooms?

I will consider their suggestion to attach my school prayer legislation to the Taft Institute reauthorization bill, H.R. 4585, but I cannot commit to being limited to that bill because there are other bills to which I can attach my amendment. I wish to leave my options open in that regard.

Mr. KARNES. Mr. President, I ask unanimous consent to withdraw the amendment by the Senator from North Carolina [Mr. HELMS].

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. PELL. Mr. President, H.R. 4638 makes a necessary change in the effective date of several programs authorized under the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, Public Law 100-297. The July 1, 1988, date currently contained in law creates several problems in the administration of—and payments under—a number of programs reauthorized under the Omnibus Elementary and Secondary Education Act. In order to correct these problems, H.R. 4638 would postpone the effective date for certain programs included in Public Law 100-297 from July 1, 1988, to October 1, 1988.

These effective date changes were made in close consultation with the Department of Education. They represent consensus among the members of the Education Subcommittee. It is critical that we move this amendment quickly in order that we may correct this problem before July 1 of this year and I thank the Senator from North Carolina for withdrawing his amendment at this time.

Mr. STAFFORD. Mr. President, I rise today in support of H.R. 4638, "A bill to amend the effective dates of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary Improvement Amendments of 1988." By selectively changing effective dates, allocation of funds to many reauthorized education programs will be expedited. An October 1, 1988, effective date makes it clear that fiscal year 1988 funds are to be distributed by the Department of Education according to schedule. A change in date further assures that funds are disbursed under the terms of the law under which they were passed.

As well as changing the effective date for specific education programs, this bill makes technical changes to programs where current law is in need of correction. Like the change in date, technical corrections will have the effect of making education programs in the newly passed amendments of 1988 clearer and more readily used by the education community. I urge my colleagues to join me in support of this bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no further amendment to be offered, the question is on the third reading and the passage of the bill.

The bill (H.R. 4638) was ordered to a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 4638) was passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. KARNES. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPROVAL OF GOVERNING INTERNATIONAL FISHERY AGREEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 721, H.R. 4621.

The PRESIDING OFFICER. Without objection, it is so ordered.

The legislative clerk read as follows:

A bill (H.R. 4621) to provide Congressional approval of the Governing International Fishery Agreement between the United States and the Government of the German Democratic Republic.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 4621) was ordered to a third reading, was read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. KARNES. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

ORDERS FOR WEDNESDAY

ROLLCALL VOTE

Mr. BYRD. Mr. President, I ask unanimous consent that the vote that was earlier set for 9:30 a.m. tomorrow be reset for 10 a.m. under the same conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:15 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:15 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that after the two leaders, or their designees, have been recognized under the standing order of tomorrow, there be a period for morning business to extend until the hour of 10 a.m. and that Senators may each speak for not to exceed 10 minutes during that period.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, the first rollcall vote will occur tomorrow at 10 o'clock. That will be a 15-minute rollcall vote with the call for the regular order to occur automatically.

Upon the disposition of the energy and water appropriations bill, it would be my intention to move to take up the military construction appropriations bill, and I would anticipate at least one rollcall vote in relation to that bill and probably more.

The welfare reform bill is the pending business. It retains the pending business status, and there could very well be action on amendments to that bill tomorrow. I would hope there would be, and I understand that negotiations will be renewed tomorrow morning at around 9:15 or 9:30 a.m. It may very well be some understandings could be hammered out which would enable the Senate to work its will and its way through final passage on that bill tomorrow.

RECESS UNTIL 9:15 A.M. TOMORROW

Mr. BYRD. Does the distinguished Senator from Nebraska have anything further he would like to say or any business he would like to conduct?

Mr. KARNES. No further business, Mr. President.

Mr. BYRD. I thank the Senator.

Mr. President, if there be no further business to come before the Senate, and I see no Senators seeking recognition, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 9:15 tomorrow morning.

The motion was agreed to; and, at 7:22 p.m., the Senate recessed until Wednesday, June 15, 1988, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate June 14, 1988:

DEPARTMENT OF STATE

RICHARD CLARK BARKLEY, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE GERMAN DEMOCRATIC REPUBLIC.

AMBASSADOR

C. PAUL ROBINSON, OF NEW JERSEY, FOR THE RANK OF AMBASSADOR WHILE SERVING AS THE U.S. NEGOTIATOR FOR THE NUCLEAR TESTING TALKS.

THE JUDICIARY

ROBERT P. PATTERSON, JR., OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK VICE WHITMAN KNAPP, RETIRED.

DEPARTMENT OF JUSTICE

DENNIS C. VACCO, OF NEW YORK, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF NEW YORK FOR THE TERM OF 4 YEARS VICE SALVATORE R. MARTOCHE, RESIGNED.

DEPARTMENT OF DEFENSE

KEN KRAMER, OF COLORADO, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE MICHAEL P.W. STONE.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

RICHARD K. ARCHI, OF NEVADA.

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

JOHN D. PERKINS, OF VIRGINIA.

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

ROBERT W. MILLER, OF CALIFORNIA.

JAMES A. MOORHOUSE, OF VIRGINIA.

EXTENSIONS OF REMARKS

PRESIDENT REAGAN ADDRESSES OUR NATIONAL CONFERENCE ON A DRUG-FREE WORKPLACE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. GILMAN. Mr. Speaker, last week I was afforded the opportunity to attend the National Conference on a Drug-Free Workplace, held here in Washington, DC. This productive and informative conference was conducted to support major initiatives to address abuse in the workplace.

Although representatives and CEO's of many, major corporations participated in this event, the bulk of the credit for bringing the conference together goes to the Hoffman-La Roche Co.

The president and chief executive officer of Hoffman-La Roche, Irwin Lerner, cited the President's call in his State of the Union Address for a "renewed commitment" against the use of illicit drugs and called upon the CEO's of the Fortune 500 companies "to join me in responding to this challenge."

President Reagan sounded the clarion call for a drug-free workplace in this keynote address to the assembled participants. I was so impressed with the President's remarks that I would like to share them with our colleagues, and ask that they be reprinted in full at this point in the RECORD.

NATIONAL CONFERENCE ON A DRUG-FREE WORKPLACE

Thank you, Irwin Lerner. Thank you all. It is a pleasure to be here with you to participate in this National Conference on Corporate Initiatives for a Drug-Free Workplace. I am delighted by the strong leadership that the business community is showing in this vital effort. And I thank Congressman Gilman who is here with us today, for his long, continuing efforts in fighting narcotics.

You know, I have been speaking out about the problem of illegal drugs for a very long time now. When I began doing so as Governor of California, the times were very different. In fact, a conference of this type would have been unlikely—and had it been held, there probably would have been pickets out in front.

Well, when I arrived here today there were no pickets, no petitions, no demonstrations, no protests—so we circled the block a couple of times while we checked that this was the right hotel. But the truth is that attitudes toward illegal drugs really have changed: We can see it in the media, we can see it among our youth, and we can see it on the floor of Congress.

Though the struggle for a drug-free America has not yet been won, the moral and cultural battle to define the threat of illegal drugs is clear—and it is all of us who are on the winning side, part of the overwhelming consensus against illegal drugs in America.

An important symbol of that consensus and of the distance that we have traveled as a society is that our drug policy today is one of "zero tolerance." That means absolutely, positively, none—no exceptions.

I have to tell you that I am especially proud of the anti-drug work that Nancy has done that has changed the way that we talk and think about illegal drugs. It was not that long ago that the message to our young people was that experimenting with illegal drugs was not only harmless, but was a good thing, an instant path to popularity and sophistication. The social stigma all too often was not on the drug user, but on the young person who refused to try drugs. As I have said before, the tragic fact is that many young people began using drugs not to rebel or escape, but just to fit in.

In many ways our country is still paying for the erosion of our values and the decline in self-responsibility that occurred in the 1960's and 1970's. The students of that period who used illegal drugs in high school or college have, in many cases, taken their destructive drug habits with them into their places of employment. What we have found is that drug users at work pose a threat to their co-workers and represent a corporate crisis and a national catastrophe.

What was once defended as a so-called "victimless crime," we now find is costing America billions of dollars a year in lost productivity. We are finding that drug users are 2 or 3 times more likely to skip work as non-users—and 3 or 4 times as likely to be involved in accidents when they do show up. They are more likely to steal from their employers, and their health care costs are substantially higher. It is no surprise that 92 percent of all Americans say they don't want to work around someone who gets high during the day, and who can blame them? Having seen the damage caused by illegal drugs in the workplace, our message is simple: Let's get those blasted drugs out, now.

The good news is that there has been a major change of attitude in America, and the work that you are doing is an important part of it. The momentum has shifted from those who celebrated the drug sub-culture to the people who just say no and help others to do the same. Illegal drugs and drug use are not being tolerated anymore.

Yes, the enemy—illegal drug use—is still out there and still a threat. But today illegal drug use is an enemy that has no defenders. Not only is an ever-increasing number of Americans personally rejecting the use of illegal drugs, but the country as a hole is moving to deglamorize and depopularize their use.

Law enforcement authorities, such as the police, the Coast Guard, the Drug Enforcement Administration, and the Customs Service, are critical players in the war on drugs. But there are limits on what can be accomplished on the "supply side." There must also be stern social sanctions on the user of illegal drugs and broad societal support for individuals being drug-free.

It is this change in attitudes that, I believe, makes total victory in the war on drugs not just possible, but ultimately certain. The glamorizing of drugs in film and music that as so much a part of the "progressive" culture has declined and instead the most popular stars and sports celebrities are warning our young people that using drugs is dangerous for their health—and bad for their image. We are also becoming increasingly intolerant of illegal drugs on our college and university campuses. And employers are stating right up front that illegal drug use will be hazardous to their workers' careers.

Some very encouraging news about the prospects for a drug-free work force came in last year's annual survey of high school seniors. The survey showed that the "Just Say No" message is getting through to the new generation of workers: Almost all students said it was wrong to even try a drug like cocaine. And the percentage of students who indicated that they were currently using illegal drugs was lower than in previous years.

You in the business community are playing a critical role in America's transition to a drug-free society. You are providing drug education to your employees. You are offering counseling and treatment to help men and women escape from drug dependency. You are providing drug testing to help deter and detect illegal drug use. And you send a strong message to your work force and community that your company has "zero tolerance" for illegal drugs and that users must be held responsible for their illicit drug use. You make it clear that not only are drug users not part of the "in crowd," but unless they quit taking illegal drugs they will be part of the out-of-work crowd.

Most importantly, in everything you do, you keep the focus on the user. This is vital. We are confiscating more drugs at the border than ever before in history. We are convicting more drug dealers and giving them longer sentences. We are eradicating more drug fields around the world, devoting more resources to drug enforcement than ever before, and bringing the military into an unprecedented level of support in the battle against illegal drugs.

But in the final analysis, the focus must be on the user. Because so long as there is a demand for illegal drugs, there will be a powerful financial incentive for drug traffickers to satisfy that demand. Ultimately, the solution requires transforming illegal drug-users into non-users. And the anti-drug programs you are conducting in the workplace are an essential part of this effort.

As you work to get drugs out of your offices and plants, it is important to remember that the problem of illegal drug use is a global problem. You may know, for example, that Nancy, in addition to all that she has done at home, has organized two international conferences of First Ladies to discuss the drug problem, one held at the White House, the other held at the United Nations. And just this afternoon, Nancy will be addressing 1,300 women from countries around the world who are attending the World Gas Conference. So, in many nations and in many languages, there are young people learning the words "Just Say No."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I hope that the leading role taken by American business to get illegal drugs out of the workplace will be expanded here at home and duplicated abroad. Some people may look at the drug problem and throw up their hands, not knowing where to begin. Then there are people like you who look at the drug problem and roll up their sleeves and get to work.

What you are doing is making a real difference. Drug education, counseling, treatment, and testing: These are powerful tools.

I am proud that American business has willingly taken on this vital effort. By doing this, you are helping your co-workers, you are helping your companies, you are helping the American economy, and you are helping to bring us closer to fulfilling our goal of a drug-free America.

Thank you all and God bless you.

ST. CATHERINE'S MILITARY SCHOOL WEEKEND, APRIL 21-23, 1989

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. DORNAN of California. Mr. Speaker, I would like to proudly announce to my colleagues that the weekend of April 21-23, 1989, is designated "St. Catherine's Military School Weekend." St. Catherine's Military School, which has been an integral part of the Anaheim community, will be celebrating its 100th anniversary in 1989.

St. Catherine's Military School was founded by the Dominican Sisters of Mission San Jose in 1889, in the same year the county of Orange was founded. Over the past century, we have seen tremendous growth in Orange County, and St. Catherine's Military School has educated young men whose contribution ensured that growth.

As the members of the Anaheim community well know, St. Catherine's Military School prides itself on its high standards of academics, military training, and religious appreciation. Its faculty has earned a wide reputation for its devotion, skill, and guidance. Its student body is well known for its excellence and participation in community activities.

I am extremely proud to represent the students, faculty, and families of St. Catherine's Military School and give them my highest commendation for their success over the last century. Mr. Speaker, I ask my colleagues to join with me in wishing this outstanding school many more years of success and in offering our congratulations by proclaming April 21, 22, 23, 1989, "St. Catherine's Military School Weekend," an honor which is undoubtedly well deserved.

A DENIAL OF THE RIGHTS OF FEDERAL EMPLOYEES

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. SOLARZ. Mr. Speaker, as a member of the Subcommittee on Civil Service of the Committee on Post Office and Civil Service, I have long been a supporter of our Federal employees. As part of the compensation package we offer our employees for their efforts on our behalf, we have made a commitment to offer adequate health insurance coverage for themselves and their families.

As we draw near to passing the Treasury, Postal Service and General Government Operations appropriations bill for fiscal year 1989, I would like to remind my colleagues that we are not fully honoring that commitment.

While we provide insurance coverage for most medical services, we deny our employees coverage for the full range of medical options if they or members of their families are raped or are victims of incest. Under this legislation, the insurance plans offered to Federal employees and their dependents may cover abortion services only if the life of the pregnant woman would be endangered if the pregnancy were carried to term. By denying a rape victim access to all available medical options, we are breaking a promise we have made to our Federal employees and their families.

Insurance coverage through the Federal employees health benefits plan is compensation earned by Federal employees and not Federal payment for abortions. Health insurance is a benefit earned by Federal employees for which they pay 40 percent of the cost; it is part of their total compensation package. A reduction in these benefits constitutes a reduction in their wages.

The presidents of the major unions representing Federal employees believe that antiabortion restrictions imposed by Congress in the FEHB program pose a dangerous threat to the collective-bargaining rights of unions. In a letter to Members of Congress in 1981, several union presidents, including the presidents of the American Federation of Government Employees; American Federation of State, County and Municipal Employees; American Postal Workers Union; National Association of Government Employees; National Association of Letter Carriers; National Federation of Federal Employees, and the National Treasury Employees Union stated:

> We believe that the [antiabortion] restriction constitutes an unwarranted attempt by Congress to inject itself into the collective bargaining process by eliminating a medical benefit which Federal employees have negotiated as part of their total compensation package.

Further, the antiabortion restrictions set a dangerous precedent for the curtailment of other benefits earned by Federal employees.

A limitation imposed by Congress on the specific benefits that may be offered under FEHB is an inappropriate intrusion into the determination of employee benefits. Historically, the Federal Government has limited its involvement in the FEHB to negotiating the level of benefits and administering the funds. The antiabortion restriction goes far beyond Congress' traditional role. This extension is a significant and unnecessary increase in the role Congress has traditionally played and is an infringement on the rights of employees and their organizations to negotiate benefit packages.

Beyond being a denial of benefits to which they are entitled, I would also like to state that I feel these regulations are bad policy. Many people who are personally opposed to abortion for religious or moral reasons also believe that it is wrong to impose their values by civil law on everyone. You don't have to like abortion to respect the right of choice.

Abortion is not a luxury item but a necessary component of women's health care. The Government has decided to provide health care for the needy, and it should not eliminate any medically necessary care. To deny poor women abortion services while paying for childbirth is unfair. For this reason I support Federal funding of abortions under the Medicaid Program. Denying coverage under the Federal Employees Health Benefits Program goes even further, denying access through a program for which these policyholders share financial responsibility. It removes reproductive freedom and defies both common sense and humane public policy.

I believe that the Federal Employee Health Benefits Program should be truly comprehensive. FEHB should cover childbirth and abortion as well as family building services. Legislation introduced by my colleague, chair of the Civil Service Subcommittee, Representative PAT SCHROEDER, would ensure that infertile couples would have the same rights to control their own family growth as others. I commend her for this compassionate and thoughtful measure, and I am proud to join her as a cosponsor.

Whether you adopt, attempt in vitro fertilization, give birth to a child, or decide for your own personal reasons that you can't continue a pregnancy, the choice should be left to the individual. Regulating what benefits can be provided to certain classes of employees is an unfair limitation of those rights.

I urge my colleagues to reconsider the prohibition against allowing insurance policies for Federal employees to cover abortion services and, at the very least, restore insurance coverage when the pregnancy is a result of rape or incest. Some 5.4 percent of rape victims become pregnant. Forcing a woman to bear a rapist's child is further torture of the victim of a heinous crime.

To those who would reverse the progress we have made since the Supreme Court's historic decision in Roe versus Wade, I would urge that you examine your conscience. Do not allow the voices of a vocal minority—for they are indeed a minority—to make a decision which will affect the lives of our mothers, our sisters, our wives, and our daughters. A decision which rightly rests with the woman herself, and a decision which none of these women take lightly.

LaFALCE INTRODUCES BILL CLARIFYING RISK-BASED ASSESSMENT AUTHORITY

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. LAFALCE. Mr. Speaker, today I am introducing legislation that would clarify the authority of the Bank Board to impose special assessments on a risk-related basis. Chairman Wall has recently expressed concern as to whether the Board has the authority to implement its proposed risk-based assessment system. I believe that the Board clearly has the residual authority to do so, and I would urge that they move forward with a program that would vary the assessments based on risk. But, experts disagree as to their legal authority and it is imperative that this uncertainty not delay Board implementation of the new system. It is for this reason that I seek a clarification of the statutory language.

Last year under CEBA, the Congress called for a 5-year phaseout of the special premium assessment that the Board is authorized to impose. It was our hope that the progress made under the FSLIC recapitalization plan would significantly reduce the financial pressure on FSLIC and allow the phase-down to go forward.

Unfortunately, we are far from making the progress we had hoped. The CEBA legislation gave the Board discretion not to implement the requirement if it believed that severe pressures on the system continued. On April 1, the FHLBB announced that it would not begin the phaseout of the special assessment, citing the serious financial strains on the system that remain.

Many in the industry have accused the Board of breaking faith. But the financial pressures FSLIC façes are very real. Congress provided an escape valve for a reason, however much we hoped it would not need to be used. The Board's acknowledgement of how serious the problems are cannot be taken lightly.

But the industry reaction is justified. These special assessments put debilitating burdens on our healthier thrift institutions. The extra pressure is particularly damaging to institutions that are weak, but may still be viable. A program that sacrifices the healthier thrifts to the failing ones is no program at all.

It is particularly disturbing that projections recently provided to the Senate Banking Committee by Chairman Wall assume leaving the special assessment in place through 1995. I believe that maintaining the special assessment for any significant time period in its current form may well cause far more problems than it will solve. Some adjustment must be made.

Maintaining the special assessment will also prompt departures from the system. The cost of staying in FSLIC may be much higher than the penalties imposed on S&L's leaving the system if the special assessment remains in place.

As of August 10 when the CEBA moratorium expires, healthy S&L's that qualify for FDIC insurance will be able to leave FSLIC and transfer to FDIC insurance. Many have warned that if the special assessment on S&L's continues much longer, or if their debt obligations are increased beyond their current level through a further recapitalization, they will seek to do so. Circumstances would seem ripe for flight.

On May 26, in conjunction with Chairman ST GERMAIN, I introduced legislation extending the moratorium for 1 year. Frankly, we must once again buy time. I do not like that. But I am increasingly dubious that we have any real choice. For a limited period of time, I believe we must maintain a certain level of stability as we work together to seek more fundamental and permanent solutions to industry problems.

But I am only too aware that it is impossible to make the system work by holding healthy institutions hostage and depleting their resources. If we are to consider extending the moratorium, such action must be coupled with responsible efforts to alleviate undue burdens on both healthy thrifts, and those that are not as healthy, but nonetheless well-managed and still basically sound.

The Board's proposed adoption of a risk-based assessment is, I believe, an important step in the right direction. I support that effort. However, I do have some serious reservations about elements of the proposal. The Board would choose to measure risk by capital levels. Clearly, capital levels create the necessary buffer for the insurance fund. But other factors, such as quality of assets and management capability must be taken into account. A thrift with a 4-percent capital level and a very conservative portfolio should not necessarily be judged to be in a far riskier position than a thrift with 6-percent capital and a high percentage of high-risk investments.

It is also imperative, in my view, that any risk-based system hold out significant relief for those institutions that may not be completely healthy but can be turned around and become strong members of the industry, making a positive contribution to the financial health of FSLIC. One option the Board is considering would cut the assessment for this group by 50 percent. An even greater inducement should be considered, even if that might mean maintaining some drastically reduced assessment on the healthiest institutions.

The bill I am introducing would only clarify the Board's authority. It does not mandate implementation of a risk-based system. It is designed to make it clear that the Board, in exercising its authority to impose a special assessment, may impose such assessments on a risk-related basis if it so decides. As drafted, the provision would allow the Board to use formulas based on elements of risk other than capital.

The language is also designed to make it clear that the Board, in exercising its authority, can reduce the special assessment to amounts below the phaseout levels provided for in CEBA or even eliminate it for institutions which meet the risk criteria established. The provision would also permit the Board to provide a multitiered set of incentives through which increased reductions in the assessment would apply to institutions meeting successively greater reductions in levels of risk.

There is a growing trend toward risk-based premiums in our financial services insurance systems and for good reason. As pressures on the systems increase and our financial services firms engage in an increasingly broader array of activities, prudence would dictate that we take risk-related factors into account in determining contributions to the safety net. Those institutions which pursue a high-risk strategy in the hope of high returns must be willing to provide an additional buffer for the funds which ensure their ultimate safety and soundness.

I would welcome the support of my colleagues.

A NEW ERA FOR UNITED STATES-SOVIET RELATIONS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. GINGRICH. Mr. Speaker, the following is a Wall Street Journal editorial about the outlook for United States-Soviet relations by a departing President. I would urge each of my colleagues to read this editorial:

[From the Wall Street Journal, June 8, 1988]

A NEW ERA

At his post-summit stopover in London last week, President Reagan delivered an important speech at the Royal Institute of International Affairs. In it Mr. Reagan consciously tries to erect a bridge between the accomplishments of his presidency and the politics to follow. "Quite possibly," says the American President born in 1911, "we are entering a new era in history." Surely he's right.

No doubt the Soviet Union and its relations with the United States are bound up in this new era, but it seems that Mr. Reagan has in mind something larger and more visionary than the events that took place in Moscow a fortnight ago. He is doing exactly what the world should expect from a two-term President. He is identifying the likely direction of a turning point in history.

As he noted at the Royal Institute, the "hard evidence" on totalitarianism is in. Theoretical broadsides against the system are hardly necessary any longer. Whatever it is that the Soviet Union thought it was doing with the people under its control the past 70 years, it doesn't work and it never will work. It cannot endure, because it cannot sustain itself.

Insofar as he has been arguing most of his political life against the Sovietization of nations, it isn't surprising that in the wake of *glasnost* and *perestroika* Mr. Reagan has gone gaga over the realization that the great debate ended during his presidency. Counterweights to Mr. Reagan's excesses of enthusiasm will emerge because unlike in Eastern Europe or Singapore, it's possible in true democracies for men and women to freely publish refining opinions.

On Monday in Tokyo, for instance, Defense Secretary Carlucci said something that all analysts, businessmen, bankers and future U.S. Presidents should hold in mind: "If the end result is that the Western alliance relaxes its defense effort and the Soviet Union modernizes its industrial and technological base, and if some time in the 1990s it ends up as a society that can produce enormous quantities of weapons even more effectively than it does today, then we will have made an enormous miscalculation."

Secretary Carlucci's helpful remarks are complemented by a strong piece in the New Republic by Soviet specialist David Satter. Mr. Satter's analysis of the Soviet future isn't hopeful: The reforms are being carried out within the established political framework of Leninist social control, and the reformers aren't offering workers positive incentives to work harder. Mr. Gorbachev asks workers to assume all the risks of capitalism, with no significant upside. The reforms are self-limiting, and in Mr. Satter's view will fail.

So the Soviet future will remain the subject of vigorous and it is hoped realistic discussion. President Reagan is certainly correct, however, in pressing his listeners to recognize that he is leaving office with some of the world's most fundamental organizing assumptions radically changed.

Democracy and totalitarianism, for example, will still compete but not, as in the past, for political legitimacy. Totalitarianism, with its command economies and command societies, is bankrupt. It kills economies but remains effective as a grim system of political control. No one anymore has to give the time of day to the Ortegas, Mengistus or UNESCOs of the world talking about "liberation" and Marxist social justice. Any national leader who persists in this economic road to ruin as a legitimating principle is clearly in business for the power, period. It may help democratic leaders (and maybe even America's Congress) to see their security needs more clearly if they can assume they're dealing with thugs and thieves, not "revolutionaries."

Indeed, the one truly revolutionary assumption at loose in the world now is economic: Economies flourish in free markets. If what we expect the Soviets, Chinese, East Europeans or Africans to evolve into is benign democratic socialism, we haven't learned a thing. They will sink, The U.S, much of Western Europe, Asia (including the Commonwealth nations), Canada and even developing countries such as Turkey are reordering their economies—their system of incentives—to exploit the revolution in technology and communications.

If their national leaders don't screw it up, the world's free-market democracies have the potential to realize enormous advances and benefits for their peoples. Perhaps the greatest challenge for national leadership in this context is ensuring that the world's trading system becomes more open, stable and predictable, not least so that developing nations willing to embrace free-market principles can benefit.

It's hardly surprising that as he surveys this future, Ronald Reagan feels exhilarated. His optimism about the Soviet future may be overstated, but in his London valedictory to the world he also said, "Let us be wary, let us stay strong, and let us stay confident." That sounds to us like good advice from a successful, departing President.

RAISE THE MINIMUM WAGE

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. GARCIA. Mr. Speaker, I am submitting for the RECORD an editorial which appeared in the Washington Post on June 7, 1988.

I believe the editorial, entitled "Minimum Decency," brings out many interesting facts and realities about raising the minimum wage. I agree with the editor's position that the current wage structure is far too weak to help working families lift themselves up out of poverty. A minimum wage increase is long overdue.

I urge my colleagues to read this short piece, and vote for H.R. 1834, the Minimum Wage Restoration Act, when it comes up on the floor.

[From the Washington Post, June 7, 1988]

MINIMUM DECENCY

The minimum wage has been stuck at $3.35 an hour for more than seven years, during which it has lost a fourth of its purchasing power. An increase in the minimum would do more than any other bill before the Democratic Congress to reduce the poverty rate and narrow the ominous income gap between rich and poor, which in recent years has widened. So if not the creaky Senate surely at least the House, where the Democrats hold a 3-to-2 majority, will raise the minimum easily, right? Wrong, sad to say.

The Democrats purport to be the party of social conscience, to be moved by the cause of poor children especially. The children's poverty rate is near 20 percent. But Harvard economist and welfare expert David Ellwood says in a new book that half of all poor children live in two-parent families as opposed to the single-parent model around which so much debate revolves—and that in almost half of the two-parent families, one adult works full-time year-round. The wage structure is too weak to lift those families above the poverty line. The faded minimum wage is part of that. When increased to its current level on Jan. 1, 1981, it was about half the average hourly wage in the economy. Now it is a third. Then, a person who worked full-time year-round at the minimum could earn 96 percent of the official poverty line of a family of three. Now the same effort yields 74 percent of that threshold amount.

The House Education and Labor Committee has reported out a bill that would restore the minimum's purchasing power by lifting it to $5.05 over four years. The last increment was added as a bargaining chip in place of an indexing provision lost in committee; a better measure of the bill is the goal of $4.65 over three years. Five million people now work at the minimum or below (some jobs are exempt), and another 9 million work in the zone the bill would directly affect; these are a seventh of the work force altogether.

Critics are right to say that a higher minimum would mean the loss of some jobs, as employers struggled to absorb the cost. But many more people would gain from an increase than would lose. Most opponents aren't trying to maximize employment; they're trying to hold down wage rates. Too many Democrats are reluctant to offend.

The party leadership needs to crack the whip on this issue. We don't just mean Jim Wright and Tom Foley in the House, but Jesse Jackson, Michael Dukakis, the people who would restore the party to national leadership. We don't just mean lip service, either; they should actively lean on the balking Democrats. What better measure exists of what the party still stands for, of whether it makes a dime's worth of difference who wins in November, than this bill to restore a few dimes' worth of decency to the work place?

NO TIME FOR CELEBRATION

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. BONKER. Mr. Speaker, the trade data for the month of April was released earlier today and many in Congress are celebrating the 15-percent drop in the trade deficit. While it may be true that the plunge in the dollar has contributed to an increase in our exports relative to our imports, the decline in April's trade deficit, by itself, is no cause for celebration.

The unadjusted trade deficit figures for the months of January and February of this year were $12.4 and $13.8 billion respectively. Last month, the Department of Commerce announced that the deficit for March registered $9.7 billion. At a later date the Department gave notice that the adjusted figure for March was not a welcoming $9.7 billion, but rather a disappointing $11.7 billion. While April's deficit of $9.8 billion is encouraging, we cannot ignore the fact that we are still faced with an enormous trade imbalance; an imbalance that is representative of the poor management policies and strategies of the Reagan administration.

During the last 8 years, this country has been forced to experience a dramatic decline in our Nation's competitive position vis-a-vis our trading partners. Because of misguided policies of the current administration, 6 million individuals have lost their jobs in the manufacturing sector while millions of other jobs have gone offshore. The American work force—the backbone of the Nation's economic stamina—has been poorly served for almost a decade.

In the last several weeks we had a chance to demonstrate to our labor force that we have not forgotten the sacrifices they were forced to endure as imports from more competitive countries poured over our borders. When imports exceed exports we are left with a deficit, and a deficit is the first sign of future employment losses. While we cannot and should not construct a wall around our Nation to protect ourselves from further increases in foreign-made products, we can and should recognize the need to make adjustments to become more competitive. Unfortunately, streamlining our industrial base often translates into lost jobs community upheaval. Democrats understand, therefore, that the absolute minimum we should provide our constituents is advance notice of massive layoff or plant closing. Congress could have done so by overriding the President's veto of the omnibus trade bill.

The President and his fellow Republicans lobbied hard to defeat H.R. 3 and they succeeded. Their success is the Nation's loss and this will not be forgotten in November. Half promises of a new trade bill—one without a plant closing provision—have only fueled the anger from the labor sector.

We may or may not have the opportunity to construct a new trade bill in this 100th Congress. We have already been informed that the administration will do everything in its power to defeat legislation containing mandatory notification of plant closings and massive layoffs.

So when you look at the April figures, don't think of celebrating—think instead of the millions of lost jobs those figures represent and how we owe it to our constituents to rectify the damage brought forth in the last 8 years.

A CONGRESSIONAL SALUTE TO DR. WALLACE EARL MORGAN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to a notable citizen in my area, Dr. Wallace Earl Morgan. Dr. Morgan will be honored on Saturday, June 18, 1988, as the outgoing president of the Long Beach Medical Association at their annual Installation Dinner Dance. This occasion gives me the opportunity to express my appreciation for his work on behalf of the Long Beach community.

Wally Morgan is a learned and accomplished man. He obtained a bachelor of arts degree from California State University at San Francisco, a doctorate in osteopathy from the College of Osteopathic Physicians and Surgeons, and a doctorate of medicine from the California College of Medicine. He is a veteran of World War II, having served in the U.S. Navy from 1942 to 1946. He has had a distinguished career as a veteran, a medical doctor, and a professor of medicine. He has served as an assistant clinical professor with the Department of Family Medicine at UCLA, and has served as a member of the Family Practice Planning Committee with the Post Graduate Division of the USC School of Medicine.

Despite this demanding career, Wally has found the time to contribute many hours to various professional organizations. He has served as president of both the Long Beach and the Los Angeles Chapters of the California Academy of Family Physicians, and is the past president of the Long Beach Physicians Health Plan. In addition, Wally is a member of the Long Beach Medical Association, the Los Angeles County Medical Association, the California Medical Association, and the the American Medical Association. He is also the outgoing president of Long Beach District 3 of the Los Angeles County Medical Association.

My wife, Lee, joins me in extending our congratulations to Wallace Earl Morgan on this special occasion. Dr. Morgan is a truly remarkable individual. He is a man who has devoted his talents and energies to enriching the lives of other people. On behalf of the city of Long Beach, we wish Wallace, his wife Melina, his three daughters Trisha, Melinda, and Alana, and his grandchildren Belise, Olivia, Matt, Tyler, and Christopher, all the best in the years to come.

THE MEANING OF MEMORIAL DAY

HON. JAMES McCLURE CLARKE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. CLARKE. Mr. Speaker, David Broder has written an eloquent reminder of the significance of Memorial Day. I recommend it to my colleagues:

A TIME TO REMEMBER . . .

(By David S. Broder)

It was dusk. A stiff, cold wind blew off the Potomac and moved the trees on the Mall. In the light of the setting sun, the long shadows of their swaying branches danced on the grass like faded banners. A steady flow of people—in the hundreds—moved down the sloping path and up the other side past the dark wall that is the National Vietnam Veterans Memorial.

Since its dedication in 1982, the wall has outdistanced all the older monuments and museums as the destination for visitors to Washington. People come at all hours of the day and night, some just curious, seeking another photo to add to the album of sights they have seen. But for many, it is a time of communion with their past, their country's past—an every-day and every-night Memorial Day.

Maya Lin's strikingly simple design makes the memorial a place of repose, but also a place for reflection, a place where questions are asked and answered. On this particular evening, seven teen-age boys were standing in a knot, puzzling over the dates of the recorded deaths. "I heard Kennedy started it," one said. "It must have been Eisenhower," another guessed. "Kennedy was in the '60s and there are some [casualties' names] from 1959."

A Latin American visitor exclaimed to his host, "Sixteen years! I didn't realize you were there so long." "Yes," the other man said, "it went on a long time. A real long time."

A black father bent down to answer the question his 3-year-old son had asked. "It's in Asia," he said. "A small country in Asia. A long way from here."

On this evening shortly before Memorial Day, people were wedging their little cloth and plastic poppies into the cracks between the marble tablets bearing the names of almost 58,000 Americans who died in that war. Red roses were strewn at the base of the wall. A large memorial wreath had a streamer, "Friends, you are not forgotten."

At several places, people were taking rubbings of the names of those they had known, people from their home towns. A high-schooler in Washington on a class trip searched for and found the name Keith M. Johnson and went determinedly to work with soft pencil and paper, transferring the image. He told a classmate, "He was my father's best friend."

And, of course, it is true that many of the Vietnam vets, including those who died in that struggle, have children now of high-school age—or older. A whole generation has grown up since that war scarred the nation and, for them, it is as remote as the other wars they read about in history books.

This generation has not faced the draft. If some of them choose military service, it is really because they choose it. Death and injury are things that threaten them and their friends on the highway, not on the battlefield.

For them, the site of the Vietnam Memorial carries a special message. At one end, the ascending path points them to the Washington Monument, a reminder that this nation gained its freedom through military conflict and that our first hero-president was the general who won that war.

At the other end, the path leads to the Lincoln Memorial, filled with memories not just of the 16th president but of the Civil War in which he, like so many other thousands, preserved the Union at the sacrifice of his own life.

In the magnificent account of that struggle, "Battle Cry of Freedom," published earlier this year, Princeton University historian James M. McPherson quotes the description a Union cavalry officer gave of the scene on July 2, 1862, after a Confederate attack had been repulsed at Malvern Hill, near the James River in Virginia.

"Our ears had been filled with agonizing cries from thousands before the fog was lifted," he wrote, "but now our eyes saw an appalling spectacle upon the slopes down to the woodlands half a mile away. Over 5,000 dead and wounded men were on the ground. . . . Enough were alive and moving to give the field a singular crawling effect."

A Confederate soldier on burial detail after the same battle said, "The sights and smells that assailed us were simply indescribable: corpses swollen to twice their original size, some of them actually burst asunder with the pressure of foul gases. . . . The odors were nauseating and so deadly that in a short time we all sickened and were lying with our mouths close to the ground, most of us vomiting profusely."

In times like these, times when Memorial Day means little more than an excuse for a three-day weekend, we push such sights and sounds and smells away from our consciousness. But the Vietnam Wall and the Washington Monument and the Lincoln Memorial are reflections in stone of the uncomfortable truth that the liberties we enjoy were gained and preserved for us by the pain, the suffering and the death of men in war.

Even at a moment when summit hospitality raises hopes for lasting peace, that is a lesson we cannot afford to forget.

VICTORY OVER DRUG DEALERS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. RANGEL. Mr. Speaker, residents of public housing projects often are subjected to drug dealers right where they live. This problem has received publicity here in Washington, DC, at the Mayfair Mansions Apartments.

As the result of applying two Federal laws the New York City Housing Authority was able on April 27, to seize two apartments used for drug dealing and arrest the occupants. I applaud the initiative of Manuel Quintana, general counsel of the Housing Authority for meeting with the U.S. Attorney's Office, the city's corporation counsel, and the New York City Police Department about applying Federal laws which permit forfeiture and seizure of property used in illegal activities to public housing cases. This is an outstanding example of inter-governmental cooperation to attack a problem which adversely affects the quality of life of urban residents.

Mr. Speaker, I include the article by Emmanuel P. Popolizio entitled, "At Long Last, a Victory Over the Drug Dealers," which appeared in the New York Times on May 21, into the CONGRESSIONAL RECORD at this point.

The article follows:

AT LONG LAST, A VICTORY OVER THE DRUG DEALERS

(By Emmanuel P. Popolizio)

Wednesday, April 27, was a great day for the tenants of public housing in New York

City, Federal marshals and local law enforcement officers, armed with warrants obtained under Federal seizure and forfeiture laws, seized two apartments in city housing projects that were purportedly used by drug traffickers. The occupants of the apartments were arrested.

The swift arrests cut through the usual drawn-out process of first notifying the drug dealers that they would be evicted and then battling them in courts, sometimes for years, before they could be removed. Seizure of the two apartment leases marked the beginning of a citywide campaign that could help regain the support of tenants in the battle against drug dealers.

Since the crack epidemic swept the city more than a year ago, it has become apparent that the major obstacle to physically removing pushers from housing projects has been the slow pace of the Housing Authority's eviction process. Drug dealing has fallen under the same bureaucratic category of "nondesirability" as other forms of antisocial and illegal activity. Court-mandated procedures for insuring due process often has resulted in eviction cases being dragged out to two or three years.

Our inability to get pushers out of the buildings rapidly enough has caused tenants to think the Housing Authority has been working against them rather than with them.

Contrary to stereotypes, residents of public housing are generally decent, hardworking citizens. It has been exasperating for them to see people they knew were selling narcotics released from jail and back in business hours after they had been arrested. Worn down by losing their children to the drug plague, by the bizarre and violent behavior that surrounds the crack scene, by threats, intimidation and violence for informing on dealers, tenants could with reason regard the Housing Authority as little more than a paper tiger when it came to actually doing something about drug trafficking.

A question asked at tenant meetings, "How would you like to live next door to a crack den?", had no real answer. Lengthy and limp explanations of the eviction process and protests that our hands were tied often prompted the rejoinder: "You close down a restaurant that sells poisonous food fast enough. Why can't you do the same thing about a crack den that poisons or kills many more?"

The Housing Authority's narcotics task force, in cooperation with the police department, had mounted an impressive law-enforcement effort, recording more than 2,500 arrests in ongoing sweeps of the housing projects. But our declarations that we were going to drive the dealers out of the projects still has a hollow ring.

Then last February, Manuel Quintana, general counsel for the Housing Authority, conferred with the United States Attorney's Office, the city's corporation counsel and the Police Department about the possibility of applying two Federal laws, which permit forfeiture and seizure of property used in illegal activities, to public housing cases.

Satisfied that the application of these laws for housing projects did not violate constitutional guarantees of due process or state and local anti-eviction laws, law enforcement officers proceeded with the arrests.

When news of the arrests spread on April 27, morale among tenants at the projects and among staff at the Housing Authority rose dramatically. For two years, we had been exhorting tenants to cooperate with us in fighting drugs. Now we could show them some real results.

Because no prior notice is required under these Federal statutes, tenants are protected from intimidation and retaliation by the dealers. Previously, when suspected drug dealers were notified that eviction proceedings against them had been started, they sought to punish tenants who might have identified them.

The crack epidemic poses the most serious threat to our ability to maintain housing projects as decent places to live. It drains our resources at a time when we are hard pressed to provide essential services.

Removing drug pushers must be a top priority. If we do not get these dealers out of housing complexes, we will never be able to address other urgent problems, including finding apartments for the homeless, placing some 200,000 eligible families who are on the Housing Authority's waiting list and reversing Federal neglect of low-income housing units.

By using Federal seizure statutes, law enforcement officers have taken an innovative step in the battle against drug dealing. Once tenants realize that they can rejoin the fight against drug dealers without fear of retaliation, we will have achieved an important victory.

THE DIGNITY OF NURSING

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. PURSELL. Mr. Speaker, in a recent article, columnist George Will wrote eloquently about the vital role nurses play in our health care system and the reasons behind today's nursing shortage. Lack of recognition and status, low pay, and a deteriorating physician-nurse relationship are among the factors that have led to decreased nursing school enrollments and an inability to retain nurses in the profession. I share the columnist's assessment that the nursing profession is a valuable and indispensable national resource which must be cultivated, financially and emotionally, and afforded the respect it deserves.

[From Newsweek magazine, May 23, 1988]

THE DIGNITY OF NURSING

(By George F. Will)

Lytton Strachey dipped his pen in the acid of his malice in order to etch word sketches of "Eminent Victorians." However, one of his subjects proved impervious to his considerable powers of disparagement. She was Florence Nightingale, the founder of nursing as a modern profession. Strachey, unable to suppress an emotion strange to him—admiration—wrote that in the filth and carnage of the Crimean War she was "a rock in the angry ocean." She profoundly influenced hospital construction and management and nurses' education. Amazing, said Strachey, for someone who was "merely a nurse."

Well. A nurse is a remarkable social artifact, and there are not nearly enough nurses, in part because of backward attitudes packed into phrases like "merely a nurse." Today's nursing shortage is not just another crisis *de jour.* By the end of this century—in just 12 years—the demand for nurses will be double the supply. Fourteen percent of hospitals in large urban areas and 9 percent in small urban areas are delaying admissions because of the shortage. The shortage has strange aspects. More nurses are needed because Americans are healthy longer. And although we have more nurses than ever—about 2 million—more are needed because people are sicker when admitted to hospitals.

The advance of medicine and public health accelerated in the late 19th century with improved control of infectious diseases. Then the 20th century's characterizing phenomenon—war—brought progress in surgery and trauma control. Next came rapid strides in diagnosis and pharmacology. Today, and partly as a result of these advances, the most pressing medical problem is care for the chronically ill. This usually requires intense application of nursing skills. And because demography is destiny, we know that the need will intensify. The number of Americans 85 or older is rising six times as fast as the rest of the population.

Important basic needs of the chronically ill are emotional and social. But the intense specialization and technological emphasis of modern medicine have deminished the ability and willingness of doctors—once upon a time they were esteemed for their "bedside manner"—to satisfy such needs. The American ideal of a doctor—kindly, caring, reassuring Dr. Welby—was, says Lucille Joel, essentially a nurse. She is one. She also is a Rutgers professor and a forceful advocate of the proposition that nursing should be accorded the dignity of a professional parallel to that of doctors.

The crux of today's deteriorating physician-nurse relations is that many physicians cannot understand, or will not accept, that nurses can, should and want to do more than carry out doctors' orders. Nurses should be regarded by physicians more as complementary and less as subordinate professionals. Physicians are an episodic presence in the life of a patient. Nurses control the environment of healing. Assisting the rehabilitation of a stroke victim or monitoring and coping with chronic disease is essentially a nurse's, not a physician's function. A nurse—a mere nurse—superintends complex technologies, dispenses information and health education and strives for a holistic understanding of patients' needs, which include empathy.

For various reasons, ranging from AIDS (in New York City AIDS patients occupy about 5 percent of all hospital beds) to the use of toxic substances in treatments, nursing is still a dangerous profession. It also is increasingly demanding, physically and emotionally. Most people in hospitals are hurting and frightened and their families are in distress. This is increasingly true because, for cost-containment reasons, hospitals are increasingly reluctant to admit people unless they are quite ill. More and more patients are older and sicker and require more nursing. There is an 86 percent higher ratio of nurses to patients than 12 years ago. Then there were 58 per 100 patients, now there are 91 (spread over three shifts).

Patients progress quicker when they can get ample assistance in walking, eating and other elemental matters when they need it. Because of the nursing shortage many patients either take longer to heal or are discharged feeling more unwell than they would if given needed nursing. Furthermore, cost-cutting hospitals are trimming the staff (ward clerks, secretaries, transport and laboratory aides) that supports nurses, who now do extra duties. Nurses are paying a price for their reputation for versatility and dependability.

SENSIBILITIES REQUIRED

The nursing profession has a supply-side tradition of generating a high flow of highly motivated nurses and not worrying about retention. However, the emancipation of women, opening careers to talents, has enlarged women's choices while making nursing, a female-dominated profession (only 3 percent are male), less attractive to young women. There are, Joel believes, severe limits to the ability to attract male nurses, partly because of the difference between the sensibilities required for nursing and those produced by the socialization of men.

Nurses' salaries are low, starting, on average, at $21,000, and the ceiling can be hit in less than seven years. Many 20-year nurses make less than $30,000. An attorney in private practice can reasonably hope to increase his or her salary more than 200 percent in a career. A nurse can expect an increase of less than 40 percent. Add to monetary deprivation the denial of the psychological income of status, respect and intellectual growth and you have a recipe for a shortage.

Nightingale set a tone of brisk practicality for the nursing profession when she noted dryly that whatever else can be said of hospitals, this must be said: they should not spread disease. They should not be dangerous places, but they are becoming more so because of society's neglectfulness regarding nurses. Such neglect can have consequences for you, mortal reader. "If we live long enough, something wears out. I don't care how much oatmeal you eat," says Joel, viewing the columnist's breakfast with as much distaste as he does. The nursing profession must be nurtured with financial and emotional support. Otherwise, someday when you are in a hospital and are in pain or other need you will ring for a nurse and she will not come as soon, or be as attentive, as you and she would wish. And the chances are, aging reader, that the day will come when you will ring.

GEORGE FELDENKREIS: LEADER FOR OUR TIMES

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. LEHMAN of Florida. Mr. Speaker, the contribution of the Cuban community to the progress of south Florida is well known and south Florida's Jewish community has long been a familiar and key factor in the growth and well-being of our area. But not so apparent has been the importance in recent years of the combination of these two groups, the Jewish-Cubans who now live in south Florida.

There are many outstanding Cuban-Jewish American leaders in Miami. No one, however, evidences more the achievement of the American dream than does George Feldenkreis, a man who has devoted much talent, time, and energy to making our community a better place in which to live.

I know from personal experience that George's abilities has also spilled over to the rest of the family, because his daughter, Fanny, served as one of the best interns we have had in our office. The following article from the Miami Herald provides a brief overview of the many ways George Feldenkreis is involved in the progressive life of our city:

[From the Miami Herald, May 29, 1988]

NORTH MIAMI MAN REELECTED TO POST

George Feldenkreis of North Miami has been re-elected chairman of the board of Universal National Bank and of Universal Bancorp, a bank holding company at 17701 Biscayne Blvd.

Feldenkreis is president of Carfel Inc., an importer of motorcycle and automobile parts. He is also president of Supreme International Corp., which imports guayabera shirts.

Feldenkreis was a member of the Hispanic Heritage Committee of the Combined Jewish Appeal-Israel Emergency Fund and of Israel Bonds. He was president of the Cuban Hebrew division of the Greater Miami Jewish Federation for six years.

COMMEMORATING DESERT ONE

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. DORNAN of California. Mr. Speaker, I rise today to submit to the record a copy of a speech given by Col. David M. Roeder, USAF, The speech was given at Arlington National Cemetery on April 25, 1988 in memory of the eight anniversary of the "Desert One" rescue attempt in Iran.

Colonel Roeder was the first of the 52 American hostages to get off the plane in Algeria. I consider Colonel Roeder to be a personal friend. But most importantly he has served as a constant reminder to me that several Americans are still being held by terrorists in Lebanon. My colleagues, we cannot lose the focus we once had on efforts to secure their release!

So as not to forget the remaining American hostages and to commemorate the courage and commitment of those who died on Desert One in an effort to secure the release of innocent Americans. I recommend the following speech of my colleagues' attention. Thank you, Mr. Speaker.

ADDRESS BY COL. DAVID M. ROEDER, USAF, APRIL 25, 1988—"NO GREATER LOVE" CEREMONY—ARLINGTON

SECRETARY MARSH, AMBASSADOR LAINGEN, LADIES AND GENTLEMEN: It was less than 125 years ago that President Abraham Lincoln stepped upon a makeshift platform overlooking a major battlefield of the American Civil War less than 100 miles from where we now stand. Although there are, of course, many differences between that day and this, there are also some significant similarities.

On the side of the ledger that lists the differences, we might note such obvious entries as—

That was a Civil War 1863; This is a Persian Gulf, Panama, and Nicaragua 1988.

This is a bright, sunny April day in Virginia; That was a cold, gray November day in Pennsylvania.

That event was designed to commemorate a battle that took place on American soil between Americans—in some cases even members of the same family; This ceremony commemorates an event that took place eight years ago today at a barren desert location very far from our homeland.

And finally: The principal speaker that day was the President of the United States; Whereas I certainly don't enjoy any such distinction.

As far as similarities are concerned, I have noted that: President Lincoln was speaking in the heart of a National Cemetery—and so am I; I am the second speaker today following the brief and meaningful comments by Capt. Dick Holmes; Lincoln also spoke in the #2 position on the program—although his predecessor—one Edward Everett—gave a presentation that lasted well beyond 2 hours.

Finally—not unlike the President: The man that stands before you is dealing with a real time dilemma similar to the dilemma Lincoln faced. That dilemma simply involves how one says what needs to be said when faced with the commemoration of an event—Desert One in our cases—the battle of Gettysburg in his—that is so laced with both public and private emotions that mere words are not and never will be adequate.

Therefore, I must continue to approach the events faced by President Lincoln and those faced by us today is a similar manner.

By merely being here, we cannot dedicate, nor can we consecrate this hallowed ground anymore than Lincoln could at Gettysburg National Cemetery.

The Sergeant Harvey's, the Sergeant Mayo's, the Corporal Holmes', and the Majors' Baake and Lewis and the other three have already done that for us.

But, the contemporary situation we face in our world today is, in my opinion, no less threatening to the very fiber of our nation than was the ongoing Civil War of Lincoln's time.

I do not believe it is merely a sign of our times that this ceremony, important as it is to us all, is but one event in an 8 year long series of events that continue to bring anxiety and sorrow to American homes—basically from the same source in the Middle East—the most recent being the sorrow felt by us all at the loss of Marine Corps Captains' Lesley and Hill with their helicopter over the Persian Gulf last week.

I do not believe it is merely a sign of our times that the meaning of this day will be remembered only by a group of real Americans only slightly larger than the group here assembled.

I do not believe it is merely a sign of our times that these men and the thousands of other patriots resting here at Arlington look across the Potomac River at a city which—on the one hand—is the seat of Government for the greatest nation on earth—and on the other hand—a city that owns a crime rate and growing illicit drug problem that makes it an undeniable embarrassment to the entire nation.

And lastly, I cannot believe that it is merely a sign of our times that most young Americans—the out of uniform contemporaries of those present and that we honor today—do not know, probably never will know, and may not even be aware of how critically important it is to have those who will place their lives on the line for a principle as basic to our society as freedom.

No. Ladies and Gentlemen—I do not believe that the list of events that I outlined a moment ago are merely signs of our time. They are, rather, serious problems and circumstances, both internal and external, that once again threaten our survival as a dynamic, a good, and a caring nation.

So—returning to President Lincoln as our model, today we must do more than simply remember. We must look again to these men in Arlington and, in particular to those we specifically honor here for renewed strength and inspiration. It is indeed for us, the living, to rededicate ourselves to their basic love of country, to their all consuming desire for freedom and to their noble ideals, sense of patriotism and the impeccable standards of conduct they have left as a legacy for every true American. As God has blessed them, let him also guide us as we leave this place of honor to pursue these most worthy objectives.

THE TRADE DEFICIT: CONTINUING CAUSE FOR ACTION

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. LAFALCE. Mr. Speaker, today the Commerce Department announced that the U.S. merchandise trade deficit declined to $9.89 billion in April based on a seasonally adjusted rate, compared with a seasonally adjusted deficit of $11.95 in March. While I have not had the opportunity to review all of the statistics, it would appear that the level of U.S. imports declined in April by 15.5 percent, but exports also declined by 2.5 percent.

Although the initial merchandise trade deficit for April appears to show some promising signs of improvement, the fact that exports are not substantially increasing indicates that the administration's euphoria may be short-lived and misleading. On an annualized basis, even this monthly trade deficit of approximately $10 billion is still enormous and unsustainable. In short, the trade deficit continues to represent a grave problem with regard to American competitiveness.

These problems are graphically demonstrated by a new index on competitiveness recently released by the private sector Council on Competitiveness. This index shows that the ability of American companies to compete in foreign markets has eroded significantly since 1972. Four significant components to measure American international competitiveness are used in the index, which the group plans to update every 6 months: standard of living, trade, productivity and investment.

Standard of living: The council found that the standard of living of American workers has risen only one-fourth as fast as the average in the seven largest industrial powers, For example, the United States living standard has risen only one-seventh as fast as Japan's and one-half as fast as West Germany's. This indicates that the country's ability to compete and prosper in the international economy is not keeping pace with our major competitors.

Trade: In addition, the new index shows that the American share of world exports stands at 10 percent, which is below its 1972 level of 12 percent.

Productivity: American productivity also lags substantially behind other industrial countries. For example, since 1972, Japan's manufacturing productivity has increased eight times faster than the United States; and West Germany's productivity rose three times faster.

Investment: U.S. long-term investment in education, nondefense research and development, and capital equipment has also lagged behind that of its trading partners over the past 15 years. Our investment as a percentage of gross national product grew only half as fast as the average among our trading allies.

Although the April trade deficit figure may make it easier for many to engage in optimistic illusions that our trade problems are over, this new competitiveness index empirically demonstrates that the United States is falling behind in all competitiveness categories. This realization, of course, is what led all of us to work so diligently together to develop a sound approach to trade through the omnibus trade bill, H.R. 3. While I agree with many of you that we have worked so hard and won so little on the trade issue vis-a-vis the administration, I also believe that this issue is too important to be left until a new administration takes over. Rather I urge all of us to work together to pass a new trade bill that will give America a fighting chance to compete fairly on world markets.

Until we take such action, we will continue to see the impact of our declining competitiveness. This will not be resolved with a wave of the magic wand by 1 month's temporary trade deficit "improvement"—an "improvement" that still leaves us with an annualized trade deficit of approximately $120 billion. We should find little solace in such a figure, for we are still counting the decimation of American industry and jobs, albeit at a somewhat slower pace than a few months ago.

REMEMBERING HUNGARY'S VICTIMS OF THE HOLOCAUST

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. SOLARZ. Mr. Speaker, 43 years ago, the Allied armies crashed through Nazi Germany, bringing to an end the most cruel and cold-blooded evil in the long history of man's inhumanity to man. The systematic slaughter of 6 million men, women, and children—for no other reason than that they were Jewish—is a shocking indication of the depths of depravity to which the human spirit can sink.

To preserve the memory of those who perished in the Holocaust and to prevent such a slaughter from ever happening again are critical tasks that will eternally confront the civilized world.

For that reason, I am honored to inform my colleagues of a historic event that will take place this summer. On July 3, groundbreaking ceremonies will be conducted in Budapest for the Holcaust Victims and Heroes Memorial, dedicated to the 600,000 Hungarian Jews who were killed by the Nazis.

The memorial will stand at the corner of Rumbach and Wesselenyi Streets in downtown Budapest. This is a particularly significant location because it is the site of the entrance to the wartime ghetto in which the Budapest Jewish community was imprisoned during the war. The location was also chosen because it is adjacent to the mass grave of thousands of the ghetto's victims, many of whom were murdered in a brutal Nazi rampage in the very final days of the war.

The Holocaust Victims and Heroes Memorial will be constructed in a manner which esthetically and symbolically respects and honors the memory of the Hungarian victims. Designed by the noted sculptor Imre Varga, the memorial will represent a flourishing tree shaped like an inverted menorah. The names of those who were killed will be engraved on the tree's leaves in a similar fashion to the magnificent and moving Vietnam War Memorial in Washington.

Without the collaborative efforts of many institutions and individuals, the dream of building this memorial would never have become a reality. Tribute must be paid to the Hungarian Government which, after years of avoiding official mention of its country's Holocaust victims, has recently begun to take an active interest in this important cause. The Minister of Religious Affairs, Imre Miklos, has been extraordinarily helpful in reversing Hungarian policy and promoting this project. Deputy Prime Minister Joszef Marjal and Budapest Mayor Pal Ivanyl also deserve substantial credit.

Yet the driving force behind the creation of the Memorial is an outstanding organization with which I have had the distinct pleasure of working since its inception in 1986—the Emanuel Foundation for Hungarian Culture. The Emanuel Foundation is dedicated to preserving the cultural and religious identity of the nearly 100,000 Jews currently living in Hungary who are valiantly struggling to sustain their rich heritage. Thanks in large measure to its two remarkable leaders, Leslie Keller and Andor Weiss, the Emanuel Foundation is actively pursuing several important projects, including the revitalization of Hungarian synagogues and cemeteries, the renovation of Hungary's only Jewish hospital, and the establishment of a summer camp for the country's Jewish children.

Like these worthwhile intitiatives, the dedication of the Holocaust Victims and Heroes Memorial will represent an enormous victory for the Hungarian Jewish community. According to Jewish teaching, the memory of the deceased provides comfort and inspiration to the living. Nothing will ever bring back to life those whose souls and spirits were snuffed out in Hungary and throughout Nazi-occupied Europe. However, by doing all that we can to sustain both their memory and the traditions which guided their lives, we can invest their martyrdom with everlasting significance.

Such is the immeasurable value of the historic occassion that we will witness on July 3 in Budapest.

A REALISTIC OUTLOOK FOR U.S. RELATIONS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. GINGRICH. Mr. Speaker, the following is an editorial from the Washington Post written by William F. Buckley. This article gives a realistic view of the changing United States-Soviet relations. I would urge each of my colleagues to read this editorial:

[From the Washington Post, June 7, 1988]

A RUSSIAN FAIRY TALE

(By William F. Buckley, Jr.)

At 27, he was an agricultural economist with Moscow's Institute of Economics and a university lecturer. But Joseph Stalin looked kindly on him during the Great Purge and, instead of shooting him, made him chief of the U.S. division of the People's Commissariat of Foreign Affairs. From there he went as counselor to the Soviet Embassy in Washington, becoming ambassador in 1943. In 1946 he went to the United Nations Security Council and established the Soviet tradition of vetoing any moves designed to promote peace with freedom. And Stalin's approval of him made him a candidate for the Central Committee of the Communist Party. He became first deputy foreign minister in 1949 and foreign minister in 1957. He was directly involved in the diplomatic and military action against the students in Budapest, serving under Nikita Khrushchev. Under Leonid Brezhnev, he presided over the great purge of the Prague Spring in Czechoslovakia in 1968.

Andrei Andreevich Gromyko is now the president of the Soviet Union—and was the first person to greet President Reagan as he descended from Air Force One at Vnukovo Airport May 29.

Reagan's itinerary might have been conceived by the Brothers Grimm. No fairy tale could have made the trip more regally satisfying. The rich décor was courtesy of dead czars, the last one executed by someone in honor of whom a Russian city is named. The grand paintings and decorations were done by European and Russian masters of the 18th and 19th centuries. The children were trained to sing American folk songs in English. And beginning with Mikhail Gorbachev himself, the Russian court was choreographed to sing, if every now and then with a touch of diffidence, the praises of peace and coexistence. Reagan lectured to the intellectuals about an obscure episode in an obscure Russian novel and received a standing ovation. It was a dream, it was nirvana, it was—mindblowing.

There was that one terribly sour note, sounded day after day. Every time Reagan looked especially pleased, especially satisfied, especially carried away by the *gemütlichkeit* of it all, you would hear a voice. Not a Russian's voice, but a good, twangy American voice, and always that voice would ask the same question:

"Is this what you called the evil empire, Mr. President?"

"What was that about the evil empire, Mr. President?"

"Tell us about the evil empire, Mr. President."

Finally, worn down by this hectoring over his melodramatic excess of years gone by, Reagan said: "I was talking about another time, another era."

We sinners believe because we were taught to believe and do give internal assent to the mandate, to forgive, 70 times seven times. But Reagan is engaged now not in forgiveness, but in what George Orwell called vaporization. Big Brother decides to change a historical or a present fact, and evidence inconveniencing to the new thesis is simply made to—disappear.

Run the fingers lightly over the globe, pausing to stop at outposts of the Soviet empire. In Nicaragua, using Soviet arms, they are promoting war and aggression and drafting 17-year-olds while suffering a 60-percent cut in their standard of living.

In Cuba, where people continue to die in the effort to flee from it, there is dire poverty and the most aggressive conventional armed force in the Western Hemisphere, paid for by the Soviet Union.

In Bulgaria, the dictator Todor Zhivkov reigns. Several years ago he sent a secret agent to inject poison into the veins of a Bulgarian refugee poet as he was promenading over Waterloo Bridge in London.

In Poland, Gen. Wojciech Jaruzelski, proconsul for Gorbachev, hacks down those who fight for a free labor union movement.

In Ethiopia, starvation is imminent for 2 million people at the hands of a dictator shored up by the Soviet Union.

In Southeast Asia, dire poverty and huge supplies of weapons keep the North Vietnamese in charge of the human misery brought on by Soviet-backed aggression.

Reagan does well to encourage changes in the Soviet system. Something wildly exciting is indeed going on in that system. But to greet it as if it were no longer evil is on the order of changing our entire position toward Adolf Hitler on receiving the news that he has abolished one extermination camp. The Soviet Union has a very long way to go before it brings reasonable freedom to those who live under its rule. But we sow only confusion when we retract the statement that it is evil to support the systematic suppression of human rights everywhere your empire reaches. Gorbachev may be the spokesman for what is being attempted within the Soviet empire, but Gromyko continues as president of what continues to be an evil empire.

PERSONAL EXPLANATION

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. GARCIA. Mr. Speaker, due to an unavoidable commitment on May 25 and 26, I was unable to record my vote during the debate of H.R. 4637, the Foreign Operations Appropriations Act for fiscal year 1989, and House Concurrent Resolution 268, the budget resolution for fiscal year 1989. H.R. 4637 appropriates $14.3 billion for foreign assistance programs in fiscal year 1989, including the International Aids Prevention and Control Program, the Narcotics Control Program, and the Scholarship Program for South Africans. Had I been there, I would have voted in favor of H.R. 4637 and would also have voted for House Concurrent Resolution 268.

Mr. Speaker, I was also unavoidably detained during the week, June 1 through 3, and would like to record my position on the several measures considered by the House. On June 1, I missed the vote on the conference report on H.R. 1212, the Employee Polygraph Protection Act. The report prohibits employers from requiring employees to submit to lie detector tests or discriminating against any person refusing to submit to such a test. The report also prohibits any adverse employment actions based solely on results of lie detector tests. Had I been here, I would have voted in favor of H.R. 1212.

I was also unable to record my support of H.R. 1801, the Juvenile Justice and Delinquency Prevention Act. This measure provides funds, in fiscal years 1989 through 1992, to States to improve their juvenile justice systems. It also provides funds for the Runaway and Homeless Youth Act and the Missing Children's Assistance Act. Had I been available, I would have voted in favor of the measure. I would also have voted in favor of the Walker amendment to H.R. 1801 which requires recepients of Federal funds under the act to provide a drug-free workplace.

On June 2, I missed the votes on House Resolution 463 and the conference report on H.R. 2470, the Medicare Catastrohpic Protection Act. Had I been there, I would have voted in favor of both measures. H.R. 2470 expands current Medicare benefits to provide protection against catastrophic expenses by placing limits on the amount beneficiaries have to pay for Medicare-covered services. Had I been there, I would have voted in favor of H.R. 2470.

I was also unable to record my support of the bill H.R. 4561, the National Aeronautics and Space Administration authorization for fiscal years 1989 through 1991. This bill authorizes $11.5 billion for the programs of NASA in fiscal year 1989, plus $14.4 billion in fiscal year 1990, and $15.7 in fiscal year 1991. Had I been available, I would have voted in favor of this bill.

On June 3, I was unable to record my votes during the debate of H.R. 4505, the Energy Department civilian research and development authorization for fiscal year 1989. This bill authorizes $3.3 bilion in new budget authority for fiscal year 1989 for the Energy Department's Civilian Research and Development programs and also authorizes funding for the superconducting super collider. Had I been here, I would have voted in favor of H.R. 4505. I was also unable to record my support of the amendment that directs the Secretary to seek foreign participation commitments in the superconducting Super collider project. Had I been here, I would have voted in favor of this amendment.

SILVER SPRING MONKEYS

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. BONKER. Mr. Speaker, I wish to bring to the attention of the House today the plight of the animals known as the Silver Spring primates. These monkeys were the subject of much controversy, and the focus of legislation 2 years past. Recently, however, the welfare of these animals unfortunately seems to have been overlooked.

In 1986, 205 of my colleagues and I cosigned House Concurrent Resolution 351, expressing a sense of Congress that these monkeys, who were outrageously mistreated by an NIH grant recipient years before, be transferred to a sanctuary in San Antonio, TX where they could live out their lives comfortably. NIH patently disregarded the congressional intent, and instead sent the primates to Delta Regional Primate Center, a research facility with a reputation for an extremely high primate mortality rate.

Those of us who cosponsored the resolution, as well as the entire animal welfare community, were understandably incensed at this deliberate attempt to thwart the will of Congress. The covert transfer of these animals to a facility of this sort, with a deplorable reputation for both excessive primate mortalities, and breeding conditions which had previously resulted in the only withdrawal of breeding contract with NIH in the country, was completely unacceptable. These animals, the majority of whom have lost all feeling in one limb as a result of biomedical research, deserve to be placed in a setting in which they can be happy, not a research lab.

I do not mean to suggest, however, that we stop the use of animals in biomedical research altogether. I believe that in some cases live animal studies provide invaluable information that can reduce human suffering and disease. However, the monkeys in questions were involved in research for which the Director was convicted of six counts of cruelty to animals; this is a situation which cannot be excused. Furthermore, their usefulness as research animals has ended. They have certainly earned the right to continue their lives in a true Sanctuary.

To this end, H.R. 2883 was introduced, which again asked for the transfer of the monkeys to the Primarily Primates sanctuary in San Antonio. This legislation, with 131 cosponsors, is currently in the Energy and Commerce and Subcommittee on Health and the Environment, and no action has been scheduled. I applaud the NIH for its 1987 placement of five of the primates in the San Diego Zoo, where they are being properly cared for. Let us not sit back on our heels, though, while the remainder of the monkeys languish in small cages at the Delta center. I emphatically urge my colleagues on this subcommittee to report this bill out to the full House, so that it can be voted upon quickly.

Today, 3 of the original 15 Silver Springs monkeys are dead. Tomorrow there may be more, for the NIH has plans to euthanize four of the monkeys before fall. Let us act now to give these animals a chance to live out the rest of their lives peacefully, in a sanctuary devised solely for that purpose.

A CONGRESSIONAL SALUTE TO WOODROW W. SMITH

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding leader and long-time resident of the Lakewood community, Mr. Woodrow ("Woody") Smith.

Woody has been an active civic leader in the Lakewood area for many years. He has served as the Lakewood Chamber of Commerce president for two terms. He has also served his community as the president of the Lakewood Rotary Club, the president of the Rose Float Association, a board member on the Lakewood Y.M.C.A., and as the first vice president of the Pan American Association. Woody has also found the time to be active in the United Way, the March of Dimes, the Salvation Army, and the Goodwill Industries.

Woody's accomplishments in the business field are characterized by the same excellence as his accomplishments in the civic field. He has been a succesful realtor and businessman for many years, serving as president of Jag Construction Co. and S.C.D. Inc., as well as the owner of Center Investment Co. and Woody Smith Realty. Because of his reputation in real estate and business circles, it comes as no surprise that Woody served as the past president of Long Beach District Board of Realtors and is currently serving as a hearing officer for the California Real Estate Association as well as the Chairman of Professional Standards for the Long Beach District Board of Realtors.

Aside from being proud of his many civic and professional achievements, Woody is most proud of his wonderful wife Nedra, his two sons Kelly and Lowell, daughters-in-law Jo Anne and Judy, his eight grandchildren, and his two great grandchildren. It is refreshing to know that each of these immediate family members as well as many people throughout the Lakewood area can look upon Woody as an exemplary and inspiring role model.

Simply put, Woody is a quality individual. He has has served his community well and I know that he will be missed by his friends and colleagues. He has certainly made a valuable contribution to the Lakewood Chamber of Commerce as its president during the past year. My wife, Lee, joins me in extending congratulations, and our sincere respect, to Woodrow Smith, for his service. We wish him and his family all the best in the years to come.

IDA LITTLE: PORTRAIT OF A PIONEER

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. HUNTER. Mr. Speaker, I would like to honor and pay tribute to my friend, Mrs. Ida Little, who has been a cornerstone in Imperial Valley, CA, for 81 years. Mrs. Little is a fifth generation Californian and has devoted her life to making Imperial Valley a more welcome and beautiful place to call home.

Ida Little deserves much commendation for her outstanding service to the community and willingness to give to others. Ida easily expresses her loving concern by going the extra mile for families in need or baking birthday cakes for school children.

Mrs. Little is anxious to tell everyone of her happy memories growing up on the family farm in the early 1900's. She was born in the Valley in 1907 and remembers the full days she spent gardening, helping her mother prepare meals for the family, and putting the finishing touches on embroidered hand towels. Her family was one of the first pioneers to make a living off the land of Imperial County. Ida can remember when her father paid $1.25 an acre for desert sand hills which initially had to be leveled, fertilized, and watered before any crop could be planted.

The Little's were instrumental in providing the first electricity lines from town into the remote desert region. Farmers like Mr. Little paid the electric company to extend the wires to their farms and the company agreed to credit their accounts until the initial investment was reimbursed.

School for Ida was an adventure. She remembers driving her own team of ponies to the Chestnut Street School with her sisters. After an earthquake in 1915 destroyed the second story of the school, all eight grades met in the intact first floor.

Ida Little continues to be leader in Imperial County by her activity in service clubs and organizations. Ida has become an expert on wild flowers that grow in the desert. She conducts desert tours for school children and church groups so that they are better able to understand and appreciate the California desert.

I am proud to know such an outstanding citizen as Ida Little, and I salute the quality of life she has helped to bring to Imperial County.

HANDGUNS AND DRUGS, THE DEADLY DUO

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. PORTER. Mr. Speaker, two of our Nation's most pressing and tragic problems, drugs and handguns, are inextricably linked. From the mightiest drug kingpin to the youngest street pusher, the currency of power, violence and fear in the world of drugs is the handgun.

The ease with which handguns are available in the United States has led drug traffickers in South America to come here to obtain the weapons they need to sustain their illegal trade. Our lax gun laws are helping to fuel the drug trade.

The solution to this problem is evasive, but tightening our gun laws to make their acquisition and transfer by drug pushers more difficult is a step in the right direction. The following article, from the St. Petersburg Times, highlights the magnitude of this problem.

LAX LAWS, DRUG TRADE MAKE FLORIDA TOPS IN GUN EXPORTS

WEST PALM BEACH.—Florida's lax gun laws and far-reaching drug networks have made it the country's largest provider of guns to such places as Colombia, the Philippines and the Bahamas, federal agents say.

Since January, federal agents have confiscated 162 guns that were bought in Florida and shipped out of the country. Most were to be used by drug operations in Latin America, where most countries have banned handguns.

"It's dope in and guns out," said Bruce Snyder, spokesman for the U.S. Bureau of Alcohol, Tobacco and Firearms in Miami. "If you're in the drug business, you've got to have guns. A gun can get you more coke in Colombia than dollars can."

A person without a felony record who holds a Florida driver's license can buy a $625 semiautomatic gun in Florida, convert it to an automatic weapon and attach a silencer.

If that person has the right connections, he can sell it for more than four times its original price in countries where handguns are illegal. Foreign buyers consider it a bargain, Snyder said.

Guns also are in high demand in other states with tougher gun laws.

The bureau's most recent seizure came last month when four Brooklyn men were caught with 106 handguns. Snyder said the men had already delivered 68 guns to Brooklyn when authorities found them "running around the Tampa area buying guns."

Snyder said those guns probably were going to street-level drug dealers who can't buy handguns in their home state.

Only six Florida counties—including Pinellas, Pasco and Citrus—have 48-hour "cooling-off" periods for gun purchases. Although gun dealers are required to tell authorities when someone buys more than one gun in a seven-day period, finding others to make individual purchases is easy.

"Often, they'll pay a person—a guy off the street" to buy the guns, Snyder said.

Florida ranks ahead of Texas—where guns are smuggled to Mexico in connection with drug trade there—in the number of illegal gun shipments, Snyder said. More than 11,000 people are licensed to sell guns in Florida.

Bob Saad, owner of the Shootin' Shack in Riviera Beach, said that if it were not so hard to buy guns in other states, criminals wouldn't come to Florida for weapons.

"I'm certainly well aware that too many guns are in illegal hands," Saad said. "Just as there are too many cars in the hands of people who don't know how to drive."

Don Jones, owner of Sportsman's Attic in New Port Richey, said reputable dealers can recognize a "straw deal" when a Florida resident wants to buy a gun for an out-of-stater and won't make the sale.

"There's at least one person that comes in every day and I won't sell to them," Jones said.

Snyder said large gun shipments have been smuggled out of the state in scuba tanks, washing machines and clothes dryers. Three years ago, agents broke up what they dubbed the "Bananas to Brooklyn" caper—300 Florida guns were hidden in the middle of a shipment of bananas bound for New York.

He said the most popular weapons are 9mm pistols that can fire up to 16 shots before reloading. Many police departments now issue these guns to their officers.

"We don't have any Saturday night specials," Snyder said, "Everybody equips themselves with high-quality firearms."

PRICE COMPETITIVE PRODUCTS ACT

HON. ROD CHANDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. CHANDLER. Mr. Speaker, on behalf of myself, Mr. BONKER, and Mr. FRENZEL, I am today introducing the Price Competitive Products Act of 1988.

The bill would continue consumer savings on parallel imports, sometimes pejoratively called gray market merchandise, which are genuine, trademarked articles manufactured abroad and imported by independent American importers. Parallel imports are sold by discount retailers for 25 to 40 percent less than identical products sold by foreign-owned or foreign-controlled U.S. distributors.

Parallel imports have been threatened by many challenges from foreign manufacturers and their U.S. subsidiaries in the courts, the executive branch, and the Congress. On May 31, 1988, in Kmart against Cartier, the U.S. Supreme Court rejected most of the manufacturers' challenge to longstanding U.S. Customs Service parallel import regulations. The proposed legislation would maintain 50 years of U.S. policy by eliminating the manufacturers' other pending challenges to parallel importation and by restoring the one portion of the Customs regulations which the Court found inconsistent with the language of the 1922 Tariff Act.

Parallel importation occurs when foreign manufacturers discriminatorily set higher prices for their products in the United States than in the rest of the world, seeking to create an island of high prices in a sea of lower world prices. Customs regulations have for many decades permitted independent importers to import such products freely when the United States and foreign trademark holders are part of a single, common enterprise. Otherwise a foreign manufacturer could enforce its discriminatory pricing scheme by creating an American subsidiary company as its sole "authorized" distributor and prevent competition from its own lower priced, foreign-distributed product.

The proposed legislation would settle the issue by enacting into statutory law the longstanding Customs regulation. The legislation would also settle the issue the same way in private suits against parallel imports based on trademark infringement and Tariff Act theories in cases where the label of packaging of a parallel import has been copyrighted.

Section 2 of the bill would add to section 526 of the Tariff Act of 1930 (19 U.S.C. 1526) a new subsection (f) which, in subparagraphs (1) and (2), would basically continue the 50-year Customs Service practice of allowing genuine, foreign-made trademarked articles to enter U.S. ports when the same or related parties own the trademarks here and abroad or when the trademark has been applied abroad with authorization from the U.S. trademark holder.

The new subsection (f) would also prevent private suits based on section 526 to block the importation or sale of parallel imports.

The bill would also settle the issue the same way in trademark suits, overruling the minority of court decisions which have ruled that parallel imports are trademark infringements. The new subsection (f) would amend the Lanham Trademark Act of 1946 to comport with the majority of court decisions, defining parallel imports with the same related-party language.

Finally, subsection (f)(3) would eliminate the "end-run" of the Customs trademark, label, or packaging of otherwise importable parallel imports.

Parallel imports are legal in Japan, France, Germany, and in every other country which is a major American trading partner. It would be entirely inappropriate for the U.S. Government to provide protection to foreign manufacturers whose own governments do not provide comparable protection for discriminatory pricing by manufacturers in other countries.

Contrary to foreign manufacturers' claims, there are no warranty or other consumer "deception" problems with parallel imports. A recent staff report of the Federal Trade Commission, the principal Federal agency charged with consumer protection and warranties, underlines that there are no such problems with parallel imports, and if there were any, there is ample existing authority to redress them.

I am aware that some U.S. manufacturers have expressed a concern about products which they produce abroad using different components or formulations to meet unique local conditions or requirements in the country of manufacture. These concerns, about a limited number of products, might be addressed through an amendment to my bill which would provide a means for eliminating any consumer confusion which might be caused in the unlikely event that these products were brought into this country as parallel imports. I would encourage a dialog with these manufacturers on this issue.

Finally, it should be noted that consumer groups, including Consumers Union, Consumer Federation of America, and Public Citizen, have consistently supported continued access to parallel imports on the part of the American public.

Mr. Speaker, I include the text of the bill at this point in the RECORD:

H.R. 4803

A bill to provide for the continuation of parallel imports under section 526 of the Tariff Act of 1930

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Price Competitive Products Act of 1988".

SEC. 2. Section 526 of the Tariff Act of 1930 (19 U.S.C. 1526) is amended by adding at the end thereof the following:

"(f)(1) Nothing in this Act or the Act of July 5, 1946 (60 Stat. 427; chapter 540) shall restrict the importation or sale of foreign-made articles bearing a trademark or trade name identical with one owned and registered by a citizen of the United States or a corporation or association created or organized within the United States if—

"(A) both the foreign and the United States trademark or trade name are owned by the same person or business entity;

"(B) the foreign and domestic trademark or trade name owners are parent and subsidiary companies or are otherwise subject to common ownership or control; or

"(C) the articles of foreign manufacture bear a recorded trademark or trade name applied under authorization of the United States owner.

"(2) For purposes of this subsection—

"(A) The term 'common ownership' means individual or aggregate ownership of more than 50 percent of the business entity.

"(B) The term 'common control' means effective control in policy and operations and is not necessarily synonymous with common ownership.

"(3) Notwithstanding any provision of title 17, United States Code, the importation or sale of any article that could otherwise be legally imported shall not be restricted by reason of a copyright in its trademark or in the label, package, design, instructions for use, or other material accompanying the article.”.

U.S. DEPARTMENT OF EDUCATION HONORS ST. PAUL'S SCHOOL IN JERSEY CITY

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. GUARINI. Mr. Speaker, I would like to share with the Members of this body news of great joy regarding St. Paul's Catholic Parish in the Greenville section of Jersey City.

My family was a part of this parish in my very early years, and I attended St. Paul's Grammar School located on Old Bergen road. As a child I remember walking from my parents home at 200 Neptune Avenue, Jersey City, to serve as an altar boy at early morning Mass for Father Thomas Monahan, the pastor.

On November 2, 1986, I attended a very special Mass at St. Paul's Church marking the 125th anniversary of that great parish which has stood as a beacon for hundreds of thousands of immigrants and newcomers who made their way to Hudson County from many parts of the world.

During 1986, under the direction of Father Jospeh Slinger, pastor, many activities were conducted, but the most vivid memories I have of the St. Paul's community was attending the grammar school where I spent my early education years. I recall the dedication of Sister Veritas and Sister Ursula Marie, who were my early teachers in the first and second grades, giving me my earliest training in the basics and religion, truly helping to build the foundation of my life.

Recently we received the exciting word that six New Jersey schools were declared winners of the U.S. Department of Education 1987-88 School Recognition Program.

Only 287 schools nationwide were cited by U.S. Education Secretary William Bennett for their commitment to learning and high standards of excellence.

In my district St. Paul's School, as well as the Mustard Seed School in Hoboken, NJ, were selected from more than 600 schools nominated by various superintendents of schools, or the Council of American Private Education, which were reviewed and pared down by State education officials and a 100-member review panel nationwide.

I am very pleased that my school was selected. I also must pay tribute to the Mustard Seed School which has done an excellent job.

Schools were judged on their success in furthering students' intellectual, social and moral growth and whether there was clear evidence that students were developing a "solid foundation of skills in reading, writing and mathematics."

In addition, the judges were looking to determine whether a school's policies, programs and practices "fostered development of sound character, sense of self-worth, democratic values, ethical judgment and self-discipline."

Instruction in the winning school was identified as being "organized, quality and appropriate to the age grade level of students."

The School Recognition Program was started 6 years ago. The first 3 years, the program only recognized secondary school achievement.

Beginning in 1985, a biennial system was established in which second and elementary schools were recognized on an alternating basis.

This marks the third year New Jersey has participated in the program.

Tomorrow, on June 15, at city hall chambers, Jersey City, there will be a ceremony honoring St. Paul's School of Greenville. I have received from Rev. Joseph Slinger, pastor, the following history of this great school, which I would like to place into the RECORD today:

St. Paul Elementary School opened its doors in 1872. From its inception, the school has been staffed by the Sisters of St. Dominic of Newburg, New York. Sr. Philomena Marie McCartney is the present principal of the school and Sr. Ann Jerome Kociolek serves as the school's first Assistant Principal. Both Sisters worked together since 1969 in St. Joseph School, Bayonne and have served together in St. Paul's since 1974. Sister Philomena and Sister Ann Jerome are both held in the highest esteem by the staff, students and faculty of St. Paul School not only because of their fine administrative skills, but because of the wonderful "homelike" atmosphere which they create.

Sister Philomena is a graduate of Fairfield University. She holds a Masters in School Administration. A musician in her own right, Sister has long fostered the musical talents of St. Paul's students as well as their general education as students and members of St. Paul's Parish and, more recently, as members of other communities of New Jersey Citizens. Sister's talents are all in the service of St. Paul's School Community—she is a most dedicated Sister, Principal and Parishioner of St. Paul Parish.

Sister Ann Jerome's training has been in education. She is a graduate of Mount St. Mary College, New York. Sister Ann Jerome is noted for her gifted teaching of mathematics as well as for her years in teaching English. Now she is one of the major reasons for the school's fine organization since she sees to the day to day management of a host of details.

Together, these Sisters and their fine teaching staff have brought the best efforts of St. Paul's Parish to the service of St. Paul's school student body. For their efforts and those of the staff, parents, faculty, student body and parish community, St. Paul's School has been honored for its excellence. In the Fall, the President of the United States will officially celebrate this joyous event.

St. Paul's Parish and school has stood like a Rock of Gibraltar in the shadow of the Statue of Liberty, helping people of every heritage to become interwoven with our community's fabric in social, economic, and cultural directions.

The sons and daughters of St. Paul's Parish have made their mark in the professions—doctors, lawyers, teachers, scientists, engineers, members of the clergy—they have led exemplary lives as heads of families, they have fought in America's wars, World War I, World War II, Korea, and Vietnam.

St. Paul's Parish has been an oasis of family centered concern. Although located in a large city, it has been closely knit with community involvement, developing a human dimension as a place and a symbol of prayer and fellowship where people know each other personally, sharing each others' problems, as echoed by Pope Paul VI in his apostolic exhortation "Evangelii Nuntiandi" at the 1974 Synod of Bishops in Rome.

I am certain that my colleagues wish to join me today in this tribute to St. Paul's school. I am sure they share my pride and join me in extending best wishes to all the parishioners, nuns, and priests, and especially the students of this great institution of learning.

RU 486—THE DEATH PILL

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. DORNAN of California. Mr. Speaker, I plan on offering an amendment to the Health and Human Services appropriations bill that would prohibit the Food and Drug Administration from using funds appropriated in the bill to further the testing of the French abortion drug, mifepristone—RU 486—the death pill.

The proponents of abortion want to replace the guilt suffered by women who undergo abortion with the moral uncertainty of self-deception. Imagine, with the death pill, the taking of a preborn life will be as easy and as trivial as taking aspirin.

I urge my colleagues to read the following informative articles on RU 486:

RU 486—DEATH PILL OR NEW CONTRACEPTIVE?

(By Carol Azizian)

It's chemical warfare against the unborn or the most revolutionary family planning method since the birth control pill.

It's a death pill that eliminates the "silent screams" of surgical abortions or a technological redefinition of contraception and abortion.

The name sounds as innocuous as a "Star Wars" robot, yet the French drug RU 486 has generated more energy during heated debates in the United States and abroad than the "FORCE" ever did—in all the universe.

The New England Journal of Medicine calls it a "major advance that will . . . provide new options for women."

Congressman Robert K. Dornan, R-Calif., who has unsuccessfully sponsored legislation to stop research on the abortifacient, says he can't swallow "this death pill with closed eyes."

Diane Trombley of Troy, public relations director for Right to Life-Lifespan, shudders at the thought of "at-home abortions."

Dr. Louise Tyrer, vice president of medical affairs for Planned Parenthood Federation of America, believes it would be a "tremendous advantage" for women.

Scientists in New York and California are continuing clinical trials of RU 486 on humans. But major U.S. drug companies such as Upjohn are steering clear of the controversial compound.

"Abortion is a very traumatic word," said Dr. Etienne-Emile Baulieu, the French physician who pioneered development of the steroid. "Nobody likes the idea of suppressing something.

"But there are (hundreds of thousands) of women around the world dying form unwanted pregnancies and mechanical abortions. We'll be giving women freedom and the possibility to plan families in better conditions."

Baulieu recently participated in a conference on steroid receptors at Oakland University, Rochester Hills. More than 100 scientists in the forefront of endocrinology attended the meeting, organized by Virinder K. Moudgil, a molecular endocrinologist at OU.

"RU 486 generates controversy because it blocks progesterone action," Baulieu said. "The time at which (the drug) can intervene is very early—when implantation is not definitive. It takes several days to be definitive and functional."

"That's why I've proposed to get rid of both the contraception and abortion concepts—to explain this sort of intervention—and call it contragestion, meaning against pregnancy."

The drug can be taken up to six weeks after a woman becomes pregnant. It's an antiprogesterone steroid, which works by adhering to hormone receptors in the uterus that accept progesterone.

Because RU 486 blocks the action of progesterone—the substance that prepares the uterine lining for implantation of the fertilized egg—the body sheds the uterine lining, something it would normally do during a menstrual cycle. Within 48 hours after taking the drug, women experience uterine bleeding and the embryo is expelled.

So far, the drug has been tested clinically in several countries—including France, Sweden, China and the United States—with few side effects. A study at the University of Paris-Sud (reported in The New England Journal of Medicine) showed that out of 100 women volunteers who were less than a month pregnant, 85 women aborted within four days. All 115 volunteers who failed to abort experienced some uterine bleeding.

Dr. Daniel Mishell, Jr., who is testing RU 486 at the University of Southern California under the auspices of the non-profit Population Council, discovered that the drug triggers abortion in 90 percent of women who take it within six weeks of becoming pregnant.

Combining RU 486 with small amounts of prostaglandins, biological compounds that cause the uterus to contract and expel the embryo, should result in a close to 100 percent success rate, researchers contend.

There is even some hope that it can be taken as a once-month pill, a few days before the expected onset of menses. This would allow women to terminate a pregnancy without knowing they were pregnant.

The National Institute of Child Health and Human Development has studied the drug's contraceptive potential on female monkeys. The females were caged with males and given the compound on the 25th day of their cycle. All the monkeys that received the drug did not become pregnant or experience side effects, said an NICHD spokesperson.

Because the drug has only been tested on humans for five years, its long-term effects are unknown.

Nevertheless, RU 486 will be on the market in France by early 1988, Baulieu said. "It will be in the states within five years," he predicted.

But Baulieu's projections are optimistic, countered a Federal Drug Administration spokesperson. Drug development takes 8-10 years, the spokesperson noted.

The drug is currently being developed in conjunction with the private multinational pharmaceutical industry. (RU 486 is named after the drug company Roussel-UCLAF, a French affiliate of Hoechst-Roussel pharmaceuticals in Switzerland.)

The United States government is prohibited from funding research on abortifacients. The Population Council received FDA approval for their research because they met the "legal requirements for conducting clinical tests of a new drug on humans," according to an FDA spokesperson.

On Capitol Hill, efforts to rescind the FDA paperwork that allows such testing have been thwarted.

Congressman Dornan tried twice—unsuccessfully—to introduce an amendment to the Health and Human Services Appropriations bill that would have banned research on the abortifacient.

In an August letter to his colleagues, he wrote: "There is no doubt that some in this country want us to swallow this death pill with closed eyes. Already some have joined with Baulieu and are trying to cloak its abortifacient nature by calling it a contragestive.

"The proponents of abortion want to replace the clinically proven guilt suffered by women who undergo abortion with the moral uncertainty of self-deception. Imagine, with the death pill, the taking of a preborn life will be as easy and as trivial as taking aspirin."

Although his own attempts were aborted, the congressman intends to work with the Department of Health and Human Services to draft regulations against allowing the processing of paperwork for studies on abortifacients, said Jerry Gideon, senior legislative assistant to Dornan. He's also working with Sen. Gordon Humphrey, R-N.H., to introduce a similar amendment on the Senate floor, Gideon noted.

The current political climate is not conducive to advances in contraceptive research, contends Dr. Tyrer of Planned Parenthood.

"I don't think the term contragestion will find much support in our country," she said. "People want to know whether they're taking an abortifacient or contraceptive.

"Under the present administration, the chances for FDA approval of RU 486 (as an abortifacient) are unlikely. But I'm hoping that future administrations will be more amenable to funding of research for contraception."

A combination of factors—the political tide and liability concerns—has kept major U.S. drug companies from testing or marketing such compounds.

Upjohn Co., based in Kalamazoo, shut down its fertility research program in 1985 because of a "regulatory climate adverse to reproductive drugs and an increasing amount of litigation over these drugs," according to an issue paper drafted by the company.

However, Upjohn does distribute two abortifacients—Prostin E2, a suppository for use between the 12th and 20th weeks of gestation, and Prostin 15M, an intramuscular injection for terminating pregnancy between the 13th and 20th weeks of gestation. Both are sold to selected hospitals.

The company refutes the notion that a National Right to Life boycott was a major factor in its decision to stop research on abortifacients.

"It was not related to the boycott," said Jessyl Bradford, a spokesperson.

Members of the National Right to Life Committee, an umbrella organization of anti-abortion groups, boycotted Upjohn's over-the-counter products 1983–85.

Baulieu concedes that major U.S. drug companies will probably stay away from RU 486 because of pressure from pro-life groups.

"But some small companies will (test and market) it," he said.

"Whether they like it or not, abortion is a fact of human behavior," he added. "After France, Sweden, England and China have it, RU 486 will necessarily come to the United States."

OU SCIENTISTS STUDY THE FRENCH DRUG

(By Carol Azizian)

Virinder Moudgil wants to be prepared for the day when the controversial drug RU 486 hits the United States market.

The molecular endocrinologist has been testing RU 486 on calf uteruses in his Oakland University laboratory for three years.

He prefers to think of himself as a "basic scientist" who, so far, has been able to distance himself from the debate surrounding the drug.

"It is very naive to think we can suppress scientific progress," he said. "If political and social pressures stop it here, people will get the drug from France or someplace else."

Pro-life groups call the drug a "death pill" and want to stop research on the abortifacient, while pro-choice lobbies cautiously support ongoing studies in both the United States and abroad.

RU 486 is an antiprogesterone steroid, which blocks the action of progesterone—the substance that prepares the uterine lining to receive a fertilized egg. Without progesterone, the body sheds the uterine lining and the embryo.

In a University of Paris-Sud study of 100 women who were less than a month pregnant, 85 women aborted within four days. The 15 subjects who failed to abort experienced some uterine bleeding. (The study was reported in the New England Journal of Medicine.)

Researchers contend that when RU 486 is combined with small amounts of prostaglandins, biological compounds that cause the uterus to contract and help expel the embryo, the success rate is close to 100 percent.

Although few side effects have been reported, the long-term effects of RU 486 still remain unknown.

This is where Moudgil comes in. He has been studying how progesterone works since 1969. In 1983, he took a sabbatical and spent several months in the laboratory of Dr. Etienne-Emile Baulieu, the French physician who pioneered development of the steroid.

After returning to his lab, Moudgil wrote to the French pharmaceutical company Roussel-Uclaf, asking for the compound.

"I am using RU 486 as a tool to understand how the natural hormone progesterone—works," he said. "And by knowing how RU 486 works, we can avoid potentially dangerous side effects."

He wants to avoid the type of problems experienced by daughters of women who took the morning sickness drug DES during pregnancy.

"Women used it in the 1950s and 1960s when the basic research was still raw," Moudgil said.

"Their babies showed signs of uterine and cervical cancer at a young age."

Moudgil says he doesn't foresee a day when he'll want to conduct clinical trials on humans.

"We are not working on humans or animals that require abortion. We pick up tissue (from the slaughter house) that's going to be thrown away.

"I have immense respect for animal and human life."

Besides studying its effects as an abortifacient, Moudgil also is researching its other applications:

Treating breast cancer. "It is known that 30 percent of all reported breast cancers are known to carry hormone-dependent tumors," Moudgil said. "And 60-80 percent respond to hormonal therapy."

Treating Cushing's Syndrome. RU 486 reduces the high levels of cortisone that cause various symptoms in this debilitating bone disease. Moudgil is studying the drug's effect on rat livers. "This is a good model to understand how it could eliminate or decrease cortisone effects."

Although Moudgil is not researching these applications, RU 486 is instrumental in restarting menstrual cycles for women who have stopped menstruating because of factors other than pregnancy.

Ironically, it also may save a pregnant woman's life. "RU 486 speeds up delivery in cases where the labor may be delayed or potentially endanger the lives of the baby and mother," Moudgil said.

INFLUENCE OF ABORTION CRITICS BARRING SALE OF DRUG IN U.S.

(By Gina Kolata)

While a new abortion-inducing drug is expected to be sold in France, China, England and other countries, opponents of abortion are blocking sale of the drug in this country.

The fate of the drug, RU 486, which has a potential for other medical conditions, mostly affecting women, is focusing new attention on the influence of the anti-abortion movement on medical decisions.

National Right to Life and other groups opposed to abortion have served notice to drug companies that if any company sold an abortion-inducing drug the millions of Americans who oppose abortion will boycott all the company's products. This happened to the Upjohn Company of Kalamazoo, Mich., when it tried to develop abortion-inducing drugs several years ago.

Pharmaceutical companies say they have no plans to seek the Food and Drug Administration approval that is necessary to sell abortion-inducing drugs in the United States. They say publicly that they are not cowed by the anti-abortion movement and that they had other reasons for not selling such drugs. Privately, however, drug makers speak differently.

"The reasons are obvious," said one company executive who asked not to be named. He said his company feared that if it sold such a drug, it would suffer greatly from a boycott by the millions of members of National Right to Life and by "all the physicians, pharmacists and lay people who don't believe in abortions."

"We don't want to get into it," he said.

Hoechst-Roussel Pharmaceuticals Inc. of Somerville, N.J., holds the option rights to apply for Government approval to market RU 486 in this country, but it has declined to do so.

"We're not in that business," said Dr. Victor J. Bauer, executive vice president. Hoechst-Roussel is part of the Hoechst Celanese Corporation, a wholly owned subsidiary of Hoechst AG of West Germany. Hoescht Celanese makes chemicals, fibers, plastics and printing materials as well as a variety of drugs and, according to Standard & Poor's Register of Corporations, has annual sales of $1.7 billion.

Sterling Drug Inc., which is testing a similar drug in Europe, says it, too, had no plans to sell its drug in this country.

In combination with an existing drug, prostaglandins, RU 486 is safer than surgical abortion early in pregnancy and is so effective that experts predict that where it is available it may nearly replace surgical abortion in the first trimester.

The drug is expected to be approved for sale in France and China in March, with marketing expected within a year in other countries, including Sweden, the Netherlands and England.

Experts said RU 486 or a similar drug might eventually enter the United States under another guise. Researchers are studying it for widening the opening of the birth canal, which may enable many women to avoid Caesarian births, and treating some forms of breast cancer and endometriosis, a leading cause of infertility.

DEATH DRUGS AND POLITICAL REALITIES

Once a drug receives Federal approval for marketing for any purpose, physicians can prescribe it to patients at their discretion.

But Dr. Richard Glasow, who is education director of National Right to Life in Washington, said his group would not be fooled. National Right to Life, with 2,000 local chapters, would still organize a vast boycott unless the drug was the only one available to treat a lifethreatening condition, Dr. Glasow said.

"Our basic position is that death drugs designed to kill unborn babies have no place in America," he said.

The power of anti-abortion groups "is very upsetting," said Dr. Irving Spitz, director of clinical research at the Population Council in New York City. Dr. Daniel Mishell, professor and chairman of obstetrics and gynecology at the University of Southern California School of Medicine, said he thought it was "medically wrong" that RU 486 would not be available to women in this country.

Dr. Mishell has just completed a three-year study of RU 486, paid for by the Population Council, which is a private group. By law, Federal funds cannot be used to support research on abortion, and Dr. Mishell's study is the only American study of the drug.

Dr. Spitz said, "Because of the possible political backlash, we have kept a low profile," adding: "We have not really encouraged studies in this country. We feel that our hands are tied. It's a question of political realities.

ABORTION PICTURE COULD CHANGE

Experts said that if women in this country did start using the two-drug combination, RU 486 and prostaglandins, the whole abortion picture would change. Because the vast majority of abortions are performed in the first trimester of pregnancy, abortion clinics could be put out of business.

Having an abortion could mean obtaining and filling a prescription, not undergoing surgery. According to Dr. José Barzelatto, director, of the World Health Organization's human reproduction program, the cost would be less, though it is not clear yet how much less, than surgical abortion.

"Abortions would become private," said Dr. Mishell. "It definitely would be easier to have an abortion."

It could also be more emotionally difficult. A woman having a drug-induced abortion could see the fetus she aborted, which is not typically the case with surgical abortion performed under anesthesia. At two months the average fetus is an inch long and weighs three-quarters of an ounce; at three months, 3 inches long and one ounce.

Dr. Mishell said abortions would be safer with RU 486. Surgical abortions, performed by suction and by dilation and curettage, carry risks of blood loss, perforation of the uterus, complications from anesthesia and perforation of the bowel or other organs. Although these things rarely occur, they would be avoided altogether in a drug-induced abortion.

RU 486 causes abortions by blocking progesterone, a hormone needed to maintain a pregnancy. By itself, the drug induces abortions in 80 to 85 percent of women who take it very early in pregnancy, within the first six weeks after their last menstrual period. But its effectiveness then starts to drop sharply so that by nine weeks after a woman's last period, there is only one chance in three that abortion will occur.

POWERFUL COMBINATION WITH LESS RISK

Researchers in Europe and China found, however, that RU 486 taken with prostaglandins, which also induce abortion, by causing the uterus to contract, are 95 percent effective in inducing abortions through the first trimester.

Furthermore, the side effects that each of the drugs has are diminished significantly when taken together.

When prostaglandins are given alone, women must take such high doses that they suffer nausea, vomiting, diarrhea and severe abdominal cramps. Some women still prefer them to surgical abortions, however, according to Dr. Barzelatto of the World Health Organization. Prostaglandins are marketed in Europe and Japan, by Schering AG of West Germany and by the Ono Pharmaceutical Company Ltd. of Japan, for inducing first-trimester abortions.

RU 486, by itself, can cause severe bleeding and incomplete abortions in which the fetus is not expelled and a surgical abortion becomes necessary. Dr. Spitz said such severe bleeding was very rare.

When RU 486 and prostaglandins are used together, women can take much lower doses of the prostaglandins, essentially eliminating their side effects. The women are also virtually assured of an abortion without excessive bleeding.

Women take an RU 486 pill first and then, two days later, take prostaglandins, as a suppository or injection. The abortion that follows is like a heavy menstrual period. Slight anemia can result, but it does not last longer than 21 days, Dr. Spitz said.

A BOYCOTT AND A RESEARCH HALT

Prostaglandins, made by Upjohn, are already on the market in the United States, approved by the Food and Drug Administration for inducing abortions after the first trimester of pregnancy and for the treatment of congenital heart defects in newborns. But the abortion market for these drugs is small, an Upjohn spokesman noted.

"More than 95 percent of all abortions are done in the first trimester," he added.

In 1985, Upjohn stopped all research on drugs to induce abortions or prevent pregnancy, after two years of a boycott of all Upjohn products by National Right to Life. An Upjohn spokesman said the company decided to stop its fertility research program because of "the adverse regulatory climate in the United States" and because of the "litigious climate" here.

Dr. Glasow of National Right to Life says the boycott, which is still continuing, persuaded Upjohn to give up its fertility research.

Dr. C. Wayne Bardin, who is vice president and director of biomedical research at the Population Council, and others also say the boycott was a principal reason that Upjohn stopped its fertility program.

THE PROMISE FOR OTHER USES

RU 486 has other potential medical uses, but they are years away from the clincal testing that precedes marketing decisions. The drug "has seven or eight other medical indications that have nothing to do with abortions," said Dr. Gary Hodgen, who is scientific director of the Jones Institute for Reproductive Medicine at Eastern Virginia Medical School in Norfolk.

For example, Dr. Hodgen said, RU 486 dilates the cervix. It and similar compounds now being developed by several companies, including the Roussel-Uclaf Company of France, the developer of RU 486, are "unique drugs," Dr. Hodgen said. They can be very useful in cases of difficult or prolonged labor and could potentially lead to "an enormous decrease in Caesareans," he said. Dr. Hodgen, who has studied RU 486 in monkeys, said the drug "opens the cervix very quickly, very thoroughly and very reliably."

In addition, the drugs could prove useful in treating certain breast cancers that grow in reponse to sex hormones. Initial tests are promising, according to Dr. Hodgen.

The drugs also seem very promising in treating endometriosis, the third leading cause of infertility in the United States. Women with endometriosis have uterine tissue outside the uterus; RU 486 may cause the tissue to shrink.

Another possible use is in the treatment of Cushings syndrome, a hormonal disorder in both men and women that is now treated by removing the adrenal glands.

RU 486 could also be developed as a morning-after pill, which is taken very soon after intercourse, would prevent a fertilized egg from implanting in the uterine lining to start a pregnancy.

Dr. Hodgen is concerned that the abortion issue will preclude marketing RU 486, even for the users that have nothing to do with stopping or preventing pregnancy. "Groups that oppose abortions will oppose the marketing of this drug, even if the drug cured the common cold," he said. "Let's be real about that.

Dr. Hodgen added that the emergence of RU 486 poses a new issue for American society. If a drug can provide so many benefits, should it be kept off the market because it also can induce abortion? "We have to weigh risks and benefits of a social nature," he said.

TIME FOR TV MARTI

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. PEPPER. Mr. Speaker, for many years through the Voice of America, Radio Free Europe, and Radio Liberty, the United States has carried out a noble and important effort to provide information to millions of people throughout the world who are consistently denied the benefit of a free press. A couple of years ago Radio Marti was added to those three stations to provide the Cuban people a radio service similar to the radio programs that are beamed to the Poles, Czechs, Rumanians, and others.

I was an early supporter of Radio Marti and I was happy to learn more recently about Worldnet, the United States Information Agency's international television effort. It is because of television's great impact that I believe that United States television broadcasts to Cuba could be an important peaceful element in our foreign policy.

The Congress last year appropriated funds for a feasibility study and on Friday the Senate Appropriations Subcommittee on Commerce, Justice, State and the Judiciary approved $7.5 million for fiscal 1989 to establish TV Marti. I hope that my colleagues in the House will support Federal funds for this extremely important endeavor. I would like to bring to the attention of the House an article, "It's Time for TV Marti," written by Frank Calzon, the Washington representative of Freedom House, that appeared in the Miami Herald recently. Calzon argues persuasively on behalf of Radio Marti and we should do all we can to get TV Marti on the air swiftly.

[From the Miami Herald, March 20, 1988]

IT'S TIME FOR TV MARTI

(By Frank Calzon)

In 1982 Fidel Castro taped a promotional announcement for Ted Turner's Cable News Network in which he said he watched the news channel "quite often." But other Cubans who attempt to enjoy the same programs risk jail because satellite dishes are banned in Cuba.

Cubans now receive the Voice of America's radio service, Radio Marti, named after Cuban patriot Jose Marti. There is little doubt that TV broadcasts would be welcomed by Cubans, who chafe under a diet of Soviet films, long-winded speeches and political exhortations.

Late last year Sen. Lawton Chiles, D-Fla., obtained congressional funding to determine the technical feasibility, projected costs and legal implications of U.S. television broadcasts to the island nation.

But the idea of TV broadcasts to Cuba is not new. Late in President Jimmy Carter's administration, British historian Hugh Thomas suggested the establishment of U.S. broadcasts to Cuba "of the imagination and skill of Radio Free Europe, perhaps including television." Later, University of Maryland Professor George Quester, in an article about "transboundary television," wrote that "it should not be impossible to pump out a signal from Key West (or from a barrage ballon moored above Key West), filling out one of the regular VHF channels not used by the Cuban regime. . . ."

More than 30 years ago one of Cuba's TV networks carried a live broadcast of baseball's World Series by using a Cuban "Super Constellation" airliner as a relay between the island and the U.S. mainland. Since the 1950s great technological advances have occurred. Today one of America's most sophisticated aircraft could serve as a flying antenna to beam broadcasts directly to Cuban receivers.

Sen. Chiles has advocated "modest, experimental" TV broadcasts limited to three or four hours a week. Such limited broadcast time might include a half hour of "news of the week," followed by a round-table discussion by panelists representing a broad spectrum of political opinions. Other programs could include music videos (for Cuban teenagers), occasional scientific, travel or cultural programs from the U.S. Information Agency's standard offerings and European or American films still unavailable in Havana. From time to time TV Marti could produce a documentary with the Cuban audience in mind. Possible topics could include the achievements of Cubans and other Hispanics in the United States, performances of Cuban artists banned in Cuba, and Castro's military operations in Angola.

According to the Universal Declaration of Human Rights, every human being has the right "to seek, receive and impart information through any media regardless of frontiers." In Cuba's case, a television service could help diffuse the war mentality and anti-American hysteria promoted by Havana.

The technical studies currently in progress are certainly needed, but the real obstacles are political in nature, because the State Department is certain to oppose any action that could be construed as provocative by Havana. Castro, after all, threw a tantrum when Radio Marti went on the air. Although he has resigned himself to the radio broadcasts, he is clearly worried. At his request Washington and Havana have been negotiating "broadcasting issues" during the last few months.

When Congress approved the $100,000 feasibility study, some project supporters suggested it would take two years to get TV Marti on line—a virtual kiss of death, given the federal bureaucracy's probable reluctance to act until a new president is inaugurated. Nonetheless, in the closing months of the Reagan administration, there are few foreign policy initiatives that, dollar for dollar, could have greater impact. The president ought to tell those responsible to do what is required so that TV Marti can go on the air before he leaves the White House.

A TRIBUTE TO IRVING MARTIN PHILLIPS

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. ACKERMAN. Mr. Speaker, I rise today to congratulate Irving Martin Phillips of Whitestone, NY, as he retires from the entertainment industry.

Mr. Speaker, the story of Irving Phillips is quite a tale, and I would like to share it with my colleagues.

He was born on December 28, 1918, in Newark, NJ. This fine man served his country courageously during World War II on the destroyer ship U.S.S. *Walk*, and participated in the invasion of Normandy and served in the South Pacific. Irving received an honorable discharge from the Navy as a seaman, first class.

After the war, he began what would be a long and distinguished career in the entertainment industry. He started in the business as a television stagehand, working with Milton Berle, Jacki Gleason, and Steve Allen. Later he moved on to Broadway, as a member of the stage crew of the original company of "the Sound of Music," "Man of La Mancha," "Mr. President" (Irving Berlin's last Broadway show), "Dancin" and "Death of a Salesman." He also served 19 years as a member of the carpentry department of the outstanding children's program, "Sesame Street." For 39 years Irving Phillips has been a valued member of the International Alliance of Theatrical Stage Employees Local No. 1, New York City.

In addition to the countless hours devoted to helping the American people forget their troubles while educating and entertaining them, Irving Phillips and his family are committed to their local community. Their invaluable role and tireless work in saving the historic Flushing Town Hall helped place that landmark structure on the National Register of Historic Places.

For his many accomplishments, Irving Phillips will be honored at a retirement dinner on June 18, 1988, at the Peking House in Flushing, NY.

Mr. Speaker, although Irving Phillips is retiring, I doubt he will slow down. He will now have more time to enjoy golf and walking, and spend time with his wonderful family. I know that his devoted wife of 45 years, Florence; his son Stephen; daughters Sandra and Marla; and grandchildren Denney and Brandon are proud of him and share in his joy.

Mr. Speaker, I ask that my colleagues join me in wishing Irving Phillips many more years of good health and great success.

IN SUPPORT OF PASSAGE OF H.R. 2884

HON. HARLEY O. STAGGERS, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. STAGGERS. Mr. Speaker, I wish to join the gentleman from Indiana [Mr. SHARP] in wholeheartedly supporting the passage of H.R. 2884, the Uniform Regulatory Jurisdiction Act. As the sponsor of this bill, I am very grateful to Mr. SHARP for the swift consideration that this bill received by his subcommittee and by the full Energy and Commerce Committee. I am quick to recognize that it is by virtue of the support of Mr. SHARP and Mr. DINGELL that the limited purpose and intent of this bill has not become subsumed by more controversial issues.

As all of us are aware, the natural gas industry has been undergoing major structural changes in recent years as a result of the gradual deregulation of the natural gas marketplace. Increased competition has dictated many of those changes. I applaud those distribution companies that have faced the challenges brought about by the changing marketplace and have sought new ways of serving their customers. In particular, local transportation of customer-owned gas is a significant new service being offered by gas distribution companies.

Unfortunately, a quirk in current law has actually served to hamper the efforts of a few of these companies to institute innovation in a once stagnant industry. These companies are multistate distribution companies that, driven by area growth and system efficiencies, have expanded their service areas beyond the borders of one State and into another. Typically, they are located in metropolitan areas. Simply by virtue of geographic happenstance, they have been touched by the long arm of Federal regulation and are subject to the regulatory jurisdiction of FERC for purposes of end-user transportation.

Now, unike many pieces of legislation, this bill, H.R. 2884, does not seek to make an exception for these companies. In fact, under current law, they currenty are the exception to the rule. Rather, these eight companies are seeking to be treated like the other approximatey 1,392 local distribution companies across the Nation. That is, they wish to have their end-user transportation service subject to the regulatory jurisdiction of those that know their business best: The State commissions. H.R. 2884 does exactly that, nothing more and nothing less.

It's time that Congress remedied this situation for these companies who have been subjected long enough to overlapping and duplicative regulation. Its one of very few issues upon which there seems to be no disagreement. I applaud Congressman SHARP in striking this blow for States' rights and relieving these already highly regulated companies from the added burden of needless Federal regulation.

THE FUTURE OF A MOUNTAIN

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. KOLBE. Mr. Speaker, Arizona is home to many wild and beautiful places. But there is none more beautiful than Mount Graham in the Pinaleno Mountain range in southeastern Arizona. A visit to Mount Graham is awe inspiring. It's a rare ecological resource which is also the best remaining place in the continential United States for a new generation of telescopes. And therein lies the rub.

A great debate is taking place in Arizona over this mountain. Will telescopes hurt or help Mount Graham? In this case, it's nearly impossible to make an intellectual choice. Both sides have emotionally compelling arguments. I believe limited astronomical development can take place on this mountain without compromising the character of this mountain, but that has been a difficult judgment to make.

Pushing forward the frontiers of mankind's knowledge has always required men and women of courage and vision. Now we are faced with a new challenge: How to preserve our fragile environment from further degradation. But preserving the enviroment and advancing our search of the heavens are goals that are not necessarily incompatible. To explore to the very edges of the known universe while still protecting the unique earthly environment of the Pinalenos—that is truly a challenge worthy of us all.

The following article from the July issue of Smithsonian magazine describes the philosophical schism that this debate has inspired. It's been called a battle of science, but there's more to it than just that. I think this article captures the nature and the complexity of the conflict well. I commend it to my colleagues for their reading.

[From the Smithsonian, July 1988]

PHENOMENA, COMMENT AND NOTES

(By John P. Wiley, Jr.)

Sometime during August, the U.S. Forest Service is going to try cutting a baby in half, certain it will not be cheered as another Solomon. The regional forester in Albuquerque will decide the bitterly disputed future of a sky island in Arizona, a mountaintop where a taste of Canada has hung on since the last ice age. This is not the usual fight between real estate developers and preservationists, but one between scientists who see the mountain as a site of international astrophysical significance and a remarkable coalition of people who normally would not talk to each other but who all want the mountain saved as a unique biological site.

Leading the astronomers is a former submarine sailor who acquired a Green-peace T-shirt while fighting for whales in Hawaii; leading the other side is an air-conditioning contractor who has put together an opposition in which animal-rights activists and Earth First!-ers join hands with hunters and members of the National Rifle Association.

The issue is whether to build a world-class astronomical complex atop 10,700-foot-high Mount Graham in the Coronado National Forest east of Tucson. Popping up nearly 7,000 feet from the desert near Safford, it is the northernmost limit to the range of many plants and animals native to the Sierra Madre Occidental of old Mexico to the south and the southernmost limit of many Rocky Mountain species. It is home to more than a dozen endemic insect and plant species, found nowhere else. Spotted owls live there, and peregrine falcons. A quiet subspecies of red squirrel, found only on this mountain, has been declared endangered. A minimum of 40 mountain lions live there, and so do 150 black bears.

The mountain is not untouched. At least three sacred Indian sites have been found there, one by a bulldozer. Timber has been cut on its slopes since the turn of the century, and the Forest Service has cleared both roads and firebreaks near the top. Summer homes dot the road at lower elevations and a lake draws campers and day-trippers. People come to hunt, to cut Christmas trees and firewood, to hike the trails, to ride dirt bikes. The Forest Service estimates that 200,000 people a year visit the mountain for one reason or another.

And yet, and yet . . . Being on top of Mount Graham is like being a thousand miles from civilization—or ten thousand years into the past. Here are hundreds of acres of untouched spruce-fir forest. The silence is overwhelming. Stop to catch your breath under an Engelmann spruce or a corkbark fir and you can hear your own blood thudding in your ears. I was there in early March when three feet of snow still lay on the ground. From the highway down in the desert, the mountain had looked the opposite of what I have seen in the Rockies. There is a tree line on Mount Graham, but here is the line where trees begin partway up the slope and continue to the top. We drove up as far as we could in a four-wheel-drive truck and then switched to a treaded SnoCat belonging to the Arizona Game and Fish Department. For seven miles we shattered the silence up a snow-drifted logging road.

Paul Pierce, leader of the 34-group Coalition for the Preservation of Mount Graham, had arranged the visit. Tom Waddell, an Arizona wildlife manager who has studied the mountain for 22 years, was our guide. A former rodeo rider, Waddell calls the proposed complex an "astrophysical Disneyland." He took us to a "show" squirrel, one who could be depended upon to be there. We floundered down a slope and sure enough, just above where Waddell had seen a shower of cone chips dropping out of a hole in a tree, an unremarkable squirrel poked its head out for a few seconds to look us over.

Opponents do not want the fight reduced to simply squirrels versus scopes, however. They talk about the ciénagas, the unique wetlands above 10,000 feet. They talk about Apache trout and Apache goshawks. They talk about the bears being unscarred because conditions are so good they do not have to fight. Mostly they talk about a Pleistocene remnant unique in its biological mix, a treasure that could never be replaced.

The problem is that astronomers also consider the mountain unique, the University of Arizona's best chance to play a central role in the next stage of a golden age. These are boom years for astronomy. We are watching other solar systems form, finding out what galaxies are really like, and looking back in time closer and closer to the very beginning. At the same time, astronomers have come up with new designs that make it possible to build much bigger telescopes than was once thought feasible at prices lower than anyone dreamed. The question is where to put them. The sites have to be as good as the telescopes. They need to be far from the cities, whose light is impairing existing telescopes. The University of Arizona, already a major player in the astronomical community, is pushing hard for the Mount Graham site.

J.T. Williams, the Mount Graham project director at the university, is there on loan from the Smithsonian. He spent several years on the mountain, testing its astronomical potential, getting around on a snowmobile, and says it is so good that "We get goose pimples thinking about it. The atmospheric transparency is just extraordinary.

The plans for Mount Graham are ambitious. The lineup of proposed instruments, as of April, included.

The Columbus binocular telescope, an 11.3-meter instrument with more than twice the light-gathering power of any existing telescope (Smithsonian, June 1987).

A 10-meter submillimeter telescope for short-wave radio work, one of the few portions of the electromagnetic spectrum that is still largely unexplored.

The 1.8-meter Vatican telescope. The mirror was built at the University of Arizona with the latest, spin-casting technology.

Four more are in the discussion-design stage, including an array of smaller, submillimeter telescopes that would work as one huge one, now being designed by the Smithsonian Astrophysical Observatory.

John Schaefer is president of Research Corporation in Tuscon, a private foundation that funds basic research in all the sciences. He was once president of the University of Arizona, but he is also a founder of both the Tucson Audubon Society and the Arizona chapter of the Nature Conservancy. He believes that the observatory will be built on Mount Graham, and that it will save the mountain. Astronomers will take better care of it than will weekend recreationists on motorcycles, he believes. And the observatory could double as a biological field station.

At the other end of the power spectrum is Ned Powell, an Arizona spokesperson of Earth First!, himself a backyard astronomer. Some say his group is responsible for an unsuccessful attempt to smash the mirror of one of the test telescopes on the mountain. Powell says simply that Earth First! is not a formal organization, that two or three people may decide to do something, and may or may not let it be known that they are members of Earth First! His group is prepared to appeal the Forest Service decision in August, but he points out that two Arizona Congressional delegates have said they will introduce legislation mandating the telescopes.

Walking on the snow under moss-draped trees, it was hard to imagine telescope domes, engineering shops, dormitories, fuel tanks and all the rest. So the next day I drove down to Kitt Peak to see what an astronomical complex looks like. From the gallery of the 4-meter telescope there, the mountaintop looked like some kind of military installation, paved roads threading telescope domes, brick buildings, parking lots for heavy trucks, microwave and radio towers. Inside the visitor center are some pottery vessels found in a crevice on the mountain in 1960. A legend said they may have been an offering to Titoi, the being the Papago people know as Elder Brother or simply Nature. The people's gift restored the balance of nature for having taken wild foods.

The Forest Service originally recommended that the university be allowed to put five telescopes on one site, High Peak. Last August the university announced that they need a minimum of seven telescopes on two sites, High and Emerald peaks, to make the project economically feasible. This in turn required new studies of the potential impact on the now officially endangered Mount Graham red squirrel. The U.S. Fish and Wildlife Service was to finish that in May. Three months after that the Forest Service will decide.

The time for public comment, including mine, is over. The time for a disinterested panel of astronomers to determine what are in fact the best sites left in the United States is past. The situation is now analagous to a nonjury trial: arguments have ended and the judge—the regional forester—has retired to chambers to reach a decision. Whichever way he decides, I will feel an actute sense of loss.

LEGISLATION TO ENCOURAGE THE REMINING AND RECLAMATION OF ABANDONED MINED LANDS

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. CLINGER. Mr. Speaker, I am pleased to announce today the introduction of legislation that will not only address the significant environmental and public safety problem of abandoned mine lands, but will do so in a manner that will mutually benefit our Nation's coal industry. This bill is designed to encourage the safe and responsible reclamation of abandoned mine lands by active coal mine operators.

It is estimated that only 10 percent of the Nation's abandoned mine land sites will be corrected over the life of the AML reclamation program established under title IV of the Surface Mining Control and Reclamation Act [SMCRA]. At the same time, it is becoming apparent that some of the SMCRA requirements actually discourage active industry from reclaiming abandoned mine lands. Studies have shown that in many areas coal production is now being shifted from previously affected coal reserves with abandoned mine lands to virgin lands with undeveloped coal reserves.

The AML fund is authorized until 1992 and it is estimated that fee collections will approach $3 billion by that time. As Representative NICK RAHALL, chairman of Interior's Subcommittee on Mining and Natural Resources pointed out during an oversight hearing last year, this amount will make only a dent in the total amount of abandoned coal mine acreage in the United States. This fact is confirmed by the finding that the current inventory of priority 1 and 2 projects alone exceeds $5.8 billion in reclamation costs.

Witnesses have testified that under current statute, Pennsylvania will have received AML funding sufficient to address fewer than 35 percent of its high hazard, priority 1 and 2 problems.

In the interest of conserving natural resources and promoting reclamation, it is absolutely imperative that the necessary authorities be granted to encourage coal operators to achieve through remining what the AML program is unable to address. We must approve legislation that allows the mutual interests of environmentalists, industry, States, and local communities to be realized through reclamation and remining.

The bill I am introducing today attempts to provide remining incentives in a number of ways:

1. The bill sets forth a congressional directive that "surface coal mining operations can be effective in the reclamation of abandoned mine land and should be encouraged to remine and reclaim such areas to maximize reclamation of abandoned mine lands concurrently with coal production."

2. To encourage reclamation through remining, the bill provides the Secretary of the Interior with the authority to waive or reduce the reclamation fee for remining projects.

3. The measure amends SMCRA to establish a new title X remining section, allowing the Secretary or approved State program to enter into reclamation agreements with coal mine operators for the reclamation of unreclaimed mine lands and to compensate the operators based on the value of the reclamation performed. The bill allows for the proposal of reclamation projects that can be completed in conjunction with active surface mining operations. A key provision is the exemption for the use of excess spoil for reclamation purposes.

4. Abandoned mine land recovery zones are authorized in an effort to define those areas within a State where unreclaimed mine lands have significant potential to be reclaimed by surface mining operations. Certain incentives are authorized in an effort to target reclamation efforts in these designated areas.

5. The Secretary is authorized to furnish reclamation bond guarantees to operators in return for reclamation work performed. This will allow more actual reclamation work value for the dollar than other mechanisms in use.

6. The bill establishes new authorities to provide additional incentives for the safe and effective removal of existing coal mine waste piles, slurry ponds, and other waste materials.

7. Section 210(e) benefits of the Public Utilities Regulatory Policies Act are extended to qualified waste coal fired small production facilities.

During the 99th Congress, I joined with Representative NICK RAHALL in introducing remining legislation to address existing disincentives which held remaining operators liable for previous operators' effluent pollution. We were successful in getting our language included as part of the Clean Water Act, enacted into law last year. We must now build upon that success to ensure that reclamation activities continue to move forward.

In numerous meetings with State officials, Federal surface mining authorities, constituents, conservation groups and environmental organizations, support has repeatedly been expressed for increased remining and reclamation activities. In introducing this remining package today, it is my intention that these groups and individuals have an opportunity to evaluate its provisions and offer their comments. Only through the input and support of all interested parties, can we succeed in establishing a remining program that will effectively and safely reclaim America's abandoned mine lands.

I certainly appreciate the valuable work performed by numerous individuals and organizations in developing this legislation. Their advice and expertise has been invaluable in identifying ways to responsibly encourage remining. While only limited time remains in the current congressional session, I look forward to working with my House colleagues and all other interested parties in considering this legislation and furthering the cause of reclamation and remining.

NEW DIAPER QUOTAS ARE ALL WET

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. WYDEN. Mr. Speaker, in the next several days, I plan to send the following letter to the United States Trade Representative expressing my opposition to new quotas on cotton diaper imports from China.

These quotas will likely result in higher consumer prices for cotton diapers, dampen the prospects for growth in the diaper services industry, and contribute to our solid waste disposal problems.

I would urge my colleagues who share my concern on these issues to join me in signing this letter. I would like to have the text of the letter entered into the RECORD:

Hon. CLAYTON YEUTTER,
United States Trade Representative, Executive Office of the President, Washington, DC.

DEAR AMBASSADOR YEUTTER: We are writing to urge that the Office of the United States Trade Representative go back to the bargaining table to negotiate the significant expansion of quotas on cotton diaper imports from the People's Republic of China. These quotas not only threaten to stifle growing consumer demand for reusable cotton diapers—but also represent bad economic, trade, and environmental policy.

The quotas, resulting from a textile agreement signed with China last December, limit imports of cotton diapers from that country to 1.27 million pounds this year. We share your concerns for American jobs and industries. We believe, however, that measures such as quotas implemented to protect one industry, almost inevitably rebound to hurt other sectors of the economy. Far from protecting American jobs, these new import restrictions will dampen the prospects for job creation and economic growth in the burgeoning diaper import and supply industries.

Take the case of Pro Diaper, a Portland company that imports diapers for sale to diaper services in 15 States and Canada. Pro Diaper believes it could quickly double its business—to approximately one million pounds per year—if the supply of diapers were not limited. Unfortunately, the company was able to obtain only 270,000 pounds of the new quota—about half of what it needs simply to meet current commitments. Until recently a growing company, Pro Diaper could be dealt a death blow by the new import quotas.

The quotas will also harm thousands of diaper services nationwide. According to a recent New York Times article, diaper services employ at least 40,000 people, including drivers, office and sales personnel, and people who launder and package diapers for customers. The availability of cotton diapers from China has contributed significantly to the growth of the industry. Yet, in an effort to protect some 60 domestic diaper production jobs, the new import quotas will jeopardize expansion of the 40,000-employee industry.

At the same time, the import quotas strike a blow to American consumers. Many diaper services report that their clients favor the Chinese diapers because of their thickness, absorbency and durability. The quotas will reduce consumer access to these diapers at a time when only one domestic producer exists, resulting in upward pressure on prices. We have no doubt of America's ability to produce an equally absorbent diaper. But this will not happen as long as the domestic industry remains sheltered from international competition.

Finally, these quotas represent bad environmental policy. By limiting the supply of reusable cotton diapers, they promote the use of disposable plastic diapers, which contribute significantly to this country's solid waste disposal problems. One estimate holds that 18 billion disposable diapers were thrown away last year, representing three to four percent of all waste deposited in the country's already overburdened landfills.

We are requesting that your office move quickly to expand these quotas to allow the diaper services industry to meet growing consumer demand. In addition, we hope that your office can be relied on, in the remaining months of this administration, to promote the kinds of free-trade, pro-consumer policies that you have traditionally supported.

With warm regards,
Sincerely,
———.

PERMANENT BAN ON COASTSIDE DUMPING IS ESSENTIAL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. LANTOS. Mr. Speaker, with a number of our distinguished colleagues last week I introduced H.R. 4792, a bill to prohibit ocean dumping of dredge spoils in coastal waters near the San Mateo and San Francisco coast. Our bill would prohibit the Army Corps of Engineers or the Environmental Protection Agency from issuing permits for the dumping of dredge material from the San Francisco Bay at any ocean site which is not off the Continental Shelf. This means that any ocean dumping must take place at a location where the ocean depth is at least 600 feet.

Joining me in introducing this legislation were Congressmen FORTNEY H. "PETE" STARK of California, DON EDWARDS of California, ERNEST L. KONNYU of California, RON WYDEN of Oregon, and JOSEPH P. KENNEDY II of Massachusetts.

Mr. Speaker, I wish to make it clear that I am not advocating ocean dumping. Our legislation only specifies that if there is to be ocean dumping of dredged material—and any such dumping must still meet all of the environmental conditions that present law provides—it must take place far enough away from the coast and it must be in water that is deep enough to prevent damage to prime fishing grounds and it must be far enough away from the coast to minimize harm to our fragile coastal environment.

Mr. Speaker, this legislation has been made necessary because earlier this year the Army Corps of Engineers and the Environmental Protection Agency made a hasty and ill-advised decision to permit the dumping of one-half million cubic yards of dredge spoil from the Oakland Harbor at an ocean deposit site off the San Mateo County Coast. That site is just 11 nautical miles from the coast and is prime fishing grounds. Dumping there would adversely affect the livelihood of many fishermen in the area.

When the decision to permit ocean dumping was made, many of the parties most directly affected—including local fishermen, residents of the coastal areas nearest the disposal site, city and county government officals, environmental groups, and others—were not consulted nor given an opportunity at a public hearing to discuss their objections to the dump site.

A complicated series of law suits and court procedings have followed the initial decision to grant the permit to allow dumping. I am delighted that the latest court action has been favorable and the dumping has been halted. I hope that the additional environmental review that has been ordered by the courts will permit appropriate review of the negative consequences of this dumping on the fragile environment of our coast and that it will ultimately led to a permanent ban to dumping at the Half Moon Bay site.

The long-term threat to our coast is extremely serious. The initial ocean dumping permit allowed the disposal of 500,000 cubic yards of dreged material. The Oakland Harbor project will require the dredging of an additional 6,500,000 cubic yards of dredged material—13 times more dredged material—and it is projected that as much as 50 million cubic yards of dredged material—100 times as much—will be taken from waters of the San Francisco Bay in the next several years.

Our legislation is consistent with the clearly expresed intent of the Congress and Federal policy as expressed in the Marine Protection, Research, and Sanctuaries Act. That legislation specified that in designating ocean dumping sites, the Administrator of the Environmental Protection Agency "shall utilize wherever feasible locations beyond the edge of the Continental Shelf." 33 U.S.C. 1412(a)(I).

Clearly this was not done when a dumping site was designated off the San Mateo County coast, and clearly this is a principal source of the controversy that has developed. Our legislation is intended to make clear that if there is to be ocean dumping near San Francisco Bay, it must meet the standard that was originally set by the Congress.

The environmental impacts of ocean dumping are significantly less in deeper water further from the coast. The additional cost of deep water ocean disposal that will be required under our legislation would be justified by the reduced impact on the environment.

You can not solve your garbage problem by dumping it in your neighbor's yard. Projects which generate dredge spoils cannot be permitted to dump in someones else's fishing grounds or to foul the coastline near someones else's home.

Mr. Speaker, I urge my colleagues in the Congress to join me in supporting this important environmental legislation.

OUR 213TH INDEPENDENCE DAY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mrs. MORELLA. Mr. Speaker, as we approach our 213th Independence Day, I would like to express my gratitude to our forefathers who gave us the legacy of a living constitution, and the wisdom of these brave people who welcomed all people to these shores to start a new life.

Many of us who are here today, representing our varied constituencies, are children and grandchildren of people who left their homelands to come to a new country to start anew. I express gratitude to my parents who left their home in Italy and worked hard to enjoy the fruits of their labor and who took pride in being good citizens and loving parents.

One of the most thrilling moments in the life of a new American is the naturalization ceremony, the moment when—after years of waiting, preparing for and passing the qualifying examination—a holder of the green card repeats the pledge of allegiance as an American citizen. It was an exciting moment for me several months ago when I spoke in Rockville at such a ceremony and saw the many faces from all over the world, smile with pride when they became Americans.

Yet, how much more exciting it must be for someone who came as an immigrant to this country, to attain a position of responsibility and be invited to speak at naturalization ceremonies in his chosen country. Such is the case with one of my constituents, Dr. Joy Cherian, who came from India 21 years ago and is presently a commissioner with the Equal Employment Opportuntity Commission.

I would like to share with you Joy Cherian's recent, moving remarks to a group of new Americans.

REMARKS BY COMMISSIONER JOY CHERIAN ON THE OCCASION OF THE NATURALIZATION CEREMONIES HELD ON APRIL 8, 1988, AT THE COUNTY CIRCUIT COURTHOUSE, MONTGOMERY COUNTY, STATE OF MARYLAND

It is a great honor and privilege for me to be here on this auspicious occasion of your naturalization and to congratulate you for becoming Americans by choice.

By becoming Americans by choice today, with a promise to become good and productive citizens of this great nation, you have written a new chapter in your lives, a new chapter which will bring hope and pride not only to you and members of all your families, but also to all the people of America.

Your experience and knowledge will enrich America every day, and your lives will be enriched by the love and affection of all your fellow Americans.

I stand before you today as a beneficiary of American's goodness. Twenty-one years ago, I came to this great land from India as a student. I struggled hard to survive, and I made this Montgomery County, Maryland, my home.

A year ago, the President of the United States of America introduced me at a White House ceremony as his appointee to the United States Equal Employment Opportunity Commission (EEOC). Within a few months I was unanimously confirmed by the Senate of the United States to be the first foreign-born U.S. citizen to serve as a Commissioner on the Equal Employment Opportunity Commission.

This was not only a great honor for me but also a great act of recognition for all naturalized citizens of the United States of America. A few years from now, you may become Presidential appointee or leaders of your local, State, or national government.

I am very thrilled and excited to be here at this courthouse, where I myself stood several years ago and solemnly pledged my allegiance, my loyalty, and above all my life to this great nation. Please join me as I salute once again the United States of America, one of the greatest of national powers of the earth.

May God bless the United States of America, which has adopted you and me as its children. Thank you all.

A TRIBUTE TO DR. DAISAKU IKEDA

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. DYMALLY. Mr. Speaker, I call to the attention of my colleagues, a man known the world over for his relentless pursuit of peace, harmony, and understanding between people and the nations of the world.

Dr. Daisaku Ikeda, president of the 17 million member Soka Gakkai International, has devoted his life to the teachings of Nichiren Sosha and the promotion of youth participation in achieving peace throughout the world. I would like to pay tribute to Dr. Ikeda today on the occasion of being awarded the first Congressional Peace Through Youth International Award from the 31st District Congressional Advisory Commission.

This is a fitting honor to a man whose life has been completely devoted to youth and world peace through the activities of Soka Gakkai—whose motto is to promote peace, culture, and education based on Buddhism and activities to support and strengthen the functions of the United Nations on a global scale.

Dr. Ikeda was born on January 2, 1928, in Japan. In 1947, he became a member of the Nichiren Shoshu Buddhist religion and began studying under the direction of Josei Toda, the Soka Gakkai lay organization's second president. In 1948 he graduated from the Tokyo Business School and entered the Taisei Institute where he studied economics.

The 1960's proved to be a time of blossoming productivity for Dr. Ikeda. In 1960, he was inaugurated as the president of the Soka Gakkai lay organization. He held this position for 20 years, providing the leadership for the movement as it grew from fewer than 1 million, to its present total of 8.5 million households.

In January 1962, Dr. Ikeda founded the Institute of Oriental Philosophy. This was just the beginning of an illustrious career of laying the ground work and eventually establishing institutions which are critical components in Japanese society today.

His commitment to youth education and participation in society is evident in his unprecedented record of starting seven institutions of learning: Tokyo Soka Gakuen Junior and Senior High School; Soka University; Kansai Soka Gakuen Junior and Senior High School; Sapporo Soka Elementary School; Kansai Soka Elementary School; and the Soka Women's Junior College.

Dr. Ikeda's interest in fostering understanding and a sense of history to the youth of today has proven to be a tireless effort, and his creation of the Fuji Art Museum in May 1973, and the Tokyo Fuji Art Museum in November 1983, are just additional measures which demonstrate his commitment to maintaining the generational links in society. In October of 1963, Dr. Ikeda founded the Min-On Concert Association. The following year, he founded Komeito, which is currently Japan's third largest political party.

A prominent author in Japan with numerous publications, Dr. Ikeda is the recipient of honorary doctorate degrees from Moscow University, May 1975; University of Sofia, Bulgaria, May 1981; and Soka University, November 1983. He holds honorary professorships at National University of San Marcos, Lima; Beijing University; Fudan University, and the University of Santo Domingo. His dialog with the late, renowned world historian, Arnold Toynbee produced a joint publication entitled: "Toynbee—Ikeda Dialog," published by Oxford University Press. He has authored over 40 books and numerous essays and shorter works.

The awarding of the 31st District Congressional Peace Through Youth International Award is just the latest recognition of his dedication to international peace and harmony. In August of 1981, he was awarded the United Nations Peace Award; in December 1981, the Poet Laureate; in February 1984, the Order of the Sun of Peru with Grand Cross; in September 1986, the Kenya Oral Literature Association Award; in February 1986, China's Peace and Friendship Cup; in February 1987, the Order of Vasco Nunes de Balboa, Panama; and the G. Ramachandran Award for International Understanding.

With all of the war and conflict in the world today, it is an honor to recognize the work and life achievements of someone so dedicated and committed to peace and harmony. This effort becomes particularly attractive when the endeavor incorporates the youth of the world. Dr. Ikeda has demonstrated that his efforts toward the education of the youth of the world is a life long endeavor. For his relentless struggle toward the finer aspects of human existence, Dr. Ikeda should be an inspiration to us all.

I call on my colleagues to join me in recognizing the activities of this dedicated and committed human being who has shown throughout his life that peace, harmony, and understanding are achievable in this world, and the youth of our world are not to be excluded in the pursuit of that goal.

TRIBUTE TO CLIFTON HIGH SCHOOL PRINCIPAL AARON HALPERN ON HIS RETIREMENT

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. ROE. Mr. Speaker, on numerous occasions we have spoken in this Chamber about education in our great Nation and the vital importance to all of us the best education possible for the young people of America.

In my Eighth District of New Jersey, in the city of Clifton, we have indeed been fortunate for the past 43 years to have a man dedicated to the same lofty educational ideals we espouse here in the U.S. House of Representatives. I am speaking of Aaron Halpern who has given more than four decades of his life to teaching and guiding the young people in the Clifton school system, serving the last 25 years as principal of Clifton High School, and is now retiring.

Mr. Speaker, Aaron Halpern will be honored for his long and outstanding service to education in both Clifton, the State of New Jersey and our Nation with a dinner in his honor this Friday, June 17, at the Friar Tuck Inn in Clifton, NJ. I know that his family, friends and colleagues are all eager for the opportunity to show their appreciation for his many accomplishments in the field of education.

Aaron Halpern was born and grew up in Passaic, NJ, and attended New Jersey State Teachers College in Union, which is now Kean College. He came to the Clifton school system in 1945, serving his first decade as both a teacher and a guidance counselor before being elevated to vice principal of Woodrow Wilson Junior High School, a position he held for 4 years.

Mr. Speaker, Aaron Halpern served his first principalship at No. 7 Junior High School in Clifton, before moving on 3 years later to Columbus Junior High School, where he was also principal. In 1963 he became principal of Clifton High School, where he has been the guiding force for the last quarter of a century and one of our true leaders in the field of education.

Along with his many career accomplishments, Aaron Halpern has also found the time to be active in numerous professional and civic endeavors, and thereby has further enriched his profession and his community.

Among his many other activities, Aaron Halpern is a life member of the National Education Association and the New Jersey Congress of Parents and Teachers. He is also a member of the National Society for the Study of Education, the National Association of Secondary School Principals, the New Jersey Principals and Supervisors Association, the Passaic County Education Association and the New Jersey Education Association.

On three different occasions he also served as president of the Passaic County Association of High School Principals, and on two occasions he served as president of the Northern New Jersey Interscholastic League. Aaron Halpern has also been on the Executive Committee of the New Jersey State Interscholastic Athletic Association. He was chairman of the Visiting Committees of the Middle States Association of Colleges and Schools, and of the Evaluation Committee for the Educational Administration Department of Montclair State College in Montclair, NJ.

As a most highly regarded member of the education profession, Mr. Halpern has been invited to be a guest lecturer at Rutgers, University School of Education and at Montclair State College; to be a panelist for the Middle States Association of Colleges and Schools and for the National Association of Secondary School Principals, and to be on the editorial advisory board of Crofts Educational Services. Mr. Halpern is also a member of Epsilon Pi Tau, the National Honor Industrial Arts Society, and Kappa Delta Pi, the National Honor Teachers Society.

Mr. Speaker, Aaron Halpern's illustrious career has also brought him many honors, among them the Distinguished Service Award from the New Jersey Principals and Supervisors Association, and the Man of the Year Award from the Clifton Football Boosters. In his many community and civic pursuits, Mr. Halpern has served as vocational service chairman of B'nai B'rith of the Greater Clifton Lodge; on the Board of Directors on the Jewish Family Service Agency; on the board of education of the Hillel Academy; as a member of F.&A.M. Humboldt-Ezra Lodge, and as chaplain of the Men's Club of the Clifton Jewish Center

I know that Aaron Halpern's wife, Dorothy, and his daughter, Doretta, as well as the rest of his family, his many friends and colleagues are extremely proud of him and rejoice in his multitude of accomplishments, as do I.

Mr. Speaker, I invite you and our colleagues to join me in saluting an outstanding individual and an outstanding American whose devotion to the education of our youth has truly enriched the community of Clifton, the State of New Jersey and our Nation—Aaron Halpern, principal of Clifton High School.

I'M FOR MY FRIENDS

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. DANNEMEYER. Mr. Speaker, on May 25, 1988, the Energy and Commerce Subcommittee on Energy and Power held a hearing on the issue of natural gas bypass. As all of us are well aware, there are always two sides to a debate. Currently, two bills are pending in the House of Representatives which would limit FERC authority in decisions relative to bypass. I have declined to cosponsor these measures at this time. My decision to decline from sponsoring legislation this early in the debate can best be stated by expressing the wisdom I've heard from Mr. Ralph Hall, my colleague from Texas, on occasion: "When some of my friends support bypass and some of my friends are opposed to it, I'm for my friends."

The test of the letter follows:

NATIONAL GOVERNORS' ASSOCIATION,
Washington, DC, March 8, 1988.

Hon. MARTHA O. HESSE,
Chairman, Federal Energy Regulatory Commission, Washington, DC.

DEAR MADAM CHAIRMAN: In its approval of several recent requests for bypass of natural gas local distribution companies, the Federal Energy Regulatory Commission has taken a position that undermines important state prerogatives and established regulatory practices.

Although the Governors support the Commission's efforts to promote competition in wholesale natural gas markets, we do not believe that federal jurisdiction over local bypass would further that cause. Indeed, in asserting differing regulatory authority for states with regard to "transportation" and "sales" service for end use customers, the Commission is injecting uncertainty and instability into local gas markets, which we believe will prove unmanageable over the long run. The National Governors' Association continues to oppose the preemption of state regulatory authority of local bypass with regard to both "sales" and "transportation" cases, and we urge the Commission to reconsider its position in this area. (Attached is a copy of NGA's current policy, as well as a filing previously made by MGA regarding natural gas transmission and distribution.

There are long-standing and compelling premises for state regulation of public-franchised natural gas distribution networks: redundancy of expensive capital equipment is avoided. Economies of scale, both in terms of system size and opportunity to plan, can be maximized through development of a single, integrated system. Residential and other customers lacking the ability to purchase gas from competing sources can be protected against monopoly pricing. And, finally, various and competing local public interests can be balanced within a single regulatory setting. The obligation to serve required of public utilities necessitates the ability to identify markets and adequately plan to meet the needs of potential customers—a difficult proposition when the very largest customers can alternate between asserting their right to service under state regulation and self-purchase under federal regulation.

There likely will be circumstances in which the public interest would be served by the direct purchase of natural gas by large industrial customers. A number of states mandate carriage by local distribution companies of customer-purchased gas or have established rates designed to make LDCs indifferent to sales versus transportation arrangements. Other states have provided for bypass on a case-by-case basis as deemed appropriate. We stress, however, that states are in a much better position to make these kinds of judgments than is the federal government. At a minimum, it is not at all clear how states can fulfill their obligation to regulate public utilities in the public interest when their decisions, based on a range of local needs and interests, can in various ways be changed after the fact at the federal level.

By creating two different types of distribution systems under two different regulatory regimes, the Commission's recent rulings on natural gas bypass, such as Opinion 275-A (regarding Panhandle Eastern Pipeline's bypass of Michigan Consolidated Gas), appear to be leading to inefficient and duplicative local distribution networks. The Commission itself has echoed this sense that states are in a better position to evaluate activities within local service territories. Order No. 436, broadly regarding natural gas transportation, states:

"The commission does not intend the final rule to intrude in any way on the jurisdiction of the states over the local distribution of natural gas. The commission recognizes that under our system of federalism it is within the traditional, sound discretion of the states and local governments to regulate local distribution companies in the public interest."

That statement, in turn, embodies the broad principal of federalism put forth in the President's Executive Order of October 26:

"In the absence of clear constitutional or statutory authority, the presumption of sovereignty should rest with the individual States. Uncertainties regarding the legitimate authority of the national government should be resolved against regulation at the national level."

Decisions made by a single authority at the state level (or, in the case of public-owned systems, the relevent jurisdiction), can best avoid costly duplication of service and assure responsiveness to local conditions. We strongly urge the Commission to reaffirm the historical relationship between the States and the federal government, which has provided for efficient and locally-responsive regulation of natural gas distribution at the state level.

Sincerely,

Gov. Arch A. Moore,
Chairman,
Committee on Energy and Environment.

BRENT ELEMENTARY SCHOOL HONORED BY U.S. DEPARTMENT OF EDUCATION

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. FAUNTROY. Mr. Speaker, it gives me great pride and pleasure to acknowledge before the Congress of the United States that Robert Brent Elementary School here in the District of Columbia has recently been recognized for excellence by the U.S. Secretary of Education William J. Bennett. Brent Elementary, located at Third and D Streets, SE., here on Capitol Hill, was selected as one of only 287 public and private elementary schools in the entire Nation to be so honored as part of the Department of Education's 1987-88 School Recognition Program.

Dr. Frances M. Plummer, principal of Brent Elementary, along with her students, faculty, and staff, can be most proud of this achievement as Brent was, in fact, the only school in the District of Columbia to receive such national recognition. Secretary Bennett summarized the winning schools' accomplishments with these words:

> These outstanding schools are as diverse as the nation itself, but they also share many common attributes—a commitment to learning, to high standards, and to excellence. These elementary schools give their students a strong core of skills, knowledge, values, and attitudes that help them embrace education with enthusiasm. These schools are models of quality, and they deserve our praise.

Chief school officials in each State and the Council for American Private Education coordinated the nominations for public and private schools, respectively; and more than 600 nominees were evaluated for final recognition. Criteria for selection focused on such elements as school philosophy and goals, organization, leadership, curriculum, instruction, student success, character development, school climate, school/community relations, and efforts to maintain and improve quality. Special attention was also given this year to schools offering outstanding programs in mathematics and/or science.

Mr. Speaker, in these days when we hear so many discouraging reports about our young people and the caliber of our American educational system, it warms my heart to salute Dr. Plummer and Brent Elementary School for bringing this distinctive honor to the District of Columbia. Truly, Brent and each of the other schools recognized by the Department of Education exemplify a living commitment to developing the very best that lies within our youth. May each one of us similarly recommit ourselves to that quality of excellence in our own work that will provide every girl and boy in the Nation an opportunity to study and to grow in a school, a community, and a home environment that will develop the very best that lives within each child.

ARTHUR BENSELL: A LEADER OF THE SILETZ

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. AuCOIN. Mr. Speaker, I would like to take this time to remember Arthur S. Bensell, a man who died recently but whose memory will live for many years to come. He spent the majority of his life working on behalf of Native North Americans, in particular the Siletz Tribe, and was an outstanding leader in the Siletz community as a whole. Mr. Bensell died on May 11, 1988.

He was born on April 23, 1909, in Siletz, OR. In 1935 he began his work as a science teacher at the Pipestone Indian School in Minnesota where he later became principal. Throughout the next 20 years he held many leadership positions at various Indian schools. In 1954 he moved back to Siletz, OR, and opened a small grocery store there which he operated until 1974.

The same year that he returned to Siletz, the Confederated Tribes of Siletz were terminated as a federally recognized tribe. Art knew that this was unfair, so he worked and lobbied for the next 20 years to reverse this decision. Finally, with Mr. Bensell's assistance, Senator HATFIELD and I drafted a bill that President Carter signed in 1977 which once again recognized the Siletz Tribe. This bill, S. 2055, established a land base for the Siletz, allowed them to adopt their own federally approved constitution, and enabled tribal members to obtain Government assistance in areas relating to health, education, employment, and social services. I can honestly say that without Art Bensell's vast knowledge of the Siletz Tribe and his constant support, our efforts to restore the tribe's status would have been far more difficult.

Mr. Bensell served as tribal chairman for the tribe from 1975 to 1982 and was a delegate to the Affiliated Tribes of Indians of the Northwest. He actively served on the Siletz Tribal Council from 1975 until his death.

During his years in Siletz, Mr. Bensell dedicated much of his time and energy fighting alcoholism among his people. From 1975 to the present, he served as director of the Siletz Indian Alcohol and Drug Abuse Program, a subcontract with the Lincoln County Mental Health Department. He was appointed by the Governor to the Indian Alcohol Problem Council of Oregon and by the county commissioners of Lincoln County to the alcohol board.

His many efforts to improve the community, however, do not end there. Mr. Bensell served as mayor of Siletz for 14 years, from 1960 to 1974 and was the chairman of the Lincoln-Benton-Linn County Manpower Board. Some of his additional activities included membership on the advisory board of the 4-H program and on the Board of the New Lincoln Hospital to name only a few.

Arthur Bensell's many years of hard work did not go unnoticed. In 1977, he was named the Outstanding Retired Educator for Oregon, and in 1978, he received the University of Oregon's Distinguished Service Award, the highest honor the University of Oregon can bestow, for his hard work on the Restoration Act. In 1987, Mr. Bensell was inducted into the Indian Hall of Fame. A sure sign of his great civic duty can be seen by driving to the Siletz City Hall—it's located on Bensell Drive.

Arthur S. Bensell was a man who will truly be remembered by all of us in the Pacific Northwest. Through his work, a tribe was given a second chance to grow and prosper. Through his work, that tribe did grow and prosper. Despite his strong involvement in the Siletz Tribe, Art was also willing and able to give his time and energy to the community as a whole. He was an easy man to talk to and treated all who spoke with him as friends. I often sought Art's counsel on Indian related matters and found him a joy to work with. All who knew Art, whether personally or through business, will deeply miss him. I am honored to have been able to call him a friend.

A TRIBUTE TO CONGRESSMAN JAMES H. GILDEA

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. YATRON. Mr. Speaker, I rise today in great sadness to pay tribute to my good friend and predecessor, Congressman James H. Gildea. Congressman Gildea, who represented Pennsylvania's old 13th District from 1935 to 1939, passed away last week at the age of 97.

A native of Coaldale, PA, Congressman Gildea was widely renowned for his outstanding efforts to help Pennsylvania's anthracite coal industry and for his leadership in the fight to improve the working conditions of anthracite workers. He was an outstanding Congressman and a dedicated leader in our area who strived throughout his tenure in the House to defend and promote the interests of his constituents.

In addition to his work in the Congress, James Gildea was a widely respected journalist. He began his journalism career in 1905 as a printing apprentice and became a newspaper publisher in 1910. In our area, he is best known as the founder of the Coaldale Observer and the Schuylkill Legal Record. In the 1920's, he managed and coached the Coaldale Big Green, a football team in the Anthracite Professional Football League. Under his tutelage, the Big Green were league champions from 1921 to 1925. He also served as head of the Panther Valley Industrial Commission and the Coaldale State Hospital. In his later years, he moved to the Washington area where most of his family resides today.

Mr. Speaker, with James H. Gildea's passing, we have lost an impressive individual and a true leader. He was a dedicated champion of Pennsylvania's anthracite miners whose efforts on their behalf are still fondly remembered in my district. James Gildea was a caring and compassionate man and a tremendous political leader and public servant. I extend my deepest sympathy to Congressman Gildea's wife, Genevieve, and to all the members of his family.

SETTING THE RECORD STRAIGHT

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. SMITH of Florida. Mr. Speaker, on May 25, The Christian Science Monitor published an opinion piece entitled "A volley at Mexico won't win the war against drugs." In this latest apologia, Adolfo Aguilar Zinser again supports the fiction that Mexico lacks any responsibility for the international drug problem. As chairman of the House Foreign Affairs Committee's Task Force on International Narcotics Control, I must set the record straight.

Mr. Aguilar states that, despite internal problems, Mexico is doing more than its fair share to fight narcotics. In fact, President Reagan himself concluded in his certification message to Congress that "Mexico has the capability for far greater achievement in narcotics control. * * * Mexico's effort has not kept pace with the increased flow of drugs and is below the level of efficiency and effect of which it is capable."

Mr. Aguilar states that:

> Production, distribution, and consumption of drugs, as well as corruption and money laundering, are serious international crimes not easily combated.

He also claims that the American yardstick for measuring cooperation is not the tons of drugs seized nor the number of people arrested.

Here, the U.S. law is quite clear. In determining cooperation, the President gives "foremost consideration" to whether production has been reduced—that is eradication—to the maximum degree possible and to the implementation of antidrug laws, evidenced by seizure of drugs and labs and by the arrest and prosecution of violators. Finally, certification includes the adequacy of steps to address money laundering and the prevention and punishment of official corruption to the maximum extent possible.

In these quantifiable areas, Mexico's deficiencies are evident.

Mexico is the No. 1 source of heroin and marijuana to the United States, and at least one-third of the cocaine entering the United States transits Mexico. Athough United States antinarcotics funds to Mexico doubled between fiscal years 1984 and 1987, opium production increased by at least 30 percent and eradication decreased by one-third, and marijuana production and eradication levels remain at 1984 levels.

The U.S. Customs Service told the task force that:

> The single most important factor which undermines effective and meaningful narcotics cooperation with Mexico is the level of official corruption within the Mexican Government. . . . Information gathered to date indicates significant levels of narcotics corruption on the part of Mexican officials.

The State Department's own narcotics report states that "money laundering of narcotics profits through investment in legitimate businesses is extensive" in Mexico but "Mexican banks, all but two of which are nationalized, do not provide information to the United States on their activities."

Failure to prosecution is evidenced by the lack of convictions of the murders—including Mexican police officials—of one DEA agent and the torture of another DEA agent, and the lack of a conviction of a major trafficker in the past decade.

Mr. Aguilar also conveniently overlooks important facts in his criticism of the certification process mandated by the 1986 Antidrug Act. He complains that there is not "any review of the quality of United States cooperation with other countries." That is patently untrue! During 1986 and 1987, my task force alone held more than two dozen hearings on international narcotics matters, including country-by-country reviews of cooperation. Earlier this year, we held six hearings relating to certification, covering every country from Micronesia to Mexico, from Peru to Pakistan. Certain Members of Congress may disagree with the quality of cooperation, but the review of that effort occurs continually.

As for his contention that the law doesn't require certification of American drug enforcement agencies, certification is a prerequisite for other countries' receiving American foreign aid and trade benefits. The activities of U.S. agencies are reviewed every year during oversight of their budgets.

He also alleges that "by all accounts, the American fight against drugs is not necessarily more effective than the efforts of those countries that have been decertified." This year, President Reagan decertified Syria, Panama, Afghanistan, and Iran. The absurdity of Mr. Aguilar's statement is self-evident. However, one categorizes our own efforts, they are light-years ahead of the nonefforts of those four countries. For example, drug running is a tacit national policy in these countries.

I can only agree with one of Mr. Aguilar's sentences: "Countries that produce and countries that consume drugs should mutually set goals and verify compliance." By this criterion alone, Mexico is failing dismally in its international obligations as it continues to refuse to enter into agreements to establish these goals and allow verification.

Even though the United States provides Mexico with funds for aerial spraying programs, the General Accounting Office's [GAO] report to the task force noted that this program lacks any eradication goals. In addition, Mexico refuses to permit us to verify the effectiveness of the spraying that does occur, and American officials cannot believe Mexican eradication figures because of the lack of verification. Mr. Aguilar would better help the antidrug program by asking his own Government to correct their inadequate policies.

Finally, it is ironic that his piece appeared directly below an article on drug use in the producing countries. Nowhere does he address the danger of drug production and trafficking to the people of Mexico and to their society.

If by magic demand for drugs in the United States were eliminated tomorrow, production would continue because of the growing demand in Latin America, Europe, and elsewhere. That is why eradication of illicit drugs at their source must receive paramount attention. That is why Mr. Aguilar should be devoting his talents to improving Mexico's efforts at home rather than obfuscating the issue in the American press.

Mr. Speaker, for the benefit of my colleague, the original article follows:

[From the Christian Science Monitor; May 25, 1988]

A VOLLEY AT MEXICO WON'T WIN THE WAR AGAINST DRUGS

[By Adolfo Aguilar Zinser]

The angry resolution voted last month by 63 United States Senators opposing the President's certification of Mexico as fully cooperating in the antidrug war is an election-year gesture to appease voters impatient with the spread of drugs and violence in American cities. The effect is to wound US-Mexican relations.

The oblique message of Congress has overwhelmed Mexico, and the political confrontations among opposing candidates in Mexico's coming election have been overshadowed by the certification issue. Mexicans of all political affiliations view this as an intrusion and a ploy to discredit Mexico. Resentful Mexicans feel that, despite government corruption and serious economic and social limitations, their country is doing more than its fair share to fight narcotics. Currently, 60 percent of the Mexican attorney general's budget, and 31 percent of his personnel, are assigned to the drug campaign; since 1982, 122 Mexican soldiers and 33 policemen have been killed by drug traffickers, and more than 50,000 people have been arrested on drug charges. Meanwhile, on the consumption side of the equation, Mexicans cannot help thinking the US continually evades its own responsibility, using Mexico and other countries as scapegoats.

Production, distribution, and consumption of drugs, as well as corruption and money laundering, are serious international crimes not easily combated. Nonetheless, the war against drugs offers a singular opportunity for international cooperation beyond recrimination and ideological differences. The reality, however, is that international efforts have been feeble, no match for the powerful alliances supporting the supranational drug cartels. Cooperation between Mexico and the US is so constantly beset by disputes that this has become the most destructive issue in their bilateral relationship. Why is the war against narcotics so divisive?

The answer can be found in the controversial 1986 US Anti-Drug Act, which requires the president to certify annually to Congress that certain countries are fully cooperating with the antidrug campaign and to recommend sanctions against those that do not meet American standards of cooperation. Sens. Dennis DeConcini (D) of Arizona and Alfonse D'Amato (R) of New York think this law is not specific enough about the obligations of the so-called "source countries." They recently introduced the Omnibus Anti-Drug Abuse Act of 1988 with more stringent demands. Both laws are based on a simplistic conception of the problem.

Fundamentally, legislators in Washington believe that Americans use illicit drugs because others produce them abroad. According to this view, the US is the victim and therefore deserves the full cooperation of all drug-producing countries. The law emphasizes interdiction over elimination of demand. To the foreign observer, the legislation appears timid in regard to internal measures but very ambitious when it comes to American involvement in other countries.

No corresponding law requires the president or Congress to certify that the US Customs, the Coast Guard, the Drug Enforcement Administration, or the New York City police meet their goals. Nor is there any review of the quality of US cooperation with other countries. To the contrary, the executive and the legislative branches of the US government merely arrogate the authority to judge and to punish the performance of other sovereign countries.

The criterion used by the US to measure a country's cooperation is equally biased. The yardstick is not the tons of marijuana or cocaine seized, nor the number of people arrested, but the tractability of a country and its willingness to abdicate jurisdiction in favor of US drug enforcement agencies. The Bahamas allows the US virtually unrestricted use of its airspace and territorial waters to chase smugglers. Mexico has not yet agreed to this, so the Bahamas, apparently, is certified by the Senate in the same session that Mexico is decertified.

The carrot-and-stick approach to international cooperation is so abusive and insensitive to other countries' rights of sovereignty that, far from encouraging allies, it alienates them. It arouses so much domestic and international debate that the real issue of drug trafficking is lost in self-defeating controversy.

It is absurd and impractical to link US foreign assistance and crucial aspects of US relations with friendly countries to the fulfillment of unilateral American antidrug goals.

By all accounts, the American fight against drugs is not necessarily more effective than the efforts of those countries that have been "decertified." Therefore, the US has no moral right to anoint itself commander in chief of the world crusade against drugs. International cooperation must be based on multilateral agreements, whereby all countries can share responsibility, information, and resources. Countries that produce and countries that consume drugs should *mutually* set goals and verify compliance. Each country should be accountable to the others, and not all to the US and the US to none.

TRIBUTE TO NORMAN LUECK

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. GALLEGLY. Mr. Speaker, I wish to take this opportunity to recognize the contributions to Ventura County of Norman N. Lueck, the outgoing president of the Ventura County Economic Development Association.

Mr. Lueck has provided VCEDA with outstanding leadership since joining its board of directors in 1985, especially during the last year when he served as president. He was instrumental in drafting a long-range economic development plan for the county, which I am confident will help ensure that the county continues to prosper in the years ahead.

Serving as VCEDA president is only the latest in a long series of accomplishments Mr. Lueck has achieved. A graduate of the University of Minnesota, with a degree in civil engineering, he also is a retired lieutenant colonel in the U.S. Marine Corps. He was a Marine aviator in World War II and the Korean war, eventually becoming commander of a fighter squadron.

After retiring, he enjoyed a successful career with Republic Steel Corp., retiring as a district sales manager. But he also served his church in a variety of positions, including comptroller of the Pacific Southwest Syndicate of the Lutheran Church in America. That commitment to his church led him to Ventura County, where he became vice president of California Lutheran University. There he was responsible for a $16.5 million capital projects budget and $8.5 million in annual funds.

Besides his work with VCEDA, he is consultant to the president of Cal Lutheran, president of the Newbury Park Rotary Club, and serves on the boards of several community and church organizations.

Mr. Speaker, I know my colleagues join me in wishing Mr. Lueck continued success in his future endeavors, and thanking him for his many years of community service.

OUR NATIONAL SPELLING BEE WINNER

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. FAZIO. Mr. Speaker, I rise today to salute 13-year-old Rageshree Ramachandran, winner of the 61st Annual National Spelling Bee, and, a Fair Oaks resident. I know the Sacramento community is very proud of this brilliant young lady.

"Raga" is the first California resident to win the spelling contest. To get to the national contest in Washington, DC, Raga had to compete with students from over 200 schools in the California Central Valley. She then went on to win the 2-day, 14-round, national competition by correctly spelling the words "stertorous" and "elegiacal."

Besides her superior spelling talents, Raga has also excelled in other academic endeavors. In addition to winning regional spelling bees, she placed in the top 10 in the math counts California contest and she was the highest scoring 12-year-old on the west coast in a Johns Hopkins University academic talent search. She has also participated in National History Day as a California representative.

Raga, who was born in India and spent part of her childhood in Africa, is very interested in international travel. When she is not busy with her school work or student council, she likes to play tennis, swim, collect stamps, and play the violin. Obviously, Raga is a very active and talented young woman.

Mr. Speaker, the people of California, and in particular the Sacramento community, are very proud of Rageshree Ramachandran, winner of the 61st Annual National Spelling Bee. I have no doubt she will continue to excel in whatever she chooses to do. I am sure my colleagues join me in congratulating this outstanding student and citizen for her accomplishment.

RECOGNIZING 100TH ANNIVERSARY OF CORPS OF ENGINEERS NASHVILLE DISTRICT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. GORDON. Mr. Speaker, I want to make a special note of the 100th birthday of an outfit that has meant a great deal to the economy and the qualify of life in my State.

The Nashville district of the U.S. Army Corps of Engineers has served Tennessee and the Nation since 1888, using its skill and ingenuity to smooth the Cumberland and Tennessee Rivers for navigation, recreation, flood control, and power generation. In the process, the Nashville district of the Corps of Engineers has created the engineering marvels we have all grown to expect from these exceptional units.

The Nashville district of the corps is responsible for water resources in both the Cumberland and Tennessee River basins, which include 59,000 square miles in middle and east Tennessee and parts of six other States.

The district operates and maintains nine hydropower, six flood control and four navigation projects on the Cumberland River and the navigation channels and recreation sites in the Cumberland River basin.

It operates and maintains 10 locks and the navigation channels in the Tennessee River basin. The corps designed and constructed the important Tennessee-Tombigbee Waterway. The Tennessee-Tombigbee Waterway includes the Bay Springs lock, which lifts boats 84 feet, the third highest lift east of the Mississippi.

The district was created on August 18, 1888, by Special Order No. 191. The order directed Col. John W. Barlow to change his station to Nashville from Chattanooga, where he had assumed command of operations on the Cumberland and Tennessee Rivers in 1886.

Colonal Barlow, a combat engineer who had participated in the Battle of Bull Run, the Peninsular Campaign, the Battle of Atlanta, and the Battle of Nashville during the Civil War, had served after the war as Gen. P.H. Sheridan's chief engineer in the Far West and led a detachment of engineers in the first exploration of the Yellowstone area. He went on to become a brigadier general and the Army's Chief of Engineers, taking office May 2, 1901.

Two other former Nashville district engineers, Maj. Edgar Jadwin and Col. Lytle Brown, went on to become Chief of Engineers. Lt. Gen. Henry Hatch, currently Chief of Engineers, served as Nashville district engineer from August 29, 1974 to July 17, 1977.

Any one who has seen the two great rivers that run through Tennessee knows what an undertaking it was to tame them, and how important the Corps of Engineers' work has been.

Today, I ask my colleagues in the House to salute these fine men and women from all over our Nation who have served and continue to serve in the Nashville district.

TRIBUTE TO C.J. McLIN, JR.

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. HALL of Ohio. Mr. Speaker, I rise to pay tribute to a distinguished man and great public servant, C.J. McLin, Jr., of Dayton, OH. Since 1967, C.J. has represented the 36th District in the Ohio House of Representatives. However, his influence extends throughout Ohio, and even the Nation.

In the 1960's, I was privileged to serve with C.J. in the Ohio General Assembly from the Dayton area. After I was elected to the U.S. House of Representatives, I enjoyed my continued working relationship with C.J. to serve the people of Ohio.

As a senior member of the house, C.J. earned a reputation as a man who gets things done. But that reputation comes not so much from any power that was given to him; but rather, it comes from his political skill, willingness to work hard, and true spirit of compassion.

C.J. will always be remembered as an effective black leader and an outspoken advocate for minority rights. He helped establish the Black Elected Democrats of Ohio his first year in office and he has been elected its head ever since. He was instrumental in the creation of the State's minority set-aside program, and he helped bring about a successful lawsuit against the State to reduce discrimination in the construction industry. He is the sponsor of a bill now pending to divest Ohio of investments in South Africa.

Having achieved success himself, C.J. never failed to help those who aspired to come up after him. He never forgot the difficulties he encountered in his rise, and he was always there to open the doors of opportunity for others. There is probably no black official in Ohio who does not owe some debt to C.J.

But C.J. is more than a great black leader. He is a true statesman for the entire Dayton community and all of Ohio. Recognizing the value of education, he was instrumental in establishing the Wright State University Medical School, the Wright State University School of Clinical Psychology, and the Dayton Career Academy for Vocational Education.

C.J.'s real legacy for Dayton—and the Nation—is increased understanding and opportunity for all men and women, black and white, young and old. That is a heritage that can be passed on to future generations of Americans to enjoy and cherish.

WORKING TOGETHER TO FIGHT ALCOHOL AND DRUG ABUSE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. FRANK. Mr. Speaker, we sometimes hear about problems between generations. As is often the case, there are in my experience far more examples of close cooperation across generational lines, but we hear less often about these.

One such example of cooperation recently occurred in the town of Seekonk, MA, and I am eager to share it with my colleagues, both because of the inherent importance of this effort of older people and younger people to work together, and because the subject on which they collaborated, fighting drug abuse, is also an important one. The Seekonk Chapter of the American Association of Retired Persons sponsored an essay contest for people at the high school and middle school, in which the participants were asked to write essays on the importance of avoiding alcohol and drug abuse. I was very happy to have been invited to attend the event at which the winners of these contests were given the recognition they deserve.

I want to congratulate the Seekonk Chapter of the American Association of Retired Persons for its initiative and work. I want to congratulate also Kurt Hemmer who won first prize at the high school level; Jennifer Champagne who won second prize at the high school level; Becky Newton who won first prize at the middle school level; and Tracy Bostian who won second prize at the middle school.

Mr. Speaker, I have read these essays and I think they are excellent examples of what can happen when young people are given the opportunity to speak out on important issues which directly effect them and their contemporaries. I include these winning essays at this point:

DRUGS AND ALCOHOL: A RECOMMENDED SOLUTION

The abuse of drugs and alcohol is a serious problem in today's society, but it can be stopped by making people aware of the risks and dangers involved in using them. People may begin to experiment with drugs or alcohol for several reasons. Most children start because of curiosity or peer pressure. If all of their friends use drugs or alcohol they will feel left out and decide to "join the crowd" and see what happens when they use these substances. The best way to prevent this from happening is for parents to teach their children and teenagers the true facts about drugs and alcohol. However, this will not suffice in stopping every child from using drugs and alcohol. A daily class should be developed in every school to help educate students and teach them to make the right decision and say "no" to drugs and alcohol. This class should also teach the students to have self-respect and a pride for who they are. However, students shouldn't be taught to fear drugs and alcohol. If they could simply learn that their life is too precious to waste by taking drugs or drinking alcohol, they might be able to protect themselves without having to be afraid.

Adults, on the otherhand, usually use drugs and alcohol for different reasons. Perhaps they are nervous and are having trouble at work or at home. They might rely on drugs and alcohol to help them overcome their problems. This can be prevented from happening by encouraging families and friends to be more open and to discuss their problems with one another, rather than resorting to the use of drugs and alcohol to solve these problems. Even though there are now laws which ban the use of alcohol, adults must realize that it is just as harmful as other illegal drugs. Finally, for those people who are already addicted to drugs or alcohol there is a solution. Surprisingly, that solution probably would not be to make harsher laws against the use of drugs and alcohol. That wouldn't stop the people; it would just punish them more severely if they were caught. In order to make these people stop abusing drugs and alcohol, they must first admit that they have a problem. Then someone who loves and cares about them should comfort them and seek professional help. So, do not lose all hope, for it does seem possible that people really can rid their society of drug and alcohol abuse. However, the best way to do that, appears to be to prevent people from starting to abuse drugs and alcohol in the first place.

JENNIFER CHAMPAGNE,
2d Prize, Seekonk High School.

DRUGS AND ALCOHOL

"Through the infinite reaches of space, the problems of Man seem trivial and naive indeed. And Man, existing alone, seems to be an episode of little consequences." What does he know about Man alone? Yet, that is exactly what we are; every one of us sheltered from what lies inside the rest of us. Although by circumstances uncontrollable we are all thrown together, essentially we all exist alone, wandering through life without a set destination. Occasionally we come in contact with other beings, but we cannot get inside them and feel what they feel, or think what they think. We must guess at their emotions and feelings and apply them to our own. In our eternal loneliness we must find means to escape and take the burden of our solitary condition off our shoulders and off our minds. Television, radio, movies, sports, games, travel—these are all forms of escapism, but no form of escape quite compares with that of drugs and alcohol. As long as the people can get their hands on something, they will abuse it. Drug and alcohol abuse has always been a major problem; there are those of us who do not see and end to it. The only possible way for drug and alcohol abuse to cease to exist as a serious problem is for people to educate, understand, and love one another.

Without education we are blind. We must learn and teach each other about the facts of drug and alcohol abuse. Everyone must try to do a part for this to be successful. Parents must teach their children and show them the right way instead of avoiding the subject. There is a proper way to do everything, and there is a proper way to drink alcohol. The young must be shown the correct way to handle alcohol and the harm drug abuse can bring. Education is a key step to creating a more intelligent and abuse conscious society.

Once we are properly educated on the matter of drug and alcohol abuse, we can try to seek out and stop its origins. Much too often drug and alcohol abuse is glamorized by the media. Many of the heroes of today's youth portray substance abuse as something that is cool. The media and the heroes of legions of the younger generations must come together and realize the responsibility they have to society and give the story on substance abuse straight. We all must sit down and realize that millions of lives are being shattered by the problem we have allowed to blossom.

Yet, no matter what we do or how hard we try, the move toward a society free of drug and alcohol abuse will get nowhere without love. People turn to drugs and alcohol to fill holes in their lives and to escape the miseries and hardships of everyday life. More often than not, it is lack of love and understanding that ruins these lives. We all need attention and caring; we are lonely enough as it is without such contact. We are trapped here together for but a brief moment, but to one that finds no trace of love, that brief moment can feel like an eternity of torment and despair. Every single human being must try to understand and love every other human being, and only when we can eliminate the tremendous amount of depression lurking in the world, can we end the drug and alcohol abuse that plagues us so.

Only with the combined forces of education, understanding, and love, can drug and alcohol abuse be beaten. Before any progress can be made, people must first decide whether we have the desire to conquer this epidemic. The battle will be slow and hard fought, and chances are we shall not live to see it end. The choice is ours and we must make our decision as a whole, for no individual can defeat the mammoth we stand against. Only time will tell whether we have the desire and love for one another to triumph in this time of need.

KURT HEMMER,
1st Prize, Seekonk High School.

AMERICA'S HOPE FOR A DRUG-FREE TOMORROW

Education is our best defense to break the continually growing chain of drug and alcohol usage. The members of all communities, young or old, rich or poor, need to be taught the evils of substance abuse. We must soon formulate a plan to rid our country's citizens of all reasons for wanting drugs of any kind.

A positive approach is vital to the success of any plan, and what is being dealt with here is no exception. To encourage our children to "Just Say No" when confronted with drugs and alcohol, more attention should be given to activities involving sports and academics. If a child develops a stronger positive self-image, he is more likely to have pride in himself and not want to harm his mind and body with drugs; he will turn down drugs when he is confronted with a opportunity to use them. He will know the damage these substances can cause. He will also realize that the euphoria of a Quaalude cannot be compared to the highs obtained from hitting a home run or shooting a three-pointer.

Education necessitates an early start. We cannot just begin teaching children the evils of drugs in high school. There is evidence that 44% of drug and alcohol users began in the 4th, 5th, and 6th grades, while 54% had their first experience in the 7th through 9th grades. We must begin early, encouraging the children to get involved in school activities and to have pride in their abilities and achievements. Once a child is involved in drugs, it is probably too late to get through to him. When lectured on the harm drugs and alcohol can do to him, the drug user will tune out the message and think that the speaker is just a square and doesn't know how to have a good time. It may never occur to him that he, himself, is wrong and that he is putting himself in serious jeopardy. The children are the future of the world, and actions must be taken early to teach them not to fear drugs and alcohol, but to stand up to them.

Adults, whether they are parents or not, must also take a part in this crucial effort. Parents can set a good example for their kids by staying straight and out of trouble with drugs themselves. Parents can also help by not turning the other way if a problem does arise. If this should happen, it is the parents' responsibility to find out what it is that is causing their child to resort to drug use. Only when we know the facts can we face the problem effectively.

All too often, adults adopt the familiar attitude of, "It just doesn't happen in this community." Similarly, those who are parents often think, "Not my kid." The hard reality is that the drugs are out there and are being used by someone's kids. Do you know what your kid is doing right now? Awareness is a powerful weapon which must be utilized against drugs.

Education is definitely a strong defense against the spread of drug and alcohol abuse, but no one strategy can stand alone. Education must be combined with other ideas across the nation, such as more thorough inspections at customs and more severe punishments for people caught pushing drugs. Surely 2½ years (today's maximum jail sentence) is not a sufficient punishment for someone who is, for instance, caught selling barbiturates to 4th graders. What we must always remember is that the children hold the future of America in their small hands. By educating tomorrow's adults well, we can be assured that they will grow up strong, safe, and smart to run our country. Education is our best hope for a drug-free future.

BECKY NEWTON,
1st Prize, Seekonk Middle School.

ALCOHOL AND DRUG ABUSE

The years of a young person's life are supposed to be the most precious years of life. They are a time for growing, for being carefree, and for having a good time. Yet, too often hundreds of young people are robbed of those precious years because to them, having a good time means getting drunk and high on marijuana every weekend. The reasons people drink or do drugs vary from person to person; for some it is to have a good time, for others it is to rebel against parents, and for other people it is an escape from problems. Sadly, many people view the use of drugs and alcohol as a way of numbing themselves and avoiding the problems in their lives.

Adults have done a wonderful job acknowledging the problem of drug and alcohol abuse among our generation, but often their ways of handling the problem are useless. The scare tactics, using gorey pictures of disfigured bodies, just don't relate to people who are sure that something as awful as a drunk driving accident, will not happen to them. It is an impersonal way of trying to scare people, and it doesn't work. Forcing people to view disgusting slides is not showing that you care. There are many other ways adults can show they understand and want to help.

Young people face many new changes as they mature. There are many important decisions to be made, new responsibilities, and more pressure. Often, the burdens of all these changes become too much to handle, and young people turn to alcohol and drugs. They should turn to adults and friends instead. Close relationships with parents and friends must be encouraged. People need to know that there is someone to lean on, who really cares, when things seem too difficult to handle alone.

There's a sort of paranoia about acknowledging the substance abuse problem in the United States. Parents are afraid to discuss the problem with their children, but there is a problem and it must be faced. Parents have to learn to be more openminded about substance abuse; they have to learn to discourage such abuse, but can't be so stern in the matter. Part of the fun of drinking is that it's rebellious, and teenagers love to rebel against their parents. Parents may be able to curb the problem by using a little reverse psychology.

Education is probably one of the many important factors that shape a person's personality. Learning at an early age that alcohol and drug abuse is dangerous and life threatening is an important step towards stopping such abuse. The education must also continue beyond elementary school and into junior and senior high school.

Although it may seem hopeless at times, working together, we can avoid the problem of alcohol and drug abuse. All it takes is the willingness to care, to be openminded, and to learn more about the problem, so it can be stopped.

Tracy Bostian,
2d Prize, Seekonk, Middle School.

IT MUST BE AN ELECTION YEAR

HON. JOEL HEFLEY

OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 14, 1988

Mr. HEFLEY. Mr. Speaker, it must be an election year. Like the swallows returning to Capistrano, election years are marked by lavish, irresponsible, budget busting efforts to buy votes for incumbent Members of Congress.

An example of this is the recent effort in Congress to address the very real problems of catastrophic and long-term health care cost of the elderly.

When President Reagan asked in his State of the Union Address in January of 1987 that these issues be looked at, most Members agreed. These are definitely problems that should be solved. Retired persons should not have to impoverish themselves because of an illness before they can get help.

The President presented a plan calling for a $2,000 annual cap on out-of-pocket expenses for Medicare covered services. The plan would have been financed by increasing the premium for the optional part B Medicare coverage by $4.92 per month.

Congress took over and set separate caps for part A (hospital) and part B (physician) costs, extended several other benefits, and added a new prescription drug benefit. To pay for this, the bill will increase the premium for part B coverage by $10.20 per month by the time the full benefit package is in place by 1993. But in addition, the bill will assess a mandatory supplemental premium through the income tax system. For every $150 of income tax owed, persons eligible for Medicare will have to pay an additional $42. That is an increase in income taxes of almost 30 percent. Both increases are indexed, and will rise as program costs rise.

Beneficiaries can avoid the flat premium increase by dropping part B coverage, but the supplemental premium is mandatory. By effectively requiring all elderly to enroll in the full Medicare Program, Congress has eliminated the option of turning to an insurance market that met the needs of approximately two-thirds of the elderly before this bill. In the words of one Congressman, "we are going to socialize, essentially federalize, the delivery of all acute care."

The bill passed, making health care mandatory, raising taxes, and dumping the costs on the backs of retirees, most of whom were taking care of this need already through their private insurance market. All retirees will pay to participate in a program in which a very small percentage will actually benefit from.

To make matters worse, the bill did not really address what most elderly regard as the true threat of aging: the cost of long-term care for chronic health problems. By excluding long-term care from the bill Congress recognized that long-term care presented much more difficult problems.

On June 8, the House faced its second vote on an expansion of the Medicare Program. That vote, on H.R. 3436, the so-called Pepper bill, has been presented as a vote for or against protecting the elderly from the crippling costs of long-term care. It was no such thing.

This bill did not present a realistic way of meeting the long-term health care needs of the elderly. It would be difficult to implement, and attempting to do so would have meant disastrous results for health care providers, the Federal budget, and the elderly.

Though the bill was presented as a cure-all for long-term care, it would not provide one cent for nursing home care, the major out-of-pocket expense of the elderly. The bill concentrates exclusively on home health care, which is very important but not all important. The bill promised everything but would have delivered very little.

It promises home care to all elderly, but relies on the efficient operation and expertise of agencies that do not exist in the number necessary to deliver that care. Creating the agencies and manning them on short notice would surely result in waste, fraud, and abuse for years to come.

Additionally, no adequate methods of determining eligibility have been developed. As eligibility and benefits varied, the resulting conflicts would result in thousands of appeals and lawsuits against the Government.

Though the authors of the bill say it is budget neutral, it is only so because the Secretary of Health and Human Services is authorized to lower payments to providers—or, Congress could raise taxes in order to bring costs in line with revenues. Congressional and administration economists estimate that when fully phased in, the program will add $5 billion to the deficit each year. The results would be either a 37-percent cut in payments to providers, or a 56-percent rise in taxes to cover the program. One option requires massive Federal intervention in the private marketplace, the other penalizes an already overburdened taxpayer who would be expected to come up with an additional $30 billion in payroll tax increases.

The problems with this bill could have been addressed and perhaps solutions found had the bill been subject to the regular legislative process. But in an effort to gain from extravagant, and ultimately cruel promises to the elderly, the bill came directly to the floor of the House without every being considered by any committee or jurisdiction.

Fortunately for everyone the Pepper bill failed, but the problem didn't go away. We still need answers to long-term, health care needs, both home care and nursing home care, for the elderly. Maybe after we get past the election year pandering we can move on to responsible solutions.

MEALS ON WHEELS AMERICA FORMED

HON. THOMAS J. DOWNEY

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 14, 1988

Mr. DOWNEY of New York. Mr. Speaker, as acting chairman of the Subcommittee on Human Services of the House Select Committee on Aging which has oversight responsibility for the Older Americans Act, I was pleased to participate in a press conference on Wednesday, June 7, at which time an announcement was made of the foundation of Meals on Wheels America, a nationwide supplemental meals program designed to benefit the homebound elderly. Also attending the press conference were Representatives Charles Rangel (D-NY), Kweisi Mfume (D-MD), Major Owens (D-NY), Larry Smith (D-FL), and Claude Pepper (D-FL) and Senator Wendell H. Ford of Kentucky.

Meals on Wheels America will enable thousands of homebound elderly to receive even more meals beginning in November 1988. This special program, which is being sponsored by Joseph E. Seagram & Sons, Inc., and Bristol Myers Products represents the expansion of a great success story that has operated in the city of New York since 1981. At that time, New York City Department for the Aging Commissioner Janet Sainer working together with food expert James Beard and food critic Gael Greene launched a program which would generate private funds for more home-delivered meals for the elderly. Called Citymeals on Wheels, it began as a private effort to raise money for Christmas meals for homebound elderly. Since that time, Citymeals on Wheels has grown to become a major human service program that provides meals to New York City's homebound elderly on weekends and holidays for which public funds are not available. Citymeals on Wheels has now grown to include 500,000 meals on weekends, 2 holidays per year, and for emergency meals to the homebound elderly population.

I wish at this time to commend and congratulate Commissioner Sainer and the entire New York City Department for the Aging because it is their unique program and enormous success that has served as a model for the 20 cities across this country that have been selected to participate in the Meals on Wheels America Program.

This program compliments the national home delivered meals program of the Older Americans Act. The home delivered meals program was added as a separate section of the law in 1978 and in the past session of Congress it, and the entire act, were extended for 4 more years—Public Law 100-175.

The 20 cities that have been selected out of over 100 applicants that will receive on-site technical assistance by New York's Citymeals on Wheels, and a $5,000 matching grant from Bristol Myers and Seagram are Atlanta, GA; Baltimore, MD; South Shore of Boston, MA; Chicago, IL; Columbia, SC; Columbus, OH; Dallas, TX; Des Moines, IA; Detroit, MI; Houston, TX; Indianapolis, IN; Florence, KY; Knoxville, TN; Los Angeles, CA; St. Petersburg, FL; and Tucson, AZ. All of these cities are currently serving meals made possible by the Older Americans Act to those who have been assessed as needing home delivered meals. All are affiliated with Area Agencies on Aging, of which there are 667 across the Nation. Meals on Wheels America will enable these cities to expand their current efforts.

This new program represents the kind of public-private partnership which produces a tangible success—in this case, the delivery of services to a vulnerable population. The intervention of daily meals can and does avert unnecessary institutionalization and is able to be provided at a fraction of the cost to the Government.

For thousands of elderly homebound in New York, weekends and holidays have been made that much better and happier because of Citymeals on Wheels. This special service will now be provided to these 20 other cities beginning with Thanksgiving Day, 1988. I would like to once more applaud Meals on Wheels America, its sponsors, especially Sam Bronfman II, president of Seagram Classics Wine Co., which has been a major supporter of New York City's program for the past 5 years, and all those whose time, efforts and personal contributions will make this program a success. I hope that these 20 cities fare as well as New York City and that this special type of commitment is extended to many more cities in the future.

FATAL DRUG CRIMES ACT

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. HERGER. Mr. Speaker, this week I introduced H.R. 4796, the Fatal Drug Crimes Act of 1988, which would impose the death penalty in certain instances where a violation of the Controlled Substances Act results in a death.

Drug-related death is a growing problem in America. In 1986, the States reported 37,000 drug-related deaths. In California alone, 8.4 percent of the homicides committed in 1986 were drug-related, compared to 6.8 percent in 1985, and 5.2 percent in 1984. Here in our Nation's Capital, over half of the homicides committed are drug related. These statistics clearly indicate that more and more homicides occur in connection with drug offenses. But deaths also result from overdose. The drug abuse warning network noted that 111,249 drug abuse episodes were reported from 744 hospital emergency rooms in the 27 metropolitan areas which reported drug-related medical incidents to the Dawn survey.

Mr. Speaker, it really makes no difference whether a victim is murdered or dies of an overdose. Drug dealers recognize that the poisons they peddle are extremely dangerous and can result in death, and their sale of dangerous drugs should be construed as having malicious intent. It certainly makes no difference to a victim's parents, to his friends, or to his spouse. But most importantly it makes no difference to the dead. Ultimately, Mr. Speaker, there is nothing to distinguish the gun from the needle; they're both weapons. Death by drugs is death. Period.

Mr. Speaker, my bill addresses this simple fact, and dictates that where death results, the death penalty may be imposed, in certain circumstances. The death penalty is not only fitting punishment for drug dealers whose actions result in death, but will serve as a strong deterrent to future drug offenses. This bill is a tough, but reasonable approach to the problem of drug-related deaths in America.

Mr. Speaker, I would urge all of my colleagues to join me in support of the Fatal Drug Crimes Act, and send a message to the drug pushers that America draws a line at our citizen's lives.

A TRIBUTE TO VIRGINIA PROCTOR AND DEWITTE CROSS

HON. PATRICK L. SWINDALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. SWINDALL. Mr. Speaker, I rise today to pay tribute to two outstanding senior citizens from the Fourth District of Georgia who recently completed a Congressional Senior Citizens Internship Program here in Washington, DC. They are Miss Virginia Proctor of Decatur and Mr. DeWitte Cross of Sandy Springs.

I am honored to represent two such fine individuals who have dedicated much of their lives toward the building of their communities and their fellow man. During their working careers, they were both very active in community service. And throughout their retirement years. Mr. Cross and Miss Proctor have heightened their service activities and remained involved with issues of national concern.

Both have unique approaches to their activism. Miss Proctor, whose background is in nursing, helped to start the International Nursing Association and now works with various groups helping the world's hungry and disenfranchised. Mr. Cross, on the other hand, takes a great interest in the inner workings of the political process at the local and national level, working as a poll manager and voter registrar. He is the former president of Printing Industrry of Atlanta, Inc.

The Congressional Senior Citizens Internship Program is an excellent opportunity for older Americans to get a firsthand look at how our Federal Government operates. The interns I have hosted come away with a new appreciation for our country and go back home with a renewed vigor for service. I encourage my colleagues to consider sponsoring senior interns from their districts in the coming years if they have not already done so.

A TRIBUTE TO MOOSE MEMBERS NATIONWIDE

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. HASTERT. Mr. Speaker, several weeks ago I had the opportunity to participate in the dedication of the Centennial Plaza at the national headquarters of the Loyal Order of the Moose in the community of Mooseheart in my congressional district.

The dedication of this magnificent bronze statue of a Moose, by renown wildlife sculptor Gerald G. Balciar and its surrounding stone plaza bearing the names of many of the former and present members of this fraternal organization, was very appropriate to mark the organization's 100th anniversary.

Mooseheart, the child city as it is called, best represents the true nature of this organization. For 75 years, its members have provided a caring home and practical education for children without parents or whose parents cannot provide for them.

The Loyal Order of the Moose and its auxiliary organization, Women of the Moose, represent a combined membership of 1.8 million. They contribute to and are active in countless charitable and civic projects and their impact can be measured in nearly every sizable community in the United States.

As one reflects on the greatness of our Nation, we are unique because groups like the Moose have consistently and willingly borne a heavy load of public responsibility.

A long and proud history of generous deeds and goodwill toward others has helped propel the Moose to the prominent position it enjoys at the forefront of the world's fraternal organizations.

Its record of accomplishment over the past 100 years sets the mark as the group charts its future. It seems to me that all segments of society could benefit from the thinking and wisdom that can be found in the eloquent verse of the Moose ritual, which would serve us all well as guideposts for our actions.

> Exemplify in a concrete way the high spiritual purpose embodied in your noble ideas.
> Translate your good thoughts into deeds * * * turn your loving intentions into acts.

PLAINFIELD TOWNSHIP CELEBRATES ITS SESQUICENTENNIAL ANNIVERSARY

HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. HENRY. Mr. Speaker, just north of the city of Grand Rapids, MI, lies the township of Plainfield, once inhabited by Indians—today a sprawling, modern community celebrating its 150th anniversary.

In 1683, an explorer named LaSalle came upon an area distinguished by rolling plains as far as the eye could see, with streams and bluffs overlooking the magnificent Grand River. Inhabited through conquest by a number of different Indian tribes, the area was also the site of a prominent and much used Indian Trail, now known as the Plainfield Sheridan Indian Trail. With the Treaty of Dearborn in 1826, the Federal Government took control of the land south of the Grand River. The land north of the river was ceded to the Federal Government in 1838 by the Treaty of Washington, DC, and was promptly settled and organized as Plainfield Township.

One of the earliest settlements in the township was Plainfield Village on the north side of the Grand River. The village quickly became the stopping place on the stage route between Grand Rapids and Detroit and offered a ferry service across the Grand River. River boats hauling logs or passengers regularly stopped at Plainfield and within 10 years, the village grew to almost 800 residents, a number of stores, four hotels and six saloons, and was a major lumber and shingle shipping center. A thriving community in the mid-1800's, efforts were made, unsuccessfully, to move the Kent County seat of government from Grand Rapids to Plainfield. By the 1930's, however, the village of Plainfield ceased to exist.

While the village of Plainfield is long gone, two areas—Belmont and Comstock Park—played a major part in the development and growth of the township and do to this day as well. It was in these areas that the Grand Rapids and India Railroad—now Penn Central—prospered and along with the river steamboats, turned the township into an important transportation hub. In addition to the logging and tanning business, a prominent flour mill was in operation, and other businesses sprang up which were able to utilize the power and natural resources provided by the Grand River and its tributary, the Rogue River, which also runs through the township.

Following acquisition of the township by the Federal Government, the settlements were primarily inhabited by Dutch settlers until late in the 1800's when German residents from nearby Grand Rapids began to extensively develop portions of the township. Today's citizens offer a potpourri of ethnic backgrounds, but remain committed to the same values and spirit of the early settlers.

Chartered in 1977, Plainfield Township is home to over 23,000 residents and the township remains a vital force in the Greater Grand Rapids area. The logging and tanning mills, the ferry and steamboats, many of the settlements, and most of the farms which produced corn and wheat have been replaced by residential subdivisions, businesses and light industry. The township with its many riverside parks and lakes offers much potential for future growth.

Elected officials in the township are aggressively involved in promoting economic development in their community and play strong roles in the county government seeking to improve the quality of living for township residents. A clear indication of the township's strength is its new township hall. Constructed with envelope heating, one of only three or four such public buildings in the State of Michigan, the hall demonstrates the commitment of township residents to invest in the future of their community.

Mr. Speaker, and colleagues, please join with me in wishing the residents of Plainfield Township a happy birthday and best wishes as they look to the next 150 years with the same determination, foresight, and vitality of the early pioneers.

AIDS

HON. JAN MEYERS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mrs. MEYERS of Kansas. Mr. Speaker, recently we have heard much new evidence about the number of AIDS cases, the potential number of AIDS cases, and the cost in human terms, as well as dollars.

The Center for Disease Control estimates that at least 270,000 cases will have been diagnosed by 1991; and that 180,000 will have died of AIDS. Researchers recently reported that 99 percent of those who are infected with the HIV virus die as a result. Our goal, therefore, must be to stop the spread of this dreaded disease.

Some of the most innocent victims of this disease are those victims of sexual crimes. I have introduced legislation to require States to test persons convicted of a crime of sexual misconduct for the HIV virus, and report the results of these tests to the convicted individual and his victim. Perhaps with this small step we can identify those with the virus, and prevent further victims.

SID YUDAIN

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. MICHEL. Mr. Speaker, I want to join with all of our colleagues and with so many who live and work on the Hill in paying tribute to Sid Yudain, who is retiring after more than 37 years on the Hill, 32 of those as founder, publisher, and editor of Roll Call. Sid describes this unique journal as, "a newspaper to serve the country, a paper that would be a cohesive force, a community instrument, a complement to the neglected segment of government". That is about the best description I have read of Roll Call and it still holds true today, thanks to Sid's untiring work and his vision of a newspaper that would serve and help to define the community on the Hill.

I go back a long way with Sid. We both served as congressional aides at a time when the Hill community was smaller, more cohesive and, in many ways, more pleasant in its small-town atmosphere. But, as Sid has pointed out, the proliferation of Hill staff and the tremendously expanded legislative role that Congress has played during recent years made a newspaper like Roll Call even more important. It was—and remains—a kind of local bulletin board where we could catch up on Hill "inside stuff" and gossip and news.

In one sense Sid has retired from active duty. But, knowing him, we also know that he won't be able to stay away from the Hill for any length of time. We will soon be reading his articles and columns about the community he has loved and served so well. It has been suggested he might write a book about his life and times on the Hill.

Whatever path he takes, we all wish him well and look forward to seeing him and working with him for many years to come.

ST. GREGORY THE GREAT SCHOOL'S JUNIOR HIGH STUDENTS WIN FIRST PRIZE IN NATIONAL DRUG ABUSE AWARENESS CONTEST

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. SMITH of New Jersey. Mr. Speaker, I am pleased to bring to the attention of my colleagues, a terrific achievement by the junior high students of St. Gregory the Great School—Hamilton, NJ. On June 10, the sixth, seventh, and eighth grade students of St. Gregory's received $5,000 for taking first place in the "Set a Good Example," a national drug abuse awareness contest.

The contest, which was endorsed by 20 State Governors nationwide, was sponsored locally by chiropractor, Katherine Denow, and New Jersey members of the Concerned Businessmen's Association of America [CBAA]. It was open to all public, private, and parochial schools throughout the country. Some 3 million students who participated in the contest developed projects to "get drugs off school grounds." Guidelines for the contest were based on a book entitled "The Way to Happiness," by L. Ron Hubbard which contains commonsense morals that can be applied to drug abuse such as "be temperate," "be worthy of trust," "seek to live with the truth," and "take care of yourself."

St. Gregory's prize-winning project consisted of an art contest on the theme "The Dangers of Drug Abuse"; skits and speeches on drugs; and a display of posters in area stores and municipal buildings featuring hot line numbers for those wanting help in fighting a drug abuse problem. The creation and execution of all these activities were done solely by the students of St. Gregory's for the benefit of all young people struggling against drugs.

Along with receiving $5,000, the students of St. Gregory's also have the honor of having their project sent to drug and alcohol abuse programs throughout the United States as a model project that "sets a good example" for schools and youth groups to follow.

In the war on drug abuse, it is highly encouraging to learn that these students clearly recognize—and reject—the menace of illegal drugs. That so many lives have been devastated over the years in the United States by wanton drug experimentation and abuse is a frightening reality of modern life. It is not, however, an inevitable reality—we can fight back, and win.

The students of St. Gregory's are to be commended with the highest praise for their thoughtfulness, creativity and concern in suggesting effective ways to combat the illicit drug epidemic. Not only will these students be in a better position to "just say no" to the use of drugs, but they will serve as role models to their friends and acquaintances.

The sponsors of "Set a Good Example" contest, the faculty of St. Gregory's, and the parents are likewise to be congratulated for providing the leadership, inspiration and guidance for the students to take a bold stand against this insidious evil.

PERSONAL EXPLANATION

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. TORRES. Mr. Speaker, I was unavoidably absent on official business during rollcall votes No. 166 and No. 167 on Friday, June 3, 1988 and rollcall votes No. 177, 178, and No. 179 on Thursday and Friday June 9 and 10. Had I been present on the House floor, I would have cast my votes as follows:

Roll No. 166, "aye" on passage of the Roe substitute to the Boehlert amendment to H.R. 4505.

Roll No. 167, "yea" on passage of H.R. 4505, Energy Department authorization.

Roll No. 177, "yea" on final passage of H.R. 4418, National Science Foundation authorization.

Roll No. 178, "yea" on approval of the Journal.

Roll No. 179, "yea" on the Aspin motion to close portions of the DOD conference meetings.

IN HONOR OF REUBEN L. RICARD

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. HERTEL. Mr. Speaker, I rise today to honor our valued friend, Commissioner Reuben L. Ricard of the Utica Police Department on the occasion of his retirement. Commissioner Ricard has selflessly dedicated 40 years of his life to police work. He is not only an esteemed and respected police commissioner, but an exemplary and caring leader in our community.

After graduating from the U.S. Navy Radio Technical School in 1944, Mr. Ricard entered the Detroit Police Academy. Upon graduating 4 years later, he began working as a patrolman in the 15th precinct of Detroit.

From 1949 to 1961 Commissioner Ricard worked as a patrolman in the motorcycle traffic bureau. During this time he earned the Citation for Valor and the Commissioners Unit Citation. In 1961, Mr. Ricard was promoted to patrol sergeant of the motorcycle traffic bureau, a position of greater responsibility, for he now supervised the activities of approximately 50 patrol officers.

Mr. Ricard continued to excel in his duties, and was consequently promoted to positions of increasing responsibility and leadership. He served as commanding officer, division commander of the traffic division, and director of traffic and third deputy commissioner in Detroit until 1974, when Mayor Fred H. Black and the city council of Utica appointed him as police commissioner of the city.

As police commissioner, Reuben Ricard has been responsible for planning, directing, and supervising total operations of the Utica Police Department.

Commissioner Ricard has been a respected and successful police officer because of his dedication to his profession, his colleagues, and his community. This dedication is exemplified in the various leadership roles that he assumed in affiliated police and community organizations. He was former president of the Macomb County Chiefs of Police Association, former vice president of the Southeastern Michigan Chiefs of Police Association, and has been a member of the Michigan Association of Chiefs of Police, North Macomb Chiefs of Police Group, Selfridge Air National Guard Base Community Council, Michigan Association of Public Employee Retirement Systems, and Grosse Pointe Crisis Club.

Besides professional dedication and a strong sense of responsibility, another of Commissioner Ricard's reasons for success is his continued pursuit of education. Throughout his career he completed numerous courses and participated in seminars and workshops affiliated with police work at Wayne State University, Michigan State University, Oakland Community College, Macomb County Community College, Northwestern University, and St. Clair Community College.

I would like to ask my colleagues to join me in honoring and thanking Reuben C. Ricard for his years of unselfish devotion to our community and dedication to the law. His leadership and valor will be missed by his colleagues and by the members of his community as well. Good luck Reuben, and the best to you on your retirement.

CONGRESSIONAL PAY HIKE

HON. AMOS HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. HOUGHTON. Mr. Speaker, today along with the majority of the House, I voted against granting a 4-percent pay raise to Members of Congress. And I'd just like to say why I voted the way I did.

I'm not opposed to pay increases. Congressmen and women need to live in two places. That's expensive. I understand and am sympathetic to the feelings of those who rely entirely on their congressional salary, particularly when they have children to educate. But when the country is in trouble—which it is with two huge deficits, budget and trade—you just don't increase salaries.

In less than 5 years, Members of Congress have had their pay increased by nearly $20,000. And now we're faced with cutting at least $34 billion from the 1990 budget to meet the requirements of Gramm-Rudman-Hollings. Many painful decisions will have to be made in the next year. How can we ask the people we represent to take a cut—in services or benefits—while we vote to hike our pay—again? This just isn't the way it should work.

Mr. Speaker, let's get our house in order first. Then we can consider a pay hike—on its merit.

HONORING JOHN KODIS

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. MAVROULES. Mr. Speaker, I would like to take this opportunity to pay tribute to one of the finest members of the Peabody Community. After 16 years of devoted service at the MDC Skating Rink, John Kodis has decided to take a well-deserved retirement.

A lifelong resident of Peabody, John has always been a familiar face around ward 2. Going back to the days when he operated the Bleachery Spa, John was always known for his warmth and friendliness. For anyone who knows him, one can always rely on John because he has always made a point of being there for people. John has always been known as the caring type, never once turning his back on anyone.

An avid sports enthusiast, John has often been the anonymous sponsor of softball and baseball teams, always there to provide the money for equipment. Through his involvement in sports, John developed a special camaraderie with the community.

I really cannot say enough about this man's contribution to the overall welfare of Peabody. Young and old, John has befriended all. Simply by meeting John, one realizes that he could never have an enemy in the world. I doubt that I could find adequate praise to thank this gentleman for the warmth and contribution he has given to the community.

I am proud to wish John Kodis a long, healthy, eventful retirement and I applaud his years of devout service to our town. He is truly a model citizen.

A TRIBUTE TO DAVID AND SYLVIA BIDNA

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to two outstanding members of my community. David and Sylvia Bidna, who will be honored at the annual Helen Greenberg Memorial Achievement Award Brunch on June 26, 1988. For nearly four decades, the Bidnas have served their community with vitality, vigor, and unending dedication.

Dave Bidna's dedication to the continued growth and intellectual pursuits of young adults is evident in his years as professor of education at California State University at Northridge, his service as assistant professor at Los Angeles State College since 1954 and his contributions as religious school principal at Temple Judea, Tarzana; University Synagogue, Brentwood; and Temple Israel, Hollywood, for 25 years.

Dave's community projects range from his current participation in the following activities: board member, End Hunger Project; LAUSD Summer Integration Exchange; director, Junior League sponsored Opportunity Open Door for disadvantaged students; Hillel Council; Holocaust Committee, ADL; Community Relations Committee, Valley Region, Jewish Federation Council of Greater Los Angeles. His list of previous community affiliations is just as impressive.

Sylvia Bidna has been active in her community since the 1950's when she was president of the Reseda Cooperative Nursery School and the membership vice president of the Temple Judea Sisterhood. In the 1960's, she was active as a Brownie and Cub Scouts leader. In the 1970's, she became the chairperson for human relations for the Balboa Elementary School P.T.A. Board and directed the after school exchange program with Telfair Elementary School in Pacoima. She also chaired the Holmes Junior High P.T.A. Board's Human Relations Committee and directed the surrogate parent program. In the 1980's, her contributions are equally intensive. She is a founding member of the Valley Freeze Steering Committee, cochair of the North Valley Town Hall Meetings, valley director of the National Freeze Countdown Fundraiser, and cochair of the 1984 Freeze Rally.

Sylvia is also a member of the fair housing council, a member of the Valley Interfaith Council, a member of the community relations committee at Temple Judea, and a member of the social action committee at Shir Chadash Congregation.

It is my distinct pleasure and privilege to ask my colleagues to join with me in honoring David and Sylvia Bidna, two exemplary people who have demonstrated exceptional levels of love for their country, their community and their fellowman.

STRATEGIC PLAN FOR THE U.S. MILITARY ACADEMY

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. PICKETT. Mr. Speaker, during the past year, I have had the distinct honor of serving on the Board of Visitors of the U.S. Military Academy at West Point. One of our major activities during this time has been the development of a strategic plan for the Academy as it enters its third century in the year 2002.

This plan, the major components of which I am today entering in the RECORD, charts what I think is an excellent course for the intellectual, physical, and ethical development of young cadets in the next century, and I commend the plan to the attention of the House:

2002: A ROAD MAP TO OUR THIRD CENTURY,
U.S. MILITARY ACADEMY, WEST POINT, NY

The proponent for the 2002 Strategic Plan is the Special Assistant for Strategic Planning, Office of the Superintendent, United States Military Academy, West Point, New York. The plan is a living document; it will be reviewed and revised as appropriate at least every two years. Comments and recommendations for revision are invited and should be sent to the above office.

U.S. MILITARY ACADEMY,
OFFICE OF THE SUPERINTENDENT,
West Point, NY, March 1988.

Shortly after the turn of the century, John Dewey posed a question in his book, "How We Think," that has challenged us ever since. How can an educational institution continually renew itself through regenerative creativity, and, at the same time, maintain the stability required for its own longevity?

To remain unchanging in a changing world risks decay from irrelevance; to chase every whim blowing in risks erosion from irresoluteness. Our imperative is to find the balance, to create a framework for both creativity and stability. The United States Military Academy must work to harness change, it must have the vision to get ahead of events. It must also have a foundation from which to withstand the winds of whimsy and fad. The key to both is the 2002 strategic plan—a roadmap to our third century.

This roadmap has been drawn painstakingly for over a year. The process involved individuals outside the institution and within, individuals outside the military as well as within. The net was spread widely, and the results reflect the quality contribution of those who participated. All were engaged in assessing the traditional strengths of West Point and the ways in which these strengths can be brought to bear upon satisfying anticipated leadership needs of the Army of the 21st Century.

This strategic plan for the Military Academy provides general guidance and direction for all subordinate levels of planning at USMA. It will guide the development of specific goals, objectives, and programs for the Military Academy. It is the touchstone against which every initiative or activity will be measured.

DAVE R. PALMER,
Lieutenant General, U.S. Army,
Superintendent.

The purpose of the United States Military Academy is: to provide the Nation with leaders of character who serve the common defense.

(The purpose statement answers the question, "why?" Why does America have the Military Academy?)

Founded during war, the Army was retained "to provide for the common defence." The nature of the American republic demanded officers with democratic values and unquestioned character. To meet that need, the United States founded the Military Academy in 1802. As the Nation has matured, this need has endured. Our military leaders must be exemplars of the values that frame the Nation. The Military Academy must be the wellspring of those values and its graduates must be leaders who adhere to the highest standards. Their character, the embodiment of virtue and personal excellence, must place them above the common level of life and lead them always to choose the harder right over the easier wrong. As leaders of character, they depart West Point with a strong sense of duty and a deeply ingrained code of honor, inspired to serve their country—in its common defense, in peace and war, in whatever capacity the Nation needs.

Note: Every succeeding statement, every separate part of this packet of strategic guidance, is aimed soley at this singular purpose. Leader development is the Military Academy's *Sine Qua Non* It bears repeating that not merely leaders are we to provide, but leaders of character.

The mission of the United States Military Academy is: To educate and train the Corps of Cadets so that each graduate shall have the attributes essential to professional growth as an officer of the regular Army, and to inspire each to a lifetime of service to the Nation.

(The mission statement answers the question, "what?" What does the Army require the Military Academy to do in order to achieve its purpose?)

The United States Military Academy provides the Corps of Cadets a broad undergraduate education culminating in a bachelor of science degree. At the same time, the Academy educates and trains cadets physically and militarily. Inextricably imbedded in both education and training are ethical development and the molding of character. Immersion in the West Point Experience instills in graduates the foundational attributes of leadership.

West Point also motivates graduates toward a commitment to serve the nation. Imbued with the soldierly virtues, graduates are prepared for continued and progressive growth in the profession of arms. Starting as lieutenants, they will advance as far as their talents and the needs of the service take them. Their education to selfless service, even beyond the time in uniform, is both a national need and an historical expectation.

THE WEST POINT EXPERIENCE

The West Point experience is the process which transforms cadets into leaders for a lifetime. The very essence of the Military Academy's uniqueness, this experience is one of continuous and progressive challenge. It starts on the cadet's first day with a solemn oath to support the Constitution. Four years later a second oath marks the end of the process—the graduate this time swears to support and defend the Constitution.

Transformation from promising new cadet to inspired new leader is a complex and arduous passage. The compass for the journey is the simple but great moral code—Duty, Honor, Country. This powerful expression of the ethos of the American soldier shapes from the outset the very fiber of those who undergo the West Point experience. The way is marked and measured along three distinct but intertwined developmental roads: intellectual, physical, and military. Each road is required travel for every cadet. That travel, shaped indelibly by the Academy's Spartan life-style and sustaining environment, nurtures the development of character. Omnipresent in the environment are: an abiding emphasis on a moral-ethical code; a structure of discipline; a proud linkage to tradition; and a climate promoting personal growth.

Ultimately this experience, this unique process of forging and strengthening, produces leaders of character and forms an enduring foundation for their dedicated service to country.

THE WEST POINT ENVIRONMENT

West Point provides a special environment to foster the development of leaders. Located on terrain strategically central to the American Revolution, it is hallowed in history. It is also a place of striking natural beauty—framed by granite mountains, embraced by a fold in the Hudson, marked in Gothic magnificence. Standing sentinel around the Plain, monuments to heroes of America's wars invoke ghostly images of the

"Long Gray Line"—two centuries of graduates whose tradition of valor and service provide the standard by which future leaders will be measured.

Within this stony citadel flourishes a vibrant union of people, ideas, activities, challenges. The Academy is a community of professionals and carefully selected aspirants, all striving toward a common cause, the cause of individual growth, of personal development. Social interaction is spirited, for here are young men and women drawn from all corners of the nation, diverse in their origins but alike in their dedication to excellence and commitment to service. Living and working closely together, motivated to follow and to lead, toughened in the crucible of challenge, cadets experience an expanding social consciousness and deepening sense of camaraderie in the profession of arms.

The Military Academy reflects the military strengths of order, precision, and organization. Living a Spartan life-style, responding to strenuous physical demands, challenged daily to think and act under pressure, given increasing leadership opportunities, cadets develop poise and self-control, pride and self-confidence. Over time, the disciplined and sustaining environment leads them to subordinate personal considerations to a duty to a higher cause, thus inspiring selflessness.

Integrity is the essential and binding theme in the environment. The Honor Code and System are the most evident manifestation of this imperative. With teachers and mentors exemplifying the values inherent in true public service, each cadet's appreciation of these ideals proceeds apace with the development of mind and body. West Point's moral-ethical environment calls from the past the ethos of "Duty, Honor, Country," passing it to those who will be leaders in the future. Encouraging both spiritual inspiration and human understanding, the Academy supports opportunities for religious growth and diverse cultural expressions. The cadet ultimately comes to internalize and practice the moral imperatives of the Cadet Prayer: ". . . to choose the harder right instead of the easier wrong, and never to be content with a half truth when the whole can be won."

Reflecting the nation's values, steeped in a tradition of selfless and disciplined service, promoting creativity out of challenge, the West Point environment nurtures leaders of character—young men and women of integrity, commitment, and courage.

ARMY LEADERS OF THE TWENTY-FIRST CENTURY

Leaders of the Army in the Twenty-first Century will be called upon to accomplish missions primarily by influencing people in teams—in organizations. They will lead people and manage resources toward the ultimate goal of winning battles and wars. Successful leaders must possess strength of character and have an abiding commitment to the value of both the nation and the profession of arms; be well educated in a variety of disciplines; be able to act decisively. They will work in a milieu of rapid change.

They must be men and women of character, imbued with judgment to know what ought to be done and the courage to do it. Their professional military growth, paced by continuing self-development will be marked with expanding selflessness, bravery, frankness, competence, farsightedness, and dedication. Self-discipline will progressively strengthen their fitness to lead morally, intellectually, and physically. They must be inspiring leaders—stimulating enthusiasm, mutual trust, and willing obedience among subordinates. They will be teachers and trainers, with a warrior's focus. Above all, they will need a determined will to win.

The world is evolving more rapidly than in the past. The years ahead will be marked by unprecedented technological complexity. Operating in peace or war, leaders must be able to handle that technology. Accordingly, in order to develop and acquire sophisticated weaponry, they must have a thorough knowledge of the physical world; to employ that weaponry, they must be able to solve problems and make decisions under conditions of uncertainty and ambiguity. However, despite the rapid changes in human circumstances, human nature will change hardly at all. Therefore, leaders must understand human nature and be able to deal with it; they must have a sound historical perspective; they must know how to operate in a cross-cultural setting; and they must be able to communicate effectively. For all these reasons, leaders must be broadly educated in both the physical sciences and the liberal arts.

Leaders must balance the imperative of mission accomplishment with the demand to care for subordinates, and place both before personal welfare. They must treat humans as humans. They must establish and maintain an ethical climate for their organizations. They will need to think clearly, decide wisely, and act decisively under pressure and in a variety of leadership situations. They must demonstrate initiative, creativity, and independent action as part of a larger whole. They will pursue goals vigorously and persistently. While accepting accountability for their own actions, they will encourage freedom of thought and action in subordinates. From all this, they will derive the foundation to dare, to take risks, to operate boldly.

Finally, their world will likely be one of accelerating change—change so dramatic as to be potentially paralyzing. They must, as the summation of all other attributes, be able at the very least to adapt to such change; at the very best to shape and direct it.

CONCEPT FOR INTELLECTUAL DEVELOPMENT

Intellectual development is achieved by selecting academically talented students and providing a broad-based and challenging program of academic instruction presented by an accomplished military faculty working in first-rate facilities. Education is a complex, time-consuming, and dynamic process whereby understanding merges with experience to produce wisdom. It provided the foundation for progressive intellectual development.

The goal of a West Point education is to enable its graduates to anticipate and to respond effectively to the uncertainties of a changing technological, social, political, and economic world. This is accomplished with a demanding, broad, basic education in both the arts and sciences. Education in these areas involves not only the acquisition of knowledge but also the development of higher intellectual skills which allow for analysis, problem solving, and decision making on the major issues confronting society, the nation, and the profession of arms.

The academic program is defined less by specific courses than by educational objectives which identify competencies essential for successful development as a professional officer. Cadets develop creativity and intellectual curiosity which insure their continued intellectual growth. The learn quantitative and qualitative methods which allow them to allocate resources, manage the development and acquisition of technologically based systems, and achieve innovative solutions to complex problems. They gain a cultural perspective, become historical minded, and understand the human element in organizations—all imperatives to lead soldiers and exercise military power consistent with American values in a complex national and international environment. To achieve these objectives, the curriculum has a core program in the humanities and social sciences and in the basic and applied sciences. That core is complemented by an elective program providing focused study in a chosen discipline.

Intellectual development is guided by a military faculty selected on the basis of outstanding professional and intellectual qualities. With sound postgraduate education and exemplary service in the Army, faculty members serve as both academic and military role models. Small student-faculty ratios insure close interaction between student and teacher, employment of a wide range of teaching strategies, and active student involvement in the learning process. Good teaching and currency in subject matter are supported by excellent facilities and a carefully tailored research program.

Undergraduate education at West Point provides fundamental knowledge, basic principles, analytical frameworks, and methods of sound reasoning, all fostered in an environment that stimulates and promotes intellectual curiosity and integrity. It provides a solid foundation for continued intellectual growth throughout a lifetime of service to the nation.

CONCEPT FOR MILITARY DEVELOPMENT

Military development occurs through education and training which imparts the values of the profession of arms, teaches the basic skills required for commissioning, and provides active leadership experience both within the Corps of Cadets and in Army units.

A key theme of the military development program is the inculcation of the values and ethics of the militry profession, starting with the proposition that warfighting is the Army's basic business. Interacting with officers on the staff and faculty, cadets internalize the meaning of duty and honor. They learn to meet and to demand high standards. They learn that officers are accountable—that they are responsible for all their units do and fail to do. They learn that an officer's word is his bond.

During the academic year, cadets study the Army's history, its customs and traditions, and its role in providing for the common defense. They also learn the Army's mission, organization, weapons and tactics. In the summer months, they acquire military skills and have opportunities to lead small military units. They experience the adventure of a military career by participating in activities such as parachute training, tank gunnery, Northern and jungle warfare at Army posts around the world. Cadets experience the challenges of leadership while serving as trainers for soldiers in units in the United States and abroad as well as for other cadets at West Point. During their four years, they assume progressively greater responsibilities for leading the units and activities of the Corps of Cadets. From these opportunities, cadets improve their military skills, gain confidence, and experience the personal satisfaction that comes from seeing the impact of their leadership on the motivation and performance of others.

West Point graduates enter the Army with basic military knowledge and skills and the motivation to continue their professional development through progressive training, formal schooling, and self-study. They are excited about the possibilities of military service and have the values and skills required for exemplary leadership. They accept the challenge of maintaining military readiness to deter war. They are also prepared, if the nation calls, to pay the price of battle.

CONCEPT FOR PHYSICAL DEVELOPMENT

Physical development provides leaders with physical skills, self-confidence, the warrior spirit, and a commitment to maintain their own physical fitness and that of their soldiers. Physical development encompasses both physical education and athletic programs. Emphasis is on the physical and mental aspects of fitness, teamwork, perseverance, and the will to win.

Cadets are challenged to achieve high standards of strength, agility, speed, and endurance to meet the physical demands encountered in military service. This is achieved through participation in a comprehensive program of formal education, involvement in competitive sports, and constant evaluation. Formal education encompasses instruction and practice of skills in individual and team sports, as well as in combative sports such as boxing and self-defense. Evaluations are frequent, standards are high, testing is emotionally charged and physically demanding. Every cadet is an athlete, participating at the highest level of physical ability in intercollegiate, club, or intramural competition.

The physical development process takes into account the psychological, motivational, and emotional aspects of total body fitness. As a consequence, cadets increase their self-esteem and self-confidence, determination, will to win, courage to take risks, and ability to think and act purposefully under physical and mental stress. These qualities are developed and strengthened as cadets learn how to succeed in competitive, highly demanding physical activities.

Because Army officers are required to maintain the highest standards of physical readiness, individual responsibility for physical fitness is very important. Cadets must independently engage in frequent and rigorous conditioning activities in order to succeed in the USMA physical development program. The habit of self-development, nurtured over the four-year cadet experience, becomes a lifetime value.

INTEGRATION OF MORAL-ETHICAL DEVELOPMENT

Of the thirteen words in West Point's statement of purpose—to provide the nation with leaders of character who serve the common defense—one is preeminent. Character. It is not merely leaders we are to provide, but leaders-of-character. Although character is more readily recognized than defined, its importance to the nation is inestimable.

The inculcation of character includes a solid component of moral-ethical development. Every concept paper within USMA's strategic plan for 2002 embraces the element of moral-ethical development, illuminating the centrality of this aspect of the West Point Experience. It is integral to the intellectual program, imbedded in the military training, included in physical development, a part of extracurricular and religious activities. In short, it is a fundamental element in the environment in which cadets live.

USMA's strategic plan for 2002 does not contain a separate concept for moral-ethical development for one reason: it is too important and too all-encompassing a factor. Were it to be treated separately, some activities might be led to conclude that they had no direct responsibility for pursuing it within their spheres. To the contrary, every activity has a major role to play in the process of moral-ethical development, just as every member of USMA's staff and faculty has a responsibility to exemplify for cadets the highest moral-ethical standards.

SENATE—*Wednesday, June 15, 1988*

(Legislative day of Monday, June 13, 1988)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the Honorable THOMAS A. DASCHLE, a Senator from the State of South Dakota.

The PRESIDING OFFICER. Our prayer today will be offered by the Reverend Dr. Homer L. Goddard, pastor emeritus of Westside Church in Richland, WA.

PRAYER

The Reverend Dr. Homer L. Goddard offered the following prayer:

Let us pray:

Almighty and gracious God, we thank You for the tremendous honor of being chosen to share in the leadership of this remarkable country.

Thank You for the earnest men and women of integrity and awareness with whom we work and share our concerns.

We thank You that overriding our disagreements and differences is our respect for each other and our loyalty to our Nation.

We thank You today for the privilege of talking with You, and knowing that You hear and care.

We feel overwhelmed and frustrated with the large number of seemingly insoluble problems. Yet we know that You have told us in Your word that "nothing is impossible with God." (Luke 1:37.) You have also told us, "Fear not for I am with you. Be not dismayed for I am your God. I will strengthen you, and help you. I will uphold you with my righteous right hand." (Isaiah 41:10.)

These words of Yours encourage us to believe that You love our Nation in spite of our weaknesses and failures; You love each one of us in spite of our tendencies toward self-will; You will be real to each one of us who is willing to face the truth that You are; and You will give clarity of mind, boldness of heart, courage to act and obedience to Your will.

Thank You, Lord God, for Your forgiving heart and the loving guidance of Your Holy Spirit.

In Jesus wonderful name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 15, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable THOMAS A. DASCHLE, a Senator from the State of South Dakota, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. DASCHLE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

RESERVATION OF THE MAJORITY LEADER'S TIME

Mr. BYRD. Mr. President, I ask unanimous consent that I may reserve my time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. DOLE. Mr. President, I have a very brief bicentennial minute.

BICENTENNIAL MINUTE

JUNE 15, 1928: CHARLES CURTIS NOMINATED FOR VICE PRESIDENT

Mr. DOLE. Mr. President, 60 years ago today, on June 15, 1928, the Republican majority leader of the Senate, Charles Curtis, was nominated to run for Vice President on the Republican Party ticket headed by Herbert Hoover. Curtis went on to become the only native Kansan elected Vice President of the United States.

Curtis' selection represented some "ticket balancing" by the Republican Convention—for he was considered a more conservative and more traditional Republican than Herbert Hoover. This may seem odd today, since we tend to think of Hoover as a conservative President. But in fact, Hoover had first entered Government service during the Democratic administration of Woodrow Wilson, and in 1920 he was mentioned as a possible candidate for the Democratic nomination. Hoover also had roots in the progressive movement, leading one of the biographers to call him the "foregotten progressive."

When President Harding nominated Hoover to be Secretary of Commerce in 1921, Senator Charles Curtis joined those conservative Members of the Senate who objected. They viewed Hoover with suspicion as a progressive and an internationalist. In 1928, Curtis was one of several Senators who ran favorite son candidates to stop the front-runner Hoover. Thus, when Hoover won the nomination, Curtis was brought on board to achieve party unity.

The Hoover-Curtis ticket went on to win a landslide victory over the Democratic ticket of Alfred E. Smith and Joseph T. Robinson. Robinson, by the way, was Curtis' counterpart in the Senate, as Democratic minority leader. Charles Curtis served 4 years as Vice President and ran for reelection in 1932. By then, however, the depression had struck, political fortunes had reversed, and the Hoover-Curtis ticket went down to defeat.

Mr. President, I reserve the balance of my time.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 o'clock with Senators permitted to speak therein for not to exceed 10 minutes each.

The Senator from Wisconsin is recognized.

THE REPUBLICAN LEADER'S SPEECH

Mr. PROXMIRE. Mr. President, I first want to thank my good friend, the Republican leader, for his generosity this morning in making Herbert Hoover a Democrat. That is a very fine offer, but I think not all Democrats will accept it with the kind of generosity with which I am sure the Senator from Kansas offered it.

Mr. DOLE. I tried.

THE REAL HEROES OF THE SENATE: THE STAFFS

Mr. PROXMIRE. Mr. President, what is the biggest change that has taken place in this U.S. Senate over the years? This Senator's nomination is for a transformation that has been so gradual, so subtle, and so invisible that few of us have noticed it. I am talking about the steady increase in the size and the competence of the personnel and committee staffs that truly run this institution.

Recently, I was asked who are my senatorial heroes. Who are the men and women who have really moved and shaken this U.S. Senate over the past three or four decades? Most us immediately think of the normal Senate leadership, the committee chairman, the Senators who have carried the record they have developed in this body to the country by running for President of the United States, the Senators whose names appear on legislation that governs our country. We think as heroes and villians the Senators who have from time to time brought the entire lawmaking process of our Government to a standstill by their opposition—sometimes wisely and bravely, sometimes foolishly, and irresponsibly. We think of Senators who have set an example to all of us for integrity and diligent attention to duty, Senators who have by their personal efforts advanced the economic interests as well as the prestige of the States they represent. But we invariably think of Senators as if they came into this body alone, wrote every line of every bill they introduced themselves, composed every speech they delivered on the floor on their own typewriter or with their pencil pushing along on their yellow pads. We identify as a personal possession straight from the brain of Senators whatever emerges from their offices or the committees or subcommittees they chair.

It is natural that we should do this. The press cannot determine what staffer in the office of each Senator conceived an idea, what staff man or woman on a committee created and quarterbacked to success the strategy that won committee approval and eventual approval by the full Senate, followed by Senate-House conference approval of legislation that changed the course of history in an important area of American life. So whatever our staffs, whose salaries are paid by the taxpayers, not by us, are able to achieve accrues to our credit. We are the heroes or the villians, the main actors, the lead, the stars.

Some might argue this is the way it should be. After all, did we Senators not win election to the Senate? The answer to that question in almost every case is "No," we Senators ourselves were not the prime forces that won us election to this body. Senators win election today not entirely or even largely because they are endowed with strong character or unusual wisdom. They win because they have campaign managers who put together a team of scores of professional campaign experts and hundreds of volunteers. Experts raise the millions of dollars that pay for every positive word said about the candidate in the campaign.

Often, experts not the candidate determine how to sell the candidate on television. Experts decide what message to deliver. Experts write the message. And the party committee, State and Nation, often provide decisive help to the Senate candidate. No one comes to this body primarily by dint of his own efforts.

And once here, it is the staff that makes the real quality difference. So when we are asked about the quality of this body, we should recognize that largely anonymous, behind-the-scenes, overwhelmingly unknown staff persons conceive many of the ideas and do most of the work to advance those ideas for which we, as Senators, take 100 percent of the credit.

All of this comes to mind, Mr. President, because of a remarkable book that is composed entirely of an interview with Howard Shuman, who worked for many years as a legislative assistant and later as the administrative assistant to Senator Paul Douglas and then for years as my administrative assistant. In listing Senate heroes, Shuman should be right at the top. He contributed greatly to what is probably the Senate's most distinguished achievement in the past 50 years: the civil rights revolution. He provided, indirectly as a top Senate staff man, the progress in economic policy in a number of critical areas. Of course, virtually all of his contributions are unknown as his by the public. Credit has accrued entirely to the Senators with whom he served.

This is true for all of us in the Senate. The Senate Banking Committee staff, the Appropriations Committee staff, the staff of the Congressional Joint Economic Committee, have made great national contributions entirely in the names of those of us who as Senators served on these committees. On my personal staff, women and men throughout the years have done the work for which I took every bow. The work has been theirs. The credit has been mine. This is plagiarism on the grand scale. It is the ultimate demonstration of the saying that a staffer undoubtedly wrote for President John Kennedy when he said, "Life is unfair." Think of how sure that staffer was or exactly how true the staffer knew the expression was when he heard the President deliver it, and take exclusive credit for the staffer's words.

THE COSTLY FOLLY OF STAR WARS PURSUIT

Mr. PROXMIRE. Mr. President, I ask unanimous consent that an excellent editorial in the June 13, Milwaukee Journal headlined "The Costly Folly of Star Wars Pursuit" be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Milwaukee Journal, June 13, 1988]

THE COSTLY FOLLY OF STAR WARS PURSUIT

A stunning new staff report prepared for Sen. William Proxmire (D-Wis.) and two other senators drives another nail into what ought to be the coffin of the US Strategic Defense Initiative. Now more than ever, the "Star Wars" missile-defense program stands exposed as wasteful fraud.

The report is the most up-to-date assessment of the controversial program. It discloses, for the first time, that the first phase of the missile shield would be capable of destroying fewer than 16 percent of an adversary's attacking missile warheads—a lower estimate than reported in previous studies. And despite the optimistic forecasts of some administration officials, Star Wars' first phase could not be deployed until at least 1998, says that report, prepared for Proxmire and Sens. J. Bennett Johnston (D-La.) and Dale Bumpers (D-Ark.).

If the goal is to destroy enemy warheads, SDI is far less efficient and incomparably more expensive than arms control. The strategic arms reduction treaty (START) now being negotiated by the US and Soviet officials would reduce each side's arsenal of warheads by about 50 percent, not 16 percent. And a START treaty would cost virtually nothing. The cost of deploying the first phase of Star Wars would be $171 billion, the report estimates. No one in his right mind spends billions for something that can be had for relatively nothing—especially in the case of SDI, which wouldn't work anyway.

The new report closely follows a devastating Star Wars critique released last week by the congressional Office of Technology Assessment. The OTA said SDI deployment would commit the United States to a costly struggle for control of space with little assurance of either technical or military victory. Among other authoritative indictments of Star Wars has been one by the American Physical Society, the premier organization of US physicists. Many of these reports, including the one released by the three Senate aides, were based on official information, not on the estimates and analyses of SDI critics outside government.

Besides Proxmire aide Ronald Tammen, the authors of the newest study are Johnston aide James Bruce III and Bumpers assistant Bruce MacDonald. They interviewed more than 120 SDI program managers, scientists and others; visited nine research facilities; and were briefed by independent experts engaged in missile-defense research. The three deserve high praise for making such a comprehensive analysis in just five months of what must have been exhausting work.

The report, combined with the others, significantly strengthens the conclusion that Star Wars, like the movie from which its nickname was taken, is a thing of fantasy.

Mr. President, I yield the floor.

Mr. WIRTH addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

WESTERN NOVELIST LOUIS L'AMOUR

Mr. WIRTH. Mr. President, as we approach the dog days of August, I suspect that all of us will be thinking about what kind of novel we are going to take with us on vacation. We look for fanciful flight, we look for adventure, we look for romance, we look for the Western, and we look for the history—something that all Americans do, and American Presidents have done as well. Eisenhower did it, Jimmy Carter, and Ronald Reagan.

There is no more likely choice for Americans to look for when looking for diversity than the choice of Louis L'Amour, the great American novelist who unhappily died this last week, the author of more than 100 novels which have been printed in more than 200 million copies, translated into 20 languages, made into 45 movies, and television series starring John Wayne, Gregory Peck, Jimmy Stewart, and Brigitte Bardot. An extraordinary figure in American literature, and those of us who are familiar with Louis L'Amour will always remember Jubal Sackett, that wonderful character going across the West having adventures of all kinds, and adventures that were not deeply involved in violence, were not deeply involved in the immediate return, but really very reflective notes on the history of the West and the history of this country.

Louis L'Amour was a great American, a great Westerner, and a great novelist. He was the recipient of the Congressional National Gold Medal, and in 1984 President Reagan presented him with the Medal of Freedom. Born in a small town in the Chair's adjoining State of North Dakota, Louis L'Amour himself had a very, very colorful history as a longshoreman, lumberjack, elephant handler, cattle skinner, hay baler, and not incidentally a novelist of absolutely the first rank.

I can remember a number of experiences that we have had with Louis L'Amour, one sitting with him in southern Colorado discussing his quite remarkable library. He was a great researcher, and a great scholar of the West. He had a marvelous collection, and wanted to establish that outside of Durango, CO, as the place which would be a library to which scholars of the West would come. Unfortunately, he got into a battle with people who wanted to put powerlines across the valley in which he wanted to establish that library. He fought the public service company over and over and over again, and said, "I am going to take that library elsewhere if you all defile this valley with those powerlines." The powerlines went in, and Louis L'Amour shrugged and went elsewhere; a great loss for southern Colorado.

I also remember a long luncheon over in the Library of Congress under Mr. Boorstin, who was then the Librarian of Congress, in which a variety of novelists of the West were brought together. The lunch started with each of the five or six people around the table, starting to talk about what they were doing. Before long it was Louis L'Amour that was dominating the conversation, spinning tales, spinning stories, telling all of us, entrancing all of us well into the afternoon with his own vision of the West, his own vision of the novel, his own vision of the country.

We will miss this remarkable American, and remarkable Westerner. His wife, Kathy, was at his side for 35 years doing a lot of the holding together of that extraordinary household while he produced these books, working through the morning, researching in the afternoon.

I hope those of my colleagues who do not know Western literature as they should or who are not familiar with it as they should will dip into Louis L'Amour, 101 titles to choose from, a whole variety of those, from the early "Jubal Sackett," the most recent "The Haunted Mesa," an almost mystical story of a mesa in the Ute Indian country in southwestern Colorado.

Mr. President, I ask unanimous consent that a very nice piece by Richard Pearson of the Washington Post staff be included in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 13, 1988]

PROLIFIC WESTERN NOVELIST LOUIS L'AMOUR, 80, DIES

(By Richard Pearson)

Louis L'Amour, 80, one of the world's best-selling novelists whose Homeric chronicles of the old West have sold more than 200 million books, died of cancer June 10 at his home in Los Angeles.

Mr. L'Amour has published 101 books, most of them meticulously researched and swiftly paced novels of the West. "Hondo," published in 1953, was his first novel and probably his best-known and most popular book. It has sold more than 1.5 million copies and was made into a film starring John Wayne.

His most recent novel was "The Haunted Mesa," published in 1987. Other recent best-sellers included "Last of the Breed" (1986), "Jubal Sackett" (1985) and "The Walking Drum" (1984).

Shortly before his death, he had completed several yet-unpublished books, including "Lonigan," a western short story collection, and "The Sackett Companion," a nonfiction work about the research and facts of his popular series of 17 novels. That book series was made into a television ministeries "The Sacketts," starring Tom Selleck and Sam Elliott.

More than 45 of his novels and short stories have been made into feature films and television movies. These included "Shalako," starring Brigitte Bardot and Sean Connery; "The Burning Hills," with Tab Hunter and Natalie Wood, and "Stranger on Horseback," featuring Joel McCrea. Mr. L'Amour's novel "How the West Was Won" was made into a 1962 film with a cast that included John Wayne, Jimmy Stewart and Gregory Peck.

In addition to novels, short story collections and works of nonfiction, Mr. L'Amour had published more than 400 magazine stories and articles. His work had appeared in such journals as Collier's, The Saturday Evening Post and Argosy. His work has been translated into 20 languages, including Serbo-Croatian and Chinese.

Mr. L'Amour was a recipient of the Congressional National Gold Medal for lifetime literary achievement, and in 1984 he was presented with the nation's highest civilian award, the Medal of Freedom, by President Reagan. The president had once hailed Mr. L'Amour for "having brought the West to the people of the East and to people everywhere."

The president had read "Jubal Sackett" while recovering from surgery in 1985. Other presidents who had read Mr. L'Amour's work included Dwight D. Eisenhower and Jimmy Carter.

The typical L'Amour western featured an all-American hero, though sometimes on the wrong side of the law, who sought to open the West. He came into conflict with both man and the elements. If the story featured gunplay, it was not often. Contrary to the traditional western, his Indians were as often heroes as villains.

Indeed, though Mr. L'Amour was often faulted by critics for cardboard, simplistic characters, his westerner heroes often fought an inner struggle against admiration for the Indian and his way of life on one hand and the need to advance "civilization" on the other. His were often stories of cultures in conflict.

In addition to carrying an encyclopedic knowledge of the Indian and his ways in their heads, his heroes also had saddlebags that bulged with the great works of civilization. These might include Blackstone's "Laws," Montaigne's "Essays," Plutarch's "Lives" or Juvenal's "Satires."

If Mr. L'Amour's plots could be predictable and his narrative wooden, he had a story and could tell it. His plots spanned the continent, conveying an unyielding sense of optimism in the face of adversity. The books also were burnished with a wealth of historical research.

Among the myths he tried to shatter concerned those of townspeople fleeing from gunslingers. In fact, he pointed out, many settlers were Civil War veterans who were adept at using the rifles they were apt to own. He also pointed out that between 1800 and 1816, there were more gunfights in the U.S. Navy than along the American frontier.

Mr. L'Amour maintained a working library of more than 8,000 volumes of western history as well as collections of frontier court records, old newspapers and letters. He also traveled to whatever part of the country he wrote about. If a bad guy met his fate after being cornered in a box canyon, Mr. L'Amour more than likely had scouted it.

He conducted his own research and interviews. He once told the Associated Press: "I go to an area I'm interested in and I try to find a guy who knows it better than anyone else. Usually it's some broken-down cowboy. I've known five men and two women who knew Billy the Kid well. I talked to the woman who prepared his body for burial."

In another interview, he said, "I'm actually writing history. It isn't what you'd call big history. I don't write about presidents and generals. I write about the man who was ranching, the man who was mining, the man who was opening up the country."

Louis Dearborn L'Amour, a 10th-generation American, was born in Jamestown, N.D., where his father was a veterinarian and farm machinery salesman. He dropped out of school as a teen-ager and began a life that was every bit as colorful as a novel. He was a longshoreman, lumberjack, elephant handler, cattle skinner and hay baler. Before Army service in World War II, he also had lived with bandits in Tibet and western China and was a seaman aboard an East African schooner. He also had been a successful boxer.

His first book, a volume of poetry, was published in 1939. After the war, he began writing westerns under the pseudonym Tex Burns. In 1953, he published his first western under his own name, "Hondo," which was such a success that he wrote 15 more westerns in the next five years.

Despite his undeniable popularity, he never achieved critical acclaim. He blamed much of this on an East-West conflict in literature, in which the man of the West was critically shunned as throwing together mere genre fiction.

But Mr. L'Amour did not see it that way. He chose to write about what he called "hard-shelled men who built with nerve and hand that which the soft-bellied latecomers call the 'western myth.'"

Mr. L'Amour said, "I'm a story-teller in the old folk tradition, like the man on a corner in the marketplace."

He said his books were about the frontiersman's idea of freedom, the freedom to climb on a horse and move on. And, he added, everyone had dreams of that kind.

Survivors include his wife of 32 years, the former Katherine Elizabeth Adams, and their two children.

Mr. WIRTH. I yield the floor.

Mr. MITCHELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

PRESIDENTIAL PARDON

Mr. MITCHELL. Mr. President, last Wednesday, the judge in the Iran-Contra cases ruled that the constitutional protections to which the defendants are entitled require four separate trials. The next day, the independent counsel advised the judge that he would proceed first to the trial of Oliver North.

At the same time, the judge reserved his ruling on defense motions for dismissal of the case. Thus, the possibility remains that none of the defendants will ever come to trial.

Nonetheless, a public campaign is underway to encourage President Reagan to immediately pardon Oliver North and John Poindexter.

The Reverend Jerry Falwell has announced his intention of collecting 2 million signatures on a petition urging the President to grant a pardon.

Before the President seriously entertains this unwise course of action—unwise for him and the Nation—he and all Americans should consider its implications.

Over 150 years ago, the greatest Chief Justice in the history of the United States, John Marshall, defined the President's power to grant a pardon as the power to "exempt the individual" upon whom the pardon is conferred "from the punishment the law inflicts for a crime he has committed."[1]

A pardon is an act of "forgiveness."[2] Indeed, the acceptance of a pardon generally is considered to be an admission of guilt or of the existence of facts from which a judgment of guilt would follow.[3]

Until now, the Reagan administration appeared to share this common understanding of the pardon power. In 1983 the Reagan Department of Justice revised the regulations governing the procedure used in pardon cases. Under the revision, before a pardon application will be presented to the President, the person must be convicted of a crime and a minimum of 5 years must have elapsed since conviction.[4]

President Reagan has never pardoned anyone after indictment but before trial. According to the Congressional Research Service, only rarely in our history has any President ever done so.

A pretrial pardon of the Iran-Contra defendants would, therefore, be a serious error for at least four reasons:

It would violate the President's own written regulations on pardons.

That would publicly affirm that in this administration there are two standards of justice: One for close Presidential associates and a different one for all other Americans.

Second, since a pardon presumes guilt, a pretrial pardon would forever stigmatize its recipients.

Third, a pardon before trial would inevitably raise suspicions that the real goal is the silence of the defendants, for fear of what may come out at trial.

Finally, it would be a decision which would permanently darken the President's legacy.

I will discuss each of these points in detail.

The grant of pretrial pardons would violate the Reagan administration's written and publicly announced policy on pardons. In 1983, the Justice Department adopted regulations governing applications for Presidential pardons.

These regulations state that a petition for pardon should not be filed any earlier than 5 years after conviction; 7 years in cases involving "serious" crimes such as "fraud involving substantial sums of money." The 1983 Reagan administration pardon regulations are more stringent than those in force under prior administrations.

It would be a mockery for this administration, after adopting stricter regulations for pardons of all other citizens—permitting only those already convicted of crimes and then only after a substantial waiting period to petition for a pardon—to consider pretrial pardons for those who worked in or closely with the White House.

A pretrial pardon would be a striking misuse of the Presidential power to pardon.

The Presidential pardon power was granted to the Chief Executive in the Constitution as an element of the grant of authority exercised by contemporaneous heads of state, most of whom were hereditary monarchs. It was seen then as an "act of grace"—typically the executive's personal act of mercy to an individual to reduce or eliminate the punishment imposed after trial and sentencing.

In the "Federalist Papers," Hamilton wrote of the pardon power that it should be entrusted to a single person rather than a legislative body to mitigate criminal law which, he wrote, "partakes so much of necessary severity that without an easy access to exceptions in favor of unfortunate guilt, justice would wear a countenance too sanguinary and cruel."[5]

But in discussing the use of the pardon power for cases of treason and insurrection, he cautioned that while "there are often critical moments when a well-timed offer of pardon * * * may restore the tranquillity of the commonwealth" advance notice of such an intent could "hold out the prospect of impunity."[6]

The grant of pretrial pardons would do just that. It would establish the precedent that any future President's advisers may act outside the law, that they may break the law with impunity, and that if they are caught, they need not even stand trial and be judged for their actions.

The private "act of grace" theory of the pardon power was transformed by the Supreme Court over 60 years ago, when Justice Holmes made clear that the pardon power is to be wielded only so as to benefit the public, "not [as] a private act of grace from an individual happening to possess power."[7]

The grant of a pardon is, he wrote, "the determination of the ultimate authority that the public welfare will be better served by inflicting less than what the judgment fixed."[8]

No one, including the President and his advisers, can properly determine whether pardons for the Iran-Contra defendants are in the "public welfare" until the facts have been disclosed at trial and a jury has spoken.

The granting of pretrial pardons to the Iran-Contra defendants would have the adverse effect of confirming the widespread belief that a dual standard of justice exists in our society, one for the powerful, another for all other citizens.

Such a double standard of justice would demonstrate that the promise of equality before the law is an illusion. It would signal that those in power, or close to power, are above or beyond the law.

The strength of our system of government and the respect the judicial system enjoys derive from the fact that we all stand equal before the law; that no one, not even the President, is beyond the reach of our law.

Not all who participate in our Government are satisfied with the limited power they share in our democratic system of checks and balances. It is a recurring national tragedy that some who serve at the very pinnacle of power come to believe that the restraints of the law do not apply to their conduct.

Do such beliefs deserve special deference? Do such officials deserve special treatment? I say they do not.

The calls for immediate pardons are partly premised on an assertion that may ultimately prove to be true: That these defendants did nothing criminal. But that is an issue for a judge and a jury to decide.

It would be a dangerous insult to our judicial system to shortcircuit its truthfinding processes, to embrace, not merely the presumption of innocence, to which every defendant is entitled, but a final, unappealable decision of innocence after indictment but before a jury has acted.

There is and can be no justification, after an indictment has been returned, to allow those who served close to a President to avoid the judicial process in a manner that is not available to any other citizen.

Neither the aides of powerful figures, nor powerful figures themselves, should be above the law.

Those who might receive such pardons should also be wary. The Supreme Court has called a pardon an act of "forgiveness, release, remission."[9]

Only those who have done wrong require pardons. Thus, although pretrial pardons for these defendants would spare them the inconvenience of trial, they would also be branded forever as wrongdoers who accepted forgiveness.

The assumption of innocence could become the stigma of guilt. For those who are confident that these defendants did no wrong, the place to prove that is at trial.

As a member of the Senate select committee that investigated the Iran-Contra affair, I have a firsthand appreciation of how complicated the facts of these cases will be.

Our job was not to draw conclusions about whether criminal liability attached to the actions of the individuals named in the pending indictment. But no one who has even read the indictment can responsibly say, at this early stage, that these defendants can or should be excused.

The President himself is plainly of two minds about the facts in this case. On the one hand, he has said many times that he doesn't know what actually happened. On the other hand, he has said that Colonel North and Admiral Poindexter did nothing wrong. But how can he know they did nothing wrong if he doesn't know what happened?

His ambivalence underscores the very reason that the task of deciding the guilt or innocence of these defendants must be left to the courts.

That is especially so since neither the President nor anyone else outside the criminal justice system knows what evidence exists to support the charges in the indictments.

The independent counsel's investigation is separate from the congressional investigation. The facts developed at the congressional hearings are not all of the facts in these cases.

Indeed, it is apparent from just reading the indictments that the independent counsel has gained access to witnesses and documents that were not available to the congressional committees.

That being the case, it is particularly inappropriate for anyone, including the President, to reach a conclusion about the innocence or guilt of these defendants until all of the evidence is presented at trial.

These defendants, like all defendants in criminal cases, are entitled to the presumption of innocence. Indeed, in such highly publicized cases, we all have a special obligation to accord them that presumption. We must reaffirm, and make clear, that Oliver North and John Poindexter have not been convicted of any crime. They have been charged with crimes. But unless and until they are convicted, by a jury and after a trial, they are presumed to be innocent.

But a presumption of innocence is not the same as a pretrial conclusion of innocence.

Those who advocate early pardons for these defendants invoke the same arguments that persuaded President Ford to pardon former President Nixon. They cite the need to put the Iran-Contra episode to rest, to end national divisiveness over the issue.

Like Watergate, the Iran-Contra affair has aroused strong public feelings. The defenders of North and Poindexter are matched in passion by those who believe their actions wrong and punishable.

But if we learned one lesson from President Ford's dramatic Watergate pardon, it is this: The public will not accept a premature pardon as a legitimate resolution of the issues and allegations involved.

The Nixon pardon did not quell national passions, it inflamed them. President Ford had to make an unprecedented appearance before a House subcommittee to provide assurances that no deal had been made. Even then, the controversy did not subside, and the suspicions did not fade.

These pardons, if offered, would come in the twilight of the Reagan Presidency, when the constitutional remedy, electoral disapproval, would be unavailable. But the potential damage to the integrity of the rule of law could linger for years.

Not only would such an action undermine the standard of equal justice for all, it would demolish the authority of the independent counsel system.

The Office of Independent Counsel was created to ensure that investigations of wrongdoing by high officials would be independent in fact as well as appearance, and would be beyond the political reach of the affected officials.

To grant pardons before the independent counsel presents his evidence at trial would wholly abrogate that purpose.

The administration has joined the attack on the law providing for judicial appointment of independent counsel.

But it has also taken pains—by means of a parallel appointment from the Justice Department—to preserve the viability of Judge Walsh's investigation regardless of the challenge to the law.

Congress, with overwhelming public support, has enacted and reenacted the independent counsel statute three times—the last two times with President Reagan's signature and support.

A pretrial pardon would moot the work of an institution which has, since Watergate, helped restore public confidence in Government honesty and judicial evenhandedness.

Now that the Iran-Contra defendants have announced that their defenses likely will entail testimony from officials at the highest levels of Government, up to and including the President, pretrial pardons would create a special odor of impropriety.

President Reagan is said to be concerned about his place in history. All Presidents are. It is human, honorable, and understandable.

But for that very reason he should be especially wary of considering pardons in this case. It would implicate him even more deeply in the worst scandal of his Presidency. It could well become his most memorable action, overshadowing the very significant accomplishments of his two terms in office.

Rarely, if ever, has a President been asked to grant a pardon for acts arising out of events in which he was personally involved. President Reagan was, of course, deeply involved in the Iran-Contra affairs. North's statement, upon his retirement from the Marine Corps, that he will call as witnesses in any trial the highest officials of Government, was a not-very-subtle message to the President that if he doesn't want to testify at a trial, he'd better prevent a trial by pardoning North and Poindexter. But were he to do so, it would inevitably be seen as an effort by the President to spare himself the embarrassment of having to testify at trial and to purchase silence by North and Poindexter for fear of what they might say at a trial.

Mr. Reagan does not need and ought not to invite that aggravation, especially in the waning days of his Presidency.

For these reasons, the premature calls for pardons should be firmly rejected.

I call upon the President to state clearly, unequivocally and finally that we will not consider pretrial pardons for any of the Iran-Contra defendants.

I call upon the President to reaffirm clearly and convincingly the principle of equal justice that is at the foundation of our democratic society.

I call upon the President to reaffirm that every American will be treated equally before the law. Such a statement would dispel much of the confusion and many of the doubts raised by the pardon debate.

I know of no American who doubts the personal integrity of President Reagan. But his commendable, very human loyalty to his subordinates raises corresponding questions of his commitment to the rule of law and to his public responsibilities.

He can dispel those questions, and in so doing, serve further the Nation he leads.

FOOTNOTES

[1] *United States* v. *Wilson*, 32 U.S. (7 Pet.) 150, 160-61 (1833).

[2] *Ex parte Wells*, 59 U.S. (18 How.) 307, 309-10 (1855).

[3] Op. Atty. Gen'l, 228 (1865).

[4] 28 C.F.R. 1.2 (1987).

[5] "The Federalist" No. 74.

[6] *Id.*

[7] *Biddle* v. *Perovich*, 274 U.S. 480, 486 (1927).

[8] *Id.*

[9] *Ex parte Wells, 59 U.S. (18 How.) 307, 309-10 (1855).*

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

FULL FUNDING FOR THE DAVIS CREEK DAM IN CENTRAL NEBRASKA

Mr. KARNES. Mr. President, I thank the members of the Appropriations Committee, especially Senators JOHNSTON, HATFIELD, and MCCLURE, for their kind assistance with funding for the Nebraska projects in the energy and water appropriation bill the Senate will be voting on here in a few minutes. I extend special thanks to these individuals, my colleagues, for their help in providing full funding for a very important provision, the Davis Creek Dam project in central Nebraska, at the $10 million level, which is the full funding level recommended by the Bureau of Reclamation.

This amount will allow this project, this very important project, which is several years behind schedule, to move ahead as expeditiously and efficiently as possible.

The $10 million funding level, in addition to the $1 million provided in my amendment to last year's energy and water appropriation bill, will allow the last component, the Davis Creek component, of the overall North Loup project to move much closer to full completion, this being a project that was originally started and planned in 1954.

Equally important is the bill language that describes in detail how the Davis Creek funds should be spent.

The language, a product of a joint effort by Congresswoman VIRGINIA SMITH, myself, and others associated with the project, removes any and all possible uncertainty regarding the will of the Congress in seeking completion of the Davis Creek portion.

I feel it is necessary to include such specific and detailed language in the bill due to difficulties experienced with OMB with regard to last year's Davis Creek funding.

Congresswoman SMITH and I, as I mentioned, experienced the same difficulty with OMB last year as described last evening by my good friend and colleague from Idaho, Senator MCCLURE. The Office of Management and Budget last year and this year have adopted the view that it would not accept provisions in report language as directive in nature of how funds should be spent, and that it would only make selective use of report language as a guide during its process of apportioning funds to the various departments.

I found this policy disturbing, to say the least. Report language is a very useful and efficient means for Congress to express its intent without cluttering bills with extended descriptive language or placing undue restrictions on the executive branch. I believe it would be in the best interest of all parties concerned if this recent Office of Management and Budget policy toward report language be shelved or, at the minimum, substantially revised. For that reason, I wholeheartedly support, and supported last evening, the Senator from Idaho's amendment to send a strong signal to OMB supporting the integrity of report language.

In any event, we have dealt with the policy in the short term with regard to Davis Creek by adding bill language that is clearly mandated in all respects. The language, combined with the appropriation itself, will help put this project back on course toward fulfilling our obligations, our Federal obligations, to project users and the farmers that benefit from that project and also pay for this project in Nebraska.

In conclusion, just a quick word about the remainder of the bill. The yearly energy and water appropriation bill is one of the most important pieces of legislation affecting my home State of Nebraska every year. Nebraska is unique in that our various water projects incorporate nearly every project purpose recognized by the Federal Government. Funding from this bill affects our economic base, our environment, and the quality of life in Nebraska.

In fact, this year it affects it and is even more important and it puts in perspective how important water funding is. We have emerging drought conditions in the upper Midwest, including my State of Nebraska. The investment that the Federal Government and the people of Nebraska have made in water projects of this nature provides the foundation to assure agricultural success and, hopefully, prosperity even in times of difficult weather, as we are experiencing right now.

I would like to again thank the members of the committee for their very kind cooperation and assistance with this Senator. The committee and their fine staff do exemplary work for the Senate and for the people of America in sorting out the hundreds of issues covered in this legislation. I note that some issues may receive some discussion in conference but, on the whole, I feel that Nebraskans should be very pleased with the legislation itself that we will be voting on, and I will be happy to cast my vote supporting final passage in a very few moments.

Also, Mr. President, last evening, I was asked by the Republican leader, Mr. DOLE, to perform my duties as deputy whip, in assisting the Democratic leader in clearing some routine legislative items off the calendar. During this process, the Senate considered H.R. 4368. As the acting Republican leader, I inserted into the RECORD a colloquy between Senators STAFFORD, HELMS, and PELL with respect to amendment No. 2362. In the printing of the CONGRESSIONAL RECORD, my name was inadvertently substituted as the author of Senator HELMS' portion of the colloquy. I rise at this point only to clarify that these are the remarks of the Senator from North Carolina, and that rightfully the credit belongs to Senator HELMS. I, also, understand the permanent RECORD is being corrected to reflect this error. I thank the Presiding Officer for recognizing me at this point.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANFORD). Without objection, it is so ordered.

A HELPING HAND

Mr. REID. Mr. President, adversity, it has been said, brings out the best in people. The truth of this axiom has been illustrated repeatedly since the Pacific Engineering explosion in Henderson, NV, May 4. This was evident in televised news reports showing hundreds of southern Nevadans lined up to donate their blood just hours after the blast, in the exhaustive efforts of medical and emergency response personnel and, most recently, in the selfless actions of Kidd & Co., a marshmallow maker, and its employees.

While public officials clamor for a cause of the explosion, a spirit of community is rising from the ashes of the Kidd & Co. plant. They all are to be commended for commitment to the community, for putting their hardship in perspective, then turning their attention to the needs of those less fortunate among us.

Often I wonder if we are too quick to turn to government for solutions. I worry that we ask too often for a handout, and not a helping hand. Kidd & Co., instead offered a hand. It is my pleasure to represent this company and its employees in the U.S. Senate.

THE DRUG TESTING AMENDMENT TO THE AIR PASSENGER PROTECTION ACT OF 1987, H.R. 3051

Mr. DANFORTH. Mr. President, on October 29 of last year the Senate voted 83 to 7 to add an amendment to the Air Passenger Protection Act of 1987, H.R. 3051, requiring preemployment, periodic, postaccident, reasonable suspicion, and radom testing of airline crews, railroad crews, and truck and bus drivers. To date, we have made no progress in getting the conferees from the House Public Works Committee and the House Energy and Commerce Committee to agree with us on drug testing legislation for safety related transportation workers. As other Senators and I have told the Senate repeatedly, lives have been lost because of this inaction.

Mr. President, today there is a glimmer of hope. We have stated repeatedly that if random drug testing for safety critical transportation workers were put to a vote in the House it would pass by an overwhelming margin just as it has in the Senate. Today, Congressman CLAY SHAW, of Florida, made a motion to instruct the House conferees on H.R. 3051 to concur in the Senate drug testing amendment to that legislation. The vote was a resounding 377 to 27. Furthermore, 12 of the House conferees voted in favor of the Shaw resolution. The House has spoken. There is no further justification for delay.

Mr. President, the time has come for the House conferees to end their fence sitting.

IN HONOR AND MEMORY OF CLARENCE M. PENDLETON, JR., CHAIRMAN OF THE U.S. COMMISSION ON CIVIL RIGHTS

Mr. THURMOND. Mr. President, the Nation suffered a great loss with the death of Clarence M. Pendleton, Jr., Chairman of the U.S. Commission on Civil Rights, who died on Sunday, June 5, 1988.

Because of his admirable qualifications and highly recognized experience, President Reagan appointed Clarence Pendleton to the U.S. Commission on Civil Rights in 1983. He was a true believer in genuine civil rights and worked ardently toward this end. He served meritoriously as Chairman of the Civil Rights Commission and should be admired for his accomplishments.

Outside of the Commission, Mr. Pendleton owned a business development and investment firm and was involved in a variety of civic, community, and governmental affairs. His outstanding contribution in these different areas showed the depth of his concern for others and the extent of his fine character.

The life of Clarence Pendleton will serve as an example for future generations. I am deeply saddened by his death and wish to extend my deepest sympathy to his devoted wife, Margrit, his son, George, and his daughters, Paula and Susan.

WILLIE VELÁSQUEZ

Mr. CRANSTON. Mr. President, I rise to make a few brief remarks about the recent death of Willie Valásquez. Willie was a community activist who made a significant contribution to our country by working to increase the Hispanic community's participation in our political system. His death is a loss for us all, and I know the California—where he was most recently working to register Hispanics to vote—will miss his presence.

Since 1974, when Willie launched the Southwest Voter Registration Education project in Texas, Willie worked tirelessly to impress upon Hispanics the importance of registering to vote and running for public office. And his work made a difference. In the last decade, the number of Hispanic officeholders doubled. During that time, Southwest Voter waged 958 registration drives—adding more than 1 million Mexican-Americans to the rolls—and filed or joined in 82 winning lawsuits under the Voting Rights Act.

Mr. President, a little over a year ago an article was published in Newsweek magazine describing Willie's contributions entitled "All These Guys Owe Willie." This article gives some insight into the depth of Willie's commitment to the Hispanic community, as well as his personal achievements, and I ask unanimous consent that it be entered in the RECORD at the conclusion of my remarks.

I have known Willie personally and admire his work in my home State of California during this last year to increase the registration of Californians to vote. I and countless others will miss Willie. His death should give us all an occasion to recommit ourselves to see that the intent of the Voting Rights Act is adhered to in all parts of our country.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Newsweek, Mar. 16, 1987]

ALL THESE GUYS OWE WILLIE—AN ACTIVIST BUILDS HISPANIC CLOUT AT THE GRASS ROOTS

(By Daniel Pedersen)

He has lectured at Harvard, collected studies of British prime ministers and mastered with equal ease the vernacular Spanish of poverty and the polished tongues of the capitols in Washington and Mexico City. But, Willie Velasquez's highest calling—and his great passion—is persuading the dispossessed to take political power into their own hands. He does this by talking pavement: "When we got Mexican-American candidates saying, 'Vote for me and I'll pave the streets,' goddammit, that's when the revolution started." For 13 years Velásquez has doggedly prodded his fellow Mexican-Americans into running for office, knowing that this was the only way to get Hispanics into the system. Rodolfo de la Garza, director of Mexican-American studies at the University of Texas, calls Velásquez "the single most important political actor since Cesar Chavez. And in terms of representational politics, the most important ever. Henry Cisneros owes Willie in a direct way. All these guys owe Willie."

The attainments of Velásquez's San Antonio-based Southwest Voter Registration Education Project over the last 10 years are almost as unheralded as Velásquez himself. Nationwide, Hispanics still hold only a fraction of the country's 490,000 elective offices. But in the last decade the number of Hispanic officeholders has doubled to 3,202. Nearly half of those are in Texas, where Velásquez's organization has challenged an ingrained assumption: that U.S. Hispanics are a politically apathetic society, for reasons ranging from low education and income to fidelities south of the border. Velásquez believes there is a simpler explanation. "You don't vote if you can't win," he says. In an effort to win, he has tried to change the structure and developed a strategy in which the most important elections are local. "We voted for Roosevelt, Truman and Kennedy," says Velásquez. "It didn't pave the streets."

Some call the region "Little Texas" for its oil wells and vast cattle ranches. But to New Mexico Hispanics, Little Texas earned its name by importing redneck racism from its big brother to the east. Smiley Gallegos, 34, remembers the segregated city of his boyhood in Clovis, N.M., a city within a city. "You couldn't cross Main and you couldn't cross Seventh, not even to shine shoes. Those were our borders." By the 1980s the outward trappings of racism had withered away. But while Mexican-Americans made up 23 percent of Clovis's population in 1984, no Clovis Hispanic had ever been elected to the school board, county board or state legislature. Southwest Voter move into the area, launching a drive to change the structure. The Southwest workers were denounced as outsiders, and a two-year struggle began, similar to those Southwest had encountered across Texas and New Mexico.

The son of a San Antonio butcher, Velásquez dropped out of graduate school in 1968 to join Cesar Chavez's fight to organize farm workers in the Rio Grande Valley. But when fellow activists formed La Raza Unida into a quixotic third party in Texas, Velásquez bolted. "It was so Mexican," he says. "What was important was not the result but making a glorious effort. Well, goddammit, we're not in Mexico." He launched Southwest Voter in 1974. The next year Congress gave wider application to the Voting Rights Act, extending its protection to all racial minorities. Thus armed, Southwest Voter has since waged 958 registration drives (adding more than a million Mexican-Americans to the rolls) and filed or joined in 82 winning lawsuits. "It's cod liver for those who have it forced down their throats," says Velásquez. "It's good medicine, but it tastes like hell."

It tasted pretty sour to Hoyt Pattison, a crusty former legislator from the Clovis area. "The Texans who came to New Mexico [to file suits] slandered us with ethnic slams," he says. Pattison had been an architect of New Mexico's 1982 redistricting. Southwest Voter sued to overturn the plan and won in 1984. The three-judge federal panel derisively likened the shapes of some of the new districts to eagles and spigots. But a fitting simile eluded them when it came to Pattison's own district. They just called it "most unusual." Clovis's compact west-side barrio had been split among three districts, diluting the Hispanic vote. The lines were redrawn, and Pattison was defeated. In addition to its case against gerrymandered legislative districts, Southwest Voter filed winning suits against at-large voting systems in city, county and school-board elections all across southeastern New Mexico.

With successes in Big Texas and Little Texas behind him, Velásquez is now drawn to what he calls the "Achilles' heel of Chicano politics in this nation"—California. The state has only 450 Hispanic officials, elected from among the roughly 5 million Hispanics who are included in California's total population of 26 million. (Texas has 1,466 such officials, a Hispanic population of about 4 million and a total of 17 million people.) "Marketers go after Hispanics here because a dollar's a dollar," says California pollster Marvin Field. "But the political community doesn't. It knows they aren't participating." Although Hispanics are 21 percent of the population, they constitute only 7 percent of the electorate in the November 1986 elections. Three months ago, after declaring California the top priority, Velásquez moved Southwest Voter's field director to Los Angeles to organize more than 250 registration drives; 23 local governments are being studied as possible targets for lawsuits under the Voting Rights Act. "You're looking at Texas 10 years ago, but it won't take 10 years here," vows Velásquez. Indeed, California appears to be fertile ground. Last month state Assemblywoman Gloria Molina became the second Hispanic on the 15-member Los Angeles City Council. "That's the big-league situation," Velásquez says of California. "It's going to prove Hispanics are on the move."

They are already on the move back in Clovis. In 1985 the town saw a five-point gain in Hispanic registration, and Mario Urioste joined the previously all-Anglo school board. He has long-term hopes of cutting the dropout rate by increasing the number of Hispanic teachers. In 1986 Lucinda Bonney became not only the county board's first Hispanic, but its chairman as well. Another success: the hiring of a black and a Hispanic by the sheriff's department. This year Smiley Gallegos, who won Hoyt Pattison's seat after the court threw out the perversely drawn redistricting plan, drove up to Santa Fe for his maiden session as a lawmaker, hoping to push small-business loans for Hispanics and other minorities. Among both Hispanics and Anglos, there is a slow but sure adjustment to the new order. "I've gotten to know this Gallegos," says Pattison, who now works as a lobbyist for soft-drink bottlers, "and I plan to lobby him right alongside everybody else."

TREATY INTERPRETATION

Mr. DOLE. Mr. President, a few weeks ago the Senate gave advice and consent to ratification of the INF Treaty. By and large, we have every right to be proud of our work. The treaty President Reagan took to Moscow was better than the one sent to us 4 months earlier.

Unfortunately, there is one major exception. For all of its 124 days in the Senate, the INF Treaty was shadowed by the ABM Treaty dispute. In fact, attempts to resolve the ABM issue on the INF Treaty threatened to derail ratification at the Moscow summit right up until the 11th hour.

Failure to ratify would have been a pure, simple, and grave error.

So many of us grimaced and swallowed a set of so-called principles of treaty interpretation which are simply wrong. From Helsinki, President Reagan did the same.

The amendment in question did not concern the Soviets, so he issued a brief statement in protest, said he would get back to us later, and went on to Moscow to finish his immediate, priority assignment.

Last Friday, with our feet firmly back on the ground here in Washington, the President did the right and predictable thing. He let the Senate know that the principles attached to the resolution of ratification are unconstitutional, and that neither he nor his successors are bound by them.

This conclusion is based on a very simple, fundamental proposition: What binds the United States is the same treaty which binds the other party, and the President is the one who interprets our obligations.

This issue has been obscured by a lot of arms control and legal mumbo-jumbo.

Now, I do not expect to settle the issue here today, but I do hope we will start thinking about the consequences of our words.

Fortunately, the Senate has not, because it cannot, overturned the time-honored rules of treaty interpretation. The President's message on the subject argues the case very well, and the debate is expanded by a Wall Street Journal editorial and an op-ed by David Rivkin.

I ask unanimous consent that these three documents be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

SOFAER'S REVENGE

Sam Nunn doesn't know what hit him. He had been so pleased with the idea of inserting an outrageous condition into the INF Treaty before Senate ratification, knowing that President Reagan was in Moscow and wanted a symbolic signing ceremony. Now back from the summit, Mr. Reagan has just announced that he and his successors won't be bound by Mr. Nunn's coercion.

After Senator Nunn's battle over the ABM Treaty with State Department lawyer Abe Sofaer, he and Robert Byrd pushed a provision into INF, which holds that treaties must be interpreted as the "common understanding of the treaty shared by the President and the Senate" at the time of ratification.

As David Rivkin explains nearby, there is a reason the Constitution gives the President sole power to negotiate, interpret and execute treaties. The Nunn alternative to this view is that Presidents must negotiate first with the Soviets, then with the Senate—and any restrictions the Senate adds bind only the U.S. side.

In his letter of repudiation to the Senate, President Reagan said that the Nunn-Byrd condition "subordinates fundamental and essential treaty interpretative sources such as the treaty parties' intent, the treaty negotiating record and the parties' subsequent practices." Moreover, he said, "I cannot accept the proposition that a condition in a resolution to ratification can alter the allocation of rights and duties under the Constitution; nor could I, consistent with my oath of office, accept any diminution claimed to be effected by such a condition in the constitutional powers and responsibilities of the presidency."

Mr. Reagan may have never intended to be bound, but this would have more resonance if he had said so before the treaty left the Senate. Robert Bork once suggested that faced with the War Powers Resolution, President Nixon should have said, "Thank you for your essay on your understanding of my constitutional powers. When the time permits, I will send you my essay on my understanding of my constitutional powers."

As it is, Senator Nunn said of the Reagan rejection. "The President's letter is entertaining but irrelevant." Barrister Nunn added. "The treaty, including this condition, is now the supreme law of the land." How's that? The Senate now believes it can make a treaty condition the law of the land—sharing the status of the Constitution—without the President, state ratification or even the Soviets.

The arrogance of congressional power requires a vigilant presidency. This administration sat in silence as Congress demoted the President's role by passing huge continuing resolutions, Boland amendments and an independent-counsel law that results in prosecutorial politics.

George Bush has promised to fight this trend, which differentiates him from the Reagan Presidency, and from Mike Dukakis. According to his issues director, Mr. Dukakis favors the War Powers Resolution, which would make him the first President to yield to this power grab.

We predict that the next President, whoever he is, will find that the government cannot function unless he guards his powers more jealously than President Reagan has. The constitutional system requires each branch to play its role—no more but also no less. When it reaches the point that the Senate believes its power to advise and consent includes the power to bind Presidents but not the Soviets, things are out of hand.

GOP MUST SHARE BLAME FOR BYRD AMENDMENT

(By David B. Rivkin, Jr.)

President Reagan issued a statement Friday asserting that the Byrd amendment to the INF Treaty had no impact on his "constitutional powers and responsibilities." This rather bland pronouncement failed to generate front-page news. Yet, it involved both constitutional principles of the highest order and a rather uninspiring effort by the Reagan administration to defend them.

What was at stake is the president's power to interpret treaties—a major component of his foreign-affairs responsibilities. This matter has been a subject of a furious debate, dating back to 1985 and the "reinterpretation" of the ABM Treaty.

During the Senate's consideration of the ABM Treaty in 1972, Nixon administration officials gave testimony suggesting that the treaty banned development and testing of all futuristic ABM systems, except for fixed-site land-based ones. This testimony stood unchallenged until 1985, when review of the negotiating record showed that the Soviets never agreed to that ban.

Presented with the problem, State Department legal adviser Abraham Sofaer concluded that since Moscow never agreed to this provision, it was not bound by mistaken explications provided to the Senate, and that the U.S. and the Soviet Union were bound by the bargain struck during treaty negotiations—even if it differed from what the president told the Senate.

These assertions drew fire from congressional Democrats, especially Sen. Sam Nunn of Georgia, who claimed that the position developed by Mr. Sofaer negated the Senate's constitutional right to participate in treaty-making and provided an inducement for a president to mislead the Senate in the future. Sen. Nunn led the fight to introduce language in defense authorization bills that would have mandated compliance with the "narrow" interpretation of the ABM Treaty. Ultimately, the administration caved in to congressional pressure and agreed to a de facto compliance with Sen. Nunn's position.

This, however, was not enough for Sen. Nunn and other Senate Democrats, who decided to use the INF Treaty as a vehicle to settle the score with the administration. They introduced the Byrd amendment, which provides that the INF Treaty should be interpreted in accordance with the testimony provided by the executive branch to the Senate, and specifies that in the future the president cannot reinterpret the treaty without the Senate's consent. The possible result of the Byrd amendment is what Sen. Arlen Specter (R., Pa.) calls a "two-treaty" situation—whereby the U.S. is bound by a stricter version of the INF Treaty than is Moscow.

To be fair, the blame for the passage of the Byrd amendment does not rest entirely with the Democrats. Both the administration and some Senate Republicans bear at least some of the responsibility. To begin with, the administration's efforts to assuage Sen. Nunn's concerns about Mr. Sofaer's legal theories not only failed to bear fruit; they actually backfired. Initially, Assistant Attorney General Charles Cooper issued an opinion asserting that, as a matter of domestic law, the administration that presented mistaken testimony to the Senate was bound by it, even if, as a matter of international law, the treaty had a different meaning.

This point was reaffirmed in a March letter issued by A.B. Culvahouse, the White House general counsel. The letter posited that "the president is bound by shared interpretations which were both authoritatively communicated to the Senate . . . and clearly intended, generally understood, and relied upon by the Senate in its advice and consent to ratification."

The administration's implicit intent at the time Mr. Cooper's and Mr. Culvahouse's opinions were released was to introduce enough qualifications and hedges to ensure that testimony by executive branch officials would be considered binding only in exceptional cricumstances. This, however, was unacceptable to the Senate Democrats. In the process, however, the administration sacrificed important constitutional principles, by embracing the legitimacy of the "two-treaty" approach.

The administration's efforts to prevent the passage of the Byrd amendment were at best halfhearted, and, in the end, the White House simply dropped the ball. With the Moscow summit rapidly approaching, the administration abandoned any efforts to rally the Senate Republicans against the amendment. Instead, White House Chief of Staff Howard Baker made a trip to Capitol Hill to meet with Republican leaders, and to their considerable surprise, appealed to them to vote for the Byrd amendment. No price seemed too high to enable President Reagan to sign the treaty at the Moscow summit.

The problem with the amendment is that it addresses a nonexistent issue. The claim that, in the absence of the amendment, a president would feel emboldened to habitually misinform the Senate about the treaties for which he was seeking its consent is absurd. For a president knowingly to furnish false testimony to the Senate would constitute an impeachable offense. Not surprisingly, this has never occurred.

The real problem arises, as was the case with the ABM Treaty, when the executive branch makes a mistake or unwittingly provides confusing testimony. In such a situation, the solution favored by Sens. Nunn and Byrd seems to involve punishing the U.S., by making it abide by a treaty provision that the other treaty partner does not have to follow.

Moreover, the Byrd amendment is unconstitutional. Under the Constitution, the president alone has the right to determine U.S. international treaty obligations. The president also has the right to interpret, for purposes of domestic law, what any treaty or statute means. While the courts have the ultimate power to adjudicate the validity of the president's interpretation, they habitually defer to his interpretation, and would not disturb any reasonable determination unless there is clear and unmistakable evidence that Congress intended something else.

There is an additional basis for maintaining that the Byrd amendment does not have the force of law. Under the Constitution, a treaty cannot create binding domestic obligations that exceed the international obligations agreed to by the treaty parties. Thus, an extra provision, allegedly created by the executive-branch testimony, is not a "supreme" law of the land. At the same time, such a provision does not have the force of a regular law, since it has not been properly enacted by both houses of Congress. As such it is at most a political decoration that any president is free to disregard.

It is regrettable that the Senate saw fit to mar the INF Treaty with a legally defective and unconstitutional amendment. It is even more regrettable that the president failed to correct this mistake prior to the treaty's ratification by declaring that the Byrd amendment is null and void and that he has no intention of complying with it.

Mr. DOLE. Mr. President, I would also like to include in the RECORD President Reagan's message to the Senate on the ratification of the INF Treaty and his views on the ABM question.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

To the Senate of the United States:

I was gratified the United States Senate gave its advice and consent to the ratification of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate- and Shorter-Range Missiles (INF Treaty). It was my honor to exchange instruments of ratification on June 1 in Moscow, and the Treaty has now entered into force.

During the past 4 months, the Senate has performed its constitutional duties with respect to the advice and consent to this Treaty in an exceptionally serious and diligent manner. On the Administration's part, we spared no effort to respond to the Senate's needs, and to do our best to ensure that the Senate had all the information it needed to carry out its constitutional responsibilities. Administration witnesses appeared in more than 70 formal hearings and many more informal briefings; we provided detailed written answers to over 1,300 questions for the record from the Committees and individual Senators; and we provided access to the negotiating record of the Treaty, comprising 31 bound volumes.

In short, I believe the Executive branch and the Senate took their responsibilities very seriously and made every effort to work together to fulfill them in the common interest of advancing the national security of the United States and our Allies and friends. The Treaty will bear witness to the sincerity and diligence of those in the Executive Branch and the Senate who have taken part in this effort.

As noted in my statement issued on May 27, the date of final Senate action, one provision of the Resolution to Ratification adopted by the Senate causes me serious concern.

The Senate condition relating to the Treaty Clauses of the Constitution apparently seeks to alter the law of treaty interpretation. The accompanying report of the Committee on Foreign Relations accords primacy, second only to the Treaty text, to all Executive branch statements to the Senate above all other sources which international forums or even U.S. courts would consider in interpreting treaties. It subordinates fundamental and essential treaty interpretative sources such as the treaty parties' intent, the treaty negotiating record and the parties' subsequent practices.

Treaties are agreements between sovereign states and must be interpreted in accordance with accepted principles of international law and United States Supreme Court jurisprudence. As a practical matter, the Senate condition only can work against the interests of the United States by creating situations in which a treaty has one meaning under international law and another under domestic law. Unilateral restrictions on the United States should be avoided, especially in a treaty affecting vital national security interests. With respect to U.S. law, the President must respect the mutual understandings reached with the Senate during the advice and consent process. But Executive statements should be given binding weight only when they were authoritatively communicated to the Senate by the Executive and were part of the basis on which the Senate granted its advice and consent to ratification. This is in accordance with the legal standards applied by our courts in determining legislative intent. I commend the thoughtful statements made during the Senate debate by Senators Specter, Roth, Wilson, and others which amplify these concerns.

This Administration does not take the position that the Executive branch can disregard authoritative Executive statements to the Senate, and we have no intention of changing the interpretation of the INF Treaty which was presented to the Senate. On the contrary, this Administration has made it clear that it will consider all such authoritative statements as having been made in good faith. Nonetheless the principles of treaty interpretation recognized and repeatedly invoked by the courts may not be limited or changed by the Senate alone, and those principles will govern any future disputes over interpretation of this Treaty. As Senator Lugar pointed out during the debate, the Supreme Court may well have the final judgment, which would be binding on the President and Senate alike. Accordingly, I am compelled to state that I cannot accept the proposition that a condition in a resolution to ratification can alter the allocation of rights and duties under the Constitution; nor could I, consistent with my oath of office, accept any diminution claimed to be effected by responsibilities of the Presidency.

I do not believe that any difference of views about the Senate condition will have any practical effect on the implementation of the Treaty. I believe the Executive branch and the Senate have a very good common understanding of the terms of the Treaty, and I believe that we will handle any question of interpretation that may arise in a spirit of mutual accommodation and respect. In this spirit I welcome the entry into force of the Treaty and express my hope that it will lead to even more important advances in arms reduction and the preservation of world peace and security.

RONALD REAGAN.

THE WHITE HOUSE, *June 10, 1988.*

COMPUTER SCIENCES CORP.

Mr. CRANSTON. Mr. President, in the late 1950's computers began to change our lives. Today, computers facilitate much of what we do in our personal lives as well as the way we conduct our business. Most notable to a Senate office is the vastly increased ease computers give us to keep in touch with our constituents.

Integrated computer systems have made the United States a leader in the information age, an age which demands quick, accurate, and timely information.

In building the world's most technologically advanced defense and space exploration programs, the Government pioneered the use of computers. Demand by private sector manufacturing and business quickly followed.

Our national demand for computer technology has grown so quickly that information technology's share of the gross national product rose from 0.5 percent in 1967 to 3 percent in 1987.

Back in 1959, when most Americans knew little of how computers were changing the way they lived and worked, a company called Computer Sciences Corp., was founded. CSC has developed some of the advanced computer software available for our Government. CSC is also expanding its services in the commercial sector.

The computer industry well deserves recognition for its part in ensuring our Nation's continued world leadership role. I would like to extend particular congratulations to CSC, one of the nation's first information technology corporations, as it enters its third decade.

BIOTECHNOLOGY COMPETITIVENESS ACT OF 1988

Mr. HATCH. Mr. President, I am pleased to join with the chairman of the Labor and Human Resources Committee in support of this legislation as reported from committee. As my colleagues know, this legislation established a process for looking at existing Federal and private sector efforts to develop biotechnology. The intent is to establish a process to identify those areas which can be performed best by the Federal Government, identify those areas which can be performed best by the private sector, and identify obstacles which are preventing the development of this important technology.

Biotechnology may provide answers to many of the questions which have long plagued mankind. It may give us the key to unlock the secrets to many, so far, untreatable diseases. For example, the technology may furnish new options for treating genetic and congential diseases. Or, it may give us new drugs which are more effective, have fewer side effects, and cost less than ever before. In short, biotechnology provides hope for many Americans affected with chronic and life threatening diseases.

At the same time that biotechnology provides us with new answers, it also raises serious policy questions, questions we must address. This legislation establishes a process for addressing this need through the existing Congressional Bioethics Board.

I would like to commend Senator CHILES, Senator HUMPHREY, and Senator KENNEDY for the work they have put into this legislation and the willingness of all concerned to accommodate the views and concerns of others. I think this is good legislation, and I hope that my colleagues join us in expeditiously approving this legislation.

PRESIDENT REAGAN SPEAKS OF THE SPREAD OF FREEDOM IN REMARKABLE SPEECHES HE GAVE IN MOSCOW AND LONDON

Mr. DOMENICI. Mr. President, I have had the opportunity to read two important speeches that President Reagan gave during his recent summit trip to Moscow.

Frankly, these are as fine speeches as I have heard the President give. In each, he spoke of freedom and opportunity.

The first was made on May 31 to students and faculty of Moscow State University. In that speech, Mr. Reagan spoke of a "revolution that is taking place right now, quietly sweeping the globe, without bloodshed or conflict," the technology revolution.

"The explorers of the modern era are the entrepreneurs, men with vision, with the courage to take risks and faith enough to brave the unknown."

The President went on to speak of "the power of economic freedom spreading around the world," a fact that this Senator is convinced is the most significant event that is taking place in the world today. It is the driving force behind the Soviet efforts to reform its system.

The President told the students that "there are no bounds on human imagination and the freedom to create is the most precious natural resource."

These are things we know, but the President spoke of them with great eloquence.

In the second speech, to the Royal Institute of International Affairs in London, President Reagan reiterated his Moscow theme, the thirst for freedom. He spoke of making "a pilgrimage toward those things we honor and love: human dignity, the hope of freedom for all peoples and for all nations."

He told the audience in London that the success achieved in Moscow had its roots in the soil of steadfastness that had been shown by the allies, a steadfastness that produced the remarkable INF treaty in the face of "voices of retreat and hopelessness."

Mr. President, as I indicated, I believe these speeches are remarkable both for their eloquence and for their wisdom. I am convinced that when our grandchildren study this period in world history, they will read these speeches, they will study the foresight in each.

To enable my colleagues to study these important speeches with care, I ask unanimous consent that they be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY THE PRESIDENT TO THE STUDENTS AND FACULTY OF MOSCOW STATE UNIVERSITY

LECTURE HALL, MOSCOW STATE UNIVERSITY,
MOSCOW, USSR

The PRESIDENT: Thank you, Rector Logunov, and I want to thank all of you very much for a very warm welcome. It's a great pleasure to be here at Moscow State University, and I want to thank you all for turning out. I know you must be very busy this week, studying and taking your final examinations. So let me just say Zhelayu vam uspekha. (Applause.) Nancy couldn't make it today because she's visiting Leningrad, which she tells me is a very beautiful city—but she, too, says hello and wishes you all good luck.

Let me say it's also a great pleasure to once again have this opportunity to speak directly to the people of the Soviet Union.

Before I left Washington, I received many heartfelt letters and telegrams asking me to carry here a simple message—perhaps, but also some of the most important business of this summit—it is a message of peace and goodwill and hope for a growing friendship and closeness between our two peoples.

As you know, I've come to Moscow to meet with one of your most distinguished graduates. In this, our fourth summit, General Secretary Gorbachev and I have spent many hours together and I feel that we're getting to know each other well.

Our discussions, of course, have been focused primarily on many of the important issues of the day—issues I want to touch on with you in a few moments. But first I want to take a little time to talk to you much as I would to any group of university students in the United States. I want to talk not just of the realities of today, but of the possibilities of tomorrow.

Standing here before a mural of your revolution, I want to talk about a very different revolution that is taking place right now, quietly sweeping the globe, without bloodshed or conflict. Its effects are peaceful, but they will fundamentally alter our world, shatter old assumptions, and reshape our lives.

It's easy to underestimate because it's not accompanied by banners or fanfare. It's been called the technological or information revolution, and as its emblem, one might take the tiny silicon chip—no bigger than a fingerprint. One of these chips has more computing power than a roomful of old-style computers.

As part of an exchange program, we now have an exhibition touring your country that shows how information technology is transforming our lives—replacing manual labor with robots, forecasting weather for farmers, or mapping the genetic code of DNA for medical researchers. These microcomputers today aid the design of everything from houses to cars to spacecraft—they even design better and faster computers. They can translate English into Russian or enable the blind to read—or help Michael Jackson produce on one synthesizer the sounds of a whole orchestra. Linked by a network of satellites and fiber-optic cables, one individual with a desktop computer and a telephone commands resources unavailable to the largest governments just a few years ago.

Like a chrysalis, we're emerging from the economy of the Industrial Revolution—an economy confined to and limited by the Earth's physical resources—into, as one economist titled his book, "The Economy in Mind," in which there are no bounds on human imagination and the freedom to create is the most precious natural resource.

Think of that little computer chip. Its value isn't in the sand from which it is made, but in the microscopic architecture designed into it by ingenious human minds. Or take the example of the satellite relaying this broadcast around the world, which replaces thousands of tons of copper mined from the Earth and molded into wire.

In the new economy, human invention increasingly makes physical resources obsolete. We're breaking through the material conditions of existence to a world where man creates his own destiny. Even as we explore the most advanced reaches of science, we're returning to the age-old wisdom of our culture, a wisdom contained in the book of Genesis in the Bible: In the beginning was the spirit, and it was from this spirit that the material abundance of creation issued forth.

But progress is not aforeordained. The key is freedom—freedom of thought, freedom of information, freedom of communication. The renowned scientist, scholar, and founding father of this University, Mikhail Lomonosov, knew that. "It is common knowledge," he said, "that the achievements of science are considerable and rapid, particularly once the yoke of slavery is cast off and replaced by the freedom of philosophy."

You know, one of the first contacts between your country and mine took place between Russian and American explorers. The Americans were members of Cook's last voyage on an expedition searching for an Arctic passage; on the island of Unalaska, they came upon the Russians, who took them in, and together, with the native inhabitants, held a prayer service on the ice.

The explorers of the modern era are the entrepreneurs, men with vision, with the courage to take risks and faith enough to brave the unknown. These entrepreneurs and their small enterprises are responsible for almost all the economic growth in the United States. They are the prime movers of the technological revolution. In fact, one of the largest personal computer firms in the United States was started by two college students, no older than you, in the garage behind their home.

Some people, even in my own country, look at the riot of experiment that is the free market and see only waste. What of all the entrepreneurs that fail? Well, many do, particularly the successful ones. Often several times. And if you ask them the secret of their success, they'll tell you, it's all that they learned in their struggles along the way—yes, it's what they learned in their struggles along the way—yes, it's what they learned from failing. Like an athlete in competition, or a scholar in pursuit of the truth, experience is the greatest teacher.

And that's why it's so hard for government planners, no matter how sophisticated, to ever substitute for millions of individuals working night and day to make their dreams come true. The fact is, bureaucracies are a problem around the world. There's an old story about a town—it could be anywhere—with a bureaucrat who is known to be a good for nothing, but he somehow had always hung on to power. So one day, in a town meeting, an old woman got up and said to him, "There is a folk legend here where I come from that when a baby is born, an angel comes down from heaven and kisses it on one part of its body. If the angel kisses him on his hand, he becomes a handyman. If he kisses him on his forehead, he becomes bright and clever. And I've been trying to figure out where the angel kissed you so that you should sit there for so long and do nothing." (Laughter and applause.)

We are seeing the power of economic freedom spreading around the world—places such as the Republic of Korea, Singapore, Taiwan have vaulted into the technological era, barely pausing in the industrial age along the way. Low-tax agricultural policies in the sub-continent mean that in some years India is now a net exporter of food. Perhaps most exciting are the winds of change that are blowing over the People's Republic of China, where one-quarter of the world's population is now getting its first taste of economic freedom.

At the same time, the growth of democracy has become one of the most powerful political movements of our age. In Latin America in the 1970's, only a third of the population lived under democratic government. Today over 90 percent does. In the Philippines, in the Republic of Korea, free, contested, democratic elections are the order of the day. Throughout the world, free markets are the model for growth. Democracy is the standard by which governments are measured.

We Americans make no secret of our belief in freedom. In fact, it's something of a national pastime. Every four years the American people choose a new president, and 1988 is one of those years. At one point there were 13 major candidates running in the two major parties, not to mention all the others, including the Socialist and Libertarian candidates—all trying to get my job.

About 1,000 local television stations, 8,500 radio stations, and 1,700 daily newspapers, each one an independent, private enterprise, fiercely independent of the government, report on the candidates, grill them in interviews, and bring them together for debates. In the end, the people vote—they decide who will be the next president.

But freedom doesn't begin or end with elections. Go to any American town, to take just an example, and you'll see dozens of churches, representing many different beliefs—in many places synagogues and mosques—and you'll see families of every conceivable nationality, worshipping together.

Go into any schoolroom, and there you will see children being taught the Declaration of Independence, that they are endowed by their Creator with certain unalienable rights—among them life, liberty, and the pursuit of happiness—that no government can justly deny—the guarantees in their Constitution for freedom of speech, freedom of assembly, and freedom of religion.

Go into any courtroom and there will preside an independent judge, beholden to no government power. There every defendant has the right to a trial by a jury of his peers, usually 12 men and women—common citizens, they are the ones, the only ones, who weigh the evidence and decide on guilt or innocence. In that court, the accused is innocent until proven guilty, and the word of a policeman, or any official, has no greater legal standing than the word of the accused.

Go to any university campus, and there you'll find an open, sometimes heated discussion of the problems in American society and what can be done to correct them. Turn on the television, and you'll see the legislature conducting the business of government right there before the camera, debating and voting on the legislation that will become the law of the land. March in any demonstration, and there are many of them—the people's right of assembly is guaranteed in the Constitution and protected by the police.

Go into any union hall, where the members know their right to strike is protected by law. As a matter of fact, one of the many jobs I had before this one was being president of a union, the Screen Actors Guild. I led my union out on strike—and I'm proud to say, we won.

But freedom is more even than this: Freedom is the right to question, and change the established way of doing things. It is the continuing revolution of the marketplace. It is the understanding that allows us to recognize shortcomings and seek solutions. It is the right to put forth an idea, scoffed at by the experts, and watch it catch fire among the people. It is the right to stick—to dream—to follow your dream, or stick to your conscience, even if you're the only one in a sea of doubters.

Freedom is the recognition that no single person, no single authority or government has a monopoly on the truth, but that every individual life is infinitely precious, that every one of us put on this world has been put there for a reason and has something to offer.

America is a nation made up of hundreds of nationalities. Our ties to you are more than ones of good feeling; they're ties of kinship. In America, you'll find Russians, Armenians, Ukrainians, peoples from Eastern Europe and Central Asia. They come from every part of this vast continent, from every continent, to live in harmony, seeking a place where each cultural heritage is respected, each is valued for its diverse strengths and beauties and the richness it brings to our lives.

Recently, a few individuals and families have been allowed to visit relatives in the West. We can only hope that it won't be long before all are allowed to do so, and Ukrainian-Americans, Baltic-Americans, Armenian-Americans, can freely visit their homelands, just as this Irish-American visits his.

Freedom, it has been said, makes people selfish and materialistic, but Americans are one of the most religious peoples on Earth. Because they know that liberty, just as life itself, is not earned, but a gift from God, they seek to share that gift with the world. "Reason and experience," said George Washington, in his farewell address, "both forbid us to expect that national morality can prevail in exclusion of religious principle. And it is substantially true, that virtue or morality is a necessary spring of popular government."

Democracy is less a system of government than it is a system to keep government limited, unintrusive: A system of constraints on power to keep politics and government secondary to the important things in life, the true sources of value found only in family and faith.

But I hope you know I go on about these things not simply to extol the virtues of my own country, but to speak to the true greatness of the heart and soul of your land. Who, after all, needs to tell the land of Dostoevsky about the quest for truth, the home of Kandinsky and the Scriabin about imagination, the rich and noble culture of the Uzbek man of letters, Alisher Navoi, about beauty and heart.

The great culture of your diverse land speaks with a glowing passion to all humanity. Let me cite one of the most eloquent contemporary passages on human freedom. It comes, not from the literature of America, but from this country, from one of the greatest writers of the 20th century, Boris Pasternak, in the novel "Dr. Zhivago." He writes, "I think that if the beast who sleeps in man could be held down by threats—any kind of threat, whether of jail or of retribution after death—then the highest emblem of humanity would be the lion tamer in the circus with his whip, not the prophet who sacrificed himself. But this is just the point—what has for centuries raised man above the beast is not the cudgel, but an inward music—the irresistible power of unarmed truth."

The irresistible power of unarmed truth. Today the world looks expectantly to signs of change, steps toward greater freedom in the Soviet Union. We watch and we hope as we see positive changes taking place. There are some, I know, in your society who fear that change will bring only disruption and discontinuity—who fear to embrace the hope of the future.

Sometimes it takes faith. It's like that scene in the cowboy movie "Butch Cassidy and the Sundance Kid," which some here in Moscow recently had a chance to see. The posse is closing in on the two outlaws, Butch and Sundance, who find themselves trapped on the edge of a cliff, with a sheer drop of hundreds of feet to the raging rapids below. Butch turns to Sundance and says their only hope is to jump into the river below, but Sundance refuses. He says he'd rather fight it out with the posse, even though they're hopelessly outnumbered. Butch says that's suicide and urges him to jump, but Sundance still refuses, and finally admits, "I can't swim." Butch breaks up laughing and says, "You crazy fool, the fall will probably kill you." And, by the way, both Butch and Sundance made it, in case you didn't see the movie. I think what I've just been talking about is perestroika and what its goals are.

But change would not mean rejection of the past. Like a tree growing strong through the seasons, rooted in the earth and drawing life from the sun, so, too, positive change must be rooted in traditional values—in the land, in cultural, in family and community—and it must take its life from the eternal things, from the source of all life, which is faith. Such change will lead to new understandings, new opportunities, to a broader future in which the tradition is not supplanted, but finds its full flowering.

That is the future beckoning to your generation. At the same time, we should remember that reform that is not institutionalized will always be insecure. Such freedom will always be looking over its shoulder. A bird on a tether, no matter how long the rope, can always be pulled back. And that is why, in my conversation with General Secretary Gorbachev, I have spoken of how important it is to institutionalize change—to put guarantees on reform. And we have been talking together about one sad reminder of a divided world, the Berlin Wall. It's time to remove the barriers that keep people apart.

I'm proposing an increased exchange program of high school students between our countries. General Secretary Gorbachev mentioned on Sunday a wonderful phrase, you have in Russian for this. "Better to see something once than to hear about it a hundred times." Mr. Gorbachev and I first began working on this in 1985; in our discussion today, we agreed on working up to several thousand exchanges a year from each country in the near future. But not everyone can travel across the continents and oceans. Words travel lighter; and that's why we'd like to make available to this country more of our 11,000 magazines and periodicals; and our television and radio shows, that can be beamed off a satellite in seconds. Nothing would please us more than for the Soviet people to get to know us better and to understand our way of life.

Just a few years ago, few would have imagined the progress our two nations have made together. The INF Treaty—which General Secretary Gorbachev and I signed last December in Washington and whose instruments of ratification we will exchange tomorrow—the first true nuclear arms reduction treaty in history, calling for the elimination of an entire class of U.S. and Soviet nuclear missiles. And just 16 days ago, we saw the beginning of your withdrawal from Afghanistan, which gives us hope that soon the fighting may end and the healing may begin, and that that suffering country may find self-determination, unity, and peace at long last.

It's my fervent hope that our constructive cooperation on these issues will be carried on to address the continuing destruction of conflicts in many regions of the globe and that the serious discussions that led to the Geneva accords on Afghanistan will help lead to solutions in Southern Africa, Ethiopia, Cambodia, the Persian Gulf, and Central America.

I have often said, nations do not distrust each other because they are armed; they are armed because they distrust each other. If this globe is to live in peace and prosper, if it is to embrace all the possibilities of the technological revolution, then nations must renounce, once and for all, the right to an expansionist foreign policy. Peace between nations must be an enduring goal—not a tactical stage in a continuing conflict.

I've been told that there's a popular song in your country—perhaps you know it—whose evocative refrain asks the question, "Do the Russians want a war?" In answer it says, "Go ask that silence lingering in the air, above the birch and poplar there; beneath those trees the soldiers lie. Go ask my mother, ask my wife; then you will have to ask no more, 'do the Russians want a war?'"

But what of your one-time allies? What of those who embraced you on the Elbe? What if we were to ask the watery graves of the Pacific, or the European battlefields where America's fallen were buried far from home? What if we were to ask their mothers, sisters, and sons, do Americans want war? Ask us, too, and you'll find the same answer, the same longing in every heart. People do not make wars, governments do—and no mother would ever willingly sacrifice her sons for territorial gain, for economic advantage, for ideology. A people free to choose will always choose peace.

Americans seek always to make friends of old antagonists. After a colonial revolution with Britain we have cemented for all ages the ties of kinship between our nations. After a terrible civil war between North and South, we healed our wounds and found true unity as a nation. We fought two world wars in my lifetime against Germany and one with Japan, but now the Federal Republic of Germany and Japan are two of our closest allies and friends.

Some people point to the trade disputes between us as a sign of strain, but they're the frictions of all families, and the family of free nations is a big and vital and sometimes boisterous one. I can tell you that nothing would please my heart more than in my lifetime to see American and Soviet diplomats grappling with the problem of trade disputes between America and a growing, exuberant, exporting Soviet Union that had opened up to economic freedom and growth.

And as important as these official people-to-people exchanges are, nothing would please me more than for them to become unnecessary, to see travel between East and West become so routine that university students in the Soviet Union could take a month off in the summer and, just like students in the West do now, put packs on their backs and travel from country to country in Europe with barely a passport check in between. Nothing would please me more than to see the day that a concert promoter in, say, England could call up a Soviet rock group—without going through any government agency—and have them playing in Liverpool the next night.

Is this just a dream? Perhaps. But it is a dream that is our responsibility to have come true.

Your generation is living in one of the most exciting, hopeful times in Soviet history. It is a time when the first breath of freedom stirs the air and the heart beats to the accelerated rhythm of hope, when the accumulated spiritual energies of a long silence yearn to break free.

I am reminded of the famous passage near the end of Gogol's "Dead Souls." Comparing his nation to a speeding troika, Gogol asks what will be its destination. But he writes, "there was no answer save the bell pouring forth marvelous sound."

We do not know what the conclusion of this will be of this journey, but we're hopeful that the promise of reform will be fulfilled. In this Moscow spring, this May 1988, we may be allowed that hope—that freedom, like the fresh green sapling planted over Tolstoi's grave, will blossom forth at last in the rich fertile soil of your people and culture. We may be allowed to hope that the marvelous sound of a new openness will keep rising through, ringing through, leading to a new world of reconciliation, friendship, and peace.

Thank you all very much and da blagoslovit vas gospod'. God bless you. (Applause.)

ADDRESS BY THE PRESIDENT TO THE ROYAL INSTITUTE OF INTERNATIONAL AFFAIRS

THE GREAT HALL, GUILDHALL, LONDON, ENGLAND, JUNE 3, 1988

The PRESIDENT. Thank you all very much. My Lord Mayor, Prime Minister, Your Excellencies, my lords, aldermen, sheriffs, ladies and gentlemen, I wonder if you can imagine what it is for an American to stand in this place. Back in the States, we're terribly proud of anything more than a few hundred years old; some even see my election to the presidency as America's attempt to show our European cousins that we too have a regard for antiquity. (Laughter.)

Guildhall has been here since the 15th century and while it is comforting at my age to be near anything that much older than myself—(laughter)—the venerable age of this institution is hardly all that impresses. Who can come here and not think upon the moments these walls have seen—the many times that people of this city and nation have gathered here in national crisis or national triumph. In the darkest hours of the last world war—when the tense drama of Edward R. Murrow's opening—"This is London" was enough to impress on millions of Americans the mettle of the British people—how many times in those days did proceedings continue here, a testimony to the cause of civilization for which you stood. From the Marne to El Alamein, to Arnhem, to the Falklands, you have in this century so often remained steadfast for what is right—and against what is wrong. You are a brave people and this land truly is, as your majestic, moving hymn proclaims, a "land of hope and glory." And it's why Nancy and I—in the closing days of this historic trip—are glad to be in England once again. After a long journey, we feel among friends, and with all our hearts we thank you for having us here.

Such feelings are, of course, especially appropriate to this occasion; I have come from Moscow to report to you, for truly the relationship between the United States and Great Britain has been critical to NATO's success and the cause of freedom.

This hardly means that we've always had a perfect understanding. When I first visited Mrs. Thatcher at the British Embassy in 1981, she mischeviously reminded me that the huge portrait dominating the grand staircase was none other than that of George III—though she did graciously concede that today most of her countrymen would agree with Jefferson that a little rebellion now and then is a good thing. (Laughter.)

So there has always been, as there should be among friends, an element of fun about our differences. But let me assure you, it is how much we have in common and the depth of our friendship that truly matters. I have often mentioned this in the States, but I have never had an opportunity to tell a British audience how during my first visit here 40 years ago I was, like most Americans, anxious to see some of the sights and those 400-year-old inns I had been told abound in this country.

Well, a driver took me and a couple of other people to an old inn, a pub really—and what in America we would call a "mom and pop place." This quite elderly lady was waiting on us, and finally, hearing us talk to one another, she said, "You're Americans, aren't you?" And we said we were. "Oh," she said, "there were a lot of your chaps stationed down the road during the war." And she added, "They used to come in here of an evening, and they'd have a songfest. They called me Mom, and they called the old man Pop." And then her mood changed and she said, "It was Christmas Eve. And, you know, we were all alone and feeling a bit down. And, suddenly, they burst through the door, and they had presents for me and Pop." And by this time she wasn't looking at us anymore. She was looking off into the distance, into memory, and there were tears in her eyes. And then she said, "Big strapping lads they was, from a place called Ioway." (Laughter.)

From a place called Ioway. And Oregon, California, Texas, New Jersey, Georgia. Here with other young men from Lancaster, Hampshire, Glasgow, and Dorset—all of them caught up in the terrible paradoxes of that time—that young men must wage war to end war, and die for freedom so that freedom itself might live.

And it is those same two causes for which they fought and died—the cause of peace, the cause of freedom for all humanity—that still brings us, British and American, together.

For these causes, the people of Great Britian, the United States, and other allied nations have, for 44 years, made enormous sacrifices to keep our alliance strong and our military ready. For them, we embarked in this decade on a new post-war strategy, a forward strategy of freedom, a strategy of public candor about the moral and fundamental differences between statism and democracy, but also a strategy of vigorous diplomatic engagement. A policy that rejects both the inevitability of war or the permanence of totalitarian rule, a policy based on realism that seeks not just treaties for treaties' sake, but the recognition and resolution of fundamental differences with our adversaries.

The pursuit of this policy has just now taken me to Moscow and, let me say, I believe this policy is bearing fruit. Quite possibly, we're beginning to take down the barriers of the post-war era, quite possibly, we are entering a new era in history, a time of lasting change in the Soviet Union. We will have to see. But if so, it's because of the steadfastness of the allies—the democracies—for more than 40 years, and especially in this decade.

The history of our time will undoubtedly include a footnote about how, during this decade and the last, the voices of retreat and hopelessness reached a crescendo in the West—insisting the only way to peace was unilateral disarmament, proposing nuclear freezes, opposing deployment of counterbalancing weapons such as intermediate-range missiles or the more recent concept of strategic defense systems.

These same voices ridiculed the notion of going beyond arms control—the hope of doing something more than merely establishing artificial limits within which arms build-ups could continue all but unabated. Arms reduction would never work, they said, and when the Soviets left the negotiating table in Geneva for 15 months, they proclaimed disaster.

And yet it was our double-zero option, much maligned when first proposed, that provided the basis for the INF Treaty, the first treaty ever that did not just control offensive weapons, but reduced them and, yes, actually eliminated an entire class of U.S. and Soviet nuclear missiles.

This treaty, last month's development in Afghanistan, the changes we see in the Soviet Union—these are momentous events. Not conclusive. But momentous.

And that's why, although history will duly note that we too heard voices of denial and doubt, it is those who spoke with hope and strength who will be best remembered. And here I want to say that through all the troubles of the last decade, one such firm, eloquent voice, a voice that proclaimed proudly the cause of the Western Alliance and human freedom, has been heard. A voice that never sacrificed its anticommunist credentials or its realistic appraisal of change in the Soviet Union, but because it came from the longest-serving leader in the Alliance, it did become one of the first to suggest that we could "do business" with Mr. Gorbachev.

So let me discharge my first official duty here today. Prime Minister, the achievements of the Moscow summit as well as the Geneva and Washington summits say much about your valor and strength and, by virtue of the office you hold, that of the British people. So let me say, simply: At this hour in history, Prime Minister, the entire world salutes you and your gallant people and gallant nation.

And while your leadership and the vision of the British people have been an inspiration, not just to my own people but to all of those who love freedom and yearn for peace, I know you join me in a deep sense of gratitude toward the leaders and peoples of all the democratic allies. Whether deploying crucial weapons of deterrence, standing fast in the Persian Gulf, combating terrorism and aggression by outlaw regimes, or helping freedom fighters around the globe, rarely in history has any alliance of free nations acted with such firmness and dispatch, and on so many fronts.

In a process reaching back as far as the founding of NATO and the Common Market, the House of Western Europe, together with the United States, Canada, Japan, and others—this House of Democracy—engaged in an active diplomacy while sparking a startling growth of democratic institutions and free markets all across the globe—in short, an expansion of the frontiers of freedom and a lessening of the chances of war.

So it is within this context that I report now on events in Moscow. On Wednesday, at 08:20 Greenwich time, Mr. Gorbachev and I exchanged the instruments of ratification of the INF Treaty. So, too, we made tangible progress toward the START Treaty on strategic weapons. Such a treaty, with all its implications, is, I believe, now within our grasp.

But part of the realism and candor we were determined to bring to negotiations with the Soviets meant refusing to put all the weight of these negotiations and our bilateral relationship on the single issue of arms control. As I never tire of saying, nations do not distrust each other because they are armed, they are armed because they distrust with each other. So equally important items on the agenda dealt with critical issues, like regional conflicts, human rights, and bilateral exchanges.

With regard to regional conflicts, here, too, we are now in the third week of the pullout of Soviet troops from Afghanistan. The importance of this step should not be underestimated. Our third area of discussion was bilateral contacts between our peoples. An expanding program of student exchanges and the opening of cultural centers—progress toward a broader understanding of each other.

And finally, on the issue of human rights—granting people the right to speak, write, travel, and worship freely—there are signs of greater individual freedom.

Now originally I was going to give you just an accounting on these items. But, you know, on my first day in Moscow, Mr. Gorbachev used a Russian saying: "Better to see something once than to hear about it a hundred times." So if I might go beyond our four-part agenda today and offer just a moment or two of personal reflection on the country I saw for the first time.

In all aspects of Soviet life, the talk is of progress toward democratic reform. In the economy, in political institutions, in religious, social, and artistic life. It is called glasnost—openness. It is perestroika—restructuring. Mr. Gorbachev and I discussed his upcoming party conference where many of these reforms will be debated and, perhaps, adopted. Such things as official accountability, limitations on length of service in office, an independent judiciary, revisions of the criminal law, and lowering taxes on cooperatives. In short, giving individuals more freedom to run their own affairs, to control their own destinies.

To those of us familiar with the post-war era, all of this is cause for shaking the head in wonder. Imagine, the President of the United States and the General Secretary of the Soviet Union walking together in Red Square, talking about a growing personal friendship and meeting, together, average citizens, realizing how much our people have in common.

It was a special moment in a week of special moments. My personal impression of Mr. Gorbachev is that he is a serious man seeking serious reform. I pray that the hand of the Lord will be on the Soviet people—the people whose faces Nancy and I saw everywhere we went. Believe me, there was one thing about those faces that we will never forget—they were the faces of hope, the hope of a new era in human history, and, hopefully, an era of peace and freedom for all.

And yet, while the Moscow summit showed great promise and the response of the Soviet people was heartening, let me interject here a note of caution and, I hope, prudence. It has never been disputes between the free peoples and the peoples of the Soviet Union that have been at the heart of post-war tensions and conflicts. No, disputes among governments over the pursuit of statism and expansionism have been the central point in our difficulties.

Now that the allies are strong and expansionism is receding around the world and in the Soviet Union, there is hope. And we look to this trend to continue. We must do all we can to assist it. And this means openly acknowledging positive change, and crediting it.

But let us also remember the stategy that we have adopted is one that provides for setbacks along the way as well as progress. Let us embrace honest change when it occurs; but let us also be wary. Let us stay strong.

And let us be confident, too. Prime Minister, perhaps you remember that upon accepting your gracious invitation to address the members of the Parliament in 1982, I suggested then that the world could well be at a turning point when the two great threats to life in this century—nuclear war and totalitarian rule—might now be overcome. In an accounting of what might lie ahead for the Western Alliance, I suggested that the hard evidence of the totalitarian experiment was now in and that this evidence had led to an uprising of the intellect and will, one that reaffirmed the dignity of the individual in the face of the modern state.

I suggested, too, that in a way Marx was right when he said the political order would come into conflict with the economic order—only he was wrong in predicting which part of the world this would occur in. For the crisis came not in the capitalistic West but in the communist East. Noting the economic difficulties reaching the critical stage in the Soviet Union and Eastern Europe, I said that at other times in history the ruling elites had faced such situations and, when they encountered resolve and determination from free nations, decided to loosen their grip. It was then I suggested that the tides of history were running in the cause of liberty, but only if we, as free men and women, joined together in a worldwide movement toward democracy, a crusade for freedom, a crusade that would be not so much a struggle of armed might—not so much a test of bombs and rockets as a test of faith and will.

Well, that crusade for freedom, that crusade for peace is well underway. We have found the will. We have held fast to the faith. And, whatever happens, whatever triumphs or disappointments ahead, we must keep to this strategy of strength and candor—this strategy of hope—hope in the eventual triumph of freedom.

But as we move forward, let us not fail to note the lessons we've learned along the way in developing our strategy. We have learned the first objective of the adversaries of freedom is to make free nations question their own faith in freedom, to make us think that adhering to our principles and speaking out against human rights abuses or foreign aggression is somehow an act of beligerence. Well, over the long run, such inhibitions make free peoples silent and ultimately half-hearted about their cause. This is the first and most important defeat free nations can ever suffer. For when free peoples cease telling the truth about and to their adversaries, they cease telling the truth to themselves. In matters of state, unless the truth be spoken, it ceases to exist.

It is in this sense that the best indicator of how much we care about freedom is what we say about freedom; it is in this sense, that words truly are actions. And there is one added and quite extraordinary benefit to this sort of realism and public candor. This is also the best way to avoid war or conflict. Too often in the past, the adversaries of freedom forgot the reserves of strength and resolve among free peoples, too often they interpreted conciliatory words as weakness, and too often they miscalculated and underestimated the willingness of free men and women to resist to the end. Words of freedom remind them otherwise.

This is the lesson we've learned and the lesson of the last war and, yes, the lesson of Munich. But it is also the lesson taught us by Sir Winston, by London in the Blitz, by the enduring pride and faith of the British people.

Just a few years ago, Her Majesty, Queen Elizabeth and I stood at the Normandy beaches to commemorate the selflessness that comes from such pride and faith. It is well we recall the lessons of our Alliance.

And, I wonder if you might permit me to recall one other this morning.

Operation Market Garden, it was called, three months after Overlord and the rescue of Europe began. A plan to suddenly drop British and American airborne divisions on the Netherlands and open up a drive into the heart of Germany. A battalion of British paratroopers was given the great task of seizing the bridge deep in enemy territory at Arnhem. For a terrible 10 days they held out.

Some years ago, a reunion of those magnificent veterans—British, Americans, and others of our allies—was held in New York City. From the dispatch by The New York Times reporter Maurice Carroll, there was this paragraph: "'Look at him,' said Henri Knap, an Amsterdam newspaperman who headed a Dutch underground's intelligence operation in Arnhem. He gestured toward General John Frost, a bluff Briton who had comitted the battalion that held the bridge. 'Look at him—still with that black moustache. If you put him at the end of a bridge even today and said 'keep it,' he'd keep it.'"

The story mentioned the wife of Cornelius Ryan, the American writer who immortalized Market Garden in his book, "A Bridge Too Far," who told the reporter that just as Mr. Ryan was finishing his book—writing the final paragraphs about General Frost's valiant stand at Arnhem and about how in his eyes his men would always be undefeated—her husband burst into tears. That was quite unlike him; and Mrs. Ryan, alarmed, rushed to him. The writer could only look up and say of General Frost: "Honestly, what that man went through."

A few days ago, seated there in Spaso House with Soviet dissidents, I had that same thought, and asked myself: What won't men suffer for freedom?

The dispatch about the Arnhem veteran concluded with this quote from General Frost about his visits to that bridge. "'We've been going back ever since. Every year we have a—what's the word—reunion. Now, there's a word.' He turned to his wife, 'Dear, what's the word for going to Arnhem?' 'Reunion,' she said. 'No,' he said, 'there's a special word.' She pondered, 'Pilgrimage," she said. 'Yes, pilgrimage,'" General Frost said.

As those veterans of Arnhem view their time, so too we must view ours; ours is also a pilgrimage, a pilgrimage toward those things we honor and love: human dignity, the hope of freedom for all peoples and for all nations. And I've always cherished the belief that all of history is such a pilgrimage and that our Maker, while never denying us free will, does over time guide us with a wise and provident hand, giving direction to history and slowly bringing good from evil—leading us ever so slowly but every so relentlessly and lovingly to a moment when the will of man and God are as one again.

I cherish, too, the hope that what we have done together throughout this decade and in Moscow this week has helped bring mankind along the road of that pilgrimage. If this be so, prayerful recognition of what we are about as a civilization and a people has played its part. I mean, of course, the great civilized ideas that comprise so much of your heritage: the development of law embodied by your constitutional tradition, the idea of restraint on centralized power and individual rights as established in your Magna Carta, the idea of representative government as embodied by the mother of all parliaments.

But we go beyond even this. Your own Evelyn Waugh who reminded us that "civilization—and by this I do not mean talking cinemas and tinned food nor even surgery and hygienic houses but the whole moral and artistic organization of Europe—has not in itself the power of survival." It came into being, he said, though the Judeo-Christian tradition and "without it has no significance or power to command allegiance. It is no longer possible," he wrote, "to accept the benefits of civilization and at the same time deny the supernatural basis on which it rests."

And so, it is first things we must consider. And here it is a story, one last story, that can remind us best of what we're about.

It's a story that a few years ago came in the guise of that art form for which I have an understandable affection—the cinema.

It's a story about the 1920 Olympics and two British athletes: Harold Abrahms, a young Jew, whose victory—as his immigrant Arab-Italian coach put it—was a triumph for all those who have come from distant lands and found freedom and refuge here in England and Eric Liddell, a young Scotsman, who would not sacrifice religious conviction for fame. In one unforgettable scene, Eric Liddell reads the words of Isaiah.

"He Giveth power to the faint, and to them that have no might, he increased their strength, but they that wait upon the Lord shall renew their strength. They shall mount up with wings as eagles. They shall run and not be weary."

Here then is our formula for completing our crusade for freedom. Here is the strength of our civilization and our belief in the rights of humanity. Our faith is in a higher law. Yes, we believe in prayer and its power. And like the founding fathers of both our lands, we hold that humanity was meant, not to be dishonored by the all-powerful state, but to live in the image and likeness of Him who made us.

More than five decades ago, an American President told his generation that they had a rendezvous with destiny; at almost the same moment, a Prime Minister asked the British people for their finest hour. This rendezvous, this finest hour, is still upon us. Let us seek to do His will in all things, to stand for freedom, to speak for humanity.

"Come, my friends," as it was said of old by Tennyson, "it is not too late to seek a newer world." Thank you. (Applause.)

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, FISCAL YEAR 1989

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4567 which the clerk will state by title.

The legislative clerk read as follows:

A bill (H.R. 4567) making appropriations for energy and water development for the fiscal year ending September 30, 1989, and for other purposes.

The Senate resumed consideration of the bill.

Mr. WALLOP. Mr. President, President Reagan's proposed budget for fiscal year 1989 assured completion of four Bureau of Reclamation projects, two of which are safety of dam projects located in my home State of Wyoming. One of those is Jackson Lake Dam located on the Snake River in Grand Teton National Park which engineering studies indicate could collapse during an earthquake. I specifically requested that funding be maintained at the level recommended because I thought it important to substantially complete stabilization of this project.

I am most disappointed that the Subcommittee on Energy and Water Development chose to decrease the funds as recommended for Jackson Lake Dam by $2.5 million. I am pleased, however, that overall funding for Wyoming projects was not cut. I believe this shows the real sense of urgency with regard to projects within my State. When this bill goes to conference with the House of Representatives, I intend to seek to ask that the House position, which funds Jackson Lake Dam at the level requested, be adopted. In addition, I hope to see a higher level of funding for remedial work needed on Glendo dikes in southeast Wyoming. I also support funding for the Bureau of Reclamation's Atmospheric Water Resources Management Program. Thank you.

Mr. SIMPSON. Mr. President, I rise to join my good friend and colleague, the senior Senator from Wyoming concerning certain aspects of the appropriation for the Bureau of Reclamation contained in the committee's report. Specifically, I joined Senator WALLOP in requesting that the committee adopt the House allowance of $3.5 million for Glendo Reservoir. The Senate committee report accurately notes the danger caused by weakened dikes at Glendo. The committee, however, failed to adequately appropriate funds to do the job by reducing the House appropriation by $1.5 million.

Additionally, the Senate Appropriations Committee has reduced funding for Jackson Lake Dam by the amount of $2.5 million from the House allowance. The House allowance equals the President's budget request. That money is needed to complete "safety of dams" repairs of the Jackson Lake Dam in order to prevent the chance of catastrophic failure.

While the attention which the committee has given Wyoming through Bureau of Reclamation appropriations is very important and appreciated, I remain concerned about the deductions in the two programs which I just mentioned. Mr. President, I intend to join my senior colleague from Wyoming in pressing the Senate conferees to reinstate funding at a level equal to the House allowance for Glendo Reservoir and Jackson Lake Dam.

Mr. WILSON. Mr. President, I would like to take this opportunity to congratulate the Energy and Water Appropriations Committee for their fine work in bringing this distinguished body an appropriations bill (H.R. 4567) that falls within the guidelines of the budget agreement. I know it is a difficult task to decide which projects will be funded and which cannot.

There are a number of projects funded in this bill which are important to California. For example, I am pleased to note that the committee included $500,000 to allow the corps to finish all necessary preconstruction, engineering and design work for the Redondo Beach-King Harbor breakwater. This money is needed because of the $17 million in damages done by a storm that hit the coast of California last January.

Another project I would like to thank the committee for is the general investigation funding that is provided for the breakwater at Oceanside Harbor. This is another much needed project to protect the harbor from the damage that a large Pacific storm can do and has done in the past.

In addition, the continued funding of the Small Reclamation Loan Program project for the United Water Conservation District in Ventura will allow construction to continue on the Freeman diversion project, including work on a conveyance canal and a desilting basin adjacent to spreading ponds.

There are a few projects in this bill, however, that did not receive their full recommended allocation. Recognizing that this committee is operating under severe budget constraints, I would ask the committee to consider increasing the funding for the projects that I am about to list in the event that funds become available in the course of the forthcoming conference with the other body on this bill.

In particular, I am interested in an appropriation of $350,000 for the continuation of a feasibility study of the Sunset Harbor-Bolsa Chica project in Orange County, CA. This project was authorized by Congress 2 years ago and is particularly interesting because it requires a 100-percent payback of all Federal moneys committed to this project. But we can't test this new financing mechanism until we have provided the necessary financing for this small harbor project.

The House has also provided $299,000 for the Los Angeles-Long Beach Harbor project for preconstruction, engineering and design work. This will speed up construction to improve this harbor which is becoming one of the world's busiest.

There is also a need for increased funding for the operation and maintenance of the Central Valley project, California. The California Water Commission carefully considered all requests before recommending an increase of approximately $8.5 million over the President's request of $44.96 million. The water commission's recommendation was adopted in the House version of this bill, and I urge my colleagues to carefully consider this request in conference.

Again, I appreciate the willingness of the committee to work with my office on the myriad of California concerns that we have with a bill of this magnitude and congratulate the committee on a job well done and look forward to a successful conference.

YAZOO BASIN PROJECT

Mr. KASTEN. Mr. President, I rise today to discuss an important conservation problem currently affecting the wetlands of Mississippi.

I have been following the excellent work being done on this issue by my colleague from Mississippi, Mr. COCHRAN, and Mr. LOTT in the other House. The progress made by these distinguished legislators on the preservation of Southern wetlands is well appreciated by all concerned.

I would like at this time to raise some questions and make some comments I think will be of use to my colleagues tackling this problem.

Today, we are being asked to appropriate funds for the construction and maintenance of a variety of projects of the Army Corps of Engineers in the Lower Mississippi River Valley. Of particular concern to me is a project know as the Yazoo basin project.

This particular project is an example of a generic problem shared by many older water projects. This project was authorized before the 1986 water resources bill. A critical change was made in that landmark legislation to place increased emphasis on environmental management. The Yazoo project lacks the environmental sensitivity I believe our standards require today.

As many Senators know. Wisconsin and other States in the Upper Midwest are joined to the States to our South to form the Mississippi flyway—the route of migration taken by a major portion of North America's ducks, geese, and other migratory birds. For eons, migratory waterfowl have made this round trip each year, breeding in the wetlands of the Great Lakes Basin and prairie potholes, and wintering in the bottomlands of the Lower Mississippi Valley.

Enormous changes have been made to important habitat at both ends of the flyway. The Federal Government, together with the States and our neighbors in Canada, is taking steps to correct this problem.

Thanks to the landmark conservation provisions of the Food Security Act of 1985, we have removed Federal financial incentives for the draining of wetlands.

We have also embarked upon the North American waterfowl management plan with Canada. This plan sets population goals for waterfowl and identifies habitat needs in specific regions of both countries.

One of the highest priorities in the North American plan is the protection and improvement of wintering habitat in the Lower Mississippi River Valley.

For these reasons, and others, there is increasing concern over one of the more costly undertakings of the corps in the Lower Mississippi Valley—the Yazoo basin project. This is a $1.4 billion flood control and drainage project in Mississippi, for which the administration has requested and the other body has appropriated $32.6 million in fiscal 1989.

The Yazoo basin contains some of the most valuable remaining wetlands and forests in the Lower Mississippi Valley. The area of current controversy is in the low-lying portion of the basin known locally as the delta. Corps expenditures in this area have reached $500 million to date, making it possible to clear and plant 1 million acres.

The Yazoo Delta has been transformed, first with cotton and later with soybeans, into a major agricultural area.

Today, however, more than $700 million remains to be spent on the project before the corps' scheduled completion date of July 2013, and the value of this additional investment has been called into question. Since the Yazoo basin project was first authorized over 40 years ago, conditions have changed greatly in the project area and in the Nation. The agricultural commodities that corps drainage activities promote are now in surplus. The last thing that farmers in Mississippi, Wisconsin, or the rest of the Nation need is more agricultural commodities dumped onto the market.

We cannot forget, of course, that the Federal budget deficit compels us to evaluate further expenditures more carefully than ever before. In 1986, in an effort to stretch limited Federal dollars and to weed out marginal activities, Congress enacted new cost-sharing requirements for Corps of Engineers projects. However, the corps has interpreted this statute as not applying to most of the remaining work yet to be undertaken in the Yazoo basin.

This means that most of the remaining work will be built with 100-percent Federal funding. None of the local funding requirements that tend to temper the local appetite for flood control and drainage projects will apply in the Yazoo Delta.

Finally, there are major unresolved environmental questions about the Yazoo basin project. These questions must be answered to assure my constituents in Wisconsin—as well as other sportsmen and taxpayers throughout the Mississippi flyway States—that their tax dollars are not being spent in ways that are harmful to the restoration and protection of North America's waterfowl populations.

Although $500 million has already been spent to clear, channelize, and drain the bayous and bottomland forests of the Yazoo basin, mitigation of damages to fish and wildlife habitat—required by the Fish and Wildlife Coordination Act—trails far behind.

The corps is proceeding this year with additional flood control work on the Upper Yazoo projects even though the agency has not yet gotten around to even approving a mitigation plan—let alone presenting it to Congress for authorization or funding. Also, the corps has yet to request funding for another delta mitigation plan authorized in 1986, even though the major portion of the mitigation was necessitated by work on the yazoo backwater levee—work completed in 1979.

It has also been brought to the attention of this Senator that the environmental impact statement for this project may well be obsolete.

At the time the final EIS was filed in 1976, the corps stated that supplemental EIS's would be produced on various individual features and elements of the plan as needed. To date, these have not appeared.

Mr. President, on March 23, 1986, the Mississippi Flyway Council adopted a resolution expressing its opposition to one of the major unbuilt features of the Yazoo basin project, the Yazoo backwater pumping plant. This resolution notes the tremendous environmental losses that have already resulted from corps activities in the Lower Mississippi Valley.

Ten of the leading national conservation organizations announced the formation of the National Coalition to Save the Yazoo Delta.

The coalition is made up of American Rivers, the Environmental Defense Fund, the Environmental Policy Institute, Friends of the Earth, the National Audubon Society, the National Wildlife Federation, the Sierra Club, Wilderness Society, the Wildlife Society, and the North American Wildlife Foundation.

These widely respected national organizations are asking for Congress to take a hard look at the work of the Corps of Engineers in the Yazoo basin. I note also that the State's largest newspaper, the Jackson Clarion-Ledger, has called for a halt to the project.

Mr. President, all the facts are not yet in on this complex and costly project. There are some encouraging indications that the State of Mississippi itself is undertaking an evaluation of the Yazoo basin project, to determine whether this project, conceived during the New Deal, should be modified to respond more adequately to today's needs and values.

There are several steps that must be taken to certify that the project merits this investment of Federal dollars today. Let me state them for the record.

The comptroller general of the General Accounting Office must review all significant financial data on the Yazoo basin project, including computations of project benefits, costs, and underlying assumptions.

The Secretary of the Interior must issue a finding of his views on the compatibility of the Yazoo basin project, as currently being implemented, with U.S. obligations and commitments under the North American waterfowl management plan.

The Secretary of Agriculture should report on compliance with the swampbuster provisions of the Food Security Act in the Yazoo Delta and provide a county by county breakdown of participation in the Conservation Reserve Program in Mississippi.

Today, I am requesting these actions.

Mr. President, I want to make my intentions perfectly clear. I recognize that there may be a legitimate need to control flooding in the Yazoo basin. I do not intend to stand in the way of that activity.

I do have very serious concerns, however, about the environmental consequences of this project as currently configured. As it stands, I believe it will have an adverse effect on the migratory waterfowl that are so important to my own State and other parts of the Nation.

My purpose is to protect some of America's most important remaining waterfowl habitat. What I am seeking is a solution that balances the needs of the people of Mississippi with the needs of the rest of the Nation. I believe such a solution is within our grasp—and look forward to working with my colleagues from Mississippi in finding that solution.

Mr. LAUTENBERG. Mr. President, the committee has provided to the Federal Energy Regulatory Commission an additional $2 million "for the specific purpose of a thorough and timely environmental review of the proposed natural gas pipeline projects being considered under the Commission's Northeast U.S. pipeline projects open season, docket No. CP87-451-004, et al."

Mr. President, the report language continues:

> The committee expects the Commission to comply with all applicable environmental laws and regulations in its environmental review of all projects to supply natural gas to the Northeast. Such funds, and any additional funds that may be necessary to complete this review, must be used to comply with the Commission's legal requirements and also to develop a comprehensive record of the environmental impacts of each natural gas proposal. This appropriation shall remain available until expended for activities in this effort.

I understand that the Senator from Connecticut [Mr. WEICKER] has been deeply involved in this matter. I would like to raise two points regarding this report language, in the hope that he might address them.

First, by making public funds available for environmental review of open season projects, am I correct in my understanding that this language is not intended to preclude the Commission from relying upon other proper means of conducting these reviews, such as the use of independent environmental experts controlled and directed by the Commission but funded by the project sponsor?

Second, would public funds be available for thorough and timely environmental review of any proposals which emerge as a result of the Commission's settlement process?

Mr. President, I wonder if the distinguished Senator from Connecticut would be willing to clarify the intent behind his report language.

Mr. WEICKER. I would be happy to respond to the Senator from New Jersey.

The language is intended to provide FERC with additional funding to aid in the timely and thorough completion of environmental studies of proposed pipeline sites. While there is no mention of private funding for environmental reviews, this should not be interpreted as a preclusion to such funding. That was not my intent.

Mr. President, in response to the second concern, the interpretation of the Senator from New Jersey is correct.

I would like to add that I believe that the planning and implementation of environmental reviews is best left to the experts. My report language was not intended, nor should it be interpreted to mean that FERC must conduct its environmental reviews in any way other than in compliance with its own legal requirements.

Mr. LAUTENBERG. I want to thank the distinguished Senator from Connecticut for his statement and express my hope that we will be able to work together in the future on environmental and energy issues of mutual interest.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, there will be two rollcall votes, one on passage of the energy-water appropriations bill; the second one will be on the motion to proceed to take up the military construction bill. I am sure that the request to go to that bill will be objected to. I will then move and I would anticipate there will be a rollcall vote. Both of these will be 15-minute rollcall votes. I urge Senators on the first one not to wait until the last minute to start from their offices.

VOTE ON H.R. 4567

The PRESIDING OFFICER. Under the previous order, the Senate will now vote on passage of H.R. 4567, the Energy and Water Development Appropriations Act, fiscal year 1989. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] and the Senator from Rhode Island [Mr. PELL] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. PELL] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 5, as follows:

[Rollcall Vote No. 181 Leg.]

YEAS—92

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Heinz
Helms
Hollings
Inouye
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
Pryor
Quayle
Reid
Riegle
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Wirth

NAYS—5

Chafee
Hecht
Humphrey
Proxmire
Roth

NOT VOTING—3

Biden
Matsunaga
Pell

So the bill (H.R. 4567), as amended, was passed.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BYRD. Mr. President, I move to lay the motion to reconsider on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I move that the Senate insist on its amendments and request a conference with the House on the disagreeing votes thereon and that the Chair be authorized to appoint conferees to serve as managers on the part of the Senate.

The motion was agreed to and the Presiding Officer (Mr. SANFORD) appointed Mr. JOHNSTON, Mr. STENNIS, Mr. BYRD, Mr. HOLLINGS, Mr. BURDICK, Mr. SASSER, Mr. DECONCINI, Mr. HATFIELD, Mr. MCCLURE, Mr. GARN, Mr. COCHRAN, Mr. DOMENICI, and Mr. SPECTER conferees on the part of the Senate.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, this is our first major executive department appropriation bill to pass, and under the schedule as set by the leadership and the chairman of the full committee, Senator STENNIS, we should be able to avoid a CR if we continue expeditiously to get our bills out. I yield the floor.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, FISCAL YEAR 1989

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4586, the military construction appropriation bill.

The PRESIDING OFFICER. Is there objection?

Mr. GARN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. Mr. President, I move that the Senate proceed to the consideration of H.R. 4586.

Mr. GARN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the motion. The clerk will call the roll.

Mr. CRANSTON. I announce that the Senator from Rhode Island [Mr. PELL] is necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. PELL] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 182 Leg.]

YEAS—97

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Wirth

NAYS—1

Dixon

NOT VOTING—2

Biden
Pell

So the motion to proceed to the consideration of H.R. 4586 was agreed to.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, FISCAL YEAR 1989

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4586) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1989, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 4586

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1989, for military construction functions administered by the Department of Defense, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, and for construction and operation of facilities in support of the functions of the Commander in Chief, [$877,630,000] *$924,551,000,* to remain available until September 30, 1993: *Provided,* That of this amount, not to exceed [$98,328,000] *$91,000,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further, That of this amount, $36,529,000 shall be available only for construction of research and development-related facilities and equipment, including research and development-related minor construction.*

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, [$1,591,850,000] *$1,527,238,000,* to remain available until September 30, 1993: *Provided,* That of this amount, not to exceed [$138,276,000] *$120,000,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further, That of this amount, $27,784,000 shall be available only for construction of research and development-related facilities and equipment, including research and development-related minor construction: Provided further, That of this amount, $50,300,000 shall be available only for construction, rebuilding, and improvement of shore facilities of the United States Coast Guard.*

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, [$1,293,406,000] *$1,227,587,000,* to remain available until September 30, 1993: *Provided,* That of this amount, not to exceed [$115,000,000] *$109,000,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further, That of this amount, $61,697,000 shall be available only for construction of research and development-related facilities and equipment, including research and development-related minor construction.*

MILITARY CONSTRUCTION, DEFENSE AGENCIES

(INCLUDING TRANSFER OF FUNDS)

(INCLUDING RESCISSION)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, [$777,500,000] *$537,972,000,* to remain available until September 30, 1993: *Provided,* That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further,* That of the amount appropriated, not to exceed [$62,229,000] *$47,000,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor[: *Provided further,* That of the funds appropriated for "Military Construction, Defense Agencies" under Public Law 100-202, $29,548,000 is hereby rescinded.]

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

For the United States share of the cost of North Atlantic Treaty Organization Infrastructure programs for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in military construction Acts and section 2806 of title 10, United States Code, [$502,100,000] *$492,000,000,* to remain available until expended.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, [$163,500,000] *$248,414,000,* to remain available until September 30, 1993, [of which $100,000 shall be for the design of an armory in Clovis, New Mexico.]

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction Acts, [$152,170,000] *$177,728,000,* to remain available until September 30, 1993.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, [$81,702,000] *$87,303,000,* to remain available until September 30, 1993.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, [$54,400,000] *$72,075,000,* to remain available until September 30, 1993.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, [$65,800,000] *$72,675,000,* to remain available until September 30, 1993*: Provided further, That none of the funds available for the Air Force Reserve for fiscal year 1989 may be obligated or expended for planning, design, or construction of facilities to support the transfer of C-141 or C-5A strategic airlift aircraft from the Active Air Force to the Air Force Reserve until the Committees on Appropriations of the Senate and House of Representatives have been provided with a report from the Secretary of the Air Force detailing the specific schedule for transferring additional C-141 aircraft from the Active Air Force to the Air National Guard.*

FAMILY HOUSING, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, [$170,278,000] *$179,778,000*; for Operation and maintenance, and for debt payment, [$1,340,093,000] *$1,330,324,000*; in all [$1,510,371,000] *$1,510,102,000*: *Provided,* That the amount provided for construction shall remain available until September 30, 1993.

FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, [$240,440,000] *$211,445,000*; for Operation and maintenance, and for debt payment, [$554,988,000] *$552,988,000*; in all [$795,428,000] *$764,433,000*: *Provided,* That the amount provided for construction shall remain available until September 30, 1993*: Provided further, That of this amount, not to exceed $50,000 shall be available to liquidate obligations incurred for debt payment during fiscal year 1987.*

FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, [$195,685,000] *$132,000,000*; for Operation and maintenance, and for debt payment, [$741,766,000] *$735,266,000*; in all [$937,451,000] *$867,266,000*: *Provided,* That the amount provided for construction shall remain available until September 30, 1993.

FAMILY HOUSING, DEFENSE AGENCIES

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, $513,000; for Operation and maintenance, $20,187,000; in all $20,700,000: *Provided,* That the amount provided for construction shall remain available until September 30, 1993.

HOMEOWNERS ASSISTANCE FUND, DEFENSE

For use in the Homeowners Assistance Fund established pursuant to section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (Public Law 89-754, as amended), $2,000,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this Act shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds herein appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in this Act shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Corps of Engineers or the Naval Facilities Engineering Command, except (a) where there is a determination of value by a Federal court, or (b) purchases negotiated by the Attorney General or his designee, or (c) where the estimated value is less than $25,000, or (d) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in this Act shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual military construction appropriation Acts.

SEC. 107. None of the funds appropriated in this Act for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in this Act may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. No part of the funds appropriated in this Act for dredging in the Indian Ocean may be used for the performance of the work by foreign contractors: *Provided,* That the low responsive and responsible bid of a United States contractor does not exceed the lowest responsive and responsible bid of a foreign contractor by greater than 20 per centum.

SEC. 110. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 111. No part of the funds appropriated in this Act may be used to pay the compensation of an officer of the Government of the United States or to reimburse a contractor for the employment of a person for work in the continental United States by any such person if such person is an alien who has not been lawfully admitted to the United States.

SEC. 112. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 113. None of the funds in this Act may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 114. None of the funds appropriated in this Act may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan or in any NATO member country, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 115. None of the funds appropriated in this Act for military construction in the United States territories and possessions in the Pacific and on Kwajalein Island may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided,* That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 per centum.

SEC. 116. The Secretary of Defense is to inform the Committees on Appropriations and Committees on Armed Services of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

(TRANSFER OF FUNDS)

SEC. 117. Unexpended balances in the Military Family Housing Management Account established pursuant to section 2831 of title 10, United States Code, as well as any additional amounts which would otherwise be transferred to the Military Family Housing Management Account during fiscal year 1989, shall be transferred to the appropriations for Family Housing provided in this Act, as determined by the Secretary of Defense, based on the sources from which the funds were derived, and shall be available for the same purposes, and for the same time period, as the appropriation to which they have been transferred.

SEC. 118. Not more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 119. Funds appropriated to the Department of Defense for construction in prior years are hereby made available for construction authorized for each such military department by the authorizations enacted into law during the second session of the One Hundredth Congress.

SEC. 120. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with a report by February 15, 1989, containing details of the specific actions proposed to be taken by the Department of Defense during fiscal year 1989 to encourage other member nations of the North Atlantic Treaty Organization and Japan to assume a greater share of the common defense burden of such nations and the United States.

SEC. 121. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 122. Notwithstanding any other provision of law, the Secretary of the Air Force is required to maintain legislative liaison to the House and Senate Appropriations Subcommittees on Military Construction and budgetary and fiscal management of the Military Construction and Military Family Housing appropriations in a manner identical to the method employed as of September 30, 1986.

SEC. 123. None of the funds appropriated in this Act, except for North Atlantic Treaty Organization Infrastructure funds, may be used for planning, design, or construction of military facilities or family housing to support the relocation of the 401st Tactical Fighter Wing from Spain to another country.

SEC. 124. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project (1) are obligated from funds available for military construction projects, and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law: *Provided, That this section shall be applicable only during fiscal year 1989.*

SEC. 125. Notwithstanding any other provision of law, the Secretary of Defense shall include in the fiscal year 1990 program a legislative proposal to authorize the installment purchase of family housing units, and the budget request for fiscal year 1990 shall include such sums as necessary to implement a pilot program for not to exceed 3,000 units.

[SEC. 126. No funds appropriated under this Act shall be expended in any workplace that is not free of illegal possession or use of controlled substances which is made known to the Departments and Agencies covered under this Act.]

SEC. 126. None of the funds appropriated in this Act for operations and maintenance of family housing may be used for contract cleaning of family housing units.

SEC. 127. None of the funds appropriated in this Act may be used for the design, construction, operation or maintenance of new family housing units in the Republic of Korea: Provided, That funds may be utilized for operations, maintenance, and improvements of only those units already built or under construction by June 6, 1988.

SEC. 128. None of the funds appropriated in this Act for military construction overseas may be obligated for payments to foreign contractors from countries which permit their national banking institutions to make untied, general purpose loans to the Soviet Union, Warsaw Pact nations, Cuba, Vietnam, Libya, or Nicaragua: Provided, That this provision may be waived by the Secretary of Defense upon certification to the Committees on Appropriations of the Senate and House of Representatives that individual projects are vital to the security of the United States.

SEC. 129. None of the funds appropriated in this Act may be obligated or expended for the purpose of transferring any equipment, operation, or personnel from the Edgewood Arsenal, Maryland, to any other facility during fiscal year 1989.

SEC. 130. None of the funds appropriated in this Act for planning and design activities may be used to initiate design of the Pentagon Annex.

SEC. 131. Notwithstanding any other provision of law, the Secretary of Defense shall notify the Committees on Appropriations within twenty-four hours after a determination by the President or the Secretary to utilize premobilization construction authority.

SEC. 132. None of the funds appropriated in this Act or any other Act for the National Test Facility or any other components of the National Test Facility may be used to provide any operational battle management, command, control or communications capabilities for an early deployment of a ballistic missile defense system: Provided, That the goal of the National Test Bed shall be to simulate, evaluate, and demonstrate architectures and technologies that are technically feasible, cost-effective at the margin, and survivable.

SEC. 133. None of the funds appropriated in this Act for use by the Department of Defense in fiscal year 1989 may be used for the purpose of the design or construction of any facilities relating, directly or indirectly, to the deactivation, relocation or transfer of any part of the 474th Tactical Fighter Wing at Nellis Air Force Base, Nevada.

SEC. 134. During the current fiscal year, $19,548,000 of the funds appropriated to the appropriation "Military Construction, Defense Agencies" of the Military Construction Appropriations Act, 1988, may be transferred to the appropriation "Research, Development, Test, and Evaluation, Air Force" of the Department of Defense Appropriations Act, 1988.

SEC. 135. Notwithstanding any other provision of law, upon final settlement of the pending Rossmoor litigation against the United States, the Secretary of the Navy (hereafter in this section referred to as the "Secretary"), is authorized to accept and use monetary consideration paid by the plaintiffs, for the purposes of constructing additional military family housing for Marine Corps Air Station, Tustin: Provided, That the Secretary may use any funds paid to the Secretary for the purpose of conducting a military construction project for not to exceed one hundred, fifty military family housing units at Marine Corps Air Station, Tustin: Provided further, That the Secretary shall use the funds solely for the purpose of constructing military family housing at Marine Corps Air Station, Tustin. Any such funds not used for construction shall be deposited to the general fund of the Treasury within sixty months of receipt: Provided further, That the Secretary may not enter into any contract for the construction of military family housing units until after the twenty-one-day period beginning on the date on which the Secretary transmits to the Committee on Armed Services and the Committee on Appropriations of the Senate and House of Representatives a report of the full details of the contract.

SEC. 136. None of the funds available to the Navy may be utilized by the Secretary of the Navy to initiate agricultural leases of more than one year's duration on land in and around Naval Air Station Fallon, Nevada.

Mr. CHILES. Mr. President, each appropriations bill is subject to a spending limit known as a 302(b) allocation. As chairman of the Senate Budget Committee, I am pleased to report that H.R. 4586, the military construction appropriation bill for fiscal year 1989 is under its 302(b) budget authority ceiling by $260 million and under its 302(b) ceiling by $85 million. I commend the distinguished chairman of the subcommittee, Senator SASSER and the ranking minority member, Senator SPECTER for their success in crafting this measure.

I ask unanimous consent that a table prepared by the Senate Budget Committee staff reflecting spending totals be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 4586—MILITARY CONSTRUCTION, SPENDING TOTALS (SENATE REPORTED)

[In billions of dollars]

	Fiscal year 1989	
	Budget authority	Outlays
302(b) bill summary:		
H.R. 4586, Senate reported (new budget authority and outlays)	8.5	2.5
Enacted to date	.2	5.4
Adjustment to conform mandatory programs to resolution assumptions		
Later requirement of 1989 pay raise	+(1)	+(1)
Bill total	8.7	8.0
Subcommittee 302(b) allocation	9.0	8.1
Difference	−.3	−.1
Bill total above (+) or below (−):		
President's request	−.3	−.1
House-passed bill	−.3	−.1
Summit cap summary:		
Defense (050) spending in bill	8.7	8.0
Allocation under defense cap	9.0	8.1
Difference	−.3	−.1

[1] Less than $50,000,000.

Note.—Details may not add to totals due to rounding. Prepared by Senate Budget Committee staff.

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

Mr. SASSER. Mr. President, I am pleased to bring before the Senate the military construction appropriations bill for fiscal year 1989.

This was the first appropriations bill to be reported to the Senate. I can report to my colleagues that the Appropriations Committee is determined this year to report out each bill and have all 13 bills passed by the Congress and sent to the President for signature.

There should be no reason to pass another large continuing resolution. This year, the Congress has completed work on the budget resolution. As a result of the cooperation between the Congress and the administration, during last year's budget summit, the appropriations process should have a clear road ahead.

I hope that each of our colleagues shares the conviction of the committee and the leadership of this body that in 1988, we are going to complete the budget and appropriations business of the Congress, and complete it on time.

If we find later in the year that another continuing resolution cannot be avoided, it will not be because the Appropriations Committee failed to do its job.

Each year, we have done our duty and reported out separate bills. This year, we intend to do the same.

Mr. President, the military construction appropriations bill is for $8.745 billion. This amount is $266 million under the President's budget request and is within the committee's 302(b) budget allocation.

The committee has made a number of changes to the priorities reflected in this budget.

First, we have provided substantial increases for the National Guard and for our Reserve forces. The budget we received in January was totally inadequate for the Guard and Reserve.

The request was $110 million less than the Congress appropriated for the Guard and Reserve last year. This Congress is not going to agree with a 23-percent real reduction in spending for the National Guard and Reserve.

This Congress is proud of our Guard and Reserve Forces. As the Nation and the world enters the post-INF age, we will find that we must place greater reliance on our conventional forces for deterrence and for keeping the peace.

The Guard and Reserve, in my view, is the very backbone of our conventional strength. Should deterrence fail, our Guard and Reserve Forces would be called into action very quickly.

It is the Guard and Reserve which makes it possible for us to present to the Soviets or to any other adversary, a sustained and strong conventional defense. The Soviets know that the citizen-soldier, throughout history, has fought harder and smarter to protect his freedoms.

Mr. President, the increases we have made to the Guard and Reserve were made with that in mind. Congress is not going to countenance short changing our most cost-effective component of our military forces.

I believe that as we enter a sustained era of budgetary restraint, we will have to place even greater reliance on the Guard and Reserve. Whether the active services want to admit it or not, the day is rapidly approaching when hard choices of force structure reductions will have to be confronted. Without active force structure reductions, and with declining budgetary resources, we will soon face a return to the hallow forces of the early post-Vietnam era.

The plain simple truth is that we cannot continue to field and fund, in the future, the active force structure we have in place today.

I believe that as this realization becomes more accepted, more attention will be directed toward the Guard and Reserve. There are some unique missions where the Guard and Reserve can play an increasing role—in strategic airlift, for example.

Mr. President, I think we will find that only the Guard and Reserve can give us the total force structure our democracy needs to keep the peace in the world and still live within our fiscal means in the coming years.

Any discussion of alternate force structure must include the imperative of conventional arms controls in Europe.

Conventional arms control, with emphasis on the elimination of the Soviet and Warsaw Pact's ability to engage in a successful surprise attack on Western Europe, must become a major goal of our foreign policy.

As difficult as conventional arms control will be to achieve, we must devote the resources and energies of the NATO alliance for concluding assimetrical reductions in conventional forces.

I submit, Mr. President, that we should also use the opportunity of conventional arms control negotiations to encourage our NATO allies to become more responsible for their own defense.

My colleagues will recall that for a number of years now, I have been advocating increased burden sharing on the part of our NATO allies, advocating that they undertake more of the expense of providing a defense of the free world. I do not advocate unilateral and deep reductions in our forces deployed in Europe. Such a move, without the careful consultation and concurrence of our allies, would be counterproductive and would inevitability lead to a less stable military balance in Europe.

But the time has come for our increasingly affluent allies, not only in Europe, but also in the Pacific, to begin to provide increased contributions toward the common defense.

To this end, I commend the leadership of Secretary Carlucci for creating a task force on burden sharing headed by the Deputy Secretary of Defense, Mr. Taft.

That task force, formed in response to section 120 of last year's Military Construction Act, has begun its work.

Certainly, we are not going to see results overnight. But early indications are that our allies are beginning to understand the magnitude of the concerns of the Congress and the probability that, if they do not act on their own to bring about a more appropriate balance in sharing the defense burden, the American people will demand substantial changes as our relative budgetary resources available for domestic priorities continue to shrink.

In the report accompanying the military construction bill, we have repeated previous suggestions, made by the subcommittee, that our allies and the administration should consider the whole question of burden sharing.

Clearly, there are limitations on the expenditures for weapons of war by some of our allies—notable Japan. And I think few of us in this Chamber, and certainly none of Japan's Asian neighbors, would wish to see the Japanese nation totally rearmed. A rearmed Japan would drastically alter the military balance in the Pacific and I firmly believe could have a very destabilizing influence on the whole region.

But we still should urge Japan to stay on track with its current modernization program. And beyond that, we should seek to find new ways of soliciting Japanese contributions to the common defense. We have included numerous suggestions in the report accompanying the military construction bill to the end of recommending ways that the Japanese could make a more substantial contribution.

Later in the debate, I will offer an amendment dealing with the issue of our allies granting billions of dollars each year in so-called untied loans to the Soviet Union and its allies.

These loans, I believe, are actually adding to the defense burdens of the United States and the West.

I will discuss this issue in more detail when I offer my amendment.

I would be remiss if I did not mention a recent burden-sharing success story.

Last year, when it became apparent that Spain was planning to kick the F-16, 401st Tactical Fighter Wing out of Spain, the subcommittee included a general provision in the Military Construction Act which required that NATO pay for the cost of relocating the wing.

Since these F-16's were in Spain to provide for the common NATO defense and Spain being a member of the North Atlantic Treaty Organization, it appeared to the subcommittee that it would be inequitable for the United States to be forced to pick up the total costs, unilaterally, of moving this wing from Spain to another area of Europe. The provision is again included in the bill before us today.

I am pleased to report that the pressure that was generated by the subcommittee and by the Congress has met with some success. During numerous meetings with Secretary Carlucci, I made it clear that the subcommittee saw the relocation of the 401st Tactical Fighter Wing as a litmus test of burden sharing with our allies.

I believe that base rights is a litmus test of burden sharing. And when a member of the alliance fails to provide base rights for vital missions, the NATO alliance, itself, should help us find new locations and pay for the lion's share of the cost of relocating.

If a NATO nation wants to move an American unit attached to NATO out of their country, then the American taxpayers should not have to shoulder the burden unilaterally. It ought to be a cost shared by NATO.

I am happy to report that in the case of the 401st Tactical Fighter Wing, NATO is moving in the right direction.

Working with NATO, the Government of Italy announced yesterday that the 401st Tactical Fighter Wing can be relocated out of Spain and into southern Italy.

I want to take this opportunity to commend the leaders of the Italian Government for their support of NATO and for their willingness to assure that a very vital mission in southern Europe is maintained.

I also want to commend those in NATO for working with Italy toward this end.

The arrangement is not totally complete but it is moving in the right direction.

The success of the 401st moving to Italy, I think in large part, is due to the efforts of the Secretary of Defense, Mr. Carlucci. I followed his work with the NATO allies very closely on this matter. He made it very clear to our allies that it was imperative that NATO assist us on this important issue.

This is an example where the executive branch of Government and the Congress, working together, can bring about a more appropriate sharing of the defense burden with our allies around the world rather than having the burden shouldered in a disproportionate way by the taxpayers of the United States.

There is one additional issue I would like to briefly discuss. That is the issue of TACAMO. There are no funds in this bill to provide facilities for the new TACAMO aircraft.

There are no funds in the bill for that purpose for only one reason—the Navy has failed to provide the subcommittee with clear justification that Tinker Air Force Base is the most cost effective and most secure basing option for the TACAMO mission.

I will not dwell on this issue. Suffice it to say that in my experience in the Senate never has one of the services handled the matter so poorly when it came before our subcommittee as the Navy has handled this whole TACAMO controversy.

I have taken the position from the very beginning of this controversy, that I wished to support the position of the Navy. But the Navy, I am sad to say, has failed to give the subcommittee the support and information it needs to recommend the funding for TACAMO facilities at this time.

Mr. President, I strongly support providing funds for TACAMO basing once the main operating base issue has been settled to the satisfaction of the administration and the Congress.

TACAMO is an extremely important national defense mission which the Navy has permitted to lie in limbo for a year and a half without giving the Congress enough justification for proceeding with a basing plan that commands a consensus of the Congress.

I want to assure my colleagues that no one wants this issue settled any more than the chairman of the Military Construction Subcommittee. I have had to deal with this issue now for almost 2 years. I have had to discuss it at great length with the Navy. I have discussed it at great length among our colleagues. It is a matter that has generated a lot of interest and, I might say, Mr. President, a matter which has generated not only some controversy, but some heat.

I look forward to working with the Navy and with all of my colleagues with an interest toward basing TACAMO in the most cost effective and secure location.

Mr. President, I would be remiss if I did not conclude my remarks by expressing my appreciation to the distinguished ranking member of the subcommittee, the Senator from Pennsylvania, Senator SPECTER, for his continuing assistance and support throughout the year. He has been a very constructive and perceptive member of our subcommittee and has served very, very well as the ranking member. I relied upon his judgment and his counsel as we have proceeded through to bring this bill to the floor today. I want to express my appreciation to him.

I would also like to pay tribute to each and every member of the subcommittee who participated in the hearings and markups throughout the year. They have all worked very diligently and very hard. To my colleagues on the subcommittee, I wish to express my appreciation.

We are also, Mr. President, I think, very fortunate to have a fine professional staff on the subcommittee, and I want to express my appreciation to them.

Mr. President, I now yield the floor to the distinguished ranking member for any comments he might have at this time.

Mr. SPECTER. Mr. President, at the outset, I commend the distinguished chairman of the Military Construction Subcommittee, Senator SASSER of Tennessee, for the outstanding job which he has done during the course of the past year, summarized by the presentation which he has just made.

The subcommittee has been very active in carrying forward hearings in a diligent and incisive way, going into many issues of controversy, handling the witnesses with gentility but also with firmness in moving through a number of very tough issues which the committee has faced. The chairman, Senator SASSER, has demonstrated ability and leadership in carrying the committee forward and it has been a pleasure for me to work with him and to see his quiet but effective and incisive way in questioning witnesses and in bringing forward very important facts.

I join Senator SASSER in thanking other members of the subcommittee and the very distinguished professional staff for the work which has brought us here.

Mr. President, I am pleased to support H.R. 4586, the military construction appropriations bill for fiscal year 1989.

Mr. President, this bill provides important facilities to support the Department of Defense as well as providing improved living and working conditions for our military personnel and their dependents throughout the United States and the world.

The bill as reported by the committee recommends an appropriation of $8.75 billion. The amount is under the House bill by $264 million; under the budget request by $266 million; and over last year's appropriation by $245 million. I think it is important to note that the bill is within the subcommittee's 302(b) allocation for both budget authority and outlays. However, it should be noted that the $266 million under the budget request is not "extra"—but in fact, is reserved for supplementals and projects that were deferred for various reasons but which may be reprogrammed during the next fiscal year. We also must resolve a number of major differences with the House when we go to conference.

Mr. President, the distinguished chairman of the subcommittee, the Senator from Tennessee has provided to the Senate detail on many of the specifics included in the bill. I, therefore, will not take the Senate's time to repeat the highlights of the bill as reported.

I do, however, want to commend Senator SASSER for his dedicated work in the preparation of the bill. I want to thank him, also, for the spirit of cooperation in which he makes recommendations. I believe that with few exceptions we have been able to meet the needs of the Department of Defense as well as the interests expressed to us by our colleagues.

I am particularly pleased with the increased funding for the Guard and Reserve facilities program. These are vital to continue to make the Guard and Reserve components an integral part of our total defense force. One other item of special interest is the issue of burden sharing which was discussed in a special hearing before the subcommittee as well as at nearly every hearing on other accounts. I believe that the reductions we have taken reflect a very serious concern of the committee about the need for our allies to help pay for facilities that in many cases are used by American troops who are stationed overseas in direct support of our allies.

Mr. President, I understand that there will be a number of issues discussed on the floor today with regard to this bill and some amendments will be offered. I am hopeful that we can finish this legislation as soon as possible, and I urge my colleagues to use restraint in offering amendments.

Mr. President, the issue of burden sharing in NATO, I believe, is a very important item. I believe that our NATO allies should be on notice of the very deep concern that is expressed not only on the floor of the U.S. Senate and the House of Representatives, as well, but a concern that exists throughout the country about the need to have others, our allies, to have a greater share in the cost of defense.

In the numerous open house town meetings which I have throughout Pennsylvania, and from other quarters, I hear the constant comment about the question as to why the United States assumes so much of the pro rata share than do others. And the comments which Senator SASSER has made on burden sharing, I think, are right on target. I think we are going to have greater recognition from our NATO allies on this important subject.

On the issue of Japan, I think it is a more acute problem. While there are good reasons, as articulated by the chairman, why Japan should not be rearmed, there are no good reasons why Japan should not have a greater share in the cost. That is an easy matter to accommodate too. It is a matter of determining a fair share and writing a check, maybe not 100 cents on the dollar, but 90 cents on the dollar; if not 90 cents on the dollar, 80, but at least something, and I do not think that has happened.

That, of course, Mr. President, is a very complex relationship. It involves the trade bill; it involves our overall relationship with the Japanese. But I think it is important to note today and to repeat—and these comments again are reflected by a very strong sentiment in my State that I hear in open house town meetings about concern that the Japanese do not undertake fair share. This is something we have to be a great deal more diligent on and a great deal stronger.

Mr. President, I think it is important that we have moved ahead on increased funding for the National Guard and Reserve, very important aspects of our national defense. I believe, in the vanguard of the INF Treaty-signing, that additional emphasis should be placed upon the development and buildup of our conventional forces, something that would be even more important, hopefully, as we move toward a strategic arms reduction treaty.

Mr. President, those are some of the highlights on my mind.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. BREAUX). The Senator from Pennsylvania yields the floor.

Who seeks recognition?

WISCONSIN PROJECTS LIST

Mr. KASTEN. Mr. President, I should like to enter into a discussion with the distinguished chairman of the Appropriations Subcommittee on Military Construction with regard to the committee-approved project listing for Wisconsin. Is the Senator from Tennessee willing to discuss the listing?

Mr. SASSER. Mr. President, I will be very pleased to enter into a discussion with the distinguished Senator from Wisconsin.

Mr. KASTEN. I thank the subcommittee chairman. I actually am looking for a clarification with regard to the Wisconsin projects approved by the Committee on Appropriations and printed on page 124 of Senate Report 100-380. I believe there may be some confusion as to the individual projects and locations which the committee intended be approved.

Mr. SASSER. I am glad to clarify the Wisconsin State listing for my friend, and he is indeed correct that there could be some information on that list. Unfortunately, our computer runs combine several different columns into one, and somehow, some errors were made. The total for the State is correct at $10,740,000; however, the individual projects and locations are in error. To correct this, I will submit for the RECORD a new State list for Wisconsin which will be used when the conferees meet on this bill. I can assure the distinguished Senator that in conference we will correct the errors in the listing to identify the correct projects and locations.

Mr. KASTEN. I thank the gentleman from Tennessee for explaining this unfortunate error. I also commend him for his overall bill, especially the increase in funding to support projects for the Guard and Reserve forces.

Mr. SASSER. I thank the Senator for his kind words. And with that, Mr. President, I ask unanimous consent that a listing of projects approved by the committee for the State of Wisconsin be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Project listing for Wisconsin, fiscal year 1989, as approved by Committee on Appropriations in Senate Report 100-380

Army: Fort McCoy: Electrical substation	$2,100,000
Air National Guard:	
Billy Mitchell Field:	
Fire protection (128th TCF)	28,000
Fuel storage (128th ARG)	500,000
Paint spray booth (128th TCF)	20,000
Taxiway (128th ARG)	2,470,000
Truax Field:	
Add to hangar 400—Welding shop	145,000
Alter bldg. 402—weapons system security/communications	990,000
Alter vehicle maintenance shop/construct vehicle storage	937,000
Volk Field:	
ACMI range support facility	1,500,000
Alter dispensary	185,000
Security facility—East gate	165,000
Air Force Reserve: Billy Mitchell Field: Composite training facility	1,700,000
Wisconsin State total	10,740,000

CENTER FOR AEROSPACE MEDICAL RESEARCH

Mr. BURDICK. Mr. President, I commend the subcommittee chairman, Mr. SASSER, for including report language which provides up to $1 million to initiate planning and design of a facility which would house the Center for Aerospace Medical Research and Education at the University of North Dakota.

It is my understanding that the funds will be used for the initial planning and design for the facility, and that the funds will be available to the University of North Dakota upon enactment of this legislation. Is that the intent of the committee?

Mr. SASSER. Yes, that is the intent of the committee.

Mr. BURDICK. The committee report language states that "The committee has included up to $1 million to initiate planning and design of an aerospace medicine facility at Grand Forks, ND." My question is this: Is the full $1 million in the bill and will it be available for use by the University of North Dakota if needed?

Mr. SASSER. Yes. The $1 million is included in the bill under the military construction, Defense Agencies account. I fully expect that the University of North Dakota will receive these funds if needed to complete the planning and design of the aerospace medicine facility.

Mr. BURDICK. The University of North Dakota has a nationally recognized program in aerospace sciences and, with its school of medicine, is beginning work with the Air Force on research relating to hyperbaric—high altitude—physiology. The Air Force is planning to assign an aviation medicine specialist to the university to assist in the development of the Aerospace Medicine Program.

Mr. SASSER. Grand Forks is not only the location of the University of North Dakota, but also the Grand Forks Air Force Base. It is our intent that the Air Force work closely with the University of North Dakota in the development of this pioneering field of medicine.

Mr. BURDICK. It is my understanding that the Air Force is extremely interested in working with the university to establish an aerospace medicine program. The funds that have been provided in the military construction appropriations legislation for fiscal year 1989 will be the first step toward this end.

I am grateful for the assistance that you have provided, Mr. Chairman. I look forward to working with you in the future toward the completion of this important project.

MEDICAL COLLEGE OF PENNSYLVANIA

Mr. SPECTER. Mr. President, I wish to discuss an item of importance to the future of military medicine research and to Pennsylvania. I believe the distinguished chairman of our subcommittee is familiar with this matter. It involves the Medical College of Pennsylvania and their desire to work with the Department of Defense to study the feasibility of a Center for Mental Health and the Aging Process at the Medical College. In addition, this outstanding institution might be of valuable assistance in helping the Defense Department and the Navy to meet their requirements for a replacement facility or partial replacement facility for the Naval Regional Medical Center in Philadelphia.

I am hopeful that my distinguished friend from Tennessee can agree that when our bill goes to conference that appropriate report language can be included in the statement of the managers—conference report. I am seeking language which would direct the Defense Department to study such a proposal in conjunction with the naval hospital and the Medical College of Pennsylvania to consider requesting funds to build such a facility in the next available budget cycle.

Mr. SASSER. Mr. President, I am aware of the situation surrounding the request of the Senator from Pennsylvania and my distinguished ranking member on the Appropriations Subcommittee on Military Construction. I am aware that the Senator had originally sought to include bill language by amendment on this matter. I thought that would be inappropriate because it would normally have been handled by report language.

Let me say to my colleague that I will work with him during our conference to insure that appropriate report language is included in the statement of the managers on the conference agreement urging the Defense Department to study this proposal.

Mr. SPECTER. I thank the distinguished Senator for his continued spirit of cooperation, and I look forward to working with him on the conference agreement.

Mr. SASSER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is noted. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BRIEFING BY SECRETARY OF STATE

Mr. BYRD. Mr. President, the Secretary of State will be in room S-407 at 2:45 p.m. today to brief Senators on the Moscow summit and his Middle East trips. I make that announcement so that all Senators will be aware of the presence of the Secretary of State in room S-407 at 2:45 p.m. today. The Senate will not recess but will continue to transact business.

Mr. SASSER. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, provided that no point of order shall be considered as having been waived by reason of this agreement and that the bill as thus amended be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

The committee amendments were agreed to en bloc.

AMENDMENT NO. 2363

Mr. SASSER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment of the Senator from Tennessee.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. SASSER], proposes an amendment numbered 2363.

Mr. SASSER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

PAY RAISES

Such sums as may be necessary for fiscal year 1989 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

Mr. SASSER. Mr. President, this amendment is being offered at the request of the distinguished chairman of the full committee, Senator STENNIS, of Mississippi. This amendment, which was also included on the energy and water bill by the Senate yesterday, will be included on every appropriations bill. It provides that any pay raises in the agencies funded in this bill must be absorbed within the amounts appropriated for the agencies. Mr. President, this is a matter which has been cleared on both sides of the aisle.

Mr. NICKLES. Mr. President, the Senator is correct. It is a good amendment. It is concurred in on this side of the aisle.

Mr. SASSER. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Tennessee.

The amendment (No. 2363) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The bill clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2364

(Purpose: To allocate funds for a new building at Scott Air Force Base in Illinois for the headquarters of a U.S. Transportation Command)

Mr. DIXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DIXON] proposed an amendment numbered 2364.

Mr. DIXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 21, strike "$1,227,587,000" and insert "$1,227,599,800, $12,800,000 of which shall be available solely for the purpose of the construction of the unified Transportation Headquarters Building at Scott Air Force Base."

Mr. DIXON. Mr. President, this amendment restores $12 million to the military construction appropriations bill for the transportation command that will be situated at Scott Air Force Base near Belleville, IL. That transportation command is authorized in the authorization bills of the House and the Senate and is appropriated for in the appropriation bill in the House. This has been cleared on both sides.

I thank my good friend the distinguished senior Senator from Tennessee for his kind accommodation in connection with his agreement to accept this amendment.

Mr. SASSER. Mr. President, this amendment is acceptable. I believe it is acceptable to both sides.

Mr. NICKLES. The Senator is correct.

Mr. SASSER. Mr. President, we accept this amendment with some degree of reluctance. It was only after the persuasive argument made by the distinguished senior Senator from Illinois that the subcommittee chairman saw the wisdom of including this appropriation in the bill. It is an important appropriation and is in the national interest to include it.

Mr. DIXON. Mr. President, I appreciate the compassion and understanding of the distinguished senior Senator from Tennessee and the Senator from Oklahoma.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2364) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SASSER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2365

(Purpose: To include funds for construction of Navy facilities at Tinker AFB, Oklahoma, in support of the E-6A aircraft)

Mr. BOREN. Mr. President, on behalf of myself and my colleague from Oklahoma [Mr. NICKLES], I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. BOREN], for himself and Mr. NICKLES, proposes an amendment numbered 2365.

On page 3, line 1, strike $1,527,238,000 and insert in lieu thereof $1,565,318,000.

Mr. BOREN. Mr. President, I have come to the floor to offer this amendment to provide $38.09 million to fund military construction for the basing of the Navy's new E-6A squadrons at Tinker Air Force Base in Oklahoma. The Appropriations Committee has provided room for this funding in the subcommittee's allocation.

Last year, the initial military construction funding budget request of $11.8 million was authorized by both the House and the Senate. The conference on the fiscal year 1989 continuing resolution also agreed to fund the basing at Tinker. The conferees stipulated that the Navy must submit a report to the subcommittee before release of the funds. That report was submitted on May 19, 1988.

Now the fiscal year 1989 military construction budget request of $38.1 million for Tinker has been authorized in both the House and Senate legislation. The House military construction appropriations bill including this funding has already passed.

To provide a little historical background on the basing decision, in January 1986, the Navy, for reasons of reduced vulnerability and less family separation, decided to consolidate and move these squadrons to an inland base. Tinker AFB, because of its maintenance operations, was an initial consideration but because of lack of excess facilities and Navy reluctance to spend military construction funding, it was not included in the original list provided by the Air Force. In April 1986, the Oklahoma delegation learned through the Oklahoma press that Tinker was considered by the Navy to be the logical choice and convinced the Navy and the Air Force to include Tinker in its analysis. The Navy concluded that, over the 30-year life cycle, Tinker AFB was the most cost-effective and operationally favorable location for the E-6A. Life cycle costs will be minimized through reduced maintenance and supply support costs.

Mr. President, I am convinced that this decision is strategically and economically sound. The GAO in January 1987, with very preliminary figures corroborated that Tinker costs less over the 30-year life cycle. The Navy has completed several studies, the most recent of which shows at least a savings of $21 million.

The Air Force leadership, both military and civilian, at Tinker have intensely cooperated over the last 20 months with the Navy and the Army Corps of Engineers to develop the most accurate facility and mission support requirements and costs data possible. The self-contained top-security compound is specifically designed for the high-priority classified E6-A mission operations which add another significant dimension to the defense of this Nation. The cooperative effort by the Air Force and the Navy has provided an in-depth survey of the mission and base operating support requirements, some of which include:

Collocation with similar type aircraft; reduced initial spares requirement; squadrons collocated with single site maintenance and aircrew training; collocation with airframe and engine depot repair facility; base supply support commonality with the Air Force AWACS; Tinker is already structured for air and ground operating of large, heavyweight aircraft; Tinker is equipped with crash and rescue of larger aircraft.

It is a wise decision by the Navy to base the new E6-A squadrons at Tinker with its onsite depot level maintenance expertise. Congress continually advocates cooperation between military branches and this collocation with the Air Force E-3A will substantially reduce the funding requirement for training, spare part replenishment, and maintenance support.

The basing of the TACAMO squadrons at Tinker offer numerous benefits not available at any other location. The commonality with present maintenance depot activity and supply point will permit joint utilization of resources from day one. The E6-A airframe is 80 percent common to the Air Force C-135 and E-3A. The E6-A engine is similar with 90 percent parts compatibility with the Air Force F-108 engine. It simply makes sense from the point of view of costs, efficiency, and reduced downtime to use the existing maintenance capability with so much interchangeability of parts and skilled work force rather than "reinvent the wheel" someplace else.

Tinker Air Force Base is the only inland aerial port of embarcation. The existing management and support structure is in place for the security and entry control for high priority aircraft including the C-5A, B-1B and the AWACS. Tinker already has the capability for crash and rescue of large aircraft.

I would like to make a few comments concerning the latest Navy report, dated May 19, which again demonstrates that Tinker is at least $21 million less costly over the 30-year cycle. In reading the report, I note that the very thorough program developed at Tinker includes nearly $13 million in support facilities including medical care, enlisted quarters, dining hall, and day care. Yet, I could find no analysis of similar funding programmed for expansion of these functions at the other locations.

Since the costs are computed over a 30-year cycle of the E6-A program, I also question the renovation and upkeep figure of $2 million that the Navy has included for the World War II vintage excess facilities at Little Rock. I also bring to the attention of my colleagues the problems in the security issues involved by the basing at Little Rock which involves buildings scattered all over the base.

It is important to note that, if the squadrons were based anywhere else, the aircraft would come to Tinker for depot level maintenance requiring transportation costs.

Concerning housing for the additional personnel, DOD policy is to use off-base housing in the continental United States. Oklahoma has an abundance of available housing, both for sale and for rent. A recent multiple listing has 11,000 homes for sale in the Oklahoma City area. There are also nearly 16,000 units for rent in the immediate area of Tinker AFB.

For the fourth quarter of 1987, the price of the average home in Oklahoma City was $74,360 compared to the mean price in 252 cities of $92,498. The average apartment rent was $563 per month versus an average of $711 for the same cities. This housing capability brings into question even the $3.3 million for bachelor enlisted quarters at Tinker.

In summary, I believe the Navy has provided the necessary testimony to demonstrate, once and for all, that Tinker Air Force Base was a logical selection for the basing of the Navy E6-A—TACAMO—squadrons.

I urge my fellow colleagues to support this appropriation as authorized by the House and Senate and appropriated in the House. This will prove to be the most economical and strategically sound decision, but basing at Tinker will have a vital impact on the success of the TACAMO mission.

Throughout the last 20 months, Air Force and civilian personnel at Tinker have worked closely with the Navy to formulate plans.

I have received several notes and letters from the commander, Maj. Gen. Billy Bowden. The most recent arrived yesterday—a handwritten note once again affirming his conviction that untold savings come from collocation at depot facilities.

His example was the track record: AWACS at Tinker; F-16's at Hill AFB in Utah and the C-5's at Kelly AFB, TX.

To quote:

> We save them the trouble of establishing many normal base maintenance facilities.

I ask unanimous consent that his letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Office of the Commander, Oklahoma City Air Logistics Center,
Tinker Air Force Base, OK, June 14, 1988.

Senator Boren: I read your prepared statement on E-6A basing at Tinker. I commend you on the important points regarding the Navy saving, by using our depot facilities. It by far is the most significant aspect of any argument. Our past track records of savings are shown in colocation at three depots. At Tinker with E-3 AWACS, at Hill with the F-16, and at Kelly with the C-5. We save them the trouble of establishing many normal base maintenance facilities. For example, early on, AWACS used our battery, tire, parachute shops. Engines get a break too. Colocation saves. Expertise in World Wide Airborne Command Post (our EC 135 Looking Glass, SAC) system Mgr at Tinker can help the Navy solve technical problems. Please hang tough.

Billy Bowden.

Mr. President, other colleagues are on the floor wishing to engage in this debate and also others from the Armed Services Committee to enter into a colloquy.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I rise as a cosponsor of this amendment with my friend and colleague, Senator Boren.

This amendment increases Navy construction by $38 million to provide for the basing of the E-6A aircraft at Tinker Air Force Base.

This language is already in the House appropriation bill. It is also authorized in the Defense authorization bill in both the Senate and House of Representatives.

The authorization and appropriation was also provided in fiscal year 1988. We also appropriated money in both the House and the Senate last year for Tinker Air Force Base.

Mr. President, it makes sense to base at Tinker. The Navy has testified before Congress indicating their unqualified support for Tinker basing. Last year Secretary Weinberger, in July 1987, gave Congress an initial study comparing the cost and alternatives of other bases and concluded that Tinker Air Force Base made sense economically and militarily for basing of E-6A's. Why? Because the E-6A is very similar to other aircraft that are already based at Tinker Air Force Base. It makes sense. Tinker Air Force Base is the home for the AWACS aircraft. The E-6A, for those who are not familiar with the program, is quite comparable to the AWACS. The maintenance requirements of the AWACS and the E-6A, the Navy's surveillance aircraft are very comparable. It is the same aircraft, a Boeing 707. Its intelligence capabilities and radar are very sensitive.

The AWACS aircraft are currently based at Tinker Air Force Base. The Navy and the Air Force have requested that the E-6A's be based at Tinker Air Force Base because they have a lot of common functions, parts, and maintenance, as other aircraft at Tinker. Turnover would be considerably less. Downtime would be less. Money would be saved, and that is very hard to quantify. We have had studies trying to compare Tinker Air Force Base with Little Rock, and other bases. Yet the thing that is really hard to quantify is that we will save a lot of money in downtime because they already have the maintenance personnel, other support, and the flight crews. They have common functions. It makes sense militarily and it makes sense economically. We will save money by basing these aircraft at Tinker Air Force Base.

Mr. President, I hope and I am somewhat optimistic that our colleagues will support this approach again this year. We passed it last year for Tinker. We did so in the House. It passed in the appropriation conference bill which also requested a study. We approved $12 million for fiscal year 1988 construction funds. We asked the Navy to take one final look at it and make sure. They did. They testified before Congress just recently, a few weeks ago, and repeatedly stated their support for Tinker. Lawrence Garrett the Under Secretary of the Navy, testified before the Subcommittee on Milcon of the Senate, and I will give a quote:

> Tinker Air Force Base remains the most cost effective basing option.

He made several points, and I have this available for any of my colleagues if they would like more detailed information, but Mr. Garrett said that Tinker already has in place depot maintenance repair facilities that can accommodate the E-6A aircraft. He says the Navy will not need to duplicate these facilities.

We have been asking the military to start working together. With the Air Force and the Navy working together, and this is what they are doing in this case, I do not think we should disrupt it.

Mr. Garrett further stated;

> Nor will the Navy need to transport the aircraft from another site to Tinker to get maintenance done. Tinker already has in place intermediate level maintenance facilities that can repair the E-6A parts. The Navy will not need to duplicate these facilities. The Air Force has already purchased common test equipment that the Navy can use to check out the E-6A aircraft operations.

Again, we are going to save the Navy some money because the Air Force has already provided these functions. I think again it just makes sense. Skilled Air Force maintenance personnel are on site. They have worked on these aircraft. These are Boeing 707 aircraft. That is what we are maintaining at Tinker.

He says, a "Close proximity to TACAMO aircraft operations, maintenance and support sites at Tinker will allow very efficient TACAMO strategic operations."

That is not the case at some other base sites.

Mr. President, we could go on and on. Studies have been done. GAO has studied this. The Navy has made two studies. It has not changed the results. The results are that militarily and economically Tinker Air Force Base is the right base to base the E-6A's, and I hope my colleagues will agree to the amendment.

The PRESIDING OFFICER (Mr. Shelby). The Senator from Arkansas.

AMENDMENT NO. 2366 TO AMENDMENT NO. 2365

(Purpose: To restrict the availability of funds for the TACAMO mission)

Mr. BUMPERS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Arkansas [Mr. Bumpers] for himself and Mr. Pryor, Mr. Sarbanes, and Ms. Mikulski proposes an amendment numbered 2366 to amendment No. 2365. In the pending amendment, strike out "$1,565,318,000" and insert "$1,565,318,000; provided, however, that of such funds the $38,080,000 appropriated for the TACAMO mission shall not be available for obligation or expenditure before October 15, 1988."

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I think there is an outside chance that we can work out a resolution of this very volatile, controversial issue.

But pending the time whether we do or do not, I would like to make a few remarks about how this whole controversy occurred.

First of all, we have a TACAMO squadron. TACAMO does not mean much to people, but the TACAMO squadron is based half in Hawaii at Barber's Point and half at Patuxent Naval Air Station in Maryland. Those planes are designed to communicate with our missile-firing submarines at sea.

The Navy decided two things: No. 1, that the planes needed updating; No. 2, that it would be to everybody's benefit to move the planes from Hawaii, which cover the Pacific, and from Patuxent, which cover the Atlantic, to a central area in the continental United States.

So some of the people in the Pentagon were given the responsibility of deciding where shall these 16 new TACAMO planes, called E-6's, be placed? The Air Force provided a list of 20 bases to be considered. I will not read the list, but one of the reasons I am here today is because Little Rock Air Force Base was on the list. I make no bones about that.

And so people, like Pete Aldridge, who was Under Secretary of the Air Force, Don Latham, who was Assistant Secretary of Defense for Command, Control, Communications, and Intelligence, they started studying this list of 20 bases to find the best place to base these planes. They are very important. It is a great mission. It is important that the President be able to communicate with our submarines at sea. So they narrowed the list down to 7 bases out of the 20.

Mr. President, all this is going on in 1985 and 1986, but the final lists were selected during an evaluation, which was between about the middle of April and the middle of May 1986.

Mr. President, it might be well to point out at this point that 1986 was an election year, a lot of hot Senate races, a lot of hot races, all over the country. And I know this will come as a shock to my 99 colleagues here, but, occasionally, where a mission goes is determined on a political basis. I hate to offend the sensibilities of my colleagues by saying that in public. And I am not opposed to it if everything else is OK.

So they come down and they say there are only 3 bases out of these 20 that are really ideal for this mission: Little Rock Air Force Base; Dyess Air Force Base in Abilene, TX; and one in Memphis, I suppose that was Millington Naval Air Station in Memphis, TN.

But then there are figures—and I have internal documents here which, incidentally, came to my office in a manila envelope after this thing began to heat up, and, as I say, I had this suspicion that this might have been a political decision. All of a sudden appears in my office a big brown manila envelope. We do not know where it came from; no return address or anything. It had some really interesting documents in it on how this decision was made. All that did, of course, was validate what I already knew as a politician had happened.

But here we are now with three air bases picked and, according to the studies, Little Rock Air Force Base was a suitable Air Force base and, from an economic standpoint, would have saved a lot of money for the Navy.

So people like Donald Latham and Pete Aldridge were the principal players in making this decision. That was their decision, that it ought to go to Little Rock. And the Navy came to Senator PRYOR's office and they briefed him and staffers. They said, "It is just almost certain."

Now, I must confess there were no promises made, but they said it is almost certain that this TACAMO squadron is going to Little Rock Air Force Base. We had just lost 1,300 men when the Titan II missiles were dismantled in central Arkansas. That was the 308th Strategic Missile Wing that had been stationed there. We lost all those people when we dismantled the Titans.

Senator PRYOR and I were excited because we knew this thing had 1,600 personnel with it. It was going to be a great replacement for all those troops we lost.

VISIT TO THE SENATE BY THE PRIME MINISTER OF ITALY, CIRIACO DE MITA

Mr. BYRD. Mr. President, it is my pleasure to present to the Senate today the very distinguished Prime Minister of Italy, Prime Minister Ciriaco De Mita. I have been honored to have him visit in my office with Senator WARNER, Senator DECONCINI, and myself.

Before I present him to our Members in the Chamber, may I say that Italy has been one of the very best friends of the United States and the Alliance. Italy was the first of the European States to support the deployment of INF weapons. Italy also, with respect to the Persian Gulf, sent minesweepers into the Persian Gulf, and without being asked to do so by our Government.

Italy also has worked closely with our Government and with other governments in the war against terrorists and in the war against drugs. Italy is one of the strongest supporters of the NATO alliance and are carrying their share of the defense burden.

Italy will accept the relocation of the 401st F-16 fighter wing from Spain.

In so many ways, Italy is an ally and a friend of our country. The Italian people have contributed so much to our own culture. We owe much to Italy. We Senators all have Italian-American constituents, and they are among the most patriotic and loyal of our citizens.

So it is with great pleasure and pride today that I present to the Senate Prime Minister De Mita of Italy. I hope that our colleagues will give him a warm welcome, after which I ask unanimous consent that the Senate stand in recess for 3 minutes so that we may personally greet our distinguished visitor.

[Applause.]

There being no objection, the Senate, at 12:17 p.m., recessed until 12:20 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SHELBY).

MILITARY CONSTRUCTION APPROPRIATIONS ACT, FISCAL YEAR 1989

The Senate continued with the consideration of the bill.

AMENDMENT 2366 TO AMENDMENT 2365

Mr. BUMPERS. Mr. President, just on the outside chance that we might be able to reach a compromise on this matter, such a compromise would be essentially this: that we put $38,080,000 in the appropriations bill but that it be fenced until October 15, which most of us assume will be just about the sine die adjournment date; and that the GAO—I have not gotten to that in my remarks yet—but the GAO has been requested by Senator PRYOR and me to do a study of the Navy's most recent report in support of Tinker Air Force Base as the best spot for these planes.

There are those of us who do not think much of the Navy's figures. But the same ones of us who do not think much of the Navy's figures, also have a pretty deep and abiding respect for GAO's work.

So we have asked the GAO to give us an analysis of the last study by the Navy and tell us whether the figures are flawed or not. Because that report shows that there is a $20.9 million advantage to Tinker Air Force Base.

Incidentally, these figures have changed. You know, we have had three reports and they keep changing, in my opinion, trying to justify a political situation.

But, be that as it may, to get on with this possible compromise, the substitute amendment I have here would delay any decision on obligation or expenditure of this money until after the GAO report comes out, which is now anticipated to be about August 15.

In a letter to Senator PRYOR and me, they have said that they would complete their investigation by August 1 and a report would be issued shortly thereafter. I am assuming shortly thereafter is on the order of 2 weeks.

Our distinguished colleague from Illinois, Mr. DIXON, is chairman of the Armed Services Subcommittee on Military Construction and he is in his seat at this moment. I would like to engage him in a colloquy, along the lines that we have been talking about as a possible compromise, to get on record what he would agree to do and what his obligation would be, if we accept my substitute amendment.

The PRESIDING OFFICER. The Senator may proceed.

Mr. BUMPERS. Senator DIXON, my question is this. Let us assume that the GAO report comes out at least sometime between August 1 and August 30. We have discussed this informally with you and my question is: Would you be willing to hold a hearing on the GAO report and the Navy figures too, for that matter, very soon, and expeditiously after the GAO report is sent to our distinguished colleague, Senator PRYOR, and me?

Mr. DIXON. Mr. President, may I say to my distinguished colleague from Arkansas that, as I have indicated to the Senator from Arkansas and the Senator from Oklahoma and others who are interested and have concerns about this matter, I would be delighted to hold a hearing as soon as those figures are available.

I assure my friend from Arkansas that we will hold a committee hearing in the Subcommittee on Readiness, Sustainability and Support immediately after those figures are available, the report is available.

Mr. BUMPERS. The second question, Senator. Would you be willing to confer with both Senators from Oklahoma, both Senators from Arkansas, and both Senators from Maryland as to any suggestions they might have for the names of witnesses or any other relevant material to be presented at such a hearing?

Mr. DIXON. Mr. President, I assure my friends, the Senators from Arkansas, the Senators from Oklahoma, and the Senators from Maryland, that I will confer with all of them. We will work out a witness list that is satisfactory to all concerned and we will have a full and complete hearing and use all of those witnesses on the list in the hearing.

Mr. BUMPERS. I might also add the distinguished Senator from Tennessee, Senator SASSER, who is chairman of the Subcommittee on Military Construction of the Committee on Appropriations on that list.

Mr. DIXON. I can assure everyone I would, of course, confer with the chairman of the appropriating subcommittee, Senator SASSER.

Mr. BUMPERS. The third thing is this. The October 15 deadline which we have put on this substitute amendment was put there for a very simple reason. We assume that sine die adjournment here will be about October 15.

Some of my colleagues who are on our side of this issue were concerned about the ability of your subcommittee to report our legislation. Let me give this example. If the GAO states that the Navy's figures are seriously flawed and that this matter ought to be pursued further—which I do not mind saying I divinely hope it will, but that is neither here nor there, we are willing to abide by the decision. But if we do find that the figures are seriously flawed we are concerned about getting something through here which would further delay the obligation of this $38 million.

That might be done on a CR coming through. We would probably have some small CR coming through. Or it might be done through generic legislation out of your subcommittee; which would probably be a little more difficult, to get a freestanding bill through. But you might also, if that looked difficult, just tag it on as an amendment to some other vehicle coming through here. Of course, we always have the House to deal with.

But could I get the assurance of the Senator that if, in the judgment of a majority of members of that subcommittee, these figures are, indeed, flawed to the point that this thing should be studied further, that the Senator will do his best to take action to make sure that that occurs?

Mr. DIXON. Mr. President, the distinguished Senator from Arkansas and all of his colleagues here that are interested in the subject matter have the assurance of this Senator that if it is necessary to do further things, legislatively, that we will take whatever steps are necessary, consult with the chairman of the Armed Services Committee, the distinguished Senator from Georgia, consult with the majority leader and others to try to expedite a response to the problem.

Mr. BUMPERS. With that, Mr. President, I would like to yield to any of my colleagues—from Oklahoma, Arkansas, or Maryland—for further questioning of the distinguished chairman.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I thank my colleague for yielding. This, of course, has been a very difficult matter for all of us. We have sincere views that are differing on this matter, the Senator from Arkansas and his colleague, Senator PRYOR, and others have very strong feelings that the reports that have been issued by the Navy are flawed. Naturally, they feel that Little Rock would be an appropriate place for the basing of this aircraft. Likewise, we in Oklahoma have a very deep and sincere feeling that this kind of cooperation between the Air Force and the Navy is what we have been trying to encourage and that where you have the maintenance of the AWACS facility there, that it makes sense, and that the cost figures are accurate.

We have an honest difference of opinion about that and I think the Senator from Arkansas—we have had discussions, obviously, about this proposal—has made a reasonable proposal. Naturally those of us from Oklahoma are reluctant to have any more time spent on studies. We have already had I believe at least three extending over a 2-year period. But we understand also our obligation to the taxpayers and that is a very strong obligation from whichever State we may reside.

The GAO study has been requested. We have great confidence in the ability of the Senator from Illinois and the distinguished chairman of the full committee, the Senator from Georgia, to look into this. The membership of that committee are very knowledgeable on military matters.

Therefore, the understanding is that the Senator from Illinois and his committee would look at the full range of information available, at the GAO study, the previous Navy study, and would give all of us a chance, obviously, to come into a public hearing format and argue our side of the case and argue as to why we think certain figures are accurate and correct and others may not be.

That is my understanding. Is that correct? The Senator from Illinois would give us the opportunity to argue the merits fully, based upon all of these reports that would then be available?

Mr. DIXON. Mr. President, I want to assure my friend, the Senator from Oklahoma, that we will have a full and open hearing. The Senators from Maryland, the Senators from Oklahoma, the Senators from Arkansas, can present a witness list. We will try to make it a very balanced witness list. You will all have an opportunity to be heard.

Mr. BOREN. Mr. President, I thank my colleague from Illinois. As I say, I have great confidence in his fairness and integrity and also his knowledge of military matters.

With that assurance, Mr. President, I would be prepared, if it has the concurrence of my cosponsor—I see the Senator from Oklahoma also on his feet—if it has his concurrence, I will be prepared to accept this modifying amendment to my original amendment in the first degree given assurances we have heard from the representative of the Armed Services Committee, Senator DIXON.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, first I ask unanimous consent that I be placed on the Bumpers amendment as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, if the Senator will yield for a moment. That amendment was offered on behalf of myself, Senator PRYOR, Senator MIKULSKI, and Senator SARBANES.

Mr. PRYOR. I thank the Chair and the distinguished Senator from Arkansas. Mr. President, I am not going to take but a moment of the Senate's time. This issue of the TACAMO basing reminds me, to some extent—and I hope this will be respectful—it reminds me to some extent of the very first lawsuit that I ever had as a very young lawyer in Camden, AR. This was over which party owned a blue tick hound dog. A coon dog, you might say. Allegedly, the owners of the blue tick hound dog were out on a coon hunt one night and the other party took my client's coon dog to their farm and claimed it as their own.

Mr. President, there was a great war over who owned this great and famous dog. I was hired to represent one of the parties. Another attorney, Mr. Purifoy, was hired to represent the party that had taken the dog. We had a case in the court. It was not a jury trial, I say this respectfully to my good friend, the senior Senator from Mississippi, the chairman of the Appropriations Committee, who is still referred to as "Judge." This case was decided by a judge.

The case of TACAMO is going to be decided ultimately by a jury, either a jury of the Armed Services Committee or the full Senate. It places all of us in a very precarious situation because many of us do not follow the facts enough, many of us are not, let us say, involved in this issue as some of us from the respective States of Arkansas, Oklahoma, and Maryland.

I might say that the final outcome of who owned the blue tick hound dog in my first lawsuit was that there were coon hunters from all over Ouachita County. They were seated not only in the seats in the courtroom, Mr. President, but they were seated in the windows and they were hanging from the balcony waiting to see who would be the rightful owner of this dog.

Finally, the judge could not decide. He told the bailiff of the court to get the dog and to bring him into the middle of the courtroom. I stood on one side of the courtroom with my client. Mr. Purifoy stood on the other side of the courtroom with his client. The dog walked into the court slowly down the center aisle, looked around, sniffed the air and finally walked to his left into the arms of my client.

We won that case, and that is somewhat like TACAMO because we have wrestled with this matter for some 2 or 3 years as to whether it should go to Oklahoma or whether it should go to the State of Arkansas. We feel Arkansas. Senator NICKLES and Senator BOREN feel Oklahoma.

I say, Mr. President, in all due respect to the various interests here, I think that the proposed compromise offered in the amendment by Senator BUMPERS and the rest of us does at least give us the opportunity to further examine what the General Accounting Office is going to report and then ultimately the Armed Services Committee and possibly the U.S. Senate as a whole will have that opportunity, maybe, to make that final decision as to whether TACAMO goes to Oklahoma or goes to the State of Arkansas.

I would like to thank my senior Senator from Arkansas for introducing this, and also the Senators from Oklahoma, Senator BOREN and Senator NICKLES, for working with us. All I can hope is that justice will prevail and that the rightful owner or the rightful State, let us say, in this case, will be the recipient of this very fine facility.

Mr. President, I yield the floor.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise in support of the 2d degree amendment offered by the Senator from Arkansas.

The Senator's amendment would include funds to upgrade Tinker Air Force Base, but would delay release of those funds until October 15, 1988, and the completion of the GAO's current study on the Navy decision to base the TACAMO squadrons in Oklahoma.

For nearly 2 years, the Navy has tried repeatedly, without success, to provide a coherent, cost-effective rationale for this move. Regrettably, their latest report on the move is as flimsy in its reasoning as their first report.

I intend to support the safest and most fiscally responsible site for the TACAMO squadrons regarless if it is based in Maryland and Hawaii or Oklahoma.

But we should make this decision on the basis of the best defense policy—for the Nation's security and for the taxpayer, not on the basis of politics.

As the distinguished Senator from Arkansas has set out in his remarks, the Navy's current decision has been a chronology of a classic political decision in search of a strategic rationale.

The TACAMO squadrons—as the key communication link between the President and our submarine fleet—have too important a mission for them to be based on the grounds of a political deal.

The decisionmaking process on this basing decision has been full of inconsistencies: First, the planes were supposed to stay in Maryland and Hawaii; the next option evolved into basing at Little Rock, AR; and then, out of almost nowhere, Oklahoma emerged as the leading candidate for the TACAMO squadrons.

Instead of trying to make a political decision, we should allow the next President to make a decision based on the merits of the issue and what is in the national interest.

The Senators from Arkansas have asked the GAO to evaluate the most recent cost comparisons of the various TACAMO basing options.

Senator SARBANES and I have asked the Defense Department's inspector general to conduct a thorough review of the strategic and fiscal issues associated with the Navy's proposed plan.

Instead of rushing headlong into an expensive basing plan, we should wait for the independent analysis by these two agencies to be finished.

STRATEGIC ARGUMENTS

Proponents of the Oklahoma site argue we need this basing location because it is the best strategic site. This conclusion is based on the fact that the TACAMO command structure would be located in the middle of the United States, further inland and allegedly safe from a Soviet missile attack launched from Soviet submarines.

This reasoning is based on a number of faulty assumptions.

First, it suggests that a coastal basing location is a strategically vulnerable location. Pax River, one of the two current locations, is only 62 miles from the Capitol.

The logical conclusion of the Navy's argument is that if it's on the coast, we ought to move it to Oklahoma: that could mean the White House, the Congress, the Pentagon, maybe even the fleet at Norfolk if we could build a big enough canal to get them to the Gulf of Mexico.

Now I know the Senators from Oklahoma would support moving all of this Federal infrastructure to their State, but it does not seem the other Armed Forces do. The Air Force has sensitive installations in Hawaii, adjacent to the TACAMO squad there, yet has taken no action to move their installations to the middle of the United States.

What does the Navy know that the Air Force does not? I don't know and neither does anyone else because the Navy has not given us any reasonable answer.

Second, the Navy's plan is based solely on the belief that the Soviets have one attack scenario to take out these planes—a cruise missile attack from submarines off of our coast.

In today's world, such a planning assumption seems naive at best and misleading at worst. It is more likely that a Soviet attack would come from a variety of fronts, like a terrorist attack on the plane's base, or those facilities which tell the TACAMO command what to do, like the Pentagon.

Given this fact, a terrorist could just as easily attack Tinker, OK, as they could Pax River, MD, or Barber's Point, HI. The location of the TACAMO command structure is vulnerable to this kind of confrontation no matter where it is.

Third, the Navy's plan places all of our strategic eggs in one basket. The Navy plans to locate the entire maintenance and command structure for the TACAMO squadrons at Tinker, rather than the dual location currently in Maryland and Hawaii.

As a result, if someone is able to knock out Tinker, they have knocked out the entire command structure. Under the current basing plan, no such risk exists. So the Navy's plan really increases the vulnerability of these planes.

Fourth, the Navy's plan places only the command structure for TACAMO in Oklahoma. The planes themselves would be at "Alert" bases on either coast. So the Navy plan for Oklahoma does not reduce the threat from a Soviet sub attack because the planes would still be within striking distance of a missile attack.

What would be relocated are the 1,500 jobs associated with the command structure, the mechanics who service the planes and other technicians. And I would ask my colleagues, if they take out the planes on the coast, what good is an obsolete command structure in Oklahoma?

Fifth, if any planes were in Oklahoma at the time of a Soviet attack, their flying time to reach an area where they could contact our subs would be about 3 hours longer than the current coastal basing plan.

If Soviet missiles are to land on U.S. soil in 30 minutes or less, what good are communication planes—whose sole mission is prompt notification of our subs when the President orders a retaliatory attack—to be 2½ hours from being able to tell our naval forces what to do?

COST ARGUMENTS

The other argument which proponents of the Oklahoma site make is that it will save money. In fact, moving to Oklahoma is going to cost us money, at a time when the deficit is shrinking the purchasing power we have for our national security.

Moving to Tinker is going to cost us between $71 million and $107 million in military construction costs alone. In addition, the General Accounting Office has concluded that basing the TACAMO squadrons in Oklahoma will likely require the Navy to purchase at least one additional E-6A plane, at a cost of $62 million.

Most of the alleged savings from moving to Oklahoma come from supposed "joint use" of maintenance support with the Air Force at Tinker Air Force Base. But the Navy does not even have a memorandum of understanding with the Air Force on this.

How can they claim any savings when they do not even have an agreement with the Air Force on what share operations and maintenance costs will be shared? They have made their cost estimates on highly technical planning assumptions which they simply cannot justify as being the right assumptions to make.

What I have found most amazing about the Navy's cost estimates is their assessment of what keeping the current basing plan in Maryland and Hawaii would cost. They have said it will cost an additional $29.8 million for 4 fire trucks, 4 fuel trucks, and related support cost. That averages out to roughly $3.7 million a truck.

I am not sure who the Navy is going to buy these trucks from, BMW, Volvo, or Mercedes-Benz, but it sounds like an extremely inflated cost estimate.

Moreover, the Navy has been unable to show that either Pax River or Barber's Point wasn't already going to receive these improvements regardless of the TACAMO basing plan. Naval air test centers need fire trucks and fuel trucks anyway. So the real issue is whether any of these costs are unique due to stationing the TACAMO squadron at a site. And the Navy has not provided us with any information that tells us what is unique.

Finally, Mr. President, it strikes me that keeping the current basing mode makes the best fiscal sense. We could simply purchase one squadron of 8 E-6A's for Barber's point, while leaving a squadron of C-130's at Pax River. That would save the Navy over $400 million in additional procurement costs, while keeping our TACAMO command strategically intact.

Mr. President, I believe we should not jeopardize an essential element of our strategic triad for the next 30 years by subjecting where we base it on the basis of political maneuvering.

For that reason, and for the fallacy of the Navy's strategic and fiscal justifications provided for the Oklahoma plan, we should adopt the amendment by the Senator from Arkansas.

Instead of putting all our eggs in one basket, let us wait for an independent evaluation of all aspects of this issue and decide it on the merits.

In summary, Mr. President, I know the other Senator from Oklahoma is anxious to speak. I rise in support of the Bumpers compromise because I think it is in the best interest of our country. The amendment of the gentleman from Arkansas would give us time and a framework to arrive at a rational decision on this issue. I think all of the Senators involved want to be sure that we place national security above petty partisan or not so much partisan but regional politics.

I just want to make it clear that I intend to support the safest and most fiscally responsible site for the TACAMO squadrons to be located regardless of whether it is in Maryland, Hawaii, or Oklahoma. We should make this decision on the basis of the best defense policy for the Nation's security and for the taxpayer and not on the basis of politics.

As the distinguished Senator from Arkansas has set out in his remarks, the Navy's current decision has been a chronology of some political decisions over a strategic rationale. TACAMO squadrons, as the key communication link between the President and our submarine fleet, are too important a mission to be based on a political decision.

They give lots of reasons why it should go to Oklahoma. Proponents say that Oklahoma should be chosen because it is the best strategic site. This conclusion is based on the fact that the TACAMO command structure will be located in the middle of the United States, further inland away, allegedly, from a Soviet attack.

I would like to make three points about that. First, it suggests that a coastal basing location is strategically vulnerable. Pax River in Maryland, one of the two current locations, however, is only 62 miles from the Capital. It is hard for me to believe that if the Communists plan an attack on the United States of America on their way to the United States they are going to say: "Well, we are not going to go to Washington; we are going to stop over Pax River in southern Maryland. I invite all of you to come to southern Maryland. We have seafood festivals and good fishing. If I were a Communist, I would want to nail Washington, DC, as compared to coming to St. Mary's County. We welcome tourists, but we really do not welcome those Communists.

Second, they also say that the Navy's plan is based solely on the belief that the Soviets have a one-attack scenario. It would be hard to believe that they would use only cruise missiles. We know that if there is to be an attack on the United States, it will be multifaceted, including terrorism. Tinker is as vulnerable as a coastal base.

Third, the Navy's plan places all its strategic eggs in one basket. The Navy wants to locate the entire maintenance and command structure for TACAMO at Tinker rather than the dual locations in Maryland and Hawaii.

Once again, let us picture a terrible scenario: The United States is under attack. What we essentially have at Tinker will be the chiefs, but the Indians and the arrows will still be located at Hawaii or Maryland for which we are proud to have them. I will tell you, again, I think I would rather protect the planes than the chiefs.

So I would raise issue again with that. I do not maintain to be a strategic whiz. A lot of the information we get from Tom Clancey, who wrote "Red Storm Rising" and who, by the way, lives near Pax River. Maybe they are going to be after him, too. But what we are saying is that there are lots of pros and cons in this and that is why we need this independent study.

Finally, there is the fiscal argument which says that the Oklahoma site will save money, but, in fact, moving to Oklahoma is going to cost us money at a time when the deficit is shrinking the purchasing power that we have for our national security. Most of the alleged savings from moving to Oklahoma come from the supposed use of joint maintenance. I support that concept because we do not need to reinvent the wheel. We do not have enough money to do what we really need to do. However, we do note that the Air Force has not entered into a joint agreement with the Navy and it is questionable whether they will really do what they say they will do.

Second, we hear all kinds of figures about cost estimates. They say that staying in Maryland will cost an additional $29 million for support services. They talk about close to $30 million for four fire trucks, four fuel trucks and related costs. I am not sure that is true. According to the Navy study, that works out to $3.7 million a truck. Now, I know that DOD does not like to buy American, but unless we are going to buy Volvo fire trucks that seems like an inflated cost to me.

In conclusion, Mr. Chairman, we want to be sure we do not jeopardize our strategic triad for the next 30 years by subjecting what we do to political involvement. So I say let us delay this until October 15. Let us get our independent study. Let us make it on the basis of rational analysis.

I thank Senators for listening to this argument. Though I approached it lightly, I want you to know I think this is a very serious matter. We need to make sure that when our President needs TACAMO to respond, we will have both our command structure and Navy planes ready to go. I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I do not know if anyone else cares to speak on this amendment. I compliment my friends and colleagues from Arkansas, Senator BUMPERS and Senator PRYOR. We have worked on and wrestled with this issue now for about 2 years. When there was a compromise discussed, I personally questioned whether or not a compromise was possible. Senator BUMPERS and Senator BOREN are to be congratulated for coming up with something that I believe can be accepted on both sides. It will be my intention to recommend the Senate accept this modifying amendment to the amendment offered by myself and Senator BOREN.

Mr. President, this amendment does fence some money for an additional period of time. This Senator has been opposed to that. We fenced the money for this project last year pending an additional study. The Navy study came out and said, yes, we concur with the original study. The original studies outcome was to go with Tinker. I hope we would not have any additional delays. I think it is important we move forward and move forward rapidly. However, again in the spirit of compromise, I have no objections to the amendment and urge its adoption.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I thank the Chair.

Mr. President, first of all, I want to thank the very able and distinguished chairman of the subcommittee, the Senator from Tennessee, for the extended hearing which he held on this subject and for opening that hearing to all Members of the Senate who have had a continuing interest in this question.

Mr. President, it is a clear indication of the inadequacy of the Navy studies up to this point that this issue remains so controversial and so difficult even to develop an agreed-upon factual statement of the situation. I was struck at the subcommittee hearing by the inability of the Navy to sustain some of their assertions and by the shift in premises that went into their proposal. Two years ago they made flat assertions that this could be done with 15 planes. Now with a mid-continental basing proposal they have increased the requirement to 16. That represents an extra cost of $60 million, which was not factored into the initial cost comparison.

At the hearing I asked the Assistant Secretary what assumptions they made about fuel costs, and their assumption was that the fuel costs would remain constant over a 30-year life cycle. I must say I found that to be an astounding assumption.

It is very clear that this matter needs a very thorough GAO analysis which very carefully makes sure that apples are being compared with apples and oranges are being compared with oranges. We must ensure that these comparisons are not being mixed up with changing assumptions and changing premises if we are going to be able to have any clear picture of exactly what the situation is.

The Senator from Arkansas is trying to achieve that. It may be in the last analysis that the interests of different Senators as to their respective States will diverge. Obviously, that is possible, indeed likely. What is important, whatever the divergence, is that you have arrived at an analysis on which people can say, "Well, that is a reasoned analysis. The matters have been examined, the facts have been accurately developed, and we are now in a position to make the comparisons and to draw our conclusions." I feel very strongly that has not happened to date. The studies submitted by the Navy to sustain their move do not contain that substance. I think the Navy is essentially trying to come up with a rationale to support a political decision previously made, and that is why again and again when their studies are probed they do not withstand scrutiny.

Now there is an effort to develop a study and analysis which is objective and analytical. This study will at least put us in a position to say these are the facts, these are the considerations, these are the comparisons and draw your own conclusion from it.

I am very grateful to the Senator from Tennessee for being as fair and open as he has been in examining this issue. I particularly wish to commend him for the way he has conducted the consideration of what is a very sharp controversy amongst Members of this body.

Mr. President, I yield the floor.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I, too, join the distinguished Senator from Maryland, Senator SARBANES, in his praise for the distinguished chairman of the Subcommittee on Military Construction of the Appropriations Committee, Senator SASSER, of Tennessee.

I imagine, Mr. President, that Senator SASSER has spent untold numbers of hours on this issue. He had nothing to benefit from it. He placed himself in the middle of friends in this issue and of two, let us say, States with adversarial positions. Whatever the reason for his patience, we owe him a great debt of gratitude in the Senate.

Mr. President, I also, while I do have the floor and am about to conclude my remarks, thank both of the Senators from Maryland, Senator MIKULSKI and Senator SARBANES, for their support in working out this effort, of course, in the best national security interests of the United States.

Mr. President, I yield the floor.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I join in the remarks that have been made of the Senator from Tennessee. I appreciate very much his fairness during these proceedings, his willingness to allow us to present our side of the case. The Senator from Tennessee has his own perspective. He has presented that openly and honestly and, at the same time, while there has been a difference of opinion with others, he has allowed us to make our case to his committee. He has been exceedingly fair. As has been said, he is one of the most diligent Members of the Senate. He works hard in this area of national security and he makes immense contributions, so I add my words of appreciation to those already spoken. It is a very difficult situation we have come through and he particularly has been in a difficult spot as chairman of the responsible subcommittee. He has certainly handled those responsibilities in the highest and best tradition of the Senate, and I appreciate it very much. I know all of my colleagues do, too.

Mr. SASSER. Mr. President, I wish to express my appreciation for the very kind remarks made by the Senators from Maryland, Arkansas, and the Senator from Oklahoma, Mr. BOREN. They are overly generous in their remarks.

I was just curious. I very much enjoyed the story of the Senator from Arkansas, [Mr. PRYOR] about the blue tick hound and how to determine where the proper home should be for that blue tick hound. It just occurred to me that perhaps the name of that blue tick hound was Tacamo. [Laughter.]

Mr. PRYOR. Mr. President, I must respond to the distinguished Senator from Tennessee by saying that the name, and it is officially in the court records I think in Ouachita County, of that dog was "Old Blue." Not in the records of the court, Mr. President, was the fee that I received for representing my distinguished client and the lawful owner of Old Blue. My fee, Mr. President was one sack of fresh turnip greens.

I yield the floor.

Mr. BUMPERS. Mr. President, let me also add my thanks to the distinguished Senator from Tennessee. He has been at the cutting edge of this issue for a very long time, and it is extremely controversial. And obviously the reason you settle lawsuits is because you are going to take more than you are afraid you will not get.

This, as my colleague says, is the time to settle this lawsuit. I think regardless of how I hope it might have gone, if we had just gone to the mat on it I think it would have been razor thin on either side. But this at least puts everybody in the Senate on notice, and gives everybody an opportunity to study the GAO report, and to put in their 2 cents' worth at the hearing that will be scheduled after that. Hopefully, we will get this thing finally resolved before we leave here in October.

I am not saying this base has to go to Little Rock. Obviously, I have a provincial interest in it. I simply want to say that the Navy may choose something else. They may find an alternative solution. But I can tell you truthfully, I do not mind this squadron going to Tinker if it is cheaper than Little Rock, and if there are no operational inefficiencies as a result of going to Tinker.

By the same token, I would expect my colleague from Oklahoma to say the same remark about my State and Little Rock Air Force Base. And the one question I asked, the very first question I asked, the Navy and Air Force at the hearings was this: "Is there any operational difference insofar as the efficiency and the adequacy of the mission, Tacamo mission, whether it is goes to Tinker or Little Rock Air Force Base?"

And the answer was an unqualified no, there is no operational difference between Tinker and Little Rock.

So what you have are two bases that are on all fours. It then becomes a question of how much base housing you are going to have to build, what kind of operational expense you are going to have, and a whole host of other things that the Navy has in their study and GAO is now studying.

But the Senator from Tennessee has been most gracious, and, in my opinion, fair to all sides of this issue. I am very pleased that we are able to at least temporarily reconcile our differences.

But I just want to make this one point for the record which has never been made on the floor of the Senate before though it has been made in hearings; that is, the 3 bases that had been chosen out of 20 sites—bear in mind Tinker Air Force Base was not on the list of 20 bases. It was not one of the seven finalists. It was not one of the three finalists. All of a sudden in May 1986 they said "How about Tinker?"

We, I do not know who wrote the letter or who made the inquiry. I know a Congressman from Oklahoma whose district joins Tinker Air Force Base announced that he had gotten Tinker put on the list for consideration. But in a memo from Harold Williams, an Air Force major general, who was asked to critique Tinker—I am not even going to both to put this in the CONGRESSIONAL RECORD—said, "You could not shoehorn a squadron of airplanes into Tinker Air Force Base. We don't have any room to train anybody; we don't have any room for anything. And Tinker would be out of the question."

So, Mr. President, I will read a paragraph here just precisely as to what he said at that time. This is May 23, 1986:

> In response to your letter on Joint Navy/Air Force E-6A Training, we have assessed our capability to provide flight crew training under our current E-3 contract * * *

Bear in mind E-3 of the AWACS—

> * * * flight crew training program and have estimated the requirements and cost for expanding this program.

Here is what he says:

> The current E-3 contract flight crew * * *

That is AWACS—

> training program can only absorb two navigators and two flight engineers per year. Air Force E-3 pilot inputs are already at the contract limit. To expand the current contract to include E-6A training would require over 5,000 additional flying hours, two additional B-707 aircraft, one E-6A flight simulator plus a facility to house it, twenty-four additional contract personnel and E-6A training courseware development. Based on comparable E-3 contract flight crew training costs, inclusion of the E-6A in a joint E-3/E-6A contract training program would cost the Navy about $57.6 million for a five-year contract.

He points out:

> We have sufficient aircraft, equipment and facilities to accommodate a maximum of twenty maintenance OJT positions. Also, we do not have the additional aircraft, equipment or facilities to expand the capabilities of our maintenance training detachment at Tinker AFB.

Then he does a comparative study.

This thing goes on. I am not going to belabor the Senate with all of these documents that came unsolicited to my office except I will state that John Lehman, Secretary of the Navy did not write to tell me he was going to Little Rock. He wrote to Mickey Edwards to tell him that TACAMO was going to go to Tinker after Senator PRYOR and I had been told almost certainly it was going to Little Rock.

In his final paragraph, he said, first, it is going to go to Tinker—no cost justification, no nothing. And about Pete Aldridge, who at that time was Under Secretary of the Air Force, and Don Latham, at that time was Assistant Secretary of Defense, Secretary Lehman said they "* * * do not agree with out conclusion." They are the people who will be charged with making the decision. "They correctly point out that new construction will be required to base the E-6A's at Tinker."

Here is a memo from Don Latham to John Lehman, Secretary of the Navy, and Pete Aldridge, Assistant Under Secretary of the Air Force: "Subject: E-6A basing at Tinker."

Here is Don Latham, Assistant Secretary of Defense, one of the two people in charge of making this decision. "I still suggest we strongly reconsider Little Rock."

Mr. President, I will not burden the record further with those documents. But I can tell you I have talked to some people at the Pentagon, and I talked with people who used to be at the Pentagon. They say if there ever was a decision that needed investigating, this one does. We are going to get a chance to do just that.

Mr. President, again, I want to thank all my colleagues for helping work this out. I live just across the river from my distinguished colleagues in Oklahoma. We have a lot of common interests there. Sometimes we are adversaries, but more often we are friends and colleagues in the same righteous causes.

But with that, Mr. President, I urge adoption of the amendment.

Ms. MIKULSKI address the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, just very briefly, I too would like to thank my colleagues for their cooperation and civility in addressing this. I would like to particularly thank the subcommittee chair of appropriations, the Senator from Tennessee, for his excellent work. His constituents and all of

America should know that as we carried on the behind-the-scenes discussion on this, he continually urged us to focus on not the politics of the issue, but the policy of this issue. And he continually urged us and prodded us to really continue to think about what would be in America's strategic interest. His own constituents should know of his patriotism and his hard work on this issue.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment (No. 2366) was agreed to.

The PRESIDING OFFICER. The question now occurs on the amendment of the Senator from Oklahoma, as amended.

The amendment (No. 2365), as amended, was agreed to.

Mr. BOREN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BUMPERS. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, I wish to express my profound gratitude to the distinguished Senator from Maryland [Ms. MIKULSKI] for her very gracious and, I might say, overly generous remarks. I thank her.

AMENDMENT NO. 2367

Mr. SASSER. Mr. President, I send an amendment to the desk, on behalf of myself, Senator BRADLEY, and Senator GRAHAM, and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. SASSER], for himself, Mr. BRADLEY, and Mr. GRAHAM proposes an amendment numbered 2367:

On page 16, strike out line 23 and all that follows through page 17, line 7, and insert in lieu thereof the following:

It is the sense of the Senate that during the Toronto Economic Summit, the President of the United States should consult with the leaders of allied countries on the impact on Western Security of tied and untied loans, trade credits, direct investments, joint ventures, lines of credit, and guarantees or other subsidies to the Soviet Union, Warsaw Pact countries, Cuba, Vietnam, Libya, or Nicaragua.

Mr. SASSER. Mr. President, the amendment I offer today, in concert with my distinguished friend and colleague from New Jersey [Mr. BRADLEY] is a sense-of-the-Senate resolution which urges the President, at the Toronto summit to be held next week, to table a proposal with our allies which seeks an end to the practice of providing untied, general-purpose loans and other practices to the Soviet Union and allies of the Soviet Union.

I want to address briefly the whole question of untied loans. Many banking institutions, commercial and governmental, in Japan, West Germany, and other allied nations, are providing billions of dollars in so-called untied loans to the Soviet Union. By "untied loans," we mean general-purpose loans that are made in cash for no specific purpose.

In 1986, the most recent year for which statistics are available, allies of the United States provided $19 billion in untied, general-purpose loans to the Soviet bloc.

These loans are pure cash, just handed over to the Soviets, without being tied to any specifc export activity or tied to any project, and often at very low interest rates.

It has been documented, for example, that during 1986, these untied loans were granted to the Soviet Union, Bulgaria, and Czechoslovakia at an interest rate of 7.5 percent—only one-eighth of 1 percent over the cost of the money that was loaned.

Many American farmers would have loved to obtain a 7.5-percent loan in 1986. What small businessperson, in 1986, would not have jumped at the chance to get a 7.5-percent loan?

Mr. President, during hearings before the Committee on Appropriations, the very able Secretary of Defense, Mr. Carlucci, testified that such loans can be, and indeed are being, easily diverted by the Soviets to purposes which are contrary to the security interests of the United States and contrary to the security interests of Western nations. Secretary Carlucci agreed that such activities, the lending of large amounts of cash for no specific purpose to the Soviet bloc, are adding to the defense burden that is being carried today by the United States in its effort to guarantee the security and defense of the free world.

It is well known that the Soviet Union is short of hard currency. Hard currency amounts to only about $30 billion a year in the Soviet economy, and they get much of their hard currency from the West, primarily from the sale of oil and gas and from the sale of arms. The Soviets are in the armaments business. They are arms merchants of some substantial magnitude. The hard currency they receive from the sale of oil and gas and arms barely covers the cost of imports that the Soviets wish to buy abroad and barely covers the servicing of Soviet external debt.

So the question comes, Mr. President: Do the Soviets get their hard currency in order to finance the external activities of the KGB, to provide Fidel Castro's Cuba with the billions of dollars of aid that goes to Cuba annually, to fuel the activities—and, I might say, the excesses—that occur in Nicaragua, and perhaps Vietnam and other areas around the world?

I submit that much of the currency utilized by the Soviets to further their military and political goals comes directly from the bankers of the Western World who are granting the Soviet Union these large sums, which are not tied to any commercial activity nor to any commercial endeavor.

I want to be clear: The amendment that I offered today, in conjunction with my distinguished friend, Senator BRADLEY, does not in any way call for economic warfare against the Soviet Union or any other Eastern bloc country. The purpose of this amendment is simply to urge our allies to stop providing financing which can be utilized and subverted for Soviet adventurism around the world.

I know that many of my colleagues and some in the administration, and indeed many around the country, may feel that this is not the proper time to offer such an amendment. After all, it can be argued, and I think with some persuasiveness, we have just passed the INF Treaty; the President has just had a very warm and friendly and, we hope, fruitful summit conference in Moscow with Mr. Gorbachev.

I take just the contrary view. I would say that this is just the time to offer the amendment I am offering today, urging our allies to cease and desist from this practice of untied loans. In the euphoria of the moment, in what some have characterized as the rebirth and resurrection of détente, we must not fail to recognize that the Soviet Union has not changed its ultimate goals. The Soviets are giving us substantial reason for optimism: optimism that there will be a lessening of tension; optimism that there are fundamental changes taking place in the Soviet Union which, hopefully, will be transferred to other Soviet-bloc nations; optimism that there will be a reduction, we hope, in the not-too-distant future in the tensions between the East and the West that fuel the exorbitant expenditure for weaponry on both sides of the bloc.

But we should not surrender simply to our hopes and to the feeling of euphoria and optimism that prevails now. We must realize that, even though the Soviets are talking a good line now, the proof must be in the pudding and there must be some concrete changes, some objective evidence that they are indeed changing in the field of military policy and in the area of Soviet adventurism around the world.

I do believe that we should support every contact with the Soviets that is mutually beneficial to the United States and to the Western World. But I would submit that providing untied loans from Western banks that could be used to fuel revolution, which could be used potentially to support terrorists, is not beneficial to the United States or the Western bloc and is not beneficial to lowering tensions between the Soviets and those in the free world.

I would submit that such practices can only serve to make the world a less stable place.

The loaning of billions of dollars to the Soviet Union with no restrictions, no strings, I think in the final analysis is a destabilizing act on the part of our Western allies.

Perhaps the most vexing concern of these united loans by our allies to the Soviets is that the more the West extends credit to the Soviets and to the Eastern bloc, the more leverage the Soviet Union will begin to exert over the West and certainly over Western banks.

I remember years ago a wise old business friend counseled me. He said, "Do not go to the bank and borrow $10,000. If you are going to borrow money, go to the bank and borrow $1 million."

He went on to say, "If you just borrow $10,000, the man who owns the bank thinks he can call your loan at any time and you are subject to pressure and indeed even ridicule on occasion, but if you owe the bank $1 million, then you are going to be welcomed at the bank as a friend because you owe the bank so much money that they feel they have to incur your good will and would be very unwilling to call a loan that they feel perhaps you might not be able to pay."

The point of the story is that you reach a point where the debtor can exert undue leverage over those who have extended credit.

So, the practices of our allies to extend billions of dollars in these untied loans to the Soviet Union is adding to the cost of the free world.

If our allies were serious about responding to the burden-sharing concerns of the Congress and the American people, they could give us a signal of their sincerity by stopping the practice of untied loans. That is the purpose of this amendment.

I have been pleased to work with the distinguished Senator from New Jersey, Mr. Bradley, who has taken a leadership role in the whole question of East-West finance and to expand the amendment to include trade credits, lines of credits, and other subsidies.

What we seek to do is to urge the administration to come up with a firm and consistent policy on these issues and to raise these issues as a matter of concern during the Toronto summit next week.

Mr. President, I yield the floor.

Mr. NICKLES. Mr. President, I wish to compliment my friend and colleague, Senator Sasser, for this sense-of-the-Senate resolution. I think he is bringing out some points that need to be brought before the Senate and also before the Toronto summit, so I compliment him. I ask unanimous consent to be made a cosponsor. We certainly have no objection on this side of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRADLEY. Mr. President, I am pleased to join with the distinguished Senator from Tennessee in offering this amendment. I believe this is a very important provision. It initiates a consultative process to develop a comprehensive rather than a unilateral approach toward the management of Western capital as a strategic asset in its dealings with the East. Today is a time of change in East-West relations. We have an unprecedented opportunity to lower tensions and reduce the risk of a confrontation that could lead to nuclear war. Mikhail Gorbachev is calling for systemic economic reform that, if implemented, could profoundly change the Soviet Union.

From the West's standpoint, the most important consideration is whether Soviet reform will lead to a shift of resources away from military pursuits and toward improving the standard of living of the Soviet people.

While these decisions will be made by the Soviets themselves, I believe the West has a new opportunity to nudge along the reform process. But we can do so only if we recognize and use our own economic vitality as a strategic asset. This means that an effective Western strategy must have an economic as well as a military component. That strategy must recognize that the unconditional and unquestioned availability of Western capital to adversaries can threaten Western security interests. It must recognize that Western capital can be used to finance military and political activities of our adversaries that add to Western defense burdens. It must recognize that access to Western capital can free up resources for military pursuits that otherwise would finance improvements in living standards in these countries. In sum, an effective strategy must recognize that without Western capital and technology, our adversaries can increase domestic investment and consumption only by reducing their military spending or through dramatic structural reform with gigantic efficiency gains.

But the United States must understand that such a strategy requires a coordinated effort on the part of the United States, Western Europe, and Japan. Piecemeal attempts to pressure the Soviets and Eastern Europe into allocating fewer resources to military pursuits are doomed to failure and risk dividing the West.

I congratulate the Senator from Tennessee for recognizing the critical relationship between economic policy and Western security interests and for urging the President to work with allied governments in developing a coordinated Western approach to providing loans, credits, direct investments, and other means of access to international capital markets to the U.S.S.R., Eastern Europe, Cuba, Vietnam, Libya, and Nicaragua.

Mr. SASSER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Rhode Island [Mr. Pell] is necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. Pell] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. McCain] and the Senator from Utah [Mr. Stafford] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

YEAS—96

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Wirth

NOT VOTING—4

Biden
McCain
Pell
Stafford

So the amendment (No. 2367) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SPECTER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2368

(Purpose: To deny funds for construction projects that use the services of a contractor or subcontractor of a foreign country that denies fair and equitable access to United States products and services in construction projects in that foreign country)

Mr. **MURKOWSKI.** Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER.** The amendment will be stated.

The bill clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 2368.

Mr. **MURKOWSKI.** Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

SEC. ——. (a)(1) None of the funds appropriated by this Act may be obligated or expended to enter into any contract for the construction, alteration, or repair of any public building or public work in the United States or any territory or possession of the United States with any contractor or subcontractor of a foreign country, or any supplier of products of a foreign country, during any period in which such foreign country is listed by the United States Trade Representative under subsection (c) of this section.

(2) The President or the head of a Federal agency administering the funds for the construction, alteration, or repair may waive the restrictions of paragraph (1) of this subsection with respect to an individual contract if the President or the head of such agency determines that such action is necessary for the public interest. The authority of the President or the head of a Federal agency under this paragraph may not be delegated. The President or the head of a Federal agency waiving such restrictions shall, within 10 days, publish a notice thereof in the Federal Register describing in detail the contract involved and the reason for granting the waiver.

(b)(1) Not later than 30 days after the date of enactment of this Act, the United States Trade Representative shall make a determination with respect to each foreign country of whether such foreign country—

(A) denies fair and equitable market opportunities for products and services of the United States in procurement, or

(B) denies fair and equitable market opportunities for products and services of the United States in bidding,

for construction projects that cost more than $500,000 and are funded (in whole or in part) by the government of such foreign country or by an entity controlled directly or indirectly by such foreign country.

(2) In making determinations under paragraph (1), the United States Trade Representative shall take into account information obtained in preparing the report submitted under section 181(b) of the Trade Act of 1974 and such other information or evidence concerning discrimination in construction projects against United States products and services that are available.

(c)(1) The United States Trade Representative shall maintain a list of each foreign country which—

(A) denies fair and equitable market opportunities for products and services of the United States in procurement, or

(B) denies fair and equitable market opportunities for products and services of the United States in bidding,

for construction projects that cost more than $500,000 and are funded (in whole or in part) by the government of such foreign country or by an entity controlled directly or indirectly by such foreign country.

(2) Any foreign country that is initially listed or that is added to the list maintained under paragraph (1) shall remain on the list until—

(A) such country removes the barriers in construction projects to United States products and services;

(B) such country submits to the United States Trade Representative evidence demonstrating that such barriers have been removed; and

(C) the United States Trade Representative conducts an investigation to verify independently that such barriers have been removed and submits, at least 30 days before granting any such waiver, a report to each House of the Congress identifying the barriers and describing the actions taken to remove them.

(3) The United States Trade Representative shall publish in the Federal Register the entire list required under paragraph (1) and shall publish in the Federal Register any modifications to such list that are made after publication of the original list.

(d) For purposes of this section—

(1) The term "foreign country" includes any foreign instrumentality. Each territory or possession of a foreign country that is administered separately for customs purposes shall be treated as a separate foreign country.

(2) Any contractor or subcontractor that is a citizen or national of a foreign country, or is controlled directly or indirectly by citizens or nationals of a foreign country, shall be considered to be a contractor or subcontractor of such foreign country.

(3) Subject to paragraph (4), any product that is produced or manufactured (in whole or in substantial part) in a foreign country shall be considered to be a product of such foreign country.

(4) The restrictions of subsection (a)(1) shall not prohibit the use, in the construction, alteration, or repair of a public building or public work, of vehicles or construction equipment of a foreign country.

(5) The terms "contractor" and "subcontractor" includes any person performing any architectural, engineering, or other services directly related to the preparation for or performance of the construction, alteration, or repair.

(e) Paragraph (a)(1) of this section shall not apply to contracts entered into prior to the date of enactment of this Act.

(f) The provisions of this section are in addition to, and do not limit or supersede, any other restrictions contained in any other Federal law.

Mr. **MURKOWSKI.** Mr. President, a similar amendment was offered last year, applying to all federally funded projects included in the continuing resolution for fiscal year 1988. It was passed by the Senate as part of the Milcon appropriations bill.

What this does, Mr. President, is simply address the issue of reciprocity in public works and construction projects, military construction, and so forth. It states that if a country maintains its markets open to U.S. participation, then we will continue reciprocity. It is an issue that has been discussed with the majority and minority, the Senator from Tennessee and Senator from Pennsylvania. I do not believe there is any objection to it at this time.

Mr. **SASSER.** Mr. President, the Senator from Alaska is correct. We will accept his amendment.

Mr. **SPECTER.** Mr. President, I concur with what the distinguished Senator from Alaska said. I think it is a good amendment and goes to a very important issue on reciprocity. I am pleased to support it and indicate, in my position as ranking member, acceptance of it.

The **PRESIDING OFFICER.** Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2368) was agreed to.

Mr. **MURKOWSKI.** Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. **SPECTER.** I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The **PRESIDING OFFICER.** The Senator from Tennessee.

Mr. **SASSER.** Mr. President, I believe that concludes all known amendments to this military construction bill. I want to thank all Senators for their help and cooperation. Again, I want to especially thank the ranking member for his support during the consideration.

The **PRESIDING OFFICER.** The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading of the bill.

The bill (H.R. 4586) was ordered to a third reading and was read the third time.

Mr. **SASSER.** Mr. President, I ask for the yeas and nays.

The **PRESIDING OFFICER.** Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The **PRESIDING OFFICER.** If there is no further debate, the question is on the passage of the bill.

Mr. **BYRD.** Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **DOMENICI.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico.

Mr. DOMENICI. I rise in support of the military construction bill as reported. It is my understanding, with reference to the allocation to this committee, this bill is under the allocation by a substantial amount of money but I also understand that the counterpart House bill and this bill have a significant number of disparities in the hundreds of millions of dollars.

What I gather is that it is the intention to go to conference and when the differences are resolved we will probably be close to the economic summit agreement with reference to the funding of this function.

I only state this because obviously there is a standing understanding that we will not have supplementals unless they are in an emergency and I understand from the chairman that that is not why this is underfunded. It is not contemplated.

I have a statement explaining that in more detail.

Mr. President, I rise in support of the military construction appropriations bill reported by the Senate Appropriations Committee.

I would like to commend my distinguished colleague, the Senator from Tennessee, and the members of the subcommittee, for producing a bill that is consistent with the budget resolution.

The bill as reported provides $8.5 billion in budget authority and $2.5 billion in new outlays for the Department of Defense to be used for military construction and family housing in fiscal year 1989.

Taking into account outlays from prior-year budget authority and other adjustments, the Military Construction Subcommittee is well within its section 302(b) allocation.

I would note that the subcommittee has withheld appropriations of $250 million to be used for supplementals to support projects deferred by the committee for later action and to provide flexibility in resolving differences between the House and Senate bills in conference.

I anticipate that when the conference on this bill is completed, the final outcome will be fully consistent with the budget summit agreement for function 050 defense spending associated with the subcommittee.

I would simply remind my colleagues that as part of the budget summit agreement, the President and the Congress agreed that they will request no supplementals except in cases of dire emergency.

I congratulate the chairman and ranking member on this bill and thank them for the good work they did and the consideration given to the New Mexico projects contained in it.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I compliment the managers of their adept and skillful handling of this bill through the process of hearings, markups, and management on the floor.

I also congratulate them, in particular, on the skillful handling of the amendment which was very controversial.

I am going back home tonight and read the old story of Solomon, how he had to settle a matter. I am not so sure they did not even exceed him in this instance.

I suggest the absence of a quorum. It is for the purpose of alerting Senators that a 15-minute rollcall vote is about to begin.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question occurs on the bill, as amended. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Louisiana [Mr. Johnston] and the Senator from Rhode Island [Mr. Pell] are necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. Pell] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. McCain] and the Senator from California [Mr. Wilson] are necessarily absent.

I further announce that, if present and voting, the Senator from Arizona [Mr. McCain] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 2, as follows:

[Rollcall Vote No. 184 Leg.]

YEAS—93

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Inouye
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wirth

NAYS—2

Humphrey
Proxmire

NOT VOTING—5

Biden
Johnston
McCain
Pell
Wilson

So the bill (H.R. 4586), as amended, passed.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, I move that the Senate insist on its amendments to the bill H.R. 4586.

The PRESIDING OFFICER. If the Senator will suspend, the Senate is not in order. The Senator from Tennessee is entitled to be heard.

The Senator from Tennessee.

Mr. SASSER. I thank the Chair.

Mr. President, I move that the Senate insist on its amendments to the bill H.R. 4586, and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. Shelby) appointed, Mr. Sasser, Mr. Inouye, Mr. Proxmire, Mr. Reid, Mr. Stennis, Mr. Specter, Mr. Garn, Mr. Stevens, and Mr. Hatfield conferees on the part of the Senate.

Mr. SASSER. Mr. President, I thank the Chair.

MOTION TO PROCEED TO THE CONSIDERATION OF H.R. 3251

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Ms. Mikulski). The majority leader.

Mr. BYRD. Madam President, the pending business before the Senate is the welfare reform bill. But as I understand it the discussions are continuing with respect to working out some matters in relation to that bill.

So that the Senate will not be in a quorum or recess, if we can I would like for the Senate to go to another bill so that we could continue our multiple-track programs. We are making good progress. I do not know how much progress will be made on this particular motion, but I would like to try to take up the bill H.R. 3251. That is Calendar Order No. 730 on the calendar, an act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the United States Congress.

Madam President, I am going to ask unanimous consent, first of all, that the Senate proceed to the immediate consideration of Calendar Order No. 730. I ask unanimous consent.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. Yes. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Madam President, I will shortly yield the floor. But I want to make the motion to proceed, and I do now make the motion to proceed. I understand the concerns of the Senators who are objecting at the moment. The motion to proceed is debatable of course. But I do feel that I must make that motion. The chairman of the committee, Mr. PROXMIRE, is here, Mr. GARN as I understand it is the ranking member and he will be here shortly. They both feel that we should proceed if possible to take up that bill. I likewise feel the same way. But I understand the rights of all Senators and they will be respected.

I move therefore, Madam President, that the Senate proceed to the consideration of Calendar Order No. 730, H.R. 3251.

The PRESIDING OFFICER. The question is on the motion to proceed.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Madam President, I will resist the motion to proceed not because of the matter which is being called before us which is a relatively noncontroversial coin bill but rather because of the amendment which I anticipate will be added to this legislation and the significance of that amendment in terms of our ability to deal with a very serious national issue, the state of our thrift industry. Essentially, Madam President, what I believe the procedure is intended to be is an amendment to be offered to this bill which will provide for an extension of an existing moratorium prohibiting institutions which are currently insured by the FSLIC, or Federal Savings and Loan Insurance Corporation, from moving as they would otherwise be eligible to do to be insured by the insurance agency for commercial banks, the FDIC.

Madam President, on its own it is not a bad idea to extend that moratorium so that we will avoid a run of institutions from the FSLIC into the FDIC. My concern is that it is that extension of the moratorium bill that is the only vehicle likely to be available to this Congress before we adjourn in October to give us a means of dealing with the more fundamental problems of the thrift industry.

Madam President, at this time I would like to ask unanimous consent to have printed in the RECORD an article from the current June 20, 1988 issue of Newsweek on "The Thrift Crisis, Going for Broke".

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE THRIFT CRISIS, GOING FOR BROKE

This could be the stuff of financial panic. Every week or so, somewhere in the nation, another troubled savings and loan association is either liquidated or taken over by a stronger institution. Remarkably, American savers seem to be taking it all in stride. When federal regulators closed down American Diversified Savings Bank and North America Savings and Loan Association in southern California last week, depositors simply reclaimed $1.35 billion of their money—the largest cash payoff in U.S. banking history. Depositor Joan Steen, a Huntington Beach marketing consultant, got to her thrift 45 minutes before its 9 a.m. opening; by 9:45 she was on her way out with a check for $90,000 tucked in her purse. "I chuckled to myself about it," she says. "They were not only validating parking tickets, they were also serving coffee and doughnuts."

Savers can afford to be calm, since accounts of up to $100,000 are guaranteed by the federal government. The nervous flutters are felt at the thrifts themselves and at the Federal Home Loan Bank Board, which regulates them. About one in six of the country's more than 3,100 thrifts is technically insolvent and about one in three is losing money. The losses are huge: a total of $13.4 billion in red ink was spilled in 1987, more than double the $6.6 billion in earnings reported by the profitable S&L's.

Many of the losers have little hope of ever recovering their health—experts refer to them as the "walking dead." That's especially true in Texas, where a number of thrifts were run into the ground by inept or even crooked operators who got rich on questionable schemes (page 42). Nationwide, the plight of the S&L's will get still worse if forecasts of rising interest rates and then a recession in 1989 come true. The only solution for most of these shaky thrifts is a government takeover. But current bailout funds, provided by the Federal Savings and Loan Insurance Corp., may be far from adequate. And while they struggle to survive, the troubled thrifts continue to lose money. "The problems in the S&L industry haven't been this widespread since the 1930s," says Wall Street analyst Henry Peltz of Keefe, Bruyette & Woods.

In the case of the two California thrifts that failed last week, FSLIC is paying $1.1 billion to American Diversified's depositors and an additional $209 million to North America's. (Regulators hope to reduce their total losses to $931 million through the sale of the thrifts' assets.) The two institutions, which shared the same sleek office building in Costa Mesa, Calif., typify much of what has gone wrong in the savings business: inexperienced management, freewheeling investment policies and overblown interest rates.

American Diversified was run by Ranbir Sahni, a former pilot in the Indian Air Force. North America was owned by Duayne Christensen, a dentist. Both thrifts solicited deposits by telephone, offering interest rates of more than 8.5 percent as a lure. FSLIC took over American Diversified in 1986, accusing Sahni of mismanagement; he denied the charges and said the government didn't understand his strategy. Among Sahni's investments: wind farms and ethanol plants. At one point, the bank board declared 98 percent of North America's loans were bad; when regulators took over in 1987, Christensen was killed in a car crash the same day. FSLIC is now seeking a fraud judgment against his estate and a former associate (who denied the charges).

PONZI SCHEME

Blame for the crisis may lie partly with Congress. In 1982 it deregulated thrifts, letting them diversify beyond the home-mortgage business. The move seemed reasonable: the thrifts were in trouble then because the interest they paid to attract deposits exceeded what they were earning on their mortgages. In theory, income from other types of business would put them back in the black. The states deregulated, too, notably Texas and California, where most of the failures are concentrated. In Texas the situation was exacerbated by the plight of the oil industry: when the price of oil plummeted, taking real estate with it, many Texas S&L's were stuck hopelessly in the red.

Last year Congress tried again, authorizing FSLIC to sell $10.8 billion in new bonds to renew the rescue fund. It wasn't enough. Without adequate cash to liquidate losers or get them in shape for a sale or merger, FSLIC had no choice but to take over thrifts or leave them in the hands of the same managers who led them astray. And thanks to federal deposit insurance, even the worst losers usually managed to stay afloat by offering higher interest rates than solvent thrifts did. Crafty savers knew the lofty rates reflected financial weakness, but they also knew that each account was guaranteed by the government. Analyst Bert Ely says some S&L's are running, in effect, "a government-sanctioned Ponzi scheme," soliciting new deposits to pay interest on existing ones.

Joan Steen was one of these "rate chasers." Her account at North America was earning about 1 percentage point more than average, but then she switched to American Diversified last month to get a still better rate. John Woolley an Orange County Superior Court judge, was playing the same game on behalf of his 73-year-old mother. "She lives off the interest, so you try to get the most you can," he says. "Anybody would."

The regulators are helpless to stop thrift failures unless they can raise enough money. Unfortunately, nobody really knows how much is needed. FSLIC appears to have sufficient funds to dispose of the 259 "hopelessly insolvent" thrifts on its books, a job expected to cost $17.4 billion. But whether it can handle the other 256 thrifts likely to fall into its lap is another question. FSLIC says the second tier of cases can be settled for $5.3 billion (the thrifts in deepest trouble are being dealt with first, so the second phase will cost less). FHLBB chairman M. Danny Wall says "There is no question we have the resources" to deal with all the problem thrifts by the end of 1991.

HUGE SHORTFALL

The General Accounting Office, however, claims the second phase might cost as much as $19 billion. Among other things, GAO says the insurance agency overestimated its revenues, which are based in part on S&L deposits. FSLIC says deposits will rise at their historic rate of 7 percent a year, even though growth has missed that mark in each of the past three years. GAO also says that FSLIC underestimates the number of thrifts it will have to liquidate. Eugene Sherman, chief economist for the Federal Home Loan Bank Board of New York, says the shortfall could run anywhere from $10 billion to $25 billion.

Alarmed by that crushing load, some analysts suggest that FSLIC boost the rescue kitty by merging with the Federal Deposit Insurance Corp., which insures accounts at commercial banks. That strikes most experts as being basically unfair and unworkable, however. Banks, too, are now failing at a higher rate than at any time since the Depression, thanks to iffy Third World and commercial real-estate loans, and the FDIC may not have much money to spare. Who will pay for the S&L bailout? "It is ultimately going to have to come from the taxpayer," says Sherman. "There's no way around it." But Washington wants to cut federal spending, not increase it. Key congressional figures now admit more help is needed, but the problem is so sticky it probably will be passed on to the next administration and Congress. Meanwhile, the cost of saving the S&L's keeps rising—just like compound interest.

Mr. GRAHAM. Madam President, the concluding paragraph of that article states:

Key congressional figures now admit more help is needed, but the problem is so sticky it probably will be passed on to the next administration and Congress. Meanwhile, the cost of saving the S&L's keeps rising—just like compound interest.

Madam President, what I believe we ought to do is not consider this legislation to extend the moratorium at this time, but rather to present to the Senate and to our colleagues in the House of Representatives a more comprehensive set of proposals which at least will suture the hemorrhaging which is currently going on in the thrift industry, an industry behind which every deposit of up to $100,000 the Federal Government has placed its full faith and credit.

We had testimony recently before the committee which estimated that the current deficit in the insurance fund ranges from a low estimate of $20 billion to a high estimate of $60 billion, and projections that those numbers will escalate if this problem is not dealt with.

There is going to be a simple solution. I believe, however, Madam President, that there are some steps that we could take particularly removing the current incentive of the $100,000 insurance, and the tremendous range of powers available that these institutions have afforded them—the current incentive which is to speculate, to engage in risky activities, to understand that the way in which the industry is currently structured profits can be profitized, losses will be socialized, through the FSLIC system to the taxpayers of this country.

I do not believe that this Congress can stand by and see this situation continue to deteriorate. I believe we should not proceed to this legislation today, that we should readdress this issue on an expedited basis and that we can present to this Senate a more comprehensive set of proposals that will give us some hope that at least the scale of the problem will be contained.

Thank you, Madam President.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Madam President, I commend my distinguished friend from Florida for his statement today. And I join with him in expressing grave reservations about moving forward today on this so-called coin bill.

He is quite correct that this may very well be the last vehicle moving through this body this year in which we would be able to deal with the whole problem of the thrift industry.

We have heard testimony before the Banking Committee to the effect that the liability of the Federal Savings and Loan Insurance Corporation could range anywhere from $30 billion to a figure in excess of $60 billion. The present assets of the Federal Savings and Loan Insurance Corporation, after the recent liquidation of a large S&L in California and a small one, stand at about $1.5 billion.

The full faith and credit of the U.S. Government—indeed, the full faith and credit of the taxpayers of this country—stand behind FSLIC for deposits of up to $100,000, as the Senate from Florida indicated. Ultimately, this will be or could be a liability that would be imposed on the taxpayers of this country.

I feel strongly that before we get into the issue today of extending the moratorium which presently prevents financial institutions from transferring from the Federal Savings and Loan Insurance Corporation to the Federal Depositors Corporation, this matter should be discussed fully in the Banking Committee. I believe that we might be better served and the public interest might be better served if there were an in-dept discussion in the Banking Committee, and perhaps even more testimony was taken. I believe that should be done before we move today to extend this moratorium.

I might say, though, that there are other issues involved as well. First, there are some institutions across this country, in the thrift industry, that have bargained in good faith in reliance on this moratorium expiring. Should we consider this today and, most important, should the moratorium be extended today, this would do damage to those institutions that have relied in good faith on the fact that the moratorium would not be extended. Indeed, one in my State has relied in good faith on statements made by the staff of the Senate Banking Committee that the moratorium will not be extended, or indicating how they might conform with their desire to move from FSLIC into the FDIC, in the event the moratorium was extended.

So, this is a matter of some considerable moment—not just for those in the thrift industry, but of considerable moment to the overall economy of this country.

I am very concerned when I hear testimony that the liability of FSLIC may be as high as $60 billion, when their assets today stand at $1.5 billion. I am very concerned when I hear testimony that perhaps we really do not know what the liability of FSLIC is. I am very concerned when I hear stories that 70 banks could fail in one State this year, when we know that the entire assets of the FDIC stand at somewhere in the neighborhood of $17 billion.

In my judgment, we could very well be on the edge of a crisis in the financial structure of this country in the not-too-distant future. We may very well find ourselves in need of a vehicle to move such legislation through here expeditiously, to deal with that crisis.

For all those reasons, Madam President, I think the move today to deal with the whole question of the moratorium on this particular bill is ill-considered. Most important, I think the condition of FSLIC should be considered in the Senate Banking Committee. The situation, we are advised, is becoming worse every day.

For those reasons, Madam President, I rise my voice in support of the Senator from Florida, in his objection to moving to proceed to this bill today.

Mr. D'AMATO. Madam President, I, too, am tremendously concerned with the problem of adequate capital in the thrift industry, in FSLIC.

It seems to me that we can do a number of things. We can help exacerbate that problem and I think we have unintentionally done exactly that. Were it to be known, the fact is that FDIC and those depository institutions which have insurance as it relates to capital, as it relates to potential liabilities, as it relates to actual value, certainly precarious in regard to that value—it may be shocking to some; and I am not going to ask for the General Accounting Office to make a study. I think that if it were made, it would find that their situation, as it relates to outstanding Third World debts, outstanding obligations that will never be paid, would put us in a substantially negative balance—substantially—well over the asset structure of the institutions themselves, and certainly dwarfing the $17 billion that FSLIC has.

I find it rather difficult to believe that, when we have at least $1.5 billion to $2 billion that can be added to the capital of thrift institutions—the area that my colleagues have rightfully said is in deep trouble—we could not put on this floor and pass a simple bill that literally deals with one provision that places the restriction on the sale of preferred stock of Freddie Mac. That provision says that the stock can only be sold to thrift institutions.

There are 15 million shares of stock that are trading at least 100 points below value which are owned by 2,900 of the 3,100 thrifts that my colleagues on the floor complain are in dire consequences. By lifting this restriction and by saying that there should be no impediment to the sale of those 15 million shares of preferred stock, we could pump into these banks at least $1.5 billion.

Let me make a point:

You can say, "Well, that is easy. Senator, how did you come to that?"

That is a minimum of $1½ billion, maybe $2 billion.

This stock has been trading historically in the area of 42 to 60 points. When last week we offered a bill that would free up and let this stock be traded on the open market, the shares went to, I understand, above 60; some tell me they have been trading between 80 and 90 just on the possibility of this restriction taking place.

The shares pay $18 as a dividend. There would not be a money manager in America who would not at the value of $100 be willing to buy these shares and that would give him a return of 18 percent. That is pretty good. And there probably would not be too many at $125 who would not buy this stock.

But the fact of the matter is that for whatever reason we have not had the kind of attitude that says, "Let's do this and let's do it now."

The board that controls this has not come forth, although the President of Freddie Mac has said this should be done. It is an immediate infusion of a $1.5 billion to $2 billion into these institutions.

There is absolutely no logical reason except for the fact that some people in their own way would like to maybe use this $1.5 billion to $2 billion in some kind of grand scheme, instead of allowing those people who own the stock now, these thrift institutions, to get the real value of what this stock is.

I would like to know, and I address the question to the chairman and anybody else managing the bill, why it is that we cannot have consideration, have this as an amendment to this bill, and have it go through? It should go through.

And do you want to know something? I do not hold the Home Loan Bank Board as the sole criteria for making judgments. We are elected here and I have to say let the free capital system work. Here is a stock that is tremendously undervalued as a result of the restriction that says it can only be traded among the institutions. If we care for those institutions I suggest that we eliminate that restriction. Let that stock seek its value. Let those institutions benefit by $1½ billion to $2 billion. That is a lot of money. But who are we to prevent that?

Mr. PROXMIRE. Madam President, will the Senator yield?

Mr. D'AMATO. I yield for a question, certainly.

Mr. PROXMIRE. I thought the Senator was asking me a question.

Mr. D'AMATO. Yes; I would like to propose that question to the chairman, Chairman PROXMIRE. If it does not seem an incredible inconsistency to prevent these very thrifts that are experiencing the difficulties from allowing the free market to work in this system.

Mr. PROXMIRE. May I say to my good friend, I think there is considerable merit in his suggestion. I might very well favor it, but I think we should have hearings on it. It is controversial. There are people who dispute the views of the distinguished Senator from New York. We have not had 1 minute of hearings on the issue, and I will be delighted as chairman of the committee to move ahead and have those hearings. But until we have them, until we have a record, until we know precisely what the situation is on the basis of expert testimony, I think we would be irresponsible to adopt the proposal, although we all have great faith, admiration, and respect for the Senator from New York.

Mr. D'AMATO. I would say that while I have great respect for my friend and colleague, the chairman of the Banking Committee, I have discussed it with a number of people, and it simply seems to me that there is no really good reason why we would not want to lift this restriction and if somebody can offer me a reason why it should not be done I might be willing to reconsider.

I would like to know why it is, what useful purpose which restricts——

Mr. PROXMIRE. I would be happy to answer the distinguished Senator from New York. The fact is that the Federal Home Loan Bank Board, which is eminently familiar with this area, opposes the proposal and says it would be a mistake. We think we ought to give the Bank Board a chance to come in and testify before the Senate takes up the proposal. We have not heard from them, except their objections. We have not heard a detailed explanation on the record of why they are opposed to it. I think we should do that. I think it would be a mistake for us to run roughshod over the Bank Board on this issue.

Mr. D'AMATO. Let me respond, if I might: the fact is that this is a Bank Board regulation. I would not expect the Bank Board to say, "Yes, this is a regulation that doesn't make sense."

I want to tell you it does not make sense to restrict this stock which is nonvoting, which is preferred stock, which pays a dividend of $18, which has historically traded in the area of $40 to $42. By the way, it has gone up to $82 and already created $300 million in additional capital for these banks.

Mr. PROXMIRE. What is wrong with giving the Bank Board its day in court? We can do that now.

Mr. D'AMATO. When will the day be, how will it be, when will we hold it? Will it be one of these ad infinitum kinds of situations, because I do not want to lend myself to that, to be very candid.

Mr. PROXMIRE. No; we are not seeking to delay it. We want to have the record before us; we want to know what we are doing.

Mr. GARN. Madam President, if the Senator will yield for a comment, I will interject myself into the middle of this and only correct the chairman slightly.

The Federal Home Loan Bank Board is not necessarily against this. They are considering changes in the regulation and have taken no position for or against it.

But I would say to my colleague from New York that I may agree with what he is saying. In fact, I tend in that direction. But I certainly do not think it is wise to proceed today on this bill without having had the opportunity to hear the opposing viewpoints.

I would expect in the final analysis to probably be in favor of making the stock public, but I do not think we can deal with an issue that is this important and this complex on a bill that surprised us all. In fact, that is why I was late getting here and have not even made an opening statement on the bill yet.

I certainly would support the chairman in scheduling hearings as soon as possible, and I see no reason why we could not schedule those hearings and after the hearings are completed schedule a markup on the bill introduced by the Senator from New York. But I am intruding on the Senator's time now. I will expand more fully on the bill before us and what we are attempting to do today when I get a chance to make my opening statement.

Mr. D'AMATO. Madam President, I feel very strongly, and there is absolutely no reason to continue a policy which is flawed.

There is absolutely no explanation and nobody can come to this floor, I do not believe, with any kind of statement that says there is something wrong with this.

There is something wrong with the regulation that restricts the trading and the sale of this stock at the present time to the thrift institutions.

Indeed, the National Council on Savings Institutions supports this bill. The U.S. League, although it has not yet taken a firm position, seems to be coming out as it relates to positive support for this bill.

I am not opposed to getting the view of the Federal Home Loan Bank Board, and I have already gotten some kind of hint that this amendment is technically flawed. It is a very, very, very simple amendment. It says that section 306(f) of the Federal Home Loan Mortgage Corporation Act is amended by adding at the end of that section the following: The board shall remove the ownership restrictions placed on nonvoting preferred stock issued on December 31, 1984.

This is a stock that is paying $18 a share dividend that is being traded at $60. It should be trading at $180, but as a result of this restriction the only people who can buy it are member banks and you have 2,900 out of the 3,100.

Let me tell you: we have enough very smart, sophisticated lawyers right here on this floor who are familiar with this who can say, "Senator, here is the technical deficiency."

Give me the deficiency. Do we really have to hear the expert testimony of the Bank Board to know whether or not we should be doing this or not?

Instead of denigrating the FSLIC, instead of talking about the deficiencies that exist, instead of creating more in the way of fear and trepidation, I would suggest to you that is exactly what has been going on at the Banking Committee hearings, "Oh, get a new GAO study—60 billion, 80 billion, 120 billion."

As the value of the land goes up, the deficit goes down as it relates to what might be owed. If energy prices move up and those areas become stronger, why it goes down.

I dare you to do the same thing with the FDIC. I dare you to do it with the foreign loans that we owe.

Do you want to create a crisis in this country? It is based on faith. It is based on this body and the Congress having the ability to understand our banking system is one that, yes, we are going to support, and we do not need the kinds of people who rush to the floor and say, "I am opposed to the bailout" because you are going to be bailing them out if indeed circumstances create that.

And so, while I want to be cooperative, I have not had the kind of incentive placed before the Senator as it relates to a time certain for a hearing and moving this bill. As a matter of fact, I have heard "Well, we will hold a hearing; I might be supportive," et cetera.

I would like to know—we have very distinguished counsel here on this floor—where is the technical deficiency? There may be one. There may be. I am willing to modify it. And, indeed, if this bill comes into fruition and frees up maybe $2 billion or more for these ailing institutions to utilize, I would like to know what is wrong with that. Certainly there is no one who can personally profit except those institutions who own the stocks. And there are 3,100 of them who have the potential. And when we lift that cap up, let that free enterprise system that I have heard the chairman of the Banking Committee speak about so often come into fruition. And if you get an increase of $1 billion or $2 billion as it relates to the capital that these institutions hold, it is that much less, if indeed the direct consequences come, that the taxpayer has to put into the system.

Mr. PROXMIRE addressed the Chair.

Mr. D'AMATO. I am willing to respond.

Mr. PROXMIRE. I thought the Senator had yielded the floor.

Mr. D'AMATO. I yield the floor. I intend to offer the amendment, unless there can be some manner of dealing with this.

Mr. PROXMIRE. Madam President, I think so far neither the manager of the bill nor the Republican manager has had an opportunity to speak at all on this bill except in response to questions directed to us. So I would appreciate it if I could speak briefly and if Senator GARN could have an opportunity to speak.

First, let me say to my friend from New York, that if he will defer offering his amendment today I can pledge that we will have hearings within 2 weeks and a markup within 4 weeks on this proposal.

Having said that, let me just say a word first about the underlying coin bill. This is a bill that would authorize the mint to strike commemorative coins to honor the bicentennial of the Congress. This bill was introduced in the House by Representative FASCELL and was passed by the full House last September, nearly a year ago.

Many people do not realize that our Government did not actually begin under the Constitution until Congress assembled on March 4, 1789. The bill before us would authorize $5 gold pieces, $1 silver pieces, and 50-cent pieces in commemoration of that event to be issued in 1989. There will be no net cost to the Government for this program. All proceeds from the surcharges collected from the sale of these coins will be deposited in the general fund of the Treasury and be used to reduce the national debt.

Now, let me say something about the amendment which Senator GARN and I will offer to the bill to provide for a 1-year extension of the moratorium on thrift institutions withdrawing from the FSLIC.

Madam President, last year, the Congress authorized the Federal Savings and Loan Insurance Corporation to borrow $10.8 billion to close insolvent savings and loan associations. The borrowing would take place, we understood, over 3 years or so.

At that time, the Congress imposed a 1-year moratorium on savings and loan associations leaving the Federal Savings and Loan Insurance Corporation. That moratorium expires on August 10, less than 2 months from now.

Several weeks ago, the chairman of the Home Loan Bank Board requested a 1-year extension of the moratorium. Madam President, extension of the moratorium is critical, essential, to preserve the finances of the Federal Savings and Loan Insurance Corporation. Otherwise, the healthy savings and loans will leave the system and the taxpayer will be stuck with the bill for closing the insolvent S&L's. It is urgent that we act today before we are faced with pressure from many institutions who will clamor for special exceptions from the moratorium. Once we make a single exception, we will open the floodgates to dozens of institutions' demanding similar treatment. We have already seen how requests for exceptions were made on the floor before the managers could even make their opening statements.

Extending the moratorium for 1 year will give the next Congress and the next administration a chance to consider a solution to the thrift problem in an orderly way.

Madam President, this is a grave serious problem. Experts testifying before the committee have estimated that the cost of rescuing the thrifts at from $26 billion to $64 billion—not million—$64 billion, an enormous sum. And, of course, the cost could go higher.

The Senator from Florida put in the RECORD an excellent article from Newsweek. I put into the RECORD on Monday an article from the New York Times, one of the best articles analyzing a financial situation that I have read in the 30 years I have been here. I put that in on Monday. I spoke about the issue at some length yesterday and on Friday.

I am well aware, as is the distinguished Senator from Utah, of the problems of the Federal Savings and Loan Insurance Corporation.

Madam President, this is something that we need to consider in detail. The prospects for enacting a comprehensive bill to solve these problems by

August 10 are nil, zero, zip. It isn't going to happen.

On the other hand, we simply have to extend the moratorium, because if we do not FSLIC will be in very serious trouble.

All of the people who have spoken so far are on the Banking Committee. We are all anxious to move. I think we will have further hearings and markup sessions. We'll act on the distinguished Senator from New York's proposal.

But I think we should do so with all the evidence before us. It is a very, very big problem for us. I cannot think of anything more difficult than $60 billion, or whatever it is, hit on our Treasury coming on top of our enormous deficits and huge national debt.

Madam President, I yield the floor.

Mr. GARN. Madam President, I am entirely sympathetic with the Senator from New York and others who wish to attack amendments to this coinage bill. I think it is important that our colleagues understand the background of why Chairman PROXMIRE and I are asking that this moratorium to be extended for 1 year with no changes whatsoever. It is a simple change of the date, nothing else, to the moratorium provision that was passed last year.

In order to make my colleagues aware of how important it is that this moratorium be extended, in the spring of 1986, I introduced a comprehensive banking bill. I felt very strongly about passing that particular bill. Chairman PROXMIRE, then the ranking Democrat on the committee, supported me in that effort.

Part of that comprehensive bill was a provision to recapitalize FSLIC to the tune of $15 billion. And, mind you, that was 2 years ago. We had figures at that time that indicated that FSLIC was losing millions every day, including Saturdays and Sundays 365 days a year. All of the regulators and the Reagan administration were pushing me to back off my comprehensive bill and just go with FSLIC recap.

Finally, in the summer, we all agreed that the bill would continue to drag on through the end of the Congress, and even if it did pass the Senate it would probably have great difficulty passing the House of Representatives. This is exactly what is happening once again with Chairman PROXMIRE's comprehensive banking bill this year, since the House has not yet acted on it even though it has been several months since we did.

So I made a decision in 1986 to withdraw the entire comprehensive banking bill and simply go with a $15 billion recap of FSLIC.

In early October 1986, the Senate passed that recapitalization. But the House of Representatives refused to consider it unless we added to it a housing authorization bill. That was not possible in the closing days of the session, to have that even considered, and so we had to give up on FLSIC recap because of the House of Representatives.

To make matters worse, the House of Representatives was so irresponsible, at least in this Senator's opinion, that although the emergency provisions of Garn-St Germain had expired on September 30, 1986, they did not even extend those emergency provisions. So the 99th Congress, left session in October 1986, not only failing to give the regulators new authority to solve the problem but denying them the existing authority that had been in effect for 4 years.

We went off to our Thanksgiving and Christmas vacations, all happy that Congress was out of session, leaving the regulators in very bad shape. By the time we came back into session a new GAO report indicated that FSLIC was hemorrhaging at the rate of $6 to $10 million per day. The problem had become much worse.

We now hear so many people condemning the regulators for not taking action sooner on these troubled institutions, but they were not able to take action because FSLIC simply did not have the money either to close them down or to find assisted mergers. So their liabilities and their nonperforming loan portfolios grew and grew and grew.

Finally, the Senate passed $7.5 billion recap plan in March; $7.5, half of what we should have passed in the preceding Congress. The even less generous House of Representatives said it was a $5 billion problem. Due to the efforts of the chairman and others, and of the Secretary of the Treasury, Jim Baker, we pulled off something rather unusual in the conference. We raised the amount to $10.8 billion.

Since that time we have heard estimates from the GAO that the problem is a $30 or $32 billion problem. One person that testified before the committee said it was a $64 billion problem. I do not know how big a problem it is. But it does not seem to make very much difference whether it is a $30 billion or a $64 billion problem; it is a serious and a large problem.

The point is that we must begin to address the problem with the FSLIC recap plan in place. They have only just begun to raise adequate funds and really move to shut down sick institutions.

The process is just beginning. We must let it continue to work.

Maybe I am wrong, but it would appear to this Senator that if the House of Representatives had acted responsibly in October of 1986, if it had given the Federal Home Loan Bank Board the resources, the $15 billion, and if the Board had begun to market those bonds in January and February of 1987, for the last 16 or 17 months we would have been closing and merging institutions before the problem increased so dramatically. Passing the $15 billion plan in 1986 would not have solved the problem. But it certainly would have made it much less of one. It certainly would have attacked the problem much sooner and the bank board could have gone ahead aggressively as they have the last few months, closing institutions and merging them, using the Southwest plan and others to try to alleviate the problem.

So here we are with $10.8 billion, passed 10 months later than it should have been, just getting underway. Chairman PROXMIRE and I feel very, very strongly that we must pass this extension of the moratorium on healthy institutions leaving the FSLIC. Why? If this moratorium expires in August the ones that are doing well and are profitable may decide that they do not want any part of FSLIC anymore. They may want to transfer over to the FDIC. If you have that flight, it not only leaves fewer institutions paying premiums into FSLIC, but it also exacerbates the problem by making the recapitalization bonds less marketable and more expensive. The cost of those bonds will go up.

I cannot imagine that Congress wants to be irresponsible again and be in a position where things get really bad, to try and find somebody to blame, whether it is the Federal Home Loan Bank Board, the Federal Reserve, or whoever, and absolve themselves of blame.

Congress ought to take a very good look at this, and particularly the House of Representatives, and decide that they really were irresponsible in October of 1986 to let this problem grow from a $6 million a day hemorrhage to a $10 million a day hemorrhage and even more than that now. It is a very large problem.

So the issue here today is: Do we want to try to solve this problem with funds from FSLIC, premiums that are paid by member institutions to that insurance fund? Or do we want a taxpayer bailout? Because if we do not respond once again we are making the possibility of having to go to general revenue funds to finance this problem much greater. I do not think it is the responsibility of the taxpayers to take care of this problem. It is not their responsibility. They are not responsible for some of the fraud, abuse and mismanagement that has gone on in some of these State-chartered institutions.

I want to make that point, too, because there is a lot of talk around that deregulation is the cause of this problem.

"Deregulation by State legislature and State-chartered institutions has been a good part of the problem. These are not federally chartered institutions that are in trouble as a result of congressional action. Rather, the problem is primarily with State-chartered institutions in Texas, and California. The Ohio and Maryland situation were State-chartered institutions, the five in my own State that failed were State-chartered institutions that were allowed powers far beyond what Federal law has allowed them to participate in.

But we have a choice to make here today and the reason that we are so strong on passing this with just a date change is there is no end to what amendments might be offered. That is what has happened before. That is what happened to the original FSLIC recap.

We wanted to put housing authorization on it; we wanted to put on other things. And if we do that, everyone who votes either against this extension or who votes to clutter it up with various amendments in my opinion enhances the possibility of a taxpayer bailout.

I am sorry to put it that directly, but history is on my side. The facts that I have relayed are facts. They are not my opinions. It is a factual accounting, historically, of what took place. I cannot imagine that anybody could disagree that if we had had the money for FSLIC 10 months sooner, the problem would not be as serious as it is today, although it would still have been a very difficult problem.

Are we going to put them in that position again? If we reach August without an extension of the moratorium, I guarantee healthy thrifts will leave, taking their premium dollars with them to FDIC and increasing the cost of the recapitalization bonds and greatly increasing the chances of a taxpayer bailout.

I do not doubt that some of my colleagues have good reason to want to change the grandfather provision. There are some that would like to be grandfathered under the moratorium, and I understand that. It would be nice if we could just say to the Senator from Tennessee: We will accept yours; we will take the proposal of the Senator from New York; that is a good proposal. But if we do accept these amendments, I will guarantee that those listening on the TV and listening on the squawk box will come running over here: Well, you accepted theirs and you accepted theirs; how about mine?

I do not like it when I am on this floor and some manager of a bills says: "We have to keep this bill clean. Please do not offer any amendments. We are going to move to table all of them." That is a bad precedent in some ways. I realize that.

Anyone has a right to offer amendments. All we can do is appeal for them not to and that is why I have taken so much time to explain the background.

If we get into another fight like we were in 1986 over this issue, this bill will not pass. We will still be here arguing back and forth among ourselves or with the House and all of the changes they may wish to make in this extension of the moratorium, will come and then I think we face some very dire consequences, as proved by the past.

So I appreciate my colleagues listening to this explanation why the chairman and I feel so strongly that amendments, if offered, which my colleagues have a right to do, should be defeated. We should quickly send a signal to the American people and the FSLIC that we are behind shoring up this fund, making certain that we do not have to go to a taxpayer bailout.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Madam President, this has been an interesting and important discussion so far today on this issue. I want to say to my colleague from Florida who has raised the issue today in this format of the savings and loan problem in America that it is important that that issue be raised; that attention be drawn to it; that we devote some time here on the floor today as the Senator from Tennessee, the Senator from New York and others have done, to draw attention to aspects of this problem.

This problem has grown to an enormous size without a great deal of attention or public awareness. The article that has been referred to in this week's issue of Newsweek that starts on page 40 and runs for about 5 pages is a very important article and it, I will predict, will be the first of dozens and ultimately hundreds of articles that will be written about the size of the catastrophe that has developed and continues to grow in the savings and loan industry.

I want to talk as well about some aspects of it and then relate that to the question of the legislative issue that is before us today.

I first want to draw attention in this article in Newsweek to the line that says: "Savers at savings and loans can afford to be calm, since accounts of up to $100,000 are guaranteed by the Federal Government."

That is a very important fact because we want those people out there in the country today who have deposits in savings and loans of $100,000 or less that are covered by Federal deposit insurance to know their deposits are safe and secure, and that when they go to redeem those deposits, the money will be returned to them. That is written in stone. The Federal deposit guarantee is solid. So, people who have their deposits in insured institutions can have the confidence that their money is protected.

At the same time, however, the system is in very serious trouble. That is a different issue, and that is an issue that comes back in our Federal Government as a whole, to the Nation as a whole and the structure of the savings and loan industry and how it is regulated and insured.

I would like to relate a story here today that I have not told publicly in this type forum, but I want to today in this context.

Two or three months ago I had come to my office to talk with me an individual who had been named by the Reagan administration to serve on a task force, an executive branch force, to examine the scale and the scope of the savings and loan industry problem. This individual had done so and was an expert in finance, not connected with the savings and loan industry prior to this assignment, but devoted something in excess of a year of personal time to really trying to understand the dynamics of the savings and loan industry problem, how severe it was, and what we were going to have to do to solve it.

He said: "Look, I would like to give you my conclusion first, and then I will fill the details."

He said: "I have good news, and I have bad news."

I said: "Well, let's hear the good news first."

He said: "As nearly as I can tell from examining this industry and its problems for the last year," he said, "I think today that if you were to close down the savings and loans that have now gone bankrupt but are still open and if you shut them down and liquidate the liability, it is going to cost the Federal Government about $50 billion.

He meant by that $50 billion more than the small amount that is left in the insurance fund.

I said: "Well, if that is the good news, what can the bad news be?"

He said: "I think that if you allow this problem to go on for another year and a half, you may be facing a liability, and I would predict"—I am paraphrasing him—"and I would predict that you are going to face a liability in the area of $150 billion. In other words, the problem is getting worse and it is getting worse by enormously large numbers and that that is the kind of exposure that we are facing."

In the time since that meeting, I have endeavored to talk with many of the people who are said to be experts in this field. We have had hearings before the Senate Banking Committee. The weight of the testimony and the information that has been developed is that, in fact, we do have a serious problem. Its dimensions are in that range, according to the opinions of many, and that the problem is getting worse, not better at the present time, assurances to the contrary notwithstanding.

A very striking thing happened a week and a half ago. A week and a half ago, the FSLIC went in and they liquidated two brankrupt savings and loans in California. In order to do so and to pay back the depositors the money that had been taken and squandered, it cost the Federal Government $1.3 billion. That is right, a billion dollars; $1.3 billion just to liquidate those two.

Let me tell you about just one of them. It was a company called American Diversified. American Diversified is described here as a savings and loan that opened and was run by a man named Ranbir Sahni who is described as a former pilot in the Indian Air Force. He decided to get into the savings and loan business. He did not open up the normal kind of retail outlets that one associates with a savings and loan operation, but he set up an operation in a room somewhere. They began to collect deposits from across the country by offering above-market interest rates and, of course, with those deposits that people would make to get the high interest rate would come the Federal deposit insurance guarantee, which all of us as citizens stand behind.

In very short order, this particular individual, who had no background in this area, had attracted well over a billion dollars in deposits, which he then turned around and promptly misinvested and lost. That is why the Federal Government stepped in today and took most of what is left in the insurance fund just to go back in and make whole those depositors who had put money into that particular California institution.

My colleague, respected and admired by all of us, the chairman of the Senate Banking Committee, Senator PROXMIRE, has over the years made very famous the Golden Fleece Award which periodically he bestows on someone who is found, in his judgment to have squandered Federal money in one way or another. Here is a case with these two California savings and loans that were just shut down where they managed to squander $1.3 billion in over a relatively short space of time, but that is just the tip of the iceberg.

We have out there in addition to that, estimates that range up from 20 billion, 30 billion, 50 billion, 60 billion dollars' worth of losses that have already taken place but have not yet been faced up to and have been handled as the two were in California just these 10 days or so ago.

That is the scale of the problem we are talking about. That is not a small problem. This is an enormous problem. I have seen Golden Fleece Awards being given to people who were thought to have wasted $5,000 or $25,000 or $50,000 or $1 million or $5 million. We are talking here in just the case of these two S&L's, $1.3 billion. That is just the beginning of a list that adds up, I think, to something that is much closer at the present time to about a $50 billion exposure.

By any phrase that one wants to use, this is a problem that is going to blow up on all of us, it is going to blow up in the face of the next President and the people of this country when it finally dawns on everybody the scale of the exposure and the fact that the American taxpayer is on the hook to have to replace all of this money that has been invested by savers and, in turn, has been misinvested by the people running these institutions that have gone bankrupt and now the money is gone.

So in order to give people back their money, we are going to have to come up with several tens of billions of dollars somewhere.

I hear some of my good friends say, "Well, we can't have a taxpayer bailout." Nobody wants a taxpayer bailout, but the fact of the matter is that the system is designed with the taxpayer being the person who provides the insurance guarantee up to $100,000 in deposit values saying that if you put your money in a federally insured savings and loan, you are going to get your money back; we guarantee that you will get it back.

So now that we are beginning to see the dimensions of this problem where the regulators, in large measure, are going to sleep for a long time, both Federal and State regulators, we find out that something on the order of $50 billion has been squandered.

When people go to get their money back, fresh money is going to have to be put in there to honor these insurance guarantees. That is what we are talking about. My hat is off to Newsweek because Newsweek figured it out, ahead of a lot of other people now and at least have devoted five pages of this week's issue to this story.

But let me tell you something. The next President is going to face a lot of exploding cigars, if you will, in terms of unpleasant problems that have been papered over up until sometime next year. And probably the largest of these in terms of immediate difficulty is not the Federal budget deficit, as serious as that is, and it is very serious; not the trade deficit, as serious as that is, and it is very serious; but in fact the savings and loan problem may prove to be the most urgent of the problems that we face in the sense that the losses are continuing to mount at a time when we have not even been honest in reckoning the size of those losses let alone changing the system so the losses stop.

Now, I take the time to say this because I think the Senator from Florida is correct in raising the point that we should be trying to do something now, as difficult as it is, in the next few weeks or before this Congress adjourns to try to get this problem out into the light of day, to try to stop the hemorrhage of money, not let ourselves be fooled about the seriousness of the problem and not just let this problem float on over into next year and into the administration of the next President, whoever that happens to be, who will come in with the need to move on a lot of things and will find that there is a problem that was just left to the side and not dealt with as forcefully or strongly as it should have been.

Whether or not we should block this particular bill in order to do it, I think raises another set of issues because I think it is very important that we extend the moratorium so that solvent savings and loans not bail out of the S&L system and go over into the FDIC system. So I think between now and the time the moratorium expires in August that prevents S&L's from leaving, it has to be extended. We have to find a way to extend it. I will work very hard, whether on this piece of legislation or others, to see that it is done.

Perhaps in order to accomplish both goals—in other words, being forthright with the American people about the seriousness of the savings and loan problem today and the fact that it is worsening and at the same time to move on the issue of extending the moratorium—we could find a way to ensure that on some sort of expedited basis there is a far more searching examination of the scale of this problem and getting it out into the light of day, laying out what the alternative choices are for dealing with it, bringing about a more complete and honest public accounting of where we are today and why this problem is worsening rather than self-correcting, and to be able, at least between now and the time of the moratorium expiration in August, to get that story pulled together, the size of the problem more clearly illustrated, and to start to honestly face up to what the hard choices and alternatives are that we are going to have to choose between.

I want to support an extension of the moratorium because I want to keep the savings and loan industry intact so that we can work our way through finding a solution that shuts down the failed S&L's, stops those that are continuing to add enormous losses that are going to be palmed off on the taxpayer and at the same time protects and maintains and allows the well-run, well-managed savings and loans, of which there are many in the country, to be able to survive and continue to meet in this country housing and other major financial services needs as they presently are doing.

So we do need a practical answer, but I think it is too late in the day for anyone to think that somehow or other we can sort of float this problem past the American people this time or float it past the election, float it into next year and that can be the big surprise that everybody wakes up to sometime in the first quarter of 1989.

Although I have great regard for my colleague from Utah, Senator GARN, who spoke earlier, I do not agree—I will not take the time to go through the points of disagreement now—with the recitation in every detail of the history of how this problem developed. I should say that even the account in the Newsweek magazine story this week also differs in certain respects in terms of their assessment of how this problem evolved and how it has come to reach the magnitude and size it has today.

But leaving that to the side for now, what should be understood by the American people and by every Senator and every House Member and every public policymaker is that we have an enormous unfunded liability in the savings and loan system today. It is on the order of several tens of billions of dollars; $50 billion is probably a pretty good estimate, although the estimates vary, and the number is growing every day, every week, every month.

We have not turned the corner on this problem, and anybody who says we have is misleading themselves and misleading the public. When the taxpayer is on the dotted line to have to pick up the tab for these failures, as clearly we all are as taxpayers and citizens, with this insurance guarantee, we have an obligation to level with people as to the seriousness of the problem and not put it off for another 6 months or another year, another 5 years, but to try to deal with it now, as unpleasant and painful as that may be. So I hope we see that happen and that we have a very searching examination of this problem prior to the time the moratorium is extended in August on preventing S&L's from leaving the FSLIC system, so that we are doing our job of blowing the whistle on this problem, bringing the facts to light, and not letting anybody get fooled on the severity of the problem or the pain that is going to be involved in choosing between some very unpleasant alternatives.

I yield the floor.

(Mr. REID assumed the chair.)

Mr. D'AMATO. Mr. President, while I very much feel that this is the appropriate vehicle for this legislation to be considered because it enhances the position of at least 2,900 of the 3,100 thrifts, I recognize the admonition of the managers of the bill that to permit one amendment is to invite others who also feel they have legislation that is meritorious.

Therefore, Mr. President, after consulting with the managers of the bill, I would be open to the invitation to work out an alternative, constructive in nature, that will get the kind of opportunity for a hearing and markup in consideration of this legislative initiative. I believe that with the fullness of time both the distinguished managers would be supportive and cosponsors of this legislative initiative.

Mr. PROXMIRE. May I say to my good friend from New York, I would be perfectly willing to schedule a hearing next week, that is, the week beginning Monday, June 20. We will work it out so that it is convenient to witnesses and the distinguished Senator from New York. But it would be sometime next week with a markup thereafter. Unfortunately, July 4 intervenes but we could have a markup the week following.

Mr. D'AMATO. I thank the chairman. Obviously, we all want things done in our own schedule and time but recognizing the complexities and the problems of the schedule, I thank both managers of the bill for affording us this opportunity.

I would hope, Mr. President, that this bill will get the kind of support from both managers of the bill that would ensure its swift passage and enactment into law because it is really making the market system work to the advantage of all—to the advantage of the taxpayers, and to the advantage of these institutions. It makes sense.

So as reluctant as I am to drop that which I consider to be important, to be something of great merit, I accept the chairman's and managers' offer. Is there any possibility before we go out on the break? I accept, but I also ask the managers, depending upon the kind of support that is demonstrated for this bill after hearing, if they might even consider advancing, if possible, and if it fits their schedules, the markup. I only ask them to consider that.

Mr. PROXMIRE. If possible, we will certainly try to move it up. I think the real expectation is we will do it by the 11th but no later than that.

Mr. D'AMATO. I want to thank the managers, and Senator GARN.

Mr. GARN addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Mr. President, may I say I concur in the offer made by the chairman to schedule the hearings and the markup. I wish to thank the distinguished Senator from New York. This is an important issue he has brought up. It deserves consideration. I was not necessarily opposing the substance of what he was attempting to do, but the place and the time. So I appreciate his willingness to accept the offer of the chairman and proceed to the hearing and to markup at a later date.

Mr. D'AMATO. Thank you, Mr. President.

Mr. KARNES addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KARNES. Mr. President, last week, the chairman of the Senate Banking Committee and the distinguished minority member, Senator JAKE GARN, introduced legislation, S. 2451, to extend the moratorium on FSLIC-to-FDIC conversions for another 12 months, that is, from August 10, 1988, to August 10, 1989. As Senator GARN noted in his comments accompanying the introduction of the legislation, this is not a step he takes lightly since it interferes with the ability of private institutions to make their own business decisions. Historically, savings and loan associations have been able to convert to FDIC insurance, but given the vicissitudes facing the FSLIC, there appears to be strong sentiment among Members of both the House and Senate to extend this moratorium which was first imposed in 1987. This being the case, I believe it is essential that we not just take the negative step of building barriers around the FSLIC, but that we include with this legislation several affirmative features that will provide positive incentives to institutions to remain within the FSLIC system rather than converting to FDIC insurance.

Earlier this year, I introduced legislation cosponsored by Senators CRANSTON and BOND entitled the Thrift Charter Enhancement Act, S. 2073. At hearings held on this legislation in April, the Treasury and thrift industry trade groups testified in general support of this legislation althought there were specific provisions which the FHLBB and others felt were not appropriate at this time, basically because of their concern about the timeliness of these provisions; not the substance I might add, but the timeliness. We have been working to revise this legislation on the basis of the testimony, but there are numerous aspects of that bill which enjoy broad support that should be included in any legislation extending the moratorium. These provisions do not grant expanded powers to savings institutions but, for the most part, eliminate obsolete provisions of Federal laws governing savings and loan institutions and their holding companies.

I also note that on Monday of this week, Senator D'AMATO introduced legislation, S. 2467, to remove some of the ownership restrictions now applicable to the preferred stock issued by the Federal Home Loan Mortgage Corporation. These limitations have artificially depressed the value of the stock which is held on the books of the Nation's thrift institutions. Enactment of S. 2467 makes sense not just from a public policy standpoint, but it would also add an estimated $1 billion to the net worth of the thrift industry. This is another example of a positive step which can and should be taken as part of any extension of the moratorium.

Another step which we should take immediately is to clarify the Bank Board's authority to waive the special assessment which now requires FSLIC-insured institutions to pay twice as much for deposit insurance as would a comparable FDIC-insured institution. The imposition of the special assessment is the principal reason why healthy thrift institutions are pursuing the option of conversion to FDIC, and if we are to retain a healthy and diversified base of FSLIC-insured institutions to provide the critical mortage financing function in this country, we must let these institutions know that there is some light at the end of the tunnel. The Bank Board has proposed to phase out this special assessment for institutions with 6 percent GAAP capital, but a question has arisen as to whether the Board has the legal authority to move to a system of variable deposit premiums. The Chairman of the FHLBB supports legislation to provide him with explicit authority to do so, and we should take this step immediately to counterbalance the adverse signal which an extension of the moratorium would send to potential new investors in the thrift industry.

Finally, I would note that an extension of the moratorium would place a particular hardship on institutions which have announced transactions involving FSLIC-to-FDIC conversions in anticipations of the expiration of the moratorium in early August of this year. These insitutions, of which there are a mere handful, understandably relied upon the assurances set forth in the conference report on the Competitive Equality Banking Act which stated that during the pendency of the moratorium, applications should be accepted and processed in a normal manner. If we do, in fact, reverse this position and extend the moratorium, we should, at a minimum, grandfather these institutions which relied in good faith on the assurances provided in the conference report. I know that a number of Senators have expressed an interest in a grandfather provision, and I would be very pleased to work with them to accommodate their interests in this regard.

In conclusion, Mr. President, I would state again that the FHLBB is doing an excellent job under extremely adverse circumstances.

Particular accolades should go to Chairman Gray for his hard work and articulate manner of focusing the attention of this country on the FSLIC and the thrift industry in general. There is no reason, and I reiterate once again, no reason for depositors of thrift insitutions in this country to be concerned about their accounts at insured institutions up to the insured amount of $100,000, and that if and when the moratorium is extended, we should be sure that this legislation does more than just lock institutions in the FSLIC against their will. S. 2073 is designed to attract new capital to the thrift industry, which is the only way we can avoid a massive taxpayer bailout which many industry experts already feel is inevitable.

As a former Chairman of the Federal home loan bank of Topeka and one who has spent a good deal of time working with the thrift industry prior to coming to the U.S. Senate, I feel especially committed to the goals and objectives of the FHLB System which has served this country so well for over 50 years. I hope that my colleagues will join me in taking these important affirmative steps now rather than resorting to a simple moratorium extension in the hope that this problem will hold off until 1989. In the mind of this Senator, as each day goes by, the potential costs of resolving the difficulties within the thrift system are mounting, which adds problems to the FSLIC responsibility.

In conclusion, then, Mr. President, I state that I am pleased to commit my time to work with the chairman and the ranking minority member on the Banking Committee to come up with legislation and to incorporate some of the innovative provisions which would encourage new private capital into the thrift industry and thus into the FSLIC.

Mr. President, I yield the floor.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I would like to direct a question, if I could, to Senator GARN. Do I understand there is another Senator who wishes to speak on the motion to proceed?

Mr. GARN. As there is the age-old statement, "The check is in the mail," "There is a Senator on his way to speak."

Mr. PROXMIRE. Will the Senator yield?

Mr. GARN. I am happy to yield.

Mr. PROXMIRE. I understand Senator ARMSTRONG is on his way. But I presume, if the Senator from Florida will permit us to do so, if we move to take up the bill, Senator ARMSTRONG had no objection to taking up the bill. In fact, he is an enthusiastic supporter of the bill. He will probably be accommodating. Is that right?

Mr. GARN. I agree with that logic. However, the Senator from Colorado did say he would like to give his statement prior to the motion to proceed being acted upon.

Mr. GRAHAM. Mr. President, in light of that statement, I would like to reserve a moment to close before the final vote on the motion to proceed.

Mr. GARN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ARMSTRONG. Mr. President, I am grateful to the managers of the bill, the Senator from Wisconsin and the Senator from Utah, for summonsing me over to the floor because I want to say a word about this.

I have grave doubts that we are making the right decision in extending for 1 year the prohibition on savings and loan associations leaving the FSLIC system and transferring to the FDIC system for insuring their deposits. As I understand the parliamentary situation it is that we are about to vote on the motion to proceed to the consideration of the bill and the expectation, I think the likely outcome, is that we will very quickly then pass the bill as well.

I am enough of a realist to bow to the inevitable, and that is what is going to happen. But I am concerned enough about it that I did not want to let it happen without coming down and laying out a couple of plain facts.

The first of the facts that occur to me is that this situation is far from stable. If somebody has the notion that we can simply extend this moratorium for another year without any consequences, without paying any price, I would completely disagree.

I would also disagree if somebody has the idea that a year from now we can again effortlessly extend the moratorium. I am not going to fight it very hard today because, frankly, I do not think that the preparations have been made for the kind of response that is needed if we do not extend the moratorium.

If we did not extend the moratorium, if we let it expire, which is what I think really ought to happen, the probable consequences are that the better savings and loan associations would be out of the FSLIC so fast it would make everybody's head swim.

But I wonder how many Senators really understand what is going on out in the Nation's financial markets in communities all over this country. There is a real two-tier system in the financial services industry. We have some savings and loans and banks and some other financial institutions in this country that are enjoying record profits, that are strongly capitalized, that are making tremendous gains.

I have talked to some people in the bank and savings and loan business who have never been as prosperous or as successful as they are now. Regrettably, they are by no means the majority of financial institutions in the country today.

There is another group of financial institutions, primarily among the thrift institutions, that are just basket cases that very few people expect to survive for a long, long period of time. We are keeping them afloat by a series of regulatory and legal fictions and gradually either selling them, merging or liquidating or doing something, and in the process, by prolonging this process of merging or closing or selling the sick institutions, we are gradually undermining those that are healthy. I want to stress this. What happens if you have a very sick institution which is out of capital or almost out of capital, which is just treading water, trying desperately to stay in business, is two things. And I have seen that pattern over and over again. This is not an isolated case. It is a common pattern in financial institutions around this country.

The first thing that happens is that they will pay almost any rate of interest to attract deposits and as a consequence they are bidding up the price of money in a way that makes it very difficult for soundly financed institutions to compete because the sound institutions, those that have strong balance sheets, and so on, are unwilling to make the risky investments necessary to earn a profit after paying extraordinarily high rates of interest on deposits.

So the first thing that happened is that the sick institutions are bidding up the cost of deposits and putting the healthy institutions at a severe disadvantage.

I will mention the second thing that has happened, and it is happening in institutions all over the country. This is, I stress, not something just happening in a couple States. A notion has been prevalent this is primarily a Texas problem or Texas and Oklahoma or just the oil patch or something. Believe me that is not the case. It is commonplace all over the county. The second thing that is happening is they are investing in a class and a quality of investment which is at best unorthodox. I think by conventional standards of conservative financial management these are highly questionable investments in many cases.

Mr. President, if we just let this situation drag on, at some point we are going to face a crisis of really staggering proportions, really stupendous proportions. I guess you know we could continue to tread water for a few more months, which is basically what this bill will have us do, and I am afraid there is not a practical alternative, although I intend to vote against the bill, but very soon we have to come to grips with this.

It was not very long ago that we were asked to provide a few billion dollars in what was characterized as a savings and loan bailout, and it was amazing to me that representatives of the thrift industry came around and said that what the administration was asking was too much. They said you do not need to have $15 billion to recapitalize the weak or failing thrifts of this country; $5 billion would be plenty. It was just about the time they were running around with a notion of a $5 billion bailout as adequate, as sufficient, that the GAO came out with a report indicating that $20 or $25 billion was the amount of the liability above what FSLIC was prepared to pay from then available funds.

I do not know whether $20 or $25 billion was the correct number at that time. My belief then, and it is strongly my belief today, is that $20 or $25 billion greatly understates the magnitude of the problem. An injection even of $20 or $25 billion at this point in my opinion would not be sufficient to merge or sell or recapitalize the institutions that are underwater.

Let me mention as a part of that concern a third situation that is devloping. I mentioned the healthy segment of the industry and I mentioned the segment of the industry which is demonstrably very unhealthy, those that are very close to their capacity, those that are even in some cases visibly under water.

There is a third group, the size of which I do not know, of institutions that appear to be healthy which on their balance sheets are healthy, but which if you knew the quality of their assets, you would quickly realize they are not very healthy, that they appear to have 3, 4, 5, 6, 7, 8 percent capital, but if you mark their assets to market, you mark their loans to market, they would have a much reduced capital. We have, I think, a very volatile situation, a very dangerous situation.

What should we do about it?

In my opinion we have to do several things and we need to do them in the near future. First of all, I am convinced that we have to have a risk-based system for insuring the deposits.

I believe in January 1986 the FDIC put out proposed rules which would in essence base the insurance premium that they charge for insuring these deposits on the quality of assets in which the proceeds were invested.

I do not have exactly in mind what those standards were, but if it was cash in the vault, a zero rate; in other words, you would not have to have any reserve for that. This is FDIC. If a bank had money in short-term Government bonds, I think they weighted that at 20 percent, meaning that you only had to have one-fifth as much capital to support that kind of assets as you did if it was invested in something else; in other words, a scale of value judgments about the quality of the assets.

I do not know whether the FDIC proposal is a sound one, but what I am saying is in one way or another we have to begin to allocate the cost of insuring these deposits far more accurately to the risk.

Mr. PROXMIRE. Will the Senate yield?

Mr. GARN. I am happy to yield.

Mr. PROXMIRE. The Senator from Colorado has a very good point. I think he is right, except I am not sure that you can have a risk-based premium, have if fair, and have it realistically applied. It seems to me what we should also consider, as an alternative, denying Federal deposit insurance to State-chartered savings and loans that are allowed to get into risky investments, that do not comply with Federal standards. That is just an alternative. It may not be as attractive to many thrifts, but it seems to me it would be more workable and more practical and I think it ought to be considered at the same time.

Mr. ARMSTRONG. Mr. President, I would not dispute with what the Senator has said. In fact, I think the probable, practical outcome is the same. If a savings and loan association or a bank has to have, say, five times as much capital behind every dollar of investment in a commercial loan as they do in Government bonds—and that is, in fact, the FDIC proposal that is on the table and I am told is likely to be adopted with respect to FDIC institutions probably in the very near future, perhaps before this year is out—literally you have to have five times as much capital under that scheme to support a commercial loan as you do a Government bond, and with various gradations in between, that is going to encourage the institutions that are covered to shift away from relatively risky loans into safer loans.

Now, I am not one of those that think that a commercial loan is an improper loan or a loan that is inherently risky. But, beyond the standard business commercial loan, there is a whole spectrum of activities that savings and loans and banks are engaging in. And I assume that is what the Senator is referring to.

For example, you have a lot of savings and loan associations who find themselves now in the real estate development business. And that is a very hazardous business. I think there is a real public policy question.

Mr. PROXMIRE. Some have even invested in equities, common stock.

Mr. ARMSTRONG. That may be a proper activity, as well, but it is obviously a much more risky enterprise than, say, investing in T-bonds or T-bills or even the bond undertakings of a commercial company.

For example, there is very little risk for financial institutions that might invest, say, in a triple-A rated industrial bond as compared with, say, the stock of that very same company.

My point is not to try to settle that today, but merely to agree that that is something we ought to look at, but sooner rather than later. My hunch is that it would be a mistake to prohibit S&L's and banks from making those investments. But simply to write the costs of insurance coverage that they get on their deposits to the risk involved, it might have the practical effect of shutting out those investments, all but the highest fliers, all but those who really wanted to extend themselves or perhaps all but those who are the most strongly capitalized.

It is one thing, for example, for a savings and loan association that has 8 or 10 percent capital to make a construction loan of a substantial size, as compared to, say, a savings and loan that has one-half of 1 percent capital. And yet it is not the heavily capitalized institutions that are making the proper but necessarily more speculative loans, it is those that are the weakest on the capital side, because they are the ones that are fighting to get every last increment of yield in order to somehow continue to tread water and keep their doors open and perhaps even raise enough capital to stay in business.

So both on the asset side and the liability side, the present situation is untenable. Keeping the sick institutions afloat encourages competition which is really almost impossible for a healthy institution to meet on the deposit side because they will just pay anything to get deposits and, second, it encourages them to make increasingly speculative and risky loans, hoping against hope. If you know you are underwater, you hope against hope that you can somehow get some high-rate business in or you can make a common stock investment or a construction project management joint venture of some sort that will bail you out and get you out of it. All of which, Mr. President, is to say that we have a big problem here that we need to address.

Now, that is not in this bill. All this bill does is says for 1 year we are going to hold hostage the healthy institutions in the FSLIC system and not permit them to leave the system.

I believe a lot of Senators who probably have not followed this matter very carefully are wondering what difference does it make; why do some of the large, strongly capitalized, well-managed, conservative savings and loans associations want to get out of the FSLIC? I do not think we ought to vote on this bill without making that point perfectly clear. They want out of FSLIC for three reasons.

First, because FSLIC insurance costs more than FDIC Insurance. It is as simple as that. It is a cost of doing business. The FSLIC institutions are not doing very well as a group. They are having to pump money into these institutions, over a billion dollars into one institution here a few days ago, in order to keep them from defaulting on the obligations they have to depositors. That kind of insurance costs money and it is being paid, in large part, by the healthy institutions.

The second reason is because they are living in fear and dread and horror of what will happen when the crunch comes of whether or not all institutions under the FSLIC umbrella will somehow be disgraced in the public mind. You know, if a bunch of FSLIC institutions go down, even the healthy ones will not be able to stand up under the force of public confidence being shaken in that way.

And the third reason, also a very practical reason, is that the market has said, even with the Federal guarantee, that FSLIC institutions have to pay a higher rate of interest in order to attract deposits. You get two comparable institutions located on opposite corners of the same town with the same kind of balance sheet, same quality of assets, same investment ratios, everything the same, and one of them is a FSLIC institution and one of them is an FDIC institution and the FDIC institution will find it possible to raise funds substantially cheaper, I believe—perhaps the Senator from Utah can tell me—but I believe maybe 50 to 100 basis points cheaper than the FSLIC institutions. So they are eager to get out of the FSLIC system.

Well, this bill will keep them hostage for another year. I guess there is no practical alternative, though I am going to vote against it just because I think it is time to come to grips with this problem.

Mr. President, I do not want to prolong it. Here is my recommendation: If this bill passes and we extend it for a year, I hope Senators will be on notice that there will be a concerted effort to prevent a similar extension a year from now.

(Mr. SANFORD assumed the chair.)

Mr. GARN. Will the Senator yield?

Mr. ARMSTRONG. Yes, indeed, I will.

Mr. GARN. Mr. President, I have listened very carefully to my distinguished colleague from Colorado, a valued member of the Banking Committee for many years. As usual, his statement is reasoned and well thought out and I agree with almost everything he has said.

But I want to very quickly recap what I said in my opening statement of why I am out here asking for a 1-year extension.

I was not around when we orginally passed regulation Q, but that was extended, and it lasted for 16 years. It is one of the reasons the thrift industry got into trouble. The interest rate ceilings should have expired long, long before they did.

So I started out from a position of not liking moratoriums as a matter of principle, that we say we hold things in place.

The only reason that I am requesting this extension—and certainly at this point I hope that it is not necessary to ask for any additional extensions after this period of time. The Senator correctly outlined that the administration asked for $15 billion. I asked for $15 billion when I was chairman of the Banking Committee and we ended up passing $10.8 billion nearly a year later, 10 months later. So the recapitalization plan, after being passed last fall, is just barely started. A little over $3 billion in bonds have been sold.

If there is a perception there is going to be a mass flow of people out of FSLIC into FDIC, there is no doubt in my mind that with the plan relying on premiums paid by the thrift institutions to pay off those bonds, the interest rates will go up, the bonds will become less marketable. This request for 1-year extension is simply to give that FSLIC recap plan an opportunity to work.

I would suggest that with another 15 months to go, we would certainly have a much greater indication if that is working. That is fine, here, to buy time for that plan to work. You are absolutely right about the sick industry or part of it paying excessively high interest rates in order to attract money and there is no better example than the two that were closed last week at an enormous amount of money. They did not even have brick and mortar offices. They were a telephone operation, people calling in and being paid higher than market interest rates to attract money, and then investing in risky investments compared to what a thrift ought to be doing.

They were State-chartered institutions. But the reason those were not closed down sooner, before it became a much larger problem, when they probably could have been taken out for much less money, maybe half what it cost FSLIC, was because FSLIC did not have the capital to do so.

You are absolutely right. If we want to protect the healthy institutions, we have got to close down those types of institutions both of us have described as quickly as possible; get them out of that process of bidding the interest rates up, making them higher, and then putting their assets in risky investments. I do not disagree with the Senator philosophically. I am saying we need a year because this plan was delayed by almost a year and reduced in amount by the Congress, which I thought was irresponsible. We need to give the plan time to work.

I am certainly not saying that I want to come back next year and extend the moratorium. I do not, and I hope the plan will have worked sufficiently so that no one will want to do that.

So I thank the Senator for his contribution.

Mr. ARMSTRONG. Mr. President, I am grateful for the observation of the Senator from Utah. His recollection of the history of this is exactly the same as mine. I had not forgotten that his suggestion was acted on belatedly and the full amount of the capitalization which he had asked for was denied.

I hope none of my remarks today are being taken as critical of either the Senator from Wisconsin or the Senator from Utah. I am just saying this is a problem we have to address. In fact, before I sum up I should make one other observation about the payment of high interest rates on deposits. I am not against that either. I think that is great.

What does bother me is when sick institutions pay desperate rates of interest—not based upon any sound principles but just to keep the doors open 1 more day.

Some of the institutions in this country that pay high interest rates and have gathered deposits all over this country and even overseas in fact are completely sound and at least some of them that have come to my attention that pay high interest rates are very conservatively managed. Their investments are in conservative, even in some cases ultraconservative kinds of investments. Yet they are able to pay high interest rates. Why is that?

The reason is, in the cases at least that I am familiar with, they have managed to cut to the bone their operating overhead and have achieved very significant competitive advantages by simply reducing the overhead costs of occupancy, of administration and so on. And second, because in the process of a very conservative investment policy they have cut their loan losses to extraordinarily low levels.

So I am not saying—I would not want to be heard to be saying—anything that criticizes per se those institutions that are bidding high rates to attract deposits. That is part of the competitive system and I am for it.

Mr. President, my three recommendations are as follows:

First, this ought to be the last time we extend this provision. We should not indefinitely hold hostage the healthy institutions to the well-being of those that are sick.

Second, Mr. President, if anybody thinks sometime in the next year that they are going to come in here and offer to merge FSLIC and FDIC, which is a concept I hear discussed as one way to solve this problem, I will just tell you there is going to be a donnybrook around here, not because I say, but because a lot of Senators in this Chamber are not going to stand by and let that happen if we can possibly avoid it.

It is hard for me to imagine any thing more unfair. And yet I do hear discussed the concept that the way to bail out some of these ailing thrifts is to merge them in with the banks which by and large are in much better financial condition under FDIC regulation, which, by and large, has resulted in a healthier system. It just is not fair to roll the two together, merge the two funds or anything of that order.

My third recommendation is for President Dukakis or President Bush, the first thing the new President ought to do when he gets into office, right after he is sworn in and before the Sun goes down, before he even has a chance to go to the inaugural ball, is he ought to bite the bullet on this savings and loan problem. If he does it right at the outset, the first day, the first week, the first month, he can do it without any political embarrassment; whichever President it turns out to be, he ought to do it.

If he lets 3 or 6 months or a year go by politically it is going to become his problem and then there may be a great temptation to put it off again, to stall, to think about it, to study it, to hope that another election cycle can go by.

It just seems to me that the new President and the new Congress, whether it is a Republican majority or Democratic majority, Republican President or Democratic President, ought to liquidate the problem. It is a new regime. It is a new administration and they ought to provide whatever capitalization is necessary, provide whatever regulatory changes are necessary, whatever legal changes are necessary, and do it early next year.

I think the first month or two of session would not be too soon to begin to act on this. I would be hopeful that the chairman of the FDIC and the chairman of the Home Loan Bank Board and the President and the new chairman of the Banking Committee and others will come with proposals and that we can settle that matter at the outset, because it would be a travesty if we have to extend this moratorium again.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I would like to offer a few closing comments on the motion to proceed to a noncontroversial coinage bill, so that the legislation affecting the thrift institutions can be added as an amendment.

We had discussed a great deal about history this afternoon. How did we get to where we are today?

Where we are today is a very precarious circumstance, as has been stated in many of the leading newspapers and other periodicals, as we have heard in the Banking Committee through several days of hearings.

Harvey Cox, a great American theologian, stated that not to decide is to decide. Not to decide is to decide.

What I suggest we are about to do today is, by making a decision on a fairly narrow issue of extending the moratorium, we are also making the decision that we are not going to use this opportunity for the more fundamental reforms that are necessary in order to protect a very important part of the financial services industry of this Nation and, more important, to protect the confidence of the American people in these federally insured institutions.

I suggest, Mr. President, that we have been, in part, today dealing as morticians. We have been looking at the bottom, attempting to assign responsibility for the cause of illness, if not the cause of death, of those institutions, such as the two in California last week which breathed their last breath.

I suggest that we should leave the mortuary, leave that autopsy for another day because we have more urgent business to do. We need to be physicians, we need to be doing a diagnosis of what we can do to keep the remaining institutions, to keep the system healthy, alive, and justify the confidence of the American people.

My concern is we are about to give this patient an aspirin. It is an aspirin which I think needs to be administered because it will do some good. The aspirin of the extension of the moratorium beyond its now-scheduled expiration date of August of this year or another period of months is important because it will stop the potential of a flow of institutions from FSLIC into the commercial banks insurance corporation, FDIC. I support doing that.

My concern is that this patient is only going to open its mouth once between now and the end of this session of Congress, and that what we place in that mouth in the form of a remedy is going to be all that the patient is likely to receive.

I think the patient, Mr. President, needs more than an aspirin. I think we need to be looking for some strong antibiotics to give to this patient so that we have at least some hope that we will stabilize the condition, not just mask the condition, as we look for even more fundamental changes with the new administration.

My feeling is that we need to proceed as follows: One, we need to first proceed by not proceeding to take up this bill today so that we would have the opportunity over the next few weeks, between now and some date in July, to come to the Senate with a more comprehensive set of prescriptions. There is no real urgency to move today. We have 6 weeks before the moratorium runs out. I believe they are 6 weeks we should use wisely.

Second, I believe that we already know what the core of the stabilization plan should be, and the core of that plan, at least in this Senator's judgment, is to establish a linkage between those who would benefit by the activities of the savings and loan institutions and the risk which they are prepared to accept.

Today, through the FSLIC insurance program, we have separated those two. We have given the kind of incentives that the Newsweek article, which was submitted for the Record earlier today, points out in such graphic detail.

In fact, what is amazing is that we do not have more institutions that are acting that way, not that they are acting illegally, but acting legally within their powers to be very speculative, have the potential of making substantial profits but being sheltered from the adverse consequences of those decisions because if those decisions should turn sour, they do not run the risk, as it is, first, a Federal insurance fund which carries the risk, such as the $1.3 billion that was asssumed just last week for two institutions in California, and ultimately the citizens and taxpayers of the United States of America whose full faith and credit stands behind those $100,000 deposits.

I think that is the fundamental illness that we have to diagnose and prescribe an appropriate remedy for. While there may be some proposals presented today as we proceed forward with this bill, I do not think they are as thoughtful as they should be and as timely as they should be in terms of the potential severity of this issue.

Mr. President, in closing, I would make a series of predictions. If we proceed to take up this bill today, and if the amendment to extend the moratorium is adopted and we take final action on the bill, and that is the extent of our physician's role for June 15, 1988, I suggest that we would do the following things: First, we would lose the only legislative engine for real reform that we are going to have in 1988 as it relates to America's thrift institutions; second, that we will do as Newsweek suggested we were likely to do, and that is procrastinate on any more fundamental actions for the remainder of this session; and third, that we are going to be running the risk of a major explosion in other institutions, in other regions and, unfortunately, in the basic safety net under the thrift institutions by our inaction. We are making those decisions today by the decision not to decide to treat this issue as an issue of urgency and severity, which I believe any physician observing the patient would state this patient deserves. Thank you, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed to the consideration of H.R. 3251.

The motion was agreed to.

Mr. GARN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. PROXMIRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BICENTENNIAL OF THE UNITED STATES CONGRESS COMMEMORATIVE COIN ACT

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3251) to require the Secretary of the Treasury to mint coins in commemoration of the Bicentennial of the United States Congress.

The Senate proceeded to consider the bill which had been reported from the Committee on Banking, Housing, and Urban Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 3251

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bicentennial of the United States Congress Commemorative Coin Act".

SEC. 2. SPECIFICATIONS OF COINS.

(a) Five Dollar Gold Coins.—

(1) Issuance.—The Secretary of the Treasury (hereinafter in this Act referred to as the "Secretary") shall mint and issue not more than 1,000,000 five dollar coins each of which shall—

(A) weigh 8.359 grams;

(B) have a diameter of .850 inches; and

(C) be composed of 90 percent gold and 10 percent alloy.

(2) Design.—The design of the five dollar coins shall, in accordance with section 4, be emblematic of the Bicentennial of the United States Congress. Each five dollar coin shall bear a designation of the value of the coin, an inscription of the year "1989", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) One Dollar Silver Coins.—

(1) Issuance.—The Secretary shall mint and issue not more than **[**10,000,000**]** *3,000,000* one dollar coins each of which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) be composed of 90 percent silver and 10 percent copper.

(2) Design.—The design of the one dollar coins shall, in accordance with section 4, be emblematic of the Bicentennial of the United States Congress. Each one dollar coin shall bear a designation of the value of the coin, an inscription of the year "1989", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(c) Half Dollar Clad Coins.—

(1) Issuance.—The Secretary shall issue not more than **[**10,000,000**]** *4,000,000* half dollar coins each of which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(2) Design.—The design of the half dollar coins shall, in accordance with section 4, be emblematic of the Bicentennial of the United States Congress. On each half dollar coin shall be a designation of the value of the coin, an inscription of the year "1989", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(d) Legal Tender.—The coins minted under this Act shall be legal tender as provided in section 5103 of title 31, United States Code.

(e) Numismatic Items.—For purposes of section 5132(a)(1) of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 3. SOURCES OF BULLION.

(a) Gold.—The Secretary shall obtain gold for minting coins under this Act pursuant to the authority of the Secretary under existing law.

(b) Silver.—The Secretary shall obtain silver for minting coins under this Act only from stockpiles established under the Strategic and Critical Minerals Stock Piling Act (50 U.S.C. 98 et seq.).

SEC. 4. DESIGN OF COINS.

[The Director of the Mint shall submit the proposed designs of the coins to be minted under this Act to the Commission of Fine Arts for comments. After receiving the comments on the designs from such Commission, the Director of the Mint shall submit the proposed designs together with such comments to the Secretary. After receiving the proposed designs and the comments, the Secretary shall select the design of the coins to be minted under this Act.**]**

The design for each coin authorized by this Act shall be selected by the Secretary after consultation with the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Commission of Fine Arts.

SEC. 5. ISSUANCE OF COINS.

(a) Five Dollar Coins.—The five dollar coins minted under this Act may be issued in uncirculated and proof qualities and shall be struck at the United States **[**Bullion Depository at West Point**]** *Mint at West Point, New York.*

(b) One Dollar and Half Dollar Coins.—The one dollar and half dollar coins minted under this Act may be issued in uncirculated and proof qualities, except that not more than 1 facility of the United States Mint may be used to strike any particular combination of denomination and quality.

(c) Commencement of Issuance.—The Secretary may issue the coins minted under this Act beginning January 1, 1989.

(d) Termination of Authority.—Coins may not be minted under this Act after [December 31, 1989] *June 30, 1990.*

SEC. 6. SALE OF COINS.

(a) In General.—Notwithstanding any other provision of law, the Secretary shall sell the coins minted under this Act at a price equal to the face value, plus the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, and overhead expenses).

(b) Bulk Sales.—The Secretary shall make any bulk sales of the coins minted under this Act at a reasonable discount to reflect the lower costs of such sales.

(c) Prepaid Orders.—The Secretary shall accept prepaid orders for the coins minted under this Act prior to the issuance of such coins. [Payment with respect to such prepaid orders shall be at a reasonable discount to reflect the benefit of prepayment.] *Sale prices with respect to such prepaid orders shall be at a reasonable discount.*

(d) Surcharges.—All sales of coins minted under this Act shall include a surcharge of $35 per coin for the five dollar coins, $7 per coin for the one dollar coins, and $1 per coin for the half dollar coins.

SEC. 7. FINANCIAL ASSURANCES.

(a) No Net Cost to the Government.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) Payment for Coins.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration Board.

SEC. 8. REDUCTION OF NATIONAL DEBT.

An amount equal to the amount of all surcharges that are received by the Secretary from the sale of coins minted under this Act shall be deposited in the general fund of the Treasury and shall be used for the sole purpose of reducing the national debt.

SEC. 9. REPEAL OF THE REQUIREMENT THAT UNITED STATES CURRENCY NOTES BE REISSUED AFTER REDEMPTION.

Section 5119(b)(2) of title 31, United States Code, is amended by adding at the end the following: "The Secretary is not required to reissue United States currency notes upon redemption.".

SEC. 10. AUTHORITY TO ENGRAVE AND PRINT.

(a) In General.—Section 5114 of title 31, United States Code, is amended by adding at the end thereof the following subsection:

"(d) The Secretary, after apprising the Secretary of State, may engrave and print currency and other security documents, or engage in research and development for the engraving and printing of currency and other security documents, on behalf of a foreign country if the engraving and printing or research and development does not interfere with the production of the Bureau of Engraving and Printing necessary for domestic use. Foreign nations shall be charged their proportionate share of the costs for activities carried out under this section.".

(b) Conforming Amendments.—Section 5143 of title 31, United States Code, is amended—

(1) in the first sentence, by inserting "or a foreign country" after "agency"; and

(2) in the last sentence, by inserting "or the foreign country" after "agency".

AMENDMENT NO. 2369

Mr. PROXMIRE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. Proxmire], proposes an amendment numbered 2369.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8, after line 12, insert the following new section:

SEC. . AMENDMENTS TO THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION RECAPITALIZATION ACT OF 1987.

Section 306 of the Federal Savings and Loan Insurance Corporation Recapitalization Act of 1987 (12 U.S.C. 1730 note) is amended—

(a) by striking "1-Year" in the caption of subsection (h) and inserting in lieu thereof "2-Year"; and

(b) by striking "1-year" in subsection (h)(1) and inserting in lieu thereof "2-year".

Mr. PROXMIRE. Mr. President, this amendment will extend the 1-year moratorium on thrift institutions' leaving the Federal Savings and Loan Insurance Corporation. The moratorium was imposed by the Federal Savings and Loan Recapitalization Act of 1987, and is currently set to expire on August 10, 1988.

The Federal Home Loan Bank Board has requested the 1-year extension. Recent expenditures in California and the Southwest have sorely depleted FSLIC's few remaining cash resources. FSLIC needs all the funds it can obtain to deal with a problem that is most probably beyond its current resources. In recent hearings before the Banking Committee, witnesses estimated the cost at between $26 billion and $64 billion.

If the moratorium is not extended, we face the prospect that healthy thrift institutions will move from FSLIC to the Federal Deposit Insurance Corporation. Such an exodus would reduce FSLIC's income from insurance premiums—money that is sorely needed to resolve problem cases—and could leave FSLIC with a membership consisting disproportionately of institutions too sick to qualify for FDIC insurance. A mass exodus from FSLIC could also leave the FSLIC Financing Corporation unable to meet the interest payments due on its debt; raising additional capital would be out of the question. That would be the shipwreck of the recapitalization plan adopted last year—and it would likewise jeopardize any future recapitalization of FSLIC.

This amendment should be adopted now in order to reduce immediate uncertainty about the viability of the FSLIC recapitalization. A vote against this amendment is a vote for a taxpayer bailout.

Mr. President, I yield the floor.

Mr. GARN addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. I simply say after 3 hours of debate I think everyone understands my position. I hope we adopt this amendment.

AMENDMENT NO. 2370

Mr. GRAHAM. Mr. President, I send to the desk a second-degree amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida, Mr. Graham, proposes an amendment numbered 2370.

SEC. . RISK-BASED SPECIAL ASSESSMENT ALLOWED.

Section 404(c) of the National Housing Act (12 U.S.C. 1727(c) is amended by adding at the end thereof the following new paragraph:

"(3) Assessments based on risk criteria allowed.—

"(A) Establishment of risk criteria.—The Corporation may establish criteria for measuring and determining the degree to which any insured institution poses a risk to the reserves of the Corporation.

"(B) Amount of assessment may be based on risk.—The amount of any additional premium which the Corporation may assess against any insured institution under paragraph (1) in any year may be determined by the Corporation on the basis of the Corporation's evaluation, in accordance with the criteria established under subparagraph (A), of the degree to which such insured institution poses a risk to the reserves of the Corporation in such year.

Mr. GRAHAM. Mr. President, I offer this as a second-degree amendment to the amendment which has been offered by the Senator from Wisconsin. This amendment would clearly empower FSLIC to adopt an insurance procedure in which it would relate the premiums to the risk to the fund which is evidenced by the institution which is applying for that insurance. During the hearings that we held, statements were made by both FDIC and the head of FSLIC that they felt, one, consideration of such risk-based premiums was desirable and, two, questioned whether they had the congressional authority to utilize such a risk-based premium approach.

The purpose of this amendment is to clearly give to FSLIC the authority but not the mandate to adopt a risk-based premium approach. Why do I consider this to be important? I consider it important because it goes to the heart of the illness which is driving these institutions into higher and higher rates of speculation and placing the fund and the American taxpayers at risk, that is, there is no relationship between what an institution has to pay in order to get the insurance for each deposit up to $100,000 and the activities in which that institution is going to engage.

Mr. President, it would be like an insurance company that had two commercial buildings. One was used for standard office procedures, the other was used to store dynamite and yet the insurance premiums on both buildings was identical. Certainly the building that is storing dynamite is going to rent for a higher amount of money because it has a riskier, more highly commercially valuable activity taking place and yet the risk to the insurer is clearly much greater with the building with dynamite than the building with standard office procedures.

That is exactly what FSLIC is doing. We are saying we are going to charge the same premium for the most prudently run, for the most conservative, for the most well-managed, for the institution which has the greatest concern for protecting its own investment as well as the taxpayers' investment and the investment of the thrift industry as representative of the fund; that institution will get no benefit as distinct from the high fliers who have used the current system as a means of exploiting speculative, risky operations. The institution which was closed down last week had 98 percent of its loans in default. It had invested in such esoteric activities as windmill farms. Mr. President, that makes no sense at all. This at least allows the regulators who are responsible for the trusteeship of the American people to have the opportunity to do what they have indicated in hearings before the Banking Committee they wanted to be able to consider doing and that is to relate the premiums to the degree of risk. I think it is an appropriate, significant step that we can take now which will help to suture the hemorrhage in this industry and reduce the problem that we are likely to be facing in the weeks and months into the future.

Mr. PROXMIRE addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I strongly oppose this amendment, although it has considerable merit. I congratulate my good friend from Florida in offering the amendment. The fact is that there is an enormous difference in the portfolios of different savings and loans, especially between those that are State chartered and those that are federally chartered. There is no question about that. The Senator from Colorado raised this point earlier and I pointed out that instead of having risk-based premiums we might simply provide a federally insured savings and loan should comply with Federal restrictions on its investments. That is an alternative. But this is an extraordinarily complicated matter on which we should have hearings; we should hear from the Home Loan Bank Board and other experts. We have not had a single day of hearings on this. It has been discussed, but it is the kind of thing that we should examine closely.

Now, the Senator from Florida gave the example of a savings and loan that was recently closed. Ninety-eight percent of the loans were in default. May I ask what kind of risk-based premiums they could pay when they have judgment that bad? They invested in all kinds of utterly ridiculous schemes. It seems to me that you could not possibly design a system with risk-based premiums. What do they pay, a 10 percent premium, a 20 percent premium? It is absurd.

It seems to me that we have to know exactly what we are doing here. I think we will probably end up with risk-based premiums or a limitation on the kind of investments that S&L's could make, but I would hope that we do not act on this amendment today, without hearings. I hope that we disagree with my good friend from Florida and not pass the second-degree amendment.

Mr. GARN addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Mr. President, the Senator from Florida is entirely correct in principle. Normally insurance premiums are based on risk. I certainly cannot buy life insurance at the same premium as my 25-year-old son, and he certainly cannot get automobile insurance as cheaply as I can. Now, it is a well-established principle that premiums should be based on risk, and it certainly makes sense to me that if institutions are going to invest in more risky types of endeavors, at least their premiums ought to be increased in relationship to that risk.

Where the difficulty comes with implementing a good proposal is how you decide on the risk and who is going to make those determinations, and then you have people coming out of the woodwork who will argue one way or another about what is risky and what is not, what is the degree of risk.

So although I agree with what the Senator from Florida is trying to accomplish, from my experience I can think of no more controversial amendment. Once you have gone beyond the principle, on which, again, I agree with the Senator from Florida, I cannot think of a single amendment that would cause more difficulty for getting this 1-year extension and helping the FSLIC recap plan to work as rapidly as possible than this particular amendment.

So I hate to oppose the Senator from Florida on a principle with which we agree, but I must overwhelmingly disagree that this is the time and the place to offer this amendment.

Mr. PROXMIRE addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. Unless the Senator from Florida wants to speak further, I am going to move to table, but I certainly did not want to cut off my good friend from Florida.

Mr. GRAHAM. I would just like a moment to close and then request the yeas and nays on the motion to table, if I may.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, to close briefly on the amendment, first, I recognize that the Senator from Utah said this is not an easy conceptual idea. Maybe conceptually it is easy, and maybe disarmingly easy. It is the implementation that is difficult. But it is not easy for that life insurance company to arrive precisely at what the rate should be for a 55-year-old as against a 25-year-old or against one person with a certain driving record or another. It is not easy for Lloyds of London to decide what the appropriate reinsurance rate should be for a whole fabric of variations of risk, insurance decisions, risk transfer. It is essentially a complicated issue.

What this amendment states is that the corporation, FSLIC, may establish criteria for measuring and determining the degree to which any insured institution poses a risk to the reserves of the corporation.

So we are not making the decision as to how it will be implemented. We are not even saying that it must be implemented. We are dealing, as the testimony was presented to the committee, with currently the feeling that FSLIC does not have a clear congressional authority to even consider risk-based insurance. I think that is a very modest step forward in rationalizing what clearly is a system that has fallen out of control and shows every prospect of being more out of control if we defer this issue.

No. 2, I believe while the base amendment extending the moratorium deals with one issue, which is to suture a potential flood of institutions out of FSLIC, and let us understand that if the taxpayers are not going to bail out this industry, the industry has to bail out the industry, and if the industry is depleted by a rash of exists that is going to make the industry less able to do so and, therefore, increase the prospects that there will be a serious call for a taxpayer bill.

So we are dealing with serious business here. But I believe beyond looking at the task in trying to avoid further the issues that have gotten us here we also need to look at the future, and ask what can we do to keep the problem from getting worse.

I believe that one of the keys available to us now is to at least authorize FSLIC to consider establishing, based on the standards and procedures which FSLIC would implement, a risk-based insurance system and a system which has the potential of breaking this current system that privatizes profits and socializes losses to the detriment of the institution, the industry, and the confidence of the people of the United States in an important part of our financial services industry.

Thank you, Mr. President.

Mr. PROXMIRE addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, we may very well come to the kind of proposal that Senator GRAHAM has made, but we certainly should do it on the basis of the record, knowing exactly what we are doing. As I say, this is a very, very complicated problem. It is one in which we have not had any hearings focusing directly.

The Senator from Utah said we did have some discussion of it before the committee. We certainly have not had the kind of exhaustive hearings that we should have had before acting on the amendment proposed by the Senator from Florida.

Mr. President, before we act on this, I would like to ask unanimous consent to temporarily lay aside the pending amendment so that we can act on the committee amendments, which we should have taken up and passed at the beginning.

I ask unanimous consent that the Proxmire amendment be laid aside, together with the second-degree amendment so we can act on the committee amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. GARN. Mr. President, I move to reconsider the vote by which the committee amendments were passed.

Mr. PROXMIRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2370

Mr. PROXMIRE. Mr. President, I move to table the amendment of my good friend from Florida.

Mr. GRAHAM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wisconsin to lay on the table the amendment of the Senator from Florida. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE] and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. MCCAIN] and the Senator from California [Mr. WILSON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 80, nays 15, as follows:

[Rollcall Vote No. 185 Leg.]

YEAS—80

Adams
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Breaux
Bumpers
Burdick
Byrd
Chafee
Cochran
Cohen
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dole
Domenici
Durenberger
Evans
Exon
Fowler
Garn
Glenn
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Humphrey
Inouye
Karnes
Kassebaum
Kasten
Leahy
Levin
Lugar
Matsunaga
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Shelby
Simon
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wirth

NAYS—15

Armstrong
Bradley
Chiles
Conrad
Dodd
Ford
Graham
Helms
Hollings
Johnston
Kerry
Lautenberg
Mitchell
Pryor
Sasser

NOT VOTING—5

Biden
Gore
Kennedy
McCain
Wilson

So the motion to lay on the table amendment No. 2370 was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the Proxmire amendment.

The amendment (No. 2369) was agreed to.

Mr. PROXMIRE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GARN. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

If there are no further amendments——

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, as far as I can ascertain, nobody I know of is going to ask for a rollcall vote on final passage. That does not keep a Senator from asking. But that also does not mean that we have had all the rollcall votes we will have today, because I intend to stay in business for awhile.

Mr. GARN. If the Senator would yield, I have just been informed that there will be a request for a vote on final passage from our side.

Mr. BYRD. So there will be a request for a rollcall vote on final passage. You might as well just ask for it now and let everybody know.

Mr. GARN. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays were ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2376

(Purpose: To make funds available to the U.S. Capitol Restoration Commission. In recognition of the Congressional Bicentennial)

Mr. BYRD. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD) proposes an amendment numbered 2376.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SECTION 1. On page 7, strike Section 8 and insert the following new section in lieu thereof:

"SEC. 8. U.S. CAPITOL RESTORATION COMMISSION.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established a U.S. Capitol Restoration Commission ("Commission") which shall remain in existence until January 1, 1993, unless otherwise provided by law or resolution.

"(2) COMPOSITION.—

"(A) CO-CHAIRMAN.—The Commission shall be co-chaired by the President pro tempore of the United States Senate and Speaker of the United States House of Representatives or their designees.

"(B) COMPOSITION.—The Commission shall be composed of the following members:

"The Chairman of the Commission on the Bicentennial of the United States Senate, the Chairman of the Commission of the United States House of Representatives Bicentenary, the Chairman and Vice-Chairman of the Joint Committee on the Library, the Chairman of the Committee on Rules and Administration of the Senate, the Chairman of the Committee on Administration of the House of Representatives, the Majority Leader and Minority leader of the Senate, the Majority Leader and Minority Leader of the House of Representatives, and the Architect of the Capitol.

"(b) EXPANSION; OTHER ENTITIES.—The membership of the Commission may be expanded by Act of the Commission. The Commission, with the approval of the Co-Chairmen, may establish and maintain additional entities to further the purpose stated in this section.

"(c) EXPENDITURES.—Any expenditures by the Commission of funds available under this section or otherwise shall be authorized by act of the Co-Chairmen.

"(d) PURPOSE.—The purpose of the Commission shall be to receive funds under this section or from other sources and expend such funds for any improvements in or acquisitions for the United States Capitol Building and for any activities related thereto.

"(e) ESTABLISHMENT OF FUND.—

"(1) IN GENERAL.—There is established in the Treasury a fund for use in accordance with the provisions of this section.

"(2) DEPOSITS AND AVAILABILITY.—An amount equal to the amount of all surcharges that are received by the Secretary from the sale of coins minted under this Act shall be deposited in the fund, which shall be available to the Commission for the work of the Commission. Such funds shall be held in trust by the Secretary of the Treasury.

"(f) ACCEPTANCE OF GIFTS.—The Commission is authorized to—

"(1) accept gifts and bequests of money and other property of whatever character for the purpose of aiding, benefiting, or facilitating the work of the Commission;

"(2) hold, administer, use, invest, reinvest and sell gifts and bequests of property received under this section for the purpose stated in subsection (d); and

"(3) deposit gifts of money received under this section in the fund established in subsection (e).

"(g) TAXES.—For the purpose of Federal income, estate, and gift tax laws, property accepted under this section shall be considered a contribution to or for the use of the United States.

"(h) DISBURSEMENTS.—Disbursements from the fund established under subsection (e) shall be made on vouchers signed by both Co-Chairmen of the Commission.

"(i) CONTRACTS.—Any contract to be made with the Department of the Treasury or the Director of the Mint involving the promotion, advertising, or marketing of any coins to be minted and sold under this Act shall be approved by the Commission to be valid."

SEC. 2. Strike Section 4 and insert the following new section in lieu thereof:

"SEC. 4. DESIGN OF COINS.

"(a) DESIGN SELECTION.—The Director of the Mint shall submit the proposed designs of the coins to be minted under this Act to the Commission of Fine Arts. The Commission of Fine Arts, in consultation with the U.S. Capitol Restoration Commission, shall obtain such refinements and alterations in the submitted designs as they deem fit, and then select at least two design pairs each consisting of one obverse and reverse design per coin for each of the five dollar, one dollar, and half dollar coins. After receiving all design selections from the Commission of Fine Arts, the Director of the Mint shall submit the proposed design pairs to the Secretary in the same manner as they were submitted to the Director. After receiving the proposed design pairs for each denomination, the Secretary shall select from among them the design of the coins to be minted under this Act, but in no case shall the obverse and reverse design selections be interchanged from among the submitted design pairs.

"(b) SUBMISSIONS.—All submissions produced under this Act shall become the sole property of the U.S. Capitol Restoration Commission."

SEC. 3. In Section 5(b) strike "except that not more than 1 facility" and insert "and all facilities" in lieu thereof.

Mr. BYRD. Mr. President, this amendment would provide that the income from the bicentennial-of-the-Congress coin—this being the 200th year of the House and Senate—would be used to upgrade and restore the Capitol for the American people over a 5-year period. I can think of no finer bicentennial gift that we could give to the American people than to improve their Capitol for their viewing enjoyment and improve their sense of history.

This is a large undertaking but one which is overdue for the Capitol. Similar endeavors have been successfully undertaken for the White House, the State Department, and, most recently, Blair House, which houses official guests. I hope that the managers will be in a position to accept the amendment and that the Senate will agree to it.

The PRESIDING OFFICER. Is there further debate?

Mr. GARN. Mr. President, I certainly have no objections to the substance of the amendment. As a matter of fact, I would commend the distinguished majority leader for offering it. It is a good idea to use the proceeds and I will not oppose the amendment out of courtesy to the majority leader.

However, I do want to state that it concerns me, because we have tried, as the managers of the bill, all day to get a bill that was identical with the House bill so that it could immediately go to the President with the 1-year extension of FSLIC because of the very severe problem of the savings and loans of this country. So there will be some other amendments that will change the bill and require a conference. I am hopeful that the majority leader would help us with the House of Representatives so that we would not have delay.

I want to again make clear I have no objections to the substance of the Senator's amendment. He knows the legislative process far better than I. I just hope that, by offering this and other amendments that will now be offered because the bill will not be clean, it does not delay the process of getting the 1-year extension enacted, and I would seek his and Senator DOLE's help in that effort.

Mr. BYRD. Mr. President, I fully appreciate what the ranking Member has said and I support him in what he has said. I hope that this bill will not be unduly delayed and I will certainly do everything I possibly can in talking with the leadership of the House to try to smooth the path for this amendment in conference if indeed it goes to conference. I do appreciate the support that the ranking manager has stated.

I think it is a good amendment. I think that our Capitol will be benefited by this amendment. Certainly the American people, it seems to me, in this bicentennial year, would appreciate the fact that, as I understand it, about $35 to $40 million would flow from the adoption of this amendment toward the building and toward the repair of the Capitol.

I hope those figures are accurate. Those are the figures that have been given to me.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I have great admiration and respect for our leader. He is a wonderful leader. He has done a superb job. I have no question in my mind this amendment is going to pass.

My problem, however, is $45 or $50 million is not very much in a $2.5 trillion debt but it is something. I just cannot vote for anything that diverts money from reducing the deficit. But I am sure the amendment will be agreed to and it is an amendment which, if we have to spend $45 or $50 million may well be a good way to spend it.

But I want to make it clear that this is in no way a discourtesy or a lack of admiration for the leader, whom I truly esteem.

Mr. BYRD. Mr. President, I understand that and fully respect the concerns that have been expressed by both managers. They have worked hard on the bill. They want to see the bill go the President's desk quickly, and I want to see that done also, and I would not want this amendment to stand in the way of that in conference or anywhere else.

But to me the Congress is the No. 1 institution in this constitutional form of Government. This is the 200th year of the first branch, the people's branch, the branch that is mentioned in the first article, about which the whole first article of the Constitution is written. And it is mentioned in the very first sentence of the first article of the Constitution.

It seems to me that in striking this coin in recognition of the bicentennial, why not let a little money flow from that coin for the people's capital? So I certainly will do everything I can to see that the House does not stumble over this amendment. If that happens—take it off and send the bill on down to the President. Is that fair enough?

Very good.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Is there any further debate on this amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2370) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GARN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I thank both managers and thank the Senate.

AMENDMENT NO. 2377

Mr. ARMSTRONG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative cleak read as follows:

The Senator from Colorado [Mr. ARMSTRONG] proposes an amendment numbered 2377.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SECTION 201. DENOMINATIONS, SPECIFICATIONS, AND DESIGN OF COINS.

Subsection (d)(1) of section 5112 of title 31, United States Code, is amended by striking the fourth sentence.

SEC. 202. DESIGN CHANGES REQUIRED FOR CERTAIN COINS.

Subsection (d) of section 5112 of title 31, United States Code, is amended by adding at the end the following new paragraph:

"(3) The design on the reverse side of the half dollar, quarter dollar, dime coin, 5-cent coin and one-cent coin shall be selected for redesigning. One or more coins may be selected for redesign at the same time, but the first redesigned coin shall have a design commemorating the 200th anniversary of the United States Constitution for a period of two years after issuance. After that 2-year period, the bicentennial coin shall have its design changed in accordance with the provisions of this subsection. Such selection, and the minting and issuance of the first selected coin shall be made not later than 1 year after the date of the enactment of this paragraph. All such redesigned coins shall conform with the inscription requirements set forth in paragraph (1) of this subsection.".

SEC. 203. DESIGN ON OBVERSE SIDE OF COINS.

Subsection (d) of section 5112 of title 31, United States Code, is amended by adding at the end the following new paragraph:

"(4) The design on the obverse side of the half dollar, quarter dollar, dime coin, 5-cent coin, and one-cent coin shall contain the likeness of those currently displayed and shall be considered for redesign. All such coin obverse redesigns shall comform with the inscription requirements set forth in paragraph (1) of this subsection.".

SEC. 204. SELECTION OF DESIGNS.

The design changes for each coin authorized by the amendments made by this title shall take place at the discretion of the Secretary and shall be done at the rate of one or more coins per year, to be phased in over six years after the date of the enactment of this Act. In selecting new designs, the Secretary shall consider, among other factors, thematic representations of the following constitutional concepts: freedom of speech and assembly; freedom of the press; right to due process of law; right to a trial by jury; right to equal protection under the law; right to vote; themes from the Bill of Rights; and separation of powers, including the independence of the judiciary. The designs shall be selected by the Secretary upon consultation with the United States Commission of Fine Arts.

SEC. 205. REDUCTION OF THE NATIONAL DEBT.

Subsection (a)(1) of section 5112 of title 31, United States Code, is amended by inserting after the third sentence the following: "Any profits received from the sale of uncirculated and proof sets of coins shall be deposited by the Secretary in the general fund of the Treasury and shall be used for the sole purpose of reducing the national debt.".

Mr. ARMSTRONG. Mr. President, if I may, I will take just a moment to explain that the amendment is in effect bill S. 1776, which has been sponsored by, I guess, more or less 70 Members of the Senate, on which there has been a hearing by the Banking Committee, which the Banking Committee has recommended for approval of the Senate.

In brief, this legislation simply says that over a 6-year period after the date of enactment the Secretary of the Treasury shall print and issue some new coins with new designs that he has approved; that the new designs will celebrate the bicentennial of the Constitution.

This matter was suggested to me and to the others who have sponsored it by people who are interested in coins. But it also has the side effect, in addition to satisfying people who are interested in the art and beauty and collecting of coins, it has the side effect of producing about a $200 million profit, it is estimated, for the Government as a result of the seigniorage on the issuance of these coins.

So I think it is not controversial and I hope the managers will accept the amendment.

Let me say in the same spirit the majority leader has offered, I would not wish this amendment to adversely affect in any way the prospects for the underlying bill. Although I am not sympathetic to the bill I am sympathetic to the managers of the bill. They had asked that perhaps the Senators would defer offering amendments to this so the FSLIC issue could be considered on its own merits. But since we are going to take some amendments it seems fair to me to take this, which is closely related conceptually to the amendment we have just adopted.

With that word of explanation, I would be hopeful that the managers would be willing to have this ornament added to their bill.

Mr. PROXMIRE. Did I understand the distinguished Senator from Colorado said this would bring $200 million into the Treasury to reduce the deficit?

Mr. ARMSTRONG. That is correct. That is the figure provided to us by witnesses before the Banking Committee, that the seigniorage on this over a period of a few years would amount to some $200 million.

Mr. PROXMIRE. I cannot resist that argument.

Mr. GARN. Mr. President, although as I said before, I would prefer we have no amendments, I would not disagree with the substance and I reluctantly accept the amendment.

The PRESIDING OFFICER. Is there any further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2377) was agreed to.

Mr. ARMSTRONG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GARN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GARN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2378

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration. I will explain what the amendment does briefly.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] for himself, Mr. HEINZ, Mrs. KASSEBAUM, Mr. MOYNIHAN, Mr. MURKOWSKI, and Mr. EXON; proposes an amendment numbered 2378.

Mr. DOLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place add the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dwight David Eisenhower Commemorative Coin Act of 1987".

SEC. 2. DWIGHT DAVID EISENHOWER COMMEMORATIVE COINS.

(a) AUTHORIZATION.—subject to subsection (b), the Secretary of the Treasury (hereinafter in this Act referred to as the "Secretary") shall mint and issue one-dollar coins in commemoration of the one hundredth anniversary of the birth of Dwight David Eisenhower.

(b) LIMITATION ON THE NUMBER OF COINS.—The Secretary may not mint more than ten million of the coins referred to in subsection (a).

(c) SPECIFICATIONS AND DESIGN OF COINS.—Each coin referred to in subsection (a) shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches;

(3) contain 90 percent silver and 10 percent copper;

(4) designate the value of such coin;

(5) have an inscription of—

(A) the year "1990"; and

(B) the words "Liberty", "In God We Trust" "United States of America", and "E Pluribus Unum";

(6) have the likeness of Dwight David Eisenhower on the obverse side of such coin; and

(7) have an illustration of the home of Dwight David Eisenhower located in the Gettysburg National Historic Site on the reserve side of such coin.

(d) NUMISMATIC ITEMS.—For purposes of section 5132(a)(1) of title 31, United States Code, the coins referred to in subsection (a) shall be considered to be numismatic items.

(e) LEGAL TENDER.—The coins referred to in subsection (a) shall be legal tender as provided in section 5103 of title 31, United States Code.

SEC. 3. SOURCES OF BULLION.

The Secretary shall obtain silver for the coins referred to in section 1(a) only from stockpiles established under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.).

SEC. 4. MINTING AND ISSUANCE OF COINS.

(a) UNCIRCULATED AND PROOF QUALITIES.—The Secretary may mint and issue the coins referred to in section 1(a) in uncirculated and proof qualities.

(b) USE OF THE UNITED STATES MINT.—The Secretary may not use more than 1 facility of the United States Mint to strike the coins referred to in section 1(a).

(c) COMMENCEMENT OF AUTHORITY TO SELL COINS.—The Secretary may begin selling the coins referred to in section 1(a) on January 1, 1990.

(d) TERMINATION OF AUTHORITY TO MINT COINS.—The Secretary may not mint the coins referred to in section 1(a) after December 31, 1990.

SEC. 5. SALE OF COINS.

(a) IN GENERAL.—Subject to subsections (b) and (c), and notwithstanding any other provision of law, the Secretary shall sell the coins referred to in section 1(a) at a price equal to—

(1) the face value of such coins; and

(2) the cost of designing, minting, dies, use of machinery, and overhead expenses.

(b) BULK SALES.—The Secretary shall make any bulk sales of the coins referred to in section 1(a) at a reasonable discount to reflect the lower costs of such sales.

(c) PREPARED ORDERS.—Before January 1, 1990, the Secretary shall accept prepaid orders for the coins referred to in section 1(a). The Secretary shall make sales with respect to such prepaid orders at a reasonable discount to reflect the benefit to the Federal Government of prepayment.

(d) SURCHARGES.—The Secretary shall include a surcharge of $9 per coin on all sales of the coins referred to in section 1(a).

SEC. 6. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that the minting and issuance of the coins referred to in section 1(a) shall result in no net costs to the Federal Government.

(b) PAYMENT FOR THE COINS.—The Secretary may not sell a coin referred to in section 1(a) unless the Secretary has received—

(1) full payment for such coin;

(2) security satisfactory to the Secretary to indemnify the Federal Government for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration Board.

SEC. 7. PROCUREMENT OF GOODS AND SERVICES.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not apply with respect to any law relating to equal employment opportunity.

SEC. 8. REDUCTION OF FEDERAL DEBT.

The Secretary shall deposit in the general fund of the Treasury for the purpose of reducing the Federal debt an amount equal to the amount of all surcharges that are received by the Secretary from the sale of the coins referred to in section 1(a).

Mr. DOLE. Mr. President, I am honored today to offer, along with Senator HEINZ, Senator KASSEBAUM, and others, an amendment which would authorize the minting of a coin commemorating the 100th birthday of President David Eisenhower—one of this Nation's most respected and beloved Presidents.

There would be no Government cost for minting and issuing this $1 coin. And the proceeds from its sale would be used to reduce the Federal deficit.

Mr. President, quite naturally as a fellow Kansan, I take special pride in the illustrious military and public career of President Eisenhower. His pivotal role as the chief of staff of the 3d Army; commander general—European theater of operations, Supreme Commander of the Allied Expeditionary Forces is well known, and laid the groundwork for his election to the Presidency in 1952.

Unfortunately, I arrived here in Washington as a Congressman just as President Eisenhower was leaving office. But he did and does serve for me as the personification of a no-nonsense, commonsense, approach, to solving the problems of government—an approach that reflects basic but essential American values.

Mr. President, I can think of no more appropriate tribute to President Eisenhower's memory, than the issuance of a coin that would be seen and used by hundreds of thousands of Americans. And I urge the adoption of this amendment.

Mr. PROXMIRE. Will the distinguished Senator yield for a question?

Mr. DOLE. I will yield.

Mr. PROXMIRE. Does this amendment cost the Treasury money, or does it bring money in?

Mr. DOLE. There would be no Government cost for minting and issuing the $1 coin, and the proceeds from its sale would be used to reduce the Federal deficit.

Mr. PROXMIRE. It would not bring money in; it would be reduction of the deficit.

Mr. DOLE. Yes.

Mr. PROXMIRE. I have no objection.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 2378) was agreed to.

Mr. GARN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PROXMIRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, I rise in support of H.R. 3251, the Commemoration of the Bicentennial of the U.S. Congress. For a number of years I have been actively involved in efforts to mint U.S. gold and silver coins. I have been involved for a number of reasons. One very important reason is to maximize the return to the U.S. Treasury of silver currently held in Government stockpiles. This bill and the amendments thereto has the potential of disposing of over 10 million ounces of Government silver.

H.R. 3251 calls for the minting of 3 million $1 silver coins to commemorate the bicentennial of the U.S. Congress, and the amendment offered by the minority leader in behalf of Senator HEINZ would allow an additional 10 million coins to be minted to commemorate the 100th anniversary of the birth of Dwight David Eisenhower. These coins would be 90 percent silver. The silver would come from the national defense stockpile.

Mr. President, the national defense stockpile has had as much as 136 million ounces of silver. For a number of years this administration and others have attempted to dump this silver on the market. Not only would this have an adverse effect on the market, but it would return to the Treasury fewer dollars than what a well-planned marketing plan could return in this time of tight budgets.

For example, in 1985 the Congress passed the Statue of Liberty coin bill. This bill included language requiring the mint to use silver in the national defense stockpile to mint the Statue of Liberty coins and the new silver Liberty coin which I added as an amendment on the Senate floor. Since the passage of this bill and the great reception these coins received, each subsequent coinage measure has included language requiring the use of Government stockpiled silver in their coins. The bill before us today also requires that silver used in these coins come from the national defense stockpile.

Mr. President, let me explain the great benefit to the Government from using stockpiled silver in these coinage measures. Those who promote the dumping of this silver on the market would depress the price of silver and greatly decrease the amount of return to the Treasury. Since we have begun to use this silver in a well-planned marketing strategy, the Government has disposed of close to 30 million ounces in the last 3 years. Further, these sales have generated close to $65 million to reduce the deficit. If there has ever been a Government program where the Government has successfully covered their costs and raised money to reduce the deficit, it is the coinage programs. If the silver had been dumped, it is very possible that little, if any, return would have been realized to reduce the deficit.

Mr. President, the bill before us today is a continuation of a proven marketing strategy to dispose of Government stockpiled silver in an orderly fashion. I applaud those who have worked to make this a reality. Further, I expect that these coinage programs and future coins will be as cost effective as the Statue of Liberty, Silver Liberty, and the Bicentennial of the Constitution.

Mr. President, I ask unanimous consent that my statement appear in the RECORD as if read immediately before the passage of H.R. 3251.

Mr. LEAHY. Mr. President, I rise in support of the bill to mint a coin to commemorate the bicentennial of the Congress, but I do so reluctantly.

While I support the minting of the coin as an appropriate means of marking the bicentennial of the First Congress, I have severe reservations about one of the banking amendments that was offered on the floor.

Mr. President, an amendment was offered to extend for 1 year the moratorium which prevents savings and loans from converting to banks. This matter is extremely controversial and goes to the heart of the whole thrift crisis in this country. Yet, no committee of the Senate has held a hearing on the legislation to extend the moratorium. I believe this is unwise and, for this reason, at this time I oppose extending the moratorium. Extending the moratorium is also unfair to those thrifts which plan to convert to banks in the near future.

Mr. President, our Nation's savings and loans and our thrift deposit system is in trouble. Congress and the administration must work together to restore soundness to FSLIC and to our S&L's. But, we must do our job deliberately, with hearings and study.

I was also troubled by an amendment to allow FSLIC to change the way it collects premiums from member S&L's. The amendment would have permitted FSLIC to collect higher premiums from thrifts that make risky investments. On its face, this is a sound idea and one that bankers in my State of Vermont would support. This proposal, however, just like the extension of the moratorium, has never had a hearing in Congress. I voted to table this amendment in the hope that hearings will be held and that steps will be taken to ease the burden on sound, conservative thrift institutions.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the clerk will read the bill for the third time.

The legislative clerk read as follows:

A bill (H.R. 3251) to require the Secretary of the Treasury to mint coins in commemoration of the Bicentennial of the United States Congress.

The PRESIDING OFFICER. Is there further debate?

Mr. GARN. Mr. President, the yeas and nays have previously been ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, first, I ask unanimous consent that the vote whereby the first two committee amendments to H.R. 3251 were agreed to, be considered en block and that the amendments upon reconsideration be disagreed to en bloc.,

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Second, Mr. President, the distinguished Senator from Montana, Senator BAUCUS, had intended to offer an amendment to the Armstrong amendment which was considered, but he was not notified when the Armstrong amendment was up.

He would like to offer that amendment now. I have no objection to it. It is an amendment that would not have adverse effect on the Treasury. It is an amendment which relates to the bicentennial, and I think it is a noncontroversial amendment.

I ask unanimous consent the amendment be in order in spite of the fact we had third reading.

Mr. GARN. Reserving the right to object, and I will not object, I want to make certain that this is merely for the purposes of the Baucus amendment and we immediately go to the vote on final passage. With that understanding, I will not object.

The PRESIDING OFFICER. Is there objection. There being no objection, the unanimous-consent request is agreed to.

AMENDMENT NO. 2379

(Purpose: To require the Secretary of the Treasury to mint and issue $5 coins in commemoration of the 100th anniversary of the statehood of Idaho, Montana, North Dakota, South Dakota, Washington and Wyoming)

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I have an amendment I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana, Mr. BAUCUS, proposes an amendment numbered 2379.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, between lines 3 and 4, insert the following:

"TITLE I—BICENTENNIAL OF THE UNITED STATES CONGRESS COMMEMORATIVE COIN."

On page 8, after line 12, insert the following new title:

"TITLE II—STATEHOOD CENTENNIAL COMMEMORATIVE COIN

"SEC. 201. SHORT TITLE.

"This title may be cited as the 'Statehood Centennial Commemorative Coin Act of 1989'.

"SEC. 202. STATEHOOD CENTENNIAL COMMEMORATIVE COINS.

"(a) AUTHORIZATION.—Subject to subsection (b), the Secretary of the Treasury (hereinafter in this title referred to as the 'Secretary') shall mint and issue 5 dollar coins in commemoration of the 100th anniversary of the statehood of Idaho, Montana, North Dakota, South Dakota, Washington and Wyoming.

"(b) LIMITATION ON THE NUMBER OF COINS.—The Secretary may not mint more than 350,000 of the coins referred to in subsection (a).

"(c) Specifications and Design of Coins.—Each coin referred to in subsection (a) shall—

"(1) weigh 31.103 grams;

"(2) have a diameter of 1.650 inches;

"(3) contain 90 percent palladium and 10 percent alloy;

"(4) designate the value of such coin;

"(5) have an inscription of—

"(A) the year '1989'; and

"(B) the words 'Liberty', 'In God We Trust', 'United States of America', 'E Pluribus Unum', and 'Statehood 1889-1890'; and

"(6) contain an engraving of the regional logo on one side and a combination of a bust of Thomas Jefferson and Lewis and Clark overlooking the Missouri, on the other side;

"(d) Numismatic Items.—For purposes of section 5132(a)(1) of title 31, United States Code, the coins referred to in subsection (a) shall be considered to be numismatic items.

"(e) Legal Tender.—The coins referred to in subsection (a) shall be legal tender as provided in section 5103 of title 31, United States Code.

"SEC. 203. SOURCES OF BULLION.

"The Secretary shall obtain palladium for the coins referred to in section 202(a) by purchase of palladium mined from natural deposits in the United States within one year after the month in which the ore from which it is derived was mined and by purchase of palladium refined in the United States. The Secretary shall pay not more than the average world price for the palladium. In the absence of available supplies of such palladium at the average world price, the Secretary shall purchase supplies of palladium pursuant to the authority of the Secretary under existing law. The Secretary shall issue such regulations as may be necessary to carry out this paragraph.

"SEC. 204. MINTING AND ISSUANCE OF COINS.

"(a) Uncirculated and Proof Qualities.—The Secretary may mint and issue the coins referred to in section 202(a) in uncirculated and proof qualities.

"(b) Use of the United States Mint.—The Secretary may not use more than 1 facility of the United States Mint to strike the coins referred to in section 202(a).

"(c) Commencement of Authority to Sell Coins.—The Secretary may begin selling the coins referred to in section 202(a) on January 1, 1989.

"SEC. 205. SALE OF THE COINS.

"(a) Bulk Sales.—The Secretary shall make bulk sales at a reasonable discount to reflect the lower costs of such sales.

"(b) Prepaid Orders at a Discount.—The Secretary shall accept prepaid orders for the coins prior to the issuance of such coins. Sales under this subsection shall be at a reasonable discount to reflect the benefit of prepayment.

"(c) Surcharge Required.—All sales shall include a surcharge of $20 per coin.

"SEC. 206. FINANCIAL ASSURANCES.

"(a) No Net Cost to the Government.—The Secretary shall take such actions as may be necessary to ensure that the minting and issuance of the coins referred to in section 202(a) shall not result in any net cost to the Federal Government.

"(b) Sale Price.—Notwithstanding any other provision of law, the coins issued under this title shall be sold by the Secretary at a price equal to the face value, plus the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, and overhead expenses).

"SEC. 207. PROCUREMENT OF GOODS AND SERVICES.

"(a) In General.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this title.

"(b) Equal Employment Opportunity.—Subsection (a) shall not apply with respect to any law relating to equal employment opportunity.

"SEC. 208. REDUCTION OF FEDERAL DEBT.

"The Secretary shall deposit in the general fund of the Treasury for the purpose of reducing the Federal debt an amount equal to the amount of all surcharges that are received by the Secretary from the sale of the coins referred to in section 202(a).".

Mr. BAUCUS. Mr. President, there are six States whose centennial is next year, 1989. This amendment very simply requires the Government to strike a coin in commemoration of those six States. There will be 350,000 coins, they will be $5 coins, and the price for the coins will be $20. It is a good amendment, in commemoration of the six States whose centennial is in 1989, and I ask the amendment be agreed to.

The PRESIDING OFFICER. Is there further discussion of the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2379) was agreed to.

Mr. PROXMIRE. I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRANSTON. Senator Proxmire, I have a question concerning the debate on the amendment to H.R. 3251 which provided for a moratorium on transfers from FSLIC to FDIC.

This legislation extends the moratorium on FSLIC to FDIC transfers for an additional year, however, does this amendment have any effect on the thrift institutions which were grandfathered under the Competitive Equality Banking Act last year?

Mr. PROXMIRE. No, Senator, it does not.

Mr. GARN. I concur with that analysis.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Florida [Mr. Chiles], is necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden], is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. McCain] and the Senator from California [Mr. Wilson] are necessary absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 186 Leg.]

YEAS—96

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wirth

NOT VOTING—4

Biden
Chiles
McCain
Wilson

So the bill (H.R. 3251), as amended, was passed.

Mr. GARN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ALLEGED FRAUD AND ABUSE IN DEFENSE CONTRACTING

Mr. WARNER. Mr. President, the press today carries a story about alleged fraud and abuse in defense contracting, and this concerns me greatly, as the ranking member of the Senate Armed Services Committee. I have served on that committee nearly 10 years, and prior thereto for over 5 years in the Department of Defense, and I have some knowledge of the procurement system.

We have now witnessed, through the past few years, a very serious series of allegations of fraud and abuse in defense contracting—hammers, toilet seats, and other things. Now we have this serious case. I say serious because while I do not have any inside information whatsoever, such stories have profound impact on our ability here in Congress to do our work in terms of legislation, in terms of guiding the Department of Defense. It affects all aspects of our national defense. Right now, just an hour ago, we adjourned the conference between the House and the Senate for the 1989 authorization bill.

Mr. President, I have undertaken to write the Secretary of Defense a letter, and I ask my colleagues to bear with me as I read a portion of that letter.

Dear Mr. Secretary:

The wide-ranging Justice Department investigation of Defense Department officials and defense contractors and consultants, as reported in the media today, is of utmost concern. If this investigation uncovers evidence of fraud or bribery involving the improper exchange of technical or competitive data (proprietary data) between government employees and defense contractors or consultants, and if such evidence provides a basis for criminal indictments, then these actions challenge the integrity of the existing procurement process. We must ask if there is some part of our procurement process which, if not fostering, may be permitting an atmosphere in which this type of criminal activity could occur.

According to the press accounts, there are defense contractors involved in over 50 contracts which are now in existence, which may have to be reexamined, in terms of the validity of those contracts.

I recognize that this investigation is ongoing and that it may be sometime before much of the evidence about this matter becomes available. Nonetheless, a review of the procurement process must begin immediately. I ask that you undertake such a review today. I ask that you specifically focus on questions involving the safeguards in handling of competitive and technical data within the defense procurement process. Further, are the existing statutes and regulations governing these matters adequate, appropriate, internally consistent, and easily understandable? We must assure that the applicable statutes and regulations are sufficiently clear and precise to make any attempt to violate them obvious to all concerned participants in the procurement process.

If the allegations reported in today's press are shown to be true, there could be hundreds, if not thousands, of honest government employees, government contractors, and consultants who could be harmed by their mere association with the defense procurement process.

Guilt by association.

We all know that the vast number of individuals, the overwhelming number, pursue their activities in an honest way every day. Yet, this case will impact not only on their daily activities but also on their family lives and their careers, and that concerns me greatly.

It is for that reason that I want the Secretary to immediately examine this process, so as to determine how such a pervasive case could possibly have occurred, if the allegations are true, and to take immediate steps to clarify any misunderstanding in the procurement process so that it will stop.

The allegations relate to fraud in the following ways: When a contract is conceived in a military department, seniors of that department come together and determine how much money they have, what are the needs of that department, and how they should put together a proposal to send out for bids. If information is leaked at that stage, any bidder coming in would have an advantage.

The second stage is that the proposal is put out and bids are sent in. Based on the lowest bidder—that is usually the criterion, provided they have the adequate technical package—that bidder or bidders would be enabled to compete for the best and final offer.

Herein is the fertile ground for much of the allegation of fraud in this case, because you gravitate down to two or three contractors, and they are in fierce competition. If one is able to get knowledge of the other's technical data or the other's price, then that contractor has a clear advantage in working on that best and final offer.

This is a very serious case, Mr. President. I hope that those in the Department of Justice and others responsible will pursue it with all due diligence.

Mr. President, I ask unanimous consent to have my letter to Secretary Carlucci printed in the RECORD.

There being no objection the letter was ordered to be printed in the RECORD, as follows:

JUNE 15, 1988.

Hon. FRANK C. CARLUCCI III,
Secretary of Defense, Washington, DC.

DEAR FRANK: The wide-ranging Justice Department investigation of Defense Department officials and defense contractors and consultants, as reported in the media today, is of utmost concern. If this investigation uncovers evidence of fraud or bribery involving the improper exchange of technical or competitive data (proprietary data) between government employees and defense contractors or consultants, and if such evidence provides a basis for criminal indictments, then these actions challenge the integrity of the existing procurement process. We must ask if there is some part of our procurement process which, if not fostering, may be permitting an atmosphere in which this type of criminal activity could occur.

I recognize that this investigation is ongoing and that it may be sometime before much of the evidence about this matter becomes available. Nonetheless, a review of the procurement process must begin immediately. I ask that you undertake such a review today. I ask that you specifically focus on questions involving the safeguards in handling of competitive and technical data within the defense procurement process. Further, are the existing statutes and regulations governing these matters adequate, appropriate, internally consistent, and easily understandable? We must assure that the applicable statutes and regulations are sufficiently clear and precise to make any attempt to violate them obvious to all concerned participants in the procurement process.

If the allegations reported in today's press are shown to be true, there could be hundreds, if not thousands, of honest government employees, government contractors, and consultants who could be harmed by their mere association with the defense procurement process. We cannot allow this to continue. If the evidence shows that knowing criminal conduct occurred, those responsible must be identified and appropriate actions taken. But in the meantime, we must assure that our procurement system process does not in any way foster or contribute to an atmosphere in which criminal conduct like that alleged can occur.

Sincerely,

JOHN W. WARNER.

Mr. METZENBAUM. Mr. President, will the Senator from Virginia yield for a question?

Mr. WARNER. Yes.

Mr. METZENBAUM. First let me say the Senator from Virginia is on target on this subject. I commend him for it. As a matter of fact, I recollect the occasion when he and the senior Senator from Colorado and I met with former Secretary Weinberger and his deputy, Frank Carlucci, to talk about the entire matter of procurement.

As a consequence of that meeting, there came out 32 new proposals as to how procurement would occur in the Department of Defense, but the one thing that we emphasized at that time before was competitive bidding and that was omitted until such time as I saw the occasion to speak to the Deputy Secretary. They say, "Oh, yes, it was an oversight," and included it.

My real question is this: the Senator from Virginia knows as well as anyone in this body, certainly as well as I know and every other Member of this body, that this is deja vu. It was not too long ago that I remember that I read that 55 out of 100 defense contractors were being examined for defense fraud. It was not too long ago I remember that some defense contractors were actually suspended from getting any contracts and then they were reinstated although there were no penalties attached to it because the Department of Defense said "We need the procurement and we cannot afford to do without it."

My real question is, you can send a letter and I commend you for that, and I do not take offense, and I support you. But how do we get the Department of Defense to understand that this largest Department in the U.S. Government which spends billions upon billions of dollars is profligate in its expenditure of funds, refuses to conduct itself as any normal business would conduct itself, has well meaning people at every level when you search through the Department but the totality winds up with the American people paying the bill for guns and missiles that do not work, that are kept on the field, for equipment that costs twice what it should cost and sometimes 10 and 20 times as much, for so many other instances of waste, waste, waste?

I am speaking only out of a sense of frustration because although my colleague is a ranking member of the Armed Services Committee and a former Secretary of the Navy, he is not responsible. He is trying to do something about it.

The letter will not solve the problem. What can we here in the Congress do more than just putting a little pressure on? It becomes a 1-day story and then it fades into the shadows.

Mr. WARNER. Mr. President, my distinguished colleague from Ohio indeed has been very much involved through the years in trying to improve the procurement process not only of the Defense Department but throughout Government contracts.

But, I would suggest we proceed with great caution on this particular case because all we have is a bare media report, and there are only allegations of fraud. Under our system of jurisprudence until proven guilty, of course, we presume innocence.

But the facts that I have learned again, primarily almost exclusively, through the media is there are over a dozen contractors involved, perhaps 50 contracts, so it is a very pervasive case within the Department and I think the Senator raises a legitimate question: How such a pervasive case, if in fact it is true, can go undetected for 2 years that this investigation was proceeding without some responsible person spotting it and then begin to take appropriate action.

What concerns me now is—and we may have a difference of opinion here, I am of the opinion that the vast majority of people in the Pentagon, in Government, proceed on the $150 billion annually the Department of Defense is appropriated in an honest way and would withstand scrutiny of any court.

Mr. METZENBAUM. We did not have a difference there.

Mr. WARNER. Also there are those who wish to take a chance and violate the law.

I say to the Secretary to come back to us as quickly as possible determining whether or not the procurement process in any way fosters or encourages these violations and in fact the existing statutory and regulatory framework is clear enough so that honest, conscientious employees can continue with their work without getting entrapped in these situations. And tens of thousands of these individuals are my constituents and I am proud of them and they live in the Commonwealth of Virginia.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, will the Senator yield?

Mr. WARNER. I yield.

Mr. BYRD. Mr. President, I would like to proceed to the corporate takeover bill.

I understand that the discussions are continuing on the welfare reform legislation, and there may be some hope of reaching some agreement in that regard soon. But at least I would like to get my motion in to take up this measure. Of course, welfare reform has first track. That has the inside track, in any event. I would not contemplate being on the corporate takeover bill very long today. We will still be on it tomorrow.

When the managers are ready to go forward on the welfare reform bill, we will be back to that.

I wonder if we could get consent that I be recognized in 10 minutes for the purpose of trying to get up the corporate takeover bill.

Mr. DOMENICI. Mr. President, I say to the distinguished majority leader that I would like 1 minute before that event, if the distinguished majority leader does not object.

Mr. WARNER. I say to the distinguished majority leader that I have finished, but I will remain for the purpose of responding to any questions that might be put.

Mr. BYRD. Mr. President, I suggest to Senators that they not leave for the evening yet. There may be further rollcall votes today.

I ask unanimous consent that I may be recognized at not later than 6 o'clock to make the request concerning the corporate takeover measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas.

Mr. PRYOR. Mr. President, thank you for recognizing me.

GOVERNMENT PROCUREMENT

Mr. PRYOR. Mr. President, I am sorry the Senator from Virginia, Senator Warner, has had to leave the floor. I heard his remarks and I applaud him for the statement he made relative to the situation today with regard to the Pentagon procurement.

First I would like to submit for the Record at the appropriate place an article written in the Washington Post this morning entitled "Pentagon Offices Searched," an article written in the Wall Street Journal "FBI and Navy Disclose Broad Inquiry Into Defense Contractors and Military," and an article on the front page from the New York Times, "FBI in Surprise Search of Pentagon and Suppliers."

There being no objection, the newspaper articles were ordered to be printed in the Record, as follows:

[From the Washington Post, June 15, 1988]

Pentagon Offices Searched—Firms, Consultants Targeted in Alleged Procurement Fraud

(By Ruth Marcus)

Federal agents searched the offices of two top Pentagon officials and of major defense contractors and consultants nationwide yesterday as part of what the Justice Department described as a two-year investigation of "possible widespread fraudulent activity" in Defense Department procurement.

Agents of the FBI and the Naval Investigative Service searched the office and home of Victor D. Cohen, a civilian Air Force official responsible for purchasing defense electronics, and the office of James E. Gaines, a deputy assistant secretary of the Navy for research, development and logistics, FBI spokesman Sue Schnitzer confirmed. Cohen's Pentagon office was sealed last night, and guards were posted outside.

Agents also searched the District office of defense consultant Melvyn Paisley, a former assistant Navy secretary, who was sued by the Justice Department for taking a $183,000 severance payment when he left Boeing Co. to take the Navy post in 1981. A federal appeals court ruled earlier this year that the payments to Paisley, a top procurement officer under former Navy secretary John F. Lehman Jr., were illegal.

Among the defense contractors who had offices searched yesterday were United Technologies, Unisys, McDonnell Douglas, Northrop, Litton Data Systems, Loral Corp. and Teledyne, Schnitzer said. In all, agents executed about 30 search warrants in 12 states.

The Justice Department said in a statement that the investigation "focuses on allegations of fraud and bribery on the part of defense contractors, consultants and U.S. government employees."

Sources familiar with the massive investigation described it as involving allegations of widespread bribery and corruption in the military procurement process. They said former Pentagon officials working for defense contractors or as consultants allegedly offered payoffs to Defense Department officials in exchange for valuable inside information such as amounts of competing bids, contract specifications and the criteria on which contracts would be awarded.

They said the probe also touches on the involvement of unidentified members of Congress and congressional aides and their role in helping companies obtain lucrative military contracts.

The sources said the allegations center on the Navy procurement process but that the Air Force and possibly other services also appear to be involved. They said the investigation started two years ago when a former Navy official provided evidence of possible widespread corruption in the military contracting process.

The investigation, a joint project of the Federal Bureau of Investigation and the NIS, is being coordinated by U.S. Attorney Henry E. Hudson in Alexandria.

Five defense contractors confirmed yesterday that their facilities had been searched, but declined further comment, except to say they are cooperating with authorities.

McDonnell Douglas, the nation's third-largest contractor, builds the Army Apache helicopter, Navy F18 fighter-bomber and smaller weapons.

A McDonnell Douglas spokesman said the FBI appeared at corporate headquarters early yesterday afternoon with a search warrant for records related to the work of a consultant. The spokesman would not identify the project on which the consultant was working.

Northrop, which confirmed the search of its Ventura unit in Newbury Park, Calif., makes the Stealth bomber and missiles and conducted an unsuccessful campaign to persuade the Pentagon to buy its F20 fighter.

A United Technologies spokesman said searches were conducted at the Washington offices of its Pratt & Whitney aircraft engine subsidiary and at three facilities operated by another subsidiary, Norden Systems Inc., which designs and builds military communications systems.

Teledyne spokesman Berkeley Baker said the offices of Teledyne Electronics in Newbury Park, Calif., had been searched. The division manufactures electronics equipment for airplanes, including equipment that identifies approaching aircraft as friend or foe and navigation and communications equipment.

The FBI also searched Unisys facilities in Eagan, Minn., where the company makes specialized computers, and at Great Neck, N.Y., where it produces defensive electronics for ship and ground operations.

At Armtec, in Palatka, Fla., a man who identified himself as an FBI agent answered the phone, but would not give his name or say why he was there.

Navy procurement chief Paisley, who left the government last year, dealt with a wide range of contractors on multibillion-dollar projects ranging from warships to missiles to aircraft.

[From the Wall Street Journal, June 15, 1988]

FBI AND NAVY DISCLOSE BROAD INQUIRY INTO DEFENSE CONTRACTORS AND MILITARY

(By Tim Carrington)

WASHINGTON—The Federal Bureau of Investigation and the Navy are pressing ahead in a sweeping investigation of possible corruption and bribery among defense contractors, consultants and managers in the military services.

The inquiry was disclosed yesterday, when the FBI searched 31 locations under federal search warrants. Federal investigators searched three Connecticut offices of Norden Systems Inc., and the Washington office of Pratt & Whitney Aircraft. Both companies are units of Hartford-based United Technologies Corp.

Other companies searched in the federal investigation include St. Louis-based McDonnell Douglas Corp.; Northrop Corp. of Los Angeles; Hazeltine Corp. of Green-Lawn, N.Y.; and the Great Neck, N.Y., offices of Unisys Corp.

The FBI and Naval Investigative Service also searched offices of Melvin Paisley, formerly the Navy's chief of research, who since 1986 has been a private consultant specializing in defense contracting. In addition, investigators searched the offices of a Navy weapons manager and an Air Force tactical air expert. The government said the searches didn't lead to any arrests. Mr. Paisley couldn't be reached for comment.

The far-flung investigation began two years ago after a former Navy official tipped off the Naval Investigative Service. The FBI got involved some months later, and the inquiry mushroomed. Currently, according to the FBI, it "focuses on allegations of fraud and bribery on the part of defense contractors, consultants, and U.S. government employees."

Among other things, the investigators are trying to find out how sensitive contract information travels within the defense community, and whether information has been shared in an effort to fix prices on contracts that the services have opened up to competition.

"This is big," said a defense contractor attorney in Washington. "But we still don't know what it's all about." Senior Pentagon officials were also surprised by the searches. "The first I knew of it was when they came in the building and sealed off an office," said an Air Force officer.

The government's inquiry differs from most other criminal investigations of the defense industry. Since the Justice Department and internal Pentagon investigators have focused on contactor fraud in the last three years, they have launched dozens of investigations into possible wrongdoing by individual companies. Typically, investigations have centered on such abuses as charging the government for inappropriate expenses, shifting costs from one contract to another, or negotiating contracts under false pretexts.

The current investigation is far wider. Although it began with the Navy, it may involve all the branches of the military. No one could explain how so many contractors and other officials could be involved in a single scheme or pattern of abuse.

The companies linked so far to the inquiry confirmed that the searches occurred yesterday, but provided no information on what the investigation may uncover. A McDonnell Douglas spokesman said that the search there involved "work of a consultant" hired by the company. The spokesman added that the company believed the work to be "entirely proper."

Altogether, the searches covered twelve states and the District of Columbia. Investigators didn't disclose all of the locations searched yesterday.

[From the New York Times, June 15, 1988]

F.B.I. IN SURPRISE SEARCH OF PENTAGON AND SUPPLIERS

(By Philip Shenon)

WASHINGTON, June 14.—Agents of the Federal Bureau of Investigation made surprise searches at the Pentagon today in what law-enforcement officials said was a major bribery investigation aimed at procurement officials of the Defense Department.

As part of the investigation, officials said, the F.B.I. and the Naval Investigative Service searched the home and office of the Navy's former chief researcher, as well as the Pentagon offices of two senior procurement officers who still work for the Defense Department.

According to the officials, the F.B.I. and the Naval Investigative Service also conducted court-ordered searches of the offices of 14 military contractors, including the Northrop Corporation, the McDonnell Douglas Corporation and the United Technologies Corporation.

SEARCHES IN 12 STATES

In a prepared statement, the F.B.I. said that it was conducting searches today in 12 states "in connection with a two-year nationwide investigation regarding possible widespread fraudulent activity with the Department of Defense contracting process."

"The investigation focuses on allegations of fraud and bribery on the part of defense contractors, consultants and U.S. Government employees," the bureau said.

One Government official said that Congressional officials with ties to the military procurement process might also come under scrutiny as part of the inquiry.

The significance of the investigation was made clear by the decision to conduct surprise searches for documents at the Pentagon. It is unusual for the F.B.I. to use search warrants to obtain the files of another Federal agency.

Among those subjected to searches today, another official said, was Melvyn R. Paisley, who recently resigned his post as Assistant Secretary of the Navy for Research, Engineering and Systems, the Navy's director of research.

PHONE NOT ANSWERED

The official said Mr. Paisley's home in McLean, Va., and his Washington consulting office were expected to be searched. The phone was not answered today at either location.

Also searched, officials said, was the Pentagon office of Victor D. Cohen, the director of tactical weapons acquisitions at the Air Force Mr. Cohen did not return phone calls for comment.

Mr. Cohen's home was also expected to be searched. Pentagon aides said a guard was posted outside Mr. Cohen's office and barred visitors from entering.

The offices of a Deputy Assistant Secretary of the Navy for Acquisition Management, James Gaines, were also searched as part of the investigation, an official said Mr. Gaines did not return phone calls for comment, and it could not be determined what information might be sought from his office.

Law-enforcement officials would not explain their decision to search the offices of Mr. Cohen and Mr. Gaines. It was unclear whether they are subjects of the investigation.

Several military contractors confirmed that their offices were searched today by naval investigators and the F.B.I.

"As we speak, they're still here," said Jim Linse, a spokesman for the Washington office of Pratt & Whitney, a division of United Technologies that is one of the nation's two primary air-craft-engine manufacturers. "They presented a search warrant and have gone about their business looking for certain documents."

DATA SOUGHT ON CONTRACTS

Mr. Linse said the warrants sought information on two Pratt & Whitney contracts: one for the 404 engine for fighter jets, the other for the V22, a new military aircraft that is a hybrid between a helicopter and a fixed-wing plane.

James Reed, a spokesman for McDonnell Douglas, one of the nation's largest aircraft manufacturers, confirmed that search warrants had been served on the St. Louis-based company.

"Those search warrants relate to the work of a consultant to McDonnell Douglas," Mr. Reed said, declining to identify the consultant further. "McDonnell Douglas believes its relations with the consultant have been entirely proper."

A spokesman for Northrop, Tony Cantafio, confirmed that the company's Ventura Division in Southern California, which manufacturers aerial drones for target practice, had been served with search warrants. He would not comment further.

Among other military contractors served with search warrants today, officials said, were the Unisys Corporation, a Detroit-based computer maker; the Loral Corporation, a New York-based electronics manufacturer, and the Hazeltine Corporation, an electronics company with headquarters on Long Island.

AFFIDAVITS UNDER SEAL

Affidavits supporting the search warrants remained under seal today. Law-enforcement officials said they would be unsealed and made available to the public as soon as one of the suspects in the case tried to contest the Government's action.

Little information was available today on the nature of the bribery allegations.

In recent years, several Defense Department officials have faced bribery charges. Most recently a network of department employees and clothing companies were indicted last year on charges involving kickbacks for contracts to supply peacoats and other military garments.

Government officials said the investigation was initiated by the Naval Investigative Service in 1986 and was later joined by the F.B.I. and the Department of Justice.

JUSTICE DEPARTMENT STATEMENT

In a prepared statement, the Justice Department acknowledged that it was involved in the investigation, which is being overseen by the United States Attorney in Alexandria, Va., Henry E. Hudson.

"This investigation represents part of our continuing efforts to insure the integrity of Government procurement programs," the statement said.

A spokesman for Unisys said Federal agents served search warrants today at the company's plant in Eagan, Minn., which makes computer equipment, and its plant in Great Neck, L.I., which produces electronic equipment for the Navy.

Files were also searched at the offices of Teledyne Electronics in Newbury Park, Calif., Berkley Baker, a Teledyne spokesman, said that the search was a "surprise" and that the company did not know what allegations had prompted the visit by investigators.

Mr. PRYOR. Mr. President, on Monday, I chaired a hearing of the Governmental Affairs Subcommittee on Federal Services relevant to the Government's usage of private consulting firms and so-called experts in the private sector. That was a very interesting and fascinating hearing.

Some 8 years ago I chaired several hearings on this issue of private consultants. I have found out now that we have made absolutely no progress in trying to curtail the use of consultants, nor have we built in any policing or monitoring within our system of Government to make sure that those contracts are competitively bid.

The other thing that we discovered was that the majority of the presently employed inspector generals are not enforcing the mandate of Congress that they monitor the consulting contracts.

Finally, on yesterday, I spoke to the Senate relative to some of the findings in the Monday hearings, one that 50 percent of all of the Government consulting contracts are sole source with no competition whatsoever.

Second, that we discovered some $26 billion of taxpayers' money is today being used in the private contracting world entitled "Studies, Reports, Government Consultants and Reviews."

We are finding that 67 percent of all of the consulting and contracts in the private sector are also subject to year-end add ons where we find that contractors buying in cheap with the Government and 67 percent of those contracts, Mr. President, are being added on.

Mr. President, also we are finding what today was confirmed in the Post, New York Times, and the Wall Street Journal. We have confirmed what John Hanrahan wrote in his book entitled "Government by Contract," published in 1983. There was one chapter that I would draw my colleagues' attention to which related to the private contracts now being let by the Department of Defense. The title of that chapter, Mr. President, was "The Department of Defense: The Open Money Sack." And that is exactly what the Department is today—an open money sack.

I have three departments that we are looking specifically into today. One is the Department of Defense and the way that they manage and do not monitor their consulting contracts. Second, the Environmental Protection Agency; and, third, the Department of Energy. We have found that these three departments of government are no longer becoming what we commonly or traditionally know as departments of government. They are merely becoming a system whereby the taxpayers' money is being funneled into an agency of the Federal system only to be sent out the back door to private contractors.

Mr. President, the private contractors' influence today over governmental decisions is alarming, especially in view of the fact that the potential for conflict of interest, for repetitious statements, for redundancy of reports and unneeded services and private advice has reached the point of absolute astonishment and incredibility.

Mr. President, I am glad that the Senator from Virginia has raised this point this afternoon before the Senate. I can assure the Senator from Virginia that the Federal Services Subcommittee of the Governmental Affairs Committee is going to do a wholesale inspection of this whole matter, and I am very hopeful that our colleagues will follow as the developments unfold.

Mr. President, I thank you for recognizng me, and I yield the floor at this time.

The PRESIDING OFFICER (Mr. HARKIN). Under the previous order, the majority leader is recognized.

Mr. BYRD. Mr. President, I yield to the distinguished Senator from Wyoming, Mr. SIMPSON, without losing my right to the floor.

The PRESIDING OFFICER. Without objection the Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I thank the majority leader for allowing me a moment or two to speak about our friend Howard Baker, while negotiations, indeed, go on right at this moment with regard to the welfare reform bill.

THANKS TO SENATOR PRYOR

Mr. SIMPSON. Mr. President, first let me thank my friend from Arkansas, Senator DAVE PRYOR, for what he is doing. He and I came to this place the same year. I have watched him. I have watched his dedication. It has been enriched by my friendship with him. He has always had this feeling about the procurement issues and the contracting and it is good to see him gearing up again because I think there is some serious abuses in that area that have been called to our attention just recently and more recently even today with some of the activities.

HOWARD BAKER

Mr. SIMPSON. Mr. President, I just wish to take a few moments to say that I think all of us know well that Howard Baker's mission at the White House is completed. I think this Nation owes him so very much, a great debt of gratitude for his service at the White House and in the Senate before that.

There is a personal sadness that I have as I see him do that and yet a knowing pleasure that the pace will slow for him.

He was my leader when I came here, the Republican leader when I first came to the U.S. Senate. My first impression of him was of a man of deep commitment to doing one thing, and that was getting the job done. He proved to be a master facilitator at the course.

Let me just say that, indeed my very first impressions of him were of a man of deep commitment to getting the job done, and that is what he has done his entire life. He has proved to be a master facilitator, and he was a great counselor to me. I appreciated that very much.

As he served as majority leader, I think he made the Senate a better place. He and Senator BYRD, in his role then as minority leader, I think made a record of achievement that is quite outstanding. He worked, cajoled, negotiated and compromised. He was, indeed, the glue and grease that held this remarkable place together at various times.

He will be deeply missed. His abilities, his skills, his personal attributes of courtesy and kindness, his ultimate patience goes often beyond comprehension—that shrug, that wide smile and that impish grin and yet it would always lead to something good.

Then, of course, he retired from the Senate and had a comfortable law practice, traveled, spent time with his family, and that had to have been a very welcomed relief from his long hours of work in the Senate.

He is the consummate patriot, in my mind. When the President required his services to operate the White

House, Howard Baker answered the call. He performed his tasks there so admirably. If there is one word to summarize his stewardship to our President, it would be simply loyalty and, indeed, unalloyed loyalty.

Obviously, there is an extraordinary laundry list of accomplishments that Howard Baker could present, or someone could present on his behalf both in his career as Senator and lawyer and chief of staff to Ronald Reagan and the White House. Indeed, during the extensive hearings and investigations on the Iran-Contra affair and, most important, during that troubling time, he kept the White House running smoothly as those investigations were under way.

He advised our President that he would stay until the successful summit with Mikhail Gorbachev was completed. There he was, steady at his side, during those negotiations at that summit. He said he would ride shotgun until that was over, and he did.

So as he returns to the private sector, we all wish him Godspeed. He is indeed entitled to a little R&R. I caution all those observers out there who would weave some intricate plot behind his decision to move on, and I do not believe it is there. He is like many of us in this body, many of us who feel the draw of privacy and of restoration and recreation in a different way, as we found with Senators CHILES, MATHIAS, LAXALT, STENNIS, and PROXMIRE, some vivid sweet solitude beyond this place.

My life as a legislator is certainly richer for having shared a portion of it with Howard Baker.

UNANIMOUS CONSENT AGREEMENT—S. 1323

Mr. BYRD. Mr. President, I ask unanimous consent that at 10 o'clock tomorrow morning a vote occur on the motion to proceed to the consideration of Calendar Order No. 502; S. 1323, a bill to amend the Security Exchange Act of 1934, to provide to shareholders more effective and fuller disclosure and greater fairness with respect to accumulations of stock and the conduct of tender offers.

Mr. SYMMS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, in making this reservation I shall not object but I would like to observe this Senate has been passing bills through here like a freight train, literally, this week. I think we are reaching the point of lacking due consideration.

A bill with this magnitude of interference in the process of the marketplace in the sale of stocks of publicly held companies—that is what this corporate takeover bill really amounts to. Not to say that I endorse every corporate takeover that has happened in this country. But I think for us to move forward on a railroad track like this, I think this is the kind of legislation that should take at least a week or two in the Senate if we are going to debate it fully and fairly.

The reason I say that is that all the Senate has to do to start talking about stopping foreign investment in this country or stopping people from being able to buy stocks freely in the marketplace, and you cause great disruption in the stock market of the United States which has an implication on every pension fund in the country, on every one of our constituents who one way or another are directly related to the capital that is held in the U.S. stock market.

So I think this bill is very ill advised, with all due respect to the distinguished chairman, whom I consider to be my friend, at this point in time—in the time of an economic recovery that has been struggling along at a very, I think, surprising rate for most of us. It continues month after month after month of economic growth in this country; of more employment. Yet all the time, there is the feeling out there in the marketplace all the time, and in the countryside, people are a little unsure of what is happening. And all we have to do is start discussing legislation that is a clear-cut interference with the ability of the American people to buy and sell stocks freely in the stock exchanges without interference from the Federal Government, any more than is already present, and we are talking about a dislocation of the market.

What the impact would be, we do not know. But I would hope that Senators, between now and 10 o'clock tomorrow morning, would take very careful due thought of what is being done here and I would say that the best thing this Senate could do tomorrow morning would be to vote down the motion to proceed to even bring this bill up. That is the way this Senator will vote. I intend to vote against moving forward with the motion to proceed and, Mr. President, I would like to make an inquiry in my reservation to the majority leader.

Did I understand the majority leader correctly that there will be a record vote on the motion to proceed in the morning?

Mr. BYRD. Yes, there would be a record vote on that.

Mr. SYMMS. So there will be an opportunity for Senators to come in and register their opposition to even move forward with this legislation?

Mr. BYRD. In the event the Senate adopts the motion to proceed, there would be opportunities for Senators to offer their amendments.

Mr. SYMMS. There will be no restraints on amendments nor time agreements in this unanimous consent agreement?

Mr. BYRD. Not in this request. This request is only that the vote occur at 10 tomorrow morning on going to the bill.

Senators' rights are reserved, insofar as debate and amendments are concerned. There may be a cloture motion offered at some point on it, or there may not be.

Mr. SYMMS. In deference to the majority leader, minority leader, distinguished chairman, and ranking member of the committee, I withdraw my reservation.

Mr. WIRTH. Reserving the right to object, Mr. Leader.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. Mr. President, reserving the right to object, I just wanted to make a brief comment or two on what we are moving toward. I think the basic vehicle that was reported out of the Banking Committee is a good, modest piece of legislation, pretty carefully thought through and it is a pretty modest piece as it stands.

Unhappily, when we get this on the floor, we are going to end up with all kinds of what I think are very divisive and bad public policy amendments that are going to be added on here. We are going to have a lot of discussion probably on one-share one-vote and that is the kind of issue that sounds good if you say it fast enough but there are all kinds of shades of gray on that. We have to be very careful about that.

We are going to have all kinds of debate on whether mergers are a good thing or a bad thing and people are going to get up and make a lot of statements and we are going to try to make that decision on the floor when I think the evidence on that is very much out. There is no clarity on that front at all.

We are going to have a whole variety of other issues related to high-yield bonds and related financing mechanisms come to the floor. And we are going to be asked to make decisions on that.

Those are not decisions, I think, that this body is prepared to make, that the evidence is there to do so and so on. If we could just have the legislation that came out that the committee in its wisdom decided was what we wanted to do, that would be fine. But we are now going to try to mount a whole lot of other stuff in what I think is a very ill-conceived way of doing this.

I just want to point out to fellow Senators what course we are embarked upon if we decide tomorrow morning to go ahead at 10 o'clock to take this on. I think this is not a good forum for deciding some extraordinarily important issues, or making statements on them for the Senate. The chances of this bill going anywhere when the House has said they do not want to do anything are also extraordinarily slim.

So I just question whether or not it is the most advisable thing for us to proceed on this particular piece of legislation.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, reserving the right to object, and I will not object, I am all for what the majority leader is doing. I commend him for doing it.

This bill came out of our committee, the committee voted it out last September. It went on the calendar in December. It came out of the committee on a 14-to-6 vote, a bipartisan vote. It is a bill which, as the Senator from Colorado says, is a relatively modest approach.

There is no way that it interferes with the free market buying or selling of stock. What the bill does do, what we intended it to do—and I am sure what it does do—is to provide fuller disclosure, better opportunity on the part of the stockholders to know all the facts before they vote on a tender offer. And it started off, as a matter of fact, to get at insider trading, which as you know is a very serious problem for this country.

I think you can always make an objection to any measure, saying Senators are going to put on amendments that will not be very good; it is going to delay us for a long time and so forth. I would hope we can act on this bill and act promptly. I think it has very strong support in the country. It has strong support in the business community. I think it is the kind of measure which we should vote on.

Senators can vote against it, for it; they can speak at whatever length they want to. But I am very grateful to the majority leader for taking this bill up. As I say, the committee acted on it with considerable decisiveness.

Mr. WIRTH. Will the distinguished Senator yield? Is it the case we will only have the bill that was brought out by the committee or is it going to be open to all of these other amendments that will be coming up?

Mr. PROXMIRE. As the Senator knows, there is no way we can prevent amendments or should prevent amendments.

Mr. WIRTH. That is the whole point. I think what I was trying to suggest is that the modest vehicle that came out of the committee was well thought through and well crafted. We are going to get out here, reaching from this modest vehicle to some enormous, large issues that are out there, related to the functioning of our economy in 1988, the way in which we are operating, the way in which we are configuring it.

I would suggest that we are not in any way, shape, or form prepared to do that. The committee did not get into that. It decided not to get into that and we are going to find ourselves wandering, I think, in all kinds of very dangerous areas that we do not want to get into.

If we were just doing the legislation that came out of the committee, that is one thing; but then to get into all of these other issues of good or bad takeovers, what kind of financing mechanisms we are going to have, how we are going to approach the issue of corporate governance: then we are going to get ourselves into swamps I do not think we want to get into.

Mr. PROXMIRE. I have great admiration for my good friend from Colorado. He had a superb record in the House in this area. He understands it as few Members of Congress do and probably much better than I do. But I cannot for the life of me, frankly, understand how we can take a bill that came so emphatically out of committee, as the Senator says, is a well-crafted bill, and if we cannot resist amendments: that is the way the cookie crumbles. It is up to the majority of the Senate.

If they want to adopt legislation here that the Senator from Colorado or I might oppose, maybe in the long-run, I will vote against the bill. But give us a shot at it. I think on the basis of having a representative committee on the Banking Committee, I think that is a pretty good indication of the kind of legislation the Senate as a whole is likely to adopt.

As the Senator pointed out, it is absolutely fundamental. There is no action that takes place in this country, economically, that has shaken this country so much as takeovers, and they are getting bigger all the time and they are amounting to billions and billions of dollars and they are loading corporations up with debt. I think we will have to act on it.

It is a tough one. It will mean embarrassment for some of us in making these votes we have to make, but I think it is time we did it and the longer we put if off, the worse it is going to be and the more adverse effect it is going to have on our economy.

Mr. WIRTH. If the chairman would yield again, I greatly appreciate the chairman yielding and the good work he did on this. I think we did precisely the right thing in putting together a more modest vehicle and that the committee in its wisdom decided not to go beyond that; not to get into the issue of financing mechanisms; not to get into the issue of corporate governance; not to get into the issue of whether takeovers were good things or bad things.

As the chairman will note, some have been good and some have been bad. We are going to end up here on the floor trying to decide that all takeovers are good or all takeovers are bad and a whole variety of issues like that.

I think this is an inopportune time for us to be getting into this. If we can figure out how to do this particular modest vehicle by itself without embarking upon all these other things, I think we will be much better served as an institution. I do not know what we benefit from going beyond this and trying to get into these other things. If that is the wisdom of the body to do it, fine.

We can vote tomorrow morning at 10 o'clock whether to go ahead. The chairman is aware of my views on this. The other issues, I think, are much fuzzier, much less complicated, much less divided than has been suggested.

I thank the Senator for yielding.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Without objection, it is so ordered.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. SARBANES. Will the majority leader yield?

Mr. BYRD. Yes; I yield to the distinguished Senator.

Mr. SARBANES. Mr. President, I simply would like to say, as I understand the chairman's position, it is certainly my position what we want to pass is the bill that was reported out of the committee. The committee worked to put a carefully crafted bill to address some of these problems to be very careful about not going too far.

I gather some people are going to want to open that up and try to propose far-reaching propositions, which I think Members, hopefully, upon reflection, will appreciate that is not the appropriate way to do business.

Therefore, I expect we would address the concerns expressed by the Senator from Colorado by turning back those propositions.

The bill that will be considered was carefuly worked in the committee. It addresses, I think, a very real problem. It does it responsibly. It does not try to introduce sweeping measures, but it does try to come to grips with some aspects of this takeover phenomenon, the speculative efforts.

It provides additional protections for shareholders, and I think it is a responsible piece of legislation. I am hopeful the Senate will be able to act on it in short order and pass it over to the House for their consideration.

I thank the majority leader for yielding.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his patience.

Mr. PROXMIRE. Mr. President, I thank the distinguished majority leader, and my good friend from Wyoming.

Mr. President, I ask unanimous consent that a list I have of the takeover activity in a number of States be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ALABAMA

Goldsmith seige of Goodyear Tire in Ohio causes plant closings in Gadsden.

ALASKA

Raids on oil firms by Pickens et al, such as Unocal, force employment retraction in Alaska.

ARKANSAS

Emanuel R. Pearlman, 28, student of Asher, "the Arb" Edelman, no Harvard B. School, no business experience in trucking, bids for Arkansas Best Corp. in May, 1988

ARIZONA

Irwin Jacobs raids Greyhound Corp.

Federated-Campeau fight means layoffs for Foley's department store.

Edelman raid on Lucky Stores costs job losses throughout the state.

CALIFORNIA

London-based BAT, the world's largest tobacco firm, tenders in May 1988 for Los Angeles-based Farmers Insurance Group, the industry leader in promoting non-smoker policies.

Pickens raids Unocal, forcing this once healthy company to increase debt from $1.2 billion to $5.2 billion and shed thousands of workers.

In 1985, Hafts bid for the May Department stores, and in failure, they earned $1.4 million when they sold their May shares.

Hafts bid in 1986 for Safeway, walking away more than $140 million in profits, paid by debt the grocery store chain raises that forces them to lay off 35,000 workers.

Goldsmith bids for Crown Zellerbach in 1985. One thousand jobs lost. Charity eliminated.

Pacific Lumber raided by Charles Hurwitz in deal that is the object of SEC investigation of stock parking. This timber firm once cut redwood at a pace that it was grown; under Hurwitz, redwood is clearcut at a pace to pay back debt.

Kaiser steel greenmailed by Irwin Jacobs, who reaps $30 million.

Revlon raid on Gillette forces Paper Mate in Santa Monica to reduce staff by 15 percent.

Perelman takes Technicolor, sparking charges of fraud and breach of fiduciary duty now before a Delaware Chancery Court.

San Francisco Supervisor Carol Ruth Silver estimates her city has lost 30,000 jobs and 25 of the 50 largest companies no longer exist because of mergers or takeovers during the last 10 years.

COLORADO

Pickens raid on Nevada's Newmont Mining threatens jobs in this state.

CONNECTICUT

Kennecott is raided in 1981 by Curtiss-Wright Corp., paying $280 million in greenmail.

Richardson-Vicks raided in 1985, incurring additional debt of $300 million.

Canada's Belzberg's raid Scovill Inc. in 1985, selling four of the five major operating units to repay the junk floated to capture the firm.

General Cinema bids for Heublein, which flees to R.J. Reynolds.

Goldsmith threatens to plunder Continental Group, forcing sale to Kiewet-Murdock. The lights dim at Continental's headquarters in Stamford.

Singer Co. raided by Paul Bilzerian, who is under SEC investigation for securities violations, according to the Wall Street Journal.

DELAWARE

DuPont loses 20 percent of its equity to Seagram following battle of titans in the Conoco-Mobil-Seagram struggle.

FLORIDA

In 1985, Hafts raid Jack Eckerd Corp., selling shares back to the Florida drugstore chain for a $9 million profit, with Eckerd picking up the tab for Haft's $1 million in legal expenses.

Harcourt, Brace Jovanovich toyed with by British publisher Robert Maxwell. Maxwell fails, but profits $13.6 million.

Following Federated-Campeau war, Miami-based Burdines sends pink slips to 320 employees.

GEORGIA

Because of junk bonded Campeau raid of Federated, Atlanta-based Rich's Inc. sheds 250 employees. Also, Goldsmiths, which is being merged into Rich's, laid off 500 employees.

Belzberg raid on Scovill costs jobs here. Clarkesville hardest hit.

IDAHO

Anaconda and Newmont battles jeopardize mining jobs.

Aggressive Boise Cascade gobbles up companies, providing training for Bill Agee, who leaves for a hungry Bendix that takes on Martin-Marietta in the notorious Pac-Man fight.

ILLINOIS

Chicago-based Borg Warner raided, with debt ballooning to $4 billion.

Staley Corp. alleges extortion by Drexel, explaining that Drexel insisted it be used for leveraged buy-out or else face a raid.

Chicago based USG raided by former Pickens cronies called Desert Partners. Shareholders don't trust the financing, so Desert Partners is forced to hold up the duel for months. Merrill Lynch, a former USG advisor, helps finance the deal. Are they using confidential information? USG doesn't think it's a wild deduction.

Ichan raids Marshall Field.

INDIANA

Raid by Laidlaw on the Mayflower Group of Carmel costs 140 jobs.

KENTUCKY

Ashland Oil raided by Belzbergs in 1986 in deal the SEC alleges was infected by stock parking. Belzbergs extract $134 million in greenmail.

MAINE

Gillette battle against Drexel-backed Perelman costs 2,400 jobs throughout New England.

MARYLAND

Bethesda-based Martin Marrietta engaged in fracas with Bendix in the famed PacMan fight.

State-of-the-art tire production plant in Cumberland closed, with 1,000 workers terminated, after Goldsmith raid on Goodyear tire.

MASSACHUSETTS

Campeau successfully bids for Federated, a deal that Massachusetts officials claim will create anti-trust problems among once competing Boston retailers. Investment advisers and attorneys net $200 million in fees, a record.

Hafts make $17 million in failed bid for Stop & Shop of Boston.

Ronald Pearlman raids Boston's Gillette, profiting about $40 million.

Computervision raid by Prime means 700 workers layed off in Massachusetts, New Hampshire and Rhode Island.

MICHIGAN

Raid on USG by Pickens' former partners threaten jobs in this state.

MINNESOTA

Washington's Hafts bid for Dayton Hudson with greenmail profits from a raid on California's Safeway. The Hafts walk away with about $70 million.

Burroughs-Sperry spat costs jobs.

MISSOURI

Asher "the Arb" Edelman, flush with profits from sacking North Carolina's Burlington Industries, raids Kansas City-based Payless on May 19, 1988.

Kansas City Southern Industries raided by Howard Kaskel.

MONTANA

Anaconda flees Crane Co. and seeks rescue from Tenneco, but deal breaks down when Atlantic Richfield enters the fray. Expensive fight results in closure of Butte copper mine operations with 425 job losses, and closure of Montana smelter, and loss of another 1,500 jobs.

NEBRASKA

Omaha-based InterNorth Corp. stalked by raider and ends up in hands of White Night Houston Natural Gas, with headquarters shifted to Texas.

Goldsmith raid on Goodyear costs jobs in Lincoln plant.

NEW HAMPSHIRE

Raid by Prime on Computervision means terminations of 700 workers here and in Rhode Island and Massachusetts.

Revlon raid on Gillette means Boston-based firm will eliminate 2,400 jobs throughout New England.

Loral Group raids Sanders Associates, costing about 80 management jobs when Lockheed steps in as White Knight.

NEW JERSEY

Sosnoff raids Caesars World before running into margin rule problems with the Fed.

Hafts fail to take over Supermarkets General of Woodbridge, but win $35 million for their troubles.

Edelman raids Foster Wheeler Corp.

Florida plumber Paul Bilzerian raids Singer Co.

New Jersey study shows job loss because of hostile takeovers involving Owens-Corning, Purolator, CPC, and Sea-Land.

Wickes raid on Owens-Corning Fiberglass costs 1,000 jobs in Barrington, and additional terminations in Berlin.

NEW MEXICO

Federated-Campeau contest means layoffs at Foley's department stores.

NEW YORK

CBS raided by Ted Turner in underfinanced bid. Broadcaster layed off chunk of its production team and is still recovering through sale of records division.

Hafts aim at F.W. Woolworth.

Victor Posner, later questioned on tax evasion in trial, raids Fischbach Corp. in 1985.

American Standard raided by Black & Decker in deal that forces plumbing manufacturer to issue billions in junk bonds.

Food conglomerate Norton Simon is sold in 1983 to Esmark (formerly Swift & Co.), and the combination is then sold to Beatrice, which soon dissolves into a leveraged buyout engineered by Kohlberg, Kravis & Roberts. Drexel Burnham finances the deal with $4 billion in junk bonds. It's fee: $70 million.

Because of Campeau raid on Federated, Brooklyn-based Abraham & Strauss department stores sheds 794 jobs.

NEVADA

Pickens raids Newmont Mining (threatening employment throughout the mineral states where Newmont is active).

Edelman raid on Lucky Stores costs 14,000 job losses at GEMCO in California, many of whom were employed in Nevada.

NORTH CAROLINA

Asher Edelman raids Burlington Industries, walking away with $50 million plus and forcing the textile competitor to sell off its crown jewels to service its debt.

OHIO

State is ravaged by raids, including Goldsmith greenmail bid for Goodyear, which forced plant closures throughout region, including Cumberland, Md.

USG raid by former Pickens partners threatens jobs.

Owens-Corning raid forces major retrenchment. Nine hundred workers lose their job in Newark, and half of the plant staff in Granville is dismissed.

Federated-Campeaus squabble threatens Cincinnati $16 million in taxes, $134 million in salaries. Columbus-based Lazarus division dismisses 1,200 workers.

OKLAHOMA

Icahn and Pickens greenmail Phillips Petroleum, igniting firestorm among residents in Bartlesville, Oklahoma. Community set up all-night vigils to pray for Picken's failure. Fallout from the raid included 2,600 job losses in this town alone. There were 11 suicides in the aftermath, some of which were attributed to the takeover bids. Retail and real estate sales plummeted.

Edelman raids Tulsa-based Telex Corp. in deal that promises $14 million in fees for Shearson.

Campeau raid on Federated means layoffs at Foley's department stores.

Drexel backs raid by Coastal Corp. of American Natural Resources Co.

OREGON

Victor Posner raids Evans Products, moving the headquarters to Miami, leading a once productive company into decline, and then bankruptcy.

Leveraged buyout fever infects host of companies with operations in Oregon, including Fred Meyer, Inc.; Hyster, Inc.; FMC Corp.; Red Lion Inns; View-Master; Pay Less Drug Stores Northwest, Inc.; Fabmark, Inc.; Gray & Co.; Van Doyn Chocolate Shops, Inc.; Danner Shoe Mfg. Co.; and S.R. Smith.

National Semiconductor purchases Fairchild with 400 job losses, mostly in Oregon.

Pickens tease of Boeing worries 960 workers in Portland.

PENNSYLVANIA

Shearson Lehman joins with Briton to raid Pittsburgh-based Koppers, providing further evidence that many deals are promoted by investment advisers. Shearson looks to earn $50 million plus in profits, but courts consider violation of margin rules.

Takeover of Gulf oil costs Pittsburgh 1,800 jobs, $75 million in personal income.

In fierce battle, Miami-based Victor Posner takes over Sharon Steel. Among the abuses, the SEC alleges that he plundered its pension fund, and Posner signs a consent decree. "I'm not in this for the money. I want to create a good product," he tells Business Week, which labels his comment satire.

RHODE ISLAND

Gillette battle with Revlon's Ronal Perelman costs 2,400 jobs throughout New England.

Prime takeover of Computervision costs jobs here.

SOUTH CAROLINA

Edelman raid on Burlington costs jobs here.

TENNESSEE

Murray Ohio, challenged by Electrolux, whose attorneys—Sullivan & Cromwell—face conflict of interest charge. Murray says the firm had confidential information about it.

Raid on USG threatens jobs.

Sperry-Burroughs merger costs 1,200 jobs in Bristol.

Wickes bid for Owens-Corning means closure of Jackson plant.

TEXAS

USG raid by former Pickens partners threatens jobs.

Federated attack by Campeau means layoffs at Foley's department stores. Previous merger by Foley's with Sanger-Harris cost 200 jobs.

Haft raid on California-based Safeway forces grocery store to sell all Dallas stores, leaving 4,000 unemployed.

VERMONT

Goldsmith's greenmail from Goodyear means job sacrifices in this state. Shoe products plant closed in Windsor.

VIRGINIA

Raid launched in April by Gong Show producer. Burt Sugarman for Richmond-based Media General. Media General, owner of many Southern newspapers, accuses him of greenmailing.

Raid on USG by former Pickens partners threatens jobs.

Raid on Burlington Industries forces closure of Newbern plant in Pulaski County.

Icahn raid at Dan River Mills in Danville forces layoffs.

WASHINGTON

Pickens buys stake in Boeing and files with FTC notification that he may purchase for control. Boeing has many employees also in Kansas.

WEST VIRGINIA

Union Carbide, a major West Virginia employer, is forced to slash workforce by 26,000 after expensive takeover defense.

WISCONSIN

The Trane Co., based in La Crosse, taken over with two thousand jobs lost.

Alan Bond bids for Heileman Breweries. State responds with takeover bill, and Bond raises bid, promises to retain Wisconsin headquarters and honor labor contracts.

Pabst greenmailed by Irwin Jacobs, who nets $20 million.

Burroughs-Sperry fight costs 260 jobs in Eau Claire.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

CLARENCE PENDLETON

Mr. SIMPSON. Mr. President, I would like to note the passing of Clarence "Penny" Pendleton who provided very important assistance to me during my years of debate on the Immigration Reform and Control Act.

One of the key issues on that legislation was addressing the largely baseless charge that employment discrimination would result from employers' sanctions.

Penny offered me assistance in defusing that issue. He provided me with some very wise advice and counsel. He appeared at a joint House-Senate hearing on the antidiscrimination question and offered some very measured and precise testimony on this subject. He took on the tough ones. He approached the issue in a very commendable manner.

The charge of discrimination was one to be taken seriously; and we did. But the facts had to be separated from the emotions and the allegations to properly consider the issue, and Penny Pendleton helped me do that.

He was a delightful gentleman, he had earthly good humor, and also could shoot a pretty good stick of pool.

I enjoyed him very much. I send my sympathy to his family. He approached all these many other weighty civil rights issues in a similarly commendable manner. He will be greatly missed by me.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent to speak as if in morning business for about 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

NASA APPROPRIATIONS

Mrs. KASSEBAUM. Mr. President, the Subcommittee on HUD-Independent Agencies will be meeting to mark up and determine their appropriations level for the respective programs.

With respect to NASA, Mr. President, I urge the subcommittee to closely follow the distinguished chairman of that subcommittee, who is just now going by, Mr. PROXMIRE, and I hope they will closely follow the guidelines that have been laid down by the budget and the authorizing committee.

The sum of $11.1 billion has been authorized for NASA, which closely follows the budget figures.

The Senator from Utah, Mr. GARN, has been speaking eloquently and with great determination on this matter over the last several days in the Senate.

This is an extremely important program for us at this time. The figure of

$11.1 billion is $400 million below the President's request, and I think we have been efficient in determining what our needs are. If we are to remain competitive in our space efforts, we simply must provide necessary funding. We are at a crossroads now which I think is extremely important.

The Subcommittee on Science, Technology, and Space authorized $11.1 billion for NASA in fiscal year 1989—a figure which follows the budgetary outlines set by the Senate budget resolution. This level, while $400 million below the President's request, provided for three new starts—the advanced solid rocket motor facility, the advanced x ray astrophysics facility, and the Pathfinder Program. It also authorized $867 million for development of the space station. All these projects are integral components to an infrastructure which must be built if the United States is to continue its leadership role in the international space community.

Many have argued that a space station is unnecessary or that a smaller version is a better, more economical option. I believe, however, that these arguments are short-sighted. A smaller, unmanned spacecraft will not have the necessary capacity for manufacturing pharmaceuticals, nor can it take the place of the space laboratory we need to conduct scientific experiments—experiments which will ultimately aid us in understanding our planet Earth as well as the rest of the solar system.

It is obvious from previous achievements that a human presence in space cannot be replaced by even the most sophisticated computers or robotics. A human presence in space is essential if we are to utilize space to its fullest potential.

The NASA budget represents less than 1 percent of the Federal budget. Many say we should spend this money on Earth—that the program is a luxury the United States cannot afford. Mr. President, we cannot afford not to spend this money on the Space Program.

It is important to note that, for every $1 NASA spends, $4 are returned to the economy. For example, the aerospace industry last year generated its greatest ever level of export sales and boasts a trade surplus which substantially offsets the adverse impact of American losses in other categories. Overall sales of aerospace products have increased by more than 7 percent over the inflation rate, and backlogged orders have grown by 3.7 percent. Aerospace employment represents 6.6 percent of the total payroll of all U.S. manufacturing industries. And another most important factor, foreign countries and companies look to the U.S. aerospace community for leadership and new ideas.

I am convinced that the Space Program is a priority we can ill-afford to place on the back burner. I encourage my colleagues to consider where the United States would be if it had not embraced the Space Program in the past * * * to consider the outgrowths of the Space Program—weather and communication satellites; faster, safer, and technologically advanced aircraft; pacemakers; super computers; solar heat; remote sensing—the list goes on and on.

It is not an exaggeration, Mr. President, to say that the American way of life has been improved significantly by the Space Program and by its achievements. Sally Ride has stated that the Space Program is at a crossroads. I would agree with that statement. If we are not willing to make the program a priority now, we take the chance of mediocrity in the future. It is a chance I do not believe we should be willing to take.

I reiterate the importance of our full funding for the NASA Program at this time. NASA management has not been without fault, but they have gone a long way in trying to correct past mistakes in that program. If we are to be supportive of the initiative that I think is important for the United States, now is the time to lend support for the funding request of the President and of the authorizing and Budget Committee.

Mr. BYRD. Mr. President, there will be no further rollcall votes today.

CAROLYN GIOLITO

Mr. BYRD. Mr. President, with genuine regret, I call attention to the departure from Capitol Hill of one of our ablest and competent staff members, Carolyn Hughes Giolito.

Mrs. Giolito is a veteran of nearly 33 years of service in Congress. Arriving in Washington in 1955, she has since worked for Congressman Huddleston of Alabama; Senator Kenneth Keating of New York; Congressmen Richard Ottinger of New York, Russell Tuten of Georgia, John Dellenback of Oregon, Richard C. White of Texas, Elliot Hagan of Georgia, and John B. Breckinridge of Kentucky.

In 1977, Mrs. Giolito became a member of my staff, where she has performed extraordinarily as projects director and has assisted countless thousands of West Virginians in a variety of ways.

Carolyn Giolito's background is exceptional. A graduate of Alabama College in Montevallo, AL, she also did work toward a law degree at George Washington University. Married to Caeser Giolito, a well-known Washington representative, she makes her home in Silver Spring, and is mother to a son and a daughter, Antoinette, who is one of the staff of the Senate Employees Federal Credit Union.

Leaving Capitol Hill, Mrs. Giolito plans to continue an active role on the Washington scene in partnership with her husband and a number of long-term friends and associates. I know that all who are acquainted with Mrs. Giolito will miss her presence among us in Congress, and that they likewise join me in wishing her every success in her future undertakings. Personally, I thank her on behalf of hundreds of West Virginia communities and, as I have already indicated, thousands of West Virginia citizens for the good services that she has rendered to the State of West Virginia and to its people. I thank her for her many years of diligence, hard work, dedication, loyalty, and I hope for her good memories of her experiences on my staff as she reflects on those experiences in the years ahead.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE NATIONAL SCIENCE FOUNDATION—MESSAGE FROM THE PRESIDENT—PM 143

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

I am pleased to send you the annual report of the National Science Foundation for Fiscal Year 1987. This report describes research supported by the Foundation in the mathematical, physical, biological, social, behavioral, and computer sciences; engineering; and education in those fields.

Achievements such as those described in this report are the basis for much of our Nation's strength—its economic growth, national security, and the overall well-being of our people.

The National Science Foundation has been and will remain a key part of the national effort to expand our research achievements and productivity and to remain competitive in world markets through innovation and new discoveries.

I commend the Foundation's work to you.

RONALD REAGAN.

THE WHITE HOUSE, *June 15, 1988.*

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

At 11:09 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 249. Joint resolution designating June 14, 1988, as "Baltic Freedom Day."

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. STENNIS).

At 5:15 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the amendment of the House to the bill (S. 1508 to withdraw and reserve for the Department of the Air Force certain Federal lands within Lincoln County, NV, and for other purposes; it asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. UDALL, Mr. MILLER of California, Mr. VENTO, Mr. KOSTMAYER, Mr. DARDEN, Mr. YOUNG of Alaska, Mr. MARLENEE, and Mrs. VUCANOVICH as managers of the conference on the part of the House.

The message also announced that the House has passed the following bill and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 4799. An act to extend the withdrawal of certain public lands in Lincoln County, NV;

H.J. Res. 475. Joint resolution to designate October 1988 as "Polish American Heritage Month"; and

H.J. Res. 587. Joint resolution designating July 2 and 3, 1988, as "United States-Canada Days of Peace and Friendship."

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 260. Concurrent resolution expressing the sense of the Congress that the President should award the Presidential Medal of Freedom to Charles E. Thornton, Lee Shapiro, and Jim Lindelof, citizens of the United States who were killed in Afghanistan; and

H. Con Res. 301. Concurrent resolution recognizing the heroic acts of civilian construction workers who participated in the defense of Wake Island during its invasion by Japan during December 8 through 23, 1941.

MEASURES REFERRED

The following joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.J. Res. 475. Joint resolution to designate October 1988 as "Polish American Heritage Month"; to the Committee on the Judiciary.

H.J. Res. 587. Joint resolution designating July 2 and 3, 1988, as "United States Canada Days of Peace and Friendship"; to the Committee on the Judiciary.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 260. Concurrent resolution expressing the sense of the Congress that the President should award the Presidential Medal of Freedom to Charles E. Thornton, Lee Shapiro, and Jim Lindelof, citizens of the United States who were killed in Afghanistan; to the Committee on the Judiciary.

H. Con. Res. 301. Concurrent resolution recognizing the heroic acts of civilian construction workers who participated in the defense of Wake Island during its invasion by Japan during December 8 through 23, 1941; to the Committee on Armed Services.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, June 15, 1988, he has presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 249. Joint resolution designation June 14, 1988, as "Baltic Freedom Day."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3393. A communication from the Acting Secretary Attorney General, Department of Justice, transmitting a draft of proposed legislation entitled the Terrorist Alien Removal Act; to the Committee on the Judiciary.

EC-3394. A communication from the Attorney General of the United States, transmitting, pursuant to law, notification assigning the Federal judicial districts to the Court of Appeals for the Sixth District; to the Committee on the Judiciary.

EC-3395. A communication from the Acting Assistant Attorney General, Department of Justice, transmitting, pursuant to law, a corrected copy of the Immigration and Naturalization Service's evaluation of the Four City Pilot Program; to the Committee on the Judiciary.

EC-3396. A communication from the Acting Executive Director of the Committee for Purchase From the Blind and Other Severely Handicapped, transmitting, pursuant to law, the annual report of the activities of the committee for the fiscal year ending September 30, 1987; to the Committee on Labor and Human Resources.

EC-3397. A communication from the Assistant Secretary for Civil Rights, Department of Education, transmitting, pursuant to law, an annual report summarizing the compliance and enforcement activities of the Office for Civil Rights and identifying significant civil rights or compliance problems for the fiscal year 1987; to the Committee on Labor and Human Resources.

EC-3398. A communication from the Secretary of Education, transmitting, pursuant to law, a copy of the final regulations of the Library Career Training Program; to the Committee on Labor and Human Resources.

EC-3399. A communication from the Secretary of Education, transmitting a draft of proposed legislation to improve the operation of programs under the Carl D. Perkins Vocational Education Act by promoting accountability and reducing administrative burden; to the Committee on Labor and Human Resources.

EC-3400. A communication from the Secretary of Education, transmitting, pursuant to law, a copy of the final regulations of the National Resource Centers for Foreign Language and Area Studies and Foreign Language and International Studies Program; to the Committee on Labor and Human Resources.

EC-3401. A communication from the Secretary of Education, transmitting a draft of proposed legislation to revise and extend the authority to award endowment grants to Howard University; to the Committee on Labor and Human Resources.

EC-3402. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the annual report of the Commission and a number of legislative recommendations; to the Committee on Rules and Administration.

EC-3403. A communication from the Executive Secretary of Defense, transmitting, pursuant to law, a report on the Department's Procurement from Small and Other Business Firms for October 1987 through March 1988; to the Committee on Small Business.

EC-3404. A communication from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to provide authority for the payment of interest on insurance settlements, and to permit increased discount rates for insurance premiums paid in advance; to the Committee on Veterans' Affairs.

EC-3405. A communication from the general counsel, Department of the Treasury, transmitting a draft of proposed legislation to repeal the 4.25-percent limitation on the interest rate payable on U.S. Treasury bonds; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2320: A bill to amend the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes (Rept. No. 100-385).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WILSON:

S. 2514. A bill to modify the navigation project for Morro Bay, CA, to direct the Secretary of the Army to extend and deepen the entrance channel for Morro Bay to a depth of 40 feet, and for other purposes; to the Committee on Environment and Public Works.

By Mr. JOHNSTON:

S. 2515. A bill to provide for the conveyance of certain mineral interests of the United States in property in Louisiana to the record owners of the surface of that property; to the Committee on Energy and Natural Resources.

By Mr. REID:

S. 2516. A bill to direct the Secretary of the Interior to transfer a certain parcel of land in Clark County, NV; to the Committee on Energy and Natural Resources.

By Mr. RIEGLE (for himself, Mr. Dole, Mr. Harkin, Mr. Weicker, Mr. Cranston, and Mr. DeConcini):

S. 2517. A bill to amend the Social Security Act to take into account monthly earnings in determining the amount of disability benefits payable under title II, to provide for continued entitlement to disability and Medicare benefits for individuals under disabled and working status, and for other purposes; to the Committee on Finance.

By Mr. WEICKER (for himself, Mr. Dodd, and Mr. Stafford):

S. 2518. A bill to mend the Occupational Safety and Health Act of 1970 to develop a permit system for certain construction operations, and for other purposes; to the Committee on labor and Human Resources.

By Mr. PRESSLER:

S. 2519. A bill entitled the "Food Security Act Amendments of 1988"; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEVIN (for himself, Mrs. Kassebaum, Mr. Specter, Mr. Kennedy, Mr. Bradley, Mr. Simon, Mr. Weicker, Mr. Dodd, Mr. Burdick, Mr. Chafee, Ms. Mikulski, Mr. Conrad, Mr. Cranston, Mr. Evans, Mr. Gore, Mr. Heinz, Mr. Lautenberg, Mr. Leahy, Mr. Mitchell, Mr. Riegle, Mr. Simpson, Mr. Wirth, Mr. Adams, Mr. Durenberger, Mr. Dixon, Mr. Kerry, Mr. Daschle, Mr. Moynihan, Mr. Johnston, Mr. Sarbanes, Mr. Rockefeller, Mr. Boschwitz, and Mr. Metzenbaum):

S.J. Res. 339. A joint resolution to designate June 16, 1988, as "Soweto Remembrance Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WILSON:

S. 2514. A bill to modify the navigation project for Morro Bay, CA, to direct the Secretary of the Army to extend and deepen the entrance channel for Morro Bay Harbor to a depth of 40 feet, and for other purposes; to the Committee on Environment and Public Works.

IMPROVEMENTS TO MORRO BAY HARBOR

● Mr. WILSON. Mr. President, today I am introducing legislation which will authorize the Army Corps of Engineers to begin dredging the Morro Bay Harbor entrance in California. Authorization of this project is made contingent upon a favorable feasibility study which has been included in the pending fiscal year 1989 energy and water appropriations bill.

I am taking the unusual step of asking for preauthorization of a corps project because of the incredibly dangerous conditions that exist at the entrance to Morro Bay Harbor. Since 1970, the large surf created by the sandbars in the harbor entrance have claimed at least 15 lives and countless near tragedies. It is not uncommon during the winter months for 20-foot waves to break directly into the harbor entrance, making travel into and out of the harbor terrifying and hazardous.

One of the most publicized accidents in the last several years was the capsize of the whale watching boat *San Mateo* by a 20-foot wave in February 1983. This boat was taking 26 elementary school children and several adults on a whale watching expedition. Miraculously, everyone was rescued from the sea within 15 minutes due to the commendable bravery of the harbor patrolmen.

More recently, veteran fisherman Al French drowned when his 42-foot commercial fishing vessel was overturned by large surf last November. Mr. French was regarded as the most experienced fisherman in Morro Bay and most people agree with what supervisor Bill Coy has told me: "If it can happen to Al French, it can happen to anyone and certainly will."

What makes the Morro Bay Harbor entrance so dangerous is the speed in which these huge breakers are created. Because of the unique position of Morro Bay on the coast of California, the waves breaking at the entrance can be very small one moment, and 10 minutes later 20-foot waves can be pounding the entrance. This makes it very difficult for even the most experienced boat operators.

Morro Bay is the only port of refuge between Monterey and Santa Barbara and attracts boaters from all over the central coast area. Traffic in Morro Bay has increased significantly in the last decade and the number of boating accidents has also increased proportionately. Boaters traveling the coast of California have a difficult decision if they are caught in the Pacific as a storm comes up. They can stay out in the rough seas or take a chance and try to enter Morro Bay Harbor.

The corps has recently completed a preliminary study of the harbor entrance and have recommended dredging of the entrance as the most promising solution to this problem. Both the Senate and House Appropriations Committees have recommended funding in the fiscal year 1989 appropriations bills for the corps to do a complete study. My legislation will direct the Corps of Engineers to begin making the necessary modifications to the harbor entrance within 6 months of the completion of its study if the corps finds the dredging alternative feasible.

I realize that authorizing a project before the studies are complete is not common practice. However, the situation in Morro Bay requires that every effort be made to expedite these proposed modifications. Morro Bay Harbor was created by the Federal Government and it is our responsibility to ensure its safe operation.

I urge my colleagues to support this bill and ask unanimous consent that it be printed in the Record at this time.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2514

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the navigation project for Morro Bay, California, authorized by section 2 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (59 Stat. 21), is modified to direct the Secretary of the Army, acting through the Chief of Engineers—

(1) contingent upon a favorable recommendation by the Chief of Engineers, to extend and deepen the entrance channel for Morro Bay Harbor to a depth of 40 feet not later than six months after completion of a feasibility study by the Corps of Engineers regarding such project and thereafter maintain such channel at such depth; and

(2) to carry out and maintain such other improvements at such harbor as the Chief of Engineers determines to be necessary to allow safe navigation into and out of such harbor.●

By Mr. REID:

S. 2516. A bill to direct the Secretary of the Interior to transfer a certain parcel of land in Clark County, NV; to the Committee on Energy and Natural Resources.

TRANSFER OF CERTAIN FEDERAL LAND

Mr. REID. Mr. President, Boys Town, the name of the world-famous home for children located just outside of Omaha, NE has been the only stable home for more than 16,000 young people over the past 70 years. Boys Town, has over the years moved to a family-based care, known as the Boys Town Family Home Program, to address the increasingly complex problems of young people.

Today each boy or girl lives in a home with an age-mixed group of six to eight other youth of the same sex. Their parents are a highly trained husband and wife team who often have one or two children of their own. They are evaluated extensively on a regular basis to ensure they are providing the youths the best care possible. These couples, called family-teachers, live in the home with the youth and guide and instruct them on a 24-hour basis, seeing that their physical, spiritual, and emotional needs are met.

Boys Town believes that the national need for quality youth treatment programs is critical. As a result, in 1983 Boys Town launched a new program to develop Boys Town's own minicampuses around the country. Called Boy Town USA, its goal is to build many of these minicampuses around the country in order to help more children close to home, as well as to influence the quality of child care in as many areas of the Nation as possible. The first demonstration project of this new concept occurred in 1983 in Tallahasee, FL. Since then many other minicampuses have been established using Boys Town strict criteria designed to find locations where the need is the greatest. Las Vegas has been identified as meeting these criteria.

Today, I am introducing a bill which would transfer 20 acres of public land to Clark County to be given to Boys Town USA for the construction of a home for troubled youth in Las Vegas. I urge my colleagues to support this meritorious piece of legislation.

By Mr. RIEGLE (for himself, Mr. DOLE, Mr. HARKIN, Mr. WEICKER, Mr. CRANSTON, and Mr. DECONCINI):

S. 2517. A bill to amend the Social Security Act to take into account monthly earnings in determining the amount of disability benefits payable under title II, to provide for continued entitlement to disability and Medicare benefits for individuals under disabled and working status, and for other purposes; to the Committee on Finance.

SOCIAL SECURITY WORK INCENTIVES ACT

● Mr. RIEGLE. Mr. President, today I am introducing for myself, the distinguished minority leader [Mr. DOLE], the Senator from Iowa [Mr. HARKIN], the Senator from Connecticut [Mr. WEICKER], and the Senator from California [Mr. CRANSTON], a bill to provide incentives for beneficiaries of Social Security disability insurance [SSDI] to work despite their impairments. Some individuals on SSDI can work, but they need access to medical and social support services, and sufficient cash support to maintain themselves in an employed status.

The concept underlying current law is that people fit neatly into two categories, those who cannot work at all, and those who can fully support themselves. This is no longer valid, if it ever was. My bill would change SSDI policy to reflect this reality.

S. 2517 extends the section 1619 work incentives provisions of the Supplemental Security Income [SSI] Program to the SSDI Program. Experience with the section 1619 program, which has been a great success, has shown that for most disabled people, continued access to Medicaid health insurance coverage is the most important factor in successfully returning to work. They must have confidence that a work attempt will not disqualify them from benefits in the future, should that work attempt fail. S. 2517, parallels section 1619 to provide such an assurance to SSDI beneficiaries.

Another key to any work incentive program is gradual reduction of benefits in proportion to increases in income, reflecting the current ability of the disabled to work. Not only does this approach ease the impact of loss of benefits, but it allows the disabled individual to feel more self-sufficient.

S. 2517 creates a special category for entitled "disabled and working" [DAW] for SSDI beneficiaries who return to work. They would remain eligible for SSDI benefits, incuding Medicare, as long as they continue to have a disabling impairment. Yet their SSDI cash benefits would be reduced by $1 for each $2 earned above the first $85, and they would be required to pay premiums for their Medicare coverage on a sliding-fee scale basis if their income exceeds 150 percent of the poverty level.

Mr. President, the most important part of this work incentive program is the continuation of medical coverage. Current law allows for 9 months of trial work during which Medicare coverage continues, 15 months of an extended period of eligibility, and then 24 months of extended Medicare eligibility, for a total of 48 months of Medicare coverage for disabled SSDI beneficiaries who attempt to work.

Under S. 2517, the trial work and extended period of eligibility would be eliminated. However, my bill replaces these with 48 months of continued Medicare coverage, which is consistent with current law. In addition, a new option offered by my bill is for beneficiaries to buy into Medicare after the 4-year period based on their ability to pay, with Medicaid subsidizing low-income beneficiaries.

All individuals with incomes at or below 150 percent of the poverty level would have all Medicare cost sharing obligations paid for by Medicaid. This is similar in principal to the provision in the Medicare Catastrophic Coverage Act of 1988 which mandates Medicaid to pay the premium and deductible costs for low-income elderly and disabled individuals. Individuals with incomes between 150 percent and 450 percent of poverty would also be eligible for Medicaid payment of these Medicare costs. But for these individuals, a copayment based on a sliding scale related to their income would be charged.

Mr. President, S. 2517 is a bipartisan approach to reforming the SSDI Program to encourage beneficiaries to reach their full potential. Although CBO has not yet responded to my request for a cost estimate, the bill should generate savings to the disability trust funds due to reduced benefit payments. In addition, these newly employed Americans will pay Federal income and Social Security taxes, as well as contributing to the economy.

Only one-half of 1 percent of SSDI beneficiaries ever return to the work force. This is a tragedy. We must make a greater effort to return these people to productive lives, which would make them independent while reducing Federal outlays for assistance.

We have worked closely with a number of leading advocacy organizations for disabled Americans in developing this legislation, and already 22 national organizations have endorsed the Social Security Work Incentives Act of 1988. They include:

American Diabetes Association.
American Federation of Government Employees.
American Psychiatric Association.
Association for Children and Adults with Autism.
Association for Retarded Citizens—U.S.
Catholic Charities, USA.
Epilepsy Foundation of America.
International Association of Psychosocial Rehabilitation Services.
Mental Health Law Project.
National Association of Protection and Advocacy Systems.
National Association of State Mental Retardation Program Directors.
National Head Injury Foundation.
National Council of Community Mental Health Centers.
National Mental Health Association.
United Cerebral Palsy Association, Inc.
National Council on Independent Living.
National Association of Rehabilitation Professionals in the Private Sector.
National Association of Disability Examiners.
National Alliance for the Mentally Ill.
National Federation of Societies for Clinical Social Work.
Save our Security.

Mr. President, I hope we can see S. 2517 enacted this year. The Congress and the administration need to move strongly to reform the SSDI Program to meet the changing needs of beneficiaries. The recent report of the Disability Advisory Council suggests that the time is ripe for eliminating work disincentives in the SSDI Program.

I urge my colleagues to cosponsor this critical legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2517

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Work Incentives Act of 1988".

SEC. 2. MONTHLY EARNINGS TAKEN INTO ACCOUNT IN DETERMINING AMOUNT OF DISABILITY BENEFITS PAYABLE UNDER TITLE II.

(a) IN GENERAL.—Title II of the Social Security Act is amended by inserting after section 224 (42 U.S.C. 424a) the following new section:

"REDUCTION OF BENEFITS BASED ON DISABILITY BY REASON OF MONTHLY EARNINGS

"SEC. 224A. (a) Except as provided in subsection (b)—

"(1) the amount of an individual's benefit for any month under subsection (d), (e), or (f) of section 202 based on disability shall be reduced (to not less than zero) by 50 percent of such individual's monthly earnings in excess of $85 ordinarily taken into account by the Secretary in determining substantial gainful activity, and

"(2) the amount of an individual's disability insurance benefit for any month under section 223 and the amounts of all other monthly benefits under this title for such month based on the same wages and self-employment income shall, in the aggregate, be reduced (to not less than zero) by 50 percent of such individual's monthly earnings in excess of $85 ordinarily taken into account by the Secretary in determining substantial gainful activity, except that such reduction shall be applied—

"(A) first to the disability insurance benefit for such month of such individual (in an amount not to exceed the amount of such benefit), and

"(B) then to all such other benefits for such month in proportion to the amounts of such other benefits (in amounts not to exceed the respective amounts of such benefits).

"(b) In the case of an individual who is entitled for any month both to a benefit referred to in subsection (a) and a benefit under section 1619(a), the amount of the reduction under this section for such month shall not exceed the excess of—

"(1) the amount of income for such month determined (after applicable exclusions) for purposes of section 1611(b), over

"(2) the amount of the benefit for such month under section 1619(a) (before reduction under section 1611(b)).

"(c) The amount by which a benefit for any month is reduced under this section shall be determined on the basis of earnings in the first or, if the Secretary so determines, second month preceding such month. The amount of the reduction shall be redetermined at such time or times as may be provided by the Secretary.

"(d) Reduction under this section shall be made after any reduction or deduction made under section 203, 222(b), or 224.".

(b) TREATMENT OF SIMULTANEOUS ENTITLEMENTS.—Subsection (k) of section 202 of such Act (42 U.S.C. 402(k)) is amended by adding at the end the following new paragraph:

"(5) The preceding provisions of this subsection shall be applied to benefits for each month before application of section 224A to any such benefits.".

(c) LIMITATION ON DECREASES IN BENEFITS OF DISABLED CHILDREN BY REASON OF PRIOR OVERPAYMENTS RESULTING FROM FAILURE TO APPLY REDUCTIONS BASED ON EARNINGS.—Section 204(a)(1)(A) of such Act (42 U.S.C. 404(a)(1)(A)) is amended by inserting after the first sentence the following new sentence: "In any case in which the overpaid person or any other person referred to in the preceding sentence is entitled to a benefit for any month under section 202(d) based on disability, if any decrease pursuant to this subparagraph in payments under this title for such month is a result of payment to the overpaid person of more than the correct amount by reason of failure to apply an appropriate reduction under section 224A, the benefit for such month of such person entitled under section 202(d) shall be determined without regard to deduction under this paragraph as a result of such payment, and the benefits under this title for such month of all other individuals who are entitled to such benefits on the basis of the wages and self-employment income of such overpaid person shall be determined as if such person entitled under section 202(d) were not entitled to a benefit for such month.".

(d) EXTENSION TO CURRENT RECIPIENTS OF DISABILITY INSURANCE BENEFITS OF CURRENT RULE PREVENTING REDUCTIONS IN PRIMARY INSURANCE AMOUNT FOR PRIOR RECIPIENTS.—Subparagraph (C) of section 215(a)(2) of such Act (42 U.S.C. 415(a)(2)(C)) is amended—

(1) by striking "was entitled" and inserting "has been entitled";

(2) by striking "after the close of" and inserting "during, or after the close of,";

(3) by inserting "because of recomputation of such individual's primary insurance amount during such period of disability," after "whether"; and

(4) by striking "former".

(e) ROUNDING CONFORMING AMENDMENT.—Subsection (g) of section 215 of such Act (42 U.S.C. 415(g)) is amended by striking "sections 203(a) and 224" and inserting "sections 203(a), 224, and 224A".

(f) CONFORMING AMENDMENT.—The heading for section 224 of such Act (42 U.S.C. 424a) is amended by adding at the end the following: "BY REASON OF PERIODIC BENEFITS".

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to benefits for months after June 1989.

(2) SPECIAL RULE FOR EXISTING BENEFICIARIES.—Section 224A of the Social Security Act (as added by this section) shall not apply in the case of an individual who is entitled to benefits for June 1989 under section 223 of the Social Security Act or benefits under subsection (d), (e), or (f) of section 202 of such Act based on disability, if such individual's monthly earnings (for such month and each preceding month during the period of such entitlement) ordinarily taken into account by the Secretary of Health and Human Services in determining substantial gainful activity have not exceeded $250.

SEC. 3. CONTINUATION OF ENTITLEMENT TO BENEFITS BASED ON DISABILITY WHILE UNDER DISABLED AND WORKING STATUS.

(a) TERMINATION OF ENTITLEMENT DELAYED UNTIL TERMINATION OF DISABLED AND WORKING STATUS.—

(1) DISABILITY INSURANCE BENEFITS.—Section 223(a)(1) of the Social Security Act (42 U.S.C. 423(a)(1)) is amended in the second sentence by striking "except that" and all that follows through "activity." and inserting "except that, in the case of an individual who is under disabled and working status under subsection (e), such individual's disability shall not be considered to have ceased until such status terminates.".

(2) CHILD'S INSURANCE BENEFITS BASED ON DISABILITY.—Section 202(d)(1)(G)(i) of such Act (42 U.S.C. 402(d)(1)(G)(i)) is amended by striking "except that" and all that follows through "activity)" and inserting "except that, in the case of an individual who is under disabled and working status under section 223(e), such individual's disability shall not be considered to have ceased until such status terminates)".

(3) WIDOW'S INSURANCE BENEFITS BASED ON DISABILITY.—Section 202(e)(1) of such Act (42 U.S.C. 402(e)(1)) is amended in the last sentence by striking "except that" and all that follows through "activity." and inserting "except that, in the case of an individual who is under disabled and working status under section 223(e), such individual's disability shall not be considered to have ceased until such status terminates.".

(4) WIDOWER'S INSURANCE BENEFITS BASED ON DISABILITY.—Section 202(f)(1) of such Act (42 U.S.C. 402(f)(1)) is amended in the last sentence by striking "except that" and all that follows through "activity." and inserting "except that, in the case of an individual who is under disabled and working status under section 223(e), such individual's disability shall not be considered to have ceased until such status terminates.".

(b) DISABLED AND WORKING STATUS.—Section 223(e) of such Act (42 U.S.C. 423(e)) is amended to read as follows:

"Disabled and Working Status

"(e) Any individual who is entitled for a month to a disability insurance benefit under this section, or to a monthly insurance benefit based on disability under subsection (d), (e), or (f) of section 202, and whose earnings in a subsequent month are greater than or equal to the amount designated by the Secretary ordinarily to represent substantial gainful activity shall be under disabled and working status under this subsection for so long as—

"(1) such individual continues to have the disabling physical or mental impairment on the basis of which such individual was found to be under a disability, and

"(2) such individual meets all other non-disability-related requirements for entitlement to such benefits under this title.".

(c) CONFORMING AMENDMENTS ELIMINATING TRIAL WORK PERIOD PROVISIONS.—

(1) Subsection (c) of section 222 of such Act (42 U.S.C. 422(c)) is repealed.

(2) Paragraph (4) of section 223(d) of such Act (42 U.S.C. 423(d)(4) is amended in the third sentence by striking ", except for purposes of section 222(c),".

(d) 48-MONTH LIMITATION ON MEDICARE BENEFITS FOR INDIVIDUALS UNDER DISABLED AND WORKING STATUS.—

(1) IN GENERAL.—Section 226(b) of the Social Security Act (42 U.S.C. 426(b)) is amended—

(A) in the last sentence—

(i) by striking "benefits or" the first place it appears;

(ii) by striking "to such benefits or";

(iii) by striking "entitlement or" each place it appears; and

(iv) by striking "entitled to monthly insurance benefits under title II or as"; and

(B) by adding at the end the following: "Notwithstanding paragraph (2)(A), in the case of an individual who is entitled to hospital insurance benefits under this subsection for a month only because the individual is entitled to disability insurance benefits, or benefits under subsection (d), (e), or (f) of section 202 based on disability, as a result of being under disabled and working status under section 223(e), such entitlement shall cease as of the end of the 48th month of such entitlement and the Secretary shall provide such individuals notice (not later than the 45th month of such entitlement) of the period remaining in such entitlement and the opportunity under section 1818A to buy into the medicare program after the expiration of such entitlement.".

(2) TRANSITIONAL RULE.—In the case of an individual who was provided hospital insurance benefits under the third sentence of

section 226(b) of the Social Security Act before June 1989, months in which such benefits were provided under such sentence shall be counted against any 48-month limitation provided under the sentence added by paragraph (1)(B).

(e) Effective Date.—The amendments made by this section shall apply with respect to benefits for months after June 1989.

SEC. 4. PERMITTING MEDICARE BUY-IN FOR CONTINUED BENEFITS.

(a) In General.—Title XVIII of the Social Security Act is amended—

(1) in the heading of section 1818, by inserting "ELDERLY" after "UNINSURED", and

(2) by inserting after section 1818 the following new section:

"HOSPITAL INSURANCE BENEFITS FOR UNINSURED DISABLED INDIVIDUALS WHO HAVE EXHAUSTED OTHER ENTITLEMENT

"Sec. 1818A. (a) Every individual who—

"(1) has not attained the age of 65,

"(2) would be entitled to benefits under this part under section 226(b), but for the 48-month limitation specified in the fourth sentence of such section, and

"(3) is not otherwise entitled to benefits under this part,

shall be eligible to enroll in the insurance program established by this part.

"(b) An individual may enroll under this section only in such manner and form as may be prescribed in regulations, and only during an enrollment period prescribed in or under this section.

"(c) The provisions of section 1837 (except subsections (f), (g), and (i) thereof), section 1838 (other than subsections (c) and (e) thereof), subsection (b) of section 1839, and section 1840 shall apply to individuals authorized to enroll under this section, except that—

"(1) the initial enrollment period shall begin on the first day of the third month before the month in which the individual first becomes eligible and shall end 7 months later; and

"(2) an individual's entitlement under this section shall terminate with the month before the first month in which the individual becomes eligible for hospital insurance benefits under section 226 and upon such termination such individual shall be deemed, solely for purposes of hospital insurance entitlement, to have filed in such first month the application required to establish such entitlement.

"(d) The provisions of subsections (d) through (f) of section 1818 shall apply to individuals enrolled under this section.".

(b) Medicare As Secondary Payor to Employer Plans.—Section 1862(b)(4)(A)(i) of the Social Security Act (42 U.S.C. 1395y(b)(4)(A)(i)) is amended by inserting "or any other individual is eligible for or receives benefits under this title due to enrollment under section 1818A" after "226(b)".

SEC. 5. REQUIRING MEDICAID PAYMENT FOR MEDICARE COST-SHARING FOR POOR INDIVIDUALS UNDER DISABLED AND WORKING STATUS.

(a) In General.—Section 1902(a)(10)(E) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)) is amended—

(1) by inserting "(i)" after "(E)",

(2) by striking the semicolon at the end and inserting ", and", and

(3) by adding at the end the following new clause:

"(ii) for making medical assistance available for medicare cost-sharing (as defined in section 1905(p)(3)) for qualified disabled and working individuals described in section 1905(r);".

(b) Eligibility.—Section 1905 of such Act (42 U.S.C. 1396d) is amended by adding at the end the following new subsection:

"(r) The term 'qualified disabled and working individual' means an individual—

"(1) who is entitled to enroll for hospital insurance benefits under part A of title XVIII under section 1818A;

"(2) who, but for section 1902(a)(10)(E)(ii), is not eligible for medical assistance under the State plan;

"(3) whose income (as determined under section 1613 for purposes of the supplemental security income program) does not exceed 450 percent of the official poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved; and

"(4) whose resources (as determined under section 1613 for purposes of the supplemental security income program) do not exceed the maximum amount of resources that an individual may have and obtain benefits under that program.".

(c) Copayments Required for Certain Individuals.—Section 1916 of such Act (42 U.S.C. 1396o) is amended—

(1) in subsection (a), by striking "The State plan" and inserting "Except as provided in subsection (d), the State plan";

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and

(3) by inserting after subsection (c) the following new subsection:

"(d) With respect to qualified disabled and working individuals described in section 1905(r) whose income (as determined under paragraph (3) of that section) exceeds 150 percent of the official poverty line referred to in that paragraph, the State plan of a State shall provide for the charging of a coinsurance amount according to a sliding scale under which the percentage of coinsurance increases from 0 percent to 100 percent, in reasonable increments, as the individual's income increases from 150 percent of such poverty line to 450 percent of such poverty line.".

(d) Benefits.—Section 1905(p)(3) of such Act (42 U.S.C. 1396d(p)(3)(A) is amended by striking "section 1818" and inserting "sections 1818 and 1818A".

(e) Effective Date.—(1) The amendments made by this section apply (except as provided under paragraph (2)) to payments under title XIX of the Social Security Act for calendar quarters beginning on or after July 1, 1989, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 6. EXTENSION TO ALL RECIPIENTS OF CHILD'S INSURANCE BENEFITS BASED ON DISABILITY OF CURRENT RULE PERMITTING CONTINUED ENTITLEMENT TO MEDICAID BENEFITS OF INDIVIDUALS BECOMING ENTITLED TO SUCH CHILD'S INSURANCE BENEFITS.

(a) In General.—Paragraph (1) of section 1634(c) of the Social Security Act (42 U.S.C. 1383c(c)(1)) is amended by striking "entitled, on or after the effective date of this subsection," and inserting "entitled".

(b) Effective Date.—Section 1634(c) of the Social Security Act (as amended by subsection (a) of this section) shall apply with respect to all individuals becoming entitled to benefits or increases referred to therein before, on, or after July 1, 1987, except that the provisions of this subsection and the amendment made by subsection (a) shall apply only with respect to medical assistance provided for care and services furnished in months after June 1989.●

By Mr. WEICKER (for himself, Mr. Dodd, and Mr. Stafford):

S. 2518. A bill to amend the Occupational Safety and Health Act of 1970 to develop a permit system for certain construction operations, and for other purposes; to the Committee on Labor and Human Resources.

CONSTRUCTION SAFETY AND HEALTH IMPROVEMENT ACT

● Mr. WEICKER. Mr. President, I rise today on behalf of myself, Senator Dodd, and Senator Stafford to introduce the Construction Safety and Health Improvement Act of 1988.

Eighteen years ago Congress enacted the Occupational Safety and Health Act to protect the Nation's workers from hazards in the workplace. That legislation was the beginning of Federal involvement in assuring safe and healthful working conditions for men and women in the construction, manufacturing, and maritime industries.

In April, the Committee on Labor and Human Resources held 3 days of oversight hearings on the effectiveness of the Occupational Safety and Health Administration in carrying out its responsibilities under the act. Among other things, those hearings revealed significant problems with OSHA's record in promulgating new health and safety standards, and strengthening existing standards.

Subsequently, on April 26, 1988, the committee held a hearing on the tragic building collapse of L'Ambiance Plaza in Bridgeport, CT, in which 28 construction workers were killed. In the aftermath of these hearings, I became convinced that two things were critical: First, more vigorous enforcement of existing law by OSHA, and second, stronger standards governing the construction industry and the Federal oversight role with respect to that industry.

With regard to the need for intensified enforcement by OSHA, I intend, in my capacity as the ranking member of the Labor, Health and Human Services, and Education Appropriations Subcommittee, to pursue additional funding for OSHA enforcement activities in the fiscal year 1989 bill.

In response to the need for tougher standards, I have developed, with the support of the building and trades department of the AFL-CIO, the legislation being introduced today, which I believe will make the construction industry safer for workers.

There is evidence of inconsistency across the country for maintaining quality control on construction projects, including safety considerations, starting with design and continuing through the completion of construction. To begin to remedy this inconsistency, the legislation we introduce today would require the involvement of a State registered, professional engineer or architect in the ongoing oversight of construction projects. This will help to ensure workers' safety, help prevent accidents, and most importantly, save lives.

In addition, the bill will require OSHA to inspect a site within 24 hours of an accident when there are three or more serious injuries, one life-threatening injury, or a fatality. Currently, an employer must file a report to OSHA if either a fatality or five serious injuries occur; even then OSHA is not mandated to inspect the site. Further, in the event that a structural failure occurs that leads to a building collapse, a partial collapse, or a near collapse, OSHA will be required to inspect the site within 24 hours.

The Occupational Safety and Health Act will also be amended to require that when a fatality does occur on a worksite, OSHA will have the authority to shut down operations on that site in order to determine the cause of the accident. Clearly, all possible steps must be taken to ensure no further loss of life when such an accident occurs.

The bill will also increase the amount of a fine OSHA may levy against a company from $10,000 to $25,000. To many companies, a $10,000 fine constitutes a mere slap on the wrist, while stiffer penalities will send a message that serious violations will have serious financial consequences for the violators.

Finally, this bill will require any employer who discovers a serious occupational hazard at a workplace, to inform OSHA of the hazard in writing within 15 days. If such a person knowingly fails to inform OSHA of the hazard, he or she may be fined up to $250,000 or imprisoned for up to 10 years, or both.

Let me conclude by quoting John Lyons, the Director of the National Engineering Laboratory of the National Bureau of Standards, at the recent hearing on L'Ambiance Plaza. Mr. Lyons testified that the failed shearhead connection on the building was so poor that it should have been apparent to an inspector prior to the accidents and concluded by saying, "I was horrified and thought this was an accident waiting to happen." Well, the accident did happen because OSHA had never inspected the site, and required safeguards were not in place to prevent this tragedy.

Today we can take an important step toward ensuring that no more lives will be needlessly lost in construction accidents. I urge my colleagues to examine this bill, and to join us in our efforts to secure its passage.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2518

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Construction Safety and Health Improvement Act of 1988".

SEC. 2. REFERENCES TO THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

SEC. 3. PROFESSIONAL ENGINEER-ARCHITECT.

Section 3 (29 U.S.C. 652) is amended by adding at the end thereof the following new paragraphs:

"(15) The terms 'Professional Engineer-Architect' and 'E-A' mean an individual who has attained, through engineering education and experience, a thorough knowledge of mathematical, physical, and engineering sciences and principles and methods of engineering analysis and design, and is registered, where such registration is permitted, as a professional engineer in the State where such work is to be performed.

"(16) The terms 'serious injury' means any injury that requires professional medical treatment.

"(17) The term 'hazard analysis' means a report detailing the potential safety hazards that could occur on a construction site throughout the construction process and containing instructions and provisions for the prevention or handling of potential safety hazards. The potential safety hazards addressed in the report shall include structural collapses, cave-ins, dire, flooding or other water hazards, explosions, and lightning.

SEC. 4. INCIDENT REPORTING, RECORDKEEPING, AND INVESTIGATION PROCEDURES.

Section 8 (29 U.S.C. 657) is amended by adding at the end thereof the following subsections:

"(h)(1) On the occurrence of any incident, the E-A responsible for the worksite shall immediately investigate such incident.

"(2)(A) The E-A shall report all reportable incidents on the construction worksite to the appropriate regional office of the Occupational Safety and Health Administration by electronic means (telephone or telegraph), immediately after the occurrence of such incidents.

"(B)(i) Except as provided in clause (ii), as used in this subsection, the term 'reportable incident' means an incident that—

"(I) causes serious injury or death;

"(II) could have caused serious injury or death, as determined by the E-A;

"(III) involves a structural failure that leads to the collapse of a building; or

"(IV) involves a near collapse of a building.

"(ii) Such term shall not include an incident referred to in clause (i) if an E-A determines that the incident was not the result of—

"(I) a violation of the project construction process plan and hazard analysis or the Project Safety and Health Program and Procedures; or

"(II) a violation of this Act or a standard promulgated pursuant to this Act.

"(3) The reports required under paragraph (2) shall specify—

"(A) the owner and location of the worksite;

"(B) the name, business address, and telephone number of the employer whose employee or employees were killed or injured or could have been killed or injured by the incident;

"(C) the name and business address of the project contractor or pertinent general contractor at that worksite;

"(D) the date and time of the incident;

"(E) the type of incident (fire, explosion, building collapse, etc.);

"(F) the number of fatalities or injuries, and the nature of such, resulting from the incident;

"(G) the number of persons hospitalized as a result of the incident;

"(H) the number of persons unaccounted for at the time the report is made;

"(I) the identity of the E-A responsible for investigating the incident and the E-A's employer;

"(J) weather conditions at the time of the incident; and

"(K) the trades or crafts to which the deceased or injured employees belonged, to the extent known at the time of the report.

"(4)(A) Except as otherwise provided in this paragraph, the employer, appropriate contractor, or the owner shall bar ingress to and egress from an incident site, or other interference with such site, on the occurrence of a reportable incident involving—

"(i) three or more serious injuries;

"(ii) a fatality;

"(iii) a life-threatening injury;

"(iv) a structural failure that leads to the collapse of a building; or

"(v) a near collapse of a building.

"(B) Subparagraph (A) shall apply until the Occupational Safety and Health Administration completes its investigation of the site.

"(C) Subparagraph (A) shall not prevent employees affected by an incident from receiving medical treatment or medical transportation.

"(D) No work shall be done at the incident site, except for necessary rescue and recovery work, until the Occupational Safety and Health Administration completes its investigation and certifies that it is safe to continue work at such site.

"(E) The employer, appropriate contractor, or the owner shall take appropriate measures (as defined in regulations promulgated by the Secretary) to prevent the destruction of any evidence that would assist in the investigation into the cause or causes of the incident.

"(5)(A) The Occupational Safety and Health Administration shall conduct an investigation of an incident (including an inspection of the incident site) as soon as practicable on the reporting of an incident involving—

"(i) three or more serious injuries;

"(ii) a fatality;

"(iii) a life-threatening injury;

"(iv) a structural failure that leads to the collapse of a building; or

"(v) a near collapse of a building.

"(B) The employer, appropriate contractor, or the owner shall grant the Occupational Safety and Health Administration immediate access to the incident site.

"(C) The Occupational Safety and Health Administration shall take whatever action the Administration considers appropriate to ensure that a full investigation of the incident is made. Such an investigation must take place within 24 hours following receipt of the report unless rescue and recovery operations are in progress or unless the Occupational Safety and Health Administration determines that the conditions at the incident site would make an investigation dangerous.

"(D) During the investigation, the Occupational Safety and Health Administration shall determine whether the incident site is an imminent danger or to certify that work may resume at the site.

"(6) Following the investigation of the incident, the Occupational Safety and Health Administration shall prepare a description, in narrative terms, of the incident and submit it to the area office of the Occupational Safety and Health Administration as soon as practicable, but not later than 1 week following the commencement of the investigation. Such description shall include all of the items listed in paragraph (3) and the possible causes of the incident.

"(i)(1) Each employer engaged in construction work shall, on completion of such work at a construction project, file a report with the Occupational Safety and Health Administration.

"(2) A report filed under paragraph (1) shall identify the project, and for each employer, the duration of work, the number of employees, the number of man hours worked, the nature of the work, the number of work incidents, the nature of any work incidents, the cause of any work incidents, any injuries, any deaths, and any other information that the Occupational Safety and Health Administration determines to be relevant.

"(3) Information contained in the report filed under paragraph (1) shall be used to determine the national incident rate average for each type of construction work. Such information shall also be used to target for inspections high hazard types of construction projects, high hazard construction operations, and employers that have a higher than average incident rate.".

SEC. 5. CIVIL AND CRIMINAL PENALTIES.

Section 17 (29 U.S.C. 666) is amended—

(1) in subsection (a), by striking out "$10,000" and inserting in lieu thereof "$25,000";

(2) in subsection (b), by striking out "$1,000" and inserting in lieu thereof "$25,000";

(3) in subsection (c), by striking out "$1,000" and inserting in lieu thereof "$25,000";

(4) in subsection (d)—

(A) by striking out "(which period shall)" and all the follows through "penalties) may" and inserting in lieu thereof "shall"; and

(B) by striking out "$1,000" and inserting in lieu thereof "$25,000";

(5) in subsection (e), to read as follows:

"(e) Any employer who willfully or repeatedly violates any standard, rule, or order promulgated pursuant to section 6 of this Act, or of any regulation prescribed pursuant to this Act, or who fails to correct a violation for which a citation has been issued under section 9 of this Act within the period permitted for its correction, and that violation or failure caused death, serious injury or illness to any employee, or was a serious violation as defined in subsection (m), shall, upon conviction, be punished by a fine of not more than $250,000 or by imprisonment for not more than 20 years, or by both, except that if the conviction is for a violation or failure committed after a first conviction of such person, punishment shall be by a fine of not more than $500,000 or by imprisonment for not more than 10 years, or by both.";

(6) in subsection (f), by striking out "$1,000 or by imprisonment for not more than six months," and inserting in lieu thereof "$50,000 or by imprisonment for not more than 1 year,";

(7) in subsection (g), by striking out "$10,000 or by imprisonment for not more than six months," and inserting in lieu thereof "$100,000 or by imprisonment for not more than 1 year,";

(8) by inserting after subsection (g) the following new subsection:

"(h) Whoever knowingly distributes, sells, offers for sale, introduces, or delivers in commerce any equipment for use at a construction site, including, components and accessories of such equipment, that is represented as complying with the provisions of this Act, or with any specification or regulation of the Secretary applicable to such equipment, and that does not so comply shall, upon conviction, be subject to the same fine and imprisonment as may be imposed upon a person under subsection (e).";

(9) in subsection (i), by striking out "$1,000" and inserting in lieu thereof "$25,000";

(10) in subsection (l), by adding at the end thereof the following new sentence: "Interest at the rate provided for section 1961(a) of title 28, United States Code, shall be charged against a person on any final order of the Commission, or the court. Interest shall begin to accrue 30 days after the issuance of such order."; and

(11) by adding at the end thereof the following new subsections:

"(m) Whenever a corporate employer violates a safety or health standard or knowingly violates or fails or refuses to comply with any order issued under this Act or any order incorporated in a final decision issued under this Act, except a decision issued under section 11 of this Act, any director, officer, or agent of such corporation who knowingly authorized, ordered, or carried out such violation, failure, or refusal shall be subject to the same civil penalties, criminal fines, and imprisonment that may be imposed on a person under the applicable provisions of this section. If a penalty or fine is imposed on a director, officer or agent under this subsection, such fine shall not be paid, directly or indirectly, out of the assets of any business entity on behalf of that individual.

"(n)(1) Any director, officer, or agent of any employer who discovers an occupational hazard at the workplace that could cause serious injury or illness to any employee, and who fails during the period ending 15 days after such discovery is made (or if there is imminent risk of bodily injury or death, immediately)—

"(A) to inform the Assistant Secretary in writing, unless such person has actual knowledge that the Assistant Secretary has been so informed; and

"(B) to warn affected employees in writing, unless such person has actual knowledge that such employees have been so warned;

shall be fined not more than $250,000 or imprisoned not more than 10 years, or both.

"(2) Any person who knowingly discriminates against any person in the terms or conditions of employment or in retention in employment or in hiring because of such person's having informed the Assistant Secretary or warned employees of a serious concealed occupational hazard at the workplace shall be fined not more than $250,000, or imprisoned for not more than 10 years or both.

"(3) If a fine is imposed on an individual under this section, such fine shall not be paid, directly or indirectly, out of the assets of any business entity on behalf of that individual.

"(o)(1) No proposed civil penalty that has been issued under section 10 shall be compromised, mitigated, or settled unless the affected employees or the representative of such employees have been given a full opportunity to participate in the process resulting in such compromise, mitigation or settlement. Such opportunity shall include the right to attend and participate in all conferences held by the Occupational Safety and Health Administration with the cited employers.

"(2) No proposed civil penalty that has been contested before the Commission under this Act shall be compromised, mitigated, or settled except with the approval of the Commission. No penalty assessment that has become a final order of the Commission shall be compromised, mitigated, or settled except with the approval of the court.

"(p) Where there are multiple instances of a violation of a standard, each instance shall constitute a separate violation for the purposes of assessing civil penalties and fines.

"(q) For purposes of this section, a serious violation shall be considered to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition that exists, or from one or more practices, means, methods, operations, or processes that have been adopted or are in use, in such place of employment unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.".

SEC. 6. STATE AND LOCAL LAWS.

Subsection (a) of section 18 (29 U.S.C. 667(a)) is amended to read as follows:

"(a)(1) No State or local law shall be superseded by any provision of this Act, or any order issued or safety or health standard promulgated pursuant to this Act, unless such law is in conflict with such provision, order or standard.

"(2)(A) The provisions of any State or local law that provides for more stringent safety and health standards than do the provisions of this Act or any order issued or safety or health standard promulgated pursuant to this Act, shall not be construed nor held to be in conflict with the provisions of this Act.

"(B) The provisions of any State or local law or regulation that provides for safety and health standards for which no provision is contained in this Act or in any order issued or safety or health standard promulgated pursuant to this Act, shall not be held to be in conflict with this Act.

"(3) Nothing in this Act shall preclude State and local law enforcement agencies from engaging in criminal prosecutions in accordance with the laws of such State or locality.".

SEC. 7. PERMIT SYSTEM FOR CERTAIN CONSTRUCTION OPERATIONS.

The Act (29 U.S.C. 651 et seq.) is amended by adding at the end thereof the following new sections:

"SEC. 34. PERMIT SYSTEM FOR CERTAIN CONSTRUCTION OPERATIONS.

"(a) REQUIREMENT OF PERMIT.—The issuance of a permit by an E-A prior to the commencement of an operation shall be required for those employments or places of employment that involve any of the following operations (hereinafter referred to in this section as 'covered operations')—

"(1) the construction of trenches and excavations that are five feet or deeper and into which a person is required to descend;

"(2) the erection of scaffolding that is more than three stories high or such an equivalent height;

"(3) the demolition of any building, structure, or the dismantling of scaffolding, that is more than three stories high or such an equivalent height;

"(4) operations involving exposure to asbestos;

"(5) any other operation that the Occupational Safety and Health Administration determines involves an exposure of employees to death or serious bodily harm; and

"(6) any other operation on a specific project that the E-A determines, for that project, that an exposure to death or serious bodily harm is involved.

"(b) APPLICATION.—

"(1) IN GENERAL.—An employer in the construction industry shall apply and obtain a permit by submitting an application demonstrating that such employer is knowledgeable of, in compliance with, and intends to comply with, all statutes, regulations, standards, and agency directives applicable to construction work generally and to the covered operation or operations specifically, including all requirements set forth in this Act.

"(2) REQUIREMENT.—An application submitted under paragraph (1) shall include a copy of the—

"(A) Project Safety and Health Program and Procedures; and

"(B) Construction Process Plan and Hazard Analysis required by section 35.

"(3) NUMBER OF APPLICATIONS.—Only one application and one permit shall be required for two or more operations to be performed concurrently by the same employer.

"(c) ANNUAL PERMIT.—

"(1) IN GENERAL.—In lieu of an application and permit for each covered operation of an employer, an annual permit may be obtained by an employer, if the employer complies with the requirement in subsection (b)(1).

"(2) NOTICE AND CERTIFICATIONS.—Prior to the commencement of work on each new covered operation within the year covered by the annual permit, the employer shall—

"(A) notify the project E-A of the nature and location of such operation;

"(B) notify the project E-A of the intended date of the commencement of such operation; and

"(C) certify that the demonstration made under paragraph (1) to obtain such annual permit continues to apply to such new operation.

"(3) NOTIFICATION.—The notification required under paragraph (2) shall include the provision of copies of that portion of—

"(A) the Project Safety and Health Program and Procedures; and

"(B) the Construction Process Plan and Hazard Analysis required by section 35;

that are applicable to such new operation or that have been revised since the employer submitted the permit application.

"(d) SUBMISSION OF APPLICATION.—

"(1) TO E-A.—Applications for permits shall be submitted to an E-A who shall certify the approval of the E-A by issuing the permit with name, registration number, and seal of the E-A affixed on the permit.

"(2) TO OSHA.—In the absence of a permit certified by an E-A under paragraph (1), the employer shall obtain the permit by submitting the application to the Occupational Safety and Health Administration.

"(3) SCHEDULE OF FEES.—To cover the costs involved in investigating and issuing permits, a schedule of reasonable fees shall be established by the Occupational Safety and Health Administration. Such fees shall be paid by the employer to the E-A or the Occupational Safety and Health Administration, as the case may be, prior to issuance of the permit.

"(e) POSTING OF PERMIT.—Every employer issued a permit shall post a copy or copies thereof at or near each place of employment involving a covered operation. If such posting is impracticable at the site of an excavation, the permit shall be made available at the nearest practicable location of such employer.

"(f) FALSE STATEMENTS.—The provisions of section 1001 of title 18, United States Code, shall be applicable to information provided pursuant to this section.

"SEC. 35. CONSTRUCTION PROJECTS.

"(a) SUPERVISION BY ENGINEER-ARCHITECT.—

"(1) IN GENERAL.—All construction projects shall be under the supervision of a professional Engineer-Architect who is registered in the State where the project is located. The owner of the project is responsible for designating the E-A. If the project contract specifically assigns this responsibility to a project or construction manager or a prime or general contractor, the owner and such manager or contractor shall be considered, for purposes of this Act, to have joint responsibility.

"(2) RESPONSIBILITY OF E-A.—

"(A) IN GENERAL.—It shall be the E-A's responsibility to determine whether a project, because of its size or complexity, requires, in addition to the E-A, the designation of qualified representatives of the E-A so as to ensure that the work is performed in compliance with this Act and with all orders issued and standards promulgated pursuant to this Act.

"(B) ADDITIONAL REPRESENTATIVES.—If the E-A determines that additional representatives are necessary, it shall be the responsibility of the E-A to assure that an adequate number of qualified representatives are assigned to the project. All such representatives (hereinafter referred to in this section as 'designated representatives') shall meet, at a minimum, the requirements for being a 'competent person' as defined in section 1926.32(f) of title 29, Code of Federal Regulations. Where the E-A designates representatives, the E-A shall be held responsible for their actions and for compliance with the applicable provisions of this Act.

"(C) LIABILITY.—An E-A shall be liable to the same extent that the supervisor is liable for violations of the provisions of this Act.

"(3) POSTING AND WORK PERFORMANCE.—

"(A) POSTING.—At each construction project, the name and registration number of the E-A and the names of all designated representatives shall be posted near the Occupational Safety and Health Administration poster. In such instances, work on the project shall be performed only when the E-A's designated representative or representatives will be present on the site.

"(B) WORK PERFORMANCE.—Work on a construction project shall be performed only when the E-A is present on the site, unless the E-A determines, and certifies in writing, that a representative or representatives designated by the E-A will be present on the site and will be sufficient to assure that the work will be performed in compliance with this Act and with all orders issued and standards promulgated pursuant to this Act.

"(b) PROJECT SAFETY AND HEALTH PROGRAM AND PROCEDURES.—

"(1) DEVELOPMENT.—The owner shall be responsible for the development and implementation on the project of Project Safety and Health Program and Procedures (hereinafter referred to in this section as 'project procedures'). Where the project contract assigns the responsibility for developing such procedures to a project or construction manager or a prime or general contractor or some other person, both the owner and such manager or contractor or other person shall be considered, for purposes of this Act, to have joint responsibility for the development of such.

"(2) MONITORING.—The project procedures shall be job-site specific, with benchmarks established for monitoring compliance with the program, and specific duties and responsibilities for monitoring compliance with such procedures shall be assigned to the E-A or the representatives designated by the E-A.

"(3) LIABILITY.—If a labor-management committee participates in the monitoring of the project procedures, no claim of liability resulting from the death, injury, or illness of any employee, arising out of or in the course of employment, shall be assessed against a member of that committee or against an exclusive collective bargaining representative or an affiliated, constituent or parent body of such collective bargaining representative.

"(4) REVIEW OF PROJECT PROCEDURES.—The project procedures shall be reviewed by the E-A, who shall, after determining that such procedures—

"(A) will adequately addresses the safety and health-related conditions anticipated on the project; and

"(B) contain appropriate provisions for the education and training of employers, supervisors and employees in the recognition, avoidance, and prevention of unsafe and unhealthy conditions;

certify the approval of such procedures by imprinting the professional seal, signature and registration number of the E-A on a copy of the procedures.

"(c) DESIGN REQUIREMENTS.—If a design of equipment, structures, temporary structures, drawings, or processes, or alterations or modifications in the design of any such equipment, structures, temporary structures, drawings, or processes is required, such design shall be performed by or under the supervision of an E-A and verified by the project E-A.

"(d) NOTIFICATION OF HAZARDS AND VIOLATIONS.—

"(1) IN GENERAL.—The E-A shall notify, in writing, the appropriate contractors and subcontractor performing work on the project of the existence of hazardous conditions or work practices, that violate any Federal, State or local safety and health laws or regulations, and of noncompliance with any project procedures.

"(2) WORK STOPPAGE.—The E-A shall notify the owner and require that work be stopped or affected employees be removed from areas where an imminent danger exists.

"(e) CERTIFICATION OF DESIGNATED REPRESENTATIVES.—All persons assigned duties as designated representatives shall be certified in the State where the work is being performed. For the purposes of this section, State programs to certify designated representatives shall be reviewed and approved by the Secretary. Where State programs for certification are not provided, such certification shall be by the Secretary.

"(f) CONSTRUCTION PROCESS PLAN AND HAZARD ANALYSIS FOR CERTAIN CONSTRUCTION OPERATIONS.—

"(1) IN GENERAL.—

"(A) PREPERATION.—Every owner shall have prepared a construction process plan and hazard analysis for every construction project prior to the commencement of work on that project.

"(B) RESPONSIBILITY.—If the project contract assigns the preparation of a plan under subparagraph (A) to a project or construction manager or a project or general contractor, the owner and such manager or contractor shall be considered, for purposes of this section, to have joint responsibility for preparing such plan.

"(C) APPROVAL.—The construction process plan and hazard analysis shall be reviewed and approved by the E-A prior to the commencement of work on the project.

"(2) COMPONENTS OF PLAN.—The construction process plan and hazard analysis developed under paragraph (1) shall contain at least the following components:

"(A) PROCESS FOR CONSTRUCTION.—The plan shall describe the step-by-step process for construction of the project, and shall contain specific references to critical points and conditions that require special attention, including—

"(i) maintaining structural stability;

"(ii) preventing cave-ins;

"(iii) placement and stripping of concrete forms and shoring; and

"(iv) foundation conditions and placement.

"(B) STABILITY OF THE PROJECT.—The plan shall identify the means that will be used to ensure the stability of the project during the construction process, including—

"(i) bracing;

"(ii) guying;

"(iii) shearwall connections; and

"(iv) shoring.

"(C) INSPECTIONS AND TESTS.—The plan shall contain a list of all inspections and tests required, including a schedule for such inspections and tests, and the criteria established for continuation of construction based on the inspection and test results. Inspections and tests for soil compaction, concrete strength, bracing placement, fire suppression and alarm systems and all other inspections and tests necessary for the safe construction of the project shall be included.

"(D) SUPERVISION.—The plan shall identify specifically the processes and activities requiring supervision by a designated representative on behalf of the project contractor or any other contractor or subcontractor on the project.

"(E) HAZARD ANALYSIS.—

"(i) PREPARATION.—The construction process plan shall be based on, and make appropriate references to, a hazard analysis to be prepared or approved by the E-A on behalf of the project contractor.

"(ii) IDENTIFICATIONS.—The hazard analysis shall identify the possibilities for major safety failures of the project that could occur throughout the construction process, and shall include the potential for—

"(I) structural collapse;

"(II) cave-ins;

"(III) fire;

"(IV) flooding or other water hazards;

"(V) explosions; and

"(VI) lightning.

"(F) PREVENTION.—The hazard analysis shall contain instructions and provisions for the prevention of hazards throughout the construction process, including the hazards described in paragraph (5).

"(G) LIST OF STANDARDS.—The hazard analysis shall include a listing of all standards promulgated by the Occupational Safety and Health Administration that are applicable to any part of the project.

"(3) COPY OF PLAN.—The prime or general contractor shall provide to every other contractor and subcontractor on the project, prior to commencement of work by that contractor or subcontractor, a copy of the construction process plan and hazard analysis.

"(4) AVAILABILITY OF PLAN.—Every contractor and subcontractor on the project shall maintain the plan and analysis throughout its presence on the project and make such available for review by its employees and employee representatives.

"(5) OBSERVANCE OF PLAN.—

"(A) IN GENERAL.—The construction process plan shall be observed by all contractors and subcontractors on the project unless the E-A certifies, in writing, an exception from one or more aspects of the plan.

"(B) EXCEPTION CERTIFICATION.—A certification made under subparagraph (A) shall—

"(i) make specific reference to the contractor involved, and the time, place and operation affected;

"(ii) provide reasons why the exception has been approved; and

"(iii) specify any substitute or alternative process or processes that shall be used by such contractor.

"(g) CERTIFICATION BY E-A TO OSHA.—Prior to the commencement of work on a construction project, the project E-A shall submit to the Occupational Safety and Health Administration the certification of the E-A that all of the requirements of sections 34 and 35, have been complied with for that project.

"(h) EXEMPTION.—The Secretary, with the approval of the Advisory Committee on Construction, Safety and Health, may exempt—

"(1) certain sizes or types of construction operations, as determined appropriate pursuant to regulations issued by the Secretary; and

"(2) other construction operations if such operations are being performed according to a specific plan that includes adequate safety and health procedures approved by an E-A; from the requirements of this section.".●

● Mr. DODD. Mr. President, I am pleased to join my colleague from Connecticut, Senator WEICKER, in introducing the "Construction Safety and Health Improvement Act of 1988."

Mr. President, this past April, the Labor and Human Resources held a series of oversight hearings on the Occupational Safety and Health Administration. I chaired one of those hearings which focused on OSHA and the construction industry in the context of the L'Ambiance Plaza Building collapse in Bridgeport, CT on April 23, 1987.

National tragedies, such as the L'Ambiance Plaza disaster which killed 28 workers and seriously injured 12 others, draw public attention to the situation facing construction workers. However, those in the industry are constantly reminded of the unsafe working conditions by the daily occurrence of accidents, injuries and deaths on construction sites.

Since 1959, there never has been fewer than 2,100 deaths per year in the construction industry with an average of 2,500 per year. On the average of every 2 hours, three construction workers are electrocuted, buried alive, crushed or fall to their death in the United States.

We all know that construction is a dangerous industry. However, there can be no dispute that the current record of occupational safety and health in the construction industry is horrendous. The number of accidents, injuries and deaths is appalling and should be of concern to every person in this Nation.

What is so disturbing about the present situation is that it exists notwithstanding Congress' recognition 18 years ago of the need for safety and health legislation in the construction industry.

While blame for the present sad state of affairs should not be placed wholly on OSHA, it is clear that there are numerous deficiencies in the Occupational Safety and Health Act and in OSHA's administration of the act.

The Federal Government must do all that it can to ensure that all construction workers, indeed all workers, are guaranteed the basic human right to a safe and healthful workplace. The current legislative and regulatory scheme is not working and therefore, we in Congress must develop new initiatives for improvement in worker safety and health.

The "Construction Safety and Health Improvement Act of 1988" is such an initiative. It will improve OSHA's ability to assure safe and healthful workplaces for working men and women in the construction industry, and I urge my colleagues to support it.●

By Mr. PRESSLER:

S. 2519. A bill entitled the "Food Security Act Amendments of 1988"; to the Committee on Agriculture, Nutrition, and Forestry.

FOOD SECURITY ACT AMENDMENTS

Mr. PRESSLER. Mr. President, today I am introducing legislation dealing with an increasingly serious problem—the severe drought affecting a large part of our country. The drought covers many States and affects thousands of farm and rural communities.

In my home State of South Dakota, many areas are suffering from the most severe drought since the 1930's. Some areas have not received significant rainfall for nearly a year. Roads have been closed due to dust storms. Many farmers did not even plant their crops this spring. It is a very serious situation in South Dakota and in many other agricultural States.

Over 1,000 counties have already been declared eligible for some disaster assistance programs. As a result of the widespread drought, commodity prices have increased dramatically. This is good news for farmers in areas that have received rain but it is bad news for farmers in drought areas. Most farmers received a portion of their estimated deficiency payment when they signed up for the 1988 program. These advance deficiency payments were used to finance crop replanting. Now, due to the increase in market prices, the deficiency payments may be reduced and for several commodities there may not be any deficiency payment. If nothing is done, these drought stricken farmers will be required to pay back their advance deficiency payments. These farmers, many of whom will not receive a crop, would be in no financial position to repay their advance deficiency payments.

The legislation I am introducing today would exempt farmers in counties which receive disaster declarations from repaying the advance deficiency payments. This legislation will provide drought stricken farmers with some assistance.

Many farmers have contacted me expressing concern about the possibility of having to repay the advance deficiency payments. They are wondering where they will get the money. In most cases, the farmer would apply for a FmHA disaster loan to repay his advance deficiency payment.

If the drought conditions continue, additional actions will have to be taken. However, this would be a good first step. It would relieve farmers in drought areas and provide them with valuable assistance.

Mr. President, I urge my colleagues to join in supporting this emergency legislation.

By Mr. LEVIN (for himself, Mrs. Kassebaum, Mr. Specter, Mr. Kennedy, Mr. Bradley, Mr. Simon, Mr. Weicker, Mr. Dodd, Mr. Burdick, Mr. Chafee, Ms. Mikulski, Mr. Conrad, Mr. Cranston, Mr. Evans, Mr. Gore, Mr. Heinz, Mr. Lautenberg, Mr. Leahy, Mr. Mitchell, Mr. Riegle, Mr. Simpson, Mr. Wirth, Mr. Adams, Mr. Durenberger, Mr. Dixon, Mr. Kerry, Mr. Daschle, Mr. Moynihan, Mr. Johnston, Mr. Sarbanes, Mr. Rockefeller, Mr. Boschwitz, and Mr. Metzenbaum):

S.J. Res. 339. Joint resolution to designate June 16, 1988, as "Soweto Remembrance Day"; to the Committee on the Judiciary.

SOWETO REMEMBRANCE DAY

● Mr. LEVIN. Mr. President, June 16 marks the 12th anniversary of the tragic Soweto uprising. On that day, thousands of black high school students engaged in a peaceful demonstration against a Government decree that required Afrikaans, the language of apartheid, to be used in black schools. The demonstration turned ugly when South African police suddenly opened fire, fatally shooting in the back 13-year-old Hector Peterson. The police action touched off further demonstrations by the people of Soweto. But the Government's response was even more police brutality, resulting in the vicious murder of hundreds of people, many of them children. The Government of South Africa reported a death toll of 600. More reliable sources reported over 1,000 killed and thousands more wounded and arrested.

Mr. President, to remind us of this tragedy and in an effort to keep public focus on the deteriorating situation in South Africa, I am today introducing, with Senator Kassebaum and 30 of our colleagues, a joint resolution designating June 16, 1988, as "Soweto Remembrance Day." The resolution calls on the American people to participate in local activities designed to commemorate the victims of Soweto and to show solidarity with the courageous people of all races in South Africa and throughout the world who are fighting to end the evil of apartheid.

I ask unanimous consent that the text of the resolution be printed in the Record.

The resolution is as follows:

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 339

Whereas on June 16, 1976, the Soweto demonstrations and massacre took place in South Africa;

Whereas on that occasion, more than 1,000 children were brutally murdered, and an additional 5,000 wounded by South African police in one of the worst displays of state-sponsored terrorism of modern times;

Whereas these children were protesting the fact that they were not allowed to be educated in their native language in the land where their families have lived for generations;

Whereas the Republic of South Africa has become even more repressive, causing the deaths of more than 4,000 men, women, and children;

Whereas since the declaration of the 1985 State of Emergency, more than 40,000 black South Africans, including more than 8,000 children, have been detained indefinitely without charge or trial by the South African government, and

Whereas the apartheid system and its continued denial of basic human rights and freedoms to the black majority population of the Republic of South Africa offends the sensibilities of freedom loving people and is repugnant to the ideals which our Nation's founders embraced in our Declaration of Independence, Constitution, and Bill of Rights: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) June 16, 1988, is hereby designated as "Soweto Remembrance Day".

(b) The citizens of the United States are encouraged to participate in local activities designed to commemorate the victims of Soweto and to show solidarity with the courageous people of all races in South Africa and throughout the world who are fighting to end the evil of apartheid.●

ADDITIONAL COSPONSORS

S. 39

At the request of Mr. Moynihan, the name of the Senator from Kentucky [Mr. Ford] was added as a cosponsor of S. 39, a bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee educational assistance permanent.

S. 675

At the request of Mr. Mitchell, the name of the Senator from Pennsylvania [Mr. Heinz] was added as a cosponsor of S. 675, a bill to authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1988, 1989, 1990, 1991, and 1992.

S. 1692

At the request of Mr. Murkowski, the name of the Senator from Missouri [Mr. Danforth] was added as a cosponsor of S. 1692, a bill to amend title 38, United States Code, to provide for the payment of a veterans' disability benefit in the case of certain veterans who have non-Hodgkin's lymphoma.

S. 1817

At the request of Mr. Kennedy, the names of the Senator from Montana [Mr. Melcher] and the Senator from Maine [Mr. Mitchell] were added as cosponsors of S. 1817, a bill to amend the Internal Revenue Code of 1986 to provide that gross income of an individual shall not include income from U.S. savings bonds which are transferred to an educational institution as payment for tuition and fees.

S. 1851

At the request of Mr. Metzenbaum, the names of the Senator from Colorado [Mr. Wirth], the Senator from Oregon [Mr. Hatfield], the Senator from South Dakota [Mr. Daschle], the Senator from Florida [Mr. Graham], and the Senator from North Carolina [Mr. Sanford] were added as cosponsors of S. 1851, a bill to implement the International Convention on the Prevention and Punishment of Genocide.

At the request of Mr. Pell, his name was added as a cosponsor of S. 1851, supra.

S. 2115

At the request of Mr. Danforth, the name of the Senator from Alabama [Mr. Shelby] was added as a cosponsor of S. 2115, a bill to amend the Internal Revenue Code of 1986 to eliminate tax credits from the passive activity rules, to modify the business credit limitation provisions, and for other purposes.

S. 2129

At the request of Mr. Baucus, the name of the Senator from Georgia [Mr. Nunn] was added as a cosponsor of S. 2129, a bill to amend the Internal Code of 1986 to repeal the application of the uniform capitalization rules with respect to animals produced in a farming business.

S. 2330

At the request of Ms. Mikulski, the names of the Senator from Illinois [Mr. Simon] and the Senator from Colorado [Mr. Wirth] were added as cosponsors of S. 2330, a bill to promote the integration of women in the development process in developing countries.

S. 2404

At the request of Mr. Hollings, the name of the Senator from Hawaii [Mr. Inouye] was added as a cosponor of S. 2404, a bill to amend title XX of the Social Security Act to provide for additional funds under such title and to reserve such funds for child day care services, to create a National Advisory Commission on Child Care, and for other purposes.

S. 2436

At the request of Mr. Riegle, the name of the Senator from Michigan [Mr. Levin] was added as a cosponsor of S. 2436, a bill to reauthorize the Sleeping Bear Dunes National Lakeshore Advisory Commission.

S. 2450

At the request of Mr. Chiles, the names of the Senator from Maryland [Ms. Mikulski] and the Senator from New Mexico [Mr. Bingaman] were added as cosponsors of S. 2450, a bill to provide Federal financial assistance to facilitate the establishment of volunteer programs in American schools.

S. 2480

At the request of Mr. Moynihan, the name of the Senator from Kentucky [Mr. Ford] was added as a cosponsor of S. 2480, a bill to amend the Internal Revenue Code of 1986 to clarify that section 457 does not apply to nonelective deferred compensation or basic employee benefits.

S. 2484

At the request of Mr. Danforth, the names of the Senator from Wyoming [Mr. Simpson] and the Senator from Tennessee [Mr. Gore] were added as cosponsors of S. 2484, a bill to amend the Internal Revenue Code of 1986 to enhance the incentive for increasing research activities.

S. 2487

At the request of Mr. Metzenbaum, the names of the Senator from Colorado [Mr. Wirth] and the Senator from Utah [Mr. Hatch] were added as cosponsors of S. 2487, a bill to award a congressional gold medal to Mrs. Jesse Owens.

S. 2488

At the request of Mr. Matsunaga, his name was withdrawn as a cosponsor of S. 2488, a bill to grant employees parental and temporary medical leave under certain circumstances, and for other purposes.

S. 2490

At the request of Mr. Sasser, the name of the Senator from North Dakota [Mr. Conrad] was added as a cosponsor of S. 2490, a bill to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care provided during peacetime.

S. 2495

At the request of Mr. Bond, the name of the Senator from South Dakota [Mr. Pressler] was added as a cosponsor of S. 2495, a bill to amend the Agricultural Act of 1949 to permit producers to plant supplemental and alternative income-producing crops on acreage considered to be planted to a program crop.

S. 2500

At the request of Mr. Grassley, the name of the Senator from Maryland [Ms. Mikulski] was added as a cosponsor of S. 2500, a bill to amend title 28, United States Code, to provide for an exclusive remedy against the United States for suits based upon certain negligent or wrongful acts of omissions of U.S. employees committed within the scope of their employment, and for other purposes.

SENATE JOINT RESOLUTION 149

At the request of Mr. Helms, the name of the Senator from Washington [Mr. Adams] was added as a cosponsor of Senate Joint Resolution 149, a joint resolution to designate the period commencing on June 21, 1989, and ending on June 28, 1989, as "Food Science and Technology Week."

SENATE JOINT RESOLUTION 169

At the request of Mr. Moynihan, the names of the Senator from West Virginia [Mr. Rockefeller], the Senator from Connecticut [Mr. Weicker], the Senator from Louisiana [Mr. Johnston], the Senator from Delaware [Mr. Roth], the Senator from Wyoming [Mr. Simpson], and the Senator from Mississippi [Mr. Cochran] were added as cosponsors of Senate Joint Resolution 169, a joint resolution designating October 2, 1988, as a national day of recognition for Mohandas K. Gandhi.

SENATE JOINT RESOLUTION 208

At the request of Mr. Reid, the name of the Senator from Tennessee [Mr. Sasser] was added as a cosponsor of Senate Joint Resolution 208, a joint resolution designating June 12 to 19, 1988, as "Old Cars Week."

SENATE JOINT RESOLUTION 263

At the request of Mr. Bradley, the names of the Senator from New York [Mr. Moynihan], the Senator from Connecticut [Mr. Weicker], the Senator from Arizona [Mr. DeConcini], and the Senator from Hawaii [Mr. Matsunaga] were added as cosponsors of Senate Joint Resolution 263, a joint resolution to designate the period commencing November 13, 1988, and ending November 19, 1988, as "Geography Awareness Week."

SENATE JOINT RESOLUTION 271

At the request of Mr. Quayle, the name of the Senator from Illinois [Mr. Dixon] was added as a cosponsor of Senate Joint Resolution 271, a joint resolution to designate August 20, 1988, as "Drum and Bugle Corps Recognition Day."

SENATE JOINT RESOLUTION 291

At the request of Mr. Cochran, the names of the Senator from New Jersey [Mr. Bradley], the Senator from Georgia [Mr. Fowler], the Senator from Connecticut [Mr. Dodd], the Senator from North Carolina [Mr. Sanford], and the Senator from Colorado [Mr. Wirth] were added as cosponsors of Senate Joint Resolution 291, a joint resolution to designate the Month of September 1988 as "National Sewing Month."

SENATE JOINT RESOLUTION 304

At the request of Mr. Lautenberg, the name of the Senator from Delaware [Mr. Roth] was added as a cosponsor of Senate Joint Resolution 304, a joint resolution designating July 2, 1988, as "National Literacy Day."

SENATE JOINT RESOLUTION 316

At the request of Mr. Sasser, the name of the Senator from New York [Mr. D'Amato] was added as a cosponsor of Senate Joint Resolution 316, a joint resolution designating October 1, 1988, as "National Quality First Day."

SENATE JOINT RESOLUTION 320

At the request of Mr. Hatch, the names of the Senator from Mississippi [Mr. Cochran], the Senator from Alaska [Mr. Murkowski], the Senator from Missouri [Mr. Bond], the Senator from Utah [Mr. Garn], the Senator from New Jersey [Mr. Bradley], the Senator from North Dakota [Mr. Burdick], the Senator from Illinois [Mr. Dixon], and the Senator from Wisconsin [Mr. Kasten] were added as cosponsors of Senate Joint Resolution 320, a joint resolution to commemorate the 50th anniversary of the passage of the Food, Drug and Cosmetic Act.

SENATE JOINT RESOLUTION 333

At the request of Mr. Gore, the name of the Senator from California [Mr. Cranston] was added as a cosponsor of Senate Joint Resolution 333, a joint resolution to designate the week of October 9, 1988, through October 15, 1988, as "National Job Skills Week."

SENATE JOINT RESOLUTION 336

At the request of Mr. Danforth, the names of the Senator from Colorado [Mr. Wirth] and the Senator from Mississippi [Mr. Stennis] were added as cosponsors of Senate Joint Resolution 336, a joint resolution designating October 16, 1988, as "World Food Day."

SENATE RESOLUTION 389

At the request of Mr. Lautenberg, the names of the Senator from Texas [Mr. Bentsen], the Senator from Maine [Mr. Cohen], the Senator from Virginia [Mr. Warner], the Senator from Wisconsin [Mr. Kasten], the Senator from Massachusetts [Mr. Kerry], the Senator from Tennessee [Mr. Sasser], the Senator from Montana [Mr. Melcher], the Senator from Hawaii [Mr. Matsunaga], the Senator from South Dakota [Mr. Pressler], the Senator from Ohio [Mr. Metzenbaum], the Senator from North Carolina [Mr. Sanford], the Senator from Arkansas [Mr. Pryor], the Senator from Illinois [Mr. Dixon], the Senator from Georgia [Mr. Nunn], the Senator from Colorado [Mr. Wirth], and the Senator from Minnesota [Mr. Durenberger] were added as cosponsors of Senate Resolution 389, a resolution to express the sense of the Senate regarding future funding of the Construction Grants Program of the Clean Water Act.

SENATE RESOLUTION 408

At the request of Mr. Mitchell, the name of the Senator from Pennsylvania [Mr. Heinz] was added as a cosponsor of Senate Resolution 408, a resolution to condemn the use of chemical weapons by Iraq and urge the President to continue applying diplomatic pressure to prevent their further use, and urge the administration to step up efforts to achieve an international ban on chemical weapons.

SENATE RESOLUTION 426

At the request of Mr. Baucus, the name of the Senator from Louisiana [Mr. Johnston] was added as a cosponsor of Senate Resolution 426, a resolution expressing the sense of the Senate that the seven major industrial nations of the world must take immediate action to protect the Earth's stratospheric ozone layer.

SENATE RESOLUTION 442

At the request of Mr. Trible, the name of the Senator from Nevada [Mr. Hecht] was added as a cosponsor of Senate Resolution 442, a resolution expressing the sense of the Senate that the President should convene an International Conference on Combating Illegal Drug Production, Trafficking, and Use in the Western Hemisphere.

AMENDMENTS SUBMITTED

MILITARY CONSTRUCTION APPROPRIATION ACT, FISCAL YEAR 1989

SASSER AMENDMENT NO. 2363

Mr. SASSER proposed an amendment to the bill (H.R. 4586) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1989, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

PAY RAISES

Such sums as may be necessary for fiscal year 1989 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

DIXON AMENDMENT NO. 2364

Mr. DIXON proposed an amendment to the bill H.R. 4586, supra; as follows:

On page 3, line 21, strike "$1,227,587,000" and insert "$1,227,599,800, $12,800,000 of which shall be available solely for the purpose of the construction of the Unified Transportation Headquarters Building at Scott Air Force Base."

BOREN (AND NICKLES) AMENDMENT NO. 2365

Mr. BOREN (and Mr. Nickles) proposed an amendment to the bill H.R. 4586, supra; as follows:

On page 3, line 1, strike "$1,527,238,000" and insert in lieu thereof "$1,565,318,000".

BUMPERS (AND OTHERS) AMENDMENT NO. 2366

Mr. BUMPERS (for himself, Mr. Pryor, Mr. Sarbanes, and Ms. Mikulski) proposed an amendment to amendment No. 2365 proposed by Mr. Boren (and Mr. Nickles) to the bill H.R. 4586, supra; as follows:

In the pending amendment, strike out "$1,565,318,000" and insert "$1,565,318,000: *Provided, however,* That of such funds the $38,080,000 appropriated for the TACAMO mission shall not be available for obligation or expenditure before October 15, 1988."

SASSER (AND OTHERS) AMENDMENT NO. 2367

Mr. SASSER (for himself, Mr. Bradley, Mr. Nickles, and Mr. Graham) proposed an amendment to the bill H.R. 4586, supra; as follows:

On page 16, strike out line 23 and all that follows through page 17, line 7, and insert in lieu thereof the following:

It is the sense of the Senate that during the Toronto Economic Summit, the President of the United States should consult with the leaders of allied countries on the impact on Western Security of tied and untied loans, trade credits, direct investments, joint ventures, lines of credit, and guarantees or other subsidies to the Soviet Union, Warsaw Pact countries, Cuba, Vietnam, Libya, or Nicaragua.

MURKOWSKI AMENDMENT NO. 2368

Mr. MURKOWSKI proposed an amendment to the bill H.R. 4586, supra; as follows:

At the end of the bill, add the following:

Sec. ——. (a)(1) None of the funds appropriated by this Act may be obligated or expended to enter into any contract for the construction, alteration, or repair of any public building or public work in the United States or any territory or possession of the United States with any contractor or subcontractor of a foreign country, or any supplier of products of a foreign country, during any period in which such foreign country is listed by the United States Trade Representative under subsection (c) of this section.

(2) The President or the head of a Federal agency administering the funds for the construction, alteration, or repair may waive the restrictions of paragraph (1) of this subsection with respect to an individual contract if the President or the head of such agency determines that such action is necessary for the public interest. The authority of the President or the head of a Federal agency under this paragraph may not be delegated. The President or the head of a Federal agency waiving such restrictions shall, within 10 days, publish a notice thereof in the Federal Register describing in detail the contract involved and the reason for granting the waiver.

(b)(1) Not later than 30 days after the date of enactment of this Act, the United States Trade Representative shall make a determination with respect to each foreign country of whether such foreign country—

(A) denies fair and equitable market opportunities for products and services of the United States in procurement, or

(B) denies fair and equitable market opportunities for products and services of the United States in bidding,

for construction projects that cost more than $500,000 and are funded (in whole or in part) by the government of such foreign country or by an entity controlled directly or indirectly by such foreign country.

(2) In making determinations under paragraph (1), the United States Trade Representative shall take into account information obtained in preparing the report submitted under section 181(b) of the Trade Act of 1974 and such other information or evidence concerning discrimination in construction projects against United States products and services that are available.

(c)(1) The United States Trade Representative shall maintain a list of each foreign country which—

(A) denies fair and equitable market opportunities for products and services of the United States in procurement, or

(B) denies fair and equitable market opportunities for products and services of the United States in bidding,

for construction projects that cost more than $500,000 and are funded (in whole or in part) by the government of such foreign country or by an entity controlled directly or indirectly by such foreign country.

(2) Any foreign country that is initially listed or that is added to the list maintained under paragraph (1) shall remain on the list until—

(A) such country removes the barriers in construction projects to United States products and services;

(B) such country submits to the United States Trade Representative evidence demonstrating that such barriers have been removed; and

(C) the United States Trade Representative conducts an investigation to verify independently that such barriers have been removed and submits, at least 30 days before granting any such waiver, a report to each House of the Congress identifying the barriers and describing the actions taken to remove them.

(3) The United States Trade Representative shall publish in the Federal Register the entire list required under paragraph (1) and shall publish in the Federal Register any modifications to such list that are made after publication of the original list.

(d) For purposes of this section—

(1) The term "foreign country" includes any foreign instrumentality. Each territory or possession of a foreign country that is administered separately for customs purposes shall be treated as a separate foreign country.

(2) Any contractor or subcontractor that is a citizen or national of a foreign country, or is controlled directly or indirectly by citizens or nationals of a foreign country, shall be considered to be a contractor or subcontractor of such foreign country.

(3) Subject to paragraph (4), any product that is produced or manufactured (in whole or in substantial part) in a foreign country shall be considered to be a product of such foreign country.

(4) The restrictions of subsection (a)(1) shall not prohibit the use, in the construction, alteration, or repair of a public building or public work, of vehicles or construction equipment of a foreign country.

(5) The terms "contractor" and "subcontractor" includes any person performing any architectural, engineering, or other services directly related to the preparation for or performance of the construction, alteration, or repair.

(e) Paragraph (a)(1) of this section shall not apply to contracts entered into prior to the date of enactment of this Act.

(f) The provisions of this section are in addition to, and do not limit or supersede, any other restrictions contained in any other Federal law.

MINTING OF COINS IN COMMEMORATION OF THE BICENTENNIAL OF THE UNITED STATES CONGRESS

PROXMIRE AMENDMENT NO. 2369

Mr. PROXMIRE proposed an amendment to the bill (H.R. 3251) to require the Secretary of the Treasury to mint coins in commemoration of the Bicentennial of the United States Congress; as follows:

On page 8, after line 12, insert the following new section:

SEC. . AMENDMENTS TO THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION RECAPITALIZATION ACT OF 1987.

Section 306 of the Federal Savings and Loan Insurance Corporation Recapitalization Act of 1987 (12 U.S.C. 1730 note) is amended—

(a) by striking "1-YEAR" in the caption of subsection (h) and inserting in lieu thereof "2-YEAR"; and

(b) by striking "1-year" in subsection (h)(1) and inserting in lieu thereof "2-year".

GRAHAM AMENDMENT NO. 2370

Mr. GRAHAM proposed an amendment to amendment No. 2369 proposed by Mr. PROXMIRE to the bill H.R. 3251, supra; as follows:

At the end of the amendment add the following:

RISK-BASED SPECIAL ASSESSMENTS ALLOWED

Section 404(c) of the National Housing Act (12 U.S.C. 1727(c)) is amended by adding at the end thereof the following new paragraph:

"(3) ASSESSMENTS BASED ON RISK CRITERIA ALLOWED. —

"(A) ESTABLISHMENT OF RISK CRITERIA.—The Corporation may establish criteria for measuring and determining the degree to which any insured institution poses a risk to the reserves of the Corporation.

"(B) AMOUNT OF ASSESSMENT MAY BE BASED ON THE RISK.—The amount of any additional premium which the Corporation may assess against any insured institution under paragraph (1) in any year may be determined by the Corporation on the basis of the Corporation's evaluation, in accordance with the criteria established under subparagraph (A), of the degree to which such insured institution poses a risk to the reserves of the Corporation in such year.

DISCLOSURES TO SHAREHOLDERS AND TENDER OFFERS

ARMSTRONG (AND OTHERS) AMENDMENT NOS. 2371 THROUGH 2374

(Ordered to lie on the table.)

Mr. ARMSTRONG (for himself, Mr. METZENBAUM, Mr. SHELBY, and Mr. GRAMM) submitted four amendments intended to be proposed by them to the bill (S. 1323) to amend the Securities Exchange Act of 1934 to provide to shareholders more effective and fuller disclosure and greater fairness with respect to accumulations on stock and the conduct of tender offers; as follows:

AMENDMENT No. 2371

Beginning on page 35, line 17, strike all through page 36, line 24, and insert the following:

Section 13(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e)) is amended by adding at the end thereof the following:

"(4) It shall be unlawful for an issuer of any class of equity security described in section 14(d)(1) of this title to acquire, directly or indirectly, any of its securities from any person who is the beneficial owner of more than 3 percent of the class of the securities to be acquired, unless such acquisition has been approved by the vote of a majority of the outstanding voting securities of the issuer (excluding the shares to be acquired), or acquisition is pursuant to a tender offer, or request or invitation for tenders, to all holders of securities of such class. The Commission shall, by rule, regulation, or by order, on application, conditionally or unconditionally, exempt any person, security, or transaction from any or all of the provisions of this paragraph as it determines to be necessary or appropriate and consistent with the public interest, the protection of investors, and the purposes of this paragraph.".

AMENDMENT No. 2372

At the appropriate place in the bill, insert the following new section:

SEC. . GOLDEN PARACHUTES: POISON PILLS.

(a) Section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 781) is amended by adding at the end thereof the following new subsections:

"(m)(1) In the case of any class of equity security which is registered pursuant to this section, or any equity security of an insurance company which would be required to be so registered except for the exemption contained in subsection (g)(2)(G), or any equity security issued by a closed-end investment company registered under the Investment Act of 1940, it shall be unlawful for the issuer of such securities to enter into or amend, directly or indirectly, agreements to increase the current or future compensation of any officer or director in an amount which would constitute an 'excess parachute payment', as defined in section 280G(b)(1) of the Internal Revenue Code of 1986, contingent upon a change of control of the issuer by stock or asset acquisition, unless such agreements have been approved by the affirmative vote of a majority of the aggregate outstanding voting securities of the issuer. If any such agreement was entered into prior to enactment of this subsection, such agreement shall remain in effect after the close of the 2-year period beginning on the date of enactment of this subsection only if such agreement is approved by the shareholders pursuant to this subsection prior to the close of such period.

"(2) The Commission may, by rule, regulation, or by order, upon application, conditionally or unconditionally,—

"(A) exempt any person, security, or transaction from any or all of the provisions of this subsection as it determines to be necessary or appropriate and consistent with the public interest or the protection of investors, and

"(B) provide exemptions, subject to such terms and conditions as may be prescribed therein, from any or all of the provisions of paragraph (1).

"(n)(1) It shall be unlawful for an issuer of any class of any equity security described in subsection (m)(1) to issue, grant, declare, or establish any rights, including voting rights, of securities holders of the issuer with respect to any security or asset of the issuer or any other person, where the exercisability of such right is conditioned on the acquisition of securities of the issuer by a person other than the issuer, unless the establishment of such rights has been approved by a majority of the aggregate outstanding voting securities of the issuer. If such rights were established prior to enactment of this subsection, such rights shall remain in effect after the close of the 2-year period beginning on the date of enactment of this subsection only if such rights are approved by the shareholders pursuant to this subsection prior to the close of such period.

"(2) The Commission may, by rule, regulation, or by order, upon application, conditionally or unconditionally, exempt any person, security, or transaction, or class thereof from any or all of the provisions of this paragraph to the extent it determines such exemption is necessary or appropriate in the public interest and for the protection of investors and consistent with the purposes and policy fairly intended by this paragraph.".

AMENDMENT No. 2373

On page 29, between lines 13 and 14, insert the following:

SEC. . CONFIDENTIAL PROXY VOTING.

Section 14(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78n(a)) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end thereof the following:

"(2)(A) Unless the Commission prescribes rules and regulations providing for an alternative to confidential proxy voting as described in paragraph (3), the rules and regulations prescribed by the Commission under paragraph (1) shall require confidentiality in the granting and voting of proxies, consents, and authorizations, and shall provide for the announcement of results of a vote following tabulation by an independent third party certified in accordance with such rules and regulations. Nothing in this paragraph authorizes any person to withhold information from the Commission or from any other duly authorized agency of Federal or State government.

"(B) The Commission shall prescribe any rules and regulations required by subparagraph (A) within 1 year after the date of enactment of this paragraph.

"(3)(A) In lieu of the rules and regulations described in paragraph (2), the Commission may prescribe rules and regulations which provide for an alternative to confidential proxy voting, if such alternative will assure—

"(i) the integrity of the proxy voting process,

"(ii) fairness to shareholders,

"(iii) unimpeded exercise of shareholder voting franchise,

"(iv) insulation from improper influence to a degree that meets or exceeds the protection afforded by confidential proxy voting, and

"(v) announcement of results of a vote following tabulation by an independent third party certified in accordance with such rules and regulations.

"(B) In promulgating rules and regulations under this paragraph the Commission shall—

"(i) consult with the Secretary of the Department of Labor, and

"(i) hold public hearings, inviting the participation of all interested parties, including individual shareholders, securities, issuers, institutional investors, and securities firms.

"(C) The Commission shall prescribe any rules and regulations required by subparagraph (A) not later than 11 months after the date of enactment of this paragraph.".

On page 45, line 9, strike "STUDIES" and insert "STUDY".

Beginning on page 45, line 10, strike all through page 46, line 3.

On page 46, line 4, strike "(b)" and insert "(a)".

On page 46, line 21, strike "(c) REPORT ON STUDIES." and insert "(b) REPORT ON STUDY.".

On page 47, line 1, strike "studies" and insert "study".

AMENDMENT No. 2374

At the appropriate place in the bill, insert the following new section:

SEC. —. GOLDEN PARACHUTES; POISON PILLS.

(a) Section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 781) is amended by adding at the end thereof the following new subsections:

"(m)(1) In the case of any class of equity security which is registered pursuant to this section, or any equity security of an insurance company which would be required to be so registered except for the exemption contained in subsection (g)(2)(G), or any equity security issued by a closed-end investment company registered under the Investment Act of 1940, it shall be unlawful for the issuer of such securities to enter into or amend, directly or indirectly, agreements to increase the current or future compensation of any officer or director in an amount which would constitute an 'excess parachute payment', as defined in section 280G(b)(1) of the Internal Revenue Code of 1986, contingent upon a change of control of the issuer by stock or asset acquisition, unless such agreements have been approved by the affirmative vote of a majority of the aggregate outstanding voting securities of the issuer. If any such agreement was entered into prior to enactment of this subsection, such agreement shall remain in effect after the close of the 2-year period beginning on the date of enactment of this subsection only if such agreement is approved by the shareholders pursuant to this subsection prior to the close of such period.

"(2) The Commission may, by rule, regulation, or by order, upon application, conditionally or unconditionally,—

"(A) exempt any person, security, or transaction from any or all of the provisions of this subsection as it determines to be necessary or appropriate and consistent with the public interest or the protection of investors, and

"(B) provide exemptions, subject to such terms and conditions as may be prescribed therein, from any or all of the provisions of paragraph (1).

"(n)(1) It shall be unlawful for an issuer of any class of any equity security described in subsection (m)(1) to issue, grant, declare, or establish any rights, including voting rights, of securities holders of the issuer with respect to any security or asset of the issuer or any other person, where the exercisability of such right is conditioned on the acquisition of securities of the issuer by a person other than the issuer, unless the establishment of such rights has been approved by a majority of the aggregate outstanding voting securities of the issuer. If such rights were established prior to enactment of this subsection, such rights shall remain in effect after the close of the 2-year period beginning on the date of enactment of this subsection only if such rights are approved by the shareholders pursuant to this subsection prior to the close of such period.

"(2) The Commission may, by rule, regulation, or by order, upon application, conditionally or unconditionally, exempt any person, security, or transaction, or class thereof from any or all of the provisions of this paragraph to the extent it determines such exemption is necessary or appropriate in the public interest and for the protection of investors and consistent with the purposes and policy fairly intended by this paragraph.".

On page 29, between lines 13 and 14, insert the following:

SEC. —. CONFIDENTIAL PROXY VOTING.

Section 14(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78n(a)) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end thereof the following:

"(2)(A) Unless the Commission prescribes rules and regulations providing for an alternative to confidential proxy voting as described in paragraph (3), the rules and regulations prescribed by the Commission under paragraph (1) shall require confidentiality in the granting and voting of proxies, consents, and authorizations, and shall provide for the announcement of results of a vote following tabulation by an independent third party certified in accordance with such rules and regulations. Nothing in this paragraph authorizes any person to withhold information from the Commission or from any other duly authorized agency of Federal or State government.

"(B) The Commission shall prescribe any rules and regulations required by subparagraph (A) within 1 year after the date of enactment of this paragraph.

"(3)(A) In lieu of the rules and regulations described in paragraph (2), the Commission may prescribe rules and regulations which provide for an alternative to confidential proxy voting, if such alternative will assure—

"(i) the integrity of the proxy voting process,

"(ii) fairness to shareholders,

"(iii) unimpeded exercise of shareholder voting franchise,

"(iv) insulation from improper influence to a degree that meets or exceeds the protection afforded by confidential proxy voting, and

"(v) announcement of results of a vote following tabulation by an independent third party certified in accordance with such rules and regulations.

"(B) In promulgating rules and regulations under this paragraph the Commission shall—

"(i) consult with the Secretary of the Department of Labor, and

"(ii) hold public hearings, inviting the participation of all interested parties, including individual shareholders, securities issuers, institutional investors, and securities firms.

"(C) The Commission shall prescribe any rules and regulations required by subparagraph (A) not later than 11 months after the date of enactment of this paragraph.".

Beginning on page 35, line 17, strike all through page 36, line 24, and insert the following:

Section 13(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e)) is amended by adding at the end thereof the following:

"(4) It shall be unlawful for an issuer of any class of equity security described in section 14(d)(1) of this title to acquire, directly or indirectly, any of its securities from any person who is the beneficial owner of more than 3 percent of the class of the securities to be acquired, unless such acquisition has been approved by the vote of a majority of the outstanding voting securities of the issuer (excluding the shares to be acquired), or acquisition is pursuant to a tender offer, or request or invitation for tenders, to all holders of securities of such class. The Commission shall, by rule, regulation, or by order, on application, conditionally or unconditionally, exempt any person, security, or transaction from any or all of the provisions of this paragraph as it determines to be necessary or appropriate and consistent with the public interest, the protection of investors, and the purposes of this paragraph.".

On page 45, line 9, strike "STUDIES" and insert "STUDY".

Beginning on page 45, line 10, strike all through page 46, line 3.

On page 46, line 4, strike "(b)" and insert "(a)".

On page 46, line 21, strike "(c) REPORT ON STUDIES." and insert "(b) REPORT ON STUDY.".

On page 47, line 1, strike "studies" and insert "study".

ARMSTRONG AMENDMENT NO. 2375

(Ordered to lie on the table.)

Mr. ARMSTRONG submitted an amendment intended to be proposed by him to the bill S. 1323, supra; as follows:

On page 29, between lines 13 and 14, insert the following:

SEC. 15. PROTECTION OF THE NATIONAL MARKET SYSTEM FOR SECURITIES.

Section 11A of the Securities Exchange Act of 1934 (15 U.S.C. 78k-1), is amended by adding at the end thereof the following new subsection:

"(f)(1) The Commission is authorized and directed, to issue rules prohibiting the listing, on any national securities exchange or through authorization for quotation or transaction reporting on any automatic interdealer quotation system of a national securities association, of any security registered under section 12 of this title if—

"(A) the right of any person to acquire or to dispose of beneficial ownership, or to exercise rights normally incidents of ownership, including the right to vote, with respect to any equity security registered pursuant to section 12 of this title is conditioned upon obtaining the prior approval of the issuer, its management, the issuer's board of directors or any person acting on behalf of the issuer's management or board of directors, as such board of directors was essentially constituted prior to the proposed acquisition, or on the holding of the security for any waiting period; or

"(B) the right of any beneficial owner of any equity security registered pursuant to section 12 of this title to effect a merger, reorganization, sale of assets, or any other business transaction regarding such issuer is conditioned upon the indirect or proposed acquisition of a certain amount of securities or on obtaining the prior approval of the issuer, its management, the issuer's board of directors on any person acting on behalf of the issuer's management or board of directors, as such board of directors was essentially constituted prior to the proposed acquisition, or its security holders.

"(2) The Commission shall delay the effectiveness of any rule adopted under this section until 2 years from the date of enactment.".

● Mr. ARMSTRONG. Mr. President the Senate may soon take up S. 1323, the Tender Offer Disclosure and Fairness Act of 1987, and I wanted to let my colleagues know that several Senators will be joining together to offer a number of amendments to this legislation.

Our interests in and amendments to this bill will be shareholder oriented—needed shareholder protection and shareholder rights provisions. Shareholders should not be made subject to the mercy of market professionals, whether they be on Wall Street or Main Street and it is our hope that shareholders will not have to wait long for these amendments to be adopted. A list of the approximate number of individual shareholders in your State follows.

Most mergers and acquisitions of corporations are accomplished with management through negotiations and proxy contests. To demonstrate this W.T. Grimm & Co. reports that during 1981-85 there were 16,154 mergers and acquisitions and only 493 involved tender offer attempts and only 158 of those were contested tender offers. That's only 1 percent of all mergers and acquisitions.

Tender offers are governed by Federal law—the Williams Act—and provide a means to go around management enabling a bidder to make an offer directly to the shareholders of the corporation. As crafted in 1968, the Williams Act is intended to be neutral toward bidder and subject and allow shareholders to exercise informed judgment whether to tender their shares or not. In a recent submission to a court the Securities and Exchange Commission said this about the Williams Act:

> The disclosure and procedural requirements of the Williams Act promote the shareholders' ability to accept or reject an offer and reduce "the ability of incumbent management to frustrate an attractive and desirable offer" (Senate Hearings 1967 at 184,196), while simultaneously ensuring that investors are placed "on an equal footing with the takeover bidder" (Senate Report 550, 1967).

As S. 1323 comes to the floor, it strongly favors management and lacks necessary shareholder protections and restraints on management excesses in defending against takeovers. Therefore I intend to offer amendments to do the following:

First, prohibit the payment of greenmail, unless approved by shareholders.

Second, prohibit golden parachutes and poison pills unless approved by shareholders. Existing golden parachutes and poison pills would have to be approved by shareholders within 2 years.

Third, require the SEC to promulgate a rule to insure the confidentiality of proxy votes up through and including the tabulation of the votes. The SEC is given authority to take other steps to improve the integrity of the proxy voting process if it is found they would be more effective than a confidentiality standard.

Fourth, protect shareholders in every State and the national market system from "freeze-out" statutes—see list of State takeover statutes below—that permit the board of directors of corporations chartered in 15 States to thwart tender offers from bidders the management find unsuitable.

Mr. President, I ask unanimous consent that certain related materials be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Total individual shareowners of public corporations

Delaware	142,000
Connecticut	946,000
Maine	188,000
Massachusetts	1,477,000
New Hampshire	203,000
Rhode Island	206,000
Vermont	92,000
New Jersey	1,905,000
New York	4,954,000
Pennsylvania	2,139,000
District of Columbia	211,000
Florida	2,343,000
Georgia	1,000,000
Maryland	936,000
North Carolina	963,000
South Carolina	406,000
Virginia	1,204,000
West Virginia	257,000
Illinois	2,565,000
Indiana	856,000
Michigan	1,786,000
Ohio	1,939,000
Wisconsin	851,000
Iowa	422,000
Kansas	400,000
Minnesota	794,000
Missouri	939,000
Nebraska	286,000
North Dakota	117,000
South Dakota	103,000
Alabama	483,000
Kentucky	462,000
Mississippi	251,000
Tennessee	655,000
Arkansas	311,000
Louisiana	633,000
Oklahoma	515,000
Texas	3,061,000
Arizona	575,000
Colorado	695,000
Idaho	158,000
Montana	112,000
Nevada	168,000
New Mexico	221,000
Utah	276,000
Wyoming	94,000

Alaska	166,000
California	6,006,000
Hawaii	256,000
Oregon	441,000
Washington	847,000

Source: Shareownership 1985. New York Stock Exchange.

STATE TAKEOVER STATUTES

FIRST GENERATION STATE TAKEOVER LAWS

Illinois

Struck down in *Edgar* v. *MITE Corp.* in 1982 by the Supreme Court which cited the Commerce and Supremacy clauses. It effectively invalidated 37 state laws. Illinois was trying to enforce its laws against MITE a Delaware corporation that had complied with the Williams Act that had made a cash tender for an Illinois company.

SECOND GENERATION STATE TAKEOVER LAWS

Control share acquisition law

Requires shareholder vote for large shareholder to either acquire shares or exercise voting rights:

Ohio, Minnesota, Indiana, Massachusetts, Wisconsin, Michigan, Oregon, Arizona, Missouri, North Carolina, Oklahoma, Idaho, Nebraska, Tennessee, Florida, Hawaii, Louisiana, Utah, Kansas, and Nevada.

Fair price law

Requires bidder to pay a fair price to all shareholders unless the board or the shareholders decide otherwise. Eliminates two-tier offers:

Connecticut, Kentucky, Michigan, Washington, North Carolina, Georgia, Louisiana, Mississippi, Wisconsin, Illinois, Maryland, Virginia, and Florida.

Control share cash-out law

Allows shareholders to sell their shares to a bidder once the bidder has crossed an ownership threshold. Discourages two-tier offers: Pennsylvania, 30% threshold; Maine, 25% threshold.

Freeze-out statutes

Prevents mergers between bidders and targets for several years unless the board approves it. After 3 or 5 years, the bidder must pay a fair price to all shareholders unless the shareholders decide otherwise. Encourages negotiated mergers:

Indiana, Missouri, Minnesota, Delaware, Idaho, Kentucky, New Jersey, Washington, Georgia, Pennsylvania, New York, Arizona, Wisconsin, Maine, and Tennessee.

Source: NCSL, April 1988.●

MINTING OF COINS IN COMMEMORATION OF THE BICENTENNIAL OF THE UNITED STATES CONGRESS

BYRD AMENDMENT NO. 2376

Mr. BYRD proposed an amendment to the bill H.R. 3251, supra; as follows:

SECTION. 1. On page 7, Strike Section 8 and insert the following new section in lieu thereof:

"SEC. 8. U.S. CAPITOL RESTORATION COMMISSION.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established a U.S. Capitol Restoration Commission ("Commission") which shall remain in existence until January 1, 1993, unless otherwise provided by law or resolution.

"(2) COMPOSITION.—

"(A) CO-CHAIRMEN.—The Commission shall be co-chaired by the President pro tempore of the United States Senate and Speaker of the United States House of Representatives or their designees.

"(B) COMPOSITION.—The Commission shall be composed of the following members:

"The Chairman of the Commission on the Bicentennial of the United States Senate, the Chairman of the Commission of the United States House of Representatives Bicentenary, the Chairman and Vice-Chairman of the Joint Committee on the Library, the Chairman of the Committee on Rules and Administration of the Senate, the Chairman of the Committee on Administration of the House of Representatives, the Majority Leader and Minority leader of the Senate, the Majority Leader and Minority Leader of the House of Representatives, and the Architect of the Capitol.

"(b) EXPANSION; OTHER ENTITIES.—The membership of the Commission may be expanded by Act of the Commission. The Commission, with the approval of the Co-Chairmen, may establish and maintain additional entities to further the purpose stated in this section.

"(c) EXPENDITURES.—Any expenditures by the Commission of funds available under this section or otherwise shall be authorized by act of the Co-Chairmen.

"(d) PURPOSE.—The purpose of the Commission shall be to receive funds under this section or from other sources and expend such funds for any improvements in or acquisitions for the United States Capitol Building and for any activities related thereto.

"(e) ESTABLISHMENT OF FUND.—

"(1) IN GENERAL.—There is established in the Treasury a fund for use in accordance with the provisions of this section.

"(2) DEPOSITS AND AVAILABILITY.—An amount equal to the amount of all surcharges that are received by the Secretary from the sale of coins minted under this Act shall be deposited in the fund, which shall be available to the Commission for the work of the Commission. Such funds shall be held in trust by the Secretary of the Treasury.

"(f) ACCEPTANCE OF GIFTS.—The Commission is authorized to—

"(1) accept gifts and bequests of money and other property of whatever character for the purpose of aiding, benefiting, or facilitating the work of the Commission;

"(2) hold, administer, use, invest, reinvest and sell gifts and bequests of property received under this section for the purpose stated in subsection (d); and

"(3) deposit gifts of money received under this section in the fund established in subsection (e).

"(g) TAXES.—For the purpose of Federal income, estate, and gift tax laws, property accepted under this section shall be considered a contribution to or for the use of the United States.

"(h) DISBURSEMENTS.—Disbursements from the fund established under subsection (e) shall be made on vouchers signed by both Co-Chairmen of the Commission.

"(i) CONTRACTS.—Any contract to be made with the Department of the Treasury or the Director of the Mint involving the promotion, advertising, or marketing of any coins to be minted and sold under this Act shall be approved by the Commission to be valid."

SEC. 2. Strike Section 4 and insert the following new section in lieu thereof:

"SEC. 4. DESIGN OF COINS.

"(a) DESIGN SELECTION.—The Director of the Mint shall submit the proposed designs of the coins to be minted under this Act to the Commission of Fine Arts. The Commission of Fine Arts, in consultation with the U.S. Capitol Restoration Commission, shall obtain such refinements and alterations in the submitted designs as they deem fit, and then select at least two design pairs each consisting of one obverse and reverse design per coin for each of the five dollar, one dollar, and half dollar coins. After receiving all design selections from the Commission of Fine Arts, the Director of the Mint shall submit the proposed design pairs to the Secretary in the same manner as they were submitted to the Director. After receiving the proposed design pairs for each denomination, the Secretary shall select from among them the design of the coins to be minted under this Act, but in no case shall the obverse and reverse design selections be interchanged from among the submitted design pairs.

"(b) SUBMISSIONS.—All submissions produced under this Act shall become the sole property of the U.S. Capitol Restoration Commission."

SEC. 3. In Section 5(b) strike "except that not more than 1 facility" and insert "and all facilities" in lieu thereof.

ARMSTRONG AMENDMENT NO. 2377

Mr. ARMSTRONG proposed an amendment to the bill H.R. 3251, supra; as follows:

SECTION 201. DENOMINATIONS, SPECIFICATIONS, AND DESIGN OF COINS.

Subsection (d)(1) of section 5112 of title 31, United States Code, is amended by striking the fourth sentence.

SEC. 202. DESIGN CHANGES REQUIRED FOR CERTAIN COINS.

Subsection (d) of section 5112 of title 31, United States Code, is amended by adding at the end the following new paragraph:

"(3) The design on the reverse side of the half dollar, quarter dollar, dime coin, 5-cent coin and one-cent coin shall be selected for redesigning. One or more coins may be selected for redesign at the same time, but the first redesigned coin shall have a design commemorating the 200th anniversary of the United States Constitution for a period of two years after issuance. After that 2-year period, the bicentennial coin shall have its design changed in accordance with the provisions of this subsection. Such selection, and the minting and issuance of the first selected coin shall be made not later than 1 year after the date of the enactment of this paragraph. All such redesigned coins shall conform with the inscription requirements set forth in paragraph (1) of this subsection.".

SEC. 203. DESIGN ON OBVERSE SIDE OF COINS.

Subsection (d) of section 5112 of title 31, United States Code, is amended by adding at the end the following new paragraph:

"(4) The design on the obverse side of the half dollar, quarter dollar, dime coin, 5-cent coin, and one-cent coin shall contain the likeness of those currently displayed and shall be considered for redesign. All such coin obverse redesigns shall conform with the inscription requirements set forth in paragraph (1) of this subsection.".

SEC. 204. SELECTION OF DESIGNS.

The design changes for each coin authorized by the amendments made by this title shall take place at the discretion of the Secretary and shall be done at the rate of one or more coins per year, to be phased in over six years after the date of the enactment of this Act. In selecting new designs, the Secretary shall consider, among other factors, thematic representations of the following constitutional concepts: freedom of speech and assembly; freedom of the press; right to due process of law; right to a trial by jury; right to equal protection under the law; right to vote; themes from the Bill of Rights; and separation of powers, including the independence of the judiciary. The designs shall be selected by the Secretary upon consultation with the United States Commission of Fine Arts.

SEC. 205. REDUCTION OF THE NATIONAL DEBT.

Subsection (a)(1) of section 5132 of title 31, United States Code, is amended by inserting after the third sentence the following: "Any profits received from the sale of uncirculated and proof sets of coins shall be deposited by the Secretary in the general fund of the Treasury and shall be used for the sole purpose of reducing the national debt.".

DOLE (AND OTHERS) AMENDMENT NO. 2378

Mr. DOLE (for himself, Mrs. Kassebaum, Mr. Moynihan, Mr. Murkowski, and Mr. Exon) proposed an amendment to the bill H.R. 3251, supra; as follows:

At the appropriate place add the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dwight David Eisenhower Commemorative Coin Act of 1987".

SEC. 2. DWIGHT DAVID EISENHOWER COMMEMORATIVE COINS.

(a) Authorization.—Subject to subsection (b), the Secretary of the Treasury (hereinafter in this Act referred to as the "Secretary") shall mint and issue one-dollar coins in commemoration of the one hundredth anniversary of the birth of Dwight David Eisenhower.

(b) Limitation on the Number of Coins.—The Secretary may not mint more than ten million of the coins referred to in subsection (a).

(c) Specifications and Design of Coins.—Each coin referred to in subsection (a) shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches;

(3) contain 90 percent silver and 10 percent copper;

(4) designate the value of such coin;

(5) have an inscription of—

(A) the year "1990"; and

(B) the words "Liberty", "In God We Trust" "United States of America", and "E Pluribus Unum";

(6) have the likeness of Dwight David Eisenhower on the obverse side of such coin; and

(7) have an illustration of the home of Dwight David Eisenhower located in the Gettysburg National Historic Site on the reverse side of such coin.

(d) Numismatic Items.—For purposes of section 5132(a)(1) of title 31, United States Code, the coins referred to in subsection (a) shall be considered to be numismatic items.

(e) Legal Tender.—The coins referred to in subsection (a) shall be legal tender as provided in section 5103 of title 31, United States Code.

SEC. 3. SOURCES OF BULLION.

The Secretary shall obtain silver for the coins referred to in section 1(a) only from stockpiles established under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.).

SEC. 4. MINTING AND ISSUANCE OF COINS.

(a) Uncirculated and Proof Qualities.—The Secretary may mint and issue the coins referred to in section 1(a) in uncirculated and proof qualities.

(b) Use of the United States Mint.—The Secretary may not use more than 1 facility of the United States Mint to strike the coins referred to in section 1(a).

(c) Commencement of Authority to Sell Coins.—The Secretary may begin selling the coins referred to in section 1(a) on January 1, 1990.

(d) Termination of Authority to Mint Coins.—The Secretary may not mint the coins referred to in section 1(a) after December 31, 1990.

SEC. 5. SALE OF COINS.

(a) In General.—Subject to subsections (b) and (c), and notwithstanding any other provision of law, the Secretary shall sell the coins referred to in section 1(a) at a price equal to—

(1) the face value of such coins; and

(2) the cost of designing, minting, dies, use of machinery, and overhead expenses.

(b) Bulk Sales.—The Secretary shall make any bulk sales of the coins referred to in section 1(a) at a reasonable discount to reflect the lower costs of such sales.

(c) Prepared Orders.—Before January 1, 1990, the Secretary shall accept prepaid orders for the coins referred to in section 1(a). The Secretary shall make sales with respect to such prepaid orders at a reasonable discount to reflect the benefit to the Federal Government of prepayment.

(d) Surcharges.—The Secretary shall include a surcharge of $9 per coin on all sales of the coins referred to in section 1(a).

SEC. 6. FINANCIAL ASSURANCES.

(a) No Net Cost to the Government.—The Secretary shall take such actions as may be necessary to ensure that the minting and issuance of the coins referred to in section 1(a) shall result in no net costs to the Federal Government.

(b) Payment for the Coins.—The Secretary may not sell a coin referred to in section 1(a) unless the Secretary has received—

(1) full payment for such coin;

(2) security satisfactory to the Secretary to indemnify the Federal Government for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration Board.

SEC. 7. PROCUREMENT OF GOODS AND SERVICES.

(a) In General.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this Act.

(b) Equal Employment Opportunity.—Subsection (a) shall not apply with respect to any law relating to equal employment opportunity.

SEC. 8. REDUCTION OF FEDERAL DEBT.

The Secretary shall deposit in the general fund of the Treasury for the purpose of reducing the Federal debt an amount equal to the amount of all surcharges that are received by the Secretary from the sale of the coins referred to in section 1(a).

BAUCUS AMENDMENT NO. 2379

Mr. BAUCUS proposed an amendment to the bill H.R. 3251, supra; as follows:

On page 1, between lines 3 and 4, insert the following:

"TITLE I—BICENTENNIAL OF THE UNITED STATES CONGRESS COMMEMORATIVE COIN."

On page 8, after line 12, insert the following new title:

"TITLE II—STATEHOOD CENTENNIAL COMMEMORATIVE COIN

"SEC. 201. SHORT TITLE.

"This title may be cited as the 'Statehood Centennial Commemorative Coin Act of 1989'.

"SEC. 202. STATEHOOD CENTENNIAL COMMEMORATIVE COINS.

"(a) Authorization.—Subject to subsection (b), the Secretary of the Treasury (hereinafter in this title referred to as the 'Secretary') shall mint and issue 5 dollar coins in commemoration of the 100th anniversary of the statehood of Idaho, Montana, North Dakota, South Dakota, Washington and Wyoming.

"(b) Limitation on the Number of Coins.—The Secretary may not mint more than 350,000 of the coins referred to in subsection (a).

"(c) Specifications and Design of Coins.—Each coin referred to in subsection (a) shall—

"(1) weigh 31.103 grams;

"(2) have a diameter of 1.650 inches;

"(3) contain 90 percent palladium and 10 percent alloy;

"(4) designate the value of such coin;

"(5) have an inscription of—

"(A) the year '1989'; and

"(B) the words 'Liberty', 'In God We Trust', 'United States of America', 'E Pluribus Unum', and 'Statehood 1889-1890'; and

"(6) contain an engraving of the regional logo on one side and a combination of a bust of Thomas Jefferson and Lewis and Clark overlooking the Missouri, on the other side;

"(d) Numismatic Items.—For purposes of section 5132(a)(1) of title 31, United States Code, the coins referred to in subsection (a) shall be considered to be numismatic items.

"(e) Legal Tender.—The coins referred to in subsection (a) shall be legal tender as provided in section 5103 of title 31, United States Code.

"SEC. 203. SOURCES OF BULLION.

"The Secretary shall obtain palladium for the coins referred to in section 202(a) by purchase of palladium mined from natural deposits in the United States within one year after the month in which the ore from which it is derived was mined and by purchase of palladium refined in the United States. The Secretary shall pay not more than the average world price for the palladium. In the absence of available supplies of such palladium at the average world price, the Secretary shall purchase supplies of palladium pursuant to the authority of the Secretary under existing law. The Secretary shall issue such regulations as may be necessary to carry out this paragraph.

"SEC. 204. MINTING AND ISSUANCE OF COINS.

"(a) Uncirculated and Proof Qualities.—The Secretary may mint and issue the coins referred to in section 202(a) in uncirculated and proof qualities.

"(b) Use of the United States Mint.—The Secretary may not use more than 1 facility of the United States Mint to strike the coins referred to in section 202(a).

"(c) COMMENCEMENT OF AUTHORITY TO SELL COINS.—The Secretary may begin selling the coins referred to in section 202(a) on January 1, 1989.

"SEC. 205. SALE OF THE COINS.

"(a) BULK SALES.—The Secretary shall make bulk sales at a reasonable discount to reflect the lower costs of such sales.

"(b) PREPAID ORDERS AT A DISCOUNT.—The Secretary shall accept prepaid orders for the coins prior to the issuance of such coins. Sales under this subsection shall be at a reasonable discount to reflect the benefit of prepayment.

"(c) SURCHARGE REQUIRED.—All sales shall include a surcharge of $20 per coin.

"SEC. 206. FINANCIAL ASSURANCES.

"(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that the minting and issuance of the coins referred to in section 202(a) shall not result in any net cost to the Federal Government.

"(b) SALE PRICE.—Notwithstanding any other provision of law, the coins issued under this title shall be sold by the Secretary at a price equal to the face value, plus the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, and overhead expenses).

"SEC. 207. PROCUREMENT OF GOODS AND SERVICES.

"(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this title.

"(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not apply with respect to any law relating to equal employment opportunity.

"SEC. 208. REDUCTION OF FEDERAL DEBT.

"The Secretary shall deposit in the general fund of the Treasury for the purpose of reducing the Federal debt an amount equal to the amount of all surcharges that are received by the Secretary from the sale of the coins referred to in section 202(a).".

FAMILY SECURITY ACT

QUAYLE (AND OTHERS) AMENDMENT NO. 2380

(Ordered to lie on the table.)

Mr. QUAYLE (for himself, Mr. SIMON, and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill (S. 1511) to amend title IV of the Social Security Act to replace the AFDC Program with a comprehensive program of mandatory child support and work training which provides for transitional child care and medical assistance, benefit improvement, and mandatory extension of coverage to two-parent families, and which reflects a general emphasis on shared and reciprocal obligation, program innovation, and organizational renewal; as follows:

On page 180, strike lines 12-16, and insert in lieu thereof the following: "(6)(A) No job opportunities and basic skills program plan under this Title shall be submitted to the Secretary until the Governor has determined that such program is consistent with the criteria for coordinating activities included in the Governor's Coordination and Special Services Plan prepared under Section 121 of the Job Training Partnership Act. The State Job Training Coordinating Council shall be given an opportunity to comment prior to the Governor's determination."

HIGHER EDUCATION ACT AMENDMENTS

PELL (AND STAFFORD) AMENDMENT NO. 2381

Mr. BYRD (for Mr. PELL, for himself and Mr. STAFFORD) proposed an amendment to the bill (H.R. 4639) to amend the Higher Education Act of 1965 to prevent abuses in the Supplemental Loans for Students Program under Part B of title IV of the Higher Education Act of 1965, and for other purposes; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. PELL GRANT APPLICATION REQUIRED FOR GSL AND SLS LOANS.

Section 484(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091(b)(1)) is amended—

(1) by striking out "section 428A, 428B, or 428C" and inserting "section 428B or 428C";

(2) by striking out subparagraph (A) and inserting the following:

"(A)(i) have received a determination of eligibility or ineligibility for a Pell Grant under such subpart 1 for such period of enrollment; and (ii) if determined to be eligible, have filed an application for a Pell Grant for such enrollment period; or".

SEC. 2. GSL LOAN APPLICATION REQUIRED FOR SLS LOANS.

Section 484(b) of the Higher Education Act of 1965 is further amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

"(2) In order to be eligible to receive any loan under section 428A for any period of enrollment, a student shall—

"(A) have received a determination of need for a loan under section 428(a)(2)(B) of this title; and

"(B) if determined to have need for a loan under section 428, have applied for such a loan.".

SEC. 3. DETERMINATION OF SLS LOAN AMOUNTS.

Section 428A(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1078-1(b)(3)) is amended by striking out "minus (B)" and inserting "minus (B) the total of (i) any loan for which the student is eligible under section 428 and (ii)".

SEC. 4. RESTRICTIONS ON SLS LOAN ELIGIBILITY.

Section 428A(a) of the Higher Education Act of 1965 (20 U.S.C. 1078-1(a)) is amended—

(1) in the last sentence, by striking "extenuating" and inserting "exceptional"; and

(2) by adding at the end the following: "If the financial aid administrator makes such a determination, appropriate documentation of such determination shall be maintained in the institution's records to support such determination.".

SEC. 5. SLS LOAN DISBURSEMENT.

(a) DISBURSEMENT REQUIREMENTS.—Section 428A(b) of the Higher Education Act of 1965 is further amended by inserting after paragraph (3) the following:

"(4) DISBURSEMENT.—Any loan under this section shall be disbursed in the manner required by subparagraphs (N) and (O) of section 428(b)(1).".

(b) CONFORMING AMENDMENTS.—(1) Section 427(b)(2) of such Act (20 U.S.C. 1077(b)(2)) is amended by striking out "section 428A, 428B, or 428C" and inserting "section 428B or 428C".

(2) Section 428(b)(1)(O) of such Act (20 U.S.C. 1078(b)(1)(O)) is amended by striking out "section 428A, 428B, or 428C" and inserting "section 428B or 428C".

(3) Section 428A(c) of such Act (20 U.S.C. 1078-1(c)) is amended—

(A) in paragraph (1), by inserting after "disbursed by the lender," the following: "or, if the loan is disbursed in multiple installments, not later than 60 days after the disbursement of the last such installment,";

(B) in paragraph (2), by inserting after "made under this section" the following: "which are disbursed in installments or,"; and

(C) in such paragraph (2) by inserting a comma after "428(b)(1)(M)(i)".

SEC. 6. TECHNICAL AMENDMENT CONCERNING TEACHER TRAINING PROGRAM ELIGIBILITY FOR GSL PROGRAM.

Section 484 of the Act is further amended—

(1) in subsection (a)(1), by striking out "subsection (b)(2)" and inserting in lieu thereof "subsections (b)(3) and (b)(4)"; and

(2) by adding at the end of subsection (b) the following new paragraph:

"(4) A student who—

"(A) is carrying at least one-half the normal full-time work load for the course of study the student is pursuing, as determined by the institution, and

"(B) is enrolled or accepted for enrollment in a program at an eligible institution necessary for a professional credential or certification from a State that is required for employment as a teacher in an elementary or secondary school in that State,

shall be, notwithstanding paragraph (1) of subsection (a), eligible to apply for loans under part B of this title.".

SEC. 7. TREATMENT OF TERRITORIAL AND FOREIGN TAX PAYMENTS FOR PURPOSES OF NEED ANALYSIS.

(a) PELL GRANT NEED ANALYSIS.—Section 411F of the Higher Education Act of 1965 (20 U.S.C. 1070a-6) is amended by adding at the end thereof the following:

"(17)(A) The tax on income paid to the Governments of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Northern Mariana Islands, or the Trust Territory of the Pacific Islands under the laws applicable to those jurisdictions, or the comparable tax paid to the central government of a foreign country, shall be treated as United States income taxes.

"(B) References in this subpart to the Internal Revenue Code of 1986, Federal income tax forms, and the Internal Revenue Service shall, for purposes of the tax described in subparagraph (A), be treated as references to the corresponding laws, tax forms, and tax collection agencies of those jurisdictions, respectively, subject to such adjustments as the Secretary may prescribe by regulation.".

(b) GENERAL NEED ANALYSIS PROVISIONS.—Section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv) is amended by adding at the end thereof the following:

"(i) Treatment of Income Taxes Paid to Other Jurisdictions.—(1) The tax on income paid to the Governments of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Northern Mariana Islands, or the Trust Territory of the Pacific Islands under the laws applicable to those jurisdictions, or the comparable tax paid to the central government of a foreign country, shall be treated as Federal income taxes.

"(2) References in this part to the Internal Revenue Code of 1986, Federal income tax forms, and the Internal Revenue Service shall, for purposes of the tax described in paragraph (1), be treated as references to the corresponding laws, tax forms, and tax collection agencies of those jurisdictions, respectively, subject to such adjustments as the Secretary may prescribe by regulation.".

(c) Technical Amendment.—The Higher Education Act of 1965 is amended by striking out "Internal Revenue Code of 1954" each time it appears and inserting in lieu thereof "Internal Revenue Code of 1986".

SEC. 8. ROBERT T. STAFFORD STUDENT LOAN PROGRAM.

Section 421(c) of the Higher Education Act of 1965 (as amended by section 2601 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988) is amended by striking out "may" and inserting in lieu thereof "shall" and by adding at the end thereof the following new sentence: "Loans made under this part shall be known as 'Stafford Loans'.".

SEC. 9. MICRONESIA PROVISION.

Section 105(h) of the Compact of Free Association Act of 1985 (99 Stat. 1794) is amended by adding at the end thereof the following new paragraph:

"(5) Federal education grants.—Pursuant to section 224 of the Compact or section 224 of the Compact with Palau (as contained in title II of Public Law 99-658), the Pell Grant Program, the Supplemental Educational Opportunity Grant Program, and the College Work-Study Program (as authorized by title IV of the Higher Education Act of 1965) shall be extended to students who are, or will be, citizens of the Federated States of Micronesia, or the Marshall Islands and who attend postsecondary institutions in the United States, its territories and commonwealths, the Trust Territory of the Pacific Islands, the Federated States of Micronesia, or the Marshall Islands, except that this paragraph shall not apply to any student receiving assistance pursuant to section 223 of the Compact or section 223 of the Compact with Palau (as contained in title II of Public Law 99-658).".

SEC. 10. AMENDMENTS TO TITLE III.

(a) Historically Black College Eligibility for Part A Funds.—Section 312 of the Higher Education Act of 1965 (20 U.S.C. 1058) is amended by adding at the end thereof the following new subsection:

"(f) Historically Black College or University.—For the purposes of this section, no historically black college or university which is eligible for and receives funds under part B of this title is eligible for or may receive funds under this part.".

(b) New Part B Activities.—Section 323(a) of the Higher Education Act of 1965 (20 U.S.C. 1062) is amended—

(1) by inserting a comma and "and faculty development" after "exchanges" in paragraph (3); and

(2) by inserting after paragraph (6) the following new paragraphs:

"(7) Funds and administrative management, and acquisition of equipment for use in strengthening funds management.

"(8) Joint use of facilities, such as laboratories and libraries.".

(c) Title III Eligibility.—Section 322(2) of the Act is amended—

(1) by adding a comma after the word "accreditation"; and

(2) by inserting the following before the period at the end of the sentence a comma and the following: "except that any branch campus of a southern institution of higher education that prior to September 30, 1986, received a grant as an institution with special needs under section 321 of this title and was formally recognized by the National Center for Education Statistics as a Historically Black College or University but was determined not to be a part B institution on or after October 17, 1986, shall, from the date of enactment of this exception, be considered a part B institution".

SEC. 11. INTERNSHIP DEFERMENT.

(a) In General.—Sections 427(a)(2)(C)(vii) and 428(b)(1)(M)(vii) of the Act are each amended by inserting "after January 1, 1986," after "service".

(b) Applicability.—The amendments made by subsection (a) and section 10(b) of the Higher Education Technical Amendments Act of 1987 shall apply with respect to loans made, insured or guaranteed under part B of the Higher Education Act of 1965, on, before, or after the date of enactment of the Higher Education Technical Amendments Act of 1987.

SEC. 12. DELAY OF REGULATORY EFFECTIVE DATE.

Section 600.3 (c) and (d) of title 34 of the Code of Federal Regulations, relating to new special conditions imposed on an institution's authority to measure academic programs in clock or credit hours, shall not take effect until July 1, 1989.".

SEC. 13. EFFECTIVE DATE.

(a) General Rule.—Except as otherwise provided, the amendments made by this Act to title IV of the Higher Education Act of 1965 shall be effective for any loan for which the eligibility of the borrower is certified by the institution 30 days after the date of enactment of this Act.

(b) Special Rules.—(1) The amendments made by section 5 shall be effective with respect to loans made on or after October 1, 1988.

(2) The amendments made by sections 6, 7, 8, 9, 10, 11, and 12 shall take effect on the date of enactment of this Act.

FAMILY SECURITY AMENDMENT

SPECTER AMENDMENTS NOS. 2382 THROUGH 2384

(Ordered to lie on the table.)

Mr. SPECTER submitted three amendments intended to be proposed by him to the bill (S. 1511) to amend title IV of the Social Security Act to replace the AFDC Program with a comprehensive program of mandatory child support and work training which provides for transitional child care and medical assistance, benefit improvement, and mandatory extension of coverage to two-parent families, and which reflects a general emphasis on shared and reciprocal obligation, program innovation, and organizational renewal; as follows:

Amendment No. 2382

On page 277, line 5, strike "with" and all that follows through "reduced" on line 6 and insert "under any program included in the demonstration are not reduced with respect to any individual or family".

Amendment No. 2383

On page 204, between lines 2 and 3, insert the following new subsection:

(d) Special Job Training Provisions for Long-Term Welfare Recipients.—Section 417 of such Act, as added by the amendment made by section 201(b) of this Act and amended by subsection (a) of this section, is further amended by adding at the end thereof the following new subsection:

"(m)(1) Notwithstanding any other provision of this section, this subsection shall apply to any individual who is required or allowed to participate in the program under this section and who has received aid or supplements (as the case may be) under this title for a period of 24 consecutive months.

"(2) Each State shall establish as part of the program a feeder system utilizing community-based organizations (as referred to in section 4(5) of the Job Training Partnership Act), including Opportunities Industrialization Centers, the National Urban League, the National Council of La Raza, 70,001, National Puerto Rican Forum, Ser-Jobs for Progress, the United Way of America, and other community-based organizations of demonstrated effectiveness to conduct outreach and provide preemployment services to individuals described in paragraph (1) in order to provide such individuals greater access to and benefit more fully from employment opportunities and placement available under the program and to prepare such individuals for gainful employment.

"(3) The outreach and feeder system established by paragraph (2) of this subsection shall include—

"(A) skills assessment for participants and assistance to participants with respect to the selection and referral for education and training;

"(B) registration with the Bureau of Employment Security;

"(C) preemployment training;

"(D) employment training including vocational, adult, and community college and other postsecondary programs; and

"(E) on-the-job training and other employment preparation activities available under this section.

"(4) Preemployment services provided under paragraph (3) may include—

"(A) educational preparation and basic skills development to increase literacy and computational skills;

"(B) programs designed to strengthen the attitude and motivation of youth to achieve and succeed in the work environment;

"(C) guidance and counseling to assist participants with occupational choices and with the selection of employment preparation programs;

"(D) counseling and information, referral, and follow-up to assist participants experiencing personal or family problems, which may cause severe stress, and lead to poor performance or dropping out of the program; and

"(E) parenting and home and family living skills, including nutrition and health education, targeted to teenage parents.".

AMENDMENT No. 2384

On page 177, strike line 1 and all that follows through line 18 and insert the following:

"(B)(i) Any participant in the program who lacks a high school diploma shall, before being required to participate in any other services or activities under the program, be required (as is consistent with the participant's employment goals) to participate in a program which addresses the education needs identified in the participant's initial assessment, including the basic education and skills training services described in clause (ii), high school or equivalent education (designed specifically for participants who do not have a high school diploma), remedial education to achieve a basic literacy level, and instruction in English as a second language for individuals with limited English proficiency. Any other services or activities to which such a participant is assigned may not be permitted to interfere with his or her participation in the program described in the preceding sentence.

"(ii) The basic education and skills training services described in this clause are—

"(I) skills assessment for participants and assistance to participants with respect to the selection and referral for education and training;

"(II) registration with the Bureau of Employment Security;

"(III) preemployment training;

"(IV) employment training including vocational, adult, and community college and other postsecondary programs;

"(V) on-the-job training and other appropriate employment preparation activities;

"(VI) educational preparation and basic skills development to increase literacy and computational skills;

"(VII) programs designed to strengthen the attitude and motivation of youth to achieve and succeed in the work environment;

"(VIII) guidance and counseling to assist participants with occupational choices and with the selection of employment preparation programs;

"(IX) counseling and information, referral, and follow-up to assist participants experiencing personal or family problems, which may cause severe stress, and lead to poor performance or dropping out of the program; and

"(X) parenting and home and family living skills, including nutrition and health education, targeted to teenage parents.

NOTICES OF HEARINGS

SUBCOMMITTEE ON FEDERAL SPENDING, BUDGET AND ACCOUNTING

Mr. CHILES. Mr. President, the Governmental Affairs Subcommittee on Federal Spending, Budget and Accounting will hold hearings on the accountability and disposition of cash and property seized as a result of criminal acts.

The hearings are scheduled for June 23, 1988, at 9:30 a.m. in room 343 of the Senate Dirksen Building. Officials of the General Accounting Office, the U.S. Customs Service, and the Justice Department will be testifying at the hearings. Any person desiring to offer testimony or seek information should contact Bob Harris of the subcommittee staff at (202) 224-9000.

SUBCOMMITTEE ON ENERGY REGULATION AND CONSERVATION

Mr. METZENBAUM. Mr. President, I would like to announce for the public that an oversight hearing has been scheduled before the Subcommittee on Energy Regulation and Conservation on Energy and Natural Resources.

The hearing will take place Friday, July 1, 1988, at 10 a.m., at the Technology Center of LTV Steel Corp., 6801 Brecksville Road, Independence, OH.

The purpose of the hearing is to receive testimony on S. 2470, legislation to promote technology competitiveness and energy conservation in the American steel industry.

Those wishing to present oral testimony or who wish to submit written testimony for the hearing record should contact Mr. Mac Bernstein, Office of Senator HOWARD M. METZENBAUM, U.S. Senate, Washington, DC 20510.

For further information, please contact Mr. Bernstein at (202) 224-2315.

SUBCOMMITTEE ON POWER

Mr. BRADLEY. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place Tuesday, June 28, 1988, beginning at 2 p.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following measures:

S. 2322, to authorize certain elements of the Yakima River Basin water enhancement project, and for other purposes; and

S. 1613, to authorize the Secretary of the Interior to construct, operate, and maintain the Umatilla Basin project, Oregon, and for other purposes.

For further information, please contact Russell Brown, senior professional staff for the subcommittee, at (202) 224-2366.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 15, to hold a closed hearing on United States-Saudi relations.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, June 15, 1988, to mark up S. 1729, the Rural Economy Act of 1987.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON ARMED SERVICES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, June 15, 1988, in open session to receive testimony on the role of the Department of Defense in drug interdiction.

The PRESIDING OFFICER. Without objection, it is ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, June 15, 1988, to hold a hearing on intelligence matters.

ADDITIONAL STATEMENTS

THE PRIZE-WINNING ESSAY, ROLAND, OKLAHOMA

● Mr. BOREN. Mr. President, Oklahoma Rural Electric Cooperatives are the lifeblood of rural Oklahoma. Through these cooperatives the quality of life and quality of education have greatly improved in this century. In honor of the 25th Annual Youth Tour sponsored by the Rural Electric Cooperatives of Oklahoma, I would like to present for the record today, the prize-winning essay of Ms. Kyndall Dyer of Roland, OK.

HOW COOKSON HILLS ELECTRIC COOPERATIVES, INC. PROMOTES GOOD LIVING IN MY COMMUNITY!

"Lights! Camera! Action!"

"You are my sunshine my only sunshine. You make me happy when skies are grey. You'll never know dear how much I love you. Please don't take my REC away."

"Cut! Hold it! What is REC?" asked the director.

"REC is the Rural Electric Coop," I replied.

"What's that?"

"Let's start at the beginning. On May 11, 1935, President Franklin D. Roosevelt created the Rural Electrification Administration, or REA which loans money to private power companies who are willing to use the funds to provide electric services to rural areas. The REA was formed because Roosevelt was upset when he realized that only ten percent of the farms and rural areas had electric services. Many power companies did not want to service electricity to these areas because of the rough terrain, small population, and outrageous expense."

"Why was he so upset because they did not have electricity?"

"Well imagine this, reading by candlelight, no TV or radio, and no power tools to help you build that barn. Women had to use wood stoves and wash tubs to do their daily chores. President Roosevelt wanted these people to be a part of the technological advancements of that time and this is why he started the REA."

"Did the REA help solve this problem?" asked the director curiously.

"Yes, now 98% of the farms and rural areas have electricity and the REA is growing day by day. Branches of the REA are working in many communities. One of these branches is the REC, or the Rural Electric Coop which I mentioned in my song. Did you know that the REC has provided additional jobs, larger payrolls, and better living conditions in small towns? All these things have made small towns more attractive for people to live in and better recreation areas for tourists. In fact, my REC, The Cookson Hills Electric Coop, supplies my community with electricity."

"Okay, but how has the REC helped your community," asked the director.

"Well it has helped in my education," I replied.

"How" questioned the director.

"It has brought many technological advancements to our school and home. Today most schools are run on electricity. Many of their devices such as the computers, typewriters, and adding machines all need electricity to function. Even the bell between classes functions on electricity. Not only has electricity helped our students with their education, but it has made cold and snowy days enjoyable by keeping us warm in the winters. It's hard to have class when it is nineteen degrees outside and the wind chill factor is ten below zero. All these things are because of the REC. Besides the advancements of schools, there are advancements in the home, such as better living standards. These improved living standards have helped women with their daily chores by providing them with electric coffee makers, electric can openers, dishwashers, microwaves, refrigerators, washers, dryers, and many more conveniences. In this age in which we live these technological advancements allow women to have a career, be a homemaker, and still have time for their families. All these things have made life easier and better for all of us. Also the REC has increased entertainment and luxuries in my home. For example, it has provided us with TV's, VCR's, radios, electric alarm clocks, electric games and appliances. These things have made life more enjoyable for children and adults. Many of these things such as the TV and radio are not only used for entertainment but they also help us keep track of what is occurring in the world today. Just a flick of the switch and one can know the weather, the upcoming events, such as the presidential election and much more. The REC has provided electricity to places that normally would not have electricity which has helped these people grow intellectually and become more familiar with the things that are occurring in our world today."

"Yeah, but if the REC does all this, then it must cost a fortune for electricity?"

"On the contrary. The REC tries to reduce costs by helping us through rebates and special ways to save money. For instance, my REC, the Cookson Hills Electric Coop, has helped my community by contributing free water heaters, free home energy audits, and efficiency rebates which can save up to 400 dollars. The free energy audit shows us how to save energy in our homes and at the same time help reduce energy bills, by using insulation, and energy saving equipment that we can receive through the energy rebate program. As one can see, the REC has helped to improve my community by providing better education, increased employment, and better life styles for everyone, which has made the present for many people easier and the future brighter for all of us."

"Wow, I never realized how important electricity is to our world and how much the REC has helped. Thanks!"

"Don't mention it," I replied.

"Okay, quiet on the set," shouted the director. "Lights! Camera! REC Commercial, take one. Action!"

"You are my sunshine. My only sunshine."●

REMARKS OF RABBI BARUCH KORFF

● Mr. PELL. Mr. President, on May 31, 1988, I had the privilege of listening to Rabbi Baruch Korff at the 42d Annual Amudim Award at Brown University.

Rabbi Korff's personal recollections and his actions at the time of the Holocaust left a vivid impression on all of us who heard him.

His remarks, although controversial, were stimulating and interesting and I believe should be made available to my colleagues.

Accordingly, I ask that Rabbi Korff's speech be inserted in the CONGRESSIONAL RECORD following my remarks.

The remarks follow:

TEXT OF ADDRESS BY RABBI BARUCH KORFF AT THE 42D ANNUAL AMUDIM AWARD

For nearly half a century I identified with the dead, the millions who perished in the Holocaust. In my own mind their martyrdom remains an ongoing indictment of the living, never to be fully adjudicated. For a very long time I agonized over my separation from these dead. I experienced similar feelings as a child, when my mother, with three children at her side and an infant in her arms, was killed in a pogrom. I wanted to be like her: silent, motionless, dead. I was filled with guilt at being alive.

This survivor is heterogenic, a walking metamorphosis of the unheeded, unsuccored and abandoned. The confluence of Holocaust memorials will not mitigate the crime of indifference. Neither executioner nor witness can atone for genocide. As for G-D, he long ago forswore forgiveness for the sins committed against his people, beginning with Rameses of Egypt. Only the victims have that power. And they? They fertilize the daisies and buttercups in the eternally cursed soil of Auschwitz, Treblinka, Dachau and Mathaussen where once stood the cyanide showers and crematoria.

In Washington we were a handful, a desperate few seeking to stem the tide of annihilation. Would G-D deliver the many in the hands of the few? This was not to be. For every life we saved ten thousand went up in smoke. We had to contend with road blocks erected by a Judenrat mentality of the invalid establishment.

In Nazi-occupied Europe the Ghetto Council would let thousands starve so that they themselves would have more to eat; they would let thousands die so that they themselves might be spared—until a later transport to the gas chambers. They gained a day, a week, a month, and in the end their fate too was sealed.

On this side of the Atlantic the same mentality prevailed, albeit under a different reign of terror. There were times when many thousands of additional lives could have been saved, and there were ways in which to save them if the Jewish establishment in this country had not been made of cabbages and kings.

Out of fear for their own safety, they did not act to save lives. They dared not for fear of provoking a backlash of anti-Semitism against themselves, against their leadership, against the privileged status of the assimilated middle-class Jews if the floodgates of immigration were opened to the masses. Yes to an Einstein or a Rothschild, but no to the poor, the hungry, the wretched masses struggle—not even to be free—only to stay alive.

And then there were those who were indifferent!

My generation and the one preceding were the weakest links in the genealogical chain of my people since Sodom and Gomorrah. They closed their eyes, their minds, their hearts—but to be fair not their purses. Restitution for their guilt? A kind of victims fund in the shape of a Holocaust memorial?

They put the strict letter of political legislation and bureaucratic regulation above the talmudic and moral imperative of saving lives—"Thy kith and kin." They aligned with those who favored domestic political expediency above the lives of Jews; they put the reelection of FDR above the lives of Jews; collaborated with the then notoriously anti-Semetic state department in total disregard for the lives of the Jews. "Don't rock the boat", I was repeatedly admonished. We now know what happened to one such boat. It was turned away from Cuba, denied entry to our shores with the Coast Guard poised to prevent, the disembarkation of "human refuse."

Contrary to popular perception, history does not repeat itself: men repeat history! You have only to look across two oceans at the State of Israel to see the beginnings of this truism. This valiant little counry is now in the grip of the same Judenrat mentality, both from within and from without.

"Territory for peace" is a product of the diaspora psyche: live on your knees that you may live. Israel dismantled its settlements and surrendered the Sinai to Egypt. Did it lead to peace? No. It only emboldened Israel's enemies. Cairo's renewed axis with the PLO, the umbrella terrorist Cabal, unveiled a macabre complot to divest Israel of Gaza, Jerusalem, Judea and Samaria reaching out to Golan, Haifa, and the whole of Galilee. Is there another nation in this entire globe whose "right to exist" is openly debated and questioned? Shades of the third reich! Israel's right to exist was mandated three thousand years ago, long before there was an America, a Russia, an England, a France, or a PLO. To wipe the vanquished from the face of the Earth, the roman conquerors changed Israel's name to Palestine, which was subsequently partitioned in this century into Transjordan, leaving one quarter of the mandated territory for modern-day Israel. Now, even as we speak, Gorbachev and Reagan contemplate a further diminution of diminutive Israel.

I tremble at the thought of another ghetto, paradoxically in the Jewish homeland, until this "haven" too, like the Warsaw ghetto, is turned into ashes. And all for peace. Piecemeal vivisection of Israel in the name of peace.

What comes to mind is Britain's Chamberlain "peace in our time". The price: six million jews—incinerated! It didn't take long for the world to discover that when you trade in Jewish blood you cannot escape retribution—and Armageddon exploded with a vengeance, claiming an estimated fifty million dead and more than twenty-five million wounded. I fear the worst is yet to come.

Let not my abiding passion for my people lead you to think that my love is parochial. No, it spans the universe. All men are equal, whether they are of the covenant of Abraham, Jesus, Mohammed, Buddhah, or no covenant at all, and I feel diminished when your rights, whoever you may be, are abridged. When you bleed, I hemorrhage; when you hunger, I am gaunt; when you toil in bondage, I sweat in servitude. Refugees make strange bedfellows, and mine are the Arabs in Gaza, Judea, and Samaria. It's dehumanizing for Jordan, representing three fourths of Palestine, to disinherit the Earth from under its sons. Together with twenty-two other Arab nations, Jordan is able to perpetuate a gigantic fraud of perennial refugees, exploiting human misery for political annexation of Israel.

Historically, Israel (i.e. the Jewish people) was never defeated from without unless the seeds of defeat were first sowed within. Don't let this happen in your generation as it happened in mine.

Following weeks and weeks of pressure I acceded to these proceedings taking place tonight. I did so because the proceeds are to be applied solely to scholarships. Another incentive was the opportunity to deliver a message borne of trial and error to an August assembly of dear and cherished friends. But I did not agree to the Amudim award. My anguish would not be assuaged with this or any other award.

The sponsors of this evening's event are indeed highly motivated as spiritual heirs to the Vaad Hahatzala, without whose network of operatives, guidance and encouragement the rescue missions could not have been launched. It is written that he who is instrumental in saving the life of a single human being is likened to one who saved the whole world. I firmly believe that G-D lets me live as long as I act as his conduit. The knowledge of having saved a single life has no equal in its reward. I would settle for nothing less. The sanctity of life must be the preserve of all the living.●

THE PRESIDENT'S STATEMENT CONCERNING THE BIDEN CONDITION

● Mr. PELL. Mr. President, on Friday, June 10, President Reagan conveyed a formal message to the Senate concerning the Senate's action in approving the INF Treaty. Much of that statement was devoted to commentary on the so-called Biden condition, which the Foreign Relations Committee attached to the INF Treaty resolution of ratification and which the Senate upheld by a vote of 72 to 27 after minor modification. Because the President's formal statement criticizes the Biden condition—and in ways which I judge to be inaccurate—I believe it important to clarify where matters now stand.

Let me comment first on the status of the President's postratification message. What weight or significance does it have? Can the President's statement alter the effect of the Biden condition? I quote from the relevant section of the Foreign Relations Committee report on the INF Treaty:

> * * * the [Biden] Condition is binding under domestic law, and obtains its binding effect because the President, in the absence of the resolution of ratification, lacks authority to participate in the Treaty's ratification. He obtains such authority through the resolution of ratification and is governed by any stipulations by which the Senate conditions its consent.
>
> In sum, the President may not act upon the Senate's consent without honoring this Condition. Nothing that he or his Administration does, by statement or action, whether before or after the act of ratification, can alter the binding effect of any condition which the Senate places upon its consent to treaty ratification. If the President brings the INF Treaty into force, the [Biden] Condition takes effect.

Mr. President, I think this portion of the committee report demonstrates quite clearly that the Biden condition is binding on the administration, notwithstanding anything in the President's statement. Nonetheless, the President's message to the Senate warrants comment, because it demonstrates a continuing unwillingness of the part of this administration to recognize or acknowledge what was truly at issue.

What was at issue, Mr. President, was the Sofaer doctrine, a constitutional assertion promulgated by this administration in the course of its efforts to fabricate a rationale for the so-called reinterpretation of the ABM Treaty of 1972. According to the Sofaer doctrine, executive branch representations to the Senate concerning the meaning of a treaty have binding weight only if such statements meet three criteria: they must, in the judment of the Executive, have been "generally understood, clearly intended, and relied upon" by the Senate.

These criteria may sound innocent enough, and indeed no one would disagree that if the criteria are met the Executive is bound. But the Sofaer Doctrine asserts much more: that the Executive is bound only if the criteria are met. The implication of this doctrine is profound. For if accepted, it would place upon the Senate a burden of proof to demonstrate its fulfillment of these critieria—a burden that, in practical terms, could only be carried by formal and elaborate Senate conditions on each and every treaty's resolution of ratification.

Clearly, such a practice, if regularized, would have devastating consequences for the treaty process. Yet, in the absence of such explicit assertions of Senate purpose, the Executive could in most cases argue that the Senate had not fulfilled all three of the criteria concerning a particular treaty provision. This would mean that the practical effect of the Sofaer Doctrine, if accepted explicitly or by Senate acquiescence, would be to accord the Executive virtually free reign, in interpreting a treaty, to ignore its own representations to the Senate.

According to the President's June 10 statement, the Biden condition "seeks to alter the law of treaty interpretation." But in fact nothing could be further from the truth. The Biden condition represents a Senate effort to uphold the law, by affirming the clear constitutional principle that a treaty must be interpreted and implemented by the Executive in accord with the original understanding of the treaty shared by the Executive and the Senate when the Senate gives its consent to ratification.

In addition, and very importantly, the condition denotes where evidence of that shared understanding is to be found. According to the Biden condition:

> Such common understanding is based on:
>
> First, the text of the treaty and the provisions of this resolution of ratification; and
>
> Second, the authoritative representations which were provided by the President and his representatives to the Senate and its committees, in seeking Senate consent to ratification, insofar as such representations were directed to the meaning and legal effect of the text of the treaty.

The President's statement strongly implies that this formulation would drastically alter the traditional approach to treaty interpretation because it "subordinates fundamental and essential treaty interpretative sources such as the treaty parties' intent, the treaty negotiating record and the parties' subsequent practices." But let us examine each of these three elements against the accusation that they have been unduly subordinated by the Biden condition.

First, "the treaty parties' intent." Is the administration suggesting that it is constitutionally acceptable for the Executive to enter into a treaty in which the intent of the treaty or a provision thereof may be absent from the text of the treaty or the Executive explanation of the treaty, and then later to assert that this theretofore hidden intent may suddenly supersede the text and the Executive's original explanation to the Senate thereof? If that is the administration's implied assertion, then it is not the Biden condition which subordinates the treaty parties' intent; it is the Constitution.

Next, the treaty negotiating record, which is a precise-sounding phrase for what in reality is no more than the aggregate of any and all internal U.S. Government memoranda which may pertain to the positions adopted by the United States during a negotiation and the events which occur in the negotiation—all as recorded by various U.S. negotiators. Is the administration suggesting that it is constitutionally acceptable for the Executive to enter into a treaty and then to assert at some subsequent point that some paragraph from one of these internal U.S. Government memoranda must take precedence over the text of the treaty and the Executive's explanation to the Senate thereof? If that is the administration's implied assertion, then it is not the Biden condition which subordinates the treaty negotiating record; again, it is the Constitution.

Finally, the parties' subsequent practices. Of course, under international law subsequent practice is a well recognized, albeit secondary, criterion of treaty interpretation. But is the administration suggesting that it is constitutionality acceptable for the Executive to engage in subsequent practice which is at odds with the text of the treaty or with the explanation of that text as presented to the Senate? If that is the administration's implied assertion, then it is not the Biden condition which subordinates the parties' subsequent practices; once again, it is the Constitution.

Mr. President, no one disputes that all three of these elements—intent of the parties, negotiating history, and subsequent practice—may have interpretive significance in the implementation of a treaty. When a question arises which cannot be answered by reference to the treaty text or to the Executive's original description and analysis of the treaty as presented to the Senate, such criteria may be useful in clarifying a fine point of treaty interpretation. But under the Constitution those elements cannot be used to subordinate the text, or the original shared understanding of the text held by the Executive and the Senate when a treaty is ratified. To accept that would be to overturn the essential logic of treatymaking, and to negate the Senate's constitutional role under the Treaty clause.

This brings us, Mr. President, to the administration's principal claim against the Biden condition, a charge encapsulated in the following sentence in the President's letter:

> As a practical matter, the Senate condition only can work against the interests of the United States by creating situations in which a treaty has one meaning under international law and another under domestic law.

This specter, Mr. President, of two treaties—one highly restrictive on the United States and the other less restrictive on the other party—is essentially a false alarm raised by the administration on the basis of argumentation that is neither consistent nor persuasive.

As to consistency, the President's letter itself states that "the administration does not take the position that the executive branch can disregard authoritative Executive statements to the Senate." Indeed, the letter appears to acknowledge that binding weight must be accorded to Executive statements if such statements were "authoritatively communicated to the Senate by the Executive" and if such statements "were part of the basis on which the Senate granted its advice and consent to ratification." Thus, by its own acknowledgement, the administration accepts the principle that some statements by the Executive have binding significance. Accordingly, the administration cannot logically contend that it is the Biden condition which creates the possibility that U.S. obligations under domestic and international law could, under extraordinary circumstances, conflict. Rather, it is the Constitution. The possibility of a conflict between domestic and international obligations inheres even in the administration's model.

What is at issue—and what is solely at issue—is precisely which statements by an administration shall be accorded binding weight. By its assertion of the so-called Sofaer Doctrine, the Reagan administration endeavored to establish criteria which are so difficult to meet that the Executive would, in practice, be bound by few if any of its statements. The Biden condition in contrast affirms in effect that all of the Executive's authoritative explanations are relevant to the Executive's obligations in interpreting and implementing a treaty. Each such authoritative executive branch statement may not in and of itself be binding. But taken collectively, an administration's representations constitute a substantial body of evidence as to what the Executive and the Senate jointly understood a treaty to mean at the time of ratification. And that shared understanding cannot be ignored; it is binding in setting the limits of a President's latitude in treaty interpretation.

I would stress that any potential doubt about the Senate's view on this question was eliminated during consideration of the Biden condition, when administration supporters offered amendments explicitly intended to incorporate into the Biden condition the very elements of the Sofaer Doctrine which the Biden Condition was designed to repudiate. I am pleased to note that these amendments were defeated by virtually the same overwhelming Senate majority which upheld the Biden condition.

As to the two-treaties specter raised by the President's letter, I think it appropriate to quote once again from the Foreign Relations Committee report on the INF Treaty:

> * * * the White House * * * seeks to raise the specter of the United States being bound by constitutional processes to one interpretation of a treaty while the Soviet Union is free to apply a less restrictive interpretation.

This specter—originally raised by Mr. Sofaer while trying to justify the broad ABM Treaty interpretation—is highly theoretical. It is a truism that the Executive has different obligations under domestic and international law, and therefore it is possible to hypothesize situations in which those obligations could conflict. However, in practice this has not proven to be a serious problem and there is no basis for the administration's assertion that the condition "would substantially increase this risk" * * *.

An apparent premise of the Sofaer Doctrine is that practical difficulties would ensue if the Executive were bound by what it tells the Senate, because it would not be an abnormal circumstance for a difference to exist between what was agreed to with the other party and the explanations provided to the Senate. There should be no such difference. It is the Executive's responsibility to ensure sufficient clarity in a treaty and in its explanations thereof to the Senate so that no conflict exists between the shared understanding of the parties on the one hand and the shared understanding of the Executive and the Senate on the other. If, in extremis, such conflict should arise and prove not resolvable by discussion or negotiation with the other party, the United States of course has the option of withdrawing from the treaty.

In sum, this largely theoretical problem should be addressed if and when it arises—not be a preemptive alteration of constitutional principles. The Senate should not accept a doctrine that assumes and protects carelessness or deviousness on the part of the Executive.

In closing, Mr. President, let me say that I agree with certain of the conclusions in President Reagan's message to the Senate. The President states as follows:

> I cannot accept the proposition that a condition in a resolution to ratification can alter the allocation of rights and duties under the Constitution; nor could I, consistent with my oath of office, accept any diminution claimed to be effected by such a condition in the constitutional powers and responsibilities of the Presidency.

Unfortunately, while this particular statement by the President is unarguably true, it contains a false implication: that the Biden condition was aimed at altering the Constitution. In fact, quite the opposite is the case. The sole and fundamental purpose of the Biden condition was to uphold the Constitution by repudiating assertions made by this administration that would, if accepted explicitly or by acquiescence, have undercut the Constitution's allocation of a joint Executive-Senate role in the exercise of the treaty power.

Let me then reiterate: The aim of the Biden condition was not to alter constitutional principles or create them, but to defend and reaffirm principles inherent in the Constitution but threatened by the Executive aggrandizement implicit in this administration's promulgation of the Sofaer Doctrine. Fortunately, by means of the Biden condition, that defense and reaffirmation have now been accomplished. The Sofaer Doctrine has been formally and overwhelmingly rejected. And nothing in the President's post-ratification letter has changed or could change that fact.

Mr. President, I ask that there appear in the RECORD at this point the text of the President's June 10 letter. I also call attention to the relevant section of the Foreign Relations Committee report which warrants special attention as a definitive refutation of the points made in the President's letter.

The letter follows:

To the Senate of the United States:

I was gratified the United States Senate gave its advice and consent to the ratification of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate- and Shorter-Range Missiles (INF Treaty). It was my honor to exchange instruments of ratification on June 1 in Moscow, and the Treaty has now entered into force.

During the past 4 months, the Senate has performed its constitutional duties with respect to the advice and consent to this Treaty in an exceptionally serious and diligent manner. On the Administration's part, we spared no effort to respond to the Senate's needs, and to do our best to ensure that the Senate had all the information it needed to carry out its constitutional responsibilities. Administration witnesses appeared in more than 70 formal hearings and many more informal briefings; we provided detailed written answers to over 1,300 questions for the record from the Committees and individual Senators; and we provided access to the negotiating record of the Treaty, comprising 31 bound volumes.

In short, I believe the Executive branch and the Senate took their responsibilities very seriously and made every effort to work together to fulfill them in the common interest of advancing the national security of the United States and our Allies and friends. The Treaty will bear witness to the sincerity and diligence of those in the Executive branch and the Senate who have taken part in this effort.

As noted in my statement issued on May 27, the date of final Senate action, one provision of the Resolution to Ratification adopted by the Senate causes me serious concern.

The Senate condition relating to the Treaty Clauses of the Constitution apparently seeks to alter the law of treaty interpretation. The accompanying report of the Committee on Foreign Relations accords primacy, second only to the Treaty text, to all Executive branch statements to the Senate above all other sources which international forums or even U.S. courts would consider in interpreting treaties. It subordinates fundamental and essential treaty interpretative sources such as the treaty parties' intent, the treaty negotiating record and the parties' subsequent practices.

Treaties are agreements between sovereign states and must be interpreted in accordance with accepted principles of international law and United States Supreme Court jurisprudence. As a practical matter, the Senate condition only can work against the interests of the United States by creating situations in which a treaty has one meaning under international law and another under domestic law. Unilateral restrictions on the United States should be avoided, especially in a treaty affecting vital national security interests. With respect to U.S. law, the President must respect the mutual understandings reached with the Senate during the advice and consent process. But Executive statements should be given binding weight only when they were authoritatively communicated to the Senate by the Executive and were part of the basis on which the Senate granted its advice and consent to ratification. This is in accordance with the legal standards applied by our courts in determining legislative intent. I comment the thoughtful statements made during the Senate debate by Senators Specter, Roth, Wilson, and others which amplify these concerns.

This Administration does not take the position that the Executive branch can disregard authoritative Executive statements to the Senate, and we have no intention of changing the interpretation of the INF Treaty which was presented to the Senate. On the contrary, this Administration has made it clear that it will consider all such authoritative statements as having been made in good faith. Nonetheless the principles of treaty interpretation recognized and repeatedly invoked by the courts may not be limited or changed by the Senate alone, and those principles will govern any future disputes over interpretation of this Treaty. As Senator Lugar pointed out during the debate, the Supreme Court may well have the final judgment, which would be binding on the President and Senate alike. Accordingly, I am compelled to state that I cannot accept the proposition that a condition in a resolution to ratification can alter the allocation of rights and duties under the Constitution; nor could I, consistent with my oath of office, accept any diminution claimed to be effected by such a condition in the constitutional powers and responsibilities of the Presidency.

I do not believe that any difference of views about the Senate condition will have any practical effect on the implementation of the Treaty. I believe the Executive branch and the Senate have a very good common understanding of the terms of the Treaty, and I believe that we will handle any question of interpretation that may arise in a spirit of mutual accommodation and respect. In this spirit I welcome the entry into force of the Treaty and express my hope that it will lead to even more important advances in arms reduction and the preservation of world peace and security.

RONALD REAGAN.

WHITE HOUSE, *June 10, 1988.*●

SERGIO GAMBUCCI

● Mr. CONRAD. Mr. President, I rise to pay tribute to a legend in North Dakota. At the end of this school year, Sergio Gambucci retired as a physical education teacher at Grand Forks Central High School. Under his coaching, Grand Forks hockey teams won 10 consecutive State championship titles. As a teacher and role model, he inspired thousands of students with a message of integrity and hard work.

I ask that an article from the Grand Forks Herald describing his years at Grand Forks Central High School be printed in the RECORD.

The article follows:

[From the Grand Forks (ND) Herald, Apr. 24, 1988]

SAYING GOODBYE TO A CLASS ACT—SERGE GAMBUCCI RETIRES, LEAVING HIS MARK AS A TEACHER, FRIEND, AND COACH

(By Virg Foss)

In the Grand Forks telephone book, he's listed simply as S. Gambucci.

There's nothing simple about Sergio (Serge) Gambucci, however, who became a legend when coaching hockey and tennis at Grand Forks Central.

The 65-year-old Gambucci, a native of Eveleth, Minn., will retire as a physical education teacher at Central at the end of the school year.

He hasn't coached hockey since 1970, but the record he's leaving behind may never be matched. Nor, probably, will the respect.

For the record, Gambucci's Central teams won 258 games and lost only 38 in his 15 years as hockey coach. Starting in 1961, when the first North Dakota State High School Hockey Tournament was held, Central reeled off 10 state titles. Central never lost a state hockey title with Gambucci as coach.

All three of Gambucci's sons—Jim, Bill and John—played on state championship hockey teams at Central. And in tennis? Every one of Gambucci's seven children was a state champion.

"He was what we hear of a modern-day Bobby Knight," said Terry Paukert, who played hockey and tennis for Gambucci. "For Serge, it was not how much you won by, but how you performed to your capabilities."

Tom Wynne, now a tennis teaching pro in Grand Forks, remembers the first match he played for Gambucci. Wynne, then a sophomore, lost his first varsity match to a player from Grand Forks Red River.

"Serge was one of those people who was bigger than life at the time," Wynne said. "And he didn't particularly like losing to Red River in anything. The next day, he called me into his office, and I thought he'd tell me something like 'you played a good match.'"

But it's not what Gambucci had in mind. "What he said was, 'how could you ever lose to that guy?,'" Wynne said. "It showed me right then what he expected out of a person."

And what he expected was simple. "He didn't preach any goofy doctrine other than hard work," Wynne said.

Gambucci was a tough disciplinarian. "He stressed discipline, but he was so caring, you always knew where you stood with Serge," said Tony Palmiscno, another hockey player under Gambucci. "There's no doubt in my mind that he's the best coach I've been associated with."

East Grand Fork Senior High hockey Coach Mike Lundby never played for Gambucci. Instead, he played for Grand Forks St. James.

"We used to practice either before or after Central," Lundby recalls. "His practices were so well organized that I would get there early or stay late to just watch his practices.

His teams never beat themselves, and that's a sign of good coaching."

Though Lundby was not a Gambucci product on the ice, Gambucci's influence directed his life. "He was very instrumental in my getting my first coaching job in hockey at Crookston," said Lundby, who grew up near Riverside Park and the Gambucci family. "Serge had coached in Crookston before (at Crookston Cathedral) and he had a lot of contacts there. Coming right out of college, I doubt if I would have gotten that job had it not been for Serge Gambucci."

Gambucci was a stickler for details, from positional play to headmanning the puck to uniform appearance.

"It was always said that we dressed better for practice than other teams did for games," Paukert said. "You never came to practice with the elbow pads outside your jersey or your suspenders on the outside."

Said Jim Gambucci, the oldest of his sons, "Dad always said he made his first cut in the locker room. He demanded a certain standard from us and he insisted that the uniforms look nice. He's a meticulous dresser himself."

Said Serge Gambucci: "One of my sayings in practice was, 'good . . . good, perfect. Now let's do it again,'"

He also believed that his teams played like they looked, "I felt we were representing not only the school, but the city," Gambucci said. "The fans might not have known all the kids by name, but when they saw my teams, I wanted them to say, 'geez, that's a pretty good looking Grand Forks Central team.'"

When Gambucci resigned as hockey coach in 1970, he was just 47 years old. "I just felt it was time to get out," Gambucci said. "Sometimes I feel like I got out of coaching too soon and at other times I don't. But you can't go back once you make that decision."

Gambucci's number of champions produced are unrivaled. But the number of players who went on to college meant more to him.

"From the 1962 team, 16 of the 17 players went on to graduate from college and the 17th later did. I told the players that hockey is just a stepping stone, a small part of life, that they had better be prepared for something else than hockey."

From Gambucci's 23-0 team in 1967, 13 players went on to play college hockey.

Few of his children profess to having any problems playing for their dad.

But Bill Gambucci said playing tennis for his father wasn't always easy.

"We had a lot more conflicts in tennis than anything else," Bill Gambucci said. "He wanted to coach tennis the way he coached hockey, where when you came off a line change, he'd tell you what you did wrong. In tennis, all that did was break my concentration, so I'd tell him to shut up."

Bill Gambucci won two state tennis titles, "What I learned from dad in hockey was how to compete," Bill Gambucci said. "That carried over with me to tennis."

Jim Gambucci said it was a "real neat experience" to play for his father. "When I did get compliments from him, it was like it was extra special," he said. "It was a thrill for anyone to play for Central in those days. And I never saw any indication that he treated us (the Gambucci kids) any different from anyone else."

Serge Gambucci saw no problems in coaching his children. "I always felt it was much easier coaching them than watching them," he said. "When you coached them, you were coaching a team. But when you watch your son or daughter play, you're watching them and not the team."

You have to appreciate Serge Gambucci's sense of humor to understand his next comment. "I treated everybody alike," he says. "I treated them all like dogs."

Gambucci once told Frenchy Lacrosse that he was the only referee ever to give him a bench penalty. "He was easy to officiate for because he was always fair," Lacrosse said. "He was a gentleman on and off the ice and the kids that played for him acted very much like him."

Speaking of penalties, they were what Gambucci teams seldom took. "If you took a penalty late in a game, even if you were up by 10 goals, he'd be upset with you," Tony Palmiseno said.

Why was Gambucci so wildly successful? "I think I had outstanding hockey players, for one thing," he said. "They enjoyed the sport and I think they enjoyed playing for me."

Though 10 state titles in 10 years may never be topped, it's not the feat Gambucci appreciates most. North Dakota high school hockey wasn't that advanced in the 1960's, so Gambucci continually booked games against Minnesota powers such as Roseau, Warroad, International Falls, Remidji, Hibbing and Eveleth.

"Beating the top Minnesota schools in our area led me to believe we had outstanding hockey teams," Gambucci said. "Winning the 10 titles is probably a highlight, but a highlight was being very competitive whoever we played."

Gambucci twice came close to becoming a coach in the Western Collegiate Hockey Association.

In 1967, when Wisconsin was looking to elevate its hockey program to major status, Gambucci, International Falls Coach Larry Ross and Colorado College Coach Bob Johnson were the finalists. Johnson got the job.

A year later, Gambucci was considered for the coaching job at UND that finally went to Rube Bjorkman, then the hockey coach at New Hampshire.

Neither job was offered to Gambucci. Johnson was a huge success at Wisconsin before going to the NHL. Bjorkman's teams at UND struggled to find success.

He definitely went out on top. Gambucci's last hockey team in 1970 finished with a 22-1 record and met Fargo North in the championship game. Central had beaten North just 3-2 during the regular season.

But in Gambucci's last game, Dennis Johnson scored six goals—still a state tournament record—and Central won 11-0.

"That was quite a deal," Gambucci said. "I don't know what happened."●

JOHN O. HILL

●Mr. McCONNELL. Mr. President, every now and then, a community is blessed with a truly dedicated individual who is committed to improving the lives of the people around him. John Omer Hill was this type of leader.

Following a long illness, Mr. Hill recently passed away. His devotion to western Kentucky was illustrated when he established the first tobacco market in Hopkinsville and served as a board member of the U.S. Department of Agriculture. He also served 2 years as a member of the National Agriculture Advisory Board.

In the private sector, John Hill contributed to the betterment of his community by cofounding the Bank of Cadiz and organizing the Green Hill Memorial Gardens.

Mr. President, I would like to insert into the RECORD an article that appeared in the Kentucky New Era detailing the life of this outstanding individual who will be sorely missed.

The article follows:

[From the Kentucky New Era, May 26, 1988]

FARMER, GOP ACTIVIST JOHN O. HILL DIES AT 84

A retired local businessman and farmer who was active for many years in Republican Party leadership is dead.

John Omer Hill, 84, died at 1:15 p.m. Wednesday at Jennie Stuart Medical Center following a long illness.

Services will be at 11 a.m. Friday at Grace Episcopal Church with the Revs. Garnett R. Smith and James S. McKenzie officiating and burial in Green Hill Memorial Gardens. Visitation will be from 5 until 8 p.m. today at the Hughart and Beard Funeral Home. Hopkinsville.

A native of Christian County he was born Nov. 25, 1903, the son of the late James Warfield and Sarah Elizabeth Crowe Hill.

Hill helped establish the first tobacco market in Hopkinsville and served as a board member of the U.S. Department of Agriculture from 1957 until 1960. From 1968 until 1970 he was a member of the National Agriculture Advisory Board, Washington, DC.

He was among the businessmen who organized and owned Green Hill Memorial Gardens and was a founder and director of the Bank of Cadiz.

As a leader of the Republican Party, Hill attended the Republican National Convention as a delegate in San Francisco when President Dwight Eisenhower was nominated.

He was a member of First Baptist Church.

Survivors include his wife, Louise Batie Hill; a daughter, Wanda Woodward, Huntersville, N.C.; two brothers, Jewell W. Hill and W. Homer Hill, both of Hopkinsville; and three grandchildren.

Memorials may be in the form of donations to the Memorial Fund at Grace Episcopal Church.●

COMMENDING HOUSE VOTE ON DRUG AND ALCOHOL TESTING

●Mr. HOLLINGS. Mr. President the House of Representatives voted earlier today in favor of a motion to concur in the Senate-approved drug and alcohol testing provisions contained within H.R. 3051, the Air Passenger Protection Act, a measure pending in conference. Today's House vote was 377-27 in favor of the motion and the issue of drug and alcohol testing for transportation workers.

I am quite pleased by today's developments. A requirement for drug and alcohol testing—including random testing—is critical if we are to ensure that transportation is made safer. For this reason, I sponsored legislation calling for testing in the rail, aviation, trucking, and bus industries. This legislation was approved in the Senate

Commerce Committee by a vote of 19-1 and was adopted last October as an amendment to the Air Passenger Protection Act.

Support for drug and alcohol testing for safety-sensitive transportation employees is strong and bipartisan in the Senate. The full Senate vote on the testing amendment adopted last year was 83-7 against a motion to table the amendment.

The House has been slower than the Senate in acting on the drug and alcohol testing issue.● Negotiations on the testing amendment in conference have proceeded at a snail's pace, to the extent they have proceeded at all. That is why I am pleased by today's House vote. It is my hope that this vote signals a willingness by the Members of this full House to work toward the enactment of a testing program that protects the safety of the traveling public while establishing proper safeguards to ensure accuracy and protect employee privacy.

I wish to commend the Members of the House for today's strong vote and reaffirm my willingness and that of the Senate conference to seek an expeditious resolution of this critical safety issue.●

ALAN D. McARTHUR

● Mr. HUMPHREY. Mr. President, Alan D. McArthur has had a long and distinguished career in the Senate. Mac, as he is known to his friends, came to the Senate as a legislative assistant in 1953. Later, he served as administrative assistant for Senators Reynolds, Hruska, and Curtis. He was also minority counsel to the Senate Internal Security Subcommittee for 10 years. My personal association with Mac began in 1979 and for the past 9 years he has been a special assistant in my office. The fact is that Alan McArthur has done just about all there is to do in the U.S. Senate.

Mac's interests outside the Senate include a passion for antique timepieces. For 25 years he has been a member of the National Association of Watch and Clock Collectors. His interest in timepieces has led to an extensive collection of antique railroad watches and marine chronometers. Many of the watches in his collection are more than 150 years old.

Recently Mac combined his Senate experience with his interest in clocks in a piece on the "Ohio" clock which stands outside the Senate Chamber. The article in the National Association of Watch and Clock Collectors bulletin is a fascinating study of the history of this magnificent piece.

Ordered in 1815 at a cost of $392.50, the clock was first housed in the old brick Capitol. In 1859 it was placed in its present location outside the Senate Chamber. Its most dramatic moment came during a bomb attack on the Senate in 1983. Fortunately, the clock was only slightly damaged. For 173 years the "Ohio" clock has kept faithful time for generations of Senators. I believe it should also serve as a reminder that we should occasionally take a moment to stop and contemplate the heritage which surround us.

Mr. President, I ask that Alan McArthur's article be placed in the RECORD.

The article follows:

THOMAS VOIGT'S "OHIO" CLOCK

(By Alan D. McArthur (DC))

A few weeks ago I was looking through the Master Retrieval Index to the Bulletin, and I noticed the name of Thomas Voight, an early American clockmaker. Thomas Jefferson is mentioned as having owned a Voight clock, and the name of the clock brought back memories which I had not recalled for a long time.

It started thirty-five years ago when I first came to work for the Senate. In those days, Senate employees were paid in cash, twice each month, and the pay line inched its way along the corridor outside the Senate Chamber where the Thomas Voigt clock stands (note the name is spelled Voigt, not Voight). Hundreds of times I have stood in awe of its tall mahogany case surrounded by a carved wing-spread eagle. Years later the Senate Disbursing Office was moved to a different location, and the clock was no longer in my semi-monthly path to the pay office. After seeing Mr. Voight's name in the Index, and by now a long-time member of NAWCC, I decided to find out how the Senate acquired this clock and just how long it has been around.

My first visit was to the Office of the Senate Curator. The staff very obligingly furnished me whatever was available, so now we can start from the beginning. The clock was ordered from Thomas Voigt in 1815 at a cost of $392.50, plus $8.50 for shipping and handling. On September 19, 1816, a letter was received from Mr. Voigt indicating that the "Senate Clock" had departed from the Port of Philadelphia on board the Schooner Twins under Captain Lafferty. On October 12, 1816, there was an announcement in the newspaper Georgetown Messenger that the Schooner Twins of Philadelphia had arrived at the Port of Georgetown. The clock's first home was a primitive and temporary one. The British had fired on the Capitol during the War of 1812, and from 1814 until 1819 the House and Senate occupied a temporary structure known as the "Brick Capitol." Presumably, the clock was placed in this building, but, in any event, when the Congress moved back into the Capitol in 1819, the clock came along. It remained in the old Senate Chamber for several years, and when the present Senate Chamber was opened in 1859, Isaac Bassett, then Assistant Doorkeeper of the Senate, reported that the clock was placed outside the Chamber where it remains today.

At some point, the Voigt clock became known as the "Ohio Clock" although no one seems to know why. The carved shield on the face of the lower case contains 17 stars and, according to tradition, represents the state of Ohio which was the 17th state admitted to the Union. This association must be considered apocryphal inasmuch as Ohio was admitted in 1803 and by the time the clock was ordered and completed, the 18th and 19th states had been admitted. However, Ohio has not lost just yet. One of the items furnished me by the Senate Curator was a photocopy of a picture from the March 13, 1897 issue of Harpers Weekly. This photo—actually a drawing—is of a group of people standing outside the Senate Chamber. The photo contained no caption, but the gentleman in the foreground standing directly in front of the clock looked familiar. So, off I went to the Library of Congress to examine this issue on microfilm. Sure enough, the distinguished gentleman was none other than Mark Hanna, the newly elected Senator from Ohio. Now Mr. Hanna was a very astute politician even before he came to the Senate. It would only be natural for him to seize upon every opportunity to identify everything noteworthy with his home state of Ohio. Whether this photo with Mr. Hanna is accidental or coincidental really doesn't matter. Ohio is a great state and the clock has survived its questionable identification with stoic indifference.

The clock did not encounter any real trauma until 1983 when a bomb exploded outside the Senate Chamber. The explosion shattered the glass and dislodged some of the carved details on the case, but these were quickly repaired. The clock was stopped only briefly while police opened the case to determine if explosives might have been stashed inside by the person or persons still unidentified.

In spite of this rude intrusion, Mr. Voigt's clock continues to live, always maintaining its majestic dignity. It does so, even though surrounded by computers, automatic teller machines, telecopiers, and other electronic devices designed to make our lives more complicated and frustrating.

I decided to find out what I could about the Voigt clock owned by Thomas Jefferson. I called the Curator at Monticello, Charlottesville, Virginia, and was advised that Mr. Jefferson's clock was housed in the Pennsylvania State Historical Society in Philadelphia. The Collections Manager at the Society, who sent me some photos, stated that the clock has been housed there since the 1890's. Thomas Jefferson's daughter gave the clock to the physician who, in turn, gave the clock to the State of Pennsylvania.

Now as to the name. On the face of the Senate clock is Thos. Voigt, but on the Pennsylvania clock it is Thos. Voight. Which is correct? It is fairly certain that there has been no restoration of the clock outside the Senate Chamber. But a close look at the face of the Philadelphia clock leads one to suspect that an artist may have added the name with a different spelling. However, this is speculation. Perhaps some member has the answer.●

THEFT OF OUR NATION'S ARCHEOLOGICAL RESOURCES

● Mr. DOMENICI. Mr. President, imagine the hue and cry that would rise across our Nation if someone, in the dead of night, dug up Plymouth Rock and carted it off for his own private collection.

The public would be outraged, and justifiably so.

Plymouth Rock holds an important place in our national historic and cultural heritage. It belongs to each of us.

Well, Mr. President, similar events are occurring daily across our land,

and the hue and cry has yet been heard. I am talking about the theft of our Nation's archeological resources. It is time that we sound the alarm before our cultural resources are lost forever.

On public lands across our Nation, pot hunters and other archeological looters are digging through ancient Indian pueblos, historic Spanish shipwrecks, and the graves of Civil War soldiers and native Americans, then stealing artifacts for a collection or sale.

For example, an Arizona man was recently caught after he tried to sell a 1,350-year-old mummy of a Hohokam Indian infant to an undercover Federal agent for $35,000. This man had found the mummy—wrapped in a deer skin with several baby animal pelts, a small basket, and an unfinished woven mat—in a cave on national forest land. The man said that, since he found the mummy and artifacts on Federal land, he thought they were his to keep.

What makes this case unusual is the fact that he was caught, convicted, and sentenced to jail for his crime. Most thefts of archeological resources on public lands are not detected in time to apprehend the culprits. And in the rare instance of an arrest, the thieves are rarely punished.

Lest anyone question the extent of the threat presented by archeological looters, they should read two excellent articles on the subject. One is called Violating History which was published in the National Parks magazine. The other is a Chicago Tribune article entitled, "The Great Artifact Grab."

These two articles expose the problem and offer some solutions. I do not necessarily agree that these articles offer the best solutions, but these articles are valuable in stimulating debate on how we, the Federal Government, can be more effective in this area.

Mr. President, I ask that the two articles be printed in the RECORD immediately following my remarks.

Mr. President, at a recent Public Lands Subcommittee hearing, I asked Jerry Rogers, the Associate Director for Cultural Resources of the National Park Service, to discuss the problem of the looting of archeological resources on public lands. He had this to say:

> I think that the looting of the Nation's historic and prehistoric heritage from public and private lands is not only a despicable thing, but something that is growing to crisis proportions in the United States. * * * And we want to do something about it.

Mr. President, this plea comes from one of the Government's most knowledgeable persons in this field. He is charged with protecting these resources, and he admitted that he just isn't able to do it. That failure is certainly not that Mr. Rogers is not a very capable public servant—he is. That failure is a direct result of the fact that he lacks the tools needed to carry out this important job.

After holding oversight hearings in 1985 on the problem of looting of archeological artifacts on public land, I joined two of my colleagues in requesting that the General Accounting Office [GAO] review the problem.

The GAO report was issued recently. It found that approximately 44,000 of the 136,000 archeological sites in the Four Corners States of New Mexico, Arizona, Colorado, and Utah have been looted. In a 5½-year period ending in 1986, the Bureau of Land Management [BLM], the Forest Service, and the National Park Service documented 1,222 looting incidents in the four States.

Yet GAO concluded that these three agencies lack accurate documentation on the extent of looting. Agency records do not reflect the full extent of looting, either the current level of looting or its cumulative effects. There are no agencywide directives specifying under what circumstances a looting incident report should be prepared. In many instances, no report is prepared.

GAO determined that some of the factors in the continued looting of archeological resources were the low probability of prosecution, the public attitude that looting was not really a crime, and the lack of education about the significance of archeological sites.

In addition, GAO noted that BLM, the Forest Service, and the Park Service lack sufficient staff, funds, and knowledge of the resources they are supposed to protect to carry out effectively their cultural management responsibilities.

GAO concluded that the three agencies' efforts have not been extensive enough to cause commercial looters to fear being caught, and thus cease looting.

Archeological resources located on Federal land have been protected since 1906, when Congress enacted the Antiquities Act. The Antiquities Act provides that qualified institutions may be issued permits for the excavation of archeological sites. It also provides criminal penalties for unauthorized excavations.

In 1979, I wrote the Archeological Resources Protection Act [ARPA]. ARPA toughened the laws protecting archeological resources on Federal lands by imposing severe criminal penalties for unauthorized excavation, damage, destruction, or removal of archeological resources. It provides fines up to $100,000 and 5 years in jail for criminal violations. It also allows Federal land managers to impose civil penalties for violations and grant rewards for information on violations.

Earlier this Congress, I introduced two bills, S. 1314 and S. 1985. These bills would amend ARPA to improve the protection and management of archeological resources on Federal lands.

S. 1314 would change the provision in ARPA that requires prosecutions to show that the looting resulted in 5,000 dollars' worth of damages in order to categorize the offense as a felony. It would lower the felony threshold from $5,000 to $500. It would also amend ARPA to make the attempted looting of archeological artifacts on Federal land a crime.

S. 1985 would strengthen the provisions of ARPA by directing BLM, the Park Service, the Forest Service, and other Federal agencies to develop plans to survey the lands under their control to determine the nature and extent of archeological resources on those lands.

This bill would also require the agencies to prepare a schedule for surveying those areas that are likely to contain the most important archeological resources.

Finally, it directs the agencies to develop processes for reporting suspected incidents of looting of archeological resources on their lands.

The provisions in these two bills were supported by the GAO in its report on the looting of archeological resources.

Mr. President, we need to strengthen our laws. There is no doubt about that. But it isn't sufficient to simply strengthen existing statutes. We need to provide adequate resources and direction to the land management and law enforcement agencies to ensure that the laws are enforced.

The President's budget for fiscal year 1989 proposes cuts in funding for cultural resources management. At the Forest Service, the cut would be $2 million, or 13 percent. BLM cultural resource management programs would be decreased by 5 percent. Three Park Service programs for cultural resources management would be eliminated.

Although funds for cultural resource management in the Park Service budget would be increased an estimated 6 percent as a result of increased recreation user fees, the allocation of these funds to cultural resource management would be left to the discretion of individual park managers.

These funding reductions are unjustified. Archeological looting is reaching crisis proportions. We need to provide our land management agencies with adequate resources to confront this crisis. I am urging that the Congress provide to BLM, the Forest Service, and the Park Service sufficient funds to protect out Nation's archeological resources.

Mr. President, it is clear that the Federal Government's efforts to protect archeological resources on the lands under its control have been woefully inadequate. We stand by while our Nation's archeological heritage is stolen and sold as quaint curios. Just as we would not stand idly by and allow the theft of Plymouth Rock, we can no longer allow this to continue.

The failure to protect our Nation's archeological resources constitutes a breach of faith by the Federal Government. As the trustee of these lands for the American people, the Federal Government has an obligation to assure that these resources are not destroyed or stolen by those who have no respect for the past.

We must act to preserve our archeological resources. I hope that the Congress will soon act on S. 1314 and S. 1985, two bills that would help achieve that worthy goal, and will provide the funds necessary to carry through with the enforcement of our laws protecting archeological resources.

The articles referred to follow:

VIOLATING HISTORY—THIEVES SNEAK INTO RUINS AND BATTLEFIELDS TO STEAL AWAY KEYS TO OUR PAST

(By Jim Robbins)

Cape Krusenstern National Monument lies on the Chukchi Sea, in the remote northwest corner of Alaska. Approximately 1,600 years ago, the Iputak—an Eskimo people who, among other things, carved exquisite artwork from ivory—inhabited this land.

The National Park Service has been conducting archeological research at these ancient sites, hoping to shed light on a people whose culture flourished in this harsh country. Recently, however, a looter has been digging among the remains, searching for ivory masks the native artisans created between 1,400 and 1,600 years ago. Such masks, says Ted Birkedal, an NPS archeologist in Anchorage, are valued as collectors' pieces in Scandinavia, worth as much as $15,000.

Park rangers believe the looter was scared off the Krusenstern site before he could steal any artifacts. The site, however, was damaged. The digger destroyed many of the clues archeologists would have used to piece together the answer to who the Iputak were and how they lived.

"We just don't have the staff to stop it," Birkedal said of the looting. "The National Park Service [in Alaska] controls an area the size of England and Scotland. We have an officer for every four million acres. It's potentially a major problem."

The theft of historic and prehistoric artifacts from federal grounds is, by all accounts, a serious problem that is growing. In Virginia, Pennsylvania, and Maryland, Civil War battlefields have been looted. In the West, the Custer Battlefield National Monument in Montana and the Knife River Indian Village Historic Site in North Dakota have been hit by artifact hunters who use metal detectors to uncover shell fragments, uniform buttons, and other historic treasures.

But, the most obvious losses, the most flagrant thefts of America's past, are the looting of ancient Native American ruins in the West. Organized and unorganized gangs of pothunters are cashing in on a lucrative market. Native American historic and prehistoric objects have been actively sought by an international group of collectors since the early 1970s. The value of these artifacts has risen so steeply that looters are scrambling to steal what's left, according to one archeologist. They are, he says, "like sharks in a feeding frenzy."

In the East, many looters are hobbyists, trying to augment their collections—but their effect is just as destructive as those who are only in it for the money. Sometimes, in the Southwest, wholesale looting is done with bulldozers. Looters will dig in the dark under floorless tents, so their lights cannot be seen. Some use uranium-miners' masks to keep dust out of their lungs as they dig and carry gas-powered rock saws to remove pictographs from cliff walls. One archeologist from Blanding, Utah, has heard of pothunters who sniff lines of cocaine from the blades of their bulldozer just before they begin a raid.

The remains of Anasazi, Hopi, Mimbres, and other prehistoric cultures are found throughout the West. The Anasazi, a Navajo term for Ancient Ones, created a highly developed civilization in the deserts of southwestern America from the time of Christ to 1275 or 1300 A.D. That region, called Four Corners, includes sections of Colorado, Arizona, Utah, and New Mexico.

The Anasazi cultivated corn, cotton, and squash with elaborate irrigation systems. They are respected for the architectural ingenuity of their multifamily apartment houses, often three or four stories high and built in large caves or wedged in the crevices of the labyrinthine canyons of this area. According to some, these buildings were often oriented to align with celestial bodies and, therefore, could be used as solar calendars. Beautiful pottery, intricate basketry, and sandals have also been found among these ruins.

Despite the thousands of sites that have been found, there is much to be discovered about these prehistoric people. When archeologists are investigating a site, they use a technique called "artifact patterning." This method uses the special relationships of artifacts found at a site to explain how they were used.

Says Don Simonis, a Bureau of Land Management archeologist in Kingman, Arizona, "If we find a rock, it's just a rock. If we find three rocks together, however, we know it was used as a fire dog [a structure used for cooking]."

"Once a site has been disturbed, the entire sense of its historical development is disrupted, and it becomes impossible to research the site by any standard archeological method. So, the theft of collectible items is only part of the disaster wreaked by pothunters."

According to Winston Hurst, an archeologist in Utah, "The soil matrix that contains vast amounts of information—how these people lived, the kinds of food they ate, the environment—becomes mixed and randomized. The stuff from 850 A.D. is mixed with the stuff from 850 B.C., and no one will ever be able to unscramble it."

The disturbance of sites and the theft of artifacts from federal property are, of course, illegal. And, the government has good legal tools with which to challenge looters, going back to the Ancient Antiquities Act, passed in 1906, and the organic acts of the National Park Service, BLM, and other concerned agencies. In addition, the Archeological Resources Protection Act (ARPA), was specifically written to cover the looting of artifacts from federal property and to provide for the proper management of archeological resources.

ARPA levies stiff fines on anyone who removes archeological resources from public land or participates in their sale, purchase, transport, or receipt. If the first offense is a misdemeanor, it can result in a $10,000 fine and a year in jail; if a felony, it can result in a $20,000 fine and a two-year sentence. A second conviction can earn a $100,000 penalty or five years in jail. The cost of restoring the site can also be billed to the perpetrator.

Yet, the wholesale theft of archeological artifacts continues, for the incentive is enormous, and the chances of getting caught, miniscule. For instance, an intact *olla* (an "oya" is a large, round vessel that is usually white or light gray in color and decorated with intricate geometric designs) can bring $30,000 by the time it reaches the final buyer, BLM officials say.

Pothunting became a major problem for archeology resource managers in 1971, when New York's Sotheby Parke Bernet Galleries first began to auction Anasazi and other pre-Columbian artifacts, exponentially increasing the demand for such items. An Anasazi basket recently brought $152,000 at an auction at Sotheby's in London. More commonly, baskets have fetched up to $10,000. An unbroken mug will bring $200, and a human skull is worth $50.

The result has been the unbridled and unparalleled destruction of ancient sites in the Southwest that, until recently, have remained intact and protected primarily by their remoteness and the low humidity of the desert. So far, Native American sites in national parks have suffered less damage than those on Forest Service and BLM lands, according to Birkedal, who until last December was stationed at the National Park Service's Southwest Regional Office in Santa Fe. "It's simple," he said. "We have more law enforcement per acre [in the Lower 48] than any other agency."

But Birkedal believes that as the number of unmolested sites dwindle further and archeological artifacts become more rare, the National Park System will also be hit harder.

On May 8 of last year, Forest Service and BLM law enforcement agents from Wyoming, Arizona, and Idaho broke the still spring morning when they searched 17 homes in Colorado and Utah and seized 325 prehistoric Anasazi artifacts that authorities said had been taken from federal land.

"This [seizure of items] is the most significant law-enforcement initiative under the Archeological Resources Protection Act," announced Brent Ward, the United States attorney for Utah and a principal architect of the campaign. The May raids and the arrests that were expected to follow were the culmination of a two-year, much-heralded "war on pothunting."

Earl Shumway, 29, a convicted pothunter, was the lynchpin of the federal government's case against other looters in the Four Corners area. In exchange for a mitigated sentence, Shumway agreed to provide information on who was trafficking in Anasazi pots and other artifacts taken from federal land.

The searches, especially in the town of Blanding, were like poking a stick into a hornet's nest. For generations people in this area have gone into the desert on Sundays with a picnic basket and a shovel to dig for artifacts.

Devar Shumway, 66 (a distant relative of Earl), grew up pothunting. He has said that his family survived tough times by selling pots to a museum in Salt Lake. "Daddy was in tall cotton to make $3 a pot during the Depression," Shumway said. During a lifetime of digging, Shumway estimates he has collected more than 1,000 whole pots. It is a pastime he has passed on to his children.

The federal agents who served search warrants on people in Blanding and throughout the region were armed and wore bulletproof vests. They thoroughly searched the homes; one woman complained that they even went through her underwear drawer.

Among the homes searched was Calvin Black's. Black is a powerful, extremely conservative San Juan County commissioner who has long been an opponent of the creation and expansion of national parks and wilderness areas in southeastern Utah. The raids deeply angered Black. He said, when he next hears of a federal agent being shot at, "I am almost going to have to root for the other side."

The government claimed Black was keeping the objects for his son, Alan "Buddy" Black. Earl Shumway told agents he had seen Buddy Black dig the objects—which included sandals, loincloths, a cradle board, 13 bowls, and a large olla—on federal ground. Cal Black maintained the objects were taken lawfully from private ground and sued to get them back. They were later returned.

In June of 1986, the younger Black was indicted by a grand jury on two counts of violations of the federal antiquities law. But the jury did not believe the government's chief witness, Earl Shumway, and a verdict of not guilty was returned. The war on pothunting in Utah had fizzled—an embarrassing defeat for the feds.

In the past several years looting of ancient sites has received attention from Congress, the media, and archeological activists. Yet, the thefts continue. And, in most cases, federal agencies do not have the budget to combat the pothunters.

There is simply too much territory to watch. The southwestern desert alone contains tens of thousands of sites scattered over millions of remote acres.

There have also been cases where federal agencies have set poor examples as protectors of these sites. In fact, sometimes one part of an agency might be working to protect sites while other departments are destroying them. A prime example is BLM, which has been lauded for its commitment to site protection. One arm of the agency destroyed hundreds of sites in the Four Corners area, using Caterpillar tractors to clear land for cattle grazing, while other BLM departments have been trying to stop pothunting.

Some archeologists blame what they call "a major deficiency" in the law. ARPA requires that law-enforcement officials bear the burden of proof for prosecutions; in other words, the government must prove that the artifact was taken from federal property.

That, in fact, is the major reason that Brent Ward feels he lost his "war on pothunting." Remember, the only evidence Ward had was Earl Shumway's word that the offenders had taken the artifacts from public land. When the jury did not believe Shumway's testimony, the government was left without a case.

An exasperated Ward then wrote a letter to Roland Robison, director of BLM in Utah. Ward complained that if the law were not changed, he might be forced to forego prosecutions of antiquities thefts.

Black's acquittal, Ward wrote, "pointed out a weakness in ARPA that may prevent this office from undertaking any further prosecution under that statute against anyone except a person who was actually involved in illegal excavating activity." Other ARPA experts, however, think more exacting evidence would make the prosecution of pothunters more effective.

Some law enforcement officials believe that the only way to stem trade in artifacts is to crackdown on dealers—not diggers. "It's like trying to stop the trade in jaguar furs by arresting all the Amazonian Indians," said Utah State Archeologist Dave Madsen. "There's always more Indians."

"It's like guerrilla warfare," said BLM law enforcement specialist Pete Steele, who chases pothunters through the remote country of San Juan County in southeast Utah. "They'll hit a site here or there. They're well ahead of you all the time, because they know where they're going to be and you don't."

And, at this time, arresting diggers can be a hollow victory. Dealers and collectors in New York City can still trade illegally taken, priceless pre-Columbian items—from the United States as well as from Central and South America—quite openly. Traders can always claim that the objects came from private land.

Linnell Schalk, a BLM law enforcement officer who teaches courses on ARPA, believes that public awareness needs to be developed as much as legal strategies. Diggers must be pursued with all the vigor of the law, so they realize how committed agencies are to controlling theft and vandalism.

It must be noted, also, that there *have* been some successes under ARPA. Perhaps most important was a case at the Richmond National Battlefield Park in Virginia. In October 1984, park officials saw three men enter the battlefield with camouflaged metal detectors at 1:00 in the morning. Authorities cordoned off the park and waited, fearing the looters would scatter or someone would be hurt if agents tried to catch them in the act. The men were arrested as they emerged at 6 a.m. Officials found shell fragments, mini balls, and other Civil War artifacts in their possession, which were valued at approximately a total of $24.

The men were charged under ARPA and all three received prison sentences that ranged from several weeks to six months. They also forfeited $1,100 worth of equipment.

Chief Ranger Chuck Rafkind says the prosecution showed that the park is serious about stopping the thefts. "We used to get [the number of thefts] in a couple of days that we now get in a month," Rafkind said.

Where enforcement is more difficult, however, different remedies are being tried. Some sites are being monitored with remote cameras. In others, seismic indicators—that react to the movement of people at a site and radio the information back to headquarters—are being used. Ruins have been fenced; and stinging nettles and poison ivy have been planted to keep people out of them. Each of these techniques has helped, but they haven't stopped the looting.

The only real solution, in the opinion of many, is to change the law so that the burden of proof falls on the defendant rather than the government.

"We have to deal with the problem directly," said Dave Madsen. "If you can document that an item came from private land, fine; you can sell it. But, it should be incumbent on the seller to prove that it came from private land."

Such a change would be possible with the creation of an artifacts registry for items found on private land. Dr. Walter Wait, a NPS archeologist with the Southwest Region in Santa Fe, has recommended that archeologists be required to provide objects taken from private ground with a "provenience" that documents the object's origin. These papers would include a complete description of the item, a copy of the excavation report, a certificate of excavation by a licensed archeologist, and a certified appraisal.

"Upon entry into the registry," Dr. Wait wrote in a 1986 Office of Technology Assessment report, "the owner would obtain a nontransferable title and an artifact documentation card similar to a plastic driver's license, complete with photo." So far, there is no consensus among archeologists that this is a good idea. Kurt Shaafsma, a New Mexico archeologist who supports an artifacts registry, admits the proposal is a compromise.

"To archeologists all sites are equal," he said. "Whether it's private or public land has no bearing on what people did 1,000 years ago. But this is a way of meeting these [artifacts dealers] halfway." It would eventually become impossible to sell artifacts without a pedigree, Schaafsma believes.

Though the move to change the law to protect these precious and dwindling artifacts seems logical, it is not without opposition. Many art dealers and collectors have opposed legislation to restrict the trade in ancient artifacts. Until 1983, they were able to stop implementation of a UNESCO convention that had been ratified in 1970. Although, recently, dealers and collectors have been giving lip service to the need for more protections, archeologists predict a major battle should more restrictions be proposed.

Whatever is done, most agree, it should be done soon.

Richard Fike, BLM state archeologist for Utah says, "I would guess that 80 to 90 percent of the BLM sites in Utah have been destroyed. Yes, the tide is turning. But, is it turning in time to save what's left? I'm skeptical."

[From the Chicago Tribune Magazine, Aug. 10, 1986]

THE GREAT ARTIFACT GRAB

A FLOURISHING BLACK MARKET IN SOUTHWESTERN ANTIQUITIES THREATENS TO LEAVE THE ARCHEOLOGICAL RECORD IN RUINS

(By Jim Robbins)

From all appearances Blanding, Utah, pop. 3,118, is like any number of small American towns. A theater, a small grocery and a hardware store comprise most of the main-street business district. The busiest spot in town is a Mini-Mart, where several pickups are stopped at the pumps.

On May 8 federal law-enforcement agents from Wyoming, Idaho and Arizona broke the still of a Blanding spring morning when they searched seven homes and seized dozens of prehistoric Indian artifacts that the authorities claim were taken illegally from public land. In June two men were indicated as a result of the searches; their cases have not yet come to trial.

This is the most significant law-enforcement initiative under the Archeological Resources Protection Act," says U.S. Atty. for Utah Brent Ward.

However, long-time Blanding pothunter Devar Shumway, 65, whose home was not searched, sees things differently. "These people come in with flak jackets and initimidate women and children and frighten them," he says. "It's the worst form of—what do they call it—Gadhafi terrorism."

The town of Blanding sits squarely on top of one of richest archeological regions in the United States. Throughout the countryside here, where farmers grow acres of pinto beans, are thousands of sandstone-rock homes and other structures built by the Anasazi, a prehistoric agrarian people who occupied the Four Corners region of the American Southwest roughly between the time of Jesus and 1300 A.D.

Their total territory was larger than the state of California, stretching from Nevada to just east of the Rio Grande and from central New Mexico and Arizona north in southern Colorado and Utah. But the culture was concentrated in the Four Corners, the area marked by the northwest corner of New Mexico, the northeast corner of Arizona, the southeast corner of Utah and the southwest corner of Colorado.

Predecessors of the modern-day Pueblo Indians, the Anasazi—a Navajo term that means "ancient enemy"—built an impressive civilization here, though they left no written language. They cultivated corn, cotton and squash using elaborate irrigation systems. They lived in multifamily structures, often built in large caves or wedged in crevices of the labyrinthine canyons that run through this country, many of which still stand. In some cases hundreds of people lived in these ancient villages. Some scientists believe that the Anasazi built solar calendars into their structures, towers that captured sunlight to mark solstices and other times of the year especially important to agriculturists. There also is evidence that they practiced cannibalism.

The Anasazi were the northernmost representatives of Meso-American Indian culture, which occupied much of Central America and Mexico. A feature of their culture was the kiva, a round ceremonial room dug into the earth. "It was a way to communicate with the underworld," says Kurt Schaafsma, New Mexico state archeologist. "That's where the spirits lived. It's a very distinctive attribute."

They also developed a distinct style of pottery that is "often elegant, beautiful," says Ronald Weber, collections manager in the anthropology department at the Field Museum of Natural History in Chicago, which has a large collection of Anasazi artifacts. he describes them as people "well-adapted to their environment. They weren't a super people, just a people." But because they lived an agrarian life in villages, their artifacts are more conspicuous—and thus have received greater archeological attention—than early nomadic hunting cultures in the area.

No one really knows what happened to the Anasazi. The best guess is that a 25-year drought beginning about 1275 coupled with the destruction of the land from intensive farming rendered their way of life untenable. The Anasazi abandoned most of the Four Corners at this time and concentrated in northeastern Arizona and central New Mexico. But they left behind extensive artifacts—handsome pottery, turquoise jewelry, intricately woven baskets, fragile cotton clothing, stone tools and even mummies, all covered with centuries of soil.

There's a sense of whimsy in their work: a hunchbacked flute player known as Kokopelli found on pottery from Utah into South America, a small face peering over the rim of a mug, an eagle-bone flute. Their legacy also includes haunting petroglyphs [carved images] and pictographs [painted images] on canyon walls throughout the Southwest.

In the last decade the relics abandoned by the Anasazi have become valuable collectors' items, prized by museums, art dealers and Indian-art aficionados both in this country and abroad. And that has driven people who now live in Arizona, New Mexico, Utah and Colorado—in Blanding and towns like it—into the desert to unearth and remove the artifacts to sell on a lucrative black market in antiquities.

In addition to theft, these ancient artifacts have fallen prey to vandals. Last March, for example, along the San Juan River in southeastern Utah, orange paint was sprayed across the face of the Kachina Panel, one of the most significant collections of petroglyphs in the Southwest, damaging hundreds of ancient figures.

Many of the tens of thousands of Anasazi sites in the West are on land owned by the people of the United States. Only a small percentage are in private hands, most on farmlands. A handful of the public sites are protected and displayed by the National Park Service at such national monuments as Canyon De Chelly in Arizona, Chaco Canyon in New Mexico and Mesa Verde in Colorado. But the majority are on millions of acres of unprotected, undeveloped, far-flung public land managed primarily by the federal Bureau of Land Management [BLM] or the National Forest Service, the area's two largest landlords. Although it is a violation of federal law to take or disturb these publicly owned artifacts, the law has proven extremely difficult to enforce.

As a result, the unbridled theft and vandalism of artifacts is rapidly destroying the vast Anasazi sites and other relics of prehistoric cultures dating as far back as 6000 B.C. that have remained untouched for centuries. "I would guess that 80 to 90 percent of the sites here have been destroyed," many beyond redemption, says Rich Fike, who oversees archeology in Utah for the BLM. Unless thefts and vandalism are stemmed soon, some archeologists predict, the remaining unspoiled sites will be gone in three to five years.

But the thefts and the recent crackdown on pothunters are only part of the story of the large-scale destruction of antiquities in the Southwest. There is growing criticism of the federal agencies in charge of protection of antiquities.

Among the major complaints:

Federal agencies have known of pothunting in Utah, Arizona, Colorado and New Mexico for at least a decade but have not aggressively pursued the problem until recently. The present crackdown began just after several U.S. senators held hearings last October in Albuquerque and requested a General Accounting Office investigation into what one senator called "a problem with enforcement and implementation" of archeological protection laws.

Federal law enforcement agencies have received wholly inadequate funding to pursue on effective law-enforcement campaign against the trade.

The BLM and the Forest Service themselves have damaged some prehistoric sites during resource development projects and also are financially strapped in preservation efforts.

Federal agencies have done little inventorying of sites. No one known what is being destroyed because no one knows what is out there. In New Mexico, for example, a state official estimates that perhaps only 10 percent of the sites have been inventoried.

As a consequence, many archeologists believe that effective preservation of artifacts may not come in time. "The tide is turning," says Fike, referring to the problem of pothunting. "Is it going to turn in time to save what's left? I'm skeptical."

Pothunting has been a time-honored tradition in Blanding, although it has been illegal since 1906. It started in the late 19th Century, when rancher Richard Wetherill came to Mesa Verde and began the wholesale excavation of sites, shipping the material to private dealers and museums, including the American Museum of Natural History in New York. Ironically, one of the largest collections of Anasazi artifacts is in Helsinki, Finland, a result of early artifact removal.

Though the 1906 Antiquities Act forbade taking artifacts from public land, the law was vague and largely ignored, even by authorities. In the 1920s and '30s, for example, curators from the University of Utah museum in Salt Lake City paid Blandingites $3 for every pot they dug up for the university collection. "My daddy was in tall cotton to make $3 a pot during the depression," says Blanding pothunter Devar Shumway.

Pothunting in the Four Corners has always been a mom-and-pop Sunday afternoon affair, a socially acceptable pastime. Indeed, the people who had property seized during the recent searches included two San Juan County commissioners and other prominent citizens. One commissioner, Calvin Black, was livid. He says the next time he hears about federal agents being shot at, "I'm almost going to have to root for the other side." Black filed suit, and his pots were returned on grounds that there was insufficient proof that they had come from public lands. Meanwhile, Black's son, Alan "Buddy" Black, was one of the two people indicted in June by a federal grand jury. He was charged with two violations of federal antiquities law.

An illustration of the volatile nature of the situation in Blanding occurred during my visit, which came several days after the searches. Although Devar Shumway had spoken openly with reporters on other occasions, he regarded me with suspicion as I conducted an interview in his home. He said his pots, which normally decorated his home, were hidden. Then his daughter, whose home had been searched by federal agents, arrived. She angrily implied that I was a federal agent and asked me to leave. Half an hour later Blanding's chief of police knocked on the door of my motel room, flashed his badge and ordered me to produce identification. "Everyone's a little jumpy," he said later.

In 1979 the Archeological Resources Protection Act was passed, stipulating that pothunting on federal land is a felony, punishable by up to a $250,000 fine and two years in jail. Federal officials claim locals should have been put on notice then. But the momentum was too great; the looting of artifacts for the mantel or basement showcase continued. Then in the late 1970s collectors discovered Anasazi artifacts—perhaps because of their growing scarcity—and the price of the relics soared, creating a more sinister breed of pothunter. People who grew up digging pots for fun realized they now could turn a pretty good living in economically strapped San Juan County by selling the relics.

If the right buyer is found, for example, a single *olla* [OL-ya], a large round pot, usually white or light gray decorated with intricate black geometric designs, can bring as much as $30,000 by the time it reaches the final buyer, according to BLM officials. One basket brought $152,000 at an auction at Sotheby Parke Bernet in London. More commonly, an intricately woven basket will fetch up to $10,000. An unbroken mug can bring $200; even a human skull can bring $50 or so.

Pothunters never see that kind of money, however. The most a digger ever gets is about $1,000 for a top-of-the-line item. Middlemen reap most of the profits.

Slate-gray thunderheads are piling up on the horizon, and thunder rumbles softly in the distance. The red-rock formations on Cedar Mesa, in southeast Utah, cut dramatically through the rolling plains. Pete Steele, a BLM law-enforcement ranger, makes his way through heavy brush until he comes to the mouth of a cool dark cave. The floor, covered with piles of dirt and rubble, is pockmarked from digging. Pepsi-Cola cans are strewn among rocks, centuries-old ears of corn and broken pieces of pottery. "It looks like somebody dropped some mortar rounds in here, doesn't it"? Steele says, pushing his worn cowboy hat up on his balding head. "There's 25 caves in the canyon, and they all look the same."

Dry caves, which are rare, have provided a rich bounty for pothunters. Because the caves have been bone dry since they were occupied by the Anasazi, perishable items such as baskets, sandals, turkey-feather bankets and cotton skirts, which would have disintegrated in the open, have survived. The rarity of these items makes them valuable.

In a search-warrant affidavit a federal agent described material one looter said he observed being dug from a dry cave: "a 30-inch-tall woven bag, yellow and white in color, approximately 15 inches around. Inside this bag were 17 other bags: One was full of turquoise necklaces; one full of gaming pieces; one full of red arrowheads; one full of multicolored orange, blue and red cloth; also seven baskets shaped like bowls."

One of the saddest aspects of pothunting, says Steele, is that in addition to being thieves, pothunters also defile burial sites, for the finest Anasazi artifacts were buried as offerings with the dead. Law-enforcement officials often find the bones of bodies mummified naturally by the sand and the arid climate strewn about the diggings, robbed of their turquoise jewelry, their pots and, after several hunderd years of repose, their final dignity.

"Looters dig down and clean out the burial cists," Steele says. "The old basketmakers were buried with a new pair of sandals and wrapped up on a turkey-feather or rabbit-fur robe. You've got a higher concentration of good artifacts in burial areas." Pothunters are savvy to law enforcement, Steele adds. They work at night, covering their digs with floorless tents so their lights won't be seen. They wear filters like those worn by uranium miners to keep the dust out of their lungs.

Such hunting has somehow become steeped in romance and mystery, embodied in the movie character Indiana Jones, the swashbuckling artifact-grabbing archeologist in the movie "Raiders of the Lost Ark." And indeed, there still are those who defend pothunting, the right to carry shovels out into the desert. "There's so many of these ruins that archeologists couldn't excavate them in 1,000 years," Shumway says. He adds, rightly or wrongly, "Besides, there's not going to be anything dug up because only the pothunters are capable of finding it." Shumway says he has found more than 1,000 pots.

Giving up pothunting is difficult, Steele says. He should know—he pothunted on public land for years in southeastern Utah before reforming. "It's that thrill of discovery," he says. "It's so hard to give that up. So hard."

Steele says catching the pothunters in the act is virtually impossible. "It's like guerrilla warfare. They can hit and run. They don't have to hit in any particular pattern. They aren't well organized—they'll hit a site here or there. And they're well ahead of you all the time because they know where they're going to be, and you don't." There are an estimated 200,000 prehistoric sites in Utah alone.

The major hitch in enforcing federal archeological law is that it is perfectly legal to dig and traffic in artifacts taken from private land. To have a solid case agents must observe pothunters removing the artifacts from federal land. New techniques are beginning to make law enforcement somewhat easier, however. Agents are using remote hidden cameras to photograph hard-hit sites at regular intervals. Remote sensors buried in the ground that detect human movement and send the signal back to headquarters also have come into play.

Soil testing also seems to hold a good deal of promise for successful prosecutions. Soil is taken from an artifact and from the site where agents suspect the pot was removed. Through laboratory analysis the soil are "finger-printed." If the "prints" match, officials claim, they can tell with certainty where a pot came from. The method, however, has yet to be tested in court.

To date the best way to obtain a conviction, most officials agree, is to have someone testify that they've seen others steal federal antiquities. In the case of the recent search warrants, Early Shumway [a distant relation of Devar Shumway], a convicted Blanding pothunter, agreed to provide information against others in exchange for two years probation instead of a prison sentence. Federal agents also have launched an undercover "sting" operation in southeastern Utah; to date no arrests have been made.

Fred Blackburn works at the White Mesa Institute in Cortez. Colo., an auxiliary of the College of Eastern Utah. In the late '70s he was the BLM's chief ranger at the Grand Gulch primitive area, an archeologically rich canyon popular with visitors. He was responsible for patrolling the entire San Juan Resource Area, 2.2 million acres that includes San Juan County [and the town of Blanding] in southeastern Utah. He claims that while he was a ranger, he repeatedly pointed out the need for two things: increased law-enforcement funding to stem pothunting and a program to educate people about the value of what is being lost to vandals and looters. His memos from that time bear him out. "We were there to make it appear as if we were doing something," he says. "But the BLM constantly undercut our effectiveness by telling us there were places we couldn't go or things we couldn't do."

Yet it was only in 1984 that the two BLM rangers who came after Blackburn in the San Juan Resource Area received law-enforcement authority that allowed them to make arrests. Even U.S. Atty. for Utah Brent Ward says the problem came to his attention only in 1984 after he saw newspaper articles on it.

In spite of the recent attention paid to enforcement of federal antiquities laws, Blackburn says the BLM still is doing relatively little to enforce the law. "They simply have not budgeted enough money," he says.

Frank Snell, chief of the BLM's Division of Recreation, Cultural Resources and Wilderness in Washington, D.C., says Congress is partly to blame. "The BLM has only had law-enforcement authority for 10 years," he says. "We couldn't have done anything before then." Since that time, however, he says, "There has been a great reluctance to go overboard with law enforcement. It's easy to sit back now and say, 'Why don't we have more agents?' The fact is, there was great reluctance to do even what we were doing with regard to law enforcement." He says BLM officials do not feel that the agency should handle law enforcement. However, he agrees that other arms of the federal government should be given more money for that task.

U.S. Sen. Pete Domenici [R., N.M.], a member of the Public Lands and Reserved Water and Resource Conservation Subcommittee of the Senate Energy Committee, also believes there is a problem with enforcement. After hearings on the antiquities issue last October in Albuquerque, he said, "In my opinion, the hearing showed that there is not a problem with the law but with its enforcement and implementation." GAO investigators will say only that they are looking into a broad range of allegations concerning federally owned antiquities.

Winston Hurst, an archeologist in Blanding who works at the Edge of the Cedars Museum there, says the recent searches were merely window dressing and not a serious attempt to stem the problem. Moreover, he thinks heavy-handed police action may cause residents to damage sites out of anger. Indeed, there were threats to dynamite the sites shortly after the raids. Meanwhile, other arrests have been made in Arizona and New Mexico.

Though Blackburn and others are pleased with the recent crackdown, they agree that the effort will have little lasting effect on the overall black market. They say a long-term undercover investigation is needed to ferret out major antiquities dealers, who, because of the prices they pay, are the people who make looting a lucrative pastime for local pothunters.

Brent Ward and San Juan County Sheriff Rigby Wright, who also enforces laws against pothunting, acknowledge the need for a major undercover operation. The problem, however, is a familiar one. "Who's got half a million dollars lying around?" says Wright.

Ronald Weber of the Field Museum comments, "I think it's very difficult for the government. It would be like stopping the cocaine trade. It would be extremely expensive. The most important thing is to get to the museums [that are buying the illegal pieces] and discourage their purchases. You have to eliminate the market. As long as there's a market, it will be supplied."

Whatever the criticism, Rich Fike, BLM archeologist in Utah, insists that his office is committed to the protection of archeological resources. "We definitely have a commitment to the resource," says Fike. "Our problem is we have 23 million acres and 12 archeologists. We just don't have the money and resources to do it." Similarly, the federal Office of Surface Mining has only two archeologists to oversee cultural resources in coal mines in 22 Western states.

But some critics say that law enforcement is only one area in which federal land management agencies have neglected cultural resources. In some arms of the BLM and the Forest Service there seems to be an unwillingness or inability to recognize the importance of archeological resources when carrying out development projects, they say. Federal agencies, by their own admission, have undertaken development projects that have destroyed or led to the destruction of large numbers of sites in the process, although pothunting, by all accounts, takes the most serious toll on artifacts.

"There's a real 'They're only Indians' attitude that prevails toward cultural resources," Blackburn says.

Says Chris Kincaid, a former BLM archeologist who now works for the National Park Service at the Glen Canyon National Recreation Area in Utah: "[Cultural resources] are one of those esoteric resources that most managers have a difficult time dealing with."

Utah BLM director Roland Robison disagrees. "There are thousands of these sites," he says. "If we were to attempt to conserve and preserve and watch out for all of them, why there isn't enough money in the Treasury to do all that."

A common land-clearing technique in the cedar, sagebrush and juniper-studded plains of the Southwest is called "chaining." A chain with large links is fastened between two D-9 Caterpillar tractors. Dragged over the ground, the chain cuts down everything in its path—trees, shrubbery and, in the case of Alkalai Ridge, in San Juan County, Anasazi sites.

In 1985 a firm called Woods Canyon Archeological Consultants prepared a study for the BLM on cultural-resources damage on Alkalai Ridge in southeastern Utah. The area is important archeologically, as well as for energy and livestock development.

The consultants identified 99 sites in a 400-acre sample area, the majority of which were Anasazi. Forty-seven of those 99 sites, according to the report, had been disturbed to some degree. Fourteen of the sites were disturbed by energy development, including road building and seismic line construction. [Oil exploration uses sound waves from underground explosions to read subterranean formations, a technique similar to sonar.] The most disturbances were from chaining, the report says, 34 of 99 sites having been damaged to create areas for livestock grazing, which is marginal at best in this dry, sparse country. Twelve sites on the Alkalai Ridge study area went damaged by vandals.

Jerry Fetterman, one of the two archeologists who did the Alkalai Ridge study, says destruction of the sites from chaining is not unusual. "Alkalai Ridge was one of many mesas they chained," he says, "and they disturbed quite a bit of stuff."

BLM archeologist Rich Fike points out however, that the chaining on Alkalai Ridge was done in 1969, before a moratorium on and study of the practice. Chaining is still practiced in Utah, Fike says, but the technique "is not near the problem it used to be because they leave islands of trees [around the sites to protect them]," he say.

Utah BLM director Robison agrees that the BLM has come a long way since it chained land indiscriminately. "In the earlier days there wasn't the concern, sensitivity and awareness of cultural resources," he says.

But the protection of sites can be only as good as the archeological survey of each area before it is chained. Adele Smith works with the Southern Utah Wilderness Alliance in Springdale, Utah, a public-interest group that monitors and lobbies for the protection of wilderness and cultural values on public land. She believes surveys are all too often hasty and incomplete.

"Because [areas to be chained] are in dense pinyon forests, the sites are difficult to count," she says. "So surveys are difficult to do prior to chaining. And there's no way you can go in afterward and get an accurate count." She believes many surveys are cursory and that as a result many sites end up being destroyed.

Even if the sites are properly marked and preserved, there is still a problem. "In a county as sophisticated as San Juan," she says, leaving a site with an island of trees around "is an open door for vandalism." The solution is to leave "decoys," she says, islands of trees in areas with no sites to confuse the pothunters.

Although the value of an archeological site is diminished by disturbance, it is not totally lost—depending on what happens after the disturbance. If a site is closed up and protected from erosion and other destruction, it still can yield material for archeological interpretation.

On the Arizona Strip, a large area north of the Grand Canyon and south of St. George, Utah, vandalism and theft of prehistoric material has escalated recently—largely, some speculate, because of the crackdown on San Juan County. Pothunters have moved west.

Greg Woodall, of Hurricane, Utah, who has worked for the BLM in the past and as an archeological consultant, is now working as a volunteer to try to stem some of the vandalism in the area. Provided with a federal truck, meal money and a credit card, he has patrolled some of the hardest-hit sites. One of Woodall's biggest complaints is that after the sites have been looted—he estimates those to be in the hundreds—they simply are left to deteriorate further. Even after numerous memos to superiors, Woodall says, nothing has been done to mitigate the losses. "Disturbed sites have not been reclaimed—at all," he says. "Human remains have not been reinterred. And it's all subject to erosion." The situation is the same throughout the Four Corners, archeologists say.

Woodall says that there has been no baseline study of what Anasazi sites exist. And since the vandalism started in earnest—which he thinks is linked to an influx of people following a uranium boom on the strip—much of the stuff will disappear, and no one will ever know what was there."

"That's correct," says Jennifer Jack, resource area archeologist for the Arizona Strip, and Woodall's superior. "There's no money to do any of that. Period. It's frustrating for all archeologists." Responsible for 2.7 million acres, Jack has a budget of $50,000 this year, excluding her salary. She says it is the highest budget ever.

Preservation officials in Santa Fe claim to have similar—if not broader—problems in the national forests in Texas, Arizona and New Mexico, which comprise Region III of the U.S. Forest Service. In 1984 the New Mexico State Historic Preservation Office, which monitors and protects historic sites, including those on federal land, filed suit against Region III alleging that the Forest Service had violated federal law by failing to prevent the destruction of cultural resources during logging and replanting operations.

After filing suit, according to director Thomas Merlan, the state agency, during the discovery process, uncovered even further abuses by the Forest Service. "There were hundreds of procedural violations—failure to consult with us before projects were undertaken," Merlan says. "And there were dozens of actual cases of site damage and destruction." Many of the sites damaged, he says, were thousands of years old. He says the abuses took place throughout Region III.

As a result of the suit, the state and the federal government in 1985 reached a detailed out-of-court settlement that set down guidelines for the Forest Service to follow in the future. The document was sent to the Department of Justice for approval. In June, however, the Justice Department rejected the agreement, claiming that it "impinged upon exercise of agency [the Forest Service's] discretion" and also objecting to the provision that the court would serve as arbiter of any disputes arising from the agreement. In July the Justice Department indicated that a compromise was possible. Merlan hopes to get further word later this month.

Region III archeologist Judy Proper admits that there were problems in the national forests. "There was no doubt there were numerous procedural compliance violations and that some sites had been damaged," Proper says. "I don't know how many." She adds, however, "Since 1984 the region has taken a lot of steps to improve its program. We think we've made a lot of progress."

Another example of federal negligence, says Utah state archeologist Dave Madsen, is that the U.S. Housing and Urban Development [HUD] office in Utah does no surveys where homes it is funding are being constructed, a violation of federal law. "They refuse to do anything," Madsen says.

Dick Bell, manager of Utah's HUD office, acknowledges that his office does no archeological survey work. "We've never been required to talk to people about these kinds of things," he says.

Madsen says his office is aware of discussion in the state's archeological community to take action to stop this and other instances of abuse of antiquities laws and to enhance preservation.

The real damage from the theft of archeological artifacts and the destruction of ancient cities and villages is not the disappearance of the artifacts but the damage to the myriad clues archeologists put together to interpret history.

Take the case of Bighorn Cave, deep in the Black Mountains of the Mojave Desert, outside of Kingman, Ariz. Cut in the rock of a narrow canyon, the large cave, cool in spite of 100-degree temperatures outside, has long served as a home to the Mojave Indians, perhaps as long as 5,000 years ago.

The Mojave, who were contemporaries of the Anasazi, probably lived in the cave while hunting mule deer and bighorn sheep. Because the cave has been vandalized in recent years, the BLM, which owns the cave, along with archeologists from Northern Arizona University and the Museum of Northern Arizona, both in Flagstaff, decided to excavate the cave before more material was lost.

It is a dry cave, and artifacts discovered in the cave after only a small amount of excavation have begun to shed light on the Mojave culture, says Don Simonis, BLM archeologist in Kingman. Researchers found a roasting pit in the cave, where the hunters cooked and ate their game, along with thousands of bone fragments. They also uncovered a delicate bird-bone necklace, a bone awl, a yucca sandal with a buckskin toe and a host of small split-twig figurines fashioned out of desert willow trees. "The Mojave had put these figurines, which were representations of mountain sheep, under rocks and in the back of the cave," Simonis says. "We think it was part of a ritual that guaranteed them success in hunting."

Simonis says it is fortunate that archeologists got to the cave before vandals who have unearthed items from the cave for some 30 years forever wiped out the prehistoric record, as they have done in most other dry caves. "There's a chance here to really fill out the culture of these archaic people who were hunting here 3,000 to 4,000 years ago," he says.

A dry cave is something like a time capsule, the archeologist says, because each layer of soil is deposited chronologically and each holds clues to reconstruct the past. Pollen analysis, for example, is currently being done on soil taken from the cave. "We can reconstruct the environment—what species of plants were in the area and what plants Indians were utilizing," Simonis says. "We can tell what it was like 4,000 years ago—we can tell whether there were pine trees, for example, or whether it was cooler than today. "We estimate there are 15 different layers here," he says, "which represent different time periods." Preliminary analysis of human fecal samples from the cave shows that, along with meat, the Mojave were eating the inner parts of cactus, as well as lizards and birds.

The relationship of the different objects also holds important information. As Simonis explains, "Many times a single artifact by itself tells us very little. If we find a rock, it's just a rock. However, if we find three rocks together, we know they were a 'fire dog' [a structure used in cooking]." Says the Field Museum's Weber, "We're interested in the context of a piece more than the artistic merit of a pot. It's that information that allows us to reconstruct cultural history."

If the looting had continued, interpretation of the cave materials would have been impossible. The result, says Utah archeologist Winston Hurst, is chaos. "All of the soil matrix that contains vast amounts of information—how these people were living, what kinds of foods they were eating, the environment—becomes mixed and randomized [when a cave is vandalized]. It's gone, it can never be recovered, and no one will ever be able to unscramble it. It's even more tragic when you realize that there is no other record for some of these cultures. We have written records for less than 1 percent of the human experience. The rest we can understand only through archeology. These guys [pothunters] are out destroying that record. It's terminal."

What is the answer to what appears to be widespread destruction and theft of America's little-known past?

A critical element in a policy of protection would be a change in federal law, says Utah state archeologist Madsen. "We have to deal with the problem directly. If you can document that an artifact came from private land, fine, you can sell it. But it should be incumbent on the seller to prove that it came from private land." Currently it's up to the authorities to prove it came from federal land.

Many museums won't buy objects that have not been properly excavated. David Hurst Thomas, anthropological curator at the American Museum of Natural History in New York, says the museum purchases very few pieces. When it does, he says, "It would have to be established that the piece was removed from the site according to scientific and legal guidelines."

The real problem, according to Madsen, is small private museums that do not adhere to the code of ethics that governs the conduct of the larger museums. Madsen says there are even some private museums that have been set up to receive artifact donations and then provide the donor with inflated tax writeoffs. Though he refused to cite any museums specifically, he says, "There are a great many museums that do that." Even more than the museums, however, it is the private collectors who are keeping the black market healthy, officials say.

Most major museums in the country have Anasazi collections, says New Mexico state archeologist Kurt Schaafsma, but almost all were were acquired in the early part of the century. Weber at the Field Museum says the vast majority of the museum's Anasazi collection was excavated between 1930 and 1950 by then-curator Paul Marin, who received government permission for the digs. "Our collections are all documented," Weber says. "We would not acquire any object that was removed from an archeological site in the U.S. illegally or detrimentally." Today, he adds, the museum has little interest in expanding its Anasazi collection, preferring, given the museum's limited acquisition budget, to acquire pieces "with more scientific value."

Weber says he finds the looting of the sites in the Southwest and purchase by museums of the illegal pieces "just disgusting to us. We're vehemently opposed to it."

The answer in the long term, many observers believe, is education: making people aware of the value of what they are destroying. "Law enforcement makes people stop digging," says Blackburn. "It makes them paranoid. But it doesn't make them appreciate the resource." He would like to see a comprehensive program to educate area schoolchildren about cultural resources.

Understanding and appreciation could come about by involving people who live in the Southwest in the archeological process and the knowledge that can be gained from proper techniques, says Hurst. It should also include making the people who buy pots, baskets and other items aware of what they are doing.

"People who buy to collect are fairly innocent about the implications," says Hurst. "They lack the concept that when they buy a pot for $300, they're financing the destruction of a piece of the cultural record of mankind."

Jennifer Jack agrees. On her own she has been talking to schoolchildren in St. George, Utah, and environs on what analysis and interpretation of these artifacts can reveal. She also believes that a public-interest group for archeology should be formed and has taken steps in that direction herself. "There's no National Friends of Archeology or anything like that," she says, "and the BLM responds to public input. We're trying to build these little groups up."

Whether any effective remedy will come in time is anybody's guess. Some say it is already too late. Winston Hurst believes that the very fact that these resources are now so rare may, ironically, be their undoing. "There's a sense of calm, eye-of-the-storm situation here," he says of Blanding. "People waiting, a sense of imminent explosion simply because everyone wants to have participated in the great sport it is to go out and find artifacts. It's fun. It's an Easter egg hunt unsurpassed.

"There's a sense that the opportunity to do that is essentially gone. There's a sense, given half a reason or given the slightest encouragement, that there's an army waiting to blast out onto the landscape and frantically go for that last remnant."●

INFORMED CONSENT: KENTUCKY

● Mr. HUMPHREY. Mr. President, women have the right to know before undergoing an abortion, the risks and alternatives that exist. I urge my colleagues to help women get these facts by supporting S. 272 and S. 273. I ask unanimous consent that a letter from a woman in Kentucky be inserted in the RECORD.

The letter follows:

COVINGTON, KY,
June 5, 1986.

Senator HUMPHREY,

I wish to thank you for your support in the fight to stop abortion and to get to the floor of the Senate a bill to make them inform any woman of its effects.

I've had an abortion!

My husband was a drunk. I already had two children. I just couldn't think of having other babies.

I didn't know anything about abortion. My friend took me to a doctor. All I really knew is that I wanted to have my period.

He gave me drugs and took my baby from me. I started to bleed when I got home. I almost bled to death. I had no help, nowhere to turn. I did get through that, but my health was never good again.

This was not the worst. The psychological effects were the worst. There was guilt—I was suicidal when I lay down at night and I heard babies crying. I was full of anger and rage and had no self-esteem. Regret and remorse stayed with me.

Thank God for saving me. It breaks my heart to think of how many girls are suffering the way I did.

So please see to it that they are informed before the abortion procedure. I pray for all those girls each day. I pray they will get help.

GAYE WEBSTER.●

DEATH OF WILLIE VELASQUEZ

● Mr. SIMON. Mr. President, it is my sad duty today to report to my colleagues that the Nation has lost an esteemed civil rights leader. I have learned that Willie Velasquez, the founder and president of the Southwest Voter Registration Education project, died of cancer yesterday at the age of 44.

The triumphs and toils of Willie Velasquez are legendary in the Hispanic community throughout the United States. Through the Southwest Voter Registration Education project, Willie Velasquez has organized Hispanics to register and vote in record numbers. Fully 25 percent of all Hispanics who are registered to vote have been attributed to the project's voter registration drives. Even though we have lost Willie Velasquez today, his importance will be felt for the rest of this century as Hispanics take full part in the American political process.

The project, which in recent years has begun to conduct voter registration and education in the Asian American community in California and for many years has worked with other minority organizations on ending unfair apportionment in the Southwest, has conducted over 1,000 voter registration drives in 200 cities throughout the Nation.

I am particularly pleased that Chicago is the home of the Midwest/Northeast Voter Registration Education project. We now have a record number of Hispanics elected to the Chicago City Council and in public offices nationwide. This is in fact a tribute to the diligence of Willie Velasquez and many others who have followed him.

I wish to express my condolences to his wife Jane and their three children.

ORDER OF BUSINESS

Mr. BYRD. Mr. President, I will not put the Senate out just yet. Mr. DOLE indicated that he would be back shortly, and I would like to get some word as to where we are on the welfare reform bill before going out.

But tomorrow I shall suggest that the Senate come in at 9:30 and we will have some morning business. At 10 o'clock the vote will occur on going to the bill S. 1323 to provide to shareholders more effective and fuller disclosure and greater fairness with respect to accumulations of stock and the conduct of tender offers.

That bill has been on the Calendar now since last December, and if we go to the bill, which I hope the Senate will, then immediately it would be my plan to go back to the welfare reform bill and finish action on that bill, if that can be done, before proceeding further with S. 1323. Several Senators have asked for some time in connection with the bill, and even though it has been on the Calendar now for these many months I want to give them the opportunity for a little time at least in preparing their amendments.

So beyond going to the bill in the morning, it would not be my plan to spend further time on that bill tomorrow. The Senate would return to the welfare reform bill and there may be other matters, which I will discuss with the distinguished Republican leader, which perhaps we could take up.

WITHDRAWAL OF CERTAIN PUBLIC LANDS IN LINCOLN COUNTY, NV

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4799.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4799) to extend the withdrawal of certain public lands in Lincoln County, Nevada.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on third reading and passage of the bill.

The bill (H.R. 4799) was ordered to a third reading, was read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PREVENTION OF ABUSES IN THE SUPPLEMENTAL LOANS FOR STUDENTS PROGRAM

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 728, H.R. 4639, the higher education technical amendments bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4639) to amend the Higher Education Act of 1965 to prevent abuses in the Supplemental Loans for Students program under part B of title IV of the Higher Education Act of 1965, and for other purposes.

The Senate proceeded to consider the bill.

AMENDMENT NO. 2381

(Purpose: To make certain technical and conforming amendments to the Higher Education Act of 1965.)

Mr. BYRD. Mr. President, I send an amendment to the desk in the nature of a substitute and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] for Mr. PELL and Mr. STAFFORD, proposes an amendment numbered 2381.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. PELL GRANT APPLICATION REQUIRED FOR GSL AND SLS LOANS.

Section 484(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091(b)(1)) is amended—

(1) by striking out "section 428A, 428B, or 428C" and inserting "section 428B or 428C";

(2) by striking out subparagraph (A) and inserting the following:

"(A)(i) have received a determination of eligibility or ineligibility for a Pell Grant under such subpart 1 for such period of enrollment; and (ii) if determined to be eligible, have filed an application for a Pell Grant for such enrollment period; or".

SEC. 2. GSL LOAN APPLICATION REQUIRED FOR SLS LOANS.

Section 484(b) of the Higher Education Act of 1965 is further amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

"(2) In order to be eligible to receive any loan under section 428A for any period of enrollment, a student shall—

"(A) have received a determination of need for a loan under section 428(a)(2)(B) of this title; and

"(B) if determined to have need for a loan under section 428, have applied for such a loan.".

SEC. 3. DETERMINATION OF SLS LOAN AMOUNTS.

Section 428A(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1078-1(b)(3)) is amended by striking out "minus (B)" and inserting "minus (B) the total of (i) any loan for which the student is eligible under section 428 and (ii)".

SEC. 4. RESTRICTIONS ON SLS LOAN ELIGIBILITY.

Section 428A(a) of the Higher Education Act of 1965 (20 U.S.C. 1078-1(a)) is amended—

(1) in the last sentence, by striking "extenuating" and inserting "exceptional"; and

(2) by adding at the end the following: "If the financial aid administrator makes such a determination, appropriate documentation of such determination shall be maintained in the institution's records to support such determination.".

SEC. 5. SLS LOAN DISBURSEMENT.

(a) DISBURSEMENT REQUIREMENTS.—Section 428A(b) of the Higher Education Act of 1965 is further amended by inserting after paragraph (3) the following:

"(4) DISBURSEMENT.—Any loan under this section shall be disbursed in the manner required by subparagraphs (N) and (O) of section 428(b)(1).".

(b) CONFORMING AMENDMENTS.—(1) Section 427(b)(2) of such Act (20 U.S.C. 1077(b)(2)) is amended by striking out "section 428A, 428B, or 428C" and inserting "section 428B or 428C".

(2) Section 428(b)(1)(O) of such Act (20 U.S.C. 1078(b)(1)(O)) is amended by striking out "section 428A, 428B, or 428C" and inserting "section 428B or 428C".

(3) Section 428A(c) of such Act (20 U.S.C. 1078-1(c)) is amended—

(A) in paragraph (1), by inserting after "disbursed by the lender," the following: "or, if the loan is disbursed in multiple installments, not later than 60 days after the disbursement of the last such installment,";

(B) in paragraph (2), by inserting after "made under this section" the following: "which are disbursed in installments or,"; and

(C) in such paragraph (2) by inserting a comma after "428(b)(1)(M)(i)".

SEC. 6. TECHNICAL AMENDMENT CONCERNING TEACHER TRAINING PROGRAM ELIGIBILITY FOR GSL PROGRAM.

Section 484 of the Act is further amended—

(1) in subsection (a)(1), by striking out "subsection (b)(2)" and inserting in lieu thereof "subsections (b)(3) and (b)(4)"; and

(2) by adding at the end of subsection (b) the following new paragraph:

"(4) A student who—

"(A) is carrying at least one-half the normal full-time work load for the course of study the student is pursuing, as determined by the institution, and

"(B) is enrolled or accepted for enrollment in a program at an eligible institution necessary for a professional credential or certification from a State that is required for employment as a teacher in an elementary or secondary school in that State,

shall be, notwithstanding paragraph (1) of subsection (a), eligible to apply for loans under part B of this title.".

SEC. 7. TREATMENT OF TERRITORIAL AND FOREIGN TAX PAYMENTS FOR PURPOSES OF NEED ANALYSIS.

(a) PELL GRANT NEED ANALYSIS.—Section 411F of the Higher Education Act of 1965 (20 U.S.C. 1070a-6) is amended by adding at the end thereof the following:

"(17)(A) The tax on income paid to the Governments of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Northern Mariana Islands, or the Trust Territory of the Pacific Islands under the laws applicable to those jurisdictions, or the comparable tax paid to the central government of a foreign country, shall be treated as United States income taxes.

"(B) References in this subpart to the Internal Revenue Code of 1986, Federal income tax forms, and the Internal Revenue Service shall, for purposes of the tax described in subparagraph (A), be treated as references to the corresponding laws, tax forms, and tax collection agencies of those jurisdictions, respectively, subject to such adjustments as the Secretary may prescribe by regulation.".

(b) GENERAL NEED ANALYSIS PROVISIONS.—Section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv) is amended by adding at the end thereof the following:

"(i) TREATMENT OF INCOME TAXES PAID TO OTHER JURISDICTIONS.—(1) The tax on income paid to the Governments of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Northern Mariana Islands, or the Trust Territory of the Pacific Islands under the laws applicable to those jurisdictions, or the comparable tax paid to the central government of a foreign country, shall be treated as Federal income taxes.

"(2) References in this part to the Internal Revenue Code of 1986, Federal income tax forms, and the Internal Revenue Service shall, for purposes of the tax described in paragraph (1), be treated as references to the corresponding laws, tax forms, and tax collection agencies of those jurisdictions, respectively, subject to such adjustments as the Secretary may prescribe by regulation.".

(c) TECHNICAL AMENDMENT.—The Higher Education Act of 1965 is amended by striking out "Internal Revenue Code of 1954" each time it appears and inserting in lieu thereof "Internal Revenue Code of 1986".

SEC. 8. ROBERT T. STAFFORD STUDENT LOAN PROGRAM.

Section 421(c) of the Higher Education Act of 1965 (as amended by section 2601 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988) is amended by striking out "may" and inserting in lieu thereof "shall" and by adding at the end thereof the following new sentence: "Loans made under this part shall be known as 'Stafford Loans'.".

SEC. 9. MICRONESIA PROVISION.

Section 105(h) of the Compact of Free Association Act of 1985 (99 Stat. 1794) is amended by adding at the end thereof the following new paragraph:

"(5) FEDERAL EDUCATION GRANTS.—Pursuant to section 224 of the Compact or section 224 of the Compact with Palau (as contained in title II of Public Law 99-658), the Pell Grant Program, the Supplemental Educational Opportunity Grant Program, and the College Work-Study Program (as authorized by title IV of the Higher Education Act of 1965) shall be extended to students who are, or will be, citizens of the Federated States of Micronesia, or the Marshall Islands and who attend postsecondary institutions in the United States, its territories and commonwealths, the Trust Territory of the Pacific Islands, the Federated States of Micronesia, or the Marshall Islands, except that this paragraph shall not apply to any student receiving assistance pursuant to section 223 of the Compact or section 223 of the Compact with Palau (as contained in title II of Public Law 99-658).".

SEC. 10. AMENDMENTS TO TITLE III.

(a) HISTORICALLY BLACK COLLEGE ELIGIBILITY FOR PART A FUNDS.—Section 312 of the Higher Education Act of 1965 (20 U.S.C. 1058) is amended by adding at the end thereof the following new subsection:

"(f) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—For the purposes of this section, no historically black college or university which is eligible for and receives funds under part B of this title is eligible for or may receive funds under this part.".

(b) NEW PART B ACTIVITIES.—Section 323(a) of the Higher Education Act of 1965 (20 U.S.C. 1062) is amended—

(1) by inserting a comma and "and faculty development" after "exchanges" in paragraph (3); and

(2) by inserting after paragraph (6) the following new paragraphs:

"(7) Funds and administrative management, and acquisition of equipment for use in strengthening funds management.

"(8) Joint use of facilities, such as laboratories and libraries.".

(c) TITLE III ELIGIBILITY.—Section 322(2) of the Act is amended—

(1) by adding a comma after the word "accreditation"; and

(2) by inserting the following before the period at the end of the sentence a comma and the following: "except that any branch campus of a southern institution of higher education that prior to September 30, 1986, received a grant as an institution with special needs under section 321 of this title and was formally recognized by the National Center for Education Statistics as a Historically Black College or University but was determined not to be a part B institution on or after October 17, 1986, shall, from the date of enactment of this exception, be considered a part B institution".

SEC. 11. INTERNSHIP DEFERMENT.

(a) IN GENERAL.—Sections 427(a)(2)(C)(vii) and 428(b)(1)(M)(vii) of the Act are each amended by inserting "after January 1, 1986," after "service".

(b) APPLICABILITY.—The amendments made by subsection (a) and section 10(b) of the Higher Education Technical Amendments Act of 1987 shall apply with respect to loans made, insured or guaranteed under part B of the Higher Education Act of 1965, on, before, or after the date of enactment of the Higher Education Technical Amendments Act of 1987.

SEC. 12. DELAY OF REGULATORY EFFECTIVE DATE.

Section 600.3 (c) and (d) of title 34 of the Code of Federal Regulations, relating to new special conditions imposed on an institution's authority to measure academic programs in clock or credit hours, shall not take effect until July 1, 1989.".

SEC. 13. EFFECTIVE DATE.

(a) GENERAL RULE.—Except as otherwise provided, the amendments made by this Act to title IV of the Higher Education Act of 1965 shall be effective for any loan for which the eligibility of the borrower is certified by the institution 30 days after the date of enactment of this Act.

(b) SPECIAL RULES.—(1) The amendments made by section 5 shall be effective with respect to loans made on or after October 1, 1988.

(2) The amendments made by sections 6, 7, 8, 9, 10, 11, and 12 shall take effect on the date of enactment of this Act.

Mr. PELL. Mr. President, H.R. 4639 makes several important changes in the Higher Education Act. First, it tightens several loopholes in the Supplemental Loans for Students Program. If continued without change, these loopholes could become very costly.

Second, it makes a technical correction to clarify that students who have already completed their bachelor degrees remain eligible for Stafford loans if they return to school in order to obtain teaching credentials.

Third, this bill clarifies congressional intent on how territorial and foreign taxes are to be considered in student needs analysis.

Fourth, it delays for 1 year some rather controversial clock hour regulations that would otherwise go into effect this July.

Finally, it delineates institutional eligibility under parts A and B of title III, Institutional Aid.

In addition to the changes in the House-passed bill, this amendment would also correct several other problems in the Higher Education Act. Included are:

A technical correction to the naming of the Robert T. Stafford Loan Program;

A provision restoring eligibility for Pell grants, supplemental educational grants and college work-study to the citizens of Micronesia, the Marshall Islands, Palau, and the Trust Territories of the Pacific Islands;

A provision clarifying congressional intent on Stafford loan deferments for medical residents; and

A provision restoring title III, part B eligibility to the University of Shreveport in Louisiana. This eligibility was inadvertently dropped when we put a new definition of part B institutions in the Higher Education Act of 1986. The University of Shreveport was the only institution in the country that was previously eligible under this program but lost eligibility because of the manner in which we wrote that definition.

These amendments have been made in consultation with my colleagues on the Senate Subcommittee on Education, Arts, and Humanities and with the appropriate Members of the House of Representatives. I strongly recommend their passage.

Mr. STAFFORD. Mr. President, I would like to express my support for H.R. 4639, the higher education technical bill, and to ask my colleagues to pass this measure promptly. The purpose of this legislation is to correct several problems which have arisen in the administration of the Federal Student Financial Aid Programs with the implementation of the 1986 amendments to the Higher Education Act.

A major change initiated by the 1986 amendments was the codification of the needs analysis system used to determine eligibility for Federal assistance for postsecondary education. H.R. 4639 will correct errors in regulatory interpretation of this new congressional methodology, clarify certain provisions of law, and eliminate potential abuses of the system. It is legislation which will protect the interests of students as well as the Federal Government and allow the system to operate as intended by the Congress.

Most importantly, this bill will prevent abuse of the Supplemental Loans for Students [SLS] Program by restricting easy access by students who are in fact eligible for grants or subsidized Stafford loans. Passage of this legislation will mean that if a student qualifies for a Pell grant or a Stafford loan, those awards must be made before a student is eligible to receive the more expensive SLS loan. The Congress intended that the SLS Program complement other Federal student assistance. Unfortunately, it appears that some schools and lenders have instead encouraged students to borrow SLS loans without consideration of need based aid. Though the Federal Government does not pay interest or special allowance on the SLS loans, a 100-percent guarantee means the Government is responsible for all defaulters.

SLS loans can provide up to $4,000 per year to students. The interest rate on these loans is 12 percent, compared to 8 percent for a Stafford loan. The Department of Education estimates a $1.8 billion SLS loan volume this fiscal year. Compared to the $200 million borrowing volume in fiscal year 1986 and approximately $500 million in fiscal year 1987, this is quite an alarming figure. In the first quarter of fiscal year 1988 alone, the SLS loan volume was higher than the entire previous year—$515 million. What is the explanation for this staggering increase in borrowing? Quite simply, we have restricted access to the federally subsidized Stafford Loan Program and required lenders to disburse those loans in multiple payments to curb defaults. It is time we put the same restrictions on the SLS Program. The amendments included in H.R. 4639 will curtail these practices and restore the SLS Program to the supplemental loan status it was intended to serve.

Several other technical corrections are made in this bill. One will permit the American protectorates to continue to count their State income tax as Federal income tax for the purposes of the Federal needs analysis. The continued eligibility of Micronesian students is also clarified in this legislation. We have also corrected a regulatory interpretation pertaining to the deferment status of medical residents which has resulted in the inequitable granting of 2-year deferments. Finally, H.R. 4639 prohibits historically black colleges and universities, which receive allotments under part B of title III of the Higher Education Act, from competing for awards under part A. This is a change which has the support of the entire education community and will result in a more equitable distribution of funds to eligible developing institutions.

I urge my colleagues to vote for quick passage of this important legislation.

Mr. KENNEDY. I rise to support H.R. 4639, the higher education technical bill. The changes made in this legislation are necessary to clarify congressional intent arising from the higher education amendments of 1986 and the higher education technical amendments of 1987. In addition, this bill will correct a problem involving the supplemental loans for students [SLS].

This bill will ensure that eligible students receive financial assistance under the Pell Grant and Stafford Student Loan—formerly guaranteed student loans—Programs before getting aid under the supplemental loan for students program. The Labor Committee is convinced that too many students who are eligible for need based aid are being encouraged to borrow under the unsubsidized—and therefore more expensive—SLS Program. SLS loans are designed to supplement existing student aid programs. This bill will require that eligible students receive a Pell Grant and Stafford student loan before receiving a supplemental loan. In addition, lenders will be required to make multiple disbursements under the SLS Program, as they now are under the Stafford Student Loan Program.

The committee wishes to emphasize that the goal of this change is not to restrict access to the SLS Program for undergraduate, graduate or professional students. Rather, the intention is simply to make certain that all eligible students receive money from the need-based student aid before they borrow under the more expensive SLS Program.

This bill also clarifies congressional intent surrounding the internship deferment for medical residents under the Stafford Student Loan Program. This provision is designed to ensure that medical residents receive a 2-year deferment on their Stafford student loans, regardless of when the loans were made. This issue has been confused because of the way in which the Department of Education interpreted congressional intent. Let our intent be clear: Eligible medical residents are to receive a 2-year deferment.

Among other changes, this bill clarifies eligibility for Federal student financial assistance for students who are citizens of the Federated States of Micronesia. The bill also prohibits institutions eligible to receive grants under part B of title III of the Higher Education Act from receiving grants under part A of title III.

Mr. President, this is a very technical bill but it makes needed changes in the Federal Government's higher education programs. I urge my colleagues to join me in supporting it.

Mr. JOHNSTON. Mr. President, I strongly support this effort to restore eligibility for Pell grants, supplemental educational opportunity grants and College Work-Study Programs to Micronesian students under the terms of the Compact of Free Association Act.

As chairman of the Committee on Energy and Natural Resources I have had a long interest in our Nation's relationship with the people of Micronesia. That relationship has recently undergone a dramatic change with the implementation of the Compact of Free Association. Under the compact, the previous relationship which was governed by the terms of the United Nations Trusteeship Agreement, has been replaced by a more mature relationship under which the people of the Federated States of Micronesia and the Republic of the Marshall Islands gain full self-government as nations in free association with the United States. It is my expectation that this new relationship will also be established with the Republic of Palau before the end of the year.

In the year and a half that the compact has been in effect it has worked remarkably well. It provides a framework which allows more effective resolution of issues than did the trusteeship agreement. Of the main issues which have arisen during the period of transition since compact implementation, most have been resolved without legislation. One problem which we have been unable to resolve, however, is assuring the adequacy of the educational programs in these new nations. After 15 years of development and in all of its hundreds of pages of law and subsidiary agreements, the compact has, remarkably, revealed only this one major deficiency.

The amendment offered today will go a long way toward resolving this deficiency. By restoring post-secondary education grant programs we will assure Micronesian students from the Freely Associated States access to the best college education which our nation has available. Moreover, this policy will indirectly strengthen the primary and secondary education programs in the Freely Associated States by allowing the local governments to concentrate their resources and efforts on those more basic needs.

It is important to note that this amendment does not restore post-secondary education loan programs which Micronesian students received just 2 years ago under the trusteeship. Officials of the Freely Associated States appreciate the need to assume greater responsibility under the compact and they have therefore limited their request for amendment of the compact to post-secondary education grants only.

This amendment is also good for the United States. The reason for this is so obvious that I am a little embarrassed that our Government did not recognize this sooner. This amendment is good for the United States because encouraging Micronesians to attend college in the United States is one of the most effective ways to achieve our goal of strengthening the ties between the United States and the Freely Associated States. Or, viewed another way, there is probably no more effective way to undermine the new relationship of free association than by having the students of Micronesia attend college, not in the United States, but in Japan, China, or some other nation. Students would then likely learn another language and culture and thus weaken their ties to the United States.

Mr. President, education is essential to the growth and maintenance of any nation. Providing access to the U.S. colleges for Micronesian students will greatly assist the Freely Associated States in meeting this essential need and it will strengthen the ties between our nations.

Just 2 weeks ago I had the pleasure of visiting the states of Pohnpei and Truk in the Federated States of Micronesia. I can tell you first hand that the compact is working, and it is working well. But, far and away the greatest concern of the officials I met with was education, and a desire to have these grants restored. This single amendment will go a long way to assuring the success of the compact and to assuring an enduring friendship between the United States and the people of Micronesia.

Mr. President, I would like to recognize the effort of my colleague, Senator McCAIN, on this amendment. He is a true friend of the people of Micronesia. I would also like to thank Senator PELL for his consideration and assistance on this amendment. As he is well aware, there is a great desire to get this legislation enacted in time for the next school year and his efforts to meet this time table are very much appreciated. Finally, I would like to recognize the efforts of the Representatives of the Freely Associated States here in Washington; Mr. Jesse Marehalau and Mr. Tom Bussanich of the FSM, and Mr. Wilfred Kendell of the Republic of the Marshall Islands. Their efforts have been essential to gaining passage of this provision.

Mr. STAFFORD. Mr. President, some questions have been raised concerning section 3 of this bill. I would like to ask Senator Pell to clarify the intent of this provision.

Mr. PELL. This clarifies a provision in the Higher Education Act that prohibits the total amount of aid a student receives from exceeding the cost of attendance at an institution. Specifically, depending upon their status, students may borrow up to $4,000 under the Supplemental Loans for Students Program. However, when combined with other forms of student aid, this amount cannot exceed the cost of attendance.

Mr. STAFFORD. In other words, if the cost of attendance at my school were $10,000 and I received a $2,000 Pell grant, a $3,000 SEOG, $400 in college work study and a $2,500 Stafford loan, I would still be eligible to apply for a supplemental loan of $2,100.

Mr. PELL. Yes, that is correct. But, if in that same situation the cost of attendance were $14,000 the student could not borrow above $4,000 because that is the supplemental loan limit.

Mr. STAFFORD. I thank the chairman for clarifying the intent of this provision.

Mr. McCAIN. Mr. President, I rise in strong support of a committee substitute to H.R. 4639, particularly the provision which would restore eligibility for Pell grants, supplemental educational opportunity grants, and college work-study programs to Micronesian students for the length of the Compact of Free Association.

The amendment has the support of the Senate Energy Committee, the Senate Subcommittee on Education, and the House Interior Committee.

It is critical to the future of Micronesia-United States relations that the young people of Micronesia have access to postsecondary education in the United States. It is imperative that the grant portion of United States assistance that has been available in the past to students from the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau be continued.

The amendment opens the door of education for many young people who would otherwise be unlikely to attend a college or university in the United States. It is vital to the social development of the islands to have their next generation of leaders well educated, and I believe it is vital to U.S. interests that they obtain that education in U.S. institutions. This simple amendment will make Micronesian students eligible to compete for postsecondary education grants during the 15 years of the compact, which, coupled with scholarship support from their own governments, will at least give them a chance at an advanced education.

The Federated States of Micronesia and the Republic of the Marshall Islands have only recently emerged from nearly 40 years as a United Nations trust territory administered by the United States to their new political status as Freely Associated States. This status will soon be shared by the Republic of Palau.

Over these 40 years the United States and the people of Micronesia have developed a deep friendship. The Micronesian people share with us the values of freedom and democracy. As a result, the people of Micronesia have freely chosen for their future political status association with the United States. This association is defined in the Compact of Free Association as enacted by Congress under Public Laws 99-239 and 99-658. These laws detail our Nation's continuing commitment to the social and economic development of the Freely Associated States.

Section 224 of the compact states that the United States and the Freely Associated States may agree to the extension of additional U.S. grant and program assistance. In other words, this relationship is to be flexible to respond to changing needs. I am not suggesting that we extend programs casually and without careful consideration and I recognize that it is essential for the Freely Associated States to develop self-sufficency. However, I feel we have a special obligation with respect to education. It is only with a strong educational program that the Freely Associated States will develop the skills and leadership necessary to achieve this self-sufficiency. The Freely Associated States without this amendment will at best only be able to provide for the university education of 10 percent of their high school graduates.

On June 9, 1987, the Congress of the Federated States of Micronesia formally requested extension of these programs. The President of the Federated States of Micronesia reiterated the importance of the request in his state of the nation address on May 12, 1988. I believe it is incumbent on us to consider this request in recognition of their need, and in the spirit of friendship for which the compact stands.

The PRESIDING OFFICER. If there be no further debate on the amendment, the question is on agreeing to the amendment in the nature of a substitute.

The amendment (No. 2381) was agreed to.

The **PRESIDING OFFICER**. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The **PRESIDING OFFICER**. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 4639), as amended, was passed.

Mr. **BYRD**. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. **DOLE**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEASURES PASSED TODAY

Mr. **BYRD**. Mr. President, does the distinguished Republican leader have any further statements or any further business?

Mr. **DOLE**. No further business, no further statements.

Mr. **BYRD**. I thank the distinguished Republican leader. I thank him for his cooperation and his good work.

I think the Senate has done well today. It has passed the energy-water appropriations bill, the military construction appropriation bill, the congressional coin bill, with the FSLIC moratorium language attached, and has set a vote for moving to the corporate takeover bill on tomorrow.

ORDERS FOR TOMORROW

RECESS UNTIL 9:30 A.M.

Mr. **BYRD**. Mr. President, for the moment, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:30 tomorrow morning.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

MORNING BUSINESS

Mr. **BYRD**. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized under the standing order on tomorrow, there be morning business until the hour of 10 o'clock a.m. and that Senators may speak during that period for morning business for not to exceed 5 minutes each.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

VOTE AT 10 A.M. TOMORROW

Mr. **BYRD**. Mr. President, the rollcall vote tomorrow morning at 10 o'clock will be a 15-minute rollcall vote. I ask unanimous consent that the call for the regular order be automatic at the expiration of the 15 minutes.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

PROGRAM

Mr. **BYRD**. Mr. President, under the order that was previously entered, the pending business, S. 1511, Order No. 711, will retain its status as pending business notwithstanding the Senate's adoption of motions to proceed to other matters. So that will remain the pending business, and that will be the inside track so far as I am concerned, hoping we can complete action on it tomorrow and go to other matters. Senators should be aware again that it would not be my intention to go further with the corporate takeover bill tomorrow beyond the motion to take it up.

Mr. President, there is another measure on which I shall alert Senators that may be taken up—I want to discuss this with the distinguished Republican leader—Calendar Order No. 690, S. 1966, a bill to amend the Public Health Service Act to improve information and research on biotechnology and the human genome, and for other purposes.

Also, I should reiterate the statement that I made the other day in respect to nominations on the Executive Calendar. There are certain nominations that have been on the Executive Calendar since February. There are several nominations that were reported by the committee and placed on the Executive Calendar on February 17 of this year, and they are holding up other nominations. So Senators might anticipate at any time a motion to go to the executive calendar to take up those nominations.

Also, Mr. President, I want to alert Senators to the probability of my moving to take up H.R. 1495, the Great Smokey Mountains Park wilderness bill at some point soon. I have indicated to the distinguished Republican leader my intentions to try to go to that bill in the near future, and I have also indicated to the North Carolina Senators and Senator SASSER from Tennessee that it would be my intention at some point to go to that bill, or trying to go to it.

So I want to state for the record now that it is my intention to attempt to take up that bill within the very near future. It could be tomorrow, or the next day or the next day. But I urge Senators who are interested in that bill to be prepared for my effort to take it up.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **BYRD**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. **BYRD**. Mr. President, there being no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 9:30 tomorrow morning.

The motion was agreed to; and at 6:53 p.m., the Senate recessed until tomorrow, Thursday, June 16, 1988, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 15, 1988:

THE JUDICIARY

ROBERT C. BONNER, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE PAMELA ANN RYMER, UPON ELEVATION.

DEPARTMENT OF ENERGY

JOSEPH F. SALGADO, OF CALIFORNIA, TO BE DEPUTY SECRETARY OF ENERGY, VICE WILLIAM F. MARTIN, RESIGNED.

DONNA R. FITZPATRICK, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF ENERGY, VICE JOSEPH F. SALGADO.

EXECUTIVE OFFICE OF THE PRESIDENT

DANFORD L. SAWYER, JR., OF FLORIDA, TO BE A MEMBER OF THE ADVISORY BOARD FOR RADIO BROADCASTING TO CUBA FOR A TERM EXPIRING OCTOBER 27, 1991 (REAPPOINTMENT).

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. EDWIN H. BURBA, JR., [redacted] U.S. ARMY.

HOUSE OF REPRESENTATIVES—*Wedneday, June 15, 1988*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D. offered the following prayer:

We remember in this our prayer, O God, all those people who face uncertainty or difficulty in their lives or work. We pray for people in every situation, on our farms or in our cities, in the home or at the daily tasks. May our prayers not be empty phrases given in meaningless repetition, but earnest petitions of our own needs and our own concerns. Hear our prayer, O God, and may Your blessing touch each one of us, now and evermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MADIGAN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MADIGAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 270, nays 123, not voting 38, as follows:

[Roll No. 183]

YEAS—270

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Atkins
AuCoin
Barnard
Bartlett
Bates
Beilenson
Bennett
Bevill
Bilbray
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chapman
Clarke
Coelho
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coyne
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gradison
Grandy
Grant
Gray (IL)
Green
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hatcher
Hawkins
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lott
Lowry (WA)
Luken, Thomas
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McEwen
McHugh
McMillen (MD)
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Morrison (WA)
Mrazek
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Patterson
Pelosi
Pepper
Perkins
Petri
Pickett
Pickle
Price
Quillen
Rahall
Rangel
Ravenel
Richardson
Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Sabo
Saiki
Savage
Sawyer
Scheuer
Schneider
Schulze
Schumer
Sharp
Shaw
Shumway
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Sweeney
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Weldon
Whitten
Wilson
Wise
Wolpe
Wyden
Wylie
Yates
Yatron

NAYS—123

Armey
Badham
Baker
Ballenger
Barton
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Brown (CO)
Buechner
Bunning
Burton
Chandler
Cheney
Clinger
Coats
Coble
Coleman (MO)
Courter
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Edwards (OK)
Emerson
Fields
Frenzel
Gallegly
Gallo
Gekas
Gingrich
Goodling
Gregg
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Hyde
Inhofe
Ireland
Kolbe
Kyl
Lagomarsino
Latta
Leach (IA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lowery (CA)
Lukens, Donald
Lungren
Madigan
Marlenee
Martin (IL)
McCandless
McDade
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Moorhead
Murphy
Nielson
Oxley
Pashayan
Penny
Porter
Pursell
Regula
Rhodes
Ridge
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Saxton
Schaefer
Schroeder
Schuette
Sensenbrenner
Shays
Sikorski
Skeen
Slaughter (VA)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Stangeland
Stump
Sundquist
Swindall
Tauke
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Wheat
Whittaker
Wolf
Young (AK)
Young (FL)

NOT VOTING—38

Aspin
Bateman
Berman
Biaggi
Boulter
Chappell
Clay
Clement
Coughlin
Crockett
Downey
Duncan
Espy
Gray (PA)
Hall (OH)
Hayes (IL)
Hunter
Jacobs
Kemp
Konnyu
Leland
Lloyd
Lujan
Mack
MacKay
Mica
Moody
Morella
Morrison (CT)
Nichols
Packard
Parris
Pease
Ray
Russo
Spence
Williams
Wortley

☐ 1126

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 4621. An act to provide Congressional approval of the Governing International Fishery Agreement between the United States and the Government of the German Democratic Republic; and

H.R. 4638. An act to amend the effective date provision of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1856. An act to amend chapter 25 of title 44, United States Code, to provide an authorization for the National Historical Publications and Records Commission programs, and for other purposes;

S. 2042. An act to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans Me-

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

morial in honor and recognition of the women of the United States who served in the Vietnam conflict;

S. 2385. An act to amend title III of the Public Health Service Act to revise and extend the programs of assistance for primary health care and the program of health services for the homeless, and for other purposes; and

S. 2479. An act to amend the Immigration and Nationality Act to make technical corrections in immigration-related laws.

APPOINTMENT OF CONFEREES ON S. 1508, RESERVING CERTAIN LANDS IN LINCOLN COUNTY, NV, FOR U.S. AIR FORCE

Mr. UDALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1508) to withdraw and reserve for the Department of the Air Force certain Federal lands within Lincoln County, NV, and for other purposes, with a Senate amendment to the House amendment, disagree to the Senate amendment to the House amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from Arizona?

Mrs. VUCANOVICH. Reserving the right to object, Mr. Speaker, I have no objection. I just wanted the gentleman to state what is involved in the legislation, and I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Speaker, this is a conference report on a Senate bill involving the Nevada land exchange in southern Nevada. It is not a particularly controversial bill.

Mrs. VUCANOVICH. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona? The Chair hears none and, without objection, appoints the following conferees: Messrs. UDALL, MILLER of California, VENTO, KOSTMAYER, DARDEN, YOUNG of Alaska, MARLENEE, and Mrs. VUCANOVICH.

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 3051, AIRLINE PASSENGER PROTECTION ACT OF 1987

Mr. SHAW. Mr. Speaker, pursuant to rule XXVIII, clause 1(b), I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. SHAW moves that the managers on the part of the House at the conference on H.R. 3051 and the Senate amendments thereto be instructed to agree to section 4 of the Senate amendment.

The SPEAKER pro tempore. The gentleman from Florida [Mr SHAW] is recognized for 1 hour.

Mr. SHAW. Mr. Speaker, this motion instructs the conferees on the Airline Passenger Protection Act to concur to the Senate amendment on drug testing.

The amendment adopted by the Senate would require random alcohol and drug testing in the aviation, rail, and motor carrier industries. It passed overwhelmingly in the Senate by a vote of 88 to 5.

This amendment is similar to a bill I introduced over a year ago—H.R. 693—which the House has refused to consider. Mr. Speaker, I am in the rare position of congratulating the other body for taking action on this very serious issue.

I am offering this motion today because the House and Senate are not making headway on the drug-testing amendment. We need to let the House conferees know that now is the time to protect the traveling public.

This legislation can help us determine drug abuse before accidents occur. We cannot allow one more disaster to happen while the House and the Senate quibble over the importance of this amendment.

This amendment provides procedural safeguards which protect the individual's privacy and the accountability of the test, and it requires rehabilitation programs to be developed for employees who come forward for help with a drug or alcohol problem.

Mr. Speaker, I urge a "yes" vote on the previous question.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. SHAW. For purposes of debate only, I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

I just simply want to congratulate the gentleman for bringing this motion to the floor. This is an issue where many of us have tried to deal with it for some months. It seems to me that the Secretary of Transportation made very clear the other day that this is the direction in which he feels the transportation system should move.

This gives the House an opportunity to speak on this serious issue, to tell the conferees that in fact we do want random drug testing as a part of the solution to the drug problem in our transportation system.

Mr. Speaker, I would urge the House to vote in favor of the gentleman's motion.

Mr. SHAW. Mr. Speaker, I have no further requests for time. I yield back the balance of my time, and I move the previous question on the motion.

☐ 1135

PARLIAMENTARY INQUIRY

Mr. GONZALEZ. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Florida will withhold the motion for the previous question.

The gentleman from Texas will state his parliamentary inquiry.

Mr. GONZALEZ. Mr. Speaker, at this point, is it not still the rule that an allotted time be permitted to this side of the House inasmuch as the privileged resolution entitles the author of the resolution to 1 hour? I understood the rules provide for some opportunity to discuss this.

Mr. SPEAKER pro tempore. The Chair would advise the gentleman from Texas that the gentleman from Florida may, if he wishes, yield time, but he is not required under the rule to divide the time or to yield.

Mr. SHAW. Mr. Speaker, reclaiming my time that I have just yielded back, I am happy to yield such time as he may consume to the gentleman from Texas.

The SPEAKER pro tempore. Is the gentleman from Florida withdrawing his motion on the previous question?

Mr. SHAW. Mr. Speaker, I will at this time withdraw my motion on the previous question.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. SHAW. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas for purposes of debate only.

Mr. GONZALEZ. Mr. Speaker, I rise only to ask exactly what the thrust of this instruction is. In other words, as I understood the previous description by the gentleman from Florida, this would instruct the conferees to sustain the Senate's version?

Mr. SHAW. The gentleman is quite correct.

Mr. GONZALEZ. Is that Senate version in contradiction with any particular vote that we took on the House side during consideration of the bill?

Mr. SHAW. No. This matter was not considered by the House during the debate on this particular bill; that is not on record at this point.

Mr. GONZALEZ. The gentleman's amendment refers to an area or subject matter that the House has not at any time debated or discussed?

Mr. SHAW. Mr. Speaker, I think the gentleman from Texas knows full well that we have debated this issue over time and time again as to drug testing. The only thing that we are talking about is whether we should apply it to the airline industry, the rail industry, and to other types of transportation. The traveling public is what we are considering the safety of with this particular amendment, but this type of legislation has passed this body on many occasions. I think we have had a thorough and a very long opportunity to take a look at it.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield further?

Mr. SHAW. I am happy to yield to the gentleman from Texas for purposes of debate.

Mr. GONZALEZ. Will the gentleman briefly describe what testing this would mandate?

Mr. SHAW. Yes. I would be glad to expand upon my earlier remarks. It establishes five kinds of testing basically: Random testing, preemployment testing, postaccident testing, which is common in the industry now, periodic, reoccurring, in conjunction with required physical examinations, and it would also have a situation where drug testing could be done on reasonable suspicion.

I might tell the gentleman that our former colleague, Ms. MIKULSKI, is a cosponsor of this legislation, and that she was very sensitive to put in safeguards for the employees as to the quality of testing, as to the occurrence of testing, so that it is a very, very well written provision that tries very carefully, and I think it does an excellent job, at balancing the aspect of public safety against the rights of the employee, both of which we must be very sensitive to.

Mr. GONZALEZ. Mr. Speaker, will the gentleman further yield?

Mr. SHAW. I am happy to yield to the gentleman for purposes of debate.

Mr. GONZALEZ. I agree with the purposes, and who could possibly object to preventing any catastrophic results derived from an accident that has been caused by an inebriated or an intoxicated, drug intoxicated, person. I still would like the gentleman to explain a little bit further this reference to random testing.

Is this in light of judicial interpretation that has condemned or has ruled against random testing, or is it in conformity with some judicial ruling?

Mr. SHAW. This particular bill requires the Secretary of Transportation to issue rules within the next 12 months as to the nature of testing in all of these, and, of course, random testing is one of those. This is all in the aviation, rail, and motor carrier industries.

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman very much for his patience.

Mr. GRAY of Illinois. Mr. Speaker, will the gentleman yield?

Mr. SHAW. Mr. Speaker, I am happy to yield to my friend, the gentleman from Illinois, for purposes of debate.

Mr. GRAY of Illinois. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, since this is a privileged motion with no advance notice given, and I do not see the Subcommittee on Aviation or the chairman of the House Committee on Public Works and Transportation on the floor, I wonder if my friend, the gentleman from Florida, has discussed this with the gentleman from California [Mr. MINETA]?

Mr. SHAW. Mr. Speaker, reclaiming my time, I would tell the gentleman that the gentleman from California is aware this matter is being brought to the floor. He was here earlier.

Mr. GRAY of Illinois. He has been advised?

Mr. SHAW. He was advised; no, I am not putting words into his mouth. I am here taking an independent position, and I would be glad to yield to the gentleman from California should he want any time; I would be happy to.

Mr. GRAY of Illinois. Mr. Speaker, will the gentleman yield further, because I would like to ask a couple of additional questions?

Mr. SHAW. I am happy to yield to the gentleman.

Mr. GRAY of Illinois. Does the gentleman from Florida have any idea what the position of the Federal Aviation Administrator is on this motion to instruct?

Mr. SHAW. They are generally in support of this gentleman's position.

Mr. GRAY of Illinois. They are not in outright opposition as far as the gentleman knows?

Mr. SHAW. No. I can tell the gentleman that they are not. As a matter of fact, there are some rules and regulations and opinions that have come out of the office which are in complete conformity with the position that I have taken here this morning.

Mr. GRAY of Illinois. Does the gentleman have any idea as to what the position of the Air Line Pilots Association would be?

Mr. SHAW. I can tell the gentleman that they are opposed to it.

Mr. GRAY of Illinois. They are opposed to it?

Mr. SHAW. Yes, sir.

Mr. GRAY of Illinois. But there have been no hearings on the subject? Right? There have been no hearings before our committee.

Mr. SHAW. We have had hearings; the Committee on Energy and Commerce has held three hearings on this issue, and the gentleman from Ohio [Mr. THOMAS A. LUKEN] is one of the sponsors of the bill.

Mr. GRAY of Illinois. But no hearings by the Subcommittee on Aviation, or of the full Committee on Public Works and Transportation that the gentleman and I serve on? I thank my friend from Florida.

Mr. SHAW. Not that I am aware of.

Mr. Speaker, I want to be very careful that I do not preclude anybody from debate, but I do not see anybody on either side of the aisle seeking recognition.

Mr. Speaker, I yield back the balance of my time and I move the previous question on the privileged motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Florida [Mr. SHAW].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SHAW. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 377, nays 27, not voting 27, as follows:

[Roll No. 184]

YEAS—377

Akaka
Alexander
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Atkins
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Cooper
Coughlin
Courter
Craig
Crane
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeLay
Derrick
DeWine
Dickinson
Dicks
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Durbin
Dwyer
Dyson
Early
Eckart
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Inhofe
Ireland
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas

Lukens, Donald
Lungren
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nielson
Nowak
Oakar
Obey
Olin
Ortiz
Owens (UT)
Oxley
Panetta
Pashayan
Patterson
Pelosi
Penny
Pepper
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (GA)
Roybal
Saiki
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Whittaker
Whitten
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—27

Ackerman
Anderson
Clay
Conyers
Coyne
Crockett
DeFazio
Dellums
Dingell
Dymally
Edwards (CA)
Gonzalez
Hammerschmidt
Hawkins
Lehman (FL)
Mineta
Oberstar
Owens (NY)
Perkins
Rodino
Sabo
Savage
Sikorski
Stokes
Vento
Visclosky
Wheat

NOT VOTING—27

Aspin
Biaggi
Boulter
Clement
Duncan
Ford (MI)
Gejdenson
Guarini
Hayes (IL)
Hochbrueckner
Hunter
Jacobs
Leland
Mack
MacKay
Mica
Moody
Nichols
Packard
Parris
Pease
Ray
Rowland (CT)
Russo
Spence
Williams
Wortley

□ 1203

Messrs. DELLUMS, HAMMERSCHMIDT, VENTO, SABO, STOKES, and COYNE changed their votes from "yea" to "nay."

Mr. GAYDOS changed his vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. Foley). Before the Chair recognizes the distinguished gentleman from Kentucky, the Chair has an announcement.

The Chair wishes to announce that clause 1 of rule XIV prevents Members in debate from engaging in "personalities." Clause 4 of that rule provides that if any Member transgress the rules of the House, the Speaker shall, or any Member may, call him to order.

Members may recall that on December 18, 1987, the Chair enunciated the standard that debate would not be proper if it attempted to focus on the conduct of a Member about whom a report had not been filed by the Committee on Standards of Official Conduct or whose conduct was not the subject of a privileged matter then pending before the House. Similarly, the Chair would suggest that debate is not proper which speculates as to the motivations of a Member who may have filed a complaint before the Committee on Standards of Official Conduct against another Member.

Thus, the Chair would caution all Members not to use the 1-minute period or special orders, as has already happened, to discuss the conduct of Members of the House in a way that inevitably engages in personalities.

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4783, and to include extraneous matter along with tables and charts.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1989

Mr. NATCHER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4783) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1989, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Massachusetts [Mr. Conte] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. Natcher].

The motion was agreed to.

□ 1207

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4783, with Mr. Hughes in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Kentucky [Mr. Natcher] will be recognized for 30 minutes and the gentleman from Massachusetts [Mr. Conte] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. Natcher].

Mr. NATCHER. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, it is a distinct pleasure and an honor for me to serve on this subcommittee with the distinguished gentleman from Massachusetts [Mr. Conte], the ranking minority member on the subcommittee and the ranking minority member on the full committee.

The same applies, Mr. Chairman, to all members of the subcommittee on both sides. These members, Mr. Chairman, are all the able Members of the House and it is an honor for me to serve with them.

My chairman of the full Committee on Appropriations, the gentleman from Mississippi [Mr. Whitten], always works with us on this bill. Mr. Chairman, I want him to know that we appreciate it.

It reminds me somewhat, Mr. Chairman, of years ago when I served with Mr. Cannon of Missouri when he was chairman of the full committee. We would get ready to mark the bill up, we would be prepared for the markup and Mr. Cannon would come in and say, "I am with the subcommittee chairman. If he is wrong, I am wrong."

Mr. Chairman, we want to thank our chairman, the gentleman from Mississippi [Mr. Whitten] for working with us on this bill.

Mr. Chairman, as you know this bill makes recommendations for appropriations for the Department of

Labor, the Department of Health and Human Services and the Department of Education along with 15 related agencies.

For the Department of Labor we recommend $6,562,000,000; for the Department of Health and Human Services we recommend $106,517,000,000; for the Department of Education we recommend $21,948,000,000; for related agencies, $766,550,000.

We have not exceeded our section 302(b) level which was fixed by the committee on June 10. That figure was set based on the conference agreement on the budget resolution agreed upon by the Committees on Budget in the House and in the Senate. We have stayed under the section 302(b) funding.

Mr. Chairman, after we marked this bill up on May 26 we were notified that the bill had to be reduced further; 11 of the appropriation bills had to be reduced.

We then reduced this bill $452 million more, Mr. Chairman, to stay under the section 302 bill level and we are under the level with this bill.

Mr. Chairman, we have not acted at this time on budget estimates totaling $3,870,000,000. We deferred action on the ongoing programs, projects and agencies where there is no authorization. In the bill we reserve sufficient amounts to fund these acitivities at the 1988 level in the aggregate we have not made assumptions about specific amounts for any particular activity.

In this bill, Mr. Chairman, for AIDS we have $1,234,500,000. This is the amount requested by the President and an increase of $308 million over fiscal year 1988. With the amount that is contained in the agricultural appropriation bill under the Food and Drug Administration, we have a total for AIDS of $1,300,000,000.

For biomedical research at the National Institutes of Health we have in the bill, and we recommend to you, Mr. Chairman, and to the members of this committee, $6,862,000,000.

When I was first elected a member of this committee, we had $77 million in the National Institutes of Health. Now we are up to $6,862,000,000 and, Mr. Chairman, if I had my way it would be $10 billion.

When you take care of the health of your people and educate your children, you continue to live in the strongest country in the world.

Mr. Chairman, in this bill we have approximately 5,000 new biomedical research grants. With the continuing grants, will run a little over 20,000 total grants and approximately 580 centers.

We add $9 million for 300 additional employees at NIH. We prepare and structure and recommend to the committee that 150 of these employees be directed for AIDS research, control, and education. The remainder are for non-AIDS work throughout the NIH.

Mr. Chairman, as far as low-income fuel assistance is concerned, in the bill we have $1,567,000,000. For Head Start, $1,250,000,000; for education for the handicapped, $1,921,000,000; vocational education, education for adults, $1,092,000,000; student financial assistance, $5,908,000,000; guaranteed student loans, $3,174,000,000; library services, $142,600,000; for ACTION we have $168,000,000; Job Training Partnership Act, $3,786,000,000; for compensatory education, chapter 1, $4,663,000,000; programs for the aging, $757,000,000.

Mr. Chairman, for concentration grants this bill carries $200 million as we have discussed with the Education and Labor Committee.

Mr. Chairman, Gallaudet University, $66 million, Job Corps Centers Program, $763 million; Ellender fellowships, $3 million; Mr. Chairman, for VISTA we recommend $21,910,000.

Mr. Chairman, I want to say to you and to all the members of the committee this is a good bill and we recommend it to you.

SUMMARY OF H.R. 4783

Mr. Chairman, H.R. 4783, which we present to the House today, makes appropriations for the fiscal year for the Departments of Labor, Health and Human Services, and Education, and for 15 related agencies, including ACTION, the Commission on Railroad Retirement Reform, the Federal Mediation and Conciliation Service, the Federal Mine Safety and Health Review Commission, the National Commission on Libraries and Information Science, the National Council on the Handicapped, the National Labor Relations Board, the National Mediation Board, the National Commission on Migrant Education, the National Commission on Responsibilities for Financing Postsecondary Education, the Occupational Safety and Health Review Commission, the Prospective Payment Assessment Commission, the Physician Payment Review Commission, the Railroad Retirement Board, and the Soliders' and Airmen's Home.

The bill includes appropriations totaling $135,794,692,000 for these departments and agencies, which is $1,064,498,000 over the amounts requested by the President, and $9,615,755,000 over the comparable amounts available for 1988. This amount includes advance appropriations of $14,791,000,000 for fiscal year 1990 for various public assistance entitlements such as Medicaid, aid to families with dependent children, supplemental security income, and black lung benefits.

A large portion—72.5 percent—of the appropriations in the bill is for entitlement programs for which funding levels are determined by the basic authorizing legislation. The bill includes $98,774,147,000 for these entitlements, a decrease of $265,041,000 below the amount requested by the President but an increase of $7,584,478,000 above the amounts available for these programs in fiscal year 1988. For discretionary programs, in which spending is controlled through the annual appropriations bill, the bill includes $37,020,545,00 in fiscal year 1989, an increase of $1,329,539,000 over the President's budget and an increase of $2,031,277,000 over the amount available for fiscal year 1988. In addition to these amounts, consideration of $3,870,870,000 of budget estimates for 1989 has been deferred because authorizations have not yet been enacted for these programs.

In addition to the amounts included in the bill, very large sums are automatically appropriated each year for labor, health and human services, and education programs without consideration by the Congress during the annual appropriations process. The principal items in this category are the unemployment compensation, Social Security, Medicare, and railroad retirement trust funds. If the trust funds are counted, total budget authority for labor, health and human services, and education programs considered in this bill increases from $506,781,838,000 in 1988 to $543,081,392,000 in 1989, an increase of $36,299,554,000. This is approximately 43 percent of the entire Federal budget.

Mr. Chairman, this bill is well within the ceilings set by last fall's economic summit, 1989 budget resolution and the most recent allocitons to the subcommittee under section 302(b). After adjusting for advance appropriations included in the bill, the total for fiscal year 1989 which counts against our 302(b) ceiling is $134,981,692,000 of which $97,961,147,000 is for entitlements and $37,020,545,000 is for discretionary items. These amounts are below our 302(b) allowance in total by approximately $5,023 million. The bill is $2,730 million below for discretionary programs and $2,293 million below for entitlements. This results because the subcommittee has deferred consideration of programs which are not currently authorized for fiscal year 1989 and because of uncertainties related to the cost of several entitlement programs, principally Medicaid. The President's budget requests $3,870,870,000 for unauthorized, deferred, programs which received $3,005,062,000 for fiscal year 1988. The committee believes that the amount of 302(b) ceiling remaining is sufficient to fund these deferred programs.

It is important for Members to know where the increases are in the bill. Over two-thirds of the net increase of $2,031 million for discretionary programs over 1988 is accounted for by four items—a $308 million increase for research and prevention activities related to acquired immune deficiency syndrome, AIDS, a $390 million increase for non-AIDS related research at the National Institutes of Health, $336 million for compensatory education program for the disadvantaged and a $363 million increase for various student financial assistance programs for low-income college students. Most of these increases were requested by the President and we believe they are widely supported by this Congress. In addition to these increases, the committee has added $380 million to the President's request for low income energy assistance to restore this program to the 1988 level plus a small increase for inflation. More than 200 Members signed a letter in support of this program and the committee has responded to the extent that our ceiling will allow. These and other increases and decreases are discussed further on in my statement.

DEPARTMENT OF LABOR

The bill provides a total of $6,562,032,000 for the Department of Labor, including $5,323,062,000 for discretionary programs and $1,238,970,000 for entitlements. For discretionary programs the bill exceeds the President's budget request by $418,220,000, and it is $94,355,000 over the 1988 level. For entitlement programs we are above last year by $205,245,000. We have deferred consideration of the administration's proposed new Worker Readjustment Program. The authorization for the program was included in the recently vetoed trade bill.

In addition, the bill includes a total of $2,775,275,000 in trust fund transfers, an increase of $107,001,000 over the President's request and $86,036,000 over the 1988 level. Virtually all of the trust funds are for financing the administrative costs of the State employment security agencies.

TRAINING AND EMPLOYMENT SERVICES

For programs under the Job Training Partnership Act, we recommend $3,786,045,000, an increase of $355,221,000 over the President's budget and $38,356,000 over the 1988 amount. This includes $763,631,000 for the Job Corps to maintain the current services level of 105 centers and 40,544 training slots and to expand the program by six centers. We also extend the prohibition of Job Corps center closings until January 1, 1990. Included in the total is $53,000,000 over the request for capital costs, of which $36,000,000 is for new centers and $17,000,000 is for relocation of certain existing centers within the same city.

For the summer youth program the bill includes $718,050,000 for the summer of 1990, the same as the President's budget and the same as the amount already appropriated for the summer of 1989. We provided $1,809,486,000 for the State block grant, the same as 1988. The bill includes $287,220,000 for the title III Dislocated Workers Program, the same as last year.

We recommend $50,000,000 for training, job search and relocation assistance authorized by the Trade Act, an increase of $2,130,000 over the 1988 appropriation. The administration did not propose to fund it. State administrative costs for the program are included in the total.

OLDER WORKERS PROGRAM

We recommend $346,000,000 for the title V Older Workers Employment Program, an increase of $10,000,000 over the request and $14,740,000 over 1988. This program currently funds about 65,000 jobs.

STATE EMPLOYMENT SECURITY AGENCIES

We provide $773,029,000 for Employment Service State grants, an increase of $94,529,000 over the budget request and $50,000,000 over 1988 to date. For State administration of the unemployment insurance system, the recommendation is $1,678,100,000, an increase of $17,376,000 over 1988.

We provided $7,324,000 for administration of the targeted jobs tax credit through its scheduled expiration date of December 31, 1988. There was nothing requested for this.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

The bill includes $246,517,000 for OSHA, an increase of $1,666,000 over the budget request and $11,043,000 over 1988. We added funds to the budget request for State programs for a total of $43,000,000. This is a 6-percent increase over 1988.

VETERANS EMPLOYMENT AND TRAINING

We added $6,481,000 over the budget request for veterans employment and training. This is to restore the number of local veterans employment representatives to the 1988 level before across-the-board reductions were applied.

For the other departmental salaries and expenses accounts the committee has basically approved the President's budget request with minor exceptions. In most cases, this allows for built-in cost increases and any program increases requested.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

The bill includes $106,518 million for activities administered by the Department of Health and Human Services. This includes $14,791 million in advance appropriations for fiscal year 1990 for various public assistance entitlements. For discretionary activities, the bill includes $13,816 million which is an increase of $632 million over the amount requested by the President and an increase of $884 million over the comparable amount available for these programs in fiscal year 1988. The committee did not consider budget requests totaling $2,807 million for HHS programs which are not currently authorized. These are some of the most important and sensitive programs in the Department including substance abuse prevention, homeless assistance, health professions training, and so forth. Funding for these programs will be considered as soon as possible after enactment of authorizing legislation.

The President's budget request for the Department of Health and Human Services is, on the whole, more reasonable than in previous years. While it includes a number of large program reductions or program eliminations not accepted by the committee, it also includes increases for programs which have been broadly supported by the Congress. This includes a $308 million increase for AIDS research and prevention programs and a $330 million increase for non-AIDS related biomedical research. These have been approved or expanded by the committee. The largest change made by the committee to the President's request is an increase of $380 million to restore reductions proposed in the Low-Income Home Energy Assistance Program. The President's budget proposed $1,187 million for this program and the committee bill includes $1,567 million which is $35 million more than available in 1988.

ACQUIRED IMMUNE DEFICIENCY SYNDROME [AIDS]

Acquired immune deficiency syndrome is the most serious and devastating public health problem to appear in recent memory. Over 63,000 cases have been diagnosed so far and the number is expected to escalate geometrically in the next several years. As many as 1.5 million individuals may have been infected in the United States. The Public Health Services estimates that by the end of 1991, total AIDS cases will have risen to more than 270,000 with nearly 180,000 deaths.

In response to the steady growth in the number of cases, the committee has recommended a substantial increase in appropriations for AIDS activities. The bill includes $1,234,580,000, an increase of $308,311,000, or 33 percent, over the 1988 level. In addition, $65,420,000 has been provided for the Food and Drug Administration in the rural development-agriculture appropriations bill, making a total appropriation for AIDS of $1,300,000,000. We believe that this substantial increase will enable the Public Health Service to continue to make progress against this dread disease. By agency, the amounts in the bill are as follows: Health Resources and Services Administration, $40,016,000; Centers for Disease Control, $408,219,000; National Institutes of Health, $587,630,000; Alcohol, Drug

Abuse and Mental Health Administration, $177,617,000; and the Office of the Assistant Secretary for Health, $21,098,000.

NATIONAL INSTITUTES OF HEALTH

The bill includes $6,862 million for the 18 appropriations which together fund the programs of the National Institutes of Health including the $588 million for AIDS. These include the appropriations of the 12 research institutes, the Division of Research Resources, the John E. Fogarty International Center, the National Center for Nursing Research, the National Library of Medicine, the Office of the Director, and buildings and facilities. The committee has not considered requests totaling $321 million for unauthorized activities including research training, cancer prevention and control and assistance to medical libraries. Once these are completed, total appropriations for the NIH will approach $7.2 billion.

The 1989 NIH appropriations excluding AIDS is $6,275 million. This is an increase of $60 million over the amount requested in the President's budget and $390 million, 6.6 percent, over the amount currently available for 1988 for these activities.

The committee continues to give the highest priority to the support of investigator initiated research projects. The bill includes $4,145 million for these grants, an increase of more than 10 percent over 1988. In contrast to previous years, the committee has not directed that a specific number of new projects be funded in 1989 but believes that the amount in the bill will allow NIH to fund the largest total number of grants in its history, approximately 20,000. The committee has become increasingly concerned about cuts in individual grants referred to as downward negotiation. The President's request assumes cuts averaging 13 percent for these grants in 1989 which the committee finds unacceptable. The committee has urged NIH to review this policy to determine whether this problem can be ameliorated in 1989 while still maintaining an increase in the total number of grants.

The bill also includes funds to maintain the NIH program of research centers. This includes funds to maintain the current number of mental retardation centers at the National Institute of Child Health and Human Development which the President's budget had proposed be reduced. In 1988 there are 579 research centers funded by the various institutes and divisions. The committee has also added funds for several of the institutes based on unique problems or opportunities in their research programs. These programmatic increases total $60 million and are described in detail in the committee report.

With respect to individual institutes about which the committee is frequently asked, the bill includes $1,490 million for the Cancer Institute, $1,019 million for the Heart, Lung and Blood Institute, $547 million for the Diabetes, Digestive and Kidney Disease Institute, $557 million for neurological and communicative disorders and stroke, $732 million for allergy and infectious diseases and $156 million for arthritis and musculoskeletal diseases. The recommendations for each institute and division are included in a table which is printed on pages 42 to 44 of the report.

LOW-INCOME HOME ENERGY ASSISTANCE

The bill includes $1,567 million for low-income home energy assistance grants in fiscal year 1989. This is $380 million more than requested by the President and $35 million more than available in 1988. The reduction proposed by the President was based on the assumption that this program could be maintained at its current level at lower Federal costs because of oil overcharge funds. Recent evidence, including a new GAO study, has convinced the committee that this conclusion is not valid and it has restored funding to the 1988 level plus a small increase to cover inflation.

HEALTH CARE FINANCING ADMINISTRATION

The committee bill includes fiscal year 1989 appropriations of $65,053 million for programs administered by the Health Care Financing Administration. This amount includes $33,734 million for State Medicaid programs, an increase of $2,176 million above the comparable 1988 level. This account supports approximately 55 percent of the cost of the State Medicaid programs of health insurance for the poor. The committee is concerned that the President's request for this program may be understated and has asked the President to review these requirements as part of his midsession review.

The bill also includes $31,227 million for payments to the Medicare trust funds. This is $5,334 million above the 1988 level but $873 million below the President's request. The amount recommended is based on the most recent estimates of costs under current law submitted by the Congressional Budget Office. This mandatory appropriation supports 75 percent of the Medicare Part B Program from general funds. The committee is concerned by the extraordinary growth in this appropriation.

H.R. 4783 includes $1,864 million in general and trust fund appropriations for Federal administration of the Medicare and Medicaid Programs. The committee has recommended total funding of $1,391,000,000 for the cost of processing Medicare claims. This is the same total as the President's budget and $207 million above fiscal year 1988. This amount is expected to be sufficient to handle a substantial increase in the number of claims and to maintain the payment cycle for claims at historic levels. The committee has recommended that $100 million of this amount be placed in a contingency reserve. The bill also includes an additional $112 million to fund administrative costs of the Catastrophic Health Insurance Program recently sent to the President.

SOCIAL SECURITY ADMINISTRATION

The bill includes general fund appropriations of $13,343 million for programs administered by the Social Security Administration. This amount includes $94 million for payments to Social Security trust funds, $840 million for black lung benefits, and $12,410 million for Federal cash assistance for the aged, blind, and disabled under the Supplemental Security Income Program.

The committee recommends that $3,705 million be expended from the Social Security trust funds for administrative costs of the Social Security retirement, survivors, and disability program. This is $71 million less than the amount requested by the President but $181 million more than the amount available in 1988. This limitation account supports the staff, computers, telecommunications, facilities and other resources to manage these programs which are expected to pay more than $279 billion to more than 40 million Americans in fiscal year 1989. The committee bill provides for a staffing level of 66,305 work-years which is the number requested in the budget. The committee has reduced the President's request by $70 million because of excess carryover funds in the data processing and telecommunications account as well as a history of large carryovers in the limitation account in general; $97 million of these funds are in the contingency reserve. The committee has continued to follow closely the issue of potential district office closings. No funds have been requested by the President nor have any funds been included by the committee for office closings.

OTHER PRIORITY PROGRAMS AT HHS

The bill includes a variety of other increases for HHS programs which are of especially high priority. This includes $117 million for childhood immunization programs, an increase of $19 million over 1988; $550 million for maternal and child health, an increase of $23 million over 1988; $1,250 million for Headstart, an increase of $44 million over 1988; $20 million for a new program of comprehensive child development centers; and $757 million for aging programs, an increase of $32 million over 1988. The committee has also included language to initiate the new vaccine injury compensation program with both old and new claims to be paid from the trust fund in 1989. These increases as well as other recommendations of the committee throughout the Department are described in detail in the report.

HUMAN DEVELOPMENT

The committee bill includes $2,700,000,000 for the Social Services block grant entitlement. This is the same amount requested by the President and the maximum amount authorized for 1989. These funds are distributed to the States by formula for a variety of social and supportive services for children, aged and other needy persons.

The committee recommends $2,531,808,000 for other social services activities under the human development services account. Included in this amount is $1,250,000,000 for Headstart, $20,000,000 for comprehensive child development centers and $268,654,000 for various child welfare programs. For programs administered by the Administration on Aging, the bill includes $757,040,000, an increase of $31,629,000 over the budget request and $31,618,000 over the 1988 appropriation. This amount includes $278,000,000 for support services and centers, $362,000,000 for congregate meals and $80,000,000 for home-delivered meals and $23,935,000 for research, training and special projects. For developmental disabilities, the bill includes $92,867,000, the budget request and the same as the 1988 appropriation. The bill also includes $29,679,000 for the Native Americans programs. The committee has deferred action on the runaway youth and temporary childcare/crisis nurseries activities until authorizing legislation has been acted upon.

The committee recommends $1,074,907,000 for the foster care and adoption assistance entitlement programs. The amount for these entitlements is the same amount requested by the President's budget and $308,729,000 over the 1988 level.

DEPARTMENT OF EDUCATION

For the Department of Education, the bill includes $21,948,605,000, an increase of $864,182,000 over the budget request for fiscal year 1989. The total amount in the bill is $1,707,914,000 over the amount available for 1988.

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

The bill includes $4,663,719,000 for title I, chapter 1 of the Elementary and Secondary Education Act. This amount is $335,792,000 over the amount available for 1988, and $97,635,000 over the amount requested in the budget for 1989. About 14,000 school districts participate in the program serving approximately 4.5 million disadvantaged students. The amount provided includes $3,900,000,000 for basic grants to local school districts.

The amount recommended includes $200,000,000, for concentration grants, an increase of $41,635,000 over the budget request. No funds have been appropriated for this program since 1981. The bill recommends $25,000,000 for Even Start; the budget requested no funds for this program. This recently authorized program, will provide demonstration grants for model program of education of disadvantaged children aged 1-7 years. The committee has also provided $30,000,000 for the newly authorized program designed to help school districts give private schoolchildren equal access to title I services.

IMPACT AID

The committee bill provides $740,000,000 for the Impact Aid Program an increase of $31,524,000 over fiscal year 1988. This is $148,000,000 over the budget request. This amount includes $553,000,000 for category A and $137,000,000 for category B which the budget proposed to eliminate. An amount of $15,000,000 is included to maintain section 2 payments for Federal property at the current level.

The committee recommendation also includes $25,000,000 as requested in the budget for the construction of school facilities.

SCHOOL IMPROVEMENT PROGRAMS

For a variety of elementary and secondary education programs, the bill includes $1,118,538,000 an increase of $87,800,000 over the 1988 amount and $8,297,000 below the budget request. The amount recommended includes $489,500,000 for the chapter 2 Block Grant Program, an increase of $10,800,000 over the 1988 amount. Magnet school assistance would increase from $71,805,000 in 1988 to $115,000,000 in 1989. Drug abuse education would be funded at $250,000,000 the budget request and $20,224,000 over the 1988 level. The bill includes $12,000,000 requested in the budget for the newly authorized fund for the improvement and reform of schools of teaching. Follow through, mathematics and science education, civil rights training, women's educational equity, star schools, and aid to the homeless will be maintained at about the 1988 levels. The budget proposed to terminate many of these programs.

BILINGUAL, IMMIGRANT AND REFUGEE EDUCATION

For bilingual, immigrant and refugee education, the committee has provided $201,782,000, an increase of $10,031,000 over the 1988 amount, and an increase of $1,278,000 over the budget request. The amount recommended includes $15,209,000 for refugee education and $30,000,000 for emergency immigrant education. In general, the Federal bilingual education programs are designed to assist limited English proficient children to improve their academic skills.

EDUCATION FOR THE HANDICAPPED

In the bill includes $1,921,882,000 for the education of handicapped children at elementary and secondary school levels. This amount is $5,000,000 over the budget request and $52,863,000 over the amount available for 1988. The amount recommended includes $1,478,539,000 for basic State grants. The amount provided in the bill will assist State and local educational agencies in providing special education to 4.2 million handicapped children.

REHABILITATION SERVICES AND HANDICAPPED RESEARCH

For rehabilitation services to disabled youths and adults, the bill provides $1,656,592,000 an increase of $40,157,000 over the budget request and $66,192,000 over the 1988 appropriation. This amount includes $1,441,577,000 for basic State grants, $43,656,000 for independent living programs, $30,000,000 for training, and $5,000,000 for the Helen Keller Center. The committee recommends $53,950,000 an increase of $2,850,000 over the 1988 amount for the National Institute on Disability and Rehabilitation.

VOCATIONAL ADULT EDUCATION

For programs authorized by the Carl D. Perkins Vocational Education Act, the bill includes $925,212,000, an increase of $44,117,000 over the budget request and the 1988 appropriation. Funds available for vocational education are designed to support and improve programs that provide education and training needed by persons to compete and advance in the labor market. Consumer and homemaking programs would be continued at the 1988 amount of $32,791,000; the budget proposed to terminate these programs.

The bill includes $166,754,000 for adult education programs, an increase of $16,754,000 over the budget request and $32,718,000 over the amount available in 1988. These funds will be used to assist State programs to enable all adults to acquire basic literacy skills, complete a secondary education, and to make available the means for adults to become more employable, productive and responsible citizens. The committee has restored funding for literacy training for homeless adults and workplace literacy partnerships.

STUDENT AID

The committee recommends $5,907,736,000 for student assistance programs. This is an increase of $362,944,000 over the 1988 funding level and a decrease of $191,861,000 below the budget request. The budget request is based on a legislative proposal which would expand the income contingent loan program that is currently a demonstration project authorized under the Higher Education Act. The committee recommendation is to continue this program as a demonstration project.

The bill includes $4,522,000,000 for Pell grants to provide a maximum grant of $2,300 as compared to a maximum grant of $2,200 in the previous year. Also included in the bill is $635,000,000 for college work study, $460,000,000 for supplemental opportunity grants. The bill also includes $185,736,000 for Perkins loan capital contributions and $78,000,000 for the State student incentive grants; the budget proposed to eliminate both of these programs.

GUARANTEED STUDENT LOANS

The bill includes $3,174,400,000 for the guaranteed student loan appropriation, the latest estimate of the funding that will be required for the program under current law. This amount is $438,802,000 over the budget estimate for 1989 and $609,400,000 over the 1988 level. In its budget request for 1989, the administration proposed certain legislative changes that would have achieved program savings of $4,760,000. The committee makes no assumptions about changes in existing law, which may result from the regular legislative process.

HIGHER EDUCATION

For the various higher education institutional aid programs, the bill includes $577,368,000 an increase of $127,173,000 over the budget request. The committee has provided increases over the 1988 funding level for special programs for the disadvantaged [TRIO], minority institutions science improvement, and graduate training programs, fund for the improvement of postsecondary education, and law school clinical experience. Cooperative education, veterans outreach and foreign language training programs would be continued at their current funding levels. The committee bill includes $180,000,000 an increase of $27,630,000 over 1988 amount for aid to developing institutions and historically black colleges. The committee bill provides that $7,300,000 of the $79,500,000 for part A is to be used to cover the shortfall in funding necessary to meet continuation awards for 4-year colleges in 1988.

The committee has given special priority to historically black colleges and universities, including Mississippi Valley State University. For college housing and academic facilities loans, the committee authorizes $62,231,000 in new loans the same as the 1988 level. No funds were requested in the budget for 1989.

LIBRARIES

The bill provides $142,644,000, an increase of $66,644,000 over the budget request and $7,555,000 over the amount available for fiscal year 1988. The recommendation includes $85,000,000 for public library services, $22,595,000 for construction, and $20,000,000 for interlibrary cooperation. The budget request of $76,000,000 is based on proposed legislation to revise the library assistance; but no action has been taken to enact this legislation.

SPECIAL INSTITUTIONS

For payments to special institutions the bill includes $5,381,000 for the American Printing House for the Blind; $33,231,000 for the National Technical Institute for the Deaf; $66,800,000 for Gallaudet University; and $181,147,000 for Howard University.

RELATED AGENCIES

The bill includes $766,550,000 for 15 related agencies. We are over the President's request for these agencies by $28,471,000 and over the 1988 level by $20,706,000. This includes $168,863,000 for ACTION, of which $114,719,000 is for the older American volunteer programs and $24,782,000 is for VISTA. We provide the full amount of $355,000,000 for railroad retirement dual benefits. The bill also includes funding for three new related agencies: $1,000,000 for the Commission on Railroad Retirement Reform, $2,000,000 for the National Commission on Migrant Education and $800,000 for the National Commission on Financing Postsecondary Education. In addition, there are trust fund transfers here in the amount of $68,735,000, an increase of $2,074,000 over the 1988 amount.

We deferred consideration of the Corporation of Public Broadcasting and the U.S. Institute of Peace. There is no current authorization for these two organizations.

□ 1215

Mr. CONTE. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I rise in strong support of H.R. 4783, the fiscal year 1989 Labor, Health and Human Services, and Education Appropriations bill.

I also rise to pay tribute to my good friend, the chairman of the subcommittee, BILL NATCHER, of Kentucky. The bill we are presenting today to the House reflects his compassion, his knowledge, his dedication, and his understanding of the needs of the American people. It is a genuine pleasure for me to work side by side with the gentleman from Kentucky in trying to provide for the human resource needs of the American people.

This year, we sat side by side for 31 days of hearings over the 2½-month period starting just after the President submitted his budget request in February and ending on May 5. Twenty-four of those days were with administration witnesses testifying in behalf of the administration budget and explaining the operations of programs within the agencies. For 7 days, we heard from 437 outside witnesses who presented requests on behalf of 429 organizations. Seventy-eight Members of this body either presented or submitted testimony in support of certain programs.

We have developed a bill that goes as far as possible toward meeting the people's needs while also meeting our responsibilities to the Federal budget deficit situation.

It hasn't been easy to balance both of those interests, but we have done our level best to try. In addition, the committee bill stays within the parameters set by both last year's economic summit and this year's budget resolution—and it is well within the 302(b) allocation to our subcommittee.

H.R. 4783 provides $135.7 billion for the programs operated by the Departments of Labor, Health and Human Services, and Education, and 15 related agencies.

Nearly three-quarters of that amount, or $98.7 billion, is for entitlement programs over which the committee has no say, because the authorizing legislation sets the funding levels.

The entitlement spending contained in this bill is $7.6 billion more than was provided in fiscal year 1988, and $265 million below what the President requested.

For discretionary spending, which makes up about 27 percent of the total amount in the bill, we recommend $37 billion. That reflects an increase of $2 billion over the fiscal year 1988 level, and $1.3 billion more than the President requested. This is the only area where we can exercise our discretion as a result of our hearings.

In addition, we have deferred action on several program appropriations that are unauthorized at this time.

Included among those unauthorized programs are job training and health care for the homeless; health professions training; family planning; the disease prevention block grant; sexually transmitted disease prevention activities; alcohol, drug abuse, and mental health research; refugee assistance; the Corporation for Public Broadcasting; and the U.S. Institute of Peace. Last year, we provided $2.7 billion for these programs.

Let me turn to what is in this bill.

H.R. 4783 provides for fairly hefty increases in four areas—AIDS prevention and research, other biomedical research, compensatory education for disadvantaged children, and college student aid. It should come as no surprise that these are the same priority areas that we have presented for at least the past 2 years.

For AIDS research and prevention, we provide $1.234 billion, $308 million more than the fiscal year 1988 level—a 38-percent increase.

This is also the amount requested by the President for our efforts to combat this dreaded disease which has been our No. 1 public health enemy for the past several years. This level of funding would allow a significant expansion of all activities from prevention programs to testing treatments and vaccines to biomedical research.

We provide a $390 million increase for other biomedical research at the National Institutes of Health. Spread across the institutes, the $6.275 billion contained in the bill for NIH is our lifeline to finding the causes and cures for any number of diseases and other disabling conditions—cancer, arthritis, glaucoma, diabetes, childhood diseases, digestive diseases, and all the others.

Compensatory education will receive an increase of $336 million under the bill, for a total appropriation of $4.673 billion.

This very successful program is the first, and sometimes last, chance many disadvanaged young people have. I say last chance because, if we don't reach these children with the reading, mathematics, and other instructional services that chapter 1 provides, they will probably become the dropout and crime statistics of the future.

I am pleased that the total includes first-time funding for some important initiatives contained in H.R. 5, the recent Elementary and Secondary Education Act reauthorization.

Included are concentration grants, Even Start, and the capital expenses program to help districts provide chapter 1 to children attending private schools.

The bill also increases college student aid by $363 million, to a total of $5.908 billion. Here too, we are trying to implement the new policy Congress set in 1986 of trying to reverse the trend whereby more low-income students were finding themselves having to get deeper into debt because adequate grant funds were not available.

These programs provide access and opportunity for higher education to millions of young Americans who would not be able to obtain postsecondary education without them.

How do these priority areas compare with what the administration requested?

I am pleased to say that the administration proposed major increases in all four areas. For AIDS, we provide the exact amount requested by the administration. The President requested a $330 million increase for biomedical research at NIH, just $60 million less that what we have provided. For compensatory education, the administration requested a $230 million increase compared to the $336 million increase we provided to accommodate some of the programs in H.R. 5. And, in the student aid area, H.R. 4783 is actually $192 million below the President, principally because we used the CBO estimates for how to accomplish a policy goal we shared with the administration—increasing the Pell grant maximum by another $100 to $2,300.

Where we differ from the administration, we do so because we exercised our judgment as to what these programs need. The biggest difference between the administration and the committee bill appears in our recommendation for Low Income Home Energy Assistance, a program, which until recently was funded at over $2 billion, but was cut back to $1.532 billion in fiscal year 1988. H.R. 4783 provides a small, but significant, increase of $35 million to bring the total up to $1.567 billion.

The administration had proposed $1.187 billion, which is $345 million below the fiscal year 1988 level, and $380 million below the House-passed appropriation last year. I believe that our increase is justified, and I know you agree with me—more than 200 Members of the House wrote to our subcommittee urging us to try to reach $1.8 billion for LIHEAP. I wish we could have reached that level. But, at least this small increase should be a clear signal to the Senate about our intentions regarding this program.

Aside from that difference, our differences are not significant. In fact, in the statement of administration policy on this bill, I was pleased to note a new phrase, rarely if ever seen coming out of OMB that reads as follows: "The administration is encouraged by the committee bill and commends the committee for presenting a bill that is generally consistent with the priorities contained in the President's request."

Not only should the administration be encouraged about this bill, but every Member of this House should be the same.

We have brought you another really good bill in terms of how it stacks up against the policies and priorities set in last year's economic summit and this year's budget resolution.

And we have also brought you a very good bill in terms of providing the American people with the services and programs they need.

This is truly the "people's bill" because every last dime goes to help an American in need.

In this bill we provide hope for a job or for a cure for a disease affecting a loved one. In this bill we provide opportunity in the form of a chance at college or an adult literacy program. And in this bill we provide sustenance by helping a senior citizen afford heating fuel in the cold of winter or giving dietary help to a young disadvantaged mother to be.

This is a good bill that each of us can be proud of when we return to our districts for the rest of this year and into next year when the benefits will really be felt.

I urge each of my colleagues to support this bill and reject any attempts to reduce these funding levels, either by line item or across the board.

What are some of the other program areas that you would be supporting if you vote for this bill, unchanged?

DEPARTMENT OF LABOR

In the Labor Department, H.R. 4783 provides $6.562 billion, $299.6 million over the fiscal year 1988 level, and $418.2 million over the administration's request. For discretionary programs, that represents a $94.4 million increase over the fiscal year 1988 level, and $418 million over the President's request.

One of those increases is a $38 million increase for the programs under the Job Training and Partnership Act which we propose to fund at $3.786 billion. Included in that amount is $718 million for the summer youth program, the same as the fiscal year 1988 level, and $783.5 million for the Job Corps, continuing both the prohibition on closing any Job Corps Centers, and the policy begun last year to construct six new centers.

Because the new dislocated worker adjustment program in the trade bill has not become law, we continued the existing dislocated worker assistance program at last year's level, $287 million. In addition, the bill also continues the training, job search, and relocation program authorized by the Trade Act at a $50 million level, restoring it to the fiscal year 1987 level.

Other Labor Department programs for which we recommend funding include the title V, community service employment for older Americans, where we provide an increase of $14.7 million over the fiscal year 1988 level, to cover expected minimum wage increases and expand the number of jobs available. I am also pleased to note to my colleagues that we continue and expand funding for the Displaced Homemaker's Network within the Women's Bureau, and that the bill continues funding for the permanent mass layoffs and plant closings survey conducted by the Bureau of Labor Statistics. And, for veterans employment and training, I am pleased that the bill restores the number of veteran employment representatives to the level we intended last year, by adding $7.5 million over the fiscal year 1988 level.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Regarding discretionary programs within the Department of Health and Human Services, the top priorities in terms of increases over the fiscal year 1988 enacted level continue to be AIDS and biomedical research.

Although relatively large funding increases for these programs will be no surprise to anyone, there are some significant changes in the way the subcommittee approached each of these two areas that are particularly worth noting.

Regarding AIDS, the bill provides $1.234 billion, which is the President's request, with the increase of $345 million over fiscal year 1988 to be spread across all kinds of activities, from education and prevention, to vaccine development and biomedical research, to testing and counseling. This figure is consistent with the amount recommended in the original House budget resolution, though it is less than the figure of $1.45 billion recommended in the budget resolution conference report.

Last year's House bill and report devoted significant attention to setting up an elaborate set of advisory panels who would assist in planning activities to be performed by the different Public Health Service agencies, and set explicit priorities to be pursued, by significantly altering the administration's recommendations regarding the mix between education and prevention, and other types of AIDS-related activities. It also appropriated AIDS funds through a "consolidated account" to be operated through the Office of the Assistant Secretary for Health, although this consolidation was later dropped in conference.

The fiscal year 1989 bill before us today contains no such drastic reordering of existing procedures or priorities. It recognizes three undeniable facts—first, with a vaccine still many years away, our best defense against AIDS is still a good offense, through efforts to increase public health education and prevention activities. Second, with over a million affected individuals in this country who may not exhibit symptoms, or become aware of their ability to transmit the infection, for years, we can't afford to set up any procedures or mechanisms which could delay advances in research. And, third, since AIDS was all but unknown 6 years ago, since funding to fight AIDS has quickly grown to more than $1 billion, and since AIDS is certain to put skyrocketing demands on research, public health, education, and health insurance programs for many years to come, we cannot afford to waste any time or money by starting down the wrong path.

Therefore, this bill takes the approach of providing significant increases for all activities to fight AIDS, while awaiting a review of recent reports and studies within the authorizing committees and the full House before adopting any departures from the current Federal efforts.

There are some who say we need to increase our research efforts, including not only AIDS-specific research but also non-AIDS research into basic immunology and epidemiology. Others argue that, given limited Federal resources, biomedical research is an activity that should be scaled back so that other activities can receive larger increases. These arguments, and a number of detailed and substantive reports, have come to light since the subcommittee's hearings, and should be carefully studied before drastic revisions in current activities are prematurely adopted.

Within just the last few weeks, Congress has received more than 500 recommendations from the Presidential Advisory Commission on HIV Infection, a new report from the Institute of Medicine updating their earlier recommendations, a report from the Office of Technology Assessment evaluating public health education activities related to AIDS, and a Government Accounting Office report reviewing the variety of AIDS activities carried out by the Public Health Service.

I look forward to having these documents, and reactions to them by the authorizing committees and other House Members, as guidance in shaping next year's appropriations bill for fiscal year 1990.

There is also a significant decrease in micromanagement present in the bill's, and report's, treatment of funding for the National Institutes of Health.

In the past several years, the subcommittee and the Office of Management and Budget have gone back and forth in a kind of sparring match, with each side using creative budgetary maneuvers to reduce or protect NIH appropriations. OMB has proposed forward funding, and multiyear funding, and apportionment of funds by type of research mechanism rather than by individual Institute. Congress has responded by prohibiting multiyear funding and apportioning by mechanism, and has instead written into the law, or into report language, the number of new research grants that NIH was required to award each year.

Though Congress' efforts have been motivated by good intentions, they have not been without unintended ill effects. Prohibiting multiyear funding of grants has had the unintended effect of interfering with new grant programs specifically designed by NIH to involve funding in future years. Specifying the number of new and competing grants to be awarded has meant that NIH has had to fund each of those individual grants at amounts further and further below the levels applied for and approved. Research grants in their second and third years of funding have received even larger reductions from recommended funding levels—and these cuts are imposed after personnel has been hired, after equipment has been purchased, and after the work has begun.

These unintended results have given rise to even further complications—the number of young physicians and scientists are interested in research careers is falling, and there has been a serious curtailment in the scientific responsibility and freedom of NIH, the world's greatest biomedical research facility, to exercise its own judgment in funding grants at the levels necessary to maintain quality in research.

This has to stop.

OMB has stopped threatening—now it's time for Congress to stop protecting. This year's bill returns to the practice of appropriating for biomedical research the largest increase we can provide, and then letting the experts allocate it properly. For fiscal year 1989, that will probably mean a smaller number of new grants than have been awarded in fiscal year 1983 or fiscal year 1987, but it should also mean that each individual grant will be funded at a level closer to the level originally approved. I believe that, within the discretionary money we have to spend this year, this is the best way to put quality into federally supported biomedical research and to attract quality researchers back into the field.

For the time being, it is possible to discuss in detail plans for research funding at the Alcohol, Drug Abuse, and Mental Health Administration—almost all of these programs are as yet unauthorized for fiscal year 1989 and therefore will not yet receive specific funding recommendations until we reach conference with the Senate. However, for the one research program in ADAMHA that is already authorized—mental health research—a healthy increase of $23,102,000, or approximately 9 percent over the fiscal year 1988 level of $253,665,000, has been provided.

A significant increase has been provided for the Medicare contractors who process claims for reimbursement for services provided to Medicare beneficiaries. This increase is important because contractors are not simply dealing with the increased workload that follows from the sharp increases that are occurring in Medicare part B expenditures—which cover primarily physicians' services and other posthospital services—they are also going to be faced with the huge influx of claims that will follow the benefit expansions provided in the catastrophic bill. This increase is something that hardly strikes me as discretionary—after all, once the catastrophic bill is signed into law, it would be cruel and irresponsible not to adequately fund the support structure that gets those benefits delivered.

For the discretionary programs within the Office of Human Development Services at HHS—including programs for children, youth, and families; Older Americans Act programs; and programs for the developmentally disabled—the fiscal year 1989 bill before us today includes some modest, and overdue, increases.

Several of the largest programs within the Centers of Disease Control are as yet unauthorized for fiscal year 1989 and therefore no specific funding recommendation has been included. However, for the programs considered, there is one rather substantial increase—that is for the immunization program which provides vaccines and surveillance assistance to States to be used in preventing childhood diseases. This increase of $18.9 million, for a fiscal year 1989 level of $117 million, does not represent any expansion in the program or in the number of vaccine doses provided. It is simply the increase necessary to maintain the same level of activity engaged in last year, and to pay the excise tax on each vaccine dose that was required in the vaccine compensation legislation enacted late in fiscal year 1987.

Finally, there is a small increase of $35 million, or less than 3 percent, in funding for the Low-Income Home Energy Assistance Program. In percentage terms, this is one of the smallest increases provided in the bill—but I think it is the most important, and it is one of which I am particularly proud.

Federal funding for LIHEAP has been savagely cut in the last several years. In fiscal year 1984, fiscal year 1985, and fiscal year 1986, Federal funding for LIHEAP exceeded $2 billion each year. Then, the administration began insisting that States had received oil overcharge money, or restitution from big petroleum companies who had been successfully prosecuted in Federal court for overcharging oil purchasers.

The administration alleged that States had enough oil overcharge money in their treasuries to offset cuts in Federal funding for LIHEAP, and that therefore these cuts would be painless. The Senate accepted this rationale, and LIHEAP was cut down to $1.8 billion in fiscal year 1987, and then to $1.53 billion last year.

I haven't been comfortable with the bold assertion that States can and should easily be able to put oil overcharge money into LIHEAP and, therefore, absorb Federal cuts without abandoning low-income families—particularly elderly and disabled people—to a choice between heat for their homes, or food, or medicine. So I decided to get all the facts.

And, for those who are willing to take the time to learn, there are plenty of facts to get. First, I found that the formula which governs the distribution of LIHEAP funds to the States, and the formula which governs the distribution of oil overcharge money to the States, are not the same. In other words, some States get twice as high a percentage of oil overcharge funds as they get of LIHEAP funds. For other States, the reverse is true—they get half as much in oil overcharge funds as they get in LIHEAP funds. That's because oil overcharge funds are allocated in a way that reflects each State's consumption of that particular oil company's product—the allocation has nothing to do with basis on which LIHEAP funds are allocated.

I'll give you an example—several years ago, $25 million in oil overcharge money was collected from Chevron and distributed to the States. The administration would use that as a reason to cut Federal funding for LIHEAP by $25 million, and therefore to cut Federal funding for each State by its LIHEAP allocation percentage. However, States aren't going to get the same percentage of the Chevron money that they would have gotten from LIHEAP money. In fact, States without any Chevron distributors aren't going to get any of this money. So that quick-and-easy assumption that oil overcharge money is a simple, dollar-for-dollar replacement for LIHEAP money is just not true.

Another assumption that people are leaping to is the assumption that States are going to receive all the oil overcharge money still to come in a very short time—that just isn't true. Most of you probably saw the headlines about 3 months ago announcing that Texaco had just reached an agreement with the Department of Energy in which it agreed to pay $1.25 billion in oil overcharge funds.

Well, that headline isn't the end of the story. States won't be given all of that money—the most they'll get is something less than $500 million, and that's only if the agreement is adhered to and approved by the Bankruptcy Court, since Texaco is now in bankruptcy. Furthermore, States won't get that $500 million all at once—it will be paid out in small distributions over the next 5½ years.

The first distribution, to be divided by all the States and the territories, will be only about $136 million, and there's no way of knowing when that distribution will be made.

And what about those States that have already allocated all of their overcharge money? How will they fare in fiscal year 1989? Well, under the best case scenario, if the States get the distribution that the administration is predicting, Illinois—for example, will get $11.3 million in overcharge money. However, under the administration's LIHEAP proposal, Illinois would lose $20 million in Federal LIHEAP funds. Michigan could possibly get $8.3 million in overcharge money—and lose $19 million in LIHEAP funds. The same kind of thing would happen in Colorado, Connecticut, Indiana, Maine, New York, and several other States. Clearly, for these States, the Senate's rationale just doesn't work.

Furthermore, it is not fair to expect States to put all of the oil overcharge they receive into their LIHEAP programs—the Federal court order governing the distributions now in the pipeline, and the Energy Department interpretation of that court order, requires the States to try to spread this overcharge money across a variety of programs in order to help all the programs and consumers that were hurt when oil companies were charging excessive prices.

After all, as the Governor of Montana told me:

> Oil overcharge funds are intended to "pay back" people who were initially overcharged, not to serve as a means of reducing federal heating assistance to low-income people.

Let me share with you what other Governors have to say about proposed cuts in LIHEAP. Governor Kunin of Vermont says:

> I am particularly disturbed by the argument that the States can absorb these cuts by using oil overcharge funds. I hear this argument postulated year after year to justify cutting or closing every program in which these funds can be authorized. Those who propose it seem unaware of how many times they have proposed using the same funds and also unaware of how inappropriate such proposals are under the terms set by the courts.

My letter from Pennsylvania points out the "effect that the LIHEAP cuts have had on long term solutions to the energy problem." And Governor Cuomo agrees. He points out that New York has plans to put more than 25 percent of its oil overcharge money "into low-income conservation programs, generating substantial savings in future LIHEAP fuel assistance requirements. To insist that all of New York's overcharge funds should go into energy assistance would undercut both the purpose of the overcharge settlements as well as * * * placing greater demands on the energy assistance program in the future."

I know the House is with me in wanting to protect this program—more than 200 Members of the House wrote to our subcommittee asking us to try to return to a level of $1.8 billion for LIHEAP. I wish we could. But at least, in this bill, we are providing an increase—it's a small increase, but it should serve to signal the Senate that this time we've got the facts, this time they're in for a fight.

DEPARTMENT OF EDUCATION

For the Education Department, H.R. 4783 provides $21.9 billion, the highest level ever appropriated. That level is $1.7 billion over the fiscal year 1988 level, and $864 million more than the administration requested.

In addition to the compensatory education increases, the bill provides a $32 million increase for impact aid over the fiscal year 1988 level. This level restores category B payments to schools districts and provides a slight increase to $137 million.

For school improvement programs, we provided an $88 million increase over the fiscal year 1988 level, which represents a reduction of $8 million from what the administration had requested. Included in that total are increases of $841,000 for the Inexpensive Book Distribution Program and $956,000 for the National Diffusion Network. H.R. 4783 continues funding for the new Star Schools Program at $19.1 million, the fiscal year 1988 level. The bill also provides first-time funding for the Comprehensive School Health Education Program recently authorized in H.R. 5 as part of the Secretary's fund for innovation.

The bill we are recommending would increase funding by $76.8 million for vocational and adult education programs over the fiscal year 1988 level, and by $61.9 million over the President's request. Handicapped education and rehabilitation services are also slated for increases of $52.9 and $66.1 million, respectively. In the student aid area, increases are proposed for Pell grants, supplemental grants, college work-study, and State student incentive grants in an effort to redress the imbalance that currently exists between grant and loan programs. I am pleased that the Pell Grant Program will receive an increase of yet another $100 in the maximum, particularly since last year's similar increase in the maximum award was the first in more than 3 years. And, I am particularly pleased that the bill recommends a $51.6 million increase in supplemental educational grants, a more flexible program with a $4,000 maximum award and an institutional matching requirement that also is targeted on the lowest income and those who already receive Pell grants.

For the categorical higher education programs, I want to point out two recommendations. One is for the aid for institutional development program—title III—where we provide $7.3 million for continuation award funding for part A, 4-year institutions that inadvertently face 40-percent reductions in fiscal year 1988 as a result of a series of set-asides in the authorizing statute. And, for TRIO, we recommend a $22.2 million increase over the fiscal year 1988 level and the administration request for this program that does so much to reach out and help disadvantaged young people succeed in school and in college. Included in the TRIO recommendation is $2 million for the Ronald McNair Program. We provide slight increases for all of the graduate and professional programs, including a $5.3 million increase over the fiscal year 1988 level for the graduate assistance in areas of National Need Program in order to fund a new cohort of participants.

For college housing and academic facilities, we provide $62.2 million, the same as the fiscal year 1988 level. H.R. 4783 also recommends a $7.5 million increase in support for libraries, including a $210,000 increase for college library technology. And, I am pleased to note that we provide increases for both of the special institutions that deal with the hearing impaired—Gallaudet University will increase by $4.6 million over the fiscal year 1988 level, and the National Technical Institute for the Deaf will increase $1.6 million over last year's level.

Mr. Chairman, this is a great bill. It is responsible to the budget constraints set last year and this year. And it provides every dollar possible to the programs that matter most to the American people.

□ 1225

My colleagues know that I always read a Dear Sil letter from OMB. I used to get them from the young slasher. Now I get them from the older slasher.

I am sorry that I do not have a letter here today to read, so I hope that my colleagues will support this bill.

Mr. NATCHER. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I would simply like to take the time to congratulate the chairman of the committee, and the ranking member, and the staff and other members of the subcommittee who produced this bill.

It is certainly true that this bill is just a little over a billion dollars above the President's budgeted level for education, health, and job programs for this year. I make absolutely no apology for that whatsoever because the fact is that over the last 8 years we have seen a Federal budget which has in real dollar terms increased military spending by 52 percent and decreased spending on social programs by about 25 percent in real dollar terms.

As a percentage of GNP we are spending a smaller share of our National Treasury today to attack social programs than we were before LBJ ever spent dollar one of Great Society money in 1964. In 1963 we were spending 4.2 percent of our gross national product to attack social problems. That rose to a high of 5.8 percent of GNP in 1980. It is now down to about 4 percent.

Mr. Chairman, that means we have wiped out all of the efforts to attack social problems that we began when we began the Great Society, and that means in my judgment that we are not investing enough to attack social problems which plague this society today.

Anyone who has a student in the family who needs a better education, anybody who has someone in their family who has experienced a serious health problem, needs to have this legislation passed.

We have a strange tendency in this society to identify poverty with minority groups. People usually talk about unemployment and high school dropouts in terms of the black population or the Hispanic population, but the fact is that today we have 30 million white Americans over the age of 20 who have not graduated from high school.

Mr. Chairman, we are never going to solve those problems unless we invest more in legislation like this and not less.

I want to make one other point. This bill is in full compliance with the budget resolution, which means that every dollar of budget increase which we have in this bill is compensated for by a dollar cut somewhere else in the budget. So this bill is in full compliance with budget responsibility.

There will be some who suggest that we ought, nonetheless to make a further reduction in this bill. I would simply say this:

There are two kinds of people who come to any legislative body. One is the kind of person who is comfortable with thinking with a green eyeshade, and the other is a person who is comfortable with making some intelligent policy choices.

The Committee on Appropriations has made some intelligent policy choices. We believe that we need to rearrange the President's priorities to invest more in education, more in job training, more to cure human disease and that we ought to spend less someplace else in the budget. That has been tied down, and I think this bill is fully responsible.

Let me make one other point. Since 1980 we have had significant adjustments in what we put where in terms of the Federal budget, but the biggest drop this budget has comes in terms of what we invest in people.

In 1980 about 18 cents out of every dollar was being invested in programs to improve human capital, to improve education, to improve job training, to improve health research. Today we have cut that about in half. Today we are only spending about 9 cents out of every dollar on those programs. That is unilateral disarmanent in making the investments in the programs that we need if we are to have a strong economy.

Do not forget America's strength begins at home. America's strength is rooted in the quality of its work force, in the quality of its health care, in the quality of its education. This is the legislation, far more than any other legislation we will deal with this year, that attempts to achieve that quality, and I urge my colleagues to support it without amendment.

Mr. CONTE. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan [Mr. PURSELL].

Mr. PURSELL. Mr. Chairman, I rise in support of H.R. 4783, the Labor, Health and Human Services, and Education and related agencies appropriations bill for fiscal year 1989.

I want to congratulate the chairman of the subcommittee, Mr. NATCHER, and the ranking Republican Mr.

CONTE, for their leadership on this legislation. They are outstanding Americans. It is a pleasure to serve on this subcommittee, thanks in a large part to the fair, cooperative, and bipartisan approach taken by Chairman NATCHER.

The Labor, HHS, Education appropriations bill provides funding for a wide variety of programs of vital importance to the American people.

Its appropriations support the training and retraining of dislocated workers, contribute to the education of our children, fund our Federal health and research programs, and provide for the less fortunate members of our society.

Including mandatory and permanent appropriations, and Social Security, Medicare, and other trust funds, this legislation provides $543.1 billion for programs administered by the Departments of Labor, HHS, Education, and related agencies.

A top priority of mine has been support for nursing research and education programs funded by this bill. The National Center for Nursing Research has become a focal point within the nursing community for the conduct, support, and dissemination of information regarding basic and clinical nursing research.

In the 2 years since its creation, the Center has made remarkable progress in scientific research geared toward mitigating the physical and emotional effects of acute and cronic illness in patients and their families.

New this year will be an extramural centers program at NCNR which will create additional opportunities for nurses to become involved in patient care research.

Chronic diseases such as heart disease, chronic lung disease, diabetes, stroke, and hypertension are the leading causes of premature death and long-term disability and exact the heaviest burden in terms of health-related costs in this country.

This needless loss of life and good health can be prevented by prevention programs. I strongly support initiatives in this legislation, through the Centers for Disease Control, to increase the capacity of States to track, develop, and monitor effective prevention programs aimed at specific chronic illnesses.

I strongly support the committee's recommendation of $4.5 billion of the Pell Grants Program in fiscal year 1989. This is a $262 million increase over the fiscal year 1988 level.

This appropriation will increase the maximum grant award by $100 to $2,300, and will provide financial assistance to approximately 3.1 million college students.

A program in which I have had a strong interest is the prestigous Javits Fellowships Program. It is the only higher education program to provide grants to postgraduate students studying the arts, humanities, and social sciences.

The University of Michigan, located in my congressional district, traditionally has been very competitive for these fellowships.

This bill also includes mandatory statements to the Social Security trust funds.

I am pleased to report that the Social Security System is in sound financial shape. By the end of calendar year 1988, the trust funds will take in $260 billion in revenues, while paying out $220 billion in benefits.

By the end of the century, Social Security will have $1 trillion in reserve. These reserves will grow to $12 trillion by the year 2030, guaranteeing Social Security not only today but for generations far into the future.

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Mr. NATCHER. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I thank the chairman for yielding this time to me.

I want to join my colleagues who have spoken before me in saying what a privilege and honor it is to serve on a committee chaired by the distinguished gentleman from Kentucky, Mr. NATCHER, and the ranking member, not only the ranking member of the Labor/Health Committee, but the ranking member of the committee, my dear friend and colleague, the gentleman from Massachusetts, Mr. SIL CONTE. Serving with these two giants who have been such great leaders in education and health and safety for our work force and in all the areas that serve to make sure that we have a quality of life in America that we strive for is a great privilege, and I might say, a great learning experience, and I want to thank them personally for the leadership they have given on these issues.

Mr. Chairman, I rise in strong support of H.R. 4783, the Labor, Health and Human Services, and Education appropriations bill for fiscal year 1989. I also rise to challenge the Members of this House. I challenge you to do what is necesary and right in order to protect our future—our children.

We on the subcommittee worked long and hard to bring you a bill that all the Members of this House could support. We believe the President will sign this bill. This year the President's budget request called for a modest 3.1-percent increase in spending for elementary, secondary, and vocational education. This request represents an improvement after years of proposals by the President for massive cuts in Federal support for education. We have increased the President's budget request by $864.2 million.

Elected policymakers, leaders of business and industry, economists and educators all agree that a strong educational system is the key to meeting the economic and social challanges facing our Nation.

A group of businessmen and women calling themselves the Committee for Economic Development recently called for a major investment in education. They said:

> An early and sustained intervention in the lives of disadvantaged children both in school and out is our only hope for breaking the cycle of disaffection and despair * * * because chapter 1 remedial reading and mathematics programs and head start programs have had demonstrable success in helping narrow the gap in achievement between disadvantaged and non-disadvantaged students. We urge that Federal funding for these programs be brought up to levels sufficient to reach all eligible children.

The Federal investment included in this bill represents only a small percentage of the money spent nationally on education. This bill provides $21.9 billion and the total education spending from all sources is $280 billion. This represents approximately 7.5 percent of total spending and is obviously a small percentage of the total but an important percentage.

Why is it important and why will it grow in importance?

It will grow in importance because more and more students show up at the schoolhouse door with one or more serious impediments to learning.

Twenty-five percent of kindergartners are from families living in poverty;

Fifty percent have a mother in the labor force;

Fifteen percent have physical or mental handicaps;

Fifteen percent are recent immigrants who speak a language other than English;

Fourteen percent are children of unmarried parents—often teenagers; and

Twenty-five percent of our students are not expected to finish high school.

Soon these children will make up one-third of our work force. It is in our national interest to educate and to prepare these children for the future.

This bill represents a step toward addressing a wide range of national needs. The need is large:

> Only about 40 percent of the disadvantaged students eligible for chapter 1 were served in fiscal year 1987;
>
> Only about one-tenth of the students eligible for Federal bilingual education programs were served in fiscal year 1987;
>
> Only 18 percent of the eligible disadvantaged preschool children are served by the Head Start Program; and
>
> Last year we provided only one-seventh of the cost of handicapped education programs, which is less than the 12 percent provided when Public Law 94-142 was enacted and far short of the 40 percent Congress intended to provide when these programs were created.

The challenge before us is the challenge to succeed. We will only succeed as a nation if we can address most, if not all, of these unmet needs. We as a body have recognized the challenge and begun to act. In H.R. 5 we recently declared it to be the policy of this Nation to expand chapter 1 with the intent "of serving all eligible children by fiscal year 1993.

We need a similar commitment to other programs such as Head Start. More importantly we must embark upon a clear and incremental plan to meet these critical needs by establishing realistic annual funding targets. Calculations indicate, for example, that the investment of an additional $500 million over and above inflation in chapter 1 for each of the next 5 years would allow us to serve all eligible children by 1993. Similarly, the investment of an additional $400 million over and above inflation in Head Start would allow us to serve 50 percent of the eligible children by 1993.

Such incremental additions to Head Start and chapter 1 are also prudent investments that will yield substantial results. Our Nation will greatly benefit from the improved skills and performance of our children, while saving scarce resources as well. Studies show that every $1 invested in Head Start and similar comprehensive preschool programs returns $6 due to the reduced incidence and costs of school failure and adult dependency.

Investing the $600 required to provide chapter 1 services to another eligible child is slight compared to the approximate $4,000 cost for a single child to repeat a single grade or the $228 billion loss in lifetime earnings from the dropouts of the high school class of 1981.

We also know that the school systems of this Nation cannot alone solve all of our social problems. Students need support and preparation at home before entering the schoolhouse door. That's why the subcommittee has included funds for the new Even Start and comprehensive child development centers programs.

Because of the obvious fiscal constraints that we are working under we were not able to provide the levels of funding to meet numerous national needs, some of which I have spoken to. In many instances we have maintained funding for several programs at the fiscal year 1988 level. This, of course, means that several programs will, in effect, lose ground when you factor in inflation. As the chairman has pointed out we have provided modest increases for both the chapter 1 program, Head Start and other high priority programs.

This bill is under its section 302(b) allocation. After the subcommittee had marked up its bill the conference report on the budget resolution was passed which required the subcommittee to meet again in order to get our bill under the newly agreed to spending limits. We obviously did that and it was a painful process.

We did the best we could under trying circumstances and I urge all Members of this House to support this bill.

In conclusion, I would like to close with a quote by President Lincoln:

> A child is a person who is going to carry on what you have started. He is going to sit where you are sitting, and when you are gone, attend to those things which you think are important. You may adopt all the policies you please, but how they are carried out depends on him. He will assume control of your cities, States and nations. He is going to move in and take over your churches, your schools, universities and corporations. All your books are going to be judged, praised or condemned by him. The fate of humanity is in his hands.

Mr. CONTE. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I would like to commend my chairman, the gentleman from Kentucky, Mr. BILL NATCHER, my leader, the gentleman from Massachusetts, Mr. SIL CONTE, and the members of the subcommittee for playing by the rules and doing our job on time.

The bill contains no unauthorized funds. The bill contains no legislative language. The bill is within the 302(b) budget allocation.

The bill is being considered before the June 30 deadline specified in the Budget Act for completion of House action on all appropriation bills. The bill is not being protected by a closed rule, or indeed by any rule at all, because it is in perfect conformance with the rules and the procedures of the House.

Mr. Chairman, this is the 6th of the 13 appropriation bills to come to the floor, separately and on time. By the end of this week we will have completed all, but absolutely no reason that all 13 cannot be completed by the House by the June 30 deadline, as specified in the law. You have to say that that is a very impressive accomplishment when you consider the fact that the Appropriations Committee has been hamstrung once again by the failure of the Budget Committee to get its job done on time. The budget conference agreement was 6 weeks behind the legal deadline. When it came out, it forced many Appropriations Subcommittees to sit down and remark their bills; but despite that problem, I think we are going to be able to complete all 13 bills on time, and I think that is important because we have to send a message to the Senate that we can do our job on time and there is no reason they cannot do their job on time and avoid the giant CR, the giant omnibus continuing resolution that has hamstrung our efforts to control the budget over the past 2 years, and prior to that as well.

Now, turning to the bill at hand, Mr. Chairman, there are two ways to view the bill. One is that it is very fat. The other is that it is very lean. Overall spending rises by $8.6 billion, and that is the sad part; but if you look at the numbers very carefully, you see that $6.5 billion is for mandatory entitlement programs. Entitlement programs in the bill jump 8.3 percent, and that is usual. That is what has been happening over and over again with increases around 10 percent and the discretionary parts of the bill have tremendous pressure upon them.

The remainder of the increase is only about $2 billion and that is of the $40 billion in discretionary spending. That works out to about 5 percent.

If you look at the 5-percent increase, this $2 billion on the discretionary side, and you see what is going on, you see that we have put the money basically in four areas, two of them educational and two of them medical.

Three hundred million dollars of it went for AIDS, a 38-percent increase.

Three hundred thirty-five million dollars of it went to chapter 1 for disadvantaged students under the education side of our bill.

Five hundred million dollars of it went to NIH, about a 5.5-percent increase, but that is below the rate of medical research inflation, unfortunately.

Three hundred fifty million dollars of it went to student financial assistance for Pell grants and the like to aid higher education.

Of those four times, that is about $1½ billion of the new $2 billion increase. The other $500 million of new money went into all the other discretionary programs of about $21 billion, and that works out to an increase of about 2.3 percent. That is far below the projected inflation rate of 4.9 percent.

So you can see that we have worked very, very hard to get this bill into proper condition.

What do we have to worry about now? We have to worry that the economic assumptions on which the budget was based and our 302(b) allocations were based is accurate. If it is accurate, we are fine, but if it is not accurate, if we are growing at a less fast rate than what the budget assumes, then we face the possibility of a Gramm-Rudman sequester order coming upon us in November that can do tremendously destructive things to the budget. Let us hope that does not happen.

Mr. NATCHER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ROYBAL].

Mr. ROYBAL. Mr. Chairman, I take this time first of all to commend the gentleman from Kentucky [Mr. NATCHER] and the ranking minority member for bringing this piece of legislation to the floor.

I would like to enter into a colloquy with the chairman.

Mr. Chairman, I would like to clarify the intent of the committee with regard to the Center for Language Education and Research, known as CLEAR. As we discussed in the subcommittee, the Department plans to replace this center with a center focusing on the disadvantaged.

CLEAR was started 5 years ago with a 5-year mission. Am I correct that funds were included to ensure that the existing center receives full funding for its final and fifth year?

Mr. NATCHER. Mr. Chairman, if the gentleman will yield, his understanding is correct. Some questions have been raised about the disadvantaged center, and it is my hope that the Department will consult closely with the Congress as its plans for such a center proceed.

But regardless of the Department's decision with regard to the disadvantaged center, it was the committee's intent that the CLEAR Center be maintained at the originally proposed funding level, which I believe is about $1.6 million, for fiscal year 1989.

Mr. ROYBAL. Mr. Chairman, I rise in support of H.R. 4783 and commend Chairman NATCHER for bringing a responsible, forward looking bill to the floor today. The subcommittee's recommendations for the Labor-Health and Human Services-Education 1989 fiscal year reflect the concerns of all of us who serve on that subcommittee, and ultimately, serve the best interest of all Americans. I would like to call the attention of the House to some of the most encouraging aspects of this bill.

DEPARTMENT OF LABOR

I am happy to say that, despite the severe budget restrictions the subcommittee is under, we were able to sustain critical programs aimed at enhancing the competence of our newest entrants into the labor force, and at assisting the transition of workers who have lost their jobs because of factors out of their control.

I am especially concerned that our Nation's changing demographics be recognized as we formulate and implement employment related policies and programs at the Federal level. We must, I believe, be mindful of the special needs of our youth, minorities, and those least skilled workers who can most benefit from a concerted effort to upgrade their abilities and increase their mobility. In the decades to come, we will need their contributions to our economic well-being, and must take an active role in helping them realize their potential.

This bill seeks to address those concerns. The funding for training and employment services is increased by over $350 million. The successful Job Corps Program for training disadvantaged young men and women is provided additional funds to complete six new centers this year.

Another needed expansion has been provided for job training for migrants and seasonal farmworkers, an increase of $5 million, which will permit an additional 2,600 persons to be served. The number of individuals eligible for such services is growing at a tremendous rate as a result of the immigration legislation of 1986. More than half a million persons have already applied for the Seasonal Agricultural Workers Program, which ends in November, and most will be eligible for Federal job training services. Half of the applicants are from my own State of California. I am pleased that my amendment to modestly increase funding in the section 402 program was accepted by the subcommittee. This increase will help ease the pressures on existing providers of job training services for this severely underserved population.

DEPARTMENT OF EDUCATION

I strongly support the significant funding increases included in the bill for high priority educational programs. Just as the Federal role in job training is especially critical for some populations, the Federal role in improving educational opportunity is essential to our disadvantaged and less privileged youngsters, to our racial, ethnic, and linguistic minorities, and to our new Americans, immigrants and refugees alike. Upgrading the education of these most vulnerable of our schoolchildren will improve the education of all our youth, and the future well-being of our Nation.

This year's appropriation shows that we are serious in caring for the educational needs of our Nation's children. I am especially pleased by the increases in such programs as Headstart, chapter 1, and student financial assistance grants. The highly effective TRIO programs, and aid to developing institutions with high concentrations of minority students have also received additional funding, and I will continue to work for such programs aimed at promoting greater participation by those underrepresented in higher education.

The administration's request for increased funding for bilingual education was accepted. I regret that we could not add even more, and am concerned that teacher training efforts will be reduced. There is a national shortage of trained education personnel to deal with the growing population of children whose native language is not English. While one in six teachers has limited English proficient students, 1 in 16 has substantial training in instructing them. In Los Angeles alone, there are 160,000 LEP children, and 23,000 receive no special services addressing their language deficiencies.

Title VII originally provided only for bilingual instructional programs. Since 1984, programs for limited English proficient children have been expanded to six different types, and if adequately funded would give school districts more flexibility and enable them to reach special populations that were previously unserved. I strongly support the increase for part A programs, which basically is to be evenly divided among the various program categories—except for programs of academic excellence, which are level funded. Even with the increase in part A programs, 70,000 fewer children will be served than were served in 1980. This retreat in Federal support for services to LEP children must be reversed, and we must begin a renewed effort to serve the growing number of such children. It is estimated that there are over 2 million schoolchildren at the present time with limited abilities in English.

I regret that a newly authorized program of literacy grants in the area of adult education was not funded. There is no question that illiteracy is a national problem, especially in the Hispanic community, where up to 56 percent of adults can be functionally illiterate in English. I am acutely aware of the problem in Los Angeles, where the lack of ESL—English as a second language—classes has reached crisis proportions. Immigrants, refugees, and newly legalized persons under the immigration legalization program vie for scarce adult education programs.

The bill provides funds to maintain an existing language education center within the Office of Educational Research and Improvement. It is important that the Center for Language Education and Research receive full funding for its fifth and final year. It would be premature for the Department to carry out its plans to eliminate the Center at this time, and an unwarranted abandonment of the Federal research effort focused on language minority children. There are no plans to ensure that the functions of the existing center would be carried out by the Department.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

A small, but significant, enhancement of our efforts to address child abuse is the funding provided for a national parent self-help program. Such a program would serve as a network of community based programs providing families with accessible help in reducing child abuse. By covering some of the associated administrative support costs, this funding would allow a basically volunteer program to provide effective parent group counseling.

AIDS AND HEALTH

Although most Americans are now aware of the urgency of the AIDS epidemic, the crisis continues to grow as the virus and rumors spread. The funding in this bill recognizes that we must escalate our battle against this deadly disease if we hope to stop it from taking more victims, and eventually, if we hope to find a cure.

I am particularly enthusiastic about an increase in funding to the Center for Disease Control for the national minority emphasis projects. I wish to thank Chairman NATCHER for accepting my amendment to provide an additional $5,500,000 for this much needed program.

Although AIDS poses a potential threat to all groups of Americans, Hispanic and black groups continue to be disproportionately afflicted. Whereas Hispanics and blacks make up only 6.4 and 11.5 percent of the population respectively, 14 percent of all AIDS cases occur among Hispanics, and 25 percent occur in blacks. CDC will target these funds toward directly assisting minority communities with the highest incidence of AIDS.

This bill also provides an additional $1,000,000 to each of CDC's projects to expand their efforts in TB/AIDS and hepatitis B. Both of these projects are urgent funding priorities because of the highly contagious natures of the diseases.

I am very pleased that this bill also contains $2,872,000 for the Office of Minority Health so that they may implement the recommendations of the Secretary's Task Force on Black and Minority Health. And also, I commend the chairman for supporting an increase in grant funding for the Minority Biomedical Research Support Program. Through programs like this one, more minority undergraduates, graduate students and university faculty will direct their efforts toward the quest to understand and overcome diseases.

AGING

The elderly are the fastest growing and most needful group of health care recipients. As chairman of the Select Committee on Aging, I commend Chairman NATCHER for recognizing the growing demand for medical care in the senior community and authorizing responsible funding for programs suited to their needs.

This bill increases funding for continued research into diseases that most commonly afflict the elderly, such as Alzheimer's. Previous research has uncovered several of the mysteries behind this dreaded disease, and we need to maintain our steady pace on the road to developing preventative treatments and improved methods of care. Particularly, I wish to thank the chairman for granting my request for an increase of $5,000,000 for Alzheimer's disease research, $2,000,000 of which will go toward expanding efforts within the Alzheimers Centers Program.

I am also very pleased that the committee has provided a $10,000,000 increase for the Community Service Employment for Older Americans. These funds will go to award two new contracts between the Department of Labor and older American Indians and Asian-Pacific Islanders. Also, these additional funds will cover any Federal or State minimum wage increases that are enacted, and will expand the number of jobs funded from the current level of about 65,000.

And I am glad to see an appropriation of $3,000,000 for the Ellender Fellowship Program. These funds will not only continue the student program, but will allow the startup of the Older Americans and New Americans Program. The Older Americans Program will involve economically disadvantaged senior citizens in the actual workings of the three branches of the Federal Government. We have the opportunity not only to care for our elder generations, but to enrich their latter years as well. The New Americans Program provides fellowships to recent immigrants in order to develop citizenship skills in the functioning of our democratic system of government.

Also, I welcome the directive to the Social Security Administration to provide up to $1 million to devise a system through which they can ensure that homeless people are receiving their SSI and other benefits to which they are entitled.

Finally, I would like to point out that this bill provides increases for many programs under the Older Americans Act. Overall, these funds provide nutrition services to the elderly who lack adequate income or facilities to prepare food, and to those who are socially isolated. They also go toward grants to Indian tribes to promote opportunities for older Indians, to training personnel in the aging field, outreach services to the minority elderly, home services for the frail elderly, demonstrations for victims of Alzheimer's disease and their families, the long-term care gerontology center, and national legal services among many other offerings.

In closing, I congratulate Mr. NATCHER for bringing a careful and conscientious bill to the floor for our consideration today. I wholeheartedly support its passage, and I urge my colleagues to do the same.

Mr. CONTE. Mr. Chairman, I yield 1 minute to a very valuable member of our subcommittee, the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Mr. Chairman, I rise in strong support of H.R. 4783, the Health and Human Services and Education appropriations bill.

It is a distinct privilege to serve on this subcommittee with my colleague from Kentucky. [Mr. NATCHER] the chairman, and my colleague from Massachusetts [Mr. CONTE] the ranking minority member. With their leadership, our subcommittee brings before you today legislation that provides increased resources for the education of our Nation's youth, funds to expand Federal health research programs, and appropriations for a number of critical programs to assist older Americans.

With regard to education, the committee recommends $21.9 billion for fiscal year 1989. This is an 8-percent increase over funds that were appropriated for the current year and will provide Federal assistance for programs ranging from Head Start for preschoolers, through assistance to State and local education agencies and school districts, and Federal support for our Nation's colleges and universities and students attending these institutions of higher learning.

Children are the future of our great Nation and this bill before you makes critically needed funds available to continue to improve educational opportunties that will be available to them in the years ahead. These programs are an investment in our future and will keep the United States at the forefront of the world's rapidly changing economy and technological base.

Related to education, is the continued support in this legislation for the National Youth Sports Program, a cooperative program between our Nation's colleges and universities and the National Collegiate Athletic Association. Through this program, more than 60,000 youth are given the opportunity to spend part of the summer on college campuses in their areas and is often the first exposure many of these children have to these types of facilities. The $7 million provided in this bill is matched 3 to 1 by private sources to provide excellent educational, nutritional and medical programs for these youth, with an emphasis placed on instruction about the dangers of drug use and abuse.

With regard to health care, the committee has included $1.3 billion for AIDS education, research, and treatment programs. This increases by more than 30 percent the resources that are available this year for efforts to better understand and find a cure for this disease, which is the fastest growing health care concern of our Nation and the world. The committee has specifically included funds for a number of programs that address the tragic problem of children born with AIDS who have little or no chance of survival. This is a critical concern to the State of Florida which has one of the highest rates of prediatrics AIDS cases in our country.

The committee has also continued its longstanding record of support for health care research through the National Institutes of Health. Overall, the bill provides $6.8 billion for NIH research activities, an increase of 8 percent over the current year. The list of contributions NIH has made to fight disease and improve the quality of life for all Americans is too long to mention here, but the fact that NIH is respected worldwide as the foremost leader in health care research and treatment is indicative of the priority that is placed on funding for these programs.

Other health care programs funded in this bill include Federal support for the immunization of our Nation's children, education, and treatment programs for diabetics, and support for the education and training of nurses and doctors.

Among the most important programs funded by the committee, are those to assist older Americans, including funding to maintain the Social Security and Medicare programs and $1.6 billion to provide low-income energy assistance for seniors. Funding for the Senior Community Service Employment Program has also been increased to $346 million and will provide job opportunities for more than 65,000 older Americans.

Mr. Chairman, the bill before us provides an excellent mix of health and education benefits that will benefit a broad range of Americans of all ages and I would urge my colleagues to give it their full support.

Mr. NATCHER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Mississippi [Mr. WHITTEN], the chairman of the Appropriations Committee, and Mr. Chairman, as Members all well know, the dean of the Congress.

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Mr. WHITTEN. Mr. Chairman, I want to congratulate my friend the gentleman from Kentucky [Mr. NATCHER] and the gentleman from Massachusetts [Mr. CONTE] and all the members of the Subcommittee on HHS.

We forget sometimes that we ought to look after our own country first, the people of our country first. But they and the members of this subcommittee have never been negligent in looking after our own people because that is where our heart is and that is where we should be.

Mr. Chairman, I want to say this for the RECORD, that there is much complaint about continuing resolutions. It has never been the fault of the Committee on Appropriations of the House that we have had continuing resolutions. It is because our colleagues for various reasons were unable to act on the other side of the Capitol in time. This year we have again made a determined effort to be sure that if it happens again, it is not our fault. What the future may bring, I do not know. Reports are that though we have lived up to the limit of the budget, on the other side where they insisted that we do that, I understand already they are paying very little, if any, attention to the ceiling that they themselves imposed.

I would like for the RECORD here to point out what we have to go through in the committee. I am proud of the Committee on Appropriations of the House, all 57 Members who have to work together and do work together, all on 13 subcommittees of which I am a member of each because of the position I hold as chairman of the committee. Let me repeat here what has happened this year. Under the law the budget resolution conference report was required to be adopted by April 15. The House lived up to that requirement and passed it on March 23. The Senate did also on April 14. Then for 53 days they were unable to agree on anything. At the insistance of the leadership, we had proceeded to handle our bills under the House-passed resolution. When the budget conferees finally did agree, we were told, at the last minute, that the Senate insisted on a further cut of $1.9 billion. So we called the subcommittees back together and we did that. We reduced the full $1.9 billion and it took some doing. It left this particular subcommittee and others where we were unable to do everything we would like to do. Within the limits prescribed, I think we did a great job and certainly that is true here. I could go on and on listing, and I will do it for the RECORD, the various programs that are involved here.

I was asked not long ago what I would advise folks running for the Presidency of the United States to be doing. I would say I would make it clear I was running for President of the United States and not the United Nations.

I would realize that our own country is the backbone and the support for all the rest of it.

I would recognize there is a difference between productive spending where we get our money's worth and that which is just wheel spinning.

I would point out that our money is paper, only paper, only a promise to pay. The only thing behind it is our own country. Yet may I say the only commendation we have from downtown is in two areas, one that we did not have a new start in the public works bill to look after our own country, and the other is foreign aid. All the rest of our actions in looking after the country have been condemned.

It is to be remembered that the Appropriations Committee has consistently held the total of appropriations bills below the overall total requested by the President. Despite this fact, the Federal debt in 8 years has increased from $900 billion to $2.6 trillion.

All this occurred at a time when domestic programs up until this year have been reduced 38 percent. However these funds have not gone to pay the debt but to increase funds for other spending.

As you know, as chairman of the Committee on Appropriations I have the responsibility of working out with the chairman of each subcommittee the allocation to each of the subcommittees the total provided for our committee under the budget resolution. These amounts are published in our 302(b) report which was agreed to by the committee last Friday, June 10. In approving these allocations, the overall committee approved the allocation which made it possible for us to maintain all vital activities and expand in a few high priority areas in this bill. The 302(b) allocation for the fiscal year 1989 provides $39,752,000,000 for discretionary programs administered by the Departments of Labor, Health and Human Services, and Education. As the gentleman from Kentucky, an outstanding Member of Congress, has said many times, this is the people's bill and this is where the money belongs.

Mr. Chairman, this is a bill which is supported by all of the members of the Committee on Appropriations. When you deal with the health and education of the citizens of this country, nothing deserves more attention and the committee agreed that these programs are so important that an adequate allocation must be made in order to support them.

Let us look at some of the programs that are funded in the bill including our junior colleges and many programs for senior colleges.

I shall not mention all the programs because they have been discussed by the chairman and the ranking minority member.

I am pleased that we provide an increase of $44,117,000 for vocational education;

For training and employment services, an increase of $40,486,000;

For job training, the 1988 level of $1,809,486,000;

For summer youth employment, the 1988 level of $750,000,000;

For the Job Corps, an increase of $47,496,000;

For acquired immune deficiency syndrome—AIDS—an increase of $308,300,000 for research, education, and other activities directed at the prevention and treatment of this fatal disease;

For maternal and child health, an increase of $23,400,000;

For Head Start, an increase of $43,600,000;

For the National Institutes of Health, excluding AIDS, an increase of $510,200,000;

For developing institutions, an increase of $27,630,000 which includes assistance to historically black colleges, as well as newer ones including Mississippi Valley State University.

Mr. Chairman. This is where the increases are and where they should be. Not only do we provide these increases but, with the cooperation of the chairman and members of the overall committee, our total appropriations bills are below the total recommended in the President's budget recommendation.

Questions have been raised about this bill exceeding the amount requested by the President. That is true. But may I say that the overall appropriations bills are below the President's budget and they are below the House budget. Our Committee on Appropriations has done its job.

Mr. CONTE. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. WEBER], another valuable member of my subcommittee.

Mr. WEBER. Mr. Chairman, I will begin by saying I rise in support of this bill, and I want to extend my congratulations and thanks to the gentleman from Kentucky [Mr. NATCHER], the chairman of the Subcommittee on Labor-Health and Human Services-Education, and the ranking member the gentleman from Massachusetts [Mr. CONTE].

Mr. Chairman, I am the newest member of the subcommittee and it has been a tremendous pleasure. This is the second bill we have brought to the floor and it is a tremendous process to be involved with these two great leaders in the Congress.

Mr. Chairman, I rise in strong support of H.R. 4783, making appropriations for the Departments of Labor, Health and Human Services, and Education for fiscal year 1989. At the outset, I would like to thank our chairman and ranking minority member for their diligence and effort on this bill.

Mr. Chairman, I have been proud to represent what is one of the most rural districts in the country for the past 8 years, and many of my rural colleagues and I have had to come to grips with the fact that our rural areas are generally older, economically less well off, and faced with a series of unique problems not shared by their urban counterparts. This bill is the cornerstone of our efforts to improve the health, education, and overall quality of life for rural Americans, and it deserves our support.

One aspect of this bill that I am particularly pleased with is the wide range of support services for older Americans. These investments in physical and mental health services, and biomedical research into Alzheimer's and other age-related illnesses will enable the elderly to live with increased dignity and independence. In particular, older American volunteer programs, RSVP, Senior Companions, and Foster Grandparents and related service programs have been tremendously valuable for the rural elderly, and have enhanced both the quality of community services and the full participation of the elderly in community life.

Health and education are perhaps two of the most important infrastructure needs of rural communities, and this bill extends a broad range of programs designed to improve academic quality, curriculum development, vocational skills, dissemination of innovative educational approaches, and overall access to education at all levels.

Education is going to be absolutely essential to the economic and social well-being of rural America. The Nation's latest mathematics report card noted that one out of every three major corporations now provides remedial courses for its employees, and that if current demographic trends continue, American businesses will hire 1 million new people a year who cannot read, write, or count. The implications of these figures are staggering, and I believe that continuation of the education reform movement and the investments this bill makes at the elementary, secondary, and postsecondary levels will be critical to our continued economic growth and success.

Mr. Chairman, this subcommittee has conducted an exhaustive and comprehensive hearing process, and has drafted an excellent bill under very adverse budget conditions. While Members may have some specific disagreements over certain accounts, the development of this bill has been equitable and objective. I would like to commend Chairman NATCHER and our ranking minority member, Mr. CONTE, for their leadership on this bill, and I would urge its adoption.

Mr. COLEMAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. WEBER. Mr. Chairman, I would like to yield at this point to the gentleman from Missouri [Mr. COLEMAN], the author of the authorizing legislation for the graduate assistance in areas of national need.

Mr. COLEMAN of Missouri. Mr. Chairman, I want to commend the gentleman from Kentucky [Mr. NATCHER] and the gentleman from Massachusetts [Mr. CONTE] and thank the gentleman from Minnesota [Mr. Weber] for their efforts on this program. We started this program with funding of $7.7 million which would have funded about 460 fellowships in the area of science and math. To continue at that level of funding for 3 years as the program envisioned, we would have to have an increase of $15.4 million this year. The committee recognizes the shortage in this area. It has increased it to $13 million. We hope to someday be able to get it back to the fully funded level of 460 fellowships.

Mr. Chairman, again I commend the gentleman from Minnesota [Mr. WEBER] for his assistance on this matter and the chairman and ranking member of the committee.

Mr. WEBER. I thank the gentleman from Missouri [Mr. COLEMAN] for his remarks. The committee funded last year at a level sufficient to fund about 460 fellowships. If we were to do that for the full 3 years once the program is up and running, we would end up with an appropriation somewhere between $20 and $24 million. We have actually cut back some this year. I hope we can restore funding next year.

Mr. NATCHER. Mr. Chairman, I yield 1 minute to the gentleman from Hawaii [Mr. AKAKA].

Mr. AKAKA. Mr. Chairman, I rise in strong support of the Labor, Health and Human Services, and Education, and related agencies appropriation bill for fiscal year 1989.

Before proceeding, I want to commend the members of the subcommittee for their hard work. In particular, I want to thank the subcommittee's fine and able chairman, BILL NATCHER, and the ranking member, SILVIO CONTE, for their guidance and leadership in formulating this bill.

The legislation before us today includes provisions of particular interest to the State of Hawaii—impact aid, Hansen's disease assistance, and State unemployment insurance and employment service operations, among them—and I would like to thank my colleagues on the House Appropriations Committee for their support of those provisions.

Unfortunately, the committee was unable to include funds in the bill for another program of interest to my State—the native Hawaiian education programs authorized under Public Law 100-297, the Augustus F. Hawkins-Robert T. Stafford, Elementary and Secondary School Improvement Amendments of 1988—and I feel that I must say a few words about this before we send the legislation to the other body.

For nearly a decade, my colleagues and I have worked diligently to bring the educational needs of native Hawaiians to the attention of Congress. We recognize that the attainment of educational success is critical to the betterment of the conditions of native Hawaiians, and are pleased that the Congress shares that point of view.

However, now that we have the authority necessary to proceed with our plans we find that our endeavors are again being stymied by the difficult, but necessary, need to control our country's budget deficits. As a member of the Appropriations Committee, I understand that this is a hard year for the committee. There is simply not enough money for the work that needs to be done, and I know that many arduous choices had to be made in the process of formulating this bill.

Nonetheless, the longer that we delay assistance to our native Hawaiian students, the more critical their needs will become. They are a people who have been at risk since the turn of the century, a people who must face the uphill battle of surviving in a society that finds them scoring below national norms on standardized achievement tests, disproportionately underrepresented in institutions of higher education, and over represented in special education programs.

Indeed, there are those who, much to their credit, overcome these barriers. However, all too often they find themselves facing yet another obstacle—the cost of financing higher education. While native Hawaiian students represent 20 percent of the population, they comprise only 5 percent of those enrolled at the University of Hawaii in Honolulu, the main baccalaureate granting institution. Additionally and strikingly, they have low retention rates, with less than half of those actually graduating from that university.

Mr. Chairman, it is clear that the sooner that we develop programs to meet the needs of our native Hawaiians, the better will be the prospect for the amelioration of their dire condition.

The debate on this issue is far from over, and even though the House will move to pass this bill today, we still have many more bridges to cross before we finally send a bill to the President. With the gracious approval of the chairman and the committee, I have included language in the report accompanying this bill that sets forth the committee's concern about the special educational needs of the native Hawaiians. In addition, it makes clear that every consideration will be given to the funding of native Hawaiian programs should additional resources become available during our deliberations.

I look forward to revisiting this matter at an appropriate time in the future, and hope that the Members of this body will join me in supporting any and all efforts to send our native Hawaiian students every bit of help that we can afford.

Mr. CONTE. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Chairman, when I listened to the previous speakers I had the thought come to my mind that we almost have the money.

Mr. Chairman, nothing could be further from the truth.

We are scheduled to borrow in this fiscal year $243 billion which will be added to the national debt. Between last year, this year and next year this Nation will have added $750 billion to its national debt. I do not think that is any way to run a railroad.

This Member is from the Committee on Energy and Commerce, not the Committee on Appropriations. I am here because I am telling my colleagues that committee we are going to have a bill within 2 weeks or a month, sometime this session, to add yet another $400 million to the spending stream to test and counsel persons in the AIDS epidemic in America. I believe I will support that legislation but I believe we have entered into an era in the progress of how we legislate in the Congress of the United States that when some of us who come with a new program, and this is a new program, we have the responsibility to point out where the money is going to come from. We simply cannot add on to the existing spending stream that is in place ad infinitum. We know what that leads to.

Mr. Chairman, my amendment at the appropriate time will be to cut $400 million approximately from the spending stream of the HHS appropriation bill. I will identify where they will be cut in order that we make room for what some of us believe is a more pressing priority in our era; namely, to have money across this land to test and counsel those who are afflicted with this incurable disease.

Mr. NATCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS] who by the way, Mr. Chairman, has worked with us every day this year, every day since he has been a Member of Congress as a member of the Committee on Education and Labor, and we appreciate it.

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman from Kentucky [Mr. NATCHER] for his kindness.

Mr. Chairman, I rise today in support of the bill H.R. 4783, the fiscal year appropriations bill for the Departments of Labor, Health, and Human Services and Education, and related agencies. I commend Mr. NATCHER, Mr. CONTE, and the other members of the subcommittee for reporting out a bill that is very supportive of our commitment to education in this Nation.

I especially commend the subcommittee for providing funds for the proposed National Summit Conference on Education. Spurred by the publication of "A Nation At Risk" and several other major reports concerning educational quality, this Nation has been engaged for most of this decade in a debate about how to improve America's education system. Although these reports offer thousands of recommendations to this end, little organized discussion has taken place about the feasibility of the various recommendations.

The National Summit Conference on Education will provide a comprehensive forum for a serious discussion among a bipartisan, diverse group of concerned citizens on how Federal, State, and local governments can together implement recommendations to improve the quality of education in this country.

I am hopeful and expectant that the next President will encourage the swift convening of this education summit conference. American's, with our visceral understanding of the importance of education, must now collectively consider the problems successes in our schools and give full consideration to the many recommendations which have been made for the improvement of our Nation's system of education.

I am pleased that this legislation funds the proposed National Summit Conference on Education.

Mr. CONTE. Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I rise in support of H.R. 4783, the fiscal year 1989 Labor, Health and Human Services, and Education appropriations bill.

This is an extremely thoughtful bill. I commend Chairman NATCHER and Mr. CONTE for their careful considerations and for their strong leadership for Federal support in education. Furthermore, their efforts reflect the essence of the budget agreements.

I am very pleased with the increases in funding for chapter 1 of the Elementary and Secondary Education Act of 1965. This program has enjoyed a long history of success. This spring we finished a major reauthorization of this program. We fought long and hard battles in the Education and Labor Committee and with the other body during the reauthorization of this program regarding the funding formula and the concentration grants. I am pleased with the Appropriations Committee recommendation to fund the concentration grants.

I am especially pleased with the recommendations for appropriations for a new program called Even Start. This is a program on which I have been working for a number of years. The purpose of Even Start is to encourage schools to offer programs that will meet the literacy needs of parents and the early educational needs of their preschool children. This is to be accomplished by assisting parents in becoming more involved in their children's educational development.

As a member of the Education and Labor Committee, I worked to include the program in the major elementary and secondary education bill which the President signed in April. As a member of the Budget Committee, I fought to include a $53 million budget authority for Even Start. I am so pleased that the Appropriations Committee has continued these efforts with their appropriation recommendations and has thereby breathed life into this program.

Again, I commend Chairman NATCHER and Mr. CONTE for their insightful considerations in this bill and for their history of leadership in support of a strong Federal role in education. I urge my colleagues to help continue their efforts by joining me in support of this bill.

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Mr. NATCHER. Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire [Mr. SMITH].

Mr. SMITH of New Hampshire. Mr. Chairman, I thank the gentleman for yielding.

Would the gentleman enter into a colloquy with me?

Mr. NATCHER. Yes.

Mr. SMITH of New Hampshire. It is my understanding that the chairman has been apprised of the GAO report which assesses $105,000 in the Federal costs, through the National Institutes of Health, for the housing, care, and transportation of a group of 14 primates known as the "Silver Spring Monkeys."

Mr. NATCHER. Yes. The committee received a copy of the report yesterday.

Mr. SMITH of New Hampshire. As the chairman is aware, the fate of this group of primates has engendered widespread interest and support. This is the case of bureaucratic bungling, which has cost the taxpayers money and is not in the best interest of these primates, who were horribly abused in research in 1982. The experiment these animals were involved in was terminated by NIH itself. For the past 3 years, I have attempted to have these former research animals transferred from the Delta Regional Primate Center in Louisiana to a nonresearch, resocialization facility called Primarily Primates, located in San Antonio, TX. The financial arrangement we seek would replace the current Federal obligation of funds with a private trust fund set by humane groups to cover all future costs associated with these primates. During the 99th Congress, this transfer had the support of over half the House and half the Senate on a letter to Dr. Wyngaarden at NIH. H.R. 2883, legislation I have introduced in the 100th Congress to accomplish this humane transfer, has 131 cosponsors. As you can see, this effort has broad bipartisan support. We have succeeded in relocating five of the primates to the San Diego Zoo in California. But the fate of the other nine remains uncertain.

Mr. Chairman, I was going to offer an amendment today to strike funding for NIH involvement in the Silver Spring monkey case. However, it is my understanding that this could jeopardize the care of these animals. Therefore, would the chairman be willing to take up this issue and instruct NIH to transfer these animals to Primarily Primates or a similar, appropriate facility, one which would relieve the Government of its financial and custodial obligation and provide for the resocialization of these animals to the extent this is possible?

Mr. NATCHER. I understand the gentleman's concern and that of other Members regarding these animals. While we have no authority to instruct NIH to transfer these animals to a particular primate facility, we would encourage NIH to consider all alternatives for the humane care and resocialization of the Silver Spring animals. Based on the gentleman's comments, I want to assure him of the committee's intention to monitor this issue closely and to review progress when the Director of NIH appears before the subcommittee on the fiscal year 1990 budget.

Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Chairman, will the gentleman engage in a colloquy?

Mr. NATCHER. I will be happy to.

Mr. WEISS. Mr. Chairman, I rise, first, to compliment you on your continuing leadership in the fight against AIDS and to commend the gentleman from Massachusetts [Mr. CONTE], the distinguished ranking member. Once again, the legislation the gentleman brings to the House reflects his strong commitment to supporting crucial AIDS research, education and treatment activities.

Most recently, on April 29, the Subcommittee on Government Operations, which I chair, heard testimony from the director of the AIDS Program at the NIH that severe staff shortages were hindering both AIDS and non-AIDS programs. Despite his request for 127 new FTE in fiscal year 1988, he has received only 11. This notwithstanding that the Congress had provided full funding for the staff needs.

I raised this serious issue with you after the hearings, and I am extremely pleased to see that the committee has recommended an additional $9 million for 300 more positions at the NIH, and that 150 of those positions are to fight AIDS.

None of this could have been achieved without the leadership of the gentleman, and I just want to express my appreciation.

I would also be remiss Mr. Chairman, if I did not indicate, in the strongest possible terms, the alacrity with which you have continued to match the Federal resources with the Federal agencies program needs for AIDS. In 1984, the AIDS budget was only $61 million. This year, the committee has recommended $1.3 billion, representing an increase of 37 percent over last year's budget.

This could not have been done without your leadership.

Mr. NATCHER. Mr. Chairman, I want to thank the gentleman from New York for his assistance, not only on this matter in our bill, but everything in the bill pertaining to health and education. He has worked with us all down through the years, and we appreciate it.

The gentleman from New York is correct that the committee is extremely concerned about the staffing levels at the NIH which have not kept pace with the greatly increased activity at the Institutes. In fact in 1985 and 1986 there was a reduction of more than 1,100 FTE's at the same time that NIH activity increased by 20 percent. This disparity has not been rectified to date.

The information developed by your committee was integral in our formulating the recommendations for additional staffing at the NIH, and I want to thank the gentleman from New York for his ceaseless efforts to fight the AIDS crisis.

Mr. WEISS. Mr. Chairman, more than 10 million people use video display terminals [VDTs) at their jobs. According to a major new study, VDT's may be causing 100,000 miscarriages every year, and may also be the cause of some birth defects. I will submit an article on this study for the hearing record. The researchers urged that additional research be done, studying larger numbers of women who use VDT's, to determine whether radiation, stress, or other factors cause miscarriages or birth defects.

In 1982, NIOSH started planning a similar study of VDT's, but OMB delayed and diluted that study, so that it will not answer these questions when it is completed. Therefore, I believe it would be appropriate to encourage the National Institute of Child Health and Human Development [NICHD] to fund studies of the impact of VDT's on pregnant women as soon as possible, using the usual peer review process.

I wonder if the chairman would join me in encouraging NICHD to fund a comprehensive study to determine the impact of VDT's on miscarriage and birth defects?

Mr. NATCHER. Yes. I do certainly join with the gentleman from New York in this effort.

Mr. WEISS. Mr. Chairman, I want to thank you again for your concern and leadership in dealing with so many important health issues as they arise.

Mr. CONTE. Mr. Chairman, I yield 2 minutes to our good friend, the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, I commend the Appropriations Committee for providing funds for the National Technical Institute of the Deaf to establish and maintain a postsecondary consortium. This consortium will provide outreach services to low-achieving deaf adults so that they can prepare to compete in the work force. Congressman OWENS, chairman of the Subcommittee on Select Education, the authorizing committee in this call, and I testified before the Appropriations Committee in support of this consortium initiative and the Appropriations Committee agreed with us.

NTID requested $34.2 million in fiscal year 1989 for its operations which is $2.6 million over fiscal year 1988 funding levels. They did not receive that amount. This legislation funds NTID at $33.2 million, an increase of $1.6 million over fiscal year 1988 including $400,000 for the postsecondary consortium. While $400,000 is not earmarked specifically for the postsecondary consortium, it is crystal clear in the report that the committee intends for NTID to use $400,000 of their fiscal year 1989 funds to establish the consortium.

Let me explain why funding for this consortium is needed. On March 30, 1988, the Subcommittee on Select Education heard testimony that approximately 7,800 hearing-impaired individuals graduate from high school in this country who can only read at the third grade level. Seventy percent of these individuals do not attend postsecondary schools and in general cannot successfully enter or fully compete in the labor force. The unemployment level for these individuals is 18 percent and those who are employed are underemployed. This is intolerable! Of the remaining 30 percent of deaf high school graduates who do go on to college, approximately 70 percent withdraw. Though the reading level of this group is higher, it is likely that they too will find employment opportunities to be limited. When the college dropouts are added to those who do not pursue a college degree, the pool of low or under achieving deaf adults expands to a staggering 91 percent of each year's deaf high school graduates. Consequently, 91 percent of deaf high school graduates need educational outreach assistance in order to prepare themselves for competitive employment.

A national postsecondary consortium, supported by NTID, Gallaudet University, and the federally funded regional postsecondary programs will provide outreach services to low achieving deaf adults in order to develop employment opportunities. These outreach services will include elementary through postsecondary programs, employers, vocational rehabilitation agencies, deaf adults, and parents of deaf people. As a national resource, the consortium will serve as a network that brings people with a variety of existing expertise and resources together to address the unique needs of unserved hearing-impaired individuals. The consortium will design, test, and disseminate models that can be delivered directly or used by others in responding to the needs of the hearing-impaired.

NTID has assured the subcommittee that in the future, every effort will be made to enlist private funding. Consortium efforts will be implemented in partnership with other private and public organizations involved in or supportive of special education and rehabilitation. Financial support will be sought from foundations, individual donors, Federal and State agencies, and business and industry.

I support this initiative and want to see it become a reality. Chairman OWENS and I will work with NTID as chairman and ranking member on the authorizing committee to make sure this consortium is established outreach services, provided through the consortium, will enable low-achieving deaf adults to obtain employment, pursue educational opportunities and lead more independent lives. I commend the chairman and committee members for giving low-achieving deaf adults this opportunity.

Mr. NATCHER. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. OWENS].

Mr. OWENS of New York. Mr. Chairman, I thank the gentleman for yielding.

I, too, would like to commend the chairman and the committee for their work on this far-reaching, most vital piece of legislation.

I would like to ask the chairman for clarification on the matter related to the funding, proposed funding, of a center for the study of the education of the disadvantaged. Is it correct, or is my understanding correct, that it is the intent of the committee that the Department consult in advance with the authorizing appropriation committee before they start up a new center?

Mr. NATCHER. Mr. Chairman, the gentleman is correct. The Secretary should delay funding any new center until the committee has completed its review of this matter.

Mr. Chairman, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, I desire to engage in a colloquy with the gentleman from Kentucky [Mr. NATCHER].

As you know, section 162 of the 1987 amendments to the Older Americans Act require the Secretary of Labor to award title V funds to assist older American Indians and Asian-Pacific Islanders in obtaining employment services.

These groups of older Americans often have difficulty receiving supportive and employment services because many of their communities are rural or remote. For this reason, it is important that funds be set aside to target these communities and assure that these older Americans have an opportunity to benefit from these important employment programs.

Is it the committee's understanding that this legislation affirms support for the award of two new contracts to serve these two targeted communities?

Mr. NATCHER. Yes, the committee has affirmed its support for these worthy programs and appreciates the gentleman's interest in this legislation.

Mr. RICHARDSON. I thank the gentleman and commend the committee for the fine work it has done.

Mr. ALEXANDER. Mr. Chairman, I commend the Appropriations Subcommittee for its relentless work in reaching funding levels that will bring vital health services, education opportunities, and work programs within the reach of millions of Americans.

This bill will be particularly beneficial to residents of the First Congressional District of Arkansas, which I represent.

In Arkansas, persons 65 and older comprise nearly 15 percent of the State population, according to 1987 estimates of the U.S. Census Bureau.

In the first district, the percentage of senior citizens who are 65 and older reaches 27 percent of the population in at least one county; the average is 16 percent.

By comparison, senior citizens represent 12 percent of the Nation's population.

This bill would increase funding for the Administration on Aging, which administers programs under the Older Americans Act through Area Agencies on Aging. In the first district, four such agencies provide thousands of residents with such services as home delivery of meals, congregate meals at senior citizen centers, transportation to congregate meal sites, and in-home chores for the homebound elderly.

Funding for the Community Service Employment Program for older Americans would be increased to $346 million. This program is directed at helping low-income persons 55 and older who are unemployed find work.

Further, a $35 million increase in the Low Income Home Energy Assistance Program is provided. LIHEAP helped more than 62,000 households in Arkansas heat their homes in 1987.

The Office of Rural Health Policy that was established in 1988 as an advocate of rural health care needs and a data center for rural health care statistics will get $1.5 million.

Funding for the National Institute on Aging, which conducts research on such topics as Alzheimer's disease and long-term care, would be increased to $202 million.

Additionally, $27 million would be appropriated to the National Center for Nursing Research to address such issues as the nursing shortage and the supply of nurse anesthesiologists, which are of particular concern to rural Americans.

Funds for mental health research under the National Institute of Mental Health would be increased to $276 million.

It has long been recognized by State leaders that economic development in Arkansas must start with grass roots improvement in education.

Federal assistance is essential in expanding programs that will permit State economic progress and allow Arkansans to compete for jobs on equal footing with the rest of the Nation.

Under Department of Education programs, $4.7 billion would fund compensatory education for the disadvantaged, $336 million more than last year's appropriation. Of this amount, $4.6 billion would fund title I of chapter 1, which assisted more than 62,000 Arkansas students in kindergarten through 12th grade last year.

Further, this bill provides for an appropriation for the newly created Even Start Program for the educationally disadvantaged of $25 million; a $740 million appropriation for impact aid programs, an increase of $32 million over last year's appropriation.

A $1.1 billion appropriation is recommended for vocational and adult education; $78 million for the State Student Incentive Grant Program; $3.1 billion for the Guaranteed Student Loan Program; and an appropriation of $577 million is recommended for higher education.

Mr. Chairman, I urge my colleagues to support this bill on behalf of the millions of Americans who will benefit from its effects.

Mr. BIAGGI. Mr. Chairman, I rise in support of H.R. 4783, the labor-HHS appropriations bill which is being considered today. Of special importance to me are the funding levels for the Older Americans Act, which was recently reauthorized and extended for 4 more years. The Older Americans Act has been an unqualified success story for about 22 years, and I would like to commend both Chairman WILLIAM NATCHER and Representative SILVIO CONTE for their untiring commitment in developing this bill that clearly reflects the Federal Government's concern for our Nation's senior population. I would also like to commend House Select Committee on Aging Chairman EDWARD ROYBAL who serves on the Subcommittee on Labor, Health and Human Services and has contributed his time and expertise to developing this legislation.

In addition, I strongly support the funding level of $1.2 billion allocated for AIDS research, education, and other activities. The treatment and cure for AIDS is desperately needed in the city of New York, which has the highest incidence of AIDS in this country. This funding level shows a conscientious acknowledgement of the severity of the AIDS problem.

I also support the increased funding levels provided for mental health services which total $276.7 million. As a original member of the House Select Committee on Aging, I hope that these funds will be spent to research and treat the growing mental health problems of the elderly in this Nation. I was especially pleased to learn of an increase in the Low Income Home Energy Assistance Program. I was strongly opposed to the massive cuts proposed by the Reagan administration, and I am pleased to see that the committee has allowed for an increase of almost $400 million over the budget request. I hope that this will allow this program to continue.

As the senior New York member of the House Committee on Education and Labor, I particularly support the restoration of funds for impact aid programs, particularly category B children, of which New York has a substantial amount.

As an original cosponsor of the Higher Education Amendments of both 1981 and 1986, I applaud the committee for its increase in funding levels for the Pell Grant Program, which will provide approximately 3.4 million Pell grants to needy students. The $460 million provided in the SEOG Program is urgently needed and will be most helpful to the maintenance of this program.

I also commend the committee for its increased funding level for the Work Study Grant Program. I especially want to support the committee's funding level for the Guaranteed Student Loan Program. This will ensure that needy students will continue to be allowed to participate in higher education.

Finally, I praise the committee's funding level increase for the Library Services Program. I have recently become aware of a reduction in library services in my home city of New York and I hope that the increases in the Federal library program may avert cutbacks in this important program.

Mr. GUNDERSON. Mr. Chairman, I appreciate this opportunity to rise today in strong support of H.R. 4783, the fiscal year 1989 appropriations bill for the Departments of Labor, Health and Human Services, and Education.

As a member of the House Education and Labor Committee, I am pleased with the funding increases found in a variety of education programs in this appropriation bill. I also want to commend both Chairman NATCHER and Vice Chairman CONTE for bringing this fine product to the House floor.

Serving as a congressional trustee and friend of Gallaudet University, I appreciate the subcommittee's wholehearted support of Gallaudet University in this funding package. This increase in funding represents a new start for Gallaudet University and its unique mission to serve and provide the best possible education to the hundreds of students in its elementary, secondary, and university programs. Gallaudet University's mission extends beyond the education and research activities ongoing daily at the facilities in Washington, DC, to include extensive advocacy and outreach throughout the United States and beyond our borders.

As we remember well, within a brief, but historic 7-day period in early March, Gallaudet University commenced a new and invigorating chapter in its proud and distinguished 124-year history with the selection of Dr. I. King Jordan, Jr., as its eighth president and first hearing impaired president.

Appointed to the Gallaudet University Board of Trustees in 1985, I forsee the 1980's to be written in the Gallaudet University annals as a decade of challenge, change, and promise. Gallaudet has gained the well-deserved recognition of university status, it is now being led by Dr. Jordan, a respected Gallaudet University alumnus, educator, and administrator; the board of trustees is chaired by a deaf gentleman, and another distinguished Gallaudet University alumnus, Mr. Philip W. Bravin. These two individuals represent the promise of what awaits the future Gallaudet University graduates. It is now our time and our opportunity to fully support the promising future of Gallaudet, and H.R. 4783 does this.

It is important to share with my colleagues the steps Gallaudet University has taken to do its part to help reduce our Federal deficit. Gallaudet University has limited its request for Federal dollars to built-in cost increases, has taken the initiative to reallocate funds to improve educational opportunities for its students, and has developed private funding sources to address the challenges facing the University. I commend their efforts to become more self-sufficient, and live within their means. More Federal programs would do well to take a lesson from Gallaudet.

An appropriation of $66,800,000 in fiscal year 1989, as found in H.R. 4783, will enhance the mission of Gallaudet University on two important fronts.

First, there is clearly a need to improve the Gallaudet faculty, staff, and administration compensation levels. Roughly, $2.7 million will bring the Gallaudet faculty, staff, and administration, to a competitive level with their other colleagues in institutions of higher learning in the Washington, DC area. Estimates indicate that if Gallaudet University salaries remain at the current level, by 1989 they will lag behind the compensation of their teaching counterparts in this area by at least 9 percent to as much as 27.5 percent.

Second, expanding educational opportunities is essential to keep Gallaudet University a competitive and vital higher education institution. Gallaudet University recently established a school of management. Gallaudet is now taking the initiative and is breaking new ground by setting up an entrepreneurial studies program. An innovative first for the schools in the Washington, DC area. Funding of $150,000 will assist in making this program become a reality.

Gallaudet University is also rising to address and meet the needs in two areas where the deaf community is currently underserved. The goal is to initiate two new graduate programs, one is a master's degree in social work, and the second a Ph.D. program in clinical psychology. It is important that Gallaudet continue to recognize and respond to areas of deficiency and design programs to meet the needs of our deaf community.

As my colleagues know, in our era of high Federal budget deficits, I personally approach budgeting of our Federal discretionary programs from a freeze level plus inflationary increases. However, today, I see a clear and demonstrated need to increase Gallaudet's appropriation to $66,800,000 for the upcoming fiscal year.

Earlier, I mentioned that Gallaudet is commencing a new phase in its history, I firmly believe the institution is in a positively unique circumstance as it heads into the next decade. I have personally shared concerns I have about Gallaudet University with President Jordan, which include stable leadership for the 1990's and the need to enhance the raising of private funds for future operational purposes. As a trustee and friend of the institution, I have a great deal of faith in the fine energy and talents Dr. Jordan brings to the Gallaudet presidency. There is no doubt that Dr. Jordan will guide Gallaudet University to greater heights during, what I hope is a long and distinguished tenure as its president. Additionally, Gallaudet has already proven beyond a doubt that it is committed to meet and even exceed the fundraising challenge through its Federal Endowment Grant Program.

The additional $4,605,000 over the fiscal year 1988 funding level of $62,195,000 will provide Gallaudet University the tools by which to help enhance and promote its future. Let us join Gallaudet University in strengthening its past successes to meet the challenges of today while opening new doors of opportunity for the students of tomorrow.

In closing Mr. Chairman, I again want to thank Chairman NATCHER, Vice Chairman CONTE and the subcommittee, for its recognition of this special and unique opportunity to support and provide Gallaudet University with a healthy, fresh funding start to compensate its faculty/staff/administration and broaden the educational opportunities available to the students at Gallaudet University.

Mr. Chairman, today, I lend my strong support to H.R. 4783, the Labor, Health and Human Services, and Education appropriations bill for the fiscal year 1989. I would like to commend the time and efforts of Chairman NATCHER, Vice Chairman CONTE and the members of the Labor-HHS-Education Subcommittee in formulating an appropriations package that works carefully to balance our Nation's educational, employment, health care, and training needs with our Federal budget limitations.

Serving as a member of the Education and Labor Committee, I believe H.R. 4783 responds appropriately to the priorities of this House in the areas of competitiveness and educational access and quality.

I want to take this opportunity to highlight a couple programs that were recently included in H.R. 5, legislation reauthorizing our elementary and secondary programs, and funded in this appropriations bill.

Chapter 1, Compensatory Education for Disadvantaged Children, receives $4.6 billion for fiscal year 1989, an increase over the fiscal year 1988 level by $336 million. This funding would go into effect for the academic year

1989-90. I am very pleased that this increase will provide for the funding for the concentration grant for the first time since 1981.

During the recent reauthorization of our elementary and secondary education laws, which this House overwhelmingly endorsed, a change was enacted regarding the formula for the distribution of concentration grants. Being keenly invovled in revising this formula to make it more equitable for both urban and rural communities with high concentrations of youngsters from low-income families, concentration grants will now be dispersed to local educational agencies [LEA's] located in counties where there are 6,500 or more students from low-income families, or such students constitute 15 percent or more of the total school-age population. Under this bill, $200 million would be available for concentration grants.

H.R. 4783 funds the newly created Even Start Program, developed by our distinguished colleague, BILL GOODLING. I commend his efforts to make this program a reality in H.R. 5. Even Start is an early education program for children aged 1 to 7 and their educationally disadvantaged parents. Funding of $25 million will provide for the establishment of grants for model Even Start Program.

A program that is extremely popular with school administrators, chapter 2, also receives an increase—$10.8 million—over the fiscal year 1988 level for a total of $489.5 million in fiscal year 1989. Chapter 2 is an innovative and flexible form of Federal financial assistance for schools. It supports activities unique to the community it serves. One school may choose, for example, to use its funds to purchase educational technology, another may establish a program to respond to students who drop out of school, and another may use its chapter 2 funds for teacher training and development.

This appropriations bill also provides funding increases for other vital programs to assist students attending our vocational and postsecondary institutions. Special attention has been appropriately placed on providing greater access to our higher education institutions through substantial increases in our student financial assistance programs.

As finely crafted as this appropriation package is, I would be remiss if I did not outline my concerns over title I of the Higher Education Act, and portions of the Job Training Partnership Act [JTPA].

Like last year, I again raise concern that title I, Postsecondary Programs for Nontraditional Students, of the Higher Education Act (P.L. 99-498), was not funded for fiscal year 1989. As a coauthor of title I, I believe it is important to emphasize that this is the only section of the Higher Education Act that was authorized to provide direct Federal support to our colleges and universities to assist them in serving displaced workers, older working adults who seek educational opportunities enabling them to adapt successfully to new and changing economic conditions.

I understand our Federal budget limitations, however our higher education community and Congress must soon address the educational and retraining needs of our aging work force. Title I allows us this latitude, responding to the educational needs today—needs that will continue as the makeup of our higher education student population changes.

Investment in education and retraining programs for nontraditional students by the Federal Government will indicate our commitment to our system of higher education allowing them to respond appropriately to our changing student population, and our need to enhance a competitive work force. I am committed to continue to working for funding of title I in future fiscal years.

As the ranking Republican member of the Education and Labor Committee's Subcommittee on Employment Opportunities, I am somewhat concerned over the freeze in funding at the fiscal year 1988 levels for the title II-A program for Disadvantaged Youth and Adults, and the title III-B Summer Youth Employment Program under the JTPA. While we did not recommend current service level increases in these two programs, Education and Labor Committee Republicans did recommend that these two programs be restored to their fiscal year 1987 levels of $1.84 billion and $750 million, respectively. These two programs are vital to the preparation of our Nation's work force and currently are only able to serve approximately 3 to 5 percent of their eligible populations. Further, while I understand the committee's reasons for providing a freeze in funding for title III Dislocated Worker Program due to the delay in enactment of the newly restructured Worker Adjustment Program, I do encourage committee members to make the funding adjustments that are necessary to provide adequate funding for the new title III program when enacted. The Worker Adjustment Program that was passed by both the House and Senate as a part of the omnibus trade bill completely and positively restructures the current Dislocated Worker Program, thus improving its ability to serve increased numbers of eligible workers. In order that this new program may operate successfully, it will require a significant increase in funding over the current title III appropriation of $287 million.

Mr. Chairman, I want to conclude by again thanking Chairman NATCHER, Vice Chairman CONTE and the subcommittee members for their hard and diligent work on this appropriation bill.

Mr. BEILENSON. Mr. Chairman, as we consider the Labor-Health and Human Services-Education appropriations bill for the coming fiscal year, I wish to remind my colleagues of a provision we unfortunately included in this legislation several years ago which continues to prohibit the use of Federal funds for abortion services in the case of rape, incest, or when the health of the mother is at risk. This provision is unjust because it denies poor women, who must depend on Medicaid for their health care, access to a legal medical procedure. It also undermines our commitment to providing adequate health services to impoverished families.

As someone who has spent a major part of his legislative career working on family planning issues and efforts to provide our citizens with affordable and top-quality health care, I am appalled that we have denied abortion services to poor women who are victims of sexual assault or who are carrying fetuses afflicted with a severe abnormality.

More disturbing is that we have also denied abortion services to women whose pregnancies pose severe, although not necessarily life-threatening, health risks. For example, a woman with diabetes, acute overactivity of the thyroid gland, or a brain tumor is at high risk of sustaining severe damage to her health if she continues her pregnancy. However, because the risk is not life-threatening she cannot obtain an abortion if she is poor and on Medicaid. Similarly, she may not obtain an abortion if her physician is unable to determine whether or not her pregnancy is life-threatening.

We have made a commitment to provide publicly subsidized health care to individuals and families who are unable to afford adequate medical care on their own, yet we preclude coverage for abortion services. Ironically, the antiabortion restriction contained in this appropriations bill has turned a program designed to protect the health of low-income women into a program that can endanger their health by offering a pregnant woman little alternative to carrying her pregnancy to term, regardless of the risks it poses. I urge my colleagues to give serious reconsideration to the inequity of imposing their restriction on the low-income women of our Nation.

Mr. STOKES. Mr. Chairman, I rise in support of H.R. 4783, the fiscal year 1989 Labor-Health and Human Services-Education appropriations bill. As a member of the subcommittee which drafted this bill, I want to say that it continues to be a great privilege and pleasure to work with our distinguished chairman, WILLIAM NATCHER. He is always hard working and imminently fair in the consideraion of programs that are of vital importance to the people of this great Nation. I personally appreciate the consideration he has given me and the programs in which I have a special interest. Additionally, I want to express my appreciation to the ranking minority member, Mr. SILVIO CONTE. It is a great privilege to serve on the Labor-HHS-Education Subcommittee with both of these distinguished gentlemen.

Mr. Chairman, the Labor-HHS-Education appropriations bill is certainly one of the most important of the 13 appropriations bills. It determines the quality of life for our citizens, and it is the foundation for our Nation's health, productivity and competitiveness. This bill provides for all segments of our society especially those that are most vulnerable—infants and children, the elderly, the disabled and the homeless.

The entire Nation will benefit greatly from this bill's passage. This bill puts our people to work, preserves and enhances their health, and provides for the education of our youth—our Nation's most valuable resource. H.R. 4783 provides a $121 billion fiscal year 1989 appropriation for Labor, Health, Human Services, and Education programs.

For the Department of Labor, the bill provides A $6.56 billion fiscal year 1989 appropriation which includes $3.836 billion for training and employment services. This activity is comprised of programs designed to enhance the employment and earnings of economically disadvantaged and dislocated workers. For Job Corps, which is one of the most successful programs in preparing extremely disadvantaged young people for productive lives, the bill includes $763.6 million. The $53 million increase will permit improvements to deteriorating facilities, and program strengthening and enhancement. The committee also included language that extends the prohibition of Job Corps Center closings. For community service employment for older Americans, the bill includes $346 million, a $10 million add-on. This increase is necessary to expand part-time employment opportunities in community service activities for unemployed, low-income persons aged 55 and over.

State unemployment insurance and employment service operations will benefit from a $2.496-billion appropriation. This amount is an increase of $101.9 million over the administration's request and $54.7 million more than the fiscal year 1988 funding level. As many of my colleagues are aware, last year, a number of employment offices across the country were forced to close due to insufficient funding. Ohio alone suffered 33 such closings. H.R. 4783 funds would be used to prevent closings in fiscal year 1989.

The Congress recognized the need to address the health concerns of our Nation in the passage of a $106.5-billion package for the Department of Health and Human Services. Included in this appropriation is $1.234 billion for intensified AIDS education and research including $588 million for NIH and $408 million for CDC. For non-AIDS activities at the National Institutes of Health the bill provides $6.275 billion. This level of funding will permit the NIH to fund the largest number of research grants ever.

The bill also includes $117 million for the immunization grants program. Two hundred and seventy-six and seven-tenths million dollars is targeted for mental health research. Mr. Chairman, I am pleased that the committee responded positively to the health concerns of our Nation, an area we cannot afford to ignore.

I also appreciate the high priority that the committee placed on the education of our youth. The $22 billion education package is one that we can be especially proud of. It addresses the needs of the Nation's youth and provides a foundation for their future. For the chapter 1 program, the bill includes $4.673 billion, $1.922 billion for handicapped education and $1.092 billion for vocational and adult education.

Mr. Chairman, I am delighted that the committee chose to provide substantial and urgently needed increases for higher education. The bill includes $228 million for trio, $3.2 billion for guaranteed student loans, $460 million for supplemental educational opportunity grants, and $635 million for work-study grants.

Mr. Chairman, I am pleased that the committee included $180 million for institutional development. The $82.5 million targeted for historically black colleges and universities will permit these institutions to strengthen academic programs, acquire state-of-the-art equipment, and make vital repairs to deteriorating buildings and facilities.

Mr. Chairman, I have been pleased to have a close working relationship with the black institutions of higher education. One such institution, Howard University is a recipient of a $181 million appropriation, a $5 million increase. The university is in dire need of additional funding to strengthen academic, faculty, and facilities requirements in the law school, medical school, and engineering school.

I am additionally pleased that the committee took steps to increase minority participation in graduate education in the short-term, and to increase the number of minorities in faculty positions in the long-term by providing $2 million to fund the Ronald McNair Postbaccalaureate Achievement Program and $3.7 million to fund the grants to institutions to encourage and increase minority participation in graduate education program.

The bill also recognizes the financial hardships facing our Nation's elderly and working-poor by making available $1.567 billion for low income energy assistance.

Mr. Chairman, I strongly endorse the passage of the fiscal year 1989 Labor-HHS-Ed appropriations bill, and urge my colleagues to support this bill. A vote in support of this bill is truly in investment in the short- and long-term economic and social survival, the technological advancement, and the international competitiveness of our Nation. We cannot afford to lose the ground that we as a nation have gained as a result of our Nation's steadfast commitment to Labor, Health, Human Services, and Education. Millions of Americans and their families will benefit from passage of this legislation and I strongly urge its adoption.

Mrs. BOXER. Mr. Chairman, every year since I have been a Member of this body we have considered an appropriations bill for the Departments of Labor, Health and Human Services, and Education. And every year, Mr. Chairman, the bill that has been presented to us has contained language that discriminates against and endangers the very population that it purports to assist—poor women and their families. For as long as I have been a Member of the House of Representatives, this annual legislation has prohibited the use of Federal funds to provide abortion services except when the life of the woman would be endangered if the pregnancy were carried to term. The bill before us today would deny Federal funding of abortions when the woman's health is endangered, if the fetus has a severe defect or even if the pregnancy is the result of rape or incest.

By passing these egregious restrictions, we, as an institution, have used our legislative power to intrude on the private reproductive decisionmaking of those American women who are forced to depend on Government for their health care. These measures attempt to hold poor women to a standard of private conduct that opponents of abortion will not—or cannot—impose on other women in society. As a result, many women are forced, under Government health programs, to endanger their health and well-being, and that of their families, by carrying unwanted or health-threatening pregnancies to term. Perhaps the most onerous result of this policy is that it forces some poor women who have been the victims of rape or incest to bear the children of their assailants.

This is a blatantly discriminatory and unjust policy that should be ended.

Ms. SLAUGHTER of New York. Mr. Chairman, as we draw near to final consideration of the fiscal 1989 appropriations bill for the Departments of Labor, Health and Human Services, and Education, I would like to remind my colleagues that, for almost all of this decade, this legislation has contained a discriminatory and dangerous provision. This legislation prohibits the use of Federal funds to provide an abortion to a woman whose health is jeopardized by her pregnancy. This legislation prohibits Federal funds from being used for an abortion by a woman whose fetus has been diagnosed as being afflicted with a severe disorder. Even further, this bill prohibits Federal funding of abortion services when a pregnancy is the result of criminal, sexual assault.

Proponents of this harsh measure often claim that "the Government should stay out of the abortion business." To them I say that the essence of the Supreme Court's 1973 abortion rulings is that a woman has a constitutionally protected right to make the abortion decision, free from Government interference or coercion. Abortion funding restrictions in health programs that provide all other medical care related to pregnancy intrude on the reproductive choices of those woman and their families who must rely on the Federal Government for their health care. On them, and on them alone, is the antiabortion morality imposed by official Government policy. It is discriminatory and unjust to require only some women to submit to a standard of private conduct that is not required of, or shared by, society as a whole. If Government is to stay out, it must stay out of the abortion decision—either by not subsidizing any services related to pregnancy or by subsiding all pregnancy-related services equally.

I urge my colleagues to reconsider whether to continue this unfair Government policy whose burden falls solely on poor women and their families. At an absolute minimum, we must allow poor women who rely on the Government for their basic health care needs to terminate pregnancies that are the result of rape or incest.

Mr. DEFAZIO. Mr. Chairman, I would like to remind my colleagues that the Labor-Health and Human Services appropriations bill for fiscal year 1989 prohibits the use of Federal funds for abortion services to Medicaid eligible women, except in life threatening situations. This measure prohibits Federal funding even if the pregnancy is the result of rape or incest.

Voters in my home State of Oregon have twice rejected such an extreme policy. In 1978, Oregon was the first State to vote on a ballot initiative that would have prohibited the use of public funds for abortions. That measure was defeated. In 1986, the question again appeared on the ballot and the voters again opposed it. Clearly, a policy as restrictive as that contained in the Labor-HHH appropriations bill is not the policy that most Americans want.

Poor women should have the same choices regarding pregnancies resulting from sexual assault as affluent women. For economically disadvantaged rape or incest victims, health care options, and choices about abortion are available only if they are financed through programs such as Medicaid. The restriction contained in this appropriations bill denies sexually assaulted poor women the access to all medical options.

Mr. Chairman, I urge my colleagues to reconsider this discriminatory policy and, at the very least, allow the use of Federal funds to provide abortion services to poor women who are the victims of sexual assault.

Miss SCHNEIDER. Mr. Chairman, as we discuss the Labor, Health and Human Services, and Education appropriations bill for the coming fiscal year, I would like to call my colleagues' attention to a seemingly forgotten restriction contained in this legislation. This provision denies poor women who are eligible for Government-subsidized health care access to abortion services even if their pregnancies are the result of rape or incest.

Sexual assault is tragically widespread in our country. The Federal Bureau of Investigation reports 90,000 reported cases of rape each year. The National Center for Child Abuse and Neglect reports 100,000 cases of child sexual abuse annually. And these are just the reported cases of sexual abuse; the number of cases of rape and incest that go unreported is certainly much higher. No matter how many pregnancies result from these tragic cases, and even if there were just a single pregnancy, these women deserve access to all the medical care they need and access to all the medical options that are available. For poor women who are entitled to publicly subsidized health care, this includes access to publicly funded abortions.

Although we in the House of Representatives have not considered this issue in several years, this question has been before the voters, in the form of State ballot referenda, 12 times since 1978. In 11 of the 12 times the question of public funding for abortion has been before them, voters have supported equal access to abortion for poor women. In my own State of Rhode Island, the most heavily Catholic State in the Nation, voters rejected a proposal that would have prohibited abortion funding by almost a 2-to-1 margin in 1986; the antiabortion restriction was defeated by a margin of 65.3 to 34.7 percent.

Virtually every public opinion poll that has been taken over the last 15 years has found that 8 in 10 Americans believe abortions should be available for women who are pregnant as a result of sexual assault. For women who are poor enough to be eligible for publicly subsidized medical care and who have been the victims of sexual assault, abortion services are available only if they are covered under publicly subsidized programs such as those funded by the Labor, Health and Human Services, and Education appropriations bill.

I urge my colleagues to reconsider the restriction contained in this legislation that prohibits public funding of abortion services for poor women whose pregnancies result from rape or incest.

Mr. DOWNEY of New York. Mr. Chairman, as acting chairman of the Subcommittee on Human Services of the House Select Committee on Aging which has oversight responsibility for the Older Americans Act, I rise in support of H.R. 4783, Labor-Health and Human Services appropriations for fiscal year 1989.

It is imperative that we pass H.R. 4783 today because this bill contains the funding for the Older Americans Act and other programs affecting the elderly. The Older Americans Act, which was recently reauthorized for 4 more years when the President signed it into law on November 29, 1987—Public Law 100-175—is the key vehicle through which human and social services are provided to the elderly of our Nation, and for over 20 years this act has guided our Nation's efforts to respond to the needs and enhance the opportunities of a rapidly growing aging population.

I would like to congratulate and commend Chairman BILL NATCHER of the Subcommittee on Labor, Health and Human Services for producing this bill and for expediting its progress. The funding levels that have been agreed upon will allow the mandate of the reauthorization of the Older Americans Act to become a reality. These realistic levels allow for growth and for the reductions in the massive waiting lists for services. As may subcommittee has been charged with overseeing the programs of the Older Americans Act, which by statute are designed to serve those elderly in this Nation with the greatest economic or social need, I am pleased to support and share with you the numbers for the Older Americans Act:

Title IIIB—supportive services: $278 million, which is an increase of about $10 million over this current fiscal year.

Title III CI—congregate nutrition services: $362 million, which is an increase of about $17 million from last year.

Title III C2—home delivered meals: $80 million an increase of over $4.5 million from last year.

Title III D—in-home services for frail older individuals, a newly added program that I strongly support: the level has been maintained at $4.7 million.

Title V—community service employment for older Americans, which specifically serves low-income elderly who hold part-time jobs: $346 million, which is an increase of about $14 million over last year's level.

I urge my colleagues today to join me in voting for H.R. 4783, so that millions of our Nation's seniors will receive the services they rely on so heavily and which keeps them independent and living with dignity within our communities.

Mr. RAHALL. Mr. Chairman, today I rise in support of H.R. 4783, the fiscal year 1989 appropriations bill for Labor-HHS-Education. For my home State of West Virginia, I consider this bill to be one of the most important appropriations bills of the year since every one of my constituents will be affected at one time or another by one of the programs funded under this bill.

Of great importance to many in my home State of West Virginia is funding included in this appropriations measure for the continuation of employment and training programs administered by the Department of Labor. I am pleased that the committee has seen fit to significantly increase the funding levels of these vital programs over the Reagan administration's inadequate requests. These programs are of special importance to States such as West Virginia which continue to suffer from high levels of unemployment.

The bill appropriates $4.5 billion for employment and training and $3.8 billion for programs authorized by the Job Training Partnership Act and the Trade Act. Included in that funding is $1.8 billion for job training, $718 million for summer youth employment and training program, which has been very successful in West Virginia, and $764 million for the Job Corps, with an extended prohibition against closing Job Corps Centers. The measure also provides $287 million for the title III dislocated workers program to aid workers permanently displaced from their jobs due to structural changes in the economy. I am especially pleased that the bill includes $50 million for training, job search and relocation assistance authorized by the Trade Act, programs for which the administration requested no funding. These programs are operated by the States to assist workers who have been adversely affected by foreign trade, such as many coal miners in West Virginia. Such programs are vital to this country's workers, who through no fault of their own, have lost their jobs and who are desperately seeking new ways to provide for themselves and their families.

Also of great significance to many West Virginians is a provision in the bill which grants the authority to obligate $689 million from the black lung disability trust fund, an increase of $245,000 over the fiscal year 1988 appropriation. The trust fund pays black lung compensation, medical, and survivor benefits for those coal miners who have been stricken with this cruel, debilitating disease as a result of their employment in this Nation's coal mines.

Several increases in funding over the fiscal year 1988 level demonstrate the concern we in Congress feel in providing for a healthy America. The significant $308 million increase from fiscal year 1988 appropriations shows a bipartisan desire to tackle the overwhelming problem with AIDS in this country. A $23 million increase has also been given to the maternal and child health block grant program, which will go a long way in fighting problems with prenatal care. The bill includes Federal subsidies for Medicaid, Medicare and Social Security in order to assure that they continue to run smoothly. Finally, the continuation of family support and AFDC, community services block grants, Head Start, and programs for the elderly are vital to West Virginia, and I am happy to see their inclusion in the bill.

The $21.9 billion appropriated for the Education Department, which is $1.7 billion over the fiscal year 1988 level and $864 million more than requested by the administration, denotes a consensus amongst us in this body—we can no longer afford not to make education one of our priorities. It has been suggested many times and in many ways that our educational system is in need of a concerted rejuvenation. I will say it again because it cannot be said enough: an educated America is a strong America.

I am happy to see that several programs of interest to my fellow West Virginians are continued under this bill; $1.5 billion in basic State grants are included under the $1.9 billion set aside for education for the handicapped, and $1.4 billion for the basic State grant program supporting vocational rehabilitation programs for the physically and mentally handicapped. This latter is $34.5 million more than the President's request and $62 million over the fiscal year 1988 appropriation; $848 million in basic State grants for vocational education is also above the fiscal year 1988 level. For adult education and literacy programs, $148 million of the appropriated $167 million is earmarked for State grants. The $5.9 billion for student financial assistance will, perhaps, be one of the greatest aids in helping to further the academic careers of students in my home State, and around the country. This amount is well over the fiscal year 1988 appropriations and $192 million less than the amount requested by the administration. Guaranteed student loans have been funded under requirements of current law, and a total of $557 million will be appropriated for various higher education programs.

Mr. Chairman, I urge my colleagues to support this important appropriations measure.

Mr. MARTINEZ. Mr. Chairman, I rise to support this legislation. I commend Mr. NATCHER and the other members of the Appropriations Committee for the firm support for improving our Nation's educational system demonstrated by this legislation. If, as Jefferson said, education is the anvil on which democracy is forged, then this legislation strengthens that anvil to shape a stronger democracy and a better America.

This legislation provides a modest increase in funds for many vital activities. It provides a much-needed $1.7 billion increase in compensatory education programs for handicapped, migrant, and other disadvantaged children. Through concentration grants it targets funds on districts with high concentrations of disadvantaged students. It provides $250 million for drug-free schools and communities, $120 million for math and science education, $21 million for dropout prevention, and $19 million for star schools education telecommunications programs.

At a time when our Nation's minority language school population is increasing 2½ times as quickly as the total school-age population, investing in our Nation's linguistic resources is particularly important. The bill includes $202 million for bilingual education. As the committee report points out, this $10 million increase over last year's appropriation is expected to be used primarily to implement the changes mandated in Public Law 100-297, the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988. Developmental bilingual programs develop student proficiency in at least two languages. Currently the Department provides only two developmental bilingual education grants—only one-fourth of 1 percent of part A funds. Developmental bilingual programs should receive additional funding from the Department of Education. It is essential that title VII's increased flexibility include increased funding for developmental bilingual programs.

In postsecondary education, this legislation also makes important strides. It provides critical additional funds for student assistance. The bill corrects the funding shortfall for title III programs which benefit struggling colleges that serve large numbers of needy and minority students.

However, I must draw the attention of my colleagues to a serious shortcoming in this legislation. It provides no funding for "English literacy grants" for teaching English to adults and out-of-school youths.

Across America, a large proportion of our Nation's illiterate adults are not proficient in English. A 1982 Department of Education study found that the nationwide illiteracy rate among adults is 12.5 percent; the rate among adults who speak a non-English language at home is 40.9 percent; the rate among adults who have been in the United States between 6 and 8 years who speak a non-English language at home is 70.8 percent. National studies suggest that up to 56 percent of our country's adult Hispanic population can be considered to be functionally illiterate in English. Other national studies suggest similar rates of English illiteracy amongst certain native American tribes and amongst major groups of immigrant and recent refugees.

In addition, nearly 1.5 million individuals who have applied for permanent residency under the Immigration Reform and Control Act of 1986 have just 18 months to demonstrate knowledge of English and U.S. history and government or show enrollment in an approved course.

Unless program capacity is expanded as soon as possible, many of these individuals will be denied the opportunity to become full participants in our society as intended by Congress. Even before the start of the amnesty program under IRCA, 40,000 people in Los Angeles were on waiting lists for adult English literacy classes.

Our country must ensure that all our citizens have the opportunity to learn English. Long waiting lists for adult English literacy courses have been reported in many parts of our country. In Los Angeles alone over 40,000 adults were on waiting lists during the past school year. As a Washington Post article highlighted this month, Los Angeles operates adult English literacy classes around the clock, 24 hours a day.

Around the country, widespread reports of long long waiting lists for adult literacy courses discourage limited English-proficient adults from even trying to get the help they need.

Traditional literacy programs are not designed to meet the needs of individuals with limited-English proficiency. Many literacy programs are unable to serve limited-English adults, and those which do have few resources and huge waiting lists. For example, in 1986 over 200,000 limited-English speakers were turned away from adult English programs in California and New York alone.

A recent study of 8 metropolitan areas by the Center for Applied Linguistics, titled "A Survey of Adult English as a Second Language Instruction in the United States," found a lack of resources at all sites and over half of the centers reported waiting lists; 71 percent of the sites in Boston, 88 percent of the sites in Los Angeles, and 100 percent of the sites in New York reported that there were not enough courses to meet the demand. Estimates of the unmet need in Los Angeles alone ranged from 60,000 to 1,000,000 adults. Whatever the actual number, it is clear that there is a crisis shortage of adult English literacy courses across our Nation.

The English Literacy Grants Program, which I introduced, stimulates grass roots programs by local schools, community organizations, and others to provide the English language skills adults need to participate in America's vast opportunities.

Congress has demonstrated its strong support for English literacy grants. The initial legislation was cosponsored by 91 Members of this body representing many parts of the Nation and widely varied points of view. The House included the authorization for this program in the trade bill, H.R. 3. Under Senator BINGAMAN's sponsorship, the Senate included it in the Hawkins-Stafford School Improvement Amendments, H.R. 5. The conferences on both bills retained the program, and both Chambers enacted these two major bills.

Despite the fact that 51 Members of Congress wrote to the chairman of the Appropriations Subcommittee on Labor, H.H.S. and Education requesting the full funding of $26.3 million for this vital program, the committee provided no funding—zero dollars—in this fiscal appropriations bill.

This is a case where an ounce of funding for education prevents the need for a fortune in after the fact patchup programs.

I hear Members complain about Americans who don't know how to speak English. Indeed, the Subcommittee on Civil and Constitutional Rights is holding hearings on proposals to make English the official language of the United States.

We must give all Americans an opportunity to learn English. It simply doesn't matter how "official" English is if Americans don't have an opportunity to learn English. I urge Members of the House and the Senate to provide full funding for this vital program.

While there is already a huge unmet demand for adult English language education, the new immigration law is substantially increasing the urgency of the need. The IRCA requirement that all who seek meet the law's requirements for residence and citizenship must have English language proficiency or be enrolled in classes to build those skills. Adding more names to long waiting lists just doesn't meet the need.

When Speaker WRIGHT introduced the provisions that eventually became the education requirements under the new immigration law, he stood in this Chamber and promised that if those provisions were enacted there would be ample funding for the educational programs needed to build those skills. It is time for Congress to deliver on that promise. The clock is ticking—the deadlines of the immigration law do not allow the luxury of waiting for some other day or some other year.

As our economy evolves from labor intensive to service intensive, our society becomes more dependent on a labor force which can read, write, and speak English with proficiency. Unless the adult literacy rate is increased, our economy will continue to suffer. Moreover, without English proficiency, many citizens will be unable to fulfill their civic responsibility of contributing to democracy and maintaining a strong national defense.

Only by ensuring that all citizens—and all would-be citizens—have full opportunities to build English language skills can we ensure that all Americans share in America's vast opportunities and help build and strengthen the

American community. I urge Members to support full funding of $26.3 million for the English Literacy Grant Program.

Mr. WHITTAKER. Mr. Chairman, the appropriations measure we are considering today will help to set in motion a much-needed comprehensive review of our troubled railroad retirement system. Under last year's Omnibus Reconciliation Act, a Commission on Railroad Retirement Reform was authorized to study the condition of the system and make recommendations as to future reform and solvency issues. Today's appropriations measure includes $1 million in operating funds for the Reform Commission. This will be money well spent in a search for a comprehensive solution to the railroad retirement system's problems.

Funding the Reform Commission can pay a very high return for the public. The Commission can pave the way for a comprehensive, consensus approach to needed reforms, and can give the Congress the benefit of a studied, analytical approach to the problem, rather than a crisis-management or patch-up approach that merely makes temporary repairs. I strongly support the funding of the Railroad Retirement Reform Commission.

Mr. LENT. Mr. Chairman, I want to call attention to a very significant provision of the measure we are now considering. It appropriates the actual operating funds for the Commission on Railroad Retirement Reform that the Congress authorized in the Omnibus Reconciliation Act of 1987. The $1 million this bill appropriates for the Retirement Reform Commission may well be one of the most timely investments the taxpayers can make.

We all know that the railroad retirement system has experienced financial problems in recent years, in part because of the precipitous decline in railroad employment levels. We now have almost four retirees for every active railroad worker paying into the system. Seeing that a comprehensive reform is needed, the Congress has wisely provided for a seven-member Commission to make recommendations on possible solutions to the problem.

This Commission will include members representing the views of labor, freight rail carriers, public agencies, and commuter railroads. Because my constituents rely heavily on the Nation's largest commuter rail carrier, the Long Island Railroad, I am especially gratified that the views and interests of commuter carriers will be assured fair consideration by the Reform Commission. Its members will be partly selected by the Congress, and partly appointed by the President. The Commission is to report its findings by October 1, 1989.

It is vital for the future of the railroad retirement system and for the workers who have contributed to that system that we have a comprehensive long-term strategy for reforming the system and maintaining its solvency. The Commission we are funding today can be an important element of that process, by promoting careful and prudent reforms that take account of the bigger policy picture, and looking beyond mere temporizing measures that only postpone comprehensive reform. I strongly support the appropriation of funds for the Commission on Railroad Retirement Reform.

Mr. BONKER. Mr. Chairman, as we consider the fiscal year 1989 appropriation for the Department of Health and Human Services, I would like to call our colleagues attention to the proposed spending levels for AIDS education and research.

Over the last several days there has been a series of shocking and extremely troubling revelations about the seriousness of the epidemic that we face. Federal health officials now estimate that at least 450,000 persons in this country will have been diagnosed with AIDS by 1993. That amounts to one new case of AIDS every 14 minutes. And we now know that unless an effective treatment for this terrible disease is found, all of those people will die.

The bill we are considering here today includes more than $1.2 billion for research, education, and other activities aimed at treatment and prevention of this deadly disease—that is an increase of $308 million over current levels. In addition to the funds appropriated in this legislation, the Federal Government will spend close to $900 million in fiscal year 1989 on AIDS treatment, testing, and research through Medicaid, Medicare, Social Security, the Departments of Labor, Defense, and other Federal agencies.

Clearly, identifying a cure for AIDS is our ultimate goal. Currently, however, there is only one way to combat the spread of AIDS, and that is through prevention—that means educating people, at the earliest practical age, about how the disease is transmitted.

Part of the tragedy of this epidemic is that most of the victims are young, and that we are robbed of their potential just as it is being realized. We must insure that efforts to develop drugs which help the body fight this terrible disease are not slowed by even a day for lack of resources. Furthermore, I believe that Congress is long overdue in setting forth, in any comprehensive manner, a comprehensive national policy dealing with AIDS testing and counseling.

Public health officials, including the Surgeon General, agree that in all but a few circumstances, mandatory testing for the AIDS virus is bad public health policy, and would, in fact, be counterproductive. First, mandatory testing programs would tend to drive the disease underground because people who fear they might have the disease will be wary of coming forward to be tested. Also, there is also widespread agreement that across-the-board testing of certain subgroups is not the most cost effective use of the limited resources we have to fight AIDS.

Mr. WAXMAN has introduced the Federal AIDS Policy Act, which would establish the necessary legal framework in which voluntary testing and counseling programs would be most effective and it approaches these issues in a thoughtful and compassionate manner. The legislation would establish Federal guidelines for voluntary testing and counseling, provide assurances for confidentiality in testing and counseling so those at greatest risk will be encouraged to seek assistance, and authorize $400 million in each of the next 3 years for AIDS research.

Mr. Chairman, if we are going to effectively fight this disease, it is imperative that Congress acts to insure the confidentiality of AIDS test results, and that we prohibit discrimination against persons who carry the virus. Without such protections, the effectiveness of testing programs will be undermined greatly, because few people will be willing to come forward to be tested if doing so could cost them their home or job. If we are to combat this disease, it will require enlightened social policy as well as intensive research. The bill which we will approve today will make possible the latter. Now, let us move quickly and install a thoughtful public policy to enhance these efforts.

Mr. GRAY of Pennsylvania. Mr. Chairman, as we move toward a vote on the fiscal 1989 appropriations bill for the Departments of Labor, Health and Human Services and Education, I would like to remind my colleagues that this measure prohibits the use of Federal funds for abortions even when the woman has been raped or was the victim of incest. This restriction has been in effect since 1981. I am submitting for the RECORD an article that appeared in the Philadelphia Inquirer on December 15, 1987, that discusses the effect of a similar policy on the citizens of my home State of Pennsylvania.

[From the Philadelphia Inquirer, Dec. 14, 1987]

WITH FUNDS FOR ABORTION CUT, BIRTHS TO POOR WOMEM SOAR

(By Sara Solovitch)

In the nearly three years since Pennsylvania cut off Medicaid funding for abortions, births among poor women in the State have risen 25 percent.

At the same time, the availability of hospital abortions has shrunk to the point where more than 1,000 Pennsylvania women now travel to New York each year for the procedure.

To some, such as state Rep. Stephen F. Freind (R. Delaware), who spearheaded the even broader anti-abortion bill now awaiting Gov. Casey's signature, the results of the 1985 cutoff are a blessing.

"I'm tremendously satisfied," Freind said. "We used to fund about 13,000 abortions a year and we're now funding less than 500. That means babies who would have been aborted are instead being born, which means that, down the road, whole generations will exist that would not have existed.

"Maybe one of those will be the one who finds the cure to cancer. With our potential as human beings, who knows what we'll accomplish?"

To others, the Medicaid cutoff for abortions has been a horror.

"We are being swamped, absolutely swamped," said Paige Slade, a social worker in obstetrics and gynecology at the Hospital of the University of Pennsylvania.

"In the last couple of months, I've seen two 18-year-olds who were having their fourth baby, a 20-year having her fifth, and a whole handful of 17-year-olds having their third. When I say it's depressing, that's what I mean."

Under the law, which took effect Feb. 15, 1985, Medicaid pays for abortions only in cases of rape, incest or a life-threatening condition.

A first-trimester abortion—a simple procedure that can usually be done in a clinic—costs about $250, while a second-trimester abortion, which requires hospitalization, now costs more than $1,000 in Philadelphia.

"All of us are aware of how many people are pregnant and don't want to be" Slade said. "People are saying, 'I'm having this baby because I couldn't get the $200 to have an abortion.'"

Between 1984 and 1986, at a time when abortions across the state dropped by 13 percent, Medicaid-funded abortions plummeted—from 10,669 to 878.

Within the same period, the number of births among poor women jumped from 28,169 to 35,157, according to a spokesman for the State Department of Public Welfare.

By comparison, births overall in the state grew by only 2 percent, to 160,336 in 1986.

In Philadelphia, where births to teenagers had registered a modest decline before the cutoff, the numbers have sharply reversed. In 1986, Philadelphia teenagers gave birth to 5,024 babies—a rate of 43.4 births per 1,000 residents ages 10 to 19. That figure was 12 percent higher than the 4,476 such births in 1984, when the birthrate was 37.3 per 1,000.

Kelly, a tall woman with a 2-year-old on her knee, said she was in an "awkward situation." She was 11 weeks pregnant and her husband had been hospitalized for the last three months. She wanted an abortion, but she had only $70. Could the Greater Philadelphia Women's Medical Fund lend her the rest?

Once a week, seven to 10 women come to the fund, which meets at the Elizabeth Blackwell Health Center for Women in Center City, seeking interest-free loans to help cover the cost of their abortions.

The fund, established after the Medicaid cutoff, has lent about $20,000 to hundreds of poor women and teenagers so far this year, according to chairwoman Anne Hearn.

Made in the form of vouchers to the hospitals and clinics to which the women are referred, the loans range between $50 and $250, with the average falling between $100 and $150, according to Hearn. In almost every case, she said, the woman is asked to come up with a portion of the cost herself.

Many of these vouchers are for use at Mount Sinai Hospital in New York, where second-trimester abortions are far less costly and more easily available than in Philadelphia.

"It's now cheaper to take a train to New York, stay overnight, have the abortion and see a play—than it is to have a second-trimester abortion in Philadelphia," said Muriel Keyes, the hotline coordinator at Choice, a Center City agency that specializes in reproductive-health and child care issues.

Choice now refers about 1,000 women a year to New York City for abortions. According to the New York State Department of Health, 1,558 Pennsylvania women obtained abortions in the state last year.

For one West Philadelphia woman who ultimately found her way to New York, the decision to obtain an abortion was a difficult one, made more difficult after a recent ultrasound showed her to be 16 weeks pregnant with twins.

"When I found out it was two in there, it was harder for me to deal with," she said, clutching her baby and nudging her son, who was dragging the family suitcase through 30th Street Station on a snowy night last month.

"But I would be going backwards," she said. "I'm already behind in everything. Every month, they're sending me cutoff notices—my phone, my electric, my gas. Twice we've been without any lights. I don't like my son to see that."

The children would stay with their aunt in Newark, NJ, while their mother—who had borrowed $365 from relatives and $200 from the Women's Medical Fund—went on to Mount Sinai Hospital.

Like hundreds of other women, she had tried to find a local hospital. Since the 1985 cutoff, almost all of Philadelphia's major hospitals have severely curtailed the number of abortions they perform, while many have ceased offering abortion services altogether.

"There's been a whole retrenchment of abortion services, particularly in hospitals." Keyes said. "It's because there's not the same volume, the same reimbursement available. Prior to the cutoff, all hospitals were providing abortions in one way or another."

For example, the Hospital of the University of Pennsylvania, once considered a model abortion service by pro-choice activists, used to perform about 30 abortions a week, before the Medicaid cutoff, according to Steven J. Sondheimer, Family Planning Center director. The hospital now limits the number of procedures to about six a week, Sondheimer said.

"The times have made abortions unpleasant and uncomfortable for providers," said Liz Werthan, director of Choice. "It's not a conspiracy, but a fearful reaction. Hospitals are increasingly vulnerable to market trends, and so they're marketing what they think is going to make money."

Freind, who has successfully lobbied many Philadelphia-area hospitals, including Delaware County Memorial Hospital in Drexel Hill and Metropolitan Hospital in Springfield, to discontinue their abortion services, agreed.

"Hospitals and doctors don't like bad publicity, and they don't like to be picketed," he said. "That has bad impact, particularly with community hospitals that want to generate an image of warmth and affection."

While first-trimester abortions are still easily available at any of a dozen or so clinics in Philadelphia, only two doctors in the city—both on staff at Albert Einstein Medical Center's Northern Division—are still performing late abortions, according to Choice.

Sandi Herman, health-services coordinator at the Elizabeth Blackwell Health Center for Women, believes that the Medicaid cutoff has forced many women into a "Catch-22" situation.

"I say to them, 'Why did you wait so long?' when they come in at 15 weeks pregnant," Herman said. "And they tell me it's because it took them this long to get the $225 together. By then, they're too far along and it's going to cost them at least double that."

A huge portion of them are teenagers. National data collected since 1976 show that 39 percent of second-trimester abortions are performed on teenagers—who frequently deny or fail to recognize the symptoms of pregnancy and who often experience irregular menstrual cycles.

Celestine was 15 when her daughter, now 4, was born.

She recognized that she was pregnant again in May but waited nearly five months before confirming it at the Elizabeth Blackwell Center in early October. By then, she was nearly 21 weeks pregnant and anxious to obtain an abortion.

"I know it's my fault that I let it go this far, but I was scared," said Celestine, who lives with her parents in South Philadelphia and has worked only part-time summer jobs. "If I was to have another baby, I'd want my own house, my own job. I just got out of high school. I don't need no more kids on me right now. I'm not finished with my life."

Her parents, who are Catholic, want her to keep the baby. "Everybody wants me to have it," she said. "But who's around to watch it when I want to go out?"

Celestine never did get an abortion. Though she obtained a $250 loan voucher to go to New York, she never went. Nor has she sought prenatal care.

Statistics gathered by the State Health Data Center indicate a sharp increase in the percentage of pregnant women in Philadelphia who receive little or no prenatal care—up from 5.8 percent in 1983 to 9.7 percent in 1986.

"There's been a real difference since the abortion law went into place," said Judith Levy, director of pediatric social work at the Medical College of Pennsylvania. "People are telling us that the reason they didn't get prenatal care is they didn't want to be pregnant, hoped it would go away, and couldn't afford an abortion."

The absence of prenatal care is recognized as a leading cause of high-risk births and health problems for newborns.

Since the cutoff, however, there has been only a slight growth in the number of low-birthweight babies born in Philadelphia, up from 10.3 percent in 1984 to 10.8 percent in 1986. Infant mortality, which climbed from 15.5 to 16.3 deaths per 1,000 births in the first year after the cutoff, dropped back to a rate of 15.2 deaths last year. Such statistics are also influenced by factors such as nutrition, drug use and poverty.

The acts of desperation so widely predicted at the time of the cutoff have been infrequent. In the last few weeks, Choice has learned of two separate attempts by women to self-abort with coat hangers.

"We do periodically [have] women call and they're desperate—to the point where they say, 'Everybody's just giving me the runaround, I'd rather die than continue with this pregnancy,'" said Carmen Vegas, resource coordinator at Choice.

And there has been one recent suicide attempt.

In October, a South Philadelphia woman—26 years old and 19 weeks pregnant—took a deliberate drug overdose. The attempt was serious enough that she was committed to the psychiatric ward of a hospital, where nurses helped pave the way for her to obtain an abortion.

"I found out I was pregnant in July, after I missed my first period," she said in an interview. "After that, I wasn't thinking right any more. I kind of, like, put it off and believed it wasn't true. Then, after that, when I realized it was true, I realized there was nothing I could do, and I tried to kill myself."

When Carly found out she was pregnant last year, there was no doubt in her mind that she would keep the baby. She was only 16, but her grandmother was adamantly opposed to the idea of abortion. Besides, she said, she wanted someone of her own to love.

"I felt so lonely after my mom died," Carly said. "Now I have someone to love me and for me to love. I enjoy just holding her, putting my arms around her, playing with her and knowing she's a part of me."

Last summer, with her baby barely 6 months ago, Carly began to suspect that she was pregnant again. She tried to convince herself that the flutterings in her belly were hunger pains. By the time she sought an abortion, it was too late. Routine elective abortions are legal up to the 24th week of pregnancy.

Carly is due to deliver her second child on Christmas Day, six days before her daughter's first birthday. She wants to give up the baby for adoption, but her decision hinges upon her fear of the baby's father, she does not want him in her life.

"He's trouble," she said. "I'm scared if I keep the baby he'll be even more trouble. If I give it up, I'm afraid he'll give me trouble for giving his child away."

According to a number of social workers and adoption agencies, there has been a recent increase in babies available for adoption—a phenomenon that some attribute to the Medicaid cutoff.

Private, for-profit agencies such as Golden Cradle say they have not noticed any such increase, but hospital maternity wards and inner-city adoption agencies say it is happening.

"The hospitals are going crazy because I can't get (the babies) out fast enough," said Wisteria Johnson, the social work administrator in the adoption unit of the city's Department of Human Services.

Although Johnson had no recent statistics on adoptions, she said her office had received about 200 inquiries this year from pregnant women interested in placing their babies for adoption.

At Catholic Social Services, where an increase in both white and black newborns was first noticed a year ago, the waiting time for a healthy white infant has dropped from three to five years to three years, according to Sister Mary Bartholomew, administrator of pregnancy services.

"There are definitely more healthy black children becoming available for adoption," said Mary Smith, director of the adoption service at the Woman's Christian Alliance, a North Philadelphia agency that serves mostly black and Puerto Rican families. "But we still have more black families that are interested in adopting children."

The Medicaid cutoff of 1945 was aimed at poor women. The Abortion Control act, which passed the State Senate on Dec. 2 and awaits Gov. Casey's signature, will affect all women seeking an abortion.

The bill would, among other things, require any woman seeking an abortion to first notify the father, would require parental consent for teenagers under 18, and would require doctors to inform patients of the medical risks of abortion.

For poor women, there is a new twist. The act would further restrict the provisions under which Medicaid will pay for an abortion: a rape victim would have to report the crime to police within 30 days after its occurrence; a victim of incest would have to report it within 30 days of learning that she was pregnant.

The CHAIRMAN. All time has expired.

The Clerk will read.

The Clerk read as follows:

H.R. 4783

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1989, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $72,289,000 together with not to exceed $46,607,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

TRAINING AND EMPLOYMENT SERVICES

For expenses necessary to carry into effect the Job Training Partnership Act, including the purchase and hire of passenger motor vehicles, $3,705,129,000, plus reimbursements, to be available for obligation for the period July 1, 1989, through June 30, 1990, of which $59,713,000 shall be for carrying out section 401, $70,572,000 shall be for carrying out section 402, $9,966,000 shall be for carrying out section 441, $2,000,000 shall be for the National Commission for Employment Policy, $3,000,000 shall be for all activities conducted by and through the National Occupational Information Coordinating Committee under the Job Training Partnership Act, and $7,000,000 shall be for service delivery areas under section 101(a)(4)(A)(iii) of the Job Training Partnership Act in addition to amounts otherwise provided under sections 202 and 251(b) of the Act: *Provided,* That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

For necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers as authorized by the Job Training Partnership Act, $80,916,000, to be available for obligation for the period July 1, 1989 through June 30, 1992.

For activities authorized by sections 236, 237, and 238 of the Trade Act of 1974, as amended, including necessary related administrative expenses, $50,000,000.

Of the funds provided under this heading in the Department of Labor Appropriations Act, 1988, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers, not to exceed $30,000,000, may be expended as necessary, for center operations to maintain existing Job Corps centers and current enrollment levels. Such funds for center operations shall be available for obligation for the period July 1, 1988 through June 30, 1989. Such transfer shall in no way reduce the obligation of the Department of Labor to comply with the provisions of Public Law 100-202 for the rehabilitation and relocation of existing centers and the expeditious obligation of funds for the planning and construction of new centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $269,880,000.

To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $76,120,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of benefits and payments as authorized by title II of Public Law 95-250, as amended, and of trade adjustment benefit payments and allowances, as provided by law (part I, subchapter B, chapter 2, title II of the Trade Act of 1974, as amended), $134,000,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year: *Provided,* That amounts received or recovered pursuant to section 208(e) of Public Law 95-250 shall be available for payments.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For activities authorized by the Act of June 6, 1933, as amended (29 U.S.C. 49-491-1; 39 U.S.C. 3202(a)(1)(E)); title III of the Social Security Act, as amended (42 U.S.C. 502-504); necessary administrative expenses for carrying out 5 U.S.C. 8501-8523, and sections 231-235 and 243-244, title II of the Trade Act of 1974, as amended; as authorized by section 7c of the Act of June 6, 1933, as amended, necessary administrative expenses under sections 101(a)(15)(H)(ii), 212(a)(14), and 216(g)(1)(2)(3) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.); and necessary administrative expenses to carry out the Targeted Jobs Tax Credit program under section 51 of the Internal Revenue Code of 1986, $22,833,000, together with not to exceed $2,472,714,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which the sums available in the basic allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502-504), and the sums available in the basic allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501-8523, shall be available for obligation by the States through December 31, 1989, and of which $21,733,000 together with not to exceed $751,296,000 of the amount which may be expended from said trust fund shall be available for obligation for the period July 1, 1989, through June 30, 1990, to fund activities under section 6 of the Act of June 6, 1933, as amended, including the cost of penalty mail made available to States in lieu of allotments for such purpose and of which $157,479,000 (including not to exceed $3,000,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980) shall be available only to the extent necessary to administer unemployment compensation laws to meet increased costs of administration resulting from changes in a State law or increases in the number of unemployment insurance claims filed and claims paid or increased salary costs resulting from changes in State salary compensation plans embracing employees of the State generally over those upon which the State's basic allocation was based, which cannot be provided for by normal budgetary adjustments based on State obligations as of December 31, 1989.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 1990; $124,000,000.

LABOR-MANAGEMENT SERVICES

SALARIES AND EXPENSES

For necessary expenses for Labor-Management Services, $73,059,000, of which $5,000,000 for a pension plan data base shall remain available until September 30, 1990.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96-364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 1989, for such Corporation: *Provided*, That not to exceed $41,232,000 shall be available for administrative expenses of the Corporation: *Provided further*, That contractual expenses of such Corporation for legal and financial services in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as non-administrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $214,489,000 together with $526,000 which may be expended from the Special Fund in accordance with sections 39(c) and 44(j) of the Longshore and Harbor Workers' Compensation Act.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title V, chapter 81 of the United States Code; continuation of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; and sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per centum of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $292,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to September 15 of the current year: *Provided*, That in addition there shall be transferred from the Postal Service fund to this appropriation such sums as the Secretary of Labor determines to be the cost of administration for Postal Service employees through September 30, 1989.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payments from the Black Lung Disability Trust Fund, $688,214,000, of which $633,435,000 shall be available until September 30, 1990, for payment of all benefits as authorized by section 9501(d) (1), (2), and (7) of the Internal Revenue Code of 1954, as amended, and of which $30,210,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses, and $24,054,000 for transfer to Departmental Management, Salaries and Expenses, and $515,000 for transfer to Departmental Management, Office of Inspector General, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5)(A) of that Act: *Provided*, That in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation or other benefits for any period subsequent to June 15 of the current year: *Provided further*, That in addition, such amounts shall be paid from this fund into miscellaneous receipts as the Secretary of the Treasury determines to be the administrative expenses of the Department of the Treasury for administering the fund during the current fiscal year, as authorized by section 9501(d)(5)(B) of that Act.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $246,517,000, including not to exceed $43,000,000, which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than fifty percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended for the assessment of civil penalties issued for first instance violations of any standard, rule, or regulation promulgated under the Occupational Safety and Health Act of 1970 (other than serious, willful, or repeated violations under section 17 of the Act) resulting from the inspection of any establishment or workplace subject to the Act, unless such establishment or workplace is cited, on the basis of such inspection, for ten or more violations: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, order or administrative action under the Occupational Safety and Health Act of 1970 affecting any work activity by reason of recreational hunting, shooting, or fishing: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of ten or fewer employees who is included within a category having an occupational injury lost work day case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of five or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended for the proposal or assessment of any civil penalties for the violation or alleged violation by an employer of ten or fewer employees of any standard, rule, regulation, or order promulgated under the Occupational Safety and Health Act of 1970 (other than serious, willful or repeated violations and violations which pose imminent danger under section 13 of the Act) if, prior to the inspection which gives rise to the alleged violation, the employer cited has (1) voluntarily requested consultation under a program operated pursuant to section 7(c)(1) or section 18 of the Occupational Safety and Health Act of 1970 or from a private consultative source approved by the Administration and (2) had the consultant examine the condition cited and (3) made or is in the process of making a reasonable good faith effort to eliminate the hazard created by the condition cited as such, which was identified by the aforementioned consultant, unless changing circumstances or workplace conditions render inapplicable the advice obtained from such consultants: *Provided further*, That none of the funds appropriated under this paragraph may be obligated or expended for any State plan monitoring visit by the Secretary of Labor under section 18 of the Occupational Safety and Health Act of 1970, of any factory, plant, establishment, construction site, or other area, workplace or environment where such a workplace or environment has been inspected by an employee of a State acting pursuant to section 18 of such Act within the six months preceding such inspection: *Provided further*, That this limitation does not prohibit the Secretary of Labor from conducting such monitoring visit at the time and place of an inspection by an employee of a State acting pursuant to section 18 of such Act, or in order to investigate a complaint about State program administration including a failure to respond to a worker complaint regarding a violation of such Act, or in order to investigate a discrimination complaint under section 11(c) of such Act, or as part of a special study monitoring program, or to investigate a fatality or catastrophe.

Mine Safety and Health Administration

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $164,597,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the purchase of not to exceed twenty passenger motor vehicles for replacement only; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of major disaster: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended to carry out section 115 of the Federal Mine Safety and Health Act of 1977 or to carry out that portion of section 104(g)(1) of such Act relating to the enforcement of any training requirements, with respect to shell dredging, or with respect to any sand, gravel, surface stone, surface clay, colloidal phosphate, or surface limestone mine.

Bureau of Labor Statistics

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $190,397,000, of which $2,829,000 shall be for expenses of revising the Standard Industrial Classification, together with not to exceed $46,323,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: *Provided*, That $3,550,000 shall remain available until September 30, 1990.

Departmental Management

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of 5 sedans, and including $2,468,000 for the President's Committee on Employment of the Handicapped, $117,339,000, together with not to exceed $285,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed $148,887,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 2001-08 and 2021-26.

OFFICE OF THE INSPECTOR GENERAL

For salaries and expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, $39,497,000, together with not to exceed $5,701,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

General Provisions

Sec. 101. Appropriations in this Act available for salaries and expenses shall be available for supplies, services, and rental of conference space within the District of Columbia, as the Secretary of Labor shall deem necessary for settlement of labor-management disputes.

Sec. 102. None of the funds appropriated under this Act shall be used to grant variances, interim orders or letters of clarification to employers which will allow exposure of workers to chemicals or other workplace hazards in excess of existing Occupational Safety and Health Administration standards for the purpose of conducting experiments on workers health or safety.

Sec. 103. None of the funds appropriated in this Act shall be obligated or expended for the purpose of closing any Job Corps Center operating under part B of title IV of the Job Training Partnership Act prior to January 1, 1990.

Sec. 104. Nothwithstanding any other provision of this Act, no funds appropriated by this Act may be used to execute or carry out any contract with a non-governmental entity to administer or manage a Civilian Conservation Center of the Job Corps which was not under such a contract as of September 1, 1984.

Sec. 105. None of the funds appropriated in this Act shall be used by the Job Corps program to pay the expenses of legal counsel or representation in any criminal case or proceeding for a Job Corps participant, unless certified to and approved by the Secretary of Labor that a public defender is not available.

This title may be cited as the "Department of Labor Appropriations Act, 1989".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

HEALTH RESOURCES AND SERVICES

PROGRAM OPERATIONS

For carrying out titles III, VII, XVI, and XXIII of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and section 1110 of the Social Security Act, $769,554,000, of which not to exceed $800,000, to remain available until expended, shall be available for renovating the Gillis W. Long Hansen's Disease Center, 42 U.S.C. 247e, and of which $500,000 shall remain available until expended for interest subsidies on loan guarantees made prior to fiscal year 1981 under part B of title VII of the Public Health Service Act and of which $5,000,000 shall be made available until expended to make grants under section 1610(b) of the Public Health Service Act for renovation or construction of non-acute care intermediate and long term care facilities for AIDS patients: *Provided*, That grants made under the Excellence in Minority Health Education and Care Act shall be awarded competitively and, notwithstanding section 788A, any university which awards a graduate degree in the health professions and which has a majority enrollment of minority students shall be eligible to apply and compete for a grant: *Provided further*, That not to exceed $10,000,000 of funds returned to the Secretary pursuant to section 839(c) of the Public Health Service Act or pursuant to a loan agreement under section 740 or 835 of the Act may be used for activities under titles III, VII, and VIII of the Act: Provided further, That when the Department of Health and Human Services administers or operates an employee health program for any Federal department or agency, payment for the full estimated cost shall be made by way of reimbursement or in advances to this appropriation: *Provided further*, That during fiscal year 1989, and within the resources and authority available under section 338 of the Public Health Service Act, gross obligations for the principal amount of direct loans under sections 335(c), 338C(e)(1), and 338E of that Act shall not exceed $500,000.

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

For carrying out subsections (d) and (e) of section 1602 of the Public Health Service Act, $21,600,000, together with any amounts received by the Secretary in connection with loans and loan guarantees under title VI of the Public Health Service Act, to be available without fiscal year limitation for the payment of interest subsidies. During the fiscal year, no commitments for direct loans or loan guarantees shall be made.

Centers for Disease Control

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out title III and section 1102 of the Public Health Service Act, sections 101, 102, 103, 201, 202, and 203 of the Federal Mine Safety and Health Act of 1977, and sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $819,941,000, of which $2,000,000 shall remain available until expended for equipment and construction and renovation of facilities: *Provided*, That training shall be made subject to reimbursement or advances to this appropriation for not in excess of the full cost of such training: *Provided further*, That funds appropriated under this heading shall be available for payment of the costs of medical care, related expenses, and burial expenses hereafter incurred by or on behalf of any person who had participated in the study of untreated syphilis initiated in Tuskegee, Alabama, in 1932, in such amounts and subject to such terms and conditions as prescribed by the Secretary of Health and Human Services and for payment, in such amounts and subject to such terms and conditions, of such costs and expenses hereafter incurred by or on behalf of such person's wife or offspring determined by the Secretary to have suffered injury or disease from syphilis contracted from such person: *Provided further*, That collections from user fees, including collections from training and reimbursements and advances for the full cost of proficiency testing of private clinical laboratories, may be credited to this appropriation: *Provided further*, That amounts received by the National Center for Health Statistics from reimbursable and interagency agreements and the sale of data tapes may be credited to this appropriation and shall remain available until expended: *Provided further*, That in addition to amounts provided herein, up to $12,486,000 shall be available from amounts available under section 2313 of the Public Health Service Act, to carry out the National Health and Nutrition Examination Survey.

National Institutes of Health

NATIONAL CANCER INSTITUTE

For carrying out section 301 of the Public Health Service Act with respect to cancer, $1,489,897,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out sections 301 and 1105 of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $1,018,983,000.

NATIONAL INSTITUTE OF DENTAL RESEARCH

For carrying out section 301 of the Public Health Service Act with respect to dental diseases, $127,315,000.

NATIONAL INSTITUTE OF DIABETES, AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 of the Public Health Service Act with respect to diabetes and digestive and kidney diseases, $546,902,000.

NATIONAL INSTITUTE OF NEUROLOGICAL AND COMMUNICATIVE DISORDERS AND STROKE

For carrying out section 301 of the Public Health Service Act with respect to neurological and communicative disorders and stroke, $557,046,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 of the Public Health Service Act with respect to allergy and infectious diseases, $732,453,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 of the Public Health Service Act with respect to general medical sciences, $623,087,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 of the Public Health Service Act with respect to child health and human development, $407,650,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 of the Public Health Service Act with respect to eye diseases and visual disorders, $228,235,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 of the Public Health Service Act with respect to environmental health sciences, $216,985,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 of the Public Health Service Act with respect to aging, $202,096,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 of the Public Health Service Act with respect to arthritis, and musculoskeletal and skin diseases, $156,174,000.

RESEARCH RESOURCES

For carrying out section 301 of the Public Health Service Act with respect to research resources and general research support grants, $355,767,000: *Provided*, That none of these funds, with the exception of funds for the Minority Biomedical Research Support program, shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants.

NATIONAL CENTER FOR NURSING RESEARCH

For carrying out section 301 of the Public Health Service Act with respect to nursing research, $27,417,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $16,074,000, of which $1,852,000 shall be available for payment to the Gorgas Memorial Institute.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 of the Public Health Service Act with respect to health information communications, $64,836,000.

OFFICE OF THE DIRECTOR

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $71,578,000 including purchase of not to exceed five passenger motor vehicles for replacement only.

BUILDINGS AND FACILITIES

For construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, $20,000,000, to remain available until expended.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

For carrying out the Public Health Service Act with respect to mental health, drug abuse, alcohol abuse, and alcoholism, $507,594,000 of which $200,000 for renovation of government owned or leased intramural research facilities shall remain available until expended.

FEDERAL SUBSIDY FOR SAINT ELIZABETHS HOSPITAL

To carry out the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act, $24,000,000 which shall be available in fiscal year 1989 for payments to the District of Columbia as authorized by section 9(a) of the Act: *Provided*, That any amounts determined by the Secretary of Health and Human Services to be in excess of the amounts requested and estimated to be necessary to carry out sections 6 and 9(f)(2) of the Act shall be returned to the Treasury.

In fiscal year 1989 and thereafter, the maximum amount available to Saint Elizabeths Hospital from Federal sources shall not exceed the total of the following amounts: the appropriations made under this heading, amounts billed to Federal agencies and entities by the District of Columbia for services provided at Saint Elizabeths Hospital, and amounts authorized by titles XVIII and XIX of the Social Security Act. This maximum amount shall not include Federal funds appropriated to the District of Columbia under "Federal Payment to the District of Columbia" and payments made pursuant to section 9(c) of Public Law 98-621. Amounts chargeable to and available from Federal sources for inpatient and outpatient services provided through Saint Elizabeths Hospital as authorized by 24 U.S.C. 191, 196, 211, 212, 222, 253, and 324; 31 U.S.C. 1535; and 42 U.S.C. 249 and 251 shall not exceed the estimated total cost of such services as computed using only the proportionate amount of the direct Federal subsidy appropriated under this heading.

OFFICE OF ASSISTANT SECRETARY FOR HEALTH

PUBLIC HEALTH SERVICE MANAGEMENT

For the expenses necessary for the Office of Assistant Secretary for Health and for carrying out title III of the Public Health Service Act, $67,144,000, together with not to exceed $1,050,000 to be transferred and expended as authorized by section 201(g) of the Social Security Act from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds referred to therein and $3,950,000 to be transferred and expended for patient outcome assessment research as authorized by section 9316 of Public Law 99-509, of which $2,568,000 will come from the Federal Hospital Insurance Trust Fund and $1,382,000 will come from the Federal Supplementary Medical Insurance Trust Fund, and, in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements and the sale of data tapes shall be credited to this appropriation and shall remain available until expended: *Provided*, That in addition to amounts provided herein, up to $10,155,000 shall be available from amounts available under section 2313 of the Public Health Service Act, to carry out the National Medical Expenditure Survey.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan and for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

VACCINE INJURY COMPENSATION TRUST FUND

For payments from the Vaccine Injury Compensation Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death resolved during the current fiscal year with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act as amended by Public Law 100-203, and from such trust fund such sums as may be necessary, not to exceed $80,000,000, for compensation of claims adjudicated by the United States Claims Court arising from liability related to the administration of vaccines before October 1, 1988: *Provided*, That administrative expenses of the Department of Health and Human Services under the National Childhood Vaccine Injury Act of 1986 shall be reimbursed from the Trust Fund.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $24,732,589,000 to remain available until expended.

For making, after May 31, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 1989 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

Payment under title XIX may be made for any quarter beginning after June 30, 1988 and before October 1, 1989, with respect to any State plan or plan amendment in effect during any such quarter, if submitted in, or prior to such quarter and approved in that or any such subsequent quarter.

For making payments to States under title XIX of the Social Security Act for the first quarter of fiscal year 1990, $9,000,000,000, to remain available until expended.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, and section 278(d) of Public Law 97-248, $31,227,000,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, and XIX of the Social Security Act, $93,817,000, together with not to exceed $1,769,919,000 to be transferred to this appropriation as authorized by section 201(g) of the Social Security Act, from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds or any other trust fund which may be established by law for catastrophic coverage under the Medicare program: *Provided,* That $212,400,000 of said trust funds shall be expended only to the extent necessary to process workloads not anticipated in the budget estimates, including the cost of administration of catastrophic health insurance if enacted into law, and to meet unanticipated costs of agencies or organizations with which agreements have been made to participate in the administration of title XVIII and after maximum absorption of such costs within the remainder of the existing limitation has been achieved: *Provided further,* That all funds derived in accordance with 31 U.S.C. 9701, are to be credited to this appropriation.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, as provided under sections 201(m), 217(g), 228(g), and 1131(b)(2) of the Social Security Act, $93,631,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, including the payment of travel expenses on an actual cost or commuted basis, to an individual, for travel incident to medical examinations, and when travel of more than 75 miles is required, to parties, their representatives, and all reasonably necessary witnesses for travel within the United States, Puerto Rico, and the Virgin Islands, to reconsideration interviews and to proceedings before administrative law judges, $628,581,000, to remain available until expended: *Provided,* That monthly benefit payments shall be paid consistent with section 215(g) of the Social Security Act.

For making, after July 31, of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 1990, $211,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out the Supplemental Security Income Program, title XI of the Social Security Act, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $9,473,953,000, to remain available until expended: *Provided,* That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For carrying out the Supplemental Security Income Program for the first quarter of fiscal year 1990, $2,936,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, not more than $3,705,000,000, may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided,* That travel expense payments under section 1631(h) of such Act for travel to hearings may be made only when travel of more than seventy-five miles is required: *Provided further,* That $97,870,000 of the foregoing amount shall be apportioned for use only to the extent necessary to process workloads not anticipated in the budget estimates, for automation projects and their impact on the work force, and to meet mandatory increases in costs of agencies or organizations with which agreements have been made to participate in the administration of titles XVI and XVIII and section 221 of the Social Security Act, and after maximum absorption of such costs within the remainder of the existing limitation has been achieved: *Provided further,* That none of the funds appropriated by this Act may be used for the manufacture, printing, or procuring of social security cards, as provided in section 205(c)(2)(D) of the Social Security Act, where paper and other materials used in the manufacture of such cards are produced, manufactured, or assembled outside of the United States.

FAMILY SUPPORT ADMINISTRATION

FAMILY SUPPORT PAYMENTS TO STATES

For making payments to States or other non-Federal entities, except as otherwise provided, under titles I, IV-A and -D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C., ch. 9), $7,855,137,000, to remain available until expended.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV-A and -D, X, XI, XIV, and XVI of the Social Security Act, for the last three months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or other non-Federal entities under titles I, IV-A and -D, X, XI, XIV, and XVI of the Social Security Act, and the Act of July 5, 1960 (24 U.S.C., ch. 9) for the first quarter of fiscal year 1990, $2,644,000,000, to remain available until expended.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,567,000,000.

COMMUNITY SERVICES BLOCK GRANT

For making payments under the Community Services Block Grant Act and section 408 of Public Law 99-425, $354,398,000 of which $20,000,000 shall be for carrying out section 681(a)(2)(A), $3,925,000 shall be for carrying out section 681(a)(2)(D), $2,968,000 shall be for carrying out section 681(a)(2)(E), $7,000,000 shall be for carrying out section 681(a)(2)(F), $239,000 shall be for carrying out section 681(a)(3), $2,872,000 shall be for carrying out section 408 of Public Law 99-425 and $2,394,000 shall be for carrying out section 681A with respect to the community food and nutrition program.

PROGRAM ADMINISTRATION

For necessary administrative expenses to carry out titles I, IV, X, XI, XIV, and XVI of the Social Security Act, the Act of July 5, 1960 (24 U.S.C., ch. 9), title XXVI of the Omnibus Budget Reconciliation Act of 1981, the Community Services Block Grant Act, title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, $79,533,000.

ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES

SOCIAL SERVICES BLOCK GRANT

For carrying out the Social Services Block Grant Act, $2,700,000,000.

HUMAN DEVELOPMENT SERVICES

For carrying out, except as otherwise provided, the Older Americans Act of 1965, the Developmental Disabilities Assistance and Bill of Rights Act, the Child Abuse Prevention and Treatment Act, section 404 of Public Law 98-473, the Family Violence Prevention and Services Act (title III of Public Law 98-457), the Native American Programs Act, title II of Public Law 95-266 (adoption opportunities), chapter 8-D of title VI of the Omnibus Budget Reconciliation Act of 1981 (pertaining to grants to States for planning and development of dependent care programs), the Head Start Act, the Comprehensive Child Development Centers Act of 1988, the Child Development Associate Scholarship Assistance Act of 1985, and part B of title IV and section 1110 of the Social Security Act, $2,531,808,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For carrying out part E of title IV of the Social Security Act, $1,074,907,000.

DEPARTMENTAL MANAGEMENT

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six medium sedans, $68,160,000, together with not to exceed $7,000,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, $46,430,000, together with not to exceed $40,000,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $16,173,000, together with not to exceed $4,000,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, $8,373,000: *Provided,* That not less than $3,500,000 shall be obligated to continue research on poverty conducted by the Institute for Research on Poverty.

GENERAL PROVISIONS

SEC. 201. None of the funds appropriated by this title for grants-in-aid of State agencies to cover, in whole or in part, the cost of operation of said agencies, including the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any State which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of their employees, because of any disapproval of their personnel or the manner of their selection by the agencies of the said States, or the rates of pay of said officers or employees.

SEC. 202. None of the funds made available by this Act for the National Institutes of Health, except for those appropriated to the "Office of the Director," may be used to provide forward funding or multiyear funding of research project grants except in those cases where the Director of the National Institutes of Health has determined that such funding is specifically required because of the scientific requirements of a particular research project grant.

SEC. 203. Appropriations in this or any other Act shall be available for expenses for active commissioned officers in the Public Health Service Reserve Corps and for not to exceed 2,400 commissioned officers in the Regular Corps; expenses incident to the dissemination of health information in foreign countries through exhibits and other appropriate means; advances of funds for compensation, travel, and subsistence expenses (or per diem in lieu thereof) for persons coming from abroad to participate in health or scientific activities of the Department pursuant to law; expenses of primary and secondary schooling of dependents in foreign countries, of Public Health Service commissioned officers stationed in foreign countries, at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools available in the locality are unable to provide adequately for the education of such dependents, and for the transportation of such dependents, between such schools and their places of residence when the schools are not accessible to such dependents by regular means of transportation; expenses for medical care for civilian and commissioned employees of the Public Health Service and their dependents, assigned abroad on a permanent basis in accordance with such regulations as the Secretary may provide; rental or lease of living quarters (for periods not exceeding five years), and provision of heat, fuel, and light and maintenance, improvement, and repair of such quarters, and advance payments therefor, for civilian officers, and employees of the Public Health Service who are United States citizens and who have a permanent station in a foreign country; purchase, erection, and maintenance of temporary or portable structures; and for the payment of compensation to consultants or individual scientists appointed for limited periods of time pursuant to section 207(f) or section 207(g) of the Public Health Service Act, at rates established by the Assistant Secretary for Health, or the Secretary where such action is required by statute, not to exceed the per diem rate equivalent to the rate for GS-18; not to exceed $9,500 for official reception and representation expenses related to any health agency of the Department when specifically approved by the Assistant Secretary for Health.

SEC. 204. None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.

SEC. 205. Funds advanced to the National Institutes of Health Management Fund from appropriations in this Act shall be available for the expenses of sharing medical care facilities and resources pursuant to section 327A of the Public Health Service Act.

SEC. 206. Funds appropriated in this title for the Social Security Administration shall be available for not to exceed $10,000 for official reception and representation expenses when specifically approved by the Commissioner of Social Security.

SEC. 207. Funds appropriated in this title for the Health Care Financing Administration shall be available for not to exceed $2,000 for each fiscal year for official reception and representation expenses when specifically approved by the Administrator of the Health Care Financing Administration.

SEC. 208. No funds appropriated for the fiscal year ending September 30, 1989, by this or any other Act, may be used to pay basic pay, special pays, basic allowances for subsistence and basic allowances for quarters of the commissioned corps of the Public Health Service described in section 204 of title 42, United States Code, at a level that exceeds 110 percent of the Executive Level I annual rate of basic pay: *Provided*, That amounts received from employees of the Department in payment for room and board may be credited to the appropriation accounts which finance the services: *Provided further*, That none of the funds made available by this Act shall be used to provide special retention pay (bonuses) under paragraph (4) of 37 U.S.C. 302(a) to any regular or reserve medical officer of the Public Health Service for any period during which the officer is assigned to the clinical, research, or staff associate program administered by the National Institutes of Health.

SEC. 209. None of the funds appropriated in this title shall be used to transfer the general administration of programs authorized under the Native American Programs Act from the Department of Health and Human Services to the Department of the Interior.

SEC. 210. Funds provided in this Act may be used for one-year contracts which are to be performed in two fiscal years, so long as the total amount for such contracts is obligated in the year for which the funds are appropriated.

SEC. 211. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service, who shall be exempt from all FTE limitations in the Department, to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization. In addition, commissioned officers assigned under this section shall be exempt from all limitations on the number and grade of officers in the Public Health Service Commissioned Corps.

SEC. 212. For the purpose of insuring proper management of federally supported computer systems and data bases, funds appropriated by this Act are available for the purchase of dedicated telephone service between the private residences of employees assigned to computer centers funded under this Act, and the computer centers to which such employees are assigned.

SEC. 213. Funds available in this title for activities related to acquired immune deficiency syndrome (AIDS) may be transferred between appropriation accounts upon the approval by the House and Senate Committees on Appropriations of a transfer request submitted by the Secretary of Health and Human Services.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 1989".

TITLE III—DEPARTMENT OF EDUCATION

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

For carrying out the activities authorized by chapter 1 of title I of the Elementary and Secondary Education Act of 1965, as amended, $4,663,719,000, of which a total of $8,000,000 shall be available for purposes of sections 1437 and 1463 and which shall become available on October 1, 1988 and remain available until September 30, 1989, and may be expended by the Secretary at any time during that period; and the remaining $4,655,719,000 shall become available on July 1, 1989 and shall remain available until September 30, 1990: *Provided*, That of these remaining funds, $3,900,000,000 shall be available for the purposes of section 1005, $200,000,000 shall be available for the purposes of section 1006, $30,000,000 shall be available for the purposes of section 1017(d), $25,000,000 shall be available for the purposes of part B, $269,029,000 shall be available for the purposes of subpart 1 of part D, $151,269,000 shall be available for the purposes of subpart 2 of part D, $32,616,000 shall be available for the purposes of subpart 3 of part D, $42,050,000 shall be available for the purposes of section 1404, and $5,755,000 shall be available for the purposes of section 1405.

For carrying out section 418A of the Higher Education Act, $8,900,000.

IMPACT AID

For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C. ch. 13), $715,000,000, of which $10,000,000, which shall remain available until expended, shall be for payments under section 7 of said Act, $15,000,000 shall be for entitlements under section 2 of said Act, and $690,000,000 shall be for entitlements under section 3 of said Act of which $553,000,000 shall be for entitlements under section 3(a) of said Act.

For carrying out the Act of September 23, 1950, as amended (20 U.S.C. ch. 19), $25,000,000, which shall remain available until expended, shall be for providing school facilities as authorized by said Act, of which $10,000,000 shall be for awards under section 10 of said Act, $12,000,000 shall be for awards under sections 14(a) and 14(b) of said Act, and $3,000,000 shall be for awards under sections 5 and 14(c) of said Act.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out the activities authorized by chapter 2 of title I, part A of title II, title III, part A, subpart 1 of part C, and part E of title IV, sections 4601 and 4605, title V, and parts A and C of title VI of the Elementary and Secondary Education Act of 1965, as amended; section 722 of the Stewart B. McKinney Homeless Assistance Act; section 403 of the Civil Rights Act of 1964; subpart 2 of part C and subpart 2 of part D of title V of the Higher Education Act, as amended; part B of title III of Public Law 100-297; title IX of the Education for Economic Security Act; and the Follow Through Act, $1,118,538,000: *Provided*, That of the amounts provided, $517,430,000 shall be for chapter 2 of title I of the Elementary and Secondary Education Act, of which

$489,500,000 for part A shall become available on July 1, 1989 and remain available until September 30, 1990 and $27,930,000 for part B shall become available on October 1, 1988: *Provided further*, That $114,888,000 for grants to States and Outlying Areas under part A of title II, $3,000,000 for subpart 1 of part C of title IV, and $207,000,000 for grants to States and Outlying Areas under title V of the Elementary and Secondary Education Act, $4,358,000 for subpart 2 of part C of title V of the Higher Education Act, and $4,787,000 for section 722 of the Stewart B. McKinney Homeless Assistance Act shall become available on July 1, 1989 and shall remain available until September 30, 1990: *Provided further*, That, of the amounts provided, $115,000,000 shall be for title III, and $1,500,000 shall be for section 6201(d) of the Elementary and Secondary Education Act.

Unobligated balances of funds appropriated for fiscal years 1985 and 1986 for title VI of the Education for Economic Security Act shall be available until September 30, 1989 for carrying out activities authorized by section 4601 of the Elementary and Secondary Education Act.

BILINGUAL, IMMIGRANT, AND REFUGEE EDUCATION

For carrying out, to the extent not otherwise provided, title VII and part D of title IV of the Elementary and Secondary Education Act and part B of title III of the Refugee Act of 1980, $201,782,000, of which $112,106,000 shall be for part A, $10,903,000 shall be for part B, $33,564,000 shall be for part C of title VII and $30,000,000 shall be for part D of title IV of the Elementary and Secondary Education Act.

EDUCATION FOR THE HANDICAPPED

For carrying out the Education of the Handicapped Act, $1,921,882,000, of which $1,478,539,000 for section 611, $205,075,000 for section 619, and $68,358,000 for section 685 shall become available for obligation on July 1, 1989, and shall remain available until September 30, 1990: *Provided*, That up to $479,000 may be used for section 621(d) of said Act.

REHABILITATION SERVICES AND HANDICAPPED RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973 and the Helen Keller National Center Act, as amended, $1,656,592,000, of which $1,441,577,000 shall be for allotments under sections 100(b)(1) and 110(b)(3) of the Rehabilitation Act, and $16,590,000 shall be for special demonstration programs under sections 311 (a), (b), and (c), and $5,000,000 shall be for the Helen Keller National Center.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational Education Act, the Adult Education Act, and section 702 of the Stewart B. McKinney Homeless Assistance Act, $1,091,966,000 which shall become available for obligation on July 1, 1989, and shall remain available until September 30, 1990: *Provided*, That $25,658,000 shall be available for title IV of the Carl D. Perkins Vocational Education Act, of which $7,276,000 shall be for part A, including $5,744,000 for section 404, $14,361,000 shall be for section 411 and $431,000 shall be for section 415 of part B, and $3,590,000 shall be for part C of said title: *Provided further*, That $7,851,000 shall be available for State councils under section 112 of the Carl D. Perkins Vocational Education Act: *Provided further*, That $6,845,000 shall be made available to carry out title III-A and $32,791,000 shall be made available for title III-B of said Vocational Education Act: *Provided further*, That $3,734,000 shall be available for part E of title IV of the Carl D. Perkins Vocational Education Act: *Provided further*, That $2,000,000 provided herein for part D of the Adult Education Act shall be only for section 383 of said Act.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 2, and 3 of part A and parts C, D, and E of title IV of the Higher Education Act, as amended, $5,907,736,000, which shall remain available until September 30, 1990: *Provided*, That the maximum Pell grant that a student may receive in the 1989-90 award year shall be $2,300.

GUARANTEED STUDENT LOANS

For necessary expenses under title IV, part B of the Higher Education Act, $3,174,400,000, to remain available until expended.

HIGHER EDUCATION

For carrying out title III of the Higher Education Act of 1965, as amended, $180,000,000, of which up to $18,000,000 for section 332 of part C of title III of said Act shall remain available until expended: *Provided*, That $82,500,000 of funds appropriated for title III of said Act shall be available only to historically black colleges and universities: *Provided further*, That up to $7,300,000 of funds appropriated for part A of title III of said Act shall be available for non-competing continuation awards made to four-year institutions in fiscal year 1988.

For carrying out subparts 4 and 6 of part A of title IV; part B and subpart 1 of part D of title V; titles VI and VIII; part D of title VII; parts A, B, C, D, E, and F of title IX; subpart 1 of part B and parts A and C of title X; and sections 420A and 1204(c) of the Higher Education Act of 1965, as amended; title XIII, part H, subpart 1 of the Education Amendments of 1980, as amended; and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961, $397,368,000, of which $22,744,000 for part D of title VII shall remain available until expended: *Provided*, That $8,300,000 provided herein for carrying out subpart 6 of part A of title IV shall be available notwithstanding sections 419G(b) and 419I(a) of the Higher Education Act of 1965 (20 U.S.C. 1070d-37(b) and 1070d-39(a)): *Provided further*, That $2,000,000 of the amount provided herein for subpart 4 of title IV of the Higher Education Act shall be for the Ronald E. McNair Post-Baccalaureate Achievement Program.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS

Pursuant to title VII, part F of the Higher Education Act, as amended, for necessary expenses of the college housing and academic facilities loans program, the Secretary shall make expenditures, contracts, and commitments without regard to fiscal year limitation: *Provided*, That during fiscal year 1989, gross commitments for the principal amount of direct loans shall be $62,231,000.

For payment of interest on funds borrowed from the Treasury pursuant to section 761(d) of the Higher Education Act, as amended, $1,675,000, to remain available until expended.

HIGHER EDUCATION FACILITIES LOANS

The Secretary is hereby authorized to make such expenditures, within the limits of funds available under this heading and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation, as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104), as may be necessary in carrying out the program set forth in the budget for the current fiscal year. For the fiscal year 1989, no new commitments for loans may be made from the fund established pursuant to title VII, section 733 of the Higher Education Act, as amended (20 U.S.C. 1132d-2).

COLLEGE HOUSING LOANS

Pursuant to title VII, part F of the Higher Education Act, as amended, for necessary expenses of the college housing loan program, previously carried out under title IV of the Housing Act of 1950, the Secretary shall make expenditures, contracts, and commitments without regard to fiscal year limitation using loan repayments and other resources available to this account. Any unobligated balances becoming available from fixed fees paid into this account pursuant to 12 U.S.C. 1749d, relating to payment of costs for inspections and site visits, shall be available for the operating expenses of this account.

EDUCATION RESEARCH AND STATISTICS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out section 405 of the General Education Provisions Act, as amended, $50,343,000: *Provided*, That $5,500,000 of the sums appropriated shall be used to continue a rural education program by the nine regional laboratories.

For necessary expenses to carry out section 406 of the General Education Provisions Act, as amended by Public Law 100-297, $23,669,000 including $300,000 for implementation of the Fellows Program, and an additional $9,500,000 shall be for the National Assessment of Educational Progress: *Provided*, That in addition $6,630,000 shall be transferred from the "Program administration" account.

LIBRARIES

For carrying out, to the extent not otherwise provided, titles I, II, III, IV, and VI of the Library Services and Construction Act (20 U.S.C., ch. 16), and title II, parts B, C, and D of the Higher Education Act, notwithstanding the provisions of section 221, $142,644,000: *Provided*, That $22,595,000 of the sums appropriated shall be used to carry out the provisions of title II of the Library Services and Construction Act and shall remain available until expended.

SPECIAL INSTITUTIONS

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101-106), including provision of materials to adults undergoing rehabilitation on the same basis as provided in 1985, $5,381,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles II and IV of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $33,231,000.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf and the partial support of Gallaudet University under titles I and IV of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), including continuing education activities, existing extension centers and the National Center for Law and the Deaf, $66,800,000, of which $1,000,000 shall be for the endowment program as authorized under section 407 and shall be available until expended.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $180,647,000: *Provided*, That of the funds appropriated under this head in the Department of Education Appropriations Act, 1988, not to exceed $500,000 shall be for a matching endowment grant to be administered in accordance with the Howard University Endowment Act (Public Law 98-480) and shall remain available until expended.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $249,849,000: *Provided*, That $500,000 shall be available until expended for carrying out the National Summit Conference on Education Act of 1984.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $41,341,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $17,911,000.

GENERAL PROVISIONS

SEC. 301. None of the funds appropriated by this title for grants-in-aid of State agencies to cover, in whole or in part, the costs of operation of said agencies, including the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any State which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of their employees, because of any disapproval of their personnel or the manner of their selection by the agencies of the said States, or the rates of pay of said officers or employees.

SEC. 302. Funds appropriated in this Act to the American Printing House for the Blind, Howard University, the National Technical Institute for the Deaf, and Gallaudet University shall be subject to audit by the Secretary of Education.

SEC. 303. No part of the funds contained in this title may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to force on account of race, creed or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

SEC. 304. (a) No part of the funds contained in this title shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

(b) No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 305. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 306. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

This title may be cited as the "Department of Education Appropriations Act, 1989".

TITLE IV—RELATED AGENCIES

ACTION

OPERATING EXPENSES

For expenses necessary for Action to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $168,863,000.

COMMISSION ON RAILROAD RETIREMENT REFORM

For necessary expenses of the Commission on Railroad Retirement Reform established by section 9033 of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100-203), $1,000,000, which shall remain available until expended.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor-Management Relations Act, 1947 (29 U.S.C. 171-180, 182), including expenses of the Labor-Management Panel and boards of inquiry appointed by the President, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia; and for expenses necessary pursuant to Public Law 93-360 for mandatory mediation in health care industry negotiation disputes and for convening factfinding boards of inquiry appointed by the Director in the health care industry; and for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 125a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95-454 (5 U.S.C. chapter 71), $26,127,000.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $4,079,000.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91-345), $750,000.

NATIONAL COMMISSION ON MIGRANT EDUCATION

For necessary expenses of the National Commission on Migrant Education established by section 1439 of Public Law 100-297, $2,000,000, which shall remain available until expended.

NATIONAL COMMISSION ON RESPONSIBILITIES FOR FINANCING POSTSECONDARY EDUCATION

For necessary expenses of the National Commission on Responsibilities for Financing Postsecondary Education established by section 1321 of the Higher Education Amendments of 1986 (Public Law 99-498), $800,000, which shall remain available until expended.

NATIONAL COUNCIL ON THE HANDICAPPED

SALARIES AND EXPENSES

For expenses necessary for the National Council on the Handicapped as authorized by section 405 of the Rehabilitation Act of 1973, as amended, $974,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws, $138,647,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151-188), including emergency boards appointed by the President, $6,551,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For the expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $6,002,000.

PHYSICIAN PAYMENT REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1845(a) of the Social Security Act, $3,059,000, to be transferred to this appropriation from the Federal Supplementary Medical Insurance Trust Fund.

Prospective Payment Assessment Commission

SALARIES AND EXPENSES

For expenses necessary to carry out section 601 of Public Law 98-21, $3,664,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

Railroad Retirement Board

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $355,000,000, which shall include amounts becoming available in fiscal year 1989 pursuant to section 224(c)(1)(B) of Public Law 98-76: *Provided*, That the total amount provided herein shall be credited to the account in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for unnegotiated checks, $3,100,000, to remain available through September 30, 1990, which shall be the maximum amount available for payments pursuant to section 417 of Public Law 98-76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board, $59,312,000, to be derived from the railroad retirement accounts: *Provided*, That $200,000 of the foregoing amount shall be available only to the extent necessary to process workloads not anticipated in the budget estimates and after maximum absorption of the costs of such workloads within the remainder of the existing limitation has been achieved: *Provided further*, That notwithstanding any other provision of law, no portion of this limitation shall be available for payments of standard level user charges pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j); 45 U.S.C. 228a-r).

LIMITATION ON RAILROAD UNEMPLOYMENT INSURANCE ADMINISTRATION FUND

For further expenses necessary for the Railroad Retirement Board, for administration of the Railroad Unemployment Insurance Act, not less than $13,678,000 shall be apportioned for fiscal year 1989 from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON REVIEW ACTIVITY

For expenses necessary for the Railroad Retirement Board for audit, investigatory and review activities, as authorized by section 418 of Public Law 98-76, not more than $2,700,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

Soldiers' and Airmen's Home

OPERATION AND MAINTENANCE

For maintenance and operation of the United States Soldiers' and Airmen's Home, to be paid from the Soldiers' and Airmen's Home permanent fund, $37,657,000: *Provided*, That this appropriation shall not be available for the payment of hospitalization of members of the Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army upon recommendation of the Board of Commissioners and the Surgeon General of the Army.

CAPITAL OUTLAY

For construction and renovation of the physical plant, to be paid from the Soldiers' and Airmen's Home permanent fund, $15,000,000, to remain available until expended.

TITLE V—GENERAL PROVISIONS

SEC. 501. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 502. No part of any appropriation contained in this Act shall be expended by an executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), pursuant to any obligation for services by contract, unless such executive agency has awarded and entered into such contract in full compliance with such Act and regulations promulgated thereunder.

SEC. 503. Appropriations contained in this Act, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18.

SEC. 504. Appropriations contained in this Act, available for salaries and expenses, shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902).

SEC. 505. Appropriations contained in this Act, available for salaries and expenses, shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

SEC. 506. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curricula, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

SEC. 507. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 508. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 509. No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress.

SEC. 510. The Secretaries of Labor, Health and Human Services, and Education are each authorized to make available not to exceed $7,500 from funds available for salaries and expenses under titles I, II, and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 511. None of the funds appropriated by this Act shall be used to pay for any research program or project or any program, project, or course which is of an experimental nature, or any other activity involving human participants, which is determined by the Secretary or a court of competent jurisdiction to present a danger to the physical, mental, or emotional well-being of a participant or subject of such program, project, or course, without the written, informed consent of each participant or subject, or a participant's parents or legal guardian, if such participant or subject is under eighteen years of age. The Secretary shall adopt appropriate regulations respecting this section.

SEC. 512. In administering funds made available under this Act for research relating to the treatment of AIDS, the National Institutes of Health shall take all possible steps to ensure that all experimental drugs for the treatment of AIDS, particularly antivirals and immunomodulators, that have shown some effectiveness in treating individuals infected with the human immunodeficiency virus are tested in clinical trials as expeditiously as possible and with as many subjects as is scientifically acceptable.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1989".

Mr. NATCHER (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

□ 1315

Are there any points of order against the bill?

Are there any amendments?

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES: On page 41, after line 6, add the following new section:

SEC. 214. Funds made available for fiscal year 1989 and hereafter to the National Institutes of Health shall be available for payment of nurses and allied health professionals at the rates of pay and with schedule options and benefits and other authorities authorized for similar employees of the Veterans' Administration pursuant to 38 U.S.C. 4107 and 4111.

Mr. YATES (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. YATES. Mr. Chairman, I want to congratulate the gentleman from Kentucky [Mr. NATCHER], the chairman of the committee, and the gentleman from Massachusetts [Mr. CONTE], the ranking member, for bringing an excellent bill to the floor. They recognize, as all of us recognize, that the National Institutes of Health are the Nation's leading agency in our intensified attack against AIDS and cancer.

This bill contains funds for 300 additional employees for the National Institutes of Health, of which 150 are going to be devoted in the attack against AIDS. But, unfortunately, NIH will not be able to hire its new employees because salary scales are inadequate and noncompetitive with other organizations who want to hire these trained people and will pay them higher salaries.

In fact, NIH is losing its trained employees now because its salary levels are too low. The research leads built up laboriously through the years are cracking apart as employee technicians leave NIH for higher paying positions elsewhere.

That is the purpose of my amendment, to give NIH a chance to compete in hiring the experts it needs to do the job the people of this country want it to do and expect it to do. Without my amendment, it cannot do the job.

My amendment permits the same salaries to be paid for the technicians who will be used in these attacks and for others who are similarly engaged in the NIH to receive the same salary levels as those paid to comparable positions in the Veterans' Administration.

I urge my colleagues to accept my amendment.

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Kentucky.

Mr. NATCHER. Mr. Chairman, the gentleman from Illinois [Mr. YATES] is not only one of the senior members on our committee but, Mr. Chairman, he is one of the able Members of the House.

Mr. Chairman, I ask for a vote on his amendment.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, the gentleman from Illinois has discussed this amendment with me in the last several days, and certainly we have no objection to the amendment. It is a worthwhile amendment.

Mr. YATES. I thank the gentleman from Massachusetts and the gentleman from Kentucky.

Mrs. MORELLA. Mr. Chairman, I want to commend my distinguished colleague from Illinois for his initiative in amending H.R. 4783 to increase the pay and benefits of allied health personnel—nurses, x-ray and lab technicians—of the National Institutes of Health to a level equivalent to their counterparts in the Veterans' Administration. I am pleased to support the amendment and urge all Members to support it.

It is an inequity for certain health professionals in one department of the Federal Government to receive compensation for specialized jobs when personnel in another department are not compensated for the same amount and type of work.

Health professionals in the National Institutes of Health are highly skilled in several critically important functions that enable that center to be a world leader in treatment, care and research.

Allied health professionals in the Federal Government are dedicated to their jobs and enjoy the challenge of being in a research oriented organization. However, their salaries, which are as much as 50 percent lower than for professionals in private health organizations, lead to poor morale. This amendment is but a small step toward trying to rectify the problem.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. YATES].

The amendment was agreed to.

Mr. NATCHER. Mr. Chairman, I ask unanimous consent that all debate on the bill and all amendments thereto conclude not later than 2:30 p.m. today.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. DANNEMEYER. Mr. Chairman, reserving the right to object, are there any other amendments that the gentleman knows about?

Mr. NATCHER. If the gentleman will yield, Mr. Chairman, it would be our hope on this side that the distinguished gentleman in the chair as Chairman of the Committee of the Whole would at his pleasure recognize first the gentleman from California [Mr. DANNEMEYER] for his amendment. We have one or two other amendments that we know about, Mr. Chairman, amendments that will not be insisted upon as far as votes are concerned. They would take a little colloquy, and that is it.

As far as I know, the gentleman from California [Mr. DANNEMEYER] has the only amendment that we have before this Committee at this time.

Mr. DANNEMEYER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. All debate on the bill and all amendments thereto will conclude by 2:30 p.m. today.

AMENDMENT OFFERED BY MR. DANNEMEYER

Mr. DANNEMEYER. Mr. Chairman, I offer four amendments and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. DANNEMEYER: Page 20, line 11, insert ", of which not more than $367,227,000 shall be for AIDS research, and of which not more than $40,992,000 shall be for a discretionary account for the Director of the Centers for Disease Control to apply to various noncurable disease research projects" after "renovation of facilities".

Page 20, line 9, strike "$819,941,000" and insert in lieu thereof "$778,949,000".

Page 20, line 11, insert ", and of which not more than $367,227,000 shall be for AIDS research" after "renovation of facilities".

Page 33, line 8, strike "$1,567,000,000" and insert in lieu thereof "$1,316,371,000".

Page 21, line 16, strike "$1,489,897,000" and insert in lieu thereof "$1,477,317,000, of which not more than $112,700,000 shall be for AIDS research".

Page 21, line 21, strike "$1,018,983,000" and insert in lieu thereof "$1,015,063,000, of which not more than $35,112,000 shall be for AIDS research".

Page 21, line 24, strike "$127,315,000" and insert in lieu thereof "$126,961,000, of which not more than $3,172,000 shall be for AIDS research".

Page 22, line 5, strike "$546,902,000" and insert in lieu thereof "$546,536,000, of which not more than $3,284,000 shall be for AIDS research".

Page 22, line 10, strike "$557,046,000" and insert in lieu thereof "$544,701,000, of which not more than $12,048,000 shall be for AIDS research".

Page 22, line 15, strike "$732,453,000" and insert in lieu thereof "$701,297,000, of which not more than $279,112,000 shall be for AIDS research".

Page 22, line 19, strike "$623,087,000" and insert in lieu thereof "$621,972,000, of which not more than $9,985,000 shall be for AIDS research".

Page 22, line 24, strike "$407,650,000" and insert in lieu thereof "$405,597,000, of which not more than $18,390,000 shall be for AIDS research".

Page 23, line 4, strike "$228,235,000" and insert in lieu thereof "$227,738,000, of which not more than $4,450,000 shall be for AIDS research".

Page 23, line 9, strike "$216,985,000" and insert in lieu thereof "$216,560,000, of which not more than $3,809,000 shall be for AIDS research".

Page 23, line 12, strike "$202,096,000" and insert in lieu thereof "$202,051,000, of which not more than $407,000 shall be for AIDS research".

Page 23, line 17, strike "$156,174,000" and insert in lieu thereof "$156,105,000, of which not more than $618,000 shall be for AIDS research".

Page 23, line 21, strike "$355,767,000" and insert in lieu thereof "$351,950,000, of which not more than $34,193,000 shall be for AIDS research".

Page 24, line 3, strike "$27,417,000" and insert in lieu thereof "$27,346,000, of which not more than $636,000 shall be for AIDS research".

Page 24, line 6, strike "$16,074,000" and insert in lieu thereof "$15,599,000, of which not more than $4,261,000 shall be for AIDS research, and".

Page 24, line 15, strike "$71,578,000" and insert in lieu thereof "$70,858,000,".

Page 24, line 17, insert "of which not more than $6,445,000 shall be for AIDS research" before the period.

Mr. DANNEMEYER (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. WEISS. Reserving the right to object, Mr. Chairman, I reserve the right only because I do not have a copy of the amendments and they were not available until the last moment or two. I wonder if we can get copies distributed, at least so that we can follow the gentleman as he discusses the amendments?

The CHAIRMAN. The Clerk will attempt to make copies available.

Mr. WEISS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DANNEMEYER. Mr. Chairman, as I indicated in the general debate time for the bill, the Energy and Commerce Committee will recommend or pass out of its committee to the full House within the next 30 days, I would suspect, legislation that will provide a national policy for dealing with the AIDS epidemic. There will be roughly $400 million spending in that bill per year for each of the next 3 years, and it will relate to testing and counseling in dealing with the AIDS epidemic.

I believe that the time has long past when we as Members of this body can just come to the floor with new legislation providing for new funding for good purposes and just add it on to the existing spending stream hoping that somehow, somebody is going to come along and provide us with the revenue to pay for it. I think anyone who brings bills to the floor today with new spending has to point out someplace where the existing spending can be reduced so as to make way for this new spending that is perceived to have a higher priority.

It is in this spirit that this amendment is being offered. In substance what my amendment will do is cut out $400 million from this appropriation bill, and I will specify what areas it will come from. In addition, it will cut an additional $100 million from AIDS research and direct that that $100 million go to develop research for noncurable diseases, including Alzheimer's, cancer, and heart disease, for which we have no cure at this time.

How do I get the $400 million? First off, I reduce the allocation for the National Health Service Corps by $45 million. I reduce the allocation for physical fitness and sports by $1,499,000. I reduce the minority health allocation by $2,872,000. This totals $49,379,000.

With respect to the rationale as to why we would reduce the National Health Service Corps, the National Health Service Corps assists communities in obtaining qualified health providers by providing scholarships to medical students in return for a commitment to work in a medically underserved area. This program began in 1976 and over 13,600 students received scholarships. In addition, the total number of physicians in this country has grown from 441,000 in 1980 to 598,000, or will be by 1990. In view of the continuing growth in the number of physicians nationwide and the success of the National Health Service Corps, a phaseout of this program can be justified.

With respect to the reduction in the physical fitness and sports, this program provides support for physical fitness activities. Although it only represents $1.5 million, these funds could be better utilized on AIDS testing and counseling activities.

We also deal with reducing the appropriation for low-income energy assistance by $250,629,000. The bill in the form before the committee includes $1.567 billion to carry out the program of energy assistance for low-income households. This amount is $355 million over the President's request and $35,160,000 above the level appropriated in fiscal year 1988. My amendment reduces the level of appropriation to $1.3 billion plus, in effect a reduction of $250,629,000.

This $250 million plus the $49-plus million I previously mentioned totals $300 million.

In addition, I take $100 million off of the money that we propose to appropriate for AIDS research. This year we are spending in CDC $305 million for AIDS research. With this reduction of roughly 10 percent from that total, it would still permit an increase in spending in fiscal year 1989 to $367 million.

At NIH, in 1988 we are spending $468 million. With this reduction we would still have an increase to $529 million for research conducted on the AIDS epidemic by NIH.

The CHAIRMAN. The time of the gentleman from California [Mr. DANNEMEYER] has expired.

(By unanimous consent, Mr. DANNEMEYER was allowed to proceed for 5 additional minutes.)

Mr. DANNEMEYER. Mr. Chairman, an additional $100 million will be taken out of the proposed amount to be spent for AIDS research, and this money will be allocated to funding a cure for noncurable diseases, including Alzheimer's, cancer, and heart disease.

Quite frankly, when we look at the data today we are spending roughly $50,000 per death in AIDS research for all purposes to control AIDS in America, and we are spending less than $1,000 per death in funding research to find a cure for heart disease or cancer. I am not convinced that that relationship should be the sole factor by which Members should make a judgment as to whether this amendment should be adopted, but I think it is appropriate for us to put in perspective that we are not underfunding research money for AIDS, and we are certainly overfunding in my judgment that amount this year.

I suspect that the amount of money that is in this appropriation bill of $1.2 billion total for fiscal year 1989 is probably more money than the pipeline can assimilate. I am not saying that we should not spend it, I am just saying that perhaps there are better priorities for which it can be spent.

So this $400 million will be deleted from the appropriation bill, and an additional $100 million will be transferred from AIDS research for funding cures hopefully for noncurable diseases, including Alzheimer's, cancer, and heart disease.

This is the essence of the amendment, and I ask Members to vote "aye."

Mr. CONTE. Mr. Chairman, I rise in opposition to the amendment.

□ 1330

Mr. CONTE. Mr. Chairman, I rise in opposition to the amendment.

It is my understanding that the gentleman would like to limit the growth in spending by offsetting increases that will probably be authorized in the near future with decreases in programs that have a relatively lower priority.

That's a very worthy goal. But, as far as I'm concerned, we have already done exactly that in this bill. The National Health Service Corps, which this amendment would cut, is a perfect example—it was funded at almost $100 million dollars in fiscal year 1982.

Today, H.R. 4783 provides a total of only $45 million. The physical fitness and minority health program that this amendment targets are very small programs—they are very important parts of the public health network, but they hardly represent big sources for savings.

A cut in fuel assistance for low income families is something I cannot accept, 250,000,000, not now that I have gotten the ammunition for exposing the holes in the Senate's rationale behind cutting this program. Contrary to what the Senate says, a cut in LIHEAP is not a painless cut. Already, hundreds of thousands of families have been cut from the program, including elderly and disabled folks, and others have had to make do with reductions in benefits that were already inadequate. Oil overcharge money is not a simple, dollar-for-dollar replacement for LIHEAP, and I am going to explain exactly why when we go to conference with the Senate.

But, in the meantime, I am proud that the House bill sends a signal of our commitment to this program. I know that my colleagues agree with me on this—more than 200 Members wrote to our subcommittee urgining us to get LIHEAP funding back up toward $1.8 billion. I wish we could.

We are appropriating $1.5 billion and he wants to cut it down another $250 million. A majority of the House says, "You are not appropriating enough." One single Member says, "You are appropriating too much."

I am sorry that we could not appropriate the $1.8 billion. But I am not going to take this bill over to the Senate and say that we should cut another $250 million. You can get it some other place.

Finally, I can't accept a strategy of cutting this bill in order to reserve money for new authorizations that have not yet been enacted. If additional activities are authorized before fiscal year 1990, then we will have to ask ourselves whether these newly authorized activities constitute a "dire emergency," or whether they can be offset with reductions elsewhere.

But I don't believe we should make these choices until they are really before us, in the form of an authorization bill. For the programs already on the books, this bill contains responsible funding levels, and I urge my colleagues to support them, and defeat the amendment.

One last point, Mr. Chairman. An amendment which attempts to appropriate funds for a program which is not yet authorized is subject to a point of order under clause 2 of rule XXI. That is what this amendment seems to intend to do, and it should be defeated.

Can you imagine what we are doing here? We are taking $400 million away from worthwhile programs on the assumption that this committee—which has nothing to do with our committee—is going to pass a bill.

You know, my good friend, I will give you one bit of advice, "Don't come out here with $400 million." Leave this alone.

Mr. JEFFORDS. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Vermont.

Mr. JEFFORDS. I thank the gentleman for yielding.

Mr. Chairman, along with the gentleman from California, I am the cosponsor of the bill which the gentleman is attempting to fund and thus I was somewhat tempted to sort of wonder what I should do. But having talked with the gentleman from California and understanding the areas that the gentleman, the other gentleman from California would take, I must say that I support the gentleman in the well, the gentleman from Massachusetts [Mr. CONTE] in opposing this amendment. It is my understanding that arrangements have been made providing that the bill with respect to which we are referring to, with respect to AIDS, is finally authorized, that money will be made available to commence the operations included in that bill and it is an inappropriate time to ask this body to shift money around in order to fund a bill which, as the gentleman points out, is not even authorized.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. CONTE] has expired.

(By unanimous consent, Mr. CONTE was allowed to proceed for 3 additional minutes.)

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Maryland.

Mr. HOYER. I appreciate the remarks of the gentleman and appreciate his yielding to me.

Mr. Chairman, I want to join in the comments of the gentleman from Massachusetts with respect to LIHEAP, a program that he has been the leader in sustaining.

I know the gentleman has letters from 40 Governors, both Republicans and Democrats alike, saying that this program is absolutely critical for the welfare of their citizens and is being underfunded at the point of $1.5 billion level that we funded last year.

So I appreciate his opposition to a quarter of a billion dollar cut from senior citizens and others who cannot afford energy and have to make a choice between being warm or being fed. That is not a choice we want to confront them with. In addition, the gentleman proposes cutting an additional $100 million from the NIH AIDS budget. Am I correct, that I believe that we are even with this budget $150 million approximately below the budget figure that this House passed, the Senate passed and we had a conference report, is that correct?

Mr. CONTE. That is right. Under the budget resolution.

Mr. HOYER. So that we would be cutting, effectively, $250 million from our budget-passed figure when we have a presidential commission report which suggests that we spend $3 billion on AIDS because of the critical nature of that crisis which confronts us.

Mr. CONTE. The gentleman is correct.

Mr. HOYER. I thank the gentleman for his comments and for his leadership in this area.

Mr. NATCHER. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, if this amendment, offered by the gentleman from California, is adopted it will mean that the National Health Service Corps Program, $45 million in the bill, is eliminated. Further, it will mean that the Physical Fitness and Sports part of the bill, $1,499,000, will be eliminated. Further, the Office of Minority Health would be eliminated.

Funding for AIDS research would be reduced by $100 million.

If the amendment was adopted, it would reduce funding for low-income energy assistance by $250,629,000.

Mr. Chairman, I like the gentleman from California [Mr. DANNEMEYER]; I have liked him ever since he has been a Member. He is from the State of California. You know, it is right warm out there, right warm in that State. He comes in, my friend, Mr. DANNEMEYER, and he says to those people in Connecticut and Massachusetts and Pennsylvania and New York and Kentucky and Ohio where it gets cold, where it gets cold, Mr. Chairman, he says "We want to reduce this program by $250,629,000."

He wants to reduce this bill by a total of $400 million. If it is approved and we adopt his amendment we reduce the AIDS funding. He goes below President Reagan by $100 million. The President sent us a budget request, and it is in this bill.

Mr. Chairman when this bill is presented next year it will not be for $1,300,000,000. This lovely lady over here, the gentlewoman from California [Ms. PELOSI] and the gentleman from New York [Mr. WEISS] and others who know more about this than a lot of us do, will tell you it will not be $1,300,000,000, that it is going to be considerably more. This is a major health problem in the United States of America and throughout the world.

Mr. Chairman, it took us 11 weeks on this bill. My friend Silvio Conte, the ranking minority member, will tell you this. It was 11 long weeks of hearings on the bill.

Mr. Chairman, we have no letter from the Director of the Office of Management and Budget complaining about this bill, none whatsoever.

Last year our bill was in the continuing resolution. I believe that the President of the United States would have signed our bill last year and I want you to know today, all the Members of the House, that if we send this bill to the White House I am as positive that the President will sign this bill as I am that I am standing on this floor. This is a good bill.

What did we do, Mr. Chairman? We marked the bill up and then they said to us, "The conference report has been adopted from the Committee on the Budget, and now we have to take out $1,900,000,000 more." So where do they have to come to get a big part of this money? They have to come into this bill, after we had carefully marked it up. Then we had to go back into session and reduce this bill by $452 million additional.

Mr. Chairman, we worked on this bill, diligently. I say to you this amendment should be turned down, this amendment should be turned back.

When we sent this bill to the Senate and they pass this bill and we go to conference and then send it down to the White House, Mr. Chairman, you will remember what I say to you: The President of the United States will sign this bill. I know as I said to my good friend, Mr. Dannemeyer—and he is my friend—you know, it does not get that cold out in the State of California. I say to the gentleman I received one letter from a friend of ours in this House that had 202 signatures on it—the gentleman from Massachusetts will remember this—202 signatures of Members of the House asking us to carry low-income energy assistance back up to $1,800,000,000.

We have in the bill, as you know, $1,567,000,000, as much as we could put in the bill. Mr. Dannemeyer wants to reduce that by another $250,629,000.

Mr. Chairman, this amendment should be defeated.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I, too, like the gentleman from California and think that maybe he deserves some rebuttal time and I am very glad to yield to him.

Mr. DANNEMEYER. I thank the gentleman very much.

Mr. Chairman, I want to respond to the chairman of the committee that the low-income assistance is available, in the munificence of the judgment of Congress, for air conditioning as well as heating. So I am not picking on the people that live in the colder part of America. It is also available to the people who live in areas where it is a little warmer. But that is not the point. The amount that is in this bill for low income energy assistance is $355 million more than what this President asked be spent.

Now we all know Presidents do not set the level of spending in America; Congress does; we do it right here. There is a separation of the powers. We are the entity that is accountable for the budget fiasco that now exists in America.

You talk about receiving a letter from over 200 Members increasing the appropriation for low income energy assistance to $1.8 billion. How about the 75 percent of the American people, Democrat, Republican, and independent, who want the budget balanced by cutting spending, not raising taxes? I will mention to my colleagues that two times in the last 2 months this House has considered legislation expanding the basis of the liberal welfare state. And to the credit of the proponents of that legislation they had the taxes in the bill to provide for it. The catastrophic health bill, what did it do? It had additional revenue coming in from those seniors in America earning more than probably $12,000 a year.

The point is it was revenue neutral on the spending stream.

On Mr. Pepper's bill in providing assistance for home care nursing, what did he do? He provided for revenue in that bill. The point I want to make is that we are at an era in this country when those of us who come along with a new program, and it is coming along within a month, for $400 million of additional spending on top of what we are spending today, we have to identify where we are going to find the place for that spending to be assimilated. We cannot simply add it onto what now exists. That is the whole purpose for making this amendment. I would like to delete the funding for health professions for $212 million, nursing education for $54 million, prevention centers, $2 million, homeless grants, $19 million, office of health promotion, $3.7 million, totalling $290.7 million.

□ 1345

Do the Members know why my amendment cannot include that in this appropriation bill? Because we have not authorized it yet. Do the Members know what is going to happen? Come the CR at the end of this session, these will be in the CR. We will never have a chance to offer an amendment to it because of the convoluted method by which we run this institution.

So I say to those Members who go home to their districts and say that they want to balance the budget of the Congress of the United States that here is a chance just to cut out $400 million.

Let me remind my colleagues in closing that this year CDC will spend in research for AIDS $305 million. Under my deletion and transfer amendment in this bill, we will spend next year $327 million. We are now spending $468 million in NIH in fiscal year 1988. Next year we will still spend $471 million. There is an increase in both of them.

I am just suggesting that this is a time when we can redirect priorities as to how we want to spend our money. I believe we can do that in a budget of this size, for the multibillions we are talking about, reducing $400 million. We should bear in mind my amendment does not designate that this $400 million be spent for this bill that is coming out of Energy and Commerce. It does not do that. It just deletes this spending of $400 million and keeps it in abeyance so that when we come to the floor with that bill, those of us who are going to be supporting it will be able to say that this is a priority of spending that we believe is paramount over what is now in the spending stream and it should be adopted.

Mr. Chairman, I thank my colleague, the gentleman from Pennsylvania, for yielding.

Mr. WALKER. Mr. Chairman, I thank the gentleman from California [Mr. Dannemeyer]. It sounds ass though he is suggesting pay-as-you-go, which we have heard a lot about on this House floor on several occasions.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California [Mr. Dannemeyer].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DANNEMEYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 37, noes 369, not voting 25, as follows:

[Roll No. 185]

AYES—37

Archer
Armey
Badham
Ballenger
Bartlett
Barton
Burton
Callahan
Cheney
Combest
Crane
Dannemeyer
Davis (IL)
Davis (MI)
DeLay
Dornan (CA)
Fawell
Fields
Gingrich
Hall (TX)
Hastert
Holloway
Hunter
Inhofe
Konnyu
Kyl
Lott
Lukens, Donald
Miller (OH)
Shuster
Slaughter (VA)
Smith (TX)
Smith, Denny (OR)
Solomon
Stump
Sweeney
Walker

NOES—369

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Baker
Barnard
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley

Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
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NOT VOTING—25

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Gaydos
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Hayes (IL)
Hefner
Jacobs
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Spratt
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Messrs. GARCIA, DONNELLY, and SMITH of New Hampshire changed their vote from "aye" to "no."

Mr. SWEENEY and Mr. DELAY changed their vote from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

Mr. KOLBE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in support of this bill. As a new member of the Appropriations Committee, I have had the opportunity to view with a new perspective the yearly process through which the 13 appropriations bills are developed. While there can be much frustration in this process, there is also much hard work and good legislation. Particularly, I commend my colleagues who serve on the Subcommittee on Labor, Health and Human Services, and Education, and Chairman NATCHER for the commitment he has in bringing to this House a bill free of legislative provisions, and in the manner prescribed—as a privileged motion, without a rule. It is no small achievement to discourage members from legislating on appropriations bills, and I congratulate the gentleman from Kentucky for the fine work he has done.

The issue of assuring a quality system of vocational education for this country is one in which I have great interest. During the 98th Congress, this body passed the Carl D. Perkins Vocational Education Act. As part of this bill, the National Advisory Council on Vocational Education was revised and replaced by the National Council on Vocational Education, a 17 member council appointed by the President to advise the President, Congress, and the Secretary of Education on strategies for improving vocational education in this country.

Among the responsibilities mandated by this act (Pub. L. 98-524), the Council is required "to meet not fewer than four times each year" and to "make a report of its findings and recommendations to the President, the Congress, and the Secretary every second year." To fulfill these obligations, this act also provides that "there shall be available in each fiscal year $500,000 for the purpose of carrying out part D, relating to the National Council."

Mr. Chairman, with a very successful reauthorization bill for Elementary and Secondary Education passed and signed by the President this year, the Education and Labor Committee here in Congress, and the Department of Education are preparing for an equally successful reauthorization bill for vocational education during the 101st Congress. In addition to the Education Committee, there are many of us here in Congress who feel strongly about vocational education and the role it must play in providing businesses in this country with a skilled and literate work force, and as an integral component of our efforts to increase the competitiveness of this country.

Over the past few years, the Council on Vocational Education has seen its budget reduced at the discretion of the Secretary of Education to $226,300 for fiscal year 1988, barely 50 percent of the amount it is authorized to receive. It is imperative, if we are serious about improving vocational education, that this Council be given high priority, and the highest possible funding within fiscal and legal constraints. I thank Chairman NATCHER and my colleagues from the committee for their support in assuring this will indeed be the case.

Mr. Chairman, I would like at this time to engage the gentleman from Kentucky in a short colloquy about a provision in the report accompanying H.R. 4783 that addresses the needs of the National Council on Vocational Education. The provision in the report which I have in mind I submitted as additional report language, with the support of the subcommittee chairman and the ranking minority member, during the full committee's consideration of this bill. This provision is found on page 156 of the report and reads as follows:

> The Committee urges the Secretary to provide adequate funding for the National Council on Vocational Education.

In submitting this language, which the gentleman from Kentucky was so gracious to accept, it was my intent to address a shortcoming in funding for this Council. Since 1983, the Council has experienced a steady decline in funding from $362,200 for fiscal year 1983 to $226,300 in fiscal year 1988.

These figures, in all cases are both below the amount requested for each year, and the amount authorized. Under the Carl D. Perkins Act, the National Council on Vocational Education is authorized at $500,000. It is my intent to call attention to this decline in funding, and to recommend to the Secretary that funding for the Council be restored. With this in mind, I would ask the chairman of the subcommittee if he agrees in this and if it is the intent of the committee, to restore funding for the Council to as close to the $500,000 as possible?

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the distinguished chairman.

Mr. NATCHER. Mr. Chairman, before answering the gentleman from Arizona, I would just like to say this to the gentleman at this time. The gentleman is one of the new members on our committee. The gentleman from Massachusetts [Mr. CONTE] and I have enjoyed serving with him. He is one of the good members.

In answer to the gentleman's question, Mr. Chairman, I want the gentleman to know that he is correct. The Carl D. Perkins Vocational Education Act gives the National Advisory Council certain responsibilities. We expect the Secretary to provide the funding necessary to support the Council, as the gentleman has indicated.

Mr. KOLBE. Mr. Chairman, I thank the gentleman for that answer.

I yield to the ranking minority member, the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I, too, concur with the chairman in regard to the valuable service that our colleague, the gentleman from Arizona, has made to the Committee on Appropriations in the short period of time that he has been a member there.

I want to join with the chairman in expressing our intent that the Secretary restore funding for the Council as close as possible to the authorized level.

Mr. KOLBE. Mr. Chairman, I thank the gentleman for his answer, and I thank both gentleman for their kind remarks.

Next year we will be doing reauthorization of this program and I think it is important for the Council to have input into that.

Mr. LOWRY of Washington. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the bill and to commend the distinguished chairman and the ranking minority member for their usual very good job in the committee.

Mr. Chairman, this Appropriation bill contains many of the areas of the Stewart B. McKinney homeless bill to be appropriated for once that bill is authorized. Specifically, those are primary health care for the homeless, chronically mental ill homeless block grant programs, community mental health services demonstration project for the homeless, the community demonstration projects for alcohol and drug abuse treatment for homeless individuals, the emergency community service for homeless grant program, job training for the homeless, adult education for the homeless, education for homeless children and youth.

Mr. Chairman, I would like to ask the distinguished chairman of the committee that since this appropriation bill before us does not have funding for those programs at this time, but I have been told, which is always the case, that until the bill is authorized, it is not the case that that would be appropriated, but once the Stewart B. McKinney Homeless Act is reauthorized, I would like to ask the distinguished chairman if then there would be funding for these vital homeless programs.

Mr. NATCHER. Mr. Chairman, will the distinguished gentleman yield?

Mr. LOWRY of Washington. I yield to the distinguished chairman, the gentleman from Kentucky.

Mr. NATCHER. Mr. Chairman, the gentleman is correct. In this bill we have deferred budget estimates totaling $3.8 billion because we have no authorization for these particular programs.

The funds for programs under the Stewart B. McKinney Homeless Assistance Act that the gentleman points out are included in these deferred programs.

I want the gentleman to know this. As soon as we have the authorization, we are going to recommend funding for the gentleman's program.

Mr. LOWRY of Washington. Mr. Chairman, I thank the gentleman very much for that answer.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 65, after line 5 insert the following new section:

SEC. 513. No funds appropriated under this Act shall be expended in any workplace that is not free of illegal use or possession of controlled substances which is made known to the federal entity or official to which funds are appropriated under this Act. Pursuant to this section an applicant for funds to be appropriated under this Act shall be ineligible to receive such funds if such applicant fails to include in its application an assurance that it has, and will administer in good faith, a policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances by its employees.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Kentucky.

Mr. NATCHER. Mr. Chairman, I ask for a vote on the gentleman's amendment.

Mr. WALKER. Mr. Chairman, this is the amendment that is the drug-free workplace amendment that has been offered previously. I think it is acceptable to both sides.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, the amendment is acceptable to this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was agreed to.

Mr. WAXMAN. Mr. Chairman, I move to strike the last word. I do so to engage the chairman of the subcommittee in a colloquy.

Mr. Chairman, on page 27 of the bill the committee provides for appropriating funds which the committee report indicates will be repaid in subsequent years. Is it the committee's intention to repay all amounts in full in the appropriations bill for 1990?

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Kentucky.

Mr. NATCHER. Mr. Chairman, the answer to the gentleman's question is "Yes."

Mr. WAXMAN. Mr. Chairman, I thank the gentleman very much.

Mr. JEFFORDS. Mr. Chairman, I move to strike the last word.

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I am happy to yield to the gentleman from Kentucky.

Mr. NATCHER. Mr. Chairman, I would just like to say this to the members of the committee. The gentleman who is now standing, who is recognized, is the ranking member of the Education and Labor Committee, and knows as much about this bill, the gentleman does himself, as any Member of the House. He has worked with us diligently on this bill all down through the years and, Mr. Chairman, we appreciate it.

Mr. JEFFORDS. Mr. Chairman, I deeply appreciate the gentleman's comments. I would like to point out that a bill which I will be introducing next week, called the Technology Related Assistance for Individuals With Disabilities Act of 1988, will also be introduced into the other body. It is my expectation it will be passed and money will be appropriated therefore.

The principal objective of this legislation is to help States develop and implement statewide programs of technology related assistance for individuals with disabilities, so that such persons, of all ages, will have greater access to information about and direct help in acquiring assistive technology devices and services. Such assistance is essential if individuals with disabilities are to become full participants in and contributors to our society.

Currently my colleagues on the Education and Labor Committee and I are working with our colleagues in the other body on the Labor and Human Resources Committee to expedite its authorization. We intend to introduce comparable bills next week, and intend to aggressively promote passage and enactment of an authorization this congress.

Right now such individuals face four major problems, problems that prevent them being as independent and productive as they could be and should be. They cannot acquire assistive technology-related information, devices and services because: they do not have access to appropriate and relevant information and training; human services agencies, both public and private, which do or could provide technology-related assistance are not coordinated; financing of assistive technology devices and services is underdeveloped and irregular; and commercial producers are not as involved as they could be in providing technology for such persons because of the limited market. This legislation addresses these problems.

As I indicated the primary purpose of this act is to assist States develop and implement consumer-responsive statewide programs of technology-related assistance for individuals with disabilities so that such individuals may acquire information about and obtain assistive technology devices and services and therefore, participate more fully in and contribute to our society. The act also authorizes the creation of a National Technical Assistance Center to assist States to respond fully and effectively to the charge to develop statewide programs.

The remaining purposes of the act are to: establish a National Information and Referral Network in Technology-Related Assistance for Individuals with Disabilities; direct the National Council on the Handicapped to study the financing of assistive technology devices and services and make recommendations for administrative and legislative actions to the executive branch and Congress; support training and public awareness grants to increase the knowledge and effective use of assistive technology devices and services; and fund demonstration and innovation projects related to—model systems for delivery of technology-related assistance, applied research and development in assistive technology devices and services, and loan programs for assistive technology devices, their repair, modification, and upgrade.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I am happy to yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I thank the gentleman from Vermont for yielding to me.

Certainly I will keep a very close watch on this particular piece of legislation and see how it progresses. If it is authorized by the time we get to conference, I will do everything I can to help the gentleman get the necessary funds.

Mr. SLATTERY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Labor—Health and Human Services—Education appropriations legislation.

I want to commend my colleagues, the chairman of the full committee and the chairman of the subcommittee on their excellent effort. This bill successfully maintains high priority programs while remaining fiscally responsible.

According to the committee, 73 percent of the bill's total appropriation is for entitlement programs. The remainder, $37 billion, is for discretionary programs.

I would simply like to point out that in this area of discretionary spending, the budget has not kept pace with inflation since 1980.

Today's discretionary spending figure which reflects this country's commitment to our children, our Nation's sick, our homeless, our researchers and scientists, our laborers, our libraries, our schools, and our underprivileged reflects a mere 3 percent of this countries' total Federal budget.

The fact of the matter is that this country is actually spending less today on education in real dollars than it did in 1980. This vital area has been ignored for too long.

The Labor-HHS-Education bill, as reported by the committee allocated a modest but essential increase of $1.1 billion for priority discretionary education programs such as chapter 1 and student financial assistance. The appropriation bill levels for education represent the levels necessary to maintain education as a Federal budget priority.

In particular, I strongly support funding provided for Job Corps.

This bill will make sure that teacher's salaries are set at competitive levels, that badly needed repairs are made and that some centers can be relocated. The bill also expands Job Corps to more fully serve America's disadvantaged youth.

Job Corps is one of the most successful Federal programs dealing with disadvantaged youth.

Most Job Corps students are poorly educated, have no work experience, and often come from a background of welfare dependency. Many of them have arrest records.

Job Corps works for these young people where so many other programs have failed. In 1985, over 80 percent of the young people who completed Job Corps training found unsubsidized employment or sought further education or training.

That alone is an impressive accomplishment. But Job Corps is successful in another way: For Job Corps, "effective" doesn't mean "expensive." For every $1 invested in Job Corps, the program returns $1.46 to the economy.

David Stockman used to say that each Job Corps trainee cost the Federal Government more than a year's tuition at Harvard. I say that each Job Corps trainee costs less than a year's room and board in the penitentiary at Lansing, KS, or many years of welfare.

The job is not yet finished. Six States to not have even one Job Corps center. For example, Kansas youth must travel to Utah, Missouri, Kentucky, and other States to particpate in the program, even through Kansas clearly produces enough students to support a Job Corps center.

A site in Manhattan, KS, selected in 1984, has yet to be funded. I will continue to work for a Manhattan Job Corps Center.

I urge my colleagues to support this legislation and to make sure that Job Corps continues to be the life-changing experience that it has been for over 2 million young people since 1964.

Ms. PELOSI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in support of H.R. 4783, the Labor-HHS appropriations bill for fiscal year 1989. I would like to commend the Labor-HHS Subcommittee and particularly Chairman WILLIAM NATCHER for their work in setting our Nation's health priorities and for their recognition of AIDS as the most significant health problem facing America today. The people of San Francisco appreciate the commitment of the chairman and the members of the subcommittee.

Mr. Chairman, on May 3, I appeared before the Labor-HHS Subcommittee to present particular requests for appropriations for AIDS programs. H.R. 4783 addresses many of those concerns.

Basic research is vitally important in the search for a vaccine and a cure for AIDS. Much of this research is conducted within the National Institute of Allergies and Infectious Diseases [NIAID]. NIAID has experienced a crisis in reacting to the AIDS epidemic due, in part, to the lack of personnel and resources. The report on H.R. 4783, recognizing this problem, specifically recommends the increase of 150 positions for AIDS research activities. The committee, in its report, encourages the speed and quality of this research activity and in particular has urged the participation of physicians and patients in the evaluation of anti-AIDS agents.

In the absence of a vaccine, prevention is our best hope to deal with the AIDS epidemic and education is our most effective tool. The subcommittee has recommended the appropriation of more than $408 million for this purpose. The primary themes of this basic public education must be to prevent hysteria and discrimination. In the targeting of AIDS prevention efforts to those at greatest risk, this bill rightly appropriates $17 million for prevention efforts in the ethnic minority communities. The increase of 58 percent over fiscal year 1988 in appropriations for the Alcohol, Drug Abuse, and Mental Health Administration [ADMHA] for AIDS activities and the language in the report reflect the high priority which must be assigned to behavior change research as a part of the research on AIDS prevention.

The increase of $20 million over fiscal year 1988 in the appropriation for the Health Resources and Services Administration [HRSA] would begin to deal with the area of AIDS patient care and treatment which has received the least attention from the Federal Government. Two items in particular are worthy of note. H.R. 4783 provides $5 million for renovation grants for projects like the Public Health Hospital in San Francisco, a facility for long-term and outpatient care. It would also increase efforts to deal with pediatric AIDS, in particular, "boarder babies" who live out their lives as inpatients in acute care hospitals in testing new approaches to providing nonhospital based care for these children.

It is in this area of patient care and treatment that more funds and more work are still needed. The demonstration projects under HRSA need to be expanded. The appropriateness of a regional approach to AIDS patient care, particularly for medium- and low-prevalence areas, should be evaluated. Centers should be established to collect data on treatment protocols and service delivery systems for patients with early HIV infection to assist in planning earlier intervention in the course of this disease.

Furthermore, we need to establish information dissemination projects to allow the exchange of information between cities with high-quality specialty programs and those developing similar programs. And finally, we should establish local assistance project grants to offer limited financial assistance to those local governments with a disproportionate number of AIDS cases.

Mr. Chairman, it should be clear that this bill, among its other accomplishments, takes major and much needed steps toward meeting the country's health needs during the AIDS crisis. I urge my colleagues to vote in favor of this legislation.

Mr. BONIOR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in strong support of this bill so diligently crafted by the distinguished gentleman from Kentucky [Mr. NATCHER], the gentlemen from Massachusetts [Mr. CONTE], and their colleagues on the subcommittee.

I want to commend the great sensitivity and concern the committee showed in responding to the needs of our Nation's deaf and hearing impaired community.

In particular, the subcommittee included a critical increase in funding for Gallaudet University.

As some Members may know, I serve on the board of trustees of that extraordinary institution which is the only fully accredited liberal arts university for the deaf and hearing impaired in the world.

It is a highly specialized institution, Mr. Chairman, and it deserves special consideration and resources in responding to its very important mission of creating first rate education opportunities for our Nation's deaf community.

This past March, a new president was installed at Gallaudet. Except this president was different. For the first time in its 124-year history, Gallaudet is headed by a deaf person.

Dr. I. King Jordan was selected after a series of events which were at the time characterized to me by deaf persons as the "deaf Selma." The deaf community in our Nation is mobilized behind Dr. Jordan and it is up to Congress to support the aspirations of the deaf and make Gallaudet the best institution that it can be.

The bill we have before us today does that. It includes funds to bring faculty and staff salaries at Gallaudet up to area parity.

It also includes funds for the creation of new programs in enterpreneurial management, a master program in social work and a Ph.D program in clinical psychology. Expanded opportunities for the deaf is what Gallaudet is all about, Mr. Chairman. Today in passing this bill we are helping Gallaudet prove every day that as President Jordan likes to say, "The only thing that deaf people can't do is hear."

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Mr. FRENZEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, like the other Members of this body who have expressed themselves on the subject, I yield to none in my admiration of the chairman and the distinguished ranking member who have put together what they believe, and what I think a majority of this body believes, is a wonderful bill.

Since I make requests of both of those gentlemen myself, I know what they are up against in trying to put a bill together. Nevertheless, I must rise as a lonely voice in opposition to this bill simply because it costs more money than the United States can afford at this time.

Mr. Chairman, I realize that much of the bill is in the form of entitlements and the subcommittee can do very little on that subject. However, there is a discretionary portion of the bill. That discretionary portion is up by nearly 6 percent or over $2 billion. It seems to me if the entitlements run away with us, the subcommittee ought to feel obligated to make reductions in other areas.

I was very disappointed that our colleague the gentleman from California (Mr. DANNEMEYER) put all of his amendments together, for I should have liked to have joined him in making some reductions. In total I could not support his package.

All together, Mr. Chairman, I think that we are on a collision course with sequestration. I thought at the beginning of the year that there was no way that OMB could possibly serve us up a sequester this year. However, since we are adding 6 or 7 percent to every appropriation bill over last year's appropriations, there may not be enough smoke, nor enough mirrors, in the whole world to allow OMB not to order a sequester.

It seems to me that we are tempting fate in a highly risky way. If it is necessary for us to make the reductions, which may be forced on us by sequester, we should have made them along the way in individual decisions on these appropriation bills. Instead we have, in every case, tested the outer limits of the 302(b) allocations and the outer limits of what I consider to have been a failed summit meeting.

Mr. Chairman, I am going to have to vote against the bill. I submit that the subcommittee has done a wonderful job. I do not encourage others necessarily to follow my lead. I should have introduced an amendment, but I must say I have been so depressed by the actions of the House in rejecting amendments up to now on appropriation bills. It is quite clear that this House wants to support the summit agreement which I consider woefully inadequate.

Mr. Chairman, I have no choice but to vote "no."

Mr. MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of H.R. 4783, the fiscal year 1989 Labor-Health and Human Services-Education appropriations bill.

I especially want to thank Chairman NATCHER of the Appropriations Subcommittee on Labor/HHS/Education and his members for his and their leadership in supporting important and cost-effective programs for children and their families.

Such leadership is crucial to safeguard the future and protect the Nation's children. This legislation, by funding effective programs for children and families, takes action against illiteracy, juvenile crime, poverty, infant mortality, declining family living standards, the spread of AIDS and family instability.

This bill is also noteworthy because it also takes action to help reduce the Federal deficit. In every instance the resources this bill allows are modest, and the programs supported with these resources provide sound investments whose returns will be high.

However, while acknowledging fiscal constraints and the importance of the level or increased funding contained in this bill, we must also face the facts: those investments still fall far short of what is required to reach vulnerable and needy children and families.

Nearly a quarter of the babies born in 1985 were to mothers who did not receive early prenatal care that can detect and avert tragic and costly problems at birth and afterwards. Even in the area of childhood immunization where our record is best, levels of immunization for preschool-age children worsened or showed no improvement between 1980 and 1985.

The level of unmet need is even more striking in other areas: Fewer than one out of every five eligible children can participate in Head Start. And only about half of those estimated eligible for Chapter I compensatory education receive those services.

We cannot solve these problems on the cheap. All the efficient management in the world won't stretch current resources far enough. And by failing to address these problems more adequately today, we can count on higher costs to children, families and society tomorrow and in the years to come.

This is the real budget-busting deficit that we fail to grasp.

Scientific evidence continues to mount and the House Budget Committee has recognized that wise investments in selected children's programs not only save lives, but save money. In the 1988 update of its report, "Opportunities for Success: Cost-Effective Programs for Children," the Select Committee documented that investing in specific children's programs now will return billions of dollars to the Federal Treasury in the long-run. For example: $1 investment in prenatal care can save $3.38 in the cost of care for low birthweight infants; $1 spent on the Childhood Immunization Program saves $10 in later medical costs; $1 investment in quality preschool education returns $6 because of lower costs of special education, public assistance and crime; investment of $750 for 1 year of compensatory education can save $3,700 cost of repeating a grade; and early educational intervention has saved school districts $1,560 per disabled pupil.

The savings speak for themselves. In times of severe fiscal constraint. We have an obligation to ensure that Federal dollars are invested wisely.

I am pleased that the Appropriations Committee has seen fit to go along with many of the Budget Committee's recommendations for modest increases in a few very important programs identified in the Select Committee's report. stable funding for others, and new funding for prevention efforts in education and health care. These efforts will go a long way. Yet, if we are to enjoy the full benefit of our investments, we have a long way to go still.

The following programs received increases to account for inflation, or modest increases recommended by the Budget Committee to allow some expansion.

MATERNAL AND CHILD HEALTH/MEDICAID EXPANSION

This bill includes an additional $23 million over fiscal year 1988 levels for the maternal and child health block grant. While this amount represents $11 million less than the Budget Committee request, this small increase could not come at a better time. For some children, the health care services provided by the MCH block grant may be the only care they ever receive, yet for many, especially in rural areas, these services are largely unavailable.

The growing number of individuals without any health insurance also has resulted in high caseloads that have overwhelmed available MCH-funded services. Thirty-seven million nonelderly Americans have no health insurance of any kind. Almost one-third of them—12 million—are children. Thirty percent of uninsured children have working parents who participate in employer-sponsored health plans—but their plans do not cover their children. Further, one-half of all poor children are not covered by Medicaid.

Despite what we know about the success of early, comprehensive prenatal care in reducing low birthweight, infant deaths, and disability, the Nation has made no progress during this decade in bringing more women into prenatal care in the critical first 3 months of pregnancy. Nearly one out of four mothers still does not receive early prenatal care. In 1985, for the first time since at least 1960, overall neonatal mortality failed to decline, in sharp contrast to the accepted notion that child health status is improving.

A report recently released by the Southern California Child Health Network warned that the health of California's mothers and babies had begun to deteriorate because prenatal care services are becoming less available. In 1985, California's infant mortality rate increased for the first time since 1965.

In select committee hearings on the continuing infant mortality crisis, we learned that a major barrier to comprehensive prenatal care remains financial—either lack of insurance or underinsurance for working families and limited Medicaid coverage for families below the poverty line.

While the increased funds for the MCH block grant will only partially meet the growing need for health care for low income women and children who are falling through the cracks, States will at least have the opportunity to expand services to some. I am pleased that the Appropriations Committee included an increase of $2.076 billion in Medicaid funding to assist States in providing Medicaid coverage and implementing recent Medicaid expansions, including a mandate to cover pregnant women and infants in families with incomes up to 75 percent of the poverty level in fiscal year 1989.

Investments in the Childhood Immunization Program have benefited millions of children and produced very impressive cost savings. However, many extremely vulnerable preschool children have not been immunized against the most common childhood infectious diseases. The bill we are considering today includes nearly $19 million over last year's level to expand the program.

COMPENSATORY EDUCATION, HEAD START, AND EDUCATION FOR THE HANDICAPPED

Congress recently enacted legislation to strengthen compensatory education for the disadvantaged and to establish two new programs, the Even Start Act and Comprehensive Child Development Centers.

Chapter 1 of the Education Consolidation and Improvement Act, which assures children who are educationally disadvantaged equal access to education services, has made great strides in raising the academic achievement levels of students. A study commissioned by the U.S. Department of Education found that chapter 1 students gained 7 to 12 months in reading and 11 to 12 months in math for every year they participated in the program—a significantly higher gain than in a control group.

This effective program will be strengthened by a new set-aside in the chapter 1 Basic Grant Program for concentration grants to school districts with an exceptionally higher number of poor children. As the select committee has documented, with an increase just since 1979 of almost 3 million more children in poverty who are at educational and social risk, such action is critical.

I am especially pleased that this bill allows an increase of $98 million for chapter 1 over the President's budget request and $336 million over the amount available in 1988.

This bill also funds two new programs: $25 million for the Even Start Program to support parents' involvement in their children's education and to provide early childhood education for their children; and $20 million for Comprehensive Child Development Centers to provide an array of family-centered, preventive and early intervention services beginning prenatally and assisting high-risk, vulnerable children until they become school age.

The latter effort which builds on the Chicago-based Beethoven project, conceived by philanthropist and businessman, Irving Harris, is particularly noteworthy. Like the Beethoven project, the centers funded by this bill will provide critical intervention services from "cradle to kindergarten" for high-risk mothers and their infants. This program represents not only an effort to extend comprehensive and intensive services to often very isolated and precarious families. But also a significant effort to rethink how those services should be delivered.

While the Budget Committee's full request for Head Start—one of the most successful and cost-effective programs which reaches only 20 percent of eligible children—has not been realized in this legislation, the program will receive an inflationary increase of almost $44 million.

I am pleased to also support an increase of $53 million over fiscal year 1988 funding for education for the handicapped, including the Handicapped Infant and Toddler Program, and the handicapped preschool initiative.

CHILD WELFARE AND FOSTER CARE

The Select Committee on Children, Youth, and Families and the Subcommittee on Public Assistance and Unemployment Compensation recently conducted the first comprehensive examination of child welfare and foster care since passage of the Adoption Assistance and Child Welfare Amendments of 1980 Public Law 96-272. We learned that for too many children and families, the law is not working as we intended.

Reports of child abuse and neglect have increased 60 percent since 1981. Families with children have joined the ranks of the homeless, poverty has added nearly 3 million children to its ranks since 1979, and the drug epidemic and AIDS crisis have compounded the vulnerability of millions of families. These trends have contributed to a marked upswing in the foster care caseload, with more troubled and needy children overwhelming the available services, resources, and case workers.

Public Law 96-272 promoted preventive and reunification services designed to keep children in their own homes and prevent the unnecessary placement of children in foster care. Yet 8 years later, unnecessary out-of-home placements. unduly long stays in emergency shelter or foster care, and inadequate mental health, education and health services for children and their families persist, and are growing. These problems are not due to serious flaws in the law; the principles upon which the law is based are sound. Rather, it is the failure of the Reagan administration to enforce the law and seek sufficient funds to promote prevention efforts that is responsible for this growing crisis.

The fiscal year 1989 appropriations bill responds to these new strains on the system by providing $1.07 billion, an increase of $300 million, for foster care and adoption assistance.

In addition, the bill includes an increase of $10 million over last year to strengthen child welfare services, that provide the preventive services which enable children to remain in their own homes, or to provide alternative permanent homes when necessary. Without these funds, States cannot provide the intensive family based services, which have proven so effective in preserving families and averting unnecessary institutionalization of children.

AIDS AND CHILDREN

We are increasingly aware of the growing numbers of vulnerable infants and young children who are born medically fragile and remain at risk due to exposure to drugs or HIV, the AIDs virus. Tragically, many of these young children spend weeks and months of their lives in hospitals because neither their parents nor foster homes are available.

I am pleased that this bill contains an increased focus on the problems of this population by including $8 million in funding for pediatric services demonstrations, an increase of $3 million over last year's level. The increased funding will help support a few projects to test approaches to providing nonhospital care and will also allow for expanded funding of other pediatric AIDS projects. Although the Appropriations Committee did not separately fund the "boarder babies demonstration projects" authorized last year to provide residential care for babies who remain in hospitals, the expansion of the pediatric AIDS initiative will help identify and assist efforts to meet the needs of this growing population.

I would also like to call attention to the following programs which are protected in this legislation with stable funding levels:

CHILD CARE

I am especially pleased that the bill provides $8.4 million for dependent state planning and development grants which provide Federal Matching funds for before- and after-school child care serving millions of latchkey children and permitting their parents to work, and for local resource and referral systems that provide information on dependent care services. The bill also includes $1.4 million to enable more child care workers to qualify for the child development associate credential. CDA is the only national credential that assures parents that their children are being cared for by competent professionals.

Until we pass a comprehensive child care bill to assist the millions of American families who must work in order to maintain their standard of living, these two very modest programs are the only existing Federal efforts to strengthen and expand the currently inadequate supply of childe care, and must be sustained.

Funds for the temporary child care for handicapped children and crisis nurseries program have been deferred until their reauthorization. Once the reauthorization process is completed, and the committees of jurisdiction have pledged that this will occur. I will request that funds be included for these programs if the opportunity presents in a supplemental bill or a continuing resolution. The Select Committee on Children, Youth, and Families has documented the extent to which family stability is protected and child abuse prevented, when child care and respite care programs are available.

CHILD ABUSE AND FAMILY VIOLENCE

A slight increase of $500,000 over fiscal year 1988 for child abuse prevention and treatment is included in the bill—$30 million for the State grant program, discretionary activities, and for child abuse challenge grants.

This funding proposal, unfortunately, fails to approach the level of increased need reflected in increased reports of child abuse and neglect. In 1986, more than 2 million children were reported as abused or neglected—up a staggering 12 percent from 1985. This increase, reported by the American Humane Association, comes on top of a 55 percent increase in child abuse reports between 1981 and 1985, documented by the select committee in a national survey.

Similarly, the select committee has learned that over 2 million women were victims of domestic violence last year. One in twelve was beaten while pregnant, and more than one-half of completed rapes and other violent crimes against women were committed by men the women knew. Yet, resources to help battered women are scarce and legal protection against domestic violence is just as inadequate.

Given the level of violence we have learned about and the rising numbers of cases, I would hope that at some future date we are fiscally able to fund these programs at their full authorization level.

HOMELESS FAMILIES

Hearings before my Select Committee on Children, Youth, and Families revealed that as many as 40 percent of the homeless are children and families. These families do not merely go without adequate shelter. They experience social isolation, family stress, poor nutrition, and limited educational opportunities for their children. The select committee learned as well that the lack of social supports, the dearth of adequate family shelter, and a dwindling supply of affordable housing leave many families with no alternative but to give up their children to foster care.

I ardently request that funds to support the Stewart B. McKinney Homeless Assistance Act be included at a later time pending the act's reauthorization. Similarly, I urge the Appropriations Committee to include funds when appropriate for the Runaway and Homeless Youth Act pending its reauthorization. The House has already acted in a timely fashion by passing the program's reauthorization legislation, and I hope my colleagues in the Senate will take prompt action as well. Runaway youth comprise a significant segment of the homeless population, and if we ignore them this year, it could mean great tragedy in the long run.

I regret that the appropriations for several crucial programs funded under this legislation did not reach the levels recommended by the Budget Committee, although it does allow for modest increases, and level funding for some critical new early intervention services.

Given the tremendous budget constraints for the coming fiscal year, I urge my colleagues to support the bill. We cannot defer this spending or these efforts to another year. We cannot correct poor prenatal care, malnutrition, low birthweight, childhood disability next year for a woman who is pregnant today. If we delay, we will lose millions of children in indeterminate, costly foster care because they will spend another year in the system. Millions of children will not receive the educational services and support they need, and many will leave schools and begin lives of poverty and dependence.

Mr. WISE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of H.R. 4783. I particularly express my appreciation to Chairman NATCHER and members of the Appropriations Committee for including $20 million for the newly authorized comprehensive Child Development Program. This was a program sponsored by Senator EDWARD KENNEDY and me in H.R. 5 which was signed by the President recently.

The appropriation will permit setting up pilot projects across the Nation to improve early childhood development, prenatal care, infant screening, maternal and child health, early childhood education, home outreach program, and parent support groups—all will be gathered under one roof and coordinated for maximum effectiveness. This program is designed to coordinate existing services for at-risk children and their parents.

Some of these projects are to be established in rural areas where coordination of services is especially difficult. Now that both the authorization and the appropriation actions are complete, I hope to coordinate efforts in West Virginia to develop one of these centers. It must be noted this new program does not compete with existing programs like Headstart.

This country spends $300 billion educating children between the ages 6 to 18, but less than $2 billion from birth to 6. Yet the very foundation for learning is laid in these early years. With this $20 million appropriation, this country is one step closer to assisting at-risk children recognize their true potential.

Mr. NATCHER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, before moving that the Committee rise, I would like to make one statement to the Members of the House.

I want to commend the gentleman in the chair, the gentleman from New Jersey [Mr. HUGHES] for presiding over this bill. The gentleman in the chair is one of the able Members of this House. He has presided over this bill in an excellent manner. This bill is not an easy bill at times to preside over and, Mr. Chairman, on behalf of all of the Members we want to thank you.

The CHAIRMAN. The Chair appreciates those kind remarks of the gentleman from Kentucky [Mr. NATCHER].

Are there further amendments to the bill?

Mr. NATCHER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. BONIOR] having assumed the chair, Mr. HUGHES, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4783) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1989, and for other purposes, he reported the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore (Mr. BONIOR). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CONTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 362, nays 46, not voting 23, as follows:

[Roll No. 186]

YEAS—362

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Baker
Barnard
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Broomfield
Brown (CA)
Bruce
Bryant
Buechner
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clay
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Crockett
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (LA)
Hefley
Hefner
Henry
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ireland
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Madigan
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Panetta
Pashayan
Patterson
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sharp
Shaw
Shays
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (OR)
Snowe
Solarz
St Germain
Staggers
Stallings
Stangeland
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—46

Archer
Armey
Badham
Bartlett
Barton
Brown (CO)
Bunning
Burton
Cheney
Combest
Craig
Crane
Dannemeyer
DeLay
Dornan (CA)
Dreier
Edwards (OK)
Fawell
Fields
Frenzel
Gekas
Gregg
Herger
Inhofe
Kyl
Leach (IA)
Lightfoot
Lukens, Donald
Lungren
Marlenee
McCandless
Moorhead
Sensenbrenner
Shumway
Shuster
Smith, Denny (OR)
Smith, Robert (NH)
Solomon
Stenholm
Stump
Sundquist
Sweeney
Swindall
Tauke
Upton
Walker

NOT VOTING—23

Ballenger
Biaggi
Boulter
Brooks
Clement
Duncan
Gray (PA)
Hayes (IL)
Hunter
Jacobs
Kemp
Leland
Mack
MacKay
Mica
Moody
Packard
Parris
Pease
Ray
Russo
Spence
Spratt

□ 1445

Mr. DENNY SMITH changed his vote from "yea" to "nay."

Mr. RAVENEL and Mr. KASICH changed their votes from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO INSERT TABLE ON H.R. 4783, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION ACT, 1989

Mr. NATCHER. Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point a detailed table showing the amounts in H.R. 4783, just passed, for each of the programs funded in the bill together with appropriate comparisons.

The SPEAKER pro tempore (Mr. SKAGGS). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

H.R. 4783—FISCAL YEAR 1989 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES

	Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request	Fiscal Year 1989 House Bill	House Bill Compared to	
				Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request
SUMMARY					
Title I - Department of Labor:					
Federal Funds	$6,262,432,000	$6,143,812,000	$6,562,032,000	+$299,600,000	+$418,220,000
(Unauthorized, not considered)	(9,574,000)	(846,000,000)	DEFER	DEFER	DEFER
Trust Funds	(2,689,239,000)	(2,668,274,000)	(2,775,275,000)	(+86,036,000)	(+107,001,000)
Title II - Department of Health and Human Services:					
Federal Funds (all years)	98,929,970,000	106,763,880,000	106,517,505,000	+7,587,535,000	-246,375,000
Current year	(85,179,970,000)	(91,972,880,000)	(91,726,505,000)	(+6,546,535,000)	(-246,375,000)
1990 advance	(13,750,000,000)	(14,791,000,000)	(14,791,000,000)	(+1,041,000,000)	---
(Unauthorized, not considered)	(2,758,532,000)	(2,807,494,000)	DEFER	DEFER	DEFER
Trust Funds	(4,949,447,000)	(5,603,267,000)	(5,530,919,000)	(+581,472,000)	(-72,348,000)
Title III - Department of Education:					
Federal Funds	20,240,691,000	21,084,423,000	21,948,605,000	+1,707,914,000	+864,182,000
Title IV - Related Agencies:					
Federal Funds	745,844,000	738,079,000	766,550,000	+20,706,000	+28,471,000
(Unauthorized, not considered)	(236,956,000)	(217,376,000)	DEFER	DEFER	DEFER
Trust Funds	(66,661,000)	(69,935,000)	(68,735,000)	(+2,074,000)	(-1,200,000)
Total, all titles:					
Federal Funds (all years)	126,178,937,000	134,730,194,000	135,794,692,000	+9,615,755,000	+1,064,498,000
Current year	(112,428,937,000)	(119,939,194,000)	(121,003,692,000)	(+8,574,755,000)	(+1,064,498,000)
1990 advance	(13,750,000,000)	(14,791,000,000)	(14,791,000,000)	(+1,041,000,000)	---
(Unauthorized, not considered)	(3,005,062,000)	(3,870,870,000)	DEFER	DEFER	DEFER
Trust Funds	7,705,347,000	8,341,476,000	8,374,929,000	+669,582,000	+33,453,000
SECTION 302B RECAP					
Federal Funds (all years)	126,178,937,000	134,730,194,000	135,794,692,000	+9,615,755,000	+1,064,498,000
(Unauthorized, not considered)	(3,005,062,000)	(3,870,870,000)	DEFER	DEFER	DEFER
Bill total	129,183,999,000	138,601,064,000	135,794,692,000	+6,610,693,000	-2,806,372,000
Discretionary, total in bill	34,989,268,000	35,691,006,000	37,020,545,000	+2,031,277,000	+1,329,539,000
(Unauthorized, not considered)	(2,727,414,000)	(3,288,870,000)	DEFER	DEFER	DEFER
Total discretionary, current appropriations	37,716,682,000	38,979,876,000	37,020,545,000	-696,137,000	-1,959,331,000
Mandatory, total in bill	91,189,669,000	99,039,188,000	98,774,147,000	+7,584,478,000	-265,041,000
Less advances for subsequent years	-13,750,000,000	-14,791,000,000	-14,791,000,000	-1,041,000,000	---
Plus advances provided in prior years	12,812,065,000	13,978,000,000	13,978,000,000	+1,165,935,000	---
Total, Mandatory, current appropriations	90,251,734,000	98,226,188,000	97,961,147,000	+7,709,413,000	-265,041,000
(Unauthorized, not considered)	(277,648,000)	(582,000,000)	DEFER	DEFER	DEFER
Grand total, current year	125,241,002,000	133,917,194,000	134,981,692,000	+9,740,690,000	+1,064,498,000

H.R. 4783—FISCAL YEAR 1989 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES—Continued

	Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request	Fiscal Year 1989 House Bill	House Bill Compared to Fiscal Year 1988 Comparable	House Bill Compared to Fiscal Year 1989 Budget Request
TITLE I -- DEPARTMENT OF LABOR					
EMPLOYMENT AND TRAINING ADMINISTRATION					
PROGRAM ADMINISTRATION					
Job training programs	$17,192,000	$17,522,000	$17,522,000	+$330,000	---
Employment security	3,199,000	3,506,000	3,506,000	+307,000	---
Trust funds	(14,658,000)	(14,760,000)	(14,760,000)	(+102,000)	---
Financial control and management systems	16,666,000	16,694,000	16,694,000	+28,000	---
Trust funds	(9,783,000)	(9,246,000)	(9,246,000)	(-537,000)	---
Executive direction and administration	3,314,000	3,391,000	3,391,000	+77,000	---
Trust funds	(2,598,000)	(2,704,000)	(2,704,000)	(+106,000)	---
Regional operations	16,976,000	17,799,000	17,799,000	+823,000	---
Trust funds	(17,341,000)	(19,897,000)	(19,897,000)	(+2,556,000)	---
Apprenticeship services	13,525,000	13,377,000	13,377,000	-148,000	---
Total, Program Administration	115,252,000	118,896,000	118,896,000	+3,644,000	---
Federal funds	70,872,000	72,289,000	72,289,000	+1,417,000	---
Trust funds	(44,380,000)	(46,607,000)	(46,607,000)	(+2,227,000)	---
TRAINING AND EMPLOYMENT SERVICES					
Grants to States:					
Block grant	1,809,486,000	1,809,486,000	1,809,486,000	---	---
Summer youth employment and training program: Summer 1989 and 1990	718,050,000	718,050,000	718,050,000	---	---
Dislocated worker assistance	287,220,000	---	287,220,000	---	+$287,220,000
Federally administered programs:					
Native Americans	59,713,000	59,713,000	59,713,000	---	---
Migrants and seasonal farmworkers	65,572,000	57,904,000	70,572,000	+5,000,000	+12,668,000
Job Corps	716,135,000	710,631,000	763,631,000	+47,496,000	+53,000,000
Veterans' employment	9,966,000	9,633,000	9,966,000	---	+333,000
National activities:					
Pilots and demonstrations	38,964,000	31,620,000	31,620,000	-7,344,000	---
Research, demonstration and evaluation	18,227,000	18,592,000	13,592,000	-4,635,000	-5,000,000
Other	24,356,000	15,195,000	22,195,000	-2,161,000	+7,000,000
Subtotal, National activities	81,547,000	65,407,000	67,407,000	-14,140,000	+2,000,000
Subtotal, Federal activities	932,933,000	903,288,000	971,289,000	+38,356,000	+68,001,000
Total, Job Training Partnership Act	3,747,689,000	3,430,824,000	3,786,045,000	+38,356,000	+355,221,000
Trade adjustment program activities	47,870,000	---	50,000,000	+2,130,000	+50,000,000
Job training for the homeless	(9,574,000)	---	DEFER	DEFER	DEFER
Total, Training and Employment Services	3,795,559,000	3,430,824,000	3,836,045,000	+40,486,000	+405,221,000
(Unauthorized, not considered)	(9,574,000)	---	DEFER	DEFER	DEFER

H.R. 4783—FISCAL YEAR 1989 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES—Continued

	Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request	Fiscal Year 1989 House Bill	House Bill Compared to	
				Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS	$331,260,000	$336,000,000	$346,000,000	+$14,740,000	+$10,000,000
WORKER READJUSTMENT					
Current activities: 1/					
Trade adjustment assistance	---	132,000,000	---	---	-132,000,000
Unemployment assistance and payments under other Federal unemployment programs	---	2,000,000	---	---	-2,000,000
Subtotal	---	134,000,000	---	---	-134,000,000
New activities: 2/					
Trade adjustment assistance savings	---	(-102,000,000)	DEFER	DEFER	DEFER
Worker readjustment assistance, new	---	(948,000,000)	DEFER	DEFER	DEFER
Subtotal	---	(846,000,000)	DEFER	DEFER	DEFER
Total, Worker readjustment, current request	---	134,000,000	---	---	-134,000,000
(Unauthorized, not considered)	---	(846,000,000)	DEFER	DEFER	DEFER
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES 1/	141,000,000	---	134,000,000	-7,000,000	+134,000,000
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS					
Unemployment Compensation (Trust Funds):					
State Operations	(1,230,966,000)	(1,255,883,000)	(1,255,883,000)	(+24,917,000)	---
State integrity activities	(244,931,000)	(254,587,000)	(254,587,000)	(+9,656,000)	---
National Activities	(9,751,000)	(10,151,000)	(10,151,000)	(+400,000)	---
Contingency	(175,076,000)	(157,479,000)	(157,479,000)	(-17,597,000)	---
Subtotal, Unemployment Compensation(trust funds)	(1,660,724,000)	(1,678,100,000)	(1,678,100,000)	(+17,376,000)	---
Employment Service:					
Allotments to States:					
Federal funds	21,733,000	20,400,000	21,733,000	---	+1,333,000
Trust funds 3/	(701,296,000)	(658,100,000)	(751,296,000)	(+50,000,000)	(+93,196,000)
Subtotal	723,029,000	678,500,000	773,029,000	+50,000,000	+94,529,000
National Activities:					
Federal funds	670,000	1,100,000	1,100,000	+430,000	---
Trust funds	(56,385,000)	(35,994,000)	(43,318,000)	(-13,067,000)	(+7,324,000)
Subtotal, Employment Service	780,084,000	715,594,000	817,447,000	+37,363,000	+101,853,000
Federal funds	22,403,000	21,500,000	22,833,000	+430,000	+1,333,000
Trust funds	(757,681,000)	(694,094,000)	(794,614,000)	(+36,933,000)	(+100,520,000)
Total, State Unempl. Ins. and Empl. Ser. Opers.	2,440,808,000	2,393,694,000	2,495,547,000	+54,739,000	+101,853,000
Federal Funds	22,403,000	21,500,000	22,833,000	+430,000	+1,333,000
Trust Funds	(2,418,405,000)	(2,372,194,000)	(2,472,714,000)	(+54,309,000)	(+100,520,000)
ADVANCES TO UNEMPLOYMENT TRUST FUND AND OTHER FUNDS	30,000,000	124,000,000	124,000,000	+94,000,000	---
Total, Employment & Training Administration	6,853,879,000	6,537,414,000	7,054,488,000	+200,609,000	+517,074,000
Federal funds	4,391,094,000	4,118,613,000	4,535,167,000	+144,073,000	+416,554,000
(Unauthorized, not considered)	(9,574,000)	(846,000,000)	DEFER	DEFER	DEFER
Trust funds	(2,462,785,000)	(2,418,801,000)	(2,519,321,000)	(+56,536,000)	(+100,520,000)

1/ President's budget proposes to replace FUBA, dislocated worker and trade adjustment under TES with a new Worker Readjustment account.

2/ Proposed for later transmittal in President's request.

1/ Does not include $50,000,000 contained in pending 1988 supplemental bill.

H.R. 4783—FISCAL YEAR 1989 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES—Continued

	Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request	Fiscal Year 1989 House Bill	House Bill Compared to	
				Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request
LABOR - MANAGEMENT SERVICES					
SALARIES AND EXPENSES					
Labor-management relations service	$5,639,000	$5,793,000	$5,793,000	+$154,000	---
Labor-management standards enforcement	24,547,000	25,333,000	25,333,000	+786,000	---
Pension and welfare benefit programs	46,590,000	41,933,000	41,933,000	-4,657,000	---
Total, LMS	76,776,000	73,059,000	73,059,000	-3,717,000	---
PENSION BENEFIT GUARANTY CORPORATION					
Program Administration (Trust Funds)	(38,329,000)	(54,232,000)	(54,232,000)	(+15,903,000)	---
EMPLOYMENT STANDARDS ADMINISTRATION					
SALARIES AND EXPENSES					
Enforcement of wage and hour standards	82,359,000	90,035,000	90,035,000	+7,676,000	---
Federal contractor EEO standards enforcement	50,725,000	52,493,000	52,493,000	+1,768,000	---
Federal programs for workers' compensation	61,321,000	57,886,000	57,886,000	-3,435,000	---
Trust funds	(467,000)	(526,000)	(526,000)	(+59,000)	---
Executive direction and support services	13,304,000	14,075,000	14,075,000	+771,000	---
Total, salaries and expenses	208,176,000	215,015,000	215,015,000	+6,839,000	---
Federal funds	207,709,000	214,489,000	214,489,000	+6,780,000	---
Trust funds	(467,000)	(526,000)	(526,000)	(+59,000)	---
SPECIAL BENEFITS					
Federal employees compensation act benefits 1/	170,000,000	288,000,000	288,000,000	+118,000,000	---
Longshore and harbor workers' benefits	4,000,000	4,000,000	4,000,000	---	---
Total, Special Benefits	174,000,000	292,000,000	292,000,000	+118,000,000	---
BLACK LUNG DISABILITY TRUST FUND					
Benefit payments and interest on advances 2/	594,522,000	633,435,000	633,435,000	+38,913,000	---
Employment Standards Admin., salaries & expenses	28,217,000	30,210,000	30,210,000	+1,993,000	---
Departmental Management, salaries and expenses	25,924,000	24,054,000	24,054,000	-1,870,000	---
Departmental Management, inspector general	506,000	515,000	515,000	+9,000	---
Subtotal, Black Lung Disablty. Trust Fund, apprn	649,169,000	688,214,000	688,214,000	+39,045,000	---
Treasury administrative costs (indefinite)	756,000	756,000	756,000	---	---
Repayment of Advances (indefinite)	38,800,000	---	---	-38,800,000	---
Total, Black Lung Disability Trust Fund	688,725,000	688,970,000	688,970,000	+245,000	---
Total, Employment Standards Administration	1,070,901,000	1,195,985,000	1,195,985,000	+125,084,000	---
Federal funds	1,070,434,000	1,195,459,000	1,195,459,000	+125,025,000	---
Trust funds	(467,000)	(526,000)	(526,000)	(+59,000)	---

1/ FY 1989 request includes $35 million to liquidate FY 1988 requirements financed through subsequent year borrowing.

2/ FY 1989 request includes $13,970,000 to liquidate FY 1988 requirements financed through subsequent year borrowing.

H.R. 4783—FISCAL YEAR 1989 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES—Continued

	Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request	Fiscal Year 1989 House Bill	House Bill Compared to	
				Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION					
SALARIES AND EXPENSES					
Safety and health standards...........................	$6,484,000	$6,751,000	$6,751,000	+$267,000	---
Enforcement:					
Federal Enforcement................................	111,178,000	116,969,000	116,969,000	+5,791,000	---
State programs.....................................	40,524,000	41,334,000	43,000,000	+2,476,000	+$1,666,000
Technical Support.....................................	16,558,000	17,486,000	17,486,000	+928,000	---
Compliance Assistance.................................	35,279,000	36,078,000	36,078,000	+799,000	---
Safety and health statistics..........................	19,654,000	20,241,000	20,241,000	+587,000	---
Executive direction and administration................	5,797,000	5,992,000	5,992,000	+195,000	---
Total, OSHA.......................................	235,474,000	244,851,000	246,517,000	+11,043,000	+1,666,000
MINE SAFETY AND HEALTH ADMINISTRATION					
SALARIES AND EXPENSES					
Enforcement:					
Coal..	82,748,000	82,879,000	82,879,000	+131,000	---
Metal/nonmetal....................................	31,611,000	32,498,000	32,498,000	+887,000	---
Standards development.............................	1,141,000	1,920,000	1,920,000	+779,000	---
Assessments...	2,035,000	2,164,000	2,164,000	+129,000	---
Educational policy and development....................	11,605,000	12,070,000	12,070,000	+465,000	---
Technical support.....................................	20,126,000	20,833,000	20,833,000	+707,000	---
Program administration................................	10,927,000	12,233,000	12,233,000	+1,306,000	---
Total, Mine Safety and Health Administration....	160,193,000	164,597,000	164,597,000	+4,404,000	---
BUREAU OF LABOR STATISTICS					
SALARIES AND EXPENSES					
Employment and Unemployment Statistics................	60,008,000	64,955,000	64,955,000	+4,947,000	---
Labor Market Information (Trust Funds)................	(41,569,000)	(46,323,000)	(46,323,000)	(+4,754,000)	---
Prices and cost of living.............................	57,108,000	72,098,000	72,098,000	+14,990,000	---
Wages and industrial relations........................	20,963,000	22,028,000	22,028,000	+1,065,000	---
Productivity and technology...........................	5,180,000	5,457,000	5,457,000	+277,000	---
Economic growth and employment projections............	3,198,000	3,347,000	3,347,000	+149,000	---
Executive direction and staff services................	21,231,000	22,512,000	22,512,000	+1,281,000	---
Consumer Price Index Revision.........................	8,793,000	---	---	-8,793,000	---
Total, Bureau of Labor Statistics...............	218,050,000	236,720,000	236,720,000	+18,670,000	---
Federal Funds.................................	176,481,000	190,397,000	190,397,000	+13,916,000	---
Trust Funds...................................	(41,569,000)	(46,323,000)	(46,323,000)	(+4,754,000)	---

H.R. 4783—FISCAL YEAR 1989 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES—Continued

	Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request	Fiscal Year 1989 House Bill	House Bill Compared to	
				Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request
DEPARTMENTAL MANAGEMENT					
SALARIES AND EXPENSES					
Executive direction	$15,089,000	$16,556,000	$16,556,000	+$1,467,000	---
Legal services	45,529,000	45,959,000	45,959,000	+430,000	---
Trust funds	(274,000)	(285,000)	(285,000)	(+11,000)	---
International labor affairs	5,887,000	6,243,000	6,243,000	+356,000	---
Administration and management	24,635,000	24,776,000	24,776,000	+141,000	---
Adjudication	11,703,000	11,522,000	11,522,000	-181,000	---
Promoting employment of the handicapped	2,434,000	2,468,000	2,468,000	+34,000	---
Women's Bureau	5,982,000	6,083,000	6,583,000	+601,000	+$500,000
Civil Rights Activities	3,670,000	3,732,000	3,732,000	+62,000	---
Undistributed reduction	---	---	-500,000	-500,000	-500,000
Total, Salaries and expenses	115,203,000	117,624,000	117,624,000	+2,421,000	---
Federal funds	114,929,000	117,339,000	117,339,000	+2,410,000	---
Trust funds	(274,000)	(285,000)	(285,000)	(+11,000)	---
VETERANS EMPLOYMENT AND TRAINING					
State Administration:					
Disabled Veterans Outreach Program	(72,400,000)	(73,848,000)	(73,848,000)	(+1,448,000)	---
Local Veterans Employment Program	(52,365,000)	(53,412,000)	(59,893,000)	(+7,528,000)	(+6,481,000)
Subtotal, State Administration	(124,765,000)	(127,260,000)	(133,741,000)	(+8,976,000)	(+6,481,000)
Federal Administration	(14,849,000)	(15,146,000)	(15,146,000)	(+297,000)	---
Total, Trust Funds	(139,614,000)	(142,406,000)	(148,887,000)	(+9,273,000)	(+6,481,000)
OFFICE OF THE INSPECTOR GENERAL					
Audit:					
Federal funds	19,756,000	20,420,000	20,420,000	+664,000	---
Trust funds	(5,092,000)	(4,526,000)	(4,526,000)	(-566,000)	---
Investigation:					
Federal funds	5,989,000	6,038,000	6,038,000	+49,000	---
Trust funds	(1,109,000)	(1,175,000)	(1,175,000)	(+66,000)	---
Office of Labor Racketeering	7,452,000	8,395,000	8,395,000	+943,000	---
Executive Direction and Administration	3,854,000	4,644,000	4,644,000	+790,000	---
Total, Office of the Inspector General	43,252,000	45,198,000	45,198,000	+1,946,000	---
Federal funds	37,051,000	39,497,000	39,497,000	+2,446,000	---
Trust funds	(6,201,000)	(5,701,000)	(5,701,000)	(-500,000)	---
Total, Departmental Management	298,069,000	305,228,000	311,709,000	+13,640,000	+6,481,000
Federal funds	151,980,000	156,836,000	156,836,000	+4,856,000	---
Trust funds	(146,089,000)	(148,392,000)	(154,873,000)	(+8,784,000)	(+6,481,000)
Total, Labor Department	8,951,671,000	8,812,086,000	9,337,307,000	+385,636,000	+525,221,000
Federal funds	6,262,432,000	6,143,812,000	6,562,032,000	+299,600,000	+418,220,000
(Unauthorized, not considered)	(9,574,000)	(846,000,000)	DEFER	DEFER	DEFER
Trust funds	(2,689,239,000)	(2,668,274,000)	(2,775,275,000)	(+86,036,000)	(+107,001,000)

H.R. 4783—FISCAL YEAR 1989 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES—Continued

	Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request	Fiscal Year 1989 House Bill	House Bill Compared to	
				Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request
TITLE II--DEPARTMENT OF HEALTH AND HUMAN SERVICES					
PRIORITY DISEASE CONTROL AND RESEARCH ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) 1/ (NON-ADD)					
Health Resorces and Services Administration:					
Training of health personnel	($11,106,000)	($23,000,000)	($15,000,000)	(+$3,894,000)	(−$8,000,000)
Facilities renovation grants	(6,702,000)	---	(5,000,000)	(-1,702,000)	(+5,000,000)
Pediatric health care demonstrations 2/	(4,787,000)	(5,000,000)	(8,000,000)	(+3,213,000)	(+3,000,000)
Service demonstrations, general	(14,361,000)	(10,567,000)	(10,567,000)	(-3,794,000)	---
Program support	---	(1,449,000)	(1,449,000)	(+1,449,000)	---
Subtotal, HRSA	(36,956,000)	(40,016,000)	(40,016,000)	(+3,060,000)	---
Centers for Disease Control	(304,942,000)	(400,719,000)	(408,219,000)	(+103,277,000)	(+7,500,000)
National Institutes of Health:					
National Cancer Institute	(89,944,000)	(125,280,000)	(125,280,000)	(+35,336,000)	---
National Heart, Lung, and Blood Institute	(24,738,000)	(39,032,000)	(39,032,000)	(+14,294,000)	---
National Institute of Dental Research	(3,169,000)	(3,526,000)	(3,526,000)	(+357,000)	---
National Institute of Diabetes, Digestive, and Kidney Diseases	(3,351,000)	(3,650,000)	(3,650,000)	(+299,000)	---
National Institute of Neurological and Communicative Disorders and Stroke	(12,212,000)	(13,393,000)	(13,393,000)	(+1,181,000)	---
National Institue of Allergy and Infectious Diseases	(223,728,000)	(310,268,000)	(310,268,000)	(+86,540,000)	---
National Institute of General Medical Sciences	(2,394,000)	(11,100,000)	(11,100,000)	(+8,706,000)	---
National Institute of Child Health and Human Development	(14,292,000)	(20,443,000)	(20,443,000)	(+6,151,000)	---
National Eye Institute	(3,830,000)	(4,947,000)	(4,947,000)	(+1,117,000)	---
National Institute of Environmental Health Sciences	(3,917,000)	(4,234,000)	(4,234,000)	(+317,000)	---
National Institute on Aging	(361,000)	(452,000)	(452,000)	(+91,000)	---
National Institute of Arthritis and Musculoskeletal and Skin Diseases	(660,000)	(687,000)	(687,000)	(+27,000)	---
Research Resources	(50,418,000)	(38,010,000)	(38,010,000)	(-12,408,000)	---
National Center for Nursing Research	(510,000)	(707,000)	(707,000)	(+197,000)	---
John E. Fogarty International Center	(4,500,000)	(4,736,000)	(4,736,000)	(+236,000)	---
Office of the Director	(10,632,000)	(7,165,000)	(7,165,000)	(-3,467,000)	---
Buildings and facilities	(19,150,000)	---	---	(-19,150,000)	---
Subtotal, NIH	(467,806,000)	(587,630,000)	(587,630,000)	(+119,824,000)	---
Alcohol, Drug Abuse & Mental Health Administration:					
Mental Health	(31,129,000)	(49,364,000)	(49,364,000)	(+18,235,000)	---

1/ President's budget proposes a consolidated account for AIDS shown here for comparison purposes.

2/ Includes chronic and rehabilitative care.

H.R. 4783—FISCAL YEAR 1989 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES—Continued

	Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request	Fiscal Year 1989 House Bill	House Bill Compared to Fiscal Year 1988 Comparable	House Bill Compared to Fiscal Year 1989 Budget Request
Drug Abuse	($76,335,000)	($121,998,000)	($121,998,000)	(+$45,663,000)	---
Alcoholism	(4,793,000)	(6,255,000)	(6,255,000)	(+1,462,000)	---
Subtotal, ADAMHA	(112,257,000)	(177,617,000)	(177,617,000)	(+65,360,000)	---
Office of the Assistant Secretary for Health 1/	(4,308,000)	(28,598,000)	(21,098,000)	(+16,790,000)	(−$7,500,000)
Total Priority disease control and research (AIDS)	(926,269,000)	(1,234,580,000)	(1,234,580,000)	(+308,311,000)	---
Acquired Immune Deficiency Syndrome (AIDS)	(-926,269,000)	(-1,234,580,000)	(-1,234,580,000)	(-308,311,000)	---
HEALTH RESOURCES AND SERVICES ADMINISTRATION					
HEALTH RESOURCES AND SERVICES					
Health Care Delivery and Assistance:					
Community health centers 2/	(395,210,000)	(400,000,000)	DEFER	DEFER	DEFER
Migrant health	(43,466,000)	(44,423,000)	DEFER	DEFER	DEFER
Infant mortality initiative	20,105,000	20,000,000	20,000,000	-105,000	---
Black lung clinics	3,255,000	3,255,000	3,255,000	---	---
Health care for the homeless	(14,361,000)	(15,000,000)	DEFER	DEFER	DEFER
National Health Service Corps: 2/ 3/					
Field placements	40,407,000	35,000,000	35,000,000	-5,407,000	---
(Limitation on direct loans)	(957,000)	(500,000)	(500,000)	(-457,000)	---
Recruitment:					
Scholarships	2,202,000	---	2,000,000	-202,000	+2,000,000
Loan repayments, general	---	2,202,000	4,000,000	+4,000,000	+1,798,000
Loan repayments, nursing	---	---	4,000,000	+4,000,000	+4,000,000
Subtotal, Natl Health Service Corps	42,609,000	37,202,000	45,000,000	+2,391,000	+7,798,000
Hansen's disease services (Carville)	18,245,000	18,245,000	18,750,000	+505,000	+505,000
Payment to Hawaii treatment of Hansen's Disease	3,159,000	3,159,000	3,159,000	---	---
Rural health research centers	1,436,000	1,500,000	1,500,000	+64,000	---
Home health demonstration grants	4,787,000	---	---	-4,787,000	---
Total, Health Care Delivery, current action	93,596,000	83,361,000	91,664,000	-1,932,000	+8,303,000
Health Professions:					
Consolidated health professions grants	---	(40,000,000)	DEFER	DEFER	DEFER
Exceptional need scholarships	(6,702,000)	---	DEFER	DEFER	DEFER
Excellence in minority health education grants	9,574,000	---	9,574,000	---	+9,574,000
Public health/health administration:					
Public Health capitation	(4,787,000)	---	DEFER	DEFER	DEFER
Health Administration grants	(1,436,000)	---	DEFER	DEFER	DEFER
Public Health traineeships	(2,872,000)	---	DEFER	DEFER	DEFER
Health Administration traineeships	(479,000)	---	DEFER	DEFER	DEFER
Preventive medicine residencies	(1,532,000)	---	DEFER	DEFER	DEFER

1/ Includes funds for Office of Minority Health.

2/ Reflects reprogramming of $12,250,000.

1/ Excludes legislative savings of $390,000 proposed for later transmittal.

H.R. 4783—FISCAL YEAR 1989 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES—Continued

	Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request	Fiscal Year 1989 House Bill	House Bill Compared to	
				Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request
Family Med/Gen denistry res & trng	($35,405,000)	---	DEFER	DEFER	DEFER
General Internal Medicine and Pediatrics	(17,712,000)	---	DEFER	DEFER	DEFER
Family medicine departments	(6,702,000)	---	DEFER	DEFER	DEFER
Physician assistants	(4,596,000)	---	DEFER	DEFER	DEFER
Area health education centers	(17,233,000)	---	DEFER	DEFER	DEFER
Health professions data analysis	(1,915,000)	---	DEFER	DEFER	DEFER
Disadvantaged Assistance	(27,406,000)	---	DEFER	DEFER	DEFER
Special Projects: (sections 788 and 301) Health professions spec ed initiatives	(2,394,000)	---	DEFER	DEFER	DEFER
Geriatric training and research	(12,446,000)	---	DEFER	DEFER	DEFER
Two year medical schools	(479,000)	---	DEFER	DEFER	DEFER
Pediatric emergency care	(1,915,000)	---	DEFER	DEFER	DEFER
Pacific Basin activities (including Medical Officer training)	(2,326,000)	---	DEFER	DEFER	DEFER
Nurse training:					
Advanced nurse training	(16,755,000)	---	DEFER	DEFER	DEFER
Nurse practitioner	(11,489,000)	---	DEFER	DEFER	DEFER
Special projects (includes sec. 820 (d)(2))	(11,680,000)	---	DEFER	DEFER	DEFER
Traineeships	(12,446,000)	---	DEFER	DEFER	DEFER
Nurse Anesthetists	(766,000)	---	DEFER	DEFER	DEFER
Faculty fellowships	(910,000)	---	DEFER	DEFER	DEFER
Subtotal, Nurse training	(54,046,000)	---	DEFER	DEFER	DEFER
Total, Health professions	9,574,000	---	$9,574,000	---	+$9,574,000
(Unauthorized, not considered)	(202,383,000)	($40,000,000)	DEFER	DEFER	DEFER
MCH and Resources Development:					
Maternal & child health block grant	526,570,000	561,000,000	550,000,000	+$23,430,000	-11,000,000
Organ transplantation	(6,032,000)	(4,000,000)	DEFER	DEFER	DEFER
Health teaching facilities interest subsidies	96,000	500,000	500,000	+404,000	---
Total, Resources Development	526,666,000	561,500,000	550,500,000	+23,834,000	-11,000,000
Buildings and facilities	718,000	400,000	800,000	+82,000	+400,000
Program management/Program support, HRSA	81,309,000	76,573,000	87,000,000	+5,691,000	+10,427,000
Acquired Immune Deficiency Syndrome (AIDS) 1/	36,956,000	40,016,000	40,016,000	+3,060,000	---
Less transfers from loan revolving funds	---	---	-10,000,000	-10,000,000	-10,000,000
Total, Health resources and services, current action	748,819,000	761,850,000	769,554,000	+20,735,000	+7,704,000
(Unauthorized, not considered)	(661,452,000)	(503,423,000)	DEFER	DEFER	DEFER
MEDICAL FACILITIES GUARANTEE AND LOAN FUND	22,000,000	21,600,000	21,600,000	-400,000	---
HEALTH CARE QUALITY DATA BANK	---	2,800,000	---	---	-2,800,000
HEALTH CARE IMPROVEMENT	---	15,000,000	---	---	-15,000,000
Total, Health Resources and Services Admin	770,819,000	801,250,000	791,154,000	+20,335,000	-10,096,000
(Unauthorized, not considered)	(661,452,000)	(503,423,000)	DEFER	DEFER	DEFER
HEAL loan guarantees (non-add)	(305,000,000)	(100,000,000)	DEFER	DEFER	DEFER

1/ President's budget requests AIDS funding for FY 1989 under consolidated account.

H.R. 4783—FISCAL YEAR 1989 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES—Continued

	Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request	Fiscal Year 1989 House Bill	House Bill Compared to	
				Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request
CENTERS FOR DISEASE CONTROL					
DISEASE CONTROL					
Preventive Health Services Block Grant	($85,733,000)	($85,659,000)	DEFER	DEFER	DEFER
Prevention centers	(1,915,000)	(2,000,000)	DEFER	DEFER	DEFER
Sexually transmitted diseases:					
Grants	(54,572,000)	(54,791,000)	DEFER	DEFER	DEFER
Direct operations	(10,589,000)	(10,656,000)	DEFER	DEFER	DEFER
Subtotal, Sexually transmitted diseases	(65,161,000)	(65,447,000)	DEFER	DEFER	DEFER
Immunization:					
Grants	86,166,000	92,837,000	$108,337,000	+$22,171,000	+$15,500,000
Direct operations	8,202,000	8,251,000	8,251,000	+49,000	---
Vaccine stockpile	3,830,000	---	---	-3,830,000	---
National vaccine program coordination	---	500,000	500,000	+500,000	---
Subtotal, Immunization programs	98,198,000	101,588,000	117,088,000	+18,890,000	+15,500,000
Infectious disease excluding AIDS/TB	37,065,000	41,958,000	41,958,000	+4,893,000	---
Tuberculosis grants	6,702,000	6,702,000	6,702,000	---	---
Chronic & environmental disease prevention	43,158,000	43,415,000	66,479,000	+23,321,000	+23,064,000
Occupational Safety and Health (NIOSH):					
Research	59,950,000	60,292,000	60,292,000	+342,000	---
Training	9,718,000	6,600,000	9,718,000	---	+3,118,000
Subtotal, NIOSH	69,668,000	66,892,000	70,010,000	+342,000	+3,118,000
National Center for Health Statistics:					
Program operations	45,432,000	45,735,000	45,735,000	+303,000	---
Program support	3,172,000	3,203,000	3,203,000	+31,000	---
Subtotal, health statistics	48,604,000	48,938,000	48,938,000	+334,000	---
Epidemic services	54,249,000	55,452,000	55,452,000	+1,203,000	---
Buildings and facilities	1,915,000	2,000,000	2,000,000	+85,000	---
Program management	3,066,000	3,095,000	3,095,000	+29,000	---
Acquired Immune Deficiency Syndrome (AIDS) 1/	304,942,000	400,719,000	408,219,000	+103,277,000	+7,500,000
Total, Disease Control, current action	667,567,000	770,759,000	819,941,000	+152,374,000	+49,182,000
(Unauthorized, not considered)	(152,809,000)	(153,106,000)	DEFER	DEFER	DEFER
NATIONAL INSTITUTES OF HEALTH 1/					
National Cancer Institute:					
General appropriation	1,277,877,000	1,364,617,000	1,364,617,000	+86,740,000	---
Cancer prevention and control	(69,778,000)	(71,278,000)	DEFER	DEFER	DEFER
Research training	(31,728,000)	(32,361,000)	DEFER	DEFER	DEFER
AIDS funding	89,944,000	125,280,000	125,280,000	+35,336,000	---
Subtotal, current action	1,367,821,000	1,489,897,000	1,489,897,000	+122,076,000	---

1/ President's budget requests AIDS funding for FY 1989 under consolidated account.

H.R. 4783—FISCAL YEAR 1989 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES—Continued

	Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request	Fiscal Year 1989 House Bill	House Bill Compared to	
				Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request
National Heart, Lung, and Blood Institute:					
General appropriation	$901,269,000	$975,151,000	$979,951,000	+$78,682,000	+$4,800,000
Research training	(39,529,000)	(40,320,000)	DEFER	DEFER	DEFER
AIDS funding	24,738,000	39,032,000	39,032,000	+14,294,000	---
Subtotal, current action	926,007,000	1,014,183,000	1,018,983,000	+92,976,000	+4,800,000
National Institute of Dental Research:					
General appropriation	117,865,000	121,789,000	123,789,000	+5,924,000	+2,000,000
Research training	(5,263,000)	(5,368,000)	DEFER	DEFER	DEFER
AIDS funding	3,169,000	3,526,000	3,526,000	+357,000	---
Subtotal, current action	121,034,000	125,315,000	127,315,000	+6,281,000	+2,000,000
National Institute of Diabetes, Digestive, and Kidney Diseases:					
General appropriation	510,298,000	540,752,000	543,252,000	+32,954,000	+2,500,000
Research training	(21,084,000)	(21,506,000)	DEFER	DEFER	DEFER
AIDS funding	3,351,000	3,650,000	3,650,000	+299,000	---
Subtotal, current action	513,649,000	544,402,000	546,902,000	+33,253,000	+2,500,000
National Institute of Neurological and Communicative Disorders and Stroke:					
General appropriation	508,548,000	543,653,000	543,653,000	+35,105,000	---
Research training	(13,932,000)	(13,932,000)	DEFER	DEFER	DEFER
AIDS funding	12,212,000	13,393,000	13,393,000	+1,181,000	---
Subtotal, current action	520,760,000	557,046,000	557,046,000	+36,286,000	---
National Institute of Allergy and Infectious Diseases:					
General appropriation	402,426,000	422,185,000	422,185,000	+19,759,000	---
Research training	(12,646,000)	(12,899,000)	DEFER	DEFER	DEFER
AIDS funding	223,728,000	310,268,000	310,268,000	+86,540,000	---
Subtotal, current action	626,154,000	732,453,000	732,453,000	+106,299,000	---
National Institute of General Medical Sciences:					
General appropriation	566,811,000	611,987,000	611,987,000	+45,176,000	---
Research training	(63,471,000)	(64,741,000)	DEFER	DEFER	DEFER
AIDS funding	2,394,000	11,100,000	11,100,000	+8,706,000	---
Subtotal, current action	569,205,000	623,087,000	623,087,000	+53,882,000	---
National Institute of Child Health and Human Development:					
General appropriation	368,070,000	383,207,000	387,207,000	+19,137,000	+4,000,000
Research training	(14,449,000)	(14,738,000)	DEFER	DEFER	DEFER
AIDS funding	14,292,000	20,443,000	20,443,000	+6,151,000	---
Subtotal, current action	382,362,000	403,650,000	407,650,000	+25,288,000	+4,000,000
National Eye Institute:					
General appropriation	215,497,000	223,288,000	223,288,000	+7,791,000	---
Research training	(5,620,000)	(5,733,000)	DEFER	DEFER	DEFER
AIDS funding	3,830,000	4,947,000	4,947,000	+1,117,000	---
Subtotal, current action	219,327,000	228,235,000	228,235,000	+8,908,000	---

H.R. 4783—FISCAL YEAR 1989 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES—Continued

	Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request	Fiscal Year 1989 House Bill	House Bill Compared to	
				Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request
National Institute of Environmental Health Sciences:					
General appropriation	$202,746,000	$209,751,000	$212,751,000	+$10,005,000	+$3,000,000
Research training	(9,003,000)	(9,183,000)	DEFER	DEFER	DEFER
AIDS funding	3,917,000	4,234,000	4,234,000	+317,000	---
Subtotal, current action	206,663,000	213,985,000	216,985,000	+10,322,000	+3,000,000
National Institute on Aging:					
General appropriation	186,419,000	196,644,000	201,644,000	+15,225,000	+5,000,000
Research training	(7,966,000)	(8,126,000)	DEFER	DEFER	DEFER
AIDS funding	361,000	452,000	452,000	+91,000	---
Subtotal, current action	186,780,000	197,096,000	202,096,000	+15,316,000	+5,000,000
National Institute of Arthritis and Musculoskeletal and Skin Diseases:					
General appropriation	141,277,000	152,387,000	155,487,000	+14,210,000	+3,100,000
Research training	(5,742,000)	(5,857,000)	DEFER	DEFER	DEFER
AIDS funding	660,000	687,000	687,000	+27,000	---
Subtotal, current action	141,937,000	153,074,000	156,174,000	+14,237,000	+3,100,000
Research Resources:					
General appropriation	315,558,000	317,757,000	317,757,000	+2,199,000	---
Research training	(2,177,000)	(2,220,000)	DEFER	DEFER	DEFER
AIDS funding	50,418,000	38,010,000	38,010,000	-12,408,000	---
Subtotal, current action	365,976,000	355,767,000	355,767,000	-10,209,000	---
National Center for Nursing Research:					
General appropriation	20,233,000	21,710,000	26,710,000	+6,477,000	+5,000,000
Research training	(2,637,000)	(2,690,000)	DEFER	DEFER	DEFER
AIDS funding	510,000	707,000	707,000	+197,000	---
Subtotal, current action	20,743,000	22,417,000	27,417,000	+6,674,000	+5,000,000
John E. Fogarty International Center	11,151,000	11,338,000	11,338,000	+187,000	---
AIDS funding	4,500,000	4,736,000	4,736,000	+236,000	---
Subtotal	15,651,000	16,074,000	16,074,000	+423,000	---
National Library of Medicine:					
General appropriation	58,496,000	60,836,000	64,836,000	+6,340,000	+4,000,000
Medical library assistance	9,414,000	9,790,000	DEFER	DEFER	DEFER
Subtotal, current action	58,496,000	60,836,000	64,836,000	+6,340,000	+4,000,000
Office of the Director	51,187,000	52,413,000	64,413,000	+13,226,000	+12,000,000
AIDS funding	10,632,000	7,165,000	7,165,000	-3,467,000	---
Subtotal	61,819,000	59,578,000	71,578,000	+9,759,000	+12,000,000
Buildings and facilities	28,720,000	5,000,000	20,000,000	-8,720,000	+15,000,000
AIDS funding	19,150,000	---	---	-19,150,000	---
Subtotal	47,870,000	5,000,000	20,000,000	-27,870,000	+15,000,000
Subtotal, regular appropriations, current action	5,884,448,000	6,214,465,000	6,274,865,000	+390,417,000	+60,400,000
Subtotal, AIDS funding 1/	467,806,000	587,630,000	587,630,000	+119,824,000	---
Total, N.I.H., current action	6,352,254,000	6,802,095,000	6,862,495,000	+510,241,000	+60,400,000
(Unauthorized, not considered)	(314,439,000)	(320,742,000)	DEFER	DEFER	DEFER

1/ President's budget requests AIDS funding for FY 1989 under consolidated account.

H.R. 4783—FISCAL YEAR 1989 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES—Continued

	Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request	Fiscal Year 1989 House Bill	House Bill Compared to Fiscal Year 1988 Comparable	House Bill Compared to Fiscal Year 1989 Budget Request
ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION					
ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH					
Grants to States:					
Alcohol, Drug Abuse and Mental Health Block Grant.	($487,317,000)	($508,860,000)	DEFER	DEFER	DEFER
Substance Abuse Grants to States..................	(155,917,000)	(165,917,000)	DEFER	DEFER	DEFER
Mental health state planning grants..............	4,787,000	---	---	(-$4,787,000	---
Grants to States for the homeless................	(11,489,000)	(14,300,000)	DEFER	DEFER	DEFER
Subtotal, Grants to States......................	4,787,000	---	---	-4,787,000	---
Mental Health:					
Research..	253,665,000	271,767,000	$276,767,000	+23,102,000	(+$5,000,000
Research training.................................	(19,099,000)	(19,949,000)	DEFER	DEFER	DEFER
Clinical training.................................	16,755,000	10,000,000	10,000,000	-6,755,000	---
Community Support Demonstrations..................	(19,148,000)	(26,235,000)	DEFER	DEFER	DEFER
Homeless Services Demonstrations..................	---	(4,650,000)	DEFER	DEFER	DEFER
Protection and advocacy...........................	(10,555,000)	(8,000,000)	DEFER	DEFER	DEFER
Direct operations.................................	32,521,000	32,521,000	33,521,000	+1,000,000	+1,000,000
Subtotal, mental health.........................	302,941,000	314,288,000	320,288,000	+17,347,000	+6,000,000
Drug Abuse:					
Research..	(107,904,000)	(103,895,000)	DEFER	DEFER	DEFER
Research training.................................	(2,298,000)	(2,400,000)	DEFER	DEFER	DEFER
Direct operations.................................	(11,992,000)	(12,429,000)	DEFER	DEFER	DEFER
Subtotal, drug abuse............................	(122,194,000)	(118,724,000)	DEFER	DEFER	DEFER
Alcoholism:					
Research..	(74,298,000)	(83,081,000)	DEFER	DEFER	DEFER
Alcohol services demonstration, homeless..........	---	(4,600,000)	DEFER	DEFER	DEFER
Research training.................................	(2,538,000)	(2,651,000)	DEFER	DEFER	DEFER
Direct operations.................................	(9,278,000)	(9,278,000)	DEFER	DEFER	DEFER
Subtotal, alcoholism............................	(86,114,000)	(99,610,000)	DEFER	DEFER	DEFER
Prevention initiative:					
Demonstrations....................................	(23,733,000)	(16,534,000)	DEFER	DEFER	DEFER
Direct operations.................................	(10,465,000)	(17,730,000)	DEFER	DEFER	DEFER
Subtotal, prevention............................	(34,198,000)	(34,264,000)	DEFER	DEFER	DEFER
Treatment outcome initiative......................	---	(2,310,000)	DEFER	DEFER	DEFER
Buildings and facilities..........................	191,000	200,000	200,000	+9,000	---
Program management, ADAMHA........................	7,520,000	9,489,000	9,489,000	+1,969,000	---
Acquired Immune Deficiency Syndrome (AIDS) 1/.........	112,257,000	177,617,000	177,617,000	+65,360,000	---
Total, Alcohol, Drug Abuse & Mental Health...... (Unauthorized, not considered)...............	427,696,000 (946,031,000)	501,594,000 (1,002,819,000)	507,594,000 DEFER	+79,898,000 DEFER	+6,000,000 DEFER
ST. ELIZABETHS HOSPITAL............................	65,402,000	24,000,000	24,000,000	-41,402,000	---
Total, ADAMHA, current action..................	493,098,000	525,594,000	531,594,000	+38,496,000	+6,000,000

1/ President's budget requests AIDS funding for FY 1989 under consolidated account.

H.R. 4783—FISCAL YEAR 1989 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES—Continued

	Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request	Fiscal Year 1989 House Bill	House Bill Compared to	
				Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request
OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH					
PUBLIC HEALTH SERVICE MANAGEMENT 1/					
Health Services Research and Technology Assessment:					
Research	$16,624,000	$16,820,000	$16,820,000	+$196,000	---
Trust funds	(2,920,000)	(1,050,000)	(5,000,000)	(+2,080,000)	(+$3,950,000)
Program support	1,632,000	1,680,000	1,680,000	+48,000	---
Subtotal including trust funds	21,176,000	19,550,000	23,500,000	+2,324,000	+3,950,000
Population Affairs:					
Family planning	(139,663,000)	(140,000,000)	DEFER	DEFER	DEFER
Adolescent family life	(9,630,000)	(9,645,000)	DEFER	DEFER	DEFER
Health Initiatives :					
Office of Disease Prevention and Health Promotion	3,486,000	3,000,000	4,500,000	+1,014,000	+1,500,000
Physical fitness and sports	1,389,000	1,499,000	1,499,000	+110,000	---
Minority health	2,872,000	2,872,000	2,872,000	---	---
Health Service Management	18,339,000	18,675,000	18,675,000	+336,000	---
Acquired Immune Deficiency Syndrome (AIDS) 1/	4,308,000	28,598,000	21,098,000	+16,790,000	-7,500,000
Total, PHS management, current action	48,650,000	73,144,000	67,144,000	+18,494,000	-6,000,000
(Unauthorized, not considered)	(149,293,000)	(149,645,000)	DEFER	DEFER	DEFER
RETIREMENT PAY AND MED. BENEFITS FOR COMM. OFFICERS					
Retirement payments	73,703,000	78,455,000	78,455,000	+4,752,000	---
Survivors benefits	4,467,000	5,136,000	5,136,000	+669,000	---
Dependent's medical care	11,689,000	12,402,000	12,402,000	+713,000	---
Contingency	---	5,000,000	---	---	-5,000,000
Military Services Credits	---	6,694,000	6,694,000	+6,694,000	---
Total, Retirement pay and medical benefits	89,859,000	107,687,000	102,687,000	+12,828,000	-5,000,000
Total, Public Health Service, current action	8,422,247,000	9,080,529,000	9,175,015,000	+752,768,000	+94,486,000
(Unauthorized, not considered)	(2,224,024,000)	(2,129,735,000)	DEFER	DEFER	DEFER
HEALTH CARE FINANCING ADMINISTRATION					
GRANTS TO STATES FOR MEDICAID 2/					
Medicaid current law benefits	29,204,744,000	31,068,237,000	31,068,237,000	+1,863,493,000	---
State and local administration	1,452,188,000	1,664,352,000	1,664,352,000	+212,164,000	---
Subtotal, medicaid program level, FY 1989	30,656,932,000	32,732,589,000	32,732,589,000	+2,075,657,000	---
Less funds advanced in prior year	-7,100,000,000	-8,000,000,000	-8,000,000,000	-900,000,000	---
Total, current request, FY 1989	23,556,932,000	24,732,589,000	24,732,589,000	+1,175,657,000	---
New advance, 1st quarter, FY 1990	8,000,000,000	9,000,000,000	9,000,000,000	+1,000,000,000	---

1/ President's budget requests AIDS funding for FY 1989 under consolidated account.

2/ Budget request related to FY 1990 & FY 1991 biennial budget not considered.

H.R. 4783—FISCAL YEAR 1989 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES—Continued

	Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request	Fiscal Year 1989 House Bill	House Bill Compared to	
				Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request
PAYMENTS TO HEALTH CARE TRUST FUNDS 1/					
Supplemental medical insurance	$25,418,000,000	$31,585,000,000	$30,712,000,000	+$5,294,000,000	-$873,000,000
Hospital insurance for uninsured	461,000,000	493,000,000	493,000,000	+32,000,000	---
Federal uninsured payment	14,000,000	22,000,000	22,000,000	+8,000,000	---
Total, Payment to Trust Funds	25,893,000,000	32,100,000,000	31,227,000,000	+5,334,000,000	-873,000,000
PROGRAM MANAGEMENT					
Research, demonstration, and evaluation:					
Federal funds	9,574,000	11,429,000	10,000,000	+426,000	-1,429,000
Trust funds	(17,233,000)	(20,571,000)	(20,000,000)	(+2,767,000)	(-571,000)
Subtotal, research, demonstration, & evaluation.	26,807,000	32,000,000	30,000,000	+3,193,000	-2,000,000
Rural hospital transition demonstrations, trust funds.	---	---	(3,000,000)	(+3,000,000)	(+3,000,000)
Medicare Contractors (Trust Funds):					
Operating funds, current 1/	(1,126,546,000)	(1,391,000,000)	(1,291,000,000)	(+164,454,000)	(-100,000,000)
Contingency fund, general	(57,444,000)	---	(100,000,000)	(+42,556,000)	(+100,000,000)
Contingency fund, catastrophic insurance 2/	(47,870,000)	(112,400,000)	(112,400,000)	(+64,530,000)	---
Subtotal, contingency	(105,314,000)	(112,400,000)	(212,400,000)	(+107,086,000)	(+100,000,000)
Subtotal, Contractors	(1,231,860,000)	(1,503,400,000)	(1,503,400,000)	(+271,540,000)	---
Less P.L. 99-272 funds (COBRA)	(-105,000,000)	---	---	(+105,000,000)	---
State Certification:					
Medicare certification, trust funds	(57,922,000)	(62,235,000)	(62,235,000)	(+4,313,000)	---
General program support, federal funds	7,937,000	3,624,000	3,624,000	-4,313,000	---
Subtotal, State certification	(65,859,000)	(65,859,000)	(65,859,000)	---	---
Federal Administration:					
Federal funds	82,257,000	81,750,000	81,750,000	-507,000	---
Less user fees	-1,557,000	-1,557,000	-1,557,000	---	---
Trust funds	(171,570,000)	(189,350,000)	(181,284,000)	(+9,714,000)	(-8,066,000)
Subtotal, Federal Administration	252,270,000	269,543,000	261,477,000	+9,207,000	-8,066,000
Total, Program management	1,471,796,000	1,870,802,000	1,863,736,000	+391,940,000	-7,066,000
Federal funds	98,211,000	95,246,000	93,817,000	-4,394,000	-1,429,000
Trust funds	(1,373,585,000)	(1,775,556,000)	(1,769,919,000)	(+396,334,000)	(-5,637,000)
Total, Health Care Financing Administration:					
Federal funds	57,548,143,000	65,927,835,000	65,053,406,000	+7,505,263,000	-874,429,000
Current year, FY 1989	(49,548,143,000)	(56,927,835,000)	(56,053,406,000)	(+6,505,263,000)	(-874,429,000)
New advance, 1st quarter, FY 1990	(8,000,000,000)	(9,000,000,000)	(9,000,000,000)	(+1,000,000,000)	---
Trust funds	(1,373,585,000)	(1,775,556,000)	(1,769,919,000)	(+396,334,000)	(-5,637,000)

1/ Budget request related to FY 1990 & FY 1991 biennial budget not considered.

2/ Proposed for later transmittal in Pres. Budget.

H.R. 4783—FISCAL YEAR 1989 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES—Continued

	Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request	Fiscal Year 1989 House Bill	House Bill Compared to	
				Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request
SOCIAL SECURITY ADMINISTRATION					
PAYMENTS TO SOCIAL SECURITY TRUST FUNDS 1/	$105,298,000	$93,631,000	$93,631,000	-$11,667,000	---
SPECIAL BENEFITS FOR DISABLED COAL MINERS 1/					
Benefit payments	909,416,000	871,901,000	871,901,000	-37,515,000	---
Administration	6,486,000	6,680,000	6,680,000	+194,000	---
Subtotal, Black Lung, FY 1989 program level	915,902,000	878,581,000	878,581,000	-37,321,000	---
Less funds advanced in prior year	-252,450,000	-250,000,000	-250,000,000	+2,450,000	---
Total, Black Lung, current request, FY 1989	663,452,000	628,581,000	628,581,000	-34,871,000	---
New advance, 1st quarter, FY 1990	250,000,000	211,000,000	211,000,000	-39,000,000	---
SUPPLEMENTAL SECURITY INCOME 1/					
Federal benefit payments	11,378,956,000	11,368,000,000	11,368,000,000	-10,956,000	---
Beneficiary services	12,474,000	13,547,000	13,547,000	+1,073,000	---
Research demonstration	275,000	2,275,000	2,275,000	+2,000,000	---
Administration	1,080,184,000	1,090,131,000	1,090,131,000	+9,947,000	---
FY 1986 & 1987 shortfall, federal administrative costs	99,451,000	---	---	-99,451,000	---
Subtotal, SSI FY 1989 program level	12,571,340,000	12,473,953,000	12,473,953,000	-97,387,000	---
Less funds advanced in prior year	-2,765,000,000	-3,000,000,000	-3,000,000,000	-235,000,000	---
Total, SSI, current request, FY 1989	9,806,340,000	9,473,953,000	9,473,953,000	-332,387,000	---
New advance, 1st quarter, FY 1990	3,000,000,000	2,936,000,000	2,936,000,000	-64,000,000	---
LIMITATION ON ADMINISTRATIVE EXPENSES (Trust Funds)	(3,524,114,000)	(3,775,661,000)	(3,705,000,000)	(+180,886,000)	(-$70,661,000)
Contingency reserve (non-add)	(47,870,000)	(47,870,000)	(97,870,000)	(+50,000,000)	(+50,000,000)
Total, Social Security Administration:					
Federal funds	13,825,090,000	13,343,165,000	13,343,165,000	-481,925,000	---
Current year FY 1989	(10,575,090,000)	(10,196,165,000)	(10,196,165,000)	(-378,925,000)	---
New advances, 1st quarter FY 1990	(3,250,000,000)	(3,147,000,000)	(3,147,000,000)	(-103,000,000)	---
Trust funds	(3,524,114,000)	(3,775,661,000)	(3,705,000,000)	(+180,886,000)	(-70,661,000)
FAMILY SUPPORT ADMINISTRATION					
FAMILY SUPPORT PAYMENTS TO STATES 1/					
Aid to Families with Dependent Children (AFDC) 2/	9,624,132,000	8,618,569,000	8,618,569,000	-1,005,563,000	---
Payments to territories	13,368,000	13,368,000	13,368,000	---	---
Emergency assistance and repatriation	100,000,000	124,000,000	124,000,000	+24,000,000	---
State and local welfare administration	1,045,500,000	1,186,200,000	1,186,200,000	+140,700,000	---
Legislative savings (proposed for later transmittal):					
Recipient training	---	(505,000,000)	DEFER	DEFER	DEFER
Offsetting savings	---	(-137,000,000)	DEFER	DEFER	DEFER
Subtotal, legislation 3/	---	(368,000,000)	DEFER	DEFER	DEFER
Subtotal, Welfare payments	10,783,000,000	9,942,137,000	9,942,137,000	-840,863,000	---

1/ Budget request related to FY 1990 & FY 1991 biennial budget not considered.

2/ President's budget assumes $349.2 savings from quality control.

3/ President's budget treats as discretionary.

H.R. 4783—FISCAL YEAR 1989 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES—Continued

	Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request	Fiscal Year 1989 House Bill	House Bill Compared to	
				Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request
Child Support Enforcement:					
State and local administration	$772,000,000	$900,000,000	$900,000,000	+$128,000,000	---
Federal incentive payments	216,000,000	270,000,000	270,000,000	+54,000,000	---
Less federal share collections	-646,000,000	-757,000,000	-757,000,000	-111,000,000	---
Subtotal, Child support	342,000,000	413,000,000	413,000,000	+71,000,000	---
Total, Payments, FY 1989 program level	11,125,000,000	10,355,137,000	10,355,137,000	-769,863,000	---
Less funds advanced in previous years	-2,480,615,000	-2,500,000,000	-2,500,000,000	-19,385,000	---
Total, Payments, current request, FY 1989	8,644,385,000	7,855,137,000	7,855,137,000	-789,248,000	---
(Unauthorized, not considered)	---	(368,000,000)	DEFER	DEFER	DEFER
New advance, 1st quarter, FY 1990	2,500,000,000	2,644,000,000	2,644,000,000	+144,000,000	---
LOW INCOME HOME ENERGY ASSISTANCE					
Energy Assistance Block Grant	1,531,840,000	1,187,000,000	1,567,000,000	+35,160,000	+$380,000,000
REFUGEE AND ENTRANT ASSISTANCE 1/					
Cash and medical assistance	(207,043,000)	(182,189,000)	DEFER	DEFER	DEFER
State administration	(26,231,000)	(21,569,000)	DEFER	DEFER	DEFER
Social services	(65,694,000)	(30,000,000)	DEFER	DEFER	DEFER
Voluntary agency program	(7,659,000)	(7,659,000)	DEFER	DEFER	DEFER
Preventive health	(5,840,000)	(3,000,000)	DEFER	DEFER	DEFER
Targeted assistance	(34,466,000)	(34,466,000)	DEFER	DEFER	DEFER
Total, Refugee Resettlement, not considered	(346,933,000)	(278,883,000)	DEFER	DEFER	DEFER
WORK INCENTIVES					
Grants to States	(92,551,000)	---	DEFER	DEFER	DEFER
COMMUNITY SERVICES BLOCK GRANT					
Grants to States for Community Services	325,516,000	282,100,000	315,000,000	-10,516,000	+32,900,000
Grants to States for services to the homeless	(19,148,000)	---	DEFER	DEFER	DEFER
Discretionary funds:					
Consolidated request	---	27,900,000	---	---	-27,900,000
Community economic development	18,909,000	---	20,000,000	+1,091,000	+20,000,000
Rural housing	3,925,000	---	3,925,000	---	+3,925,000
Farmworker assistance	2,968,000	---	2,968,000	---	+2,968,000
National youth sports	6,319,000	---	7,000,000	+681,000	+7,000,000
Technical assistance	239,000	---	239,000	---	+239,000
Subtotal, discretionary funds	32,360,000	27,900,000	34,132,000	+1,772,000	+6,232,000
Community Partnerships	2,872,000	---	2,872,000	---	+2,872,000
Community Food and Nutrition	2,394,000	---	2,394,000	---	+2,394,000
Total, Community services	363,142,000	310,000,000	354,398,000	-8,744,000	+44,398,000
(Unauthorized, not considered)	(19,148,000)	---	DEFER	DEFER	DEFER

1/ State legalization payment of $1 billion is a permanent appropriation.

H.R. 4783—FISCAL YEAR 1989 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES—Continued

	Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request	Fiscal Year 1989 House Bill	House Bill Compared to	
				Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request
PROGRAM ADMINISTRATION					
Federal Administration	$79,464,000	$79,533,000	$79,533,000	+$69,000	---
Total, Family Support Administration	13,118,831,000	12,075,670,000	12,500,068,000	-618,763,000	+$424,398,000
Current year FY 1989	(10,618,831,000)	(9,431,670,000)	(9,856,068,000)	(-762,763,000)	(+424,398,000)
New advance, 1st quarter, FY 1990	(2,500,000,000)	(2,644,000,000)	(2,644,000,000)	(+144,000,000)	---
(Unauthorized, not considered)	(458,632,000)	(646,883,000)	DEFER	DEFER	DEFER
ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES					
SOCIAL SERVICES BLOCK GRANT (TITLE XX)	2,700,000,000	2,700,000,000	2,700,000,000	---	---
HUMAN DEVELOPMENT SERVICES					
Programs for Children, Youth, and Families:					
Head start	1,206,324,000	1,206,324,000	1,250,000,000	+43,676,000	+43,676,000
Comprehensive child development centers	---	---	20,000,000	+20,000,000	+20,000,000
Child abuse :					
State grants	11,489,000	11,489,000	12,000,000	+511,000	+511,000
Discretionary activities	13,306,000	13,306,000	13,306,000	---	---
Challenge grants	4,787,000	4,787,000	4,787,000	---	---
Child development associate scholarships	1,436,000	1,436,000	1,436,000	---	---
Runaway youth	(26,089,000)	(26,089,000)	DEFER	DEFER	DEFER
Dependent Care Planning and Development	8,377,000	8,377,000	8,377,000	---	---
Family violence	8,138,000	8,138,000	8,138,000	---	---
Temporary childcare/crisis nurseries	(4,787,000)	(4,787,000)	DEFER	DEFER	DEFER
Child welfare assistance	239,350,000	239,350,000	249,350,000	+10,000,000	+10,000,000
Child welfare training	3,660,000	3,660,000	3,660,000	---	---
Adoption opportunities	4,787,000	4,787,000	4,787,000	---	---
Child welfare research	10,857,000	10,857,000	10,857,000	---	---
Subtotal, Children, Youth & Families	1,512,511,000	1,512,511,000	1,586,698,000	+74,187,000	+74,187,000
(Unauthorized, not considered)	(30,876,000)	(30,876,000)	DEFER	DEFER	DEFER
Programs for the Aging:					
Grants to States:					
Supportive Services and Centers	268,072,000	268,072,000	278,000,000	+9,928,000	+9,928,000
Homecare ombudsman	957,000	957,000	957,000	---	---
Nutrition:					
Congregate meals	344,664,000	344,664,000	362,000,000	+17,336,000	+17,336,000
Home-delivered meals	75,635,000	75,635,000	80,000,000	+4,365,000	+4,365,000
Research, training, and special projects	23,935,000	23,935,000	23,935,000	---	---
Federal Council on Aging	191,000	180,000	180,000	-11,000	---
Grants to Indians	7,181,000	7,181,000	7,181,000	---	---
Frail elderly in-house services	4,787,000	4,787,000	4,787,000	---	---
Subtotal, Aging programs	725,422,000	725,411,000	757,040,000	+31,618,000	+31,629,000

H.R. 4783—FISCAL YEAR 1989 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES—Continued

	Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request	Fiscal Year 1989 House Bill	House Bill Compared to	
				Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request
Developmental disabilities program:					
State grants	$58,401,000	$58,401,000	$58,401,000	---	---
Protection and advocacy	19,148,000	19,148,000	19,148,000	---	---
Developmental disabilities special projects	2,872,000	2,872,000	2,872,000	---	---
University affiliated facilities	12,446,000	12,446,000	12,446,000	---	---
Subtotal, Developmental disabilities	92,867,000	92,867,000	92,867,000	---	---
Native American Programs	29,679,000	29,679,000	29,679,000	---	---
Human services research, training & demonstration:					
New consolidated request (non-add)	---	(76,650,000)	---	---	(-$76,650,000)
Program direction	64,177,000	65,524,000	65,524,000	+$1,347,000	---
Total, Human Development Services, current action	2,424,656,000	2,425,992,000	2,531,808,000	+107,152,000	+105,816,000
(Unauthorized, not considered)	(30,876,000)	(30,876,000)	DEFER	DEFER	DEFER
FAMILY SOCIAL SERVICES					
Foster care 1/	658,178,000	940,971,000	940,971,000	+282,793,000	---
Adoption assistance 1/	108,000,000	133,936,000	133,936,000	+25,936,000	---
Independent living	(45,000,000)	---	DEFER	DEFER	DEFER
Total, Family Social Services	766,178,000	1,074,907,000	1,074,907,000	+308,729,000	---
Total, Asst. Sec. for Human Development	5,890,834,000	6,200,899,000	6,306,715,000	+415,881,000	+105,816,000
(Unauthorized, not considered)	(75,876,000)	(30,876,000)	DEFER	DEFER	DEFER
DEPARTMENTAL MANAGEMENT					
GENERAL DEPARTMENTAL MANAGEMENT:					
Federal funds	63,532,000	68,160,000	68,160,000	+4,628,000	---
Cancer center construction	4,308,000	---	---	-4,308,000	---
Trust funds	(6,702,000)	(7,000,000)	(7,000,000)	(+298,000)	---
Total, Departmental management	74,542,000	75,160,000	75,160,000	+618,000	---
OFFICE OF THE INSPECTOR GENERAL:					
Federal funds	35,769,000	46,430,000	46,430,000	+10,661,000	---
Trust funds	(38,296,000)	(40,000,000)	(40,000,000)	(+1,704,000)	---
Total, Inspector General	74,065,000	86,430,000	86,430,000	+12,365,000	---
OFFICE FOR CIVIL RIGHTS:					
Federal funds	16,343,000	16,173,000	16,173,000	-170,000	---
Trust funds	(3,830,000)	(4,000,000)	(4,000,000)	(+170,000)	---
Total, Civil Rights	20,173,000	20,173,000	20,173,000	---	---
POLICY RESEARCH	4,873,000	5,019,000	8,373,000	+3,500,000	+3,354,000
Total, Departmental management:					
Federal funds	124,825,000	135,782,000	139,136,000	+14,311,000	+3,354,000
Trust funds	(48,828,000)	(51,000,000)	(51,000,000)	(+2,172,000)	---
Total, Department of Health and Human Services:					
Federal Funds (all years), current action	98,929,970,000	106,763,880,000	106,517,505,000	+7,587,535,000	-246,375,000
Current year FY 1989	(85,179,970,000)	(91,972,880,000)	(91,726,505,000)	(+6,546,535,000)	(-246,375,000)
New advances, 1st quarter, FY 1990	(13,750,000,000)	(14,791,000,000)	(14,791,000,000)	(+1,041,000,000)	---
(Unauthorized, not considered)	(2,758,532,000)	(2,807,494,000)	DEFER	DEFER	DEFER
Trust funds	(4,949,447,000)	(5,603,267,000)	(5,530,919,000)	(+581,472,000)	(-72,348,000)

1/ FY 1989 request includes funds for prior year claims.

H.R. 4783—FISCAL YEAR 1989 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES—Continued

	Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request	Fiscal Year 1989 House Bill	House Bill Compared to	
				Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request
TITLE III--DEPARTMENT OF EDUCATION					
COMPENSATORY EDUCATION FOR THE DISADVANTAGED					
Grants for the Disadvantaged (Chapter 1):					
Grants to local educational agencies:					
Basic grants	$3,829,600,000	$3,900,000,000	$3,900,000,000	(+$70,400,000	---
Concentration grants	---	158,365,000	200,000,000	+200,000,000	(+$41,635,000
Capital expenses	---	---	30,000,000	+30,000,000	+30,000,000
Even start	---	---	25,000,000	+25,000,000	+25,000,000
State agency programs:					
Migrant	269,029,000	269,029,000	269,029,000	---	---
Handicapped	151,269,000	151,269,000	151,269,000	---	---
Neglected and delinquent	32,552,000	32,616,000	32,616,000	+64,000	---
State administration	38,296,000	42,050,000	42,050,000	+3,754,000	---
State program improvement	---	4,755,000	5,755,000	+5,755,000	+1,000,000
Evaluation and technical assistance	7,181,000	8,000,000	8,000,000	+819,000	---
Total, Chapter 1	4,327,927,000	4,566,084,000	4,663,719,000	+335,792,000	+97,635,000
Migrant education:					
High school equivalency program	7,276,000	---	7,500,000	+224,000	+7,500,000
College assistance migrant program	1,340,000	---	1,400,000	+60,000	+1,400,000
Total, Compensatory Education programs	4,336,543,000	4,566,084,000	4,672,619,000	+336,076,000	+106,535,000
IMPACT AID					
Maintenance and operations:					
Payments for "a" children	536,144,000	547,000,000	553,000,000	+16,856,000	+6,000,000
Payments for "b" children	134,036,000	---	137,000,000	+2,964,000	+137,000,000
Payments for Federal property (Section 2)	15,318,000	10,000,000	15,000,000	-318,000	+5,000,000
Subtotal	685,498,000	557,000,000	705,000,000	+19,502,000	+148,000,000
Disaster assistance (Section 7)	---	10,000,000	10,000,000	+10,000,000	---
Construction	22,978,000	25,000,000	25,000,000	+2,022,000	---
Total, Impact aid	708,476,000	592,000,000	740,000,000	+31,524,000	+148,000,000
SCHOOL IMPROVEMENT PROGRAMS					
Educational improvement partnerships (Chapter 2):					
State Block Grants	478,700,000	540,500,000	489,500,000	+10,800,000	-51,000,000
National programs:					
Inexpensive book distribution (including RIF)	7,659,000	8,200,000	8,500,000	+841,000	+300,000
Arts in education	3,315,000	3,500,000	3,500,000	+185,000	---
Law - related education	3,830,000	3,200,000	3,830,000	---	+630,000
National school volunteer program	383,000	---	---	-383,000	---
National Diffusion Network	10,244,000	11,200,000	11,200,000	+956,000	---
Blue ribbon schools	---	900,000	900,000	+900,000	---
Subtotal, National programs	25,431,000	27,000,000	27,930,000	+2,499,000	+930,000
Total, Chapter 2	504,131,000	567,500,000	517,430,000	+13,299,000	-50,070,000

H.R. 4783—FISCAL YEAR 1989 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES—Continued

	Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request	Fiscal Year 1989 House Bill	House Bill Compared to	
				Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request
Fund for innovation in education	$4,308,000	$4,570,000	$8,570,000	+$4,262,000	+$4,000,000
Drug - free schools and communities:					
State grants	191,480,000	207,000,000	207,000,000	+15,520,000	---
National programs	38,296,000	43,000,000	43,000,000	+4,704,000	---
Subtotal, Drug - free schools & communities	229,776,000	250,000,000	250,000,000	+20,224,000	---
Other school improvement programs:					
Christa McAuliffe fellowships	1,915,000	1,915,000	1,915,000	---	---
Mathematics and science education	119,675,000	119,675,000	119,675,000	---	---
Training and advisory services (Civil Rights IV-A)	23,456,000	23,456,000	23,456,000	---	---
Follow through	7,133,000	---	7,700,000	+567,000	+7,700,000
Territorial teacher training	1,915,000	1,915,000	1,915,000	---	---
General assistance to the Virgin Islands	4,787,000	---	4,787,000	---	+4,787,000
Ellender fellowships	2,394,000	---	3,000,000	+606,000	+3,000,000
Women's educational equity	3,351,000	---	3,351,000	---	+3,351,000
Magnet schools assistance	71,805,000	115,000,000	115,000,000	+43,195,000	---
Leadership in Educational Administration (LEAD)	8,222,000	4,358,000	4,358,000	-3,864,000	---
Dropout prevention demonstrations	23,935,000	21,446,000	21,446,000	-2,489,000	---
Education of homeless children & youth	4,787,000	---	4,787,000	---	+4,787,000
Star schools	19,148,000	---	19,148,000	---	+19,148,000
Fund for the improvement and reform of schools and teaching:					
Grants for schools and teachers	---	8,000,000	8,000,000	+8,000,000	---
Family-school partnerships	---	4,000,000	4,000,000	+4,000,000	---
Subtotal	---	12,000,000	12,000,000	+12,000,000	---
Alternative curriculum schools	---	5,000,000	---	---	-5,000,000
Total, School improvement programs	1,030,738,000	1,126,835,000	1,118,538,000	+87,800,000	-8,297,000
BILINGUAL, IMMIGRANT, & REFUGEE EDUCATION					
Bilingual programs	101,198,000	112,106,000	112,106,000	+10,908,000	---
Support services	9,928,000	10,903,000	10,903,000	+975,000	---
Training grants	35,447,000	33,564,000	33,564,000	-1,883,000	---
Immigrant education	28,722,000	28,722,000	30,000,000	+1,278,000	+1,278,000
Reappropriation	1,247,000	---	---	-1,247,000	---
Refugee education	15,209,000	15,209,000	15,209,000	---	---
Total	191,751,000	200,504,000	201,782,000	+10,031,000	+1,278,000
EDUCATION FOR THE HANDICAPPED					
Education for the handicapped:					
State grants:					
Grants to States, general	1,431,737,000	1,474,239,000	1,478,539,000	+46,802,000	+4,300,000
Preschool grants	201,054,000	205,075,000	205,075,000	+4,021,000	---
Grants for infants and families	67,018,000	68,358,000	68,358,000	+1,340,000	---

H.R. 4783—FISCAL YEAR 1989 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES—Continued

	Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request	Fiscal Year 1989 House Bill	House Bill Compared to	
				Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request
Special purpose funds:					
Deaf-blind and other severely handicapped projects	---	$19,722,000	---	---	-$19,722,000
Deaf-blind projects	$14,361,000	---	$14,361,000	---	+14,361,000
Severely handicapped projects	5,361,000	---	5,361,000	---	+5,361,000
Early childhood education	23,428,000	23,428,000	23,428,000	---	---
Special education technology	4,787,000	4,787,000	4,787,000	---	---
Secondary and transitional services	7,372,000	7,372,000	7,372,000	---	---
Postsecondary programs	5,840,000	5,840,000	5,840,000	---	---
Innovation and development	17,233,000	17,233,000	17,233,000	---	---
Media and captioning services	13,216,000	13,216,000	13,916,000	+$700,000	+700,000
Regional resource centers	6,415,000	6,415,000	6,415,000	---	---
Recruitment and information clearinghouses	1,149,000	1,149,000	1,149,000	---	---
Special education personnel development	66,410,000	66,410,000	66,410,000	---	---
Special studies	3,638,000	3,638,000	3,638,000	---	---
Total, Education for the handicapped	1,869,019,000	1,916,882,000	1,921,882,000	+52,863,000	+5,000,000
REHABILITATION SERVICES AND HANDICAPPED RESEARCH					
Rehabilitation services State grants:					
Vocational rehabilitation State grants	1,379,500,000	1,407,090,000	1,441,577,000	+62,077,000	+34,487,000
Supported employment State grants	25,935,000	26,454,000	26,454,000	+519,000	---
Client assistance	7,500,000	7,650,000	7,650,000	+150,000	---
Service and demonstration projects:					
Special demonstration programs	16,590,000	16,590,000	16,590,000	---	---
Supported employment projects	9,520,000	9,520,000	9,520,000	---	---
Model transition grants	475,000	475,000	475,000	---	---
Recreational programs	2,470,000	---	2,620,000	+150,000	+2,620,000
Migratory workers	1,100,000	1,100,000	1,100,000	---	---
Projects with industry	17,000,000	17,000,000	17,000,000	---	---
Subtotal, Service and demonstration projects	47,155,000	44,685,000	47,305,000	+150,000	+2,620,000
Helen Keller National Center	4,800,000	4,800,000	5,000,000	+200,000	+200,000
Independent living:					
Comprehensive services	12,310,000	12,556,000	12,556,000	+246,000	---
Centers	25,500,000	25,500,000	25,500,000	---	---
Services for older blind	5,600,000	5,600,000	5,600,000	---	---
Subtotal, Independent living	43,410,000	43,656,000	43,656,000	+246,000	---
Training	30,000,000	30,000,000	30,000,000	---	---
National Institute on Disability and Rehab Research	51,100,000	51,100,000	53,950,000	+2,850,000	+2,850,000
Evaluation	1,000,000	1,000,000	1,000,000	---	---
Total, Rehabilitation services & handicapped res	1,590,400,000	1,616,435,000	1,656,592,000	+66,192,000	+40,157,000

H.R. 4783—FISCAL YEAR 1989 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES—Continued

	Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request	Fiscal Year 1989 House Bill	House Bill Compared to	
				Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request
VOCATIONAL AND ADULT EDUCATION					
Vocational education:					
Basic grants	$804,216,000	$848,333,000	$848,333,000	+$44,117,000	---
National programs	25,658,000	24,911,000	25,658,000	---	+$747,000
Consumer and homemaking education	32,791,000	---	32,791,000	---	+32,791,000
State councils	7,851,000	7,851,000	7,851,000	---	---
Community - based organizations	6,845,000	---	6,845,000	---	+6,845,000
Bilingual vocational training	3,734,000	---	3,734,000	---	+3,734,000
Subtotal, Vocational education	881,095,000	881,095,000	925,212,000	+44,117,000	+44,117,000
Adult education: 1/					
Grants to States	115,367,000	148,000,000	148,000,000	+32,633,000	---
National programs	1,915,000	2,000,000	2,000,000	+85,000	---
Literacy training for homeless adults	7,180,000	---	7,180,000	---	+7,180,000
Workplace literacy partnerships	9,574,000	---	9,574,000	---	+9,574,000
Subtotal, adult education	134,036,000	150,000,000	166,754,000	+32,718,000	+16,754,000
Total, Vocational & adult education	1,015,131,000	1,031,095,000	1,091,966,000	+76,835,000	+60,871,000
STUDENT FINANCIAL ASSISTANCE					
Pell Grants 2/	4,260,430,000	5,011,000,000	4,522,000,000	+261,570,000	-489,000,000
Supplemental educational opportunity grants	408,415,000	416,583,000	460,000,000	+51,585,000	+43,417,000
Work-study	588,249,000	600,014,000	635,000,000	+46,751,000	+34,986,000
Perkins loans:					
Federal capital contributions	185,736,000	---	185,736,000	---	+185,736,000
Loan cancellations	24,892,000	22,000,000	22,000,000	-2,892,000	---
Income contingent loans	4,308,000	50,000,000	5,000,000	+692,000	-45,000,000
State student incentive grants	72,762,000	---	78,000,000	+5,238,000	+78,000,000
Total, Student Financial Assistance	5,544,792,000	6,099,597,000	5,907,736,000	+362,944,000	-191,861,000
GUARANTEED STUDENT LOANS					
Guaranteed student loans 3/	2,565,000,000	2,735,598,000	3,174,400,000	+609,400,000	+438,802,000

1/ Includes workplace literacy partnerships new FY88.

2/ FY 1989 request includes $79,000,000 proposed for transmittal based on the net effect of two legislative proposals.

3/ Credit reform legislation proposed in budget would require an additional $3,094,482,000.

H.R. 4783—FISCAL YEAR 1989 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES—Continued

	Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request	Fiscal Year 1989 House Bill	House Bill Compared to	
				Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request
HIGHER EDUCATION					
Aid for institutional development	$152,370,000	$136,978,000	$180,000,000	+$27,630,000	+$43,022,000
Program development:					
Minority science improvement	5,266,000	5,371,000	5,371,000	+105,000	---
International education and foreign language studies:					
Domestic programs	25,419,000	25,419,000	25,419,000	---	---
Overseas programs	5,266,000	5,266,000	5,266,000	---	---
Fund for the Improvement of Postsec. Education	11,645,000	13,645,000	13,645,000	+2,000,000	---
Innovative projects for community services	1,472,000	---	1,472,000	---	+1,472,000
Cooperative education	13,787,000	---	13,787,000	---	+13,787,000
Law school clinical experience	3,830,000	---	4,000,000	+170,000	+4,000,000
Subtotal, Program development	219,055,000	186,679,000	248,960,000	+29,905,000	+62,281,000
Special programs for disadvantaged	205,841,000	205,841,000	228,000,000	+22,159,000	+22,159,000
Support services:					
Veterans' education outreach	2,872,000	---	2,872,000	---	+2,872,000
Legal training for the disadvantaged	1,915,000	1,915,000	1,915,000	---	---
School, college & university partnerships	2,394,000	---	2,394,000	---	+2,394,000
Academic facilities:					
Interest subsidy grants	21,878,000	22,744,000	22,744,000	+866,000	---
Academic facilities construction grants	6,366,000	---	---	-6,366,000	---
Subtotal, Academic facilities	28,244,000	22,744,000	22,744,000	-5,500,000	---
Scholarships and fellowships:					
Patricia Roberts Harris Fellows:					
Graduate fellowships	15,304,000	15,304,000	16,500,000	+1,196,000	+1,196,000
Public service fellowships	3,221,000	---	3,500,000	+279,000	+3,500,000
Jacob K. Javits Fellowships	6,702,000	6,702,000	8,300,000	+1,598,000	+1,598,000
Graduate assistance in areas of national need	7,659,000	---	13,000,000	+5,341,000	+13,000,000
Minority participation in graduate education	3,351,000	3,351,000	3,686,000	+335,000	+335,000
Paul Douglas Teacher Scholarships	14,840,000	---	16,000,000	+1,160,000	+16,000,000
Robert C. Byrd honors scholarships	7,659,000	7,659,000	8,300,000	+641,000	+641,000
Subtotal, Scholarships and fellowships	58,736,000	33,016,000	69,286,000	+10,550,000	+36,270,000
Special grants:					
Assistance to Guam	479,000	---	479,000	---	+479,000
Robert A. Taft Institute of Government	718,000	---	718,000	---	+718,000
Special higher education projects	14,217,000	---	---	-14,217,000	---
Subtotal, Special grants	15,414,000	---	1,197,000	-14,217,000	+1,197,000
Total, Higher education	534,471,000	450,195,000	577,368,000	+42,897,000	+127,173,000
COLLEGE CONSTRUCTION LOAN INSURANCE	19,148,000	---	---	-19,148,000	---
COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS LOAN LIMITATION:					
Borrowing authority	62,231,000	---	62,231,000	---	+62,231,000
Interest subsidy payments	---	1,675,000	1,675,000	+1,675,000	---

H.R. 4783—FISCAL YEAR 1989 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES—Continued

	Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request	Fiscal Year 1989 House Bill	House Bill Compared to	
				Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request
EDUCATION RESEARCH AND STATISTICS					
Education research	$6,573,000	$51,531,000	$50,343,000	+$3,770,000	-$1,188,000
Statistics	20,953,000	32,869,000	33,169,000	+12,216,000	+300,000
Total, Education research and statistics	67,526,000	84,400,000	83,512,000	+15,986,000	-888,000
LIBRARIES					
Public libraries:					
Proposed legislation:					
Services to the disadvantaged	---	45,000,000	---	---	-45,000,000
Resource sharing	---	30,000,000	---	---	-30,000,000
Research and assessment	---	1,000,000	---	---	-1,000,000
Services	78,986,000	---	85,000,000	+6,014,000	+85,000,000
Construction	22,595,000	---	22,595,000	---	+22,595,000
Interlibrary cooperation	18,669,000	---	20,000,000	+1,331,000	+20,000,000
Training and demonstrations	718,000	---	718,000	---	+718,000
Research libraries	5,744,000	---	5,744,000	---	+5,744,000
Library literacy programs	4,787,000	---	4,787,000	---	+4,787,000
College library technology	3,590,000	---	3,800,000	+210,000	+3,800,000
Total, Libraries	135,089,000	76,000,000	142,644,000	+7,555,000	+66,644,000
PAYMENTS TO SPECIAL INSTITUTIONS					
AMERICAN PRINTING HOUSE FOR THE BLIND	5,266,000	5,381,000	5,381,000	+115,000	---
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF	31,594,000	33,031,000	33,231,000	+1,637,000	+200,000
GALLAUDET UNIVERSITY	62,195,000	63,463,000	66,800,000	+4,605,000	+3,337,000
Subtotal, Handicapped Institutions	99,055,000	101,875,000	105,412,000	+6,357,000	+3,537,000
HOWARD UNIVERSITY	172,203,000	175,647,000	180,647,000	+8,444,000	+5,000,000
Reappropriation	---	500,000	500,000	+500,000	---
Total, Payments to Special Institutions	271,258,000	278,022,000	286,559,000	+15,301,000	+8,537,000
DEPARTMENTAL MANAGEMENT					
PROGRAM ADMINISTRATION 1/	241,028,000	249,849,000	249,849,000	+8,821,000	---
OFFICE FOR CIVIL RIGHTS, SALARIES AND EXPENSES	40,530,000	41,341,000	41,341,000	+811,000	---
OFFICE OF THE INSPECTOR GENERAL, SALARIES AND EXPENSES	17,560,000	17,911,000	17,911,000	+351,000	---
Total, Departmental management	299,118,000	309,101,000	309,101,000	+9,983,000	---
Total, Department of Education	20,240,691,000	21,084,423,000	21,948,605,000	+1,707,914,000	+864,182,000

1/ FY 1989 request excludes $5,600,000 proposed for later transmittal associated with the National Student Loan Data System.

H.R. 4783—FISCAL YEAR 1989 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES—Continued

	Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request	Fiscal Year 1989 House Bill	House Bill Compared to	
				Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request
TITLE IV - RELATED AGENCIES					
Action (Domestic Programs):					
Volunteers in Service to America:					
VISTA operations	$19,828,000	$21,910,000	$21,910,000	+$2,082,000	---
VISTA Literacy Corps	2,872,000	---	2,872,000	---	+$2,872,000
Service learning	1,310,000	1,368,000	1,368,000	+58,000	---
Subtotal	24,010,000	23,278,000	26,150,000	+2,140,000	+2,872,000
Citizen Participation and Volunteer Demonstration Programs	2,682,000	3,401,000	2,682,000	---	-719,000
Older Americans Volunteer Programs:					
Foster Grandparents Program	57,444,000	58,644,000	58,644,000	+1,200,000	---
Senior Companion Program	23,121,000	23,119,000	24,838,000	+1,717,000	+1,719,000
Retired Senior Volunteer Program	30,637,000	31,237,000	31,237,000	+600,000	---
Subtotal, Older Volunteers	111,202,000	113,000,000	114,719,000	+3,517,000	+1,719,000
Program Support	25,191,000	26,312,000	25,312,000	+121,000	-1,000,000
Total, Action	163,085,000	165,991,000	168,863,000	+5,778,000	+2,872,000
Commission on Railroad Retirement Reform	---	---	1,000,000	+1,000,000	+1,000,000
Corporation for Public Broadcasting: 1/					
FY 1990	(232,648,000)	---	DEFER	DEFER	DEFER
FY 1991 (current request) 2/	---	(214,000,000)	DEFER	DEFER	DEFER
Federal Mediation and Conciliation Service	24,510,000	24,937,000	26,127,000	+1,617,000	+1,190,000
Federal Mine Safety and Health Review Commission	3,906,000	4,079,000	4,079,000	+173,000	---
National Commission on Libraries and Information Science	718,000	755,000	750,000	+32,000	-5,000
National Council on the Handicapped	892,000	974,000	974,000	+82,000	---
National Commission on Migrant Education	---	1,000,000	2,000,000	+2,000,000	+1,000,000
National Commission on Financing Postsecondary Education	---	---	800,000	+800,000	+800,000
National Labor Relations Board	133,097,000	138,647,000	138,647,000	+5,550,000	---
National Mediation Board	7,004,000	6,551,000	6,551,000	-453,000	---
Occupational Safety and Health Review Commission	5,885,000	6,002,000	6,002,000	+117,000	---
Physician Payment Review Commission (trust funds)	(2,997,000)	(3,059,000)	(3,059,000)	(+62,000)	---
Prospective Payment Assessment Commission (trust funds)	(3,592,000)	(3,664,000)	(3,664,000)	(+72,000)	---

1/ FY 1988 approp. adv. in FY86 is $214 million.
FY 1989 approp. adv. in FY87 is $228 million.
FY 1990 approp. adv. in FY88 is $232,648,000.

2/ FY 1991 proposed to be derived by reappropriating $32,600,000 from FY89-FY90.

H.R. 4783—FISCAL YEAR 1989 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES—Continued

	Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request	Fiscal Year 1989 House Bill	House Bill Compared to	
				Fiscal Year 1988 Comparable	Fiscal Year 1989 Budget Request
Railroad Retirement Board:					
Dual benefits payments account 1/.................	$352,323,000	$336,185,000	$355,000,000	+$2,677,000	+$18,815,000
Federal payment to the Railroad Retirement Account	3,100,000	3,100,000	3,100,000	---	---
(Limitation on administration, retirement)........	(57,860,000)	(58,012,000)	(59,312,000)	(+1,452,000)	(+1,300,000)
(Limitation on administration, unemployment) (non-add)....................................	(13,830,000)	(13,678,000)	(13,678,000)	(-152,000)	---
(Limitation on administration, review activity)...	(2,212,000)	(5,200,000)	(2,700,000)	(+488,000)	(-2,500,000)
Soldiers' and Airmen's Home (trust fund limitation):					
Operation and maintenance.........................	35,879,000	36,643,000	37,657,000	+1,778,000	+1,014,000
Capital outlay....................................	15,445,000	13,215,000	15,000,000	-445,000	+1,785,000
United States Institute of Peace......................	(4,308,000)	(3,376,000)	DEFER	DEFER	DEFER
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Total, title IV, Related Agencies:					
Federal funds.................................	745,844,000	738,079,000	766,550,000	+20,706,000	+28,471,000
(Unauthorized, not considered)............	(236,956,000)	(217,376,000)	DEFER	DEFER	DEFER
Trust funds...................................	(66,661,000)	(69,935,000)	(68,735,000)	(+2,074,000)	(-1,200,000)
SUMMARY					
Title I - Department of Labor:					
Federal Funds.....................................	6,262,432,000	6,143,812,000	6,562,032,000	+299,600,000	+418,220,000
(Unauthorized, not considered)................	(9,574,000)	(846,000,000)	DEFER	DEFER	DEFER
Trust Funds.......................................	(2,689,239,000)	(2,668,274,000)	(2,775,275,000)	(+86,036,000)	(+107,001,000)
Title II - Department of Health and Human Services:					
Federal Funds (all years).........................	98,929,970,000	106,763,880,000	106,517,505,000	+7,587,535,000	-246,375,000
Current year..................................	(85,179,970,000)	(91,972,880,000)	(91,726,505,000)	(+6,546,535,000)	(-246,375,000)
1990 advance..................................	(13,750,000,000)	(14,791,000,000)	(14,791,000,000)	(+1,041,000,000)	---
(Unauthorized, not considered)................	(2,758,532,000)	(2,807,494,000)	DEFER	DEFER	DEFER
Trust Funds.......................................	(4,949,447,000)	(5,603,267,000)	(5,530,919,000)	(+581,472,000)	(-72,348,000)
Title III - Department of Education:					
Federal Funds.....................................	20,240,691,000	21,084,423,000	21,948,605,000	+1,707,914,000	+864,182,000
Title IV - Related Agencies:					
Federal Funds.....................................	745,844,000	738,079,000	766,550,000	+20,706,000	+28,471,000
(Unauthorized, not considered)................	(236,956,000)	(217,376,000)	DEFER	DEFER	DEFER
Trust Funds.......................................	(66,661,000)	(69,935,000)	(68,735,000)	(+2,074,000)	(-1,200,000)
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Total, all titles:					
Federal Funds (all years).........................	126,178,937,000	134,730,194,000	135,794,692,000	+9,615,755,000	+1,064,498,000
Current year..................................	(112,428,937,000)	(119,939,194,000)	(121,003,692,000)	(+8,574,755,000)	(+1,064,498,000)
1990 advance..................................	(13,750,000,000)	(14,791,000,000)	(14,791,000,000)	(+1,041,000,000)	---
(Unauthorized, not considered)................	(3,005,062,000)	(3,870,870,000)	DEFER	DEFER	DEFER
Trust Funds.......................................	7,705,347,000	8,341,476,000	8,374,929,000	+669,582,000	+33,453,000

1/ President's budget proposes $289,000,000 to be transferred from permanent account. FY 1988 amount does not include $9,700,000 contained in pending 1988 supplemental bill.

GENERAL LEAVE

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4782, and that I be permitted to include tables, charts, and other extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1989

Mr. SMITH of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4782) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1989, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Kentucky [Mr. ROGERS] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

□ 1447

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4782, with Mr. BROWN of California in the chair.

The Clerk read the title of the bill.

By unanimous-consent, the bill was considered as having been read the first time.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Iowa [Mr. SMITH] will be recognized for 30 minutes and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am not going to take but a few minutes to explain this bill, I believe, to the satisfaction of the Members. It should not take very long.

First of all, Mr. Chairman, this bill contains funding only for authorized programs, and with four exceptions it is at a fiscal year 1988 freeze level. That means the fiscal year 1988 enacted level.

I do not think there is any language in the bill that a point of order will lie against.

We reserved a fiscal year 1988 freeze level for unauthorized programs, but did not include them in the bill. Overall, including the reserve for unauthorized programs, the bill is within the 302(b) allocation that we have.

This bill is one of those bills, and I don't believe there are many that contain both domestic and international affairs programs. Under the so-called economic summit agreement, it was agreed that the international afffairs function and the domestic functions would be treated differently. I think that we complied fully with the economic summit agreement in that funding for international affairs is treated as both a floor and a ceiling and domestic affairs funding is treated as a ceiling.

First of all, there are mandatory programs which we have funded at the requested level.

Next is the discretionary defense function. No funds have been included in this bill for these programs because they are not authorized. However, we have reserved an amount for these programs at the amount requested for fiscal year 1989.

Next comes the discretionary international affairs function for which we recommend an appropriation at the amount permitted under our 302(b) allocation and the economic summit.

That leaves the domestic discretionary amounts, which is where we have some leeway in shifting funds around. For the authorized programs, with four exceptions, we have provided the fiscal year 1988 enacted freeze level which comes to $4,039,298,000.

For the unauthorized program, which we know will ultimately be funded, we have reserved within our 302(b) allocation the fiscal year 1988 freeze level at $6,491,833,000. Also, we had to reserve some money because the fiscal year 1988 supplemental to speed up the war on drugs, which is pending, results in outlays in fiscal year 1989.

When both the items in the bill and in reserve are considered, we have essentially used our total 302(b) allocation.

There are four items that I mentioned that we have increased above the fiscal year 1988 freeze level, not as much as requested in most cases, but they have been increased. One is for periodic censuses and programs. We are going to have a 1990 census for which the administration requested $229 million, and we cut them by $40 million. We believe the Census Bureau can get by with that and still be ready. This is an increase I am talking about for the 1990 census, which is required by the Constitution.

The next increase is for the assets forfeiture fund. Under the budgeting procedures we use around here, this fund is charged against us whenever assets are seized and distributed to local communities. That sounds crazy, but that is the way it is under the budgeting procedures. So we had no alternative. We increased the amount that the administration believes the assets forfeiture fund will need, an increase to account for the increase in assets that will be forfeited.

We also provide an increased amount to take care of the drug-related and uncontrollable cost increases of the judiciary.

Last, we have the matter of weather satellites. There is an urgent need to appropriate funds for weather satellites to replace the aging satellites currently in use and which will reach the end of their useful life in the next few years. I do not think anybody thinks we can get along without weather satellites, and we included some money for that.

That, in sum and substance, tells what we did with this bill, which was not enough. We did not have enough funds to do what I readily admit ought to be done. In some cases it does not make good sense, but it is all we could do under our budget allocation.

I want to say that the subcommittee has been very diligent. We have worked together on this subcommittee, and I want to thank all of the members of the subcommittee and the staff. We have brought to the Members of the House the best bill that we could bring today, and that is all I can say.

Mr. ROGERS. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, I rise in support of this bill.

Let me begin by commending the gentleman from Iowa, Mr. NEAL SMITH, our chairman, who has done yoeman's work with little to work with. He and his staff have put long, long hours into trying to cut up this baby, not just 2 ways but about 18 ways, and there was just not enough there to work with. Let me commend all of the members of the subcommittee who, as the chairman said, worked together in a nonpartisan way to try to muddle through this thing and fund the agencies that are absolutely critical to the Nation, especially the war on drugs and the funding for the FBI, the DEA, the Immigration Service and the like who are besieged as never before, even at a time when we are shorter of money than we ever have been before, especially in the Justice part of our bill.

The bill, as the chairman says, is pretty simple. If Members like exciting things, they will be bored to death with this because we did not do much exciting in the bill. We just simply did not have the money.

But there are a couple of salient points I think for all of us. It is well within the 302(b) allocations. We are $250 million below the ceiling for budget authority and we are $3 million below the ceiling for budget outlays. We are $460 million above the fiscal 1988 level, but $248 million below the administration request overall.

As the chairman said, the only increases in this bill at this time above the fiscal 1988 freeze level were for the courts, the weather satellites and the 1990 census, for which we have no choice, and the assets forfeiture fund which really is a money maker for the Treasury in the long run, but not necessarily for our agencies.

As the chairman says, we did not include any specific money in the bill for unauthorized programs. There is money reserved at the freeze 1988 level for those unauthorized portions of the bill, and that includes most of the Justice Department, the FBI, the DEA, the INS, and the Commerce Department. All the State Department is authorized and funded in here, we think at reasonable levels.

We appropriate a total of $8 billion in the bill and we reserve $6.5 billion for the unauthorized programs which we will have to deal with in conference with the other body. There are Members who are very much concerned, and I think the subcommittee unanimously is very much concerned about this, but some of us especially so, about the effect this may have on the FBI and the Drug Enforcement Administration and the Immigration Service and in the interdiction of drugs. We hope that by the time the conference comes perhaps the other body will put more money in those functions than we were able to, and perhaps in conference we can resolve some of the concerns Members have at this point on the low level of funding for these extremely vital agencies.

But we simply were not able to get out of the Budget Committee and out of the 302(b) allocation process enough authority to do the funding that we wanted to do. So I reluctantly support our work product. It is not the very best, and all of us have difficulties with at least a portion of it, but folks, we are dealing with an austere situation here, and we really had no choice but to handle it as we handled it.

It does include funds for some very important programs that have been authorized, such as the International Trade Administration. We have provided the same 1988 level this year. I would like to have seen more money to fill some vacancies over there, but we simply were not able to find it.

We had to increase the Census Bureau because we are gearing up for the 1990 census, and there was no choice but to fund that at $622 million, which is a $49 million level below the request for the census from the administration.

□ 1500

NOAA provides $95 million for the GOES satellites and the polar orbiting spacecraft which are desperately needed to replace old and wearing equipment and maintain accurate weather forecasting vital to us all.

For the USIA, the bill provides $883 million, which is a $63 million increase over 1988 and we are careful to maintain a balance among each of the key USIA programs, television, radio, and the exchanges.

It continues the Worldnet television activities at the fully authorized level, a vitally important program in my mind to bring our Nation's efforts into the 21st century as we reach out across the world to influence many others. It provides $65 million for the Voice of America, a tried and true medium.

Today our transmitters are antiquated with VOA, often 20 to 30 years old. They are underpowered, at just 250 kilowatts, as compared to the 500-kilowatt transmitters used by other broadcasters.

Specifically the money will be used to modernize the Morocco transmitters and to improve the signals going directly into the Soviet Union.

The Board for International Broadcasting, we provided $194 million, an increase of 9.9 above 1988. This increase is needed to offset partly currence fluctuations but more importantly to help with the modernization efforts within that agency.

The value of Radio Free Europe and Radio Liberty is judged perhaps best by Soviet efforts to jam them. Modernization of their transmitters is absolutely needed to penetrate that Soviet jamming.

So I urge my colleagues to support us in this matter. It is not a bill that we are exactly thrilled about. No one is standing on the soap box and waving flags saying, "This is wonderful" because it is not. It is getting by, it is muddling through in an extremely dire fiscal situation.

The bill is squeaky-clean. There is no language in here that can be called authorizing language. There is not a single line of it. There is no funding for any nonauthorized program including Legal Services Corporation, and a wide range of other, perhaps more important, programs. Funding for the State Department Building Program is $73 million below last year. That is the modernization and security of our embassies overseas.

There is not a penny's increase in the funding in here for the United Nations. We have had to make some difficult choices in the bill in these days of budget constraint; but I believe the subcommittee under Chairman SMITH's leadership has made the right choices by and large and I urge you to support us in this fight.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Iowa. Mr. Chairman, I yield myself such time as I may consume, and I yield to the gentleman from Arkansas.

Mr. ALEXANDER. Mr. Chairman, I rise in support of H.R. 4782, to provide fiscal year 1989 funding for programs of the Departments of Commerce, Justice, and State, the Judiciary and related agencies.

First, I want to thank the gentleman from Iowa [Mr. SMITH] for his tireless and dedicated leadership as chairman of the subcommittee. He always provides a challenging example for us.

This year he topped his record by returning to his labors on this bill less than 10 days after undergoing major surgery.

In addition, I want to express my appreciation to the subcommittee staff for the hard work and long hours they put this year—as in previous years—to assist the subcommittee in preparing this bill for House consideration.

The bill before us today is an austere bill. Federal services have been reduced. This bill freezes domestic discretionary programs at the 1988 level with four exceptions. These exceptions are the portion of the assets forfeiture fund related to seizures in drug cases, the 1990 census work, weather satellites and the Judiciary's uncontrollable cost increases and drug case workload.

For the frozen programs, the result is that the operating levels will suffer an inflation-driven cut.

There are other increases in this bill—for the programs of the State Department and agencies and commissions operating in the international affairs arena. Under the November 1987 economic summit agreement reached by the President and the bipartisan congressional leadership these programs enjoy a special protection status.

This bill is in compliance with the budget authority and outlay allocations to the subcommittee. The bottom line is $248 million below the President's requests.

Frankly, none of us are satisfied with this bill; but, in view of the conditions under which we have had to work, it is the best one we could bring to you.

There are a number of reasons for our dissatisfaction.

First, many of the programs which should be covered under this bill are not funded in it. There is no authorization for them. What the committee has done is reserve freeze-level budget authority and outlays, within our budget allocation, for these programs.

The amount reserved constitutes about 46 percent of the dollars available to our subcommittee.

Programs affected, due to lack of authorization, range from the such discretionary defense function programs as the Federal Bureau of Investigation's dedicated project fund and the Ready Reserve Force in the Maritime Administration through such discretionary domestic function programs as most of the Justice Department activities, the Economic Development Administration, the Patent and Trademark Office, the Federal Trade Commission, and the Office of the U.S. Trade Representative.

Second, the bipartisan economic summit agreement reached in the negotiations between the President and the congressional leadership last November failed to provide for adequate funding of vitally and urgently needed domestic programs such as those which help generate job opportunities for American workers, protect the international trade interests of workers, farmers, business, and industry.

Third, the terms and conditions imposed by the fiscal 1989 budget resolution severely restrain the options available to the Congress for responding to important domestic needs which could have and should have been dealt with in this bill.

All three of these problems are the result of factors beyond the jurisdiction of our subcommittee and our committee.

Nevertheless, the bill which we bring for your consideration today is a good bill. It is worthy of your support. I urge that the House vote to pass this bill.

Mr. Chairman, I would like to compliment the chairman of the Subcommittee on Appropriations for State Justice; he has set some sort of record this year by coming back to attend to the business of the Congress and his constituency just 10 days following major surgery. I do not know what they feed them out there in Iowa, but it still works pretty good.

Mr. SMITH of Iowa. I am afraid to stay away from here, afraid somebody will do something to me.

Mr. ALEXANDER. We admire and respect your stamina and resilience and we think it is noticeable at a time like this.

Mr. Chairman, I also want to thank the staff for their continued diligence and good work in support of this bill and I echo the statements made by the chairman and the ranking member.

Mr. SMITH of Iowa. I thank the gentleman for his comments.

Mr. WYDEN. Mr. Chairman, I have asked for this time to engage the distinguished chairman of the committee, the gentleman from Iowa [Mr. SMITH] in a colloquy, and I believe the minority is aware of this as well and has no objection.

Mr. Chairman, the bill that we just considered did not specifically provide appropriations to the U.S. Patent and Trademark Office. I believe that when there is a conference on this bill, one of the really essential priorities should be to do something about the very serious backlog that there is in patent applications at that office. That backlog, in my view, is having a crippling effect on the very promising biotechnology sector in our country. In hearings that I held in my subcommittee, we found that it takes 14 to 15 months for a case filing of biotechnology to be opened and another 15 to 16 months for the patent to either be approved or denied. It is my view that with these kinds of delays, we are going to be signing the death warrant for some of these important biotechnology applications. Given that biotechnology is such a promising sector for our country, for jobs, for improvements in health care and for agricultural innovations, I would just hope that when this bill goes to conference, one of the priorities would be to make sure that the Patent Office is allocating its resources properly, so that we can get out this backlog.

I want to thank the chairman of the Appropriations Subcommittee, the gentleman from Iowa, for his help.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. WYDEN. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I am well aware of the interest of the gentleman from Oregon and his concern about this problem. In fact, I share it.

Iowa has made a major investment in biotechnology in recent years, both through State-appropriated funds to our State university's biotechnology research programs, as well as significant private sector support for biotechnology in Iowa.

I am troubled that these companies and universities may have to wait for years to get a yes or no answer from the Patent Office, and I certainly intend to look at this issue more closely, along with my colleagues on the Small Business and the Judiciary Committees.

Mr. ROGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado [Mr. KOLBE], a member of the committee.

Mr. KOLBE. Mr. Chairman, I support the comments of my chairman and the ranking Republican on this committee. It's a strange appropriation, compared to what we're used to seeing—no legislation, almost no earmarks, no unauthorized programs—but it's a fair start considering the budget we're facing.

There are clearly some untenable items here that are going to have to be addressed in the Senate and in conference. With most of the Justice Department programs unauthorized, and funding reserved at 1988 figures, we've got an $800 million shortfall in this title alone. And we're not talking about trifles here—we're funding the FBI, the DEA, the INS, prisons, Justice programs—all very critical to not only the war on drugs, but the war on crime and injustice. The heart of our Nation's law enforcement effort is funded through this bill, and we have not addressed their needs sufficiently. It pains me, as I know it does the chairman, to send this bill out without knowing how the Justice Department is going to come out. We're going to have to fix it in conference.

I'm disappointed that the EEOC has taken its lumps here as well. They've been cut $14 million, which hurts their effort to reduce their caseload, and precludes the completion of a couple of very important age discrimination studies. Given our situation, I hope that the Commission will be given generous consideration in the other body. Clarence Thomas is doing very important work, and the Commission deserves our support.

In all, the bill is not complete, but what we've done, I think has been done well. I support the bill and urge the House to as well.

I'd also like to take this opportunity to mention the recent passing of Clarence Pendleton, the chairman of the Civil Rights Commission since 1981. Since funding for the Civil Rights Commission is included in the scope of this bill, I have had the opportunity and the pleasure to work with the chairman. His reputation is one of controversy. But that controversy was borne of the depth of his concern and commitment to the concept of equality of opportunity. He believed that civil rights cold be achieved in a variety of nontraditional ways, and that through economic opportunity, the lives of American minorities could be improved. He fought passionately for his ideals, and he helped to broaden our awareness of the nature of civil rights.

As a scholar, a teacher, and a community leader he made an indelible mark on those whose lives he touched. His vigor and his passion for the cause of equality will be sorely missed. I send my heartfelt sympathies to his widow and his family.

Mr. ROGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. LEWIS].

Mr. LEWIS of Florida. Mr. Chairman, I rise to, in a way, very much compliment the subcommittee for the work they have done on this bill, but I do not think I can completely compliment all of the work. I think Mr. SMITH of Iowa and Mr. ROGERS of Kentucky do a super job with their committee, but I think the bill, very emphatically, points out the shortfalls of this Congress.

In 1986, 2 months before the election, this Congress passed a bill called the Anti-Drug Abuse Act. We told local law enforcement officers that we were going to provide them $230 million a year in order to fight the street crime in their neighborhoods. Local law enforcement officers are dying every day on the frontline in the drug war. What do we do, this Congress? We authorize $70 million; we shortfall them $130 million. Then we put the funny words in the bill and we say, "This emergency supplemental to speed up the war on drugs, if passed, will have the other $130 million." This is ridiculous. This is all that we have on our plate right now for local law enforcement officers. This is where the money should be, $230 million.

I have heard complaints against the administration and individuals but Congress appropriates, Congress spends the money, and it is not doing it right now. Just have a look at law enforcement officers again, "We made you a commitment, we made you a promise and now we are going to renege on it." And what are we going to do again just a few months before election? We are going to pass a massive drug bill and we are going to do the same thing in another year to those local law enforcement officers.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. COMBEST].

Mr. COMBEST. Mr. Chairman, as you know, numerous Federal agencies are not included in the 1989 Commerce, State, and Justice appropriations bill because their budgets have not yet been authorized. I commend the Appropriations Committee for not making appropriations for items that have not been authorized. I realize that budget constraints have much to do with this, but whatever the motive, I hope the practice continues. As my colleagues know, the problem of appropriating funds without authorizing legislation has plagued the House for some time.

Unfortunately, this means that the Members of the House may not have the opportunity to debate the authorizations of these agencies. We in the House may have no say regarding the policies that dictate how the American taxpayer's dollars are spent.

I am particularly concerned with the manner in which this body has been effectively barred from considering the authorization for the Legal Services Corporation. I understand that a separate authorizing bill has been introduced, but I'm not holding my breath that we will have the opportunity to debate it since the House has not considered an authorizing bill for LSC since 1979. Not once in this decade, have we in the House been afforded a say as to how a Federal—in this case, quasi-Federal—agency spends hundreds of millions of taxpayer dollars.

What this means of course, is that when this appropriation bill goes to conference we will, in all probability, be leaving it to the other body to decide the budget and policies of the Legal Services Corporation. Mr. Chairman, this is simply more of the same—a general disregard of the long-established procedure of the House.

The issue isn't our views regarding the Legal Services Corporation. The issue is whether the Members of the House of Representatives can debate them.

Mr. ROGERS. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. RINALDO].

Mr. RINALDO. I thank the gentleman for yielding.

Mr. Chairman, H.R. 4782 includes an appropriation for the Securities and Exchange Commission of $135 million or nearly $26 million less than the President's budget request. We are all concerned about cutting the Federal deficit. We all know we have to reduce that deficit. But this cuts the wrong agency at the wrong time.

While this level of funding is a continuation of the current SEC budget and freezes what they had in place, the SEC projects that such a change would force a 10-percent reduction in staff.

Let me tell you why it is bad. It is bad because last year the SEC brought in $343 million in fees and penalties.

What I am saying is that they had a budget of $135 million and yet brought in more than $2 for every $1 budgeted. It simply escapes me how at this point in time we can reduce the SEC staff by 10 percent in a year after the stock market crash.

The securities markets have grown in complexity and in scope. Between the years 1980 and 1989, the number of securities act registrations will have tripled at a time when the SEC's full disclosure budget has only grown about 11 percent. In a time of reduced investor confidence, we simply cannot afford to reduce the SEC's budget. It just does not make sense to force them to cut staff and when they cut staff they are also going to cut, it follows, their ability to bring in more funds.

So what we are saying is we do not want more funds coming in, we want less funds coming in.

□ 1515

I am sure that the chairman of the Appropriations Committee with whom I have discussed this, the chairman of the subcommittee, and the ranking minority member understand this position, and I would hope and urge and plead with them to work as hard as they can in conference to see that additional funding at least of $26 million is restored to the SEC budget. What that means is for every dollar we restore we are going to get better than $2 back. As far as I am concerned, that makes pretty good fiscal sense.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. RINALDO. I am pleased to yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the gentleman makes an excellent point. He is exactly right, of course. We have tried our best to find additional funds to this point, and we have not been able to. But I assure the gentleman that this gentleman will attempt in conference to achieve more funding. Whatever we can increase, we will certainly do that, and I pledge to the gentleman that we will work toward that end.

Mr. RINALDO. Mr. Chairman, I thank the gentleman.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. RINALDO. I am pleased to yield to the subcommittee chairman, the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, the SEC provides one of those examples of why the budget process around here does not make any sense. The process does not make any allowance at all for whether a government agency makes money or loses money or the priority it ought to have. In this case the SEC brings in more money than it spends, but the cost of the Commission is allocated against this bill. All the money they bring in goes to the general revenues of the Treasury. We are not given any credit for it at all.

So in the budget process, all the money that it costs is allocated against this bill. If we increase the SEC, we have to take it out of the FBI or the DEA or some other agency. It does not make any sense. I agree with the gentleman that the SEC needs more money, and somehow or other we need to find some way to get more money for the Commission.

Mr. RINALDO. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. RINALDO] has expired.

Mr. ROGERS. Mr. Chairman, I yield 2 additional minutes to the gentleman from New Jersey [Mr. RINALDO].

Mr. Chairman, will the gentleman yield?

Mr. RINALDO. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the chairman of the subcommittee makes probably the most important point that has been made in this discussion this afternoon, that the budget process is so screwed up that we cannot use the so-called profits that many of these agencies make in order to fund them better than they have been funded. That is true not only of the SEC but of the assets forfeiture fund, which is probably the biggest example of this process messing us up. The assets forfeiture fund, which is drug assets seized by the FBI, the DEA, and other agencies in drug sales, represents billions of dollars worth of property that can be sold, and yet the Justice Department does not get the proceeds; it goes to the general Treasury. Yet Justice is charged with the expense of conducting the sale, like when they auction a farm and what-have-you, but the proceeds of the sale do not come to Justice; it goes to the general Treasury, and Justice is penalized, ironically, for seizing drug assets and selling them. They lose money in that process, and it is the wrong incentive. We should be giving them an incentive to seize and sell drug assets.

That is just one example. The SEC, of course, is another, where we penalize the agency that does a good job. I think it is the wrong process.

Mr. RINALDO. Mr. Chairman, the gentleman makes an excellent point. I want to thank him, and I want to thank the chairman of the subcommittee. I also want to point out that I appreciate their commitment to work for increased funding in the conference.

I might also add that it is obvious, from what the chairman of the subcommittee stated and from what we all know, that the budgetary process in this regard should be reformed. Additionally, perhaps the subcommittee should consider, along with possible reforms which we are all talking about, making the SEC self-funding. It just does not make sense to continue operating year after year in the manner in which we are operating, cutting back funds and causing them then not to have the ability to bring in the maximum amount of money they can.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. RINALDO. I yield to the subcommittee chairman.

Mr. SMITH of Iowa. Mr. Chairman, we had some language last year to do that, and the authorizing committee did not want it included in the bill or the continuing resolution.

Mr. RINALDO. Mr. Chairman, I would hope the gentleman would continue that effort.

Mr. Chairman, I rest my case at that point.

Mr. RAHALL. Mr. Chairman, I rise in strong support for H.R. 4782, fiscal year 1989 appropriations for Commerce-Justice-State-Judiciary. Of the $7.9 billion appropriated in this measure, $6.7 billion has been reserved for departments and agencies not authorized at the present time, including the Economic Development Administration. The amount reserved for the EDA is the fiscal year 1988 level of $206 million.

The EDA is of vital importance to my home State of West Virginia, and I am pleased that yet again the House of Representatives has rejected the Reagan administration's repeated attempts to eliminate this program which is so imperative to the needy communities of this Nation. The No. 1 goal of the EDA is the creation of jobs, obviously a most pressing issue in West Virginia. Throughout its history, the EDA has provided a much needed extra boost for chronically depressed and historically deprived communities. EDA pinpoints areas in great need and assists them with projects that will spur the economic growth needed to increase jobs and enlarge tax bases.

Of special importance to communities such as those in southern West Virginia is EDA's focus on small business incubators. I am actively exploring the use of the business incubator in my congressional district with local leaders and business people; currently pending before the EDA is an application by the city of Huntington for assistance with such an incubator. An incubator provides for the collective use of clerical and accounting personnel, office machinery, and warehouse space by fledgling businesses with little capital. By lowering the overhead costs for such businesses, this type of program ensures that many small businesses succeed in these economically difficult times.

Additionally, Huntington recently received a planning grant from EDA which was awarded to the Marshall University Center for Regional Progress, an EDA university center. Based on an extensive study, the center made recommendations through the year 2000 for the reindustrialization and economic diversification of Huntington. This study will prove invaluable in the years to come as Huntington works toward a new era of economic prosperity.

Another program administered by the EDA provides for the creation of industrial parks. This innovative concept of sharing resources is similar to the business incubator concept. Small industries share water, sewer, and electrical facilities, thereby reducing costs and increasing their chances of long-term success. The program has been extremely successful in Mercer County in my congressional district, and we in the State continue to push the option for other needy areas.

EDA is exactly the kind of program we in the Congress should be strongly supporting. By providing startup funds and technical expertise, EDA programs provide the impetus to stimulate the formation of small businesses and industries which are vital to the economic growth and stability of depressed and distressed communities throughout the country.

Mr. ROGERS. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Iowa. Mr. Chairman, I have no further requests for time, and I yield back the remaining time alloted to me.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 4782

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1989, and for other purposes, namely:

TITLE I—DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, $39,204,000.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishig statistics, provided for by law, $94,835,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs provided for by law, $527,304,000.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $29,667,000.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided by law, $161,432,000.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce provided for by law; conducting investigations and obtaining information necessary to enforce the Export Administration Act of 1979, as amended, and as provided by 50 U.S.C. app. 2411; and awards of compensation to informers as authorized by 22 U.S.C. 401(b); $37,465,000.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft as authorized by 31 U.S.C. 638a and 31 U.S.C. 638a(b); construction of facilities, including initial equipment as authorized by 33 U.S.C. 883i; and alteration, modernization, and relocation of facilities as authorized by 31 U.S.C. 883i; $1,181,858,000.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, not to exceed $719,000, to be derived from receipts collected pursuant to that Act.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96-339), the Magnuson Fishery Conservation and Management Act of 1976, as amended (Public Law 94-265), and the American Fisheries Promotion Act (Public Law 96-561), there are appropriated from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $1,919,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by said Act.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

This title may be cited as the "Department of Commerce Appropriations Act, 1989".

TITLE II—DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

ASSETS FORFEITURES FUND

For expenses authorized by 28 U.S.C. 524, as amended by the Comprehensive Forfeiture Act of 1984 and the Anti-Drug Abuse Act of 1986, such sums as may be necessary to be derived from the Department of Justice Assets Forfeiture Fund.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants as authorized by the State and Local Law Enforcement Assistance Act of 1986 (Public Law 99-570, 100 Stat. 3207-42 to 3207-48), $70,000,000. In addition, $5,000,000 for the purpose of reimbursement to States for costs of incarcerating illegal aliens and certain Cuban Nationals as authorized by section 501 of the Immigration Reform and Control Act of 1986 (Public Law 99-603).

This title may be cited as the "Department of Justice Appropriations Act, 1989".

Mr. SMITH of Iowa (during the reading). Mr. Chairman, since I know of no amendments within these pages, I ask unanimous consent that the bill be considered as read through page 5, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. Are their any points of order against that portion of the bill?

The Clerk will read.

The Clerk read as follows:

TITLE III—DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For necessary expenses of the Department of State and the Foreign Service, not otherwise provided for, including obligations of the United States abroad pursuant to treaties, and expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and section 2 of the State Department Basic Authorities Act of 1956, as amended (22 U.S.C. 2669); representation to certain international organizations in which the United States participates pursuant to treaties, conventions ratified by the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c) and 22 U.S.C. 2674, except that passenger motor vehicles with additional systems and equipment may be purchased without regard to any price limitation otherwise established by law as authorized by 31 U.S.C. 1343(c), $1,793,500,000; and in addition not to exceed $250,000 in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 38(b)(3)(A) of such Act (section 1255(c) of Public Law 100-204).

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $4,590,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided for, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314), and to provide for the protection of foreign missions in accordance with the provision of 3 U.S.C. 208, $9,100,000.

ACQUISITION AND MAINTENANCE OF BUILDING ABROAD

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-300), $240,021,000, to remain available until expended as authorized by 22 U.S.C. 2696(c); *Provided,* That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other department and agencies.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), $4,500,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96-8 (93 Stat. 14), $10,890,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $107,684,000

Mr. SMITH of Iowa (during the reading). Mr. Chairman, as far as I know, the next amendment is on line 16, page 8, and, therefore, I ask unanimous consent that the bill be considered as read through line 9, page 8, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. Are there any points of order against this section of the bill?

The Clerk will read.

The Clerk read as follows:

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, conventions ratified by the Senate, or specific Acts of Congress, $485,940,000: *Provided,* That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

AMENDMENT OFFERED BY MR. SWINDALL

Mr. SWINDALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SWINDALL: Page 8, line 16, strike "$485,940,000" and insert "$434,535,700".

Mr. SWINDALL. Mr. Chairman, the issue presented by my amendment is fairly straightforward. The issue is whether or not we should end taxpayer support of U.N.-based anti-American propaganda, misinformation, and espionage. Specifically, my amendment eliminates $51,404,300 that is currently being appropriated for international organizations and conferences.

There are three specific areas that I would like to address that I think the American taxpayer would like to see redressed. The first has to do with the United Nation's Department of Public Information, better known as DPI. Two years ago I offered an amendment that passed this body that deleted United States funding for DPI, in large part because of this body's agreement with a GAO study that demonstrated that the DPI was used primarily as a propaganda arm by the Soviet Union. Specifically, it has consistently put out information, funded at least one-quarter of it with United States taxpayer money, to propagate Marxism-Leninism, to basically denigrate the United States of America, and further to actually in many cases propagandize against the United States of America and many of our allies like the nation of Israel.

The Senate Intelligence Committee concluded in 1985 that "the Department of Public Information is a focal point for [Soviet] propaganda and intelligence efforts. These activities are important to the KGB and Central Committee for recruitment and for supporting their front organizations. The department is a high priority for future Soviet placements because it manages the U.N. information offices worldwide, maintains contacts with journalists and the media and publishes much of the U.N. promotional literature."

Rather than go into all that detail, because it is the subject matter of a GAO report, I would simply remind my colleagues that we did in the past vote to eliminate that funding, in hopes that the Department itself would take those types of steps that would eliminate the misuse of American taxpayer dollars. Regrettably, that has not occurred. We find instead that the U.N. Committee on Information has now made recommendations that continue the DPI approach of anti-American propaganda.

A DPI working group just last month recommended that reforms within DPI be suspended until an in-depth study is made of a restructing plan on DPI's programs, activities, and staff. This raises serious questions about DPI's commitment to reform itself.

That being the case, I think that we are really without any choice but to now in this bill eliminate that same funding in order that we can once again send a message that we will not be a party to promote, much less participate financially and subsidize, any arm of the United Nations that chooses very deliberately to bash the United States of America through propaganda that is distributed throughout the world.

The next aspect I would like to focus on is that aspect that has to do with the U.N.'s Department of Conference Services. DCS is the largest entity within the U.N. Secretariat. Its services include document editing, stenography, interpreting, publishing, and reporting. The Soviet Union has used DCS as a cover for far-ranging espionage, disinformation, and propaganda activities at U.N. expense. The FBI has identified DCS as "a clearinghouse for Soviet activities at the U.N." United States intelligence authorities estimate that between one-half and one-quarter of the Soviets at the U.N. Secretariat are KGB or GRU officers. The Senate Intelligence Committee estimates that DCS "contains the largest contingency of Soviets in New York. A high proportion of KGB or GRU officers serve in this department." Soviet and East-bloc officials hold virtually every major executive position within DCS while Americans hold none.

And yet the United States is the largest contributor to the DCS budget, paying 25 percent of the DCS annual budget of $166 million, while the Soviets pay only 11 percent.

□ 1525

Some of the Soviet abuses at DCS include using the U.N.'s library as a base for KGB intelligence collection of sensitive United States scientific and technological publications and travel throughout the United States to meet people with access to vast collections of technical literature. Since 1964, Soviet nationals have occupied the position of the library's director with additional Soviets occupying subordinate positions.

That is according to a January 1988 FBI study.

The second point that I would like to make is that KGB officers are sent and other U.N. employees are co-opted to attend U.N. library conferences worldwide at U.N. expense, where the KGB recruits potential intelligence sources for future assignments.

Additionally, the DCS slants conference papers, controls the flow of news to U.N. staff and delegations, and manipulates the release of U.N. documents, giving Soviet bloc diplomats early notice of impending U.N. actions and thus maximizing propaganda value.

Mr. Chairman, in closing I would simply ask that my colleagues pass this amendment in order that we might eliminate that portion of the funding for the U.N. Department of Public Information, the U.N. Department of Conference Services, and the U.N. Council for Namibia, all of which are blatantly opposed to American interests.

Mr. ROGERS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, this amendment by the gentleman deletes $51.4 million from the international organizations and conferences accounts, and this language further states that no funds in the bill can be used for the United States share of what we give to the Department of Public Information of the U.N. or the Department of Conference Services of the U.N. or the U.N. Council for Namibia.

I support this amendment because each of these organizations has a clear record of pro-Soviet and anti-American policies. Intelligence organizations have raised serious questions about their ties to the Soviet KGB. I do not think our taxpayers would want to see their dollars going for these purposes until these serious questions are at least resolved favorably.

GAO has estimated that at least half of all DPI broadcasts and publications are biased against U.S. interests. A Senate intelligence report has confirmed that the Department of Information, "is a focal point for Soviet propaganda and intelligence efforts."

The FBI has raised some serious questions and concerns about the Department for Conference Services, Department of Public Information, and the extent to which it is being used as a clearinghouse for Soviet activities at the United Nations.

At a bare minimum it is a matter of concern that Soviet and other East bloc officials hold every major policy-making position in this Department while Americans hold none. At the same time the United States pays 25 percent of their budget, $166 million, and the Russians pay 11 percent.

We all know that as we go about reducing the Federal deficit that we have to make tough choices. Many important programs ranging from the Drug Enforcement Agency to export promotion activities and commerce are going underfunded, and I simply do not believe that we can afford to spend taxpayer's dollars on pro-Soviet, anti-American organizations especially at a time when we are underfunding those agencies in this country that are critical to America's success here at home.

So, Mr. Chairman, I urge the body to adopt the amendment of the gentleman.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to point out that we only have enough money in the bill now to pay 67 percent of our assessment for this year for the United Nations. I do not know whether we ought to pay 67 percent of our assessment this year or 61 percent or whatever. I do not know what difference it makes really. We are not paying the assessment. We owe the money, and sooner or later we are going to have to pay it.

Mr. Chairman, these matters are handled by treaties and by agreements, and we can postpone the payments, but the fact of the matter is that we do not have enough money in the bill now to pay our assessment anyway, and so I do not see that we gain anything by reducing appropriations below 67 percent.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Arkansas.

Mr. ALEXANDER. As a matter of curiosity, Mr. Chairman, do we know how much we are delinquent as a nation in our total payments toward the United Nations?

Mr. SMITH of Iowa. Mr. Chairman, we are in arrears approximately $521 million right now in our assessed contributions to all of the international organizations. Now that is not enough to keep us from voting, but we are creeping up toward that point, and one of the problems we have is that we got locked into this budget crunch after having appropriated less than the annual assessment for 3 or 4 years, so the base level from which we are working is so low that we are getting further behind all the time. It is not going to be very long before we either lose our vote in the United Nations or we are going to have to appropriate a full year's assessment; one of the two.

Mr. ALEXANDER. One further question:

I might not have been present on the day the FBI presented the material in support of the amendment from the gentleman from Georgia [Mr. SWINDALL]. What evidence do we have that the United Nations is a Communist front organization for the dissemination of anti-U.S. material? I have not seen that in the record anywhere. Was that presented the day I was not there?

Mr. SMITH of Iowa. Mr. Chairman, I do not remember anyone saying the United Nations is. I do not think that there is any question that any time you have an organization with people in it from all over the world that you are going to have some spies and so forth there. We invited the United Nation to come to the United States.

Mr. Chairman, we set up the United Nations in the United States, and, as long as it is here, that is a problem we are going to have. It does add to the cost of the FBI. There is no question about it. If the United Nations were not here, we would not have as big a budget for the FBI, but that is something we undertook many years ago. It is something the country apparently wants. If the gentleman does not like it, then move the United Nations out of New York and over to Austria or some other country. But overall I think most people support leaving it there, and as long as we do, we have to pay our share.

Mr. ALEXANDER. Mr. Chairman, I have one further question to ask the gentleman from Georgia who has offered this amendment.

Would the gentlemam from Iowa [Mr. SMITH] yield to me to ask the question?

Mr. SMITH of Iowa. Mr. Chairman, I yield to the gentleman from Arkansas.

Mr. ALEXANDER. Mr. Chairman, is the purpose of the gentleman from Georgia [Mr. SWINDALL] in offering this amendment that is similar to amendments I have observed him offering before—is the purpose to ultimately move the United Nations out of the United States and to a foreign country? Is that the intent of the gentleman from Georgia?

Mr. SWINDALL. No, sir; that is not the intent although I personally would have no problem with that.

Mr. Chairman, the point is that is not the framework or focus of these amendments. The focus of these amendments is to say to the United Nations: "Either reform the way that you are doing business with U.S. money or we will basically continue to defund those departments that we can isolate and identify as anti-American propaganda and espionage agencies."

Mr. ALEXANDER. Well, Mr. Chairman, I get the idea from the gentleman's response that what he is saying is that if other foreign countries who come to the United Nations agree with us, then it is OK, but, if they disagree with us or they have a different opinion and express that opinion at this international forum and that opinion happens to be different from our fundamental philosophy of life and our form of government that the gentleman from Georgia would think that that is anti-American.

Is that correct?

Mr. SWINDALL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. Mr. Chairman, I yield to the gentleman from Georgia.

Mr. SWINDALL. Mr. Chairman, what I would say to the gentleman is that ordinarily I would agree with that analysis except, if my colleagues examine the GAO study, they will see that we are not talking here about a fair debate of issues. What we are talking about is looking up the term "terrorism" in the U.N. library only to find listed there instances that occur in Israel and the United States and no instances that occur in any Soviet bloc countries, Ethiopia, Cuba, Nicaragua, Afghanistan, or other Soviet-bloc nations.

Mr. ALEXANDER. Mr. Chairman, I would be pleased to read the report. I have not had access to it as of this time, and because of that I would be constrained to vote against the gentleman's amendment.

Mr. SMITH of Iowa. In closing, I just point out, Mr. Chairman, that I do not know why I am up here defending the administration. I mean that the gentleman is bashing his own administration by saying that he does not trust them to handle U.N. matters. I do not know why I am the one defending this administration, but I think that they are doing the best they can under the circumstances to try to reform the United Nations. They have done it one agency at a time, and we have got complaints around here now because we have left money out for the Food and Agriculture Organization.

□ 1535

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to take up where the distinguished chairman of the subcommittee left off defending the administration.

I note that the amount cut by the amendment of the gentleman from Georgia would be about 10 percent of the total funds in the whole account.

The gentleman from Georgia has concentrated on one agency, but it seems likely that since we are talking about one line that those cuts are going to be spread through all of the international organizations that are listed.

I am not aware that the OECD, where we have been behind in our contributions, is some sort of a Communist agency.

I know that we have been behind for several years in the General Agreement on Tariffs and Trade.

We have been in the embarrassing position of not keeping up our obligations there when struggling, starving Third World countries are able to meet theirs.

I think the gentleman's amendment is going to be disruptive perhaps not so much of the agency that he is targeting, but all the other agencies which are involved.

The chairman of the subcommittee has pointed out that we are already miles behind in our contribution to the United Nations. At some point we are going to have to make those or we are not going to be able to vote anymore; but I think this committee ought to make that decision on the basis of whether we want to be in that organization or out. I think if we make that decision we are going to decide that we need to be in it; but particularly for organizations like the Food and Agriculture Organization, the Civil Aviation Organization, there is the Telecommunications Organization, the World Health Organization; two in which I am vitally interested, that is the General Agreement on Tariffs and Trade and the OECD, have already been cut back. We are embarrassingly in arrears.

I believe if we are going to do what the gentleman from Georgia wants to do, we are going to have to do it with greater specificity to achieve what he wants.

In the meantime, we are going to destroy a number of international organizations which the people of the United States, the United States commercial and economic interests, find to be terribly in our advantage.

Therefore, Mr. Chairman, I urge defeat of the amendment of the gentleman from Georgia.

Mr. SWINDALL. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to my good friend, the gentleman from Georgia.

Mr. SWINDALL. Mr. Chairman, I would like to state that certainly the point that the gentlemen makes is correct, and that is why I have offered or will offer a second amendment that comes at page 22, after line 24, which simply states:

> None of the funds appropriated by this Act shall be available for the United States proportionate share for the Department of Public Information of the United Nations, the Department of Conference Services of the United Nations, or the United Nations Council for Namibia.

One other point with respect to a comment made by the gentleman from Arkansas, and I am quoting from a letter from Senator ARLEN SPECTER to Secretary Shultz. After having read that GAO study, he made the following statement:

> The GAO study has clearly shown that our interests are not being furthered by DPI and I strongly urge that all U.S. funding for this program be withheld until DPI produces unbiased and fair materials that do not undercut our vital interests.

Mr. FRENZEL. Mr. Chairman, I thank the gentleman for his contribution.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, to start with, we do not know if the further amendment will pass, anyway, and even if it did pass, if this amendment results in the United States not being in the organization he is complaining about, we cannot reform it.

Mr. FRENZEL. Mr. Chairman, I thank the gentleman for his contribution.

I am persuaded by the gentleman's remarks and I intend to vote against the amendment.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

Mr. Chairman, I would like to take a slightly different tack and state that I will oppose the gentleman's amendment because I think this posture is unbecoming a great nation, and we are indeed a great Nation. Our greatest export is our commitment, as I perceive it, Mr. Chairman, a commitment to democratic principles and to human rights.

I do not believe that cutting back on our contribution to the United Nations is the best way to make that statement.

Second, I would assert, Mr. Chairman, that we live in a world that is becoming increasingly smaller, interrelated, and interdependent. Any human being with any degree of wisdom has to come to the realization that on an increasing basis the nature of the problems that we are confronted with on this planet go beyond our national borders. The issue of AIDS goes beyond our national borders. The issue of the traffic of drugs goes beyond our national borders. The issue of the proliferation of nuclear weapons goes beyond our national borders.

The issue of war and peace, a broad question.

The issue of terrorism, a broad question.

International economics goes beyond our national borders.

Mr. Chairman, we live in a world where we are going to have to learn how on an increasing basis to communicate with each other, to share information, to share ideas.

We all know even in the context of this body that we are Republicans and Democrats, left, right, and center, but that is the nature of what democracy is all about.

I find it fascinating that at a time when we as a great nation dominated the United Nations, we paid our bills; but now that we are not the dominant voice, that there are 160 some-odd nations that come together as a family of nations and sometimes our position does not prevail, we then feel that the only appropriate response is to deny revenues.

I would suggest that being in the arrears by $500 million on the part of a great nation is a great absurdity. It is an embarrassment. Millions of American people understand that. We cannot divorce ourselves from the world and the United Nations is the one institution that allows human beings to come together, good, bad, or indifferent. We have to work with that instrument to perfect it. I do not think you work with it by denying it funds, because the Third World countries who happen to oppose our point of view express their point of view.

You and I ought to be committed to that important principle. I may disagree with what you say, but I will fight to the death to defend your right to say it. That should be the responsibility that we take outside this Chamber, outside the boundaries of the United States, if we are truly committed to being a beacon light in the world.

I do not believe that it is our charge to withdraw and offer an amendment to cut 10 percent.

What are we saying here? We ought to be trying to come together. We ought to be calling international conferences on AIDS, international conferences on drug addiction, international conferences on drug supplies and trafficking in the world, international conferences on the proliferation of nuclear weapons, international conferences on terrorism.

We cannot solve these problems solely within the confines of our great Nation.

So I would say to my colleagues that it seems to me the better part of valor ought to be to withdraw this amendment. If the gentleman wants to offer his other amendment in a more pointed way, we can debate the efficacy of that, but I do not believe that this particular amendment in the form that it is presented is worthy of this Nation. I think we are a powerful and strong Nation.

Finally, I would make this comment. We talk about saving a few dollars. The United Nations ostensibly is a place where people communicate, or hopefully we try to resolve the best we can conflicts. What is the most expensive, frightening, dangerous, and ludicrous way to deal with conflict? It is in war; yet we are committed here to spending billions of dollars to pursue war as a way of solving problems. We are willing to reach into some of the finest families in this country to send our young people to fight and die when we are not prepared to give a few dollars to give some possible opportunity for us to solve problems in a nonviolent, nonhostile, nonwarlike atmosphere.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 1 additional minute.)

Mr. SWINDALL. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Georgia, the author of the amendment.

Mr. SWINDALL. First of all, Mr. Chairman, let me thank the gentleman from California for yielding, and state that this is not about free speech. I am certainly in favor of that, whether it be in the United States of America or the United Nations.

What it is about, though, is whether or not free speech is being pursued, or whehter instead we are being duped in the sense, for example, an issue that is certainly controversial and certainly has at least two meritorious sides, like the issue of United States sanctions against South Africa.

If you look, for example, at one issue of the DPI semiannual review, you will see that in reporting on a conference in South Africa the issue included lengthy excerpts from Americans at the conference, including Senator TED KENNEDY, Rev. Jesse Jackson, and Atlanta Mayor Andrew Young and Angela Davis, the former Vice Presidential candidate at the Communist Party USA. Not one word was included with respect to any negative to what they were stating; that is, the other side was not presented. No Americans of differing viewpoints were given coverage.

So in fact, if the gentleman really believes, as he has articulated very well on free speech, ought to in fact be speaking out loudly for my amendment, because what we are saying is give us free speech or we will withdraw our funding, because we will not be part of a one-sided presentation.

The CHAIRMAN. The time of the gentleman from California has again expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 2 additional minutes.)

Mr. DELLUMS. Mr. Chairman, I am pleased to continue to yield to my colleague, the gentleman from Georgia.

Mr. SWINDALL. Mr. Chairman, I would like to ask the gentleman by way of referencing another point that was made, does the gentleman agree with the point that was earlier made that we cannot reform these specific agencies within the United Nations if we do not stay inside and fund them?

Mr. DELLUMS. I think that the way we try to reform is to stay inside to fight for those reforms. To withdraw our funds precludes our capacity to do that.

Mr. SWINDALL. May I ask the gentleman another question. How would the gentleman reconcile that statement with the gentleman's articulate statements that I have listened to many times with respect to South Africa, where the gentleman has stated repeatedly that we must withdraw our funding, otherwise we condone what they are doing?

Mr. DELLUMS. Two points. No. 1, I have not suggested that we withdraw our diplomatic relationships, that we keep our communications open.

No. 2, I do not believe that we as a nation if we are committed to the notion that people are free and equal, black, brown, red, yellow, or white, that is the position we have taken in this country, I do not believe that our foreign policy ought to state something very different.

So I do not see the point the gentleman is making. We have said to America, people have gone to prison, people have had their bodies broken, some of them have been killed, to defend the notion that people, black, brown, red, yellow, or white, Jew and Gentile, Catholic and Protestant, young and old, rich and poor, gay and straight, have the right to function in this society.

I am saying that we should not be trying to fund a nation that is based upon the absurd and ludicrous, hostile and oppressive notion, of racial supremacy.

Now, with respect to the United Nations, I am saying that we should not withdraw our funds. I think we ought to be there saying that we try to at least support continuing this operation. Why? Because what are we committed to? We are committed to free speech.

Now, the gentleman says, "I believe in free speech," but I wonder if it is free speech. At the point that statement is made is at the point we engage in censorship, because one person's propaganda is another person's free speech. At the point where we start to try to put limits on that is the time I think we are engaging in censorship.

The CHAIRMAN. The time of the gentleman from California has expired.

(At the request of Mr. SWINDALL, and by unanimous consent, Mr. DELLUMS was allowed to proceed for 2 additional minutes.)

Mr. SWINDALL. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Georgia.

Mr. SWINDALL. Mr. Chairman, I am intrigued by the gentleman's debate on a number of specific levels.

First, the gentleman and I both know that this is the only area that I can achieve what I am trying to achieve with respect to defunding very specific agencies.

Mr. DELLUMS. Mr. Chairman, if I might reclaim my time just on that point, I am not trying to stop the gentleman from debating, because I enjoy the debate. I think that is why we are here.

The gentleman suggested that he would offer a second amendment that would specifically go to the agencies, so that is not on the table at this point, so let us keep this debate on the nature of the proposition before the body at this moment, which is an across-the-board 10-percent cut, so we do not muddy the waters, and I yield to the gentleman from Georgia.

Mr. SWINDALL. With respect to the second point, and that is the gentleman again intrigues me with this ability to separate what the gentleman proposes with respect to South Africa——

Mr. DELLUMS. On the basis of principle; if I might take back my time, on the basis of the integrity of the principle. We are committed in this country to equality of human beings. That is not true in South Africa.

We are committed to the notion of free speech, democratic principles, and that ought to be what is taking place in the confines of the United Nations and we should not be withdrawing our funds simply to make a statement that is incongruous with the position we take.

Mr. SWINDALL. Mr. Chairman, will the gentleman yield further?

Mr. DELLUMS. I yield to the gentleman from Georgia.

Mr. SWINDALL. Mr. Chairman, the question I have is, is the gentleman aware that the South African sanctions bill that was recently marked up in the Banking Committee actually contains provisions that say that no privately funded trips can go into South Africa to see their side of the argument. Is the gentleman aware of that? I was convinced that the gentleman supported that.

Mr. DELLUMS. If I might reclaim my time, Mr. Chairman, I am more than willing to extend time in engaging in this little dance with the gentleman; but let me just say to my colleagues, I will meet the gentleman on the floor of Congress when the Anti-Apartheid Act of 1988 comes to the floor and I would debate the gentleman until he has no breath left. This is not the issue before us at this point.

□ 1550

We are talking about denying funds to the United Nations, which is made up of many poor and impoverished and Third World countries who have great difficulty paying, to allow it to go forward. I am saying we are a great Nation. It is unbecoming of our Nation to owe $550 million and attempt to deny the capacity of the community of nations to come together to try to address its myriad problems.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as always the gentleman from California [Mr. DELLUMS] has articulated his position very, very well. He articulated the position of what we should do beyond our own borders. I would suggest, however, that the issue the gentleman from Georgia [Mr. SWINDALL] has raised is the issue that is within our own national borders and that is what do we do about mounting deficits? Because as the gentleman from California [Mr. DELLUMS] has articulated, we are a great nation but I would say to my colleagues we will cease to be a great nation if we cannot get our spending habits under control.

What the gentleman from Georgia [Mr. SWINDALL] has suggested as far as I can tell is that one of the places that we may want to look to to get our spending under control is the amount of money we are contributing to this international organization, to the United Nations, particularly in those areas where the United States is not being fairly represented using our taxpayers' money.

The question for taxpayers in this country is how is our money being used? Is it being used in ways that we can defend or is it being used in indefensible ways?

I would suggest that the arguments made by the gentleman from Georgia [Mr. SWINDALL] that suggest that the United States is paying 25 percent of a bill on particular aspects of the United Nations where we have no representation, and where the Soviets are roundly represented is in fact something that the American people might want to have as a question.

There is no doubt that our standard ought to be that "I may not agree with what you say but I will defend your right to say it" but the problem is of those 150 nations that are represented in the United Nation I would say to the gentleman from California [Mr. DELLUMS] that very few of them have that standard. Very, very few of them have that standard within their own borders. they may be poor, but they are also tyrannies and one reason they are poor is because they are tyrannies who oppose their own people and do not allow their people to have a say of what goes on in their own country. We are protecting their right in the United Nations consistently to beat around this country as we try to defend that principle.

What the gentleman from Georgia [Mr. SWINDALL] is saying is it is high time we stop that nonsense and it is high time that we say that our funding is contingent upon them doing some things that are in fact within the larger democratic tradition.

The problem with many of those nations is that their version of what the gentleman from California [Mr. DELLUMS] just said is, "I never agree with what you say, but I will never stop suggesting that you pay for it."

That is the standard we now have in the United Nations. They want us to pay so that they can spend their time kicking around the United States often with pro-Marxist kinds of rehtoric.

I am tired, I will tell the gentleman from California [Mr. DELLUMS] of seeing taxpayers of my district pay for Marxist tyrants to oppress their own people and then come to the United States and pretend like they are nations that deserve our respect.

I think it is high time that we have a standard where we respect those who respect democratic traditions but that we take stands against those that are tyrants who oppress their own people.

Mr. SWINDALL. Mr. Chairman, will the gentleman yield?

Mr. WALKER. Mr. Chairman, I am happy to yield to the gentleman from Georgia [Mr. SWINDALL].

Mr. SWINDALL. First of all, let me associate myself with the remarks of the gentleman from Pennsylvania [Mr. WALKER] and go one step further by giving one specific example of the type of waste that the American taxpayers are funding.

This is a 107-page United Nations document printed at a cost of more than $250,000 entitled "International Year of Peace."

This docment contains 107 pages. Of those 107 pages, three pages are devoted to an introduction and two pro-Soviet letters to the United Nations, and the remaining 104 pages are nothing but printed signatures. So the American taxpayers paid one-quarter of a quarter million dollars to print and distribute 104 pages of signatures.

Mr. WALKER. Including a Communist document.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. WALKER. Mr. Chairman, I am happy to yield to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding. I shall not personalize this debate because this is not about how the gentleman from Pennsylvania and I personally feel, nor how the gentleman from Georgia [Mr. SWINDALL] may personally feel, but we often play games on a personal basis.

Mr. WALKER. Mr. Chairman, reclaiming my time briefly, I was trying to respond to the debate of the gentleman from California [Mr. DELLUMS]. I was not being personal about it.

Mr. DELLUMS. If the gentleman will continue to yield, I was not only speaking to the gentleman from Pennsylvania [Mr. WALKER], I was speaking to the gentleman from Georgia [Mr. SWINDALL] as well. But let me come back to the gentleman from Pennsylvania [Mr. WALKER]. I respect the fact that the gentleman from Pennsylvania and I have different politics, and I try to pay the gentleman from Pennsylvania the highest respect that I can pay an adversary and that is to listen carefully to what he has to say and I have tried to listen to him.

Mr. Chairman, let me make two points and then ask the gentleman from Pennsylvania [Mr. WALKER] if he might respond.

When the gentleman from Pennsylvania mentioned the deficit, I agree with him the deficit is a major concern that we have.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 5 additional minutes.)

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. WALKER. Mr. Chairman, I yield to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I agree with respect to the matter of the deficit. Probably the most important thing we do is to frame the nature of the budget. As my colleagues know, the budget states our priorities which gives rise to this question, Is it not our responsibility to attempt to prioritize the moneys we spend and if we are talking about defending our principles, I am saying a few dollars to the United Nations to at least try to do that is important. It is important when we are willing to place billions of dollars in the hands of our technology whether it is in SDI, the MX missile, the cruise missile, or whatever, we place our defense in technology to the tune of many billions of dollars. We are simply talking about a few dollars here to try to make the United Nations work.

My first question is how do we address the question of priorities?

It is not a question of whether we spend, it is where we spend.

Mr. WALKER. Mr. Chairman, reclaiming my time, let me say to the gentleman from California [Mr. DELLUMS], and I will be happy to yield again, the problem is we never prioritize anywhere. We have to prioritize bill by bill, line by line, if we are going to in fact attain any kind of deficit control. By the time we get to the defense bill out here there will be all kinds of other reasons to defend spending in defense for reasons beyond what the gentleman from California [Mr. DELLUMS] has suggested. We will not prioritize there either. The fact is we do not even prioritize anywhere.

The point of the gentleman from Georgia [Mr. SWINDALL] goes beyond just prioritization. We want to tell the United Nations that we are sick and tired of our money being wasted by tyrants who do not respect our right to be a part of the debate. So it is in part an attempt to limit spending but it is also in part an attempt to say to the United Nations that we are sick and tired of seeing our money used in ways which we cannot condone.

Mr. DELLUMS. Mr. Chairman, if the gentleman will yield further, let us set aside the priorities issues, because we have different priorities. However, I would be willing to give up one of those nuclear carriers to do a lot of things including fund this and other critical areas.

Mr. WALKER. I am sure, yes, that that would be the desire of the gentleman from California.

Mr. DELLUMS. But let go to the latter point of the gentleman from Pennsylvania [Mr. WALKER]. If that is what the gentleman is asserting, he mentioned that some members of the United Nations are not great democratic nations.

Mr. WALKER. Mr. Chairman, most of them are not.

Mr. DELLUMS. But in reality some of them are tyrants.

Mr. WALKER. Most of them are tyrants.

Mr. DELLUMS. My question is this, do we revert to tyrannical behavior because other people are tyrants, or do we stand up as a beacon of light and continue to assert our democratic principles?

I would suggest to the gentleman from Pennsylvania [Mr. WALKER], and I would ask him to respond, is that the true test of whether we are committed to democratic principles is when those principles are indeed being tested. It is easy when we all agree, but it is difficult to stand up and maintain the integrity of one's commitment to democratic principles when one is surrounded by others who do not necessarily agree with what we say. That is where the true test of our commitment lies.

Mr. WALKER. Mr. Chairman, reclaming my time, I think the gentleman misunderstood the point. In my mind what we are doing with the money here is we are paying for them to promote their ideas of tyranny. That is where we object.

I do not have any problem at all with promoting the ideas of the democracy and sending our money up there and I think that is what the gentleman from Georgia [Mr. SWINDALL] is getting at. However, that is not what is happening.

Today what we are helping to pay for is for them to promote the ideas of tyranny, for them to put out Marxist tracts with pages and pages and pages of signatures on it that do nothing to promote the ideal that we think most important, that being the ideal of democracy. I resent the fact that the taxpayers of my district have to pay so that tyrants can promote their viewpoints.

It seems to me if the tyrants want to promote their viewpoints let them pay for it.

Mr. DELLUMS. Mr. Chairman, will the gentleman from Pennsylvania [Mr. WALKER] yield for one last comment?

Mr. WALKER. Mr. Chairman, I am happy to yield to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. I am simply saying to my colleague that I think that a true commitment to democracy and to democratic principles is to stand there, to stand there in difficult times, and it is not to always withdraw.

One of the interesting commitments to democratic principles is that the distinguished gentleman from Pennsylvania [Mr. WALKER], and hopefully he would refer to me as the distinguished gentleman from California——

Mr. WALKER. The gentleman is correct, I would.

Mr. DELLUMS. That we could stand here and disagree. That is an incredible right that we have. I believe that we ought to stand in the United Nations as an example of what that can be, not to withdraw in order to revert to tyrannical behavior.

Mr. WALKER. Mr. Chairman, reclaiming my time, let me say to the gentleman from California [Mr. DELLUMS] that after the Swindall amendment is adopted there are still more than $400 million left in this account to go to the United Nations to help promote exactly that. The gentleman from Georgia [Mr. SWINDALL] is simply suggesting that we cut back some. He is not suggesting we cut back all of it. What we are saying is that by cutting back some we are in fact sending a signal to the United Nations that we are sick and tired of seeing our money being misused and misused by tyrannies and it seems to me that is a standard we ought to unite around.

Mr. DELLUMS. If the gentleman will continue to yield, I do not know if we have resolved anything. At least the gentleman from Pennsylvania [Mr. WALKER] has had an opportunity to articulate his position, and I have had an opportunity to articulate mine.

Mr. WALKER. And I am glad to engage in that debate. I agree that an open debate on this House floor is something that we ought to be all about.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 1 additional minute.)

Mr. SWINDALL. Mr. Chairman, will the gentleman yield?

Mr. WALKER. Mr. Chairman, I am happy to yield to the gentleman from Georgia [Mr. SWINDALL].

Mr. SWINDALL. Just very quickly, I would like to address both the comments of the gentleman from Pennsylvania [Mr. WALKER] and the comments of the gentleman from California [Mr. DELLUMS] with respect to the fact that much of this funding is going for purposes that are in direct conflict, and in violation of the charter itself for the United Nations.

For example, article II, paragraph 7 of the U.N. Charter states "Nothing contained in the present charter shall authorize the United Nations to intervene in matters which are essentially in the domestic jurisdiction of any state."

Instead of that provision, SWAPO officials from the United Nations regularly attempt to influence United States policy toward South Africa and Namibia by visiting colleges and even participating in U.N.-funded conferences in the United States. For example, on July 23, 24 and 25 of 1987, the U.N Council on Namibia paid $49,927, a quarter of which came from the taxpayers of the United States, to sponsor a national conference on Namibia and United States policy toward southern Africa. Special guests including many of our distinguished body here and I will not list them all, but the point is we funded that.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has again expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 1 additional minute.)

Mr. SWINDALL. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Georgia [Mr. SWINDALL].

Mr. SWINDALL. Mr. Chairman, we funded that along with the recent conference held here in the United States where we funded Sam Nujoma's first-class flight in and around this country, all of his expenses included, so that he could go around basically espousing a change of internal policy of a member state of the United Nations. So not only are we funding anti-American propaganda, we are funding activities that conflict with the charter provisions of the United Nations. It clearly makes no sense for the American taxpayers to subsidize conferences which are dedicated to undermining American policies.

[From the Washington Times, May 19, 1988]

AMERICA, THE UNRELIABLE

As Assistant Secretary of State Chester Crocker met with Cuban, Angolan and South African diplomats in London recently to discuss the future of Angola and Namibia, who should turn up in Washington but Sam Nujoma, leader of the terrorist South-West Africa Peoples Organization. Equipped with a visa granted by the State Department, Mr. Nujoma seized the opportunity to meet with Undersecretary of State Michael Armacost and promote his cause in Atlanta and Washington.

SWAPO, the group Mr. Nujoma heads, has a gruesome habit of sprinkling Namibian roads with Soviet-made landmines intended to maim or kill whoever comes by. In 1984 it planted the bombs that killed two U.S. diplomats at a service station near the Angolan border. In 1982 the Senate Subcommittee on Security and Terrorism produced evidence that Mr. Nujoma himself had ordered the assassinations of two political opponents while he was visiting U.N. headquarters in 1977 on one of his previous sojourns here.

Georgia Rep. Patrick Swindall took exception to the State Department's red carpet for the terrorist. In a letter to Secretary of State George Shultz he pointed to federal laws that forbid U.S. visas to aliens who advocate political killings. He also complained that U.S. taxpayers' money helps fund the United Nations and its conferences, such as those Mr. Nujoma attended in Atlanta and Washington. A total of $65,000 was spent by the U.N. Council for Namibia on the two meetings.

The Atlanta meeting, organized by the National Alliance of Third World Journalists, included workshops on "The Meese Mess" and "Exposing the U.S./Contra Drug Connection," while the purpose of the Washington conference, as described by the Council for Namibia itself, was "to encourage urgent action in the United States for a free Namibia." Since the United Nations' charter forbids it from intervening "in matters which are essentially within the domestic jurisdiction of any state." Mr. Swindall argued that U.N. funding for the conference "constitutes a gross violation" of its charter.

"Why, Mr. Secretary," Mr. Swindall asked, "are U.S. taxpayer dollars being used to fund the visit to the U.S. of a man whose organization has murdered two American diplomats? The State Department says that it "has not made the determination that SWAPO is a terrorist organization although terrorist acts have been committed in its name", and that "We have no comment on Congressman Swindall's letter."

The grant of a visa to Mr. Nujoma is outrageous by itself, though hardly unprecedented. The State Department says "SWAPO officials regularly receive visas from the U.S. to enter the United States after a careful review of each application," and "Mr. Nujoma has been granted visas to visit the United States throughout this decade."

But what is more disconcerting is that Mr. Nujoma was pressing Mr. Armacost to separate South African withdrawal from Namabia and Cuban troop withdrawal from Angola at the same time Mr. Crocker was meeting with officials of Cuba, SWAPO and Angola's ruling Marxist clique, the MPLA—and excluding Jonas Savimbi's anti-communist UNITA. The meetings certainly gave the impression that the United States may abandon its anti-communist friends in the region and may have given the Marxist MPLA the heart to announce plans for a new offensive against UNITA.

After the meeting, Mr. Armacost was at pains to say "We do not regard SWAPO as a terrorist organization." His two murdered colleagues might dissent. Sometimes there may be valid reasons of state to huddle with terrorists in the diplomatic cellar, but not in an administration that boasts of its war against terrorism. There is no good reason to lend SWAPO and its furhrer a legitimacy that we deny to pro-Western and anti-communist forces by publicly shaking Mr. Nujoma's blood-stained hand.

[From the Washington Post, Jan. 21, 1988]

AMERICA'S U.N. POLICY: LAPSE OR COLLAPSE?

(By Alan L. Keyes)

(The writer, a resident scholar at the American Enterprise Institute, resigned as assistant secretary of state for international organization affairs last fall in part over the issue he discusses here.)

On Jan. 5 the U.S. representative at the United Nations Security Council joined in a polemical assault on Israel at a vulnerable moment. He voted for an unbalanced resolution, which in effect condemned Israel's deportation of nine Palestinians suspected of masterminding many of the demonstrations on the West Bank. Some may see this as an isolated lapse in America's stance at the U.N., but in fact it is part of a pattern.

Principled opposition to the use of the Security Council as an anti-Israeli bludgeon has lapsed. Insistence on permanent, institutional reform of the U.N.'s management and decision-making processes has lapsed. Discriminating use of U.S. funds to support international organizations favorable to U.S. interests has lapsed. The hard-won capacity to push successfully for important U.S. initiatives has lapsed.

Do all these lapses add up to a collapse? Has the administration abandoned the principled, effective U.S. stance developed at the U.N. during the early Reagan years?

There is reason to be concerned that such a collapse is in progress. Officials at the State Department are eager to prove that the United States has relented from its past hard-line opposition to abuses and anti-American bias in the United Nations. Even before Congress completed work on the FY '88 spending bills, Deputy Secretary of State John Whitehead had decided to reopen the funding spigots for the U.N. in New York. He did so without regard for the effect it would have on organizations more critical to, and favorable toward, U.S. interests. These moves send a clear signal to the officials and delegates in New York: they can safely continue with business as usual. They will.

According to the authorization language recently passed by Congress, before turning over the $44 million balance of the U.S. contribution to the U.N. for 1987, the administration must certify that the organization has implemented the decision-making and administrative reforms adopted at the General Assembly in 1986 and made progress toward limiting abuses, particularly by the Soviet Union, of the U.N. system's personnel procedures. Third World delegates at the latest General Assembly session adamantly resisted implementation of the critical component of the reforms, which gave the United States and other major donors more say in decisions affecting the use of the U.N.'s resources. Instead, the assembly voted to enlarge the membership of the key program-budget committee, making it too unwieldy to be effective. Though the United States voted against the move, neither the State Department nor the U.S. mission at the U.N. did anything effective to oppose it.

Now a plan is being considered to issue the required certification based on the easily reversible personnel shuffling the U.N. has been doing for the past year. Officials at the U.S. mission joined in a post-General Assembly media boomlet characterizing these administrative moves as part of an era of resurgence for the U.N. They did so despite the fact that, according to preliminary tallies, the United States took its worst beating in years in the voting at the 42nd General Assembly. Even though the U.S. delegation took weaker stands (fewer U.S. "no" votes, more absentions), even though it did not push hard for any potentially difficult U.S. proposals, even though it gave the U.N. $100 million before any results were in, the outcome indicates a significant decline in the number of states voting with the United States.

At this year's General Assembly not a single U.S.-initiated resolution met with any success. We seem to be returning to the days when U.S. leadership on a resolution meant automatic failure. Congress asked for effective action against the abuse of "secondment," a procedure that allows member states to place their nationals in U.N. positions on a temporary basis. (Some states abuse the procedure to guarantee continued control over their nationals. Roughly 90 percent of Soviet nationals at the U.N. serve on such terms.) This year the United States introduced a relatively mild resolution on the secondment issue. It alluded to the recommendation of the High Level Experts Group (the G-18) that secondment be limited to no more than 50 percent of any state's nationals in the U.N. Secretariat.

Even in this weak form, the initiative died in informal consultation," without reaching the floor of the General Assembly's budget and management (fifth) committee. U.S. initiatives in the second and third committees (on capital formation and free elections respectively) met with similar fates. The only success registered at the assembly was the virtual absence of anti-U.S. name-calling in resolutions—the effect of several years of firm insistence on a principled position.

The White House has announced that Ambassador Richard Williamson, formerly the U.S. representative to the U.N. Organizations in Vienna, is the president's choice to take over the international organizations bureau. With the right backing, Williamson has the ability and experience to preserve at least some part of the achievements of the early Reagan years. But high-level policy officials at the State Department, working with the U.S. mission in New York, are pushing for premature certification on U.N. reform. If they succeed, they will preempt Williamson's authority and further damage the administration's faded credibility on U.N. issues. Williamson may not be confirmed until well into February, by which time the damage could be irreversible.

Many who worked hard to restore America's influence in the U.N. are appalled by the abandonment of the firm, principled, energetic approach that made it possible to do so. One hope remains. U.N. experience features prominently on the resume of Vice President George Bush. The U.S. resurgence at the U.N. did not take place during his tenure there, but he has an opportunity to step in and prevent complete surrender of the gains made in recent years. Whether as a sitting administration official or as a presidential candidate. Bush should make clear now that he is not prepared to abandon the fight to restore America's influence in international forums.

[From the New York Times, June 30, 1987]

HERE'S WHY THE U.N. LACKS MONEY

(By Juliana Geran Pilon)

(Juliana Geran Pilon is a senior policy analyst at the Heritage Foundation, a public-policy organization.)

WASHINGTON.—The United Nations is having financial problems. The paint is peeling, it has not published a new telephone directory since 1985 and there is general discontent among many delegates and almost all employees about the level of United States funding—which was trimmed by Congress in an effort to spur some modest reforms.

But never mind austerity. The United Nations is still heroically in the business of doing what it does best: printing documents that turn reality on its head.

Bearing the impressive title of "International Year of Peace: Letter dated 6 March 1987 from the Permanent Representative of Czechoslovakia to the United Nations addressed to the Secretary-General," the latest foolishness is 107 pages long and consists of a one-page letter followed by two annexes.

Annex I is an "Appeal sent to the Secretary-General by the participants in the Confence of the Socialist Union of Youth of the Pedagogical Faculty of Charles University, Prague." It contains not only a statement of support for the United Nations on the occasion of the United Nations-declared International Year of Peace but also a bold summons to "a decade of peace."

The socialist youth of Charles University are especially appreciative of all that the Soviet Union has done to further peace.

Following three pages of signatures, there is another page of text with an "Appeal sent to the Secretary-General by the pedagogues, staff members and students of J.E. Purkyne University, Brno," another Czechoslovak institution of higher totalitarian learning.

This second appeal specifically commends Soviet General Secretary Mikhail S. Gorbachev for his "historic new proposal" at the Rekjavik summit meeting. "In the interests of its own people and of the other nations of the world," the Purkyne University students and faculty say, "the United States must adopt a responsible approach to the discussion of all the basic questions relating to the preservation of life on our planet which [Mr. Gorbachev's] proposal contains."

And that's it for substance. The rest of the 100 pages of this "important" document contain nothing but signatures. Lots and lots of signatures to be sure, though most of the pages are only about one-third full. But never mind: Every department and subdepartment of J.E. Purkyne University has its own special page.

How much did the "Letter dated 6 March" cost the United Nations?

The Secretariat states that processing costs alone were about $650 per page.

A State Department official estimates that printing and distributing a 107-page document would run about a quarter of a million dollars.

Whatever the exact total, we're talking big bucks here. No wonder the United Nations has to pick and choose carefully what it considers important enough to publish.

Only a few months earlier, in November 1986, the Under Secretary General for Political and General Assembly Affairs, William Buffum, pleaded financial constraints to defend his decision to print only parts of a report on human rights in Afghanistan.

The report's annex was missing from the official French, Spanish, Chinese and Russian versions of the document—appearing only in English, and then only in a very limited edition.

The annex documented brutality by Moscow's occupation forces on an appalling scale. It told how thousands of children have been killed by Soviet bombs disguised as toys, how gas and chemical weapons have been used against civilians and how prisoners at interrogation centers of the Moscow-controlled Afghan secret police, the Khad, are routinely tortured.

According to the report's author, United Nations special rapporteur Felix Ermacora, professor of public law at the University of Vienna, additional accounts of atrocities were omitted to save space. Others were left out because further substantiation would have been desirable.

Perhaps the real reasons the United Nations didn't publish the report in full was to conserve money for more important documents—like the 107-page paean to Soviet "International Year of Peace" initiatives, with its hundred pages of signatures.

Congress will undoubtedly keep that in mind as it goes through the appropriations process in the weeks ahead. After all, we do want to make sure the United Nations has enough money to print as many signatures as it takes to promote world peace.

[From the Backgrounder, the Heritage Foundation, June 20, 1986]

MOSCOW'S BASTION IN MANHATTAN: THE U.N. DEPARTMENT OF CONFERENCE SERVICES

INTRODUCTION

East bloc nationals have run the United Nations Department of Conference Services (DCS) since 1962. The effect of this nearly quarter-century monopoly on the U.N.'s largest division has been profound. An FBI spokesman characterizes DCS as "a clearinghouse for Soviet activities at the U.N." The U.S. Senate Intelligence Committee noted last year, "The Department of Conference Services contains the largest contingent of Soviets in New York. A high proportion of KGB and GRU officers serve in this department.'[1]

And this is the result of deliberate policy permitted by the U.N.'s highest officials. Soviet bloc and client state nationals have been installed in key DCS executive positions while U.S. nationals have been purged. Says a spokesman for the U.S. United Nations Mission in New York, "We've lost a lot of high-ranking positions over there [at DCS]." One of his colleagues paints an even grimmer picture, "We don't control any meaningful policy-making positions at DCS."

While Soviets comprise approximately 5 percent of the DCS work force, they hold a disproportionate share of the professional DCS positions. Soviet, Soviet bloc, and client state nationals, for example, hold six key policymaking positions; American nationals hold none. The highest-ranking U.S. national on the DCS payroll is the "coordinator of the technological innovations programme."

What makes this Soviet bastion more than a bureaucratic curiosity is that DCS is the largest entity within the U.N. Secretariat. It has 2,527 full-time employees and hires hundreds more on a temporary basis. DCS's 1986-1987 budget is estimated at $280,810,000, of which the U.S. share is 25 percent or approximately $70 million. By distressing contrast, the Soviet share—including that of Byelorussia and the Ukrainian Soviet Socialist Republic—is a mere 11 percent. And even this overstates the Soviet contribution because Moscow foots only 4.27 percent of the total U.N. budget, compared to a 24.7-percent share borne by the United States.

If DCS is ever going to operate on behalf of the United Nations rather than the U.S.S.R. reforms are necessary. The complete extent of the problem must be uncovered. A U.S. congressional inquiry, even if partially classified, should be initiated to investigate DCS-based Soviet espionage.

Rotation of the DCS directorship among the major U.N. blocs should be reinstated. This would do much to change DCS's deserved reputation as a refuge for spying and sloth. If the United Nations refuses to launch such reforms, the Reagan administration and Congress should reconsider U.S. funding of DCS.

THE EXTENT OF SOVIET CONTROL

Control of DCS enables the Soviets to manipulate and misuse U.N. resources to:

(1) Promote Soviet bloc interests in the United Nations.

(2) Spread Soviet propaganda.

(3) Influence individuals and groups within member states.

(4) Conduct espionage.[2]

Soviet abuses under this fourth category became so blatant that the FBI, in the wake of several espionage arrests of Soviet U.N. Mission and Secretariat personnel in the late 1970's,[3] began investigating key Soviet DCS employees. The investigation's results are classified, but the FBI does acknowledge that Soviet abuses of DCS include:

Manipulating the release of U.N. documents and their formats.—This provides Soviet, Soviet bloc, and client state interests with early warning of impending U.N. actions and allows these diplomats extra preparation time. Controlling format and release time maximizes propaganda value.

Controlling the timing of meetings and conferences.—Conference sites and times can be manipulated to provide cover for Soviet intelligence officers and other pro-Soviet spies employed by DCS. The Senate Intelligence Committee confirmed these suspicions in 1985, noting, "U.N. staff assignments are used as cover for operations directed at the host country and third countries."[4]

Slanting conference results.—Since DCS provides conference preparation services, its personnel can slant basic conference documents that skew the discussion and temper the outcome in ways that enhance Soviet propaganda aims.

DCS control makes the Soviets the major players in day-to-day U.N. operations and allows them to exert a heavy influence over its institutional memory. It also enables DCS to:

Funnel millions of dollars' worth of hard currency into the Soviet Union, Cuba, and the People's Republic of China for "contractual translation" and "language training services." During the 1984-1985 budget cycle, DCS sent $491,400 to Moscow and $299,500 to Beijing for language training purposes. It is estimated that during the current 1986-1987 budget, these numbers will swell to $528,900 and $322,300, respectively. One-fourth of this, of course, is funded by U.S. taxpayers. Also, since June 1981, DCS has paid the Empresa de Servicios de Traductores e Interpretes (ESTI) in Havana, Cuba, a sum that DCS executives refuse to divulge for "contractual translation and typing."[5] This is consistent with the findings of the Senate Intelligence Committee report, which states, "Soviets in the U.N. Secretariat are instructed to get back as much as possible of the U.S.S.R.'s contribution to the United Nations."[6]

Recruit DCS employees and maintain a sophisticated patronage network.—The Soviet bloc uses DCS jobs to recruit third country nationals and curry favor with some Arab and other "nonaligned" nations. Because of this, in addition to the institutional inefficiencies endemic at the United Nations, DCS wastes millions of extra dollars keeping employment at artificially high levels. Meanwhile, because of an ongoing harassment campaign directed by top DCS executives and through simple attrition, top DCS policymaking positions are no longer held by U.S. nationals. Top-ranking Americans have been removed, reassigned, or retired from the Executive Office, Editorial Control Section, Interpretation Service, and Documentation, Reference, and Terminology Section. And the Soviet bloc has cemented its hold on key DCS slots including:

The Under-Secretary General for Conference Services and his assistant.

The Executive Office.

The Documents Control Section, where the two top deputies are from the U.S.S.R. and Cuba.

The Official Records and Editing Section, where professional level Soviets outnumber Americans 2 to 1.

The Interpretation and Meetings Division, controlled by a Soviet (where the two top deputies, a West German and an American, are under review and could be reassigned).

The Russian Interpretation Section and The Russian Translation Service, the only two such units in DCS that employ nationals from only one country—the U.S.S.R. Notes the Senate Intelligence Committee, "The Soviet translators are together in one Russian language section, where Soviet supervisors can free KGB officers to do their

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[1] "Soviet Presence in the U.N. Secretariat," Select Committee on Intelligence, United States Senate, May 1985, 99th Congress, First Session (Washington, D.C.: U.S. Government Printing Office, 1985), p. 17.

[2] *Ibid.*, p. 4.

[3] In 1977, Ivan N. Rogalsky, a Soviet alien living in Jackson Township, New Jersey, was arrested after receiving classified documents from the RCA satellite center at Princeton. Yevgeniy Petrovich Karpov, an employee of the Soviet U.N. mission, was named a co-conspirator in the case. In 1978, the FBI arrested two Soviets employed by the U.N. Secretariat. Rudolf P. Chernyayev and Valdick A. Enger were taken into custody after trying to obtain classified information about United States Navy underwater warfare projects. A Soviet mission employee, Valdimir Zinyakin, was named a co-conspirator, but invoked diplomatic immunity.

[4] Senate Intelligence Committee Report, op. cit., p. 11.

[5] Sources: Section 28, p. 138m, 1986-1987 U.N. Budget and letter of M.L. Quere-Messing, DCS Administrative Officer, Contractual Translation Unit, May 7, 1986.

[6] Senate Intelligence Committee Report, op. cit., p. 7. The Soviets are millions of dollars in arrears in U.N. dues. See "Pain is good for the U.N.," The Economist, May 3, 1985, p. 17.

'other work,' as it is called in the United Nations."[7]

The Publishing Division, headed by a Soviet. Its sales officer also is a Soviet.

The U.N. Library, headed by Soviets since 1964. A recent Heritage Foundation study concluded, "For over 20 years, the Soviets and their operatives have used the U.N. Library system to cover and support far-ranging espionage activities at U.N. expense. They have manipulated Library resources for propaganda purposes. . . ."[8] An official United Nations response to this Heritage study in effect acknowledged and confirmed these findings.[9]

DCS-Geneva. Provides conference and library services to U.N. meetings, organizations, and delegations in Geneva and conference services to U.N. meetings in Vienna, Nairobi, and other locations worldwide as required. DCS-Geneva is also a Soviet bastion. Control of DCS operations outside New York allows the Soviets, reports the Senate Intelligence Committee, the "use of U.N. international organizations to support their third-country operations. Meetings are planned for New York, Geneva, Vienna, or Paris, although the agents' travel and business have nothing to do with the United Nations. U.N. conferences held in these cosmopolitan cities allow the Soviets extended contact with agents with whom it would be difficult to meet in their home countries."[10] One-fourth of this, of course, is paid by the United States.

The Soviets skillfully meld patronage and propaganda. DCS documents and publications are part of a concerted Soviet disinformation network within the United Nations.[11]

And the situation seems to get worse. DCS's Medium Term Plan for 1984-1989 will tighten Soviet bloc control by increasing the discretionary power of DCS's Under-Secretary-General (East bloc nationals have held this position since 1962) and his top policy-making deputies, many of whom are Soviet and East bloc or client state nationals. The plan also calls for the establishment of a computer network that would greatly aid Moscow's global propaganda machine.[12]

THE QUESTIONABLE MANAGEMENT OF DCS

Even from a purely managerial perspective, DCS behavior is worrisome. U.S. officials charge DCS with conducting an elaborate budget "shell game." Example: Conferences thought to be of interest to the United States sometimes are reserved for the supplemental budgetary period. The United States is forced to vote for these budget supplement or face conference cancellation or deferment. Other U.S. officials complain that DCS budgets are inflated and "don't reflect true costs." DCS executives present "full-cost" budgets which omit built-in economies and discounts.

The "budget shell game" and "full-cost" budgets assure more than an ample kitty for DCS operations. Still, according to at least one former DCS executive, this is insufficient for certain DCS employees who, it is alleged, as early as 1977 concocted an elaborate kickback scheme that relies on the falsification of employment records. One high-ranking DCS employee, after investigation this alleged scandal, was "reassigned." Another resigned under fire. DCS executives refused to return repeated calls from the Heritage Foundation soliciting comment on these alleged improprieties and even on routine budgetary manners. This "conspiracy of silence" suggests a need for further investigation.

WHAT DCS DOES

The 2,527 full-time employees of DCS provide the rest of the United Nations with editing, documents control, stenographic, interpreting, meeting, reporting, translation, printing, distribution, publishing sales, and library services. DCS controls the U.N. institutional memory and supervises much of the daily paper flow including agendas, resolutions, transcripts, and journals. Permanent staff service an average of 70 meetings per week (100 during peak periods) at the Manhattan Headquarters and a total of approximately 14,000 meetings annually worldwide. DCS employs temporary staff during peak periods and requested $4,250,000 for this purpose in 1986.[13] DCS maintains offices at U.N. facilities in New York, Geneva, and Vienna.

Department of Conferences and Library Services-New York.—DCS Headquarters estimates that it will service 7,600 meetings with interpreting for the 1986-1987 period, handle 65,500 interpreting assignments, translate or revise 199,650,000 words, type 397,000,000 words, edit 178,000,000 words, reproduce 1.5-billion page impressions, and distribute 120,000,000 pages of documentations.[14]

DCS-HEADQUARTERS

Division	Post requirements (number of employees)	1986–87 budget
(a) Editorial and official records	434	$31,686,700
(b) Interpretation and meeting services	226	27,637,500
(c) Translation	454	53,481,200
(d) Publishing	338	32,553,500
(e) Library	157	15,085,400
Total headquarters	1,609	160,444,300

Department of Conference and Library Services-Geneva.—DCS-Geneva employs 798 full-time personnel and has a 1986-1987 budget of $70,507,400.[15] DCS-Geneva serviced 7,111 meetings in 1983 (the last year for which complete figures are available). For the current period, it is estimated that DCS-Geneva will handle 73,000 interpreting assignments, which is more than Headquarters.

DCS-Geneva staff provide conference services to U.N. meetings held in Vienna and Nairobi when required. Due to the seasonal nature of most of its conference requirements, DSC-Geneva relies on more temporary assistance than Headquarters. DCS-Geneva also administers the U.N. library there (1986-1987 budget: $4.182 million).[16]

Conference and Library Services-Vienna provides conference services for U.N. bodies other than the United Nations Industrial Development Organization, which maintains its own conference capability. DCS-Vienna employs 42 full-time personnel and has a biennial budget of $4.131 million. The International Atomic Energy Agency operates the Vienna library under a cost-sharing agreement.

Hefty management, overhead, and support charges add another $40 million to the DCS budget worldwide. As technological innovations reduce its manpower requirements on the operational level, DCS has kept its payroll fat by adding increasing layers of management.

IRON CURTAINS IN THE EXECUTIVE SUITE

DCS has been controlled by an East bloc national since 1962. The current United-Secretary-General for Conference Services and Special Assignments is Eugeniusz Wyzner. He was Poland's ambassador to the U.N. from 1980 to 1982. A former member of the U.S. mission to the U.N. describes Wyzner as a Communist Party "apparatchyk." He has made life difficult for several high-ranking American nationals employed by DCS. "We've lost a lot of high-ranking positions over at DCS," a member of the U.S. mission told The Heritage Foundation. Only three Americans, none is important policy-making positions, remain in the DCS executive corps, the only U.N. department exempt from geographical distribution staffing requirements.

Wyzner has surrounded himself with Soviet bloc and pro-Soviet nonaligned nationals in DCS's most sensitive positions. They include:

Slawomir Cytrycki of Poland, Special Assistant to the Under-Secretary-General.

Ridha M. Zoubeidi of Algeria, Executive Officer. Zoubeidi previously served as a top assistant to Mohamed Habib Gherab, a former Assistant Secretary-General for Personnel Services, who was fired by then Secretary-General Kurt Waldheim after reports of a job-selling scandal in 1980.

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[7] Senate Intelligence Committee Report, op. cit., p. 17.

[8] Mark Huber, "The United Nations Library: Putting Soviet Disinformation Into Circulation," Heritage Foundation Backgrounder No. 487, February 18, 1986.

[9] "Comments on The Heritage Foundation Backgrounder No. 487," (undated United Nations release distributed by the Department of Public Information); "Comments on Heritage Foundation Backgrounder on United Nations Library" (Department of Public Information, Press Section, United Nations, New York, Note No. 4553, March 10, 1986); Letter from Burton Yale Pines, Vice President, The Heritage Foundation, to Hon. Yasushi Akashi, Under-Secretary-General for Public Information, United Nations Secretariat, March 20, 1986; Letter from Gilberto Rizzo, Officer-in-Charge, Department of Public Information, to Burton Yale Pines, March 31, 1986; Letter from Burton Yale Pines to Hon. Yasushi Akashi, April 4, 1986; Letter from Burton Yale Pines to Hon. Javier Perez de Cuellar, Secretary-General, The United Nations, May 16, 1986.

[10] Senate Intelligence Committee Report, op. cit., p. 12.

[11] Anatoly Mkrychan, a Soviet, heads the U.N. Department of Public Information's External Relations Division. Former U.N. Under-Secretary-General Arkady Shevchenko, who defected from the Soviet Union in 1978, has identified Mkrychan as a KGB colonel. Shevchenko maintains that the post has been held by a KGB officer since 1968. See Juliana Geran Pilon, "Moscow's U.N. Outpost," Heritage Foundation Backgrounder No. 307, November 22, 1983, p. 10. A recent General Accounting Office study found a large portion of the U.N. Department of Public Information materials "contained elements of bias against the United States." See U.S. General Accounting Office, GAO/NSIAD-86-98, Washington, D.C., April 1986. Also see Thomas E.L. Dewey, "The GAO Renders Its Verdict: The U.N. Information Service is Anti-American," Heritage Foundation Backgrounder No. 515, June 9, 1986.

[12] United Nations General Assembly, A/37/6/Add.2(Part I), "Addendum to the Medium-Term Plan for the Period 1984-1989."

[13] U.N. Fortieth Session, Fifth Committee, Agenda Item No. 115, December 13, 1985, p. 4.

[14] *Ibid.* p. 9.

[15] *Ibid.*, p. 24.

[16] *Ibid.*, p. 35.

Aleksandr A. Kokorev of the U.S.S.R., Director, Interpretation and Meetings Division.

Vladimir Faekov of the U.S.S.R., Russian Interpretation Section Chief.

Adnan M. Yusuf of Iraq, Arabic Translation Service Chief (Syria).

Valery I. Kotov of the U.S.S.R., Chief, Russian Translation Service.

Vladimir Grechko of the U.S.S.R., Director, Publishing Division.

Alexander Brick of the U.S.S.R., Sales Officer, Publishing Division.

Lengvard Khitrov of the U.S.S.R., Director, Dag Hammarskjold Library (Headquarters).

Nikolai Vochtchinine of the U.S.S.R., Director, DCS-Geneva.

Valeri Boguinitch of the U.S.S.R., Executive Officer, DCS-Geneva.

Victor Autamou of the U.S.S.R., Deputy Chief of Section, Editorial and Documents Control, DCS-Geneva.

Sadik Aziz Kinge of Syria, Chief, Arabic Translation Service, DCS-Geneva.

Oleg Doukharev of the U.S.S.R., Chief, Russian Translation Section, DCS-Geneva.

Badr Kasme of Syria, Chief Librarian, DCS-Geneva.

Theodore Dimitrov of Bulgaria, Chief of Acquisition and Catalogue Section, DCS-Geneva.

Similarly disturbing is the lack of balance at the U.N. offices in Vienna, where the Director General is a Syrian and his Senior officer is a Pole.

Apparently the current alleged U.N. financial crisis has not been felt in DCS executive offices. Wyzner's office budget is in fact scheduled to increase 31.8 percent during the current biennium.[17] Much of the continually rising DCS budget appears to be padding for the payroll. Wyzner is even calling for a D-1 post, the U.N.'s third-highest pay grade, to be established in his office to serve as a "principal officer in charge of coordination" whose duties would be largely redundant to Wyzner's.[18] Wyzner and his top aides also receive an $84,800 travel allowance.[19]

Wyzner's special assistant and fellow Pole, Slawomir Cytrycki, will receive a pay increase because his job requires him to attend cocktail parties and receptions. According to the U.N. budget, "The higher [pay] level is warranted by the expanding representational duties of the incumbent, who routinely complements or stands in for the Under-Secretary-General in a wide spectrum of functions where contacts with high-level officials and representatives of Governments are the rule."[20] Cytrycki would not return repeated phone calls from The Heritage Foundation.

Technical innovations, such as word processing and computer-enhanced translation, hold the promise of a trimmer DCS. Such efficiencies, however, often conflict with the political requirements of command. Former DCS Under-Secretary-General Bohdan Lewandowski of Poland, who carefully avoided casting blame on any one delegation, told The Heritage Foundation, "Delegations always interfered with the work of the department. I always requested fewer people than I received."[21]

Nor has technological innovation appreciably reduced DCS's enormous document backlog. Lewandowski wryly observes, "The U.N. bureaucracy has a tradition." David Arnold, an American who was the Documentation, Reference, and Terminology Section Chief in the DCS Translation Division, claims a large portion of the 1.5 billion pages produced by DCS each year are "mounds of totally useless paper." Arnold explains that U.N. translators spend much time retranslating U.N. documents that quote from previously translated materials.

DCS: SOVET PROPAGANDA MACHINE

Control of DCS gives the Soviets, East bloc, and client states control of the major component of the U.N. communications apparatus.

Aleksandr A. Kokorev, for example, is a Soviet and the director of the DCS Intepretation and Meetings Division. He has wide discretionary powers "to act on behalf of the [General] Assembly in dealing with departures from the approved calendar of conferences that have administrative and financial implications."[22] Kokorev reigns over the Planning and Meetings Service Section, which plans for conferences and meetings months, even years in advance, as in the case of this year's International Year of Peace conference. This preparation gives the Soviets and their allies a major edge. The Senate Intelligence Committee notes, for example, "Soviet [U.N.] employees directly influenced key conference documents for the U.N. special sessions on disarmament in New York and the U.N. Conference on Trade and Development (UNCTAD) in Belgrade in 1983. The UNCTAD document was such an egregious distortion of Soviet versus Western aid efforts that it drew a sharp U.S. Protest."[23]

Kokorev also supervises the Interpretation Section. Under his orders, the Russian Interpretation Section hires only Soviets, even though the largest Russian emigre community outside the Soviet Union lives at Brighton Beach in Brooklyn, only a few miles from U.N. Headquarters. By contrast, the translation sections for Chinese, English, French, Spanish, and Arabic hire nationals from a variety of countries, provided that (1) the language required is their mother tongue and (2) they are competent in it. Former DCS officials claim this situation came about after members of the Soviet delegation complained that interpreters and translators from other nations were unfamiliar with local idioms or had accents that were difficult to understand. The real reasons is that their iron grip on the Russian translation and interpreting services gives the Soviets important advantages.

By controlling the availability of Russian interpreters, Moscow can force meetings to be delayed or postponed at it wishes. The Russian Translation Service, meanwhile, can delay the release of documents for propaganda purposes.

In each budget period, the Translation Division also awards $1,200,000 worth of contractual translation work to facilities abroad, including Soviet and Chinese facilities in the U.S.S.R. and the PRC respectively. It also includes Cuba. Havana was awarded Spanish translation work formerly processed in Madrid. The award was seen as having peculiar poltical undertones. The head of the Spanish Translation Service, Juan Gerona, was said to be upset about the award but would not discuss it when contacted.

The Editorial and Official Records Division is one of the most important DCS sections. Once the bailiwick of the wives of senior U.N. officials looking for undemanding employment, it has been hiring an increasing number of Soviet men. The apparent reason: this division edits and formats documents and thus can add or delete subtle nuances or alter release time.

Vladimir Grechko, a Soviet, is director of the DCS Publishing Division. Grechko supervises a vast department that controls all U.N. document printing, reproduction, distribution, and sales. This division decides which outside printers are awarded fat U.N. printing contracts worldwide (up 294 percent form the last budget period) and schedules when documents will be printed and released. All of this is manipulated to aid Moscow's global propaganda program.

Lengvard Khitrov, a Soviet, is director of the U.N. Library. The Soviets have run the library since 1964, using it as a cover for espionage operations, a means of access to a wealth of U.S. technical information, and as an important front for Soviet propaganda.[24]

CONCLUSION: DCS, A VITAL SOVIET ASSET

Perhaps as early as the mid-1950s, Moscow decided that early capture of DCS was essential to exploiting the espionage and propaganda value of the United Nations. Now East bloc, client state, or cooperative Western nationals control every major DCS office. According to U.S. intelligence sources, the Russian Interpretation and Translation units have been turned into "KGB storefronts."

DCS controls the U.N. paperflow from cover to cover—from the moment a word is interpreted to when a U.N. document (or other document) is catalogued, put on microfiche, and filed. The Soviet bloc has complete horizontal and vertical integration at DCS: personnel, paperflow distribution, and contracting control.

DCS's large budget and surplus workforce make it the perfect cover for the Soviet bloc intelligence officers from the interpreter's booth to the library stacks. Arkady Shevchenko, the former Under-Secretary-General for Political and Security Council Affairs, who had been the highest-ranking Soviet to serve in the U.N. Secretariat when he defected to the West in 1978, described how Soviet "interpreters" routinely photographed Western diplomats' documents from their Security Council booths.[25] East bloc control of DCS worldwide is so complete that the Soviets were able to install, in the late 1970s, Vladimir K. Lobachev, a well-known KGB agent, as director of Conference and Library Services—Geneva. Today, this important post remains under Soviet control.

The network of Soviet bloc control at DCS not only violates the substance and the spirit of the United Nations rules but puts the U.S. and West at serious disadvantage. As the main paymaster of DCS, the U.S. has the right to demand fair treatment and economical service from the Department. To achieve this the U.S. should press for changes in the DCS operation. Among them:

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[17] Proposed Programme Budget for the Biennium, 1986-1987, Volume II, General Assembly, Fortieth Session, Supplement No. 6 (A/40/6), p. 3.

[18] *Ibid.*, p. 6.

[19] *Ibid.*, p. 7.

[20] *Ibid.*, p. 7.

[21] Interview April 9, 1986.

[22] Medium Term Plan, p. 12.

[23] Senate Intelligence Committee Report, *op. cit.*, p. 5.

[24] Huber, op. cit.

[25] Arkady Shevchenko, Breaking with Moscow (New York: Knoph, 1985), p. 229.

(1) Assigning top DCS posts on a rotating basis, instead of allowing them to be monopolized by Soviet bloc nationals.

(2) Eliminating contractual translation work and DCS support for language institutes abroad. This would eliminate millions of dollars in subsidies to the PRC and U.S.S.R.

(3) Replacing a large number of full-time personnel employed by DCS by accelerating installation of word-processing and automated translation technology.

(4) Prohibiting the Russian interpreting and translation services from hiring only Soviet nationals. Nationality should not be a determination in hiring for these posts.

(5) Reducing significantly the number of regional conferences held at U.N. facilities other than New York and Geneva.

(6) Agreeing to a thorough evaluation of DCS work by an independent auditing agency. If this is not possible, the U.S. Congress should request the General Accounting Office to investigate the U.N.

If the U.N. fails to act on these proposals, Washington should prepare to reduce funding of DCS activities. As the United States has discovered with other U.N. programs, the U.N. only acts responsibly when confronted with an effective U.S. challenge.

[From the Backgrounder, the Heritage Foundation, June 9, 1986]

THE GAO RENDERS ITS VERDICT: THE U.N. INFORMATION SERVICE IS ANTI-AMERICAN

(By Thomas E.L. Dewey, Policy Analyst)

INTRODUCTION

The U.S. General Accounting Office has confirmed that the United Nation's main public information organ is biased against the U.S. A recently completed GAO content analysis of materials produced by the United Nations Department of Public Information (DPI) finds that these materials frequently oppose key U.S. interests, discuss U.S. policies in a biased manner, and distort or ignore U.S. positions at the United Nations.

In theory, DPI, which is a part of the U.N. Secretariat, has the responsibility "to promote to the greatest possible extent an informed understanding of the work and purposes of the United Nations among the peoples of the world."[1] Its 1946 Mandate from the U.N. General Assembly specifically prohibits it from engaging in "propaganda."[2] Yet the GAO report finds that the DPI is indeed producing propaganda that is distressingly anti-American. This is an extremely serious finding, since DPI publications and broadcasts are regarded as credible sources of information in most of the world's nations—especially in the more than 100 developing countries. The DPI's anti-American barrage thus directly undermines U.S. interests abroad. To make matters worse—and more galling—the U.S. is the most generous supporter of DPI, paying for 25 percent of its total budget.

The 53-page GAO Report, entitled "Analysis of Selected Media Products Shows Half Oppose Key U.S. Interests," is notable for its restrained tone and sound methodology. The GAO team took great care in selecting representative information materials and made every effort to insure that the results of its analysis would be authoritative, i.e., that other well-informed, impartial raters would reach very similar conclusions about the materials in the study. Similarly, the team members did not include those publications and broadcasts whose degree of opposition to U.S. interests they did not agree on in their statistical analysis.

The GAO gives the DPI the benefit of the doubt at every opportunity, taking note of the Under-Secretary General for Public Information's statements and directives on the need for press neutrality, emphasizing the cooperation of DPI officials, and several times mentioning that the U.S. is in a minority position on a number of the political issues on which DPI reported. Furthermore, other important questions about DPI, such as whether the Department really needs a staff of 162 professionals, were not considered. The findings of the Report, though, are all the more powerful because of the GAO's scrupulously balanced attitude. Conclude the investigators:

"We found that a substantial number of the media items opposed U.S. interests because they took political positions unfavorable to U.S. interests and/or contained indications of bias against the United States. Indications of bias included language which biased dicussions against the United States, coverage of arguments for only one side of important political issues for some media items, and imbalanced presentation of material in DPI's Radio Perspective program."

METHODOLOGY

The Report, requested by Senator Arlen Specter, the Pennsylvania Republican, was prepared over a period of nine months by a team of GAO auditors. Their research is based on DPI documents obtained from U.N. Headquarters in New York and the U.N. Information Center in Washington, as well as on interview with officials of DPI, the State Department, and the U.S. Mission to the U.N. To insure the comprehensiveness and accuracy of the Report, a total of 90 "media pieces" produced between late 1983 and August 1985 were selected for analysis. They represented five distinct types of media activity which the GAO concluded have "wide dissemination or impact" and/or "were most likely to contain interpretative data": free DPI publications; transcripts of *Radio Perspective,* the most widely distributed U.N. taped radio program; transcripts of *World Chronicle,* the principal DPI television production; "Perspective" features from *U.N. Chronicle,* DPI's main periodical; and summaries of briefings given at the U.N. to representatives of several hundred nongovernmental organizations.

All of the selected broadcasts and publications dealt directly with one of the four issues chosen by the State Department from a list of 11 "priority areas which the General Assembly identified for the focus of public information activities": apartheid, disarmament, new world orders (New International Economic Order, New World Information and Communication Order, and the Law of the Sea), and "the question of Palestine." The Department chose the first three issues "based on their importance to U.S. interests and the need to have related U.S. positions fairly presented," and included "the question of Palestine" because of Specter's specific interest in DPI's treatment of Israel.

The State Department then "provided criteria defining what political positions would be considered contrary to current U.S. policies and/or interests for the four topic areas." On the so-called quesiton of Palestine, for example, State's guidelines urged the GAO to consider as contrary to U.S. policies and/or interests statements which "challenge Israel's right to exist." On materials relating to the New World Information and Communication Order, the State Department advised that statements which "advocate a policy of government control over the content of media communications" would be contrary to the U.S. position.

Three GAO evaluators carefully analyzed the texts of the 90 broadcasts and publications, guided not only by the State Department criteria but also by a detailed and pretested set of GAO evaluation guidelines. Each paragraph of every test was rated, first to determine whether its political positions supported, opposed, were neutral toward, or unrelated to U.S. policies, and/or interests and, second, to determine bias for or against the U.S. by identifying "emotional language, language emphasis, and imbalanced comparisons of the United States and other nations." Emotional language included the use of terms like "racist," "imperialist," and "barbaric," which would clearly prejudice any discussion of an issue.

Each evaluator rated each item, using a seven-point scale, ranging from "very opposed" to U.S. policies and/or interests (1) to "very supportive" of them (7). The basis for these ratings were the "proportion of paragraph text determined to be favorable or unfavorable," "incidence of statements containing bias for or against the United States," "relative prominence of favorable and unfavorable text within the media piece," and "balance of coverage for major arguments on both sides of the political issues discussed."

Finally, the raters agreed on their scoring 87 percent of the time, a very high rate. The GAO is therefore confident that other well-informed raters analyzing the same materials would reach very similar conclusions.

PRINCIPAL FINDINGS

The results of the study firmly indict the Department of Public Information. Of the 79 items on which all of the raters fully agreed, 38 were neutral or balanced, while a majority of 40 opposed U.S. interests and policies. One item supported U.S. interests. While the 40 that opposed U.S. interests showed a relatively even degree of opposition (15 slightly opposed, 15 moderately opposed, and 10 very opposed), the lone item supporting U.S. interests did so only slightly.

DPI coverage of the "question of Palestine" and apartheid was particularly unfavorable to U.S. interests. This is particularly damaging considering the volume of media items DPI produces on these subjects. Out of 79 items, 9 of 11 items on the "question of Palestine" and 17 of 26 items on apartheid opposed U.S. interests. Two-thirds of the unfavorable items, moreover, were rated moderately to very opposed, while none were supportive of U.S. interests, with none supportive, and 6 of 16 new world orders items were similarly opposed.

Typical of this intense opposition to U.S. interests is a publication on apartheid—a Background Paper from the Second World Conference to Combat Racism and Racial Discrimination—published by DPI in June 1983. The paper is clearly an excerpt from a study by Aureliu Cristescu, the Romanian Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the U.N. Commission on Human Rights, but is prominently labeled "United Nations Department of Public Information." The paper, which purports to be a study of the right to self-determination, states that:

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[1] Generally Assembly Resolution 13(I), February 13, 1946.

[2] *Ibid.*

"While colonialism, in the traditional sense, is nearing its end, imperialism and the policy of force and diktat continue to exist and may persist in the future, under the guise of neo-colonialism and power relationships. The exploitation by colonialist forces of the difficulties and problems confronting developing or recently liberated countries, interference in the internal affairs of those States and attempts to maintain, especially in the economic sector, a relationship based on inequality are serious threats to the new States. Economic pressure and domination, interference, racial discrimination, subversion and intervention and the threat of force, are neo-colonialist devices against which the newly independent states must guard."[3]

Though this is an accurate analysis of Soviet foreign policy goals, its target is clearly the West—"colonialist forces" are multinational corporations, for example, and "recently liberated countries," likewise, include Nicaragua, but not Grenada. The fact, however, that this paragraph (and the entire document, for that matter) could have been lifted verbatim from any Soviet propaganda text seems not to have troubled DPI or prevented its distribution as a United Nations document for which the U.S. pays the lion's share. As an indication of GAO's fairness, it rated this report as only "moderately opposed" to U.S. interests.

In its paragraph by paragraph analysis, GAO found that, of all textual materials related to U.S. interests, almost 45 percent were unfavorable to those interests, while roughly 11 percent were supportive, with the balance neutral. The Report notes that "some items, however, contained a higher concentration of unfavorable text than was average," including "8 media items with 40 to 85 percent of the text rated as opposed to U.S. interests."

On the topic of the Middle East, virtually all U.N. documents contained high incidences of unfavorable text, testifying once again to the U.N.'s relentless campaign against Israel. Example: the "Programme of Action for the Achievement of Palestinian Rights" adopted by the International Conference on the Question of Palestine in 1983 and published by DPI urges U.N. members, among other things, to:

(9) Consider ways and means of meeting the threat that Israel poses to regional security in Africa in view of Israel's disregard of United Nations resolutions, and its close collaboration with the apartheid regime in the economic military and nuclear fields, thereby contributing to the continued illegal occupation of Namibia and enhancing the regime's repressive and aggressive capacity.

(10) Encourage, through bilateral and multilateral contacts, all States, including Western European and North American States which have not yet done so, to welcome all peace initiatives based on the recognition of the inalienable rights of the Palestinian people, which were also welcomed by Chairman Yasser Arafat in his address to the International Conference on the Question of Palestine.[4]

These recommendations have been disseminated worldwide under the aegis of the United Nations.

Considering the large degree of opposition to U.S. interests found in DPI materials, the GAO team extended their analysis and discovered that, while only 2.5 percent of the paragraphs contained outright bias of any kind, virtually all of it was directed against the United States. As bad, arguments supporting U.S. policies were given little or no coverage at all. Explains the GAO report: ". . . a greater proportion of the materials provided better or much better coverage for arguments opposed to U.S. policy positions. The most items identified by any evaluator as covering arguments supporting U.S. positions better than those opposing them was three. . . . We found 11 cases (about 16 percent) where only one side of the issues was presented and no arguments favoring the U.S. position were given at all."

The primary cause of this pattern of opposition to U.S. interests, then, is not so much flagrant bias as the extensive and favorable coverage given to arguments opposing U.S. positions, virtually never presented with sufficient rebuttal.

The best example of this phenomenon is the Declaration of the North American Regional Conference for Action against Apartheid, published by DPI in its semi-annual review, Objective: Justice,[5] and included in the GAO study. As the GAO notes of the U.N.'s taped radio program DPI sometimes presents "U.S. public figures opposing U.S. policies rather than featuring official U.S. delegations or spokesmen." "Dissident spokesmen from the Soviet bloc," said GAO, "were not featured in any of the items in our study."

Yet this also occurs in DPI's publications, as the Objective: Justice review makes abundantly clear. DPI briefly reports on the Conference, which was held in June 1984 to consider the situation in Southern Africa and "the policies and actions of Canada and the United States with respect to the struggle for liberation in Southern Africa. . ." and then publishes in full the Conference's Declaration, which includes excerpts from the speeches of Senator Kennedy, the Massachusetts Democrat, Rev. Jesse Jackson, and Professor Angela Davis, former Vice-Presidential candidate of the Communist Party of the United States. The text explicitly criticizes all of the policies of the United States and Canada in Southern Africa, openly advocates support for the South-West Africa Peoples Organization and other terrorist groups and refers in thinly veiled terms to the desirability of popular action against the Reagan Administration in the (then upcoming) 1984 Presidential election. There is no coverage at all of any views supporting any element of U.S. policy and no indication that the views of the five Americans quoted (Kennedy, Jackson, Davis, Mayor Andrew Young of Atlana, and Charles Yancey, a Boston City Councillor) do not represent the full spectrum of U.S. political viewpoints.

THREE TRENDS

The Report's findings highlight three particularly disturbing trends.

First, although all the documents analyzed were published by DPI and relied largely on DPI source material for the information and opinions expressed, other sources also were used in preparing broadcasts and publications. These included U.N. General Assembly resolutions, statements and speeches by U.S., Soviet, and "non-aligned" representatives and delegates, and programs of action and declarations from U.N. Conferences. The remarks by Soviet bloc representatives predictably were very unfavorable to U.S. interests. But so were virtually all the other sources which DPI used in preparing these materials. States the GAO: "Non-aligned country spokesmen and reporters opposed U.S. interests 59 percent and 34 percent of the time, respectively. About 54 percent of the text attributable to U.N. General Assembly resolutions and about 74 percent of the text attributable to programs of action and declarations from U.N. conferences opposed U.S. interests."

Even when DPI spokesmen themselves discussed the U.S. or issues important to U.S. interests, says the GAO report, "their statements were neutral about 53 percent of the time, opposed to U.S. interests about 44 percent of the time, and supportive of them about 3 percent of the time." The fact that DPI broadcasts and publications frequently opposed U.S. interests, though certainly significant in and of itself, must nonetheless be viewed in the context of the U.N.'s broad, systemic anti-American and anti-Western bias.

Second, the format that received the highest negative ratings in every respect is Radio Perspective, the taped U.N. radio program. It is also the format over which DPI has the greatest editorial control. According to the GAO, DPI presents and arranges "selected bits of statements by member state delegates on issues under discussion in principal U.N. bodies" on the program, while "a DPI narrator provides commentary on these statements and links the various cuts in a logical format." This enables DPI "to select which speakers and statements it wishes to highlight in presenting a specific topic," and has evidently been used to promote unbalanced and misleading discussions of key issues.

The GAO notes, in particular, that "statements by Western spokesmen selected by DPI were in some cases too short and/or vague to adequately explain their views or policies," that "U.S. or Western explanations of policy were often given lesser prominence or sandwiched between large amounts of opposing discussion," and that "In two cases, the speakers selected to illustrate political positions were exclusively from the Soviet bloc and non-aligned states." Example: one Radio Perspective program involved a discussion of the prospects for a World Disarmament Conference and featured speakers from Sri Lanka, Poland, Hungary, Czechoslovakia, and Bulgaria. Example: a program discussing the Law of the Sea Convention had speakers from Malta, Czechoslovakia, East Germany, and Trinidad and Tobago.

Although the U.N.'s television program, World Chronicle, is less openly biased, it is still distressingly unbalanced. A 1983 World Chronicle program,[6] for instance, featured James Jonah, then Secretary General of the Second World Conference to Combat Racism and Racial Discrimination; a transcript of the program was subsequently reprinted in one of DPI's magazines, Objective: Justice. In it Jonah starts by discussing racism in South Africa, but then cites instances of racism in Britain, Australia, New Zealand, the "Nordic Countries," and "many Latin American countries." He mentions no instances of racial discrimination against non-Russians in the Soviet bloc, much less Afghanistan.

Prompted by the DPI-appointed moderator, who characterizes the U.S. as a country with "a major racial problem," Jonah states that the U.S. and Israel will not participate in the Conference because the 1975 resolution equating Zionism with racism has not been repudiated. The message this discussion conveys, as that of similar Radio Perspective programs; the U.S. and Israel are pariahs, petulantly defying world opinion and acting as accomplices in criminal and hegemonistic policies. The United States' strong anti-colonial stand and its achievements in civil rights are ignored.

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[3] DPI No. 768, 6/83.

[4] DPI No. 803, 4/84.

[5] DPI No. 834, 12/84; Objective: Justice, Vol. XVI, no. 2.

[6] World Chronicle No. 140, 1/84; Objective: Justice, vol. XVI, No. 2, 12/84.

The U.S. is the target of another attack in a similar World Chronicle program[7] dealing with the international economic situation. The guest, Mr. Shridath Ramphal, Secretary-General of the Commonwealth Secretariat, begins by speaking generally about the debt crisis, and then attacks the International Monetary Fund, charging it with "insensitivity" and claiming that it is "introducing, in fact, more and more chaos" into the world economy. Michael Littlejohns, the DPI selected moderator, then queries Mr. Ramphal on the causes of the IMF's insensitivity:

Littlejohns. Is this a reflection of the attitude of the United States, the Reagan Administration, at this time?

Ramphal. I'm afraid I must say, it seems to be very directly a reflection of that policy. And I say that with sadness, because a part of the integrity of the IMF, is that it should not follow the policy prescriptions of any single member country no matter how powerful. So the integrity of the Fund is under attack.

Littlejohns. So the United States is calling the shots in the IMF?

Ramphal. We know the United States is calling the shots and it is sad because this has not been in the tradition of the United States which helped at Bretton Woods and after to build these institutions, because the United States believed in internationalism. It really did believe and at times sustained that belief when Europe was floundering and faltering. The United States today, seems to be pursuing policies which are the very antithesis of internationalism.

Ramphal continues to state that "We talk about the Soviet Union and its satellites. We don't talk about Europe as a satellite of the United States, but you know, quite a lot of the time it behaves in that way." Asked by a New York Times reporter about the Eastern bloc's attitude toward the debt crisis, Mr. Ramphal concedes that the Soviets "have a very bad record of practical assistance to the third world," but then notes that "They've helped liberation movements, movements that have been pursuing just struggles with arms. And that has been a help and a contribution." This equation between arming Marxist insurgencies and pouring billions of dollars into development assistance, the attacks on U.S. policy and the integrity of the U.S. commitment to global economic development—all these factors combine to once again paint the U.S. as a villian on the international scene.

The third and most significant trend cited by GAO is the "multiplier effect" of the worldwide distribution of DPI products on world public opinion. The GAO notes that "the worldwide dissemination of DPI materials through the high-impact media of radio, television and the press amplifies the effect these materials may have on world understanding of events and issues before the United States." Indeed, DPI publishes and distributes over two million documents annually; issues to periodicals and coordinates the activities of 66 U.N. Information Centers worldwide; broadcasts over 3,000 hours of radio programs annually in 25 languages to 167 countries (all currently suspended pending leasing renegotiation of facilities from the Voice of America) and distributes 110,000 taped programs to radio stations worldwide; provides press services to almost 300 print and electronic media correspondents from 45 countries; produces 1,000 television news packages annually; sponsors or helps produce as many as 10 original films every year and regularly disseminates more than 150 U.N. films annually through information centers.[8]

Although the cumulative impact of these activities is difficult to quantify, it is undeniable that the U.N. plays a major role in the development of world public opinion, especially in the Less Developed Countries. Notes Singapore's Ambassador to the U.S. Tommy Koh, formerly his country's representative at the United Nations:

> If you were in Asia or Africa or Latin America 15 years ago and you asked people about the Palestinians, everyone looked puzzled. Today, students, intellectuals, and political activists in every country know about the Palestinian cause and sympathize with it. That's the result largely of the U.N. People are always underestimating the importance of the U.N. in altering perceptions.[9]

DPI's "public information" mandate, thus, is a significant and powerful one. As such, the fact that U.S. views do not get a fair hearing in DPI media products should be a matter of serious concern. Furthermore, through the causes of worldwide anti-Americanism are surely complex, the role that DPI may play in encouraging such an attitude should not be overlooked.

DPI RESPONSE TO THE REPORT

On April 21, three days after the GAO report was released, DPI issued a public response, which purports to expose the GAO's errors and inconsistencies. It is unfortunate that DPI flatly refused to take the GAO's criticisms in a constructive spirit; it is astonishing that DPI would attack the accuracy of the widely respected GAO.

In its response, DPI claims that:

(1) The documents analyzed were ones over which DPI had little editorial control, and thus reflected only the mandates of the U.N. Committee on Information.

It is true that DPI is guided by the public information mandates of the Committee on Information, where Western countries are in a tiny minority. It is also true that DPI reprints and distributes many documents over which it has little or no editorial control.

Yet this overlooks the crucial point that the most biased media type—Radio Perspective—was the one over which DPI exercises the greatest control. DPI chooses the speakers, format, and subjects. As a result of DPI's extensive control, the discussion of the issues is often very unbalanced. The Department also has a good degree of editorial control over its magazines, television program, and briefing summaries.

Furthermore, though DPI, as a part of the U.N. Secretariat, is guided by the directives of the U.N.'s Member States, William C. Sherman, former Deputy U.S. Representative to the Security Council, has perceptively noted that "The Secretariat does what the member states ask it to do. On the other hand, there are always ways for the Secretariat to operate to insure that the member states ask it to do the right things."[10] The fact, therefore, that DPI is in some instance responding to politicized mandates and/or reproducing the biases of other departments or the U.N. generally (a fact which the GAO noted), cannot adequately explain the persistent and pervasive opposition to U.S. interests in these media types.

(2) The documents selected for GAO analysis, argues DPI, were an unrepresentative sample.

GAO chose samples from a range of different media on the specific grounds that they were likely to be widely distributed or were broadcasts and publications over which DPI had substantial editorial control. The GAO carefully chose documents that directly addressed the four subject areas selected by the State Department. Furthermore, the GAO included in the Report all 72 media items which DPI produced between January 1984 and August 1985 on the selected subjects in the five media categories. This is hardly an unrepresentative sample. The fact that the GAO did not analyze such general interest publications as Everyone's United Nations has no bearing on the GAO's conclusions, since such publications were unlikely to contain any interpretative data confirming or denying charges of bias and opposition to American policies and positions.

(3) The subjects chosen, says DPI, prejudged the result.

The U.S. is indeed in the minority in the General Assembly and other U.N. bodies on apartheid, the "Question of Palestine," new world orders, and to a lesser extent, disarmament. But it is precisely for this reason that it is critical that U.S. positions be fairly presented. As for the GAO ignoring DPI media products dealing with Afghanistan and Kampuchea, these issues were not identified by the General Assembly for a focus of public information activities, as the other subjects were. Consequently, there is a very limited selection of materials on these subjects prepared by DPI. These subjects, moreover, are not discussed at practically every session of every U.N. body, agency, and conference, as are the other subjects. Nor does DPI produce and distribute massive amounts of materials on Afghanistan and Kampuchea, as they do on the other issues.

(4) Multilateral information activities cannot be judged, maintains DPI, by any "narrowly defined" national interest.

The U.S. of course does not and cannot expect the U.N. Department of Public Information to serve as a mouthpiece for its views and policies. What the U.S. (and every other U.N. member) can expect, though, is that these views and policies are represented accurately and fairly. In the case of the U.S. they clearly have not been. To state, as DPI does, that it can never satisfy all U.N. members is disingenuous and overlooks one of the most interesting findings of the GAO report: that the U.N. Department for Disarmament Affairs' publications were "notably neutral," and present conflicting U.S. and Soviet views in a generally unbiased and balanced manner. If this Department, which handles a highly complex, contentious and emotional issue, can achieve a high degree of professionalism and objectivity in its publications, so should DPI.

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[7] World Chronicle No. 157, 5/84.

[8] See Roger A. Brooks, "The U.N. Department of Public Information: A House of Mirrors," Heritage Foundation Backgrounder No. 332, February 23, 1984.

[9] The New York Times Magazine, September 16, 1984, p. 62.

[10] As quoted in Linda M. Fasulo, ed., Representing America; Experiences of U.S. Diplomats at the U.N. (New York: Praeger Publishers, 1984), p. 297.

CONCLUSION

The GAO report recommends that "The Secretary of State develop a review process to better monitor selected U.N. public information materials." However, as Assistant Secretary of State for International Organization Affairs Alan L. Keyes noted in his comments on the GAO report, this would be extraordinarily difficult and time consuming for State Department officials and staffers at the U.S. Mission to the U.N., considering the huge volume of materials that DPI produces. It would be worth the effort only if intended to verify that DPI were removing the anti-American bias from its products. The State Department should set deadlines for this.

In the meantime, the U.S. vigorously should protest this bias at the next meeting of the Committee on Information, which begins June 15. If DPI fails to respond to American concerns and does not meet the State Department's deadlines or refuses to do so, the Reagan Administration and Congress should initiate two policies:

(1) publicize the fact that DPI is biased and counter the bias in publications and broadcasts; and

(2) halt U.S. funding of DPI's budget, which for the 1986-1987 biennium is roughly $75.7 million. Of this, the U.S. pays 25 percent or approximately $19 million.

As Senator Specter stated in a recent letter to Secretary of State George Shultz: "The GAO study has clearly shown that our interests are not being furthered by DPI and I strongly urge that all U.S. funding for this program be withheld until DPI produces unbiased and fair materials that do not undercut our vital interests."

It is quite simply too much to ask the American taxpayer to bear the double burden of paying to have the U.S. and its positions and policies misrepresented before the world.

[From the Backgrounder, the Heritage Foundation, February 18, 1986]

THE UNITED NATIONS LIBRARY: PUTTING SOVIET DISINFORMATION INTO CIRCULATION

INTRODUCTION

The Dag Hammarskjold Library at the United Nations Headquarters has become a Soviet outpost. Soviet nationals have been in charge of this important facility since 1964. Just how effectively they have exploited this responsibility—and hence distorted the Library's functioning—becomes obvious from a glance at the U.N. Library subject index. It is a triumph of Orwellian Newspeak. Look under "aggression." Only one nation is listed by name: South Africa. There is not a clue that Soviet troops have invaded Afghanistan. Look under "censorship." Only two nations are mentioned: South Africa and Israel. "Territories Occupied by Israel" is a separate category bulging with over 75 entries. There are no corresponding categories such as "Territories Occupied by the Soviet Union" or "Territories Occupied by Vietnam," in spite of the existence of such territories.

In two decades, the Soviets have turned the Headquarters Library in New York into a front for Soviet disinformation and covert operations. The Soviets assigned to the Library routinely use it to: circumvent travel restrictions inside the U.S.; corroborate espionage materials obtained from other sources; gain easy access to selected U.S. data bases and materials through inter-library loans; complement Soviet activities in other U.N. offices and departments; and, perhaps most serious, and influence the delegations from Third World countries, many of whom rely on the U.N. Library as their primary information source.

Declares a retired U.N. librarian of Soviet exploitation of the library: "It's scandalous."

And it is costly. The 1986-1987 U.N. Headquarters Library budget has been set at $15,085,400, of which the U.S. will contribute 25 percent. This means that the U.S. bankrolls directly Soviet espionage activities in the U.S. and Soviet anti-West disinformation campaigns. This is not the purpose for which the U.S. taxpayers believe their money is being spent. Nor is it the purpose for which the U.N. Headquarters Library was established.

WHAT THE LIBRARY DOES

The Library opened its doors in 1946. In 1949, the United Nations Fifth Committee (Administration and Budget Questions) established guidelines for the functioning of the Headquarters Library. These included that the Library would "enable delegations, Secretariat, and other official groups of the organization to obtain, with the greatest possible speed, convenience and economy, the library materials and information needed in the execution of their duties." Since 1952, the Headquarters Library has been located at the corner of 48th Street and U.N. Plaza in Manhattan.

The Headquarters Library in New York and the U.N. Library in Geneva serve as repositories for U.N. documents and perform archival functions. In addition, the United Nations Industrial and Development Organization (UNIDO) has a library in Vienna. U.N. libraries also are attached to the Economic and Social Commission for Latin America (Santiago), the Economic and Social Commission for South East Asia (Bangkok), and the Economic and Social Commission for Western Asia (Baghdad).

In spending its more than $15 million budget, the Headquarters Library houses just 400,000 plus volumes and 2,000 current periodicals; employs 152 professional, general service, support, and other personnel; and provides document services for the General Assembly, Security Council, Economic and Social Councils and their subsidiaries, the Trusteeship Council, International Court of Justice, the Secretariat, and more than a dozen other U.N. bodies. Along with the Geneva library, the Headquarters Library assists with archival functions; processes over 15,000 masters and 600,000 duplicate U.N. documents every year; publishes the United Nations Document Index (UNDOC); operates the computerized United Nations Bibliographic Information System (UNBIS II); serves as the procurement agency for the more than 100 projects administered by the U.N. Department for Technical Cooperation for Development; services the more than 300 libraries throughout the world designated as U.N. document depositories; and publishes the newsletter U.N. Documentation News.

The Geneva Library operates under the auspices of the U.N. Department of Conference Services, which for the past decade has been controlled by Poland. In terms of sheer numbers, the Geneva Library is larger than its New York counterpart, containing almost one million volumes and more than 12,000 periodicals. Almost half of the tens of millions of U.N. documents distributed annually come out of Geneva. The Geneva facility's primary mission is to serve as a research and documentation center for international organizations. It publishes weekly bibliographies and a list of "selected articles." It indexes official U.N. documents from U.N. agencies and offices based in Geneva and has electronic data base capabilities (EURONET and UNBIS II). The Geneva Library is linked to U.N. libraries in Baghdad, Bangkok, and Santiago. It employs 48 and has a 1986-1987 budget of $4.18 million.

The Vienna Library services UNIDO conferences. It employs seven and has a 1986-1987 budget of slightly under $600,000.

While these U.N. libraries perform many appropriate functions, the control of the large New York and Geneva facilities by East bloc personnel has raised concern among current and former U.N. diplomats and employees. "The West just caves in," says a former U.N. librarian. "The directorship [of the U.N. Library in New York] was supposed to be a rotating position. The Soviets have held it since 1964." U.S. government publications catalogues line almost an entire wall of the New York Library's main reference room, providing easy access for information on U.S. high technology topics from microcircuits to microbiology. The Soviets apparently do not focus on any particular subject but, according to a source who used to work in the Library, devour "whatever whets their current appetite." The appetite for information on U.S. technology topics is growing. While photocopying costs are not tracked, on-line data retrieval costs for services including NEXIS, a costly electronic information and press clipping service, have increased by almost 400 percent since 1983.

PERSONNEL PROBLEMS

Article 100 of the U.N. Charter states, "In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization." In short, this key Charter Article supposedly establishes an international civil service that serves only the U.N. and severs ties to its own countries. This is the theory. The facts are very different—particularly regarding Soviet bloc nationals.

U.N. offices, from the Secretariat on down, are loaded with Soviet, Soviet block, and client state personnel who habitually ignore Article 100.[1] They report to and take orders from Soviet diplomats posted at the U.N. The Soviet bloc personnel at the U.N. Library are no exception. In fact, because of its relative obscurity, the U.N. Library is an ideal place for Moscow to stash Soviet personnel, who use their jobs as cover to perform other tasks in the U.S.

Observes one former Library supervisor of a newly assigned Soviet librarian: "He had never seen the inside of a library before." Other Soviet employees openly told this supervisor that they were leaving their posts on official Library time to visit the Soviet Mission. The Library director, a Soviet, often called bogus meetings that involved only Soviet Library personnel. East bloc personnel in the Library are generally unqualified for their assignments. Says a retired

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[1] See Arkady Shevchenko, "Breaking With Moscow" (New York: Alfred A. Knopf, 1985).

U.N. librarian, "They [the East Europeans] never would have been accepted if they came from other countries."

U.N. Library Directors (N.Y.) since 1948, nationality and term:

Carl H. Milam, U.S.A.—1948-1950.
Edouard Rietman, France—1950-1954.
Dr. Rubens Borba deMoraos, Brazil—1954-1958.
Dr. Josef Stummvoll, Austria—1959-1963.
Lev I. Vladimirov, U.S.S.R.—1964-1970.
Mrs. Natalia Tyulina, U.S.S.R.—1970-1978.
Dr. Vladimir Orlov, U.S.S.R.—1979-1985.
Lengvard Khitrov, U.S.S.R.—1985- .

Vladimir Orlov, the immediate past U.N. Library director, probably exploited his post more skillfully than any Soviet before or since. He joined the Library's professional staff in 1962. During his first two weeks on the payroll, he did not turn up at all; allegedly, he was too busy locating a suitable apartment. After several tours of duty, Orlov became Library director in April 1979. He retired in May 1985. Orlov traveled extensively throughout the U.S., often to attend "library conferences." This enabled him to evade the travel restrictions the U.S. imposes on Soviet citizens. On one such trip, Orlov arrived in the city hosting an American Library Association Conference, got off the airplane, "but never showed up at the conference." What he was doing is subject to speculation. More than one source who worked in the Library confirmed that Orlov's was typical Soviet behavior.

But Orlov accomplished much during his years as Library director. Writing in the Wilson Library Bulletin[2] Orlov boasted of the "extensive weeding programs carried out by the library" to keep its collection within a 400,000 volume range, but noted that the Library did house hundreds of selected magazines "from all over the world." Perhaps Orlov was more revealing than he intended when he acknowledged that "no attempt is made to assemble comprehensive collections."

An analysis of key areas in the subject catalogue reveals the diligence of Orlov's "weeding" program. What emerges is an anti-U.S., anti-West, and pro-Soviet bias that, though often subtle, is nonetheless undeniable. "It was done very cleverly," says a former Library employee." Orlov's celebrated "weeding" program loaded the Library with "low grade" Latin American and East bloc publications rife with anti-Western views. Excluded are qualitatively superior materials from other sources, explains more than one observer of the Library's operations. The subject index makes this very clear.

THE STACKED DECK

Compare the U.N. Library index's treatment of democracy and communism. Under "democracy," there are 39 listings in the subject catalogue; under "communism," 110.

Compare capitalism and socialism. Under "capitalism," there are 34 listings; under "socialism," 112. The capitalism entries include:

Capitalism, The Second Crisis,
Imperialism, Intervention and Development,
Inequality, Crime, and Public Policy,
Socioeconomic Policies of Capitalism in Crisis,
Crisis, Contradictions, and Conservative Controversies in Contemporary U.S. Capitalism.

By contrast, the socialism catalogue entries include such laudatory or neutral titles as:

The Economics of Feasible Socialism,
An Encyclopedic Dictionary of Marxism, Socialism, and Communism,
Nations and Social Progress,
The Policy of Non-Alignment and Socialism as a World Process,
Soviet Perspectives on the Third World,
The Transition from Capitalism to Socialism,
The CPSU [Communist Party, Soviet Union] in the Struggle for Unity of All Revolutionary and Peace Forces.

"Liberation Movements" would seem to be an entry of interest to the Library, for such movements are raging in more than half a dozen countries. Yet there is only one listing: "Soviet Perspectives on the Third World." No other reference is provided for the Library user interested in liberation movements.

Under "Freedom of Speech," nothing is listed for the Soviet Union, although hundreds of scholars and journalists have reviewed the situation there. Under "Freedom of Speech—Israel," however, the catalogue lists one: "Restrictions on the Freedom of Expression of the State Employee in Israel." Under Freedom of Speech—United Kingdom," the catalogue lists "The Recent Decline and Fall of Freedom of the Press in English Law."

Under "Freedom of Information," again, there is no listing for the Soviet Union.

The Soviet Union is well represented in Orlov's U.N. Library catalogue, however, under the heading of "Peace." There are twice as many listings under "Peace—U.S.S.R." as under "Peace—United States." The listings tell the story. The U.S. listings contain such entries as:

Policy of Missed Opportunities,
Religious Perspectives on the Nuclear Weapons Debate,
Third World Perspectives on Regional Arrangements for Peace and Security.

The Soviet listings contain:

The Soviet Peace Program in Action,
The Soviet Union Proposes,
20th Century and Peace.

Under "Chemical and Biological Warfare," on the other hand, there are more than twice as many listings for the United States as for the USSR, despite the use of Soviet chemical and biological weapons in Laos, Cambodia, and Afghanistan.

The U.N. Library subject catalogue has little information under "Genocide," although it does feature an article on "The Debate Over the Genocide Treaty" in the United States. Similarly, the listings are sparse under the heading "Human Rights Violations." Under the subcategory, "Human Rights Violations—U.S.S.R." only one entry is listed, having to do with Afghanistan.

The Library maintains 2,000 current periodicals, including an overwhelming number from East bloc and Latin American nations. U.S. publications deal mostly with technical or international law issues. The East bloc and Latin American journals deal almost exclusively with economics and other social science topics. While the Library does not keep a complete list of the periodicals received, a Soviet reference librarian showed The Heritage Foundation a list of 803 of the "most important" periodicals. They include:

African Communist;
Development and Peace, published by the World Peace Council of Hungary;
Journal of Palestine Studies;
Migration Today, published by the World Council of Churches;
New Times, a radical left-wing American magazine;
Peace and Disarmament, published by the U.S.S.R.

Such mainstream periodicals with wide circulation as Time, Newsweek, and the Economist are not on the list of "most important" periodicals.

Anyone relying on the U.N. Library as a research tool could draw the following conclusions:

Capitalism is a thoroughly discredited mode of economic development.

Press restrictions exist only in Israel, South Africa, and the United Kingdom.

The Soviet Union is more interested in peace than is the United States.

Outside of Afghanistan, the Soviets have an exemplary human rights record.

The United States is the leading proponent of chemical warfare.

Such conclusions accurately reflect two decades of Soviet control of the Library. Vladimir Orlov's "weeding" program has yielded a blighted harvest of anti-Western bias. His successor, Lengvard Khitrov, has continued this program, unabated and unchallenged, maintaining the U.N. Library as an essential component of far-flung Soviet disinformation and espionage activities within the United Nations. The program is aimed squarely at Third World delegations, who, because of limited national resources, rely disproportionately on the Library for information. "No question," says a retired U.N. librarian, "information is planted in the library in an attempt to influence Third World delegates." The information is "biased." "It reflects an anti-Western view," says another source close to the Library.

THE U.N. LIBRARY AND THE SOVIET U.N. DISINFORMATION NETWORK

Soviet, East bloc, and client state nationals hold key positions within the vast U.N. information network. Together, they control how virtually all U.N. information is gathered, stored, and disseminated. Soviet and Soviet bloc personnel run the U.N. Library in New York; the U.N. Department of Conference Services, which controls the U.N. Library in Geneva; and the U.N. Department of Public Information's (DPI) External Relations Division (ERD).

Lengvard Khitrov, a Soviet, controls the Library and has major responsibility for the types of publications maintained and the categories under which they are indexed. As Library director, he controls the most important personnel assignments. The kind of people he and his predecessors have appointed to the Library operate what a top-ranking U.N. official described as "a rathole for Soviet spies." Khitrov also approves staff travel to conferences and visits to the 327 libraries worldwide that serve as depositories for U.N. documents. The Library's tentacles reach all the way to the U.N. Secretariat, where its legislative reference division is located.

Eugeniusz Wyzner, a Polish national, is Undersecretary General for the Department of Conference Services, which controls the U.N. Library in Geneva. The Headquarters and Geneva Libraries share archival duties. Almost half of all public U.N. documents are processed through Geneva. The facilities share the common electronic data base UNBIS II. Geneva coordinates with other U.N. libraries worldwide, notably those of the Economic and Social Commission. The director of the Department of Conference

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[2] April 1983, pp. 642-645.

Services Publishing Division, Vladimir Grechko, is a Soviet.

The Headquarters Library works closely with the U.N. Department of Public Information (DPI). DPI is one of the largest departments within the U.N., employing more than 800 personnel who operate from U.N. headquarters, an Information Service in Geneva, and 64 U.N. Information Centers (UNICs) worldwide. DPI staff produce a myriad of publications, press releases, and press conferences. DPI's External Relations Division (ERD) maintains contact with schools and governmental and nongovernmental entities outside the U.N., dispatches 16,000 yearly information cables to the UNICS, and is the principal source for 120 "briefing notes and round-ups" distributed annually to nongovernmental organizations.[3]

Anatoly Mkrychan, a Soviet, heads DPI's External Relations Division. Former U.N. Undersecretary-General Arkady Shevchenko, who defected to the U.S. from the Soviet Union in 1978, has identified Mkrychan as a KGB colonel. Shevchenko maintains that the post has been held by a KGB officer since 1968.[4]

Together, Khitrov, Wyzner, and Mkrychan control U.N. research functions, much of its "institutional memory" through the libraries' archival services, and dissemination of U.N. documents and propaganda through the depository libraries and the External Relations Division of DPI. Coordinated through these three positions and numerous ancillary ones, Soviet, Soviet bloc, and client state personnel have created, and maintain, a formidable disinformation network inside the U.N.

U.N. LIBRARY: A DEN OF SPIES

Last spring, evidence was presented to the U.S. Senate Select Committee on Intelligence that confirmed what some U.N. Library critics have known for some time: the U.N. Library is a den of spies.[5] The Senate Committee's report notes that "One example of Soviet use of U.N. cover [for spying] involves Anatoliy Andreyev, an intelligence officer who worked as a U.N. librarian. In 1973 Andreyev met a civilian employee of the U.S. military at a librarians conference on Long Island. After a year of exchanging unclassified documents, Andreyev offered to help the military employee financially in exchange for specific documents. Andreyev left the United States after a quiet protest from the U.S. Mission."[6]

That report also uncovered Soviet abuses of U.N. Library photocopying and data retrieval services. It reveals that "The Soviets use the U.N. copying facilities and have shipped boxes of technical literature back to the U.S.S.R. at no cost to the Soviet government. As the Soviets have assumed more responsible positions as directors of research programs, they have been able to establish databases of specific interest to the Soviet Union, again at U.N. expense."[7]

CONCLUSION

For over 20 years, the Soviets and their operatives have used the U.N. Library system to cover and support far-ranging espionage activities at U.N. expense. They have manipulated Library resources for propaganda purposes and thereby have denied U.N. member delegations access to the first-class, balanced research facility to which they are entitled. This is especially true for Third World delegations, who rely disproportionately on U.N. Library facilities for the important resource material needed in the course of their U.N. duties.

Soviet, Soviet bloc, and client state personnel who run the U.N. Library in New York and the Department of Conference Services, which controls the U.N. Library in Geneva, violate Article 100 of the U.N. Charter. They do not now nor have they ever behaved as international civil servants. There is no reason for U.S. funds to be spent on a U.N. Library that fails to function as a neutral source of information for the U.N. community, as its founders intended.

Because of its long record of abusing its trust, the U.N. Library should be investigated by the U.S. Congress. Its activities should be monitored by the U.S. Mission to the U.N. And it should be put on notice that it will lose U.S. funding unless it regains U.S. trust.

Prepared for The Heritage Foundation by
Mark Huber, a Washington consultant.

Mr. FASCELL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am not directing my remarks to any one person, but I will speak in opposition to the amendment.

The committee has already done a good job on this account.

Mr. Chairman, we have cut the United Nations account as far as it seems reasonable to cut at this point because we are talking only about giving the United Nations approximately 67 percent of the assessment. The administration's request for this account has already been cut by $100 million in this bill.

What the amendment does is offer a choice of cutting it by another $50 million. But that is not really the issue. The real world is still out there and recognizes the United Nations as a major international forum. At some point in time, whether it is today or tomorrow or next week, the United States is going to have to make a decision as to whether or not it is going to stay in the United Nations or get out.

I have been fighting this battle and I have been hearing the cries of the battle as long as I have been around here. Basically reduced to its simplest terms it is, "get the U.S. out of the U.N. and get the U.N. out of the U.S. because the real world is out there and we do not want any part of the real world."

Mr. Chairman, the truth of the matter is the battle goes on. Nobody as far as I know has ever admitted that the battle is not out there. We know that we have a conflict in ideology. We are spending money in multilateral organizations because the United States as a matter of policy, through many administrations of both political parties, has been of the view that the United States can really make a difference in the world of ideas. If we remain in the struggle and do it intelligently, we will ultimately prevail to carry out our foreign policy objective of a peaceful world with honor and sovereign nations that have the right to decide their future and have governments which respect the dignity of the individual within that government, and prevent a Communist takeover either of the United States or any other part of the world.

□ 1605

No. 1, we should deal with reality; No. 2, we should stay in the struggle; No. 3, we know that the system is not perfect, but neither is mankind.

If we choose as our instruments in this struggle only those which 100 percent of the time are in total alignment with our point of view, we may reach some temporary satisfaction that we have done the right thing. But I am constrained to say that the individual on the other side, no matter how abhorrent his ideology may be to me, as an individual, exercises the same amount of enthusiasm and intelligence with respect to the fight that he believes in.

Truth is the ultimate conqueror, it seems to me. We have a vision that we can make a difference despite the sruggles and the necessity to make changes and reforms in the United Nations, and we have used our money and our leverage to bring about those changes. Other countries, even though they disagree violently with us, have tried to effect changes, and we are in the process, because of the actions by this Congress, to bring about more reforms. We do not do them all at once.

I do not disagree with those who want to use the leverage of money to bring about a change. I just say that you cannot do it all at once, Mr. Chairman.

This Congress has very openly and definitely spoken on the subject. It has brought about changes. But to go below what the committee has already recommended—which is a careful, judicious, major cut in our assessment, which someday if we are going to stay with this, we are going to have to pay in full anyway—is as far as we ought to go, and it is on that basis that I respectfully urge my colleagues to vote down this amendment.

Mr. YATRON. Mr. Chairman, I oppose the amendment.

Mr. Chairman, I strongly oppose the amendment.

Ambassador Vernon Walters, the President's personal envoy, opposes this amendment. we have been steadily cutting this account.

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[3] See Roger A. Brooks, "The U.N. Department of Public Information: A House of Mirrors," Heritage Foundation Backgrounder No. 332, February 23, 1984.

[4] Juliana Geran Pilon, "Moscow's U.N. Outpost," Heritage Foundation Backgrounder No. 307, November 22, 1983, p. 10.

[5] See "Report of the Senate Select Committee on Intelligence," 99th Congress, 1st Session, May 1985.

[6] Ibid., p. 14.

[7] Ibid., p. 16.

Right now we are trying to get a Security Council resolution to end the Iran-Iraq war and countless other initiatives. This amendment undercuts President Reagan's influence, and I want to say that I oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. SWINDALL].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SWINDALL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 180, noes 222, not voting 29, as follows:

[Roll No. 187]

AYES—180

Andrews
Applegate
Archer
Armey
Badham
Baker
Barnard
Bartlett
Barton
Bateman
Bentley
Bilirakis
Bliley
Brown (CO)
Bunning
Burton
Byron
Callahan
Chapman
Cheney
Coats
Coble
Coleman (MO)
Combest
Coughlin
Courter
Craig
Crane
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
DeLay
Derrick
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dowdy
Dreier
Dyson
Emerson
English
Erdreich
Fawell
Fields
Gallegly
Gallo
Gekas
Gingrich
Glickman
Goodling
Grandy
Grant
Gregg
Hall (TX)
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Herger
Hiler
Holloway
Hopkins
Hubbard
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jenkins
Johnson (SD)
Jontz
Kasich
Kemp
Kolbe
Kyl
Lagomarsino
Lancaster
Latta
Leath (TX)
Lent
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Marlenee
Martin (IL)
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Montgomery
Moorhead
Murphy
Nichols
Nielson
Oxley
Pashayan
Patterson
Petri
Pickett
Pickle
Quillen
Ravenel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rogers
Roth
Rowland (CT)
Rowland (GA)
Saxton
Schaefer
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stallings
Stangeland
Stenholm
Stump
Sundquist
Sweeney
Swindall
Tallon
Taylor
Thomas (CA)
Thomas (GA)
Traficant
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wortley
Wylie
Young (AK)
Young (FL)

NOES—222

Akaka
Alexander
Anderson
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bates
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Broomfield
Brown (CA)
Bryant
Buechner
Bustamante
Campbell
Cardin
Carper
Carr
Chandler
Chappell
Clarke
Clay
Clinger
Coelho
Coleman (TX)
Conte
Conyers
Cooper
Coyne
Crockett
de la Garza
DeFazio
Dellums
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Gradison
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Hawkins
Hefner
Henry
Hertel
Hochbrueckner
Horton
Houghton
Hoyer
Huckaby
Jeffords
Johnson (CT)
Jones (NC)
Jones (TN)
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lowry (WA)
Madigan
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McHugh
McMillen (MD)
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Morella
Morrison (CT)
Morrison (WA)
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Pelosi
Penny
Pepper
Perkins
Porter
Price
Pursell
Rahall
Rangel
Rodino
Roe
Rose
Rostenkowski
Roukema
Roybal
Sabo
Saiki
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Sharp
Shays
Sikorski
Skaggs
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Stratton
Studds
Swift
Synar
Tauke
Tauzin
Torres
Torricelli
Towns
Traxler
Udall
Vento
Visclosky
Volkmer
Walgren
Watkins
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NOT VOTING—29

Ackerman
Ballenger
Biaggi
Boulter
Brooks
Bruce
Clement
Collins
Duncan
Edwards (OK)
Flippo
Hayes (IL)
Jacobs
Konnyu
Leland
Lewis (CA)
Mack
MacKay
Mica
Mollohan
Moody
Mrazek
Packard
Parris
Pease
Ray
Russo
Spence
Waxman

□ 1629

The Clerk announced the following pair:

On this vote:

Mr. Boulter for, with Mr. Hayes of Illinois against.

Messrs. GUNDERSON, DYMALLY, and TOWNS changed their vote from "aye" to "no."

Messrs. ROWLAND of Georgia, YOUNG of Alaska, and LIVINGSTON changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1630

AMENDMENT OFFERED BY MR. CRANE

Mr. CRANE. Mr. Chairman, I offer an amendment.

The clerk read as follows:

Amendment offered by Mr. CRANE: Page 8, line 16, strike "$485,940,000:" and insert "$384,515,100, of which not to exceed $42,575,100, may be available for United States assessed contributions to the United Nations:".

Mr. SMITH of Iowa. Mr. Chairman, I reserve a point of order against the amendment.

Mr. CRANE. Mr. Chairman, I will keep my presentation in behalf of my amendment mercifully brief, A. I think it is one that is easily understood, B; and, C, it will be highly controversial.

The amendment has a practical effect of changing the formulation for our contribution to the United Nations from one based on Gross National Product to one based on population.

In short, Mr. Chairman, one man, one buck.

Now I have introduced this as an amendment for a number of years, approximately 14 years and have not had success in getting serious consideration of it. But, Mr. Chairman, it seems to me it is eminently fair. The United States percentage of contributions to the United Nations has ranged from 26 percent to about 16 percent. The Soviet Union annual contribution currently is running at about a level, theoretically, of 10.2 percent. Realistically, it is closer to about 6 percent because they are in arrears too.

But the fact of the matter is, Mr. Chairman, it is impossible to calculate properly GNP when you are talking about slave labor. A number of the participating members in the United Nations have been guilty of employing slave labor and as a result equity would dictate, Mr. Chairman, that we change the formulation, as I say, from one based on GNP which is impossible to calculate to one which is based upon population.

This would have the practical effect of taking us from approximately a theoretical 16 to 17 percent down to the neighborhood of about 8 percent of the funding of the United Nations. And it would, simultaneously, put an increased burden on some of those other participating nations who enjoy the benefits of United Nation membership and United States-bashing so inordinately. Let them pay for their participation in that great adventure up there on the East River where they have the opportunity, as they have demonstrated consistently through the years, that they do not embrace the ideals of United Nations; namely, a commitment to peace and freedom, that grand idealistic dream we joined in participation of back in 1945.

Of the Third World underdeveloped countries, better than 90 percent of those countries, over 75 percent of the time, consistently vote with the Soviet Union. In fact, of the 156 member nations, only 19 of those nations vote with the United States 50 percent of the time or more. The fact is it is a body that is filled with conceit, hypocrisy, and that hypocrisy is no more abundantly clear than the failure of the United Nations to condemn the Soviet Union for shooting down that Korean airliner with our esteemed former colleague, Larry MacDonald, and 268 other innocent men, women, and children, with not a word out of their great sanctimonious body out of New York.

In addition to that, they were quick to condemn the United States when the President made the attack on Libya, quick to condemn when we liberated Grenada from communism. Yet for 6 years they remained silent up there about the Soviet invasion of Afghanistan and then administered a mild rebuke without even mentioning the Soviet Union by name.

I think if we are interested in promotion of peace and freedom, and we are indeed, we should recognize there is no unanimity of definition of terms. Peace and freedom mean two wholly different things based upon performance.

For that reason I say let them ante up. If it means enough to them, let them put their dollars where their populations lie and recognize that we went into this deal granting a stacked deck to the Soviet Union for openers, giving them three votes in the General Assembly to one for the United States and we have not enjoyed the cooperation of those nations in behalf of the ideas for which the organization was theoretically created.

Japan, for example, Mr. Chairman, pays a higher percentage of contribution to funding the United Nations than does the Soviet Union. In fact, the Soviet share is just marginally beyond that of West Germany, marginally beyond that of France.

For these reasons I would urge my colleagues to give serious consideration to this amendment.

As I say, we are not backing away from the commitment in the theoretical ideals but we are asking for a fair shake in the funding.

I urge support by my colleagues.

The CHAIRMAN. Does the gentleman from Iowa [Mr. SMITH] insist on his point of order?

POINT OF ORDER

Mr. SMITH of Iowa. Mr. Chairman, I insist on my point of order.

The point of order is that the amendment contains a nonlegislative limitation on a general appropriation bill.

The CHAIRMAN. Does the gentleman from Illinois [Mr. CRANE] desire to be heard on the point of order?

Mr. CRANE. I think, Mr. Chairman, that the amendment is not inconsistent with the previous amendment with regard to the actions that are taken. And if that one was in order then surely this one must be as well.

The CHAIRMAN (Mr. BROWN of California). Does any other Member desire to be heard on the point of order? If not, the chair is prepared to rule.

The Chair will sustain the point of order raised by the gentleman from Iowa [Mr. SMITH] on the ground that the proposed limitation contained in the amendment is in violation of rule XXI, clause 2, which provides that an amendment proposing a limitation not in existing law shall be in order only at the conclusion of the reading of the bill for amendment.

Therefore, the Chair sustains the point of order.

Are there other amendments at this point? If not, the Clerk will read.

The Clerk read as follows:

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For payments, not otherwise provided for, by the United States for expenses of the United Nations peacekeeping forces as authorized by law, $29,000,000.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956, contributions for the United States share of general expenses of international organizations and representation to such organizations as provided for by 22 U.S.C. 2656 and 2672 and personal services without regard to civil service and classification laws as authorized by 5 U.S.C. 5102, $6,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c), of which not to exceed $200,000 may be expended for representation as authorized by 22 U.S.C. 2269 and 4085.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, conventions ratified by the Senate, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $10,261,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, including the Rio Grande Rectification Improvement project, to remain available until expended as authorized by 22 U.S.C. 2696(c), $3,166,000.

AMERICAN SECTORS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, $4,316,000; for the International Joint Commission and the international Boundary Commission, as authorized by treaties between the United States and Canada or Great Britain.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $10,548,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 529.

OTHER

UNITED STATES BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

For necessary expenses, not otherwise provided, for Bilateral Science and Technology Agreements, as authorized by section 105 of Public Law 100-204, $1,900,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation as authorized by section 601 of Public Law 100-204, $13,700,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

SOVIET-EAST EUROPEAN RESEARCH AND TRAINING

For expenses, not otherwise provided for, to enable the Secretary of State to carry out the provisions of title VIII of Public Law 98-164, $4,600,000.

GENERAL PROVISIONS—DEPARTMENT OF STATE

SEC. 301. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of 5 U.S.C.; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

This title may be cited as the "Department of State Appropriations Act, 1989".

Mr. SMITH of Iowa (during the reading). Mr. Chairman, I do not know of any amendments to the balance of this title, and I ask unanimous consent that the balance of the title be considered as read printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. Are there any points of order against this title?

Are there any amendments to this title?

The Clerk will read.

The CLERK read as follows:

TITLE IV—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; $15,840,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a-13b), $2,200,000.

United States Court of Appeals for the Federal Circuit

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $8,227,000.

United States Court of International Trade

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges; salaries of the officers and employees of the court; services as authorized by 5 U.S.C. 3109; and necessary expenses of the court, as authorized by law; $8,159,000.

Courts of Appeals, District Courts, and Other Judicial Services

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the Claims Court, bankruptcy judges, magistrates, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $1,178,336,000: *Provided*, That such sums as may be available in the fund established pursuant to 28 U.S.C. 1931 may be credited to this appropriation as authorized by section 407(c) of the Judiciary Appropriation Act, 1987 (Public Law 99-591; 100 Stat. 3341-64).

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations, the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended, the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)), and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); $109,900,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 18 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); $44,193,000.

Administrative Office of the United States Courts

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345 and hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), $34,228,000.

Federal Judicial Center

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, $11,581,000.

United States Sentencing Commission

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $5,129,000.

General Provisions—the Judiciary

Sec. 401. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

This title may be cited as "The Judiciary Appropriations Act, 1989".

Mr. SMITH of Iowa (during the reading). Mr. Chairman, I know of no amendments to title IV and I ask unanimous consent that title IV be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. Are there any points of order to title IV?

Are there any amendments to title IV?

The Clerk will read.

The Clerk read as follows:

TITLE V—RELATED AGENCIES

Arms Control and Disarmament Agency

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses, not otherwise provided for, for arms control and disarmament activities, including not to exceed $55,000 for official reception and representation expenses, authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.), $30,830,000.

Board for International Broadcasting

GRANTS AND EXPENSES

For expenses of the Board for International Broadcasting, including grants to Radio Free Europe/Radio Liberty, Incorporated as authorized by the Board for International Broadcasting Act of 1973, as amended (22 U.S.C. 2871-2880), $194,900,000, of which not to exceed $52,000 may be made available for official reception and representation expenses as authorized by section 304(a)(8) of the Board for International Broadcasting Act of 1973, as amended (22 U.S.C. 2873(a)(8)).

Christopher Columbus Quincentenary Jubilee Commission

SALARIES AND EXPENSES

For the necessary expenses of the Christopher Columbus Quincentenary Jubilee Commission as authorized by Public Law 98-375, $212,000, to remain available until November 15, 1992, as authorized by section 11(b) of Public Law 98-375.

Commission on Agricultural Workers

SALARIES AND EXPENSES

For necessary expenses of the Commission on Agricultural Workers as authorized by section 304 of Public Law 99-603 (100 Stat. 3431-3434), $600,000.

Commission on the Bicentennial of the United States Constitution

SALARIES AND EXPENSES

For necessary expenses of the Commission on Bicentennial of the United States Constitution authorized by Public Law 98-101 (97 Stat. 719-723), $11,436,000, of which $5,000,000 is for carrying out the provisions of Public Law 99-194, including $2,992,000 for implementation of the National Bicentennial Competition on the Constitution and the Bill of Rights and $2,008,000 for educational programs about the Constitution and the Bill of Right below the university level as authorized by such Act.

Commission on Civil Rights

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $5,707,000 of which $700,000 is for civil rights monitoring activities authorized by section 5 of Public Law 98-183: *Provided*, That not to exceed $20,000 of this appropriation may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service, exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the Chairman who is permitted 125 billable days.

Commission on Security and Cooperation in Europe

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, $701,000, to remain available until expended as authorized by section 3 of Public Law 99-7.

Commission for the Study of International Migration and Cooperative Economic Development

SALARIES AND EXPENSES

For necessary expenses of the Commission for the Study of International Migration and Cooperative Economic Development as authorized by title VI of Public Law 99-603, $1,690,000.

Equal Employment Opportunity Commission

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621-634), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $20,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act, as amended, and sections 6 and 14 of the Age Discrimination in Employment Act; $179,812,000.

Federal Maritime Commission

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46 App. U.S.C. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-02; $13,585,000.

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

For expenses of the Japan-United States Friendship Commission as authorized by Public Law 94-118, as amended, from the interest earned on the Japan-United States Friendship Trust Fund, $1,415,000; and an amount of Japanese currency not to exceed the equivalent of $1,700,000 based on exchange rates at the time of payment of such amounts as authorized by Public Law 94-118.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, $135,221,000.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), to carry out international communication, educational and cultural activities; including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $270,000, of this appropriation), as authorized by 22 U.S.C. 1471, expenses authorized by the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.), living quarters as authorized by 5 U.S.C. 5912, and allowances as authorized by 5 U.S.C. 5921-5928 and 22 U.S.C. 287e-1; and entertainment, including official receptions, within the United States, not to exceed $20,000 as authorized by 22 U.S.C. 1474(3); $620,347,000: *Provided*, That not to exceed $1,070,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085: *Provided further*, That not to exceed $9,546,300 of the amounts allocated by the United States Information Agency to carry out section 102(a)(3) of the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2452(a)(3), shall remain available until expended: *Provided further*, That not to exceed $500,000 shall remain available until expended as authorized by 22 U.S.C. 1477(b), for expenses (including those authorized by the Foreign Service Act of 1980) and equipment necessary for maintenance and operation of data processing and administrative services as authorized by 31 U.S.C. 1535-1536: *Provided further*, That not to exceed $4,650,000 may be credit to this appropriation from fees or other payments received from or in connection with English teaching, library, motion picture, and television programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of Fulbright, International Visitor, Humphrey Fellowship and Congress-Bundestag Exchange Programs, as authorized by the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), $142,310,000. For the Private Sector Exchange Programs as authorized by the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), $7,730,000.

RADIO CONSTRUCTION

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception as authorized by 22 U.S.C. 1471, $65,000,000, to remain available until expended as authorized by 22 U.S.C. 1477b(a).

RADIO BROADCASTING TO CUBA

For an additional amount, necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act (providing for the Radio Marti Program or Cuba Service of the Voice of America), including the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception as authorized by 22 U.S.C. 1471, $11,175,000.

EAST-WEST CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to any appropriate recipient in the State of Hawaii, $20,000,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or to enter into any contract providing for the payment thereof, in excess of the rate authorized for Executive Level V in the General Schedule of the Classification Act of 1949, as amended.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $16,875,000.

Mr. SMITH of Iowa (during the reading). Mr. Chairman, I ask unanimous consent that title V be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. Are there any points of order against title V?

Are there any amendments to title V?

The Clerk will read.

The Clerk read as follows:

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity of propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

The CHAIRMAN. Are there any points of order against title VI?

If not, are there any amendments to title VI?

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 22, after line 24 insert the following new section:

SEC. 604. No funds appropriated under this Act shall be expended in any workplace that is not free of illegal use or possession of controlled substances which is made known to the federal entity or official to which funds are appropriated under this Act. Pursuant to this section an applicant for funds to be appropriated under this Act shall be ineligible to receive such funds if such applicant fails to include in its application an assurance that it has, and will administer in good faith, a policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances by its employees.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, this is the drug-free work place amendment that has been offered on several appropriations before this. I think, from my discussions, that it is acceptable.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I thank the gentleman for yielding.

Mr. Chairman, is this the same amendment that the House voted on and passed as an amendment to the Juvenile Justice Act?

Mr. WALKER. That is right. It contains the funding limitation that was in the previous appropriations bills and then also has the Juvenile Justice language in it.

Mr. SMITH of Iowa. If the gentleman will yield further, I think the House has spoken on this matter in recent days. So I am going to oppose the amendment.

Mr. WALKER. I thank the gentleman from Iowa.

I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the language of the gentleman is acceptable to us. We support the language and ask that it be approved.

Mr. WALKER. I thank the gentleman and yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

This Act may be cited as the "Departments of Commerce, Justice, and State, the

Judiciary, and Related Agencies Appropriations Act, 1989".

Mr. **SMITH** of Iowa. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

☐ 1645

Accordingly the Committee rose; and the Speaker pro tempore [Mr. FOLEY] having assumed the chair, Mr. BROWN of California, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4782) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1989, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill, as amended do pass.

The **SPEAKER** pro tempore. Without ojection, the previous question is ordered.

There was no objection.

The **SPEAKER** pro tempore. The question is on the amendment.

The amendment was agreed to.

The **SPEAKER** pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The **SPEAKER** pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. **ROGERS**. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 314, nays 96, not voting 21, as follows:

[Roll No. 188]

YEAS—314

Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Baker
Barnard
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Buechner
Bustamante
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clay
Clinger
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Cooper
Coughlin
Courter
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dicks
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Gallo
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gordon
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hochbrueckner
Hopkins
Horton
Houghton
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Madigan
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDade
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Panetta
Pelosi
Pepper
Perkins
Pickett
Pickle
Porter
Price
Quillen
Rahall
Rangel
Ravenel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Sabo
Saiki
Savage
Sawyer
Saxton
Scheuer
Schneider
Schulze
Schumer
Sharp
Shaw
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert (OR)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Stratton
Studds
Sundquist
Swift
Synar
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)

NAYS—96

Archer
Armey
Badham
Bartlett
Barton
Bilirakis
Bliley
Broomfield
Brown (CO)
Bunning
Burton
Byron
Cheney
Coats
Coble
Combest
Conyers
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeLay
DeWine
Dickinson
Dornan (CA)
Dreier
Edwards (OK)
Emerson
English
Erdreich
Fawell
Fields
Frenzel
Gallegly
Gekas
Gingrich
Gradison
Gregg
Hansen
Harris
Hefley
Henry
Herger
Hertel
Hiler
Holloway
Hubbard
Inhofe
Ireland
Kasich
Kemp
Kyl
Latta
Lewis (FL)
Lightfoot
Luken, Thomas
Lukens, Donald
Lungren
Marlenee
McCandless
McEwen
Moorhead
Nielson
Pashayan
Patterson
Penny
Petri
Pursell
Ritter
Roberts
Roth
Schaefer
Schroeder
Schuette
Sensenbrenner
Shays
Shumway
Shuster
Slattery
Slaughter (VA)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Solomon
Stangeland
Stenholm
Stump
Sweeney
Swindall
Tallon
Tauke
Upton
Walker
Weber
Young (FL)

NOT VOTING—21

Ackerman
Ballenger
Biaggi
Boulter
Clement
Dingell
Duncan
Flippo
Jacobs
Konnyu
Leland
Mack
MacKay
Mica
Moody
Packard
Parris
Pease
Ray
Russo
Spence

☐ 1707

The Clerk announced the following pairs:

On this vote:

Mr. Leland for, with Mr. Jacobs against.

Mr. Moody for, with Mr. Boulter against.

Mr. **EDWARDS** of Oklahoma changes his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

INTRODUCTION OF ANTIDRUG LEGISLATION INCREASING CRIMINAL PENALITIES

(Mrs. **MEYERS** of Kansas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. **MEYERS** of Kansas. Mr. Speaker, the only way we are going to reduce drug use in America is to focus our efforts on the user of drugs. This is where the problem begins; the user is the cause. We must make the user's life so difficult, and the use of drugs so socially unacceptable, that people will not start drug use. We need a strong citizen movement, similar to the Mothers Against Drunk Driving, to help direct our focus toward the user, to demand legislative action, and to force changes in the behavior of those who use, or are tempted to use, drugs.

I am introducing antidrug legislation today which increases criminal panalties imposed upon persons who cause death or serious injury when operating a locomotive, bus, water craft, or aircraft while under the influence of drugs or alcohol in the transaction of the business of a common carrier.

Persons working in those jobs, having so much to do with public safety, must know that the use of drugs or alcohol on the job will not be tolerated. And, where death or serious injury occurs, they must realize there are strong criminal penalties.

SHAMEFUL TREATMENT OF NIH SCIENTISTS

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, the morning newspapers across the United States brought us good news from the National Institutes of Health. There have been some major breakthroughs in terms of research that may lead to cures of dread diseases, cancer, AIDS, and other diseases which plague us. These are great breakthroughs. They reflect the diligent, patient and professional work by these Federal researchers that are beginning to show results that may lead someday soon to a cure for these deadly diseases.

Perhaps this House of Representatives should send a message of congratulations to these National Institutes of Health scientists, a message of thanks for a job well done, but we will not send the message because we sent a message to the National Institutes of Health yesterday. Yesterday by a vote of 230 to 170, we told the men and women who are directing these critical programs that neither they nor their families deserve a 4-percent cost-of-living adjustment. That is right. Our vote yesterday will deny these professionals and thousands of other senior Federal employees a modest cost-of-living adjustment.

Mr. Speaker, that vote was shameful. It was a political vote which insulted men and women at the highest levels of the Federal Government. It was designed to demoralize the most responsible Federal employees, and if we do not come to our senses it may just do that.

Perhaps we should ask the researchers at NIH to explore the possibility of a medical procedure which from time to time would restore common sense and fortitude in this Chamber. Now, that would be a breakthrough.

INTRODUCTION OF DRUG-FREE AMERICA ACT OF 1988

(Mr. BUECHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUECHNER. Mr. Speaker, today I am introducing a bill which will help in our war on drugs. The Drug-Free America Act of 1988 will do three important things.

First, it establishes a special landing or customs fee to pay for drug interdiction. Under this provision, all passengers arriving in the United States would pay $10 on their ticket for Customs Service drug interdiction efforts. This could raise about $250 million a year. Last year, the Customs Service seized more than $112 million in drugs.

The second provision mandates the President to devise two multinational strike forces, for the Western Hemisphere and NATO. Together, we can fight drug production and trafficking through military actions and coordinated intelligence activities.

Finally, it's time to start toughening up on first offenders. I propose all first offenders convicted of possession, but merely placed on probation, be sentenced to community service. Let's not give offenders a slap on the wrist, but a sense of what they did wrong.

Now is the time to act. We must not make our war on drugs begin with a bang of rhetoric and end in a whimper of inaction.

"I LOVE AMERICA," BY GREG WILLIAMS, AGE 9

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, last week we guested on this Hill a lovely American family, three children; the father, a Protestant minister, the mother, Mary, had with them their little son who had just won an essay contest sponsored by the National Inquiry newspaper on "Why I Love America." The winner, Greg Williams, is 9 years of age. He is going to be a tremendous American leader, and I promised him I would read his very short essay to my colleagues and to the Speaker.

Young Greg Williams wrote:

> I love America because we all have our Constitution and the freedom it gives us. We have the freedom of speech, the press, religion and assembly. I am also grateful to live in a country that allows us to go from place to place without being questioned. Even though I am blind, my country gives me the right to be treated equally. I get to go to a regular school, be with regular kids and do the things they do.
>
> America has stayed a strong country because it has a strong and patient government which is run by the people. When changes in the government are needed, the changes are made peacefully.
>
> I know that in the future when I grow up, I will be able to help make these changes. I truly love America because in no other country would I have the opportunity to serve my God and my country at the same time. This is why I love America.

Greg, I look forward to you being a leader, hopefully someday maybe you can serve here or in the U.S. Senate.

What an outstanding young American, you and the young lady whose essay I read in the 6- to 9-year age category last week, tremendous leaders coming up in our country.

A TRIBUTE TO SENATOR J. GLENN BEALL, JR.

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, this evening a truly special Marylander, Senator J. Glenn Beall Jr., will be honored. Senator Beall devoted nearly 15 years to serving in elective public office in Maryland, and for 6 of those years was Maryland's U.S. Senator. He served admirably for our State in every office he held and his contributions will always be remembered.

But tonight we are honoring Senator Beall for his outstanding contribution to another aspect of his public life. Today, after three terms of dedicated service, Senator Beall is stepping down as chairman of the Maryland Hospital Association's board of trustees. Senator Beall first became involved with the State hospital association in 1980 as chairman of its standing committee on legislation and as a member of the Maryland Hospital Association's executive council. He served as board chairman from 1983-85 and was elected to his first term as board chairman in 1985. In the association's top elected post, he presides over both the executive council and the group's full board of trustees. It is with great appreciation that the Maryland Hospital Association tonight bids farewell to Glenn Beall.

I have inserted these remarks on the floor in the CONGRESSIONAL RECORD of the U.S. House of Representatives so that we in Maryland may share with the Nation our tribute to a man who has given so much of himself not only to the Maryland Hospital Association but to all Marylanders as well.

□ 1720

BOBBY LEE VERNON

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, the late Bobby Lee Vernon was a subway operator between the Capitol and the Rayburn House Office Building. He was one of the first persons I met after I came to the Congress. He was consistently pleasant, he always had a good word for everyone.

Last Thursday I saw him and waved goodbye to him and he said, "Well, I'll see you tomorrow."

I arrived at the designated subway stop as my colleagues know where the trains stop and I got into the subway and George, one of the other operators, said, "Well Mr. COBLE, you lost a friend today."

He advised me at that time that Bobby Lee Vernon was stricken with heart failure fatally, he died in the early morning hours last Friday. Bobby Lee Vernon, Mr. Speaker, will be missed by the Members of this Congress because he was indeed an ambassador of good will.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

ANNUAL REPORT OF NATIONAL SCIENCE FOUNDATION FOR FISCAL YEAR 1987—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. Cooper) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science, Space, and Technology.

(For message, see proceedings of the Senate of today, Wednesday, June 15, 1988.)

RESOLUTION OF INQUIRY ON CENTRAL AMERICAN AID PACKAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. Panetta] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, on April 1, 1988, House Joint Resolution 523 became Public Law 100-276. This law allocated $50 million to provide assistance and support for peace, democracy and reconciliation in Central America. Over the past several weeks, there has been growing concern that Public Law 100-276 is being violated and that there is poor management of public funds appropriated to carry out this law.

This law grew out of a great spirit of bipartisanship in the Congress after the Government of Nicaragua and the Contras reached a cease-fire agreement at Sapoa, Nicaragua, on March 23, 1988. Members on both sides of this issue believed that the Sapoa agreement was an opportunity to exert a positive influence in Central America so that the parties could end the fighting and encourage the process of peace, democratization and normalization in that region. The package provided $17.7 million in humanitarian assistance to the Contras in accordance with and consistent with the Sapoa cease-fire agreement. It provided for neutral party delivery of that assistance under the general direction of the Agency for International Development [AID], with the understanding that the two parties would agree on neutral delivery organizations. In addition, the package included an equal amount for a children's survival assistance fund to be provided through nonpolitical private and voluntary organizations and international relief organizations. The final major portion of the package appropriated $10 million for a verification commission to be headed by the General Secretary of OAS and Cardinal Obando y Bravo to monitor this aid package and the continuing peace talks between the Government of Nicaragua and the Contras.

Since this law was enacted, several problems have surfaced regarding the implementation of this public law. As trustees of the Federal budget we must look at how the public funds are being spent and whether these expenditures are consistent with the law.

First, the verification commission operation was delayed over 8 weeks because AID withheld the funds necessary to provide administration of the assistance and coordination between the Sandinistas and the Contras. This occurred despite the views of Members of Congress on both sides of the aisle that these funds should be provided immediately and without interruption. AID claims that the verification commission's proposal for commencing operation failed to meet minimal accounting standards. Despite AID's failure to appropriate funds to the verification commission, millions of U.S. taxpayers dollars were spent without this essential monitoring commission in place in violation of the Sapoa agreement and the spirit of the public law.

Second, it was the intent of Congress that neutral organizations be used to deliver assistance to the Contras. AID awarded a grant of three quarters of a million dollars to the Thomas Dooley Foundation which was involved in the North-Singlaub private government operation in 1985 in providing illegal aid to the Contras. That award is in violation of the public law's provision in section 8 which clearly states that assistance shall be provided "through nonpolitical private and voluntary organizations and international relief organizations." The selection of the Dooley group is contrary to the spirit of reconciliation that grew from the Sapoa agreement. It is our hope that AID would distance itself from organizations such as the Dooley Foundation and instead focus grants on the international organizations listed in the public law.

Third, the humanitarian assistance appropriated for the Contras is being delivered to Honduras, despite the lack of an agreement between the Sandinistas and the Contras. This circumvents section 4 of the public law which calls for "the delivery of assistance and support to the Nicaraguan democratic resistance through neutral organizations consistent with the Sapoa agreement". The clear intent of the law is that no authority in distributing any portion of the $50 million be inconsistent with the Sapoa agreement. The law states "this additional assistance * * * is to reinforce the peace process by supporting negotiations leading to a permanent cease-fire agreement". But AID has made its own interpretation that such shipments were permissible under the public law. Failure to respect the agreements or lack of agreements between the Sandinistas and the Contras is in violation of the Sapoa agreement and inconsistent with the public law. No one in Congress is opposed to feeding hungry Contras but objections must be raised if the means of distribution are unaccountable and outside the Sapoa agreement. By providing aid to the Contras in Honduras, AID has essentially taken away important incentives by either party to complete their peace talks and establish a lasting peace. Fourth, AID has contracted with a Honduran airplane company named Circle G to make humanitarian aid deliveries to the Contras. The Circle G company was contracted by the CIA to make air deliveries of military equipment to the Contras on several occasions over the past few years as recently as February 1988 and could be hardly judged a "neutral" carrier as specified by the legislation. Again, AID is violating the spirit and letter of the law under section 4 of the public law by selecting a firm that is not a neutral organization but rather one which was involved in transporting weapons in the past.

Now there are disturbinig reports that AID is distributing Nicaraguan currency to the Contras inside Nicaragua to enable them to purchase necessary items. The proposal would have the money going to the Contras in Nicaragua through their fellow-Contras in Honduras. These funds will be impossible to account for and are not consistent with the public law. It is easy to see that such a proposal is yet another opportunity for the mismanagement of millions of dollars of American taxpayer funds.

For these reasons, I, along with a bipartisan coalition of 146 original cosponsors, am introducing this resolution of inquiry.

We have a responsibility and an obligation to the American people not to appropriate their tax dollars without keeping a close accounting of millions of dollars. Certainly we have a duty to review the actions of the administration in implementing the public law in light of the mismanagement of millions of dollars in 1986 when over half of the $27 million appropriated by Congress for humanitarian aid to the Contras ended up in offshore bank accounts and in the hands of private individuals. Certainly the evidence of impropriety which has come to the surface since the public law was enacted this past April leads me to believe that this administration is not following either the letter or spirit of the public law. My fear is that there may be greater improprieties in implementing this law than appears at first glance.

First of all, this resolution directs the President to provide the Congress with all available information that traces the expenditure of funds under the $50 million appropriation. We need to know how the funds are being spent and what decisions have been made thus far in determining which organizations have been awarded grants. My resolution of inquiry would direct the President to tell us what the administration knows about the political activities of selected organizations and firms.

Second, what is the end use of the items U.S. aid money has procured? If U.S. aid has paid for medicine, is this medicine being used or is it being sold or traded for ammunition? The resolution I am introducing directs the President to tell us what he knows about the end use of procured items.

Third, what was the holdup in forwarding the $10 million for the verification commission? This resolution requests all supporting documents on this essential aspect of the public law and directs the President to provide documentation as to the reasons for this delay in funding the verification commission.

Next, what are the standards being utilized by the President to determine which nonpolitical private and voluntary organizations and international relief organizations shall receive grants to carry out the public law? This resolution requests the President to indicate the justification for seemingly ignoring the public law's direction on seeking organizations to distribute the Children's Survival Assistance consistent with the Sapoa agreement.

Fifth, what are the standards being utilized by the President to provide accurate accounting standards, procedures and controls of $50 million of public funds? This resolution requests documentation of all such controls and procedures.

Finally, is at least one-half of the assistance provided to the children in Nicaragua being provided through nonpolitical private and voluntary organizations and international relief organizations ooperating inside Nicaragua as stated in section 8(c) of the public law? My resolution requests documentation to verify that this provision is being respected.

Where do we go from here? This is a privileged resolution and the appropriate House committees will need to act on it within 14 legislative days. Then the resolution will have a right to move to the House floor for consideration. It is my hope that the administration will respond to these requests and questions immediately.

The concern here is accountability of millions of Federal dollars and adherence to the public law by an administration that has a poor track record in carrying out the law of the land with regard to the situation in Central America. The American people have entrusted us to spend their money wisely. Already we have poured over $1 billion into the conflict in Central America. Now we have a $50 million program and we have a responsiblility to know what the taxpayers' money has paid for. I ask the administration to show the American people and the Congress where our money is going. Show us that our medicine and clothing are not being traded for guns and ammunition. Show us that nonpolitical organizations are being selected for the distribution of this assistance. Show us that the letter of the law is being carried out.

We need to know. We must know. The American people have the right to know.

H. Res. 473

Resolved, That not later than 7 days after the adoption of this resolution, the President shall provide to the House of Representatives the following information with respect to the assistance for Central America provided for in the joint resolution entitled "Joint Resolution to provide assistance and support for peace, democracy, and reconciliation in Central America", approved April 1, 1988 (Public Law 100-276):

(1) Legal Opinions.—Any document concerning interpretations of Public Law 100-276 by the Legal Advisor of the Department of State or the Office of the General Counsel of the Agency for International Development.

(2) Accountability Standards, Procedures, and Controls.—All documents concerning the standards, procedures, and controls for the accountability of funds which have been adopted by the Agency for International Development pursuant to section 4(c) of Public Law 100-276.

(3) Assistance for the Nicaraguan Democratic Resistance.—

(A) All documents concerning financial transactions relating to the procurement outside the United States of any equipment, supplies, or other goods for the Nicaraguan democratic resistance using the funds made available by Public Law 100-276, specifically including—

(i) any document authorizing the obligation or expenditure of funds for such procurement;

(ii) any document concerning any payment or other transfer of funds for such procurement to or through any bank or other financial institution, broker, supplier, or other person; and

(iii) any document concerning any direct or indirect disbursement of cash to the Nicaraguan democratic resistance (including documents showing the amount and recipients of the cash and documents showing how the cash was used).

(B) All documents showing whether the equipment, supplies, or other goods procured outside the United States with those funds were received by the Nicaraguan democratic resistance.

(C) All documents concerning the actual end use of the equipment, supplies, or other goods procured with those funds, including any document concerning whether any such goods were traded, bartered, or exchanged for any other goods, including any trade, barter, or exchange for any goods or services not allowed under section 3(c) of Public Law 100-276.

(4) Assistance for the Verification Commission.—All documents concerning the funds, made available by section 9 of Public Law 100-276, for the Verification Commission established by the Sapoa Agreement of March 23, 1988, specifically including—

(A) any document submitted by the Organization of American States in support of its request for payment of those funds to the Commission, including any document describing the Commission's proposed accounting standards; and

(B) any document concerning any decision to not make those funds available to the Commission, including any document evaluating the Commission's accounting standards.

(5) Children's Survival Assistance.—

(A) All documents concerning the selection of organizations to distribute the assistance, provided for in section 8 of Public Law 100-276, for children who are victims of the Nicaraguan civil strife, specifically including—

(i) any application or other document submitted to the Agency for International Development by any organization seeking to participate in the distribution of that assistance;

(ii) any document submitted to the Agency for International Development to establish that an organization meets the statutory criterion of being "nonpolitical";

(iii) any other document in the possession of the Agency for International Development or the Department of State concerning whether an organization meets the statutory criterion of being "nonpolitical"; and

(iv) any document prepared by the executive branch in determining which organizations would be selected to distribute such assistance.

(B) All contracts, grant agreements, or other agreements between the Agency for International Development and an organization selected to distribute such assistance.

(C) All documents concerning compliance with the requirement of section 8(c) of Public Law 100-276 that one-half of the children's survival assistance be provided through organizations operating inside Nicaragua, specifically including—

(i) any document concerning the selection of such organizations;

(ii) any document concerning the allocation of funds among such organizations; and

(iii) any document concerning any difficulties that have arisen with respect to compliance with that requirement, including any document describing any objection raised by the Government of Nicaragua to the provision of such assistance or describing the United States response to such objections.

(D) All documents showing how the funds made available by section 8 of Public Law 100-276 have been used.

WHAT WE SHOULD HAVE SAID

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. Dornan] is recognized for 5 minutes.

Mr. DORNAN of California. Mr. Speaker, one of the better writers in this country, an expert in analyzing geopolitical situations around the world, Georgia Anne Geyer, wrote a column on Memorial Day that because it was a holiday escaped my notice. In going back and looking over some of the more interesting columns of the past couple weeks, I came across a Geyer column entitled "What We Should Have Said" meaning the United States about Panama. She constructed a speech that she wished President Reagan had delivered to the Nation sometime in the last several months and I subscribe to her suggested words for our President right down to the last dot in the last sentence.

I will read Georgia Anne Geyer's desire of what she would like to have heard our President say to the country and to the world:

My fellow Americans and citizens of the world: At the turn of the century, the United States, with great travail and with the valiant work of many Caribbean workers, created out of the fearful jungles one of the wonders of the modern world—the Panama Canal.

American ownership and oversight of the canal proudly kept it open over the decades equally to every country in the world. Then in 1977 and '78, the United States carried out one of the most extraordinary and, yes, generous acts in human history—it turned over to the people of Panama the American-created canal. Let me repeat and emphasize those words—to the people of Panama.

But something soon began to go wrong. The National Defense Forces, which the United States had created and trained to be the military adjunct to a democracy, instead came under the sway of a man accused of brutally murdering his enemies, a man indicted for drug running in the United States and a man obviously abhorred by the vast majority of his own people.

There was a time when America supported Caribbean dictators, such as Batista and Somoza and Trujillo, out of perceived security needs. That was a terrible mistake and it cost us dearly. Indeed, it gave us communist Cuba and Marxist Nicaragua, and Latin America was right to be enraged with us. Well, not only are we not going to make that mistake again, we are going to address our interests to broader modern questions.

"You see, ladies and gentlemen, we have in Manuel Noriega the worst kind of new dictatorial threat. He is not only an oppressor of his people; he is a corruptor of everyone's youth and a destroyer of the canal and the hemispheric environment. What's more, the canal can only be 'secure'—not only militarily, but also politically and even environmentally—under a Panamanian democracy, with the checks and balances on power that a democracy uniquely offers.

"By treaty, which passes the canal to the Panamanian people at the turn of the century, we have not only the right but the absolute duty to defend the canal. It is the most profound type of danger that we must now face: drug wars, with drug czars such as Noriega supported only by the putative Marxists of Cuba and Nicaragua.

"The United States does not seek military confrontation in Panama. But we will not be taken for fools by these new dictators who are so far more lethal than those of the past.

"The leaders of the Panamanian opposition have asked us in a signed formal request to rid them of this usurper to power in Panama. He still has two hours to leave and go into exile—but permanent exile in Spain, far away from the Caribbean. This is a most generous offer, and it is our final one.

"At this moment, American soldiers, not from the Panama bases but from the American mainland, have taken up positions around the Defense Forces headquarters. Any officers who choose to stay may take part in the new, reformed and utterly drug-free Panamanian military, which will be thoroughly under the control of a government that will be elected in Panama four months from today. The world will little thank us if we leave this bleeding sore in that part of the hemisphere where we have so much historic responsibility.

Thank you and good night."

Mr. Speaker, Georgia Anne Geyer was hopefully wishing the President would do that, and so do I.

Mr. President, make this speech or something similar to it.

URGING G-7 MEMBERS, ESPECIALLY JAPAN, TO PRESS TAIWAN AND SOUTH KOREA ON EXCHANGE RATE POLICIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, the G-7 heads of state will hold their annual economic summit in Toronto, June 19-21. The press is characterizing this meeting as a "love feast," where the leaders of the industrialized world may well avoid contentious issues and focus on giving tribute to President Reagan for his economic leadership during his two terms in office.

It is appropriate that President Reagan be honored by the chiefs of state of the world's largest democracies. It is not appropriate, however, to avoid the serious economic discussion and policy coordination for which this group was created and to which we owe some of the success for the current unprecedentedly long economic expansion.

Much work remains ahead. The United States must redouble its efforts in reducing its budget deficit. The importance of this effort merits attention by the summit. The summit should also again address exchange rate policy, this time in an attempt to bring the exchange rate policies of Taiwan and South Korea in line with that of other major trading nations.

The United States has made encouraging progress in treating its trade deficit. The trade deficit figures for April represent a 15½-percent improvement over March's deficit. At $9.9 billion, April's trade deficit is the lowest since August 1985. It is almost $2 billion lower than economists had earlier predicted.

Success in dealing with the deficit is in part a result of the concerned effort of the G-7 to free-float the dollar and allow other major currencies to appreciate against it.

The deficit improvement reinforces the trend in the U.S. economy toward increased exports and decreased imports, indicating that we are moving from consumer-oriented economic growth to export-driven growth. However, if we are to continue making progress in reducing unacceptably high-trade deficits, we need the cooperation of our major trading partners in coordinating our fiscal and trade policies. International economic relationships are now so significant that we cannot solve our economic problems without international cooperation and coordination.

Our trade deficit with Western Europe declined last month by about $100 million to $800 million, bringing our year-to-date deficit with Europe to about $4.6 billion. Our deficit with Japan also declined about $100 million to $4.4 billion, bringing the year's deficit to date to $17.5 billion. The reduction in our trade deficit with Japan does not represent significant progress.

However, a very disturbing blip in the otherwise good news was the continued growth of our trade deficit with the newly industrialized countries [NIC's]—South Korea, Taiwan, Hong Kong, and Singapore. This increase in our trade deficit with these four countries occurred despite a massive $600 million one-time purchase of gold from the United States by Taiwan. Our trade deficit with these nations for only the first 4 months of this year is an incredible $8.8 billion.

The total United States trade deficit so far this year is $43.8 billion and Japan and the Four Tigers of East Asia represent 60 percent of this deficit. Through the coordinated approach of the G-7, the yen has appreciated over 80 percent against the dollar since August 1985. The German deutschmark has appreciated 71 percent in the same timeframe. However, the Taiwanese dollar has appreciated only 40 percent and the South Korean won only 12 percent.

That is correct, Mr. Speaker, a paltry 12-percent appreciation of the won versus the U.S. dollar. That is a major problem for the United States and the American economy.

Another disturbing indicator is the growth in the Japanese, South Korean, and Taiwanese current account surpluses. Japan's current account surplus at the end of 1987 was $87.7 billion. South Korea's current account reserves grew from $4.6 billion in 1986 to $9.8 billion at the end of 1987. Taiwan has $18.2 billion in current account reserves. Even more astounding, Taiwan holds an incredible $71 billion in foreign currency reserves—much of it denominated in United States dollars—making it the Nation with the highest per capita currency reserves in the world. By way of comparison, the U.S. current account deficit stood at $141 billion at the end of 1986, down from a positive balance of less than $2 billion in 1980.

The United States is the largest export market for Japan, Korea, and Taiwan. Unlike the free markets of Hong Kong and Singapore, these three nations perpetuate—and even expand—their trade and current account surpluses by maintaining barriers to our access to their own internal markets.

At the last annual economic summit, Japan demurred from the collective policy of the G-7 by refusing to pressure the NIC's, particularly South Korea and Taiwan, on their artificial exchange rate policies. The Japanese claim that historic political sensitivities in the region prevent them from doing so. This policy may very well be gratuitous insofar as these nations enjoy huge Japanese investments, have made significant inroads in exporting to the Japanese market, and are important suppliers of parts and components to Japanese exporters.

It is critical in the upcoming summit that pressure be brought to bear on Japan to cooperate in G-7 efforts to achieve more realistic Taiwanese and Korean currency exchange rates. Japan, as a major economic power, must overcome its impulse to support parochial policies and undertake a role more consistent with its economic might.

Recent press reports cite a Japanese Ministry of Trade and Industry report asserting that many of the United States trade deficit problems are of our own creation due to our lack of competitiveness, productivity, and quality. The MITI report further criticizes us for fostering fluctuations in exchange rates and for not saving enough. Even worse, it criticizes us for having to acquire capital goods abroad in replacing our aging plants and equipment.

Japan has shown itself to be self-interested—not only in protecting its own internal market but in protecting its economic interests in its Asian trading partners—especially South Korea, Taiwan, Singapore, and Hong Kong.

The United States may be legitimately criticized. However, Japan's attitude is neither constructive, admirable, nor commensurate with its economic and political responsibility. The fact of the matter is that the United States cannot continue to make progress in addressing its trade deficit, the major portion of which is with Japan and Japan's suppliers, without market reciprocity and without a coordinated, integrated approach by the leading trading economies of the world.

We must not permit the G-7 to waste this opportunity by concentrating on symbolism instead of crucial substance. The G-7 has greatly contributed to the economic improvements and well-being that we have enjoyed for a major part of this decade. It must continue to provide the leadership and coordination for international economic collaboration.

PERSONAL EXPLANATION

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MACKAY] is recognized for 5 minutes.

Mr. MACKAY. Mr. Speaker, due to a previous commitment I missed several votes. Had I been able to vote, I would have voted for approval of the Journal, for the Shaw motion to instruct the conferees on H.R. 3051, against the Dannemeyer amendment to H.R. 4783, for H.R. 4783 on final passage, for the Swindall amendment to H.R. 4782 and for H.R. 4782 on final passage.

I appreciate having this opportunity to state my position on these measures.

□ 1735

GREEN TEA AND DIRTY TRICKS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, last year we learned that Toshiba, a major Japanese company, sold our sensitive technology to the Soviets to enable them to quiet their submarines. This has resulted in a cost estimated somewhere between $30 and $60 billion for the U.S. taxpayers, in addition to affecting our security.

We all know the concern and the debate in Congress on how this problem of Toshiba should be solved, and I certainly have been hoping that the conferees on the defense authorization bill will stand firm on the amendment that limits Toshiba's sales to our Defense Department.

But we are now in the second installment of that story, a very surprising second installment, I might say, with the Defense Department extending an invitation to Toshiba and 12 other Japanese companies to attend a Defense Department briefing next week on June 20 to learn about the development of new weapons and military equipment. I could not believe it, and I kept rereading the story in the Journal of Commerce to make certain about what it said. I was very angry by the time I got through it, angry that the Japanese companies were being given a tour of our defense research and development facilities run by the Army, the Navy, and the Air Force.

I have to ask: Is this not inviting the fox into the chicken coop? Let me just read this story which is headlined in the Journal of Commerce "Toshiba Invited to U.S. Briefing on Weapons."

> Thirteen major Japanese companies have been invited to send representatives to Pentagon briefings later this month on development of new weapons and military equipment.
>
> Japanese Defense Agency sources said at the weekend they were surprised to discover that Toshiba Corp., the company recently penalized by the U.S. government for export by one of its subsidiaries of sensitive technology to the Soviet Union, was included in the list of invited corporations.

I think this Congress will be more than surprised.

> These sources said that the briefings, which are scheduled to open on June 20, will continue for five days. It is expected that those attending the briefings will be informed of plans by the U.S. Defense Department for improving conventional weapons and the development of the next generation fighter aircraft.
>
> Also, the sources added, the Japanese company representatives will visit research and development agencies operated by the U.S. Army, Navy and Air Force before returning home.
>
> (In Washington, public affairs officials at the Pentagon declined immediate comment, saying the only officer who could speak about the briefings was unavailable.)
>
> It was explained to the Japanese that the United States plans to seek their assistance in upgrading the quality of missiles and another types of guided weapons, armoured vehicles and anti-submarine equipment, the sources said.

Again, quoting from Mr. Cullison, dateline Tokyo:

> The sources said they were informed that the program was launched at the request of the U.S. Senate whose members fear that President Reagan's assignment of priority to development of space weapons might endanger efforts to develop more sophisticated conventional arms.
>
> At the same time the sources disclosed that Everett Greinke, deputy undersecretary of defense for international programs and technology, plans to visit Tokyo this week to explore possibilities of joint weapons development. Mr. Greinke is charged with supervising the upcoming Pentagon briefings.

I am just more than shocked. The more I read this story, the more shocked I become. This is coming at a time when my defense industries in my district, and I am sure that those in every other district in this country which employ Americans, are being threatened with layoffs because of the reduction in the defense budget, and here we are inviting the Japanese over here to compete.

The story goes on to say:

> Toshiba's participation is especially noteworthy because one of the vast company's subsidiaries, Toshiba Machine Co., has been banned from selling goods and services to the U.S. government for three years.
>
> The sanctions came after it was found that Toshiba Machine and a Norwegian company, Kongsberg Vaapenvabrikk, sold equipment to the Soviet Union that enabled the communist country to operate its submarines much more quietly than before.

So much for that; so much for that.

On June 6 in the Washington Times, Defense Secretary Frank Carlucci was quoted, and I quote, "We need to prevent our technology from flowing into the Soviet military machine." I am going to repeat that. "We need to prevent our technology from flowing into the Soviet military machine"—Defense Secretary Frank Carlucci.

□ 1745

That is exactly what Toshiba did, and now we, the Defense Department, are inviting Toshiba to a briefing, giving them a full tour and opening up everything to them.

The Secretary also noted "that the Soviet Union still has the world's largest military industrial complex, producing half of the weapons in the world."

He further stated that if we ever lost the 10-year edge that we have on the Soviets that we would be in trouble. We are in trouble. This kind of deal with our sensitive technology ended up in Soviet hands. I would suggest that the Defense Department should rethink their invitation to Toshiba and, as a matter of fact, all of the Japanese companies, in view of the Secretary's statements about the Soviets. It was Toshiba that gave the Russians the big boost in submarine technology at America's expense, and how we control our technology has become a more serious question every day.

In a recent Policy Review article, "Crimes Against the Alliance," Bill Triplett, a member of the Senate Foreign Relations Committee minority staff, wrote:

> Technology transfers also raise an even more fundamental question about whether it is possible to control the export of vital technology in the midst of regular East-West ties.

Mr. Speaker, I include the entire article in the Record at this point.

The article referred to follows:

[From Policy Review, Spring, 1988]

CRIMES AGAINST THE ALLIANCE—THE TOSHIBA-KONGSBERG EXPORT VIOLATIONS

(By William C. Triplett II)

During the early 1980s, at the instigation and under the guidance of the KGB, businessmen from Japan and Norway illegally exported to the Soviet Union computer-controlled industrial robots that have enabled the Soviets to mass-produce quieter submarine propellers. As a result of these sales, Soviet submarines are now able to elude American detection much more easily, posing a serious threat to Western control of the sea-lanes to Europe and the north Pacific. The Department of Defense has estimated that to reestablish our former capability in tracking Soviet submarines will cost American taxpayers a minimum of $8 billion over the next 10 years.

Recent information, the significance of which is still in dispute within the U.S. government, suggests that the sale of submarine propeller-making equipment to the Soviets may be just the tip of the iceberg. Senator Jake Garn has alleged that the Japanese machine tools and their Norwegian numerical controllers have increased the speed of Soviet aircraft carriers. The Japanese businessman who alerted authorities to the illegal sale has suggested that the machine tools have probably made a critical contribution to secret Soviet naval propulsion research. Norwegian officials have told me that a police investigation of the Norwegian perpetrator alleges 142 major export control violations with firms from Japan, France, Germany, and Italy; and a senior administration official has said he believes these violations may include assistance to Soviet nuclear weapons production. According to press reports, a senior CIA analyst told a House subcommittee that the Japanese perpetrator's parent company may also have illegally sold vitally sensitive microelectronics equipment to the East Bloc, which some speculate would enable Soviet battlefield communications systems to operate during a nuclear war.

Putting all the pieces together suggests that Western businessmen may have made a difference in the entire Soviet nuclear warfare cycle—weapons production; delivery; battlefield command, control, and communications. The magnitude of the damages incurred by these technology transfers raises serious questions about how much Japan, Norway, and other European countries should compensate the United States for their failure to enforce their own export control laws.

The technology transfers also raise an even more fundamental question about whether it is possible to control the export of vital technology in the midst of regular East-West trade ties. The Japanese and Norwegians received approximately $17 million for their service and equipment. Total Soviet imports from developed countries in 1985 equaled $23 billion or less than 2 percent of the developed countries' $1.3 trillion worth of worldwide exports in 1985.

CONSPIRACY OF SILENCE

On April 24, 1981, in the Moscow office of Japan's largest trading firm, C. Itoh, Japanese businessmen signed a contract with the Soviet Technological Machinery Corporation. The contract was signed by C. Itoh's Moscow branch manager and the Soviet corporation's senior vice president. Also present were Igor Oshipov and Anatole Troitsky, both identified as KGB officers in John Barron's book *KGB*. Troitsky had been expelled from Britain in 1971. KGB officer Vyacheslav Sedov could not attend the ceremony as he had recently been promoted to head the Soviet high technology acquisition office in East Berlin. Sedov had made the initial contacts with the Japanese. His KGB colleagues were the guiding hand throughout the contract negotiations and subsequent illegal deliveries.

What the Western businessmen did was to sell eight giant computer-operated milling machines to the Soviet Union. Four of the machines provided by Toshiba Corporation's machine tool subsidiary. Toshiba Machine, were state-of-the-art nine-axis machines and four were five-axis machines. Kongsberg Vaapenfabrikk, a wholly owned subsidiary of the Norwegian Ministry of Industries, provided the numerical controllers to operate the nine-axis machines. Toshiba Machine provided its own numerical controllers to run the smaller machines.

The machines themselves are industrial robots. Weighing over 250 metric tons each, they stand three stories tall and grind metal in each direction of axis. A nine-axis machine can grind in nine different directions to make very complex shapes such as turbine blades and naval propellers.

One special advantage of a multi-axis machine is its ability to grind on both sides of a piece of metal at the same time. The pressure of grinding deforms metal that is ground on only one side. Simultaneously grinding both sides allows metal objects to be ground thinner without deformation. The machines combine the complexity of the human hand with the computer's ability to repeat the operation over and over.

C. Itoh's role was to take charge of the procedures for the export and shipment of the machines. Under Japanese law no numerically controlled machine tool with more than two simultaneous axes of motion may be shipped to the Soviet Union. Any machine tool exported to the Soviet Union must have an export license. Export licenses and inspections are under the control of the Japanese Ministry of International Trade and Industry (MITI). The export license applications filed by C. Itoh were for two-axis machines to be delivered to a power plant in Leningrad. In fact, the machines shipped were highly sophisticated nine-axis and five-axis machines. Their actual destination was a Soviet munitions plant, the Baltic Naval Shipyard in Leningrad, where they are being used to grind Soviet naval propellers.

The assigned role of the Japanese specialist trading firm Wako Koeki was to the charge of liaison and interpreting work with the Soviet side. Wako Koeki, according to its Moscow manager at the time of the deal, had collaborated with the KGB in the past and it was the initial point of contact by the KGB on this case.

The Soviets paid Toshiba Machine, Wako Koeki, C. Itoh, and Kongsberg on the order of $17 million for the nine-axis machines. This is substantially more than what a legal deal would have received in the soft international machine tool market then prevailing.

Toshiba Machine has a history of questionable dealings with the Soviets predating the 1981 sale. Japanese engineers who installed nine-axis and five-axis machines in the propeller shop at the Baltic Naval Shipyard in 1983-84 put them in the same room with three other five-axis machines sold by Toshiba Machine in 1974. Toshiba Machine claims that these machines, though of admitted five-axis capability, were wired for only two axes. Pentagon officials have told the press, however, they they believe that these modifications were only temporary and easily reversible once the equipment was on Soviet soil.

It was then and is now a crime in their home countries for Japanese and Norwegian businessmen to participate knowingly in a scheme to export numerically controlled machine tools with more than two axes to the Soviet Union.

UNDER THE NORTH ATLANTIC

In the January 1987 issue of the *Institute of Naval Proceedings* the Chief of Naval Operations declared the antisubmarine warfare (ASW) is the Number 1 mission of the United States Navy. Tom Clancy's *Hunt for Red October* provides an excellent description of just what ASW is like in the North Atlantic. Undersea cables stretch from the mainland of North America to Greenland, Greenland to Iceland, and Iceland to the United Kingdom. Backing up this system are sonar buoys, search aircraft, and attack (hunter-killer) submarines. The object of this immense undertaking is to listen for Soviet submarines.

Until the 1970s, Soviet naval strategists did not seem to make quietness a high priority for submarine design. They preferred to rely on speed and the ability to dive deeper than the Allied submarines tracking them. As a result, they were constantly losing the cat-and-mouse game with Allied ASW specialists.

Sometime in this period the Walker family spy ring informed the Soviets of how we were tracking them—propeller noise. By the time of the 1981 Toshiba sale, the Soviets had expended the effort to reduce the other sources of noise in their submarines. Propeller sounds were approximately 90 percent of the submarine noise we were picking up.

Modern submarine propellers are as complex as the turbine blades of jet engines. Usually an odd number of blades, seven or so, are mounted on each shaft. Each blade must be perfectly identical to the others on the shaft. If the submarine is a twin shaft machine, then each set must match perfectly. The blades are set at an angle to the shaft and twisted into very complex shapes.

In order to meet the required sound reduction goal manufacturing tolerances must be less than 0.01 mm. Propeller blades can be shaped by hand but the rejection rate is over 50 percent and the rate of production is low. On a propeller that measures more than 35 feet across, automated equipment makes a critical difference.

Although the Soviets have a sufficient science and technology base to make impressive advances in space research and other enterprises that depend heavily on handcrafted, one-of-a-kind experimental equipment, Soviet manufactured goods have a deserved reputation for low quality. Indeed, the manufacturing side is generally the choke point for Soviet weapons production. Western engineers who have serviced equipment in the Baltic Naval Shipyard also found Soviet machine tools in place to grind propellers but they were idled by a lack of spare parts and by technical incompetence. In 1981, the Soviet economy simply could not produce a state-of-the-art multi-axis computer-controlled industrial robot capable of reaching a 0.01 mm tolerance level. But Toshiba Machine and Kongsberg could.

The results of the Toshiba equipment's effects on Soviet submarine quieting are quite impressive. According to the June 27, 1987, issue of the *Economist* of London, before the Toshiba Machine sale, we could hear Soviet submarines 200 miles away; after the sale it was down to 10 miles.

A FASTER "BREZHNEV"?

"Where are the aircraft carriers?" According to former Secretary of State Henry Kissinger, that was his first thought in times of crisis. For power projection, large, fast aircraft carriers are hard to beat.

"Fast" is the key word. Carrier battle groups depend upon speed to get their aircraft within range of the target and to be quickly out of harm's way themselves. Extracting that extra knot of speed out of a 65,000-ton ship the size of three football fields matters.

The Soviets currently have deployed four light aircraft carriers of about 37,000 tons, called the *Kiev* class. While certainly formidable vessels, their fixed-wing aircraft are limited to the FORGER. What the FORGER gains in its short takeoff and landing capabilities it loses in speed, range, and other operational capabilities. To match the American F-14 Tomcat, they would have to go upscale.

The Soviets are completing the first of a fleet of nuclear-powered attack aircraft carriers. At 65,000 metric tons displacement (about equal to the USS *Forrestal*), the *Brezhvev*, first named the *Kremlin* but renamed the *Leonid Brezhnev* after his death, and its three sister ships would be a major threat to Allied control of the sea-lanes in time of conflict. We anticipate that the Soviets will follow the Western practice of creating battle groups centered on large aircraft carriers like the *Brezhnev* and inlcuding *Kirov*-class nuclear guided-missile cruisers. The *Brezhnev* is afloat and fitting out. The keel of a second ship has been spotted and all four should be at sea in the late '90s.

Soviet planners face the same problems with the *Brezhvev* that they must confront with submarines: how to mass-produce modern-design propellers? The Toshiba machines at the Baltic Naval Shipyard provide the answer. American officials have told the press that the four nineaxis machines and the four five-axis machines are grinding submarine propellers, but the nine-axis machines have the added capability of grinding large propellers—up to 11 meters (35 feet) in diameter. Senator Jake Garn has said on the Senate floor that this propeller equipment has helped increase the speed of Soviet aircraft carriers.

A JAPANESE HERO

The Toshiba-Kongsberg affair began to break in December, 1985, when the Moscow manager of Wako Koeki at the time of the deal, Hitori Kumagai, posted a letter to the chairman of the Coordinating Committee for Export Controls (COCOM) in Paris. Kumagai named names and dates, and described the intended Soviet use. He signed the letter, included his address and even his telephone number. His letter included copies of all the secret contracts and an inch-thick technical attachment of engineering drawings.

COCOM turned the letter over to the Japanese Ministry of International Trade and Industry (MITI). In April, 1986, a MITI director-general informed COCOM that Kumagai's accusations were without foundation. Kumagai reports that at that time he was not interviewed nor even contacted by the Japanese government.

That is not the way the system is supposed to work. COCOM is composed of 16 countries—NATO minus Iceland, but plus Japan. Member countries meet to discuss technology limitations on exports to Communist countries. In theory, each nation should be policing its own exports based on the agreed limitations.

In practice, it's a mixed bag. Some countries such as the United States, the United Kingdom, and Canada have fairly tight export-control regimes. Others are there in name only. Until the fallout of the Toshiba Machine case, MITI had only 20 bureaucrats to handle more than 200,000 export license applications per year. Under such a caseload the MITI bureaucrats could not devote their full consideration to each application. They had to rely on the reputation of the applicant. Norway was no better than Japan.

National legislation in COCOM countries is also a mixed bag. Since 1981, the United States has treated illegal technology transfers with severity. Other COCOM countries are quite lenient. German and Italian export control officials have informed me that no one has ever been jailed in those countries for illegal technology transfers. Japan does not even have an anti-espionage law, a situation North Korean terrorist rings have used to advantage. A major obstacle to prosecution has been the short statutes of limitations—two years in Norway and three in Japan at the time of this case.

WEINBERGER'S PERSONAL APPEAL

In actual practice, the COCOM system depends heavily upon the United States for enforcement for export-control violations, both in member countries and in the high-tech neutrals such as Switzerland, Austria, and Sweden. The American intelligence community, Department of Defense, Department of State, Department of Commerce, and the Customs Service share the duties. If the enforcement officials of any member country or major neutral ever broke a significant case of high-tech diversion to the Soviet Union or the East Bloc without United States assistance, such a case has not come to light. They don't have the resources and in some cases their hearts are not in the fight.

In a typical case, the United States will approach the country from which the violation originates or transits and bring the violation to its attention. In theory, enforcement officials of the country notified should spring into action. All too often, however, the American approach triggers the normal human protectiveness of foreign officials. Compounding the problem is the reluctance of American officials to provide all the information available for fear of jeopardizing sources and methods of intelligence collection.

Sometime in 1986, U.S. enforcement officials and Kumagai crossed paths. In June of that year, the United States broached the issue in Tokyo. Again MITI issued an immediate denial. In December, 1986, Undersecretary of Defense Fred Ikle and Deputy Undersecretary of Defense Stephen Bryen held stormy sessions in Tokyo with Japanese MITI and Foreign Ministry officials only to be met with more denials. In March, 1987, Undersecretary of State Edward Derwinski demarched Japanese embassy officials on the Toshiba Machine case only to receive yet another denial. In the meantime, Norwegian officials had been informed of the Kongsberg connection but they were having momentary confusion about its significance.

In April, 1987, Secretary of Defense Casper Weinberger sent a personal appeal to his Japanese counterpart, which was timed to arrive the weekend before Prime Minister Yasuhiro Nakasone left for Washington on a state visit. (A similar letter was sent to Norway.) John Peterson of the Detroit News wrote the first extensive news article on the Toshiba-Kongsberg story on April 28. Every major Japanese daily picked up the Detroit News story on April 29; and before dawn on April 30, Japanese police had raided Toshiba Machine, C Itoh, and Wako Koeki in 14 locations across Japan.

It is hard to name an issue in recent years that has provoked such an immediate, visceral reaction on Capitol Hill as the Toshiba/Kongsberg affair. Members who wouldn't ordinarily agree on lunch have banded together to denounce Toshiba and Kongsberg. The chairman of the Senate Committee with responsibility for export controls, Senator William Proxmire, told a House-Senate conference on October 3, 1987, that in 30 years of Senate service he had never seen his colleagues so united. By a vote of 415 to 1, the House passed an amendment sponsored by Representative Duncan Hunter that instructed the Secretary of State to begin discussions with Japan and Norway over compensation for the loss to national security. An amendment sponsored by Representative Charles Wilson excluded Toshiba and Kongsberg from contracting with the federal government for most of Fiscal Year 1988. Toshiba alone has probably lost $200 million dollars in potential government contracts for laptop computers and consumer goods sales to U.S. military post exchanges worldwide.

Pending in early 1988 were the Proxmire-Garn-Helms-Heinz amendments to the trade bill H.R. 3. The amendments passed on June 30, 1987, as floor amendments in the Senate by a vote of 92 to 5. At least three of the five senators voting "no" indicated they voted against them because they were not strong enough. Proxmire-Garn-Helms-Heinz would ban Toshiba and Kongsberg from exporting to the United States or contracting with the U.S. government for two to five years. They would apply the same penalty to foreign firms that violated COCOM regulations in the future. Finally, the amendments would allow the Department of Justice to seek indemnification for American taxpayers due to losses to national security caused by export control violations. Some financial writers estimated that if Proxmire-Garn-Helms-Heinz should become law as passed by the Senate, it would cost Toshiba billions of dollars in lost revenues and it might bankrupt Kongsberg.

JAPAN'S RESPONSE

On July 1, 1987, the morning following Senate passage of the Proxmire-Garn-Helms-Heinz legislation, Toshiba Corporation Chairman Shoichi Saba and President Sugiichiro Watari resigned, taking responsibility for their errant subsidiary. The new Toshiba President Joichi Aoi hired Price Waterhouse to find out what had happened and what could be done to ensure that nothing similar ever happens at Toshiba again. Toshiba apologized to the American people in full-page advertisements in 60 U.S. newspapers.

The Japanese government also began for the first time to take the technology transfer scandal seriously. As far back as his April visit to Washington, Prime Minister Nakasone had told Senator Jesse Helms that the Toshiba problem was "serious" and he intended to clean it up. On July 18, the Prime Minister told the Diet that Toshiba

Machine had perpetrated "a crime of betrayal against the Japanese people."

Under the able leadership of Japanese Dietman Motoo Shiina, the Liberal Democratic Party established a committee to make changes in Japan's export control law. For the first time, "national security" was given as a reason for export denial. The statute of limitations was increased from three to five years. Punishments were made more severe and "attempts" to violate the law were made a crime. Two minor executives from Toshiba Machine were arrested and the company itself was indicted. Toshiba Machine has been forbidden to export to Communist countries for a year. C. Itoh received administrative punishment for three months and Wako Koeki got a reprimand, though MITI's 18 months of denials allowed a number of potential defendants to escape via the three-year statute of limitations.

The Japanese also pledged to assign 100 people to export control licensing and enforcement, up from 20. By contrast, the United States assigns approximately 800 people to the same task, and U.S. trade with the East Bloc and the Soviets in manufactured goods is far smaller.

TOSHIBA 2, 3, AND 4

A heated controversy has arisen over allegations that Toshiba Machine's parent, Toshiba Corporation, has a history of export-control violations of its own in the microelectronics field. According to the Kyodo News Service of November 12, 1987, as well as the WASHINGTON TIMES of March 4, 9, 10, and 11, 1988, some American officials believe that Toshiba Corporation illegally exported COCOM-controlled microelectronics assembly lines to the East Bloc in 1979 (Toshiba 2) and 1986 (Toshiba 3). In addition, Kyodo News Service and the *Washington Times* report that these United States officials believe that Toshiba Corporation was forced to abort a possibly illegal sale of microelectronics equipment when the United States advised Japanese authorities of Toshiba Corporation's negotiations with Communist officials in August, 1987 (Toshiba 4). These allegations would be in addition to the admitted illegal sale of the eight machine tools (Toshiba 1) by Toshiba Machine.

Spokesmen for the Toshiba Corporation have repeatedly denied the Toshiba 2, 3, and 4 charges and the U.S. Department of Defense has also questioned the basis for the allegations. Representative Duncan Hunter, however, reports that in congressional testimony, a senior American intelligence official "presented conclusive evidence that Toshiba [Corp.] has been illegally delivering microelectronics capability to the East Bloc." "He [the American intelligence official] came up here and put it right on the line," said Representative Samuel Stratton, Chairman of the House Armed Services Procurement Subcommittee.

Toshiba is one of the world's leading producers of CMOS microelectronics technology, which is critical for radiation hardening. Without such radiation hardening, the electromagnetic pulse set off by nuclear weapons exploding in the atmosphere would disable solid state-based communications. If Toshiba 3 were a complete assembly line to produce CMOS semiconductors, it would be a major setback for the Western Alliance on par with Toshiba 1 (submarine and aircraft carrier propellers).

SELLING THE NUCLEAR ROPE?

The Norwegians appear to have been genuinely stunned by the Kongsberg case. Whipped on by an outraged Norwegian press, the government responded with a grim determination to get to the bottom of the mess. Three Kongsberg officials have been indicted and await trial. Kongsberg has been reduced to its defense production base and has been forbidden to trade with the Soviet Bloc. The Norwegian police and the state prosecutors were directed by political officials to turn Kongsberg inside out. The police found ten shelf-meters of documents at Kongsberg that had miraculously survived.

Out of these documents seized on October 14, 1987, came the Norwegian police report accusing Japanese, French, German, and Italian firms of conspiring with Kongsberg to sell illegally COCOM-prohibited numerically controlled machine tools to a wide range of locations in the Soviet Union and Czechoslovakia. Norwegian officials have told me that they believe there were 142 major violations over an eight-year period. As of early 1988, investigations were continuing against Forest Line of France; Schiess, Dorries, and Donauwerke, all of West Germany; and state-owned Innocenti of Italy.

Kongsberg engineers, who traveled all over the Soviet Union to install the numerical controllers, have reported what they know to police authorities. The vast majority of this information is highly classified. However, on October 22, 1987, the *Washington Post* reported allegations by a senior American official that the German company, Schiess, sold the Soviets milling machines that may have ended up in a Soviet nuclear weapons plant. The other known Soviet destination was the Baltic Naval Shipyard. The other 137 East Bloc end-users have not yet been publicly identified.

THE BALTIC NAVAL SHIPYARD

The Baltic Naval Shipyard's propeller shop is surrounded by a high-voltage electric fence. Powerful searchlights are located strategically. The guard controls a dead man's gate: If the guard is killed by an intruder, the gate is automatically raised, blocking entrance.

Because Leningrad was constructed on a swamp, it was very difficult for the Japanese and Norwegian engineers to install the enormously heavy machines. But they got the job done. They were helped by the fact that they only had to install half the machines they sold. Two nine-axis machines and two five-axis machines were installed next to the older Toshiba machines and one French machine. The Japanese engineers installed the machines under the watchful eyes of Soviet engineers who took copious notes.

For some time Western analysts puzzled over the location of the other two nine-axis machines and the two five-axis machines. Recent information strongly suggests that these other four machines were installed by very tired Soviet engineers working at night from the notes they took during the day. Across the street from the propeller shop is a mystery building, which is similarly protected by electric fencing. The other four machines are probably there.

What are the Soviets doing in the mystery building? They never hid from Western engineers that the equipment they were installing in the propeller shop was for military use.

In September, 1987, Hitori Kumagai wrote in the Japanese monthly *Bungei Shunju* that the Soviets may be using the mystery building to push a new breakthrough propulsion system for Soviet submarines. This may be the "tunnel drive" about which Tom Clancy speculated in *Red October.* We already know, from the caterpillar tracks that have been found in the sea bottom off a major Swedish naval base, that the Soviets are experimenting with radically new submarine propulsion systems. The Swedish naval base is within easy reach of Soviet submarines stationed next to the Baltic Naval Shipyard.

WHO'S GOING TO PAY FOR THIS MESS?

The Western Alliance has been grievously injured by Toshiba and Kongsberg. To regain our technological lead in antisubmarine warfare, assuming it is not lost forever, will be expensive. There are no credible estimates of less than multiple billions of dollars for antisubmarine warfare alone. On July 29, 1987 the *New York Times* reported, "A classified Defense Department study estimates that developing new technology to reestablish America's edge in tracking Soviet submarines will cost at least $8 billion over 10 years." If Allied scientists cannot upgrade the existing system of underwater detection devices—and the technology does not yet exist—it may require 60 addtional nuclear attack submarines at $1 billion per copy to achieve the same antisubmarine capability we had before the Toshiba-Kongsberg crime.

Assuming that the other alleged major violations of Kongsberg, along with those of French, German, and Italian firms, are comparable to the Toshiba Machine betrayal, the bills for these illegal exports will be astronomical.

The question then, is quite simple, Who is going to pay? Will it be the companies that caused the damage? Or, as a practical matter, will it be the American taxpayer? The Senate answered that with the Helms amendment: Business firms that cause damage, in this case damage to the national security of the West, must pay to clean it up.

Meanwhile, ernormous strategic damage has been inflicted on the Free World. The United States maintains neither the manpower nor the material overseas to defend Europe or Japan for any length of time. Both would have to be reinforced and resupplied from the United States. While some limited airlift capability is available, the bulk of reinforcements and resupplies would have to move to Japan and Europe by sea. Toshiba, Kongsberg, and related conspirators have given the Soviets the tools to make sealane interdiction a very real possibility.

Given the ease with which export controls in Western countries can be violated, it is worth asking whether trade with the East Bloc and Soviets makes a positive contribution to the West. Trade with the East is really quite small. According to unclassified CIA statistics, in no COCOM country is it above 1 percent of GNP. Given the shape of socialist economies, it is unlikely that they will have the money for any expanded purchases of Western goods. As we have seen in the Toshiba/Kongsberg affair, the costs to Free World taxpayers from just one bad deal can be enormous. The United States will now have to spend at least $8 billion to repair its antisubmarine defenses, as a result of a sale that netted Japanese and Norwegian companies approximately $17 million.

In an August, 1987, private interview in Tokyo, former Moscow manager for Wako Koeki, Hitori Kumagai, was asked where authorities should look for export control violations. He responded, "Any enterprise which comes to Moscow to deal with the Soviet Union."

We also must remember that although the Japanese Government took some very modest steps to alter the situation, only after the Congress entered the Toshiba battle, that same government withheld the story for some 19 months. In fact, it did not act against Toshiba after initially our State Department called it to the attention of the Ministry over there that Toshiba had done this. Nothing was done. Nothing was done until the Congress got into the act.

Not only that, the Government was involved in the sale because export licenses and inspections are under the control of the Japanese Ministry of International Trade and Industry, better known as MITI, and those of my colleagues who have been following some of my statements here on the floor, know that it has been MITI which has been involved in plotting and planning the Japanese conspiracy of destroying our industries one by one in this country.

So in inviting these Japanese companies we need also to remember that the balance of payments ultimately will be involved. All of the arms sales are counted in a balance of payments deficit which has become a very major problem in the United States, and even the Japanese keep reminding us we need to cut our consumption, to live within our means. And they keep reminding us when are we going to wake up and take care of ourselves.

Clyde Prestowitz, in a Washington Post article over the weekend entitled "Let's Wake Up On Trade" quoted several Japanese leaders who said, "When are you Americans going to wake up?" They were expressing concern over the decline of the United States to a debtor nation status, and this decline has been precipitous as the Japanese have targeted our industries, including the machine tool and semiconductor industry.

These are just two of those included in this book, "The Japanese Conspiracy," written by Marvin Wolf from Los Angeles, in which he illustrates and goes into great detail on how MITI and various of the leading Japanese companies, the big corporations, the big combines have conspired to destroy one after another of our industries, everything from typewriters to automobiles to machine tools and now semiconductors.

Oh yes, our industries have had to fight the Government to get a fair deal. And Mr. Prestowitz stated that, "None of the Japanese executives could understand the indifference of the American economist to the fate of the United States semiconductor industry." It is true. Nobody paid any attention to it. They would have been shocked, pleasantly perhaps, but shocked nonetheless had they known that in 1985 a top White House national security official counseled overlooking evidence of massive Japanese semiconductor dumping because taking actions might weaken Japanese support for the star wars strategic defense initiative.

I am just going to read some of this because this article by Mr. Prestowitz is itself a very revealing one indeed. It should be enough for us to wake up. The headline, as I said, reads: "Let's Wake Up on Trade." Under that the subheading says: "Tokyo knows we are suckers—why don't we."

There is a good opening paragraph.

> Traditional free traders like to pose a simple question: If Japan is willing to send us high quality goods at a low—even money-losing —prices, why shouldn't America just say, "Thank you very much," and enjoy the deal? But the Japanese, who you might think would agree, don't think that way. They see long-term advantage for themselves in this apparent bargain. And they wonder why we don't catch on.
>
> In fact, the only real concern I found in Tokyo on a recent visit was over what the Japanese see as the rather frightening decline of the United States. While Americans congratulate themselves on their job machine, low inflation, and economic expansion, the Japanese note that the United States has become the world's largest debtor and is now the world leader only in military strength—and even its defense is under increasing budgetary pressure.

Here he is saying that we are inviting the Japanese military manufacturers into our country to take over.

Mr. Prestowitz goes on to say that:

> Japan's fear is that it will be forced into the unwanted role of world leader. While openly admitting that Japan is neither able nor willing to play such a role, several Japanese leaders asked the same question: "When are you Americans going to wake up?"
>
> Last week's standoff between Congress and the White House over the trade bill provides no evidence of such an awakening. While helpful, the bill deals only with the most superficial aspects of the extraordinary divergence between the conventional wisdom in this country about what constitutes appropriate trade policy and the way that such matters are viewed in Japan—and in the other prospering trade-surplus countries of Asia successfully following its lead.
>
> This divergence was vividly illustrated at a recent Washington seminar for touring Japanese executives. One speaker, a former member of the Council of Economic Advisers, opened his address by apologizing for U.S. "protectionism."

The barriers that Japan and these countries have against our goods and we are apologizing for protectionism when we have opened up our doors and they have taken advantage of all of the red carpet treatment that we have handed out. And this former member of the President's Council on Economic Advisors says he "urged the Japanese present to resist the demands of United States negotiators for increased sales in the Japanese market."

Can my colleagues imagine that, a former member of the Council of Economic Advisors urging the Japanese to resist the demands of the United States trade negotiators for increasing sales in their market?

Such demands, said this policy guru, were inappropriate attempts by this country to manage trade. He also criticized the recent United States-Japan Semiconductor Agreement which called for a halt to Japanese dumping. If Japan is willing to sell semiconductors below cost in the United States market, he argued, Americans should be grateful for the bargain and turn their attention to making something else.

That is to me very, very disturbing. That is indeed music to the ears of the Japanese? Mr. Prestowitz says not quite. In fact, a leader of the group told him later, "that the economic advisor would not be invited back for the next seminar because the executive simply could not understand what he was talking about."

Right. Though they are probably as shocked as we are. "This is not really surprising, because the truth is that Japan's economic success is built upon quite different economic assumptions than those found in standard United States textbooks.

"Take the concept of critical industries. None of the Japanese executives could understand the indifference of the American economist to the fate of the United States semiconductor industry," and neither can I. "They would have been shocked (pleasantly, perhaps, but shocked nonetheless) had they known that in 1985 a top White House national security official counseled overlooking evidence of massive Japanese semiconductor dumping because taking action might weaken Japanese support for the star wars strategic defense initiative.

"Just at the United States Government orchestrated industry efforts to put a man on the Moon," and this comparison is important, "the Japanese Government bent every effort to create world class industries in such areas as steel, computers, and semiconductors." That is when they beat us. "Critics say that Government is no good at picking winners and losers. That the Japanese Government hasn't picked aircraft, computers, telecommunications, biotechnology and advanced ceramics as winners, the market has. The Government is just making sure that Japanese industries ride with the winners," Mr. Prestowitz says.

"In this context, Japanese companies can sometimes see a long run strategic advantage in selling in a foreign market at a price below cost or below the price in the home market. Yes, such dumping can mean an immediate windfall for non-Japanese consumers, but it can also allow a Japanese industry to get or keep a lock-hold on an important market." And of course this is what happened time and again and was illustrated so well in the book, "The Japanese Conspiracy" on how they dumped items in here at low cost until they closed down the American manufacturer and forced him out of business, and then of course they controlled the prices.

Mr. Prestowitz goes on to point out, "For example, the conquest of the United States television market, partly by dumping, paved the way for Japan's lucrative monopoly in VCR's. Today United States entrepreneurs who wish to build improved VCR's or peripherals cannot," and this is important, "cannot because Japanese suppliers will not provide the critical parts or licenses." We see what one-way trade there is.

"Similarly, the driving of United States semiconductor producers out of key products has made United States electronics makers dependent on Japanese suppliers—their biggest competitors. And the Japanese will find it earsier to block the entry of new electronic entrepreneurs into the market." They then control.

"Dumping can also protect market share while an industry adjusts to changing market conditions; during the recent rapid appreciation of the yen, Japanese producers held the line on prices, despite profit losses, to give them time to cut costs.

"From this point of view, far from being a gift, dumped products look more like the hot goods of a fence. Of course the consumer gets a low price and the fence makes a nice profit, but ultimately, legitimate producers get put out of business.

"In the United States the consumer is king; in Japan, the producer is. For example, the South Korean car, Hyundai, has had great success over here," meaning in the United States, of course. "The soaring yen should make the high quality Hyundai a big seller in Japan, as well. Yet almost no Hyundais are sold in Japan. Why not?

"A big reason is that selling cars requires dealers. In the U.S. market, Hyundai was able to piggyback on Chrysler, Ford, and GM dealers because U.S. antitrust law affirms that the dealer cannot be controlled or pressured by the manufacturer. In Japan, any Toyota or Nissan dealer who even considered carrying Hyundai would be in danger of losing his primary franchise."

□ 1800

Such pressure is commonplace and is considered legitimate.

Indeed, what Americans would regard as collusion is a basis of the Japanese industrial structure, Mr. Prestowitz pointed out.

"The Sumitomo Group's White Water Club"—and there are a lot of these clubs over there between the different big companies including the heads of NEC, Sumitomo Bank, Mazda, et cetera, "meets monthly to consider such matters as donations to U.S. universities and to U.S. political action committees. Now these people in America understand what has happened.

A similar U.S. group, Mr. Prestowitz says "might include the CEO's of GM, IBM, U.S. Steel, and Citibank. Could such a group compete with Japan? Very probably. But, of course, its creation would never be tolerated in the United States." That is the difference.

"Beyond structure there are vast differences in the concept of how to do business. I saw an example of this while acting as general manager of a company producing artificial kidneys in Japan. Our customers were doctors who have such high status that by law they pay no income taxes. If a doctor wanted his car washed on a Sunday, my lowly salesman was expected to do it. One doctor even asked one of my salesmen to sleep in front of his hotel door to guard it at night. That is what the Japanese meant by 'trying hard.' Americans will never understand the concept," he said.

"Then there is the question of foreign investment. United States economists argue that it can only strengthen the United States economy and should be welcomed without reservation. But the Japanese have never shared this view. After the war, when Japan desperately needed capital, it strictly controlled and limited the inflow of foreign investment—and Japan continues to require fuller reporting of foreign investment than anything proposed in our Congress," and our Congress did not even try to push it through.

"The discussion at a Tokyo seminar," which Mr. Prestowitz recently participated in, "turned to the fact that Japanese concerns now own about 40 percent of the office space in downtown Los Angeles"—it is actually about 46 percent we understand—"as well as the recent acquisition of CBS Records by Sony and Firestone by Bridgestone. At one point, I asked what the Japanese reaction would be if United States interests bought Sony and Bridgestone and 40 percent of Tokyo's office space. All agreed that it could not happen, and one said that it would be seen as a kind of occupation." And yet we permit it over here.

"Obviously traditional trade talks are not going to change the practices and views that have brought Japan so much economic success," Mr. Prestowitz says. "Instead of shouting down any departure from 'free trade' orthodoxy, isn't it time to start a nonideological examination of how to deal with the advantages that accrue to the strategy chosen by Japan and its imitators? Open trade is certainly beneficial to world economic growth but as both theory and experience confirm, an individual country can gain considerable advantage by managing its trade, especially when its trading partners do not act to counter those practices. By the standard calculations of free economics, Japan should be worried by now. The dramatic fall of the dollar and corresponding rise of the yen over the past 3 years were supposed to make things tough for its export-led economy. In fact, this is not the case at all. On my most recent trip to Japan last month I found an unprecedented level of self-confidence in Tokyo. Indeed many forecasters are predicting that after a slight dip, Japan's trade surplus will begin to rise next year as exports boom again." Mr. Prestowitz goes on: "One industrialist told me: 'Foreign competitors could not easily enter our market. Now we have cut our costs by 30 percent over the past 2 years and we are aiming for another 20 percent. We will be able to compete with the yen at 90 to the dollar.'"

In closing, Mr. Prestowitz said, "In response to the fall of the dollar, the Japanese Government stimulated the domestic economy to maintain growth while businesses drove to make needed adjustment. For the first time in modern history, Japan's fear of losing overseas markets has been replaced by a realization that the country is less dependent on others than anyone ever thought. Moreover, Japan has found that being the only significant supplier of many critical items makes it difficult for foreign customers to switch to other, less costly suppliers. Finally, there is the realization that, as one top government official said to me: 'You need our money,'" pointing to the United States.

Is that not sad?

If we had fair trade with Japan we would not have to borrow so much of their money or anybody's money. And certainly we do not need to invite their companies to the United States for a guided tour of our defense research and development facilitie so that we will ultimately need even more money as a result of the loss of our defense business to them.

I agree with the Japanese executives that Clyde Prestowitz quoted and said, "When are you Americans going to wake up?" I would paraphrase that to say: When are some of the Government officials going to wake up? The American people have.

Mr. Speaker, I yield to the gentleman from California.

Mr. HUNTER. I thank the gentlewoman for yielding. Mr. Speaker, I want to commend her for her series of special orders because she has given us some insights that I think are very important. I think it is important that the Japanese people and the Members of this House realize that the gentlewoman, far from being mean to Japan or going after the Japanese, is really talking about the burdens of full partnership and the burdens of maturity.

If you have a partner as Japan is in the world's Western democracies, if you are a full partner you have a responsibility to help build the security of the West. And it is not in the interest of this country to allow our partner—and Japan is truly an economic partner, because we have allowed her to become so—with major holdings in the United States, it is not in our interest to allow Japan to acquire a large piece of the United States economic base when that same portion of economic base that is devoted to defense in this country, that is 6 percent of the gross national product, is not devoted to defense upon acquisition of that particular part of the economic base by Japan. In other words, if you strip that base away from the West, the portion of the West that pays 5, 6, 7 percent of their GNP on the defense of the West and you attach it to a government that does not pay in excess of 1 percent, which is the case with Japan, we are reducing our military capability and our national security in allowing them to take away bigger and bigger bites of our economy.

I think the Japanese have to realize that; if they are going to have this newfound partnership in economic growth, with that economic growth comes a responsibility of bearing 6 percent, minimum, of their GNP, spending that on defense.

Let me say that the gentlewoman has done a wonderful job. I know the gentleman from New York [Mr. HORTON] is going to have to ask to take just a few minutes to get in a fast special order before he has to leave for an engagement and I would hope that the gentlewoman would yield to him for that purpose, but I want to say that the gentlewoman from Maryland has done more in giving insights of the relationship this country has with Japan, particularly the economic relationship than any Member of Congress, of the House or the other body, has ever given.

Mrs. BENTLEY. I thank the gentleman for those very kind remarks.

I want to point out in view of what the gentleman was pointing out about the amount of money Japan spends on its defense versus what we do—and again referring to what Mr. Prestowitz was saying and others—namely we would not need to borrow their money if they were paying their share of the defense over there. I mean, just think of the $50 or $60 billion a year that it costs us to keep our ships over there and to protect them. And we are now protecting their oil in the Persian Gulf. That is all money out of the U.S. taxpayers' pockets.

Mr. HUNTER. The gentlewoman is precisely right. What she is referring to is what I call the defense overhead.

If you have a business on one side of the street and I have a business on the other side of the street and you do not pay any overhead and I have to pay overhead, you are shortly going to be able to underprice me and outbid me and in fact do much better than I could economically.

The lack of a defense overhead payment by the Government of Japan, their economists realize, has been a major boon in their ability to come up with fairly massive capital reserves with which they have used to purchase a large part, now, of the American industrial base.

Mrs. BENTLEY. I thank the gentleman. I know the gentleman from New York is anxious to get on and we will cease shortly.

I yield to the gentleman from New York.

Mr. HORTON. I thank the gentlewoman for yielding.

Mr. Speaker, I join with the gentleman from California in commending the gentlewoman from Maryland. I have worked on the Committee on Government Operations as the ranking member in connection with the Toshiba problem that she referred to earlier. I have had several conversations and conferences with regard to the inequities, with regard to our ability, that is the United States ability to do business in Japan. As a matter of fact, the chairman of the committee, Mr. BROOKS and I, put an amendment on the continuing resolution last year that prohibited Japanese construction companies from participating in federal projects here in the United States because the Japanese prohibited our companies from participating in construction projects there.

I think what the gentlewoman has done as a result of this series of special orders has been to call the attention of the American people to this very serious problem.

I agree with what the gentleman from California has said, it is time that there is some responsibility on the other side and we could all work together and in that way improve our trade with the Japanese and remove a lot of obstacles that we find in our way.

Mrs. BENTLEY. It would make it so much easier if they would.

I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentlewoman for yielding further. Since the gentleman has spoke, let me say that I have never been more proud of two Members than the gentleman from New York, Mr. HORTON, and the gentleman from Texas, "CACTUS JACK" BROOKS. They hung tough on the Toshiba case in the face of overwhelming lobbying efforts. I have never seen such an army of lobbyists descend on the Hill. In fact, I think CHARLIE WILSON said it that if you were a lawyer in this town and Toshiba had not hired you, your feelings should be hurt.

It is a tragedy that this company that has given away massive amounts of sensitive technology to the Warsaw Pact, of which we have conclusive proof through our most sensitive intelligence agencies, has been allowed to go scot-free and has now been invited as a people who sold out our submarine security to the Soviet Union and their devices are now being implemented in Stalingrad, the Baltic shipyards of the Soviet Union; they have now been invited to enjoy a defense contractor seminar hosted by the Pentagon in the United States. I understand now, as a former lowly infantryman in Vietnam, why we lost.

Mrs. BENTLEY. Since the gentleman brought the subject up, I would urge the gentleman from California, as a member of the Committee on Armed Services, and the gentleman from New York [Mr. HORTON], as a member of the Committee on Government Operations, to see if you can stop that invitation. I would appreciate it very much if you would.

Again, I want to thank the two gentlemen who are both very helpful in this whole project and have done a great deal.

The article referred to is as follows:

[From the Washington Post, June 12, 1988]

LET'S WAKE UP ON TRADE; TOKYO KNOWS WE'RE SUCKERS—WHY DON'T WE?

(By Clyde V. Prestowitz, Jr.)

Traditional free traders like to pose a simple question: If Japan is willing to send us high quality goods at low—even money-losing—prices, why shouldn't America just say, "Thank you very much," and enjoy the deal? But the Japanese, who you might think would agree, don't think that way. They see long-term advantage for themselves in this apparent bargain. And they wonder why we don't catch on.

In fact, the only real concern I found in Tokyo on a recent visit was over what the Japanese see as the rather frightening decline of the United States. While Americans congratulate themselves on their job machine, low inflation, and economic expansion, the Japanese note that the United States has become the world's largest debtor and is now the world leader only in military strength—and even its defense is under increasing budgetary pressure.

Japan's fear is that it will be forced into the unwanted role of world leader. While openly admitting that Japan is neither able nor willing to play such a role, several Japanese leaders asked the same question: "When are you Americans going to wake up?"

Last week's standoff between Congress and the White House over the trade bill provides no evidence of such an awakening. While helpful, the bill deals only with the most superficial aspects of the extraordinary divergence between the conventional wisdom in this country about what constitutes appropriate trade policy and the way that such matters are viewed in Japan—and in the other prospering trade-surplus countries of Asia successfully following its lead.

This divergence was vividly illustrated at a recent Washington seminar for touring Japenese executives. One speaker, a former member of the Council of Economic Advisers, opened his address by apologizing for U.S. "protectionism" and urging the Japanese present to resist the demands of U.S. trade negotiators for increased sales in the Japanese market.

Such demands, said this policy guru, were inappropriate attempts by this country to manage trade. He also criticized the recent U.S.-Japanese semiconductor agreement which called for a halt to Japanese dumping. If Japan is willing to sell semiconductors below cost in the U.S. market, he argued, Americans should be grateful for the bargain and turn their attention to making something else.

Music to the ears of the Japanese? Not quite. In fact, a leader of the group told me later that the economic adviser would not be invited back for the next seminar because the executives simply could not understand what he was talking about. This is not surprising, because the truth is that Japan's economic success is built upon quite different economic assumptions than those found in standard U.S. textbooks.

Take the concept of critical industries. None of the Japanese executives could understand the indifference of the American economist to the fate of the U.S. semiconductor industry. They would have been shocked (pleasantly, perhaps, but shocked nonetheless) had they known that in 1985 a top White House national security official counselled overlooking evidence of massive Japanese semiconductor dumping because taking action might weaken Japanese support for the Star Wars Strategic Defense Initiative.

Just as the U.S. government orchestrated industry efforts to put a man on the moon, the Japanese government bent every effort to create world-class industries in such areas as steel, computers, and semiconductors. Critics say that government is no good at picking "winners" and "losers." But the Japanese government hasn't picked aircraft, computers, telecommunications, biotechnology and advanced ceramics as "winners," the market has. The government is just making sure that Japanese industries ride with the winners.

In this context, Japanese companies can sometimes see a long-run strategic advantage in selling in a foreign market at a price below cost or below the price in the home market. Yes, such dumping can mean an immediate windfall for non-Japanese consumers, but it can also allow a Japanese industry to get or keep a lock-hold on an important market.

For example, the conquest of the U.S. television market, partly by dumping, paved the way for Japan's lucrative monopoly in VCRs. Today U.S. entrepreneurs who wish to build improved VCRs or peripherals cannot, because Japanese suppliers will not provide the critical parts or licenses.

Similarly, the driving of U.S. semiconductor producers out of key products has made U.S. electronics makers dependent on Japanese suppliers—their biggest competitors. And the Japanese will find it easier to block the entry of new electronic entrepreneurs into the market. Dumping can also protect market share while an industry adjusts to changing market conditions; during the recent rapid appreciation of the yen, Japanese producers held the line on prices, despite profit losses, to give them time to cut costs.

From this point of view, far from being a gift, dumped products look more like the hot goods of a fence. Of course the consumer gets a low price and the fence makes a nice profit, but ultimately, legitimate producers get put out of business.

In the United States the consumer is king; in Japan, the producer is. For example, the South Korean car, Hyundai, has had great success over here. The soaring yen should make the high-quality Hyundai a big seller in Japan, as well. Yet almost no Hyundais are sold in Japan. Why not?

A big reason is that selling cars requires dealers. In the U.S. market, Hyundai was able to piggyback on Chrysler, Ford, and GM dealers because U.S. antitrust law affirms that the dealer cannot be controlled or pressured by the manufacturer. In Japan, any Toyota or Nissan dealer who even considered carrying Hyundai would be in danger of losing his primary franchise. Such pressure is commonplace and is considered legitimate.

Indeed, what Americans would regard as collusion is the basis of Japan's industrial structure. The Sumitomo group's "White Water Club"—including the heads of NEC, Sumitomo Bank, Mazda, etcetera—meets monthly to consider such matters as donations to U.S. universities and PACs. A similar U.S. group might include the CEOs of GM, IBM, U.S. Steel, and City Bank. Could such a group compete with Japan? Very probably. But, of course, its creation would never be tolerated in the United States.

Beyond structure, there are vast differences in the concept of how to do business. I saw an example of this while acting as general manager of a company producing artificial kidneys in Japan. Our customers were doctors who have such high status that by law they pay no income taxes. If a doctor wanted his car washed on a Sunday, my lowly salesman was expected to do it. One doctor even asked one of my salesmen to sleep in front of his hotel door to guard it at night. That is what the Japanese mean by "trying hard." Americans will never understand the concept.

Then there is the question of foreign investment. U.S. economists argue that it can only strengthen the U.S. economy and should be welcomed without reservation. But the Japanese have never shared this view. After the war, when Japan desperately needed capital, it strictly controled and limited the inflow of foreign investment—and Japan continues to require fuller reporting of foreign investment than anything proposed in our Congress.

The discussion at a Tokyo seminar I recently participated in turned to the fact that Japanese concerns now own about 40 percent of the office space in downtown Los Angeles, as well as the recent acquisitions of CBS Records by Sony and Firestone by Bridgestone. At one point, I asked what the Japanese reaction would be if U.S. interests bought Sony and Bridgestone and 40 percent of Tokyo's office space. All agreed that it could not happen, and one said that it would be seen as a kind of occupation.

Obviously traditional trade talks are not going to change the practices and views that have brought Japan so much economic success. Instead of shouting down any departure from "free trade" orthodoxy, isn't it time to start a non-ideological examination of how to deal with the advantages that accrue to the strategy chosen by Japan and its imitators? Open trade is certainly beneficial to world economic growth but, as both theory and experience confirm, an individual country can gain considerable advantage by managing its trade, especially when its trading partners do not act to counter those practices.

By the standard calculations of free market economics, Japan should be worried by now. The dramatic fall of the dollar and corresponding rise of the yen over the past three years were supposed to make things tough for its export-led economy. In fact, this is not the case at all. On my most recent trip to Japan last month, I found an unprecedented level of self-confidence in Tokyo. Indeed, many forecasters are predicting that after a slight dip Japan's trade surplus will begin to rise next year as exports boom again.

One industrialist told me: "Foreign competitors could not easily enter our market. Now we have cut our costs by 30 percent over the past two years and we are aiming for another 20 percent. We will be able to compete with the yen at 90 to the dollar."

In response to the fall of the dollar, the Japanese government stimulated the domestic economy to maintain growth while businesses drove to make needed adjustment. For the first time in modern history, Japan's fear of losing overseas markets has been replaced by a realization that the country is less dependent on others than anyone ever thought. Moreover, Japan has found that being the only significant supplier of many critical items makes it difficult for foreign customers to switch to other, less costly suppliers. Finally, there is the realization that, as one top government official said to me: "You need our money."

□ 1815

COMMEMORATING HUNGARIAN PRIME MINISTER IMRE NAGY 30 YEARS AFTER HIS EXECUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. HORTON] is recognized for 60 minutes.

Mr. HORTON. Mr. Speaker, tomorrow, June 16, marks the 30th anniversary of the execution of the former Prime Minister of Hungary Imre Nagy. On the 16th day of June, 1988, the Hungarian people, together with all freedom-loving nations, will commemorate the martyrdom of Imre Nagy.

Mr. Nagy was the Prime Minister of the free democratic government established as a result of the victorious Hungarian revolution of 1956. On June 16, 1956, Mr. Nagy was executed for his participation in the Hungarian revolution. To this day the bodies of Prime Minister Nagy and the over 2,000 others who were executed for their part in the struggle remain unidentified in unmarked graves.

To commemorate this anniversary, there are two organizations in this country that are coordinating these efforts, and they have been doing this for a number of years, as a matter of fact for the last 30 years. One is the Hungarian Freedom Fighters Federation, which is headed by Dr. Istvan

Magis, and the other one is the Coordinating Committee of the Hungarian Organizations of North America; the executive secretary is Estan Garavan. These two organizations have been very instrumental in keeping our attention on this commemoration and on this terrible deed that occurred and the fact that those bodies have not been returned to their loved ones.

Mr. Speaker, in order to commemorate this, the gentleman from Maryland [Mr. HOYER] and I sent out a "Dear Colleague" to the other Members of Congress urging that they sign with us a letter to the present Prime Minister of Hungary, and I would like to read that letter. It is addressed to Karoly Grosz, Prime Minister, Budapest, Hungary. The text of the letter is as follows:

KAROLY GROSZ,
Prime Minister,
Budapest, Hungary.

DEAR MR. PRIME MINISTER:

The recent changes in your government have once again focused international attention on Budapest and, simultaneously, on the progressive economic and political changes currently being discussed by the Hungarian leadership.

Over the years, United States officials as well as private citizens have appealed to the Hungarian government and the Hungarian Socialist Workers Party on behalf of the families of those executed in 1956. The bodies of those executed remain unidentified, in unmarked graves. The families have not been permitted to identify their loved ones, and, by putting their bodies to rest, finally put this issue to rest.

Hungary is a country with a progressive and laudable human rights record, one which is often held up as a model for other countries. We support the efforts of Hungary to fulfill the commitments it has undertaken in the Helsinki Final Act and other international human rights instruments. Unfortunately, the failure of the Hungarian government to permit the identification and reburial by the families of those executed for their part in the Hungarian Revolution is a grim and tragic reminder of Hungary's inability to come to terms with its own past and stands in sad conflict with the spirit of the Helsinki Accords.

As the leader of your government and the new leader of your Party, we hope that you will take the steps necessary to allow these families to identify their loved ones and rebury them in a manner and place of their choosing. After more than thirty years, this issue endures as one that divides the Hungarian people. In this regard, we hope that as you turn your attention to your new responsibilities and duties, you will consider the positive resolution of this emotional issue.

Sincerely,
Representative Frank Horton
(and 35 cosigners).

As we have noted, Mr. Speaker, this letter has been signed by 36 of the Members of Congress, and there will be others who will be signing it before we send it to the Prime Minister of Hungary.

I hope that when this letter is received, it will activate the Prime Minister of Hungary to make efforts to return these bodies to their loved ones.

Mr. Speaker, in addition to this letter that the gentleman from Maryland [Mr. HOYER] and I sent out as a "Dear Colleague" letter to the Members of the House, the gentleman from California [Mr. LANTOS], the cochairman of the Congressional Human Rights Caucus, and I both sent a letter to the other Members urging that they participate in this special order and urging also that they sign this letter to the Prime Minister.

Mr. Speaker, under permission to include extraneous matter, I now include a paper entitled "The Political and Legal Aspects of Imre Nagy's Trial and Execution" prepared by Mr. Miklos Radvanyi, Senior Legal Specialist, European Law Division, Law Library, Library of Congress, as follows:

THE POLITICAL AND LEGAL ASPECTS OF IMRE NAGY'S TRIAL AND EXECUTION

The Hungarian Revolution of 1956, the role of Imre Nagy in it, and the subsequent terror unleashed by János Kádár cannot be understood properly without a brief overview of the first Hungarian attempt to reform the Stalinist regime. On June 30, 1953, Imre Nagy replaced Mátyás Rákosi as Hungarian Prime Minister. On July 4, 1953, the new Prime Minister submitted to the Parliament his comprehensive program to reform the Stalinist model with respect to society and the economy. Politically, Nagy's program did not foresee the restoration of the multi-party system of 1945-1947. The new Prime Minister and his followers within the party envisaged a revision of intra-party relations in which democracy would be restored within the communist party under the control of its leading organs. Economically, the harsh administrative aspects of central planning were to be eased both in agriculture and industry. Thirdly, and most importantly, judicial arbitrariness, malicious persecution, and politically motivated purges were to be stopped.

Yet, even this limited reform was vehemently attacked by the party and government bureaucracy. Rákosi, who remained general secretary of the Hungarian Workers' Party, openly criticized every aspect of Nagy's program while boasting about his accomplishments between 1949-1953. Imre Nagy who lacked support within the party was forced to resign as Prime Minister.

On October 26, 1956, the Central Committee of the party published a resolution calling for the rectification of all the faults and sins of the past. On October 27, 1956, a new government was elected under the chairmanship of Imre Nagy. This new government included leaders of former political parties whose organizations were dissolved by the Communists between 1947-1948. Three days later, on October 30, 1956, the multi-party system was restored. In addition, the government called upon the commandants of the Soviet force in Hungary to start the immediate withdrawal from Budapest and requested negotiations with the Soviet government concerning the total removal of all Soviet troops from Hungary. The remaining days of the Hungarian revolution were filled with activities and statements by leading politicians aimed at gaining total independence from Soviet domination. Thus, on November 1, 1956, Hungary terminated its participation in the Warsaw Pact and declared its neutrality. While negotiations with the Soviets went on, Soviet forces attacked Budapest on November 4, 1956, with the obvious intent of overthrowing the government. Imre Nagy and most of his ministers sought and found temporary refuge at the Yugoslav Embassy. Two days later, János Kádár entered Budapest and assumed de facto control over the political situation.

The announcement of the dismissal of Nagy's government was only published in the November 12, 1956, issue of the official gazette. Concomitantly, the election of the so-called Revolutionary Workers-Peasant Government headed by János Kádár was promulgated. From the viewpoint of international law, the Soviet military attack on Hungary was an illegal intervention in Hungarian affairs. Moreover, the Soviet action removed a government from office that was elected according to the provision of a constitution that was imposed upon Hungary by the communists and their Russian masters.

Upon assuming power Kádár found himself in a difficult position. Production came to a standstill. The population was hostile to his regime. He had no power to force the workers back to their factories. In this situation, Kádár could not turn to the old guard of the party. The only people with authority who could persuade the people to resume production were his former comrades-in-arms whom he so obviously betrayed. Nonetheless, Kádár decided to attempt the impossible. First, he commenced negotiations with the workers' council. When these negotiations did not yield quick results, he convinced the Soviets to guarantee safe passage to Imre Nagy and his colleagues from the Yugoslav Embassy. But the Soviets did not trust Imre Nagy any more. They felt that they would be able to control him better if he was in their custody. Thus, Imre Nagy and his entourage were seized and taken to Romania on November 22, 1956. Negotiations between the Soviets and Imre Nagy on the one hand and between the latter and János Kádár went on for months. However, Imre Nagy stood firm. He rejected any solution based on the condition that he renounce the principal political demands of the revolution.

While negotiations were dragging on, the Soviets grew impatient with both János Kádár and Imre Nagy. From Moscow's perspective, Kádár did not make any progress in controlling the situation in Hungary. The Soviet leadership demanded restoration of order and production. The old guard of the party in Hungary pressed for firm measures against the workers' councils and the people who participated with their arms in the revolution. Kádár's decision was never in doubt. From December 1956 on Hungary was gripped by consecutive waves of unprecedented terror. Thousands were executed and tens of thousands were forcibly taken to the Soviet Union. Meanwhile, the West remained inactive. Verbal protestation influenced neither the Soviets nor the Kádár regime.

In this national and international context, it was obvious that Imre Nagy and his colleagues had no political utility for the new rulers of Hungary. The decision to try them secretly was taken in mid-1957 in Moscow. The first trial that was interrupted on the same day, was opened on February 6, 1958, in Budapest. Imre Nagy, József Szilágyi, Pál Maltéter, Miklós Gimes, Zoltán Tildy, Miklós Vásárhelyi, Ferenc Jánosi, Ferenc Donáth, and Sándor Kopácsi were all accused of illegal conspiracy to forcibly overthrow the constitutional order of the Hungarian People's Republic.

The second trial started on June 9, 1958. The charge was the same but the presiding judge at this trial was József Vida. The judgment was handed down on June 15, 1958. Imre Nagy, Pál Maltéter, Miklós Gimes received death sentences. Sándor Kopácsi was sentenced to life imprisonment. The others were sent to prison. The death sentences were carried out at 6 a.m. on June 16, 1958, on the courtyard of the main prison of Budapest. According to reliable sources, the three were buried in the graveyard of the prison.

SOURCES

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Essays on Hungary of 1956. The Revolution, Its Beginnings and Its Aftermath [in Hungarian].

Hungarian Newspapers.

Magyar Közlöny [official law gazette].

Mr. Speaker, also under permission to include extraneous matter, I will include the President's message which was issued on June 8, 1988. Let me read the message for the benefit of the Members as follows:

The White House,
Washington, June 8, 1988.

I am proud to join the Coordinating Committee of Hungarian Organizations in North America and friends of liberty everywhere in commemorating the heroes and martyrs of the 1956 Hungarian Revolution.

We will never forget the brave men and women who, against impossible odds, faced death fearlessly in testimony to their love of freedom and national self-determination. We remember Prime Minister Imre Nagy, General Pal Malteter, Miklos Gimes, and many others who were put to death 30 years ago this month. We call to mind the many Freedom Fighters killed and executed during and after the 1956 uprising. In paying tribute to their memory, we uphold the ideals for which they died, the dream of a free, democratic, and independent Hungary. Their noble example reminds us to remain vigilant in the timeless and universal cause that Thomas Jefferson called "eternal hostility" against every form of tyranny over the mind of man."

I commend the efforts of those who are seeking to identify and recover the remains of the martyrs for proper burial by their families. May 1988 see these heroes restored to their loved ones—and may they, by God's grace one day rest in the soil of a free and independent homeland.

God bless you.

Ronald Reagan.

Mr. Speaker, also under permission to include extraneous matter, I include the letter of the World Federation of Hungarian Freedom Fighters addressed to the government heads of the free world, also asking for this action in commemorating this anniversary. The letter is as follows:

World Federation of
Hungarian Freedom Fighters,
Calgary, Canada.

To the Government Heads of the free world.

Your Excellency: On the 16th day of June 1988 the Hungarian people, together with all freedom honouring nations, shall commemorate the martyrdom of Imre Nagy, Mr. Nagy was the prime minister of the free democratic government established as a result of the victorious Hungarian Revolution of 1956.

After he was expelled by the enduring Soviet military from his office in the Hungarian Parliament, prime minister Nagy—having been falsely framed—was executed along with his colleagues on the day of June 16th, 1958. Thousands followed them in martyrdom by the subsequent brutal terrorism of the Hungarian puppet regime.

It is the solemn duty of the World Federation of Hungarian Freedom Fighters to remind the Free World Government Heads of this disgraceful event of our recent history.

The victims of the heroic struggle were the martyrs, asserting basic human rights, the freedom of press and free assembly, religious and spiritual freedom. They sacrificed their lives for the very same philosophies and constitutions on which all democratic systems live, practice and value.

We believe that our martyrs did not die in vain. We know that without translating moral obligations into actions the Free World cannot achieve the goals for which they gave their lives. As long as suppressive military powers rule over victimized countries worldwide and as long as illegal and unconstitutional party dictatorships dominate nations deprived of basic human rights, world peace and the democratic social order of the Free World will be in prolonged danger.

On the thirtieth anniversary of their executions, a statue will be erected for the honour of Imre Nagy and his Fellow Martyrs to remind the whole world of their fight for freedom. The politicians in Hungary have concealed the burial locations of these victims and it is for this reason that the unveiling of the statue be held in the City of Paris, France.

Respectfully:

Istvań Magas,
President.

Mr. LANTOS. Mr. Speaker, June 30 of this year marks the 30th anniversary of the execution of former Hungarian Prime Minister Imre Nagy by Soviet forces. His execution was ordered almost 2 years after he was captured and imprisoned by Soviet forces which entered Budapest to put down the Hungarian revolution of 1956.

Nagy was expelled from the Communist Party of Hungary in 1955 for his liberal and moderate approach to government policies. The unyielding hard line policies imposed by other Hungarian Communist leaders at that time when the winds of change were beginning felt following the death of Soviet leader Iosif Stalin led directly to the spontaneous uprising of the Hungarian people against the Communist Party and the Soviet occupation troops.

In October 1956 student protests demanding greater freedom and respect for Hungarian national traditions touched off a demonstration. Police brutality inflammed the situation, and a full-fledged uprising against Soviet rule followed. Initial Hungarian Communist and Soviet efforts to restore order failed, and Soviet troops left Budapest in a matter of days.

In the chaos and confusion of those revolutionary days, Imre Nagy formed a genuine coalition cabinet, announced a return to conditions that existed before the Communist seizure in 1947, abolished the one-party system of government, promised free elections, and negotiated for the immediate withdrawal of Soviet troops.

Within a few days, however, on November 1, Soviet troops invaded once more. Nagy responded with a proclamation of neutrality and a request to the West and the United Nation for assistance. He also announced the withdrawal of Hungary from the Warsaw Pact. Savage fighting broke out and the heroic Hungarian uprising was crushed by Soviet tanks.

In the years that followed the unsuccessful uprising of the Hungarian people, thousands of Hungarians fled to Austria and Yugoslavia and eventually found their way to the West. In Hungary, thousands were executed for their role in the revolution. Among them, Imre Nagy, who was secretly executed in 1958 and buried in an unmarked grave.

Mr. Speaker, today I join my distinguished colleague from New York, Mr. Horton, to honor the memory of this exceptional man and of those who died in their struggle for the freedom of Hungary in 1956. Imre Nagy was a man of courage and conviction who was dedicated to the freedom and nationalism of his native Hungary.

Mr. DINGELL. Mr. Speaker, today, 30 years after their execution, we commemorate the righteous and the courageous Hungarian Premier, Imre Nagy, and the Hungarian people who risked their lives in a battle for independence and democracy, and who were either killed or ruthlessly executed by the remnants of the Soviet-Stalin dictatorial machine.

The 1956 Hungarian Revolution represents a continuing struggle for Hungarians and for peoples all over the world to obtain the necessary rights and freedoms that we, in this great Nation, are so fortunate to have and often take for granted. Hungarian students assembled peacefully 32 years ago in Budapest to voice their desire for independence until they were fired upon by Hungarian police and Soviet troops. The revolution was relatively successful in terms of motivating public opinion and installing a temporary government under former Hungarian Communist Premier Imre Nagy, but only at the cost of decent Hungarian lives. Just as the violent revolt was thought to be stabilizing, it suddenly resparked as the Soviet military moved to squelch the status quo through an attack upon the capital city, Budapest. When the fighting subsided, the Soviets had sent hundreds of freedom seeking Hungarians to their grave, had halted the rebellion led by Hungarian Premier Imre Nagy and had installed a new dictatorial leader to replace Premier Nagy's progressive and democratic leadership. The rebellion waged on through 1957 as the Soviets whittled away at the resistance forces, but the revolution sorrowfully, as well as symbolically, ended as the Premier and his associates were secretly executed on this date in 1958.

I respectfully extend my personal grievances to the families that lost their closest of kin 30 or more years ago and that are reasonably seeking the proper and just return of their remains from Hungary. I can only hope the current Hungarian Government will consider the request of these Americans and take action to assure the remains are returned to the United States with great haste.

Mr. BROOMFIELD. Mr. Speaker, I am honored to participate in this special order marking the 30th anniversary of the execution of Imre Nagy, a great Hungarian freedom fighter who died in the struggle for the cause of liberty. It is truly tragic that the bodies of Prime Minister Nagy and others remain unidentified in unmarked graves. This shameful treatment of the famililes of Hungarian citizens is a real tragedy which the Government of Hungary must not be allowed to ignore. I commend Congressman FRANK HORTON for this timely special order.

We all know the story of the brave efforts of Imre Nagy and others in the heroic Hungarian Revolution. He and others were taken away and brutally executed. To this day, their graves have not been identified. Their long-suffering families still do not know where the remains of their loved ones are located.

While Hungary has tried to project an image of a country that respects human rights, this callous treatment of the families of those brave men is a sad chapter in the history of human rights in that country. The Government of Hungary's refusal to permit the identification and reburial of those executed is a clear violation of the letter and spirit of the Helsinki accords.

All of us are inspired by the realization that people around the world still yearn for the liberty Hungarians so courageously fought for in 1956. Today, we honor the memory of those who perished in that struggle.

Now is the time for the Government of Hungary to accept the reality of its past by allowing the families to identify their loved ones, and give them proper burial. In the name of humanity, this is the least that the Government of Hungary can do for those families who have lived with this anguish for so many years.

Mr. DE LUGO. Mr. Speaker, tomorrow marks the anniversary of a tragic event that the entire free world should always remember. Thirty years ago on June 16, 1958, the Prime Minister of Hungary, Imre Nagy, was executed by Soviet forces for his role in the revolution of 1956.

Today, I am honored to join with my esteemed colleague, the gentleman from New York, who has been in the forefront of the effort to impress upon the Hungarian Government the importance of returning the remains of over 2,000 Hungarians who were executed during the period of 1956 to 1958 for their participation in the revolution of 1956.

Mr. Speaker, I am proud to join with the gentleman from New York and the Hungarian people in tribute to their martyred leader and those who died for the cause of freedom not only in Hungary but throughout the world. May Imre Nagy and those who fell with him be honored in our memories, and may the people of Hungary achieve the freedom and liberty for which those of another generation so valiantly struggled. Again, I want to commend the gentleman from New York for his diligence on this issue.

Mr. LIPINSKI. Mr. Speaker, tomorrow marks the 30th anniversary of the execution of Imre Nagy, the Prime Minister who desired a free Hungary, by Soviet forces in Romania.

Imre Nagy had been a Hungarian Communist Premier before announcing the abolishment of the one-party system and a return of the state that had existed before Soviet intervention and domination. Several days before marked the explosive beginning of the Hungarian Revolution by university students in Budapest. Imre Nagy demanded the withdrawal of Soviet troops from Hungary and withdrawal of his country from the Warsaw pact, and then declared the state of Hungary neutral. At first the Soviets appeared to comply to his wishes but then on November 1, 1956, almost a week after that initial demonstration, Soviet military units surrounded the airfields and Budapest while troops invaded the country. After a fearless struggle, Hungary fell under the Soviet forces and a new Communist regime was established. In 1957 thousands of Hungarians retaliated again and were either imprisoned or killed. The following year Soviet forces also executed Premier Nagy and several other important associates.

As you may all know, Hungary is still under the Soviet Union's heavy iron curtain. Prime Minister Nagy's efforts to free his country from Communist power were the last attempt to restore the individual freedom and liberty that his country once possessed. His death marked the end to that hope. The efforts of the Premier and the many thousands of people who died trying to fight Communist rule must not be forgotten.

I would like to thank the gentleman from California, Mr. LANTOS, and the gentleman from New York, Mr. HORTON, for bringing to our attention the 30th anniversary of the Premier's death. Please join me in commemorating the desire of Hungarian people for a free Hungary and of one great statesman who represented that desire, Imre Nagy.

Mrs. MORELLA. Mr. Speaker, I am pleased to join my colleagues today in remembering the 30th anniversary of the execution of Hungarian Prime Minister Imre Nagy and other leaders of the 1956 Hungarian Revolution, and would like to commend my friend from New York, Mr. HORTON, for calling this special order.

Many of us remember the brief flicker of hope inspired by brave Hungarian students and workers who stood up to the Stalin-installed government to demand basic human rights and democracy. And when the Soviets invaded to restore their totalitarian tyranny, people across the world heard of the great resistance of the Hungarian people who, in the capital of Budapest, and in other areas of the country, dug in to oppose Soviet tanks and armored vehicles with little more than rocks and bottles. Sadly, these patriots stood little chance against such an onslaught, and the Iron Curtain which Churchill had foreseen became a fait accompli.

Prime Minister Nagy and other opposition leaders were quickly rounded up, and on June 17, 1958, executed. To this day, the bodies of Nagy and more than 2,000 other Hungarian patriots remain unidentified in unmarked graves. It seems little to ask that, after 30 years, the Hungarian Government finally take steps to settling this matter by identifying the bodies of those executed and allowing their families to reinter them in a manner and place of their own choosing. Such a request need not be justified by any reason other than it is the right and humanitarian thing to do.

Mr. FEIGHAN. Mr. Speaker, I'm pleased to join Representative HOYER and Representative HORTON in this special order today regarding Hungary. I want to commend my two colleagues on their outstanding leadership on this important matter.

The end of this week will mark the 30th anniversary of a tragic event in Hungary's past—the execution of the former Prime Minister of Hungary, Imre Nagy, for his actions in the Hungarian Revolution.

As we know, university students in Budapet began a demonstration in October of 1956 to show their support for workers rioting at the time in Poland. When Hungarian police and Soviet troops fired into the crowd, revolution in Hungary was sparked as well. The newly appointed Prime Minister Imre Nagy announced that free elections would be held in Hungary and called for the removal of Soviet troops stationed there. Shortly thereafter, Soviet military forces attacked Budapest and crushed the rebellion. The following year, thousands were imprisoned or executed for their involvement in the revolution, and, in 1958, Prime Minister Nagy and several other leaders were secretly executed as well.

There is no doubt that, among the countries of Eastern Europe today, Hungary has produced a progressive human rights record. Yet, over the past 30 years, the Hungarian Government has failed to allow relatives to identify the bodies of Prime Minister Nagy and over 2,000 others who were executed following the Hungarian Revolution.

I respectfully urge the new Hungarian Prime Minister Karoly Grosz to consider resolving this issue as he begins his new duties in Government. If Prime Minister Grosz were to allow relatives to identify and rebury those who were executed 30 years ago, this emotional issue could at last be put to rest.

Mr. DWYER of New Jersey. Mr. Speaker, I commend my colleagues, TOM LANTOS and FRANK HORTON, for setting aside time this evening to call attention to the unfinished aspect of the Hungarian Revolution of 1956 and to pay tribute to Irme Nagy, who was executed 30 years ago for his part in the revolution.

The Hungarian revolt began in October of 1956 with a student demonstration in Budapest in support of the revolution in Poland, which had begun in June of that year.

Using the demonstration as a vehicle to voice demands for independence and free elections, the crowd quickly grew. The police, and later Soviet troops, were called in to restore order. The confrontation resulted in the authorities firing into the crowds, setting off the revolution that quickly spread throughout Hungary.

Seven days after the start of the demonstrations, Imre Nagy, the former Prime Minister who had been expelled from the Communist Party for "Titoism", formed a coalition government, calling for a return to the form of government prior to the 1947 Communist takeover. The new cabinet abolished the one-party system, promised free elections and negotiated for the immediate withdrawal of Soviet troops. The euphoria which spread with the obvious success of the new government was, however, short lived.

On November 1, 1956, Soviet troops moved into Hungary, surrounding Budapest. On the 4th of that month, the troops invaded the city, crushing the rebellion after several days of intense fighting. It is estimated that during those weeks of disorder 160,000 Hungarians fled the country and thousands were killed.

The Soviets installed Janos Kadar, who had been appointed as First Secretary on October 25, as the leader of the new Hungarian revolutionary workers' and peasants' government.

Over the next two years the Kadar government systematically retaliated against those who were responsible for the rebellion, as well as those who supported it. Approximately 2,000 Hungarians were executed, including Prime Minister Nagy, who was secretly executed in 1958. The bodies of those killed were buried in unmarked graves and have never been identified. The families of these victims have never been able to ascertain the identity of their relatives or the exact location of their remains so that they might be buried properly.

And this leads us to the reason for our dialog tonight. We are urging Prime Minister Grosz to permit these families to rebury their dead, putting to rest this incident, which has been an issue of division in Hungary for more than 30 years.

GENERAL LEAVE

Mr. HORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order, commemorating Hungarian Prime Minister Imre Nagy 30 years after his execution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

IN MEMORIAM WILLIE VELASQUEZ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. COLEMAN] is recognized for 30 minutes.

Mr. COLEMAN of Texas. Mr. Speaker, I have called this special order with a number of my colleagues to pay tribute to Willie Velasquez, who passed away last night in San Antonio, TX.

There have been pioneers in the effort to bring a minimum of representation to Mexican-Americans in this Congress and in State legislatures across the Southwest. A smaller number of them continue to serve—in this House and in the State Houses of Texas, California, New Mexico, and Arizona. Willie Velasquez did more to enfranchise Mexican-Americans than any other individual I know. He did so not by running for elected office himself, but through the Southwest Voter Registration and Education project.

Willie was born the son of a butcher in San Antonio. In 1968, he dropped out of graduate school to organize farm workers in the lower Rio Grande valley. Since forming the organization in 1974, Willie Velasquez and Southwest Voter conducted nearly 1,000 registration drives. In 10 years, the number of Hispanic elected officials in Texas doubled.

Willie Velasquez was a good and moral man. I will miss him. All of us from the southwest, Democrats and Republicans, Hispanics and non-Hispanics will miss his vision and his compassion. It is no cliche to suggest that his work will survive him—the evidence of that will be clear in November. He was an activist in the best sense of the term and will be sorely missed.

Mr. Speaker, under permission to include extraneous matter. I include the following, first an article from Newsweek Magazine dated March 16, 1987, and then as article from the Austin American-Statesman dated May 27, 1988, as follows:

"ALL THESE GUYS OWE WILLIE"—AN ACTIVIST BUILDS HISPANIC CLOUT AT THE GRASSROOTS

(By Daniel Pedersen)

He has lectured at Harvard, collected studies of British prime ministers and mastered with equal ease the vernacular Spanish of poverty and the polished tongues of the capitols in Washington and Mexico City. But Willie Velásquez's highest calling—and his great passion—is persuading the dispossessed to take political power into their own hands. He does this by talking pavement: "When we got Mexican-American candidates saying, 'Vote for me and I'll pave the streets,' god-dammit, that's when the revolution started." For 13 years Velásquez had doggedly prodded his fellow Mexican-Americans into running for office, knowing that this was the only way to get Hispanics into the system. Rodolfo de la Garza, director of Mexican-American studies at the University of Texas, calls Velásquez "the single most important political actor since Cesar Chavez. And in terms of representational politics, the most important ever. Henry Cisneros owes Willie in a direct way. All these guys owe Willie."

The attainments of Velásquez's San Antonio-based Southwest Voter Registration Education Project over the last 10 years are almost as unheralded as Velásquez himself. Nationwide, Hispanics still hold only a fraction of the country's 490,000 elective offices. But in the last decade the number of Hispanic officeholders has doubled to 3,202. Nearly half of those are in Texas, where Velásquez's organization has challenged an ingrained assumption: that U.S. Hispanics are a politically apathetic society, for reasons ranging from low education and income to fidelities south of the border. Velásquez believes there is a simpler explanation. "You don't vote if you can't win," he says. In an effort to win, he has tried to change the structure and developed a strategy in which the most important elections are local. "We voted for Roosevelt, Truman and Kennedy," says Velásquez. "It didn't pave the streets."

Some call the region "Little Texas" for its oil wells and vast cattle ranches. But to New Mexico Hispanics, Little Texas earned its name by importing redneck racism from its big brother to the east. Smiley Gallegos, 34, remembers the segregated city of his boyhood in Clovis, N.M., a city within a city. "You couldn't cross Main and you couldn't cross Seventh, not even to shine shoes. Those were our borders." By the 1980s the outward trappings of racism had withered away. But while Mexican-Americans made up 23 percent of Clovis's population in 1984, no Clovis Hispanic had ever been elected to the school board, county board or state legislature. Southwest Voter moved into the area, launching a drive to change the structure. The Southwest workers were denounced as outsiders, and a two-year struggle began, similar to those Southwest had encountered across Texas and New Mexico.

The son of a San Antonio butcher, Velásquez dropped out of graduate school in 1968 to join Cesar Chavez's fight to organize farm workers in the Rio Grande Valley. But when fellow activists formed La Raza Unida into a quixotic third party in Texas, Velásquez bolted. "It was so Mexican," he says. "What was important was not the result but making a glorious effort. Well, goddammit, we're not in Mexico." He launched Southwest Voter in 1974. The next year Congress gave wider application to the Voting Rights Act, extending its protection to all racial minorities. Thus armed, Southwest Voter has since waged 958 registration drives (adding more than a million Mexican-Americans to the rolls) and filed or joined in 82 winning lawsuits. "It's cod liver for those who have it forced down their throats," says Velásquez. "It's good medicine, but it tastes like hell."

It tasted pretty sour to Hoyt Pattison, a crusty former legislator from the Clovis area. "The Texans who came to New Mexico [to file suits] slandered us with ethnic slams," he says. Pattison had been an architect of New Mexico's 1982 redistricting. Southwest Voter sued to overturn the plan and won in 1984. The three-judge federal panel derisively likened the shapes of some of the new districts to eagles and spigots. But a fitting simile eluded them when it came to Pattison's own district. They just called it "most unusual." Clovis's compact west-side barrio had been split among three districts, diluting the Hispanic vote. The lines were redrawn, and Pattison was defeated. In addition to its case against gerrymandered legislative districts, Southwest Voter filed winning suits against at-large voting systems in city, county and school-board elections all across southeastern New Mexico.

With successes in Big Texas and Little Texas behind him, Velásquez is now drawn to what he calls the "Achilles' heel of Chicano politics in this nation"—California. The state has only 450 Hispanic officials, elected from among the roughly 5 million Hispanics who are included in California's total population of 26 million. (Texas has 1,466 such officials, a Hispanic population of about 4 million and a total of 17 million people.) "Marketers go after Hispanics here because a dollar's a dollar," says California pollster Mervin Field. "But the political community doesn't. It knows they aren't participating." Although Hispanics are 21 percent of the population, they constitute only 7 percent of the electorate in the November 1986 elections. Three months ago, after declaring California the top priority, Velásquez moved Southwest Voter's field director to Los Angeles to organize more than 250 registration drives; 23 local governments are being studied as possible targets for lawsuits under the Voting Rights Act. "You're looking at Texas 10 years ago, but it won't take 10 years here, vows Velásquez. Indeed, California appears to be fertile ground. Last month state Assemblywoman Gloria Molina became the second Hispanic on the 15-member Los Angeles City Council. "That's the big-league situation," Velásquez says of California. "It's going to prove Hispanics are on the move."

They are already on the move back in Clovis. In 1985 the town saw a five-point gain in Hispanic registration, and Mario Urioste joined the previously all-Anglo school board. He has long-term hopes of cutting the dropout rate by increasing the number of Hispanic teachers. In 1986 Lucinda Bonney became not only the county board's first Hispanic, but its chairman as well. Another success: the hiring of a black and a Hispanic by the sheriff's department. This year Smiley Gallegos, who won Hoyt Pattison's seat after the court threw out the perversely drawn redistricting plan, drove up to Santa Fe for his maiden session as a lawmaker, hoping to push small-business loans for Hispanics and other minorities. Among both Hispanics and Anglos, there is a slow but sure adjustment to the new order. "I've gotten to know this Gallegos," says Pattison, who now works as a lobbyist for soft-drink bottlers, "and I plan to lobby him right alongside everybody else."

[From the Austin (TX) American-Statesman, May 27, 1988]

VELASQUEZ: TRIGGER OF HISPANIC POLITICAL CLOUD

(By Jesse Trevino)

Two developing topics of significance to the Hispanic community in Texas and to the state itself have been overshadowed by the news that Willie Valasquez is seriously ill.

As head of the Southwest Voter Registration and Education Project in San Antonio, Velasquez had little day-to-day involvement in moves late this week by Texas to begin serious discussions on how to bring Pan American University and Texas A&I University—and South Texas—into the University of Texas or the Texas A&M University systems.

Nor did he have direct involvement in last week's announcement that House Speaker Jim Wright and Sen. Lloyd Bentsen are banding to support Rep. Ron Coleman's idea of a U.S.-Mexico Border Commission to lobby for this critically important region of Texas.

But neither of these developments—nor countless others—would be happening if Willie Velasquez had not dedicated his entire life to a simply elemental proposition: That the lives of Mexican Americans would not improve if they remained outside the halls of power.

Because of Velasquez, Mexican-American political power has exploded in 15 short years. From a regional voting bloc limited to four or five counties in deep South Texas and San Antonio, the Hispanic voting bloc has mushroomed to about 1.2 million. The political map of Texas and Texas itself have been changed—forever.

Texas may surely elect a Hispanic to one of its top elected offices in 1990. Should that happen, that Mexican American may well be from San Antonio, a historically correct and symbolic milestone. But it would also be a fitting tribute to the man who more than anyone else will have made it a reality.

Velasquez' impact on Texas has been based on his understanding of political power. Hispanic members of the Legislature now form a critical core of lawmakers who are forcing the state's two premier universities to include South Texas in their plans for the future. The votes Velasquez has harnessed have been the key to the turnaround in the academic and economic fortunes of this area of Texas.

Likewise, Sen. Lloyd Bentsen in an election year comes 'round to support Coleman's border commission idea because of the new political arrangements in Texas politics today.

A critical Velasquez contribution, however, may become evident in this year's presidential election. It is an election in which Hispanics arrive on the national political scene. Having led the charge that transformed Texas and is transforming California politics, Hispanics are positioned truly to influence a national election for the first time in history. Where Hispanics live primarily, in the largest and second-largest states of the union, is where Velasquez has worked feverishly.

To this end, the man who in a relatively short time did the most to convert Mexican Americans from a sleeping population to a potent political force has come up with a plan to intensify the Hispanic vote in November.

Long used to voter registration drives, Velasquez' voter volunteers will now become independent, get-out-the-vote surrogates for whichever presidential camp most appeals to them.

If the stratagem works, Velasquez may have tipped the scales in important electoral states, such as Illinois, as Hispanics become critical votes in what in May appears will be a close election in November.

But Velasquez' most important impact on his native Texas has been the election of hundreds of local officials who will mold the direction of the significant part of Texas' future. With his grassroots manner, Velasquez interposed himself in a critical way: He thwarted the mere substitution of a Hispanic elite in areas where demographic events were making painfully clear that Hispanics were achieving majority population status.

In this manner, Velasquez may have planted the seeds of a new, aggressive Hispanic population that may take a direct role in the formulation not only of the state's future but of national policies as well. A case in point is the new tone within the Hispanic population concerning U.S. aid to the Contras.

Seldom has a man seen the fruits of his own life bear such bounty. At only 44, he has become a legendary Texan in his own time. A visionary who sees things for Texas when most cannot, even when those events are upon us, Velasquez is a hero to hundreds of Texas' future leaders.

But his greatest legacies are yet to come.

Mr. TORRES. Mr. Speaker, will the gentleman yield?

Mr. COLEMAN of Texas. I am happy to yield to my colleague, the gentleman from California.

Mr. TORRES. Mr. Speaker, I thank my colleague, the gentleman from Texas for yielding.

I also appreciate the time he has set aside in this special order to allow me and others to eulogize a great American and commemorate the death of this great American, Willie Velasquez, who passed away just yesterday, leaving us at this tragic moment.

Willie passed away in San Antonio, TX, the city that he worked in and loved so much. He was a relatively young man who early in his career began to make a mark on the face of American politics.

I would like to point out that Willie was inspired very much by the works of Dr. Martin Luther King and the work of Cesar Chavez in leading nonviolent protests to see to it that disenfranchised people were afforded the benefits of being able to organize themselves and partake of the American political process.

□ 1825

I think that the individuals like Willie and, yes, the Reverend Jesse Jackson and Martin Luther King have changed the face of American politics for a long time to come.

As my colleague, the gentleman from Texas [Mr. COLEMAN] has just stated, Willie Velasquez organized the Southwest Voter Registration and Education Project and has carried out a thousand political campaigns in over 200 major cities of the six Southwestern States. Now these campaigns and these efforts have led about to broadening the scope of participation by Hispanic Americans, and in many fields of political endeavor. We have seen the face of city councils change, and county seats have seen judicial positions change because of this, and we have seen congressional elections take a different turn of events as we see more Hispanic Americans coming to the fore.

Mr. Speaker, why has this been possible? Because Willie Velasquez had the vision to challenge the people who were the experts, so to speak, in the field of politics who said that it could not be done, who said that the American political mode was a certain way and it could not be changed.

Well, Willie Velasquez proved them wrong. He challenged them. He challenged them in the courts, and he brought about suits.

My understanding, Mr. Speaker, is his project has initiated 88 legal suits in the courts, and of all 88 he has lost none, so that we know because of these efforts that the increase of Hispanic voters across the United States is up some 25 percent.

I think that there is no teacher, no school child, no home owner, no farm worker who does not somehow feel that Willie Velasquez and his efforts gave these people a whole new outlook on the political system in this country.

Mr. Speaker, he was very much involved, as the gentleman just stated, in the possibilities of a victorious November election this year. Willie's dream will come true because he worked at it.

Last night, as he went to the hospital, he told his compadre, as we call him, his friend, Arnold Flores, to call for his priest for he knew the end was near, and, after having made peace with his God, Willie Velasquez slipped away from us.

I am sure, if Willie were watching us now, and I am sure he is, he would simply convey to us that kind of message that he was so good at in saying to us here on Earth: not to mourn him, not to mourn him, but to go on and organize. Very much in the same words of Joe Hill, a famous labor organizer of the early thirties, Willie would say, "Don't mourn me; go on and organize."

Mr. Speaker, I thank my colleague for giving me the opportunity and for this special order.

Mr. COLEMAN of Texas. Mr. Speaker, I thank my colleague, the gentleman from California [Mr. Torres] for participating.

With that, Mr. Speaker, let me make one other comment, if I might, before yielding back my time, and that is in my discussions today with many of our colleagues, including the gentleman from California [Mr. Torres] the statements and comments of those who desire to place into the Congressional Record their knowledge of and their tribute really to Willie Velasquez will certainly include the gentleman from Texas, Henry B. Gonzalez, of San Antonio, the gentleman from Texas, Solomon P. Ortiz, of Brownsville and Corpus Christi and certainly the gentleman from Texas, Albert G. Bustamante from San Antonio as well who represents Laredo. All of us who have grown up in Texas together along that United States-Mexico border have known and understood Willie Velasquez to have served not just Mexican Americans and not Hispanics, but all people who believe that they were somehow disenfranchised simply because of their station in life. I know there are many others. I discussed this today also with the gentleman from California [Mr. Martinez] this tribute to Congressman Velasquez.

Mr. TORRES. Mr. Speaker, will the gentleman yield?

Mr. COLEMAN of Texas. I yield to the gentleman from California.

Mr. TORRES. Mr. Speaker, I thank the gentleman from Texas for yielding to me.

Mr. Speaker, I would be remiss if I did not mention a great part of Willie Velasquez' work was due in part to his family who was very supportive of his activities, especially his wife, Janie, who to the very last minute supported him and helped him in his endeavors.

So, to Janie, and to Carmen, and Katerina, and Guillermo we wish to convey our deepest regrets and our condolences, and they know that Willie lives forever in our hearts.

Mr. COLEMAN of Texas. Mr. Speaker, I thank the gentleman from California [Mr. Torres].

Mr. LELAND. Mr. Speaker, it is with great sadness that I address my colleagues today. Yesterday, my friend Willie Velasquez was taken by cancer at the age of 44. He is survived by his wife Jane and his children Carmen, Caterina, and Guillermo.

William Velasquez and the organization he founded, the Southwest Voter Registration Education Project [SVREP] are responsible for the dramatic political awakening of Hispanic citizens in the Southwest. Under Willie's leadership, SVREP conducted more than 1,000 voter registration drives in over 200 cities in six States. These drives added over 1 million new voters to the rolls and increased Hispanic voter registration around the country by over 25 percent.

Willie was a fine man who was committed to ensuring that all Americans have an opportunity to fully participate in the political processes of their country, no matter what their economic or social status might be.

Under Willie's guidance, SVREP registered not only Hispanics but blacks, native Americans, Asian Americans and anyone else they encountered who was not registered to vote. As a result, minority voter participation and the numbers of minority elected officials are at all-time highs and growing.

SVREP's success gave inspiration to the establishment of a similar organization, the Midwest/Northeast Voter Registration Education Project. SVREP will be able to continue the work Willie started because he built it into a financially healthy and highly professional organization. His energy and vision will be missed, but his dream will live on.

Willie devoted his entire adult life to this effort. He was a leader of adults and an example for youths. He was a respected and admired figure in his hometown of San Antonio and throughout the Nation.

Mr. Speaker, this November, hundreds of thousands of Americans will vote in the Presidential election that would not be participating if it had not been for the efforts of Willie Velasquez and the Southwest Voter Registration Education Project. I can think of no finer or appropriate tribute to Willie and his lifetime achievements. These new voters will be Willie's legacy to us. It will be one that his family, friends and associates can treasure forever.

GENERAL LEAVE

Mr. COLEMAN of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Russo (at the request of Mr. Foley), for today and the balance of the week, on account of illness.

Mr. Parris (at the request of Mr. Michel), for today, on account of illness.

Mr. Leland (at the request of Mr. Foley), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McEwen) to revise and extend their remarks and include extraneous material:)

Mr. Dornan of California, for 5 minutes, today.

Mr. Dreier of California, for 5 minutes, today.

Mr. Young of Alaska, for 5 minutes, today.

Mr. Bereuter, for 5 minutes, today.

Mr. Gekas, for 5 minutes, today.

(The following Members (at the request of Mr. Coleman of Texas) to revise and extend their remarks and include extraneous material:)

Mr. Panetta, for 5 minutes, today.

Mr. Annunzio, for 5 minutes today.

Mr. Rose, for 30 minutes, today.

Mr. Coleman of Texas, for 30 minutes, today.

Mr. Levine of California, for 60 minutes, on June 16.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MacKay, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. McEwen) and to include extraneous matter:)

Mr. Green.
Mr. McDade.
Mr. Livingston.
Mr. Bartlett.
Mr. Weldon.
Mr. Broomfield.
Mr. Hefley.
Mrs. Morella.
Mr. Roth.
Mr. Hyde.

Mr. DONALD E. "BUZ" LUKENS.
Mr. LATTA.
Mr. LIGHTFOOT.
Mr. DANNEMEYER.
Mr. HORTON.

(The following Members (at the request of Mr. COLEMAN of Texas) and to include extraneous matter:)

Mr. TRAFICANT in two instances.
Mr. CLARKE.
Mr. MAZZOLI.
Mrs. SCHROEDER in two instances.
Mr. DYMALLY.
Mr. SMITH of Florida.
Mr. WEISS.
Mr. HAMILTON.
Mr. SAWYER in two instances.
Mr. MATSUI.
Mr. ACKERMAN.
Mr. STUDDS.
Mr. PEASE.
Mr. LEVINE of California.
Mr. RAHALL.
Mr. DWYER of New Jersey.
Mr. DORGAN of North Dakota.
Mr. DOWNEY of New York.
Mr. MORRISON of Connecticut.
Mr. BONKER.
Mr. HOYER.
Mr. KOLTER.
Mr. GEJDENSON.
Mr. GIBBONS.
Mr. FRENZEL.
Ms. OAKAR.
Mr. MILLER of California.
Mr. WHEAT.
Mr. WYDEN.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2042. An act to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict; to the Committee on House Administration.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 249. Joint resolution designating June 14, 1988, as "Baltic Freedom Day."

ADJOURNMENT

Mr. TORRES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 31 minutes p.m.), the House adjourned until tomorrow, Thursday, June 16, 1988, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3810. A letter from the Principal Deputy Assistant Secretary of Defense (Comptroller), transmitting a listing of contract award dates for the period July 1, 1988 to August 31, 1988, pursuant to 10 U.S.C. 2431(b); to the Committee on Armed Services.

3811. A letter from the Acting Director, Defense Security Assistance Agency, transmitting reports of the listing of all outstanding letters of offer to sell any major defense equipment for $1 million or more as of March 31, 1988 and a listing of all letters of offer for major defense equipment valued at $1 million or more that were accepted as of March 31, 1988, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

3812. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a copy of certain FMS quarterly reports for the second quarter of fiscal year 1988, January 1, 1988-March 31, 1988, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 2792. A bill to clarify Indian treaties, Executive orders, and Acts of Congress with respect to Indian fishing rights; with an amendment (Rept. 100-312, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. STOKES: Permanent Select Committee on Intelligence. H.R. 1580. A bill to prohibit investments in, and certain other activities with respect to, South Africa, and for other purposes; with an amendment (Rept. 100-642, Pt. 2). Ordered to be printed.

Mr. BROOKS: Committee on Government Operations. A report "Just Saying no is not Enough: HUD's Inadequate Response to the Drug Crisis in Public Housing" (Report No. 100-702). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. A report "Federal Government Payments to Reinsurers Under FEGLIA: The $850,000 Annual Giveaway" (Rept. 100-703). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. Report on Subdivision among programs of budget allocation for fiscal year 1989, submitted pursuant to section 302(b) of the Congressional Budget Act of 1974 (Rept. 100-704). Referred to the Committee of the Whole House on the State of the Union.

Mr. STOKES: Permanent Select Committee on Intelligence. H.R. 3822. A bill to strengthen the system of congressional oversight of the intelligence activities of the United States; with an amendment (Rept. 100-705, Pt. 1). Ordered to be printed.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3431. A bill to release a reversionary interest of the United States in a certain parcel of land located in Bay County, FL; with an amendment (Rept. 100-706). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4050. A bill for the relief of certain person in Riverside County, California, who purchased land in good faith reliance on an existing private land survey (Rept. 100-707). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARTLETT:

H.R. 4821. A bill to amend title VII of the Civil Rights Act of 1964 to prohibit discrimination based on race, color, religion, sex, handicap, national origin, or age in employment in the legislative branch of the Federal Government; jointly, to the Committees on Education and Labor and House Administration.

By Mr. BUECHNER:

H.R. 4822. A bill to establish a customs fee for provision of customs services in connection with processing passengers on international flights; to provide for the establishment of a Western Hemisphere Drug Strike Force and a North Atlantic Treaty Organization Drug Strike Force; and to require States, as a condition of receiving certain funds for criminal justice, to include in probation sentences imposed on certain individuals convicted of drug offenses a requirement that such individuals perform community service; jointly, to the Committees on Ways and Means, the Judiciary, Foreign Affairs, and Armed Services.

By Mr. COLEMAN of Missouri (for himself, Mr. SCHUETTE, Mr. EMERSON, Mr. GRANDY, Mr. HOLLOWAY, Mr. MADIGAN, Mr. MARLENEE, Mr. ROBERTS, Mr. STANGELAND, Mr. WEBER, and Mr. BEREUTER):

H.R. 4823. A bill to authorize and direct the Secretary of Agriculture to waive the collection and refund of advance deficiency payments made for the 1988 crops of wheat and feed grains because of drought, flood or other natural disaster, or other condition beyond the control of the producers in an area where the producers' crops were located and were substantially affected by it; to the Committee on Agriculture.

By Mr. DORNAN of California:

H.R. 4824. A bill to establish the Joint Federal Task Force on Clandestine Drug Laboratories; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. GIBBONS (for himself and Mr. FRENZEL):

H.R. 4825. A bill to amend the Internal Revenue Code of 1986 to revise the export financing exception to the separate application of the foreign tax credit limitation to financial services income; to the Committee on Ways and Means.

By Mr. LEVINE of California (for himself and Mr. BERMAN):

H.R. 4826. A bill to authorize additional personnel positions in the Los Angeles, CA, area for Government entities involved in the war on drugs; jointly, to the Committees on Merchant Marine and Fisheries, Ways and Means, and the Judiciary.

By Mr. MAZZOLI:

H.R. 4827. A bill to amend the Immigration and Nationality Act to extend for 4 years the authorization of appropriations for refugee assistance, and for other purposes; to the Committee on the Judiciary.

By Mrs. MEYERS of Kansas:

H.R. 4828. A bill to amend title 18, United States Code, to extend penalties for the operation of a vehicle while under the influence of alcohol or drugs in the transaction of the business of a common carrier to those who participate in the operation of such a vehicle, to extend such penalties to the operation of a locomotive, to increase such penalties if such operation results in serious bodily injury or death, and for other purposes; to the Committee on the Judiciary.

By Mrs. MORELLA (for herself, Mr. Clay, Mrs. Schroeder, Mr. Dymally, Mr. Gilman, Mr. Solarz, Mr. Garcia, Mr. Fazio, Mr. Akaka, Mr. Parris, Mr. McMillen of Maryland, Mrs. Collins, Mr. Bates, and Mr. Miller of Washington):

H.R. 4829. A bill to amend title 5, United States Code, to allow for the temporary continuation of health benefits coverage for separated employees and certain family members, in order to ensure treatment consistent with that provided to similarly situated individuals under plans provided by private employers pursuant to amendments made by the Consolidated Omnibus Budget Reconciliation Act of 1985; to the Committee on Post Office and Civil Service.

By Mr. SOLOMON (for himself and Mr. Horton):

H.R. 4830. A bill to amend the Higher Education Act of 1965 to prevent double counting of income in the conduct of needs analysis for student assistance under that act; to the Committee on Education and Labor.

By Mr. SWEENEY:

H.R. 4831. A bill to move forward the date by which the terms of the 1989 rice program must be announced; to the Committee on Agriculture.

By Mr. SWIFT:

H.R. 4832. A bill to direct the Secretary of the Interior to transfer all right, title, and interest of the United States in certain property on San Juan Island, WA, to those persons who own such property because of an erroneous survey; to the Committee on Interior and Insular Affairs.

By Mr. WYDEN (for himself, Mr. Waxman, Mr. Dingell, Mr. Madigan, Mr. Florio, Mr. Markey, Mr. Walgren, Mrs. Collins, Mr. Richardson, Mr. Sikorski, Mr. Leland, Mr. Hall of Texas, Mr. Tauzin, Mr. Boucher, Mr. Rinaldo, Mr. Scheuer, Mr. Tauke, and Mr. Bruce):

H.R. 4833. A bill to amend the Public Health Service Act to revise and extend the programs of nurse education established in title VIII of such act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska (for himself and Mr. Watkins):

H.R. 4834. A bill to allow Alaska Natives and Oklahoma's Indians to qualify for waste water treatment assistance; to the Committee on Public Works and Transportation.

By Mr. BERMAN (for himself, Mr. Clarke, Mr. Porter, Mr. DeFazio, Mrs. Collins, Mr. Ackerman, Mrs. Boxer, Mr. Green, Mr. Kleczka, Mr. Clay, Mr. Blaz, Mr. Brown of California, Mr. Mrazek, Mr. Weiss, Mr. Lewis of Georgia, and Mr. Dornan of California):

H. Res. 471. Resolution to condemn the use of chemical weapons by Iraq and urge the President to continue applying diplomatic pressure to prevent their further use, and urge the administration to step up efforts to achieve an international ban on chemical weapons; to the Committee on Foreign Affairs.

By Mr. FLAKE:

H. Res. 472. Resolution expressing the sense of the House of Representatives regarding the steps which the United States must take to ensure that all Americans have decent and affordable housing; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PANETTA (for himself, Mr. Foley, Mr. Coelho, Mr. Bonior of Michigan, Mr. Ackerman, Mr. Akaka, Mr. Anderson, Mr. Applegate, Mr. Atkins, Mr. AuCoin, Mr. Bates, Mr. Beilenson, Mr. Berman, Mr. Bonker, Mr. Borski, Mr. Bosco, Mr. Boucher, Mrs. Boxer, Mr. Brennan, Mr. Brown of California, Mr. Bruce, Mr. Bustamante, Mr. Campbell, Mr. Cardin, Mr. Carper, Mr. Carr, Mr. Clarke, Mr. Clay, Mr. Coleman of Texas, Mrs. Collins, Mr. Conte, Mr. Conyers, Mr. Crockett, Mr. DeFazio, Mr. Dellums, Mr. Derrick, Mr. Dixon, Mr. Dorgan of North Dakota, Mr. Downey of New York, Mr. Durbin, Mr. Dymally, Mr. Dyson, Mr. Eckart, Mr. Edwards of California, Mr. English, Mr. Espy, Mr. Evans, Mr. Fauntroy, Mr. Fazio, Mr. Feighan, Mr. Flake, Mr. Florio, Mr. Foglietta, Mr. Ford of Tennessee, Mr. Ford of Michigan, Mr. Frank, Mr. Fuster, Mr. Garcia, Mr. Gejdenson, Mr. Gephardt, Mr. Gray of Pennsylvania, Mr. Gray of Illinois, Mr. Hall of Ohio, Mr. Hawkins, Mr. Hayes of Illinois, Mr. Hochbrueckner, Mr. Hoyer, Mr. Hughes, Mr. Jeffords, Mr. Johnson of South Dakota, Mr. Kanjorski, Mr. Kastenmeier, Mr. Kennedy, Mr. Kildee, Mr. Kleczka, Mr. Kostmayer, Mr. Lantos, Mr. Leach of Iowa, Mr. Lehman of California, Mr. Leland, Mr. Levin of Michigan, Mr. Levine of California, Mr. Lewis of Georgia, Mr. Lowry of Washington, Mr. McHugh, Mr. Manton, Mr. Markey, Mr. Martinez, Mr. Matsui, Mr. Mavroules, Mr. Mfume, Mr. Miller of California, Mr. Mineta, Mr. Moakley, Mr. Moody, Mrs. Morella, Mr. Morrison of Connecticut, Mr. Mrazek, Mr. Murphy, Mr. Neal, Ms. Oakar, Mr. Oberstar, Mr. Olin, Mr. Owens of New York, Mr. Owens of Utah, Ms. Pelosi, Mr. Penny, Mr. Rahall, Mr. Rangel, Mr. Rodino, Mr. Roe, Mr. Roybal, Mr. Russo, Mr. Sabo, Mr. St Germain, Mr. Savage, Miss Schneider, Mrs. Schroeder, Mr. Schumer, Mr. Sikorski, Mr. Skaggs, Ms. Slaughter of New York, Mr. Staggers, Mr. Stallings, Mr. Stark, Mr. Stokes, Mr. Studds, Mr. Sunia, Mr. Synar, Mr. Torres, Mr. Torricelli, Mr. Towns, Mr. Traficant, Mr. Traxler, Mr. Udall, Mr. Vento, Mr. Volkmer, Mr. Walgren, Mr. Weiss, Mr. Wheat, Mr. Williams, Mr. Wise, Mr. Wolpe, Mr. Wyden, and Mr. Yates):

H. Res. 473. Resolution directing the President to provide certain documents to the House of Representatives concerning the assistance for Central America provided for in Public Law 100-276, approved April 1, 1988; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

418. The SPEAKER presented a memorial of the Legislature of the State of Alaska, relative to the use of State airports for plutonium shipments; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BONKER:

H.R. 4835. A bill to permit issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel *Aleutian Trawler*; to the Committee on Merchant Marine and Fisheries.

H.R. 4836. A bill to permit issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel *Pavlof*; to the Committee on Merchant Marine and Fisheries.

By Mr. GREEN:

H.R. 4837. A bill for the relief of Gillian Lesley Sackler; to the Committee on the Judiciary.

By Mr. PERKINS:

H.R. 4838. A bill for the relief of Carman Villigran; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 111: Mr. Stump.

H.R. 372: Mr. Stallings.

H.R. 387: Mr. AuCoin, Mr. Clarke, and Mr. Durbin.

H.R. 759: Mr. Smith of Texas.

H.R. 1076: Mr. Atkins and Mr. Leland.

H.R. 1140: Mr. Chapman.

H.R. 1211: Mr. Stark, Mr. Smith of Florida, and Mr. Brown of California.

H.R. 2532: Mr. Bennett and Ms. Kaptur.

H.R. 2640: Mr. Burton of Indiana and Mr. Kolbe.

H.R. 2762: Mr. Young of Florida and Mr. Gaydos.

H.R. 2784: Mr. Kolter.

H.R. 2793: Mr. Gregg.

H.R. 2828: Mr. Coleman of Texas, Mr. de la Garza, Mr. Fauntroy, Mr. Frost, Mr. Gilman, Mr. Mfume, Mr. Murphy, Mr. Pashayan, Mr. Ravenel, Mr. Torres, Mr. Volkmer, Mr. Walgren, Mr. Waxman, Mr. Rodino, Mr. Borski, Mr. Bustamante, Mr. Florio, Mr. Robinson, Mr. Stark, and Mr. Owens of Utah.

H.R. 2852: Mr. Borski.

H.R. 3250: Mr. Emerson.

H.R. 3259: Mr. Towns, Mr. Solarz, Mr. Horton, Mr. Biaggi, Mr. Stokes, Mr. Pepper, and Mr. Dymally.

H.R. 3314: Mr. Lantos. Mr. Lagomarsino, and Mr. Broomfield.

H.R. 3371: Mr. Wolpe.

H.R. 3454: Mr. Mrazek, Mr. Yates, Mr. Bonker, Mr. Thomas of Georgia, Mr. Udall, and Mr. Miller of Washington.

H.R. 3481: Mr. Towns.

H.R. 3521: Mr. Wilson, Mr. Jacobs, and Mr. Bryant.

H.R. 3628: Mr. Bruce, Mr. Wheat, Mr. Dyson, and Mr. Nielson of Utah.

H.R. 3635: Mr. Tallon and Mr. Marlenee.

H.R. 3719: Mr. Lehman of California, Mr. Andrews, Mr. Kennedy, Mr. Bates, Mr. Rinaldo, Mr. Udall, Mr. Lantos, Mr. Fish, Mr. Taylor, and Mr. Nichols.

H.R. 3874: Mr. Jones of North Carolina, Mr. Boucher, Mr. Chapman, Mr. Bonker, Mr. Robinson, Mr. Neal, Mrs. Boxer, Mr. Biaggi, Mr. DeFazio, Mr. Fuster, Mrs. Collins, Mr. Boehlert, Ms. Oakar, Mr. Jontz, Mr. Weldon, Mr. Kennedy, Ms. Kaptur, Mr. Staggers, and Mr. Bruce.

H.R. 3892: Mr. Stallings.

H.R. 3944: Mr. Solomon, Mr. Shumway, Mr. Broomfield, and Mr. Oxley.

H.R. 4011: Mr. McEwen, Mr. Grant, Mr. Swift, Mr. Skeen, and Mr. Torricelli.

H.R. 4054: Mr. Mavroules.

H.R. 4074: Mr. Sundquist.

H.R. 4221: Mr. Bilirakis and Mr. Smith of Texas.

H.R. 4245: Mr. Marlenee.

H.R. 4277: Mr. Sabo, Mr. Kennedy, Mrs. Saiki, and Mr. Pursell.

H.R. 4288: Mr. Leach of Iowa, Mr. Andrews, Mr. Gilman, Mr. Dornan of California, Mr. Brown of Colorado, Mr. Archer, Mr. Madigan, Mr. Moorhead, Mr. Gradison, Mr. Conte, Mr. Roe, Mr. Watkins, Mr. Latta, Mr. Bustamante, Mr. Blaz, Mr. Boehlert, Mr. Jenkins, Mr. Gephardt, Mr. Ballenger, Mr. Ray, Mrs. Johnson of Connecticut, Mr. Gordon, Mr. Lagomarsino, Mr. Cooper, Mr. Morrison of Connecticut, Mr. Bevill, Mr. Emerson, Mr. Horton, Mr. Quillen, Mr. Mineta, Mrs. Kennelly, and Mr. Hayes of Louisiana.

H.R. 4298: Mr. Daub, Mr. Lancaster, Mr. Neal, Mr. Ballenger, Mr. Schuette, Mr. McMillan of North Carolina, Mr. de Lugo, Mr. Valentine, Mr. Pickett, Mr. Price of North Carolina, Mr. Johnson of South Dakota, Mr. Coble, and Mr. Clinger.

H.R. 4335: Mr. Skaggs, Mr. Clarke, Mr. Bonior of Michigan, Mr. Mineta, Mr. Thomas of Georgia, and Mr. Porter.

H.R. 4348: Mr. Sundquist.

H.R. 4359: Mr. Robinson, Mr. Hawkins, Mr. Dyson, Mr. Rangel, Mr. Bryant, Mr. Gejdenson, Mr. DeFazio, Mr. Biaggi, Ms. Pelosi, Mr. Chapman, Mr. Brown of California, Mr. Matsui, Mr. Fazio, Mr. Smith of Florida, Mr. Garcia, Mr. Miller of California, and Mr. Saxton.

H.R. 4360: Mr. Kildee, Mr. Towns, Mr. Edwards of Oklahoma, and Mr. Waxman.

H.R. 4372: Mr. Ackerman and Mr. Synar.

H.R. 4373: Mr. Thomas of Georgia and Mr. Bevill.

H.R. 4403: Mr. Feighan, Mr. Swift, Mr. Neal, Mr. Markey, and Mr. Yates.

H.R. 4472: Mr. Chapman, Mr. Marlenee, Mr. Lagomarsino, Mr. Brown of Colorado, Mr. Stallings, Mr. Morrison of Washington, Mr. Solomon, Mr. Emerson, Mr. Gunderson, and Mr. Gregg.

H.R. 4486: Mr. Miller of California, Mr. Solarz, Mr. Pepper, Mr. Bustamante, Mr. Owens of New York, Mrs. Kennelly, Mr. Robinson, Mr. Rangel, and Mr. Chapman.

H.R. 4489: Mr. Neal, Mr. Towns, Mr. Chapman, and Mr. de la Garza.

H.R. 4495: Mr. Ridge.

H.R. 4502: Mr. McCurdy, Mr. Konnyu, Mr. McMillen of Maryland, Mr. Shays, Mr. Bruce, Mr. Torricelli, Mr. Stallings, and Mr. Smith of Texas.

H.R. 4543: Mrs. Boxer and Mr. Ackerman.

H.R. 4562: Mrs. Meyers of Kansas and Mr. Davis of Illinois.

H.R. 4575: Mr. Brown of California, Mr. Ackerman, Mr. Levine of California, Mr. Fauntroy, Mr. Hall of Ohio, Mr. Lowry of Washington, Mr. Kennedy, Mr. Leland, and Mr. Borski.

H.R. 4644: Mr. Solarz, Mr. Fauntroy, Mr. Chapman, Mr. Rangel, and Mr. Towns.

H.R. 4652: Mr. Lagomarsino and Mr. Porter.

H.R. 4678: Mr. Fuster, Mr. Owens of New York, Mr. Mineta, Mr. Jacobs, Mr. Berman, Mr. Roe, Mr. DeFazio, Mr. Herger, Mr. Ackerman, Mr. Towns, Mr. Lehman of California, Mrs. Collins, Mr. Ballenger, Mr. Neal, Mr. McGrath, and Mr. Jontz.

H.R. 4680: Mr. Fazio, Mr. Clinger, and Mr. Wolpe.

H.R. 4691: Mr. Slaughter of Virginia, Mr. Parris, Mr. Swindall, Mr. Mack, Mr. Chappell, Mr. Gekas, Mr. Rahall, Mr. Stark, Mr. Hayes of Illinois, Mr. Broomfield, Mr. Gingrich, Mr. Duncan, Mr. Bereuter, Mr. Burton of Indiana, Mr. Thomas of Georgia, Mr. Bennett, Mr. Walgren, Mr. Bevill, Mr. Smith of Texas, Mrs. Bentley, and Mr. Schuette.

H.R. 4695: Mr. Leland, Mr. Frank, Mr. Towns, Mr. Pepper, Mr. Shumway, Mr. Horton, Mr. Lantos, Mr. Parris, Mr. de la Garza, Mr. Neal, Mr. Roe, Mr. Lewis of Georgia, Mr. Bevill, Mr. Lagomarsino, and Mr. Rangel.

H.R. 4708: Mr. Manton, Mrs. Patterson, Mr. Mfume, Mr. Roe, Mr. Wyden, Mr. Towns, Mr. Wolf, and Mrs. Lloyd.

H.R. 4717: Mr. Swindall, Mr. Dornan of California, Mrs. Vucanovich, Mr. Fawell, Mr. Armey, Mrs. Bentley, and Mr. Moorhead.

H.R. 4798: Mr. Gaydos, and Mr. Penny.

H.J. Res. 5: Mrs. Boxer.

H.J. Res. 171: Mr. Bilirakis.

H.J. Res. 325: Mr. Robinson and Mr. Martinez.

H.J. Res. 485: Mr. Flake.

H.J. Res. 503: Mrs. Vucanovich, Mr. Bilbray, Mr. Horton, Mr. Quillen, Mr. de la Garza, Mr. Fish, Mr. Lungren, Mr. Ravenel, Mr. McEwen, Mr. Donald E. Lukens, Mr. Derrick, Mrs. Patterson, Mr. Spratt, Mr. Lagomarsino, Mr. Marlenee, Mr. DeWine, Mr. Dyson, Mr. Hansen, Mr. Swindall, Mr. Clinger, Mr. Fawell, Mr. Lipinski, Mr. Bliley, Mr. Packard, Mr. DeLay, Mr. Crane, Mr. Dannemeyer, Mr. Bilirakis, Mr. Smith of New Hampshire, Mr. DioGuardi, and Mr. Lancaster.

H.J. Res. 537: Mr. Owens of New York, Ms. Oakar, Mr. Kostmayer, Mr. Morrison of Washington, Mr. Montgomery, Mr. Bosco, Mr. Brown of California, Mr. Fauntroy, and Mr. Wilson.

H.J. Res. 540: Mr. Clement.

H.J. Res. 543: Mr. Dellums, Mr. Manton, Mr. Tauke, Mr. Lehman of California, Mr. MacKay, Mr. Mineta, Mr. Miller of Ohio, Mr. Murphy, Mr. Pashayan, Mr. Nichols, Mr. Packard, Mr. Rangel, Mr. Richardson, Mr. Rodino, Mr. Rowland of Georgia, Mr. Sawyer, Mr. Shaw, Mr. Clinger, Mr. Barton of Texas, Mr. Spence, Mr. Stallings, Mr. Stokes, and Mr. Walgren.

H.J. Res. 544: Mr. Staggers, Mr. Hughes, Mr. Clement, Mr. Rodino, Mr. Lantos, Mr. Fauntroy, Mr. Stark, Mr. Leland, Mr. Frenzel, Mr. Carper, Mr. Kastenmeier, Mr. Lowry of Washington, Mr. Cooper, Mr. Parris, Mr. Ackerman, Mr. Boulter, Mr. Weiss, Mr. Applegate, Mr. Atkins, Mr. Bilbray, Mr. Borski, Mr. Callahan, Mrs. Collins, and Mr. Courter.

H.J. Res. 553: Mr. Campbell, Mr. Vento, and Mr. Martinez.

H.J. Res. 554: Mr. Gonzalez, Mr. Mack, Mrs. Byron, and Mr. Clay.

H.J. Res. 564: Mr. Dyson, Mr. Skaggs, Mr. Walgren, Mr. Perkins, Mr. Skelton, Mr. Spence, Mr. Badham, Mr. Dannemeyer, and Mr. Atkins.

H.J. Res. 578: Mr. Traxler, Mrs. Lloyd, Mr. de Lugo, Mr. Towns, Mr. Fazio, Mr. de la Garza, Mr. Martin of New York, Mr. Bliley, Mr. Hochbrueckner, Mr. Bevill, and Mr. Rangel.

H. Con. Res. 160: Mr. Wortley, Mr. Buechner, Mr. Dannemeyer, and Mr. Moorhead.

H. Con. Res. 257: Mr. Conte.

H. Con. Res. 277: Mr. Waxman and Ms. Pelosi.

H. Con. Res. 295: Mr. Hefner, Mr. Flippo, Mr. Bates, Mr. Smith of Florida, Mrs. Boggs, Mr. Hutto, Mr. Armey, Mr. de la Garza, Mr. Thomas of California, Mr. Lancaster, Mr. Barton of Texas, and Mr. Lott.

H. Con. Res. 298: Mr. Gray of Illinois.

H. Con. Res. 304: Mr. Kolter and Mr. Carper.

H. Con. Res. 316: Mr. Clinger, Mr. Combest, Mr. Skeen, Mr. Walker, Mr. Broomfield, Mr. Coble, Mr. Quillen, Mr. Ravenel, Mr. Slaughter of Virginia, Mr. Stump, Mr. Dickinson, Mr. Dreier of California, Mr. Stangeland, Mr. Holloway, Mr. Rhodes, Mr. Lott, Mr. Barton of Texas, Mr. Pursell, Mr. Bereuter, Mrs. Bentley, Mr. Bateman, Mr. Wortley, Mr. Marlenee, Mr. Hammerschmidt, Mr. DeWine, Mr. McEwen, Mr. Coughlin, Mr. Ireland, Mr. Solomon, Mr. Roth, Mr. DeLay, Mr. Herger, Mr. Henry, Mrs. Vucanovich, Mr. Lungren, Mr. Hefley, Mr. Dornan of California, Mr. Smith of New Hampshire, and Mr. Taylor.

H. Res. 439: Mr. Weldon, Mr. Davis of Illinois, Mr. Upton, Mr. Buechner, Mr. Gingrich, and Mr. Donald E. Lukens.

H. Res. 462: Mr. Gekas, Mr. Saxton, Mr. Roth, Mr. Ritter, Mr. Hastert, Mr. Herger, Mr. Lagomarsino, Mr. Lent, Mr. Lancaster, Mr. Broomfield, Mr. Clinger, Mr. Emerson, and Mr. Dreier of California.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4784

By Mr. DORGAN of North Dakota:

—Page 31, after line 22, insert the following:

SENSE OF CONGRESS REGARDING IMPLEMENTATION OF LOW YIELD DISASTER PROGRAM

Whereas, severe drought conditions are adversely affecting a large number of crop producers in several States;

Whereas the drought conditions have caused commodity prices to increase substantially due to the likelihood that commodity production will be well below normal levels;

Whereas increases in commodity prices will directly result in decreases in deficiency payments to crop producers under commodity programs administered under the Agricultural Act of 1949;

Whereas lower government payments are usually offset by higher market income, leaving producers with the same or higher income;

Whereas producers who suffer substantial crop losses will not benefit from the higher commodity prices because they will have little or no crop to sell;

Whereas producers can normally acquire financial protection against loss of the

market value of their crops by purchasing crop insurance;

Whereas, at time of sign-up crop insurance contracts offered protection only at the price levels that were anticipated at planting time, which are well below current price projections for the coming crop;

Whereas producers who suffer production losses will realize income substantially below their projections even if they have crop insurance, due to the reduced deficiency payments and the fact that crop insurance will not reimburse the producer for the increased market price of the crop which was lost;

Whereas the Agricultural Act of 1949 provides authority to the Secretary of Agriculture to implement a low yield disaster program to make payments to producers if the Secretary determines that "crop insurance indemnity payments under the Federal Crop Insurance Act and other forms of assistance made available by the Federal Government to such producers for such losses are insufficient to alleviate such economic emergency";

Whereas the lower deficiency payments, which are due to the higher commodity prices, will likely result in hundreds of millions of dollars in savings to the Commodity Credit Corporation: Now, therefore be it

***Resolved,* That the Secretary of Agriculture should utilize the low yield disaster program authorized under section 107D(c)(2) of the Agricultural Act of 1949 if necessary to compensate producers who have suffered substantial crop losses in 1988 for the amount by which deficiency payments have been reduced, based on the number of bushels a producer's yield is below such producer's farm program payment yield for the affected crop.**

EXTENSIONS OF REMARKS

RITALIN

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. BALLENGER. Mr. Speaker, Ritalin—methylphenidate hydrochloride—is a drug prescribed for children who suffer the symptoms of attention deficit disorder [ADD]. ADD is most commonly known as hyperactivity in children.

Earlier this year, several of our colleagues joined me in contacting the Food and Drug Administration and three other executive agencies regarding Ritalin. We asked specific questions about the safety, efficacy, and use of Ritalin.

Listed below are the responses we received from the Food and Drug Administration and the National Institutes of Health. The responses from the Drug Enforcement Agency and the Department of Education will appear in the CONGRESSIONAL RECORD of Thursday, June 16, 1988.

FOOD AND DRUG ADMINISTRATION,
Rockville, MD, May 31, 1988.

Hon. CASS BALLENGER,
House of Representatives,
Washington, DC.

DEAR MR. BALLENGER: This is in further response to your inquiry of February 18, 1988, on behalf of yourself and several other Congressmen in which you pose questions relating to the drug Ritalin.

The Agency has received a number of inquiries in recent months regarding the use of Ritalin in the treatment of attention deficit disorder (ADD). Consequently, we have reexamined the available data regarding the safety and effectiveness of this drug as it is used in treating this specific disorder. We have reviewed spontaneously reported adverse events associated with the use of Ritalin, and current data on its safety and effectiveness. Ciba Geigy has provided us with data on the safety and effectiveness of Ritalin obtained subsequent to its approval in 1956, as well as other information pertaining to the use of Ritalin in ADD. They have informed us that they have also provided you with a selected subset of these materials.

The Food and Drug Administration's (FDA) Center for Drug Evaluation and Research has prepared the following answers to your specific questions.

Question 1: Reports and studies indicate that Ritalin is very useful in calming hyperactive children. Do your studies of this drug indicate that this is true?

RESPONSE

First, we need to clarify the disorder in children for which Ritalin is indicated, i.e., attention deficit disorder. We will elaborate on the issue of diagnosis at greater length in our response to your question No 2, but here we simply state that the most prominent features of this disorder are impaired attention and impulsivity, with behavioral hyperactivity being present in many, but by no means all such children. Second, we need to clarify that the FDA does not, in most cases, conduct its own studies or even fund studies, and we have not conducted or funded any studies of ADD. However, we have surveyed the literature published since 1975, and we have focused on approximately 50 papers reporting on adequate and well-controlled studies of children with this diagnosis, or some equivalent diagnosis (see our response to question No. 2.)

These were all double-blind, placebo controlled studies. We reviewed a large subgroup of these studies that involved school age children with ADD, uncomplicated by mental retardation or specific learning disabilities. For the most part, these studies focused on impaired attention, impulsivity and hyperactivity as principal outcome variables. All but two of these studies showed a statistically significant effect favoring Ritalin over placebo. One of the failed studies did not assess patients until one week after Ritalin was discontinued, and the other failed study focused on learning, rather than the core features of ADD noted above. The clear conclusion from these numerous studies is that school age children with ADD treated with Ritalin can be expected to have improved attention, a decrease in impulsivity, and somewhat less consistently, a decrease in hyperactivity.

Several of the more recent studies have, in addition, looked more specifically at the effects of Ritalin on learning per se. Some of these studies have demonstrated beneficial effects of Ritalin on laboratory learning tasks and/or on actual academic achievement. However, the results are not consistently positive, and there is still no consensus regarding the direct effects of Ritalin on learning. It should be noted that the current labeling for Ritalin makes no claim for its effectiveness in improving learning, or for its effectiveness in specific learning disabilities. Indeed, the labeling emphasizes the need for a comprehensive treatment approach, often including "psychological, educational and social" treatment approaches along with Ritalin in children with ADD.

Question 2: Are there any problems with the diagnostic criteria used to determine if a child is hyperactive and should be placed on Ritalin? If so, should the criteria be changed?

RESPONSE

As with any other psychiatric and medical disorders, diagnostic terms and practices have changed over time with regard to the entity now identified as ADD. From the somewhat diffuse category of minimal brain damage the hyperactivity syndrome was derived, and in more recent years the predominantly used term has been attention deficit disorder. This term is used to identify a group of children who are characterized by impaired attention, impulsivity and often, but not always, hyperactivity. The current edition of the Diagnostic and Statistical Manual of the American Psychiatric Association (DSM-III-R) distinguishes between Attention Deficit Hyperactivity Disorder (314.01) and Undifferenated Attention Deficit Disorder (314.00). Copies of these two citations are enclosed.

Clearly, additional work needs to be done in operationalizing and empirically validating the constructs suggested by this diagnostic entity. However, from the standpoint of selecting individuals for treatment, the diagnostic category of ADD is adequately reliable and valid, and is widely accepted in the medical community (both pyschiatric and non-psychiatric). Furthermore, the currently approved labeling for Ritalin recommends that the diagnosis of ADD be "based upon a complete history and evaluation of a child and not solely on the presence of one or more of the characteristics identified with the Attention Deficit Disorder syndrome." The labeling further notes that "diagnosis requires the use not only of medical but of special psychological, educational and social resources."

Question 3: Has usage of this drug increased over the years? If so, what has led to this increase and how many children do you estimate take the drug?

RESPONSE

According to the National Prescription Audit, the use of Ritalin peaked in the early 1970's with an estimated 4.3 million prescriptions per year. Subsequently, its use declined rather dramatically throughout the 1970's, reaching a low of approximately 1.2 million prescriptions per year in 1981. Since then its use has gradually increased to approximately 1.8 million prescriptions per year in 1986.

There are several possible explanations for the approximately 50 percent increase in use since the early 1980's:

a. It has become increasingly apparent that ADD does not end in childhood, and indeed, often extends into adolescence and early adulthood (ADD, residual type.) There are data supporting the effectiveness of Ritalin in treating ADD of the residual type.

b. Narcolepsy has been added as a second approved indication for treatment with Ritalin, and this disorder has received increased attention in recent years, resulting in the greater likelihood of individuals with this disorder being diagnosed and treated.

c. Finally, ADD itself has received a resurgence of interest in recent years, leading to greater recognition and treatment of children with this disorder, especially of the type without overt hyperactivity.

Based on data from the National Disease and Therapeutic Index data base, it has been estimated that approximately 600,000 to 700,000 individuals are being treated with Ritralin as of 1987. An estimated 70 percent of these prescriptions are for children or adolescents.

Question 4: Have you received any complaints about Ritalin?

RESPONSE

The vast majority of adverse clinical events occurring in association with the use of Ritalin are reported to the sponsor, Ciba Geigy. Ciba Geigy is required by law to transmit these reports periodically to FDA, and to our knowledge, they have fully complied with this requirement.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Question 5: Are there any side effects associated with the use of Ritalin? If so, how many complaints have you recevived and what should be done?

RESPONSE

As is true of all effective pharmacological agents, Ritalin has a number of adverse events associated with its use. These events are listed in the currently approved labeling (enclosed) for Ritalin, under the sections, Warnings, Precautions, or Adverse Reactions, depending on their severity and frequency.

FDA monitors, on a regular basis, the spontaneous reporting of adverse events occurring in association with the use of all pharmaceutical agents, including Ritalin. As noted in our response to question #4, for the most part, these consist of spontaneous reports forwarded to us by Ciba Geigy, the manufacturer of the drug. Since 1980, we have received 492 reports for Ritalin (41.3 reports per million prescriptions). These reports have not revealed any new events or an increased frequency of a known event.

On the basis of both our recent survey of the published literature regarding Ritalin and our ongoing monitoring of spontaneous reports of adverse events occurring in association with Ritalin use, we continue to believe that Ritalin is a safe and effective drug if it is used as recommended in the approval labeling in the treatment of ADD. Further, we believe that the currently approved labeling for this drug adequately describes for medical practitioners its benefits and risks.

We appreciate your interest in this matter and we hope this information will be helpful to you. We are sending similar letters to all of the cosigners of your letter.

Please let us know if we can be of any further assistance.

Sincerely yours,
● HUGH C. CANNON,
Associate Commissioner for Legislative Affairs.

NATIONAL INSTITUTES OF HEALTH,
Bethesda, MD, March 4, 1988.

The Hon. CASS BALLENGER,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE BALLENGER: Dr. Wyngaarden has asked me to respond to your letter of February 18 in which you pose five questions regarding the use of methylphenidate (Ritalin) by school age children. The National Insitute of Child Health and Human Development (NICHD) has supported a number of studies that relate to these issues.

1. Reports and studies indicate that Ritalin is very useful in calming hyperactive children. Do your studies of this drug indicate this is true?

Pharmacological treatment of hyperactivity has been used for over half a century with varying degrees of success. Within recent years, the use of Ritalin to calm hyperactive children generally has been found to be effective.

2. Are there any problems with the diagnostic criteria used to determine if a child is hyperactive and should be placed on Ritalin? If so, should the criteria be changed?

The diagnosis of hyperactivity has been a source of scientific debate for many years. Hyperactivity is conceived of as a subset of attention deficit disorder (ADD), a disorder with inattention as its major focus. The current system of using constructs, symptoms, and diagnostic criteria to diagnose, ADD with hyperactivity is not based on a well documented body of scientifically valid empirical data. Thus clinicians' attempts to place children into diagnostic categories of ADD with hyperactivity ADD, without hyperactivity, or an ADD residual type may not be reliable. Therefore, prescription of pharmacological treatment for ADD with hyperactivity may not be made solely upon diagnostic category. A discussion of the difficulty in making the diagnosis of hyperactivity is included in the Interagency Committee's publication "Learning Disabilities: A Report to Congress" (see pages 199-217). This report recommends that the diagnosis of ADD with or without hyperactivity be addressed by funding a large, multidisciplinary, multicenter study which would delineate homogeneous subgroups of ADD with or without hyperactivity. With an empirically based diagnosis, studies of the predictive validity of the effectiveness of Ritalin in calming hyperactivity will be possible.

3. Has usage of this drug increased over the years? If so, what has led to this increase and how many children do you estimate take the drug?

While the frequency of use of Ritalin over the past years has fluctuated, the reasons for these changes have not been the subject of research grants sponsored by the National Institutes of Health (NIH). Information on the usage of Ritalin might be obtained from the pharmaceutical manufacturer or the Food and Drug Administration (FDA).

4. Have you ever received any complaints about Ritalin?

Few complaints have been received by NIH about Ritalin use. Because the NIH funds sicentists to conduct research on Ritalin, the researchers and prescribing physicians would be more likely recipients of complaints. The FDA would be the Federal agency to receive reports of such complaints.

5. Are there any side effects associated with the use of Ritalin, If so, how many complaints have you received and what should be done?

As with any drug, Ritalin has some adverse side effects. Once again, the FDA rather than the NIH would be the recipient of such complaints.

A similar letter is being sent to the other congressional members who expressed concern.

Sincerely yours,
DUANE ALEXANDER, M.D.,
Director, National Institute of Child Health and Human Development.

1988 QUESTIONNAIRE OF THE FIFTH DISTRICT OF OHIO

HON. DELBERT L. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. LATTA. Mr. Speaker, for the benefit of my colleagues in the House of Representatives, I wish to share the results of my 1988 questionnaire of the Fifth District of Ohio. The overwhelming response to my questionnaire is very gratifying and the number of people responding clearly indicates their interest and awareness in the many issues facing us today. I submit for the RECORD, the text of my 1988 questionnaire, together with the results of those who responded:

[In percent]

	Yes	No	No response
1. Would you support an increase in your Social Security taxes to pay for a new long-term health care program?	38	61	1
2. Some are proposing a federal public works program even though our recent unemployment figure was 5.7% and 15 million new jobs have been created in the private sector since 1981. Do you support this proposal?	33	65	2
3. Do you believe the federal government should take legislative action to prevent stock prices from declining more than a certain percentage of their value on any one day?	30	66	4
4. Should private businesses be required to provide 10 weeks parental leave upon the birth or adoption of a child?	28	70	2
If your answer is in the affirmative, are you willing to pay higher prices for their products in order to pay for it?	15	27	58
5. Do you favor lifting all trade barriers between the United States and Canada within the next ten years?	71	24	5
6. Should the United States continue its military presence in the Persian Gulf in order to keep these vital shipping lanes open?	73	26	1
7. Should the United States be sending aid to the people fighting for freedom in Nicaragua?	62	36	2
8. Are you concerned by the growing communist influence in Central America?	81	19	0
9. Should the United States take a handsoff policy in Panama and permit a procommunist military dictator to remain in control and possibly jeopardize our rights in the Panama Canal?	9	90	1
10. Should the Congress pass legislation to bar foreign interests from purchasing U.S. real estate?	77	22	1
11. Since the Soviet Union has not been noted for keeping past agreements, do you believe the one signed by President Reagan and General Secretary Gorbachev designed to eliminate intermediate range nuclear missiles in europe will be kept if ratified by the U.S. Senate?	37	59	4
12. With the Russians having the world's only operational anti-satellite weapons system, do you believe it is wise to abandon research on such a system to protect the United States?	12	88	0
13. Since the Soviet Union has not renounced its goal of communizing the world, do you think it is wise to permit this country's present military strength to decline?	12	82	6
14. Would you favor a freeze on all federal spending at FY 1988 levels for FY 1989 in order to help reduce the deficit?	73	22	5

15. In deciding how to reduce the budget deficit, would you favor more, less, or the same spending for the following:

	Percent
Agriculture:	
More	18
Less	40
Same	37
No response	5
Defense:	
More	20
Less	28
Same	49
No response	3
Education:	
More	41
Less	16
Same	40
No response	3
Environmental programs:	
More	25
Less	25
Same	47
No response	3
Foreign aid:	
More	2
Less	81
Same	16
No response	1
Highways and transportation:	
More	17
Less	18
Same	63
No response	2
Income assistance to the poor:	
More	21
Less	33
Same	39

No response	7
Law enforcement:	
More	41
Less	10
Same	43
No response	6
Science:	
More	25
Less	24
Same	46
No response	5
Social Security and Medicare:	
More	29
Less	13
Same	52
No response	6
Veterans benefits:	
More	20
Less	14
Same	60
No response	6
AIDS research:	
More	26
Less	25
Same	38
No response	11

16. If the 1988 Presidential Election were held today, who would you favor?

	Percent
George Bush	35
Mario Cuomo	6
Bob Dole	8
Michael Dukakis	14
Richard Gephardt	2
Albert Gore	3
Gary Hart	1
Lee Iacocca	11
Jesse Jackson	6
Jack Kemp	5
Pat Robertson	7
Paul Simon	2

A TRIBUTE TO JOHN MacDONALD

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. TRAFICANT. Mr. Speaker, today I rise in order to pay tribute to Mr. John MacDonald, a very special resident of my 17th Congressional District. Mr. MacDonald was recently promoted to the position of grant writer for the Ohio Division of the American Cancer Society, after serving 5 illustrious years as executive director of the American Cancer Society's Mahoning County chapter. Let me take a few moments to inform my fellow Members of the U.S. House of Representatives about this outstanding human being.

Mr. MacDonald was an amazing executive director for the Mahoning County chapter. He was a motivator of people, and inspired his staff to succeed beyond their wildest dreams. Through his dynamic leadership and dogged determination, the Mahoning County chapter was named No. 1 in Ohio for its service to patients and its rehabilitation program. Countless cancer patients have been assisted by the energetic and tireless helping hand of Mr. MacDonald.

Mr. MacDonald lives in Poland, OH, and was born on April 4, 1927. He received his bachelor's degree in history from Youngstown State University in 1950, and his master's degree in educational administration from Westminster in 1960. He served in a variety of positions for both the Boardman School District and Youngstown State University before becoming executive director of Hospice of Youngstown in 1982. After realizing the great services to people he could perform as executive director of the ACS Mahoning chapter, John sought and received that position in 1983.

His involvement in the community has been exhaustive. Mr. MacDonald has been president of the Boardman Kiwanis Club, president of the Boardman Civic Association, president of the Youngstown Hearing and Speech Center, and vice president of the Boardman Education Association. In addition, he is a member of the William McGuffey Society, Phi Delta Kappa, and numerous other organizations.

I must sadly inform this Congress that John MacDonald himself is a victim of cancer. However, I am confident his fighting spirit and fiery zest for living will enable him to lick this disease.

John, you have had an extremely positive impact on the lives of hundreds of Ohioans due to the excellence and love of humanity you displayed as ACS Mahoning chapter executive director. I salute you, and wish you every success imaginable. Thus, it is with thanks and special pleasure that I join with the people of the 17th Congressional District in paying tribute to the astounding work and extremely admirable character of Mr. John MacDonald.

FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mrs. SCHROEDER. Mr. Speaker, we have made a commitment to our Federal employees to compensate them fairly for their efforts on our behalf. As chairman of the Civil Service Subcommittee of the Committee on Post Office and Civil Service, I have worked hard to assure that pledge is honored. As we near passage of the Treasury, Postal Service and general Government appropriations bill for fiscal year 1989, I would like to remind my colleagues that this legislation contains an egregious provision that violates this commitment by denying our employees insurance coverage for a full range of medical options if they or their dependents are raped or are the victims of incest. Under this legislation, the Federal Employees Health Benefits Program, which is an important component of the compensation package we offer to our employees and toward which they voluntarily contribute their own dollars, will not cover the cost of an abortion unless the woman's life would be endangered if the pregnancy were carried to term.

Last fall, the Federal Office of Personnel Management commissioned a full-scale evaluation of the FEHB Program to investigate apparent problem areas in the program and recommend improvements. The study was undertaken by the consulting firm of Towers, Perrin, Forster & Crosby. In a section of the final report entitled, "Role of Congress," Towers, Perrin, Forster & Crosby wrote, "The Federal Employees Health Benefits Act of 1959 does not envision the active involvement of Congress in the day-to-day operation of [the] FEHB Program. Congress' primary function is oversight of FEHB Program operations and consideration of appropriate changes in the governing statute." As Members of Congress, we usually do not involve ourselves in the development of the details of the benefit package that will be offered to employees, nor should we; that should be a matter of negotiation in which our employees, who have earned this benefit and who contribute to its cost, should be involved. We do not involve ourselves in determining whether other particular medical services should be offered, and we should not involve ourselves in prohibiting insurance coverage of abortion services when a pregnancy is the result of rape or incest.

The FEHB is not a direct Government payment; it is not a direct Government payment to a program. It is employees making salary contributions to buy health insurance coverage for themselves and their families. I think this is a very big difference, and anyone concerned about individual rights ought to be terribly concerned and interested in seeing this distinction preserved. It is unconscionable that we have violated this principle in order to prohibit Federal employees' health benefits from covering abortions necessary in cases of rape and incest.

PETER YARROW

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. WEISS. Mr. Speaker, Peter Yarrow was born on May 31, 1938—50 years ago—in New York City. Today his friends are honoring him at a birthday party in New York's Central Park. They are celebrating a life devoted to raising the social and political awareness of generations. His words and music convey a message of peace, justice, human rights, and world-unity and understanding.

A tireless activist and organizer since his student days at Cornell, where he wrote "Puff, the Magic Dragon," Peter Yarrow has helped elevate the public debate on the major issues of almost three decades. From the March on Washington for Civil Rights in 1963 to the Great Peace March for Global Nuclear-Disarmament in 1986; from the anti-Vietnam war crusade to today's struggles in Central America and South Africa; from "Blowin' in the Wind" to "Light One Candle" and "No Easy Walk to Freedom," Peter Yarrow has not only chronicled the events of our time, he has helped shape them.

Peter Yarrow has said that he hopes to be remembered as someone who has contributed to the elimination of want and inequality where he saw it. Today we salute Peter Yarrow for his life-enhancing contributions to his community, which embraces not only part of my district on the Upper West Side of Manhattan but our Nation and this planet. Through his art and his activism, Peter Yarrow continues to remain true to his vision of a just, compassionate, and peaceful world.

I would like to join Peter's thousands of friends and fans in conveying my deepest admiration for him on the occasion of his 50th birthday celebration. I look forward to hearing more from him, both in song, in protest, and in advocacy for many years to come.

WHARTON STUDY PLUS CHAMBER OF MINES EQUAL VOODOO ECONOMETRICS

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. RAHALL. Mr. Speaker, about 2 months ago, the Wharton Econometric Forecasting Association [WEFA] prepared a so-called study for the South African Chamber of Mines, a trade group representing South African mining concerns.

It should come as no surprise that the report, entitled "Embargos Against South African Coal Exports: Their Impact on World Coal Trade and Prices," reached the cozy conclusion that "trade embargos against South African coal cost the United States coal export industry about $250 million between 1985 and 1987 alone."

I find this conclusion tenuous at best and spurious at worst. This purported report based its accommodating conclusion on several constraints and assumptions, and surely we know what happens when we assume. Nowhere in this document could I find any justification for the $250 million figure.

In support of my concern about this report and the misinformation it construes, I wish to submit for the RECORD an editorial from the May 5, 1988, Journal of Commerce entitled "Voodoo Econometrics". This statement succinctly highlights the flaws in the report and how it failed to include other influences and parameters that could have possibly affected the report's neat conclusion in a way that would not be pleasing to the Chamber of Mines.

[From the Journal of Commerce, May 5, 1988]

VOODOO ECONOMETRICS

Propaganda masquerading as a "study" by the Chamber of Mines of South Africa should earn that country's coal mining industry the loss of any standing in the current congressional debate on anti-apartheid economic sanctions.

The study, commissioned from the WEFA Group of Bala Cynwyd, Pa., neatly concludes that international embargoes against the import of South African coal cost the U.S. coal industry $250 million in exports between 1985 and 1987.

The premise that sanctions against South African coal have had an influence on world prices, affecting revenues earned on the sale of U.S. coal, is valid, but the calculation of a U.S. loss of $250 million, highlighted by the chamber in distributing the report, is little more than a number pulled out of a hat.

That number is based on the assumption that embargoes against South African coal were responsible for the 1985-87 fall in international prices to precisely the same extent as each of the following four market forces: weak oil prices, increased exports from China, increased exports from Colombia and a widespread belief that the market would remain stagnant. The authors pegged the total decrease in revenue earned on U.S. coal sales between 1985 and 1987 at $1.5 billion, discounted $500 million for coal sold under long-term contracts, and then divided the remaining $1 billion by four, for the four market forces at work.

This is voodoo econometrics, using a methodology that lacks by a wide margin the validity required for an intelligent assessment.

A useful analysis, at minimum, would require extensive research into the volume and price of U.S. sales gains in markets closed to South Africa vs. losses in markets where diverted South African coal, offered at low prices, displaced U.S. tonnage.

It would need to include a careful assessment of other key factors that shaped the world coal arena between 1985 and 1987. That would include exchange rates, ocean freight rate swings, steel output and electricity demand, to name a few.

The Chamber of Mine's report sheds no light on the impact of South African coal embargoes on the U.S. coal industry. It does, however, suggest that international sanctions are bringing pressure to bear on South Africa's apartheid system. Why else—in the world of international coal trade—would South African companies hire a consulting firm to benefit their U.S. competitors?

FEDERAL EMPLOYEES' COMPENSATION PACKAGE

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. DYMALLY. Mr. Speaker, as a member of the Committee on Post Office and Civil Service, I believe that our Federal employees deserve fair compensation for their efforts on our behalf. Part of the compensation package we offer our employees, and our own staffs as Members of Congress, is an array of insurance plans to give them access to quality medical care. I am deeply concerned that these insurance plans are prohibited from covering the full range of medical treatment in the event that one of our employees, or their dependents, is raped or is the victim of incest. The Treasury, Post Office, and General Government appropriations bill we have before us, Mr. Speaker, prohibits the insurance plans available to our employees from covering abortion services in cases of rape or incest. Since we have not debated this restrictive provision in several years, I would like to insert in the CONGRESSIONAL RECORD the following letters from the Public Employees Department of the AFL-CIO and Federally Employed Women to remind my colleagues of their opposition to this restrictive provision.

PUBLIC EMPLOYEE DEPARTMENT, AFL-CIO,
Washington, DC, July 13, 1981.

To Members of the House of Representatives:

DEAR REPRESENTATIVE: On behalf of more than one million federal and postal workers nationwide who are represented by affiliate members of the Public Employee Department, AFL-CIO, I am writing to ask your assistance in defeating any amendments to the Treasury, General Government and Postal Service Appropriations bill which would restrict the health benefits coverage of federal and postal employees.

In the past year, the Federal Employees' Health Benefits Program (FEHB) has come under attack twice through measures sponsored by Representative John Ashbrook (R-Ohio), which would have prohibited the payment of administrative expenses of any federal (and postal) employee health insurance plan which provides options for abortion and related medical conditions. We believe that this amendment represents an attempt to inject the Congress into the collective bargaining process by mandating the elimination of a medical benefit which federal and postal employees have negotiated as part of their total compensation package.

Presently, the government has little involvement in the Federal Employees' Health Benefits program beyond negotiating the level of benefits and administering the Plan's funds. The Ashbrook amendment, as proposed in the past, represents an unwarranted injection of the Congress into this process—by authorizing the Congress to decide what benefits will be offered. Under the current system, federal and postal workers may choose from a variety of health plans. We believe that this freedom of choice in medical plans must be preserved.

Over the past year, the Senate Appropriations Committee has twice voted to delete the Ashbrook restriction from funding legislation. I urge your support for following the Senate lead and maintaining the current standards in the FEHB program when the Treasury, General Government and Postal Service Appropriations bill reaches the House floor.

Sincerely yours,

JOHN F. LEYDEN,
Executive Director.

FEDERALLY EMPLOYED WOMEN,
Washington, DC, July 14, 1981.

DEAR REPRESENTATIVE: Federally Employed Women (FEW) urges you to oppose any amendments to restrict coverage under the Federal Employee's Health Benefits Program (FEHBP) when the FY '82 Treasury, Postal Service and General Government appropriations bill is considered on the House Floor.

Previous amendments offered by Rep. John Ashbrook (R-OH) would have prohibited payment for abortion or for administrative expenses of any Federal Employee Health Insurance Plan which provides coverage for abortion related expenses.

Currently, government involvement in the FEHBP is restricted to negotiating the level of benefits and administration of the program and the Plan's funds. Benefits under various FEHBP's reflect employee health care demands. With any attempt to restrict FEHBP benefits, Congress would be, in effect, telling employees how they can and cannot spend their own compensation into which they pay 40% of the cost.

In addition, the provision concerning abortion would establish an undesirable precedent for further acts to legislate specific benefits, thus limiting the program's flexibility to meet changing health priorities of Federal employees.

Twice in the past year, the Senate Appropriations Committee has stopped this unprecedented attempt to legislate Federal employee's benefits by voting to delete this amendment. We urge you to vote likewise to maintain the current standards in the FEHBP when this legislation reaches the Floor.

Thank you very much.

Sincerely,

LYNNE REVO-COHEN,
Congressional Liaison.

SOUTHERN CALIFORNIA DRUG TASK FORCE

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. LEVINE of California. Mr. Speaker, I am introducing, along with my distinguished colleague, Mr. BERMAN, legislation creating a Southern California Drug Task Force. This legislation will establish additional Federal law enforcement support in the southern California area to wage, and help win, the war on drugs.

Los Angeles is currently in the throes of a substantial increase in drug trafficking. The success of the South Florida Task Force on Drugs, and the increased Federal law enforcement presence it brought to Florida, has resulted in an increase in the flow of drugs entering this country through southern California and Los Angeles. This drug trafficking is having tragic consequences not only for southern California, but for the rest of the Nation as well.

In 1985, the Los Angeles Police Department seized 350 pounds of cocaine. In 1987, this figure had jumped to 6.5 tons, which amounted to over 20 percent of the cocaine seized in the United States. Other jurisdictions in southern California are making significant cocaine seizures as well—further demonstrating that the traffic in this deadly drug is shifting to the west coast. The increase in cocaine coming through southern California is also confirmed by a recent DEA study, which indicates that its street price is lower in Los Angeles than anywhere else in the country, indicating that the supply of cocaine is most plentiful in the LA area.

The cocaine coming into the country through southern California is not merely a local problem. The cocaine plague affecting this country can best be fought by shutting off the supply of drug dealers and users. By concentrating resources in Florida and New York we have shifted the problem from one coast to the other.

Los Angeles is also struggling with a glut of phencyclidine [PCP], another problem with national consequences. Los Angeles is acknowledged to be the production capital for PCP. After manufacture, this deadly product is shipped throughout the country. According to the National Narcotics Intelligence Consumers Committee Report for 1987, "the principal areas of PCP use in the United States are Los Angeles, Chicago, St. Louis, San Francisco, New York, New Orleans, Baltimore, and in particular, Washington, DC." The report further states that 43 percent of criminal arrests in Washington, DC tested positive for PCP. Halting the manufacture of PCP is not a local issue. Federal law enforcement efforts must be brought to bear to the benefit of the entire country.

Additionally, Los Angeles figures in money laundering to hide drug profits. As the flow of drugs shifts to southern California, there has been an increase in the number of cash seizures in the Los Angeles area. In fact the greatest number of cash seizures for money being transported via commercial airlines occurred at Los Angeles International Airport.

In Los Angeles the twin problems of drugs and drug related violence are now reaching a critical level. Since March of this year, the Los Angeles police have made 4,000 narcotics arrests, seizing 212 guns used in drug trafficking. These seizures of guns were particularly ominous in light of the murder of two DEA undercover agents in February in a drug-related incident. Increased Federal law enforcement pressure is necessary now to prevent the situation in Los Angeles from developing into a situation of lawlessness and violence similar to that in Florida which necessitated the introduction of South Florida Task Force.

Despite their role in the importation and distribution of illegal drugs, Los Angeles and southern California are actually receiving less Federal law enforcement assistance than areas with similar drug trafficking problems. For example, according to the DEA, the Miami Office of the DEA has 341 special gents, and the New York office has 301. The Los Angeles office, covering all of Los Angeles, central California, Guam, Nevada, and Hawaii, has 169. The Los Angeles office of the DEA is doing an outstanding job, but they must have additional resources.

The U.S. attorney's office in Los Angeles covers one of the largest districts in the country. However, it has one of the smallest staffs of assistant attorneys per case load of any office in the country. Turn over and hiring freezes have further reduced the number of attorneys available to prosecute drug-related arrests. Increasing the staffing of the California Central District U.S. Attorney's Office is one of the most important steps Congress can take to win the war on drugs on the west coast.

The legislation we are introducing today provides for task force support to the Federal law enforcement agencies waging the drug war in southern California. The bill increases the Coast Guard, Customs Service, INS, FBI, BATF, Marshals Service, U.S. attorney, and DEA offices in the Los Angeles and southern California area.

The South Florida Task Force on Drugs has proven that increased Federal pressure can successfully scare drug traffickers out of their chosen territories. But this initial success is not enough. We must continue to challenge drug traffickers wherever they attempt to net their profits. I urge my colleagues to support a South California Drug Task Force.

H.R. 4826—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Southern California Drug Task Force Act of 1988".

SEC. 2. INCREASE IN PERSONNEL IN THE LOS ANGELES, CALIFORNIA, AREA OF GOVERNMENT ENTITIES INVOLVED IN THE WAR ON DRUGS.

(a) IN GENERAL.—In order to augment the Federal antidrug effort and to assist State and local enforcement authorities in the war on drugs, the number of authorized full-time equivalent personnel positions in the Los Angeles, California, area for the entities of the Government listed in subsection (b) shall be increased as specified in that subsection.

(b) SPECIFICATION OF INCREASES.—The entities and increases referred to in subsection (a) are—

(1) Coast Guard, not fewer than 100 positions;

(2) Customs Service, not fewer than 200 positions;

(3) Immigration and Naturalization Service, not fewer than 50 criminal investigator positions;

(4) Drug Enforcement Administrators, not fewer than 124 positions;

(5) Office of the United States attorney, not fewer than 80 positions;

(6) Bureau of Alcohol, Tobacco, and Firearms, not fewer than 25 positions;

(7) Federal Bureau of Investigation, not fewer than 50 positions; and

(8) Marshals Service, not fewer than 20 positions for asset seizure and forfeiture activities and not fewer than 10 positions for narcotics-related investigation and arrest of fugitives in the United States and foreign countries.

SEC. 3. BASE DATE AND EFFECTIVE DATE.

The increases authorized by section 2 shall be increases over authorized personnel levels as of September 30, 1988, and shall apply with respect to fiscal years beginning after that date.

HOUSE CONCURRENT RESOLUTION 260

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. MATSUI. Mr. Speaker, yesterday my colleagues were given the chance to salute three dedicated and heroic Americans who gave their lives so that the rest of us could know the truth of what was occurring in wartorn Afghanistan. The devotion these men showed to truth and to all those values we hold to be true are examples we should follow, and it was with great pleasure that I saw my colleagues unanimously approve the sense of Congress to honor these heroes posthumously with the Presidential Medal of Freedom.

For more than 8 years, the Soviet Union has waged a bloody war against the people of Afghanistan. It has been a cruel and tragic conflict and the Soviets have been intent on preventing the rest of the world from learning the truth. Undaunted by Soviet threats of retaliation, American journalists have risked their lives so the freedom loving people of the world would learn of the struggle for liberty which was being waged on the mountainous terrain of Afghanistan. On September 19, 1985, Charles E. Thornton, a medical reporter for the Arizona Republic was killed by Soviet soldiers while writing a story on volunteer doctors in the country. Two years later, on October 9, 1987, Lee Shapiro and Jim Lindelof were murdered in cold blood while filming a documentary on the war. An eyewitness account by their guide recounts being strafed by helicopter gunships and then being ruthlessly shot by Soviet troops after their helicopter had landed.

Mr. Speaker, these men died for what they believed. They offered what was most dear to them so that the rest of us could learn the truth. My one real regret is that these brave and courageous men are not alive today to see the Soviets begin their long awaited withdrawal from Afghanistan. Do not let their contributions to peace be in vain. I thank my House colleagues for giving their unanimous approval to award these fine men the Presidential Medal of Freedom, America's highest civilian honor. I now urge my esteemed colleagues in the Senate to follow suit and reward these men with the recognition they deserve.

Mr. Speaker, I again want to thank my House colleagues for their unanimous approval to honor these brave men. It is my lasting hope that the President will also see the rightness in honoring these heroes and recognize their sacrifice by awarding them with the Presidential Medal of Freedom.

DON PEASE AWARDED HONORARY DOCTOR OF LAWS DEGREE

HON. TOM SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. SAWYER. Mr. Speaker, on May 30, our colleague DON PEASE was awarded an honorary doctor of laws degree by Oberlin College. DON's district borders mine in Ohio, and, along with many of our colleagues in this body, I consider him to be a close friend and a fine example of a dedicated public servant. I would like to share with my colleagues the remarks which Dr. Paul Dawson, professor of government at Oberlin, made in honor of DON during the commencement ceremony. I submit this citation because it confirms what so many of us, both in Washington and in northeast Ohio, already know—that DON PEASE is a man of great ability and character, and that he is as well a fine legislator. For myself, I would just like to add that I hope to have the privilege of serving beside DON in this body for many years to come.

MR. PRESIDENT: What we choose to honor, we hope to cultivate.

Today, we choose to honor an extraordinary politician, statesman, and pubic servant.

Don Pease is an extraordinary politician. An ordinary politician is sometimes defined as one who promises to build a bridge where there is no river. By that measure, Don is an extraordinary politician, one who brings about real solutions to real problems.

The conclusion is the same by any measure. Whether it be by his advocacy of the rights of exploited workers, both here and abroad; or by his efforts to assist the modernization of the nation's steel industry; or by the countless times he has humanized bureaucracy, by helping all who sought his help in dealing with an otherwise distant government.

Don Pease is an extraordinary statesman. An ordinary statesman is sometimes defined as a politician who's been dead fifteen years. By that measure, Don is an extraordinary statesman—a live one.

This conclusion is the same by any measure. Whether it be by his advocacy of international peace through law; or by his success in helping stop trade in looted archaeological materials; or by his efforts to convince our trading partners that without American workers there are no American consumers.

Don Pease is an extraordinary public servant. An ordinary public servant is sometimes defined as a Democrat who holds some office that a Republican wants. By that measure, Don is an extraordinary public servant who is interested in doing more than merely holding on to his office.

And this conclusion, too, is the same by any measure. Whether it be by extending benefits paid to workers who lose their jobs because of unfair trading practices; or by consistently supporting the cause of higher education, through his efforts to improve federal student aid programs and federal programs in support of faculty research; or by reforming the federal tax structure, making it more fair (although not, unfortunately, more simple).

By all these, and more, measures, Mr. President, Don Pease is an extraordinary politician, statesman, and public servant. By honoring him, we hope to cultivate, within ourselves and within our nation, skills of advocacy and analysis, a devotion to the goals of international peace and prosperity, and an appreciation of the privilege of service to community and country.

With that hope, Mr. President, I present to you, for the awarding of the degree of Doctor of Laws, the Honorable Don Pease.

CONGRESS SHOULD PROVIDE ASSISTANCE TO VICTIMS OF RAPE OR INCEST

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. BONKER. Mr. Speaker, as we consider the fiscal year 1989 appropriations bill for the Department of Health and Human Services, I would like to call my colleagues' attention to a grave inequity in this legislation. While this bill includes million of dollars to provide health care services to low-income Americans, it contains a provision that denies poor women access to abortions as a medical option if they become pregnant as a result of rape or incest. This bill prohibits the use of Federal funds to provide abortions to a woman eligible for Medicaid unless her life is endangered. To be eligible for services through the Medicaid Program, a woman must be financially unable to obtain health care services without the assistance of the Government. To deny a poor woman who has been the victim of sexual assault access to a publicly funded abortion could be tantamount to forcing her to bear her assailant's child. I urge my colleagues to think about the impact of this provision on a woman who has already suffered the trauma and violation of rape or incest.

The issue of Federal funding of abortions has always been extremely complex and controversial. Responsible people can disagree on whether the Federal Government ought to finance abortion services in every circumstance under Medicaid. I cannot understand, however, how anyone could believe it is fair to deny Government assistance to poor women who become pregnant through rape and incest. Woman who are victims of sexual assault deserve our Government's compassion and support. The provision in this bill which denies Medicaid funding, even in cases of rape or incest, is insensitive and unfair.

I am not alone in believing that a poor woman who becomes pregnant as a result of rape or incest should have access to the same range of medical treatment as a more affluent woman. Among the organizations that join me in urging that publicly funded abortions be available in such tragic cases are the American Association of University Women, American Public Health Association, Institute for Women of Color, International Association of Women Ministers, National Coalition Against Sexual Assault, National Education Association, National Federation of Business and Professional Women, Women's Equity Action League, National Women's Political Caucus, YWCA of the USA, National Board and—from my own State—the Coalition of Sexual Assault Programs.

In 1984, the voters of my State were asked to consider this issue: Should poor women be denied public financing for abortion in cases of rape or incest? By a margin of 54 percent to 46 percent, the people of Washington State voted to continue public assistance in cases of rape or incest. It is time that we in Congress reconsider the wisdom of a policy which, by limiting publicly funded abortions to cases of life endangerment, denies women who have been sexually assaulted access to abortion services.

TRIBUTE TO DOY HENLEY AND BUCK JOHNS

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. BADHAM. Mr. Speaker, it is my privilege today to honor two outstanding members of the Orange County community who will be recognized for their outstanding service to their Nation, their State, their county and their party, by the Orange County Republican Central Committee.

Mr. Doy Henley is the founder of Aeromil Engineering Co., which is an outstanding supplier of complex machined titanium track systems and structural components to major aerospace companies and the U.S. Government. But his service goes beyond bringing jobs to his community and increased efficiency to commercial and governmental endeavors. He is deeply involved in many other efforts on behalf of Americans, and, especially, Orange Countians.

Mr. Henley has helped our community through his involvement as chairman of the Salvation Army of Orange County, as a member on the board of directors for Goodwill Industries of Orange County and a member on the board of trustees at Chapman College.

Mr. William Buck Johns founded the Trane Co. first factory direct residential air conditioning operation, and ran it from 1970 to 1979, employing more than 1,000 people that year. More recently, he has been involved with real estate acquisition and development.

Mr. Johns has helped improve our community through his general contracting firm specializing in residential renovation since 1980.

Mr. Johns has been active politically as well. He was an appointed member to the State Central Committee of the California Republican Party and director of the 32d Agricultural District, appointed by Governor Deukmejian.

We in Orange County have been fortunate to have these fine citizens living in our community. They are most deserving of the Volunteer of the Month award they will receive and I am sure my colleagues join me in recognizing them here today.

THE TREATMENT OF SERGEY GRIGORYANTS

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. KENNEDY. Mr. Speaker, the Moscow summit has continued to pave the way for improved relations between the superpowers and provides the United States with many opportunities to work for peace and human rights. These opportunities should not be missed.

One case that I have been involved in is that of dissident publisher Sergey Grigoryants and the independent journal "Glasnost." On May 9 Mr. Grigoryants was arrested in the office of "Glasnost" while conducting an interview with members of the new unofficial political party Democratic Union. Militia and KGB authorities confiscated the magazine's archives, computer, and funds for future issues.

Grigoryants was convicted on a charge of "allegedly resisting the police" and served a 1-week sentence in jail. While under arrest Grigoryants was severely beaten, and held a hunger strike for the entire period of his imprisonment.

On May 20 I telephoned Mr. Grigoryants from my office and conveyed the support of the people of Massachusetts for his struggle.

In this effort I have been joined by several Massachusetts local elected leaders. State Senator Michael LoPresti, State Representative William Galvin, and Boston City Councilor Michael McCormack passed resolutions through their respective government bodies protesting the treatment of Grigoryants and calling for freedom of the press for independent publications in the U.S.S.R. These officials have shown that they understand the true meaning of glasnost and the opportunities provided by the improvements in United States-Soviet relations.

At this point I would like to insert in the CONGRESSIONAL RECORD the text of my conversation with Sergey Grigoryants, as well as the resolutions of support from the Massachusetts House and Senate and the Boston City Council.

TELEPHONE CONVERSATION BETWEEN CONGRESSMAN JOSEPH KENNEDY II (BOSTON) AND SERGEY GRIGORYANTS (MOSCOW) MAY 20, 1988

After exchanging greetings Congressman Kennedy posed several questions to Mr. Grigoryants concerning his recent arrest and the raid on the office of the independent journal "Glasnost."

(1). Congressman Kennedy asked Grigoryants to explain the events leading up to his arrest, and to describe the general atmosphere in which he conducts his campaign to promote "Glasnost."

GRIGORYANTS: "On May 9th the office was ransacked by the KGB who hid behind the backs of the militia and the procurator who accompanied them. No warrant was presented either for entry into the office or for the search. A warrant is required to be obtained from the attorney general. Thus far the former office of 'Glasnost Magazine' remains sealed off with a noticeable portion of the belongings removed. The location will not be able to be used again for producing the magazine. Four of us who were present at the time were detained and sentenced by judge without any basis. There was no state attorney, defense attorney, or witnesses. I was not even asked any questions. In the time between arrest and trial I was beaten by the militia. Now in order to conceal the event they claim it is I who attacked them."

"In general the situation is difficult. What happened to the office of 'Glasnost' is not an isolated event. It is a reflection of a very uncertain situation in the country when a struggle between different political groups becomes so intense it is impossible to predict what will happen next."

(2) Congressman Kennedy asked, "How was your time spent in prison?"

GRIGORYANTS: "I spent 7 days on a hunger strike as a protest against the unlawful detention. Everything was rather calm. They moved me from a cell in one militia office to another district militia office. One high ranking Moscow police official told me that here nothing bad would happen to me. The official himself felt that in the old place I was in danger of further unlawful mistreatment even inside of the militia precinct headquarters."

(3). Congressman Kennedy asked, "What are the measures and steps that I as a Congressman could take to help you and your campaign for 'Glasnost'?"

GRIGORYANTS: "We are really now in dire need of help. We will be doing everything to ensure that the editorial offices will continue operating. We will try to find a new place for the office. We will try to replace our confiscated equipment and try to at least partially replace our confiscated archives. But, of course, it is very difficult under Soviet conditions where even before it was difficult to operate. For us it is very important to have support of international public opinion, especially political. We feel this support even now, but as always when the thing is good you know that more is still necessary."

(4). Congressman Kennedy asked, "Are there any specific officials to whom we should express our concern, or any particular requests we should make?"

GRIGORYANTS: "First, Soviet Ministers and Politboro Officials. I don't think that any organizations below this level could help us. I'm not sure even they can or will want to help. It is very important for us to request that the authorities allow us to use some vacant office space which is in abundance in Moscow. This should be an item of request on the agenda of American public opinion; it could produce very important results for us."

(5). Congressman Kennedy thanked Grigoryants for standing up for his people, and declared, "The people of Massachusetts through their Senate and House of Representatives will be passing a resolution to applaud your courage, and object to your arrest. I will appeal to Soviet officials on the question of office space for 'Glasnost' and on your arrest."

GRIGORYANTS: "It would be nice if the Soviet authorities could be approached with a request to get us some printing equipment, even electronic typewriters with memory or computers with printers. It is important. Even if they return the old computer it is very primitive. We may even be absolutely without it. Confiscated computers have been returned broken and unusuable."

Mr. Speaker, Mr. Grigoryants has paid a high price for speaking up. Let us add our voice to his and call for a recognition in the Soviet Union of the unalienable right to freedom of expression.

FRANCIS JOHN SANTANGELO, JR.

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. HOYER. Mr. Speaker, last week I lost a dear friend and Prince Georges County lost an outstanding public official with the death of Delegate Frank Santangelo.

Frank and I were elected together to the Maryland General Assembly in 1966. Over our friendship of more than 20 years, I came to know him as an outstanding elected official, respected and loved by his colleagues and his constituents.

Frank Santangelo was born in Philadelphia, PA, in 1919. He moved to the Washington area in 1936 to work for the Civilian Conservation Corps. During World War II, he served in the Army. Following the war he worked for the Pennsylvania Railroad and then adopted what would be his lifelong profession, insurance broker.

Frank was a community activist involved in Democratic politics, a founder of the Kentland Boys Club and the PACA Italian-American Club. He also was a member of the Knights of Columbus and the Veterans of Foreign Wars.

After serving one term in the Maryland House of Delegates, Delegate Santangelo waged an unsuccessful campaign for Senate in 1970. Given his outstanding record on behalf of his constituents, however, they were eager for him to return to office and he was reelected to the House of Delegates in 1974, 1978, 1982 and 1986.

Frank Santangelo was not only an outstanding elected official, businessman, and community activist, he was a loving family man. He leaves his beloved wife of 19 years, Thelma, and five sons: Louis, Frank, Jr., Richard, Michael, and Robert five stepchildren: Donald, Robert, Dale and Robert Poole, and Elmenia Nelson.

On Saturday, I had the privilege of delivering a eulogy at the funeral of Frank Santangelo:

FRANCIS JOHN SANTANGELO, JR.

Francis John Santangelo, Jr., was a son of Philadelphia, the City of Brotherly Love. He was a servant in the House of the Lord; a representative of his neighbors in the seats of power. For three decades and more, he served; he cared; he counseled; he encouraged; he helped; he healed; he loved his family; and he loved us.

He served his God, his community, his fellow officials, his children, his church and his beloved wife, Thelma.

He and I were elected together to the General Assembly in 1966, and although we had known one another before, it was from that beginning that we became fast friends and political partners.

He was a kind and loyal man, who was much larger than you would first suspect. Larger than his physical height, or quiet and temperate manner would let on.

He served us in Prince George's County at a time when our Country and our County were struggling to better live out and make reality the promises of our religious creeds and Constitutional precepts.

Frank was a proud and humble person . . . proud of his service to his Country in time of war; proud of his Italian roots; proud of his church; properly proud of his role in the General Assembly. And most of all proud of his family and of his Thelma, his wife, his friend, his partner.

This pride was coupled with his humility and his humanity. Few, I am sure, would have predicted that Francis John Santangelo would have played an important role in healing racial division; in furthering the unity of our community. It was his humility and humanity that uniquely qualified him for the role he played.

He was a courageous man, whose ready smile and optimism at times of stress and difficulty uplifted all who knew him.

We are all shaped to one degree or another by those who touch us in the course of our lives. Those of us who were touched by Frank were enriched and that legacy will be with us always.

In 1966, 1974, 1978, 1982 and again in 1986 his friends and neighbors reiterated their faith and their trust in Frank. He forever merited that faith and that trust.

We were a better community for his service. We were a better people for his leadership. We are richer for his life. The Lord was his shepherd. God has Frank with Him now: a soul of compassion, of grace and love.

FRANK DROZAK

SPEECH OF

HON. NANCY PELUSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Ms. Pelosi. Mr. Speaker, on Saturday, June 11, working people in this country lost a friend with the passing of Frank Drozak. As the representative of the city of San Francisco, which benefited from Frank's organizing talents, I rise to express my condolences to Frank's wife, Marianne, and to the other members of his family and friends. Frank Drozak was a wonderful man, whose dedication and loyalty to the Seafarers Union and its members served as an example to us all.

Frank Drozak began his career as a shipyard worker in Mobile, AL, at the age of 16. His role in union activities spanned a wide range as he moved from being an organizer in Mobile to being a port agent in Philadelphia and then in my home city of San Francisco. In 1980, Frank was elected president of the Seafarers' International Union, the office he filled until his untimely death.

Frank's untiring personal and professional commitments to improving the lives of working people were a theme in his life. The work of Frank Drozak will live on.

Mr. Speaker, I am proud to have been able to call Frank Drozak my friend. I will miss Frank. My heartfelt sympathy goes out to his family and to his many friends in San Francisco, in Washington, DC, and all across the country.

REMEMBERING ROBERT KENNEDY

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1988

Mr. GARCIA. Mr. Speaker, 20 years ago this past week, Robert Kennedy was assassinated, and the fact that there has been so much written about that event is a testimony to the impact Bobby Kennedy had on a generation of Americans.

That a former Attorney General, and a U.S. Senator who served for only a few short years could have such a profound effect on this Nation reveals a great deal about Bobby Kennedy. He embodied our ideals, our aspirations. He had a sense of humor; he rolled up his sleeves and talked with you not at you. He talked about the crusade for civil rights not in terms of protests—although protests did and do serve a useful and necessary purpose—but in terms of votes. His counsel to minorities was to register to vote and use that vote to back candidates who would work for our communities. That may not have been unique, even back then, but it was still good to hear it from a man who wanted to be President.

Sadly, he did not have the opportunity to leave an extensive legislative legacy. He died too soon, far too soon. But what he did leave us was the belief that this is a good nation, as well as a nation capable of doing good. As a minority, he left me and my community a sense that not only do we belong, but that this country is really a better place because there are brown, black, and Asian people living here. He did not condescend, he welcomed.

My community is a better community because of Bobby Kennedy. This Nation is a better nation because he and his brothers chose to serve it. Now his son is a Member of this fine body just like his uncle before him. I know that as long as there is a Kennedy in Congress, there will be a conscience alive and well working for the rights and ideals of all Americans.

I have a bust of Bobby Kennedy in my office. I look at it from time to time when I get discouraged. I find comfort in this. I also find some inspiration.

THE MEDIA'S EXPLOITATION OF AMERICA'S VETERANS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. SOLOMON. Mr. Speaker, as the ranking member of the House Veterans' Affairs Committee, and as someone who has met and worked with thousands of Vietnam veterans over the years, I resent Dan Rather's pseudo-documentary which aired last week, portraying Vietnam veterans as a group of pathological misfits.

Mr. Speaker, I am inserting into today's RECORD an excellent editorial by Richard Harwood, entitled, "Misplaced Pity for Vietnam Vets." The editorial takes Dan Rather and the CBS network to task for their distortion of America's veterans, especially Vietnam veterans.

CBS's shameless exploitation of a few Vietnam veterans who have had serious readjustment problems is disgusting and irresponsible.

[From the Washington Post, June 12, 1988]

MISPLACED PITY FOR VIETNAM VETS

(By Richard Harwood)

The media have run through various fads in their efforts to depict America's Vietnam veterans. Hollywood gave us in the early years of the war the first Rambo. He was John Wayne, the heroic Green Beret. Publishers followed suit. But as the war dragged on, the literature and the films underwent a transformation. The Green Beret and his comrades became indiscriminate killers or war criminals, alumni of endless My Lais, storm troopers who destroyed towns to save them.

Revisionists have created yet another character in recent years: the veteran as a hapless victim of "the system," a creature to be pitied rather than scorned. In this incarnation he returns from Vietnam with his brains scrambled by either drugs or the horrors of combat. He now walks among us as a loser and a misfit, a sad symbol of the nation's guilt.

Dan Rather and the CBS network gave us a couple of hours of that in documentary programs this month. Their subjects were a handful of disturbed men who are said to suffer from "post-traumatic stress disorder," described in earlier wars as "shell shock", or "combat fatigue." It is a potentially disabling psychological state that, according to CBS, afflicts Vietnam veterans in epidemic numbers, perhaps as many as 1.5 million. That is approximately the number of Americans who saw combat in one form or another in the entire course of the Vietnam War—which suggests that the PTSD rate was roughly 100 percent, a statistical absurdity on the face of it.

Congress in 1979 directed the Centers for Disease Control to undertake large-scale epidemiologic studies of the physical and mental health of Vietnam veterans. Most of these studies are now complete. They contain good news for the veterans, for their families and for the country. They also refute conclusively the stereotype of the Vietnam veteran as a shattered misfit.

The CDC concluded that as many as 15 percent of the combat veterans had experienced at least one PTSD episode in the course of their postwar lives but that only about 2 percent—approximately 30,000 veterans—had experienced any recent episode. (The World War II version of PTSD affected in one degree or another about 25 percent of combat veterans, according to a National Academy of Sciences study in the 1940s.) Overall, said CDC, "15 to 20 years after army service, Vietnam veterans seem to be functioning socially and economically in a manner similar to army veterans who did not serve in Vietnam. . . . Few men in either group of veterans were in jail, institutionalized or mentally or physically incapacitated. In both groups, three-fourths of the men were married at the time of the interview, with similar proportions married to their first wives. In addition, more than 90 percent expressed satisfaction with their family and other personal relationships. More than 90 percent were currently employed."

When The Post reported on the CDC study last month, the story took up the "Misfit" theme: "Vietnam veterans are far more likely to suffer from depression, anxiety and alcoholism than veterans who served elsewhere."

The facts were that 95 percent of Vietnam veterans did not suffer from anxiety, as opposed to 97 percent of non-Vietnam veterans; that 95 percent did not suffer from depression, as opposed to 97.5 percent of non-Vietnam veterans; and that 86 percent had no drug or alcohol problems, as opposed to 90 percent of non-Vietnam veterans. But presenting the findings in that manner, of course, would have been contrary to the prevailing stereotype.

John "Rick" Heilman, national legislative director of the Disabled American Veterans, had a leg shot off in Vietnam in January 1967. He is puzzled by media tendencies to perpetuate myths and exaggerate the problems of men like himself. However well intentioned, they "do a grave disservice" to all veterans and especially to those still seeking "self-acceptance."

The patronizing bestowal on these men of misplaced pity may meet the psychic or ideological needs of people in the media. But it is neither sought nor needed by the overwhelming majority of the men who fought the war; extensive opinion polls have established that. They want what warriors have always wanted: the fidelity and respect of their countrymen.

A TRIBUTE TO BOB CHAIN

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. TRAFICANT. Mr. Speaker, today I rise in order to pay tribute to Mr. Bob Chain, a very special resident of my State of Ohio. Mr. Chain recently received the great honor of being named "Columbiana County Democrat of the Year" at the 1988 Columbiana County Democratic Banquet. Bob is a very close friend of mine, and I feel extremely proud to be able to inform my fellow Members of the U.S. House of Representatives about this wonderful human being.

Bob has worked exhaustively and slavishly to promote the Democratic Party and its candidates. I can think of no one more deserving of the Democrat of the Year Award than Bob Chain. Bob has also been extremely helpful to my campaigns, for which I am eternally grateful.

Bob fought for America during World War II as a member of the U.S. Army. Evidence of his exemplary military record are the fact that he received the Purple Heart and two Silver Stars. Mr. Chain was an excellent employee for 16 long years for the city of Columbiana, OH.

Bob Chain has done outstanding and tireless work for the Democratic Party, and he richly deserves the title of Democrat of the Year. Bob, I salute you on the floor of the U.S. House of Representatives, and want you you know that you have all of my best wishes. Thus, it is with thanks and special pleasure that I join with the people of Ohio in paying tribute to the great personality and truly admirable character of Mr. Bob Chain.

AMERICA NEEDS PRO-FAMILY WORKPLACE

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mrs. SCHROEDER. Mr. Speaker, I would like to commend the Women's Legal Defense Fund for its recognition of the new work force and family realities that have resulted from dramatic changes that have been taking place in our society over the past few decades. In addition to facilitating the praiseworthy advocacy work of the fund, Judith L. Lichtman, the executive director, has offered an excellent assessment in support of the Family and Medical Leave Act, H.R. 925.

The March 21, 1988, transcript follows:

[From the Transcript-Telegram, Holyoke, (MA) Mar. 21, 1988]

AMERICA NEEDS PRO-FAMILY WORKPLACE

(By Judith L. Lichtman)

Dramatic changes are taking place in our society. Thirty-five years ago, 28 percent of mothers with school-age children worked outside the home; today nearly 70 percent do, as do more than half of mothers with pre-school children.

These new work force and family realities mean that today's workers—women and men—need flexible new policies to help them bridge the gaps between work and family, policies that establish a "pro-family workplace." Congress is now considering one such policy.

The Family and Medical Leave Act provides job-guaranteed, unpaid family leave for both men and women to care for a newborn or newly-adopted child, or to care for a child or parent with a serious health condition. It also provides temporary medical leave for all employees when they are unable to perform their job due to serious health conditions, such as heart attacks, cancer or pregnancy-related disabilities.

The bill provides genuine help for the American family. It has bipartisan support, is endorsed by a broad diversity of organizations, and has progressed steadily through Congress. In a national Opinion Research Poll, 76 percent of those surveyed approve of parental leave legislation. Yet there is strong opposition from business groups, including the U.S. Chamber of Commerce, and the administration. It is ironic that this adminstration, which has mouthed pro-family rhetoric for years, will not support one of the most important pieces of pro-family legislation before Congress. Instead, the opposition is armed with excuses.

One major excuse is that the bill will cost too much for business. Yet the numbers have been exaggerated. The Chamber dropped its initial cost estimate of the leave policy from $23 billion a year to less than $3 billion when challenged by members of Congress. The U.S. Government Accounting Office, however, has determined that the annual cost to employers will only be $200 to $500 million—a fraction of the Chamber's estimates. According to the GAO the Chamber made unrealistic assumptions about the use of leave and the cost of using temporary employees, and didn't factor in the economic benefits of the bill, including reduced turnover and a more experienced and committed workforce.

Another excuse is that a family leave policy will harm our competitive position internationally. Yet, what the bill proposes is far less than what most of our competitors already offer: 12 weeks at 60 percent of earnings for maternity leave in Japan; 16 weeks of 90 percent paid leave to new mothers in France; and 14 weeks of fully paid leave in West Germany.

Opponents feign concern that the bill will cause employees to stop hiring women, but this is just another excuse. Refusing to hire qualified women is against the law. Second, today's economy depends on women working. Finally, it is not only women who will use the leave, since the bill makes no distinction on the basis of gender. When illness requires an employee—male or female—to take family or medical leave, the need for job security isn't a women's issue, it's a family issue. Indeed, as a result, of this bill, more men than in the past will take leave to care for their children or parents.

Another excuse we've heard is it's a "yuppie bill" that won't make a difference for most American families. A doughnut baker lost his job for taking a few days off to be with his baby girl during heart surgery. A hospital supply technician returned from an approved leave after her baby was born, only to learn someone was hired in her place. These people don't fit the yuppie mold, yet the Family and Medical Leave Act would have saved their jobs. In fact, it's low- and middle income families like these that need job security most when a family crisis hits.

One of the most popular excuses for opposing a family leave policy is that government has no rule in mandating benefits. Job-guaranteed leave isn't a benefit. It's a minimum labor standard, and there are many precedents for federally mandated minimum standards—for wages, hours, safety conditions and hiring practices. If leave policies are left up to individual employers, then thousands of Americans will continue to lose their jobs when faced with family responsibilities.

One final excuse is that this leave policy will hurt small businesses. However, the bill recently was passed by the House Committee on Education and Labor with a compromise that exempts companies with fewer than 35 employees (50 for the first three years) and reduces the number of weeks of leave in the bill. The compromise has the support of ranking Republican members of the committee because they believe it provides adequate safeguards to small businesses. The bipartisan compromise, along with the GAO's realistic cost estimates of the bill, effectively take the steam out of the criticisms of business lobbyists and reveal them for what they are—excuses, and poor ones at that.

It is time to stop making excuses, and start providing financial security for America's families. The bill heads to the House floor this spring with the support of nearly 150 members of Congress. If Congress is truly pro-family, it can start to prove it by going beyond administration rhetoric and passing the Family and Medical Leave Act.

PUBLIC SCHOOL 234

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. WEISS. Mr. Speaker, I am delighted to call the attention of my colleagues to this week's dedication of the new Public School 234 building which is located in lower Manhattan within my congressional district. This exciting event is the culmination of several years of hard work by many people.

This neighborhood desperately needed a new elementary school. The residential community in lower Manhattan has grown at an extraordinary rate in recent years. While this growth has added to the vitality of the neighborhood, it has also resulted in overcrowded schools. Public School 234 is known for its academic excellence. However, the present building is just not large enough to accommodate the needs of the community. Additionally, the present building does not have an auditorium, a gymnasium or several other facilities that help enhance a child's education.

The new Public School 234 was designed by Richard Dattner & Associates, an architectural firm that is based in New York City. The new school is simply stunning. The design for the school won a New York City Art Commission Annual Excellence in Design Award in 1985 which is given for outstanding designs of publicly funded projects. Mr. Dattner and his associate William Stein should be commended for their willingness to work in cooperation with the community. The architects' sensitivity to the surrounding neighborhood and openness to the suggestions and concerns of the teachers, parents, and interested neighbors was instrumental to designing a building which is both attractive and functional.

The work of the community was also important in assuring that the school was built quickly. It can often take 10 years to see a new school built in New York but because of the participation of parents, teachers, elected officials and pertinent city agencies, this school was designed and built in 3 years.

Public School 234 is a wonderful school because of the excellence and dedication of the faculty and the strong interest and participation of the parents. Blossom Gelernter, the principal, has also contributed greatly to the success of Public School 234. Ms. Gelernter's devotion to education and to the teachers and children in her school is always present. I am pleased that Public School 234 will have a school building that will allow more children to be part of this special environment.

Mr. Speaker, I ask my colleagues to join me in expressing best wishes to the children, staff, and parents for much success in their beautiful new school.

TRIBUTE TO FRANK DROZAK

SPEECH OF

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. RAHALL. Mr. Speaker, this past weekend, the American worker lost a dear friend, a great leader. It is with great sadness that I note the passing of Frank Drozak, the president of the Seafarers International Union, and the Maritime Trades Department, AFL-CIO. The maritime industry, in particular, has lost a great champion. Frank's efforts over his magnificent and distinguished career have contributed greatly to the success and security enjoyed by the hardworking men and women of that industry. Under his guidance and leadership, the industry has constructed a solid foundation of progress on which to build upon in the future.

Many of us in Congress counted on Frank for advice and support, and we counted Frank as a dear friend. We worked hand in hand with Frank and his membership, pulling together to support the American worker, the backbone of this Nation. Frank's successes were the worker's successes, and I know that the men and women of the maritime industry will miss him greatly. I know I will.

AMERICAN GOSPEL ARTS DAY

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. DYMALLY. Mr. Speaker, last year at this time, Congress passed legislation I introduced, recognizing June 19, 1987 as "American Gospel Arts Day." Subsequently, a proclamation was issued by the President of the United States and "appropriate ceremonies and activities" were held in about 50 cities.

I am happy to say that American Gospel Arts Days, June 19 is becoming a tradition, filling an important need in American cultural life: a special day of recognition and appreciation for American black sacred music and gospel music and the black church community.

This year, ceremonies are being held in numerous cities in conjunction with traditional "June 'Teenth" or Emancipation festivities and will include picnics, gospel concerts and other commemorative activities. Participation has been invited by 10 honorary national cochairpersons, of which I am one. The others are singer Natalie Cole; husband-and-wife entertainers Marilyn McCoo and Billy Davis, Jr.; Dr. Thomas A. Dorsey, the man who coined the term "Gospel music" and writer of many great gospel songs, and his wife Mrs. Kathryn Dorsey; Dr. Jester Hairston, lecturer, choral conductor and star of NBC-TV's "Amen" series; husband-and-wife gospel performers Marvin Winans of the Winans group and Vickie Winans, also a recording artist; and entertainer Pat Boone.

They have urged participation in American Gospel Arts Day, June 19 because American black sacred music and the black church community stand for American values that deserve to be institutionalized by a special day. Falling in a month without major holidays and a time of year to permit outdoor activities, it is a day to remember the testimony of a people, not any one individual, and belongs to all the people of this nation.

American black sacred music and gospel are more than just music forms. They are cultural phenomena grown out of the bondage of a people that has become symbolic of freedom and dignity. Neither African nor European, they are internationally acclaimed as an American cultural treasure. They represent a heritage of faith that led a people out of slavery and into the era of civil rights and economic liberty. They are known for their joyous character, celebration of life, enthralling charm, energy, virtuosity, and style. American black sacred music and gospel are the antecedents of American popular music.

The church is the fountainhead of these gospel arts and the cornerstone institution of the black community. Always a source of peaceful social change, the church is making a well-deserved return to the forefront of public affairs with the advancement and preservation of its arts and culture.

June 19 was selected because it has been celebrated as Emancipation Day by Black America for over 100 years. It is actually the date on which freedom was announced to the slaves in Texas and the South in 1865, more than 2 years after the actual Emancipation Proclamation. It is an appropriate and familiar time for national celebration of gospel heritage.

American Gospel Arts Day, June 19 was first proposed by the American Gospel Arts Fund, a nonprofit California arts and cultural foundation based in Pasadena, CA, chaired by Dr. W.C. Gordon and whose national secretary is Mr. Hilary Clay Hicks. This group has a distinguished board of trustees to which I belong along with Dr. Hairston, Dr. and Mrs. Dorsey, Billy Davis, Pat Boone, and many other leading Americans. The foundation is advised by nearly 40 of the Nation's leading folklorists, ethnomusicologists, historians, collectors, and other experts.

This organization has even taken upon itself the responsibility of seeing to the recognition of the late, great Mahalia Jackson by placing a star on the Hollywood Walk of Fame in her honor on September 1, 1988. This is a long overdue honor for one of our most beloved cultural and artistic heroines.

This organization is not only honoring a great woman, it is actively teaching the heritage of American black sacred music, aiding in its passage from the old to the young through the first American Black Sacred Music Convention, August 31 through September 2. It is also bringing American black sacred music and gospel to greater audiences with the second Mahalia Jackson Gospel Music Festival, September 3 through September 5. Both events are being held at California State University at Los Angeles, now becoming a major center for the performing arts.

Mr. Speaker, I want to simply congratulate and commend the American Gospel Arts Fund on this occasion, American Gospel Arts Day, June 19, 1988, and to extend the well wishes of this, the U.S. House of Representatives, for a job well done. Thank you.

NEW YORK TIMES EDITORIAL URGING THE PALESTINIANS TO MOVE FROM REJECTIONISM TO PEACE

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. LEVINE of California. Mr. Speaker, Monday's New York Times contained a superb editorial which deals with an aspect of the Palestinian uprising too often ignored in the past 6 months. The very question posed in the title—"Even If Israel Budges, Then What?"—underscores a fundamental point: What Israel decides regarding the uprising, the Shultz plan, or other elements of the peace process is irrelevant if there is no serious Arab partner with which to negotiate.

Regrettably, as the Times points out, the Arabs and particularly the Palestinians seem no closer to compromise now—after months of bloodshed and violence and reflected in the declarations of last week's Arab summit—than they were in December. Indeed, as the editorial indicates, Israel cannot be blamed:

For the destructive coyness of King Hussein; for the Palestine Liberation Organization's refusal to eliminate genocidal bluster from [its] charter; for Palestinian rejection of Israel's legitimacy and permanence; Because Palestinians spurned Security Council peace plans, boycotted the autonomy talks proposed in the Camp David accords, or refused to meet with Secretary of State Shultz.

The Times calls this sterile rejectionism. Abba Eban says it underscores how Palestinians "never miss a chance to pass up an opportunity for peace." Given the tremendous amount of coverage and commentary on the uprising, I thought this was an important perspective to share with my colleagues. I urge them to read the full editorial, and include it in the RECORD.

[From the New York Times, June 13, 1988]

EVEN IF ISRAEL BUDGES, THEN WHAT?

Polls now suggest that Israelis, who will vote this fall, favor the hard-line Likud bloc and Prime Minister Yitzhak Shamir, adamant foes of any trade of land for peace. But whatever the outcome, the Palestinian uprising in the West Bank and Gaza has fundamentally affected attitudes, even in Mr. Shamir's bloc. The assumption has been that the occupied territories might be pacified indefinitely without doing violence to Israel's principles. After six months of rebellion, and with more now promised by last week's Arab summit meeting, the election will test that assumption.

And yet the next government, whether led by Likud or Labor, could face an even more determined and intractable Arab front. The Arab heads of state last week denied Yasir Arafat sole leadership of the uprising but joined with him in a new commitment to the Palestinians in the streets. And while they didn't reject the Shultz peace plan outright or insist on Palestinian statehood, they hardened their stance on the need for Israeli withdrawals from all occupied territories.

Israel bears part of the blame for this intransigence. Its leaders did everything to discourage the emergence of moderate Palestinians with whom to talk. Palestinians are forbidden rudimentary civic rights, and it's hard for any to step forward when the penalty is jail or deportation.

But Israel cannot be blamed for the destructive coyness of King Hussein, for the Palestine Liberation Organization's refusal to eliminate genocidal bluster from the organization's charter or for Palestinian rejection of Israel's legitimacy and permanence. Notably, Mikhail Gorbachev had to remind Yasir Arafat of Israel's valid security concerns and right to exist.

As Israel's dovish former Foreign Minister, Abba Eban, has remarked, Palestinians never miss a chance to pass up an opportunity for peace. Israel can't be blamed because Palestinians spurned Security Council peace plans, boycotted the autonomy talks proposed in the Camp David accords or refused to meet with Secretary of State Shultz. Symbolic of this sterile rejectionism was Palestinian insistence that a literal wall be maintained between them and the Israelis who took part in a television debate moderated by ABC's Ted Koppel.

Most morally disabling has been Palestinian justification of terror. The victims are not just Israeli schoolchildren but also Palestinians perceived as too moderate. Last week's grisly assault on an Israeli-appointed major of a West Bank town, and the silence that followed, is the uprising's dark side. This is not to overlook Israel's hard-fisted repression, but to complete the record.

With reason, nothing so upsets Palestinians as the feeling that their very existence is denied by their oppressors. But responding as they do closes the circle of hate. West Bankers have been ill used by P.L.O. exiles and their let's-pretend declarations. Rejectionsim is a formula for endless paralysis. Having shown their courage in defying occupying soldiers, is it impossible for Palestinians to take the harder step?

WINNER OF THE 61ST ANNUAL NATIONAL SPELLING BEE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. MATSUI. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to a distinguished member of the Sacramento community, Miss Rageshree Ramachandran, the winner of the 61st annual National Spelling Bee.

Miss Ramachandran, a native of India, lives in Carmichael, CA. She is an eighth grader from my district who rose out of an original field of 200 regional champions to become this year's top speller. Miss Ramachandran collected words from medical dictionaries, restaurant menus, and foreign currencies in helping to prepare for this event.

Mr. Speaker, Miss Ramachandran is also an outstanding student. She recently scored a 1,440 out of 1,600 on her SAT tests and although it seems that she is most fond of spelling, it is math that is her favorite subject.

Miss Ramachandran is an outstanding role model to the youth of her age. Her dedication to her studies and her insistence on perfection are examples to us all. Miss Ramachandran's hard work and tireless efforts allowed her to attain her goal and for this we are all proud. I join her friends, teachers, and family in congratulating her on an excellent showing at this year's National Spelling Bee and wish her much luck in her future academic endeavors.

WARM WELCOME TO NEW U.S. CITIZENS

HON. TOM SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. SAWYER. Mr. Speaker, I rise today to extend a warm welcome to 53 residents of my district who recently took the oath of allegiance as U.S. citizens in Akron, OH.

Coming from Europe, Africa, Central America, South America, Asia and the Middle East, represent a true cross section of our world's peoples cultures and traditions. I would like to include their names in this RECORD so that my colleagues can join me in offering our congratulations to them on this special occasion:

1. Christopher and Pamela Collins in behalf of Brian Carlos Willis Collins, 2115 8th St., Cuyahoga Falls, OH 44221—Honduras.

2. Jack and Betsy Booth in behalf of Melinda Kay Booth, 2135 14th St., Cuyahoga Falls 44223—Taiwan.

3. Pisal Satayathum in behalf of Sudtida Satayathum, 5155 Topaz Drive, Hudson 44236—Thailand.

4. Khosro Esfandiar Mehrfar, 554 West Ave. No. 310, Tallmadge 44278—Iran.

5. Pheng Vu Tran, 1184 Clifton Ave., Akron 44310—Cambodia.

6. David Ying Chan, 2448 Barrington Rd., Akron 44313—China.

7. Martha Zibritovsky, 1207 Gardner Blvd., Norton 44203—Czechoslovakia.

8. Martin Zibritovsky, 1207 Gardner Blvd., Norton 44203—Czechoslovakia.

9. Monique Wilson, 920 Snowfall Spur, Akron 44313—Guyana.

10. Misayo Pritchard, 676-A Callis Oval, Akron 44311—Japan.

11. Trevor Wilfred Perera, 661 S. Frank Blvd., Akron 44320—Sri Lanka.

12. Atul Anant Gupte, 3411 Fox Run Drive, Richfield 44286—India.

13. Kom Rassavong, 611 Kipling St., Akron 44311—Laos.

14. Lien Rassavong, 611 Kipling St., Akron 44311—Laos.

15. Frank Varga, 3362 Boyne Rd., Barberton 44302—Romania.

16. Chong Man Park, 4180 Americana Dr., Stow 44224—Korea.

17. Anna Kapetanaki Pete, 3045 Forest Park Blvd., Akron 44312—Greece.

18. Mohammad Etemad Youssefe, 1377 Housley Rd., Stow 44224—Iran.

19. David Anthony Norman, 374 Garner Dr., Mogadore 44260-1555—England.

20. Istvan Hoss, 521 North Munroe Rd., Tallmadge 44278—Hungary.

21. Erma Medina Saldana, 656 Russell Ave., Akron 44307—Philippines.

22. Rafael Glenn Osoteo, 1516 Bluebird Circle, Stow 44224—Philippines.

23. Willie Wei-Lee Chien, 1543-A Treetop Trail, Akron 44313—Taiwan.
24. Felisa Alvarado Carson, 302 N. Thomas Rd., Tallmadge 44278—Philippines.
25. Katarina Kopcok, 2785 Mull Ave., Akron 44321—Yugoslavia.
26. Ondrej Kopcok, 2785 Mull Ave., Akron 44321—Yugoslavia.
27. Walter Albert Beller, 2230 S. Short Hills Dr., Akron 44313—West Germany.
28. Manda Kuraica, 3354 Hametown Rd., Norton 44203—Yugoslavia.
29. Phousay Siharath, 255 S. Balch St., Akron 44302—Laos.
30. Molly Wung Nelson, 548 Parkside Dr., Akron 44313—Taiwan.
31. Pratibha Hemendra Parikh, 4073 Westminster Lane, Stow 44224—India.
32. Tony Wang, 3787 Valley Dr., Norton 44203—Taiwan.
33. Jium-Pang Chang, 55 Sussex Rd., Hudson 44236—Taiwan.
34. Chi-Ling Chang, 55 Sussex Rd., Hudson 44236—Taiwan.
35. Kyong Sue Hinshaw, 1045 Seibel Dr., Cuyahoga Falls 44221—Korea.
36. Kimchi Thi Le, 188 South Portage Path, Akron 44302—Vietnam.
37. Phuc Van Le, 188 S. Portage Path, Akron 44302—Vietnam.
38. Thong Adam Vue, 159 Bachtel Ave., No. 2, Akron 44311—Laos.
39. Peter Kie Yang, 1726-B Treetop Trail, Akron 44313—Laos.
40. Jorge Alberto Insua, 470 Atterbury Blvd., Hudson 44236—Ecuador.
41. Veena Sharma, 859 Berkshire Dr., Macedonia 44056—India.
42. Richard Tran, 1184 Clifton Ave., Akron 44310—Cambodia.
43. Nikola Bicak, 415 Charring Cross, Munroe Falls 44262—Yugoslavia.
44. Pravit Boonyadate, 3445 S. Smith Rd., Akron 44313—Thailand.
45. Nameh Fares, 176 Chittenden St., Akron 44306—Jordan.
46. Lajos Katona, 1375 Curtis Street, Akron 44301—Hungary.
47. Ashwani Rajput, 4368 Conestoga Trail, Copley 44321—India.
49. Anil Madhukant Parikh, 2530 Sourek Road, Akron 44313—India.
49. Rosa Baldino, 1111 Independence, No. 2518, Akron 44310—Italy.
50. Eulalio Guadalupe Gonzalez, 1520 Superior Avenue, Akron 44307—Mexico.
51. Anthony Atta Awadallah, 896 Skyside Drive, Clinton 44216—Israel.
52. Yong Xian Lau, 4491 Hudson Dr., No. 6, Stow 44224—China.
53. Vilmos Stephen Posa, 65 Luden Ave., Munroe Falls 44262—Yugoslavia.

PERSONAL EXPLANATION

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. BONKER. Mr. Speaker, due to longstanding commitments in Washington State, I was unable to be present yesterday during the debate on H.R. 4775, the Treasury-Postal Service appropriations. Had I been here, I would have voted "aye" in favor of excepting Member's pay from the 4-percent Federal pay increase, rollcall 181 and "aye" in favor final passage of the bill, rollcall 182.

I was also absent Friday, June 10, for rollcall votes 178 and 179. Had I been present, I would have voted "aye" in favor of both measures.

IRRELEVANT WEEK

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. BADHAM. Mr. Speaker, I rise today to pay tribute and extend my congratulations to Jeff Beathard, who, by virtue of being the last player selected in the National Football League draft, has become a part of history. He is also now part of a great institution in the district that I have the honor to represent.

Mr. Speaker, once again we in central and coastal Orange County are celebrating "Irrelevant Week," which honors the last player selected in the NFL draft. Mr. Beathard, who was drafted No. 333 by the Los Angeles Rams, was born June 9, 1964, in Torrance, CA, and now lives in Vienna, VA. He attended Southern Oregon State College.

The meaning of "Irrelevant Week" was best expressed in 1977 when someone said "Irrelevant Week means doing something nice for someone for no reason." Mr. Speaker, if more of us followed this credo more often, the world would be a much nicer place to live. I commend the organizers of Irrelevant Week for their outstanding efforts to contribute to our Nation and our world by doing something nice and I congratulate Mr. Beathard for the honor and recognition that he has earned.

THE NURSING EDUCATION PARTNERSHIP ACT

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. KENNEDY. Mr. Speaker, today I am introducing a bill that for the first time calls on the private sector to enter in a partnership with the Federal Government to address the nursing shortage. The crisis in nursing permeates all aspects of the health care industry, severely compromising the quality of health care in the United States. With hospitals reducing the number of beds due to lack of personnel and nursing schools reporting declining enrollments, this problem requires a concerted effort on behalf of all participants in the health care field.

Based on 1987 projections from the Department of health and Human Services, we will need an additional 1 million more full-time nurses by the year 2000 to meet the needs of a population which is growing older and requiring more intensive institutional care and more sophisticated technology. Currently, there are approximately 70,000 students enrolled in nursing school but these numbers are declining. We will not meet the required target of 1 million nurses at this rate of enrollment and we'll experience a severe shortfall if something is not done.

This bill provides incentives for economically disadvantaged high school students who demonstrate academic promise to enroll in a 2- or 4-year nursing program by giving the students the opportunity to have the entire costs of their education including tuition, books, child care, and modest living expenses paid for by the Federal Government and the private sector. The Federal Government would initially provide the student with a stipend to cover these costs. After graduation, the student will be responsible for repaying 75 percent of the stipend back to the Federal Government on student-loan terms. The student may elect to work for a sponsoring facility, such as a hospital, nursing home, or even as staff nurse for a private company, which would then assist the student in repaying the debt. The sponsoring facility would repay two-thirds of the total loan over a period of 2 to 4 years depending on the length of the student's education and the nurse would assume the remaining one-third.

The Nursing Education Partnership Act addresses the needs of all participants in the health care field. First, the student's needs are addressed. With many cities reporting high school dropout rates of nearly 50 percent, this bill would provide incentives for students to stay in school, improve their grades, and complete their education with the assurance that their Government and community will help them establish a promising career.

Second, the health care industry's needs are addressed. By participating in this program, hospitals, nursing homes, home care agencies, excetra would be assured of retaining a nurse in their employment for either 2 or 4 years. The turnover rate for nurses can be extremely rapid, and with many hospitals spending nearly $5,000 to recruit one nurse, this program will provide a cost-effective approach to meeting their staffing needs. Hospitals and other participating facilities are encouraged to solicit support for this program from private businesses such as hospital supply companies and pharmaceutical industries. Participating facilities also share responsibility in educating high school guidance counselors and students in choosing nursing as a rewarding career option.

Third, the educational facilities' needs are addressed. Declining enrollments have forced many colleges and universities to close their schools of nursing. This bill would ensure a continuing enrollment of students, while calling on the nursing schools to educate high school guidance counselors and students about the professional opportunities of nursing.

By providing $100 million, this bill represents a serious attempt to preserve the quality of our health care system by investing in its most integral character: the registered nurse. Three-quarters of the amount budgeted for the bill consists of loans, which will place the total costs of the bill at $25 million. By supporting this bill, we can provide an innovative solution that calls on the private sector to work with the Federal Government to end the nursing crisis that affects us all.

THE NURSE SHORTAGE

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. WYDEN. Mr. Speaker, today our health care system faces the most severe provider crisis it has ever seen: A nurse shortage that threatens its quality. In the last 2 years, hospital and nursing home staff vacancies have skyrocketed, nursing school enrollments have plummeted and providers have resorted to short-term "bidding wars" to attract nurses.

We must tackle this shortage before our worst-case projections occur. On June 14, 1988, the House Health and Environment Subcommittee passed a bill designed to lessen this shortage. The bill targets over $40 million toward recruiting, training and retaining bed-side nurses. It also reauthorizes $55 million for existing programs in advanced nurse education and nursing faculty development.

This bill includes the provisions first introduced in my bill H.R. 3340, the Nursing Shortage Relief Act. Those would examine ways hospitals can design programs to reduce nursing vacancies and restructure nursing jobs, promote long-term care training and encourage local nursing initiatives.

The bill also establishes a landmark undergraduate nursing scholarship program to directly assist individuals committed to entering the nursing profession. It authorizes $15 million for the first year of scholarships and $30 million for the second year.

The bill also includes programs authorized by the distinguished full committee chairman, Mr. DINGELL. His provisions give practical and vocational nurses opportunities to receive RN degrees, restructure the section of the act dedicated to special projects to give more priority to rural and geriatric nursing services and provide part-time graduate students Federal assistance.

The new "special projects" section also includes two innovative programs I feel deserve special note. One, written by Mr. RICHARDSON, funds satellite television education programming directed at nurses. Another, written by Mr. JOE KENNEDY, creates a Federal computer network to match hospitals willing to pay off nurses education loans with nurses willing to work at those facilities.

This bill takes a long-needed step toward giving nurses the attention and recognition they deserve. It seeks to increase the number of nurses in the short run and lays plans to keep the Nation's supply of nurses adequate for tomorrow's patients.

Mr. Speaker, today I'm introducing a clean subcommittee-passed bill, along with many members of the Energy and Commerce Committee, including Messrs. WAXMAN, DINGELL, and MADIGAN. I hope the full Energy and Commerce Committee will report the bill to the House soon.

WYDEN-WAXMAN-DINGELL NURSE SHORTAGE REDUCTION AND EDUCATION EXTENSION ACT OF 1988

SHORT SUMMARY

Changes and additions listed below are in reference to the current Public Health Service Act, Title VIII statute.

TITLE I—DEMONSTRATIONS TO REDUCE NURSING SHORTAGES

1. Authorize a series of grants to public and private nonprofit entities to demonstrate innovative hospital based and long term care nursing practice models, and to determine short and long term community nursing needs. The demonstrations include goals to:

(a) reduce professional nursing vacancies by: restructuring the professional nursing role using changes in the composition of hospital staffs; encouraging nursing participation in management; testing innovative wage structures for professional nurses who work during unpopular hours and for recognition of experience and education; and including benefits other than salary.

(b) provide case managed home health care services and health care services in long term care facilities.

(c) increase recruitment and retention of nurses providing long term care, and to improve the quality of such care.

(d) increase the exposure of nursing students to nursing home, home health, and gerontologic settings-based clinical practice.

(e) identify specific community, including long term, nursing needs, and encourage nurse education and training outreach.

TITLE II—SPECIAL PROJECTS

The current statute Section 820 was rewritten and refined.

1. Add two new Subparts to Part B of Title VIII known as "Subpart III—Scholarships," and "Subpart IV—Nursing Education Opportunities for Individuals from Disadvantaged Backgrounds." These programs provide grants to nursing schools for:

(a) scholarships (to cover tuition) to undergraduate nursing, disadvantaged students who agree to serve in certain designated health facilities for at least two years, and

(b) grants to public and private, nonprofit entities to encourage disadvantaged students to enter nursing, and assist them in their studies.

[These actions give special emphasis to these students.]

2. Strike some current Section 820 special project categories and add some new ones.

(a) Current statute Section 820(a)(3), (7), and (9) projects are stricken. Section (a)(1) was moved into Subpart III mentioned above.

(b) Amend:

(a)(2) [old (a)(4)] Geriatric Training—demonstrate means of improving geriatric training using Geriatric Health Education Centers (GHECs) or other entities.

(a)(3) [old (a)(5)] Upgrading Nursing Skills—increase the supply of adequately trained nurses (including bilingual nurses) to meet the needs of rural areas.

(a)(4) [old (a)(6)] Upgrading Nursing Skills—provide training and education to upgrade the skills of licensed vocational nurses (LVNs), licensed practical nurses (LPNs), and other paraprofessional nurses to assist them to achieve professional nursing degrees. Other projects can develop curricula for persons with a BA or BS degree in a non-nursing field to obtain a BSN or similar degree.

(c) Add:

(a)(5) encourage curricula development for advanced nurse education for nurses with experience in a specialty clinical area.

(a)(6) provide nursing education via satellite to rural areas.

(a)(7) provide an opportunity to link nurses with outstanding educational loans with health facilities who wish to repay loans in return for the nurse's agreement to serve. Our legislation will stipulate that the health facility agree to repay loans on a matching basis (e.g. one year of service in return for one year of loan repayments).

(d) Project (a)(4) uses GHECs as an entity. This new subsection defines GHECs. Nursing schools may establish centers to improve training of nurses and to develop, disseminate, and expand education geriatric nursing educational curricula.

3. Reauthorize:

(a) Section 821—Advanced Nurse Education Reauthorization

(b) Section 822—Nurse Practitioner and Nurse Midwife Programs, with the following changes:

The educational program's minimum required enrollment of advanced nursing students is reduced from 8 to 6 students;

In addition to health manpower shortage areas, traineeships (100% of tuition costs) provided under this section mandate that students can serve in one of the following additional possible settings: Indian Health Service or Native Hawaiian health center, a public health care facility, or a community or migrant health center.

(c) Section 830—Traineeships of Advanced education for Professional Nurses, with the following addition:

Authorize traineeships in advanced nursing to part-time nursing students within one year of graduation to help matriculate into the workforce.

(d) Section 831—Nurse Anesthetists; with expanded funds to develop and operate nurse anesthetist education programs.

TITLE III—ASSISTANCE TO NURSING STUDENTS

1. Establish a new loan repayment program for service in certain health facilities, including:

Indian Health Service or Native Hawaiian health center, a public hospital, a migrant or community health center, a nonprofit nursing facility, or a health facility with a critical need of nurses as determined by the Secretary [further defined in report language]. Priority is given to nurses with the greatest financial need.

TITLE IV—"GENERAL PROVISIONS OF TITLE VIII" ADDITION

1. Require the Department of Health and Human Services to evaluate all programs in Title VIII on an ongoing basis. The evaluations will specifically include the effects of Title VIII programs on recruitment and retention of nurses.

(a) A report to the House Committee on Energy and Commerce and Senate Labor and Human Resources Committee is due no later than January 10, 1991, and biannually thereafter.

WYDEN-WAXMAN-DINGELL NURSING EDUCATION BILL COSTS

[In millions of dollars]

Section and title	Fiscal year		
	1989	1990	1991
861 Hospital Nursing Practice Models	2.0	3.0	4.0
862 Long-Term Care Nursing Demonstrations	2.0	3.0	4.0
863 Community Nursing Needs Assessment	2.0	3.0	4.0
844 Disadvantaged Nursing Student Assistance	13.0	4.0	5.0
820 Special Projects	13.0	16.0	20.0
820(a)(6) Rural Nurse Education Via Satellite	2.0	2.0	2.0
821 Advanced Nurse Education	18.0	19.0	20.0
822 Nurse Practitioner and Midwife Programs	19.0	20.0	21.0
830 Assistance to Nursing Students	15.1	16.1	17.1
831 Nurse Anesthetist Support	1.8	1.8	1.8
837A Loan Repayment Program	5.0	5.0	5.0
843 Undergraduate Nursing Scholarships	15.0	30.0	30.0

WYDEN-WAXMAN-DINGELL NURSING EDUCATION BILL COSTS—Continued

[In millions of dollars]

Section and title	Fiscal year		
	1989	1990	1991
Total	97.9	122.9	133.9

Note.—1 percent of all title VIII funds will be used for evaluations specified in sec. 851.

CASALS FESTIVAL IN PUERTO RICO ACCLAIMED

HON. JAMIE B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. FUSTER. Mr. Speaker, my home island of Puerto Rico is once again to a world-class event, our annual Casals Festival, and this time Washington's own National Symphony Orchestra, with NSO Music Director Mstislav Rostropovich conducting, is appearing at what the newspaper article below correctly calls the most acclaimed musical event in the Caribbean.

For many years, the world's best classical musicians have been appearing at the Casals Festival, which was founded in 1957 by the late Pablo Casals, who was them living in San Juan. His widow, Marta Istomin, who is artistic director of the Kennedy Center, is artistic adviser for this year's Casals Festival, along with Mr. Rostropovich.

I am sure that my colleagues will enjoy reading the following article on the Casals Festival, which appeared in the June 15 edition of the Washington Times.

[From the Washington Times, Junes 15, 1988]

TROPICAL BREEZES AND A MUSICAL FEAST

(By Octavio Roca)

SAN JUAN, PUERTO RICO.—The most acclaimed musical event in the Caribbean has a definite Washington flavor this year.

Puerto Rico's Casals Festival comes to a climax this week with performances by the National Symphony Orchestra, beginning with last night's surprise appearance by NSO Music Director Mstislav Rostropovich as both soloist and conductor.

The NSO will further enlarge its presence at this storied festival tonight as James Conlon leads the orchestra in an all-Verdi program starring Susan Dunn—a favorite Washington soprano.

The Tuesday surprise occurred thanks to the last-minute cancellation of the glamorous violinist Anne-Sophie Mutter, who was to play the Glazunov Violin Concerto at the Centro de Bellas Artes here.

Fortunately, the NSO was able to provide the kind of substitute about whom no sane music lover could complain: Maestro Rostropovich agreed, on only two day's notice, to play the Haydn Cello Concerto in C Major, as well as to conduct the rest of the program and throw in an unscheduled performance of Tchaikovsky's Symphony No. 5 for good measure.

All this came on a day when the celebrated Soviet emigre already was scheduled to give a two-hour master class at the Puerto Rico Conservatory of Music.

Such gestures are not unusual in the Casals Festival, which was founded in this tropical paradise in 1957 by the great musician and humanitarian Pablo Casals.

Since then, established musical celebrities and rising stars have gathered in San Juan each summer, giving their best generously to an appreciative cosmopolitan audience.

Tomorrow night, on the NSO's one night off this week, the principal instrumentalists of the orchestra are giving a free chamber concert as a gift to the festival, including the entire NSO cello section in Ott's Rhapsodic Variations."

The artistic advisers for the 1988 Casals Festival are Mr. Rostropovich and Kennedy Center Artistic Director Marta Isomin, widow of Pablo Casals.

It is an ususual musical feast, a time for black beans with your Haydn, for Verdi drenched in sunshine. Above all, the breeze from the sea is everywhere in evidence.

The festival's main competition is the ravishing San Juan beaches, and the real wonder is that that musicians can tear themselves away from them to make music at all.

"I guess I'm just not a beach person," says Mr. Conlon, though his tan makes one suspicious. The gifted young maestro has just been appointed principal conductor of the Cologne Opera in West Germany, making him the first American to hold the prestigious position.

He has been the music director of the Rotterdam (Netherlands) Philharmonic for the last five years and has just renewed his contract there through 1991. After that, insiders bet that his presence at the New York's Metropolitan Opera will be quite strong.

One of the music world's most sought-after conductors, and one of its most likable personalities, Mr. Conlon has been the object of much publicity and anticipation here. He is not at all distracted by the beach because he finds opera more seductive than a goregous summer day in the tropics.

"I'm a romantic, to tell you the truth," says Mr. Conlon. "Opera is where I feel my heart is. No matter where I am, that seems to be my nature."

Susan Dunn, who will sing arias from Verdi's "Un ballo in maschera" and "La forza del destino" tonight as Mr. Conlon conducts, feels the lure of the tropics a bit more.

"I just came down early," says the Arkansas soprano with a sunny smile. "Maybe I'll get the beach out of my system before the concert."

INTRODUCTION OF A BILL TO REVISE THE EXPORT FINANCING EXCEPTION

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. GIBBONS. Mr. Speaker, today I am introducing legislation to amend the 1986 Tax Reform Act to help U.S. exporters obtain competitive trade financing from U.S. banks. With the continuing emphasis on the need to improve U.S. trade competitiveness, I believe this legislation will address one aspect of a critical problem for U.S. business.

The 1986 Tax Reform Act made significant changes in the treatment of foreign taxes paid by U.S. banks on interest earned on loans made to finance U.S. exports. The principal change was creation of a separate category of foreign tax credits that cannot be used to offset U.S. taxes on other financial services income. This new category is called the "high withholding tax interest" limitation. Into this limitation or basket go the foreign tax credits earned by U.S. banks and other companies on foreign withholding taxes with rates of 5 percent or greater. Nearly all of our trading partners impose high withholding taxes on interest paid to U.S. banks which are financing U.S exports. This is especially true of many less developed countries [LDC's], which account for about 35 percent of U.S. exports. As a result, the separate limitation on foreign tax credits has drastically changed the economics of trade finances.

U.S. banks are withdrawing from the business of financing U.S. exports at an alarming rate. A survey conducted by the Bankers' Association for Foreign Trade [BAFT] found that U.S. banks have reduced their trade finance lending by between 50 and 100 percent from pre-tax reform levels. There are many factors which help explain the reduction in U.S. bank financing of American exports. For example, the sharply declining creditworthiness of some LDC's has made U.S. banks naturally reluctant to loan more good money after bad. However, a contributing factor undoubtedly is the U.S. tax treatment of the income earned from trade finance activities. Because the tax treatment of this income is within our control, I would suggest to my colleagues that a small but significant change can be made to encourage U.S. banks to return to the crucial business of trade financing.

Financing is a critical component in virtually every export sale. Especially in cases where U.S. exporters are competing with foreign sellers of equivalent goods, the financing terms are often the crucial component, the terms of which can make or break a deal. The separate limitation for high withholding tax interest puts U.S. banks at a disadvantage relative to the banks of our major trade competitors, because, to my knowledge, none of those nations places a similar restriction on foreign tax credits earned from export financing.

According to BAFT, the loss of the full use of foreign tax credits earned on a typical trade financing transaction results in an increase of over 175 basic points in the interest rates on the financing. The competition between U.S. and foreign exporters will not allow U.S. banks to pass this additional cost to foreign buyers. On the other hand, U.S. bank shareholders are unwilling to accept the negative returns that absorbing the extra cost would require in order to make a trade finance deal work. This makes the U.S. bank financing noncompetitive and has resulted in the loss of sales by U.S. exporters.

The problems created by the new high withholding tax separate limitation were foreseen by the conference committee to the tax reform bill. The conferees created an exception to the separate limitation for export financing interest to prevent trade financing of U.S. exports from becoming unavailable or uneconomic. However, as drafted, the exception applies only to manufacturers, producers, growers, or related parties, such as finance subsidiaries. This narrow exception excludes U.S. banks, which are forbidden under our banking laws from engaging in manufacturing or the other listed activities, or from being related to entities which carry on such activities. Therefore, even though U.S. banks provide the vast majority of trade financing, they are ineligible to use the export financing interest exception and are being driven out of the trade finance business. The result is a problem not just for U.S. banks, but for all American businesses involved in foreign trade.

The legislation I am introducing today would correct this problem by making U.S. banks eligible to use the export financing interest exception. U.S. banks would be allowed to use the taxes paid on interest earned from export financing income to offset U.S. taxes on other foreign financial services income without regard to the rate of foreign withholding tax. The result would be a decrease in the tax cost of trade financing for banks and the provision of competitive financing terms for U.S. exporters. The result, Mr. Speaker, would be to help cure one of the basic problems faced by U.S. exporters and U.S. bankers in their attempt to foster U.S. business opportunities abroad and lower the persistent trade deficit.

The Situation in Liberia

HON. MERVYN M. DYMALLY

OF CALINORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. DYMALLY. Mr. Speaker, in 1980, a small band of enlisted soldiers overthrew President Tolbert's government in Liberia. They took power with pronouncements of an end to corruption and the broadening of the participation of the Liberian indigenous people in the democratic process. Today, 8 years later, we are faced with the truth. The Liberian people have less freedom and have been subjected to an 8-year reign of terror which has left few Liberians, indigenous or settler-descendant, untouched.

A recent incident will give my colleagues a clear example of the capriciousness and brutality of the Doe regime. On May 6, the birthday of General Doe and a declared holiday, a power failure occurred. Sabotage was immediately suspected and a number of officials of the Liberia Electricity Corp. arrested. Some were subsequently released leaving five detained for several days. During their detention, they were held in a military prison, in contravention of the Liberian Constitution, and one person was severely flogged. This person happens to be the brother of a leading opposition figure, presently in exile in the United States.

Mr. Speaker, many of us read an extensive article in the Sunday Washington Post by Blaine Harden. In that article, Mr. Harden described the latest U.S. experiment at shoring up the Doe government. Seventeen United States financial and management experts have been sent to Liberia to help them to get a grip on their sliding economy. Mr. Harden described the failure of this effort and Doe's continuing extra-budgetary spending, at the expense of the Liberian people.

I would also like to share with my colleagues an excerpt on Liberia from a recently-published document entitled "United States Foreign Policy and the Black World: Proposals for a New Relationship."

This Trans Africa document represents a foreign policy statement endorsed by a lengthy list of black organizations, including the Congressional Black Caucus, and the National Black Leadership Roundtable.

LIBERIA

Since coming to power in a bloody coup in 1980, former Army Sergeant Samuel K. Doe has presided over one of Africa's most ruthless and incapable regimes. Through summary public executions, torture, detentions and other forms of abuse, President Doe and his undisciplined army have decimated opposition to his rule. Objective observers paint a picture of Liberia as a country ruled largely by terror.

Throughout all of this, the Reagan administration has adopted a passive posture, frequently straining to find a positive development out of the chaos and obvious repression.

Liberia receives the largest amount per capita of American economic and military assistance given to sub-Saharan Africa. In 1986, United States assistance totalled over $58 million. The amount requested for 1987 was reduced to under $41 million. The Reagan administration's response to criticisms of the United States role in buttressing the Doe regime has been to cite the historical ties between the two countries and to stress Liberia's strategic value.

We recognize the historical relationship between our two countries since the founding of Liberia by some of our ancestors, and we are aware that the United States maintains vital communications facilities in the country. However, we absolutely reject the view that the United States should ignore gross human rights violations and the misuse of United States assistance in order to protect this relationship.

We support the limited action already taken as a result of congressional pressures to better monitor and account for United States aid to the country. We fully support efforts afoot which would condition additional aid on improvements in the human rights record of the Doe regime and on recognizable movement toward a multi-party democratic society. The United States has too much invested in Liberia. No other country in Africa is linked more closely to the United States. If we acquiesce in the perpetuation of a corrupt and tyrannical regime in Liberia, we will be judged harshly by the international community.

THE ACHIEVEMENTS OF GRAYCE UYEHARA

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. MATSUI. Mr. Speaker, today it is my pleasure to draw my colleagues' attention to the achievements of Grayce Uyehara. Grayce's untiring contributions to the fight for redress legislation have been an inspiration to me and to all who have worked with her, and she has proved beyond a shadow of a doubt that one concerned individual can have a tremendous impact on the legislative process.

The June 5 Philadelphia Inquirer featured a long article on Grayce's work as national director of the Japanese American Citizen's League's Legislative Education Committee, and for good reason. Working long hours and often commuting to Washington, DC, from Pennsylvania, Grayce has been the driving force behind one of the most effective grassroots campaigns in history. Her efforts made an immense contribution to achieving House and Senate passage of H.R. 442, and the grassroots network she has helped assemble is playing a crucial role in the effort to win Presidential approval of redress legislation. In addition to having a seemingly infinite amount of energy, Grayce has a natural gift for motivating people and working with them.

Mr. Speaker, let me simply state that it has been my privilege to work with Grayce. Her successes have proved that democratic principles are alive and well in the United States of America. I congratulate and thank her for the many contributions she has made to this country.

IN MEMORY OF FRANK DROZAK

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1988

Mr. BONKER. Mr. Speaker, it was with great sadness that I learned of the passing of one of my old friends, Frank Drozak. Frank was a remarkable man both for his outstanding leadership as president of the Seafarers International Union and for his personal qualities as a man who cared deeply about the seamen he represented.

I have served on the Merchant Marine and Fisheries Committee ever since I first came to Congress in 1974. For many years, Frank was a familiar face at the committee's witness table, fighting for the industry that he so deeply believed in. His presidency of the union coincided with the Reagan administration maritime industry cutbacks and the past 8 years have been rugged ones for the Seafarers and our merchant fleet. Frank, nonetheless, was tireless in his fight for jobs and for a healthy U.S. merchant fleet.

He will be deeply missed. In spite of the best efforts of Frank and others, the U.S. maritime industry continues to suffer a loss in ships and jobs. This decline in the once proud link to our Nation's security has been painful to all who recognize the value of a strong merchant marine. Without Frank's leadership, it will be that much harder to move forward to restore vitality to the industry.

Mr. Speaker, I would also like to extend my condolences to Frank's wife, Marianne Rogers Drozak, a remarkable person in her own right and a dear friend as well.

CLEVELAND'S LUCRETIA STOICA RETIREMENT GALA

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Ms. OAKAR. Mr. Speaker, on June 1, 1988, Lucretia L. Stoica, executive director of the Nationalities Services Center in Cleveland, OH, since 1961 retired after 41 years of service. The board of trustees of the Nationalities Services Center, along with representatives of nearly every ethnic community in Greater Cleveland, will honor her for her service at a gala tribute on June 24, 1988 at the Cleveland Skating Club in Shaker Heights, OH. I want to to take this occasion to join Lucretia's countless friends in thanking her for her dedication, her service and assistance to our community, our country and her fellow human beings.

The Nationalities Services Center in Cleveland estimates that Lucretia Stoica helped upwards of one-half million clients during her 41-year tenure at the agency. The services provided by this nonsectarian social services agency began in 1916 when it was known as the International Institute of the YWCA, which served foreign-born women who had emigrated to America.

In 1947, Lucretia Stoica came to Cleveland to begin her long and successful career as a caseworker, deputy director and executive director of the Nationalities Service Center. She has eminent qualifications for the agency. She was born in Youngstown, OH, into the family of a career Army officer. Her father died when she was a young girl and Lucretia was sent to Romania, her parents' homeland. There she spent her formative years—she completed college and received a Romanian law degree. She also became fluent in five languages, a skill she used on a daily basis in Cleveland.

Following World War II, Lucretia and her sister returned to the United States. She helped immigrants at Ellis Island in her first years back before moving to Cleveland, where she assumed the role that has made her synonymous with service and assistance to new Americans. Forthrightness, compassion, persuasion, charm and dedication are attributes her friends use to describe her. Professionals in the immigration and naturalization field have characterized Lucretia as "instrumental in forging the path that many of us follow in the profession." Over the years, Lucretia Stoica has received numerous civic and professional awards from a great many organizations, public officials, the news media and various nationality groups.

It is an honor to join in tribute to this wonderful American and fine humanitarian. Over the years, thousands of immigrants have been advised, "Call Lucretia Stoica. She'll help you." And she did help hundreds of thousands of people over the course of nearly half a century. Her efforts have helped individuals and their families and they, in turn, have contributed to a strengthening of our national fabric. Lucretia Stoica can look back on her career with a profound sense of accomplishment. Congratulations, Lucretia and thank you. It is a privilege to know you, and much success in the future.

BISHOP O'CONNELL HIGH SCHOOL VARSITY SOFTBALL 1988 CGAA CHAMPIONS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. HYDE. Mr. Speaker, Mr. Tony Hyde, an assistant coach of the Bishop O'Connell High School girl's varsity softball team has prepared the enclosed summary of their championship season, which I am proud to share with my colleagues:

BISHOP O'CONNELL HIGH SCHOOL VARSITY SOFTBALL 1988 CGAA CHAMPIONS

"The quality of a person's life is in direct proportion to their commitment to excellence, regardless of their chosen field of endeavor," the legendary Vince Lombardi once said.

And, so it was for the 1988 edition of the Girls Varsity Softball Team—a commitment to excellence which in many ways was fulfilled as the Lady Knights captured the Catholic Girls Athletic Association (CGAA) championship and the Arlington County Tournament title enroute to a 17-2 spring season.

Goals are one thing, fulfilling them are quite another. Coach Tommy Orndorff's team did so—and in quite an impressive fashion, outscoring opponents 172-29 while suffering just two defeats during the course of the campaign to arch rival LaReine (3-2) and another CGAA foe, Seton (2-1 in nine innings).

The keys? "Certainly our work ethic in practice," Coach Orndorff is quick to point out. "No one works harder at their game—and of course we have Ivy Dashkin. Her presence alone dictates we're going to be good."

And, that they were as Dashkin chalked up some impressive numbers in gaining first team All-Metropolitan honors for the second straight year. Her numbers speak for themselves: a 15-2 won-lost record with a 0.45 earned run average and 151 strikeouts in 109 innings pitched. But, Dashkin's heroics are only part of the Girls Varsity success story. There's more, much more.

Besides the hard throwing windmiller, Peggy Roccapriore (.307) and Julie Finnerty (.389) were looked upon for leadership and the tri-captains responded beautifully. Especially considering the team's youth, Dashkin and Roccapriore were the only two seniors on the squad.

That youth certainly didn't disappoint, especially freshmen Kristen Render (.333), Tayna Sishak (a team leading .480) and Lauren Aste (.289) and junior catcher Karen Sirotniak (.383 with team highs in home runs [4], runs batted in [22], and game winning RBI's [5]).

Others who played key roles in the Girls Varsity Championship season included juniors Jeanie Crowley, Mary Kuhn, Michele Fisher, Lynne Yewdall, Joan Nueno, Monique Aime, Sarah Carter, Tara Wicart, Catherine O'Donnell, and freshman Whei Wong. Orndorff's assistant coaches were Dennis Everett, Anthony Hyde and Bud Jones and the Lady Knights were managed by Renee Egan and Jeanette Stackhouse.

NATIONAL NEIGHBORHOOD HOUSING SERVICES WEEK

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mrs. KENNELLY. Mr. Speaker, I would like to extend my congratulations to Neighborhood Housing Services for over 10 years of exemplary service and would like to recognize their efforts in the city of Hartford, CT, which I represent.

Increased costs have put the American dream of owning a home out of reach for many Connecticut residents. That dream, however, is still coming true for lower and moderate income residents in Hartford NHS neighborhoods. In Hartford, the NHS helped 40 families build their own houses, using their own labor as a down payment. The Hartford owner-builders have mortgages ranging from $43,000 to $63,000. This represents a savings between $20,000 to $40,000 below market price of comparable homes in these neighborhoods. The work of NHS has really made an impact in many areas of the city. The Blue Hills neighborhood, one of the largest in Hartford, was experiencing rapid decline and disinvestment in 1976 when the NHS partnership selected it as its first target neighborhood. The program's work in this neighborhood demonstrated the kind of impact possible when a public/private partnership develops a coordinated strategy for reinvestment. Today it is a neighborhood full of pride and self-reliance.

The Hartford NHS has increased the availability of affordable housing by rehabilitating more than 200 vacant units and making these units available to lower income residents. We all know that it is up to groups like NHS to take the initiative and pick up where the Federal Government has left off. In order to do this work, NHS realizes the importance of working with a partnership of organizations. In fact, in Hartford the insurance industry has been an active partner to the NHS network. The NHS-insurance industry full partnership was developed to involve the insurance industry in the financial and managerial support of NHS. In return, a NHS insurance coordinator provides personalized counseling and comprehensive outreach services in cooperation with participating companies.

I commend the work of all the groups involved in this partnership to provide affordable housing for the people of Hartford. I congratulate NHS for all they have accomplished and hope to see it continue.

HONORING CAPT. E. WILLIAM COLE

HON. ROBERT J. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. MATSUI. Mr. Speaker, I rise today to honor a good friend, Capt. E. William Cole, vice president of Unocal Corp.-Union Oil Co.

of California—who retires on June 30, 1988, from his position as head of Unocal's Washington, DC, office.

Bill Cole has been with Unocal for 20 years, since his retirement from the U.S. Navy in 1968. While in the Navy, Bill served with great distinction in the Pacific during World War II and was cited for bravery as a gunboat commander during the Guadalcanal, Treasury Island, and Solomon Islands campaigns. What followed was distinguished service with the Department of the Navy in Washington, DC, principally as a senior legal advisor to the Joint Staff of the Joint Chief of Staff. In addition, Bill was a key legal advisor to the Commander of the cruise-destroyer force during the Cuban missile crisis and he helped develop the Outerspace Treaty as a member of U.N. Ambassador Arthur Goldberg's staff.

Bill brought the same level of dedication to Unocal in 1968. Over his 20 years with the company, he has earned the respect and admiration of those of us in the House of Representatives who have had the good fortune to work with him. He has also been a strong advocate for a comprehensive national energy program. During the 1970's, Congress focused much of its attention on energy policy. Bill Cole was a key participant in those debates. The enactment of legislation providing incentives for alternate sources of energy such as shale oil and geothermal energy is due in large part to his efforts. He has also made a valuable contribution to the tax debates of the 1980's. Bill was a key supporter within the business community of the tax reform legislation in the 99th Congress. His ability to build support within the oil industry for tax reform was important to the success of the effort.

Mr. Speaker, I am privileged to know Bill Cole both professionally and personally. He has made an invaluable contribution not only to Unocal but to his country and our political process as well. Let me take this opportunity to wish Bill and his wife Audrey my very best wishes for the future. I look forward to continued association and friendship with him for many years to come.

EXTREMIST THINKING

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. LIVINGSTON. Mr. Speaker, who says the dissident age of the 1960's is over and forgotten? Recently, a constituent of mine sent me a copy of an interesting paper "commissioned and circulated by the Advisory Council on Church and Society of the Presbyterian Church (U.S.A.)" submitted "for study and response as part of a policy development process in preparation for the 199th general assembly" (1987), dated December 31, 1985.

The contents of "Presbyterians and Peacemaking," by Dana W. Wilbanks, Illiff School of Theology, and Ronald H. Stone, Pittsburg Theological Seminary, too voluminous to include in this RECORD, are shocking beyond belief, and could readily be construed to be manifests for revolution against the U.S. Government, rather than an interpretation of church doctrines.

A summary of this incredible document follows herewith, and is in turn followed by the horrified reactions from three worthy Presbyterian churches in Louisiana. Together, they make for interesting reading, if frightening commentary, on the extremist thinking of certain leftwing church groups in America:

The Advisory Council on Church and Society of the Presbyterian Church (U.S.A.) has commissioned and circulated a study paper entitled, ***Presbyterians and Peacemaking: Are We Now Called to Resistance?*** written by Dana W. Wilbanks and Ronald H. Stone, for study and response for local congregations as party of a policy development process for the 199th General Assembly. The paper focuses on the church's position regarding the present state of the United States militarial defense, including nuclear weapons. The authors conclude that "the definitive question of faith for us today may indeed be whether a 'yes' to God requires a 'no' to nuclear weapons."

The authors systematically examine theories of peace as they relate to the Presbyterian church, and involve these theories in their evaluation of the morality of nuclear weapons and militarism. After judging nuclear weaponry to be immoral, the authors decide that the church should take an active role in forming a Christian resistance to the United States government's nuclear and militaristic policies. "Nuclear deterrence as well as the use of nuclear weapons would then require Christian resistance," and they believe that resistance should be sanctioned by the General Assembly of the Presbyterian church. Also, "policies which support and perpetuate militarism may also be regarded as illegitimate because they are an assault on the legitimate purposes of government to promote just peace." Not only should Presbyterians resist nuclear weapons, but they should attack the military establishment as well.

Wilbanks and Stone further suggest specific forms of resistance they believe to be of importance to the Presbyterian General Assembly. The first form is sanctuary—"a way to provide protection for refugees from El Salvador and Guatemala who are coming to the United States to escape the violence in their countries." Almost all of these refugees are denied legal status as refugees. Although these actions are considered illegal by the United States government, the General Assembly has urged the sanctuary movement to its churches in the past. What the authors intend for the sanctuary movement, though, is expansion. "In the time ahead sanctuary might be extended to include a broader range of persons who need harboring and protection." This extended range would include members of the Presbyterian church who choose to follow the report's other resistance suggestions such as "tax resisters, AWOL service persons, those who climb fences into nuclear weapons installations to protest government policies." Churches would then be urged to protect and shelter these people when their protesting actions go against U.S. law.

The second form of resistance the authors advise is tax resistance. That resisters are people who withhold part or all of their income tax from the IRS in order to prevent their money from being spent on the military, and to protect the government's policies. Wilbanks and Stone urge that the General Assembly "extend its position on conscientious objectors to wars to the support of the conscience of tax resisters." They envision two methods of resistance that the church could follow, "the Assembly could advocate massive civil disobedience through symbolic withholding of a certain amount; or hold corporately in escrow the money individuals withhold so that legal liability for such acts of disobedience would be the national church body." To avoid the question of illegality the authors would like the Assembly to "seek the establishment of a World Peace Tax Fund which would provide a legally available channel for conscientiously motivated tax resisters to pay into an alternative fund the portion they would otherwise withhold." The study recommends that the church should show its opposition to militarism and nuclear arms by encouraging its members to practice tax evasion.

Noninvestment and disinvestment are policies that call for the exclusion of certain companies from the Presbyterian church's and members' investment portfolios. The General Assembly of the United Presbyterian Church in 1982 adopted these policies and denominational investment corporations that (1) were among the top ten leading military contractors; (2) out of the one hundred leading military contractors, the ones that received more than 25% of their sales from military contracts; and, (3) those who make the nuclear components of nuclear warheads. Wilbanks and Stone applaud this strategy and believe that the General Assembly should further it by encouraging individuals to abstain from these investments as well. Also, the authors would encourage Presbyterians to boycott the products made by these military corporations.

A fourth suggestion for resistance is occupational withdrawal. "There have always been occupations the church has regarded as unsuitable for Christian work," and this study regards occupations in the military-industrial complex of the United States as unfit for Christians. Although the authors admit that it is difficult to counsel people away from jobs because the U.S. is operating on a military economy, they believe that "the General Assembly . . . could encourage members to consider leaving jobs directly to military research and production, especially nuclear weapons." They also urge the churches to set up relief programs workers, to aid in their retraining and relocation.

Non-cooperation with the military service is a keystone in the Christian resistance. The study calls for the church to "encourage its members not to join the services . . . develop a comprehensive social strategy to assist persons to find other employment . . . [and] provide support to Presbyterian schools willing to end their association with ROTC." These actions should be taken to remove any incentives for voluntary military service. The church also should "support those members who in conscience refuse to register for the draft," and even encourage non-registration. It should advocate draft resistance if a draft is ever reinstated. The General Assembly should "call on military officers to resign rather than carry out the nuclear weapons policies of the government." Another point of military resistance the authors feel the church should address is to "no longer certify military chaplaincy as an acceptable form of ministry." The authors feel that the church should completely disassociate itself from the military and this includes nullifying the chaplaincy.

The final two forms of resistance the study recommends are public protest demonstrations and involvement in outside organizations. Wilbanks and Stone believe the church should organize and fund public protests. Joining with outside movements, the study states, is the best way to forward the cause of nuclear disarmament. These forms of resistance are the culmination of a report which recommends to the General Assembly of the Presbyterian Church the adoption of an official position espousing these beliefs as the policy of the Presbyterian church.

OVERTURE FROM THE SESSION OF THE DERIDDER, FIRST CHURCH

Whereas the Advisory Council on Church and Society of the General Assembly has caused to be prepared a study paper entitled "Presbyterians and Peacemaking—Are We Now Called To Resistance?", and

Whereas said study paper poses several forms of resistance described as being suitable for adoption by the General Assembly and implementation by churches and church members, and

Whereas these proposed forms of resistance are illogical, scripturally unsound and totally unacceptable, and

Whereas the primary calling of the church of Jesus Christ has been, is and ever should be focused on spreading the Good News of salvation through Jesus Christ our Lord, and

Whereas acceptance of the thesis and implementation of the recommended actions contained in this study paper would divert the church from its primary calling and therefore affect the unity of the PCUSA,

Therefore, the First Presbyterian Church, DeRidder, Louisiana respectfully overtures the Presbytery of South Louisiana to overture the 199th General Assembly of the Presbyterian Church USA to withdraw said study paper and repudiate its recommendations as incompatible with the call of Christ.

OVERTURE

Whereas, the world is under continuing threat of nuclear war, and

Whereas, Christians live under our Lord's command to be peacemakers, and

Whereas, the General Assembly of the Presbyterian Church (U.S.A.) has caused to be distributed a study paper entitled "Presbyterians and Peacemaking: Are We Now Called to Resistance?", and

Whereas, this study paper has been distributed in South Louisiana Presbytery and has been studied with deep concern and full knowledge of its seriousness, and

Whereas we believe:

1. that the study does not recognize that we live in a nuclear age and it is not possible for the United States (even in concert with the USSR) to turn back the clock and eliminate nuclear technology, and

2. that the abandonment of nuclear weapons on a unilateral basis by the United States will have incalculable results throughout the world in ways beyond the power of this study to anticipate, and

3. that it would be a gross neglect of our duty to deny Chaplains to men and women who are in the military service, and

4. that it is impractical to believe that our government would permit the tax withholding in escrow suggested in this study if it were attempted on a scale large enough to be effective, and

5. that this study has not incorporated ideas from the conservative membership of our denomination, even though polls by the 1985 Presbyterian Panel reveal that a large majority of Presbyterians do not support the proposed diversion of federal income taxes, and

6. that only a small minority of Presbyterians would adopt the stance of resistance advocated in the study paper even if approved by General Assembly, and

7. that a majority of Presbyterians would be embarrassed by such action to the extent that many would leave the denomination or withdraw their support, and

8. that peacemaking begins at home: the Presbyterian Church (U.S.A.) needs to search diligently for a consensus within our church lest the proposed program do great harm to our denomination without achieving its goals.

Therefore, the Session of Covington Presbyterian Church respectfully requests the Presbytery of South Louisiana to overture the 200th General Assembly (1988) of the Presbyterian Church (U.S.A.) to:

A. ask through its Council on Church and Society some of the recognized conservative leaders in our denomination to prepare their recommendations for a Christian response to the threat of nuclear war and related evils, emphasizing ideas that will tend to heal, reconcile, and unite our denomination, so that our actions may be effective and a credible witness to the Lordship of Jesus Christ, and

B. defer any action or policy statements concerning peacemaking by the General Assembly until this new study is widely distributed, discussed, and reported and

C. issue concurrently a call to the congregations to join in a month of prayer for God's help in this most serious undertaking.

Adopted unanimously, October 5, 1987.

CHARLES E. VON ROSENBERG,
Moderator.
DURBEN E. MILLER,
Clerk of the Session.

Whereas we at Woodland Presbyterian Church have devoted considerable time, effort and prayer to the concept of peacemaking and specifically to a need for civil resistance in American society as proposed in *Presbyterians and Peacemaking: Are We Now Called to Resistance,* and

Whereas the General Assembly of the Church has called upon congregations to study this document and respond with evaluations that enable the General Assembly, meeting in 1988, to address the Church's position with a formal statement on civil disobedience, military service and aligning the Church with political groups,

Now therefore we request the Session of Woodland Presbyterian Church adopt the following resolutions:

Be it Resolved: That the paper provides neither scholarly discussion nor any options other than acceptance of its dogma; that the actions proposed are naive, unrealistic, ill-advised and are simplistic in relation to today's complex, real world; and that instead of addressing world peace and stability, the paper offers only unilateral options about one weapon system and one government.

That Presbyterians believe that a world at peace is the best environment in which to spread the gospel of God's love and salvation, and that truly free societies are governed by laws changed only through consent of the majority.

That this Session rejects, and urges our Presbytery and the General Assembly to reject the study's reasoning, language and scholarship as it seeks to speak on peacemaking and to reaffirm our commitment to evangelism as the Church's true mission. That, while respecting the conscience of those choosing—through pacifism and nonparticipation—to resist U.S. policies, we at Woodland Presbyterian Church do not believe that such moral imperatives should be corporately or individually imposed on those seeking positive, effective ways of finding God's true peace among all people. That we affirm that participation in government, diplomatic and military service are now honorable, Christ-centered acts of peacemaking that—through eternal vigilance—defend the lives and freedoms of all fellow beings.

Adopted November 15, 1987, at New Orleans, Louisiana.

RADFORD L. RADER,
Moderator.
KATIE M. COPELAND,
Clerk.

A SHAME OF SILENCE ON ETHIOPIA?

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. ROTH. Mr. Speaker, Assistant Secretary Richard Williamson asks the right question in yesterday's Washington Times Commentary: Is there a shame of silence on Ethiopia? The answer is emphatically, "Yes."

Actions taken by the Ethiopian Government have put 2 to 3 million innocent people at risk of starvation in Northern Ethiopia. Two months ago, the Mengistu regime expelled all foreign relief workers in the area, all roads to the area were closed, and relief planes were grounded.

Despite these developments, the United Nations has been silent. Yet, Ethiopia's brutal leader continues to be the worst violator of human rights in the world.

Where is the outrage of Mr. Dukakis or Mr. Jackson over the cruel oppression of 45 million people in Ethiopia?

Where is the concern of Mr. Gorbachev for the starving in Ethiopia? When the delivery of more arms and weapons from Moscow to Addis Ababa takes precedence over the delivery of food, what does that say to the human rights concerns of the Soviet Union?

And Mr. Reagan, failing to use the spotlight of the Moscow summit to bring to the world's attention the plight of millions of innocent children caught in the middle of a deadly nightmare was an opportunity lost.

Yes, there is a shame of silence on Ethiopia.

[From the Washington Times, June 14, 1988]

A SHAME OF SILENCE ON ETHIOPIA?

(By Richard Williamson)

The Economic and Social Council of the United Nations is second only to the General Assembly in the range of issues it must examine and on which members must have views. Its oversight role had made the ECOSOC into a major international forum for the discussion of the principal themes of our time: those of violence and peace, death and life, suffering and triumph.

The nations represented are all signatories of the U.N. Charter. As such, we have voluntarily assumed a responsibility to advocate the values and moral principles reflected in the Preamble and in Article I of Chapter I of the charter. It is our duty to stand up for these values and to call for actions which reflect the moral authority of this great organization. We must never leave ourselves open to the shame of silence.

In 1986, the United States went before the U.N. Commission on Human Rights in an effort to get that august body to take a stand on the situation in Ethiopia. Unfortunately for the people of Ethiopia, politics prevailed and the commission refused to act. And sadly, subsequent events in Ethiopia proved us correct. We will never know how many could have been saved had the commission acted at that time or how many were, in fact, saved merely by our raising the issue.

Once again we come before a body of the United Nations to plead for the people of Ethiopia. Once again, the United Nations and its members must face the issue of whether to remain mute and blind in the presence of actions which starve an innocent population.

Put bluntly, a body of the United Nations must face the issue of whether human lives are more valuable than narrow political interests. We have no doubt about our answer; we have no doubt about what the answer of the world community should be.

We call on the United Nations and its members, regardless of ideology or foreign policy, to recognize the tragedy occurring in Ethiopia and to use all available peaceful means to end it. Above all, we call upon the government of Ethiopia to respect the most fundamental rights of its citizens.

My government is motivated strictly by humanitarian concern for the people of Ethiopia. The United States has consistently demonstrated its concern for the people of Ethiopia. We are the largest donor of relief assistance to the people of Ethiopia and cannot quietly condone obstacles to essential aid.

While fully reliable information about what is actually happening in Ethiopia is limited—and uncertainty is itself one of our greatest causes for consternation—we do believe the following:

Of 3.2 million people at risk, only about 850,000 are now being fed. That contrasts with almost 2 million who were being fed in February this year. The remainder face a very real prospect of starvation.

War is the principal culprit in limiting access to hungry people. Military actions by both sides, compounded by misguided government decisions, have affected delivery systems, the number of people under government control, and the ability of relief organizations to operate.

The decisions of the Ethiopian government on April 6 effectively stopped international relief efforts in the north, thereby seriously undermining feeding operations. Although several U.N. personnel have been allowed back, only a massive undertaking can now save those at risk.

My government deplores this cold-blooded neglect of millions of Ethiopians in pursuit of military objectives in an intractable and unwinnable civil war. We also condemn the callous decisions, actions and warfare of the rebel forces, which have resulted in anarchy and chaos in the north, and have impeded feeding operations. We are not addressing politics but human decency. It is a profoundly moral issue. We must speak out against—and try to stop—this horrible affront by the belligerent parties to the U.N.'s charter and to civilization itself.

The apparent willingness of the Ethiopian government to allow innocent civilians to starve has an impact beyond Ethiopia's borders. It threatens the lives of other Africans and the stability of the entire region.

A new bout of starvation in northern Ethiopia could produce anew a mass exodus of refugees seeking food in neighboring countries, particularly in Sudan. We should not forget the enormous burdens placed on the people and government of Sudan during the famine of 1984-1985. Without a resumption of unhindered food deliveries in the north, hundreds of thousands of Ethiopians might have to flee again. Many, many die in the process.

The great irony is that the international community, in particular the United Nations, is ready this time, with adequate stocks of food, supplies and experienced personnel, to avert mass starvation in Ethiopia. Yet, that same government which a few months ago came before the world seeking assistance now refuses to allow that assistance to reach its people. It cites concern for security of expatriate relief workers. These concerns are not shared by most of those workers; they are willing to resume their relief efforts regardless of personnel risk.

We take the step of raising this issue here only because other approaches have failed. We have contacted Ethiopian authorities and have been in touch with the regime's allies. We have supported strongly the efforts made by the United Nations to clarify and rectify the situation in Ethiopia, in particular during U.N. Undersecretary General Ahtisari's visit in April. Important first steps have been taken, but much more must be done.

This body should not permit yet another sad chapter to be added to the history of our time. We should register—for all to hear and act upon—that we have not forgotten the people of Ethiopia. That is the least, the bare minimum, to which the people of Ethiopia are entitled.

THE NEED TO ADDRESS LONG-TERM CARE SERVICES FOR OUR NATION'S SENIOR CITIZENS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. MAZZOLI. Mr. Speaker, based on phone calls and letters I am receiving from many senior citizens in Louisville and Jefferson County, KY, which I am privileged to serve, there is a need to expand Medicare services to include long-term in-home medical and nursing home services.

I am pleased that my colleagues and I voted overwhelmingly 328 to 72, on June 2 to begin the process of providing these benefits by passing H.R. 2470, the Medicare Catastrophic Protection Act.

H.R. 2470 will provide expanded Medicare benefits to Medicare beneficiaries who suffer long-term, expensive illnesses. The main provisions of H.R. 2470 include: reductions in the out-of-pocket costs paid by the Medicare patient for hospital services; coverage for a wide range of home health care procedures; and, coverage for certain outpatient prescription drugs.

H.R. 2470 also calls for a Commission to study future Medicare coverage, including long-term in-home and nursing home services. This Commission will then make its recommendations to Congress on how best to provide these services. A similar process was executed in 1983 to shore up the Social Security system, and by all accounts, this effort was successful.

More recently, the House was asked to consider H.R. 3436, a measure introduced by the distinguished Representative from Florida, Claude Pepper, to provide some in-home Medicare services. However, H.R. 3436 did not go through the normal legislative process of hearings and markup and could have interrupted the effort to develop a comprehensive program of health care services for the Nation's elderly citizens.

This was a difficult vote for all Members of the House because of our fondness and respect for Mr. Pepper and because he is the acknowledged leader in issues dealing with America's senior citizens. The remarks of Representative Dan Rostenkowski, the chairman of the House Ways and Means Committee, capture the conflicting emotions we all felt, and I ask permission to include them at the point in my statement.

Mr. Rostenkowski. Mr. Speaker, I rise in strong opposition to the rule. All of us have enormous respect for the Chairman Claude Pepper and his commitment to protecting the economic well-being of the elderly. While I stand second to none in my respect and affection for Chairman Pepper. I have equally profound respect for this institution—its rules, its precedents, and its procedures. In my 30 years in Congress, I cannot remember a rule that more seriously violated the regular order and normal procedures of the House of Representatives. It is for this reason that I oppose this rule and urge its rejection by the House.

H.R. 3436 is a bill reported by the Committee on Education and Labor which makes technical amendments to the Older Americans Act. As it comes to the House floor, however, the bill has been transformed into a 5-year $30 billion tax increase and new entitlement program without any input from any legislative committee of the House.

My objection to bypassing the normal committee process is much more than a concern over turf. The legislative process is purposely deliberate. It serves the House well and utimately saves the Congress from chaos, and the Nation from the enactment of bad and misguided law. Following the regular order allows the House to benefit from the expertise of its committees. It protects Members from being forced to vote on popular-appearing proposals that may ultimately prove to be embarrassing.

While the $30 billion payroll tax increase on millions of working Americans contained in the proposal is both real and permanent, the proposal makes unrealistic promises to our senior citizens. For example, the agencies necessary to administer the promised benefits to the elderaly do not now exist. History has demonstrated that such a big program cannot be put in place quickly without encouraging inept or fraudulent management.

In addition, CB and OMB both estimate that within 5 years, unconstrained outlays under this proposal will exceed revenues by $5 billion. Either the Secretary of HHS would be required to reduce benefits by 37 percent or Congress would have to increase revenues by 56 percent. Thus, the proposal raises expectations of the elderly that cannot be met, adding to public cynicism about Congress.

Members of the House should not be asked to vote on this long-term care proposal until these and other serious problems have been resolved through the normal committee process. The regular order of public hearings and committee markup gives all Members greater assurance that a proposal is well designed prior to consideration by the full House. The normal committee process also allows the House to better resolve competing priorities and legislative demands.

For instance, the financial pressures faced by elderly persons living in nursing homes, which are not addressed in the pending proposal, should be included in long-term care legislation. Some think there may be a more immediate need to address the health care needs of the 37 million Americans who do not have any health insurance at all. Others place a priority on the war on drugs or the critical needs of children—especially poor children—for better health care, education and child care. Still others think that if taxes are to be raised by $30 billion, those revenues should be used to reduce the budget deficit rather than for a new spending initiative. The committee process enables the House to sort through these competing priorities. However, if the pending rule is adopted and the bill ultimately passes, its enormous costs and tax increases will foreclose consideration of competing health policy options and deficit reduction options for years to come.

Many Members have asked how they can explain voting against this rule to elderly constituents in their districts. I fully recognize that constituents may not understand the procedural objections that have been raised in the well of the House today. However, there are valid reasons for voting against the rule that, in my opinion, our senior citizens will understand.

First, just last Thursday, the House overwhelmingly approved the conference report on the Medicare catastrophic health insurance bill. I expect the Senate to approve it today, and President Reagan to sign it into law in the very near future. The catastrophic health insurance bill contains the largest expansion of the Medicare Program since its original enactment in 1965. Upward of 8 million elderly and disabled Americans will be helped at an annual increase in Medicare expenditures of $10 billion. Many of these are the same people that would receive benefits under the Pepper proposal. I do not think it is prudent to consider adding another $30 billion of Medicare benefits and tax increases within a week of passing the catastrophic conference report. Meeting the health care needs of the elderly is expensive, the problems and proposals complex. We cannot afford to do everything at once—we can only address these problems in a responsible manner one at a time.

Second, the catastrophic health insurance bill that passed last week contains several important long-term care features. The conference report expanded the current skilled nursing home and home health care benefits under the Medicare Program. It added a new respite care benefit for homebound individuals. Another provision prevents spousal impoverishment so that individuals with spouses in nursing homes can still qualify for Medicaid coverage of long-term care expenses. With these provisions, Congress has taken some important first steps in the development of a national long-term care policy.

In addition, the catastrophic conference report included a provision, at the specific request of Chairman PEPPER, that establishes a Bipartisan Commission on Comprehensive Health Care. The Commission is directed to make specific recommendations on comprehensive long-term care for the elderly and disabled. I fully expect Chairman PEPPER to be a member of this Commission and to play a central role in the development of its recommendations. The Commission's report must be submitted to Congress not later than 6 months after enactment of the catastrophic health insurance bill.

Congress should wait for the recommendations of this blue-ribbon Commission before it acts on long-term care legislation. I fully anticipate that the Commission's report and recommendations will form the starting point for congressional action on long-term care be in the next Congress. Thus, I fully expect long-term health care of elderly and disabled Americans to be a high legislative priority next year—irrespective of who is elected President in November.

Mr. Speaker, the vote on the rule is not a referendum on long-term care. Meeting the long-term health care needs of the elderly and disabled is a serious social issue which must be and will be addressed. However, the rules of the House are designed to protect all Members. If the rules and regular procedures can be disregarded in this instance, the precedent of this irregularity can be used on future occasions. Members may again be asked to vote on popular-appearing, but ill-conceived proposals without the benefit or expertise from an appropriate committee of the House.

All Members and all House committees have a stake in upholding the regular order and normal procedures. This highly unusual and irregular rule requires a highly unusual and irregular response.

I urge the House to reject the proposed rule for H.R. 3436.

Clearly, long-term health care is a national legislative priority, and I feel that Congress—with the help of the bipartisan Commission—will be able soon to develop a comprehensive measure to address home health care and nursing home care needs of senior citizens.

TRIBUTE TO BILL HARRIS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. MILLER of California. Mr. Speaker, the San Francisco Chronicle recently published a short tribute to Bill Harris and his outstanding work as founder and director of KIDSPAC.

Harris and his organization have done far more than support political candidates who are serious advocates for children. They have played a central role in forcing the well-being of American children to the center of the congressional and presidential stage. They aren't satisfied by promises of support; they demand commitment, and they help develop the policies that will make a substantive improvement in the lives of millions of children throughout this country.

I am delighted to share this article with Members of the House:

THE PAC TO HELP CHILDREN

(By Jerry Roberts)

America's most unusual political action committee is run by a man who wants to teach politicians that "a 1-year-old kid is not just a short 10-year-old."

While most political action committees—or PACs—work on behalf of unions, industries or professional groups, Bill Harris founded "KidsPac" to contribute campaign money for a much more benign special interest—children.

"This has become the year of the child," said Harris, a private investor and father of two from Massachusetts. "It's like Noah's Ark with people coming on two by two—business, unions, governors, mayors, are all increasingly interested in helping kids and families."

Over the past seven years, KidsPac has given about $1 million to candidates for House and Senate seats and, in the process, helped push child care, preschool education and prenatal care to the top of the nation's political agenda.

"The value of KidsPac is that it has made children part of the inside game in Washington," said Representative George Miller, D-Contra Costa. "Harris has created a network of political people who are strategically placed throughout government who assure children's issues are now included in the political debate."

CORNY ALLIANCES

Harris' inspiration for KidsPac was his father, a wealthy businessman and philanthropist who had contributed to the Beethoven Project, which helps provide low-income mothers with prenatal care and good nutrition.

"The idea came to me when I was standing on the steps of the Capitol with my father," Harris said. "It sounds corny but it's true. I said, 'We're going to lose this whole ballgame because we can't figure out how to get the Congress involved.'

"He said, 'You got any ideas?' And I said, 'I think I'll start a PAC.' It would be different to overstate my ignorance of what I was getting into."

Using his family's money, Harris established KidsPac in his office in Cambridge. As the unpaid director of his own political action committee, he hired an attorney in Washington and began to identify supportive members of Congress and their staffs.

Since starting out, Harris has become a familiar figure on Capitol Hill, urging that the federal government play a larger role in providing day care and arguing for expansion of early childhood programs such as Head Start and Food for Women, Infants and Children.

"We must make these investments if we're going to have a competitive productive society," Harris said. "What are the alternatives? The alternatives end up in jail, on welfare or on drugs. So it matters to you as a taxpayer whether the kid next door grows up to be contributing member of society or a junkie."

Harris has gained several powerful allies on Capitol Hill, including Senators Ted Kennedy of Massachusetts and Christopher Dodd of Connecticut and Representative Miller, a widely respected representative who chairs the Select Committee on Children, Youth and Families.

"They have a good track record, and it's not just their contributions," said John

Lawrence, an aide to Miller. "They're not just throwing money around. They initiate legislation and they bring you in contact with people who have been running programs or have the expertise to help you put something together.

AWASH IN KIDS

Although Harris was something of a voice in the wilderness during the budget-cutting era of the early 1980s, his views have become increasingly popular of late, as baby-boomers have begotten another baby boom, two working parents have become the national norm, and drug abuse has become a national crisis.

With Capitol Hill awash in child care legislation, children's issues also have become a prominent feature of the 1988 presidential debate. Candidates flock to day-care centers and propose a host of new education initiatives.

"It's increasingly bipartisan," Harris said, "People are responding to these issues because there is a wonderful confluence of science, economics and good politics.

"The response has been spectacular," he added. "I'm not in there looking for tax breaks but to help pregnant women and children get a better shot at life. Are you kidding? The candidates love it."

THEODORE C. BARBIERI

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. HORTON. Mr. Speaker, on May 26, 1988, a noted fly-fisherman, sportsman and environmentalist Theodore C. Barbieri passed away suddenly at Hartford Hospital. He made his home in Somers, CT.

At the time of his death, he was serving as executive director of the Conservation and Preservation Division for the Department of Environmental Protection of the State of Connecticut. He was an active sportsman and an honorary member of many national sporting clubs. He was also the former fishing host for the PM Magazine television program in Hartford, the first president of the Stafford Fish & Game Club, charter member and first president of the Connecticut Fly Fisherman's Association, and charter member and organizer of the Connecticut River Watershed Council.

Although he made his home in Connecticut, Ted Barbieri was a well respected fly-fisherman often called upon to assist and advise in various fishing derbies around the country. Fishing manufacturers sent products for him to test. He was also involved in teaching children to enjoy the sport of fishing and oftentimes took avid lovers of the sport to teach them to tie flies. People from around the world would send him samples of tied flies to critique.

The fishing world has lost a great friend, conservationist, and sportsman.

Ted Barbieri leaves his wife Jane, son Mark, and daughter Alida. All fishing enthusiasts join in mourning their loss.

EXPORT FINANCING INTEREST

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. FRENZEL. Mr. Speaker, I rise today to introduce legislation which will eliminate barriers erected in the 1986 Tax Reform Act for U.S. banks to provide export financing for U.S. exporters of all sizes, but especially medium-sized companies.

U.S. banks provide the vast majority of financing for U.S. exports. They lend money to foreign buyers of U.S. goods and take back receivables from the foreign purchaser. They perform the important service of accepting the considerable risks involved in trade financing, both commercial and political. This frees up capital which U.S. exporters can put to better use by producing more of the goods exported and investing in capital goods.

The 1986 Tax Reform Act, however, changed the tax treatment of interest earned by U.S. banks on trade financing. The change involves the treatment of credits earned for foreign withholding taxes on interest paid to U.S. banks by foreign purchasers. The 1986 act significantly restricts the use of those credits. New separate limitations are imposed, in this case, the high withholding tax limitation. This limitation restricts the use of foreign tax credits for high foreign withholding taxes—withholding taxes of at least 5 percent or greater—paid on interest earned on cross-border trade-finance loans. Such credits can only be used against other interest income also subject to high withholding taxes. They cannot be used, as they could before the 1986 act, to offset U.S. taxes on other bank earned foreign financial services income.

The result is that U.S. banks lose the benefit of those foreign tax credits and must absorb the foreign withholding tax. this inability to use the foreign tax credits makes trade financing uneconomic for U.S. banks whenever a high foreign withholding tax is involved. The problem for U.S. exporters is that high withholding taxes are imposed by a great many of our trading partners, including virtually all less-developed countries which account for 35 percent of U.S. exports.

In the wake of the 1986 Tax Reform Act, trade financing for U.S. exporters is often either nonexistent, unacceptably expensive, or offered only by foreign banks not subject to U.S. tax rules. Foreign banks, however, focus on getting the business of the biggest U.S. firms and virtually ignore smaller and mid-sized companies. In a global marketplace, whether a sale is made is often contingent upon the price at which the goods are offered, including the financing terms. Because of the tax treatment of trade finance income, U.S. banks are no longer able to offer competitive financing terms, and, despite a low-valued U.S. dollar, U.S. exporters, especially middle-market companies, are losing export sales.

When it passed the Tax Reform Act of 1986, Congress included an export financing interest exception to the foreign tax credit separate limitation rules. Unfortunately, that exception applies only to U.S. exporters who finance their own exports sales and financing entities related to U.S. exporters. The exception thus excludes U.S. banks; under the U.S. banking laws, U.S. banks cannot engage in manufacturing or other commercial activities nor can they be related to (own or be owned by) companies which carry on such activities. Although Congress intended that the financing exception should protect U.S. exporters from the ill-effects of the new foreign tax credit limitation rules, the exception was so narrowly drawn that its benefits are denied to all U.S. banks.

The legislation we propose today will correct the flawed version of the export financing interest exception which was originally a part of the 1986 Tax Reform Act by allowing banks to receive export financing interest as the act defines it. The amendment will also allow U.S. banks to treat export financing interest as financial services income without regard to the rate of the foreign withholding tax imposed on such interest. Our amendment would help exporters by giving U.S. banks a fair opportunity to assist in reducing the trade deficit by offering competitive trade finance terms. It would also put U.S. banks on a par with foreign banks which provide the trade financing for our foreign trade competitors.

TRIBUTE TO CAPT. E. WILLIAM COLE

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. DANNEMEYER. Mr. Speaker, it gives me great pleasure to rise today to honor Capt. E. William Cole, who retires on June 30, 1988, as vice president of Unocal Corp.—Union Oil Co. of California. Bill has been a good and loyal friend to me during my years on Capitol Hill and many of us in the House have benefited from his wise counsel and friendship over the years.

Bill Cole's career is marked by distinguished public and private sector service. He is first and foremost a Navy man. Following college and law school at the University of North Carolina at Chapel Hill, Bill joined the Navy in 1942. He served in the South Pacific during World War II and participated in the defense of Guadacanal and the invasion of Treasury Island and the Solomon Islands. His service as a gunboat commander in the Pacific earned him several citations for bravery during the war.

Following the war, Bill held several top posts in the Navy. He was a senior legal advisor to the House Judiciary Committee specializing in codifying defense statutes. He held this same key advisory position with the Joint Staff of the Joint Chiefs of Staff and the Secretary of the Navy. He was instrumental in drafting the arms control studies of the Joint Chiefs and he represented the Joint Chiefs on the staff of Ambassador Arthur Goldberg in the drafting of the Outerspace Treaty. He was similarly engaged as the advisor to the Commander the Cruiser-Destroyer force during the Cuban Missile Crisis.

Following his retirement from the Navy in 1968, Bill joined Union Oil Co. of California.

He became head of the Washington office in 1977 and was appointed a Union vice president in 1979. Bill's years with Union helped round out what was already a distinguished career of service to his country. In that time, he has earned considerable respect on Capitol Hill, in the executive branch, and in the business community.

With his considerable knowledge of the oil industry and the political process, Bill has been a most effective advocate in working to formulate public policy. Most importantly, he has a keen awareness and appreciation of how Congress works and what the role of the Washington lobbyist should be in the legislative process. Over the past two decades, developing a national energy policy has been one of the most important issues before the Congress. Bill Cole has been an integral participant in the debate and has helped shape that policy in a very positive manner.

Mr. Speaker, I take this opportunity to honor Bill Cole today for his years of dedicated service to his country and for his commitment to, and respect for, this institution and its Members. I wish Bill, his wife Audrey, and their family good health and best wishes in the years ahead.

ACID RAIN

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. GEJDENSON. Mr. Speaker, in recent years acid rain has been identified as a problem to forests, farms, lakes, and rivers in the Northeast, in Michigan, Wisconsin, Minnesota, many of the Southeastern States and even in the mountainous areas of the West. I rise today to urge that we work together to find a solution to this problem which has become one of our Nation's most pressing and serious dilemmas.

In a recently released report, the National Wildlife Federation listed 1,734 large lakes nationwide that the U.S. Environmental Protection Agency [EPA] has identified as acidic or are in danger of becoming acidified by acid rain. Clearly this is a national problem which should be of concern to Americans all over the country.

In my home State of Connecticut, the report revealed that 11 large lakes are acidic or are on the verge of becoming acidic because of acid rain. These are 11 lakes that are no longer habitable for many species of fish and marine life and are no longer usable for recreational purposes.

The time to take action is now before more lakes and streams cease to be a resource to us and to our children. Experts have determined that the natural and unassisted recovery of lakes and streams after an acid precipitation is questionable. Therefore we must take positive action to prevent as much further ecological damage as we can. At this time we have an opportunity to take an important first step by acting on H.R. 2666, the Acid Deposition Control Act of 1987. This legislation takes that first step by requiring a 14 million ton reduction in the emission of sulfur dioxide and nitrogen oxide from powerplants, factories, and mobil sources and offers the polluters flexibility in achieving that reduction.

Though opponents of the bill claim that they cannot afford to reduce their emissions, I say they cannot afford not to. Let me give my colleagues some statistics. First, the Office of Technology Assessment estimates that some 500,000 premature deaths are caused each year by the chemical precursor to acid rain. Second, the Congressional Research Service reports that the annual forest damage from acid deposition in the Eastern United States alone costs more than $1.75 billion. Third, studies estimate that a 50-percent reduction in wet acidic deposition could result in $140 million annual benefits just from increased soybean yields. Finally, the damage to buildings, materials, and historic monuments is estimated to cost businesses directly and the taxpayers indirectly approximately $60 billion per year. As you can see, not acting to reduce the emissions that cause acid rain is bad policy from an environmental, an agricultural, a business, a public health, and an economic standpoint.

Experts agree that a significant part of the solution is before us since there is technology that is readily available. For example, new car emissions can be significantly reduced for as little as $50 per automobile and fuel switching is a viable and attractive option. In addition, there are a whole variety of alternatives to high sulfur coal which would directly benefit entire industries. For example, ethanol, made from corn and grain, offers a viable option as a clean burning alcohol fuel. It could also help to reduce the 4 billion bushel corn surplus and to bring greater stability to the market. Natural gas, which can be used as a cofiring agent and can be developed as a fuel for automobiles could be a cleaner and an economically feasible source of fuel. Even low sulfur coal, which is currently in massive reserve across the country is a viable option.

In addition, all of these industries are currently experiencing hard times and an increase in their usage would be a tremendous boon to many geographic areas across the country. The American Gas Association estimates that the enactment of clean air legislation would result in a $2 to $8 billion increase in output and would create 64,000 to 256,000 new jobs. In addition, the implementation of H.R. 2666 could result in the increased low sulfur coal production by 33 million tons thus creating 14,500 new jobs in West Virginia alone.

At this time the economics of the situation favor taking action. If we wait the situation will only worsen and the financial and ecological price tag will skyrocket.

Though this legislation is not perfect, it is a start. In many lakes, rivers, and forests across the country, the damage has been done and the prospect for recovery does not look good. However, for other areas, there is still time. The mounting evidence of irreparable damage due to acid rain across the country must unite us in working for a solution before it is too late.

TECHNICAL AMENDMENT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. YOUNG. of Alaska Mr. Speaker, I rise today to introduce a technical amendment to the Federal Water Pollution Control Act that would correct an oversight that has adversely affected Native Alaskans and Indian tribes in Oklahoma. Public Law 100–4 amended and reauthorized the Clean Water Act. Subsection 506(c) of that public law, which was codified at section 518(c) of the Clean Water Act, created a program to assist Indian tribes in assessing and funding sewage treatment needs. However, the Environmental Protection Agency has preliminarily interpreted that subsection to exclude Alaskan Natives and Indian tribes in Oklahoma from qualifying for funding for waste water treatment assistance simply because they do fit the technical definition of "Indian tribe" under that subsection of the Clean Water Act.

An examination of the legislative history reveals that exclusion of these Native groups was not intentional. Although subsection (h) of section 518 of the Clean Water Act defines the term "Indian tribe" so that it excludes Alaska Native villages, section 518(g) provides disclaimer language to ensure that the participation of Alaska Natives in the programs authorized by the section is not construed as affecting their governmental authority. This disclaimer language would only be necessary if Congress intended to include Alaskan Natives in the grants program.

This amendment merely qualifies these villages to receive funding to build and improve their wastewater treatment facilities. Without this technical amendment, many Native Alaskans and Indians in Oklahoma will continue to struggle with the health and environmental problems associated with inadequate sewage facilities.

MEDICAID—ABORTION

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. CLAY. Mr. Speaker, as we approach consideration of the fiscal 1989 appropriations bill for the Department of Labor, Health and Human Services and Education, I would like to remind my colleagues that the bill we will be considering includes an unconscionable and discriminatory provision. This bill prohibits a poor woman from obtaining an abortion even if the pregnancy is the result of rape or incest. This restriction is not equitable. Not only does the burden of this restriction fall solely on some member of our society rather than all, but also it only targets those who are the most disadvantaged members of our society, poor women and their children.

I would like to share with my colleagues a section of an essay written by Mary C. Segers, a Catholic theologian and instructor in political theory and ethics and public policy at Rutgers University:

> However, our criteria as to sound abortion policy include a requirement that public policies be not only politically acceptable to a majority of the American population, but that they be just and equitable. In particular, such policies should not be unduly burdensome to any single social class or group within society. Now it is the poor legislation. It is precisely because indigent women are dependent upon public assistance that the Hyde Amendment is so effective. Because they are poor, their behavior can be controlled in ways that the behavior of wealthy and middle-class women cannot. It seems arbitrary and unfairly discriminatory to single out the medical expense of abortion from a general medical program for the indigent and so make poor women bear the burden of prolifers opposition to abortion. It would be better, in my judgment, to focus the considerable energy and resources of the prolife movement policies designed to prevent distressful pregnancies from occurring in the first place rather than on policies designed to prevent one class of the population from choosing in conscience to exercise a legal right which other citizens may exercise because they are financially able.

This unfair restriction, which prohibits Medicaid from paying for an abortion even when a woman has been raped or is the victim of incest, has been in place for nearly all of this decade. It is time to re-examine this issue and end this inequitable and policy that places and unfair burden on poor women and their families.

THE CATASTROPHIC HEALTH CARE BILL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, June 15, 1988, into the CONGRESSIONAL RECORD:

THE CATASTROPHIC HEALTH CARE BILL

The Congress has approved landmark legislation to protect older persons from catastrophic hospital, doctor, and prescription drug expenses. The catastrophic care bill represents the biggest expansion of the Medicare program since it was enacted in 1965. Coming at a time of major budgetary restraint, the bill nonetheless passed both houses of Congress by large majorities, and is expected to be signed by the President.

The bill caps the amount of out-of-pocket expenses which Medicare beneficiaries must pay for approved hospital and physician services, improves coverage of home health services and hospice care, establishes a respite benefit for voluntary caregivers, and ends the requirement that a couple "spend down" into poverty before one can qualify for Medicaid assistance to pay nursing home costs. It does not provide broad new benefits for long-term care at home or in a nursing home. An estimated 2.2 million disabled and older Americans will benefit each year from the expanded hospital coverage, and 5.2 million from the prescription drug benefits. Most of the new provisions will take effect in 1989, but some will not be fully implemented until 1993.

The bill expands a number of benefits and reduces patients' out-of-pocket costs:

Hospital Coverage: The current 90-day limit of Medicare hospital coverage is eliminated, allowing payment for the entire hospital stay. The current deductible applied for each "spell of illness" would be replaced by a single, annual deductible initially set at $564, and indexed thereafter. Out-of-pocket costs are further reduced by ending hospital coinsurance requirements.

Hospice Care: The bill provides unlimited hospice care for terminally-ill beneficiaries.

Skilled Nursing Care: Coverage of care in skilled nursing homes would be extended to 150 days per year, with only a small coinsurance payment for the first eight days.

Home Health Care: Medicare home health services would be increased to 38 days a year. A limited respite care benefit is created for persons giving voluntary care at home to Medicare beneficiaries. For the first time, home intravenous drug services would be covered.

Mammograms: Medicare-eligible women would for the first time get coverage for routine mammograms to aid in the early detection of breast cancer.

Prescription Drugs: When fully implemented in 1993, the new outpatient prescription drug benefit would provide Medicare payment for 80% of prescription drug costs above an estimated $710.

Physician Care: The bill caps at $1,370 in 1990 the out-of-pocket physician expenses for which a beneficiary is responsible. When this limit is reached, Medicare would pay for 100 percent of further approved charges.

Other Protections: New standards would be set for "medigap" health policies to ensure that they do not duplicate Medicare benefits, and medigap carriers would have to submit their advertising to state insurance commissions for approval. Private employers who provide insurance to their retirees would be required to modify the policies to avoid duplication of coverage.

Spend down: Couples in which one spouse is in a nursing home would no longer have to "spend down" all their assets in order to qualify for Medicaid benefits, thereby placing the other spouse in poverty. The non-institutionalized spouse would be allowed to keep income up to $1,500 per month and liquid assets of at least $12,000.

Financing: The bill is self-financing, with the new benefits paid for by Medicare beneficiaries themselves through an increased monthly premium and a new income-related supplemental premium. The financing was structured so as to avoid adding to the budget deficit and to the tax burden on current workers. The supplemental premium, by which those who can better afford it will pay more of the program costs, makes the financing more progressive.

An increase of $4 in the monthly Part B premium would be paid by all beneficiaries who choose to purchase the part B physician, home health, and prescription drug benefits. In no case would this additional premium exceed a beneficiary's annual Social Security increase. The supplemental premium would be required of the estimated 40% of Medicare beneficiaries who have federal income tax liability. The maximum supplemental premium would be $800 in 1989 for individuals and couples with income less than $200,000. Little or no supplemental premium would be paid by persons with income below $10,000.

The bill is only one part of an ongoing incremental process of helping to ensure that our disabled and older persons, as well as the relatives who help care for them, will not face financial ruin from very high health care costs. Many criticized the bill because it did not go far enough. The bill does not cover most long-term home health or nursing home costs, though it does increase the limited Medicare coverage of some of these expenses. Beneficiaries will still be responsible for physician charges above the Medicare-approved rate, and for services not covered by Medicare such as dental care, routine eye exams, eyeglasses, and hearing aids.

As Americans live longer, the issue of how to care for dependent older persons has become one of the nation's more serious problems. Trying to find a solution will be high on the national agenda for the next several years. This bill is an important step in seeking to reduce the anxieties that now burden those who struggle to pay for long-term care. The Congress will continue its search for other feasible solutions to this problem. In the process, an eye must be kept on the potential costs to taxpayers of the various proposals. The catastrophic bill does not, and was not intended to, provide assistance in meeting all the costs of long-term health care expenes. But it does provide some important new benefits.

ARMSTRONG VOLUNTEERS

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. KOLTER. Mr. Speaker, I rise today before the U.S. House of Representatives to pay tribute to a pair of outstanding Freeport, PA, citizens. Along with the Armstrong County Medical Society, I honor Victor and Lauretta Rutkoski for their volunteer work with patients at Allegheny Hospital, Harrison.

The Rutkoskis received the Benjamin Rush Award in 1987, which is given annually by the medical society to persons with outstanding contributions to community health and welfare.

Lauretta, a dedicated mother of five, has volunteered at the hospital for 10 years; her husband, Victor, for 5 years. They devote their time visiting the hospital 3 days a week, spending 4 hours a day escorting patients to the facility's physical therapy department. Victor has been an ambulance driver for 31 years. He has been recognized as the Freeport Fire Co.'s Outstanding Volunteer Fireman. He also received the Grandfather Award in 1983 from the Armstrong County Emergency Medical Service. Victor continues to serve his community as he presides over the Freeport Senior Citizens Club.

Mr. Speaker, one can see from their service and accomplishments that Victor and Lauretta Rutkoski are truly outstanding people. That is why I pay tribute to these fine individuals and their significant volunteer work for the Freeport community.

JOSEPH DOHERTY, EDWIN MEESE III AND MARGARET THATCHER: A TRAVESTY OF JUSTICE

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. DOWNEY of New York. Mr. Speaker, I rise today to protest the decision of Attorney General Edwin Meese III yesterday that Joseph Doherty should be deported to the United Kingdom and not to Ireland.

Attorney General Meese, in making this ruling, admits that he is doing it at the behest of the Government of the United Kingdom. Now, ordinarily I would agree that we ought to accommodate our allies, especially when they are as devoted to our interests as Mrs. Thatcher has been, but this accommodation to Mrs. Thatcher comes at some expense to our own judicial and constitutional process.

In several instances U.S. courts have ruled in favor of Mr. Doherty, but that apparently makes no difference to Mr. Meese who holds English wishes above U.S. rights.

Specifically, Mr. Doherty faces deportation for having entered the United States illegally after fleeing a British jail where he was held for killing a British soldier in Ulster. Mr. Doherty has been held in U.S. jails for 5 years without having been brought to court for violating any U.S. law. Saturday of this week, June 18, will mark the fifth anniversary of Mr. Doherty's extraordinary incarceration. Mr. Speaker, I should note here that Bishop John McGann, of the Diocese of Rockville Centre, and Cardinal John O'Connor, of the Archdiocese of New York, have both expressed their strong concern about Mr. Doherty's continued detention.

Mr. Meese had already tried to have Mr. Doherty extradited to Britain, but he failed in that effort to please Mrs. Thatcher when a U.S. district court held that Mr. Doherty's actions were covered by the political offenses exception in the Extradition Treaty between the United States and the United Kingdom.

At this time, Mr. Doherty has a motion requesting political asylum pending before the Board of Immigration Appeals. Now you know, Mr. Speaker, that if he were an Afghan Mujahidin, a Cuban, or a Contra, Mr. Doherty would be granted asylum at the drop of a hat. But Mr. Meese does not want that to happen and so he is moving heaven and earth to have Mr. Doherty sent to England.

Mr. Speaker, I strongly protest the continued detention of Mr. Doherty and I urge the Attorney General to reconsider his decision on Mr. Doherty's deportation. It is time to uphold the decisions of U.S. courts and to remind Mrs. Thatcher, politely but firmly, that our legal system is not to be trifled with.

THROUGH THE LOOKING GLASS ON NAVAL PORT CALLS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. BROOMFIELD. Mr. Speaker, I am increasingly concerned over the tendency by certain of our friends and allies overseas to flee reality by adopting policies that make it difficult for the United States to discharge its defense reponsibilities toward them under existing alliances.

As is well known, in 1984 the Government of Prime Minister Lange in New Zealand adopted a policy which made port calls by U.S. naval visits impossible. The New Zealand policy required the Prime Minister to determine specifically whether visiting naval vessels were nuclear powered or nuclear armed. This prevented the United States from maintaining the policy of neither confirming nor denying the presence of nuclear weapons on board warships, which is essential for both tactical and security reasons.

As if this were not enough, the New Zealand Government in June 1987 proceeded to adopt its policy as law. While the Government's action may have had political benefits for the Labour Party in the August 1987 elections, it has had extremely unfortunate consequences for United States-New Zealand relations and the defense of the South Pacific region.

The action of New Zealand forces the U.S. Government to declare inoperative the military cooperation aspects of the Australia-New Zealand-United States Treaty [ANZUS]. Defense cooperation between the United States and New Zealand has virtually ceased, and a shadow has been cast over the solidarity of the Western Alliance with respect to preserving democratic traditions and Western influence in the South Pacific.

Even if the immediate impact of the New Zealand action were small, it would remain of great concern. There is grave danger that other countries will conclude that they can forego their responsibilities under alliances with the United States while continuing to derive benefit from the U.S. security umbrella. But this attitude is highly unrealistic, since these countries should realize that their individual actions pose a severe threat to the solidarity of the Western Alliance.

The latest outbreak of the disease occurred in Denmark. In April, Socialists in the Parliament succeeded in obtaining passage of a resolution that would have prevented port visits by foreign naval vessels from countries which possess nuclear weapons. While Denmark has for some time had legislation on the books prohibiting the presence of nuclear weapons in Denmark during peacetime, the resolution would have required the Government to remind visiting captains of this provision. While less sweeping than the New Zealand policy, adoption of the resolution created an obvious obstacle to military operations of North Atlantic Treaty Organization [NATO] forces.

The action of the Danish Parliament led to a snap election being called by Prime Minister Schlueter. While the Schlueter government made some gains in Parliament as a result, the election did not result in a clear mandate for reversal of the previous resolution.

Now a deal has apparently been reached between the other NATO countries and Denmark. On June 7, 1988, Prime Minister Schlueter made a statement in Parliament that indicated that Danish law and policy regarding the entry of nuclear weapons into Danish territory would be satisfied by the Government's reminding its alliance partners in a general way of these rules and that in approving requests for visits the Government would assume that the visit would be in compliance with them. The U.S. State Department speedily announced that this situation did not infringe on U.S. policy not to confirm or deny the presence of nuclear weapons onboard U.S. vessels.

Mr. Speaker, I suppose I should be thankful that the immediate issue with Denmark has been resolved, but I can't help but wonder why the United States has to keep jumping through the looking glass, making all sorts of strange arrangements in order to serve the political vagaries of allied governments. I also wonder whether our Government is not being inconsistent—making adjustments in one place that it would not accept in another.

The real problem here is the ostrich-like attitude of many people overseas and the unwillingness of their politicians to rise to their responsibilities. It is undeniable that the nuclear deterrent of the United States remains—regardless of the spring that may be occurring in Moscow—indispensable to preserving the security of the West.

The United States must remain firm and constant in confronting threats to our alliances posed by antinuclear ploys by Governments and opposition parties overseas. At the same time, the public overseas and their leaders must not attempt to flee reality and resort to artful dodging on this key issue.

Our allies must also be made to realize that the burden of nuclear defense fall on the United States alone. If allied and other friendly countries fail to meet their responsibilities then the United States will inevitably have to reconsider its defense commitments toward them. This is not an easy decision, due to the potential implications for regional and global security, but it could become a necessary one.

At the outset, when allied countries shirk their responsibilities to cooperate in the common defense, consideration should be given to suspending any special benefits accorded by the United States as a result of alliance relationships. This was the objective of my bill, H.R. 85, passed by the House on October 20, 1987, which would suspend certain preferences under the Arms Export Control Act and the Foreign Assistance Act for New Zealand. In the future, I may introduce legislation that would generalize this approach.

Mr. Speaker, I ask unanimous consent to insert in today's RECORD an excellent editorial on the Denmark and New Zealand issues which appeared in the Wall Street Journal on June 9 of this year:

[From the Wall Street Journal, June 9, 1988]

OSTRICHES

It's sometimes hard to know whether to laugh or cry over the security of the Free World. After all, people laugh at the idea of an ostrich sticking its head in the sand, so why not laugh at such Free-World Ostriches as Denmark, the Philippines, New Zealand and Spain? They've all been in the news recently, quivering at some of the world's nastier realities.

On Tuesday, for instance, Denmark resolved a "crisis" with NATO. Two months ago a parliamentary resolution by Denmark's opposition party announced that it wanted to hand all visiting NATO ship captains a notice that Denmark had "banned" nuclear arms in peacetime since 1957. The U.S. and Britain replied that such a policy might effectively banish their ships from Denmark. On Tuesday Danish Prime Minister Paul Schlueter announced a compromise. Now when a NATO ship touches the land between the Baltic and North seas, Denmark will notify the ship's embassy the visit must "take place in agreement with the rules laid down by the Danish government."

NATO Secretary-General Lord Carrington called the deal "a great relief." The U.S. State Department pronounced it "satisfactory to all concerned." And we wonder what NATO's counterparts in the Kremlin did with their working days while the alliance's best minds toiled at this nonsense.

Today and Friday, NATO's foreign ministers will meet in Madrid, Spain, whose government has just kicked out the U.S.'s 72 F-16s based at Torrejon Air Base. At a cost to NATO of $500 million, the fighters will relocate to Italy, which wants them. Yesterday Secretary of State Shultz met with his Spanish counterpart to discuss the continued U.S. use of other bases in Spain.

Most likely some of the alliance ministers visiting Madrid will also exchange views on Monday's vote in the Philippine Senate to ban nuclear-powered ships and weapons from the islands. Should it become law, the bill would make it difficult for the U.S. presence to continue at Clark Air Base or Subic Bay Naval Station. Intoned Senate President Jovito Salonga, "The Philippines should not be a promoter of the deadly arms race."

This is about what the government of New Zealand said when it decreed that nuclear-armed U.S. ships couldn't put in at its ports. The New Zealanders say nuclear arms are "irrelevant" in the South Pacific (though privately they aver the matter has somewhat more relevance in the North Pacific).

More than 40 years after the end of World War II (which strayed into the South Pacific) concepts such as deterrence and alliance are crumbling at the margin. Some Europeans and Asians admit no connective relation between the nuclear-armed U.S. or NATO presence in their regions and the peace they've enjoyed for decades. They worry. And they believe that declaring anti-nuclear "policies" will make life less worrisome. Denmark's Mr. Schlueter prevailed this week. Many other politicians, who know real security requires more than declamatory statements, can't sustain an offense against their neutralist, high-minded opposition.

So far these events haven't caused major problems, but the trendline is unwelcome. While its important for NATO and other allies to resist the trend, in the end the United States has to give its friends the means and will to stop sticking their heads in the sand. Perhaps this fall, someone should ask President-to-be Bush and Dukakis for their thoughts on ostriches.

JUSTICE CAMPAIGN RESOLUTION

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. WHEAT. Mr. Speaker, as my colleagues consider the fiscal 1989 appropriations bill for the Department of Health and Human Services, I would like to remind them that this measure includes an egregious provision that denies a woman who has been raped or the victim of incest access to all her medical options. As a result of a provision included in this legislation, a poor woman who becomes pregnant as a result of sexual assault cannot obtain a Medicaid-funded abortion; rather, she must continue her pregnancy to term and bear the child of her assailant. This provision places an unconscionable burden upon poor women who are dependent upon the Government for their health care.

I would like to insert into the RECORD a resolution opposing this cruel policy that has been passed by the National Coalition Against Sexual Assault and urge my colleagues to reconsider the unwise policy of denying poor women access to the full range of medical options available in cases of rape or incest.

RESOLUTION

Whereas the National Coalition Against Sexual Assault serves as a collective voice of advocacy for all victims of sexual assault; and

Whereas current federal policy provides funding for abortion for Medicaid-eligible women only when a woman's life is endangered, and does not provide funding for women and girls who are the victims of rape, incest and child sexual abuse; and

Whereas the Justice Campaign is a national effort to secure public funding for abortion for victims of rape, incest and child sexual abuse:

Therefore, the National Coalition Against Sexual Assault resolves to endorse The Justice Campaign and its Resolution calling upon Congress to provide public funding for abortion for victims of rape, incest and child sexual abuse.

A TRIBUTE TO ESTHER SNYDER

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. STUDDS. Mr. Speaker, on Saturday, June 18, 1988, residents of Cape Cod, MA, will join together to pay tribute to an outstanding woman, Esther Snyder of the town of Falmouth. It is with great pleasure that I join with them in expressing our deep appreciation for her efforts on behalf of all Cape Codders as director of the Association for the Preservation of Cape Cod [APCC].

On June 1, Esther retired as director of the association, after tirelessly serving for 15 years. Under her guidance and leadership, this organization has become a strong and effective advocate for the protection of Cape Cod's unique and fragile natural resources. As one of Massachusetts' foremost environmentalists, Esther has been instrumental in raising the public consciousness about many issues of great importance to southeastern Massachusetts.

When APCC was founded in 1968, Cape Codders took their drinking water supply for granted. Esther led people to understand that the Cape's ground water was indeed a vulnerable resource which required management and protection. In fact, she was a major force behind the Environmental Protection Agency's designation of the Cape as a sole source aquifer. As APCC director, she played a critical role in marshalling forces against oil and gas drilling on Georges Bank and helped draw public attention to the need to protect fragile wetlands. She has served local officials as a ready source of information and advice on issues such as sewage disposal and ground water protection, and, most recently, was appointed by Governor Dukakis to serve on his commission on environmental management.

Those of us in Congress who care deeply about the protection of our valuable coastline recognize the importance of having active organizations like the Association for the Preservation of Cape Cod and people like Esther Snyder hard at work in our districts. It is to Esther's great credit that the legacy she leaves behind is a much more enlightened and active constituency working daily to preserve and protect one of America's most beautiful places. We all wish her the very best on this special occasion.

SAINT ANDREW'S FEAST

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. MORRISON of Connecticut. Mr. Speaker, this weekend I will be privileged to attend St. Andrew's Feast, the annual festival of the St. Andrew Apostle Society and the St. Andrew Ladies Society, in New Haven, CT. I would like to take this opportunity to salute the societies, their history, and their work.

The St. Andrew Apostle Society was founded in New Haven in 1900 by a small group of immigrant men from the Italian town of Amalfi who, far away from the legendary cliffs of the Amalfi Coast, felt the need for an alliance to provide mutual aid and service to the community. To show their desire to keep alive the heritage of their hometown, they took the name for their organization from its patron saint.

Its sister organization, the St. Andrew Ladies Society, was founded in 1923 by 19 single women, most of whom were first generation Americans. In later years, the membership grew to include married women. The Ladies Society has two bylaws. First, members are expected to show and promote devotion to St. Andrew. Second, they are asked to help the members of the St. Andrew Apostle

Society in any worthwhile project for which their help is requested.

Certainly, the societies have had no shortage of worthwhile projects. As early as 1908, the members of the societies were contributing to earthquake relief for Sicily and Calabria. A similar aid effort was organized by the societies at the beginning of this decade when an earthquake once again struck in Italy. Campaigns have also been organized to help maintain the cathedral in Amalfi, to support St. Michael's Church in New Haven, and to assist students at St. Michael's School. The societies are also on call to help the community with worthwhile causes.

I look forward to attending St. Andrew's Feast, but I look forward even more to seeing and greeting my many friends who are the members of the St. Andrew Apostle Society and the St. Andrew Ladies Society. As important a New Haven tradition as the feast has become over the years, the sponsoring societies are even more vital to us all.

A DECADE OF FUEL ETHANOL

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. LIGHTFOOT. Mr. Speaker, I rise in commemoration of this day, June 15, which marks the 10th anniversary of the introduction of fuel ethanol to U.S. consumers.

Ten years ago today, five service stations in Iowa started selling ethanol-blend gasoline as part of a consumer acceptance test sponsored by Iowa Corn Growers. After much time, work, and investment, fuel ethanol has overcome initial skepticism and has developed into an important alternative fuel.

The reasons behind fuel ethanol's success are many. As a fuel, ethanol has stood the test of time. In the 10 years since its introduction, U.S. motorists have driven 650 billion miles on ethanol. Surveys have shown that automobile owners actually prefer ethanol-blend fuel because it increases the fuel octane rating and improves engine performance.

Another important benefit of ethanol-blend fuel is the reduction in carbon monoxide that is realized by using it rather than nonblend gasoline. In fact, cities such as Denver, Phoenix, and Los Angeles that are having difficulty meeting clean air standards have found ethanol an important part of their efforts to clean up their air.

Domestic ethanol production also helps us reduce our vulnerability to foreign oil imports. Our current military presence in the Persian Gulf demonstrates the critical nature of our dependence on foreign energy sources. During last year alone, nearly 1 billion gallons of ethanol were produced domestically, displacing nearly 2 billion gallons of imported crude oil. Moreover, the world uses oil and gas at a rate of about 10,000 times faster than the Earth's geological processes replace it. By comparison, grains used to produce ethanol are grown every year.

Finally, domestic ethanol production creates a much-needed expansion of our domestic grain market. For example, last year 330 million bushels of corn were processed into ethanol. This displacement helped increase the price of corn, raise farm income, reduce crop surpluses, and reduce farm program costs—ultimately saving the American taxpayers millions of dollars.

I want to remind my colleagues that the domestic ethanol industry, which is so important for all of these reasons, is still vitally dependent on the 6-cent-per-gallon exemption from the 9-cent-per-gallon Federal gasoline excise tax. In order to stabilize the industry and preserve these many benefits, we need to preserve the 6-cent exemption and extend it on into the future. Several bills pending in Congress provide for such an extension, and I urge my colleagues to support them at every opportunity.

Mr. Speaker, after 10 years it is clear: Fuel ethanol makes sense. The great amount of progress we have made thus far is only the beginning of what the future holds for ethanol.

HOUSE RESOLUTION 472—DECENT, SAFE, AND AFFORDABLE HOUSING FOR EVERY AMERICAN FAMILY

HON. FLOYD H. FLAKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. FLAKE. Mr. Speaker, I rise today to bring to the attention of my colleagues both a reminder and a resolution that I am introducing concerning the crisis facing our Nation with regard to our failure to ensure that there is decent, safe and affordable housing for all of our citizens.

Although, some need no reminder of the plight of millions in our country, many of whom are homeless, many who live in housing without heat, bath, and sewage facilities, many of whom are forced to pay a disproportionate amount of their incomes in order to have some kind of meager shelter; I am here today to remind those of my colleagues who may have forgotten of the dire circumstances of so many in this great Nation, and of the parallel importance of our Nation's housing policy in helping these deserving people.

As stated in the 1949 Housing Act and reaffirmed in the Housing and Urban Development Act of 1968, our national goal with respect to housing is, and I quote, to:

> * * * require housing production and related community development sufficient to remedy the serious housing shortage, the elimination of substandard and other inadequate housing * * * and realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family. * * *

My colleagues, I ask you, have we fulfilled these housing goals when in States such as California there are over 170,000 housing units without bath or sewage facilities? Have we fulfilled our Nation's housing policy when there are nearly 14,000 housing units in the State of North Carolina facing harsh winters without heat. These are dramatic examples, and I could cite many others from cities and States across this Nation.

I believe there is a problem in our country when millions of renters and homeowners across the Nation pay over 50 percent of their income for shelter.

I believe there is a problem in our country when by the year 2003, nearly 19 million Americans will be unable to afford low-rent housing, either subsidized or unsubsidized by the Federal Government. This number is greater than the total combined present populations of New York City, Los Angeles, Chicago, San Francisco, Dallas, Washington, Philadelphia, and Atlanta.

I do not believe we have accomplished the goals of our Nation's housing policy when General Accounting Office estimates indicate that by the year 2005 a total 1.7 million units of low- and moderate-income housing units will be lost.

I do not believe that we have accomplished the goals or our Nation's housing policy when congressional studies show that over $20 billion is now needed to modernize the Nation's public housing stock.

I do not believe that we have accomplished the goals of our Nation's housing policy when only 1 out of 5 low- and moderate-income households needing housing assistance are aided by federally assisted rental housing.

There is something wrong in America when people are unable to live in the housing of their choice, regardless of income, due to the color of their skin, or are relegated by economic circumstances to living in the lowliest of slums.

We are looking at a country today with drastically declining rates of homeownership, a country where for families across the land, the American dream of owning a home will always be a dream, unless we in Congress make the necessary changes to make this dream a reality. This dream has been shattered not only for the poor but also for the middle class, for teachers, policemen, people making $18,000 to $40,000 per year, and for people who find themselves both ineligible for Federal assistance and unable to access the private housing market.

We are looking at a country where the price of a single-family home has risen 249 percent since 1970, and increased by as much as 441 percent in a high-cost State such as California during this same period.

Despite the harsh circumstances and despair that so many Americans face, we in Congress are persevering in our efforts to adhere to stated national housing policy and have made progress toward this end by passing legislation to appropriate $500 million to assist the homeless in our country. We are now fighting to ensure that every penny that the Congress intended to be spent is appropriated and reaches those people that we intended to help.

On February 5 of this year the housing authorization bill for fiscal year 1988 was signed into law by the President. This is a remarkable accomplishment since there has been no housing authorization bill for the past 5 years. Chairman ST GERMAIN, Chairman GONZALEZ, and the conferees are to be commended for their hard work.

These measures are only a beginning, there is so much more that must be done to aid the

2 to 3 million homeless people across this great and prosperous land. There are so many people that need our help, so many poor families to find shelter for, so many working people who deserve the opportunity to own a home.

The housing authorization bill that we in the House recently passed is a 2-year authorization giving Congress a chance to examine and revamp existing housing codes and policy. The goal of this bill is to reform housing law in this country in the same sweeping manner as the Tax Code was revised in 1986. We in Congress will be developing housing policy to reassure that an individual's basic rights to housing, as stated by our existing housing policy, are protected. We will be examining ways to provide additional housing units and homeownership opportunities for low- and moderate-income persons and to the middle class. We in Congress will be asked to decide how many families our Nation is willing to help obtain adequate and affordable housing and to what degree they will be assisted. We cannot now allow ourselves to rest.

It is with this framework in mind that I rise to introduce a resolution to reaffirm the resolve of the Congress to strive to adhere to our existing housing policy, to recognize the harsh realities which so many in our Nation face, and to again focus the attention of the Congress on the impending task before us: To make the housing dreams of millions of Americans a reality instead of the ugly, dispiriting nightmare it has become.

H. RES. 472

Whereas the United States faces a crisis in the provision of decent, safe, and affordable housing for low- and moderate-income persons;

Whereas it is the policy of the United States, as stated in the Housing Act of 1949 and reaffirmed in the Housing and Urban Development Act of 1968, to provide for "the realization, as soon as feasible, of the goal of a decent home and a suitable living environment for every American family", a policy that has not been repealed or replaced in any subsequent housing Act;

Whereas the United States Housing Act of 1937 has been amended to give preference in the provision of assistance to families who occupy physically substandard housing, who have been involuntarily displaced, or who pay over 30 percent of their income for rent;

Whereas in spite of these goals and policies and the actions taken to promote them, the 1980 Census has determined that there are millions of occupied housing units that do not have heat, hot running water, electricity, adequate bath and sewage facilities, or a sound physical structure to shield occupants from the elements;

Whereas in 1981 the annual housing survey of the Department of Housing and Urban Development reported that 5,400,000 renter households and 2,400,000 households owning homes spent more than 50 percent of their incomes on shelter and that the median annual income of such households was less than $6,000;

Whereas this survey also reported that an additional 9,000,000 renter households and 8,100,000 households owning homes spent between 25 and 50 percent of their incomes on shelter;

Whereas the Department of Housing and Urban Development estimates that a substantial majority of households with incomes below $10,000 and more than one-third of those with incomes between $10,000 and $15,000 spend more than 35 percent of their incomes on rent;

Whereas the median price of a single-family home was $23,000 in 1970 and $80,000 in 1986, an increase of 249 percent, and the median price of a home in California has risen 441 percent, from $24,300 in 1970 to $131,500 in 1986;

Whereas the current average monthly rental rate for a low-rent unit is approximately $325;

Whereas the poverty rate among the population of the United States during the 1980's has remained in the 15 percent range;

Whereas only 1 out of every 5 of all low- and moderate-income households in the United States are aided by Federally-assisted rental housing units;

Whereas studies have indicated that by 2003 the gap between the total supply of low rent housing, both subsidized and unsubsidized, and the number of households needing such housing will grow to 7,800,000 units, representing a loss of affordable housing for over 18,700,000 Americans based on average household size;

Whereas this total loss of affordable housing represents more than the combined present populations of the cities of New York, Los Angeles, Chicago, San Francisco, Dallas, Washington, Philadelphia, and Atlanta;

Whereas the General Accounting Office has estimated that as many as 900,000 units of privately- and Federally-owned housing could be lost in the next 10 years and that as many as 1,700,000 of such units could be lost by 2005, a figure equivalent to 40 percent of the total number of Federally-assisted housing units in existence in 1986;

Whereas the Council of Large Public Housing Authorities has determined that many families participating in various programs designed to subsidize rents in the private market often cannot find housing because of housing shortages;

Whereas many Americans are unable to find safe and affordabe housing because of various forms of discrimination and other unfair housing practices; and

Whereas public housing has been largely relegated to less-desirable communities and has been confined to less-desirable areas within these communities: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the United States should—

(1) reaffirm the goal first stated in the Housing Act of 1949 of ensuring decent, safe, and sanitary housing for every American household, and understand that this goal can never be reached until such housing is not only made available but affordable as well;

(2) renew and expand its commitment to rehabilitate the existing public housing stock;

(3) work to minimize housing costs and to respond better to the growing need for affordable housing by reviewing construction, fire, zoning, and subdivision requirements, and by searching for new construction materials and practices that would lower costs and increase the durability of housing units without compromising health and safety standards;

(4) reaffirm that homeownership is the cornerstone of the democratic system of government by developing new programs to make homeownership possible for low-and moderate-income households;

(5) preserve and strengthen the primary loan insurance and guarantee programs sponsored by Federal agencies such as the Federal Housing Administration; and

(6) maintain and strengthen the role played in the housing market by the Federally-sponsored secondary market institutions, Ginnie Mae, Fannie Mae, and Freddie Mac.

TRIBUTE TO THE PRODUCE MARKETING ASSOCIATION

HON. THOMAS R. CARPER

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. CARPER. Mr. Speaker, I would like to congratulate the Produce Marketing Association for being named a winner of a 1988 Gold Leaf Certificate of Merit by Family Circle Magazine and Food Marketing Institute.

The Produce Marketing Association, Newark, DE, was honored at a luncheon held during the annual Food Marketing Institute Convention in Chicago. The certificate of merit, earned in the public and community information category, was presented in recognition of the Eat Smart Program.

Eat Smart was developed to educate consumers and encourage them to eat foods recommended by the American Cancer Society. Materials were developed for use by retailers that included posters, point of purchase materials, and take-home brochures.

This level of private sector support for improving the health and nutritional welfare of the American people is to be commended.

I want also to commend Family Circle Magazine and the Food Marketing Institute for sponsoring a program to encourage greater food industry participating in educating the American people on the importance of good nutrition to health.

A TRIBUTE TO JOHNNY VANDER MEER

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. McDADE. Mr. Speaker, today marks one of the greatest achievements in the chronicles of sports. It was 50 years ago when a young baseball pitcher for the Cincinnati Reds named Johnny Vander Meer pitched his second no-hitter in a row, an unbelievable sports achievement that is unlikely to ever be matched or surpassed.

I'm proud to say that Johnny Vander Meer has a strong connection to Scranton, PA, a city I have the privilege of representing in Congress. Prior to joining the major leagues, Vander Meer gained valuable experience as a pitcher for the Scranton Miners, and he married a Scrantonian, Lois Stewart. I am happy to report that both their marriage and his record have endured through the years.

Sports history buffs know what a remarkable baseball tour de force it is to pitch back to back no-hitters. Only five pitchers in the history of big league baseball have ever pitched two no-hitters in the same season, and

Johnny Vander Meer stands alone in the record books for pitching two straight no-hitters within a 5-day span.

Vander Meer pitched for 13 seasons in the major leagues. He won a total of 119 games, led the league in strikeouts three times, threw 30 shutouts and won 18 games during his best season. All of these statistics mean little or nothing, however, in comparison with the games he pitched on June 11 and June 15, against Boston and Brooklyn.

I was just 2 years old when Johnny Vander Meer pitched for the Scranton Miners and only 6 when he pitched his no-hitters, but I vividly remember the stories local baseball fans told of Johnny's outstanding games with the Miners and of his legendary games in 1938. Every kid that ever wanted to be a baseball player, or anyone who ever dreamed big dreams, can certainly appreciate the thrill that must come from achieving something that has never been duplicated.

Johnny Vander Meer will be in Cincinnati tonight to throw out the first ball for the Astros-Reds game. Johnny and Lois live in Tampa now, but I hope, as he looks back on his life and his career, he remembers the influence Scranton had in his development. I know that many people from northeastern Pennsylvania join me in wishing Johnny and Lois Vander Meer the very best as they mark this very special achievement.

THE ORIENTAL DAILY NEWS CELEBRATES AMERICA'S INDEPENDENCE DAY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. ACKERMAN. Mr. Speaker, the American Consulate General in Hong Kong and the Oriental Daily News have jointly organized an essay contest in celebration of America's Independence Day, July 4, 1988.

The Oriental Daily News has been selected as the sole newspaper to organize and conduct this educational essay contest in cooperation with the Foreign Commercial Service section of the American Consulate.

The topic of the essay contest is: First, my most favorite U.S. product; and second, my most memorable visit to the United States.

The Oriental Daily News is the premier newspaper in readership and is a true reflection of the aspirations and work ethic of the people of Hong Kong.

Mr. Speaker, the Oriental Daily News has earned its reputation of being fair and evenhanded in the way it reports the news. Its style of journalism is a balanced reflection of the world around Hong Kong. The paper has made the interests of its readers paramount, and the people of Hong Kong have in return made the Oriental Daily News the No. 1 newspaper in Hong Kong.

The Oriental Daily News and its chairman, Mr. Ma Ching Kwan believe that a newspaper must involve itself in the community. In 1985, the newspaper began the Oriental Daily News Golden Bridge Award to encourage better communication between the people of Hong Kong and its governing bodies.

In an effort to help those in need, in 1986 the paper established the Oriental Daily News Charitable Fund Organization. This fund has raised over $5 million to aid the underprivileged. That same year, the paper, under the direction of Chairman Kwan, launched the "Save the Kidney" campaign to assist kidney ailment sufferers in Hong Kong. Nearly $2 million has been donated to various Hong Kong hospitals for the purchase of kidney dialysis machines.

Mr. Speaker, I ask my colleagues to join me in thanking the Oriental Daily News, and its chairman, Mr. Ma Ching Kwan, for their enthusiasm and assistance in managing and conducting this unique Independence Day contest in Hong Kong. I am sure it will be a great success, and I look forward to reading some of the essays.

REAUTHORIZATION OF THE NATIONAL SCIENCE FOUNDATION

HON. CARL C. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. PERKINS. Mr. Speaker, I would like to take this opportunity to commend the chairman of the Science, Research and Technology Subcommittee for the fine work that the subcommittee has done on the reauthorization of the National Science Foundation. Because of his fine leadership and the excellent work of the ranking member, Congressman SHERWOOD BOEHLERT, the authorization legislation is one that is supported in a bipartisan manner.

I feel that one of this country's greatest needs is in the area of basic research. The National Science Foundation provides the needed assistance to our scientific and educational communities to allow them to enhance their research in ways otherwise not possible. We must encourage this type of research and personal growth if we are truly serious about retaining our position of predominance in today's scientific communities.

NSF's involvement with educational programs is another source of pride for all Americans. It is true that we are facing a shortage in the math and science fields and the programs which are included in the NSF authorization are the kinds that will help us to turn this shortage around. We must be unified in our support of the funding of these needed programs otherwise our neglect of them will show itself in the lack of technological innovations which will be needed in the years to come.

One area that I would encourage the chairman and ranking member to consider is the possibility of revisiting the issue of providing for a facilities program for graduate programs as well as for undergraduate programs. We are in great need of adequate training grounds for tomorrow's scientists. Without an investment in the programs today we will never be able to see the needed influx of talent. Science can be very attractive to today's students if we make sure that the research facilities are such that they provide an enticing setting. This means that we must be sure that the quality of the facilities is keeping pace with the rest of the world.

I know that the members of the committee are committed to this goal and I am sure that the Members of the House are also. We all understand the importance of the support for the science community through this authorization. It is more than simply symbolic since we do provide the infrastructure of funding to see that programs are carried out. But it will be a hollow program if we choose to not follow through with the needed appropriations and conjunctive programs that must also progress if our standard of living is expected to also continue.

In closing I want to congratulate all the Members who were involved with H.R. 4418, the National Science Foundation authorization, and I look forward to the progress we will be making because of this choice to follow through with this commitment.

"THE HUBS" CELEBRATE THEIR 50TH ANNIVERSARY

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. DWYER of New Jersey. Mr. Speaker, it is with a great deal of pleasure that I rise today to bring to your attention and to that of my colleagues a historic event that will be occurring in Perth Amboy, NJ, on July 15, 1988.

On that date, the HUBS will celebrate their golden anniversary marking 50 years of honor, unity, brotherhood and service, the four attributes from which the club takes its name. Their record is one which represents the very best traditions of socializing and voluntarism in this country.

It was during the summer of 1938 that six or seven teenagers got together to form the HUBS as a club, focusing particularly on their interest in sports in general and softball in particular. In 1940, they obtained their first clubroom, donated by an admirer of the club. World War II soon intervened and club activities were put on hold until 1946, when it was reorganized.

Throughout the late 1940's and early 1950's, the members of the HUBS married, started families, and became important members of their community. The activities of the club increased and became more formal.

In 1954, they elected Louis Hubner as president and were granted a formal charter as a fraternal corporation. They soon adopted multiple sclerosis [MS] as their special charitable work project.

Over the years, the HUBS have periodically moved to and improved locations for their meetings. They have remained an active and involved organization, contributing greatly to the betterment of Perth Amboy and the area.

After 50 years, Mr. Speaker, I believe we can all agree than an organization like the HUBS represents all that is good about America. The cooperative nature, voluntarism, the charitable work—these are activities which build communities and which built our great Nation.

I am sure that all Members of the House join with me in offering our most sincere congratulations to the HUBS on the occasion of their 50th anniversary, as well as our best wishes for many more years of productive service to the community.

THE WAWA

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. WELDON. Mr. Speaker, I would like to take this opportunity to congratulate the Women's Association for Women's Alternatives of Delaware County on celebrating their 10th anniversary. For a decade now, WAWA has been serving the residents of our region by offering valuable community services to women who truly need their support.

WAWA has many unique and innovative programs that center around one common theme: keeping America's families together. The Women's Alternative Center, a comprehensive residential program for women with young children, offers the women of Delaware County a more cost-effective and family-oriented alternative to foster care. The Career Mobility Program addresses the specific problems of today's welfare mothers, and WAWA's Women's Enterprise Resource Center provides business assistance and capital resources to women-owned businesses in Delaware County.

Over the last 10 years, WAWA has assisted over 500 women with both their residential and career-assistance programs. They have truly been a shining example of dedication, achievement, and the power of selflessness to the members of the entire Delaware Valley. Judging by their amazing success, I have no doubt that the Women's Association for Women's Alternatives will continue to serve the residents of Delaware County for many years to come.

JOB CORPS FUNDING

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. DORGAN of North Dakota. Mr. Speaker, I would like to express my support for the funds earmarked for the creation of new Job Corps centers in the Departments of Labor, Health and Human Services, and Education, and Related Agencies appropriation bill, 1989.

This appropriations bill, H.R. 4783, provides $36 million for the creation of six new Job Corps centers. This is in addition to $12 million of previously earmarked appropriations from fiscal year 1988. Thus, under provisions of this bill, a total of $48 million over the next 2 years will be made available to create needed Job Corp centers.

I feel that this is particularly good news for those areas of the country where Job Corps centers have not been established. The State of North Dakota is one State that badly needs a Job Corps center. Since North Dakota is one of eight States in the Union that does not have a Job Corps center, young people from North Dakota who are enrolled in Job Corps are forced to go out of State. Many of these young people would like to enroll in a State center.

North Dakota has proposed a new Job Corps center that offers innovative approches in coordinating existing programs in the State job service, human services, local businesses, and local public schools. The proposed North Dakota program would make use of already existing programs and facilities. This wise use of existing resources would provide an important Job Corps center at a low cost to the Government.

I therefore encourage continued funding for Job Corps programs and centers and I ask my colleagues to join me in supporting this appropriation for the Job Corps.

PERSONAL EXPLANATION

HON. JAMES McCLURE CLARKE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. CLARKE. Mr. Speaker, on Thursday, June 9, 1988, I was necessarily absent for a vote on final passage of H.R. 4418, the National Science Foundation Authorization Act for fiscal years 1989 and 1990, Rollcall Vote No. 177. Had I been present I would have voted "yea."

IN MEMORY OF MARY ELEANOR McGARVAH: A KEY ROLE MODEL IN OUR NATION'S HISTORY OF HEALTH CARE

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. GREEN. Mr. Speaker, I would like to thank the American Association of Nurse Attorneys Foundation—TAANA Foundation—for bringing to my attention that today, June 15, is the 102d anniversary of the birthday of Mary Eleanor McGarvah, the first nurse attorney. TAANA has recently named Mary Eleanor McGarvah Humanitarian Award in honor of Ms. McGarvah, in recognition of her contribution to the public's health, and to society in her role of attorney and public health nurse.

Ms. McGarvah graduated from the Farrand Training School for Nurses—Harper Hospital—in 1911, and the University of Detroit, School of Law in 1929. She was a registered nurse in Michigan and a member of the Michigan Bar. Ms. McGarvah devoted her life to public service, working for almost 50 years in the Detroit Health Department's special investigations division. Her energies as a nurse and attorney were focused on public health law enforcement. She initiated reform and public policy in licensure of midwives, nursing homes, and mental health hospitals. Ms. McGarvah died on April 3, 1979, at the age of 92. Her personal papers are preserved at the Detroit Public Library.

Mary McGarvah has pioneered a rapidly growing nurse attorney profession which plays an important role in educating members of the public and of the legal and health professions about the impact of legal decisions and legislation upon the health care system. I ask all of my colleagues to join with me in remembering this outstanding woman who contributed so much of her life to serving our society.

THE 50TH WEDDING ANNIVERSARY OF JACK AND LILLIAN COHEN

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. SMITH of Florida. Mr. Speaker, on June 25, 1938, Jack and Lillian Cohen began 50 years of life together. To this union, two children were born: Sheila and Stephen. I am particularly grateful to them, since Sheila Cohen Smith has shared my life for 25 of those years as my wife.

These very special people are the children of immigrants. They embraced this country and built a life with lots of hard work and a tremendous amount of love. Jack Cohen established a successful career in the field of manufacturing while Lillian raised their two children. They have four loving grandchildren: Grant, Lauren, Jordan, and Allison.

It is no simple accomplishment to keep two lives joined together for half a century. It takes two people with extraordinary determination, patience, love, and perseverance. They are beloved by their children, grandchildren and all their family and childhood friends. They are respected and admired by their new friends and acquaintances in Hallandale, FL, where they have lived since 1972 as active, participating members of the community.

To Jack and Lillian, Sheila and I say congratulations and thank you. I ask my colleagues to join me in saluting these wonderful people on 50 years together and in wishing them continued happiness. They are proud Americans and all America is proud of them.

PERSONAL EXPLANATION

HON. JAMES M. INHOFE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. INHOFE. Mr. Speaker, on Tuesday, June 14, 1988, I was unavoidably absent from House proceedings. Had I been present on the following rollcall votes I would have voted:

"Present"—on rollcall vote 180, a quorum call concerning H.R. 4775, the 1989 Treasury/Postal Service Appropriations bill.

"Aye"—on rollcall vote 181, a Crane amendment to exclude Members of Congress from the 4-percent cost-of-living increase to H.R. 4775, the 1989 Treasury/Postal Service Appropriations bill.

"No"—on rollcall vote 182, final passage of H.R. 4775, the Treasury Appropriations bill for fiscal year 1989.

I request that my statement be included in the permanent RECORD.

TAX PROVISION PENALIZES SMALL BUSINESSES AND CONSUMERS

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. HEFLEY. Mr. Speaker, I rise to urge Members of the House to reconsider a tax provision enacted in the closing hours of the last session of Congress. That provision, which affects the tax treatment of dealer financed sales of personal property, is having an unexpected negative effect on small businesses and consumers.

Last December, as we rushed to finish work on the Omnibus Budget Reconciliation Act of 1987, we repealed a method of accounting that for over 60 years permitted dealers in personal property such as used automobiles, as well as furniture and appliances, to report taxable income from installment sales as payments were received.

The theory of the repeal of the dealer installment method was set forth in the report of the Senate Finance Committee [S. Rept. 100-63, p. 145] as follows: The current taxation of sales of inventory for notes receivable does not create the significant cash-flow problems that the installment method is designed to alleviate, because a business is generally able to finance receivables.

Unfortunately, this assumption has not proven correct. Most dealers in used personal property, and some who deal in new personal property, cannot, as a practical matter, sell the installment paper they issue. This is because many banks are not interested in this paper, and other financial institutions are either not interested or charge exorbitant discounts ranging as high as 50 percent. Such a charge erodes all profit from a transaction, and threatens dealers who depend on installment sales. It also threatens the ability of consumers to find such necessities at low prices.

Used car dealers are among those affected. There are some 1,500 licensed used car dealers in Colorado, and that 40 percent of these "self-finance" the sale of their automobiles. With average sales prices of $5,000, these businesses help make it possible for moderate- and low-income consumers to buy cars when traditional bank financing is not available. But this method of financing sales is in jeopardy.

Under OBRA 1987, dealers in Colorado and across the Nation, who sell cars on an installment plan, must realize 100 percent of the gain in the year of the sale, even though they may not have actually yet received any income from the sale. The result is an extraordinary burden on small businesses, which is in effect a loan of dollars from small businesses to the Federal Government. It is an unfair prepayment of a tax.

As a member of the Small Business Committee, I have learned to value and support the contributions small businesses make to this country. Whether we are talking about new jobs, new markets, or new technologies, small businesses are at the heart of our economic expansion. We cannot afford to unfairly burden them.

Most of those affected by this change are small businessmen and businesswomen. Given the cash-flow problems of small businesses, these people cannot afford to pay a tax prior to the receipt of income.

The change enacted in December will also create unfair competitive advantages for large businesses. Large dealers who have established relationships with finance companies or banks may be able to sell installment paper at a reasonable discount. But small dealers, especially those in used merchandise, may be forced to forego sales for lack of an effective secondary market.

So often the items affected are necessities such as cars and furniture. But people with revolving lines of credit are not affected. It is the moderate- and low-income consumers who will most often bear the burden of limited options. These are products they must buy, and if dealer financing becomes more expensive or less available, they will pay the price.

Finally, it is important to note that the 1987 change will not generate significant new revenue for the government. Because most installment notes are not more than a year or two in length, repealing the change will only result in a temporary deferral of income taxes paid. No permanent revenue losses of any kind is involved.

The change was made without hearings in either body as to the effect it might have on several industries. Section 10202 of Public Law 100-203 was an unfortunate error, and it should be remedied promptly before thousands of small businesses are hit with financial burdens, and consumers find their options limited. Dealers who hold installment paper should be allowed to report that income under the installment method.

COBRA

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mrs. MORELLA. Mr. Speaker, today, I am introducing legislation to provide health insurance continuation benefits to Federal employees, in a manner consistent with those provided to the private sector under title X of the Consolidated Omnibus Budget Reconciliation Act of 1985.

As you know, COBRA required private employers to provide continued health benefits to certain qualified beneficiaries: surviving spouses, divorced spouses, dependent children, and employees who have either terminated employment or reduced their hours—and who would otherwise lose their group health coverage. These employees currently are entitled to elect to continue coverage under their group health plan at their own expense for up to 3 years—18 months for terminated and reduced hour employees.

While COBRA covers all private companies and State and local governments employing at least 20 employees, it exempts the Federal Government. I believe that this benefit should be available to Federal employees as well. My bill would provide this benefit to employees and their families who participate in the Federal Employee Health Benefits Program. Because the employees would pay the cost of the continued coverage, the bill is expected to be cost neutral. I have asked the Congressional Budget Office to confirm this cost estimate.

I urge my colleagues to join me in working to provide Federal employees with this important benefit which has been available to employees in the private sector since 1986.

JOINT COMMISSION ON CONGRESSIONAL EMPLOYMENT

HON. STEVE BARTLETT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. BARTLETT. Mr. Speaker, I am introducing legislation today which would amend the Civil Rights Act of 1964 to extend the equal employment opportunity laws to the legislative branch of Government. Congress should apply to itself the same standards it imposes on others—and my legislation prohibits discrimination in employment based on race, color, religion, sex, handicap, national origin, or age.

For too many years Congress has exempted itself from legislation passed to regulate the rest of the country. When pressed, advocates of congressional exemption from fair labor standards, equal employment opportunity, and other laws, cite constitutional principles—the separation of powers, for example—to endorse their position.

My legislation is designed to protect this important constitutional principle, and at the same time, extend the protections of the equal employment opportunity laws to our employees and to those who apply for jobs in the legislative branch of Government.

This bill establishes, within the legislative branch, a 16-member panel, made up of 8 House Members and 8 Senators, to adjudicate any complaint which might be filed by anyone who claims to have been discriminated against in employment. The eight House Members would hear any complaint brought against one of its Members, and the eight Senators would hear any complaint brought against a Senator.

For those units in the legislative branch which do not fall within either body—the Architect of the Capitol, for example—the panel would select four panel members from each body to hear any complaint which might be brought by an employee from such an office.

This panel, which would be called the Joint Commission on Congressional Employment, would consider any charge of discrimination in exactly the same manner as the Equal Employment Opportunity Commission. In fact, the bill parallels the enforcement provisions of title VII of the Civil Rights Act.

The only difference would be that while the EEOC is able to bring a civil action—or refer a case to the Attorney General for action—the Joint Commission on Congressional Employment would act as the sole adjudicator of any complaint.

The Commission would be empowered to employ an investigating counsel who would have the initial responsibility for investigating any complaint brought to the Commission. If the counsel's investigation reaffirmed the complaint, the counsel would be empowered to seek an agreement with the offending party to settle the charge and to eliminate the unlawful employment practice through conference, conciliation, and persuasion.

If the counsel was unable to secure such an agreement, the Commission would hear the case, and if the charges were found to be valid, would order relief for the claimant.

If, on the other hand, the investigating counsel found in the initial investigation that the charge was unfounded, the charge would be dismissed and the claimant notified. The claimant would have an opportunity to request a hearing before the full Commission, in the event the investigating counsel's recommendation was unacceptable to the claimant.

If, after a hearing, the full Commission agreed with the investigating counsel and found the charge to be unfounded, the charge would be dismissed, and the claimant would have no further recourse.

In other words, the investigating counsel would function as the Equal Employment Opportunity Commission functions, and the full Joint Commission on Congressional Employment would serve as a court serves in the private sector. The procedure eliminates any concern about the separation of powers.

In enforcing any relief which might be ordered by the Commission in behalf of a claimant, the Commission would have the same authority as a court, and could award reinstatement to employment with or without back pay; compensatory damages, or a cease and desist order. Any relief order by the Commission would be paid by the defendant from funds appropriated for that office—in the case of a Member—from the clerk hire allowance.

Mr. Speaker, now is the time for the Congress to examine ways to constitutionally apply antidiscrimination laws to this body. My legislation provides such an opportunity, and I urge the committes to which it has been referred to act as soon as possible on this legislation. I would also urge, Mr. Speaker, that the leadership of the House review this proposal with view toward moving it through the committee process and scheduling it for floor consideration so that the entire House of Representatives will have an opportunity to consider it.

THE DALAI LAMA'S ADDRESS TO THE EUROPEAN PARLIAMENT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1988

Mr. LANTOS. Mr. Speaker, as chairman of the permanent delegation of the U.S. Congress which meets semiannually with members of the European Parliament, I have participated in frequent discussions with our European colleagues concerning our joint commitment as democratic nations to internationally accepted principles of human rights.

For this reason, Mr. Speaker, it is with great pleasure that I learned of the address given this afternoon to the European Parliament by His Holiness the Dalai Lama of Tibet. In September 1987 the Dalai Lama met here in Washington with the members of the congressional human rights caucus. It was on this occasion that the Dalai Lama first outlined his five point peace plan for relations between the people of Tibet and the People's Republic of China. The plan called for direct discussions between his representatives and those of the People's Republic of China.

Just after his appearance before the human rights caucus—in an almost unprecedented action—both the House and the Senate called on the Government of the People's Republic of China to begin discussions with the Dalai Lama on the full range of issues involving Tibet. Since then, however, no discussions have been held.

Compounding our concerns, a number of very serious and disturbing events unfolded in Tibet after that important meeting. A large number of individuals have been killed, maimed, wounded, detained, and arrested. Rt. Hon. Lord David H. Ennals, a member of the British House of Lords who led the first observer mission to Tibet after the March 1988 uprisings in Lhasa, reported to the congressional human rights caucus just a few weeks ago that 10,000 people were involved in demonstrations against Chinese rule, as many as 2,000 Tibetans have been detained without cause, political prisoners are routinely tortured and murdered, and probably hundreds have been killed.

Mr. Speaker, the speech made by the Dalai Lama today to our colleagues in the European Parliament in Strassbourg is a reflection of his understanding of the realities of contemporary politics and of his commitment to seek for the Tibetan people the right to worship and to live in peace in their mountain homeland.

In his address in Strassbourg, the Dalai Lama announced a new effort for peaceful reconciliation of differences between China and Tibet. In a bold departure from his previous position, he described a plan which offers major concessions to China and thoughtfully considers China's interests in the region. He proposed the creation of a self-governing democratic political entity in Tibet, but in association with the People's Republic of China. Furthermore, under his proposal, the People's Republic of China would retain responsibility for foreign affairs and defense of Tibet. A democratically elected Tibetan Government would deal with domestic affairs.

The constitutional government for Tibet proposed by the Dalai Lama would be committed to observe the Universal Declaration of Human Rights. It would have a popularly elected chief executive, a bicameral legislature, and an independent judiciary. The Dalai Lama's plan also calls for the prohibition of nuclear weapons and use of nuclear power in Tibet and opposes the dumping of hazardous waste in the area.

Mr. Speaker, the address of the Dalai Lama is a bold and creative effort to resolve peacefully the problems of Tibet in order to assure religious and civil rights for the Tibetan people, but in a way that takes into consideration the concerns of the People's Republic of China. I urge Chinese officials to give it thoughtful consideration and I urge my colleagues in the Congress to support this peaceful effort to assure the human rights of the Tibetan people.

Mr. Speaker, I ask that the speech of the Dalai Lama be included in the RECORD.

TEXT OF SPEECH OF THE DALAI LAMA TO THE EUROPEAN PARLIAMENT

We are living today in a very interdependent world. One nation's problems can no longer be solved by itself. Without a sense of universal responsibility our very survival is in danger. I have, therefore, always believed in the need for better understanding, closer cooperation and greater respect among the various nations of the world. The European Parliament is an inspiring example. Out of the chaos of war, those who were once enemies have, in a single generation, learned to co-exist and to co-operate. I am, therefore, particularly pleased and honoured to address this gathering at the European Parliament.

As you know, my own country—Tibet—is undergoing a very difficult period. The Tibetans—particularly those who live under Chinese occupation—yearn for freedom and justice and a self-determined future, so that they are able to fully preserve their unique identity and live in peace with their neighbours.

For over a thousand years we Tibetans have adhered to spiritual and environmental values in order to maintain the delicate balance of life across the high plateau on which we live. Inspired by the Buddha's message of non-violence and compassion and protected by our mountains, we sought to respect every form of life and to abandon war as an instrument of national policy.

Our history, dating back more than two thousand years, has been one of independence. At no time, since the founding of our nation in 127 B.C., have we Tibetans conceded our sovereignty to a foreign power. As with all nations; Tibet experienced periods in which our neighbours—Mongol, Manchu, Chinese, British and the Gorkhas of Nepal—sought to establish influence over us. These eras have been brief and the Tibetan people have never accepted them as constituting a loss of our national sovereignty. In fact, there have been occasions when Tibetan rulers conquered vast areas of China and other neighbouring states. This, however, does not mean that we Tibetans can lay claim to these territories.

In 1949 the People's Republic of China forcibly invaded Tibet. Since that time, Tibet has endured the darkest period in its history. More than a million of our people have died as a result of the occupation. Thousands of monasteries were reduced to ruins. A generation has grown up deprived of education, economic opportunity and a sense of its own national character. Though the current Chinese leadership has implemented certain reforms, it is also promoting a massive population transfer onto the Tibetan plateau. This policy has already reduced the six million Tibetans to a minority. Speaking for all Tibetans, I must sadly inform you, our tragedy continues.

I have always urged my people not to resort to violence in their efforts to redress their suffering. Yet I believe all people have the moral right to peacefully protest injustice. Unfortunately, the demonstrations in Tibet have been violently suppressed by the

Chinese police and military. I will continue to counsel for non-violence, but unless China forsakes the brutal methods it employs, Tibetans cannot be responsible for a further deterioration in the situation.

Every Tibetan hopes and prays for the full restoration of our nation's independence. Thousands of our people have sacrificed their lives and our whole nation has suffered in this struggle. Even in recent months, Tibetans have bravely sacrificed their lives to achieve this precious goal. On the other hand, the Chinese totally fail to recognize the Tibetans people's aspirations and continue to pursue a policy of brutal suppression.

I have thought for a long time on how to achieve a realistic solution to my nation's plight. My cabinet and I solicited the opinions of many friends and concerned persons. As a result, on September 21, 1987, at the Congressional Human Rights Caucus in Washington, D.C., I announced a Five Point Peace Plan for Tibet. In it I called for a conversion of Tibet into a zone of peace, a sanctuary in which humanity and nature can live in harmony. I also called for respect for human rights and democratic ideals, environmental protection, and a halt to the Chinese population transfer into Tibet.

The fifth point of the Peace Plan called for earnest negotiations between the Tibetans and the Chinese. We have, therefore, taken the initiative to formulate some thoughts which, we hope, may serve as a basis for resolving the issue of Tibet. I would like to take this opportunity to inform the distinguished gathering here of the main points of our thinking.

The whole of Tibet known as Cholka-Sum (U-Tsang, Kham and Amdo) should become a self-governing democratic political entity founded on law by agreement of the people for the common good and the protection of themselves and their environment, in association with the People's Republic of China.

The Government of the People's Republic of China would remain responsible for Tibet's foreign policy. The Government of Tibet should, however, develop and maintain relations, through its own Foreign Affairs Bureau, in the fields of religion, commerce, education, culture, tourism, science, sports and other non-political activities. Tibet should join international organizations concerned with such activities.

The Government of Tibet should be founded on a constitution or basic law. The basic law should provide for a democratic system of government entrusted with the task of ensuring economic equality, social justice and protection of the environment. This means that the Government of Tibet will have the right to decide on all affairs relating to Tibet and the Tibetans.

As individual freedom is the real source and potential of any society's development, the Government of Tibet would seek to ensure this freedom by full adherence to the Universal Declaration of Human Rights, including the rights to speech, assembly, and religion. Because religion constitutes the source of Tibet's national identity, and spiritual values lie at the very heart of Tibet's rich culture, it would be the special duty of the Government of Tibet to safeguard and develop its practice.

The Government should be comprised of a popularly elected Chief Executive, a bi-cameral legislative branch, and an independent judicial system. Its seat should be in Lhasa.

The social and economic system of Tibet should be determined in accordance with the wishes of the Tibetan people, bearing in mind especially the need to raise the standard of living of the entire population.

The Government of Tibet would pass strict laws to protect wildlife and plantlife. The exploitation of natural resources would be carefully regulated. The manufacture, testing and stockpiling of nuclear weapons and other armaments must be prohibited, as well as the use of nuclear power and other technologies which produce hazardous waste. It would be the Government of Tibet's goal to transform Tibet into our planet's largest natural preserve.

A regional peace conference should be called to ensure that Tibet becomes a genuine sanctuary of peace through demilitarization. Until such a peace conference can be convened and demilitarization and neutralization achieved, China could have the right to maintain a restricted number of military installations in Tibet. These must be solely for defence purposes.

In order to create an atmosphere of trust conducive to fruitful negotiations, the Chinese Government should cease its human rights violations in Tibet and abandon its policy of transferring Chinese to Tibet.

These are the thoughts we have in mind. I am aware that many Tibetans will be disappointed by the moderate stand they represent. Undoubtedly, there will be much discussion in the coming months within our own community, both in Tibet and in exile. This, however, is an essential and invaluable part of any process of change. I believe these thoughts represent the most realistic means by which to re-establish Tibet's separate identity and restore the fundamental rights of the Tibetan people while accommodating China's own interests. I would like to emphasize, however, that whatever the outcome of the negotiations with the Chinese may be, the Tibetan people themselves must be the ultimate deciding authority. Therefore, any proposal will contain a comprehensive procedural plan to ascertain the wishes of the Tibetan people in a nationwide referendum.

I would like to take this opportunity to state that I do not wish to take any active part in the Government of Tibet. Nevertheless, I will continue to work as much as I can for the well-being and happiness of the Tibetan people as long as it is necessary.

We are ready to present a proposal to the Government of the People's Republic of China based on the thoughts I have presented. A negotiating team representing the Tibetan Government has been selected. We are prepared to meet with the Chinese to discuss details of such a proposal aimed at achieving an equitable solution.

We are encouraged by the keen interest being shown in our situation by a growing number of governments and political leaders, including former President Jimmy Carter of the United States. We are also encouraged by the recent changes in China which have brought about a new group of leadership, more pragmatic and liberal.

We urge the Chinese Government and leadership to give serious and substantive consideration to the ideas I have described. Only dialogue and a willingness to look with honesty and clarity at the reality of Tibet can lead to a viable solution. We wish to conduct discussions with the Chinese Government bearing in mind the larger interests of humanity. Our proposal will therefore be made in a spirit of conciliation and we hope that the Chinese will respond accordingly.

My country's unique history and profound spiritual heritage render it ideally suited for fulfilling the role of a sanctuary of peace at the heart of Asia. Its historic status as a neutral buffer state, contributing to the stability of the entire continent, can be restored. Peace and security for Asia as well as for the world at large can be enhanced. In the future, Tibet need no longer be an occupied land, oppressed by force, unproductive and scarred by suffering. It can become a free haven where humanity and nature live in harmonious balance; a creative model for the resolution of tensions afflicting many areas throughout the world.

The Chinese leadership needs to realize that colonial rule over occupied territories is today anachronistic. A genuine union or association can only come about voluntarily, when there is satisfactory benefit to all the parties concerned. The European Community is a clear example of this. On the other hand, even one country or community can break into two or more entities when there is a lack of trust or benefit, and when force is used as the principal means of rule.

I would like to end by making a special appeal to the honourable members of the European Parliament and through them to their respective constituencies to extend their support to our efforts. A resolution of the Tibetan problem within the framework that we propose will not only be for the mutual benefit of the Tibetan and Chinese people but will also contribute to regional and global peace and stability.

I thank you for providing me the opportunity to share my thoughts with you.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the Congressional Record on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, June 16, 1988, may be found in the Daily Digest of today's Record.

Meetings Scheduled

JUNE 17

9:00 a.m.
  Judiciary
  Courts and Administrative Practice Subcommittee
    To hold hearings on H.R. 1054, to allow members of the Armed Forces to sue the United States for damages for cer-

tain injuries caused by improper medical care.

SD-226

9:30 a.m.

Finance

Health Subcommittee

To resume hearings on S. 2305, to provide long-term respite care, adult day care, home care, and nursing home care for the elderly.

SD-215

Governmental Affairs

Federal Services, Post Office, and Civil Service Subcommittee

To hold hearings to review the planning for the 1990 census.

SD-342

Select on Intelligence

To hold closed hearings on intelligence matters.

SH-219

JUNE 21

9:00 a.m.

Select on Indian Affairs

To hold hearing on S. 2382, to delay the implementation of a certain rule affecting the provision of health services by the Indian Health Service.

SR-485

Office of Technology Assessment

The Board, to meet to consider pending business.

EF-100, Capitol

9:30 a.m.

Appropriations

Transportation and Related Agencies Subcommittee

Business meeting, to mark up proposed legislation appropriating funds for fiscal year 1989 for the Department of Transportation and related agencies.

SD-116

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 2055, to designate certain National Forest System lands in Idaho for inclusion in the National Wilderness Preservation System, to prescribe certain management formulae for certain National Forest System lands, and to release other forest lands for multiple-use management.

SD-366

Judiciary

Courts and Administrative Practice Subcommittee

To hold hearings on S. 473, to regulate interstate commerce by providing for uniform standards of liability for harm arising out of general aviation accidents.

SD-226

10:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on the extent of the drought problem in certain regions of the United States, and to review policy options available to assist farmers in this situation.

SR-332

Environment and Public Works

Environmental Protection Subcommittee

Business meeting, to mark up S. 2030, to prohibit the disposal of sewage sludge into the ocean at a certain site after a specified date, and to require reports on progress made in developing alternative disposal options, and S. 2068, to protect marine and near shore-coastal waters through establishment of regional marine research centers.

SD-406

Judiciary

Constitution Subcommittee

To hold hearings on S. 702, S. 797, and S. 2000, bills to require the Attorney General to collect data and report annually on crimes motivated by racial, ethnic, or religious prejudice.

SD-628

2:00 p.m.

Judiciary

To hold hearings on pending nominations.

SD-226

JUNE 22

8:00 a.m.

Judiciary

To hold hearings on pending nominations.

SD-226

9:30 a.m.

Commerce, Science, and Transportation

Consumer Subcommittee

To hold hearings on proposed legislation authorizing funds for the U.S. Fire Administration of the Federal Emergency Management Agency.

SR-253

Governmental Affairs

Federal Services, Post Office, and Civil Service Subcommittee

To hold hearings on S. 1393, Deceptive Mailings Prevention Act.

SD-342

10:00 a.m.

Foreign Relations

To hold hearings on U.S. policy options toward South Africa.

SD-419

2:00 p.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on the Federal Employers' Liability Act in relation to Amtrak.

SR-253

2:30 p.m.

Finance

International Trade Subcommittee

To hold hearings on proposed legislation authorizing funds for the Office of the U.S. Trade Representative and the International Trade Commission.

SD-215

JUNE 23

9:30 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on S. 2221, to expand national telecommunications system for the benefit of the hearing impaired.

SR-253

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 1643, to establish the Mississippi River National Heritage Corridor, S. 2018, to expand the boundaries of the Congaree Swamp National Monument, and to designate wilderness therein, and S. 2058, to authorize the establishment of the Charles Pinckney National Historic Site in South Carolina.

SD-366

Governmental Affairs

To resume hearings on S. 1504, to facilitate regulatory negotiation and other procedures to enhance the quality of regulations and foster communications between agencies and those affected by regulations.

SD-342

Special on Aging

To hold hearings on the Equal Employment Opportunity Commission's enforcement of the Age Discrimination in Employment Act of 1967.

SD-628

10:00 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Production and Stabilization of Prices Subcommittee

To resume hearings to review the barley and oats supply situation, focusing on the current stocks and production estimates for the upcoming harvest season.

SR-332

Foreign Relations

To continue hearings on U.S. policy options toward South Africa.

SD-419

JUNE 24

9:30 a.m.

Commerce, Science, and Transportation

Foreign Commerce and Tourism Subcommittee

To hold hearings on Japanese patent policy.

SR-253

Special on Aging

To continue hearings on the Equal Employment Opportunity Commission's enforcement of the Age Discrimination in Employment Act of 1967.

SD-628

JUNE 27

10:00 a.m.

Energy and Natural Resources

Mineral Resources Development and Production Subcommittee

To hold hearings on S. 2240, to authorize funds for the State Mining and Mineral Resources Research Institute program.

SD-366

2:00 p.m.

Governmental Affairs

To resume hearings on issues relative to alcoholism.

SD-342

JUNE 28

9:30 a.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 2165, to designate wilderness within Olympic National Park, Mount Rainier National Park, and North Cascades National Park Complex in the State of Washington.

SD-366

10:00 a.m.

Commerce, Science, and Transportation

Business meeting, to consider pending calendar business.

SR-253

JUNE 29

9:30 a.m.

Small Business

Rural Economy and Family Farming Subcommittee

To hold hearings to identify prospects for economic development in rural America.

SR-428A

10:00 a.m.

Governmental Affairs

To resume hearings on issues relative to alcoholism.

SD-342

Veterans' Affairs

Business meeting, to consider pending calendar business.

SR-418

JULY 11

9:30 a.m.

Special on Aging

To resume hearings to examine certain problems and challenges surrounding the provision of health care to rural communities, and to review recommendations and innovative strategies to deal with these problems.

SD-628

JULY 12

10:00 a.m.

Energy and Natural Resources

Mineral Resources Development and Production Subcommittee

To hold oversight hearings on the Department of the Interior royalty management program.

SD-366

JULY 14

9:30 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Credit Subcommittee

To resume oversight hearings on the implementation of the Agricultural Credit Act (P.L. 100-233).

SR-332

Veterans' Affairs

To hold oversight hearings to examine the extent of post traumatic stress disorder on veterans.

SR-418

JULY 27

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold oversight hearings to review the Department of Defense safety program for chemical and biological warfare research.

SD-342

JULY 28

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To continue oversight hearings to review the Department of Defense safety program for chemical and biological warfare research.

SD-342

AUGUST 11

9:00 a.m.

Veterans' Affairs

To hold oversight hearings to review certain veterans health care programs.

SH-216

POSTPONED

JUNE 21

10:00 a.m.

Foreign Relations

To hold hearings on S. Con. Res. 109, to express the sense of the Congress that the President should negotiate with the Government of Vietnam to establish interest sections in the capitals of both countries for the purpose of resolving specific issues between the countries.

SD-419